TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2591.19

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 616 NORTH ISLAND DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT A DECORATIVE ELEMENT TO ENCROACH INTO THE FRONT SETBACK AT 34.6 FEET INTO THE 35 FOOT FRONT SETBACK ESTABLISHED BY THE TOWN'S CODE.

WHEREAS, the applicants, FGAS 1980 LLC, ("the applicant"), filed a Petition for a Variance/exception, from Town Code 66-69.3 - Zone Three; (f) Front Yard Setbacks: No building or part thereof, including garages, shall be erected closer than 35 feet to the front lot line. Request is to allow a 6" architectural projection to be installed at 34.5' from the front property line instead of the 35' front setback established by the Town's code, at the property 616 North Island Dr., Golden Beach, FL. 33160 (Golden Beach Section "F", Lot 28 & S 30' of Lot 29, Block M, as recorded in PB 10-11 of the Public Records of Miami-Dade County, (Folio No. 19-1235-006-1010) (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 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:

<u>Section 1.</u> <u>Recitals Adopted.</u> Each of the above stated recitals are hereby adopted and confirmed.

<u>Section 2.</u> <u>Approval.</u> The Petition for Variance to permit each of the requested variances is hereby granted.

<u>Section 3.</u> <u>Conditions.</u> The Petition for Exception/Variance as granted is subject to the following conditions:

- Applicant shall record a certified copy of this Resolution in the public records of Miami-Dade County; and
- (2) Construction shall be completed substantially in accordance with those certain plans, A-1 by Florida Architectural Services, Inc., dated 12/05/2018, and the Sketch of Boundary Survey, prepared by Gary B. Castel, Professional Land Surveyor, License 4129, dated 1/8/2018, for the property located at 616 North Island Dr., 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.

<u>Section 5.</u> <u>Effective Date.</u> This Resolution shall be effective immediately upon adoption.

Sponsored by Administration.

The Motion to adopt the foregoing Resolution was offered by <u>Councilmember</u>

<u>Lusskin</u>, seconded by <u>Vice Mayor Mendal</u> and on roll call the following vote ensued:

Mayor Glenn Singer	Aye
Vice Mayor Jaime Mendal	Aye
Councilmember Kenneth Bernstein	Aye
Councilmember Judy Lusskin	Aye
Councilmember Amy Isackson-Rojas	Aye

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,

Florida, this 22nd day of January, 2019

ATTEST:

MAYOR GLENN SINGER

LISSETTE PERE TOWN CLERK

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

Item Number:

Date: January 22, 2019

To: Honorable Mayor Glenn Singer &

Town Council Members

From: Alexander Diaz,

Town Manager

Subject: Resolution No. 2591.19 - Variance Requests for 616 North Island Dr.,

Golden Beach, FL 33160 (Newly Constructed Residence)

Recommendation:

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request as presented in Resolution No. 2591.19.

Background and History:

The applicant is requesting a Variance/Exception request as detailed in this cover memorandum:

Seeking relief from Town Code 66-69.3 - Zone Three; (f) Front Yard Setbacks: No building or part thereof, including garages, shall be erected closer than 35 feet to the front lot line. To allow a 6" architectural projection to be installed at 34.5' from the front property line instead of the 35' front setback required by the Town's code.

There were no objections to the project.

The Building Regulation Advisory Board met January 8, 2019 and recommended approval of the variance, the motion passed with a Board vote of 3-0

Attachments:

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

Financial Impact:

None

TOWN OF GOLDEN BEACH COMMUNITY DEVELOPMENT MEMORANDUM

To:

Building Regulatory Advisory Board

Town of Golden Beach

From:

Michael J. Miller, AICP NIM

Consultant Town Planner

Date:

December 19th, 2018

Subject:

Zoning Variance Application

Architectural Projection - Front Elevation of House

616 North Island Drive

Lot 28 and south 30 feet of Lot 29, Block M, Section F

MMPA Acct. No.: 04-0101-0513

ISSUE

The applicant, Daniel Sorogon, as agent for the property owner Flavio & Juliana Schmeil / FGAS 1980 LLC, has submitted an application with the Town for a variance for the new single-family home now under construction at 616 North Island Drive. The request is for one (1) variance related to the building front setback for an architectural embellishment; a decorative aluminum grill that projects 6" off the second story of the front of the home. The BRAB approved the architectural feature in September 2017 and the Town subsequently issued permits for its construction. At that time a series of Code amendment was proposed — one of which would allow such features; however, the formal Code amendment for this specific issue was delayed — it is now moving forward for consideration. It was believed the Code amendment would be adopted prior to the installation of the architectural feature. If the Code amendment is adopted as drafted no variance would be necessary. However, if the Town does not adopt the Code amendment a variance would be required, as the now installed feature projects into the front setback.

The following is the applicant's request:

Variance from §66-69.3(f) for the required 35' front setback to 34.5' for an architectural
embellishment - a decorative aluminum grill that projects 6 inches off the second story of the
front of the home.

