



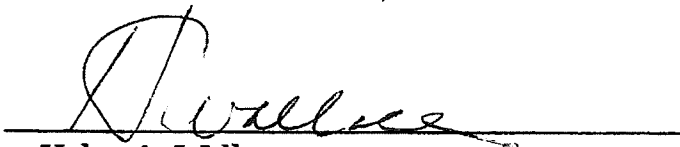


To: Members of the Conditional Use and Variance Board

Mr. John Dukes, Managing Member of Blue Potato Properties, LLC, is seeking a variance regarding lot width on his property at 97277 Belleville Lane.

I own property in the neighborhood at 97065 Belleville Lane and I am in full support of said variance being granted in order to permit him to build a home on his lot.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. Wallace", is written over a horizontal line.

Helen A. Wallace

To: Members of the Conditional Use and Variance Board

Mr. John Dukes, Managing Member of Blue Potato Properties, LLC, is seeking a variance regarding lot width on his property at 97277 Belleville Lane.

I own property in the neighborhood at 97105 Belleville Lane and I am in full support of said variance being granted in order to permit him to build a home on his lot.

Sincerely,

A handwritten signature in cursive script, reading "Sonja A. Brockman". The signature is written in dark ink and is positioned above a horizontal line.

Sonja A. Brockman

To: Members of the Conditional Use and Variance Board

Mr. John Dukes, Managing Member of Blue Potato Properties, LLC, is seeking a variance regarding lot width on his property at 97277 Belleville Lane.

I own property in the neighborhood at 97092 Lovers Lane and I am in full support of said variance being granted in order to permit him to build a home on his lot.

Sincerely,



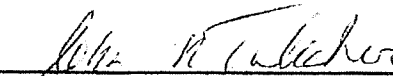
Wayne Alfred Harrell

To: Members of the Conditional Use and Variance Board

Mr. John Dukes, Managing Member of Blue Potato Properties, LLC, is seeking a variance regarding lot width on his property at 97277 Belleville Lane.

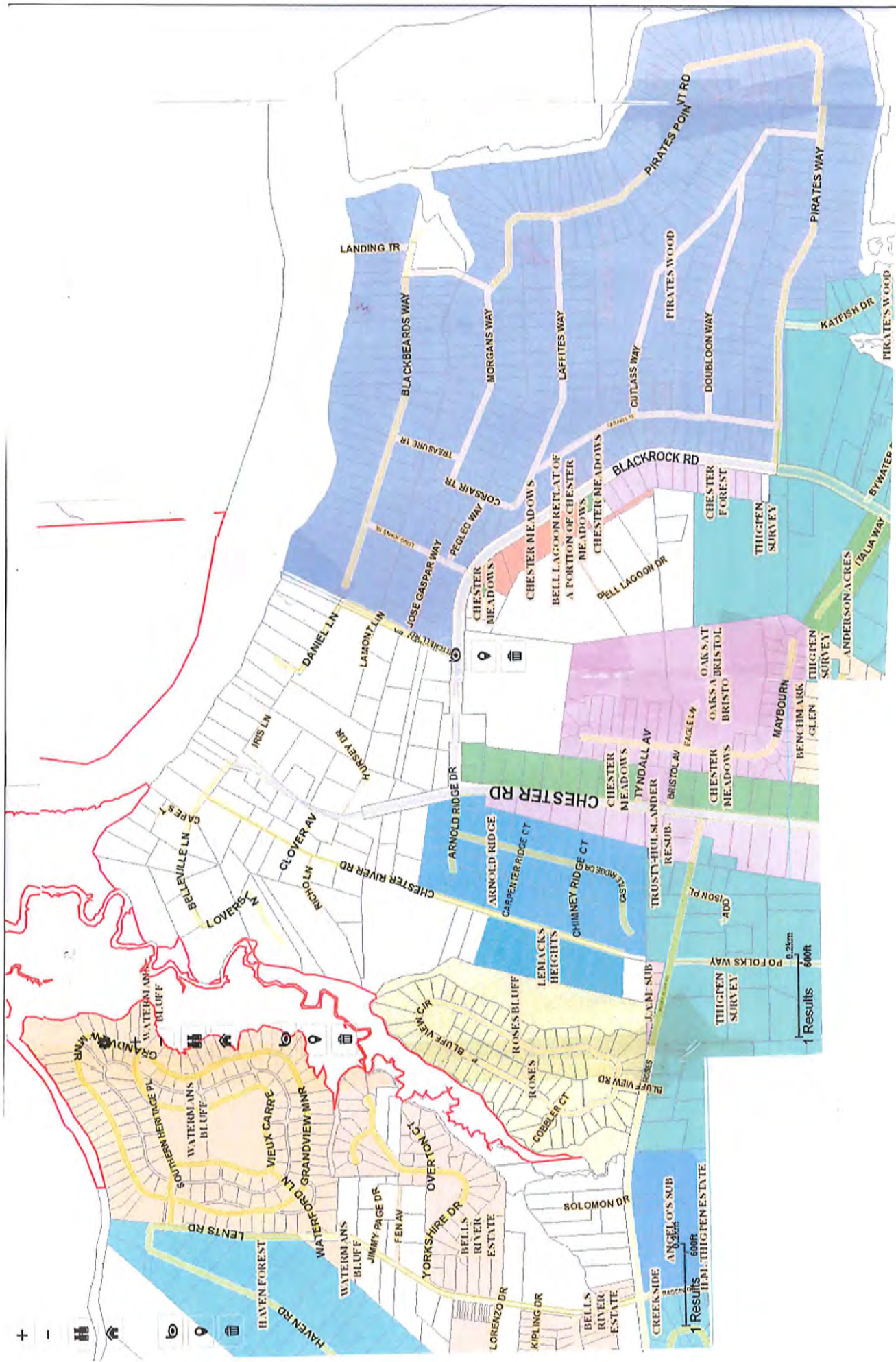
I own property in the neighborhood at 97005 Lovers Lane and I am in full support of said variance being granted in order to permit him to build a home on his lot.

Sincerely,



John N. Tiliakos

Exhibit 6 – Map of Waterman's Bluff, Chester and Pirates Woods



1 Results

1 Results

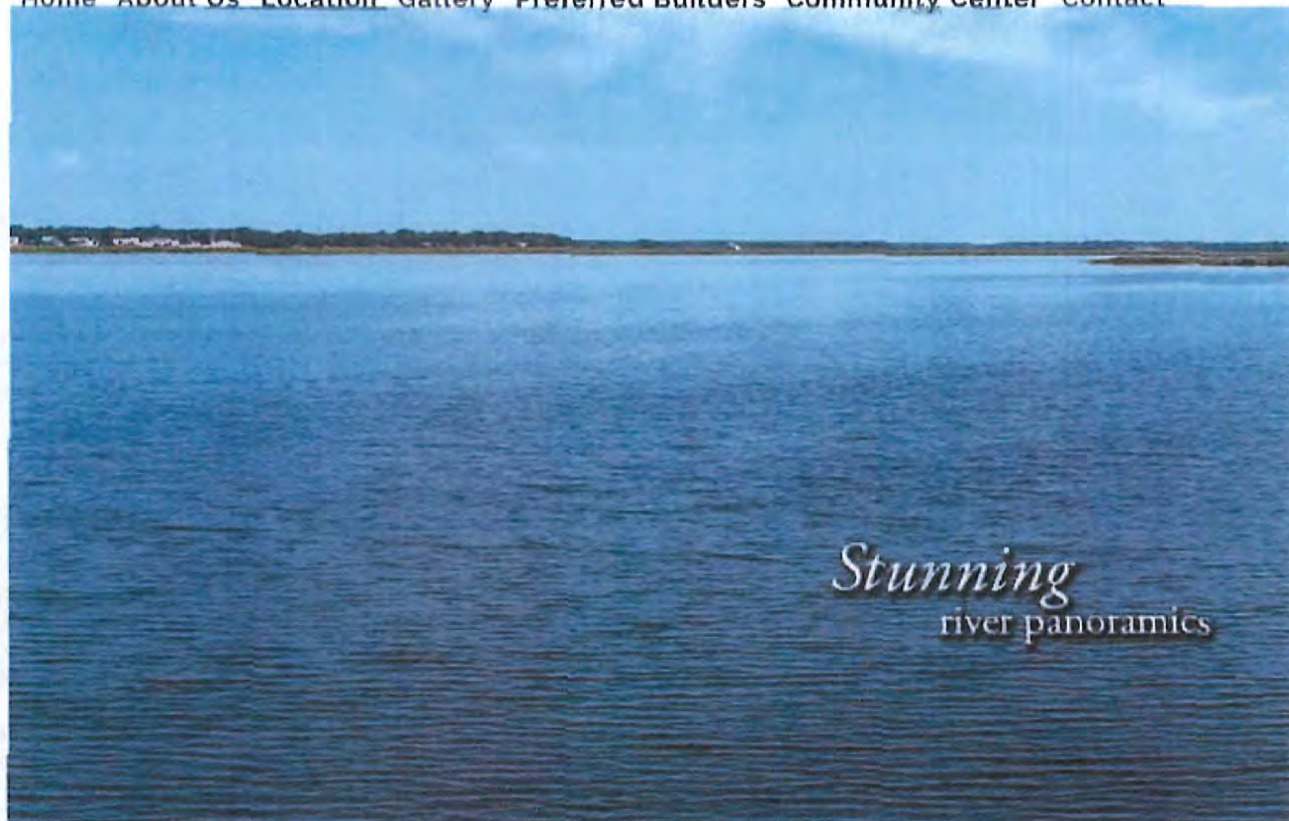
1 Results

0 25m
600ft





[Home](#) [About Us](#) [Location](#) [Gallery](#) [Preferred Builders](#) [Community Center](#) [Contact](#)



Stunning
river panoramics

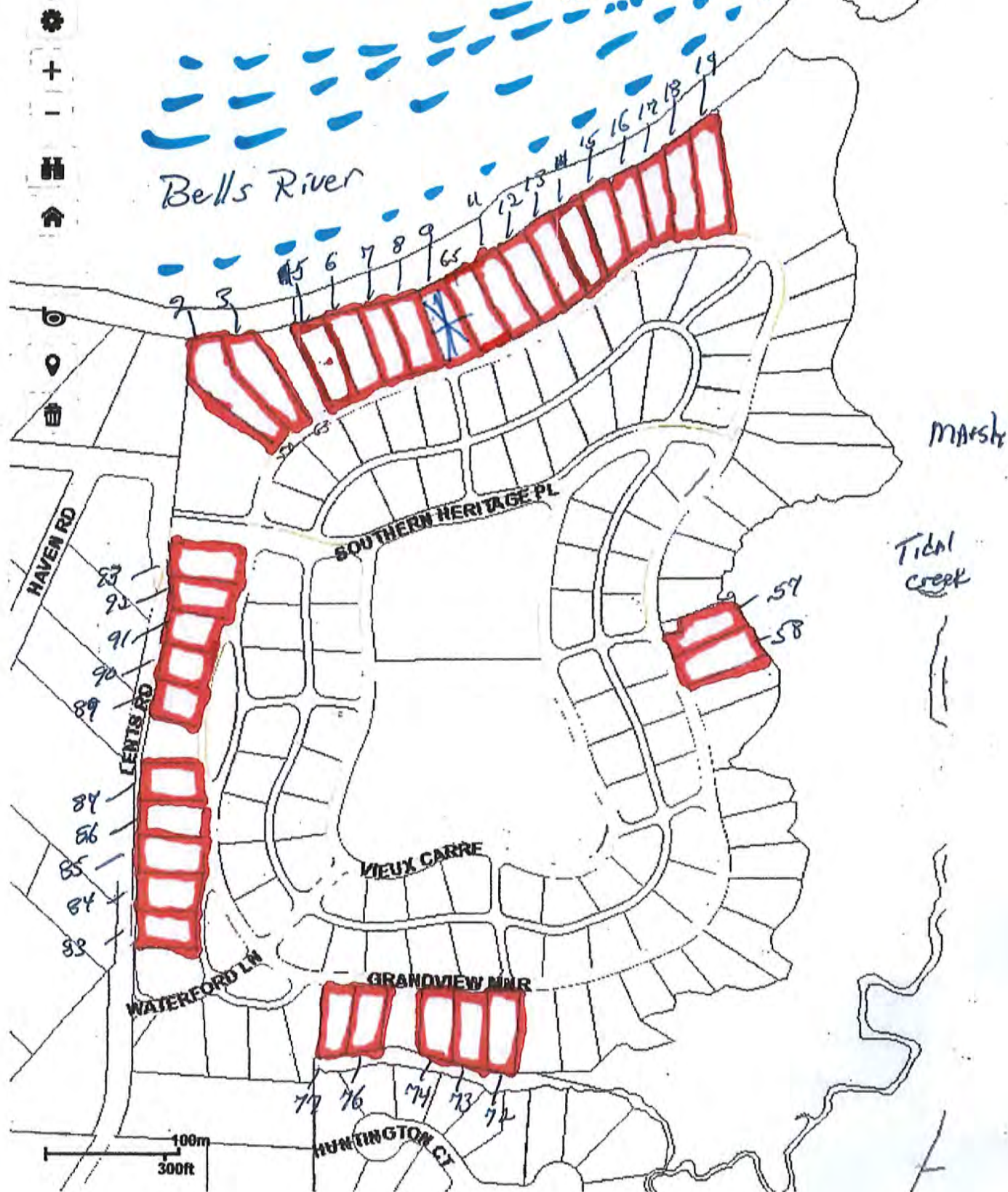
Ask a Question

Step Back . . .

a time reminiscent of long ago; a time where charm and grace rose up to meet you with every neighbor. That essence of life still exists in a special place; a place filled with Southern charm and abounding in

Watermans Bluff

Bells River



Description

By searching on LoopNet, you agree to the LoopNet Terms and Conditions.
ABSOLUTE AUCTION! Thursday, November 19 11:00 AM

7 WATERFRONT HOME SITES - Great Investment Properties!

Auction to be held on site:

Waterman's Bluff Waterfront Community, Grandview Manor, Yulee, FL 32097

PROPERTY DESCRIPTION: 7 waterfront home sites

ALL 7 HOME SITES WILL BE SOLD ABSOLUTE TO THE LAST AND HIGHEST BIDDER

Parcels:

Lot 10: 0.35± acre, 69'± River Front

Lot 11: 0.38± acre, 78'± River Front

Lot 12: 0.34± acre, 75'± River Front

Lot 13: 0.35± acre, 78'± River Front

Lot 14: 0.34± acre, 81'± River Front

Lot 15: 0.32± acre, 80'± River Front

Lot 16: 0.29± acre, 74'± River Front

Guaranteed Owner Financing (LOTS ONLY)

Broker Participation Welcome! Call our office for details.

Property Information Packet will be available.

Located in Waterman's Bluff, a charming front-porch community on the shore of Bell's F

Direct access to the Atlantic Ocean

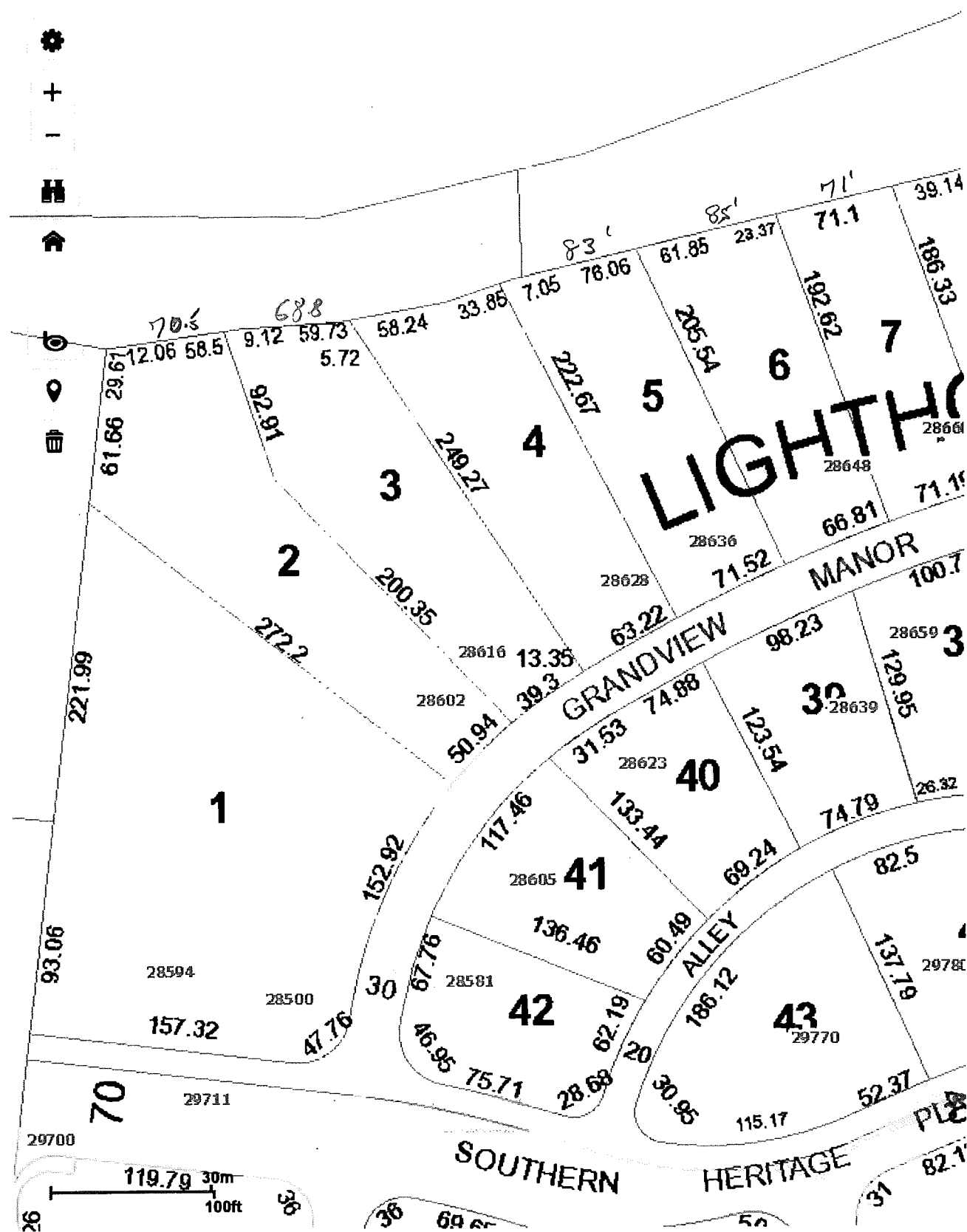
Waterman's Bluff amenities include: clubhouse, fitness center, pool, putting green, tenn

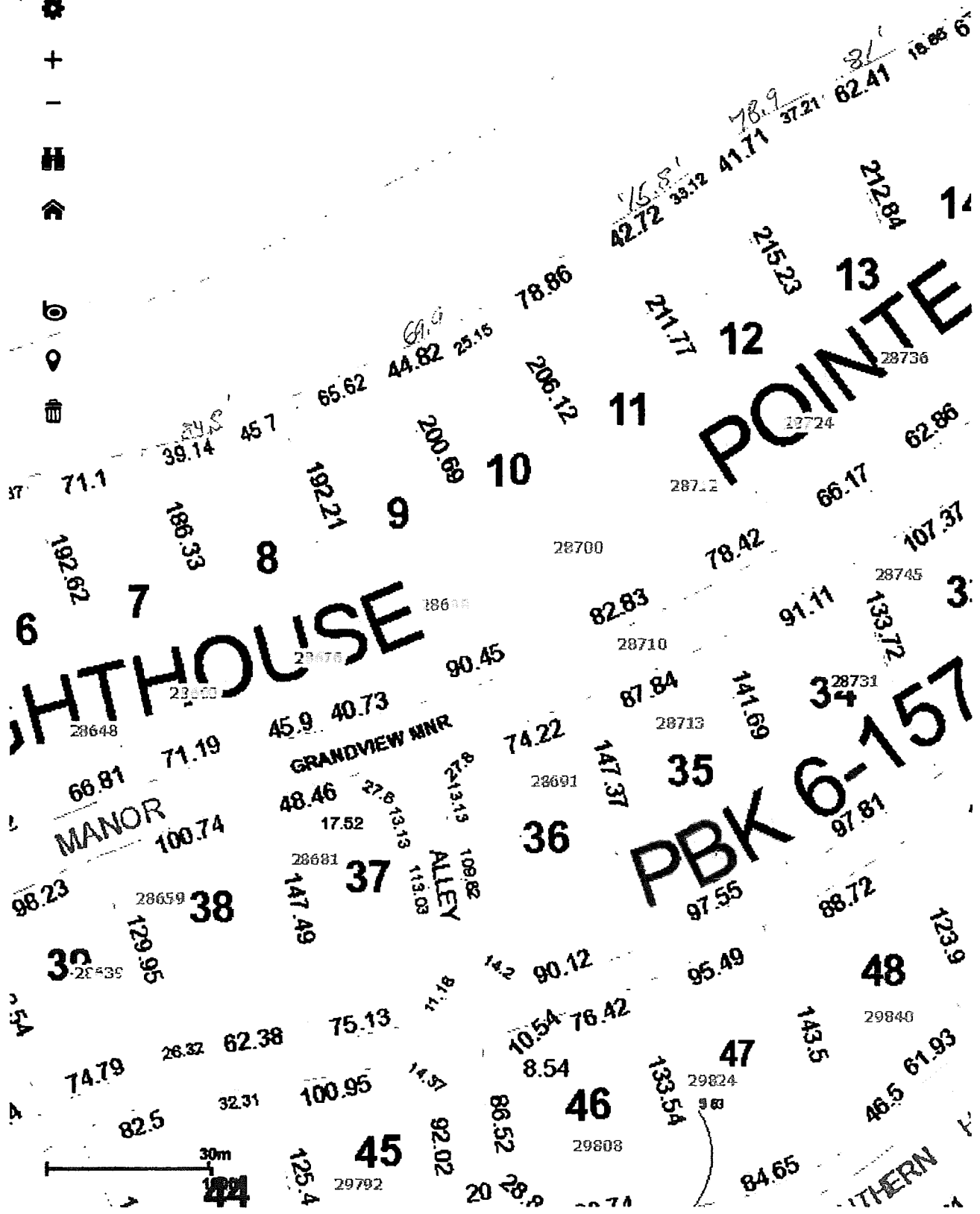
Research

28700 Grandview Manor, Yulee, FL 32097 (Nassau County)

Yulee Market Trends - Asking price index trends, sale price trends, asking rent trends

Similar Listings







AT LOT

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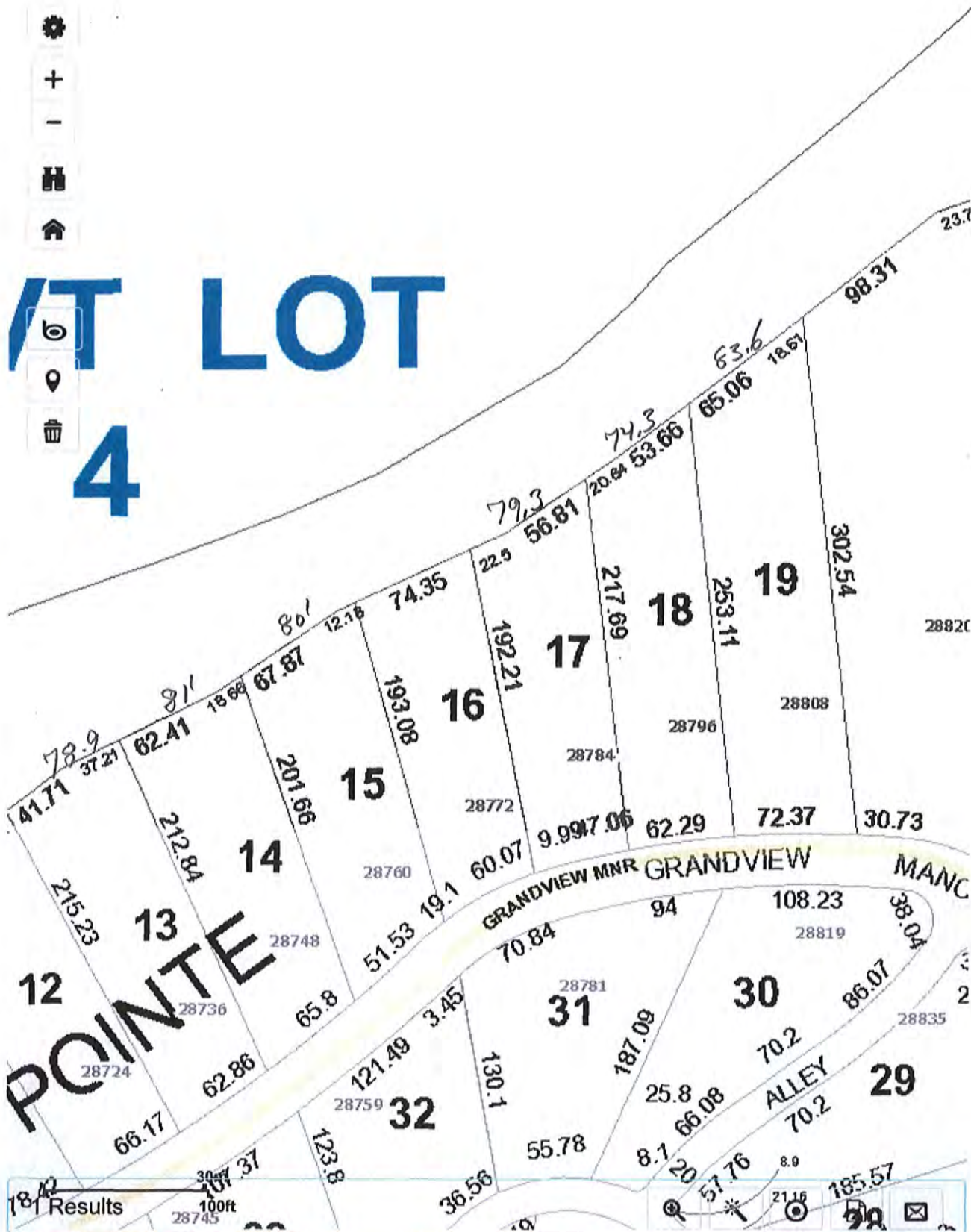


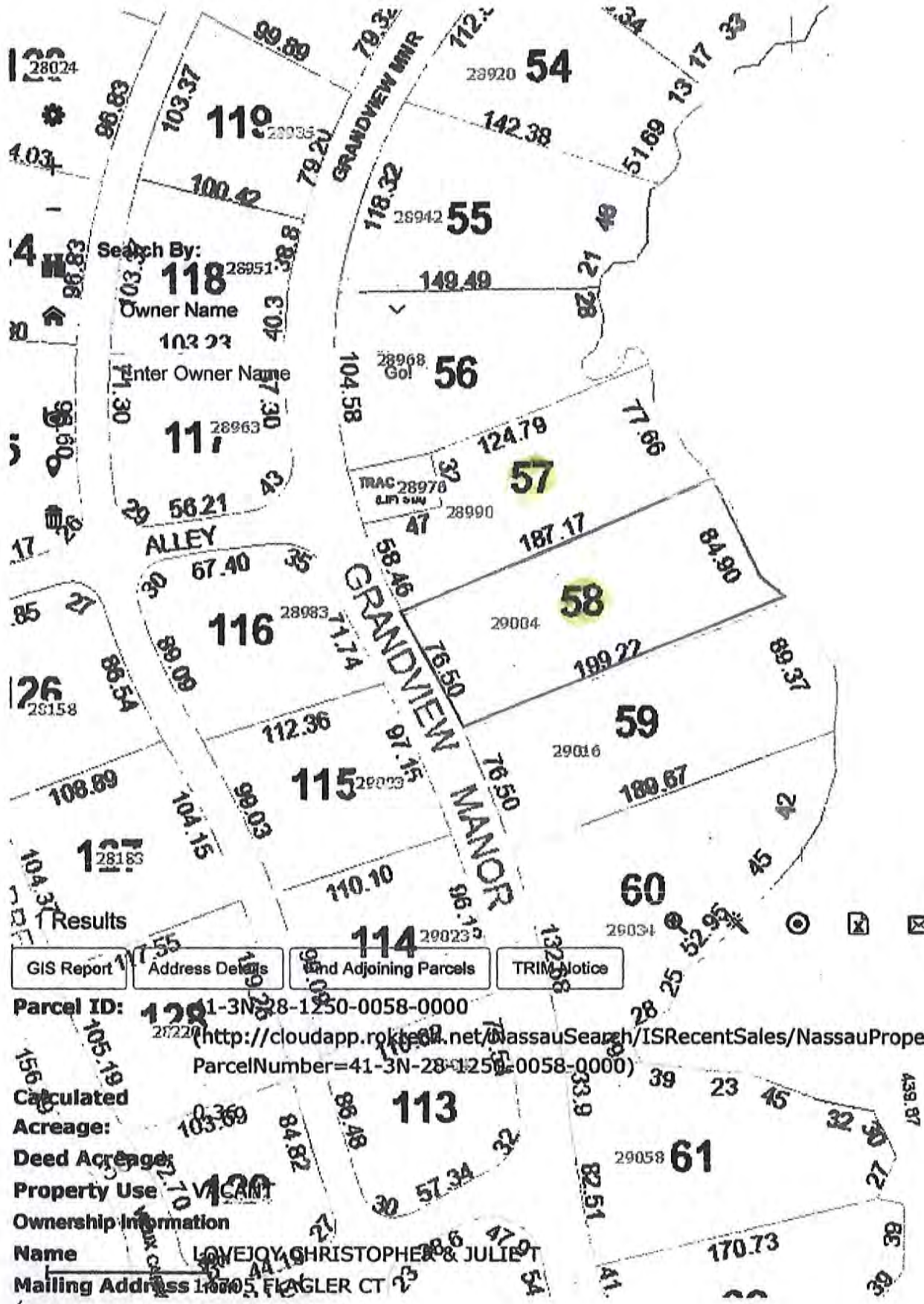


AT LOT



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Search By:
118
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Enter Owner Name

Results

GIS Report	Address Details	Land Adjoining Parcels	TRIM Notice
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Parcel ID: **128** 1-3N-28-1250-0058-0000
<http://cloudapp.rokette.net/NassauSearch/ISRecentSales/NassauProperty>
ParcelNumber=41-3N-28-1250-0058-0000)

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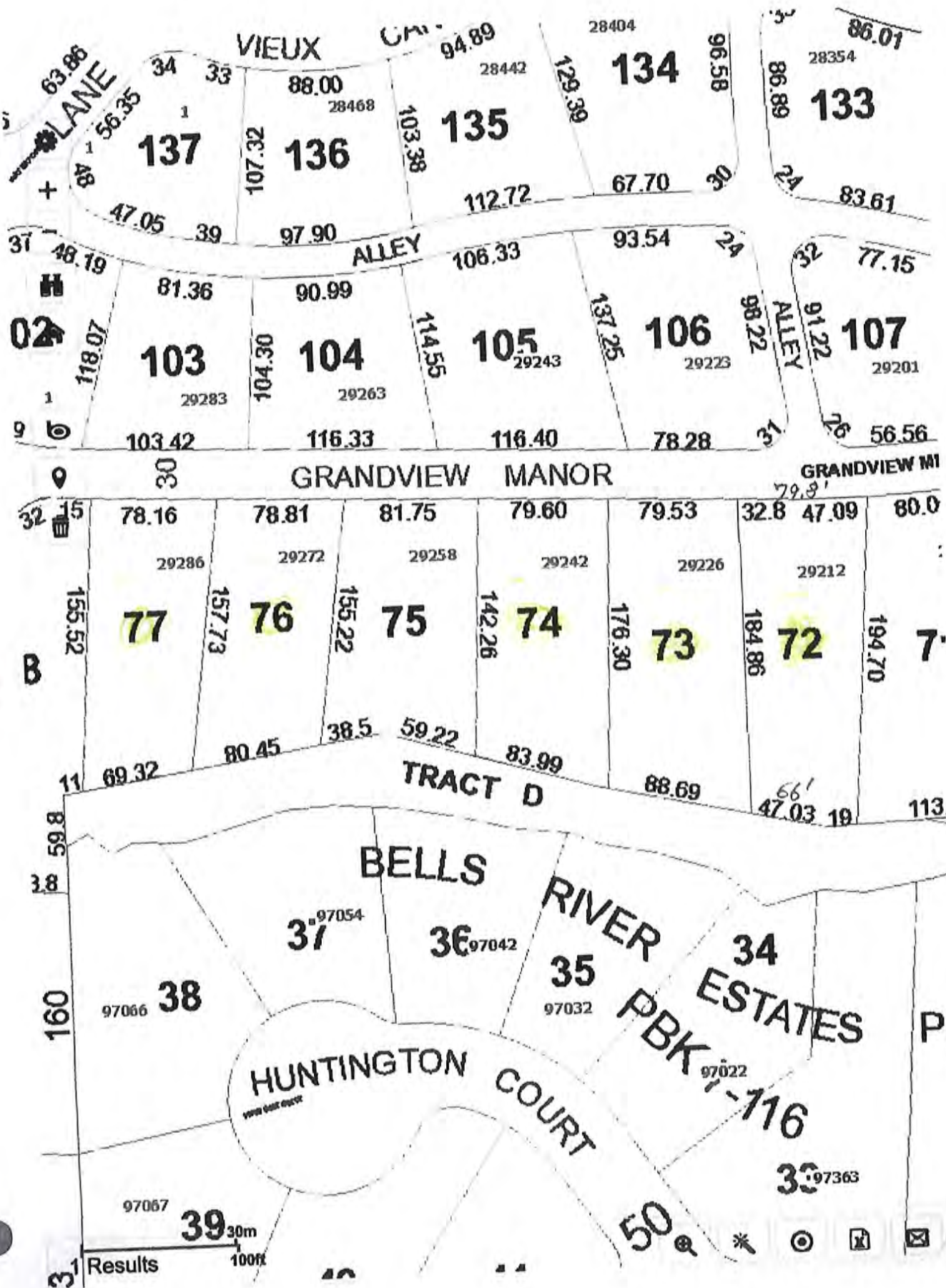
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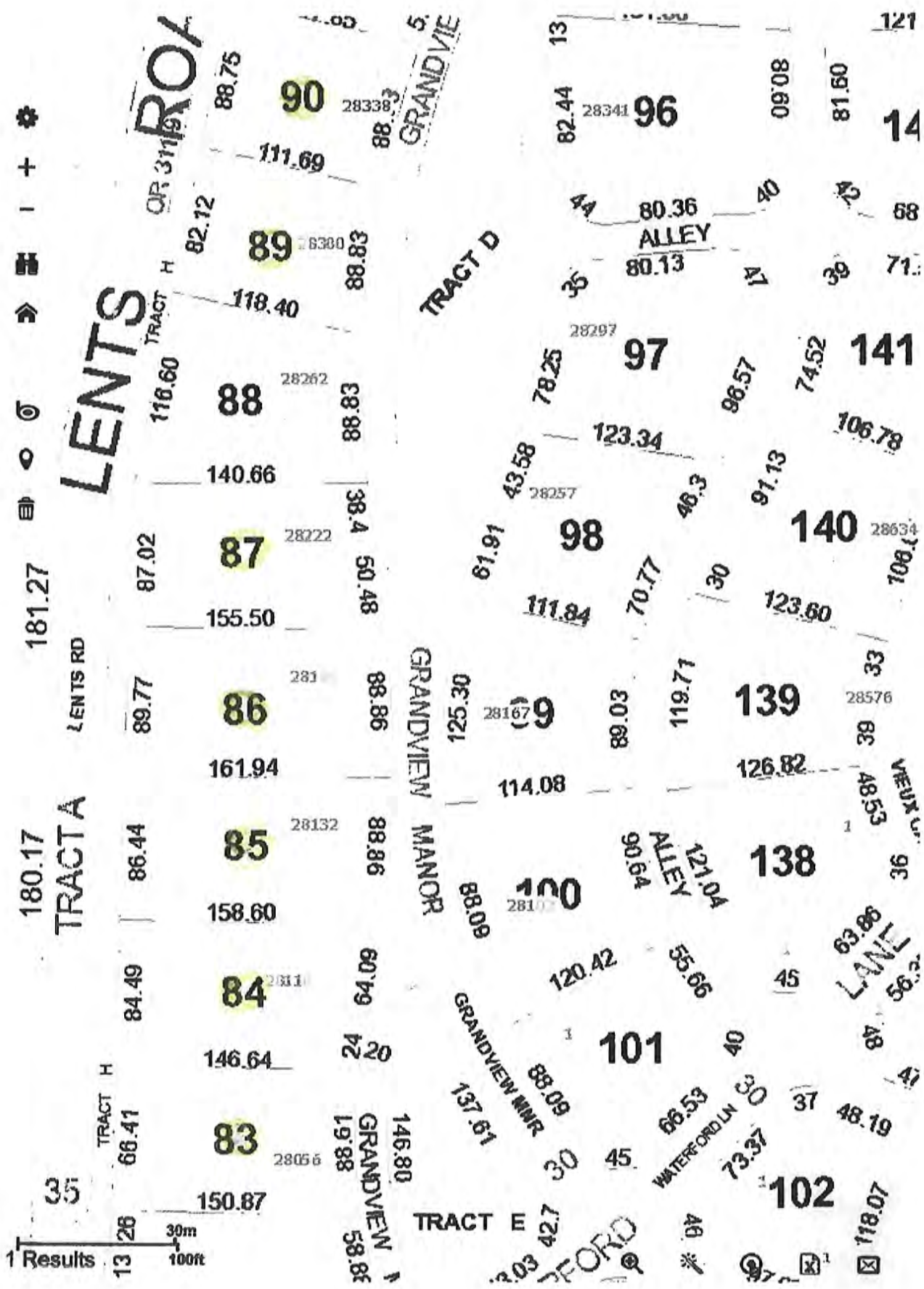
Property Use:

Ownership Information:

Name: LOVEJOY CHRISTOPHER & JULIE

Mailing Address: 1005 FLAGLER CT





1 Results 13 26 30m 100ft

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Pirate's Wood Home Owners Association

Next board meeting August 11, 2016 7pm at the clubhouse

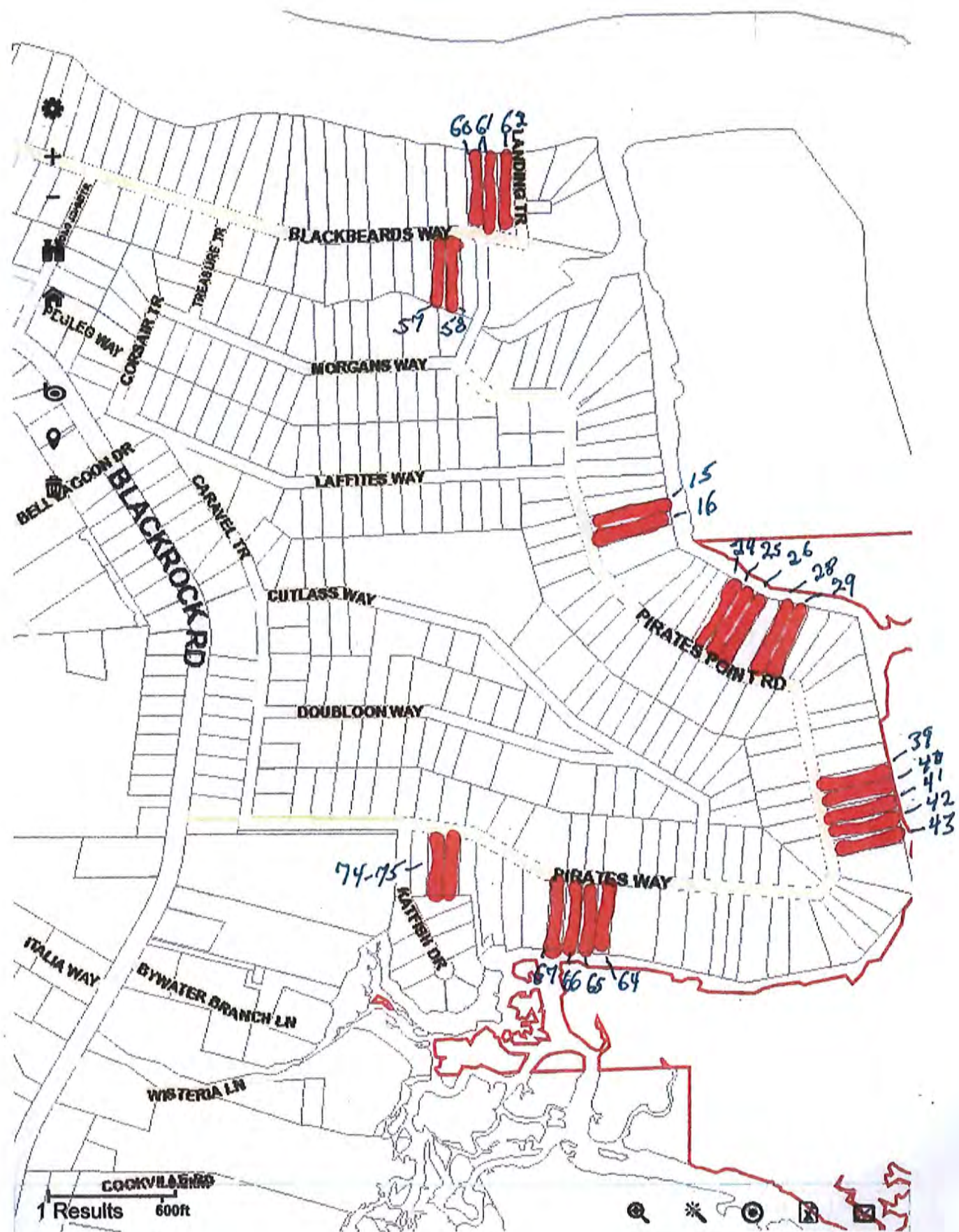
- Home
- Board Meetings
- Community
- Contact Us
- Weather



Pirate's Wood Home Owners Association - Yulee, FL.
<http://pwhoa.org>

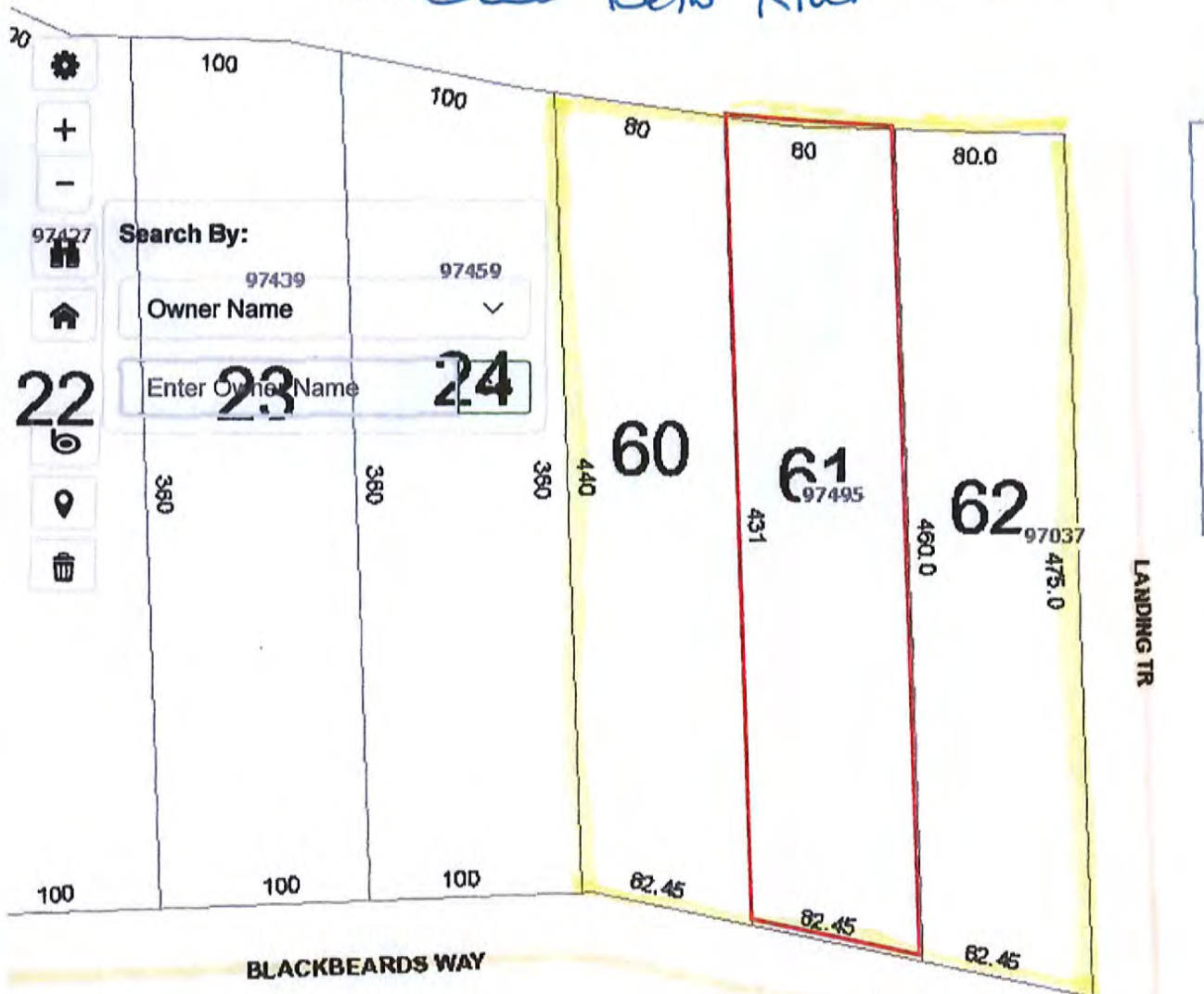
[Pirate's Wood on Facebook](#)

[Home](#) | [Board Meetings](#) | [Community](#) | [Contact Us](#) | [Weather](#)



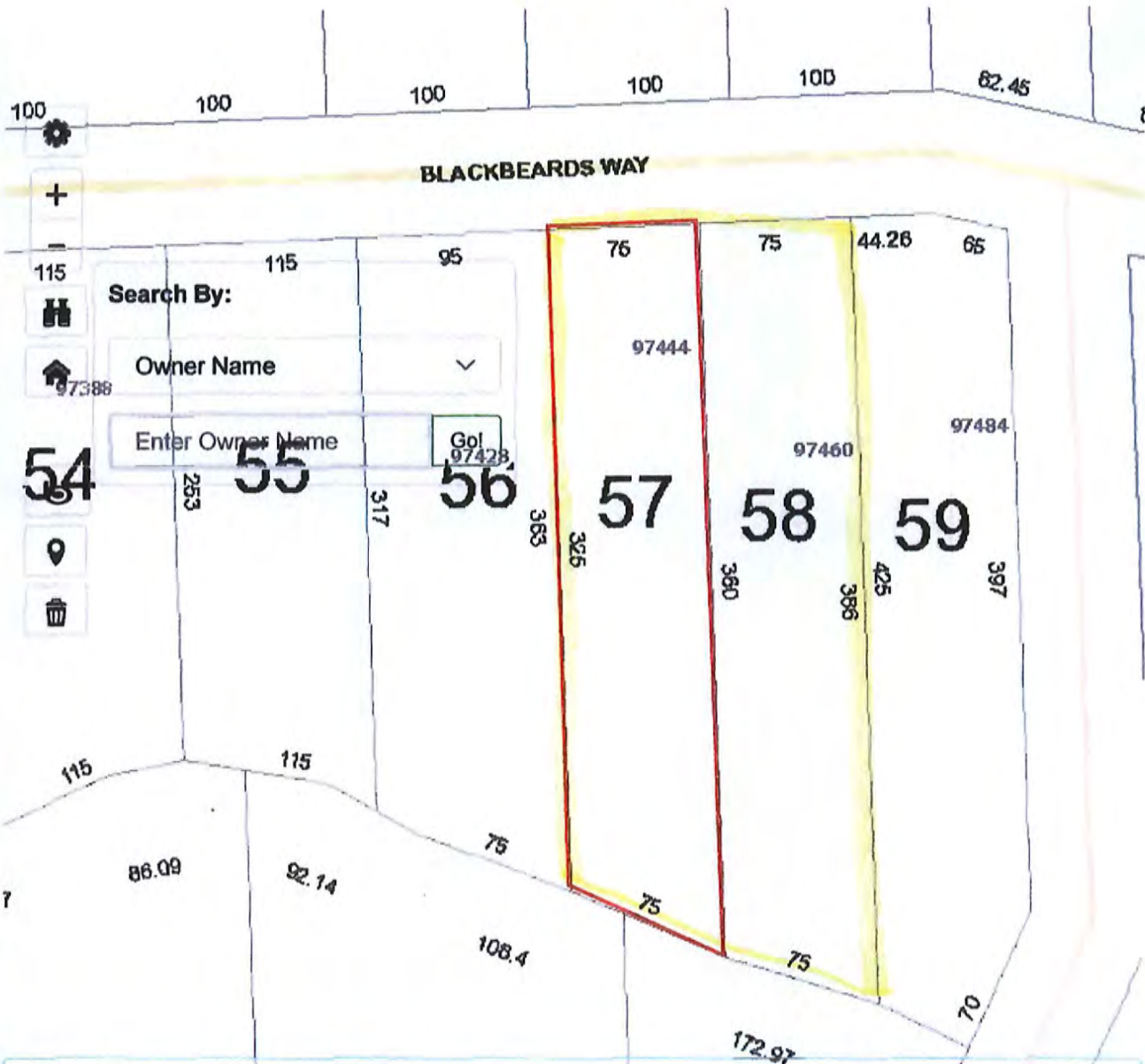
Pirates Woods

Bells River



1 Results	75	75	44.26	65
GIS Report	Address Details	Find Adjoining Parcels	TRIM Notice	
Parcel ID:	43-3N-28-509A-0061-0000			
	(http://cloudapp.roktech.net/NassauSearch/ISRecentSales/NassauPropertyParcelNumber=43-3N-28-509A-0061-0000)			
Calculated Acreage:	57	58	59	
Deed Acreage:	0			
Property Use	SINGLE FAM			
Ownership Information				
Name	STODDARD ALBERT A & PHYLLIS M			
Mailing Address	90495 BLACKBEARDS WAY			

Pirate's Woods



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IS Report Address Details Find Adjoining Parcels TRIM Notice

Parcel ID: 43-3N-28-509A-0057-0000
(<http://cloudapp.roktech.net/NassauSearch/ISRecentSales/NassauPropertyParcelNumber=43-3N-28-509A-0057-0000>)

Calculated Acreage: 0.59

Deed Acreage: 0

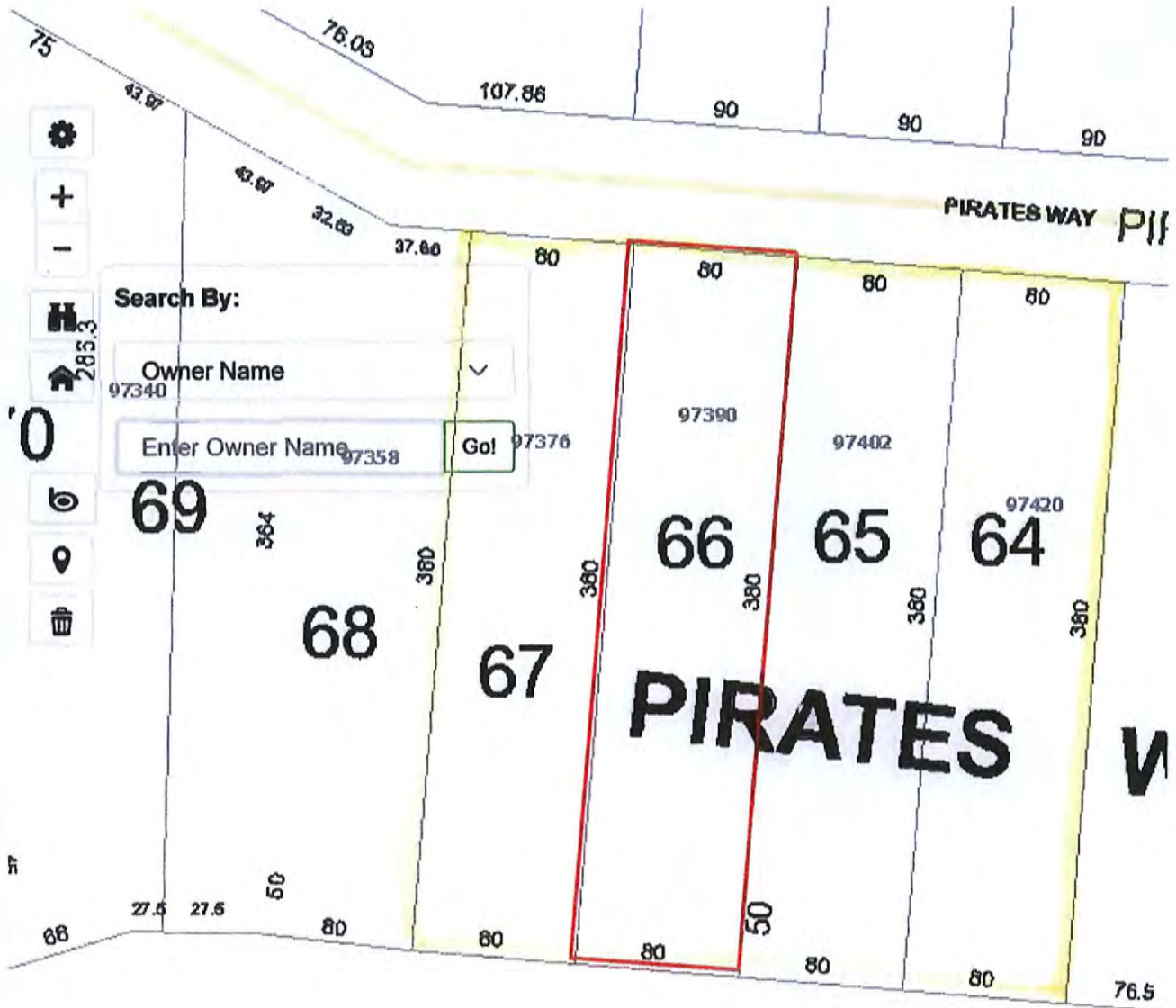
Property Use: SINGLE FAM

Ownership Information

Name: TREVETT BONITA BATALLER & NEIL

Mailing Address: 9004 BLACKBEARDS WAY

Pirates Woods



1 Results

BASIN

GIS Report Address Details Find Adjoining Parcels TRIM Notice

Parcel ID: 43-3N-28-509D-0066-0000
(<http://cloudapp.roktech.net/NassauSearch/ISRecentSales/NassauPropertyParcelNumber=43-3N-28-509D-0066-0000>)

Calculated Acreage: 0.64

Deed Acreage: 0

Property Use: SINGLE FAM

Ownership Information

Name: YATES VICTOR F & MARY C

Mailing Address: 9100 PIRATES WAY

GOVT 1

Pirate's Woods

Tidal Canal-Marsh



Search By:

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Owner Name

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Enter Owner Name

Go!

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PIRATES

PIRATES POINT RD

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GIS Report

Address Details

Find Adjoining Parcels

TRIM Notice

Parcel ID:

43-3N-28-509D-0028-0000

(<http://cloudapp.roktech.net/NassauSearch/USRecentSales/NassauProperty/ParcelNumber=43-3N-28-509D-0028-0000>)

Calculated Acreage:

0.67

Deed Acreage: 0

Property Use VACANT

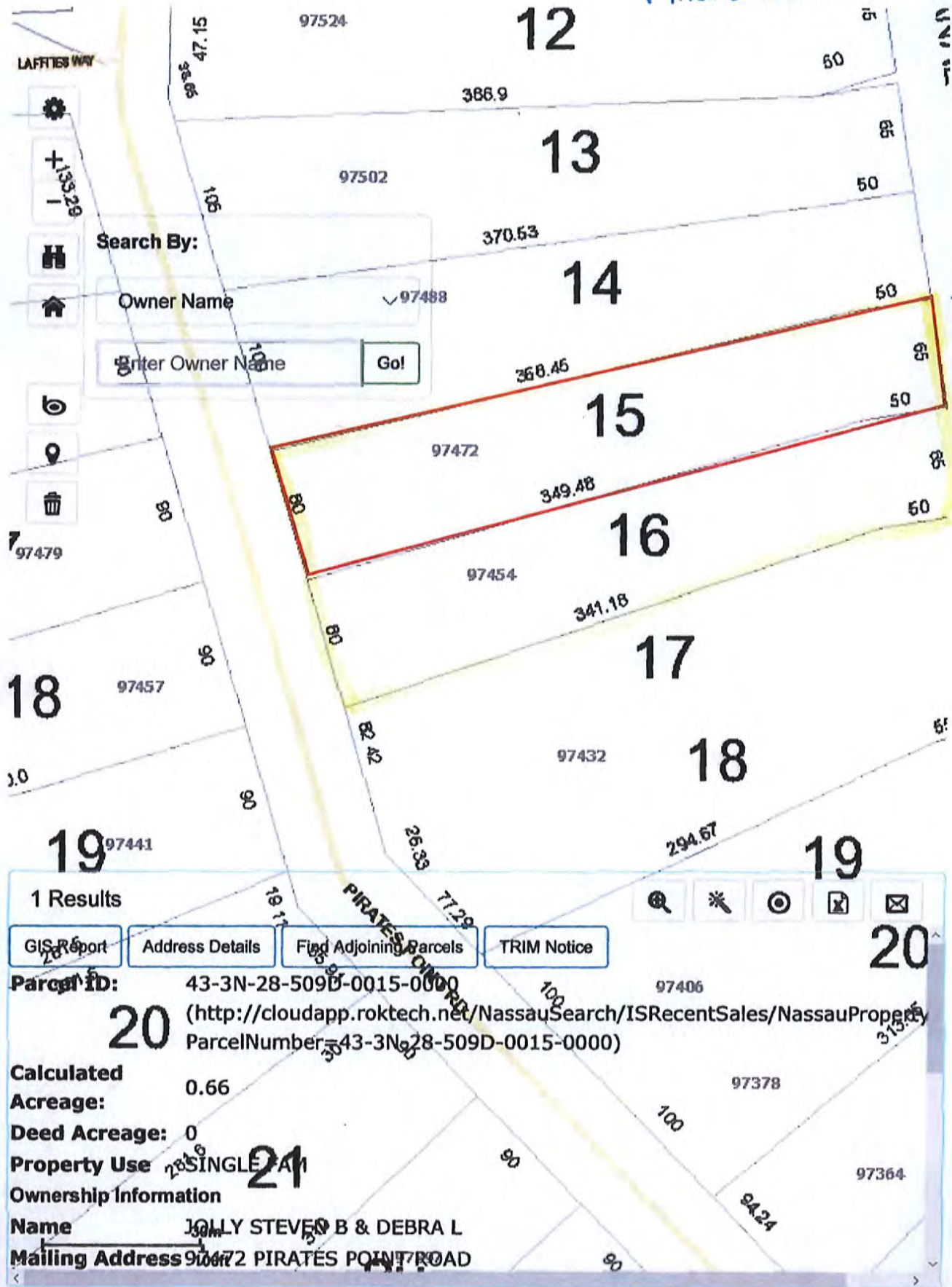
Ownership Information

Name BRIDGES JAMES W & PATRICIA K

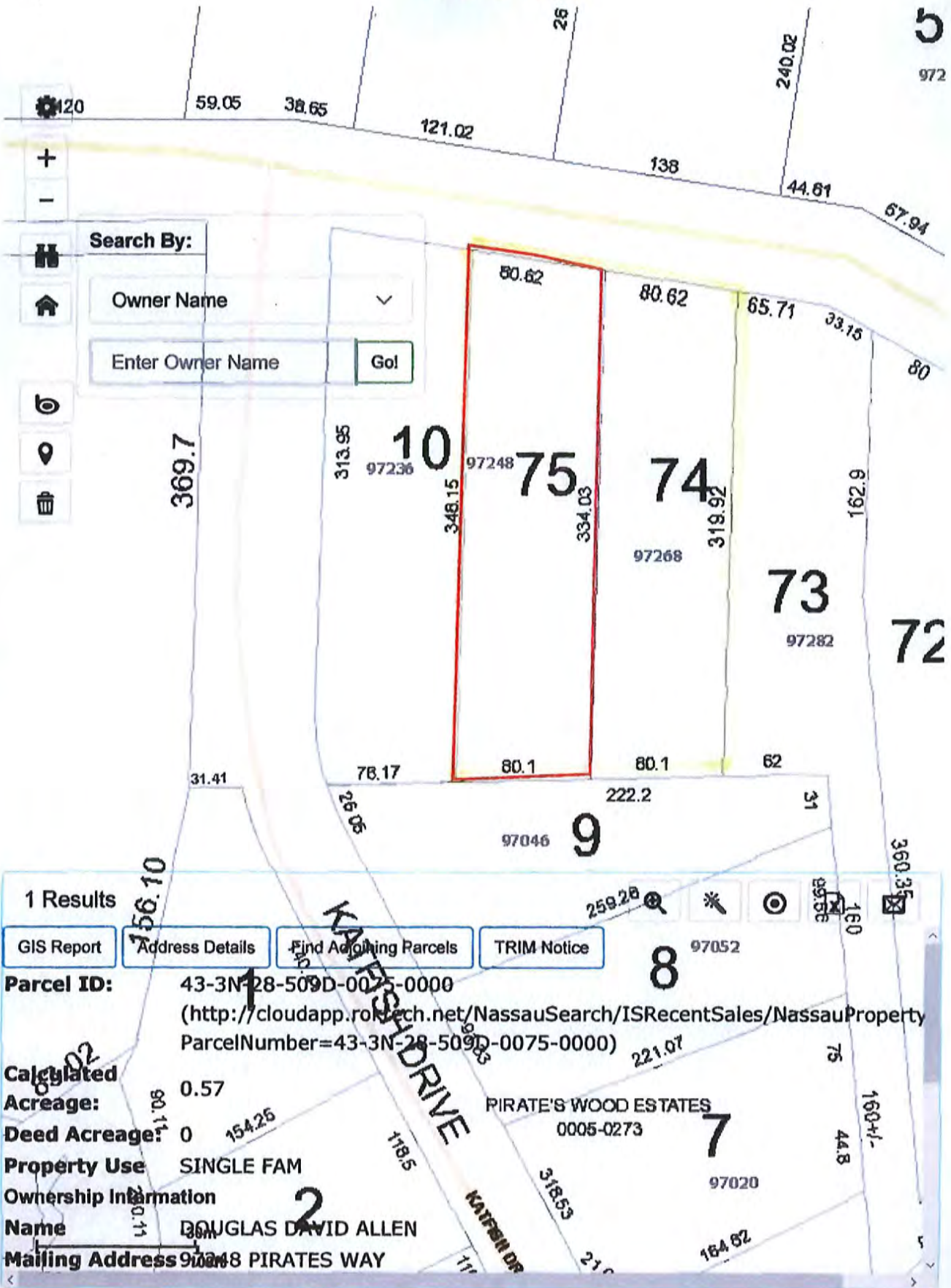
Mailing Address 10094 CREEKVIEW DRIVE

Pirates Woods

Tidal Canal Mark



Pirates Woods



Search By:

Owner Name

Enter Owner Name

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GIS Report

Address Details

Find Adjoining Parcels

TRIM Notice

Parcel ID:

43-3N-28-509D-0075-0000

(<http://cloudapp.romech.net/NassauSearch/ISRecentSales/NassauPropertyParcelNumber=43-3N-28-509D-0075-0000>)

Calculated Acreage:

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Deed Acreage:

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Property Use

SINGLE FAM

Ownership Information

Name

DOUGLAS DAVID ALLEN

Mailing Address

9008 PIRATES WAY

Pirates Woods

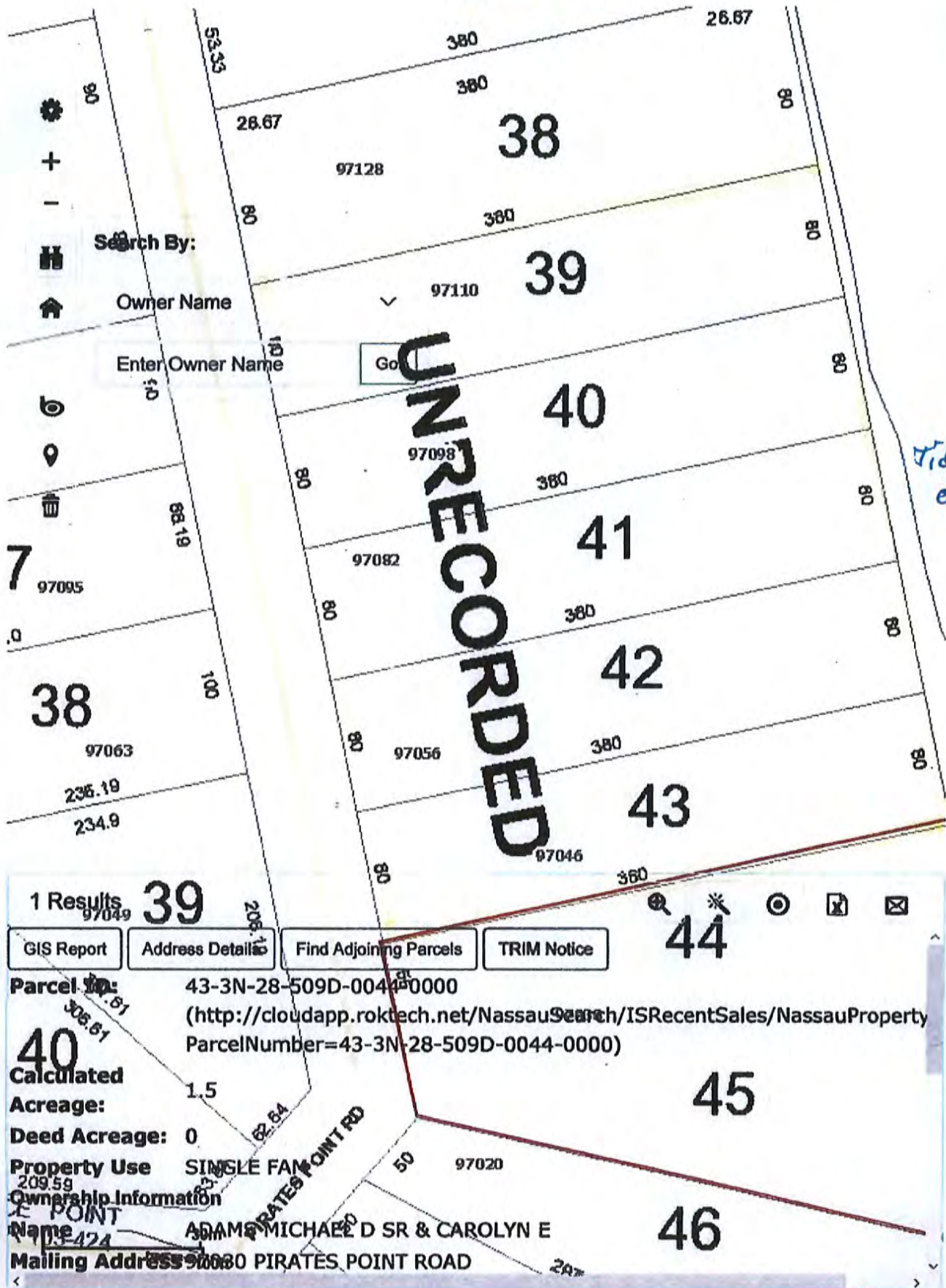


Exhibit 7 – Section 5.05 of Municode – Variance; Florida Statutes, Etc.

Section 5.05. Variance.

A variance from the provisions of this ordinance is granted when practical difficulties or unnecessary hardships that are not caused through actions of the applicant, will result from carrying out the strict letter of this zoning ordinance. The following must be completed when requesting a variance:

- (A) File an application with the growth management department. The necessary forms and instructions can be obtained from the growth management office.
- (B) The application for a variance shall include, but not be limited to, the following information which shall be provided by the applicant:
 - 1. If the applicant is other than the owner(s) of the property, the signed written consent of the property owner(s) must be attached.
 - 2. A complete legal description of the property for which the variance is requested, along with a scaled diagram showing the setbacks and the location of the proposed construction.
 - 3. The location and current zoning classification of the property being considered for the variance.
 - 4. Describe the variance requested. A variance may be authorized only for the reduction of minimum street frontage, lot area and required yards (front, side, rear) or for the increase of height of structures and site coverage only when such increases are not in conflict with the adopted comprehensive plan and Florida Building Code. A modification to lot requirements shall not be granted a variance when such modification will result in an increase of density/intensity of use beyond that permitted by the Future Land Use Map 2010 for the underlying land use of the area. A variance shall not change the functional classification permitted or permissible by the comprehensive plan and future land use map, as currently adopted.
 - 5. A complete list of all property owners, mailing addresses and legal description of all property within three hundred (300) feet of the parcel for which the variance is requested. This information must be taken from the latest Nassau County tax rolls.
- (C) Upon receipt of the completed application and the required zoning fee, the growth management department will review the application and prepare a written report regarding the consistency of the "request for variance" with the adopted comprehensive plan and current land use regulations. The growth management department will submit its report and the application to the conditional use and variance board for action.
- (D) The growth management department shall establish a date and time to hear the variance request and shall advertise the public hearing in a manner prescribed by law.
- (E) Before making a final decision on a variance request, the conditional use and variance board shall consider the criteria established in section 3.05(B)3. of this ordinance. The conditional use and variance board has sixty (60) days for the date the application is received to make a final decision. Variances along with all conditions and safeguards attached thereto shall be granted to the property and is nontransferable.
- (F)

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While subject variance request is the only one of its nature that has come before the Nassau County CU&VB, a similar case occurred in Manatee County. Variance was denied and appealed under the Florida Land Use and Environmental Dispute Resolution Act, Chapter 20 – Relief From Burdens On Real Property Rights, Section 70.51

The Special Magistrate recommended approval of the request taking into consideration how the denial of the variance unreasonably and unfairly burdens use of the property, the reasonable expectations of the owner at the time of acquisition, and how the property was initially used. Subject variance was granted.

The Special Magistrate also addressed the opposition from the neighbors.

The opinions and desires of adjoining property owners are important considerations for a Board of County Commissioners, however, those opinions should not be given greater weight than the opinions of engineers who have rendered professional opinions on the viability of the proposed request.

“Such opinions, without further support and foundation do not constitute sufficient substantial competent evidence justifying denial of the requested variance.”

**Gary H. Larsen , Special Magistrate
Manatee County
01/13/2015**

The Florida Senate

2011 Florida Statutes

Title VI
CIVIL PRACTICE AND
PROCEDURE

Chapter 70
RELIEF FROM BURDENS ON
REAL PROPERTY RIGHTS

Entire Chapter

SECTION 51
Land use and environmental
dispute resolution.

70.51 Land use and environmental dispute resolution.—

(1) This section may be cited as the "Florida Land Use and Environmental Dispute Resolution Act."

(2) As used in this section, the term:

(a) "Development order" means any order, or notice of proposed state or regional governmental agency action, which is or will have the effect of granting, denying, or granting with conditions an application for a development permit, and includes the rezoning of a specific parcel. Actions by the state or a local government on comprehensive plan amendments are not development orders.

(b) "Development permit" means any building permit, zoning permit, subdivision approval, certification, special exception, variance, or any other similar action of local government, as well as any permit authorized to be issued under state law by state, regional, or local government which has the effect of authorizing the development of real property including, but not limited to, programs implementing chapters 125, 161, 163, 166, 187, 258, 372, 373, 378, 380, and 403.

(c) "Special magistrate" means a person selected by the parties to perform the duties prescribed in this section. The special magistrate must be a resident of the state and possess experience and expertise in mediation and at least one of the following disciplines and a working familiarity with the others: land use and environmental permitting, land planning, land economics, local and state government organization and powers, and the law governing the same.

(d) "Owner" means a person with a legal or equitable interest in real property who filed an application for a development permit for the property at the state, regional, or local level and who received a development order, or who holds legal title to real property that is subject to an enforcement action of a governmental entity.

(e) "Proposed use of the property" means the proposal filed by the owner to develop his or her real property.

(f) "Governmental entity" includes an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority. The term does not include the United States or any of its agencies.

(g) "Land" or "real property" means land and includes any appurtenances and improvements to the land, including any other relevant real property in which the owner had a relevant interest.

(3) Any owner who believes that a development order, either separately or in conjunction with other development orders, or an enforcement action of a governmental entity, is unreasonable or unfairly burdens the use of the owner's real property, may apply within 30 days after receipt of the order or notice of the governmental action for relief under this section.

(4) To initiate a proceeding under this section, an owner must file a request for relief with the elected or appointed head of the governmental entity that issued the development order or orders, or that initiated the enforcement action. The head of the governmental entity may not charge the owner for the request for relief and must forward the request for relief to the special magistrate who is mutually agreed upon by the owner and the governmental entity within 10 days after receipt of the request.

(5) The governmental entity with whom a request has been filed shall also serve a copy of the request for relief by United States mail or by hand delivery to:

(a) Owners of real property contiguous to the owner's property at the address on the latest county tax roll.

(b) Any substantially affected party who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for any development order at issue or enforcement action at issue. Notice under this paragraph is required only if that party indicated a desire to receive notice of any subsequent special magistrate proceedings occurring on the development order or enforcement action. Each governmental entity must maintain in its files relating to particular development orders a mailing list of persons who have presented oral or written testimony and who have requested notice.

(6) The request for relief must contain:

(a) A brief statement of the owner's proposed use of the property.

(b) A summary of the development order or description of the enforcement action. A copy of the development order or the documentation of an enforcement action at issue must be attached to the request.

(c) A brief statement of the impact of the development order or enforcement action on the ability of the owner to achieve the proposed use of the property.

(d) A certificate of service showing the parties, including the governmental entity, served.

(7) The special magistrate may require other information in the interest of gaining a complete understanding of the request for relief.

(8) The special magistrate may conduct a hearing on whether the request for relief should be dismissed for failing to include the information required in subsection (6). If the special magistrate dismisses the case, the special magistrate shall allow the owner to amend the request and refile. Failure to file an adequate amended request within the time specified shall result in a dismissal with prejudice as to this proceeding.

(9) By requesting relief under this section, the owner consents to grant the special magistrate and the parties reasonable access to the real property with advance notice at a time and in a manner acceptable to the owner of the real property.

(10)(a) Before initiating a special magistrate proceeding to review a local development order or local enforcement action, the owner must exhaust all nonjudicial local government administrative appeals if the appeals take no longer than 4 months. Once nonjudicial local administrative appeals are exhausted and the development order or enforcement action is final, or within 4 months after issuance of the development order or notice of the enforcement action if the owner has pursued local administrative appeals even if the appeals have not been concluded, the owner may initiate a proceeding under this section. Initiation of a proceeding tolls the time for seeking judicial review of a local government development order or enforcement action until the special magistrate's recommendation is acted upon by the local government. Election by the owner to file for judicial review of a local government development order or enforcement action prior to initiating a proceeding under this section waives any right to a special magistrate proceeding.

(b) If an owner requests special magistrate relief from a development order or enforcement action issued by a state or regional agency, the time for challenging agency action under ss. 120.569 and 120.57 is tolled. If an owner chooses to bring a proceeding under ss. 120.569 and 120.57 before initiating a special magistrate proceeding, then the owner waives any right to a special magistrate proceeding unless all parties consent to proceeding to mediation.

(11) The initial party to the proceeding is the governmental entity that issues the development order to the owner or that is taking the enforcement action. In those instances when the development order or enforcement action is the culmination of a process involving more than one governmental entity or when a complete resolution of all relevant issues would require the active participation of more than one governmental entity, the special magistrate may, upon application of a party, join those governmental entities as parties to the proceeding if it will assist in effecting the purposes of this section, and those governmental entities so joined shall actively participate in the procedure.

(12) Within 21 days after receipt of the request for relief, any owner of land contiguous to the owner's property and any substantially affected person who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the development order or enforcement action at issue may request to participate in the proceeding. Those persons may be permitted to participate in the hearing but shall not be granted party or intervenor status. The participation of such persons is limited to addressing issues raised

regarding alternatives, variances, and other types of adjustment to the development order or enforcement action which may impact their substantial interests, including denial of the development order or application of an enforcement action.

(13) Each party must make efforts to assure that those persons qualified by training or experience necessary to address issues raised by the request or by the special magistrate and further qualified to address alternatives, variances, and other types of modifications to the development order or enforcement action are present at the hearing.

(14) The special magistrate may subpoena any nonparty witnesses in the state whom the special magistrate believes will aid in the disposition of the matter.

(15)(a) The special magistrate shall hold a hearing within 45 days after his or her receipt of the request for relief unless a different date is agreed to by all the parties. The hearing must be held in the county in which the property is located.

(b) The special magistrate must provide notice of the place, date, and time of the hearing to all parties and any other persons who have requested such notice at least 40 days prior to the hearing.

(16)(a) Fifteen days following the filing of a request for relief, the governmental entity that issued the development order or that is taking the enforcement action shall file a response to the request for relief with the special magistrate together with a copy to the owner. The response must set forth in reasonable detail the position of the governmental entity regarding the matters alleged by the owner. The response must include a brief statement explaining the public purpose of the regulations on which the development order or enforcement action is based.

(b) Any governmental entity that is added by the special magistrate as a party must file a response to the request for relief prior to the hearing but not later than 15 days following its admission.

(c) Any party may incorporate in the response to the request for relief a request to be dropped from the proceeding. The request to be dropped must set forth facts and circumstances relevant to aid the special magistrate in ruling on the request. All requests to be dropped must be disposed of prior to conducting any hearings on the merits of the request for relief.

(17) In all respects, the hearing must be informal and open to the public and does not require the use of an attorney. The hearing must operate at the direction and under the supervision of the special magistrate. The object of the hearing is to focus attention on the impact of the governmental action giving rise to the request for relief and to explore alternatives to the development order or enforcement action and other regulatory efforts by the governmental entities in order to recommend relief, when appropriate, to the owner.

(a) The first responsibility of the special magistrate is to facilitate a resolution of the conflict between the owner and governmental entities to the end that some modification of the owner's proposed use of the property or adjustment in the development order or enforcement action or regulatory efforts by one or more of the governmental parties may be reached. Accordingly, the special magistrate shall act as a facilitator or mediator between the parties in an effort to effect a mutually acceptable solution. The parties shall be represented at the mediation by persons with authority to bind their respective parties to a solution, or by persons with authority to recommend a solution directly to the persons with authority to bind their respective parties to a solution.

(b) If an acceptable solution is not reached by the parties after the special magistrate's attempt at mediation, the special magistrate shall consider the facts and circumstances set forth in the request for relief and any responses and any other information produced at the hearing in order to determine whether the action by the governmental entity or entities is unreasonable or unfairly burdens the real property.

(c) In conducting the hearing, the special magistrate may hear from all parties and witnesses that are necessary to an understanding of the matter. The special magistrate shall weigh all information offered at the hearing.

(18) The circumstances to be examined in determining whether the development order or enforcement action, or the development order or enforcement action in conjunction with regulatory efforts of other governmental parties, is unreasonable or unfairly burdens use of the property may include, but are not limited to:

(a) The history of the real property, including when it was purchased, how much was purchased, where it is located, the nature of the title, the composition of the property, and how it was initially used.