

TOWN OF GOLDEN BEACH
RESOLUTION NO. 999.96

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RELATING TO A VARIANCE REQUEST OF MICHAEL AND HANNAH LEVIN, FOR THE PROPERTY LOCATED AT 44 TERRACINA AVENUE, GOLDEN BEACH, THE W45FT. OF LOT 33 AND ALL OF LOT 34, BLOCK H SECTION D, REQUESTING (1) RELIEF FROM TOWN CODE SECTION 66-139, TO HAVE A FRONT SETBACK OF 19'-0" IN LIEU OF THE 35'-0" REQUIRED BY CODE AND (2) RELIEF FROM TOWN CODE SECTION 66-139 TO HAVE A 25'-0" REAR SETBACK IN LIEU OF THE 35'-0" REQUIRED BY THE CODE AND (3) RELIEF FROM TOWN CODE SECTION 66-252 TO BUILD A 10 Ft. by 10 Ft. OPEN GAZEBO (ACCESSORY BUILDING) IN THE REAR PROPERTY, 4 FEET FROM THE REAR AND SIDE PROPERTY LINES, WHEN NO ACCESSORY BUILDING IS PERMITTED BY THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Michael and Hannah Levin, have applied for the following:

- (1) VARIANCE requesting relief from town code section 66-139, to have a front setback of 19'-0" in lieu of the 35'-0" required by code and
- (2) VARIANCE requesting relief from town code section 66-139 to have a 25'-0" Rear setback in lieu of the 35'-0" required by the code and
- (3) VARIANCE requesting relief from town code section 66-252 to build a 10 Ft. by 10 Ft. open gazebo (accessory building) in the rear property, 4 feet from the rear and side property line, when no accessory building is permitted by the code.

SUBJECT PROPERTY: W45 FT. OF LOT 33 AND ALL OF LOT 34,
BLOCK H SECTION "D" OF GOLDEN
BEACH, AS RECORDED IN P.B. 10, PAGE
10 DADE COUNTY, FLORIDA. FOLIO NO.
19 1235 004 0440;

ADDRESS: 44 TERRACINA AVENUE,
GOLDEN BEACH, FLORIDA 33160

WHEREAS, a public hearing of the Town Council of the Town of Golden

Beach was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Town Council that the requested variance is not contrary to public interest and that special conditions do exist whereby a literal enforcement of the provisions of the Town's Code of Ordinances will result in unnecessary and undue hardship on the applicant.

WHEREAS, the setback encroachments in these variances do not about any privately owned property in the Town;

NOW, THEREFORE BE IT RESOLVED by the Town Council, of the Town of Golden Beach:

Section 1. That the requested variances are hereby approved as follows:

Item # 1. to permit relief from town code section 66-139, to have a front setback of 19'-0" in lieu of the 35'-0" required by code and

Item # 2 to permit relief from town code section 66-139 to have a 25'-0" Rear setback in lieu of the 35'-0" required by the code and

Item # 3 to permit relief from town code section 66-252 to build a 10 Ft. by 10 Ft. open gazebo (accessory building) in the rear property, 4 feet from the rear and side property lines, when no accessory building is permitted by the code.

Section 2. That the application as approved, is subject to the following conditions:

A. A Building Permit for work where the Variance has been granted must be obtained within two (2) years from the date of Variance approval. If no Building Permit is issued within the two (2) year time limit, then the Variance approval will be considered null and void.

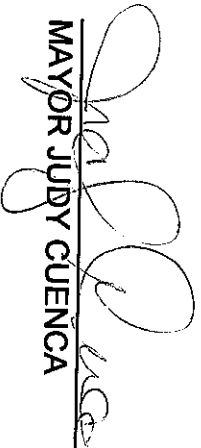
Section 3. The Building and Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Town of Golden Beach Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution. A copy of this Resolution shall be attached to the building permit application documents.

Section 4. Effective Date. That this resolution shall become effective immediately upon its adoption.

WHEREAS, the following Resolution was offered by Councilmember Addicott and seconded by Councilmember Rosenthal and upon poll of members present, the vote was as follows:

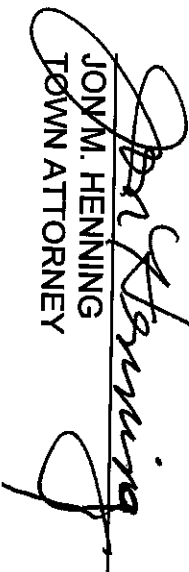
Mayor Cuenca	<u>AYE</u>
Councilwoman Lowrance	<u>AYE</u>
Councilman Rosenthal	<u>AYE</u>
Vice Mayor Fistel	<u>ABSENT</u>
Councilman Addicott	<u>AYE</u>

PASSED AND ADOPTED this 17th day of September, 1996.


MAYOR JUDY CUENCA


TOWN CLERK, PATRICIA MONGIELLO

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


JON M. HENNING
TOWN ATTORNEY