ANALYSIS

As per the Town's request MMPA has completed our review of the above referenced variance application request and provide the following comments for consideration:

1) Variance from §66-69.3(f) to allow a 6" architectural projection to be installed 34.5' from the front property line as opposed to the required 35' front setback.

Town of Golden Beach 616 North Island Drive – Architectural Projection December 19th, 2018 Page 2

The BRAB approved this modification to the front elevation at the upper right corner of the concrete façade in September 2017. The total size of the aluminum grill is 16'-3" in height and 24'-10" in length and is composed of varying shapes / sizes of aluminum tubes ranging from 1" to 4" in width, surrounded with a 4" frame. At that time, MMPA had prepared and provided the Town with a draft ordinance to amend the Land Development Regulations to allow such features; however, the ordinance was not brought forward as a priority. So, although the applicant submitted an application to the BRAB and it was approved, and a building permit was issued, and the improvement installed, it does not comply with the current Town Code and requires a variance to remain.

NON-USE VARIANCE JUSTIFICATION

1) The variance requested is for relief from the provisions of the Town Code.

The applicant seeks relief from §66-69.3(f) of the Town's Code of Ordinances which is related to the front setback of building.

2) Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.

This is a typical rectilinear property with no unique characteristics.

3) The special conditions and circumstances do not result from the actions of the applicant.

The architectural projection is a design choice made by the applicant. The applicant followed the process to have the architectural projection approved. It was presumed the Code amendment would have been approved more timely before the feature was installed. As the Code is not yet amended it is technically not permitted by the Code.

4) Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district.

Approval of the applicant's request would, in our opinion, grant them the ability to construct this home unlike others in the area. However, the 6° encroachment into the front setback is minor, is only on the second story, and was approved by the Town presuming the Code would be modified prior to its installation. Currently few yard encroachments are allowed - typically Codes allow minor architectural projections, sometimes balconies, eyebrows, and eaves to project in to setbacks much further. Again, a draft ordinance to allow such projections to be permitted is now being processed.

5) Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant.

Town of Golden Beach 616 North Island Drive – Architectural Projection December 19th, 2018 Page 3

Without the variance the applicant could construct a new home that meets the Town's Code; however, in all fairness the applicant filed for an application to allow this architectural projection, building permits were issued, it was constructed, and to remove it from the home would negatively affect the new construction appearance.

6) The variance granted is the minimum variance that will make possible the reasonable use of the land or structure.

The variance of a 6" deviation in the front setback on the second story would be the minimum needed to allow it to remain. It is such a small deviation and given the circumstances as to how it came to be installed it would be reasonable to allow it to remain.

7) The granting of the variance will be in harmony with the general intent and purpose of the Town Code and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

One of the intents of Zoning Codes and other Land Development Regulations (LDRs) is to balance the interest of the general welfare of the Town and that of individual property owners. The applicant submitted an application to the BRAB to install this feature, it was approved, a building permit was issued, and the improvement was installed. Our records reveal the Town was aware of the Code conflict and believed a Code amendment was imminent that would allow the architectural feature. Our records reveal the Town was trying to accommodate the developer / owner as the Code was being amended – unfortunately this Code amendment was delayed. Architectural projections are typically allowed by Codes to allow more creativity in design of homes, and an ordinance to allow such features is now in process again. In our view allowing this architectural projection to remain does not pose any harm or detriment to the Town.

SUMMARY

MMPA was requested to review and comment on the requested variance related to an installed architectural projection. Due to circumstances beyond the applicant's control the feature was installed with a permit but does not comply with the current Town's Code. It was anticipated that the Town's Code would be revised to allow it when the application was approved by the BRAB. The applicant filed an application specifically for this architectural feature which was approved by the BRAB and a building permit was issued by the Town. The architectural projection technically violates the front setback by 6". The Town Code allows other encroachments such as balconies, eyebrows, and eaves to project much further into front and other setbacks. in our opinion the requested deviation is minor and enhances the appearance of the structure. To require the owner to remove it after believing the approval process was being followed seems unfair and would negatively affect the appearance of the new structure by removing it. Given the above, MMPA supports approval of the requested variance.



TOWN OF GOLDEN BEACH Notice of Public Hearing

The Building Regulation Board and the Town Council of the Town of Golden Beach will hold a Public hearing on the following proposal:
XVariance Request(s)New Residential Structure
New home under construction
Variance request from Town Code 66-69.3 - Zone Three; (f) Front Yard Setbacks: No building or part thereof, including garages, shall be erected closer than 35 feet to the front lot line.
Request is to allow a 6" architectural projection to be installed at 34.5' from the front property line

JOB ADDRESS:

616 North Island Drive, Golden Beach, FL. 33160

OWNER ADDRESS:

801 Brickell Avenue, #1610, Miami, FL. 33131

REQUESTED BY:

FGAS 1980 LLC

LEGAL DESCRIPTION:

Lot 28 & S 30' of Lot 29, Block M, GB Section F, PB 10-11

FOLIO NO.:

19-1235-006-1010

The BUILDING ADVISORY BOARD will consider this item:

instead of the 35' front setback required by the Town's code.

PLACE:

GOLDEN BEACH TOWN HALL

1 GOLDEN BEACH DR., GOLDEN BEACH, FL

DATE:

January 8, 2019 at 6:00pm

The TOWN COUNCIL will consider this item:

PLACE:

GOLDEN BEACH TOWN HALL

1 GOLDEN BEACH DR., GOLDEN BEACH, FL.

January 22, 2019 at 7:00pm

If you wish to submit written comments for consideration, they should be submitted to the Office of the Golden Beach Town Manager, prior to the scheduled meeting. If you have any questions regarding the proposed action, you may contact the Building Department at (305) 932-0744

DATED: December 21, 2018

inda Epperson-Director, Building & Zoning

PURSUANT TO FLA. STATUTE 286 0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COUNCIL, BOARD OR COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. ANY INDIVIDUAL WHO BELIEVES HE OR SHE HAS A DISABILITY WHICH REQUIRES A REASONABLE ACCOMMODATION IN ORDER TO PARTICIPATE FULLY AND EFFECTIVELY IN A MEETING OF THE BUILDING REGULATION BOARD MUST SO NOTIFY THE TOWN CLERK, AT (305) 932—0744 AT LEAST 24 HOURS PRIOR TO THE DATE OF THE MEETING.

TOWN OF GOLDEN BEACH APPLICATION FOR **BUILDING REGULATION ADVISORY BOARD MEETING/HEARING**

Property Location: <u>6/6 NOrth Sand Or</u> Variance Hearing Dates: Advisory Board X	Meeting Date:Town Council	JAN. 8,2019
APPROVAL FROM THE BUILDING REGULATION AD	VISORY BOARD IS REQUIR	RED FOR:

- Plans for new residence (B) C. Plans for addition to or exterior alterations of an existing structure.
- Additional structures on premises of existing residences
- Review of landscape plan for new construction, renovation or addition to existing residence.
- Recommendation to Town Council for the approval or denial of variances and special **(** exceptions.
- Recommendation to Town Council for interpretation regarding apparent conflicts or F. inconsistencies in the zoning provisions in Chapters 46 & 66 Hearing Oato

APPLICATION HEARING PROCESS

JAN 08 2019

Building Approval:

Applicant: submit 8 complete packages for approval: each package shall consist of an application, survey, warranty deed and drawings as required. The plans shall be sized as follows: 7 sets; 11" x 17", 1 full size set and 1 CD containing all drawings marked with the address. Separate from the landscaping plan submittal Landscape Approval:

Applicant submit, separate from the Building application, 8 complete packages for approval, Each package shall consist of an application, existing landscape survey, and drawings as required. The plans shall be sized as follows: 7 sets; 11 x 17, 1 full size set and 1 CD containing all drawings separate from the building plan submittal.

* Zoning Variance Approval:

Submittals for a zoning variance: submit (6) complete packages for approval: each package shall consist of an application, survey, warranty deed and drawings are required. The plans shall be sized as follows: 15 sets; 11" x 17", 1 full size set and 1 CD containing all drawings.

As directed by the Building Official or Building Director.

The Building Regulation Advisory Board (B.R.A.B.) meets at 6:00 P. M. on the second Tuesday of every month. Applications must be submitted 30 days, prior to scheduled meeting, (not including the day of the meeting), by 2:00 P.M. that day to allow for preliminary review and for mailing of a public notice if a variance is requested.

Fees must be paid at time of application submittal.

Any variances required must be heard and approved by the Town Council after the Building Regulation Advisory Board has considered the item. The Variance will be heard by the Town Council, in the following month, (on the third Tuesday), after the Building Regulation Advisory Board's action, at the Town Council's regularly scheduled meeting.

Please see page 5 for required documents.

*NOTICE***

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. PLEASE MAKE SURE THAT YOU, THE APPLICANT, HAVE CHECKED AND MARKED ALL ITEMS ON PAGE 5. THANK YOU.

BUILDING REGULATION ADVISORY BOARD APPLICATION (September 2016) Page 1 of 12

TOWN OF GOLDEN BEACH BUILDING REGULATION ADVISORY BOARD SCHEDULE OF FEES

Appropriate fee shall be paid at time of application. These fees are <u>not</u> refunda <u>Type of request</u>	ble. <u>Fee</u>			
Residence (new construction)	\$300.00			
2. Addition/Remodel of existing structure	\$225.00			
 Fencing, site walls, driveways, pool decks (charged per each item included in the plans) 	\$150.00			
4. Accessory Building or Structure	\$150.00			
5. Swimming pools	\$100.00			
6. Docks	\$100.00			
7. Boat Lifts	\$100.00			
9. Carports, awnings	\$100.00			
 Landscape plan review; required for new construction, addition and remodeling project. (submit plans with site plan elevations separate from the building plan approval package) 	\$300.00			
11. Resubmissions, based on original fee paid	75.0%			
12. Zoning Variances and special exceptions, per variance or exception:				
a. First variance/ exception	\$750.00			
 b. Per additional variance/exception, for the same initial variance (example: request for a dock, affecting two different codes 	\$200.00			
 c. When a variance is granted, the property owner, at his expense, shall have resolution for the variance recorded in the public records of Miami-Dade cour and two (2) certified copies of the recorded resolution shall be submitted to Town for inclusion into the property records d. If the Town Council grants a variance, a building permit must be secured within two years of the approval date or the variance will become null and void 				

TOWN OF GOLDEN BEACH APPLICATION FOR BUILDING REGULATION ADVISORY BOARD HEARING

Dogwood by		Application te	e:	
Request he	earing in reference to:			
New reside	ence/addition:	Variance(s):_	/	
Exterior alt	erations: DECORATIVE ARCH	178CTURALGENDther Structu	re:	
Date applic	cation filed: Dec 7, 2018	For hearing d	ate:	lan 8,2019
	Project information: Project description:	RATIVE ARCHITECTUR	eac	GRILLE
	Legal Description: SEC F	PB10-11 Lot 28 & S30F1	T of C	OT 29 BUKM
	Folio #: 19-1235-00 Address of Property:		nre	
2.	Is a variance(s) required: Yes_ (If yes, please submit variance	NoHow Many? application form for each reque	est).	
	ame: <u>FGAS 1980, U.C.</u>	Phone 305-409-7336	-	
Owner's ac	ddress: 801 Brickell Ave. #	Manity/State Miami FC.	- Zin	33/3/
Email addr	ess: JUPARELLICO O	GMAIL. COM		
Agent: P	PANIEL GOROGON	Phone 305-970-1235	Fav	
Agent's add	dress: 34 N.W. 168 +4	City/State N.M.B	_'	33/69
Email addr	ASS. BANKY O DAN	NU SOROGON. COM	_ZIP	
Architect:	ess: <u>DANNY@DAN</u> Danie/Sommon	Phone <u>305 910 /235</u>		
Email addr	one dana	FIIOIIe	_rax _	·
	ess: dannya	adingsprogen, co	<u> </u>	
Contractor:	FCCS, Inc / Danny Sorogon	Phone <u>_305_970_7735</u>	_Fax	
3.	Describe project and/ or reason		IE CTU	PAR DECORATI
601477.	ひとなんしら ロノビカド らいろめつー	TO F BUDDING 2011		
FINSP	The following information is sub	ER ALLEGES IT IS ENCR	OCH!	NG 6" INTO F
4.	The following information is sub	omitted for assisting in review:		SETBACK
	Building Plans:			
•	Conceptual: Other:	Preliminary:	_Final:	V
5	Estimated cost of work: \$22	. 000		
J.	Estimated market value of:	Land \$		21
		Building \$		
į	(Note: If estimated cost of work independent appraisal is require	is 40% of the market value of t	he buile	ding an

TOWN OF GOLDEN BEACH APPLICATION FOR BUILDING REGULATION ADVISORY BOARD HEARING

6.	Is hearing being requested as a result of a Notice	e of Violation?	NO
7.	Are there any structures on the property that will	be demolished?	NO
8.	Does legal description conform to plat?		YES
,	Owner Certification: I hereby certify that I am the described in this application and that all informat correct to the best of my knowledge.	e owner of record (*) of ion supplied herein is	the property true and
	-46	DEC. day of, 20_18	
Ту	pe of identification:	ALL NAME OF THE PARTY OF THE PA	KENNETH DELGADO
Pe	rsonally known to me	Notary Public	Commission # GG 200733 Expires March 27, 2022 Bonded Thru Budget Notary Services
Ow	ner/Power of Attorney Affidavit:	. Totally . abilo	
l, b app am	eing duly sworn, depose and say I am the owner plication and that I am aware of the nature and red ARCHITECTURAL GRAVEL SORGEON resentative before the Building Regulation Advisor	juest for: relative to my p	property and I
Ack	knowledged before me this 5th day of	DEC 2	o_ <i>18</i>
Тур	e of identification:	SELLAY PLON	KENNETH DELGADO Commission # GG 200733
per	sordly knowntome	OF ROSE	Expires March 27, 2022 Bonded Tiru Budget Holery Services
		Notary Public	

(*) If owner of record is a corporation then the president with corporate seal, the president and the secretary (without corporate seal), or duly authorized agent for the corporation may execute the application, proof that the corporation is a corporation in good standing.

TOWN OF GOLDEN BEACH APPLICATION FOR BUILDING REGULATION ADVISORY BOARD HEARING

Property Address: 6/6 No/	The kland	Or	
Legal Description: FQ: 19-1235-00	010-1010 000	F PBID-11 bot 78 & CZD 1	Flatza arm
Owner's Name: FGAS 1980 LUC	7 Phon	e Fax	1012720011
Agent's Name: DANIEL SPROGON	Phon	eFax	
Board Meeting of: JAN 8, 2019	7	- <u>32 / 10 / 033</u> rax	
NOTE: 1. Incomplete applications will a 2. Applicant and/or architect must	be present at m	neeting.	
Application for: FRONT GRILLE	VARIANO	E	
Lot size: <u>BD' x 165'</u>	<u> </u>		
Lot area: /3, 200 sg ft			
Tronlage, 85 Pr			
Construction Zone: 2 Front setback: 3560"			
Front setback: 3560"			
Side setback:			
Coastal Construction: Yes NoE	ast of coastal co	nst control line: Yes	No ×
State Road ATA frontage: XXX			•
Swimming pool: Yes No	Existina:	Proposed:	
rence type:	Existing:	Proposed:	
Finished Floor elevation N.G.V.D.:			
Seawall:	Existing	Proposed:	
Lot Drainage:			
How will rainwater be disposed of on site?			
Adjacent use (s):			
Impervious area:			
70 OI IIIIDOI VIOUS AIGA.			
Existing ground floor livable area square for	ootage:		
i ioposeu giouliu liool livadie sies soliste	tootade.		
Evidend 5 mode invable area solution 100130	16		
	aue		
i toposed % of Z libble over ground floor:			
Vaulted area square footage:			
Vaultod hojabt:			
Color of main structure:			
Color of trim:			
Color & material of roof:			
Building height (above finished floor elevat	ion):		
Swale: (Mandatory 10'-0" from edge of pay	ment, 10 ft. wide	e x 1 ft. deep minimum):	
Existing trees in Lot:	in Swa	ale:	
Proposed trees in Lot:	in Swa	ale:	
number a type of shrips.			
Garage Type:	Existing:	Dronosed:	
Driveway width & type:			
Signature of Applicant:		Date: D20 5. 2	2018

BUILDING REGULATION ADVISORY BOARD APPLICATION (September 2016)
Page 8 of 12

TOWN OF GOLDEN BEACH ACKNOWLEDGEMENT and AFFIDAVIT BY OWNER Chapter 46 Waterways of the Code of Ordinances Article IV Seawalls and Docks.

Affidavit by Owner:	
Folio No.:	Address:
Legal Description:	
as indicated above, and is in agreement premises, agrees to repair, or replace sail and to replace/and or repair any deterior	
Sworn to and subscribed before me this _	day of, 20
	Notary Public State of Florida at Large
Personally know to me	Produced Identification

TOWN OF GOLDEN BEACH BUILDING REGULATION ADVISORY BOARD APPLICATION FOR PETITION FOR VARIANCE

Fee: I. DANIEC SOROGON hereby petition the Town of Golden Beach for a variance from the terms of the Town of Golden Beach Code of Ordinances affecting property located at: Celle North Island Drive Folio No. 19-1235-006-1010 As specified in the attached "Application for Building Regulation Advisory Board" and related supporting material. 1. The Variance requested is for relief from the provisions of (list section number(s) of the Town of Golden Beach Code of Ordinances): 58C/64-69,3. 2. In order to recommend the granting of the variance, it must meet all the following criteria (please provide a response to each item): a. The Variance is in fact a Variance from a zoning regulation as set forth within the Zoning Chapter of the Town Code. No building or part there of shall be exected closer than 35th to the front lot line. b. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district. The BRAB has previously approved this Grille.
Michael Miller & Assoc approved the Tonida. New City Manager
believes that the prille is encovaching the first setback. c. The special conditions and circumstances do not result from the actions of the in obtaining the approval and the permit and in the d. Granting the Variance requested will not confer on the applicant any special privilege that is denied by the Zoning Chapter of the Town Code to other lands or structures in the same district. <u>I+ will not.</u>

TOWN OF GOLDEN BEACH BUILDING REGULATION ADVISORY BOARD PETITION FOR VARIANCE

3.	Literal interpretations of the provisions of the Zoning Chapter of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of zoning regulations and would work unnecessary and undue hardship on the applicant. Sold for the control of
4.	The Variance granted is the minimum Variance that will make possible the reasonable use of the land or structure.
5.	The granting of the Variance will be in harmony with the general intent and purpose of the Town Code and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
	Does the Variance being requested comply with <u>all</u> the above listed criteria? No
6.	Our code states that submission of a written statement is invited and encouraged. Has the applicant (petitioner) explained the variance to the owners of the nearest adjacent residences and sought their approval in writing? Yes No. Please attach any written letters of no objection to this petition.
	Is this request related to new construction?No
8.	Is construction in progress? UVST compleTED
9.	Is this request as a result of a code violation?
10.	Did this condition exist at the time property was acquired?YesYes
11.	Is this request sought as a remedy to a case to be heard, or action taken by the Special Magistrate?
12.	Do you have a building permit?No
	Building Permit No. <u>B-15-06-6986</u> Date issued: JUNE 23, 2015

