

ADMINISTRATIVE MEMORANDUM NO. 26-016

TO: Zoning Board of Appeals
FROM: Scott Reale, AICP, Principal Planner *SR*
SUBJECT: Request for Rehearing Procedures
DATE: August 5, 2026

At its July 16, 2026 meeting, the Zoning Board of Appeals voted to deny Variance Application PZ #26-11000016. The requested variance would have permitted construction of a new single-family residence on a waterfront lot located at 1900 Bay Drive with a rear setback of five (5) feet from the property line, in lieu of the required 25-foot setback from an abutting waterway or canal. The motion to approve the variance failed by a vote of two (2) in favor and four (4) opposed.

On July 27, 2026, the applicant submitted a written request for a rehearing together with supplemental information that the applicant contends satisfies the criteria for granting a rehearing under the Zoning Board of Appeals Rules of Procedure.

At this meeting, the Board's consideration is limited to determining whether the applicant has met the procedural criteria necessary to grant a rehearing. The Board is **not** being asked to reconsider the merits of the variance request at this time. Should the Board grant the request for rehearing, the variance application will be re-noticed in accordance with applicable public notice requirements, including mailed notice and publication in the *Sun Sentinel*, and scheduled for a new public hearing at the September 17, 2026 Zoning Board of Appeals meeting.

An excerpt from the *Zoning Board of Appeals Rules of Procedure* governing rehearing requests is provided below:

MOTIONS FOR REHEARING

Any petitioner who may be aggrieved by a decision of the Zoning Board of Appeals may, within ten days from the date of the decision was orally pronounced, but not thereafter, apply to the ZBA for a rehearing at the next regularly scheduled meeting of the Board or unless heard earlier by a special meeting.

The petitioner requesting a rehearing shall establish all of the following:

- 1. That there is new evidence which could not have been discovered before the hearing by the exercise of due diligence;***
- 2. That the evidence is material and not merely cumulative, and***
- 3. There is a strong likelihood that the new evidence will affect the results if a new hearing is granted.***

The ZBA shall render its decision, after hearing arguments based on the foregoing criteria. The concurring vote of five members of the Board shall be necessary to grant a rehearing. The Public Hearing for any rehearing that is granted shall not be considered during the same meeting that the rehearing request is scheduled to be heard. For motions for rehearing that are approved the rehearing will be heard at the next available Zoning Board of Appeals meeting.

The applicant's written request for rehearing and the accompanying supplemental evidence have been provided herein for the Board's consideration.