

Town of Melbourne Beach

MINUTES

PLANNING & ZONING BOARD MEETING TUESDAY, APRIL 8, 2025 @ 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

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 Todd Albert - Late

Staff Present:

Town Manager Elizabeth Mascaro
Building Official Robert Bitgood
Deputy Town Clerk Cyd Cardwell
Town Clerk Amber Brown

Absent:

Alternate Jason Judge

3. APPROVAL OF MINUTES

A. February 4, 2025 minutes

Vice Chairman Kurt Belsten made a motion to approve; Member April Evans seconded; Motion carried 5-0.

B. March 4, 2025 minutes

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

4. NEW BUSINESS

A. Discussion on restrictions and requirements for pickleball – Town Commission

Chairman David Campbell spoke about an easy fix is to not allow pickleball courts in 1RS, 2RS, and 3RS.

Member April Evans asked if there is an ordinance for tennis courts.

Town Manager Elizabeth Mascaro spoke about the code references tennis courts in a few places, however, it does not say that it is precluded.

Building Official Robert Bitgood spoke about a site plan that was approved included a pickleball court.

Member April Evans spoke about a property on Atlantic Street that wanted to put a tennis court on it, and it was denied. If there is nothing prohibiting tennis courts, why was it turned down?

Town Manager Elizabeth Mascaro spoke about not knowing the details as to why it was denied.

Member April Evans spoke about wanting the details from that situation.

Member Dan Harper spoke about meeting with the complainant, and the issue is the noise. It might be valuable to get feedback from the other neighbors before deciding to prohibit it.

Vice Chairman Kurt Belsten spoke about not being familiar with pickleball, but asked what the difference is between the pickleball noise and a bunch of kids screaming in the pool next door.

Member April Evans spoke about how years ago, Catalyst had a ramp, and it was loud when she worked from home. Maybe look into addressing the times of day.

Member Gabor Kishegyi spoke about why the tennis court was denied and if that sets a precedent. Another thing to address is lighting.

Member Dan Harper asked about the Town's new noise ordinance, and if that is being violated. Get more public input.

Member April Evans spoke about getting public input, but it would be inappropriate for Board Members to approach members of the public.

Vice Chairman Kurt Belsten spoke about how this issue is partially solved by the pervious/impervious requirement.

Member April Evans spoke about how any changes to the Code would affect the entire Town. Asked about the Town being able to measure decibels.

Town Manager Elizabeth Mascaro spoke about how the Town has purchased equipment to measure decibels, and the noise ordinance says 65 decibels. If the reader were in this room right now, we would be in violation. Outside, it is a little better.

Member Dan Harper spoke about the possibility of regulating the times.

Town Manager Elizabeth Mascaro spoke about if you regulate this, you would have to include basketball as well.

Member April Evans spoke about having to include all outdoor activities that create any noise.

Town Clerk Amber Brown read a summary from the Zoning Official as to why the tennis court was denied in 2016. The proposal creates nonconformities with respect to applicable zoning regulations, does not comply with the Code under the accessory use provisions, and, as a separate parcel, the tennis court becomes a principal use, which is not allowed within the zoning district. Additionally, the Comprehensive Plan states that the character of the residential neighborhoods must be preserved, and inasmuch as to no other single-family homes which include a tennis court as an accessory use on the same lot as the principal use or not, this proposal would violate the Comprehensive Plan provision.

Member Dan Harper spoke about how pickleball is louder than a tennis court.

Member Gabor Kishegyi confirmed the court would factor in the percentage of pervious and impervious.

Member April Evans spoke about one way to address it is by the noise.

Building Official Robert Bitgood spoke about the noise ordinance is new, so it's possible that it will address the issue.

Member April Evans spoke about the next step would be for the neighbors to file a noise complaint.

Member April Evans made a motion to have the Town Manager reach out to the Town Planner Corey O’Gorman to see if he has any background on this issue that he can share; Member Dan Harper seconded; Motion carried 5-0.

5. PUBLIC HEARINGS

6. OLD BUSINESS

- A. Discussion on accessory structure definitions for “other” incidental structures such as cabanas

Member April Evans spoke about the agreed size for accessory structures is 400 square feet, and it was brought up to define what structures are limited to that size, and exclude things like cabanas and outdoor kitchens. Structures that have an open end so that it is not fully enclosed.

Member Dan Harper spoke about the Accessory Structure Code 7A-57, which has a section on sheds, so you could add a section there to address those structures.

Member April Evans spoke about her intent when she proposed this item was to exclude pavilion-like structures.

Alternate Todd Albert arrived at 6:57 pm

Building Official Robert Bitgood spoke about structures without a solid roof are not considered an accessory structure, and he has not seen any of those structures that have been over 400 square feet.

Member Gabor Kishegyi asked if you are limited to one accessory structure.

Building Official Robert Bitgood spoke about how you would be limited by the pervious/impervious percentage.

The Board agreed that no additional changes are needed.

7. PUBLIC COMMENT

8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

Town Manager Elizabeth Mascaro spoke about there is a new noise ordinance for residents and short-term rentals. The noise ordinance and building height ordinance have been passed.

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

Member Dan Harper spoke about the presentation to the Town Commission on the recommendations for the landscaping and tree ordinance. The Commission is siding more with the Environmental Advisory Board recommendations. They also discussed taking away the landscaping approval portion from the PNZ and giving it to EAB.

Town Manager Elizabeth Mascaro spoke about if it went to EAB, that would extend the approval process to 2 months because of when their meetings are.

Alternate Todd Albert spoke about how one proposal might be too much, and one might not be involved enough. Someone needs to put the 2 plans together and determine what really makes sense. Can the landscaping approval be done by PNZ? Yes. Should the Town contact an arborist if the Building Official cannot identify a tree?

Building Official Robert Bitgood spoke about being comfortable with what the trees are, but what the Mayor is suggesting is having him take pictures of people's backyards. If the Commission wants to enforce a strict code and have an arborist look at it, then it should be done like the Town Engineer does drainage. They review and approve it prior to it going to the Building Department, or it will become very labor-intensive.


Town Manager Elizabeth Mascaro spoke about how they also want a 3-year look-back inspection.

Alternate Todd Albert confirmed that the Police are in place to measure and enforce the noise ordinance.

10. ADJOURNMENT

Vice Chairman Kurt Belsten motioned to adjourn; Member Gabor Kishegyi seconded; Motion carried 5-0.

The meeting adjourned at 7:05 p.m.



David Campbell
Chairman

ATTEST:



Amber Brown, CMC
Town Clerk