TOWN OF GOLDEN BEACH BUILDING REGULATION ADVISORY BOARD PETITION FOR VARIANCE AFFIDAVIT BY OWNER

Allidavit by	Owner for Varia	ince Request(s):				
Folio No.:	19-1235-00	06-1010	Addres	ss:	616 N	orth 1	sland Drive
Legal Descr	iption: SecF	PB10-11	Lot 28	\$ S 3	30ft of	Lot 29	BUKM
construction	/isory Board for	the hearing d	ate of Juli.	B. 2019 1	relating to) Variar	he application for nce requests for emises located as
I acknowled Town Counc	ge notification to	by The Town of d on the follow	of Golden ving:	Зеасh, tl	hat grantir	ng of a v	ariance(s) by The
varia 2. If a E grant 3. That Reso	ed within two (2) nce request. Building Permit i ting the Varianc as the applica	s not issued we approval will nt, and at my bublic records Beach Town	vithin the to l be null ar own exp of Miami Hall for ind	the approve the (2) yeld void. ense, I s Dade C	oval of the ear time lin shall recor county and	Resolute Resolu	/ariance must be tion granting such en the Resolution tified copy of the two (2) certified cords.
	d subscribed be	·	5 ¹⁴	DS day of 2		OF FLORID	KENNETH DELGADO Commission # GG 200733 Expires March 27, 2022 onded Thru Budget Notary Services
Perso	onally know to n	ne	Produce	ed Identif	ication		

December 5, 2018

To whom it may concern,

I have no objection to the decorative architectural grille installed on the facade of the project located at 616 North Island Drive. My property is located at 610 North Island Drive, adjacent to the project in question.

Cordially,

Michael Klinger

Owner of 610 North Island Drive

Town of Golden Beach
Building Regulatory Advisory Board
Hearing Date

JAN 08 2019

APPROVED_ DISPERSIVED VARIANCE REQ.______ MICHAEL G. KLINGER C/O BERGMAN & JACOBS PA 20900 NE 20TH AVE., STE 811 AVENTRUA, FL. 33180

MICHAEL & SOFIA IOANNOU 500 NORTH ISLAND DRIVE GOLDEN BEACH, FL. 33160

616 NID- MAILING LIST FOR VARIANCE REQUEST JAN 2019

DELIO & ROSARIO MEDINA 600 NORTH ISLAND DRIVE GOLDEN BEACH, FL. 33160

ALBERTO & GAY PEISACH 588 NORTH ISLAND DRIVE GOLDEN BEACH, FL.

JAMES & NICOLE BANNER 620 NORTH ISLAND DRIVE GOLDEN BEACH, FL. 33160

JOSE CHEREM & YAEL SCHLESINGER 636 NORTH ISLAND DRIVE GOLDEN BEACH, FL. 33160

MARLEN RODRIGUEZ 648 NORTH ISLAND DRIVE GOLDEN BEACH, FL. 33160

ZVI SHIFF TRUST 660 NORTH ISLAND DRIVE GOLDEN BEACH, FL. 33160

JEROME S. & BETTINA C. HOLLO 668 NORTH ISLAND DRIVE GOLDEN BEACH, FL. 33160

CORINA ABADI 680 NORTH ISLAND DRIVE GOLDEN BEACH, FL. 33160

BENY & MARTA L. RUB 698 NORTH ISLAND DRIVE GOLDEN BEACH, FL. 33160



TOWN OF GOLDEN BEACH 1 Golden Beach Drive Golden Beach, Fl. 33160

SUMMARY MINUTES BUILDING REGULATION ADVISORY BOARD January 8, 2019 at 6pm

A. CALL MEETING TO ORDER: 6:13pm

B. BOARD ATTENDANCE: Eric Cohen, Jerome Hollo and Zvi Shiff

C. STAFF ATTENDANCE: Christopher Gratz – Miller Planning & Development, Linda Epperson-Director, Building & Zoning

D. APPROVAL OF MINUTES: November 13, 2018 Motion to approve the minutes as presented by Zvi Shiff, Seconded by Eric Cohen On roll call: Eric Cohen-Aye, Jerome Hollo-Aye and Zvi Shiff-Aye Motion passed 3 – 0

- E. REQUEST FOR ADDITIONS, DEFERRALS, DELETIONS & WITHDRAWALS
- F. VARIANCE REQUEST(S):
 - Golden Beach Owners LLC.
 150 East 58th Street, 3rd Floor New York, NY 10115

Property Address: Vacant Lot – a/k/a 401 Ocean Boulevard, GB FL. 33160

Folio No: 19-1235-002-0510

Legal Description: Lots 1 & 2, Block C, GB Sect B, PB 9-52

Michael Miller Planning summarized and entered their report into the record. Chad Oppenheim-Architect, Charles Kane and Kevin McMorris with Oppenheim Architecture spoke on behalf of the applicant No one spoke in opposition.

New two-story single-family residence with a basement, roof top elements and recreational accessory structures.

1. Variance request from Town Code 66-69.1 - Zone One; (d) (1) (c): Building Height.

(1) Main Residence.

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. Areas occupied below 18.2 feet NGVD, including only garages,

storage areas and one bathroom shall not be considered habitable areas. If any other use occurs in the area below 18.2 feet NGVD it is considered expendable from a flood or wave action damage standpoint, and those areas shall be considered habitable; therefore, the building height shall be measured from the lowest floor level below 18.2 feet NGVD.

Request is to allow the first floor finished elevation to start at 23.6' NGVD instead of 20.02' NGVD as required by the Town's code.

In accordance with Town Code Section 66-41, "authorized, general procedure", pertaining to variances, the board considered all evidence and testimony presented by the applicant, the public and the Town and made a finding that the applicant has complied with the seven criteria.

A motion to recommend approval was made by Eric Cohen, Seconded by Zvi Shiff

On roll call: Eric Cohen-Aye, Jerome Hollo-Aye and Zvi Shiff-Aye Motion passed 3 – 0

- 2. Variance Request from 66-69.1 Zone One (d) (1) (b) and (c)
- (d) Building Height (1) Main Residence.
- b. Primary residential structures built on lots with a street Frontage of 100 feet or more shall not exceed 30 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. Areas occupied below 18.2 feet NGVD, including only garages, storage areas and one bathroom shall not be considered habitable areas. If any other use occurs in the area below 18.2 feet NGVD it is considered expendable from a flood or wave action damage standpoint, and those areas shall be considered habitable; therefore, the building height shall be measured from the lowest floor level below 18.2 feet NGVD.

Request is to allow for an overall height of 31.6' above the first-floor elevation instead of the 30' required by the Town's code.

In accordance with Town Code Section 66-41, "authorized, general procedure", pertaining to variances, the board considered all evidence and testimony presented by the applicant, the public and the Town and made a finding that the applicant has complied with the seven criteria.

A motion to recommend approval was made by Zvi Shiff, Seconded by Eric Cohen

On roll call: Eric Cohen-Nay, Jerome Hollo-Aye and Zvi Shiff-Nay Motion failed 2 – 1 (Jerome Hollo-Aye)

2. FGAS 1980 LLC 801 Brickell Avenue, #1610 Miami, FL. 33131

Property Address: 616 North Island Dr., Golden Beach, FL. 33160

Folio No: 19-1235-006-1010

Legal Description: Lt 28 & S30' of Lot 29, Block M, GB Sect F, PB 10-11

Michael Miller Planning summarized and entered their report into the record. Daniel Sorogon-Architect, spoke on this item.

Variance request from Town Code 66-69.3 - Zone Three; (f) Front Yard Setbacks: No building or part thereof, including garages, shall be erected closer than 35 feet to the front lot line.

Request is to allow a 6" architectural projection to be installed at 34.5' from the front property line instead of the 35' front setback required by the Town's code.

In accordance with Town Code Section 66-41, "authorized, general procedure", pertaining to variances, the board considered all evidence and testimony presented by the applicant, the public and the Town and made a finding that the applicant has complied with the seven criteria.

A motion to recommend approval was made by Eric Cohen, Seconded by Zvi Shiff

On roll call: Eric Cohen-Aye, Jerome Hollo-Aye and Zvi Shiff-Aye Motion passed 3 – 0

G. OLD BUSINESS:

H. NEW BUSINESS:

 Golden Beach Owners LLC.
 150 East 58th Street, 3rd Floor New York, NY 10115

Property Address: Vacant Lot – a/k/a 401 Ocean Boulevard, GB FL. 33160

Folio No: 19-1235-002-0510

Legal Description: Lots 1 & 2, Block C, GB Sect B, PB 9-52

Miller Planning summarized their report and it was entered into the record. Chad Oppenheim with Oppenheim Architecture spoke on behalf of the applicant.

New two-story single-family residence with a basement, roof top elements and recreational accessory structures.

No action was taken by the Board until approval or denial of the variance requests receive an action from the Town Council.

BRAB Draft Minutes - January 8, 2019.

PRELIMINARY DESIGN REVIEWS - ITEMS FOR DISCUSSION AND POSSIBLE APPROVAL

4. Ricardo and Luz Gonzalez. 236 Golden Beach Drive Golden Beach, FL. 33160

Property Address: VL a/k/ 234 Golden Beach Drive, GB, FL. 33160

Folio No: 19-1235-004-0060

Legal Description: Lot 8, Block G, GB Sect. D, PB 10-10

Michael Miller Planning summarized and entered their report into the record.

Ramon Valdez-Denis-Architect spoke on behalf of the applicant.

