

TOWN OF GOLDEN BEACH, FLORIDA

Amended 07/20/99

RESOLUTION NO. 1181.99

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 368 GOLDEN BEACH DRIVE, GOLDEN BEACH, FLORIDA, SECTION "E", N ½ OF LOT 45 AND ALL OF LOT 46, BLOCK G, AS RECORDED IN PB 8-122 OF THE PUBLIC RECORDS OF MIAMI - DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-139, TO PERMIT GARAGE AND ADDITION TO BE AT 30.09 FEET IN LIEU OF THE 35 FEET REQUIRED BY THE CODE; ALLOWING ENCROACHMENT OF 4.91 FEET INTO THE FRONT SETBACK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alan and Barbara Wolfson have applied for the following:

- (1) A variance requesting relief from Town Code Section 66-139, to permit garage and addition to be setback 30.09 feet in lieu of the 35 feet required by the code.

SUBJECT PROPERTY: GOLDEN BEACH SECTION "E", N ½ OF LOT 45 AND ALL OF LOT 46, BLOCK G, AS RECORDED IN PB 8-122 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FOLIO NO. 19 1235-005-0700;

ADDRESS: 368 GOLDEN BEACH DRIVE
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.

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

Section 1. That the requested variance is hereby approved as follows: Relief from Town Code Section 66-139, to permit garage and addition to be at 30.09 feet in lieu of the 35 feet required by Code; allowing encroachment of 4.91 feet into the front setback.

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 null and void.
- b) The applicant shall record a certified copy of this resolution in the public records of Miami-Dade County.
- (c) The seven (7) foot wall in the front of the property must be removed during construction of addition as a subject to the condition of the variance.
- (d) Acquiescence be obtained from the neighbors, adjacent property owners and property owners across the street and shall be part of the record.

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 That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

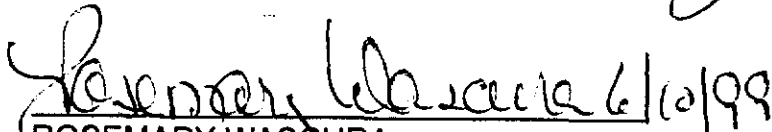
The Motion to adopt the foregoing Resolution was offered by Mayor Addicott, seconded by Vice-Mayor Paruas and on roll call the following vote ensued:

Mayor Addicott	<u>Aye</u>
Vice Mayor Paruas	<u>Aye</u>
Councilwoman Chikovsky	<u>Aye</u>
Councilman Einstein	<u>Nay</u>
Councilman Feinman	<u>Nay</u>


PASSED AND ADOPTED by the Mayor and Town Council of the Town of Golden Beach, Florida, this 20th day of July 1999.

 6-09-00
MAYOR MICHAEL ADDICOTT

ATTEST:

 6/10/99
ROSEMARY WASCURA
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

 6/8/2000
JON M. HENNING
TOWN ATTORNEY