

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2918.24

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 550 GOLDEN BEACH DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT A PORTION OF THE DOCK ON THE SOUTH BOATLIFT ON THE NORTH SIDE OF THE PROPERTY, TO ENCROACH OUTSIDE THE TOWN'S D-5 TRIANGLE, WHEN TOWN CODE SECTION 46-87 DOES NOT PERMIT IT.

WHEREAS, the applicant, Kenneth R. Bernstein ("the applicant"), filed a Petition for Variances/exceptions, from Section 46-87 – Proximity of lot lines. No portion of a dock, boat lift, hydrohoist or any other method of elevation, mooring piles, boat davits, dolphin piles or any other structure, and no portion of a boat elevated above the water moored at a dock or seawall, shall protrude into the waterway, unless it is within the triangle formed by connecting the points that form a triangle where the waterfront property line is the base of the triangle and the triangle sides extend towards the waterway at a 45 degree angle until the lines intersect on the waterway side of the lot, but never to exceed 25 feet into the waterway from each of the lot property line. Neither elevated boats nor docks shall encroach in any instance within the side setback area

WHEREAS, the applicant's request is to allow the dock and the Boatlift to encroach outside the Town's D-5 triangle.

WHEREAS, these variances and exceptions are for the property at 550 Golden Beach Dr., Golden Beach, FL. 33160 (Golden Beach Sect F, S ½ of Lot 10 & all of Lots 11 & 12, Block F, PB 10-11, of the Public Records of Miami-Dade County, (Folio No. 19-1235-006-0650 (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 request for the seawall encroachment, 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 by Adolfo Gonzalez, #58620, Professional Engineer, pages numbered S1-S7, 8/30/2023, and the Sketch of Boundary Survey, prepared by Silvia Nuin, FL Licensed Surveyor and Mapper, Seal dated 10/15/2020 for the property located at 550 Golden Beach 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.

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>Recused</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 16th of January, 2024.

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: January 16, 2024
To: Honorable Mayor Glenn Singer &
Town Council Members
From: Alexander Diaz,
Town Manager *Alex B.*

Item Number:

5

Subject: Resolution No. 2918.24 – Variance Request for 550 Golden Beach Dr.,
Golden Beach, FL. (D-5 triangle encroachment.)

Recommendation:

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2918.24.

Background and History:

Town Code Section 46-87- Proximity of lot lines.

No part of any dock or boatlift may encroach outside the D-5 triangle.

The applicant's request is to allow the south side corner of the new dock, and the new boatlift at the north side of the property to encroach outside the Golden Beach D-5 triangle.

The Building Regulation Advisory Board met December 12, 2023 and recommended approval of the variance request, the motion passed with a Board vote of 4 – 0

Attachments:

- Resolution
- Christopher Gratz, Zoning Review Memorandum
- Notice of Hearing
- Building Regulation Advisory Board Application
- Copy of resident notification listing
- Summary minutes

Financial Impact: None