

Town of Melbourne Beach

PUBLIC NOTICE

MINUTES

PLANNING & ZONING BOARD MEETING TUESDAY FEBRUARY 4, 2020 @ 7:00pm COMMUNITY CENTER – 509 OCEAN AVENUE

Board Members:

Chair David Campbell

Member Kurt Belsten

Member April Evans

Member Douglas Hilmes

Member Daniel Gonzalez

Alternate Member Libby Brown-Brock

Alternate Member/School Board Representative Christian Lindbaek

Staff Members:

Town Manager Elizabeth Mascaro

Town Clerk Nancy Wilson

Town Attorney Clifford Repperger

Town Planner Corey O’Gorman

I. CALL TO ORDER

Chairman Campbell called the meeting to order at 7:00 p.m.

II. ROLL CALL

Town Clerk Wilson led roll call:

Present:

Chairman Campbell
Member Belsten
Member Evans
Member Gonzalez

Staff Present:

Town Manager Mascaro
Town Clerk Wilson
Town Attorney Repperger

Absent:

Member Hilmes

III. APPROVAL OF MINUTES

A. January 7, 2020

Member Evans made a motion to approve the minutes from the January 7, 2020 meeting; Member Belsten seconded. Motion carried 4-0.

V. NEW BUSINESS

Request from the Town Commission to review section 7A-67 of the Code, specifically:

- recreational vehicles and sheds on corner lots

Chairman Campbell said that the Code, section 7A-67, currently reads that *on any corner lot, no trailer, boat or recreational vehicle shall be located in front of the front building line of any side of the structure which abuts a street unless the boat, trailer or recreational vehicle is **sheltered from view***. He asked the Town Manager if *sheltered from view* is interpreted to mean completely sheltered from view. She answered in the affirmative. He said he doesn't read it that way; if a fence is erected or vegetation is planted, that should satisfy the Code requirement of being sheltered from view. The Town Manager said the issue of a boat parked on a corner lot went before the Code Enforcement Board. They put up a fence and have bougainvillea planted but the bridge of the boat is still visible so the resident was found to not be in compliance because it wasn't completely obstructed from view. Chairman Campbell said the choices are then to have no additional restrictions on trailers, boats or recreational vehicles parked on corner lots or modify the Code to indicate that a 6 foot fence would satisfy the requirement even though it wouldn't obscure the entire vehicle or boat. Member Gonzalez said the question is if corner lots are to be treated differently from any other property. If partial obstruction is allowed on a regular lot, he doesn't see why corner lots shouldn't be treated the same. Member Evans said it's

because there's visibility from the side street.

- length restrictions

Code: Trailers, boats and recreational vehicles which exceed 26 feet in overall length, whether powered or unpowered, shall not be parked, stored or placed on any residential lot located within the Town except for purposes of active loading and unloading. The Town Planner said that Indialantic allows 40 foot vehicles and North Palm Beach, whose Code is similar to ours, allows 30 foot vehicles. Maybe the Code should be changed to increase the current length. Member Gonzalez said 26 feet is a reasonable yet arbitrary number; he doesn't see any reason why any size trailer, boat or recreational vehicle can't be allowed as long as they are parked in compliance with our Code. There's no proposal to suggest reducing the allowed length. Member Evans asked what kind of vehicle is necessary to pull larger boats and RV's; at some point, it wouldn't be possible to park a vehicle and the necessary truck to pull it. Chairman Campbell thinks between 30 and 40 feet would be reasonable. Town Manager Mascaro said the length of the trailer has to be taken into consideration along with the length of the recreational vehicle itself.

- height restriction of garages

Chairman Campbell doesn't want to increase the allowable height (28 feet) for garages. He added that keeping the Code intact on this matter is the best solution, otherwise, they could be opening a can of worms. In response to a question, he said if a garage is connected to the house it can be 28 feet in height even if the house is lower; it has to be part of the primary structure. If it's not connected to the house, it can't be higher than the house. **No code change recommended.**

- recreational vehicles connected to utilities

Code: Trailers, boats and recreational vehicles or any combinations thereof, shall not be connected in any manner to utilities except for the purpose of charging batteries thereon. The suggestion is to be able to hook up electric for maintenance only. Member Evans said aside from charging batteries, electric may be used to run dehumidifiers. The Board members have no problem with electric being connected to a recreational vehicle for maintenance purposes.

- time allowed for active loading and unloading of recreational vehicles

Code: reasonable amounts of time are allowed for the loading and unloading of cargo trailers and for trailers, boats and recreational vehicles that are 26 feet or less in length. For trailers, boats and recreational vehicles over 26 feet in length, the time allowed for active loading and unloading is 2 6-hour periods in any seven consecutive day period. Member Evans said "reasonable" to one person may not be "reasonable" to another. Member Gonzalez said he'd like to know how other jurisdictions handle this matter.

- during time of disaster allowing exceptions for trailers, temporary housing

Chairman Campbell said this is already allowed in the Code, section 16-3 gives the Town Commission the ability to allow exceptions on this issue during emergencies: *The Town Commission can make provisions for the availability and use of temporary emergency housing and the emergency warehousing of materials.* **No change.**

VII. PUBLIC COMMENT

Sherrie Quarrie
701 Pine

Ms. Quarrie thanked the Board for taking the time to look into this matter. While doing some research before the meeting, she found that we have 116 recreational items on properties (property appraiser aerals) so there are a lot of residents who have a vested interest in this issue. From residents who have talked to her, their concern is that we continue to restrict living in RV's. Regarding boats, there were a lot of things put in the Code in the 1980's that don't pertain to todays living. She went on to list events and activities that happen now that didn't happen 40 years ago such as fishing tournaments, red snapper weekends, lobster season, etc. The many events and activities that take place now require that boats and recreational vehicles need to be outfitted which takes a couple of days. It can't happen in 6 hours which is why she was cited for her boat being parked in front of her house. Ms. Quarrie also didn't see why cargo trailers are an issue. If a person's cargo trailer or any recreational vehicle fits in their yard, behind the front line of the house, length should not be a big deal; she said that's what a lot of residents are saying. She said regarding corner lots, some don't have back yards and others can't access their back yards without crushing sidewalks and storm drains. She also asked them to address the time allowed for loading and unloading; more time is needed. Also, maybe accessory structures should be addressed on a case by case basis.

Ted Funkhouser
509 Banyan

Mr. and Mrs. Funkhouser moved to Melbourne Beach in 2009 after travelling around the county looking for a great place to live. They found Melbourne Beach, they loved the Town, loved the people and loved that the Town had ordinances. It isn't like other beach communities that allow boat parking year round in driveways, etc.

His input regarding the 6 issues being addressed:

1. Thinks corner lots should be treated like interior lots
2. Length restriction was written a long time ago and should be updated to allow for longer recreational vehicles even up to 45 feet
3. Garage height - no comments
4. RV's attached to utilities is fine if it is electric only; if hooking up to water and sewer is permitted, people will live in the RV's and it will be hard to control or enforce. He says no water or sewer hookups should be allowed
5. Loading and unloading time of 6 hours is ridiculously short; several days for

- loading and unloading should be sufficient
6. No comment on emergency housing and storage

Jeff Saraka
508 Banyan

Mr. Saraka has lived in Town for 45 years. He said if a boat is parked behind the house it should be OK. He's had a 40 foot boat/trailer behind his house for 5 years; he didn't know there was a 26 foot limit. He said there are some people with other interests who have lived here for 5 years who want to change things; if the change is in the best interest of the Town, that's OK. He said if a boat or RV is too big, it's too hard to maneuver so it wouldn't be practical on our sized lots. In conclusion, he thinks parking for unloading/loading boats and RV's should be allowed for 3 days no more than twice a month is sufficient.

