

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2948.24

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR PROPERTY LOCATED AT 284 SOUTH ISLAND DRIVE, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE FINISHED GRADE OF THE LOT TO BE AT 6' NGVD, WHEN 4.886' NGVD IS PERMITTED, EXTERIOR SLABS, DECKS, AND WALKWAYS NOT TO EXCEED AN ELEVATION OF 6' NGVD, WHEN 4.64' NGVD IS PERMITTED, AND TO ALLOW THE FRONT STAIRS TO BE AT AN ELEVATION OF 8.25' NGVD WHEN THE CODE REQUIRES 7.886' NGVD.

WHEREAS, the applicants, Manuel Grosskopf and Mariana Grosskopf Levi, ("the applicant(s)"), filed a Petition for Variances/exceptions, from Section 66-102(a) - Minimum lot and swale elevations grade. (a) The finished grade of any lot shall not exceed an elevation of 24 inches above the crown of the road adjacent to the lot and in no event shall exceed an elevation of six feet N.G.V.D. Exterior slabs and walkways shall not exceed an elevation of 36 inches above the crown of the road. adjacent to the lot, and from Section 66-141 (c) In Zones Two and Three no walkways, patios, steps, terraces, or platforms shall be constructed closer than 36 inches to the adjacent side or rear lot lines. In all Zones, a walkway with or without steps extending from a driveway or directly from an adjoining street to the front door not exceeding 8 feet in width shall be permitted in front yards or street-side (corner lots) yards. No steps or platforms over 36 inches in height above the average lot grade shall extend into minimum side, rear or front yard Setback areas.

WHEREAS, the applicant's request is to allow for the finished grade of the lot to be at 6' NGVD, 1.114' NGVD higher than permitted, to allow the exterior slabs, decks, and walkways to exceed the crown of the road, with an elevation not to exceed 6' NGVD, 1.36' higher than permitted, and to allow the stairs in the front yard to be at an elevation 8.25' NGVD when 7.886' is the maximum permitted (0.364' or 4.4" higher).

WHEREAS, these variances and exceptions are for the property at 284 South Island Drive, Golden Beach, FL. 33160 (GB Section D, Lots 51- 53, Block J., as recorded in PB 10-10, of the Public Records of Miami-Dade County, (Folio No. 19-1235-004-0840 (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, 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 plan, labeled Cover Sheet, A-000.0 – A-906, plan pages , dated 5/22/2024 by RCTEK Architecture, John Sacco, Architect, and the Sketch of Boundary Survey, prepared by Richard J. Minguell, LS 6402, R. Minguell, Inc. ,Land Surveyors, dated 12/29/2023, for the property located at 284 South Island Drive, 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.

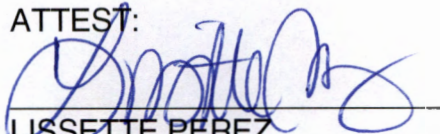
Sponsored by Town Administration.

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

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,
Florida, this 18th day of June, 2024.

ATTEST:

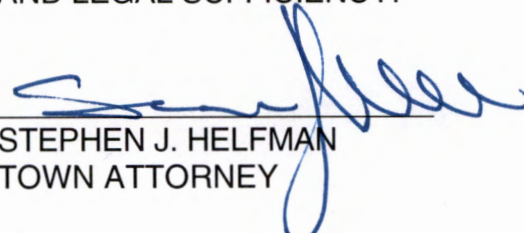


LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY

Attachments:

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

Financial Impact - None

TOWN OF GOLDEN BEACH
BUILDING AND ZONING DEPARTMENT
MEMORANDUM



TO: Building Regulatory Advisory Board
FROM: Christopher M. Gratz, AICP, Consulting Planner
DATE: June 11th, 2024
SUBJECT: Variance for a new Residence, 284 South Island Drive

GENERAL PROPERTY INFORMATION

Land Use Designation: Low Density Residential
Zoning District: Zone Three (3)
Address: 284 South Island Drive
Legal Description: Lots 51, 52, and 53 Block "J", Section "D" of Golden Beach, According to the Plat thereof, as recorded in Plat Book 10, Page 10 of the Public Records of Miami-Dade County.
Lot Information: Full-sized lot, 150' frontage, depth of 165', 24,750 square feet (0.568 acres)

APPLICATION INFORMATION

Owner/Agent: Manuel Grosskopf & Mariana Grosskopf/Ezequiel Miedvietzky

REQUEST

Variance **FROM:** Town Code §66-102(a) which requires that the finished grade of any lot shall not exceed an elevation of 24 inches above the crown of the road adjacent to the lot and in no event shall exceed an elevation of six feet NGVD; and that exterior slabs and walkways shall not exceed an elevation of 36 inches above the crown of the road adjacent to the lot;

TO: allow the finished grade of the lot to be 6' NGVD (1.114'/13.368" higher); and exterior slabs, decks, and walkways to exceed the crown of the road (2.886' NGVD) to be 6' NGVD (0.114'/1.36" higher).

Allowing the grade of the lot to be 1.114' higher also increases the maximum height of stairs at the front of the home because the Town Code requirement for this features is based on the grade of the

lot. The highest stair in the setback in the front of the home is 8.25' NGVD (0.364'/4.4" higher) when 7.886' NGVD would be the maximum if the lot grade complied.

