

Adam Osowsky

From: Michael Marshall <Michael.Marshall@nelsonmullins.com>
Sent: Monday, June 3, 2024 11:46 AM
To: Adam Osowsky
Cc: Ingrid Allen
Subject: RE: 2474 South Ocean - Project Number PZ-24-2

Hey Adam. Just following up on this. Please let me know about scheduling with the Code Enforcement Board.

Thanks,
Michael

From: Michael Marshall <Michael.Marshall@nelsonmullins.com>
Sent: Thursday, May 30, 2024 6:51 PM
To: Adam Osowsky <aosowsky@highlandbeach.us>
Cc: Ingrid Allen <iallen@highlandbeach.us>
Subject: FW: 2474 South Ocean - Project Number PZ-24-2

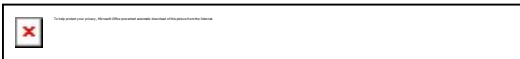
Hey Adam. Thanks again for the call this morning. As discussed, I am sending this email to you to request an extension from the Code Enforcement Board on the duration for the property to achieve compliance by obtaining a building permit for the accessory structure (gazebo).

As the email chains below and attached illustrate, the property owner submitted the code interpretation appeal in mid-March, but there were some hiccups with the Town's online portal, and so that took up a few days. Then after about a month, a month during which we were expecting a date for the Board of Adjustment and Appeals hearing to be scheduled, we received comments from Planning staff. We were not allowed to schedule the Board meeting until the comment was resolved and that took a few days because it involved edits by the surveyor.

Now that the Clerk has been attempting to schedule the Board meeting, she has not been able to establish a quorum and the June date has been ruled out already. We are hoping for July date.

We have been ready for the Board hearing for weeks now and establishing a quorum has pushed us past the initial date for compliance. As such, we respectfully request for an extension from the Code Enforcement Board so that the Board of Adjustment and Appeals hearing made be conducted.

Thank you,
Michael



MICHAEL MARSHALL PARTNER
Michael.Marshall@nelsonmullins.com
100 S.E. 3RD AVENUE | SUITE 2700
FORT LAUDERDALE, FL 33394
T 954.745.5248 F 954.761.8135

From: Ingrid Allen <iallen@highlandbeach.us>
Sent: Tuesday, May 21, 2024 10:23 AM
To: Michael Marshall <Michael.Marshall@nelsonmullins.com>
Cc: Michael Marcus <michael.marcus@nelsonmullins.com>
Subject: FW: 2474 South Ocean - Project Number PZ-24-2

Michael:

The Clerk is still working on establishing a quorum, she advised me that several Board members are out of Town, and some will not be available during the summer. That said, please provide your availability for a late June to mid-July meeting. Are there any dates during this timeframe that will not work for you? Kindly advise so that I can pass along to the Clerk. Note that previous Board meetings were held at 9:30am

Thank you.



Sincerely,
Ingrid Allen
Town Planner

Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487
(561) 278-4540 Office (option 3)
(561) 278-2606 Fax
www.highlandbeach.us

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From: Ingrid Allen
Sent: Wednesday, May 15, 2024 12:24 PM
To: Michael Marshall <Michael.Marshall@nelsonmullins.com>
Cc: Michael Marcus <michael.marcus@nelsonmullins.com>
Subject: FW: 2474 South Ocean - Project Number PZ-24-2

I was advised by the Town Clerk that there is NOT a quorum for a June 10th meeting. The Clerk will be providing the Board with additional meeting dates and as soon as a quorum is met, I will advise you accordingly.



Sincerely,
Ingrid Allen
Town Planner

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From: Ingrid Allen
Sent: Tuesday, May 14, 2024 8:44 AM
To: Michael Marshall <Michael.Marshall@nelsonmullins.com>
Cc: Michael Marcus <michael.marcus@nelsonmullins.com>
Subject: FW: 2474 South Ocean - Project Number PZ-24-2

FYI, I was advised by the Town Clerk on 5-10-24 that she canvassed the Board of Adjustment and Appeals for a June 10th meeting. She has not yet advised me if a quorum was reached. I emailed her the morning for an update. I will advise you accordingly.



