SPECIAL MAGISTRATE HEARINGS
October 22, 2026

CALL TO ORDER

Special Magistrate Bart R. Valdes called the October 22, 2026 Special Magistrate Hearing to order at 2:01 PM. 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.

The first case has been continued from previous hearing.

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.

CONTINUED FROM THE AUGUST 25, 2026 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.

The Special Magistrate stated that he has read thru all of the documentation that was provided after the last hearing. He asked if the town attorney wanted the legal briefing added as an exhibit, which she answered yes; and Mr. Sullivan had no objection. The town's exhibit 12 and Mr. Sullivans's as exhibit 13 and his hearing transcript as exhibit 14 was entered into the record.

Mr. Sullivan gave his closing argument. He referred to Mr. Irvine's affidavit that was submitted, stating the issue is with the seawall being further away from the channel than neighboring docks. Mr. Sullivan's position is that a variance is not required, due to the dock being a legal non-conforming use. Mr. Irvine testifies he inspected the property and found a unique concave seawall. They believe there are special circumstances that meets the criteria for variance (if it is required); but believes a variance is not needed. If they are denied the variance, they would resubmit a building permit and if that was denied, then they'd come back for an appeal from administrative ruling. If the variance is granted, that would provide relief to the resident and the code enforcement case. Mr. Sullivan discussed some of the case law that he found and distributed.

Town Attorney Augella questioned Mr. Irvine regarding his affidavit. Mr. Irvine was sworn in. Town Attorney Augella asked the date of his inspection of the dock – Mr. Irvine was not exactly sure but stated June, he confirmed the address and what the inspection entailed. He said that the property owner and Mr. Sullivan were there, and they looked at the dock and seawall. He found that the property has a concave seawall and Town Attorney Augella ask his definition of concave. Mr. Irvine said concave is landward towards the house. He said the seawall is approximately 100 feet and that standing on the seawall you can see some of the neighbors. Town Attorney Augella asked if other neighbors' seawalls were concave and Mr. Irvine said yes, there was probably 6 including the subject property that he could see. No further questions.

The Town Attorney presented her closing statement. She said that the application before the Special Magistrate is for variance and that is what is only being considered. The evidence provided today by Mr. Irvine says there is a concave seawall at the property and also 5 other neighbor's properties, which means that is not unique to the applicant's property. If many properties have this feature, then it is not a special condition or a hardship. Town Attorney stated the case law that Mr. Sullivan just presented is not relative to this case. The Town recommends for denial of the variance.

The Special Magistrate said that he will give his ruling and asked the attorneys to craft the

written order. The variance is denied. The case does not meet the criteria or the prove a hardship. The Town Clerk has provided the record of the original ordinance from 1962 when the dock length of 36 feet was established. The Town Attorney will make a first draft of the order and Mr. Sullivan will respond within 10 days by agreeing or redlining.

CONTINUED CASE FROM AUGUST 25, 2026 HEARING - CODE ENFORCEMENT CASE 2026-02 ENDRULAT JEFFREY & ELIZABETH, 17058 Dolphin Drive, North Redington Beach, FL 33708

The Special Magistrate opened the Code Enforcement Hearing.

Town Attorney Augella stated that this case is regarding a violation of town's dock ordinance. Her witness is Pinellas County Sheriff's Office Code Enforcement Deputy Steve Klapka. Deputy Klapka testified by a review of the dates and the history of the violation at the address. He received a complaint from a neighbor regarding the dock length, the Building Official and he measured the dock and it was longer than the allowed 36 feet. Town Attorney Augella asked if Deputy Klapka checked to see if the resident had a valid permit for the dock and he said that he was told by the Building Official that there was at one point. When the building department reviewed the permit after it was issued, they found that it said the dock was being repaired/replaced due to hurricane damage and that it why it was permitted. Then Deputy Klapka said he was told by the building department they found that the dock was damaged/missing long before the hurricane of 2024. That's when the permit was revoked. On March 25, 2026 Deputy Klapka mailed a written notice of violation to The Endrulats for the dock length. This letter gave the homeowners until April 27, 2026 to correct the violation or be cited. Deputy Klapak rechecked the property in late April and nothing had changed. He rechecked the property on June 2th and it was still in violation. Deputy Klapka said that the permit was revoked in August 5, 2025. Town Attorney Augella asked if the dock is currently in compliance with the code and Deputy Klapka answered it is not.

The Special Magistrate accepted the Town's Exhibit packet 1 that includes the notice of violations/notice of hearings and Exhibit 2 and 3 containing Deputy Klapka's notice of violation and Randy Spears letter and emails.

Mr. Sullivan questioned Deputy Klapka. Referring to the emails in the packet he asked who is Carl Eckert at which the Deputy answered he's a resident on Dolphin Drive and the email came in thru the town. Mr. Sullivan asked about the email to Randy Spears from Tyson Rawson with Edge Marine. Deputy Klapka said that it was provided from Randy Spears. Mr. Sullivan asked Deputy Klapka to read the emails. Mr. Sullivan asked if Deputy Klapka has the exact measurements of the dock as evidence, which he did not and if the dock had equal access to other boats; which he did not know. Mr. Sullivan asked Deputy Klapka about the email in the exhibit from Deputy Klapka to Mrs. Endrulat. Deputy Klapka said that there was no identifying information that it has anything to do with this case. Mr. Sullivan asked Deputy Klapka to read email aloud. Mr. Sullivan asked how many times the police visited the property and Deputy Klapka said that he did not know.

The Special Magistrate asked Deputy Klapka if he physically measured the dock himself and he answered no, it was Randy Spears the Building Official. The Special Magistrate asked if Deputy Klapka was present for the measuring and he said yes, as well as the owners; the dock exceeded the 36' allowed.

The Special Magistrate asked the Town Attorney what the Town wanted for corrective action. She answered to meet the town's code of the dock length of 36'. The Special Magistrate asked what is the proposed fine and the Town Attorney said that they'd work with responded for compliance, compliance in not more than 90 days and seek a fine of $250 per day. The fine rate is because the information given on the permit was incorrect, the amount of time is that this violation has been going on since 2025 and the owners tried for a variance and have made no effort to come into compliance.

Mr. Sullivan called Beth Endrulat to stand. She said that they worked with the company and the building department to get a permit. The dock matched the permit and the case was closed. The contractor was honest and straight-forward with the town. Mr. Sullivan asked Mrs. Endrulat how much would it cost you to bring the dock back to 36 feet and she answered thousands, or same as what they've already spent. She said that if they take five feet off the end of the dock, they won't be able to reach the boat lift. She said that they asked for permission, got the permit, the company built it great and then neighbors complained. She says the dock has been there since 1975 and when it is low tide the boat is on the dirt.

Town Attorney Augello questioned Mrs. Endrulat if she secured the permit and does the dock exceed 36 feet; she answered yes to both. Town Attorney asked if the damage was due to the storm(s) and what was the application date of the first permit. Mrs. Endrulat answered that it was June 2023, with a different dock company. The Town Attorney asked if the present dock company submitted for permit based on storm damage and Mrs. Endrulat did not recall; but remembered it said repair and replace the existing dock. Mrs. Endrulat was asked the date the permit was revoked and she answered August 5, 2025. She continued that the dock was built, measured and they said it was fine; then came back again and measured. The next day she received the letter (August 2025) revoking the permit. Town Attorney Augella asked if she received anything between then and March and Mrs. Endrulat said she couldn't remember. The Town Attorney asked if she made any effort to come into compliance between 08/2025 and 03/2026 and she answered that they talked to the dock company about the alternative options. Town Attorney asked when did you contact the dock company and Mrs. Endrulat said that her house flooded from the hurricane and there were a lot of repairs for that, so the dock slipped her mind for a month or two; she said there was a lot of back and forth and distractions, so the dock was not the highest priority. Then she said they got the notice and fines was being discussed, so she contacted the attorney and then they decided to proceed with a variance application.

The Town Attorney made her closing statement. The evidence shows that the dock was built in excess of 36' feet per the town ordinance. Representations were made on the permit that were not the case, so the permit was revoked and then in March 2026 a Notice of Violation was issued. Since then, no effort was made to fix the violation except for the variance application. The resident had over a year to try to come into compliance. Town Attorney Augella asked the Special Magistrate to fine the property in violation $250 per day and for them to come into compliance within 90 days; the residents have made few attempts to fix the issue.

Mr. Sullivan stated that the residents didn't want a larger dock, just to keep the same as what they had. The residents did have hurricane house repairs that had to be made and they always hired a licensed contractor. The residents spent thousands of dollars to fix the dock to make it

safe. He asks the Special Magistrate for ample time to fix this. The residents have lived here since 1998 and paid their taxes. Again, he asked for ample time to find the means to find a legal solution to come into compliance.

The Special Magistrate said that he will write the code enforcement order. He said that the testimony shows that the dock does exceed 36 feet and there is evidence to show this. He is ordering 90 days to bring in to compliance, dock to 36 feet and $50 per day fine. Special Magistrate Valdes stated that if the resident files any litigation in regards to the dock, that would stay the fine pending the appeal. He has considered the human element and that they have tried to do things correctly and recognizes it in the balance. His order will come as soon as he can. The Town Attorney asked that the time for the litigation to be filed be capped with a specific number of days in the fine. The Special Magistrate answered that it will be 30 days to appeal.

CONTINUED CASE FROM AUGUST 25, 2026 HEARING - CODE ENFORCEMENT HEARING CASE 2026-01 LUBKE CHAD & JULIE, 417 173rd Ave E, North Redington Beach, FL 33708

Town Attorney Augella submitted an Affidavit of Compliance as of October 5, 2026 and the case was closed. Exhibit 1

With no further items on the agenda the hearing was closed at 3:21 pm

Respectfully submitted,

Renee Schmader
Deputy Town Clerk

Attachment: Order

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

JEFFREY ENDRULAT and ELIZABETH ENDRULAT,
titled owners of 17058 DOLPHIN DRIVE,
NORTH REDINGTON BEACH, FLORIDA 33708.
_____/

ORDER OF SPECIAL MAGISTRATE

This matter came before the Special Magistrate on the application of JEFFREY ENDRULAT and ELIZABETH ENDRULAT (the "Applicants") for a variance from the provisions of the Town of North Redington Beach's Zoning Code. Specifically, the Applicants seek deviation from the dock length requirement as set forth in § 98-361 (a), Zoning Code, to allow for a dock, boatlift, and wet slip to extend 41 feet, 3 ½ inches from the seawall where the Code limits dock length to 36 feet from the seawall, constituting a variance of 5 feet, 3 ½ inches.

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; and

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 quasi-judicial hearings on August 25, 2026, which was continued after the briefing of legal issues to the Magistrate, to October 22, 2026, at the Town of North Redington Beach's Town Hall. The Special Magistrate briefly explained the process to be followed at the hearings 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 August 18, 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 Applicants' counsel and answered questions from the Special Magistrate.

The Applicants were represented by Matthew Sullivan, Esq., and presented the testimony of licensed professional engineer Matthew R. Irvine of Mesimer, Patterson, and Irvine. The Applicants' application was received into evidence, including additional exhibits. Testimony was also received from Elizabeth Endrulat (Applicant), Vicky Medford (neighbor), Richard Nagrabski (neighbor), and Bryan Burge with Edge Marine Construction.

Following the presentation of testimony and evidence, the Special Magistrate received argument from Attorney Sullivan and Erica F. Augello, Esq., from the Town Attorney's Office.

Based on the foregoing, the facts demonstrated that the Applicants received a permit to build a 41-foot dock, but that permit had been revoked after the dock had been constructed. The Applicants applied for a variance in order to avoid removal of the already constructed dock in derogation of the Code.

Based on the evidence submitted and testimony presented at the hearing, the Special Magistrate finds that the Applicants have failed to satisfy all five criteria for the granting of a variance by competent substantial evidence. The Special Magistrate makes no finding as to which

criteria are supported by competent substantial evidence, the Magistrate finds the property owners did not establish that there exists a legally recognized "hardship" pursuant to the applicable code requirements to approve a variance. The Special Magistrate finds that the dock constructed at 36 feet provides a reasonable use of the land, building or structure.

Accordingly, it is hereby:

ORDERED and **ADJUDGED** that the Applicants' application for the variance identified herein is **DENIED**.

DONE AND ORDERED on the 5th day of November, 2026.

Bart R. Valdes
Special Magistrate

Conformed Copies to:

Erica F. Augello, Esq. (erica@cityattorneys.legal), Town Attorney's Office
Matthew Sullivan, Esq. (mattsullivan58@gmail.com)
Renee Schmader, Deputy Town Clerk (deputyclerk@townofnrb.com)