

**TOWN OF GOLDEN BEACH  
RESOLUTION NO. 1218.00**

**A RESOLUTION OF THE TOWN COUNCIL OF GOLDEN BEACH FLORIDA; GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 120 SOUTH ISLAND, GOLDEN BEACH, FLORIDA, SECTION "D", LOTS 6 & 7, BLOCK J, AS RECORDED IN PB 10-10 OF THE PUBLIC RECORDS OF MIAMI - DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-186, (C), WALLS, FENCES AND HEDGES; REQUIRING THAT NO WALLS, HEDGES OR FENCES BE HIGHER THAN TWO FEET ALONG THE WATERWAYS EXCEPT OPEN METAL AND CHAIN LINK FENCES MAY BE FOUR FEET; REQUEST IS FOR A 4 FOOT ALUMINUM FENCE AROUND THE SEAWALL AND PERIMETER OF THE DOCK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Malcolm and Marsha Witt have applied for the following:

A variance requesting relief from Town Code section 66-186 (c), "No walls, hedges or fences higher than two feet may be erected along the waterways, except that open metal or chain link fences may be four feet high"; As per Town zoning code, all structures to be built must conform to setback requirements. Whereas, Town Code Chapter 46, Waterways, does not mention the prohibition of fences along waterways / seawalls. This section does not, however, imply that fences are permissible outside the property lines.

WHEREAS, request is made for installation of an aluminum fence around the seawall and perimeter of the dock.

SUBJECT PROPERTY:

**GOLDEN BEACH SECTION "D", LOT 6 & 7,  
BLOCK J, AS RECORDED IN PB 10-10 OF THE  
PUBLIC RECORDS OF MIAMI-DADE COUNTY,  
FLORIDA.**

**FOLIO NO. 19 1235-004-0500;**

ADDRESS:

**120 SOUTH ISLAND,  
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 were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration, this Town Council has determined that the requested variance is not contrary to the 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 66-186 (c), "No walls, hedges or fences higher than two feet may be erected along the waterways, except that open metal or chain link fences may be four feet high;"

Request granted is for installation of a 4'0" high aluminum fence around the seawall and perimeter of the dock.

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

(a). A Building Permit for the contemplated work pursuant to the Variance must be obtained within two (2) years from the date of this Resolution. 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.

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


**Section 5. Severability.** Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be invalid.

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


The Motion to adopt the foregoing Resolution was offered by Mayor Addicott, seconded by, Councilman Einstein 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>AYE</u>
Councilman Feinman	<u>AYE</u>

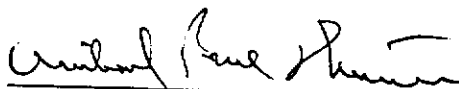
**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Golden Beach, Florida, this 15<sup>th</sup>, day of February 2000.

  
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MAYOR MICHAEL ADDICOTT

ATTEST:

  
\_\_\_\_\_  
ROSEMARY WASCURA  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
\_\_\_\_\_  
GELLER & GELLER et al  
TOWN ATTORNEY