

TOWN OF GOLDEN BEACH
RESOLUTION NO. 1219.00

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 405 CENTER ISLAND, GOLDEN BEACH, FLORIDA, SECTION "E", LOTS 24 & 25, BLOCK L, AS RECORDED IN PB 8-122 OF THE PUBLIC RECORDS OF MIAMI - DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 46-87 (B), ORDINANCE 422.96 TO ALLOW CONSTRUCTION OF AN ELEVATOR TYPE BOAT HOIST ON EXISTING DOCK PILINGS OUTSIDE THE D5 TRIANGLE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Barry Shelomovitz has applied for the following:

A variance requesting relief from Town Code section 46-87 (b), Ordinance 422.96, to allow construction of an elevator type boat hoist on existing dock pilings outside the D5 Triangle.

SUBJECT PROPERTY:

GOLDEN BEACH SECTION "E", LOTS 24 AND 25, BLOCK L, AS RECORDED IN PB 8-122 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
FOLIO NO. 19 1235-005-1070;

ADDRESS:

405 CENTER 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 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 46-87(B), 422.96, to allow construction of an elevator type boat hoist on existing dock pilings outside the D5 triangle.

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 length of the boat when hoisted on the boat lift may not exceed 30 feet, subject to neighbor Mr. Davis's written approval.

(d). The Town of Golden Beach should not be restricted for future legal use for dock or marina.

(e). A Covenant Running With Land will be prepared by Mr. Tarr, Esq., and Town Attorney Geller. The home-owner will bear all costs associated with the preparation of said documents.

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, Councilwoman Chikovsky 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 15th day of February, 2000.


MAYOR MICHAEL ADDICOTT

ATTEST:


ROSEMARY WASCURA
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


GELLER & GELLER ET AL
TOWN ATTORNEY