



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
MINUTES
August 13, 2019
6:00 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 6:17 p.m.

B. Roll Call of Members

Town Clerk Novoa called the roll with the following members present:

Mayor Dietch, Vice Mayor Gielchinsky, Commissioner Karukin,
Commissioner Cohen and Commissioner Paul.

Vice Mayor Gielchinsky arrived at 6:23 p.m.

C. Pledge of Allegiance

Police Chief Yero led the Pledge of Allegiance.

2. Quasi-Judicial Hearings

A. Krieger Variance – 9264 Bay Drive – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, [APPROVING/ APPROVING WITH CONDITIONS/ DENYING] AN APPLICATION SUBMITTED BY DAVID KRIEGER AND BELLA TENDLER KRIEGER (“APPLICANT”) FOR THE PROPERTY LOCATED AT 9264 BAY DRIVE (“PROPERTY”) FOR A VARIANCE FROM SECTION 90-45 OF THE TOWN CODE TO PROVIDE A FIRST-FLOOR SIDE SETBACK OF 6 FEET, 9 INCHES WHERE 20 FEET ARE REQUIRED AND AN UPPER STORY SETBACK OF 10 FEET, 2 INCHES WHERE 25 FEET ARE REQUIRED; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

Town Attorney Arango read the quasi-judicial statement into the record and asked the members of the Town Commission if they had any Ex-Parte communications.

Commissioner Paul stated that she received two emails opposing this project and two emails in support of the project. She also spoke to neighbors and had email exchanges with Town Planner Sinatra Gould.

Commissioner Cohen spoke to someone, whose name he did not recall, staff and members of the community.

Mayor Dietch had email exchanges with staff and members of the community both in support and against the item.

Vice Mayor Gielchinsky spoke to the applicant, as the Planning & Zoning liaison he had communications with neighbors, a mutual friend of the applicant and also received two emails in support of the item.

Town Clerk Novoa swore in any individual(s) that would be speaking or testifying in these proceedings.

Town Planner Sinatra Gould presented the item and staff recommendations. She stated that this application is not in line with the code requirements and therefore staff recommends denial of the variance.

Town Planner Sinatra Gould stated that the Planning & Zoning Board recommended denial of the application for variance. She stated that the Planning & Zoning Board gave the applicant an option of deferring the item at that time but the applicant decided to move forward and the Planning & Zoning Board denied the application for variance.

David Sardon, architect for the applicant, requested that this variance be approved and believes that this application qualifies for a hardship. He also presented research he prepared of the neighboring cities and their side setbacks.

David Krieger, applicant, spoke regarding the aggregated lot and stated that there is no house that exists that is within the first category and not the second one. He feels that his house should fall into the first category. He spoke regarding the side setbacks and the hardship he has faced due to this being the second set of plans that have been submitted.

Bella Tendler Krieger, applicant, spoke regarding the request for variance and stated that they have been going through this process for over a year and a half and is requesting clear direction from the Commission in order to move forward.

The following speakers spoke on the item:

Adam Weinberg
Peter Nevo
Peter Zuckerman
Reuven Herssein
Eliana Salzhauer
Brian Bey
Sheryl Goldberg
Jana Banin
Peter Hickey
George Kousoulas
Iris Herssein

A motion was made by Vice Mayor Gielchinsky to extend this meeting and start the regular Commission meeting right after. Motion seconded by Commissioner Paul and carried with a 5-0 vote.

Vice Mayor Gielchinsky asked Town Planner Gould prior to the adoption of the most recent ordinance what would have been the allowable setback affecting this side setback. He also asked what is being proposed now.

Town Planner Sinatra Gould stated it was 6 feet 7 inches and what is being proposed is 6 feet 9 inches.

Vice Mayor Gielchinsky gave a report of what occurred at the Planning & Zoning Board meeting regarding this variance request.

Commissioner Paul stated that this is the first time she has heard anything regarding an application for an addition. She stated her question is on page 3 and what the minimum variance necessary would be. She stated that she feels that this application overreaches that. She stated to the applicant that since they purchased an odd shaped lot, she suggested to work together with the Town to come up with something that would be appropriate.

