



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

DECEMBER 16, 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 6:06 p.m.

Present: Chair Judith Frankel, Board Member Fred Landsman, Board Member Ruben Bravo, Board Member Randi MacBride and Alternate Board Member Carolyn Baumel.

Absent: Mayor Charles W. Burkett and Board Member James MacKenzie

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 – October 28, 2021

A motion was made Vice Chair Landsman to approve the October 28, 2021 Planning and Zoning Board Meeting Minutes, seconded by Board Member Bravo. The motion carried with a 5-0.

4. Applications:

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

Town Attorney Recio polled the Board Members.

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

Deputy Town Clerk Herbello confirmed notice requirements for all applicants with the exception of 9281 Byron Avenue. That applicant did not meet the notice requirement.

Town Attorney Recio advised the Board that the item, 9281 Byron Avenue, has to be deferred due to not meeting notice requirements.

Deputy Town Clerk Herbello swore in all applicants.

A. 9000 Abbott Avenue – New Two-Story Residence

Background: This application is a request to demolish an existing 1-story single-family residence and construct a new 2-story single-family residence with concrete driveway including grass inlay in the front; covered terrace (284 SF), open trellis (80 SF) and pool with a deck (322 SF) in the rear, there is no information provided on the deck at this time. The parcel is located in the H30B Zoning District at 9000 Abbott Avenue and is a corner lot. The average lot depth is 112.5 feet with a width of 55.08 feet. The site plan indicates the lot size is 6,037 square feet (SF). The proposed air-conditioned floor space totals 2,119 SF.

The setback requirements for the H30B Zoning District are 20-foot front, 10-foot secondary front, 5.5-foot side and 20-foot rear. The applicant is proposing a 20-foot front yard setback with a 20-foot rear yard setback, a 5.5-foot interior side setback and a 10-foot secondary front setback. Total lot pervious area is proposed at 2,286 SF or 38% where 35% is required. The front yard setback pervious area is proposed at 59.8% where 50% is required. The rear yard setback pervious area is 70.8% where 40% is required. The second floor under a/c is proposed at 1,689 SF or 77% of the first floor where 80% is the maximum. A pitched roof is proposed at the 30-foot maximum height allowed. Table 1 on page 3 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include a black metal garage door, black impact doors and windows, black aluminum railings, black metal drip and fascia, board formed architectural concrete, white ash finished front door, raised smooth stucco band painted in charcoal gray at the base of the building, and the building is painted with smooth stucco white paint. The plans also include a concrete driveway and walkway with grass in between. A cement roof tile in the color 'Dove Gray' is proposed. Detailed drawings were provided by the applicant with limited information on the pool.

The applicant is proposing three street trees where 6 street trees are required (Palm Trees are counted 3:1). The applicant is proposing less than 2 trees and a total of 35 shrubs for the lot, where 6 trees and 35 shrubs are required for single-family homes on corner lots. A total of 100% of the trees on site are palm trees, where 40% is the allowed maximum. The site plan shows two species of palm trees proposed, where there must be a total of 5 different tree species, of which a minimum of 30% must be shade trees that meet the requirements of the code. A total of 20% of all landscaping is proposed to be Florida-Friendly

where the zoning in progress requires 40%. Figure 1 is an aerial view of the existing property.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 11/12/2021.

Staff Recommendation: The site plan package is consistent with the Zoning in Progress. It is recommended the application be approved subject to the following comments:

- Clarify the height of the residence. One dimension has 30 feet 2 inches and another 30 feet. Maximum height per Zoning in Progress is 30 feet.
- Per the **Zoning in Progress**, all landscaped areas must include 40% of Florida-Friendly materials. Provide calculations to show this requirement is met. Please refer to **Sec. 90-95** for H30B single family landscape requirements. A total of 6 trees made of five (5) different tree species is required onsite: 30% shade trees, 30% small trees and no more than 40% palm trees
- Street trees are required along the public street frontage of the property, see **Sec. 90-89**. Street trees shall be required at one shade tree per 20 linear feet of street frontage thereof along all public or private street rights-of-way in all zoning districts. It is suggested the trees be planted along the property lines. Palm trees count as 3:1; therefore, three palm trees equals one tree.
- The future pool deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, per **Sec. 90-54.2**. Pool decks must meet the 5-foot rear and side yard setback requirements.
- Provide the style and height dimension for the fence. Maximum fence height is limited to 6 feet, see **Sec. 90-56**.
- A tree removal permit is provided prior to the removal or relocation of existing site trees, see **Sec. 90-97**.

Jeff Rose, representing the applicant provided an overview of the project and advised there was a typo and it will be 30 feet.

Vice Chair Landsman stated he recalls this application from a few months ago and appreciates that Mr. Kousoulas came up with something different. He spoke regarding the design and appreciates the rendering and for the applicant to make sure he has 30 feet.

Board Member Bravo spoke regarding a fence that is mentioned.

Town Planner Keller stated that there is a gate that goes with the fence for the pool that is in the back.

Mr. Rose stated it will be submitted once they do the pool and fence, it will be submitted separately.

Board Member Bravo agrees with the comments and that the height is the correct one.

Vice Chair Landsman asked how much more will the pitch add.

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

Chair Frankel stated that if you add the landscaping up front in advance it humanizes the scale adding the trees. She asked architecturally on the house on the second-floor balcony and the corner pillar if there is a reason why it was not made of glass.

Mr. Rose stated that was what the client wanted.

Chair Frankel stated that what they are trying to do is make the houses look lighter.

George Kousoulas, architect for the applicant, stated that what the client wants to get at is making the house look more traditional and a complete glass balcony makes it more modern.

Board Member Baumel agrees with Mr. Kousoulas and likes seeing the separation and it gives it a Mediterranean feel.

Building Official McGuinness added conditions regarding the floor plan being properly marked at elevation marking of 10 feet and the air conditioning equipment must be at the same elevation which is 10 feet and all elevations need to be read in NAVD instead of NGVD.

Board Member Bravo appreciates the roof being gray and not black.

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

A motion was made by Vice Chair Landsman to approve the item with staff recommendations excluding the fence, gate and pool which will be submitted separately and adding the Building Officials conditions which include: base flood elevation on the site plan and in NAVD calculation, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

B. 9045 Hawthorne Avenue - New Two-Story Residence

Background: This application is a request to demolish an existing 1-story single-family residence and construct a new 2-story single-family residence with a cabana (300 SF) located in the side yard, a concrete driveway with grass inlay in the front; covered terrace (325 SF) and pool with deck in the side yard. The double lot parcel is located in the H30B Zoning District at 9045 Hawthorne Avenue. The average lot depth is 112.5 feet with a width of 100.08 feet. The site plan indicates the lot size is 11,259 square feet (SF). The proposed air-conditioned floor space totals 3,604 SF.

The setback requirements for the H30B Zoning District are 20-foot front, side is 10% the lot width (10 foot) and 20-foot rear. The applicant is proposing a 20'-1" front yard setback with a 20-foot rear yard setback, and a 10-foot side setback. Total lot pervious area is proposed at 5,053 SF or 44.9% where 35% is required. The front yard setback pervious area is proposed at 72.4% where 50% is required. The rear yard setback pervious area is 97.8% where 40% is required. The second floor under a/c is proposed at 3,025 SF or 67.2% of the first floor where 80% is the maximum. A pitched roof is proposed at the 30-foot maximum height allowed. Table 1 on page 3 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include a black metal garage door with raised stucco around it, black impact windows, glass railings, gray natural stone cladding, wood screening, wood door, phenolic panel, and board formed concrete. The building will be painted with smooth stucco white paint. The plans also include a concrete driveway and walkway with grass in between. A pitched gray aluminum metal roof is proposed with black fascia. The plans show the exterior of the cabana to have gray natural stone cladding. Detailed drawings were provided by the applicant with limited information on the pool. The pool and deck are proposed at 1,476 SF; there is no other information provided on the pool and deck.

The applicant is proposing six (6) street trees although additional information needs to be provided on the species. The applicant is keeping 2 large existing oak trees and proposing 6 new trees (species unknown) with a total of 26 shrubs for the lot, where 7 trees and 41 shrubs are. It is unclear whether the proposed palm trees meet the requirements of the code. A total of 60% of the trees on site are palm trees, where 40% is the allowed maximum. The site plan shows two-three species of palm trees proposed and one species of shade tree, where there must be a total of 4 different tree species. A total of 20% of all landscaping is proposed to be Florida-Friendly where the zoning in progress requires 40%. Figure 1 is an aerial view of the existing property.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 11/12/2021.

Staff Recommendation: The submitted site plan package is consistent with the Zoning in Progress except as noted. It is recommended the Application be approved subject to the following comments:

- Per the **Zoning in Progress**, all landscaped areas must include 40% of Florida-Friendly materials. Seven (7) on-site trees and 41 shrubs are required for this lot size. Provide a table or separate calculations to show the landscape requirement is met. Please refer to **Sec. 90-95** for H30B landscape requirements. A total of four (4) different tree species are required: 30% shade trees, 30% small trees, and 40% palm trees. Note, some Palm trees are counted on a 3:1 ratio and must meet the requirements set forth in the above referenced section.
- Five (5) street trees are also required along the public street frontage of the property, see **Sec. 90- 89**. Street trees shall be required at one shade tree per 20 linear feet of street frontage thereof along all public or private street rights-of-way in all zoning districts. It is suggested the trees be planted along the property lines.
- Per **Sec. 90-54.1** the maximum height for an accessory building shall not exceed 12 feet. Please provide the height of the cabana roof on the site plan package.
- Provide the style and height dimension for the fence. Maximum fence height is limited to 6 feet, see **Sec. 90-56**.
- A tree removal permit is required prior to the removal or relocation of existing site trees, per **Sec. 90-97**.

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

George Kousoulas representing the applicant spoke regarding the project and the site plan. He spoke regarding the benchmarks that surveyors rely on are NGVD and a conversion needs to take place.

Building Official McGuinness requested for the calculations to be in NAVD as well as having flood vents and proper elevation that applies to the cabana as well.

Town Attorney Recio stated that the Building Official would like to move towards NAVD and suggested that surveys be done on both.

Board Member Baumel stated that architecturally it is very pleasing and they were sensitive to the area.

Vice Chair Landsman stated that this structure is bigger than allowed in a single lot and appreciates the separation since they have a double lot. He stated that he likes the cabana's location.

Board Member Bravo stated that it is a beautiful home and modern. He spoke regarding the wood screen and its constructability and believes it will be a challenge. He commented on the cabana and the north side articulation is questionable for him. He stated that overall the house is very nice and appreciates him not using the entire site for building.

Chair Frankel spoke regarding the project and setbacks.

Mr. Rose addressed the comments made by Chair Frankel.

Mr. Kousoulas spoke regarding the elevation and being close to the neighbors you do not want too much glass and spoke regarding the terrarium.

Board Member Bravo likes the exterior lighting.

A motion was made by Board Member Bravo to approve the item with staff recommendations and conditions minus the fence which will be submitted separately, seconded by Board Member Baumel. The motion carried with a 5-0 vote.

C. 9248 Emerson Avenue - New Two-Story Residence

Background: This application is a request to demolish an existing 1-story single-family residence and construct a new 2-story single-family residence with a concrete driveway with grass inlay in the front yard; covered terrace (331 SF), a trellis (89 SF) and pool with a deck in the rear yard. The parcel is located in the H30B Zoning District at 9248 Emerson Avenue and is currently vacant. The lot depth is 141.11 feet with a width of 56.08 feet. The site plan indicates the lot size is 6,368.15 square feet (SF). The proposed airconditioned floor space totals 2,398 SF.

The setback requirements for the H30B Zoning District are 20-foot front, 5-foot side and 20-foot rear. The applicant is proposing a 20-foot front yard setback with a 22'-11" rear yard setback, and a 5-foot side setback. Total lot pervious area is proposed at 2,451 SF or 38.5% where 35% is required. The front yard setback pervious area is proposed at 63% where 50% is required. The rear yard setback pervious area is 74.4% where 40% is required. The second floor under a/c is proposed at 1,901 SF or 79% of the first floor where 80% is the maximum. A flat roof is proposed at the maximum 30-foot height allowed. Table 1 on page 3 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include a black metal garage door with orange/tan cladding and black front door. Orange/tan and gray stone cladding are used throughout the architectural design. A water feature located at the front of the house is also proposed adjacent to the concrete steps. Other elements include black impact windows, glass guardrails with black trim, a wood trellis over the front entry and concrete overhang. The building will be painted with a stucco finish in genesis white. The plans also include a concrete driveway with a grass inlay walkway. A flat white roof is proposed. Detailed drawings were provided by the applicant with limited information on the pool. The pool and deck are proposed at 609 SF; there is no other information provided on the pool and deck.

The applicant is proposing two (2) street trees where 5 street trees are required (Palm Trees are counted 3:1). The applicant has noted they are keeping 2 existing trees, but aerial imagery indicates all trees have been removed from the site, the applicant is proposing no additional trees and 25 shrubs for the lot, where 5 trees and 25 shrubs are required for single-family homes. The applicant is proposing palm trees for the site to account for the street tree requirement; there are no other trees proposed on site. A total of 20% of all landscaping is proposed to be Florida-Friendly where the zoning in progress requires 40%. Figure 1 is an aerial view of the existing vacant property.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 11/08/2021.

Staff Recommendation: The site plan package is consistent with the Zoning in Progress. It is recommended the application be approved subject to the following comments:

- Per the **Zoning in Progress**, all landscaped areas must include 40% of Florida-Friendly materials. Provide calculations to show this requirement is met. Please refer to **Sec. 90-95** for H30B landscape requirements. A total of four (4) different tree species is required: a minimum of 30% shade trees and 30% small trees, and a maximum of 40% palm trees can be counted towards the tree requirement. Palm trees are counted on a 3:1 ratio and must meet the requirements set forth in the above referenced section.
- Street trees are required along the public street frontage of the property, see **Sec. 90-89**. Street trees shall be required at one shade tree per 20 linear feet of street frontage thereof along all public or private street rights-of-way in all zoning districts. It is suggested the trees be planted along the property lines. Palm trees count as 3:1; therefore, three palm trees equals one tree.
- The future pool and deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, per **Sec. 90-54.2**.

- Provide the style and height dimension for the fence. Maximum fence height is limited to 6 feet, see **Sec. 90-56**.
- A tree removal permit was required **prior** to the removal of existing site trees, per **Sec. 90-97**. The permit will need to be applied for as soon as possible for the removal of at least 2 or more trees that were on site.
- Verify and note the location of the proposed mechanical equipment is at least 15 feet from the nearest adjacent residence.

Chair Frankel asked regarding a glaring mistake that confused her. She stated that the rendering on the colors does not match A101 and A201, it is a mirror image on the front and then A301 reflects the rendering and it does not add up.

Jeff Rose, representing applicant, stated that A201 and A101 are flipped around and the driveway has to be flipped over which did not take place.

Town Attorney Recio spoke regarding a tree in the rendering.

Mr. Rose stated that the tree is no longer there.

Town Attorney Recio stated that the survey is outdated.

Mr. Rose stated that the survey was from a year ago and the tree is no longer there, and they wanted to hire Mr. Kousoulas.

Chair Frankel asked if the interior drawings are correct.

Mr. Rose stated that the interior drawings are correct.

Chair Frankel stated that the landscaping is incorrect.

Mr. Kousoulas stated that it is the driveway in the front and any front yard landscaping and the rear stays the same.

Chair Frankel stated that any approval needs to state that any landscaping needs to be up to code. She asked if it is the same client.

Mr. Rose stated it is a new property owner.

Mr. Kousoulas stated that the home is modern and spoke regarding the design.

Board Member Bravo spoke regarding the trash containers and if they are movable. He asked if there is a fence or pool as part of the application. He asked regarding the trees and landscaping.

Mr. Rose stated it is movable and for them to put their trash. He stated that there is no fence or pool. He addressed the comments made by Board Member Bravo regarding the trees.

Board Member Bravo commented on this home being a modern home which is the trend now in Surfside.

Chair Frankel believes there are opportunities to reduce massing without reducing the square footage. She spoke regarding the beam and if they hang an awning it will feel like a closed space. She stated that if they could leave the beam out, it will give you the same affect without it being bulky. She spoke regarding the canopy and hedges on the plan.

Board Member Baumel likes the idea and the fact that it can be a privacy wall.

Chair Frankel spoke regarding the design guideline and it reducing massing without impacting interior space and footage.

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

Town Attorney Recio asked to have the motion maker reconsider the motion made in order to add the additional conditions.

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

Chair Frankel stated that if it is the S.E. corner beam for staff to make changes to minimize it to reduce the massing.

A motion was made by Vice Chair Landsman to approve the application with staff recommendations, and conditions stated before plus a reduction to the southeast corner beam in order to reduce the impact of the massing, seconded by Board Member Baumel. The motion carried with a 5-0 vote.

D. 9565 Carlyle Avenue - New Two-Story Residence

Background: This application is a request to demolish an existing 1-story single family residence and construct a new 2-story single family residence with concrete driveway including 4-inch grass inlay in the front; covered terrace, open trellis and pool with pool deck in the rear. The parcel is located in the H30B Zoning District at 9565 Carlyle 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 2,210 SF.

The setback requirements for the H30B Zoning District are 20-foot front, 5-foot side and 20-foot rear. The Applicant is proposing a 20-foot front yard setback with a setback on the rear yard of 20-feet and a 5-foot side setback. Total lot pervious area proposed is 1,968 SF where 1968.75 or 35% of 5,625 SF is required. The front yard setback pervious area is proposed at 63% where 50% is required. The rear yard setback pervious area is 50% where 40% is required. The second floor under a/c is proposed at 1,783 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 black metal garage door, black impact doors and windows, black aluminum railings, dark gray natural slate exterior tiles for the concrete planter, white stucco, and a composite wood screen. The plans also include a concrete driveway with 4-inch grass inlay and walkway with grass, trees. A cement roof tile in the color 'Sierra Madre' is proposed. Detailed drawings were provided by the Applicant with limited information on the pool.

The applicant is proposing less than 2 street trees where 2 street trees are required (Palm Trees are counted 3:1). The applicant is also preserving several palm trees onsite in addition to meeting the requirement for shrubs. A total of 20% of all landscaping is proposed to be Florida-Friendly where the zoning in progress is requiring 40%.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 10/25/2021.

Staff Recommendation: This application is consistent with the Zoning in Progress. It is recommended the application be approved subject to the following comments:

- Per the **Zoning in Progress** all landscaped area must include 40% of Florida-Friendly materials. Provide calculations to show this requirement is met. Please refer to **Sec. 90-95** for H30B landscape requirements. A total of five (5) different tree species is required: 20% shade trees, 20% intermediate trees and 20% small tree. Palm trees cannot constitute no more than 20% of the required trees, see **Sec. 90-89**.
- Street trees area are required along the public street frontage of the property, see **Sec. 90-89**. Street trees shall be required at one shade tree per 20 linear feet of street frontage thereof along all public or private street rights-of-way in all zoning districts. It is suggested the trees be planted along the property lines. Palm trees count as 3:1; therefore, three palm trees equals one tree.

- The future pool deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, per **Sec. 90-54.2**.
- Provide a height dimension for the fence. Maximum fence height is limited to 6 feet, see **Sec. 90-56**.
- A tree removal permit is provided prior to the removal of existing site trees, per **Sec. 90-97**.

Jeff Rose, representing the applicant spoke regarding the tie beam and parapet and provided an overview of the project.

Building Official McGuinness provided recommendations regarding the design flood of 10 feet and the required elevation mark on the plans.

Board Member Bravo asked regarding the fence.

Mr. Rose stated that they will not be having a fence.

Board Member Bravo spoke regarding two story homes in Town.

Chair Frankel spoke regarding the railing on the second floor and how it meets the transparency requirement.

Mr. Rose stated that this is the 6th two-story home on the block and they are becoming more prevalent.

Board Member Bravo asked where they are applying the tie.

Mr. Rose stated that it is where the band would be in order to have a straight wall.

Chair Frankel stated that the vertical banding makes it look smoother. She asked regarding the railing on the balcony and its setback.

Vice Chair Landsman asked if the neighbors are getting the noticing of the home being built.

Deputy Town Clerk Herbello stated that Mr. Rose does send out the notice requirements to the neighbors as required.

Board Member Bravo spoke regarding the new designs of the homes.

Board Member Baumel commented on the projects meeting the code requirements and if the neighbors want to comment they can. She stated that she walks through these streets and all these improvements are healthy, good and are needed. She stated that for those that want to renovate it becomes a mess. She stated that any

improvement to a home, regardless if she likes it or not, is good for the community and this application meets all the requirements of the code and this community.

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

E. 9157 Froude Avenue – Garage Conversion

Background: This application is a request to demolish a sunroom (323 SF) with a metal roof located in the rear yard. The concrete slab from the sunroom will remain. The applicant is also requesting approval for the conversion of an existing garage to a living space. The applicant converted the garage previously without receiving Planning and Zoning Board approval. The garage conversion is associated with a code violation. The existing living space has three existing windows. The interior lot is zoned H30B totaling 5,600 square feet (SF) per MDCPA.

Figure 1 on the next page is an aerial view of the property. Figure 2 is a Google Street View depicting the existing front yard condition. In addition to this Memorandum, a package of a floor plan, elevations and survey was submitted by the applicant.

Governing 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.

Applicant Package: A package of the survey and floor plan was submitted by the Applicant dated October 25, 2020.

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

- Provide information and or add to site plan that the floor of the garage conversion matches the existing Finished Floor Elevation of the residence.
- Provide calculations, worksheet and or information verifying the front yard landscape/pervious area.

Chair Frankel asked if someone will go there and check it.

Town Planner Keller stated that the Building Department will go out to inspect.

Jeff Rose, representing the application provided an overview of the project and they will meet all recommendations and requirements.

Vice Chair Landsman asked if the sunroom is still there.

Mr. Rose stated that it still exists and they have applied for the removal of it.

Further discussion took place regarding the design and applying for the required permits to remove what does not meet code.

Town Attorney Recio stated they are only approving the design of the garage conversion that was already there.

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

F. 1420 Biscaya Drive – New Two-Story Residence

Background: The residence for this location was approved by the Planning and Zoning Board at the October meeting. Preliminary discussion of the front yard wall and gate took place with the Applicant and the Board at the October meeting. This application is a request to build a concrete wall and fence with gates in the front yard. The proposed wall is 3 feet 6 inches in height with two (2) aluminum motorized gates and one (1) self-closing aluminum pedestrian gate. The proposed wall will be painted with smooth stucco and includes aluminum posts with wood grain paint finished fence and gas wall sconces. The parcel is in the H30A Zoning District at 1420 SW Biscaya Drive. The average lot depth is 200 feet with a width of 92 feet. The site plan indicates the lot size is 18,400 square feet (SF).

The maximum height for walls on a lot wider than 50 feet and less than 100 feet is 5 feet. The Applicant is proposing a height of 3 feet 6 inches for the concrete wall and fence. The proposed elevations show a 50 percent opacity along the fence portions, the wall portions do not appear opaque. The code requires surfaces above 2 feet measured from grade are required to maintain a minimum opacity of fifty (50) percent.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 11/17/2021.

Governing Codes:

Per **Sec. 90-56.12**, Fences and walls shall be constructed so that the finished side shall face out or away from the property upon which it is

constructed, and all support posts and the unfinished side shall be on the inside facing the property upon which said fence or wall is constructed. All masonry fences or walls shall be constructed so as to have a finished surface, including concrete block walls which shall have a plastered finish on all sides above ground level.

Per **Sec. 90-56.5**, Shrubs shall be installed at the time the fence or wall is installed. The shrubs shall be planted a minimum of 36 inches in height, shall be placed a maximum of 24 inches on center and shall cover the exterior of the fence or wall within one year after the final inspection of the fence.

Staff Recommendation: The Applicant provided a detailed landscape plan in October providing street trees in the right of way and Palm trees behind the wall. The Board has indicated a preference for providing a hedge in front of the wall in the front yard. Staff would be supportive of the addition of a hedge in front of the wall – fence on the property line provided the Planning and Zoning Board gives design approval.

Town Attorney Recio clarified this is not for a new two-story house.

Town Planner Keller stated it is not, it is for the fence and is within the design review of the Board.

Chair Frankel asked that the zoning requires it to be opaque and asked if they can overrule it.

Town Attorney Recio stated it is the way they look at and parts of the fence are 50%.

Chair Frankel asked regarding the wall and its opacity.

Town Planner Keller addressed the comments made by Chair Frankel.

Chair Frankel asked what they are bound by here.

Town Attorney Recio read what the code requires regarding the fence and the opacity requirement.

Town Planner Keller spoke regarding an example and will it average out.

Further discussion took place regarding what the code states as it pertains to the 50% opacity.

Cesar Molina, representing the applicant, spoke regarding the project and addressed the questions by the Board.

Chair Frankel asked what the opacity is and they feel it is more than 50%.

Vice Chair Landsman stated how much does it setback on the property line. He stated that they again are looking at if they want to see a gate instead of the design.

Chair Frankel asked the size of the gate and this is not intrusive. She stated that this is the best version they can look at. She spoke regarding the landscaping in front of the fence.

Mr. Molina stated that 28% is the wall.

Chair Frankel spoke regarding gates being contentious as well as the Commission not allowing gates at all. She stated that because this is a large property with a large front area, they have room to place the gates in another area. She stated that they have a nice design and they need to consider the Town as a whole.

Mr. Molina stated that they are meeting the code and this should not be based on aesthetics.

Vice Chair Landsman stated that it is in the code and this is not about aesthetics.

Chair Frankel stated that their recommendations to the Commission is not allowing gates at all.

Board Member Bravo stated it is nice but just does not see the need.

Mr. Molina stated that the owners will only spend 5 months out of the year here and would like to have their house secured.

Vice Chair Landsman reiterated that he has stated that they would like for gates and fences not to have to come before this Board.

Board Member MacBride stated that it is difficult on the design to see what they are going to vote on.

Chair Frankel gave Board Member MacBride an overview of the project and the house was approved.

Town Attorney Recio read the requirement per the code regarding the gates, fences and opacity.

Board Member Baumel asked Town Planner Keller for his recommendation.

Town Planner Keller recommended a hedge to be placed in front of the fence. He stated that in the past the Board has made the gates as open as possible.

Chair Frankel spoke regarding the design.

Board Member Baumel commented on Town Planner Keller's recommendation.

Vice Chair Landsman asked if they can require the gates of the driveway and walkway to be 80% opacity.

Chair Frankel stated that the homeowner wants it for security.

Further discussion took place among the Board, Town Attorney Recio and Mr. Molina regarding the gate, the need for the gate for security and privacy as it pertains to the code.

A motion was made by Board Member Baumel to approve the item with staff recommendations and conditions, seconded by Vice Chair Landsman. The motion failed with a 1-4 vote with Board Member Bravo, Board Member MacBride, Vice Chair Landsman and Chair Frankel voting in opposition.

Vice Chair Landsman advised the applicant to come back without the gate and bring it back as a fence and move the setback.

Town Planner Keller stated that there is not much space.

Mr. Molina asked if they can approve the application without the gate.

Jeff Rose gave suggestions on the opacity and airspace.

A motion was made by Vice Chair Landsman approve application to allow wall, fence with appropriate 50% opacity approved by Town Planner, removing the gates, (one pedestrian, two vehicular), seconded by Board Member Baumel. The motion carried with a 3-2 vote with Board Member Bravo and Board Member MacBride voting in opposition.

G. 9049 Abbott Avenue – Remodeling & New Addition

Background: This application includes the demolition of the landscaping, hardscape, and carport in the front yard, concrete within the side yards, rear patio and fence. The applicant is proposing a new addition to the front of the home, new driveway, new fence, landscaping, relocation of mechanical equipment, pool and deck in addition to architectural modifications at 9049 Abbott Avenue located in the H30B Zoning District. The addition includes 498 square feet of living space added to the front, a new driveway with concrete slabs, a 6' wood slatted fence with gates, landscaping to include water retention area, trees and shrubs. In the rear yard, the applicant is proposing a pool with deck, water retention area and mechanical equipment in the rear and side yards. Concrete stepping stones with pebbles are proposed in the side

yards. The application also includes alterations to the exterior and interior of the existing single-family home. The 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 setback requirements for the H30B Zoning District are 20-foot front, 5-foot side, and 20-foot for the rear. The applicant is proposing a 31'-6" front yard setback with a 5'-1" side setback and 20'-11" rear yard setback. Total lot pervious area is proposed at 2,094 SF or 37.4% where 35% is required. The front yard pervious area is proposed at 1,069 SF or 68% where 50% is required. The rear yard pervious area is proposed at 449 SF or 42% where 40% is required. The proposed building lot coverage is 2,240 SF or 40% where 40% is the maximum allowed.

Alterations include removal of the existing roof and replacing it with a new tiled pitched roof. The roof height will remain at 19'-6" where the maximum roof height is 30 feet. Windows and doors are to be removed and replaced. Table 1 on page 4 provides information on site characteristics and zoning requirements.

Various architectural features are proposed. These features include a new concrete roof tile in the colors tan and charcoal with a wood eave and wood fascia painted tan. The new roof will incorporate the addition to the front of the home. Other features include new windows and doors with a grey trim. The front of the house includes an 8-foot by 12-foot tubular steel beam for the front porch with grey finish. A new frosted front glass door with grey trim and three (3) ornamental medallions on each of the roof peaks are also proposed, the size of the medallions is not provided. The house will have a smooth stucco finish painted 'antique white'. Grey finished sconce lighting is proposed for the front and rear of the house. Concrete steps with small black beach pebbles are proposed in the side yards. A 207 SF pool with deck is proposed in the rear, no additional information was provided at this time.

The applicant is proposing removing all trees and relocating one palm tree to the rear yard. Less than two (2) street trees are proposed where two (2) street trees are required (Palm Trees are counted 3:1). The applicant is proposing 2 small to intermediate trees of two species and an unknown number of shrubs for the lot, where a minimum of five (5) trees of four (4) different species and 25 shrubs are required for single-family homes. Two additional palms are proposed on site, but may not meet the minimum requirements of the code to be counted. Proposed Florida-Friendly landscaping is unknown where the zoning in progress requires 40%. Figure 1 on page 3 is an aerial view of the existing property.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 11/11/2021.

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

- Per the **Zoning in Progress**, *Lot coverage* shall mean the percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures (except swimming pools, fences, screen enclosures, and pergolas), or portions thereof, up to a maximum forty percent (40%) of the lot; provided however that the following shall not be included in determining the lot coverage:

1. Uncovered steps and exterior balconies;
2. Uncovered terraces, patios, breezeways, or porches which are open on two (2) sides; and
3. Covered terraces, patios, breezeways, or porches which are open on two (2) sides.

In no instance may the exemptions listed here exceed 15% of the total footprint of all principal and accessory buildings and structures. Please provide calculations for the lot coverage, which should include the concrete side pavers and black beach pebbles.

- Per the **Zoning in Progress**, eaves of sloped roofs may project up to twenty-four (24) inches into any required yard. All other ornamental or screening features in the H30A and H30B districts, including cornices, sills, frames, and fins, may project no more than six (6) inches into any required yard.

- Per **Sec. 90-47.3** air conditioning equipment, pool pump or other mechanical equipment shall maintain at least a five-foot setback from the rear and side yards and is not visible from any street or waterway. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence, per **Sec. 90-95(3)**. The proposed air conditioning equipment must be relocated to meet setback requirements.

- Accessory swimming pools and decks may occupy a rear and side setback subject to the minimum 5-foot rear and side setback, per **Sec. 90-54(2)**. The site plan shows the future pool deck encroaching into the rear and side yard setbacks to the water's edge. The proposed deck must meet the required 5-foot setback.

- Per **Sec. 90-89**, one street tree/palm tree is required for every 20 linear feet of street frontage. Palm Trees utilized as street trees shall have at least 8 feet of clear wood. It is recommended that street trees be planted along the property line or within the swale area at least 4-feet off the interior pavement edge. Verify the proposed palm trees meet the minimum

requirements of the code. Trees planted in the swale require a building permit.

- Per **Sec. 90-95**, single-family homes must provide a minimum five (5) trees on site made of a minimum four (4) different species. Trees must meet the planting requirements of the code and be a mix of at least 30% shade trees, 30% small to intermediate trees and no more than 40% palm trees. Palm trees are counted on a 3:1 ratio and must have at least 6-feet of clear or grey wood to be counted towards the requirement.

- Per **Sec. 90-97**, any trees relocated or removed require a tree removal permit.

Board Member Bravo stated that this is his neighbor, and should he recuse himself.

Town Attorney Recio advised Board Member Bravo to recuse himself on this item.

Board Member Bravo recused himself.

Juan David, architect representing the applicant provided an overview of the project.

Board Member Baumel stated that Mr. David is her architect.

Town Attorney Recio asked if she feels that she can be impartial and if she believes that she will not be impacted negatively if the application is not approved, then Board Member Baumel does not need to recuse herself.

Vice Chair Landsman asked if they meet the code requirements and likes that design and it will be an upgrade to the property and Town.

Chair Frankel asked if the rear of the roof is flat.

Mr. David stated that the front roof is in bad condition and they are keeping a gable roof in the front and in the back. He stated the style and material of the roof tile.

Board Member Baumel stated this is a perfect example of a home that can be renovated.

Building Official McGuinness provided his recommendations.

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

H. 9281 Byron Avenue – Remodeling & Addition

Background: This application is a request to demolish the existing roof to build an addition in the rear and side of the first floor and add a second floor to the existing single-family home. The additions will increase the living space by a total of 1,489 square feet. Additional improvements include a new pool with deck and patio in the rear, a fence with gates, relocation of mechanical equipment and architectural modifications. The parcel is located in the H30B Zoning District at 9281 Byron Avenue. The 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 setback requirements for the H30B Zoning District are 20-foot front, 5-foot side, and 20-foot rear. The proposed alterations and additions will maintain the existing setbacks. Total lot pervious area is proposed at 2,012 SF or 35.7% where 35% is required. The front yard pervious area was not provided. The rear yard pervious area is proposed at 44%, where 40% is required. The proposed building lot coverage is 39.7% where 40% is the allowed maximum.

Architectural materials and details, roof height, fence details and patio/deck materials were not provided at this time. Table 1 on page 3 provides information on site characteristics and zoning requirements.

This staff report may be updated prior to the Planning and Zoning Board Meeting.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 10/28/2021. A survey was not submitted with the application package.

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

- Provide a current survey of the property.
- Per the **Zoning in Progress**, *Lot coverage* shall mean the percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures (except swimming pools, fences, screen enclosures, and pergolas), or portions thereof, up to a maximum forty percent (40%) of the lot; provided however that the following shall not be included in determining the lot coverage:
 1. Uncovered steps and exterior balconies;
 2. Uncovered terraces, patios, breezeways, or porches which are open on two (2) sides; and
 3. Covered terraces, patios, breezeways, or porches which are open on two (2) sides.

In no instance may the exemptions listed here exceed 15% of the total footprint of all principal and accessory buildings and structures. Please provide calculations and/or worksheets for the lot coverage.

- The Applicant has not provided the landscape/pervious area of the front yard setback area. Fifty percent (50%) of this area needs to be in landscape/pervious with 40% Florida Friendly landscape material. Provide a tabulation of this item on sheet C-2. The area of driveway and walkways in this area should also be calculated.

- Per ***Design Guidelines for Single family residential properties, multifamily, and commercial properties***, the overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof. Particular care should be taken that building elevations and roof elements visible from streets and other public or adjacent spaces are stylistically consistent. Consistency should be determined by evaluating each of the building's elevations' components. Roof materials should be appropriate to the style of the house and, except for flat roofs or flat roof portions, should be the same product for the entire roof system.

- Per **Sec. 90-47.3** air conditioning equipment, pool pump or other mechanical equipment shall maintain at least a five-foot setback from the rear and side yards and is not visible from any street or waterway. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence, **Sec. 90-95(3)**. Provide setbacks for the proposed mechanical equipment.

- Per **Sec. 90-54**, all accessory buildings and structures, swimming pools, and accompanying fences shall meet all applicable requirements of the Florida Building Code. Accessory swimming pools and decks may occupy a rear and side setback subject to the minimum 5-foot rear and side setback. The proposed deck and patio encroach the 5-foot required side setback, revise plans to show the deck will be outside the required 5-foot setback.

- Per **Sec. 90-56**, the maximum fence height is 6 feet. Provide fence/gate details and dimensions. The finished side must face outward and away from the property.

- Per **Sec. 90-95**, single-family homes must provide a minimum five (5) trees on site made of a minimum four (4) different species. Trees must meet the planting requirements of the code and be a mix of at least 30% shade trees, 30% small to intermediate trees and no more than 40% palm trees. Palm trees are counted on a 3:1 ratio and must have at least 6-foot of clear or grey wood to be counted towards the requirement.

- Per **Sec. 90-97**, any trees removed require a tree removal permit.

A motion was made by Vice Chair Landsman to defer the item to the January 27, 2022 meeting due to the applicant not meeting notice requirements and applicant must do proper advertisement and noticing for the January 27, 2022 meeting, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

I. 8811 Dickens Avenue – Remodeling of Residence

Background: This application includes partial demolition and removal of existing exterior wall and window, removal of building materials, partial roof demolition, a 193.67 square foot addition, demolition of existing shed and a new roof. The application also includes a request to build a new concrete driveway with a 4-inch river stone infill, a pool, and a concrete roof-covered wood deck patio with an outdoor BBQ kitchen in the rear. Alterations are also included to the exterior and interior of the existing single-family home located at 8811 Dickens Avenue within the H30B Zoning District. A portion of the new addition will be located in the rear side yard, while the additional living space will be located in the front. The 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 setback requirements for the H30B Zoning District are 20 feet in the front yard, 5 feet in the side yard, and 20 feet in the rear yard. The applicant proposes a 25-foot front yard setback and a 5-foot side setback, the rear yard setback is unclear. The total lot pervious area was not provided. The front yard and rear yard pervious area was also not provided. The removal of the existing concrete tile and flat roof is proposed for a new concrete pitched roof. The roof height is proposed at 17 feet 2 inches where 30 feet is the maximum. Table 1 on page 3 includes information on site characteristics and zoning requirements.

The new addition and alterations include various architectural features. These features include a new concrete roof tile in the color 'gray flat' with roof trim color in 'caviar'. Other features include bronze aluminum impact windows and doors, and stone cladding around the front entry; the exterior walls will be painted in 'extra white'. A Tesla solar paneled roof is proposed as a secondary roof option in addition to coral stone wall for the front. Black aluminum gates are also proposed in the side yards. A new concrete driveway with stone infill is proposed with two curb cuts. The plans do not provide any landscaping information.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 10/20/2021.

Staff Recommendation: It is recommended the Application be deferred pending resolution of the following comments:

● Per the **Zoning in Progress**, *Lot coverage* shall mean the percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures (except swimming pools, fences, screen enclosures, and pergolas), or portions thereof, up to a maximum forty percent (40%) of the lot; provided however that the following shall not be included in determining the lot coverage:

1. Uncovered steps and exterior balconies;
2. Uncovered terraces, patios, breezeways, or porches which are open on two (2) sides; and
3. Covered terraces, patios, breezeways, or porches which are open on two (2) sides.

In no instance may the exemptions listed here exceed 15% of the total footprint of all principal and accessory buildings and structures.

Provide verifiable information, calculations and/or worksheets for existing lot coverage, proposed floor area of additions and provide sufficient dimensions on drawings.

The proposed expansion and reconstruction of the driveway exceeds the impervious hardscape allowed in the front yard. Fifty percent (50%) of the front yard setback area should be in landscape/pervious area. Forty percent (40%) of the landscape material must be Florida Friendly material. The existing driveway is able to accommodate two parking spaces and can be reconstructed provided it is not increased. Provide information on a driveway proposal which is consistent with these comments.

● Per the **Zoning in Progress**, the H30A and H30B districts require:

- 35% of each lot must be pervious area; and
- 50% of front yards and 40% of rear yards must be landscaped; and
- 40% of all landscaped areas must be Florida-Friendly as defined in the Current Zoning Code.

Provide calculations and/or worksheets demonstrating the above-mentioned requirements.

● Per **Sec. 90-45**, the required minimum setbacks for single-story structures in the H30B zoning district are:

- Front yard setback: 20 Feet
- Side yard setback: 5 feet
- Rear yard setback: 20 feet. Provide the setbacks on the site plan. Existing zoning information appears inconsistent with the plans provided.

- Per **Sec. 90-47.3** air conditioning equipment, pool pump or other mechanical equipment shall maintain at least a five-foot setback from the rear and side yards and is not visible from any street or waterway. Mechanical equipment within the rear yard setback must be located at least 15-feet from the nearest single-family home. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence, **Sec. 90- 95(3)**. Existing location of mechanical equipment is now allowed, mechanical equipment must be relocated to meet the requirements of the code.
- Per **Sec. 90-54(2)**, accessory swimming pools and decks may occupy a rear and side setback subject to the minimum 5-foot rear and side setback. Provide the setbacks for the wood deck. **Sec. 90-54.9**, all accessory buildings and structures, swimming pools, and accompanying fences shall meet all applicable requirements of the Florida Building Code.
- Per **Sec. 90.89.4(6)**, Street trees shall be required at one shade tree/palm tree per 20 linear feet of street frontage thereof along all public or private street right-of-ways in all zoning districts. Street trees are recommended to be planted along the property line or within the right-of-way, trees planted along the right-of-way require a building permit. Palm trees utilized as street trees must meet the requirements of the code. No more than 30 percent of required trees shall be of the same species. Please refer to the table in the Town's Land development code.
- Per **Sec. 90-95**, a minimum of five trees of four different species and 25 shrubs shall be planted per lot. Tree requirements must include at least 30% shade trees, a minimum of 30% small to intermediate trees and no more than 40% palm trees. Some Palm trees are counted on a 3:1 ratio. Where possible, a minimum of two trees shall be required in the front of the lot. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence.
- Per **Sec. 90-97**, any trees are to be removed or relocated, a tree removal permit is required prior to the removal or relocation of trees.

This staff report maybe updated prior to the December 16th Planning and Zoning Board meeting.

Adrian Price, architect representing the applicant stated the changes.

Chair Frankel stated that they might not have enough information to be able to approve this item.

Mr. Price addressed the questions regarding the front of the house and it will remain the same. He stated that the only thing being adjusted is on the left side which extension is being reduced. He stated that they eliminated the storage room.

Board Member Bravo asked regarding the floor plan and the changes being made.

Mr. Price explained the changes and stated that the storage area is being eliminated.

Board Member Bravo stated that it will make the home a 3-bedroom 2-bathroom home.

Mr. Price stated the terrace in the back was made in order to meet the setback requirements.

Board Member Bravo asked which pages are being substituted.

Mr. Price stated which sheets will be substituted.

Chair Frankel stated that the look of the home will not be substantially different with the changes and from the street perspective does not impact too much and they are keeping the landscaping.

Mr. Price stated that the landscaping will be modified.

Board Member Bravo stated that the house does not affect in a negative way the neighborhood but is concerned with the changes.

Vice Chair Landsman stated that they do need to see the changes and Town Planner Keller needs to approve them and make sure that it meets code.

Town Planner Keller stated that it will not make a difference to the look of the house but will meet pervious.

Building Official McGuinness gave his recommendations.

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

J. 8934 Froude Avenue – Addition

Background: This application is a request to build a new +/-153 SF addition with mechanical equipment, and addition to the front porch to an existing single-family home. The new addition will be located in the front on the northeast corner of the property. A portion of the driveway will be demolished for the addition. The parcel is located in the H30B Zoning District at 8934

Froude Avenue. The 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 setback requirements for the H30B Zoning District are 20-foot front and 5-foot sides. The applicant is proposing a 20.22-foot front yard setback and a 5.15-foot side setback. Total lot pervious area is proposed at 1,969 SF or 35% where 35% is required. The front yard pervious area was not provided. A pitched roof matching the existing roof is proposed for the addition; the maximum height permitted is 30 feet. The height was not provided, but the addition will not exceed the existing roof height. Table 1 on page 3 provides information on site characteristics and zoning requirements.

The new addition will have a smooth stucco and be painted to match the rest of the house. The addition will have concrete roof tiles to match the existing structure. The east and south elevations show the installation of two (2) new windows for the addition. Mechanical equipment for a new A/C unit will be installed on a four (4) inch concrete slab located within the side setback.

Applicant Package: A package of drawings and the application was submitted by the Applicant with a recent survey dated 10/27/2021.

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

- Provide a current or relevant survey.
- Maximum floor area percent is 40% of the total lot area. Provide basic zoning information on the site plan indicating the floor area in square feet of the existing residence, the addition floor area and the total floor area percent of the total lot area.
- Per the **Zoning in Progress**, the H30B district must provide:
 - 35% of each lot must be pervious area; and
 - 50% of front yards and 40% of rear yards must be landscaped; and
 - 40% of all landscaped areas must be Florida-Friendly.

Please provide a table on the plan sheets or worksheets and/or calculations for the front yard and total lot landscape/pervious areas.

● Provide the height of the building on the elevations (including the height of the addition) from the crown of the adjacent street.

● Per **Sec. 90-47.3** air conditioning equipment, pool pump or other mechanical equipment shall maintain at least a five-foot setback from the rear and side yards and is not visible from any street or waterway. Additionally, mechanical equipment must be at least 15 from an adjacent

residence. If visible from the street, shrubs shall be incorporated as a visual screen for mechanical equipment or other accessories to the residence, **Sec. 90-95(3)**. The proposed mechanical equipment is not allowed in the side setback and must be relocated.

- Per **Sec. 90-89**, one street tree is required for every 20 feet of linear street frontage. Street trees are recommended along the property line.
- Per **Sec. 90-97**, if any trees are to be removed and/or relocated, a tree removal permit will be required.

Phillip Azule, applicant gave an overview of the project.

Vice Chair Landsman asked what the addition will be.

Mr. Azule stated it will be a bedroom.

Board Member Bravo stated it is only an addition and it will not be changing the aesthetics and the look of the home.

Mr. Azule stated it will look nicer.

Board Member MacBride asked where the location of the air conditioning equipment will be placed.

Mr. Azule stated that they will move it where the existing air conditioning unit is and create an area for all the equipment which will be tucked away.

Chair Frankel stated she has no concerns with this application.

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

K. 8866 Carlyle Avenue – Garage Conversion

Background: This application is a request to convert an existing garage to living space. The garage door will be replaced by a solid exterior wall with a window. The interior lot is zoned H30B totaling 5,600 square feet (SF) per MDCPA.

Figure 1 on the next page is an aerial view of the property. Figure 2 on page 3 provides a Google Street View of the front of the residence. In addition to this Memorandum, a package of a floor plan and survey was submitted by the applicant.

Governing Codes: The December 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 40% 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.

Applicant Package: A package of the floor plan and elevation certificate was submitted by the Applicant dated 6/21/21. The plan package did not include a typical site plan depicting setbacks, driveway improvements, property lot lines and zoning characteristics. A relevant survey was also not submitted.

Staff Recommendation: Recommend this application be deferred unless the following comments can be addressed:

- Provide an updated Survey.
- Provide existing and proposed elevations for the east and north side of the residence indicating existing and proposed changes in the elevations.
- Proposed garage conversion is missing landscaping at the base of the new wall. Provide 2-foot landscape strip or landscape planter with irrigation in front of the new wall.
- Indicate on the site plan that the garage floor will be raised to match the existing residence Finished Floor Elevation.
- Provide 18-foot-wide driveway to accommodate two 9 feet by 18-foot parking spaces on the site plan.
- Provide calculations, worksheet and or information on the site plan or detail sheets verifying 50% front yard landscape/pervious area requirements with 40% of the landscape material Florida Friendly.

Town Planner Keller recommends deferral of the item until they come back with the pool application.

Jose Arrajo, representing the applicant agrees with Town Planner Keller's recommendations.

Chair Frankel explained why the Board does not like front yard pools.

Board Member Bravo asked to what meeting the item would be deferred to.

Town Planner Keller stated to the January 27, 2022 meeting.

Mr. Arrajo asked if they do not include the pool if they will approve the application.

Town Planner Keller stated that the pool should be reflected in the drawing as well as the issue with the front yard pool and requirements for pervious areas.

A motion was made by Board Member Bravo to defer the item to the January 27, 2022 meeting, seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

5. Draft Proposed Zoning Code

Town Attorney Recio gave an update on the December 7, 2021 Commission Zoning Code Workshop and the Commission has not gone through the Board's recommendation but is in their agenda packet.

Chair Frankel spoke regarding the notes to be presented to the Town Attorney.

Town Attorney Recio stated that he did receive the information.

6. Next Meeting Date: January 27, 2022

Consensus was reached to hold the next meeting on January 27, 2022.

The following individuals from the public spoke:

George Kousoulas handed out a document with the definitions as it pertains to setbacks and understory. He also spoke regarding the change recommended by the Town Commission under the 7 ½ foot setback.

Jeff Rose spoke regarding an issue that arose that FPL is requiring side stairs for the new home in order to get to the electric section. He also stated that the Commission wanted to go back to the zoning in progress and is proposing to have two options, the wedding cake and the text amendment. He asked for the Board to put it forward as a recommendation to the Town Commission.

Discussion took place among the Board, Town Attorney Recio and staff regarding the requirement by FPL and the side stairs and this being brought before the Town Commission.

Chair Frankel commented on the statement made by Mr. Rose regarding the comment made by the Town Commission.

Town Attorney Recio explained what the Town Commission discussed and the proposals they spoke about.

A motion was made by Board Member Baumel to make a recommendation to the Town Commission to have the flexibility to use the status quo, current code, or take the average setback of 7.5 feet applied to the first and second floor, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Chair Frankel stated that they have discussed the understory and they agree with that.

A motion was made by Vice Chair Landsman to recommend to the Town Commission that the language that Mr. George Kousoulas provided regarding understory be incorporated in the new zoning code, seconded by Board Member Baumel. The motion carried with a 4-1 vote with Board Member MacBride voting in opposition.

7. Discussion Items:

A. Pools

B. Future Agenda Items

8. Adjournment.

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


Respectfully submitted,

Accepted this 27 day of 2022, 2022.

Attest:



Sandra McCready, MMC
Town Clerk



Judith Frankel, Chair