

RESOLUTION NO. 14-Z-2271

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN SURFSIDE, FLORIDA 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, the property, a single family home is located on 801-88th Street within the Residential Single Family H30B Zoning District; and

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 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 reviewed the Application on October 30, 2014 and unanimously recommended approval of the Application to the Town Commission and the Town Planner recommends approval of the variance.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION 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 Town Commission finds the requested variance meets the variance criteria set forth in Section 90-36 of the Town of Surfside Code of Ordinances and recommends 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" Commission Communication dated November 18, 2014 from Sarah Sinatra Gould, AICP, Town Planner).

Section 3. Effective Date. This resolution becomes effective upon adoption.

PASSED AND ADOPTED this 18th day of November, 2014.

Motion by Commissioner Karukin.

Second by Commissioner Olchyk.

FINAL VOTE ON ADOPTION:

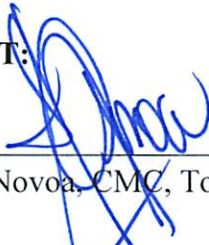
Commissioner Barry Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

yes
yes
yes
yes
absent



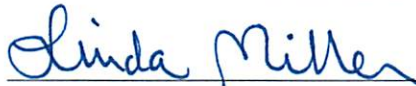
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda #

Agenda Date: November 18, 2014

Subject: 801 88th Street -Gato Variance

From: Sarah Sinatra Gould, AICP, Town Planner

Background: The property owner, Jeanette Gato, is requesting variance from the Town of Surfside Code for the property at 801 88th Street. The property currently has a detached garage that is separated by five feet to the home. The owner is proposing to connect the garage to the home and convert the garage to additional living space. Section 90-54.5 of the Town Code prohibits connecting an accessory structure to the primary structure due to the reduced setbacks afforded an accessory structure. An accessory structure is permitted to have a five foot rear setback, while the primary structure is required to have a 20 foot rear setback. By connecting an accessory structure to the primary structure, the primary structure will result in a reduced overall setback. The existing condition provides for a five foot separation between the buildings, which has proved to be an issue for drainage and maintenance.

Analysis: Existing Home with location of five foot separation indicated



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 1951. The original plans showed the garage attached to the home. Three weeks later, revised plans showed a five 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.

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

The home has a breezeway which was the result of a previous owner prior to the Town's Code being adopted. The current owner wishes to retain the integrity of the existing home, but provide for a sustainable solution to the drainage issue.

(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 non-sustainable condition for the property where there are water intrusion concerns due to a poor design of two roofs converging on a five foot area.

(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 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. In this case, the home and accessory structure were constructed in 1951. Now that the new property owner has had the home evaluated, they have discovered the most efficient and sustainable method of retaining the home is to enclose the 5 X 15.5 foot breezeway.

(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 expand her home for additional living space and avoid water intrusion issues.

(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 property. The home was developed in 1951 with a five foot breezeway between the garage and home. This is unusual and will result in less maintenance issues for the property owner.

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

The requested variance is the minimum needed to connect the garage to the home. The home has a 20 foot interior side setback, where they only need five feet. The homeowner could have chosen to build more square footage on the property by right without the need for a variance, but have chosen to maintain the smaller scale and appearance of the structure.

(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 is compatible with the neighborhood. The proposed aesthetics of the home will not diminish or impair property values within the neighborhood.

Budget Impact: Staff review fees are being paid by the applicant through cost recovery.

Growth Impact: N/A

Staff Impact: N/A

Staff Recommendation: The Planning and Zoning Board unanimously recommended approval of the variance. Staff recommends the Town Commission approve the variance.



Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

Attachments:

1. Pictures
2. Application
3. Justification Statement



North Elevation



South East

JOYCE GATO RESIDENCE

801 88 STREET
SURFSIDE, FLORIDA

SKLARchitecture





South -East View



South-West View

JOYCE GATO RESIDENCE

801 88 STREET
SURFSIDE, FLORIDA

SKLARchitecture





Area of Requested Variance



Area of Requested Variance

JOYCE GATO RESIDENCE

801 88 STREET
SURFSIDE, FLORIDA

SKLARchitecture





Courtyard Area



North-East Corner

JOYCE GATO RESIDENCE
801 88 STREET
SURFSIDE, FLORIDA



North Side Neighbor



North Side Neighbor

JOYCE GATO RESIDENCE

801 88 STREET
SURFSIDE, FLORIDA

SKLARchitecture





South- West Neighbor



South -West Neighbor

JOYCE GATO RESIDENCE

801 88 STREET
SURFSIDE, FLORIDA

SKLARchitecture





**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 Jeannette Gato / Joyce Gato

PHONE / FAX 305 864 0945

AGENT'S NAME Ari Sklar Architect

ADDRESS 2310 HOLLYWOOD BLVD., HOLLYWOOD 33020

PHONE / FAX 954-925-9292 / 954-925-6292

PROPERTY ADDRESS 801 88th St

ZONING CATEGORY H30B

DESCRIPTION OF VARIANCE REQUESTED CONNECTING MAIN HOUSE TO EXISTING DETACHED GARAGE
(please use separate sheet) WHICH IS LOCATED IN REAR SETBACK.

