

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2773.21**

**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 BALCONIES ON THE EAST FAÇADE TO ENCROACH MORE THAN 4' INTO THE REAR YARD SETBACK AT 11.0' FROM GRADE.**

**WHEREAS**, the applicants, Barry E. Somerstein, Trs, ("the applicant"), filed a Petition for Variances/exceptions, from Section 66-262 (b)(1) Balconies; (b) Balconies are permitted in Zones One, Two and Three subject to the following criteria: (1) Balconies located on the front or rear of the façade of a building may not extend more than four feet into the yard beyond the respective setback, And from Town Code Section 66-141 Projections; (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 Setbacks and shall not extend more than four feet into the rear or front yard Setback areas.

**WHEREAS**, the applicant's request is to allow the balconies on the east façade of the house to encroach at 11.0', 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., Lot 1, 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 balconies on the east façade of the house to encroach at 11.0', and 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 plans labeled, Ground Floor, First Floor, Second Floor and Roof Plan, entitled SAOTA design, undated, the Sketch of Boundary Survey, prepared by McLaughlin Engineering Company, Jerald A. McLaughlin, Surveyor (5269, 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



# 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 *Alex B*

Item Number:

10

**Subject:** Resolution No. 2773.21 – Variance Request for 399 Ocean Blvd, Golden Beach, FL 33160 (Balcony Setbacks – Rear Yard – Zone One)

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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. 2773.21.

**Background and History:**

Variance request from Town Code Section 66-69.1 (g) (1) and 66-141 – Projections (b)

(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

(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 Setbacks and shall not extend more than four feet into rear or front yard Setback areas.

The applicant's request is to allow for the balconies on the east façade of the house to encroach more than 4' into the rear yard setback at 11'

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