

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2214.12

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 195 OCEAN BLVD., GOLDEN BEACH, FLORIDA 33160 TO PERMIT THE LEGALIZATION OF TWO STRUCTURES BUILT WITHOUT PERMITS WHICH ENCROACH INTO THE NORTH PROPERTY LINE AT A 0' SIDE SETBACK, AND AN ADDITIONAL STRUCTURE BUILT INTO THE SOUTH SIDE PROPERTY WHICH ENCROACHES AT 9'5" SETBACK, WHERE A 10' SIDE SETBACK IS REQUIRED BY THE TOWN'S CODE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, John E and Brenda McHugh, ("the Applicants"), filed a Petition for a Variance/Exception, from Section 66-136, Side Line Restrictions Between Adjoining Lots, Section 66-140(a), Setbacks Generally, and Section 66-141(d)-Same Projections allowing the after-the-fact approval of two structures built without required permits which encroach into the north side property line at a 0' setback, and the after-the-face approval of an additional structure built into the south side property line that encroaches at 9'5", in lieu of the required 10', at 195 Ocean Boulevard, Golden Beach, Florida 33160 (Golden Beach Section "C", Lot 20, Blk A, as recorded in PB 10-52, of the Public Records of Miami-Dade County, (Folio No. 19-1235-003-0170) (the "Property") and ;

WHEREAS, the Town's Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance/Exception and recommended that the requests be denied; 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 Exception meets the criteria of the applicable codes and ordinances.

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 is hereby granted.

Section 3. Conditions. The Petition for Exception/Variance as granted is subject to the following conditions:

- (1) The Applicants shall pay a \$20,000 fine for outstanding civil violation 11-0329-3640 issued on the property; and
- (2) The Applicants shall secure after-the-fact building permits for each of the structures that are in violation within 60 days of the approved Variance request; and
- (3) The Applicants shall record a certified copy of this Resolution in the public records of Miami-Dade County; and
- (4) Construction pursuant to the permits issued under (2) above shall be completed substantially in accordance with those certain plans, SP-1, A-1 through A-3, by Harry Munoz R.A., AAC 001185, dated 10/28/2011, for the property located at 195 Ocean Boulevard, Golden Beach, FL 33160. And –

Milton Cubas, P.E., Certification Authorization 27267, F.L. Reg. P.E. #51902;

"As Built Certificate", dated September 21, 2011.

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 Einstein, seconded by Vice Mayor Bernstein 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 Amy Isackson-Rojas	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

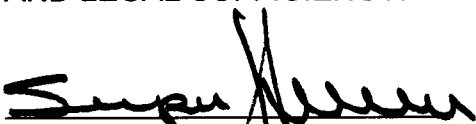
PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,
Florida, this 21st day of February, 2012.

ATTEST:


LISSETTE PEREZ
INTERIM TOWN CLERK


MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY