



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

July 11, 2019 – 6:00 p.m.

Town Hall Commission Chambers –
9293 Harding Ave, 2nd Floor, Surfside, FL 33154

1. Call to Order/Roll Call

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

Present: Chair Lindsay Lecour, Vice Chair Judith Frankel,
Board Member Peter Glynn, Board Member Brian Roller,
Board Member Jorge Garcia and Board Member Marina Gershanovich.

Vice Mayor Gielchinsky entered at 6:01 p.m.

Absent: Board Member Rochel Kramer

Board Member Jorge Garcia entered at 6:06 p.m.

2. Town Commission Liaison Report – Vice Mayor Gielchinsky

Vice Mayor Gilchensky gave an update on the give a foot/get a foot program which he discussed with the Commission. He encouraged the Board to look at the video of that Commission meeting. He stated that the direction was to move forward and schedule the Joint Commission and Planning & Zoning meeting.

Vice Mayor Gilchensky gave an update on the zoning in progress and he stated that the memo from Town Planner Sarah Sinatra Gould will show the different options.

Vice Mayor Gilchensky spoke about the percentage of landscaping that is required and the artificial turf requirement.

3. Approval of Minutes – May 23, 2019

Chair Lindsay Lecour stated that in the minutes on page 1 it shows her absent, but on page 2 it shows her arriving and she wanted to make that amendment.

A motion was made by Vice Chair Judith Frankel to approve the May 23, 2019 minutes as amended, seconded by Board Member Peter Glynn. Motion passed with a 6-0 vote with Board Member Jorge Garcia and Board member Rochel Kramer absent.

4. Applications:

- A. 9049 Froude Avenue** – The applicant is requesting to repair and renovate the existing house along with converting the existing garage into a storage room.

Town Planner Sarah Sinatra Gould presented the item and the below staff recommendations:

1. Provide landscaping along the base of the new exterior wall. Per code section 90-50.1, If the garage entrance is located at the front or primary corner of the property, landscaping shall be provided along the base of the new exterior wall. When the installation of landscaping results in insufficient off-street parking, a landscaped planter shall be permitted in lieu of the required landscaping.
2. Provide details of the proposed driveway and walkway materials. The proposed driveway and walkway materials are not provided. Per code section 90-61(6), materials are limited to (a) pavers, (b) color and texture treated concrete, including stamped concrete as long as it is permeable, (c) painted concrete shall not be permitted, (d) asphalt shall not be permitted.
3. Provide calculation of each elevation to demonstrate there is no net loss of window openings.

David Burstyn, applicant, presented the item.

Vice Chair Judith Frankel asked the applicant if they have to raise the floor.

Town Planner Sarah Sinatra Gould stated that the Building Official would have to review it and since it is being used for storage, she does not believe so.

Board Member Peter Glynn asked what the difference between storage and habitable is physically.

Town Planner Sarah Sinatra Gould stated that the Building Department would determine that and flag it at that time if they decide to use it for something other than storage.

A motion was made by Board Member Peter Glynn, seconded by Board Member Marina Gershanovich to approve with staff recommendations. Motion passed with a 5-0 vote with Board Member Rochel Kramer absent.

- B. 9289 Emerson Avenue** - The applicant is requesting to convert their garage to approximately 216 square feet of additional living space.

Town Planner Sarah Sinatra Gould presented the item and the below staff recommendations:

1. Provide landscaping or a planter in front of the converted garage. Per **code section 90-50.1**, the installation of planter is only permitted when the landscaping will result in insufficient off-street parking. There is sufficient space in the front yard for a landscaped strip which will not impede off-street parking.

2. The north elevation results in a net loss of wall openings with the removal and fill of the existing door and window. Adjust accordingly so that there is 0 net loss of wall openings. **Per code section 90-50.1**

A motion was made by Board Member Brian Roller, seconded by Vice Chair Judith Frankel to approve with staff recommendations. Motion passed with a 6-0 vote with Board Member Rochel Kramer absent.

- C. **9008 Byron Avenue** - The applicant is requesting to convert their garage to approximately 251 square feet of additional living space.

Town Planner Sarah Sinatra Gould presented the item and the below staff recommendations:

1. Window shall be required to be flush with other windows.
2. Provide landscaping or a planter in front of the converted garage. Per Code Section 90-50.1, the installation of planter is only permitted when the landscaping will result in insufficient off-street parking. There is sufficient space in the front yard for a landscaped strip which will not impede off-street parking.
3. The north elevation (side) results in a net loss of wall openings with the removal and fill of the existing door. Per Code Section 90-50.1
4. Provide additional information showing that the 50% front setback permeability is being met Per Code Section 90.61.1

Chair Lindsay Lecour asked regarding the proposed east elevation and why are we not making the windows the same height as the other windows.

Jeff Rose, applicant, stated that was where the tie beam was, and they did not want to move it.

Chair Lindsay Lecour stated that she would like it to look like the other windows on the façade and maybe possibly raise the bottom or bring the stone around it but at least that way the windows will be flushed.

A motion was made by Vice Chair Judith Frankel, seconded Board Member Brian Roller to approve with staff recommendations and to make the windows to be in line with the other windows. Motion passed with a 6-0 vote with Board Member Rochel Kramer absent.

- D. **9538 Harding Avenue** - The applicant is moving the business from 9471 Harding Avenue. The applicant is requesting a permanent channel letter sign.

Town Planner Sarah Sinatra Gould presented the item and the below staff recommendations:

1. Any existing or proposed electrical boxes shall be concealed.

Board Member Brian Roller asked if they are able to leave a space between so that the water can run behind it because it is flushed against the wall right now.

Town Planner Sarah Sinatra Gould stated yes that they can add that requirement.

Board Member Peter Glynn asked if they will be refurbishing the façade.

Town Planner Sarah Sinatra Gould stated that they could add that requirement as well.

A motion was made by Board Member Peter Glynn, seconded Vice Chair Judith Frankel to approve with staff recommendations and to include refurbishment of the façade and leaving a space between in order for the water to run. Motion passed with a 6-0 vote with Board Member Rochel Kramer absent.

E. 9000 Abbott Avenue - This application was heard by the Planning and Zoning Board in September 2017. At that time the applicant was proposing a two-story addition. The revised request is to keep the structure to a one-story building and to raise the roof above a newly reconfigured master suite.

Town Planner Sarah Sinatra Gould presented the item and the below staff recommendations:

1. Remove the parking space that is beyond the front of the house. Remove the gate and replace with a fence since there will be no vehicular gate.
2. Remove parking space beyond front plan of the home and remove the vehicular gate. Fences or ornamental walls within the front yard or primary corner yard shall have a continuous hedge of a minimum height of three feet at the time of planting and shall thereafter be maintained a maximum height equal to the top of the fence or wall. The hedge shall be planted between the right-of-way and the fence or ornamental wall. The hedge shall be planted contemporaneously with the erection of the fence or wall. Per Code Section 90-56.2

Chair Lindsay Lecour asked the location of the gate. She also asked if they can add saying to remove the gate and vehicular gate.

Town Planner Sarah Sinatra Gould showed the Board the location and she explained what the Code states.

Discussion continued among the Board and staff regarding the parking space allowed.

Chair Lindsay Lecour stated that they have modified condition one to remove the 3rd space and vehicular gate and flip flopping the fence and the hedge.

A motion was made by Board Member Peter Glynn, seconded Board Member Marina Gershanovich to approve with staff recommendations. Motion passed with a 6-0 vote with Board Member Rochel Kramer absent.

- F. **1001 88th Street** - The applicant is requesting to build a 3,654 square foot two-story new home.

Town Planner Sarah Sinatra Gould presented the item and the below staff recommendations:

1. Provide a professional survey of the property.
2. The proposed gate and landscaping in the primary frontage are positioned in the right-of-way. Please adjust so the gate and landscaping are within the property boundaries.
3. Reduce the width of the driveway curb cut to meet the 18' maximum requirement as per **code section 90.61.1**
4. Provide the required curb cut distance for corner lots. For corner lots, no curb cut shall be located within 25 feet of the intersection of the front and secondary frontage lines, per **code section 90.61.1**. Currently, the driveway is setback 24' 8".
5. Correctly label the side setback property line on the site plan Page A.002. The side setback is being identified as the property line.
6. Provide additional details as it relates to the gates and fences if proposed.
7. Provide the material type for both the driveway and the pathway.

