

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1532.03**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 44 TERRACINA AVENUE, GOLDEN BEACH, FLORIDA, GB SECTION "D", LOT 33, LESS E 5' & LOT 34, BLOCK H, AS RECORDED IN PB 10-10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-69: MINIMUM FRONTAGE, BUILDING SQUARE FOOTAGE AND HEIGHT OF RESIDENCE, SECTION (9) RESIDENTIAL STRUCTURES BUILT IN TOWN SHALL NOT EXCEED 27.5 FEET IN HEIGHT IF BUILT ON LOTS WITH FRONTAGE OF FIFTY FEET OR LARGER, BUT LESS THAN ONE HUNDRED FEET; OR THIRTY FEET IN HEIGHT IF BUILT ON ONE HUNDRED FOOT FRONTAGE OR LARGER PARCEL LOTS. ALL HEIGHT MEASUREMENTS REFERENCED IN THIS SUBSECTION SHALL BE MEASURED FROM THE LOWEST HABITABLE ROOM FINISHED FIRST FLOOR ELEVATION (EXCLUDING GARAGES) TO THE HIGHEST RIDGE OF THE ROOF. THE HEIGHT SHALL BE MEASURED FROM THE LOWEST HABITABLE FINISHED FLOOR; REQUEST IS TO ALLOW TOWER CREST AND CUPOLA AT THIRTY-FIVE FEET IN HEIGHT TO THE ROOF RIDGE OF THE CUPOLA, FROM THE LOWEST HABITABLE FLOOR, IN LIEU OF THE THIRTY FEET REQUIRED BY CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Albert J. & Lesli Angel have applied for the following variance:

A variance requesting relief from Town Code Section 66-69 to allow a tower crest and cupola at thirty-five feet in height to the roof ridge of the cupola, from the lowest habitable floor, in lieu of the thirty feet permitted by code.

**Resolution No. 1532.03**

SUBJECT PROPERTY:

GOLDEN BEACH SECTION "D", LOT 33, LESS E  
5' & LOT 34, BLOCK H, AS RECORDED IN PB 10-  
10 OF THE PUBLIC RECORDS OF MIAMI-DADE  
COUNTY, FLORIDA.  
FOLIO NO. 19-1235-004-0440

ADDRESS:

44 TERRACINA AVENUE  
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 66-69 to allow a tower crest and cupola at thirty-five feet to the roof ridge of the cupola, from the lowest habitable floor, in lieu of the thirty feet permitted 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 Singer seconded by Vice Mayor Iglesias 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>

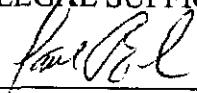
**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 4TH day of November, 2003.

  
MAYOR MICHAEL ADDICOTT

ATTEST:

  
CATHY SABO  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
PAUL D. EICHNER  
TOWN ATTORNEY

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