

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1436.03**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AUTHORIZING RELIEF FROM TOWN CODE SECTION 66-186 REGARDING HEIGHT RESTRICTIONS ON PROPERTY LOCATED AT 699 OCEAN BOULEVARD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, IEA GOLDEN BEACH 1 has applied for the following variance:

A variance requesting relief from Town Code Section 66-186 to allow a wall with a height of fifteen feet. The current height restrictions are as follows:

In zone one, no wall, hedge, or fence between estates or lots shall be constructed or altered to exceed in height the following: parallel to the side property line within 60 feet of the west property line, a height of six feet; thence easterly along patios and main house structure to height of six feet; thence easterly for 30 feet, a height of four feet; thence easterly to the ocean front, a height of two feet. No wall, hedge, or fence higher than two feet may be erected on the east (ocean front) property line. No wall, hedge, or fence higher than six feet above the crown of the road may be erected on the (Ocean Boulevard) property line.

SUBJECT PROPERTY: N 100 FEET OF E 325 FEET OF GOVT LOT 1  
FOLIO NO. 19-1235-000-0010

ADDRESS: 699 OCEAN BOULEVARD  
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 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.

**Resolution No.** \_\_\_\_\_

**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 by granting relief from Town Code Section 66-186 to allow a wall fifteen feet in height.

**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.
- (c) At the front north property line the wall height shall be at six feet for the first 20 feet.
- (d) Then easterly to the seawall line for a height of 15 feet.
- (e) 29.65 feet east of the seawall line shall be landscaped.
- (f) The entire wall shall be landscaped with palms and shrubs.
- (g) The Town shall file a record of notification of surrounding property owners.

**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 Mayor Addicott, seconded by Councilmember Singer and on roll call the following vote ensued:

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

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 19<sup>TH</sup> day of November, 2002.



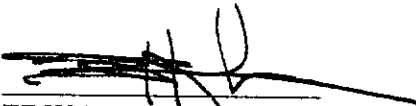
MAYOR MICHAEL ADDICOTT

ATTEST:



CATHY SZABO  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY



EDWARD PAUL KREILING  
TOWN ATTORNEY