



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

AUGUST 26, 2021 – 6:00 p.m.
Town Hall Commission Chambers –
9293 Harding Avenue, 2nd Floor, Surfside, FL 33154

1. Call to Order/Roll Call

Chair Frankel called the meeting to order at 6:00 p.m.

Present: Chair Judith Frankel, Board Member Fred Landsman, Board Member Bravo, Board Member James Mackenzie, and Alternate Board Member Horace Henderson

Absent: Mayor Charles W. Burkett.

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

2. Town Commission Liaison Report – Mayor Charles Burkett

There was no Commission Liaison Report.

3. Approval of Minutes – August 5, 2021

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

4. Applications:

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

Deputy Town Clerk Herbello confirmed compliance with notice requirements.

Town Attorney Recio polled the Board Members.

No Board members had any communication with any applicants or representatives.

Deputy Town Clerk Herbello swore in all applicants.

A. 9173 Abbott Avenue – Front Yard Pool

Town Planner Keller introduced the item and provided staff recommendations.

Background: This Applicant received approval at the April 30, 2019 Planning and Zoning Board (P&ZB) Meeting for substantial renovations which included remodel of an open den to a bedroom and enclosing a terrace for conversion to a family room with the condition that landscape be planted directly around the front façade. This work was previously constructed. The Applicant also received P&ZB approval in May 2021 for the addition of a 174 square foot (SF) den to the west (front) elevation. This improvement has not taken place. The Applicant is now requesting approval to construct a front yard pool. The interior lot is zoned H30B totaling 5,625 square feet (SF) per the site plan.

The proposed pool is located in the southwest portion of the lot approximately 8.65 feet west of the wall of the Den approved in May. The pool meets setback requirements for the front yard (more than 10 feet from the front property line) and 5 feet from the south property line. The pool is 20 feet by 10.88 feet in size. A 2-foot-high concrete wall is proposed 10 feet from and parallel to the front property line. An 18-inch-high Plum Pine hedge is proposed in front and on the side of the wall. A 38-inch-high Plum Pine hedge is proposed on the inside of the wall. The pool equipment is located near the east portion of the residence just outside of the side yard setback. An existing 5-foot-high fence is located on the south property line.

The pool plan does not include any deck or coping. The addition of these will reduce the landscape/pervious area total in the 20-foot front yard setback area where 50% landscape/pervious area is required. It appears the Applicant can meet the landscape/pervious area requirement but calculations and worksheets are needed.

The proposed 2-foot-high front yard wall and landscaping hedges provide a viable option to walls and fences in the front yard provided the Planning and Zoning Board gives design approval.

Applicant Package: A package of the site plan, landscape plan and survey were submitted by the Applicant.

Staff Recommendation: The proposed improvements appear to be generally consistent with the Town's Land Development Regulations and Zoning in Progress. Recommend approval subject to the following conditions:

- Provide additional dimensions on the site plan defining the location of the pool, pool coping and any deck with dimensions from the property line and other features.

- The wall separating the landscaping hedges and the pool needs to be approved by the Planning and Zoning Board.
- Include the proposed Den on the site plan with a note indicating “to be constructed.”
- Provide calculations and worksheets verifying the 20-foot front yard setback area complies with the 50% landscape/pervious area requirement.

Chair Frankel asked if the previously submitted plans have changed.

Town Planner Keller stated that the plans are the same. He stated that they are making an addition of the den which is shown on the drawings.

Vice Chair Landsman asked if the side of the pool is currently just grass.

Town Planner Keller stated that it is open and stated that the house is set back towards the other property line.

Albert Eskevazi, applicant stated that this home has been before the Board a couple of times and due to the collapse, the permitting sign off has been delayed. He spoke regarding the uniqueness of the house and their family would like a pool. He provided an overview of his project and compliance with front and side setbacks.

The following individuals from the public spoke:
Jeff Rose

Chair Frankel stated that the low wall and hedging is a great solution and thanked the applicant for listening to the Board.

Chair Frankel spoke regarding the height of the hedges.

Building Official McGuinness stated that the pool has to have a 48-inch barrier as per code.

Chair Frankel stated that the coping around the pool is wide enough to hold a safety fence.

Vice Chair Landsman asked if there is a gate or fence from the street going into the home and pool.

Mr. Eskevazi stated that there is no gate, but they will comply with safety code requirements.

Chair Frankel suggested getting a safety alarm for the pool.

Board Member Henderson asked regarding the 2-foot concrete wall, which according to the Building Official needs to be 4-feet and he would like to know if they comply by Florida law.

Town Attorney Recio stated that there is compliance with zoning code and Florida law and they must comply with both.

Mr. Eskevazi stated that they will comply with both safety requirements.

Board Member Henderson asked if they have determined how to maintain the hedge from the inside.

Mr. Eskevazi stated that they will trim the hedges and dispose of the debris in bags.

Board Member Henderson just wanted to make sure it did not fall into the pool.

Chair Frankel stated her concern is the coping around the deck and it being wide enough and coming against the landscape.

Mr. Eskevazi stated that the coping is 1-foot deep and it is part of the calculations of the drawings.

Board Member MacKenzie asked in the event when they show the den on the plans along with the pool, if they will be showing the conditions of shortening the den.

Chair Frankel stated that the drawings show it as if it was completed and it is not clear.

Board Member MacKenzie stated if the drawings include the den.

Mr. Eskevazi stated yes.

Further discussion took place among Mr. Eskevazi and Board Member MacKenzie regarding the math of the dimensions and setbacks of the plan and landscape hedges.

Board Member MacKenzie asked Town Planner Keller if there is not a requirement that when an applicant removes landscaping that they are required to add landscaping.

Town Planner Keller stated that they will put a condition if they remove trees they have to plant new trees. He also addressed the questions regarding the den.

Board Member MacKenzie stated that applicants should provide a landscape plan done by a landscape architect.

Town Planner Keller stated that per the code, in a single family, the owner can do their own landscaping and if trees are removed, they have to go with the permit requirements.

Mr. Eskevazi stated that there is a baby palm that is 9 feet tall that must be removed because the pool will be there, but it will be relocated.

Chair Frankel confirmed that they will be adding more landscaping.

Mr. Rose stated that all tree location is handled by Miami-Dade County not by the Town of Surfside.

Town Planner Keller provided the below additional comments that will be added as part of the condition of approval:

- Provide additional dimensions on the site plan defining the location of the pool, pool coping and any deck with dimensions from the property line and other features.
- The wall separating the landscaping hedges and the pool needs to be labeled as existing and approved by the Planning and Zoning Board.
- Include the proposed Den on the site plan with a note indicating “to be constructed.”
- Provide calculations and worksheets verifying the 20-foot front yard setback area complies with the 50% landscape/pervious area requirement.
- Relocate the A/C and Pool equipment at least 15 feet from the adjacent residence.
- Provide a safety barrier around the pool which complies with the Florida Building Code.
- Obtain tree permits for any trees moved to construct the pool.

Discussion took place among the Board, staff and applicant regarding the height of the wall, safety barrier and hedges.

Vice Chair Landsman asked if the neighbor was opposed to the pool. He stated that they do not have enough community involvement.

Mr. Eskevazi stated that the other neighbor is not there, and her house is under construction.

Board Member Bravo spoke regarding the pervious area and the dimensions of the elevation and would appreciate a better way for the Board to go over what is required.

Board Member Henderson wanted clarification from Building Official McGuinness regarding the safety fence and will only be in the coping of the pool.

Building Official McGuinness also added as part of the condition of approval the following:

- The swimming pool shall comply with Chapter 45 of the 2020 Florida Residential Code, including but not limited to, the requirement for a safety barrier which complies with Section R4501.17 of that Chapter.