Commissioner Cohen stated there are unforeseen circumstances and is there some way that the Town can work with this ordinance the deficiencies within this ordinance be resolved.

Commissioner Paul commented on Commissioner Cohen's remarks and stated that the design is not what is in question.

Commissioner Karukin commented on the options that the Planning & Zoning Board suggested and asked if modifying the existing code was ever mentioned or discussed. He also asked if they could waive any re-application fees if it is necessary for this applicant.

Town Planner Sinatra Gould answered the comments made by Commissioner Karukin and explained what the Planning & Zoning Board requested and the options they suggested. She stated that this is not a simple application. She gave an overview of her conversation with the applicant's architect when they appeared before the Planning & Zoning Board.

Town Attorney Arango asked if what the Town Manager is requesting is to defer the item in order for the applicant to resubmit revised plans.

Town Manager Guillermo Olmedillo stated yes that is his recommendation.

Vice Mayor Gielchinsky asked if this is a double lot.

Town Attorney Arango read the legal description into the record and stated it is an aggregated lot.

Mayor Dietch asked Town Planner Sinatra Gould to speak in regard to the perceived inconsistencies as they relate to the interpretation of the lots. He also asked Town Planner Sinatra Gould to explain how the Town measures lots.

Town Planner Sinatra Gould explained the interpretation and the lots and this lot is considered aggregated as the code is written. She also explained how the Town measures lots.

Bella Tandler Krieger, applicant, gave a history of their application submittal process and issues they have encountered.

Town Planner Sinatra Gould stated that they are not rejecting the plan, it is a FEMA requirement.

Further discussion continued among the Commission and staff regarding the item and the interpretation of this application.

Commissioner Paul asked Town Planner Sinatra Gould about the 50% rule and if that is something that they should revisit.

Town Manager Olmedillo stated it is not our jurisdiction, that it is FEMA's requirement.

Vice Mayor Gielchinsky commented on the existing ordinance which is not what they intended it to be and the aggregated lots. He recommends that the applicant amend the application to a 43.5-foot width and then come back to the Commission.

Mayor Dietch addressed the comments made in regard to this house not being conforming. He recommended and supports moving the line in order for the house to be smaller and the setbacks would be greater. He asked if anything was considered beyond the variance request.

Town Planner Sinatra Gould answered Mayor Dietch's question. She stated that if the Commission decides to defer this item, they can come back to the Commission at a later time with a variance after a review has been done and go to Planning & Zoning for the house itself without the variance.

Town Attorney Arango advised the Commission that the revised application with the new proposed set back should go back to the Planning & Zoning Board before it makes its way back to the Commission.

Commissioner Paul stated the remarks made on Page 3 and the staff's recommendation. She stated that they should find the minimum variance for reasonable use of the land.

Commissioner Paul asked what the minimum setback for the applicant's variance would be.

Town Planner Sinatra Gould answered Commissioner Paul's question.

After further discussion among the Commission and staff regarding the recommendations for the revised setbacks, Vice Mayor Gielchinsky made a motion to defer the variance request and direct the Planning & Zoning Board to further examine the ordinance affecting the side yard setbacks that was previously adopted by this Commission. Motion seconded by Commissioner Paul and carried with a 5-0 vote.

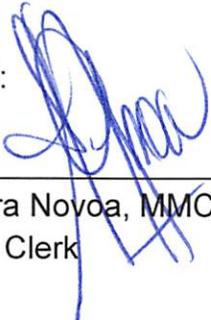
3. Adjournment

A motion was made by Commissioner Karukin and seconded by Commissioner Paul to adjourn the meeting without objection at 8:00 p.m. and commence the Regular Commission Meeting. Motion carried with a 5-0 vote.

Respectfully submitted,

Accepted this 10th day of September, 2019.

Attest:



Sandra Novoa, MMC
Town Clerk



Daniel Dietch, Mayor