

**Board of Adjustments and Appeals
Regular Meeting
May 28, 2003**

The Board of Adjustment and Appeals (BAA) of the City of Titusville, Florida, met in regular session in the Council Chambers, on Wednesday, May 28, 2003.

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Chairman Donald Prather called the meeting to order at 6:30 p.m. Present were Vice Chairman Sheldon Brown, Members Richard Thornburg, Robert Donaldson, Sid Chehayeb, and Mike Boggs. Member John Hudgens was excused. Also in attendance were 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 April 23, 2003 regular meetings. Vice Chairman Brown made a motion to approve the minutes as submitted. Member Donaldson 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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New Business:

Don Land requested that BAA discuss Variances #15-2003 and #16-2003 together but vote on each separately. BAA accepted the request.

Variance #15-2003 Loys Ward for Forward Design and Development, Inc. – The applicant requests a variance to Section 21-290(b), Connection to reclaimed water system required, city code. Located at the southeast corner of Sisson Road and Little League Lane. Don Land gave an overview of Variances #15-2003 and #16-2003. Discussion followed. Raynetta Grant informed BAA that the city could use funding for capital improvement projects (CIP) to expand reuse system. This project could be included in the 5-year CIP. Member Thornburg questioned if approved what kind of precedent would this set along Sisson Road. Don Land told BAA that all residents on Sisson Road could request a variance. Discussion followed.

Loy Ward 1707 South Washington Avenue – In favor. Informed BAA that he is the owner of the property located southeast of Sisson Road and Little League Lane. Told BAA that reuse water is a benefit to single-family subdivisions, if lines were already present, he would be happy to use. Mr. Ward then questioned if current code is being interpreted and read in the right contents for this project. Disputed Ms. Grant’s vision for supplying a reuse system to the area within the next few years. Stated he was not against reuse, but no lines are currently in place or planned for in the near future for the area.

John Evans, 1702 South Washington Avenue – In favor. Stated that the present city plans are out of date. Barna Avenue will be the future of reuse. City has not been able to show the applicant where the water will be available in the near future. Developers do not pay for lines, homeowners will have to pay twice, once for the lines and to put in a well for their property to water landscape. Evidence in all current reports indicates that there is not a plan in future for reclaimed water.

Discussion followed. Member Thornburg emphasized that the city needs to do some more research on this issue there are several inconsistencies. Roy Crawford explained to BAA that there will be a lot of development in that corridor, and the city is trying to get all developers to agree to extend the reuse system in this area with funds from the developers to help with this project. CIP funds are not currently available; when CIP budget is approved then developers could be reimbursed.

Variance #16-2003 Loys Ward for Sterling Forest, LLC. – The applicant requests a variance to Section 21-290(b), Connection to reclaimed water system required by city code. Located at the northeast corner of Sisson Road and Little League Lane.

Member Thornburg moved to table Variances #15-2003 and #16-2003 for 30 days. Vice Chairman Brown seconded the motion. There was a roll call vote.

- Member Boggs – no
- Member Donaldson – yes
- Member Chehayeb – yes
- Member Thornburg – yes
- Chairman Prather – yes
- Vice Chairman Brown – yes

Variance #19-2003 CGI Electronics, Inc. - The applicant is requesting a variance to Section 39-172(f)(1) to allow a ground sign one foot from the property line and waive the requirement for a landscaped area. Located at 4269 South Hopkins Avenue. Don Land gave an overview of the request. Discussion followed.

Carl Exline, P.O. Box 5641, Titusville – In favor. Reported to BAA that he is one of the owners of CGI. Showed BAA the location of signage currently for his business and all neighboring business signs. Requested approval of the variance. Discussion followed. Vice Chairman Brown suggested an alternate location for the sign. Mr. Exline agreed he could use the different location. Discussion followed. Don Land told BAA that moving the sign to the south would lessen impact on traffic, if sign was closer to Hopkins Avenue it could impede line of sight. Discussion followed.

Member Chehayeb moved to approve Variance #19-2003 with the condition that the sign does not impede visibility and that it meets the current ordinance. Member Boggs seconded the motion. Discussion followed. There was a roll call vote.

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

Variance #22-2003 Carl L. Jones - The applicant requests a variance to Section 59-603(b), Fences and walls, and Section 59-946, Breezeways. Located at 2207 South. Washington Avenue. Don Land gave an overview of the request.

Carl Jones, II, 1709 Riverside Drive – In favor. Mr. Jones told BAA that he had spoken with staff and agreed to most of staff 's recommendation, but would still like to have a 6-foot block wall in the front of the property for security reasons and too help with noise reduction of traffic from U.S. Highway One. Discussion followed.

Member Thornburg moved to approve Variance #22-2003 with staff recommendations and too limit solid wall to a height of 4-feet. Chairman Prather passed the gavel and seconded the motion. Discussion followed. There was a roll call vote.

Member Thornburg – yes
Member Boggs – no
Member Donaldson – no
Member Chehayeb – abstained
Chairman Prather – yes
Vice Chairman Brown – no

Motion did not carry. Discussion followed.

Vice Chairman Brown moved to approve Variance #22-2003 with staff recommendations and to amend original motion to state solid wall should not exceed 6-feet and that all fencing should not exceed 6-feet. Member Boggs seconded the motion. There was a roll call vote.

Member Donaldson – yes
Member Chehayeb – abstained
Chairman Prather – yes
Member Boggs – yes
Vice Chairman Brown – yes
Member Thornburg - no

Variance #23-2003 Douglas Graham - The applicant requests a variance to Section 59-34(a)(2), Fences and walls. Located at 5510 Kathy Drive. Don Land gave an overview of the request.

Douglas Graham 5510 Kathy Drive – In favor. Told BAA that staff had outlined exactly what he requested. Requested approval of variance.

Member Thornburg moved to approve Variance #23-2003 with staff recommendations. Vice Chairman Brown seconded the motion. There was a roll call vote.

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

Member Thornburg – yes

Variance #24-2003 Honeycutt and Associates for Condev Corporation - The applicant is requesting variances to Section 35-61 of the Land Development Regulations (LDR's), performance standards in the Area of Critical Concern. Located east of Grissom Parkway & Meadow Oaks Avenue and west of Sisson Road. Don Land gave an overview of the request. Discussion followed. Vice Chairman Brown questioned staff on the conditions listed for approval. Don Land told BAA that feasibility comes into play, discussions would be held with the applicant and staff to meet criteria. Don Land stated for the record the revised staff recommendation and conditions. Vice Chairman Brown asked if staff had discussed the revised conditions with the applicant. Don Land told BAA that the applicant had meet with water resources and he believed that they had reached an agreement. Discussion followed.

Wallace McCullough 1220 Santa Cruz – In favor. Disclosed to BAA that he is the engineer on record for the project. He had meet with water resources to discuss intentions for the project. Gave an overview of the proposed project to BAA and discussed reasoning for the variance. Reported to BAA the topics discussed by the applicant and water resources. Member Thornburg asked if he agreed to the conditions set by staff. Mr. McCullough told BAA that the only change would be to number two of the conditions stating a dry pond with under drains. Chairman Prather asked if staff would have any problems with the change. Don Land told BAA that staff would not have any problems with the change.

Vice Chairman Brown moved to approve Variance #24-2003 with staff recommendations with the modification to condition two to add under drains. Member Thornburg seconded the motion. There was a roll call vote.

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

Variance #25-2003 Canaveral Engineering Group for 3838 Holding Trust - The applicant is requesting a variance to Section 59-484(a)(1), Mini-warehouse. Located at 3900 South Hopkins Avenue. Don Land gave an overview of the request. Discussion followed.

Ken Ward, 355 Pine Street - In favor. Informed BAA that he represented the applicant. Disclosed to BAA the uniqueness of the property, and a Conditional Use Permit (CUP) was previously approved for a mini-warehouse facility. Approving the variance would not set any precedence due to the uniqueness of the property. Requested BAA's approval. Vice Chairman Brown inquired about ingress and egress. Mr. Ward told BAA that there is an existing curb cut for the property on the north end. Discussion followed.

Member Thornburg moved to approve Variance #25-2003 with staff recommendations. Vice Chairman Brown seconded the motion. There was a roll call vote.

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

Variance #26-2003 Rio Vista Patio Homes - The applicant requests a variance to Section 59-946, Breezeways. Located at 3575-3645 South Washington Avenue. Don Land gave an overview of the request. Member Chehayeb asked how much of the breezeway would the enclosure block. Don Land told BAA the all of the enclosure would be in the breezeway.

John Evans, 1702 South Washington Avenue – In favor. Gave an overview of the request for an overhang and displayed a drawing of the overhang to BAA. Discussed the gauge and type of screen to be used for the screen porch enclosures with BAA. Reported to BAA that the developer could have built 18 units per acre but chose to put 7 patio home units as too not overbuild the site. Visibility of river would be limited by the design of the units to be placed on the property. Applicant contends that based on the ordinance a screen porch is not a structure, visibility is still available and a wind breeze could pass through the screen. This will not be a negative impact to the community. Not all units will have a screen porch. Discussion followed.

Jim Garrison, 149 Harrison Street – In favor. Stated that the enclosure does not have a roof it is not a structure, it is a pool enclosure with screening on all sides, should not be classified as a porch with four walls and a roof. Surfaces will be opaque; instead of building a 4-foot solid wall as allowed by code, the enclosure will be translucent to visibility and breezeway. Requested approval for the request. Discussion followed.

Vice Chairman Brown moved to approve both request for Variance #26-2003 overhang and pool enclosures due to uniqueness and the applicants reasoning. Member Boggs seconded the motion. There was a roll call vote.

Member Boggs – yes

Member Donaldson – yes

Member Chehayeb – yes

Member Thornburg - no

Chairman Prather – no

Vice Chairman Brown – yes

Member Thornburg stated Member Chehayeb should not be voting since he is an alternate member and all regular members were present. Discussion followed. Chairman Prather stated that Member Chehayeb’s vote was not valid. Motion did not carry. Discussion followed.

Member Thornburg moved to approve overhang for Variance #26-2003 but deny breezeway/screen enclosure per staff recommendation. Chairman Prather passed gavel and seconded the motion. There was a roll call vote.

Chairman Prather – yes

Vice Chairman Brown – yes

Member Thornburg – yes

Member Donaldson – yes

Member Boggs - no

Variance #28-2003 Honeycutt & Associates for Marbella Investments, Inc. - The applicant is requesting a variance to Section 35-54(d), General Requirements - Stormwater management plan. Located southwest side of Columbia Boulevard (S.R. 405) across from Kirkwood Trail. Don Land informed BAA that the applicant withdrew the request since speaking with water resources and determining that a variance was not needed.

Variance #29-2003 Honeycutt & Associates for Marbella Investments, Inc. - The applicant is requesting a variance to Section 39-61(d)(2), Number of parking spaces required. Located at the southwest side of Columbia Boulevard (S.R. 405) across from Kirkwood Trail. Don Land gave an overview of the request. Discussion followed.

Woody Rice, 5195 South Washington Avenue – In favor. Gave BAA a history of the proposed project and parking that would lessen impact to the wetlands and preserve the site. Requested support and approval of the variance.

Member Thornburg moved to approve Variance #29-2003 with staff recommendations. Vice Chairman Brown seconded the motion. There was a roll call vote.

Chairman Prather – yes

Vice Chairman Brown – yes

Member Thornburg – yes

Member Boggs – yes

Member Donaldson - yes

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Reports:

Member Thornburg – Discussed the tabling of Variances #15-2003 and #16-2003 and plans for future reuse system. Requested more information before hearing these two items again.

Alternate Member Chehayeb – Discussed By-Laws relating to voting by alternate members.

Adjournment:

The meeting adjourned at 9:45 p.m.