Warren Hardman
320 6th Avenue

Mr. Hardman and his wife moved to Melbourne Beach in 1997 and they've had a boat parked next to their house (on a corner lot) since that time. There was a fence around it until the 2004 storms took it down. They then put up a 6 foot fence and planted bougainvillea (about 8 feet high) such that all that can be seen is the railing and a little bit of the windshield of the boat. When first cited, he put up another fence in front of the boat so from Oak, very little of the boat can be seen. He read from Melbourne's code that says all recreational vehicles/boats may be parked on a side corner yard if located behind a 6 foot opaque fence or parked behind the required side setbacks. It does not say completely out of sight. Why, after more than 20 years, has this become an issue?

Dan Brunger
400 6th Avenue

Mr. Brunger also lives on a corner lot and has lived here for 20 years. He has a 26 foot travel trailer and in 2018 he received a citation stating that he needed to move his trailer because it wasn't in compliance. He also received a citation about having his travel trailer parked in front of his house too long for loading and unloading. He currently has no recreational vehicle. He thinks that RV owners should be actively involved in the process of determining what should and shouldn't be allowed. He thinks the length restriction of 26 feet is an arbitrary figure and should be increased. Also, he said that parking out front to load and unload can't happen in 6 hours – more time is needed. In conclusion, he also thinks that corner lots should be treated the same as interior lots and RV's should be able to plug into electric without restrictions.

Matt Brandli
415 Hibiscus

Mr. Brandli said he also received a citation. One of the reasons he purchased his property is because it already had a concrete pad alongside the house to accommodate a boat. He's lived in the house since 2010 and grew up here. He said

Melbourne Beach is a beach town and is laid back which is what he likes about it. There are a lot of people in Town who travel via RV or go boating. The old Code Enforcement Officer (Bob) said there was no length restriction and as long as it is parked behind the front line of the house, there's no issue. This is the first time he's heard of the 26 foot limit. He also doesn't have a fence in front of his boat (now RV) and it's been there for 9 years. Recently he received a citation saying his RV was too long but nothing that said he needed a fence in front of it. He keeps the RV plugged in for maintenance reasons and feels that as long as a recreational vehicle doesn't stick out past the front line of the house, it should be permitted.

Thijs Stelling
610 Mango

Mr. Stelling was also issued a citation. He said that trailers add many feet to the overall length. He also lives on a corner lot but has plenty of room on the north side of his house and has a wide driveway so he can easily get in and out even with his long RV. He agreed that water and sewer hook ups should not be allowed as well as prohibiting the use of an RV for living quarters. This is his first time hearing about the 26 foot restriction – by today's standards, 26 feet is considered small. Hooking up to power is reasonable for maintenance. In conclusion, Mr. Stelling said that it's private property and everybody pays a lot of taxes so there shouldn't be so many restrictions.

Chris Schultz
409 Hibiscus

Mr. Schultz said he has a monster fifth wheel trailer parked next to his house that's not owned by his neighbor. He said the RV has been used as living quarters and recounted the dates when it has been occupied. The Code Enforcement Officer got the owners to at least close the slides. The Code Officer talked to the neighbor who said nobody was living in the RV but Mr. Schultz knows they are. The RV is taller and longer than his house and sits on his lot line. Further, a realtor told him that having that RV parked there would lower the value of his property. There must be rules and ordinances in place to prevent this nonsense. He filed another complaint about lights going on and off in the RV at night; doors being opened and shut and said it is still connected to water and sewer. Chairman Campbell reminded him that he is discussing a Code Enforcement matter so Mr. Schultz moved on. In the Comprehensive Plan it says to care for existing properties, maintain the residential character of the Town and install community pride. Some of the people in the room don't think it's a big deal because one of them isn't parked next to them. Is the Town going to open the floodgates to allow more of this?

Kara Parks
1902 Neptune Drive

Ms. Parks said regarding the restrictions on the length of RV's - we live in a recreational community and a lot of people indulge in those activities. A lot of people are retired and they moved here to be able to enjoy our climate and the

associated activities. She said there shouldn't be a restriction on length as long as it is parked behind the front line of the house.

Frank Coughlin
406 1st Avenue

Mr. Coughlin said Brevard County has no limit on the length of boats and RV's. 45 feet is a reasonable length to allow since it's probably the longest that would be feasible in Town. Regarding height, you have to be able to get under bridges so height is automatically limited. He agreed that corner lots should be treated like center lots since they are restricted by having 2 fronts; they should be able to have a fence to mostly obscure their recreational vehicle. In conclusion, he said he agrees with extending the time to load/unload.

