

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2640.19

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 386 GOLDEN BEACH DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT A DOCK TO BE CONSTRUCTED AT A DOCK LENGTH OF 53'8" PROTRUDING OUTSIDE THE D-5 TRIANGLE, TOWN CODE SECTION 46-87 PROXIMITY OF LOT LINE, INSTEAD OF THE PERMITTED APPROVED DOCK LENGTH OF 46'8".

WHEREAS, the applicants, Volodymyr Symonenko and Oksana Kirpenko, ("the applicants"), filed a Petition for Variances/exceptions, from Section 46-87 – Proximity of Lot Lines. (b) No portion of a dock, boat lift, hydro hoist 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 indicated below, 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. The base of the triangle shall be determined as follows: (1) the base of the D5 triangle for all lots is set back five feet inside each of the side property lines.

WHEREAS, the applicant's request is to allow for the dock to remain as constructed at 53'8" which protrudes outside the D-5 Triangle instead of the approved permitted dock length size of 43'8" which is within the D-5 Triangle.

WHEREAS, these variances and exceptions are for the property at 386 Golden Beach Dr., Golden Beach, FL. 33160 (Golden Beach Section "E", N ½ of Lot 48 and all of Lot 49, Block G, as recorded in PB 8-122, of the Public Records of Miami-Dade County, (Folio No. 19-1235-005-0720 (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 of the request for the larger dock, 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 S-1 – S-3, dated June 12, 2019, John

Omslaer, Engineer, #52733, Dynamic Engineering Solutions, Inc. and the Sketch of Boundary Survey, prepared by ECS Land Surveyors, Inc., dated 7/31/2019, for the property located at 386 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 Bernstein, seconded by Councilmember Lusskin, and on roll call the following vote ensued:

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| 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 17th day Septmeber, 2019

ATTEST:



LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY