

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1308.01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 160 SOUTH ISLAND DRIVE, GOLDEN BEACH, FLORIDA, PORTIONS OF LOTS 16 & 17, BLK. J, GB SECTION D, AS RECORDED IN PB 10-10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-141(d) PROJECTIONS, WHICH PROVIDES THAT NO MAIN WALLS OF ANY BUILDINGS SHALL ENCROACH ON SETBACK AREAS; BUT EAVES MAY PROJECT INTO SETBACK AREAS NO MORE THAN FOUR FEET; THERETO; REQUEST IS FOR A SECOND FLOOR BAY WINDOW PROJECTION INTO THE SOUTH AND NORTH SIDE SETBACK AREAS OF AN ADDITIONAL FOUR FEET, WHEREAS CODE REQUIRES TEN FEET SIDE SETBACK; REQUEST IS FOR SIDE SETBACKS OF SIX FEET IN LIEU OF TEN FEET; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, David and Maria Koss have applied for the following variance:

(1) A variance requesting relief from Town Code Section 66-141(d) projections, to allow for a second floor bay window projection into the south and north side setback areas of an additional four feet, whereas code requires ten feet side setback, asking for side setbacks of six feet in lieu of ten feet.

SUBJECT PROPERTY: GOLDEN BEACH SECTION "D", PORTIONS OF LOTS 16 & 17, BLOCK J, AS RECORDED IN PB 10-10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
FOLIO NO. 19-1235-004-0581

ADDRESS: 160 SOUTH ISLAND 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 were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having being given

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to the matter, it is the opinion of this Town Council 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, FLORIDA, AS FOLLOWS:

Section 1. That the requested variance is hereby approved as follows: relief from Town Code Section 66-141(d) to allow for a second floor bay window projection into the south and north side setback areas of an additional four feet, whereas code requires ten feet side setback, asking for side setbacks of six feet in lieu of ten feet.

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.

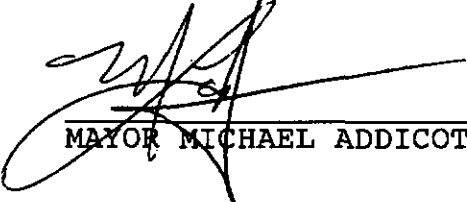
Section 5. Severability. Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be invalid.

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

The Motion to adopt the foregoing resolution was offered by Councilmember Feinman, seconded by Councilmember Einstein and on roll call the following vote ensued:

Mayor Addicott:	<u>Absent</u>
Vice Mayor Singer	<u>Nay</u>
Councilmember Feinman	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Paruas	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 20th day of March, 2001.



MAYOR MICHAEL ADDICOTT

ATTEST:



ROSEMARY WASCURA
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



EDWARD PAUL KREILING
TOWN ATTORNEY