

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2855.23

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 448 GOLDEN BEACH DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT A SEAWALL TO ENCROACH OUTSIDE THE PROPERTY LINE INTO THE WATERWAY BY APPROXIMATELY 4.38' WHEN TOWN CODE SECTION 46-81 DOES NOT PERMIT THE SEAWALL TO ENCROACH OUTSIDE THE PROPERTY LINE.

WHEREAS, the applicant, Paul and Ronnie Bianco, ("the applicant"), filed a Petition for Variances/exceptions, from 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 jurisdiction.

WHEREAS, the applicant's request is to allow the seawall to encroach into the waterway outside the property line by approximately 4.38'

WHEREAS, these variances and exceptions are for the property at 448 Golden Beach Dr., Golden Beach, FL. 33160 (Golden Beach Sec E, S 10' of Lot 8 & all of Lot 39, Lot 40 less S 25', Block F, in PB 8-122, of the Public Records of Miami-Dade County, (Folio No. 19-1235-005-0470 (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 the seawall encroachment, 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 by Mark E. Weber, Professional Engineer, pages numbered 1 through 7, Neptune Boat Lifts pages 1 through 3, Seal dated 10/24/2022, and the Sketch of Boundary Survey, prepared by Andrew Snyder, #5639, FL Licensed Surveyor and Mapper, dated 11/14/2022 for the property located at 448 Golden Beach Dr., 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 Bernstein, seconded by Councilmember Lusskin and on roll call the following vote ensued:

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

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 17th of January, 2023

ATTEST:



LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY