



Town of Surfside
Planning and Zoning Board Meeting
MINUTES
April 28, 2022
6:00 PM
Town Commission Chambers

1. Call to Order/Roll Call

Board member Judith Frankel called the meeting to order at 6:00 p.m.

Present: Board Member Judith Frankel, Board Member Ruben Bravo, Board Member Carolyn Baumel, Board Member Jonathan Edderai, Board Member David Forbes, and Alternate Board Member Michael Szafranski.

Absent: Alternate Board Member Grace Rais.

Also, Present: Commission Liaison Commissioner Fred Landsman, Town Manager Andrew Hyatt, Town Planner Walter Keller, Town Attorney Tony Recio, and Building Official Jim McGuiness.

2. Town Commission Liaison Report

Commissioner Landsman introduced himself and welcomed the newly appointed Board Members. He stated that he has asked for funding to review the design guidelines and to help bring a new document to light. He provided an overview of the responsibilities of the Board.

3. Appointment of a Chair

A motion was made by Board Member Baumel to appoint Board Member Frankel as Chair of the Planning and Zoning Board, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

4. Appointment of a Vice Chair

A motion was made by Board Member Bravo to appoint Board Member Baumel as Vice Chair of the Planning and Zoning Board, seconded by Board Member Forbes. The motion carried with a 5-0 vote.

5. Orientation - Tony Recio, Town Attorney

Town Attorney Recio provided an orientation to the newly appointed board members as it pertains to quasi-judicial hearings as well as the roles of the Board members. He also went over the design review guidelines and criteria.

Chair Frankel asked for the members of the Board to introduce themselves. The newly appointed Board members introduced themselves.

6. Approval of Minutes

6A. March 31, 2022 Planning and Zoning Board Meeting Minutes - Evelyn Herbello Approval of meeting minutes.

A motion was made by Vice Chair Baumel to approve the March 31, 2022 Planning and Zoning Board Meeting Minutes, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

[03-31-2022 Planning and Zoning Meeting Minutes.pdf](#)

7. Applications

Town Attorney Recio read the quasi-judicial statement into the record. Town Attorney Recio polled the Board members.

No Board Member had any communication with any of the applicants.

Town Attorney Recio asked Deputy Town Clerk Herbello to confirm notice requirements.

Deputy Town Clerk Herbello stated that two of the four applications did not meet notice requirement. The ones that did not meet notice requirements and will have to be deferred to the May 26, 2022 Planning and Zoning Board Meeting are 8826 Froude Avenue and 9348 Byron Avenue.

Deputy Town Clerk Herbello swore in the applicants and anyone that would be speaking tonight.

7A. 8826 Froude Avenue - New Two-Story Single-Family Residence - Walter Keller, PE, AICP, Town Consultant Planner

Staff Recommendation: It is recommended the Application be approved subject to the following comments:

- The site plan and drawing package refer to a garage and garage slab elevation however, the floor plans and front elevation do not show a garage door or garage space. Revise the drawings accordingly.
- Clarify the elevation of the roof relative to a maximum height limit of 30 feet and provide detail on the parapet wall height.
- Provide additional information to support the proposed existing floor area coverage is 2,247 SF.
- The deck and stairs in the north side yard are in the side yard setback area and need to be removed per the Zoning in Progress.

- Provide additional information to support the proposed existing floor area coverage is 2,247 SF.
- Pool equipment should be located at least 15 feet from the adjacent residence.
- Per the Zoning in Progress, 50% of front yard must be landscaped/pervious material; all landscaped/pervious area with 40% of Florida-Friendly materials. Provide calculations to show this requirement is met.
- Per the Zoning in Progress, all landscaped areas must include 40% of Florida-Friendly materials. Provide calculations to show this requirement is met.
- Street trees are required along the public street frontage of the property, see 90-89. Street trees shall be required at one shade tree per 20 linear feet of street frontage thereof along all public or private street rights-of-way in all zoning districts. It is suggested the trees be planted along the property lines. Palm trees count as 3:1; therefore, three palm trees equals one tree.
- A tree removal permit is required prior to the removal or relocation of existing site trees, per 90-97.

Town Attorney Recio stated that this application did not meet notice requirement and therefore cannot be heard today. This application will be deferred to the May 26, 2022 Planning and Zoning Board Meeting and they will have to meet the notice requirements and do proper notice.

A motion was made by Board Member Bravo to defer the item to the May 26, 2022 Planning and Zoning Board Meeting, seconded by Board Member Forbes. The motion carried with a 5-0 vote.

[8826 Froude Avenue Agenda Packet.pdf](#)

7B. 9264 Dickens Avenue - New Two-Story Single-Family Residence - Walter Keller, PE, AICP, Town Consultant Planner

Staff Recommendation: It is recommending the application be approved subject to the following comments:

Provide additional information to support the proposed existing floor area coverage is 2,247 SF.

Provide additional detail on the retaining wall.

The stairs in the side yards are in the side yard setback area and need to be removed or modified to comply with Zoning in Progress.

The Pool equipment and mechanical equipment should be located at least 15 feet from the adjacent residence. The pool equipment and the mechanical equipment will also be required to meet Flood elevation requirements.

The Strangler Fig is unsuited for use on this parcel and should be replaced with the one of the other proposed Florida Friendly trees.

The 3 trees located in the public right of way should be relocated to the property line.

Twenty-five (25) shrubs should be added to the site plan.

A tree removal permit is required prior to the removal or relocation of existing site trees, per **Sec. 90-97**.

Town Planner Keller provided a summary of the application and project as well as his recommendations as stated in his staff report. He spoke regarding the landscape requirements.

Building Official McGuinness provided his recommendations.

Boutros Bounahra, architect for the applicant addressed the recommendations and comments discussed by the Building Official and Town Planner.

Chair Frankel opened the floor to public comment.

Chair Frankel closed the floor to public comment.

Board Member Bravo asked if it is NAVD.

Town Attorney Recio stated it is NAVD.

Board Member Bravo asked Mr. Bounahra regarding the pool and retaining wall. He asked if they can raise the retaining wall and how it would affect the lots next door.

Town Planner Keller stated that the retaining wall is shown as 6 feet and there will be a wall that will show up at the adjacent neighbor and the wall will not be higher than 6 feet. He addressed the comments made by Board Member Bravo.

Board Member Bravo asked regarding the elevation of the equipment as well as the mechanicals and trash.

Chair Frankel asked regarding the mechanical and as it is shown on the plans it cannot go there.

Town Planner Keller addressed the comments made by Chair Frankel and provided a suggestion as to the location of the equipment.

Board Member Bravo asked how it pertains to the noise ordinance and the noise of the equipment.

Town Attorney Recio read the section of the ordinance as it pertains to noise.

Board Member Bravo asked regarding the colors and materials of the roof. He asked if the comments were addressed before.

Board Member Forbes stated that the biggest issue will be the location of the equipment and not having enough space.

Town Planner Keller addressed the comments made regarding the location of the equipment.

Vice Chair Baumel stated it will depend where the house sits on the area. She spoke regarding the equipment being hidden. She asked regarding the material of the roof tile and likes the details. She spoke regarding the retaining walls.

Board Member Szafranski stated that the house is nice and they did a great job. He asked regarding independent verification of measurements and is this standard.

Town Planner Keller stated that they need to verify the information in the drawings and in this case, he needs more information, which is a minor issue.

Chair Frankel explained to the Board the process of how they can approve an application based on the conditions stated. She stated this is a beautifully designed home. She discussed the zoning in progress and the landscape requirements. She stated that her concern is with the air-conditioning unit and it needs to go somewhere else in order to meet the 15-foot requirement and that can be a condition of approval.

Vice Chair Baumel asked if this Board can request the Commission to revisit that section of the code as it pertains to the air conditioning units and the SEER level of the air conditioners which will allow them to have a more quiet system.

Town Attorney Recio reiterated that as per code the retaining wall can only be 6 feet and on the property.

Board Member Bravo asked if the moving of the mechanical equipment changes the design and they need the space for something else, does it have to come back to the Board.

Town Planner Keller stated that it would not have to come back to them if the square footage does not change.

A motion was made by Vice Chair Baumel to approve the application with staff recommendations and conditions, seconded by Board Member Forbes. The motion carried with a 5-0 vote.

[9264 Dickens Avenue Agenda Packet.pdf](#)

7C. 9348 Byron Avenue - New Two-Story Single-Family Residence - Walter Keller, PE, AICP, Town Consultant Planner

Staff Recommendation: It is recommended the Application be approved subject to the following comments:

Plat Waiver approval by the Town Commission and Miami Dade County.

Information provided on Sheet A.100 is not relevant to this site. Information should be added considering the Plat Waiver Survey to clearly describe the site plan area.

Provide additional information to support the proposed floor area coverage.

Roof overhang is limited to a maximum of 24 inches.

Air conditioners, pool equipment and or mechanical equipment are not included on the drawings. This equipment should be located at least 15 feet from the adjacent residence. The pool equipment and the mechanical equipment will also be required to meet Flood elevation requirements.

Many of the proposed trees are not Florida Friendly species. Zoning in Progress requires 40% of the landscape material to be Florida Friendly.

A tree removal permit is required prior to the removal or relocation of existing site trees, per **Sec. 90-97**.

Town Attorney Recio stated that this application did not meet notice requirement and therefore cannot be heard today. This application will be deferred to the May 26, 2022 Planning and Zoning Board Meeting and they will have to meet the notice requirements and do proper notice.

A motion was made by Board Member Bravo to defer the item to the May 26, 2022 Planning and Zoning Board Meeting, seconded by Board Member Forbes. The motion carried with a 5-0 vote.

[9348 Byron Avenue Agenda Packet.pdf](#)

7D. 9525 Carlyle Avenue - Two-Story Single -Family Additions and Renovations - Walter Keller, PE, AICP, Town Consultant Planner

Staff Recommendation: It is recommended the Application be approved subject to addressing the following comments:

The Applicant's plan was preliminarily reviewed and was advised in email comments to submit a clean survey. A survey was not submitted in the Applicant's package.

The submitted drawings are missing important information which would be detailed in the survey.

Front yard setback is 20 feet. New 1 foot 9-inch terrace overhang and 2-foot entry foyer are not allowed by Zoning in Progress.

Clarify the elevation of the roof relative to a maximum height limit of 30 feet and provide detail on the parapet wall height. Maximum roof height is 30 feet above the crown of the road with a parapet limited to 3 feet. Elevation drawings need to be revised on the height information.

Provide additional information to support the existing floor area coverage is 1,444 SF.

Provide additional information and calculations to verify the proposed first floor SF area, the existing and proposed second floor SF area.

Existing pool equipment needs to be relocated outside of the side yard setback and should be located at least 15 feet from the adjacent residence.

Mechanical equipment mounted on the roof should comply with the requirements of Zoning in Progress.

Per the Zoning in Progress, 35% of the total lot needs to be in landscape/pervious material, 50% of front yard must be landscaped/pervious material and 40% of the rear yard must be in landscape/pervious material.

All landscaped/pervious areas are required to be 40% of Florida-Friendly materials.

Provide information and calculations to show the landscape/pervious area requirement are met.

Street trees are required along the public street frontage of the property, see **Sec. 90-89**. Street trees shall be required at one shade tree per 20 linear feet of street frontage thereof along all public or private street rights-of-way in all zoning districts. It is suggested the trees be planted along the property lines. Palm trees count as 3:1; therefore, three palm trees equals one tree.

Town Planner Keller provided a summary of the application and project as well as his recommendations as stated in his staff report.

Several members of the Board stated that the information they have in the staff report is different from what Town Planner Keller just stated.

Town Planner Keller stated that he revised his staff report. He also stated that the applicant needs an updated survey.

Building Official McGuinness gave his recommendations.

Rafael Hernandez, project manager for the applicant provided his comments as it pertains to the recommendations provided by the Town Planner and Building Official.

Chair Frankel asked regarding the encroachment of the front façade.

Mr. Hernandez showed the Board where the encroachment would take place.

Further discussion took place regarding the encroachment and air conditioning units on the roof.

Chair Frankel opened the floor to public comments.

Chair Frankel closed the floor to public comments.

Board Member Forbes spoke regarding the many concerns brought up by Town Planner Keller.

Mr. Hernandez addressed the comment made by Board Member Forbes.

Board Member Forbes asked if he will be addressing the comments and recommendations made by Town Planner Keller.

Town Planner Keller addressed the concerns from the Board and the applicant as it pertains to his questions.

Board Member Forbes suggested for the applicant to address the concerns and come back.

Chair Frankel stated that she cannot approve it with all those conditions.

Town Planner Keller addressed the concerns and he stated to the applicant that he has a hard time with the fact that the applicant wants to go into the setbacks. He stated if the Board is supportive, he can go for a variance.

Vice Chair Baumel stated to the applicant that they have two choices and that is taking down the house and starting from scratch. She stated that the second choice to sit down with someone that can review and tell them what he can and cannot do and then bring it back.

Chair Frankel stated that the best thing to do is to defer the item depending on the amount of work that needs to be done.

Board Member Bravo agrees with the Board and he stated that it is a beautiful design and they cannot approve it. He asked why they have gotten to the point that they have to reject instead of it being addressed before getting to the Board.

Town Attorney Recio advised the Board that if they defer the item, to defer to a date certain. If they defer to a date certain then they will not have to notice and he suggested deferring the item 60 days.

A motion was made by Board Member Bravo to defer the item to June 30, 2022 Planning and Zoning Board Meeting, seconded by Board Member Forbes. The motion carried with a 5-0 vote.

[9525 Carlyle Avenue Agenda Packet.pdf](#)

8. Discussion Items

8A Amending Scope of 24 Inch Setback Encroachment - Tony Recio, Town Attorney

The Town Commission has requested for the Planning and Zoning Board to review the language of this ordinance and provide suggested language.

Town Attorney Recio provided an update and overview of the item and discussed the Hillcrest application which came before the Board and the Town Commission. He explained how this item came about. He spoke how those encroachments pertain to with the zoning code.

Chair Frankel opened up the floor to public comments.

The following individual from the public spoke:
George Kousoulas

Chair Frankel closed the floor to public comments.

Chair Frankel spoke regarding the zoning code, roof eaves and the language. She stated that they will stay with the 24-inch projection and she is happy that they are staying with that.

Vice Chair Baumel thanked Mr. Kousoulas for his work and agrees with the Chair and believes in architectural relevance and integrity.

Board Member Bravo spoke regarding it being a great feature and sustainable design as well as it being consistent. He stated that he did like the Hillcrest and it made a sense.

Board Member Szafranski stated that it makes a lot of sense and you want development and not make it difficult for architects to build. He believes the Hillcrest is beautiful and supports this 100%.

Board Member Forbes stated it is a very good cleanup of the language.

Chair Frankel asked if they can move this forward.

Commission Liaison Commissioner Landsman asked if this verbiage clears up the inconsistency and Town Attorney Recio will correct the language in the ordinance.

Town Attorney Recio explained the process.

Chair Frankel stated that the applicants need to be aware that it is in the purview of the design review guidelines.

Town Planner Keller addressed the comments made.

[Second Reading Ordinance - 24 inch.docx](#)
[Mr. Kousoulas Proposal.pdf](#)

8B. Understories - Tony Recio, Town Attorney

Please see Commissioner Meischeid's memorandum attached.

Town Attorney Recio provided an overview of the item.

Chair Frankel asked regarding the language.

Town Planner Keller spoke regarding a project that currently does not meet code because it would be a three-story home.

Chair Frankel explained to the Board how this pertains to projects and homes.

The following individual from the public spoke:

George Kousoulas

Chair Frankel stated that it would be more resilient and help with flood problems. She stated that another benefit is being able to walk to their pool deck.

Vice Chair Baumel spoke regarding this item and it would be great for the neighborhood.

Commission Liaison Commissioner Landsman commented on coming up with another name for it the code and there has been misunderstanding of what understory really means.

Board Member Bravo stated that it is important to educate everyone.

Chair Frankel asked if there is a name for what exists.

Board Member Szafranski asked what the concern is.

Town Attorney Recio stated that the concern the community has is that they would consider it a third story.

Vice Chair Baumel asked if they can be called piled dwellings.

Chair Frankel explained that it would still not be a larger home.

Board Member Forbes stated that he is fine with the way it is written and it is a great idea and it should be left to the Board.

Commission Liaison Commissioner Landsman will take the Board's recommendations to the Commission as a point of reference.
[Understories.pdf](#)

8C. Lot Coverage for Single-Story Homes - Tony Recio, Town Attorney
For discussion purposes.

Chair Frankel explained to the Board that this item has to do with the retention of single- story homes and it was to encourage people to keep the older homes. She stated that she is not sure what priorities they want to set now since this was the desire of the last commission.

The following individual from the public spoke:
George Kousoulas

Board Member Forbes asked if they go from 40% to 50% if they have to raise the house 10 feet.

Mr. Kousoulas stated no and explained what they would have to do.

Town Planner Keller explained the percentage.

Chair Frankel spoke regarding the owner building the home and then 10 years later they want to build something different.

Town Planner Keller addressed the comments made by Chair Frankel.

Discussion took place regarding the item, variances and difficulty variances as it pertains to this item and there is no need to change this at this time.

Chair Frankel spoke about education being important and that needs to happen.

Vice Chair Baumel stated that is why it has to be written in layman's term.

Board Member Szafranski spoke regarding the lot coverage and bogging down the Commission with applications to get to the 50% is not a good idea. He suggested

changing the code to allow to build up to the 50% which will make the Commission and this Board more efficient.

Chair Frankel stated that they have to see what is the direction they want to give the Commission.

Further discussion took place among the Board regarding this item and suggested changes and ideas.

Chair Frankel stated she does not see a need for the 50% and does not see an urgency. She stated that she would like to table the item.

Board Member Bravo is torn and does not want to change the character but one must understand what the residents want. He agrees to table this item and evaluate what they want to do and promote.

Board Member Edderai spoke regarding the square footage structure of the home and does not see a problem with it the way it is written.

Chair Frankel stated that she does not believe they are ready to give direction to the Commission.

Vice Chair Baumel stated that their number one complaint is that they cannot have the square footage they are looking for and agrees to give them the 50%.

Chair Frankel stated she does not have a problem with the 50%, she just does not know if they are ready to provide direction.

8D. Walkability - Tony Recio, Town Attorney

Please see Mayor Danzinger's memorandum attached.

Chair Frankel introduced the item and was happy to hear that Mayor Danzinger brought this up. She asked Town Manager Hyatt if there is a walkability report and if they could look at it. She agrees with improving walkability. She would like the Planning and Zoning Board to be involved in this initiative.

Commission Liaison Commissioner Landsman spoke regarding the item and initiative and Mayor Danzinger is interested in bringing this back. His only concern is undergrounding which may be years away from breaking ground. He suggested having ideas that can be implemented short term.

Chair Frankel would like to add this to their discussion items in the future again.

[Improving Walkability and Pedestrian Safety within Residential Area.pdf](#)

8E. Future Agenda Items -

Chair Frankel would like to add walkability to the June 30, 2022 meeting. She would like to add to the agenda the zoning in progress. If the zoning in progress dies then they do not have to address it. Florida friendly landscape to keep it at 40% and it is very easy to accomplish and helps the homeowners to easily maintain them. She suggested having a list for the homeowners to choose from. She spoke to add air conditioners to a future discussion item and see if there are some that have a lower noise level.

Board Member Bravo would like to add to the landscaping, what benefits they would have, for example irrigation and what can be promoted.

Chair Frankel stated to also add solar panels and what benefits would they have.

9. Next Meeting Date

Deputy Town Clerk Herbello advised the Board Members of their next meeting of May 26, 2022 and consensus was reached.

Chair Frankel advised the Board that they usually combine the July meeting with August and the November meeting in December before the holidays.

Chair Frankel advised the Board that she will not be available in July.

Board Member Forbes advised that he will not be available in July either.

Deputy Town Clerk Herbello advised the Board that she will place on the June agenda an item to combine the July and August meeting to be held on August 25, 2022.

10. Adjournment

A motion was made by Board Member Bravo to adjourn the meeting without objection at 9:09 p.m. The motion received a second from Vice Chair Baumel. The motion carried with a 5-0 vote.

Respectfully submitted,

Accepted this 26 day of May, 2022.



Judith Frankel, Chair

Attest:



Sandra McCready, MMC
Town Clerk