

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1159.99 C

Amended 03/15/99

Amended 03/16/99

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; RELATING TO A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT: 667 OCEAN BOULEVARD, GOLDEN BEACH, SECTION A, LOT 5 & S ½ OF LOT 4, BLOCK D, AS RECORDED IN PB 9-52 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; REQUESTING RELIEF FROM TOWN CODE SECTION 66-186(A) HEIGHT RESTRICTIONS (OF FENCES AND WALLS), TO PERMIT THE NORTH AND SOUTH SIDE FENCES TO BE 6 FEET IN HEIGHT FROM THE FRONT PROPERTY LINE TO THE REAR BULK HEAD WALL, AND REQUESTING RELIEF FROM TOWN CODE SECTION 66-140(A), TO PERMIT TWO (2) DECORATIVE WALLS AND FOUNTAINS IN THE FRONT SETBACK WITH A HEIGHT OF 5 FOOT 10 INCHES, IN LIEU OF THE 3 FOOT MAXIMUM HEIGHT REQUIRED BY THE CODE; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Eliahu Ben-Shmuel has applied for the following variances:

- (1) A Variance requesting relief from Town Code Section 66-186(a) Height Restrictions (of fences and walls), to permit the north and south side fences to be 6 feet in height from the front property line to the rear bulk head wall, in lieu of the 6 foot, 4 foot, and 2 foot maximum height permitted by the code.

- (2) A Variance requesting relief from Town Code Section 66-140(a), to permit two (2) decorative walls and fountains in the front setback with a height of 5 feet 10 inches, in lieu of the 3 foot maximum height permitted by the code.

SUBJECT PROPERTY:

GOLDEN BEACH SECTION A, LOT 5 & S ½ OF LOT 4,
BLOCK D, AS RECORDED IN PB 9-52 OF THE PUBLIC
RECORDS OF MIAMI-DADE COUNTY, FLORIDA
FOLIO NO. 19 1235 001 0420

ADDRESS:

667 OCEAN BOULEVARD
GOLDEN BEACH, FL 33160

WHEREAS, a public hearing of the Town Council of the Town of Golden Beach, Florida 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.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the requested Variances are hereby approved as follows: To permit relief from Town Code Section 66-186(a), to allow The North and South side fences to be 6 feet in height from the front property line to the rear bulk head in lieu of the 6 foot, 4 foot, and 2 foot maximum height allowed by the code, and to permit relief from Town Code Section 66-140(a), to permit two (2) decorative walls and fountains in the front setback with a height of 5 feet 10 inches, in lieu of the 3 foot maximum height permitted by the code.

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

- (a) Since these variances are granted after the work has been done, a building permit for the structures, which are the subject of these variances, must be obtained, and inspection passed, before August 16, 1999 (5 months).
- (b) The applicant shall record a certified copy of this resolution in the Public Records of Miami-Dade County, Florida.

Section 3. The Building & Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Town of Golden Beach Building & 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. Severability. That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

Section 5. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

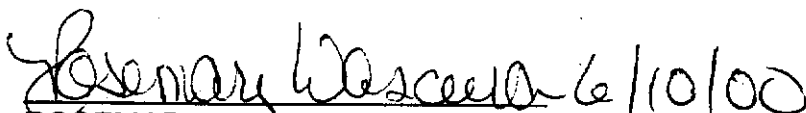
The Motion to adopt the foregoing Resolution was offered by Councilwoman Chikovsky, seconded by Councilman Einstein and on roll call the following vote ensued:

Mayor Addicott	<u>Aye</u>
Vice Mayor Paruas	<u>Aye</u>
Councilmember Chikovsky	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Feinman	<u>Aye</u>


PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 16th day of March, 1999.


6-09-00
MAYOR MICHAEL ADDICOTT

ATTEST:


6/10/00
ROSEMARY J. WASCURA
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


5/31/00
JON M. HENNING
TOWN ATTORNEY

1159.99A

was recreated

but unsigned

by Judy

Cuenca

6-10-00