

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1802.06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING PREVIOUSLY GRANTED VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 60 TERRACINA AVENUE, GOLDEN BEACH, FLORIDA 33160 TO PERMIT TENNIS COURT FENCING AT A HEIGHT OF 10 FEET TO ENCROACH INTO THE FRONT SETBACK 17.58 FEET FROM THE FRONT PROPERTY LINE IN LIEU OF PREVIOUSLY APPROVED DISTANCE OF TWENTY FEET; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 20, 2004, the Town Council adopted Resolution No. 1619.04 granting Jaime and Cheryl Peisach (the "Applicant"), a variance for the property located at 60 Terracina Avenue, Golden Beach, Florida (West 30' of Lot 26, all of Lots 27-31, Golden Beach Section D, Block H, as recorded in PB 10-10, of the Public Records of Miami-Dade County, Folio No. 19-1235-004-0390) (the "Property"), from Section 66-140 of the Town Code to allow tennis court fencing to encroach into the front setback at no more than 10 feet in height and located twenty feet from the front property line, surrounded by hedges; and

WHEREAS, the Applicant has filed a Petition for Variance from Section 66-140 of the Town Code, seeking to amend the previously granted variance for the purpose of allowing tennis court fencing at a height of 10 feet to encroach into the front setback at 17.58 feet from the front property line in lieu of the previously approved distance of twenty feet; and

WHEREAS, Section 66-140(a) of the Town Code provides that no structure, the height of which shall exceed 36 inches shall be constructed in any setback, with the exception of mechanical equipment, that can be constructed in such a way that its bottom is located at the required base flood elevation as established by the Flood Insurance Rate Map (FIRM), and any

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subsequent revised map adopted by the National Flood Insurance Program; and

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 Jaime & Cheryl Peisach Residence, as prepared by Jorge L. Esteban, A.I.A., dated May 22, 2006, and containing pages A-1 - A-2.

Section 4. **Implementation.** That the Building and Zoning Director is hereby directed

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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 Iglesias, seconded by Councilmember Lusskin and on roll call the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Einstein	<u>Aye</u>
Councilmember Colella-Battista	<u>Aye</u>
Councilmember Iglesias	<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 July, 2006.

ATTEST:


MAYOR GLENN SINGER


BONILYN WILBANKS-FREE
TOWN MANAGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


TOWN ATTORNEY

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