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: **July 14th, 2021**

Subject: **Zoning Variances Application**
185 Ocean Boulevard – Proposed New Single-Family Home
Lot 18 of Block A, Section C
MMPA Acct. No.: 04-0101-0526

ISSUE

The applicant, Ames International Architecture, Inc., as agent for the property owner, Pablo J. Umansky, has filed applications with the Town for approval of a new single-family home on an oceanfront undersized lot (50-feet width) and related variances. The applications include (1) a BRAB Site Development Plan design as well as (2) a request for zoning variances from the Town Code to construct a proposed single-family residence. The applicant has filed two (2) variance applications.

BACKGROUND INFORMATION

The subject site is currently developed with a one-story home built in 1953 (according to MDPA website) with approximately 3,100 sq. ft. of floor area. The home and all site improvements will be demolished and removed from the site. The subject site is "undersized" meaning it is at least 50' in width but less than 75' in width and has at least 7,500 sq. ft. of lot area. The adjoining sites are developed; therefore, there is no opportunity to acquire / combine sites to create a "full-sized" lot for a large oceanfront estate.

The applicant is proposing to construct a new 3-story home on the site (two habitable floors over one grade level uninhabitable). Due to the narrow lot width and undulating dune topography the applicant is requesting relief related to: (1) upper floor (above 18') additional building setbacks, and (2) lot grade elevations (greater than 11' NGVD).

The following are the applicant's initial requests:

- Variance from §66-102(a) Lot Elevation – 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 NGVD.

- Variance from §66-69.1(h)(1)(c) - All residences designed as two-story structures shall be required to increase the side setback 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.

PROPERTY DESCRIPTION

The subject site is rectangularly shaped extending from Ocean Boulevard to the Atlantic Ocean. The site is approximately 50' in width. The east / west property lines are about 240' in length. The site area is 12,000 sq. ft. / .275 acres in size according to the survey and MDPA records. An additional beach area is located between the eastern property line and mean sea level. The site is generally level with topography ranging from about 9.0' near Ocean Boulevard to just below 12.0' at the rear (oceanfront) property line. As stated above both adjoining sites are developed with existing single-family home. There are existing sections of concrete walls and various types of fences along both the north and south property lines.

SUMMARY 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:

Variance #1 - Variance from Section 66-102(a) to allow portions of the redeveloped lot grade to exceed 11.0' NGVD. The applicant is requesting to not exceed the current lot elevations, some of which already exceed 11.0'.

The applicant is requesting a variance to exceed the Town Code lot grade limit of 11.0' NGVD. As stated above portions of the developed lot range from about 9.0' NGVD near Ocean Boulevard to about 12.0' NGVD near the eastern property line. The proposed redevelopment plans show several rear yard elevations around the pool area between 11.0' NGVD and 12.0' NGVD. The applicant seeks permission to grade the lot at near similar conditions.

Variance #2 - Variance from Section 66-69.1(h)(1)(c) to not require those portions of the house built above 18' to increase the side yard setbacks at a 1':1' ratio.

The applicant is requesting a variance to not provide additional setbacks for the taller portions of the new home (over 18' in height). The applicant argues that due to the existing narrow 50' wide lot and minimum 7.5' side setbacks only 35' of buildable area exists. By requiring the upper floor areas to pinch in severely affects the design usability within the remaining building envelope. The Town's administration will support this request.

ANALYSIS

NON-USE VARIANCE JUSTIFICATION

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

   The applicant seeks relief from Town Zoning Code Section §66-102(a) and Section 66-69.1(h)(1)(c) of the Town's Code of Ordinances which are all relate to the narrow lot constraints and existing lot elevations / grades. These are the proper Code provisions.

MMPA Comment – The Code sections stated are correct.

2) In Order to recommend the granting of the variance, it must meet the following criteria.

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

      MMPA Comment – This has been confirmed by MMPA as described above and as set forth in the variance applications by the applicant.

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

      The applicant states special conditions will arise due to reduction in finish floor elevation of exterior. Please note that current conditions are based on existing conditions. The applicant also states that due to the somewhat rare narrow lot width which affects the useability of thew site, previous Town approvals for similar situations, and loss of upper floor area negatively affects the home design. It is stated the top floor will only have two (2) bedroom suites as per agreement with the Town Manager discussions. Lastly as related to the increase in the lowest habitable floor elevation there would only be about 6' clear area from the ground to the 18'-2" elevation which negatively affects the usability of the ground level. By allowing an increase the area is more useable. Several other oceanfront sites have requested and received similar variance approvals.

      MMPA Comment – In our opinion, there is a valid reason for the requested variances due to the narrow width of the lot, the inability to acquire land to increase the lot size, and the lot elevations exist and not proposed to be altered from the existing conditions.

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

      The applicant states no special conditions and/or circumstances will be produced by this variance and actions of the applicant. The overall lot height of the areas in question will remain as it. The owner cannot acquire additional land to create a larger site and the loss of upper floor area results in a design hardship. Due to the undulating dune lot elevations and Code limitations the ground level would not be usable due to the height constraint.

      MMPA Comment – In our opinion, there is a valid reason for the requested variances due to the narrow width of the lot, the inability to acquire land to increase the lot size, and the lot elevations exist and not proposed to be altered from the existing conditions.

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

The applicant states no privileges will be granted to the owner. The rear yard will remain at the existing elevations and is compatible with the current existing elevations of the site and adjacent properties to both north and south sides. The overall building height will not be increased.

MMPA Comment – In our opinion, there is a valid reason for the requested variances due to the narrow width of the lot, the inability to acquire land to increase the lot size, and the lot elevations exist and not proposed to be altered from the existing conditions.

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.*

The applicant states yes, because edhering to the new requirements will compromise the design integrity and efficiency of the site and therefore render it not feasible. The State DEP will not allow excavation of fill east of the Coastal Construction Control Line (CCCL). The applicant also states yes, that if built in compliance with the Code limitations the design and usability will be negatively compromised and not feasible.

MMPA Comment – In our opinion, there is a valid reason for the requested variances due to the narrow width of the lot, the inability to acquire land to increase the lot size, and the lot elevations exist and not proposed to be altered from the existing conditions. Application of the Code criteria negatively affects this site.

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

The applicant states this variance will grant the minimum required to make this project viable and still maintain the original configuration and pre-approved heights, including zoning requirements.

MMPA Comment – In our opinion, there is a valid reason for the requested variances due to the narrow width of the lot, the inability to acquire land to increase the lot size, and the lot elevations exist and not proposed to be altered from the existing conditions. MMPA believes these are minimal requests.

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

The applicant states granting of the variance will be in harmony with the general intent and purpose of the code, keeping public welfare intact. The variance requested meets with all the conditions above.

MMPA Comment – One of the intents of Zoning Codes and other Land Development Regulations (LDRs) is to balance the interest of the general welfare of the Town and that of individual property owners. In this instance the requested variance would not be injurious to the area involved or otherwise detrimental to the public welfare. In our opinion, there is a valid reason for the requested variances.

SUMMARY & RECOMMENDATIONS

MMPA was requested to review and comment on the requested zoning variances for a proposed replacement single-family home. MMPA has attempted to analyze each request and provide urban design comments and advise to the Town.

As to Variance request #1 - For the reasons stated herein related to allowing the new lot grades to be similar to the existing lot grades, that current slightly exceed the Code limitations in some locations (11.0'), MMPA feels the request is reasonable.

As to Variance request #2 - For the reasons stated herein related to allowing for reduced upper floor side setbacks for the house due to the narrow lot width (50') and resultant negative affect on the house design, MMPA feels the setback reduction request is reasonable.

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:

_____(2)____Variance Request(s)

Variance requests for a proposed new single-family residence located in Zone 1.

Relief from Town Code Sec. 66-102. - Minimum lot and swale elevations; grade. (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 to allow portions of the rear yard elevations around the pool area to be between 11.0' NGVD and 12.0' NGVD.

Relief from Town Code Sec. 66-69.1 - Zone One (Oceanfront properties); (h) (1) (c)
(h) Side yard Setbacks. - (1) Main Residence.
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.

Request is to allow the applicant not to increase the side setbacks in the second story by one foot for each one foot (1:1) of building height above the first 18 feet, along two-thirds of the length of the building.

JOB ADDRESS:	185 Ocean Boulevard, Golden Beach, FL,
OWNER ADDRESS:	185 Ocean Boulevard, Golden Beach, FL.
REQUESTED BY:	Pablo J. Umansky Trs. - Umansky Family Trust
LEGAL DESCRIPTION:	Lot 18, Block A, GB Section C, PB 9-52
FOLIO NO.:	19-1235-003-0150

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

:

GOLDEN BEACH TOWN HALL
1 GOLDEN BEACH DR., GOLDEN BEACH, FL.
August 10, 2021 at 6pm – (via zoom):
https://us02web.zoom.us/j/89291108015?pwd=NS8rWnJhN21mSUdlcmFadHErei8yZz09
Meeting ID: 892 9110 8015, Passcode: 752288

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

GOLDEN BEACH TOWN HALL
1 GOLDEN BEACH DR., GOLDEN BEACH, FL.
August 31, 2021 at 6pm (via zoom)
hweb.zoom.us/j/88515933885?pwd=Vjl6UEdrRUxZU0VPS1F5ZEphdC92QT09
Meeting ID: 885 1593 3885, Passcode: 179035

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: July 27, 2021

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 HEARING

Application fee: _____

Request hearing in reference to:

New residence/addition: NEW Variance(s): 2
Exterior alterations: N/A Other Structure: _____
Date application filed: 06/02/2021 For hearing date: 07/13/2021

1. Project information:
   Project description: NEW 2-STORY RESIDENCE WITH FULL BASEMENT, POOL, DECK & GAZEBO
   Legal Description: LOT 18, BLOCK "A", SECTION "C" OF GOLDEN BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 52, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA
   Folio #: 19-1235-003-0150
   Address of Property: 185 OCEAN BLVD. GOLDEN BEACH, FLORIDA 33160

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

Owner's Name: PABLO J UMANSKY TRS Phone 305-216-8315 Fax _____
Owner's address: 57 E WILLOW TREE RD City/State SPRING VALLEY, NY Zip 10977
Email address: pjumansky@cs.com
Agent: AMES INTERNATIONAL ARCHITECTURE, INC Phone 561-274-6444 Fax _____
Agent's address: 203 DIXIE BLVD City/State DELRAY BEACH, FL Zip 33444
Email address: sames@amesint.com
Architect: SHANE AMES Phone 561-274-6444 Fax _____
Email address: sames@amesint.com
Contractor: BARRON DEVELOPMENT CORP Phone 954-749-7295 Fax _____

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

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

   Building Plans:

   Conceptual: ☐ Preliminary: ☑ Final: ☐
   Other: _____

5. Estimated cost of work: $ 5,100,000.00
   Estimated market value of: Land $ 3,794,256.00
   Building $ EXISTING TO BE DEMOLISHED
   (Note: If estimated cost of work is 40% of the market value of the building an independent appraisal is required).

TOWN OF GOLDEN BEACH
APPLICATION FOR
BUILDING REGULATION ADVISORY BOARD HEARING

6. Is hearing being requested as a result of a Notice of Violation? **NO**

7. Are there any structures on the property that will be demolished? **YES**

8. Does legal description conform to plat? **YES**

9. Owner Certification: I hereby certify that I am the owner of record (*) of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge.

Signature of owner(s): Pablo Umansky

Acknowledged before me this 28 day of May, 2021

Type of identification:

DL

Notary Public

KIRANJOT SRDA
Electronic Notary Public
Commonwealth of Virginia
Registration No. 7913606
My Commission Expires Sep 30, 2025

Notarized online using audio-video communication

Owner/Power of Attorney Affidavit:

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

Pablo Umansky
Signature of owner(s)

Acknowledged before me this 28 day May 2021

Type of identification:

DL

Notary Public

KIRANJOT SRDA
Electronic Notary Public
Commonwealth of Virginia
Registration No. 7913606
My Commission Expires Sep 30, 2025

