

**TOWN OF GOLDEN BEACH
RESOLUTION NO. 1110.98**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; RELATING TO A VARIANCE REQUEST, FOR THE PROPERTY LOCATED AT 440 GOLDEN BEACH DRIVE, GOLDEN BEACH SECTION "E", SOUTH 25 FT OF LOT 40 & ALL LOT 41, BLOCK F, AS RECORDED IN PB 8-122 OF THE PUBLIC RECORDS OF DADE COUNTY; REQUESTING RELIEF FROM TOWN CODE SECTION 66-139, FRONT AND REAR LOT LINE RESTRICTIONS-IN ZONE THREE, TO PERMIT A GAZEBO TO BE BUILT WITH A REAR SETBACK OF 10 FEET IN LIEU OF THE 35 FEET REQUIRED BY THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Isaias & Pilar Vayda, has applied for the following:

(1) **VARIANCE** requesting relief from Town Code Section 66-139, front and rear lot line restrictions-in zone three, to permit a gazebo to be built with a rear setback of 10 feet in lieu of the 35 feet required by the code.

SUBJECT PROPERTY:

GOLDEN BEACH SECTION "E", SOUTH 25 FT OF LOT 40 & ALL OF LOT 41, BLOCK F, AS RECORDED IN PB 8-122 OF THE PUBLIC RECORDS OF DADE COUNTY FOLIO NO. 19 1235 005 0480

ADDRESS:

**440 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 66-139, front and rear lot line restrictions-in zone three, to permit a gazebo to be built with a rear setback of 10 feet in lieu of the 35 feet required by the code.

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.

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.

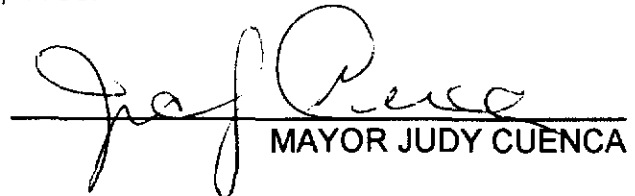
Section 5. Severability. Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be invalid.

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

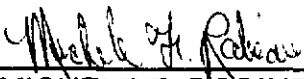
The Motion to adopt the foregoing Resolution was offered by Councilmember Chikovsky seconded by Councilmember Rodriguez, and on roll call the following vote ensued:

Mayor Cuenca	<u>Aye</u>
Vice Mayor Addicott	<u>Absent</u>
Councilmember Chikovsky	<u>Aye</u>
Councilmember Fistel	<u>Absent</u>
Councilmember Rodriguez	<u>Aye</u>

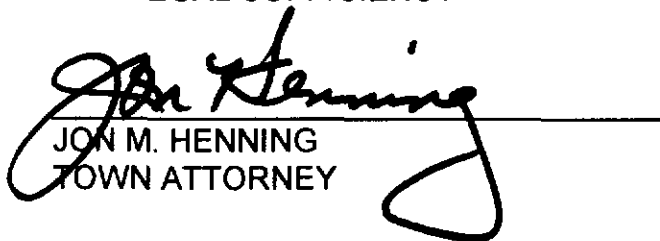
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Golden Beach, Florida, this 16th day of June, 1998.


MAYOR JUDY CUENCA

ATTEST:


MICHELE F. ROBINEAU, CMC
DEPUTY TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


JON M. HENNING
TOWN ATTORNEY