



# **BOARD OF ADJUSTMENT APPEAL PACKET**

# BOARD OF ADJUSTMENT 2025

## MEETING SCHEDULE

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Application submitted  
by 4:00 pm ON or BEFORE

Will be heard at  
the meeting held on

December 4 <sup>th</sup> , 2024	January 29 <sup>th</sup> , 2025
December 31 <sup>st</sup> , 2024	February 26 <sup>th</sup> , 2025
January 29 <sup>th</sup> , 2025	March 26 <sup>th</sup> , 2025
March 5 <sup>th</sup> , 2025	April 30 <sup>th</sup> , 2025
April 2 <sup>nd</sup> , 2025	May 28 <sup>th</sup> , 2025
April 30 <sup>th</sup> , 2025	June 26 <sup>th</sup> , 2025
June 4 <sup>th</sup> , 2025	July 30 <sup>th</sup> , 2025
July 2 <sup>nd</sup> , 2025	August 27 <sup>th</sup> , 2025
July 30 <sup>th</sup> , 2025	September 24 <sup>th</sup> , 2025
September 3 <sup>rd</sup> , 2025	October 29 <sup>th</sup> , 2025
September 24 <sup>th</sup> , 2025**	November 19 <sup>th</sup> , 2025**
October 22 <sup>nd</sup> , 2025**	December 17 <sup>th</sup> , 2025**

**\*\*EARLY DUE TO HOLIDAY**

**\*Please note: the ability to appear in front of the Board of Adjustment at the hearing date is dependent on the completeness of the application.**

Please contact the City of Sarasota's Development Review Coordinator, Amanda Cisneros at 941-263-6596 or contact Alison Christie, Secretary to the Board, at 941-263-6516 for additional information about the meeting schedule, the specifics of this application or other information that you need to complete your application for a variance. **Applications can be submitted online at <https://ftgportal.sarasota.gov> or one hard copy to the Clerks Office.**

# Requirements for Filing Appeal

## Meeting Information

1. The Board of Adjustment holds their monthly meetings on the last Wednesday of every month beginning at 1:30 PM in the City Commission Chambers, unless otherwise posted.
2. The deadline for submittal of the appeal packet is **4:00 p.m. eight (8) weeks prior** to the public hearing. Please refer to the meeting schedule on page (2) of this packet for specific dates.
3. The appeal packet must be submitted online at <https://ftgportal.sarasotafi.gov> or one hard copy to the Clerks office in its entirety by the deadline noted above. The packet must contain ALL information requested in this appeal and associated checklist(s).
4. If the information is not complete, clear and legible the appeal will not be accepted.

## Please submit the following items

- A completed Administrative Appeal Form (pages 4, 5, 6 and 7 of this Appeal Packet).
- A letter stating what is being requested, including an explanation of circumstances, history and reasons that the Board of Adjustment should grant your appeal.
- Any written materials you have received from the City of Sarasota that confirm or verify the decision, order, requirements or interpretation that you are appealing.
- Check made payable to the City of Sarasota for the fee and escrow amount shown below.
- If the Appellant is the agent for the aggrieved party, include a signed letter from the aggrieved person authorizing the agent to act on his or her behalf in the appeal proceedings.

## Fee Required at Time of Submission

- Administrative Appeal Fee \$1,228.35 plus \$1,500 Escrow**

**\*\*\* FEE IS NON-REIMBURSEABLE**

# Administrative Appeal Form

1. Contact information for the aggrieved person:

1.1 NAME \_\_\_\_\_

1.2 ADDRESS \_\_\_\_\_

1.3 PHONE NUMBER AND EMAIL \_\_\_\_\_

2. **IF THE AGGRIEVED PERSON WILL BE REPRESENTED BY AN AGENT**, include a letter from the aggrieved person stating that the agent is authorized to act on his or her behalf, and please provide:

2.1 NAME \_\_\_\_\_

2.2 ADDRESS \_\_\_\_\_

2.3 PHONE NUMBER AND EMAIL \_\_\_\_\_

3. **STREET ADDRESS AND LEGAL DESCRIPTION** of the property affected by the decision, order, requirement or interpretation that is being appealed:

3.1 Street Address \_\_\_\_\_

3.2 Legal Description including PIN \_\_\_\_\_

\_\_\_\_\_

4. **ZONING OF THE PROPERTY** affected by the decision being appealed \_\_\_\_\_

Zoning code section IV-701 provides that a decision, order, requirements or interpretation must be issued in writing by the Director of Neighborhood and Development Services. You must make a formal request, in writing, and have a written response prior to filing a request for an administrative appeal.

5. **DATE THE WRITTEN DECISION WAS RENDERED** which is being appealed \_\_\_\_\_

6. **PLEASE STATE WHAT DECISION, ORDER, REQUIREMENT OR INTERPRETATION IS BEING APPEALED.** As noted above, you must include all written materials (including correspondence, plans, etc.) you have received from the City of Sarasota that confirm or verify the decision, order, requirement or interpretation that you are appealing. If the space below is not sufficient, you may attach a separate sheet as needed.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_



# Billable Fee Responsibility Form

The undersigned, as the aggrieved party, or the Agent of Record for the aggrieved party, or other party, acknowledges responsibility for any expenses incurred by this appeal. This also includes the proper distribution of any refund that may be available at the end of the appeal process.

## **AUTHORIZED AGENT(S) OR DESIGNATED RESPONSIBLE INDIVIDUAL:**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature: \_\_\_\_\_

## **DESIGNATED INDIVIDUAL TO RECEIVE REFUNDS AND/OR BILLINGS:**

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

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Before me personally appeared this day \_\_\_\_\_ to me well known, or who has produced identification, to be the Person(s) described in and who executed the foregoing authorization and has acknowledged before me that \_\_\_\_\_ executed said authorization for the purposes therein expressed.

**WITNESS**, my hand and seal, this \_\_\_\_\_, day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
(notary seal to appear below or to the left)

# **ACKNOWLEDGEMENT APPEAL RULES & PROCEDURE**

## **ACKNOWLEDGEMENT**

**I ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF THE BOARD OF ADJUSTMENT RULES OF PROCEDURE AND I UNDERSTAND IT IS MY OBLIGATION TO READ THEM PRIOR TO ANY SCHEDULED HEARING.**

**THE CITY OF SARASOTA WILL POST A NOTICE SIGN AT THE PARCEL WHICH IS THE SUBJECT OF THE APPEAL. I UNDERSTAND THAT THIS SIGN MUST REMAIN POSTED UNTIL THE BOARD OF ADJUSTMENT COMPLETES ITS HEARING ON THIS APPEAL.**

**TIME LIMITS:**

**UNLESS THE BOARD DECIDES THERE ARE SPECIAL CIRCUMSTANCES:**

**20 MINUTES WILL BE ALLOWED FOR APPELLANT'S PRESENTATION;**

**15 MINUTES WILL BE ALLOWED FOR QUESTIONS;**

**15 MINUTES WILL BE ALLOWED FOR REBUTTAL.**

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**SIGNED**

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**DATE**

# Rules of Procedure City of Sarasota

## I. PURPOSE AND AUTHORITY

**These Rules of Procedure are adopted by the Board of Adjustment pursuant to Section IV-202(6) of the Zoning Code of the City of Sarasota.**

It is the intent of these procedural rules to provide an equitable and efficient procedure for the consideration by the Board of Adjustment of quasi-judicial matters and to provide due process to Appellants and other parties seeking quasi-judicial determinations of the Board of Adjustment.

To the extent that there is any conflict between these Rules of Procedure and the Zoning Code of the City of Sarasota, the Zoning Code shall prevail.

## II. DEFINITIONS AND RULES OF CONSTRUCTION GENERALLY

**Applicant:** is a person, corporation or other legal entity that files with the City Auditor and Clerk an application pertaining to a variance, an appeal of an interpretation of the Zoning Code by the Manager of Building, Zoning, and Code Enforcement or any other quasi-judicial matter.

**Board:** means the Board of Adjustment.

**Computation of time:** In computing any period of time prescribed or allowed by these rules, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays or legal holidays shall be excluded in the computation.

**Sarasota City Code:** The words "Sarasota City Code" or "City Code" shall mean "The Code of the City of Sarasota" and shall include any amendments as may from time to time be adopted.

**Zoning Code:** The words "Zoning Code" shall mean "The Zoning Code of the City of Sarasota" and shall include any amendments as may from time to time be adopted.

## III. GENERALLY

### A. OFFICERS

1. Officers shall be selected and shall serve as provided for in Article III, Div. 3, of the Zoning Code and Chapter 2, Article V of the Sarasota City Code. As provided in Section 2-263 of the City Code, the Chairman and Vice-Chairman shall be elected for a one-year term and may not serve consecutive terms in the same chairmanship position.
2. A vacancy occurring in any office shall be filled by a majority vote of the remaining Board members and such new officers shall hold their office until the first regular meeting in January of the next calendar year.
3. The employee of the City appointed by the City Manager shall be the permanent

- Secretary to the Board.
4. The Chairman, or in his absence, the Vice-Chairman, shall preside at all meetings and hearings of the Board and decide all points of order and procedure.

**B. MEETINGS**

Meetings shall be held as provided for in Article III, Division 3, of the Zoning Code of the City of Sarasota and Chapter 2, Article V of the Sarasota City Code.

**C. ATTENDANCE**

1. Board members must attend all workshops, regular and special Board meetings as required by Article III, Division 3, of the Zoning Code of the City of Sarasota and Chapter 2, Article V of the Sarasota City Code. As provided for in Section 2-264 of the City Code, a Board member shall be automatically removed from Board membership at such time as the member's absences exceed twenty-five (25) percent of all scheduled Board meetings, including workshop meetings, in a given calendar year unless the Board, by majority vote, plus one, waives an absence by finding that unusual circumstances exist which warrant a waiver.
2. Attendance of Board members at all meetings shall be taken by the Secretary to the Board, or his designee, and the reason for the absence of any Board member shall be recorded by the Secretary.

**D. BOARD AGENDA**

1. Items which require publication of notice of hearing may be placed on the Board agenda at any time prior to four weeks in advance of the date of the Board meeting at which the item will be considered. Thereafter, items which do not require published notice may be added to the agenda only with the approval of the Board Chairman.
2. Copies of the Board agenda shall be placed at the rear of the City Commission chambers for public inspection prior to each Board meeting. The agenda will also be made available to the public at the Neighborhood and Development Services Department prior to each scheduled meeting, and also available on the [City website](#).
3. Notices of all public hearings and the agenda shall be posted at City Hall three (3) days in advance of the scheduled meeting.

**IV. ORDER OF BUSINESS AT BOARD MEETINGS**

- A. Call to order and roll call.
- B. Approval of minutes.
- C. The Board's attorney explains the quasi-judicial process, including the role of persons granted Party Status and citizens and the procedure for rebuttal and asking questions.
- D. Disclosure of ex-parte communications or site visit relating to any quasi-judicial matter on the agenda.

- E. Reading of pledge of conduct and swearing of all persons.
- F. Public hearings
  - 1. Unfinished business;
  - 2. New business.
- G. Workshop on topics requiring Board consideration, but not requiring public hearing.
- H. Presentation of topics by Board members.
- I. Presentation of topics by the City administration or legal counsel to the Board.
- J. Scheduling of special meetings.
- K. Adjournment.

## **V. PROCEDURAL RULES**

### **A. GENERALLY**

1. All applications shall be submitted on forms approved by the Board in accordance with the requirements of Article IV, Zoning Code.
2. The person filing the application shall appear in person or by an authorized agent or by an attorney.
3. Withdrawal of application - An Applicant may withdraw the application at any time prior to the publication of Notice of Hearing. In such event the application may be refiled subject to payment of all costs and fees associated with the filing of such application, subject to the sixty (60) day time limitation for the filing of an administrative appeal.

After the publication of the Notice of Hearing, if Applicant should elect to withdraw the application, the Applicant shall give written notification of same to the Board's Secretary, which shall be received by the Board's Secretary, during regular business hours, no later than five (5) days prior to the date set for the hearing thereon. Such a withdrawal of the application shall be without prejudice. In such event, the application may be refiled subject to payment of all costs and fees associated with the filing of such application, subject to the sixty (60) day time limitation for the filing of an administrative appeal. However, if any such application for a variance is withdrawn in that manner on two (2) occasions, then no further application for a variance of any for the subject property shall be filed within one (1) year of the second dismissal. If an application for an appeal is withdrawn in that manner on two (2) occasions it shall be deemed denied with prejudice.

Furthermore, no application may be withdrawn less than five (5) days prior to the hearing, on the day of the hearing or during the hearing thereon. In the event that the Applicant does not appear, refuses to proceed or cannot proceed, for any reason whatsoever, the application shall be deemed denied and no further application for a variance of any type for the subject property shall be fulfilled

within one (1) year of such denial. An application for an administrative appeal shall be deemed denied with prejudice. Nothing contained in this rule, however, shall limit the power of the Board to consider and grant a continuance as provided for in Rule V. F. 3.

B. PARTIES - The following shall be considered parties in each required quasi-judicial hearing: (a) the City; (b) the Applicant and (c) any affected person (as hereinafter defined) who has sought and obtained Party Status.

C. AFFECTED PERSON - An affected person is:

1. An owner, resident or other occupant of real property located within five hundred (500) feet of the real property which is the subject of a quasi-judicial hearing, the owner's, resident's, or occupant's designated representative or a designated representative of the neighborhood association whose members consist of such owners, residents or occupants. Such distance shall be measured in a straight line from the nearest property boundary of the zoning lot(s) which is the subject of a quasi-judicial hearing to the nearest property boundary of the zoning lot owned or occupied by the affected person. The term "designated representative" shall mean a person who has written authorization to represent an owner, resident, occupant or neighborhood association. In the case of a neighborhood association, the authorization shall be signed by an officer or member of the board of directors of the neighborhood association; or
2. A person who will suffer a negative effect to a protected interest as a result of the quasi-judicial action sought by the Applicant. Although the adversely affected interest may be shared in common with other members of the community at large, the adversely affected interest shall exceed in degree the general interest in community good that is shared by all persons.

Examples of affected person's interests may include:

- a. Negative traffic impact resulting from the proposed use with respect to surrounding uses;
- b. Whether the physical appearance of the proposed use is compatible with the character of surrounding uses;
- c. Whether any noise that would be emitted from the proposed use will be detrimental to the surrounding uses;
- d. When there is an administrative appeal, whether the person owns, resides upon or occupies property located in the same zoning district.

D. NOTICES OF QUASI-JUDICIAL HEARING - Notices of quasi-judicial hearings shall be provided in accordance with provisions of Section IV-202 of the Zoning Code.

E. PRE-HEARING PROCEDURES

1. Request for Affected Person - Any person seeking Affected Person Status shall file a Request for Affected Person Status with the Secretary to the Board at least five (5) days prior to the quasi-judicial hearing. The Request for Affected Person Status shall contain the following information:

- a. The reasons or basis entitling the filer to Party Status;
  - b. Names and addresses of witnesses the filer intends to call at the hearing, during the presentation of filer's evidence or in rebuttal;
  - c. The names and addresses of expert witnesses to be used, if any, including a statement of the expert's qualifications;
  - d. A summary of the facts to be presented by the filer personally or by use of a witness or expert;
  - e. The estimated amount of time the filer requires to make the presentation, including time for rebuttal and summation.
2.
    - a. Applicant's Disclosures - The Applicant shall file the following: Names and addresses of witnesses the Applicant intends to call at the hearing, during the presentation of Applicant evidence or in rebuttal;
    - b. The names and addresses of expert witnesses to be used, if any, including a statement of the expert's qualifications;
    - c. A summary of the facts to be presented by Applicant personally or by use of a witness or expert;
    - d. Copies of reports, studies, letters, documentary evidence and summaries of evidence to be used, if any; and, to the extent there is any change in the disclosure report or summary of evidence, the Applicant shall submit supplemental information no later than ten (10) days prior to the scheduled public hearing; and
    - e. The estimated amount of time the Applicant requires to make the presentation, including time for rebuttal and summation.
3. Copies of Reports and Summary of Evidence - The Secretary to the Board shall maintain copies of reports, studies, letter, documentary evidence and summaries of evidence on each quasi-judicial matter, which shall be available for public inspection and copying.
  4. Time Limits for Presentations - Based upon the time estimates disclosed in Request for Affected Person Status; the Applicant's Disclosures; the complexity of the subject of the quasi-judicial hearing; and the number of petitions to be scheduled for a particular Board meeting, the Board may establish time limits for the presentations, including rebuttal.

#### F. GENERAL CONSIDERATIONS

1. Failure to File Request for Affected Person Status or Applicant's Disclosure - In the event a person fails to file a timely or fully complete Request for Affected Person Status or should the Applicant fail to timely file a fully complete prior disclosure, including all of the documentary evidence or reports as required in paragraph E.2., a request may be made of the Board to waive the requirement. In determining whether to waive the requirement, the Board shall consider whether the granting of Party Status or allowing the Applicant to proceed without full prior disclosures will

unduly delay the proceedings or substantially prejudice the position of the Applicant or another Party. For example, if the only testimony will be that of the Party and no witnesses, expert witnesses or documentary evidence will be submitted, Party Status may be granted. Where the Party, or an Applicant who failed to make a fully complete disclosure, intends to call witnesses, expert witnesses, or submit documentary evidence not previously disclosed, the Board shall weigh the impact of the proposed evidence against the prejudice to the other Parties that may result. If there is little or no prejudice resulting from the grant of Party Status or waiver of the pre-submittal requirements, the Board may grant Party Status or waive pre-submittal requirements. However, the Board may continue the quasi-judicial matter to a subsequent meeting in order to provide all Parties, and the Board, an opportunity to consider and review the evidence allowed by virtue of a waiver.

2. Qualifications of Expert Witnesses - Based upon a review of the qualifications of expert witnesses as presented for the record, the Board will determine what weight is to be given to the testimony of the experts. The Board shall not be required to make a specific ruling as to the witnesses' expertise.
3. Continuances - A continuance may be requested by an Applicant or a Party upon demonstrating that the continuance is necessary to provide rebuttal testimony or to provide time to review documentary evidence. The Board may continue the public hearing on its own initiative, upon finding that any testimony, documentary evidence, or other evidence presented at the quasi-judicial hearing justifies allowing time for additional research or review for the benefit of the Board to assist in an appropriate resolution of the matter being presented. At any time that the Board determines the scheduling or timing of the matter pending before the Board warrants a continuance to another date or time, the Board shall order such continuance.
4. All non-parties who wish to testify shall complete a "Request to Speak" form and deliver it to the Secretary of the Board.

#### G. ORDER OF PRESENTATION

1. Opening of Public Hearing
  - a. The Secretary announces the name of the Applicant and the number of the quasi-judicial matter to be heard, the other persons to the proceedings, and announce the order of presentation. (Source: Rule IV-202(f)(2), Zoning Code)
  - b. After the Applicant and the Applicant's representative(s), if any, are seated at the Board of Adjustment table, the Chair announces the quasi-judicial matter is now open for the purpose of receiving oral and documentary evidence for the record.
2. The Board shall make a determination as to those entitled to Party Status.
3. The Board shall specify time limits on presentations including rebuttal; identify the Applicant(s) and other Parties to the proceedings; and announce the order of presentation.
4. Except for appeal hearings, the Secretary to the Board shall describe the application.
5. The Secretary to the Board, or his or her designee, shall swear any previously unsworn persons.

6. Presentation of Case In Chief
  - a. The Applicant, the City, and any other persons may present testimony and documentation to the Board. Only the Applicant, City and any person granted Party Status, may examine witnesses and may conduct cross-examination of other persons who provided testimony. Only the Applicant, persons granted Party Status and the City may provide rebuttal testimony.
  - b. The order of presentation shall be as follows:
    - i. City
    - ii. Applicant
    - iii. Persons granted Party Status
    - iv. Citizen input
    - v. Rebuttal by City, Appellant and persons granted Affected Person Status
7. Closing of Public Hearing - The chair announces that the quasi-judicial matter is now closed for the purpose of receiving oral or documentary evidence for the record.
8. Absent Board Member - Any member of the Board who was absent from a prior meeting in which the quasi-judicial matter was heard but is participating in the final decision shall review the record, including the minutes of the prior proceeding and shall acknowledge the review, on the record, prior to the Board taking a vote.
9. Decision
  - a. Deliberation Phase - The Board shall deliberate on the evidence presented at the hearing.
  - b. Prior to rendering a final decision, the Board may continue the matter to a future meeting in order to afford the Board sufficient time to review the record prior to voting on the matter.
  - c. Final Decision - The Board, after deliberating, shall make an appropriate motion and shall vote thereon in accordance with the requirements of Section III-303(d), Zoning Code.
- H. Preparation of the Order - The Secretary to the Board shall prepare the final order or resolution for approval by the Board based upon the deliberations and decision of the Board.

## **VI. RECORD**

The record maintained by the Secretary to the Board shall consist of:

- A. The application, site and development plan or development plan, if any, and all accompanying documents submitted by the Applicant;

- B. City staff reports and recommendations
- C. All correspondence on file with the Secretary to the Board prior to the public hearing including written communication to members of the Board and City staff, if any;
- D. Agenda packet of Board pertaining to the petition or appeal;
- E. Resumes and/or statements of qualifications of City staff, City consultants, and expert witnesses previously filed with the City Auditor and Clerk;
- F. All exhibits and documentary evidence submitted for the record by Parties or witnesses during the presentation of the evidence of the Party during the quasi-judicial hearing.
  - 1. In instances where it is necessary to present oversized exhibits, exceeding 24 inches by 36 inches, a reduced duplicate of the exhibit, which is not mounted on a backboard, shall be submitted for the record.
  - 2. A reduced duplicate shall be verified by the Secretary to the Board as an accurate duplication of that submitted during the quasi-judicial hearing.
  - 3. Should a witness require that an original document be returned, the Secretary to the Board shall make necessary copies and then may return the original document. A request for the return of the original document shall be made at the time of submittal during the quasi-judicial hearing.
- G. All comments, exhibits and documentary evidence previously entered into the record at a prior Board meeting on the quasi-judicial matter.
- H. The digital record, minutes and electronic copy in Granicus of the public hearing(s) before the Board.
- I. Any transcripts of the proceeding properly certified by a court reporter or other qualified person and filed by any party with the Secretary to the Board.
- J. The following codes of the City of Sarasota:
  - 1. Zoning Code of the City of Sarasota.
  - 2. Any prior Zoning Code of the City of Sarasota.
  - 3. Sarasota City Code;
  - 4. Comprehensive Plan of the City of Sarasota (also known as the Sarasota City Plan);
  - 5. Engineering Design Criteria Manual;
  - 6. The Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code, and any City of Sarasota local amendments thereto as adopted in Chapters 11 and 14 of the Sarasota City Code.

## **VII. PRIOR RULES:**

Upon adoption, these rules shall supersede all prior rules adopted by the Board of Adjustment. All such prior rules shall be repealed.

## VIII. AMENDMENTS:

These Rules of Procedure may be amended by a majority vote of the Board members.

**ADOPTED this 17<sup>th</sup> Day of November 2004.**

ATTEST:

*(signed) Elmer G. Berkel*  
\_\_\_\_\_  
Chairman  
City of Sarasota Board of Adjustment

*(signed) Timothy Litchet*  
\_\_\_\_\_  
Secretary to the Board

*(signed) Billy E. Robinson*  
\_\_\_\_\_  
City Auditor and Clerk