



**Town of Surfside
Planning and Zoning Board Meeting
MINUTES
March 30, 2023
6:00 PM
Town Commission Chambers**

1. Call to Order/Roll Call

The meeting was called to order by Chair Baumel at 6:02 p.m.

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

Present: Chair Carolyn Baumel, Vice Chair David Forbes, Board Member Ruben Bravo, Board Member Lindsey Lecour, Board Member Jonathan Edderai, and Alternate Board Member Grace Rais (arrived at 6:07 p.m.).

Absent: Alternate Board Member Michael Szafranski.

Also Present: Town Attorney Tony Recio, Town Planner Judith Frankel, Building Official James McGuinness, Consultant Town Planner Walter Keller and Commission Liaison Commissioner Fred Landsman.

2. Town Commission Liaison Report

Commission Liaison Commissioner Fred Landsman provided the Liaison Report. He thanked the Board for their service.

3. Approval of Minutes

3.A February 23, 2023 Planning and Zoning Board Meeting Minutes - Deputy Town Clerk Evelyn Herbello

A motion was made by Board Member Lecour to approve the February 23, 2023 Planning and Zoning Board Meeting Minutes, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[February 23, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)

4. Ordinances

4.A Accessory Structures in Waterfront Lots in the H30A Zoning District - Town Planner Judith Frankel

As approved at the joint meeting of the Town Commission and the Planning and Zoning Board held on January 31st, 2023, and the Town Commission meeting on March 14th, 2023, Staff recommends amending the Zoning Code to allow for limited accessory structures in the waterfront setback area in the H30A zoning district. The suggested limitations are:

- For H30A properties on Point Lake, an accessory structure may be constructed no closer than 10 feet from the sea wall and may include an enclosed building of up to 2% of the lot area within the setback set forth in Section 90-48.3.
- For H30A properties on any other water body, an accessory structure may be constructed no closer than 15 feet from the sea wall and may include an enclosed building of up to 200 square feet within the setback set forth in Section 90-48.3. Accessory buildings and structures shall be limited by this section and the allowable lot coverage.

This Ordinance also clarified that the two types of waterfront properties in the H30A Zoning district are properties on Point Lake and all others, including Biscayne Bay and Indian Creek.

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

Town Planner Frankel introduced the item and provided the specifics and explained the ordinance requirements and setbacks as it pertains to properties abutting to the waterfront and provided the limitations.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Chair Baumel stated they are looking to move this forward to the Commission.

Alternate Board Member Rais arrived at 6:07 p.m.

A motion was made by Board Member Bravo to recommend to the Commission to proceed with this ordinance for second reading, seconded by Board Member Edderai. The motion carried with a 5-0 vote.

[Ordinance Amending 90-48.3 and 90-54.1 Accessory Structures Waterfront Lots H30A.DOCX](#)

4.B Zoning Code Correction: Definitions of "Setback" and "Yard" - Town Planner Judith Frankel

As approved at the Joint Town Commission and Planning and Zoning Board meeting on January 31st and the Town Commission meeting on March 14th, 2023, staff recommends that the definitions of "Setback" and "Yard" in Section 90-2 ("Definitions") be amended as set forth in the attached Ordinance for first reading to

clarify and reflect that the terms are synonymous and equivalent terms for the purposes of the Zoning Code and interpretation.

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

Town Planner Frankel introduced the item and provided the specifics.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas spoke regarding the language of the ordinance and possible issues with that language regarding the setback. He stated this brings both areas into conformance.

Chair Baumel closed the floor to public comments.

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 Bravo. The motion carried with a 5-0 vote.

[Ordinance Amend 90-2 \(Defintions\) Setback and Yard.DOCX](#)

4.C Zoning Code Correction: Deletion of references to Gross Density and Gross Lot Area. - Town Planner Judith Frankel

As discussed at the January 31st, 2023, Joint meeting of the Town Commission and the Planning and Zoning Board and at the Mach 14th Town commission meeting, staff recommends deleting the term "gross" from three locations in the Zoning Code. (See Attachment A) The Town Code no longer uses "Gross Acre" or "Gross Density" for density calculations and references to the term are confusing and misleading.

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

Town Planner Frankel introduced the item and provided the specifics.

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 Bravo to recommend to the Commission to proceed with this ordinance for second reading, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[Attachment A: Gross Acre in the Zoning Code](#)
[Ordinance to Amend Delete reference to Gross](#)

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.

Deputy Town Clerk Herbello swore in the applicants.

Town Attorney Recio polled the Board Members.

Chair Baumel spoke with an engineer but did not discuss their project. They were visiting one of her projects.

Vice Chair Forbes spoke with Rachel Streitfeld, attorney representing the applicant on item 5A (516 Surfside Boulevard).

Alternate Board Member Rais spoke with someone in reference to item 5A (516 Surfside Boulevard).

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

A motion was made by Board Member Bravo to move item 5C (9490 Harding Avenue) and item 5D (9501 Harding Avenue) to be heard before item 5A (516 Surfside Blvd.). The motion carried with a 5-0 vote.

5.A 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 for applicant introduced the item and provided a PowerPoint presentation.

Mimi Baumelgreen, designer for the applicant spoke regarding the design and project.

Matthew Wolf, neighbor of the applicant to this project spoke in favor of the project.

Mosha Bonnet, applicant spoke regarding his project.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Board Member Lecour agrees with the applicant, and stated the project is fine the way it is and it blends in with the neighborhood.

Board Member Bravo stated the house is a beautiful house and commented on the amount of time and effort taken into the design. He asked why code compliance came so late into the game and issues like this should not take that long to be brought up by code.

Vice Chair Forbes said it looks great and the contrast is perfect and leave it the color it currently is.

Chair Baumel stated that the aesthetics of the house has been preserved beautifully even down to the gates. She stated that the other side of the property fencing is her concern. She stated that they brought enough argument as to why it should not be changed.

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

[Attachment A: Site Condition Images
516 Surfside Blvd Agenda Packet.pdf](#)

5.B 9433 Byron Avenue - New 2-Story Single Family Home - Town Planner Judith Frankel

Suggested Action: 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 Planner Frankel introduced the item and provided staff recommendations.

Building Official McGuinness provided his staff recommendations.

Mark LaBlaunt, engineer spoke regarding the project.

Steven Schrader, applicant spoke about the project.

Chair Baumel asked if there is an architect working on the project.

Mr. LaBlaunt stated no.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:

Michelle Arambula spoke against the project and stated that it is a duplicate style of another home and feels like it is being thrown together and the proposed railings are not the same as the ones across the street. The other concern is the fence and run off water. She also is concerned with the demolition process that took place 5 years ago and how long she will be living with construction debris across the street.

Harry Polcheese, representing the applicant stated he spoke with Ms. Arambula's husband regarding the beehives and they took over the project and it has been moving forward.

Chair Baumel closed the floor to public comments.

Vice Chair Forbes asked how long they have been on the job and Ms. Arambula does not have their cell phone number.

Mr. Polcheese stated that her husband has his number.

Chair Baumel stated he was brought into this project a year ago.

Mr. Polcheese explained the work they are doing.

Alternate Board Rais provided her comments on the architectural features of the home.

Board Member Lecour stated that they do not have much information on this project nor renderings and strongly opposes the carbon copy of a home anywhere in Surfside. She stated that the fence proposed does not meet the 50% opacity.

Board Member Bravo agrees there is not enough information to make a decision. He commented on applicants being more careful how to prepare their information when coming before the Board.

Vice Chair Forbes agrees with all the Board members and stated that it is awful what the applicant is doing to not care about their neighbors and taking five years and apologized to Ms. Arambula.

Chair Baumel stated this is an embarrassment to the general contractor, architect and engineering field and there is no good excuse as to why this property hasn't been completed. She fears the idea of another property going at an excess of five years. She stated it would be beneficial to engage with an architect to do this project. She stated this lacks design credibility.

A motion was made by Board Member Lecour to deny this application, seconded by

Vice Chair Forbes. The motion carried with a 5-0 vote.

Town Attorney Recio spoke regarding an ordinance which speaks regarding construction areas including portal potty and fencing.

[Attachment A: Tables 1 2 and 3.pdf](#)

[9433 Byron Avenue-Proof of Notice Requirement.pdf](#)

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

5.C 9490 Harding Avenue - Wall Sign - Town Planner Judith Frankel

Suggested Action: Staff finds the application meets the Zoning Code requirements and recommends approval.

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.

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

[Attachment A: Tables and Images](#)

[9490 Harding Avenue Agenda Packet.pdf](#)

5.D 9501 Harding Avenue - Wall Sign - Town Planner Judith Frankel

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

- **Per Sec. 90-73**, All illumination must be white.

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.

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

[Attachment A: Table and Image.pdf](#)

[9501 Harding Avenue Agenda Package.pdf](#)

5.E 1400 Biscaya Drive- Alterations of Window Openings - Judith Frankel, Town Planner

Suggested Action: Staff finds that the proposed window alterations comply with the Zoning Code and recommend approval of this application.

Town Planner Frankel introduced the item and provided staff recommendations.

Dean Cox, architect for the project spoke regarding the application.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Chair Baumel stated they are doing a great job.

Board Member Bravo stated it was a great project.

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

[1400 Biscaya Drive Application.pdf](#)

[1400 Biscaya Agenda package 3.30.23.pdf](#)

5.F 9456 Abbott Avenue - Addition - Town Planner Judith Frankel

Suggested Action: Staff finds the application mainly meets the Zoning Code. The Planning and Zoning Board should determine whether the new addition's overall design and window style is consistent with the existing structure. If the design is determined to be appropriate, Staff recommends approval with the below conditions:

- Setback from the north property to the new addition must be verified to be 5 feet. A 24-inch roof overhang is permitted.
- A landscaping strip is required at the base of the wall enclosing the former garage door.
- At the time of permitting, it shall be verified that the garage space is to remain as storage. If the space is intended to be habitable living space the finished floor must be elevated to match the rest of the home.

Town Planner Frankel introduced the item and provided staff recommendations.

Building Official McGuinness provided his staff recommendations.

Alfonso Sierra representing the applicant addressed the comments made by the Building Official.

Chair Baumel opened the floor to public comments.

There were no public comments.

Chair Baumel closed the floor to public comments.

Board Member Lecour asked what the street facing view was and stated it feels very half hazard and does not feel it is coherent with the house. She stated as it stands she cannot support this design.

Alternate Board Member Rais addressed the recommendations made by Building Official McGuinness.

Building Official McGuinness asked regarding it meeting the 50% rule with the detached structures.

Alternate Board Member Rais asked regarding accessing it from the garage to access the home. She also addressed the different tiers and levels of the windows.

Chair Baumel stated that it was very interesting and creative and understood it is to be an office but for some reason they put a full bathroom and addressed the comments made by our Building Official.

Town Attorney Recio stated that for their condition of approval, the owner will execute and record a declaration prohibiting any commercial office use and any residential dwelling use on this property in a form acceptable to the Town Attorney.

Building Official McGuinness stated the rights of a building official to enter the property.

A motion was made by Board Member Edderai to approve the application with staff recommendations along with the Building Official's staff recommendations, seconded by Chair Baumel. The motion and second were withdrawn.

A motion was made by Board Member Lecour to defer the item to the next meeting to address the comments and concerns and show present the item to the Board with a more clear rendering, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

[Attachment A: Images and Tables.pdf](#)

[9456 Abbott Avenue Agenda Packet.pdf](#)

5.G 9064 Harding Avenue - 2nd Floor Addition - Town Planner Judith Frankel

Suggested Action: Staff finds the application meets the Zoning Code. The Planning and Zoning Board should determine whether the new addition's overall design is consistent with the existing structure. If the design is determined to be appropriate, Staff recommends approval with the below condition:

- **Per Sec. 90-47**, Roof overhangs and eaves may be no more than 24-inches. Measurement must be provided for the north side eave of the addition.

Town Planner Frankel introduced the item and provided staff recommendations.

Building Official McGuinness provided staff recommendations.

Chair Baumel asked if they did not provide the information.

Building Official McGuinness stated they have not provided an appraisal.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Vice Chair Forbes stated there are no renderings to see what the project will look like, and it does not say how it will look and he cannot say yes to this.

Alternate Board Member Rais provided her comments on the project and the style is inconsistent with the existing home.

A motion was made by Board Member Bravo to defer the item to the next meeting, seconded by Board Member Edderai. The motion carried with a 5-0 vote.

[Attachment A: Images and Table.pdf](#)

[9064 Harding Avenue Agenda Packet.pdf](#)

5.H 9332 Bay Drive - New 2-Story Single Family Home - Town Planner Judith Frankel

Suggested Action: Staff finds this application generally meet the Zoning Code, with the exception of the 2nd floor rear covered terrace. The roof should be removed from this terrace to provide for the required setback.

If the design is determined to be appropriate by the Planning and Zoning Board, approval could be granted with the below conditions:

- **Per Sec. 90-47.1**, Every part of a required yard/setback must be open to the sky. The rear second floor terrace is covered by a solid roof and so may not count toward the required setback. At present the 2nd floor setback is inadequate.
- **Per Sec. 90-54.1**, Maximum height for accessory structures is 12 feet. The trellis structure must be reduced by 4 inches.
- **Per Sec. 90-97**, a tree removed or relocated will require a tree removal permit from Miami-Dade County
- **Per Ordinance No. 22-1729**, 40% of required pervious/landscaping must be a Florida Friendly Landscaping species as identified by the University of Florida. A table identifying all species and their status as Florida Friendly must be provided.

- Grass/Turf species must be provided.

Town Planner Frankel introduced the item and provided staff recommendations.

Building Official McGuinness provided his staff recommendations.

Benny Silverstein, applicant spoke regarding the project.

Ismael Allenden, architect spoke regarding the project.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Alternate Board Member Rais provided her comments on the project.