Paul Carlson
400 River View Lane

Mr. Burgess said he bought a house here 2 years ago that's on a sweeping corner. He purchased a boat last year and was cited 2 days later because the boat was in front of the front line of his house. However, he's not able to park behind the front line because of the shape of his lot but he's been trying hard to comply to the Code. He's been trying to get somebody to build a lift behind his house but, again, access is limited. He added that a limit of 26 feet for an RV is antiquated; most are over 30 feet. Boats over 30 feet, on the other hand, are different because boats that size would be difficult to negotiate. He agreed that more time should be allowed for the loading/unloading of boats and RV's. He wants to be part of the solution.

Brad Cushing
403 Anchor

Mr. Cushing said length shouldn't be an issue if it is parked behind the front line of the house. RV's should not be lived in, therefore, sewer and water should not be hooked up, however, he keeps the boat connected to electricity for maintenance reasons.

Chris Schultz
409 Hibiscus

Mr. Schultz said he went to Town Hall and received a report that there are 16 boats and RV's in violation.

Mike Kalajian
524 Sunset

Mr. Kalajian has lived here for 46 years and built a house to accommodate a 32 foot boat which can barely be seen. He doesn't understand why there's an issue with length.

Chairman Campbell said he wants language from the Town Planner prior to making recommendations to the Town Commission regarding the matters discussed. They also want more data about allowed lengths from other entities. In summary:

- recreational vehicles and sheds on corner lots
Opinion is that a fence is all that's needed on corner lots and that they should be treated like inside lots.
- length restrictions
More research requested prior to making suggestion.
- height restriction of garages
The Code should remain intact regarding height restrictions. As a side note, a garage can be taller than the primary structure if it is attached to it.
No Action.
- recreational vehicles connected to utilities
Opinion is that RV's need to be connected to electric for maintenance reasons not just for battery charging. There was no support for allowing people to live in an RV, thus sewer and water hookups shouldn't be allowed since it would be hard to determine if an RV is inhabited
- time allowed for active loading and unloading of recreational vehicles
Opinion is that the time is not long enough for loading and unloading; most said 3 days was fair.
- during time of disaster allowing exceptions for trailers, temporary housing
This matter is addressed in 16-3 of the Code.
No Action.

Chairman Campbell said that the Planning & Zoning Board only makes recommendations to the Town Commission; they then make the final decisions. The Chairman doesn't want to leave length unrestricted, somebody will abuse it. Maybe 40-45 feet should be the limit. He also said the restriction that recreational vehicles must be completely obscured on side lots is stupid; a fence should be adequate. Finally, being hooked up to electric only should be OK as should allowing more time for loading/unloading.

Member Evans said one issue she heard is the situation where an RV is not owned by the property owner. Nothing was said about renting side lots for RV parking though zoning would most likely prohibit it. Maybe there could be a requirement that it had to be registered to the owner of the house. Chairman Campbell said tackling this subject might open a can of worms.

In conclusion, Chairman Campbell wants to come back next month after getting input from the Town Planner and then send recommendations to the Town Commission. Somebody from the audience asked what the people with citations should do to which the Chairman answered that the Planning Board can't do anything enforcing ordinances. There is a moratorium on enforcement of RV's parked on corner lots but there is not a moratorium on enforcement of length violations.

Matt Bramly
415 Hibiscus

Mr. Bramly said he received a citation about the length of his vessel and he doesn't know what to do now. The Town Manager told him to call Town Hall on the following day.

VIII. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

No reports

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

After further research, the review of section 7A-67 of the Code will be brought back before the Planning & Zoning Board on March 3, 2020.

X. ADJOURNMENT

Meeting adjourned at 8:14p.m.

Member Gonzalez made a motion to adjourn; Member Evans seconded.
Motion carried 4-0.

ATTEST:

David Campbell, Chairman

Nancy Wilson, Town Clerk