

TOWN OF MELBOURNE BEACH
COASTAL SETBACK AND/OR EXCAVATION VARIANCE APPLICATION
SUBMITTAL CHECKLIST

Submittal Requirement	Provided	Date
Fully completed application form		
\$500 Application Fee, plus \$200 for advertising costs		
Mailing Labels for addresses within 500 feet of the property		
Deed		
Letter of authorization if applicable		
Sealed and signed topographic survey (12 copies)		
Sealed and signed plans (12 copies)		
Written description of proposed variance (12 copies)		
Other support information, if applicable (12 copies)		
Attachment to application form providing answers to Questions 1 and 2 (12 copies)		
Affidavit signed by the owner evidencing posting of the affected real property as required by Section 5A-6 (1) e. (Affidavit shall be submitted a minimum of 15 days prior to the public hearing.)		

COASTAL SETBACK/EXCAVATION VARIANCE APPLICATION

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951-2523
(321) 724-5860 / Fax (321) 984-8904

PLEASE READ THOROUGHLY

This is to assist you in applying to the Board of Adjustment for a variance. The variance process is explained more completely in the Melbourne Beach Code of Ordinances in Sections 5A-6. The Code of Ordinances is available on the Town website found at www.melbournebeachfl.org/. You may wish to consult this section, as well as obtain services of an attorney, engineer, architect, real estate professional, planner or another professional, to assist with completing this application. This information is intended to provide a summary only.

WHO MAY APPLY FOR A COASTAL SETBACK/ EXCAVATION VARIANCE

Only property owners may apply for a coastal setback or coastal excavation variance. A copy of the deed showing ownership must be attached to the application. Tenants, attorneys, engineers or others may act as an agent for the owner. However, the property owner's signature must be on the application and a letter of authorization from the property owner must be attached to the application.

COMPLETING THE APPLICATION

Please answer the questions fully. Reference to a site plan is not considered a fully answered question. Applications that include answers to questions that only refer the reader to a site plan will not be accepted. Only completed applications that include the necessary supporting information will be accepted. Submit the application, supporting information and the \$500.00 application fee, plus \$200.00 for advertising costs to the Town Clerk. Please make checks payable to the Town of Melbourne Beach. Sealed and signed plans shall be prepared by an engineer or architect, as appropriate, who is registered in the State of Florida.

APPLICATION FILING DEADLINE

Complete applications will be accepted no later than 4:00 p.m. forty five (45) days prior to the Board of Adjustment meeting date when the applicant desires the application to be considered. The regular meeting date for the Board of Adjustment is the 3rd Thursday of each month at 6:30 P.M. in the Community Center. The exact dates of the meeting can be verified with the Town Clerk (321 724-5860). If an application is determined to be incomplete and revisions are not accomplished and the application resubmitted by the deadline, the hearing of the application will be postponed until if the next regularly scheduled meeting of the Board of Adjustment.

BOARD OF ADJUSTMENT MEETINGS

The Board of Adjustment meetings are public hearings. If you wish to appeal any determination of the Board of Adjustment, you will need a verbatim transcript of the record and copies of all evidence presented. It will be your responsibility to make arrangements for the preparation of that verbatim record at your expense.

GENERAL PROCEDURES OF THE BOARD OF ADJUSTMENT

If you intend to show the Board of Adjustment drawings, photographs, copies of documents, maps, or other instruments, you will need to leave those instruments with the secretary to the Board at the hearing. By law, those instruments become public records and can NOT be returned to you.

You may appear at the public hearing in person or be represented by an authorized agent or attorney. If you cannot attend the public hearing, you should make arrangements to have an authorized representative (authorization in writing and notarized) appear on your behalf as the application can be acted upon by the Board even in your absence. Prior to the meeting you should also notify the Town Clerk's office of your absence and who will appear on your behalf.

The Board of Adjustment may continue the public hearing until a future date if in its sole discretion, it needs further information or research on your application. The Board of Adjustment is not obligated to continue a public hearing however.

You may bring witnesses to testify on your behalf. Your presentation and witness testimony should relate directly to the need for the variance and whether your application satisfies the standards set forth in Section 5A-6(d) (1) (2).

Members of the public in favor or in opposition to your application may appear and testify at the hearing. Although the Board of Adjustment has the power to vary the order of presentation, generally the Board will ask the applicant and applicant's witnesses, if any, to make a presentation. After your presentation members of the public are allowed to address the proposed variance. After public input, the Board of Adjustment may allow you to present argument in rebuttal to comments from the public. Staff members attending the meeting are there for the purpose of providing technical information to the Board of Adjustment.

It is not the role of staff to assist you with obtaining a variance.

APPLICATION SUBMITTAL REQUIREMENTS

- 1) A fully completed Coastal Setback/Excavation Variance application form.
- 2) \$500 application fee, plus \$200 to cover advertising costs.
- 3) A statement describing the proposed work, activity, and construction seaward of the coastal setback line.
- 4) Mailing labels for all addresses within 500 feet of the property. (These are obtained from the Brevard County Property Appraiser's Office.

REQUIRED SUPPORTING INFORMATION

In order to properly review your application, certain supporting information is necessary. A

description of this supporting information follows. You may also submit any additional information that you feel would support the application.

Twelve copies of the following shall be submitted with all Coastal Setback/Excavation Variance applications in order for the application to be considered complete:

- 1) A copy of the deed showing ownership of the property that is the subject of the variance request.
- 2) A letter of authorization from the property owner, if the owner is not the applicant.
- 3) A recent (within 6 months of the application date) sealed and signed topographic survey including the following information:
 - A. The location of the contour line corresponding to elevation zero feet NGVD.
 - B. The location of any existing vegetation line on the subject property.
 - C. The location of the established State Coastal Construction Control Line.
 - D. The Mean High Water Line
 - E. The Melbourne Beach Coastal Setback line for the full width of the property
 - F. The location and number of the two closest State baseline monuments.
- 4) Sealed and signed and legible final construction plans illustrating the details of the variance request. The plans must be on 8 1/2" X 11" paper. Additional copies of plans may be submitted on larger sized paper if desired by the applicant. Plans shall include, where applicable, but not be limited to, the following specifications and information:
 - A) Lot and/or building site lines with dimensions and existing and proposed setbacks (including accessory structures);
 - B) Location of structures, decks, pools, drives, parking spaces, water and electric meter locations, air conditioning units, exterior mechanical and pool equipment, and the types of screening of those items;
 - C) Location of easements, water courses, and other essential site features;
 - D) Location and width of existing or proposed streets or other public ways and pedestrian walks abutting the site;
 - E) Sketch of approximate location of adjacent structures (with measurements)
 - F) A vicinity map obtained from the Brevard County Property Appraiser's Office.
 - G) Provide a detailed description of the proposed variance.
 - H) Provide additional backup material or exhibits or studies that you feel will support your application.
- 5) The property owner is required to post a notice on the subject property a minimum of 15 days before the public hearing. The notice shall be posted in such a manner that it is visible from the road right-of-way. The notice shall include the following information:
 - A) Name and address of the owner
 - B) Street address of the property
 - C) A statement describing the proposed work activity and construction seaward of the coastal construction line.
 - D) The public hearing time, date and place.

Applicants are required to provide the Town an affidavit stating the required posting has been accomplished at least 15 days prior to the public hearing.

COASTAL SETBACK AND/OR EXCAVATION

VARIANCE APPLICATION

Application # _____

I request a hearing regarding the terms of the Zoning Ordinances of the Town of Melbourne Beach. This request relates to the property and zoning requirements set forth in this application.

1. PROPERTY ADDRESS _____
2. PROPERTY OWNER _____ PHONE _____
3. OWNER ADDRESS _____
4. APPLICANT _____ PHONE _____
5. APPLICANT ADDRESS _____
6. RELATIONSHIP OF APPLICANT TO OWNER [i.e. same, attorney, engineer, architect, etc.]

7. PROPERTY PARCEL ID NUMBER _____
8. FULL LEGAL DESCRIPTION OF THE PROPERTY [as described in the deed]: _____

9. ZONING DISTRICT _____
10. VARIANCE REQUESTED _____

11. TOWN CODE SECTION(S) INVOLVED _____
12. HAS THIS REQUEST BEEN BEFORE THE BOARD PREVIOUSLY? Yes / No Date:
13. WILL THIS CASE APPEAR BEFORE THE PLANNING & ZONING BOARD FOR APPROVAL?
Yes / No

I give permission to the members of the Board of Adjustment and staff to inspect the property for the purpose of this application. I declare that all statements made herein are true, based upon the best available information, and I understand that willful false statements and the like are misdemeanors of the second degree under Section 837.06, Florida Statutes. Such willful false statements may jeopardize the validity of my application or any decision issued thereon. I have fully read the information outlining the Board procedures and application requirements. With this application I am submitting the necessary supporting materials listed.

Owner's Signature _____ Date _____

REQUIRED ATTACHMENT TO THE COASTAL SETBACK/EXCAVATION VARIANCE APPLICATION

Please answer each of the following questions fully. These questions will assist the Board of Adjustment to determine whether your application meets the minimum criteria for obtaining a variance as described in Section 5A-6 of the Code of Ordinances. Use additional pages if necessary. **The Board of Adjustment will not accept reference to a site plan as the answer to any of these questions.**

Address the questions one at a time and be as detailed as possible. As you provide the answers you may want to consider the question “Why is your land different than anyone else’s land to a degree that it should be treated differently?” Personal hardships such as health or financial issues that change with ownership of the property are not valid reasons for granting a variance.

1. Explain in detail that the property experienced less than 25 feet of beach-dune erosion since September, 1972. The erosion shall be measured by determining the extent of horizontal recession from the toe of the dune as it exists at the time of the application to the point of the dune as it existed in September, 1972, which corresponds to the same elevation as the toe of the dune as it exists at the time of the application.

2. Provide facts that demonstrate that granting of the variance will not be injurious to adjacent properties, nor contrary to the public interest.
