



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

**SEPTEMBER 30, 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 7:15 p.m.

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

**Absent:** Mayor Charles W. Burkett and Board Member Ruben Bravo

**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**

No Liaison report was provided due to Mayor Burkett being absent.

**3. Approval of Minutes – August 26, 2021**

A motion was made by Vice Chair Landsman to approve the August 26, 2021, Planning and Zoning Board Meeting Minutes, seconded by Board Member Henderson. The motion carried with a 4-0 vote with Board Member Bravo absent.

**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. 668 88<sup>th</sup> Street – New Two-Story Single-Family Residence**

Town Planner Keller introduced the item and provided staff recommendations.

**Background:** This application is a request to construct a new 2-story single family residence on a vacant lot. The parcel is located in the H30A Zoning District at 668 88th Street. The average lot depth is 201 feet with a width of 75 feet. The Applicant indicates the lot size is 15,084 square feet (SF). The proposed airconditioned floor space totals 3,830 SF.

The setback requirements for the H30A Zoning District are 20-foot front, 7-foot 6-inch side and 50 feet rear (Biscayne Bay). The Applicant is proposing a 20-foot front setback with a setback on the rear lot of 20 feet and a 5-foot 6-inch side setback. Total lot pervious area is proposed to be 41% where 35% is required. The front yard setback pervious area is proposed at 76% where 50% is required. The rear yard setback pervious area is 60% where 40% is required. The second floor under ac is proposed at 4,171 SF which is 28% where 32% is the maximum. A pitched roof is proposed at the 30 feet height requirement. Table 1 on page 3 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include glass garage door panels with black metal trim and windows with black and limestone cladding at the entrance area and between the two floors. A water feature is also provided at the front entrance. The remainder of the residence is in white stucco. The front elevation includes a concrete driveway with the garage entrance facing north. A dark metal roof is proposed.

The landscape plan provides for 3 Bridal veil street trees, 4 Sable Palms and 3 Live Oak trees. Green Buttonwood hedges are proposed on the side yards and Bay Rum hedge is proposed on the front property line. Twelve existing on-site trees are proposed to be removed.

**Applicant Package:** The Applicant submitted architectural drawings and photos (15 sheets), a landscape plan (8 sheets), a boundary survey (2 sheets) and application with an ownership affidavit (3 pages).

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

Provide calculations to support the average setback for the 2nd floor.

Revise the drawing package to provide front and rear yards that combine to equal at least 36% of the lot's depth.

Remove the porch and stairs on the side yard.

Revise the porch and stairs in the side yards to provide a minimum of 5-foot setback from the property line.

The west elevation depicts the garage doors different than the rendering.

Zoysia grass is proposed in the landscape plan. This grass is not included in the landscape section of the Zoning Code (see **Sec. 90-89.1**).

Obtain tree permits where required when removing the trees.

Tony Leon, architect representing the applicant spoke regarding the application and the recommendations. He stated that the recommendations can be done.

Julian Johnston, applicant addressed the Board regarding the project.

Town Planner Keller agrees with the 50-foot setback and the stairs have to come out of the side setback.

Mr. Leon stated that they can remove the stairs.

Chair Frankel spoke regarding the setback and the stairs.

Mr. Leon spoke regarding the side setbacks.

Board Member MacKenzie spoke regarding the setbacks.

The following individuals from the public spoke:

Jeff Rose spoke regarding the change if the zoning in progress expires and the zoning code change.

Building Official McGuinness made additional staff recommendations that they are not operating under the 2020 Building Code and the 2017 Electric Code. He spoke regarding the base elevation requirement and the 2 feet of freeboard.

Board Member Henderson asked regarding the stairs on both sides, it appears that to meet the 7.5 feet they must remove the entire stairs. If they do that, will it change the flow.

Mr. Leon addressed the comments made by Board Member Henderson and gave suggestions as to how they will accomplish the removal of the stairs.

Town Planner Keller spoke regarding the tie beam and the second one is a bit higher and he did not understand it in the drawing.

Mr. Leon addressed the comments made by Town Planner Keller regarding the truss and tie beam.

Chair Frankel asked if they are meeting the 30 feet.

Mr. Leon stated that yes, they are.

Vice Chair Landsman discussed the comments made by Mr. Rose regarding the zoning in progress and code change and they should keep the code and the ZIP as it stands. He asked if they are confident with the setbacks.

Mr. Leon stated the glass doors is the intent and addressed any concerns regarding the garage.

Board Member MacKenzie asked if they submitted signed and sealed plans. The plans he has are not signed and sealed and wants to know if there is an original signed and sealed set. He asked if the lot is split and if they did a survey.

Mr. Leon stated they do have the original signed and sealed set and stated that the lot was split, and they did have a survey.

Town Planner Keller stated that the survey provided was a boundary survey only.

Board Member MacKenzie asked regarding the pool deck and did not see any elevation and the house has to be at plus 10 feet and the street is usually at plus 4 feet. He stated that the steps being represented is not accurate.

Mr. Leon stated they are raising the seawall and the ground.

Further discussion took place among Board Member MacKenzie, Town Planner Keller and Mr. Leon regarding the raising of the seawall.

Chair Frankel spoke regarding the raising of the seawall and it being higher than the neighbors will be an issue. She spoke regarding raising the home.

Board Member MacKenzie stated that they are not sure where the house would be sitting.

Town Planner Keller addressed the comments made by the Board regarding the walls that surround the home and the height of the walls as well as sloping away from the house.

Further discussion took place among the Board, Town Planner Keller and the applicant regarding the seawall and requirements.

Vice Chair Landsman asked if the retaining wall is there and if there will be landscaping to cover the wall.

Mr. Johnston addressed the comments made by Vice Chair Landsman.

Board Member Henderson asked if he has advised his neighbor.

Mr. Johnston stated yes and he has not been able to get a hold of her.

Discussion took place regarding the grade of the project.

Town Attorney Recio stated that the definition of grade is to the crown of the road.

Board Member MacKenzie asked if there are steps.

Mr. Leon stated yes and provided the sketch shown on the plans.

Chair Frankel asked regarding the dark color of the roof metal and if they could consider a lighter color.

Mr. Leon stated it is a dark gray.

Chair Frankel stated it would impact their cooling cost.

Board Member MacKenzie asked regarding the attic and insulation.

Chair Frankel suggested lighter shade of gray for the roof color.

The following individual from the public spoke:  
George Kousoulas

Board Member Henderson addressed the comments made by Mr. Kousoulas.

Board Member MacKenzie asked regarding where would the placement of the air conditioning and pool equipment be located.

Mr. Leon stated they will be going in the backyard.

Town Planner Keller stated that they are not approving the pool tonight because they did not have enough information.

Chair Frankel stated that they are not looking into that now and stated that the stairs currently are not intrusive.

Discussion took place among Board Member Henderson and Town Planner Keller regarding the pool and the mechanical equipment.

Board Member MacKenzie stated possibly considering working in a spot where the machines should be placed.

Board Member Henderson stated that the conditions should be stated as part of the recommendation of approval.

A motion was made by Vice Chair Landsman to approve the item with staff recommendations and conditions, seconded by Board Member MacKenzie. The motion carried with a 4-0 vote with Board Member Bravo absent.

#### **B. 732 88<sup>th</sup> Street – New Single-Family Residence**

Town Planner Keller introduced the item and provided staff recommendations.

**Background:** This application is a request to renovate an existing 2 story residence with a detached garage on a large waterfront lot. The existing residence includes 2,349 square feet (SF) of airconditioned space with a 592 SF detached garage. Proposed improvements to the residence include adding a covered entry feature, a covered patio and a second-floor open terrace. The covered entry and patio total 219 SF and the second-floor open terrace is 184 SF. A 62 SF addition is proposed for the detached garage and a future carport is proposed adjacent to the detached garage. Additionally, the existing 24 Foot driveway will be demolished and reconstructed centered on the front property line. A large entry plaza and driveway will be constructed. All windows and doors will be upgraded to storm impact requirements and additional exterior and interior upgrades are proposed. A pool, deck, carport, fence and walls are future improvements which will be submitted separately.