Notarized online using audio-video communication

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

TOWN OF GOLDEN BEACH
APPLICATION FOR
BUILDING REGULATION ADVISORY BOARD HEARING

Property Address: 185 OCEAN BLVD. GOLDEN BEACH, FLORIDA 33160
Legal Description: LOT 18, BLOCK A, SECTION C, GOLDEN BEACH PLAT BOOK 9, PAGE 52
Owner's Name: PABLO J UMANSKY TRS Phone (305) 216-8315 Fax
Agent's Name: AMES INTERNATIONAL ARCHITECTURE, INC Phone (561) 274-6444 Fax
Board Meeting of: 7/13/21

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

Application for: PROPOSED NEW RESIDENCE AT 185 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160
Lot size: 240
Lot area: 12,000
Frontage: 50
Construction Zone: ZONE 1
Front setback: 60 FT
Side setback: 7.5 FT
Rear setback: 10 FT
Coastal Construction: Yes ☑ No ☐ East of coastal const. control line: Yes ☑ No ☐
State Road A1A frontage: 50 FT
Swimming pool: ☑ Yes ☐ No Existing: Proposed: YES
Fence Type: CBS WALL Existing: Proposed: YES
Finished Floor elevation N.G.V.D.: 21.84
Seawall: NO Existing: Proposed:
Lot Drainage: SEE CIVIL PLANS
How will rainwater be disposed of on site? FRENCH DRAINS

Adjacent use (s): RESIDENTIAL
Impervious area: SEE CIVIL PLANS
% of impervious area: SEE CIVIL PLANS
Existing ground floor livable area square footage: N/A
Proposed ground floor livable area square footage: 1ST FLOOR = 2,612 SF
Existing 2nd floor livable area square footage: N/A
Proposed 2nd floor livable area square footage: 2ND FLOOR = 2,657 SF
Proposed % of 2nd floor over ground floor: 102%
Vaulted area square footage: N/A
Vaulted height: N/A
Color of main structure: WHITE STUCCO
Color of trim: BLACK, CHERRY, DARK CHARCOAL (SEE EXTERIOR RENDERINGS AND MATERIAL SAMPLE)
Color & material of roof: WHITE / BUILT-UP ROOF
Building height (above finished floor elevation): 27'-6"
Swale: (Mandatory 10'-0" from edge of payment, 10 ft. wide x 1 ft. deep minimum):

Existing trees in Lot: SEE SURVEY PLANS in Swale:
Proposed trees in Lot: SEE LANDSCAPE PLANS in Swale:
Number & type of shrubs: SEE LANDSCAPE PLANS
Garage Type: Existing: N/A Proposed: 3-CAR GARAGE
Driveway width & type: SEE PLANS / CONCRETE

Signature of Applicant: Date: 7/13/21

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

Date: 7/13/21

Fee: _____

I, PABLO J. UMANSKY 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: 185 OCEAN BLVD. GOLDEN BEACH, ,FLORIDA 33160 Folio No. 19-1235-003-0150

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 (a) LOT ELEVATION

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

   a. The Variance is in fact a Variance from a zoning regulation as set forth within the Zoning Chapter of the Town Code. SECTION 66-102 (a) LOT ELEVATION

   b. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district. SPECIAL CONDITIONS WILL ARISE DUE TO REDUCTION IN FINISH FLOOR ELEVATION OF EXTERIOR. PLEASE, NOTE THAT THE CURRENT CONDITIONS ARE BASED ON EXISTING CONDITIONS.

   c. The special conditions and circumstances do not result from the actions of the applicant. NO SPECIAL CONDITIONS AND/OR CIRCUMSTANCES WILL BE PRODUCED BY THIS VARIANCE AND ACTIONS OF THE APPLICANT. THE OVERALL HEIGHT OF THE AREAS IN QUESTION WILL REMAIN AS IT HAS BEEN SINCE ITS CONSTRUCTION.

   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. NO PRIVILEGES WILL BE GRANTED TO THE OWNER. THE REAR YARD WILL REMAIN AT THE EXISTING ELEVATIONS AND IS COMPATIBLE WITH THE CURRENT EXISTING ELEVATIONS OF THE ADJACENT PROPERTIES TO BOTH NORTH AND SOUTH SIDES.