

**TOWN OF SURFSIDE PLANNING AND ZONING BOARD
RESOLUTION NO. 14-Z- 05**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA PLANNING AND ZONING BOARD CONSIDERING THE APPLICATION OF 801 88TH STREET TO PERMIT A VARIANCE FROM THE REQUIREMENTS OF SECTION 90-54.5 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; TO CONNECT A DETACHED GARAGE TO THE HOME TO ALLOW THE EXISTING SINGLE FAMILY HOME TO CONVERT THE GARAGE TO ADDITIONAL LIVING SPACE; PROVIDING FOR RECOMMENDATION OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-54.5 of the Town of Surfside Code of Ordinances prohibits connecting an accessory structure to the primary structure due to the reduced setbacks afforded an accessory structure in the H30B Zoning District; and

WHEREAS, the property, a single family home is located on 801_88th Street within the Residential Single Family H30B Zoning District; and

WHEREAS, the property currently has a detached garage that is separated by five feet to the home and has an existing condition that provides for a five (5) foot separation between the building, which has proved to be an issue for drainage and maintenance; and

WHEREAS, an accessory structure is permitted to have a five (5) foot rear setback, while the primary structure is required to have a twenty (20) foot rear setback; thus, by connecting the accessory structure to the primary structure, the primary structure will result in a reduced overall setback; and

WHEREAS, the applicant is proposing to connect the garage to the home and convert the garage to additional living space; and

WHEREAS, Section 90-36 of the Town of Surfside Code of Ordinances provides for variance application and review; and

WHEREAS, the property was constructed in 1951 and the original plans showed the garage attached to the home and later revised plans showed a five (5) foot breezeway separating the garage from the home, which has resulted in water pooling problems due to the location of the two separate roofs converging on the five (5) foot breezeway; and

WHEREAS, the breezeway was the result of a previous owner prior to the Town's Code being adopted, and the current owners wish to retain the integrity of the existing property, but provide for a sustainable solution to the drainage and maintenance issues; and

WHEREAS, the literal interpretation of the Town Code would result in a non-sustainable condition for the property where there exist water intrusion concerns due to a poor design of two (2) roofs converging on a five (5) foot area; and

WHEREAS, the hardship is a result of the Town's Code provision intended to avoid the construction of an accessory structure with a reduced setback being modified and connected to the primary structure with the intent of creating a larger home; and

WHEREAS, granting the variance is not intended to assist the applicant in achieving greater financial return, rather the applicant wishes to expand the home for additional living space and avoid water intrusion and maintenance issues; and

WHEREAS, granting the variance is specific to the conditions within the property, meaning the existence of the five (5) foot breezeway between the garage and home which is unusual, and the variance will result in less maintenance issues for the property owner; and

WHEREAS, the requested variance is the minimum needed to connect the garage to the home; and

WHEREAS, the variance is consistent with the intent of the Comprehensive Plan, Town of Surfside Code, compatible with the neighborhood and will not diminish or impair property values within the neighborhood; and

WHEREAS, the Town Staff recommends approval of the variance; and

WHEREAS, the Planning and Zoning Board recommend approval of the variance.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF 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 Planning and Zoning Board find the requested variance meets the variance criteria set forth in Section 90-36 of the Town of Surfside Code of Ordinances and recommend a variance from the requirements of Section 90-54.5 of the Town of Surfside Code of Ordinances to allow the existing single family home to convert the garage to additional living space from the prohibition of connecting an accessory structure to the primary structure due to the reduced setbacks. (See Attachment "A" Planning and Zoning Board Memorandum dated October 30, 2014 from Sarah Sinatra Gould, AICP, Town Planner).

Section 3. Approval. The Planning and Zoning Board recommend approval of this variance.

Section 4. Effective Date. This resolution becomes effective upon adoption.

PASSED AND ADOPTED this 30th day of October, 2014

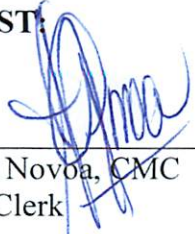
Motion by Planning and Zoning Board Member Gutierrez,
Second by Planning and Zoning Board Member Castellanos

FINAL VOTE ADOPTION

Member, Armando Castellanos	yes
Member, Peter Glynn	yes
Member, Moisha Rubenstein	yes
Vice Chair, Jacob Kligman	yes
Chair, Lindsay Lecour	yes


Lindsay Lecour, Chair

ATTEST:



Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney