



**SPECIAL MAGISTRATE
HEARINGS
August 6, 2026**

CALL TO ORDER

Special Magistrate Bart R. Valdes called the August 6, 2026 Special Magistrate Hearing to order at 8:32 AM. The hearing was held at the Town Hall building at 190 - 173rd 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, or special exception can be requested to change the order by the Town Attorney. 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 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.
3. The Applicant, or person or entity who filed the application, 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.
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 were sworn in.

Town Attorney Erica Augello requested that Agenda Item 2 Variance for 17360 Rosa Lee Way move to the first item, as the Mr. Lubke has two Agenda items – Variance and Code Enforcement Case.

VARIANCE HEARING CASE 2: LEINENBACH, TODD and LEINENBACH, CHRISTINE titled owners of 17360 Rosa Lee Way, North Redington Beach, Florida 33708 (SUNRAY BEACH HOMES BLK B, LOT 23), Parcel Number 32-30-15-87282-002-0230) are requesting a variance from Section 98-209 of the Town of North Redington Land Development Code to allow proposed exterior stairs to encroach into the twenty-foot front setback. Whereas the code requires a minimum front setback of 20 feet and allows stairs necessary to provide access to the lowest residential floor of a structure that is being elevated to encroach no more than 3 feet into such setback, the variance sought is 3 feet, 8 inches.

Bruce Cooper of SafeBuilt presented the Staff Report. Mr. Cooper reviewed the code regarding front setbacks which was amended after the hurricanes of 2025 to allow an existing home being elevated to build stairs 3' further into front setback. The resident is asking for a variance of 3 feet 8 inches (in addition to the additional 3 feet). Mr. Cooper found in his research of their permit, that the staircase can be reduced and then the minimum variance needed would be 2.5 feet. Exhibit A of Mr. Cooper's Staff Report, is a site plan document from the resident's application and depicts this version. Mr. Cooper supports a 2.5 feet variance. Mr. Cooper reviewed the criteria, all with affirmation and recommendation for approval.

Mr. Bryan Sykes, Attorney with Meridian Partners Law, is representing the residents. He had no questions for Mr. Cooper. Actually, thanked Mr. Cooper and said he was fantastic thru this process and found the design flaw. Mr. Sykes is in full support of Mr. Cooper's suggestion. He did note that within the application was a letter of support from the neighbors. The property is located on a cul-de-sac which does give it some unique features. Mr. Sykes stated that they support Mr. Cooper's review of the criteria.

Special Magistrate Valdes accepted into evidence as Exhibit 1 the resident's application, the notice of service, property appraiser property information and the neighbor's letter of support. He also accepted in as Exhibit 2 Bruce Cooper's site plan depicting the 2.5 feet encroachment.

The Special Magistrate asked for any public comment; there was none. Mr. Cooper had no further comment. Town Attorney Augello asked for Exhibit 3 be Mr. Cooper's Staff Report; which was accepted.

Special Magistrate Valdes stated that based upon the testimony, this variance does meet the criteria and therefore is granted.

VARIANCE HEARING CASE 1: LUBKE, CHAD and LUBKE, JULIE titled owners of 417 173RD Avenue East, North Redington Beach, Florida 33708 (NORTH REDINGTON BEACH SEC C BLK 1, PART OF LOTS 28 & 29 DESC AS FROM NW COR OF LOT 23 TH N67D40'31"E 289.85FT FOR POB TH CUR LT RAD 955FT ARC 73.34FT CB N56D44'49"E 73.31FT TH S35D27'11"E 105FT TH CUR RT RAD 1060FT ARC 81.39FT CB S56D44'49"W 81.37FT TH N31D03'13"W 105FT TO POB, Parcel Number 32-30-15-61056-001-0280) is requesting a variance from Section 98-361 (a) of the Town of North Redington Land Development Code to allow a dock/catwalk to extend 54 feet from the seawall, whereas the code requires a maximum of 36 feet for the dock/catwalk to extend out from the seawall, a

variance of 18 feet.

Mr. Cooper presented the Staff Report. The town's code allows for a 36' dock and tie poles out to 54'. The resident has an existing dock out to 54' with tie poles at 54'. Mr. Cooper reviewed the criteria, all of which were not met, stated there is no hardship and that the problem was caused by the applicant. Mr. Cooper requested that this variance be denied.

The Applicant/Owner Chad Lubke of 417 173rd Avenue questioned Mr. Cooper about his Staff Report comment about dredging; asked him about obtaining a residential dredging permits, as well as the requirements and risks. Mr. Lubke asked if he should get a written confirmation from Pinellas County Water and Navigation; at which Mr. Cooper said that would have no effect on his determination. Mr. Lubke asked what ordinance changes the Town made since the hurricanes of 2024. Mr. Cooper stated that any changes that have been made are irrelevant to this variance application and this hearing.

The Special Magistrate questioned Mr. Cooper about the effects of the hurricanes and asked him to describe the dredging process. Mr. Cooper described the process and stated that he doesn't think there has been a dredging project done lately and it usually doesn't affect the neighbors.

Mr. Lubke presented his application. Special Magistrate Valdes accepted Exhibit 1 as Mr. Lubke's entire application, Mr. Cooper's Staff Report and the public notice. Mr. Lubke read his request. He stated that the 54' dock length is allowed by Pinellas County and his tie poles are at the 54" which is allowed by the town. Mr. Lubke's concern is with safe vessel access. He presented new evidence which was added into the record. A dock drawing Exhibit 2 and the existing dock drawing as Exhibit 3. Mr. Lubke continued with his application and reviewed the town's criteria; he believes that he has a hardship. Mr. Lubke provided a document titled Florida Department of Environmental Protection 2024 Hurricane Season Florida's Southwest Gulf Coast Hurricane Helene and Hurricane Milton Post-Storm Beach Conditions and Coastal Impact Report Fiscal Year 2024-2025. Mr. Lubke stated the document is about the sand migration and sedimentation movement caused by the hurricanes to the county. Mr. Lubke also presented a photograph of the boat near the seawall showing sand. Both the photo and the report were not shared prior to the hearing. Town Attorney Augello had no objections and they were marked Exhibit 4 and 5.

Mr. Cooper questioned Mr. Lubke asking if he has data from before and after the storm for his specific property; which he did not. More dredging discussion ensued. Town Attorney Augello questioned the picture submitted as to what was the time of day and the tide level; Mr. Lubke said he did not know. Attorney Augello continued, regarding Mr. Lubke's testimony, about boarding the boat and asked if a smaller boat would change the problem. She stated that the data report may support a sand problem in Pinellas County but what is the hardship to Mr. Lubke and his property. Mr. Lubke himself testified that this is a larger problem to the area, but gave no evidence that is pertinent to his lot. Town Attorney Augello asked if Mr. Lubke could moor the boat at the tie poles that are at 54'. Mr. Lubke answered yes, but then he would not have access for boarding. Discussion continued about different options of how to park the boat for access. Mr. Lubke stated that he got a Code Enforcement warning when the boat was past the tie poles. The Special Magistrate questioned Mr. Lubke regarding the Exhibit 5 photo and the parking of the boat to the seawall, asked him about his work experience and Mr. Lubke talked about dredging and the environmental effects. No further questions from the Town.

The Special Magistrate opened for Public Comment. Resident/Neighbor Douglas Hyre of 405 173rd avenue stated he has lived here since 2019 and has a lot of history with the land and water in that specific area and is against the granting of the variance. Mr. Hyre said that Mr. Lubke used to have a much smaller dock with a smaller boat, then he built this unpermitted new dock and got the big new boat. He continued that Mr. Lubke has 2 boats now, he should not have done unpermitted work and should not be able to keep this larger dock. Mr. Hyre stated that there are other parts of town that have shallower water than 173rd Avenue. No further Public Comment.

Town Attorney commented on the testimony from the applicant. There are no hardships or special exceptions – a bigger boat doesn't mean build a bigger dock. Mr. Lubke's want to access the boat this way is not reason for a variance or a peculiarity to his property. The criterion to grant a variance has not been met. The dock has already been constructed and was not properly permitted. The Special Magistrate asked if there was any case law known that could guide him. Attorney Augello commented that other magistrates in other jurisdictions may have made findings, but that if a resident can't access their boat, they don't just build a larger dock than what is allowed. The testimony provided by the applicant about sand migration was about the regional area, with no evidence to his land. There was no facts or evidence provided from the past.

The Special Magistrate asked the Town if they wanted time to research and provide more information. The Special Magistrate provided a Variance that was granted in the town for a dock on Rosa Lee Way.

Break

Following the break, Town Attorney Augello asked to submit more evidence regarding the property to be added to the Staff Report; Exhibit 6 was entered. Town Attorney Augello asked Mr. Lubke if these were photos of his boat and he said yes, she asked if this was at high tide, and he said yes. Town Attorney Augello explained the picture shows the boat to the seawall, which shows access to the boat. Mr. Lubke stated it did not as the boat must be boarded from the rear to which Town Attorney Augello commented that the boat could not have been boarded prior to the storms with a 36' dock. Mr. Lubke responded he did not have this boat then. Town Attorney Augello said she had no further questions, but this goes back to the thinking of "I bought a bigger boat so I need a bigger dock", that is not grounds for variance, and he didn't have this boat before the storm.

Mr. Lubke read from a variance case regarding a dock from the Town of Redington Beach at which Bruce Cooper attended and supported the variance.

The Special Magistrate reviewed some of the criteria for granting a variance. Then he asked the applicant and town if they would want to continue this variance until the next hearing so that more research could be done by both sides. There is a Special Magistrate Hearing set for Tuesday, August 25th at 9 AM. This Variance for Mr. Lubke and his Code Enforcement Case will be continued to that date. Mr. Lubke stated that he may have a conflict on that date. The Special Magistrate told him to speak directly with the town once he knows for sure.

CODE ENFORCEMENT HEARING CASE 2026-01 LUBKE CHAD & JULIE, 417 173rd Ave E, North Redington Beach, FL 33708

This Agenda item has been continued to the August 25th Hearing.

**CODE ENFORCEMENTCASE 2026-02 ENDRULAT JEFFREY & ELIZABETH, 17058
Dolphin Drive, North Redington Beach, FL 33708**

This Agenda item has been moved to the August 25th Hearing.

With no further questions, the hearing was closed at 9:53 am.

Respectfully submitted,



Renee Schmader
Deputy Town Clerk

Attachment: Leinenbach Written Order

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

Todd & Christine Leinenbach
for the property located at
17360 Rosa Lee Way
North Redington Beach, Florida 33708,

Applicants.

ORDER GRANTING VARIANCE

Variance to allow proposed exterior stairs to encroach into the 20 foot front setback.

Special Code Provisions:

Section 98-209. - Minimum yard setback requirements.

The property development regulations for permitted uses for minimum yard setback requirements are as follows:

- (1) *Front*: 20 feet;
- (2) *Side*: 7.5 feet;
- (3) *Rear*: 25 feet.

PARCEL IDENTIFICATION NUMBER: 32-30-15-187282-002-0230

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on August 6, 2026, and, based on the evidence, the testimony of Bruce Cooper and recommendations of City Staff in the Staff Report and Recommendations (the "Staff Report"), and all documents that were admitted into evidence, enters the following findings of fact, conclusion of law and order.

FINDINGS OF FACT

1. The application of Todd and Christine Leinenbach (the "applicants") presents the issue involving a variance from the requirements of the above stated Town of North Redington Beach Code of Ordinances, requesting a variance to allow proposed exterior stairs to encroach into the twenty-foot front setback.
2. Special conditions and circumstances exist, as stated on the record, and in the Staff Report to justify the variance.
3. The lot is located at the beginning of the cul-de-sac which the street right-of-way reduced the lot depth on the east side of the lot. The closest point of the home from the front property line is currently 21.1 feet from the front columns. Therefore, elevating the home and the

requirement of stairs from the elevated living level would require a variance from the front yard setbacks.

4. The existing home was built prior to the existing owners, and the requirement of the stairs are required by the Florida Building Code.

5. Without the variance, the home could not be elevated with the required means of egress (stairs).

6. With the redesign of the stairs, this variance is the minimum variance to allow reasonable use of the property.

7. Granting the variance would be in harmony with the intent of the Land Development Code and would not be injurious to the area or otherwise be detrimental to the general public.

CONCLUSION OF LAW

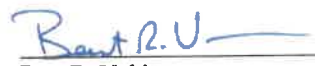
1. Section 98-73 of the Town of North Redington Beach Code of Ordinances authorizes variances from the terms of the City Land Development Regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result in unnecessary and undue hardship.

2. The applicants have the burden to establish the requirements for the variance. Here, the applicant meets the criteria for the variance as set forth in Section 98-73 of the Town of North Redington Beach Code of Ordinances for the reasons set forth on the record at the hearing and herein.

ORDER

It is ADJUDGED that the application is GRANTED, allowing a variance from the zoning requirements of the Town of North Redington Beach Land Development Regulations, to allow the proposed exterior stairs to encroach into the 20 foot front setback with the closest of the stairs being 14.5 feet instead of the 13.4 feet, a 2.5 feet variance as depicted in Exhibit "A."

DONE AND ORDERED on August 11, 2026.



Bart R. Valdes
Special Magistrate

Copies furnished to:

Jay Daigneault, City Attorney

Mari Campbell, Town Clerk

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