The following speakers spoke on the item:

Marci Varca
Wesley Kean

Chair Lindsay Lecour addressed the speakers' remarks and questions.

Town Attorney Edward Martos clarified the code on the hours.

Chair Lindsay Lecour asked Town Planner Sarah Sinatra Gould if when they calculate the percentage of the 1st and 2nd floors if they include the garage as part of the first floor.

Town Planner Sarah Sinatra Gould answered Chair Lindsay Lecour question and stated yes; they do include the garage as part of the first floor.

Board Member Brian Roller asked if this is new that there are elevations on each one of the drawings and is happy to see it. He asked if the elevation is allowed to go to 30 feet. They are at 6 foot 4 inches from the crown and they are 23.7 feet and they are building a million-dollar house, and something doesn't feel right.

Discussion continued among the Board regarding the elevation.

Wesley Keen, architect, clarified the question regarding the elevation and showed the plans to the Board and explained the project.

Chair Lindsay Lecour made a recommendation for the applicant to do more to identify this as a front entrance.

A motion was made by Board Member Peter Glynn, seconded Board Member Jorge Garcia to approve with staff recommendations. Motion passed with a 6-0 vote with Board Member Rochel Kramer absent.

G. 9264 Bay Dive - The applicant is requesting to build a 7,243 square foot two-story new home **[Linked to item 5A]**

Chair Lindsay Lecour stated that this item is linked with the quasi-judicial item (5A) which will be heard first.

Town Planner Sarah Sinatra Gould presented the item and explained the process to the applicant and that it would be placed on the August 13, 2019 City Commission Meeting Agenda.

A motion was made to deny the variance by Board Member Peter Glynn, seconded by Vice Chair Judith Frankel with the conditions stated by the Vice Mayor Gielchinsky which is a 20% appropriate set back. Motion passed with a 6-0.

5. Local Planning Agency Items

A. 9264 Bay Drive Variance – The applicant is requesting two variances for side setbacks for the first floor and upper story level from the Town of Surfside Zoning Code **[Linked to Item 4G]**

Chair Lindsay Lecour read the quasi-judicial statement into the record.

Town Attorney Martos polled the Board.

Town Clerk Frantza Duval swore the speakers in.

Town Planner Sarah Sinatra Gould stated that there was a letter of objection received by the Town Clerk from a neighbor.

Town Planner Sarah Sinatra Gould presented the item and stated that the applicant is proposing a first floor side set back of 6 feet and 9 inches instead of the required upper story average set back of 20 feet or 20% of the frontage, whichever is greater, plus an additional 5 feet for more than 1 lot of record. The applicant is proposing a 10-foot 2-inch average side set back on either side. This is a difference of 14 feet 10 inches per the code.

Chair Lindsay Lecour asked what the proposed setback is and what the minimum setback would be.

Town Planner Sarah Sinatra Gould stated the first floor is required to be 20 feet and they are proposing 6 feet 9 inches. The second story is supposed to be an average of 20 feet or 20% of the frontage, whichever is greater plus an additional 5 feet.

Town Planner Sarah Sinatra Gould continued explaining the variance request and the size of the property. She stated that the applicant is requesting the variance in order for the project to be constructed. She stated that what they found is that while the literal interpretation of the code may be restrictive, they might be eligible for some sort of variance. What they are suggesting is that what is being requested does not meet the minimum requirements to meet the spirit and intent of the code.

Town Planner Sarah Sinatra Gould stated that staff is recommending denial of the side set back variance for the first floor and the upper floor. She also went through the criteria of the code in reference to the zoning requirements.

Town Planner Sarah Sinatra Gould read the staff findings which were the following where the applicant did not meet the code.

1. The interior side and upper story variances did not meet the code and the applicant is requesting a variance.
2. The required 50% minimum front area permutability did not meet the code requirements. The plans state that it is a 35% permutability and the code only requires 30%, however the minimum of the code is 50% for the front setback.
3. Provide additional detail on the elevation sheet showing that the elevation meets the 10% wall opening. If this was to be approved, this must be one of the conditions.
4. They do not have information on the fences and gates. If this was to be approved, this must be one of the conditions.
5. The curb cut setback must be 5 feet curb cut being met, they need it dimensioned and a note on the plans stating they met that curb cut set back requirement.
6. Also, a note on the plans stating that when they come for permitting that the stairs on the roof cannot exceed the 30-foot height limitation.

Daniel Sorogon, architect for the applicant, presented his project and explained the hardship of needing the variance.

The following individual neighbors were against this item:
Peter Hickey

Board Member Brian Roller stated to Town Planner Sarah Sinatra Gould the requirements of the size of the lot and their concern on the setbacks.

Town Planner Sarah Sinatra Gould stated what the code requires.

Chair Lindsay Lecour stated that she is willing to maybe come up with a compromise but does not feel this project meets the proper intent of the code.

Vice Chair Judith Frankel stated that the project is large and does not meet the intent of the code and feels this house is very boxy. She stated that the neighbors are concerned. She further stated that as the variance is now, she is not able to approve their request. She does believe there might be some middle ground.

Further discussion among the Board, the applicant's architect and staff continued regarding the setbacks, the provisions of the code and other alternatives.

Board suggested a 20% setback and stated that an arrangement can be done. They also requested to increase the setback on the north side of the property to an extra 10 to 14 feet.

Town Attorney Martos gave the explanation on the site plan application, the variance and when the applicant can come back to the Board with the criteria for the site plan.

Vice Mayor Gielchinsky discussed the item and the aggregated condition of the lot.

Board requested a 20% setback and wanted discussion noted in the minutes for future discussion as stated by Vice Mayor Gielchinsky.

Discussion continued among the Board and the architect of the project regarding the setbacks.

Chair Lindsay Lecour stated that the Board should vote on the variance and then have a brief discussion on any other comments on the site plan application.

Town Attorney Martos stated that the item that will go forward to the Commission is the variance application. He suggested the Board to possibly table the discussion on the variance and have a vote on the site plan. Then come back to the variance, have a vote on that and transfer your recommendations to the Commission along with your thoughts on the site plan.

Town Planner Sarah Sinatra Gould asked for clarification on the vote of the site plan and variance.

Town Attorney Martos gave Town Planner Sarah Sinatra Gould the clarification she requested on the site plan and variance vote.

Chair Lindsay Lecour stated to table the variance and discuss the site plan.

The following speaker spoke on the item.

Anthony Blake

Jeff Rose

The Board and Town Planner Sarah Sinatra Gould addressed the speaker's questions and concerns.

Chair Lindsay Lecour closed the public hearing and asked for comments from the Board in regard to the site plan.

Vice Chair Judith Frankel stated that her concern is the view from the street, how is this property going to be viewed. She asked if there will be some type of fencing.

Daniel Sorogon, architect for the applicant, answered Vice Chair Judith Frankel's question regarding the fencing stating they will not be putting a fence in the front.

A motion was made by Board Member Peter Glynn, seconded by Vice Chair Judith Frankel to deny the application based on the variance required. Motion passed with a 6-0 vote with Board Member Rochel Kramer absent and Board Member Marina Gershanovich abstaining from voting.

B. Hotel prohibition south of 93rd Street

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41, "REGULATED USES", TO CHANGE THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES TO PROHIBIT HOTELS IN THE H-40 ZONING DISTRICT SOUTH OF 93RD STREET AND ADDRESS HOTEL ACCESSORY USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Frantza Ducal read the title into the record.

Town Planner Sarah Sinatra Gould presented the item. She stated that staff recommends the following:

1. To grandfather existing developed hotels relating solely to the use.
2. To prohibit or restrict ballrooms and hotel amenities and accessories.
3. To limit building of hotels to 100 feet in length and no aggregation of lots permitted with the intention to develop more than one hotel per lot.
4. Aggregation of lots for hotel use require a 25% reduction of allowable density.
5. A side setback of 15%.
6. If the idea was to do an office space, we would need to do a land use and a zoning map, a text amendment that creates a category for residential office, and excluding a hotel category, which allows it as an accessory use.

The following speakers spoke on the item:

Rick Superstein
Jennifer Fine
Alex Tachmes
Silvia Coltrane
George Kousoulas
Kristofer Machado
Matthew Barnes
Esther Superstein

Board Member Brian Roller responded to the comments made by the speakers and feels that the Board should respect the desire of the public. He asked Town Planner Sarah Sinatra Gould if they are planning on opening it up for office space.

Town Planner Sarah Sinatra Gould stated that was the direction of the Town Commission and they were fine deferring it, but they added additional items to analyze and one was the office space.

Board Member Brian Roller feels that it should be eliminated since the developers are not on board with it and is surprised that they did not hear about the office space prior to this meeting. He agrees with the idea that they do not know what is driving this analysis and the crime statistics does not support the suggestion being made.

Board Member Peter Glynn stated that he agrees with Mr. Kousoulas and feels he needs to reject, postpone or grandfather this request and feels that some of the buildings would be deemed worthless.

Vice Chair Judith Frankel responded to the speakers' comments and concerns and feels that switching from hotel to office space does not make sense to her.

Board Member Jorge Garcia feels that it should be rejected and address it again and see what can be done.

Board Member Marina Gershanovich feels that they do not have enough evidence to pass this item.

Chair Lindsay Lecour agrees that she does not have enough information to make the change to the code.

Board Member Brian Roller stated that beach use is also something that needs to be considered.

A motion was made by Board Member Peter Glynn to reject the Ordinance, seconded by Board Member Brian Roller. Motion carried with a 6-0 vote with Board Member Rochel Kramer absent.

6. Discussion Items:

A. Unlocking Height from the Charter – Verbal

Chair Lindsay Lecour stated that the Board is to watch the video and see what the individuals are requesting and suggested as part of the agenda to have the questions that were asked made part of the agenda.

Town Planner Sarah Sinatra Gould stated that they are looking at scheduling the joint meeting a month out. This will be an informational meeting to see if there is an appetite from the Town to move forward with this on the ballot.

The following speakers spoke on the item:

Jeff Rose stated that if this goes on the ballot and approved, he will not be able to build the exact same home he currently has if it is damaged or destroyed in a storm.

George Kousoulas spoke regarding the variance and what a variance is used for.

Board Member Peter Glynn answered Mr. Rose's concern in the event of a storm, and stated that the requirement would change, and the charter would be unlocked.

Town Planner Sarah Sinatra Gould asked if there is a desire to move forward with a charter amendment, if there could be a way to do the language stating that it would be unlocked in the event of a major storm.

B. Future Agenda Items

Chair Lindsay Lecour stated to add artificial turf to a future agenda.

Town Planner Sarah Sinatra Gould stated that they will be drafting an ordinance and the Board will see it in the future as an LPI item therefore, it does not need to be added to a future agenda.

Chair Lindsay Lecour would like to make a point that maybe they could be more lenient in using artificial turf in a rear yard instead of a front yard.

Town Planner Sarah Sinatra Gould explained that it would be more constraining to place the artificial turf in the front yard. She also stated that the commission had mentioned of requiring more landscaping if they get their artificial turf approved.

Chair Lindsay Lecour stated another item for future consideration is a 40-foot-wide house on a 50-foot-wide lot correct scale.

Vice Chair Judith Frankel agrees if it is a one story, her issue is when they want to add a second floor.

Vice Mayor Gielchinsky left the meeting at 8:52 p.m.

Further discussion continued regarding lot coverage and aggregation of lot among the Board and Staff.

Chair Lindsay Lecour requested to revisit setback, massing on the second story and pitch.

Town Planner Sarah Sinatra Gould suggested a workshop for this.

7. **Adjournment**

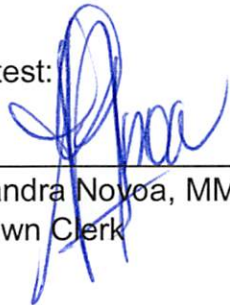
A motion was made by Board Member Peter Glynn, seconded by Vice Chair Judith Frankel to adjourn the meeting without objection at 8:59 p.m.

Respectfully submitted,

Accepted this 29th day of August, 2019.



Lindsay Lecour, Chair

Attest:


Sandra Novoa, MMC
Town Clerk