

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR MEETING**

A Quasi-judicial Public Hearing of the Town Council was held on Monday, January 13, 2020 at 7:00 p.m. in the Council Chambers. Upon roll call the following members responded:

Mayor Stephanie Bruder	
Vice Mayor Joshua Fuller	Council Member Jordan Leonard
Council Member Kelly Reid	Council Member Isaac Salver
Council Member Elizabeth Tricoche	Council Member Robert Yaffe

QUASI-JUDICIAL PUBLIC HEARING AGENDA

SPECIAL PRESENTATION: Report on the 2020 census

Miami Dade County Commissioner Esteban Bovo came forward and urged the Town Council to communicate to all the residents the importance of the 2020 census. This was an important effort that will help allocate funds where needed such as transportation and special projects. The County has scheduled March 1st as the trigger date to start the efforts.

Consensus was to advertise on the Town Newsletter; Social Media platforms; Town website; Morris Broad community Center and distribute flyers on the Town Shuttle bus.

Town Attorney Simone swore in all the individual speaking at the Public Hearing.

Item 1. Discussion for the purpose of hearing any public comment with respect to an 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.

Town Planner Michael Miller came forward and presented the proposed variance request for a portable prefabricated shed to be placed within the side yard setback. He explained the shed was not included in the zoning code therefore not permitted.

Council Member Leonard asked if the structure was visible from the street. Town Planner Miller responded yes, but there would be landscaping around the home and structure and would be covered properly.

Council Member Tricoche requested a covenant running with the land until the property was sold.

Item 2. Approval or Denial of a variance request for residence located at 1250 102 Street. As required 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.

ACTION: Mayor Bruder made a motion to approve the variance request subject to the following conditions:

1. Variance approval is granted to the property owners, variance shall cease should the owner sell or no longer live in the property.
2. The structure shall be subject to the Florida Building Code.

Council Member Leonard seconded the motion and it passed by unanimous poll vote.

Item 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.

Attorney Kent Robbins came forward and presented the variance request for the business tenant and property owner. He stated that Town told the property owner the primary sign on the front of the property could be replace and be utilize by tenant in the rear.

There was a brief discussion on the proposed sign; the business location did not face Kane Concourse; unusual property location; and Council consensus to support the Business District.

PUBLIC COMMENT

Kathleen Kennedy, 9180 W. Bay Harbor Drive, came forward and asked for the Council to be fair when considering the proposed variance request.

Marianne Basabe 10201 E. Bay Harbor Drive came forward and urged the Council to support the merchants in Kane Concourse. She was in favor of the proposed variance request.

CLOSED PUBLIC COMMENT

Item 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.

ACTION: Council Member Yaffe made a motion to approve the variance request for business located at 1048 Kane Concourse with the following conditions:

1. The proposed sign shall be the same size as the previous sign (Dr. Gilbert Jacobson).
2. Variance approval is only valid for the lifetime of the current business tenant (SGM, LLC).
3. The sign shall be of a conforming color.

Mayor Bruder seconded the motion and it passed 5-2 poll vote, with Council Members Leonard and Salver opposed.

There being no further business to discuss meeting was adjourned at 8:02 p.m.

MAYOR

ATTEST

DEPUTY TOWN CLERK

DRAFT