

**Board of Adjustments and Appeals**  
**Regular Meeting**  
December 5, 2024

The Board of Adjustments and Appeals (BAA) of the City of Titusville, Florida, met in regular session in Council Chambers, on Wednesday, December 5, 2024

XXX

Chairman Thomas Taylor called the meeting to order at 6:00 p.m. and asked the assembly to recite the Pledge of Allegiance to the Flag.

XXX

Present were Chairman Thomas Taylor, Vice-Chairwoman Margaret Van Deven, Member Smith-Rodriguez, Member Richard Wheelus, Member Gina Beckles and Alternate Member John Greene. Also, in attendance were Planner Tabitha Armstrong, Community Development Director Brad Parrish, Assistant City Attorney Chelsea Farrell, City Engineer Ashleigh Smith, and Administrative Assistant Kim Amick. It was determined that a quorum was present.

XXX

Assistant City Attorney Farrell swore in new Alternate Member Carshonda Wright.

XXX

Vice-Chairwoman Van Deven made a motion to approve the minutes for October 23, 2024. Member Wheelus seconded. All in attendance voted to approve the minutes.

XXX

Chairman Thomas Taylor confirmed the quasi-judicial procedures verifying that all persons wishing to speak before the board has signed an oath card.

XXX

Tabith Armstrong confirmed that all agenda items had been properly advertised.

XXX

Chairman Thomas Taylor called for members' statements if they had visited any of the sites.

XXX

**Consent Agenda Items**

None

XXX

### **Old Business**

Since Alternate Member Greene was a voting member at the original hearing of this item on October 23, 2024, he will be sitting for the clarification.

Jesse Wright provided the recording secretary with a handout for the Board, Clarification: Modified.

#### Variance 21-2024 – Motion of Clarification

Brad Parrish stated the agenda item is not a public hearing it is basically just staff asking for clarification on your action. He stated this topic is based on an application that was heard at the last meeting in October specifically requesting in Variance 21-2024 for property located at 3550 S. Washington Avenue, to consider requested variance to Land Development Regulations, Section 34-128(a)(1)(a) to allow the qualification of a non-residential minor division without meeting the condition that the water, sewer and reuse be provided by the addition of a service lateral only for each lot being proposed, no main extension required, for property located in the Urban Village Zoning District at said location. He stated that was the initial request. On page 11 of the Agenda Packet is the Development Order which is unsigned because when they brought it to the Chair there was some discussion on what was really stated. They looked back at the minutes and watched the meeting again and staff has some questions. Brad read the conditions on the Development Order.

Brad stated staff had some discussion of what happened, and a letter was drafted by Ashleigh Smith which is on page 10 of the Agenda Packet. Brad summarized the letter dated November 4, 2024.

Ashleigh Smith provided the Board with drawings to help clarify the variance request.

Discussion followed.

Chelsea Anderson, 1530 US 1, Rockledge, Florida, answered questions from the Board.

Member Greene stated he accepted the negotiated settlement between the applicant and the City of Titusville.

Member Smith-Rodriguez stated her second holds.

Brad stated staff is going to summarize.

Ashley stated the following:

Clarification #1 - It will not be six (6) months, they will tie it to the Site Plan timeframe.

Clarification #2 – They clarified it is for water and sewer.

Clarification #3 – They clarified this is for Phase I utilities knowing that a portion of the utilities will not be built and will be in Phase II, which will be sometime in the future.

Clarification #4 – They will accept easements for all of the water mains, but they will be unrecorded and held in escrow.

Member Greene stated yes to the clarification.

Member Smith-Rodrigues agreed.

Roll call was as follows:

|                           |     |
|---------------------------|-----|
| Chairman Taylor           | Yes |
| Vice-Chairwoman Van Deven | Yes |
| Member Smith-Rodriguez    | Yes |
| Member Wheelus            | Yes |
| Alternate Member Greene   | Yes |

Motion passed.

Alternate Member Greene was excused.

XXX

### **New Business**

Member Beckles took a seat on the dais for the remaining items.

#### **Variance 22-2024 – 1018 & 1020 Orange Street**

Tabitha Armstrong reviewed the staff report explained what the applicant was requesting.

