

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1339.01**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT LOTS 54 & 55, BLOCK J, GB SECTION D, (CORNER OF SOUTH ISLAND DR. AND NAVONA) AS RECORDED IN PB 10-10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-139, FOR LOTS IN BLOCKS E, F, G, H, J, K AND L, AND M, NO BUILDING OR PART THEREOF INCLUDING GARAGES SHALL BE ERECTED LESS THAN 35 FEET FROM PROPERTY LINE ALONG THE WATERS OF THE INTRACOASTAL WATERWAY AND CANALS AND 35 FEET FROM THE FRONT PROPERTY LINE; TO ALLOW A GAZEBO STRUCTURE 10' X 10' WITHIN THE REAR SETBACK AREA; REQUEST IS FOR 20 FEET, IN LIEU OF THE 35 FEET REQUIRED BY CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS,** Marcos and Sara Lencovski have applied for the following variance:

A variance requesting relief from Town Code Section 66-139, to allow a gazebo structure 10' x 10' within the rear setback area; request is for 20 feet, in lieu of the 35 feet required by code.

**SUBJECT PROPERTY:**

GOLDEN BEACH SECTION "D", LOTS 54 AND 55, BLOCK J, AS RECORDED IN PB 10-10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.  
FOLIO NO. 19-1235-004-0850 and  
19-1235-004-0860

**ADDRESS:**

LOTS 54 & 55 (CORNER OF SOUTH ISLAND DR. AND NAVONA)  
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

**Resolution No. 1339.01**

WHEREAS, upon due and proper consideration having being given 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 66-139 to allow a gazebo structure 10' x 10' within the rear setback area; request is for 20 feet, in lieu of the 35 feet required by code.

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 Vice Mayor Singer and on roll call the following vote ensued:

Mayor Addicott:	<u>Absent</u>
Vice Mayor Singer	<u>Aye</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 21st day of August, 2001.

  
\_\_\_\_\_  
MAYOR MICHAEL ADDICOTT

ATTEST:

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
\_\_\_\_\_  
EDWARD PAUL KREILING  
TOWN ATTORNEY

# Application for Building Regulation Advisory Board Checklist

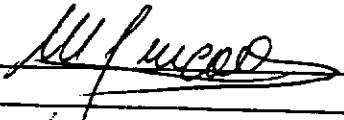
Property Address: xxx South Island  
Legal Description: Lot 54 and 55, block "J" Golden Beach Section D PB/PG 10/1  
Owner's Name: Marcos Lencovski PH#: 934-0848 Fax#:   
Agents Name: Daniel Halberstein PH#: 933-1060 Fax#: 933-1066  
Board Meeting of:

## NOTE:

1. Incomplete applications will not be processed.
2. Applicant and/or architect must be present at meeting.

Application for: New Two Story Residence  
Lot size: 100' x 165'  
Lot area: 15,964 square feet  
Frontage: 100'  
Construction Zone: One  Two  Three X  
Front setback: 35'-1"  
Side setback: 10'-1"  
Rear setback: 44'-11"  
Coastal Construction: YES East of coastal const. control line: No  
State Road A1A frontage: No  
Swimming pool: Existing:  Proposed: Yes  
Fence: Type: Wood Existing:  Proposed: Yes  
Finished floor elevation N.G.V.D.: 7.0'  
Seawall: Existing: Yes Proposed:   
Lot Drainage: Yes  
How will rainwater be disposed of on site? By using swale areas around property  
Adjacent use(s): N/A  
Impervious area: 8,741 square feet  
% of Impervious area: 55%  
Existing ground floor livable area square footage: N/A  
Proposed ground floor livable area square footage: 3,457 square feet  
Existing 2nd floor livable area square footage: N/A  
Proposed 2nd floor livable area square footage: 2,103 square feet  
Existing % of 2nd floor over ground floor: N/A  
Proposed % of 2nd floor over ground floor: 61%  
Vaulted area square footage: 580 square feet  
Vaulted height: 19'-0"  
Color of main structure: Light Beige  
Color of trim: Stone  
Color & material of roof: Terracota  
Building height (above finished floor elevation): 27'-0"

Proposed Swale: Mandatory 10'-0" from edge of pavement (10 ft. wide, 1 ft. deep minimum): WEST SWALE 25'-6" & SOUTH SWALE 24'-6"  
Existing trees, Lot: 5 Swale: 4  
Proposed trees in Lot: 21 Swale: 4  
Number & type of shrubs: SEVERAL SEE PLAN  
Garage: Existing: \_\_\_\_\_ Proposed: 2 CAR GARAGE  
Driveway width & type: 12'-0" WIDE - BRICK PAVERS

Signature of Applicant:  Date: 7/25/01  
Building Official (verified): \_\_\_\_\_ Date: \_\_\_\_\_

APPLICATION FOR BUILDING REGULATION BOARD HEARING

Application fee: \_\_\_\_\_

Request hearing in reference to:

New residence/addition: New Residence Variance(s): Yes  
Exterior alterations: No Other structure: Gazebo  
Date application filed: July 25, 2001 For hearing date: August 14, 2001

1. Project information:

Project description: New two story residence approximately 4900 square feet under A/C space.

Legal Description: Lot 54 and 55, block "J" Golden Beach section D PB/PG Folio #: 1912350040850

Address of Property: xxx South Island

Is a variance(s) required: Yes ☒ No ☐ How Many? One

(If yes, please submit variance request application form.)

Owner's Name: Marcos Lencovski PH#: 934-0848 FAX#: \_\_\_\_\_  
Owner's address: 19820 NE 19 Court City, St. NMB, FL Zip 33179  
Agent: Daniel Halberstein PH#: 305-933-1066 FAX#: 933-1066  
Agent's address: 20636 Biscayne Blvd City, St. Aventura, FL Zip 33180  
Architect: Halberstein/Linkewer & Assoc PH#: 933-1060 FAX#: 933-1066  
Contractor: Alda Construction PH#: 933-1060 FAX#: 933-1066

2. Describe project and/or reason for request of hearing:

New two story residence approximately 4900 square feet under A/C space, 400 square feet of two car garage, and 816 square feet of covered entry, patio and balcony structure to be on pilings with both first and second floor slabs to be concrete slabs.

INCLUDING SWIMMING POOL

3. The following information is submitted for assisting in review:

Building Plans:

Conceptual: \_\_\_\_\_ Preliminary: ☒ Final: \_\_\_\_\_  
Other: \_\_\_\_\_

4. Estimated cost of work: \$ 765,000

Estimated market value of: Land \$ 575,000

Building \$ 765,000

(If estimated cost of work is 40% of the market value of the building an appraisal is required.)

5. Is hearing being requested as a result of a violation notice? No

Date: July 25, 2001  
Fee: \_\_\_\_\_

**TOWN OF GOLDEN BEACH  
PETITION FOR VARIANCE**

I, Marcos Lencovski, hereby petition the Town of Golden Beach for a variance from the terms of the Town of Golden Beach Code affecting property located at: xxx South Island, Folio # 1912350040850 as specified in the attached "Application for Building Regulation Advisory Board" and related supporting material.

1. The variance requested is for relief from the provisions of (list section(s) number of the Town of Golden Beach Code):

13.12.D - To allow the construction of a Gazebo within the 35' setback to channels

2. List the special conditions, and existing circumstances which are peculiar to the land, structure, or building involved which require you to seek a variance from the Town of Golden Beach Code:

To enjoy the rear of the property by the use of a swimming pool, pool deck and gazebo structure.

3. State with particulars the hardship which exists which require you to seek a variance from the Town of Golden Beach Code:

Code does not allow for small structures to be near pool areas and therefore diminishing full enjoyment of the property.

4. Our code states that the applicant (petitioner) should explain the variance to the owners of the nearest adjacent residences and seek their approval in writing. Have you done this? Not yet.  
Please attach any written approval to this petition.

5. Is this request related to new construction? Yes

6. Is construction in progress? No
7. Is this request as a result of a code violation? No
8. Was this condition existing at the time property was acquired? No
9. Is this request sought as a remedy to a case to be heard, or action taken by, the Code Enforcement Board? No
10. Do you have a building permit? No  
Building permit # \_\_\_\_\_ Date issued: \_\_\_\_\_

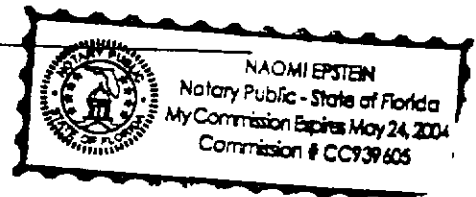
M. Fawcett  
Signature of Owner or Legal Representative

DANIEL HALBERSTEIN, being duly sworn, deposes and says that he/she is the (Owner of record) (Attorney for Owner) of the real property described in this questionnaire; that he/she has read the foregoing answers and that the same are true and complete; and (if acting as attorney for owner) that he has authority to execute this questionnaire on behalf of the owner.

M. Fawcett  
Signature of Owner or Legal Representative

Sworn to and subscribed before me this 25 day of July, 2001

Naomi Epstein  
Notary Public



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