INTERNAL USE ONLY

Date Submitted _____ Project Number _____

Report Completed _____ Date _____

Comments _____

ZONING STANDARDS

	Required	Provided
Lot Coverage	<u>40% MAX</u>	<u>SEE PLANS</u>
Dimension of yards	<u>SEE PLANS</u>	<u>SEE PLANS</u>
Setbacks (F/R/S)	<u>SEE PLANS</u>	<u>SEE PLANS</u>
Parking	<u>2 CARS</u>	<u>2 CARS</u>
Loading	<u>N/A</u>	<u>—</u>
Pervious Area	_____	_____

Jeannette Gato 10-7-14
SIGNATURE OF OWNER DATE

[Signature] 10-9-14
SIGNATURE OF AGENT DATE



- Written Narrative of request that addresses each of the following standards of review:**
 - 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;
 - The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - 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 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;
 - An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
 - 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 requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
 - 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.
- Such additional data, maps, plans, or statements as the Town may require to fully describe and evaluate the particular proposed plan.



**TOWN OF SURFSIDE
SUBMISSION CHECKLIST
GENERAL VARIANCE APPLICATION**

Project Name GATO RESIDENCE Project Number _____
Review Date _____

SUBMITTAL REQUIREMENTS FOR REVIEW (Permit clerk shall initial if item has been submitted):

- Fee
 - Residential \$1,500
 - Non-Residential \$5,000
 - Completed "General Variance Application" form
 - Statements of ownership and control of the property, executed and sworn to by the owner or owners of one hundred (100) percent of the property described in the application, or by tenant or tenants with the owners' written, sworn consent, or by duly authorized agents evidenced by a written power of attorney if the agent is not a member of the Florida Bar.
 - The written consent of all utilities and/or easement holders if the proposed work encroaches into any easements *N/A*
 - Survey less than one (1) year old (including owner's affidavit that no changes have occurred since the date of the survey). A survey over one (1) year is sufficient as long as the property has not changed ownership and the owner provides an affidavit that no changes change occurred since the date of the survey.
 - Recent photographs of the subject property and all abutting, diagonal and fronting properties visible from the street. (to be provided prior to Design Review Board Meeting)
 - Site Plan (Minimum scale of 1" = 20').
 - ✓ Two (2) full sized sets of complete design development drawings (24" x 36" sheets) signed and sealed
 - ✓ Fifteen (15) reduced sized copies of the plans (11" x 17" sheets) (to be provided prior to Design Review Board Meeting)
- Please show / provide the following (if applicable):*
- Tabulations of total square footage, lot coverage, setbacks and acreage
 - Entire parcel(s) with dimensions and lot size in square feet
 - Existing and proposed buildings with square footage
 - Buildings to be removed
 - Setbacks
 - Dimensions and locations of all existing and proposed right-of-ways, easements and street frontage, including sidewalks, curb and gutter and planting strips
 - All existing and proposed site improvements, including, but not limited to, all utilities, retaining walls, fences, decks and patios, driveways and sidewalks, signs, parking areas, and erosion control features
 - Location of all existing and proposed trees, vegetation, palms and note tree species
 - Locations and dimensions of parking spaces and lot layout
- A map indicating the general location of the property.

SKLARchitecture



October 14th, 2014

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

RE: Criteria Statement & Variance Application for
801 88th Street, Surfside FL 33154 Gato Residence

ARCHITECTURE
Commercial
& Residential

Interior
Architecture
& Design

Urban
Renovation

Architectural
Design of
Children's
Environments

Development
Consulting

Dear Sarah Sinatra Gould and Planning Board,

Our firm is the architect for the current owner of the property. It is our hope that the City and the Planning Board will support the variance being requested as part of this application. We strongly believe this variance will enhance the subject property and improve this area of 88th Street.

The property consists of a single family home on a 6,860sq.ft. corner lot. The existing home is presently 1,795sq.ft. The house was constructed in 1951 with a detached garage of approximately 321sq.ft. We propose to connect the garage to the house as was originally planned in the microfilm drawings. The home has been neglected for many years and has been an eye sore for the neighborhood. Therefore, the following minor variance is being requested by the new owner of the subject property.

- 1) Variance of the rear setback to allow for the connection of the garage structure to the main house.

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 1951 on the corner of Emerson Avenue and 88th street with a detached garage creating a narrow and unsightly separation to the main house after being vacant for some time is now ready for renovations which will be an improvement to the neighborhood over its existing condition.

(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 1951 appears to have setbacks determined by the frontage on 88th street, rather than the Emerson Avenue street frontage. 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 an interior or infill 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 rear setback requirements creates an undue hardship on the property owner. The existing garage area is virtually unusable being separated from the main structure it creates an unsafe area prone to constant maintenance and deterioration. In the case of this corner lot, there is plenty of buildable area on the north side that will be left open to the sky virtually "replacing" the setback area that could be in the rear if the garage did not exist. Requiring the single story addition to be built with a setback based on the rear setback requirement will create an architecturally inferior profile, unusable areas, and a difficult and complicated situation for the home owner. The proposed addition to infill the void space and connect the existing garage, 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 1951. The structure and its proposed 2'-7"x13'-0" foot addition is within scale for this lot and the block in which it is situated. Many of the lots in the immediate area also have the 5 foot rear setbacks as the construction of these homes predate the current 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 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 improving the look of the neighborhood, which has seen this house vacant for some time.

(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 an odd situation with a small detached garage constructed in 1951 with setbacks based on the width of the lot, rather than the frontage of the lot.

(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 infill addition within the existing first floor wall planes to provide structural integrity of the building and for architectural aesthetics.

SKLARchitecture



(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 is compatible with the neighborhood. The proposed aesthetics of the home and the addition including improvements which include a pool, new roof and landscaping will not diminish or impair property values within the neighborhood.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Sklar', with a long horizontal stroke extending to the right.

Ari L. Sklar - AIA, NCARB
President