


**TOWN OF GOLDEN BEACH  
COMMUNITY DEVELOPMENT  
MEMORANDUM**

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**To:** Linda Epperson, Building & Code Director  
Building Regulatory Advisory Board - Coordinator  
Town of Golden Beach

**From:** Michael J. Miller, AICP  
Consultant Village Planner 

**Date:** October 30<sup>th</sup>, 2017

**Subject:** Zoning Variance Application  
Proposed New Single-Family Residence  
407 Ocean Boulevard  
Lot 3 of Block C, Golden Beach Section B (PB 9 PG 52)  
MMPA Project No.04-0101-0507

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**ISSUE**

The Town recently received an application for a new oceanfront single-family home on a 50-foot wide lot. As part of our initial project review several Code violations were noted. The applicant has decided to apply for a series of variances rather than attempt to comply with the Town Code. The Town has now received an application for six (6) variances for the new single-family home project located at 407 Ocean Boulevard. The owner's name listed on the application form and noted on the Miami-Dade Property Appraiser's website is 407 Ocean LLC, and the architect of record is Choeff Levy Fischman Architects. Some of the application forms are not completely filled out but the intent is known. A Site Development Plan was filed simultaneously with the variance application. The applications include a (1) BRAB site design as well as eight (8) variance requests from the Town Code in order to construct a proposed single-family residence.

Following is the applicant's current variance request:

1. Variance from Section 66-69(d)(1)c to allow the first floor (first habitable floor) to be at an elevation of 24.083' NGVD (20.2' NGVD maximum permitted by Code);
2. Variance from Section 66-141 Yard Projections to allow a 12" architectural projection (2<sup>nd</sup> floor window frame) that is causing a side yard setback encroachment (no portion of any building shall be closer than 7.5 feet from each side lot line). The variance is applying for architectural feature not listed in the code

3. Variance from Section 66-69(h)(1)c to allow the applicant to exceed the side yard setback requirement for a two-story structure (two-story structures shall be required to increase the side Setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet per Town Code);
4. Variance from Section 66-261(b)(3) to allow a small spa and cold-water splash area located on the habitable roof deck (only outdoor furniture such as chairs, sofas, and tables, and pots / planters are permitted per Town Code);
5. Variance from Section 66-226(d) to allow a front property driveway gate to be located less than (eighteen feet) 18'-0" from Ocean Boulevard;
6. Variance from Section 66-261(b)(5) to allow a rooftop elevator and vestibule that measures 9'-8" by 11'-5" (110 sq. ft.). Per Town Code any elevator and any covered elevator vestibule serving the rooftop shall be limited to an area of no more than 5 feet by 10 feet (50 sq. ft.). Note: A Town-initiated Code amendment is in process to adjust the allowable rooftop area for an elevator / elevator vestibule – this would solve this issue.
7. Variance from Section 66-69(d)(2) to encroach into the side setback step requirement after 18 feet in height for a proposed garage / guesthouse accommodation.
8. Variance from Section 66-69(h)(2) to encroach into the side setback requirement of 10 feet to 7.5 feet from the property line for a proposed garage / guesthouse accommodation.

#### VARIANCE 1 - ANALYSIS

As per the Town's request MMPA has completed our review of the above referenced multiple variances application requests and provide the following comments for consideration:

***Variance from Section 66-69(d)(1)c to allow the first floor (first habitable floor) to be at an elevation of 24.083' NGVD (20.2' NGVD maximum permitted by Code).***

The applicant is requesting a variance to raise the first habitable floor slab elevation to a height of 24.083 feet NGVD versus the 20.2 feet height limit set forth in the Code (max. 2 feet above the lowest structural member @ 18.2 feet NGVD east of the CCCL). This results in a 3.88-foot height increase. Due to the lot grades of some of the oceanfront lots the Town recently approved 3 similar variances (255 OB @ 23.0 feet / 263 OB @ 21.49 feet / 587 OB @ 21.49 feet). In most instances the Town required the overall building height limit to be reduced in consideration of allowing the slab to be increased in height. When the applicant removes the existing house and excavates the area under the main house either no variance would be necessary or a lesser dimensional request. While the existing house has a FFE of 14.62 feet (NGVD) the lot grades shown on the plans where the home will be placed are between 13.15 feet and 14.11 feet NGVD. The Town, to our knowledge, has not approved a request as severe as the applicant's request, although one developer requested 25 feet but was eventually granted a variance for 23 feet. This will result in a floor to ceiling height of 8+/- feet for the "non-habitable" space at ground level. Since the ground level is supposed to be "non-habitable" with only a garage, storage areas and one bathroom the



height is not that important, as this area is “disposable” for storm wave surges. Also, the land can be slightly excavated if needed. While MMPA understands the reason for the request, we feel this site is no different or unique than other oceanfront sites that have built following the current standards; therefore, we have difficulty supporting the request, as submitted. If the request was similar to the others (21.49 feet slab / 49 feet overall building height) MMPA would be more supportive.

#### **NON-USE VARIANCE JUSTIFICATION**

Due to several homes being reviewed / approved at least conceptually by the Town over the last 1.5+/- years that were not be in compliance with existing Town Codes, and recognizing that Code modifications were deemed desirous to allow these site designs, the Town initiated a series of Code amendments. So far, several major Code updates have been completed; therefore, the need for most variances is greatly reduced. Additional Code amendments for minor updates / clarity are now in process and should be completed in the next few months. During the Code studies / updates the Town administration has allowed developers to submit plans / variances for desired designs. If the Town either approves the Code amendments and/or variances, the sites may be developed as is. If the items are not approved, the site designs will have to be modified to comply with current Codes.

Below are the applicant's justifications for each Variant and MMPA responses.

- 1) *The variance requested is for relief from the provisions of the Town Code.*

The applicant seeks relief from Sections 66-69(d)(1)c.

- 2) *Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.*

The applicant stated that the Existing Ground Finished Floor Elevation is +14.62' NGVD. However, the existing lot grades near the house average +13.49' NGVD. The FEMA flood elevation is 8.0 NGVD in the center of the site or Zone X towards the west. If the first habitable floor were to be located per Code at +20.2' NGVD, this would provide a clearance of 6.71', rendering the ground floor an unusable space, unless excavation occurred. MMPA understand that the +20.2' first-floor elevation purpose is to protect the house from future flood issues and not to make the ground floor a usable space, in fact, if it is “habitable”, the height of the house must be measured from the ground level – not from elevation +20.2'. MMPA is not supportive of this request as submitted. At slab elevation +21.49' this would provide an 8-foot clear area.

- 3) *The special conditions and circumstances do not result from the actions of the applicant.*

The applicant stated that the described circumstances are a result of existing conditions. MMPA understand that the +20.2' first-floor elevation purpose is to protect the house from future flood issues and not to make the ground floor a usable space, hence MMPA consider the applicant not entitled to be considered for special conditions.



- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.*

The applicant stated that granting the variance will not confer on the applicant any special privilege that is denied to other property owners; other property owners with similar hardships may also apply for a variance. MMPA again notes that the first-floor elevation purpose is to protect the house from future flood issues and not to make the ground floor a usable space, if other houses were able to use the ground floor as a storage space was due to their natural elevation that was lower than the specified lot. The applicant is requesting +25' feet – the highest request ever received by the Town. The Town has granted several variances for similar reasons – but at +23.0' / +21.49'; hence MMPA do not support such a claim.

- 5) *Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.*

The applicant stated literal interpretation of the Zoning Code would deprive the applicant of the ability to develop its property in a manner compatible with other properties in the same district. MMPA notes that the required finish floor elevation is a FEMA requirement to protect the homeowners from flood damage, and it does not imply that the ground floor should be a usable space. MMPA notes that others have recently been granted variances, but at lower elevations. Therefore, MMPA disagrees with the applicant statement for a higher first floor.

- 6) *The variance granted is the minimum variance that will make possible the reasonable use of the land or structure.*

The applicant stated the variance granted is the minimum variance that will make possible the reasonable use of the ground floor. MMPA notes that the required finish floor elevation is a FEMA requirement to protect the homeowners from flood damage, and it does not imply that the ground floor should be a usable space. Several others have been granted an increase to +21.4' NGVD which provides an 8-foot clearance at grade. MMPA disagrees with this statement for requested variance 66-69(d)(1)c.

- 7) *The granting of the variance will be in harmony with the general intent and purpose of the Town Code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The applicant stated that the granting of the variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare. MMPA notes that the required finish floor elevation is a FEMA requirement to protect the homeowners from flood damage, and it does not imply that the ground floor should be a usable space. MMPA notes that the current Zone One regulations are strict and were intended to have two stories home by the ocean waterfront - not three-story homes. Even though recent



developments on the oceanfront lots were developed with a practical three stories height, due to the FEMA minimum floor elevation requirement, the district regulation is very clear as for the height limit for the houses. MMPA agrees that the variance would not severely disrupt the harmony of the oceanfront development, unless it is the intent of the Town to continue to encourage houses where the ground floor will be considered as a usable part of the house, for limited activities, pre-approved by FEMA.

## VARIANCE 2 - ANALYSIS

**Variance from Section 66-141 Yard Projections to allow a 12" architectural projection that is causing a side yard setback encroachment while the recent Code Amendment has already diminished the required setback for undersized lots from 10' (ten feet) to 7'-6" (seven and a half feet).**

\*Note –The current Code addresses yard encroachment allowances only for chimneys / balconies / rooftops / roof eaves and eyebrows – not the major architectural feature requested (window frame).

## NON-USE VARIANCE JUSTIFICATION

- 1) *The variance requested is for relief from the provisions of the Town Code.*

The applicant seeks relief from Section 66-141.

- 2) *Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.*

The applicant argues that the setbacks imposed on fifty (50) foot lots make it challenging to create articulated side elevations. MMPA notes that while the lot is a 50-foot lot, the Town has recently passed an amendment where the smaller lots can have a reduced side yard setback of 7.5 feet. The requirement already allows the houses to build closer to the side property lines than the previous requirement of 10-foot. However, Section 66-141 is one of the suggested Code updates to allow more architectural detailing than listed (chimneys / balconies / rooftops / roof eaves and eyebrows). For example, eyebrows are allowed to encroach 18 inches (other 4 feet except chimneys) while this request is for 12 inches. Therefore, MMPA supports the applicant argument. If the Code is amended this variance will not be necessary.

- 3) *The special conditions and circumstances do not result from the actions of the applicant.*

The applicant stated that the described circumstances are a result of existing conditions. Presumably they mean the existing Code text – not site conditions. MMPA does not consider the existing conditions of the site "special"; however, we support the request, as it will add desired architectural detailing.

- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.*



The applicant stated that granting the variance will not confer on the applicant any special privilege that is denied to other property owners. MMPA notes that other 50-foot wide lots were developed respecting the previous 10-foot setback, were granted a variance, or meet the new 7.5-foot side setback. This request relates to a desired architectural detail – not the main house. However, MMPA supports the request for the reasons stated previously and that a proposed Code amendment may allow this detail.

- 5) *Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.*

The applicant stated literal interpretation of the Zoning Code would deprive the applicant of the ability to develop its property in a manner compatible with other properties in the same district. MMPA notes that other 50-foot wide lots were developed respecting the previous 10-foot setback, were granted a variance, or meet the new 7.5-foot side setback. Again, the request is not for the main house which is the purpose of the cited Code Section. The applicant is seeking an architectural detail that is not allowed by the current Code language. No other property owner has the right to build the architectural feature either as currently written. MMPA believes that by granting the applicant the right to build the architectural feature closer than 7.5 feet to the side property line be a special privilege; however, the Town may modify the Code, which would allow others to add similar features.

- 6) *The variance granted is the minimum variance that will make possible the reasonable use of the land or structure.*

The applicant stated the requested variance is particularly minimal. MMPA notes that other 50-foot wide lots have been developed without the need for some of the variance requests. While MMPA believes there is no need to build a house closer than the minimum Town Code requirement of 7.5-foot from the side property line (applicant is **NOT** requesting that), more architectural detailing is always preferred. The applicant will be perfectly able to reasonably use the land within the required setbacks, but MMPA supports the request for the minor architectural detail.

- 7) *The granting of the variance will be in harmony with the general intent and purpose of the Town Code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The applicant stated that the granting of the variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare. MMPA notes that other 50-foot wide lots were developed respecting the previous 10-foot setback, were granted a variance, or meet the new 7.5-foot side setback. However, this request is **NOT** to lessen the main structure side setback dimension – only allow an architectural detail that is not currently allowed by the Code. While MMPA believes that by granting the applicant the right to build the feature closer than 7.5 feet to the side property line would



be a special privilege, the Code already allows other yard encroachments that are more severe. Therefore, MMPA supports the request.

### VARIANCE 3 - ANALYSIS

**Variance from Section 66-69(h)(1)c to allow the applicant to exceed the side yard setback requirement for a two-story structure while the recent Town Code Amendment requires that all residences designed as two-story structures shall be required to increase the side setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet.**

The applicant is requesting a variance to be waived from the required progressive side setback. Neither the Town Administration or MMPA is in support of this variance, as the Code was recently amended for the general welfare of the Town and the reason behind the requirement is to avoid large / long "boxy" houses and provide a variety of articulation / volume to home designs, contributing to the beauty and diversity of the Town. With narrower side setbacks now allowed, MMPA believes it is important to require sensitive design to adjoining lots.

### NON-USE VARIANCE JUSTIFICATION

- 1) *The variance requested is for relief from the provisions of the Town Code.*

The applicant seeks relief from Section 66-69(h)(1)c.

- 2) *Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.*

The applicant argues that special conditions and circumstances exist which are peculiar to the land and structure involved. MMPA notes that while the lot is a 50-foot lot, there is no clear special condition to the site that would support such a variance.

- 3) *The special conditions and circumstances do not result from the actions of the applicant.*

The applicant stated that the described circumstances do not result from the actions of the applicant. MMPA does not consider the existing conditions of the site "special".

- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.*

The applicant stated that granting the variance will not confer on the applicant any special privilege that is denied to other property owners. MMPA notes that other normal 75+ feet wide lots and non-conforming 50-foot wide lots were developed respecting the requirement that "two-story structures shall be required to increase the side setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet." MMPA believes that by granting the applicant the right to build a massive flat wall 35-foot height adjoining the neighboring property



with no undulation would be a special privilege. MMPA recommends the Town deny this request.

- 5) *Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.*

The applicant stated literal interpretation of the Zoning Code would deprive the applicant of the ability to develop its property in a manner compatible with other properties in the same district. MMPA notes that other normal 75+ feet wide lots and 50-foot wide lots have been developed respecting requirement that “two-story structures shall be required to increase the side setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet”. Therefore, MMPA believes that by granting the applicant the right to build a massive flat wall 35-foot height adjoining the neighboring property would be a special privilege. MMPA recommends the Town deny this request.

- 6) *The variance granted is the minimum variance that will make possible the reasonable use of the land or structure.*

The applicant stated the requested variance is particularly minimum to make the possible the reasonable use of the land or structure. MMPA notes that other normal 75+ feet wide lots and 50-foot wide lots have been developed respecting requirement that “two-story structures shall be required to increase the side setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet.”, hence MMPA believes that by granting the applicant the right to build a massive flat wall 35-foot height adjoining the neighboring property would be a special privilege. A reasonable use of the land can easily occur without the variance. MMPA recommends the Town deny this request.

- 7) *The granting of the variance will be in harmony with the general intent and purpose of the Town Code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The applicant stated that the granting of the variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare. MMPA notes that other normal 75+ feet wide lots and 50-foot wide lots have been developed respecting requirement that “two-story structures shall be required to increase the side setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet.” MMPA believes that by granting the applicant the right to build a 35-foot height flat wall adjoining the neighboring property would be detrimental to neighboring properties, affecting the amount of air and light that would reach their side yard areas.

#### **VARIANCE 4 - ANALYSIS**



**Variance from Section 66-261(b)(3) to allow a spa and a cold-water splash pool area on the roof deck while the Code prohibits any permanent or temporary fixtures or equipment except for a safety railing and outdoor furniture.**

The applicant is requesting a variance to provide a spa and small swimming pool on the roof. Neither the Town Administration or MMPA is in support of this variance, as the Code is very clear that no permanent or temporary fixtures such as this are permitted on rooftops. MMPA notes the Town recently granted a variance for a rooftop spa (not a swimming pool) at 587 Ocean Blvd.

#### **NON-USE VARIANCE JUSTIFICATION**

- 1) *The variance requested is for relief from the provisions of the Town Code.*

The applicant seeks relief from Section 66-261(b)(3).

- 2) *Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.*

The applicant argues that special conditions and circumstances exist which are peculiar to the land and structure involved. MMPA notes that there is no clear special condition to the site that would permit such variance. Extensive discussions have occurred about allowable rooftop activities. Disruptions to neighborhood serenity is often mentioned (noise / parties / lights / late night activities). Traditionally only passive uses on oceanfront lots have been allowed. This is a policy decision for the Town officials.

- 3) *The special conditions and circumstances do not result from the actions of the applicant.*

The applicant stated that the described circumstances do not result from the actions of the applicant. MMPA do not consider the existing conditions of the site to be "special". Traditionally only passive uses on oceanfront lots have been allowed. This is a policy decision for the Town officials.

- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.*

The applicant stated that granting the variance will not confer on the applicant any special privilege that is denied to other property owners. Neither the Town Administration or MMPA is in support of this variance, particularly as related to the proposed swimming pool, as the Code is very clear that no permanent or temporary fixtures such as this are permitted on rooftops. All other properties respect it and granting such variance would confer the applicant a special privilege. If the Town wishes to start considering allowing for this type of use to be located on rooftops, then an amendment should be considered.

- 5) *Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district*



*under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.*

The applicant stated literal interpretation of the Zoning Code would deprive the applicant of the ability to develop its property in a manner compatible with other properties in the same district. MMPA notes that no other site (except 587 OB) have been allowed to build a spa / swimming pool on any rooftop. Therefore, MMPA believes that by granting the applicant the right to build a spa / swimming pool on the rooftop would be a special privilege. If the Town wishes to start considering allowing for this type of use to be located on rooftops, then an amendment should be considered.

- 6) *The variance granted is the minimum variance that will make possible the reasonable use of the land or structure.*

The applicant stated the requested variance is particularly minimum to make the possible the reasonable use of the land or structure. MMPA notes that no other site (except 587 OB) have been allowed to build a spa / swimming pool on any rooftop. The site plan shows a ground level pool as well. A reasonable use of the land is not compromised by denying this request. Therefore, MMPA believes that by granting the applicant the right to build a spa / swimming pool on the rooftop would be a special privilege. If the Town wishes to start considering allowing for this type of use to be located on rooftops, then an amendment should be considered.

- 7) *The granting of the variance will be in harmony with the general intent and purpose of the Town Code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The applicant stated that the granting of the variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare. MMPA notes that no other site (except 587 OB) have been allowed to build a spa / swimming pool on any rooftop. Therefore, MMPA believes that by granting the applicant the right to build a spa / swimming pool on the rooftop would be a special privilege. The Town has previously determined that rooftop spas / pools can be injurious to the area and detrimental to the public welfare. If the Town wishes to start considering allowing for this type of use to be located on rooftops, then an amendment should be considered.

## VARIANCE 5 – ANALYSIS



Variance from Section 66-226(d) to allow the front property gate to be located less than (eighteen feet) 18'-0" from Ocean Boulevard. The applicant is requesting a vehicular setback of 10'-3".

**\*Note** –New Town Code Section 66-226(d) requires the minimum 18-foot setback from the back of curb on Ocean Boulevard (SR A1A) to the face of any security gate to allow at least inbound vehicle to stop without blocking the traffic flow.

Neither the Town Administration or MMPA is in support of this variance. This would create a dangerous condition for motorists traveling on the state's highway as well as the homeowners. The gate must be deleted, or the site configuration altered to provide the required queuing.

#### NON-USE VARIANCE JUSTIFICATION

- 1) *The variance requested is for relief from the provisions of the Town Code.*

The applicant seeks relief from Section 66-226(d)\*.

**\*Note: new Code provisions adopted 10/17/17.**

- 2) *Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.*

The applicant argues that special conditions and circumstances exist which are peculiar to the land and structure involved. MMPA notes that there is no clear special condition to the site that would permit such variance. The Town has traditionally required any gates to be placed safely to avoid accidents / traffic congestion. FDOT District 6 must also review the driveway connection and will require sufficient storage.

- 3) *The special conditions and circumstances do not result from the actions of the applicant.*

The applicant stated that the described circumstances do not result from the actions of the applicant. The applicant's proposed site design is causing the dangerous condition, so this condition is self-created. MMPA do not consider the existing conditions of the site special.

- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.*

The applicant stated that granting the variance will not confer on the applicant any special privilege that is denied to other property owners. All recent development approvals included similar setback requirements. Neither the Town Administration or MMPA is in support of this variance., The Town formally adopted the amendment for safety reasons.

- 5) *Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district*



*under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.*

The applicant stated literal interpretation of the Zoning Code would deprive the applicant of the ability to develop its property in a manner compatible with other properties in the same district. MMPA strongly disagrees with the assertion – all property owners comply with the regulations. MMPA notes that the Town voted for safety reasons and from that moment onward shall be reinforced to avoid vehicle stacking and future possible accidents on the road A1A. To grant the privilege to allow this front property gate to be located only 10'-3" from Ocean Boulevard would be a severe safety hazard to the general welfare of the community.

- 6) *The variance granted is the minimum variance that will make possible the reasonable use of the land or structure.*

The applicant stated the requested variance is particularly minimum to make the possible the reasonable use of the land or structure. MMPA notes that the amendment was voted for safety reasons and from that moment onward shall be reinforced to avoid vehicle stacking and future possible accidents on the road A1A. MMPA considers the property to be a typical undersized lot and notes the applicant has several options to reasonable use of the land or structure. To grant the privilege to allow the front property gate to be located only 10'-3" from Ocean Boulevard would be a safety hazard to the general welfare of the community.

- 7) *The granting of the variance will be in harmony with the general intent and purpose of the Town Code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The applicant stated that the granting of the variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare. MMPA notes that the amendment was voted for safety reasons and from that moment onward shall be reinforced to avoid vehicle stacking and future possible accidents on the road. To grant the privilege to allow the front property gate to be located only 10'-3" from Ocean Boulevard will cause accidents and block traffic, hence this variance would create a safety hazard to the general welfare of the community.

## VARIANCE 6 – ANALYSIS



**Variance from Section 66-261(b)(5) to allow an elevator and elevator vestibule to be 9'-8" by 11'-5" rather than the 5' by 10' Code maximum.**

The applicant is requesting an elevator and elevator vestibule larger than the 5' by 10' Code maximum. A Town Code amendment has been discussed and is being processed to allow for slightly more flexibility for such features, as many architects / builders have indicated that it is not possible to obtain an elevator that small. Therefore, MMPA is in support of this request. If the Town Council approves the Code amendment the variance would not be necessary.

**NON-USE VARIANCE JUSTIFICATION**

- 1) *The variance requested is for relief from the provisions of the Town Code.*

The applicant seeks relief from Section 66-261(b)(5).

- 2) *Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.*

The applicant argues that the minimum size needed for the elevator and elevator shaft does not fall within the allowable dimensions. MMPA notes that even though the specified elevator does not fit within the dimensions, there are other models in the market that might work. The Town has recently granted several similar variances for elevators / vestibules not exceeding 110 sq. ft. MMPA supports this variance as the proposed code amendment will include this standard. In addition, the draft text states: *Any elevator and any covered elevator vestibule, if permitted, shall be placed near the center of the rooftop, but not less than 7.5 feet from the edge of the roof on lots less than 75 feet in width, or less than 10 feet from the edge of the roof on lots 75 feet or more in width."*

- 3) *The special conditions and circumstances do not result from the actions of the applicant.*

The applicant stated that the described circumstances do not result from the actions of the applicant. MMPA does not consider the existing conditions special and believes that the specified elevator shaft is causing the need for the Variance.

- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.*

The applicant stated that granting the variance will not confer on the applicant any special privilege that is denied to other property owners. The Town has recently granted several similar variances for elevators / vestibules not exceeding 110 sq. ft. MMPA supports this variance as the proposed code amendment will include this standard.

- 5) *Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district*



*under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.*

The applicant stated literal interpretation of the Zoning Code would deprive the applicant of the ability to develop its property in a manner compatible with other properties in the same district. MMPA notes that the amendment has not yet been voted and the current Town Code is applied for all building applicants in the same way.

- 6) *The variance granted is the minimum variance that will make possible the reasonable use of the land or structure.*

The applicant stated the requested variance is particularly minimum to make the possible the reasonable use of the land or structure. The Code as written already allows rooftop elevators – the applicant just requesting a larger unit. Their argument does not relate to a reasonable use of land.

- 7) *The granting of the variance will be in harmony with the general intent and purpose of the Town Code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The applicant stated that the granting of the variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare. MMPA notes that the proposed variance would not harm the general welfare of the Town.

#### **VARIANCE 7 - ANALYSIS**

**Variance from Section 66-69.1(d)(2) to allow the applicant to encroach into the side yard setback requirement for the 2<sup>nd</sup> story of a proposed detached two-story garage / guesthouse accommodation located at near Ocean Blvd. The Town Code requires that all Garages and/or guest accommodations built separate from the main house be required to increase the side setbacks of the entire length of any building height above the first 18 feet by one foot for each one foot (1:1).**

The applicant is requesting a variance to not apply the required progressive side setback above 18 feet. Neither the Town Administration or MMPA is in support of this variance, as the Code was recently amended for the general welfare of the Town and the reason behind the requirement is to avoid large / long “boxy” structures and provide a variety of articulation / volume to home designs, contributing to the beauty and diversity of the Town. With narrower side setbacks now allowed for 50-foot lots, MMPA believes it is important to require sensitive design to adjoining lots.

#### **NON-USE VARIANCE JUSTIFICATION**

- 1) *The variance requested is for relief from the provisions of the Town Code.*

The applicant seeks relief from Section 66-69.1(d)(2)



- 2) *Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.*

The applicant argues that special conditions and circumstances exist which are peculiar to the land and structure involved. MMPA notes that while the lot is a 50-foot lot, there is no clear special condition to the site that would support such a variance. There are numerous undersized lots in the Town and none have requested similar variances.

- 3) *The special conditions and circumstances do not result from the actions of the applicant.*

The applicant stated that the described circumstances do not result from the actions of the applicant. MMPA does not consider the existing conditions of the site "special".

- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.*

The applicant stated that granting the variance will not confer on the applicant any special privilege that is denied to other property owners. MMPA notes that other normal 75+ feet wide lots and non-conforming "undersized" 50-foot wide lots were developed respecting the requirement that "all Garages and/or guest accommodations built separate from the main house, shall be required to increase the side setbacks of the entire length of any building height above the first 18 feet. by one foot for each one foot (1:1)." MMPA believes that by granting the applicant the right to build a 2-story flat wall 23-foot height from finish floor elevation adjoining the neighboring property with no undulation would be a special privilege and would harm the adjoining site. MMPA recommends the Town deny this request.

- 5) *Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.*

The applicant stated literal interpretation of the Zoning Code would deprive the applicant of the ability to develop its property in a manner compatible with other properties in the same district. MMPA notes that other normal 75+ feet wide lots and 50-foot wide lots have been developed respecting requirement that "all Garages and/or guest accommodations built separate from the main house, shall be required to increase the side setbacks of the entire length of any building height above the first 18 feet. by one foot for each one foot (1:1)". Therefore, MMPA believes that by granting the applicant the right to build a 2-story flat wall 23-foot height from finish floor elevation adjoining the neighboring property would be a special privilege. MMPA recommends the Town deny this request.

- 6) *The variance granted is the minimum variance that will make possible the reasonable use of the land or structure.*



The applicant stated the requested variance is particularly minimum to make the possible the reasonable use of the land or structure. MMPA notes that other normal 75+ feet wide lots and 50-foot wide lots have been developed respecting requirement that all "Garages and/or guest accommodations built separate from the main house, shall be required to increase the side setbacks of the entire length of any building height above the first 18 feet. by one foot for each one foot (1:1)". Therefore, MMPA believes that by granting the applicant the right to build a 2-story flat wall 23-foot height from finish floor elevation adjoining the neighboring property would be a special privilege. A reasonable use of the land can easily occur without the variance. MMPA recommends the Town deny this request.

- 7) *The granting of the variance will be in harmony with the general intent and purpose of the Town Code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The applicant stated that the granting of the variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare. MMPA notes that other normal 75+ feet wide lots and 50-foot wide lots have been developed respecting requirement that all "Garages and/or guest accommodations built separate from the main house, shall be required to increase the side setbacks of the entire length of any building height above the first 18 feet. by one foot for each one foot (1:1)". Therefore, MMPA believes that by granting the applicant the right to build a 2-story flat wall 23-foot height from finish floor elevation adjoining the neighboring property would be detrimental to neighboring properties, affecting the amount of air and light that would reach their side yard areas.

#### **VARIANCE 8 - ANALYSIS**

**Variance from Section 66-69.1(h)(2) to allow the applicant to encroach into the side yard setback requirement for a detached two-story garage/ guesthouse accommodation located at the front-yard setback while the recent Town Code Amendment requires that all Garage/Guest accommodations shall be set back a minimum ten feet from any Side Property Line.**

The applicant is requesting a variance to be waived from the required progressive side setback. Neither the Town Administration or MMPA is in support of this variance, as the Code was recently amended for the general welfare of the Town and the reason behind the requirement is to maintain a good flow of air and light between adjoining properties and to avoid large structures to be built so close to AIA Road. The placement of free-standing garages / guest accommodations was specifically discussed during the deliberations on the Code amendment updates earlier this year. The Town Council felt any such structure should be centered on the lot.

#### **NON-USE VARIANCE JUSTIFICATION**

- 1) *The variance requested is for relief from the provisions of the Town Code.*



The applicant seeks relief from Section 66-69.1(h)(2)

- 2) *Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.*

The applicant argues that special conditions and circumstances exist which are peculiar to the land and structure involved. The Town still has many “undersized” lots (50-feet). MMPA notes that while the lot is undersized, there is no clear special condition to the site that would support such a variance. The second-floor guest accommodation cantilevers away from the garage footprint toward the north property line – it could be reduced to meet the Code requirement.

- 3) *The special conditions and circumstances do not result from the actions of the applicant.*

The applicant stated that the described circumstances do not result from the actions of the applicant. MMPA does not consider the existing conditions of the site “special”. Clearly the action is self-created from actions of the architect – to extend into a setback.

- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.*

The applicant stated that granting the variance will not confer on the applicant any special privilege that is denied to other property owners. MMPA notes that other normal 75+ feet wide lots and non-conforming 50-foot wide lots were developed respecting the requirement that “all Garage/Guest accommodations shall be set back a minimum ten feet from any Side Property Line”. MMPA believes that by granting the applicant the right to build a 2-story flat wall 23-foot height from finish floor elevation closer to the adjoining property would be a special privilege. MMPA recommends the Town deny this request.

- 5) *Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.*

The applicant stated literal interpretation of the Zoning Code would deprive the applicant of the ability to develop its property in a manner compatible with other properties in the same district. MMPA notes that other normal 75+ feet wide lots and 50-foot wide lots have been developed respecting requirement that “all Garage/Guest accommodations shall be set back a minimum ten feet from any Side Property Line” MMPA believes that by granting the applicant the right to build a 2-story flat wall 23-foot height from finish floor elevation closer to the adjoining property would be a special privilege. MMPA recommends the Town deny this request.

- 6) *The variance granted is the minimum variance that will make possible the reasonable use of the land or structure.*



The applicant stated the requested variance is particularly minimum to make the possible the reasonable use of the land or structure. MMPA notes that other normal 75+ feet wide lots and 50-foot wide lots have been developed respecting requirement that "all Garage/Guest accommodations shall be set back a minimum ten feet from any Side Property Line" MMPA believes that by granting the applicant the right to build a 2-story flat wall 23-foot height from finish floor elevation closer to the adjoining property would be a special privilege. MMPA recommends the Town deny this request. A reasonable use of the land can easily occur without the variance. MMPA recommends the Town deny this request.

- 7) *The granting of the variance will be in harmony with the general intent and purpose of the Town Code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The applicant stated that the granting of the variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare. MMPA notes that other normal 75+ feet wide lots and 50-foot wide lots have been developed respecting requirement that "all Garage/Guest accommodations shall be set back a minimum ten feet from any Side Property Line". MMPA believes that by granting the applicant the right to build a 2-story flat wall 23-foot height from finish floor elevation closer to the adjoining property would be detrimental to neighboring properties, affecting the amount of air and light that would reach their side yard areas. MMPA recommends the Town deny this request.

