

**TOWN OF GOLDEN BEACH  
RESOLUTION NO. 1260.00**

**A RESOLUTION OF THE TOWN COUNCIL OF GOLDEN BEACH FLORIDA; GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 398 GOLDEN BEACH DRIVE, GOLDEN BEACH DRIVE, GOLDEN BEACH, FLORIDA, SECTION "E", LOT 52 AND 53, BLOCK G, AS RECORDED IN PB 8-122 OF THE PUBLIC RECORDS OF MIAMI - DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 46-85, GENERAL SPECIFICATIONS FOR DOCKS. NO DOCK SHALL BE PERMITTED TO BE CONSTRUCTED, REPAIRED, OR RECONSTRUCTED WITHIN THE LIMITS OF THE TOWN WHICH SHALL EXTEND MORE THAN SIX FEET OUTSIDE THE PROPERTY LINE INTO AN INSIDE (WIDTH OF 100 FEET OR LESS) WATERWAY NOR MORE THAN TEN FEET OUTSIDE THE LOT PROPERTY LINE INTO AN OUTSIDE (WIDTH GREATER THAN 100 FEET) WATERWAY. REQUEST IS TO ALLOW FOR TEN (10) FEET INTO THE WATERWAY FROM THE PROPERTY LINE, IN LIEU OF THE SIX (6) FEET FROM THE PROPERTY LINE AS REQUIRED BY CODE ; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Eduardo Navas, President of Braintree Limited has applied for the following:

A variance requesting relief from Town Code section 46.85 No dock shall be permitted to be constructed, repaired, or reconstructed within the limits of the Town which shall extend more than six feet outside the property line into an inside (width of 100 feet or less) waterway nor more than ten feet outside the lot property line into an outside (width greater than 100 feet) waterway; Whereas request is made to allow for ten feet into the waterway from the property line instead of the six feet from the property line as required by code. They are replacing an existing marine dock, with a new dock 5 feet x 20 feet, with 3 pilings, and new seawall cap.

SUBJECT PROPERTY:

**GOLDEN BEACH SECTION "E", Lot 52 and 53,  
BLOCK G, AS RECORDED IN PB 8-122 OF THE**

**PUBLIC RECORDS OF MIAMI-DADE COUNTY,  
FLORIDA.  
FOLIO NO. 19- 1235-005 0750**

ADDRESS:

**398 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 46-85, to allow for ten (10) feet into the waterway, in lieu of the six (6) feet from the property line as required by code. They are replacing an existing marine dock with a new dock, 5 feet x 20 feet, with 3 pilings, and new seawall cap.

**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, if the applicant presents the required DERM permit within 10 days from day after adoption, 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.

**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.

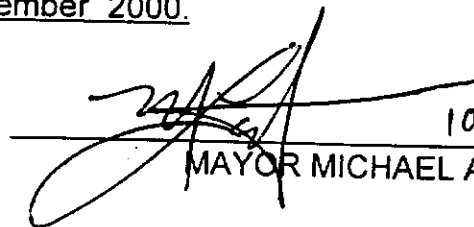
**Section 5. Severability.** Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be invalid.

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


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

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

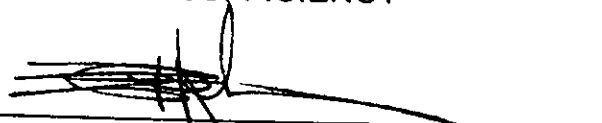
**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Golden Beach, Florida, this 19<sup>th</sup> day of September 2000.

  
 10-2-00  
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 MAYOR MICHAEL ADDICOTT

ATTEST:

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
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 ROSEN & KREILING  
 TOWN ATTORNEY