



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

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

Deputy Town Clerk Herbello advised the public that we were having technical difficulties and as soon as it gets corrected, we will start the meeting.

Chair Baumel called the meeting to order at 6:39 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, Board Member Lindsay Lecour and Alternate Board Member Andrew Bales.

Absent: Board Member Ruben Bravo.

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

Chair Baumel asked Town Attorney Recio to explain what the role of the Planning and Zoning Board is.

Town Attorney Recio stated that the role of the Planning and Zoning Board is that the Board is here to review and make recommendations on site plan applications, variances and other applications in front of them as well as applying the design review guidelines.

**2. Town Commission Liaison Report**

Commissioner Landsman provided his Commission Liaison Report. He thanked staff for all they do to hold these meetings and all of their effort and commitment.

**3. Approval of Minutes**

**3.A September 28, 2023 Planning and Zoning Board Meeting Minutes** - Evelyn Herbello, Deputy Town Clerk

A motion was made by Board Member Lecour to approve the September 28, 2023 Planning and Zoning Board Meeting Minutes, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[September 28, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)

**4. Applications**

Board Member Lecour asked that due to the length of the meeting and the large agenda, she would like to suggest linking some of the items to be approved as one similar to a consent agenda. She made the following motion.

A motion was made by Board Member Lecour to link items 4C (9543 Harding Avenue), 4E (9201 and 9172 Collins Avenue), 4F (9556 Abbott Avenue), 4M (9592 Harding Avenue) and 4N (9486 Harding Avenue) and approve all of them with staff recommendations, seconded by Alternate Board Member Bales.

Town Attorney Recio asked if there is anyone in the public that would like to speak on any of the items linked.

Chair Baumel opened the floor to public comments.

There were no speakers.

Chair Baumel closed the floor to public comments.

The motion carried with a 5-0 vote.

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

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

Deputy Town Clerk Herbello confirmed that notice requirements were met.

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

Town Attorney Recio polled the Board Members.

Chair Baumel spoke with applicant, Rafael Schwartz regarding item 4A (9300 Collins Avenue) regarding the exterior and façade.

Vice Chair Forbes spoke with applicant, Rafael Schwartz regarding item 4A (9300 Collins Avenue).

Alternate Board Member Bales had a conversation with applicant, Rafael Schwartz regarding item 4A (9300 Collins Avenue) and asked some questions.

Board Member Edderai left a message for applicant, Rafael Schwartz regarding item 4A (9300 Collins Avenue) but never got to speak with him.

Board Member Lecour had no communication with any of the applicants.

**4.A 9300 Collins Avenue - New 87-unit Multi-family Building** - Walter Keller, Consultant Town Planner

**Staff Recommendation:** Development review requirements for this type of project follow Sec 90-20(2)(a) of the Zoning Code which requires:

**The development, as proposed, conforms to the Comprehensive Plan and the Zoning Code.**

The proposal complies with the Town's Comprehensive Plan in that the development is a residential use at a density consistent with the Future Land Use Plan. Staff also finds that the proposal generally complies with the Zoning Code. The Site Plan has underground parking and an Application has been filed to allow a Religious Facility (Synagogue) on site. The Application will be approved or denied by the Town Commission. Note, the formerly approved Site Plan also utilized underground parking but was acceptable due to its hotel use.

**The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any.**

The project has minimal impacts on the environment and natural resources. The previous apartments on this site were demolished and the existing site is now vacant. There are no existing natural resources or sensitive plant communities on the site. Construction impacts will be minimized by the Town's development regulations.

**The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside.**

This proposal will have a positive impact on the local economy by increasing the tax base with 87 new dwelling units averaging approximately 1,620 SF of floor area. The redevelopment may also support other redevelopment in the area. The population added by this project will also benefit the downtown businesses.

**The development, as proposed, will efficiently use or unduly burden water,**

**sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area.**

The development of this site with new construction and existing development regulations will include facilities with water conservation principals in both the building dwelling units and in the landscape design. The Town will also require the Applicant to upgrade the water line running in the middle of the block and improve on-site drainage collection. The water, sewer and solid waste impact can be accommodated by the Town.

**The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets.**

The project will generate additional traffic volumes according to the traffic study submitted by the Applicant. It is estimated 31 AM and 28 PM vehicle trips will be generated by the project. The majority of these trips will be oriented to the underground parking area which accesses 93rd Street. 93rd Street has traffic signals on both Collins Avenue and Harding Avenue and the traffic will be accommodated by these roadways. The Applicant is also widening the sidewalk on Collins Avenue to 8 feet and is closing several prior curb cuts of Collins Avenue from this site. On-street parking is being provided on Collins Avenue at a higher level than the existing condition and only one access drive for drop-offs and pick-ups is connected to Collins Avenue.

**The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation; and,**

The 3-story development of this site is consistent with the general development of the west side of Collins Avenue. The area on the east side of Collins Avenue are primarily 12 story buildings. The area west of the property fronting on Harding Avenue is primarily parking lots (Town Hall lot and the 94th Street lot). Two existing single family dwellings are located just south of the west parcel to this project (Lot 19). Lot 19 is primarily a landscape area with access to the Harding Avenue sidewalk.

**In the event of redevelopment, the Applicant shall also submit a detailed plan for demolition.**

The Applicant will comply with all applicable requirements of Ordinance No. 2022-1720, adopted March 8, 2022 (codified in Section 14-104 of the Town Code), regarding construction sites.

It is suggested the Applicant's Site Plan package be recommended to the Town Commission for approval subject to the resolution of the following comments.

- Clearly demonstrate the building setback is consistent with a 25-foot setback for elevations that are above 30 feet in height when measured by the average crown of the road for Collins Avenue
- Relocate the stairs to the FPL vault from the 10-foot setback of 94th Street.
- All height related dimensions need to be based on the average crown of road for Collins Avenue.
- Plans should use consistent labeling of elements across all sheets.
- Provide all elevations in both NGVD and NAVD in relation to the average crown of the road of Collins Avenue.
- Ventilation in the underground garage must be provided in accordance with the 2024 version of the Florida Building Code.
- No pedestrian access should be allowed from the 93rd Street garage entrance.
- Dry flood proofing of the underground garage level is necessary.
- FPL vault size and location to be coordinated with FPL.
- Civil engineering plans to be submitted to the Town prior to Town Commission review of the proposed development.
- Building to maintain a 24-hour lobby attendant and incorporate security measures in the building operations plan.
- Portions of 93rd Street are closed to public travel during Town hosted special events. Applicant indicated no objection provided Collins Avenue access to the underground parking entrance remained open.
- On-street parking spaces provided adjacent to the project will be maintained.
- Coordinate needed water, sewer, drainage, sidewalk and roadway improvements with the Town Manager and Public Works Director  
Relocate the drainage well 30 feet east of the Harding Avenue right of way line. Coordinate a 30-foot utility easement to the Town adjacent to Harding Avenue.
- Reduce the number of Green Buttonwood trees in the Landscape Plan to not exceed 30% of all required trees and palms. Additional trees need to be added to maintain the required number of trees.
- Town to consider the placement location of required street trees. Relocating the street trees outside of the right of way would facilitate walkability.
- Add a table or modify an existing table to indicate consistency with 40% Florida Friendly requirements consistent with Florida Friendly documentation from the University of Florida.
- Any wall or fence within the setback area of Collins Avenue, 93rd Street, 94th Street or Harding Avenue requires Design Approval from the Planning and Zoning Board.
- Obtain FDOT Access Connection Approval for Collins Avenue

**Attachment A:** DRG meeting notes.

**Attachment B:** Zoning Table

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

Consultant Town Planner Keller went over the design characteristics of the project

and staff recommendations.

Board Member Lecour asked if the Historic Preservation Board determines where the construction of the historic façade goes.

Town Planner Frankel stated yes, they do.

Building Official McGuinness provided his staff recommendations as stated below: 1.) In order for the project to utilize an underground parking garage it is imperative that the building be mixed use and NOT a solely residential structure. The mixed uses must occur within the same structure and be functionally independent of each other in accordance with the guidelines of the NFIP; 2.) The proposed underground parking shall be dry floodproofed to 10'-0" NGVD; 3.) Elevations must be provided in NGVD as well as in NGVD and as relative to the Crown-of-Road; 4.) Ventilation in the garage must be provided in accordance with the 2023 Florida Mechanical Code; 5.) No pedestrian access should be present from the 93rd Street garage entrance/exit per TM; 6.) FPL Vault size and location must be coordinated with FPL. Applicant indicated that they have reached out to FPL and plans reflect the FPL desired dimensions; 7.) All demolition and construction activity will be performed in strict accordance with Town Ordinance #22-1720 aka Construction Site Ordinance; 8.) Civil plans must be submitted to the Town prior to Town Commission review of the proposed development; 9.) Construction Site Plan must indicate an accessible path connecting the building and mixed uses to the public way per the 2023 Florida Accessibility Code.

Alternate Board Member Bales asked if the current plan vaults meet the requirements.

Building Official McGuinness stated that the applicant is currently working with FPL to relocate those.

Graham Penn, Berkow Radell, attorney representing the applicant provided a summary, a presentation of the project and read the 2019 engineer analysis as well as the 2023 engineer analysis.

Iana Kolev, Managing Partner, Jo Palma & Partners Corporation, presented the existing site conditions, architectural plans and planning requirements.

Mr. Penn closed the presentation.

Chair Baumel opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer spoke against the project.

Horace Henderson spoke against the project.

Charles Burkett spoke regarding the importance of the historic portion of the project.

Tina Paul spoke regarding the historic portion of the project.

Gerardo Vildostegui spoke regarding the jurisdictional aspect of the project and live local.

Maria Villalba spoke regarding her concern of the designation of the construction and

the worry of live local.

Jeffrey Zomper stated that he is not a proponent of conspiracy theories, and his concern is that this may end up in litigation as it pertains to FEMA for mixed use and the building height.

Randi MacBride asked regarding having Town events on 93rd Street and the impact it would have on that, parking, property tax impact since they will have a synagogue, parking requirements for the synagogue and the size of the units and live local.

Patricia Fowley spoke against the project.

David Karp spoke in favor of the project.

Ila Braz, spoke in favor of the project.

Marta Olchyk asked regarding religious exemption, and will this building be covered by a tax exemption or will they pay the full amount and not subsidize their taxes. She doesn't understand the multi-use exemptions to use a garage.

Chair Baumel closed the floor to public comments.

Mr. Penn addressed the comments made by the public speakers.

Board Member Lecour stated the design is beautiful and the glass will look nice but the reflectiveness of the glass is her concern and if it will be addressed.

Ms. Kolev addressed the comments regarding the reflectiveness.

Board Member Lecour asked regarding the live local act comments.

Mr. Penn stated they have no interest or ability in doing the live local act.

Board Member Lecour asked regarding the second-floor plan separation and not having a direct pass through and spoke regarding the façade. She stated she does not believe their plan does not accomplish the code and explained why. She asked if there were any voluntary proffers made.

Ms. Kolev addressed the comments made and they will address those concerns with the Town staff.

Mr. Penn stated that proffers typically comes at the time of the commission and those talks have not taken place yet.

Town Planner Frankel stated that takes place after Planning and Zoning and provided some of the possible proffers.

Board Member Lecour asked regarding monetary proffers made to the Town.

Town Planner Frankel addressed the comments made.

Vice Chair Forbes spoke regarding comments made by public speakers that are lies and inaccurate. He stated he received many emails from many people and it starts with Mr. Kousoulas and asked the Town Planner if these plans are inaccurate and if they are not in accordance with the Town Code and are deficient.

Consultant Town Planner Keller stated that there are comments that they will address before going to Commission but as far as his review and Town Planner Frankel it meets the comprehensive plan and meets code. He stated that they did ask them to blow up some of the pictures and give more details, but it does meet the code.

Vice Chair Forbes stated the landscaping plan goes beyond what is required and it is a beautiful building. He stated it is imperative to finish the conversations and agreements with the two homeowners. He stated that they will make sure that everything they are looking for will be taken care of.

Chair Baumel loves the architecture of the project. She spoke regarding at times you get an old piece of property that its bones have been compromised and will not stand alone. She spoke regarding what took place at Miami Dade County as it pertains to the portion of the project that cannot be brought back to its original splendor.

Alternate Board Member Bales stated it is fantastic to have a class A rental property in Surfside because rental is an integral part of any community. It allows a lot of families the opportunity to be able to live here. He spoke regarding how much green is being added to that area and it is great.

A motion was made by Alternate Board Member Bales to approve with this project with staff recommendations, seconded by Board Member Edderai. The motion carried with a 4-1 vote with Board Member Lecour voting in opposition.

Chair Baumel took a 5 minute recess at 8:38 p.m.

Board Member Edderai left the meeting at 8:39 p.m.

The meeting resumed at 8:45 p.m.

A motion was made by Vice Chair Forbes to move item 4H (600 88th Street) to be heard before item 4B (9009 Byron Avenue), seconded by Alternate Board Member Bales. The motion carried with a 4-0 vote.

Vice Chair Forbes recused himself due a conflict of interest with item 4H (600 88th Street) and left the dais and chambers due to his relationship with the applicant. He also provided a Form 8B to the Deputy Town Clerk.

[Attachment A - DRG Memo.pdf](#)

[Attachment B - Zoning Table.pdf](#)

[9300 Collins Avenue Agenda Packet.pdf](#)

**4.B 9009 Byron Avenue - New 2-story Single-Family House** - Judith Frankel, AICP, Town Planner

**Staff Recommendation:** The application is found to generally comply with the Zoning Code. The Planning and Zoning Board should determine whether the new home's design is "consistent with and in conformance with the design guidelines set forth in the Town Code". If the design is determined to be in conformance, Staff



recommends approval with the following conditions:

- Retaining walls are required on properties with a raised grade level to ensure stormwater is maintained onsite. Plans depicting the proposed grade and appropriate walls will be required for permitting.

Town Planner Frankel introduced the item and went over the design characteristics of the project and staff recommendations.

Building Official McGuinness provided his staff recommendations as stated below: 1.) The (new) 8th version of the 2023 Florida Building Code(s) will become effective on January 1, 2024. All building permit applications accepted on or after that date will be constructed under the 2023 FBC and the 2020 National Electric Code; 2.) Amend floor plan note on HVAC condenser platform to read minimum 10'-0" NGVD. Please note the HVAC air handler also must be located at or above DFE of 10'-0" NGVD.

Boutros Bounahra, architect, 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.

Board Member Lecour thanked them for the presentation and likes the project.

A motion was made by Board Member Lecour to approve with staff recommendations, seconded by Vice Chair Forbes. The motion carried with a 3-0 vote.

[Attachment A - Tables.pdf](#)

[9009 Byron Avenue Agenda Packet.pdf](#)

#### **4.C 9543 Harding Avenue - Wall Sign** - Judith Frankel, AICP, Town Planner

**Recommendation:** Town Administration finds the proposed sign design generally meets the Zoning Code requirements and recommends approval with the condition that:

- The sign be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rainwater to flow down the face of the wall.

Items 4C (9543 Harding Avenue), 4E (9201 and 9172 Collins Avenue), 4F (9556 Abbott Avenue), 4M (9592 Harding Avenue) and 4N (9486 Harding Avenue) were all linked and all approved with staff recommendations. The motion was made by Board Member Lecour, seconded by Alternate Board Member Bales. The motion carried with a 5-0 vote.

[9543 Harding Avenue Agenda Packet.pdf](#)

#### **4.D 9164 Carlyle Avenue - Addition and Wall openings** - Judith Frankel, AICP,

Town Planner

**Staff recommendation:** Staff finds this application for a rear addition, façade changes and new window openings generally meets the zoning code. The Planning and Zoning Board should determine whether the new addition, front façade alterations and new windows are "consistent with and in conformance with the design guidelines set forth in the Town Code". The new addition is located of the home ad may not be viewed from the public street. The proposed window and door changes will improve the functionality of the home. Staff recommends approval with the following conditions:

- Roof materials must be consistent throughout the home. Asphalt shingles are not an approved roofing material.
- A separate permit is required for fences, walls and gates.
- A separate permit is required for the pool.
- The A/C condensing units must be a minimum of 5 feet from the side property line.

Town Planner Frankel introduced the item and provided staff recommendations as well as showed a presentation of the item.

Consultant Town Planner Keller went over the design characteristics of the project and staff recommendations.

Building Official McGuinness provided his staff recommendations as stated below: 1.) The (new) 8th version of the 2023 Florida Building Code(s) will become effective on January 1, 2024. All building permit applications accepted on or after that date will be constructed and/or remodeled under the 2023 Florida Building Code(s) and the 2020 NEC; 2.) Since this is a remodel of a pre-firm home which is lower than the required DFE of 10'-0" NGVD, a FEMA 50% rule analysis will be performed. The Town will use the Miami-Dade Property Appraisers Office to determine value of the home unless an Appraisal is provided; 3.) Provide an elevation certificate for the structure.

Gregg Pawley, 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.

Board Member Lecour loves the project.

A motion was made by Board Member Lecour to approve with staff recommendations, seconded by Vice Chair Forbes. The motion carried with a 3-0 vote.

[Attachment A-Zoning Tables.pdf](#)

[9164 Carlyle Avenue Agenda Packet.pdf](#)

**4.E 9201 and 9172 Collins Avenue – Signs** - Judith Frankel, AICP, Town Planner

**Recommendation:** Town staff finds that the application meets the Zoning Code requirements for wall signs and recommends approval.

Items 4C (9543 Harding Avenue), 4E (9201 and 9172 Collins Avenue), 4F (9556 Abbott Avenue), 4M (9592 Harding Avenue) and 4N (9486 Harding Avenue) were all linked and all approved with staff recommendations. The motion was made by Board Member Lecour, seconded by Alternate Board Member Bales. The motion carried with a 5-0 vote.

[9201 and 9172 Collins Sign Agenda Packet.pdf](#)

**4.F 9556 Abbott Avenue - Addition and Window Openings** - Judith Frankel, AICP, Town Planner

**Staff recommendation:** Staff finds this application for a front addition with new window openings generally meets the zoning code. The Planning and Zoning Board should determine whether the new addition and new windows is "consistent with and in conformance with the design guidelines set forth in the Town Code". The new addition does not alter the architectural style of the home. The proposed window and door changes will improve the look of the home from the public street. Staff recommends approval with the following conditions:

- The lot must contain a minimum of 35% pervious space. A diagram with calculation was not provided and is required.
- Window frame material must be consistent across all windows at the home. The frame style was not provided. This will be verified at the time of permitting.

Items 4C (9543 Harding Avenue), 4E (9201 and 9172 Collins Avenue), 4F (9556 Abbott Avenue), 4M (9592 Harding Avenue) and 4N (9486 Harding Avenue) were all linked and all approved with staff recommendations. The motion was made by Board Member Lecour, seconded by Alternate Board Member Bales. The motion carried with a 5-0 vote.

Building Official McGuinness provided the following additional staff recommendations: 1.) The (new) 8<sup>th</sup> version of the 2023 Florida Building Code(s) will become effective on January 1, 2024. All building permit applications accepted on or after that date will be constructed and/or remodeled under the 2023 Florida Building Code(s) and the 2020 NEC. 2.) Since this is a remodel of a pre-firm home which is lower than the required DFE of 10'-0" NGVD, a FEMA 50% rule analysis will be performed. The Town will use the Miami-Dade Property Appraisers Office to determine value of the home unless an Appraisal is provided; 3.) Provide an elevation certificate for the structure.

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

[9556 Abbott Ave Agenda Packet.pdf](#)

**4.G 9133 Collins Avenue -Site Plan Amendment** - Judith Frankel, AICP, Town Planner

**Staff Recommendation:** Development review requirements for this type of project follow Sec 90-20(2)(a) of the Zoning Code which requires:

**The development, as proposed, conforms to the Comprehensive Plan and the Zoning Code**

The proposal complies with the Town's Comprehensive Plan in that the development is a residential use at a density consistent with the Future Land Use Plan. Staff also finds that the proposal generally complies with the Zoning Code.

**The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any.**

The project has minimal impacts on the environment and natural resources.

**The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside.**

This proposal will have a positive impact on the local economy by increasing the tax base. The redevelopment may also support other redevelopment in the area. The historic Seaway Villas restaurant will provide a unique restaurant experience in the Town.

**The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area.**

While the increase in the restaurant size will increase some public facility demands, it will not offset the reduction in impact of the dwelling units and the elimination of the hotel and their reduction in the water, sewer, solid waste and other public facilities.

**The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets.**

It is expected the reduction in the dwelling units and the elimination of the hotel use will offset any increases associated with the increase traffic associated with the restaurant expansion.

**The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation; and,**

The current building exterior will remain the same and the historic Seaway Villas restaurant use will be compatible with the community character of the area.

**In the event of redevelopment, the Applicant shall also submit a detailed plan for demolition.**

The Applicant will comply with all applicable requirements of Ordinance No. 2022-1720, adopted March 8, 2022 (codified in Section 14-104 of the Town Code), regarding construction sites.

It is suggested the Applicant's Site Plan package be recommended to the Town Commission for approval subject to the resolution of the following comments.

- Clearly demonstrate the restaurant parking requirements, the parking requirements for the 7 caretaker units and the parking requirements for the residential condominium units are met with the number of parking spaces in the garage.
- Verify the total area of the restaurant including customer service area (both internal and external in the courtyard), the kitchen area and any kitchen BOH floor area do not exceed 5% of the total building floor area.
- The letter of Intent must reflect BOH in total restaurant square footage as this is part of the Conditional Use approval process.
- Restricted Covenant over the caretaker units to be sold in conjunction with the main unity. Caretaker units defined in Code Section 90-2.
- Parking utilization study after operations are functioning may allow for greater number of seats. This provision to be added to the development order to permit administrative review.

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

Consultant Town Planner Keller went over the design characteristics of the project and staff recommendations.

Ian DeMello, Shubin Bass, attorney representing the applicant, provided an overview of the project.

Bill Thompson, Fort Partners, went over 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 Board Member Lecour to approve with staff recommendations, seconded by Vice Chair Forbes. The motion carried with a 3-0 vote.

[Attachment A-Site.pdf](#)

[Attachment B - DRG Meeting Notes.pdf](#)

[9133 Collins Avenue-Seaway Addendum Agenda Packet.pdf](#)

[9133 Collins Avenue-Seaway Amended Site Plan.pdf](#)

#### **4.H 608 88th Street - New Single-Family Home** - Judith Frankel, ACIP, Town Planner

**Staff Recommendation:** Staff finds this application for a new single-family home generally meets the zoning code. The Planning and Zoning Board should determine whether the new home is “consistent with and in conformance with the design guidelines set forth in the Town Code”. Staff recommends approval with the following conditions:

- Applicant must provide grade level plan of the rear of the home at the time of permitting. If the grade of the property is raised a FBC compliant retaining wall is required.
- Roof overhangs may not extend greater than 24 inches into a required yard.
- Landscape legend in sheet LS-1 must note Florida Friendly status of each proposed species to verify compliance.

Vice Chair Forbes recused himself and left the dais and chambers due to a conflict of interest.

Town Planner Frankel introduced the item and provided staff recommendations.

Consultant Town Planner Keller went over the design characteristics of the project and staff recommendations.

Building Official McGuinness provided his staff recommendations as stated below:  
1.) Provide Hydrostatic Reliefs/aka Flood Vents in the garage at a rate of 1 square inch of net open area per square foot of garage floor, within 12 inches of grade. A minimum of two vents is required located on opposing walls; 2.) Provide Finish Floor Elevation marks on both sides of the Front Entry, the Covered Terrace and the outside Bar/BBQ area; 3.) Please note HVAC condensing units are proposed to be placed on the roof top.

Loren Baum, applicant is here for any questions or concerns.

Eduardo Vazquez, architect, introduced 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 Lecour asked regarding the square footage and mentioned that the second floor is larger than the first.

Town Planner Frankel clarified what the code states and addressed the comments

made.

Discussion took place among the Board Members and Mr. Vazquez as to the views, massing, rendering proposed, and staff recommends approval contingent upon the conditions and Town recommendations being met.

A motion was made by Board Member Lecour to approve with staff recommendations and the two long narrowing windows and façade to be adjusted to not look like the house down the streets and any other tweaks that can be made to differentiate the houses, seconded by Alternate Board Member Bales. The motion carried with a 3-0 vote with Vice Chair Forbes absent from the dais/recused.

Alternate Board Member Bales left the meeting at 9:08 p.m.

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

[608 88th Street Agenda Packet.pdf](#)

#### **4.1 300 Surfside Boulevard - 2nd Floor Addition and Front Yard Pool - Judith Frankel, AICP, Town Planner**

**Staff recommendation:** Staff finds this application for a second-floor 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”. If the proposed addition and the front yard pool are determined to be consistent, staff recommends approval with the following conditions:

- The interior side setback for the proposed addition must be a minimum of 6 feet from the south property line.
- The height of the proposed addition may be no more than 30 feet from the Crown-of-road. The existing structure is 21.8 feet in height from grade. Dimensions must be provided from Crown-of-road to verify compliance.
- The lot must maintain 20% pervious space with the addition of the front yard pool and decking. A diagram demonstrating the pervious space is required to verify compliance.
- FBC compliant fencing must be provided for the pool. This may be submitted with a pool permit application.

Town Planner Frankel introduced the item, provided staff recommendations and a site plan presentation as well as option A and option B.

Consultant Town Planner Keller went over the design characteristics of the project and staff recommendations.

Building Official McGuinness provided his staff recommendations as stated below:  
1.) The (new) 8th version of the 2023 Florida Building Code(s) will become effective on January 1, 2024. All building permit applications accepted on or after that date will be constructed and/or remodeled under the 2023 Florida Building Code(s) and the 2020 NEC; 2.) Since this is a remodel of a pre-firm home which is lower than the required DFE of 10'-0" NGVD, a FEMA 50% rule analysis will be performed. The Town will use the Miami-Dade Property Appraisers Office to determine value of the

home unless an Appraisal is provided; 3.) Provide signed and sealed plans to include declaratory statements of compliance to the Florida Building Code(s) and the National Electric Code; 4.) Provide an Elevation Certificate for the structure.

Kelly Mahoney, applicant, addressed comments made and 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 with staff recommendations, seconded by Board Member Lecour. The motion carried with a 3-0 vote.

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

[300 Surfside blvd addition Agenda Packet.pdf](#)

#### **4.J 9341 Bay Drive - Addition** - Judith Frankel, AICP, Town Planner

**Staff recommendation:** Staff finds this application for a 342 SF front yard addition generally meets the zoning code except for the Bay Drive setback. The applicant has applied for a variance for the setback due to an undue hardship caused by the unusual platting of the lot. 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”. If the proposed addition is determined to be consistent and the variance is approved, staff recommends approval with the following condition:

- Approval of the variance application by the Town Commission on the basis of unnecessary and undue hardship per zoning code section 90-36(1)(a).
- The finished floor elevation (FFE) of the proposed addition must match the existing FFE for the home.

A motion was made by Vice Chair Forbes to link item 4J (9341 Bay Drive-Addition) and item 4K (9341 Bay Drive-Variance), seconded by Board Member Lecour. The motion carried with a 3-0 vote.

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

Building Official McGuinness provided his staff recommendations as stated below: 1.) The (new) 8th version of the 2023 Florida Building Code(s) will become effective on January 1, 2024. All building permit applications accepted on or after that date will be constructed and/or remodeled under the 2023 Florida Building Code(s) and the 2020 NEC; 2.) Since this is a remodel of a pre-firm home which is lower than the required DFE of 10'-0" NGVD, a FEMA 50% rule analysis will be performed. The Town will use the Miami-Dade Property Appraisers Office to determine value of the home unless an Appraisal is provided; 3.) Provide an elevation certificate for the structure; 4.) Provide Finish Floor elevation marks for both the existing structure and the addition in NGVD; 5.) Provide signed and sealed plans to include declaratory

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statements of compliance to the Florida Building Code(s) and the National Electric Code; 6.) The pool will be constructed under separate building permit and must have safety barrier meeting Section R4501.17 of the Florida Residential Code.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Jaime Schapiro, architect, provided an overview of the item.

Discussion took place among the Board Members and applicant regarding the windows and the addition in question.

A motion was made by Vice Chair Forbes to approve with staff recommendations subject to the Commission approving the variance, seconded by Board Member Lecour. The motion carried with a 3-0 vote.

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

[9341 Bay Drive Agenda Packet.pdf](#)

[SURVEY.pdf](#)

#### **4.K 9341 Bay Drive – Variance** - Judith Frankel, AICP, Town Planner

**Staff Recommendation:** The setback variance application is determined to be in harmony with the general intent and purpose of the Town Comprehensive Plan and Town Code. Staff recommends that the Planning and Zoning Board provides a recommendation of approval to the Town Commission.

A motion was made by Vice Chair Forbes to link item 4J (9341 Bay Drive-Addition) and item 4K (9341 Bay Drive-Variance), seconded by Board Member Lecour. The motion carried with a 3-0 vote.

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

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Discussion took place among the Board Members, Town Planner and applicant regarding specifics of the variance and addition.

A motion was made by Board Member Lecour to approve with staff recommendations and recommend for the Town Commission to approve the variance, seconded by Vice Chair Forbes. The motion carried with a 3-0 vote.

[9341 BAY DRIVE VARIANCE APPLICATION.pdf](#)

[SURVEY.pdf](#)

[VARIANCE SET.pdf](#)

[9341 Bay Property Appraiser.pdf](#)

**4.L 9024 Abbott Avenue - New 2-story Single-Family Home** - Judith Frankel, AICP,  
Town Planner

**Staff Recommendation:** Staff finds this application for a new single-family home generally meets the zoning code. The Planning and Zoning Board should determine whether the new home is “consistent with and in conformance with the design guidelines set forth in the Town Code”. Staff recommends approval with the following conditions:

- Provide calculation for front setback according to the formula detailed in ordinance 2023-1752. Requirement appears to have been met, but calculation was not provided.
- A Florida Building Code compatible retaining wall is required in areas with a raised grade level.
- Landscape Plans should be revised to demonstrate 5 trees and 2 street trees as required. Information of the Florida Friendly status of each species must be listed in the plant listing to demonstrate compliance.

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

Building Official McGuinness provided his staff recommendations as stated below:  
1.) The (new) 8th version of the 2023 Florida Building Code(s) will become effective on January 1, 2024. All building permit applications accepted on or after that date will be constructed and/or remodeled under the 2023 Florida Building Code(s) and the 2020 NEC. Please be sure to amend the plans for the updated code version.

Jose Merlo, architect of the project provided an overview of the program.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Chair Baumel stated there was a letter sent out with a question about a variance and does not know why because there is no request for a variance.

A motion was made by Board Member Lecour to approve with staff recommendations, seconded by Vice Chair Forbes. The motion carried with a 3-0 vote.

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

[9024 Abbot Avenue-Application.pdf](#)

[9024 Abbott Avenue Plans-Agenda Packet](#)

#### **4.M 9592 Harding Avenue - Wall Sign** - Judith Frankel, AICP, Town Planner

**Recommendation:** Town Administration finds the proposed sign design generally meets the Zoning Code requirements and recommends approval with the following conditions:

- Length of front street-facing façade must be provided.
- The total size for the front/corner sign and the rear property sign may not exceed 150 SF. The maximum permitted size for the front/corner sign is 45 SF and the rear sign may be a maximum of 45 SF as long as the street-facing façade is at least 45 feet in length.
- Signs shall be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rainwater to flow down the wall face.

Items 4C (9543 Harding Avenue), 4E (9201 and 9172 Collins Avenue), 4F (9556 Abbott Avenue), 4M (9592 Harding Avenue) and 4N (9486 Harding Avenue) were all linked and all approved with staff recommendations. The motion was made by Board Member Lecour, seconded by Alternate Board Member Bales. The motion carried with a 5-0 vote.

[9592 Harding Ave Agenda Packet.pdf](#)

#### **4.N 9486 Harding Avenue - Wall Sign** - Judith Frankel, AICP, Town Planner

**Recommendation:** Town Administration finds the proposed sign design meets the Zoning Code requirements and recommends approval.

Items 4C (9543 Harding Avenue), 4E (9201 and 9172 Collins Avenue), 4F (9556 Abbott Avenue), 4M (9592 Harding Avenue) and 4N (9486 Harding Avenue) were all linked and all approved with staff recommendations. The motion was made by Board Member Lecour, seconded by Alternate Board Member Bales. The motion carried with a 5-0 vote.

[9486 Harding Avenue Plans.pdf](#)

[9486 Harding Avenue Survey.pdf](#)

### **5. Ordinances**

### **6. Next Meeting Date**

#### **6.A Next Meeting: January 18, 2024 at 6:00 p.m.** - Evelyn Herbello, Deputy Town Clerk

Consensus was reached to hold the next meeting on January 18, 2023 at 6:00 p.m.

### **7. Discussion Items**

#### **7.A Understory** - Judith Frankel, