

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2032.09

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 180 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT PLACEMENT OF A GENERATOR SIX FEET FROM THE SIDE LOT LINE AND FIVE FEET FROM THE REAR YARD LOT LINE IN LIEU OF THE CODE REQUIREMENTS THAT A GENERATOR BE LOCATED WITHIN FIVE FEET OF THE REAR OF THE PRINCIPAL BUILDING AND SETBACK TEN FEET FROM THE SIDE PROPERTY LINE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Scott Schlesinger (the "Applicant"), filed a Petition for Variance from Section 66-92(c)3 of the Town of Golden Beach Code of Ordinances (the "Code") for the purpose of allowing a generator to be placed six feet from the side yard property line and five feet from the rear yard property line for the property at 180 Ocean Boulevard, Golden Beach, Florida 33160 (Golden Beach Section "C", lots 2, 3 & 4, Block 6, as recorded in PB 9-52, of the Public Records of Miami-Dade County, (Folio Nos. 19-1235-006-0530, 0520 & 0510) (the "Property"); and

WHEREAS, the Town's Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance and recommended approval of the variance 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 Code and ordinances and desires to grant the Petition for Variance subject to the conditions provided 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 is hereby granted subject to the conditions below.

Section 3. Conditions. The Petition for 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
- (2) Construction shall be completed substantially in accordance with those certain specifications entitled "Generac QT036 – Gas Generator", Schlesinger Residence, located at 180 Ocean Boulevard, 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 Vice Mayor Lusskin, seconded by Councilmember Rojas and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Ben Einstein	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>
Councilmember Ken Bernstein	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 22nd day of September 2009

ATTEST:



MAYOR GLENN SINGER



ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY