

Town of Melbourne Beach

MINUTES

PLANNING & ZONING BOARD MEETING TUESDAY, MARCH 10, 2026 @ 6:30 PM COMMUNITY CENTER – 509 OCEAN AVENUE

Board Members:

Vice-Chairperson April Evans
Member Kurt Belsten
Member Dan Harper
Member Gabor Kishegyi
Member Todd Albert
Member Jason Judge

Alternate Board Members:

Staff Members:

Town Manager A. Marie Smith
Town Clerk Amber Brown
Building Official Jeff Parsons

1. CALL TO ORDER

Vice-Chairperson April Evans called the meeting to order at 6:30 p.m.

2. ROLL CALL

Deputy Town Clerk Cyd Cardwell conducted the roll call.

Present:

Vice-Chairperson April Evans
Member Dan Harper
Member Gabor Kishegyi
Member Todd Albert
Member Jason Judge

Staff Present:

Building Admin Steve Freeman
Deputy Town Clerk Cyd Cardwell

3. APPROVAL OF MINUTES

A. February 3, 2026 minutes

Member Gabor Kishegyi made a motion to approve; Member Dan Harper seconded; Motion carried 5-0.

4. NEW BUSINESS

A. Site Plan Approval for 307 Third Ave. – new home

Vice Chair April Evans spoke about having an issue using ordinance § 7A-33 (f)(2) to allow continued excess on setbacks when it was originally intended for the owners living in the

house to rebuild when a disaster occurred; the Town has a precedent of not allowing new owners to rebuild nonconforming.

Member Dan Harper stated that the Town Attorney has given blessing for this one; also spoke about changes to the swale and drainage calculations.

Vice Chair April Evans wants the Commission to address this in the code to prevent this use of nonconformity from happening again.

Member Dan Harper spoke about moving forward with approval based on the Town Attorney's opinion.

Member Gabor Kishegyi agreed with concerns about the intent of the code and need for it to be reworded.

Vice Chair April Evans spoke about the order in which tasks were completed by the applicants.

Member Jason Judge made a motion to approve; Member Dan Harper seconded;

Katie Cox – 307 Third Ave. – Spoke about working the last five years to build a house that would fit the lot; met three times with Building Officials that changed over the years; finally got the OK for engineering; spoke about it being their forever home.

Sam Cox – 307 Third Ave. – Spoke about challenges with the two-car garage rule and the size of their family; understands that there are different ways to interpret the code; the pool is so close to the house that they can't build back; spoke about the non-conforming wall.

Katie Cox – 307 Third Ave. – Spoke about the East wall being the only one that could be kept.

Sam Cox – 307 Third Ave. – Spoke about an enclosed porch on the back and moving that part of the structure back into compliance with setbacks.

Member Todd Albert asked about the lack of a landscape plan for the property.

Member Dan Harper explained that one is not needed since this is technically a remodel.

A conversation ensued about trees on the survey.

Motion carried 4-1 with Vice Chair April Evans dissenting.

- B. Site Plan Approval for 506 Poinsettia Rd. – addition

Member Todd Albert expressed that he had no problem with the plans presented.

Member Dan Harper commented about the landscaping plan that homeowners don't have to comply with the canopy tree for every 25 feet, that is a multifamily requirement; all submitted plans seem to meet requirements. Made a comment to Building Admin Steve Freeman that the height ordinance was approved by the board and he believed also the Commission, but has not been updated yet in our ordinances found online.

Member Gabor Kishegyi made a motion to approve; Member Dan Harper seconded; Motion carried 5-0.

C. Appointment of the Chairperson

Member Dan Harper made a motion to appoint April Evans as Chair; Member Gabor Kishegyi seconded; Motion carried 5-0.

Member Gabor Kishegyi made a motion to appoint Dan Harper as Vice Chair; Member Todd Albert seconded; Motion carried 5-0.

Vice Chair Dan Harper spoke about the comparison document for the landscape ordinance that was suggested to the Town Clerk and Deputy Town Clerk.

Deputy Clerk Cyd Cardwell explained the delay.

Member Gabor Kishegyi asked about the origin of the landscape ordinance changes.

Vice Chair Dan Harper explained the history of the changes.

Chair April Evans brought up the need for details on other municipalities' landscape ordinances and spoke about research on oak planting.

Member Todd Albert spoke about the struggling oaks on Oak Street; spoke about page 27 of the plans for 307 Third Ave. and the 50% value; contractors try to escape bringing plans to P&Z; is the board missing properties that the community wants reviewed?

Vice Chair Dan Harper spoke about the 50% rule applying only to the structure and the land and going over 50% requiring a swale, but if you don't change the footprint you don't have to submit a landscaping plan.

Building Admin Steve Freeman has had conversations with the Building Official and the probability that dollar value gets manipulated to avoid going in front of the board; will look at a state-mandated square footage price.

Chair April Evans spoke about wanting codification to require all buildings to come in front of the board.

Member Dan Harper spoke about structure appraisals and what people are paying for lots to knock the structures down and rebuild.

A brief discussion ensued about property valuation.

5. PUBLIC HEARINGS
6. OLD BUSINESS
7. PUBLIC COMMENT
8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

Town Manager A. Marie Smith introduced herself to the board.

9. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS
10. ADJOURNMENT

Member Gabor Kishegyi motioned to adjourn; Member Todd Albert seconded; Motion carried 5-0.

The meeting adjourned at 7:09 p.m.



April Evans
Chairperson

ATTEST:



Cyd Cardwell
Deputy Town Clerk

