

City of Melbourne, Florida
Minutes — Zoning Board of Adjustment

City Hall Council Chamber
900 E. Strawbridge Avenue
Melbourne, FL 32901

March 30, 2026, 6:30 p.m.

A. Opening

1. Pledge of Allegiance.
2. Roll Call.

Present: Peter Kostrzewa, Chairman
Charles Jackson, Member
Ravi Shah, Member
Thomas Herbert, Member
Dave Bregard, Member
Jared Moyles, Alternate Member

Absent: Natalia Brauner, Member, (Excused)
Linda Cass, Member (Excused)
Diane Maynard, Alternate Member (Excused)

Also Present: Todd Corwin, AICP, Planner
Richard Broome, Deputy City Attorney
Samantha Buck, Recording Secretary

3. Approval of Minutes – July 28, 2025, Meeting

Moved Jackson/Bregard to approve the minutes from the July 28, 2025 meeting, as presented.

Motion carried unanimously.

4. Declaration of Conflict.

There were no conflicts of interest declared for this item.

5. Requests for Dismissals, Postponements, or Withdrawals

There were no requests for dismissals, postponements, or withdrawals for this meeting. Mr. Kostrzewa confirmed that there were six Board members present, and that the applicants require approvals from five Board members in order to be granted a variance.

Before moving forward onto the first item of new business, Mr. Kostrzewa opened the floor for public comment.

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There was no public comment from the audience.

B. New Business

6. **VAR2025-0004 – 424 S. Babcock Street**

In a C-1 zoning district, the following variance is requested:

A variance of 7.2 feet to allow a 12.8-foot side corner setback

Part III, Appendix B, Article V, Section 2, Table 2B requires a 20-foot side corner setback in the C-1 (Neighborhood Commercial) zoning district.

Mr. Corwin summarized the findings contained in the staff recommendation memo dated March 20, 2026, showing the Board the location of the property on an aerial photograph. This site has commercial C1 zoning, with the local area also being zoned for commercial uses.

He showed aerial photographs of the property showing the entirety of the site from neighboring roads along with the parking spaces at the front of the property. The photos showed that one of the buildings is offset, with the closest point to the setback being in the southern corner of the property. A variance of 7.2 ft. for a 12.8 ft. side corner lot setback is being requested for a building expansion to align the existing buildings along Nieman Avenue.

The rear of the property is fenced, and when the fence was installed, a stipulation was made that no storage could be installed at the rear of the property. Mr. Corwin showed a survey showing highlights in purple where a building expansion could be constructed.

In summing up, Mr. Corwin stated that after reviewing the application, staff has determined that based on the analysis of the variance request, this variance request does not meet the six required criteria as there are additional locations where an extension could be built. He also noted that the subject site is non-conforming to current parking and landscaping standards, and any construction on this site would require the applicant to bring the current landscaping and parking requirements up to meet Code to the maximum extent possible.

Based on the failure to meet the six factors for granting a variance as identified in the staff report, and as identified in City Code for property located on the west side of South Babcock Street at the intersection of Nieman Avenue (also known as 424 South Babcock Street), the Community Development Department recommends denial of variance VAR2025-0004.

Mr. Kostrzewa asked if the Board has any questions for Mr. Corwin.

Mr. Moyles noted that the rear of one of the existing buildings encroached further into the setback than the variance requested by the applicant. He asked if this had been grandfathered in because of the age of the building.

Mr. Corwin confirmed that this was considered to be a non-conforming structure with regard to current zoning regulations.

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A brief discussion ensued on the purpose of setbacks and code enforcement cases on the property, and Mr. Corwin explained that the purpose of uniformed setbacks is to maximize visibility for vehicles moving around the property and on adjacent streets. He was not aware of any code enforcement action on this property.

Mr. Kostrzewa asked for verification that a section of the applicant's report was correct. This section noted that the angle of the street was 43 degrees, and that current regulations stated that intersections could not be less than a 60-degree angle.

Mr. Corwin replied that he was not familiar with this regulation, however, he confirmed that he had spoken with the Engineering Department about the angle of the intersection and sight visibility and they did not believe that the building expansion would affect sight visibility.

As there were no further questions for Mr. Corwin, Mr. Kostrzewa invited the applicant to address the Board.

Kelly Delmonico, from Land Development Strategies was sworn in by Assistant City Attorney Broome. She was joined by the property owner Scott McClellan (Property Owner), Jeff Anderson (Architect), and Brian Ellison (Designer).

Ms. Delmonico had prepared a presentation for the Board. The property was built in 1959, prior to the City having a zoning code and was purchased by her client in 2025. It is located on two major thoroughfares (Babcock Street and Nieman Avenue).

She showed several photographs of the property explaining that her client's desire is to improve the aesthetics and flow of the property by making a stronger architectural connection between the buildings. They hope to accomplish this by adding a showroom and office space in between the two structures.

Ms. Delmonico explained why the addition could not be placed in the areas indicated by City staff in their report, and that the proposed area for the building addition is the best area both logically and aesthetically. The new property owners are committed to a long-term investment and occupancy of this property, and to ensure that it meets their business needs, they need to add on additional square footage to the building. The proposed addition would not be detrimental to public health, safety and welfare and as reported in the staff report, the proposed building addition does not affect sight visibility for traffic on Babcock Street or Nieman Avenue. Her clients are willing to make a significant redevelopment investment in this property and to support this, she showed a conceptual plan showing where green space will be created by removing much of the impervious surface on the lot and adding landscaping to create a code compliant area for parking. The existing commercial structure is non-conforming as it does not meet the 20 ft. side corner setback required in a C-1 zoning district.

Ms. Delmonico reminded the Board that this property was built prior to the establishment of the current zoning code. The proposed expansion will not encroach any further into the setback than the existing building. Her client has minimized their request as best they can with the total proposed expansion area only being 541 sq. ft., and the area needed for the

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variance (shown in green in her presentation) is only 171 sq. ft. The proposed building addition aligns the existing buildings and is a critical component for the long-term planning and success of this property. If approved, the variance will allow for a building addition resulting in an investment on the site of \$350,000 to \$450,000.

Ms. Delmonico finished her presentation by explaining how this variance request met each of the six criteria required to grant a variance.

Mr. Kostrzewa asked the Board if they had any questions for Ms. Delmonico.

Mr. Shah asked Ms. Delmonico what the hardship was as the existing conditions were known to the property owner before purchasing the property.

Ms. Delmonico replied that the hardship had been there since the creation of the zoning code many years before which made the building non-conforming.

Mr. Jackson asked for confirmation that the proposed extension would not be coming any closer to Nieman Avenue than the existing building, and Ms. Delmonico replied that was correct.

There were no further questions from the Board for the applicant, so Mr. Kostrzewa opened the floor for public comment.

There was no public comment on this item.

Mr. Kostrzewa asked the Board if they had any site visits or interactions prior to the meeting.

Mr. Bregard said that he had driven by the building, but did not see any visible impact on traffic caused by the construction of this building addition. He confirmed that he had not formed any opinion prior to this meeting.

Mr. Kostrzewa said that he is also very familiar with this intersection and saw nothing that would pre-dispose him to any position prior to the hearing.

As there was no further public comment, Mr. Kostrzewa brought the item back to the Board for further discussion and a motion.

Mr. Moyles commented he had no issue with the building being extended as it did not encroach any further into the setback that the existing building and it would not be detrimental to traffic on adjacent roads.

Moved Moyles/Bregard to approve application VAR2025-0004, based on the request meeting the six City Code criteria factors for granting a variance.

Mr. Corwin suggested that any recommendation for approval should also reference the concept plan submitted in addition to the requirement that the site be brought up to code with regards to the landscaping and parking.

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Mr. Kostrzewa asked Mr. Moyles and Mr. Bregard if they had any objection to the conditions suggested by staff being tied to the motion, and both replied that they were agreeable to this.

Moved Moyles/Bregard to approve application VAR2025-0004, based on the request meeting the six City Code criteria factors for granting a variance with the condition that the subject site be improved to meet current City Code standards for landscaping and parking to reduce and/or eliminate site non-conformities.

As there were no further comments, a roll call vote was taken as follows:

Aye: Bregard, Jackson, Herbert, Moyles, Kostrzewa

Nay: Shah

Motion carried.

6. **VAR2025-0005 – 2307 Greenway Drive**

Assistant City Attorney Mr. Broome confirmed that staff was previously sworn in and still under oath.

In a R-1AA zoning district, the following variance is requested:

A variance to allow a swimming pool in a side yard.

Part III, Appendix B, Article II, Section 2(M)(1)(a) requires a swimming pool to be placed in the rear yard when a lot has frontage on one (1) street.

Mr. Corwin summarized the findings contained in the staff recommendation memo dated March 20, 2026. He showed an aerial photograph of the property and confirmed that the property is zoned R-1AA. There is a single-family home located in the center of two lots (0.26± acres) and the site is located on a curve. The house is not parallel to any lot lines. In addition, there is an electrical line running along the back of the property with service lines connecting to the south-east corner of the house.

The applicant is requesting a variance to allow a swimming pool in the south side yard. Code requires a swimming pool to be placed in the rear yard where a lot has frontage on one street. The curvature of the road makes this lot irregular and as Mr. Corwin stated previously, the house itself is not perpendicular to any of the lot lines. He noted that there is much more available property on the south side of the house than to the rear of the property. If the pool was placed in the rear back yard, there could be electrical lines traversing the yard to the house which would cross the pool.

Mr. Corwin then addressed the six criteria that must to be met in order for a variance to be approved, and staff's recommendation, based on the analysis of the variance criteria set forth in City Code for property located on the east side of Greenway Drive, approximately 225 feet south of Devonshire Drive, and 500 feet west of Babcock Street, in Section 28,

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Township 37, Section 4, also known as 2307 Greenway Drive, the Community Development Department recommends approval of VAR2025-0005 with the following conditions:

- As presented on Exhibit 1 (in the south side yard), and
- The pool must meet all applicable Code required setbacks.

Mr. Kostrzewa asked if the Board has any questions for Mr. Corwin following his presentation.

Mr. Moyles asked if the applicant was required to construct a fence around the yard, and Mr. Corwin confirmed that they were required to install a fence for safety purposes.

As there were no further questions, Mr. Kostrzewa invited the applicant to address the Board.

There were no questions, so Mr. Kostrzewa invited Ms. Delmonico and the property owner, Branimir Cvetkovic to address the Board.

Assistant City Attorney Broome swore in Mr. Cvetkovic (Ms. Delmonico was still under oath from her previous application).

Ms. Delmonico said that her clients purchased this property in September 2020. The property was constructed in 1975 and is uniquely situated in the Country Club Colony platted in 1925. Back in the 1920s, lots were irregularly shaped with no requirement to retain stormwater. The house was not constructed parallel to any property lines and is set back much farther from the road than is required, presenting a lot of constraints when looking for space to install a pool. Additionally, there is a complex series of distance requirements from a horizontal and vertical tangent that must be met when installing a pool. These factors leave her clients with a limited area where a pool could be installed. Her clients have obtained written support from the majority of their neighbors stating that they had no objection to this variance being approved.

Ms. Delmonico then addressed the six criteria that must be met in order for a variance to be approved explaining how her clients meet the criteria due to the irregular shape of the lot; the placement of the house, and the overhead utility lines which all restrict where a pool could be installed.

As there were no further comments or questions from the Board for Ms. Delmonico, Mr. Kostrzewa opened the floor for public comment.

There was no public comment on this item, so the public hearing was closed.

Mr. Kostrzewa then asked the Board if they had any disclosures, site visits, or ex-parte communication on this item.

Mr. Bregard confirmed that he had driven past this property, and saw nothing that would affect his opinion on this matter prior to the meeting.

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Mr. Corwin confirmed that there had been no correspondence on this item.

Mr. Kostrzewa asked if there was a motion on this item.

Moved Bregard/Moyles to approve this request with the following conditions:

- As presented on Exhibit 1 (in the south side yard); and
- The pool must meet all applicable Code required setbacks.

A roll call vote was taken as follows:

Aye: Bregard, Jackson, Herbert, Moyles, Kostrzewa & Shah

Nay: None

Motion carried unanimously.

C. Future/Additional Business

Mr. Corwin explained that historically, the Board usually votes to select a new Chairman and Vice-Chairman at the first meeting of each year. In addition to this, the Board's current Vice-Chairman (Jennifer Cope) resigned from the Board as she had moved out of State since the last meeting in July 2025. This has resulted in the need to elect a new Vice Chairman.

A discussion ensued, and the consensus of the Board was that their preference would be to discuss and vote on this when there was a full complement of Board members present.

Moved Bregard/Jackson to postpone voting for a new Chairman and Vice Chairman until the next meeting.

Motion carried unanimously.

D. Adjournment

As there was no further business to discuss, the meeting was closed at 7.37 pm.



Samantha Buck, Recording Secretary – March 30, 2026

Approved by Zoning Board of Adjustment: May 18, 2026