

**Board of Adjustments and Appeals  
Regular Meeting  
October 29, 2003**

The Board of Adjustment and Appeals (BAA) of the City of Titusville, Florida, met in regular session in the Council Chambers, on Wednesday, October 29, 2003.

*XXX*

Chairman Donald Prather called the meeting to order at 6:33 p.m. Present were Vice Chairman Sheldon Brown, Members Robert Donaldson, Richard Thornburg, Sid Chehayeb, and Alternate Member Michael Boggs. Also in attendance were Planner Don Land and Recording Secretary Tammy Holton. It was determined that a quorum was present.

*XXX*

Chairman Donald Prather asked the entire assembly to recite the Pledge of Allegiance to the Flag.

*XXX*

First item of business was the approval of the minutes from the September 24, 2003 regular meeting. Member Thornburg made a motion to approve the minutes. Member Donaldson seconded the motion. There was a unanimous voice vote.

*XXX*

Chairman Donald Prather confirmed the quasi-judicial procedures verifying that all persons wishing to speak before the board have signed an oath card; confirmed that all agenda items had been properly advertised and call for members' statements, if they have visited any of the sites. The members confirmed that they had visited the sites and spoke to no one.

*XXX*

**New Business:**

Variance #43-2003 Joann W. Highsmith - The applicant is requesting minimum variances to Sec. 59-106(b) in order to make an existing single-family residence conforming. Located at 20 South Williams Avenue. Don Land told BAA that the property had received a variance previously on May 23, 1984 and that the current request had been withdrawn and processes are in place to obtain a refund for Ms. Highsmith. No action was taken.

Variance #44-2003 David W. Edens - The applicant is requesting a variance to Sec. 59-106(b) in order to enclose an existing screen room 15 feet from the rear property line. Located at 4730 Key Biscayne Drive. Don Land gave an overview of the request. Discussion followed.

Member Thornburg made a motion for approval of Variance #44-2003 with staff recommendation. Vice Chairman Brown seconded the motion.

Member Chehayeb – yes

Chairman Prather – yes

Vice Chairman Brown – yes

Member Thornburg – yes

Member Boggs – yes

Member Donaldson - yes

Variance #45-2003 Novatech Corp. - The applicant is requesting a variance to Sec. 59-347(b) in order to extend two sections of the rear wall to an existing rear wall section. Located at 4332 South Hopkins Avenue. Don Land gave an overview of the request. Discussion followed.

Jim Garrison, 149 Harrison Street – In favor. Informed BAA that he represented the owner of the property. Mr. Garrison gave BAA a history of the property and the owners intent to enhance the structure. Most of the improvements are for security reasons and to gain space to have restrooms improved to meet current codes.

Member Thornburg made a motion for approval of Variance #45-2003 with staff recommendation. Vice Chairman Brown seconded the motion.

Chairman Prather – yes

Vice Chairman Brown – yes

Member Thornburg – yes

Member Boggs – yes

Member Donaldson – yes

Member Chehayeb - yes

Variance #46-2003 Condev Properties - The applicant is requesting a variance to Section 59-36 in order to develop a patio home subdivision in the La Cita R-1B/PUD overlay district. Located east of Oakhill Drive, west of the FEC Railroad, and immediately south of the Villas at La Cita Apartments. Don Land gave an overview of the request. Discussion followed.

Wallace McColloch, 5195 South Washington Avenue - In favor. Told BAA that he is the engineer on record and the applicant is in agreement with staff recommendations.

Kenneth Senn, 3620 Oakhill Drive – Against. Voiced concerns that traffic is already high and speeds are more than allowed on the Oakhill Drive section. Would not like to see more vehicles there to complicate an already bad situation. Did not think staff did an adequate study on safety in the area. Stated there is an aesthetic concern as well. Asked

BAA to consider having more investigation and legwork done for public safety and welfare in that area.

Wallace McColloch, 5195 South Washington Avenue - Rebuttal. Reported to BAA that there is an (80) eighty-foot buffer along the railroad tracks. There is an existing stormwater drain, which is the dividing line so no development would go in that area. This would keep vagrants or citizens from dumping trash in the area. Discussion followed.

Member Thornburg made a motion for approval of Variance #46-2003 with staff recommendations and conditions. Vice Chairman Brown seconded the motion.

Member Thornburg – yes  
Member Boggs – yes  
Member Donaldson – yes  
Member Chehayeb – yes  
Chairman Prather – yes  
Vice Chairman Brown - yes

Variance #47-2003 Jack & Jill's Playschool and Nursery, Inc. - The applicant is requesting a variance to Section 59-124(c)(3) in order to expand an existing conditional use. Located at 305 Acorn Drive. Don Land gave an overview of the request. Discussion followed.

Jacqueline Kahrs – In favor. Gave BAA a history of the purchase of this property since March of this year. Told BAA of the age groups that the facility houses and relayed that there would not be any new enrollments at this time. Member Thornburg asked if Ms. Kahrs was in agreement with staff conditions. Ms. Kahrs stated she was aware and agreed.

Vice Chairman Brown made a motion for approval of Variance #47-2003 with staff recommendations and conditions. Member Chehayeb seconded the motion.

Member Donaldson - yes  
Member Chehayeb – yes  
Chairman Prather – yes  
Member Boggs – yes  
Vice Chairman Brown – yes  
Member Thornburg - yes

XXX

**Adjournment:**

The meeting adjourned at 7:52 p.m.