

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2610.19

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 120 SOUTH ISLAND DRIVE, GOLDEN BEACH DRIVE, GOLDEN BEACH, FLORIDA 33160 1). TO PERMIT AN EXISTING SEAWALL TO REMAIN AS-BUILT ENCROACHING 2'-11" INTO THE ADJOINING GRAND CANAL WATERWAY WHEN THE CODE REQUIRES THE SEAWALL TO BE BUILT INSIDE THE PROPERTY LINES. 2. TO PERMIT VARYING ELEVATIONS IN THE SEAWALL HEIGHT FROM 4.69' TO 4.94' NAVD WHEN THE CODE REQUIRES A MAXIMUM HEIGHT OF 4.425' NAVD. 3. TO PERMIT THE DECK OF THE DOCK TO BE AT VARYING ELEVATIONS FROM 4.69' TO 4.94' NAVD WHEN THE CODE ALLOWS FOR A MAXIMUM HEIGHT OF 3.425 NAVD.

WHEREAS, the applicants, 120 South Island LLC ("the applicant"), filed a Petition for Variances/exceptions, 1). Section 46-81 – Extension of Seawall into Waterways. No part of any seawall, including slabs may extend beyond any lot property line into any waterway in the Town. The piles and cap beam may encroach into the waterway, if approved by the agency having jurisdictions. If during the construction of a new seawall it is found that portions of the existing seawall encroach into a public waterway adjoining a lot, those portions of the seawall encroachment shall be modified or removed, unless a variance is granted by the Town. 2). Section 46-85 Height of seawalls and docks and extension of deck of dock. No deck of any dock shall exceed an elevation of 3.425 feet above the North American Vertical Datum of 1988 (NAVD-88). No cover shall be permitted to be erected in connection with any dock. The

minimum elevation of the top of any seawall shall be 3.425 NAVD feet above NAVD-88 and the maximum elevation shall be 4.425 feet NVD-88.

WHEREAS, the Town Council approved the applicant's request to allow the as-built condition of the existing seawall to remain encroaching outside the property line into the adjoining waterway at 2'-11", and did not approve the request to allow the maximum height of the seawall to be at varying elevations from 4.69' to 4.94' NAVD, instead of the maximum height by code of 4.425 feet NAVD and did not approve the dock deck to be at varying elevations from 4.69' to 4.94' NAVD, instead of the maximum height by the code of 3.425' NAVD, and;

WHEREAS, these variances and exceptions are for the property at 120 South Island Drive, Golden Beach, FL. 33160 (Golden Beach Section "D", Lot 5 Less N 25' & all of Lots 6 & 7, Block J, as recorded in PB 10-10, of the Public Records of Miami-Dade County, (Folio No. 19-1235-004-0500 (the "Property") and ;

WHEREAS, the Town's Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance/Exception and recommended approval of the seawall encroachment, the varying heights of the seawall, and the varying heights of the deck of the dock, (the motions failed), by the Town Council; 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 of 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. Each of the above stated recitals are hereby adopted and confirmed.

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

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

(1) Applicant shall record a certified copy of this Resolution in the public records of Miami-Dade County; and the construction shall be completed substantially in accordance with those certain plan pages S-1 through S-6 by Dynamic Engineering Solutions, Inc .plans labeled concrete cap over pour & dock project, dated 10/4/2018 and the Sketch of Boundary Survey, prepared by Ernest W. Duncan P.S.M., LS #5182, dated 10/10/18, for the property located at 120 South Island Drive, Golden Beach, FL. 33160

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. This Resolution shall be effective immediately upon adoption.

Sponsored by Administration.

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

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,
Florida, this 21st day May, 2019

ATTEST:

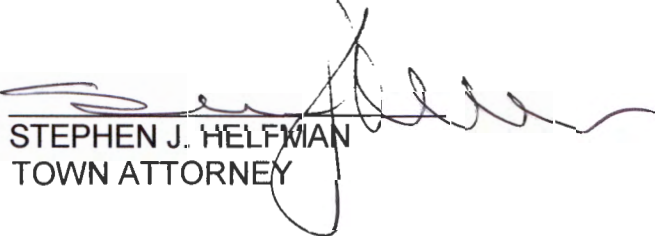


LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY