

TOWN OF MELBOURNE BEACH

VARIANCE APPLICATION

SUBMITTAL CHECKLIST

Submittal Requirement	Provided	Date
Fully completed application form		
Application Fee (See fee schedule of February 20, 2008)		
Mailing Labels for addresses within 500 feet of the property		
Deed		
Letter of authorization if applicable		
Sealed and signed survey		
Sealed and signed plans (12 copies)		
Written description of variance (12 copies)		
Written description of proposed variance (12 copies)		
Other support information, if applicable (12 copies)		
Attachment to application form providing answers to 6 questions (12 copies)		

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 7A-150 through 7A-156. The Code of Ordinances is available on the Town website found at www.melbournebeach.org/. You may wish to consult these sections, 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 VARIANCE

Only property owners may apply for a 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 all 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 to the Town Clerk. Please make checks payable to the Town of Melbourne Beach.

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 4th 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 7A-152(d) 8.

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 Variance application form.
- 2) Fee per schedule
- 3) 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 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 sealed and signed survey
- 4) Sealed and signed and legible 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) Site Data:
 1. Land area
 2. Zoning
 3. Height of existing and/or proposed structure
 4. Building area in square feet
 5. Paved area in square feet
 6. Landscaped area in square feet
 7. Amount of required parking spaces
 8. Amount of existing parking spaces;
 - F) Adjacent area information:
 1. Names and addresses of adjoining property owners
 2. Current zoning
 3. Sketch of approximate location of adjacent structures (with measurements)
 4. A vicinity map obtained from the Brevard County Property Appraiser's Office.
 - G) Describe the existing conditions at the site of the proposed variance and what you are proposing to accomplish at the site.
 - H) Provide a detailed description of the proposed variance.
 - I) Provide additional backup material or exhibits or studies that you feel will support your application.

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. CITY 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 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 7A – 150 through 7A – 156 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 how application of the Zoning Ordinance causes an exceptional and unique hardship? Relate the hardship to the physical characteristics of the property, and/or structure or buildings on the property. Distinguish that the characteristics you are using to justify the variance are not applicable to other property and/or structures in the same zoning district.

2. Establish that the exceptional and unique hardship is not due solely to the owner's actions? Please explain fully.

3. Establish that the literal interpretation of the provisions of the Land Development Code deprive the property owner or applicant of rights commonly enjoyed by owners of other properties in the same zoning district.

4. If granted, will the variance be compatible with the physical characteristics of the neighborhood? Please explain fully.

5. If granted, will the variance be in harmony with the intent and purpose of the Code of Ordinances and Comprehensive Plan? Please explain fully.

6. If granted, is the variance the minimum necessary in order to alleviate the exceptional and unique hardship?
