

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1487.03**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 238 SOUTH ISLAND DRIVE, GOLDEN BEACH, FLORIDA, GB SECTION "D", LOT 41 AND A PORTION OF 40, BLOCK J, 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, L & M, NO BUILDING OR PART THEREOF INCLUDING GARAGES SHALL BE ERECTED LESS THAN 35 FEET FROM THE PROPERTY LINE ALONG THE WATER OF THE INTRACOASTAL WATERWAY AND CANALS AND 35 FEET FROM THE FRONT PROPERTY LINE; REQUEST IS TO ALLOW AN ADDITION OF 9'-4" X 9'-4" GAZEBO AT 12 FEET FROM REAR PROPERTY LINE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, E. Ben-Shmuel and John Abney, Agent have applied for the following variance:

(1) A variance requesting relief from Town Code Section 66-139 for lots in Blocks E, F, G, H, J, K, L & M, no building or part thereof including garages shall be erected less than 35 feet from the property line along the water of the intracoastal waterway and canals and 35 feet from the front property line; request is for addition of 9'-4" x 9'-4" gazebo at 12 feet from rear property line.

**SUBJECT PROPERTY:**

GOLDEN BEACH SECTION "D", LOT 41 AND A PORTION OF 40, BLOCK J, AS RECORDED IN PB 10-10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.  
FOLIO NO. 19-1235-004-0730

**ADDRESS:**

238 SOUTH ISLAND DRIVE  
GOLDEN BEACH, FLORIDA 33160

**Resolution No. 1487.03**

**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.

**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 an addition of 9'-4" x 9'-4" gazebo at 12 feet from rear property line.

**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 Vice Mayor Iglesias seconded by Councilmember Paruas and on roll call the following vote ensued:

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

**THE REQUESTED ACTION WAS DENIED** by the Town Council of the Town of Golden Beach this 20<sup>th</sup> day of May, 2003.

  
MAYOR MICHAEL ADDICOTT

ATTEST:

  
CATHY SZABO  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
PAUL D. EICHNER  
TOWN ATTORNEY