



SPECIAL MAGISTRATE HEARINGS ***August 25, 2026***

CALL TO ORDER

Special Magistrate Bart R. Valdes called the August 25, 2026 Special Magistrate Hearing to order at 9:01 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 a 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 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 Augella requested to amend the agenda order, to move Mr. Lubke's Variance Case first as there is a new development.

CONTINUED CASE FROM AUGUST 6, 2026 - VARIANCE HEARING CASE: 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. Lubke stated that he is withdrawing his variance application, he will remove all of the longer dock portion and will apply for a permit for the 3 pilings. Mr. Cooper was in agreement and said this will bring it into compliance and the work should be completed in 45 days.

CONTINUED CASE FROM AUGUST 6, 2026 HEARING - CODE ENFORCEMENT HEARING CASE 2026-01 LUBKE CHAD & JULIE, 417 173rd Ave E, North Redington Beach, FL 33708

Town Attorney Augella requested the Special Magistrate write an order on the Code Enforcement violation for the dock to come into compliance in 45 days. The Special Magistrate confirmed that he will issue a variance order stating the application was withdrawn and document the Code Enforcement case. He also encouraged Mr. Lubke to work with the town to receive a compliance order. The Special Magistrate asked if there was any evidence for the Code Enforcement Case, Town Attorney Augella said there is a packet which includes the Notice of Violation and the Notice of Hearing. Accepted Exhibit 1.

VARIANCE HEARING ENDRULAT, JEFFREY C and ENDURLAT, M ELIZABETH titled owners of 17058 Dolphin Drive, North Redington Beach, Florida 33708, (NORTH REDINGTON BEACH SEC B LOT 42, Parcel Number 05-31-15-61038-000-0420), are requesting a variance from Section 98-361 (a) of the Town of North Redington Land Development Code to allow a dock, boat lift, and wet slip to extend 41 feet 3.5 inches from the seawall, whereas the code permits a dock to extend a maximum of 36 from the seawall; a variance of 5 feet 3.5 inches is requested.

Matthew Sullivan, attorney for applicant, introduced himself and an engineer specialist Matthew Irvine.

Special Magistrate Valdez asked Bruce Cooper to review his Staff Report. Mr. Cooper reviewed the permit history for dock. A permit application was submitted to remove the existing dock and rebuild a new dock. That application was rescinded by the applicant who then submitted an amended application which was approved. It was then determined that they would need a variance due to the dock length and the permit was revoked. Mr. Cooper stated that he issued the permit based on the application stating it was an existing nonconforming

grandfathered dock. He later found that the dock had been substantially damaged and in 2023 the dock was gone. Therefore, he revoked the permit. Mr. Cooper reviewed the town's criteria for granting a variance and recommends denial.

Exhibits entered into the record: Exhibit 1 Mr. Cooper's 3-page permit document, Exhibit 2 the Endrulat's Application for Variance Hearing, Mr. Cooper's Staff Report and the town's proof of notice for the hearing.

Mr. Sullivan presented The Endrulat's application. Mr. Sullivan stated that this is the same size dock that was built in 1975 and therefore a variance is not even needed according to town code. He stated the property owners have previously made repairs to the dock without adding length and the dock that they built is actually smaller than the original. Mr. Sullivan said that the town allows nonconforming use and this is the same dock since 1975 and the town's code for 36' dock wasn't adopted until 1985. The family purchased the home in 1998 and the dock was in place. He says it is a legally nonconforming dock pursuant to the code; the pilings have never been removed or the dock lift and have been under continuous use since 1998. The town and county issued permit for dock 2025 – twice; then revoked the permit. The current dock is in perfect condition; they did not add or make it bigger. The town allowed the permit, then revoked it and issued a code enforcement violation. Grandfathering rights are a condition. The dock should be allowed to stay, and the code enforcement stops.

Mr. Sullivan submitted Matthew Irvine's CV for the record to be considered an expert. With no objections, the CV was entered as Exhibit 3. Mr. Sullivan asked Mr. Irvine if he reviewed the documentation for this specific property and what his findings were. Mr. Irvine said that he believes that it is a legal nonconforming use dock. Mr. Irvine stated that the pilings have always been there, as well as the boat lift, and that the dock was not removed.

Mr. Sullivan questioned resident Beth Endrulat. She explained that that she has lived there for 28 years, the house is around 1214 square feet, not much had to be done at move in, the dock was there and they purchased a boat within the first year. Mrs. Endrulat said that they removed some of the decking in preparation for the permit; but said that it was minimal. She continued that the boat lift has always been there and has had a boat on it for the last 26 years. There is a wet slip at the end where they have had a sailboat for many years, and all is functioning. The pilings have never been removed; the company made a one for one replacement for them. Mr. Sullivan presented an email from the marine company. Town Attorney Augello's only objection to the email is that the engineer that wrote the email is not here today for her to question. Exhibit 4 entered email from Edge Marine. Mrs. Endrulat explained the email said that as the pilings remained in place, that the dock is 60% of the entire structure. Mrs. Endrulat said that the day after it was finished the Code Enforcement Deputy showed up with the Building Department to measure the dock. Mr. Sullivan asked about problems with building the dock to 36' and she answered that it would be shallower being closer to the seawall, they couldn't use the sailboat and would have to remove the boat lift and is more costly. They discussed the photos that were included in the application regarding low tide and the boat resting on the bottom. Mrs. Endrulat doesn't think this dock is any longer than anyone else's and is not a navigational hazard. She also stated that the Code Enforcement Officer visited her many times and sent her many certified letters.

Bruce Cooper questioned the applicant. He asked her if she owned the property in 2023 and

if she replaced any decking or stringers. Mrs. Endrulat said that they removed a lot in anticipation of the work to be done. Mr. Cooper presented an aerial photo from February 2023 and she confirmed it was her property. The picture showed just the tie poles and no dock, which she confirmed. Town Attorney Augello asked how many years the decking was being removed – photos also show from 2017 no decking and continue thru 2019. Mr. Sullivan said that he objected to that information. The Town Attorney presented the photos from Google Earth showing the changes in the dock over the years/decking being removed. Exhibit 4 photos entered. Town Attorney Augello said that Mr. Sullivan testified that part of the deck was missing, but boat lift and pilings were never removed; and the majority of the cross beams were there.

The Town Attorney referred to the town code that if a structure ceases to be used or occupied for a period of 12 consecutive months then it needs to conform with current regulations. She also questioned if the marine contractor based the 60% on cost.

Special Magistrate swore in Brian Burge who came in late.

Mr. Sullivan questioned Matt Irvine; asked him to review his credentials. Mr. Irvine said that he reviewed both the residents file and the town code and his opinion that the dock was not 50% damaged. He has seen the pictures and reviewed the aerials; he then submitted a photo from the Pinellas County Property Appraiser's Office from 1975. With no objections, the photo was entered as Exhibit 5 and is 3 pages. Mr. Irvine finds that the dock is a legal nonconforming use and that a variance is not needed, repairs were less than 50%. Mr. Irvine reviewed the town's criteria for granting a variance. He feels that there are special conditions unique to this property because the dock has existed for 50 years and that was not a result by the applicant. If the variance is not granted, and the permit revoked, that would be an undue hardship on the applicant. He continued that the variance would be reasonable, less than the 43' original dock and it would be in harmony with the neighborhood. He stated that the new dock is safe, good for the welfare of the public, allows reasonable access to the channel and reasonable use of their riparian rights. Mr. Sullivan presented a survey from 1983 showing the dimensions of the dock. Entered as Exhibit 6. He stated that the code was changed to 36' in 1985 and this survey establishes a 43' dock length, making it legally nonconforming.

Town Attorney Augella questioned Mr. Irvine. She asked about the calculation of 50% of the dock being replaced. The Google Earth photos show the removal of deck over time and in 2023 is a clear photo showing all deck removed and tie poles in place. They discussed how the cost estimates are made; the price of the foundation and the boat lift exceed 50% of the dock, the value of a boat lift in today's cost/dollars, the difference of value and cost and how the dock is defined. Town Attorney Augella read the town's definition for dock and asked if it matched his and he answered yes. He continues to believe the repairs were less than 50% and said he can provide the numbers but doesn't have them with him. Town Attorney Augella stated that a boat lift is not considered as part of the dock and she would need the numbers. Discussion ensued regarding different parts of the dock and their costs.

The Special Magistrate reviewed all the Exhibits; and accepted the town's google earth photos as Exhibit 7.

Mr. Sullivan presented an email from Edge Marine noting the dock costs. This email was

entered as Exhibit 8.

The Special Magistrate opened Public Comment for those directly affected by the variance application.

Vicky Medford, resident of 17060 Dolphin Drive, lives adjacent to the applicant. In reference to the town ordinance about the nonconforming rule – she stated that the dock was not there for a very long period of time and presented her photos between 2019-2023 showing the dock completely gone except the pilings; stating there was no access to the dock. Ms. Medford stated that the dock was falling apart, they were not taking it apart. The dock was deteriorating over time from the storms/weather. Photos entered as Composite Exhibit 9. Dates on the photos range from 2018-2024 and depict what Ms. Medford has observed herself. She continued in describing when the inoperable sailboat arrived in 2023 and there was no dock there, so it was tied to dock poles and a tree against their fence. Since there was no dock access to the sailboat, they began building a dock themselves as shown in the pictures. Mr. Sullivan did not object to the pictures but to the characterization. 6 pages of photos entered as Exhibit 10. Ms. Medford described each picture and also entered another group of photos, as Exhibit 11. Ms. Medford had many historical documents about the dock and said there were many different measurements between them. She added that over time the dock has changed so much with the permits not being consistent with the measurements that she questioned how can it be grandfathered. She stated the dock was completely missing for several years. She said that all the residents need to follow the town rules. Ms. Medford had concerns regarding the tie poles that are out there and felt they are very close to the setback. The tie poles have different measurements on the documents as well. She wanted it noted that one of the new poles is currently bent due to the sailboat pulling and pushing on it towards her home. She stated that she is fearful that it will break and damage their jetski, so they had to move it.

Rick Nagrabski, resident 17160 Dolphin Drive, read the variance requested length and said he feels that the dock is longer. He continued that between 2010-2015 the dock was deteriorating and the hurricane of 2015 was the demise of the dock. He said that he knew it was falling apart because he picked the boards out of the water. Mr. Nagrabski believes that every structure was replaced and they misrepresented the information. He also questioned the measurements of the dock and the tie pole position, said several changes have been made to the dock since they purchased their home and the boat lift has not been used as long as he has lived there; citing the lack of electricity to it. Mr. Nagrabski said that the Endrulat's did a lot of the work themselves and questioned how something in that has been changed so much could be grandfathered.

Brian Burge from Edge Marine said that the emails put into record are not from him. He commented that he has been in business over 10 years and has never seen a revoked permit and all municipalities allow docks to be built back to the previous size.

Public comment closed.

Town Attorney Augella asked Mr. Cooper about the town code regarding nonconforming structures. How the 50% is calculated, by cost or area, and what is the area of this dock. Mr. Cooper said this dock is 244 square feet and that he feels from the photos that the dock was damaged more than 50%.

Mr. Sullivan asked Mrs. Endrulat about the neighbors' testimony. She commented that tie poles are at 54', the first permit's drawing was incorrect therefore the reason for the second submittal. She stated they are not asking for anything more than they had and the leaning tie pole is getting fixed. The sailboat is securely tied up, many boats in the town came loose during the storms but the sailboat did not. Mrs. Endrulat says it is not in the setback at all, all the measurements are correct, the 43' dock is now at 41'. She testified that during the permitting process they put down some decking to use the dock.

The Special Magistrate stated that he has some legal issues with the application and wants some case law for interpretation. He asked the attorneys if they wanted additional time or for him to rule on the variance; he is willing to delay ruling. Mr. Sullivan requested additional time.

Town Attorney Augella said according to the town code the cost/value of the dock would determine if the dock was missing over 50% through the years. She did not feel there was any evidence to determine the cost in today's or past or in 2017 dollars; photos show the decking went away over the years and the applicant said they removed the decking. She added that there is clear undisputed evidence that the damage was more than 50% when calculated by area. Town code referenced that tie poles are not included in the definition of dock. The building official has interpreted that the dock was more than 50% removed. The applicant says the variance criteria is met by the amount of time the dock was there adding that just because you had something legally or illegally, time does not create a special condition that is peculiar with the land. Town Attorney stated that just because you buy a bigger boat doesn't mean you get a bigger dock. She believes the issues/problems are a self-created problem for their property.

The Special Magistrate questioned whether this case is a variance or an appeal from administrative ruling. The Attorneys agreed to submit a legal brief to the Special Magistrate in 30 days and then the continued hearing was set for Wednesday, October 14, 2026 at 9 AM.

CONTINUED CASE FROM AUGUST 6, 2026 HEARING - CODE ENFORCEMENT CASE
2026-02 ENDRULAT JEFFREY & ELIZABETH, 17058 Dolphin Drive, North Redington
Beach, FL 33708

This Code Enforcement case was continued until October 14, 2026 at 9 AM.

With no further questions, the hearing was closed at 11:37 am.

Respectfully submitted,



Renee Schmader
Deputy Town Clerk