

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2771.21**

**A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT A GARAGE/GUEST HOUSE STRUCTURE TO HAVE A 7.5' SIDE YARD SETBACK AT THE NORTH SIDE PROPERTY LINE AND TO NOT REQUIRE AN INCREASE OF THE SIDEWALLS TO SETBACK ON THE SECOND STORY TO STEP IN ALONG TWO-THIRDS OF THE BUILDING BY ONE FOOT FOR EACH ONE FOOT (1:1) OF BUILDING HEIGHT ABOVE THE 18 FEET, WHEN THE CODE REQUIRES A 10' SIDE SETBACK ON THE FIRST FLOOR AND REQUIRES AN INCREASE TO THE SIDE WALLS TO SETBACK ALONG TWO-THIRDS OF THE LENGTH OF THE SECOND STORY AN ADDITIONAL ONE FOOT FOR EACH ONE FOOT (1:1) OF TOTAL BUILDING HEIGHT ABOVE THE FIRST 18'.**

**WHEREAS**, the applicants, Barry E. Somerstein Trs, ("the applicant"), filed a Petition for Variances/exceptions, from Section 66-69.1 – Zone One (Ocean Front Properties) – (h) Side Yard Setbacks (b) For lots or any combination of lots with 75 feet or more of Frontage, no portion of any building shall be closer than ten feet from each side lot line, (2) Garage/Guest Accommodations. A garage structure may be built separate from the main house, in which event it shall be set back a minimum ten feet from any Side Property Line. If such a structure is constructed with a second story, the sidewalls shall be set back along two-thirds of the length of the second story an additional one foot for each one-foot (1:1) of total building height above the first 18 feet. and;

**WHEREAS**, the applicant's request is to allow the North side setbacks of the Garage/Guest House structure to be at 7.5' and for the sidewalls of the second-story to not step in one foot for every 18' of height for two-thirds of the length of the second story an additional one foot for each one foot (1:1) of the total building height above the first 18 feet, and,

**WHEREAS**, these variances and exceptions are for the property at 399 Ocean Boulevard, Golden Beach, FL. 33160 (GB Section B, Lot 1, Block B, as recorded in PB 9-52, of the Public Records of Miami-Dade County, (Folio No. 19-1235-002-0370 (the "Property") and,

**WHEREAS**, the Town's Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance/Exception and recommended denial to allow the North side setbacks of house to be at 5' and for the sidewalls of the second-story to not step in one foot for every 18' of height for two-thirds of the length of the second story an additional one foot for each one foot (1:1) total building height above the first 18 feet, and for approval by the Town Council.

**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 the requested variances/exception 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 the construction shall be completed substantially in accordance with those certain plan pages entitled Ground Floor, First Floor, Second Floor and Roof Plan, labeled SAOTA, undated, and the Boundary Survey, prepared by McLaughlin Engineering Company, Jerald A. McLaughlin, Surveyor, (5269) dated 2/22/2021, for the property located at 399, 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 Vice Mayor Luskin,  
seconded by Councilmember Mendal and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Luskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Nay</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,  
Florida, this 27<sup>th</sup> day September, 2021

ATTEST:

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

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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