



## **TOWN OF GOLDEN BEACH**

One Golden Beach Drive  
Golden Beach, FL 33160

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**Official Agenda for the January 21, 2014  
Regular Town Council Meeting called for 7:00 P.M.**

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**A. MEETING CALLED TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. PRESENTATIONS / TOWN PROCLAMATIONS**

Recognition of Officer of the Quarter

Recognition of Employee of the Quarter

**E. MOTION TO SET THE AGENDA**

ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT  
AGENDA/ AND CHANGES TO AGENDA

**F. TOWN BOARD/COMMITTEE REPORTS**

Beach Committee  
Beautification Committee  
Building Regulation Advisory Board  
Comprehensive Planning Board  
Recreation Committee  
Security/Public Safety Committee  
Youth Leadership Committee

**G. GOOD AND WELFARE**

**H. MAYOR'S REPORT**

**I. COUNCIL COMMENTS**

**J. TOWN MANAGER REPORT**

**K. TOWN ATTORNEY REPORT**

**L. ORDINANCES – SECOND READING**

None

**M. ORDINANCES - FIRST READING**

None

**N. QUASI JUDICIAL RESOLUTIONS**

**1. A Resolution of the Town Council Approving a Variance Request for 680 Golden Beach Drive.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 680 GOLDEN BEACH DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT THE DOCK TO EXTEND OUT INTO THE WATERWAY AT 9.5' WHERE 6' IS REQUIRED BY THE TOWNS CODE.

**Exhibit:** Agenda Report No. 1  
Resolution No. 2333.14

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2333.14

**2. A Resolution of the Town Council Approving a Variance Request for 535 Ocean Drive.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 535 OCEAN DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT A DECK AND SITE ELEVATION THROUGHOUT THE PROPERTY TO BE AN ELEVATION NOT TO EXCEED 15' N.G.V.D. WHEN THE TOWN'S CODE ALLOWS A MAXIMUM OF 11' N.G.V.D.

**Exhibit:** Agenda Report No. 2  
Resolution No. 2334.14

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2334.14

**O. CONSENT AGENDA**

**3. Minutes of the November 19<sup>th</sup>, 2013 Regular Town Council Meeting**

**4. A Resolution of the Town Council Approving the Agreement between the Office of the State Attorney and the Town.**

A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING THE AGREEMENT BETWEEN THE OFFICE OF THE STATE ATTORNEY OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA AND THE TOWN OF GOLDEN BEACH; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4  
Resolution No. 2335.14

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2335.14

**5. A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town and the City of North Miami Beach.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN AND THE CITY OF NORTH MIAMI BEACH; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Resolution No. 2336.14

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2335.14

**P. TOWN RESOLUTIONS**

None

**Q. DISCUSSION & DIRECTION TO TOWN MANAGER**

Mayor Glenn Singer:  
\*\* Town Basketball Courts

Vice Mayor Judy Lusskin:  
None Requested

Councilmember Amy Isackson-Rojas:  
None Requested

Councilmember Kenneth Bernstein:  
None Requested

Councilmember Bernard Einstein:  
None Requested

Town Manager Alexander Diaz  
None Requested

## **R. ADJOURNMENT:**

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### **DECORUM:**

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COUNCIL SHALL BE BARRED FROM THE COUNCIL CHAMBERS BY THE PRESIDING OFFICER. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACE CARDS SHALL BE ALLOWED IN THE COUNCIL CHAMBERS. PERSONS EXITING THE COUNCIL CHAMBERS SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COUNCIL CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS.

PURSUANT TO FLORIDA 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 PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHALL INCLUDE 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 IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IF YOU NEED ASSISTANCE TO ATTEND THIS MEETING AND PARTICIPATE, PLEASE CALL THE TOWN MANAGER AT 305-932-0744 EXT 224 AT LEAST 24 HOURS PRIOR TO THE MEETING.

RESIDENTS AND MEMBERS OF THE PUBLIC ARE WELCOMED AND INVITED TO ATTEND.



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** January 21, 2014

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,  
Town Manager

Item Number:

1

**Subject:** Resolution No. 2333.14 – Variance Request for 680 Golden Beach Drive,  
Golden Beach, FL 33160 (Dock)

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### **Recommendation:**

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2333.14

### **Background and History:**

The Town Code of Ordinances Section 46-84 General specifications for docks.  
No dock shall be permitted to be constructed, repaired, or reconstructed within the limits of the Town which shall extend more than six feet outside the lot property line into an inside (width of 100 feet or less) waterway nor more than ten feet outside the lot property line into an outside (width greater than 100 feet) waterway.

The applicant is requesting that the dock be allowed to extend into the waterway at 9.5', where a maximum of 6' has been established by the code.

The Building Regulation Advisory Board met Dec. 10, 2013 and recommended approval of a the variance, the motion failed with a Board vote of 3-0. The motion failed for lack of an affirmative vote.

No one in attendance spoke in opposition to this item.

### **Attachments:**

- Resolution
- Building Official Critique
- Notice of Hearing
- Building Regulation Advisory Board Application
- Copy of resident notification listing
- Summary minutes

**Financial Impact:** None

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2333.14**

**A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 680 GOLDEN BEACH DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT THE DOCK TO EXTEND OUT INTO THE WATERWAY AT 9.5' WHERE 6' IS REQUIRED BY THE TOWNS CODE.**

**WHEREAS**, the applicants, Alex & Alla Shchegol, (“the applicant”), filed a Petition for a Variance/exception, Article IV – Seawall and Docks: Section 46-84 General specifications for docks, allowing the dock to extend into the waterway at 9.5’, in lieu of the Town Codes requirement of 6’ at 680 Golden Beach Dr., Golden Beach, Florida 33160 (Golden Beach Section “F”, Lots 17 & 18, and a Port of 16, Block E, as recorded in PB 10-11, of the Public Records of Miami-Dade County, (Folio No. 19-1235-006-0500 (the “Property”) and ;

**WHEREAS**, the Town’s Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance/Exception and recommended disapproval of the variance by the Town Council; and,

**WHEREAS**, a public hearing of the Town Council was advertised and held, as required by law, and all interested parties were given an opportunity to be heard; and

**WHEREAS**, the Town Council having considered the evidence presented, finds that the Petition of Variance meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** Each of the above stated recitals are hereby adopted and confirmed.

**Section 2. Approval.** The Petition for Variance to permit each of the requested variances is hereby granted.

**Section 3. Conditions.** The Petition for Exception/Variance as granted is subject to the following conditions:

- (1) Applicant shall record a certified copy of this Resolution in the public records of Miami-Dade County; and
- (2) Construction shall be completed substantially in accordance with those certain plans, S-1 through S-6, by Dynamic Engineering Solutions, Inc., John Omslaer, PE 52733, dated 9/25/2013, and the Sketch of Boundary Survey, prepared by Karl F. Kuhn, L.N. 5953, dated 9/9/2009, for the property located at 680 Golden Beach Dr., Golden Beach, FL. 33160

**Section 4. Implementation.** That the Building and Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Town of Golden Beach Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution. A copy of this Resolution shall be attached to the building permit application documents.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

**Sponsored by Administration.**

The Motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_ and on roll call the following vote ensued:

Mayor Glenn Singer \_\_\_\_\_  
Vice Mayor Judy Lusskin \_\_\_\_\_  
Councilmember Kenneth Bernstein \_\_\_\_\_  
Councilmember Amy Isackson-Rojas \_\_\_\_\_  
Councilmember Bernard Einstein \_\_\_\_\_

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,  
Florida, this 21<sup>st</sup> day January, 2014.

ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

\_\_\_\_\_  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY



# Town of Golden Beach

## MEMORANDUM

**To:** Building Regulation Advisory Board  
**From:** Daniel B. Nieda, R.A. Building Official  
**Date:** December 10, 2013  
**Re:** Variance Petition for Boat Dock at Shchegol Residence  
680 Golden Beach Drive

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### Background:

The applicant has submitted for approval an "L" shaped 40 foot wide by 9.5 foot deep boat dock attached to eleven wood post supports and detached from the face of the existing concrete cap. The proposed boat dock is located on an irregular radial lot open to the internal Golden Beach canal, at 680 Golden Beach Drive, where the dock structure projects 9.5 feet into a waterway of 100 feet or less from the property line. The proposed wood dock projects 3.5 foot beyond the permitted 6 foot waterway projection stipulated per Section 46-84 to cause this variance petition. The variance petition appears to be driven by the lot's radial configuration and the consultant's claim of "shallow water containing resources which prevents dredging and the installation of a dock closer to shore." A companion request for a boat lift projecting 25 feet into the waterway is compliant with the Code and will be heard under separate cover. The construction drawings consist of S-1 through S-6, prepared by John Omslayer, dated October 16, 2013.

### Waterway Projection

Section 66-41 of the Code of Ordinances requires that seven conditions be met to demonstrate an undue hardship. In recommending the granting of a variance the Building Regulation Advisory Board may prescribe appropriate conditions and safeguards in conformity with the Town of Golden Beach's Code. In reviewing the Variance Petition the Board shall confirm the findings of the Building Official as follows:

1. Yes, this petition constitutes a variance, since the applicant has requested to permit a proposed boat dock structure projecting 9.5 feet or 3.5 foot beyond the 6 foot waterway projection permitted per Section 46-84 of the Code.
2. Yes, the land is peculiar in nature as an irregular radial lot with 133.67 feet of waterway frontage on the internal Golden Beach canal, at 680 Golden Beach Drive with insufficient water depth adjacent to the seawall cap.
3. Yes, the variance petition is generated by the peculiar nature of the lot's location and relative to submerged waterway grasses and lack of water depth. However, the applicant claims that existing resources precludes dredging and existing lack of water depth needs to be supported with documentation from DERM.
4. Yes, the granting the variance would not confer upon the applicant a special privilege as the requested internal Golden Beach canal dock projection is compatible with other lands in the same District that have obtained variances for lack of water depth.

5. Yes, the literal interpretation of the provision of the Zoning Code for the requested boat dock projection rights of 3.5 feet does appear to deprive the applicant the rights commonly enjoyed by other properties with shallow water depth in the same Zone 3 Residential District.
6. Yes, rejection of this variance petition might deprive the applicant of reasonable use of his land.
7. Yes, the granting of the requested boat dock projection variance petition will be in harmony with the intent and purpose of the Zoning Code and should not be injurious to the area and detrimental to the public welfare.

***In conclusion, the variance petition seeking relief from the maximum allowed projection of 6 feet allowed into the waterway per Section 46-84 of the Code, where the applicant seeks placement for a proposed boat dock projecting 9.5 feet into the waterway, appears to rise to the hardship standard required for granting of this variance petition.***

The Building Review Advisory Board needs to determine if a negative recommendation of this variance petition deprives the applicant of reasonable use of his land. Alternately, the Board could recommend that other stipulated conditions may be required to raise this variance petition to the standards required by Section 66-41 of the Code, where the variance petition may be favorably considered.



## TOWN OF GOLDEN BEACH NOTICE OF PUBLIC HEARING

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

    X     Variance Request(s)  
           Accessory Structures

Proposed construction of a new dock.

Relief from Town Code Section 46-84 General specifications for docks

No dock shall be permitted to be constructed, repaired, or reconstructed within the limits of the Town which shall extend more than six feet outside the lot property line into an inside (width of 100 feet or less) waterway nor more than ten feet outside the lot property line into an outside (width greater than 100 feet) waterway.

Request is to allow the dock to extend out into the waterway at 9.5'

JOB ADDRESS: 680 Golden Beach Drive, Golden Beach, FL. 33160  
OWNER ADDRESS: 680 Golden Beach Drive, Golden Beach, FL. 33160  
REQUESTED BY: Alex & Alla Shchegol  
LEGAL DESCRIPTION: Lots 17 & 18, and a Port of 16, Blk E, GB Sect F, PB 10-11  
FOLIO NO.: 19-1235-006-0500

The **BUILDING ADVISORY BOARD** will consider this item:

PLACE: GOLDEN BEACH TOWN HALL  
1 GOLDEN BEACH DR., GOLDEN BEACH, FL.  
DATE: December 10, 2013 at 6:00pm

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

PLACE: GOLDEN BEACH TOWN HALL  
1 GOLDEN BEACH DR., GOLDEN BEACH, FL  
DATE: January 21, 2014 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: November 27, 2013

  
Linda Epperson-Director, Building & Zoning

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 HOURS PRIOR TO THE DATE OF THE MEETING.

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

Property Location: 680 Golden Beach Drive Meeting Date: \_\_\_\_\_  
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**

Applicant: File application and submit 8 complete packages, shall consist of an application, survey, and drawings. (7 half size sets, and 1 full size set), as directed by the Building Official or Building Director. For a zoning variance, 16 sets of plans with applications attached are required, (15 half size, and 1 full size set.)

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**), to allow for preliminary review and public notice in order to be heard.

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 regularly scheduled Town Council 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.**

TOWN OF GOLDEN BEACH  
APPLICATION FOR  
BUILDING REGULATION ADVISORY BOARD HEARING

Request hearing in reference to: \_\_\_\_\_ Application fee: \_\_\_\_\_  
New residence/addition: \_\_\_\_\_ Variance(s): Yes - Dock / Boatlift for BRAB ONLY  
Exterior alterations: \_\_\_\_\_ Other Structure: \_\_\_\_\_  
Date application filed: \_\_\_\_\_ For hearing date: \_\_\_\_\_

1. Project information:  
Project description: Construction of a new L-Shaped dock and 4-Post boatlift (BOATLIFT ONLY REQUIRES BRAB)  
Legal Description: GOLDEN BEACH SEC F BP 10-11 LOT 17 & NWLY 1/2 LOT 16 BLK E  
Folio #: 19-1235-006-0500  
Address of Property: 680 Golden Beach Drive
2. Is a variance(s) required: Yes  No  How Many? 1 - Dock only. Boatlift - no variance.  
(If yes, please submit variance application form for each request).

Owner's Name: Alla Shehegol Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Owner's address: 680 Golden Beach Drive City/State Golden Beach, FL Zip 33160  
Agent: Kirk Lofgren Phone 305-921-9344 Fax 305-677-3254  
Agent's address: 340 Minorca Ave. #7 City/State Coral Gables, FL Zip 33134  
Architect: Engineer: John Omslaer, P.E. Phone 954-545-1740 Fax 954-545-1721  
Contractor: Southeast Marine Construction Phone 954-630-2300 Fax \_\_\_\_\_

3. Describe project and/ or reason for request of hearing: Project proposes to construct a New Dock (maximum of 9'-6" waterward of property line) and a Boatlift (a max of 25-feet from property line)

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

Building Plans:

Conceptual: \_\_\_\_\_ Preliminary: x Final: \_\_\_\_\_  
Other: \_\_\_\_\_

5. Estimated cost of work: \$ 35,000  
Estimated market value of: Land \$ \_\_\_\_\_  
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? NO
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 24 day of, 2010  
March

Type of identification: \_\_\_\_\_

Notary Public



**MARVIN BIGELMAN**  
MY COMMISSION # DD863528  
EXPIRES April 03, 2013  
FloridaNotaryService.com

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: DOCK + BOATLIFT relative to my property and I am hereby authorizing KIKK LOFFREN to be my legal representative before the Building Regulation Advisory Board and Town Council.

Signature of owner(s)

Acknowledged before me this 26 day March 2010

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.



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


Property Address: 680 Golden Beach Drive, Golden Beach, FL 33160  
 Legal Description: GOLDEN BEACH SEC F BP 10-11 LOT 17 & NWLY1/2 LOT 16 BLK E  
 Owner's Name: Alla Shehegol Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Agent's Name: Kirk Lofgren Phone 305-921-9344 Fax \_\_\_\_\_  
 Board Meeting of: \_\_\_\_\_

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

Application for: New Dock and Boatlift Installation  
 Lot size: \_\_\_\_\_  
 Lot area: \_\_\_\_\_  
 Frontage: \_\_\_\_\_  
 Construction Zone: \_\_\_\_\_  
 Front setback: \_\_\_\_\_  
 Side setback: \_\_\_\_\_  
 Rear setback: \_\_\_\_\_  
 Coastal Construction: Yes  No  East of coastal const. control line: Yes \_\_\_\_\_ No   
 State Road A1A frontage: \_\_\_\_\_  
 Swimming pool: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_  
 Fence Type: \_\_\_\_\_ Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_  
 Finished Floor elevation N.G.V.D.: \_\_\_\_\_  
 Seawall: \_\_\_\_\_ Existing: YES Proposed: \_\_\_\_\_  
 Lot Drainage: \_\_\_\_\_  
 How will rainwater be disposed of on site? \_\_\_\_\_

Adjacent use (s): \_\_\_\_\_  
 Impervious area: \_\_\_\_\_  
 % of impervious area: \_\_\_\_\_  
 Existing ground floor livable area square footage: \_\_\_\_\_  
 Proposed ground floor livable area square footage: \_\_\_\_\_  
 Existing 2<sup>nd</sup> floor livable area square footage: \_\_\_\_\_  
 Proposed 2<sup>nd</sup> floor livable area square footage: \_\_\_\_\_  
 Proposed % of 2<sup>nd</sup> floor over ground floor: \_\_\_\_\_  
 Vaulted area square footage: \_\_\_\_\_  
 Vaulted height: \_\_\_\_\_  
 Color of main structure: \_\_\_\_\_  
 Color of trim: \_\_\_\_\_  
 Color & material of roof: \_\_\_\_\_  
 Building height (above finished floor elevation): \_\_\_\_\_  
 Swale: (Mandatory 10'-0" from edge of payment, 10 ft. wide x 1 ft. deep minimum): \_\_\_\_\_

Existing trees in Lot: \_\_\_\_\_ in Swale: \_\_\_\_\_  
 Proposed trees in Lot: \_\_\_\_\_ in Swale: \_\_\_\_\_  
 Number & type of shrubs: \_\_\_\_\_  
 Garage Type: \_\_\_\_\_ Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_  
 Driveway width & type: \_\_\_\_\_

Signature of Applicant:  Date: 10/17/13

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

Date: \_\_\_\_\_

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

I, Alla Shehegoi 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: 680 Golden Beach Drive, Golden Beach, FL 33160 Folio No. 19-1235-006-0500

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): Sections 46-84 & 46-85

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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. Yes. Confirmed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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. Yes. The seawall is substantially curved, and the water is shallow adjacent to the existing seawall. The dock extends a minimum necessary to create a straight area for docking, and the boatlift extends from dock.

\_\_\_\_\_  
\_\_\_\_\_

- c. The special conditions and circumstances do not result from the actions of the applicant. Correct. The curved nature of the seawall, and the shallow water adjacent to the seawall that contains seagrasses, prohibiting safe mooring within the zoning boundaries. Dredging is not recommended.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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. Correct. The safe mooring of a vessel is not a special privilege. Most adjacent neighbors have docks and/or boatlifts to moor vessels.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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. Correct. The safe mooring of a vessel, and the ingress, egress by passengers, is not an option as the seawall is currently installed.

4. The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure. Yes. The property owner is solely requesting a 4' access walkway to a terminal platform to achieve a straight mooring space, and to achieve water depth.

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. Correct. No navigational impacts, and matches style and design of neighboring properties.

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.: 19-1235-006-0500 Address: 680 Golden Beach Drive

Legal Description: GOLDEN BEACH SEC F BP 10-11 LOT 17 & NWLY 1/2  
LOT 16 BLK E

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 of Owner or Legal Representative

Sworn to and subscribed before me this 29 day of January 2013

  
Notary Public State of Florida at Large

JACQUELINE TORRES  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE118857  
Expires 8/3/2015

Personally know to me

Produced Identification

## Linda Epperson

---

**From:** Linda Epperson  
**Sent:** Friday, December 06, 2013 11:46 AM  
**To:** 'Kirk Lofgren'  
**Subject:** 680 GBD - Comments on Variance Request - Meeting Date Dec 10 2013 at 6:00pm  
**Attachments:** 680 GBD.Comments.121013.pdf

Attached are the comments for your Variance Request petition on the above referenced property  
Please email or call me directly with any questions or concerns.

Regards

Linda Epperson  
Director, Building and Zoning  
Town of Golden Beach  
1 Golden Beach Drive  
Golden Beach, FL. 333160  
(305) 932-0744 Facsimile: (305) 933-3825  
[lepperson@goldenbeach.us](mailto:lepperson@goldenbeach.us)

680 Golden Beach Drive – Variance

BRAB June 8, 2010  
August 17, 2010

006-1060

1080

1090

1100

0550

0530

0520

~~0510~~ *Cancelled*

0500

0480

0471

0470

0460

0440

0450

0020

0030

0050





OCEAN CONSULTING, LLC · 340 Minorca Avenue, Suite 7 · Coral Gables, FL 33134  
Tel: 305-921-9344 · Fax: 305-677-3254  
www.oceanconsultingfl.com

9-380

October 17, 2013

Ms. Linda Epperson  
**TOWN OF GOLDEN BEACH**  
1 Golden Beach Drive  
Golden Beach, FL 33160

**RE: APPLICATION FOR L-SHAPED DOCK VARIANCE & BRAB APPROVAL FOR A BOATLIFT PROJECT AT 680 GOLDEN BEACH DRIVE, IN THE TOWN OF GOLDEN BEACH, MIAMI-DADE COUNTY, FLORIDA**

Dear Ms. Epperson:

On behalf of our clients, Mr. & Mrs. Alex Shchegol, this is to respectfully submit a Letter of Intent for a dock and boatlift project ("Project") at 680 Golden Beach Drive, in the Town of Golden Beach, Miami-Dade County, Florida.

The Project is requesting a variance from the Town of Golden Beach Commission for the following scope of work:

- a. An L-shaped dock that extends a maximum of 9 feet 6 inches from the property line, to reach the proposed boatlift (Code of Ordinances Section 46-84). This marginal dock is proposed to extend only as far as the neighboring docks to achieve a straight mooring area for the boatlift and vessel. However, the property line is variable across the property. In addition, shallow water containing resources prevents dredging and the installation of a dock closer to shore.

Note that the property owner has reduced the dock extension substantially as compared to the original design, to shorten the dimension from the property line to the waterward edge of the dock down to 9'-6". This revision was made following completion of meetings several years ago with County and Town staff.

9-380  
Ms. Linda Epperson  
October 17, 2013  
Page 2

This application is also requesting approval of the proposed boatlift from the BRAB, as the boatlift does not extend beyond the zoning boundaries, but rather meets current code by extending a maximum of 25 feet from the property line.

For your review and use, enclosed please find the following:

1. An executed Town of Golden Beach Application;
2. A check made payable to the Town of Golden Beach;
3. Signed/sealed plans;
4. A U.S. Army Corps of Engineers permit and a Florida DEP permit for the Project; and
5. A copy of the boundary survey.

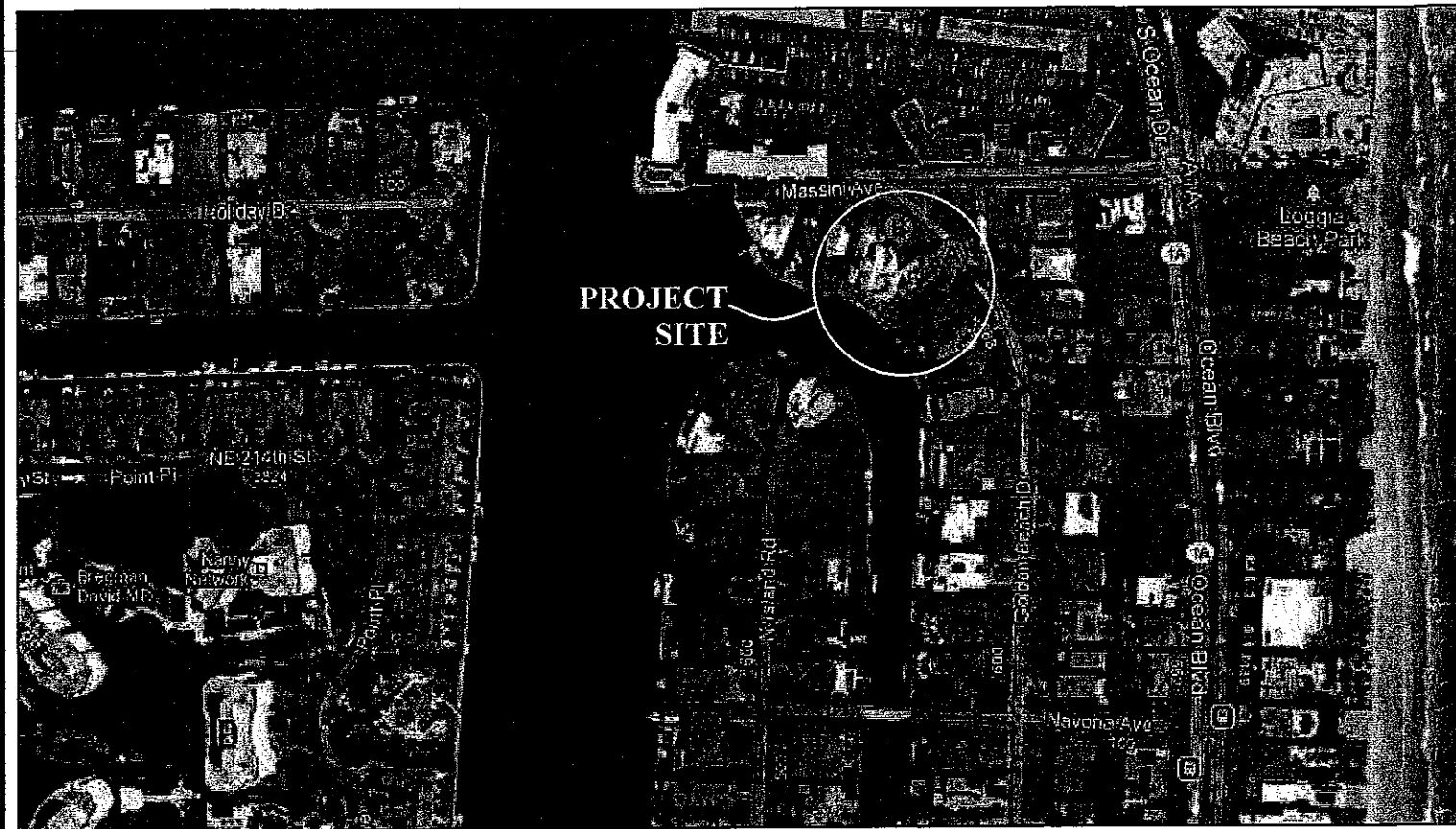
Thank you for your review of this information. Should you have any questions or require additional information, please do not hesitate to contact me at (305) 921-9344.

Sincerely,  
**OCEAN CONSULTING, LLC**

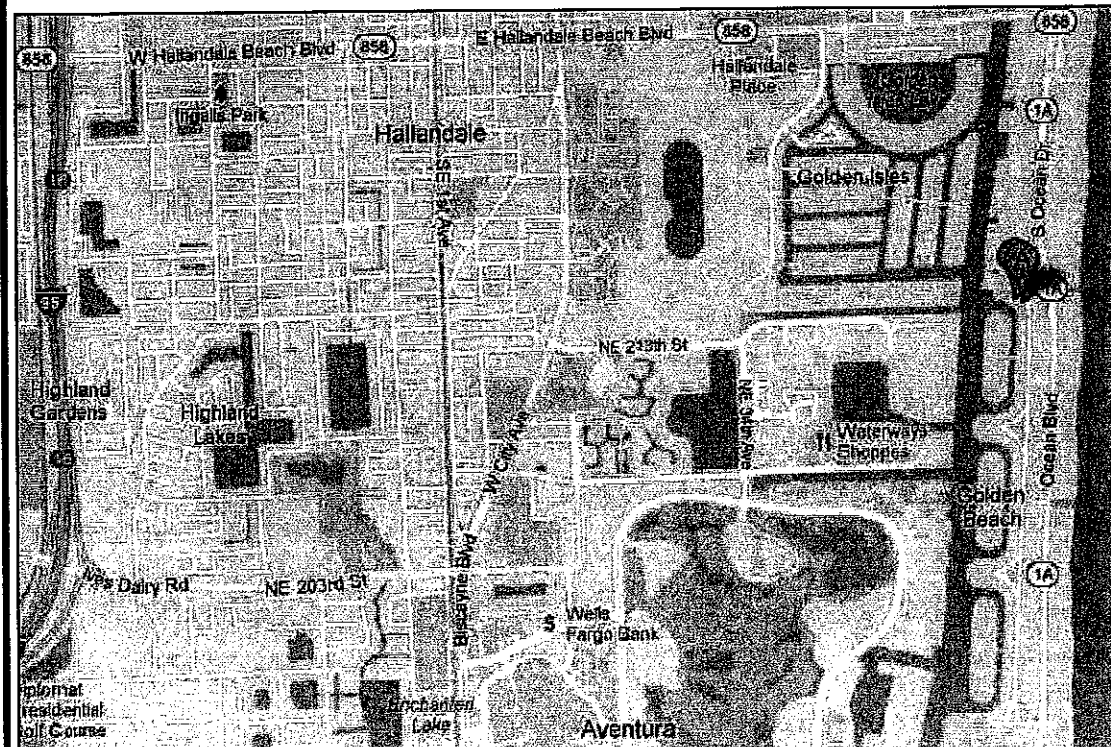
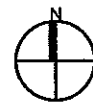


Kirk Lofgren  
Principal

KL: JN  
Enclosures



## LOCATION MAP AND LEGAL DESCRIPTION



**PROJECT SITE LOCATION:**  
680 GOLDEN BEACH DRIVE  
GOLDEN BEACH, FL 33160

LATITUDE: 25 DEG 58'28.70"N  
LONGITUDE: 80 DEG 07'16.19"W

FOLIO No.: 19-1235-006-0500

**PROJECT SITE LEGAL DESCRIPTION:**

35 51 42 2 52 42 GOLDEN BEACH  
SEC F BP 10-11 LOT 17 & NWLY 1/2  
LOT 16 BLK E LOT SIZE 15850 SQ  
FT OR 20469-4968 06 2002 1 OR  
20469-4968 0602 00

&

35 51 42 2 52 42 GOLDEN BEACH  
SEC F PB 10-11 LOT 15 & SELY 1/2  
LOT 16 BLK E LOT SIZE 15850 SQ  
FT 75R 225232 COC 25496-4752  
4758/62/64 0307 1

**GENERAL NOTES:**

- ELEVATIONS SHOWN REFER TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929.
- ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATION IN THE FIELD.
- IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE PLANS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF ENGINEER BEFORE PROCEEDING WITH WORK. CONTRACTOR AND ALL SUBCONTRACTORS ARE RESPONSIBLE FOR ALL LINES, ELEVATIONS, AND MEASUREMENTS IN CONNECTION WITH THEIR WORK.
- IT IS THE INTENT OF THESE PLANS AND THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH LOCAL, STATE, AND FEDERAL ENVIRONMENTAL PERMITS ISSUED FOR THIS PROJECT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE AND GOVERN HIMSELF BY ALL PROVISIONS OF THESE PERMITS.
- APPLICABLE BUILDING CODE: FLORIDA BUILDING CODE, 2010 EDITION (AND CURRENT ADDENDUMS).
- APPROVED CONTRACTOR TO DETERMINE THE SUITABILITY OF EXISTING STRUCTURES AND VERIFY ALL DIMENSIONS. THE APPROVED CONTRACTOR IS RESPONSIBLE FOR ALL METHODS, MEANS, SEQUENCES AND PROCEDURES OF WORK.
- DO NOT SCALE DRAWINGS FOR DIMENSIONS.
- CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCING WORK.
- CONTRACTOR TO PROPERLY FENCE AND SECURE AREA WITH BARRICADES.
- ANY DEVIATION AND/OR SUBSTITUTION FROM THE INFORMATION PROVIDED HEREIN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK.
- ALL NEW MATERIALS AND/OR PATCHWORK SHALL BE PROVIDED TO MATCH EXISTING MATERIALS AND/OR ADJOINING WORK WHERE PRACTICAL EXCEPT AS SPECIFICALLY NOTED HEREIN.
- LICENSED CONTRACTOR SHALL USE ALL POSSIBLE CARE TO PROTECT ALL EXISTING MATERIALS, SURFACES, AND FURNISHINGS FROM DAMAGE DURING ALL PHASES OF CONSTRUCTION.
- THE LICENSED CONTRACTOR TO INSTALL AND REMOVE ALL SHORING AND BRACING AS REQUIRED FOR THE PROPER EXECUTION OF THE WORK.
- ALL NEW WORK AND/OR MATERIALS SHALL CONFORM TO ALL REQUIREMENTS OF EACH ADMINISTRATIVE BODY HAVING JURISDICTION IN EACH PERTAINING CIRCUMSTANCE.

**BOLTS**

- ALL BOLTS SHALL BE HOT-DIPPED GALVANIZED, UNLESS OTHERWISE NOTED.

**WOOD**

- PRIMARY WOOD FRAMING MEMBERS SHALL BE NUMBER 2 PRESSURE TREATED SOUTHERN PINE OR BETTER.
- ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATION IN THE FIELD.

**DOCK: LL 60 PSF**

**CONCRETE**

- CONCRETE SHALL CONFORM TO ACI 318 (LATEST ED.) AND SHALL BE REGULAR WEIGHT, SULFATE RESISTANT, WITH A DESIGN STRENGTH OF 5,000 PSI AT 28 DAYS W/ A MAX WATER-CEMENTIOUS MATERIALS RATIO, BY WEIGHT, NORMAL WEIGHT AGGREGATE CONCRETE OF 0.40.
- OWNER SHALL EMPLOY AND PAY FOR TESTING SERVICES FROM AN INDEPENDENT TESTING LABORATORY FOR CONCRETE SAMPLING AND TESTING IN ACCORDANCE W/ ASTM.
- LICENSED CONTRACTOR IS RESPONSIBLE FOR THE ADEQUACY OF FORMS AND SHORING AND FOR SAFE PRACTICE IN THEIR USE AND REMOVAL.
- CONCRETE COVER SHALL BE 3" UNLESS OTHERWISE NOTED ON APPROVED DRAWINGS.
- REINFORCING STEEL SHALL BE IN CONFORMANCE WITH THE LATEST VERSION OF ASTM A615 GRADE 60 SPECIFICATIONS. ALL REINFORCEMENT SHALL BE PLACED IN ACCORDANCE W/ ACI 315 AND ACI MANUAL OF STANDARD PRACTICE.
- SPLICES IN REINFORCING BARS SHALL NOT BE LESS THAN 48 BAR DIAMETERS AND REINFORCING SHALL BE CONTINUOUS AROUND ALL CORNERS AND CHANGES IN DIRECTION. CONTINUITY SHALL BE PROVIDED AT CORNERS OR CHANGES IN DIRECTION BY BENDING THE LONGITUDINAL STEEL AROUND THE CORNER 48 BAR DIAMETERS.

**PILE DRIVING NOTES**

- PILE DRIVING OPERATIONS SHALL BE OBSERVED BY A SPECIAL INSPECTOR, INCLUDING TEST PILES SUFFICIENT TO DETERMINE THE APPROXIMATE LENGTH REQUIRED TO MEET DESIGN CAPACITY.
- PILES SHALL BE DRIVEN USING AN APPROVED CUSHION BLOCK CONSISTING OF MATERIAL SO ARRANGED SO AS TO PROVIDE THE TRANSMISSION OF THE HAMMER ENERGY.
- PILES SHALL BE DRIVEN TO REQUIRED CAPACITY A MIN 12. INTO BERM.
- PILES SHALL BE DRIVEN WITH A DROP HAMMER OR GRAVITY HAMMER PROVIDED THE HAMMER SHALL WEIGH NO LESS THAN 3,000 POUNDS, AND THE FALL OF THE HAMMER SHALL NOT EXCEED 6 FT.
- PILES SHALL BE DRIVEN WITH A VARIATION OF NOT MORE THAN 1/4" PER FOOT FROM THE VERTICAL, OR FROM THE BATTER LINE INDICATED, WITH A MAX VARIATION OF THE HEAD OF THE PILE FROM THE POSITION SHOWN ON THE PLANS OF NOT MORE THAN 3".
- WHERE PILING MUST PENETRATE STRATA OFFERING HIGH RESISTANCE TO DRIVING, THE STRUCTURAL ENGINEER OF RECORD OR SPECIAL INSPECTOR MAY REQUIRE THAT PILES BE SET IN PRE-DRILLED OR PUNCHED HOLES. THE PILES SHALL REACH THEIR FINAL PENETRATION BY DRIVING.

BUILDING DEPARTMENT  
HEARING DATE  
DEC 10 2013

**SHCHEGOL DOCK PROJECT**

680 GOLDEN BEACH DRIVE  
GOLDEN BEACH, FL 33160

CLIENT:  
**MR. & MRS. ALEX SHCHEGOL**

680 Golden Beach Drive  
Golden Beach, Florida 33160

ENVIRONMENTAL CONSULTANT:  
**OCEAN**

**CONSULTING, LLC**  
340 Minorca Avenue, Suite 5  
Coral Gables, Florida 33134  
Tel: (305) 921-9344  
Fax: (305) 677-3254

CONTRACTOR:  
**SOUTHEAST MARINE CONSTRUCTION, INC.**

404 NE 38th Street  
Golden Beach, Florida 33160  
Tel: (954) 630-2300  
Fax: (954) 630-2381

PROJECT ENGINEER  
**DYNAMIC ENGINEERING SOLUTIONS, INC.**

950 N. Federal Highway, Suite 212  
Pompano Beach, FL 33062  
Tel: (954) 545-1740  
Fax: (954) 545-1721

SEAL / SIGNATURE / DATE

*[Handwritten Signature]*  
12/16/13

John Omslaer  
PE 52733, EB 26829

**CONSTRUCTION DRAWINGS**

Issue #	Issue Date
①	August 20, 2013
②	September 3, 2013
③	September 25, 2013

PROJECT: 9-380

**GENERAL NOTES & LOCATION MAP**

SCALE: AS SHOWN  
SHEET NO.

**S-1**



**SHCHEGOL  
DOCK PROJECT**

680 GOLDEN BEACH DRIVE  
GOLDEN BEACH, FL 33160

CLIENT:  
**MR. & MRS. ALEX  
SHCHEGOL**

680 Golden Beach Drive  
Golden Beach, Florida 33160

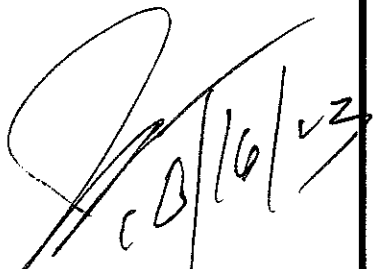
ENVIRONMENTAL CONSULTANT:  
**OCEAN**

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SEAL / SIGNATURE / DATE



John Omslaer  
PE 52733, EB 26829

**CONSTRUCTION  
DRAWINGS**

Issue #	Issue Date
①	August 20, 2013
②	September 3, 2013
③	September 25, 2013

PROJECT: 9-380

EXISTING  
CONDITIONS

SCALE : AS SHOWN  
SHEET NO.

**S-2**

TOWN OF GOLDEN BEACH  
BUILDING DEPARTMENT  
REVISION DATE

DEC 10 2013

APPROVED BY: \_\_\_\_\_  
DESIGNED BY: \_\_\_\_\_  
VARIANCE FILE: \_\_\_\_\_

133'-8"

GOLDEN BEACH  
ZONING TRIANGLE

D-5 BOUNDARY

GOLDEN BEACH  
ZONING TRIANGLE

D-5 BOUNDARY

22'-7"

EXISTING SEAWALL, CAP AND  
PRESTRESSED BATTER PILES  
TO REMAIN.

10' MAX.

CHORD CONNECTING 2 SIDE  
PROPERTY LINES AT SEAWALL FACE

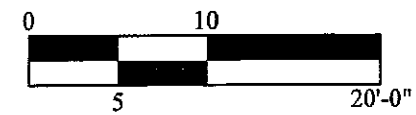
1'-8"

WETFACE OF SEAWALL

3'-6"

PROPERTY LINE

EXISTING CONDITIONS  
680 GOLDEN BEACH DRIVE  
GOLDEN BEACH, FL



NOTE:  
APPROX. 150' FROM CENTER OF 680  
GOLDEN BEACH DR. PROPERTY AND  
OPPOSING SHORELINE

**SHCHEGOL  
DOCK PROJECT**

680 GOLDEN BEACH DRIVE  
GOLDEN BEACH, FL 33160

CLIENT:  
**MR. & MRS. ALEX  
SHCHEGOL**

680 Golden Beach Drive  
Golden Beach, Florida 33160

ENVIRONMENTAL CONSULTANT:  
**OCEAN**

**CONSULTING, LLC**  
340 Minorca Avenue, Suite 5  
Coral Gables, Florida 33134  
Tel: (305) 921-9344  
Fax: (305) 677-3254

CONTRACTOR:  
**SOUTHEAST MARINE  
CONSTRUCTION, INC.**  
404 NE 38th Street  
Golden Beach, Florida 33160  
Tel: (954) 630-2300  
Fax: (954) 630-2381

PROJECT ENGINEER  
**DYNAMIC ENGINEERING  
SOLUTIONS, INC.**  
950 N. Federal Highway, Suite 212  
Pompano Beach, FL 33062  
Tel: (954) 545-1740  
Fax: (954) 545-1721

SEAL / SIGNATURE / DATE

*[Signature]*  
John Omslaer  
PE 52733, EB 26829

**CONSTRUCTION  
DRAWINGS**

Issue #	Issue Date
①	August 20, 2013
②	September 3, 2013
③	September 25, 2013

PROJECT: 9-380

PROPOSED  
CONDITIONS

SCALE: AS SHOWN  
SHEET NO.

**S-3**

133'-8"

TOWN OF GOLDEN BEACH  
BUILDING DEPARTMENT  
RECEIVED DATE

DEC 10 2013

APPROVED  
DATE: \_\_\_\_\_  
VALID FOR PERIOD: \_\_\_\_\_

GOLDEN BEACH  
ZONING TRIANGLE

D-5 BOUNDARY

12" DIA. WOOD BOAT LIFT  
PILES DRIVEN TO 15-TON  
CAPACITY.

8-POST GOLDEN BOAT  
LIFT (40,000 LBS)

12" DIA. CCA WOOD DOCK PILE  
TYP. DRIVEN TO 25-TON  
CAPACITY.

APPROX. -5' MLW  
CONTOUR

EXISTING SEAWALL,  
CAP AND BATTER  
PILES TO REMAIN.

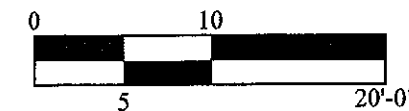
CHORD CONNECTING 2 SIDE  
PROPERTY LINES AT  
SEAWALL FACE

3x10 SUBSTRINGERS  
W/ 5/8" DIA. GALVANIZED THRU BOLTS

2x8 STRINGERS  
SPACED AT 18" O.C. MAX.

PROPERTY LINES

**PROPOSED L-SHAPED DOCK  
680 GOLDEN BEACH DRIVE  
GOLDEN BEACH, FL**



**SHCHEGOL DOCK PROJECT**

680 GOLDEN BEACH DRIVE  
GOLDEN BEACH, FL 33160

CLIENT:  
**MR. & MRS. ALEX SHCHEGOL**

680 Golden Beach Drive  
Golden Beach, Florida 33160

ENVIRONMENTAL CONSULTANT:  
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SEAL / SIGNATURE / DATE



John Omslaer  
PE 52733, EB 26829

**CONSTRUCTION DRAWINGS**

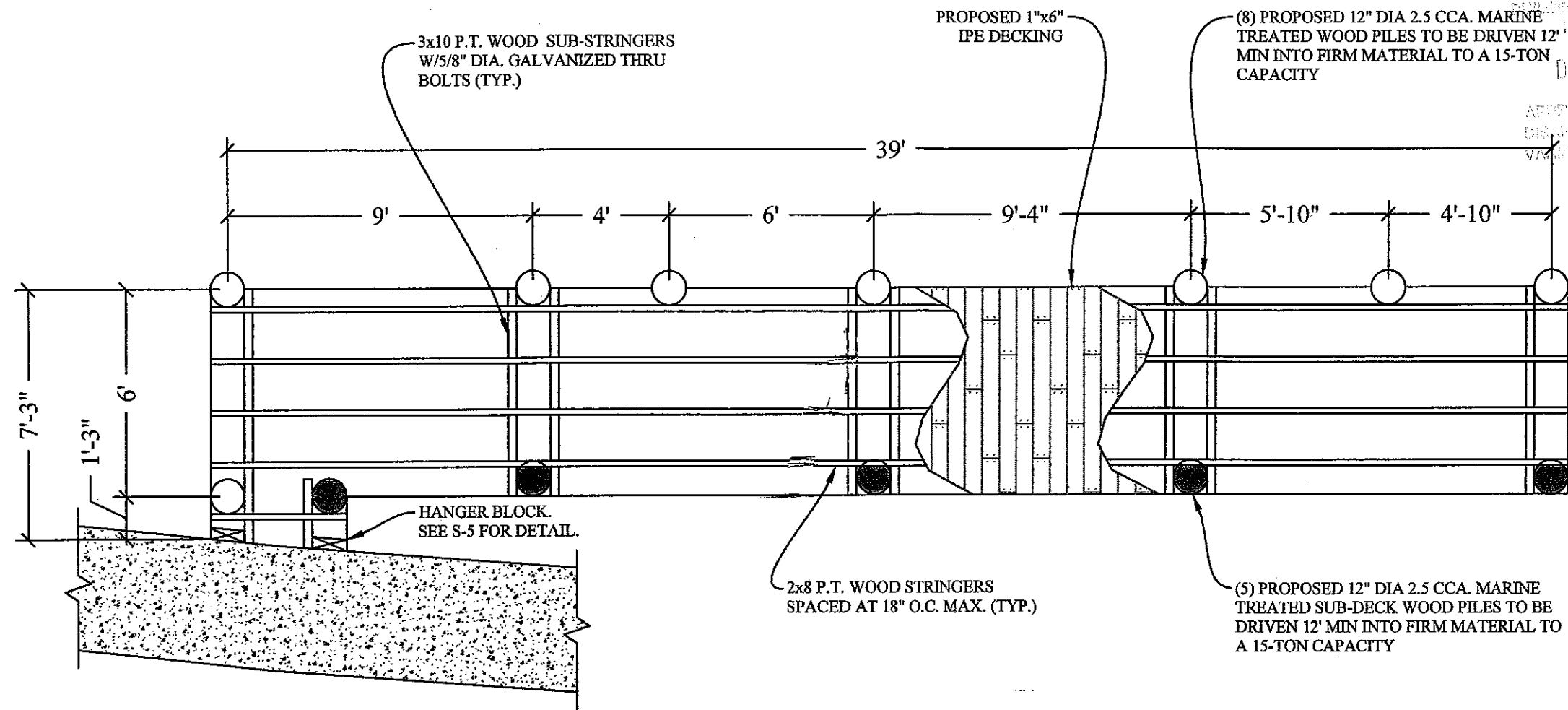
Issue #	Issue Date
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③	September 25, 2013

PROJECT: 9-380

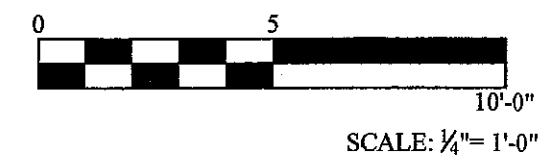
DOCK FRAMING PLAN

SCALE: AS SHOWN  
SHEET NO.

