

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 Avenue East, Redington Shores, Florida.
Legal Description: Lot 80, Block 4, HARBOR SHORES 2ND ADDITION, according to the plat or map thereof, as recorded in the Public Records of Pinellas County, Florida;
Parcel ID No. 31-30-15-36324-000-0800

ORDER GRANTING VARIANCE

THIS MATTER came before the Town of Redington Shores, Florida (Town), Special Magistrate, on June 25, 2026, upon the application of Michael and Marisa Barnas (whether singular or plural referred to hereafter as "Applicant"), owners of the property at 165 Coral Ave. E., Redington Shores, Florida ("Property"), for a variance from Section 90-166(C)(1), Town of Redington Shores Code of Ordinances, to construct an exterior stairway and ingress/egress entry to a second floor duplex that will encroach into the rear setback. Present at the hearing were Applicant, Applicant's Contractor Luis Rodriguez, Town Planner Zain Husein, and Town legal counsel. The public was afforded an opportunity to address the variance request and comments were received. Upon the sworn testimony heard at the public hearing and Exhibits admitted into the record, Special Magistrate hereby finds and orders:

Special Magistrate Authority

Section 90-127 of the Town of Redington Shores Code of Ordinances authorizes the Town to appoint a special magistrate to hear variance requests. The special magistrate is entitled to set appropriate conditions and safeguards in conformity with the Town's Code.

Variance Request

Applicant seeks a variance from Section 90-166(C)(1), Town of Redington Beach Code of Ordinances, to construct an open stairway and entry to a second story unit. The Property is an allowed nonconforming lot measuring 50' x 60'. The building was constructed in 1958 at the latest when no setbacks were applicable. The only access to the second story duplex is a winding stairway that does not comply with current building or fire codes. The Property is located within the Commercial Tourist Facilities zoning district ("CTF") which requires front and rear setbacks of 20'. The proposed staircase will be 1'6" beyond the existing footprint and will result in a 12' rear setback.

Variance Criteria and Findings

Section 90-127(B) of the Town of Redington Shores Code of Ordinances sets forth the criteria that must be met in order for a special magistrate to grant a variance unless such variance is prohibited by the Town's Code, state law or is contrary to the public interest. The Special Magistrate findings on these factors are as follows:

1. **Criteria:** 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.

Finding: Applicant's lot has such dimensions that a building cannot be constructed to meet 20' front and rear setbacks. The winding staircase offering the sole access to the second story cannot be reconfigured. The Special Magistrate finds that the dimensions of the lot coupled with the conditions of the building itself constitute a special hardship.

2. **Criteria:** The special conditions and circumstances do not result from the actions of Applicant.

Finding: The evidence at the public hearing established that the staircase was not built by Applicant. Even if the Applicant purchased the Property with knowledge of the hardship, that hardship arises from circumstances peculiar to the Property and the self-created hardship rule would not bar a variance. See *City of Coral Gables v. Geary*, 383 So. 2d 1127 (Fla. 3rd DCA 1980).

3. **Criteria:** Granting the variance requested will not confer on the Applicant any special privilege that is denied by the Town's Zoning Code to other lands, buildings or structures in the same zoning district.

Finding: The variance will not confer on Applicant a special privilege that would be denied to other lands, buildings, or structures similarly situated. Aerial photos and testimony at the hearing reflect that many, if not most, of the adjacent properties have setback encroachments.

4. **Criteria:** The literal interpretation of the provisions of the Town's Code of Ordinances would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant.

Finding: The literal interpretation of the Town's Code of Ordinances would deprive Applicant of rights commonly enjoyed by other properties to the extent that they have non-conforming encroachments and the Applicant would be prejudiced by the inability to construct a new building that meets current setbacks.

5. **Criteria:** The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Finding: Applicant has asked for the minimum variance required to construct an exterior stairway and entry to the second-floor duplex.

6. **Criteria:** The granting of the variance will be in harmony with the general intent and purpose of the Town's Code of Ordinances, and not injurious to the area involved or otherwise detrimental to the public welfare.

Finding: The granting of a variance would be in harmony with the general intent and purpose of the Town's Code of Ordinances' zoning provisions within the CTF and will result in a safety enhancement to residents and first responders by rectifying the stairway design. Public comment from a resident with firefighting background indicated that the current stairway is so unsafe that it may prevent firefighters from accessing the second floor.

Conclusion and Determination

BASED ON THE FOREGOING, I find that Applicant meets the variance criteria. The variance application is **GRANTED**.


Jorge Martin, Special Magistrate
Town of Redington Shores

Date: June 30, 2026

THE SPECIAL MAGISTRATE FOR THE TOWN OF REDINGTON SHORES, FLORIDA

IN RE. :

Name of Applicant/Property Owner: Daniel S. Pownall

Property Address: 135 175th Terrace Dr. E., Redington Shores, Florida.

Legal Description: Block 3, Lot 8, GAY SHORES, Etc., according to the plat or map thereof recorded in the Public Records of Pinellas County, Florida;

Parcel ID No. ; 32-30-15-30438-003-00800

ORDER DENYING VARIANCE

THIS MATTER came before the Town of Redington Shores, Florida (Town), Special Magistrate, on June 25, 2026, upon the application of Daniel S. Pownall (whether singular or plural referred to hereafter as “Applicant”), owner of the property at 135 175th Terrace Drive East, Redington Shores, Florida (“Property”), for four variances from Sections 90-162(D)(4) and 90-162(E), Town of Redington Shores Code of Ordinances, for 3 encroachments into the front, back and side setbacks and the impervious surface ratio (“ISR”). Present at the hearing were Applicant, his Contractor, Town Planner Zain Husein, and Town legal counsel. The public was afforded an opportunity to address the variance request and no comments were received. Upon the sworn testimony heard at the public hearing and Exhibits admitted into the record, Special Magistrate hereby finds and orders:

Special Magistrate Authority

Section 90-127 of the Town of Redington Shores Code of Ordinances authorizes the Town to appoint a special magistrate to hear variance requests. The special magistrate is entitled to set appropriate conditions and safeguards in conformity with the Town’s Code.

Variance Request

In the aftermath of the 2024 hurricanes affecting the area, Applicant intends to raise the footprint of the existing building by one level to meet current flood elevations. The Property is located within the RD-15 zoning District (medium density duplex residential) and has three units. Applicant seeks three setback variances for the construction of stairs that would encroach into the front, back and side setbacks 17'3", 4'6" and 2'9" inches; respectively. Applicant also seeks a variance of the ISR from the maximum 70% to approximately 85%.

Variance Criteria and Findings

Section 90-127(B) of the Town of Redington Shores Code of Ordinances sets forth the criteria that must be met in order for a special magistrate to grant a variance unless such variance is prohibited by the Town's Code, state law or is contrary to the public interest. The Special Magistrate findings on these factors are as follows:

1. **Criteria:** 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.

Finding: Applicant did not present any evidence at the public hearing showing that the Property has special conditions or circumstances such as to support a hardship.

2. **Criteria:** The special conditions and circumstances do not result from the actions of the Applicant.

Finding: The requested variances would result from the actions of Applicant.

3. **Criteria:** Granting the variance requested will not confer on Applicant any special privilege that is denied by the Town's Zoning Code to other lands, buildings or structures in the same zoning district.

Finding: The variance will confer on Applicant a special privilege that would be denied to other lands, buildings, or structures similarly situated.

4. **Criteria:** The literal interpretation of the provisions of the Town's Code of Ordinances would deprive Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant.

Finding: The literal interpretation of the Town's Code of Ordinances does not constitute a hardship. Although raising the structure to meet floodplain elevation requirements is a laudable intent, it is a situation faced by large numbers of owners in the Town and this zoning district.

5. **Criteria:** The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Finding: Applicant has asked for four variances that exceed requirements for the reasonable use of the Property, involving encroachments on three frontages and exceeding impervious surfaces beyond current maximum requirements.

6. **Criteria:** The granting of the variance will be in harmony with the general intent and purpose of the Town's Code of Ordinances, and not injurious to the area involved or otherwise detrimental to the public welfare.

Finding: The granting of a variance would not be in harmony with the general intent and purpose of the Town's Code of Ordinances' zoning provisions within the medium density duplex residential district.

Conclusion and Determination

BASED ON THE FOREGOING, I find that Applicant did not meet the variance criteria. The variance application is **DENIED**.


Jorge Martin, Special Magistrate
Town of Redington Shores

Date: June 30, 2026