



**Town of Surfside  
Planning and Zoning Board Meeting  
MINUTES  
June 29, 2023  
6:00 PM  
Town Commission Chambers**

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

The meeting was called to order by Chair Baumel at 6:01 p.m.

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

Present: Chair Carolyn Baumel, Vice Chair David Forbes, Board Member Jonathan Edderai and Alternate Board Member Michael Szafranski.

Absent: Board Member Lindsey Lecour, Board Member Ruben Bravo and Alternate Board Member Grace Rais.

Also Present: Commission Liaison Commissioner Fred Landsman, Town Attorney Tony Recio, Town Planner Judith Planner and Building Official James McGuinness (arrived at 6:19 p.m.).

**2. Town Commission Liaison Report**

Commissioner Landsman provided a Commission Liaison Report and thanked the Board for their dedication. He stated that Alternate Board Member Rais provided him with some interesting information and points that are in our Code to add some discussion items. He stated one is swimming pool elevation and provided examples. The other one is understory and great progress was made this year with this commission to allow understory. He provided examples of understory homes in Town and the benefits and what should be required.

**3. Approval of Minutes**

**3.A May 24, 2023 Planning and Zoning Board Meeting Minutes - Deputy Town Clerk Evelyn Herbello**

A motion was made by Board Member Edderai to approve the May 24, 2023 Planning and Zoning Board Meeting Minutes, seconded by Vice Chair Forbes. The motion carried with a 4-0 vote.

#### 4. Ordinances

##### 4.A Zoning Code Amendment: Synthetic Turf - Town Planner Judith Frankel

Staff recommends review of the synthetic turf ordinance as presented in order to allow for a high quality and permeable synthetic turf option in the single-family home zoning districts.

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

Town Planner Frankel introduced the item and provided an overview of the item. She stated this was discussed at the January Joint Meeting and the Commission discussed it in the subsequent Commission meetings. She discussed the main elements of this ordinance. She stated the landscape requirements will still be followed and provided those requirements.

Chair Baumel asked if the existing homes were included in the language.

Town Attorney Recio stated the existing homes were added in the language and those can stay and if they are in the right of way, they must obtain a right of way permit.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas spoke regarding the two concepts on the code which are the pervious area and landscape. He suggested trimming back the language to it's original language on lines 79-86.

Chair Baumel closed the floor to public comments.

Alternate Board Member Szafranski asked if the 40% of trees is new to the code.

Town Planner Frankel stated it is not and explained what the code states in that section and it was amended to speak about the required landscape.

Vice Chair Forbes stated that he was supportive of this item in all the meetings that this was discussed.

A motion was made by Vice Chair Forbes to recommend to the Town Commission to approve the ordinance on second reading, seconded by Board Member Edderai. The motion carried with a 4-0 vote.

[Attachment B-ROW Synthetic Turf French Drain Standard Detail.pdf](#)

[Ordinance Synthetic Turf.DOCX](#)

[Exhibit A: Open Code Cases](#)

#### **4.B Zoning Code Amendment: Restaurants in H120 as an Accessory Use - Town Planner Judith Frankel**

Staff recommends consideration of this ordinance, as an accessory restaurant is no less compatible with multifamily residential than it is with a hotel and may be beneficial to the Town's residents and visitors by providing alternative dining options. Additional dining locations may further enliven the waterfront district by allowing for greater walkable destinations.

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

Town Planner Frankel introduced the item and provided an overview of the item. She stated that all the parking requirements must be met as well.

Town Planner Frankel provided the Building Official's following recommendations which were sent via email prior to the meeting: Add a clause under item (h) which reads: The accessory use/restaurant must comply with all provisions of the Florida Building Code(s) in effect at time of application.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:  
George Kousoulas stated that this is an example of a very well crafted ordinance.

Chair Baumel closed the floor to public comments.

Vice Chair Forbes believes it is great.

A motion was made by Vice Chair Forbes to recommend to the Town Commission to approve the ordinance on second reading, seconded by Alternate Board Member Szafranski. The motion carried with a 4-0 vote.

[Attachment A: Current Zoning Code Regulated Uses by District Ordinance Restaurants in H120.DOCX](#)

#### **5. Applications**

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

Deputy Town Clerk Herbello swore in all the applicants and individuals from the public that would wish to speak.

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

Deputy Town Clerk Herbello confirmed that notice requirements were met.

Town Attorney Recio polled the members of the Board.

Chair Baumel stated that she spoke to the general contractor via phone and architect design team for item 5A (9433 Byron Avenue).

Alternate Board Member Szafranski spoke with the applicant for item 5A (9433 Byron Avenue).

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

#### **5.A 9433 Byron Avenue - New Single-Family Home - Town Planner Judith Frankel**

Staff finds this application generally meets the zoning code. The Planning and Zoning Board should determine whether the home's design is "consistent with and in conformance with the design guidelines set forth in the Town Code". If the Planning and Zoning Board determines the design to be appropriate, staff recommends approval with the following conditions:

- Per section 90-56.1.A., A fence or ornamental wall not more than six feet in height, as measured from grade. Fence/wall height will be measured from the grade of the neighbors' yards.
- Per section 90-67, An emergency generator must be placed at least 10 feet from any opening or window.
- Per section 90-61, the front yard of a home may not be more than 50% paved. And must contain a minimum of 30% landscaping. The front yard setback is 77.6% paved and has 22.4% landscaping.
- Per Section 90-2, In no instance may the sum of the lot coverage and all exemptions exceed 50 percent of the lot area for one-story homes and 46 percent of the lot area for two-story homes. The covered terraces at the front and rear of the home and the covered entryway should encompass no more than 6% of the lot area.
- Per section 90-90.1, 40% of the required landscaping must be Florida Friendly Landscaping species as identified by the University of Florida. The required trees and shrubs seem to comply, but a table must be provided. The grass species must also be listed.
- All enclosed space below design flood elevation (10 NGVD) shall be used solely for parking of vehicles, building access and storage and shall be constructed and hydrostatically vented per Federal Emergency Management Agency National Flood Insurance Program rules and regulations, the Florida Building Code and the Town of Surfside Floodplain Management Ordinance.

Town Planner Frankel introduced the item, provided a presentation and staff recommendations along with the design guideline requirements. She provided an overview of the past time this application came before this Board. She stated the home is similar to how it was before as it relates to setbacks and this home does meet the zoning code requirements.

Building Official McGuinness provided his recommendations which were sent via email prior to the meeting: 1. Provide hydrostatic reliefs (flood vents) at the garage which provide 1 square inch of net open area per 100 square feet of garage floor area. A minimum of two vents must be provided located within 12 inches of grade on opposing walls. 2. Locate/elevate the bottom edges of the electrical meter, electrical panel, HVAC equipment and generator for the home at or above DFE of 10"0" NGVD.

Chair Baumel opened the floor to public comments.

The following individuals from the public spoke:

Michele Arambula is a neighbor and stated it is very similar in design as to the one that is being built across the street. She stated to keep in mind the same homeowner owns two more homes on the same block. She spoke regarding the landscaping of the home and the retaining wall that will require digging a trench. She would like to know what assurances she has that they will not damage her tree and shrubs. She also asked how long this project will take.

Carlos Rosa is a neighbor of the project in question and does not understand why it is taking so long for this to be completed. His concern is that he will take this long for the next project.

Chair Baumel closed the floor to public comments.

Robert Grabaski, architect for the project provided an overview of the project. He stated that they would be addressing and incorporating all staff recommendations from the Town Planner and Building Official.

Harry Borchin, contractor stated it should be ready by August and they are working diligently to finish the project.

Alternate Board Member Szafranski stated that he is a believer that you have to look at the project in front of you and not other projects the owner has pending. He stated that the other homes are outside the radius of not being able to build a similar house and is in favor of this home.

Vice Chair Forbes asked if it is a spec house.

Mr. Grabaski and Borchin stated no.

Vice Chair Forbes stated that the person building the house (owner) knows there are major issues and giving this homeowner another permit is a major issue.

Chair Baumel stated you can make the decision based on the past experience.

Town Attorney Recio stated that you have to do it based on design and they still have to go through the permitting process and whatever decision you make must be based on the design review guidelines.

Chair Baumel stated that at the last meeting phone numbers and names were

exchanged among them and the neighbors and that is important. She stated that she believes they made improvements on the house and provided her suggestions.

Mr. Grabaski asked if they could do side lights on the front doors.

Chair Baumel stated that they should use a larger door.

A motion was made by Alternate Board Member Szafranski to approve the application with staff recommendations, seconded by Chair Baumel. The motion carried with a 3-1 vote with Vice Chair Forbes voting in opposition.

[9433 Byron Avenue Images and Tables.pdf](#)

[9433 Byron Avenue Survey.pdf](#)

[9433 Byron Agenda Packet.pdf](#)

#### **5.B 8918 Abbott Avenue - Addition** - Town Planner Judith Frankel

Staff finds this application for a front addition and rear enclosure generally meets the zoning code. The Planning and Zoning Board should determine whether the new addition is “consistent with and in conformance with the design guidelines set forth in the Town Code”. The appearance of the additions appear to be consistent with the existing style of the home. If the Planning and Zoning Board determines the design to be appropriate, staff recommends approval with the following conditions:

- Per section 90-49, 35% of the lot must be pervious. This is defined in section 90-2 as an area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water directly into the ground. Pavers or *pervious* hard materials, including *pervious* concrete, shall not be utilized for the calculation of *pervious* area. If a material that has a permeable portion (e.g. turf block) that area may be counted as permeable at the rate specified by the manufacturer.
- Per section 90-56.11, No fence, wall or hedge maybe placed within the public right-of-way. the existing hedge must be relocated on to the subject property.
- The proposed conversion of the rear terrace to habitable space requires that the finished floor elevation be brought up to the level of the rest of the home.

Town Planner Frankel introduced the item, provided a presentation and staff recommendations.

Building Official McGuinness provided the following recommendations which were sent via email prior to the meeting: 1. Amend Site Plan/Elevation Sheet A1.1 to provide sheet keys showing what is altered and what is unaltered similar to sheet A1.2. 2. Amend Floor Plan Sheet 2.1 to provide elevation marks for the Finish Floor Elevation in NGVD for the main floor areas of both the existing home and the new addition. 3. Provide an Elevation Certificate for the existing home at time of building permit application. 4. Provide a current appraisal of the structure (only), for FEMA 50% rule analysis, at time of building permit application.

Bernardo Reitling-Sanchez, Stephen Fett Architecture, representing the applicant 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.

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 4-0 vote.

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

[8918 Abbott Ave Survey.pdf](#)

[8918 Abbott Avenue Agenda Packet](#)

### **5.C 9316 Byron Avenue - Addition** - Town Planner Judith Frankel

Staff finds this application for a front yard addition generally meets the zoning code. The Planning and Zoning Board should determine whether the new addition is “consistent with and in conformance with the design guidelines set forth in the Town Code”. The new addition alters the architectural style of the home. The proposed style is consistent across the front façade, but inconsistent with the remainder of the structure. If the Planning and Zoning Board determines the design to be appropriate, staff recommends approval with the following condition:

- Per section 90-47, Ordinary projections of sills, cornices, and ornamental features, exclusive of roof eaves, may project not more than 24 inches into any required front yard. The new overhang on the front façade may not extend more than 24 inches into the front yard. A dimension should be provided for the front extension.

Town Planner Frankel introduced the item, provided a presentation and staff recommendations. She provided new handouts to the Board Members and explained the change in the design style.

Building Official McGuinness provided the following recommendations which were sent via email prior to the meeting: 1. Amend Existing Floor Plan Sheet A-200 to provide an elevation mark for the Finish Floor Elevation (FFE) in NGVD for the main floor area of the existing home. 2. Amend Proposed Floor Plan Sheet A-201 to provide an elevation mark for the FFE for the main floor area of the proposed additions. 3. Provide a current appraisal of the structure (only), for FEMA 50% rule analysis, at time of building permit application.

Valerie Lorenzo, architect representing the applicant stated it is a very small addition to the home and provided an overview of the project.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Chair Baumel stated her design concerns and she does not see any part of the existing gable roof line.

Ms. Lorenzo addressed the comments made by Chair Baumel and stated it will not be seen from the front of the home.

Chair Baumel stated if you are standing in front of the house will she not see the gable.

Ms. Lorenzo stated she will not see the gable from the front of the house.

Chair Baumel addressed the concerns she has regarding the gable roof and is concerned that the roof line will not look correct. She suggested making it a bit taller.

Ms. Lorenzo addressed the concerns and explained what they are doing with the roof and can make it a bit taller.

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 4-0 vote.

[Attachment A: Images and Tables](#)

[9316 Byron Avenue Agenda Packet.pdf](#)

[9316 Byron Avenue Survey.pdf](#)

[9316 Byron Avenue Elevation Certificate.pdf](#)

**5.D 301 88th Street - Garage Conversion, Addition and Front Yard Pool - Town Planner Judith Frankel**

Staff finds this application for a garage conversion, addition and front yard pool generally meets the zoning code. The Planning and Zoning Board should determine whether the new addition is “consistent with and in conformance with the design guidelines set forth in the Town Code”. Board approval is also required for front yard pools. If the Planning and Zoning Board determines the design to be appropriate, staff recommends approval with the following conditions:

- Height of the home must be provided in NGVD and in comparison to the Crown of Road. The home height is less than 30 feet, but total height must be notated on the elevations.
- Finished Floor Elevation (FFE) of the converted garage space must be raised to the existing FFE of the home.
- Per section 90-50, landscaping must be provided along the base of the new exterior wall.



