

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1696.05**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 540 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA, GB SECTION "A", LOTS 11 AND 12, BLOCK 2, AS RECORDED IN PB 9-52 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-101 HOUSE AND GARAGE FLOORS (a) THE MINIMUM ELEVATION OF THE FIRST FLOOR LEVEL OF RESIDENCES SHALL COMPLY WITH OR CONFORM TO FLOOD PLAN CRITERIA AND REGULATORY CODES AS SET FORTH BY MIAMI- DADE COUNTY, THE STATE, AND THE UNITED STATES GOVERNMENT INCLUDING THE PROVISIONS OF THE NATIONAL FLOOD INSURANCE PROGRAM, THE FLORIDA BUILDING CODE, THIS CHAPTER, THE COASTAL CONSTRUCTION CODE, AND ALL OTHER APPLICABLE PROVISIONS OF THIS CODE OF ORDINANCES. THE MAXIMUM ELEVATION OF THE FIRST FLOOR LEVEL OF ANY RESIDENCE IN THE TOWN ABOVE THE MINIMUM ELEVATION REQUIRED BY SUCH REGULATORY CODES SHALL BE MAINTAINED AS FOLLOWS: (2); THE MAXIMUM ELEVATION OF THE FIRST FLOOR OF RESIDENCES TO BE CONSTRUCTED ON LOTS IN ZONE TWO ADJACENT TO OCEAN BOULEVARD SHALL BE NO HIGHER THAN THE PERMITTED ELEVATION AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, PLUS TWO FEET, OR TWO FEET ABOVE THE MAXIMUM ELEVATION OF THE CROWN OF THE ROAD ADJACENT TO THE LOT, WHICHEVER IS HIGHER; REQUEST IS TO ALLOW AN ELEVATION OF 8.17' NGVD, IN LIEU OF THE REQUIRED 9.58'; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Mark Infeld through his agent, Edward Nieto, has applied for the following variance:

(1) A variance requesting relief from Town Code Section 66-101 to allow a first floor elevation to be below the crown of the road and allow an elevation of 8.17' NGVD rather than the required 9.58' NGVD.

SUBJECT PROPERTY:

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

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, 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 66-101 to allow the first floor elevation to be below code requirements and be established at 8.17' NGVD in lieu of the required 9.58' NGVD.

**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.

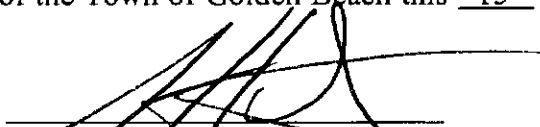
**Section 6. Severability.** Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be invalid.

**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 Councilman Iglesias, seconded by Vice Mayor Lusskin and on roll call the following vote ensued:

Mayor Singer	<u>AYE</u>
Vice Mayor Lusskin	<u>AYE</u>
Councilmember Einstein	<u>AYE</u>
Councilmember Iglesias	<u>AYE</u>
Councilmember Parus	<u>AYE</u>

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 15<sup>th</sup> day of March, 2005.

  
MAYOR GLENN SINGER

ATTEST:  
  
CATHY SZABO  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
  
PAUL D. EICHNER  
TOWN ATTORNEY

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