



**Town of Surfside
SPECIAL PLANNING & ZONING BOARD
AGENDA**

January 21, 2021 – 6:00 p.m.

1. Call to Order/Roll Call

Chair Frankel called the meeting to order at 6:02 p.m.

Present: Chair Judith Frankel, Board Member Fred Landsman (arrived at 6:04 pm), Board Member James MacKenzie, Board Member Ruben Bravo, Board Alternate Member Horace Henderson (arrived at 6:08 p.m.), and Board Alternate Member Michael Dranoff.

Absent: Vice Chair Oliver Sanchez.

Also, Present: Mayor Charles Burkett, Town Planner Walter Keller, Assistant Town Attorney Tony Recio and Town Manager Andrew Hyatt and Building Official Ulises Fernandez.

Town Clerk McCready advised the Board of a Special Planning and Zoning Board Meeting that will be scheduled for February 11, 2021 at 6:00 p.m. to address the backlog of applications.

2. Town Commission Liaison Report – Mayor Charles Burkett

Mayor Burkett spoke regarding the new zoning code rewrite and the combining the safety and security of the old code as well as the upcoming zoning workshops. He thanked the Board Members for their service.

3. Approval of Minutes – December 17, 2020

A motion was made by Board Member Landsman to approve the December 17, 2020 Planning and Zoning Board Meeting Minutes, seconded by Board Member Henderson. The motion carried with a 5-0 vote.

Town Attorney Recio read into the record the meeting information details and the quasi judicial statements.

The Town Attorney polled the Board Members and no one has had any communication with any of the applicants.

4. Applications:

A. 9248 Emerson Avenue – New Single Family Home

Town Planner Keller introduced the item and provided the staff recommendations as stated below:

Background: This application is a request to construct a new 2-story single family residence. The parcel is located in the H30B Zoning District with Emerson Avenue on the east and Bay Drive on the west. The average lot depth is 128± feet with a width of 50 feet. The Applicant indicates the lot size is 6,368 square feet (SF). The proposed airconditioned floor space totals 4,350 SF. An existing one-story single-family residence will be demolished in order to construct the new dwelling. An overhead view of the lot from the Miami Dade County Property Appraiser is provided on the following page.

Governing Codes: The Zoning in Progress requirements for a new 2-story single family dwelling are detailed in the following Zoning Codes:

2006 Code: Front yard landscape 50% minimum; Rear yard landscape 40%.

2020 Code: Base Flood Elevation +2; Pervious area 35% minimum; Street trees 2; Minimum 5 trees of two different species and 25 shrubs per lot; Residential Design Guidelines (building massing, decorative features, architectural style, wall materials and finishes; roof materials, types and slopes; windows and trims).

2006/2020 Codes: Maximum lot coverage 40%; Maximum height 30 ft; Front and rear setback 20 ft; Front setback permeability 50%.

Zoning in Progress: Maximum 40% lot coverage does not include uncovered steps and exterior balconies; uncovered terraces, patios, porches open on 2 sides; covered terraces, patios or porches open on 2 sides (these exemptions not to exceed 15% of the total footprint); second story lot coverage is limited to 32% of the lot area or 80% of the first floor area (whichever is less); lots greater than 112.5 feet in depth need to have front and rear yards combined to equal at least 36% of the lots depth; 20% of all landscaping must be Florida Friendly.

Staff Recommendation: Review of the application package submitted by the Applicant and review relative to code requirements indicates the Applicant complies with the 2006, the current Municode and the Zoning in Progress requirements and should be approved subject to the following minor comments:

- relocate the Emerson Avenue Sabal Palms onto the lot
- verify the accessory uses (pool, decks, steps, and terraces) do not exceed the 15% requirement.

Jeff Rose representing the applicant was sworn in and presented the project.

Louis Plotkin, applicant was sworn in and addressed the Board members and presented his project.

Chair Frankel closed public comment.

Board Member Mackenzie stated in respect to the house that Jeff Rose pays a lot of attention to the house and appears to meet everything as Town Planner Keller stated and that he is keeping the second floor façade. He asked regarding not seeing a fence and would like to see the fence coming into the project now and not seeing it come back at another time. He asked regarding the pool coming close to the property line on Bay Drive and the height of the soil and his intention would be for the project. He also addressed different concerns regarding the project.

Jeff Rose stated that they are not allowed to do the fence that way anymore.

Chair Frankel spoke regarding the water retainage and Building Official Fernandez could verify that.

Building Official Fernandez verified that all the water needs to stay in the property and stated that there is nothing in the Building Code that states that.

Town Planner Keller addressed the comments made by Board Member Mackenzie and stated that they are trying to simplify what the Board is given while still giving them the information needed.

Further discussion among the Board Members and the Town Planner regarding the pool and the site plan.

Jeff Rose addressed the comments and questions from the Board members.

Town Planner Keller stated that one of the issues in the Town is that the houses were built too low and the flooding control which pushes the houses above the crown of the road.

Building Official Fernandez addressed the comments made regarding the level of storage and the garage and stated FEMA's requirements and the certain exceptions that are allowed.

Discussion continued among the Board and the applicant regarding the lot coverage and the garage.

Board Member Bravo asked the applicant if this was a design build contract.

Jeff Rose, applicant stated that it was just a design for the home.

Further discussion took place among the Board Members and the applicant regarding the design of the project and the rainwater staying on the property.

Building Official Ulises Fernandez stated that it is important to clarify where you are measuring the height of the fence.

A motion was made by Board Member Mackenzie to approve the application with staff recommendations and conditions to include: fence height be measured from crown of the road; planner to take particular note with the landscaping and Bay Drive; there be an appropriate transition; impose a landscape architect to develop a landscape plan; when the plans are submitted to the Building Department that the Building Department pays attention to the plans to make certain that they meet the Miami-Dade Building Code requirements; Building Department oversee the plans for the drainage and make sure it meets the code, seconded by Board Member Henderson. The motion carried with a 5-0 vote with Vice Chair Sanchez absent.

B. 9157 Froude Avenue – Garage Conversion

Town Planner Keller introduced the item and provided the staff recommendations as stated below:

Background: This application is a request to approve a prior conversion of an existing garage into a 3rd bedroom. The parcel is located in the H30B Zoning District. In addition to this Memorandum, an Agenda Packet submitted by the Applicant with review by James Hickey, the former Town Planner is attached.

Governing Codes: The Zoning in Progress requirements for a garage conversion are detailed in the following Zoning Code sections:

2006 Code: 90-145(b)1(d) – allows for a garage conversion provided the garage door is replaced with a solid exterior wall with at least one window and with access internally from the main premises.

2008 Code: 90.41.4 – Also allows if an exterior door is no longer at grade level, stairs may be installed to comply with the Florida Building Code but must not extend more than 24 inches into the side or rear setbacks.

Current Municode: 90-50.1(1)(7) – further requires if the garage is at the front or primary corner of the property, landscaping should be along the base of the exterior wall.

Staff Recommendation: Review of the application package prepared by the former town planner and current planning staff review of the codes and Google Street View photo images of the property (see attached) indicates the Applicant complies with all the 2006, 2008 and the current Municode relative to a garage conversion and should be approved. Note, the removal of the rear sunroom was to resolve a code violation.

Board Member Landsman asked regarding the permitting and code violation after the fact and why it is coming to the Board for approval.

Town Planner Keller addressed the comments made by Board Member Landsman.

Town Attorney Recio addressed the code enforcement violations and advised the Chair that they have the ability to review this and they are looking at bringing this into full compliance.

Board Member Mackenzie spoke regarding the site plan and legalization notes that has to do with permitting records. He asked regarding the three (3) trash cans and the massing on the left of the house.

Chair Frankel stated that with garage conversions that occurs because they have a different roof and her concern is the finished floor level.

Further discussion took place regarding the project and the code violations and short term rules for rentals.

Board Member Landsman stated that as a Board they should not be making assumptions if the owner is going to rent the property. He stated that at the last meeting they made it clear that the owner is not present at the meeting.

Chair Frankel agrees with Board Member Landsman and spoke regarding the look of the windows and symmetry. She spoke regarding the two conditions of the previous Planner and what the Code states regarding landscaping. She stated that the elevation has to be brought up to the same as the house to meet the house floor level.

A motion was made by Board Member Henderson to reject the application, seconded by Board Member Bravo. The motion carried with a 4-1 vote with Chair Frankel voting in opposition and Vice Chair Sanchez absent.

C. 9165 Abbott Avenue – Garage Conversion and Addition

Town Planner Keller introduced the item and provided the staff recommendations as stated below:

Background: This application is a request to approve a 540 square foot (SF) addition to an existing single-family residence with additional renovations to the roof, exterior, windows and driveway. The parcel is located in the H30B Zoning District. The Applicant has provided a current survey and provided details on the improvements and proposed elevations. An overhead aerial photo from the Miami Dade County Property Appraiser and a Google Street View are provided on the following page.

Governing Codes: The Zoning in Progress requirements for the proposed improvements are detailed in the following Zoning Codes:

2006 Code: Front yard landscape 50% minimum; Rear yard landscape 40%.

2020 Code: Base Flood Elevation +2; Pervious area 35% minimum; Residential Design Guidelines (building massing, decorative features, architectural style, wall materials and finishes; roof materials, types and slopes; windows and trims).

2006/2020 Codes: Maximum lot coverage 40%; Maximum height 30 ft; Front and rear setback 20 ft; Front setback permeability 50%.

Zoning in Progress: Maximum 40% lot coverage does not include uncovered steps and exterior balconies; uncovered terraces, patios, porches open on 2 sides; covered terraces, patios or porches open on 2 sides (these exemptions not to exceed 15% of the total footprint).

Staff Recommendation: Review of the application package, aerial photos from the property appraiser, Google Street View and planning staff review of the codes indicates the Applicant generally complies with all the 2006, the current Municode and Zoning in Progress relative to the proposed improvements and should be approved subject to following comments.

- Provide calculations and worksheet verifying 50% landscape area in the front yard setback
- Provide calculations and worksheet verifying 40% landscape area in the rear yard setback
- Provide calculations and worksheet verifying building floor area is 40% or less of the lot size
- Provide information and material details on the driveway improvements
- Verify the accessory uses (pool, decks, steps, and terraces) do not exceed the 15% requirement
- Verify the maximum building height does not exceed 15 feet
- Verify the eaves on the new roof does not extend more than 8 inches into the side yard

Juan C. David, Architect for the applicant was sworn in and introduced the project to the Board.

The following individual from the public spoke:

George Kousoulas was sworn in and spoke on behalf of the applicant on the covered terrace issue.

Board Member Henderson asked Town Attorney Recio that since the information was provided late and if the item can be deferred. He asked Town Planner Keller that since he got the information late if he had time to verify with the code.

Town Planner Keller stated that most of this would apply but it was not added to the plans and in this case it was not submitted.

Board Member Henderson asked if they can defer it or if they have to deny or approve.

Town Attorney Recio stated that it can be deferred and what is being brought before them is the design portion.

Juan C. David, Architect stated that there were simple calculations and the information is with Town Planner Keller and if it could be approved with conditions.

George Kousoulas addressed the comments made by the Board.

Board Member Horace stated that he would like the concept that all the details are important and all the information provided beforehand.

Board Member Mackenzie stated that he likes the plan but stated that it is a matter of principle and that if they continue the trend of missing information constantly it goes back to this being a serious matter since they have to review the plans. He stated that he is not ready to move forward with this application at this time.

Board Member Bravo stated that they have been talking about these issues constantly and believes these plans need to be resubmitted.

Chair Frankel stated that the existing plans are acceptable it is the lack of information and details that they are concerned about.

Further discussion took place regarding the lack of information and the roles and responsibilities of the Board and being specific what they do as a Board.

Juan C. David, Architect addressed the comments made by the Board regarding the drainage and the front elevation.

Chair Frankel summarized the comments made by the Board and asked for those future applicants to submit all the information on time in order for the Town Planner to have enough time to review the plans.

Board Member Mackenzie stated that he would prefer to defer the application.

A motion was made by Board Member Landsman to approve the application provided that the calculation and details that are under review are verified and meet building code. The motion died for lack of a second.

A motion was made by Board Member Mackenzie to defer the item to the February 11, 2021 Special Planning and Zoning Board Meeting, seconded by Board Member Bravo. The motion carried with a 5-0 vote with Vice Chair Sanchez absent.

D. 9432 Byron Avenue – Garage Conversion and Internal

Town Planner Keller introduced the item and provided the staff recommendations as stated below:

Background: This application is a request to approve a conversion of an existing garage into a Den with bathroom. The parcel is located in the H30B Zoning District. The Applicant has provided an older survey but also took photographs which indicate the survey is still applicable. An overhead aerial photo from the Miami Dade County Property Appraiser is provided on the following page.

Governing Codes: The Zoning in Progress requirements for a garage conversion are detailed in the following Zoning Code sections:

2006 Code: 90-145(b)1(d) – allows for a garage conversion provided the garage door is replaced with a solid exterior wall with at least one window and with access internally from the main premises.

2008 Code: 90.41.4 – Also allows if an exterior door is no longer at grade level, stairs may be installed to comply with the Florida Building Code but must not extend more than 24 inches into the side or rear setbacks.

Current Municode: 90-50.1(1)(7) – further requires if the garage is at the front or primary corner of the property, landscaping should be provided along the base of the exterior wall.

Staff Recommendation: Review of the application package, aerial photos from the property appraiser, applicant photos and planning staff review of the codes indicates the Applicant complies with all the 2006, 2008 and the current Municode relative to a garage conversion and should be approved subject to installing a planter along the front of the new wall.

Venicius Souza, applicant was sworn in and presented the application and his project.

Chair Frankel asked regarding the parking garage and if there is sufficient space for two parking spaces.

Town Planner Keller responded to the comments made by Chair Frankel.

Further discussion took place regarding the specifics and requirements of this project and condition to maintain the divided look as well as the garage and drainage and make it a condition that the drainage pipes comply with the Code.

Board Member Mackenzie does not believe that the windows currently there are not hurricane impact windows.

A motion was made by Board Member Landsman to approve the application with staff recommendations, consistency with the windows, driveway conditions must meet the requirements set by the Code and the landscaping planter must have proper irrigation and drainage of the washer and dryer, seconded by Board Member Bravo. The motion carried with a 5-0 vote with Vice Chair Sanchez absent.

E. 9417 Carlyle Avenue – Garage Conversion

Town Planner Keller introduced the item and provided the staff recommendations as stated below:

Background: This application is a request for a garage conversion to provide a 220 square foot (SF) bedroom, bathroom and laundry area. The parcel is located in the H30B Zoning District. An overhead aerial from the Property Appraiser and a Google Street View are provided on the following pages.

Governing Codes: The Zoning in Progress requirements for a garage conversion are detailed in the following Zoning Code sections:

2006 Code: 90-145(b)1(d) – allows for a garage conversion provided the garage door is replaced with a solid exterior wall with at least one window and with access internally from the main premises.

2008 Code: 90.41.4 – Also allows if an exterior door is no longer at grade level, stairs may be installed to comply with the Florida Building Code but must not extend more than 24 inches into the side or rear setbacks.

Current Municode: 90-50.1(1)(7) – further requires if the garage is at the front or primary corner of the property, landscaping should be along the base of the exterior wall.

Staff Recommendation: Review of the application package and planning staff review of the codes and Google Street View photo images of the property (see attached) indicates the Applicant complies with all the 2006, 2008 and the current Municode relative to a garage conversion and should be approved subject to providing landscaping in front of the new wall or placing a planter with landscaping in front of the new wall.

Board Member Bravo asked regarding the style and frame.

Rogério Vieira, property owner was sworn into the record and addressed questions from the Board.

A motion was made by Board Member Mackenzie to approve the application with staff recommendations and conditions of the driveway having two parking spaces and landscape requirements, seconded by Board Member Henderson. The motion carried with a 5-0 vote with Vice Chair Sanchez absent.

F. 400 93rd Street – Front Yard Fence

Town Planner Keller introduced the item and provided the staff recommendations as stated below:

Background: This application is a fence request for a corner lot. The parcel is located in the H30B Zoning District. The Applicant has provided a current survey and provided details on the proposed improvements. The lot is 112.5 feet long and 55 feet wide. An overhead aerial

photo from the Miami Dade County Property Appraiser and a Google Street View are provided on the following pages.

Discussions with the Applicant indicate a desire to create a fenced area for his children. Therefore a fence is proposed on the property line on Abbott Avenue following the corner radii and then northward on a line 12 feet from the 93rd Street right of way connecting to the house corner. The Applicant planted a hedge recently which is located in the public right-of-way of both Abbott Avenue and 93rd Street.

Gates are proposed on the 93rd Street property line for his walk, driveway access and access to the north side yard.

Governing Codes: The Zoning in Progress requirements for the proposed improvements are detailed in the following Zoning Codes:

2006 Code: No fence or wall can be constructed in a front yard or a corner lot in a side yard that abuts a right of way; no fence or wall can conflict with the vision clearances

2020 Code: A fence or ornamental wall may be placed within a front yard or primary corner yard if granted design review approval by the Planning and Zoning Board. Maximum height is 4 feet plus ½ foot for each 10 feet exceeding 50 feet

Staff Recommendation: Review of the application package, aerial photos from the Property Appraiser, Google Street View and planning staff review of the codes recommends the Planning and Zoning Board find a 4-foot high picket fence be approved on Abbott Avenue as proposed by the Applicant. It is also recommended the existing hedge be relocated in close proximity to the property line. The proposed 4- foot high gates on 93rd Street also be approved as requested by the Applicant provided they are located outside of the public right of way.

David Elmaleh, applicant was sworn into the record and provided a presentation of his project.

Board Member Landsman asked if this is an application the Board had previously seen and asked Town Planner Keller if the applicant has agreed to these conditions.

David Elmaleh, applicant agrees to the conditions and recommendations in reference to the fence.

Discussion took place among the Board members and the applicant regarding conforming to code, landscaping and the gates going across the property.

Further discussion took place regarding the hedges and the proper placement of those hedges.

Board Member Mackenzie stated that he does not feel comfortable approving this application.

A motion was made by Board Member Landsman to approve the application with staff recommendations; to exclude any of the gates along Abbott Avenue and 93rd Street; and moving the hedge to be in front of the fence to the property line, seconded by Chair Frankel. The motion carried with a 3-2 vote with Board Member Mackenzie and Board Member Bravo voting in opposition and Vice Chair Sanchez absent.

G. 9461 Harding Avenue – Door sign

Town Planner Keller introduced the item and provided the staff recommendations as stated below:

Matteas _____ representing the applicant was sworn in and presented the project.

Background: This application is a request to place a double door window signs. The parcel is located in the SD-B40 Zoning District. In addition to this Memorandum, an Agenda Packet submitted by the Applicant with review by James Hickey, the former Town Planner is attached.

Governing Codes: The Zoning in Progress requirements for window and door signs are detailed in the following Zoning Code sections:

2006 Code: 90-209(c)6(e) – Provides a window sign of 1.5 square foot (SF) for each window or door. In addition, the lettering is limited to 8 inches in height and the total area of the sign cannot exceed 20% of the window and or door area.

2008 Code: 90.71.1 – Also allows a window sign of 1.5 square foot (SF) for each window or door. In addition, the lettering is limited to 8 inches in height and the total area of the sign cannot exceed 20% of the window and or door area.

Current Municode: 90-73.a(3)c – The Code only limits the sign to not exceed 20% of the window or door area. Lettering is limited to 8 inches in height. Allowable material include painted gold leaf, silver leaf, silk-screened, cut or polished metal, cut or frosted vinyl and etched glass.

Staff Recommendation: The Applicant's proposed signs is not dimensioned in the application. Based on the more restrictive Code, it is recommended the sign be approved subject to the following conditions:

1. The size of the proposed door signs shall be limited to a maximum of 1.5 SF per the Code; and,
2. The sign lettering shall be 8 inches or less with the sign material consistent with **Sec. 90- 73.a(3)c**.

A motion was made by Board Member Landsman to approve the application with staff recommendations, seconded by Board Member Henderson. The motion carried with a 5-0 vote with Vice Chair Sanchez absent.

5. Next Meeting Date: January 28, 2021

Deputy Town Clerk Herbello advised the Board members of the next meeting date being January 21, 2021 at 6:00 p.m. and January 28, 2021 at 6:00 p.m.

6. Discussion Items:

A. Future Agenda Items

Chair Frankel stated that it is important to review the zoning code and prepare for the upcoming meeting.

The following individuals from the public spoke:

George Kousoulas spoke regarding the Board and architectural drawings and the relationships and lot coverage

Chair Frankel asked George Kousoulas to address the Board on the February 11, 2021 Meeting to assist with some of the concerns.

Jeff Rose spoke regarding the types of units they are looking for and what their thoughts were of what the right types of units they Board is looking for along Collins Avenue.

The Board Members addressed the comments made by the public speakers.

Chair Frankel commented on the hotels and believes there is room for both residential and hotels.

7. Adjournment:

A motion was made by Board Member Landsman to adjourn the meeting without objection at 10:02 p.m. The motion received a second from Board Member Henderson. The motion carried with a 5-0 vote with Vice Chair Sanchez absent.

Respectfully submitted,

Accepted this 25th day of February, 2021.



Judith Frankel, Chair

Attest:



Sandra McCready, MMC
Town Clerk