

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1553.03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR PROPERTY LOCATED AT 508 NORTH PARKWAY, GOLDEN BEACH, FLORIDA, GB SECTION "F", LOTS 23 AND A PORTION OF 24, BLOCK F, AS RECORDED IN PB 10-0-10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-3 WHICH PROVIDES THAT NO BUILDINGS OTHER THAN SINGLE FAMILY RESIDENCES, PRIVATE GARAGES, SERVANTS QUARTERS, AND CABANAS APPURTENANT THEREOF, SHALL BE ERECTED, RECONSTRUCTED, ALTERED, REPAIRED OR OCCUPIED WITHIN THE LIMITS OF THE TOWN, AND NO MORE THAN ONE SINGLE-FAMILY RESIDENCE SHALL BE ERECTED ON ANY ONE RESIDENTIAL LOT WITHIN THE TOWN. THE ERECTION OF ANY OTHER TYPE OF BUILDINGS WITHIN THE LIMITS OF THE TOWN IS HEREBY PROHIBITED EXCEPT FOR GOVERNMENTAL AND RECREATIONAL USES AS PERMITTED BY THE COMPREHENSIVE PLAN. NOTHING IN THIS SECTION SHALL PROHIBIT THE CONSTRUCTION OF SERVANTS' QUARTERS IN CONNECTION WITH A GARAGE ON ANY PROPERTY. SERVANTS OR OTHERS, HOWEVER, SHALL NOT OCCUPY SUCH QUARTERS FOR LIVING PURPOSES UNTIL THE RESIDENCE IS COMPLETED. SEPARATE COOKING FACILITIES IN SUCH SERVANTS' QUARTERS OR GUESTHOUSE STRUCTURES ARE NOT PERMITTED. ALSO REQUESTING RELIEF FROM TOWN CODE SECTION 66-139 FOR LOTS IN BLOCKS E, F, G, H, J, K, L, AND M, NO BUILDING OR PART THEREOF INCLUDING GARAGES SHALL BE ERECTED LESS THAN 35 FEET FROM THE PROPERTY LINE ALONG THE WATERS OF THE INTRACOASTAL WATERWAY AND CANALS AND THE 35 FEET FROM THE FRONT PROPERTY LINE; REQUEST IS TO ALLOW A GAZEBO STRUCTURE TO ENCROACH IN THE REAR SETBACK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Resolution No. 1553.03

WHEREAS, Eli Ben-Shmuel and Ray Hartman Agent have applied for the following variance:

A variance requesting relief from Town Code Section 66-3 and Town Code Section 66-139; request is to allow a gazebo structure to encroach in the rear setback.

SUBJECT PROPERTY: GOLDEN BEACH SECTION "F", LOTS 23 & A PORTION OF 24, BLOCK F, AS RECORDED IN PB 10-0-10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
FOLIO NO. 19-1235-006-0760

ADDRESS: 508 NORTH PARKWAY
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 66-3 and Town Code Section 66-139 to allow a gazebo structure to encroach in the rear 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.

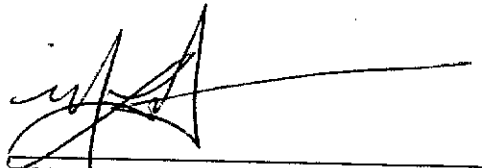
Section 5. Severability. Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be invalid.

Section 6. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

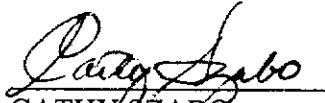
The Motion to adopt the foregoing resolution was offered by Councilmember Einstein, seconded by Councilmember Paruas and on roll call the following vote ensued:

Mayor Addicott:	<u>ABSENT</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 December, 2003.


MAYOR MICHAEL ADDICOTT

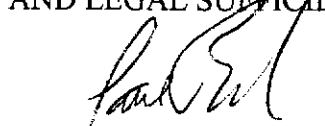
ATTEST:



CATHY SZABO

TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



PAUL D. EICHNER

TOWN ATTORNEY