



**Town of Surfside**  
**Planning and Zoning Board Meeting**  
**MINUTES**  
**February 23, 2023**  
**6:00 PM**  
Town Commission Chambers

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

The meeting was called to order by Chair Baumel at 6:04 p.m.

Deputy Town Clerk Herbello called the roll with the following members present:

Present: Chair Carolyn Baumel, Board Member Lindsey Lecour, Board Member Jonathan Edderai, and Alternate Board Member Grace Rais.

Absent: Vice Chair David Forbes, Board Member Ruben Bravo and Alternate Board Member Michael Szafranski.

Also Present: Town Attorney Tony Recio, Town Planner Judith Frankel, and Building Official James McGuinness.

**2. Town Commission Liaison Report**

Commission Liaison Commissioner Fred Landsman provided the Liaison Report.

Chair Baumel took a quick moment for those watching regarding conversations outside the Board as to what the jurisdiction of this Board is and wants the Town Attorney to clarify what their role is.

Town Attorney Recio provided what the jurisdiction of this Board is and they apply and review for consistency as it pertains to the design review guidelines along with the requirements of the code.

Chair Baumel clarified that they are not held legally for their role.

Town Attorney Recio stated that they can deny the plan for inconsistencies and they can come back but you cannot deny an individual from building a home as long as they meet the guidelines and they have the right to build their home.

Chair Baumel spoke regarding the curb cut regulations regarding single family neighborhoods and the new ordinance that was adopted.

Town Attorney Recio spoke regarding the ordinance that was adopted on February 14, 2023 and explained the ordinance.

Chair Baumel spoke regarding harrasing pictures being taken by people and comments regarding relationships which are uncalled for and they are intruding into their private lives. She asked that they return to civility and stop spinning stories and comments of corruption.

### 3. Approval of Minutes

#### 3.A January 26, 2023 Planning and Zoning Board Meeting Minutes and January 31, 2023 Joint Town Commission and Planning and Zoning Board Meeting Minutes - Deputy Town Clerk Evelyn Herbello

A motion was made by Board Member Lecour to approve the January 26, 2023 Planning and Zoning Board Meeting Minutes and the January 31, 2023 Joint Town Commission and Planning and Zoning Board Meeting Minutes, seconded by Board Member Rais. The motion carried with a 4-0 vote.

[January 26, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)

[January 31, 2023 Joint Town Commission and Planning and Zoning Board Meeting Minutes.pdf](#)

### 4. Ordinances

#### 4.A Ordinance Amending Seawall Height - Hector Gomez, Acting Town Manager

The report conducted by Nova Consulting recommended that:

1. A minimum top of seawall elevation of 8.05 feet NGVD29 (6.5 feet NAVD88). A new seawall built to this height should also be structurally rated to support an additional foot of height in the future (7.5 ft NAVD88) to provide an additional level of protection and extend the life of the seawall; and
2. A maximum top of seawall elevation of 10 feet NGVD29 (8.5 feet NAVD88), not exceeding the Base Flood Elevation. These requirements would be triggered when a property owner submits a permit application for a seawall improvement, a new home or when improvements to the home exceed 50% of the existing value of the home.

These recommended heights conform to the current Base Flood Elevation (BFE) of 8 FT NGVD as determined by FEMA for Surfside. The maximum seawall elevation of 10 FT NGVD conforms with current Design Flood Elevation.

Based on this information, Town Staff recommends that the Code language refer to the minimum seawall height as the BFE determined by FEMA and the maximum as DFE determined by the Town, instead of simple numbers. This will allow for seawall heights to adjust as other regulations may change.

Deputy Town Clerk Herbello read the title of the ordinance into the record.

Town Planner Frankel introduced the item and provided the specifics.

Board Member Lecour asked regarding the set maximum. She wants to make sure there is no adverse reaction on setting it so high. She stated that they are heading in the right direction.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:  
George Kousoulas spoke in favor of the item.

Chair Baumel closed the floor to public comments.

Chair Baumel stated she spent a lot of time working with seawall companies and believes this should be enforced.

A motion was made by Board Member Lecour to recommend to the Commission to proceed with this ordinance for second reading, seconded by Board Member Edderai. The motion carried with a 4-0 vote.

[Attachment A: Zoning Code Sections on Seawall Heights.docx](#)

[Attachment B: Seawall Height Criteria Report prepared by Nova Consulting Ordinance - Height of Sea Wall.DOCX](#)

## 5. Applications

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

Town Attorney Recio asked Deputy Town Clerk Herbello to confirm notice requirements.

Deputy Town Clerk Herbello confirmed notice requirements were met with the exception of one item 5G (9433 Byron Avenue).

Town Attorney Recio polled the Board Members.

Chair Baumel stated that she spoke with the applicant of item 5B (516 Surfside Boulevard).

Alternate Board Member Rais stated she spoke with the applicant of item 5B (516 Surfside Boulevard).

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

### 5.A 9564 Harding Avenue - Wall Sign - Town Planner Judith Frankel

**Suggested Action:** If the Planning and Zoning Board determines that the design of the sign is appropriate, Staff recommends approval with the following conditions:

- The distance from the wall to the edge of the sign is no more than 5-feet

- The letters on the sign are no more than 6-inches high
- There is a minimum clearance of 8 feet from the sidewalk.
- The sign is not illuminated.

Town Planner Frankel introduced the item and provided staff recommendations.

Mary Bruster representing the applicant is available for any questions.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

A motion was made by Board Member Edderai to approve this application with staff recommendations, seconded by Board Member Lecour. The motion carried with a 4-0 vote.

[9564 Harding Avenue Agenda Packet.pdf](#)

#### **5.B 516 Surfside Blvd. - Fence and Gate** - Town Planner Judith Frankel

**Suggested Action:** As proposed the gate is 72 inches in height, which is the maximum allowed for rear yard fences. If the fence and gate are determined by the Planning and Zoning Board to be consistent with the existing conditions of the property, design approval is recommended.

Town Planner Frankel introduced the item and provided staff recommendations.

Rachel Streitfeld, attorney representing the applicant is requesting a deferral because their designer is not here and the owners would prefer a deferral in order for the designer to be present at the meeting.

Town Attorney Recio stated since this is their first deferral request you may provide them with a deferral.

A motion was made by Board Member Lecour to defer the item to March 30, 2023 at 6:00 p.m., seconded by Board Member Edderai. The motion carried with a 4-0 vote.

[Attachment A: Site Condition Images](#)

[516 Surfside Blvd Agenda Packet.pdf](#)

#### **5.C 1404 Biscaya Drive - Front Yard Gates** - Judith Frankel, Town Planner

**Suggested Action:** Staff finds that the gates as proposed meet the Zoning Code. If the Planning and Zoning Board determines the design is appropriate, approval is recommended.

Town Planner Frankel introduced the item and provided staff recommendations and a picture of the proposed style.

Catalina Roca, representing the applicant provided an overview of the application.

Christine Taplan, owner is here to answer questions.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Chair Baumel likes the way it looks.

Board Member Rais asked regarding the side posts.

Ms. Roca addressed the comments made by Board Member Rais.

A motion was made by Board Member Lecour to approve this application with staff recommendations, seconded by Board Member Edderai. The motion carried with a 4-0 vote.

[1404 Biscaya Drive gate agenda packet.pdf](#)

#### **5.D 9165 Abbott Avenue - Front Yard Gate** - Town Planner Judith Frankel

**Suggested Action:** The gate as drawn does not meet the Zoning Code, as it is located outside of the property boundaries. No fencing or gates may be located on the Town -owned Right-of Way. If the Planning and Zoning Board determines the design is appropriate, approval could be granted with the condition that the gate and fence be relocated.

Chair Baumel asked if she needs to recuse herself because she did the renovations to that house and sold it to the current owners and has no financial interest in this item.

Chair Baumel recused herself, passed the gavel to Board Member Lecour and left the dais.

Town Planner Frankel introduced the item and provided staff recommendations.

Lidia Lorenzo, representing the applicant and provided an overview of their application.

Eli Brauz, owner is here for any questions.

Board Member Lecour opened the floor to public comments.

There were no public speakers.

Board Member Lecour closed the floor to public comments.

Board Member Edderai asked Town Planner Frankel if it is in compliance.

Town Planner Frankel stated they are in compliance.

A motion was made by Board Member Edderai to approve this application with staff recommendations, seconded by Board Member Rais. The motion carried with a 3-0 vote.

[9165 Abbott Avenue Agenda Packet.pdf](#)

**5.E 601 88th Street - Enclosure of Carport** - Town Planner Judith Frankel

**Suggested action:**

Staff finds that the application generally complies with the Zoning Code. If the below conditions are resolved, approval is recommended.

Recommended Conditions for Approval:

- Applicant must verify that the front face of the addition/carport is a distance of 10 feet from the property line.
- All elevations of the home are required to have a minimum of 10% wall openings. The Planning and Zoning Board should determine whether the west elevation should be required to have wall openings.

Town Planner Frankel introduced the item and provided staff recommendations.

Building Official McGuinness provided his staff recommendations and comments as it pertains to flood plain management.

Conrado Cabrera, owner responded to the questions by Building Official McGuinness.

Chair Baumel asked if the applicant would like to add anything.

Mr. Cabrera stated his reasoning for doing this project.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Board Member Rais asked regarding asking for the 10% opening.

Town Planner Frankel stated that usually you do not put windows on a garage. She stated it is facing the rear yard and spoke regarding the 10%.

Chair Baumel does not see the need for additional openings and explained what the applicant has and what he wants to do is bring the whole garage forward.

Board Member Lecour asked regarding the hedge along the side.

A motion was made by Board Member Rais to approve this application with staff recommendations along with the conditions provided by the Building Official, seconded by Board Member Edderai. The motion carried with a 4-0 vote.

[601 88th Street Images.pdf](#)

[601 88th Street Agenda Packet.pdf](#)

**5.F 8951 Hawthorne Avenue - Garage Conversion and Wall Openings Changes -**

Town Planner Judith Frankel

**Suggested Action:**

Staff finds the application meets the Code requirements and recommends approval subject to design approval from the Planning and Zoning Board and the following conditions:

- Provide calculations showing a minimum of 35% pervious area for the property.
- Provide plans including any rooftop mechanical to ensure that the equipment is no higher than 6 feet from the roof plane, fully screened and not visible from the public right-of way.
- At the time of permitting, it shall be verified that the Finished Floor Area for the converted garage space is level with the remainder of the home.

Town Planner Frankel introduced the item and provided staff recommendations.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Board Member Lecour asked if there are landscaping requirements for garages. She suggested adding street trees. She also asked if they are changing the gravel.

Town Planner Frankel responded to Board Member Lecour's comments.

Gisel Hernandez, representing the applicant stated they can add the street trees and they are not making any changes to the gravel.

Town Planner Frankel stated the gravel has to be changed because it is not allowed.

Ms. Hernandez accepted the recommendations and stated that they will not be changing the air conditioning unit due to cost.

Building Official McGuinness provided his recommendations.

Board Member Lecour requested to bring the driveway and street trees up to code.

Town Planner Frankel explained to the applicant the requested recommendations.

Board Member Rais spoke regarding the changes to the openings.

Chair Baumel likes the addition and stated that home is challenging and with the pavers it will look very nice.

A motion was made by Board Member Lecour to approve this application with staff recommendations to include bringing up to code the driveway and the street trees, seconded by Board Member Edderai. The motion carried with a 4-0 vote.

[8951 Hawthorne Images and Table](#)

[8951 Hawthorne Ave Agenda Packet.pdf](#)

#### **5.G 9433 Byron Avenue - New Two-Story Home - Town Planner Judith Frankel**

Staff finds this application to meet Zoning Code subject to the following comments:

- **Per Sec. 90-47.1**, roof eaves and ornamental features may project not more than 24 inches into any required yard.
- **Per Sec. 90-95 (3) d**, street trees are required. These may be close to the property line in the right-of-way area. The two silver buttonwood trees proposed for the front of home could be moved to the property line to satisfy this requirement.
- **Per Sec. 90-97**, a tree removed or relocated will require a tree removal permit from Miami-Dade County
- Grass/Turf species must be provided.

Town Attorney Recio advised the Board that this applicant did not meet notice requirements. They posted a notice on the property with the wrong meeting date and will have to renote the property. He stated this item has to be deferred to the March 30, 2023 Planning and Zoning Board Meeting.

A motion was made by Board Member Edderai to defer this item to the March 30, 2023 Planning and Zoning Board Meeting, seconded by Board Member Lecour. The motion carried with a 4-0 vote.

[9433 Byron Avenue Tables 1 2 and 3.pdf](#)

[9433 Byron Ave Agenda Packet.pdf](#)

#### **5.H 501 95th Street - New Two-Story Single-Family House - Judith Frankel, Town Planner**

**Suggested Action:** Staff finds that this application generally complies with the Zoning Code. The Board must determine the appropriateness of the pool location and the fence design. Staff recommends approval subject to the following conditions:



- **Per Sec. 90-56.4**, All wall and fence surfaces above 2 feet must maintain a maximum opacity of 50%. The maximum height for a fence at this location is 4 feet high.
- **Per Sec. 90-54.8**, All front yard swimming pools require approval by the Planning and Zoning Board.
- **Per Ordinance No. 22-1729**, 40% of the required landscaping areas must be comprised of Florida Friendly Landscaping materials as determine by the University of Florida. Grass/Turf species must be also provided.
- **Per Sec. 90-95 (3) d**, shade providing street trees are required. These may be close to the property line in the right-of-way area. The foxtail palms will not contribute to shade for pedestrians, so a different species would be more appropriate. The addition or relocation of at least two trees would satisfy this requirement.
- **Per Sec. 90-97**, a tree removed or relocated will require a tree removal permit from Miami-Dade County
- **Per 90-47.3**, pool equipment may not be located in the 5-foot North setback area. All mechanical equipment must be fully screened as to not be visible from the right-of-way.
- **Per Sec. 90-45**, Second floor setbacks must be verified. It appears that the setbacks on the north and south sides of the home are being met when the full buildable space is accounted for, due to the large setbacks on the front and rear of the property.

Town Planner Frankel introduced the item and provided staff recommendations.

Chair Baumel commented on the home sitting on an odd corner lot and it is important to identify this is on the circle with high traffic volume.

Building Official McGuinness provided his staff recommendations.

Iris Sklar representing the applicant provided a presentation of the project.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Board Member Rais provided her comments on the project and home.

Board Member Lecour stated it is a nice and unique home. She spoke regarding the 95th Street frontage and asked if they can replicate the symmetry on the west side. She asked regarding the landscaping plan around the pool and recommended to have more of a greenscreen around the pool.

Mr. Sklar addressed the comments of the Board.

Chair Baumel likes the project and stated it is a good addition to the community. She stated that the fencing is very important and if it is 4 feet it has to be 50% opacity

and provided suggestions to the fence.

A motion was made by Board Member Lecour to approve this application with staff recommendations, seconded by Board Member Edderai. The motion carried with a 4-0 vote.

[501 95th Street Tables and Images.pdf](#)

[501 95th Street Agenda Packet.pdf](#)

## 6. Next Meeting Date

### 6.A Next Meeting Date: March 30, 2023 at 6:00 p.m. - Deputy Town Clerk Evelyn Herbello

Consensus was reached to hold the next meeting on March 30, 2023 at 6:00 p.m.

## 7. Discussion Items

### 7.A Front Yard Fences and Gates - Town Planner Judith Frankel

**Suggested Action:** Staff recommends that the Planning and Zoning Board provide direction on the qualification of Staff level approval for front yard fences and gates.

Town Planner Frankel introduced the item and these were discussed in the Joint Planning and Zoning Board Meeting with the Town Commission. She stated the suggestions they have discussed with the Town Attorney.

Town Planner Frankel spoke regarding front yard fences and gates and consensus at the joint meeting was to take front yard fences off Planning and Zoning and no longer need board approval for those. She is looking for direction as to what qualifying factors the board is looking for. She stated it could be materials and provided the comments that were made at that joint meeting.

Board Member Rais suggested not allowing the use of PVC because it looks very cheap. She also stated requesting some sort of decorative element on the gate or at the very least to have it stylistically matching the house.

Chair Baumel opened the floor to public comments.

The following individuals from the public spoke:  
George Kousoulas

Chair Baumel closed the floor to public comments.

Board Member Rais does not want to end up with the most cheapest picket form fence in each house. She would suggest a decorative element on the gate.

Chair Baumel stated that this is to take it away from the Board.

Board Member Rais disagrees and believes it should stay with the Board.

Chair Baumel asked Board Member Rais if the gate they approved before was offensive.

Board Member Rais stated no but it was basic enough that was not contradicting.

Board Member Baumel addressed the comments made by Board Member Rais.

Board Member Edderai stated that at the meeting it was discussed that with the design review guidelines it will help them with what type of fences and gates they are allowed to use.

Board Member Lecour stated that they should encourage owners to be creative of their front façade and put forward some designs that are unique and pretty that can be used.

Town Attorney Recio suggested language to state that fences and gates would be permitted based on the design review guidelines and it will be done at the town planner level unless she does not feel it meets design guidelines or there are ambiguities or she cannot reach an agreement with the applicant then they can come before the board.

Board Member Edderai stated he believed that it was to not have it come before the board and stated what is being discussed is adding another layer to the same problem.

Town Attorney Recio stated that they could have a preapproved list that Town Planner Frankel could use. He provided scenarios.

Board Member Edderai stated that he agrees with having it go to the Town Planner and give the Town Planner the discretion to determine if it has to come before the Board.

Town Planner Frankel addressed the comments from the Board and is requesting clear guidelines and rules.

Town Planner Frankel stated this would be to add to the zoning code separate from DRG front yard fences and gates being allowed by right based on code, DRG and the design should be visually interesting unless putting it behind a hedge, set it back 24 inches to put hedge in front, be visually interesting being something more than horizontal or vertical, and it be based on the design of the house.

Town Attorney Recio stated they are moving away from this Board.

The Board reached consensus on recommending to the Town Commission to remove front yard fences and gates from this Board and give the approval to the Town Planner based on conforming with the design guidelines.

[Appendix A: Code section on Front Yard Fences.docx](#)

**7.B Applicability of Planning and Zoning Board Review** - Town Planner Judith Frankel

Based on the direction at the January 2023 Joint Planning and Zoning Board and Town Commission meeting, Town Staff recommends that the following permits be added to Zoning Code 90-19.7 list of exempt permits :

1. Rear-yard wall opening not visible from the public right-of-way
2. Change outs of building materials
3. Window Signs in the SD-B40 Zoning District
4. Awnings in the SD-B40 Zoning District
5. Rear yard pools
6. Rooftop mechanical and accompanying screens.
7. Carports
8. Front-yard fences and gates
9. Garage Conversions

Town Frankel introduced the item and provided examples. She spoke regarding what was added at the meeting.

Board Member Lecour spoke regarding the garage conversion that came before the board the last month where they did not want to add a window.

Town Planner Frankel stated that they can add it as a condition for garage conversions. She stated it needs to be consistent with the façade.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:  
George Kousoulas

Chair Baumel closed the floor to public comments.

Board Member Lecour asked regarding the updating of the design review guidelines.

Town Planner Frankel stated that Marlin Engineering is working on it and she will find out when a draft will be available. She can have an update on it for the last meeting.

## 8. Adjournment

There being no further business to discuss before the Board, a motion was made by Board Member Lecour to adjourn the meeting at 8:08 p.m., seconded by Board Member Edderai. The motion carried with a 4-0 vote.

Respectfully Submitted,

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Carolyn Baumel, Chair

Attest:

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Sandra N. McCready, MPA, MMC  
Town Clerk