

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1531.03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 170 SOUTH ISLAND DRIVE, GOLDEN BEACH, FLORIDA, GB SECTION "D", LOTS 20 AND 21, BLOCK J, AS RECORDED IN PB 10-10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-139 WHICH ADDRESSES AND REQUIRES THAT 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 A 10' X 10' GAZEBO IN THE REAR 35-FOOT SETBACK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Paul and Cheryl Groll have applied for the following variance:

(1) A variance requesting relief from Town Code Section 66-139 which addresses lots in Blocks E, F, G, H, J, K, L & M, and requires that 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 10' x 10' gazebo in the rear 35-foot setback.

SUBJECT PROPERTY:

GOLDEN BEACH SECTION "D", LOT 20 AND 21, BLOCK J, AS RECORDED IN PB 10-10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
FOLIO NO. 19-1235-004-0600

ADDRESS:

170 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 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 10' x 10' gazebo in the rear 35-foot setback.

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 Singer seconded by Councilmember Paruas and on roll call the following vote ensued:

Mayor Addicott:	<u>AYE</u>
Vice Mayor Iglesias	<u>AYE</u>
Councilmember Einstein	<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 16TH day of September, 2003.



MAYOR MICHAEL ADDICOTT

ATTEST:



CATHY SZABO
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



PAUL D. EICHNER
TOWN ATTORNEY