



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### OFFICIAL AGENDA

#### **NORTH BAY VILLAGE PLANNING & ZONING BOARD MEETING**

**VILLAGE HALL  
1666 KENNEDY CAUSEWAY, #101  
NORTH BAY VILLAGE, FL 33141**

**TUESDAY  
JUNE 17, 2014 – 7:30 P.M.**

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE PLANNING & ZONING BOARD. SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE WILL 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. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZES CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

- 
1. **CALL TO ORDER**
  2. **PLEDGE OF ALLEGIANCE, ROLL CALL**
  3. **OATH OF OFFICE**
  4. **(PUBLIC HEARINGS) ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN.**
    - A. **AN APPLICATION BY BRAD JOHNSON CONCERNING PROPERTY LOCATED AT 1321 BAY TERRACE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**
      1. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A SWIMMING POOL TO BE 5.5 FEET FROM THE REAR PROPERTY LINE WHERE SECTION 152.060(A) OF THE VILLAGE CODE REQUIRES A 7.5 FEET REAR-YARD SETBACK AREA.**

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**1.) Board Recommendation**

- 2. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A SWIMMING POOL DECK TO BE 5.5 FEET FROM THE REAR PROPERTY LINE WHERE SECTION 152.060(A) OF THE VILLAGE CODE REQUIRES A 7.5 FEET REAR-YARD SETBACK AREA.**

**1.) Board Recommendation**

- 3. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A SWIMMING POOL DECK TO BE 3.5 FEET FROM THE SIDE PROPERTY LINE WHERE SECTION 152.060(A) OF THE VILLAGE CODE REQUIRES A 7.5 FEET**

**1.) Board Recommendation**

**5. ADJOURNMENT**



## Staff Report Variance Request

*Prepared for: North Bay Village  
Planning & Zoning Board*

*Applicant: Brad Johnson*

*Request: Variance to Minimum Rear Setback for  
Placement of Pool*



**LaRue** Planning  
& Management Services, Inc.  
1375 Jackson Street, Suite 206  
Fort Myers, Florida  
239-334-3366

Serving Florida Local Governments Since 1988

## General Information

Applicant	<b>Brad Johnson</b>
Applicant Address	6650 Parkwood Dr Edina, MN 55436
Site Address	1321 Bay Terrace
Contact Person	Anita Chang
Contact Phone Number	954-464-1153
E-mail Address	<a href="mailto:achang@vankirkpools.com">achang@vankirkpools.com</a>

Future Land Use Map Classification	Single Family Residential
Zoning District	RS-1
Use of Property	Single Family Home
Acreage	0.14 acres

## Legal Description of Subject Property

LOT 1, BLOCK 2 OF NORTH BAY ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40 ON PAGE 59 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SAID LANDS LYING AND BEING IN NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 6,020 SQUARE FEET (0.14 ACRES), MORE OR LESS.

## Requested Variance

The applicant's request is for approval of a variance to the required rear setback to allow a swimming pool to be 5.5 feet from the property line where 7.5 feet is required.

## Project Description

The applicant intends to install a pool at a single family home in the North Bay Village RS-1 Zoning District. North Bay Village Code Section 152.060 requires pools to be setback at least 7.5 feet from the rear property line. The applicant is requesting permission to place the pool 5.5 feet from the rear property line, encroaching 2 feet into the required setback area.



## Required Findings

Sec. 152.097(B) sets forth the findings that are required for the reviewing body(ies) to authorize any variance request. Sec. 152.097(C) requires that the reviewing body(ies) must make an affirmative finding with respect to the criteria listed below. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

- (1)a. That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district;

**Staff Comments: The minimum lot size in the RS-1 Zoning District is 7,000 square feet. The subject property is a rectangular shaped lot of 6,020 square feet. The undersized nature of this parcel is somewhat of a special circumstance, as there are not many undersized parcels in the RS-1 District. The Applicant has provided no other evidence of special circumstances and/or conditions that are unique to the land or proposed structure.**

- (1)b. that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property;

**Staff Comments: The undersize nature of the lot is not a condition that was created by the applicant. However, the need for a pool which encroaches on the required rear setback is a matter of choice necessitated only by the preference of the Applicant for a larger pool, which results in the need for the variance.**

- (1)c. and that the strict application of the provisions of this chapter would (or would not) deprive the Applicant of the reasonable use of the land, structure, or building for which the variance is sought;

**Staff Comments: While it would require the construction of a somewhat smaller pool, the strict application of the minimum rear yard setback of 7.5 feet will not deny the Applicant the reasonable use of the property.**

**Applicant Comments: This particular property has a portion of the house (structure) where the strict application of the provisions of this chapter would deprive the homeowner of the reasonable use of land for which this variance is sought. .**



- (1)d. and would (or would not) involve an unnecessary hardship for the Applicant.

**Staff Comments: The definition of an unnecessary hardship in Chapter 152 is as follows:**

"(2) *Hardship, unnecessary.* Arduous restrictions upon the uses of a particular property, which are unique and distinct from that of adjoining property owners. Granting of relief from an unnecessary hardship should not violate sound zoning principles, including considerations that: adjacent properties will not be substantially reduced in value, it is not granting a special privilege not to be enjoyed by others in similar circumstances, and the public interest is maintained, including following the spirit of this chapter and the comprehensive master plan. Invalid and nonjustifiable bases for pleading unnecessary hardship include but are not limited to:

- (a) Loss of the "best" use of the land, and business competition.
- (b) Self-created hardships by the applicant's own acts.
- (c) Neighboring violations and nonconformities.
- (d) Claims of inability to sell the property.
- (e) General restrictions of this chapter."

**If the Applicant should choose to build a pool of such a size that it requires that the pool encroach into the required setback, any perceived hardship is one that is self-created.**

**Requiring the Applicant to modify the proposed plans to meet the code does not deprive the Applicant of reasonable use of the land. A minor reduction in pool size does not constitute an unnecessary hardship.**

- (2)a. That granting the variance requested will not (or will) confer on the Applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district;

**Staff Comments: It is our opinion that granting the requested variance would confer on the Applicant a special privilege that is denied to other lands in the RS-1 zoning district.**

**Applicant Comments:** Granting the variance will not confer on the homeowner any special privilege denied to others in the same zoning district.



- (2)b. and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

**Staff Comments:** Strict application of the minimum setback of 7.5 feet will not deny the Applicant the reasonable use of his property. Consequently, we are of the opinion that no variance to the rear setback is necessary.

**Applicant Comments:** The variance requested (2 feet) is the minimum variance that will make reasonable use of the land.

- (3) That granting the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Staff Comments:** We do not feel that the granting of the variance would be particularly injurious to the neighborhood or otherwise detrimental to the public welfare. Nevertheless, the granting of the variance will not be in harmony with the general intent of Chapter 152. Most importantly, the request does not meet the very specific requirements for granting a variance.

**Applicant Comments:** The variance requested will be in harmony with the general intent and purpose of this chapter. This variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The City's LDC contains the same criteria in Sec. 2.7.6 as discussed above except they are numbered (1) through (6). The LDC also includes a seventh criterion which reads as follows:

7. The variance request is not based exclusively upon a desire to reduce the cost of development.

**Staff Comments:** We do not believe that the Applicant has based this variance request exclusively to reduce the cost of development.



## Recommendations

Staff recommends **denial** of the requested variance to allow the pool to be placed 5.5 feet from the rear property line where a 7.5 foot setback is required.

Staff finds that the requested variance does not meet all of the requirements of Sec. 152.097 (C) in that the materials submitted do not adequately allow for an affirmative finding on any of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments.

Submitted by:

  
James G. LaRue, AICP  
Planning Consultant

May 30, 2014

Hearing: North Bay Village Planning & Zoning Board, June 17, 2014







## Staff Report Variance Request

*Prepared for: North Bay Village  
Planning & Zoning Board*

*Applicant: Brad Johnson*

*Request: Variance from Side Yard Setback  
Standards for Placement of Pool  
Equipment*



**LaRue** Planning  
& Management Services, Inc.

1375 Jackson Street, Suite 206  
Fort Myers, Florida  
239-334-3366

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**General Information**

Applicant	<b>Brad Johnson</b>
Applicant Address	6650 Parkwood Dr Edina, MN 55436
Site Address	1321 Bay Terrace
Contact Person	Anita Chang
Contact Phone Number	954-464-1153
E-mail Address	<a href="mailto:achang@vankirkpools.com">achang@vankirkpools.com</a>

Future Land Use Map Classification	Single Family Residential
Zoning District	RS-1
Use of Property	Single Family Home
Acreage	0.14 acres

**Legal Description of Subject Property**

LOT 1, BLOCK 2 OF NORTH BAY ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40 ON PAGE 59 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SAID LANDS LYING AND BEING IN NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 6,020 SQUARE FEET (0.14 ACRES), MORE OR LESS.

**Requested Variance**

The Applicant's request is for approval of a variance to the required side yard setback to allow pool equipment to be placed seven (7) feet from the property line where ten (10) feet is required.

**Project Description**

The Applicant intends to install a pool at an existing single family home in the North Bay Village RS-1 Zoning District. North Bay Village Code Section 152.027 requires structures in the RS-1 zoning district to be setback at least 10 feet from the interior lot lines. The applicant is requesting permission to place the pool equipment 7 feet from the west side property line, encroaching 3 feet into the required side yard setback area.



## Required Findings

Sec. 152.0971(B) sets forth findings that are required for the reviewing body(ies) to authorize any non-use variance request. In addition to staff comments on these items, the applicant's comments have been listed as well. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

- (1) The variance will be in harmony with the general appearance and character of the community.

**Applicant Comments:** This variance will be in harmony with the general appearance of the community.

**Staff Comments:** To ensure harmony with the general appearance of the community, the applicant should provide landscaping or other screening that will be tall enough to completely obscure the pool equipment from view. If the existing wall is not tall enough, this can be made a condition of approval.

- (2) The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

**Applicant Comments:** This variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

**Staff Comments:** Provided that the equipment installed is operational at a reasonable decibel level, staff does not believe that the pool equipment will be detrimental to public welfare.

- (3) The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

**Applicant Comments:** The reason for the request is so that this improvement can be designed and arranged on-site to be aesthetically pleasing and to minimize aerial and visual impact on adjacent residences and also passerby's on the bay.

**Staff Comments:** This improvement should not have an aerial/visual impact on the adjacent residences.

Staff finds that the requested variance does meet the requirements of Section 152.0971 in that the materials submitted adequately allow for an affirmative finding on all of the criteria contained as specifically identified by the foregoing staff comments.



**Recommendation:**

Staff recommends **approval** of a 3 foot variance, to allow a 7 foot setback from the property line where a 10 foot setback is required, with the following stipulations:

1. To comply with Section 151.25, landscaping and/or other methods of screening must be provided which screens the entire height of the pool equipment.
2. Building permits and related approvals for pool equipment installation must be obtained from the Building Official prior to commencement of construction.
3. All applicable state and federal permits must be obtained before commencement of construction.
4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
5. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

*Submitted by:*

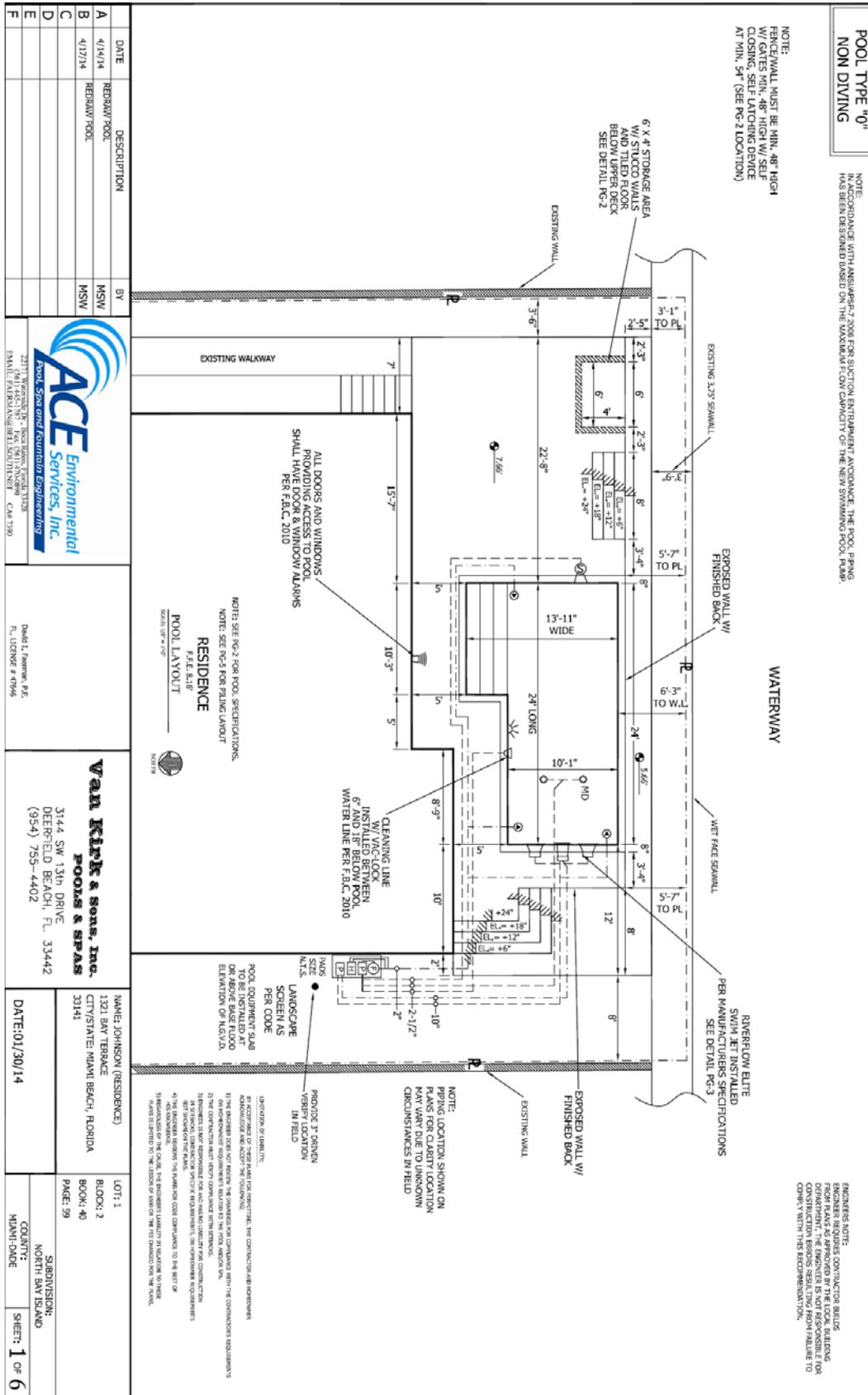
*James G. LaRue*

James G. LaRue, AICP  
Planning Consultant

May 30, 2014

Hearing: North Bay Village Planning and Zoning Board, June 17, 2014







## Staff Report Variance Request

*Prepared for: North Bay Village  
Planning & Zoning Board*

*Applicant: Brad Johnson*

*Request: Variance to Required Setbacks for  
Placement of Pool Deck*



**LaRue** Planning  
& Management Services, Inc.  
1375 Jackson Street, Suite 206  
Fort Myers, Florida  
239-334-3366

Serving Florida Local Governments Since 1988

### General Information

Applicant	<b>Brad Johnson</b>
Applicant Address	6650 Parkwood Dr Edina, MN 55436
Site Address	1321 Bay Terrace
Contact Person	Anita Chang
Contact Phone Number	954-464-1153
E-mail Address	<a href="mailto:achang@vankirkpools.com">achang@vankirkpools.com</a>

Future Land Use Map Classification	Single Family Residential
Zoning District	RS-1
Use of Property	Single Family Home
Acreage	0.14 acres

### Legal Description of Subject Property

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SAID LANDS LYING AND BEING IN NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 6,020 SQUARE FEET (0.14 ACRES), MORE OR LESS.

### Requested Variance

The Applicant's request is for approval of a variance to the required rear setback to allow a pool deck to be 5.5 feet from the rear property line where 7.5 feet is required, as per Section 152.060(A).

Additionally, the plans depict the deck at 3.5 feet from the east side property line. Section 152.060(A) requires a side setback of at least 7.5 feet. Though it has not been formally requested by the applicant, a 4 foot variance from the side setback requirements would have to be approved in addition to the variance from the rear setback, in order for the deck to be built as shown on the plans.



## Project Description

The applicant intends to install a pool and a pool deck at an existing single family home in the North Bay Village RS-1 Zoning District. North Bay Village Code Section 152.060 requires pool decks to be setback at least 7.5 feet from the rear property line and 7.5 feet from interior side property lines. The proposed deck encroaches 2 feet into the rear setback area and 4 feet into the side setback area. In order for the plans to be built as shown, both encroachments must be approved by the Village Commission.

Additionally, the plans depict the pool deck at 2 feet high, and the storage area will be below the deck.

## Required Findings

Sec. 152.097(B) sets forth the findings that are required for the reviewing body(ies) to authorize any variance request. Sec. 152.097(C) requires that the reviewing body(ies) must make an affirmative finding with respect to the criteria listed below. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

- (1)a. That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district;

**Staff Comments: The minimum lot size in the RS-1 Zoning District is 7,000 square feet. The subject property is a rectangular shaped lot of 6,020 square feet. The undersized nature of this parcel is somewhat of a special circumstance, as there are not many undersized parcels in the RS-1 District. The Applicant has provided no other evidence of special circumstances and/or conditions that are unique to the land or proposed structure.**

- (1)b. that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property;

**Staff Comments: The undersized nature of the lot is not a condition that was created by the applicant. However, the need for a pool deck which encroaches on the required rear setback is a matter of choice necessitated only by the preference of the Applicant for a larger deck, which results in the need for the variance.**



- (1)c. and that the strict application of the provisions of this chapter would (or would not) deprive the Applicant of the reasonable use of the land, structure, or building for which the variance is sought;

**Staff Comments:** While it would require the construction of a somewhat smaller pool and deck, the strict application of the minimum rear and side yard setbacks of 7.5 feet will not deny the Applicant the reasonable use of the property.

**Applicant Comments:** The strict application of the provisions would deprive the homeowner of the reasonable use of land for which this variance is sought.

- (1)d. and would (or would not) involve an unnecessary hardship for the Applicant.

**Staff Comments:** The definition of an unnecessary hardship in Chapter 152 is as follows:

"(2) *Hardship, unnecessary.* Arduous restrictions upon the uses of a particular property, which are unique and distinct from that of adjoining property owners. Granting of relief from an unnecessary hardship should not violate sound zoning principles, including considerations that: adjacent properties will not be substantially reduced in value, it is not granting a special privilege not to be enjoyed by others in similar circumstances, and the public interest is maintained, including following the spirit of this chapter and the comprehensive master plan. Invalid and nonjustifiable bases for pleading unnecessary hardship include but are not limited to:

- (a) Loss of the "best" use of the land, and business competition.
- (b) Self-created hardships by the applicant's own acts.
- (c) Neighboring violations and nonconformities.
- (d) Claims of inability to sell the property.
- (e) General restrictions of this chapter."

**The Applicant is choosing to build a deck of such a size that it is encroaching into the required setback. Any perceived hardship is one that is self-created.**

**Requiring the Applicant to modify the proposed plans to meet the code does not deprive the Applicant of reasonable use of the land. A minor reduction in deck size does not constitute an unnecessary hardship.**



- (2)a. That granting the variance requested will not (or will) confer on the Applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district;

**Staff Comments:** It is our opinion that granting the requested variance would confer on the Applicant a special privilege that is denied to other lands in the RS-1 zoning district.

**Applicant Comments:** Granting the variance will not confer on the homeowner any special privilege denied to others in the same zoning district.

- (2)b. and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

**Staff Comments:** Strict application of the minimum side and rear yard setbacks will not deny the Applicant the reasonable use of his property. Consequently, we are of the opinion that, in this case, no variance is necessary.

**Applicant Comments:** The variance requested (2 feet) is the minimum variance that will make reasonable use of the land.

- (3) That granting the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Staff Comments:** We do not feel that the granting of the variance would be particularly injurious to the neighborhood or otherwise detrimental to the public welfare. Nevertheless, the granting of the variance will not be in harmony with the general intent of Chapter 152. Most importantly, the request does not meet the very specific requirements for granting a variance.

**Applicant Comments:** The variance requested will be in harmony with the general intent and purpose of this chapter. This variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The City's LDC contains the same criteria in Sec. 2.7.6 as discussed above except they are numbered (1) through (6). The LDC also includes a seventh criterion which reads as follows:

7. The variance request is not based exclusively upon a desire to reduce the cost of development.

**Staff Comments:** We do not believe that the Applicant has based this variance request exclusively to reduce the cost of development.



## Recommendations

Staff recommends **denial** of the requested variance to allow the pool deck to be placed 5.5 feet from the rear property line where a 7.5 foot setback is required.

Staff also recommends **denial** of the plans to allow the pool deck to be placed 3.5 feet from the side property line where a 7.5 foot setback is required.

Staff finds that the requested variance does not meet all the requirements of Sec. 152.097 (C) in that the materials submitted do not adequately allow for an affirmative finding on any of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments.

Submitted by:

  
James G. LaRue, AICP  
Planning Consultant

May 30, 2014

Hearing: North Bay Village Planning & Zoning Board, June 17, 2014







North Bay Village

Administrative Offices  
1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141  
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

ES3

APPLICATION FOR PUBLIC HEARINGS:

**Hearings and Notices:** - All petitions for amendments, changes or supplements to these regulations for variances, special use exceptions, Site Plan Approval, Extension of Approved Site Plans, for Building Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: Brad Johnson Phone: 612-790-2208

Mailing Address: 6650 Parkwood Dr.  
Edina, MN 55436

Legal Description of Property: North Bay Island PB40-59 Lot 1 & Strip 1.65 Ft adj.

Existing Zoning: \_\_\_\_\_ Lot Size: 6020 SF Folio: 23-3209-008-0240

Type of Request: Requesting variance to side yard setback to allow pool equipment to be seven (7) feet from property line where ten (10) feet is required.

Reason for Request: (Attach additional Pages if necessary) This variance requested will be in harmony with the general appearance of the community and will not be injurious to the area involved or otherwise detrimental to the public welfare. The reason for this request is so that this improvement can be designed & arranged on the site to be aesthetically pleasing and to minimize aerial & visual impact on adjacent residences & also passerby's on the bay.

All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

Mayor: Connie Leon-Kreps Vice Mayor: Eddie Lim Commissioner: Dr. Richard Chervony Commissioner: Wendy Duvall Commissioner: Jorge Gonzalez

04-21-14P12:54 RCVD

**APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2**

Filing Fees - All persons, firms, or corporations petitioning the Planning & Zoning Board and the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such petition, conditional use permit or amendment.

I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village Commission has voted favorable on the proposed petition.

I, (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning & Zoning Board and the Village Commission Pursuant to the Village Code Section 152.096. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

**(NOTE: ALL NEW AND SUBSTANTIAL IMPROVEMENTS MUST COMPLY WITH THE FLORIDA BUILDING CODE, DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM), AND FEMA (FLOOD) REGULATIONS).**

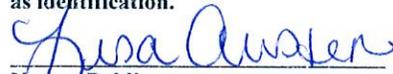
  
Authorized Signature

Bradley Johnson, Tee  
Print Name

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA            )  
COUNTY OF MIAMI-DADE    )

Sworn to and subscribed to before me this 18 day of April 2014  
by Bradley Johnson  
who is personally known to me or who has produced DLT190261229010  
as identification.

  
Notary Public



**Office Use Only:**

Date Submitted: 4/30/14                      Fee Paid: \$ 1,200  
Tentative Meeting Date: 6/17/14            Cash or Check # 3965  
Date Paid: 4/30/14

Mayor Connie Leon-Kreps	Vice Mayor Eddie Lim	Commissioner Dr. Richard Chervony	Commissioner Wendy Duvall	Commissioner Jorge Gonzalez
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Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

APPLICATION FOR PUBLIC HEARINGS:

Hearings and Notices: - All petitions for amendments, changes or supplements to these regulations for variances, special use exceptions, Site Plan Approval, Extension of Approved Site Plans, for Building Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: Brad Johnson Phone: 612-790-2208

Mailing Address: 6650 Parkwood Rd. Edina, MN 55436

Legal Description of Property: North Bay Island PB 40-59 Lot 1 & Strip 1.65Ft adj.

Existing Zoning: Lot Size: 6020 SF Folio: 23-3209-008-0240

Type of Request: Requesting variance to rear setback to allow swimming pool to be 5'6" from rear property line where 7'6" is required.

Reason for Request: (Attach additional Pages if necessary) This particular property has a portion of the house (structure) where in the strict application of the provisions of this chapter would deprive the homeowner of the reasonable use of land for which this variance is sought. Granting this variance will not confer on the homeowner any special privilege denied to others in the same zoning district. The variance requested (2 feet) is the minimum variance that will make possible a reasonable use of land, and will be in harmony with the general intent and purpose of the Chapter. This variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.

All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

Mayor Connie Leon-Kreps

Vice Mayor Eddie Lim

Commissioner Dr. Richard Chervony

Commissioner Wendy Duvall

Commissioner Jorge Gonzalez

APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2

Filing Fees - All persons, firms, or corporations petitioning the Planning & Zoning Board and the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such petition, conditional use permit or amendment.

I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village Commission has voted favorable on the proposed petition.

I, (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning & Zoning Board and the Village Commission Pursuant to the Village Code Section 152.096. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

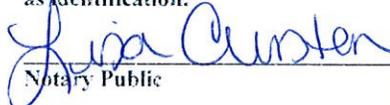
**(NOTE: ALL NEW AND SUBSTANTIAL IMPROVEMENTS MUST COMPLY WITH THE FLORIDA BUILDING CODE, DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM), AND FEMA (FLOOD) REGULATIONS.)**

 \_\_\_\_\_  
Authorized Signature  
Bradley Johnson, Tee  
\_\_\_\_\_   
Print Name

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA        )  
COUNTY OF MIAMI-DADE    )

Sworn to and subscribed to before me this 18 day of April 2014  
by Bradley Johnson  
who is personally known to me or who has produced DLT190261229010  
as identification.

  
Notary Public



**Office Use Only:**

Date Submitted: 4/30/14                      Fee Paid: \$ 1,200.00  
Tentative Meeting Date: 6/17/14              Cash or Check # 3965  
Date Paid: 4/30/14

Mayor                      Vice Mayor                      Commissioner                      Commissioner                      Commissioner  
Connie Leon-Kreps      Eddie Lim                      Dr. Richard Chervony              Wendy Duvall                      Jorge Gonzalez



**North Bay Village**

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

**APPLICATION FOR PUBLIC HEARINGS:**

**Hearings and Notices:** - All petitions for amendments, changes or supplements to these regulations for variances, special use exceptions, Site Plan Approval, Extension of Approved Site Plans, for Building Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: Brad Johnson Phone: 612-790-2208

Mailing Address: 6650 Parkwood Rd.  
Edina, MN 55436

Legal Description of Property: North Bay Island PB 40-59 Lot 1 1/4 Strip 1.65 Ft adj

Existing Zoning: \_\_\_\_\_ Lot Size: 6020 SF Folio: 23-3209-008-0240

Type of Request: Requesting variance to rear setback to allow deck to be 5'6" from rear property line where 7'6" is required.

Reason for Request: (Attach additional Pages if necessary) This request is parallel to a request for the swimming pool variance, in order to achieve an aesthetically harmonious space. The strict application of the provisions would deprive the homeowner of reasonable use of land for which this variance is sought. Granting this variance will not confer on the homeowner any special privilege denied to others in the same zoning district. The variance requested (2 feet) is the minimum variance that will make possible a reasonable use of land, and will be in harmony with the general intent and purpose of the Chapter. This variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.

All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

Mayor  
**Connie Leon-Kreps**

Vice Mayor  
**Eddie Lim**

Commissioner  
**Dr. Richard Chervony**

Commissioner  
**Wendy Duvall**

Commissioner  
**Jorge Gonzalez**

APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2

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I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village Commission has voted favorable on the proposed petition.

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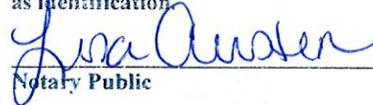
  
Authorized Signature

Bradley Johnson, Tee  
Print Name

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Sworn to and subscribed to before me this 18 day of April 2014  
by Bradley Johnson  
who is personally known to me or who has produced DL190260229010  
as identification

  
Notary Public

(Notary Seal)



Office Use Only:

Date Submitted: 4/30/14  
Tentative Meeting Date: 6/17/14  
Date Paid: 4/30/14

Fee Paid: \$ 1,200.00  
Cash or Check # 3965

Mayor Connie Leon-Kreps	Vice Mayor Eddie Lim	Commissioner Dr. Richard Chervoay	Commissioner Wendy Duvall	Commissioner Jorge Gonzalez
----------------------------	-------------------------	--------------------------------------	------------------------------	--------------------------------



April 21<sup>st</sup>, 2014

To: City of North Bay Village Building Department  
Attn: Yvonne Hamilton / Zoning Department  
1666 Kennedy Causeway, 3<sup>rd</sup> Floor  
North Bay Village, FL 33141  
P: 305-754-6740 | F: 305-756-7722

Re: Johnson Residence, 1321 Bay Terrace

Dear Yvonne,

Included please find documents relating to the Johnson residence located at 1321 Bay Terrace.

(3) variance applications

(1) check written to the City of North Bay Village

(3) copies of pool plans drawn to show potential scenario with variances

If you have any questions or need any additional paperwork or information, please contact me immediately at 954-755-4402 or email at [achang@vankirkpools.com](mailto:achang@vankirkpools.com). Also, can you please confirm receipt of this package please at the same number or email above?

Thank you very much,

A handwritten signature in blue ink, appearing to read "Anita Chang", is written over the typed name and title.

**Anita Chang** | Design Consultant  
*Van Kirk & Sons Pools & Spas*  
3144 SW 13<sup>th</sup> Drive  
Deerfield Beach, FL 33442  
O: 954-755-4402 | F: 954-341-8950  
Direct: 954-464-1153  
E: [achang@vankirkpools.com](mailto:achang@vankirkpools.com)  
[www.vankirkpools.com](http://www.vankirkpools.com)

Van Kirk & Sons, Inc. Pools & Spas  
3144 SW 13<sup>th</sup> Drive | Deerfield Beach, FL | 33442  
Ph. 1-800-741-3911 | Fax 954-341-8950  
[www.VanKirkPools.com](http://www.VanKirkPools.com)



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## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

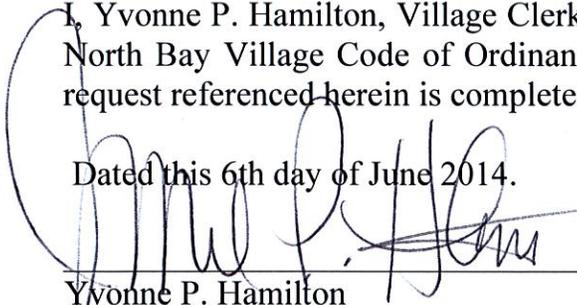
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE: AN APPLICATION BY BRAD JOHNSON CONCERNING PROPERTY LOCATED AT 1321 BAY TERRACE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**

- A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A SWIMMING POOL TO BE 5.5 FEET FROM THE REAR PROPERTY LINE WHERE SECTION 152.060(A) OF THE VILLAGE CODE REQUIRES A 7.5 FEET REAR-YARD SETBACK AREA.**
- B. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A SWIMMING POOL DECK TO BE 5.5 FEET FROM THE REAR PROPERTY LINE WHERE SECTION 152.060(A) OF THE VILLAGE CODE REQUIRES A 7.5 FEET REAR-YARD SETBACK AREA.**
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I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by Brad Johnson for the request referenced herein is complete.

Dated this 6th day of June 2014.

  
Yvonne P. Hamilton  
Village Clerk

(Planning & Zoning Board Meeting-June 17, 2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
George Gonzalez



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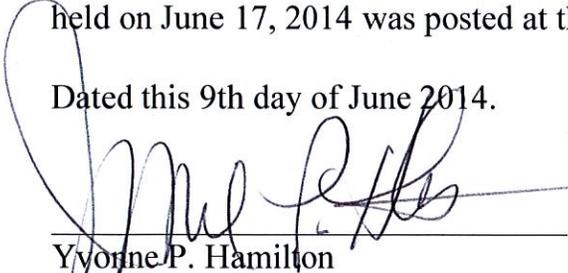
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I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on June 17, 2014 was posted at the above-referenced property on June 7, 2014.

Dated this 9th day of June 2014.

  
Yvonne P. Hamilton  
Village Clerk

(Planning & Zoning Board Meeting-6/17/2014)



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

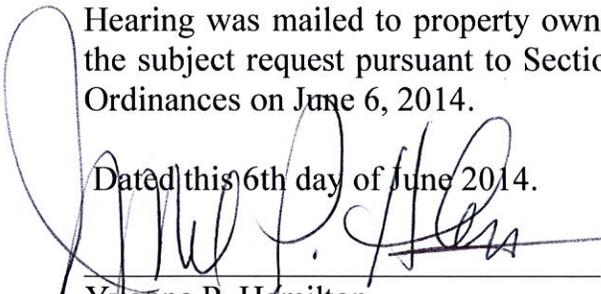
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I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on June 6, 2014.

Dated this 6th day of June 2014.

  
Yvonne P. Hamilton  
Village Clerk

(Planning & Zoning Board Meeting-6/17/2014)



**NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD ITS REGULAR MEETING ON **JUNE 17, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY #101,** NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUESTS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

- 1. AN APPLICATION BY BRAD JOHNSON CONCERNING PROPERTY LOCATED AT 1321 BAY TERRACE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**
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THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR WORKING HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE VILLAGE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST 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.

**YVONNE P. HAMILTON, CMC  
VILLAGE CLERK  
(June 5, 2014)**

Owner/Occupant  
7420 Beach View Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7410 Beach View Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7400 Beach View Drive  
N. Bay Village, FL 33141

Owner Occupant  
7431 Coquina Drive  
N. Bay Village, FL 33141

Owner Occupant  
7421 Coquina Drive  
N. Bay Village, FL 33141

Owner Occupant  
1356 Bay Terrace  
N. Bay Village, FL 33141

Owner/Occupant  
7400 Coquina Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7410 Coquina Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7420 Coquina Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7401 Center Bay Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7411 Center Bay Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7421 Center Bay Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7400 Center Bay Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7410 Center Bay Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7420 Center Bay Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7401 Miami View Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7421 Miami View Drive  
N. Bay Village, FL 33141

Owner/Occupant  
7431 Center Bay Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1311 Bay Terrace  
N. Bay Village, FL 33141

Owner/Occupant  
1315 Bay Terrace  
N. Bay Village, FL 33141

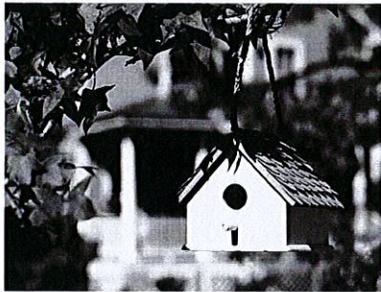
Owner/Occupant  
1331 Bay Terrace  
N. Bay Village, FL 33141

Owner/Occupant  
1321 Bay Terrace  
N. Bay Village, FL 33141

Owner/Occupant  
1353 Bay Terrace  
N. Bay Village, FL 33141

Owner/Occupant  
1357 Bay Terrace  
N. Bay Village, FL 33141

Owner/Occupant  
1359 Bay Terrace  
N. Bay Village, FL 33141



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**NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING**

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YVONNE P. HAMILTON, CMC  
VILLAGE CLERK  
(June 5, 2014)

**POLITICS**

# Democratic donor calls lawmaker 'despised'

• MARIJUANA, FROM 1A

"But I'll tell you I will never give a penny or raise a penny for the national party while she's in leadership. And I have given and helped raise millions."

Tensions flared Friday morning after Wasserman Schultz's office issued a statement saying she has "concerns" that the proposed constitutional amendment Morgan backs "is written too broadly and stops short of ensuring strong regulatory oversight from state officials."

"Other states have shown that lax oversight and ease of access to prescriptions can lead to abuse, fraud, and accidents," said her statement, first reported by the Tampa Bay Times. "Also, given Florida's recent history in combating the epidemic of 'pill mills' and dubious distinction as having among the highest incidents of fraud, I do not believe we should make it easier for those seeking to abuse the drug to have easy access to it."

Morgan, who has plowed \$4 million of his own money into Florida's Amendment 2 campaign, countered by pointing out that the proposed amendment and a state Supreme Court ruling would limit medical marijuana only to those with "debilitating" ailments.

"Does she not respect our Supreme Court? Does she not know what 'debilitating' means? I do," said Morgan, also a top donor to President Barack Obama and Sen. Bill Nelson. "What would she prefer?"

Wasserman Schultz's office wouldn't comment beyond her written statement.

In an email, the Democratic National Committee said that the congressman "was speaking as a member of Congress on her personal concerns on a local issue. The DNC has not taken an official position on this ballot initiative. We leave it to the good people of Florida to make that decision."

She issued her comments after a national medical-marijuana advocacy group, Americans for Safe Access, targeted her Thursday in a South Florida TV ad for being one of 18 "out of touch" Democrats to vote in Congress against bipartisan legislation designed to stop the Drug Enforcement Administration from enforcing federal cannabis laws in states that have legalized it for medical or other reasons.

Wasserman Schultz said she didn't like the congressional amendment because it "tied" the hands of law enforcement.

However, she did speak highly of a recently passed medical marijuana bill in Florida, which Gov. Rick Scott plans to sign, that would allow people with severe epilepsy to have access to a strain of low-THC marijuana nicknamed "Charlotte's Web."

That medical-marijuana bill passed this year after the GOP-led Legislature refused to even hear medical-marijuana issues for years.

Spurred by the Legislature, Morgan's constitutional amendment as it headed to the ballot. Polls show it has support that ranges from more than 60 percent to about 88 percent. Constitutional amendments in Florida must pass with 60 percent of the vote.

With the passage of the

Charlotte's Web bill, some opponents of Amendment 2 say the Legislature's proposal removes some of the need for the broader Florida constitutional amendment that applies to other ailments.

Others worry that the Charlotte's Web bill might not be enough. And they note that the Legislature could repeal it at any time, unlike the constitutional amendment.

"As a constituent of Rep. Wasserman Schultz and the father of a little girl who suffers from terrible seizures that could be alleviated by the use of medical marijuana, I find her remarks extremely troubling and disappointing," Seth Hyman, a 50-year-old Weston father of 8-year-old Rebecca Hyman, said in a statement issued by United for Care.

"I don't know how Congresswoman Schultz would feel if she was getting constant text messages from home every single day letting her know that her young child was suffering from yet another of hundreds of debilitating and potentially deadly seizures, but I suspect her view on Amendment 2 would be quite different," he said. "I hope no one in her family ever has to experience what my Becca does every day, and I hope that she reconsiders her position on this life or death issue."

The Democratic donnybrook over medical marijuana is rare. Most Democrats largely back the measure, which has been more of a wedge issue dividing Republican social conservatives and libertarian-leaning conservatives.

For months, Morgan and United for Care have been trying to beat back claims from some Republicans who say the amendment effort is designed to help Democratic gubernatorial candidate Charlie Crist, who works at Morgan's firm. Opposition to Amendment 2 primarily comes from Tallahassee's Republican establishment and longtime GOP donor Mel Sembler, an anti-drug crusader.

Opponents say the amendment could let some teenagers get marijuana or allow felons to become legal pot dispensers. Morgan says opponents are using false scare tactics to keep sick people from getting their medicine.

Wasserman Schultz, pointing out that she's a "cancer survivor, mother and lawmaker," said that she's "acutely empathetic to the suffering of people with terminal illnesses and chronic pain. My view is that approval of the use of marijuana as a medical treatment should be handled responsibly and in a regulated manner that ensures its approval does not do more harm than good."

## DIABETES OR PROSTATE CANCER?

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