



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
AGENDA**

**April 23, 2019
6:00 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

1. Opening

- A. Call to Order
- B. Roll Call of Members
- C. Pledge of Allegiance

2. Quasi-Judicial Hearings

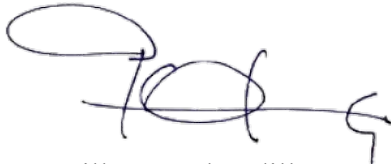
Please be advised that the following items on the agenda are quasi-judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker 's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any ex-parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

- A. 8851 Harding Avenue Site Plan & Variance – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN APPLICATION SUBMITTED BY 8851 HARDING, LLC (“APPLICANT”) FOR THE PROPERTY LOCATED AT 8851 AND 8873 HARDING AVENUE, AND LEGALLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO (“PROPERTY”), FOR A SITE PLAN FOR AN 18 UNIT MULTI-FAMILY BUILDING AND A VARIANCE FROM SECTION 90-84.1 OF THE TOWN CODE TO PROVIDE FOR A LOADING SPACE OF 12’ BY 25’ WITH A VERTICAL CLEARANCE OF 12’, WHERE A LOADING SPACE OF 12’ BY 30’ WITH A VERTICAL CLEARANCE OF 14.5’ IS REQUIRED; SUBJECT TO CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



ITEM NO. 2A

MEMORANDUM

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Guillermo Olmedillo, Town Manager
Date: 04/23/2019
Subject: 8851 Harding Avenue Site Plan & Variance Application

REQUEST:

The applicant, Juan David R.A., architect with JCD Architect, Inc., on behalf of 8851 Harding, LLC, is proposing an 18 unit apartment building at 8851 Harding Avenue, with a general location on the east side of Harding Avenue north of 88th Street. The total gross acreage is 0.42 acres and is within the H30C zoning district. The proposed development consists of 18 apartment units with 32 parking spaces within a garage.

The application was originally submitted in January 2015. Three initial development review group (DRG) meetings were held with the applicant to address technical review comments. An additional DRG meeting was held on March 26, 2018 to discuss this application and a final DRG meeting was held on November 29, 2018.

The total gross acreage of the site is 0.42 of an acre, which would permit 33 dwelling units. The code requires a 15% reduction in density for aggregated properties, meaning, if a property is split between more than one site and the owner wants the benefit of amalgamating that property, the property will be subject to a 15% overall density reduction. This results in the permitted density of 28 units. The applicant is only requesting 18 units. The property has seven (7) dwelling units (one (1) single-family unit and six (6) apartment units) currently on the site. The proposed site plan will demolish those existing seven (7) units, therefore adding eleven (11) new units to the Town. Overall the project requires a variance from Town Code requirements for a loading space size and vertical clearance.

Variance

The project requires variance approval for loading space size and clearance. Town Code Section 90-84.1 requires the project to have a loading space with a minimum size of 12 feet by 30 feet with vertical clearance of 14.5 feet. The applicant is proposing a loading space of 12 feet by 25 feet with a vertical clearance of 12 feet.

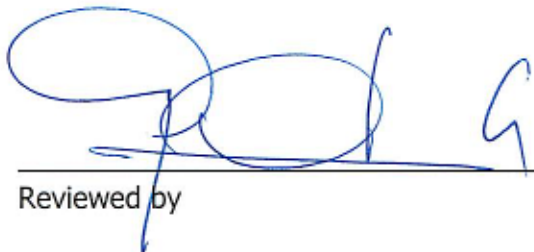
Staff Findings: Staff finds that the application meets the requirements of the zoning code apart from the loading space size and vertical clearance. The applicant has provided justification to request a variance for this item.

Planning & Zoning Board: The Planning and Zoning Board heard this application at their January 31, 2019 meeting and recommended approval to the Town Commission.

Budget Impact: Mitigation fees are required to be paid to the Miami-Dade School Board as well as water and sewer connection fees. The applicant has proffered \$33,509.58

Growth Impact: The property has a maximum density permitted of 28 units. The applicant is proposing 18 apartment units which will replace a single-family residence and a six (6) unit apartment building which will result in a net increase of eleven (11) units.

Staff Impact: There has been no impact to staff other than the work necessary to review the project. The applicant has funded the review through the cost recovery process and the building permit review will be funded through the building permit fees.

A handwritten signature in blue ink, appearing to be 'S. S. G.', is written above a horizontal line.

Reviewed by

Prepared by: SSG

SITE PLAN REPORT

SITE PLAN INFORMATION:

Address	8851 Harding Avenue
General Location	East side of Harding Avenue, North of 88 th Street
Property Size	TOTAL: 0.42 gross acres
Zoning District	H30C
Adjacent Zoning Districts	H30C to the north H40 to the east H30C to the south H30B to the West
Future Land Use	Moderate High Density Residential
Density Permitted	79 dwelling units per acre X .42 of acre TOTAL PERMITTED= 33 dwelling units X15% reduction = 28
Density Proposed	TOTAL PROPOSED: 18 dwelling units
Number of parking spaces	TOTAL Provided: 32 spaces TOTAL Required: 32 spaces

ZONING CODE, APPLICABLE REQUIREMENTS

Sec. 90.42

Minimum Unit Sizes	Minimum Required	Proposed
One-bedroom	800 square feet	896 to 1,007 square feet
Two-bedroom	950 square feet	1,128 to 1,410 square feet

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H30C	30 feet maximum	29.71 feet

Sec. 90.44

Modification of Height	Maximum Permitted	Proposed	Must be of high architectural quality integral to the design of the building
H30C	3 ft. 10% of roof area	3 feet, 3.18% of roof area	The mechanical equipment, elevator shaft and parapet walls meet these criteria.

Sec. 90.45(b)

Minimum Required Setbacks		Proposed
Front	20 feet	20 feet
Side	15 feet	15 feet
Rear	10 feet	10 feet

Sec. 90.47 Yards generally, allowable projections

Required	Proposed
Every part of a required yard shall be open to the sky, except ordinary projections of sills, cornices, roof eaves and ornamental features may project not more than 24 inches into any required yard.	No projection proposed beyond setback lines
Unenclosed balconies may extend into a required primary (front) and secondary (corner) setback not more than five feet, and may extend into a required rear and interior side setback not more two and one-half feet.	Front balconies extend 5 feet Side and rear balconies extend 2.5 feet
Unenclosed building entrance porches, platforms, stairs or paved terraces, not covered by a roof or canopy, and which do not extend above the level of the grade or entrance floor of the building, may extend or project into the required front or side yard no more than six feet and the encroachments shall not provide less than a 24-inch setback to the property line.	Front and side terraces extend 5 feet or less with greater than 24-inch setback to property line

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	155 Feet
Minimum Pervious area	20%	20.1%

Sec. 90.50.1(2)

Architecture	Required	Proposed
All elevations for new structures and multi-story additions (additions greater than fifteen (15) feet in height)	Minimum of 10% wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	Project meets or exceed 10% wall openings

Roof materials are limited as follows:	<ul style="list-style-type: none"> a. Clay Tile; or b. White concrete tile; or c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Planning and Zoning Board; d. Architecturally embellished metal if granted approval by the Planning and Zoning Board; or e. Other Florida Building Code approved roof material(s) if granted approval by the Planning and Zoning Board. 	A Florida Building Code Flat roof is proposed which requires Board Approval.
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Sec. 90.51(1)

Maximum frontage of buildings	Required	Proposed
H30C	For every 50 feet, a minimum 3 foot change in wall plane.	Met through multiple building articulations

Sec. 90.61.1

Paving in front and rear yards in H30	Required	Proposed
Front setbacks, amount that may be paved with any type of material that is not readily permeable by rainwater and groundwater.	Maximum 50% paved	33%
Front Yard Landscaping	Minimum 30%	33%
Rear Yard Landscaping	Minimum 20%	20%

Sec. 90.67.2

	Required	Proposed
Underground utilities	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines will be installed underground.

