

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2629.19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2611.19 WHICH APPROVED A ROOFTOP SETBACK VARIANCE FOR THE PROPERTY AT 587 OCEAN BOULEVARD; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

WHEREAS, on May 21, 2019 the Town Council of the Town of Golden Beach (the "Council") conducted a public hearing on a request for a variance for the property located at 587 Ocean Drive ("the Property"); and

WHEREAS, after considering all substantial competent evidence, the Council granted the requested variance as evidenced by Resolution No. 2611.19 a copy of which is attached as Exhibit "A"; and

WHEREAS, the owner of the Property, 587 Ocean Boulevard Trust, has notified the Town of its desire to withdraw the approvals granted by the Council; and

WHEREAS, the owner's withdrawal is contained in the letter attached hereto as Exhibit "B"; and

WHEREAS, the Council wishes to vacate the approval of the variance.

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. Rescission. Resolution 2611.19 is hereby rescinded, void and of no further force and effect.


Section 3. Implementation. The Town Manager and Town Mayor are hereby directed to take all steps necessary to implement this Resolution.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

The Motion to adopt the foregoing Resolution was offered by Councilmember Bernstein, seconded by Councilmember Lusskin, and on roll call the following vote ensued:

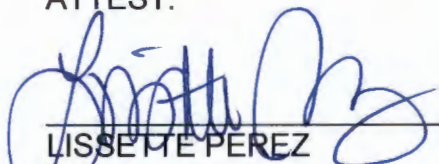
Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 17th day September, 2019



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
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

Date: September 17, 2019

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Subject: Resolution No. 2629.19 – Rescinding Resolution No. 2611.19 for a
Variance Request for 587 Ocean Boulevard, Golden Beach, FL
33160 (Usable Roof Top Area)

Item Number:

9

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2629.19 as presented.

Background and History:

The owners (applicant) of 587 Ocean Boulevard have withdrawn their variance request.

Financial Impact:

None

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2611.19

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 587 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE USABLE AREA OF THE ROOF TOP TERRACE SIDE SETBACKS TO BE SET AT A MINIMUM OF 7'-6" INSTEAD OF THE CODE'S CURRENT 10' ROOF TOP SIDE SETBACK REQUIREMENT.

WHEREAS, the applicants, Jan A. Marks Trs ("the applicant"), filed a Petition for Variances/exceptions, from Town Code Section 66-261 – Roof Top Activities.

(b) Within Zone One, the roof of the highest roofed structure may be used for passive leisure activities, including entertainment and other passive recreational/leisure uses subject to the following limitations:

(2): The usable area must be set back a minimum of ten feet from the edge of the roof in all directions except from the rear (ocean front), and;

WHEREAS, the applicant's request is to allow the Roof Top usable area side setbacks to be set at seven feet, six inches instead of the ten foot setbacks required by the code, and;

WHEREAS, these variances and exceptions are for the property at 587 Ocean Boulevard, Golden Beach, FL. 33160 (Golden Beach Section "A", Lot 22, Block D, as recorded in PB 9-52, of the Public Records of Miami-Dade County, (Folio No. 19-1235-001-0550 (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

Seven foot, six inch side setback requests (motion failed), 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 each of 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 CS (cover sheet), and A1.00 through A8.00 Kobi Karp, Architecture and Interior Design, plans labeled new single family residence, revision, dated 5/14/2019, roof top usable area variance and the attached Sketch of Boundary Survey, prepared by HADONNE, Land Surveyor, Raul Izquierdo, #LS6099, dated 11/29/2018, for the property located at 587 Ocean Blvd, 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 Councilmember Lusskin, seconded by Councilmember Mendal and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

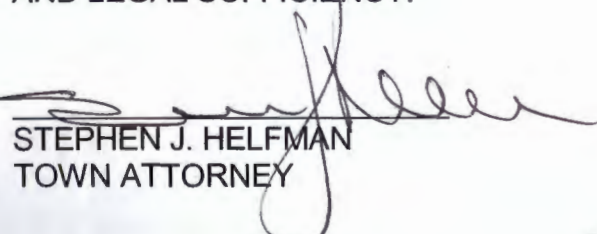
PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 21st day May, 2019

ATTEST:


LISSETTE PEREZ
TOWN CLERK


MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY

Alexander Diaz
Town Manager
1 Golden Beach Drive
Golden Beach, FL 33160

TOWN MANAGER

JUL 29 2019

RECEIVED

Subject: Withdrawal of variance request for 587 Ocean Boulevard, Golden Beach, FL 33160

Dear Alex,

We would like to withdraw the variance request for 587 Ocean Boulevard that was presented to the BUILDING REGULATION ADVISORY BOARD on May 14, 2019

The variance request which we would like to withdraw is as follows: TO PERMIT THE USABLE AREA OF THE ROOF TOP TERRACE SIDE SETBACKS TO BE SET AT A MINIMUM OF 7'-6" INSTEAD OF THE CODE'S CURRENT 10' ROOF TOP SIDE SETBACK REQUIREMENT.

Thank you,



By:

Andrew & Rita Rabin

Date: 7/17/19



By:

Jan A. Marks
Trustee
587 Ocean Boulevard Trust

Date: 7/17/19