Discussion followed.

Bruce Moja, 1250 West Eau Galle Boulevard, Melbourne, Florida, spoke in favor of this item.

Michael Graue, 2862 Chappel Wood Court, Oviedo, Florida, spoke in favor of this item.

Member Wheelus stated with reference to Variance 22-2024, 1018 and 1020 Orange Street, he recommends approval of the variance request to LDR Chapter 28, Section 28-317, with the following condition:

1. Any improvements be restricted to the footprint of the building.

Member Smith-Rodriguez seconded.

Roll call was as follows:

|                           |     |
|---------------------------|-----|
| Member Beckles            | Yes |
| Member Smith-Rodriguez    | Yes |
| Member Wheelus            | Yes |
| Chairman Taylor           | Yes |
| Vice-Chairwoman Van Deven | Yes |

Motion passed.

#### Variance 23-2024 – 3125 Columbia Boulevard

Tabitha Armstrong reviewed the staff report explained what the applicant was requesting.

Discussion followed.

Jonathan Skinner, Rockledge, Florida, spoke in favor of this item.

Member Van Deven, with reference to Variance 23-2024 at 3125 Columbia Boulevard, made a motion to grant the variance to allow a second sign as requested.

Member Beckles seconded.

Roll call was as follows:

|                           |     |
|---------------------------|-----|
| Member Wheelus            | Yes |
| Chairman Taylor           | Yes |
| Vice-Chairwoman Van Deven | Yes |
| Member Beckles            | Yes |
| Member Smith-Rodriguez    | Yes |

Motion passed.

#### Variance 24-2024 – 1793 Crossbill Drive

Tabitha Armstrong reviewed the staff report explained what the applicant was requesting.

Toni Shifalo, 715 Tropic Street, Apartment A, Titusville, Florida 32796, spoke against this item.

Michael Myjak, 4420 Alpine Lane, Titusville, Florida 32780, spoke against this item.

Discussion followed.

Member Wheelus made a motion to deny Variance 24-2024 based on it would grant rights to the owner that others are not allowed.

Member Beckles seconded.

|                           |     |
|---------------------------|-----|
| Vice-Chairwoman Van Deven | Yes |
| Member Beckles            | Yes |
| Member Smith-Rodriguez    | Yes |
| Member Wheelus            | Yes |
| Chairman Taylor           | Yes |

Motion passed.

XXX

### **Petitions and Requests from the Public Present**

Toni Shifalo, 715 Tropic Street, Apartment A, Titusville, Florida, spoke about artificial turf and plants and the effects on the environment.

### **Reports**

Staff – None.

Members – Member Smith-Rodriguez suggested, if it could be done, the city has empowered the environmental committee to do certain things or to find certain things, it might be helpful to attach a reason why the artificial turf or the synthetic plant are not permitted by the code. She knows in her real job, she will make a statement as to what she is finding and sometimes she says, see the case law on this topic or see the case laws written here or if she is dealing with mental health issues, and she attaches a piece of paper that says, this assessment includes things so people understand why she is making the ruling. She stated perhaps if a committee or commission or a report could be included in the code in that section to explain to people why (a) she thinks it would help people understand what the request is for and against and (b) the next time there is a variance here they can't count on the two citizens to be here for every single variance to make this compelling argument and if they are going to be bound by the evidence presented that day it may have a different outcome. She thinks including it in the code would allow them to refer to that as part of the reason to deny a request when appropriate and to grant it when otherwise appropriate. She stated if council is considering certain things, then she would encourage that.

City Attorney – Assistant City Attorney Farrell stated we are going to miss Member Smith-Rodriguez as one of our valued board members. She stated this is her last night.

Chairman – Chairman Taylor stated we now have a vacancy for a full-time member. He stated if anyone would like to make application, please see the City Clerk.

Assistant City Attorney Farrell stated the Clerk's Office will reach out to the two alternates to see if they are interested in becoming a regular member and she will take that into consideration and then the City Council will evaluate that in addition to any other pending applications to full fill the vacancy.

Adjournment was at 8:01 p.m.