

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2536.18

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 407 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160

1). TO PERMIT AN ARCHITECTURAL WINDOW ELEMENT FEATURE WHICH IS NOT LISTED IN THE CODE TO PROJECT INTO THE SIDE YARD SETBACK FROM THE SECOND FLOOR.

2 TO PERMIT AN EXEMPTION FROM THE TOWN'S CODE REQUIREMENT TO INCREASE THE SIDE SETBACKS ALONG TWO THIRDS OF THE LENGTH OF THE SECOND STORY BY ONE FOOT FOR EACH ONE FOOT OF BUILDING HEIGHT ABOVE THE FIRST 18 FEET FOR THE MAIN HOUSE STRUCTURE.

3. TO PERMIT THE MAIN HOUSE TO ENCROACH 5 FEET INTO THE REAR YARD SETBACK.

4. TO ALLOW THE GARAGE/GUEST HOUSE STRUCTURE TO BE EXEMPT FROM THE REQUIRED SIDE SETBACK REQUIREMENT AFTER 18 FEET IN HEIGHT.

WHEREAS, the applicants, 407 OCEAN LLC, ("the applicant"), filed a Petition for Variances/exceptions,

1). Section 66-141 Same – Projections.

(a) Chimneys may project into Setback areas a distance not to exceed 24 inches. The width of the projecting chimney shall not exceed six feet in width.

(b) Balconies and rooftops designed to support habitable activities consistent with Section 66-261, and stairs leading to balconies or such rooftops shall not extend into side Setback areas and shall not extend more than four feet into rear or front yard Setback areas. No other steps or platforms over 36 inches in height above grade shall

extend into side, rear, or front yard Setback areas. There shall be clear, unobstructed passage of not less than 36 inches between such projection and the adjacent lot line.

(c) Eaves. The lower border of a roof that meets or overhangs a building wall may project up to four feet into any setback area.

(d) Eyebrows. A permanent, independent cantilevered projection over an exterior window or door, which provides cover/protection from weather, including sun and rain, shall be permitted to extend up to four feet into the ten foot side yard setback. In the case of an Undersized Lot, eyebrows may project 1.5 feet into the 7.5 foot setback.

Allowing for an Architectural feature not listed in the code to project 12 inches into the 7.5 foot side yard setback.

2). Town Code Section 66—69(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.

To permit the primary house structure to be exempt from Town Code Section 66-69(h) (1) (c).

(3). Town Code Section 66-69.1 – Zone One (Ocean front properties)

g) Rear yard Setbacks. No portion of any house shall be placed closer to the east "rear" lot line abutting the Atlantic Ocean than behind a line drawn between the corners of the nearest existing residences parallel to the beach. Notwithstanding the foregoing, stairs and/or balconies may be located closer to the east "rear" lot line than behind a line

drawn between the corners of the nearest adjacent residences parallel to the beach, subject to the following restriction.

To allow the primary house structure to encroach into rear yard setback 5 feet with the condition that the guest house structure be setback 28 feet from the front property line, instead of 20 feet, and the primary house structure be setback 64' from the front property line instead of 60 feet.

4). Sec. 66-69.1. - Zone One (Oceanfront properties).

(2) Garage/Guest Accommodations.

Garages and/or guest accommodations built separate from the main house, placed near Ocean Boulevard, shall not be more than 25 feet in height, provided however, that any portion of the building over 18 feet in height shall be setback an additional one-foot for each one-foot (1:1) of additional height over 18 feet.

To permit the Garage/Guest House structure to be exempt from the requirement to setback one-foot of additional height over 18 feet height stated in the code.

at the property 407 Ocean Boulevard, Golden Beach, FL. 33160 (Golden Beach Section "A", Lots 3 Block C, as recorded in PB 9-52, of the Public Records of Miami-Dade County, (Folio No. 19-1235-002-0520 (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 items 1 and 5, and recommended denial of variance items 2, 3, 4, 6 and 7 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 the construction shall be completed substantially in accordance with those certain plan pages A-0.0 through A-4-1, and plans labeled Context 1-5, dated 10/25/2017, by Choeff Levy Fischman Architect & Design, and the Sketch of Boundary Survey, prepared by John Ibarra, dated 6/28/2017, for the property located at 407 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 Lusskin, seconded by Councilmember Mendal and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Absent</u>
Councilmember Jaime Mendal	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 23rd day January, 2018

ATTEST:


LISSETTE PEREZ
TOWN CLERK


MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

for 
STEPHEN J. HELFMAN
TOWN ATTORNEY