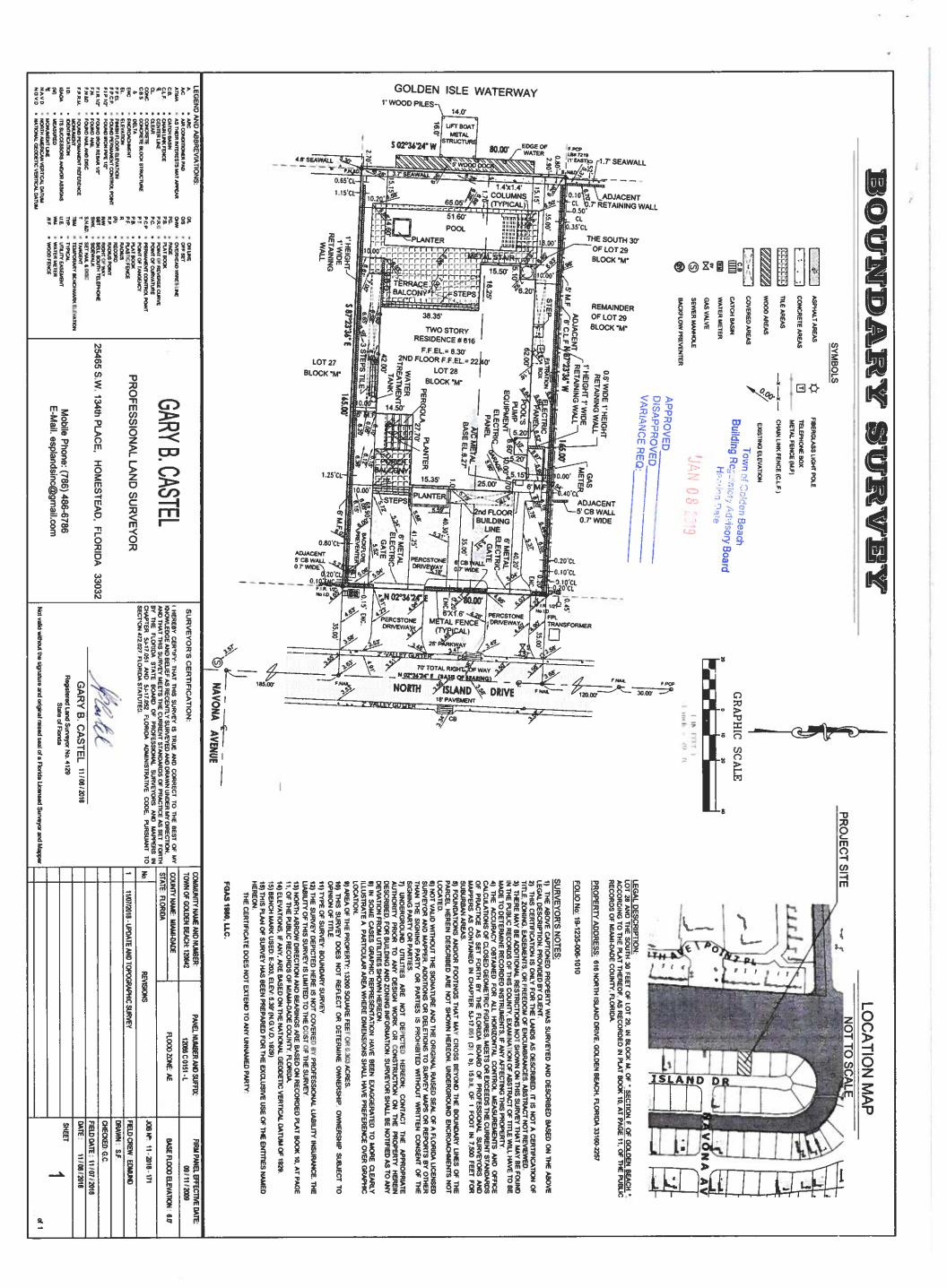
No one spoke in opposition to this item.

Construction of new two-story single family residence.

A motion to approve was made by Eric Cohen, Seconded by Zvi Shiff Condition on the following: 1. Compliance with landscaping comments, 2. Seawall to be bought to into compliance with the new Town Code of a minimum 5' or maximum 6' NAVD elevation 3. Setback of the rear decking off of the seawall by 5' or installation of a drainage system approved by the Town. 4. Aluminum Shutter for screening of the cut out for the mechanical equipment.

J. ADJOURNMENT

PURSUANT TO FLA. STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT SUCH PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES I



SCALE |4" . 1' - 0" TREVIOUSEY ATTROOPED HRONT HEHIVATION SCALE 1/4' . 1' - 0' TROTOGED AME TRONT MINISTER 5.55 SEC. 6 - Barrer LEGAL DESCRIPTION: 3-4 A STATE OF PROPOSED NEW FRONT ELEVATION CHANGE JULIANA & FLAVIO SCHMEIL'S RESIDENCE 4.2 mg や問題の 616 NORTH ISLAND DR. GOLDEN BEACH, FLORIDA 33160 3'X3' ALUMINUM TUBE -4'X4' ALUMINUM FRAME I'x 2' ALUMINUM TUBE 1'x 4' ALUMINUM TUBE I'x I' ALLIMINUM TUBE 35 FRONT SETBACK ALIMINAM FRAME ALL AROUND ALIMINAM FRAME ALL AROUND ALIMINAM FRAME ALL AROUND NEW CHANGE EXISTING 8' CONCRETE WALL 6'X6' X I/4' ALUMINUM PLATE BOLTED TO CONCRETE W/ (4) 3/8' TAPCONS 4' DEEF が発 THE SOL THOUNG ALUMINUM GRILLE OVER EXISTING CONCRETE WALL TREVIOUSLY APPROVED FRONT RENDERING





