

RESOLUTION NO. 18- 2496

A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA; APPROVING AN EXTENSION TO A DESIGN REVIEW BOARD APPROVAL FOR PROPERTY GENERALLY LOCATED AT 9408 BAY DRIVE, SURFSIDE, FL, FOR A SINGLE FAMILY HOUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, on April 28, 2016, the Design Review Board approved plans for the construction of a new single family home located at 9408 Bay Drive; and

WHEREAS, pursuant to Section 90-19.9 of the Town Code, a Design Review Board approval is valid for a period of 24 months, until April 28, 2018, during which time a building permit for the principal building must be obtained; and

WHEREAS, Subsection 90-19.9(1) of the Town Code provides that an extension of up to one year may be granted by the Town Commission for good cause, provided the request is submitted prior to expiration of the original approval; and

WHEREAS, Reuven Herssein, on behalf of KTLL, LLC has, prior to the expiration of the existing approval, requested a one year extension of time to obtain building permits; and

WHEREAS, the Town Commission finds that the applicant has demonstrated good cause to support an extension of time during which to obtain a building permit; and

WHEREAS, on March 13, 2018, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, and reviewed the Application and recommendations from its professional staff, the Applicant, and members of the public.

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

SECTION 1. RECITALS AND FINDINGS OF FACT. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.

SECTION 2. EXTENSION OF DESIGN REVIEW BOARD APPROVAL. The request to extend the Design Review Board Approval is hereby granted for a period of one year, until April 28, 2019, subject to the following conditions:

1. Pursuant to Section 90-19.9, the Applicant shall secure a building permit for the

project no later than April 28, 2019.

2. All conditions of the remaining approval remain in full force and effect and are incorporated into this extension.
3. This approval does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
4. All applicable state and federal permits shall be obtained before commencement of construction.

SECTION 3. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination by the Town Commission, following a public hearing, that the Applicant is in non-compliance with the Town Code or the conditions of this Approval and has failed to cure, or to provide an acceptable plan to timely cure, the non-compliance.

SECTION 4. 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.

SECTION 5. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 13th day of March, 2018.


Motion by: Commissioner Karukin,

Second by: Vice Mayor Cohen.

FINAL VOTE ON ADOPTION

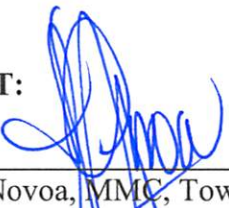
Commissioner Daniel Gielchinsky
Commissioner Michael Karukin
Commissioner Tina Paul
Vice Mayor Barry Cohen
Mayor Daniel Dietch

yes
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:**

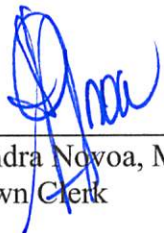


Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

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. 18-2196 adopted by the Town Commission at its meeting held on the 13th day of March, 2018.

Issued: 3/13/2018



Sandra Novoa, MMC
Town Clerk