

# Town of Melbourne Beach

## MINUTES

### PLANNING & ZONING BOARD MEETING TUESDAY, DECEMBER 3, 2024 @ 6:30 PM COMMUNITY CENTER – 509 OCEAN AVENUE

#### **Board Members:**

Chairman David Campbell  
Vice Chairman Kurt Belsten  
Member April Evans  
Member Dan Harper  
Member Gabor Kishegyi

#### **Alternate Board Members**

Alternate Todd Albert  
Alternate Jason Judge

#### **Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Amber Brown  
Building Official Robert Bitgood

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so.

In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

#### **1. CALL TO ORDER**

Chairman David Campbell called the meeting to order at 6:30 p.m.

#### **2. ROLL CALL**

Town Clerk Amber Brown conducted the roll call.

#### **Present:**

Chairman David Campbell  
Vice Chairman Kurt Belsten  
Member April Evans  
Member Dan Harper  
Member Gabor Kishegyi  
Alternate Jason Judge

#### **Staff Present:**

Building Official Robert Bitgood  
Town Clerk Amber Brown

#### **Absent:**

Alternate Todd Albert

**3. APPROVAL OF MINUTES**

A. November 12, 2024 minutes

**Vice Chairman Kurt Belsten made a motion to approve; Member Gabor Kishegyi seconded; Motion carried 5-0.**

**4. NEW BUSINESS**

**5. PUBLIC HEARINGS**

**6. OLD BUSINESS**

A. Discussion on Town codes related to fill and building height

Building Official Robert Bitgood spoke about properties would not have to take dirt away.

Chairman David Campbell verified the finished floor elevation of a property could be four and a half feet above the crown of the road then the 28 feet is measured from there.

Member Gabor Kishegyi spoke about the current language says a minimum of 18 inches above the crown of the road. Amend it to include language for a maximum height above the crown of the road.

Member Dan Harper spoke about the code being ambiguous and there being a couple of different interpretations regarding measurement. Spoke about getting input from the Town Planner.

Building Official Robert Bitgood spoke about having a meeting with the Town Manager and the Town Attorney. The Town Attorney has already been in contact with the Town Planner, and they are putting language together.

Building Official Robert Bitgood spoke about different issues that play into this including stem walls.

Member April Evans spoke about one of the motivations for having height restrictions is about blocking sea breeze.

Chairman David Campbell spoke about one solution is height plus 18 inches from the crown of the road.

Member Gabor Kishegyi spoke about keeping it as simple as possible.

Building Official Robert Bitgood spoke about the language for measuring building heights is not clear.

Member Dan Harper asked about any other rational for having height restrictions other than blocking the breeze.

Member Gabor Kishegyi spoke about density and not having a third story.

Member April Evans spoke about maintaining the esthetics of Melbourne Beach.

Member Dan Harper spoke about the economics of having big tear down projects.

Chairman David Campbell spoke about this being tabled until we have feedback from the Town Attorney and Town Planner.

**B. Discussion on accessory structure requirements**

Building Official Robert Bitgood spoke about one discussion included having a size restriction of 50 percent of the main structure with a maximum size of potentially 750 square feet.

Member April Evans spoke about that size being way to big. Why put a structure that is the size of a 3 car garage. If you put a size restriction then put it at 300-400 square feet. If someone has a true hardship then they can go to the Board of Adjustment.

Chairman David Campbell spoke about limiting the size to 250 square feet.

Member Dan Harper spoke about not seeing this has been a problem. Until it is a problem coming up with arbitrary square footage based on unidentified specifics is a bad policy.

Alternate Jason Judge spoke about allowing a lot that is large enough to build a large accessory structure that is not affecting anyone. It seems it would be infringing on someone's rights not to allow it.

Member April Evans spoke about how nothing was done for short term rentals until they became a problem and by then it was too late and our hands were tied, so we need to be proactive before this becomes a problem.

Building Official Robert Bitgood spoke about an old home in town that did not have a garage. Rather than tear the house down they added a detached garage with a game room that is around the 500 square foot size.

Member April Evans spoke about that could have gone to the Board of Adjustment.

Member Dan Harper spoke about if they connected it with a breezeway they could build as large of a structure as they want. Would like to see some specifics.

Alternate Jason Judge spoke about some times you don't see a problem until it is too late.

Member Gabor Kishegyi spoke about wanting to address it now.

Town Clerk Amber Brown spoke about going to the Board of Adjustment is very costly for a resident. It could cost upwards of \$2,000-\$3,000.

Alternate Jason Judge spoke about a 500 square foot limit.

Member Gabor Kishegyi spoke about also tying it to lot size as well.

Building Official Robert Bitgood spoke about the pervious vs impervious requirement would still stand.

Chairman David Campbell spoke about having the limit be 400 square feet.

Member April Evans agreed with the 400 limit.

Vice Chairman Kurt Belsten spoke about 400 seems too large as that could be a one bedroom one bath.

Member Gabor Kishegyi spoke about 400 is reasonable.

Member April Evans spoke about having the limit be 300.

Chairman David Campbell and Vice Chairman Kurt Belsten agreed with 300.

Member Gabor Kishegyi asked if 300 is too restrictive.

Alternate Jason Judge spoke about 400 seems reasonable because that would be a car and a small storage area.

**Vice Chairman Kurt Belsten made a motion to limit it to 300; Member April Evans seconded; Motion carried 4-1 with Member Dan Harper dissenting.**

C. Discussion on code revisions to 9A Landscaping and Trees

Member Dan Harper spoke about and presented the proposed wording version 1 and the proposed wording version 2.

Alternate Jason Judge left at 7:03 pm.

Town Clerk Amber Brown spoke about the Environmental Advisory Board would like to present a different recommendation. Since the two Boards have different

recommendations both Boards will have an opportunity to present to the Town Commission for them to make a decision.

Member Dan Harper spoke about 9A-2 references Florida friendly.

Member April Evans asked if they take out 10 hardwoods would they have to put 10 back. That would be very difficult for some of the lots.

Chairman David Campbell spoke about a neighbor who has 50 sea grapes which are Florida native and hardwoods and there's no way you could replant that many hardwoods on the lot.

Vice Chairman Kurt Belsten asked what constitutes a hardwood.

Building Official Robert Bitgood spoke about having a certain number will be a lot easier to enforce.

Member Dan Harper recommended using the version 1 language.

Member Gabor Kishegyi spoke about the previous discussion was to have oak for oak, hardwood for hardwood and palm for anything you want.

Member Dan Harper agreed and added a minimum of 8 trees.

Vice Chairman Kurt Belsten spoke about having 8 oaks would be a lot on a lot.

Member April Evans spoke about it depends on the lot, but 1 oak tree might be a lot. The 8 tree minimum might be excessive on some of the lots.

Chairman David Campbell spoke about palm trees would count towards the minimum number of trees, but would not be required to be replaced if they were removed.

Member Dan Harper spoke about using version one language which states minimum replacement standards for new construction. After construction is completed, the lot must have a minimum of 8 trees planted. It doesn't say that includes palms, but it does. Any oak tree removed during construction must be replaced with another oak tree with a minimum height and width requirement.

Building Official Robert Bitgood spoke about that language makes more sense and would be easier to enforce. Typically someone only removes 1-3 oak trees.

Vice Chairman Kurt Belsten spoke about changing the language from after construction to prior to a CO being issued.

Member Dan Harper agreed with changing after construction is completed to prior to issuing a CO.

Member April Evans verified the replacement oaks must be 12 feet tall. However, the language says must attain. That would mean in the future it will become.

Member Dan Harper spoke about changing attain to must be 12 feet tall.

**Member Dan Harper made a motion to approve version 1.0 with the revisions that have been noted and to communicate the proposed adjustment to the Town Commission; Member Gabor Kishegyi seconded; Motion carried 5-0.**

7. PUBLIC COMMENT
8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY
9. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS
10. ADJOURNMENT

**Vice Chairman Kurt Belsten motioned to adjourn; Member April Evans seconded; Motion carried 5-0.**

The meeting adjourned at 7:19 p.m.

  
David Campbell  
Chairman

ATTEST:

  
Amber Brown, CMC  
Town Clerk

