

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2777.21

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 330 SOUTH PARKWAY, GOLDEN BEACH, FLORIDA 33160 TO PERMIT A DOCK TO ENCROACH OUTSIDE THE D-5 TRIANGLE, WHEN TOWN CODE SECTION 46-87 REQUIRES THE DOCK TO BE WITHIN THE TRIANGLE.

WHEREAS, the applicant, Vivian Niremberg, ("the applicant"), filed a Petition for Variances/exceptions, from Section 46-87 – Proximity of Lot Lines. (b)) No portion of a dock, boat lift, hydro hoist or any other method of elevation, mooring piles, boat davits, dolphin piles or any other structure, and no portion of a boat elevated above the water moored at a dock or seawall, shall protrude into the waterway, unless it is within the triangle formed by connecting the points indicated below, that form a triangle where the waterfront property line is the base of the triangle and the triangle sides extend towards the waterway at a 45 degree angle until the lines intersect on the waterway side of the lot, but never to exceed 25 feet into the waterway from each of the lot property line. Neither elevated boats nor docks shall encroach in any instance within the side setback area. The base of the triangle shall be determined as follows: (1) the base of the D5 triangle for all lots is set back five feet inside each of the side property lines, and from a dock or seawall: (2) shall maintain a setback of at least ten feet from the water ward projection of the side property lines, and (3) shall be maintained entirely within the setback established

WHEREAS, the applicant's request is to allow for the dock to be installed outside the D-5 Triangle when the code requires the dock be within the D-5 Triangle.

WHEREAS, these variances and exceptions are for the property at 330 South Parkway, Golden Beach, FL. 33160 (Golden Beach Sec E, Lot 36, Blk G, as recorded in PB 8-122, of the Public Records of Miami-Dade County, (Folio No. 19-1235-005-0630 (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 request, for approval 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 1 – 6 Proposed Dock/Seawall Repair, by Mark E. Weber PE, Seal dated 01/26/2021, and the Sketch of Boundary Survey,

prepared by John Ibarra & Associates, Inc., field dated 7/9/2020, for the property located at 330 South Parkway, 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 Vice Mayor Lusskin, seconded by Councilmember Mendal and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<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 19th day October, 2021.

ATTEST:




LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY