

NOTE: A three-minute maximum time limit will be imposed on all comments from the public, regardless of the subject matter. A request form is available from the Deputy Town Clerk; fill it in and return it to her prior to the start of the meeting. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager at the start of the meeting.

TOWN OF BAY HARBOR ISLANDS
QUASI-JUDICIAL PUBLIC HEARING AGENDA

January 13, 2020

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Discussion** for the purpose of hearing any public comment with respect to a application for variance from Section 23-11(A)(4) of the Town Code to install an 8' W X 8' L portable prefabricated "Shed" within the side yard setback area for property located 1250 102nd Street, Lot 4, Block 25, Bay Harbor Islands, Florida. The application for a variance is being requested by Daryl & Meital Eber. Enclosed is a copy of the variance application, letter of hardship and other supporting documents.
2. **Approval or Denial** of a variance request for residence locates at 1250 102 Street. As require by Section 2-22 of the Town Code, the Town Council shall determine whether to grant or deny the application for variance. An affirmative vote of five Council Members is necessary in order to grant the request. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney.

STAFF RECOMMENDATION: Deny the requested variance.

3. **Discussion** for the purpose of hearing any public comment with respect to an application for a sign variance from Section 17-20(o) of the Town Code to allow a business sign for a tenant that does not occupy a space directly adjacent to the street for property located 1048 Kane Concourse, Unit AB, Lot 7 lest the North 1 feet, in Block 12, Bay Harbor Islands, Florida. The application for a variance is being requested by the business owner / tenant SGM, LLC. Enclosed is a copy of the variance application, letter of hardship and other supporting documents.
4. **Approval of Denial** of a variance request for a business located at 1048 Kane Concourse. As require by Section 2-22 of the Town Code, the Town Council shall determine whether to grant or deny the application for variance. An affirmative vote of five Council Members is necessary in order to grant the request. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney.

STAFF RECOMMENDATION: Deny the requested variance.

CONCLUSION OF PUBLIC HEARING – Approximately 7:30 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AGENDA ITEM REPORT

January 13, 2020

ITEM NUMBER: 1.

ITEM: Discussion for the purpose of hearing any public comment with respect to a application for variance from Section 23-11(A)(4) of the Town Code to install an 8' W X 8' L portable prefabricated "Shed" within the side yard setback area for property located 1250 102nd Street, Lot 4, Block 25, Bay Harbor Islands, Florida. The application for a variance is being requested by Daryl & Meital Eber. Enclosed is a copy of the variance application, letter of hardship and other supporting documents.

DESCRIPTION:

On November 26, 2019 the office of the Town Clerk received a variance application for a residence located at 1250 102nd Street. The application / property owners are seeking a variance from Section 23-11(A)(4) of the Town Code in order to install a portable prefabricated "shed" structure at the center of eastern side setback. The Town Code requires a side yard setback of ten (10) feet. The proposed location would leave about a 4' side setback to the lot line.

Enclosed is a copy of the variance application and other supporting documents.

RECOMMENDED ACTION:

Deny the requested variance

FINANCIAL ANALYSIS:

BUDGET IMPACT:

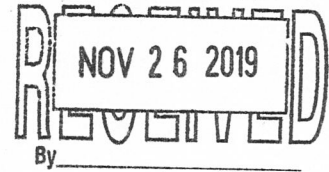
Submitted By: Alba Chang, Deputy Town Clerk

ATTACHMENTS

1. Variance App- 1250 102 ST
2. Variance Application - Pictures 1250 102 ST
3. Variance Letter from KochenNeighbors1250 102
4. 1250 102 St- Staff report



TOWN OF BAY HARBOR ISLANDS
MIAMI-DADE COUNTY, FL



APPLICATION FOR VARIANCE AND PUBLIC HEARING

DATE:	PROPERTY ADDRESS: <u>1250 102nd STREET BAY HARBOR ISL. FL 33154</u>	
LEGAL DESCRIPTION	LOT: <u>4</u>	BLOCK: <u>25</u>
SUBDIVISION:	TOWN OF BAY HARBOR ISLANDS	

APPLICANT'S NAME:	<u>MEITAL EBER</u>	
ADDRESS:	<u>1250 102nd STREET BAY HARBOR ISL FL 33154</u>	
BUSINESS PHONE: <u>-</u>	RESIDENCE PHONE: <u>305-343-5933</u>	CELL PHONE: <u>SAME</u>

PROPERTY OWNER'S NAME: (If different from applicant)	<u>DARUL and MEITAL EBER</u>	
ADDRESS:	<u>SAME</u>	
BUSINESS PHONE:	RESIDENCE PHONE:	CELL PHONE:

NAME OF CONTRACTOR and/or ARCHITECT:	<u>NA</u>	
COMPANY NAME:		
ADDRESS:		
BUSINESS PHONE:	RESIDENCE PHONE:	CELL PHONE:

PRESENT ZONING CLASSIFICATION:

- ☐ BAA - Business District
☒ RBA - Tract
☒ RD - Single Family
☐ PRD - Planned Residential Development
- ☐ CA - Causeway
☐ RE - Multiple Family
☐ PUD - Planned Unit Development

IF APPLICANT IS THE PROPERTY OWNER, INDICATE DATE ACQUIRED: 11/12/14

IF APPLICANT IS THE LESSEE, INDICATE LEASE DATE: -/-/-

INDICATE TERMS OF LEASE:	<u>-</u>
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LEGAL DESCRIPTION OF ANY CONTIGUOUS PROPERTY OWNED BY THE APPLICANT:

LOT: — 4	BLOCK: — 25	SUBDIVISION: — Bay Harbor Islands
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IS THERE AN OPTION TO PURCHASE OR LEASE THE SUBJECT PROPERTY? ☐ Yes ☒ No

IS IT PREDICATED ON APPROVAL OF APPLICATION? ☐ Yes ☒ No

IS HEARING BEING REQUESTED AS A RESULT OF A VIOLATION NOTICE? ☐ Yes ☒ No

HAS A PUBLIC HEARING PREVIOUSLY BEEN HELD REGARDING THIS PROPERTY? ☐ Yes ☒ No
IF YES DATE: _____ DECISION: _____

ARE THERE ANY EXISTING STRUCTURES ON THE PROPERTY TO BE DEMOLISHED? ☐ Yes ☒ No
DESCRIBE: _____

BRIEFLY STATE REQUEST:	VARIANCE TO INSTALL A SHED ON SIDE SETBACK

THE FOLLOWING ARE TO BE NOTIFIED OF HEARING DATE, AS MY REPRESENTATIVE(S):
(Please provide this information, or they will NOT be notified)

NAME	ADDRESS	PHONE
DARYL EBER		305-298-1685
METAL EBER		305-343-5933

Applicant Signature(s) Marta Eber Date 11/26/19

Date / /

Date / /

ALL INFORMATION SUBMITTED IN CONNECTION WITH THIS APPLICATION BECOMES A PERMANENT PART OF THE PUBLIC RECORDS OF THE TOWN OF BAY HARBOR ISLANDS.

(FOR OFFICE USE ONLY)
APPROVED: ☐ YES ☐ NO
DATE APPROVED: <u> / / </u>
CODE SECTION: <u> </u>

c:\all\gnl\forms\variance.app

**REQUEST FOR VARIANCE
OWNER AFFIDAVIT**

DATE: 11-26-19

The subject property is legally described as:

LOT: <u>4</u>	BLOCK: <u>25</u>	SUBDIVISION: <u>BAY HARBOR ISLANDS</u>
ADDRESS: <u>1250 102nd STREET BAY HARBOR ISLANDS, FL 33154</u>		

I (we), MEITAL EBER, being first duly sworn, depose and say that I am (we are) the owner(s) of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I (we) hereby authorize the Town of Bay Harbor Islands to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by the Town Council, and do take the responsibility of removing this notice after the date of the hearing.

Meital Eber
Signature of Owner

Daryl J. Eber
Signature of Co-owner

Before me this day personally appeared MEITAL EBER
known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

Before me this day personally appeared DARYL J. EBER
known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

Sworn to and subscribed to before me this 25
day of NOVEMBER, 2019.

Winslow C. Thompson
Notary Public

Sworn to and subscribed to before me this 25
day of NOVEMBER, 2019.

Winslow C. Thompson
Notary Public

My commission expires: Nov 15, 2021 Personally known _____ Produced I.D. FL DRIVER LIC
Type/number of I.D.

☒ DID TAKE an oath, or
☐ DID NOT take an oath



My commission expires: Nov 15, 2021 Personally known _____ Produced I.D. FL DRIVER LIC
Type/number of I.D.

☒ DID TAKE an oath, or
☐ DID NOT take an oath



November 26, 2019

To whom it may concern,

I am requesting for a variance to install a shed on my property. Earlier this year, I, Meital Eber was diagnosed with multiple Meningioma's (type of tumor) in my head, in which 1 of them was malignant, involving almost the entire right side of my brain and invading the most important vein in my head putting my life at risk. After two surgeries over a four month period, they were only able to remove a few of the tumors and a portion of the malignant one. Unfortunately, they could not remove the tumor invading the largest vein in my head so I will need to have radiation surgery or a very dangerous surgery to remove the vein and rebuild another one. Due to the unfortunate circumstances, this has left permanent neurological damage and affected my balance, placing me at a high risk for falling. I have difficulty with stairs and some general movement when my head is positioned in a certain way.

Due to my medical condition and this high fall risk, I need a storage shed on the east side of my property, which will be easier and safer for me to access. The shed has been designed to look as a part of a continuation of our home and will be completely hidden with landscape. I am requesting for a variance because I need this extra space. I now have to add new safety measures to the house and I need the extra space. In addition, I am unable to go to the second floor of our house as I used to do.

I have been compliant all the way through the process and went to the City of Bay Harbor for the application and all necessary documents, codes, survey and all other information I needed to build the shed. They provided me with all of this. As I assumed, since I went thru the City of Bay Harbor and did not hear from them for over 3 weeks, assumed everything was good to go and had the shed made and ready to install. In late October, I called the City of Bay Harbor to let them know that my shed was ready to install and was just calling to see if bringing in the crane would be ok. That's when the City told me, "Sorry we forgot to let you know that your application for your shed was not approved". I then right away asked, "why? You provided me with all the information and I haven't heard from you and assumed it was because there wouldn't be an issue because of that". They responded, "sorry we gave you the wrong codes and forgot to let you know".

I would really appreciate your consideration and help with these matters. I'm happy to provide you with whatever further explanation you need.

Best Regards,



Meital Eber

This Document Prepared By:

Jorge M. Vigil, Esq.
Jorge M. Vigil, P.A.
265 Sevilla Avenue
Coral Gables, Florida 33134

Parcel ID No: 13-2227-001-4950

Warranty Deed

This Indenture, made this 12 day of November, 2014, between **KAKAO LLC**, a Florida limited liability company, **Grantor**, and **DARYL J. EBER and MEITAL EBER**, husband and wife whose address is 1250 102 Street, Bay Harbor Islands, Florida, 33154, **Grantee**.

Witnesseth that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10) and other good and valuable consideration to the Grantor in hand paid by the Grantee, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's successors and assigns forever, the following described real property situate, lying and being in the County of **Miami-Dade**, State of **Florida** to wit:

Lot 4, Block 25, BAY HARBOR ISLAND, according to the Plat thereof, as recorded in Plat Book 46, Page 5, of the Public Records of Miami-Dade County, Florida.

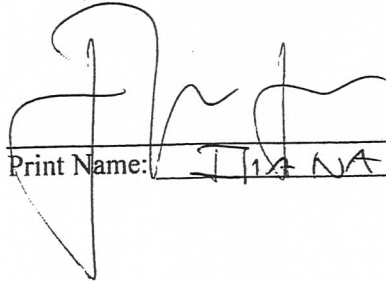
Subject to 2014 real property taxes, conditions, limitations, easements of record, if any, restrictions, not intending to reimpose the same.

And the Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

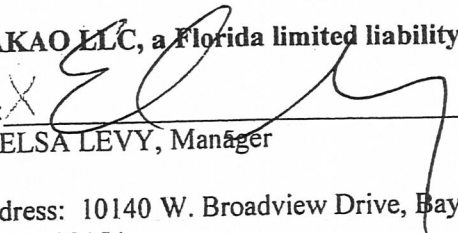
In Witness Whereof, the Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in the presence
of the following witnesses:


Print Name: Ronald Bresnysky


Print Name: ELINA LEVY

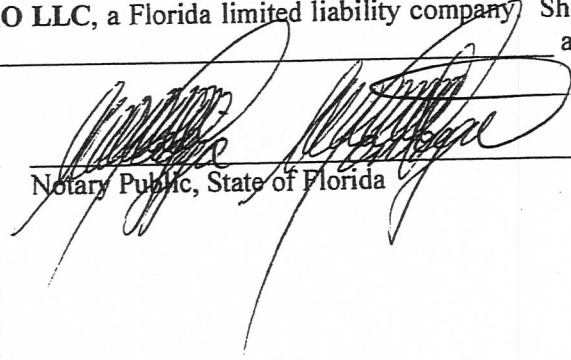
KAKAO LLC, a Florida limited liability company

By: 
ELSA LEVY, Manager

Address: 10140 W. Broadview Drive, Bay Harbor Island,
Florida 33154

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 12 day of November, 2014 by
ELSA LEVY, as Manager of **KAKAO LLC**, a Florida limited liability company. She ☒ is personally
known to me or [] has produced _____ as identification.



Notary Public, State of Florida

My Commission Expires:



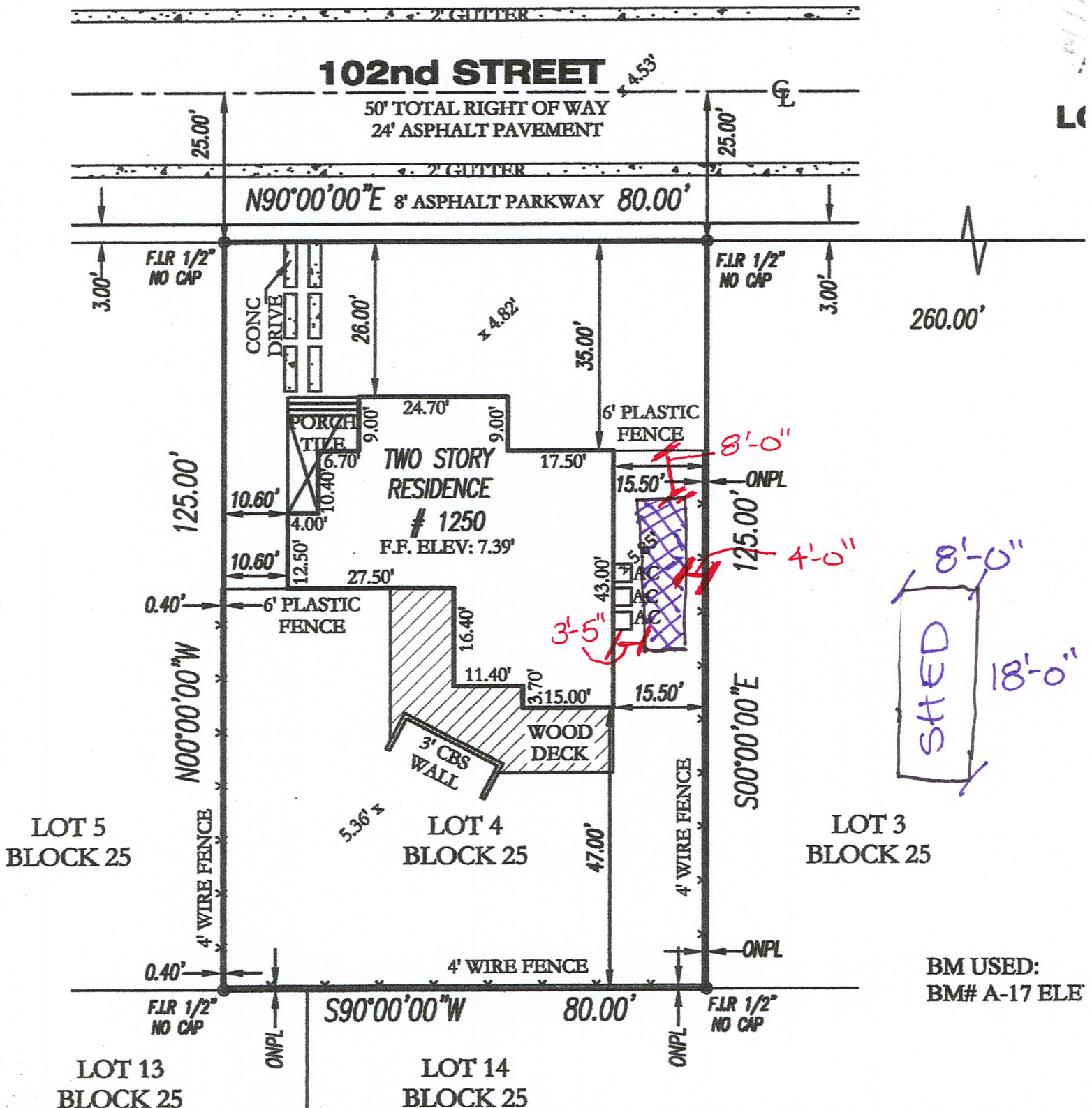
500-4

4818-6322-3584, v. 1



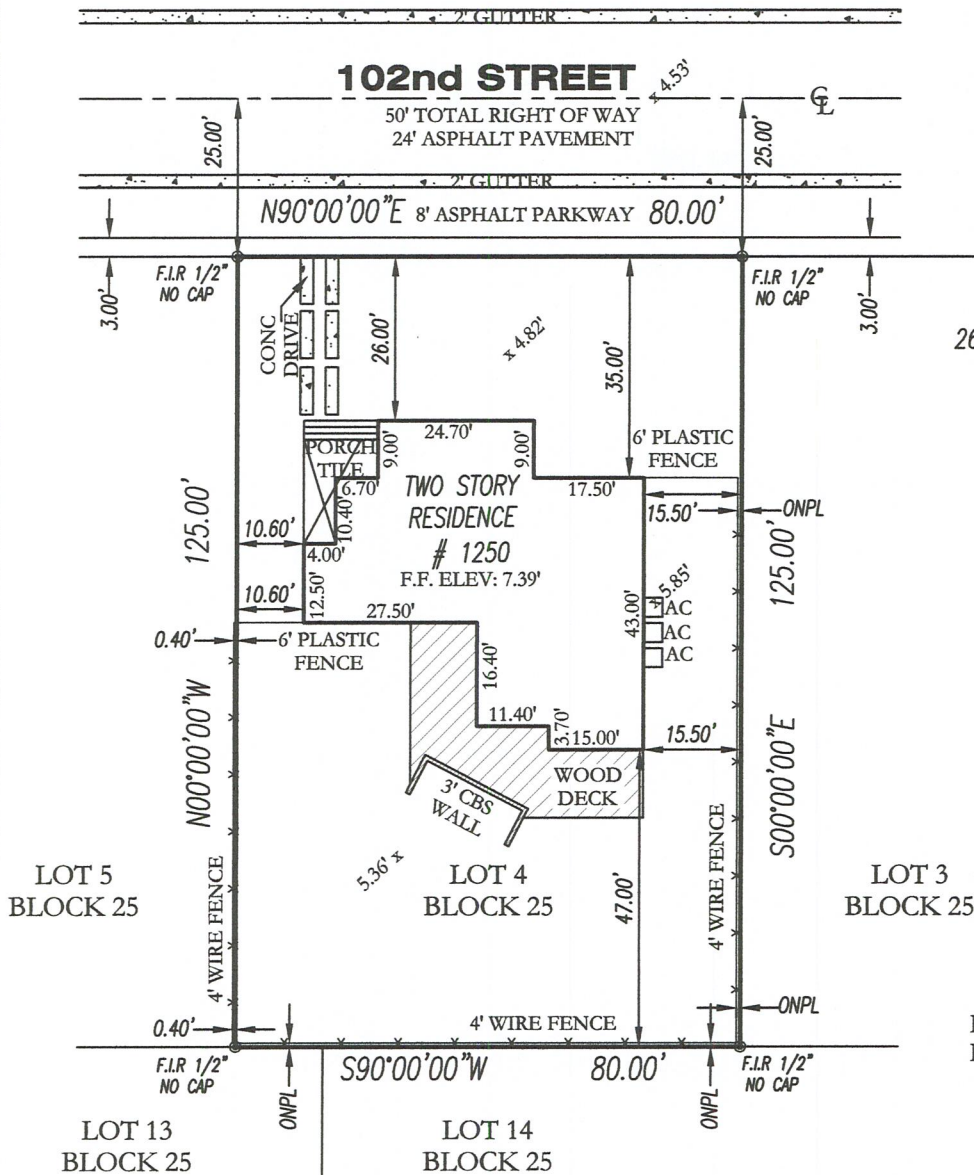
BOUNDARY SURVEY

PROUDLY SERVING FLORIDA COAST TO COAST





LOCATION SKETCH
Scale 1" = NT.S.



BM USED:
BM# A-17 ELEV: 7.67' (MIAMI-DADE Co.)

LEGAL DESCRIPTION:

LOT 4, BLOCK 25, OF "BAY HARBOR ISLAND", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, AT PAGE 5, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FLOOD INFO:

COUNTY: MIAMI-DADE
TOWN OF BAY HARBOR ISLANDS: 120637
MAP & PANEL #: 12086 C 0144
SUFFIX: L
FLOOD ZONE: AE BASE FLOOD ELEVATION: 8.0'

CERTIFIED TO:

MEITAL & DARYL EBER.

This Survey has been prepared for the exclusive use of the entities named herein and the Certification does not extend to any unnamed party.

SURVEYOR'S NOTES:

- 1-OWNERSHIP IS SUBJECT TO OPINION OF TITLE
- 2-NO UNDERGROUND IMPROVEMENTS WERE LOCATED
- 3-ELEVATIONS ARE REFERRED TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (UNLESS ASSUMED).
- 4-THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN IN THIS SURVEY THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS
- 5-LEGAL DESCRIPTION PROVIDED BY CLIENT
- 6-UNLESS OTHERWISE NOTED RECORDED AND MEASURED
- 7-BEFORE ANY CONSTRUCTION THE SET BACKS MUST BE CHECKED
- 8-ALL FIELD MEASUREMENTS TAKEN FOR THIS SURVEY WERE MADE WITH ELECTRONIC TRANSIT AND/OR STEEL TAPE W/ACCU. 1:7500
- 9-THIS SURVEY IS FOR USE AS PER REQUEST AND NOT FOR ANY OTHER PURPOSE.
- 10- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENTS FOR TITLE INSURANCE
- 11- DATE OF FIELD WORK 11/15/2019

WPP	⊙	WOOD POWER POLE
LP	⊙	LIGHT POLE
FH	⊙	FIRE HYDRANT
SEC.	+	SECTION
CPP	⊙	CONC. POWER POLE
S.V.	⊙	SEWER VALVE
GM	⊙	GAS METER GAS V.
GV	⊙	SANITARY MANHOLE
S.S.	⊙	DRAINAGE MANHOLE

NOTE:
THE FLOOD DATA PROVIDED IS FOR INFORMATION PURPOSES ONLY. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE INFORMATION PROVIDED THE LOCAL F.E.M.A. AGENCY SHOULD BE CONTACTED FOR VERIFICATION.

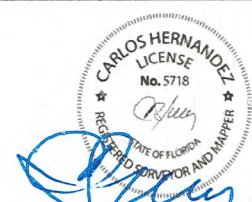
BASIS OF BEARING BASE:
BEARING BASE SHOWN HEREON ARE BASED ON NORTH LINE OF LOT 4, BLOCK 25, BEING N90°00'00"E ASSUMED.

ADDRESS:

1250 102nd STREET,
BAY HARBOR ISLANDS, FL. 33154

LEGEND:

R. = Record	P.O.C. = Point of Commencing
M. = Measured	P.O.B. = Point of Beginning
C. = Calculated	C.B.W. = Concrete Block Wall
C/P = Concrete Porch	P.V.M.T. = Pavement
F.I.P. = Found Iron Pipe	R/W. = Right of Way
I.R.F. = Iron Rod Found	⊙ = Wood Fence
⊙ = Centerline	⊙ = Chain Link Fence
P.L. = Property Line	A/C = Air Conditioner
P.O.L. = Point on Line	U.E. = Utility Easement
IP = Iron Pipe	B.O.B. = Basis of Bearing
Swk = Sidewalk	R.O.H. = Roof Overhang
Conc = Concrete	P.C. = Point of Curvature
CBS = Concrete Block Structure	C&G = Curb & Gutter
⊙ = Existing Elevation	O.H.L. = Overhead Wire Line
FH = Fire Hydrant	LB = Licenses Business
W/R = Wood Roof	RES = Residence
P.W.Y. = Parkway	F.F.E. = Finish Floor Elev.
FND N/D = Found Nail & Disk	B.C. = Block Corner
C/B = Catch Basin	ENCR. = Encroachment
	A/R = Aluminum Roof
	A/S. = Aluminum Shed



CARLOS HERNANDEZ
PROFESSIONAL SURVEYOR AND MAPPER
LB 7619 11-21-2019

ELECT FILE CODE #102STBAYHARBOR

Survey is not valid without the signature and raised/digital seal of the Florida Registered Professional Land Surveyor and Mapper

The boundary survey of the property shown hereon is in accordance with the description furnished by the client. No search of public records has been made by this office for accuracy or omissions. Subject to opinion title and any dedications, limitations, restrictions or easements of record. No underground improvements and/or utilities were located. I Hereby Certify: That the attached boundary survey of the property described below is to the best of my knowledge and belief accurate as recently surveyed under my direction; also that there are no above ground encroachments other than those shown, and that this survey meets the minimum technical standards set by the Florida Board of Land Surveyors as set forth in Section 472.027 (F.S.) Chapter 5J-17.051 and 5J-17.052 of The Florida Administrative Code.

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION					FOR INSURANCE COMPANY USE	
A1. Building Owner's Name MEITAL EBER					Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST					Company NAIC Number:	
City BAY HARBOR ISLANDS		State FL		ZIP Code 33154		
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) LEGAL: BAY HARBOR ISLAND PB 46-5 LOT 4 BLK 25 LOT SIZE 80.000 X 125						
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) RESIDENTIAL						
A5. Latitude/Longitude: Lat. °N 25° 52' 34.60 Long. °W 80° 7' 16.86 Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983						
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.						
A7. Building Diagram Number 8						
A8. For a building with a crawlspace or enclosure(s):						
a) Square footage of crawlspace or enclosure(s) 1972 sq ft						
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 7						
c) Total net area of flood openings in A8.b 1344 sq in						
d) Engineered flood openings? ☐ Yes ☒ No						
A9. For a building with an attached garage:						
a) Square footage of attached garage _____ sq ft						
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____						
c) Total net area of flood openings in A9.b _____ sq in						
d) Engineered flood openings? ☐ Yes ☒ No						
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION						
B1. NFIP Community Name & Community Number TOWN OF BAY HARBOR ISLANDS 120637			B2. County Name MIAMI DADE		B3. State FL	
B4. Map/Panel Number 12086C0144	B5. Suffix L	B6. FIRM Index Date 09/11/2009	B7. FIRM Panel Effective/ Revised Date 09/11/2009	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 8'	
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: ☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____						
B11. Indicate elevation datum used for BFE in Item B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source: _____						
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date: _____ ☐ CBRS ☐ OPA						

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST			Policy Number:	
City BAY HARBOR ISLANDS	State FL	ZIP Code 33154	Company NAIC Number	

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO.
 Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
 Benchmark Utilized: A-11 Vertical Datum: 7.7' NGVD29

Indicate elevation datum used for the elevations in items a) through h) below.
☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source: _____

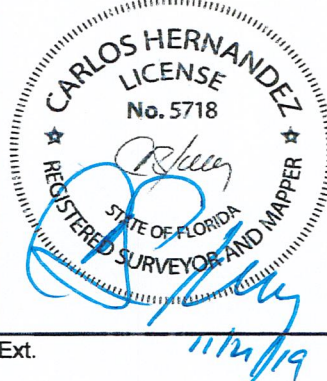
Datum used for building elevations must be the same as that used for the BFE.

		Check the measurement used.		
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	4.8	☒ feet	☐ meters	
b) Top of the next higher floor	7.4	☒ feet	☐ meters	
c) Bottom of the lowest horizontal structural member (V Zones only)		☒ feet	☐ meters	
d) Attached garage (top of slab)		☒ feet	☐ meters	
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	5.9	☒ feet	☐ meters	
f) Lowest adjacent (finished) grade next to building (LAG)	4.8	☒ feet	☐ meters	
g) Highest adjacent (finished) grade next to building (HAG)	5.4	☒ feet	☐ meters	
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support		☒ feet	☐ meters	

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier's Name CARLOS HERNANDEZ	License Number # 5718		
Title PSM			
Company Name FLORIDA BUILDING & LAND SURVEYING CORP			
Address 12555 BISCAYNE BLVD # 934			
City NORTH MIAMI			
		Order Online www.FEMAfloodcertificates.com	
	State FL	ZIP Code 33181	
Signature 	Date 11/20/2019	Telephone 1-877-894-8001	Ext. 11/20/19

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)
 NOTE: ALL ELEVATIONS REFLECT HEREON ARE IN NGVD29 SYSTEM.
 MACHINERY SERVICING THE PROPERTY ARE CENTRAL A/C UNITS.
 CROWN: 4.5'

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST			Policy Number:	
City BAY HARBOR ISLANDS	State FL	ZIP Code 33154	Company NAIC Number	
SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)				
For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters. E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG). a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG. E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.				
SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION				
The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge. Property Owner or Owner's Authorized Representative's Name _____				
Address _____	City _____	State _____	ZIP Code _____	
Signature _____	Date _____	Telephone _____		
Comments				
☐ Check here if attachments.				

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST			Policy Number:	
City BAY HARBOR ISLANDS	State FL	ZIP Code 33154	Company NAIC Number	
SECTION G – COMMUNITY INFORMATION (OPTIONAL)				
The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters. G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.) G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO. G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.				
G4. Permit Number		G5. Date Permit Issued		G6. Date Certificate of Compliance/Occupancy Issued
G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____ G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____ G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____				
Local Official's Name			Title	
Community Name			Telephone	
Signature			Date	
Comments (including type of equipment and location, per C2(e), if applicable) ☐ Check here if attachments.				

BUILDING PHOTOGRAPHS

OMB No. 1660-0008

ELEVATION CERTIFICATE

See Instructions for Item A6.

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST			Policy Number:
City BAY HARBOR ISLANDS	State FL	ZIP Code 33154	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption FRONT VIEW 11/20/2019

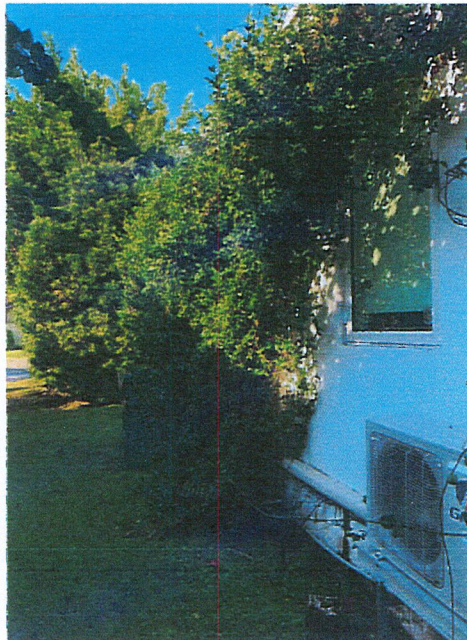


Photo Two

Photo Two Caption SIDE VIEW 11/20/2019

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

OMB No. 1660-0008

Continuation Page

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST			Policy Number:
City BAY HARBOR ISLANDS	State FL	ZIP Code 33154	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption REAR VIEW 11/20/2019



Photo Four

Photo Four Caption SIDE VIEW 11/20/2019

Variance Application

Property Address: 1050 102 Street

Property Owners: Meital & Daryl Eber





12/2019

Dear Bay Harbor Islands Town Council,

We are Fannie and Carlos Kochen, at 1234 102nd Street, east side neighbors of Meital and Daryl Eber at 1250 102nd Street.

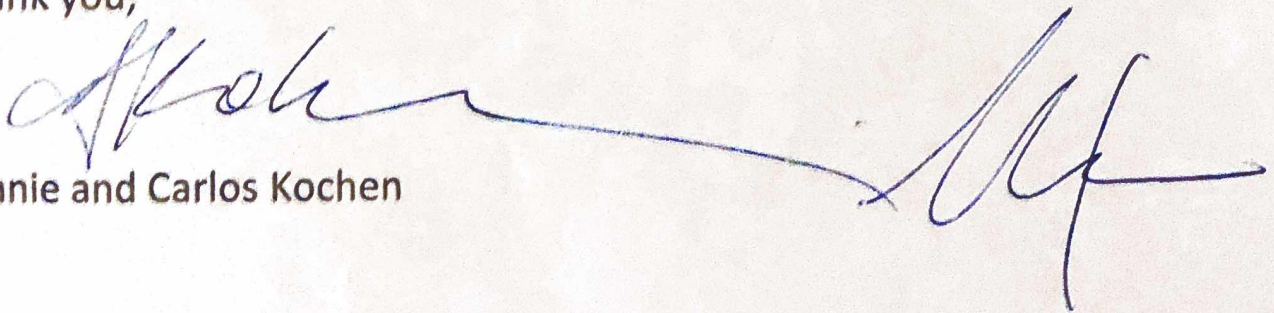
We do not have any issues with the Eber's putting in a shed on the east side of their property, regardless to it being closer to our property although city codes require otherwise. (10' setback). We do not find it to be obtrusive to our view in any way.

We consider them good neighbors and have never had any issues with them. We are on very good terms and will do whatever we can to help with achieving their need for this shed.

If you have any questions, please feel free to call us at 305-865-1234

Thank you,

Fannie and Carlos Kochen

A handwritten signature in blue ink, appearing to be 'F. Kochen', with a long horizontal line extending to the right.

**TOWN OF BAY HARBOR ISLANDS
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Marlene Siegel, Town Clerk
Town of Bay Harbor Islands

From: Michael J. Miller, AICP *MJM*
Consultant Town Planner

Date: December 9th, 2019

Subject: Zoning Variance Application
Daryl & Meital Eber
1250 102nd Street / Lot 4, Block 25
Allow Shed in Eastern Side Yard Setback
Planning & Zoning Comments
MMPA Project No.01-0702-0500B

As per the Town's request MMPA has completed a review of the above referenced Zoning Variance application and we provide the following comments for the Town's consideration.

VARIANCE REQUEST

The applicant is requesting a variance from the Town's Zoning & Planning Code to install an 8-foot wide by 18-foot long by 8-foot tall portable prefab "shed" within the eastern side yard setback area of an existing single-family lot located at 1250 102nd Street. The applicant claims a medical disability is the basis for the request. The Town's Code does not mention "sheds" as allowable uses, let alone as encroachments into minimum yard areas. Following is a summary of the requested variance.

- From Section 23-11(A)(4) requiring a side yard setback (all lots) of Ten (10) feet. The applicant is requesting a four (4) foot wide side setback.

BACKGROUND

In early October 2019 the owners submitted a Building Permit application to the Town. During the zoning plan review process, it was pointed out the "shed" did not meet the Town's setback requirements, and a few other submittal items. The applicant subsequently submitted a Zoning Variance application including a survey sketch showing the location of the proposed "shed", a copy of their Warranty Deed, and a Flood Elevation Certificate. The applicant also included a hardship letter that indicates that they desire the shed in its proposed location base on a serious medical condition of one of the owners, for easy access. Therefore, the Town staff denied the BP plans.

A “hardship” is typically required to be not self-created and unique site conditions exist (i.e. shape of property) that are not common to other similar sites. Section 2-16 of the Town Code provides that a variance “shall not to contrary to the public interest and where, owing to conditions peculiar to the property and which conditions are not the result of actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.”

ANALYSIS

The subject property is located at 1250 102nd Street. The site is a typical 80’ wide x 125’ deep lot containing 10,000 sq. ft. The existing 2-story home is “modest” as to overall size and does not “max out” the lot coverage. The existing front yard setback meets the Town’s minimum 25’ requirement (front setback is 26’ at closet point). The existing rear yard setback far exceeds the Town’s minimum 15’ requirement (rear setback is 47’ at closet point). The existing west side yard setback meets the Town’s minimum 10’ requirement (west side setback is 10’-6” at closet point). The existing east side yard setback also meets the Town’s minimum 10’ requirement (east side setback is 15’-6” at closet point). The “shed” is proposed to be placed in the eastern side setback between the home and side lot line. As there is a group of A/C units next to the home at this location, the proposal is to center the “shed” in the side yard next to the home leaving about a 4’ side setback to the lot line. On the adjoining lot to the east is an existing 2-story home. The common lot line has a 4’ tall chain-link fence and landscaping (shrubs). At the front of the home in the eastern side setback is a 6’ plastic fence which blocks views to this side yard area.

Per Sec. 23-11(A)(4) of the Town Code, a single-family residence is required to have at least a ten (10) foot side yard setback to the property line. Town Code Sec. 23-12(15) includes an extensive list of allowable yard encroachments (projections). “Sheds” are not listed at all as permitted uses in the Town nor are they mentioned in the above yard encroachment section. The Town needs to determine if a “shed” is allowed first. If the Town were to allow a “shed” in this location meeting the minimum setbacks, this would only permit an area of 5.50 feet of land area to place the structure. The property owners desire to locate the “shed” within the 15.50-foot setback to 4’ of the side lot line. Based on a sketch provided by the applicate, they propose to place the shed 3’-5” east of the house due to the A/C units. Again, the proposed “shed” is 8’ in width leaving a proposed 4’ side setback. The applicant provided some pictures of the proposed “shed” (see attached). MMPA was able to locate the portable storage building manufacturer’s website (Lark Builders) and obtain a sampling of their available models. It is noted the company received approval from Florida DPR for Florida Product Approval noting the company’s structures comply with the 2017 FBC. It is not known if this includes the upgraded FBC criteria for high winds in South Florida. The size of the proposed “shed” (8’ wide x 18’ long) seems unusually large for a garden variety “shed”. The height of the “shed” was not provided in the variance application but the BP plans showed a height of 8 feet. The applicant could place the “shed” in the large rear yard area with easy access to the home and meeting the Town’s setback requirements. The applicant does not propose any additional screening along the east property line as a visual barrier to the affected adjoining neighbor. No letter of support or objection was included from the neighbor(s).

Although most zoning variances are related to unique lot / house situations, it is not uncommon for local governments to make temporary accommodations for persons with disabilities, in fact, the Town has done so in the past (Seiden). If deemed appropriate site features / structures have be temporarily allowed until the person with the disability improves / declines, or the home is sold – then the structure is often removed, as the reason for the variance ceases to exist.

CONCLUSION AND RECOMMENDATION

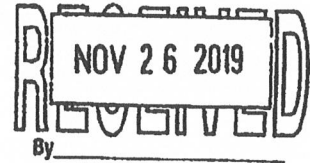
Based on the above technical analysis, MMPA recommends that the Town **DENY** the requested variance. The Town needs to decide if a shed is even allowed. If deemed acceptable a specific location needs to be chosen. The applicant has more than sufficient space to install the proposed shed in the property's large rear yard versus a narrow side yard. An addition could be made to the home for a storage / work area. The sole hardship argument (health issue) provided to place the shed in the requested side yard location versus another less impactful location can be accomplished in the methods.

However, if the Town decides to allow the shed to be installed temporarily based on the applicant's stated medical condition, MMPA recommends a condition be included to remove the shed (1) if the owner's mobility condition improves, (2) if the owner's condition with the disability declines (passes away), or (3) or the site is sold, as the reason for the variance ceases to exist.

In any case the temporary shed must be tied down adequately and meet the applicable Florida Building Code requirements for South Florida (high winds).



TOWN OF BAY HARBOR ISLANDS
MIAMI-DADE COUNTY, FL



APPLICATION FOR VARIANCE AND PUBLIC HEARING

DATE:	PROPERTY ADDRESS: 1250 102nd STREET BAY HARBOR ISL. FL 33154	
LEGAL DESCRIPTION	LOT: 4	BLOCK: 25
SUBDIVISION:	TOWN OF BAY HARBOR ISLANDS	

APPLICANT'S NAME:	MEITAL EBER	
ADDRESS:	1250 102nd STREET BAY HARBOR ISL FL 33154	
BUSINESS PHONE: —	RESIDENCE PHONE: 305-343-5933	CELL PHONE: SAME

PROPERTY OWNER'S NAME: (If different from applicant)	DARUL and MEITAL EBER	
ADDRESS:	SAME	
BUSINESS PHONE:	RESIDENCE PHONE:	CELL PHONE:

NAME OF CONTRACTOR and/or ARCHITECT:	NA	
COMPANY NAME:		
ADDRESS:		
BUSINESS PHONE:	RESIDENCE PHONE:	CELL PHONE:

PRESENT ZONING CLASSIFICATION:

- | | |
|--|---|
| ☐ BAA - Business District | ☐ CA - Causeway |
| ☒ RBA - Tract | ☐ RE - Multiple Family |
| ☐ RD - Single Family | ☐ PUD - Planned Unit Development |
| ☐ PRD - Planned Residential Development | |

IF APPLICANT IS THE PROPERTY OWNER, INDICATE DATE ACQUIRED: 11/12/14

IF APPLICANT IS THE LESSEE, INDICATE LEASE DATE: — / — / —

INDICATE TERMS OF LEASE:	—
--------------------------	---

LEGAL DESCRIPTION OF ANY CONTIGUOUS PROPERTY OWNED BY THE APPLICANT:

LOT: — 4	BLOCK: — 25	SUBDIVISION: — Bay Harbor Islands
----------	-------------	-----------------------------------

IS THERE AN OPTION TO PURCHASE OR LEASE THE SUBJECT PROPERTY? ☐ Yes ☒ No

IS IT PREDICATED ON APPROVAL OF APPLICATION? ☐ Yes ☒ No

IS HEARING BEING REQUESTED AS A RESULT OF A VIOLATION NOTICE? ☐ Yes ☒ No

HAS A PUBLIC HEARING PREVIOUSLY BEEN HELD REGARDING THIS PROPERTY? ☐ Yes ☒ No
IF YES DATE: _____ DECISION: _____

ARE THERE ANY EXISTING STRUCTURES ON THE PROPERTY TO BE DEMOLISHED? ☐ Yes ☒ No
DESCRIBE: _____

BRIEFLY STATE REQUEST:	VARIANCE TO INSTALL A SHED ON SIDE SETBACK

THE FOLLOWING ARE TO BE NOTIFIED OF HEARING DATE, AS MY REPRESENTATIVE(S):
(Please provide this information, or they will NOT be notified)

NAME	ADDRESS	PHONE
DARYL EBER		305-298-1685
METAL EBER		305-343-5933

Applicant Signature(s) Marta Eber Date 11/26/19

Date / /

Date / /

ALL INFORMATION SUBMITTED IN CONNECTION WITH THIS APPLICATION BECOMES A PERMANENT PART OF THE PUBLIC RECORDS OF THE TOWN OF BAY HARBOR ISLANDS.

(FOR OFFICE USE ONLY)	
APPROVED: ☐ YES ☐ NO	
DATE APPROVED: <u> / / </u>	
CODE SECTION: <u> </u>	

c:\m\gnl\forms\variance.app

**REQUEST FOR VARIANCE
OWNER AFFIDAVIT**

DATE: 11-26-19

The subject property is legally described as:

LOT: <u>4</u>	BLOCK: <u>25</u>	SUBDIVISION: <u>BAY HARBOR ISLANDS</u>
ADDRESS: <u>1250 102nd STREET BAY HARBOR ISLANDS, FL</u>		

I (we), MEITAL EBER, being first duly sworn, depose and say that I am (we are) the owner(s) of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

33154

I (we) hereby authorize the Town of Bay Harbor Islands to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by the Town Council, and do take the responsibility of removing this notice after the date of the hearing.

Meital Eber
Signature of Owner

[Signature]
Signature of Co-owner

Before me this day personally appeared
MEITAL EBER
known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

Before me this day personally appeared
MAYL J. EBER
known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

Sworn to and subscribed to before me this 25
day of NOVEMBER, 2019.

[Signature]
Notary Public

Sworn to and subscribed to before me this 25
day of NOVEMBER, 2019.

[Signature]
Notary Public

My commission expires: NOV 15, 2021 Personally known ____ Produced I.D. FL DRIVER LIC
Type/number of I.D.

My commission expires: NOV 15, 2021 Personally known ____ Produced I.D. FL DRIVER LIC
Type/number of I.D.

☒ DID TAKE an oath, or
☐ DID NOT take an oath



☒ DID TAKE an oath, or
☐ DID NOT take an oath



November 26, 2019

To whom it may concern,

I am requesting for a variance to install a shed on my property. Earlier this year, I, Meital Eber was diagnosed with multiple Meningioma's (type of tumor) in my head, in which 1 of them was malignant, involving almost the entire right side of my brain and invading the most important vein in my head putting my life at risk. After two surgeries over a four month period, they were only able to remove a few of the tumors and a portion of the malignant one. Unfortunately, they could not remove the tumor invading the largest vein in my head so I will need to have radiation surgery or a very dangerous surgery to remove the vein and rebuild another one. Due to the unfortunate circumstances, this has left permanent neurological damage and affected my balance, placing me at a high risk for falling. I have difficulty with stairs and some general movement when my head is positioned in a certain way.

Due to my medical condition and this high fall risk, I need a storage shed on the east side of my property, which will be easier and safer for me to access. The shed has been designed to look as a part of a continuation of our home and will be completely hidden with landscape. I am requesting for a variance because I need this extra space. I now have to add new safety measures to the house and I need the extra space. In addition, I am unable to go to the second floor of our house as I used to do.

I have been compliant all the way through the process and went to the City of Bay Harbor for the application and all necessary documents, codes, survey and all other information I needed to build the shed. They provided me with all of this. As I assumed, since I went thru the City of Bay Harbor and did not hear from them for over 3 weeks, assumed everything was good to go and had the shed made and ready to install. In late October, I called the City of Bay Harbor to let them know that my shed was ready to install and was just calling to see if bringing in the crane would be ok. That's when the City told me, "Sorry we forgot to let you know that your application for your shed was not approved". I then right away asked, "why? You provided me with all the information and I haven't heard from you and assumed it was because there wouldn't be an issue because of that". They responded, "sorry we gave you the wrong codes and forgot to let you know".

I would really appreciate your consideration and help with these matters. I'm happy to provide you with whatever further explanation you need.

Best Regards,



Meital Eber

This Document Prepared By:

Jorge M. Vigil, Esq.
Jorge M. Vigil, P.A.
265 Sevilla Avenue
Coral Gables, Florida 33134

Parcel ID No: 13-2227-001-4950

Warranty Deed

This Indenture, made this 12 day of November, 2014, between KAKAO LLC, a Florida limited liability company, Grantor, and DARYL J. EBER and MEITAL EBER, husband and wife whose address is 1250 102 Street, Bay Harbor Islands, Florida, 33154, Grantee.

Witnesseth that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10) and other good and valuable consideration to the Grantor in hand paid by the Grantee, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's successors and assigns forever, the following described real property situate, lying and being in the County of Miami-Dade, State of Florida to wit:

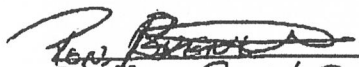
Lot 4, Block 25, BAY HARBOR ISLAND, according to the Plat thereof, as recorded in Plat Book 46, Page 5, of the Public Records of Miami-Dade County, Florida.

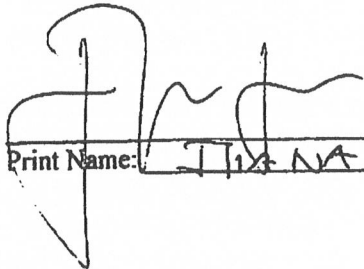
Subject to 2014 real property taxes, conditions, limitations, easements of record, if any, restrictions, not intending to reimpose the same.

And the Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

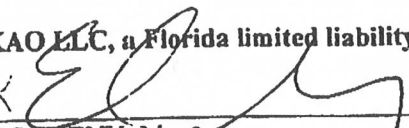
In Witness Whereof, the Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in the presence
of the following witnesses:


Print Name: Ronald Brensky


Print Name: ELINA LEVY

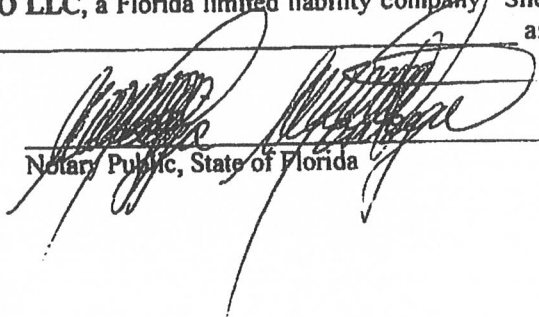
KAKAO LLC, a Florida limited liability company

By: 
ELSA LEVY, Manager

Address: 10140 W. Broadview Drive, Bay Harbor Island,
Florida 33154

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 12 day of November, 2014 by
ELSA LEVY, as Manager of KAKAO LLC, a Florida limited liability company. She ☒ is personally
known to me or [] has produced _____ as identification.


Notary Public, State of Florida

My Commission Expires:

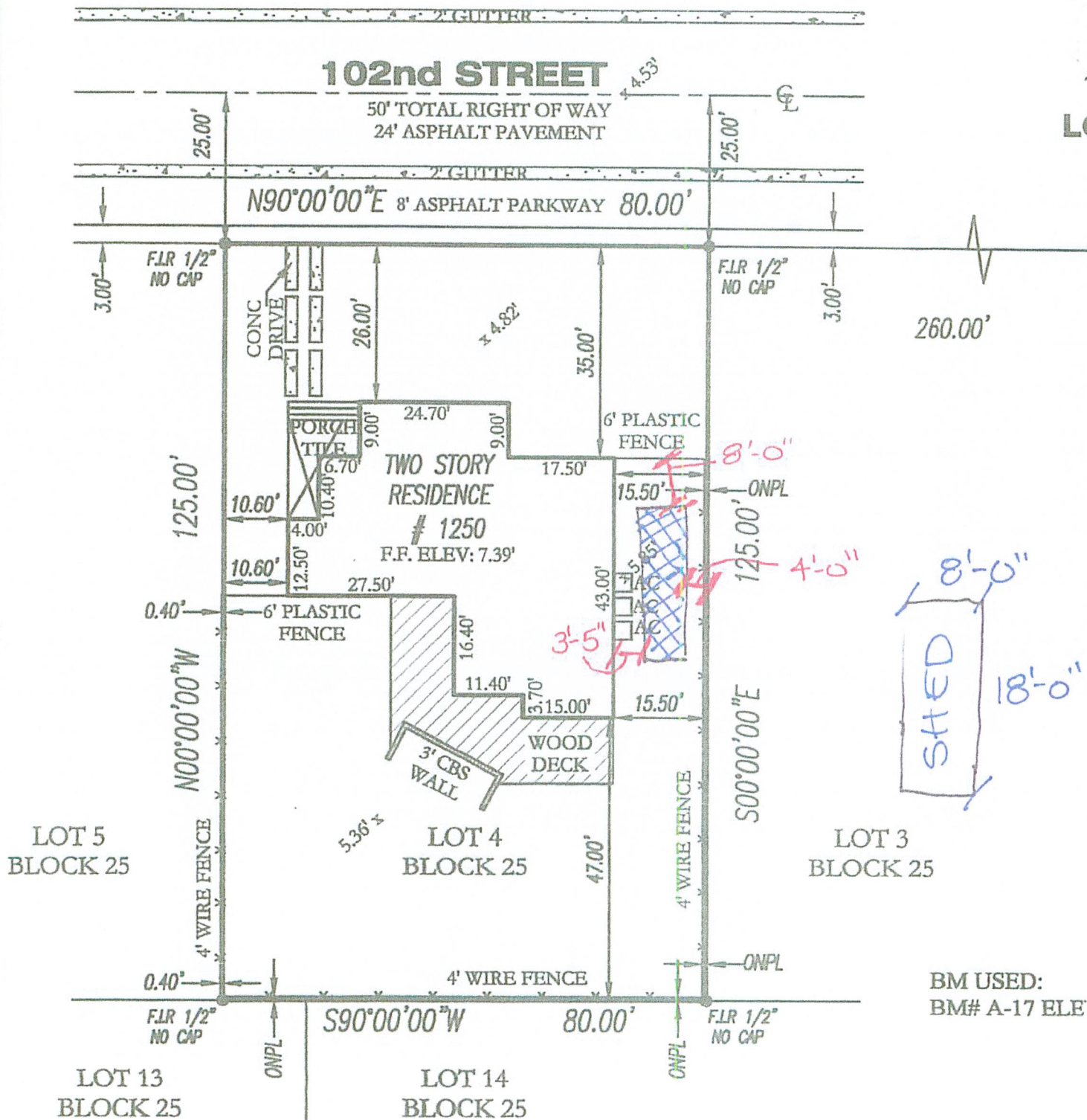


500-4

4818-6322-3584, v. 1



PROUDLY SERVING FLORIDA COAST TO COAST



ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name MEITAL EBER				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST				Company NAIC Number:	
City BAY HARBOR ISLANDS		State FL		ZIP Code 33154	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) LEGAL: BAY HARBOR ISLAND PB 46-5 LOT 4 BLK 25 LOT SIZE 80.000 X 125					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) RESIDENTIAL					
A5. Latitude/Longitude: Lat. °N 25° 52' 34.60 Long. °W 80° 7' 16.86 Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number 8					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) 1972 sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 7					
c) Total net area of flood openings in A8.b 1344 sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
A9. For a building with an attached garage:					
a) Square footage of attached garage _____ sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____					
c) Total net area of flood openings in A9.b _____ sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number TOWN OF BAY HARBOR ISLANDS 120637			B2. County Name MIAMI DADE		B3. State FL
B4. Map/Panel Number 12086C0144	B5. Suffix L	B6. FIRM Index Date 09/11/2009	B7. FIRM Panel Effective/ Revised Date 09/11/2009	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 8'
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: ☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date: _____ ☐ CBRS ☐ OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST			Policy Number:	
City BAY HARBOR ISLANDS	State FL	ZIP Code 33154	Company NAIC Number	

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
 Benchmark Utilized: A-17 Vertical Datum: 7.7' NGVD29

Indicate elevation datum used for the elevations in items a) through h) below.
☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

		Check the measurement used		
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	4.8	☒ feet	☐ meters	
b) Top of the next higher floor	7.4	☒ feet	☐ meters	
c) Bottom of the lowest horizontal structural member (V Zones only)		☒ feet	☐ meters	
d) Attached garage (top of slab)		☒ feet	☐ meters	
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	5.9	☒ feet	☐ meters	
f) Lowest adjacent (finished) grade next to building (LAG)	4.8	☒ feet	☐ meters	
g) Highest adjacent (finished) grade next to building (HAG)	5.4	☒ feet	☐ meters	
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support		☒ feet	☐ meters	

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier's Name CARLOS HERNANDEZ	License Number # 5718	
Title PSM		
Company Name FLORIDA BUILDING & LAND SURVEYING CORP		
Address 12555 BISCAYNE BLVD # 934		
		Order Online www.FEMAfloodcertificates.com
City NORTH MIAMI	State FL	ZIP Code 33181
Signature 	Date 11/20/2019	Telephone 1-877-894-8001
		Ext. 11/20/19

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)
 NOTE: ALL ELEVATIONS REFLECT HEREON ARE IN NGVD29 SYSTEM.
 MACHINERY SERVICING THE PROPERTY ARE CENTRAL A/C UNITS.
 CROWN: 4.5'

ELEVATION CERTIFICATE

OMB No. 1660-0008

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST			Policy Number:	
City BAY HARBOR ISLANDS	State FL	ZIP Code 33154	Company NAIC Number	
SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)				
For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters. E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG). a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG. E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.				
SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION				
The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge. Property Owner or Owner's Authorized Representative's Name _____ Address _____ City _____ State _____ ZIP Code _____ Signature _____ Date _____ Telephone _____ Comments _____ ☐ Check here if attachments.				

