

**TOWN OF GOLDEN BEACH
RESOLUTION NO. 1040.97**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; RELATING TO A VARIANCE REQUEST, FOR THE PROPERTY LOCATED AT 650 GOLDEN BEACH DRIVE, GOLDEN BEACH, SECTION F, PB10-11, LOTS 9, 10 AND 11, BLK E, LESS PARCEL BEGINNING AT THE NORTH EAST CORNER OF LOT 11 THENCE SOUTH EASTERLY ALONG AN ARC WITH AN ANGLE OF 0 DEGREES 22 MINUTES 49 SECONDS AT A RADIUS OF 440 FEET FOR 2.92 FEET THENCE SOUTH 83 DEGREES 16 MINUTES 22.5 SECONDS WEST FOR A DISTANCE OF 176.30 FEET TO A POINT LYING ON THE WESTERLY LINE OF LOT 11 AND BEING A POINT ON AN ARC TO THE SOUTH WEST HAVING AN ANGLE OF 3 DEGREES 57 MINUTES 47 SECONDS AT A RADIUS OF 265.00 FEET THENCE RUN NORTH EASTERLY ALONG A CURVE FOR A DISTANCE OF 18.33 FEET TO THE NORTHWEST CORNER OF LOT 11 THENCE RUN NORTH EASTERLY ALONG THE NORTH LINE OF LOT 11 FOR A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING; REQUESTING RELIEF FROM TOWN CODE SECTION 66-140, SETBACK AREAS, GENERALLY, TO PERMIT RE-BUILDING OF TWO EXISTING AUXILIARY STRUCTURES LOCATED IN THE REAR SETBACK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mr. & Mrs. Frank J. & Margaret Guarino, have applied for the following:

VARIANCE requesting relief from Town Code Section 66-140, setback areas, generally, to permit re-building of two existing auxiliary structures located in the rear setback.

SUBJECT PROPERTY: GOLDEN BEACH, SECTION F, PB10-11, LOTS 9, 10 AND 11, BLK E, LESS PARCEL BEGINNING AT THE NORTH EAST CORNER OF LOT 11 THENCE SOUTH EASTERLY ALONG AN ARC WITH AN ANGLE OF 0 DEGREES 22 MINUTES 49 SECONDS AT A RADIUS OF 440 FEET FOR 2.92 FEET THENCE SOUTH 83 DEGREES 16 MINUTES 22.5 SECONDS WEST FOR A DISTANCE OF 176.30 FEET TO A POINT LYING ON THE WESTERLY LINE OF LOT 11 AND BEING A POINT ON AN ARC TO THE SOUTH WEST HAVING AN ANGLE OF 3 DEGREES 57 MINUTES 47 SECONDS AT A RADIUS OF 265.00

FEET THENCE RUN NORTH EASTERLY ALONG A CURVE FOR A DISTANCE OF 18.33 FEET TO THE NORTHWEST CORNER OF LOT 11 THENCE RUN NORTH EASTERLY ALONG THE NORTH LINE OF LOT 11 FOR A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING;

FOLIO NO. 19 1235 006 0440;

ADDRESS: 650 GOLDEN BEACH 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 concerned in the matter were given an opportunity to be heard; and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Town Council that the requested variance is not contrary to 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;

NOW, THEREFORE BE IT RESOLVED by the Town Council, of the Town of Golden Beach:

Section 1. That the requested variance is hereby approved as follows:

To permit relief from Town Code Section 66-140, setback areas, generally, to permit re-building of two existing auxiliary structures located in the rear setback;

Section 2. That the application as approved, is subject to the following conditions:

(a). A Building Permit for work where the Variance has been granted must be obtained within two (2) years from the date of Variance approval. 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 Dade County.

(c) The Gazebo is not to exceed 10 ft. x 10 ft.

(d) The variance request for the shed is denied as per recommendations of the Building Regulation Board.

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

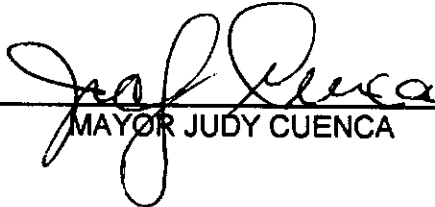
Section 5. Severability. Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be invalid.

Section 6. Effective Date. That this Resolution shall become effective upon approval of the Town Council.

The Motion to adopt the foregoing Resolution was offered by COUNCIL MEMBER LOWRANCE, seconded by VICE MAYOR CHIKOVSKY, and on roll call the following vote ensued:

Mayor Cuenca	<u>AYE</u>
Vice Mayor Chikovsky	<u>AYE</u>
Councilmember Lowrance	<u>AYE</u>
Councilmember Addicott	<u>AYE</u>
Councilmember Fistel	<u>ABSENT</u>

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Golden Beach, Florida, this 17th day of June, 1997.


MAYOR JUDY CUENCA

ATTEST:


TOWN CLERK PATRICIA MONGIELLO

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


JON M. HENNING, TOWN ATTORNEY