



## PROCEDURES

### VARIANCE APPLICATION

This application must be completed and returned to the Planning and Economic Development Department with all the required exhibits. The City staff will then review the request, prepare a report, and make a recommendation, which will be considered by the Board of Adjustments at a public hearing for final action. Whoever is listed as the applicant will be advised of all dates and times of the public hearings.

***Public hearings are held in the City Hall Council Chambers on the last Monday in each month at 6:30 p.m. Please see attached schedule for meeting dates and deadlines.***

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 (authorized in writing and notarized) appear on your behalf so that the application can be acted upon in your absence. All testimony before the Board of Adjustments shall be under oath, administered by a notary public in accordance with Chapter 117, Notaries Public, Florida Statutes.

If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, you will need to leave those instruments with the secretary or the City Clerk. By law, those instruments become public records and cannot be returned to you.

The public hearing before the Board of Adjustments is considered quasi-judicial in nature. This means that the Board is sitting as a judge would in a courtroom and that the decision made should be a result of the evidence presented at the hearing. Therefore, applicants or interested individuals are **PROHIBITED FROM CONTACTING ANY OF THE BOARD MEMBERS BY PHONE, IN PERSON, OR IN WRITING, WHO WILL BE MAKING DECISIONS OF THE ACTION.**

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

## BOARD OF ADJUSTMENT SCHEDULE 2010

The following is the schedule for the Zoning Board of Adjustment for 2010. All applications to appear before this Board must be received by the Planning and Economic Development Department no later than 5:00 p.m. on the cut-off date.

There will be no exceptions.

<b>MEETING DATE</b>	<b>CUT-OFF DATE</b>
JANUARY 25, 2010	DECEMBER 28, 2009
FEBRUARY 22, 2010	JANUARY 25, 2010
MARCH 29, 2010	MARCH 01, 2010
APRIL 26, 2010	MARCH 29, 2010
MAY 24, 2010	APRIL 26, 2010
JUNE 28, 2010	May 31, 2010
JULY 26, 2010	JUNE 28, 2010
AUGUST 30, 2010	AUGUST 2, 2010
SEPTEMBER 27, 2010	AUGUST 30, 2010
OCTOBER 25, 2010	SEPTEMBER 27, 2010
NOVEMBER 29, 2010	NOVEMBER 1, 2010
DECEMBER 20, 2010	NOVEMBER 22, 2010
JANUARY 24, 2011	DECEMBER 27, 2010

CASE # V- \_\_\_\_\_

**APPLICATION FOR PUBLIC HEARING (VARIANCE)  
BOARD OF ADJUSTMENT  
CITY OF MELBOURNE, FLORIDA**

This application must be completed (**PLEASE TYPE OR USE BLACK INK**) and returned with all requirements referred to herein to the Office of the Planning and Economic Development Director of the CITY OF MELBOURNE. This application will then be referred to the Board of Adjustment for their review and recommendation. You will be advised of the date and time of the public hearing before the Board of Adjustment. 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, then 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 of Adjustment even in your absence.

1. APPLICANT NAME: (Print) \_\_\_\_\_

VARIANCE ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

TELEPHONE: ( ) \_\_\_\_\_ FAX: ( ) \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

2. Legal Description of the specific property covered by this application:

TWP: \_\_\_\_\_ RNG: \_\_\_\_\_ SEC: \_\_\_\_\_ SUBD: \_\_\_\_\_

BLK: \_\_\_\_\_ PARCEL/LOT: (if applicable) \_\_\_\_\_

3. ZONING CLASSIFICATION: \_\_\_\_\_ **(TO BE COMPLETED BY THE CITY)**

4. OWNER OF PROPERTY: (Print) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

TELEPHONE: ( ) \_\_\_\_\_ FAX: ( ) \_\_\_\_\_

5. VARIANCE REQUEST: \_\_\_\_\_

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

6. At the public hearing and in this application, you must demonstrate all of the following in order to secure a variance.

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved in this application and which are not applicable to other lands, buildings, or structures in the same zoning district. **(Please Explain)**

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(b) That the literal interpretation of the provisions of the zoning ordinance will deprive you of rights commonly enjoyed by other properties in the same zoning district and would also work unnecessary and undue hardship on you. **(Please Explain)**

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(c) That the special conditions and circumstances referred to in subparagraph (a) above do not result from your own actions. **(Please Explain)**

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(d) That the granting of the variance requested herein will not confer on you any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same zoning district. **(Please Explain)**

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(e) That the variance being requested is the minimum variance that will make possible the reasonable use of the subject land, structure, or building. **(Please Explain)**

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(f) That the granting of the variance requested will be in harmony with the general intent and purpose of the zoning ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **(Please Explain)**

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Be advised that **financial considerations are not** a consideration/condition for granting a variance.

7. The following items are required to complete this application and **MUST** be attached:
- (a) HEARING FEE PER PARCEL OF LAND (Checks made payable to the City of Melbourne):
    - \* \_\_\_\_\_ Single-, or Two-Family Residential Uses = **\$339.00**; or
    - \_\_\_\_\_ All other land uses = **\$678.00**
    - \_\_\_\_\_ \$45.00 Legal Advertisement Fee
  - \*\* (b) Plat or survey, **to scale**, (certified by surveyor or engineer with maximum size of 8-1/2" x 14") of the subject property for which the variance is requested.
  - \*\* (c) Drawing, to scale, showing the proposed variance (maximum size of 8-1/2" x 14").
  - (d) Power of Attorney from the owner of the subject property if the applicant is not the owner.
  - (e) Proof of Ownership (Tax Assessor's Statement is preferred or a Copy of a Deed). Which ever is chosen for use as proof of ownership, the complete legal description must be included.
  - \*\* **IF DRAWINGS ARE OVERSIZED (LARGER THAN 8 -1/2" X 14"), TWELVE (12) COPIES MUST BE SUBMITTED AND PROPERLY FOLDED.**
  - \* **NO MONIES OR APPLICATIONS WILL BE ACCEPTED BY MAIL**

I have read the information in this application and have filled in all answers correctly to the best of my ability.

I understand my application can be acted upon by the Board of Adjustment even in my absence.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINTED NAME

**ZONING BOARD OF ADJUSTMENT  
AUTHORIZATION TO REPRESENT**

I, \_\_\_\_\_, owner of the following described property:

PROPERTY ADDRESS: \_\_\_\_\_, hereby authorize the following named individual to appear on my behalf at the Zoning Board of Adjustment hearing to be held on \_\_\_\_\_.

AUTHORIZED REPRESENTATIVE: \_\_\_\_\_

BY: \_\_\_\_\_  
PROPERTY OWNER

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally known to me, or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

\_\_\_\_\_  
NOTARY PUBLIC

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

COMMISSION NUMBER: \_\_\_\_\_