§66-141(c) Projections. No steps or platforms over 36 inches in height above the average lot grade shall extend into minimum side, rear or front yard setback areas.

HISTORY

The property contains a two story 9,774 sq. ft. home originally constructed in 1952, with additions in 1989, 1993 and 1995 according to the Miami-Dade Property Appraiser.

ANALYSIS

DIVISION 2. - VARIANCES

§66-41. - Authorized, general procedure.

(a) The Building Regulation Advisory Board may recommend pursuant to the hearing as provided in §66-42 the granting of a Variance by the Town Council from the terms of the zoning provision of this chapter if it is not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to recommend any Variance from the terms of this chapter, the Board shall find the following:

- (1) The Variance is in fact a Variance from a zoning regulation as set forth within this chapter.

The request is for variances from zoning regulations.

- (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 property is in Zone 3 and the Town Code's requirements are applicable to all properties in the district. The property is a full sized rectangular lot like many other waterfront properties are in the Town and is not unique.

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

The variance requests are a direct result of the applicant's design. The change in the required finished floor elevation to 9' NAVD in Zones 2 and 3 without any changes to grades and elevations poses design challenges but they have been overcome by every applicant. It is noted that this property is in the FEMA Flood Zone AE 7' NGVD and the Town Code does not allow the grade of the lot to meet FEMA's base flood elevation.

(4) Granting the Variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district.

The granting of the variances directly confers special privileges the owner; the variances will allow a home that is larger than what others who have complied with the Code have had approved.

(5) Literal interpretation of the provisions of this chapter 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.

No evidence has been presented that an undue hardship would be incurred by constructing a new home in compliance with the Code. Buildable area being reduced by Code requirements for elevations, grades, and setbacks is not an undue hardship; minimum setbacks are not guaranteed rights, they are only minimums design standards. The proposed home has living area that is nearly 3 times larger (8,762.81 sq. ft.) than the minimum living area of 3,000 sq. ft. that is required by the Code; all of the requirements of the Code can be met by reducing the size of the home which would still be substantially larger than the minimum living area that the Code requires.

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

The requested variance is what the applicant needs to achieve the desired design. No evidence has been presented that constructing a home in compliance with the Code is not reasonable.

(7) The granting of the Variance will be in harmony with the general intent and purpose of this chapter and the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The intent of the Town Code is to promote the construction of luxury homes with the designs of new development that are compatible with existing development and have a cohesive architectural character per Town Codes §50-2(a) & (c). The home has an unusual design that has no street presence; with no first floor windows visible from the street and a recessed cavernous entrance. Over half (66'9") of the 130' façade is dedicated to 6 garage spaces.

(b) In recommending the granting of any Variance, the Building Regulation Advisory Board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of the Code of Ordinances. The Building Regulation Advisory Board may prescribe a reasonable time limit wherein the Construction of the structure subject to the Variance is required to be completed.

No conditions are recommended. It is noted that on the sides of the home the applicant is limiting the solid wall above the finished floor elevation to only 1' above it with the remainder being an aluminum picket fence.

(c) Under no circumstances shall the Building Regulation Advisory Board recommend the granting of a Variance or a use not generally permitted in the district involved or any use expressly or by implication prohibited by the terms of this Code in the district. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for a Variance.

The request is not for a use variance.

RECOMMENDATION

The applicant has failed to provide any substantial competent evidence to support the request and fails to meet the criteria required by the Town Code for the granting of a variance; therefore **denial** of the application is recommended.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: June 18, 2024

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Alex B

Item Number:

4

Subject: Resolution No. 2948.24 – Variance Request for 284 South Island Drive,
Golden Beach, FL 33160 (Lot Grade Change–Zone 3)

Recommendation:

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2948.24.

Background and History:

Section 66-102(a) - Minimum lot and swale elevations; grade. (a) The finished grade of any lot shall not exceed an elevation of 24 inches above the crown of the road adjacent to the lot and in no event shall exceed an elevation of six feet N.G.V.D. Exterior slabs and walkways shall not exceed an elevation of 36 inches above the crown of the road. adjacent to the lot

Section 66-141 (c) In Zones Two and Three no walkways, patios, steps, terraces, or platforms shall be constructed closer than 36 inches to the adjacent side or rear lot lines. In all Zones, a walkway with or without steps extending from a driveway or directly from an adjoining street to the front door not exceeding 8 feet in width shall be permitted in front yards or street-side (corner lots) yards. No steps or platforms over 36 inches in height above the average lot grade shall extend into minimum side, rear or front yard Setback areas.

Sec. 66-102 - Minimum lot and swale elevations; grade.

(a) The finished grade of any lot shall not exceed an elevation of 24 inches above the crown of the road adjacent to the lot and in no event shall exceed an elevation of six feet N.G.V.D. Exterior slabs and walkways shall not exceed an elevation of 36 inches above the crown of the road adjacent to the lot.

The applicant's request is to allow for the finished grade of the lot to be at 6' NGVD, 1.114' higher than permitted, and to allow the exterior slabs, decks, and walkways to exceed the crown of the road, with an elevation not to exceed 6' NGVD, 1.36' higher than permitted, and to allow the stairs in the front yard to be at an elevation 8.25' NGVD when 7.886' (0.364' or 4.4" higher) is the maximum permitted.

The Building Regulation Advisory Board met June 11, 2024, and recommended approval of the variance request; the motion passed with a Board vote of 3 – 0.