Board Member Lecour appreciates the articulation in the front and likes the different materials but does have a concern with the porcelain wrap. Her main concern is that this home will receive the same reception due to maxing out every cubic foot.

Chair Baumel would like to have more time to look at the plans. She stated that the Town Planner did her job as to what is correct and what is not correct, and they chose to make the changes which is not the usual. She stated that the applicant went above and beyond.

Board Member Lecour asked if they could walk them through the new plans.

Mr. Allenden went over the new plans that were presented on the screen.

Chair Baumel stated the wrapping of the porcelain is up to the eye of the beholder. She appreciates that it has a contemporary modern look.

Board Member Bravo does agree with the modern design and is more concerned with the constructability of the project in regards to the height.

Town Planner Frankel spoke regarding the trellis and stated the bathroom was a new thing, but they do have to deduct the square footage from the house.

Chair Baumel spoke regarding bringing the outside in as it relates to the design of the atrium and complimented this design and likes it.

Enrique Feldman, designer of the home spoke regarding the project.

Vice Chair Forbes loves the materials, layouts and the project.

A motion was made by Vice Chair Forbes to approve the application with the changes that they are seeing for the first time tonight and as presented except the comments of the Town Planner and Building Official McGuinness, seconded by

Board Member Bravo. The motion carried with a 4-1 vote with Board Member Lecour voting in opposition.

[Attachment A: images and tables](#)

[9332 Bay Drive-Proof of Notice Requirement.pdf](#)

[9332 Bay Agenda Package.pdf](#)

6. Discussion Items

6.A Zoning Code Review and Design Guidelines Timeline - Consultant Town Planner Walter Keller, AICP

Consultant Town Planner Keller introduced the item and spoke regarding the item and the work they are doing with the revisions to the design review guidelines.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

6.B Comprehensive Plan and Evaluation and Appraisal Report (EAR) Timeline - Consultant Town Planner Walter Keller, AICP

Consultant Town Planner Keller introduced the item and spoke regarding the item.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

6.C Zoning Code Correction - Rooftop Elements - Acting Town Manager Hector Gomez

The Town Commission, at their meeting on March 14th, 2023, directed the Planning and Zoning Board to further review and provide recommendations regarding all rooftop structures.

Town Planner Frankel introduced the item and provided what took place at the Town Commission meeting.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas spoke regarding the item and handed out to the Board Members the Miami Beach Roof Code and provided an overview.

Chair Baumel closed the floor to public comments.

Board Member Lecour asked regarding the bulkheads and what the Miami Beach

code states.

Mr. Kousoulas addressed the comment made and what Miami Beach code states and this is intended for H30A and H30B.

Town Planner Frankel spoke regarding the two elements in the code and one addresses rooftop modifications and the other one addresses roof decks. She provided an explanation of both.

Chair Baumel stated this is Mr. Kousoulas' opinion and basically the ordinance has been put together on how they follow suit by the Commission's direction.

Town Planner Frankel stated that Mr. Kousoulas' suggestion is to combine all roof top under one.

Chair Baumel stated this is based on Mr. Kousoulas' opinion. She stated that he is giving an opinion not telling the Commission what they should be doing.

Further discussion took place among the Board Members, Town Planner and Mr. Kousoulas regarding his opinion and what is stated in the City of Miami Beach code.

Town Planner Frankel spoke regarding the issue with the rendering with the first home and was under the impression that they did not require renderings for additions.

Board Member Lecour stated that a couple of them had trouble seeing how the addition fit on the house.

Chair Baumel stated that when you have something front and center that would be visible from the street on the home then they should have renderings.

Board Member Lecour asked to add for the May meeting as a discussion item an item having to do with the perception of mass on the setbacks and revisit the code regarding carbon copy homes.

Town Planner Frankel stated they could add it to the May meeting.

Town Attorney Recio stated that there is something in the code that addresses that for the homes next door.

[Attachment A-Roof Stair-Stairs Limitations.docx](#)

[Attachment B: Ordinance-Re Roof Deck Railings.docx](#)

[Attachment C: Rooftop Code Change suggestions.](#)

7. Next Meeting Date

7.A Next Meeting Date: April 27, 2023 at 6:00 p.m. - Deputy Town Clerk Evelyn Herbello

Consensus was reached to hold the next meeting on April 27, 2023 at 6:00 p.m.

8. Adjournment

There being no further business to discuss before the Board, a motion was made by Vice Chair Forbes to adjourn the meeting at 8:22 p.m., seconded by Board Member Edderai. The motion carried with a 5-0 vote.

Respectfully Submitted,

Accepted this _____ day of _____, 2023.

Carolyn Baumel, Chair

Attest:

Sandra N. McCreedy, MPA, MMC
Town Clerk