



**SPECIAL MAGISTRATE  
VARIANCE HEARING  
March 26, 2026**

**CALL TO ORDER**

Special Magistrate Bart R. Valdes called the March 26, 2026 Variance Hearing to order at 1:32 PM. The hearing was held at the Town Hall building at 190 - 173<sup>rd</sup> Avenue East, North Redington Beach, Florida.

Mr. Valdes explained that he is an attorney and has been a member of the Florida Bar for over 25 years. He has been appointed to be the Special Magistrate in accordance and with the authority set forth under Florida law and the Town of North Redington Beach Code of Ordinances. His role is to fairly and objectively review the matters presented at this hearing. As such, he is advising of certain matters related to today's proceedings.

Today's matters will be heard in the order that they appear on the Agenda. At this time, he has reviewed the documents submitted with all attachments, any written submissions by anyone having an interest, and the materials provided by the Town Staff.

In all cases, the hearing will be conducted in the following order:

1. Confirm proper public notice.
2. The Applicant, or person or entity who filed the appeal, will provide its legal and factual arguments, call witnesses, and present any documents, photographs or materials that are relevant and admissible. The Town may cross-examine any witnesses.
3. The Town, or its representative, will present its response, call witnesses, and present any documents, photographs or materials that are relevant and admissible. The Applicant may cross-examine any witnesses.
4. The Applicant will be permitted to reply to the Town's arguments.
5. Public comment will be permitted from parties directly affected by the variance. Individuals testifying do NOT have the right to cross examine the parties. All public comment shall be limited to three (3)-5 minutes per person.
6. Public participation will then be closed, Special Magistrate deliberation and then the decision.

Formal rules of evidence do not apply to this proceeding; however, Mr. Valdes will exert every effort to ensure that fundamental fairness and essential due process is afforded to the Applicant and any other persons entitled to party status.

After the decision today, Mr. Valdes will issue an Order. The Order will be reduced to writing and the parties will be provided with a copy by mail.

Additionally, Mr. Valdes does not have the authority to grant a building permit. The Applicant must still obtain a building permit for any work intended to do on the property.

If anyone in attendance wish to present any information, it is necessary that they swear or affirm to tell the truth. Mr. Valdes asked the witnesses to rise and to be sworn in. This included any members of the public who are directly affected by the appeal and may wish to provide public comment.

Proof of Notice confirmed by Deputy Town Clerk.

SANDALWOOD CONDO MOTEL ASSN INC titled owners of 17100 GULF BOULEVARD, NORTH REDINGTON BEACH, FLORIDA 33708 (SANDALWOOD CONDO MOTEL CONDO COMMON ELEMENTS, Parcel Number 05-31-15-78622-000-0001), is requesting variances for their redevelopment as follows: a variance from Section 98-258 (3) b 3, to allow a building to encroach 9 feet into the required 18-foot side yard setback located on the north side of the property, a variance from Section 98-258 (3) b 3, to allow a building to encroach 9 feet into the required 18-foot side yard setback located on the south side of the property and also requesting a variance from Section 98-258 (3) c, to increase the allowable building wall height of 60 feet to 66 feet.

The Special Magistrate asked Mr. Cooper to present first for the Town. Bruce Cooper is a Building Official, Plan Reviewer and Floodplain Manager with Safebuilt the town's building department. Bruce reviewed his experience and resume. Bruce stated that this variance is for side setbacks and height. Any development regarding parking and landscaping will be part of the site plan process with the Planning & Zoning Board and Town Commission. Bruce Cooper reviewed his Staff Report, the town's criteria for approval/denial. He recommends the Special Magistrate rule for denial of the variance.

The Special Magistrate asked who is representing the applicant, Mr. Timothy Weber will be presenting the application. Mr. Weber questioned Mr. Cooper's testimony. Mr. Weber asked Mr. Cooper if there are 6 other properties on the westside of Gulf Boulevard with the same lot size that are currently not redevelopment, not built to the 18' setback; Mr. Cooper answered probably. Mr. Cooper said that he specifically is looking at the setback laws and regulations, financial hardship is not in the consideration, the hardship criteria must be met to the peculiarity of the land.

The Special Magistrate questioned Mr. Cooper for his interpretation of the application. He asked if the new building is in the same footprint of the current building. Mr. Cooper answered it does encroach, but not sure of the exact amount. The application has a drawing of the two building's footprint. Mr. Weber stated the gray shade is the existing building and the yellow shade is the proposed. In regards to the height request, Mr. Cooper stated that according to page 4 of the application attachment section 3.2, the applicant states the overall height will not change, the habitable height would. Mr. Cooper presumes for them to have higher unit ceilings; they want to use some of that 6' allowable parapet space. The Special Magistrate thanked Mr. Cooper. The Special Magistrate asked Town Attorney Jay Daigneault for a hardship clarification; does all of the criteria have to be met for approval of the variance; the answer is all five criteria must be met.

Mr. Weber asked Mr. Cooper if the maximum height for this zoning district is 60 feet above base flood elevation. Mr. Cooper answered yes. Mr. Cooper stated that above the 60 feet, the allowable uses for elevator equipment and parapets use to conceal the equipment. Mr.

Cooper stated that the town is against the applicant's interpretation of the code and believes is not a condition to grant a variance. Mr. Weber asked how long has Mr. Cooper been advising on the town's variances and Mr. Cooper answered about 6 years. Mr. Weber asked if Mr. Cooper has ever made a recommendation for approval and Mr. Cooper answered possibly, but not often because the requests do not meet the criteria and the special magistrates mostly agrees.

Exhibit 1 Accepted - Mr. Bruce Cooper's Staff Report, no objections.

Linda Fisher presented her Staff Report. Ms. Fisher works for Forward Pinellas and has been contracted with the town for 3 years working as the planner. This is her independent second opinion of the application in relation to the town's Comprehensive Plan. Although she had no prior discussion with Mr. Cooper, she is in agreeance with Mr. Coopers findings of the criteria. Mr. Weber did not question Ms. Fisher.

The Special Magistrate asked Ms. Fisher if she reviewed all of the variance criteria in her report and she said she did not. She would defer to Mr. Cooper's findings; however, she did not feel the applicant met all of the criteria for approval.

Exhibit 2 Accepted – Linda Fisher's Staff Report, no objections.

With no further town testimony, Mr. Weber presented their application. This is a historic property originally built in 1959 prior to current zoning and building codes. It is almost to the property lines on both sides right now, but not a very high building. Currently the code is 18-foot side setbacks on this 100 sq ft lot. The Sandalwood was operating as a condo-hotel with 47 units. The town does allow the same density with the redevelopment because of the substantial damage from the storm. Current market expectations have rooms with minimum 9 foot ceilings. Mr. Weber read the town's Comprehensive Plan and the vision from the future. The applicant wants to build a hotel instead of turning the property into condos. The neighboring property of Ocean's 12 is condominiums. It is hard to build a hotel that is financially viable in the current codes on the lot.

Exhibit 3 Accepted - Application for Variance, no objections.

Exhibit 4 Accepted – Applicant's Memo rebuttal to Staff Reports, no objections.

Mr. Weber called the applicant Jeff Beggins as his witness. Mr. Beggins lives at 14995 Gulf Boulevard in Madeira Beach and is one of the property owners of the Sandalwood. He is a real estate broker and developer with many years experience and has developed hotels in Madeira Beach. Mr. Beggins described the financial importance of the density of a condo/hotel and that presales are important for vitality of project. He also described what the market is looking for in the past and the current demands/expectations. Today's buyers are looking for larger, very nice units, with higher ceilings. Brand hotels have a minimum 9-foot ceiling requirement. Mr. Beggins says he is a neighbor, lives locally here and is not proposing to maximize the property. They would like all the units to see the beach and be respectful of the community. He believes the design shows that in the last page of the application drawing – the building steps back as it goes deeper into the lot and allows gulf views from every unit. They are seeking a variance of 9' into side setbacks, but it will not be one big square wall

straight up. The pool and common areas will be to the north – towards the DoubleTree Resort, not near the residential condos of Ocean's 12 to the south. In between the DoubleTree and Sandalwood properties there is a beach access walkway. This allows an additional 4 feet buffer between the property lines. The side setback variances would put the redeveloped building less in the setbacks than it currently is now. The current building setbacks wouldn't allow for all units to see the gulf so they would have to build less units, which is not financially viable. Mr. Beggins commented about the building height request; stating that the extra height would be taken in the 6 feet above the roofline for architecture. He says that they are not asking higher than the maximum building height and that this habitable height is not noticeable from outside. The mechanical units would be in the middle of the roof and not seen from the outside. Mr. Weber asked Mr. Beggins to confirm that he signed the application and that this is the minimum requirements they could use, which he confirmed. Witness dismissed, no cross questioning.

Mr. Weber called Andrew Pavalis the architect of the redevelopment. Mr. Pavalis said that they tried many different sizes and shapes to get as many units facing the beach as they could within the regulations. The sideways cake allows views from all rooms, the desired ceiling heights and the viable number of units.

Exhibit 5 Accepted – Drawing, no objections.

Mr. Weber asked Mr. Pavalis to explain the drawing. He said that the left side shows the current code at the roof and the right side shows the request. The variance is asking to use some of room at the roof height within the parapet.

Town Attorney Jay Daigneault questioned Mr. Pavalis if they considered other options in shape and with different side setbacks. Mr. Pavalis answered yes and but they would have to reduce the number of units or make them smaller. Mr. Daigneault asked if the lot size changed due to the hurricane or was it modified; Mr. Pavalis answered no, it remains the same. Mr. Pavalis said that he did a drawing with the current setbacks but it was passed by the owner due to the reduced units and financial viability. Witness excused.

Public Comment. The Special Magistrate received 3 emails thru the Town Clerk which were from Michael Barone, Charles and Barbara Galli and David Miller.

Thomas McHugh of 17040 Gulf Boulevard Unit 401 respectfully does not agree with the application request.

Cindy Confrancesco of 17040 Gulf Boulevard Unit 400 commented against granting the variance because the new property will be taller than current building and does not want a precedence set for future developments regarding the side setbacks. She also shared information from neighbor who is an engineer about maintaining proper space between buildings because of the wave effects during a storm and structural stability.

Armando Roche 17040 Gulf Boulevard Unit 200 commented against the variance and asked when the current building will be torn down as there are rat problems.

Michael Barone (email was received) representing the owner of 17040 Gulf Boulevard Unit 500

stated that the owner doesn't agree with the variances.

Bill Kams one of the Sandalwood property owners. Commented that he appreciates all the comments from the Ocean's 12 owners, said the height is conforming, the side yard setbacks are less than 9' on the Ocean's 12 side, this redevelopment would increase the setback between them, that they focused the pool to the north side out of respect to the people that live at Ocean's 12, the current building is 1 foot from the beach access to the structure on the northside, this would increase it from 1 foot to 9 feet, that they are being very considerate of the neighbors and respectfully ask for the variance to be granted.

Karen Albrecht of 17040 Gulf Boulevard Unit 701 stated that she doesn't agree with the variance on principle and that they need to follow the code and agreed with her neighbors comments.

John Chatmas of 17040 Gulf Boulevard wondered if the variance is not granted if the building wouldn't be built; what is the Plan B? He is sure there is one and opposes the variance.

Gary Curtis of Rosa Lee Way discussed the CCCL and if this property is in compliance with it.

Peter McDermott of 179 171<sup>st</sup> Avenue asked if the beach access will remain open during construction.

Public Comment closed.

Break started at 3:15 pm. Reconvened 3:25 pm

Town Attorney Jay Daigneault provided his closing statement. The hurricanes did not create any special circumstances for the granting of the variance. In the law of variance in Florida, for last 100 years, says that special circumstance must be of the land itself. The lot size is the same as it was before the hurricanes. There is nothing peculiar to justify a variance. The redevelopment has to be properly considered to the town's Comprehensive Plan. The vision fosters tourist uses, but it doesn't say ignore the town's code to facilitate the vision. The Comp Plan can and should be considered with the Code. The lot should be looked at as a blank slate then reviewed by the criteria and it be found that none are met. Building to financial viability is not in the criteria or code. There have been cases in the courts that have considered economic advantages but the owner's preference is not sufficient to constitute for a variance. The Town wants the land redeveloped, but we shouldn't set aside the code for the owner's financial gain. This is about the land, not the project, design choice is not a hardship for a variance. The Town respectfully requests not to grant the variance.

Mr. Weber presented his closing statement. He stated that the evidence does show reason for granting the variance. The owners are not maximizing the redevelopment for economic advantage. It is common for old hotels to convert to condos; the neighboring property Ocean's 12 did that same thing. There is a financial difference between a hotel and condominiums. That is the issue facing this property; the ability to build back a hotel that is viable. The Town offered the current density of 47 units, but we are suggesting 44 to make this a viable project. Mr. Weber says the town's Comp Plan vision is to not tear down hotels and build condos. Mr. Weber says that there will be more views visible with the redevelopment than what is there

now.

The Special Magistrate stated that he will ask the Town Attorney Jay Daigneult to write the order. With hardships variances all the criteria must be met for the it to be granted. The Special Magistrates review is as follows (in reverse order):

E) The variance requested will be in harmony with the general intent and purpose of the zoning chapter and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. – YES

D) The variance requested is the minimum variance that will make possible the reasonable use of land, building or structure. – YES

C) Literal interpretation of the provisions of this chapter would work unnecessary and undue hardship on the applicant. – YES

B) The special conditions and circumstances did not result from the actions of the applicant. – NO

A) Special conditions and circumstances exist which are peculiar to the land, structure or building involved. - NO

The variance application is therefore denied. Town Attorney Daigneault will prepare the written order.

With no further questions, the hearing was closed at 3:52 PM.

Respectfully submitted,



Renee Schmader  
Deputy Town Clerk

Attachment: Written Order

**LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES, AND  
APPEALS OF ADMINISTRATIVE DECISIONS  
TOWN OF NORTH REDINGTON BEACH, FLORIDA**

SANDALWOOD CONDO MOTEL ASSN INC.  
titled owners of 17100 GULF BOULEVARD,  
NORTH REDINGTON BEACH, FLORIDA 33708.

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**ORDER OF SPECIAL MAGISTRATE**

This matter came before the Special Magistrate on the application of SANDALWOOD CONDO MOTEL ASSN INC. (the "Applicant") for three variances from the provisions of the Town of North Redington Beach's Zoning Code. Specifically, the Applicant seeks reductions in the minimum side yard setback requirements set forth in § 98-258 (3) b.3, Zoning Code, on the north and south sides of the property from 18 feet to 9 feet, and an increase in the building height allowed by § 98-258 (3) c, Zoning Code, from 60 feet to 66 feet.

Section 98-73 (a) of the Zoning Code provides that variances may not be granted unless the Special Magistrate finds that competent substantial evidence exists to find that the following conditions exist:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.
2. The special conditions and circumstances do not result from the actions of the applicant.
3. Literal interpretation of the provisions of this chapter would work unnecessary and undue hardship on the applicant.
4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
5. The grant of the variance will be in harmony with the general intent and purpose of this chapter and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The Special Magistrate held a quasi-judicial hearing on March 26, 2026, at the Town of North Redington Beach's Town Hall. The Special Magistrate briefly explained the process to be followed at the hearing and swore in the witnesses who intended to testify.

The Town's Building Official, Bruce Cooper, reviewed his credentials and testified concerning the staff report he authored dated March 11, 2026, wherein he recommended that the variance application be denied because it did not meet any of the criteria set forth in the Zoning Code. Mr. Cooper was cross-examined by the Applicant's counsel and answered questions from the Special Magistrate. The Town's planning consultant, Linda Fisher, AICP, testified similarly and her report and that of Mr. Cooper were accepted into evidence.

The Applicant was represented by Timothy Weber, Esq., and presented the testimony of project architect Andrew Pavalis and developer/principal Jeff Beggins. The Applicant's application was received into evidence, including its exhibits. Testimony was also received from Thomas J. McHugh, Cindy Cofrancesco, Armando Roche, Michael Barone, Bill Karns (who is also a principal on the project), Karen Albrecht, John Chatmas, Gary Curtis, Merry Nemeth, Peter McDermott, Kelli Musial, and Britt Hayes.

Following the presentation of testimony and evidence, the Special Magistrate received argument from Attorney Weber and Town Attorney Jay Daigneault.

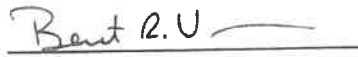
Based on the foregoing, the facts showed that the Applicant seeks to develop the beachfront property at 17100 Gulf Boulevard, North Redington Beach, as a 44-unit condominium hotel. The existing structure on the property was substantially damaged by hurricanes Helene and Milton in late 2024 and has ceased to be used since that time for any purpose. The lot upon which the Applicant seeks to build is 118' by 272' and has not been re-platted, split, or otherwise modified following the hurricanes.

Based on the evidence and testimony presented in the application, its exhibits, the professional reports, and at the hearing, the Special Magistrate finds that the Applicant has failed to satisfy all five criteria for the granting of a variance by competent substantial evidence. While there is competent substantial evidence to support the third, fourth, and fifth criteria, there is none to support the first: that special conditions and circumstances exist which are peculiar to the land, structure or building involved. Because the first criteria is not met, the second criteria is not at issue and cannot be met.

Accordingly, it is hereby:

**ORDERED** and **ADJUDGED** that the Applicant's application for the three variances identified herein is **DENIED**.

**DONE AND ORDERED** on the 15<sup>th</sup> day of APRIL, 2026.

  
**Bart R. Valdes**  
**Special Magistrate**

Conformed Copies to:

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