



# **TOWN OF MELBOURNE BEACH**

## **BOARD OF ADJUSTMENT MEETING**

**NOVEMBER 14, 2023**

**AGENDA PACKET**

# Town of Melbourne Beach

## PUBLIC NOTICE

**BOARD OF ADJUSTMENT MEETING  
TUESDAY– NOVEMBER 14, 2023, 6:00 P.M.  
COMMUNITY CENTER – 509 OCEAN AVENUE**

### AGENDA

**Board Members:**

Chairman Robert Schaefer  
Member Xochitl Ross  
Member Charles Cain  
Member Pete Peterson  
Member James D. Simmons

**Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Amber Brown  
Town Attorney Clifford Repperger  
Town Planner Corey O’Gorman

Notice: Commission discussion and possible action may occur during any Commissioner Meeting. The following sections of the Agenda are always subject to such discussion and possible action without further motion by the Commission: Changes to the Agenda, Public Hearings, Old Business, and New Business.

The public is advised that members of the Town Commission may be in attendance and participate in proceedings of the board. Attorney General Opinions (AGO) AGO 91-95, AGO 98-14, AGO 2000-68.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so.

In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
  - A. February 16, 2023 Minutes
- IV. PUBLIC HEARINGS
  - A. Special Exception Application PSE23-0002, 315 Ocean Avenue
- V. NEW BUSINESS
- VI. OLD BUSINESS
- VII. ADJOURNMENT

# Town of Melbourne Beach

**BOARD OF ADJUSTMENT MEETING  
THURSDAY, FEBRUARY 16, 2023  
COMMUNITY CENTER, 509 OCEAN AVENUE**

## **MINUTES**

**Board Members:**

Chairman Robert Schaefer

Vice Chair Xochitl Ross

Member Charles Cain

Member James D. Simmons

Member Peter Peterson

**Staff Members:**

Town Manager Elizabeth Mascaro

Town Clerk Amber Brown

Building Official Robert Bitgood

Town Attorney Clifford Repperger

Town Planner Corey O’Gorman

**I. Call to Order**

Chairman Robert Schaefer called the meeting to order at 6:00 p.m.

**II. Roll Call**

Town Clerk Amber Brown led the roll call.

Members Present:

Chairman Robert Schaefer  
 Vice Chairperson Xochitl Ross  
 Member Charles Cain  
 Member James D. Simmons  
 Member Peter Peterson

Staff Present:

Town Manager Elizabeth Mascaro  
 Town Attorney Clifford Repperger  
 Building Official Robert Bitgood  
 Town Clerk Amber Brown

**III. Approval of Minutes**

Member Peter Peterson spoke about a correction to the minutes on page three where it says “Motion carried 4-1 with Member Cain in dissent.” It should say Member Peterson in dissent.

Vice Chair Xochitl Ross spoke about a correction to the minutes on page three where she spoke about the type of structure for a pool. In today’s packet, section 5A-1 says it is a major structure so that should be reflected in that section of the minutes.

**Member James Simmons moved to approve the draft minutes as revised; Member Cain seconded; Motion carried 5-0.**

**IV. Public Hearing**

- A. Coastal Construction Variance Application #2023-01-V, 401 Atlantic Street

Chairman Robert Schaefer read the staff report and swore in Clayton Bennett from Bennett Engineering & Consulting.

Member Peter Peterson spoke about making sure everyone understands the difference between beach accretion and beach fill.

**Member James Simmons moved to approve the variance application 2023-01-V for 401 Atlantic St; Member Charles Cain seconded; Motion carried 5-0**

**V. New Business**

- A. Discussion on meeting procedure regarding what gets read into the record

Chairman Robert Schaefer spoke about reading the information into the record to make it easier to have it on the recording and allow others

to ask additional questions and give the applicant a chance to ask questions or answer questions.

Vice Chair Xochitl Ross spoke about it guiding the discussion.

Member James Simmons asked if someone feels they cannot meet the tree ordinance and the building official says they have to meet the tree ordinance and they disagree would that come to the Board of Adjustments as a variance?

Further discussion ensued

Town Attorney Clifford Repperger spoke about an appeal of a denial from the Building Official would come to the Board of Adjustment.

Town Attorney Clifford Repperger spoke about the Board needing to appoint the chairperson on a yearly bases.

**Member James Simmons nominated Robert Schaefer as the chairperson; Member Peter Peterson seconded; Motion carried 5-0**

## VI. Adjournment

**Member Xochitl Ross moved to adjourn; Member James Simmons seconded; Motion carried 5-0.**

The meeting adjourned at 6:29 p.m.

ATTEST:

\_\_\_\_\_  
Robert Schaefer, Chairman

\_\_\_\_\_  
Amber Brown, Town Clerk



**TOWN OF MELBOURNE BEACH  
DEVELOPMENT APPLICATION**

**I. SUBMITTAL REQUIREMENTS:**

1. Fees per current schedule.
2. Deed to property.
3. Pre-Application meeting is mandatory. Contact the Building Official or Building Clerk to submit information required and to schedule a pre-application meeting.
4. Application deadlines are determined annually by the Boards and will be provided at the pre-application meeting.
5. All applicants must complete pages 1-3 and the section(s) as applicable to the request (refer to section II. below). All materials listed in the applicable sections must be provided, and fees paid.

**II. REQUEST:**

- |   |  |
|---|--|
| <input type="checkbox"/> Land Use Plan Amendment                        | <input type="checkbox"/> Rezoning  |
| <input checked="" type="checkbox"/> Special Exception                   | <input type="checkbox"/> Coastal Construction Variance                     |
| <input type="checkbox"/> Variance                                       | <input type="checkbox"/> Appeal (Application must be filed within 30 days) |
| <input type="checkbox"/> Site Plan Review Single Family (1RS, 2RS, 3RS) | <input type="checkbox"/> Site Plan Review Multifamily (4RM, 5RMO)          |
| <input type="checkbox"/> Site Plan Review Commercial (6B, 7C, 8B, 9I)   | <input type="checkbox"/> Amendment to the Land Development Code            |
|   | <input type="checkbox"/> Other (specify) _____                             |

**III. PROPERTY INFORMATION:**

General Location: DOWNTOWN

Address: 315 OCEAN AVE MELBOURNE BEACH FL 32951

Parcel Number(s): LOT 5 BLOCK 3

Area (in acreage): 0.21 Area (in square feet): 2193

Current Zoning: DOWNTOWN BJS. DISTRICT Proposed Zoning: SAME

Current Future Land Use: \_\_\_\_\_ Proposed Future Land Use: RESTAURANT

Brief Description of Application: This is an application to hopefully re-establish the property at 315 Ocean Ave to be a RESTAURANT as an Exception for town zoning/lotting

Date of Mandatory Pre-Application Meeting (attach meeting minutes if applicable): \_\_\_\_\_

IV. APPLICANT INFORMATION:

Property Owner

Name: Martin Vukovich

Phone: 716-982-4325

Address: 109 Cassette Trail

Fax: \_\_\_\_\_

Melbourne-Beach FL

Email: Mvukc000@gmail.com

Applicant (if other than property owner)

Name: Andrew Hahn

Phone: (808) 321-2349

Address: 10 Anchor Drive

Fax: \_\_\_\_\_

Indian Harbour Beach FL 32937

Email: Rockies.cafe.315@gmail.com

V. OWNER AUTHORIZATION:\*

The undersigned hereby affirms the following:

- 1. That I/we are the fee simple title owner/contract purchaser (circle one) of the property described in this application.
- 2. That I/we have read and understands the entire application and concurs with the request.
- 3. That I/we have appointed the Applicant to represent the application, and empowers the Applicant to accept any and all conditions of approval imposed by the Town of Melbourne Beach.

Signature: [Handwritten Signature]

Date: 8-30-23

Print Name: Martin Vukovich

Title: owner

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me this 30<sup>th</sup> day of Aug, 2023 by Martin Vukovich who is/are personally known to me, or who has/have produced FL Driver's Lic as identification.

[Handwritten Signature]  
Signature of Notary Public, State of Florida

SANDRA J CARLUCCI  
Lic. #01021000149  
Notary Public, State of New York  
Qualified in ERIE COUNTY  
My Commission Expires 11/08/20 25



**VI. APPLICANT CERTIFICATION:\***

I/we affirm and certify that I/we understand and will comply with the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the application and support documents are fully complete and comply with the requirements of the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the statements and/or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief that this application, attachments and application filing fees become part of the official public record of the Town of Melbourne Beach, Florida and are not returnable or refundable.

Under penalties of perjury, I/we declare that I/we have read the foregoing application and that to the best of my/our knowledge and belief the facts stated in the application are true.

Signature: [Signature] Date: 8-10-23

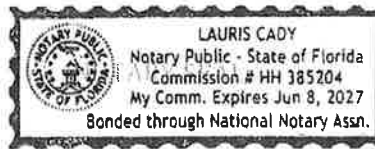
Print Name: Andrew Hahn Title: Owner

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me this 10<sup>th</sup> day of AUGUST, 2023, by ANDREW HAHN, who is/are personally known to me, or who has/have produced FL DL as identification.

[Signature]  
Signature of Notary Public, State of Florida



**VII. PROJECT DESCRIPTION:**

Describe Application: Attachment Reference Section A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provide attachment if more space is needed.

Describe Existing Conditions: Attachment Reference Section B

\_\_\_\_\_  
\_\_\_\_\_

Provide attachment if more space is needed.

**Special Exception\***

Site and architectural plans elevations of all faces of a building and an overhead view shall be submitted with all special exception applications that include a **new building(s), facade renovations, or substantial improvements to an existing building**. The drawings shall be submitted in color and at the minimum shall include:

- Sealed and signed survey of existing improvements. All elevations should be NGVD/NAVD or Comparable for FEMA reference. (Include Lot Dimensions, Square footage & Coverage Percentage)
- Architectural elevations showing:
  - Proposed architectural style.
  - Exterior construction material specifications.
  - Color charts.
- A site plan pursuant to the requirements of Section 7A-51/7A-51.1.
- Structure dimensions and setbacks from all property lines.
- Refuse service area location.
- Mechanical outdoor equipment location.
- Master outdoor lighting plan.
- Screening devices.
- Master signage plan.
- Master landscaping and irrigation plan.
- Wall or fence details.
- Stormwater Management

Narrative – the applicant shall provide a narrative that explains how the use and the development will be 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.

*Attachment Reference section C*

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Provide attachment if more space is needed.

Special Exception Applications for space in an **existing building** must provide the following information:

- Survey of existing improvements.
- Architectural elevations showing:
  - Existing/proposed architectural style.
  - Existing/proposed exterior construction material specifications.
  - Existing/proposed exterior color.
- A site plan showing any proposed site improvements as described pursuant to the requirements of Section 7A-51/7A-51.1.
- Structure dimensions and setbacks from all property lines.
- Existing/proposed refuse service area location. *no change, center line of building, painted outline*

- Existing/proposed mechanical outdoor equipment location. *SEE ATTACHMENT REFERENCE SECTION D*
- Existing/proposed outdoor lighting layout. *NO CHANGE*
- Existing/proposed screening and buffering. *NO CHANGE*
- Existing/proposed signage. *NO CHANGE ONLY LOGO*
- Existing/proposed landscaping and irrigation. *NO CHANGE, SCHEDULED MAINTENANCE*
- Existing/proposed Wall or fence details. *NO CHANGE*
- Stormwater Management *NO CHANGE*

Public notification – As required by code for the respective applications, the applicant must provide a map showing the subject site and all properties within a 500' radius. The applicant must also provide self-addressed envelopes with the Town's return address for each property owner within that 500' radius for purposes of providing notice to property owners of record. A sign must also be posted on the property within the timeframes required to provide additional public notification as required by Code.

**\* Provide twelve (12) copies of the completed application and twelve (12) 11X17 copies of all supporting documentation.**

Prepared by and return to:  
John Sirounis, Esq.  
Nasseh Sirounis Law, P.A.  
640 Bryn Mawr Street  
Orlando, FL 32804  
(407) 776-8600  
File Number: 2022-347

[Space Above This Line For Recording Data]

**Warranty Deed**

**This Warranty Deed made this 28th day of December, 2022 between Beachside Eats LLC, a Florida Limited Liability Company whose post office address is 2725 N. HWY A1A, Indialantic, FL 32903, grantor, and Vuke LLC, a Florida Limited Liability Company whose post office address is 109 Casseekee Trail, Melbourne Beach, FL 32951, grantee:**

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Brevard County, Florida** to-wit:

**Lot 5, Block 3, Wilcox Melbourne Beach, according to the map or plat thereof as recorded in Plat Book 1, Page 58, Public Records of Brevard County, Florida.**

**Parcel Identification Number: 28-38-08-FY-3-5**

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 12/31/2022.

Grantor hereby warrants that the above-describd property is not the homestead of the Grantor as defined under the Laws and Constitution of the State of Florida. Neither the Grantor nor any member of the Grantor's household resides thereon.

[SPACE LEFT BLANK INTENTIONALLY]  
Signature Page to Follow

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]  
Witness  
Printed Name: MIKE SIROUNIS

**Beachside Eats LLC**, a Florida Limited Liability Company

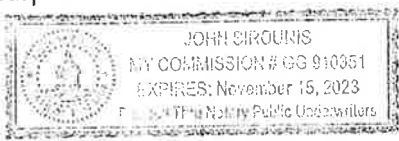
By: [Signature]  
Steven A. Haggerty, AMBR

[Signature]  
Witness  
Printed Name: John Sirounis

State of Florida  
County of Brevard

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 28th day of December, 2022 by Steven A. Haggerty, AMBR of Beachside Eats LLC who  is personally known or  has produced a driver's license as identification.

[Seal]



[Signature]  
Notary Public  
Print Name: John Sirounis  
My Commission Expires: NOV 15, 2023



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Limited Liability Company  
VUKE LLC

### Filing Information

**Document Number** L22000486322  
**FEI/EIN Number** NONE  
**Date Filed** 11/14/2022  
**State** FL  
**Status** ACTIVE

### Principal Address

109 CASSEEKKEE TRL  
MELBOURNE BEACH, FL 32951

### Mailing Address

109 CASSEEKKEE TRL  
MELBOURNE BEACH, FL 32951

### Registered Agent Name & Address

VUKOVICH, MARTY  
109 CASSEEKKEE TRL  
MELBOURNE BEACH, FL 32951

### Authorized Person(s) Detail

#### **Name & Address**

Title AMBR

VUKOVICH, MARTIN  
109 CASSEEKKEE TRL  
MELBOURNE BEACH, FL 32951

### Annual Reports

**No Annual Reports Filed**

### Document Images

[11/14/2022 -- Florida Limited Liability](#)

[View image in PDF format](#)

**Electronic Articles of Organization  
For  
Florida Limited Liability Company**

L22000486322  
FILED 8:00 AM  
November 14, 2022  
Sec. Of State  
adjohnson

**Article I**

The name of the Limited Liability Company is:

VUKE LLC

**Article II**

The street address of the principal office of the Limited Liability Company is:

109 CASSEEKEE TRL  
MELBOURNE BEACH, FL. US 32951

The mailing address of the Limited Liability Company is:

109 CASSEEKEE TRL  
MELBOURNE BEACH, FL. US 32951

**Article III**

The name and Florida street address of the registered agent is:

MARTY VUKOVICH  
109 CASSEEKEE TRL  
MELBOURNE BEACH, FL. 32951

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: MARTY VUKOVICH

## Article IV

The name and address of person(s) authorized to manage LLC:

Title: AMBR  
MARTIN VUKOVICH  
109 CASSEEKKEE TRL  
MELBOURNE BEACH, FL. 32951 US

L22000486322  
FILED 8:00 AM  
November 14, 2022  
Sec. Of State  
adjohnson

Signature of member or an authorized representative

Electronic Signature: CHEYENNE MOSELEY, LEGALZOOM.COM, INC.

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.



## Attachment Reference

### A.) Project Description

If our application is granted to be considered a restaurant as an exception for town zoning and coding purposes we would like to do as follows. Recently we signed a lease on the property for 5 years with 3 options to extend. Our goal is to bring to the community a state-of-the-art coffee shop/ cafe concept. We will serve specialty coffees, breakfast, smoothies and lunch. Our concept will be a fairly simple, open style build out with only minimal construction. We will be adding an additional 5 ton HVAC unit to keep the cafe cool on those hot summer days. A drop ceiling will be installed in the kitchen per Health Department code. We would also request to install a Type 1 Commercial Hood for fire safety per NFPA 96 and cooking creativity. A commercial 3 basin sink with small grease box underneath to filter out any, if at all of the grease or debris we produce from entering sewage, we plan on serving a fresh menu so this is more precautionary. We will also add a separate employee hand wash sink. Currently the property has 1 ADA unisex bathroom already installed, with additional space to add another per customer volume increases. The outdoor patio area will stay the same no commercial upgrades. The signage shall stay the same only a name change. The outdoor lighting shall not change we will not be open at night. Our hours of operation will be from 7am-4pm respectively and open seven days a week, holidays may be some exceptions.

### B.) Existing Conditions

The current state of the building is a blank shell essentially. The building was gutted down to its core keeping just its structural integrity. The building has original electrical panel, one 5 ton ac unit was added to the building. 1 ADA compliant bathroom installed and the concrete was polished for an easily clean able surface. A new fence was added in the back as a barrier for the property line.

### C.) Narrative

To begin, we would like to introduce ourselves and give a little background as to whom is asking for the exception. My name is Andrew Hahn and my wife, and partner is Morgan Hahn. We have both been in the restaurant and hotel business for over 20 years, and met working together on the north shore of Oahu, Hawaii. We have a passion for the restaurant business, food, and bringing people together in a community setting. Moving back from Hawaii to Indian Harbour Beach in 2016 we found ourselves managing restaurants and hotels until we had the opportunity to open a cafe in Sebastian FL, which we have operated for the last 5 years. However, 315 Ocean Ave. couldn't be more perfect for our dream concept as we already feel like a part of the beachside community. Our son goes to school locally and I myself, Andrew work for City of Melbourne as a firefighter medic. It is important for us to be somewhere we know our customers and can wave at them on the street. Hopefully we will get to know each and everyone of you through out this process and look forward to it. Becoming part of the community is the real goal for us.

Rockies Cafe will use the existing premise to operate as a cafe serving coffee, breakfast, smoothies, and lunch with easy options to take out and head back to the beach or get to work. Respectively the restaurant will be from 7am-4pm, 7 days a week. Rockies Cafe hopes to bring new and exciting food concepts to Melbourne Beach residents and visiting guest with an emphasis on something for everyone. We plan on increasing the drive for local residents to dine out in their own community. Rockies Cafe will provide specialty coffees with beans sourced from all over the world and brought to us from roaster right in Florida. For

## Attachment Reference

breakfast we will have sandwiches and burritos, fresh baked goods, and hopefully we will have the room and opportunity to add our niche concepts of waffle pops and mini donuts dipped in toppings of your choice. The smoothie menu will be comprised of fresh fruit not heavy syrups, to provide healthier options. Whether you want a quick smoothie before work or one after hanging on the beach all day, the option is yours. We aim to provide fun and creative menu items geared toward the latest trends and families. Our exciting lunch options will be available, each created with special sauces and finishes, as we aspire to bring out the inner foodie in everyone. The menu is also geared towards the health minded or restricted individuals with gluten free and vegetarian/vegan options.

Here we are looking for the creative capability to be able to produce a menu that we are proud of and the community will enjoy. We will do everything to keep our foot print small. We simply ask to be able to be in fact a restaurant not chained to cooking specifications. With the Boards permission we ask to be granted a special exception as a restaurant and look forward to becoming a great addition for the Town of Melbourne beach to enjoy.

