

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2393.15**

**A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 264 SOUTH PARKWAY, GOLDEN BEACH, FLORIDA 33160 TO PERMIT THE BOAT LIFT TO EXTEND INTO THE WATERWAY OUTSIDE THE D-5 TRIANGLE, WHERE THE TOWN'S CODE REQUIRES THAT IT PLACED WITHIN THE D-5 TRIANGLE.**

**WHEREAS**, the applicants, Jeffrey Sonn and Terry Sonn (the applicants”), filed a Petition for a Variance/exception, Article IV – Seawall and Docks: Sec.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.

(2) When the lot line is curved, the base shall be measured at the straight line, forming the chord, connecting the two side property lines (or the two side setback lines) at the

point where they cross the sea wall. The side setback shall be determined based upon the length of the chord as provided in this subsection, above, allowing the boat lift to extend into the waterway outside the D-5 Triangle', in lieu of the Town Codes requirement that the boat lift be placed within the D-5 triangle, at 264 South Parkway, Golden Beach, Florida 33160 (Golden Beach Section "D, Lot 17, Block G, as recorded in PB 10-10, of the Public Records of Miami-Dade County, (Folio No. 19-1235-004-0130 (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 variance 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 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

- (2) Construction shall be completed substantially in accordance with those certain plans, 1 and 1a, a drawing titled S.E. Custom Lift Systems, Inc., all seal dated 8/22/2014 by Alan Garcia, P.E., License 42564, and the Sketch of Boundary Survey, prepared by Paul J. Stowell, 5241, with Atlantic Coast Surveying Inc., for the property located at 264 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 Councilmember Lusskin, seconded by Vice Mayor Einstein and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Nay</u>
Vice Mayor Bernard Einstein	<u>Nay</u>
Councilmember Amy Isackson-Rojas	<u>Nay</u>
Councilmember Judy Lusskin	<u>Nay</u>
Councilmember Kenneth Bernstein	<u>Nay</u>

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach, Florida, this 20<sup>th</sup> day of January, 2015

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MAYOR GLENN SINGER

ATTEST:

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LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY

FAILED