



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

**MAY 27, 2021 – 6:00 p.m.**

Town Hall Commission Chambers –  
9293 Harding Avenue, 2<sup>nd</sup> Floor, Surfside, FL 33154

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

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

**Present:** Chair Judith Frankel, Vice Chair Oliver Sanchez, Board Member Fred Landsman, Board Member Bravo and Board Member James Mackenzie.

**Absent:** Alternate Board Member Horace Henderson and Mayor Charles W. Burkett.

**Also, Present:** Town Planner Walter Keller, Town Attorney Tony Recio, and Building Official Jim McGuinness.

**2. Town Commission Liaison Report – Mayor Charles Burkett**

No Commission Liaison report was provided.

**3. Approval of Minutes – April 29, 2021**

A motion was made by Board Member Landsman to approve the April 29, 2021, Planning and Zoning Board Meeting Minutes as amended, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Chair Frankel spoke regarding the summer schedule and that she might not be able to attend the July meeting, they can decide at the next meeting and requested condensed August and July meetings.

Town Planner Keller does not know currently how many applications will be coming forward.

Chair Frankel requested the Board members to consider discussing consolidating the July and August meeting at the June meeting.

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

Town Attorney Recio confirmed compliance of advertisement and noticing with Deputy Town Clerk Herbello.

Deputy Town Clerk Herbello confirmed advertisement and noticing requirements.

Town Attorney Recio polled the Board Members.

No Board Members had any ex parte communication on any of the applications.

Deputy Town Clerk Herbello swore in all applicants and individuals speaking on the items being heard tonight.

#### 4. **Applications:**

##### A. **824 88<sup>th</sup> Street – Driveway Gates**

Town Planner Keller introduced the item and provided an overview of the project.

**Background:** This address received approval for a driveway canopy in December 2020. The Applicant requested approval for driveway gates at the March Planning and Zoning meeting but did not receive approval. The Applicant has considered the Planning and Zoning Board's discussion and modified the request to construct driveway gates at the driveway connections to Froude Avenue and to 88th Street. The corner lot is located in the H30A Zoning District. In addition to this Memorandum, an Agenda Packet was submitted by the Applicant. A Google Aerial Photo is provided on page 2.

**Governing Codes:** The March 2021 Zoning in Progress requirements for fences and walls are detailed in the following Zoning Code sections:

**Current Municode: 90-56.2 & 3** – Allows fence or ornamental walls in the front yard or primary corner yard if granted design review approval by the Planning and Zoning Board. Further limits height for a lot wider than 50 feet a 4-foot height plus 1/2 foot for each 10 feet exceeding 50 feet.

This review may be supplemented prior to the Planning and Zoning Board meeting.

**Staff Recommendation:** This property has large hedges on both Froude Avenue and on 88th Street. Froude Avenue dead ends north of Biscayne Bay adjacent to this property. Engineered drawings provided by the Applicant indicate the gate on 88th Street is 5 feet high with the upper 3 feet close to 50%

transparent. The gate on Froude Avenue is 2 feet 6 inches high and also close to 50% transparent. Staff would recommend the gates be fully 50% transparent. Staff does not have any issues with the driveway gates provided the Planning and Zoning Board gives design approval.

Horay Green, applicant spoke on the project and provided a summary of their project.

Chair Frankel advised the applicant regarding the 50% opacity.

Town Planner Keller stated that the code requires that 2 feet of the gate has to be 50% and stated that the gates are not as high as they are allowed.

Chair Frankel opened public comments.

Chair Frankel closed public comments.

Board Member Landsman asked if there were gates previously on the property.

Ms. Green stated she is unaware if there were gates previously on the property.

Board Member Landsman asked if they shorten the height and increased the visibility. He asked if her reasoning is due to their neighbors and possible parties.

Ms. Green addressed the comments by Board Member Landsman. She stated that there were individuals coming into their property, stealing bicycles and their jet ski. She does not feel safe.

Board Member Landsman stated that he is aware of the applicant's concerns and the Board's feeling as it pertains to gates and as it pertains to the code. He asked if the Police has been involved in assisting the applicant.

Ms. Green stated that the Police has been helpful but she still has a concern for the safety of her children.

Chair Frankel stated for the record that their goal of the Board is what is best for the community as a whole, the look, the feel and lifestyle. She understands as a parent the applicant's safety concern and it is something that has to be solved as a community. She stated that there are other gates coming before them tonight. She stated that they have approved special exceptions. She stated that her case does not warrant a special exception and understands that speed is an issue in her area. She spoke regarding having fences in the front of all the properties and it changes the look of the Town. Her position is that she does not love the gates because it is a less friendly approach to the neighborhood.

Ms. Green addressed the comments made by Chair Frankel and reiterated her concern when it comes to safety and speeding in the neighborhood.

The following individual from the public spoke:

Jeff Rose stated that a few weeks ago a dog was hit on 88<sup>th</sup> Street and it is being brought up at the Commission meeting, potential making street ends pocket parks and all things should be considered.

Board Member MacKenzie stated that he is aware of her house and it did not have hedges and is completely open and was owned by a couple he knew. He stated this is a Police issue and is aware of the neighbor's parties and loud noise. He spoke regarding a neighbor possibly having a short-term rental and it is up to the community to enforce it. He stated that he still believes the community as a whole has not had the culture of enclosure. He stated the level of crime does not measure to that in Miami Beach. He expressed to the applicant that he will not support this application. He stated that if the code changes, then she should take advantage of the new code.

Chair Frankel asked Town Planner Keller if he recalled the size of the fence on 88<sup>th</sup> Street.

Town Planner Keller stated it was 4 feet.

Chair Frankel suggested placing a hedge around the property.

Board Member Landsman asked the applicant if the applicant is agreeing to 4 feet.

Town Attorney Recio read the design review standards into the record regarding this specific item and stated that the code does not allow that, and they can discuss the height as long as they are basing their decision on the design guidelines.

Board Member Bravo agrees with the design of the Town and when you see fences it gives the impression that it is not safe, and something is happening in Town. He suggested possibly increasing police presence, but he does not believe that by just having a fence it would solve the issue.

Vice Chair Sanchez understands that the applicant has made some compromises and possibly having a clear visibility to the home would help. He stated that the Board is listening and hearing more people wanting what similar municipalities have and does sympathize with the applicant. He spoke regarding the character and demographics of the Town, and they need to respond to the appeal of the Town. He commented on the next owner possibly keeping the fence and doing away with the hedge and that would not give a good appearance. He stated that they do have to look at the guidelines.

Board Member Landsman clarified that they are looking for gates along the hedges and no fence. He stated they are not in the Surfside of 10 or 25 years ago and the Town is changing and it needs to change and it will even if the Board and Commission does not like it as an enhancement.

A motion was made by Board member Landsman to approve the application with both gates at the 4-foot height, seconded by Vice Chair Sanchez. The motion failed with a 2-3 vote.

A motion was made by Board Member Landsman to approve the application with both gates at 3 ½ foot height, seconded by Board Member Bravo. The motion carried with a 4-1 vote with Chair Frankel voting in opposition.

Board Member MacKenzie spoke regarding the 50% opacity.

**B. 9538 Harding Avenue – Sign**

Town Planner Keller introduced the item and provided an overview of the project.

**Background:** This application is a request to place a Wall Sign in front of the building window. The parcel is located in the SD-B40 Zoning District and located at the rear of the building adjacent to the parking lot. In addition to this Memorandum, an Agenda Packet submitted by the Applicant is attached.

**Governing Codes:** The Zoning in Progress requirements for a permanent wall sign and window/door signs are detailed in the following Zoning Code sections:

**Current Municode: 90-73.a (3b(2))** – Allows a wall sign of 1 square foot (SF) for each 1 foot of frontage. In the Business District for stores with less than 25 feet of frontage, a 25 SF sign is allowed. This store front has 18 feet of frontage and the proposed sign is 19.3 SF.

This review may be supplemented prior to the Planning and Zoning Board meeting.

**Staff Recommendation:** Recommend approval of the wall sign. It is recommended the permanent wall sign also be approved subject to the following condition:

- The sign shall be illuminated with white LEDs per the Code.

Velia Lemel, applicant spoke regarding the application and the sign on the back door.

Board Member Bravo asked if this was for the sign only and if she has a back door. He asked if they are adding another sign on the back door.

Town Planner Keller spoke regarding the application and after he wrote the memo, he was not aware at the time it was for the whole building.

Board Member Bravo asked since this is in the back, is lighting still required.

Town Planner Keller stated that they are dealing with a different situation and the facility is not open at night and he does not have an issue.

Board Member Landsman stated that the application mentions that the sign is illuminated and asked if it matches the size allowance.

Town Planner Keller stated that it is not being illuminated and does not have a problem with it not being lit.

Board Member MacKenzie asked if this is one sign for a business that occupies the whole building. He confirmed that it will not be illuminated at night. He stated that it should not be illuminated. He spoke regarding the size of the sign.

Town Planner Keller addressed the question by Board Member MacKenzie regarding the illumination of the sign and addressed the question on the size of the sign.

A motion was made by Board Member Landsman to approve the application without illumination, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

### **C. 8712 Byron Avenue – New Two Story Single Family Residence**

Town Planner Keller introduced the item and provided an overview of the project.

**Background:** This application is a request to construct a new 2-story single family residence with pool and pool deck. The parcel is located in the H30A Zoning District on Byron Avenue, near 88th Street. The interior lot depth is 112.5 feet (FT) with a width of 75 FT. The existing single-family structure was demolished. The Applicant indicates the lot size is 8,437.5 square feet (SF). The proposed floor space and garage totals 2,645 SF. An overhead view of the lot from the Miami Dade County Property Appraiser is provided on the following page.

The setback requirements for the H30A Zoning District are 20 foot front, 7.5-foot side and 20 feet rear (per Zoning in Progress). The Applicant is proposing 21 feet 6 inches front, 12 feet 6 Inches north side, 7'- 6" south side and 21'- 8 1/2" rear. The Applicant's proposed setbacks meet minimum requirements. The mechanical equipment in the side yard requires a setback of 15 feet from the adjacent home.

Total lot pervious area is proposed to be 46% where 35% is required. The front yard pervious area is proposed at 69% where 50% is required. The rear yard pervious area is proposed at 70% where 40% is required. The second floor is proposed at approximately 1,739 SF which is 20.6% where 32% is the maximum for the lot. Another measure of the second-floor size is it cannot be larger than 80% of the first floor. The second-floor area is 1,739 SF which is 67.3%. A flat roof is proposed at 29 feet 3 inches above the crown of the road. Table 1 on page 3 provides information on site characteristics and zoning requirements.

The proposed driveway consists of pavers at 18 Feet and a paver walkway width of 5 Feet.

A variety of architectural enhancements are proposed. These items include breaks in the side walls, provision of balconies, dark metal trimmed windows, metal balcony railings and a large number of windows. The front elevation includes a wood garage door with wood and metal enhancements around the entry door. The site plan includes color renderings and architectural details. The Applicant has added additional façade changes to look different than the Lot B residence which was approved last month.

Two (2) street trees, five (5) lot trees and 25 shrubs are proposed, landscape specifications are not provided. The Code requires one street tree every 20 linear feet, requiring a total of three (3) street trees, where only two (2) are provided. Five (5) different tree species are also required per Code. Again, the proposal does not specify landscaping, nor does it meet the requirements at this time.

No fences or walls are proposed for this site plan, architectural renderings show hedges along the perimeter of property, details not provided.

**Applicant Package:** A package of plans and an application was submitted by the Applicant. The plan package was updated at the request of the Board to adjust the look of the residence to be different from the residence approved for Lot B.

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

- Mechanical equipment in south side yard must be 15 feet from the adjacent residence
- Town approval subject to MDC plat waiver approval and Town Commission plat waiver approval.

Chair Frankel asked if the lot to the South is still in Surfside.

Town Planner stated yes.

Yoann Andreu, representing the applicant went over the difference and the changes as recommended by the Board.

Town Planner Keller advised the Board that the Town Commission approved the plat waiver last night at the quasi-judicial meeting.

Chair Frankel advised the sticking point last time was that no homes should be cookie cutter style like the other one.

Board Member Bravo commented on Section 90.50.1 of the code.

Town Attorney Recio read that portion of the code into the record.

Board Member MacKenzie apologized for not being at the previous meeting where this item was discussed. He now understands why the two plans are allowing more setbacks between the two homes because two brothers are moving side by side. He apologized that they were not approved last time. He stated that he would like to see the setbacks flipped and the shorter setback towards his brother. He spoke regarding the placement of the air conditioning unit and the bathroom by the pool and does not believe the bathroom would meet code. He stated that they might have problems with the bathroom because it is sitting too low.

Mr. Andreu addressed the comments made by Board Member MacKenzie and stated that they are exceeding the required setbacks. He spoke regarding privacy and circular openings on the side.

Chair Frankel stated that they spoke regarding the pool bathroom and it is not required to be on the same level as the others.

Building Official McGuinness spoke regarding the FEMA flood plain requirements and the potable water supply is prohibited below base flood plus 2 and gave exceptions and possibilities.

Board Member MacKenzie responded to Mr. Andreu's comments and spoke regarding flipping the home.

Board Member Bravo asked the applicant regarding the mechanical equipment outside and how will that requirement affect the design of the house.

Town Planner Keller stated that the recommendation is to move the mechanical to the other side.

Mr. Andreu addressed the comments made on the placement of the mechanical equipment, the setbacks and getting the maximum greenspace and backyard.



Board Member Bravo spoke regarding the code and the house they approved, length with massing and he does not see the difference in what they approved. He asked what are the difference in the items from the previous approval.

Mr. Andreu addressed Board Member Bravo's question regarding the difference with these plans from the ones previously provided.

Board Member Bravo read the differences based on the plans provided.

Chair Frankel stated that the front façade for Lot B is limestone and the one for Lot A is stucco.

Mr. Andreu addressed the differences between the home, including façade, impact windows and treatments.

Board Member Bravo continued discussing the difference in the plans.

Mr. Andreu addressed the comments made by Board Member Bravo.

Board Member Landsman understands that they do have situations of two brothers using the same architect and they have similar taste. This is unique and appreciates that the owner listened to the Board. He appreciates that he came back and they should be respectful to the existing homes especially with the second floor and supports this item.

Mr. Andreu stated that they listened to all the comments made and was very respectful and they could have gone up to 7,000 square feet and they did not. He gave a history of the family who has lived in Surfside for over 25 years. He addressed the comments made regarding the setbacks.

Town Planner Keller stated that this house by far has more open space, setbacks, pervious areas than any house they have looked at and it is because they are 75-foot lots.

Board Member MacKenzie stated that all these accolades are great and his concern is a family with 2 lots and one architect and they have an opportunity to build something special and this architect designed one house and dressed the other one differently. He believes that they should have done two different houses.

Vice Chair Sanchez commented on addressing the critical points that have been corrected. He stated that he has spoken to neighbors and they are in favor of the project. He spoke regarding the tree that was removed and does not believe there is enough distinction in architectural style but that is an unfortunate reality.

Chair Frankel appreciates the changes they made and the fact that they added details. She had no issue with the look of either of the houses and likes the use of natural materials. The look is similar to the other one but does think it is different enough. She would ask that the landscape plans be developed separately and each one be unique.

Town Planner Keller stated that they did prepare more detail landscape plan but does not believe they were that much different from the other.

Building Official McGuinness spoke regarding the fact that many of the houses in Town are very similar to one another. He stated that these houses are diverse and stand in a style that is remarkable and would like to know if the Board votes against the project, where in the code would it state that they cannot have similar homes.

Chair Frankel stated it is mentioned in the code because they are next to each other.

Board Member Bravo stated the code section where it is mentioned.

Town Attorney Recio read the letters of support from the neighbors for this project and made it part of the record.

A motion was made by Board member Landsman to approve the application with the recommended move of the mechanical from the north side to the south side, seconded by Chair Frankel. The motion carried with a 3-2 vote with Board Member MacKenzie and Board Member Bravo voting in opposition.

**D. 9148 Emerson Avenue – Single Family Residence Addition with 2<sup>nd</sup> Story**

Chair Frankel recused herself from this item and passed the gavel to Vice Chair Sanchez.

Town Planner Keller introduced the item and provided an overview of the project.

**Background:** This application is a request to renovate and expand an existing single family residence. The parcel is located in the H30B Zoning District at 9148 Emerson Avenue. The average lot depth is 112.5 feet with a width of 50 feet. The Applicant indicates the lot size is 5,627 square feet (SF). The proposed air-conditioned first floor space and garage totals 2,174 SF. The proposed air-conditioned second floor space is 870 SF. An overhead view of the lot from the Miami Dade County Property Appraiser is provided on the following page.

The setback requirements for the H30B Zoning District are 20 foot front, 5 foot side and 20 feet rear (per Zoning in Progress). The Applicant is proposing to comply with first floor setbacks. The Applicant's proposal on average setbacks is reasonable given the size of the second-floor air-conditioned floor area. Total lot pervious area is proposed to be 47.9% where 35% is required. The front yard

setback pervious area is proposed at 72.1% where 50% is required. The rear yard setback pervious area is proposed at 92.7%. The second floor under ac is proposed at 870 SF which is 15.5% where 32% is the maximum. Another measure of the second-floor size is it cannot be larger than 80% of the first floor. The second-floor ac area is 870 SF which is 40.0%. A flat roof is proposed with a parapet which reaches a height of 27 feet 4 inches from the crown of the road. Table 1 on page 3 provides information on site characteristics and zoning requirements.

A large variety of architectural enhancements are proposed. These items include original art deco concrete screen, concrete eyebrows, scored stucco, coralina and zellige tiles, concrete breeze block and coralina, wood outswing door and aluminum flush garage door. The aluminum components to match new windows with anodized aluminum finish. Wood components will match white oak finish of front door. Flagstone pavers are proposed for the 8-foot-wide driveway and the 4-foot walk.

This review may be supplemented prior to the Planning and Zoning Board meeting.

**Applicant Package:** A package of drawings and an application was submitted by the Applicant. A recent survey was also submitted.

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

- Pergolas are limited to a 12-foot height.
- Include a Landscape Data Table on the Site Plan identifying existing and proposed plant material and consistency with Florida Friendly requirements.

Ricardo Lopez, architect representing the applicant gave a summary of the project and approached the design to provide more space in the house while keeping the character of the neighborhood.

Daniel Frankel, owner advised the Board the revisions being made to the home.

Board Member MacKenzie asked Mr. Lopez if this is a flat roof home, if it is cinderblock, if the home has a crawlspace and attic. He spoke regarding the 50% issue.

Mr. Lopez stated that it is a flat roof and that it is cinderblock and the roof has rafters and no attic.

Town Planner Keller addressed the comments made and stated that they will not be going over the 50% and they did post notice.

Mr. Frankel stated that he works for a general contractor and it will be an owner build and they will not be going over the 50%.

Board Member MacKenzie spoke regarding not exceeding the 50% and obtaining an appraisal to make sure they meet the 50% requirement. He commended Mr. Lopez for the job he has done. He stated that he feels that the second floor is a bit high and asked if the owner would consider lowering it and using truces instead of joists. He feels the size of the second floor makes it look heavy.

Mr. Lopez stated that they are looking at the structure of the second floor and have been conscious of not getting too high and working on bringing it down. He spoke regarding some of the designs and they will work on reducing the height.

Building Official McGuinness thanked Board Member MacKenzie for bringing up the 50% rule.

Board Member Bravo spoke regarding the plans and having the clear understanding of the pictures and having the side-by-side comparisons with the other homes. He thanked them for presenting it this way.

Board Member MacKenzie asked if they would consider deferring it to discuss the height.

Mr. Frankel would prefer it approved tonight and work with the height the Board is requesting.

Mr. Lopez stated that they can find room to see how they could lower it but shy away from horizontal lines.

Board Member MacKenzie asked how tall the parapet is and if they could bring it down to 8 inches.

Further discussion took place regarding lowering the height of the roof.

Vice Chair Sanchez asked for a range of lowering it since it has to do with drainage.

Board Member Landsman spoke regarding the images of the home and the modulation and articulation. He did like the comparison of the neighbors and it is helpful. He stated they are there for quality control and if you are within code and statute then that is what is important.

Vice Chair Sanchez spoke regarding the lopsidedness and that model can be found around Surfside. This is the kind of improvements and renovations they are looking for. He discussed the concern with the 50%.

Board Member MacKenzie wanted to bring something to their attention to make sure there is no cracking in the house. He asked if their intent was to do a gable roof.

Mr. Lopez stated that at one point they considered it but they have changed their mind. He asked if they could reduce the height without reducing the parapet.

Town Attorney Recio stated that it is a recommendation to the architect.

Town Planner Keller stated that if it is a recommendation to comply.

A motion was made by Board member MacKenzie to approve the application subject to the condition of lowering the height of the roof structure, lowering the parapet within the range the architect is comfortable with, seconded by Board Member Landsman.

Board Member MacKenzie withdrew his motion.

A motion was made by Board Member Landsman to approve the application as stated and to work on lowering the roof height and the parapet height, seconded by Board Member Bravo. The motion carried with a 4-0 vote with Chair Frankel absent (recused).

**E. 9173 Abbott Avenue – Single Family – Den Addition**

Town Planner Keller introduced the item and provided an overview of the project.

**Background:** This Applicant received approval at the April 30, 2019 Planning and Zoning Board Meeting for substantial renovations which included a garage conversion, enclosing an open terrace area and other improvements. The Applicant is now proposing the addition of a 174 square foot den to the east (front) elevation. There are no other modifications proposed as part of this application. The interior lot is zoned H30B totaling 5,625 square feet (SF) per the site plan.

An Aerial is provided on the following page. In addition to this Memorandum, a package of a site plan, landscape plan, demolition plan, floor plan, roof plan, existing and proposed elevations was submitted by the Applicant.

The setbacks for the proposed addition will remain as existing. Lot coverage is proposed at 39.9% where 40% is allowed.

Calculation for total pervious area is proposed at 52.29% where 35% is required. The front yard pervious area is proposed at 64.6% where 50% is required. Table 1 on page 3 provides information on site characteristics and zoning requirements.

The proposed den will be 18'-0" in height and include a flat roof to match the existing roof. The den will include windows and match the existing façade.

Finally, the proposal will include the addition of 6 new palm trees. Five palms will be planted in the front yard and one palm will be planted in the side yard. Aerial review indicates a mixture of existing trees and shrubs on the property.

**Applicant Package:** A package of the site plan, landscape plan, demolition plan, floor plan, roof plan, existing and proposed elevations was submitted by the Applicant.

**Staff Recommendation:** The proposed improvements are consistent with the Town's Land Development Regulations and can be approved subject to the following conditions:

- Clarify existing and proposed landscape characteristics relative to Florida Friendly plant material.
- Removal of any existing trees in the vicinity of the proposed den shall be consistent with tree permitting requirements.

Albert Ezquevali, applicant and owner of the property stated that two years ago he came before the Board and wanted to remodel it and provided a summary of his project.

Vice Chair Sanchez asked regarding what occurred last time they came before the Board.

Mr. Ezquevali stated that they came for a façade remodeling. He stated that remodeling will add charm to the street.

Board Member Bravo asked regarding the setback and lot coverage and if that is with or without the new addition.

Town Planner Keller stated it is with the addition.

Board Member Bravo asked if they have a current survey.

Town Planner Keller stated that the survey is about a year old and is comfortable with the survey.

Building Official McGuinness advised the applicant regarding the survey, flood elevation, flood plain requirements and when the applicant submits the permit application, he must provide an elevation certificate and appraisal.

Board Member MacKenzie commented on the gate and the building of a new column.

Mr. Ezquevali addressed the comments made by the Board members regarding the existing structure as well as the remodeling.

A motion was made by Board member Landsman to approve the application, seconded by Chair Frankel. The motion carried with a 5-0 vote.

**F. 9473 Carlyle Avenue – Garage Conversion, Front Yard Pool and Driveway Revisions**

Town Planner Keller introduced the item and provided an overview of the project.

**Background:** This application is a request to convert an existing garage to a bedroom, bathroom and part laundry/pantry. A pool is proposed in the southern area of the front yard. New impact windows and door are proposed for the front (east) elevation and two new windows are proposed on the northside of the converted garage where the exterior door is removed. The existing driveway will be replaced and widened to 18 feet using pervious turf blocks. The interior lot is zoned H30B totaling 5,600 square feet (SF). A Miami-Dade County Property Appraiser's Angled Photo is provided on the following page.

**Governing Codes:** The March 2021 Zoning in Progress relevant requirements for lots in the H30B District are:

Maximum lot coverage is 40% of the lot (except swimming pools, screen enclosures and pergolas). Uncovered steps and exterior balconies; uncovered terraces, patios, breezeways, or porches open on two sides; and covered terraces, patios, breezeways, or porches open on two sides are not included but cannot exceed 15% of the total footprint.

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 20% of the landscaped area must be Florida Friendly as defined in the current Zoning Code.

**MuniCode: 90-50.1 (7)** – allows for a garage conversion and the garage door maybe replaced with a solid exterior wall with at least one window and with access internally from the main premises. Landscaping shall be provided along the base of the new exterior wall.

**MuniCode: 90-54.2 & 3** – uncovered pools and decks, porches, patios or terraces may occupy a setback provided they are located at least five feet from adjacent rear or interior side lot lines and ten feet from any street lot line.

**MuniCode: 90-61(8)** – *The proposed driveway should be located outside of the 5 foot side setback.*

**Staff Recommendation:** The proposed Site Plan is recommended for approval subject to the following conditions:

- The 18 foot wide turf block driveway encroaches 2 feet into the side yard setback area and needs to be moved out of the side yard setback area.
- The pool encroaches into the front yard setback area. The pool needs to be revised to provide 10 feet separation from the property line adjacent to the street.
- Add a note that the garage floor will be raised to match the existing FFE of the existing residence.
- Clarify the status of other windows and doors which were not addressed in the elevations provided (sides and rear portions of residence).
- Provide calculations and documentation on the 50% front yard pervious/landscape area including turf block pervious characteristics and consistency with 20% Florida Friendly plant/tree requirements.

Chair Frankel asked Town Planner Keller that previously they required landscaping under the window when the garage door comes down, and it looks like the driveway has pavers.

Jeff Rose, representing the applicant, does not have a problem adding landscaping in that area.

Town Planner Keller stated that they lessen that requirement because some applicants would like to keep some space in the garage for storage.

Vice Chair Sanchez asked regarding the curb cut and if it is a single car curb cut and if there will be a window and no storage. He asked regarding the pool and when they are digging and draining into our system to make sure the water stays clean.

Mr. Rose stated that it is a single car curb cut and there will be no storage. He also stated that they do meet code requirements for pool and placing the barrier on the pool. He stated that the pool mechanics will be placed in the front and will be enclosed as required.

Town Planner Keller stated they can add that as a recommendation and the pool does meet the setback requirements.

Building Official McGuinness stated that Public Works does have to approve a pool dewatering plan and the applicant must comply with that.



Board Member Landsman asked that Florida law requires fencing around the pool and it looks like there is hedging in the front.

Mr. Rose stated that the hedge meets the code requirement.

Building Official McGuinness stated that they must comply with code.

Chair Frankel recommended getting a pool alarm to make sure it will go off in the event anyone falls into the pool.

Board Member Bravo commented on the fence around the pool and the detail and elevation of the fence.

Mr. Rose stated that they do have the proper barrier that meets code.

Further discussion took place among the Board Members and Mr. Rose regarding the proper barrier around the pool.

Board Member MacKenzie asked Town Planner Keller if this application is for the renovation plus the pool. He also addressed the setback requirements as it pertains to the wall to the pool.

Town Planner Keller addressed the comment made by Board Member MacKenzie and the setbacks.

Mr. Rose addressed the comments made by Board Member MacKenzie regarding the water table and pilings.

Building Official McGuinness stated that they do have to meet the setback requirements and went through the list of the requirements needed for the building permit.

Chair Frankel commented on the 50% and these are small changes and it is an unusual situation because you don't see many pools in the front of the house. She would have liked to hear from the neighbors. She stated that she does not like pools in the front yard.

Mr. Rose stated that it did not fit in the back of the house.

Chair Frankel stated that it is not usual to place a pool in the front yard. She also discussed the privacy issue and the palms.

Mr. Rose commented on the palms and creating the privacy.

Board Member MacKenzie stated that they are using their grass as their deck. He commented on not providing the appropriate information and leaving things out purposely and representing drawings that are not true to get it approved.

Town Planner Keller stated that is not accurate and when they come for site plan approval and when they go for building permit, they have to get approval as well.

Board Member MacKenzie gave an example of a property on 88<sup>th</sup> Street and the mechanical equipment and that there is no follow-up to make sure recommendations are followed.

Chair Frankel addressed the comments made by Board MacKenzie and stated that there are individuals that do things that the Board has not approved, but that is up to Code Enforcement.

Further discussion took place regarding permitted area and the barrier around the pool and the pervious area.

Mr. Rose stated that they will agree to the stipulations.

Building Official McGuinness addressed different protective barriers that can be approved by the Building Department in issuing the permit.

Chair Frankel stated that the fencing around the pool is required by Miami Dade County.

Mr. Rose stated that they are willing to shift it 18 inches and it would be between the porch and the pool deck.

Town Attorney Recio stated that per code pools are permitted in the front yard.

Chair Frankel asked regarding the pool mechanicals and its placement, conditionally it would be 18 inches of the entire peripheral with the coping.

Mr. Rose stated that they are fine with the pervious.

Vice Chair Sanchez asked if the deck would be flushed with the coping and is concerned with child safety.

Mr. Rose stated that they will get the details of what they can do with the pool and then go to the pool contractor.

Chair Frankel stated conditions of 18 inches around the perimeter of the pool, meeting pervious requirements, and mechanicals of the pool against the house, adding more landscaping and placing a barrier around the pool.

Town Planner Keller stated that they will have an issue with the pervious and come up with the 50%.

Chair Frankel commented on the statements made by Mr. Rose and she feels that the Board feels the owner is trying to have the Board come up with the details instead of the other way around.

Mr. Rose stated that a pool contractor will not come up with a pool design without an approval.

Town Attorney Recio clarified to the Board that it still has to go before the Town Planner before it can receive final approval.

Board Member Bravo stated that is why he is adamant of having signed and sealed plans and is concerned that the architect did not have a pool architect before coming before the Board.

After a lengthy discussion regarding the conditions of the pool, pervious, perimeter of the pool meeting requirements and mechanical pool equipment, the following motion was made.

A motion was made by Vice Chair Sanchez, to approve the application with the following conditions: decking around the pool no less than 18 inches with the coping level ground, meet the pervious with conditions and landscaping where the garage door was, mechanical equipment against the side of the house and screen the mechanical equipment, seconded by Board Member Landsman. The motion carried with a 4-1 vote with Board Member Mackenzie voting in opposition.

**G. 9488 Byron Avenue – Front Door Relocation; Driveway Revisions, Windows and Doors**

Town Planner Keller introduced the item and provided an overview of the project.

**Background:** This application is a request to renovate an existing single family residence. The front door location will be moved to face Byron Avenue and a new 18 foot wide concrete driveway and 6 foot wide walkway. This corner lot is zoned H30B totaling 6,160 square feet (SF).

A Google Aerial Photo is provided on the following page and a Google 3D View is located on page 3.

**Governing Codes:** The March 2021 Zoning in Progress relevant requirements for lots in the H30B District are:

Maximum lot coverage is 40% of the lot (except swimming pools, screen enclosures and pergolas). Uncovered steps and exterior balconies; uncovered terraces, patios, breezeways, or porches open on two sides; and covered terraces, patios, breezeways, or porches open on two sides are not included but cannot exceed 15% of the total footprint.

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 20% of the landscaped area must be Florida Friendly as defined in the current Zoning Code.

**MuniCode: 90-54.2 & 3** – uncovered pools and decks, porches, patios or terraces may occupy a setback provided they are located at least five feet from adjacent rear or interior side lot lines and ten feet from any street lot line.

**Applicant Package:** A package of drawings, elevations, materials detail and survey was submitted by the Applicant. Applicant provided details on pervious area calculations.

**Staff Recommendation:** The proposed improvements are consistent with the Town's Land Development Regulations subject to the following comments.

- Revise front yard area to provide 50% pervious/landscape area; and,
- Provide 10 foot setback from the 94th Street property line to the Pool and or Pool Deck.

Jeff Rose, representing the applicant, introduced the project and provided a summary.

Chair Frankel stated that this is going to be a big improvement and this property has been an eyesore for a while and is glad that someone has a vision to make it something nice. She asked if they considered doing an overhang over the new front door to provide shade.

Mr. Rose stated that the owner did not mention anything as to that affect.

Board Member MacKenzie commented on the existing door and agrees there should be something to protect the door and it is not shown on the drawing.

Chair Frankel understands they want more light but is something to consider.

Board Member Bravo asked when they state they are relocating the door, if they are using the same door or a new one.

Mr. Rose stated they are creating a new front door entrance and stated that the front door is an impact aluminum door.

Vice Chair Sanchez asked where is the front and side on this is corner lot. He asked if the windows are being replaced and matching. He asked regarding the flooring and roof.

Town Planner Keller stated that the front is on the narrower portion of the lot.

Mr. Rose stated that all will be impact and matching, new layout of the house requiring new floor and bathrooms.

Vice Chair Sanchez asked if the existing garage is going to be the master bedroom.

Mr. Rose stated that he does not believe there was a garage before.

Board Member Landsman asked if the pool is in the backyard.

Mr. Rose stated the pool is in the backyard and a corner house and that the corner lot home pools have to come before the Board.

Further discussion took place regarding not having enough information on the pool.

Building Official McGuinness stated it is less than base flood elevation and the requirements of reconfiguration of space.

Board Member Landsman commented on approving the door, driveway and all interiors and has an issue with the pool and pergola without enough information.

Chair Frankel stated that they make it 18 inches as a requirement. She stated that with the fences it is as required by Miami Dade County code.

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

#### **H. 8834 Abbott Avenue – Driveway Gates**

Town Planner Keller introduced the item and provided an overview of the project.

**Background:** This Applicant is requesting approval for two manual driveway gates off Abbott Avenue. This interior lot is located in the H30A Zoning District with 5,600 square feet of lot area with a width of 50 feet. In addition to this Memorandum, an Agenda Packet was submitted by the Applicant. The Applicant's property photo is more current than the Google Street View and is included in the Applicant's submittal.

**Governing Codes:** The March 2021 Zoning in Progress requirements for fences and walls are detailed in the following Zoning Code sections:

**Current Municode: 90-56.2 & 3** – Allows fence or ornamental walls in the front yard or primary corner yard if granted design review approval by the Planning and Zoning Board. Further limits height for a lot wider than 50 feet a 4-foot height plus 1/2 foot for each 10 feet exceeding 50 feet.

The Applicant is proposing 2 swing gates on each opening. Each gate would be 70 ½ inches wide and 46 inches high. Based on the separation of the slats, the gate provides greater than 50% opacity. The gates have hedges and or landscape shrubs adjacent to the gates without fencing.

This review may be supplemented prior to the Planning and Zoning Board meeting.

**Staff Recommendation:** Staff does not have any issues with the driveway gates provided the Planning and Zoning Board issues design approval.

Francesco Foggia, applicant gave a summary of the project.

Board Member Bravo asked if they have a patio area.

Mr. Foggia stated they do not have a patio area.

Board Member Landsman asked if it is an interior lot and with no grass.

Mr. Foggia stated it is an interior lot.

Chair Frankel asked Town Planner Keller regarding the pervious of the front yard.

Town Planner Keller stated that it does meet the pervious area.

Chair Frankel is asking because he has this front space that does not meet code in the front. If this front yard had the right amount of pervious it would not be conducive for playing soccer.

Mr. Foggia stated that he loves the look of Surfside and would not like to put anything up on the home that would take away from that look.

Vice Chair Sanchez asked if the gate swings in or out and have enough space for the cars.

Mr. Foggia stated it swings in and does have space for cars.

Board Member MacKenzie explained why he is against gates and spoke regarding the traffic and stated he is opposed to this.

Mr. Foggia stated at a certain age the children can play in the streets but not when they are 5 years old.

Board Member Bravo commented on fencing in the neighborhood.

Chair Frankel requested a fence and gate Ordinance and to provide some ideas for the next meeting because it is becoming more frequent.

Vice Chair Sanchez clarified the applicant is asking for a gate not a fence.

Board Member Landsman clarified that the previous applications approved was by a previous Planning and Zoning Board.

Board Member Landsman asked Town Attorney Recio for the Town Commission to address the issue of gates and fences.

Discussion took place among the Board Members and the applicant regarding other homes that have gates that were approved in the past.

Chair Frankel advised the applicant to possibly defer the item to have an ordinance on gates and fences.

Town Attorney Recio stated that they have to base it on the design guidelines on this specific proposal.

Town Planner Keller commented on the applicant's gate and there is a difference in this one and they are manual gates.

Board Member Landsman asked if anyone would support a shorter gate.

A motion was made by Landsman to extend the meeting until 10:20 p.m., seconded by Chair Frankel. The motion carried with a 5-0 vote.

Town Attorney Recio explained to the applicant his options of deferral or indefinite deferral and see if the owner can make some changes and address it in a different way.

Chair Frankel would like to place on the agenda for next month a discussion item regarding gates and fences.

Town Attorney Recio stated that any other proposals they would like could be incorporated into the zoning code.

A motion was made by Board member Landsman to defer this item indefinitely, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

**I. 9501 Harding Avenue – Wall Sign**

Town Planner Keller introduced the item and provided an overview of the project.

**Background:** This application is a request to place a Wall Sign in front of 9501 Harding Avenue. The parcel is located in the SD-B40 Zoning District with 21 feet 5 ½ inches of frontage. The illuminated channel logo and letters will be front lit. Two different signs were submitted. Sign A has 24.6 Square Feet (SF) of area. Sign B has 55.34 SF of area. In addition to this Memorandum, an Agenda Packet submitted by the Applicant is attached.

**Governing Codes:** The Zoning in Progress requirements for a permanent wall sign are detailed in the following Zoning Code section:

**Current Municode: 90-73.a (3b(2))** – Allows a wall sign of 1 square foot (SF) for each 1 foot of frontage. In the Business District for stores with less than 25 feet of frontage, a 25 SF sign is allowed. This store front has 21.44 feet of frontage and the proposed sign A is 24.6 SF. Sign B is not consistent with the Town Code.

This review may be supplemented prior to the Planning and Zoning Board meeting.

**Staff Recommendation:** Recommend approval of the wall sign. It is recommended the permanent wall Sign A with channel letters be approved subject to the following condition:

- The sign shall be offset from the wall a minimum of ¼ inch to a maximum of 2 inches to permit rain water to flow down the wall face.

Manuel Sagad, the sign company representative spoke regarding the item.

Discussion took place regarding sign A design.

Chair Frankel commented on sign B is illuminated and is on the alley way.

Town Planner clarified the signs and that it has to be sign A.

Board Member MacKenzie asked Town Planner Keller regarding the signs.

Town Planner Keller stated that he did not see that it was two signs.



Building Official McGuinness spoke regarding the area.

Board Member MacKenzie asked regarding what area is being occupied.

Town Planner Keller stated the Harding sign has to have the smaller one and could not tell what the floor plan of the restaurant is.

Mr. Sagad stated that the bank is closing and Dominoes is taking over.

Chair Frankel commented on the location of the sign.

Vice Chair Sanchez asked regarding a sign on the alley.

Board Member Bravo asked regarding the red portion. He asked if they can only approve sign A and in the location.

Discussion took place as to the reason for the sign in the alley and not complying with code and if it is the proper location for the sign.

Chair Frankel stated that they need to have the square footage and get more information for sign B from the applicant.

A motion was made by Board Member Bravo to extend the meeting to 10:30 p.m., seconded by Chair Frankel. The motion carried with a 5-0 vote.

Building Official McGuinness recommended for the Board to approve sign A and have the applicant correct the documents.

Board Member MacKenzie stated that other businesses are facing 95<sup>th</sup> street and what will prevent them from requesting signs.

Chair Frankel stated it is up to the owner of the building.

Town Attorney Recio stated that the signage rights are for the frontage and the applicant providing a floor plan to help with the second sign.

Board Member Bravo asked how bright the sign is.

Mr. Sagan stated it does not mention it and will put it in the next set of plans.

Town Attorney Recio read into the record what is permitted as it pertains to the brightness of the signs.

Chair Frankel spoke regarding the dimensions of the building are unclear as well as the location.

A motion was made by Board member Bravo to defer the item to June 24, 2021, seconded by Board Member Landsman. The motion carried with a 5-0 vote.

**5. Draft Proposed Zoning Code**

Item was not discussed.

**6. Next Meeting Date: June 24, 2021**

Consensus was reached to hold the next meeting on June 24, 2021.

**7. Discussion Items:**

**A. Future Agenda Items**

Chair Frankel asked the Board to come with their summer schedule in order to combine the July and August meeting. She also requested to discuss front yard gates and have and have Chief Yero at the June 24, 2021 meeting.

**8. Adjournment**

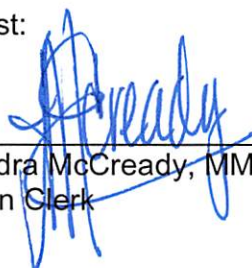
A motion was made by Board Member Bravo to adjourn the meeting without objection at 10:30 p.m. The motion received a second from Board Member Landsman. The motion carried with a 5-0 vote.

Respectfully submitted,

Accepted this 5 day of August, 2021.

  
\_\_\_\_\_  
Judith Frankel, Chair

Attest:

  
\_\_\_\_\_  
Sandra McCreedy, MMC  
Town Clerk