The lot is zoned H30A with an area of 15,202 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 covered entry feature, the covered patio and the 2nd floor open terrace comply with setback requirements. The proposed addition to the garage does not comply with current 7 Foot 6 Inch side yard setback.

**Governing Codes: Zoning in Progress** relevant requirements for lots in the H30A 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 and survey was 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:

The Town Finished Floor Elevation is 8 Feet plus 2 Feet. The Building Department will require information to verify the value of the improvements proposed are less than 50% of the building value.

Provide information and or revise the drawings to verify the front and rear yard setbacks combine to equal at least 36% of the lot's depth.

Provide calculations and worksheets to verify the property provides 35% landscape/pervious area with 20% of the landscape material Florida Friendly.

Provide calculations and worksheets to verify the front yard setback area provides 50% landscape/pervious area with 20% of the landscape material Florida Friendly.

Provide calculations and worksheets to verify the rear yard setback area provides 40% landscape/pervious area with 20% of the landscape material Florida Friendly.

Provide additional detail on the revised entry plaza and driveway including dimensions, material proposed and total pavement area.

The driveway width is limited to 18 feet.

Additional detail is required for review of the front yard fence/gate which requires design approval by the Planning and Zoning Board.

The detached garage addition does not comply with the 7 Foot 6 Inch setback.

Chair Frankel asked regarding the garage and setbacks.

Town Planner Keller addressed the comments made by Chair Frankel.

Board Member MacKenzie asked regarding the area they want to set apart in the garage and the requirement of the setback even if it is such a small area. He asked if there is a grandfather clause.

Town Planner Keller stated that this home was built before the code and possibly in the 1930s.

Town Attorney Recio addressed the comments made and setback requirements.

Arie Sklar, architect, representing the applicant provided an overview of the project.

Board Member MacKenzie asked if the roof line is straight but the wall at an angle.

Mr. Sklar stated yes. He proceeded with the presentation of the project.

Chair Frankel asked Town Attorney Recio regarding a property a while back that they were allowed to make a small addition to the home that did not meet code because it made it more accessible for the older couple who had a historic home.

Town Attorney Recio addressed the comments made by Chair Frankel.

Chair Frankel is glad that the house is being preserved and that tiny bit is not going to be noticed.

Building Official McGuinness thanked Town Planner Keller for bringing up the 50% improvement and he discussed this with Mr. Sklar.

Vice Chair Landsman asked regarding a privacy wall.

Chair Frankel stated that they are coming back for that.

Mr. Sklar spoke regarding the 5-foot privacy wall close to the property line.

Vice Chair Landsman asked Town Planner Keller if that will fly with the code.

Town Planner Keller addressed the question by Vice Chair Landsman and stated it will have to come back along with the pool.

Board Member MacKenzie agrees with the rest of the Board that he has done a great job with the plans. He asked if the windows are operable.

Mr. Sklar stated that they intend for them to be operable.

Board Member MacKenzie suggested looking at a neighbor who has created privacy without enclosing the property.

Board Member Henderson also agrees with Board Member MacKenzie.



Chair Frankel is in agreement with Board Member MacKenzie.

Town Planner Keller read the conditions of approvals.

A motion was made by Board Member MacKenzie to approve the item with staff recommendations and conditions, seconded by Board Member Henderson. The motion carried with a 4-0 vote with Board Member Bravo absent.

### **C. 9280 Byron Avenue - New Single-Family Residence**

Town Planner Keller introduced the item and provided staff recommendations.

**Background:** This application is a request to construct a new 2-story single family residence on a vacant interior lot. The parcel is located in the H30B Zoning District at 9280 Byron Avenue. The average lot depth is 112.5 feet with a width of 55.04 feet. The Applicant indicates the lot size is 5,625 square feet (SF). The proposed air-conditioned floor space totals 3,830 SF.

The setback requirements for the H30B Zoning District are 20-foot front, 5-foot 6-inch side and 20 feet rear. The Applicant is proposing a 20-foot front setback with a setback on the rear lot of 20 feet and a 5-foot 6-inch side setback. Total lot pervious area is proposed to be 35% where 35% is required. The front yard setback pervious area is proposed at 68% where 50% is required. The rear yard setback pervious area is 57% where 40% is required. The second floor under ac is proposed at 1,772 SF which is 32% where 32% is the maximum. A flat roof is proposed at the 30 feet height requirement. Table 1 on page 3 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include front elevation wood pergola, glass railings, metal decorative metal grille, windows with warm medium gray trim, board formed architectural concrete features, planter, water feature at front entrance, charcoal gray front door and accent lighting.

**Applicant Package:** A package of 8 drawings and an application was submitted by the Applicant with a recent survey.

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

The eave for the flat roof is limited to a 6 Inch encroachment into the side setback area.

Provide information on the accent lighting.

Building Official McGuinness provided comments.

Jeff Rose, representing applicant, provided an overview of the project.

The following individual from the public spoke:  
George Kousoulas

Vice Chair Landsman asked if there are plans for hedging or privacy and pervious plans.

Mr. Rose stated they are keeping it open in the front and will keep the pervious.

Chair Frankel asked if the planters count as part of the pervious.

Discussion took place regarding the pervious area and the planters.

Board Member Henderson spoke regarding the lot being able to contain the house but clearly it is per code.

Mr. Kousoulas responded to the questions posed by Board Member MacKenzie.

Board Member MacKenzie asked where the pool equipment will be going.

Mr. Rose stated it would be on the southwest portion of the house and it will be screened in.

Board Member MacKenzie spoke regarding landscaping and the pool.

Chair Frankel spoke regarding issues you have with small lots including hedging. She asked if it is 10 feet in the back.

Mr. Rose stated that it was 6-8 feet and the decision is if you have a backyard or a pool.

Chair Frankel agrees with Board Member MacKenzie.

Chair Frankel would like to add to additional discussion items on the agenda pool elevations.

Board Member MacKenzie spoke regarding the crown of the road.

A motion was made by Vice Chair Landsman to approve the item with staff recommendations, seconded by Board Member MacKenzie. The motion carried with a 4-0 vote with Board Member Bravo absent.

**D. 9348 Byron Avenue - New Single-Family Residence**

Town Planner Keller introduced the item and provided staff recommendations.

**Background:** This application is a request to demolish an existing 1-story single family residence and construct a new 2-story single family residence. The parcel is located in the H30B Zoning District at 9348 Byron Avenue. The average lot depth is 112.5 feet with a width of 50 feet. The site plan indicates the lot size is 5,625 square feet (SF). The proposed air-conditioned floor space totals 4,040 SF.

The setback requirements for the H30B Zoning District are 20-foot front, 5-foot side and 20 feet rear. The Applicant is proposing a 20-foot front setback with a setback on the rear lot of 35 feet and a 5-foot side setback. Total lot pervious area is unclear and needs clarification where 35% is required. The front yard setback pervious area is proposed at 50% where 50% is required. The rear yard setback pervious area is 76% where 40% is required. The second floor under ac is proposed at 1,793 SF which is 32% where 32% is the maximum. A pitched roof is proposed at the 30 feet height requirement. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include a garage door, windows, stacked stone, white stucco, concrete planter and composite wood. The front elevation includes a paver driveway and walkway with grass, trees, a bay window and front porch. A charcoal tile roof is proposed. Detailed drawings were provided by the Applicant with limited information on the pool.

**Applicant Package:** A package of 8 drawings and an application was submitted by the Applicant with a recent survey dated 9/1/2021.

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

Future pool deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area.

Provide a height dimension for the fence. Maximum fence height is limited to 6 feet.

Street trees area are required along the public street frontage of the property. At least 2 trees are required on Byron Avenue. It is suggested the trees be planted along the property lines.

Tree removal permit is provided prior to the removal of existing site trees.

Provide calculations to show the 35% minimum pervious area is met, in addition to the 20% Florida Friendly.

Relabel garage as 'storage,' and clarify if the door will be composite wood or grey to match the stone color.

Hugo Miyares, architect representing applicant provided an overview of the project.

Board Member MacKenzie spoke regarding the design of switching the door and wall. He spoke regarding the relationship of the house with its surroundings. He suggested the steps to be more interactive with the landscape.

Chair Frankel stated that the house is a very dark house with a very dark roof. She suggested a lighter color roof would look better.

Mr. Miyares stated he will go to the client with a lighter color palate.

Chair Frankel asked Town Planner Keller if the stairs on the side of the house met the side setbacks.

Town Planner Keller stated that the stairs have to come out.

Vice Chair Landsman asked regarding the location of the pool in the back of the house.

Chair Frankel spoke regarding the roof colors and having it part of the code. She stated that possibly a light gray would look better.

Mr. Miyares agrees that a different color on the roof will make it more efficient.

Town Planner Keller suggested for the Board to make a recommendation of the color.

Town Attorney Recio stated what the code says regarding the color and solar reflective.

Chair Frankel stated for Mr. Miyares to work with his client on the color.

A motion was made by Vice Chair Landsman to approve the item with staff recommendations and conditions, seconded by Board Member MacKenzie. The motion carried with a 4-0 vote with Board Member Bravo absent.

**E. 9000 Abbott Avenue – New Single-Family Residence**

Town Planner Keller introduced the item and provided staff recommendations.

**Background:** This application is a request to construct a new 2-story single family residence on a vacant corner lot. The parcel is located in the H30B Zoning District at 9000 Abbott Avenue. The average lot depth is 112.5 feet with a width of 55.08 feet. The Applicant indicates the lot size is 6,037 square feet (SF). The proposed air-conditioned floor space totals 3,675 SF.

The setback requirements for the H30B Zoning District are 20-foot front, 10-foot street, 5-foot 6-inch side and 20 feet rear. The Applicant is proposing a 20-foot front setback with a setback on the rear lot of 20 feet and a 5-foot 6-inch side setback on the north and a 10-foot setback on 90th Street. Two encroachments on 90th street (access steps and a large planter) encroach 6 foot 6 Inches into the 10-foot setback.

Total lot pervious area is proposed to be 40% where 35% is required. The front yard setback pervious area is proposed at 55% where 50% is required. The rear yard setback pervious area is 70% where 40% is required. The second floor under ac is proposed at 1,702 SF which is 28% where 32% is the maximum. A flat roof is proposed at the 30 feet height requirement with a parapet wall varying between 18 Inches to 36 Inches. The parapet wall varies to provide screening for 2 A/C units which are centered on the roof top. Table 1 on page 3 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include aluminum windows with dove gray finish and a smooth white stucco finish on the building. The steps and planters will be Jerusalem stone. The garage door for the storage area will be white metal. The front door will have a blue finish with a gray metal frame.

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

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

Clarify location and design of the Trellis.

Provide additional information on the lighting attached to the building plans at several locations.

Provide basis for encroaching into the 10-foot setback with the access steps to the front door a distance of 6 Feet 6 Inches.

Provide basis for encroaching into the 10-foot setback with the planter structure a distance of 6 Feet 6 Inches.

Verify the planter structure is open and pervious and whether the structure was deleted from the pervious area calculation.

Town Planner Keller is recommending this item be deferred in order to have the issue with the encroachment resolved.

Building Official McGuinness spoke regarding the numbering of the home due to the way the house is facing. He suggested for the property address to be changed to the 90<sup>th</sup> Street address.

Jeff Rose, representing the applicant provided an overview of the project.

Board Member MacKenzie stated that most codes are more restrictive when the yard is facing the street.

George Kousoulas, architect, addressed the comments made regarding the landscaping and encroachment as it pertains to the ZIP. He stated that there is a relationship of landscape features to the yard and setbacks. He spoke regarding the planters in the newer version is lower.

Chair Frankel stated that the rendering is a bit misleading and A101 is really where the street is.

Board Member Henderson asked if either of Mr. Rose or Mr. Kousoulas would walk down those steps.

Chair Frankel addressed Board Member Henderson's question regarding the distance.

Board Member Henderson asked regarding A100.

Mr. Kousoulas stated the renderer placed the house incorrectly.

Vice Chair Landsman stated that it appears from the rendering that it is a collection of sugar cubes placed on top of each other and is unique and industrial.

Mr. Kousoulas stated that the owner is looking for a modern design.

Chair Frankel spoke regarding the landscaping and planters.

Mr. Kousoulas addressed the comments made regarding the planters.

Town Attorney Recio asked if the change submitted are in the plans yet.

Mr. Kousoulas stated not at this time.

Town Planner Keller spoke regarding the planters and secondary frontage and that is why he suggests deferral of the item. He stated that he is not ready to make a recommendation and the trellis is not correct.

Board Member MacKenzie stated that all the sensitivity went out the window. He agrees with Chair Frankel and they feel distressed that this feels very out of context for the fabric of this Town. He asked Town Attorney Recio to help him. He understands that they have to follow rules of the design guidelines. He spoke regarding the wall to the neighbor to the south and that it is a bit harsh.

Further discussion took place among the Board Members regarding the context and commercial feel of the project as well as the handrails.

Chair Frankel asked what their feeling is regarding the steps and they have to bring it back to 6 ½ feet.

Board Member MacKenzie stated that the foyer has to be removed and the wall moved back.

Mr. Kousoulas addressed the comments made by the Board.

Board Member MacKenzie asked if they are fine with deferral of the item and believes the house is totally out of context and this is a reason for deferral.

Mr. Kousoulas asked if they can defer to a date certain.

Chair Frankel stated that a small encroachment is ok as per Town Planner Keller as long as all other comments are being addressed.

A motion was made by Vice Chair Landsman to defer the item to a date certain of December 16, 2021, seconded by Board Member Henderson. The motion carried with a 4-0 vote with Board Member Bravo absent.

#### **F. 525 95<sup>th</sup> Street – Single Family Addition and Pergola**

Town Planner Keller introduced the item and provided staff recommendations.

**Background:** This application is a request for a 90 square foot (SF) addition to the back of a single-family residence for an expanded dining room with sliding door access to the existing deck. A 160 ± SF trellis will also be constructed.

The existing residence includes 2,062 SF of air-conditioned space. The expanded residence will total 2,152 SF.

The corner lot is zoned H30B with 6,160 SF per the Applicant's submission. A Miami-Dade County Property Appraiser's Angled photo is provided on the following page. The proposed addition will match the existing Finished Floor Elevation (FFE) of the existing residence. The addition complies with the 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 September 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 as presented.

Jeff Rose, stated that the architect and contractor asked Mr. Rose to state for the record that the application meets all requirements.

Chair Frankel asked if the stairs are a problem.

Town Planner Keller stated that the stairs are fine and so is the trellis.

A motion was made by Vice Chair Landsman to approve the item with staff recommendations, seconded by Board Member Henderson. The motion carried with a 4-0 vote with Board Member Bravo absent.

#### **G. 600 94<sup>th</sup> Street – Front Yard Pool**

Town Planner Keller introduced the item and provided staff recommendations.



**Background:** This Applicant is requesting approval to construct a pool in the secondary front yard. The interior lot is zoned H30B totaling 6,160 square feet (SF) per MDCPA.

The proposed pool is located in the east portion of the lot approximately 3 feet 4 inches east of the wall. The pool meets setback requirements for the front yard (10 feet from the secondary front property line) and 6 feet 6 inches from the rear (south) property line. The pool is 10 feet by 38 feet 1 inch in size.

A 4-foot aluminum fence is proposed enclosing the pool and part of the primary front yard. The fence will be 50% opaque with hedges planted on the exterior of the fence. There are no details to the type of hedge that will be planted. The pool equipment is located near the front east portion of the residence near the entry door enclosed within the fence 10 feet 7 inches from the primary front property line.

The pool deck includes a 2-foot to 3-foot concrete interlocking paver deck surrounding the pool, the deck is 10 feet 3 inches from the primary front property line and approximately 8 feet from the secondary property line. The addition of these will reduce the landscape/pervious area total in both the primary and secondary yard setback area where 50% landscape/pervious area is required. Calculations and worksheets are needed to ensure the landscape/pervious area can be met.

**Applicant Package:** A package of the site plan and survey was 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 fence needs to be approved by the Planning and Zoning Board.
- Clarify if any trees are being removed as part of this addition, if so, a tree removal permit will be required, in addition to mitigation of the trees.
- Provide calculations and worksheets verifying the addition complies with the 50% landscape/pervious area requirement in the front and that the 35% total pervious area for the lot can be met.

Rafael Puig, representing the applicant gave an overview of the project.

Vice Chair Landsman stated that as designed it does not meet the setback requirements.

Town Planner Keller stated they need to make the pool smaller and make some other revisions.

Mr. Davoudpour, applicant, spoke regarding the setback and they can remove the pavers if they do not need to be there.

Chair Frankel stated that they need to see the calculations.

Town Planner Keller stated that if they approve it subject to conditions, he will check the final plans to make sure they meet the conditions.

Board Member MacKenzie asked if Town Planner Keller found any other issues.

Town Planner Keller stated that the drawing was limited since everything was placed on one piece of paper.

Mr. Davoudpour addressed the comments made by the Board.

Chair Frankel asked regarding the fencing and how one obtains access to the pool.

Mr. Puig stated that there is a gate and a rear entrance to the house.

Chair Frankel stated that they need to come up with calculations for Town Planner Keller.

Further discussion took place regarding the project and the fencing under these circumstances.

A motion was made by Vice Chair Landsman to approve the item with staff recommendations, seconded by Board Member Henderson. The motion carried with a 4-0 vote with Board Member Bravo absent.

#### **H. 228 89<sup>th</sup> Street – Sign**

Town Planner Keller introduced the item and provided staff recommendations.

**Background:** This application is a request to place a permanent wall sign with QR Code on the 89<sup>th</sup> Street secondary frontage. The parcel is located in the SD-B40 Zoning District.

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

**2006 Code: 90-209(c)1** – Provides 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 approximately 50 feet of frontage.

**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 approximately 50 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.

**Staff Recommendation:** Recommend approval of the exterior wall sign. The Applicant's proposed wall sign is 31.5 SF. The illumination of the sign is white LED.

Chair Frankel asked regarding the QRU code.

Ezequiel Fattore, applicant explained that it is an internal website and they can redirect or change.

Board Member Henderson explained how the QRU code works.

Vice Chair Landsman asked if it is lit and the number of lumens.

Town Planner Keller stated it is white LED as required by code.

Board Member Henderson asked regarding the size of the frontage sign.

A motion was made by Vice Chair Landsman to approve the item with staff recommendations, seconded by Board Member Henderson. The motion carried with a 4-0 vote with Board Member Bravo absent.

#### **I. 9467 Harding Avenue - Sign**

Town Planner Keller introduced the item and provided staff recommendations.

**Background:** This application is a request to convert three business storefronts into one retail business. The former KosherLand is expanding and renaming to the Grove Kosher Market. The Applicant was approved by the Planning and Zoning Board in August 2020. The current request includes signage, finalized façade features and the sidewalk café. The commercial space is zoned SD-B40 with 75 lineal feet of frontage.

Three large projecting signs are proposed: one over the main entrance to the storefront (34.89 SF); one at the south end of the store (10.46 SF); and one at the north end of the store (10.46 SF). There is an additional wall graphic (77.89 SF) of which 21 SF is lit in the sidewalk café. The sidewalk cafe is located at the northern portion of the store. Six tables with 4 chairs each are located in the cafe area. Two overhead fans provide circulation and cooling for the cafe area. Overhead flush mounted can lights are used to illuminate the area and a wall graphic (see Applicant's drawings).

Architectural modifications to the front façade include 'wood' building cladding, white and off-white stucco, light grey metal supports with a dark grey metal awning. The storefront is composed of glass windows and doors with dark grey Kawneer frames.

A Google Street View Photo is provided on the following page.

**Governing Codes:** The September 2021 Zoning in Progress relevant requirements for lots in the SD-B40 District are:

**Current Municode: Sec 90-73.a(3b(1-3))** – Provides 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 has 75 feet of frontage. The maximum size of any one sign is 45 SF. The Code has further restrictions including requiring a 1/4 inch to 2-inch offset from the wall to allow rainwater to drain and limits illumination to white LEDs. All signage to be lit with white illumination from dusk to dawn.

**Sidewalk Businesses: Sec 18-92** – Provides the minimum standards, criteria and conditions for the operation of sidewalk cafes. The Applicant will need to obtain a sidewalk café permit.

**Applicant Package:** A package of drawings, renderings, materials detail and survey was submitted by the Applicant.

**Staff Recommendation:** Approval subject to the sign packet revising the proposed sign area to show the actual sign area being proposed and is equal to or less than 75 SF total for all signs combined, and clarify all LED's will be white.

The Planning and Zoning Board needs to give design approval for the three wall signs, the architectural modifications, the furniture in the sidewalk café and the wall graphics.

Chair Frankel asked how far are they from meeting the 75 square feet requirement.

Town Planner Keller stated they were at 77.8 square feet. He stated that it is just about cleaning it up a little.

Jordy Solvoy, architect represented the applicant and provided an overview of the project.

Chair Frankel commented on the sign and due to the fact that it is illuminated that is why it is considered a sign. She stated that Chair Meischeid from DVAC is in agreement. If they can bring it to 75 feet.

A motion was made by Board Member Henderson to approve the item with staff recommendations, seconded by Vice Chair Landsman. The motion carried with a 4-0 vote with Board Member Bravo absent.

Board Member MacKenzie suggested changing the order of the agenda by putting the easier ones on the top of the agenda.

Chair Frankel stated that in theory it makes sense but the homeowners have to go through the expense of advertisement. She stated that to accommodate the homeowners that are building new homes that is why we put them first.

Chair Frankel asked if they can email their suggestions on the gates and fences to Town Planner Keller in order for him to provide recommendations to the Board.

**5. Next Meeting Date: October 28, 2021**

Consensus was reached to hold the next meeting on October 28, 2021.

**6. Discussion Items:**

**A. Gates and Fences**

**B. Zoning Code**

Chair Frankel would like to schedule a separate meeting just to discuss the proposed draft of the zoning code.

Town Attorney Recio stated that it is in the purview of this Board to have a special meeting.

The board requested to hold a Planning and Zoning Board Zoning Code Workshop in October.

**C. Future Agenda Items**

Vice Chair Landsman suggested that since the Commission has decided on items that need to go before the Planning and Zoning Board, for example fences and gates, as well as height of hedges, that they get a message to the Commission for them to have a say on hedges and gates before the Board makes a decision.

Town Attorney Recio stated that with hedges and gates, the Commission suggested what should be in the proposed draft of zoning code and it will come before this Board for recommendations before it is placed in the code.

Chair Frankel stated she is passionate about hedges and gates but there are more important things that need to be addressed.

**7. Adjournment**

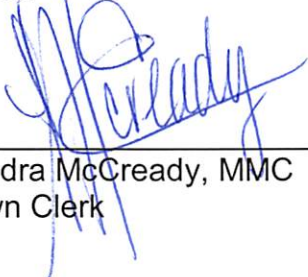
A motion was made Board Member Henderson to adjourn the meeting without objection at 10:34 p.m. The motion received a second from Vice Chair Landsman. The motion carried with a 4-0 vote with Board Member Bravo absent.

Respectfully submitted,

Accepted this 28 day of October, 2021.

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

Attest:

  
\_\_\_\_\_  
Sandra McCready, MMC  
Town Clerk