

**Board of Adjustments and Appeals
Regular Meeting
April 23, 2003**

The Board of Adjustment and Appeals (BAA) of the City of Titusville, Florida, met in regular session in the Council Chambers, on Wednesday, April 23, 2003.

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Chairman Donald Prather called the meeting to order at 6:34 p.m. Present were Vice Chairman Sheldon Brown, Members Robert Donaldson, and John Hudgens. Members Richard Thornburg, Mike Boggs, and Sid Chehayeb were excused. Also in attendance were City Attorney Dwight Severs, Executive Director of Community Development Roy Crawford, Planning Administrator Keith Cunningham, Water Resources Director Raynetta Grant, Water Resources Engineering Manager Janet Elrod, Planner Don Land, and Recording Secretary Tammy Holton. It was determined that a quorum was present.

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

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First item of business was the approval of the minutes from the March 26, 2003 regular meetings. Member Donaldson made a motion to approve the minutes as submitted. Vice Chairman Brown seconded the motion. There was a unanimous voice vote for approval.

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Chairman 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. Chairman Prather stated that he had visited the Trusswood site and was questioned regarding his presence; he stated he did not speak to any one regarding the variance.

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Don Land reported to BAA that the applicant requested items 3, 4 and 7 be tabled. Motion was made by Member Donaldson to tabled Variances #19-2003, 16-2003, and 15-2003. Motion was seconded by Vice Chairman Brown.

Member Hudgens – yes

Chairman Prather – yes

Vice Chairman Brown – yes

Member Donaldson - yes

New Business:

Variance #13-2003 Doug Engle for Hidden Oaks Development, LLC. - The applicant requests a variance to Section 35-22, Tree survey required before permit, and Section 35-31(a)(3), Landscaping required for all site development, Land Development Regulations (LDR's). Located

north of Harrison Street east of DeLeon Avenue and south of Sycamore Street. Don Land gave an overview of the request.

John Evans, 1702 South Washington Avenue – In favor. Told BAA that he represented the applicant. Gave an overview to BAA of the proposal by the applicant to preserve 34% of vegetation for the site. The developer will cut a center point line and Mike Bauer; Site Inspector will come out and survey to mark specimen trees that can be saved. Agreement has been reached with staff to save as many trees as allowable. Vice Chairman Brown stated that the project did not seem to satisfy tree survey requirements even as amended. Mr. Evans told BAA that the applicant agrees with the staff conditions and that Mike Bauer will be on site to mark trees to save above the 34%.

Vice Chairman Brown asked what was the recommendation of staff now that an amended tree survey plan had been presented. Don Land told BAA staff supported the variance with conditions as recommend by TEC.

Motion was made by Vice Chairman Brown for approval of Variance #13-2003 based on TEC's recommendation and memo dated April 22, 2003. Motion was seconded by Member Hudgens.
Member Donaldson – yes
Member Hudgens – yes
Chairman Prather – yes
Vice Chairman Brown – yes

Variance #14-2003 James C. and Gloria M. Draus - The applicant requests a variance to Section 59-32(e)(2), Interior side yard setbacks (swimming pools) and Section 59-86(b), Minimum yard requires in R-1A zoning district. Located at 4200 Hemlock Lane. Don Land gave an overview of the request. Member Hudgens asked about deed restrictions. Don Land told BAA that the Hickory Hills Home Owners Association has control over the deed restriction, and staff does not regulate deed restrictions.

James Draus, 4200 Hemlock Lane – In favor. Informed BAA that a current boat slab exist and was adjacent to the garage; west of boat slip is where pool deck would go. Adjacent neighbor has stated he has no problem with the variance request.

Richard Gardner, 6845 Sandhill Drive, Port St. John – In favor. Reported to BAA that he was the pool contractor for the project. Presented pictures of the applicant's lot and two lots adjacent to the applicants. In order to properly build and stabilize the area the additional five feet on to the 15-foot setback would be best suited for installing a pool. Member Hudgens questioned if other designs had been considered. Mr. Draus informed BAA that due to the ages of his children and safety issues for them this is the best design to allow children to enjoy the pool without risking their safety. Discussion followed.

Motion was made by Member Donaldson for approval of Variance #14-2003. Motion was seconded by Vice Chairman Brown.
Member Hudgens – yes
Chairman Prather – yes
Vice Chairman Brown – yes
Member Donaldson – yes

Variance #17-2003 Kathleen Burress - The applicant is requesting a variance to Section 59-106(b) of 2.5 feet to the required 1-foot side yard setback and 12.75 feet to the required 20-foot street side setback. Located at 203 Beverly Street. Don Land gave an overview of the request. Vice Chairman Brown asked for clarification of street side setback. Don Land told BAA that it was on Seville. Discussion followed.

Kathleen Burress, 203 Beverly Street – In favor. Told BAA that she was actually asking for 3-feet to the east toward Seville. Discussion followed.

Motion was made by Member Donaldson for approval of both items. Motion was seconded by Vice Chairman Brown.

Member Donaldson – yes

Chairman Prather – yes

Member Hudgens – no

Vice Chairman Brown – yes

Motion did not carry. Discussion followed.

A second motion was made by Member Hudgens to approve 2.5 feet on the west side of the residence. There was not a second. Discussion followed. Member Hudgens withdrew the motion. Discussion followed.

A third motion was made by Member Hudgens to accept Variance #17-2003 with staff recommendation. Motion was seconded by Vice Chairman Brown.

Member Donaldson – yes

Chairman Prather – yes

Member Hudgens – yes

Vice Chairman Brown - yes

Variance #18-2003 George and Patricia Thompson - The applicant is requesting a variance to Section 59-106(b) of 5 feet to the required 25-foot rear setback. Located at 2576 Longwood Court. Don Land gave an overview of the request.

Motion was made by Vice Chairman Brown to disapprove Variance #18-2003 based on staff's recommendation. Motion was seconded by Member Hudgens.

Chairman Prather – yes

Vice Chairman Brown – yes

Member Hudgens – yes

Member Donaldson – yes

Variance #20-2003 Brevard County Parks and Recreation - The applicant requests a variance to Section 39-93(c), Lighting Requirements. Located at 33 Little League Lane (W.W. James Park). Don Land gave an overview of the request and suggested that Variance #20 and #21-2003 be heard together. Vice Chairman Brown asked staff to clarify the actual request. Don Land reported to BAA the actual request and location for the two variances. Discussion followed. Don Land told BAA that lights would be replaced with concrete to meet wind-loading requirements. Discussion followed.

Chuck Mays, Brevard County Parks and Recreation – In favor. Told BAA that lighting on both fields would be replaced to meet requirement for wind-load bearing. The existing poles are wood and would be replaced by concrete poles, which require the additional height. Vice Chairman Brown stated, the he would not like to have the new lighting encroach on surround areas. Mr.

Mays informed BAA that Brevard County would be restrictive with lights so no existing subdivision would be inconvenienced.

Motion was made by Vice Chairman Brown for approval of Variance #20-2003 with staff recommendation. Motion was seconded by Member Hudgens.

Member Donaldson – yes

Member Hudgens – yes

Chairman Prather – yes

Vice Chairman Brown - yes

Variance #21-2003 Brevard County Parks and Recreation - The applicant is requesting a variance to Section 39-93(c) of 40 feet to the maximum 40-foot height for a free standing light fixtures. Located at 33 Little League Lane (W.W. James Park). Don Land gave an overview of the request.

Motion was made by Vice Chairman Brown for approval of Variance #21-2003 with staff recommendation. Motion was seconded by Member Donaldson.

Member Hudgens – yes

Chairman Prather – yes

Vice Chairman Brown - yes

Member Donaldson - yes

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Adjournment:

The meeting adjourned at 7:35 p.m.