



Town of  
**Redington Shores**  
*Nature's Beach*

**SPECIAL MAGISTRATE  
HEARING**

**Wednesday, June 25, 2026  
10:00AM**

**TOWN HALL  
17425 GULF BLVD.  
REDINGTON SHORES, FL.**

**AGENDA**

**New Business:**

Application for Variance from the Land Development Regulations, Sec. 90-159 for Structures in Setbacks for a balcony and staircase.

Name: Michael and Marisa Barnas

Address: 165 Coral Ave. E., Redington Shores, FL 33708

Application for Variance from the Land Development Regulations, Sec. 90-162 (D)(4) and (E) for Structures in Setbacks and Pervious Surface staircases and impervious surface.

Name: Michael and Marisa Barnas

Address: 135 175th Terrace Dr. E., Redington Shores, FL 33708

"Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and, for such purpose, they 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."

"The Town maintains a tape recording of all public hearings. In the event that you wish to appeal a decision the tape may or may not adequately ensure a verbatim record of the proceedings. Therefore, you may wish to provide a court reporter at your expense."

**165 CORAL AVE E**

# APPLICATION

# TOWN OF REDINGTON SHORES, FLORIDA SPECIAL MAGISTRATE, PLANNING & ZONING BOARD

1. Application For: 165 CORAL AVE. Redington Shores, FL 33708  
Property Address

Administrative Review (Sec. 90-129, Redington Shores Code)

It is alleged that there is error in any order, requirement, decision or determination made by the planning official in the enforcement of Part 5.

Site Plan Review (Sec. 90-110, 90-124, 90-126, 90-129)

SITE PLAN REVIEW – See attached Submittal Requirements for Site Plan Review.

Special Exception (Sec. 90-99B, 90-100B, 90-102B, 90-103B, 90-111B, 90-114 F & G, 90-126, 90-129)

SPECIAL EXCEPTION – A use that would not be appropriate generally or without restriction throughout the particular zoning district or classification, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare.

Variance (Sec. 90-42, 90-127 Redington Shores Code)

### VARIANCE

A modification of Part 5 or of regulations issued pursuant thereto when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of actions of the owner, a literal enforcement of this Part 5 would result in unnecessary and undue hardship.

**NOTICE:** To ensure compliance with Florida Statutes § 454.23 (providing that it is a felony for a person not an attorney to practice law in Florida), and to ensure the Town is not a party to facilitating the unauthorized practice of law, while an Owner who is a natural person may represent her or himself at the Special Magistrate variance hearing, and while a licensed attorney may represent an Owner at the hearing, relatives, contractors, architects, engineers, or other agents of the Owner will not be permitted to represent an Owner at the hearing, including calling or cross-examining witnesses or making arguments for approval. Owners or their legal counsel must be present to present cases, and the Magistrate will decline to proceed with a hearing where the Owner or her or his legal counsel is not present to present the case.

2. Name (if any), Address, and Legal Description of Real Property involved in Appeal:

Property Name: \_\_\_\_\_

Property Address: 165 CORAL AVE. Redington Shores, FL 33708

Legal Description: HARBOR SHORES 2ND Add Lot 80

Building Permit Application No. \_\_\_\_\_

3. **Owner of Property**

Name Michael & Marisa Barnas

Mailing Address 7919 Nordica Ave.

City Burbank State IL Zip 60459

Business Telephone (\_\_\_\_) \_\_\_\_\_ Residence Telephone (312) 560-0501

4. **Specific provisions of Redington Shores Code involved in appeal:**

Redington shores Code - Sec. 90-159. General Provisions

Article G.(2), G.(3), I. & J. & Sec. 90-166.

CTF Commercial Tourist Facilities District Article C.(1)

5. **Appeal: (Concise and specific statement of issue(s) on which Board is requested to give a favorable decision.)**

Please see letter attached to

this Application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Use and attach additional pages as necessary)

6. Names of members of Town's Staff who are requested to be present at the Board's Public Hearing:

Zain Hussain & DAVE DIXON

7. **Certification:**

I certify that, to the best of my knowledge, the information provided above is completed and accurate.

M/T.B.

Signature of Owner

Date of Application

8. **Acknowledgement:**

I acknowledge that I have received a copy of the Variance Criteria and Procedure at the time of my application for a variance. I further acknowledge that, Per Town Code, if I elect to withdraw the application after the Town has commenced any work in processing the application, I will not be entitled to any refund of fees that have been submitted.

Owner Signature M/T.B. Date \_\_\_\_\_

## 5. Appeal- 165 Coral Ave. Redington Shores

January 21, 2026

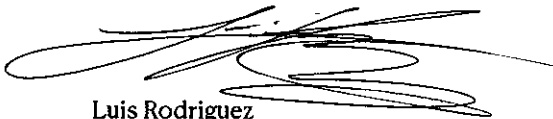
Dear Town of Redington Shores,

The home owners, Michael & Marisa Barnas, of 165 Coral Ave. Redington Shores, FL 33708, are requesting a variance due to a hardship. The home is a Duplex, in the Commercial Tourist Facilities (CTF) zone of Redington Shores. The area of concern we are looking to remedy, through means of a variance, is in regards to the primary access to the upstairs unit.

Currently, the upstairs unit is accessed by a staircase located inside the home. The flawed design of the existing staircase poses many issues that would not meet current building or fire codes. The awkward shape of the angular steps, a number of risers exceeding the maximum height, & the absence of a stair nose poses a trip or fall hazard for the home owners & any potential or future rental tenants. *(See Photos)* The tight direction & turn of the staircase accompanied by low ceilings will not allow furniture or major appliances to be placed in the upstairs unit without the use of extraordinary means, & in its current location, it lacks the necessary space needed to rework the design of the staircase properly. Furthermore, in the event of a medical emergency, the existing staircase does not allow the necessary access for First Responders to carry someone down safely and effectively in the event one were to become unresponsive.

We are seeking approval of a variance to reduce the rear setback of this 50 ft x 60 ft parcel & allow for a newly proposed staircase & balcony off the rear elevation of the home. *(See Site Plan)* This new staircase will serve as the primary access & entry point to the upstairs unit, eliminating the current staircase located inside the home. On the site plan provided, you will see the current distance of the home to the rear property line, as well as the proposed location of the new staircase. The proposed staircase will only extend 1' - 1' 6" past the existing rear elevation of the home, & will be exactly 12' away from the rear property line. We hope the members of the magistrate & representatives of the zoning department will consider our hardship, & allow for a variance to provide safer means of access to the home.

Sincerely,



Luis Rodriguez

Certified Building Contractor

License# CBC1265426

**TOWN OF REDINGTON SHORES  
VARIANCE CRITERIA AND PROCEDURE**

This Document contains important information regarding the criteria and procedures to obtain a variance.

Variance Criteria – Section 90-127B 1 through 6

A variance may be granted when it will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal interpretation of the Town's zoning code (Part 5 of the Town Code) would result in unnecessary and undue hardship. The Board should keep in mind that a variance goes with the land only, not the applicant, i.e., handicap, age, etc.

A variance may not be granted to establish or expand a use that is not permitted by the zoning code. A variance may not be granted because of the presence of nonconformities in the zoning district or in adjoining zoning districts.

In authorizing a variance, the Board will consider only the following criteria:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) That the special conditions and circumstances do not result from the actions of the applicant.
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Part 5 to other lands, buildings or structures in the same zoning district.
- (4) That literal interpretation of the provisions of this Part 5 would deprive the applicant of rights commonly enjoyed by other land, buildings or structures in the same zoning district.
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) That the grant of the variance will be in harmony with the general intent and purpose of this Part 5, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The Town has the initial burden of proving that what the applicant has done or proposes to do is contrary to the zoning code. If this is proven, the burden then shifts to the applicant to prove that he or she is entitled to a variance according to the criteria set forth above. If the applicant fails to prove this, the variance should be denied. If the applicant does prove this, the variance should be granted.

## **Hearing Procedure**

All testimony shall be under oath. The owner and the Planning Official have the right to call witnesses and introduce documents to present relevant evidence.

The following procedures will be followed at the variance hearing:

1. **Presentation by staff** – The Planning Official presents his evidence and findings and explains the issues. He should be under oath like any other witness. The Board may then question the Planning Official about his presentation, followed by the owner and anyone who is an opponent of the variance request. The Chair has the right to control inquiry to ensure that, (1) the questions are relevant to the issues, and (2) the questions are relevant to the evidence.
2. **Presentation by Owner** – The owner presents his or her evidence and witnesses. After each witness has testified, the Board, the Planning Official, and any opponents are allowed to question the witness.
3. **Presentation by Interested Parties** – An interested party is a party who is directly affected by the application, such as an adjacent property owner. If any such person wishes to make a presentation or cross examine witnesses, they shall register as an interested party prior to the hearing. Any questions concerning whether an individual is an interested party shall be decided by the Board at the start of the hearing. Any person who has been recognized as an interested party may present their evidence and witnesses under the same rules as above. The order of questioning is Board, Owner, Planning Official.
4. **Rebuttal witnesses and evidence** – The Planning Official, followed by the owner, followed by any opponents will have an opportunity to present witnesses or evidence to rebut evidence presented after their presentation. The purpose of rebuttal is to give participants an opportunity to respond to new evidence and not to rehash evidence previously given.
5. **Summing up** – The Planning Official, the owner, and any opponents will have a brief opportunity to summarize the evidence and present arguments regarding how the Board should decide the case. Each speaker is limited to five minutes.
6. **Deliberation, Motion and Voting by the Board**– At this time and following the summation of the parties, there shall be no additional discussions or questions by any of the parties, unless in response to any question by a member of the Board.

**NOTICE:** To ensure compliance with Florida Statutes § 454.23 (providing that it is a felony for a person not an attorney to practice law in Florida), and to ensure the Town is not a party to facilitating the unauthorized practice of law, while an Owner who is a natural person may represent her or himself at the Special Magistrate variance hearing, and while a licensed attorney may represent an Owner at the hearing, relatives, contractors, architects, engineers, or other agents of the Owner will not be permitted to represent an Owner at the hearing, including calling or cross-examining witnesses or making arguments for approval. Owners or their legal counsel must be present to present cases, and the Magistrate will decline to proceed with a hearing where the Owner or her or his legal counsel is not present to present the case.

## TOWN OF REDINGTON SHORES

### PLANNING & ZONING BOARD

#### SITE PLAN SUBMITTAL REQUIREMENTS

All applications for new construction or substantial improvement, other than single family detached houses and duplex units east of Gulf Blvd. – whether permitted or special – shall be subject to site plan review by the Planning & Zoning Board, which application shall be processed accordance with the provisions of Section 90-124. An initial site plan conference regarding factors of zoning, safety and general requirements may be requested by the owner or designer at any time prior to official submittal. No fees shall be charged for this conference.

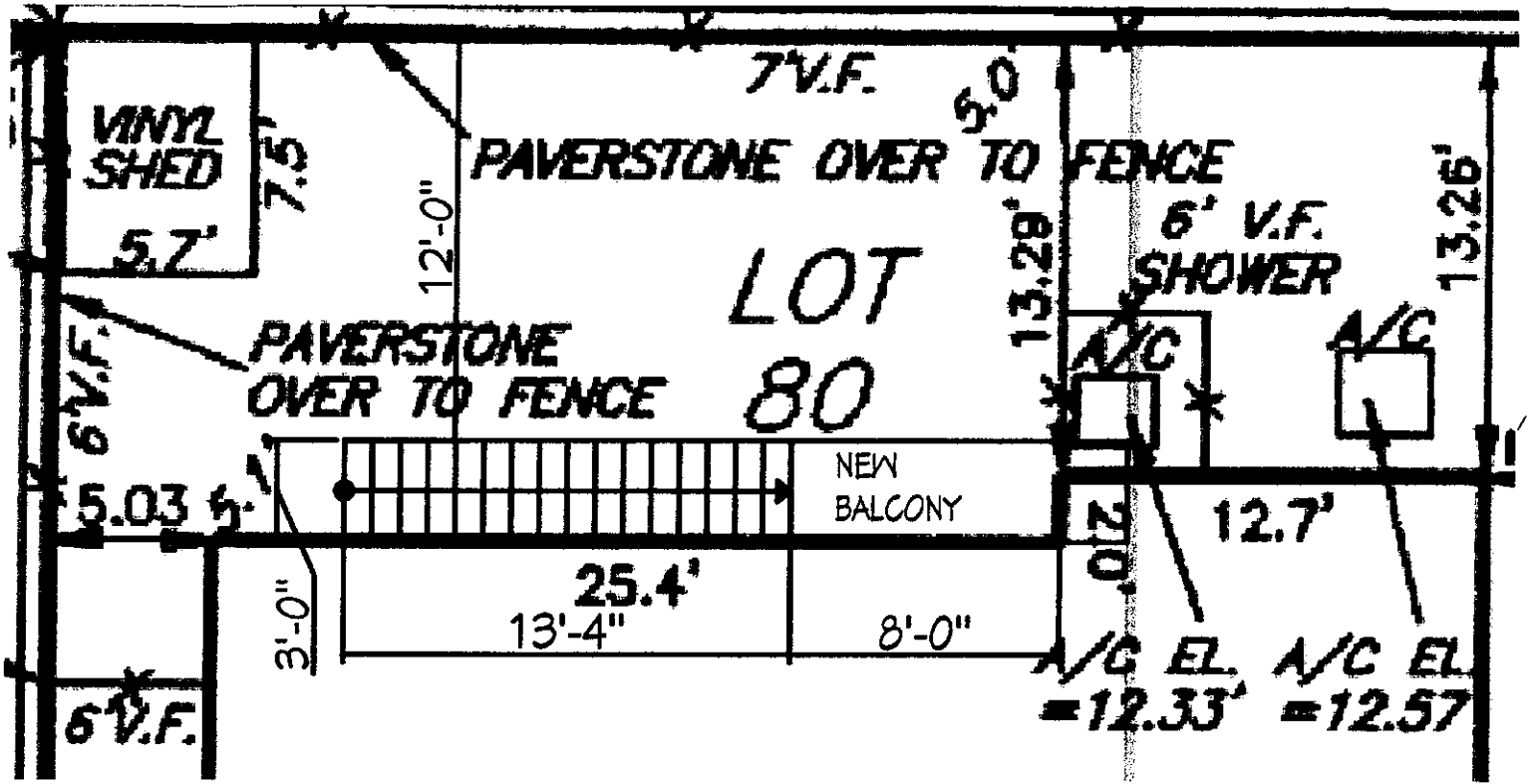
**Provide fifteen (15) copies of the site plan and supporting documentation to the Town, together with an application signed by the owner of record. Each application shall be accompanied by the application fee as specified by Resolution of the Town Commission. No application will be accepted or reviewed until the fee is paid.**

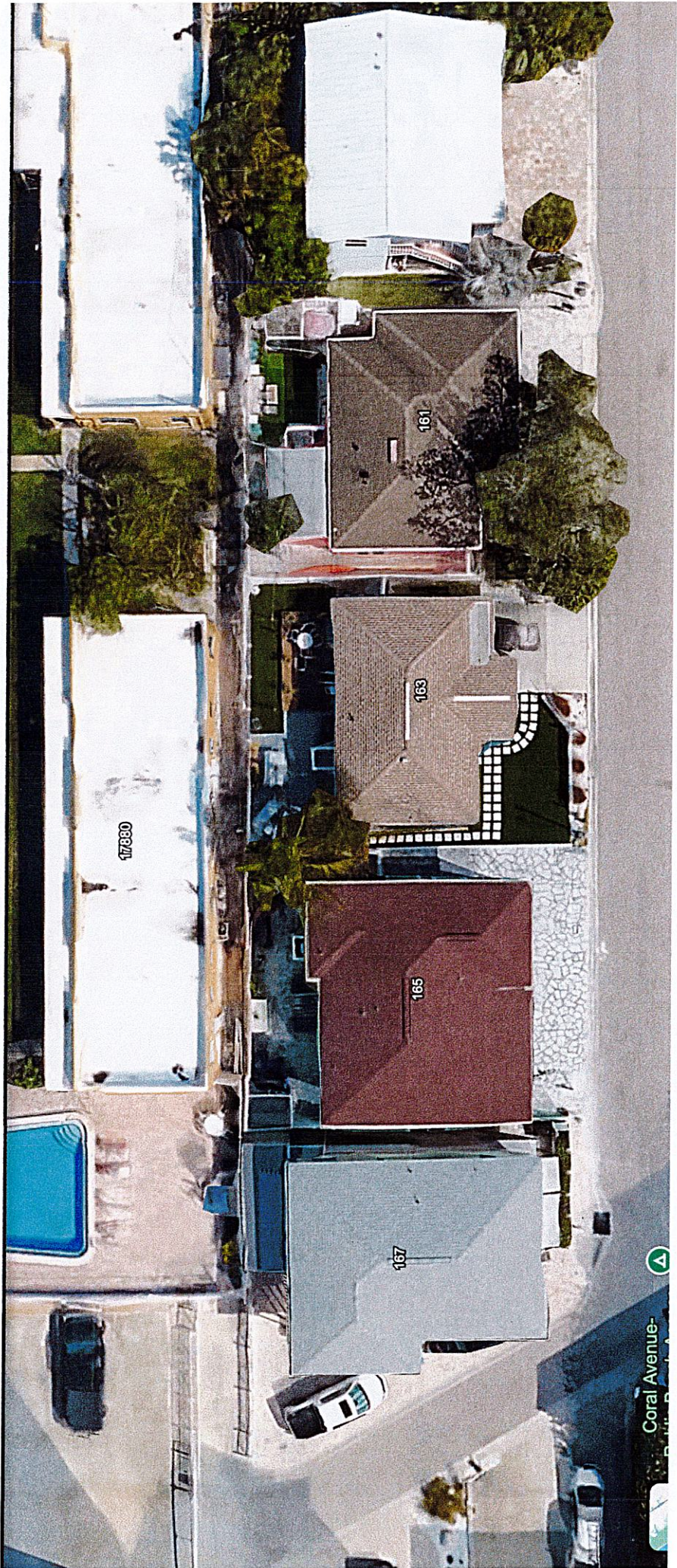
All plans shall be prepared at a scale not smaller than one inch equal to 50 feet, and should be submitted on sheets measuring no larger than 11 x 17", or as approved by the Planning Official.

A Site Plan shall depict the following:

1. Location of buildings and their relation to property lines (setbacks)
2. Driveways and parking areas
3. Pedestrian walks and landscaping
4. Elevations and/or renderings, if required
5. Locations of utilities, existing and proposed, including depicting all easements on the property whether utility or private. Any property fronting the west side of Gulf Blvd. shall show and provide a ten foot wide utility easement, for above and below ground utilities, along such portions of the property abutting Gulf Blvd. Providing a recorded utility easement to the Town of Redington Shores shall be a condition that must be fulfilled prior to the issuance of any building permit (Amended 3/21/05 by Ord. 05-02).
6. Spot locations of major trees in excess of 8 inches in diameter, and waterways
7. Topography to the one foot contour interval
8. Elevation of lowest habitable floor of building in relation to mean sea level
9. When appropriate, the Coastal Construction Control Line, and the flood zone boundaries of the most current Flood Insurance Rate Map (FIRM)
10. Facilities for control of runoff water
11. Soil types
12. Traffic circulation
  - a. unrestricted access to streets not allowed. Generally curb cuts limited to a maximum of 25 ft.
  - b. access to streets should take into consideration sight distance and alignment
  - c. all sites must provide for emergency vehicle access
  - d. separate ingress and egress is encouraged
  - e. traffic collection to reduce access points to Gulf Blvd. is encouraged
  - f. maneuver lanes between rows of parked autos shall be at least 20 feet in width
  - g. traffic lanes shall conform to the same design standards as public streets as regards alignment on intersections
  - h. all buildings excluding single family and duplex dwelling districts must provide for pedestrian circulation. Hard surfaced pedestrian walks a minimum of four feet wide shall be provided generally as follows: along public rights-of-way; along access corridors to buildings; at interconnecting points where significant numbers of people will seek to walk
13. Landscaping: All uses shall be landscaped. Required landscaping may encompass street trees or shrubs, foundation planting, planting islands to define curb cuts, or perimeter planting.







165 Coral Ave.- Staircase



To the Town of Redington Shores,

We would like to thank the council & the members of the magistrate that have joined us & for allowing us the opportunity to present our case before you today. The property we will be discussing is located at 165 Coral Ave, & is located in the CTF Zone of Redington Shores. My clients, Michael & Marisa Barnas, have already undergone multiple renovations to the property in recent years, both before & after the storm. We are looking forward to entering the last phase of renovations, which will be for the upstairs unit of this multi family home.

Before we can proceed with this last phase of renovations, we need to address the primary means of access & egress to the upstairs unit. Currently, the upstairs unit is accessed by a winding stairway that does not meet current Florida Building Codes for proper construction or means of egress. When we submit plans for the upstairs renovation, the means of egress must meet current Florida Building Codes. When you enter through the door on the left side of the home, there is a small vestibule area with the stairway immediately to the left to access the upstairs unit. The remainder of the downstairs area belongs to the downstairs unit. In its current location, there is not enough room to rework the stairway in a manner that meets the current Florida Building Codes. A list of Florida Building Codes & photos of the stairway have been provided on the subsequent pages to demonstrate all the flaws of the current design.

From my understanding, while a winding stairway may be permissible inside of a dwelling unit as a component of egress, it cannot be a primary form of egress. For primary egress, continuity must exist in size, shape, width & clearance which the current stairway does not present. The stairway lacks a stair nose, heights of the steps range from 7" - 8" which is well above maximum height, the clearance in headroom is not maintained at the minimum of 80", the dimensions of the narrow end of the winder steps are well below 6", & the walk line of the steps 12" inward is not uniform in size & well below the required dimensions. If the existing stairway was to code, it would mean a much wider & larger stairway than what the current vestibule area can allow.

We are here today seeking an approval for a variance to allow us to relocate the stairway to the back side of the home, which will now serve as the primary access & means of egress for the upstairs unit. By relocating the stairway to the backside of the home, it will allow for a safer means of access & egress to the upstairs unit which will meet current Florida Building Codes. This new stairway will remedy a lot of the existing troubles the home owners have experienced, which will prevent family members from further injury or harm, will allow first responders safer access for extraction in a medical emergency, furniture can now be raised to the upstairs unit without the use of extraordinary means, & during the renovation, it will be easier to get construction

materials such as lumber, drywall, cabinets, fixtures & appliances upstairs properly without risk of damage or harm.

In order to allow for the stairway to be constructed on the backside of the home, it will extended roughly 1' 4" past the existing home, but will maintain a distance of 12' from the rear property line which you can see by the site plan provided. The stairway would be constructed as an open stairway underneath the steps & the landing. To allow for its construction, we would need the setback to be reduced or at least allow for an encroachment into the setback. I understand that current zoning in the CTF Zone requires a setback of 25' front & 25' rear. However, the lot is a non-conforming lot, only 50' x 60' . The home was built in 1958, which precedes the current setback codes that are in place. This also means that none of the homes on this street conform with the current setbacks in place.

Under the current setbacks, if I decided to build a new home on this same lot, that would mean that the home I would construct could only be 10' deep? How is that so? If you look at the arial view, most of the neighboring homes seem to have some form of structure located in the rear setback. These homes also back up to a commercial motel, which in my estimation, is only about 5' off the property line. The stairway we are proposing would not effect any of the neighbors, nor would it affect the motel directly behind us. It also would not affect the facade of the home or its presentation at the street level. This stairway is solely for the purpose of safe access to the upstairs unit, & as a means to comply with current Florida Building Codes.

We hope that the members of the magistrate will heavily consider our proposal to allow a variance to reduce the rear setbacks set forth by Redington Shores, or allow for an encroachment for the construction of the stairway so that we may be compliant with the current Florida Building Codes. We appreciate your time & consideration today, and for your continued work in serving the residents of Redington Shores.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis M. Rodriguez', with a stylized, cursive script.

Luis M. Rodriguez

CBC 1265426

Codes Referenced w/ Photos-

### 1011.3 Headroom.

*Stairways* shall have a headroom clearance of not less than 80 inches (2032 mm) measured vertically from a line connecting the edge of the *nosings*. Such headroom shall be continuous above the *stairway* to the point where the line intersects the landing below, one tread depth beyond the bottom riser. The minimum clearance shall be maintained the full width of the *stairway* and landing.





***(While the first tread does have the clearance from the stair nose, the headroom clearance height does not maintain the minimum requirements throughout the path of the stairway.)***

## 1007.8 Special stairs

1007.8.1 Winders shall have a minimum tread depth of 6 inches (152 mm) at the narrow edge and shall have a minimum tread depth of 11 inches (279 mm) at a point 12 inches (305 mm) from the narrow edge. Winders shall be permitted to be used as a component in the means of egress within a dwelling unit.





***(Minimum width of winder step is not to code, and comes to a point. The first photo demonstrates where 6" would be if it were to code.)***

## 1011.4 Walkline.

The walkline across *winder* treads shall be concentric to the direction of travel through the turn and located 12 inches (305 mm) from the side where the *winders* are narrower. The 12-inch (305 mm) dimension shall be measured from the widest point of the clear *stair* width at the walking surface of the *winder*. Where *winders* are adjacent within the *flight*, the point of the widest clear *stair* width of the adjacent *winders* shall be used.



***(The walk line 12" from the narrow end does not maintain the minimum required depth for the stair tread.)***

#### 1011.5.4 Dimensional uniformity.

*Stair* treads and risers shall be of uniform size and shape. The tolerance between the largest and smallest riser height or between the largest and smallest tread depth shall not exceed  $\frac{3}{8}$  inch (9.5 mm) in any *flight* of *stairs*. The greatest *winder* tread depth at the walkline within any *flight* of *stairs* shall not exceed the smallest by more than  $\frac{3}{8}$  inch (9.5 mm).





***(There is no continuity in size or shape of treads and risers to allow for a safe form of egress. Stair tread vary in height well passed the allowable 3/8)***

### **1011.5.5 Nosing and riser profile.**

*Nosings* shall have a curvature or bevel of not less than  $1/16$  inch (1.6 mm) but not more than  $9/16$  inch (14.3 mm) from the foremost projection of the tread. Risers shall be solid and vertical or sloped under the tread above from the underside of the *nosing* above at an angle not more than 30 degrees (0.52 rad) from the vertical.

### 1011.5.5.1 Nosing projection size.

The leading edge (*nosings*) of treads shall project not more than 1 1/4 inches (32 mm) beyond the tread below.





***(No stair nose present throughout the entire stairway.)***

# STAFF REPORT



Town of  
**Redington Shores**  
*Nature's Beach*

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**STAFF REPORT**

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To: Special Magistrate

From: Zain Husain  
Town Planner, Calvin, Giordano & Associates

Re: Variance from Sec. 90-166 (C)(1) for a Property Located at 165  
Coral Ave., Redington Shores, FL 33708  
Parcel ID: 31-30-15-36324-000-0800

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**Date of Meeting:** April 15, 2026

**I. GENERAL INFORMATION**

*Request:* The Applicant is seeking a variance to the Town of Redington Shores Code of Ordinances, Section Variance from Sec. 90-166 (C)(1) to construct a staircase that will encroach into the rear setback.

**Applicant**

Michael and Marisa Barnas  
7919 Nordica Ave.  
Burbank, IL 60459

**Property Owner**

Michael and Marisa Barnas  
7919 Nordica Ave.  
Burbank, IL 60459

**Physical Address**

165 Coral Ave.  
Redington Shores, FL 33708

**Parcel ID Number**

31-30-15-36324-000-0800



**Legal Description**

HARBOR SHORES 2<sup>ND</sup> ADD BLK 4, LOT 80 in the Public Records of Pinellas County, Florida, Town of Redington Shores.

**Current Use**

Duplex

**Zoning**

CTF (Commercial Tourist Facilities)

**Requested Variances**

Sec. 90-166 – CTF (Commercial Tourist Facilities)

(C)(1) Variance is requested to construct a staircase that will encroach into the rear setback.

**II. BACKGROUND**

The property located at 165 Coral Avenue is within the CTF zoning district (Commercial Tourist Facilities). The property has a lot area of 3,001 square feet. The structure is currently non-conforming and does not meet the current regulations of the Code for flood elevation or rear setback. The current use is a duplex with a n upstairs unit on top a ground floor unit. This structure is on slab and habitable living space is below the base flood elevation (BFE). The applicant is proposing a 3-foot-wide staircase to the rear which would make the structure 12 feet from the rear property line. The required rear setback is 20 feet. The proposed addition of the staircase will have the structure encroaching by 8 feet into the setback.



Figure 1: Subject Property, 165 Coral Avenue



**III. EXHIBITS**

Sec. 90-166.C.

C. Minimum lot dimensions. All permitted uses shall be governed by the following:

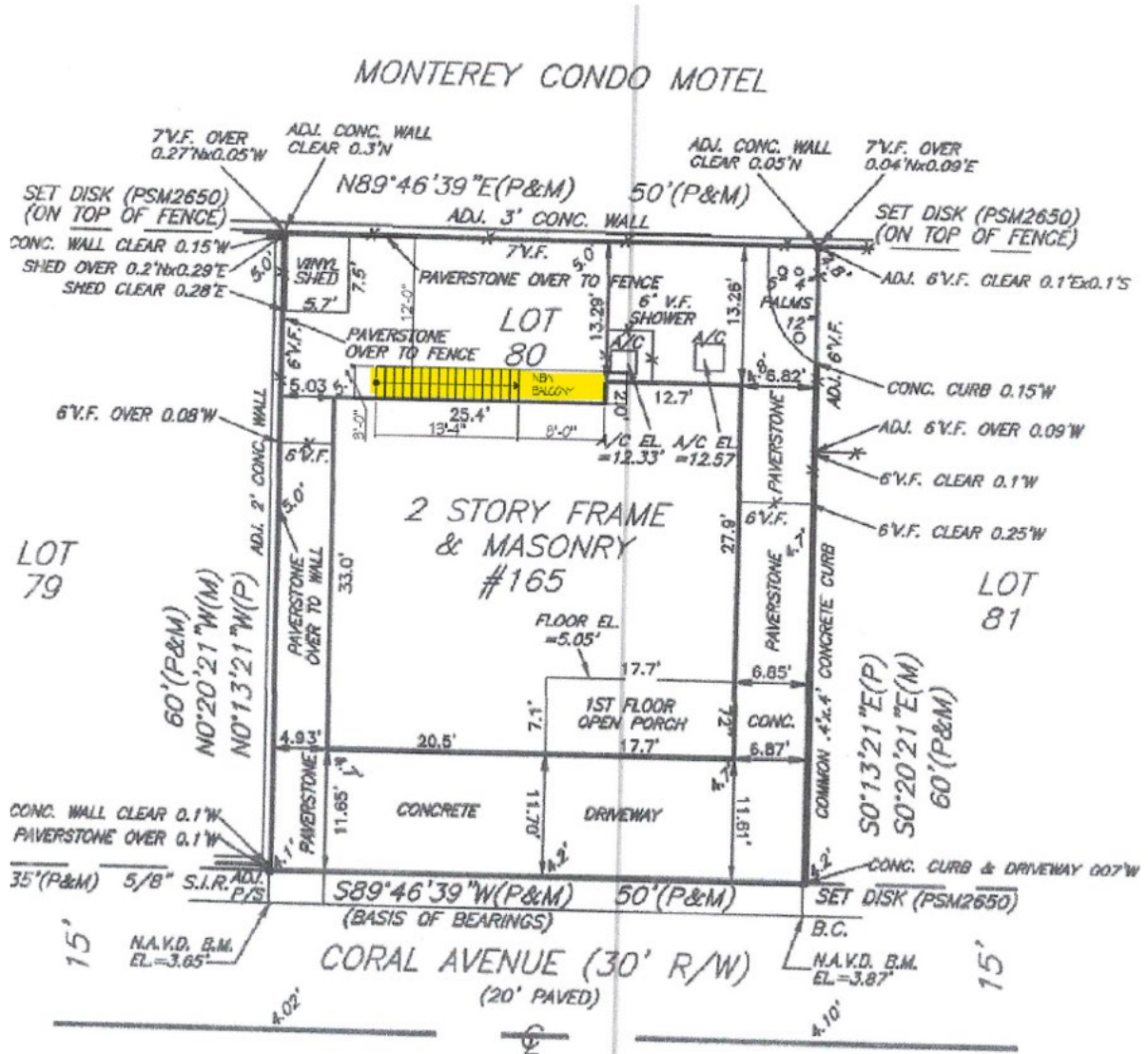
(1) Minimum setbacks:

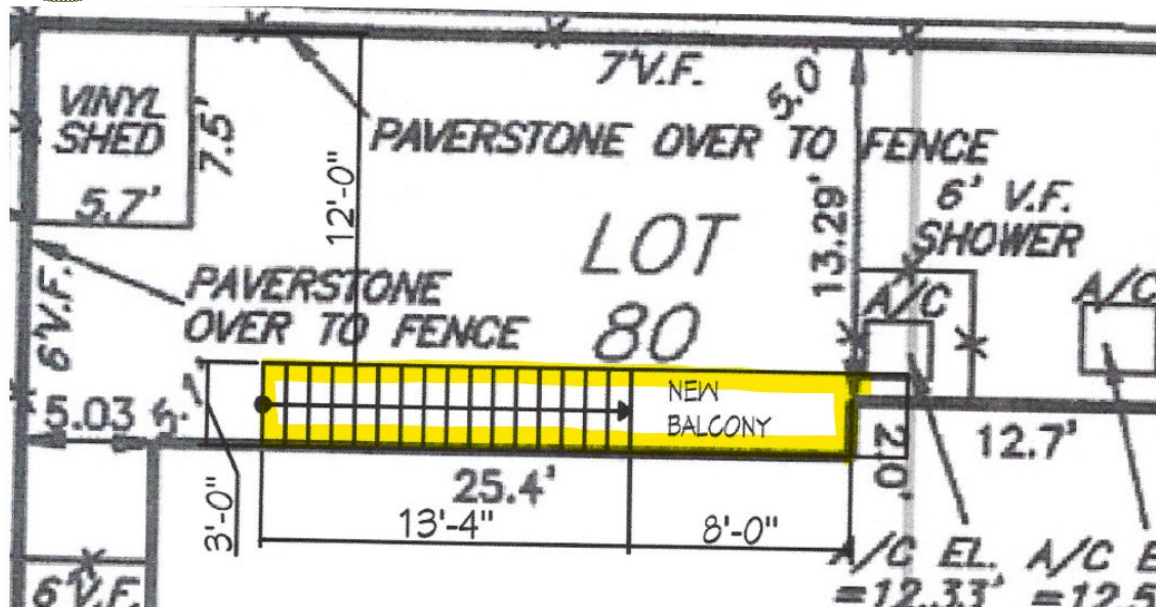
Number of Stories	Front (feet)	Side (feet)	Rear (feet)
1-over nonhabitable garage/storage	20	5	20
2-2.5-over nonhabitable garage/storage	25	10	25
3-over nonhabitable garage/storage	30	15	30
4-over nonhabitable garage/storage	35	20	35
5-6-over nonhabitable garage/storage	40	25	40



Town of  
**Redington Shores**  
*Nature's Beach*

Proposed Exterior Staircase (highlighted)





#### IV. FINDINGS

##### Variance Criteria: Staff Findings

*Special conditions and circumstances exist which are peculiar to the land, structure, or building for which the variance is being sought, and which are not applicable to other similarly situated lands, structures, or buildings in the same zoning district;*

**Finding:** The lot is nonconforming as it is 50' x 60'. There are no special conditions and circumstances for the land. Similar lot sizes are in the adjacent area.

*A literal interpretation of the provisions of the applicable code would deprive the applicant of rights commonly enjoyed by other similarly situated properties in the same zoning district under the terms of the applicable code;*

**Finding:** The applicant is adding a staircase in the rear of an existing non-conforming structure. The addition of the 3-foot wide stairs would encroach even more into the setback.

*The property has an unusual hardship not suffered by other similarly situated properties within the same district;*



Town of  
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**Finding:** The lot size is 3,001 square feet. The applicant requesting to encroach into the setback is not a hardship. If granted, the structure would be encroaching by 8 feet into the rear setback.

*The hardship of the property was not self-created by the applicant and was not the result of an action taken with the applicant's prior knowledge or approval. Further, no variance may be granted arising from illegal construction of a structure or an illegal use of the premises which would otherwise have required a permit to be issued, and which construction was commenced illegally. Further, no variance may be granted for any property in the town where the property has a pending unresolved code violation, or where the owner has failed to satisfy any recorded code enforcement lien or to have complied with any court or magistrate order related to a code enforcement violation within the town. Under such conditions, the owner shall have no legal right to obtain a variance, and the board shall have no legal right to grant a variance;*

**Finding:** The applicant has requested to construct a 3 foot staircase in the rear of the structure. The structure is already encroaching into the setback but is non-conforming. With the stairs, the structure would be 12 feet away from the rear property line. The Town Code requirement is to be 20 feet away.

