**Town of Melbourne Beach**

**DRAFT MINUTES**

**PLANNING & ZONING BOARD MEETING**

**TUESDAY AUGUST 3, 2021 @ 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

1. **CALL TO ORDER**

Chairman Campbell called the meeting to order at 6:32 p.m.

1. **ROLL CALL**

Town Clerk Torres conducted the roll call:

Present: Absent

Chairman Campbell Member Gonzalez

Vice Chairperson Belsten

Member Hilmes

Member Evans

Staff Present:

Town Manager Mascaro

Town Clerk Torres

Building Department Assistant Crowell

1. **APPROVAL OF MINUTES –** June 1, 2021.

**Member Evans moved to approve the draft minutes from the June 1, 2021 meeting; Member Hilmes seconded; Motion carried 4-0.**

1. **NEW BUSINESS**
2. Site Plan Review for 902 Oak, Melbourne Beach

**Member Belsten moved to approve the Site Plan for 902 Oak; Member Evans seconded; Motion carried 4-0.**

1. Site Plan Review for 312 Oak, Melbourne Beach

Member Evans noted that she didn’t see an entrance to the new addition from the main structure. Vice Chairperson Belsten said the entrance is outside but still attached to the building and there is nothing to prohibit this in our codes.

Building Department Assistant Beth Crowell advised the Board the applicant was present if they had any questions for him.

Some discussion took place over plans to have a kitchen in the new addition and this use is not permitted. Member Evans said it appears the home will become a two-family dwelling in this situation wherein the owner may use the addition for a mother-in-law suite for now, but if the property is sold – the next owner could use it as a rental.

Member Hilmes noted that the main-structure entrance is required in a detached plan but not in an attached plan.

Building Department Assistant Crowell concurred with Member Hilmes, that there is nothing in the Town code to prevent that. Because it is attached, it is not an accessory structure. She added that this was confirmed with a zoning specialist.

Chairman Campbell suggested they move to approve the site plan provided it is not used as multi-family.

The applicant and owner of the property, James Santangelo addressed the Board and said: The intended use is to build it for company - however - he added – Building Department Assistant Crowell had told him he could live in it and rent the house out.

Member Evans clarified that he could not live in it and rent out his house.

Building Department Assistant Crowell corrected Mr. Santangelo and clarified that she never told him that.

Mr. Santangelo agreed to abide by this and said he will only use it for company.

Member Belsten said using it for company is a reasonable use.

Chairman Campbell noted that the plans they were presented with are preliminary plans and the Board can’t approve them unless they are final, adding he personally does not want to approve them.

**Member Evans moved to table the Site Plan for 312 Oak pending final drawings and to get clarification of proper use from the Town Attorney or Zoning Official to assure the property does not become multi-family; Member Hilmes seconded; Motion carried 4-0.**

Town Manager Mascaro advised the Board that current code allows residents to rent out a room in their home.

1. Site Review Plan for 417 Riverview, Melbourne Beach

Member Evans said that once again, she can’t see where there is an entrance from the house.

Chairperson Campbell agreed that in this site plan it was difficult to tell.

Vice Chairperson Belsten said this site plan has come before the Board before.

Building Department Assistant Crowell confirmed it had come before the Board, but with a different owner and completely different plans.

Member Evans said she had the same concern as she did with the prior site plan, which is - if the house changes ownership, are we setting it up for use a multi-family dwelling?

Town Manager Mascaro recommended the Town should have stronger language in the code.

Member Hilmes said it appears on the plans that there is a utility room on the bottom floor and it appears they are adding a second laundry room.

Member Evans noted it appears you can only access it from the outside of the house.

Member Hilmes said, in his opinion, once you have two laundry rooms, he begins to question whether it is being used as a multi-family. He suggested that the Town needs some kind of language that says this can never be used as a multi-family residence under the current zoning.

Town Manager Mascaro said they need to figure out what to say in the Code, adding that there is a line they must be careful not to cross and suggested they table the site plan in order to get clarification from the code.

**Member Evans moved to table the site plan for 417 Riverview until they can get clarification from the Town Attorney and the Zoning Official as to the issues addressed; Vice Chairperson Belsten Seconded; Motion carried 4-0.**

Chairperson Campbell suggested they wait to see what the Town Attorney comes back with before they make a motion to discuss code changes with the Commission.

Member Evans disagreed and said that if they need a code change, the Board needs to be able to address that.

Town Manager Mascaro said she would bring it before the Town Commission this month.

Member Hilmes requested the Town Manager also ask the Town Attorney if they can make code changes to the current site plans we’ve addressed, but the Board consensus was no. Only future site plans moving forward.

**Member Evans moved to table the site plan for 417 Riverview until the Board can get clarification from the Town Attorney and the Zoning Official as to the issues the Town is facing related to making sure that single residence properties don’t turn into multi-family properties and to ask the Town Commission for permission to look at this issue with the potential for making code changes to address the issue;**

**Vice Chairperson Belsten seconded; Motion carried 4-0.**

1. **PUBLIC COMMENT**
2. **REPORTS: TOWN MANAGER AND TOWN ATTORNEY**

Town Manager Mascaro said she will be bringing the Comp Plan Ordinance to the Board for a vote in September and reminded them of the quorum requirement in order to advertise.

Chairperson Campbell asked about the changes being made and Town Manager Mascaro advised it was Scrivener’s Errors as well as new verbiage that must be added given the many changes passed by the State Legislature.

Town Manager Mascaro said she would check with the Town Attorney and get the related information to the Board.

**10. ITEMS TO BE ADDED TO THE NEXT AGENDA**

**11. ADJOURNMENT**

**Member Evans moved to adjourn; Vice Chairperson Belsten seconded; Motion carried 4-0.**

Meeting adjourned at 7:30 p.m.