- Per section 90-61, No more than 50% of the front yard (Harding Avenue side of the property) may be paved.
- Per section 90-61 secondary frontage yards (88th Street Side) shall not be more than 50 percent paved over with any type of material that is not readily permeable by rainwater and groundwater and not less than 30 percent of the secondary frontage yard shall be landscaped.
- Per section 90-61, this property may have one 24-foot curb cut or two 12-foot curb cuts. The curb cuts shown on the site plan are 22 and 20 feet, which is not permitted.
- Per section 90-47.3., air conditioning equipment, pool pump or other mechanical equipment may be located at ground level, provided such equipment is at least five feet from any side or rear lot line and ten feet from any other single-family or two-family residence, and is not visible from any street or waterway. Existing equipment may remain, but new equipment must comply with current code. Location of the pool equipment is not present on the submitted plans.
- A pool safety fence must enclose the pool area.

Town Planner Frankel introduced the item, provided a presentation and staff recommendations.

Building Official McGuinness provided the following recommendations which were sent via email prior to the meeting: 1. Thank you for providing an elevation certificate and elevation marks on floor elevations for both the existing home and new addition. 2. Thank you for providing flood vents and calculations. As to flood venting of the new garage: Please be aware the opening requirement is for NET OPEN AREA of flood vent opening. Screened openings are non-engineered and will be blocked by debris during a flood event. As a result, the screened opening will cease to function. Please select an engineered flood vent, with many options available on the market, which will not be blocked by debris during a flood event. 3. Please provide a current appraisal of the structure (only), for FEMA 50% rule analysis, at time of building permit application.

Nicholas Garcia, representing the applicant thanked everyone and provided an overview of the project.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Chair Baumel asked if they have considered putting the pool in a different location.

Mr. Garcia stated they did but in the back they do not have the space necessary for the outdoor terrace.

Chair Baumel asked if they can do it on the west side of the property instead of being next to a loud busy street.

Mr. Garcia stated he will check with the architect because of the proposed garage and kitchen area.

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 4-0 vote.

[Attachment A: Images and Tables](#)

[301 88th Street Survey.pdf](#)

[301 88th Street Agenda Packet.pdf](#)

[301 88th Street Elevation Certificate.pdf](#)

## **6. Next Meeting Date**

### **6.A Next Meeting: August 31, 2023 at 6:00 p.m.** - Deputy Town Clerk Evelyn Herbello

Deputy Town Clerk Herbello confirmed the next meeting being August 31, 2023 at 6:00 p.m.

Consensus was reached to hold the next meeting on August 31, 2023 at 6:00 p.m.

## **7. Discussion Items**

Commission Liaison Commissioner Landsman stated that Alternate Board Member Rais had send him an email and requested for the following discussion items to be added to the next meeting. 1) Swimming Pools and 2) Understory.

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

Town Planner Frankel introduced the item and provided an overview of the Town and Commission suggestions that these do not have to come before this Board. She stated the remarks made by Commissioner Landsman will be added to the next meeting.

[Front Yard Fences and Gates Images](#)

### **7.B Planning Department projects - Status Updates** - Town Planner Judith Frankel

Town Planner Frankel introduced the item. She stated the improvements to the Downtown to improve walkability which Marlin Engineering is working on. She discussed what the Commission approved and Marlin Engineering is working on developing plans to see how that will look like. She stated they are working on updating the comprehensive plan and it is a lot of work to get everything to current day. She stated she spoke with Mr. Keller and will provide a status update on the comprehensive plan and design review guideline rewrite.

Chair Baumel stated she likes her presentation on the front yard and gates.

Chair Baumel spoke regarding the swimming pool elevation, and it would be for dry and waterfront lots and she is of the opinion that if they want it the same elevation, they need to comply with the flood plain requirements. She stated this should be addressed with new homes when they want to place a pool in a higher area.

Town Planner Frankel spoke regarding the house they saw first and there was no pool, but they will most likely want a pool. She discussed the issues that come with a pool and the requirements.

Discussion took place among the Board Members and Town Planner regarding the pools as it pertains to the new builds.

Chair Baumel stated that the understory is valuable and there are at least two sides that are still open. She stated it allows for more sunlight going through the bottom of the house.

Town Planner Frankel spoke regarding one of the properties that came before the Board. She stated that she believes the synthetic turf would work good with understories.

[Downtown Walkability](#)

## 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 7:24 p.m., seconded by Board Member Edderai. The motion carried with a 4-0 vote.

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

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Carolyn Baumel, Chair

Attest:

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Sandra N. McCready, MPA, MMC  
Town Clerk