Sec. 90.77(c)

Off-Street Parking	Minimum Required	Proposed
	32 Spaces	32 Spaces

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
Multifamily building 20,000 – 100,000 square feet	1 Loading Space	1 Loading Space; variance needed for size and vertical clearance

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	40%	Meets the minimum 40% requirement

Sec. 90.91.2

Buffers	Application meets or exceeds all requirements.
Landscape buffer adjacent to streets and abutting properties	

Sec. 90.93

Open Space	Application meets or exceeds all requirements.
Landscaping along all buildings and structures, shrubs and trees required in open space	

VARIANCE REPORT

Request / Background

Code Section 90-82 requires multifamily buildings with 20,000 sf to 100,000 sf to supply one (1) loading space. The proposed apartment building is 24,945 sf which therefore requires one (1) loading space. Code Section 90-84.1 requires the loading space to be a minimum size of 12 feet in width, 30 feet in depth and 14.5 feet of vertical clearance. FDOT denied the applicant's request for a second curb cut for the property which would have allowed for a loading space access point. As a solution, the applicant has located the required loading space inside of the parking garage. The loading space is 12 feet in width, 25 feet in depth and has 12 feet of vertical clearance. The loading space depth is limited by drive aisle width requirements and maneuverability and the vertical clearance is limited by the garage ceiling height.

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;

Staff Response: The applicant is required to have a 12 foot wide, 30 foot deep loading zone. The size of the site would require a second curb cut to locate this space outside of the garage. However, due to the location of the site on Harding Avenue, FDOT did not approve a second curb cut. The solution is to provide a loading zone inside the building but reduce the size to 12 foot wide, 25 feet deep. The size of the property coupled with the denial of a second curb cut by FDOT make this property unique.

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

Staff Response: The applicant has attempted to modify the building and site. The code limitations have constrained the site further. FDOT will not permit a second curb cut, therefore the actions are not the result of the property owner.

(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;

Staff Response: Literal interpretation of the Town Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district since FDOT did not approve of a second curb cut which is needed for a loading space that would be able to meet the size and vertical clearance requirements of the Town Code.

(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;

Staff Response: The applicant has indicated in their variance hardship letter that they did not deliberately or knowingly create the situation resulting in the need for a variance.

(5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Staff Response: The applicant has indicated in their variance hardship letter that greater financial return is not a factor in their hardship. FDOT denial of a second curb cut is the reason for the hardship and reason for the variance.

(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;

Staff Response: Granting the variance allows the applicant and proposed project to have a loading space which other buildings and properties are required to have in the same zoning district resulting in the same treatment.

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

Staff Response: The requested variance is the minimum variance necessary to allow the applicant and proposed project to have an off-street loading space for trucks and delivery vehicles. The proposed space will be 25 feet in length instead of 30 feet in length.

(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.

Staff Response: The requested variance is in harmony with the Town's Comprehensive Plan and is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare of the neighborhood and will not diminish or impact neighborhood property values. The proposed loading space is off-street and inside of the parking garage.

Finding

Staff finds that the variance request did not result from the actions of the applicant but rather the denial of a second curb cut from FDOT. The loading space depth is limited by drive aisle width and maneuverability requirements.

APPLICATIONS



DRB Meeting	___/___/20__
Application / Plans Due	___/___/20__

**TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION**

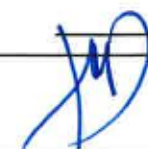
A complete submittal includes all items on the "Multifamily and Non-Residential Site-Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	8851 Harding Ave LLC.
PHONE / FAX	
AGENT'S NAME	Hugo Frascarolli
ADDRESS	8851 Harding Ave. Surfside Fl 33154
PHONE / FAX	
PROPERTY ADDRESS	8851 Harding Ave. Surfside Fl 33154
ZONING CATEGORY	Multifamily
DESCRIPTION OF PROPOSED WORK	New 2 Story Multifamily Building with 24,945 square feet. Including 18 Apartments and 32 underground parking spaces.

