



**Town of Surfside  
PLANNING & ZONING BOARD  
MINUTES**

**January 30, 2020 – 6:00 p.m.**  
Town Hall Commission Chambers –  
9293 Harding Ave, 2<sup>nd</sup> Floor, Surfside, FL 33154

**1. Call to Order/Roll Call**

Chair Lindsay Lecour called the meeting to order at 6:05 p.m.

**Present:** Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Peter Glynn, and Board Member Brian Roller and Board Member Jorge Garcia (arrived at 6:32 p.m.)

**Absent:** Board Member Marina Gershanovich and Board Member Rochel Kramer.

Vice Mayor Gielchinsky arrived at 6:52 pm.

Vice Mayor Gielchinsky left at 7:31 p.m.

**Also, Present:** Town Manager Guillermo Olmedillo, Town Planner Sarah Sinatra, Town Planner Daniel Mantell, Town Attorney Edward Martos and Vice Mayor Daniel Gielchinsky.

Town Attorney Matos confirmed with Deputy Town Clerk Herbello of advertising requirements.

Deputy Town Clerk Herbello confirmed advertising requirements were met.

Town Attorney Matos polled the Board members of the Planning and Zoning Board on the items on the agenda.

Deputy Town Clerk Herbello swore in all public participants that were going to speak on an item.

**2. Town Commission Liaison Report – Vice Mayor Gielchinsky**

Vice Mayor Gielchinsky was not present to give his Liaison Report when the item was called to be heard.

**3. Approval of Minutes – December 12, 2019**

A motion was made by Vice Chair Frankel to approve the December 12, 2019 minutes, seconded by Board Member Glynn. All voted in favor.

#### 4. Applications:

##### A. 400 95<sup>th</sup> Street – Addition

Town Planner Mantell introduced the item stating that the property is located within the H30B zoning. The applicant is requesting the addition of approximately 450 square feet of interior living space. Furthermore, the applicant is also proposing new flooring in the existing living room and replacement of the window in the master bedroom.

Town Planner Mantell stated that Staff has reviewed the current application for consideration by the Planning and Zoning Board. Staff finds that the application meets the Code subject to the following:

- 1) Per code section 90.49, the minimum required pervious area is 35%. Please adjust accordingly.
- 2) Per code section 90.50, all elevations for single story additions to existing structures shall result in a zero percent net loss of wall openings including windows, doors or transitional. It appears that the proposed addition results in a net loss of wall openings on the north elevations. Please adjust accordingly.
- 3) Specify the roof material for the newly proposed roof addition.
- 4) Minor adjustments: Please make sure all provided information in the data section is accurate and consistent with the provided information in the site plan and other sheets. Currently, inconsistencies occur:

##### Sheet SP-1:

- a. Total house area (including addition): The data section states a total of 2,368 SF. This is incorrect.  $1,909 \text{ SF (existing house area)} + 450 \text{ SF (proposed addition area)} = 2,359 \text{ SF}$ . Please adjust accordingly.
- b. The data section states a 38.9' primary front setback while the site plan states a 36'11" primary front setback. Please adjust accordingly and provide a consistent primary front setback.

The following individual spoke on the item:  
Ruben Travieso, architect for the project.

Vice Chair Frankel asked what type of roof the property has.

Mr. Travieso stated it was a flat roof and answered the questions presented by the Board.

A motion was made by Board Member Roller to approve the application with staff conditions, seconded by Board Member Glynn. All voted in favor.

**B. 824 92<sup>nd</sup> Street – Addition**

Town Planner Mantell introduced the item stating that the property is located within the H30B zoning. The applicant is requesting the addition of approximately 176 square feet of interior living space. Furthermore, the applicant is also proposing the interior renovations.

Town Planner Mantell stated that staff has reviewed the current application for consideration by the P&Z Board. Staff finds that the application meets the Code subject to the following:

- 1) Per code section 90.50, all elevations for single story additions to existing structures shall result in a zero percent net loss of wall openings including windows, doors or transitional. It appears that the proposed addition results in a net loss of wall openings on the north, south and east elevations. Please adjust accordingly.
  - a. Furthermore, it appears that the labeling on the elevation sheets is incorrect (sheet A3.01). The south elevation is labeled as the north elevation and the north elevation is labeled as the south elevation. Please adjust this minor oversight accordingly.

The following individual spoke on the item:  
Herman Santana

Vice Chair Frankel asked if the wall openings have been addressed.

Town Planner Mantell stated yes, they have.

A motion was made by Board Member Glynn to approve the application with staff conditions, seconded by Board Member Roller. All voted in favor.

**C. 9181 Abbott Avenue – New Single-Family Home**

Town Attorney Matos polled the Commission and Board Member Roller spoke with Mr. Rose and will be impartial on his vote.

Town Planner Sinatra introduced the item stating that the property is located within the H30B zoning district. The applicant is requesting to build a new 4,997 square foot two-story home. The plans include a new driveway, walkway, pool, deck and terrace. Staff has reviewed the current application for consideration by the P&Z Board.

Town Planner Sinatra stated that staff finds the application does not meet the Code. Staff finds that the applicant has not provided an average side setback on the second floor. Code section 90-48.7 states that second floor balconies or terraces shall not be counted towards the setback, except when the roof line of the balcony meets the average setbacks for the second floor. Therefore, the covered portion of the terrace may not count towards the average side setbacks. The applicant has also counted the entire balcony towards the setback, rather than utilizing a point of measurement, such as where the second wall building terminates. Lastly, each side requires a side setback, it cannot be aggregated to one side of the building.

Town Planner Sinatra further spoke regarding the side setback and conditions agreed upon with the applicant.

Leah Rose, representing the applicant introduced the item and gave the different options stating that Option 1 is what is requesting to be built.

Jeff Rose, representing applicant, spoke regarding the difference of both options and spoke regarding what transpired at the October 24, 2019 meeting.

Town Planner Sinatra stated that Option 1 was the option that staff gave the recommendations and findings.

The following individuals spoke on the item:

George Kousoulas spoke regarding the floorplan submitted by the applicant and explained the setbacks to the Board members.

Chair Lecour asked Town Planner Sinatra regarding the plans submitted and an uncovered balcony and if you do not count the uncovered balcony as part of the setbacks.

Town Planner Sinatra answered Chair Lecour's question and stated that the only setback they have is the blue and yellow hatchback.

Jeff Rose, representing the applicant answered questions made by the Board members regarding the setbacks.

Chair Lecour expressed her concern that the applicants cannot be on the same page as the Town Planner Sinatra. She also stated the way the applicant is interpreting the code is different then what is written in the code.

Town Planner Sinatra stated that it goes against the intent of the code completely and she does not see any side setbacks and has issues with certain items and she expressed those concerns to the applicant.

Board member Roller expressed his concerns as well and asked Town Planner Sinatra regarding her findings on the applicant not providing an average side setback.

Town Planner Sinatra answered Board member Roller's question and they have not provided the average side setback.

After a lengthy discussion between the applicants, Town Planner Sinatra and the Board members regarding the code and the setbacks, and possible suggestions of pulling a portion of the pulled roof, the following motion was made.

Chair Lecour suggested for the applicants to sit with Town Planner Sinatra and come to an agreement with the conditions and recommendations.

A motion was made by Board Member Glynn to defer the item to the February 27, 2020 Planning and Zoning Board Meeting, seconded by Vice Chair Frankel. All voted in favor.

#### **D. 9025 Dickens Venue – Addition**

Town Planner Mantell introduced the item stating that the property is located within the H30B zoning district. The applicant is requesting to build new additions to the first floor and second floor totaling 862 square feet. The additions include a covered deck, master bedroom, bathroom, closet and balcony.

Town Planner Mantell stated that staff has reviewed the current application for consideration by the Design Review Board and finds the application meets the Code.

The following individual spoke on the item.  
William Archer, architect of the project.

A motion was made by Vice Chair Frankel to approve the application with staff conditions, seconded by Board Member Glynn. All voted in favor.

#### **E. 9531 Harding Avenue – Sign**

Town Planner Mantell introduced the item and stated that the property is located within the SD-B40 zoning district. The applicant is requesting one (1) Permanent Wall Sign. Town Planner Mantell stated that staff has reviewed the current application for consideration by the Planning and Zoning Board and stated that staff finds the application meets the Code requirements subject to the following condition:

- 1) Currently, the applicant is proposing an illuminated wall sign but does not specify what color illumination is proposed. Per Code section 90-73, sign illumination is limited to white LED.

A motion was made by Board Member Glynn to approve the application with staff conditions, seconded by Vice Chair Frankel. All voted in favor.

#### **F. 9381 Carlyle Avenue – Addition**

Town Planner Sinatra introduced the item and stated that the property is located within the H30B zoning district. The applicant is requesting to build new additions at the front and rear of the property. The additions include an extension to the rear of the home, paver deck, pool, paver driveway, paver walkway and metal electric gate for the driveway.

Town Planner Sinatra stated that staff has reviewed the current application for consideration by the Design Review Board and finds the application meets the Code with the following conditions met:

- 1) The north elevation does not appear to meet the 10% wall opening coverage minimum. Provide additional details showing that this minimum is met or adjust the plans to meet such minimum.
- 2) All elevations for single story additions to existing structures shall result in a zero percent net loss of wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades. Provide the existing elevations showing that no net loss of wall openings is occurring.
- 3) Provide additional details as it relates to the proposed fence in the front yard. In doing so, show that the requirements of code section 90-56.4 are being met.
- 4) Provide additional details as it relates to the new metal electric sliding gate for the driveway. Such gate should be setback from the edge of the street 20' for access purposes.

#### Condition of approval:

- 1) A fence or ornamental wall may be placed within the front yard or primary corner yard if granted design review approval by the planning and zoning board.

The following individuals spoke on the item:

James Bryant, representing the applicant.

Eliana Salzhauer

Chair Lecour stated that if they can make the fence 4 feet with shrubbery and push it back to where it is being recommended and explained to the representative the requirements and design guideline.

Town Attorney Matos spoke regarding the code guidelines on the design and gave the code section.

A motion was made by Board Member Glynn to approve the application with staff conditions, seconded by Vice Chair Frankel. All voted in favor.

#### **G. 9433 Harding Avenue – Sign**

Town Planner Mantell introduced the item and stated that the property is located within the SD-B40 zoning district. The applicant is requesting one (1) Permanent Window Sign for the business of Miami Beach Chocolates.

Town Planner Mantell stated that staff has reviewed the current application for consideration by the Planning & Zoning Board.

Staff recommends deferral:

- 1) Provide the area of the sign. Per code section 90-73, inclusive of logos or trademarks shall not exceed 20 percent of the glass area of the window or door in which the sign is proposed.
- 2) Provide the lettering dimensions. Per code section 90-73, lettering shall not exceed 8 inches in height.
- 3) Provide the lettering materials. Per code section 90-73, acceptable materials include painted gold leaf, silver leaf, silk-screened, cut or polished metal, cut or frosted vinyl, etched glass.

The following individual spoke on the item:  
Eli Schachter, applicant.

A motion was made by Board Member Glynn to approve the application with staff conditions provided the applicant can meet the three conditions provided by staff, seconded by Vice Chair Frankel. All voted in favor.

#### **H. 9565 Harding Avenue – Sign**

Town Planner Mantell introduced the item and stated that the property is located within the SD-B40 zoning district. The applicant is requesting one (1) permanent wall sign, four (4) window signs and one (1) projecting sign. Staff has reviewed the current application for consideration by the Planning and Zoning Board.

Town Planner Mantell stated that staff finds the application meets the Code requirements subject to the following:

- 1) Provide mounting details and illumination details of the wall sign.
- 2) The vertical black wooden sign on the interior of the window is limited to the following acceptable materials - Painted gold leaf, Silver leaf, Silk-screened, Cut or polished metal, Cut or frosted vinyl, Etched glass

Discussion among the Board members, Town Planner Sinatra and Town Planner Mantell took place regarding the illumination and mounting details.

Town Planner Mantell advised the Board to keep the conditions of the illumination and mounting details in order for approval.

A motion was made by Board Member Glynn to approve the application with staff conditions as stated, seconded by Board Member Roller. All voted in favor.

#### **I. 9513 Harding Avenue – Sign**

Town Planner Mantell introduced the item and stated that the property is located within the SD-B40 zoning district. The applicant is requesting one (1) Permanent Wall Sign. Staff has reviewed the current application for consideration by the Planning and Zoning Board.

Town Planner Mantell stated that staff finds the application meets the Code requirements subject to the following;

- 1) Signs shall be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rain water to flow down the wall face

#### **Condition of Approval**

- 1) Currently, no illumination is proposed. All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn.

A motion was made by Board Member Glynn to approve the application with staff conditions, seconded by Vice Chair Frankel. All voted in favor.

#### **J. 9481 Bay Drive – Addition**

Town Planner Mantell introduced the item and stated that the property is located within the H30B zoning district. The applicant is requesting a 382 SF addition and 716 SF of interior remodeling to the existing residence including new lighting and receptacles, HVAC, plumbing and new doors and windows.

Town Planner Mantell stated that staff has reviewed the current application for consideration by the Planning & Zoning Board. Staff finds the application meets the Code.



Chair Lecour stated that she spoke with Ms. Barmel and she is able to be impartial.

Vice Chair Frankel asked regarding the location of the air conditioning unit.

Chair Lecour asked regarding the plan for the roof.

A motion was made by Board Member Roller to approve the application, seconded by Board Member Garcia. All voted in favor.

## **5. Quasi – Judicial Hearing Items**

### **A. 9340 Collins Avenue – Site Plan Amendment**

Town Planner Sinatra introduced the item and stated that the agent for the applicant, Neisen Kasdin of Akerman, LLP on behalf of the owner, Eden Surfside, LLC is proposing a site plan amendment to allow for the total demolition and replacement of the façade of the historic building located at 9340 Collins Avenue.

The site plan was originally approved on February 26, 2019 and included preservation of the western 10 feet of the historic building's façade. The applicant has indicated that through the preparation of the construction plans, it was discovered that the façade would be compromised. The applicant has requested a complete demolition and rebuilding of the historic façade to the Miami-Dade Historic Preservation Board (HPB). This request has been granted by HPB and revised certificate of appropriateness and remediation plan have been issued.

The Planning and Zoning Board is requested to provide a recommendation to the Town Commission. Historic preservation is governed by Miami-Dade County; therefore, the staff recommendation is provided by County Staff in a letter to the applicant dated December 23, 2019.

Neisen Kasdan, Esquire, Ackerman LLC, representing the applicant, introduced the item and stated that the jurisdiction of the historical preservation of the historic façade lies with the Miami Dade County Historic Preservation Board.

Gabriel Lamstein, structural engineer for the project, spoke regarding concerns during the inspection of the historical portion of the building, which was performed after demolition.

Chair Lecour asked what the damage was due to the demolition or was it the damage existing prior to the demolition.

Gabriel Lamstein, structural engineer, stated it was from before and had nothing to do with the demolition.

Mark Goldman, project manager, spoke regarding the project and his experience working with historical buildings and stated that the facades are usually held by with termites and this building is not safe due to water intrusion which has rotted out the joints of the building deeming the building unsafe.

The following individuals spoke on the item:

George Kousoulas

Joel Timmy

Eliana Salzhauer

Victor May

Charles Kesl

Marianne Meisheid

Pamela O'Hagan

Clara Diaz-Leal

Michael Dranoff

Neisen Kasdan, Esquire, Ackerman LLC, representing the applicant, responded to the comments made by the public and gave an explanation of what transpired.

Vice Chair Frankel stated that her concern is with the length the owner has owned this property and if they would have known this issue then, which was a year ago, she would have looked at the project differently and felt different about the underground parking. She also stated that what they have here is not the full report that was given to the County and would have liked to have seen the entire report and not the summary. She also asked if they x-ray the grounds and how they determined the strength of the building.

Mr. Kasdan stated that the entire project is not what is before the Board and he stated what they went before the Preservation Board.

Chair Lecour stated that the frustration of the town is that the residents feel they are losing authenticity. She asked if the historic preservation can remain with a replica.

Mr. Kasdan answered Chair Lecour's question and that the part of the building permit has to be accompanied by the building plans to Miami-Dade County's Historic Preservation Board.

Chair Lecour asked Mr. Kasdan if the Historic Preservation Board will issue a certificate stating that the replica plan adequate and approve the replica as historic.

Stephen Chang, Moss Co. spoke regarding the written confirmation from the Historic Preservation Board before the Town issues a Temporary Certificate of Occupancy.

Board member Garcia asked if the historic preservation would be designating the entire structure.

Mr. Kasdan stated that it would be the façade that would be replicated.

Board member Glynn commented on the issues he finds with the structural engineers and feels they are looking for an easy way out and cannot understand how a structural engineer cannot find a solution.

Town Attorney Matos gave clarification of the Miami Dade County Code and the jurisdiction of the Miami Dade County Historic Preservation Board.

Chair Lecour asked what would happen if this project doesn't proceed.

Mr. Kasdan stated that a section of plot of land which includes the façade needs to receive approval from the Miami-Dade County Historic Preservation Board.

Town Attorney Matos explained what would take place if this item is not approved tonight and the development order expires in 2 years but the historic preservation of the historic portion does not expire.

After a lengthy discussion among the Board and Mr. Kasdan regarding the replication of the structure, demolition and the project took place, the following motion was made.

A motion was made by Board Member Glynn to defer the item to the 2/27/2020 P&Z Meeting for the team to revisit preserving the façade or consider implementation the concerns from the public and bring more information to the Board on the project, seconded by Board Member Garcia. All voted in favor.

#### **B. 8926 Collins Avenue - Variance**

Town Planner Sinatra introduced the item and stated that the property owner is requesting a variance from the Town of Surfside Zoning Code for the property located at 8926 Collins Avenue. The applicant is requesting approval to allow for the existing Florida Power & Light ("FPL") utility transformers to remain in their current location on site. The current location of the utility transformers encroaches three feet five inches (3'5") into the required 10-foot landscaped buffer area, where only landscape ground cover is permitted.

Town Planner Sinatra stated that accordingly, the Applicant requests the issuance of a general variance permitting a maximum three feet five-inch (3'5") encroachment to allow the two existing pieces of FPL equipment to continue to

occupy approximately 40 square feet of the required 1,500 square-foot landscape buffer along Collins Avenue.

The request is to be granted a variance from *Section 90.91-2(1), Required Buffer Landscaping Adjacent to Streets and Abutting Properties*.

Section 90-36(1)(a) allows for variances from certain code provisions including open spaces. Therefore, the applicant is permitted to apply for a variance from the required landscape buffer.

Town Planner Sinatra stated that the following are the findings:

All of the criteria have not been met; however, the applicant has indicated that FPL has required this transformer and is proposing to mitigate the encroachment by landscape screening. The applicant has indicated that FPL has required the transformer in the existing location but it has not been confirmed that FPL would have required the transformer regardless of the location of the buildings in the approved site plan.

Carli Grimm, Esquire, Bilzin Sumberg, introduced and presented the project.

Board member Glynn asked what color, height and what could be planted along the transformer.

Chair Lecour asked if shrubs are being planted along the transformer.

Carli Grimm, Esquire, Bilzin Sumberg, answered the questions from Board member Glynn.

Chair Lecour asked if there is a way of preventing issuing variances.

Town Planner Sinatra answered Chair Lecour's question and stated that these types of permits are challenging but they will talk to an applicant in the beginning for them to think ahead.

A motion was made by Board Member Glynn to approve the variance, seconded by Board Member Roller. All voted in favor.

## **6. Discussion Items:**

### **A. Future Agenda Items**

Chair Lecour requested for a future agenda item to add the item revising H30A versus H30B and front setbacks and massing as being different in both zoning districts.

**7. Adjournment:**

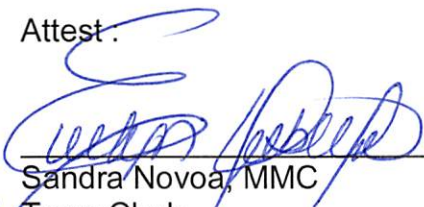
A motion was made by Board Member Glynn to adjourn the meeting without objection at 9:03 p.m. The motion received a second from Vice Chair Frankel. All voted in favor.

Respectfully submitted,

Accepted this 27 day of February, 2020.

  
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Lindsay Lecour, Chair

Attest:

  
\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk