



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
AGENDA**

June 14, 2016

6 p.m.

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**

2. Quasi-Judicial Hearings

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

A. Malter Variance – 9169 Dickens Avenue - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN SURFSIDE, FLORIDA CONSIDERING THE APPLICATION OF 9169 DICKENS AVENUE, SURFSIDE, FLORIDA TO PERMIT A VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 "SETBACKS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; REQUESTING AN 18 INCH SIDE SETBACK VARIANCE FOR THE NORTH PROPERTY LINE TO ADD A 425 SQUARE FOOT ADDITION TO THE EXISTING SINGLE FAMILY HOUSE; PROVIDING FOR AN EFFECTIVE DATE.

3. Adjournment

Respectfully submitted,

Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



Town of Surfside Commission Communication

Agenda #: 2A
Agenda Date: June 14, 2016
Subject: Malter Side Setback Variance
From: Sarah Sinatra Gould, AICP, Town Planner

Request

The property owner, Jose Luis Malter Terrada, is requesting a variance from the Town of Surfside Code for the property at 9169 Dickens Avenue. The applicant is proposing to add a 425 square foot addition to the existing single family house. The home was built in 1941. The existing home has a six foot side setback on the north side of the property. The proposed addition will only affect the northern setback. The current code requires a seven foot six inch side setback. The applicant is requesting to construct the addition to be flush with the existing home and is requesting an 18 inch side setback variance for the north property line.



Variance Criteria

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

This property was constructed in 1941 with a six foot side setback. The code requirements have been modified since that time resulting in a non-conforming structure. The non-conforming code section states that a non-conformity may remain but cannot be enlarged or altered, unless the enlargement or alteration is conforming. The addition could be developed with the current setbacks, therefore, there are no special conditions of circumstances peculiar to this structure.

(2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

The home was developed under a different code, which is not the result of the applicant. However, the proposed addition can meet the current setback requirements.

(3) Literal interpretation of the provisions of the Town Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Town Code and results in unnecessary and undue hardship on the applicant;

The literal interpretation of the Town Code results in a requirement to have a setback that is 10% of the lot frontage. This is the same condition as all structures in the single family district. The applicant is requesting the addition to be flush with the existing structure for aesthetic and interior functionality purposes.

(4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Town of Surfside Comprehensive Plan or the Town Code;

The property was constructed under a different code provision in 1941. The interior setback requirement of 10% of the frontage of the lot was instituted by the Town. It was not deliberately developed to be inconsistent with the Town. It was developed prior to the current Town Code requirements.

(5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Granting of the variance is not intended to assist the applicant in achieving greater financial return, rather the applicant wishes to develop an addition that is flush with the existing home, rather than providing an additional 18 inch setback to meet the current code.

(6) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

The home was developed in 1941 with a six foot side setback. The current code requires a side setback that is 10% of the width of the lot's frontage, which results in a seven and a half foot setback. All primary structures in the single family zoning district are subject to

the same requirements, therefore the granting of the variance would not convey equal treatment to other properties in the single family district.

(7) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

The addition is possible without the variance. The applicant is requesting the variance because it is aesthetically and architecturally preferred to construct a building that provides consistency in the wall plane.

(8) The requested variance is in harmony with the general intent and purpose of the Town of Surfside Comprehensive Plan and the Town Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

The requested variance is intended to provide aesthetic and architectural consistency in the design. However, the Town's Code requires a seven and half foot setback, where this applicant is proposing a six foot setback. The variance criteria in the Code requires there to be a hardship to request a variance. This request is not a hardship, but a preference for aesthetics and design purposes, therefore it is not consistent with the Code or Comprehensive Plan.

Results

Staff recommends denial of the variance. The Planning and Zoning Board heard this application at a quasi-judicial hearing on March 28, 2016 and recommended denial of the application to the Town Commission.

Exhibits

1. Application
2. Site Plan
3. Letters of support from the neighbors

TOWN OF SURFSIDE
 MAR 10 '16 04:18 PM



**TOWN OF SURFSIDE
 GENERAL VARIANCE APPLICATION**

MAR 10 '16 04:11 PM

A complete submittal includes all items on the "Submission Checklist for General Variance Application" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

PROJECT INFORMATION

OWNER'S NAME Jose Luis Malter TERRADA

PHONE / FAX 305-431-6613

AGENT'S NAME ARI SKAR, CARLOS CAMPICLIA, OSCAR SKAR

ADDRESS 2310 HOLLYWOOD BLVD. HOLLYWOOD, FL 33020

PHONE / FAX 954 925 9292 786 324 2747

PROPERTY ADDRESS 9169 Dickens Avenue, Surfside, Fl. 33154

ZONING CATEGORY H30B

DESCRIPTION OF VARIANCE REQUESTED EXTEND THE EXISTING GARAGE WALL WHICH IS AT 6'-0" FROM PROPERTY LINE FOR NEW ADDITION.

(please use separate sheet)

INTERNAL USE ONLY

Date Submitted _____ Project Number _____

Report Completed _____ Date _____

Comments _____

ZONING STANDARDS

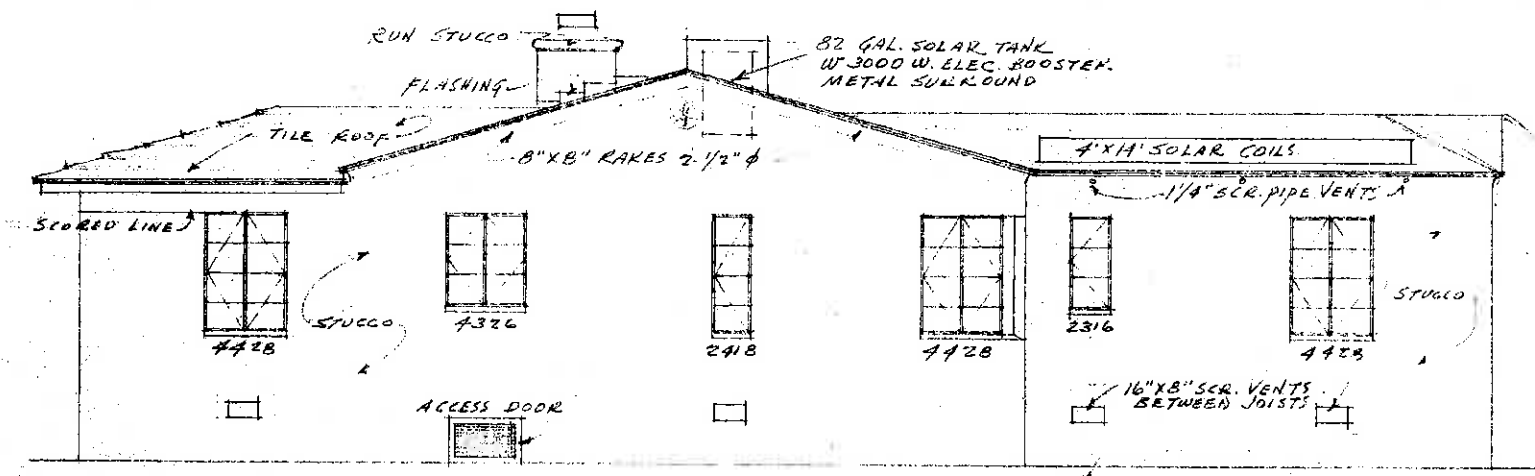
	Required	Provided
Lot Coverage	<u>3375 SQFT (40%)</u>	<u>2502 SQFT (30%)</u>
Dimension of yards		<u>R. 2370 ≠ 2670</u>
Setbacks (F/R/S)	<u>20' / 20' / 7'-6"</u>	<u>23'-6" / 6'-0" 18'-0" / 33'-6"</u>
Parking	<u>N/A</u>	<u>N/A</u>
Loading	<u>N/A</u>	<u>N/A</u>
Pervious Area	<u>2953 SQFT (35%)</u>	<u>3220 SQFT (37%)</u>

[Signature]
 SIGNATURE OF OWNER

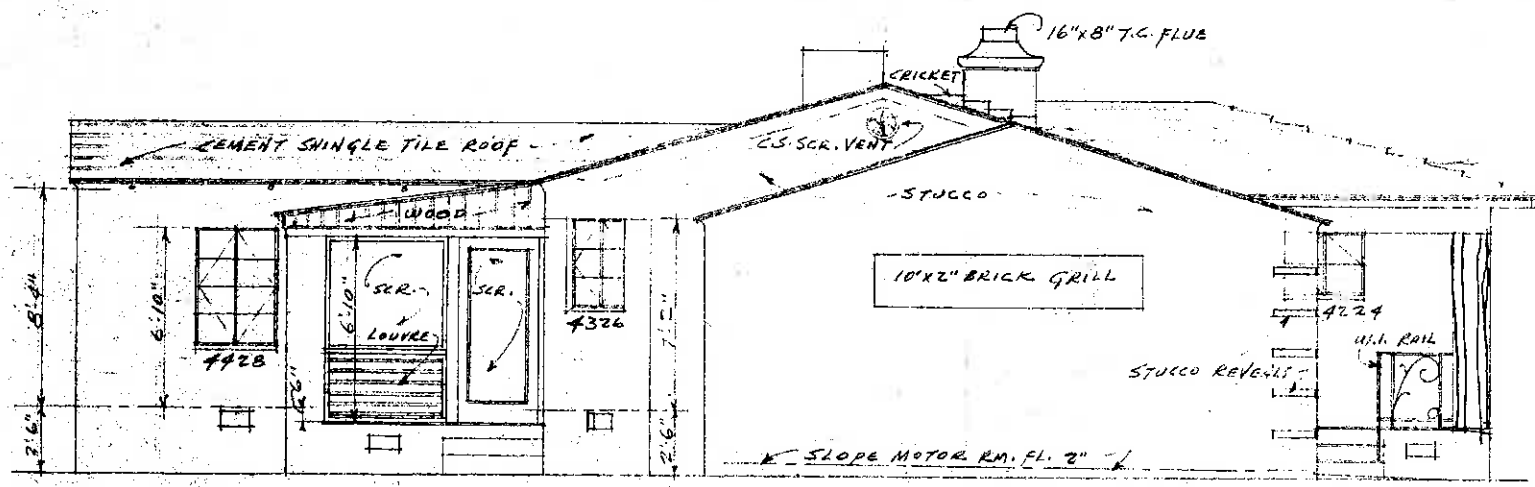
 DATE

[Signature]
 SIGNATURE OF AGENT

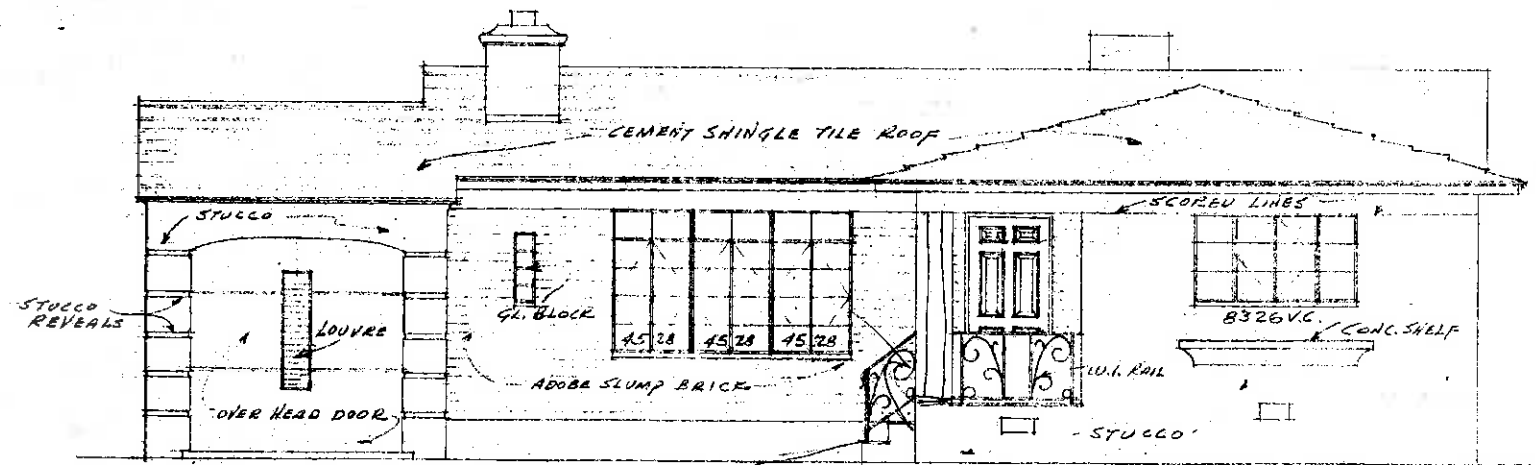
3/10/16
 DATE



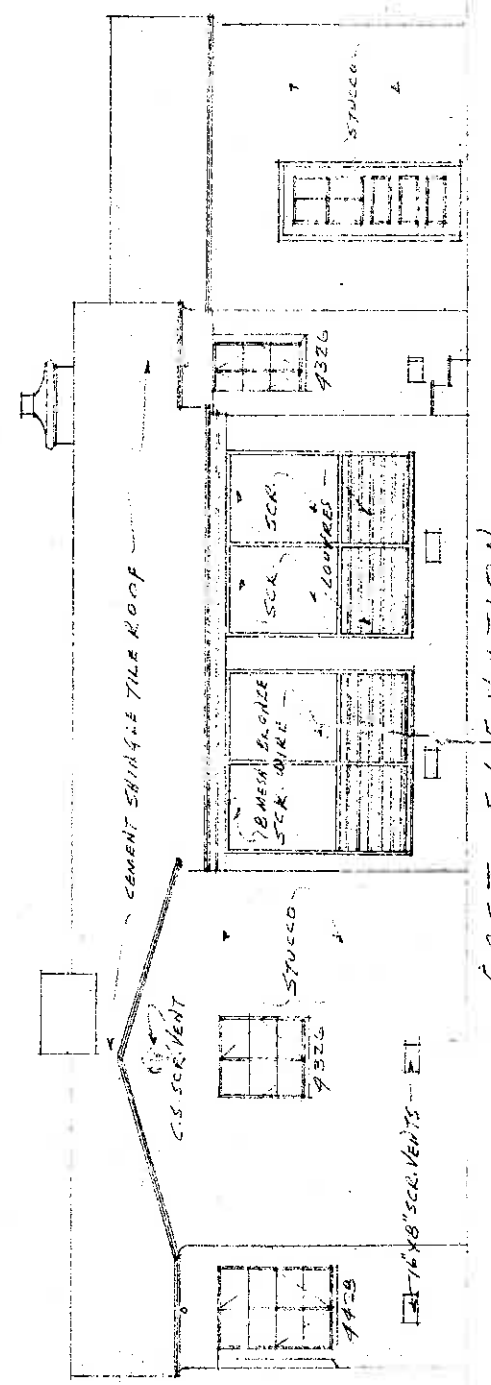
SOUTH ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"

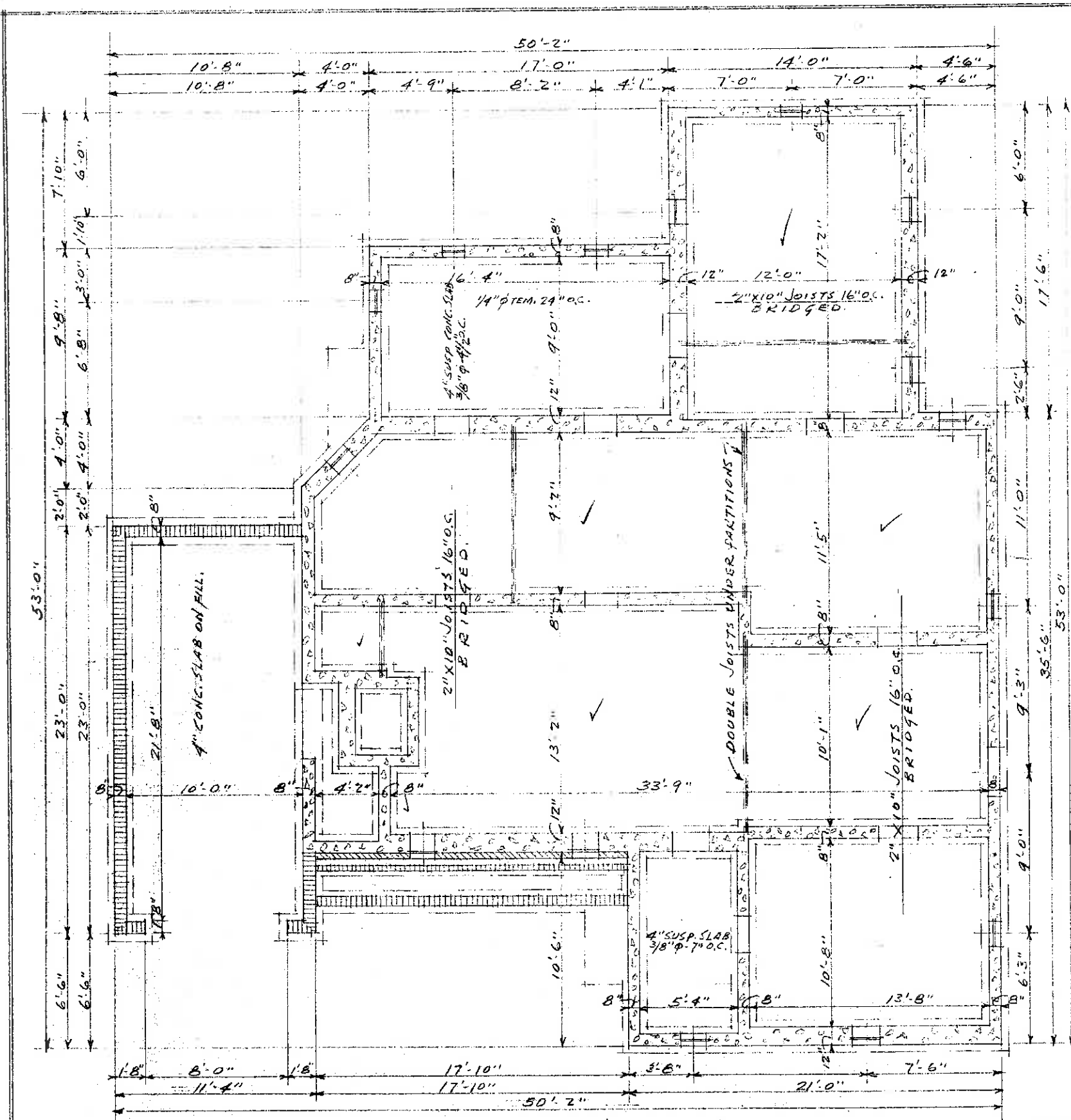


WEST ELEVATION
SCALE 1/4" = 1'-0"

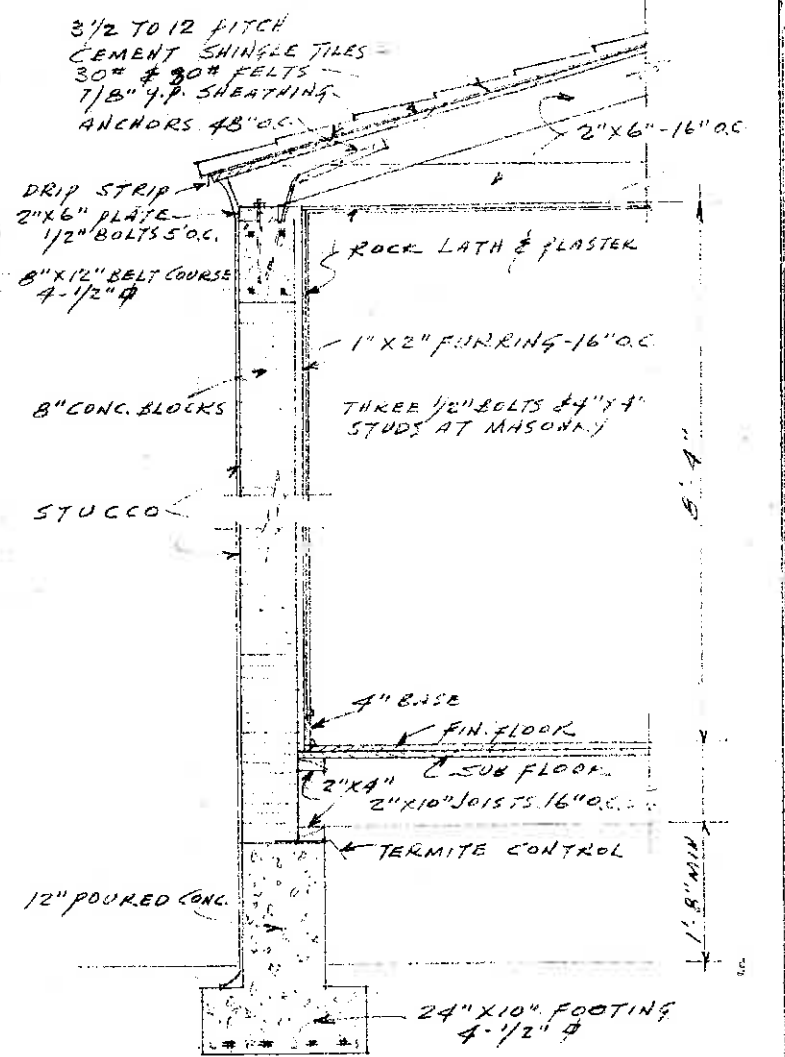


EAST ELEVATION
SCALE 1/4" = 1'-0"

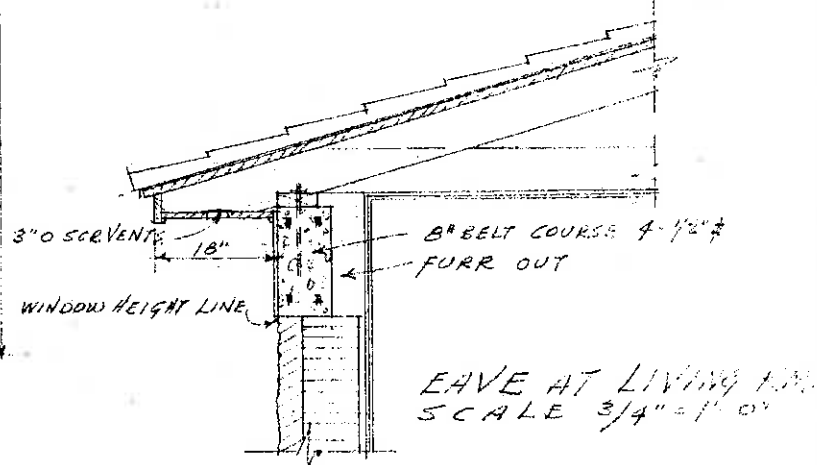
	RESIDENCE FOR MR. VICTOR LOUINES JR. LOT 13 & SOUTH 1/2 OF LOT 12 BLOCK 11 ALTOS DEL MAR # 9 - SURFSIDE - FLORIDA	COMM. K-292
	DRAW. NO. 3	DATE MAY 13 1941
	ARCHITECT VICTOR LOUINES JR. 1000 N. W. 10th St. MIAMI, FLORIDA	



FOUNDATION PLAN
SCALE 1/4" = 1'-0"

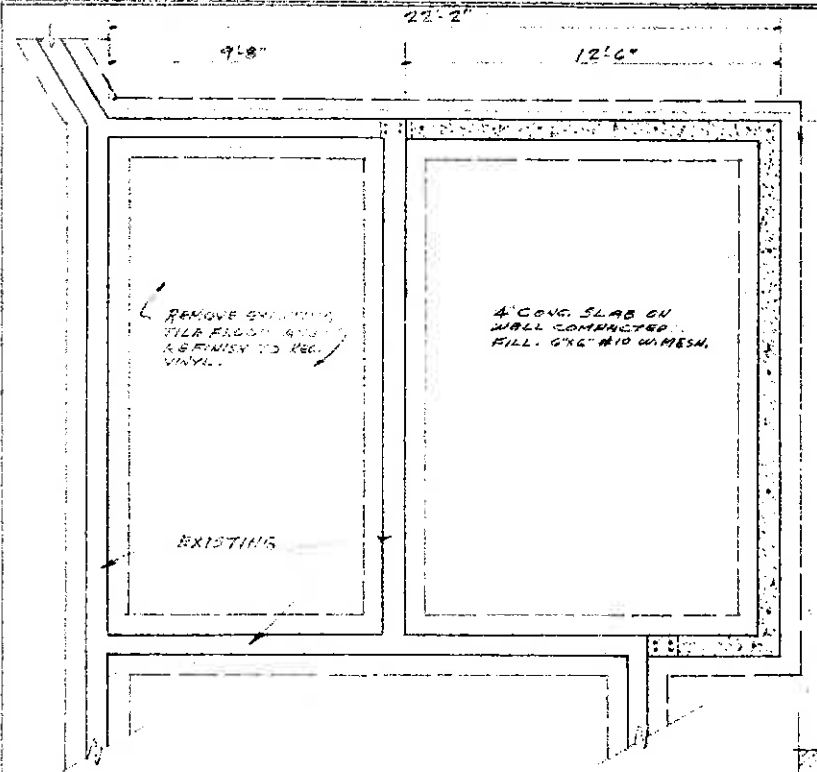


TYPICAL SECTION
SCALE 3/4" = 1'-0"

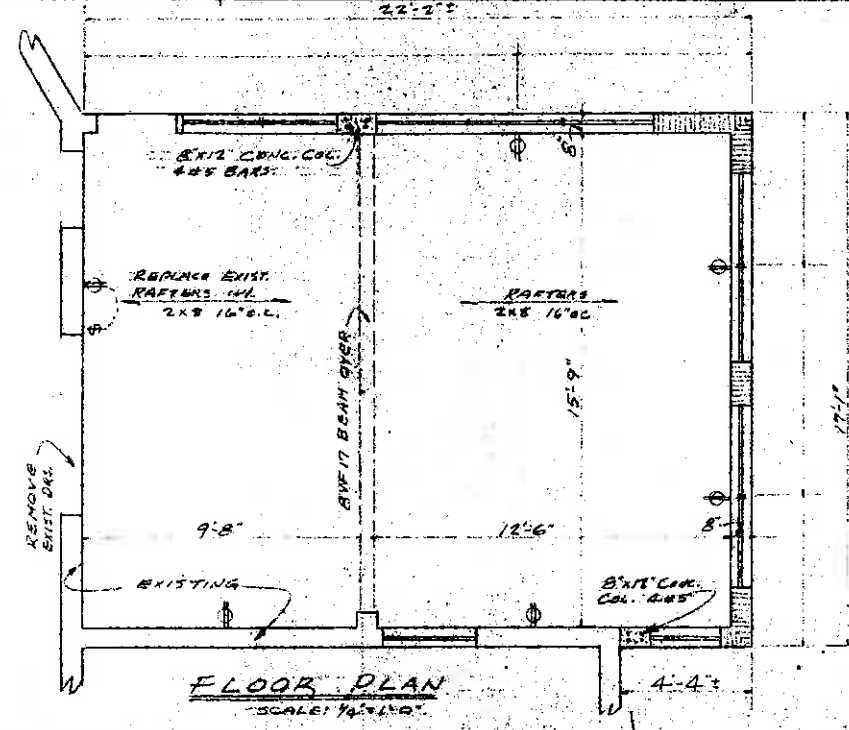


EAVE AT LIVING ROOM
SCALE 3/4" = 1'-0"

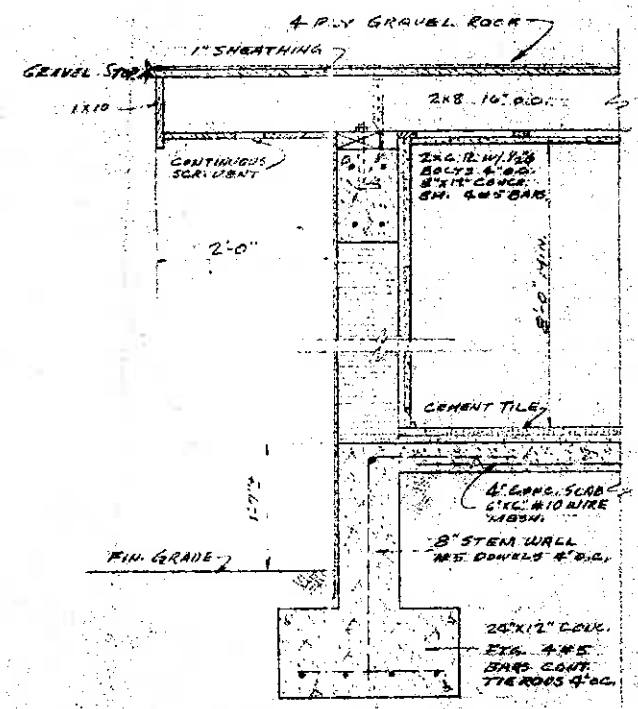
RESIDENCE FOR MR. VICTOR LOWNES LOT 13 # SOUTH 1/2 OF 12 BLOCK 11 ALTOS DEL MAR # 4, SUKFSIDE, FLA.		COMM. K-292 DRUM NO. 26 MAY 30 '41
[Signature] ARCHITECT		
314 N. P.		



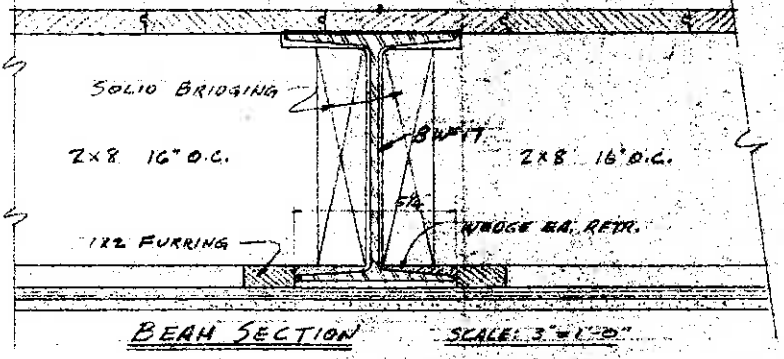
FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



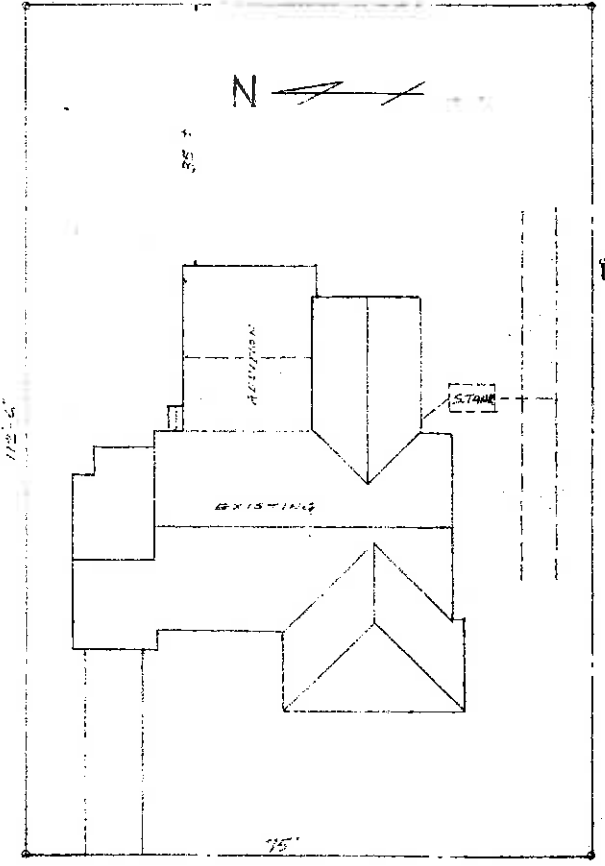
FLOOR PLAN
SCALE: 1/4" = 1'-0"



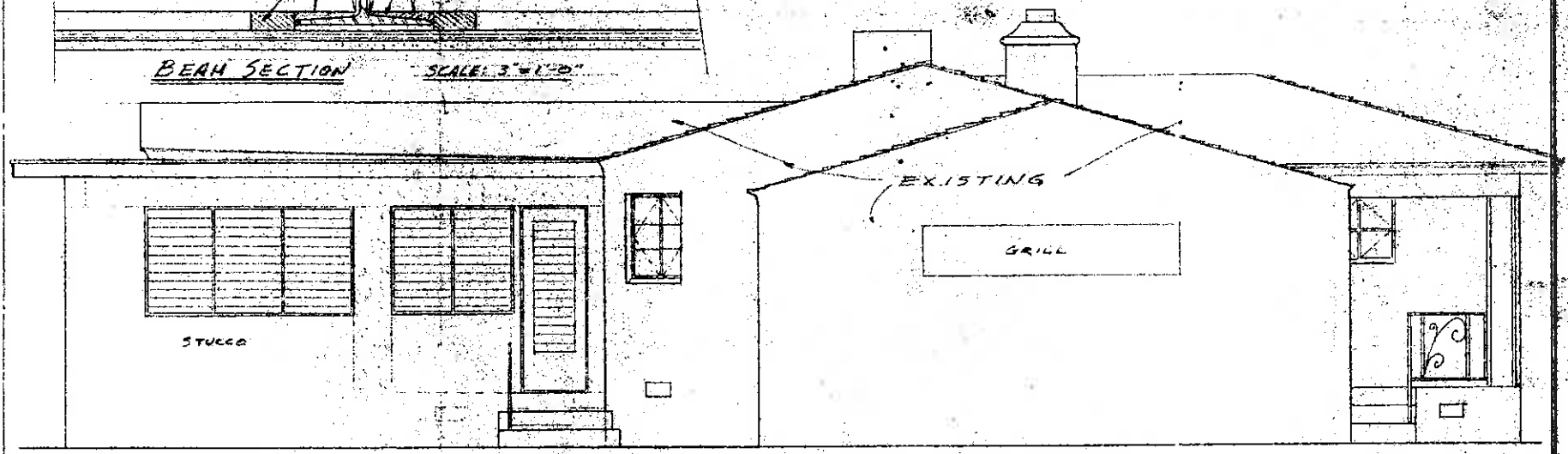
TYPICAL SECTION
SCALE: 3/4" = 1'-0"



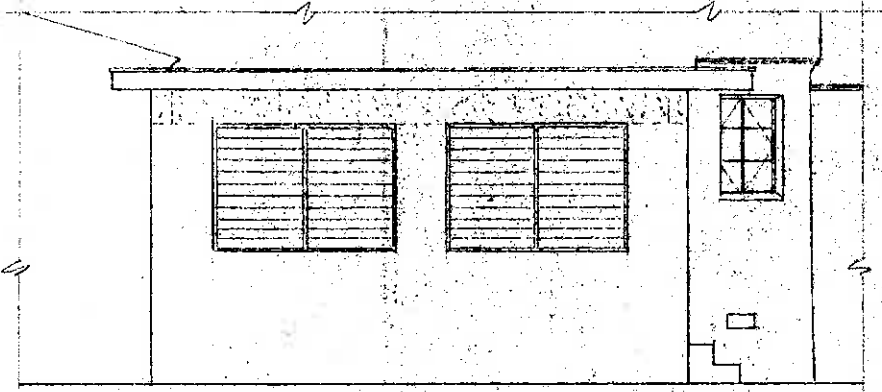
BEAM SECTION
SCALE: 3/4" = 1'-0"



PLOT PLAN
SCALE: 1/4" = 1'-0"

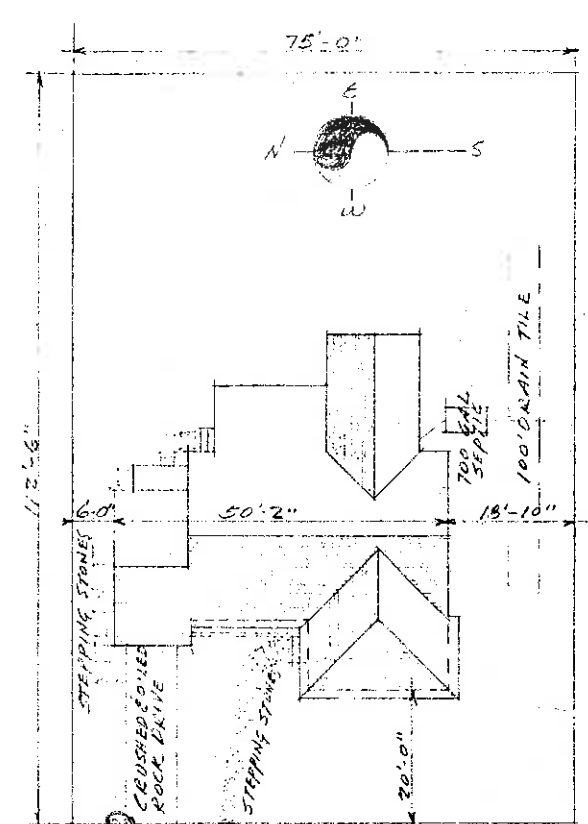
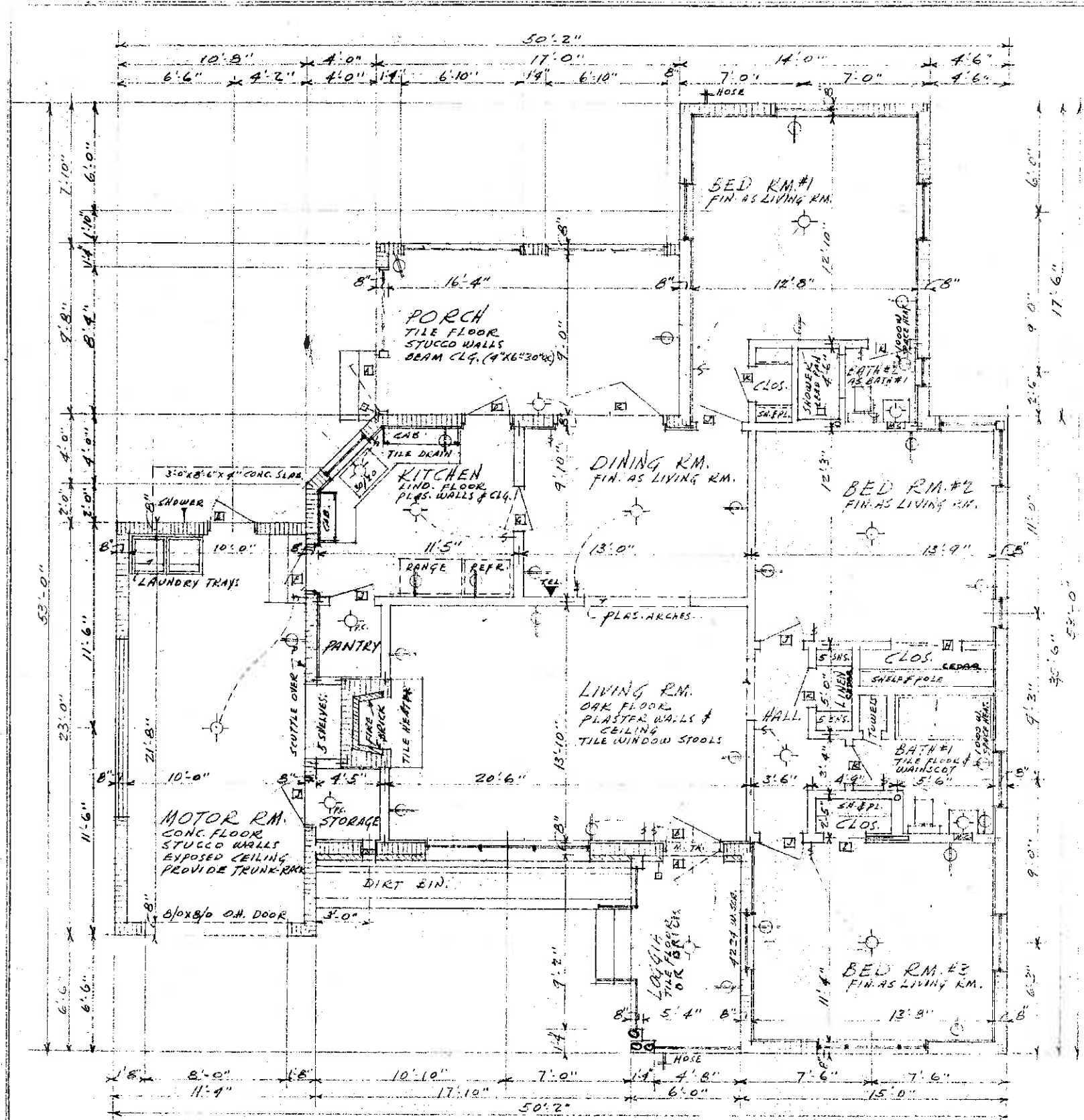


NORTH ELEVATION



EAST ELEVATION

ADDITION TO RESIDENCE EBR		
MR. & MRS. CHARLES V. SULLBARGER 9169 DICKENS AVENUE, SUFERSIDE, FLORIDA		
COMM. # 1845	WILLIAM S. PATTERSON ARCHITECT SUFRSIDE, FLORIDA	
DATE: 7/17/60	APPROVED: <i>William S. Patterson</i>	DRAWN BY: PDL DRAWING NO: 1-1



DOOR SCHEDULE

MR.	WIDE	HIGH	THICK	DESCRIPTION
A	3'-0"	6'-8"	1 3/8"	PANELED SCREEN
B	"	"	1 3/4"	SIX PANEL 'COLONIAL'
C	"	"	1 3/8"	FIVE LIGHT 'FRENCH-PAIR'
D	2'-6"	"	"	'EVER-READY'
E	"	"	1 3/4"	"
F	"	"	1 3/8"	STOCK PANEL
G	"	"	"	" " DOUBLE ACTING
H	2'-0"	"	"	" " SLIDING-PAIR
I	2'-4"	"	"	" " " "
J	2'-6"	"	"	" " " "
K	2'-4"	"	"	" " " "

FLOOR PLAN
SCALE 1/4" = 1'-0"

Approved June 6, 1941

19284 sub. pt.

Robert Walter Blump

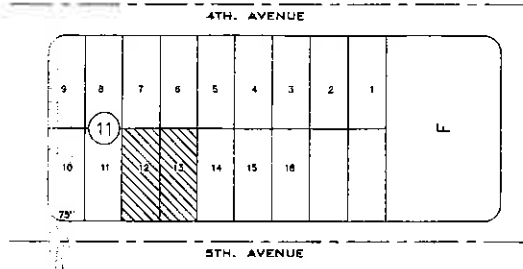
RESIDENCE FOR
MR. VICTOR LOWNES
LOT 13 SOUTH 1/2 OF 12 BLOCK 11
ALTOS DEL MAR # 4 SURFSIDE, FLA.

COMM.
K-292
DRW. NO.
1

MADE IN U.S.A.
MAY 30, 1941

GENERAL NOTES:

- WORK PERFORMED SHALL COMPLY WITH THE FOLLOWING:
A. THESE GENERAL NOTES (UNLESS OTHERWISE NOTED IN PLANS OR SPECIFICATIONS).
B. SOUTH FLORIDA BUILDING CODE, LATEST EDITION.
C. ALL APPLICABLE STATE AND LOCAL CODES ORDINANCES AND REGULATIONS.
D. NATIONAL ELECTRIC CODE, OSHA AND NATIONAL BOARD OF FIRE UNDERWRITERS.
- ON SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE THE RESPONSIBILITY OF THE SUB-CONTRACTOR. NOTED DIMENSIONS ARE PRECEDENT OVER SCALE.
- THE GENERAL NOTES AND TYPICAL DETAILS APPLY THROUGHOUT THE JOB UNLESS OTHERWISE NOTED OR SHOWN.
- DISCREPANCIES: THE CONTRACTOR SHALL COMPARE AND COORDINATE ALL DRAWINGS, WHEN IN THE OPINION OF THE CONTRACTOR A DISCREPANCY EXISTS HE SHALL PROMPTLY REPORT IT TO THE ARCHITECT FOR PROPER ADJUSTMENT BEFORE PROCEEDING WITH THE WORK.
- ALL CONDITIONS AND ALL APPLICABLE REQUIREMENTS OF THE CONTRACT BETWEEN OWNER AND CONTRACTOR SHALL GOVERN ALL SECTIONS OF THE SPECIFICATIONS.
- OMISSIONS: IN THE EVENT THAT CERTAIN FEATURES OF THE CONSTRUCTION ARE NOT FULLY SHOWN ON THE DRAWINGS, THEN THEIR CONSTRUCTION SHALL BE OF THE CHARACTER AS FOR SIMILAR CONDITIONS THAT ARE SHOWN.
- ALL WORK COMPLETED OR OTHERWISE, SHALL BE PROPERLY PROTECTED AT ALL TIMES. CONTRACTOR SHALL FOLLOW ALL ACCEPTED METHODS OF SAFETY PRACTICE AND PROVIDE ALL FENCES, BARRICADES, ETC. AS MAY BE NEEDED TO PROTECT LIFE AND PROPERTY AND AS MAY BE REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER HIS WORK. HE SHALL REPAIR AT HIS OWN COST ANY DAMAGES TO THE PREMISES OR ADJACENT WORK CAUSED BY HIS OPERATION.
- DISCREPANCIES: THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE PROJECT THOROUGHLY. INSPECT THE SITE, DRAWINGS AND SPECIFICATIONS, SO AS TO THOROUGHLY UNDERSTAND THE WORK. ANY AND ALL DISCREPANCIES AND OMISSIONS SHALL BE REPORTED TO THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO INSURE THAT DISCREPANCIES AND OMISSIONS ARE REPORTED AND CLARIFICATION OBTAINED.
- BEFORE COMMENCING WITH THE WORK, THE CONTRACTOR SHALL FILE WITH THE OWNER CURRENT INSURANCE CERTIFICATIONS IN THE AMOUNTS REQUESTED BY THE OWNER FOR WORKMENS COMPENSATION, COMPREHENSIVE GENERAL LIABILITY, BODILY INJURY AND PROPERTY DAMAGE. IT IS THE INTENTIONS OF THE PARTIES THAT THE CONTRACTOR SHALL IDENTIFY THE OWNER AND THE ARCHITECT FOR ANY AND ALL COSTS, CLAIMS, SUITS, AND JUDGEMENTS FOR PROPERTY DAMAGE AND PERSONAL INJURY, (INCLUDING DENTAL), ARISING OUT OF THE WORK OF THE CONTRACTOR.
- OMISSIONS: IN THE EVENT THAT CERTAIN FEATURES OF THE CONSTRUCTION ARE NOT FULLY SHOWN ON THE DRAWINGS, THEN THEIR CONSTRUCTION SHALL BE OF THE SAME CHARACTER AS FOR SIMILAR CONDITIONS THAT ARE SHOWN OR NOTED.
- ALTERING STRUCTURAL MEMBERS: NO STRUCTURAL MEMBERS SHALL BE OMITTED, NOTCHED, CUT, BLOCKED OUT, OR RELOCATED WITHOUT PRIOR APPROVAL BY THE ARCHITECT AND STRUCTURAL ENGINEER.
- ALL MATERIALS USED SHALL BE NEW AND DELIVERED TO THE JOB IN ORIGINAL SEALED CONTAINERS BEARING ORIGINAL MANUFACTURER LABELS.
- ALL COLORS SHALL BE SELECTED BY THE ARCHITECT OR OWNER.
- THE CONTRACTOR SHALL LEAVE ALL CHASES, HOLES OR OPENING TRUE AND OF THE PROPER SIZE OF HIS OWN WORK, OR CUT SAME IN EXISTING WORK AS MAY BE NECESSARY FOR PROPER INSTALLATION OF HIS OWN WORK OR OTHER CONTRACTORS WORK, CONSULTING WITH OTHER CONTRACTORS CONCERNED REGARDING PROPER LOCATION AND SIZE OF SAME. IN CASE OF HIS FAILURE TO LEAVE OR CUT SAME IN THE PROPER PLACE, HE SHALL CUT THEM AFTERWARDS AT HIS OWN EXPENSE. NO EXCESSIVE CUTTING SHALL BE PERMITTED NOR SHALL ANY STRUCTURAL MEMBERS BE CUT WITHOUT THE CONSENT OF THE ARCHITECT. CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE COORDINATION OF ALL WORK OF HIS TRADES, PLUS THE COORDINATION, REPAIR AND PREPARATION FOR THE WORK OF ANY OTHER TRADES THAT WILL BE SUBSEQUENTLY LET UNDER SEPARATE CONTRACT BY THE OWNER.
- ALL CONTRACTORS WORK WILL BE PERFORMED IN A FIRST CLASS WORKMAN-LIKE MANNER, MATCHING AND ALIGNING ALL SURFACES WHERE APPLICABLE TO AFFORD A FINISHED, NEAT APPEARANCE. CONTRACTOR SHALL CLEAN ALL SURFACES FREE OF ALL DIRT AND REFUSE CAUSED BY DEBRIS FROM ALL INSTALLATION TECHNIQUES OF THE TRADE. ALL ADJACENT SURFACES DURING THE COURSE OF HIS INSTALLATIONS, ALL GRES AND HARDWARE SHALL BE THOROUGHLY CLEANED IN A MANNER ACCEPTABLE TO THE OWNER.
- THE CONTRACTOR SHALL GUARANTEE IN WRITING IN A FORM AS ACCEPTABLE TO THE OWNER ALL LABOR AND MATERIAL INSTALLED BY HIM FOR A PERIOD OF NO LESS THAN (1) ONE YEAR AFTER DATE OF ACCEPTANCE OF WORK BY THE OWNER EXCEPT AS MODIFIED HEREIN OR ON OTHER DRAWINGS. SHOULD DEFECTS OCCUR, ALL WORK SHALL BE REPLACED OR PROPERLY REPAIRED AT NO ADDITIONAL COST TO THE OWNER.
- ALL WORK AND/OR MATERIAL SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURERS OR INDUSTRIES RECOMMENDATIONS AND SPECIFICATIONS.
- SHOP DRAWINGS AND SAMPLES FOR ITEMS DESIGNATED BY THE ARCHITECT SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL.
- SUBSTANTIAL COMPLETION SHALL BE ATTAINED WHEN ALL PHASES OF THE WORK ARE COMPLETED EXCLUDING ALL FINAL PUNCH LIST ITEMS, REGARDLESS OF OWNERS USAGE OR OCCUPANCE OF THE DWELLING.
- NO CLAIMS FOR EXTRAS OR CHANGE ORDERS WILL BE GIVEN CONSIDERATION UNLESS THEY ARE IN WRITING AND SIGNED BY THE ARCHITECT, THE CONTRACTOR AND THE OWNER.
- "THE GENERAL CONDITIONS OF THE CONTRACT FOR THE CONSTRUCTION OF BUILDINGS" OF THE AMERICAN INSTITUTE OF ARCHITECTS, DOCUMENT A-201, LATEST EDITION, ARE HEREBY MADE PART OF CONTRACT DOCUMENTS. THESE GENERAL NOTES, SPECIFICATIONS AND CONTRACT BETWEEN THE OWNER AND CONTRACTOR SHALL TAKE PRECEDENCE OVER THE "GENERAL CONDITIONS" IN THE EVENT OF A CONFLICT.
- AIR CONDITIONING AND VENTILATION PERMIT BY MECHANICAL CONTRACTOR.