ELEVATION CERTIFICATE

OMB No. 1660-0008

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST			Policy Number:	
City BAY HARBOR ISLANDS	State FL	ZIP Code 33154	Company NAIC Number	
SECTION G – COMMUNITY INFORMATION (OPTIONAL)				
The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters. G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.) G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO. G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.				
G4. Permit Number		G5. Date Permit Issued		G6. Date Certificate of Compliance/Occupancy Issued
G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____ G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____ G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____				
Local Official's Name			Title	
Community Name			Telephone	
Signature			Date	
Comments (including type of equipment and location, per C2(e), if applicable)				
☐ Check here if attachments.				

BUILDING PHOTOGRAPHS

ELEVATION CERTIFICATE

See Instructions for Item A6.

OMB No. 1660-0008

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST			Policy Number:
City BAY HARBOR ISLANDS	State FL	ZIP Code 33154	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption FRONT VIEW 11/20/2019

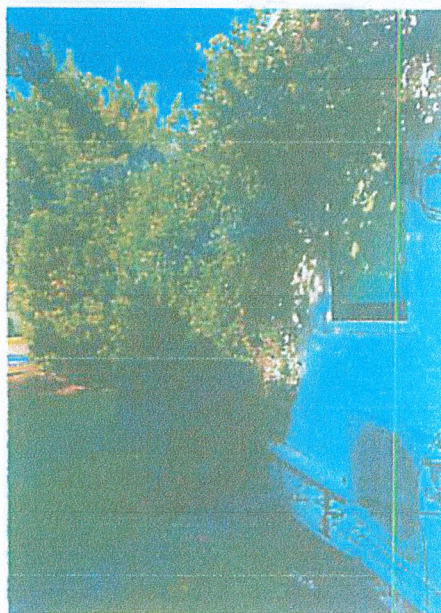


Photo Two

Photo Two Caption SIDE VIEW 11/20/2019

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1250 102 ST			Policy Number:
City BAY HARBOR ISLANDS	State FL	ZIP Code 33154	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption REAR VIEW 11/20/2019

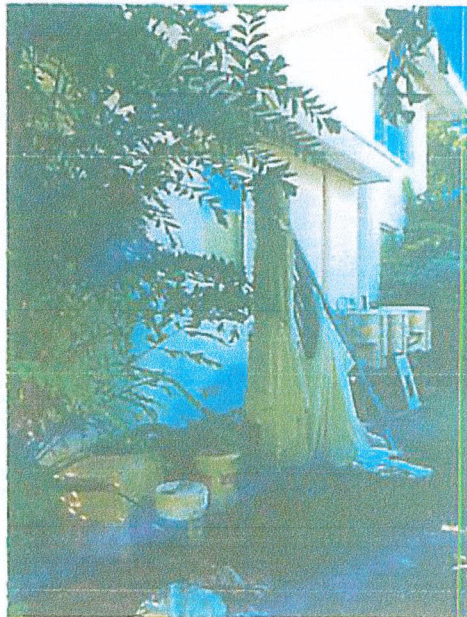


Photo Four

Photo Four Caption SIDE VIEW 11/20/2019

Michael J. Miller

From: Alba Chang <achang@bayharborislands-fl.gov>
Sent: Wednesday, December 11, 2019 10:59 AM
To: Michael J. Miller
Subject: FW: Meital Eber Shed Pics
Attachments: IMG_4663.jpg; IMG_4661.jpg; IMG_4660.jpg; IMG_4662.jpg; IMG_4660.jpeg

Hi Michael,

Attach are the picture of the "shed" for the variance application for 1250 102 Street.

*Alba L. Chang, CMC
Deputy Town Clerk*

*Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov*

From: Meital Eber <meitaleber@gmail.com>
Sent: Tuesday, December 10, 2019 9:19 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Subject: Fwd: Meital Eber Shed Pics

Hi,
Here are the pictures of the shed.

Total Control Panel

[Login](#)

To: achang@bayharborislands-fl.gov [Remove](#) this sender from my allow list
From: meitaleber@gmail.com

You received this message because the sender is on your allow list.













OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 12/9/2019

Property Information	
Folio:	13-2227-001-4950
Property Address:	1250 102 ST Bay Harbor Islands, FL 33154-1114
Owner	DARYL J EBER MEITAL EBER
Mailing Address	1250 102 ST BAY HARBOR ISLANDS, FL 33154 USA
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 2 / 0
Floors	2
Living Units	1
Actual Area	2,522 Sq.Ft
Living Area	1,972 Sq.Ft
Adjusted Area	2,105 Sq.Ft
Lot Size	10,000 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information				
Year	2019	2018	2017	
Land Value	\$950,400	\$850,400	\$760,000	
Building Value	\$284,806	\$288,280	\$291,753	
XF Value	\$4,000	\$4,046	\$4,091	
Market Value	\$1,239,206	\$1,142,726	\$1,055,844	
Assessed Value	\$1,087,911	\$1,067,627	\$1,045,668	

Benefits Information				
Benefit	Type	2019	2018	2017
Save Our Homes Cap	Assessment Reduction	\$151,295	\$75,099	\$10,176
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description

BAY HARBOR ISLAND PB 46-5
LOT 4 BLK 25
LOT SIZE 80.000 X 125
OR 15701-4535 1192 1

Taxable Value Information				
	2019	2018	2017	
County				
Exemption Value	\$50,000	\$50,000	\$50,000	
Taxable Value	\$1,037,911	\$1,017,627	\$995,668	
School Board				
Exemption Value	\$25,000	\$25,000	\$25,000	
Taxable Value	\$1,062,911	\$1,042,627	\$1,020,668	
City				
Exemption Value	\$50,000	\$50,000	\$50,000	
Taxable Value	\$1,037,911	\$1,017,627	\$995,668	
Regional				
Exemption Value	\$50,000	\$50,000	\$50,000	
Taxable Value	\$1,037,911	\$1,017,627	\$995,668	

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/12/2014	\$1,395,000	29396-0988	Qual by exam of deed
08/30/2013	\$850,000	28803-2967	Qual by exam of deed
11/01/1992	\$203,000	15701-4535	Sales which are qualified
04/01/1987	\$151,000	13248-2167	Sales which are qualified

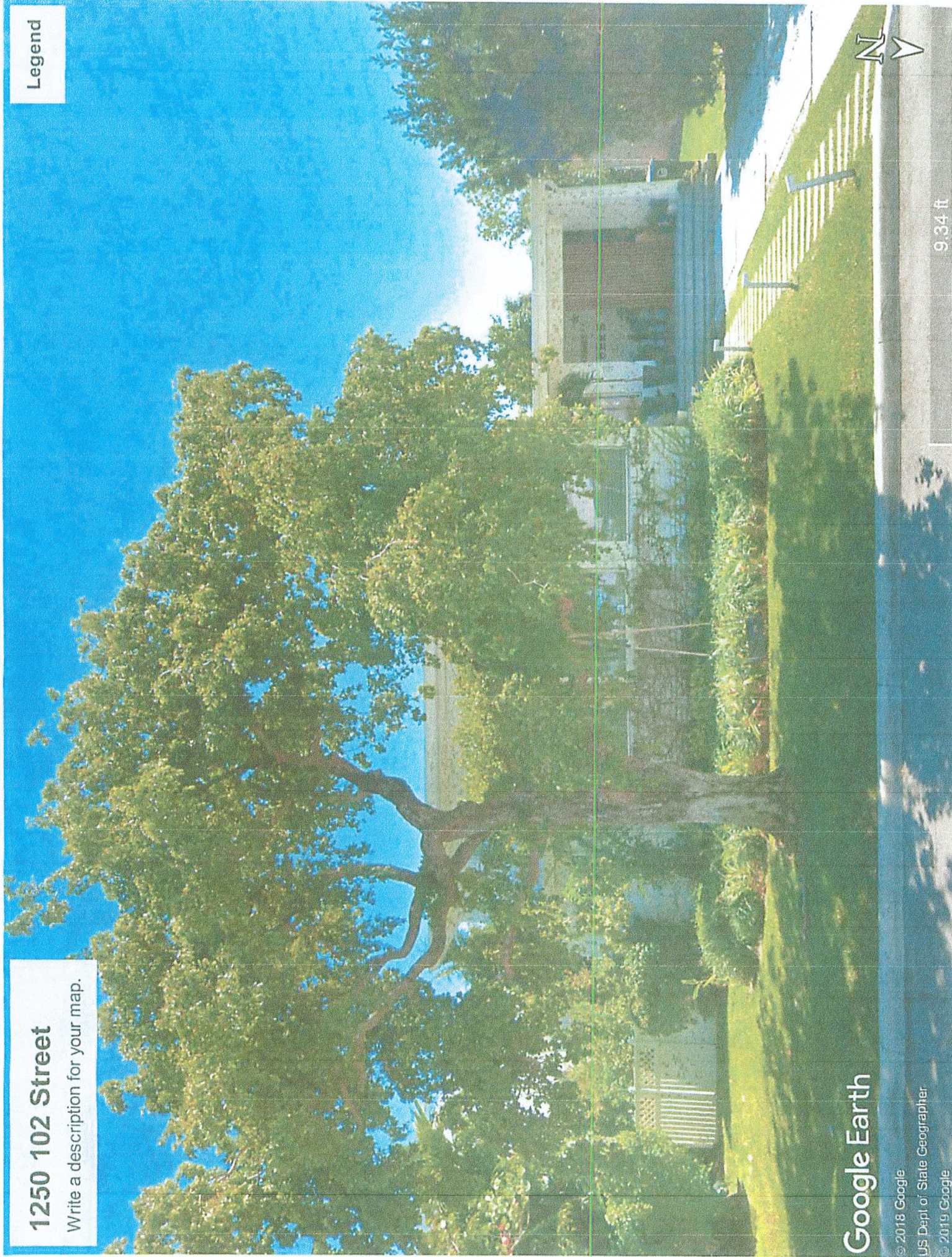
The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

1250 102 Street

Write a description for your map.

Legend



Google Earth

© 2018 Google

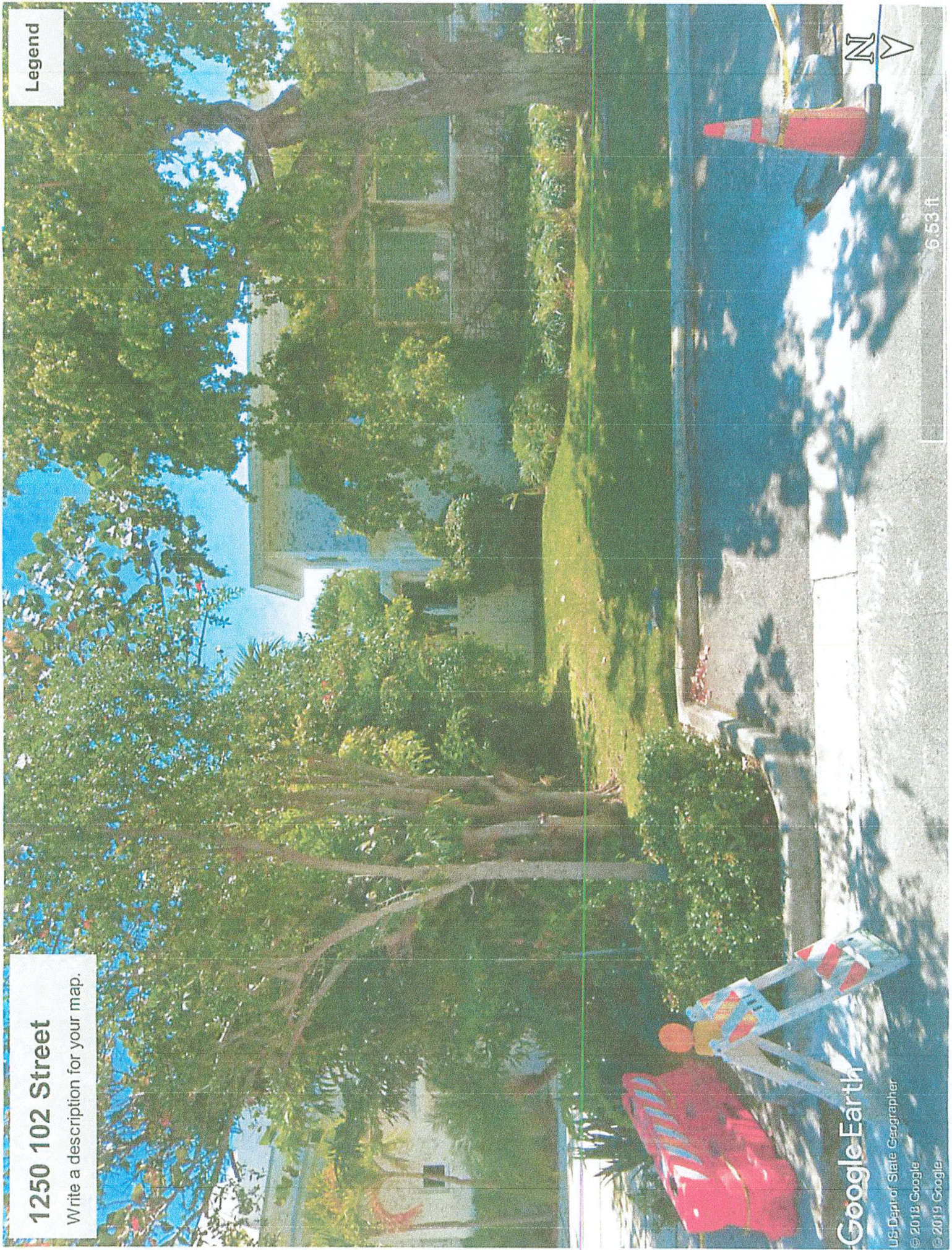
US Dept of State Geographer

© 2019 Google

1250 102 Street

Write a description for your map.

Legend





THE STANDARD IN PORTABLE BUILDINGS

search

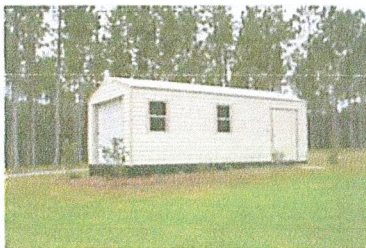


MODELS

[Home » Models](#)

Check out all of the models we have to offer! We have a large selection of premium models to choose from.

Take a look around and see which model fits you best. All of our models are built tough because they are a Lark!



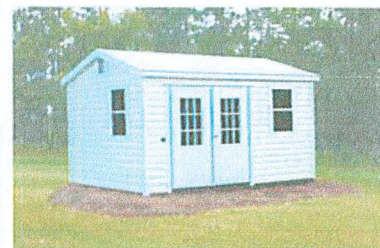
END GABLE LAPSIDER

In the world of portable buildings, the Lark Lapsider has an unrivaled legacy of



SIDE GABLE LAPSIDER

Our vaulted wall system is the construction technique that we



END GABLE BOX EAVE

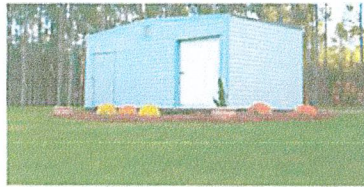
WOOD AND STEEL FRAME The first thing to grab your attention about an End-Gable





SIDE GABLE BOX EAVE

WOOD AND STEEL
FRAME This fantastic
A-frame structure is
about as versatile as it



LUMBER JACK

WOOD AND STEEL
FRAME Just one look
at the Lumberjack
and you will see the
unlimited storage
opportunities that



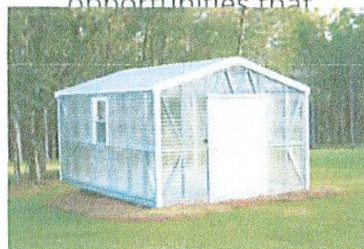
PORCH MODEL

The best just got
better. Whether you
desire to rock your
days away in the
shade or you just
want



EAVE TRUSS

WOOD AND STEEL
FRAME The Eave
Truss is our premier
portable building for
the customer with a
big appetite for...



ACCU-STEEL GREENHOUSE

It does not matter if
you are a professional
horticulturist or a
hobby grower, the
Lark Accu-Steel
Greenhouse was



DOUBLE WIDE

WOOD AND STEEL
FRAME At Lark we
realize the specific
requirement for
storage can vary from
customer to
customer. For...



[Privacy](#) • [Terms](#)

TOWN OF BAY HARBOR ISLANDS

9665 Bay Harbor Terrace, Bay Harbor Islands, FL 33154

Tel.: 305-993-1786

Fax: 305-861-1130

PERMIT APPLICATION

INSTRUCTIONS - The following steps must be taken to obtain a permit from the Town of Bay Harbor Islands.

- Step 1. Complete the attached permit application which must be signed by the property owner and qualifier. Both signatures must be notarized. Please print or type to allow for a more accurate processing of your application. All permits/plans must be dropped off and may take up to 15 working days to be processed. Building Department hours of operation are Monday - Friday from 8:00 a.m. 3:30 p.m.
- Step 2. Submit the completed application with all necessary documents to the Building, Planning and Zoning Department for processing. During the processing of your application, you may be asked to submit additional information.

APPLICATION

JOB ADDRESS: 1250 - 102 ST		UNIT #:	PROCESS NUMBER:
FOLIO NUMBER: 13-2227-001-4950			
LOT: 4	BLOCK: 25	TOWN OF BAY HARBOR ISLANDS PB 46 PG 5	
MASTER PERMIT #			
PROPOSED USE OF PROPERTY: SINGLE FAMILY HOME		CURRENT USE OF PROPERTY: SINGLE FAMILY HOME	
TENANT INFORMATION:			
JOB COST: \$1,500		SQUARE FOOTAGE: 144 sq ft	
DESCRIPTION OF WORK: DADE COUNTY APPROVED SHED			

PERMIT TYPE (✓)	
Building	
Electrical	
Mechanical	
Plumbing	
LPGX	
Roofing	
Fence	
Other	✓ SHED

PERMIT CHANGE (✓)	
Chg. Contractor	
Renewal	
Revision	
Extension	
Supplement	
Reinspection	

TYPE OF IMPROVEMENT (✓)			
New Construction		Enclosure	
Alteration Exterior		Repair	
Alteration Interior		Demolish	
Relocation of Structure		Shell Only	
Foundation Only		Add'l Attachment	
Other SHED		Add'l Detachment	
Other			

PROPERTY OWNER	
Name: DARYL & MEITAL EBER	
Address: 1250 - 102 ST	
Home Telephone:	Work Number:
305-343-5933	

CONT. REGISTRATION # CONT.		
Company Name: DWILER BUILDER		
Qualifier Name:		
License No.		
Address:		
City:	State:	Zip Code:
Telephone:	Fax:	
Email Address:		
Contact Person/Permit Expediter:		

ENGINEER	
Name:	
License No.	
Address:	
Business Telephone:	
Fax:	

ARCHITECT	
Company Name:	
License No.	
Address:	
Telephone:	Fax:

IMPORTANT NOTICES

1. DO NOT BEGIN ANY WORK WITHOUT HAVING RECEIVED YOUR VALIDATED PERMIT AND PERMIT CARD. Applying for a permit does not grant the right to begin construction. HOURS OF CONSTRUCTION are limited to: Monday through Friday from 9:00 a.m. to 6:00 p.m. and Saturdays from 10:00 a.m. to 5:00 p.m. No inspections will be conducted on weekends and holidays.
2. All construction of demolition areas MUST BE MAINTAINED IN A CLEAN, NEAT AND SANITARY CONDITION free from construction debris.
3. STREETS AND NEIGHBORING PROPERTIES SHALL BE KEPT FREE FROM DIRT AND DEBRIS.
4. SWALES MUST BE PROTECTED FROM BEING DAMAGED BY EQUIPMENT OR VEHICLES.
5. Construction trailers are prohibited on single family residential construction sites. Other construction may have a trailer, which requires a separate permit.
6. PORTABLE TOILETS for a construction site require a separate permit and must be screened from view.
7. DONOT DISCHARGE WATER INTO THE RIGHT OF WAY OR STORM DRAINS without approval from the Building Department.
8. EQUIPMENT AND MATERIALS SHALL BE STORED at least 10 feet from the edge of pavement.

AFFIDAVIT - Please read carefully

Application is hereby made to obtain a permit to do work and installation as indicated. I, the OWNER of the property, certify that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that separate permits are required for ELECTRICAL, PLUMBING, POOL, EXTERIOR DOOR, MECHANICAL, WINDOW, FENCE, DRIVEWAY, ROOFING, SHUTTERS and SIGNS. There may be additional permits required from other governmental agencies.

I, the OWNER of the property, have disclosed all information related to any work at the property performed in the prior twelve months to the Building Official. Further, I am fully aware that if the cumulative cost of work to my home or business under this and any other permit equals or exceeds fifty percent (50%) of the fair market value of the structure, the entire structure must meet the present federal flood criteria for finished floor elevation. I am also fully aware that if the total cost of work to my home or business under this and any other permit exceeds fifty percent (50%) of the replacement cost of the structure, then the entire structure must conform to the current code requirements of the Florida Building Code.

WARNING TO OWNER: Your failure to record a NOTICE OF COMMENCEMENT may result in your paying twice for improvements to your property. If you are spending more than \$2,500 or intend to obtain financing, you may wish to consult with your attorney or lender before recording your Notice of Commencement. The Notice of Commencement must be recorded with the Clerk of Courts, for additional information please call 305-372-7777. Once recorded, the Notice of Commencement must be POSTED AT THE JOB SITE in accordance with Section 713.35 of Florida Statutes.

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

Meital Eber

Signature of Owner

Eber Meital

Print Name

Sworn to and subscribed before me this 1 Day of*October, 2019**Angela Harte*

Signature of Notary Public-State of Florida

Personally known OR, Produced Identification P

Type of Identification Produced: _____

FLC 016160-540-81-54-0

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

Signature of Contractor Qualifier

Print Name

Sworn to and subscribed before me this _____ Day of _____

Signature of Notary Public-State of Florida

SEAL:

Personally known OR, Produced Identification _____

Type of Identification Produced: _____



ZONING PLANS REVIEW WORKSHEET

Date: 10/4/19

Town Council

Stephanie Bruder
Mayor

Joshua D. Fuller
Vice Mayor

Jordan W. Leonard
Council Member

Kelly Reid
Council Member

Isaac Salver
Council Member

Elizabeth Tricoche
Council Member

Robert Yaffe
Council Member

Town Officials

J.C. Jimenez
Town Manager

Marlene M. Siegel
Town Clerk

Craig B. Sherman
Town Attorney

Property owner and address:

EBER SINGLE FAMILY RES.
1250 - 102ND ST.

Process Number: B19-000341 **COMPLETED**

Lot 4 / Block 25

Total hours to review 1.25

Plans must be resubmitted: X YES NO

Special Notes:

1) SURVEY (NO ~~THE~~ more than 6
months old) Survey dated 8/20/2002

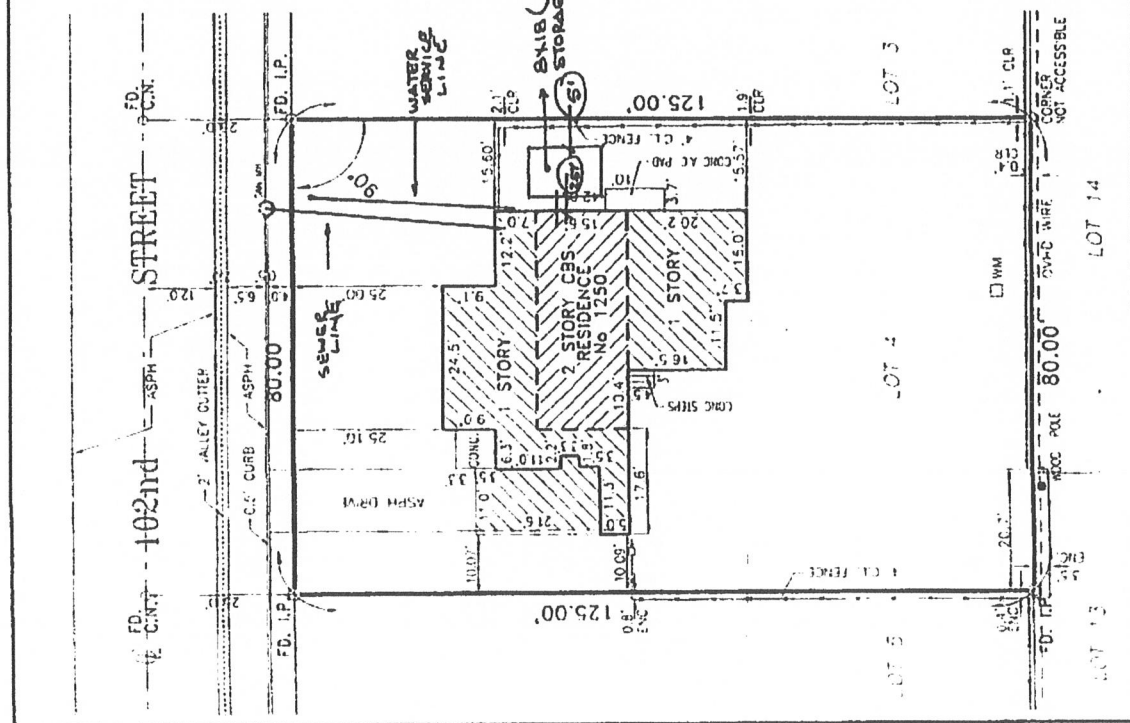
2) Provide AMOUNT OF PREVIOUS
AREA (Green space) SQUARE
FOOTAGE

3) THE SIDE SETBACK IS A
MIN. 10'. THE SHED IS NOT
PERMITTED IN THE PROPOSED
LOCATION. THE BACK YARD
HAS ROOM TO MEET SETBACKS.
REAR SETBACK
15' MIN.

☒ Michael Miller, Town Planner

☒ Edward Ploski, Community Planner

MAYOR JOSEPH J. GARDNER GOVERNMENT CENTER



NOT



FLA. Manufactured Building Program
2601 Blair Stone Road
Tallahassee, Florida 32399-0772
Phone 850 487 1824 • Fax 850 414 8436

Halsey Beshears, Secretary

Ron DeSantis, Governor

June 28, 2019

Robert Moore

Lark Builders, Inc.
P.O. Drawer 629
Vidalia, GA 30475

RE: Manufacturer Certification, ID MFT-114; Expiration Date: June 28, 2022

Dear Robert Moore

It is my pleasure to inform you that Lark Builders, Inc., located at 409 DIXON STREET, P O DRAWER 629, VIDALIA, GA 30475, has been approved under the Manufactured Buildings Program, as provided for under Chapter 553, Part I, Florida Statutes, to manufacture Factory Built Schools, Storage Sheds, Manufactured Buildings for installation in Florida.

Construction or modification on a manufactured building cannot begin until the Third Party Agency has approved the plans in accordance with the current Florida Building Code. Your Third Party Agency is a contractor for the Department and has statutory authority and responsibilities that must be met to maintain approved status. You may expect and demand quality plans review and inspections.

Each Code change will make your plans obsolete until they have been reviewed, approved and indicated [on the cover page of the plans] for compliance with the Code by your Third Party Agency for plans review. Please ensure that your plans are in compliance and are properly posted on our website. All site-related installation issues are subject to the local authority having jurisdiction.

The Department's contractor will make unannounced monitoring visits at least once each year. You must grant complete access to your manufacturing facility and records to remain in compliance with the rules and regulations of this program.

Your certification is approved for three years from this date. You will receive a renewal notice by Email generated by the BCIS (www.floridabuilding.org) for online renewal. If you have questions you may contact Robert Lorenzo at 850-717-1835 or our FAX at 850-414-8436.

Please visit our website at www.floridabuilding.org to see valuable information on the Florida Manufactured Buildings Program. A copy of this letter must accompany applications for local building permits.

Sincerely,

A handwritten signature in black ink, appearing to read "Robt Lorenzo", is written over the typed name.

Robert Lorenzo
Manufactured Buildings Program

cc: Top Line Engineering, LLC

TLE TOP LINE ENGINEERING, LLC STRUCTURAL ENGINEERS

June 12, 2019

Mr. Thomas Campbell
Florida Department of Business and Professional Regulation
2601 Blair Stone Road
Building C
Tallahassee, Florida 32399-6563

RE: Plan Approval
Lark Builders, Inc.
Plan # LB-S-LBE-HVHZ

Dear Mr. Campbell,

Per the requirements of the Florida Department of Business and Professional Regulations, the above referenced plans have been reviewed for compliance with:

2017 Florida Building Code, 6th Edition
2014 National Electrical Code (NFPA-70)

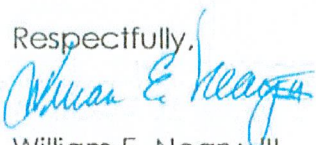
These plans comply with Florida Product Approval Rule 61G20-3.006 (FAC)

A signed and sealed set of plans are maintained on file with Topline Engineering, LLC.

All mandatory comments have been satisfied and plans are approved for construction by a currently approved modular building manufacturer.

If you have any questions or require my assistance in any way, please do not hesitate to contact me.

Thank you.

Respectfully,


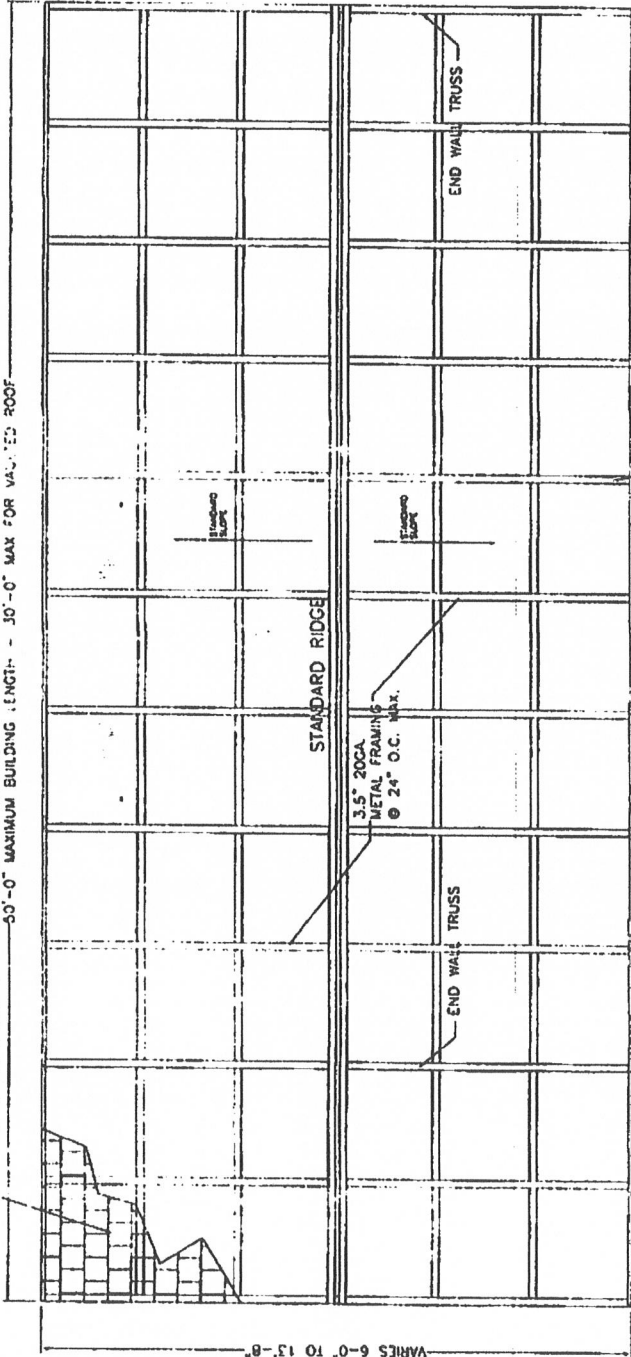
William E. Neary, III
Business Partner
Topline Engineering, LLC
BILL.TLE@yahoo.com

Arch

- ROOF SHEATHING OPTIONS
 24GA FLORIDA RIB PANEL (F-7-082303) OR
 5/8" 1-111 OR MARQUE BOARD WITH OPTIONS:
 - TWIN RB ALUMINUM
 - DUTCH LAPSIDING ALUMINUM
 - DUTCH LAPSIDING STEEL SIDING
 - 29 GAUGE STEEL AG PANEL (RUN ANY DIRECTION)

DESIGN PRESSURES	ROOF +41.7/-141.8
WALLS/DOORS/WINDOWS	+48.8/-43.9

50'-0" MAXIMUM BUILDING LENGTH - 30'-0" MAX FOR VALUED ROOF



ROOF FRAMING PLAN

RAFTERS ARE IN-LINE WITH WALL STUDS
 FOR CONTINUOUS LOAD TRANSFER PATH

OPTIONAL PORCH-4' OR 6'-1

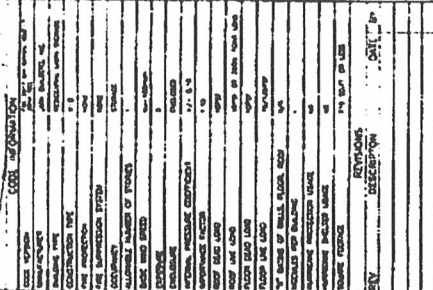
VARIES 6'-0" TO 13'-8"

FILE LINE LINE ENGINEERING, LLC
 William C. Neary, III
 SMPS-51, SM41-79, ICC 5185040
 1040 Oakview Pointe Terrace
 Goshua, Florida 34734



Sheet F3 OF 7

2019-04-10 TOP LINE ENGINEERING APPROVAL PLAN #18 SLBF-HVHZ *** HVHZ APPROVED



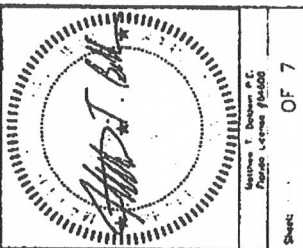
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[illegible]

TOP LINE ENGINEERING, LLC
STRUCTURAL ENGINEERS

William E. Neary, III
P.E., S.E., S.M.I.-79, ICC 5185040
12449 Crabview Pointe Terrace
Gotha, Florida 34734

FOR TOP SECRET ENGINEERING APPROVAL PLAN #15, 15E-HYH2 ... 15E-HYH2 APPROVED



FOUO

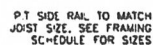
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8°-0"	18°	60°
10°-0"	18°	84°
11°-0"	24°	84°
11°-8"	28°	84°
13°-0"	36°	84°
13°-8"	40°	84°

*NOTE JOIS'S CAN BE EITHER #2 S.Y.P. OR 18 GAGE STEEL CHANNELS. THE STEEL CHANNEL ACTUAL DIMENSIONS MATCH THE WOOD ACTUAL DIMENSIONS AND ARE INTERCHANGEABLE.

*FLOOR SHEATHING GRADES
C/C AND C/D ONLY:

SHED WIDTH	A	B
6'-0"	12"	24"
8'-0"	16"	32"
10'-0"	20"	40"
11'-0"	22"	44"
11'-6"	24"	48"
13'-0"	26"	52"
13'-6"	28"	56"

*VALUES ARE FROM END OF JOY
TO CENTERS OF SKIDS ONLY



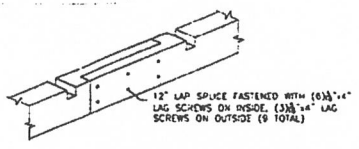
- P.T. 4x6 S.Y.P. #2 OR (2) P.T. 2x6
S.Y.P. #2 SKIDS

4'-0" OR 6'-0"
OPTIONAL PORCH

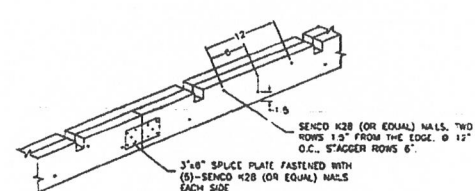
2 & 3 SKID FLOOR FRAMING PLAN

[illegible]

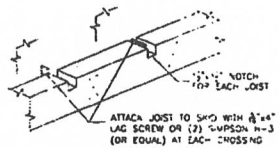
TLE TALENT ENGINEERING, LLC
 10011 SW 11th Ave, Suite 100
 Fort Lauderdale, FL 33309
 Phone: (954) 581-1111
 Fax: (954) 581-1112
 Email: info@tle-engineering.com
 Website: www.tle-engineering.com



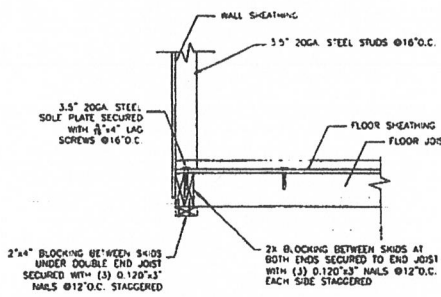
4"x6" P.T. SKID SPLICE



(2) 2"x6" P.T. SKID SPLICE/SECURING



JOIST TO SKID CONNECTION



WALL TO FLOOR CONNECTION DETAIL

Lark

PROJECT NO.	10011 SW 11th Ave, Suite 100
CLIENT	Fort Lauderdale, FL 33309
DATE	10/11/11
DESIGNER	Matthew T. Neary, III
CHECKER	Matthew T. Neary, III
APPROVER	Matthew T. Neary, III
SCALE	AS SHOWN
REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
2	ISSUED FOR CONSTRUCTION
3	ISSUED FOR RECORD

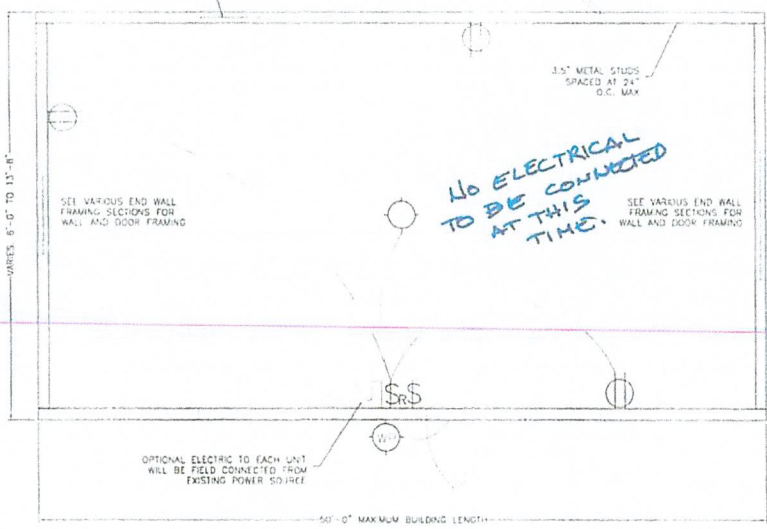
Drawn By: M.T.N.
 Date: 10-11-11
 Title: 4"x6" P.T. SKID SPLICE
 Scale: AS SHOWN
 Project: 10011 SW 11th Ave, Suite 100
 Client: Fort Lauderdale, FL 33309
 Designer: Matthew T. Neary, III
 Checker: Matthew T. Neary, III
 Approver: Matthew T. Neary, III
 Scale: AS SHOWN
 Revisions:
 No. Description
 1 ISSUED FOR PERMIT
 2 ISSUED FOR CONSTRUCTION
 3 ISSUED FOR RECORD
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- ELECTRICAL NOTES:**
1. ALL WIRE TO BE #12 AWG, 90°C COPPER WITH GROUND WIRING PROTECTED BY NEC 2014 EDITION.
 2. FIXTURE LOCATION AND TYPE MAY VARY.
 3. PLASTIC OR METAL "IN-WALL" OUTLET BOXES.
 4. 20A GFI OUTLETS.
 5. ALL RECEPTACLES TO BE AT 2'-0" TO 6'-6" AFF.; MAXIMUM 8 RECEPTACLES.
 6. ALL SWITCHES TO BE AT 4'-0" TO 6'-6" AFF.
 7. FLUORESCENT & LED LIGHTS MAY SUBSTITUTE FOR INCANDESCENT LIGHTING.
 8. ALL OUTLETS TO BE GFI.
 9. THE MAIN ELECTRICAL PANEL, FEEDERS, POWER HOOKUP TO UNIT (INCLUDING ALL DISCONNECTS, OVER CURRENT DEVICES, PANELS, CIRCUITRY, ETC.) IS DESIGNED BY OTHERS, SITE INSTALLED, AND SUBJECT TO LOCAL AUTHORITY.

FIXTURE HEIGHT, LOCATION AND QUANTITY MAY VARY AND ARE OPTIONAL

ELECTRICAL SYMBOL KEY

	RECEPTACLE
	240V RECEPTACLE
	SINGLE POLE SWITCH
	THREE WAY SWITCH
	CEILING MOUNT LIGHT FIXTURE
	WALL MOUNT LIGHT FIXTURE
	FLUORESCENT LIGHT FIXTURE
	JUNCTION BOX



NOTE: ALL ELECTRICAL EQUIPMENT SHOWN IS OPTIONAL AND LOCATIONS MAY VARY

TLE TOP LINE ENGINEERING, LLC
 William E. Neary, III
 SMP-S1, SM-75, ICC 0185040
 10649 Oakwood Pointe Terrace
 Gotha, Florida 34714

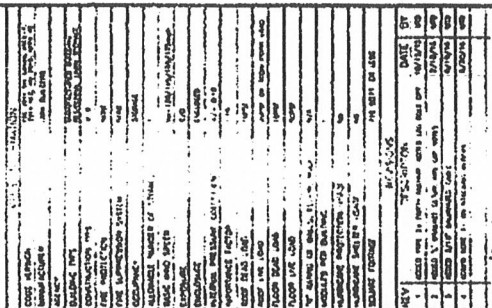
Lark

PROJECT INFORMATION

OWNER	UNIT 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	
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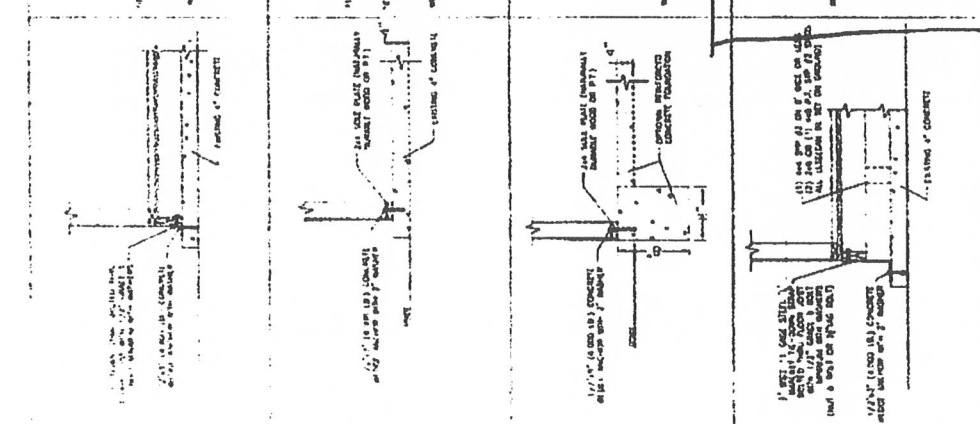
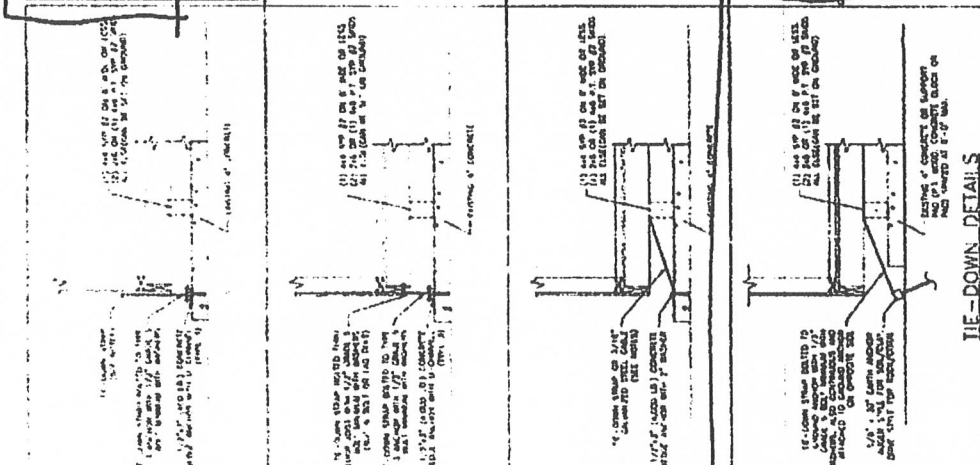
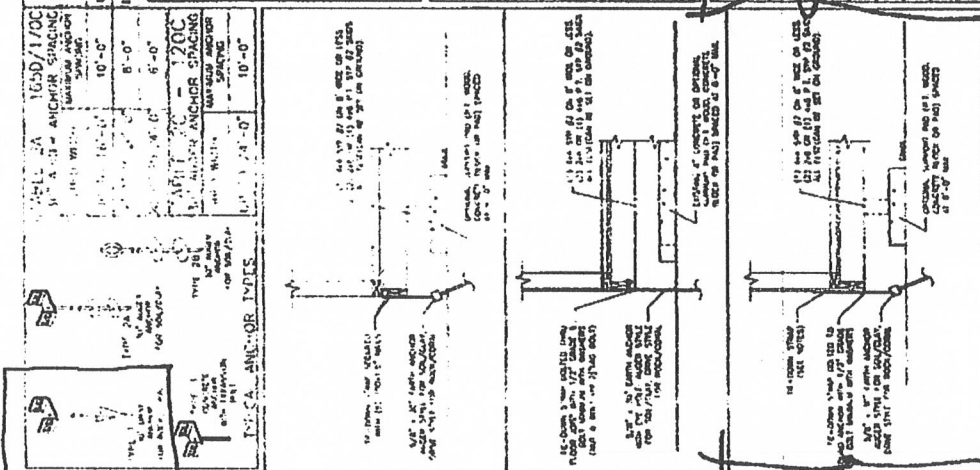
Matthew J. Boyer, P.E.
 Florida License #105678

Sheet: 1 OF 7



DATE: 11-1-78

~~MASTER ANCHORING PLAN~~

[illegible]

TIE-DOWN DETAILS:

[illegible]

AGENDA ITEM REPORT

January 13, 2020

ITEM NUMBER: 3.

ITEM: Discussion for the purpose of hearing any public comment with respect to an application for a sign variance from Section 17-20(o) of the Town Code to allow a business sign for a tenant that does not occupy a space directly adjacent to the street for property located 1048 Kane Concourse, Unit AB, Lot 7 less the North 1 feet, in Block 12, Bay Harbor Islands, Florida. The application for a variance is being requested by the business owner / tenant SGM, LLC. Enclosed is a copy of the variance application, letter of hardship and other supporting documents.

DESCRIPTION:

On December 3rd, 2019, the office of the Town Clerk received a variance application from SGM, LLC (Tenant) for a business located at 1048 Kane Concourse. The applicant is seeking a sign variance from Section 17-20(o) of the Town Code to install a business sign that is not in compliance with the Town requirements. Businesses which do not occupy space directly adjacent to the street, are not permitted any signage other than window / door signs and building directories.

Enclosed is the variance application and other supporting documents.

RECOMMENDED ACTION:

Deny the requested variance.

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Alba Chang, Deputy Town Clerk

ATTACHMENTS

1. Variance App- 1048 Kane Concourse
2. Supplement to 1048 Kane Concourse, Unit AB Application for Variance.
3. 1048 KC- Town Planner Staff Report



APPLICATION FOR VARIANCE AND PUBLIC HEARING

DATE:	PROPERTY ADDRESS: 1048 Kane Concourse, Unit AB	
LEGAL DESCRIPTION	LOT: 7 Less N 15 Ft.	BLOCK: 12
SUBDIVISION:	TOWN OF BAY HARBOR ISLANDS	

APPLICANT'S NAME:	SGM, LLC	
ADDRESS:	1048 AB Kane Concourse, Bay Harbor Islands, FL 33154	
BUSINESS PHONE:	RESIDENCE PHONE:	CELL PHONE:

PROPERTY OWNER'S NAME: (If different from applicant)	1048, LLC	
ADDRESS:	1048 Kane Concourse, Bay Harbor Islands, FL 33154	
BUSINESS PHONE:	RESIDENCE PHONE:	CELL PHONE:

NAME OF CONTRACTOR and/or ARCHITECT:	William Lane	
COMPANY NAME:	William Lane Architects, Inc.	
ADDRESS:	1480 Marseille Drive, Miami Beach, FL 33140	
BUSINESS PHONE:	RESIDENCE PHONE: (305) 865-7830	CELL PHONE: (305) 606-7714

PRESENT ZONING CLASSIFICATION: ☒ BAA - Business District ☐ CA - Causeway
 ☐ RBA - Tract ☐ RE - Multiple Family
 ☐ RD - Single Family ☐ PUD - Planned Unit Development
 ☐ PRD - Planned Residential Development

IF APPLICANT IS THE PROPERTY OWNER, INDICATE DATE ACQUIRED: 10 / 29 / 2019

IF APPLICANT IS THE LESSEE, INDICATE LEASE DATE: 1 / 5 / 19

INDICATE TERMS OF LEASE:	3 years commencing on 2/1/19 through 1/31/22
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LEGAL DESCRIPTION OF ANY CONTIGUOUS PROPERTY OWNED BY THE APPLICANT:

LOT:	BLOCK:	SUBDIVISION:
------	--------	--------------

IS THERE AN OPTION TO PURCHASE OR LEASE THE SUBJECT PROPERTY? ☐ Yes ☒ No

IS IT PREDICATED ON APPROVAL OF APPLICATION? ☐ Yes ☒ No

IS HEARING BEING REQUESTED AS A RESULT OF A VIOLATION NOTICE? ☐ Yes ☒ No

HAS A PUBLIC HEARING PREVIOUSLY BEEN HELD REGARDING THIS PROPERTY? ☐ Yes ☒ No
IF YES DATE: _____ DECISION: _____

ARE THERE ANY EXISTING STRUCTURES ON THE PROPERTY TO BE DEMOLISHED? ☐ Yes ☒ No
DESCRIBE: _____

BRIEFLY STATE REQUEST:	SEE LETTER ATTACHED.

THE FOLLOWING ARE TO BE NOTIFIED OF HEARING DATE, AS MY REPRESENTATIVE(S):
(Please provide this information, or they will NOT be notified)

NAME	ADDRESS	PHONE
Kent H. Robbins	242 NE 27th Street, Miami, FL 33137	(305) 532-0500
1048, LLC	1048 Kane Concourse, Bay Harbor Islands, FL 33154	305-865-8166
William Lane	1480 Marseille Drive, Miami Beach, FL 33140	(305) 865-7830

Applicant Signature(s) Thomas Newkirk Date 10 / 28 / 2019

Date / /

Date / /

ALL INFORMATION SUBMITTED IN CONNECTION WITH THIS APPLICATION BECOMES A PERMANENT PART OF THE PUBLIC RECORDS OF THE TOWN OF BAY HARBOR ISLANDS.

(FOR OFFICE USE ONLY)
APPROVED: ☐ YES ☐ NO
DATE APPROVED: <u> / / </u>
CODE SECTION: <u> </u>

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REQUEST FOR VARIANCE CORPORATION AFFIDAVIT

DATE: 10/29/19

The subject property is legally described as:

LOT: 7 Less N. 15 Ft.	BLOCK: 12	SUBDIVISION: BAY HARBOR ISLANDS
ADDRESS:	1048 AB Kane Concourse, Bay Harbor Islands, FL 33154	
CORPORATION NAME:	SGM, LLC	

I, Steven Mendez and Gisela Mendez, being first duly sworn depose and say that we are the President/Vice President, and Secretary/Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

We hereby authorize the Town of Bay Harbor Islands to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by the Town Council and we take the responsibility of removing this notice after the date of the hearing.

Signature of President/Vice President

Signature of Secretary/Assistant Secretary

Before me this day personally appeared

Before me this day personally appeared

GISELA MENDOZA
known to me to be the person described in and who
executed the foregoing instrument, and
acknowledged to and before me that
_____ executed this document for the purposes
therein expressed.

known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

Sworn to and subscribed to before me this
day of OCTOBER 29, 20 19.

Sworn to and subscribed to before me this
day of _____, 20____.

Notary Public

Notary Public

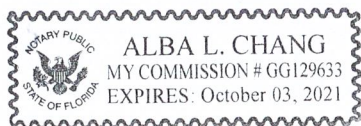
My commission expires: _____ Personally
known ____ Produced I.D. M532-287-66-543
Type/number of I.D. FL Driver License

My commission expires: _____ Personally
known ____ Produced I.D. _____
Type/number of I.D. _____

_____ DID TAKE an oath, or
_____ DID NOT take an oath

_____ DID TAKE an oath, or
_____ DID NOT take an oath

c:\all\gn\forms\variance.aff



**REQUEST FOR VARIANCE
OWNER/POWER OF ATTORNEY AFFIDAVIT**

DATE: 10-29-2019

The subject property is legally described as:

LOT: 7 Less N. 15 Ft.	BLOCK: 12	SUBDIVISION: BAY HARBOR ISLANDS
ADDRESS:	1048 Kane Concourse, Unit AB	

I (we), 1048, LLC being duly sworn, depose and say that I am (we are) the owner(s) of the described real property and that I am (we are) aware of the nature and effect of the request for variance(s) on the above subject property, which request is hereby made by me (us) OR I am (we are) hereby authorizing to be my (our) legal representative before the Town Council with respect to said request.

I (we) hereby authorize the Town of Bay Harbor Islands to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by the Town Council, and do take the responsibility of removing this notice after the date of the hearing.

Frances Douhet
Signature of Owner

Signature of Co-owner

Before me this day personally appeared Frances Douhet known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

Before me this day personally appeared _____ known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

Sworn to and subscribed to before me this day of 29 Oct, 2019.

Sworn to and subscribed to before me this day of _____, 20____.

[Signature]
Notary Public

Notary Public

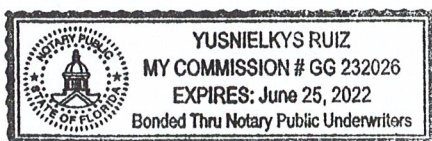
My commission expires: 06/25/22 Personally known X Produced I.D. _____
Type/number of I.D. _____

My commission expires: _____ Personally known _____ Produced I.D. _____
Type/number of I.D. _____

X DID TAKE an oath, or YR
YR DID NOT take an oath

DID TAKE an oath, or

DID NOT take an oath



63" W

12" | *Gloria Hincapie* | 13.5" H

2" BODY CONTOUR ART

1/2" THICK ALUMINUM LOGO - LETTERS



ALUMINUM LOGO - LETTERS
COLOR: BLACK
NORTH ELEVATION

ATTACHED

1/2" Stand off

3/16" x 3" Studs
with Silicone glued
on stud threads

Top / Bottom: 12" / 2" Letter Height
Top / Bottom: 1/2" / 1/2" Letter Thickness
Top / Bottom: 2"-4" min. studs per Letter
Top / Bottom: Gold Color

5.9" Sq. Ft. Sign
Concrete Wall Type
135" Wall Width
104" Wall Height
72" to bottom of letters

6/9/19

Engineering Services
3610 SW 112 Ave
Miami, FL 33165
Cell Ph: (786) 768-6307
Ph: (305) 307-1238
Fax: (305) 307-1238
Email: info@agesa.com

GENERAL STRUCTURAL NOTES:

1. Design is based on 175 mph, 3 seconds gust design wind speed per FBC 2017 6th Edition, Exposure D, Importance Factor 1.0
2. Reference Specifications, Codes and Standards: FBC 2017 6th Edition / ASCE 7-16 / AISI C360-16 / ACI-318-14 / NEC 2014 Article 600.6 (A)(1)
3. Sealing holes in facade for prevent water intrusion.

Scope of work:

*Installation of outdoor
non-illuminated aluminum
logo and letters in existing
concrete wall.*

Engineer:

ALEJANDRO RAMIREZ PE
10464 SW 114 th Terrace
MIAMI, FL 33176
Ph: 786 768 6307
LICENSE No: 52742

Job name:

GLORIA HINCAPIE
10487 AB Kane Concourse,
Bay Harbor Island, FL 33154

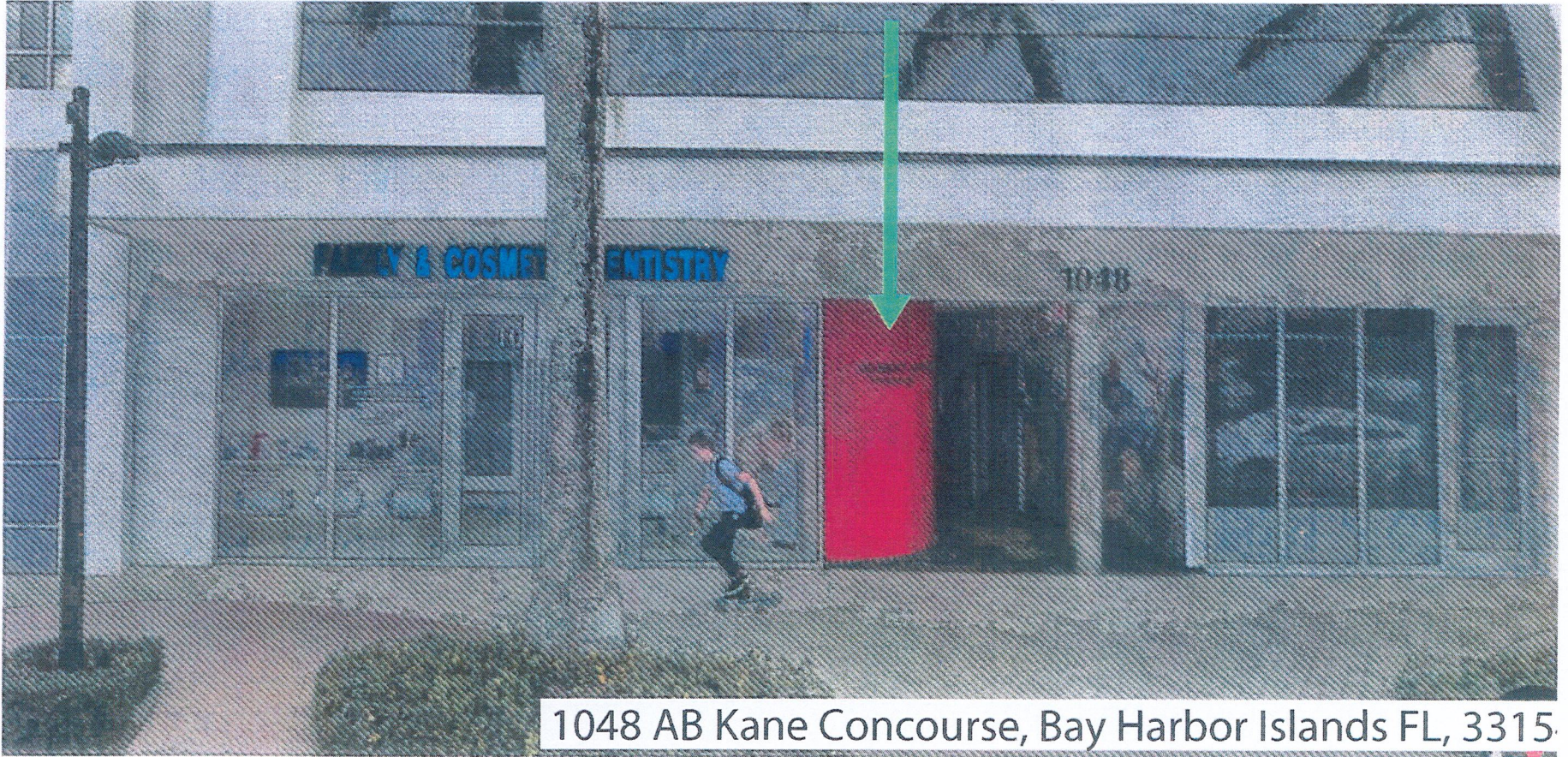
Scale: NTS

Sheet No: 1

Total sheet No:

Date: 4/9/2019

Existing sign to be replaced



1048 AB Kane Concourse, Bay Harbor Islands FL, 3315

GILBERT JACOBSON, D.D.S.
PERIODONTICS

2nd FLOOR
ELECTRICAL STAIRWAY

Gloria Hincapie

LEASE AREA
WALL 20' 0" x 14' 0"

NEW SANITARY
STACK LOCATED
SEE ELECTRICAL
PLUMBING PLAN

NOTE:
STAIRWAY SHALL BE
REMOVED WITH THE
STAIRS AND CORRIDOR
SEE HAND ACTUATORS
SHOP DRAWINGS AND
SPECIFICATIONS FOR
COMPLETE DETAILS

NEW JUNCTION
BOX FOR ELECTRICAL
WIRING

ARCH SIGNATURE
W/STAMP

CONTRACTOR'S SIGNATURE
W/STAMP AND DATE (1/1/00)

STAIRS TO BE REMOVED
WITH STAIRS AND CORRIDOR
SEE HAND ACTUATORS
SHOP DRAWINGS AND
SPECIFICATIONS FOR
COMPLETE DETAILS

NEW ELECTRICAL
WIRING TO BE
INSTALLED IN THE
CORRIDOR

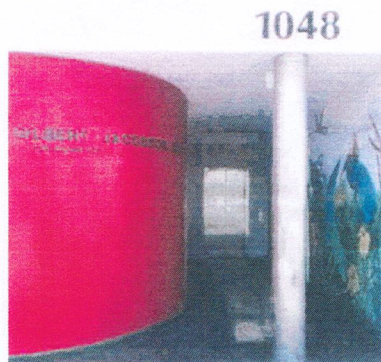
STAIRS TO BE
REMOVED WITH
STAIRS AND
CORRIDOR

STAIRS TO BE REMOVED
WITH STAIRS AND
CORRIDOR
SEE HAND ACTUATORS
SHOP DRAWINGS AND
SPECIFICATIONS FOR
COMPLETE DETAILS

PROPOSED LOCATION FOR FUTURE
HANDICAPPED TOILET, PARKING
SIGNALS AND WATER STOPS ONLY
SEE ELECTRICAL AND PLUMBING PLANS
FOR DETAILS (SEE AT 2 - LOCATIONS)

WALL 10' 0" x 14' 0"

From: My_Mac drdenis3@aol.com
Subject: Fwd: 1048 Spa Sign
Date: August 20, 2019 at 6:00 AM
To:



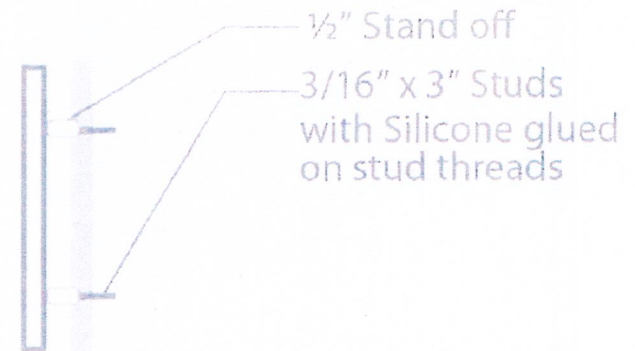


1/2" THICK ALUMINUM LOGO - LETTERS



ALUMINUM LOGO - LETTERS
COLOR: BLACK
NORTH ELEVATION

ATTACHED



Top / Bottom: 12" / 2" Letter Height
Top / Bottom: 1/2" / 1/2" Letter Thickness
Top / Bottom: 2"-4" min. studs per Letter
Top / Bottom: Gold Color
5.9" Sq. Ft. Sign
Concrete Wall Type
135" Wall Width
104" Wall Height
72" to bottom of letters

4/9/19



Engineering Services
3640 SW 112 Ave.
Miami, FL 33165
Cell Ph: (786) 768-6307
Ph: (305) 307-1238
Fax: (305) 307-1238
E-mail: info@agesu.com

GENERAL STRUCTURAL NOTES:

1. Design is based on 175 mph, 3 seconds gust design wind speed per FBC 2017 6th Edition, Exposure D, Importance Factor 1.0
2. Reference Specifications, Codes and Standards: FBC 2017 6th Edition / ASCE 7-16 / AISI 360-16 / ACI 318 - 14 / NEC 2014 Article 600.6 (A)(1)
3. Sealing holes in facade for prevent water intrusion.

Scope of work:

Installation of outdoor
non-illuminated aluminum
logo and letters in existing
concrete wall.

Engineer:

ALEJANDRO RAMIREZ PE
10464 SW 114 th Terrace
MIAMI, FL 33176
Ph: 786 768 6307
LICENSE No: 52742

Job name:

GLORIA HINCAPIE
10487 AS Kane Concourse,
Bay Harbor Island, FL 33154

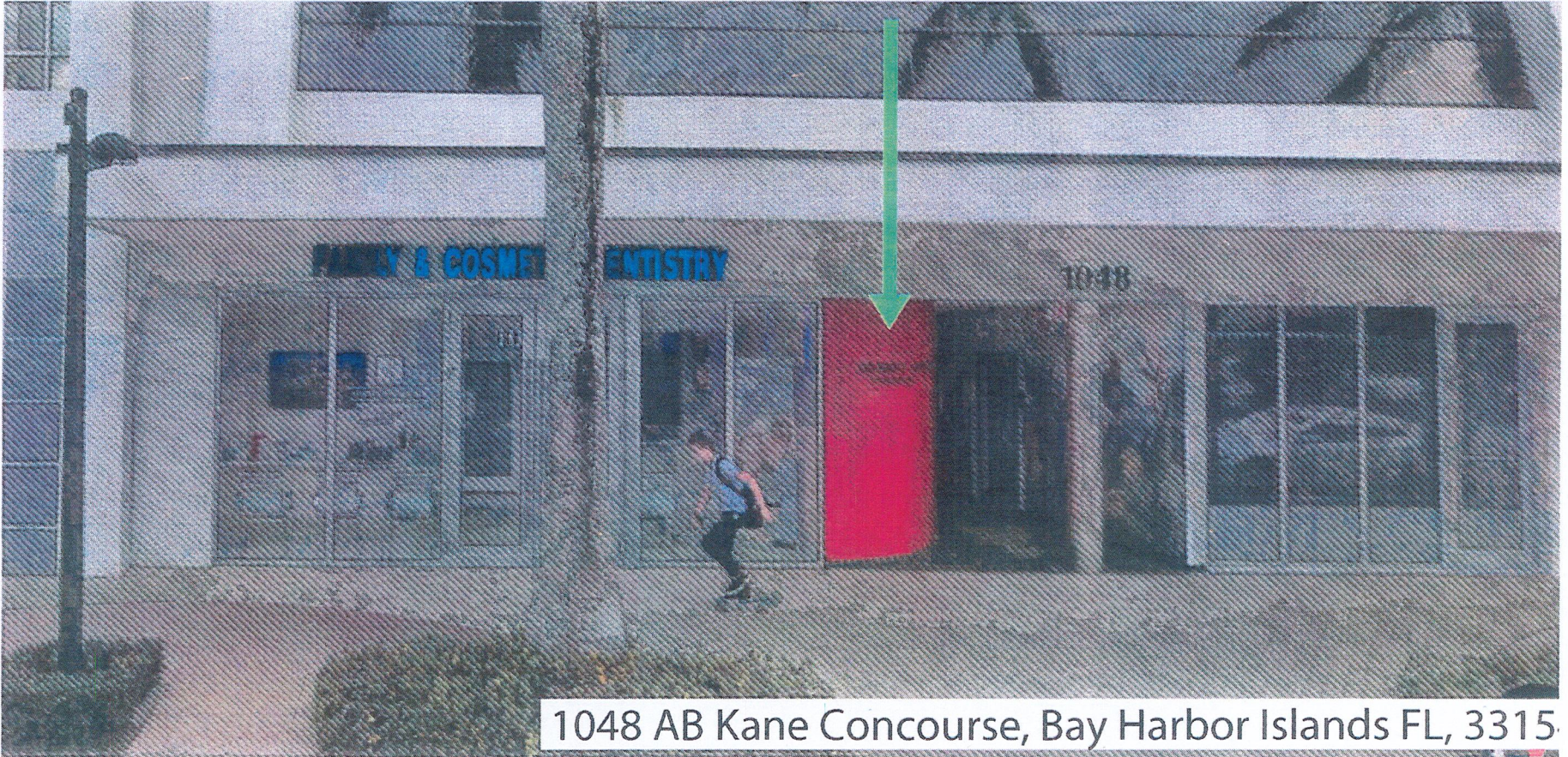
Scale: NTS

Sheet No: 1

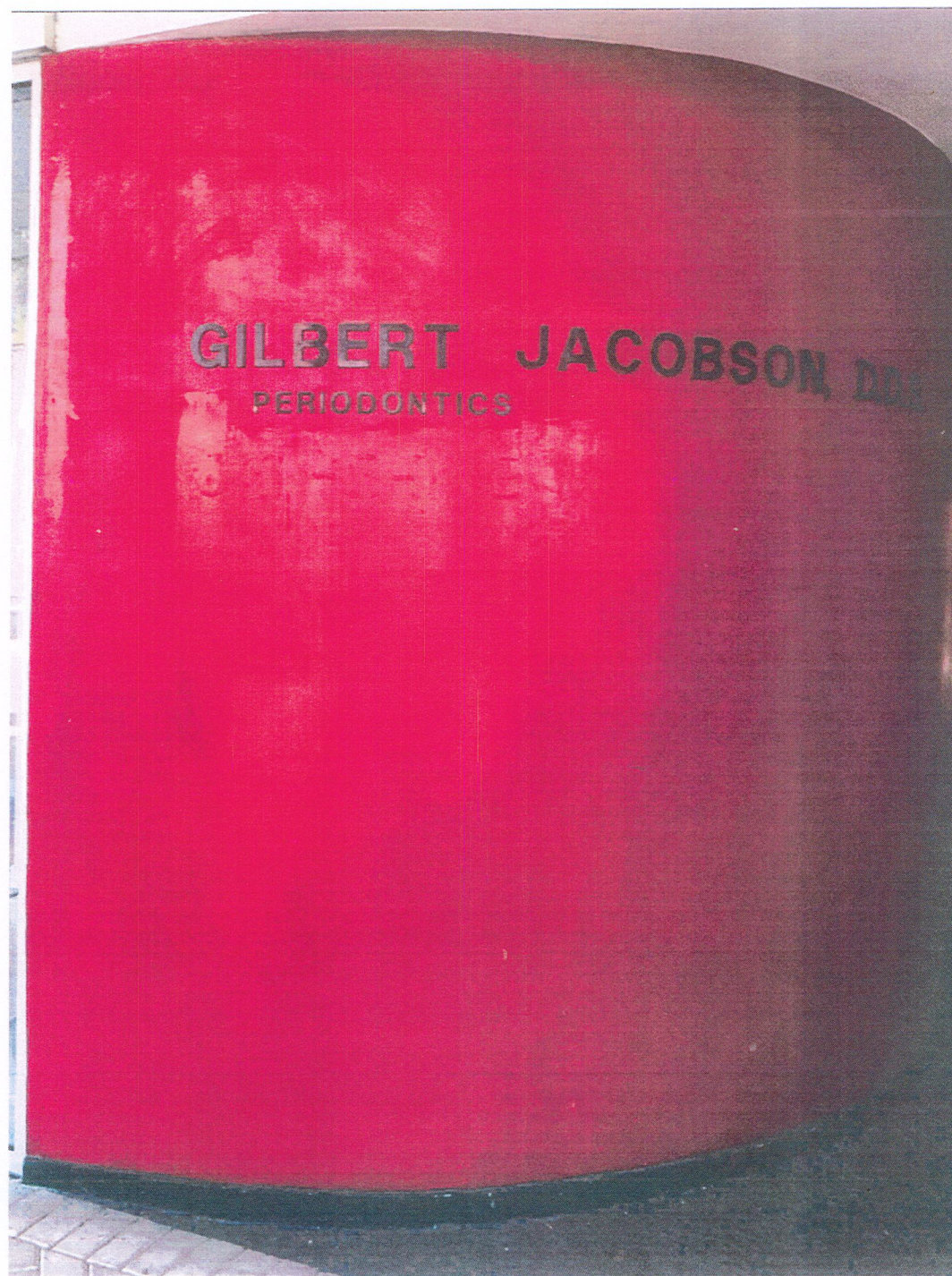
Total sheet No:

Date: 4/9/2019

Existing sign to be replaced



1048 AB Kane Concourse, Bay Harbor Islands FL, 3315



CCDC 1515704

0.55723 mN

MEMORANDUM
FOR THE DIRECTOR
FROM THE ASST. DIR.
DATE: 10/1/54

NOTES:
ELEVATION SHALL BE —
SURF OF GRADE WITH NEW
INTERIOR AND EXTERIOR
KIT WALLS ACTUALLY
DROP DRAWINGS AND
SPECIFICATIONS FOR
COMPLETE DETAILS.

FACE OF CRYSTAL

ADULTS: COLLECTED
W/ EGGS 1960
CHLORINE

(4)

SPACING OF HORIZONTAL
WALLS SHALL ALLOW FOR
THE INSTALLATION OF A STANDARD
DOOR IN ANY POSITION.
SUPPORT SHALL ALLOW FOR
LOADING.

3.600.000 + 3.600.000 = 7.200.000
 7.200.000 : 16.000 = 450
 450 : 100 = 4,50 (1%)

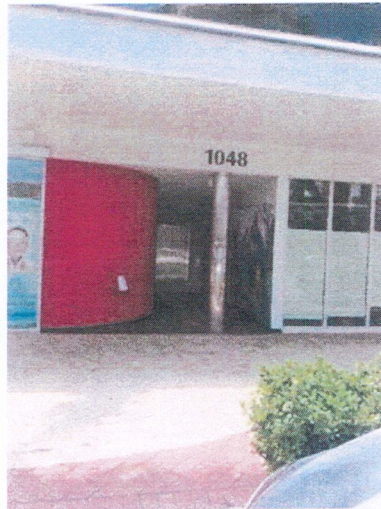
— CHAIRMAN OF THE
FEDERAL RESERVE
SYSTEM

$$f(x) = \frac{1}{2} \ln \left(\frac{1+x}{1-x} \right)$$

0-0

REPORTED LOCATIONS FOR IVORY
HORNBEPPED TOILET. PROTECT
SUNBATH AND WATER STUBS ONLY.
SEE ELECTRIC AND PLUMBING PLAN
FOR DETAILS. (TYP. AT 2 - LOCATIONS)

From: My_Mac drdenis3@aol.com
Subject: Fwd: 1048 Spa Sign
Date: August 20, 2019 at 6:00 AM
To:



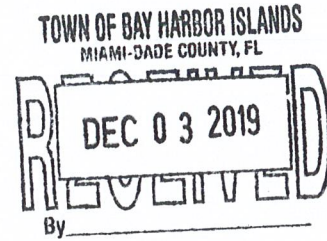


The Law Offices of Kent Harrison Robbins, P.A.

November 27, 2019

By Email to msiegel@bayharborislands-fl.gov

By Hand Delivery



Marlene M. Siegel, Town Clerk
Town of Bay Harbor Islands
Joseph J. Gardner Government Center
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154

Re: Letter of Intent for Variance Application for Signage at 1048 Kane Concourse, Unit AB, Bay Harbor Islands, Florida 33154

Dear Ms. Siegel,

I represent Tenant SGM, LLC ("SGM" or "Tenant") of 1048 Kane Concourse, Unit AB and the Property Owner 1048, LLC ("1048" or "Property Owner")(collectively "Applicants") in their application for a variance concerning a sign placed on the façade of the commercial building.

On January 5th, 2019, SGM, LLC entered into a business lease agreement with 1048, LLC with the understanding that SGM would be allowed to place a sign on the façade of the building to replace the then existing sign of Dr. Jacobson in a substantially smaller size and manner, but aesthetically appropriate.

Prior to entering into the lease, SGM and 1048 entered into due diligence with the Town of Bay Harbor Islands (the "Town") to confirm that the proposed sign would be acceptable to the authority having jurisdiction. Christopher Graz of Michael Miller Planning, The Town of Bay Harbor Island's Town Planner serving as the municipal planning and zoning director, specifically represented to Ms. Neuhut, officer of 1048, that the existing sign of Dr. Jacobson for his office on the second floor on the building may be replaced with the new tenant's sign. Before entering into the lease and removing Dr. Jacobson's sign, Ms. Neuhut advised that the approval of the replacement sign was a condition for the approval of a new lease and that she was relying on approval by zoning to enter into the lease with the new tenant. Relying on the written assurances of Mr. Gratz, SGM and 1048 entered into the lease and removed Dr. Jacobson's sign. SGM and 1048 reasonably acted in reliance on the representations of Mr. Gratz's representations and assurances which were made within the scope of his duties as a representative of the Town of Bay Harbor islands. See emails attached hereto as Composite Exhibit A. SGM and 1048 expended substantial sums in reliance and made certain improvements in the premises and removed the existing nonconforming sign for Dr. Jacobson's periodontics office. SGM

and 1048 made an application for a sign (See Exhibit B) as the Town agreed, and the Town reneged on its assurances and representations causing harm to SGM and 1048.

The Applicants meet the criteria of a hardship pursuant to §2-17, Bay Harbor Islands Code.

The Town's application of the sign law as applied is unfair and inequitable for a number of reasons:

1. The Town made affirmative representations to the Applicants upon which they relied that they would be able to place a sign on the façade of the premises announcing applicant SGM where a previous sign existed for decades. The existing sign was a legal nonconforming sign. Relying on those representations, SGM entered into a lease with 1048, and 1048 removed the existing nonconforming sign. Thereafter, the Town changed its position and denied SGM permit to replacing the nonconforming sign. Although the sign proposed reduced the nonconformity of the existing sign as the proposed replacement sign would be smaller than the sign it was to replace, the Town determined that the replacement sign was nonconforming and refused the permit.
2. The circumstances which caused the hardship are highly unusual . It was peculiar to the property in question because only the subject property had a nonconforming sign of the type that was removed and the reducing in its nonconformity by reducing its size would be exceptional.
3. The circumstances arise from the property rights 1048 had in preserving a legal nonconforming sign.
4. The hardship was not self-created. It was induced by the Town. Indeed, 1048 and SGM deferred to the Town and its interpretation of its sign ordinance and relied on that interpretation resulting in the hardship.
5. The variance sought is as little as possible reducing the nonconformity of the legal nonconforming sign that had existed. The sign that is proposed is less nonconforming than the previous existing sign that it replaces.
6. The sign which the variance would allow does not result in a substantial detriment to the adjacent property and will not materially affect the public welfare.

The particular variances sought is a variance from Bay Harbor Island Code, §17-20(o) – Exterior signs, which states that:

Business located on the second floor of a building or higher, and businesses which do not occupy space directly adjacent to the street, are not permitted any signage other than door signs and building directories.

Bay Harbor Island Code, §17-20(o). The variance would permit a sign for SGM "Gloria Hincapie" where Dr. Jacobson's sign was located, which sign has an overall size of 80% of the size of Dr. Jacobson's sign.

A site plan and two sets of sign plans are attached. A list of property owners and their addresses within 375 feet of the subject property is also provided with gummed mailing labels.

The filing fee of \$700 plus \$100 for the variance is being paid with the submission of this application.

Sincerely,

Kent Harrison Robbins

Kent Harrison Robbins
Attorney for SGM, LLC and 1048, LLC.

Enclosures

From: My_Mac <drdenis3@aol.com>
Subject: Gloria Hincapie Sign
Date: March 25, 2019 at 4:55 PM
To: FASTSIGNS 474 <fastsigns.474@fastsigns.com>

Begin forwarded message:

From: Christopher Gratz <cgratz@michaelmillerplanning.com>
Date: December 20, 2018 at 4:19:21 PM EST
To: Frances <drdenis3@aol.com>

Ms. Neuhut,

As you've said nothing has changed about your understanding about the code as from before. The existing sign can be replaced with a new sign for a new tenant. Zoning approval comes via a permit for the new sign. I'm not sure what else to do to help you.

Thank you,
Chris

Sent from my iPhone 7 Plus

On Dec 20, 2018, at 2:59 PM, Frances <drdenis3@aol.com> wrote:

Hi Chris,

Sorry Larry from the Building Dept. was "out to lunch" and did not give you the message... I need your approval to put a sign on the red wall ("removal of Dr's sign) before issuing our "new" Tenant a Contract.

Thank you,
Frances Neuhut

Sent from my iPhone

On Dec 19, 2018, at 3:44 PM, My_Mac <drdenis3@aol.com> wrote:

Dear Chris,

Although another "new" Tenant at 1048 Kane Concourse had also stated the following when she went to Town "she cannot put the sign on the red pillar upfront," ... we already had this discussion and approval "if the Dr.'s name is removed!"

We do NOT plan on losing another Tenant due to lack of communication with Town Staff.

Therefore, thank you for looking into this matter once more.

Yours truly,
Frances Neuhut

PS I have all intentions of removing Dr. Jacobson's sign from the "red wall."

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

On Oct 24, 2018, at 3:54 PM, Christopher Gratz <cgratz@michaelmillerplanning.com> wrote:

Frances,

When I read the message, it seemed to ask if the sign can be painted on, which is not allowed on that side. As I said before the other sign could go there if the Dr.'s is removed.

Thanks,

Christopher M. Gratz, AICP
Community Planner
Michael Miller Planning Associates Inc.
7522 Wiles Road, Suite B-203
Coral Springs, FL 33067
Office: (954)757-9909 x202 Facsimile: (954)757-7089

**COMPOSITE
EXHIBIT A**

5

From: Ayanidys Martinez amartinez@bayharborislands-fl.gov
Subject: S19-000015 / 1048 Kane Concourse
Date: April 18, 2019 at 2:32 PM
To: My_Mac drcdenis3@aol.com
Cc: 474@fastsigns.com

Kismet (Sign Company)

As per our conversation, please see attached comments from our Town Planner, Michael Miller.

If you have any questions, you may contact him directly.

Thank you,

Mrs. Ayanidys J. Martinez, CEP
Building & Zoning Supervisor

Town of Bay Harbor Islands
9665 Bay Harbor Terrace, 2nd Floor
Bay Harbor Islands, Florida 33154
Office Hours: 8am to 3:30pm
(Monday thru Friday)
Tel: (305) 993-1786, Extension 116
Cell: (786) 256-3011
Fax: (305) 861-1130
Email: amartinez@bayharborislands-fl.gov
Building Dept.: buildingdepartment@bayharborislands-fl.gov
Town Website: www.bayharborislands-fl.gov

Please note: Florida has a very broad public records law. Most written communications to or from public agencies regarding government business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message is subject to public disclosure.

TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



Plan Review Report

Permit Number: S19-000015

Applicant:

Name: Alberto Reyes Fast Signs Phone: (954) 370-7201

Project Description:

New Primary Sign (Gloria Hincapie)

Parcel:

Parcel Number: 1322270012360 Zoning:
Address: 1048 KANE CONC
Lot(s): 7 Block: 12

Owner:

Name: 1048 LLC Phone:

Contractor:

Contractor Type:
Name: Phone:

Approvals:

Building Inspector Review: Dale Lee, Status: Approved Start Date: Completed Date: 04/11/2019

Town Planner Review: Michael Miller (954) 757-9909, Status: Not Approved Start Date: Completed Date: 04/12/2019

1. Denied - Plan design violates sign code 2. A single color sign for entire complex is required. Existing sign is "Blue"
- Proposed is "Gold" Sec 17-20(d) 3. Minimum letter thickness is 1/2" (shown 1/4") Sec 17-20(e) 4. Need floor plan
to demonstrate bay are on ground floor (do not see bay in photo)

(6)

-----Original Message-----

From: drdenis3 <drdenis3@aol.com>
To: Sbruder <Sbruder@bayharborislands-fl.gov>
Cc: kreid <kreid@bayharborislands-fl.gov>
Sent: Thu, May 2, 2019 1:42 pm
Subject: Fwd: Gloria Hincapie Body Contour SIGN

From: Denis <drdenis1@aol.com>
Date: May 1, 2019 at 6:32:38 PM EDT
To: Gisela Mendez <sgm2019@yahoo.com>
Subject: Re: Gloria Hincapie Body Contour "SIGN"

Dear JC,

I would like to make an appointment along with our Tenant (Gisela Mendez) to discuss the following matter. This particular sign for "Gloria Hincapie" was approved by the previous Town Planner who advised her with "Architectural Plans" to remove the "existing" ILLEGAL BUSINESS SIGN of Dr. Jacobson (NOT facing Kane Concourse) located on the ground floor in the 1048 Kane Concourse "Breezeway."

Thank you for looking into this matter once more with alleged "approved paperwork included from Chris.

Very truly yours,
Frances Neuhut

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

----- Forwarded Message ----- From: J C Jimenez <jcjimenez@bayharborislands-fl.gov>To: Gisela Mendez <sgm2019@yahoo.com>Cc: Marlene Siegel <msiegel@bayharborislands-fl.gov>; Alba Chang <achang@bayharborislands.net>; Michael Miller <mmiller@michaelmillerplanning>
Sent: Wednesday, May 1, 2019, 2:32:53 PM EDTSubject: RE: Gloria Hincapie Body Contour SIGN
Unfortunately, per the Town Code your business cannot have a primary sign facing Kane Concourse. Your landlord was informed of this a last year when she inquired about it for another tenant.

 Reply  Reply All  Forward  Delete  Spam  More ▾

 RE: 1048 (B-1) SPA SIGNAGE?

 **J C Jimenez** (jcjimenez@bayharborislands-fl.gov)

To: you / 3 more  Details ▾

Good afternoon Ms. Neuhut:

I have reviewed the code several times to see if your tenant can have the proposed sign but unfortunately it is quite clear the
Section 17-20 Exterior Signs

"(o) Business located on the second floor of a building or higher, and businesses which do not occupy space directly adjacent building directories. This subsection (o) shall not apply to religious institutions, as religious institutions are restricted only to tl

J.C. Jimenez, ICMA-CM
Town Manager
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Office: 305-866-6241
Email: jcjimenez@bayharborislands-fl.gov

-----Original Message-----

From: Frances <drdenis3@aol.com>
Sent: Monday, June 24, 2019 10:08 AM
To: J C Jimenez <jcjimenez@bayharborislands-fl.gov>
Cc: Stephanie Bruder <sbruder@bayharborislands-fl.gov>; Kelly Reid <kreid@bayharborislands-fl.gov>
Subject: 1048 (B-1) SPA SIGNAGE?

Dear JC,

We have now waited many weeks, with approval from Town Planner Chris, and the "CODE" (acceptable "usage" on the "gro
Concourse that she can put her "paid for" architectural plan and signage?

Thank you for looking into this matter ASAP!

Sincerely yours,
Frances Neuhut

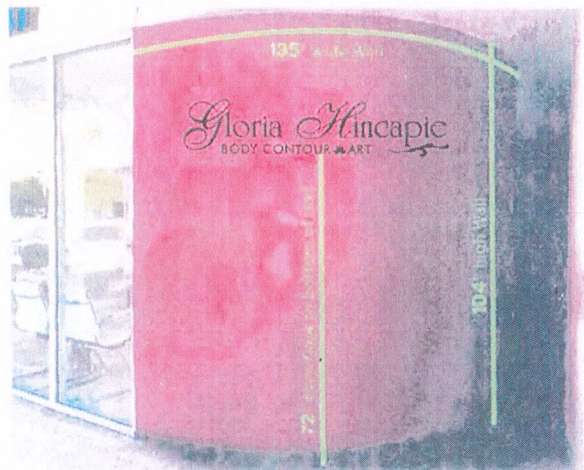
 Reply  Reply All  Forward

63" W

12" 13.5" H

Gloria Hincapie
2" BODY CONTOUR ART

1/2" THICK ALUMINUM LOGO - LETTERS



ALUMINUM LOGO - LETTERS
COLOR: BLACK
NORTH ELEVATION

ATTACHED

1/2" Stand off

3/16" x 3" Studs
with Silicone glued
on stud threads

Top / Bottom: 12" / 2" Letter Height
Top / Bottom: 1/2" / 1/2" Letter Thickness
Top / Bottom: 2"-4" min. studs per Letter
Top / Bottom: Gold Color
5.9" Sq. Ft. Sign
Concrete Wall Type
135" Wall Width
104" Wall Height
72" to bottom of letters

EXHIBIT B

Engineering Services
3610 SW 112 Ave
Miami, FL 33165
Cell Ph: (786) 768-6307
Ph: (305) 307-1239
Fax: (305) 307-1238
Email: info@agesa.com

GENERAL STRUCTURAL NOTES:

1. Design is based on 175 mph, 3-second gust design wind speed per FBC 2017 6th Edition, Exposure D, Importance Factor 1.0
2. Reference Specifications, Codes and Standards, FBC 2017 6th Edition / ASCE 7-16 / AISC 360-16 / ACI 318-14 / NEC 2014 Article 610.6 (A)(1).
3. Sealing holes in facade for prevent water intrusion.

Scope of work:

Installation of outdoor
non-illuminated aluminum
logo and letters in existing
concrete wall.

Engineer:

ALEJANDRO RAMIREZ, PE
10465 SW 114 th Terrace
MIAMI, FL 33176
Ph: 786 768 6307
LICENSE No: 52742

Job name:

GLORIA HINCAPIE
10487 AB Kane Condos
Bay Harbor Island FL 33154

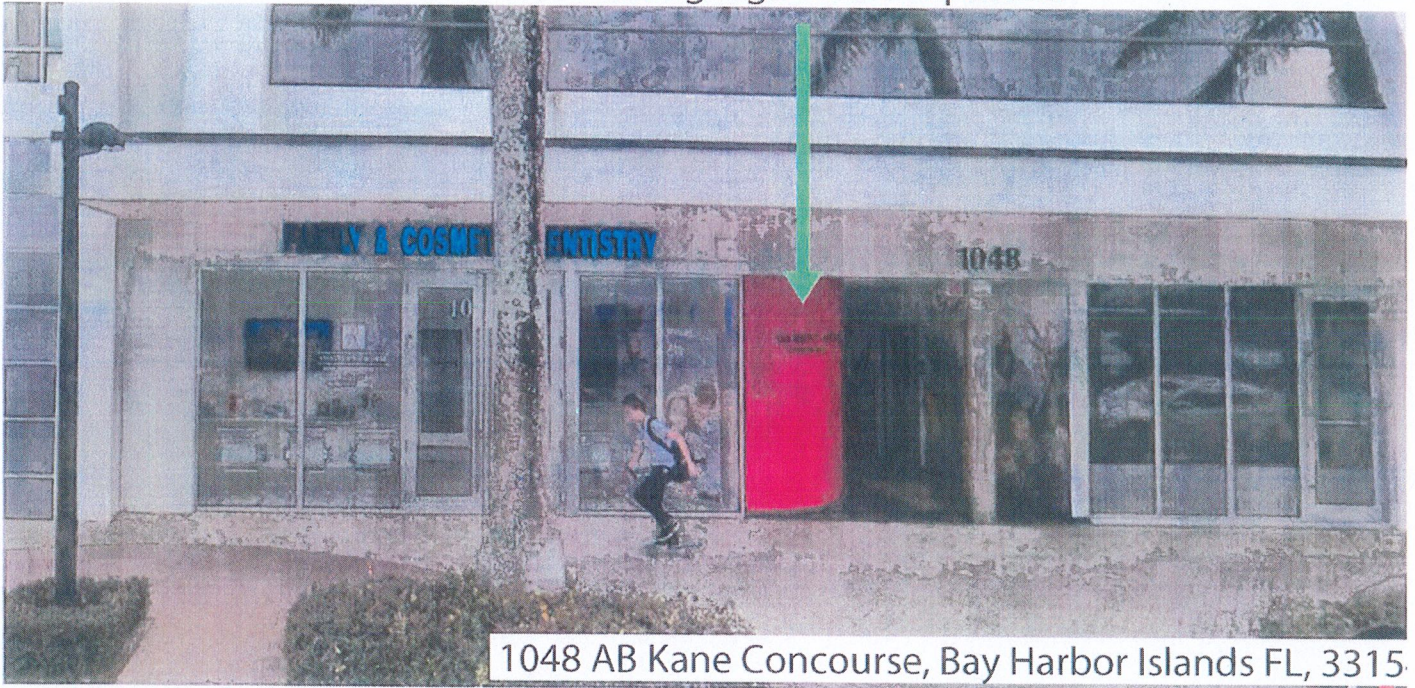
Scale: NTS

Sheet No: 1

Total sheet No:

Date: 4/9/2019

Existing sign to be replaced



1048 AB Kane Concourse, Bay Harbor Islands FL, 33155

GILBERT JACOBSON, D.D.S.
PERIODONTICS

Gloria Hincapie

LINE OF EXISTING
CORRIDOR STAIRWAY

STATE 407.4

NEW 1500 X 100

NEW STAIRCASE
STAIR CASE WITH
SET ELECTRIC &
PLUMBING PLAN

NOTE
ELEVATOR SHALL BE
EQUIPPED WITH ALL
INTERIOR AND EXTERIOR
SIGNALS MANUFACTURED
SHOW DRAWINGS AND
SPECIFICATIONS FOR
COMPLETE DETAILS

SEE FRONT OF
PAGE 2 EXISTING
ELEVATOR

ALSO SEE FRONT
OF EXISTING
ELEVATOR

LEAVE EXISTING WOODEN
& FLOORING

CORRIDOR

STANDARD 1" BLACK ASP
ALUM SPECIFICATIONS WITH SOUND
WALL TYPE GUARD (TYPE)

DEFINE THE FLOOR
RAMP SEE DATA
FOR ELEVATOR

MAKING OF CORRIDOR
WALLS SHALL ACCORD TO
THE INSIDE OF A STANDARD
DOOR IN THE PASSAGE
SHOW SHOP DRAWINGS FOR
APPROVAL

WRAP EXISTING STEEL
STEEL COLUMNS WITH
2" LAYERS OF 1/2"
TYPE 100 OR HIGHER

PROPOSED LOCATION FOR FUTURE
HANDICAPPED TOILET PROVIDE
SANITARY AND WATER STUDS ONLY
SEE ELECTRIC AND PLUMBING PLAN
FOR DETAILS (TYPE AT 2 - LOCATIONS)

STAIRCASE & ELEVATOR
EXISTING STAIRCASE
WITH WOODEN FLOOR
(TYPE)

From: My_Mac drdenis3@aol.com
Subject: Fwd: 1048 Spa Sign
Date: August 20, 2019 at 6:00 AM
To:





The Law Offices of Kent Harrison Robbins, P.A.

December 12, 2019

By Email to msiegel@bayharborislands-fl.gov

Marlene M. Siegel, Town Clerk
Town of Bay Harbor Islands
Joseph J. Gardner Government Center
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154

Re: Supplement to Letter of Intent for Variance Application for Signage at 1048 Kane Concourse, Unit AB, Bay Harbor Islands, Florida 33154

Dear Ms. Siegel,

I am enclosing the updated sign details showing color compliance to supplement my November 27, 2019 Letter of Intent for Variance Application for Signage at 1048 Kane Concourse, Unit AB, Bay Harbor Islands, Florida 33154.

Please include this letter and updated sign details with the aforementioned Variance Application.

Sincerely,

Kent Harrison Robbins

Kent Harrison Robbins
Attorney for SGM, LLC and 1048, LLC.

Enclosure

63" W

12" 13.5" H

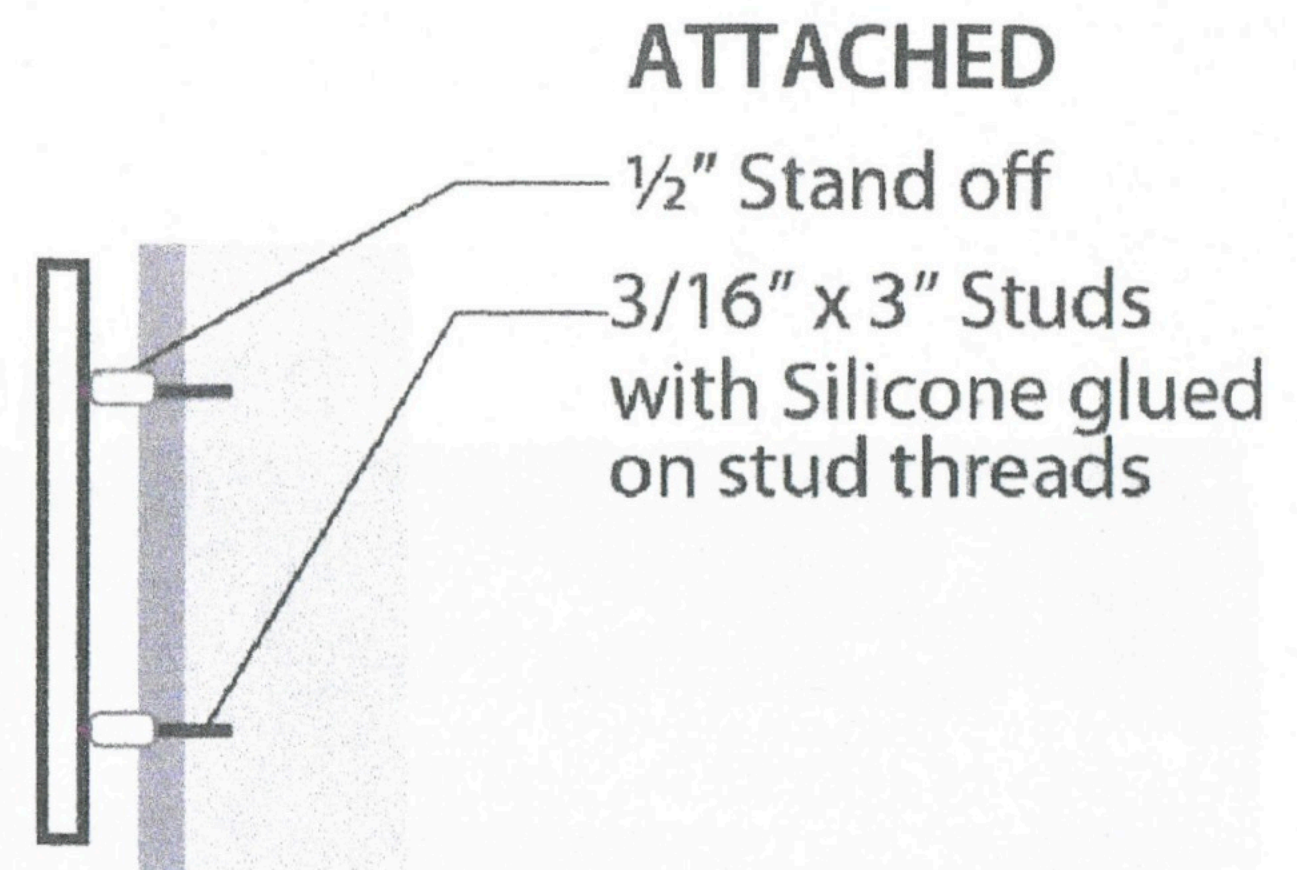
Gloria Hincapie

2" BODY CONTOUR ART

1/2" THICK ALUMINUM LOGO - LETTERS

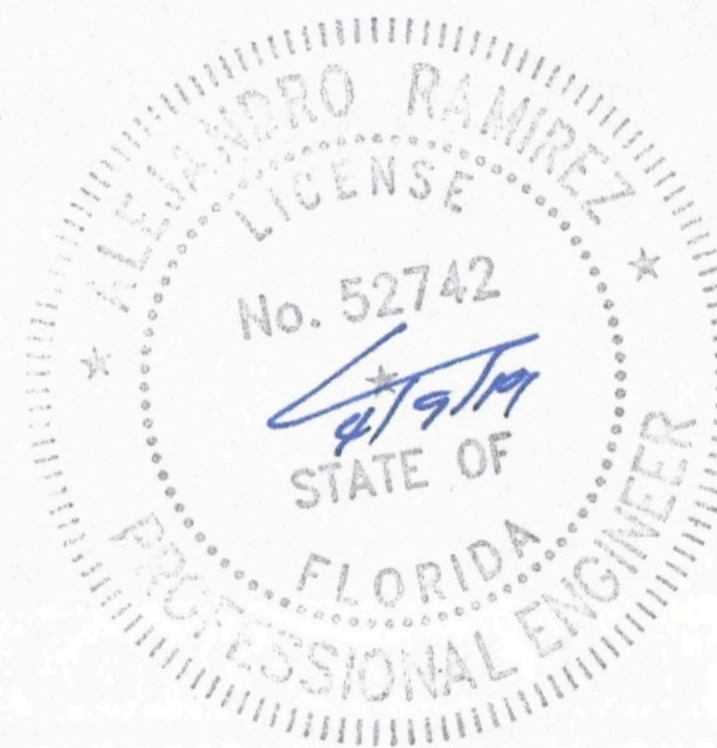


ALUMINUM LOGO - LETTERS
COLOR: GOLD
NORTH ELEVATION



Top / Bottom: 12" / 2" Letter Height
Top / Bottom: 1/2" / 1/2" Letter Thickness
Top / Bottom: 2" - 4" min. studs per Letter
Top / Bottom: Gold Color

5.9" Sq. Ft. Sign
Concrete Wall Type
135" Wall Width
104" Wall Height
72" to bottom of letters



SIGN: 5.9 SqFt

GENERAL STRUCTURAL NOTES:

1. Design is based on 175 mph, 3 seconds gust design wind speed per FBC 2017 6th Edition. Exposure D. Importance Factor 1.0
2. Reference Specifications, Codes and Standards: FBC 2017 6th Edition / ASCE 7-16 / AISC 360-16 / ACI - 318 - 14 / NEC 2014 Article 600.6 (A)(1).
3. Sealing holes in facade for prevent water intrusion.

Scope of work:

Installation of outdoor non-illuminated aluminum logo and letters in existing concrete wall.

Engineer:

ALEJANDRO RAMIREZ PE
10464 SW 114 th Terrace
MIAMI, FL. 33176
Ph: 786 768 6307
LICENSE No: 52742

Job name:

GLORIA HINCAPIE
10487 AB Kane Concourse,
Bay Harbor Island, FL. 33154

Scale: NTS

Sheet No: I

Total sheet No: I

Date: 4/9/2019

Engineering Services

3640 SW 112 Ave.
Miami, FL 33165
Cell Ph: (786) 768-6307
Ph: (305) 307-1238
Fax: (305) 307-1238
E-mail: info@agesu.com

**TOWN OF BAY HARBOR ISLANDS
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and Town Councilmembers
Town of Bay Harbor Islands

CC: J.C. Jimenez – Town Manager
Marlene Siegel - Town Clerk
Frank Simone, Esq. – Town Attorney

From: Michael J. Miller, AICP *MTM*
Consultant Town Planner

Date: December 10th, 2019

Subject: Sign Variance Application
Applicant - SGM, LLC
1048 AB Kane Concourse
Lot 7 Less the North 15 Feet of Block 12
Planning & Zoning Review Comments
MMPA Project No.01-0702-0500B

As per the Town's request MMPA has completed a review of the above referenced Sign Variance application. We provide the following comments for the Town's consideration:

SIGN VARIANCE REQUEST

The applicant is requesting a sign variance in order to install a business sign that is not in compliance with the existing Town Sign Code requirements on an exterior surface of a building located at 1048 Kane Concourse. The applicant desires to install a business sign for a tenant of the building that does not face Kane Concourse (bay faces internal atria / pedestrian walkway) in the same location as an 2nd floor office tenant had previously installed a sign that was illegal and non-conforming. That former 2nd floor office tenant sign has been removed from the building. Following is a summary of the requested variance.

- From Section 17-20(o) which states: "Businesses located on a 2nd floor or higher, and businesses which do not occupy space directly adjacent to a street, are not permitted any signage other than door signs and building directories."

BACKGROUND

In late 2018 the owners of the 1048 Kane Concourse commercial building (Denis / Frances Neuhut) / and the sign variance applicant (SGM, LLC. dba Gloria Hincapie Body Contour Art), began to discuss allowable business signage for a proposed new business in the complex. The 1048 Kane Concourse building is 2-stories in height and has multiple tenants. The applicant's bays (A&B) are located on the ground floor at the rear of the complex facing an internal atria / pedestrian walkway and the alley. The ground floor has a north / south pedestrian walkway corridor (atria) extending from the Kane Concourse frontage to the parking area at the rear of the building on the alley. On each side of this pedestrian walkway facing directly onto Kane Concourse are two (2) leasable bays – one on each side of the walkway. A dentist occupies the entire eastern bay(s) from the front to back of the building. On the western side of the walkway a single tenant (Sultan's Restaurant) occupies the entire front bay. The applicant's bays (A&B) are located to the south of the western bay (Sultan's) occupying about one-half of the southern building length. On the 2nd floor are two professional offices (Dr. Jacobson Periodontics facing KC / Dr. Kirchner facing alley).

Chapter 17 of the Town's Code of Ordinances is the Sign Code. Sec. 17-20 addresses exterior signs in the B-1 Business Zoning District. Each business located on the ground floor must provide at least one business sign (wall / window / door). The Town's Sign Code has precise design criteria (max. sign area / max. sign length / max. sign height above grade / letter height / colors / lettering thickness / etc.).

Per subsection 17-20(h) "Building tenant directory signs are required for all multi-story buildings in the B-1 District and installed next to the elevator in a lobby / near the lobby front and rear doors / or on an exterior wall surface". There is a tenant directory next to the elevator in the atria.

Per subsection 17-20(i) "Signs in atria or semi-enclosed areas (Bays A&B) are treated for all purposes and subject to regulation in the same manner as if said areas were facing a street on an exterior wall". The applicant's bay has both window signs and door signs.

Per subsection 17-20(o) "Businesses located on 2nd floor or higher, and businesses which do not occupy space directly adjacent to a street, are not permitted any signage other than door signs and building directories." Research from the Town's Building Department staff revealed that a former Building Official unknowingly approved a sign permit several years ago for Dr. Jacobson on a curved wall surface (see photos of "red" wall) on the ground level even though the doctor's practice is located on the 2nd floor of the building. Subsequently a request was made to install a similar sign on the same curved wall surface for the other 2nd floor doctor office (below Dr. Jacobson's sign). After issuance of the 2nd sign permit staff realized both signs were illegal (as they were for 2nd floor tenants) and the Town revoked the last sign permit. It was decided by Town staff that since Dr. Jacobson's sign had existed for some time and not contested, the Town would allow it to remain. In late 2018 a former employee of MMPA was contacted by the building owner about replacing Dr. Jacobson's sign with another tenant's sign. Correspondence (emails / phone calls) between the building owner, proposed tenant, the former MMPA employee, and Town staff occurred about the history of the sign and complex. I do not have access to my former employee's emails to see the entire email chain. However, the partial email text included in the applicant's variance backup notes a question was raised initially about a painted sign on the curved wall surface, and it is noted he stated (incorrectly) the existing sign could be replaced (presumably for the same 2nd floor office space that was allowed mistakenly for Dr. Jacobson office space). It was not clear where the new tenant's bay was located

in the correspondence. Had the new tenant's bay location been disclosed (A&B) facing the atria / alley the MMPA employee's response would have been different. More research should have been done on the status of the Dr. Jacobson sign by MMPA staff – Town staff knew it was an illegal sign, but the Town allowed it to remain. Our conversations within the MMPA offices about this request revolved on replacing Dr. Jacobson's sign with a tenant sign in the same location. The Sign Code is clear that tenant spaces that do not have street frontage (upper floors / internal bays / rear bays) cannot have a business sign on wall surfaces facing a street. They can have other signs (window / door / directory / sign facing an alley).

Finally, Section 17-22 addresses exterior signs facing alleys and side streets (not Kane Concourse). It states: "No sign otherwise proper under the terms of this chapter may be erected or constructed on any side of any building other than the side facing a street on which it abuts, except if the building is used for business purposes and has an entrance on a platted alley, a non-illuminated, single-color sign no greater than 12 inches in height may be erected on the side of the building facing such platted public alley". The applicant's leased bays (A&B) are located at the south end of the atria / pedestrian walkway with the bay's south wall facing the alley. The applicant has installed both window signs and door signs. Finally, on the rear wall of the building each tenant has an individual tenant sign (see photos). The applicant is entitled to install a normal business sign on the rear (south) wall surface (See Mike's Cigars sign). If every tenant in multi-tenant buildings was allowed to install a business sign on the Kane Concourse building facades it would be chaotic / cluttered at best.

Despite the Code provisions found in subsection 17-20(o), a business sign for a 2nd story tenant (Dr. Jacobson) had existed for some time on the curved wall surface at the Kane Concourse entry to the atria / pedestrian walkway. As stated above it is now known a permit was issued unknowingly by a former Building Official who was not familiar with the Sign Code for that sign. It was not until a request was made to install another sign for another 2nd floor doctor office just below Dr. Jacobson's sign that the Town staff became of the error and revoked the permit for the second 2nd story sign, deciding to allow Dr. Jacobson's sign to remain. The Town has modified its Sign Code (and other LDRs) many times over the years and permits are reviewed / issued based on the Code in effect at the time of review. Despite the Sign Code provisions prohibiting 2nd story tenant signs, a former Building Official unfamiliar with the Town's Code of Ordinances unknowingly approved a 2nd story tenant sign by not realizing the sign was for a 2nd story tenant. Therefore, by the Town's actions to issue a permit (even unknowingly) and allow Dr. Jacobson's sign to remain, even though it is illegal, that sign had essentially become "legal non-conforming" in our opinion. If the 2nd story tenant that had the illegal ground level wall sign changed (i.e. another 2nd floor professional office) the Town would need to decide if that sign would need to be removed or the new tenant could replace a sign at the same location (different name). In this instance the builder owner (Neuhut) removed Dr. Jacobson's former sign apparently anticipating a new sign for Bays A&B could be installed. On April 12th, 2019 as Mr. Miller was reviewing Building Permit applications at Town Hall (Mr. Gratz had resigned from MMPA at the end of March 2019) a permit for a sign for Bays A&B was reviewed and denied for several reasons, including the fact the sign was for a bay not facing Kane Concourse (no location floor plan was included), the proposed sign color did not match the single sign face color (blue) selected by the property owner (Sec. 17-20(d)) and used by all other tenants, and the lettering thickness did not meet the Code requirements. It quickly became apparent afterward during more in-depth research / identification of the rear bay location that the new sign was not to replace the "non-conforming" 2nd story doctor's sign as presumed, but for a new tenant located in the rear of the building facing the atria / alley. Subsequently the building owner / business owner (applicant) attempted to convince MMPA / Town staff to approve the new sign based on the vague

conversations via emails where no details / floor plan was submitted, such as the actual bay location was not disclosed. The Town staff has held firm that such a new sign is not permitted by the Sign Code. The Town advised the building owner / tenant that if they felt they wanted to file a variance they should do that, as this situation was somewhat unusual. An attorney has been retained to assist in the sign variance request.

SUBMITTAL DOCUMENTS

The applicant submitted a Town Variance Application Form, a letter of Intent for Variance Application, exhibits showing the location of the proposed sign, sign specifications for the proposed sign and sketches of the previous sign. The applicant also included in the Letter of Intent the reasons for permitting the sign variance. Based on the proposed sign design, sign location, building height, architectural features or other unique circumstance the board may vary from the criteria.

REQUIRED TOWN REVIEW

Section 17-20(u) of the Town's Sign Code includes a procedure for the Planning and Zoning Board (PZB) to consider unique circumstances based on a building architecture / design and "vary" from the normal criteria. If the PZB approves any variations to signs, the Code requires that the results / reasons for the variation must be forwarded to the Town Council within 15 days. Upon receipt of the PZB action a member of the Town Council or Town Manager may appeal the PZB decision. If this occurs the matter must be placed on the next available Town Council agenda for action. However, prior to this application being filed, the applicant's attorney conferred with the Town Clerk / Town Attorney's office about the procedure. It was determined by the Town Attorney that the Town's normal variance procedures must be followed as set forth in Chapter 2 of the Town's Code of Ordinances (Sec. 2-16 through Sec. 2-24).

SUMMARY

The subject property is located at 1048 Kane Concourse. Per the Town Code Sec. 17-20(o) businesses located on the second floor of a building or higher, and businesses which do not occupy space directly adjacent to the street, are not permitted any signage other than window / door signs and building directories. If a bay faces an alley they are entitled to a wall sign.

It has been disclosed that a former Building Official some years ago unknowingly approved a sign permit for a 2nd floor tenant in the building (Dr. Jacobson). Sometime later a request was made / permit issued for another 2nd story tenant sign – but upon realizing that sign was for a 2nd floor tenant the Town revoked the permit for the second sign - but allowed the Dr. Jacobson sign to remain, as it had existed for some extended period of time without Town action. In late 2018 conversations occurred between the Town / MMPA staff and the building owner about replacing Dr. Jacobson's sign with a replacement sign for an unspecified bay location. After internal staff discussions it was generally agreed that if the 2nd floor tenant bay occupant was changing, the Town would allow a replacement sign for that same bay (Dr. Jacobson office location). It was not disclosed where the new tenant bay was actually located at that time. The property owner obtained an email on December 20th, 2018 from former employee Chris Graz of Michael Miller Planning Associates, Inc., that stated conceptually Dr. Jacobson's sign could be replaced with a new sign for a new tenant. Final zoning approval comes via a permit review for the new sign. The opinion provided by Mr. Gratz was based on vague information and not sufficiently researched (tenant location). Mr. Gratz is no

longer with the firm of MMPA. The previous Dr. Jacobson sign was illegal per Town Sign Code Sec. 17-20(o) but allowed to remain by the Town and was considered legal non-conforming. The Town Code Enforcement Department has the authority to require illegal / non-conforming signs to be removed but based on the history presented herein did not pursue any actions. However, the building owner voluntarily removed the former Dr. Jacobson sign which cures the illegal non-conformity. Section 17-20(o) does not permit a business sign for a tenant not facing a street to be approved and a sign permit issued at the requested location.

CONCLUSION AND RECOMMENDATION

Based on the above analysis, MMPA recommend that the Town Council **DENY** the requested variance. The applicant's request for this sign variance clearly violates Sign Code Sec. 17-20(o). The former Dr. Jacobson sign was installed by error of the Town. The tenant in Bays A&B is entitled to numerous other signage (window / doors / tenant directories / rear building wall facing the alley). In fact, the applicant and all others in the complex have an individual sign on the rear wall of the building next to the pedestrian walkway (see photo). It is unfortunate that the property owner / tenant was provided information in December 2018 by the then-assigned MMPA planner at that time, but it was apparently based on the unspecified vague bay location provided by the building owner. Again, it was believed by MMPA / Town staff at that time that the replacement sign was for the same 2nd floor office space changing (Dr. Jacobson's office) – it was never disclosed the intended bay was at the back of the building with no street frontage.

If the Town Council decides to approve a business sign on the curved "red" wall for the tenant in Bays A&B as requested, MMPA suggests the following sign design guidelines:

- 1) The former Dr. Jacobson sign was very linear and had small block lettering 8-inches (+/-). The other business signage on the building has block lettering. The proposed new sign appears to have 12-inch max. letters / 13.5-inches overall sign height and the lettering is script – much more noticeable. MMPA suggests any new sign lettering not exceed 8-inches to 10-inches in height and be comprised of block lettering.
- 2) The Sign Code (Sec. 17-20(d)) requires all business signage on a complex to be the same color. The color "dark blue" was selected by the building owner and the other existing business signs facing Kane Concourse are that color. While the new tenant would prefer another color (gold / black / bronze) that may appear better on the curved "red" wall, unless the Town Council agrees otherwise, the sign lettering color must be "blue" (same as others).
- 3) All other provisions of the Town Sign Code shall apply to the sign design.
- 4) This sign variance is limited only to the current applicant (SGM, LLC. dba Gloria Hincapie Body Contour Art) and shall not vest any other future signs at this location. If the applicant vacates the premises their sign shall be removed within 30 days.

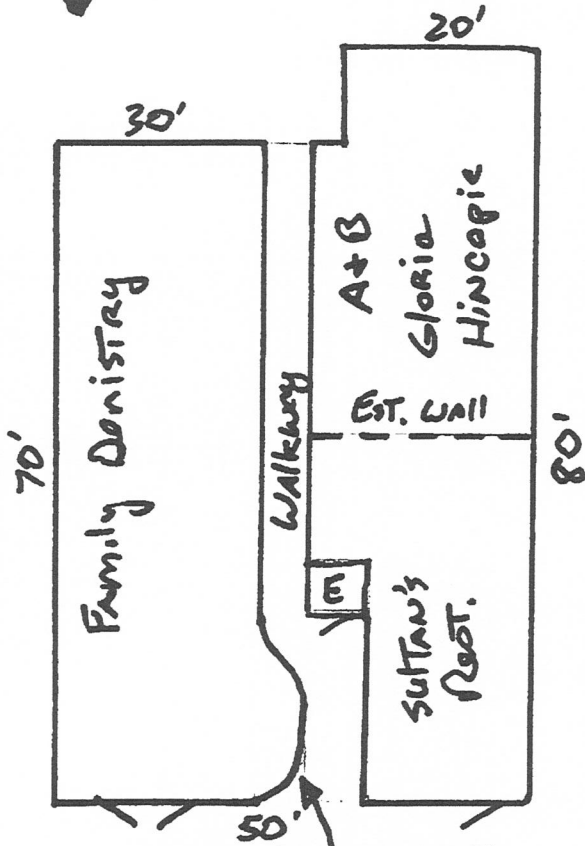
Town of Bay Harbor Islands
1048 Kane Concourse

← Alley →
One Way EAST

↙ Parking ↗

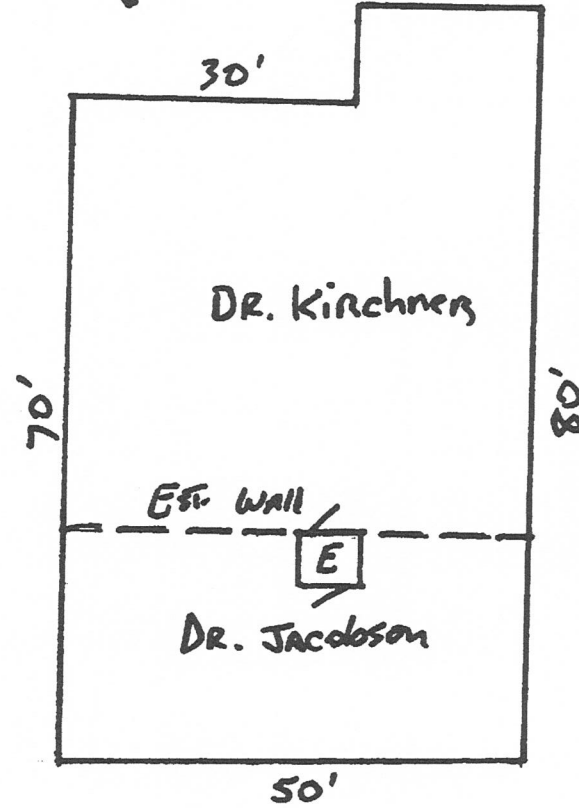
↙ Parking ↗

First/Ground Floor



CURVED "Red" Wall

← Kane Concourse →

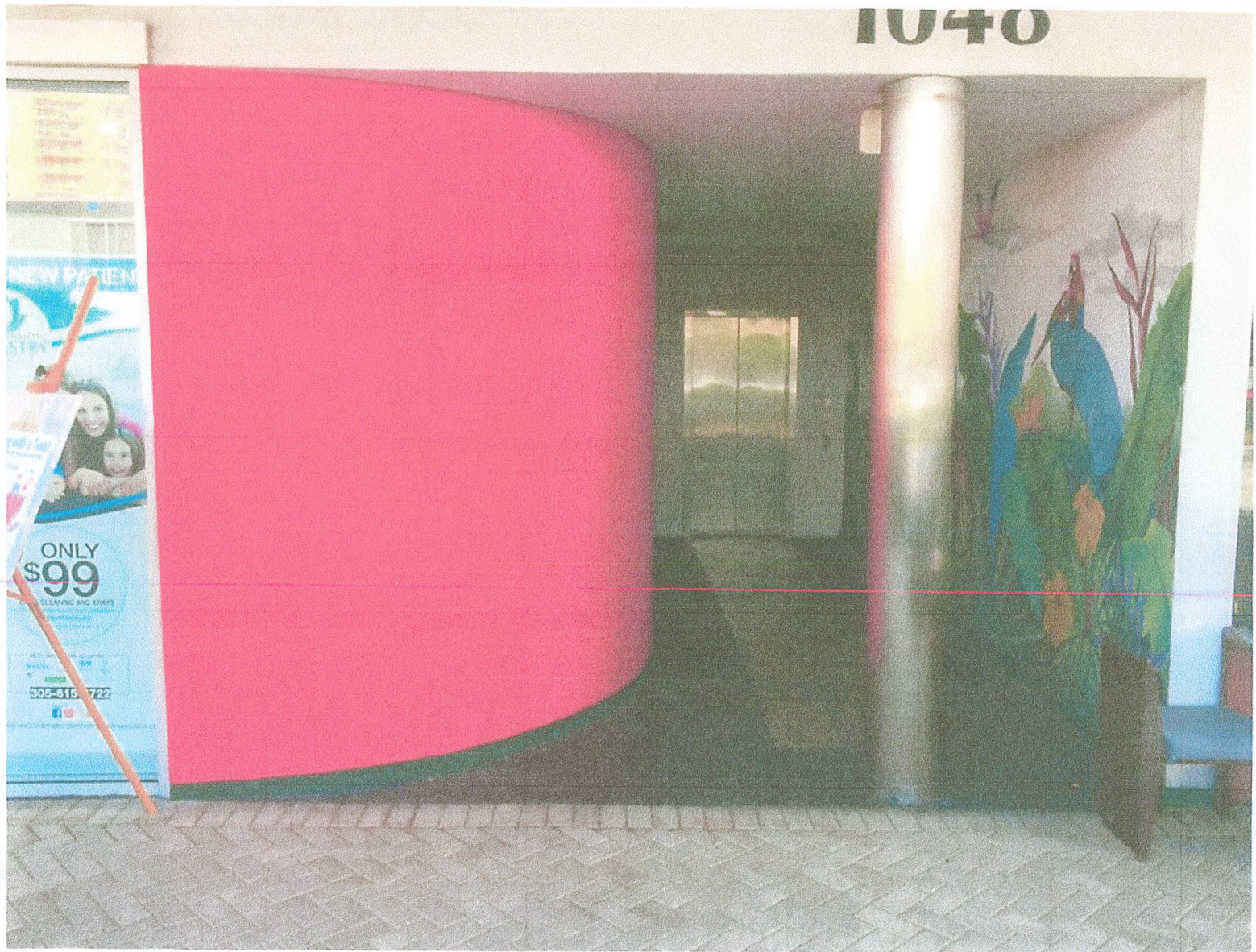


Second Floor

N
↓
1:20'

FAMILY & COSMETIC DENTISTRY









1048
ANGELA
DELLA ROCK
KANE CONCOURSE
ENTRANCE IN FRONT

1048
PLASTIC SURGEONS
ORTHODONTISTS
ENTRANCE
USE FRONT ELEVATOR
(R) SECOND FLOOR

1048
DENTIST
ANATOLY RIPA
KANE CONCOURSE
ENTRANCE IN FRONT

1048
CATHERINE KIRCHNER, MD
INTERNAL MEDICINE
USE FRONT ELEVATOR
(2R) SECOND FLOOR

1048
GLORIA HINCAPIE
BODY CONTOUR
KANE CONCOURSE
ENTRANCE IN breezeway





ZONING PLANS REVIEW WORKSHEET

Date: 4/12/19

Town Council

Stephanie Bruder
Mayor

Joshua D. Fuller
Vice Mayor

Jordan W. Leonard
Council Member

Kelly Reid
Council Member

Isaac Salver
Council Member

Elizabeth Tricoche
Council Member

Robert Yaffe
Council Member

Property owner and address:

1048 RC A+B

Process Number: _____

Lot 7 / Block 12

Total hours to review :25

Plans must be resubmitted: ☒ YES ☐ NO

Special Notes:

① Denied as plan design violates Sign Code

Town Officials

Ronald J. Wasson
Town Manager

Marlene M. Siegel
Town Clerk

Craig B. Sherman
Town Attorney

- a) A single color sign for entire complex
is required. Existing signs are
"Blue" - proposed is "Gold" See 17-20(d)
- b) min LTR thickness is 1/2" (shows 1/4") See 17-20(d)
- c) need floor plan to demonstrate
bay on ground floor (do not see bay)
- d) need BTR prior to sign approval

Christopher Gratz, Community Planner

MAYOR JOSEPH J. GARDNER GOVERNMENT CENTER

Town of Bay Harbor Islands

Business Sign Permit Worksheet (Town Code Section 17-20)



Date: 4/1/19

Applicant: 1048 LLC

Location (address) of Sign: 1048 KANE CONCOURSE

Each Business is allowed one of each type (Primary/Window/Door). Only complete each section as needed:

☒ Primary (wall) Sign: WALL ALONG BREEZEWAY, 90 DEGREES OF KANE CONCOURSE

Width of Storefront Occupied by Applicant (linear feet): _____

Width of Storefront _____ x 60% = _____ (maximum length of sign)

Size of Sign (allowed 1.5 sqft per linear foot of storefront)(maximum of 30 sqft of sign):

Height: 13.5" Width: 63" Total: 5.9 sq. in (ft.)

Size of Letters (must be between 12 and 18 inches in height):

Height of sign above grade (maximum of 14 feet): 72" TO BOTTOM OF SIGN

How is the sign mounted? 3/16" X 3" STUDS WITH 1/2" STANDOFFS; SILICONE AROUND STUDS THREADS

*Business in corner space allowed secondary sign no greater than 50% of measurements above.

*Allowed one additional sign under covered walkway or canopy positioned 90 degrees to the street with minimum vertical clearance of 8 feet. May include business name and nature of goods or service.

☒ Window Sign:

Window glass size: Height: _____ x Width: _____ = _____ sq. in (ft.)

Size of window sign: Height: _____ x Width: _____ = _____ sq. in (ft.)

Window glass size: _____ x 0.25 = _____ maximum allowable size of window sign

- Window Letters : maximum of 8" for primary line and maximum of 4" for secondary line
- May only include: business name, type of business, address, telephone number, either email address or website address, and related logos.
- Businesses with street frontage greater than 50 feet are allowed a second window sign

☒ Door Sign:

Door glass size: Height: _____ x Width: _____ = _____ sq. in (ft.)

Size of door sign: Height: _____ x Width: _____ = _____ sq. in (ft.)

Door glass size: _____ x 0.25 = _____ maximum allowable size of door sign

- Door Letters: maximum of 4" in height
- May only include: business hours, address number, telephone number, either email address or website address, and the name of the members/agents/etc. of business and licensing #'s. If no windows-door may include business name

☒ Awning Sign:

- only permitted when no other primary sign on the same side of the building
- follows the regulations for primary signs

Style of Font and Letters (block, script, channel, format, etc.):

BLOCK & SCRIPT

Color of the sign (selected by property owner): GOLDEN

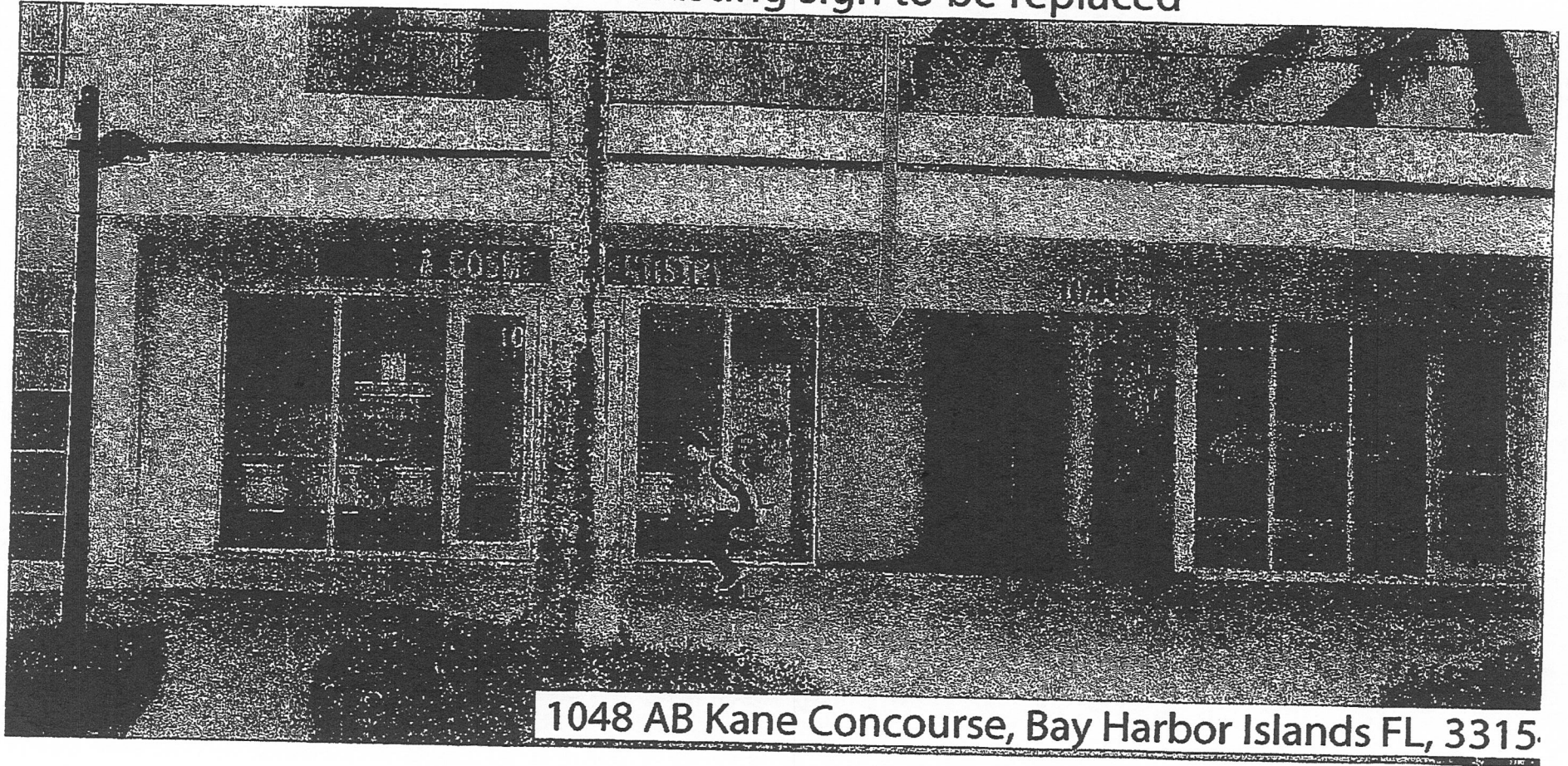
Description of Sign Material: 1/4" THICK ALUMINUM - CUT INDIVIDUAL LETTERS

*Primary and window signs permitted to include logos that are trademarked and registered.

*For tenant directory sign, see Code Section 17-20(h)(i)

Revised: 12/17/13

Existing sign to be replaced

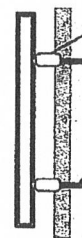


1048 AB Kane Concourse, Bay Harbor Islands FL, 3315.

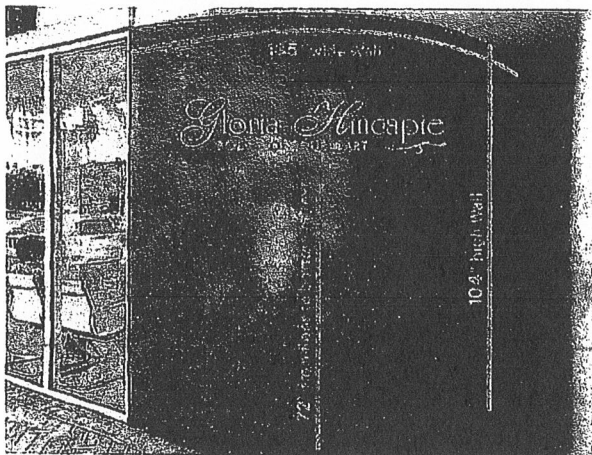
12" 63" W 13.5" H
Gloria Hincapie
 2" BODY CONTOUR ART

ATTACHED

1/2" Stand off
 3/16" x 3" Studs
 with Silicone glued
 on stud threads



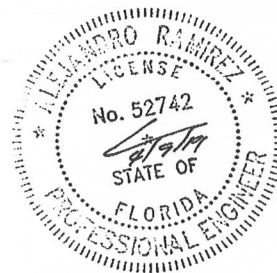
1/4" THICK ALUMINUM LOGO - LETTERS



ALUMINUM LOGO - LETTERS
 COLOR: GOLD
 NORTH ELEVATION

Top / Bottom: 12" / 2" Letter Height
 Top / Bottom: 1/4" / 1/4" Letter Thickness
 Top / Bottom: 2"-4" min. studs per Letter
 Top / Bottom: Gold Color

5.9" Sq. Ft. Sign
 Concrete Wall Type
 135" Wall Width
 104" Wall Height
 72" to bottom of letters



SIGN: 5.9 Sq Ft

Engineering Services
 3640 SW 112 Ave.
 Miami, FL 33165
 Cell Ph: (786) 768-6307
 Ph: (305) 307-1238
 Fax: (305) 307-1238
 E-mail: info@agesu.com

GENERAL STRUCTURAL NOTES:

1. Design is based on 175 mph, 3 seconds gust design wind speed per FBC 2017 6th Edition, Exposure D, Importance Factor 1.0
2. Reference Specifications, Codes and Standards: FBC 2017 6th Edition / ASCE 7-16 / AISI 360-16 / ACI - 318 - 14 / NEC 2014 Article 600.6 (A)(1)
3. Sealing holes in facade for prevent water intrusion.

Scope of work:

Installation of outdoor
 non-illuminated aluminum
 logo and letters in existing
 concrete wall.

Engineer:

ALEJANDRO RAMIREZ PE
 10464 SW 114 th Terrace
 MIAMI, FL 33176
 Ph: 786 768 6307
 LICENSE No: 52742

Job name:

GLORIA HINCAPIE
 10487 AB Kane Concourse,
 Bay Harbor Island, FL 33154

Scale: NTS

Sheet No: 1
 Total sheet No: 1
 Date: 4/9/2019





Michael J. Miller

From: J C Jimenez <jcjimenez@bayharborislands-fl.gov>
Sent: Wednesday, May 01, 2019 2:33 PM
To: Gisela Mendez
Cc: Marlene Siegel; Alba Chang; Michael J. Miller
Subject: RE: Gloria Hincapie Body Contour sign
Attachments: FW: BTR & Primary Sign

Unfortunately, per the Town Code your business cannot have a primary sign facing Kane Concourse. Your landlord was informed of this a last year when she inquired about it for another tenant.

J.C. Jimenez, ICMA-CM
Town Manager
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Office: 305-866-6241
Email: jcjimenez@bayharborislands-fl.gov



From: Gisela Mendez <sgm2019@yahoo.com>
Sent: Wednesday, May 01, 2019 1:38 PM
To: J C Jimenez <jcjimenez@bayharborislands-fl.gov>
Subject: Gloria Hincapie Body Contour sign

Good afternoon.

What is occurring now?
Are you reviewing, do we need to speak with the Planner.?

Just advise so we know how to follow up..

ARTICLE II. - B-1 ZONE

Sec. 17-20. - Exterior signs.

(a) Signs in the B-1 zone shall bear no more than the name of the building, the trade name of the establishment, and the nature of the business, without designation of any particular product or service by trade name. Signs shall be of a size which is artistically and aesthetically proportionate to the size of the building and to the part of the building on which the sign is located. Each business located on the ground/street level must provide at least one business sign (wall/window/door/etc.). If a common ground/street level building area is occupied by more than one business, only one of the uses shall be entitled to a sign. Primary signs in the business district (B-1) shall comply with the following requirements:

- (1) *Maximum sign area*. No primary sign shall have an area measured from end to end and top to bottom of all lettering and including spaces between exceeding one and one-half square feet for each linear foot of street frontage occupied by the licensed establishment, with a maximum overall size of 30 square feet. *
- (2) *Maximum height of sign*. No primary sign shall have lettering exceeding 18 inches in height and lettering less than 12 inches in height per line of signage.
- (3) *Maximum length of sign*. No primary sign shall have a length exceeding 60 percent of the linear street frontage occupied by the licensed establishment.
- (4) *Maximum height of sign above grade*. The top of all primary signs shall not exceed 14 feet above grade unless otherwise approved by the planning and zoning board based on architectural and aesthetic characteristics of a particular location. Building identification signs may be permitted above 14 feet above grade for buildings three or more stories in height subject to the provisions in section 17-20(t).
- (5) *[Area.]* Area of a sign shall be measured and defined as square footage enclosed within a projected rectangle which includes the outer extremities of all lettering, figures, symbols, and characters shown on the sign. In cases where a wall sign consists of different letter sizes, the outer extremities of the lettering shall be determined by the letter sizes which comprise more than 40 percent of the letters in a particular sign.

*Note:
Newhub sign
for Tennant on
Alley has "NO"
street frontage on
KC - only alley.*

- (6) *Secondary business signs*. Businesses occupying the corner space of a corner building may have one primary sign facing the street on which its main entrance is located. A secondary sign may be displayed provided it is no greater than 50 percent of the measurements specified for a sign in subsections (1), (2), and (3) above.
- (7) *[Requirements for additional signs.]* In addition to the above, one additional business sign hung under a covered walkway or canopy positioned 90 degrees to the street may be permitted, provided there is a minimum vertical clearance of eight feet and such sign shall not exceed three square feet. The sign content may include the name of the business and the nature of their goods or services. A logo may be included. The sign may be double-faced.
- (8) *[Mounting.]* All signage affixed to a building's exterior in the B-1 district shall be affixed to the wall surface or on top of a ledge or overhang, but in no event shall signs be allowed to hang from a ledge overhang or be mounted on poles or columns supporting a ledge or overhang without prior approval of the planning and zoning board.
- (9) *[Plaques, etc.]* All signage which is in the form of a plaque, or signs consisting of individual letters mounted on a flat surface which is in turn affixed to the wall or other building surface, must be approved by the planning and zoning board. Except for the letters themselves, no plastic or similar materials shall be permitted.
- (10) *Prohibition of exposed wiring*. No face jumping or wires visibly connected to individual letters shall be permitted.
- (b) *Window and door signs*. The foregoing section does not apply to window signs and door signs. One window signs and one door signs are permitted per business establishment. Window signs shall not exceed 25 percent of the total window glass area of each business establishment, excluding doors. Notwithstanding the above, if a business establishment occupies a street frontage with more than 50 feet, a second window sign shall be permitted, subject to the same design criteria. Door signs shall not exceed 25 percent of the door glass area to which the sign is affixed. The maximum letter size on any window sign shall be eight inches for letters in the primary line and four inches for letters in the secondary line. The first letter of each word in the name of the business and any logos, logotypes, symbols, graphics, bandings, ascending, descending or swash letters, or combinations thereof, may

be increased up to 50 percent if it is flourished in a professional manner. Window signs may be placed only on windows that form a part of the space being occupied by the advertising business, provided however that the top of any such sign may be no higher than ten feet above grade unless otherwise approved by the planning and zoning board, based on architectural and aesthetic characteristics of a particular location. Window signs shall not be illuminated from an exterior source in any manner. Window signs may include only the business name, type of business, address, telephone number, either an E-mail address or website address, and related logos. Window signs shall not state any price or dollar amount. Non-illuminated signs placed more than five feet from the face of any window surface are exempt from the provisions of this section. Professionally designed window displays are exempt from this section.

- (1) *Credit and debit card signs*. In addition to the above, each business establishment may display, at a single location on a glass window or door, decals or stickers indicating credit card or debit cards which are accepted therein, provided the total area of the decals or stickers displayed does not exceed 24 square inches. The area of such decals or stickers shall not be included in the aforementioned 25 percent window glass area limitation. No more than four credit card or debit cards names or symbols shall be displayed. Such decals or stickers shall be placed on window surfaces no more than three inches from a door or window frame or mullion near the middle portion of the window or door. All such decals or stickers shall be maintained in a good, neat and orderly condition. Deteriorated, faded or damaged (cracked/ripped) decals or stickers are prohibited and must be replaced in a timely manner. Failure to comply with the above provisions shall be deemed a code violation subject to fines and legal action.
- (c) Door signs may additionally state the business hours, address number, telephone number, either an E-mail address or website address, and the name of the members, agents or brokers, of the business, as well as the licensing numbers of those individuals, if same are required by law. All such lettering shall not exceed four inches in height per line; address numbers shall not exceed four inches in height. Address numbers shall be placed on the front of any back door leading to each business location for public safety purposes and deliveries. If a business does not have a street-facing door, the business may include its telephone number and

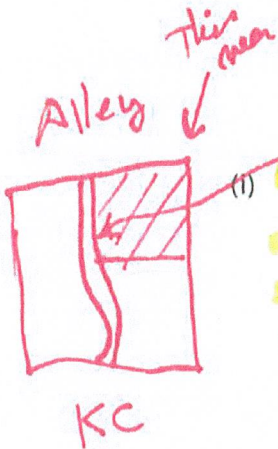
website address on its window in accordance with the provisions and limitations set forth in subsection (b), above. In the instance of no window sign, the name of the business may be placed on the door with lettering not to exceed four inches in height.

- (d) The owner of each building shall be responsible for selecting the color of lettering to be used for all signage on his/her building. The building owner shall notify the town of the color selected, and the owner, his/her employees or agents shall be responsible for assuring that each tenant is aware of the selection. Tenants are responsible for selecting the font, style and type sign which conform with the color as chosen by the building owner and with letters in compliance with [subsection] (e) below. However, the color of the lettering contained within window signs may only consist of one of the following colors: black, white or gold. All window signs are to be uniform as to color as all other window signage on the building.
- (e) Primary identification signage shall consist of individual letters (e.g., channel reverse channel, cast, formed, etc.) with a minimum depth or return of one-half inch and shall be installed or mounted in such a manner that the face of the letter is a minimum of one inch from the wall or mounting surface, however, primary signage which consists of a plaque, or of individual letters mounted on a flat surface which is in turn affixed to the wall or other building surface, as provided for in section 17-20(a)(8), shall only have a minimum depth or return of one-half inch and shall be installed or mounted in such a manner that the face of the letter is a minimum of one-half inch from the wall or mounting surface. Notwithstanding the foregoing, primary signs located less than seven feet above the sidewalk grade, affixed to a wall or other building surface, shall have a minimum depth or return of one-quarter inch. All such signage is subject to planning and zoning department approval as to aesthetics, including methods of mounting and illumination, if any. If illumination requires the use of "raceways" (boxes behind the letters to hold wiring), such shall be of the same color as the building or background behind the raceway.
- (f) Only one sign of each type, i.e., primary identification, window, door, shall be permitted for each retail store and business establishment, and each building shall be permitted one primary identification sign which bears the name of such building, except as provided in sections 17-21 and 17-22. The top of all signs shall

not be higher than 14 feet above the sidewalk grade with the exception of building identification signs as allowed in section 17-20(t). These provisions shall be controlling over the provisions of paragraph (a) in the case of any conflict.

(g) Theater signs shall not be limited by subsection (a) above, but shall be incorporated in the basic architecture of the building and approved as a whole with the building plans. However, sign installations on theaters shall be subject to application, approval and permit requirements according to section 17-3.

(h) Building tenant directory signs are required for all multi-story buildings in the B-1 District in accordance with section 17-3. All building tenant directory signs must be installed adjacent to an elevator, if placed inside a lobby, or near the lobby front door and rear door, if provided, on an exterior wall surface if placed outside of a lobby.



(i) Signs in atria or semi-enclosed areas are treated for all purposes and subject to regulation in the same manner as if said areas were facing the street on an exterior wall. All provisions of this section relating to exterior signs in the B-1 zone are applicable to atria or semi-enclosed areas. Notwithstanding the foregoing provisions, illuminated or non-illuminated light boxes may be installed in the pedestrian walkways connecting the walkways paralleling Kane Concourse with the rear parking areas and/or the alley separating blocks 11, 12, 20 and 21, provided a permit is applied for and approved in accordance with section 17-3. Any such light boxes shall be positioned perpendicular to Kane Concourse unless the pedestrian walkway is angled in such as manner so that the light box is not visible from any adjoining roadway. The maximum size of any single light box shall be three feet in width by five feet in height. All such light boxes shall be maintained in proper working condition and appearance with all lighting operational, no broken glass and all framing maintained. All display items within light boxes shall be limited to those products or services owned or sold by the tenant upon which the light box is attached to the exterior of portion of the building occupied by the tenant.

(j) Primary identification signage and window signs may include logos. The town has discretion to approve logos and has the final authority to limit or grant approvals of logos based on aesthetics, proportions, and overall considerations of the surrounding neighborhood.

(k)

No awning or canopy shall be erected bearing any sign, including, but not limited to, letters and logos. However, the awning or canopy may bear the trade name of the establishment with which it is connected if the establishment does not have a primary sign on the same side of the building on which the awning or canopy is located. All provisions of the town's ordinances regulating signs must be complied with.

- (l) A one-time, professionally made temporary canvas or plastic sign may be displayed for a new business to state, "grand opening" on their premises for no more than 30 days upon the receipt of a permit and the payment of a \$100.00 fee. Also, a one-time, professionally made "coming soon" sign shall be permitted upon the application for a permit and payment of a \$100.00 fee. Such sign shall not exceed two feet vertical by six feet horizontal and may contain the words "Coming Soon," the name of the establishment and the nature of the business. The permit for this sign shall be issued for a period not to exceed six months. No permits shall be issued to businesses that have not filed an application for a business tax receipt with the town clerk.
- (m) For an existing business to promote a special occasion or sales event, a professionally made temporary canvas or plastic banner sign may be displayed to announce the event. The location of the sign must be on the site where the business is located, and may be placed in a window, door or across the building facade. If placed outdoors, any such sign shall be securely fastened to the building. Such sign shall not exceed two feet vertical by six feet horizontal. Such signs shall not be placed on the premises more than four times per calendar year and shall not be placed for more than ten days at any one time. A time period of at least 14 days must separate any placement of such signs. Prior to installing any such sign on their premises, a permit must be obtained from the town and the posting of a bond to ensure its removal at the end of the permit period.
- (n) No permits may be issued for box signs and/or signs utilizing flat plastic letters affixed to a flat surface subsequent to the effective date of this section. Such signs existing as of the effective date of this section shall be considered to be nonconforming, and should be replaced with signage in conformance with this section at the earliest practicable date. All such nonconforming signage as described in this subsection shall have been removed or replaced within five years of the effective date (August 12, 1997).

*
Neahut
Back Bay

- (o) Business located on the second floor of a building or higher, and businesses which do not occupy space directly adjacent to the street, are not permitted any signage other than door signs and building directories. This subsection (o) shall not apply to religious institutions, as religious institutions are restricted only to the second floor of a building and higher.
- (p) Notwithstanding the above, windows, doors, directory, temporary and interior signs may be approved by the town manager or his/her designee as long as it meets the current provisions of the Town Code as set forth in this chapter.
- (q) Notwithstanding any contrary provision(s) of this section, a publicly elected local, state or federal governmental official conducting a public business will be permitted to place a sign on the ground floor in the B-1 Business district which identifies his or her elected position and identity, subject to prior approval of the planning and zoning board of the town.
- (r) "Visitor parking," "no parking," "private parking" or other designated parking signs shall be permitted on private property to identify private parking and limitations thereto in the Business district (B-1) subject to prior approval of the town as to size, placement, and aesthetics. The "no parking" signs may be freestanding, but shall not exceed four feet in height, and shall be weighted or anchored into the ground at the bottom to keep the signs from toppling over. Not more than one sign shall be permitted at the driveway entrance(s) to a parking facility and not more than one sign per four parking spaces within an off-street parking facility.
- (s) For sale, for rent, or for lease signs shall be permitted in the Business district (B-1) but shall not exceed one sign on each business, shall be no greater than 1.5 square feet in size, and shall be limited to: situation (sale, rent, lease, zoning, size of property); name of owner; broker or agent; phone number/E-mail; designs or trademarks, provided such design or trademark shall be appropriate to the scale of the sign. In addition, one sign may be hung from, or attached to the approved sign for temporary use announcing one additional bit of information limited to: For rent, for lease, open, by appointment only, size, zoning, associate's or salesperson's name. A "Sold" sign may be attached to the sign for a period of 30 days subsequent to the date of the sale. All of the above signs shall not exceed 48 square inches). Signs may be double-faced. No handmade signs shall be permitted. The sign shall be placed on a stand in front of the business, but not on town right-of-way, when physically possible. If the location of the business does not permit

such placement, then the sign shall be placed on the window or door so it can be seen from the street. Before any "for sale," "for rent," "for lease" or "no parking" signs are displayed, an application for a permit for such display shall be filed with the town and a fee of \$25.00 paid by the applicant to the building department who shall issue such permit if applicant has complied with all provisions of this section. If a real estate company or its agent obtains a permit for a sign and sells the property before the expiration of the permit, the sign may be transferred to another property within the town so long as the real estate company or its agent notify the building department in writing of the change in location. Such signs shall be outdoors only and in plain black lettering on white background, with no iridescent paint or coloring or other lighting, and shall be of neat professional appearance. Notwithstanding the above, a company logo or trademark may be colorized, provided the logo or trademark colors are compatible and not bright iridescent "neon" colors.

(t) *Building identification signs*. Buildings with three or more stories in height may be allowed to have building identification signs exceeding 14 feet above the sidewalk grade subject to the approval of the planning and zoning board per subsection (a) (4) and subject to the following conditions:

- (1) The sign(s) should be placed at the uppermost portion of the building and designed to be in proportion to the architectural facade or wall of the building upon which it is attached;
- (2) Such signs, if permitted, shall be attached only to building facades facing an adjoining street frontage where the land across the adjoining street is within the B-1 Business District. For the purpose of this section, the alleys between Blocks 11, 12, 20 and 21 are not considered street frontages;
- (3) No more than two building identification signs are allowed per building and only one sign is allowed per street frontage;
- (4) A building identification sign is primarily intended to identify a multi-story/multi-tenant building complex rather than a single tenant, and as such, a single tenant's name, regardless of the amount of floor space occupied, may not be used unless additional wording is included such as "plaza," "center," "tower," etc.;
- (5) No building identification sign shall include off-premises tenants, sponsor or advertising of any type;

- (6) Building identification signs, if allowed, shall be placed so as to not break important horizontal or vertical building lines or architectural features. This requirement will be considered met if none of the following types of lines are broken:
- a. Cornice lines; lintel or sill lines, actual or extended; belt course lines;
 - b. Column or pilaster lines;
 - c. Columns, decorative panels, friezes, keystones, medallions, ornamental trim, ornaments, pediments, pilasters, rosettes, windows, and similar architectural detail features.
- (7) The sign length should not exceed 60 percent of the architectural façade or wall of the buildings upon which it is attached;
- (8) The maximum overall square footage for each individual sign shall not exceed 150 square feet;
- (9) The maximum height of all letters, numbers or logos in a sign shall not exceed 18 inches in height.

* Sign Variances

- (u) Notwithstanding the above provisions, based on the proposed sign design, sign location, building height, architectural features or other unique circumstances, the planning and zoning board may vary the above criteria. If the planning and zoning board varies from the above criteria, copies of the approved sign and written reasons for the modifications shall be forwarded to the town council within 15 days. Upon receipt of the planning and zoning board's action a member of the town council or the town manager may appeal the board's decision. If the board's decision is appealed the matter shall be placed on the next available town council meeting agenda for action.
- (v) *Sidewalk café/outdoor restaurant menu board/sandwich sign.* One menu board or sandwich sign is allowed per restaurant and shall be limited to six square feet in area. The color of the sign frame and sign background shall be approved by the Town. White, grays, or wood colored earth tones are required for the above. There shall be no signage or logos displayed on umbrellas that can be seen from the public right-of-way, other than the name of the business establishment;
- (w) *Holiday decorations.* Holiday decorations are permitted to be installed up to two weeks before and one week after the specified holidays listed herein. All holiday decorations must be placed on the interior of the business. No holiday decorations

may contain any business names or logos. No holiday decorations shall be placed on the Town's property. Holiday decorations are permitted on private property for the following holidays:

- (1) *United States federal holidays.* New Year's Day, Birthday of Martin Luther King Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day;
 - (2) *Other holidays.* Valentine's Day, St. Patrick's Day, Mothers Day, Flag Day, Fathers Day, Halloween;
 - (3) Religious Holidays.
- (x) *Vacant property.* If any commercial property is vacant for more than 15 days, all glass surfaces visible to the public at street grade shall be kept clean, and the interior of such vacant store shall be screened from public view in one of the following ways until the property is occupied:
- (1) All glass surfaces visible to the public at street grade shall be covered with a town-approved material having a common design motif and a consistent predetermined color (material available at the building and zoning department); or
 - (2) Decorative displays of the future tenant of the vacant store. Such screening shall consist of a town-approved material having a common design motif and a consistent predetermined color. Such screening material shall be mounted on a freestanding partition, attached to a wooden frame or affixed by other temporary means.

(Ord. No. 617, § 1, 4-14-97; Ord. No. 619, § 1, 6-9-97; Ord. No. 665, § 1, 7-10-2000; Ord. No. 737, § 1, 2-9-04; Ord. No. 745, § 1, 7-12-04; Ord. No. 755, § 1, 11-8-04; Ord. No. 763, § 1, 1-10-05; Ord. No. 796, § 1, 6-12-06; Ord. No. 804, § 1, 8-14-06; Ord. No. 825, § 1(Exh. A), 9-10-07; Ord. No. 829, § 1(Exh. A), 12-10-07; Ord. No. 834, § 1(Exh. A), 3-10-08; Ord. No. 861, § 1(Exh. A), 10-13-08; Ord. No. 862, § 1(Exh. A), 10-13-08; Ord. No. 880, § 1, 5-11-09; Ord. No. 883, § 1(Exh. A), 8-10-09; Ord. No. 916, § 1(Exh. A), 9-12-2011; Ord. No. 957, § 1(Exh. A), 12-9-12; Ord. No. 964, § 1(Exh. A), 6-9-14; Ord. No. 1001, § 1(Exh. A), 11-14-16)

Sec. 17-21. - Indoor signs.

All businesses are prohibited from displaying any sign in the interior of the building which is visible from the outside, except those which are artistically and aesthetically proportionate to the display area and of neat professional appearance. There may be only one "sale" sign per window, not to exceed 154 square inches. No sign may be closer than 18 inches to the window.

(Ord. No. 229, § 7, 5-11-70; Ord. No. 399, § 7, 8-9-82; Ord. No. 406, § 2, 1-10-83; Ord. No. 595, § 1, 8-12-96; Ord. No. 617, § 1, 4-14-97)

Sec. 17-22. - Exterior signs facing alleys and side streets.

*
Neighborhood
Tenant Allowed
Sign on alley.
But NOT KC

- (a) No sign otherwise proper under the terms of this chapter may be erected or constructed on any side of any building other than the side of the building facing the street on which it abuts, except if the building is used for business purposes and has an entrance on a platted public alley, a non-illuminated, single-color sign no greater than 12 inches in height may be erected on the side of the building facing such platted public alley. In addition, credit card or debit cards decals or stickers as described in subsection 17-20(b)(1) may be located on windows or doors facing an alley, subject to the size, location and design criteria listed therein.
- (b) Buildings on corners may have an additional sign identifying the building or the business establishment occupying the corner premises on the ground floor in accordance with subsection 17-20(a)(6) and subsection 17-20(t).

(Ord. No. 229, § 8, 5-11-70; Ord. No. 399, § 8, 8-9-82; Ord. No. 617, § 1, 4-14-97; Ord. No. 883, § 1 (Exh. A), 8-10-09; Ord. No. 916, § 1(Exh. A), 9-12-2011)

Sec. 17-23. - Signs outside the B-1 zone.

- (a) All iridescent or other lighted signs outside the B-1 zone are prohibited.
- (b) Properties outside the B-1 zone are prohibited from displaying any signs except those which are approved by the town manager or the planning and zoning board, based on architectural, artistic and aesthetic characteristics of the location and structure as to size, design and color. Such signs shall bear no more than the name and address of the property and name, address and phone number of the property manager or owner.
- (c)

Hotels and apartments located outside the B-1 zone, in addition to the signs permitted in this section and affixed thereto, may have supplemental signs not to exceed four in number, and not to exceed one square foot in area, bearing the designation "Vacancy," "No Vacancy," "Swimming Pool," "Air Conditioned" and signs of similar nature relating to accommodations.

- (d) In the RM1 and RM2 districts, signs shall be permitted on the ground, unattached to a building, to identify private residential parking, subject to approval of the town.
- (e) All properties, whether residential or commercial, shall have address numbers clearly marked and visible from the street and, in the case of business properties, from the rear as well. In business districts B-1, properties may have three-dimensional plastic numbers.

(Ord. No. 229, § 9, 5-11-70; Ord. No. 595, § 1, 8-12-96; Ord. No. 652, § 1, 9-22-99; Ord. No. 745, § 1, 7-12-04; Ord. No. 764, § 1, 2-14-05; Ord. No. 861, § 1(Exh. A), 10-13-08)

Sec. 17-24. - Illegal display of business signs.

- (a) In the B-1 zone no owner or lessee of unused premises, or premises which have no valid business tax receipt, shall permit any business signs to be displayed on or attached to said premises.
- (b) The owner of any property in the B-1 zone property shall, within 30 days of a tenant vacating the premises, be responsible for removing all evidence of all signage, including, but not limited to, removal of window lettering, sign boxes, covering or removing all electrical wiring and restoration of all visible surfaces by plastering or other aesthetic method, and the painting of wall surfaces, to the satisfaction of the town.

(Ord. No. 229, § 11, 5-11-70; Ord. No. 595, § 1, 8-12-96; Ord. No. 861, § 1(Exh. A), 10-13-08)

Sec. 17-25. - Display of banners and flags.

No flags or banners shall be displayed in the B-1 Business district of the town except for the American, Florida or Bay Harbor Islands flags; provided, however that other flags and banners may be displayed for public, special events by the town council, at its sole and exclusive discretion.

(Ord. No. 426, § 1, 8-12-85; Ord. No. 777, § 1, 9-12-05; Ord. No. 861, § 1(Exh. A), 10-13-08)

Editor's note— Ordinance No. 426, adopted Aug. 12, 1985, amended the Code, but did not specify the manner of inclusion of its provisions. At the editor's discretion, therefore, § 1 of Ord. No. 426 has been codified as § 17-25.

Sec. 17-26. - Amortization.

Any sign or other advertising structure legally in existence on the date of adoption of this ordinance [August 12, 1996] which violates or does not conform to its provisions shall be removed, altered, or replaced so as to conform with the provisions of this ordinance within five years from date of passage of this ordinance. An unlawful sign is not a nonconforming sign. No nonconforming sign is required to be removed solely by the passage of time if to so require is otherwise prohibited by state or federal law. This section does not apply to section 17-1 or section 17-4, as those sections require an immediate removal of existing violations.

(Ord. No. 595, § 2, 8-12-96)

Editor's note— Section 2 of Ord. No. 595, adopted Aug. 12, 1996, did not specifically amend the Code; hence, inclusion as § 17-26 was at the discretion of the editor.

Sec. 17-27. - Property information signs, B-1-Business district.

In the B-1-Business district, property information signs shall be permitted on vacant property or where demolition of an existing structure is anticipated, subject the following conditions:

- (a) Such signs shall be informational only such as to designate the future occupant. There shall be no rendering of a future structure and no phone numbers for sales office and the like.
- (b) There shall not be more than one sign per parcel, not exceeding a maximum overall size of 32 square feet.
- (c) Such signs shall be subject to the prior approval of the planning and zoning board including approval as to location and height, and may be erected for a period of no more than six months after obtaining a permit; provided however, said permit may be renewed upon application to the town. The town, after review of the evidence submitted by the applicant, may grant additional six-month extension periods if it is determined that substantial progress has been achieved by the applicant in terms of project planning.
- (d) Any illumination for such signs shall be fully described and form a part of the

initial application to the town.

- (e) Such signs as approved and installed must be removed upon the installation of any "preconstruction" or "construction" signs as described in the Code.
- (f) The permit fee for each informational sign shall be \$500.00, payable for the initial permit and for each renewal permit. A cash bond in the amount of \$100.00 shall be made by the applicant to the town; said bond shall be forfeited to the town in the event that the town is required to remove the sign due to nonrenewal, or deteriorated condition, or expiration of the permit period and failure of the applicant to remove said sign.

(Ord. No. 702, § 1, 4-22-02; Ord. No. 861, § 1(Exh. A), 10-13-08)

AGENDA ITEM REPORT

January 13, 2020

ITEM NUMBER: 4.

ITEM: Approval of Denial of a variance request for a business located at 1048 Kane Concourse. As require by Section 2-22 of the Town Code, the Town Council shall determine whether to grant or deny the application for variance. An affirmative vote of five Council Members is necessary in order to grant the request. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney.

DESCRIPTION:

RECOMMENDED ACTION:

Deny the requested variance

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Alba Chang, Deputy Town Clerk

ATTACHMENTS

None