**Town of Melbourne Beach**

**MINUTES**

**PLANNING & ZONING BOARD MEETING**

**TUESDAY JANUARY 11, 2022 @ 6:30pm**

**COMMUNITY CENTER – 509 OCEAN AVENUE**

**Board Members:**

Chair David Campbell

Member Kurt Belsten

Member April Evans

Member Douglas Hilmes

Member Daniel Gonzalez

**Staff Members:**

Town Manager Elizabeth Mascaro

Town Clerk Jennifer Torres

Town Attorney Clifford Repperger

Town Planner Corey O’Gorman

Notice: Commission discussion and possible action may occur during any Commissioner Meeting. The following sections of the Agenda are always subject to such discussion and possible action without further motion by the Commission: Changes to the Agenda, Public Hearings, Old Business, and New Business.

The public is advised that members of the Town Commission may be in attendance and participate in proceedings of the board. Attorney General Opinions (AGO) AGO 91-95, AGO 98-14, AGO 2000-68.

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

1. **ROLL CALL**

Town Clerk Torres conducted the roll call

Present:

Chairman Campbell

Vice Chairperson Belsten

Member Hilmes

Member Evans

Member Gonzalez

Staff Present:

Town Manager Mascaro

Town Attorney Cliff Repperger

Town Planner Corey O’Gorman

Town Clerk Jennifer Torres

 Building Department Beth Crowell

1. **APPROVAL OF MINUTES**
* December 7, 2021 Draft Minutes

Member Evans asked about the definition of kitchen and queried as to whether we kept microwave in the definition. The Board agreed to remove the strike-through over “or other related device for cooking” and keep it as part of the definition. Therefore the definition will read:

*Kitchen means any indoor room or area containing all of the following equipment,: Sink and/or other device for dish washing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment.*

**Vice Chair Belsten moved to approve the December 7, 2022 draft minutes with correction; Member Evans seconded; Motion carried 5-0.**

1. **NEW BUSINESS**
	1. Site Plan Approval for 419 Avenue B

Chair Campbell said the plan shows a 6-foot fence going past the front building line – which they do not allow. In addition proposed height is different.

Building Assistant Crowell explained the addition in height was a technical issue.

Member Hilmes said the fence in question appears to already exist. The owner, who was present, acknowledged that is the case.

Building Assistant Crowell said the fence is actually the neighbor’s backyard fence.

**Member Hilmes moved to approve the site plan for 419 Avenue B; Member Evans seconded; Motion carried 5-0.**

* 1. Site Plan Approval for 407 3rd Avenue

**Member Gonzalez moved to approve the site plan at 407 3rd Avenue; Member Evans seconded; Motion carried 5-0.**

1. **PUBLIC HEARINGS**
2. **OLD BUSINESS**
3. **PUBLIC COMMENT**

Please limit comments to items that are not on the agenda

1. **REPORTS: TOWN MANAGER AND TOWN ATTORNEY**
2. **ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS**

Member Hilmes asked about the definition of a pool. He said the Town does not seem to have setbacks for spas. He mentioned a neighbor whose spa is about 2-feet away from neighboring fence and asked the board if they should look at defining the setbacks for a spa.

Town Manager Mascaro said permits are not required because they are not a permanent structure.

Chairman Campbell said the board should change the language to include pool, spa, and hot tub. Exception is a kiddie pool that can be picked up and moved.

He asked the Town Manager to add this to their list of definitions.

Some discussion related to permitting and setbacks ensued.

1. **ADJOURNMENT**

**Vice Chair Belsten moved to adjourn the meeting; Member Evans seconded; Motion carried 5-0.**

The meeting adjourned at 6:56 p.m.