

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1535.03**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR PROPERTY LOCATED AT 540 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA, GB SECTION "A", LOTS 11 & 12, BLOCK 2, AS RECORDED IN PB 9-52 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-138 IN ZONE TWO (a) FOR LOTS FACING ON THE WEST SIDE OF OCEAN BOULEVARD, CONSTITUTING LOTS 1 TO 20 INCLUSIVE IN BLOCK 1, LOTS 1 TO 19 INCLUSIVE IN BLOCK 2, LOTS 1 TO 20 INCLUSIVE IN BLOCK 3, LOTS 1 TO 20 INCLUSIVE IN BLOCK 4, LOTS 1 TO 21 INCLUSIVE IN BLOCK 5, AND LOTS 1 TO 20 INCLUSIVE IN BLOCK 6, WHICH PROVIDES THAT NO BUILDING OR PART THEREOF INCLUDING GARAGES OR CARPORTS SHALL BE ERECTED NEARER THAN 40 FEET FROM THE EAST LOT LINE THEREOF OR NEARER THAN 25 FROM THE WEST LOT LINE THEREOF; REQUEST IS TO ALLOW 177 SQ. FT. IN TOTAL TO ENCROACH INTO THE FRONT SETBACK AT 31'4" IN LIEU OF THE 40 FEET REQUIRED BY CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Mark Infield and Edward Nieto Agent have applied for the following variance:

A variance requesting relief from Town Code Section 66-138 in Zone Two (a), which provides that no building or part thereof including garages or carports shall be erected nearer than 40 feet from the east lot line thereof or nearer than 25 feet from the west lot line thereof; request is to allow 177 sq. ft. in total to encroach into the front setback at 31'4" in lieu of the 40 feet required by code.

**SUBJECT PROPERTY:**

GOLDEN BEACH SECTION "A", LOTS 11 & 12,  
BLOCK 2, AS RECORDED IN PB 9-52 OF THE  
PUBLIC RECORDS OF MIAMI-DADE COUNTY,  
FLORIDA.  
FOLIO NO. 19-1235-001-0300

**Resolution No. 1535.03**

ADDRESS:

540 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.

**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 66-138 to allow 177 sq. ft. in total to encroach into the front setback at 31'4".

**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>

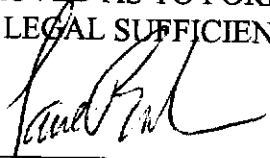
**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 18<sup>TH</sup> day of November, 2003.

  
MAYOR MICHAEL ADDICOTT

ATTEST:

  
CATHY SZABO  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
PAUL D. EICHNER  
TOWN ATTORNEY