

RESOLUTION NO. 2021- 2790

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING AND ACCEPTING WAIVER OF PLAT NO. D-24543 APPROVED BY THE PLAT COMMITTEE OF MIAMI-DADE COUNTY, FLORIDA, FOR THE PROPERTY LOCATED AT 8712 BYRON AVENUE, SURFSIDE, FLORIDA; PROVIDING FOR ACCEPTANCE OF A VOLUNTARY CONDITION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, JAG Byron, LLC (the “Owner”) owns the property located at 8712 Byron Avenue, Surfside, Florida (the “Property”), totaling approximately 16,800 square feet of lot area; and

WHEREAS, the Property is comprised of three platted lots (Lots 6, 7 and 8) under the Second Amended Plat of Normandy Beach, platted in 1925 and recorded in Plat Book 16, at Page 44, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, the Property is zoned H30A which requires a minimum lot width of 50 feet and a minimum lot area of 8,000 square feet; and

WHEREAS, as presently platted, the three lots do not meet the minimum lot area requirements of the H30A district; and

WHEREAS, in order to comply with the H30A lot area requirements, the Owner has sought to modify the platted lot lines to convert the three lots into two lots through a formal Waiver of Plat process pursuant to Section 28-4 of the Miami-Dade County Code; and

WHEREAS, the two lots depicted in the Waiver of Plat survey, attached hereto as Exhibit “A,” exceed the lot width and lot area requirements of the H30A district; and

WHEREAS, pursuant to Section 28-3, the Miami-Dade County subdivision code is to be enforced in incorporated areas such as the Town of Surfside.

WHEREAS, the Miami-Dade County Plat Committee met on April 16, 2021, and approved Waiver of Plat No. D-24543 to formally acknowledge the modification of the three lots into two lots; and

WHEREAS, in order to finalize Waiver of Plat No. D-24543, Miami-Dade County now requires the Town of Surfside Commission to approve and accept the Waiver of Plat; and

WHEREAS, on April 30, 2021, the Town Planner issued a recommendation of approval of the Waiver of Plat; and

WHEREAS, on May 11, 2021, the Town Commission, held a duly noticed quasi-judicial public hearing to review the Waiver of Plat, hear from its professional staff, the Owner, and members of the public, and consider the Waiver of Plat's consistency with the Town of Surfside's Code and Comprehensive Plan, and the substantial competent evidence presented at the hearing; and

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

SECTION 1. RECITALS AND FINDINGS OF FACT.

1. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
2. The Commission finds that the Waiver of Plat is in compliance with the requirements of the Town's Zoning Code and is consistent with the Town's Comprehensive Plan.

SECTION 2. WAIVER OF PLAT APPROVAL. Waiver of Plat No. D-24543, approved by the Plat Committee of Miami-Dade County, Florida pursuant to Section 28-4 of the Miami-Dade County Code, is hereby approved and accepted.

SECTION 3. VOLUNTARY CONDITION. The Owner has voluntarily agreed to pay the Town as cost recovery for the purpose of processing this Waiver of Plat the sum of \$1,000.00 on or before obtaining the first building permit. Town Commission accepts such proffer.

SECTION 4. SEVERABILITY. 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.

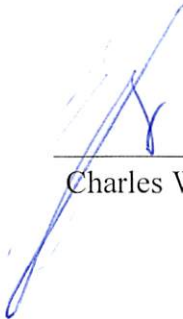
PASSED AND ADOPTED this 26th day of May, 2021.

Motion by: Commissioner Velasquez

Second by: Commissioner Kesl

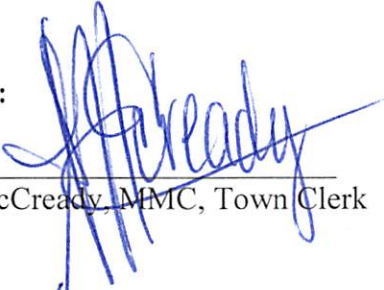
FINAL VOTE ON ADOPTION

Commissioner Charles Kesl	<u>Yes</u>
Commissioner Eliana Salzhauer	<u>Absent</u>
Commissioner Nelly Velazquez	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>




Charles W. Burkett, Mayor

ATTEST:



Sandra McCready, 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 McCready, 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. 2021-2790 adopted by the Town Commission at its meeting held on the 26th day of May, 2021.

Issued: 5/26/2021