### D.) Existing outdoor mechanical equipment:

A vent is still intact but not hooked up to any equipment. Vent is for displacing heat only possibly used for an oven. New proposed mechanical equipment: Option 1 is a Type 1 hood system designed to remove grease, heat, smoke and moisture. Per NFPA 96 for fire safety and suppression. We would like to be able to have the safety and capabilities to cook a menu that is creative and the town will enjoy.

Additional ACU equipment for cooling in addition to existing 5 ton unit.



**Dana Blickley, CFA, Brevard County Property Appraiser**

Titusville • Viera • Melbourne • Palm Bay

(321) 264-6700

www.BCPAO.us

Disclaimer

**REAL PROPERTY DETAILS**  
Account 2847784 - Roll Year 2023

Owners VUKE LLC  
 Mailing Address 109 CASSEEEKEE TRL MELBOURNE BEACH FL 32951  
 Site Address 315 OCEAN AVE MELBOURNE BEACH FL 32951  
 Parcel ID 28-38-08-FY-3-5  
 Taxing District 34X0 - MELBOURNE BEACH  
 Exemptions NONE  
 Property Use 2100 - RESTAURANT / CAFETERIA  
 Total Acres 0.21  
 Site Code 0340 - A1A  
 Plat Book/Page 0001/0058  
 Subdivision WILCOX MELBOURNE BEACH  
 Land Description WILCOX MELBOURNE BEACH LOT 5 BLK 3



**VALUE SUMMARY**

Category	2023	2022	2021
Market Value	\$527,370	\$222,840	\$177,380
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$527,370	\$195,110	\$177,380
Assessed Value School	\$527,370	\$222,840	\$177,380
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$527,370	\$195,110	\$177,380
Taxable Value School	\$527,370	\$222,840	\$177,380

**SALES / TRANSFERS**

Date	Price	Type	Instrument
12/28/2022	\$670,000	WD	9686/1337
05/16/2018	\$325,000	WD	8166/2409
12/04/2002	--	WD	4825/1726
04/30/1991	--	WD	3122/3756
11/30/1959	--	WD	0252/0154

**BUILDINGS**

**PROPERTY DATA CARD #1**

**Building Use:** 2100 - RESTAURANT / CAFETERIA

Materials		Details	
Exterior Wall:	STUCCO	Year Built	1959
Frame:	MASNRYCONC	Story Height	12
Roof:	BU-TG/MMBRN	Floors	1
Roof Structure:	BAR JOIST RIGID	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	1,925	Paving - Concrete	168
Open Porch	268	Paving - Stone	812
Total Base Area	1,925	Fence - Wood 4'	84
Total Sub Area	2,193	Paving - Asphalt	4,736



Ocean Park

315 Ocean Ave

Étiquettes laser et jet d'encre  
Utilisez le gabarit 8160<sup>MC</sup>



www.avery.com  
1-800-GO-AVERY



To the Residents of  
902 Avenue A  
Melbourne Beach, FL 32951

To the Residents of  
401 Ocean Ave. Unit 101  
Melbourne Beach, FL 32951

To the Residents of  
210 1st Ave  
Melbourne Beach, FL 32951

To the Residents of  
405 avenue A  
Melbourne Beach, FL 32951

To the Residents of  
406 1st Ave.  
Melbourne Beach, FL 32951

To the Residents of  
209 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
384 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
407 1st Ave.  
Melbourne Beach, FL 32951

To the Residents of  
207 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
404 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
401 1st Ave  
Melbourne Beach, FL 32951

To the Residents of  
921 Avenue A  
Melbourne Beach, FL 32951

To the Residents of  
406 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
1200 Oak St.  
Melbourne Beach, FL 32951

To the Residents of  
327 Avenue A  
Melbourne Beach, FL 32951

To the Residents of  
409 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
1201 Oak St.  
Melbourne Beach, FL 32951

To the Residents of  
325 Avenue A  
Melbourne Beach, FL 32951

To the Residents of  
405 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
408 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
323 Avenue A  
Melbourne Beach, FL 32951

To the Residents of  
401 Ocean Ave. Unit 204  
Melbourne Beach, FL 32951

To the Residents of  
410 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
317 Avenue A  
Melbourne Beach, FL 32951

To the Residents of  
401 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
1103 Orange St.  
Melbourne Beach, FL 32951

To the Residents of  
315 Avenue A  
Melbourne Beach, FL 32951

To the Residents of  
401 Ocean Ave. Unit 103  
Melbourne Beach, FL 32951

To the Residents of  
213 Orange St.  
Melbourne Beach, FL 32951

To the Residents of  
311 Avenue A  
Melbourne Beach, FL 32951





The Residents of  
320 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
305 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
316 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
301 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
312 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
322 2nd Ave  
Melbourne Beach, FL 32951

The Residents of  
300 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
320 2nd Ave  
Melbourne Beach, FL 32951

The Residents of  
323 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
316 2nd Ave  
Melbourne Beach, FL 32951

The Residents of  
321 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
312 2nd Ave  
Melbourne Beach, FL 32951

The Residents of  
317 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
310 2nd Ave  
Melbourne Beach, FL 32951

The Residents of  
315 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
308 2nd Ave  
Melbourne Beach, FL 32951

The Residents of  
311 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
306 2nd Ave  
Melbourne Beach, FL 32951

The Residents of  
309 1st Ave  
Melbourne Beach, FL 32951

The Residents of  
300 2nd Ave  
Melbourne Beach, FL 32951





To the Residents of  
307 Avenue A  
Melbourne Beach, FL 32951

To the Residents of  
324 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
309 Avenue A  
Melbourne Beach, FL 32951

To the Residents of  
321 Ocean Ave. Unit 211  
Melbourne Beach, FL 32951

To the Residents of  
305 Avenue A.  
Melbourne Beach, FL 32951

To the Residents of  
317 Ocean Ave..  
Melbourne Beach, FL 32951

To the Residents of  
301 Avenue A  
Melbourne Beach, FL 32951

To the Residents of  
311 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
200 Ocean Ave. Unit 101  
Melbourne Beach, FL 32951

To the Residents of  
301 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
300 Ocean Ave. Suite 9  
Melbourne Beach, FL 32951

To the Residents of  
307 Ocean Ave.  
Melbourne Beach, FL 32951

To the Residents of  
300 Ocean Ave. Suite 6  
Melbourne Beach, FL 32951

To the Residents of  
208 1st Ave  
Melbourne Beach, FL 32951

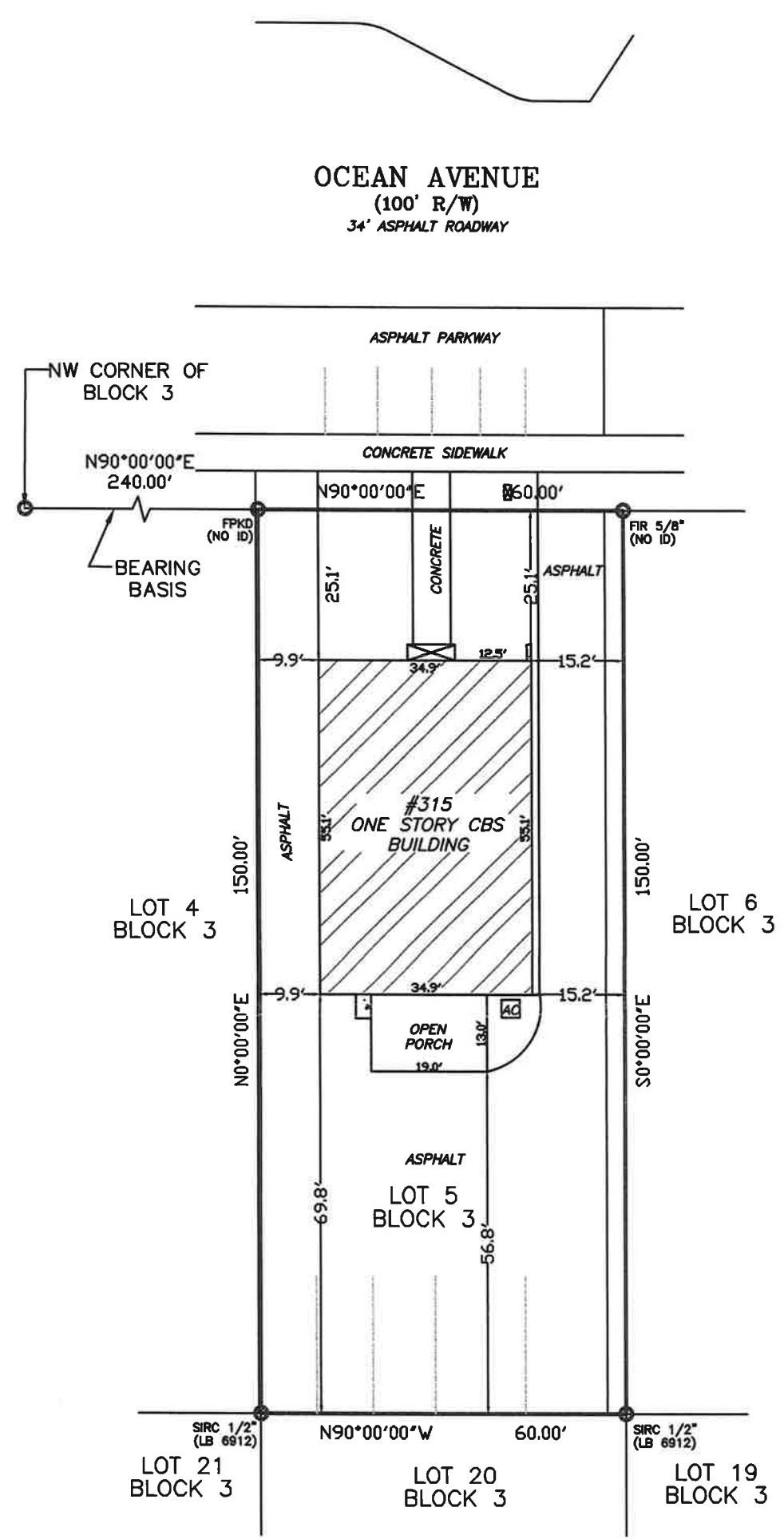
To the Residents of  
300 Ocean Ave. Suite 1  
Melbourne Beach, FL 32951

To the Residents of  
209 1st Ave  
Melbourne Beach, FL 32951

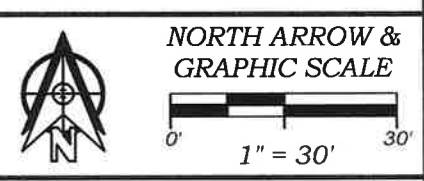
To the Residents of  
302 Ocean Ave.  
Melbourne Beach, FL 32951

Melbourne Beach Market  
302 Ocean Ave.  
Melbourne Beach, FL 32951





**NOTES:**  
 PROPERTY APPEARS TO BE SERVICED BY PUBLIC UTILITIES.  
 ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.  
 P.U.&D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT  
 BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE SOUTHERLY RIGHT OF WAY LINE OF OCEAN AVENUE.



JOB # - 1804-097	REVISION -
FIELD DATE - 04/19/2018	REVISION -
DRAWN BY - M.W.S.	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -

**KNOW IT NOW, INC.**  
 PROFESSIONAL SURVEYING AND MAPPING  
 5220 US HIGHWAY 1, #140  
 VERO BEACH, FL 32967  
 PHONE - (888) 396-7770  
 WWW.KINSURVEY.COM

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912



**LEGAL DESCRIPTION:**

LOT 5, BLOCK 3, WILCOX PLAT OF MELBOURNE BEACH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE(S) 58, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

**JOB NUMBER:** 1804-097

**FIELD WORK DATE:** 04/19/2018

**PROPERTY ADDRESS:**

315 OCEAN AVENUE, MELBOURNE BEACH, FL 32951

**FLOOD INFORMATION:**

PANEL NUMBER: 12009C0608G

FIRM DATE: MARCH 17, 2014

FLOOD ZONE: X

BASE FLOOD ELEVATION: NA

COMMUNITY NAME: MELBOURNE BEACH, TOWN OF

COMMUNITY NUMBER: 125128

**PROPERTY FRONT VIEW**



**AERIAL PHOTOGRAPH**



**SURVEYOR'S LEGEND**

A/C = AIR CONDITIONING  
BB = BEARING BASIS  
BFP = BACKFLOW PREVENTER  
BLDG = BUILDING  
BLK = BLOCK  
BM = BENCHMARK  
C = CURVE  
CATV = CABLE T.V. RISER  
CB = CATCH BASIN  
CL = CENTERLINE  
CLF = CHAIN LINK FENCE  
CLP = CONCRETE LIGHT POLE  
CONC = CONCRETE  
CP = CONTROL POINT  
CPP = CONCRETE POWER POLE  
D = DEED  
DF = DRAINFIELD  
ELEV = ELEVATION  
EM = ELECTRIC METER  
EOW = EDGE OF WATER  
EP = EDGE OF PAVEMENT  
F = FIELD  
FCM = FOUND CONCRETE MONUMENT  
FDH = FOUND DRILL HOLE

FFE = FINISHED FLOOR ELEVATION  
FIP = FOUND IRON PIPE  
FIPC = FOUND IRON PIPE AND CAP  
FIR = FOUND IRON ROD  
FIRC = FOUND IRON ROD AND CAP  
FN = FOUND NAIL  
FN&D = FOUND NAIL AND DISC  
FND = FOUND  
FPK = FOUND PK NAIL  
FPKD = FOUND PK NAIL AND DISC  
FRRSPK = FOUND RAILROAD SPIKE  
GAR = GARAGE  
HYD = FIRE HYDRANT  
ID = IDENTIFICATION  
L = LENGTH  
LB # = LICENSED BUSINESS  
LS # = LICENSED SURVEYOR  
M = MEASURED  
MB = MAP BOOK  
MES = MITERED END SECTION  
MH = MANHOLE  
MLP = METAL LIGHT POLE  
OHW = OVERHEAD WIRES  
P = PLAT  
PB = PLAT BOOK  
PC = POINT OF CURVATURE

PCC = POINT OF COMPOUND CURVATURE  
PCP = PERMANENT CONTROL POINT  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
PP = POOL PUMP  
PRC = POINT OF REVERSE CURVATURE  
PRM = PERMANENT REFERENCE MONUMENT  
PT = POINT OF TANGENCY  
R = RADIUS  
RNG = RANGE  
R/W = RIGHT OF WAY  
S = SEPTIC  
SEC = SECTION  
SIR = SET IRON ROD AND CAP  
SPKD = SET PK NAIL AND DISC  
SV = SEWER VALVE  
TBM = TEMPORARY BENCHMARK  
TOB = TOP OF BANK  
TWP = TOWNSHIP  
TR = TELEPHONE RISER  
TYP = TYPICAL  
WIT = WITNESS  
WLP = WOOD LIGHT POLE  
WM = WATER METER  
WPP = WOOD POWER POLE  
WV = WATER VALVE

**LINETYPES**

————— = BOUNDARY LINE  
————— = STRUCTURE LINE  
————— = CENTERLINE  
- - - - - = EASEMENT LINE  
- - - - - = FENCE LINE  
- - - - - = OLD LOT LINE

**SYMBOLS**


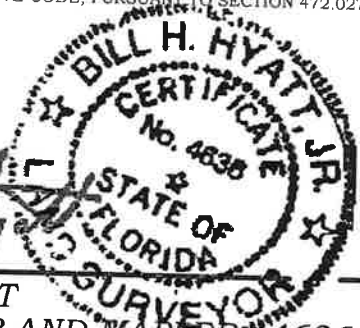
⊙ = FIRE HYDRANT    ⊞ = CATCH BASIN  
⊗ = WATER METER    ⊕ = SANITARY MANHOLE  
⊘ = POWER POLE    ⊙ = CABLE T.V. SERVICE  
⊚ = GAS SERVICE    ⊕ = ELECTRIC SERVICE  
⊛ = LIGHT POLE    ⊗ = TELEPHONE SERVICE  
⊜ = WELL    ⊘ = DRAINAGE MANHOLE  
⊝ = BENCHMARK    ⊙ = SANITARY SERVICE

**SURVEYOR'S NOTES**

1. THIS SURVEY DOES NOT DETERMINE OR INDICATE LAND OWNERSHIP.
2. THE SURVEYOR DID NOT RESEARCH OR ABSTRACT THE LAND RECORDS FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS, DEED RESTRICTIONS, ZONING REGULATIONS, SETBACKS, LAND USE PLAN DESIGNATIONS, ADJOINING DEEDS, LIENS, MURPHY ACT RIGHTS-OF-WAY, AREAS OF LOCAL CONCERN, OR OTHER SIMILAR JURISDICTIONAL DETERMINATIONS. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF INFORMATION PROVIDED BY THE CLIENT OR INFORMATION OTHERWISE KNOWN TO THE SURVEYOR AND MAY NOT BE COMPLETE.
3. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
4. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
5. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
6. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
8. PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
9. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
10. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
11. ACCURACIES OBTAINED IN THIS SURVEY IS GREATER THAN (RURAL) 1' IN 5000', (SUBURBAN) 1' IN 7500', (COMMERCIAL) 1' IN 10,000'.
12. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
13. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

**SURVEYOR'S SIGNATURE**

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
  
BILL HYATT  
SURVEYOR AND MAPPER #4636  
STATE OF FLORIDA

4.27.18  
DATE

**CERTIFIED TO:**

BEACHSIDE EATS, LLC  
STATE TITLE & GUARANTY CO., INC.  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

**KNOW IT NOW, INC.**

PROFESSIONAL SURVEYING AND MAPPING  
5220 US HIGHWAY 1, #140  
VERO BEACH, FL 32967  
PHONE - (888) 396-7770  
WWW.KINSURVEY.COM





## TOWN OF MELBOURNE BEACH

### Board of Adjustment

*Staff Report – Board of Adjustment Public Hearing – 11-14-2023*

#### 1. PETITION DESCRIPTION

APPLICANT: Andrew Hahn

OWNER: VUKE LLC

ADDRESS: 315 Ocean Avenue

ZONING

DISTRICT: 6-B Downtown Business District

REQUEST: The applicant is requesting a Special Exception to reestablish a restaurant use at the subject location.

#### 2. BACKGROUND

In August 2006 the Town of Melbourne Beach Board of Adjustment approved a Special Exception for a restaurant use to be located at 315 Ocean Avenue with conditions, including that the approval would be effective until the regularly scheduled meeting of the Board of Adjustment in August 2007 when the applicant could request renewal, and that renewal would be based on compliance with the conditions of approval. The Board of Adjustment approved a renewal with conditions including that the special exception and conditions would stand for the life of the establishment with no need for annual renewal. The original establishment has ceased operations and as such the special exception approval has expired. The Final Order for these actions is provided in **Exhibit "A"**.

The applicant, Andrew Hahn, submitted an application for special exception under the provisions of Town Code Section 7A-36(d)(4) including the application form, property survey, building floor plan, photographs of the existing conditions and a narrative which are attached as **Exhibit "B"**.

As described in the project narrative, the subject proposal is to establish a state-of-the-art coffee shop/café concept serving specialty coffees, breakfast, smoothies and lunch. The concept proposes minimal construction including the addition of new AC system, drop ceiling, commercial ventilation hood, and commercial sink. There are no proposed changes to the site or exterior of the building. See the narrative and photographs provided by the applicant in **Exhibit "B"**.

**Section 7A-36. 6-B Downtown Business District** allows restaurants as a Special Exception subject to applicable zoning and development requirements. In addition, **Section 7A-152. Powers and Duties** of the Board of Adjustment paragraphs (c)(1) states that the Board of Adjustment "shall have the authority to hear and decide only such special exceptions" authorized by the Land Development Code and outlines process, submittal requirements, review criteria (including required consistency with the Comprehensive Plan), prohibited activities, site plan requirements, and conditions and safeguards.

### 3. STAFF ANALYSIS.

Following is staff analysis of the subject application in relationship to the Comprehensive Plan and Land Development Regulations.

Comprehensive Plan. The Future Land Use Element of the Comprehensive Plan includes the following language relevant to the Downtown Business District and commercial development:

Goal: Permit commercial development and/or redevelopment in areas identified as commercial on the Town of Melbourne Beach Future Land Use Map

*The proposed restaurant is within the boundaries of the Downtown Business Future Land Use Designation.*

Objective 12.0: Improve the aesthetics of the major commercial area within the Town.

*The proposed restaurant will activate an existing vacant storefront.*

**Analysis:** *Based on the above, this application is consistent with the Comprehensive Plan.*

Section 1A-3. Definitions, of the Land Development Regulations defines Restaurant as follows:

“(1) A restaurant includes any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold, all for money or other consideration, for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

(2) A restaurant is an establishment where food and drink, which may include alcohol, are prepared, served, or consumed by customers in return for money. If alcohol is served, unless a special exception for a bar/lounge is approved by the Town on the restaurant premises, at least 51% of the total gross revenues must come from the retail sale on the premises of food and non-alcoholic beverages. Proceeds of catering sales will not be included in the calculation of total gross revenues.”

**Analysis:** *the application proposes the preparation and sale of food and non-alcoholic beverages within an existing structure, and as such is consistent with the definition of restaurant.*

Section 7A-36(d)(4) allows restaurants subject to the following conditions:

a. At least 51% of the total gross revenues must come on a bi-monthly basis from the retail sale on the premises of food and non-alcoholic beverages. Proceeds of catering sales are not to be included in the calculation of the total gross revenues. "Catering sales" include food or non-alcoholic beverage sales prepared by the restaurant owner/operator on the premises for service by the owner/operator outside the restaurant premises.

b. For restaurants that serve any alcoholic beverages, the restaurant owner/operator is required upon request by the Town Manager, a Town code enforcement officer, or any Town law enforcement officer to "open the restaurant's records" to substantiate that 51% or more of the total gross revenues reported on a bi-monthly basis is derived from the sale of food and non-

alcoholic beverages, exclusive of revenues derived from catering. The restaurant owner/operator has the burden of proof of compliance with the requirements that 51% or more of the total gross revenues reported on a bi-monthly basis is derived from the sale of food and non-alcoholic beverages, exclusive of revenues derived from catering. Failure to substantiate or prove compliance with this requirement results in the rebuttable presumption that the restaurant is in actuality a bar or lounge.

**Analysis:** *the application proposes no sale of alcoholic beverages and as such is consistent with this code section.*

Section 7A-36(d)(4). This section of the Code is specific to 6-B, Downtown Business District and includes the following provisions:

- Prohibited uses including drive-in, drive-up, drive through service.
  - *None proposed*
- Minimum lot and building requirements:
  - Minimum lot area required: 9,000 SF
    - *Provided: 9,000 SF*
  - Minimum lot width required: 60'
    - *Provided: 60'*
  - Minimum lot depth: 150'
    - *Provided: 150'*
  - Maximum lot coverage: 50% (maximum amount to be covered by the principal structures)
    - *Provided: 1,925 SF (per the Property Appraiser) or 21%*
  - Maximum height: 35'
    - *Provided: approximately 12' – 14' to top of parapet*
  - Front setback 25'
    - *Provided: 25'.*
  - Side interior lot setback. None, provided a public access is available to the rear of the lot for trash removal and fire protection
    - *Provided: 9.9' and 15.2' per the survey.*
  - Rear setback 25' when abutting a residential area
    - *Provided: 56.8' to the open porch and 69.8' to the building.*

**Analysis:** *Based on the above, this application complies with the requirements of Section 7A-36(d)(4).*

Section 7A-152(c)(2)b. This Section allows for the following: “Applications that propose a change of use in an existing building to a special exception use where architectural changes are not required or planned shall not be subject to architectural requirements with the exception of paint color. The building and site shall be retrofitted to meet other special exception criteria to the extent determined by the Board of Adjustment. Landscaping of any existing open space areas and compliance with the signage and lighting requirements shall be required.”

**Analysis:** *As an existing building per Section 7A-152(c)(2)b above, this applicable is subject to compliance with exterior paint color, landscaping of existing open space area, signage and site lighting requirements.*

Section 7A-152(c)(5). This section states that “No special exception shall be effective unless it conforms to a site plan in compliance with the requirements of § 7A-51, which site plan is approved by the Town Commission. All development shall comply with the site plans considered by the Board of Adjustment, unless the site plan is otherwise modified and approved by the Planning and Zoning Board and/or the Town Commission.”

Section 7A-51(b). This section requires site plan approval for any of the following:

- New Construction
- Construction that will increase the height of an existing building.
- Construction or alterations that will expand the exterior of an existing building creating the need for additional parking.
- Construction or alteration that occurs with a change in the usage (activity) of an existing building.
- Churches, museum, places of worship, temples, libraries or schools.
- For all development related to a special exception use, the special exception use shall not be considered approved until a site plan meeting all criteria of the Land Development Code has been reviewed by Town staff and the Planning and Zoning Board and approved by the Town Commission.

**Analysis:** *As noted above the proposed special exception proposes minimal construction including interior renovations and proposes no changes to the site or exterior of the building. As such this activity does not constitute new construction, construction that increases the building height, expansion creating new parking demand, or churches, museum, etc.*

*In addition, regarding the last standard which includes “all development related to a special exception”, Section 1A-3. Definitions, of the Land Development Regulations includes the following exemption from the definition of “development”, “(2) The following operations or uses shall not be taken for the purpose of this chapter to involve “development” as defined in this section: (f) A change in the use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.”*

*Inasmuch as the proposed special exception use is a restaurant and the prior special exception use was a restaurant, this request would constitute a change to another use in the same class, and a site plan is not required.*

Section 7A-152(3) Review criteria states that before any special exception shall be issued, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual special exceptions, and that the grant of the special exception as depicted on the development plans meets or exceeds the following standards (language for each standard is paraphrased for purposes of this report):

- Architectural style. Building design and construction including but not limited to: exterior building materials specifications, shall conform to the Bungalow, Frame Vernacular, 1800’s Tidewater Style, Key West or Gothic Revival architecture.

**Analysis:** *As an existing structure with no proposed changes, this does not apply.*

- Compatibility. The special exception is compatible with adjacent and nearby uses.

**Analysis:** *As an existing structure with no proposed changes, this does not apply.*

- Building orientation. Buildings shall be oriented so as to enhance the appearance of the streetscape

**Analysis:** *As an existing structure with no proposed changes, this does not apply.*

- Exterior materials and colors. In order to protect an image of high quality Town aesthetics, exterior building materials and color shall conform with the following criteria: durable, high quality appearance; acceptable exterior facing materials; exterior colors shall be historically consistent colors used along Ocean Avenue, dominated by pastels and shades of white; building materials shall be consistent around the entire building.

**Analysis:** *As noted in Section 7A-152(c)(2)b and the subject code section, although review of building materials would not be applicable since this is an existing structure compliance with paint color requirements does apply and the exterior colors shall be historically consistent colors used along Ocean Avenue, dominated by pastels and shades of white.*

- Roof design.

**Analysis:** *As an existing structure with no proposed changes, this does not apply.*

- Refuse areas shall be located in a manner that minimizes impacts on adjacent residential areas, and shall be screened from adjacent properties and rights-of-way by an enclosure that is constructed of durable building materials.

**Analysis:** *No refuse area is shown on survey of existing improvements, so any necessary refuse container must comply with this standard.*

- Mechanical equipment shall be located in a manner that minimizes impacts on adjacent residential properties, and equipment mounted on the roof shall be screened from view.

**Analysis:** *The narrative indicates that the AC system will be replaced, and the property survey shows the AC unit adjacent to the existing building on the south side. Any modifications to the AC system location must comply with this standard.*

- Lighting. Outdoor lighting must be shielded from adjacent residential properties and rights-of-way.

**Analysis:** *As noted in Section 7A-152(c)(2)b and the subject code section, any changes to exterior lighting must comply with this standard.*

- Landscaping and trees, are subject to the specific requirements in the landscape code.

**Analysis:** *As an existing site with no proposed changes, this does not apply.*

- Signs. Signs are subject to specific requirements for special exceptions in 7A-52.

**Analysis:** *As noted in Section 7A-152(c)(2)b and the subject code section, this Special Exception must comply with signage requirements for any changes. This application proposes to keep the existing sign and change it to reflect the proposed use. Any other changes to the sign must comply with 7A-52(g) for special exception uses.*

- Walls and fences are subject to the requirements of Section 7A-53 of the land development code.

**Analysis:** *If the subject site does not have sufficient wall/fence to provide buffering to the adjacent residential, compliance will be required.*

- Comprehensive Plan.

**Analysis:** *As noted above, this application complies with the Comprehensive Plan.*

Section 7A-152(6) Conditions and Safeguard specifies that in granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Land Development code. In this regard, this analysis recommends the following conditions:

#### 4. **RECOMMENDATION.**

Based on the above analysis, this report recommends approval of the Special Exception use as proposed with the conditions at the time of building permit the project will be required to comply with the following standards:

- Exterior building color must comply with 7A-152(c)(2)b.
- Screening of all refuse service/storage areas in accordance with 7A-152(3).
- Any changes to outdoor lighting are fully compliant with 7A-152(c)(2)b and 7A-152(3) for the new construction.
- Any changes to the project signage must comply with 7A-52(g).
- If sufficient wall/fence is not provided, compliance with Section 7A-53 is required.



**TOWN OF MELBOURNE BEACH**

**Board of Adjustment**

**EXHIBIT "A"**

**Final Orders**



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**TOWN OF MELBOURNE BEACH**  
**507 Ocean Avenue Tel: (321) 724-5860**  
**Melbourne Beach, FL 32951 FAX: (321) 984-8994**

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**BOARD OF ADJUSTMENT**

In Re: the Application of )  
Robb Boyken )  
for a special exception )

Case No. 3-2006

**ORDER IN RE: APPLICATION FOR A SPECIAL EXCEPTION**  
**TO ALLOW AN EATING AND DRINKING ESTABLISHMENT**  
**IN THE 6-B, DOWNTOWN ZONING DISTRICT**

Subject property legal description: Lot 5, Block 3, Wilcox Melbourne Beach, as recorded in Plat Book 1, Page 58, Public Records of Brevard County, Florida.

Subject property Parcel I. D. No.: 32-32-40-00006-0040-00099.1

Code Section authorizing special exception: 75-152 (c)(1), (2), (3)

**FINDINGS OF FACT**

Based on careful consideration of all competent substantial evidence presented in this matter, the Board finds:

Notice was provided in accordance with Florida Law  Yes  No

Section 75-152 (c)(1)

With conditions the special exception is in harmony with the purpose and intent of the land development Code.

Yes  No

Section 75-152 (c)(2)

**With conditions**, the special exception complies with the specific rules governing individual special exceptions, and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

- 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;  Yes  No
- b. Off-street parking and loading areas where required, with particular attention to the items in division (c)(1) above, and the economic, noise, glare or odor effects of the special exception on the adjoining properties and properties generally in the district;  Yes  No
- c. Refuse and service areas, with particular reference to items in division (c) (1) and (2) above;  Yes  No
- d. Utilities, with reference to locations, availability and compatibility;  Yes  No
- e. Screening and buffering with reference to type, dimensions and character;  Yes  No
- f. Signs, if any, and proposed exterior lighting effects and compatibility and harmony with properties in the district;  Yes  No
- g. Required yards;  Yes  No
- h. Height;  Yes  No
- i. Landscaping;  Yes  No
- j. Renewal or termination dates; and  Yes  No
- k. That the use will be reasonably compatible with surrounding uses in it 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.  Yes  No

## **CONDITIONS TO SPECIAL EXCEPTION APPROVAL**

As stipulated in Section 75-152 (c) (3) the Board of Adjustment hereby prescribes appropriate conditions and safeguards in conformity with the land development Code, as follows:

1. The building and site shall be inspected, or re-inspected, as the case may be, for compliance with the Americans with Disabilities Act (ADA) by the person(s) who normally review ADA compliance for the Town of Melbourne Beach. Any ADA required improvements shall be accomplished prior to operation of the restaurant.
2. The hours of operation of the restaurant shall be restricted to 11:00 A. M. to 8:00 P. M. Monday through Saturday. The restaurant shall be closed on Sunday.
3. Refuse awaiting pickup shall be stored on-site in containers specified by the Town's franchisee hauler in a location accessible to the hauler. Further, the refuse shall be handled in accordance with the Town's franchise agreement. Care shall be taken to secure the storage containers from infiltration by animals.
4. The maximum seating capacity shall be 18 persons. Capacity is based on inclusion of six parking spaces on the site.
5. Signs shall comply with the provisions of the Town's sign ordinance.
6. Lights shall be arranged or shielded so that the source of the light is not visible from adjacent residentially zoned properties and so that the light is not dispersed onto adjacent residentially zoned properties.
7. No consumption of food or alcohol shall occur outdoors, including the back porch of the building.
8. The fence along the rear property line shall be maintained and kept in good repair by the applicant. Damage to the fence shall be repaired within one week unless extraordinary circumstances, such as a hurricane or other disaster, prevent the repairs from being accomplished.
9. Outside speakers or outside live music are prohibited.
10. Deliveries to the site shall occur prior to opening for business (11:00 A. M.)
11. Approval of the special exception is limited to this applicant and shall not be transferable.
12. The restaurant owner is responsible for prohibiting outside consumption of alcohol sold at the restaurant.
13. This approval shall be effective until the regularly scheduled Board of Adjustment meeting in August of 2007 at which time the applicant may request renewal. Consideration of renewal will be based on compliance with the conditions of this special exception and any documented problems that are caused by the restaurant over the next year.

**ORDER**

**Based on these findings, and the conditions imposed, the special exception to allow an eating and drinking establishment in the 6-B, Downtown Business District, on Lot 5, Block 3, Wilcox Melbourne Beach is hereby:**

**Denied** \_\_\_\_\_

**or**

**Granted**   **X**  

Vote on Motion to grant special exception with conditions was as follows:

Robert Schaefer, Chairman	<u>  <b>X</b>  </u> Yes	<u>    </u> No
Mike Rowe, Vice Chairman	<u>  <b>X</b>  </u> Yes	<u>    </u> No
Gail Gowdy	<u>  <b>X</b>  </u> Yes	<u>    </u> No
Xochitl Ross	<u>  <b>X</b>  </u> Yes	<u>    </u> No
David Wildman	<u>  <b>X</b>  </u> Yes	<u>    </u> No

**Motion to grant adopted 5-0**

Ordered this \_\_\_\_\_ day of August, 2006.

Sign: \_\_\_\_\_  
Robert Schaefer, Chairman  
Melbourne Beach Board of Adjustment



**TOWN OF MELBOURNE BEACH, FLORIDA**

507 OCEAN AVENUE-MELBOURNE BEACH, FL 32951  
TEL: (321)724-5860 FAX: (321)984-8994

**BOARD OF ADJUSTMENT**

In Re: the Application of  
Robb Boykin  
Case No. 11-2008  
for Special Exception

**FINAL ORDER**

**ORDER IN RE: APPLICATION FOR A SPECIAL EXCEPTION TO ALLOW changes to the conditions associated with the Special Exception Use granted in August 2007 for the eating and drinking establishment formerly known as Burrito Beach, located at 315 Ocean Avenue.**

Subject property legal description: Lot 5, Block 3, as recorded in Plat Book 1, Page 58 of the Public Records of Brevard County, Florida.

Subject property Parcel I.D. No.: 32-32-40-00006-0040-00099.1Board

Code Section authorizing Variance: 75-152 (c)(1), (2), (3)

**PROPOSED SPECIAL EXCEPTION**

**1. Changes to the conditions associated with the Special Exception Use granted in August 2007 for the eating and drinking establishment formerly known as Burrito Beach, located at 315 Ocean Avenue.**

**FINDINGS OF FACT**

Based on careful consideration of all competent substantial evidence presented in this matter, the Board finds:

Notice was provided in accordance with Florida Law and the Town Code of Ordinances.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Section 7A-152 (C)(1) With conditions the special exception is in harmony with the purpose and intent of the Land Development Code.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

Section 75-152 (c)(2) With conditions, the special exception complies with the specific rules governing individual special exceptions, and that satisfactory provisions and arrangements have been made concerning the following, where applicable:		
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;	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Off-street parking and loading areas where required, with particular attention to the items in division (c)(1) above, and the economic, noise, glare, or odor effect of the special exception on the adjoining properties and properties generally in the district;	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Refuse and service areas, with particular reference to items in division (c)(1) and (2) above;	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Utilities, with reference to locations, availability and compatibility;	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Screening and buffering with reference to type, dimensions and character;	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Signs, if any, and proposed exterior lighting effects and compatibility and harmony with properties in the district;	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Required yards;	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Height;	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Landscaping;	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Renewal or Termination dates; and	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
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.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

**CONDITIONS TO SPECIAL EXCEPTION APPROVAL**

As stipulated in Section 75-152 (C)(3) the Board of Adjustment hereby prescribes appropriate conditions and safeguards in conformity with the Land Development Code, as follows:

1. The hours of operation of the restaurant shall be restricted to 10:00 A. M. to 10:00 P. M. seven days per week.
2. Lights shall be arranged or shielded so that the source of the light is not visible from adjacent residentially zoned properties and so that the light is not dispersed onto adjacent residentially zoned properties.

- 3. No consumption of food or alcohol shall occur outside to the rear of the building.
- 4. The fence along the rear property line shall be maintained and kept in accordance to Chapter 7A Section 53 of the Town of Melbourne Beach Code of Ordinances.
- 5. Outside speakers or outside live music are prohibited.
- 6. This special exception and conditions will stand for the life of the establishment with no need for an annual renewal.

**ORDER**

**Based on these findings, and the conditions imposed, the variance to allow changes to the conditions associated with the Special Exception Use granted in August 2007 for the eating and drinking establishment formerly known as Burrito Beach, located at 315 Ocean Avenue. , is hereby:**

**GRANTED**

**DENIED**

**Vote on Motion to grant special exception with conditions, was as follows:**

Robert Schaefer, Chairman	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
David Wildman, Vice Chairman	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Xochitl Ross	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Lou Failla	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
John Remark	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Neal Tompkins, Alternate I	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A

**Motion to GRANT variance, adopted by vote of 5-0. Ordered this 16th day of October, 2008.**

**ATTEST:**

\_\_\_\_\_  
**Christina Hoffkins, Town Clerk**

  
\_\_\_\_\_  
**Robert Schaefer, Chairman**



**TOWN OF MELBOURNE BEACH**

**Board of Adjustment**

**EXHIBIT "B"**

**Application Documents**





**TOWN OF MELBOURNE BEACH  
DEVELOPMENT APPLICATION**

**I. SUBMITTAL REQUIREMENTS:**

1. Fees per current schedule.
2. Deed to property.
3. Pre-Application meeting is mandatory. Contact the Building Official or Building Clerk to submit information required and to schedule a pre-application meeting.
4. Application deadlines are determined annually by the Boards and will be provided at the pre-application meeting.
5. All applicants must complete pages 1-3 and the section(s) as applicable to the request (refer to section II. below). All materials listed in the applicable sections must be provided, and fees paid.

**II. REQUEST:**

- |   |  |
|---|--|
| <input type="checkbox"/> Land Use Plan Amendment                        | <input type="checkbox"/> Rezoning  |
| <input checked="" type="checkbox"/> Special Exception                   | <input type="checkbox"/> Coastal Construction Variance                     |
| <input type="checkbox"/> Variance                                       | <input type="checkbox"/> Appeal (Application must be filed within 30 days) |
| <input type="checkbox"/> Site Plan Review Single Family (1RS, 2RS, 3RS) | <input type="checkbox"/> Site Plan Review Multifamily (4RM, 5RMO)          |
| <input type="checkbox"/> Site Plan Review Commercial (6B, 7C, 8B, 9I)   | <input type="checkbox"/> Amendment to the Land Development Code            |
|   | <input type="checkbox"/> Other (specify) _____                             |

**III. PROPERTY INFORMATION:**

General Location: DOWNTOWN

Address: 315 OCEAN AVE MELBOURNE BEACH FL 32951

Parcel Number(s): LOT 5 BLOCK 3

Area (in acreage): 0.21 Area (in square feet): 2193

Current Zoning: Downtown Bus. District Proposed Zoning: SAME

Current Future Land Use: \_\_\_\_\_ Proposed Future Land Use: RESTAURANT

Brief Description of Application: This is an application to hopefully re-establish the property at 315 Ocean Ave to be a RESTAURANT as an Exception for town zoning/ zoning

Date of Mandatory Pre-Application Meeting (attach meeting minutes if applicable): \_\_\_\_\_

**IV. APPLICANT INFORMATION:**

**Property Owner**

Name: Martin Vukovich

Phone: 716-982-4325

Address: 109 Cassocke trail

Fax: \_\_\_\_\_

Melbourne-beach FL

Email: Mvukc8008@gmail.com

**Applicant (if other than property owner)**

Name: Andrew Hahn

Phone: (808) 321-2349

Address: 10 Anchor Drive

Fax: \_\_\_\_\_

Indian Harbour Beach FL 32937

Email: RockiesCafe315@gmail.com

**V. OWNER AUTHORIZATION:\***

The undersigned hereby affirms the following:

- 1. That I/we are the fee simple title owner/contract purchaser (circle one) of the property described in this application.
- 2. That I/we have read and understands the entire application and concurs with the request.
- 3. That I/we have appointed the Applicant to represent the application, and empowers the Applicant to accept any and all conditions of approval imposed by the Town of Melbourne Beach.

Signature: [Signature]

Date: 8-30-23

Print Name: Martin Vukovich

Title: owner

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me this 30<sup>th</sup> day of Aug, 2023 by Martin Vukovich who is/are personally known to me, or who has/have produced FL Drivers LIC as identification.

[Signature]  
Signature of Notary Public, State of Florida

SANDRA J CARLUCCI  
Lic. #01051920149  
Notary Public in the State of New York  
Qualified in ERIE COUNTY  
My Commission Expires 11/08/20 25

**VI. APPLICANT CERTIFICATION:\***

I/we affirm and certify that I/we understand and will comply with the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the application and support documents are fully complete and comply with the requirements of the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the statements and/or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief that this application, attachments and application filing fees become part of the official public record of the Town of Melbourne Beach, Florida and are not returnable or refundable.

Under penalties of perjury, I/we declare that I/we have read the foregoing application and that to the best of my/our knowledge and belief the facts stated in the application are true.

Signature: [Signature] Date: 9-10-23

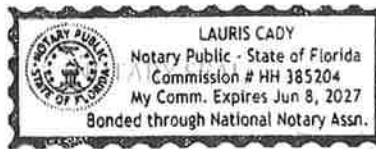
Print Name: Andrew Hahn Title: owner

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me this 10<sup>th</sup> day of AUGUST, 2023, by ANDREW HAHN who is/are personally known to me, or who has/have produced FDL as identification.

[Signature]  
Signature of Notary Public, State of Florida



**VII. PROJECT DESCRIPTION:**

Describe Application: Attachment Reference Section A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provide attachment if more space is needed.

Describe Existing Conditions: Attachment Reference Section B

\_\_\_\_\_  
\_\_\_\_\_

Provide attachment if more space is needed.

**Special Exception\***

Site and architectural plans elevations of all faces of a building and an overhead view shall be submitted with all special exception applications that include a **new building(s), facade renovations, or substantial improvements to an existing building**. The drawings shall be submitted in color and at the minimum shall include:

- Sealed and signed survey of existing improvements. All elevations should be NGVD/NAVD or Comparable for FEMA reference. (Include Lot Dimensions, Square footage & Coverage Percentage)
- Architectural elevations showing:
  - Proposed architectural style.
  - Exterior construction material specifications.
  - Color charts.
- A site plan pursuant to the requirements of Section 7A-51/7A-51.1.
- Structure dimensions and setbacks from all property lines.
- Refuse service area location.
- Mechanical outdoor equipment location.
- Master outdoor lighting plan.
- Screening devices.
- Master signage plan.
- Master landscaping and irrigation plan.
- Wall or fence details.
- Stormwater Management

Narrative – the applicant shall provide a narrative that explains how the use and the development will be 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.

*Attachment Reference section C*

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Provide attachment if more space is needed.

Special Exception Applications for space in an **existing building** must provide the following information:

- Survey of existing improvements.
- Architectural elevations showing:
  - Existing/proposed architectural style.
  - Existing/proposed exterior construction material specifications.
  - Existing/proposed exterior color.
- A site plan showing any proposed site improvements as described pursuant to the requirements of Section 7A-51/7A-51.1.
- Structure dimensions and setbacks from all property lines.
- Existing/proposed refuse service area location. *no change; center rear of building, painted outline*

- Existing/proposed mechanical outdoor equipment location. *SEE ATTACHMENT REFERENCE SECTION D*
- Existing/proposed outdoor lighting layout. *NO CHANGE*
- Existing/proposed screening and buffering. *NO CHANGE*
- Existing/proposed signage. *NO CHANGE ONLY LOSS*
- Existing/proposed landscaping and irrigation. *NO CHANGE, SCHEDULED MAINTENANCE*
- Existing/proposed Wall or fence details. *NO CHANGE*
- Stormwater Management *NO CHANGE*

Public notification – As required by code for the respective applications, the applicant must provide a map showing the subject site and all properties within a 500' radius. The applicant must also provide self-addressed envelopes with the Town's return address for each property owner within that 500' radius for purposes of providing notice to property owners of record. A sign must also be posted on the property within the timeframes required to provide additional public notification as required by Code.

**\* Provide twelve (12) copies of the completed application and twelve (12) 11X17 copies of all supporting documentation.**

## Attachment Reference

### A.) Project Description

If our application is granted to be considered a restaurant as an exception for town zoning and coding purposes we would like to do as follows. Recently we signed a lease on the property for 5 years with 3 options to extend. Our goal is to bring to the community a state-of-the-art coffee shop/ cafe concept. We will serve specialty coffees, breakfast, smoothies and lunch. Our concept will be a fairly simple, open style build out with only minimal construction. We will be adding an additional 5 ton HVAC unit to keep the cafe cool on those hot summer days. A drop ceiling will be installed in the kitchen per Health Department code. We would also request to install a Type 1 Commercial Hood for fire safety per NFPA 96 and cooking creativity. A commercial 3 basin sink with small grease box underneath to filter out any, if at all of the grease or debris we produce from entering sewage, we plan on serving a fresh menu so this is more precautionary. We will also add a separate employee hand wash sink. Currently the property has 1 ADA unisex bathroom already installed, with additional space to add another per customer volume increases. The outdoor patio area will stay the same no commercial upgrades. The signage shall stay the same only a name change. The outdoor lighting shall not change we will not be open at night. Our hours of operation will be from 7am-4pm respectively and open seven days a week, holidays may be some exceptions.

### B.) Existing Conditions

The current state of the building is a blank shell essentially. The building was gutted down to its core keeping just its structural integrity. The building has original electrical panel, one 5 ton ac unit was added to the building. 1 ADA compliant bathroom installed and the concrete was polished for an easily clean able surface. A new fence was added in the back as a barrier for the property line.

### C.) Narrative

To begin, we would like to introduce ourselves and give a little background as to whom is asking for the exception. My name is Andrew Hahn and my wife, and partner is Morgan Hahn. We have both been in the restaurant and hotel business for over 20 years, and met working together on the north shore of Oahu, Hawaii. We have a passion for the restaurant business, food, and bringing people together in a community setting. Moving back from Hawaii to Indian Harbour Beach in 2016 we found ourselves managing restaurants and hotels until we had the opportunity to open a cafe in Sebastian FL, which we have operated for the last 5 years. However, 315 Ocean Ave. couldn't be more perfect for our dream concept as we already feel like a part of the beachside community. Our son goes to school locally and I myself, Andrew work for City of Melbourne as a firefighter medic. It is important for us to be somewhere we know our customers and can wave at them on the street. Hopefully we will get to know each and everyone of you through out this process and look forward to it. Becoming part of the community is the real goal for us.

Rockies Cafe will use the existing premise to operate as a cafe serving coffee, breakfast, smoothies, and lunch with easy options to take out and head back to the beach or get to work. Respectively the restaurant will be from 7am-4pm, 7 days a week. Rockies Cafe hopes to bring new and exciting food concepts to Melbourne Beach residents and visiting guest with an emphasis on something for everyone. We plan on increasing the drive for local residents to dine out in their own community. Rockies Cafe will provide specialty coffees with beans sourced from all over the world and brought to us from roaster right in Florida. For

## Attachment Reference

breakfast we will have sandwiches and burritos, fresh baked goods, and hopefully we will have the room and opportunity to add our niche concepts of waffle pops and mini donuts dipped in toppings of your choice. The smoothie menu will be comprised of fresh fruit not heavy syrups, to provide healthier options. Whether you want a quick smoothie before work or one after hanging on the beach all day, the option is yours. We aim to provide fun and creative menu items geared toward the latest trends and families. Our exciting lunch options will be available, each created with special sauces and finishes, as we aspire to bring out the inner foodie in everyone. The menu is also geared towards the health minded or restricted individuals with gluten free and vegetarian/vegan options.

Here we are looking for the creative capability to be able to produce a menu that we are proud of and the community will enjoy. We will do everything to keep our foot print small. We simply ask to be able to be in fact a restaurant not chained to cooking specifications. With the Boards permission we ask to be granted a special exception as a restaurant and look forward to becoming a great addition for the Town of Melbourne beach to enjoy.

### D.) Existing outdoor mechanical equipment:

A vent is still intact but not hooked up to any equipment. Vent is for displacing heat only possibly used for an oven. New proposed mechanical equipment: Option 1 is a Type 1 hood system designed to remove grease, heat, smoke and moisture. Per NFPA 96 for fire safety and suppression. We would like to be able to have the safety and capabilities to cook a menu that is creative and the town will enjoy.

Additional ACU equipment for cooling in addition to existing 5 ton unit.

















**LEGAL DESCRIPTION:**  
 LOT 5, BLOCK 3, WILCOX PLAT OF MELBOURNE BEACH,  
 ACCORDING TO THE MAP OR PLAT THEREOF, AS  
 RECORDED IN PLAT BOOK 1, PAGE(S) 58, OF THE PUBLIC  
 RECORDS OF BREVARD COUNTY, FLORIDA.

**JOB NUMBER:** 1804-097

**FIELD WORK DATE:** 04/19/2018

**PROPERTY ADDRESS:**  
 315 OCEAN AVENUE, MELBOURNE BEACH, FL 32951

**FLOOD INFORMATION:**  
 PANEL NUMBER: 12009C0608G  
 FIRM DATE: MARCH 17, 2014  
 FLOOD ZONE: X  
 BASE FLOOD ELEVATION: NA  
 COMMUNITY NAME: MELBOURNE BEACH, TOWN OF  
 COMMUNITY NUMBER: 125128

**PROPERTY FRONT VIEW**



**AERIAL PHOTOGRAPH**



**SURVEYOR'S LEGEND**

A/C = AIR CONDITIONING  
 BB = BEARING BASIS  
 BFP = BACKFLOW PREVENTER  
 BLDG = BUILDING  
 BLK = BLOCK  
 BM = BENCHMARK  
 C = CURVE  
 CATV = CABLE T.V. RISER  
 CB = CATCH BASIN  
 CL = CENTERLINE  
 CLF = CHAIN LINK FENCE  
 CLP = CONCRETE LIGHT POLE  
 CONC = CONCRETE  
 CP = CONTROL POINT  
 CPP = CONCRETE POWER POLE  
 D = DEED  
 DF = DRAINFIELD  
 ELEV = ELEVATION  
 EM = ELECTRIC METER  
 ROW = EDGE OF WATER  
 EP = EDGE OF PAVEMENT  
 F = FIELD  
 FCM = FOUND CONCRETE MONUMENT  
 FDH = FOUND DRILL HOLE

FFE = FINISHED FLOOR ELEVATION  
 FIP = FOUND IRON PIPE  
 FIPC = FOUND IRON PIPE AND CAP  
 FIR = FOUND IRON ROD  
 FIRC = FOUND IRON ROD AND CAP  
 FN = FOUND NAIL  
 FN&D = FOUND NAIL AND DISC  
 FND = FOUND  
 FPK = FOUND PK NAIL  
 FPKD = FOUND PK NAIL AND DISC  
 FRRSPK = FOUND RAILROAD SPIKE  
 GAR = GARAGE  
 HVD = FIRE HYDRANT  
 ID = IDENTIFICATION  
 L = LENGTH  
 LB# = LICENSED BUSINESS  
 LS# = LICENSED SURVEYOR  
 M = MEASURED  
 MB = MAP BOOK  
 MES = MITERED BND SECTION  
 MH = MANHOLE  
 MLP = METAL LIGHT POLE  
 OHW = OVERHEAD WIRES  
 P = PLAT  
 PB = PLAT BOOK  
 PC = POINT OF CURVATURE

PCC = POINT OF COMPOUND CURVATURE  
 PCP = PERMANENT CONTROL POINT  
 POB = POINT OF BEGINNING  
 POC = POINT OF COMMENCEMENT  
 PP = POOL, PUMP  
 PRC = POINT OF REVERSE CURVATURE  
 PRM = PERMANENT REFERENCE MONUMENT  
 PT = POINT OF TANGENCY  
 R = RADIUS  
 RNG = RANGE  
 R/W = RIGHT OF WAY  
 S = SEPTIC  
 SBC = SECTION  
 SIR = SET IRON ROD AND CAP  
 SPKD = SET PK NAIL AND DISC  
 SV = SEWER VALVE  
 TBM = TEMPORARY BENCHMARK  
 TOB = TOP OF BANK  
 TWP = TOWNSHIP  
 TR = TELEPHONE RISER  
 TYP = TYPICAL  
 WIT = WITNESS  
 WLP = WOOD LIGHT POLE  
 WM = WATER METER  
 WPP = WOOD POWER POLE  
 WV = WATER VALVE

**LINETYPES**

— = BOUNDARY LINE  
 — = STRUCTURE LINE  
 — = CENTERLINE  
 — = EASEMENT LINE  
 — = FENCE LINE  
 — = OLD LOT LINE

**SYMBOLS**

⊙ = FIRE HYDRANT  
 ⊕ = WATER METER  
 ⊗ = POWER POLE  
 ⊕ = GAS SERVICE  
 ⊕ = LIGHT POLE  
 ⊕ = WELL  
 ⊕ = BENCHMARK  
 ◻ = CATCH BASIN  
 ⊕ = SANITARY MANHOLE  
 ⊕ = CABLE T.V. SERVICE  
 ⊕ = ELECTRIC SERVICE  
 ⊕ = TELEPHONE SERVICE  
 ⊕ = DRAINAGE MANHOLE  
 ⊕ = SANITARY SERVICE

**SURVEYOR'S NOTES**

1. THIS SURVEY DOES NOT DETERMINE OR INDICATE LAND OWNERSHIP.
2. THE SURVEYOR DID NOT RESEARCH OR ABSTRACT THE LAND RECORDS FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS, DEED RESTRICTIONS, ZONING REGULATIONS, SETBACKS, LAND USE PLAN DESIGNATIONS, ADJOINING DEEDS, LIENS, MURPHY ACT RIGHTS-OF-WAY, AREAS OF LOCAL CONCERN, OR OTHER SIMILAR JURISDICTIONAL DETERMINATIONS. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF INFORMATION PROVIDED BY THE CLIENT OR INFORMATION OTHERWISE KNOWN TO THE SURVEYOR AND MAY NOT BE COMPLETE.
3. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
4. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
5. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
6. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
8. PROPERTY LINES AND/OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
9. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
10. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
11. ACCURACIES OBTAINED IN THIS SURVEY IS GREATER THAN (RURAL) 1' IN 5000', (SUBURBAN) 1' IN 7500', (COMMERCIAL) 1' IN 10,000'.
12. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
13. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

**SURVEYOR'S SIGNATURE**

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
  
 BILL HYATT  
 SURVEYOR AND MAPPER #4636  
 STATE OF FLORIDA

4.27.18  
 DATE

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

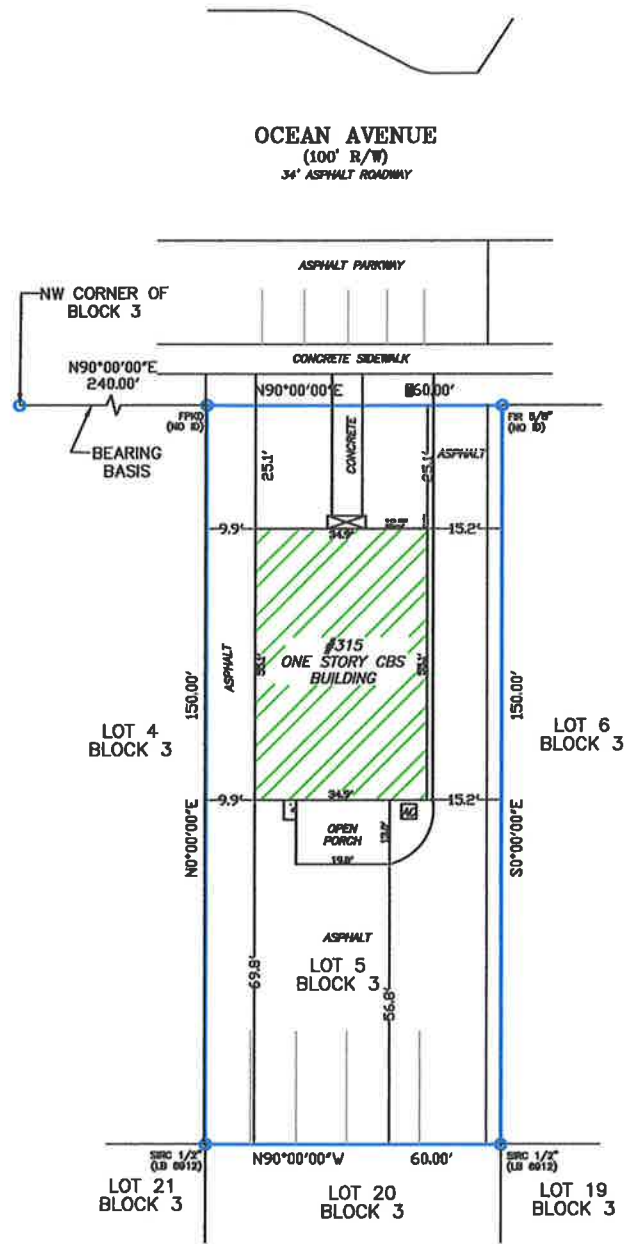
**CERTIFIED TO:**

BEACHSIDE EATS, LLC  
 STATE TITLE & GUARANTY CO., INC.  
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

**KNOW IT NOW, INC.**

PROFESSIONAL SURVEYING AND MAPPING  
 5220 US HIGHWAY 1, #140  
 VERO BEACH, FL 32967  
 PHONE - (888) 396-7770  
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**NOTES:**

PROPERTY APPEARS TO BE SERVICED BY PUBLIC UTILITIES.  
 ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.  
 P.U.&D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT  
 BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE SOUTHERLY RIGHT OF WAY LINE OF OCEAN AVENUE.



**NORTH ARROW & GRAPHIC SCALE**



JOB # - 1804-097	REVISION -
FIELD DATE - 04/19/2018	REVISION -
DRAWN BY - M.W.S.	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

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