

TOWN OF GOLDEN BEACH

One Golden Beach Drive Golden Beach, FL 33160

Official Agenda for the November 20, 2018 Regular Town Council Meeting called for 7:00 p.m.

- A. MEETING CALLED TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. PRESENTATIONS / TOWN PROCLAMATIONS
- E. MOTION TO SET THE AGENDA

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

- F. GOOD AND WELFARE
- G. MAYOR'S REPORT
- H. COUNCIL COMMENTS
- I. TOWN MANAGER REPORT
- J. TOWN ATTORNEY REPORT
- K. ORDINANCES SECOND READING

None

L. ORDINANCES - FIRST READING

None

- M. QUASI JUDICIAL RESOLUTIONS
 - 1. A Resolution of the Town Council Approving A Variance Request for the Property Located at 555 Ocean Boulevard.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 555 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT AN ELEVATOR TOWER TO BE AT 24' IN

OVERALL HEIGHT AND CONSTRUCTED WITHIN THE SIDE SETBACK OF AN EXISTING HOME AT 9.72' IN LIEU OF A 14' SETBCK AS REQUIRED BY THE TOWN'S CODE.

Exhibit: Agenda Report No. 1

Resolution No. 2584.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2584.18

2. A Resolution of the Town Council Approving A Variance Request for the Property Located at 555 Ocean Boulevard.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 555 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT EXISTING AIR CONDITIONNG EQUIPMENT TO BE REPLACED AT THE EXISTING SETBACK OF 5.0' IN LIEU OF THE CURRENT SETBACK REQUIREMENT OF 10' BY THE TOWN'S CODE.

Exhibit: Agenda Report No. 2

Resolution No. 2585.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2585.18

N. CONSENT AGENDA

- 3. Official Minutes of the September 27, 2018 Final Budget Hearing & Special Town Council Meeting
- 4. Official Minutes of the October 30, 2018 Special Town Council Meeting & Local Planning Agency Meeting
- 5. 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. 5

Resolution No. 2586.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2586.18

6. A Resolution of the Town Council Approving An Agreement with David T. Caserta Government Relations, Inc.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RETROACTIVELY APPROVING A NEW AGREEMENT WITH DAVID T. CASERTA GOVERNMENT RELATIONS, INC. FOR CONSULTING SERVICES FOR THE PERIOD BEGINNING OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Resolution No. 2587.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2587.18

7. A Resolution of the Town Council Approving the Payment of \$2,000.00 to Achieve Miami.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING THE PAYMENT OF \$2,000.00 TO ACHIEVE MIAMI; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7

Resolution No. 2588.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2588.18

O. TOWN RESOLUTIONS

8. A Resolution of the Town Council Approving an Agreement with the City of Sunny Isles Beach.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AN AGREEMENT WITH THE CITY OF SUNNY ISLES BEACH FOR THE MAINTENANCE OF POLICE DEPARTMENT

COMPUTERS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8

Resolution No. 2589.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2589.18

9. A Resolution of the Town Council Authorizing Work by Craig A. Smith & Associates, Inc. Related to Stormwater Improvements.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AND AUTHORIZING WORK BY CRAIG A. SMITH & ASSOCIATES, INC. FOR ENGINEERING SERVICES RELATING TO STORMWATER IMPROVEMENTS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9

Resolution No. 2581.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2581.18

10. A Resolution of the Town Council Adopting a Stormwater Facilities Improvement Plan.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING A STORMWATER FACILITIES IMPROVEMENT PLAN FOR A STATE REVOLVING LOAN FUND PROGRAM: PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10

Resolution No. 2582.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2582.18

11. A Resolution of the Town Council Adopting the Town's New Employee Manual.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE TOWN'S NEW EMPLOYEE MANUAL AS PRESENTED; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 11

Resolution No. 2590.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2590.18

P. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:

Electric versus Gas Powered Blowers

Moving January 2019 Regular Town Council Meeting Date

Vice Mayor Jaime Mendal:

None Requested

Councilmember Kenneth Bernstein:

None Requested

Councilmember Amy Isackson-Rojas:

None Requested

Councilmember Judy Lusskin:

None Requested

Town Manager Alexander Diaz:

None Requested

Q. ADJOURNMENT:

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

From: Alexander Diaz,

Town Manager

Subject: Resolution No. 2584.18- Variance Request for 555 Ocean Boulevard,

Golden Beach, FL 33160 (Elevator Tower)

Recommendation:

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2584.18.

Background and History:

Relief from Town Code Sections:

- 1. 66-69.1(h) (1) (b) to allow an elevator tower to be built within the side setback of an existing home at 9.72' in lieu of the 10' setback currently required by code.
- 2. 66-69.1(h) (1) c to allow an elevator tower to be at 24' in overall height to be constructed within the side setback of an existing home at 9.72' in lieu of a 14' setback as required by the current code.

The Building Regulation Advisory Board met November 13, 2018 and recommended approval of the variance, the motion passed with a Board vote of 2 - 1.

There was an objection to this Variance request: Sandra Levy – 577 Golden Beach Dr., Golden Beach, FL.

Attachments:

- Resolution
- Michael Miller Planning Zoning 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. 2584.18

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 555 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT AN ELEVATOR TOWER TO BE AT 24' IN OVERALL HEIGHT AND CONSTRUCTED WITHIN THE SIDE SETBACK OF AN EXISTING HOME AT 9.72' IN LIEU OF A 14' SETBCK AS REQUIRED BY THE TOWN'S CODE

WHEREAS, the applicants, Golden Beach 555 Corp., ("the applicants"), filed a Petition for a Variance/exception, 66-69.1 Zone One (Ocean front properties); (h) Side Yard Setbacks, (1) Main Residence, paragraph c - All residences designed as two-story structures shall be required to increase the side Setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet, allowing the Elevator Tower to be at 24' in height and constructed within the side yards setback of an existing home at a setback of 9.72' instead of a 14' setback as required by the Town Code. At 555 Ocean Boulevard, Golden Beach, Florida 33160 (Golden Beach Section "A", Lot 28 & N ½ of Lot 29, Block D, as recorded in PB 9-152, of the Public Records of Miami-Dade County, (Folio No. 19-1235-001-0580 (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.

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

- 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-0.0 through A-3.2 by James Smith, AIA, JAS Group, Architects, seal dated 10/9/2018, for the property located at 555 Ocean Boulevard, Golden Beach, FL. 33160

<u>Section 4.</u> <u>Implementation.</u> 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 I	Resolution	shall be	effective	immediately
upon	adoption.						
Spon	sored by Tov	wn Administratior	٦.				
	The Motion	to adopt the fore	going R	esolution w	vas offer	ed by	,
secon	ded by	and on	roll call	the following	ng vote e	nsued:	
	Councilmem Councilmem	n Singer Jaime Mendal Iber Kenneth Berns Iber Amy Isackson Iber Judy Lusskin					
Florida		ND ADOPTED by ay of November, 20		wn Council	of the T	own of G	olden Beach,
ATTE	ST:			MAYOR	GLENN	SINGER	
	ETTE PEREZ N CLERK						
	OVED AS TO LEGAL SUFF	_					
_	HEN J. HELF N ATTORNE						



TOWN OF GOLDEN BEACH

One Golden Beach Drive Golden Beach, FL 33160

M E M O R A N D U M

Date: November 20, 2018

To: Honorable Mayor Glenn Singer & _____2

Town Council Members

From: Alexander Diaz,

Town Manager

Town Manager 🖊 🗸 🖔

Subject: Resolution No. 2585.18 - Variance Request for 555 Ocean Boulevard,

Golden Beach, FL 33160 (Air Conditioning Equipment)

Recommendation:

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2585.18.

Background and History:

Relief from Town Code Sections:

1. 66-140(a) to allow existing air conditioning equipment to be replaced at the existing setback of 5' in lieu of the current setback requirement of 10'.

The Building Regulation Advisory Board met November 13, 2018 and recommended approval of the variance, the motion passed with a Board vote of 2 - 1.

There was an objection to this Variance request: Sandra Levy – 577 Golden Beach Dr., Golden Beach, FL.

Attachments:

- Resolution
- Michael Miller Planning Zoning 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. 2585.18

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, **AUTHORIZING APPROVING** AND VARIANCE REQUEST FOR THE PROPERTY LOCATED 555 OCEAN BOULEVARD. GOLDEN BEACH, FLORIDA 33160 PERMIT **EXISTING** TO CONDITIONNG EQUIPMENT TO BE REPLACED AT THE EXISTING SETBACK OF 5.0' IN LIEU OF THE CURRENT SETBACK REQUIREMENT OF 10' BY THE TOWN'S CODE.

WHEREAS, the applicants, Golden Beach 555 Corp., ("the applicants"), filed a Petition for a Variance/exception, from 66-140 Setback areas-Generally, paragraph (a)

No structure, the height of which shall exceed 36 inches above the crown of the road adjacent to the lot shall be constructed in any Setback, with the exception of mechanical equipment, that can be constructed in such a way that its bottom is located at the required base flood elevation as established by the Flood Insurance Rate Map (FIRM), and any subsequent revised map adopted by the National Flood Insurance Program. A maximum of four distinct pieces of mechanical equipment, including pool pumps and related pool heater equipment, may be installed a minimum of 10 feet from any property line, to allow the existing air conditioning equipment to be replaced at the existing setback of 5' in lieu of the 10' setback as required by the Town Code. At 555 Ocean Boulevard, Golden Beach, Florida 33160 (Golden Beach Section "A", Lot 28 & N ½ of Lot 29, Block D, as recorded in PB 9-152, of the Public Records of Miami-Dade County, (Folio No. 19-1235-001-0580 (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.

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

- 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-0.0 through A-3.2 by James Smith, AIA, JAS Group, Architects, seal dated 10/9/2018, for the property located at 555 Ocean Boulevard, Golden Beach, FL. 33160.

<u>Section 4.</u> <u>Implementation.</u> 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.

<u>Section 5.</u> <u>Effective Date.</u> This Resolution shall be effective immediately upon adoption.

•		
The Motion to add	pt the foregoing	Resolution was offered by
seconded by	and on roll ca	all the following vote ensued:
Mayor Glenn Singe Vice Mayor Jaime I Councilmember Ke Councilmember An Councilmember Ju	Mendal enneth Bernstein ny Rojas	
PASSED AND AD	OPTED by the To	own Council of the Town of Golden Beach
Florida, this 20th day of No.	ovember, 2018.	
ATTEST:		MAYOR GLENN SINGER
LISSETTE PEREZ TOWN CLERK		
APPROVED AS TO FORM AND LEGAL SUFFICIENC		
STEPHEN J. HELFMAN TOWN ATTORNEY		



TOWN OF GOLDEN BEACH NOTICE OF PUBLIC HEARING

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

(X) Variance Request(s)

X Remodel of Existing Residence

Exterior modification to an existing residence.

Variance Request from:

66-69.1(h) (1) (b) to allow an elevator tower to be built within the side setback of an existing home at 9.72' in lieu of the 10' setback currently required by code.

- 1. 66-69.1(h) (1) c to allow an elevator tower to be at 24' in overall height to be constructed within the side setback of an existing home at 9.72' in lieu of a 14' setback as required by the current code.
- 2. All residences designed as two-story structures shall be required to increase the side Setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet. Request is to allow 9.72' side setback, in lieu of 14' by code.
- 3. 66-140(a) to allow existing air conditioning equipment to be replaced at the existing setback of 5' in lieu of the current setback requirement of 10'.

JOB ADDRESS:

555 Ocean Boulevard, Golden Beach, FL. 33160

OWNER ADDRESS:

20801 Biscayne Boulevard, Suite 400, Aventura, FL. 33180

REQUESTED BY:

Golden Beach 555 Corp.

LEGAL DESCRIPTION:

Lot 28 & N 1/2 of lot 29, Block d, GB Sect A, PB 9-52

FOLIO NO.:

19-1235-001-0580

The BUILDING ADVISORY BOARD will consider this item:

PLACE:

GOLDEN BEACH TOWN HALL

1 GOLDEN BEACH DR., GOLDEN BEACH, FL.

DATE:

November 13, 2018 at 6pm

The TOWN COUNCIL will consider this item:

PLACE:

GOLDEN BEACH TOWN HALL

1 GOLDEN BEACH DR., GOLDEN BEACH, FL.

DATE:

November 20, 2018 at 7.00pm

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

DATED: October 30, 2018

ada Epperson, Building & Zoning Director

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

TOWN OF GOLDEN BEACH COMMUNITY DEVELOPMENT MEMORANDUM

To:

Building Regulatory Advisory Board

Town of Golden Beach

From:

Michael J. Miller, AICP

Consultant Town Planner

Date:

October 24th, 2018

Subject:

Zoning Variance Application

Setbacks for an Elevator Tower and Air-Conditioning Equipment

555 Ocean Boulevard

Lot 28 and North 1/2 of Lot 29, Block D, Section A

MMPA Acct. No.: 04-0101-0448

ISSUE

The applicant, Marc Bernard as agent for the property owner Golden Beach 55 Corp., has submitted applications with the Town for the renovation of the existing single-family home at 555 Ocean Boulevard. The applications include a BRAB application for building / site design modifications, as well as a request for three (3) variances related to installation of an elevator tower and replacement of existing air conditioning equipment.

The following are the applicant's requests:

- Variance from §66-69.1(h)(1)(b) to allow an elevator tower to be built within the side setback
 of the existing home at 9.72 feet as opposed to the required 10-foot setback.
- Variance from §66-69.1(h)(1)(c) to allow an elevator tower 24 feet in overall height to be built
 within the side setback of the exiting home at 9.72 feet as opposed to the required 1' for each
 1' of building over 18' for a total of 14 feet.
- Variance from §66-140(a) to allow existing air conditioning equipment to be replaced at the
 existing setback of 5' as opposed to the required 10'.

ANALYSIS

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

1) Variance from §66-69.1(h)(1)(b) to allow an elevator tower to be built within the side setback of the existing home at 9.72' as opposed to the required 10'.

Town of Golden Beach 555 Ocean Boulevard – Variance Requests October 24th, 2018 Page 2

The existing home was constructed with a 9.72' side setback, only 0.28' (3.36") off the required 10' setback. This could be due to contractor error to possibly the application of stucco or other exterior finishes. The applicant is requesting to build an elevator tower at the same setback as the home. Construction errors such as these are very minor and are often the result of new more accurate surveying equipment. MMPA feels that this request to match the side setback of the home is as minor as the construction error and will allow the elevator tower to blend seamlessly into the home.

2) Variance from §66-69.1(h)(1)(c) to allow an elevator tower 24' in overall height to be built at the side setback of the exiting home at 9.72' as opposed to the required 1' for each 1' of building over 18' for a total of 14'.

The home was constructed before the Town Code required an additional setback of 1' for every 1' over 18'. By applying the current Code, the elevator tower would be required to be stepped in after 18' or setback 14'; which would make installation of the elevator tower impossible and it is impractical elsewhere on the property. MMPA believes the tower is non-intrusive, it is below the highest point of the existing home's roof line which is 27.5' and actually adds to the architectural interest of the home with how it is being adorned.

3) Variance from §66-140(a) to allow existing air conditioning equipment to be replaced at the existing setback of 5' as opposed to the required 10'.

When the home was constructed, the Town's Code allowed air conditioning equipment to be 3' from the property line and the Code was subsequently amending, making this a legal non-conforming feature. Once a non-conformity is removed it generally loses its legal non-conforming status. The applicant indicates that the equipment is being raised on platform to meet flood requirements and building a screen enclosure. Based on the existing conditions, relocating the equipment to a Code compliant location setback 10' from the property line is not possible and placing it on the roof top is impractical. There is no other location on either side of the home it could fit, at the rear would intrude on the pool deck, placing it on a sloped tile roof is not a viable solution, the equipment is in the same location as when the home was constructed - it just being raised, it is going to be screened in addition to being behind a 6' wall; therefore, MMPA is in support of this request.

NON-USE VARIANCE JUSTIFICATION

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

The applicant seeks relief from §66-69.1(h)(1)(b), §66-69.1(h)(1)(c), and §66-140(a) of the Town's Code of Ordinances which are all related to setbacks.

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

The property was developed under regulations that have changed which created non-conformities and impracticalities in meeting the Town's Code for what amount to simple improvements to the property, thus creating a special circumstance and condition; raising air conditioning equipment and building an elevator to assist with mobility are basic features which can be easily built to comply with the current Code on a vacant property. The deviation from the required 10' side setback of 3.36" is inconsequential and granting

Town of Golden Beach 555 Ocean Boulevard – Variance Requests October 24th, 2018 Page 3

the variance will allow construction of an elevator tower in line with the rest of the side of the home.

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

If the Town Code had not been changed the applicant would be able to construct these improvements without the need to request a variance. While yes, the applicant desires these improvements, they are one's that the owners had the expectation of being able to do when they purchased the home. Additionally, the variation in the setback of 3.36" is inconsequential and the result of more modern survey techniques.

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

The applicant's request will only grant them the ability to construct simple improvements as the Town's Code allowed when it was constructed.

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

Without the variances the applicant would not be able to raise the air conditioners to meet flood requirements, and there is no other practical place to install them; air conditioning is obviously an absolute necessity that all other property owners enjoy. The right to construct an improvement, an elevator, to allow mobility is one that all property owners have and not being able to do so would be detrimental to the owner's rights.

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

When the property and home are examined in detail there are not practical alternatives to installing the air conditioning and the elevator tower. The deviations from the Town's Code are minimal, the improvements would have been allowed with the Code that was in place when the home was constructed, and it is reasonable to allow them to be done.

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

One of the intents of the Code is to balance the interest of the general welfare of the Town and that of individual property owners. Allowing an elevator tower to be built in-line with the existing home and not additionally set back does not pose any detriment to an adjacent property and does not represent anything that would harm the public. It is an improvement that could have been built when the home was originally constructed and does not represent a deviation that would be noticeable to anyone. Raising the air conditioners to meet flood requirements and reinstalling them in the same location as

Town of Golden Beach 555 Ocean Boulevard – Variance Requests October 24th, 2018 Page 4

when the home was constructed with additional screening will allow the owner to enjoy a necessity and that will not be harmful to anyone.

SUMMARY

MMPA was requested to review and comment on the requested variances related to setbacks for a proposed elevator tower and replacement air-conditioning equipment. The Town's Code since the home was constructed has changed, while realizing that non-conformities would be created by changing the Code when the Town Council directed and approved the amendments, the intent of these changes are most applicable to new construction, not existing homes. The deviations being requested are minor and will result in there still being an attractive valuable home on the property that is compatible with the rest of the homes in the area. MMPA is in support of the variances requested.



November 14, 2018

Linda Epperson Building and Zoning Director Town of Golden Beach 1 Golden Beach Drive Golden Beach, Florida 33160

"via email"

Re: 555 Ocean Boulevard - JAS 1704

BRAB Review Comments
Of November 13, 2018 Meeting

Dear Ms. Epperson,

To follow up on our review and approval of the items presented at last evenings BRAB meeting, we would like to submit this letter and drawing as a clarification to the discussion relative to item No.2 and No.3 regarding the code requirement of structures designed as two story, to be set back from the side property line, above the first 18'-0' of height along 2/3 of the length of the building elevation. This is Section 66-59 1(h) 1(c) of the Golden Beach ordinance's.

Our request, which was conditionally approved by the BRAB should be clear to the council when considering the variance, that 2/3 of the building elevation is existing non-conforming to which the variance is applicable. The remaining 1/3 of the length of the elevation, including the new elevator tower will remain and be in compliance with the intent of the code.

We have attached an annotated north building elevation, dated November 14, 2018, illustrating this condition.

We request that this be submitted into the record and have the Town Council take this into consideration when addressing our application.

Very truly yours,

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FL# AAF000052

James Smith AIA

Principal

cc: client, Michael Miller and Associates

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ELEVATION LEGEND:

GENERAL ELEVATION NOTES:

HATCHED AREA DENOTES NO WORK BEING DONE. AREA 15 EXISTING TO REMAIN AS 15.

GROUP ARCHITECTS PLANNERS ARODOUSZ JAMES SMITH, AL

4444



ELEVATION KEY MARK

ELEVATION NOTES:

1. FOR ALL DOOR SIZES, REFER TO DOOR SCHEDULE

EXTERIOR FINISH NOTES:

I. ALL NEW OR EXIST, STUCCO FINISH SHALL BE PRIMED 4 FINISHED W (?) COATS OF HIGH QUALITY EXTERIOR GRADE LATEX PAINT IN COLORS, 4 FINISHES AS OWNER SELECTS.

2. ALL DRIP EDGES, WD. FASCIA, 4 TRIM BOARDS SHALL BE PRIMED 4 FINISHED W (2) COATS OF HIGH QUALITY EXTERIOR OIL BASE PAINT IN COLORS 4 FINISH AS OWNER SELECTS.

3, ALL PRECAST ARCHITECTURAL STONE ELEMENTS ARE APPLIED TO MASCARY OR CONCRETE. USE MIN 1/4" s. 1-1/3" NBED "TAPCON" AT 12" O.C. COUNTERSING IN PRECAST: PATCH AND FINISH UP O.C. COUNTERSING HANDACTURER'S APPROVED COLOR-MATCHED GROUT.

STUCCO NOTE:

ANY EXIST, EXTERIOR WALLS WITH DAMAGED AREAS DUE TO CONSTRUCTION SHALL RECEIVE NEW HIM 5/8" THICK SHOOTH STUCCO FINISH TO MATCH EXIST. CONTRACTOR SHALL PRESSURE CLEAN 1 APPLY A EXONOMA AGENT TO ALL EXIST, SURFACES TO RECEIVE NEW STUCCO PRIOR TO APPLICATION.

EL. +9'-0"
T.O. CONC. BEAM (EX.)

The just that Project The ACH DESCRIPTION OF THE BLOCK DISTRICT AND CONTROLL TO THE BLOCK DISTRICT DIS

PARTIAL NORTH ELEVATION

EXISTING HEIGHT SETBACK ENCROACHMEN ABOVE 16'-0"/ APPROX. 4'-0"

● ELEV +11'-0"=(+29.19' NGVD)
FINISH FL. - 2ND LEVEL (EX

● ELEV 0'-0"=(+18.09' NGVD)
FINISH FL. - 1ST LEVEL (EX.)

EXIST. POOL DECK

T.O. POOL DECK (EX.)

SCALE: 1/4" . I'-0"

EXISTING RESIDENCE

EXIST. COND. UNITS W/ NEW SCREEN ENCLOSURE

A-32 NOWTH ELEVATION