*The requested variance is the minimum variance necessary to permit the reasonable use of the property;*

**Finding:** The request for the proposed staircase is to provide exterior access to the upstairs unit to create a more functional access point to the upstairs unit, as currently access must be through an interior stair. Adding a staircase off the rear increases the encroachment into the rear setback. The current structure does not meet the current regulations as is.

*The requested variance will not confer on the applicant any special privilege that is denied by the applicable code to other similarly situated property owners;*

**Finding:** The applicant will gain a special privilege if allowed to build a staircase in the rear which will be 12 feet from the rear property line. There are however, other nonconforming properties on Coral Ace, including a triplex property immediately adjacent to the west, that has a rear staircase to access an upper unit.

*The literal interpretation of the applicable code would deprive the applicant of rights commonly enjoyed by other similarly situated property owners;*



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*Nature's Beach*

**Finding:** The property is in the CTF zoning district which requires 20 feet setback in the rear. This is common for lots and homes in the area, many of which are nonconforming and are unable to do structural modifications, substantial improvements, or expansions due to their existing nonconforming status as code changes have amended the dimensional setbacks and other standards over time.

*The requested variance will not be contrary to the public interest and will be in harmony with general intent and purpose of the applicable code.*

**Finding:** The request will be unusual for the area and not be in harmony with the general intent and purpose of the applicable code.

#### **V. RECOMMENDATION**

Staff finds the information provided demonstrating that the request satisfies the variance criteria of Sec. 90-76.B is insufficient to make a recommendation of approval.

**THE SPECIAL MAGISTRATE FOR THE TOWN OF REDINGTON SHORES, FLORIDA**

**IN RE. :**

**Name of Applicant/Property Owner:**

**Michael and Marisa Barnas**

**Property Address:**

**165 Coral Ave. E., Redington Shores, Florida**

**ORDER GRANTING CONTINUANCE**

**THIS MATTER** came before the Town of Redington Shores, Florida (Town), Special Magistrate, on April 15, 2026, upon the Motion for Continuance of Michael and Marisa Barnas ("Applicants"), and having heard from the Applicants, Town representatives and legal counsel, the Special Magistrate hereby orders that:

**The Motion be and the same is hereby GRANTED. The Public Hearing on the Application for Variance is continued for sixty (60) days from the date of this Order.**

  
\_\_\_\_\_  
Jorge Martin, Special Magistrate  
Town of Redington Shores

Date: 4/15/2026

**DOCUMENTS  
SUBMITTED BY  
APPLICANT  
06/17/2026**

## MEMORANDUM

DATE: JUNE 17, 2026

TO: Michelle Lowe, CMC - Town Clerk – Redington Shores, FL

FROM: Mike and Marisa Barnas

CASE #: SEC. 990-42, 90-127

Enclosed please find original documents to be placed in the file of Mike and Marisa Barnas regarding their request for a variance.

The 10 (ten) **Notice to Property Owner of Variance Application** documents – should be added to the files regarding the above referenced case and should be made available to all parties on or before the hearing scheduled for June 25, 2026 @ 10:00 at your offices – located at 17425 Gulf Blvd., Redington Shores, Florida.

These documents have been hand delivered to your offices by private courier on June 17, 2026 before the close of business as per your direction.

Thank you for including these documents in our file.

**NOTICE TO PROPERTY OWNER OF VARIANCE APPLICATION**  
**OF**  
**MIKE BARNAS AND MARISSA BARNAS**  
**165 COAL AVENUE, REDINGTON SHORES, FL**  
**CASE # SEC. 90-42,90-127**

**CITY HALL – 17425 GULF BLVD.**  
**REDINGTON SHORES, FLORIDA**  
**17425 GULF BLVD**

I, (print name) SUE A. BRETT,  
current property owner at below address:

(print address) 11850 LEE AVE, REDINGTON SHORES, FL 33708

have received proper and timely notice from Mike Barnas and Marisa Barnas, owners of 165 Coral Avenue, Redington Shores, FL 33708, regarding their variance request to encroach 1' 6" (18 inches) upon the current set back at the rear of their property for construction of an exterior stairway to the upper level of their property.

I have received by U. S. Postal Priority Mail the site plan and reviewed the requested variance and have been given ample notice to respond and query the above-named petitioners in this matter. I do hereby acknowledge and approve their request for this variance and understand the necessity and urgency of this appeal to the Town of Redington Shores.

SIGNED: Sue A. Brett DATED: 6/11/26

**Notary:**

State of: Florida  
County of: Pinellas

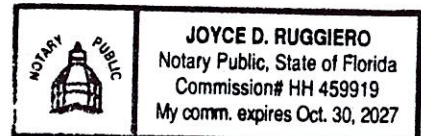
This instrument was acknowledged before me this 11 day of June, 2026 by Sue Brett  
 personally known  
 produced identification

Type and # of ID Florida Driver License

Signature of Notary Joyce Ruggiero

(AFFIX SEAL)

Name of Notary typed, Stamped or Printed  
Notary Public, State of Florida



**NOTICE TO PROPERTY OWNER OF VARIANCE APPLICATION**  
**OF**  
**MIKE BARNAS AND MARISSA BARNAS**  
**165 COAL AVENUE, REDINGTON SHORES, FL**  
**CASE # SEC. 90-42,90-127**

**CITY HALL -- 17425 GULF BLVD.**  
**REDINGTON SHORES, FLORIDA**  
**17425 GULF BLVD**

I, (print name) Dania Valenti,  
current property owner at below address:

(print address)  
14838 Lee Ave. Redington Shores FL

have received proper and timely notice from Mike Barnas and Marissa Barnas, owners of 165 Coral Avenue, Redington Shores, FL 33708, regarding their variance request to encroach 1' 6" (18 inches) upon the current set back at the rear of their property for construction of an exterior stairway to the upper level of their property.

I have received by U. S. Postal Priority Mail the site plan and reviewed the requested variance and have been given ample notice to respond and query the above-named petitioners in this matter. I do hereby acknowledge and approve their request for this variance and understand the necessity and urgency of this appeal to the Town of Redington Shores.

SIGNED: Dania F. Valenti DATED: 6/4/26

**Notary:**

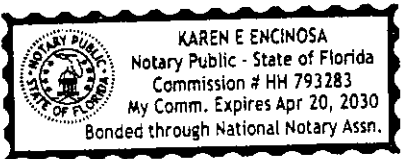
State of: Florida  
County of: D. St. Johns

This instrument was acknowledged before me this 4 day of June, 2026 by Dania Valenti, by means of physical presence.  
 personally known  
 produced identification

Type and # of ID FLDL V454684180000 Signature of Notary Karen E Encinosa

(AFFIX SEAL)

Name of Notary typed, Stamped or Printed  
Notary Public, State of FL



**NOTICE TO PROPERTY OWNER OF VARIANCE APPLICATION**  
**OF**  
**MIKE BARNAS AND MARISSA BARNAS**  
**165 COAL AVENUE, REDINGTON SHORES, FL**  
**CASE # SEC. 90-42,90-127**

**CITY HALL - 17425 GULF BLVD.**  
**REDINGTON SHORES, FLORIDA**  
**17425 GULF BLVD**

I, (print name) HENRY SUAREZ  
current property owner at below address:

(print address)  
161 CORAL AVE Redington Shores, FL.

have received proper and timely notice from Mike Barnas and Marissa Barnas, owners of 165 Coral Avenue, Redington Shores, FL 33708, regarding their variance request to encroach 1' 6" (18 inches) upon the current set back at the rear of their property for construction of an exterior stairway to the upper level of their property.

I have received by U. S. Postal Priority Mail the site plan and reviewed the requested variance and have been given ample notice to respond and query the above-named petitioners in this matter. I do hereby acknowledge and approve their request for this variance and understand the necessity and urgency of this appeal to the Town of Redington Shores.

SIGNED: [Signature] DATED: 6-5-26

**Notary:**

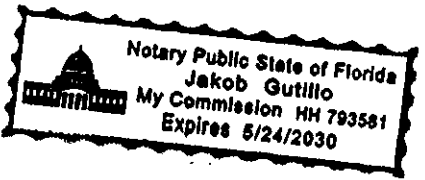
State of: FL  
County of: Pineles

This instrument was acknowledged before me this 5<sup>th</sup> day of June, 2026 by \_\_\_\_\_  
 personally known  
 produced identification

Type and # of ID FLDL 5445818570000

Signature of Notary [Signature]  
Name of Notary typed, Stamped or Printed  
Notary Public, State of FL

(AFFIX SEAL)



**NOTICE TO PROPERTY OWNER OF VARIANCE APPLICATION**  
**OF**  
**MIKE BARNAS AND MARISSA BARNAS**  
**165 COAL AVENUE, REDINGTON SHORES, FL**  
**CASE # SEC. 90-42,90-127**

**CITY HALL – 17425 GULF BLVD.**  
**REDINGTON SHORES, FLORIDA**  
**17425 GULF BLVD**

I, (print name) Vincent & Joyce Sciortino,  
current property owner at below address:

(print address)  
164 Coral Ave, Redington Shores, FL.

have received proper and timely notice from Mike Barnas and Marissa Barnas, owners of 165 Coral Avenue, Redington Shores, FL 33708, regarding their variance request to encroach 1'6" (18 inches) upon the current set back at the rear of their property for construction of an exterior stairway to the upper level of their property.

I have received by U. S. Postal Priority Mail the site plan and reviewed the requested variance and have been given ample notice to respond and query the above-named petitioners in this matter. I do hereby acknowledge and approve their request for this variance and understand the necessity and urgency of this appeal to the Town of Redington Shores.

SIGNED: *Vincent & Joyce Sciortino* DATED: 6/4/2026

**Notary:**

State of: Florida  
County of: Hillsborough

This instrument was acknowledged before me this 4 day of June, 2026 by Vincent and Joyce Sciortino  
 personally known  
 produced identification

Type and # of ID \_\_\_\_\_

Signature of Notary *C. K. Brush*

(AFFIX SEAL)

Name of Notary typed, Stamped or Printed  
Notary Public, State of Florida



CINDY KAY BRUSH  
Notary Public  
State of Florida  
Comm# HH690040  
Expires 6/19/2029

**NOTICE TO PROPERTY OWNER OF VARIANCE APPLICATION**  
**OF**  
**MIKE BARNAS AND MARISSA BARNAS**  
**165 COAL AVENUE, REDINGTON SHORES, FL**  
**CASE # SEC. 90-42,90-127**

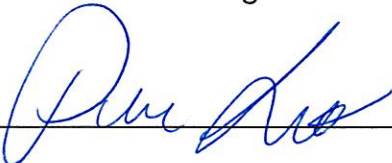
**CITY HALL – 17425 GULF BLVD.**  
**REDINGTON SHORES, FLORIDA**  
**17425 GULF BLVD**

I, (print name) Dewise Stewart For Stewart Rentals LLC  
current property owner at below address:

(print address) 17836 Lee Ave Redington Shores, FL 33708

have received proper and timely notice from Mike Barnas and Marissa Barnas, owners of 165 Coral Avenue, Redington Shores, FL 33708, regarding their variance request to encroach 1' 6" (18 inches) upon the current set back at the rear of their property for construction of an exterior stairway to the upper level of their property.

I have received by U. S. Postal Priority Mail the site plan and reviewed the requested variance and have been given ample notice to respond and query the above-named petitioners in this matter. I do hereby acknowledge and approve their request for this variance and understand the necessity and urgency of this appeal to the Town of Redington Shores.

SIGNED:  DATED: 6/9/26

**Notary:**

State of: FL  
County of: Hillsborough

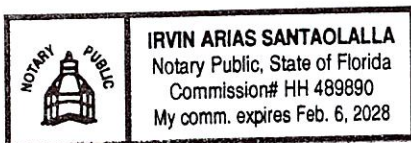
This instrument was acknowledged before me this 9<sup>th</sup> day of June, 2026 by Denise Cook Stewart  
 personally known  
 produced identification

Type and # of ID Drivers license  
5437369420000

Signature of Notary 

(AFFIX SEAL)

Name of Notary typed, Stamped or Printed  
Notary Public, State of FL



**NOTICE TO PROPERTY OWNER OF VARIANCE APPLICATION**  
**OF**  
**MIKE BARNAS AND MARISSA BARNAS**  
**165 COAL AVENUE, REDINGTON SHORES, FL**  
**CASE # SEC. 90-42,90-127**

**CITY HALL – 17425 GULF BLVD.**  
**REDINGTON SHORES, FLORIDA**  
**17425 GULF BLVD**

I, (print name) ROBERT C. ALONZO,  
current property owner at below address:

(print address)  
163 CORAL AVENUE REDINGTON SHORES FL 33708

have received proper and timely notice from Mike Barnas and Marisa Barnas, owners of 165 Coral Avenue, Redington Shores, FL 33708, regarding their variance request to encroach 1'6" (18 inches) upon the current set back at the rear of their property for construction of an exterior stairway to the upper level of their property.

I have received by U. S. Postal Priority Mail the site plan and reviewed the requested variance and have been given ample notice to respond and query the above-named petitioners in this matter. I do hereby acknowledge and approve their request for this variance and understand the necessity and urgency of this appeal to the Town of Redington Shores.

SIGNED: [Signature] DATED: 06-17-26

**Notary:**

State of: FLORIDA  
County of: PINELLAS

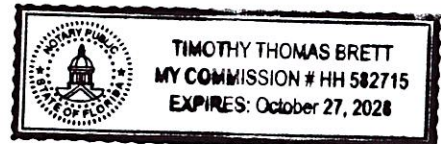
This instrument was acknowledged before me this 17<sup>th</sup> day of 2026 by TIMOTHY BRETT  
 personally known  
 produced identification

Type and # of ID \_\_\_\_\_

Signature of Notary [Signature]

(AFFIX SEAL)

Name of Notary typed, Stamped or Printed  
Notary Public, State of \_\_\_\_\_



**NOTICE TO PROPERTY OWNER OF VARIANCE APPLICATION**  
**OF**  
**MIKE BARNAS AND MARISSA BARNAS**  
**165 COAL AVENUE, REDINGTON SHORES, FL**  
**CASE # SEC. 90-42,90-127**

**CITY HALL - 17425 GULF BLVD.**  
**REDINGTON SHORES, FLORIDA**  
**17425 GULF BLVD**

I, (print name) Frances Jackson,  
current property owner at below address:

(print address)

17838 Lee Ave. Redington Shores, Fl. 33708

have received proper and timely notice from Mike Barnas and Marissa Barnas, owners of 165 Coral Avenue, Redington Shores, FL 33708, regarding their variance request to encroach 1'6" (18 inches) upon the current set back at the rear of their property for construction of an exterior stairway to the upper level of their property.

I have received by U. S. Postal Priority Mail the site plan and reviewed the requested variance and have been given ample notice to respond and query the above-named petitioners in this matter. I do hereby acknowledge and approve their request for this variance and understand the necessity and urgency of this appeal to the Town of Redington Shores.

SIGNED: Frances Jackson DATED: 6-11-26

**Notary:**

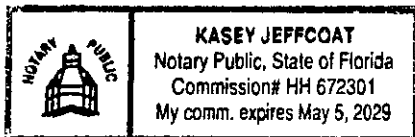
State of: Florida  
County of: Hillsborough

This instrument was acknowledged before me this 11 day of June, 2026 by Frances Jackson  
 personally known  
 produced identification

Type and # of ID FL DL

Signature of Notary [Signature]  
Name of Notary typed, Stamped or Printed  
Notary Public, State of Florida

(AFFIX SEAL)



**NOTICE TO PROPERTY OWNER OF VARIANCE APPLICATION**  
**OF**  
**MIKE BARNAS AND MARISSA BARNAS**  
**165 COAL AVENUE, REDINGTON SHORES, FL**  
**CASE # SEC. 90-42,90-127**

**CITY HALL - 17425 GULF BLVD.**  
**REDINGTON SHORES, FLORIDA**  
**17425 GULF BLVD**

I, (print name) Michael A Cerio Jr.  
current property owner at below address:

(print address) 167 Coral Ave. Redington Shores FL 33708

have received proper and timely notice from Mike Barnas and Marissa Barnas, owners of 165 Coral Avenue, Redington Shores, FL 33708, regarding their variance request to encroach 1' 6" (18 inches) upon the current set back at the rear of their property for construction of an exterior stairway to the upper level of their property.

I have received by U. S. Postal Priority Mail the site plan and reviewed the requested variance and have been given ample notice to respond and query the above-named petitioners in this matter. I do hereby acknowledge and approve their request for this variance and understand the necessity and urgency of this appeal to the Town of Redington Shores.

SIGNED: Michael A. Cerio Jr. DATED: 6-5-26

**Notary:**

State of: FLORIDA  
County of: PINELLAS

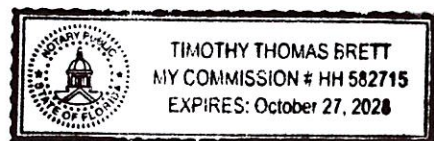
This instrument was acknowledged before me this 5<sup>TH</sup> day of JUNE 2026 by TIMOTHY THOMAS BRETT  
 personally known  
 produced identification

Type and # of ID \_\_\_\_\_

Signature of Notary Timothy Thomas Brett

(AFFIX SEAL)

Name of Notary typed, Stamped or Printed  
Notary Public, State of \_\_\_\_\_



**NOTICE TO PROPERTY OWNER OF VARIANCE APPLICATION**  
**OF**  
**MIKE BARNAS AND MARISSA BARNAS**  
**165 COAL AVENUE, REDINGTON SHORES, FL**  
**CASE # SEC. 90-42,90-127**

**CITY HALL – 17425 GULF BLVD.**  
**REDINGTON SHORES, FLORIDA**  
**17425 GULF BLVD**

I, (print name) Terry SYLVIA,  
current property owner at below address:

(print address)

128A CORAL AVE, Redington Shores, FL 33708

have received proper and timely notice from Mike Barnas and Marissa Barnas, owners of 165 Coral Avenue, Redington Shores, FL 33708, regarding their variance request to encroach 1' 6" (18 inches) upon the current set back at the rear of their property for construction of an exterior stairway to the upper level of their property.

I have received by U. S. Postal Priority Mail the site plan and reviewed the requested variance and have been given ample notice to respond and query the above-named petitioners in this matter. I do hereby acknowledge and approve their request for this variance and understand the necessity and urgency of this appeal to the Town of Redington Shores.

SIGNED: Terry C. Sylvia DATED: 6-6-26

**Notary:**

State of: FLORIDA  
County of: PINELEAS

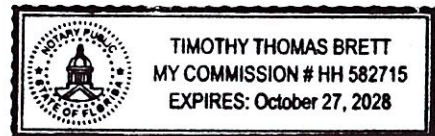
This instrument was acknowledged before me this 6<sup>TH</sup> day of JUNE 2026 by TIMOTHY THOMAS BRETT  
 personally known  
 produced identification

Type and # of ID \_\_\_\_\_

Signature of Notary Timothy Thomas Brett

(AFFIX SEAL)

Name of Notary typed, Stamped or Printed  
Notary Public, State of \_\_\_\_\_



**NOTICE TO PROPERTY OWNER OF VARIANCE APPLICATION**  
**OF**  
**MIKE BARNAS AND MARISSA BARNAS**  
**165 COAL AVENUE, REDINGTON SHORES, FL**  
**CASE # SEC. 90-42,90-127**

**CITY HALL – 17425 GULF BLVD.**  
**REDINGTON SHORES, FLORIDA**  
**17425 GULF BLVD**

I, (print name) David S. and Janet L. Graves,  
current property owner at below address:

(print address) 1145 15<sup>th</sup> Ave N, St. Petersburg FL 33704 and Redington Shores, FL 33708  
159 CORAL AVE

have received proper and timely notice from Mike Barnas and Marissa Barnas, owners of 165 Coral Avenue, Redington Shores, FL 33708, regarding their variance request to encroach 1'6" (18 inches) upon the current set back at the rear of their property for construction of an exterior stairway to the upper level of their property.

I have received by U. S. Postal Priority Mail the site plan and reviewed the requested variance and have been given ample notice to respond and query the above-named petitioners in this matter. I do hereby acknowledge and approve their request for this variance and understand the necessity and urgency of this appeal to the Town of Redington Shores.

David S. Graves 6/9/26  
SIGNED: Janet L. Graves DATED: 6/9/26

**Notary:**

State of: Florida  
County of: Pinellas

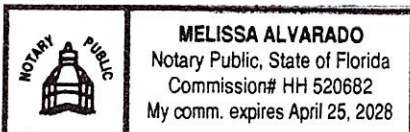
This instrument was acknowledged before me this 9<sup>th</sup> day of June, 2026 by David Steven Graves & Janet Lee Graves  
 personally known  
 produced identification

Type and # of ID FL DL / FL DL

Signature of Notary Melissa Alvarado

(AFFIX SEAL)

Name of Notary typed, Stamped or Printed  
Notary Public, State of Florida



# Chronological Communication Record

## In the Matter of: Variance Request — 165 Coral Ave., Redington Shores, FL

Prepared by: Mike Barnas, Property Owner | Date Prepared: June 17, 2026

### Summary

This document presents a chronological record of written communications between the property owners (Mike and Marisa Barnas), their contractor (Luis Rodriguez, CBC1265426), the Town of Redington Shores Building Official (Eve Spencer), the Town Clerk (Michelle Lowe, CMC), and the Town's planning consultant (Zain Husain, Senior Planner, Calvin Giordano & Associates) regarding a variance request for a stairway at 165 Coral Ave., Redington Shores, FL.

On April 15, 2026, following an initial variance hearing, the Special Magistrate granted a 60-day continuance to allow all parties to collaborate on a compliant stairway design. Over the subsequent weeks, the contractor and homeowners made multiple attempts to engage the Town in substantive discussions. The Town's planning consultant confirmed that any exterior stair encroaching beyond the existing building envelope requires a variance, and that no exterior solution was approved. No staff meeting occurred, no revised plans were proposed by the Town, and no alternative design was offered during the continuance period.

On May 28, 2026, Marisa Barnas discovered — through a walk-in visit to Town Hall — that a second hearing had been scheduled for June 17, 2026, at 5:00 PM without any notification to the homeowners. The homeowners requested a continuance and a different hearing date due to a prior out-of-town commitment and the absence of any meaningful collaborative progress during the 60-day period.

The communications below are presented in chronological order and constitute the complete written record available to the homeowners for this proceeding.

### Communication Timeline

Date	Sender / Party	Description
Apr. 15, 2026	Luis Rodriguez (Contractor)	Following the variance hearing, Rodriguez emails all parties — including homeowners Mike and Marisa Barnas — to open collaborative dialogue during the 60-day continuance. Proposes relocating the stairway to the rear of the property and references a nearby new construction on Lee Ave. as precedent for setback flexibility.
Apr. 16, 2026	Eve Spencer (Building Official)	Spencer clarifies the Town's position: as an existing non-conforming structure, the property cannot receive a variance that increases the degree of non-conformity. Notes that the Lee Ave. construction does not set a binding precedent. Requests revised for sketches or a technical staff meeting.
Apr. 18, 2026	Luis Rodriguez (Contractor)	Rodriguez asks whether a stairway confined within the home's existing footprint would avoid a variance requirement. Expresses frustration with the Town's strict interpretation and advocates for resident safety over rigid code enforcement. Requests that Zain Husain share the alternative avenues he mentioned at the hearing.
Apr. 21, 2026	Luis Rodriguez (Contractor)	Follow-up Monday morning email to all parties reiterating the request for alternative options. No new substantive content; prompts for a response.
Apr. 21, 2026	Zain Husain (Senior Planner, CGA Solutions)	Husain responds: any external stair that encroaches further into the setback requires a variance. Alternatively, if stairs are built within the interior of the existing building envelope, no

Date	Sender / Party	Description
		variance is required and only Building Code compliance is needed.
Apr. 21, 2026	Luis Rodriguez (Contractor)	Acknowledges Husain's reply. Asks whether there are any other options available to the homeowners, beyond the two presented.
May 15, 2026	Luis Rodriguez (Contractor)	Nearly one month follow-up. Rodriguez notes no correspondence has been received. States the homeowners have been working to explore options within the existing footprint but no agreement has been reached. Asks whether the Town has identified any new code provisions that might allow the original proposed stairway location and requests the deadline for scheduling the second hearing.
May 15, 2026	Zain Husain (Senior Planner, CGA Solutions)	Husain reconfirms external stairs encroaching into the setback require a variance; interior stairs within the building envelope do not. No new options are offered.
May 28, 2026	Marisa Barnas (Homeowner)	Barnas emails the Town Clerk and all parties after receiving no scheduling notice. She discovered through a walk-in visit to Town Hall that the hearing had already been set for June 17, 2026 at 5:00 PM — without notifying the homeowners. States she and Mike have a prior out-of-town commitment and cannot attend. Requests that the date be changed and that the proper parties be contacted to correct the matter.
May 28, 2026	Zain Husain (Senior Planner, CGA Solutions)	Out-of-office autoreply. Husain is unavailable; directs contact to his office or cell phone.
May 29, 2026	Michelle Lowe, CMC (Town Clerk)	Lowe responds to Marisa Barnas asking two clarifying questions: (1) whether additional time is needed because a solution is still being developed, and (2) whether the request is solely because the homeowners cannot attend on June 17. States she will forward the request to the Special Magistrate and notes it is her understanding the Magistrate is not available on June 15.
May 29, 2026	Mike Barnas (Homeowner)	Mike Barnas replies directly to the Town Clerk on behalf of the homeowners. States that both reasons apply: June 17 does not work due to a prior commitment, and additional time is needed because the purpose of the continuance — meaningful collaboration between the Town, contractor, and homeowners — has not been fulfilled. No revised plans were proposed, no staff meeting occurred, and no alternative was provided by the Town as directed at the prior hearing. Requests June 15 or the next available date; declines remote appearance via Skype. Requests the email be made part of the official record.
Jun. 17, 2026	Michelle Lowe, CMC (Town Clerk)	Lowe emails Marisa Barnas on the day of the scheduled hearing — the same day any supplemental documents were due for the hearing packet — asking whether new documents need to be submitted. This request was sent with no advance notice, leaving the homeowners no meaningful opportunity to prepare or submit additional materials prior to the hearing. Lowe states she will otherwise include only what was previously provided.

Note: All communications referenced above were transmitted via email that are attached to this record.



### Follow Up on Variance- 165 Coral Ave Redington Shores. Inbox x



**Luis Rodriguez** <office@3311homes.com>  
to zhusain, espencer, Maria, me, marisab@live.com

Good Afternoon,

It was a pleasure meeting with you both this morning at the hearing. I have copied the home owners on this email so that we may all work together, and working alongside you both to find a feasible solution for a proper stairway at 165 Coral Ave that satisfies all parties.

I know the main nonconformance issue pertains to the CTF Zone setbacks. At the meeting I brought up the new home construction on (Photo Below). This new home is being constructed with very little setback from the street, certainly less than the 20' setback imposed in the area.

I do believe the most effective solution is to relocate the stairs to the back of the home. It is a solution that does not directly affect the neighbors with other older homes on the same street, all of which have structures in the setbacks, regardless of whether those structures are legal, or not.

With new construction allowed so close to the street on Lee Ave, I'm sure special exceptions and circumstances allow for amendments to be made working as a team. I understand the need to enforce established codes, but we must prioritize residents' safety and well-being over these codes.

I know Zaine mentioned a few avenues we can explore to find a solution. We would love to meet to discuss further options at a time and place of your convenience away from the street from the Town Hall. Please let us know what would be most ideal for you both and we can make it happen.

Thank you both for the time and effort you are putting into this. It does not go unnoticed. I look forward to hearing back soon!

Luis Rodriguez  
Certified Building Contractor  
CBC1265426  
Phone: 813-928-5289

3 Attachments • Scanned by Gmail Add all to Drive



Reply   Reply all   Forward  

① Upgrade →



luis



Re: [SPF ERROR] Follow Up on Variance- 165 Coral Ave Redington Shores. Inbox x



**Luis Rodriguez** <office@3311homes.com>  
to Eve, zhusain@cgasolutions.com, Maria, me, marisab@live.com

Good Morning,

My apologies to everyone for sending an email on a Saturday, I am just catching up since I was out of the office yesterday. Thank you E existing footprint due to non-conformance, there must be an exception to grant just one additional foot for a new stairway. One foot is a s understanding of your response, the town would allow the stairway if it remained within the home's current dimensions. Is that correct? F survey we provided), would the new stairway have been possible in the proposed location since it would not extend past the building's er

If i may speak freely, I find it hard to believe that out of all the codes set forth by the Town of Redington Shores — codes that have chang There must come a time when discretion is needed and when the town should act in its residents' best interest, handling circumstances c within the community, but older pre-existing homes should be afforded more flexibility, especially if our request stems from the safety of th build so close to the street impacts the community — especially our immediate neighbors — in a far more detrimental way than allowing

I truly want us all aligned for these next 60 days, working together toward a solution. We will work on your request; however, we do ask th that we could explore some avenues. I would love to know what avenues he has in mind or if he can find anything to help make this poss solution. Thank you all and I look forward to discussing our options in further detail this week.

On Thu, Apr 16, 2026 at 9:43 AM Eve Spencer <espencer@redshoresfl.com> wrote:

Subject: RE: 165 Coral Ave – Variance Continuance and Stairway Discussion

Good afternoon,

It was a pleasure meeting you and the Barnas family as well. We appreciate your commitment to finding a s Regarding the 60-day continuance, I want to clarify the Town's position to ensure our upcoming discussion conforming structure. Under our current land development code, we cannot grant a variance that increases: that, which is why the board leaned toward a denial before granting this extension.

To address your point regarding the new construction at 17830 Lee Ave: that project is likely adhering to dit that particular block. However, one property's footprint does not set a precedent that allows us to bypass th and zoning restrictions.

Our goal over the next two months is to explore desians that bring the stairs toward compliance—either by

Reply Reply all Forward

① Upgrade →





Re: [SPF ERROR] Follow Up on Variance- 165 Coral Ave Redington Shores. Inbox x



**Luis Rodriguez** <office@3311homes.com>  
to Zain, Eve, Maria, me, marisab@live.com

Thank you for getting back so quickly Zain. I just want to confirm if there are any other options that the home owners have outside of con consider?

On Tue, Apr 21, 2026 at 8:45 AM Zain Husain <zhusain@cgasolutions.com> wrote:

The duplex is currently non-conforming. If you extend into the setback further, you will be making it more non-conforming. To con interior, and build stairs within, that will need to meet Building Code. No variance will be needed then.

**Zain Husain**

Senior Planner



**Calvin, Giordano & Associates**  
A **SAFEbuilt** COMPANY

office: 727.394.3825 |  
cell: 251.591.8800

[311 Park Place Boulevard, Suite 630](#) | [Clearwater, FL 33759](#)

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luis



Re: [SPF ERROR] Follow Up on Variance- 165 Coral Ave Redington Shores. Inbox x



**Zain Husain** <zhusain@cgasolutions.com>  
to Luis, Eve, Maria, me, marisab@live.com

The duplex is currently non-conforming. If you extend into the setback further, you will be making it more non-conforming. To constr interior, and build stairs within, that will need to meet Building Code. No variance will be needed then.

**Zain Husain**

Senior Planner



**Calvin, Giordano & Associates, Inc.**  
A SAFEbuilt<sup>®</sup> COMPANY

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cell: 251.591.8800

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Re: [SPF ERROR] Follow Up on Variance- 165 Coral Ave Redington Shores. Inbox x



**Luis Rodriguez**

to Zain, Eve, Maria, me, marisab@live.com

Good Afternoon,

I'm following up with everyone since it has been almost a month since we received any correspondence. Have either of you looked into home owners in an attempt to make the stairway work within the current home's footprint as you requested. We haven't agreed yet on the options.

My clients and I hope that in the last few weeks, you may have found additional information within the codes that allows for our initial pr case again? If we cannot reach an agreement, when must we schedule the second hearing? Please let us know. Thank you for your assi

On Tue, Apr 21, 2026 at 9:03 AM Luis Rodriguez <[office@3311homes.com](mailto:office@3311homes.com)> wrote:

Thank you for getting back so quickly Zain. I just want to confirm if there are any other options that the home owners have outside of c consider?

On Tue, Apr 21, 2026 at 8:45 AM Zain Husain <[zhusain@cgasolutions.com](mailto:zhusain@cgasolutions.com)> wrote:

The duplex is currently non-conforming. If you extend into the setback further, you will be making it more non-conforming. To c interior, and build stairs within, that will need to meet Building Code. No variance will be needed then.

**Zain Husain**

Senior Planner



Calvin, Giordano & Associat  
A SAFEbuilt<sup>®</sup> COMPANY

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Re: [SPF ERROR] Follow Up on Variance- 165 Coral Ave Redington Shores. Inbox x



**Zain Husain** <zhusain@cgasolutions.com>  
to Luis, Eve, Maria, me, marisab@live.com

Hi Luis -

Since the duplex is non-conforming, to build stairs externally, you will need to have a variance granted. The stairs encroaching more meet Building Code. No variance will be needed then.

**Zain Husain**

Senior Planner



**Calvin, Giordano & Associates, Inc.**  
A SAFEbuilt COMPANY

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cell: 251.591.8800

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luis



### Date of meeting for variance request and extension Inbox x



**Marisa Barna**

to townclerk@redshoresfl.com, me, Luis, Maria, espencer@redshoresfl.com, Zain

Hello. Since we have not heard back from the town after requesting a date for our variance extension I took the initiative to stop into city I notified me that a date and time was already set. (June 17 5pm) .

As the home owners my husband Mike or I were not notified of this meeting . When asked about a different date Michelle stated we coul of town commitments that day and cannot attend. Due to the lack of information and time to make plans to address our issue we are reqt contact to correct this matter.

Sincerely,

Marisa Barnas  
165 Coral Ave.

Reply

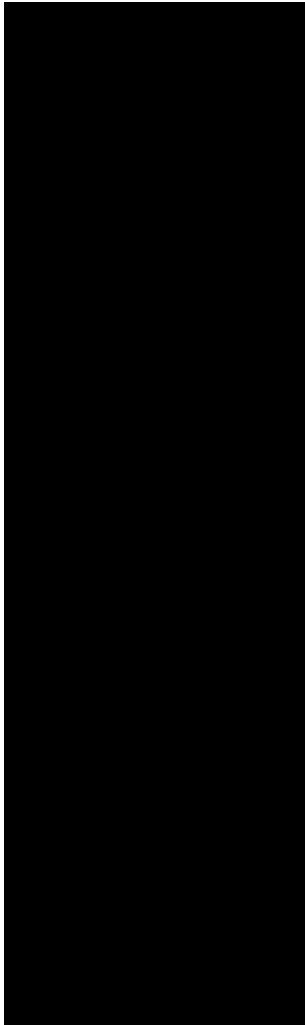
Reply all

Forward



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Re: Date of meeting for variance request and extension Inbox x



**Zain Husain** <zhusain@cgasolutions.com>  
to Marisa, townclerk@redshoresfl.com, me, Luis, Maria, espencer@redshoresfl.com, David

Hi Marisa -

I am not always in the office but you are always welcome to call me (251-591-8800) or email me. I do my best to get back to you as soon as possible. If you can't reach me, please feel free to reach me.

Zain Husain

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---

**From:** Marisa Barna <marisab@live.com>  
**Sent:** Thursday, May 28, 2026 8:13:35 PM  
**To:** [townclerk@redshoresfl.com](mailto:townclerk@redshoresfl.com) <[townclerk@redshoresfl.com](mailto:townclerk@redshoresfl.com)>  
**Cc:** [mtbarnas@gmail.com](mailto:mtbarnas@gmail.com) <[mtbarnas@gmail.com](mailto:mtbarnas@gmail.com)>; Luis Rodriguez <[office@3311homes.com](mailto:office@3311homes.com)>; Maria <[lmrenovations117@yahoo.com](mailto:lmrenovations117@yahoo.com)>  
**Subject:** Date of meeting for variance request and extension

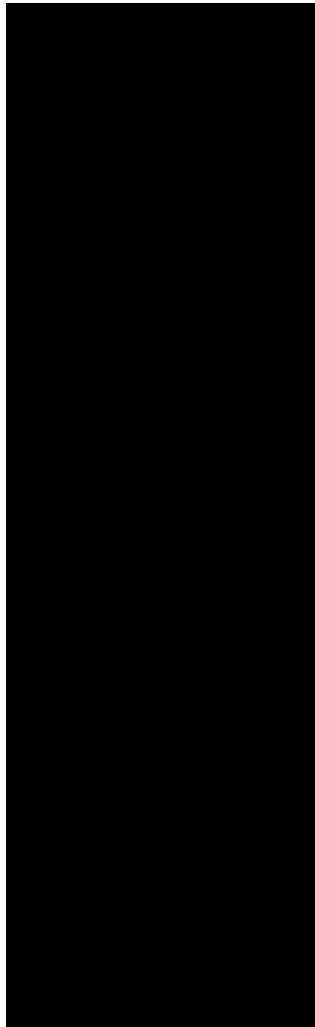
Hello. Since we have not heard back from the town after requesting a date for our variance extension I took the initiative to contact the town clerk Michelle Lowe notified me that a date and time was already set. (June 17 5pm) .

As the home owners my husband Mike or I were not notified of this meeting . When asked about a different date Michelle Unfortunatly we have other out of town commitments that day and cannot attend. Due to the lack of information and time attention to this matter. Please let me know who else I may need to contact to correct this matter.

Sincerely,  
Marisa Barnas  
165 Coral Ave.

Reply Reply all Forward [Smiley Face]

① Upgrade →



Re: Date of meeting for variance request and extension Inbox x



**Town Clerk** <townclerk@redshoresfl.com>  
to Marisa, me, Luis, Maria

Good morning Ms. Barnas,

I have a few questions regarding your request. Are you requesting more time because you are still finding a sol June 15th?

After you answer these questions I will forward your request to the Special Magistrate. It is my understanding th that is not the case.

Thank you,  
*Michelle*

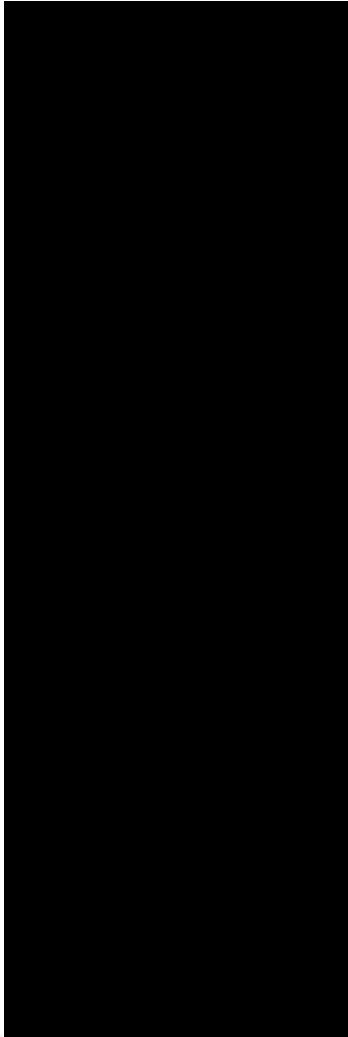
Michelle Lowe, CMC  
Town Clerk  
Town of Redington Shores  
[17425 Gulf Blvd.](#)  
[Redington Shores, FL 33708](#)  
Ph. 727-397-5538



**Please Note: Florida has a very broad public records law. Most written communications to or from the request. Your e-mail address and communications may therefore be subject to public disclosure.**

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Reply Reply all Forward [Smiley Face]



Re: Date of meeting for variance request and extension Inbox x

**M Barnas** <mtbarnas@gmail.com>  
to Town, Marisa, Luis, Maria, bcc: me

Michelle,

Thank you for your reply.

To answer your questions directly: we are requesting a different hearing date for both reasons.

First, the June 17 date at 5 pm does not work for us. We were not notified that the continued hearing had been scheduled for June 17 at town commitment and are not available to attend in person on June 17. We do not agree to proceed via Skype or remote appearance, as

Second, additional time is also needed because the purpose of the continuance was for the Town, our contractor, and us to work together process, but to date, we have not had a meaningful meeting or received a proposed alternative from the Town. No revised plans have been the prior hearing by the Special Magistrate.

We are available any time on June 15. If the Special Magistrate is not available on that date, please provide the next available dates after

Please forward this request to the Special Magistrate and confirm that the June 18 hearing will be rescheduled, or at a minimum, that no request that this email and our prior request be included in the record for this variance matter.

Thank you for your assistance.

Sincerely,

Mike Barnas  
165 Coral Avenue E  
Redington Shores, FL  
(312) 560-0501

On Fri, May 29, 2026 at 9:31 AM Town Clerk <[townclerk@redshoresfl.com](mailto:townclerk@redshoresfl.com)> wrote:

Good morning Ms. Barnas,

Reply Reply all Forward [Smiley Face]

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Re: Date of meeting for variance request and extension Inbox x

**Town Clerk**  
to Marisa, me

Good morning,

Do you have any new documents to submit for this packet. If not I will include what was previously provided. Th morning.

Thank you,  
*Michelle*

Michelle Lowe, CMC  
Town Clerk  
Town of Redington Shores  
[17425 Gulf Blvd.](#)  
[Redington Shores, FL 33708](#)  
Ph. 727-397-5538



**Please Note: Florida has a very broad public records law. Most written communications to or from the request. Your e-mail address and communications may therefore be subject to public disclosure.**

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Reply Reply all Forward [Smiley Face]

**135 175<sup>TH</sup>**

**TERRACE DR E**

# APPLICATION

**TOWN OF REDINGTON SHORES, FLORIDA**  
**SPECIAL MAGISTRATE, PLANNING & ZONING BOARD**

1. **Application For:** 135 175TH TERRACE DR E. REDINGTON SHORES, FL 33708  
Property Address

       Administrative Review (Sec. 90-129, Redington Shores Code)

It is alleged that there is error in any order, requirement, decision or determination made by the planning official in the enforcement of Part 5.

       Site Plan Review (Sec. 90-110, 90-124, 90-126, 90-129)

SITE PLAN REVIEW – See attached Submittal Requirements for Site Plan Review.

       Special Exception (Sec. 90-99B, 90-100B, 90-102B, 90-103B, 90-111B, 90-114 F & G, 90-126, 90-129)

SPECIAL EXCEPTION – A use that would not be appropriate generally or without restriction throughout the particular zoning district or classification, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare.

Variance (Sec. 90-42, 90-127 Redington Shores Code)

**VARIANCE**

A modification of Part 5 or of regulations issued pursuant thereto when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of actions of the owner, a literal enforcement of this Part 5 would result in unnecessary and undue hardship.

**NOTICE:** To ensure compliance with Florida Statutes § 454.23 (providing that it is a felony for a person not an attorney to practice law in Florida), and to ensure the Town is not a party to facilitating the unauthorized practice of law, while an Owner who is a natural person may represent her or himself at the Special Magistrate variance hearing, and while a licensed attorney may represent an Owner at the hearing, relatives, contractors, architects, engineers, or other agents of the Owner will not be permitted to represent an Owner at the hearing, including calling or cross-examining witnesses or making arguments for approval. Owners or their legal counsel must be present to present cases, and the Magistrate will decline to proceed with a hearing where the Owner or her or his legal counsel is not present to present the case.

2. **Name (if any), Address, and Legal Description of Real Property involved in Appeal:**

Property Name: \_\_\_\_\_

Property Address: 135 175TH TERRACE DR E. REDINGTON SHORES, FL 33708

Legal Description: GAY SHORES BLK 3, LOT 8 & PART INTEREST 3FT STRIP TO GULF DESC IN DEED 1437/127 (SEE MAP 31-30-15)

Building Permit Application No. RS-BLDG-26-0001

3. **Owner of Property**

Name POWELL  
POWEL, DANIEL S

Mailing Address 135 175TH TERRACE DR E. REDINGTON SHORES, FL 33708

City REDINGTON SHORES State FL Zip 33708

Business Telephone (\_\_\_\_) \_\_\_\_\_ Residence Telephone (727) 430-0718

4. **Specific provisions of Redington Shores Code involved in appeal:**

Sec. 90-162.D-4 (Previous Surface).

Sec. 90-162. E (Setbacks).

5. **Appeal: (Concise and specific statement of issue(s) on which Board is requested to give a favorable decision.)**

Requesting variances to allow proposed elevated walkways and stairs associated with the existing multi-unit residence to encroach into the required setbacks in order to provide safe ingress and egress access to all existing residential units.

The proposed improvements include a 3-foot-wide concrete walkway along the left side, front, and right side of the structure, a shared 4-foot-wide stairway serving all three units, and a 3-foot-wide rear stair providing continued egress from the existing second-floor balcony.

In addition, the existing property currently exceeds the allowable impervious surface ratio (ISR) at approximately 87%; the proposed improvements would reduce the ISR to approximately 85.5%, although it would remain above the maximum permitted 70%.

(Use and attach additional pages as necessary)

6. **Names of members of Town's Staff who are requested to be present at the Board's Public Hearing:**

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7. **Certification:**

I certify that, to the best of my knowledge, the information provided above is completed and accurate

  
Signature of Owner

5/22/26  
Date of Application

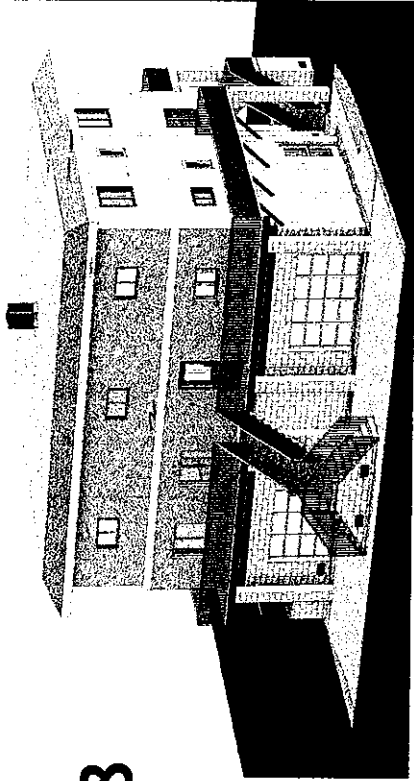
8. **Acknowledgement:**

I acknowledge that I have received a copy of the Variance Criteria and Procedure at the time of my application for a variance. **I further acknowledge that, Per Town Code, if I elect to withdraw the application after the Town has commenced any work in processing the application, I will not be entitled to any refund of fees that have been submitted.**

Owner Signature 

Date 5/22/26

# 135 175TH TERRACE DR E REDINGTON SHORES, FL 33708



SITE LOCATION

Sheet Number	Sheet Name
001	GENERAL NOTES
002	FOUNDATION
003	CONCRETE
004	STEEL
005	MECHANICAL
006	ELECTRICAL
007	PLUMBING
008	PAINT
009	FINISHES
010	LANDSCAPE
011	EXTERIOR
012	INTERIOR
013	MECHANICAL
014	ELECTRICAL
015	PLUMBING
016	PAINT
017	FINISHES
018	LANDSCAPE
019	EXTERIOR
020	INTERIOR

**CONTRACTOR'S OBLIGATION**  
 THESE DRAWINGS ARE PREPARED BY PROFESSIONAL ARCHITECTS AND ENGINEERS, AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECTS AND ENGINEERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE ARCHITECTS AND ENGINEERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE ARCHITECTS AND ENGINEERS.

**PROJECT INFORMATION**  
 PROJECT NAME: 135 175TH TERRACE DR E  
 PROJECT ADDRESS: REDINGTON SHORES, FL 33708  
 PROJECT TYPE: RESIDENTIAL  
 PROJECT VALUE: \$2,500,000.00

**DESIGNER INFORMATION**  
 DESIGNER: ROBERT BARRILLEAUX & ASSOC., INC.  
 PROJECT NO.: RB-2023-001

**DATE**  
 DATE: 03/09/2026

**SCALE**  
 SCALE: AS SHOWN

**PROJECT LOCATION**  
 PROJECT LOCATION: 135 175TH TERRACE DR E, REDINGTON SHORES, FL 33708

**CONTRACTOR**  
 CONTRACTOR: [Name]



**ROBERT BARRILLEAUX & ASSOC., INC.**

**MODERN MOVERS**  
 THE SLAB HOME ELEVATION EXPERTS

**Modern Movers**  
 Project Number: 2025.146  
 Date: 03/09/2026

**PRELIMINARY DRAWINGS FOR REVIEW OR PRE-APPROVAL ONLY.**  
**THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.**

CONTRACTOR'S OBLIGATION

























# STAFF REPORT



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**STAFF REPORT**

---

To: Special Magistrate

From: Zain Husain  
Town Planner, Calvin, Giordano & Associates

Re: Variances:

1. Proposed construction of a staircase in the rear that will encroach 4 feet – 6 inches into the rear setback.
2. Proposed construction of a staircase in the rear that will encroach 2 feet – 9 inches into the side setback.
3. Proposed construction of a staircase in the front that will encroach 17 feet – 3 inches into the front setback.
4. Proposed impervious surface ratio (ISR) calculation of 85.5%.

---

**Date of Meeting:** June 17, 2026

**I. GENERAL INFORMATION**

*Request:* The Applicant is seeking variances to the Town of Redington Shores Code of Ordinances, Section 90-162 (E) and Section 90-162 (D)(4).

**Applicant**

Daniel S. Pownall  
135 175<sup>th</sup> Terrace Dr. E.  
Redington Shores, FL 33708

**Property Owner**

Daniel S. Pownall  
135 175<sup>th</sup> Terrace Dr. E.  
Redington Shores, FL 33708

**Physical Address**

135 175<sup>th</sup> Terrace Dr. E.  
Redington Shores, FL 33708

**Parcel ID Number**

32-30-15-30438-003-0080



**Legal Description**

GAY SHORES BLK 3, LOT 8 & PART INTEREST 3FT STRIP TO GULF DESC IN DEED 1437/127  
 (SEE MAP 31-30-15)

**Current Use**

Triplex Residence

**Requested Variances**

1. Proposed construction of a staircase in the rear that will encroach 4 feet – 6 inches into the rear setback. (The required setback is 25 feet)
2. Proposed construction of a staircase in the rear that will encroach 2 feet – 9 inches into the side setback. (The required setback is 25 feet)
3. Proposed construction of a staircase in the front that will encroach 17 feet – 3 inches into the front setback. (The required setback is 25 feet)
4. Proposed impervious surface ratio calculation of 85.5%. (The required maximum impervious surface ratio (ISR) is 70%)

E. Building Setbacks, other than for single-family dwellings and duplexes, shall be as follows:

Number of Stories	Front (feet)	Side (feet)	Rear (feet)
1 – over nonhabitable garage/storage	20	5	20
2-2.5 – over nonhabitable garage/storage	25	10	25

**Sec. 90-162 (E)**

**II. BACKGROUND**

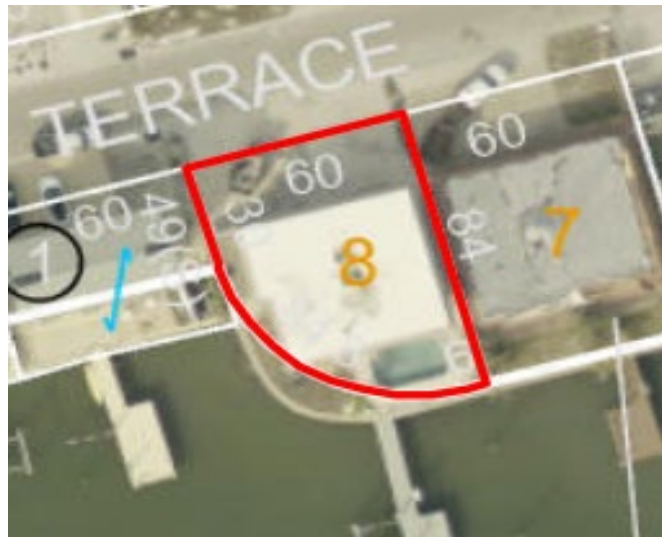
The property located at 135 175<sup>th</sup> Terrace Dr. E. is within the RD-15 zoning district (medium-density duplex residential district). The property has a lot area of 4,417 square feet (0.10 acres). The current use is a triplex. The applicant submitted a permit for a residential elevated addition (RS-BLDG-26-0001). The elevated residence intends to reconstruct the original residence to the previous footprint while conforming to current flood elevations. The provisions of code Sec. 90-175 may apply to this project, meaning



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**Redington Shores**  
*Nature's Beach*

the applicant may rebuild up to the same nonconforming setback if the nonconformity is not increased, the renovation is not substantially improved, all current flood elevations are met, and if all other code provisions are met.

The applicant is requesting 4 variances. 1. Proposed construction of a staircase in the rear that will encroach 4 feet – 6 inches into the rear setback. (The required setback is 25 feet). 2. Proposed construction of a staircase in the rear that will encroach 2 feet – 9 inches into the side setback. (The required setback is 25 feet). 3. Proposed construction of a staircase in the front that will encroach 17 feet – 3 inches into the front setback. (The required setback is 25 feet). 4. Proposed impervious surface ratio (ISR) calculation of 85.5%. (The required maximum impervious surface ratio is 70%).



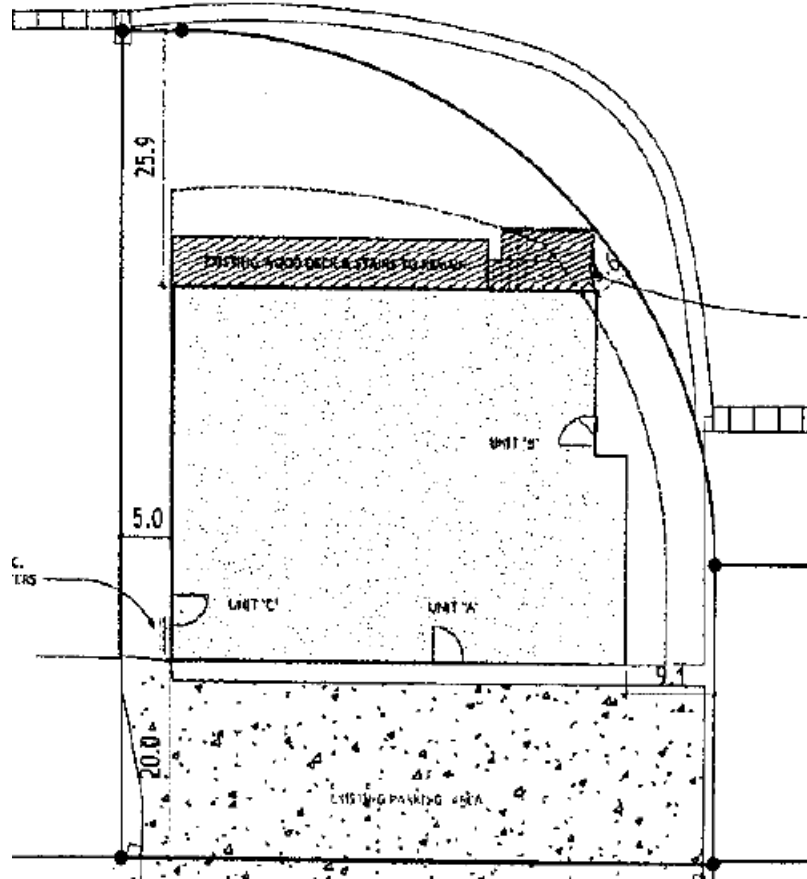
**SUBJECT PROPERTY**



**III. EXHIBITS**



**ELEVATION OF THE TRIPLEX**



**EXISTING SITE PLAN**

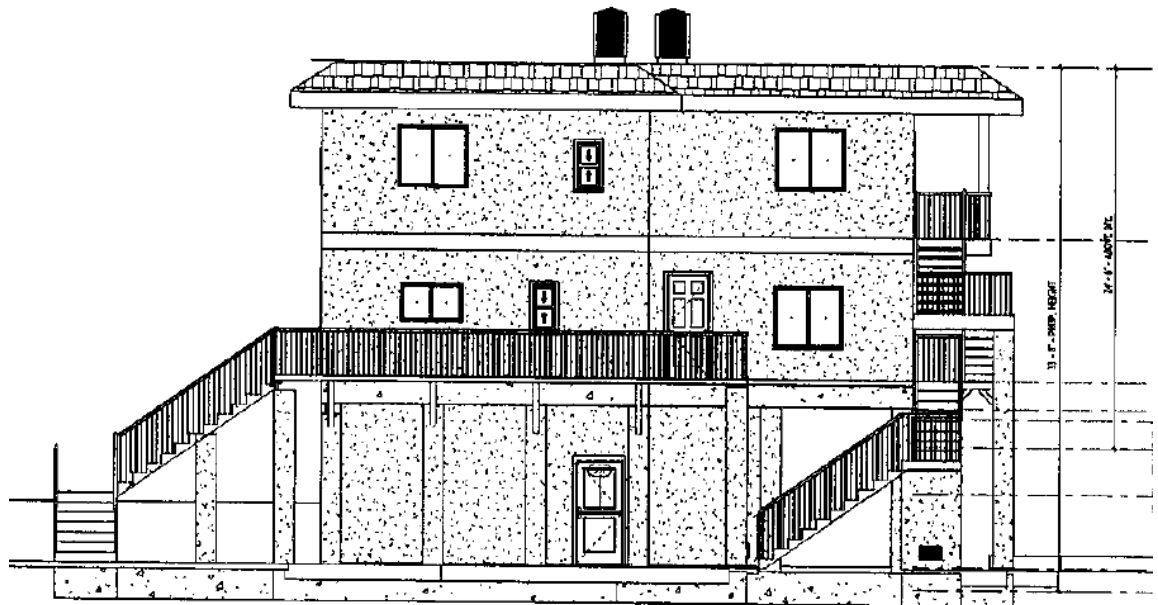




Town of  
**Redington Shores**  
*Nature's Beach*



**EXISTING FLOOR PLAN**



**PROPOSED FLOOR PLAN**



#### **IV. FINDINGS**

##### **Variance Criteria: Staff Findings**

*Special conditions and circumstances exist which are peculiar to the land, structure, or building for which the variance is being sought, and which are not applicable to other similarly situated lands, structures, or buildings in the same zoning district;*

**Finding:** There are no special conditions and circumstances for the land. Similar lot sizes are in the adjacent area.

*A literal interpretation of the provisions of the applicable code would deprive the applicant of rights commonly enjoyed by other similarly situated properties in the same zoning district under the terms of the applicable code;*

**Finding:** The applicant is raising their home which adds a story but appears to be within the same footprint. The applicant is proposing a triplex at this location. The applicant is requesting 4 variances.

*The property has an unusual hardship not suffered by other similarly situated properties within the same district;*

**Finding:** The lot area is 4,417 square feet (0.10 acres). The applicant requesting to encroach into the front, side, and rear setback is not an unusual hardship. The applicant requesting to have an impervious surface ratio calculation above 70% is not an unusual hardship.

*The hardship of the property was not self-created by the applicant and was not the result of an action taken with the applicant's prior knowledge or approval. Further, no variance may be granted arising from illegal construction of a structure or an illegal use of the premises which would otherwise have required a permit to be issued, and which construction was commenced illegally. Further, no variance may be granted for any property in the town where the property has a pending unresolved code violation, or where the owner has failed to satisfy any recorded code enforcement lien or to have complied with any court or magistrate order related to a*



Town of  
**Redington Shores**  
*Nature's Beach*

*code enforcement violation within the town. Under such conditions, the owner shall have no legal right to obtain a variance, and the board shall have no legal right to grant a variance;*

**Finding:** The applicant has requested 4 variances that are self-created. The stairs in the front and the rear are to give access to another story that is being added for the triplex.

*The requested variance is the minimum variance necessary to permit the reasonable use of the property;*

**Finding:** The 4 requests that include encroaching into the front, side, and rear setbacks as well as the maximum ISR being surpassed is not the minimum variance necessary to permit the reasonable use of the property. The staircase encroachment into the front setback appears to surpass the minimum necessary for access to the elevated residential floor.

*The requested variance will not confer on the applicant any special privilege that is denied by the applicable code to other similarly situated property owners;*

**Finding:** The applicant will have a special privilege if allowed to encroach into the setbacks and surpass the allowed ISR is not allowed in similarly situated properties.

*The literal interpretation of the applicable code would deprive the applicant of rights commonly enjoyed by other similarly situated property owners;*

**Finding:** The property is in the RD-15 zoning district which requires 25 feet setback in the side, front, and rear. The zoning also requires the maximum ISR to be 70%. This is common for lots and homes in the area.

*The requested variance will not be contrary to the public interest and will be in harmony with general intent and purpose of the applicable code.*

**Finding:** The requested variances will not be in harmony with the general intent and purpose of the applicable code.

## **V. RECOMMENDATION**

Staff recommends the Special Magistrate consider **Disapproval** of the variance requests.