

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1365.01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR VACANT LOTS LOCATED AT WEST SIDE OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA, GB SECTION "B", LOT 12 AND N ½ OF LOT 11, BLOCK C, AS RECORDED IN PB 9-52 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-69 (3), WHEREAS CODE PROVISION STIPULATES IF ANY RESIDENCE, LOCATED ON A LOT OF LESS THAN 100 FEET OF FRONTAGE, IS DESIGNED AS A TWO-STORY STRUCTURE, THE SQUARE FOOTAGE OF THE AREA OF THE SECOND FLOOR, INCLUDING ALL INTERNAL OPEN AREAS OF THE SECOND FLOOR, SHALL NOT EXCEED 65 PERCENT OF THE LIVING AREA OF THE GROUND FLOOR; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alan J. Macken has applied for the following variance:

A variance requesting relief from Town Code Section 66-69 (3) which stipulates if any residence, located on a lot of less than 100 feet of frontage, is designed as a two-story structure, the square footage of the area of the second floor, including all internal open areas of the second floor, shall not exceed 65 percent of the living area of the ground floor.

SUBJECT PROPERTY:

GOLDEN BEACH SECTION "B", LOTS 12 AND N ½ OF LOT 11, BLOCK C, AS RECORDED IN PB 9-52 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
FOLIO NO. 19-1235-002-0100

ADDRESS:

VACANT LOTS-WEST SIDE OCEAN BLVD.
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. 1365.01

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 66-69(3) which stipulates if any residence, located on a lot of less than 100 feet of frontage, is designed as a two-story structure, the square footage of the area of the second floor, including all internal open areas of the second floor, shall not exceed 65 percent of the living area of the ground floor.

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.

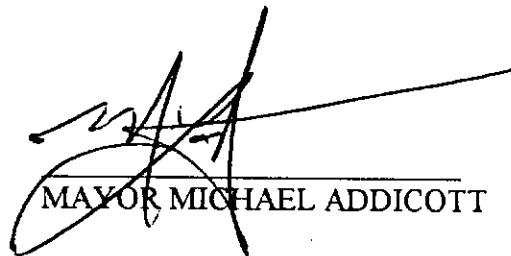
Section 6. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

Sponsored by Administration

The Motion to adopt the foregoing resolution was offered by Mayor Addicott seconded by Vice Mayor Singer and on roll call the following vote ensued:

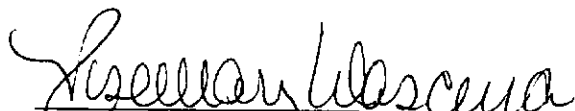
Mayor Addicott:	<u>AYE</u>
Vice Mayor Singer	<u>AYE</u>
Councilmember Feinman	<u>NAY</u>
Councilmember Einstein	<u>AYE</u>
Councilmember Paruas	<u>ABSENT</u>

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



MAYOR MICHAEL ADDICOTT

ATTEST:



ROSEMARY WASCURA
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



EDWARD PAUL KREILING
TOWN ATTORNEY

Law Offices

ROSEN, KREILING & EICHNER, P.A.

2500 WESTON ROAD, SUITE 220

WESTON, FL 33331

TELEPHONE - (954) 384-1851

FAX - (954) 384-7909

TELECOMMUNICATION LETTER

DATE: April 22, 2002 (7:45AM)

TO: Norman Leopold, Esq.

RE: Richard Rubin

MESSAGE : I am in receipt of your note regarding property owned by your clients, Richard and Rosa Rubin. I have confirmed that the legal description contained Town of Golden Beach Resolution 1365.01 is incorrect in that it erroneously describes a portion of the property owned by your clients. I am in the process of recording an affidavit to correct this situation.

FAX # TO: 305-935-9042

FROM: EDWARD PAUL KREILING, ESQUIRE

TOTAL # OF PAGES, INCLUDING COVER SHEET: 1

DISPOSITION OF ORIGINAL: () First Class Mail () Certified Mail () Courier (xx) On File

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cc: R. Wascura

AFFIDAVIT

State of Florida)
 : ss
County of Miami-Dade)

BEFORE ME, the undersigned authority, personally appeared ROSEMARY J. WASCURA, who being first duly cautioned and sworn, states as follows:

1. On November 20, 2001, the Town Council of the Town of Golden Beach adopted Resolution No. 1365.01.
2. The Resolution contained an incorrect legal description. The legal description contained in the Resolution is as follows:

GOLDEN BEACH SECTION "B", LOTS 12 AND N 1/2 OF LOT 11, BLOCK C, AS RECORDED IN PB 9-52 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

The correct legal description for the subject property is:

GOLDEN BEACH SECTION "B", LOTS 12 AND N 1/2 OF LOT 11, BLOCK 3, AS RECORDED IN PB 9-52 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FURTHER, AFFIANT SAYETH NOT.



Rosemary Wascura
ROSEMARY J. WASCURA
Town Clerk
Town of Golden Beach

Sworn to before me this
7th day of MAY, 2002.

Catherine Szabo
Notary Public
My commission expires: 11-14-05