

RESOLUTION NO. 2019- 2635

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING WITH CONDITIONS AN APPLICATION SUBMITTED BY SAMUEL FRONT (“APPLICANT”) FOR THE PROPERTY LOCATED AT 8810 ABBOTT AVENUE (“PROPERTY”) FOR A PRACTICAL DIFFICULTY VARIANCE FROM SECTION 90-49 OF THE TOWN CODE TO PERMIT AN ADDITIONAL 3% LOT COVERAGE OR 43% LOT COVERAGE, WHERE A MAXIMUM LOT COVERAGE OF 40% IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant and property owner, Samuel Front (“Applicant”), is proposing an addition and renovation to the existing single-family home, including the enclosure of a front porch consisting of approximately 175 square feet (the “Project”), and has applied for a practical difficulty variance from Section 90-49 of the Town of Surfside (“Town”) Code of Ordinances (“Code”) to permit an additional 3% lot coverage or 43% lot coverage, where a maximum lot coverage of 40% is permitted (“Application”), on the property located at 8810 Abbott Avenue, and legally described in Exhibit “A” attached hereto (“Property”); and

WHEREAS, Section 90-49 of the Town Code permits a maximum lot coverage of 40% in the Residential Single Family H30B Zoning District where the Property is located; and

WHEREAS, Section 90-36 of the Town Code provides for practical difficulty variances to allow additional lot coverage for single family homes located on single platted lots in the H30B Zoning District; and

WHEREAS, Town Staff finds that the variance criteria or standards of review for a practical difficulty variance as set forth in Section 90-36(9) of the Town Code have been met for the Application; and

WHEREAS, on September 26, 2019, the Planning and Zoning Board recommended approval of the Application with a condition that additional landscaping shall be required; and

WHEREAS, on October 29, 2019, the Town Commission conducted a public hearing on the Application for which a hearing was noticed, posted or advertised and held as required by law, all interested parties concerned in the matter were heard, and due and proper consideration was given to the matter; and

WHEREAS, the Town Commission, having reviewed the Application, the written and oral findings of Town staff, and all other relevant testimony and evidence, including the Applicant's voluntary proffers, finds that the Application meets the criteria for a variance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Practical Difficulty Variance; Approval with Conditions. That the requested practical difficulty variance from Section 90-49 of the Town Code is hereby approved with conditions, to permit an additional 3% lot coverage or 43% lot coverage on the Property, where a maximum lot coverage of 40% is permitted.

Section 3. Conditions. If applicable, the approval granted by this Resolution is subject to the Applicant's compliance with the following conditions, which the Applicant voluntarily proffered and stipulated to at the public hearing:

(a) The variance is effective solely for purposes of the Project depicted in the Applicant's plans submitted to the Town dated August 7, 2019 and prepared by Scale Design, and for no other purpose, and the Project must be developed substantially in accordance with the approved plans.

(b) In the event that the Applicant desires to develop the Property in a manner other than in substantial compliance with the plans submitted to the Town dated August 7, 2019 and prepared by Scale Design, the variance shall be deemed never to have been granted, and shall become null and void. The Property shall automatically revert to the development status it had prior to this approval.

(c) The following additional landscaping shall be required:

a. Shrub and Tree Requirements:

1. A minimum of five trees of two different species and 25 shrubs shall be planted on the Property; and
2. Where possible, a minimum of two trees shall be required in the front of the Property. Shrubs shall be incorporated in a manner on the Property so as to be a visual screen for mechanical equipment or other accessories to the residence.

(d) The Applicant shall comply with all conditions and permit requirements of the Miami-Dade County Department of Environmental Resource Management, the Miami-Dade County Fire Rescue Department, the Miami-Dade County Water and Sewer Department, the Florida Department of Environmental Protection, the Florida Department of Transportation, and all other governmental agencies with jurisdiction over the Project.

(e) In accordance with Section 166.033(6), Florida Statutes, the Applicant is advised that this Resolution does not create any right on the part of the Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the Town for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the Project.

(f) As provided in Section 90-35(a)(9) of the Code, approval of the variance shall be void if the Applicant does not obtain a building permit within 24 months after the granting of this approval. The Town Commission may grant one or more extensions for a period of up to a total of six months for good cause shown by the Applicant.

(g) Failure by the Town to timely enforce any of the above conditions does not constitute a waiver of same, and if the Applicant, its successors or assigns, do not perform such conditions within five (5) days after written notice, the Town reserves the right to stop construction, if necessary, until that condition is met. By acting in accordance with this approval, the Applicant hereby consents to all of the foregoing terms and conditions.

Section 4. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on this 29th day of October, 2019.

Moved By: Commissioner Paul
Second By: Commissioner Karukin

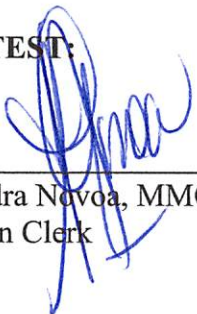
FINAL VOTE ON ADOPTION

Commissioner Barry Cohen	<u>Absent</u>
Commissioner Michael Karukin	<u>Yes</u>
Commissioner Tina Paul	<u>Yes</u>
Vice Mayor Daniel Gielchinsky	<u>Yes</u>
Mayor Daniel Dietch	<u>Yes</u>



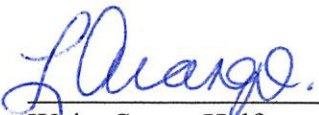
Daniel Dietch
Mayor

ATTEST:



Sandra Novoa, MMC
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 12, Block 9, of NORMANDY BEACH SECOND AMENDED PLAT, according to the Plat thereof, as recorded in Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida

Parcel Identification Number: 14-2235-005-1231