**S-5**



DOCK FRAMING PLAN



TOWN OF GOLDEN BEACH  
ENGINEER ADMITTED AND REGISTERED  
DATE: DEC 10 2013  
APPROVED: \_\_\_\_\_  
DESIGNED BY: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_

**SHCHEGOL DOCK PROJECT**

680 GOLDEN BEACH DRIVE  
GOLDEN BEACH, FL 33160

CLIENT:  
**MR. & MRS. ALEX SHCHEGOL**

680 Golden Beach Drive  
Golden Beach, Florida 33160

ENVIRONMENTAL CONSULTANT:

**OCEAN CONSULTING, LLC**

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Coral Gables, Florida 33134  
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Fax: (305) 677-3254

CONTRACTOR:

**SOUTHEAST MARINE CONSTRUCTION, INC.**

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Tel: (954) 630-2300  
Fax: (954) 630-2381

PROJECT ENGINEER

**DYNAMIC ENGINEERING SOLUTIONS, INC.**

950 N. Federal Highway, Suite 212  
Pompano Beach, FL 33062  
Tel: (954) 545-1740  
Fax: (954) 545-1721

SEAL / SIGNATURE / DATE

*[Handwritten Signature]*  
10/10/13

John Omslaer  
PE 52733, EB 26829

**CONSTRUCTION DRAWINGS**

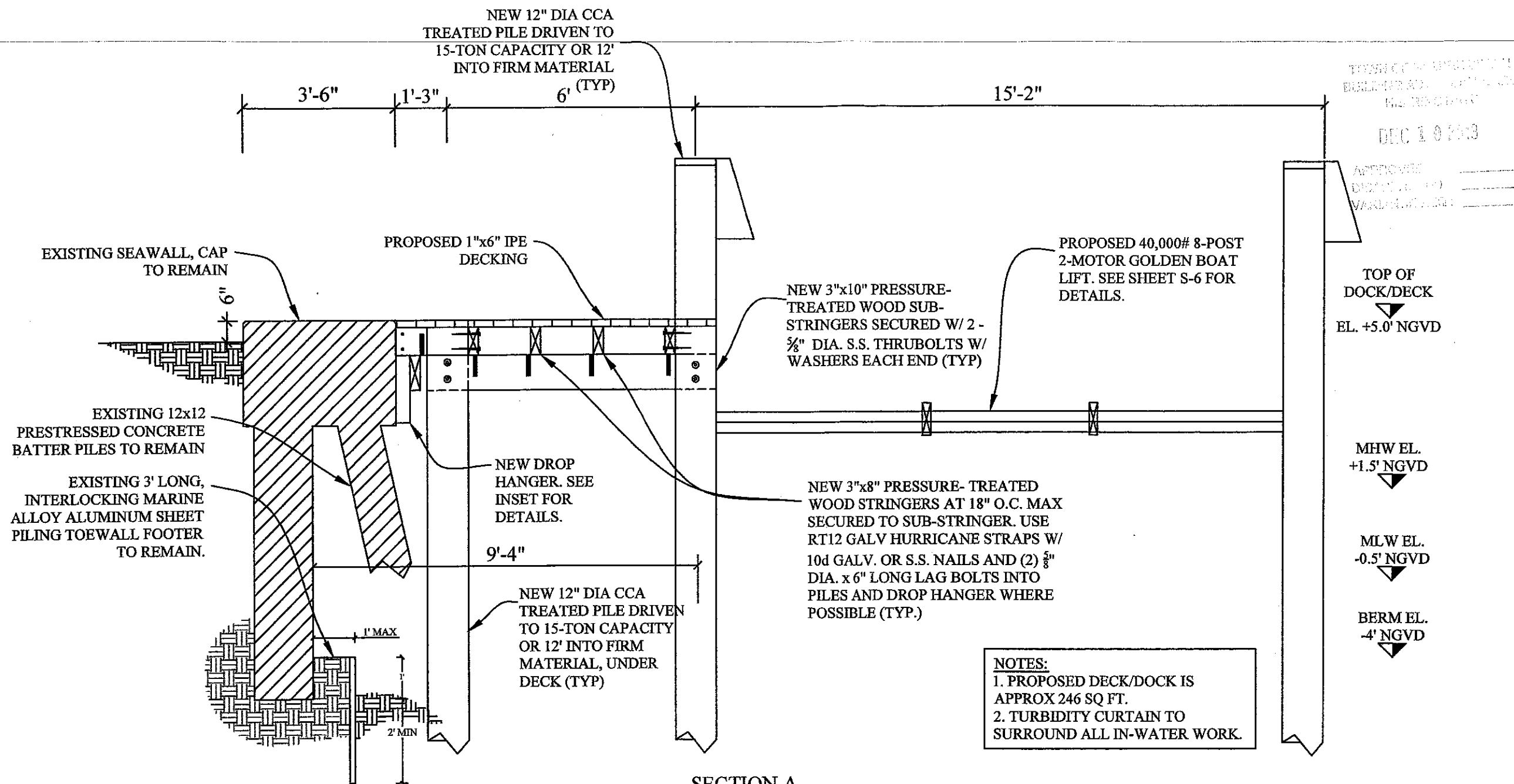
Issue #	Issue Date
①	August 20, 2013
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③	September 25, 2013

PROJECT: 9-380

**DOCK SECTION**

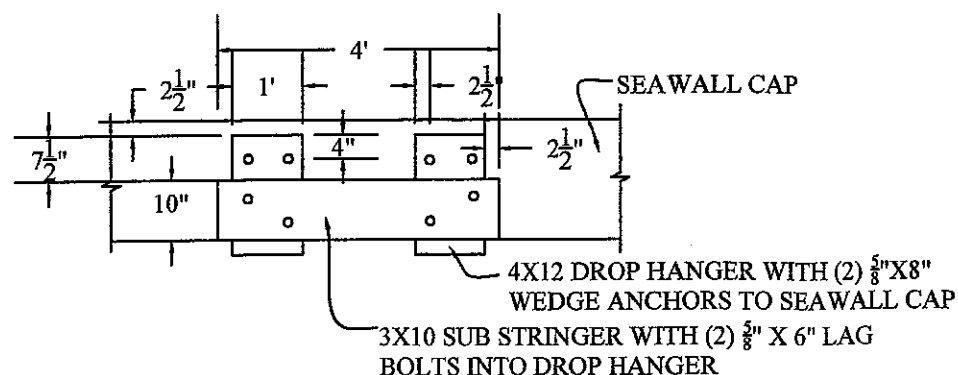
SCALE: AS SHOWN  
SHEET NO.

**S-5**



**NOTES:**  
1. PROPOSED DECK/DOCK IS APPROX 246 SQ FT.  
2. TURBIDITY CURTAIN TO SURROUND ALL IN-WATER WORK.

**SECTION A**  
Scale: 3/8" = 1'-0"

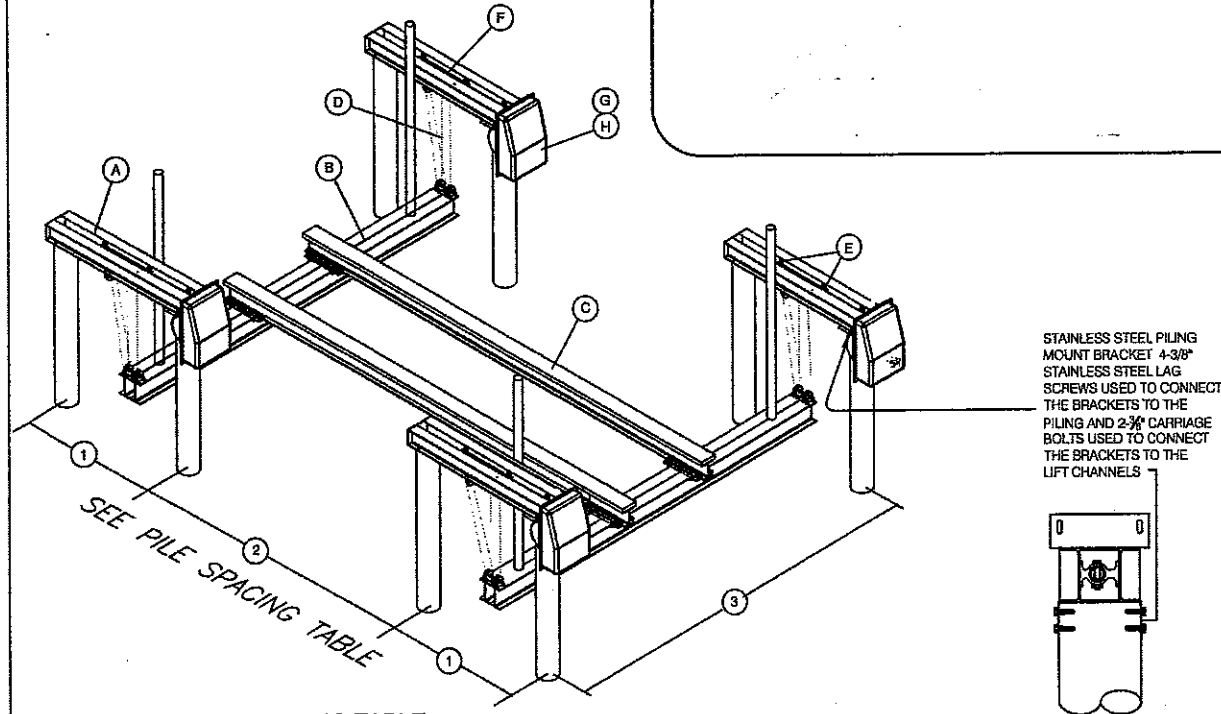


**DROP HANGER DETAIL**  
Scale: 3/8" = 1'-0"

# GOLDEN ENGINEERED 8 POST, 4 MOTOR LIFTS

## STRUCTURAL ENGINEERING REVIEW

THE GRAVITY AND WIND LOADS FOR THIS CONSTRUCTION HAVE BEEN CALCULATED AS MAIN WIND FORCE RESISTING SYSTEM AND COMPONENTS AND CLADDING IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2004, SECT. 1609 FOR WIND PRESSURES GENERATED BY A BASIC WIND SPEED OF 150 MPH.



PILE SPACING TABLE

LIFT CAPACITY	1	2	3	RECOMMENDED PILE SIZES
32,000#	72"	MIN. 72" MAX. 144"	192"	10"
40,000#			216"	
60,000#			240"	
80,000#			240"	

NOTE: THIS STRUCTURE WILL WITHSTAND LOADS ASSOCIATED WITH WIND SPEEDS OF 150 MPH CALCULATED PER F.B.C. (04 ED) CH 16 & ASCE DOCUMENT 7-02 BOATS SHALL NOT BE STORED ON LIFTS DURING HIGH WIND EVENTS

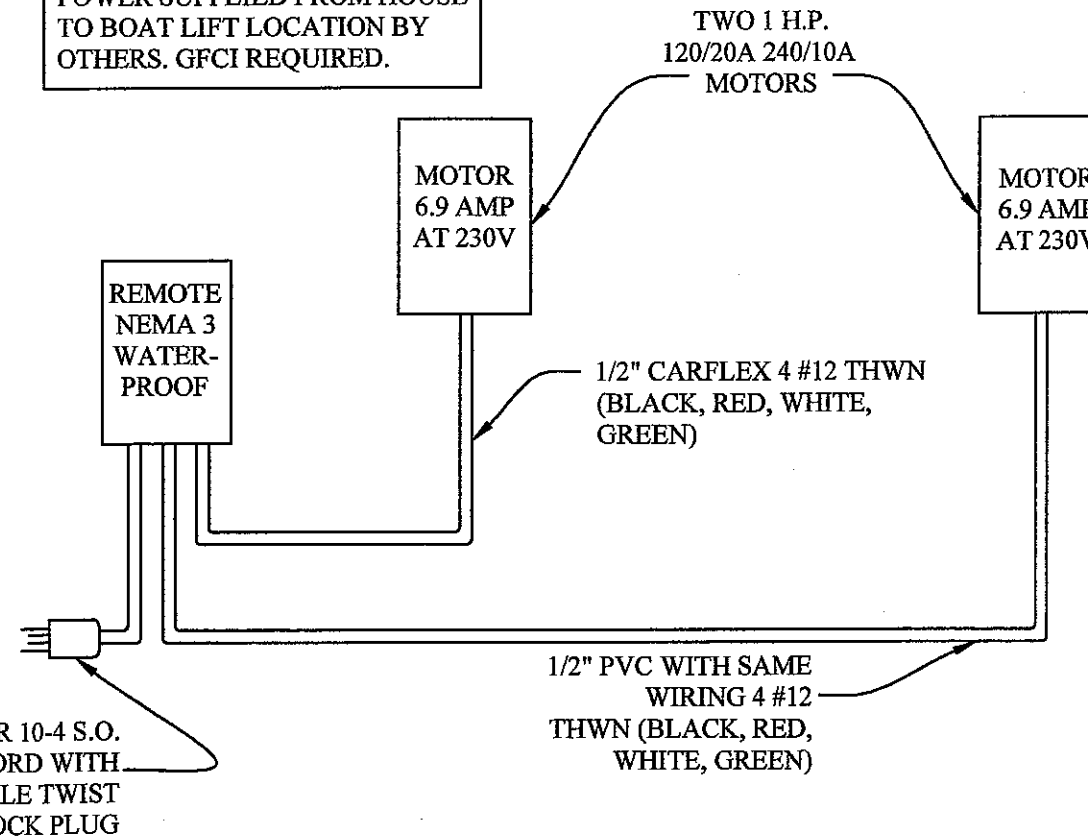
IN GENERAL PILING PENETRATION TO BE 10' INTO THE SAND BOTTOM OR 5' INTO THE ROCK STRATA. SUBSURFACE CONDITIONS CAN VARY GREATLY, THE CONTRACTOR SHALL VERIFY ALL PILE CAPACITIES. ALL PILING TO BE 2.5 C.C.A. TREATED.

LIFT CAPACITY	TOP BEAM		CRADLE I-BEAM		BUNK BOARDS		CABLE SIZE		BRGS	WINDER		GEAR RATIO	MOTOR HP	RECOMMENDED PILING SIZES		
	Lb	Kg	Inches	Mm	Inches	Mm	Inches	Mm		Inches	Mm			Inches	Mm	
32,000	14,528	2 Each 8 H x .19 3 W x .35 Chan 6' O.C.	2 Each 203H x 4.8 78.2W x 7.4 Ch 1.8m O.C.	2 Double 10 H x .25 6 W x .41 192" Long	2 Double 254H x 6.4 52.4W x 10.44 x 4.9M	1-Beam 5 x 8 x .25 x 25' Long w/Carpeted Top	1-Beam 127x203 x 6.4 x 7.6M w/Carpeted Top	4-4 Part 3/8" St Steel Cables	4-4 Part 7.9 mm St Steel Cables	8 - Solid 6061-T6 Alum Brgs	4-3" Dia Grooved Alum Winders	4-76mm Dia Grooved Alum Winders	400 to 1	4 - 1 hp	10" Dia Wood or Concrete Pillings	254 mm Dia Wood or Concrete Pillings
40,000	18,160	2 Each 8 H x .25 3 W x .41 Ch 8' O.C.	2 Each 203H x 6.4 95.3W x 10.4 Ch 1.8m O.C.	2 Double 10 H x .25 6 W x .50 216" Long	2 Double 254H x 7.4 52.4W x 12.74 x 5.3M	1-Beam 5 x 8 x .25 x 25' Long w/Carpet Top	1-Beam 127x203 x 6.4 x 7.6M w/Carpet Top	4-4 Part 3/8" St Steel Cables	4-4 Part 9.5 mm St Steel Cables	8 - Solid Nylon Bushings	4-6" Dia Grooved Alum Winders	4-152.4mm Dia Grooved Alum Winders	500 to 1	4 - 1 1/2 HP	12" Dia Wood or Concrete Pillings	305 mm Dia Wood or Concrete Pillings
60,000	27,240	2 Each 8 H x .25 5 W x .41 I-Beam 6' O.C.	2 Each 203H x 6.4 127W x 10.4 I-Beam 1.8m O.C.	2 Double 12 H x .31 7 W x .82 240" Long	2 Double 304.8H x 9.9 178W x 15.7 x 6M	1-Beam 5 x 8 x .25 x 25' Long w/Carpet Top	1-Beam 127x203 x 6.4 x 7.6M w/Carpet Top	4-4 Part 3/8" St Steel Cables	4-4 Part 11 mm St Steel Cables	8 - Solid Nylon Bushings	4-6" Dia Grooved Alum Winders	4-152.4mm Dia Grooved Alum Winders	500 to 1	4 - 1 1/2 HP	12" Dia Wood or Concrete Pillings	305 mm Dia Wood or Concrete Pillings
80,000	36,320	2 Each 10 H x .25 6 W x .41 I-Beam 6' O.C.	2 Each 254H x 6.4 152.4W x 10.4 I-Beam 1.8m O.C.	4 Double 12 H x .29 7 W x .47 240" Long	4 Double 304.8H x 7.4 178W x 12 x 6M	Custom	Custom	6-4 Part 3/8" St Steel Cables	6-4 Part 9.5 mm St Steel Cables	8 - Solid Nylon Bushings	4-6" Dia Grooved Alum Winders	4-152.4mm Dia Grooved Alum Winders	500 to 1	4 - 1 1/2 HP	12" Dia Wood or Concrete Pillings	305 mm Dia Wood or Concrete Pillings

11-2006

Golden Manufacturing, Inc. 17611 EAST STREET, FORT MYERS, FL. 33917

WIRING FOR BOAT LIFT ONLY  
POWER SUPPLIED FROM HOUSE  
TO BOAT LIFT LOCATION BY  
OTHERS. GFCI REQUIRED.



BOATLIFT ELECTRICAL DETAIL

# SHCHEGOL DOCK PROJECT

680 GOLDEN BEACH DRIVE  
GOLDEN BEACH, FL 33160

CLIENT:  
**MR. & MRS. ALEX  
SHCHEGOL**

680 Golden Beach Drive  
Golden Beach, Florida 33160

ENVIRONMENTAL CONSULTANT:  
**OCEAN**

**CONSULTING, LLC**

340 Minorca Avenue, Suite 5  
Coral Gables, Florida 33134  
Tel: (305) 921-9344  
Fax: (305) 677-3254

CONTRACTOR:  
**SOUTHEAST MARINE  
CONSTRUCTION, INC.**

404 NE 38th Street  
Golden Beach, Florida 33160  
Tel: (954) 630-2300  
Fax: (954) 630-2381

PROJECT ENGINEER  
**DYNAMIC ENGINEERING  
SOLUTIONS, INC.**

950 N. Federal Highway, Suite 212  
Pompano Beach, FL 33062  
Tel: (954) 545-1740  
Fax: (954) 545-1721

SEAL / SIGNATURE / DATE

*[Handwritten Signature]*  
12/16/13

John Omslaer  
PE 52733, EB 26829

**CONSTRUCTION  
DRAWINGS**

Issue #	Issue Date
①	August 20, 2013
②	September 3, 2013
③	September 25, 2013

PROJECT: 9-380

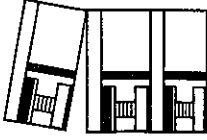
**BOATLIFT  
SPECIFICATIONS**

SCALE: AS SHOWN  
SHEET NO.

**S-6**

1. SEPARATE INTO THIRDS.

2. PEEL AWAY RECEIPT AND STICKER. AFFIX TO ENVELOPE.



2



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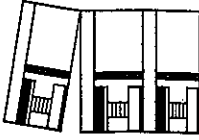
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Bret & Judy Lusskin  
665 Golden Beach Drive  
Golden Beach, FL 33160  
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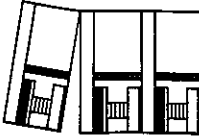
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660 Golden Beach LLC  
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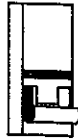
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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
And Other Patents Pending



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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
And Other Patents Pending



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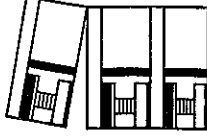
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U.S. Patent No.'s 6,905,747  
And Other Patents Pending



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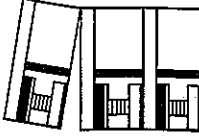
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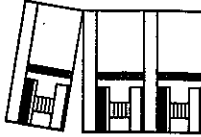
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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
And Other Patents Pending



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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
And Other Patents Pending



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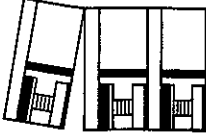
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And Other Patents Pending



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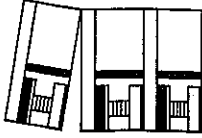
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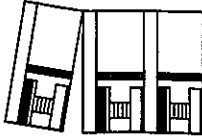
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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
And Other Patents Pending

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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
And Other Patents Pending

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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
And Other Patents Pending

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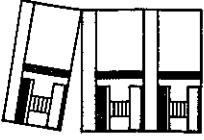


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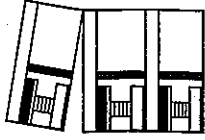
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Form No. CEL-43R rev 01/13  
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 200 Sunny Isles Boulevard  
 Sunny Isles Beach, FL 33160  
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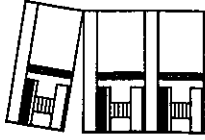
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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
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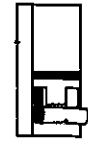
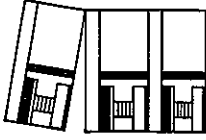
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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
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1. SEPARATE INTO THIRDS.

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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
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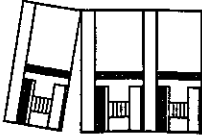
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Form No. CEL-43R rev 01/13  
U.S. Patent No.'s 6,905,747  
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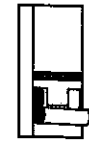
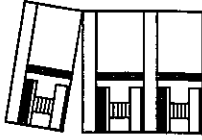
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Zachary & Sandra Eisenman  
686 Golden Beach Drive  
Golden Beach, FL 33160  
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1. SEPARATE INTO THIRDS.

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U.S. Patent No.'s 6,905,747  
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Total Postage & Fees	\$0.00	
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640 North Island Drive  
Golden Beach, FL 33160  
or PO Box No.  
City, State, Zip+4

Code: 680 GBD

PS Form 3800, January 2013 See Reverse for Instructions



Batch #: 92,278  
Article #: 71791000164775227217  
Date/Time: 11/27/2013 1:10:39PM  
Code: 680 GBD  
Internal File #:  
Internal Code:



Batch #: 92,278  
Article #: 71791000164775227224  
Date/Time: 11/27/2013 1:10:39PM  
Code: 680 gbd  
Internal File #:  
Internal Code:



Batch #: 92,278  
Article #: 71791000164775227231  
Date/Time: 11/27/2013 1:10:39PM  
Code: 680 GBD  
Internal File #:  
Internal Code:



**TOWN OF GOLDEN BEACH**  
1 Golden Beach Drive  
Golden Beach, Fl. 33160

**Summary Minutes**  
**BUILDING REGULATION ADVISORY BOARD**  
**December 10, 2013 at 6:00pm**

- A. CALL MEETING TO ORDER:** 6:15pm
- B. BOARD ATTENDANCE:** Stephanie Halphen, Jerome Hollo, and Fred Chouinard.
- C. STAFF ATTENDANCE:** Daniel Nieda, Building Official and Linda Epperson Director B&Z
- D. APPROVAL OF MINUTES:** October 8, 2013 and November 12, 2013
- Motion to table by Stephanie Halphen, Seconded by Fred Chouinard  
On roll call: Stephanie Halphen-Aye, Jerome Hollo-Aye, and Fred Chouinard-Aye  
Motion passed 3 – 0

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

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

1. Alex and All Shchegol  
680 Golden Beach Drive  
Golden Beach, FL. 33160

Property Address: 680 Golden Beach Drive, GB, FL.  
Folio No: 19-1235-006-0500  
Legal Description: Lots 17 & 18, a Port of Lot 16, Blk E, GB Sect F,  
PB 10-11

Adrian from Ocean Consulting spoke on behalf of the applicant.  
Daniel B. Nieda, Building Official read his comments into the record.

Proposed construction of a new dock.

Relief from Town Code Section 46-84 General specifications for docks  
No dock shall be permitted to be constructed, repaired, or reconstructed within the limits of the Town which shall extend more than six feet outside the lot property line into an inside (width of 100 feet or less) waterway nor more than ten feet outside the lot property line into an outside (width greater than 100 feet) waterway.

Request is to allow the dock to extend out into the waterway at 9.5'

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.

A motion to recommend approval was made by Fred Chouinard, Seconded by Stephanie Halphen.

On roll call: Stephanie Halphen-Nay, Jerome Hollo-Nay, and Fred Chouinard-Nay  
Motion failed 3 – 0

2. 535 Ocean LLC  
2700 W. Cypress Creek Road – C103  
Ft. Lauderdale, FL. 33309

Ramon Pacheco, Architect spoke on this item  
Kimberly Ginsberg, Atty, spoke on behalf of the applicant  
Daniel B. Nieda, Building Official read his comments into the record.

Property Address: VL a/k/a 535 Ocean Boulevard, Golden Bch, FL  
Folio No: 19-1235-006-1090 and 1100  
Legal Description: Lot 38 – 41, Block M, GB Sect. F, PB 10-11

Relief from Town Code Section 66-102 Minimum lot and swale elevations; grades; (a) The finished grade of any lot shall not exceed an elevation of 24 inches above the crown of the road adjacent to the lot and in no event shall exceed an elevation of six feet N.G.V.D. except for lots abutting Ocean Boulevard where the minimum elevation shall be 12 inches above the crown of the road, and the maximum elevation shall not exceed an elevation of 11 feet N.G.V.D. Exterior slabs and walkways shall not exceed an elevation of 36 inches above the crown of the road adjacent to the lot.

Request is for varying grade elevations on deck and site throughout the property to be at an elevation not to exceed 15.00' N.G.V.D. when the code requires a maximum height of 11' N.G.V.D.

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.

A motion to recommend approval was made by Stephanie Halphen, Seconded by Fred Chouinard

On roll call: Stephanie Halphen-Aye, Jerome Hollo-Aye, and Fred Chouinard-Aye  
Motion passed 3 – 0



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** January 21, 2014

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,  
Town Manager

Item Number:

2

**Subject:** Resolution No. 2334.14 – Variance Request for 535 Ocean Boulevard,  
Golden Beach, FL 33160 (Lot Elevations and Grade)

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### Recommendation:

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2334.14

### Background and History:

Town Code Section 66-102 Minimum lot and swale elevations; grades; (a) The finished grade of any lot shall not exceed an elevation of 24 inches above the crown of the road adjacent to the lot and in no event shall exceed an elevation of six feet N.G.V.D. except for lots abutting Ocean Boulevard where the minimum elevation shall be 12 inches above the crown of the road, and the maximum elevation shall not exceed an elevation of 11 feet N.G.V.D. Exterior slabs and walkways shall not exceed an elevation of 36 inches above the crown of the road adjacent to the lot.

The applicant is requesting varying grade elevations on the deck and site throughout the property to be at an elevation not to exceed 15.00' N.G.V.D. when the code requires a maximum height of 11' N.G.V.D.

The Building Regulation Advisory Board met Dec. 10, 2013 and recommended approval of the variance, the motion passed with a Board vote of 3-0.

No one in attendance spoke in opposition to this item.

### Attachments:

- Resolution
- Building Official Critique
- Notice of Hearing
- Building Regulation Advisory Board Application
- Copy of resident notification listing
- Summary minutes

**Financial Impact:** None

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2334.14**

**A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 535 OCEAN DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT A DECK AND SITE ELEVATION THROUGHOUT THE PROPERTY TO BE AN ELEVATION NOT TO EXCEED 15' N.G.V.D. WHEN THE TOWN'S CODE ALLOWS A MAXIMUM OF 11' N.G.V.D.**

**WHEREAS**, the applicants, 535 Ocean LLC, (“the applicant”), filed a Petition for a Variance/exception, DIVISION 2. – ELEVATIONS, Section 66-102. – Minimum lot and swale elevations; grade., to allow the elevation for the deck and throughout the site to be at varying elevation up to 15' N.G.V.D., in lieu of the maximum elevation of 11' N.G.V.D. set by the Town’s code, at the property 535 Ocean Boulevard, Golden Beach, FL. 33160 (Golden Beach Section “A”, Lots 31 & 32, Block D, as recorded in PB 9-52, of the Public Records of Miami-Dade County, (Folio No. 19-1235-001-0080 (the “Property”) and ;

**WHEREAS**, the Town’s Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance/Exception and recommended approval of the variance by the Town Council; and,

**WHEREAS**, a public hearing of the Town Council was advertised and held, as required by law, and all interested parties were given an opportunity to be heard; and

**WHEREAS**, the Town Council having considered the evidence presented, finds that the Petition of Variance meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** Each of the above stated recitals are hereby adopted and confirmed.

**Section 2. Approval.** The Petition for Variance to permit each of the requested variances is hereby granted.

**Section 3. Conditions.** The Petition for Exception/Variance as granted is subject to the following conditions:

- (1) Applicant shall record a certified copy of this Resolution in the public records of Miami-Dade County; and
- (2) Construction shall be completed substantially in accordance with those certain plans, A-1 through A-9, by Pacheco-Martinez & Associates LLC., dated 7/11/2013, issued 8/23/2013, and the Sketch of Boundary Survey, prepared by Bill Henry Hyatt, Jr., L.N. 4636, dated 10/23/2013, for the property located at 535 Ocean Boulevard., Golden Beach, FL. 33160

**Section 4. Implementation.** That the Building and Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Town of Golden Beach Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution. A copy of this Resolution shall be attached to the building permit application documents.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

**Sponsored by Administration.**

The Motion to adopt the foregoing Resolution was offered by \_\_\_\_\_,  
seconded by \_\_\_\_\_ and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Bernard Einstein	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,  
Florida, this 21<sup>st</sup> day January, 2014

ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

\_\_\_\_\_  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY



# Town of Golden Beach

## MEMORANDUM

**To:** Building Regulation Advisory Board  
**From:** Daniel B. Nieda, R.A. Building Official  
**Date:** December 10, 2013  
**Re:** Variance Petitions for 535 Ocean, LLC,  
535 Ocean Boulevard

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### Background:

The applicant has submitted for review a variance petition in connection with a new single family home proposed for the Zone 1 Single Family Residential District, at 535 Ocean Boulevard. The applicant seeks a variance petitions to allow relief from maximum permitted site grading elevation as stipulated in Section 66-102(a) of the Zoning Code. The variance package application drawings consist of drawings A-1 through A-9, prepared by Pacheco Martinez & Associates, Inc. dated November 18, 2013.

### 1. Site Grading Variance Petition:

The site grading variance petition is shown on drawings A-8 and A-9 showing existing and proposed grading, building site sections and proposed water runoff retention scheme based on swale containment.

Section 66-41 of the Code of Ordinances requires that seven conditions be met to demonstrate an undue hardship. In recommending the granting of a variance the Building Regulation Advisory Board may prescribe appropriate conditions and safeguards in conformity with the Town of Golden Beach's Code. In reviewing the Variance petition the Board shall confirm the following conditions:

1. Yes, this petition constitutes a variance, since the applicant has requested site grading in excess of the maximum permitted grade elevation of 11.0' NGVD allowed by Section 66-102(a) of the Code. The architect has provided a grading plan that includes combined existing and proposed site grading, which varies 5.25 feet from 9.75' to 15.0' NGVD, measured from the front of the site to the rear yard pool deck. The existing site grading varies 4.95 feet from 9.6' at the front to 14.55' NGVD at the rear of the site.
2. Yes, the land is peculiar in nature as the applicant seeks to develop a single family residence where the existing grading varies 4.95 feet from 9.6' to 14.55' NGVD. The existing grading conditions exceed the maximum permitted site elevation of 11.0' NGVD by 3.55 feet. The Architect has designed the residence nested into the existing grading, while substantially maintaining the site profile.
3. Yes, the variance petition stems from special conditions and circumstances of the lot's existing natural grading which varies 4.95 feet from 9.6' to 14.55' NGVD. The Town's Zoning Code allows a maximum of 11.0' NGVD, where the applicant has requested to maintain and adjust the existing grading in excess of 11.0' NGVD.

4. Yes, the granting the variance would not confer upon the applicant any special privilege. A denial of this variance would not allow a use that is granted to other lands in the same District.
5. Yes, literal interpretation of the provision of the Zoning Code would deprive the applicant the rights commonly enjoyed by other properties in the same District.
6. Yes, this variance is the minimum petition that will allow the applicant reasonable use of the land.
7. Yes, the granting of the site grading variance varying 5.25 feet from 9.75' to 15.0' NGVD, will not be injurious to the area or detrimental to the public welfare. The proposed grading design is sensitively designed and mirror the existing non-conforming conditions

***In conclusion, the variance petition seeking relief from site grading elevations in excess of the permitted grade elevation of 11.0' NGVD required by Section 66-102(a) of the Code, seems to rise to the standard required for granting of a variance.***



## TOWN OF GOLDEN BEACH NOTICE OF PUBLIC HEARING

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

   (1) Variance Request(s)  
  X   New Construction

Relief from Town Code Section 66-102 Minimum lot and swale elevations; grades

(a) The finished grade of any lot shall not exceed an elevation of 24 inches above the crown of the road adjacent to the lot and in no event shall exceed an elevation of six feet N.G.V.D. except for lots abutting Ocean Boulevard where the minimum elevation shall be 12 inches above the crown of the road, and the maximum elevation shall not exceed an elevation of 11 feet N.G.V.D. Exterior slabs and walkways shall not exceed an elevation of 36 inches above the crown of the road adjacent to the lot.

Request is for varying grade elevations on deck and site throughout the property to be at an elevation not to exceed 15.00' N.G.V.D. when the code requires a maximum height of 11' N.G.V.D.

JOB ADDRESS: 535 Ocean Boulevard, Golden Beach, FL.  
OWNER ADDRESS: 2700 W. Cypress Creek Road, C103  
REQUESTED BY: 535 Ocean LLC  
LEGAL DESCRIPTION: Lots 31 & 32, Blk D, GB Sect. A, PB 9-52  
FOLIO NO.: 19-1235-001-0080

The **BUILDING REGULATION ADVISORY BOARD** will consider this item:

PLACE: GOLDEN BEACH TOWN HALL  
1 GOLDEN BEACH DR., GOLDEN BEACH, FL.  
DATE: December 10, 2013 at 6:00pm

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

PLACE: GOLDEN BEACH TOWN HALL  
1 GOLDEN BEACH DR., GOLDEN BEACH, FL.  
DATE: January 21, 2014, 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: November 27, 2013**  **Linda Epperson-Director, Building & Zoning**

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 HOURS PRIOR TO THE DATE OF THE MEETING.

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

Property Location: 535 Ocean Boulevard, Golden Bch, FL 33160      Meeting Date: December 10, 2013  
Variance Hearing Dates: Advisory Board X      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

Applicant: File application and submit 8 complete packages that consist of an application, survey and drawings (7 sets, 8.5" x 14", and 1 full size set). For a zoning variance, 16 complete packages consisting of an application, survey, and drawings are required, (15 sets 8.5" x 14" and 1 full size set.) 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 public notice in order to be heard.

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 regularly scheduled Town Council 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.**

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 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 mailed, 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 one copy shall 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 (full size) shall be retained by the building department, and (2) reduced size sets shall be obtained by the applicant 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)..... (must include complete landscape plan)	\$300.00
2. Addition/Remodel of existing structure..... (must include landscape plan)	\$300.00
3. Alteration to existing residence..... (fencing, site walls, driveways, etc.)	\$150.00
4. Accessory Building.....	\$150.00
5. Swimming pools.....	\$100.00
6. Pool deck.....	\$100.00
7. Docks.....	\$100.00
8. Boat Lifts.....	\$100.00
9. Carports, awnings.....	\$100.00
10. Landscape plan revision.....	\$ 50.00
11. Resubmissions, based on original fee paid....	75.0%
12. Zoning Variances and special exceptions, per variance or exception:	
a. First variance/ exception. .... (Includes \$122.00 for certified, return receipt and regular mailings costs)	\$372.00
b. Per additional variance/exception, when requested at same time as first one...	\$150.00
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, per 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 s applied for, the petition for variance shall be submitted with the application and shall include:</p> <ol 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> </ol>	
✓	<p>Eight (8) property surveys, building plans, 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 8.5" x 14 &amp; 1 original at full size. Sixteen (16) copies are required for a variance, (15 copies no larger than 8.5" x 14 and 1 original at full size). Each completed package shall consist of 1 each of an application, survey, and building plans.</p> <p>Conceptual construction drawings prepared and signed by a design professional that shall include, at a minimum, the following:</p> <ol 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. Independent from the Site Plan, provide a proposed Landscaping Plan for new construction. For existing structures, submit existing Landscaping Plan and proposed improvements, if any. N/A</li> <li>c. Proposed Floor Plan views, at a scale not less than 1/4" = 1'-0"</li> <li>d. Cross and longitudinal sections preferably through vaulted areas, if any.</li> <li>e. Typical exterior wall cross section.</li> <li>f. Full elevations showing roof ridge height and any other higher projections.</li> <li>g. Sample board of construction materials to be used. N/A</li> <li>h. Existing and proposed ground floor elevations (NGVD).</li> <li>i. Grading &amp; Drainage Calculations N/A</li> </ol>	
✓		
N/A	<p>Green area calculation with on a Site Plan marking the geometrical areas used to calculate the pervious areas.</p>	
✓	<p>First Floor and Second Floor area calculations marking the geometrical areas used to calculate the overall floor areas.</p>	
✓	<p>Colored rendering showing new or proposed addition work. <del>And sample pallet of materials to be used.</del></p>	
✓	<p>Estimated cost of proposed work. For additions/remodels fair market value of property showing land value and structure value separately.</p>	
N/A	<p>Site plan detailing construction site personnel parking.</p>	



TOWN OF GOLDEN BEACH  
APPLICATION FOR  
BUILDING REGULATION ADVISORY BOARD HEARING

Request hearing in reference to: \_\_\_\_\_ Application fee: \_\_\_\_\_

New residence/addition: \_\_\_\_\_ Variance(s): SEC. 66-102- ELEVATIONS/GRADE  
Exterior alterations: \_\_\_\_\_ Other Structure: \_\_\_\_\_  
Date application filed: NOVEMBER 8, 2013 For hearing date: DECEMBER 10, 2013

1. Project information:  
Project description: CONSTRUCTION OF CONTEMPORARY SINGLE FAMILY RESIDENCE  
CONSISTING OF 3 STORIES WITH APPROX. 13,640 SF INCLUDING GARAGE AND COVERED AREAS  
Legal Description: \_\_\_\_\_

PLEASE SEE ATTACHED EXHIBIT "A"  
Folio #: 19-1235-001-0600  
Address of Property: 535 OCEAN BOULEVARD, GOLDEN BEACH, FL 33160

2. Is a variance(s) required: Yes  No  How Many? ONE (1)  
(If yes, please submit variance application form for each request).

Owner's Name: 535 OCEAN LLC Phone (786)277-9900 Fax N/A  
Owner's address: 2700 W. CYPRESS CREEK RD/City/State FT. LAUDERDALE, FL Zip 33309  
Agent: KIMBERLY GINSBURG, ESQ. Phone (305)722-2002 Fax (305)722-2001  
Agent's address: 501 BRICKELL KEY DR. City/State MIAMI, FL Zip 33131  
Architect: PACHECO MARTINEZ & ASSOC. Phone (305)666-2573 Fax (305)666-3871  
Contractor: TBD Phone \_\_\_\_\_ Fax \_\_\_\_\_

3. Describe project and/ or reason for request of hearing: THE EXISTING GRADE ELEVATION  
VARIABLES FROM 9.60 NGVD TO A MAXIMUM OF 16.56 FT NGVD, WITH ALMOST 3/4 OF EXISTING GRADING  
ABOVE 14FT NGVD. WE ARE REQUESTING A VARIANCE IN ORDER TO RETAIN SAID EXISTING  
VARIABLE ELEVATION.

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

Building Plans:

Conceptual: \_\_\_\_\_ Preliminary:  Final: \_\_\_\_\_  
Other: \_\_\_\_\_

5. Estimated cost of work: \$ TBD  
Estimated market value of: Land \$ \$6,500,000  
Building \$ \$6,220,600

(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? YES NO
7. Are there any structures on the property that will be demolished? YES, A REMAINING SHED/GARAGE
8. Does legal description conform to plat? YES \_\_\_\_\_

9. Owner Certification: I hereby certify that I am the owner (\*) 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): [Signature]

Acknowledged before me this 11/8 day of, 2013

Type of identification: Personally known  
[Signature]  
Notary Public

Owner/Power of Attorney Affidavit:

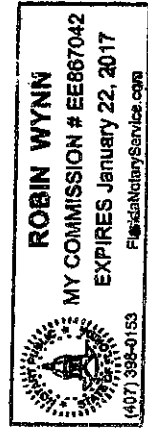
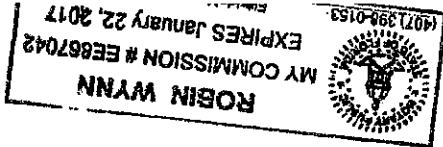
I, being duly sworn, depose and say I am the owner (\*) of the property described in this application and that I am aware of the nature and request for: VARIANCE FROM TOWN CODE SEC. 66-102, ELEVATIONS, GRADING relative to my property and I am hereby authorizing KIMBERLY GINSBURG, ESQ. to be my legal representative before the Building Regulation Advisory Board and Town Council.

[Signature]

Signature of owner(s) \_\_\_\_\_  
Acknowledged before me this 11/8 day November 2013

Type of identification: Personally known  
[Signature]  
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.



TOWN OF GOLDEN BEACH  
APPLICATION FOR  
BUILDING REGULATION ADVISORY BOARD HEARING

Property Address: 535 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160  
Legal Description: PLEASE SEE ATTACHED EXHIBIT "A"  
Owner's Name: 535 OCEAN LLC, A FLIMLUB CO Phone (786)277-9900 Fax N/A  
Agent's Name: KIMBERLY GINSBURG, ESQ. Phone (305)722-2002 Fax (305)722-2001  
Board Meeting of: DECEMBER 10, 2013

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

Application for: VARIANCE- SECTION 66-102- ELEVATION;GRADE  
Lot size: 100 FT X 230 FT  
Lot area: 34,344 SF  
Frontage: 100' FT  
Construction Zone: ZONE ONE (1)  
Front setback: 20' FT  
Side setback: 15' FT/EACH  
Rear setback: SEE SITE PLAN  
Coastal Construction: Yes  No  East of coastal const. control line: Yes  No   
State Road A1A frontage: YES, 100' FT  
Swimming pool:  Yes  No  Existing:  Proposed: RETAIN EXISTING ELEV.  
Fence Type: N/A Existing:  Proposed: TBD  
Finished Floor elevation N.G.V.D.: PLEASE SEE SITE PLAN  
Seawall: N/A Existing:  Proposed:   
Lot Drainage: N/A  
How will rainwater be disposed of on site? N/A  
Adjacent use (s): RESIDENTIAL  
Impervious area: 12,779 SF.  
% of impervious area: 37.2%  
Existing ground floor livable area square footage: N/A  
Proposed ground floor livable area square footage: 5,513 SF.  
Existing 2<sup>nd</sup> floor livable area square footage: N/A  
Proposed 2<sup>nd</sup> floor livable area square footage: 3,215 SF.  
Proposed % of 2<sup>nd</sup> floor over ground floor: 58.3%  
Vaulted area square footage: N/A  
Vaulted height: N/A  
Color of main structure: WHITE/CREAM  
Color of trim: FORGED ALUMINUM RAILINGS; NATURAL STONE ENTRY; WOOD FASCIA  
Color & material of roof: GREY; CEMENT TILE  
Building height (above finished floor elevation): 28'-0"  
Swale: (Mandatory 10'-0" from edge of payment, 10 ft. wide x 1 ft. deep minimum):  
TBD BUT WITHIN MANDATORY GUIDELINE  
Existing trees in Lot: N/A In Swale: N/A  
Proposed trees in Lot: TBD In Swale: TBD  
Number & type of shrubs: TBD  
Garage Type: 3 CAR, 2 STORY MASONRY Existing: TO BE DEMOLISHED Proposed: 3 CAR, 2 STORY  
Driveway width & type: 12' FT WIDE; INTERLOCKING PAVERS



Signature of Applicant:

Date: 11/8/13

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

Date: NOVEMBER 8, 2013

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

I, KIMBERLY ALBANES GINSBURG, ESQ. 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: 535 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 Folio No. 19-1225-001-0500

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 66-102- MINIMUM LOT AND SWALE ELEVATIONS; GRADE.

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.

PLEASE SEE ATTACHED EXHIBIT "B"

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.

PLEASE SEE ATTACHED EXHIBIT "B"

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

PLEASE SEE ATTACHED EXHIBIT "B"

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.

PLEASE SEE ATTACHED EXHIBIT "B"

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.

PLEASE SEE ATTACHED EXHIBIT "B"

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

PLEASE SEE ATTACHED EXHIBIT "B"

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.

PLEASE SEE ATTACHED EXHIBIT "B"

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.: 19-1235-001-0600 Address: 535 OCEAN BOULEVARD

Legal Description: LOTS 31 AND 32, IN BLOCK D, OF SECTION A OF GOLDEN BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 52, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FL

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 12/10/2013 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.

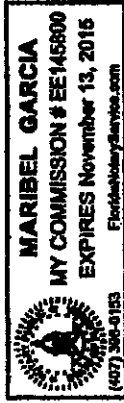
I acknowledge notification by The Town of Golden Beach, that granting of a variance(s) by The Town Council, is conditioned on the following:

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 of Owner or Legal Representative

Sworn to and subscribed before me this 8th day of, NOVEMBER, 2013



  
Notary Public State of Florida at Large

Personally know to me

Produced Identification

EXHIBIT A

Legal Description

Lots 31 and 32, in Block D, of Section A of GOLDEN BEACH, according to the Plat thereof as recorded in Plat Book 9, at Page 52, of the Public Records of Miami-Dade County, Florida.

**EXHIBIT B**

[Supplement to Pages 9 and 10]

**2.(a) The Variance requested is for relief from the provisions of the Town of Golden Beach Code of Ordinances:**

The Variance requested is for relief from the Town of Golden Beach Code of Ordinances, Subpart B "Land Development Regulations", Chapter 66 "Zoning", Article IV "Supplementary District Regulations", Division 2 "Elevations", Section 66-102 "Minimum Lot and Swale Elevations; Grade."

**(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.**

Yes. The existing base elevations on the property range from 9.60' Feet NGVD to a maximum of 16.55' Feet NGVD. Such conditions existed at the time the property was purchased by the current owner, and were discovered upon razing of the then existing structure. The Applicant finds these conditions peculiar to the land, and not applicable to other parcels in Zoning District One (1) abutting Ocean Boulevard with, if all other parcels were subject to such variable elevations not in conformity with Section 66-102 of the Town of Golden Beach Code of Ordinances, all property owners would require an elevation variance or authorization to undertake other remedial measures in order to obtain a building permit.

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

Yes. The special conditions and circumstances as set forth in Section 2(b) above existed at the time the property was acquired and are not a result of the actions of 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 Applicant will not be granted any special privilege that is denied by Section 66-102 of the Town Code to other lands in Zoning District One (1). The Building Regulation Advisory Board and Town Council have granted variances under the Zoning Chapter of the Town Code when warranted in order to allow property owners to build on their property.



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.**

A literal interpretation of Section 66-102 of the Town Code would deprive the Applicant of rights commonly enjoyed by other properties because the Applicant would, quite literally, be unable to obtain a building permit. In order to conform the grading on the site to Code, the Applicant would have to remove sandy soils from the parcel which is expressly prohibited by the Florida Department of Environmental Protection ("Florida DEP") pursuant to Section 62B 33.005(4)(b) and (d) of the Florida Administrative Code, which provides in pertinent part:

The Department shall issue a permit for construction which an applicant has shown to be clearly justified by demonstrating that all standards, guidelines, and other requirements set forth in [the Florida Statutes] ... and this rule are met, including the following:

(b) The construction will not result in removal or disturbance of in situ sandy soils of the beach and dune system ...;

(d) The construction will not result in the net excavation of the situ sandy soils seaward of the control line or 50-foot setback.

Granting the requested Variance will avoid working unnecessary and undue hardship on the Applicant since the alternative would result in a denial by the Florida DEP of Applicant's request for a building permit, which would deprive Applicant of the use of the property.

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

Yes. The Applicant is requesting a Variance from the elevation and grading requirement set forth in Sec. 66-102 of the Town Code, which requires a maximum of 11' Feet NGVD. The highest elevation on the property is 16.55' Feet NGVD, which is the maximum requested deviation from the Code requirement and only exists in one (1) area on the south side of the parcel.

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.**

Granting the Variance will allow the Applicant to avoid injury to the area caused by removal of sandy soils. Although the Town Code provides for a lower maximum elevation than is present on the site, the existing higher elevation may

provide further protection against sea level rise consistent with the Purpose and Intent of the Code as set forth in Section 58-4(3), which is to protect, promote and improve the public health and safety. This Variance request is also in harmony with Section 58-4(4) as it promotes coastal zone protection by avoiding the removal of sandy soils from the site; and Section 58-4 (11), because it seeks a balance between the general welfare of the Town and that of an individual property owner.

T 305.722.2002  
F 305.722.2001

[www.eccllegal.com](http://www.eccllegal.com)

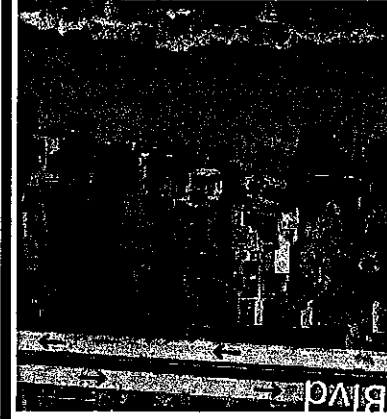
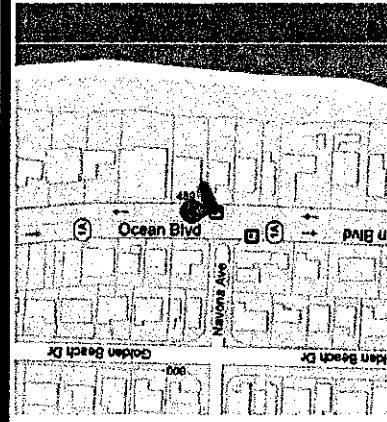
501 Brickell Avenue  
Suite 300  
Miami, Florida 33131



535 OCEAN BOULEVARD



PACHECO-MARTINEZ  
& ASSOCIATES LLC.



DATE : 10/23/12 FILE NUMBER: OCE.BL.10-12

PROPERTY ADDRESS : 535 OCEAN BOULEVARD GOLDEN BEACH, FL 33160

CERTIFICATIONS :

LEGAL DESCRIPTION :

SECTION: 35-51-42 COUNTY : MIAMI-DADE

535 OCEAN LLC.

LOTS 31 AND 32, IN BLOCK D, OF SECTION A OF GOLDEN BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 52, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

FLOOD INFORMATION:

COMMUNITY NUMBER: 120642  
PANEL NUMBER: 0151 SUFFIX: L  
DATE OF INDEX: 09/11/09 BASE FLOOD ELEV: N/A  
FLOOD ZONE: X



LEGEND & ABBREVIATIONS :

- AC.....AIR CONDITIONER
BM.....BENCHMARK
(C).....CALCULATED
C.G.....CONCRETE GUTTER OR VALLEYED GUTTER
C & G.....CURB & GUTTER
CH.....CHORD
C.M.E.....CANAL MAINTENANCE EASEMENT
CNA.....CORNER NOT ACCESSIBLE
CONC.....CONCRETE
DELTA (CENTRAL ANGLE)
D.E.....DRAINAGE EASEMENT
EOP.....EDGE OF PAVEMENT
FC.....FENCE CORNER
FE.....FENCE ENDS
FF.....FINISHED FLOOR
FR.....FOUND IRON PIPE/ROD
FR.....FOUND NAIL AND DISC
FR.....FOUND PARKER VALUON NAIL
FLN.....SURVEYORS IDENTIFICATION
GRNT.....GRANT/POUCHIE, EPOXY/STONE
L.....LENGTH
L.A.E.....LIMITED ACCESS EASEMENT
L.M.E.....LAKE MAINTENANCE EASEMENT
(M).....MEASURE
OS.....OFF-SET
P.C.....POINT OF CURVATURE
P.C.C.....POINT OF COMPILING CURVATURE
PL.....PLANTER
P.O.B.....POINT OF BEGINNING
P.O.C.....POINT OF COMMENCEMENT
P.O.R.....POINT OF REVERSE CURVATURE
P.R.M.....PERMANENT REFERENCE MONUMENT
P.T.....POINT OF TANGENCY
R.....RADIUS
(R).....RECORD
RW.....RIGHT-OF-WAY
SIR.....SET 1/2" IRON ROD
TYP.....TYPICAL AND DISC
U.E.....UTILITY EASEMENT
W.E.....WATERS EDGE
POINTS OF INTEREST
(A) SPECIFIES POINT OF INTEREST
(B) SPECIFIES POINT OF INTEREST

QR CODE SCAN



GENERAL NOTES:

THIS IS A COPYRIGHT DOCUMENT CONTAINING PROPRIETARY INFORMATION AND IS NOT WARRANTED BY ALLSTATE SURVEYING, LLC. OR THE SIGNING SURVEYOR WHEN COPIED BY OTHERS.
UNLESS OTHERWISE SHOWN HEREON, THE FOLLOWING NOTES APPLY:
\* RECORD AND MEASURED CALLS ARE IN SUBSTANTIAL AGREEMENT AND POINTS ARE WITHIN 0.10' POSITIONAL TOLERANCE.
\* THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER ENCUMBRANCES NOT SHOWN ON THE PLAT AND THE SAME, IF ANY MAY NOT BE SHOWN ON THIS SKETCH.
\* UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
\* ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM. (FLOOD ZONES: "B", "C", "D" & "X" ARE NOT IN DESIGNATED FLOOD HAZARD ZONE AREA.
\* FENCE TIES ARE TO THE CENTERLINE OF THE FENCE. FENCE OWNERSHIP NOT DETERMINED BY THIS OFFICE.
\* WALL TIES ARE TO THE FACE OF THE WALL.
\* BASIS OF BEARINGS, IF ANY, ARE ASSUMED PER PLAT AND/OR LEGAL DESCRIPTION.
\* THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE PURPOSE FOR USE AS AN AID IN OBTAINING TITLE INSURANCE ON THE HEREON DESCRIBED PROPERTY.
NO ADDITIONAL WARRANTIES ARE HEREBY EXTENDED.
\* THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 627.7842 FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.

HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5L-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AND CHAPTER 5L-17 OF THE FLORIDA ADMINISTRATIVE CODE.
(c) 2012

BILL HENRY HYATT, JR.
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA LICENSE NUMBER: 4636



FIELD DATE: 10/18/12
SIGNED DATE: 10/23/12

Allstate Surveying
State of the Art Land Surveying & Mapping

www.AllstateSurveying.com

1644 N NOB HILL ROAD #429
SUNRISE, FLORIDA 33322

PHONE: (888) 569-0480
FAX: (888) 569-4690

PAGE 1 of 2

FILE NUMBER: OCE.BL.10-12

TOWN OF GOLDEN BEACH
BUILDING APPROVAL AND
PLANNING DATE

DEC 10 2013

APPROVED
DRAFT/REV
VARIANCE NO:

# BOUNDARY SURVEY

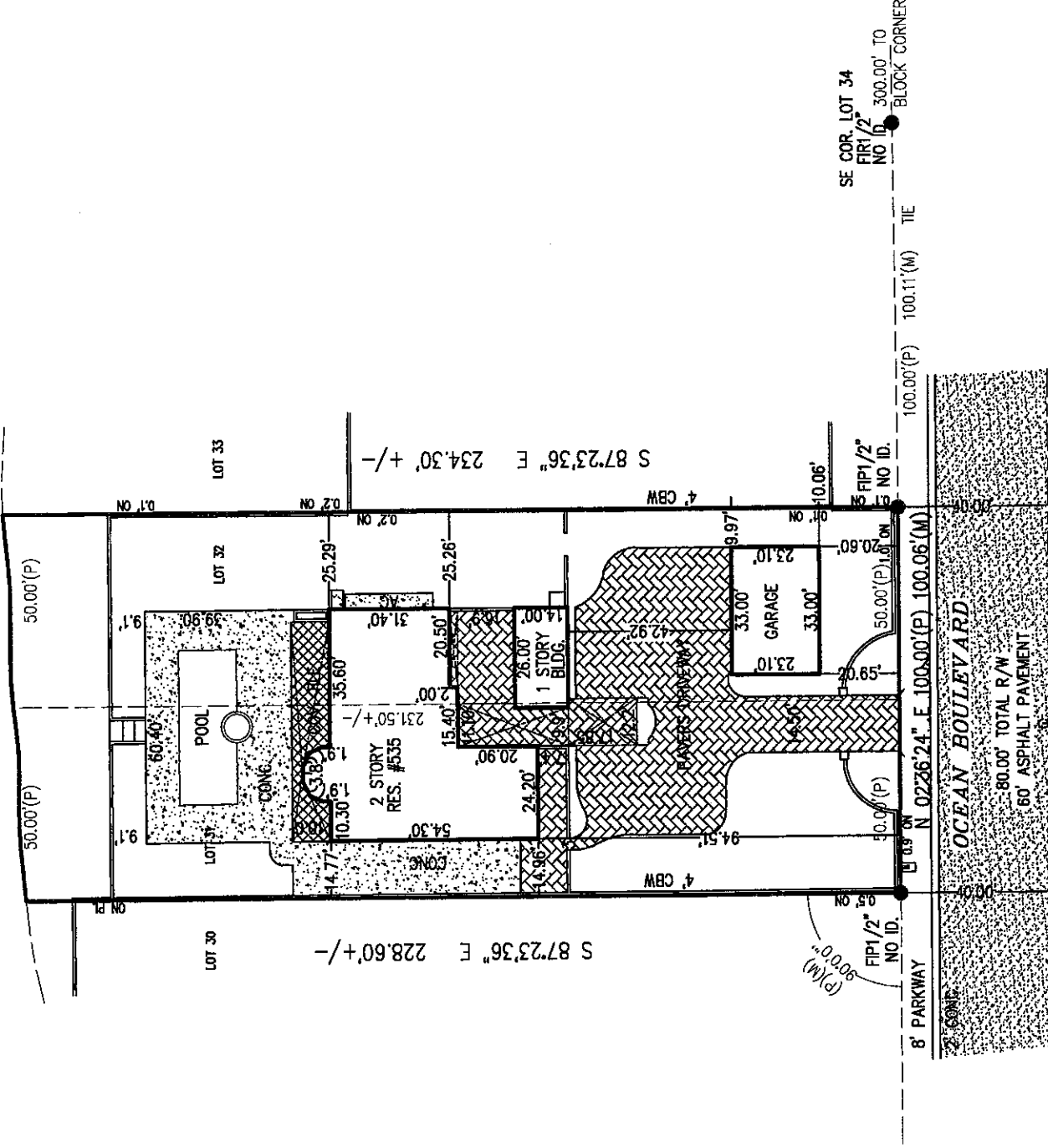
ATLANTIC OCEAN



SCALE: 1" = 40'

95.00' +/-  
85.00' +/-

100.00'(P) +/-



FILE NUMBER: OCE.BL.10-12

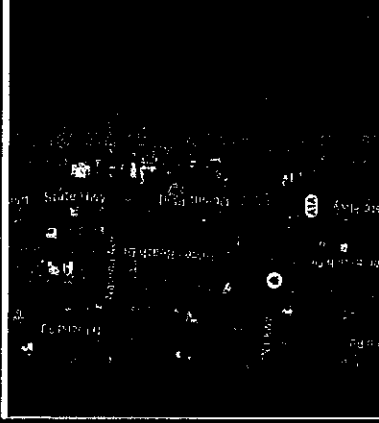
WWW.ALLSTATESURVEYORS.COM

PAGE 2 OF 2

OWN OF GOLDEN BEACH  
BEING ALABAMA  
HOLDING DATE

DEC 10 2013

APPROVED \_\_\_\_\_  
BY PLANNED \_\_\_\_\_  
VARIANCE REQ: \_\_\_\_\_



DATE : 10/10/13 FILE NUMBER: OCE.BL.10-12

PROPERTY ADDRESS : 535 OCEAN BOULEVARD GOLDEN BEACH, FL 33180

CERTIFICATIONS :

LEGAL DESCRIPTION :

SECTION: 35-51-42 COUNTY : MIAMI-DADE

535 OCEAN LLC.

LOTS 31 AND 32, IN BLOCK D, OF SECTION A OF GOLDEN BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 52, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

FLOOD INFORMATION:

COMMUNITY NUMBER: 120642  
PANEL NUMBER: 0151  
DATE OF INDEX: 09/11/09 SUFFIX: L  
FLOOD ZONE: X BASE FLOOD ELEV: N/A



LEGEND & ABBREVIATIONS:

- A/C.....AIR CONDITIONER
  - BM.....BENCHMARK
  - (C).....CALCULATED
  - C.G.....CONCRETE GUTTER OR VALLEYED GUTTER
  - C & G.....CURB & GUTTER
  - CH.....CHORD
  - C.M.E.....CANAL MAINTENANCE EASEMENT
  - CONC.....CONCRETE
  - CORNER NOT ACCESSIBLE
  - D.L.A.(CENTRAL ANGLE)
  - D.L.E.....DRAINAGE EASEMENT
  - E.C.P.....EDGE OF PAVEMENT
  - E.C.S.....ENGINE CORNER
  - F.H.....FOUND DRILL HOLE
  - F.F.....FENCE BASIS
  - F.F.F.....FINISHED FLOOR
  - F.F.P.....FOUND IRON PIPEROD
  - F.N.....FOUND NAIL
  - F.N.D.....FOUND NAIL AND DISC
  - F.P.N.....FOUND PARKER/MALON NAIL
  - I.D.....IDENTIFICATION SURVEYORS IDENTIFICATION CHART
  - L.....LENGTH
  - L.A.E.....LIMITED ACCESS EASEMENT
  - L.M.E.....LAKE MAINTENANCE EASEMENT
  - (M).....MEASURE
  - OS.....OFFSET
  - P.C.....POINT OF CURVATURE
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  - P.L.....PLANTER
  - P.O.B.....POINT OF BEGINNING
  - P.O.C.....POINT OF COMMENCEMENT
  - P.R.C.....POINT OF REVERSE CURVATURE
  - P.R.M.....PERMANENT REFERENCE MONUMENT
  - P.T.....POINT OF TANGENCY
  - R.....RADIUS
  - (R).....RECORD
  - S.H.....SIGHT OF IRON ROD
  - S.M.....SET NAIL AND DISC
  - S.N.....SET NAIL AND DISC
  - (TYP).....TYPICAL
  - U.E.....UTILITY EASEMENT
  - W.E.....WATER'S EDGE
- POINTS OF INTEREST  
 (A) SPECIFIES POINT OF INTEREST  
 (B) SPECIFIES POINT OF INTEREST
- OVERHEAD CABLES(OH)  
 OH  
 POLYVINYLCHLORIDE FENCE (PVCF)  
 WIRE OR CHAIN LINK FENCE (CLF)  
 WOOD FENCE (WF)  
 METAL FENCE (MF)  
 MASONRY OR CONCRETE BLOCK WALL  
 CONCRETE  
 OVERHANG(OH) OR ROOF  
 COMMUNICATIONS BOX  
 CATCHER BASIN  
 SEWER MANHOLE  
 UTILITY POLE (UP)  
 LIGHT POLE (LP)  
 WATER METER (WM)  
 UTILITY ANCHOR  
 FIRE HYDRANT (FH)  
 CENTER LINE  
 PROPERTY LINE  
 WATER VALVE / CLEANOUT  
 CABLE BOX (CA.V)  
 ELECTRIC METER (EM)  
 ELECTRIC BOX (FPL)  
 HANDICAP PARKING (HCP)  
 PLANTER OR PLANTED  
 ELEVATION MARKER  
 TREE (SIZE / TYPE)  
 TREE (SIZE / TYPE)  
 TREE (SIZE / TYPE)  
 TREE (SIZE / TYPE)

QR CODE SCAN



BILL HENRY HYATT, JR.  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA LICENSE NUMBER: 4636



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1844 N NOB HILL ROAD #429  
SUNRISE, FLORIDA 33322

PAGE 1 of 2

FILE NUMBER: OCE.BL.10-12

PHONE: (888) 569-0480  
FAX: (888) 569-4590

TOWN OF GOLDEN BEACH  
BUILDING AND SAFETY DEPT  
HEARING DATE

DEC 10 2013

APPROVED  
DRAWN BY  
VARIFIED BY

ATLANTIC OCEAN



SCALE: 1" = 40'

95.00' +/-

85.00' +/-

100.00'(P) +/-

50.00'(P)

50.00'(P)

S 87°23'36" E 228.60' +/-

LOT 30

231.50' +/-

LOT 32

S 87°23'36" E 234.30' +/-

LOT 33

33.00' GARAGE  
F.F. = 13.70'  
23.10'

9.97'

20.60'

33.00'

50.00'(P)

8' PARKWAY

20.65'

20.60'

10.06'

10.06'

20.65'

20.60'

10.06'

10.06'

20.65'

20.60'

10.06'

10.06'

20.65'

20.60'

10.06'

10.06'

20.65'

20.60'

10.06'

OCEAN BOULEVARD  
80.00' TOTAL R/W  
60' ASPHALT PAVEMENT

(P)(M)

FIP1/2" NO ID.

FIP1/2" NO ID.

TIE

SE COR. LOT 34

FIP1/2" NO ID.

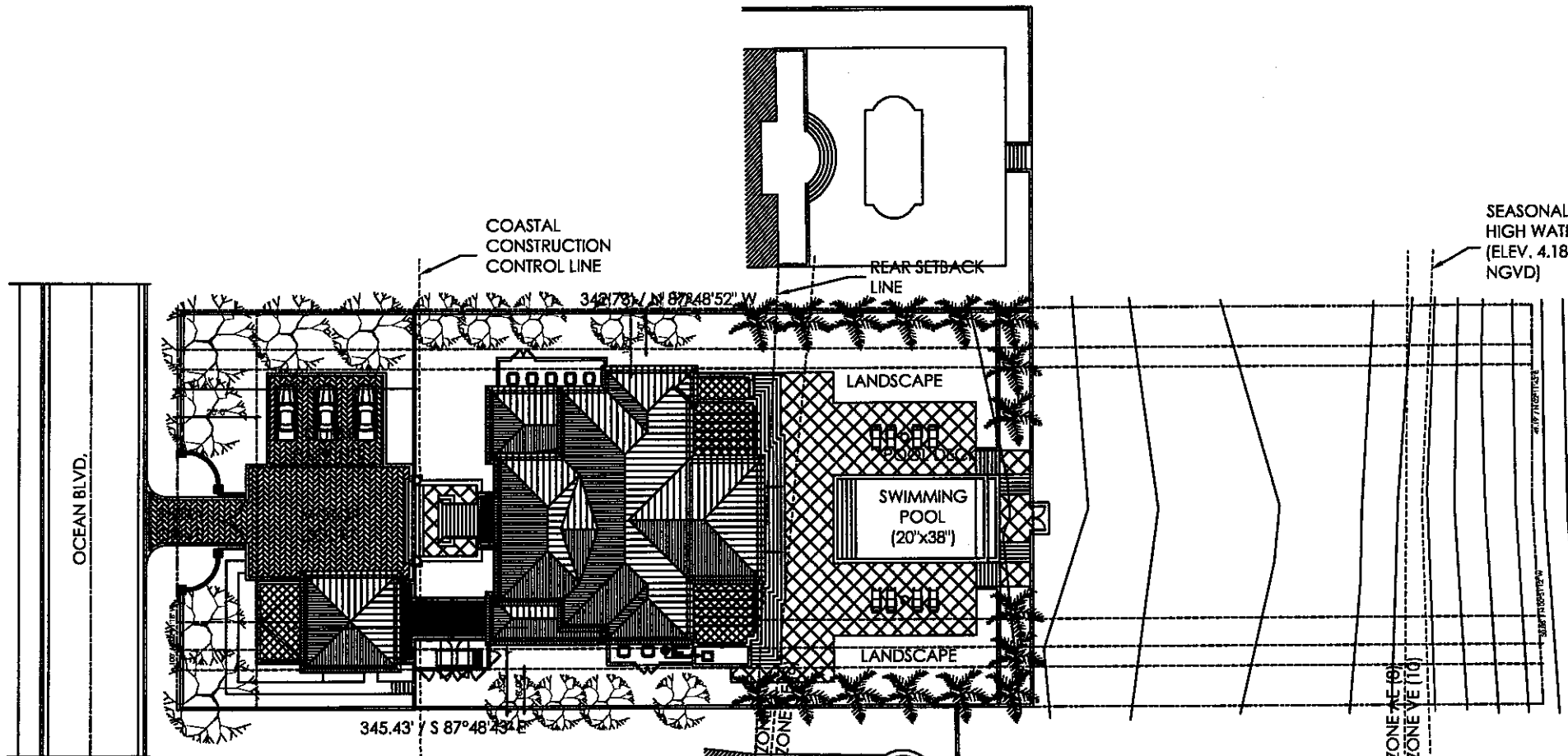
300.00' TO BLOCK CORNER

NOTE:  
ELEVATIONS DEPICTED REFERENCE  
MIAMI-DADE COUNTY BENCHMARK ID: 0203  
ELEVATION 5.39' NGVD28  
ALL ELEVATIONS SHOWN ARE IN NGVD 28

TOWN OF GOLDEN BEACH  
BUILDING DEPARTMENT AND  
PLANNING DEPARTMENT

DEC 10 2013

APPROVED \_\_\_\_\_  
DATE RECEIVED \_\_\_\_\_  
VARIANCE NO. \_\_\_\_\_



**SITE PLAN**  
SCALE 3/32 = 1'-0"

TOWN OF GOLDEN BEACH  
PUBLIC AND BOARD AND  
HEARING DATA

DEC 10 2013

APPROVED \_\_\_\_\_  
DATE/PLACED \_\_\_\_\_  
VARIATION/NO. \_\_\_\_\_

AREA COMPUTATIONS	
SFR - SINGLE FAMILY RESIDENTIAL	
<b>SETBACKS:</b>	
FRONT SETBACK	20'-0" / 160'-0"
SIDE SETBACK	10'-0" EA.
REAR SETBACK	SEE SITE
<b>LOT COVERAGE:</b>	
LOT AREA =	34,344 SQ. FT.
<b>ADJUSTED SQUARE FOOTAGE:</b>	
BASEMENT A/C AREA:	4,533 SQ. FT.
FIRST FLOOR A/C AREA:	3,824 SQ. FT.
SECOND FLOOR A/C AREA:	2,286 SQ. FT.
TOTAL A/C AREA PROVIDED=	10,643 SQ. FT.
GARAGE AREA:	935 SQ. FT.
COVERED TERRACES:	2,062 SQ. FT.
TOTAL GROSS AREA=	13,640 SQ. FT.

PACHECO-MARTINEZ  
& ASSOCIATES LLC.  
AA26002619 - AR6412 - AR9373  
4990 SW 72nd AVE, SUITE 101 MIAMI FL 33155  
T (305) 666-2573, F (305) 666-3871

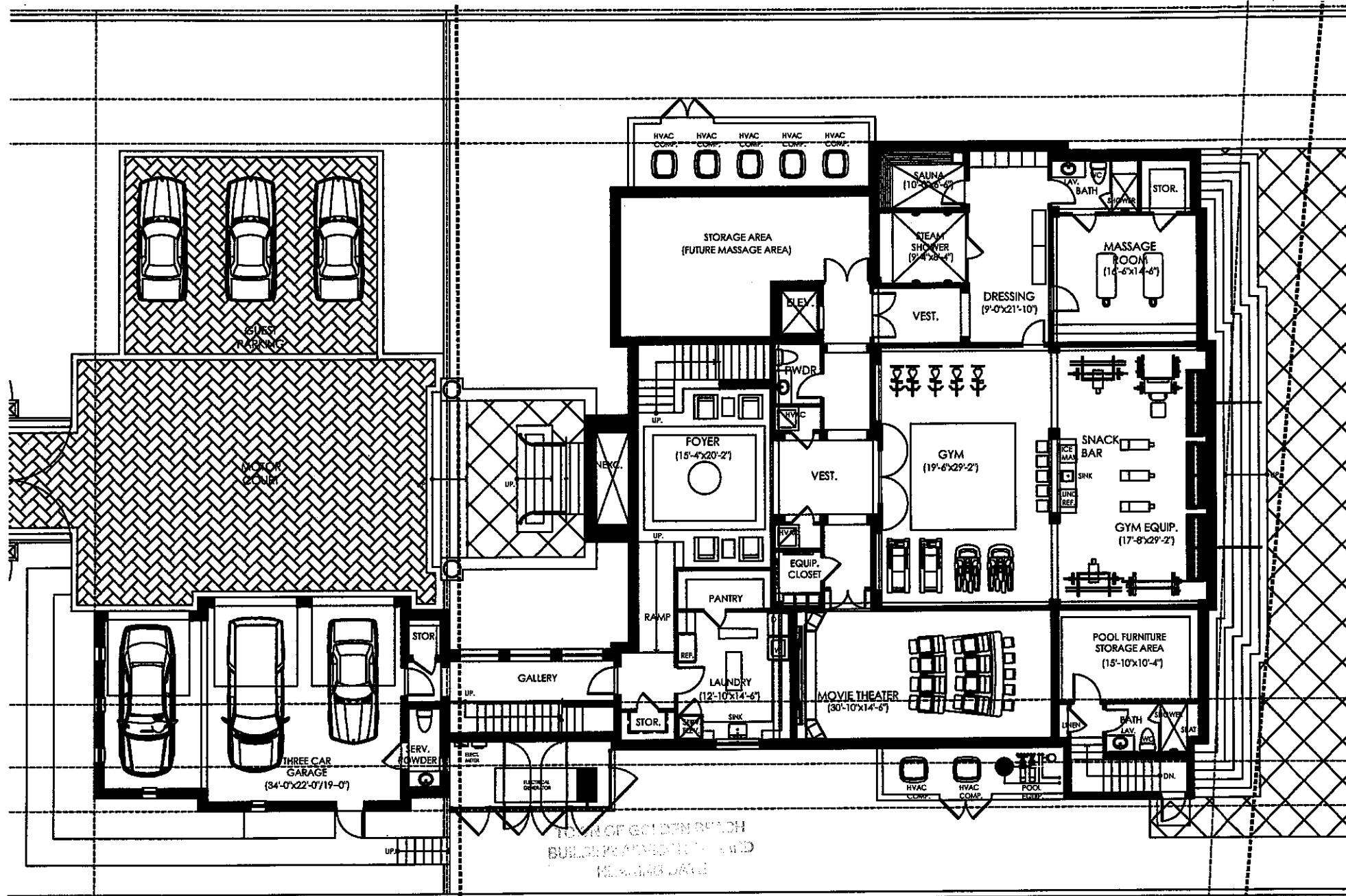


Subject to the submission of all required qualifications and documents to the City of Golden Beach, Florida, and the approval of the Architectural and Planning Board. The City of Golden Beach reserves the right to modify or cancel this permit at any time without notice. The applicant shall be responsible for obtaining all necessary permits from the appropriate agencies. The applicant shall be responsible for obtaining all necessary approvals from the appropriate agencies. The applicant shall be responsible for obtaining all necessary approvals from the appropriate agencies.

NEW REVISIONS FOR:  
**535 OCEAN LLC.**  
535 OCEAN BOULEVARD  
GOLDEN BEACH, FLORIDA

date	issued	drawn	checked	project no.
01-11-13				
08-23-13				



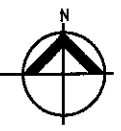


TOWN OF GOLDEN BEACH  
 BUILDING DEPARTMENT  
 110 S. GARDEN WAY

DEC 10 2013

APPROVED \_\_\_\_\_  
 DRAWN BY \_\_\_\_\_  
 VALERIE HODGSON

**GROUND FLOOR PLAN**  
 SCALE 1/8" = 1'-0"



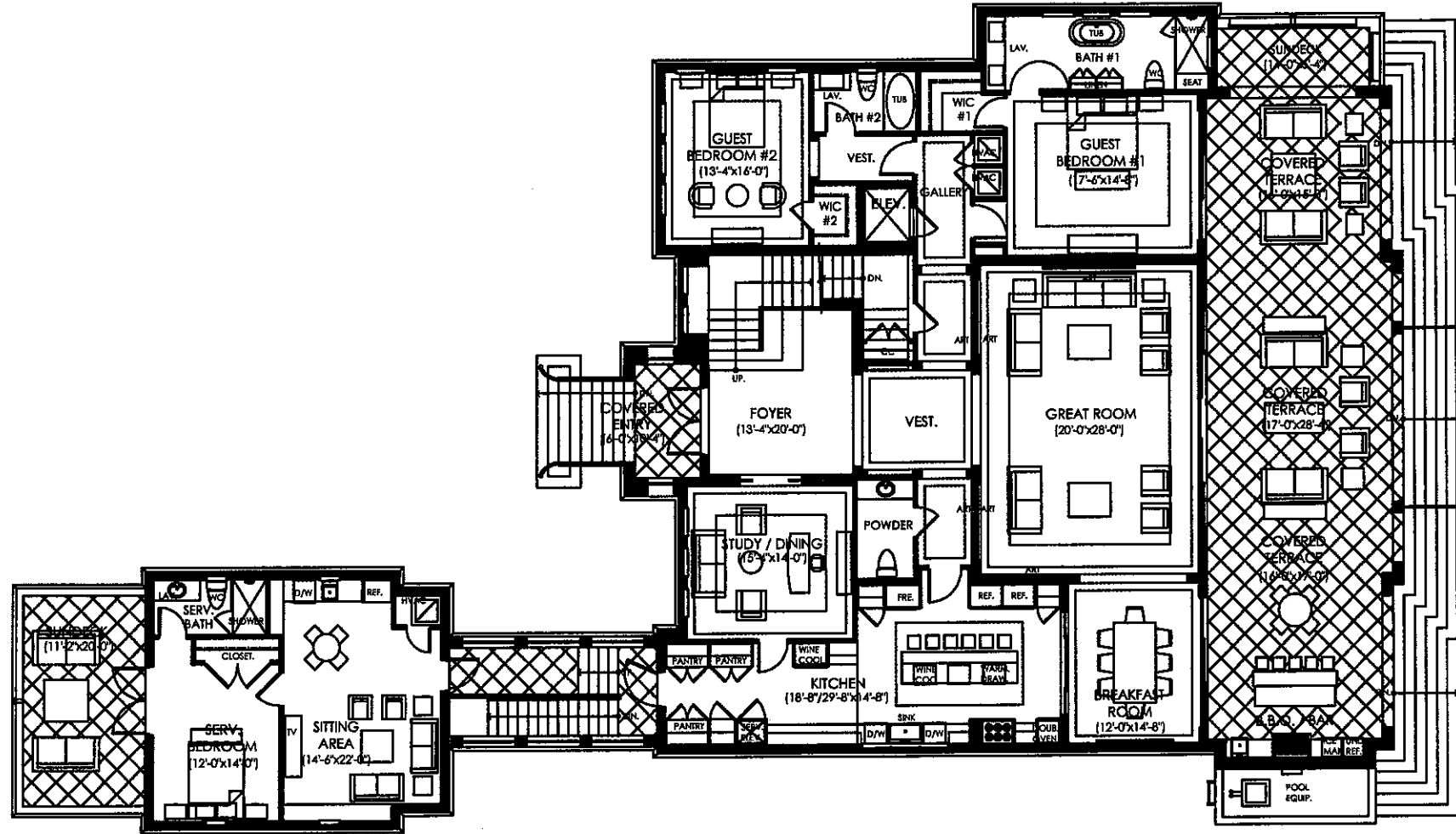
**PACHECO-MARTINEZ & ASSOCIATES LLC.**  
 A-02600519 - AR-6412 - AR-9373  
 4950 SW 72nd AVE. SUITE 101 MIAMI, FL 33155  
 T (305) 666-2973 F (305) 666-3871



Accepted by the building department of the Town of Golden Beach, Florida, on the condition that the applicant shall comply with all applicable codes, ordinances, rules and regulations of the Town of Golden Beach, Florida, and shall maintain the same in accordance with the approved plans. The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

**535 OCEAN LLC.**  
 535 OCEAN BOULEVARD  
 GOLDEN BEACH, FL 32909

DATE	REVISIONS
08-23-13	1
08-23-13	2
08-23-13	3
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08-23-13	6
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08-23-13	100



TOWN OF GOLDEN BEACH  
 BUILDING DEPARTMENT  
 BEACH, FLORIDA

DEC 10 2013

APPROVED \_\_\_\_\_  
 PROJECT NO. \_\_\_\_\_  
 VISITING ARCHITECT \_\_\_\_\_

FIRST FLOOR PLAN  
 SCALE 1/8" = 1'-0"



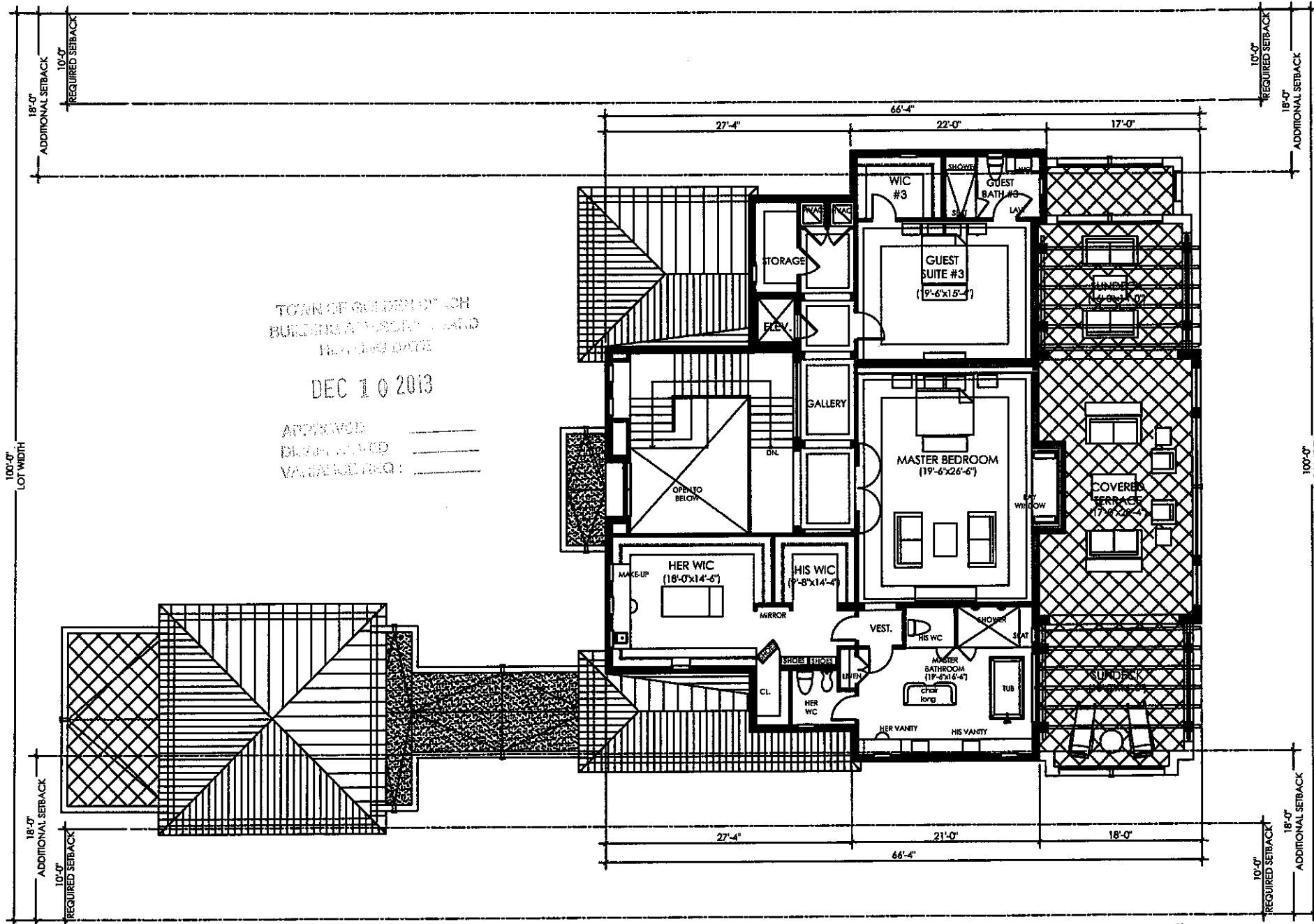
date	issued	drawn	checked	project no.	sheet no.
07-11-13					
08-01-13					

NEW REFERENCE FOR:  
**535 OCEAN LLC.**  
 535 OCEAN BOULEVARD  
 GOLDEN BEACH, FLORIDA

Architect's The author and owner of all drawings and specifications and other documents for the project are the author and owner of the project. The author and owner of the project are the author and owner of the project. The author and owner of the project are the author and owner of the project.



**PACHECO-MARTINEZ & ASSOCIATES, LLC.**  
 A326026119 - AR6412 - AP93773  
 4990 SW 72nd AVE SUITE 101 MIAMI FL 33155  
 T (305) 666-2573 F (305) 666-3871



TOWN OF GOLDEN BEACH  
 BUILDING DEPARTMENT  
 RECEIVED DATE  
 DEC 10 2013  
 APPROVED \_\_\_\_\_  
 DRAWN BY \_\_\_\_\_  
 VALIDATED BY \_\_\_\_\_

SECOND FLOOR PLAN  
 SCALE 1/8" = 1'-0"



PACHECO-MARTINEZ  
 & ASSOCIATES LLC.  
 A22002619 - AR412 - AR9573  
 4990 SW 72nd AVE SUITE 101 MIAMI FL 33155  
 T (305) 666-2573 F (305) 666-3871



NEW RESOURCE FOR:  
**535 OCEAN LLC.**  
 535 OCEAN BOULEVARD  
 GOLDEN BEACH, FLORIDA

DATE	ISSUED	DRAWN	CHECKED	PROJECT NO.	REVISIONS
07/11/13					1
08/23/13					2
					3
					4



FRONT ELEVATION (WEST)

SCALE 1/4" = 1'-0"



REAR ELEVATION (EAST)

SCALE 1/4" = 1'-0"

TOWN OF GOLDEN BEACH  
BUILDING DEPARTMENT  
HOLDING DATE

DEC 10 2013

APPROVED \_\_\_\_\_  
DISAPPROVED \_\_\_\_\_  
VARIANCE NED: \_\_\_\_\_

FINISH LEGEND

- 1 FLAT CEMENT TILE ROOF (TYP.)
- 2 SMOOTH STUCCO FINISH (TYP.)
- 3 SMOOTH PRECAST CORNICE MOLDING
- 4 SMOOTH PRECAST WINDOW SILL
- 5 SMOOTH PRECAST OVERFLOW SCUPPER
- 6 CONTINUOUS SMOOTH PRECAST MOLDING
- 7 LIGHT FIXTURE (TO BE SELECTED BY OWNER / ARCHITECT)
- 8 IMPACT RESISTANT WINDOW & DOORS, UNDER A SEPARATE PERMIT, SUBMIT SHOP DWGS FOR APPROVAL.
- 9 SMOOTH STUCCO FINISH ON A MASONRY SQUARE COLUMN.
- 10 FORGED ALUMINUM RAILING TO REFLECT A 4" SPHERE. SUBMIT SHOP DWGS. FOR APPROVAL. RAILING DESIGN TO BE SELECTED BY OWNER / ARCHITECT.
- 11 METAL LOUVERS SUBMIT SHOP DWG. FOR APPROVAL.
- 12 IMPACT RESISTANT GARAGE DOOR, WOOD VENEER.
- 13 DECORATIVE CANVAS CANOPY
- 14 DECORATIVE WOOD TRELLIS
- 15 EXHAUST COPPER COVER

PACHECO-MARTINEZ & ASSOCIATES LLC.  
A 234002619 - AR.0412 - AR03773  
4910 SW 72nd AVE. SUITE 101 MIAMI, FL 33155  
T (305) 666-2573 F (305) 666-3871

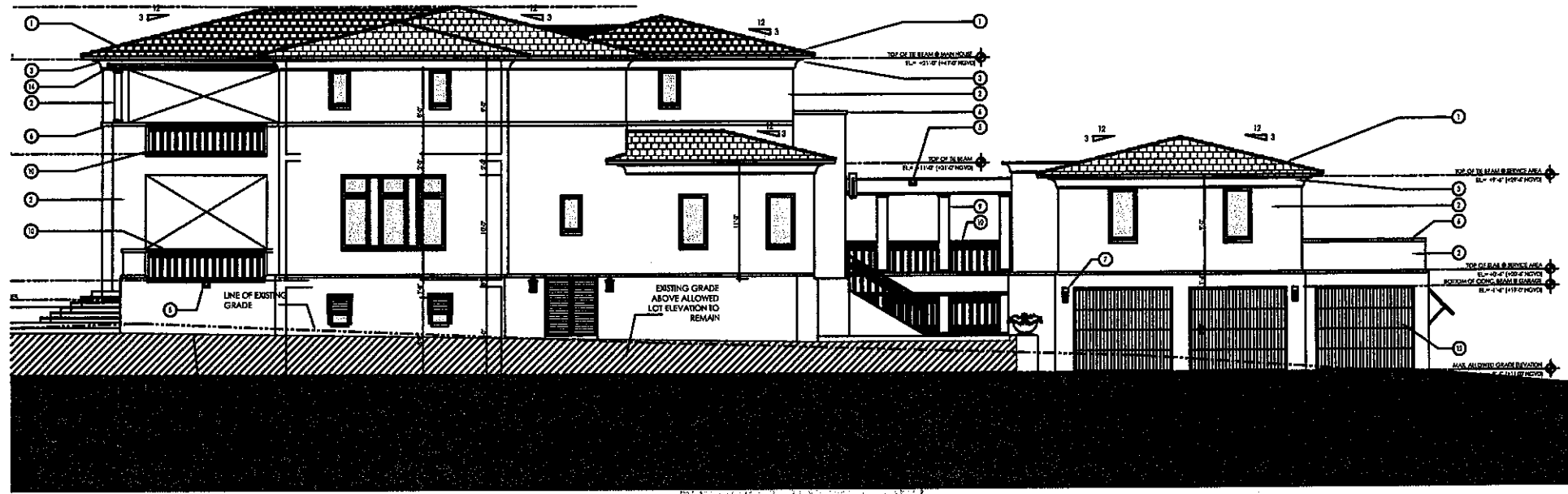


Approved by the author and owner of design and specifications and other documents, including those electronic files prepared by the author and his assistants. The author and his assistants shall retain the right to use the design and specifications for other projects. The owner shall retain the right to use the design and specifications for other projects.

NEW RESIDENCE FOR:  
**535 OCEAN LLC.**  
535 OCEAN BOULEVARD  
GOLDEN BEACH, FLORIDA

DATE	ISSUED	REVISIONS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

date issued drawn checked project no.  
sheet no.



**FINISH LEGEND**

1 FLAT CEMENT TILE ROOF (TYP.)	8 SMOOTH STUCCO FINISH ON A MASONRY SQUARE COLUMN.
2 SMOOTH STUCCO FINISH (TYP.)	9 FORGED ALUMINUM RAILING TO RESIST A 4" SPHERE. SUBMIT SHOP DWG. FOR APPROVAL. RAILING DESIGN TO BE SELECTED BY OWNER / ARCHITECT.
3 SMOOTH PRECAST CORNICE MOLDING	10 METAL LOUVERS SUBMIT SHOP DWGS. FOR APPROVAL
4 SMOOTH PRECAST WINDOW SILL	11 IMPACT RESISTANT GARAGE DOOR. WOOD VENER.
5 SMOOTH PRECAST OVERFLOW SCUPPER	12 DECORATIVE CANVAS CANOPY
6 CONTINUOUS SMOOTH PRECAST MOLDING	13 DECORATIVE WOOD TRELLIS
7 LIGHT FIXTURE (TO BE SELECTED BY OWNER / ARCHITECT)	14 EXHAUST COPPER COVER
8 IMPACT RESISTANT WINDOW & DOORS, UNDER A SEPARATE PERMIT. SUBMIT SHOP DWGS FOR APPROVAL.	

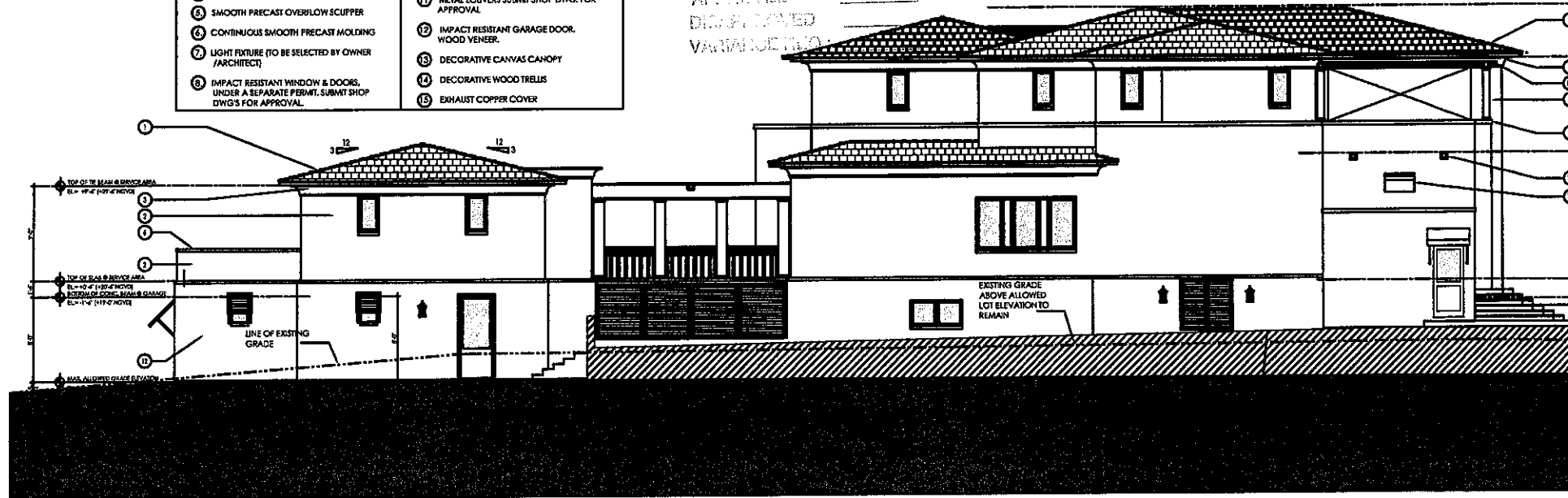
BUILDING APPROVAL PERMIT AND  
REVISIONS DATE

DEC 10 2013

APPROVED  
DIGITAL SIGNED  
VAN BANGUET

**SIDE ELEVATION (NORTH)**

SCALE 1/4" = 1'-0"



**SIDE ELEVATION (SOUTH)**

SCALE 1/4" = 1'-0"

**PACHECO-MARTINEZ & ASSOCIATES LLC.**  
A 230002619 - AR 6412 - AP99778  
4990 SW 72nd AVE. SUITE 101 ARAA FL 33155  
T (855) 666-2573 - F (855) 666-9871



As per the author and owner of design and production and other documents including but not limited to: has been prepared by the author and the architect. The author and the architect assume no responsibility for any errors or omissions in the design and production of the documents. The owner shall be responsible for the design and production of the documents and shall be responsible for any errors or omissions in the design and production of the documents.

**535 OCEAN LLC.**  
NEW RESIDENCE FOR:  
535 OCEAN BOULEVARD  
GOLDEN BEACH, FLORIDA

date	issued	drawn	checked	project no.
07-11-13				
08-20-13				

revisions

no.	description
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11	
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15	

sheet no.



**PARTIAL ELEVATION (WEST)  
BREEZEWAY CROSS SECTION**

SCALE 1/4" = 1'-0"

TOWN OF GOLDEN BEACH  
BUILDING ADVISORY BOARD  
HEARING DATE:

DEC 10 2013

APPROVED \_\_\_\_\_  
DESIGNED \_\_\_\_\_  
VARIANCE REQ: \_\_\_\_\_

**FINISH LEGEND**

- 1 FLAT CEMENT TILE ROOF (TYP.)
- 2 SMOOTH STUCCO FINISH (TYP.)
- 3 SMOOTH PRECAST CORNICE MOLDING
- 4 SMOOTH PRECAST WINDOW SILL
- 5 SMOOTH PRECAST OVERFLOW SCUPPER
- 6 CONTINUOUS SMOOTH PRECAST MOLDING
- 7 LIGHT FIXTURE (TO BE SELECTED BY OWNER / ARCHITECT)
- 8 IMPACT RESISTANT WINDOW & DOORS, UNDER A SEPARATE PERMIT, SUBMIT SHOP DWG'S FOR APPROVAL.
- 9 SMOOTH STUCCO FINISH ON A MASONRY SQUARE COLUMN.
- 10 FORGED ALUMINUM RAILING TO REJECT A 4" SPHERE. SUBMIT SHOP DWG. FOR APPROVAL. RAILING DESIGN TO BE SELECTED BY OWNER / ARCHITECT.
- 11 METAL LOUVERS SUBMIT SHOP DWG. FOR APPROVAL.
- 12 IMPACT RESISTANT GARAGE DOOR, WOOD VENEER.
- 13 DECORATIVE CANVAS CANOPY
- 14 DECORATIVE WOOD TRELLIS
- 15 EXHAUST COPPER COVER

**PACHECO-MARTINEZ & ASSOCIATES LLC.**  
A 0200202119 - AR 6412 - AR 93773  
4990 SW 72nd, AVE. SUITE 101 MIAMI, FL 33155  
T (305) 666-2573 - F (305) 666-3871

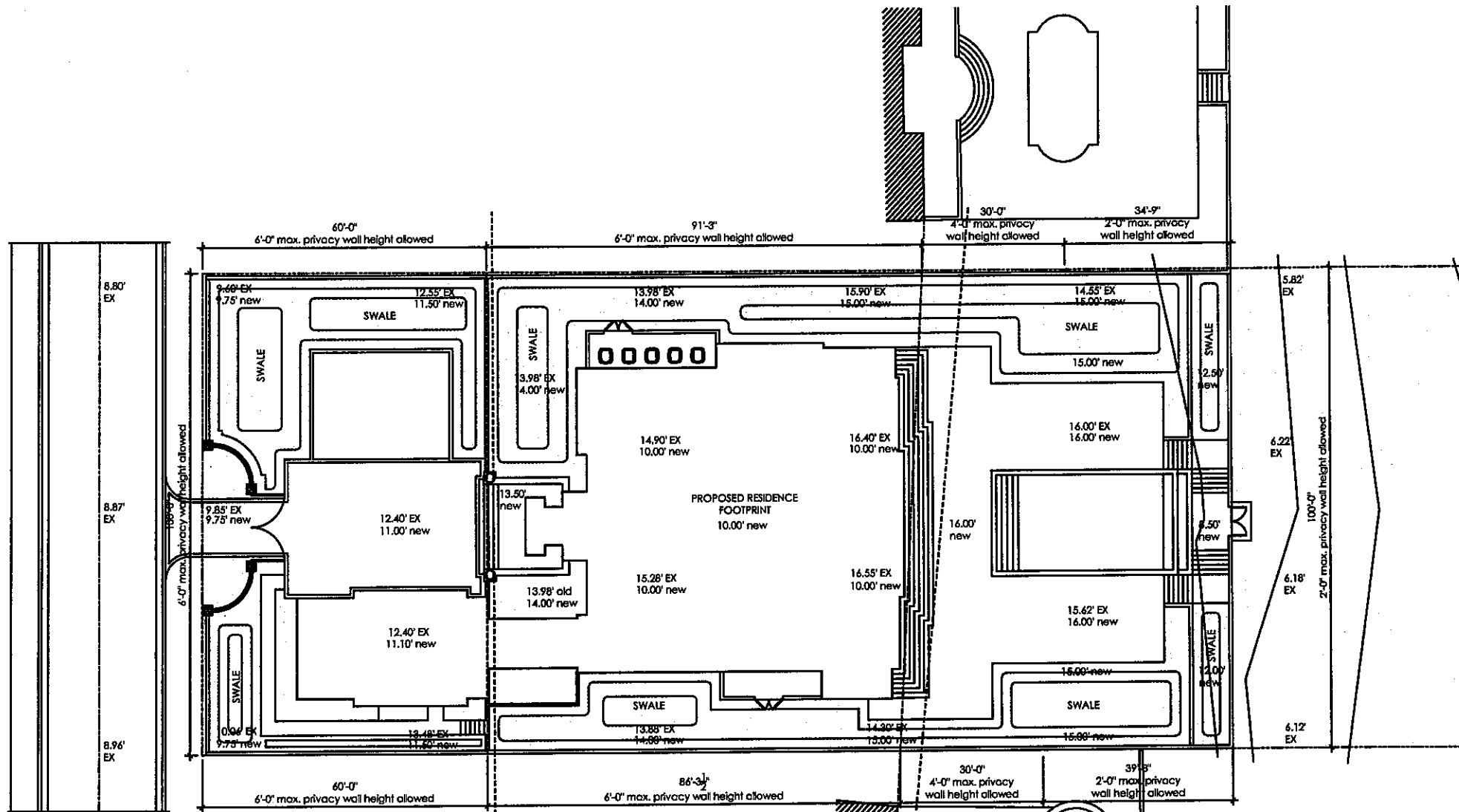


Accepted to the order and owner of this drawing and its contents are not to be used for any other project without the written consent of Pacheco-Martinez & Associates LLC. The owner shall be responsible for obtaining all necessary permits and approvals for this project. The owner shall be responsible for obtaining all necessary permits and approvals for this project. The owner shall be responsible for obtaining all necessary permits and approvals for this project.

**535 OCEAN LLC.**  
NEW RESIDENCE FOR  
535 OCEAN BOULEVARD  
GOLDEN BEACH, FLORIDA

DATE	BY	DESCRIPTION

date: \_\_\_\_\_  
 revised: \_\_\_\_\_  
 drawn: \_\_\_\_\_  
 checked: \_\_\_\_\_  
 project no.: \_\_\_\_\_  
 sheet no.: \_\_\_\_\_



EXISTING AND  
PROPOSED  
ELEVATIONS PLAN

SCALE 3/32 = 1'-0"



TOWN OF GOLD BEACH  
BUILDING DEPARTMENT  
PLANNING DATE

DEC 10 2013

APPROVED  
DISAPPROVED  
VARIANCE REQUIRED

date	revision
_____	1
_____	2
_____	3
_____	4

NEW RESIDENCE FOR:

**535 OCEAN LLC.**

535 OCEAN BOULEVARD  
GOLDEN BEACH, FLORIDA

In addition to the author and creator of this drawing and its contents, no other person, including those who provide information to the author and the author's assistants and the author's staff, shall be responsible for the accuracy of the information provided in this drawing. The user of this drawing is advised that the user shall be responsible for the accuracy of the information provided in this drawing.



**PACHECO-MARTINEZ  
& ASSOCIATES LLC.**  
A20002619 - AR412 - AR93773  
4990 SW 72nd AVE. SUITE 101 MIAMI, FL 33155  
T (305) 664-2573 F (305) 664-3871



TOWN OF GOLDEN BEACH  
1 Golden Beach Drive  
Golden Beach, FL 33160

**Summary Minutes**  
**BUILDING REGULATION ADVISORY BOARD**  
**December 10, 2013 at 6:00pm**

- A. CALL MEETING TO ORDER:** 6:15pm
- B. BOARD ATTENDANCE:** Stephanie Halphen, Jerome Hollo, and Fred Chouinard.
- C. STAFF ATTENDANCE:** Daniel Nieda, Building Official and Linda Epperson Director B&Z
- D. APPROVAL OF MINUTES:** October 8, 2013 and November 12, 2013
- Motion to table by Stephanie Halphen, Seconded by Fred Chouinard  
On roll call: Stephanie Halphen-Aye, Jerome Hollo-Aye, and Fred Chouinard-Aye  
Motion passed 3 – 0

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

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

1. Alex and All Shchegol  
680 Golden Beach Drive  
Golden Beach, FL 33160

Property Address: 680 Golden Beach Drive, GB, FL.

Folio No: 19-1235-006-0500

Legal Description: Lots 17 & 18, a Port of Lot 16, Blk E, GB Sect F,  
PB 10-11

Adrian from Ocean Consulting spoke on behalf of the applicant.  
Daniel B. Nieda, Building Official read his comments into the record.

Proposed construction of a new dock.

Relief from Town Code Section 46-84 General specifications for docks  
No dock shall be permitted to be constructed, repaired, or  
reconstructed within the limits of the Town which shall extend more  
than six feet outside the lot property line into an inside (width of 100  
feet or less) waterway nor more than ten feet outside the lot property  
line into an outside (width greater than 100 feet) waterway.

Request is to allow the dock to extend out into the waterway at 9.5'



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.

A motion to recommend approval was made by Fred Chouinard, Seconded by Stephanie Halphen.

On roll call: Stephanie Halphen-Nay, Jerome Hollo-Nay, and Fred Chouinard-Nay  
Motion failed 3 – 0

2. 535 Ocean LLC  
2700 W. Cypress Creek Road – C103  
Ft. Lauderdale, FL. 33309

Ramon Pacheco, Architect spoke on this item  
Kimberly Ginsberg, Atty, spoke on behalf of the applicant  
Daniel B. Nieda, Building Official read his comments into the record.

Property Address: VL a/k/a 535 Ocean Boulevard, Golden Bch, FL  
Folio No: 19-1235-006-1090 and 1100  
Legal Description: Lot 38 – 41, Block M, GB Sect. F, PB 10-11

Relief from Town Code Section 66-102 Minimum lot and swale elevations; grades; (a) The finished grade of any lot shall not exceed an elevation of 24 inches above the crown of the road adjacent to the lot and in no event shall exceed an elevation of six feet N.G.V.D. except for lots abutting Ocean Boulevard where the minimum elevation shall be 12 inches above the crown of the road, and the maximum elevation shall not exceed an elevation of 11 feet N.G.V.D. Exterior slabs and walkways shall not exceed an elevation of 36 inches above the crown of the road adjacent to the lot.

Request is for varying grade elevations on deck and site throughout the property to be at an elevation not to exceed 15.00' N.G.V.D. when the code requires a maximum height of 11' N.G.V.D.

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.

A motion to recommend approval was made by Stephanie Halphen, Seconded by Fred Chouinard

On roll call: Stephanie Halphen-Aye, Jerome Hollo-Aye, and Fred Chouinard-Aye  
Motion passed 3 – 0

Adrian and Maria Gordon  
540 Ocean Blvd.  
Golden Beach, FL. 33160

David & Odette Amar  
530 Ocean Blvd.  
Golden Beach, FL. 33160

Sidney & Sandra Levy  
577 Ocean Blvd.  
Golden Beach, FL. 33160

535 Ocean LLC  
2700 W. Cypress Creek Road  
C103  
Ft. Lauderdale, FL. 33309

Pasquale & Veronique Lasry  
520 Ocean Blvd.  
Golden Beach, FL. 33160

521 Golden Beach LLC  
c/o JSRE Acquisitions LLC  
546 Fifth Avenue  
New York, N.Y. 10036

Ronald & Mary Rose Trapani  
561 Ocean Blvd.  
Golden Beach, FL. 33160

Isaac Mizrahi Smeke  
560 Ocean Blvd.  
Golden Beach, FL. 33160

Sticker International  
547 Ocean Blvd.  
Golden Beach, FL. 33160

Pasquale & Veronique Lasry  
520 Ocean Blvd.  
Golden Beach, FL. 33160

Elizabeth Shapkin  
P.O. Box 677  
Snowmass, CO 81654

David & Nehama Levy  
555 Ocean Blvd.  
Golden Beach, FL. 33160

535 Ocean LLC  
2700 W. Cypress Creek Road  
C103  
Ft. Lauderdale, FL. 33309



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160


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## MEMORANDUM

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**Date:** January 21, 2014

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Lissette Perez,   
Town Clerk

**Subject:** **Town Council Minutes**

---

Item Number:

3

### Recommendation:

It is recommended that the Town Council adopt the attached minutes of the Town's November 19<sup>th</sup>, 2013 Regular Town Council Meeting.



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

---

**Official Minutes for the November 19, 2013  
Regular Town Council Meeting called for 7:00 P.M.**

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### A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:04 p.m.

### B. ROLL CALL

**Councilmember's Present:** Mayor Glenn Singer, Vice Mayor Judy Lusskin, Councilmember Amy Isackson-Rojas, Councilmember Bernard Einstein, *Councilmember Kenneth Bernstein (arrived during Good and Welfare)*

**Staff Present:** Town Manager Alexander Diaz, Town Clerk Lissette Perez, Police Chief Don De Lucca, Assistant Police Chief George Cadavid, Finance Director Maria D. Camacho, *Town Attorney Steve Helfman (arrived during the Consent Agenda)*

### C. PLEDGE OF ALLEGIANCE

Chief of Police led the Pledge of Allegiance

### D. PRESENTATIONS / TOWN PROCLAMATIONS

Recognition of Officer of the Quarter – Eddy Lopez

\*\*\* Town Manager presented the Council with their year of service commemorative items; thanked Marie Talley for her assistance with acquiring these.

### E. MOTION TO SET THE AGENDA

ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT AGENDA/ AND CHANGES TO AGENDA

\*\*\* *None*

### F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee – None

Beautification Committee – None

Building Regulation Advisory Board – Town Clerk read a memo into the record from Chairman Jerome Hollo

Comprehensive Planning Board – None

Recreation Committee – None  
Security/Public Safety Committee – None  
Youth Leadership Committee – None

\*\*\* before beginning this section the **Town Manager** mentioned that the rules of Good and Welfare limit presentations to two minutes. He suggested that the Council take into consideration either having the Clerk only read two minutes of letters when they are submitted to the Clerk to be read into the record. Also asked the Council if they want to continue to allow residents to send letters to be read into the record, when they cannot attend a meeting.

## **G. GOOD AND WELFARE**

### **Charlene Koonin, 668 Golden Beach Drive**

Spoke about the rooftop terraces and elevator overrides. Requested that the Councilmembers seriously consider all of what the Building Advisory Board has recommended. Feels that having access to rooftops will seriously impact the way of life here in Golden Beach. Asked that a moratorium be placed on rooftop terraces and elevators until the Council has had an opportunity to reevaluate this code.

**Tony Rojas, 600 Golden Beach Drive** also spoke on the rooftop terraces. Stating that if homes are allowed to have these rooftop terraces, people's privacy will be invaded. Asked the Mayor and Council to consider not allowing these.

**Dina Nicolella, 522 North Parkway** sent a letter for the Clerk to read into the record.

**Neil Leff, 48 Terracina Avenue** sent a letter for the Clerk to read into the record.

\*\*\* **Councilmember Bernstein** arrived at this point in time. \*\*\*\*

**Harriet White, 654 Golden Beach Drive** stated that she supports Charlene Koonin in her disagreement with the installation of rooftop terraces. Thinks it will be noise and privacy issue, and should be considered for any homes that haven't been permitted yet.

## **H. MAYOR'S REPORT**

Asked for Neil Leff's issues to be placed on the next council meeting under a discussion item for him. Also mentioned that on a positive note, the entrance to Golden Beach looks great. Commended the Town staff on the bridges. Center island bridge is completed. North island bridge is almost at completion. Spoke on a party that took place on Ocean Boulevard that caused a lot of noise and disturbed a number of residents. Has already met with the Police Chief about the permitting and noise issues. The parking issue, the Town Manager and him have been working on coming up with solutions to that issue. Rooftop terraces will be addressed at the end of the Council meeting, and he would state his comments on that issue at that time. Wished everyone a Happy Thanksgiving and happy and healthy holidays.

## **I. COUNCIL COMMENTS**

### **Councilmember Rojas**

Commented on the party that took place on the beach. It seems to her that the consequences do not seem to matter to the people having the parties, they rather just

pay the fine. **Town Manager** stated, to set the record clear, it was a resident that owns the house that threw the party so even the provisions of the ordinance would not apply.

### **Councilmember Bernstein**

Thought the Halloween party was a complete success. Town looks great and he's just happy to be on the Council.

### **Councilmember Einstein**

Thanked all of the people who came to voice their opinions about the rooftop terraces and elevators, and the Council welcomes their comments. Commended the staff and Council for all of the things the Town has accomplished.

*\*\*\* Town Attorney Steve Helfman arrived at this point in time. \*\*\**

### **Vice Mayor Lusskin**

Mentioned that when she walked to the Halloween party, she noticed that there are a number of residents who keep their homes looking great, and there are a number of homes that are not abandoned that are not being maintained. Asked if the Town is going to put anything in place regarding how a resident maintains their home, because some homes are not being maintained? Thanked the Town Manager for addressing the issue with the pink trees on Ocean Boulevard and fixing the ones that were not working. Also requested that the Police Chief address the direction the cars park on the sides of Golden Beach Drive so that they face the direction of traffic.

## **J. TOWN MANAGER REPORT**

In response to Mr. Leff's letter – stated that he did have a report that he was going to present to Councilmember Einstein that will just be tabled until the January meeting. Commended the staff for the Halloween event and commended Vice Mayor Lusskin for putting together such a great Veteran's Day event. The issue with the party on A1A, it was a resident's event. The Town tries not to have events that impact the residents and will be more cognizant of that moving forward. Making significant headway as it relates to finishing the bridges. The Town received an excess of 6.5-million dollars worth of free money that the Town will not have to pay back. The Town recently had its FEMA inspection, passing with flying colors. Addressed the new gate arm system the Mayor directed the staff to acquire, once the bridges are complete. At the January meeting an item will be brought before the Council regarding a replacement of the transponder system with a new gate arm system at the entrance of Town. Reminded residents that there will not be a meeting in December, the next meeting will be the third Tuesday in January. Congratulated Chief De Lucca for winning his election to 4<sup>th</sup> Vice President of the International Association of Chiefs of Police.

**Mayor Singer** also interjected to congratulate the Chief of Police on winning the election and all the hard work he put into it.

**Chief De Lucca** thanked everyone for their support.

**Town Manager** mentioned that Linda Epperson is the employee of the quarter for the third quarter.

## **K. TOWN ATTORNEY REPORT**

None

**L. ORDINANCES – SECOND READING**

None

**M. ORDINANCES - FIRST READING**

None

**N. QUASI JUDICIAL RESOLUTIONS**

None

**O. CONSENT AGENDA**

1. **Minutes of the September 25<sup>th</sup>, 2013 Final Budget Hearing & Special Town Council Meeting**
2. **Minutes of the October 15<sup>th</sup>, 2013 Regular Town Council Meeting**
3. **A Resolution of the Town Council Approving a Contract with Miami-Dade County for a Records Improvement Project.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A CONTRACT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF GOLDEN BEACH FOR A RECORDS IMPROVEMENT PROJECT; AUTHORIZING AND DIRECTING THE TOWN MAYOR TO EXECUTE SAID CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Resolution No. 2331.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2331.13

4. **A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town and the City of Miami**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN AND THE CITY OF MIAMI; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No.  
Resolution No. 2332.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2332.13

Motion to approve was made by Councilmember Rojas, seconded by Vice Mayor Lusskin.

Consensus vote 5 Ayes 0 Nays. Items O1-O4 pass.

## **P. TOWN RESOLUTIONS**

None

## **Q. DISCUSSION & DIRECTION TO TOWN MANAGER**

Mayor Glenn Singer:  
None Requested

Vice Mayor Judy Lusskin:  
None Requested

Councilmember Amy Isackson-Rojas:  
\*\* Review of Ordinance allowing elevator overrides and rooftop terraces \*\*

**Town Manager** elaborated on the issue stating that many residents and architects have begun to allow the elevators to go up to the roof itself, and have begun to use the roof for additional space. BRAB is struggling with whether or not the roofs are going to be allowed to be used as terraces. The Town's code is silent on this. There are several areas of the Town's code where issues are silent, such as artificial turf. The objective tonight is to get a dialogue going as to whether or not the members of the Council feel that the roofs should be used for auxiliary purposes. The members of the BRAB have their set of opinions and recommendations. Currently what's allowed on the roof are generators and mechanical structures, and elevator overrides are required to be placed in a specific area of the roof. Traditionally the homes in Golden Beach prior to 2007-2008 were very Mediterranean, peaked roof design. After 2007-2008 it seems that the homes that are being designed in this particular community, are more modern, flat design. With those types of restrictions, how can you maximize the property? The matter came to a boiling point, he thinks, when there was an architect present at the BRAB meeting that presented a sink, built-in Jacuzzi, spa, picnic tables, and chairs as part of the design of the rooftop terrace. Stated that he thinks there was a concern from residents as to what would be allowed in this community. The BRAB denied all of those elements, but the Town's code does not provide guidance as to whether it is legal or permissible. What he would like is for some guidance from the Council for something to be put together for the January meeting.

**Councilmember Einstein** asked when did elevator overrides become something that would be allowed in homes.



**Town Manager** stated that the code is silent as to what you can have on the roof. In 2011 when the Council did its revision of ordinances, elevator overrides became something that was allowed and rooftop terraces were allowed as long as no more than 50% of the rooftop is used.

**Councilmember Rojas** stated that the BRAB felt that from 2011 to now the use of rooftop terraces and elevator overrides has gotten out of hand and is has become too extreme, and it reached a boiling point with this last home made a variance request for a number of items. In addition to finding that the code doesn't cover what's allowed and what's not, the BRAB also raised issues about noise and safety with things like hurricanes. Those items were also discussed, and she feels that they are all significant items. Plus at the last council meeting, Vice Mayor Lusskin also expressed that several residents had approached her stating that they did not want homes built next to them with these structures. Personally feels that now is the time the Council needs to address this, and personally feels that it is too much.

**Mayor Singer** asked Councilmember Rojas what is the negative to having an elevator override?

**Councilmember Rojas** said that the BRAB mentioned that allowing them would encourage the additional uses.

**Councilmember Einstein** stated that personally he is not in favor of them at all.

**Town Manager** stated that the code allows for an elevator override at the center of the home. The reason they were required to be at the center of the home is to keep it out of the sight of the neighbors.

**Councilmember Einstein** stated that they end up being eyesores to the neighbors and to everyone else. Asked if the Town could have a moratorium on this issue.

**Town Manager** stated that there are already about 5 homes with elevator overrides. And about 5 more that will come before the BRAB in December and January for rooftop terraces and permissible use. What the BRAB did in the particular case that brought this issue to the Council's attention is that they approved the use of the rooftop, but limited the amount of scope that can be allowed on the roof. They allowed the elevator override and rooftop terraces, while eliminating all the other items that were requested because the code allows for an occasional/passive use of a rooftop terrace. The code does say that 50% of the rooftop terrace is allowed. There are a whole slew of issues that arise regarding safety concerns with rooftop terraces.

**Mayor Singer** stated that this is something that the Council really needs to think about or possibly have a workshop on before requesting that the attorney draft something.

**Town Manager** stated that the one thing that there seems to be overwhelming support for from the Council is issuing some sort of moratorium on this issue in the meantime. He requested to defer to the Town Attorney how to properly set a moratorium on something before it can be addressed for a vote by the Council.

**Town Attorney** stated that he thinks that the idea of studying what is appropriate is the right approach. The question is, can you put a moratorium in place while going through that study process? The answer is yes. It can't be indefinite and you have to have a purpose. I would say that 180 in which to evaluate, study and come back with recommendations.

**Mayor Singer** stated that he feels that the Council needs the BRAB and Building Official Dan Nieda present in the discussion.

**Town Attorney** stated that the Council also needs some architectural/design input. Here's the issue – if the Council is not meeting in December and it is going to begin a study process in January, with a number of applicants in the pipeline. There are two ways to effectuate a moratorium: (1) start the process immediately and give notice to people that are in the pipeline that the rules may change. That they are not vested and that they are not protected. And the Town can do that now, which is sort of a zoning in process notice to tell people that the Council has decided to go forward with a study process and to amend the code to make people aware that whatever they do they may be going at their own risk. That I think you should do right away; and (2) the Council should adopt a formal moratorium, but that can't be done until the next meeting, and it takes two readings of an ordinance to adopt a moratorium. The right way to do this is to put people on notice that there is a zoning on progress process that has been initiated tonight with this board, and that whoever proceeds forward proceeds at their own risk. That the rules might change on them by the time they get to a permit.

**Councilmember Bernstein** stated that if the use of rooftop terraces will be allowed, the Town needs to consider the use of it by person's with handicaps.

**Mayor Singer** made a motion to put everyone on notice that the Town is looking at different options on how to address this issue.

**Town Manager** asked that Mayor Singer also include in his motion that there be a workshop held noticing the Council, BRAB and parties of interest. He stated that the Town could try to coordinate that for late January or early February.

**Councilmember Bernstein** asked why not schedule the workshop in December.

**Mayor Singer** asked that the meeting be held in the first or second weeks of January.

**Town Manager** advised that that would not be enough time for the staff to coordinate the meeting.

**Town Attorney** stated that he would prepare an appropriate notice that will be posted at the building department, on the Town's website and a specific notice for those people who have already filed an application or are in a design process. He will also look at other communities similar to Golden Beach's for guidance.

A motion to place a moratorium on all homes requesting to build rooftop terraces and elevator overrides was made by **Mayor Singer**, seconded by **Councilmember Rojas**.

**Mayor Singer** reiterated the stipulations of the motion, reminding residents that all homes that already have permits are exempt.

Councilmember Kenneth Bernstein:  
None Requested

Councilmember Bernard Einstein:  
None Requested

Town Manager Alexander Diaz  
None Requested

**R. ADJOURNMENT:**

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A motion to adjourn the Council Meeting was made by Councilmember Bernstein, seconded by Councilmember Rojas.

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:17 p.m.

Respectfully submitted,

*Lissette Perez*  
Lissette Perez  
Town Clerk



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

---

**Date:** January 21, 2014

**To:** Honorable Mayor Glenn Singer &  
Town Council Member

**From:** Alexander Diaz,  
Town Manager *Alex B.*

**Subject:** Resolution No. 2335.14 – Approving Agreement between the Town  
of Golden Beach and the State Attorney’s Office

---

Item Number:

4

### **Recommendation:**

It is recommended that the Town Council adopt the attached Resolution No. 2335.14 as presented.

### **Background:**

The Agreement between State of Florida, Office of the State Attorney for the Eleventh Judicial Circuit of Florida and the Town of Golden Beach for the reimbursement of the State Attorney for the cost of State Attorney prosecution of town ordinances is approved in the form attached as Exhibit “A” (“Agreement”).

In order for the State Attorney to prosecute an Ordinance Violation (if it were ever needed) requires this formal agreement.

### **Fiscal Impact:**

There is no fiscal impact to the Town at this time.

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2335.14**

**A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING THE AGREEMENT BETWEEN THE OFFICE OF THE STATE ATTORNEY OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA AND THE TOWN OF GOLDEN BEACH; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in order for the State Attorney of the Eleventh Judicial Circuit of Florida to prosecute municipal ordinances which are not ancillary to a felony Section 27.34(1), Florida Statutes, requires the Town to enter into a contract for these prosecutions; and

**WHEREAS**, the Town and the State Attorney wish to have the State Attorney prosecute these cases.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Agreement Approved.** The Agreement between State of Florida, Office of the State Attorney for the Eleventh Judicial Circuit of Florida and the Town of Golden Beach for the reimbursement of the State Attorney for the cost of State Attorney prosecution of town ordinances is approved in the form attached as Exhibit "A" ("Agreement").

**Section 3. Implementation.** The Town Mayor is authorized to execute the Agreement on behalf of the Town.

**Section 4. Effective Date.** This Resolution shall be effective immediately upon approval by the Town Council.

The Motion to adopt the foregoing Resolution was offered by \_\_\_\_\_,  
seconded by \_\_\_\_\_ and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden  
Beach, Florida, this 21<sup>st</sup> day of January, 2014.

ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

\_\_\_\_\_  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY



# STATE ATTORNEY

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA  
E. R. GRAHAM BUILDING  
1350 N.W. 12TH AVENUE  
MIAMI, FLORIDA 33136-2111

KATHERINE FERNANDEZ RUNDLE  
STATE ATTORNEY

TELEPHONE (305) 547-0100

October 11, 2013

Mr. Alexander Diaz  
Town Manager  
Town of Golden Beach  
One Golden Beach Drive  
Golden Beach FL 33160

TOWN MANAGER

OCT 25 2013

RECEIVED

Dear Mr. Diaz:

Legislation passed in 2004 to implement Revision 7 to Article V of the Florida Constitution provides that the State Attorney may prosecute municipal ordinances only if (1) the ordinance violation is ancillary to a felony prosecution (s. 27.02(1), Florida Statutes), or (2) the county/municipality has entered into a contract with the State Attorney for these prosecutions (s. 27.34(1), Florida Statutes).

Enclosed please find the proposed agreement for the prosecution of ordinance violations for the period of October 1, 2013 – September 30, 2014. Please sign three originals and return to this office as soon as possible. If you desire to make changes to the contract and want an electronic version of this document, please contact me at [donlhorn@miamisao.com](mailto:donlhorn@miamisao.com) and I will forward you a copy. This contract is for the prosecution of ordinances only; the State Attorney's Office has no statutory authority to handle appeals relating to the constitutionality of ordinances. If you choose to not have the Office of the State Attorney prosecute municipal ordinance violations in accordance with sections 4 & 5 of Chapter 2004-265, Laws of Florida, you are requested to send a letter to that effect to the above address as soon as possible.

You will be billed at the statutorily prescribed rate of \$50 per hour. Our estimate is that, on average, it takes approximately 20 minutes per case; therefore, you will be charged at the rate of \$16.67 per case. Please note that this is the charge for ordinance prosecution only. Pursuant to state law, there are separate charges for indigent defense from the Public Defender and filing fees from the Clerk of the Court.

If you have any questions about the contract or if I can provide any other information, please do not hesitate to contact me at 305-547-0562 or at [donlhorn@miamisao.com](mailto:donlhorn@miamisao.com).

Sincerely,

KATHERINE FERNANDEZ RUNDLE  
State Attorney

By:

Don L. Horn  
Chief Assistant State Attorney for Administration

DLH/cj

Enclosures

**AGREEMENT BETWEEN TOWN OF GOLDEN BEACH AND THE  
STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE  
STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF  
CERTAIN CRIMINAL VIOLATIONS OF THE  
\_\_\_\_\_ CODE**

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between Town of Golden Beach, a political subdivision of the State of Florida (hereinafter referred to as the "City") and the Office of the State Attorney for the Eleventh Judicial Circuit of Florida (hereinafter referred to as "State Attorney").

WHEREAS, the City finds that in order to maintain and improve the health, safety, and welfare of this community, it is necessary to adequately enforce and prosecute violations of the City's Municipal Code; and

WHEREAS, Section 27.02, Florida Statutes, authorizes the State Attorney to prosecute municipal ordinance violations punishable by incarceration if ancillary to state prosecution or, if not ancillary to state prosecution, when the State Attorney contracts with the City for reimbursement.

NOW, THEREFORE, the parties hereto agree as follows:



**ARTICLE I**  
**Services**

The State Attorney agrees to prosecute municipal ordinance violations as authorized in Sections 27.02, and 27.34, Florida Statutes. The City agrees to remit, subject to the terms outlined in Article III of this agreement, to the State Attorney the required funds to reimburse for costs associated with the prosecution of violations of the Municipal Code for the period of October 1, 2013, through September 30, 2014. The State Attorney shall provide such clerical and professional personnel as may be required for the performance of any of the functions of the State Attorney as set forth in this agreement. This agreement does not commit the City to pay for the prosecution of Municipal Code violations ancillary to state prosecution or for the prosecution of municipal ordinance violations not punishable by incarceration. This agreement specifically does not authorize the State to handle appeals of municipal ordinances on constitutional grounds, which shall remain the responsibility of the municipality that passed the ordinance.

**ARTICLE II**  
**Terms**

This agreement shall expire on September 30, 2014, unless terminated earlier pursuant to Article VII of this agreement. Under no circumstances shall the City be liable to continue or extend this agreement beyond this date. This agreement may only be amended in writing, through a document executed by duly authorized representatives of the signatories to this agreement.

**ARTICLE III**  
**Payment Schedule**

The City agrees to reimburse the State Attorney on an hourly basis for services rendered at a rate of Fifty dollars (\$50) per hour. On a quarterly basis, the State Attorney shall provide the City with an invoice including, but not limited to, the hours of services rendered, number of cases prosecuted as set forth in this agreement, and the total amount due for payment for the previous month. The City shall remit each payment within ten (10) days after receiving said invoice from the State Attorney.

**ARTICLE IV**  
**Responsibilities**

The City does not delegate any of its responsibilities or powers to the State Attorney other than those enumerated in this agreement. The State Attorney does not delegate any of its responsibilities or powers to the City other than those enumerated in this agreement.

**ARTICLE V**  
**Reporting**

All required reports shall be submitted to the \_\_\_\_\_.

**ARTICLE VI**  
**Indemnification**

It is expressly understood and intended that the State Attorney is only a recipient of the reimbursements paid by the City and is not an agent of the City. The respective parties agree, subject to the provisions of Chapter 768.28 (17), Florida Statutes, that they will hold each other harmless from any claims arising from this agreement.

**ARTICLE VII**  
**Termination**

Either party may terminate this agreement at any time with or without cause by furnishing written notice to the other party with no less than ninety (90) days notice.

**ARTICLE VIII**  
**Service Charges**

This agreement is contingent upon all City funding provided, and any interest earned thereon, not being subject to any State service charges or administrative assessments.

**ARTICLE IX**  
**Non-Discrimination**

The State Attorney agrees to abide and be governed by Title II of the Americans with Disabilities Act of 1990, Title VI and VII, Civil Rights Act of 1964 (42 USC 200d, e) and Title VIII of the Civil Rights Act of 1968, as amended, which provides in part that there will not be discrimination of race, color, sex, religious background, ancestry, or national origin in performance of this contract, in regard to persons served, or in regard to employees or applicants

for employment and it is expressly understood that upon receipt of evidence of discrimination, the City shall have the right to terminate said agreement.

IN WITNESS THEREOF, the parties have caused this agreement to be executed by their respective and duly authorized officers the day and year first above written.

ATTEST:

NAME

City Commission

By: \_\_\_\_\_  
POSITION

By: \_\_\_\_\_

ATTEST

State Attorney's Office  
Eleventh Judicial Circuit

By: \_\_\_\_\_

By: \_\_\_\_\_  
Don L. Horn  
Chief Assistant State Attorney  
for Administration



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** January 21, 2014

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,  
Town Manager

**Subject:** Resolution No. 2336.14 - Approving a Mutual Aid Agreement  
with the City of North Miami Beach

Item Number:

5

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**Recommendation:**

It is recommended that the Town Council adopt the attached Resolution No. 2336.14 as presented.

**Background:**

The Town of Golden Beach has entered into a number of mutual aid agreements which enable the Police Department to receive assistance from other agencies and to aid those agencies when they request it. This agreement provides for the Police Department to request assistance from, and to provide assistance to the City of North Miami Beach Police Department.

The Town Manager, in consultation with the Mayor, recommends the Town Council approve the new agreement.

**Fiscal Impact:**

There is no cost to the Town to participate.

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2336.14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN AND THE CITY OF NORTH MIAMI BEACH; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Golden Beach, Florida (the “Town”) wishes to enter into a Mutual Aid Agreement (the “Agreement”) with the City of North Miami Beach, Florida, attached to this Resolution as Exhibit “A” between the Town and the City of North Miami Beach, described and outlined in the attached Agenda Item Report; and

**WHEREAS**, the Town Council believes that it is in the best interest to enter into the Agreement.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That each of the above-stated recitals is hereby adopted and confirmed.

**Section 2. Agreement Approved.** That the Agreement is hereby approved in substantially the form attached hereto as Exhibit “A,” subject to approval by the Town Attorney as to form and legal sufficiency.

**Section 3. Implementation.** That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

**Section 4. Effective Date.** That this resolution shall become effective immediately upon approval of the Town Council.

Sponsored by Town Administration

The Motion to adopt the foregoing resolution was offered by \_\_\_\_\_,  
seconded by \_\_\_\_\_ and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach,  
Florida, this 21<sup>st</sup> day of January, 2014.

ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

\_\_\_\_\_  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY

MUTUAL AID AGREEMENT  
Between the City of North Miami Beach  
and the Town of Golden Beach

WHEREAS, it is the responsibility of the governments of the City of North Miami Beach, Florida and the Town of Golden Beach, Florida to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment of facilities of the participating municipal police departments; and

WHEREAS, in order to ensure that preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating Miami-Dade County municipalities; and

WHEREAS, the participating Miami-Dade County municipalities have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a mutual aid agreement;

NOW, THEREFORE, BE IT KNOWN that the Town of Golden Beach, subdivision of the State of Florida, and the undersigned representatives, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

1. **Short title:** Mutual Aid Agreement
  
2. **Description:** Since this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement, as described in Chapter 23, Florida Statutes.
  
3. **Definitions:**
  - a) **Joint declaration:** A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads. Subsequent to execution by the concerned agency heads, the joint declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this Agreement.



Said declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations with the clerks of the respective political subdivisions.

b) Agency or participating law enforcement agency: Either the City of North Miami Police Department or the Town of Golden Beach Police Department.

c) Agency head: Either the Chief of the City of North Miami Beach Police Department, or the Chief's designees; and the Chief of Police of the Town of Golden Beach Police Department, or the Chief's designees.

d) Participating municipal police department: The police department of any municipality in Miami-Dade County, Florida, that has approved and executed this Agreement upon the approval of the governing body of the municipality.

e) Certified law enforcement employee: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

**4. Operations:**

a) In the event that a party to this Agreement is in need of assistance as specified in the applicable joint declaration, an authorized representative of the police department requiring assistance shall notify the agency from whom such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and his available resources, and will respond in a manner deemed appropriate.

b) Each party to this Agreement agrees to furnish necessary manpower, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required to deplete unreasonably its own manpower, equipment, facilities, and other resources and services in rendering such assistance.

c) The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency.

**5. Powers, Privileges, Immunities, and Costs:**

a) All employees of the participating municipal police department, including certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall, pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are normally employed.

b) The political subdivision having financial responsibility for the law enforcement agency providing services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.

c) The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to this Agreement, during the time of the rendering of such aid, and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.

d) All exemption from ordinance and rules, and all pension, insurance, relief, disability, workers' compensation salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency, when performing their respective functions within the territorial limits of their respective agencies, shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorially under the provisions of the Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid and auxiliary employees.

**6. Indemnification:**

The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement agrees to hold harmless, defend, and indemnify the requesting law enforcement agency and its political subdivision in any suit, action or claim for damages resulting from any and all acts or conduct of employees of said providing agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes, where applicable.

**7. Forfeitures:**

It is recognized that during the course of the operation of this Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.

**8. Conflicts:**

Any conflicts between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23 Florida Statutes.

**9. Effective Date and Duration:**

This Agreement shall be in effect from date of signing, through and including **January 1, 2017**. Under no circumstances may this Agreement be renewed, amended or extended except in writing.

**10. Cancellation:**

This Agreement may be canceled by either party upon sixty-(60) days written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties hereto.

AGREED TO AND ACKNOWLEDGED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
City Manager,  
City of North Miami Beach, Florida

\_\_\_\_\_  
Town Mayor,  
Town of Golden Beach, Florida

ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk,  
City of North Miami Beach, Florida

\_\_\_\_\_  
Town Clerk,  
Town of Golden Beach, Florida

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
City Attorney,  
City of North Miami Beach, Florida

\_\_\_\_\_  
Town Attorney,  
Town of Golden Beach, Florida

JOINT DECLARATION OF THE CHIEF OF THE  
CITY OF NORTH MIAMI BEACH POLICE DEPARTMENT  
AND THE CHIEF OF THE TOWN OF GOLDEN BEACH POLICE  
DEPARTMENT PURSUANT TO MUTUAL AID AGREEMENT

A police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the mutual aid agreement when:

- participating in law enforcement activities that are pre-planned and approved by each respective agency head, or
- Appropriately dispatched in response to a request for assistance from the other law enforcement agency.
- spontaneous response where assistance or aid is apparent (see #9 below)

In compliance with, and under the authority of, the Mutual Aid Agreement, heretofore entered into by the City of North Miami Beach and the Town of Golden Beach, Florida, it is hereby declared that the following list comprises the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations pursuant to the agreement. Said list may be amended or supplemented from time to time, as needs dictate by subsequent declarations.

1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations, crowd and traffic control measures, including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from or disturbances within detention facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing persons calls.

9. Participating in exigent situations without a formal request which are spontaneous occurrences such as area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners. Traffic stops near municipal boundaries, request for back-up assistance and no local unit is available or nearby, calls or transmissions indicating an officer is injured, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.
10. Enemy attack.
11. Transportation of evidence requiring security.
12. Major events; e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
13. Security and escort duties for dignitaries.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
16. Joint training in areas of mutual need.

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
 Scott Dennis, Chief  
 North Miami Beach Police Department

\_\_\_\_\_  
 Don DeLucca, Chief  
 Golden Beach Police Department

ATTEST:

ATTEST:

\_\_\_\_\_  
 Pamela Latimore, City Clerk

\_\_\_\_\_  
 Lissette Perez, Town Clerk

**JOINT DECLARATION AMENDMENT UNDER  
CITY OF NORTH MIAMI BEACH POLICE DEPARTMENT AND THE TOWN OF  
GOLDEN BEACH POLICE DEPARTMENT'S  
MUTUAL AID AGREEMENT**

This Agreement amends the Joint Declaration under the Mutual Aid Agreement of the City of North Miami Beach and the Town of Golden Beach, to include and permit concurrent **marine patrol** related jurisdiction between agencies on the waters, waterways, canals, channels, rivers, lakes, streams, and any and all other bodies of waters, including the Intracoastal Waterway (ICW) that fall within either jurisdiction at this or any future time during the term of this Mutual Aid Agreement.

It will be agreed between both Chiefs of Police of the **City of North Miami Beach** and the **Town of Golden Beach** to the following conditions of concurrent marine patrol related jurisdiction:

1. Both agencies will be permitted to patrol jurisdictional waters of either jurisdiction, and to take enforcement actions as deemed appropriate under city, state, and federal laws, rules, and regulations, and to write boating law violation citations, make arrests, and to attend court on behalf of the other agency.
2. Both agencies agree that any and all incidents, which require an initial (preliminary) police offense incident report (OIR), will be completed by the agency making the initial contact. Any follow-up investigations that are required are to be completed by the jurisdiction the incident occurred regardless of which agency completed the original offense incident report.
3. If an arrest is made by one agency that is operating in the jurisdictional waters of the other agency, and that arrest results in asset forfeiture proceedings, both agencies agree to a 50-50 share of the final asset distribution following the payment of all expenses relating to the prosecution of the civil case. The jurisdiction of civil forfeiture action shall be filed by seizing agency.
4. Both agencies have the right to set their own days and hours for marine patrol and agree to provide assistance and aid to the other agency under the spirit of Mutual Aid Agreement.

This Amendment shall become effective upon the signing of both Chiefs of Police and shall remain in effect until either the current Mutual Aid Agreement and Joint

Declaration expires or either agency gives written notice to the other agency to rescind this Amendment.

I accept the terms and conditions of the aforementioned Amendment to the current Mutual Aid Agreement and Joint Declaration between the **City of North Miami Beach Police Department** and the **Town of Golden Beach Police Department**.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ana Garcia, City Manager  
City of North Miami Beach, Florida

\_\_\_\_\_  
Mayor Glenn H. Singer  
Town of Golden Beach, Florida

\_\_\_\_\_  
Scott Dennis  
Chief of Police  
City of North Miami Beach, Florida

\_\_\_\_\_  
Don DeLucca  
Chief of Police  
Town of Golden Beach, Florida