

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1781.06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING TWO VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 400 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT CONSTRUCTION OF A GAZEBO IN THE REAR YARD; TO PERMIT CONSTRUCTION OF A POOL WITHIN THE REAR YARD SETBACK AT 7'-6" IN LIEU OF THE REQUIRED 10' SETBACK; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicants, Nildo and Isora Herrera (the "Applicant"), filed a Petition for Variance from Sections 66-252 and 66-237 of the Town Code to permit construction of a gazebo in the rear yard, and to permit construction of a pool within the rear yard setback at 7'-6" in lieu of the 10' required setback on the property located 400 Ocean Boulevard, Golden Beach, Florida 33160 (Golden Beach Section "B", Lots 1 & 2, Block 3, as recorded in PB 9-52, of the Public Records of Miami-Dade County, Folio No. 19-1235-002-0010) (the "Property");

WHEREAS, a public hearing of the Town's Building Regulation Advisory Board was advertised and held, as required by law, and all interested parties were given an opportunity to be heard; and

WHEREAS, a public hearing of the Town Council was advertised and held, as required by law, and all interested parties were given an opportunity to be heard; and

WHEREAS, the Town Council having considered the evidence presented, finds that the Petition for Variance meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE

TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. **Approval.** The Petition for Variance to permit each of the requested variances is hereby granted.

Section 3. **Conditions.** The Petition for Variance as granted, is subject to the following conditions:

- (1) Applicant shall record certified copy of this Resolution in the public records of Miami-Dade County;
- (2) Construction shall be completed substantially in accordance with those certain plans entitled Proposed Pool & Gazebo for Nildo & Isora Herrera, as prepared by Salazar & Associates, dated 12/16/05, and containing pages 1-2.
- (3) A Building Permit for the contemplated work pursuant to the Petition for 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 shall be null and void.
- (4) The Gazebo shall be no larger than 10' X 10'.

Section 4. **Implementation.** That 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. **Effective Date.** That this Resolution shall be effective immediately upon

adoption.

The Motion to adopt the foregoing Resolution was offered by Councilmember Lusskin, seconded by Councilmember Iglesias and on roll call the following vote ensued:

<u>Pool</u>		<u>Gazebo</u>	
Mayor Singer	<u>Nay</u>	Mayor Singer	<u>Aye</u>
Vice Mayor Einstein	<u>Nay</u>	Vice Mayor Einstein	<u>Aye</u>
Councilmember Colella-Battista	<u>Aye</u>	Councilmember Colella-Battista	<u>Aye</u>
Councilmember Iglesias	<u>Aye</u>	Councilmember Iglesias	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>	Councilmember Lusskin	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida,
this 18th day of April, 2006.

ATTEST:


MAYOR GLENN SINGER


BONILYN WILBANKS-FREE
TOWN MANAGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


TOWN ATTORNEY