<u>INTERNAL USE ONLY</u>			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Fee Paid	\$ _____		

<u>ZONING STANDARDS</u>	Required	Provided
Plot Size	_____	_____
Setbacks (F/R/S)	_____ _____ _____	_____ _____ _____
Lot Coverage	_____	_____
Height	_____	_____
Pervious Area	_____	_____


 SIGNATURE OF OWNER _____
 February 06, 2018
 DATE _____


 SIGNATURE OF AGENT _____
 02/06/18
 DATE _____

City of Surfside

Project 8851 Harding

At Mr. Mayor and commissioners

Dear Sir/s

I the undersigned, Hugo O Frascaroli in the character of one of the partners in the residential development, named 8851 Harding, I'm addressing you to inform that the donation we are making to the City of Surfside is for parks \$27,300.75 and for police \$6,209.83 a total \$30,510.58 to contribute with the constant growth of the city.

To arrive to this figure, we asked the Architect Juan Carlos David, in charge of this project designed, to performed an appropriate calculation. Which the Architect used the worksheet of the County of Miami Dade to calculated. Please find the attach worksheet

From our part is a great pleasure to collaborate with the City of Surfside

Hugo O Frascaroli

DADE COUNTY IMPACT FEES

CHARGES							
DEPARTMENT	FEE	# of units	total SF Living	Times	TOTAL SCHL.	AMOUNT	NOTES
ROAD (PER UNIT)	\$ 6,262.77	18				\$ 113,089.88	TOTAL RD
FIRE per unit	\$ 432.62	18				\$ 7,787.16	TOTAL FIRE
SCHOOL per UNIT	\$ 812.00	18			\$11,016.00	\$ 20,015.52	TOTAL SCHL.
SCHOOL total SF	\$ 0.918		18518			\$18,896.52	
PARK	\$ 2,380.110	18				\$ 42,461.98	
POLICE	\$ 564.53	18				\$ 10,161.54	
TOTAL IMPACT FEES						\$ 201,536.06	TOTAL

CREDITS							
DEPARTMENT	FEE	# of units	total SF Living	Times	TOTAL SCHL.	AMOUNT	NOTES
ROAD (6 apt units + SFR)	\$ 6,262.77	7				\$ 43,979.39	
FIRE per unit	\$ 432.62	7				\$ 3,028.34	
SCHOOL per UNIT	\$ 812.00	6			\$3,672.00	\$ 8,118.79	
SCHOOL total SF	\$ 0.918		4844.00			\$4,446.79	
PARK -house	\$ 4,020.570	1				\$ 4,020.57	
PARK -8 units	\$ 2,380.110	6				\$ 14,160.66	
POLICE	\$ 564.53	7				\$ 3,951.71	
TOTAL IMPACT CREDITS						\$ 77,259.46	
TOTAL IMPACT FEES TO DADE COUNTY						\$ 124,276.60	DEDUCT

DADE COUNTY CHARGES FOR:

CHARGES							
DEPARTMENT	FEE	# of units	total SF Living	Times	TOTAL SCHL.	AMOUNT	NOTES
ROAD (PER UNIT)	\$ 6,262.77	18				\$ 113,089.88	
FIRE per unit	\$ 432.62	18				\$ 7,787.16	
SCHOOL per UNIT	\$ 812.00	18			\$11,016.00	\$ 20,015.52	
SCHOOL total SF	\$ 0.918		18518			\$18,896.52	
TOTAL IMPACT FEES						\$ 148,852.54	NOT INCLUDED

CREDITS							
DEPARTMENT	FEE	# of units	total SF Living	Times	TOTAL SCHL.	AMOUNT	NOTES
ROAD (6 apt units + SFR)	\$ 6,262.77	7				\$ 43,979.39	
FIRE per unit	\$ 432.62	7				\$ 3,028.34	
SCHOOL per UNIT	\$ 812.00	6			\$3,672.00	\$ 8,118.79	
SCHOOL total SF	\$ 0.918		4844.00			\$4,446.79	
TOTAL IMPACT CREDITS						\$ 55,126.52	NOT INCLUDED

CONTRIBUTION TO TOWN OF SURFSIDE

CHARGES							
DEPARTMENT	FEE	# of units	total SF Living	Times	TOTAL SCHL.	AMOUNT	NOTES
PARK	\$ 2,380.110	18				\$ 42,461.98	
POLICE	\$ 564.53	18				\$ 10,161.54	
CONTRIBUTION						\$ 52,643.52	APPLIES

CREDITS							
DEPARTMENT	FEE	# of units	total SF Living	Times	TOTAL SCHL.	AMOUNT	NOTES
PARK -house	\$ 4,020.570	1				\$ 4,020.57	
PARK -8 units	\$ 2,380.110	6				\$ 14,160.66	
POLICE	\$ 564.53	7				\$ 3,951.71	
TOTAL CREDITS						\$ 22,132.94	APPLIES
TOTAL CONTRIBUTION TO TOWN OF SURFSIDE						\$ 30,510.58	TOTAL

SURFSIDE APTS -8851-8873 HARDING AVE.



PROPERTY TO THE NORTH



PROPERTY TO THE SOUTH

SURFSIDE APTS -8851-8873 HARDING AVE.

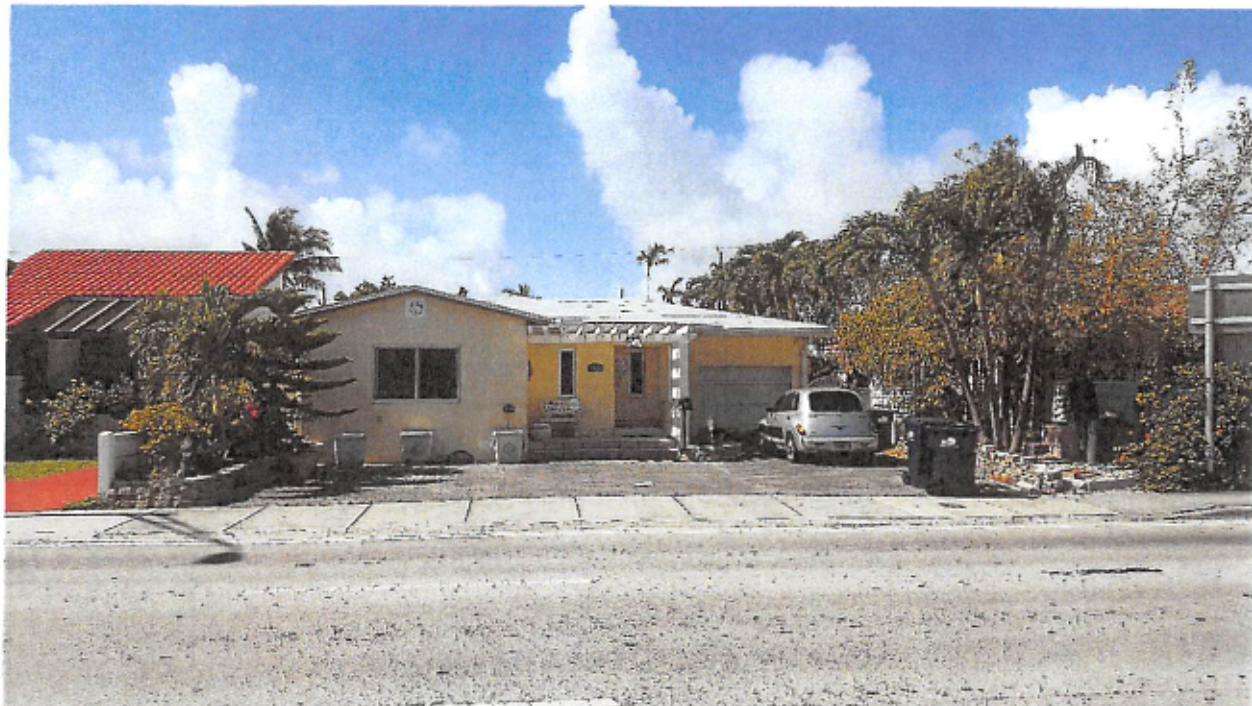


LOT 3 OF SUBJECT PROPERTY (1 OF 3 LOTS)



LOT 4 & 5 OF SUBJECT PROPERTY (2 & 3 OF 3 LOTS)

SURFSIDE APTS -8851-8873 HARDING AVE.



PROPERTY TO THE NORTHWEST (ACROSS THE STREET)



PROPERTY TO THE WEST (ACROSS THE STREET)

SURFSIDE APTS -8851-8873 HARDING AVE.



PROPERTY TO THE WEST (ACROSS THE STREET)



PROPERTY TO THE WEST (ACROSS THE STREET)



PROPERTY TO THE SOUTHWEST (ACROSS THE STREET)



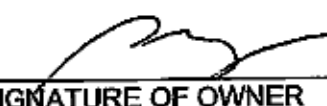

**TOWN OF SURFSIDE
GENERAL VARIANCE APPLICATION**

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.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	8851 HARDING, LLC.
PHONE / FAX	(305) 285-4343 / (305) 285-4330
AGENT'S NAME	Juan C David
ADDRESS	1385 Coral Way Suite 404
PHONE / FAX	(305) 285-4343
PROPERTY ADDRESS	8851 & 8873 HARDING AVE Surfside, FL 33154-3418
ZONING CATEGORY	H30-C
DESCRIPTION OF VARIANCE REQUESTED (please use separate sheet)	SEE SEPARATE SHEET ATTACHED

<u>INTERNAL USE ONLY</u>	
Date Submitted	Project Number
Report Completed	Date
Comments	

<u>ZONING STANDARDS</u>	Required	Provided
Lot Coverage	80% = 14,720 SF	(56)% 10,390
Dimension of yards	20' front & 10' Rear	
Setbacks (F/R/S)	20'/10'/16'	20'/10'/16'
Parking	39	42
Loading	1	Variance requested
Pervious Area	Front 960SF/Rear 318SF	Front 1,045 SF/ Rear 319 SF


2-7-2018

2/7/18
 SIGNATURE OF OWNER DATE SIGNATURE OF AGENT DATE

February 6, 2018

Town of Surfside
Department of Planning & Zoning
1700 Convention Dr
Miami Beach, FL 33140

Owner: 8851 Harding, LLC
Address: 8851 & 8873 Harding Avenue –Process# 08-1763.18
Miami Beach, FL 33139

“HARDSHIP LETTER”

The undersigned **Juan C. David RA # 15344** –Architect of record for the above property, certifies herein that the property in question presents several conditions that can be considered as hardships to develop said Property.

The Variance being requested is the Loading Parking per Town of Surfside Section 90.84 standard that cannot be placed on ground level per FDOT letter submitted on March 2, 2016, that prohibits a 2nd. curb cut (Site entrance) on Harding Ave. therefore we propose:

A Variance to place Loading Space inside the underground Garage with 12’x25’x 12’ height Clearance in lieu of the required 12’x30’x14’ height clearance.

Because of the above conditions I certify:

- 1- That those conditions and circumstances are not applicable to other lands, structures or buildings in the same district. DOT didn’t approve a second curb-cut that would have allowed for a full Loading parking on ground per Town of Surfside regulations;
- 2- We submitted to the Town of Surfside a letter from DOT with the disapproval of a second curb-cut; therefore this special condition do not result from the actions of the Applicant, and that the granting of the Variance will not confer the applicant any special privilege;
- 3- That literal interpretation of providing a full Loading Dock inside the basement by these regulations will deprive the applicant of common rights enjoyed by other properties in the same zoning district, and will constitute unnecessary and undue hardship on the applicant;
- 4- The hardship is the inability to provide the “loading space” at ground level per DOT regulations, and 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;

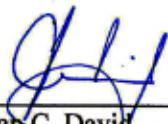
Cont/...

- 5- The inability to properly locate the “loading space” is due to DOT regulations, and not the owner’s desire on a greater return or financial interest.
- 6- Granting the variance application for a “smaller loading space” in the underground garage of this small scale building conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;
- 7- That this variance for a “smaller” loading space inside the underground garage will grant the minimum and reasonable use of the land and of the building structure giving the confined underground space.
- 8- That the granting of this Variance for a “smaller” loading space -inside the underground Garage-, is consistent with the comprehensive plan, in that a “loading space” is being provided per regulations, and it’s not detrimental or injurious to the public and safety of the neighborhood and does not diminish or impair the property values for the neighborhood.

It is for the above mentioned reasons we respectfully request the Zoning Director to grant this variance based on the Hardships stated herein, and that this Variance will be in compliance with the FBC and with Town of Surfside regulations, and it can be considered safe and sound by the Town of Surfside.

Should you have any question or need additional information, please do not hesitate to contact me.

Sincerely,



Juan C. David
PRES.
LEED AP. RA # 00015344

Tel.# (786) 443-6750

Cc/ File
8851 Harding, Llc.

Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 110 Avenue
Miami, Florida 33172

JIM BOYD II
SECRETARY

March 2, 2016

Juan David

SUBJECT: *Pre-application meeting letter for the proposed driveway located at 8851 Harding Ave. State Rd A1A, Section 87060-001*

Dear Mr. David:

This is to acknowledge the outcome of the subject meeting dated March 2, 2016 as well as other informal discussions. **This review is advisory in nature only, and the results are non-binding on the Department and the applicant.**

Based on the "FDOT Access Management" classification criteria, State Road A1A (Harding Ave.), and 88 Street within the vicinity of subject location is class 7 roadway. This classification requires a minimum distance of 125' between two access points. The proposed driveways seem not to meet the minimum required spacing.


The proposed subject development will require an access permit to construct a new driveway as well as a drainage permit from the Department. Any other changes or work, related to the property within the Department's Right-of-Way, may require other permits from the Department accordingly.

The initial processing of the permit applications may take up to 30 days, in which this office will inform the applicant of any required additional information.

This review letter does not constitute preliminary or final Department's approval of the proposed site plan. Additionally, these preliminary comments may only be valid until such time as the site or roadway characteristics change. All plans shall comply with the Department's standards and specifications for design and construction.

Please include a copy of this letter with your permit application package. If you have any further questions, please feel free to contact me at (305) 470-5371.

Sincerely,



Ali KhalilAhmadi, P.E., PTOE
Assistant District Permits Engineer

cc: Section File (87060)

RESOLUTION NO. 2019- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN APPLICATION SUBMITTED BY 8851 HARDING, LLC (“APPLICANT”) FOR THE PROPERTY LOCATED AT 8851 AND 8873 HARDING AVENUE, AND LEGALLY DESCRIBED IN EXHIBIT “A’ ATTACHED HERETO (“PROPERTY”), FOR A SITE PLAN FOR AN 18 UNIT MULTI-FAMILY BUILDING AND A VARIANCE FROM SECTION 90-84.1 OF THE TOWN CODE TO PROVIDE FOR A LOADING SPACE OF 12’ BY 25’ WITH A VERTICAL CLEARANCE OF 12’, WHERE A LOADING SPACE OF 12’ BY 30’ WITH A VERTICAL CLEARANCE OF 14.5’ IS REQUIRED; SUBJECT TO CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant and property owner, 8851 Harding, LLC (“Applicant”), has applied for site plan approval and a variance from Section 90-84.1 of the Town of Surfside (“Town”) Code of Ordinances (“Code”), to allow a loading space of 12 feet by 25 feet with a vertical clearance of 12 feet, where a loading space with a minimum size of 12 feet by 30 feet with a vertical clearance of 14.5 feet is required (“Application”), on the property located at 8851 and 8873 Harding Avenue, and legally described in Exhibit A attached hereto (“Property”); and

WHEREAS, the Applicant is proposing an 18 unit multi-family apartment building at the Property, with 32 parking spaces within a garage (“Project”), and seeks a variance from Section 90-84.1 of the Town Code requirements for loading space and vertical clearance; and

WHEREAS, Section 90-84.1 of the Town Code requires a loading space and clearance for the Project with a minimum size of 12 feet by 30 feet with a vertical clearance of 14.5 feet; and

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

WHEREAS, the Town Staff finds that the site plan is consistent with the Town Code requirements and that the variance criteria has been met; and

WHEREAS, on April 23, 2019, the Town Commission conducted a public hearing on the Application for which a hearing was noticed, posted, advertised and held as required by law, all interested parties concerned in the matter were heard, and due and proper consideration was given to the matter; and

WHEREAS, the Town Commission, having reviewed the Application, the written and oral findings of Town staff, and all other relevant testimony and evidence, including the Applicant's voluntarily proffers, finds that the Application is in compliance with the Town's Code and comprehensive plan.

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

Section 1. **Incorporation of Recitals.** The above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. **Site Plan Approved.** The requested site plan prepared by J.C.D. Architect, Inc. and dated March 10, 2019 is hereby approved and consistent with the Town's Code.

Section 3. **Variance Approved.** The requested variance, with conditions, from the loading space and clearance requirement of Section 90-84.1 of the Town Code of Ordinances is hereby approved, to allow a loading space of 12 feet by 25 feet with a vertical clearance of 12 feet on the Property, where a loading space with a minimum size of 12 feet by 30 feet with a vertical clearance of 14.5 feet is required.

Section 4. Conditions. The approval granted by this resolution is subject to the Applicant's compliance with the following conditions, which the Applicant voluntarily proffered and stipulated to at the public hearing:

a. A continuous hedge of a minimum height of three feet at the time of planting shall be installed and shall thereafter be maintained at a maximum height equal to the top of the fence. The hedge shall be planted between the right-of-way and the fence.

b. The Applicant has proffered a contribution in the amount of \$33,509.58 towards park and police, which shall be payable to the Town prior to the issuance of a building permit.

c. The Applicant shall pay, as cost recovery pursuant to Section 90-11 of the Town Code, all fees associated with the professional services rendered in the review and processing of this Application.

d. The variance is effective solely for purposes of the Project depicted in the Applicant's plans submitted to the Town on December 13, 2018, and for no other purpose, and the Project must be developed substantially in accordance with the approved plans.

e. In the event that the Applicant desires to develop the Property in a manner other than in substantial compliance with the plans submitted to the Town on December 13, 2018, the site plan and variance shall be deemed never to have been granted, and shall become null and void.

The Property shall automatically revert to the development status it had prior to this approval.

f. The Applicant shall comply with all conditions and permit requirements of the Miami-Dade County Department of Environmental Resource Management, the Miami-Dade County Fire Rescue Department, the Miami-Dade County Water and Sewer Department, the Florida Department of Environmental Protection, the Florida Department of Transportation, and all other governmental agencies with jurisdiction over the Project.

g. As provided in Section 90-35(a)(9) of the Code, approval of the site plan and variance shall be void if the Applicant does not obtain a building permit within 24 months after the granting of this approval. The Town Commission may grant one or more extensions for a period of up to a total of six months for good cause shown by the Applicant.

h. Prior to the issuance of a building permit, Applicant shall execute a Unity of Title for the Property (8851 and 8873 Harding Avenue), in form and substance approved by the Town and Town Attorney.

Failure by the Town to timely enforce any of the above conditions does not constitute a waiver of same, and if the Applicant, its successors or assigns, do not perform such conditions within five (5) days after written notice, the Town reserves the right to stop construction, if necessary, until that condition is met. By acting in accordance with this approval, the Applicant hereby consents to all of the foregoing terms and conditions.

Section 4. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED and ADOPTED on this ____ day of April, 2019.

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk

**APPROVED AND TO FORM AND
LEGAL SUFFICIENCY:**

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

EXHIBIT “A”

LEGAL DESCRIPTION OF PROPERTY

Lots 4 and 5, Block 3, of Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida;

Folio Number: 14-2235-005-0320

Property Address: 8851 Harding Avenue, Surfside, Florida 33154

Lot 3 and the South 5 feet of Lot 2, Block 3, of Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida;

Folio Number: 14-2235-005-0310

Property Address: 8873 Harding Avenue, Surfside, Florida 33154

(collectively the “Property”).