



**TOWN OF REDINGTON SHORES, FLORIDA
HEARING REQUEST**

SPECIAL MAGISTRATE/PLANNING & ZONING BOARD

Application For Property Located at: _____
Property Address

1. Select One.

_____ **ADMINISTRATIVE REVIEW** (Sec. 90-78)

It is alleged that there is error in any order, requirement, decision or determination made by any officer of the town.

_____ **SITE PLAN REVIEW** (Sec. 90-237, 90-73, 90-75, 90-77) - See attached Submittal Requirements for Site Plan Review.

_____ **SPECIAL EXEPTION** (Sec. 90-162.B, 90-163.B, 90-165.B, 90-166.B, 90-175.F, 90-237.E)

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. 90-76)

A modification of Part 2 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 the Land Development Code 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. Property Name (if any), Address, and Legal Description of Real Property involved:

Property Name: _____

Property Address: _____

Legal Description: _____

Building Permit Application No. _____

3. Owner of Property

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number (____)_____ Phone Number: (____)_____

Email Address: _____

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

(Use and attach additional pages as necessary)

5. Appeal: (Concise and specific statement of issue(s) to be considered)

(Use and attach additional pages as necessary)

6. Certification and Acknowledgement:

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

Signature of Owner

Date of Application

Submitting an application does not guarantee the request will be granted.



REDINGTON SHORES VARIANCE CRITERIA AND PROCEDURE

This Document contains important information regarding the criteria and procedures to obtain a variance. Variance Hearings are formal, quasi-judicial proceedings where an appointed attorney “Magistrate” hears testimony, reviews evidence, and issues binding rulings.

PLEASE SCHEDULE A PHONE CALL WITH THE TOWN PLANNER PRIOR TO SUBMITTING YOUR APPLICATION.

Variance Criteria – Section 90-76.B 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 (of the Town Code) would result in unnecessary and undue hardship. 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 Special Magistrate 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 to other lands, buildings or structures in the same zoning district.
- (4) That literal interpretation of the provisions of this 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, 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.***

Variance Hearing Procedure

All testimony shall be under oath. The owner and the Town 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 – Under oath, the Town Planner presents his/her evidence and findings and explains the issues. The Magistrate may then question the Town Planner and/or Town Attorney about the presentation, followed by the owner and anyone who is an opponent of the variance request.
2. Presentation by Owner – The owner presents his or her evidence and witnesses. After each witness has testified, the Magistrate may question the witness.
3. Presentation by Interested Parties – Any interested party will be granted the opportunity to speak.
4. Rebuttal witnesses and evidence – The Town Planner, followed by the owner, 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 Town Planner, the owner, and any opponents will have a brief opportunity to provide any closing comments.
6. Deliberation and Ruling - 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 the Magistrate. The Magistrate may make his ruling at the hearing or issue at a later date.

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REDINGTON SHORES SITE PLAN SUBMITTAL REQUIREMENTS PLANNING & ZONING BOARD

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 90-73. 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 Building Official or Town Planner.

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.

GETTING STARTED

A SIMPLE GUIDE TO YOUR HEARING REQUEST

START HERE Call the Town Planner, Dave Dixon, at **(954) 766-2740** to discuss your request and receive guidance for the best course of action.

1 CALL the Town Planner, Dave Dixon, at (954) 766-2740.

2 DECIDE which option is best for you.

3 REMEMBER there is no guarantee of approval.

UNDERSTANDING A VARIANCE

Variance requests are evaluated based upon meeting the criteria of a "hardship".

WHAT IS A HARDSHIP?

In zoning law, a legal hardship means that strict compliance with regulations prevents a landowner from making any reasonable use of their property, due to **unique physical site conditions** rather than personal or financial reasons.

A valid hardship must demonstrate: uniqueness • non-self-creation • no alternative reasonable use

WHAT DOES NOT COUNT AS A HARDSHIP?

Financial Loss or Profit

Higher project cost, higher financial return, or preventing a monetary loss does not qualify.

Personal Circumstances

Medical needs, family size growth, personal convenience, or wanting a larger addition are personal—not property-based—issues.

General Neighborhood Conditions

If the difficulty affects multiple parcels equally, the remedy is a legislative rezoning or code amendment—not an individual variance.

READY TO APPLY?

Once you decide to apply for a hearing, complete the application, attach all required documents, enclose payment, and submit to:

Town of Redington Shores
Attn: Town Clerk
17425 Gulf Boulevard
Redington Shores, FL 33763



WHAT HAPPENS NEXT?

The Town Clerk will contact you to schedule a hearing date.

QUESTIONS?

townclerk@redshoresfl.com
(727) 397-5538