

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2772.21

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 WALL ALONG THE NORTH SIDE PROPERTY LINE TO BE AT 11' IN HEIGHT FROM THE FINISHED SITE GRADE, TERMINATING AT THE EASTERN EDGE OF THE LOT ALONG THE NORTH SIDE PROPERTY LINE, INSTEAD OF THE STEP DOWN WALL HEIGHTS OF 6', 4' AND 2' REQUIRED BY THE CODE.

WHEREAS, the applicants, Barry E. Somerstein, Trs, ("the applicant"), filed a Petition for Variances/exceptions, from Town Code Section 66-186 (a). - Height restrictions. In Zone One no wall or fence between estates or lots shall be constructed or altered to exceed in height the following: Parallel to the side property line within 60 feet of the west property line, a height of six feet; thence easterly along patios and main house structure to height of six feet; thence easterly for 30 feet, a height of four feet; thence easterly to the ocean front, a height of two feet. No wall or fence higher than two feet may be erected on the east (Ocean Front) property line. No wall or fence higher than six feet above the crown of the road may be erected on the (Ocean Boulevard) property line. And,

WHEREAS, the applicant's request is to allow the wall along the North side Property line to be at 11' in height from the finished site grade, terminating at the Eastern edge of the Lot, 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 of the wall to be at 11' NGVD, measured from site grade, in height along the North side property line, 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, IT BE 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 – SAOTA, Designers, undated and the Sketch of 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 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>Nay</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 27th 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

MEMORANDUM

Date: September 27, 2021
To: Honorable Mayor Glenn Singer &
Town Council Members
From: Alexander Diaz,
Town Manager

Item Number:

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Subject: Resolution No. 2772.21 – Variance Request for 399 Ocean Blvd, Golden Beach, FL 33160 (Wall Height – North Side –Zone One)

Recommendation:

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2772.21.

Background and History:

Variance request from Town Code Section 66-186 (a). - Height restrictions.

- (a) In Zone One no wall or fence between estates or lots shall be constructed or altered to exceed in height the following: Parallel to the side property line within 60 feet of the west property line, a height of six feet; thence easterly along patios and main house structure to height of six feet; thence easterly for 30 feet, a height of four feet; thence easterly to the ocean front, a height of two feet. No wall or fence higher than two feet may be erected on the east (Ocean Front) property line. No wall or fence higher than six feet above the crown of the road may be erected on the (Ocean Boulevard) property line.

The applicant's request is to allow the wall along the North side property line to be at 11' from finished site grade. Terminating with the eastern edge of the lot at the North property line.

The Building Regulation Advisory Board met September 14, 2021 and recommended approval of the variance request, the motion failed 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