



**SPECIAL MAGISTRATE
VARIANCE HEARING MINUTES
January 6, 2021**

CALL TO ORDER

Special Magistrate Audrey Schechter called the January 6, 2021 Variance Hearing to order at 11:00 AM. The hearing was held at the Town Hall building at 190 - 173rd Avenue East, North Redington Beach, Florida. The Deputy Clerk confirmed that the Hearing was properly noticed.

Special Magistrate Schechter stated that masks will be required to be worn at all Special Magistrate Hearings.

HEARING ON APPLICATION OF VARIANCE FOR 17251 2nd STREET EAST:

Special Magistrate Schechter introduced herself and stated that it is Wednesday, January 6, 2021 at 11:00 AM. This is a Hearing of the Special Magistrate for the Town of North Redington Beach on the issues of variances and special exception uses. The function of the Special Magistrate is to hear testimony, receive evidence and make an impartial determination of whether a variance (special exception) should be granted from the provisions of the Municipal Code, as interpreted by the Building Official. The Special Magistrate, during the review of an application shall review the criteria provided with the case application form.

This is a public hearing, meaning the public has a right to attend and observe the proceedings. However, because the Special Magistrate is charged with the duty of making a quasi-judicial decision based upon the law and the evidence, public comment will only be solicited or received by the public. Parties who are members of a specific group or association are requested to appoint a spokesperson who will represent their collective position. Individuals testifying do not have the right to cross-examine the parties, only the two parties (the Town and the Applicant) may cross-examine each other.

During the hearing, the Special Magistrate will receive testimony and evidence that is relevant to the issues of the case. All testimony shall be under oath or affirmation. Documents and photographs received into evidence shall be made a part of the record of this hearing. Many cases need to be taken "Under-Advisement" and a decision rendered at a later date. In all cases the Special Magistrate will issue a written order within 10 working days and forward the order to the City Clerk for further distribution.

All variances granted by the Special Magistrate and not acted upon within one year of being granted will automatically expire. The granting of a variance does not exempt the applicant from obtaining a normal building permit. Either side may appeal. Any appeals must be filed in the Circuit Court within thirty days from the date the order is received by the City Clerk from this Special Magistrate.

Special Magistrate Schechter asked for Town introductions: Bruce Cooper is the Building Official for North Redington Beach and Renee Schmader is the Deputy Town Clerk.

Special Magistrate Schechter stated that any persons wishing to testify will need to swear to the oath of affirmation; which she completed with 2 people.

Special Magistrate Schechter asked the Clerk to call the case. Variance Request by Jonathan and Kimberly Thornburg of 17251 2nd Street East, North Redington Beach, Florida.

Special Magistrate Schechter asked the Clerk if there was any public correspondence received for this case; which there was not.

Mr. Bruce Cooper, Town's Building Official with SafeBuilt, presented for the Town. Mr. Cooper reviewed the application request and the town code's criteria. The application is recommended for denial as it does not meet any of the criteria. Special Magistrate Schechter if the applicant had seen the Building Official's Staff Report; which he had not. A copy was provided by Mr. Cooper. Mr. Cooper made an additional marking on the resident's Application Page 6. Special Magistrate Schechter asked Mr. Cooper if he wanted his Staff Report entered in as evidence. Town's Exhibit 1 was accepted.

Special Magistrate asked the applicant if they had any questions for Mr. Cooper about his Staff Report. A question was asked, but Special Magistrate stated that general discussion would be held later in the meeting.

Special Magistrate asked the applicant for introductions. Property owner Jonathan Thornburg and Edge Marine Construction representative Tyson Rawson. The property owner authorizes Mr. Rawson to speak on his behalf.

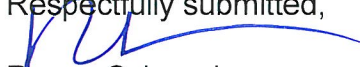
Mr. Rawson presented the Variance Request. He stated that the owner wishes to replace his dock and add a boat lift. There is a limited amount of space to work with since the lot doesn't have complete/full water access. Discussion ensued regarding the existing dock. Owner Thornburg was sworn in for testimony. The current dock is within the property's setbacks. Mr. Cooper showed pictures of the property/existing dock. Special Magistrate asked the Clerk to accept the photos into evidence; Town Exhibits 2, 3, and 4 were accepted. Special Magistrate asked if the owner currently has a boat; he does not. Special Magistrate asked if the decision of this hearing impacts the size of the boat that he will purchase; no, the boat will be small. The proposed dock size is 11 feet long and 15 feet wide. The property owner and contractor did not know the current dock dimension. Mr. Cooper referenced Amended Page 5 of the Application – stating it appears to be the permit of the current dock and the size shows 10' X 5'. Mr. Cooper shared an ariel photo of existing dock. The photo was entered in as Town Exhibit 5. Discussion ensued about options for the applicant.

It was decided that the magistrate would stay the proceedings. Special Magistrate gave the applicant 30 days – until February 6, 2021 – to notify the Clerk if they wish to submit an amended Application or to cancel. If they wish to submit an amended application we will reconvene at a later date.

Special Magistrate asked the applicant if they wish to enter their application in as evidence; which they did. Accepted/entered as Applicant Exhibit 1.

Hearing Closed 11:37 AM

Respectfully submitted,



Renee Schmader
Deputy Town Clerk