TOWN OF MELBOURNE BEACH

BOARD OF ADJUSTMENT MEETING

October 29, 2026

AGENDA PACKET

Town of Melbourne Beach

BOARD OF ADJUSTMENT MEETING
THURSDAY, OCTOBER 29, 2026, 6:00 P.M.
COMMUNITY CENTER – 509 OCEAN AVENUE

PUBLIC NOTICE
AGENDA

Board Members:
Chairman Robert Schaefer
Member Xochitl Ross
Member Charles Cain
Member Pete Peterson
Member James D. Simmons
Alternate Marivi Walker

Staff Members:
Town Manager A. Marie Smith
Town Clerk Cyd Jones
Town Attorney Ryan Knight
Town Planner Corey O'Gorman

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES**

4. **PUBLIC HEARINGS**
   A. Variance Application #VV2026-0001, 407 Banyan Way

5. **NEW BUSINESS**

6. **OLD BUSINESS**

7. **ADJOURNMENT**

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, if an individual decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at this meeting, a verbatim transcript of the proceedings may be required and the individual may need to ensure that a verbatim transcript of the proceedings is made. One or more Commission members may be present at this meeting. In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this meeting shall, at least 48 hours prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860.

Board of Adjustment

Section: **New Business**

Meeting Date: **October 29, 2026**

From: **Building Department**

RE: **Variance Applicant #VV2026-0001, 407 Banyan Way**

Background Information:

The Town received a variance application for 407 Banyan Way.

Attachments:

- Development Application with Request for a Variance
- Response from Town Planner
- Surveys & Site Photograph
- Public Notification, Zoning, and Ownership

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:

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

III. PROPERTY INFORMATION:

General Location: 407 Banyan Way

Address: 407 Banyan Way

Parcel Number(s): 28-38-06-75-9-3

Area (in acreage): .37 Area (in square feet): _____

Current Zoning: 2RS Proposed Zoning: _____

Current Future Land Use: _____ Proposed Future Land Use: _____

Brief Description of Application: Request for a variance from the required 25-foot rear setback to allow the existing attached garage, located approximately 15.9 feet from the rear property line, to remain in its current location.

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

IV. APPLICANT INFORMATION:

Property Owner

Name: Scott Ehlers
Phone: 321-431-2241

Address: 407 Banyan Way
Melbourne Beach, FL 32951
Fax:

Email: scottehlers2@gmail.com

Applicant (if other than property owner)

Name:
Phone:

Address:
Fax:

Email:

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: Scott Ehlers
Date: 9/28/26

Print Name: Scott Ehlers
Title:

*Must sign in front of notary.

State of Florida
County of Brevard.
The foregoing application is acknowledged before me
this 28th day of September, 2026, by Scott Ehlers,
who is/are personally known to me, or who has/have produced Florida Driver License
as identification.

Signature of Notary Public, State of Florida

ALEJANDRO R CUEVAS RODRIGUEZ
Notary Public - State of Florida
Commission # HH 718840
My Comm. Expires Sep 10, 2029

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: Scott Ehlers Date: 9/28/26

Print Name: Scott Ehlers Title:

***Must sign in front of notary.**

State of Florida
County of Brevard.
The foregoing application is acknowledged before me
this 28th day of September, 2026, by Scott Ehlers,
who is/are personally known to me, or who has/have produced Florida Driver License
as identification.

Signature of Notary Public, State of Florida

ALEJANDRO R CUEVAS RODRIGUEZ
Notary Public - State of Florida
Commission # HH 718840
My Comm. Expires Sep 10, 2029

VII. PROJECT DESCRIPTION:

Describe Application: See attached.

Provide attachment if more space is needed.

Describe Existing Conditions: See attached.

Provide attachment if more space is needed.

Application Description

The applicant is requesting a variance from the required 25-foot rear setback to allow the existing attached garage at 407 Banyan Way to remain in its current location, approximately 15.9 feet from the rear property line.

The garage was originally a detached accessory structure and was subsequently connected to the principal residence in approximately 1998, prior to the applicant's purchase of the property in 2004. The existing configuration has been in place for approximately 28 years.

The Town Planner inspected and reviewed the property and determined that, because the garage is connected to the principal structure by a roof, it is considered part of the principal structure and is therefore subject to the rear setback applicable to the principal structure.

No enlargement, expansion, relocation, or additional encroachment of the existing garage is proposed. The requested variance is solely to allow the existing garage to remain in its present location.

Existing Conditions

The property is developed with a single-family residence and an existing garage located at the rear of the residence. The garage is approximately 15.9 feet from the rear property line.

The garage was originally a detached accessory structure and was subsequently connected to the principal residence in approximately 1998. The applicant purchased the property in 2004, after the existing garage configuration was created.

The Town Planner inspected and reviewed the property and determined that the garage complies with the rear setback applicable to an accessory structure; however, because the garage is connected to the principal structure by a roof, it is considered part of the principal structure and is therefore subject to the 25-foot rear setback applicable to the principal structure.

The existing garage is not proposed to be enlarged, expanded, relocated, or extended farther into the rear setback. The variance is requested solely to address the existing rear setback condition.

Variances*

Variances are allowed only for area, size of structure, size of yards, and open spaces. All applications shall provide a written Justification Statement describing the existing conditions, the proposed improvements necessitating a variance, and shall address the following specific criteria:

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

See attached.

Provide attachment if more space is needed.

Describe why the literal interpretation of the provisions of this Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Land Development Code

See attached

Provide attachment if more space is needed.

Document that the special conditions and circumstances referred to above, do not result from the actions of the applicant.

See attached.

Provide attachment if more space is needed.

NOTE: Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. Variances to maximum building heights are not authorized. Under no circumstances shall the Board of Adjustment grant a variance to permit a use not generally or by special exception permitted in the district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code.

1. Special conditions and circumstances

The special circumstances relate to the existing configuration and history of the structure on this property. The garage was originally a detached accessory structure and was subsequently connected to the principal residence in approximately 1998, prior to the applicant's purchase of the property in 2004.

The Town Planner inspected and reviewed the property and determined that the existing garage is 15.9 feet from the rear property line. The Planner further determined that the garage complies with the rear setback applicable to an accessory structure; however, because it is now connected to the principal structure by a roof, it is considered part of the principal structure under the current Land Development Code and is therefore subject to the 25-foot rear setback applicable to the principal structure.

The existing configuration has been in place for approximately 28 years. The applicant is not proposing to enlarge, expand, relocate, or extend the garage further into the setback. The variance is requested solely to allow the existing garage to remain in its present location.

2. Literal interpretation of the Land Development Code

The existing garage is 15.9 feet from the rear property line. The Town Planner determined that the garage complies with the rear setback applicable to an accessory structure but, because it is connected to the principal residence, is considered part of the principal structure and therefore does not meet the current 25-foot rear setback for the principal structure.

Literal application of the 25-foot setback would require substantial alteration, relocation, or removal of an existing portion of the residence that has been in its present configuration for approximately 28 years. The applicant is not requesting permission to construct a new structure or increase the existing encroachment. The requested variance of approximately 9.1 feet would allow the existing structure to remain in its present location.

3. Special conditions did not result from actions of the applicant

The existing condition was not created by the applicant. The garage was connected to the principal residence in approximately 1998. The applicant purchased the property in 2004, approximately six years after the existing configuration was created.

The applicant did not construct the connection that resulted in the garage becoming part of the principal structure and has not enlarged, relocated, or extended the garage further into the rear setback. The existing configuration has remained in place for approximately 28 years. The variance is requested solely to address this pre-existing setback condition.

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 all supporting documentation.**

Town Planner Property And Setback Review

I have reviewed the property and regulatory information and offer the following:

- *Parcel ID: 28-38-06-75-9-3*
- *Zoning: 2RS*
- *7A-32(f)(7) Yard Requirements:*
  - *Front setback: 25'*
  - *Side interior setback: 15'*
  - *Rear setback: 25'*
- *Section 1A-3 Definitions:*
  - *Principal Structure: "The primary building or structure on a lot or building site designed or used to accommodate the primary use for which the property is intended."*
  - *Accessory Structures: "A permanent building or structure, subordinate to and located on the same lot with a principal building, the use of which is clearly incidental to that of the principal building and which is not attached by any part of a common wall or common roof to the principal building."*
- *Section 7A-57(a)(1) states that: "No accessory structure shall be erected in any front yard. Unless specifically defined in this chapter, no accessory structure shall be erected in any side yard. Except as otherwise provided by this chapter, no accessory structure shall exceed the height of the main structure. Unless specifically allowed in this chapter, no accessory structure other than a utility shed shall be constructed within 15 feet of any lot line."*
- *Section 7A-83 Nonconforming structures states that: "Where a lawful structure exists on September 26, 1972, or on the effective date of an amendment to the Land Development Code making said structure nonconforming, that could not be built under the terms of the Land Development Code by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:*

(1) No such structures may be enlarged or altered in any way which increases any existing nonconformity. This includes but is not limited to increasing the height, width, or length of any structure that does not meet

the setback. Any enlargements or alterations must meet all zoning requirements such as setbacks, heights, and location.
(2) Any structure or portion thereof may be altered to decrease its nonconformity.
(3) Should such structure be destroyed by any means to an extent of more than 50% of the appraised value of the structure as determined by the Brevard County Property Appraiser at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Land Development Code.
(4) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved."

- *Existing Structure (Highlighted portion) Conditions:*
  - *Side Setbacks: 15.8' (east) and 60.9' (west)*
  - *Rear Setback: 15.9'*

Based on the above, since it is now connected to the principal structure by a roof (and possibly walls, but I can't tell from the aerials) the highlighted portion is part of the principal structure as per the definitions in Section 1A-3, and is subject to the principal structure setbacks but is not subject to the height limitation for accessory structures. Consequently, it complies with side setbacks but encroaches into the rear setback for principal structures although complies with the rear setback for accessory structures.

BOUNDARY SURVEY
407 BANYAN WAY, MELBOURNE BEACH, FL 32951



LOCATION MAP
(NOT-TO-SCALE)

SCALE:1"=30'

POINT OF INTERSECTION
FOUND NAIL
AND DISC
ILLEGIBLE

L1 (P)

FOUND NAIL
AND DISC
ILLEGIBLE

BANYAN WAY
20' ASPHALT ROADWAY / 60' RIGHT-OF-WAY(PLAT)

30.0'

S89° 53' 58"E
110.00'

WM

S89° 53' 58"E 104.48' (P)

FOUND 5/8"
IRON ROD
NO ID

BASIS OF
BEARINGS

FOUND 4"X4"
CONCRETE
MONUMENT
NO ID

POINT OF
CURVATURE
AT LOT 2
BLOCK 9
FOUND 1/2"
IRON PIPE
NO ID / 0.7' E

25.0'

DRIVEWAY

32.3'

25.0'

25.0'

COVERED

24.9'

21.1'

9.6'

33.7'

2.4'

5.3'

22.1'

A/C

25.6'

LOT 3
BLOCK 9

ONE STORY
CONCRETE BLOCK
RESIDENCE
407

6' W.F.
1.4' W

6' W.F.

24.9'

34.7'

59.1'

COVERED

6' W.F.
ONLINE

18.2'

COVERED

LOT 4
BLOCK 9

N00° 06' 02"E 147.77'

POOL

26.3'

LOT 2
BLOCK 9

S00° 06' 02"W 147.77'

7.4'

3.3'

25.0'

60.4'

6' W.F.

18.2'

19.9'

20.0'

COVERED

POOL
EQUIPMENT

60.9'

6.2'

12.4'

15.8'

COVERED

27.8'

27.8'

FOUND 5/8"
IRON ROD
AND CAP
LB # 6710
WITNESS
3.0' N

57.2'

60.9'

A/C

33.3'

15.8'

FOUND 5/8"
IRON ROD
AND CAP
LB # 1908
WITNESS
3.4' N

10.0'
U.E.
(PLAT)

3.5'

4' W.F.

15.9'

5'

6' W.F.
0.6' W
1.5' N

N89° 53' 58"W
110.00'

6' W.F.
1.0' E
1.5' N

LOT 7
BLOCK 9

LOT 8
BLOCK 9

LOT 9
BLOCK 9

LEGEND:
W.F. - WOOD FENCE

LINE TABLE		
	BEARING	LENGTH
L1	N89° 53' 58"W	263.98'

- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

SHEET 1 OF 2 (SKETCH OF SURVEY) - SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION AND OTHER SURVEY RELATED DATA. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

The survey map & report or the copies thereof are not valid without the digital signature and seal of a Florida licensed surveyor and mapper

Date of Field Work : 09-21-2026
Drawn By: O. G.
Order #: 289873
Last Revision Date: 09-21-2026
Boundary Survey prepared by: LB8718
Nexgen Land Solutions
561-508-6272
1547 Prosperity Farms Rd, Lake Park, FL 33403

NEXGEN
www.NexGenLogix.com

Robert Evans
LS#7465
STATE OF FLORIDA

LEGAL DESCRIPTION OF: 407 BANYAN WAY, MELBOURNE BEACH, FLORIDA, 32951

LOT 3, BLOCK 9, ISLAND SHORES OF MELBOURNE BEACH, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 52, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CERTIFIED TO:

CECILE LEMERLE-DERBES
STATE TITLE PARTNERS, LLP
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY B09214

FLOOD ZONE:

12009C0604H
ZONE: X
EFF: 01/29/2021

SURVEY NOTES:

- DRIVEWAY CROSSES THE BOUNDARY LINE ON NORTHERN SIDE OF LOT AS SHOWN.
- FENCES LIE NEAR BOUNDARY LINES AS SHOWN, OWNERSHIP NOT DETERMINED.
- FENCES AND PAVER SURFACE EXTEND THROUGH UTILITY EASEMENT ALONG SOUTHERN BOUNDARY LINE AS SHOWN.
- FENCES CROSS THE BOUNDARY LINES ON EASTERN AND WESTERN SIDES OF LOT AS SHOWN.

LEGEND

A/C	-AIR CONDITIONER
WM	-WATER MEATER
AL	-ARC LENGTH
(C)	-CALCULATED
(M)	-MEASURED
P.O.B	-POINT OF BEGINNING
P.O.C	-POINT OF COMMENCEMENT
&	-AND
P.B	-PLAT BOOK
PG	-PAGE
U.E.	-UTILITY EASEMENT
D.E.	-DRAINAGE EASEMENT
P.U.E.	-PUBLIC UTILITY EASEMENT
L.A.E.	-LIMITED ACCESS EASEMENT
L.M.E.	-LAKE MAINTENANCE EASEMENT
O.H.E	-OVERHEAD EASEMENT
R	-RADIUS
(R)	-RECORD
O.R.B.	-OFFICIAL RECORDS BOOK
Sq.Ft.	-SQUARE FEET
Ac	-ACRES
DB	-DEED BOOK
(D)	-DEED
(P)	-PLAT
EOW	-EDGE OF WATER
TOB	-TOP OF BANK
OHL	-OVERHEAD LINE
C/O	-CLEAN OUT
ELEV	-ELEVATION
FF	-FINISHED FLOOR
LS	-LICENSED SURVEYOR
LB	-LICENSED BUSINESS
PSM	-PROFESSIONAL SURVEYOR & MAPPER
	-FENCE
#	-NUMBER
±	-PLUS OR MINUS
	-ASPHALT
	-CONCRETE
	-PAVER/BRINCK
	-WOOD
	-LIGHT POLE
	-WELL
	-WATER VALVE
	-CENTER LINE
	-CATCH BASIN
	-FIRE HYDRANT
	-UTILITY POLE
	-MANHOLE
	-ELEVATION

SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING.

GENERAL NOTES:

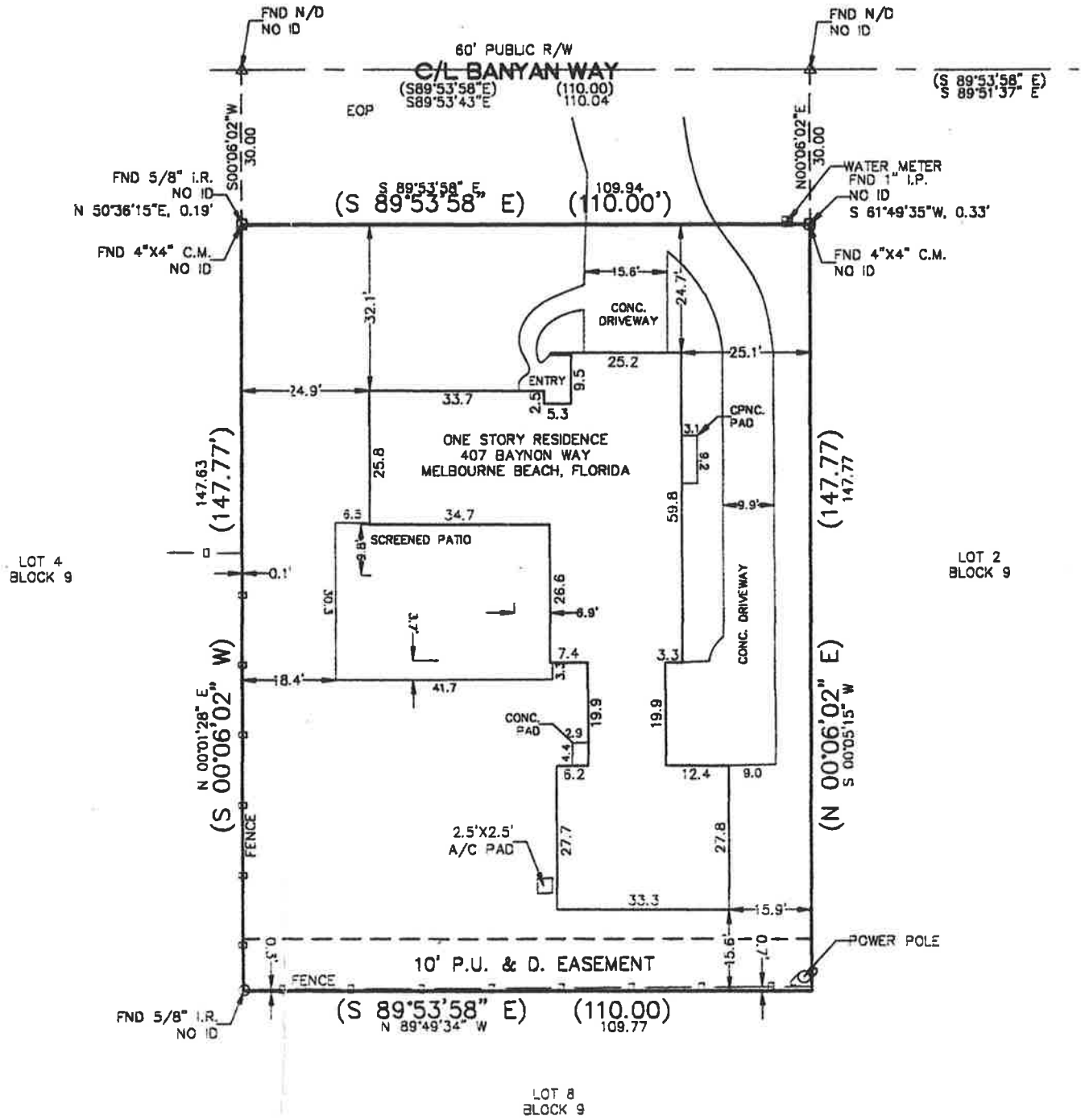
1) THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED. 2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM THE SURVEYOR. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE. 3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES. 4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS. DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS. 5) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN. 6) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988). 7) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE. 8) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LB (LICENSED BUSINESS) UNLESS OTHERWISE SHOWN.

Info@Nexgenlogix.com

561-508-6272

1547 Prosperity Farms Lake
Park FL 33403

LEGAL DESCRIPTION:
Lot 3, Block 9, ISLAND SHORES OF MELBOURNE BEACH, according to the Plat thereof, as recorded in Plat Book 10, Page 52, of the Public Records of Brevard County, Florida.



'iel L. Denes, PLS
rveyors and planners
Drive Suite 602, Satellite Beach, Fl., 32937
SURVEYOR2 @CFL.RR.COM fax (321)779-8607

MAP OF BOUNDARY SURVEY FOR
TITLE TRANSFER

SCOTT EHLERS
BRIDGETT B. ELHERS

LEGEND

C/L	CENTERLINE
PB	PLAT BOOK
EOP	EDGE OF PAVEMENT
ORB	OFFICIAL RECORD BOOK
PG	PAGE
R/W	RIGHT OF WAY
	POWER POLE
-OH-	OVERHEAD WIRES
O	CORNER MARKER RECOVERED AS NOTED
●	SET 5/8" REBAR WITH CAP (PLS 1908)
△	NAIL RECOVERED AS NOTED
▲	SET NAIL AND DISK (PLS 1908)
PCP	PERMANENT CONTROL POINT
PC	POINT OF CURVE
PT	POINT OF TANGENCY
PRC	POINT OF REVERSE CURVE
PCC	POINT OF COMPOUND CURVE
PI	POINT OF INTERSECTION
CLF	CHAIN LINK FENCE
WF	WOOD FENCE
WWF	WOVE WIRE FENCE
A/C	AIR CONDITIONER
(---)	INDICATES RECORD DATA
C:	INDICATES COMPUTED DATA
x0.0'	INDICATES GROUND ELEVATION
⟹	INDICATES SURFACE WATER FLOW

SEC	SECTION
TWP	TOWNSHIP
RNG	RANGE
NGVD'29	NATIONAL GEODETIC VERTICAL DATUM 1929
BM	BENCH MARK
CB	CONCRETE BLOCK
CONC	CONCRETE
CM	CONCRETE MONUMENT
EL	ELEVATION (VERTICAL CONTROL)
PU&DE	PUBLIC UTILITIES & DRAINAGE EASEMENT
FND	FOUND
IP	IRON PIPE
IR	IRON ROD
ID	IDENTIFICATION
PLS	PROFESSIONAL LAND SURVEYOR
RLS	REGISTERED LAND SURVEYOR
LB	LICENSED BUSINESS
L	LENGTH OF ARC
N/D	NAIL AND DISK
PVMT	PAVEMENT
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
R	RADIUS OF CURVE
S/W	SIDEWALK

NOTES:

1. THE LANDS SURVEYED LIE WITHIN FLOOD ZONE X, PER FLOOD INSURANCE RATE MAP NO. 12009C, COMMUNITY 125128 PANEL 0529 E, DATED NOV. 11, 1997. THIS LOCATION IS BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FINAL LOCATION AND FLOOD ZONE DETERMINATION REST WITH SAID AGENCY. THIS SURVEYOR ASSUMES NO RESPONSIBILITY FOR SAID LOCATION AND DETERMINATION.
2. THIS SURVEY WAS PREPARED FROM THE AVAILABLE DATA BASED ON THE DESCRIPTION PROVIDED BY THE CLIENT. THE UNDERSIGNED SURVEYOR DID NOT CONDUCT A TITLE SEARCH AND DID NOT RECEIVE AN ATTORNEY'S TITLE OPINION. LANDS DESCRIBED AND GRAPHICALLY SHOWN ON THIS SURVEY WERE NOT ABSTRACTED FOR ANY ENCUMBRANCES WHATSOEVER. THIS SURVEY AND DRAWING IS THE PROFESSIONAL STATEMENT OF THE SIGNING SURVEYOR, BASED ON DOCUMENTARY AND FIELD EVIDENCE.
3. THERE MAY OR MAY NOT BE RECORDED OR UNRECORDED RIGHTS OF WAY, EASEMENTS, RESERVATIONS OR RESTRICTIONS AFFECTING THE LANDS SURVEYED.
4. UNLESS SHOWN OTHERWISE, THERE ARE NO ENCROACHMENTS, GAPS OR OVERLAPS. FENCE OWNERSHIP, IF ANY IS NOT KNOWN. FOUNDATIONS AND OTHER STRUCTURES BENEATH THE SURFACE ARE NOT LOCATED.
5. UNLESS SHOWN OTHERWISE, DIMENSIONS AND DIRECTIONS COMPUTED AND FIELD MEASURED ARE THE SAME AS SHOWN IN THE DESCRIPTION.
6. ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO NGVD 1929 OR OTHER AS APPLICABLE.
7. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
8. THIS SURVEY WAS MADE FOR THE PURPOSES DESCRIBED, AND SHALL BE USED FOR NO OTHER PURPOSES WHATSOEVER.
9. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY ANY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES
10. THIS SURVEY AND DRAWING IS MADE TO COMPLY WITH THE "MINIMUM TECHNICAL STANDARDS FOR SURVEYS IN THE STATE OF FLORIDA", PER CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES
11. BEARINGS REFER TO THE CENTERLINE OF BAYNON WAY AS, SHOWN ON THE PLAT OF ISLAND SHORES OF MELBOURNE BEACH: S 89°53'58" E (ASSUMED)
12. PROPOSED SITE PLAN INFORMATION, IF ANY, IS PROVIDED BY THE CLIENT.

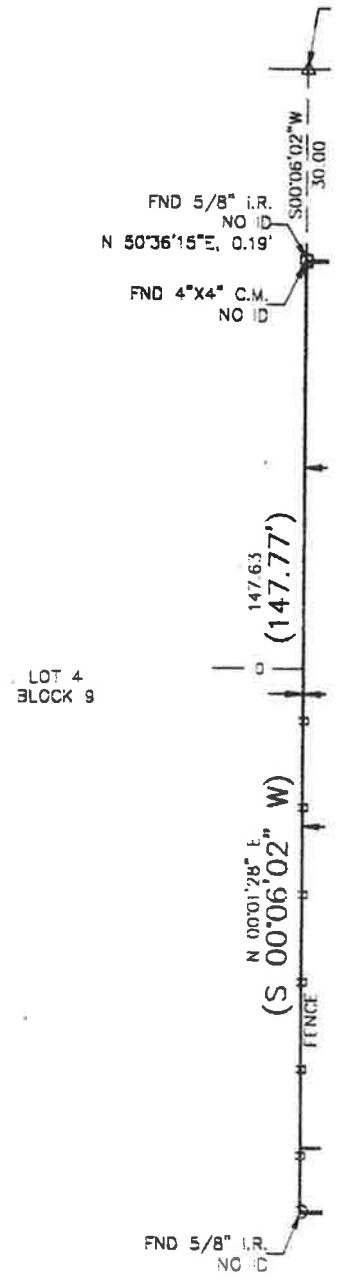
THIS SURVEY IS CERTIFIED TO AND SPECIFICALLY MADE FOR

SCOTT EHLERS
BRIDGETT B. EHLERS
COUNTYWIDE HOME LOANS, INC.
STATE TITLE PARTNERS, LLP
STEWART TITLE GUARANTY COMPANY

DATE OF FIELD SURVEY: SEPTEMBER 23, 2004
DESCRIPTION CORRECTED ON OCTOBER 4, 2004

GABRIEL L. DENES, PLS 1908
STATE OF FLORIDA

LEGAL DESCRIPTION:
Lot 3, Block 9, ISLAND SHORES OF ME
to the Plat thereof, as recorded in Plat Bo
Records of Brevard County, Florida.



F.B/P.	272/63	DATE:	10-04-04
DRAWN BY:	EDB	SCALE:	1"=30'
CHECKED BY:	GLD	DWG. #	04-277

Gabriel L. Denes, PLS
surveyors and planners
1227 South Patrick Drive Suite 602, Satellite Beach, Fl., 32937
phone (321)779-8606 SIRVEYOR2 @CFL.RR.COM fax (321)779-8607


Google Maps
Image capture: May

Town of Melbourne Beach
Board of Adjustment
Notice of Public Hearing

October 12, 2026

The Board of Adjustment will hold public hearings on **Thursday, October 29, 2026, at 6:00 p.m.** or as soon thereafter as may be convenient to the Board, in the Community Center, at 509 Ocean Avenue, Melbourne Beach, FL, 32951, to hear interested persons in regard to the requested variance applications:

Variance Application: 407 Banyan Way

Variance Application #VV2026-0001: This is a request for a variance from the Town of Melbourne Beach Land Development Code Section 7A-32(f)(7) "a" as follows:

(7) Minimum yard requirements:
a. Rear setback, 25 feet from lot line.

The variance request is to allow an existing structure (livable space) on the rear (south) of the property, to be located 15' 9" from the property line. This would require a variance of 9' 3" from the required 25' rear setback.

Property Description: The property is legally described by the Brevard County Property Appraiser as:
Parcel ID: 28-38-06-75-9-3
Legal Description: Island Shores of Melbourne Beach Lot 3 Blk 9

The application was submitted by the homeowners Delmore S. & Bridget B. Ehlers.

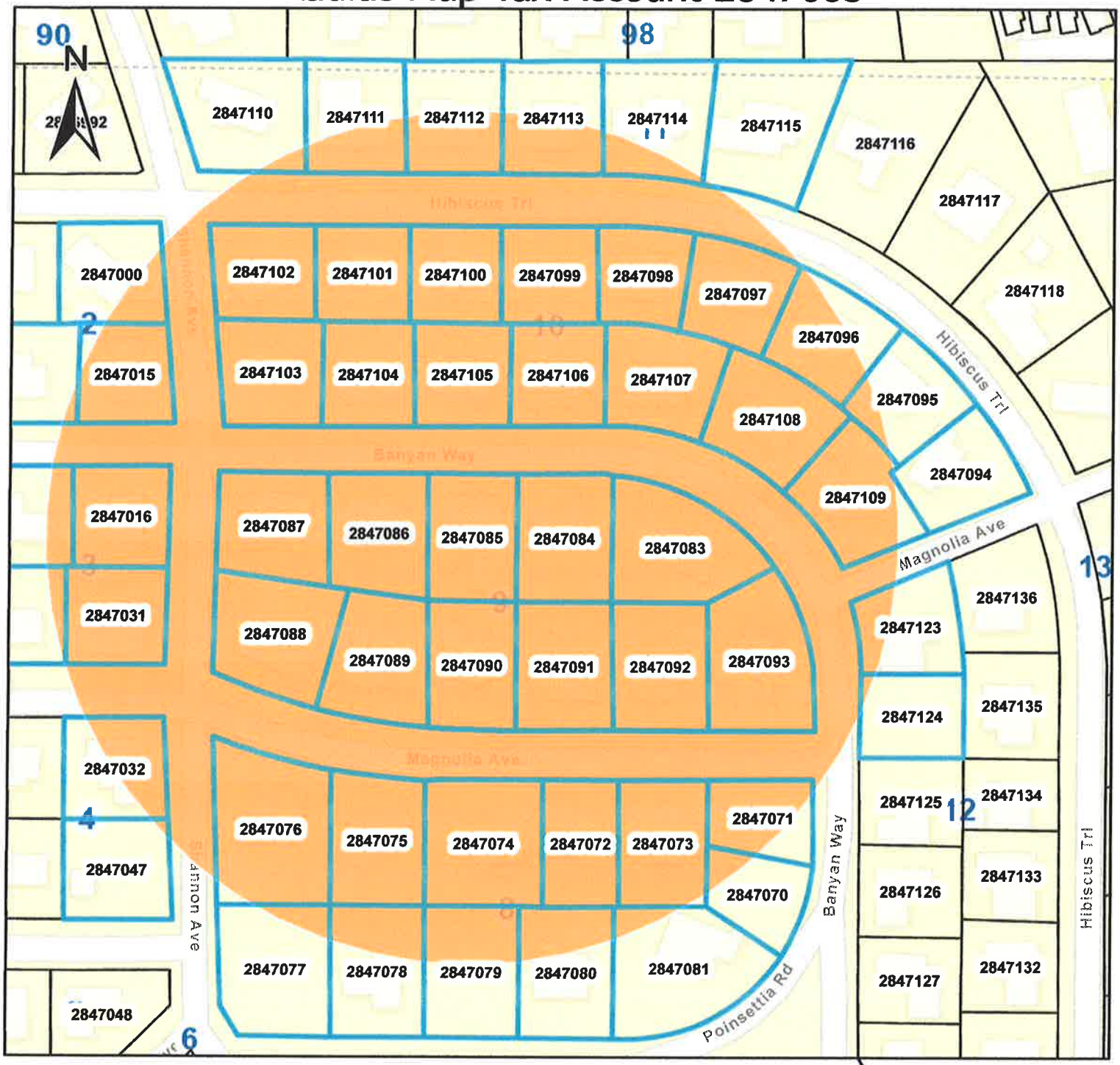
Applications may be reviewed during normal business hours 8:30 am to 4:30 pm in the Town Clerk's Office, 507 Ocean Avenue, Melbourne Beach, FL. Interested parties may be heard at the public hearing or may submit written comments to the Town Clerk's Office. This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the Board of Adjustment on this topic to properly noticed public hearings or to written communication to the Town Clerk's Office.

Pursuant to Section 286.0105, Florida Statutes, the Town hereby advises the public that if a person decides to appeal any decision made by this Board with respect to this or any matter considered at its hearing, such person must 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 Town 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.

The needs of a hearing or visually impaired person shall be met if the Town of Melbourne Beach is notified at least 48 hours prior to the public hearing by any person wishing assistance.

Cyd Jones, Town Clerk
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, Florida 32951
Phone 321-724-5860 Fax 321-984-8994

Radius Map Tax Account 2847085



Disclaimer: This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.



Brevard COUNTY

Print Time: 9/28/2026 12:14 PM

Scale: 1:2,257
1 inch equals 188 feet

0 80 160 Feet

2847085 500 Feet

TaxAcct	OWNER_NAME1__OWNER_NAME2	OWNER_STREET_NAME__OWNER_ADDRESS2	OWNER_CITY__OWNER_STATE__OWNER_ZIP5
Tax Account ID: 2847080	ARMSTRONG, ANNETTE M	404 POINSETTIA RD	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847079	MAULER, DANIEL MAULER, KATHRYN CIANO	310 BEVERLY DR	ALEXANDRIA, VA 22305
Tax Account ID: 2847078	GLENN ARRINGTON & KATHERINE HEYDON ARRINGTON REVOCABLE LIVING TRUST	416 POINSETTIA RD	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847077	WES FAMILY TRUST	303 SHANNON AVE	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847047	MC GREGOR, SHAWN A MC GREGOR, SHERI G	302 SHANNON AVENUE	MELBOURNE BCH, FL 32951
Tax Account ID: 2847072	FARRALL, DAVID A FARRALL, LISA M	413 MAGNOLIA AVE	MELBOURNE BCH, FL 32951
Tax Account ID: 2847074	ZARICKI, ADAM ZARICKI, CHERYL BADUINI	415 MAGNOLIA AVE	MELBOURNE BCH, FL 32951
Tax Account ID: 2847073	GARWOOD, ANDREW	411 MAGNOLIA AVE	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847071	ROMERO, ANTHONY	409 MAGNOLIA AVE	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847076	ARBUCKLE, KENNETH A ARBUCKLE, KAREN S	301 S SHANNON AVE	MELBOURNE BCH, FL 32951
Tax Account ID: 2847032	BONAR, JOSEPH E BONAR, JUDITH A	300 SHANNON AVE	MELBOURNE BCH, FL 32951
Tax Account ID: 2847092	SUKOLSKY, SHERYL A	410 MAGNOLIA AVE	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847091	DONNELLY, MARY A TEACHEY, DENNIS	412 MAGNOLIA AVE	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847090	NELSON, MARC W NELSON, DIANE C	414 MAGNOLIA AVE	MELBOURNE BCH, FL 32951
Tax Account ID: 2847030	WASHBURN, BRENT S,JR WASHBURN, KILEY A	502 MAGNOLIA AVE	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847031	BRENDA S LINNELL REVOCABLE TRUST	206 SHANNON AVE	MELBOURNE BCH, FL 32951
Tax Account ID: 2847085	EHLERS, DELMORE S EHLERS, BRIDGET B	407 BANYAN WAY	MELBOURNE BCH, FL 32951
Tax Account ID: 2847086	EASON, THOMAS A JR RADASZEWSKI, MICHELLE C	409 BANYAN WAY	MELBOURNE BCH, FL 32951
Tax Account ID: 2847087	BURROWS, ALASTAIR J ROTH, DANA E	1770 ANNA CATHERINE DR	ORLANDO, FL 32828
Tax Account ID: 2847017	BLAIR, APRILE	501 BANYAN WAY	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847016	WALLINGER, JOHN T WALLINGER, BRENDA A	204 SHANNON AVE	MELBOURNE BCH, FL 32951
Tax Account ID: 2847014	KESILMAN, JAMES KESILMAN, ERICA	502 BANYAN WAY	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847106	CASIMIR, MAURICE WATTERS-WOODWARD, ELIZABETH DAVY	406 BANYAN WAY	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847105	408 BANYAN WAY LLC	44 CAMELLIA TER	INDIAN HARBOUR BEACH, FL 32937
Tax Account ID: 2847104	CRONIN, TERRENCE A III	150 RIVERSIDE DRIVE	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847103	WOOD, JAMES L WOOD, PATRICIA N	412 BANYAN WAY	MELBOURNE BCH, FL 32951
Tax Account ID: 2847099	JAMES, ZETH	411 HIBISCUS TRL	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847100	LADD, SHANE LADD, EILEEN	413 HIBISCUS TRL	MELBOURNE BEACH , FL 32951
Tax Account ID: 2847101	GOSSELIN, JAKE	415 HIBISCUS TRL	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847102	BOUCHER, PAULA M	417 HIBISCUS TRL	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847000	SCALISE, CONNOR C SCALISE, VICTORIA K	200 SHANNON AVE	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847112	CHIODO, CHARLES D CHIODO, MICHAEL A	414 HIBISCUS TRL	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847110	GIRARD, MARGUERITE L GIRARD, DOUGLAS R	101 SHANNON AVE	MELBOURNE BCH, FL 32951
Tax Account ID: 2847111	MACNEIL FAMILY REVOCABLE LIVING TRUST	307 SUNSET RD	WEST PALM BEACH, FL 33401
Tax Account ID: 2847081	TURIGLIATTI, TRACI	402 POINSETTIA RD	MELBOURNE BCH, FL 32951
Tax Account ID: 2847070	BARTLETT, JESSICA	306 BANYAN WAY	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847075	CABLES, MARY BUSS CABLES, JEFFREY	417 MAGNOLIA AVE	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847124	PEACOCK, MICHAEL A,LIFE ESTATE PEACOCK, LOUISE R,LIFE ESTATE	303 BANYAN WAY	MELBOURNE BCH, FL 32951
Tax Account ID: 2847089	COLLINS, JAMES L II	416 MAGNOLIA AVE	MELBOURNE BCH, FL 32951
Tax Account ID: 2847088	CARTER, CHRISTOPHER A	418 MAGNOLIA AVE	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847093	GABLE, JULIE ANN	300 BANYAN WAY	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847123	HANDEL, THEODORE GEORGE	301 BANYAN WAY	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847063	BRANDON & BRYNN FOLZ REVOCABLE TRUST	403 BANYAN WAY	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847064	ROONEY, RICHARD D JR NYLANDER, JENNIFER L	405 BANYAN WAY	MELBOURNE BCH, FL 32951
Tax Account ID: 2847109	PETER HOELZEL TRUST	400 BANYAN WAY	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847094	ISLAND GIRL GETAWAY LLC	2015 WAVERLY PL	MELBOURNE, FL 32901
Tax Account ID: 2847108	MC CLURE, BACH V MC CLURE, TAMARA J	402 BANYAN WAY	MELBOURNE BCH, FL 32951
Tax Account ID: 2847065	BILLS, DAVID M CAZA, ANN	403 HIBISCUS TRL	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847018	DAVENPORT, ANDREW D MULLAN, JENNIFER V	PO BOX 731	STONE RIDGE, NY 12484
Tax Account ID: 2847107	APPLE, DEBRA A	404 BANYAN WAY	MELBOURNE BCH, FL 32951
Tax Account ID: 2847096	OSTENSEN, AUSTIN KURT OSTENSEN, SONYA ANN	405 HIBISCUS TRL	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847097	HOARD, JENNIFER HOARD, STEPHEN BARRETT	407 HIBISCUS TRL	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847098	FAIN-SCHULTZ, LEE A SCHULTZ, CHRISTOPHER E	409 HIBISCUS TRAIL	MELBOURNE BCH, FL 32951
Tax Account ID: 2847113	SVEVAR, ALAN A GHANBARI, CECILIA	412 HIBISCUS TRL	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847114	PATAS, THOMAS EBY, EMMET	410 HIBISCUS TRL	MELBOURNE BEACH, FL 32951
Tax Account ID: 2847115	JUDY J CLARK REVOCABLE LIVING TRUST	408 HIBISCUS TRL	MELBOURNE BEACH, FL 32951

Dana Blickley, CFA, Brevard County Property Appraiser
Titusville • Viera • Melbourne • Palm Bay
(321) 264-6700
www.bcpao.us
Disclaimer

REAL PROPERTY DETAILS
Account 2847085 - Roll Year 2026

Owners	EHLERS, DELMORE S; EHLERS, BRIDGET B
Mailing Address	407 BANYAN WAY MELBOURNE BCH FL 32951
Site Address	407 BANYAN WAY MELBOURNE BEACH FL 32951
Parcel ID	28-38-06-75-9-3
Taxing District	34X0 - MELBOURNE BEACH
Exemptions	HEX1 - HOMESTEAD FIRST HEX2 - HOMESTEAD ADDITIONAL
Property Use	0110 - SINGLE FAMILY RESIDENCE
Total Acres	0.37
Site Code	0001 - NO OTHER CODE APPL.
Plat Book/Page	0010/0052
Subdivision	ISLAND SHORES OF MELBOURNE BEACH
Land Description	ISLAND SHORES OF MELBOURNE BEACH LOT 3 BLK 9



VALUE SUMMARY

Category	2026	2025	2024
Market Value	$725,290	$653,310	$658,820
Agricultural Land Value	$0	$0	$0
Assessed Value Non-School	$287,890	$280,330	$272,430
Assessed Value School	$287,890	$280,330	$272,430
Homestead Exemption	$25,000	$25,000	$25,000
Additional Homestead	$26,411	$25,722	$25,000
Other Exemptions	$0	$0	$0
Taxable Value Non-School	$236,479	$229,608	$222,430
Taxable Value School	$262,890	$255,330	$247,430

SALES / TRANSFERS

Date	Price	Type	Instrument
01/11/2005	--	QC	5418/2941
10/12/2004	$425,000	WD	5373/0914
03/30/1996	$130,000	WD	3551/4689
07/15/1964	$31,000	WD	0709/0195

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials	
Exterior Wall:	STUCCO
Frame:	MASNRYCONC
Roof:	ASPH/ASB SHNGL
Roof Structure:	HIP/GABLE

Details	
Year Built	1964
Story Height	8
Floors	1
Residential Units	1
Commercial Units	0

Sub-Areas	
Base Area (1st)	2,565
Garage	448
Garage	519
Open Porch	48
Total Base Area	2,565
Total Sub Area	3,580

Extra Features	
Pool - Residential	1
Pool Deck	827





Account: 2847085 Parcel ID: 28-38-06-75-9-3
Sale: 10/ 2/2004 $425,000
BCPAO Market Value: $ 25,290
Owners: EHLERS, DELMORE S; EHLERS, BRIDGET B
Address: 407 BANYAN WAY MELBOURNE BEACH FL 32951

Zoom | Clear | Details | EagleView | Hide Info

BCPAO|Dana Blickley, CFA, Brevard County Property Appraiser | Instructions | Disclaimer

Prepared by:

State Title Partners LLP
300 West Fee Avenue Suite B
Melbourne, Florida 32901

File Number: STP-7989

CFN:2004328128 10-19-2004 08:33 am
OR Book/Page: 5373 / 0914

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 1 #Names: 3
Trust: 1.00 Rec: 9.00 Serv: 0.00
Deed: 2,975.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

General Warranty Deed

Made this October 13, 2004 A.D. By **Karel Watkins, a single person** hereinafter called the grantor, to **Delmore S. Ehlers and Bridget B. Ehlers, husband and wife**, whose post office address is: 407 Banyan Way, Melbourne Beach, Florida 32951, hereinafter called the grantee:

(Whenever used herein the term "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)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, viz:

Lot 3, Block 9, ISLAND SHORES SUBDIVISION OF MELBOURNE BEACH, according to the plat thereof, as recorded in Plat Book 10, Page 52, of the Public Records of Brevard County, Florida.

Subject to taxes and assessments for the current year and all subsequent years.
Subject to restrictions, easements, and covenants of record.
Subject to all applicable zoning rules and regulations.

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 December 31, 2003

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Suzanne Marie Thomas
Witness Signature
Witness Printed Name Suzanne Marie Thomas

Witness Signature
Witness Printed Name Shauna Wilmot

Karel Watkins (Seal)
Karel Watkins
Address: 3685 Deerwood Trail, Melbourne, FL 32934

(Seal)
Address:

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this October 12, 2004, by Karel Watkins, who is/are personally known to me or who has produced driver's license as identification.

Notary Public Signature
Print
Name:
Notary Seal
My Commission Expires:

Shauna Wilmot
Commission # DD346238
Expires March 16, 2007
Bonded Troy Fain - Insurance, Inc. 800-385-7019

DEED Individual Warranty Deed - Legal on Face
Closers' Choice