Sincerely,
Ingrid Allen
Town Planner

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From: Ingrid Allen
Sent: Monday, May 6, 2024 3:01 PM
To: Michael Marshall <Michael.Marshall@nelsonmullins.com>
Cc: Michael Marcus <michael.marcus@nelsonmullins.com>; Jeff Wagner <jwagner@cwiasoc.com>
Subject: RE: 2474 South Ocean - Project Number PZ-24-2

Michael:

In your response document that was uploaded to the portal on 4-26-24, you indicate that the structure is an open-walled, roofed accessory structure. For consistency purposes, I would suggest you use the same terminology when labeling it on the survey. Please add the "x" dimension in red as provided in your snippet, it is hard to see 4 foot setback on the survey.



Sincerely,
Ingrid Allen
Town Planner

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From: Michael Marshall <Michael.Marshall@nelsonmullins.com>
Sent: Monday, May 6, 2024 2:04 PM
To: Ingrid Allen <iallen@highlandbeach.us>
Cc: Michael Marcus <michael.marcus@nelsonmullins.com>; Jeff Wagner <jwagner@cwiasoc.com>
Subject: RE: 2474 South Ocean - Project Number PZ-24-2

Okay. Thanks, Ingrid. For Jeff's benefit, in order to properly mimic the snippet in my email below, then he needs to add the side setback dimension (the "y" dimension in my snippet, which isn't an issue) and call the structure "accessory structure" rather than "outdoor kitchen structure." Is that correct?

The 4-foot rear setback is shown on the survey already.

Please let us know. Thanks.

Michael

From: Ingrid Allen <iallen@highlandbeach.us>
Sent: Monday, May 6, 2024 1:52 PM
To: Michael Marshall <Michael.Marshall@nelsonmullins.com>
Cc: Michael Marcus <michael.marcus@nelsonmullins.com>; Jeff Wagner <jwagner@cwiasoc.com>
Subject: RE: 2474 South Ocean - Project Number PZ-24-2

Michael:

In response to your email below, the snippet you provide below should work, please upload the revised survey to the portal. I see that a survey was uploaded to the portal on 5-6-24; however, it does not mimic your snippet below.

I received the labels today.



Sincerely,
Ingrid Allen
Town Planner

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From: Michael Marshall <Michael.Marshall@nelsonmullins.com>
Sent: Thursday, May 2, 2024 5:05 PM
To: Ingrid Allen <iallen@highlandbeach.us>
Cc: Michael Marcus <michael.marcus@nelsonmullins.com>; Jeff Wagner <jwagner@cwiasoc.com>
Subject: 2474 South Ocean - Project Number PZ-24-2

Hey Ingrid. I just wanted to follow up on the call from yesterday. As I was explaining on the phone, we are simply trying to ensure that we are providing you with the exact information that you've requested in the review comment. As you know, we need to schedule this Board hearing to resolve the appeal or variance asap.

Your review comments are as follows:

1. Survey uploaded indicates "added screened enclosure;" however, such screen enclosure is not labeled on the survey. Please label accordingly.
2. While you submitted 31 pages of technical drawings and 2 pages from Cronin Engineering, I don't see the actual dimensions of the structure including total square footage on either document. Please provide a scaled plan that reflects the location and dimensions of the structure including required and proposed setbacks. In addition, provide a dimensioned detail sheet for the structure.
3. Drop off to the Building Department, two (2) sets of 500 foot labels, 500 ft address list and 500 ft radius map from the Palm Beach County Property Appraiser.

Regarding number 1, and as stated in our prior response to staff comments, we have asked the surveyor (Jeff Wagner, who is copied) to remove the "added screened enclosure) notation.

Regarding number 2, please see that the actual dimensions of the structure on shown on the signed and sealed survey that has been provided (attached). The structure is 15.70 feet x 14.75 feet. As such, the area of the structure is 231.575. We will add the area to the survey as shown in the snippet below. **Please confirm this will satisfy your comment.**

Also, the attached survey is a signed and sealed survey that is scaled at 1 inch = 20 feet. The Graphic Scale is already provided on the survey. **Please confirm this satisfies your comment.**

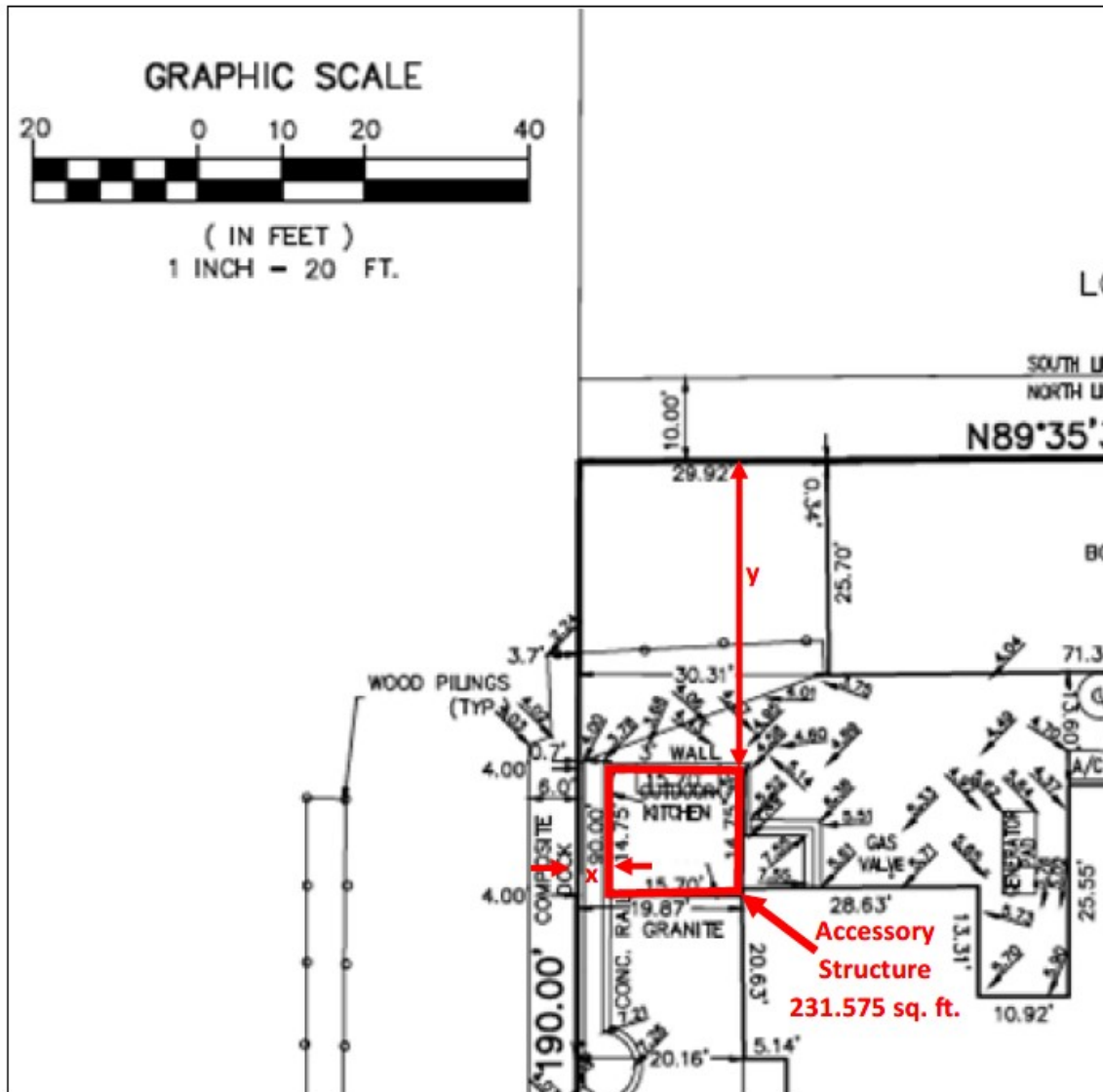
The attached survey also illustrates the location of the accessory structure, although it may have been obvious. In the snippet below, I have show the structure in red and also indicated the side and rear setback distances (the "x" and "y" dimensions). We have asked Jeff to provide us with those setback dimensions. We have also asked that Jeff label the structure as an "accessory structure." **Please confirm this will satisfy your comment.**

Regarding the required setbacks, that is the issue on appeal and at this time we do not believe a setback requirement is applicable.

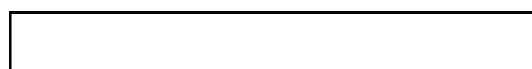
Finally, regarding number 3, we have received the mailing labels, address list, and 500 foot radius map from the Property Appraiser. The materials are being shipped to the Building Department via FedEx this evening.

Thanks again and please let me know that the revisions the survey (as shown below) adequately address your comment so that we can provide proper direction to Jeff.

Michael



Michael Marshall



O: 954-745-5248 C: 954-296-2862
michael.marshall@nelsonmullins.com

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