Mr. Eskevazi stated that it was never designed or proposed to have a 4-foot fence on top of the coping and spoke regarding the mesh around the pool and the different options.

Chair Frankel stated that as a condition of approval the security gate would be inside and meet the code.

Board Member MacKenzie likes the words that Building Official McGuinness stated regarding the safety fence.

A motion was made by Board Member MacKenzie to approve the item with staff recommendations to include security fence around the pool, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

B. 9524 Carlyle Avenue – Garage Conversion, Window Upgrades and New Deck

Town Planner Keller introduced the item.

Background: This application is a request to convert an existing garage to a bedroom and bathroom. New impact windows are proposed for the existing windows and new large rolling windows are proposed for the west (2) and south (1) elevations. Interior improvements are also proposed. An 80 square foot (SF) deck is proposed on the south side of the family room. The existing driveway will be retained. 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 and a Google Street View photo is presented on page 3. The residence has a decorative block wall covering the front of the residence beginning at the north wall of the front bedroom, extending to the west wall of the garage. The Google Street View photo does not depict the windows in the

existing east elevation and it is unclear how access to the existing garage is provided. The existing driveway does not appear as wide as that depicted in the site plan.

Governing Codes: The June 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.

Applicant Package: A package of drawings, elevations and construction details was submitted by the Applicant. The Applicant did not provide a survey.

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

- Provide a clean copy of a recent property survey.
- The rear setback should be 20 feet where 18 feet 9 inches is provided.
- The floor of the existing garage should be raised to meet the existing floor elevation of the residence. Add a note that the garage floor will be raised to match the existing FFE of the residence.
- The driveway needs to be 18 feet in width to provide for 2 parking spaces with closure of the garage. Asphalt driveways are not allowed for new construction. Reconstruction of the driveway to provide the 18-foot width should be either pavers, stamped concrete or color texture treated concrete.

- Two A/C units and pool equipment (future) are located in the north side yard. This equipment needs to be relocated out of the side yard and be situated such that they are a minimum of 15 feet from any adjacent residence. The equipment should also meet flood elevation requirements.
- A future rear yard pool will have to be consistent with setback and landscape/pervious area requirements.

Chair Frankel asked if the decorative screen is staying.

Town Planner Keller stated that it is staying.

Vice Chair Landsman stated it is fixed and there is no access to the garage.

Board Member MacKenzie asked if there is a permit for that.

Town Planner Keller stated he believes it has been there for a while. He recommends approval with a clean copy and staff recommendations as well as the driveway cannot be asphalt.

Chair Frankel and Vice Chair Landsman asked if there is a pool.

Town Planner Keller stated that he does not believe there is a pool.

Jordan Wachtel, applicant addressed the Board's questions and spoke regarding the property and does not know if they will be placing a pool yet. He also discussed the front driveway and stated that they are currently only doing interior remodeling.

Chair Frankel stated that since they are considering the garage conversion they will be considering the driveway and make it as a condition of approval.

The following individual from the public spoke:
Jeff Rose

Building Official McGuinness spoke regarding the elevation and stated to the applicant to make sure he is conforming with flood requirements and encouraged him to get an appraisal to make sure it does not exceed 50% of the appraised value.

Chair Frankel asked if they will be adding windows.

Mr. Wachtel stated that they will be opening up 2 windows.

Vice Chair Landsman spoke regarding landscaping and if they be placing landscaping that will change the look.

Town Planner Keller stated he did not recommend a change and the code offers some flexibility.

Vice Chair Landsman suggested to change the color of the stones.

Chair Frankel suggested adding hedges or landscaping in front of the windows.

Board Member Henderson spoke regarding the drawings of the new bathroom and will the plumbing be tied into the kitchen plumbing.

Mr. Wachtel stated he was not sure, the wall where the kitchen is will be closed and a new wall will be opened close to the garage.

Board Member Bravo spoke regarding the elevation requirement based on the age of the home. He also spoke regarding the asphalt of the entrance as well as the parking requirement. He spoke regarding the placement of the mechanical equipment.

Chair Frankel clarified if S-3 are the plans for the windows that they will be approving.

Town Planner Keller addressed the questions by Chair Frankel.

Further discussion took place regarding the work needed to be done and the plans that were submitted and an appraisal of the property is recommended.

Building Official McGuinness went through the plan and clarified their questions regarding elevation.

Mr. Wachtel addressed the comments from the Board and Building Official.

Board Member MacKenzie advised the applicant to have all his paperwork to provide to the Building Department.

Board Member Bravo commented on the 50% and believes this house is fine but believes the other house will have an issue.

Vice Chair Landsman stated it is not in this Board's responsibility to determine the 50% requirement.

Building Official McGuinness addressed the structure evaluation and that pools are exempt from that structure evaluation.

Chair Frankel spoke regarding the purview of the Board which is the design and exterior of a design. She would add that the homeowner agrees to additional landscape to the front of the house.

Town Planner Keller stated the below staff recommendations into the record including the landscape requirements.

- Provide a clean copy of a recent property survey.
- The floor of the existing garage should be raised to meet the existing floor elevation of the residence. Add a note on the plan set the garage floor will be raised to match the existing FFE of the residence.
- The driveway needs to be 18 feet in width to provide for 2 parking spaces with closure of the garage. Asphalt driveways are not allowed for new construction. Reconstruction of the driveway to provide the 18-foot width should be either pavers, stamped concrete or color texture treated concrete.
- Provide calculations and worksheets verifying 50% landscape/pervious area in the front yard setback and 40% landscape/pervious area in the rear yard setback.
- Front yard landscaping to be 20% Florida Friendly.
- Correct drafting errors in the plan drawings.

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

C. 9364 Abbott Avenue – Single Family Residence Addition

Town Planner Keller introduced the item.

Background: This application is a request for a 460 square foot (SF) addition to the back of a single-family residence for a family room and expanded kitchen. The existing residence includes 1,450 SF of air-conditioned space with a 277 SF garage. The expanded residence will total 1,910 SF of airconditioned space and with the garage total 2,187 SF. A large existing wood deck is connected to the rear of the existing house. The deck will remain as is, although it may be modified due to the construction of the addition.

The lot is zoned H30B with a lot area of 5,625 SF per the Applicant's submission. A Miami-Dade County Property Appraiser's Angled photo is provided on the following page and a Google Street View photo is presented on page 3. The proposed addition will match the existing Finished Floor Elevation (FFE) of the existing residence. The addition complies with the rear

and side setback requirements. The existing driveway and remainder of the residence will remain as is and no existing trees will be impacted by the construction.

Governing Codes: The June 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.

Applicant Package: A package of drawings, elevations and construction details was submitted by the Applicant. The Applicant did not provide a survey.

Staff Recommendation: The proposed improvements appear to be generally consistent with the Town's Land Development Regulations and Zoning in Progress. Recommend approval subject to the following conditions:

- Provide a clean copy of a recent property survey.
- A future rear yard pool and deck will have to be consistent with setback and landscape/pervious area requirements.

Vice Chair Landsman stated that he is not thrilled with this and would like that to be included in the application without a pool being requested. He also stated that if they approve it then the homeowner will say you approved it and it said a pool.

Town Planner Keller addressed the concern of Vice Chair Landsman and gave an explanation as to what he meant by his recommendations.

Chair Frankel stated this is regarding the pervious of the property.

Carlos Pica, applicant, stated that he submitted everything, and it took him three attempts and is sure that he turned in the survey because he had to redo because it was expired. He advised Town Planner Keller that he sent an electronic copy of the survey today.

Building Official McGuinness spoke regarding exceeding 50% of the value and the elevation requirement.

Vice Chair Landsman asked Town Planner Keller if this is an addition to the back of the property and why are they having these applications coming before them when it is in the back of the home.

Town Attorney Recio stated it still comes before the Board for their review.

Board Member MacKenzie stated the addition is very nice and his proposal of a deck on the north side.

Chair Frankel stated there is an existing deck that is being reduced in size.

Board Member MacKenzie spoke regarding the design of the addition and integrating the deck with the family room.

Mr. Pica stated that they wanted this design.

A motion was made by Board Member Bravo to approve the item with staff recommendation, seconded by Board Member Henderson. The motion carried with a 5-0 vote.

D. 9505 Harding Avenue – Wall Signs – Domino's

Town Planner Keller introduced the item and clarified the change in the address. Recommendation for Sign A be approved and limited to 25 feet.

Background: This application is a request to place Wall Signs in front of 9505 Harding Avenue. Note, the address for this location has been revised from the prior address of 9501. The storefront is the location for a Domino's store. 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 is on the front of the store with 75 Square Feet (SF) of area. Sign B is located on a roof fin with 36 SF of area. In addition to this Memorandum, the Agenda Packet submitted by the Applicant is attached.

The Applicant's package provides information on the storefront and sign locations. Sign characteristics and square footage are also provided.

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. The Code requires a 1/4 inch to 2-inch offset from the wall to allow rainwater to drain and limits illumination to white LEDs.

Staff Recommendation: The Applicant's signs exceed the maximum square footage of 25 SF. It is recommended the permanent wall Sign A with channel letters be approved subject to the following condition:

- Sign A to be limited to a maximum of 25 SF and be offset from the wall a minimum of ¼ inch to a maximum of 2 inches to permit rainwater to flow down the wall face.

Vice Chair Landsman stated that in the past they were not clear which area was being taken over by Dominoes. He asked if they are taking a sliver where the bank was. He asked exactly where the sign will be placed.

Town Planner Keller explained exactly where the sign would be placed.

Chair Frankel asked if the square footage is being counted as frontage. She asked if they could reduce the name Dominoes'.

Town Planner Keller addressed the question by Chair Frankel.

Natalia Sagot, representing the applicant, addressed the comments made by the Board members regarding the size of the sign and it will conform with the dimensions.

Vice Chair Landsman asked regarding the frontage and if they will leave it blank or ask for additional signage.

Ms. Sagot stated that it is their storefront but that the other portion is blocked.

Board Member Henderson asked Town Planner Keller if he is only suggesting sign A to be approved.

Town Planner Keller stated it was only an option because this has been going around for a while and it is up to them to determine how they want to do it as long as they stay with 25 feet.

Ms. Sagot asked if both signs have to be 25 feet.

Town Planner Keller stated that yes, both signs have to be 25 feet.

Vice Chair Landsman stated that the Dominoes' franchise individual nor the owner is here tonight except for the sign company representative.

Chair Frankel clarified to the Ms. Sagot the size of the signs.

Ms. Sagot stated that Dominoes' will want the two signs as big as possible but realizes that the size must stay at 25 feet.

Chair Frankel asked if they would approve it, which one would she prefer.

Ms. Sagot stated both signs.

Vice Chair Landsman stated that they did ask that the signage be taken before the DVAC Committee before it came to this Board.

Marian Meischeid, Chair of DVAC, does not have an issue with this sign.

Chair Frankel suggested writing a memo to the Commission to have a DVAC committee member that will show up to the meetings.

Vice Chair Landsman stated that they need more involvement.

Board Member MacKenzie asked if the sign will be lit.

Ms. Sagot stated yes it will be lit.

Board Member MacKenzie stated that he will not be supportive of the sign if it is lit. He believes it will be a distraction.

Ms. Sagot stated that their concern is the sign not being seen.

Chair Frankel asked if there is a lighting requirement that they need to be lit.

Ms. Sagot stated yes and they are LED lights.

Chair Frankel spoke regarding the sign and LED lighting.

Vice Chair Landsman suggested as an option to leave them with the one in Harding since it has to be lit.

Board Member Bravo spoke regarding the lumens and intensity of the sign and it could be lit with a lower intensity.

Town Attorney Recio stated the guideline as to the requirement for the lighting.

Board Member Henderson commented on the size of the sign and if they are looking at two signs for a total of 25 feet or one at 25 feet he will be fine with it.

Board Member MacKenzie spoke regarding the fact that the other buildings will want to come to the Town for signs.

Marianne Meisheid, DVAC Chair stated you need a presence if not the Downtown area will be dead, and it is per the code and the stores need to be recognized.

Chair Frankel would like to see the signage on Harding with more allowable space used on Harding.

The following individual from the public spoke:
George Kousoulas

Vice Chair Landsman stated he is sympathetic to our Downtown and our stores are not thriving and are not busy and how they cover overhead. He stated to have a brand like Dominoes' is a plus in the community.

A motion was made by Vice Chair Landsman to approve the item with staff recommendations with the 25 square foot be allowed for 2 faces equal in proportional in size and properly lit as per code., seconded by Board Member Henderson. The motion carried with a 3-2 vote with Board Member Bravo and Board Member Mackenzie voting in opposition.

E. 9504 Harding Avenue – Window Sign and Vinyl Decals

Town Planner Keller introduced the item and provided staff recommendations.

Background: This application is a request for window signs, door signs, window chevrons and wall sign at 9504 Harding Avenue. The storefront is an existing barber shop with existing signage. The existing wall sign is being retained as is. The main storefront window includes existing signs and a 2-foot-high colored chevron extending along the top of the window. The Applicant is proposing to reduce the chevron to a 6-inch height. Information provided by the Applicant indicates the proposed window signage will total 11.6 square feet (SF) and 23% of the window area.

The door window signage will occupy 2.8 SF and 20% of the door area. The window panel above the door will include the 6-inch-wide chevron which will occupy 1.9 SF or 23% of the top window panel area. A Google Street View photo is depicted on the following page which illustrates the existing chevron.

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

2008 Code: 90.71.1 – Also 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 13 ± feet of frontage.

Current Municode: 90-73. a(3b)(2) – The Code has further restrictions including requiring a ¼ inch to 2-inch offset from the wall to allow rain water to drain and limits illumination to white LEDs.

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

Staff Recommendation: Recommend approval of the window and door signs provided the chevron width is reduced to 4 inches in height. This will reduce the window signage to be consistent with 20% of the window area. Recommend the existing wall sign be approved as is.

Vice Chair Landsman asked what is new and what is existing. He asked if they are in violation.

Town Planner Keller stated that almost all is existing. He stated he does not know if this was a code violation and it is a new business.

Discussion among the Board and Town Planner Keller took place as to what is existing and what is new.

Juan Borges, representing the applicant, stated that the owner recently got the lease to operate the barber shop and it was out of compliance to a violation issued. He would like to remedy the violation and make whatever alterations he can do to rectify the violation and keep as much of the sign as allowed.

Board Member Bravo wanted to make sure that he understands that 4 inches is allowed.

Mr. Borges spoke regarding the 24-inch chevron and reduce it by 18 inches.

Town Planner Keller stated what the code states regarding not to exceed 20% if you reduce the chevron by 4 inches it meets the square footage.

Mr. Borges stated that if they have to change it to 4 inches, the owner has no objection.

Vice Chair Landsman asked if it will remain the red, white and blue sign. He asked Ms. Meischeid if she has any input on this barber shop.

Ms. Meischeid stated as long as it fits in, she is fine with the 4 inches.

A motion was made by Board Member Bravo to approve the item with staff recommendations and for the sign to not exceed 4 inches., seconded by Board Member MacKenzie. The motion carried with a 5-0 vote.

F. 9567 Harding Avenue – Wall Sign

Town Planner Keller introduced the item.

Background: This application is a request to replace a permanent wall sign. The parcel is located in the SD-B40 Zoning District. A Google Street View photo of the existing wall sign and the storefront is provided on the following page. 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 sections:

2008 Code: 90.71.1 – Also 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 20 feet of frontage.

Current Municode: 90-73.a(3b(2)) – The Code requires a 1/4 inch to 2-inch offset from the wall to allow rain water to drain and limits illumination to white LEDs.

Staff Recommendation: The Applicant's proposed wall sign is 14.1 SF. The sign is back lit channel letters. It is recommended the permanent wall sign be approved subject to **Sec. 90-73.a(3b(2))**.

Luis Bonilla, applicant, stated they are replacing an existing sign with the same type of sign with front lighting with LED lights.

Chair Frankel clarified to the applicant the recommendation from the Town Planner.

Town Planner Keller stated it has to be by the wall, so the water can drain.

Building Official McGuinness stated that the code being used is incorrect and the applicant will have to amend the plans accordingly and make it a condition of approval.

Vice Chair Landsman asked if he is the owner or the sign person. He asked if this is the new corporate logo and that is why they are changing.

Mr. Bonilla stated it is a new owner and they want to change the whole sign.

A motion was made by Board Member MacKenzie to approve the item with staff recommendations, seconded by Board Member Henderson. The motion carried with a 5-0 vote.

5. Next Meeting Date: September 30, 2021

Consensus was reached to hold the next meeting on September 30, 2021.

6. Discussion Items:

A. Gates and Fences

Chair Frankel asked Town Planner Keller to address the item.

Town Planner Keller stated that his staff has looked at 3 codes in Miami Dade County and Broward County as to how they treat front yard fences. He stated he will bring back to the Board something that might be close to what is in the Code. The difference is that it would not be a design review approval. Basically, if you meet the code, you will be approved. He is also still researching the gates and will come up with some gates that provide visibility to the property and still provide a gate option.

Chair Frankel stated that they want to get out of the business of approving gates and fences in order to not constantly have this debate. She stated they asked Town Planner Keller to bring something back.

Board Member Mackenzie asked for clarification that there is still a design issue and if they want to follow the guidelines they should still be before the Board.

Chair Frankel stated if they do not want any gates or fences then it has to be placed in the code. She explained to Board Member Mackenzie the issue that has been presented to the Board with that topic.

Town Planner Keller will give examples of gates with certain styles and see if that is something that would be acceptable to the Board and that would go in the code.

Vice Chair Landsman stated that they can give choices and then go before the design review for approval as to the style and height. Also, interior and corner lots need to be addressed as well.

Town Planner Keller stated it would still go before the Board with certain designs.

Town Attorney Recio advised the Board what the proposed change to the code as it relates to gates and fences is. He stated that the ZIP will be published on September 7.

The following individual from the public spoke:
George Kousoulas

Chair Frankel asked if they change the zoning code and say they can have a certain size gate, they cannot deny it only state that it is allowed.

Board Member MacKenzie stated that the design should be discussed.

Chair Frankel stated that is what Town Planner Keller is working on.

Further discussion took place among the Board Members and Town Planner Keller as to the options to be put in the code as it pertains to fences and gates.

Vice Chair Landsman asked Town Planner Keller to bring it back at the next meeting.

Board Member MacKenzie asked if there is follow-up once they come before the Board to make sure the applicant did it correctly.

Town Planner Keller stated that code enforcement is always out checking as well as he checks to make sure it is done correctly before he signs off.

Building Official McGuinness stated that what they approve is what gets built.

B. Choices and options to be placed on the referendum as to measuring definition.

Chair Frankel introduced the item and stated that last meeting they spoke regarding the definition of a story and there was a property that was built and now they are not up to code. She stated if you build your house on stilts it counts as a story.

Town Attorney Recio gave a summary of what is counted and what is not and it is being addressed in the new zoning code rewrite. He stated what brought this item about and the charter limits height as to what was in place in 2004. He stated that the charter can be amended but must go before the voters in a normal election. He stated the different ways they can address it and bring it before the voters. He gave some options.

Vice Chair Landsman asked what the appetite of the electorate would be to vote on this when you do not have residents coming to this meeting and would not like to spend the money to do this if there is no appetite.

Board Member Henderson stated that is a valid point and would be difficult but if you do not do anything you will have houses that can't be raised.

Board Member Bravo agrees that it should be done.

Board Member MacKenzie commented on what the code currently states and the crown of the road as well as FEMA's requirements.

Town Attorney Recio stated it is 30 feet from the crown of the road.

Chair Frankel addressed the issues that are being presented with some homes.

Town Attorney Recio addressed the questions and comments made by Board Member MacKenzie as to what counts as a story and what needs to go as a charter provision.

Building Official McGuinness addressed the comments made by the Board regarding FEMA requirements and what is working in other cities.

Further discussion took place among the Board Members and staff as to the details, requirements and height limitations and what is required to go before the voters as a charter revision.

The following individuals from the public spoke:

George Kousoulas

Jeff Rose

Marianne Meisheid

Chair Frankel stated that her feeling is that someone will not build a home like Lindsey Lecour. Lindsey Lecour cares about Surfside and the code and if we do not increase the height, it won't be worth it for homeowners.

Town Attorney Recio asked can you go down the street to park the cars.

Mr. Rose stated no because it will flood.

Board Member MacKenzie stated he can still see viable 10-foot ceilings on ground floor and 9-foot second floor. He believes the concept is great. He suggested tweaking it and avoid going to the charter.

Chair Frankel stated that the Town Attorney will resolve the story issue. She would like to know if they like this option how do they encourage long-term sustainability. She believes that a charter change will be a headache and will require workshops and you will always have the same people showing up at the workshops.

Board Member Henderson stated that the only way the charter will change is by having someone sell it to the voters.

Chair Frankel commented on how to sell it to the public and the work entailed to get the word out and the money that it will cost.

Vice Chair Landsman spoke regarding possible tax incentives but give people incentives to do something different.

Chair Frankel requested to table the discussion regarding the referendum.

Board Member MacKenzie asked what is the process to change the issue with the story.

Town Attorney Recio stated that it will be in the zoning code rewrite.

Chair Frankel stated that they can send an email to the liaison to provide to the Commission.

Vice Chair Landsman asked for Town Attorney Recio to draft up the language to forward to the Board in order to send to the Planning and Zoning Board Liaison.

Town Attorney Recio stated he will draft up the language and send to the Town Clerk to distribute to the Board Members.

C. Future Agenda Items

Chair Frankel asked to place on the next agenda to discuss the zoning code.

Vice Chair Landsman requested to have the proposed zoning code rewrite sent to all the Board Members electronically and hard copy.

7. Adjournment

A motion was made Vice Chair Landsman to adjourn the meeting without objection at 9:16 p.m. The motion received a second from Board Member Bravo. The motion carried with a 5-0 vote.

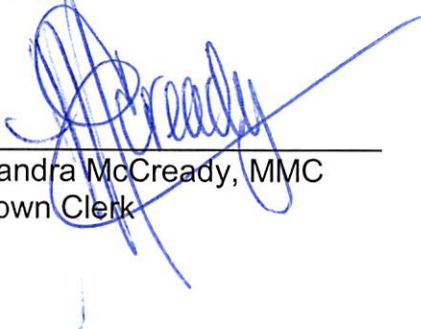
Respectfully submitted,

Accepted this 30 day of September, 2021.



Judith Frankel, Chair

Attest:



Sandra McCready, MMC
Town Clerk