#### **SUMMARY**

MMPA was requested to review and comment on the requested eight (8) variances. MMPA has attempted to analyze each request and provide urban planning design comments based on our understanding of the Town's desired development scale. The Town has been studying and updating many portions of its Land Development Regulations to make design criteria clearer and to avoid requests for most variances. MMPA understands some of the Town Codes or lack of Codes have been frustrating desired development; however, a series of Code amendments has been adopted and others fine-tuning is being considered. Whatever is decided by the Town has been or should be incorporated into the Code to avoid repeated variance requests.

MMPA supports Variances 2, 4 partially and 6.

MMPA does not support Variances 1, 3, 4 partially, 5, 7 and 8.



**TOWN OF GOLDEN BEACH**  
**APPLICATION FOR**  
**BUILDING REGULATION ADVISORY BOARD MEETING/HEARING**

Property Location: 407 OCEAN BLVD Meeting Date: NOVEMBER 14, 2017  
Variance Hearing Dates: Advisory Board \_\_\_\_\_ Town Council \_\_\_\_\_

APPROVAL FROM THE BUILDING REGULATION ADVISORY BOARD IS REQUIRED FOR:

- A. Plans for new residence
- B. Plans for addition to or exterior alterations of an existing structure.
- C. Additional structures on premises of existing residences
- D. Review of landscape plan for new construction, renovation or addition to existing residence.
- E. Recommendation to Town Council for the approval or denial of variances and special exceptions.
- F. Recommendation to Town Council for interpretation regarding apparent conflicts or inconsistencies in the zoning provisions in Chapters 46 & 66

**APPLICATION HEARING PROCESS**

**Building Approval:**

Applicant: submit 8 complete packages for approval: each package shall consist of an application, survey, warranty deed and drawings as required. The plans shall be sized as follows: 7 sets; 11" x 17", 1 **full size** set and 1 CD containing all drawings marked with the address. Separate from the landscaping plan submittal

**Landscape Approval:**

Applicant submit, separate from the Building application, 8 complete packages for approval, Each package shall consist of an application, existing landscape survey, and drawings as required. The plans shall be sized as follows: 7 sets; 11 x 17, 1 **full size** set and 1 CD containing all drawings separate from the building plan submittal.

**Zoning Variance Approval:**

Submittals for a zoning variance: submit 16 complete packages for approval: each package shall consist of an application, survey, warranty deed and drawings are required. The plans shall be sized as follows: 15 sets; 11" x 17", 1 **full size** set and 1 CD containing all drawings.

As directed by the Building Official or Building Director.

The Building Regulation Advisory Board (B.R.A.B.) meets at 6:00 P. M. on the second Tuesday of every month. Applications must be submitted 30 days prior to scheduled meeting, (**not including the day of the meeting**), by 2:00 P.M. that day to allow for preliminary review and for mailing of a public notice if a variance is requested.

Fees must be paid at time of application submittal.

Any variances required must be heard and approved by the Town Council after the Building Regulation Advisory Board has considered the item. The Variance will be heard by the Town Council, in the following month, (on the third Tuesday), after the Building Regulation Advisory Board's action, at the Town Council's regularly scheduled meeting.

Please see page 5 for required documents.

**\*\*NOTICE:\*\***

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. PLEASE MAKE SURE THAT YOU, THE APPLICANT, HAVE CHECKED AND MARKED ALL ITEMS ON PAGE 5. THANK YOU.**

**BUILDING REGULATION ADVISORY BOARD APPLICATION (September 2016)**



**TOWN OF GOLDEN BEACH**  
**APPLICATION FOR**  
**BUILDING REGULATION ADVISORY BOARD HEARING**

1. The application deadline date will be strictly complied with. No application shall be accepted after that date and time.
2. The Building Official and/ or the Building Director will review the application package. If it is determined that the application is incomplete, the item will tabled and not placed on the Agenda for that month.
3. During the three (3) week period from deadline date to the hearing date, the following events shall take place in proper order:
  - a. During the first week of submittal, the Building Official, or agent will endeavor to review the application, and complete a comment sheet 15 days prior to the meeting. The critique sheet will specify all deficiencies for correction.
  - b. The critique sheet will be faxed, or emailed, to the applicant as soon as the review is completed.
  - c. If the deficiencies are substantial the application will be moved to the next scheduled meeting/hearing of the B.R.A.B.
  - d. If the deficiencies are minor, the applicant must submit the corrections including the revised paperwork within 5 days of the scheduled meeting/hearing. Corrections not received for a scheduled Agenda item will be deferred to the next B.R.A.B. meeting/hearing date.
4. A Notice of Hearing for variance will be mailed no later than 10 days before the date of meeting, as per Town Code.
5. During the third week all applications with plans and documents shall be properly arranged. One complete copy of the package will be given to the processor and the Friday, prior to the scheduled meeting one set will be delivered to each Board member. The Building Dept shall retain all originals for the records.
6. All applicants shall be made aware that incomplete applications or deficiencies not corrected in time as per these regulations, will not be included on the agenda, and are hereby rejected, and will be returned to the applicant.
7. After the meeting, three (3) copies of the approved items (one full size and 2 ledger) shall be retained by the building department, the applicant must request the two reduced sized sets for inclusion into the building permit package.



**TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
SCHEDULE OF FEES**

Appropriate fee shall be paid at time of application. These fees are not refundable.

<u>Type of request</u>	<u>Fee</u>
1. Residence (new construction).....	\$300.00
2. Addition/Remodel of existing structure.....	\$225.00
3. Fencing, site walls, driveways, pool decks (charged per each item included in the plans)	\$150.00
4. Accessory Building or Structure.....	\$150.00
5. Swimming pools.....	\$100.00
6. Docks.....	\$100.00
7. Boat Lifts.....	\$100.00
9. Carports, awnings.....	\$100.00
10. Landscape plan review; required for new construction, addition and remodeling project. (submit plans with site plan elevations separate from the building plan approval package)	\$300.00
11. Resubmissions, based on original fee paid...	75.0%
12. Zoning Variances and special exceptions, per variance or exception:	
a. First variance/ exception. ....	\$750.00
b. Per additional variance/exception, for the same initial variance (example: request for a dock, affecting two different codes	\$200.00
c. When a variance is granted, the property owner, at his expense, shall have the resolution for the variance recorded in the public records of Miami-Dade county, and two (2) certified copies of the recorded resolution shall be submitted to the Town for inclusion into the property records	
d. If the Town Council grants a variance, a building permit must be secured within two years of the approval date or the variance will become null and void	
13. Request to the Board for verification of any section of the Zoning Code, For each Section to be verified.....	\$100.00



**TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
SCHEDULE OF FEES**

14. Application for the legalization of construction built without the approval of the B.R.A.B., when the Board should have approved such construction, will be assessed a fee equal to four (4) times the regular fee applicable to the matter.

15. Special Requests for a meeting, variance, or waiver of plat hearing:

- a. For matters that have been heard, but the process had not been completed, i.e., tabled subjects, or unfinished subjects to be continued, the applicant must notify the Building & Zoning Department in writing if they would like the item continued

If the notification is received by the Department before the deadline for the next B.R.A.B. meeting, there will be no charge for the continuance. If the notification is received after the deadline, and the applicant still wants the matter included in the agenda for the next meeting, there will be a special fee of \$200.00

- b. If the agenda has already been prepared and the applicant wants the matter to be heard, the request must be received in writing to be added to the agenda at the beginning of the meeting with the approval of the Building Official or Building & Zoning Director. There will be a special fee of \$200.00

- c. When a special meeting or hearing of the B.R.A.B. is requested by an applicant, for either a new matter or continuance of a subject already heard, there will be a special fee for a 2 hour time period of \$500.00

If the time limit is exceeded, an additional fee of ½ of the fee will be assessed for the seconded time period \$250.00



**TOWN OF GOLDEN BEACH**  
**APPLICATION FOR**  
**BUILDING REGULATION ADVISORY BOARD HEARING**

Applicant check here	Complete application, sign, and notarize.	Bldg Dept Use
	<p>If a zoning variance is applied for, the petition for variance, pages 9, 10 and 11 shall be submitted with the application and shall include:</p> <ul style="list-style-type: none"> <li>a. Property Legal Description</li> <li>b. Property Folio number</li> <li>c. Street address</li> <li>d. Owners of record</li> <li>e. Owner and agent names and signatures properly notarized.</li> </ul>	
	<p>Eight (8) property surveys, building plans, Warranty Deeds, and applications (1 original, 7 copies). Survey not older than six (6) months. Completed sets are to be submitted as follows: Seven (7) copies no larger than 11" x 17" &amp; 1 original at full size. Sixteen (16) copies are required for a variance, (15 copies no larger than 11" x 17" and 1 original at full size). Each completed package shall consist of 1 each of an application, survey, Warranty Deed and building plans. Submit 1 CD with all documents included</p>	
	<p>Conceptual construction drawings prepared and signed by a licensed design professional that shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>a. Site plan at a scale not less than 1/8" = 1'-0" (Include grade elevations)</li> <li>b. Proposed Floor Plan views, at a scale not less than 1/4"=1'-0"</li> <li>c. Cross and longitudinal sections preferably through vaulted areas, if any.</li> <li>d. Typical exterior wall cross section.</li> <li>e. Full elevations showing flat roof and roof ridge height and any other higher projections.</li> <li>f. Sample board of construction materials to be used.</li> <li>g. Existing and proposed ground floor elevations (NGVD).</li> <li>h. Grading &amp; Drainage Calculations</li> <li>i. Zone 3 Properties: Affidavit of Seawall Conformity</li> </ul>	
	<p>Landscaping Plan, separate from building plan package, prepared and signed by a licensed landscape design professional: Each completed package shall consist of 1 each of an application, existing landscape survey, Warranty Deed, landscape plans with building site plans. Seven (7) 11 x 17 and One (1) full size set. Submit 1 CD with all documents included. Mark CD accordingly (separate from building)</p>	
	<p>Pervious area calculations marking the geometrical areas used to calculate the overall required pervious area percentage.</p>	
	<p>Colored rendering showing new or proposed addition Work marked with the applicable address.</p>	
	<p>Estimated cost of proposed work. For additions/remodels fair market value of property showing land value and structure value separately.</p>	
	<p>Site plan detailing construction site personnel parking.</p>	

**TOWN OF GOLDEN BEACH  
APPLICATION FOR  
BUILDING REGULATION ADVISORY BOARD HEARING**

Application fee: \_\_\_\_\_

Request hearing in reference to:

New residence/addition: NEW RESIDENCE Variance(s): 7  
Exterior alterations: \_\_\_\_\_ Other Structure: \_\_\_\_\_  
Date application filed: August 11, 2017 For hearing date: November 14, 2017

**1. Project information:**

Project description: Request for design approval of a new two-story single family residence to replace an existing two-story residence located at 407 Ocean Blvd

Legal Description: LOT 3, BLOCK C, GOLDEN BEACH, SECTION B, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 52, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LYING IN SECTION 35, TOWNSHIP 52S, RANGE 42E.

Folio #: 19-1235-002-0520

Address of Property: 407 Ocean Blvd, Golden Beach, FL 33160

**2. Is a variance(s) required: Yes  No \_\_\_\_\_ How Many? 7**  
(If yes, please submit variance application form for each request).

Owner's Name: 407 OCEAN LLC Phone (786) 703-7002 Fax \_\_\_\_\_

Owner's address: 1110 Brickell Ave, Ste. 404 City/State Miami, FL Zip 33131

Email address: jean.guilmoto@fulton.fr

Agent: \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Agent's address: \_\_\_\_\_ City/State \_\_\_\_\_ Zip \_\_\_\_\_

Email address: \_\_\_\_\_

Architect: Choeff Levy Fischman Phone (305) 434-8338 Fax \_\_\_\_\_

Email address: pfischman@clfarchitects.com

Contractor: Twenty Two Group Phone (305) 779-5203 Fax \_\_\_\_\_

**3. Describe project and/ or reason for hearing request:**

Request for design approval of a new two-story single family residence to replace an existing two-story residence located at 407 Ocean Blvd. Seeking approval for seven (7) variance requests.

**4. The following information is submitted for assisting in review:**

**Building Plans:**

Conceptual: X Preliminary: X Final: \_\_\_\_\_

Other: \_\_\_\_\_

**5. Estimated cost of work: \$ \$3,500,000**

Estimated market value of: Land \$ \$4,700,000

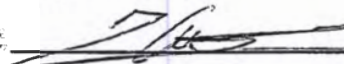
Building \$ \_\_\_\_\_

(Note: If estimated cost of work is 40% of the market value of the building an independent appraisal is required).



TOWN OF GOLDEN BEACH  
APPLICATION FOR  
BUILDING REGULATION ADVISORY BOARD HEARING

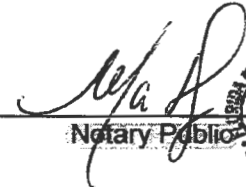

6. Is hearing being requested as a result of a Notice of Violation? \_\_\_\_\_ NO \_\_\_\_\_
7. Are there any structures on the property that will be demolished? \_\_\_\_\_ YES \_\_\_\_\_
8. Does legal description conform to plat? \_\_\_\_\_ YES \_\_\_\_\_
9. Owner Certification: I hereby certify that I am the owner of record (\*) of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge.

Signature of owner(s): 

Acknowledged before me this 10/24 day of, 20 17

Type of identification:

France Passport 17CF10866

  
Notary Public   
Maria Victoria Diaz  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF931817  
Expires 10/28/2019

Owner/Power of Attorney Affidavit:

I, being duly sworn, depose and say I am the owner (\*) of the property described in this application and that I am aware of the nature and request for: \_\_\_\_\_  
\_\_\_\_\_ relative to my property and I  
am hereby authorizing \_\_\_\_\_ to be my legal  
representative before the Building Regulation Advisory Board and Town Council.

\_\_\_\_\_  
Signature of owner(s)

Acknowledged before me this \_\_\_\_\_ day \_\_\_\_\_ 20 \_\_\_\_\_

Type of identification:

\_\_\_\_\_  
Notary Public

(\*) If owner of record is a corporation then the president with corporate seal, the president and the secretary (without corporate seal), or duly authorized agent for the corporation may execute the application, proof that the corporation is a corporation in good standing.

TOWN OF GOLDEN BEACH  
APPLICATION FOR  
BUILDING REGULATION ADVISORY BOARD HEARING

Property Address: 407 Ocean Blvd, Golden Beach, FL 33160  
 Legal Description: See attached Exhibit A  
 Owner's Name: 407 OCEAN LLC Phone (786) 703-7002 Fax \_\_\_\_\_  
 Agent's Name: \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Board Meeting of: November 14, 2017

- NOTE: 1. **Incomplete applications will not be processed.**  
 2. Applicant and/or architect must be present at meeting.

Application for: New single-family residence at 407 Ocean Blvd  
 Lot size: 50' x 357'-6"  
 Lot area: 17,865 sq. ft.  
 Frontage: 50'-0"  
 Construction Zone: ZONE 1  
 Front setback: 20' Garage / Guest Accommodations Setback, 60'-0" Primary Residence Setback  
 Side setback: 7'-6"  
 Rear setback: 141'-1 1/2" to Bulkhead Line  
 Coastal Construction: Yes  No \_\_\_\_\_ East of coastal const. control line: Yes  No \_\_\_\_\_  
 State Road A1A frontage: YES, 50'-0"  
 Swimming pool:  Yes \_\_\_\_\_ No \_\_\_\_\_ Existing: To be removed \_\_\_\_\_ Proposed:   
 Fence Type: Masonry & Stucco Existing:  Proposed:   
 Finished Floor elevation N.G.V.D.: +13.583' NGVD at Ground Level / +24.083' NGVD at 1st Habitable Floor  
 Seawall: Existing to Remain (Subgrade) Existing:  Proposed: \_\_\_\_\_  
 Lot Drainage: Internal drainage and retention system. See proposed civil design  
 How will rainwater be disposed of on site? Retained on site. See proposed civil design

Adjacent use (s): Single-family residence to North. Vacant lot to South  
 Impervious area: 8,451 SF  
 % of impervious area: 47%  
 Existing ground floor livable area square footage: 3,536 SF  
 Proposed ground floor livable area square footage: 2,588 SF at Ground Level / 3,228 SF at 1st Habitable Floor  
 Existing 2<sup>nd</sup> floor livable area square footage: 1,880 SF  
 Proposed 2<sup>nd</sup> floor livable area square footage: 3,003 SF  
 Proposed % of 2<sup>nd</sup> floor over ground floor: 100%  
 Vaulted area square footage: N/A  
 Vaulted height: N/A  
 Color of main structure: SEE RENDERINGS  
 Color of trim: SEE RENDERINGS  
 Color & material of roof: SEE RENDERINGS  
 Building height (above finished floor elevation): 25'-0" from 1st Habitable Level to Roof Deck  
 Swale: (Mandatory 10'-0" from edge of payment, 10 ft. wide x 1 ft. deep minimum):  
 Existing trees in Lot: 0 in Swale: 0  
 Proposed trees in Lot: 45 Trees & 28 Palms in Swale: 0 Trees & 2 Palms  
 Number & type of shrubs: 1,665  
 Garage Type: Enclosed Existing: \_\_\_\_\_ Proposed:   
 Driveway width & type: 20'-4" width; Concrete w/ Bound Aggregate Joints

Signature of Applicant:  Date: 10/24/17




TOWN OF GOLDEN BEACH  
ACKNOWLEDGEMENT and AFFIDAVIT BY OWNER  
Chapter 46 Waterways of the Code of Ordinances  
Article IV Seawalls and Docks.

Affidavit by Owner:

Folio No.: 19-1235-002-0520 Address: 407 Ocean Blvd, Golden Beach, FL 33160

Legal Description: LOT 3, BLOCK C, GOLDEN BEACH, SECTION B, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT  
BOOK 9, PAGE 52, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LYING IN SECTION 35, TOWNSHIP 52S, RANGE 42E.

Being duly sworn, deposes and says: That He/She is the Owner named in the permit application for construction or other related work to be performed on, or in connection with, the premises, as indicated above, and is in agreement that granting of a permit for construction on said premises, agrees to repair, or replace said seawall in question, to a conforming 4 foot elevation and to replace/and or repair any deteriorated seawall or portion thereof, as required by the Town's Code of Ordinances, Article IV "Seawalls and Docks, The Dept. of Environmental Resource Management, and the Florida Building Code 2010.

  
\_\_\_\_\_  
Signature of Owner or Legal Representative  
Print Name: SEAN GUILMOTO  
France Passport 17CF10066

Sworn to and subscribed before me this 10/24 day of, 20 17

  
Maria Victoria Diaz  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF931817  
Expires 10/28/2019  
  
\_\_\_\_\_  
Notary Public, State of Florida at Large

\_\_\_\_\_  
Personally know to me       Produced Identification

TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
APPLICATION FOR  
PETITION FOR VARIANCE

Date: 10/25/2017

Fee: \_\_\_\_\_

I, 407 Ocean LLC hereby petition the Town of Golden Beach for a variance from the terms of the Town of Golden Beach Code of Ordinances affecting property located at: 407 Ocean Blvd, Golden Beach, FL 33160 Folio No. 19-1235-002-0520

As specified in the attached "Application for Building Regulation Advisory Board" and related supporting material.

1. The Variance requested is for relief from the provisions of **(list section number(s) of the Town of Golden Beach Code of Ordinances)**: Section 66-69.1. (d)(1)c  
The applicant is seeking a variance to raise the height of the lowest habitable floor from the allowable 20.2' NGVD to 24.083' NGVD.

2. In order to recommend the granting of the variance, it must meet all the following criteria (please provide a response to each item):

a. The Variance is in fact a Variance from a zoning regulation as set forth within the Zoning Chapter of the Town Code. Section 66-69.1. (d)(1)c  
The height measurement for main residences shall be measured from the lowest habitable Living Area which is a maximum of two feet above the FDEP lowest structural member (18.2 feet NGVD). This height measurement shall include all portions of the main residence east of the 60-foot front Setback line or Coastal Construction Control Line (CCCL), whichever is more westerly.

b. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district. The existing Ground Floor elevation is +14.62' NGVD. If the first habitable floor were to be located per code at +20.2 NGVD, this would provide a clearance of 5.58', rendering the ground floor an unusable space.

c. The special conditions and circumstances do not result from the actions of the applicant. \_\_\_\_\_  
The described circumstances are a result of the existing site conditions

d. Granting the Variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district. \_\_\_\_\_  
The granting of this variance will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.



TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
PETITION FOR VARIANCE

3. Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant. \_\_\_\_\_

Literal interpretation of the Zoning Code would deprive the applicant of the ability to develop the property in a manner compatible with other properties and proposed projects in the same district.

4. The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure. \_\_\_\_\_

The requested variance would allow for minimum ceiling heights on ground level. Approval of the requested variance would also prevent the need for an excess of excavation in order to make the ground level occupiable.

5. The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare. \_\_\_\_\_

The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Does the Variance being requested comply with all the above listed criteria?

Yes     No

6. Our code states that submission of a written statement is invited and encouraged. Has the applicant (petitioner) explained the variance to the owners of the nearest adjacent residences and sought their approval in writing?     Yes     No.

Please attach any written letters of no objection to this petition.

7. Is this request related to new construction?     Yes     No

8. Is construction in progress?    NO

9. Is this request as a result of a code violation?    NO

10. Did this condition exist at the time property was acquired?     Yes     No

11. Is this request sought as a remedy to a case to be heard, or action taken by the Special Magistrate?    NO

12. Do you have a building permit?     Yes     No

Building Permit No. \_\_\_\_\_ Date issued: \_\_\_\_\_

TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
APPLICATION FOR  
PETITION FOR VARIANCE

Date: 10/25/2017

Fee: \_\_\_\_\_

I, 407 Ocean LLC hereby petition the Town of Golden Beach for a variance from the terms of the Town of Golden Beach Code of Ordinances affecting property located at: 407 Ocean Blvd, Golden Beach, FL 33160 Folio No. 19-1235-002-0520

As specified in the attached "Application for Building Regulation Advisory Board" and related supporting material.

1. The Variance requested is for relief from the provisions of **(list section number(s) of the Town of Golden Beach Code of Ordinances)**: Section 66-141 The applicant is seeking a variance to allow a two (2) 12" architectural projections on the main residence that are causing a side yard setback encroachment. The projections are window frames helping to accentuate a material change on the side facades. See sheets A-3.3 & A-3.4. No A/C space will be gained
2. In order to recommend the granting of the variance, it must meet all the following criteria (please provide a response to each item):
  - a. The Variance is in fact a Variance from a zoning regulation as set forth within the Zoning Chapter of the Town Code. \_\_\_\_\_  
Section 66-141 - Projections
  - b. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district. \_\_\_\_\_  
The setbacks imposed on 50 foot lots make it challenging to create articulated side elevations
  - c. The special conditions and circumstances do not result from the actions of the applicant. \_\_\_\_\_  
The described circumstances are a result of the existing site conditions
  - d. Granting the Variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district. \_\_\_\_\_  
The granting of this variance will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structure in the same district.



TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
PETITION FOR VARIANCE

3. Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.

Literal interpretation of the Zoning Code would deprive the applicant of the ability to develop the property in a manner compatible with other properties and proposed projects in the same district.

4. The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.

The requested variance is particularly minimal

5. The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of the variance will be in harmony with the general intent and purpose of the Town Code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare

Does the Variance being requested comply with all the above listed criteria?

X Yes      \_\_\_\_\_ No

6. Our code states that submission of a written statement is invited and encouraged. Has the applicant (petitioner) explained the variance to the owners of the nearest adjacent residences and sought their approval in writing? \_\_\_\_\_ Yes \_\_\_\_\_ No.

Please attach any written letters of no objection to this petition.

7. Is this request related to new construction? X Yes \_\_\_\_\_ No

8. Is construction in progress? \_\_\_\_\_ NO

9. Is this request as a result of a code violation? \_\_\_\_\_ NO

10. Did this condition exist at the time property was acquired? \_\_\_\_\_ Yes X No

11. Is this request sought as a remedy to a case to be heard, or action taken by the Special Magistrate? \_\_\_\_\_ NO

12. Do you have a building permit? \_\_\_\_\_ Yes X No

Building Permit No. \_\_\_\_\_ Date issued: \_\_\_\_\_

TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
APPLICATION FOR  
PETITION FOR VARIANCE

Date: 10/25/2017

Fee: \_\_\_\_\_

I, 407 Ocean LLC hereby petition the Town of Golden Beach for a variance from the terms of the Town of Golden Beach Code of Ordinances affecting property located at: 407 Ocean Blvd, Golden Beach, FL 33160 Folio No. 19-1235-002-0520

As specified in the attached "Application for Building Regulation Advisory Board" and related supporting material.

1. The Variance requested is for relief from the provisions of **(list section number(s) of the Town of Golden Beach Code of Ordinances)**: \_\_\_\_\_

Section 66-69.1.(h)(1)c.

The applicant is seeking a variance to exceed the side yard setback requirement for two-story structures.

2. In order to recommend the granting of the variance, it must meet all the following criteria (please provide a response to each item):

- a. The Variance is in fact a Variance from a zoning regulation as set forth within the Zoning Chapter of the Town Code. \_\_\_\_\_

All residences designed as two-story structures shall be required to increase the side foot (1:1) of building height above the first 18 feet.

- b. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district. \_\_\_\_\_

Special conditions and circumstances exist which are peculiar to the land and structure involved.

- c. The special conditions and circumstances do not result from the actions of the applicant. \_\_\_\_\_

The described conditions and circumstances do not result from the actions of the applicant

- d. Granting the Variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district. \_\_\_\_\_

The granting of this variance will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.



TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
PETITION FOR VARIANCE

3. Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant. \_\_\_\_\_

Literal interpretations of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

4. The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure. \_\_\_\_\_

The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.

5. The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare. \_\_\_\_\_

The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Does the Variance being requested comply with all the above listed criteria?  
 X  Yes      \_\_\_\_\_ No

6. Our code states that submission of a written statement is invited and encouraged. Has the applicant (petitioner) explained the variance to the owners of the nearest adjacent residences and sought their approval in writing?      \_\_\_\_\_ Yes      \_\_\_\_\_ No.  
Please attach any written letters of no objection to this petition.

7. Is this request related to new construction?       X  Yes      \_\_\_\_\_ No

8. Is construction in progress?      \_\_\_\_\_ NO

9. Is this request as a result of a code violation?      \_\_\_\_\_ NO

10. Did this condition exist at the time property was acquired?      \_\_\_\_\_ Yes       X  No

11. Is this request sought as a remedy to a case to be heard, or action taken by the Special Magistrate?      \_\_\_\_\_ NO

12. Do you have a building permit?      \_\_\_\_\_ Yes       X  No

Building Permit No. \_\_\_\_\_ Date issued: \_\_\_\_\_

TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
APPLICATION FOR  
PETITION FOR VARIANCE

Date: 10/25/2017

Fee: \_\_\_\_\_

I, 407 Ocean LLC hereby petition the Town of Golden Beach for a variance from the terms of the Town of Golden Beach Code of Ordinances affecting property located at: 407 Ocean Blvd, Golden Beach, FL 33160 Folio No. 19-1235-002-0520

As specified in the attached "Application for Building Regulation Advisory Board" and related supporting material.

1. The Variance requested is for relief from the provisions of **(list section number(s) of the Town of Golden Beach Code of Ordinances)**: \_\_\_\_\_  
Section 66-261.(b)(3)  
The applicant is seeking a variance to allow a small spa and cold water splash area located on the habitable rook deck.

2. In order to recommend the granting of the variance, it must meet all the following criteria (please provide a response to each item):

- a. The Variance is in fact a Variance from a zoning regulation as set forth within the Zoning Chapter of the Town Code. \_\_\_\_\_  
The rooftop area shall not be improved with any permanent structures or the placement of any temporary or permanent fixtures or equipment except a safety railing up to 48 inches in height. Outdoor furniture such as chairs, sofas, and tables, and pots and planters are permitted.

- b. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district. \_\_\_\_\_

Special conditions and circumstances exist which are peculiar to the land and structure involved.

- c. The special conditions and circumstances do not result from the actions of the applicant. \_\_\_\_\_

The described conditions and circumstances do not result from the actions of the applicant

- d. Granting the Variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district. \_\_\_\_\_

The granting of this variance will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.



TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
PETITION FOR VARIANCE

3. Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.

Literal interpretations of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

4. The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.

The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.

5. The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Does the Variance being requested comply with all the above listed criteria?

Yes     No

6. Our code states that submission of a written statement is invited and encouraged. Has the applicant (petitioner) explained the variance to the owners of the nearest adjacent residences and sought their approval in writing?     Yes     No.

Please attach any written letters of no objection to this petition.

7. Is this request related to new construction?     Yes     No

8. Is construction in progress?    NO

9. Is this request as a result of a code violation?    NO

10. Did this condition exist at the time property was acquired?     Yes     No

11. Is this request sought as a remedy to a case to be heard, or action taken by the Special Magistrate?    NO

12. Do you have a building permit?     Yes     No

Building Permit No. \_\_\_\_\_ Date issued: \_\_\_\_\_

TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
APPLICATION FOR  
PETITION FOR VARIANCE

Date: 10/25/2017

Fee: \_\_\_\_\_

I, 407 Ocean LLC hereby petition the Town of Golden Beach for a variance from the terms of the Town of Golden Beach Code of Ordinances affecting property located at: 407 Ocean Blvd, Golden Beach, FL 33160 Folio No. 19-1235-002-0520

As specified in the attached "Application for Building Regulation Advisory Board" and related supporting material.

1. The Variance requested is for relief from the provisions of **(list section number(s) of the Town of Golden Beach Code of Ordinances)**: \_\_\_\_\_  
Section 66-226(d)  
The applicant is seeking a variance to allow a front property gate to be located less than 18'-0" from Ocean Blvd.

2. In order to recommend the granting of the variance, it must meet all the following criteria (please provide a response to each item):

- a. The Variance is in fact a Variance from a zoning regulation as set forth within the Zoning Chapter of the Town Code. \_\_\_\_\_  
Any inbound security gate for property accessing A1A shall be set back a minimum of 18ft from the street curb line to the face of the security gate to accommodate at least one inbound vehicle inside the street curb line to ensure inbound vehicles waiting to enter a site do not block traffic on State Road A1A.

- b. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district. \_\_\_\_\_

Special conditions and circumstances exist which are peculiar to the land and structure involved.

- c. The special conditions and circumstances do not result from the actions of the applicant. \_\_\_\_\_

The described conditions and circumstances do not result from the actions of the applicant

- d. Granting the Variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district. \_\_\_\_\_

The granting of this variance will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.



TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
PETITION FOR VARIANCE

3. Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.

Literal interpretations of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

4. The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.

The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.

5. The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Does the Variance being requested comply with all the above listed criteria?  
 Yes     No

6. Our code states that submission of a written statement is invited and encouraged. Has the applicant (petitioner) explained the variance to the owners of the nearest adjacent residences and sought their approval in writing?     Yes     No.

Please attach any written letters of no objection to this petition.

7. Is this request related to new construction?     Yes     No

8. Is construction in progress?    NO

9. Is this request as a result of a code violation?    NO

10. Did this condition exist at the time property was acquired?     Yes     No

11. Is this request sought as a remedy to a case to be heard, or action taken by the Special Magistrate?    NO

12. Do you have a building permit?     Yes     No

Building Permit No. \_\_\_\_\_ Date issued: \_\_\_\_\_

TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
APPLICATION FOR  
PETITION FOR VARIANCE

Date: 10/25/2017

Fee: \_\_\_\_\_

I, 407 Ocean LLC hereby petition the Town of Golden Beach for a variance from the terms of the Town of Golden Beach Code of Ordinances affecting property located at: 407 Ocean Blvd, Golden Beach, FL 33160 Folio No. 19-1235-002-0520

As specified in the attached "Application for Building Regulation Advisory Board" and related supporting material.

1. The Variance requested is for relief from the provisions of **(list section number(s) of the Town of Golden Beach Code of Ordinances)**: \_\_\_\_\_

Section 66-261.(b)(5)

The applicant is seeking a variance to allow a rooftop elevator and vestibule that measures 9'-8" by 11'-5"

2. In order to recommend the granting of the variance, it must meet all the following criteria (please provide a response to each item):

- a. The Variance is in fact a Variance from a zoning regulation as set forth within the Zoning Chapter of the Town Code. \_\_\_\_\_

The elevator and any covered elevator vestibule serving the rooftop shall be limited to an area of no more than five feet by ten feet.

- b. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district. \_\_\_\_\_

The minimum size needed for the elevator and elevator shaft does not fall within the allowable dimensions

- c. The special conditions and circumstances do not result from the actions of the applicant. \_\_\_\_\_

The described conditions and circumstances do not result from the actions of the applicant

- d. Granting the Variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district. \_\_\_\_\_

The granting of this variance will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.



TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
PETITION FOR VARIANCE

3. Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.

Literal interpretations of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

4. The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.

The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.

5. The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Does the Variance being requested comply with all the above listed criteria?  
X Yes \_\_\_\_\_ No

6. Our code states that submission of a written statement is invited and encouraged. Has the applicant (petitioner) explained the variance to the owners of the nearest adjacent residences and sought their approval in writing? \_\_\_\_\_ Yes \_\_\_\_\_ No.

Please attach any written letters of no objection to this petition.

7. Is this request related to new construction? X Yes \_\_\_\_\_ No

8. Is construction in progress? \_\_\_\_\_ NO

9. Is this request as a result of a code violation? \_\_\_\_\_ NO

10. Did this condition exist at the time property was acquired? \_\_\_\_\_ Yes X No

11. Is this request sought as a remedy to a case to be heard, or action taken by the Special Magistrate? \_\_\_\_\_ NO

12. Do you have a building permit? \_\_\_\_\_ Yes X No

Building Permit No. \_\_\_\_\_ Date issued: \_\_\_\_\_

TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
APPLICATION FOR  
PETITION FOR VARIANCE

Date: 10/25/2017

Fee: \_\_\_\_\_

I, 407 Ocean LLC hereby petition the Town of Golden Beach for a variance from the terms of the Town of Golden Beach Code of Ordinances affecting property located at: 407 Ocean Blvd, Golden Beach, FL 33160 Folio No. 19-1235-002-0520

As specified in the attached "Application for Building Regulation Advisory Board" and related supporting material.

1. The Variance requested is for relief from the provisions of **(list section number(s) of the Town of Golden Beach Code of Ordinances)**:  
Section 66-69.1.(d)(2) & Section 66-69.1.(h)(2)  
The applicant is seeking a variance to exceed the setback requirement for a garage /  
guest accommodation.
  
2. In order to recommend the granting of the variance, it must meet all the following criteria (please provide a response to each item):
  - a. The Variance is in fact a Variance from a zoning regulation as set forth within the Zoning Chapter of the Town Code. \_\_\_\_\_  
A garage structure may be built separate from the main house, in which event it shall be set back a minimum ten feet from any side property line. Any portion of the building over 18 feet in height shall be setback an additional one-foot for each one-foot (1:1) of additional height over 18 feet.
  
  - b. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district. \_\_\_\_\_  
Special conditions and circumstances exist which are peculiar to the land and structure involved.
  
  - c. The special conditions and circumstances do not result from the actions of the applicant. \_\_\_\_\_  
The described conditions and circumstances do not result from the actions of the applicant
  
  - d. Granting the Variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district. \_\_\_\_\_  
The granting of this variance will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.



TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
PETITION FOR VARIANCE

3. Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.

Literal interpretations of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

4. The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.

The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.

5. The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Does the Variance being requested comply with all the above listed criteria?  
 Yes  No

6. Our code states that submission of a written statement is invited and encouraged. Has the applicant (petitioner) explained the variance to the owners of the nearest adjacent residences and sought their approval in writing?  Yes  No.

Please attach any written letters of no objection to this petition.

7. Is this request related to new construction?  Yes  No

8. Is construction in progress? NO

9. Is this request as a result of a code violation? NO

10. Did this condition exist at the time property was acquired?  Yes  No

11. Is this request sought as a remedy to a case to be heard, or action taken by the Special Magistrate? NO

12. Do you have a building permit?  Yes  No

Building Permit No. \_\_\_\_\_ Date issued: \_\_\_\_\_

TOWN OF GOLDEN BEACH  
BUILDING REGULATION ADVISORY BOARD  
PETITION FOR VARIANCE  
AFFIDAVIT BY OWNER

Affidavit by Owner for Variance Request(s):

Folio No.: 19-1235-002-0520 Address: 407 Ocean Blvd, Golden Beach, FL 33160

Legal Description: LOT 3, BLOCK C, GOLDEN BEACH, SECTION B, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 52, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LYING IN SECTION 35, TOWNSHIP 52S, RANGE 42E.


Being duly sworn, deposes and says: That He/She is the Owner named in the application for Building Advisory Board for the hearing date of \_\_\_\_\_ relating to Variance requests for construction or other work to be performed on, or in connection with, the premises located as indicated in the application.

I acknowledge notification by The Town of Golden Beach, that granting of a variance(s) by The Town Council, is conditioned on the following:

1. That a Building Permit for the contemplated work pursuant to the Variance must be issued within two (2) years from the date of the approval of the Resolution granting such variance request.
2. If a Building Permit is not issued within the two (2) year time limit set then the Resolution granting the Variance approval will be null and void.
3. That as the applicant, and at my own expense, I shall record a certified copy of the Resolution in the public records of Miami-Dade County and return two (2) certified copies to the Golden Beach Town Hall for inclusion into my property records.

[Signature]  
Signature of Owner or Legal Representative  
France Passport 17CF10866

Sworn to and subscribed before me this 10/24 day of, 20 17

 Maria Victoria Diaz  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF931817  
Expires 10/28/2019

[Signature]  
Notary Public State of Florida at Large

         Personally know to me      X Produced Identification



# EXHIBIT "A"

## LEGAL DESCRIPTION:

Property Address: 407 Ocean Blvd, Golder Beach, FL 33160

Legal Description: LOT 3, BLOCK C, GOLDEN BEACH, SECTION B, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 52, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LYING IN SECTION 35, TOWNSHIP 52S, RANGE 42E.

CFN: 20170102766 BOOK 30430 PAGE 4381  
 DATE: 02/23/2017 08:37:44 AM  
 DEED DOC 28,200.00  
 HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

Prepared by and return to:  
 Gary H. Kornik, Esq.  
 Attorney at Law  
 Fromberg, Perlow & Kornik, P.A.  
 20295 N.E. 29 Place Suite 200  
 Aventura, FL 33180  
 305-933-2000  
 File Number: 8201.026  
 Will Call No.:

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 21st day of February, 2017 between **Jacqueline D. Gunn, a single woman** whose post office address is **9705 Collins Avenue, Unit 1502N, Bal Harbour, FL 33154**, grantor, and **407 Ocean LLC, a Florida limited liability company** whose post office address is **1110 Brickell Avenue, Suite 404, Miami, FL 33131**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Miami-Dade County, Florida** to-wit:

**Lot 3, Block "C", Section "B" of Golden Beach, according to Plat thereof as recorded in Plat Book 9, Page 52, of the Public Records of Miami-Dade County, Florida.**

**Parcel Identification Number: 19-1235-002-0520**

**This conveyance is made subject to the following matters and things:**

- 1. Taxes and assessments for the year 2017 and subsequent years; and**
- 2. Conditions, restrictions, limitations, easements, reservations, agreements, assignments and instruments appearing in the Public Records of Miami-Dade County, Florida, but this provision shall not operate to reimpose same; and**
- 3. Zoning and/or restrictions and prohibitions, if any, imposed by governmental authority.**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2016**.

DoubleTime®







## TOWN OF GOLDEN BEACH RE-NOTICE OF PUBLIC HEARING

The **Town Council** of the Town of Golden Beach will hold a **Public Hearing** on the following proposal:

- Variance Request(s)  
 New Construction

Request for relief from Town Code Sections:

1. ~~Variance from Section 66-69(d)(1)c to allow the first floor (first habitable floor) to be at an Elevation of 24.083' NGVD (20.2' NGVD maximum permitted by Code) tabled at BRAB Meeting November 2017.~~
2. Variance from Section 66-141 Yard Projections to allow a 12" architectural projection (2nd floor window frame) that is causing a side yard setback encroachment (no portion of any building shall be closer than 7.5 feet from each side lot line). The variance is applying for architectural feature not listed in the code
3. Variance from Section 66-69(h)(1)c to allow the applicant to exceed the side yard setback requirement for a two-story structure (two-story structures shall be required to increase the side Setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet per Town Code)
4. Variance from Section 66-261(b)(3) to allow a small spa and cold-water splash area located on the habitable roof deck (only outdoor furniture such as chairs, sofas, and tables, and pots / planters are permitted per Town Code)
5. Variance from Section 66-226(d) to allow a front property driveway gate to be located less than (eighteen feet) 18'-0" from Ocean Boulevard
6. Variance from Section 66-261(b)(5) to allow a rooftop elevator and vestibule that measures 9'-8" by 11'-5" (110 sq. ft.). Per Town Code any elevator and any covered elevator vestibule serving the rooftop shall be limited to an area of no more than 5 feet by 10 feet (50 sq. ft.).
7. Variance from Section 66-69(d)(2) to encroach into the side setback step requirement after 18 feet in height for a proposed garage / guesthouse accommodation.
8. Variance from Section 66-69(h)(2) to encroach into the side setback requirement of 10 feet to 7.5 feet from the property line for a proposed garage / guesthouse accommodation.

JOB ADDRESS: 407 Ocean Boulevard, Golden Beach, FL.  
OWNER ADDRESS: 1110 BRICKELL AVE 404 MIAMI, FL 33131  
REQUESTED BY: 407 OCEAN LLC  
LEGAL DESCRIPTION: Lot 3, Block C, GB Sect A, PB 9-52  
FOLIO NO.: 19-1235-002-0520

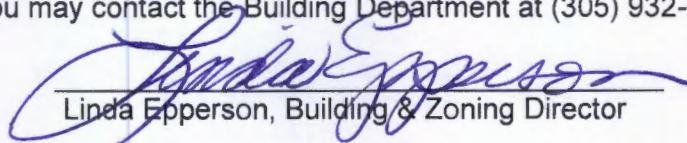


The **TOWN COUNCIL** will consider this item:

PLACE: GOLDEN BEACH TOWN HALL  
1 GOLDEN BEACH DR., GOLDEN BEACH, FL.  
DATE: January 23, 2018 at 7.00pm

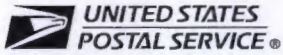
If you wish to submit written comments for consideration, they should be submitted to the Office of the Golden Beach Town Manager, prior to the scheduled meeting. If you have any questions regarding the proposed action, you may contact the Building Department at (305) 932-0744

DATED: January 9, 2018



Linda Epperson, Building & Zoning Director

PURSUANT TO FLA. STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COUNCIL, BOARD OR COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. ANY INDIVIDUAL WHO BELIEVES HE OR SHE HAS A DISABILITY WHICH REQUIRES A REASONABLE ACCOMMODATION IN ORDER TO PARTICIPATE FULLY AND EFFECTIVELY IN A MEETING OF THE BUILDING REGULATION BOARD MUST SO NOTIFY THE TOWN CLERK, AT (305) 932—0744 AT LEAST 24 HOUR



Name and Address of Sender  
 Town of Golden Beach  
 1 Golden Beach Drive  
 Golden Beach FL 33160-2296

- Check type of mail or service
- Adult Signature Required
  - Adult Signature Restricted Delivery
  - Certified Mail
  - Certified Mail Restricted Delivery
  - Collect on Delivery (COD)
  - Insured Mail
  - Priority Mail
  - Priority Mail Express
  - Registered Mail
  - Return Receipt for Merchandise
  - Signature Confirmation
  - Signature Confirmation Restricted Delivery

Affix Stamp Here  
 (if issued as an international certificate of mailing or for additional copies of this receipt).  
 Postmark with Date of Receipt.

USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
1. 9214 8901 5960 4200 0095 40	EST OF BARBARA SCHLESINGER 399 OCEAN BLVD GOLDEN BEACH FL 33160-2211	0.49	3.35	Handling Charge - if Registered and over \$50,000 in value							1.45				
2. 9214 8901 5960 4200 0000 0095 57	GOLDEN BEACH OWNERS LLC 150 EAST 58TH STREET 3RD FLOOR NEW YORK NY 10115	0.49	3.35									1.45			
3. 9214 8901 5960 4200 0000 0095 64	BISMARCK HOLDINGS INC KRAUSE & BAXTER C/O: KRAUSE & BAXTER 3195 PONCE DE LEON BLVD - 200 CORAL GABLES FL 33134	0.49	3.35									1.45			
4. 9214 8901 5960 4200 0000 0095 71	MALCOM DORMAN 443 OCEAN BOULEVARD GOLDEN BEACH FL 33160	0.49	3.35						Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling
5. 9214 8901 5960 4200 0000 0095 88	DM GOLDEN BEACH LLC MARK C KATZEF PA C/O: MARK C KATZEF PA 2999 NE 191ST STREET 805 AVENTURA FL 33180	0.49	3.35									1.45			
6. 9214 8901 5960 4200 0000 0095 95	KAREN PERRY EBSTEIN 416 OCEAN BOULEVARD GOLDEN BEACH FL 33160	0.49	3.35									1.45			
7. 9214 8901 5960 4200 0000 0096 01	MARCOS AND LEA CARMONA 410 OCAN BOULEVARD GOLDEN BEACH FL 33160	0.49	3.35									1.45			
8. 9214 8901 5960 4200 0000 0096 18	NILDO HERRERA TRS ISORA HERRERA TRS 400 OCEAN BOULEVARD GOLDEN BEACH FL 33160	0.49	3.35									1.45			

Total Number of Pieces Listed by Sender: 9  
 Total Number of Pieces Received at Post Office: 9

Postmaster, Per (Name of receiving employee)





Name and Address of Sender  
 Town of Golden Beach  
 1 Golden Beach Drive  
 Golden Beach FL 33160-2296

- Check type of mail or service
- Adult Signature Required
  - Adult Signature Restricted Delivery
  - Certified Mail
  - Certified Mail Restricted Delivery
  - Collect on Delivery (COD)
  - Insured Mail
  - Priority Mail
  - Priority Mail Express
  - Registered Mail
  - Return Receipt for Merchandise
  - Signature Confirmation
  - Signature Confirmation Restricted Delivery

Affix Stamp Here  
*(if issued as an international certificate of mailing or for additional copies of this receipt).*  
**Postmark with Date of Receipt.**

USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
9. 9214 8901 5960 4200 0000 0096 25	407 OCEAN LLC 1110 BRICKELL AVENUE SUITE 404 MIAMI FL 33131	0.49	3.35	Handling Charge - if Registered and over \$50,000 in value							1.45				

Total Number of Pieces Listed by Sender: 9  
 Total Number of Pieces Received at Post Office: \_\_\_\_\_

Postmaster, Per (Name of receiving employee): \_\_\_\_\_



# Shipment Confirmation Acceptance Notice

## A. Mailer Action

**Note to Mailer:** The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 01/09/2018

Shipped From:

Name: TOWN OF GOLDEN BEACH

Address: 1 GOLDEN BEACH DRIVE

City: GOLDEN BEACH

State: FL ZIP+4® 33160-2296

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	9
Total	9

\*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

## B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.  
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0006 7240 15





**TOWN OF GOLDEN BEACH**

**(Draft)**

1 Golden Beach Drive  
Golden Beach, Fl. 33160

**SUMMARY MINUTES  
BUILDING REGULATION ADVISORY BOARD  
November 14, 2017 at 6pm**

- A. CALL MEETING TO ORDER:** 6:05pm
- B. BOARD ATTENDANCE:** Eric Cohen, Isaac Murciano, Alan Macken and Zvi Shiff.  
Absent with approval – Jerome Hollo and Stephanie Halfen
- C. STAFF ATTENDANCE:** Michael Miller of Michael Miller Planning, Linda Epperson-B & Z Director, and Town Manager Alexander Diaz.
- D. APPROVAL OF MINUTES:** October 10, 2017

A motion to approve the minutes was made by Zvi Shiff, Seconded by Eric Cohen

On roll call: Eric Cohen-Aye, Isaac Murciano-Aye, Alan Macken-Aye and Zvi Shiff-Aye.

Motion passed 4 – 0

**E. REQUEST FOR ADDITIONS, DEFERRALS, DELETIONS & WITHDRAWALS**

**F. VARIANCE REQUEST(S):**

1. 407 Ocean LLC  
1110 Brickell Avenue, Suite 404  
Miami, FL. 33131

Property Address: 407 Ocean Boulevard, Golden Beach, FL. 33160

Folio No: 19-1235-001-0650

Legal Description: Lot 22, Block D, GB Sect A, t D PB 10-10

Michael Miller – Town Planner, Provided a summation of items 1 - 7 from his report and his written report was entered into the record.

Paul Fischman and Ralf Choeff, Architects for the project, spoke on behalf of the applicant.

Construction of a new single-family residence with guest quarters and pool and pool deck

All Board actions were made In accordance with Town Code Section 66-41, "authorized, general procedure", pertaining to variances, the board considered all evidence and testimony presented by the applicant, the public and the Town and made a finding that the applicant has complied with the seven criteria.

Request for relief from Town Code Sections:

1. Variance from Section 66-69(d) (1) c to allow the first floor (first habitable floor) to be at an Elevation of 24.083' NGVD (20.2' NGVD maximum permitted by Code)

A motion to table item 1 was made by Eric Cohen, Seconded by Isaac Murciano:

On roll call: Eric Cohen-Aye, Isaac Murciano-Aye, Alan Macken-Aye and Zvi Shiff-Aye.

Motion passed 4 – 0

2. Variance from Section 66-141 Yard Projections to allow a 12" architectural projection (2<sup>nd</sup> floor window frame) that is causing a side yard setback encroachment (no portion of any building shall be closer than 7.5 feet from each side lot line). The applicant is applying for a variance for an architectural feature not listed in the code

A motion to recommend approval was made by Isaac Murciano, Seconded by Eric Cohen,

On roll call: Eric Cohen-Nay, Isaac Murciano-Aye, Alan Macken-Nay and Zvi Shiff-Nay.

Motion failed 3 - 1 (Isaac Murciano-Aye)

3. Variance from Section 66-69(h) (1) c to allow the applicant to exceed the side yard setback requirement for a two-story structure (two-story structures shall be required to increase the side Setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet per Town Code)

A motion to recommend approval was made by Eric Cohen, Seconded by Isaac Murciano:

On roll call: Eric Cohen-Nay, Isaac Murciano-Nay, Alan Macken-Aye and Zvi Shiff-Nay.

Motion failed 3 - 1 (Alan Macken-Aye)

4. Variance from Section 66-261(b) (3) to allow a small spa and cold-waters splash area located on the habitable roof deck (only outdoor furniture such as chairs, sofas, and tables, and pots/planters are permitted per Town Code)

A motion to recommend approval was made by Isaac Murciano, Seconded by Eric Cohen

On roll call: Eric Cohen-Nay, Isaac Murciano-Nay, Alan Macken-Nay and Zvi Shiff-Nay.

Motion failed 4 – 0

5. Variance from Section 66-226(d) to allow a front property driveway gate to be located less than (eighteen feet) 18'-0" from Ocean Boulevard (A1A)

A motion to recommend approval was made by Zvi Shiff, Seconded by Isaac Murciano

On roll call: Eric Cohen-Nay, Isaac Murciano-Nay, Alan Macken-Nay and Zvi Schiff-Nay.

Motion failed 4 – 0



6. Variance from Section 66-261(b) (5) to allow a rooftop elevator and vestibule that measures 9'-8" by 11'-5" (110 sq. ft.). Per Town Code any elevator and any covered elevator vestibule serving the rooftop shall be limited to an area of no more than 5 feet by 10 feet (50 sq. ft.).

A motion to recommend approval was made by Zvi Shiff, Seconded by Isaac Murciano

On roll call: Eric Cohen-Aye, Isaac Murciano-Aye, Alan Macken-Aye and Zvi Shiff-Aye.

Motion passed 4 – 0

7. Variance from Section 66-69(d)(2) to encroach into the side setback step requirement after 18 feet in height for a proposed garage / guesthouse accommodation.

A motion to recommend approval was made by Isaac Murciano, Seconded by Eric Cohen,

On roll call: Eric Cohen-Nay, Isaac Murciano-Nay, Alan Macken-Nay and Zvi Shiff-Nay.

Motion failed 4 – 0

8. Variance from Section 66-69(h)(2) to encroach into the side setback requirement of 10 feet to 7.5 feet from the property line for a proposed garage/guesthouse accommodation.

A motion to recommend approval was made by Zvi Shiff, Seconded by Eric Cohen,

On roll call: Eric Cohen-Nay, Isaac Murciano-Nay, Alan Macken-Nay and Zvi Shiff-Nay.

Motion failed 4 – 0

**G. OLD BUSINESS:**

**H. NEW BUSINESS:**

**I PRELIMINARY DESIGN REVIEWS - ITEMS FOR DISCUSSION AND POSSIBLE APPROVAL**

2. 407 Ocean LLC  
1110 Brickell Avenue, Suite 404  
Miami, FL. 33131

Property Address: 407 Ocean Boulevard, Golden Beach, FL. 33160

Folio No: 19-1235-001-0650

Legal Description: Lot 22, Block D, GB Sect A, t D PB 10-10

Construction of a new single-family residence with guest quarters and pool and pool deck

A motion to table was made by Zvi Schiff, Seconded by

Comments from Town Manager Diaz:

Town Manager Diaz addressed the Board on future proposed code changes:

1. Exterior Lighting of Homes
2. 10 Year Certification requirement for seawalls
3. Raising seawall heights.

## **J. ADJOURNMENT**

PURSUANT TO FLA. STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT SUCH PURPOSE, AFFECTED PERSONS 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. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES I





# Confirmation Services Certification

## COMPANY INFORMATION

Company Name

Town of Golden Beach

Address (Number, street, suite no., city, state, and ZIP Code™)

1 Golden Beach Drive  
Golden Beach FL 33160-2296

Mailer Identification (MID)\* \*MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

## ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for: Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

## BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

## INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000006724015

### Confirmation Services Electronic File Number

**92/93	750	901193562	00000672401	5	
AI	STC	Mailer ID	Serial Number	Check Digit	
94					
AI	STC	Source Identifier	Mailer ID	Serial Number	Check Digit

\*\*91 can be used if approved for exception.

## INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

1. Horizontal bars above and below the barcode.
2. Human-readable numbers below the barcode.
3. Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
4. For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)