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,

[Signature]

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.
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
SINGLE-FAMILY and TWO-FAMILY SITE PLAN APPLICATION

A complete submittal includes all items on the "Single-Family and Two-Family Site Plan Application Submission Checklist" 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**

<table>
<thead>
<tr>
<th>OWNER'S NAME</th>
<th>JOSE LUIS MALARTE-TERADA</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHONE / FAX</td>
<td>305-431-6613</td>
</tr>
<tr>
<td>AGENT'S NAME</td>
<td>Ari Sklar, Carlos Campiglia, Isaac Sklar</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>2316 Hollywood Blvd, Hollywood, FL 33020</td>
</tr>
<tr>
<td>PHONE / FAX</td>
<td>954-925-9292, 786-326-2747</td>
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<tr>
<td>PROPERTY ADDRESS</td>
<td>9169 Dickens Avenue, Surfside, FL 33154</td>
</tr>
<tr>
<td>ZONING CATEGORY</td>
<td>H303</td>
</tr>
<tr>
<td>DESCRIPTION OF PROPOSED WORK</td>
<td>New addition of 464 SQFT, connect portion of the garage with living space, replace existing windows and door for impact resistant, relocation of kitchen, update H.E.P.</td>
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**INTERNAL USE ONLY**

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<tr>
<th>Date Submitted</th>
<th>Project Number</th>
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<tr>
<td>Report Completed</td>
<td>Date</td>
</tr>
<tr>
<td>Fee Paid</td>
<td>$</td>
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**ZONING STANDARDS**

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<tr>
<td>Plot Size</td>
<td>8457 SQFT</td>
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<tr>
<td>Setbacks (F/R/S)</td>
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<tr>
<td>Lot Coverage</td>
<td>3375.4 SQFT (48%)</td>
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<tr>
<td>Height</td>
<td>30'4&quot;</td>
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<tr>
<td>Pervious Area</td>
<td>2953 SQFT (36%)</td>
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SIGNATURE OF OWNER DATE SIGNATURE OF AGENT DATE
TOWN OF SURFSIDE
GENERAL VARIANCE APPLICATION

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
José Luis Malter

PHONE / FAX
305-431-6613

AGENT'S NAME
Ilia Sklar, Carlos Camplin, Oscar Sklar

ADDRESS
2310 Hollywood Blvd, Hollywood, FL 33020

PHONE / FAX
954 925 9292  780 320 2747

PROPERTY ADDRESS
9169 Dickens Avenue, Surfside, Fl. 33154

ZONING CATEGORY
H30B

DESCRIPTION OF VARIANCE REQUESTED
(please use separate sheet)

INTERNAL USE ONLY

Date Submitted ___________________________ Project Number ___________________________
Report Completed __________________________ Date ___________________________
Comments ___________________________

ZONING STANDARDS

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Provided</th>
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<tbody>
<tr>
<td>Lot Coverage</td>
<td>2376 SQFT (40%)</td>
<td>2502 SQFT (30%)</td>
</tr>
</tbody>
</table>
| Dimension of yards | 20' / 20' / 17' - 6"     | 20'-6"/16'-0"/18'-0"/33'-6"
| Setbacks (F/R/S) | N/A                       | N/A                       |
| Parking        | N/A                       | N/A                       |
| Loading        | N/A                       | N/A                       |
| Pervious Area  | 2953 SQFT (30%)          | 3220 SQFT (30%)          |

SIGNATURE OF OWNER ___________________________ DATE ___________________________
SIGNATURE OF AGENT ___________________________ DATE 3/10/16

Town of Surfside – General Variance Application
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

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.

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.

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

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.
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.

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.

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.

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.

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.

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,

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,

Jose Luis Malter-Terrada

(305)431-6613
March 15, 2016

Dear Sarah Sinatra Gould and Planning Board,

My name is **ELISA 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,

**ELISA D.**
March 15, 2016

Dear Sarah Sinatra Gould and Planning Board,

My name is [Jennifer Hill] and I am the neighbor to the North of 9169 Dickens Ave. I live in 9172 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,

[Signature: Jennifer Hill]
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                     

ATTEST:

Sandra Novoa, MMC, Town Clerk

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

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