

City of Melbourne, Florida
Agenda
Zoning Board of Adjustment

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

May 18, 2026, 6:30 p.m.

A. Opening

1. Pledge of Allegiance.
2. Roll call.
3. Approval of Minutes – March 30, 2026
4. Declaration of Conflict
5. Requests for Dismissals, Postponements, or Withdrawals

B. New Business

6. **VAR2026-0002 Glenn Adams, Bryan Street (Tax Account: 3019248).**

In a R1AA zoning district, the following variance is requested:

A variance of 15-foot from the required 25-foot side corner lot set back to allow a house within 10 feet of the Devonshire Drive right-of-way.

Part III, Appendix. B, Article V, Section 2. (D) Table 2A requires a 25 ft. side corner lot setback.

D. Future/Additional Business

8. Presentation of Service Pin to Ravindra Shah.

E. Adjournment

Note: More than one member of the City Council may be in attendance at the meeting and may participate in discussions.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by this Board, agency or meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Community Development Department at (321/608-7500), no later than 5:00 p.m., at least 48 hours prior to the meeting.

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 to 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: _____

PUBLIC HEARING NOTICE

The Zoning Board of Adjustment of the City of Melbourne, Florida will convene at Melbourne City Hall on Monday, **May 18, 2026**, at **6:30 P.M.**, in the Council Chamber for the purpose of hearing all persons interested in requests by the following applicant:

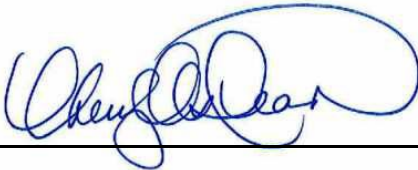
VAR2026-0002 Glenn Adams – Bryan Street (Tax Account 3019248)

In a R1AA zoning district, the following variance is requested:

A variance of 15-foot from the required 25-foot side corner lot set back to allow a house within 10 feet of the Devonshire Drive right-of-way.

Part III, Appendix. B, Article V, Section 2. (D) Table 2A requires a 25 ft. side corner lot setback.

Signed



Cheryl Dean, AICP
Planning Manager

Memorandum

To: Zoning Board of Adjustment
From: Todd Corwin, Planner, AICP
Thru: Cheryl Dean, Planning Manager, AICP
Re: Variance Request (VAR2026-0002) – Tax Account No.: 3019248
Date: May 8, 2026

Owner/Applicant

Glenn Adams

Proposed Variance

In a R-1AA Zoning District, the following variance is requested: A variance of 15-feet from the required 25-foot side corner lot setback to allow a house within 10 feet of the Devonshire Drive right-of-way (ROW).

Location:

The subject site is located at the northeast corner of the Devonshire Drive and Bryan Street intersection approximately 330 feet east of Babcock Street in Section 28, Township 37, Section 3. The property is a vacant residential parcel. The subject property is designated Low Density Residential (LDR) and is zoned R-1AA (Single Family Low Density Residential District).

City Code Reference

The Zoning Code contains standards for setbacks adjacent to roadway frontages. These setbacks are established for visibility, safety (sight triangle), and aesthetic reasons. Specific setback requirements are established for every zoning district in the City. For the R-1AA Zoning District, the side corner lot setback is 25 feet. A side corner lot setback is standard for all residential zoning districts. This setback provides motorists with ample space and visibility to see other vehicles, pedestrians, and bicycles when making turning movements. The setback also provides for aesthetic continuity for such lots throughout the city.

Part III, Appendix B, Article V, Section 2(D), Table 2A requires a 25-foot side corner lot setback in the R-1AA (Single Family Residential Low Density) Zoning District. The subject property has a 25-foot side corner lot setback along the Devonshire Drive right-of-way (ROW). The applicant wishes to construct a house that extends 15 feet into the side corner lot setback.

Adjacent Property Information

Access:	Bryan Street, along the west property line
To the East:	Single-family residential home
Zoning:	R-1AA
Land Use:	LDR
To the West:	Commercial property (Babcock & Melbourne Commons)
Zoning:	C-1 (Neighborhood Commercial District) and R-1AA
Land Use:	Office/Professional and LDR
To the North:	Single family home
Zoning:	R-1AA
Land Use:	LDR
To the South:	Across Devonshire Drive - Crane Creek Senior Apartments
Zoning:	R-2(6) (One-, Two- and Multiple-Family Dwelling Medium Density District) with a Conditional Use for a congregant living facility
Land Use:	LDR

The subject property is located on the edge of a residential area and is bordered on two sides by single family residential properties that are also zoned R-1AA. The property to the west, across Bryan Street, is the location of a commercial center. The property to the south is the location of a congregant living facility (Crane Creek Senior Apartments). This property is a vacant corner lot and is located on both the Bryan Street and Devonshire Drive rights-of-way (ROW).

The Devonshire Drive ROW is not improved and paved at this location. As part of a Conditional Use Approval for the Crane Creek Senior Apartments, the owner/developer of the project was required to convey a sufficient portion of property to block through traffic from traveling from Devonshire Drive to Pennwood Drive. Although Devonshire Drive is not paved for vehicular traffic, this ROW provides emergency access to the Pennwood Drive/Bignonia Street area to the east. This ROW is also the location of City water and sewer infrastructure, and will provide access to a planned regional lift station. Florida Power and Light (FPL) and Florida Gas also have utility infrastructure within the Devonshire Drive ROW.

The property owner submitted an application for an Abandon/Vacate of the unpaved Devonshire Drive ROW in 2022 (AV 2023-0022). Engineering Department staff did not support this action and the applicant withdrew the request in 2025.

History:

The subject property (approximately 0.29 acres) is not part of a platted subdivision. This lot is currently vacant and undeveloped. The existing R-1AA zoning district is the original zoning conferred upon the subject property. The subject property was once part of a larger parcel of land that was split into three residential lots through a lot line adjustment and a one-time lot split. The two lots to the north along Bryan Street were also part of this larger parcel.

Variance Purpose

A variance provides relief from zoning code requirements when strict compliance would result in unique difficulties for a property owner. For variance purposes, such difficulties are referred to as a hardship. A hardship is a condition that must relate to special circumstances or conditions specific to a particular property. Typical variance requests are for relief from setback, building height, parking, location criteria, and landscaping requirements. The requested variance must be the minimum necessary to grant relief and cannot confer a special privilege when compared to nearby properties. Economic or self-imposed conditions do not constitute justification for a variance request.

Summary of Applicant's Variance Responses

The applicant states that a hardship exists for this property because of the following conditions:

Criteria 1:

- The Devonshire Drive ROW is not paved and consequently is not used for vehicular traffic.
- The unpaved portion of Devonshire Drive is the location of utility easements, including overhead electrical power lines.
- The 25-foot side corner lot setback will compel the addition of a second story. The second story would be adversely impacted by the power lines in the Devonshire Drive ROW.
- There are no adjacent homes, or space for another house along the Devonshire Drive ROW. Consequently, there will be no impact to the aesthetic qualities or local greenspace which are typically protected by a side corner lot setback.

Criteria 2:

- The 25-foot side corner lot set back will result in a buildable width of less than 58 feet, which is less than the buildable width (65 feet of width) of the two recently build homes to the north. The granting of the variance will maintain the local Florida Cracker aesthetic and the quality of the neighborhood.
- The applicant has experienced a quantifiable economic hardship of \$2,400/year.

Criteria 3:

- The applicant did not establish the Devonshire Street ROW or the associated utilities in the ROW. The applicant acquired this parcel in 2018.

Criteria 4:

- The applicant states his sole interest in pursuing this variance is to obtain a lot width sufficient for the construction of a comparable single-family home in the neighborhood. The applicant also states, to the best of his knowledge, the variance does not convey any special privilege.

Criteria 5:

- The granting of the variance (for a 10-foot side corner lot setback) would be consistent with comparable homes in the neighborhood. The granting of the variance would allow the applicant to construct a structure that is similar to the houses immediately adjacent to the subject land.

Criteria 6:

- The variance will allow for the construction of a moderately sized single-family house which will be consistent with the local Florida Cracker architectural style.
- Granting the variance does not impact the front setback along Bryan Street and will not be detrimental to the neighborhood. The applicant also notes that there will be no impacts to public safety.

The applicant's full written responses to the variance criteria are attached to this memorandum.

Staff Review of Variance Criteria: Part III, App. B, Art. IX, Sec. 7(A)

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved that are not applicable to other lands, buildings, or structures in the same zoning district.

The subject property is located on land that has frontage on two street rights-of-way. This condition is not an uncommon occurrence within the city

The subject property is .29 acres in size. As such, sufficient area is available for the applicant to construct a house without the proposed variance (see Exhibit 1). The R-1AA District would permit the applicant to construct a multistory house on the property.

The subject lot is vacant and a house can be constructed on this property within the required setbacks (see Exhibit 1).

Utility easements are commonly located in the ROW of city streets.

The houses to the north do not have frontage on two street ROWs.

2. That the literal interpretation of the provisions of the zoning ordinance deprive the applicant of rights commonly enjoyed by other properties in the same zoning district resulting in an unnecessary and undue hardship.

Since the side interior lot setbacks for the subject property are 10 feet, adequate space is available to construct a house that meets all required setback requirements (see attached Exhibit 1).

The applicant purchased the subject property in 2018. The setback requirements for the R-1AA District have not changed since the owner bought the property

3. That the special conditions and circumstances referred to in #1 do not result from the actions of the applicant.

The subject property is vacant and the applicant can construct a house on this property without the proposed variance.

The subject land was zoned R-1AA when the property owner purchased the site in 2018.

The houses to the north do not have frontage on two street ROWs.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same zoning district.

A house can be constructed on this lot without the proposed variance. The attached Exhibit 1 demonstrates a house could be built that meets the required front, side corner, and side setbacks for the R-1AA District.

The applicant purchased the lot with its current width and depth. The lot boundary and the ROW for Devonshire Drive and Bryan Street have remained unchanged since the applicant purchased the property in 2018.

The R-1AA District would permit the applicant to build a multi-story house at this location (three floors or 36 feet).

5. That the reasons set forth in the application justify granting the application and that the variance being requested be the minimum variance that will make possible the reasonable use of the subject land, structure, or building.

Sufficient space is located on the lot to build a house that meets all required building setbacks.

Per City Code, economic factors do not form the basis for a hardship.

6. That the granting of the variance requested be in harmony with the general intent and purpose of the zoning ordinance and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

A single-family home can be constructed within the required setbacks on the subject parcel. An area of approximately 5,935 square feet is available for construction purposes once the setback distances are removed from the property identified on the applicant's survey.

The R-1AA District would permit the applicant to construct a three-story house up to 36 feet in height on this property.

Variance Analysis

The applicant is requesting a 15-foot variance to the R-1AA side corner lot setback. This site is located east of Babcock Street at the corner of the Bryan Street/Devonshire Drive intersection.

The subject property is a vacant parcel, with frontage on two ROWs, that is zoned for single family residential uses. The applicant purchased this R-1AA zoned property in 2018. The R-1AA District permits the construction of residential homes up to three stories or 36 feet in height. As shown on Exhibit 1, sufficient space is available on the subject property for construction purposes. In addition, economic factors cannot form the basis for a hardship. Since a single-family home can be constructed on this site which would comply with all required setbacks, staff cannot support the variance request due to the lack of a hardship as set forth in City Code.

Recommendation:

Based on the failure to meet the six factors for granting a variance (as set forth in City Code), for vacant residential property located at the northeast corner of the Devonshire Drive and Bryan Street intersection, the Community Development Department recommends **Denial of VAR2026-0002**.

Variance: VAR2026-0002 / Bryan Street (Tax Account 3019248)
Applicant: Glenn Adams
Date: May 18, 2026

Variance Criteria 1:

Special conditions and circumstances exist 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.

Three conditions are peculiar to the land involved which are not applicable to other buildings in the same district. These peculiar conditions are: (1) Pavement: the “street” which prompts the 25’ setback is peculiar to other corner lots in Melbourne in that this section of road is unpaved, un-used, and unsuitable for use as a permanent roadway. Homes situated on a properly-constructed road have the option of situating the driveway to connect to either roadway. In this case, the property is subjected to the adverse setback of a corner lot without the benefit that others enjoy. If this section of Devonshire is to be considered a roadway, I respectfully request that it be graded, paved, curbed, and sidewalk to be aesthetically equivalent to other corner lots in Melbourne. (2) Overhead Distribution Lines. This unpaved section of Devonshire Street is subject to many utility easements including overhead electrical distribution lines that preclude permanent use as a roadway. The imposition of the 25’ setback in combination with the proximity to the distribution line would compel a second story to the home and impede its value with an unsightly view of the power line and the roof of the nearby commercial buildings. (3) No Adjacent Homes. Unlike other circumstances in full neighborhoods, there are no other buildable lots along this section of street; there is no space for another house on the north side of the street and the owner on the south side (Crane Creek Apartments) has no intention of building a single-family house on this street. Understanding that the purpose for consistent setbacks is to protect the aesthetics and views from adjacent homes and allow for green space along the house frontage, this circumstance is peculiar. There are no adjacent homes to align with and no adjacent homes to appreciate the green space along Devonshire

Variance Criteria 2:

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 the applicant.

Literal application of the 25’ setback on this lot would reduce the buildable width of a single-family home to less than 58’, which would be significantly less than the 65’ width of two homes directly to the north (2207 and 2215 Bryan Street). To maintain the cracker aesthetic (big front porch) and to maintain the quality of the neighborhood, any one-story single-family home along Bryan Street should have comparable or greater frontage. Moreover, the hardship has been real and quantifiable. I have made a previous attempt to improve the buildable width of this lot at the cost of \$2,000 via Abandon and

Vacate Request AV2022-0003, which was delayed for several years and presumably rejected. While trying to expand this frontage over the past seven years, I have paid \$7,386 in Brevard County property tax and approximately \$6,000 in landscaping fees to keep the property safe, clear of vagrants, and pleasing to the neighbors. That total of \$15,386 and seven years of lost opportunity constitutes a hardship that is ongoing at the rate of \$2,400 / year.

Variance Criteria 3:

The special conditions and circumstances referred to in Criteria 1 do not result from the applicant's own actions.

The applicant had no hand in establishing Devonshire Street or the associated utilities. Applicant acquired this parcel in 2018.

Variance Criteria 4:

The granting of the variance requested herein will not confer on you any special privilege that is denied by the zoning ordinance by other lands, structures, or buildings in the same zoning district.

The applicant's sole interest in this variance is to allow for a lot width sufficient for construction of a comparable single-family home in the neighborhood. To the best of their knowledge, this variance does not convey any special privilege.

Variance Criteria 5:

The variance being requested is the minimum variance that will make possible the reasonable use of the subject land, structure, or building.

The establishment of a 10' setback would be consistent with comparable homes in the neighborhood and would allow for the most reasonable construction consistent with the applicant's plans for a single-family dwelling consistent with those immediately adjacent.

Variance Criteria 6:

The granting of the variance requested will be in harmony of the general intent and purpose of the zoning ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

This variance will allow construction of a moderate-size single-family dwelling harmonious with the local "cracker style" architecture and consistent with the general intent of the zoning code. The variance does not request any change to the setback from Bryan Street, so any structure would not adversely affect the neighborhood aesthetic or green space along Bryan Street. And, as discussed above, the shorter 10' setback from the unpaved section of Devonshire will not be injurious to the neighborhood because there are no adjacent homes along Devonshire and there are no buildable lots along Devonshire. There is no public safety basis for requiring a 25' setback.