

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1588.04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 572 NORTH ISLAND DRIVE, GOLDEN BEACH, FLORIDA, GB SECTION "F", LOT 19 AND THE SOUTH 25' OF 20, BLOCK M, AS RECORDED IN PB 10-11 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-69 (9) - MINIMUM FRONTAGE, BUILDING SQUARE FOOTAGE AND HEIGHT OF RESIDENCE; 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 THE STAIR TOWER TO BE AT 29' 7" IN HEIGHT, IN LIEU OF THE 27.5 FEET REQUIRED BY CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Izac Ben-Shmuel and David Trautman, Architect, have applied for the following variance:

(1) A variance requesting relief from Town Code Section 66-69 (9) for lot 19 and the south 25' of 20, to allow the stair tower to be at 29' 7" in height, in lieu of the 27.5 feet required by code.

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SUBJECT PROPERTY:

GOLDEN BEACH SECTION "F", LOT 19 AND
THE SOUTH 25' OF 20, BLOCK M, AS
RECORDED IN PB 10-11 OF THE PUBLIC
RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.
FOLIO NO. 19-1235-006-0930

ADDRESS:

572 NORTH 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, and

WHEREAS, that special and peculiar circumstances which are not the result of the actions of the petitioner or his representative affect the land, buildings or structures for which approval is sought, and further, that the denial of the request by the petitioner would deprive the petitioner of the reasonable use of his property, that the granting of this permission will be in harmony with the general purpose and intent of the Zoning Ordinances of the Town of Golden Beach, Florida, and will make possible the reasonable use of the petitioner's property and that to deny the petitioner's request would impose an unreasonable and unnecessary hardship upon the petitioner and that the granting of this permission is wholly harmonious and consistent with the best interest of the general public.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing Whereas clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. That the requested variance is hereby approved as follows: relief from Town Code Section 66-69 (9) to allow the stair tower to be at 29' 7" in height, in lieu of the 27.5 feet required by code.

Section 3. 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 4. 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 5. Conflict. That all Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 6. 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 7. 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 Einstein and on roll call the following vote ensued:

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

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 20TH day of April, 2004.



MAYOR MICHAEL ADDICOTT

ATTEST:



CATHY SZABO
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



PAUL D. EICHNER
TOWN ATTORNEY