

**Board of Adjustments and Appeals
Regular Meeting
June 25, 2003**

The Board of Adjustment and Appeals (BAA) of the City of Titusville, Florida, met in regular session in the Council Chambers, on Wednesday, June 25, 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, Mike Boggs and, Alternate Members Sid Chehayeb. Alternate Member John Hudgens was excused. Also in attendance were City Attorney Dwight Severs, Executive Director of Community Development Roy Crawford, 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 May 28, 2003 regular meetings. Member Thornburg made a motion to approve the minutes as corrected. 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.

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Dwight Severs addressed BAA members regarding processes for variances and appeals as outlined by the City of Titusville's Code of Ordinances and Case Laws.

Old Business:

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 and outlined discussions from the last regular meeting on May 28, 2003. Don Land told BAA that Raynetta Grant would update BAA of the progress since the last BAA meeting.

Ms. Grant told BAA that Water Resources had met with the developer and he had provided a cost breakdown for the reuse system, a conceptual agreement had been made between Mr. Jelus of Sterling Forest and the City. Mr. Jelus authored a letter requesting tabling of variances #15-2003

and #16-2003 to be able to further discuss the conceptual plan. Discussion followed. Vice Chairman Brown asked if Mr. Loys Ward had been briefed on the request by Mr. Jelus to table these two items. Raynetta Grant told BAA that Mr. Ward was not present during the discussions. Vice Chairman Brown stated that input should have been requested from Mr. Ward due to the fact he was requesting the variances.

Loys Ward – 1707 South Washington Avenue – In favor. Told BAA that he had not received any information from staff since the last BAA meeting. Was not aware of any agreements made with Mr. Jelus. Stated there is still a grey area relating to code of ordinances, Mr. Ward stated he would file an appeal relating to codes of ordinance as outlined by Mr. Severs. Mr. Ward stated that he is against the request to table and would like to proceed with his request to have a ruling made. Vice Chairman Brown stated he was confused by the fact that there was no discussion with Mr. Ward, but had been considerable discussion with Mr. Jelus. Told Mr. Ward he sympathizes with his request to proceed with the project, but all avenues need to be reviewed and he did not have enough valid information currently to make a decision on this issue. Discussion followed. Raynetta Grant told BAA that discussions with Mr. Jelus had been ongoing since last year before the variance request came forward, several correspondence have been made between the City and the developer for this project. Mr. Jelus was the one who came forward and showed interest in the reuse system. Discussion followed. Member Thornburg stated he had enough information to make a decision tonight. Mr. Ward reiterated that he would accept the variance if requested at a later date to connect to reuse water was given. There is no assurance at this point that a reuse system would be put in place. Mr. Ward stated he should have been informed of any discussions and decisions made regarding this project. Requested a decision be made to not further delay this project. Discussion followed. Raynetta Grant stated that within the next six months construction would begin on lines for the reuse system. Discussion followed.

Member Thornburg made a motion for denial of Variance #15-2003 on staff recommendations and that there are no grounds for granting the request. Chairman Prather passed the gavel and seconded the motion. Discussion followed.

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

The motion did not carry.

Vice Chairman Brown made a motion for approval of Variance #15-2003 with the condition that within a 1 year timeframe of notification that reuse is available for connection and use that the applicant (Forward Design & Development, Inc.), lot owner, and/or homeowners association be required to install a reuse system within the subdivision and connect to the City reuse system.

Member Boggs seconded the motion. Discussion followed.

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

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 made a motion to table Variance #16-2003 until the September 2003 regular meeting. Motion was seconded by Vice Chairman Brown.

Chairman Prather – yes

Vice Chairman Brown – yes

Member Thornburg – yes

Member Boggs – yes

Member Donaldson – yes

New Business:

Variance #30-2003 Armando Maresca for Mukesh Patel - The applicant is requesting a variance to Section 59-347(b), minimum yard requirements. Don Land gave an overview of the request. Member Donaldson asked if the current structure was installed without a permit. Don Land informed BAA that it was and code enforcement has held it in abeyance until the applicant has the opportunity to request a variance to keep the structure. Discussion followed.

Motion was made by Member Donaldson for denial of Variance #30-2003. Motion was seconded by Vice Chairman Brown.

Chairman Prather – yes

Vice Chairman Brown – yes

Member Thornburg – yes

Member Boggs – yes

Member Donaldson - yes

Variance #31-2003 Glen Dawdy - The applicant is requesting a variance to Section 59-1410(5)(a), minimum yard requirements. Located at 2514 S. Hopkins Avenue. Don Land gave an overview of the request. Discussion followed.

Glen Dawdy, 2514 South Hopkins Avenue - In favor. Told BAA that he would answer any questions. Discussion followed.

Member Thornburg made a motion for approval of Variance #31-2003 based on staff's recommendation with all three conditions but with the modification to number 1 to state normal operating conditions. Vice Chairman Brown seconded the motion.

Member Thornburg – yes

Member Boggs – yes

Member Donaldson – yes

Chairman Prather – yes

Vice Chairman Brown - yes

Variance #32-2003 Kenneth Anson - The applicant is requesting a variances to Section 35-36(a), General landscaping in commercial and industrial districts; Section 35-37(b), Parking area landscaping; and Section 35-55(f), Stormwater management performance standards. Located at 3380 South Park Avenue. Don Land gave an overview of the request. Member Thornburg asked if conditions had been discussed with applicant. Don Land told BAA that the conditions had not been discussed with applicant.

Kenneth Anson, 3380 South Park Avenue – In favor. Informed BAA that he would answer any questions. Mr. Anson stated his engineer had met with the city and all conditions would be okay.

Member Thornburg made a motion for approval of Variance #32-2003 with staff recommendations and conditions. Motion was seconded by Member Donaldson.

Member Donaldson – yes

Chairman Prather – yes

Member Boggs – yes

Vice Chairman Brown – yes

Member Thornburg - yes

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Reports:

Vice Chairman Brown – Staff should have discussed with both applicants for the same identical variances. Discussion followed. Roy Crawford stated that discussions had been made by Mr. Ward since the last BAA meeting and eluded to the discussion topics. Discussion followed.

Adjournment:

The meeting adjourned at 8:25 p.m.