

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2769.21**

**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 THE FIRST FLOOR FINISHED ELEVATION TO BE AT 23' NGVD, WITH A BUILDING HEIGHT NOT TO EXCEED 50.5' NGVD, INSTEAD OF THE STARTING ELEVATION OF 20.02' AS STIPULATED IN THE CODE.**

**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) – (d) Building Height – (1) Main Residence. d. The height measurement for main residences shall be measured from the lowest habitable Living Area, which is a maximum of two feet above the FDEP lowest structural member (18.2' NGVD). The height measurement shall include all portions of the main residence east of the 60-foot front Setback line or Coastal Construction Control Line (CCCL), whichever is more westerly, and;

**WHEREAS**, the applicant's request is to allow the first floor finished elevation of the main house to be at 23.0' NGVD with a building height not to exceed 50.5' NGVD, 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 approval of the

first floor finished elevation to be at 23.0" with a building height not to exceed 50.5', for approval 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 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 labeled Ground Floor, First Floor, Second Floor, Roof Plan, entitled SAOTA, design, undated, and the Sketch of Boundary Survey, prepared by McLaughlin Engineering Company, Jerald A. McLaughlin, dated 2/22/2021, for the property located at the 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 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 Jaime Mendal      | <u>Aye</u> |
| Councilmember Bernard Einstein  | <u>Aye</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



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160


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## MEMORANDUM

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**Date:** September 27, 2021

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

**From:** Alexander Diaz, Town Manager 

**Subject:** Resolution No. 2769.21 – Variance Request for 399 Ocean Blvd, Golden Beach, FL 33160 (1<sup>st</sup> Floor Finished Elevation and Bldg Height – Zone One)

Item Number:

6

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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. 2769.21.

### Background and History:

Variance request from Town Code 66-69.1 - Zone One; (d) (1) (a) (c): Lowest Habitable Floor Height. Main Residence and Building Height:

(a). Primary residential structures built on lots with a street Frontage at least 50 feet in width but less than 100 feet in width shall not exceed 27.5 feet in height

(c) The height measurement for main residences shall be measured from the lowest habitable Living Area which is a maximum of two feet above the FDEP lowest structural member (18.2 feet NGVD). This height measurement shall include all portions of the main residence east of the 60-foot front Setback line or Coastal Construction Control Line (CCCL), whichever is more westerly. .

The applicant's request is to allow the lowest habitable floor living area to start at 24' NGVD with a building height not to exceed 50.5' NGVD.

The Building Regulation Advisory Board met September 14, 2021 and recommended approval of the variance request, the motion passed 4 – 0.

### Attachments:

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

**Financial Impact:** None