

RESOLUTION NO. 17-2441

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DENYING AN APPEAL OF THE ADMINISTRATIVE DECISION DENYING A REDUCTION OF THREE PARKING SPACES FOR PROPERTY LOCATED AT 9509-9511 HARDING AVENUE IN THE TOWN OF SURFSIDE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS.

WHEREAS, DONALD KAHN (“Applicant”), owner of the property located at 9509-9511 Harding Avenue, Surfside, FL 33154, (the “Property”) submitted a Letter of Intent (“Application”) on May 15, 2017, requesting approval from the Town Manager of Surfside, Florida for an administrative reduction of three parking spaces for the planned expansion of commercial uses in the existing building; and

WHEREAS, the Property is legally described as ALTOS DEL MAR NO 6 PB 8-106 LOT 30 BLK 3, LOT SIZE 25.000 X 100, OR 13010-2625 0986 2, incorporated herein; and

WHEREAS, the Applicant proposes to add approximately 792 square feet of commercial use to the existing building on the Property; and

WHEREAS, the Town zoning code requires that new construction provide adequate parking, or pay into the Town parking fund; and

WHEREAS, Section 90-77(b) of the zoning code provides that requests for a reduction of one to three required parking spaces may be approved by the town manager in consultation with the town planner as a de minimus reduction upon a finding that there is sufficient available parking within 300 feet of the subject property, along a practical and usable pedestrian route, that is open to the public and adequate to accommodate the request; further if the request is denied by the Town Manager, that decision may be appealed to the Town Commission; and

WHEREAS, the Town Manager denied the request for administrative reduction, finding that the parking study issued in March of 2013 indicates there is a 303 parking space deficiency; and

WHEREAS, on July 11, 2017 the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application, considering the recommendation of the Town Staff, and members of the public, and the testimony of the Applicant, the requirements of the Town Zoning Code, the Application’s consistency with the Town of Surfside’s Comprehensive Plan, and the substantial competent evidence presented at the hearing.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, AS FOLLOWS:

II. INCORPORATION OF RECITALS AND FINDINGS OF FACT.

A. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.

B. The Town Commission finds that the Application, is not in compliance with the requirements and criteria set forth in the applicable Town Code and the Comprehensive Plan, and denies the appeal.

III. APPROVAL/DENIAL.

A. The Applicant's appeal of the Town Manager's administrative denial is denied.

IV. SEVERABILITY CLAUSE.

In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

V. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 11th day of July, 2017.

Motion by Commissioner Karukin

Second by Commissioner Paul

FINAL VOTE ON ADOPTION

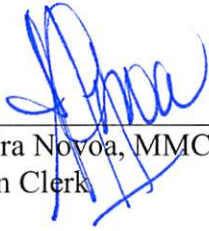
Commissioner Daniel Gielchinsky
Commissioner Michael Karukin
Commissioner Tina Paul
Vice Mayor Barry Cohen
Mayor Daniel Dietch

Absent
yes
yes
yes
yes



Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, MMC
Town Clerk

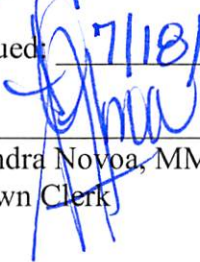
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR
THE TOWN OF SURFSIDE ONLY:**



Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra Novoa, MMC, 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.17-Z-2441 adopted by the Town Commission at its meeting held on the 14th day of July, 2017.

Issued: 7/18/2017


Sandra Novoa, MMC
Town Clerk