

**TOWN OF MELBOURNE BEACH**  
**SPECIAL EXCEPTION APPLICATION**  
**SUBMITTAL CHECKLIST**

<b>Submittal Requirement</b>	<b>Provided</b>	<b>Date</b>
Fully completed application form		
\$1000 Application Fee (Adopted 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 special exception (12 copies)		
Other support information, if applicable (12 copies)		
Attachment to application form addressing special exception issues (12 copies)		

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## **SPECIAL EXCEPTOIN APPLICATION**

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

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### **PLEASE READ THOROUGHLY**

This is to assist you in applying to the Board of Adjustment for a special exception. The special exception process is explained more completely in the Melbourne Beach Code of Ordinances in Sections 7A-152(c). The Code of Ordinances is available on the Town website found at [www.melbournebeach.org/](http://www.melbournebeach.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 SPECIAL EXCEPTION**

The owner or owners of at least 75% of the property described in the application; the tenant or tenants, with the owner's sworn-to consent; duly authorized agents evidenced by a written power of attorney; Town Commission; Planning and Zoning Board; or any department or agency of the town may initiate a special exception application.

A copy of the deed showing ownership must be attached to the application. If tenants, attorneys, engineers or others act as an agent for the owner, the 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 address all issues identified on the application. Reference to a site plan is not considered a complete response to the issue. Applications that address issues by reference to a site plan only refer 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 4<sup>th</sup> 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 special exception 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 special exception. 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 special exception.**

In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed to be a violation of this Land Development Code and punishable as provided by this code. The Board shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

## 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 Special Exception 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 special exception 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 special exception and what you are proposing to accomplish at the site.
  - H) Provide a detailed description of the proposed special exception.

- I) Provide additional backup material or exhibits or studies that you feel will support your application.

# SPECIAL EXCEPTION 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. SPECIAL EXCEPTION 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 \_\_\_\_\_

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# REQUIRED ATTACHMENT TO THE SPECIAL EXCEPTIOIN

## APPLICATION

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Before any special exception shall be issued the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions, and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

Information you provide will assist the Board of Adjustment to determine whether your application meets the minimum criteria for obtaining a special exception 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 consider reference to a site plan a complete response to the issue.**

Address the issues one at a time and be as detailed as possible.

- a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

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- b. Off-street parking and loading areas where required, with particular attention to the items in division a. above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

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- c. Refuse and service areas, with particular reference to items in section (a) and (b) above.

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- d. Utilities with reference to locations, availability and compatibility.

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e. Screening and buffering with reference to type, dimensions and character.

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f. Signs, if any, and proposed exterior lighting effects and compatibility and harmony with properties in the district.

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g. Required yards and other open spaces.

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h. Height.

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i. Landscaping;

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j. Renewal or termination dates. (Specify the dates that the project will begin and will be completed. If the project is not started and completed on the dates required by the Board then the special exception approval becomes void unless the applicant appears before the Board to renew the special exception prior to the expiration date)

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k. That the use will be reasonably compatible with surrounding uses in its function, its hours of operation, the type and amount of traffic to be generated, building size and setbacks, its relationship to land values and other factors that may be used to measure compatibility.

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l. That the requested special exception is consistent with the town of Melbourne Beach Comprehensive Plan.

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