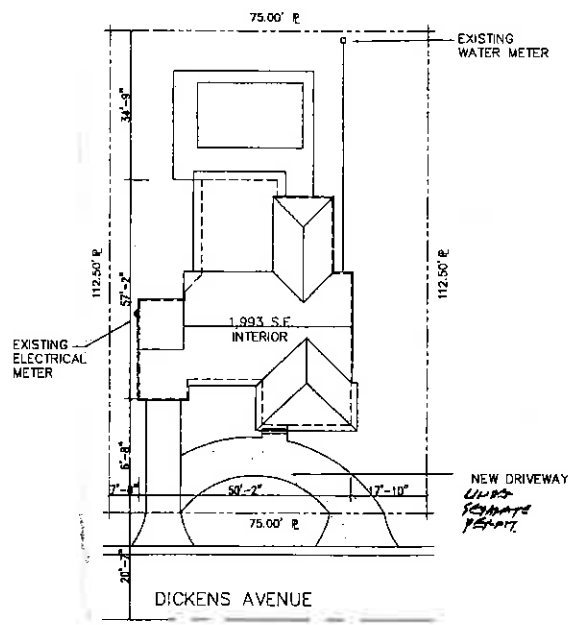
LOCATION MAP
SCALE: 1" = 100'

BOAN RESIDENCE
SURFSIDE, FLORIDA

EXISTING USE:	RESIDENTIAL	1,655 S.F. INCLUDING GARAGE
PROPOSED USE:	RESIDENTIAL	1,655 S.F. INCLUDING GARAGE
GROSS LOT AREA: 112.5' X 75.00' = 8,438 S.F.		
DATA	EXISTING	PROPOSED
EAST SIDE SETBACK	34'-9"	EXISTING
SOUTH FRONT SETBACK	17'-10"	EXISTING
NORTH REAR SETBACK	7'-0"	EXISTING
WEST SIDE SETBACK	20'-7"	EXISTING
BUILDING HEIGHT ROOF	15'-0"	EXISTING
ASPHALT AREA, WALKWAYS	306 S.F.	775 S.F.
LANDSCAPE AREA	6,477 S.F.	6,008 S.F.

LEGAL DESCRIPTION

LOT 13 AND THE SOUTH 1/2 LOT 12, BLOCK 11, OF ALTOS DEL MAR No. 4, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLATBOOK 10, AT PAGE 63 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



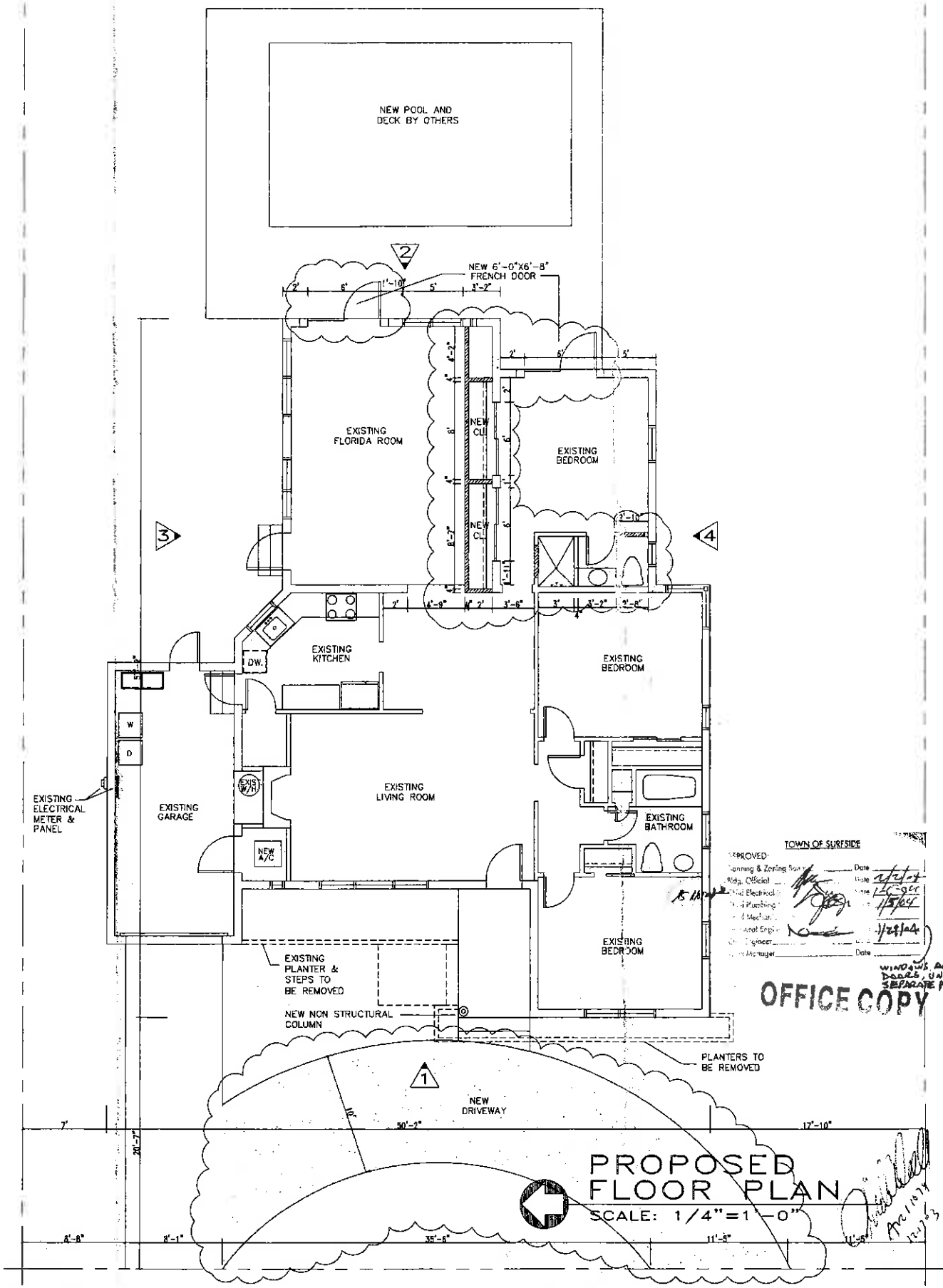
PROPOSED SITE PLAN
SCALE: 1/16" = 1'-0"

LEGEND

- EXISTING WALL
- NEW EXTERIOR 8" WALL
- 5/8" INTERIOR GRADE DRYWALL WALL

SCOPE OF WORK

- NEW CLOSET IN MASTER BEDROOM
- RELOCATED EXISTING SHOWER
- NEW FRENCH DOOR AT EXIST. FAMILY ROOM
- NEW CIRCULAR DRIVEWAY



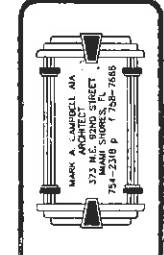
TOWN OF SURFSIDE
APPROVED: Planning & Zoning, Date: 11/27/03
City Official, Date: 11/27/03
Public Works, Date: 11/27/03
Police, Date: 11/27/03
Fire, Date: 11/27/03
Animal Control, Date: 11/27/03
Public Works, Date: 11/27/03
City Manager, Date: 11/27/03

OFFICE COPY

PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"

REVISIONS BY

OWNER SUBMISSION	12-2-03
PERMIT SUBMISSION	12-17-03

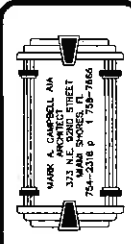


BOAN RESIDENCE
9169 DICKENS AVENUE
SURFSIDE, FLORIDA

PROPOSED FLOOR PLAN
LEGAL DESCRIPTION
LOCATION MAP
SITE PLAN

DRAWN: M.M.
CHECKED: M.A.C.
DATE: 11-27-03
SCALE: AS SHOWN
JOB NO.: 03
SHEET

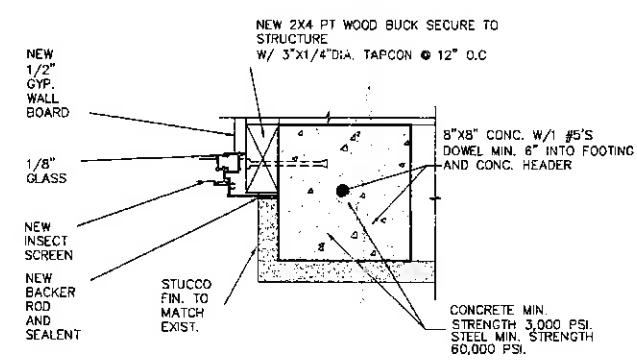
REVISIONS	BY
OWNER SUBMISSION	12-2-03
PERMIT SUBMISSION	12-17-03



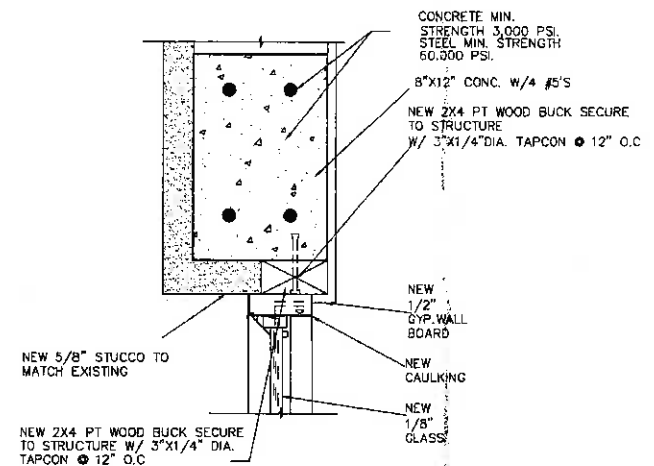
BOAN RESIDENCE
 9169 DICKENS AVENUE
 SURFSIDE, FLORIDA

PROPOSED ELEVATIONS
 DETAILS

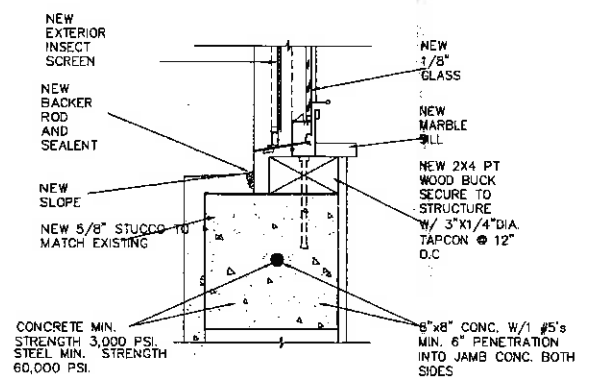
DRAWN	M.M.
CHECKED	M.A.C.
DATE	11-27-03
SCALE	AS SHOWN
JOB NO.	03
SHEET	A-2
OF 2 SHEETS	



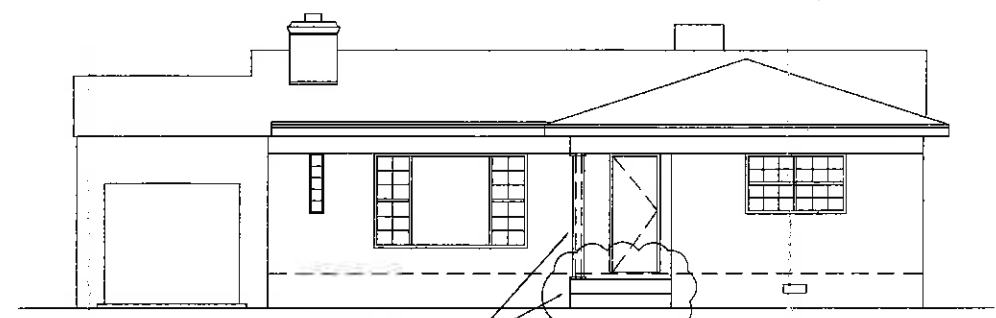
1 **DETAIL @ JAMB**
 SCALE: 3"=1'-0"



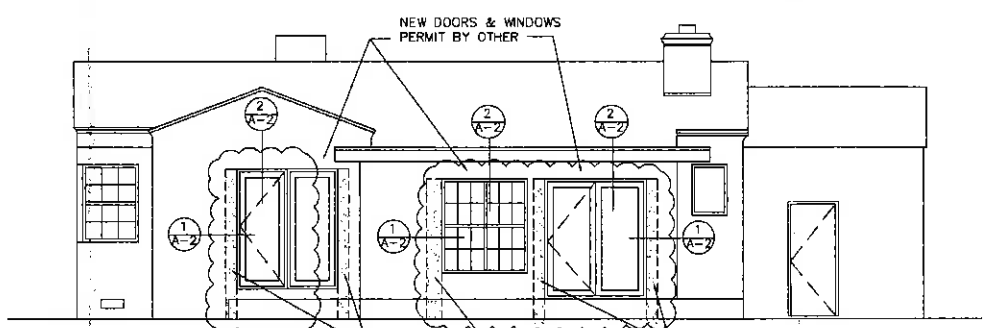
2 **DETAIL @ HEAD**
 SCALE: 3"=1'-0"



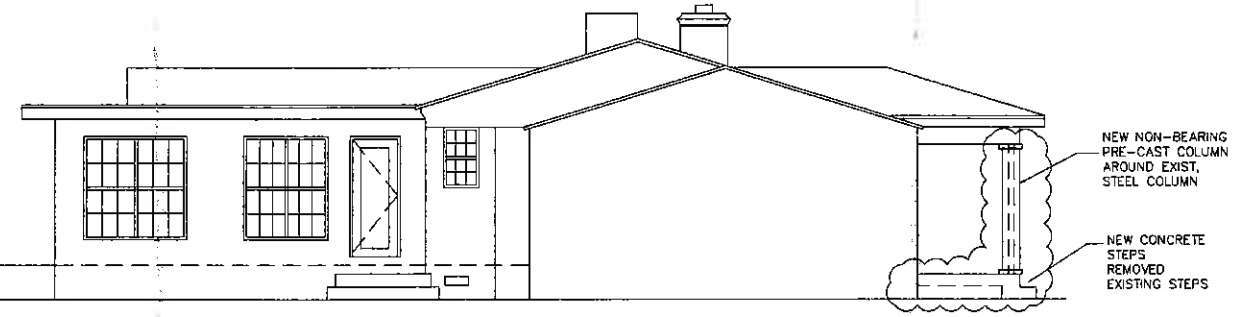
3 **DETAIL @ SILL**
 SCALE: 3"=1'-0"



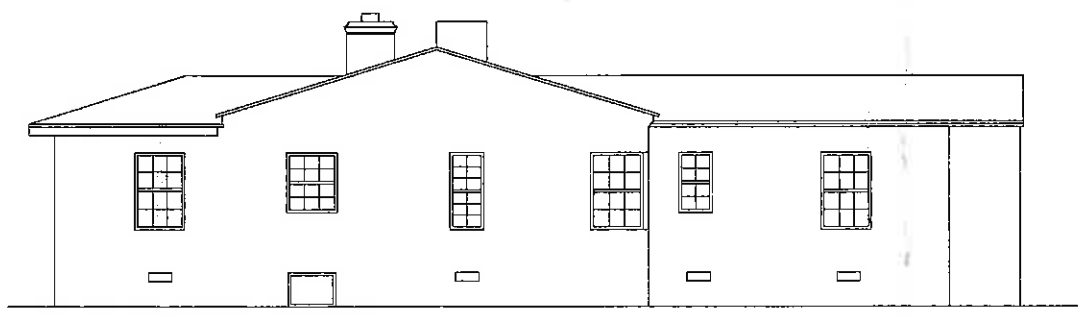
1 **WEST ELEVATION**
 SCALE: 1/4"=1'-0"



2 **EAST ELEVATION**
 SCALE: 1/4"=1'-0"



3 **NORTH ELEVATION**
 SCALE: 1/4"=1'-0"



4 **SOUTH ELEVATION**
 SCALE: 1/4"=1'-0"

Mark A. Campbell
 ARCHITECT
 17327



DRAFT

March 4, 2016

Sarah Sinatra Gould, Planning Department Director
Town of Surfside, Town Hall
9293 Harding Avenue,
Surfside, FL 33154

RE: Criteria Statement & Variance Application for
9169 Dickens Ave, Surfside FL 33154 Malter Residence

ARCHITECTURE
Commercial
& Residential

Dear Sarah Sinatra Gould and Planning Board,

Our firm is the architect for the current owner of the property Mr. Jose Malter. It is our hope that the City and the Planning Board will support the minor variance being requested as part of this application. We strongly believe this variance will enhance the subject property and improve this area of Dickens Ave.

Interior
Architecture
& Design

Urban
Renovation

The property consists of a single family home on an Interior lot of 75x112.50. The existing home is presently 2,037sq.ft. Which includes a garage of 246 sq.ft. The house was constructed in 1941, with 1409 sq.ft plus 246 sq.ft garage for a total of 1,655 sq.ft additions in 1960, a new pool in 2006. We propose to connect an addition of 425 sq.ft to align with the existing house. The home has not been well maintained for many years. Therefore, the following minor variance is being requested by the new owner of the subject property.

Architectural
Design of
Children's
Environments

- 1) Variance of 18 inches the North side setback to allow for an addition to align with the existing structure.

Development
Consulting

VARIANCE CRITERIA

(1) Special conditions and circumstances exists which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

This property was developed in 1941 based upon a different code of setback requirements.

(2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

The existing single family home, built around 1941 appears to have had setback requirements of 5 ft on the sides, and was built with 6' ft on the North and 18'-10" on the South side which shall remain as part of this request. It is unclear when the setback requirements may have changed as this code requirement has been in place since 1960, and the home was constructed prior to the original code adoption. The proposed addition is a rear and will not be visible from the street addition that does not extend beyond the existing setback encroachments.

2310 Hollywood Blvd.

Hollywood

Florida 33020

Tel: 954.925.9292

Fax: 954.925.6292

email:

mail@sklarchitect.com

WEBSITE:

www.sklarchitect.com

AA 0002849

IB 0000894

NCARB CERTIFIED



Ari Sklar, A.I.A.
Oscar Sklar, A.I.A.



(3) Literal interpretation of the provisions of the Town Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Town Code and results in unnecessary and undue hardship on the applicant;

The side setback requirement of 7'-6" creates an undue hardship on the property owner. Since the existing house was at 6' ft. and the intent is to keep the same scale. We are maintaining the buildable area on the south side more than the setback area that could be on the North side. Requiring the single story addition to be built with a setback based on the side setback requirement will create an architecturally inferior profile, unusable areas, and a difficult and complicated situation for the home owner. The proposed addition is architecturally consistent and does not increase the existing encroachment.

(4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Town of Surfside Comprehensive Plan or the Town Code;

The hardship is a result of the home being constructed in 1941. The structure and its proposed 425 sq. foot addition is within scale for this lot and the block in which it is situated. Most of the lots in the immediate area have 5 foot side setbacks standard.

(5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Granting of the variance is not intended to assist the applicant in achieving greater financial return, rather the applicant wishes to minimally expand the home in which they plan to occupy for many years. The granting of the variance will allow the project to move forward with a more attractive and functional appearance while maintaining the look of the house and neighborhood.

(6) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

The granting of the variance is specific to the conditions within this lot. This is a unique situation.

(7) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

The applicant is requesting to construct the addition within the existing first floor wall planes to provide structural integrity of the building and for architectural aesthetics. A 2nd floor is allowable but not being requested.

(8) The requested variance is in harmony with the general intent and purpose of the Town of Surfside Comprehensive Plan and the Town Code, is not injurious to the neighborhood, or otherwise detrimental to the public safety and welfare, is compatible



with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

The proposed addition is generally consistent with the intent of the Comprehensive Plan and the Town of Surfside Code. The existing structure, as well as the proposed addition are compatible with the neighborhood. The proposed aesthetics of the home and the addition including improvements which include a new roof and landscaping will not diminish or impair property values within the neighborhood.

Sincerely,

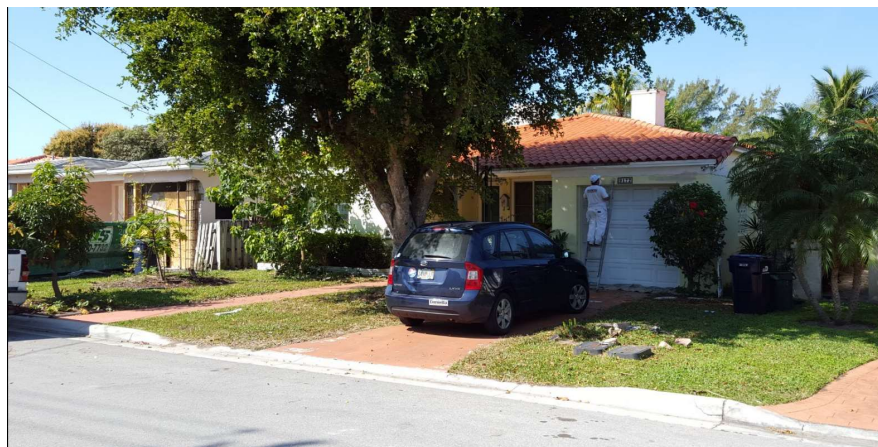
A handwritten signature in blue ink, appearing to be 'Ari L. Sklar', with a small blue square mark at the end of the signature.

Ari L. Sklar - AIA, NCARB
President

Surfside, March 17, 2016

Dear Sarah Sinatra Gould,

During these days I have approached my neighbors showing them what we have on mind about my house at 9169 DICKENS Ave. I was able to get feedback from Mrs Elisa Dimitropoulos, my right next neighbor at north side, at 9177 Dickens Ave whom would be the most significant one, under my own opinion, since my additions will be facing this particular house (the addition is on the back side of the house), and Mrs Jennifer Hill, who lives just in front of Elisa's house, at 9172 Dickens Ave. I've got letters signed from these two neighbors that I am attaching with this one.



I was no able to reach my neighbor across the street since this is a house that it is being remodeling and I don't know how to reach him (9154 Dickens Ave). Neither my next neighbor, south side, at 9157 Dickens Ave, who spent long periods of time out of town. I have introduced myself time ago and I have

informally chatted about my project, so I am sure that if I have the chance to reach him I would have a letter signed, too.



Then, my neighbor at 9156 Dickens Ave, I was trying to reach them, but no one answer at the door, so I will keep trying to reach them. Actually this would be the farthest neighbor from the intended addition to be.



I have shown the set of documents, with plans and renders my architect, Mr Ari Sklar, has made for this project, showing Project Rendering, Survey (showing the new addition on it), plans about existence and future.

I have the chance to explain everything in detail, especially about the addition on the NE side of the house.

Today I will be leaving town with my family, getting back on March 25th. I will keep trying after that day trying to reach my other neighbors, but I feel relief since at least my neighbor at north side, the one facing my new addition, Mrs Elisa Dimitropoulos, have signed the letter after reviewed the whole project. She agreed that the project will have a positive impact on her house, too.

I hope this information plus the letters attached helps in some way for the good of this project.

Any concern you may have, please do not hesitate to contact me or my Architect.

Truly Yours,

A handwritten signature in black ink, appearing to read 'Jose Luis Malter-Terrada', written over a horizontal line.

Jose Luis Malter-Terrada

(305)431-6613

March 15, 2016

Dear Sarah Sinatra Gould and Planning Board,

My name is ELSA DIMITROPOULOS I am the neighbor to the North of 9169 Dickens Ave. I live in 9177 DICKENS AVE and have talked to Mr. Malter and I have reviewed the plans for the proposed addition to his house and have no objection to the proposed addition, in fact I think it would enhance the neighborhood.

Sincerely,

 Elsa D.

March 15, 2016

Dear Sarah Sinatra Gould and Planning Board,

My name is Jennifer Hill I am the neighbor to the North of 9169 Dickens Ave. I live in 9672 Dickens and have talked to Mr. Malter and I have reviewed the plans for the proposed addition to his house and have no objection to the proposed addition, in fact I think it would enhance the neighborhood.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Hill". The signature is written in dark ink and is positioned below the word "Sincerely,".

RESOLUTION NO. 16-Z-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CONSIDERING THE APPLICATION OF 9169 DICKENS AVENUE, SURFSIDE, FLORIDA TO PERMIT A VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 "SETBACKS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; REQUESTING AN 18 INCH SIDE SETBACK VARIANCE FOR THE NORTH PROPERTY LINE TO ADD A 425 SQUARE FOOT ADDITION TO THE EXISTING SINGLE FAMILY HOUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property is a single family home owned by Jose Luis Malter Terrada located on 9169 Dickens Avenue within the Residential Single Family H30B Zoning District; and

WHEREAS, Section 90-45 of the Town of Surfside Code of Ordinances requires single family homes located in the H30B Zoning district with lots over 50 feet in width to have interior side setbacks at a minimum of 10% of the frontage; and

WHEREAS, in accordance with Section 90-45, the interior side setback for the single family home at 9169 Dickens Avenue is 7.5 feet; and

WHEREAS, the existing home, which was built in 1941, has a six foot side setback on the north side of the property; and

WHEREAS, the Town of Surfside Code has been modified since this property's construction in 1941, resulting in a non-conforming structure; and

WHEREAS, Section 90-33 of the Town of Surfside Code states that a non-conformity may remain but cannot be enlarged or altered, unless the enlargement or alteration is conforming; and

WHEREAS, the Applicant is proposing to add a 425 square foot addition to the existing single family home; and

WHEREAS, the Applicant is requesting an unnecessary and undue hardship variance from the Town of Surfside Code to construct the addition to be flush with the existing home and is requesting an 18 inch side setback variance for the north property line; and

WHEREAS, Section 90-36 of the Town of Surfside Code of Ordinances provides an unnecessary and undue hardship variance shall be approved only if the variance applicant demonstrates by clear and convincing evidence that all of the following are met and satisfied:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;
- (2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
- (3) Literal interpretation of the provisions of the Town Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Town Code and results in unnecessary and undue hardship on the applicant;
- (4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Town of Surfside Comprehensive Plan or the Town Code;
- (5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
- (6) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;
- (7) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
- (8) The requested variance is in harmony with the general intent and purpose of the Town of Surfside Comprehensive Plan and the Town Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

WHEREAS, Town Staff has reviewed the application and recommends denial of the unnecessary and undue hardship variance; and

WHEREAS, the Planning and Zoning Board considered the unnecessary and undue hardship variance application on March 31, 2016 and recommended denial to the Town Commission.

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

Section 1. Recitals. That the above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Variance. The Town Commission finds the requested variance does/does not (circle one) meet the variance criteria set forth in Section 90-36 of the Town of Surfside Code of Ordinances and recommends approval/denial (circle one) of the variance from the requirements of Section 90-45 of the Town of Surfside Code of Ordinances to allow an 18 inch side setback variance for the north property line to add a 425 square foot addition to be flush with the existing single family house based on the following criteria:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;*

This property was constructed in 1941 with a six foot side setback. The code requirements have been modified since that time resulting in a non-conforming structure. The non-conforming code section states that a non-conformity may remain but cannot be enlarged or altered, unless the enlargement or alteration is conforming. The addition could be developed with the current setbacks, therefore, there are no special conditions of circumstances peculiar to this structure.

(2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

The home was developed under a different code, which is not the result of the applicant. However, the proposed addition can meet the current setback requirements.

(3) Literal interpretation of the provisions of the Town Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Town Code and results in unnecessary and undue hardship on the applicant;

The literal interpretation of the Town Code results in a requirement to have a setback that is 10% of the lot frontage. This is the same condition as all structures in the single family district. The applicant is requesting the addition to be flush with the existing structure for aesthetic and interior functionality purposes.

(4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Town of Surfside Comprehensive Plan or the Town Code;

The property was constructed under a different code provision in 1941. The interior setback requirement of 10% of the frontage of the lot was instituted by the Town. It was not deliberately developed to be inconsistent with the Town. It was developed prior to the current Town Code requirements.

(5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Granting of the variance is not intended to assist the applicant in achieving greater financial return, rather the applicant wishes to develop an addition that is flush with the existing home, rather than providing an additional 18 inch setback to meet the current code.

(6) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

The home was developed in 1941 with a six foot side setback. The current code requires a side setback that is 10% of the width of the lot's frontage, which results in a seven and a half foot setback. All primary structures in the single family zoning district are subject to the same requirements, therefore the granting of the variance would not convey equal treatment to other properties in the single family district.

(7) *The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and*

The addition is possible without the variance. The applicant is requesting the variance because it is aesthetically and architecturally preferred to construct a building that provides consistency in the wall plane.

(8) *The requested variance is in harmony with the general intent and purpose of the Town of Surfside Comprehensive Plan and the Town Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.*

The requested variance is intended to provide aesthetic and architectural consistency in the design. However, the Town's Code requires a seven and half foot setback, where this applicant is proposing a six foot setback. The variance criteria in the Code requires there to be a hardship to request a variance. This request is not a hardship, but a preference for aesthetics and design purposes, therefore it is not consistent with the Code or Comprehensive Plan.

Section 3. Approval/Denial. The Town Commission recommends approval/denial (circle one) of this variance.

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

PASSED AND ADOPTED this _____ day of _____, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

Linda Miller

Linda Miller, Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra Novoa, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 16-Z____ adopted by the Town Commission at its meeting held on the ___ day of _____, 2016.

Issued: _____

Sandra Novoa, MMC
Town Clerk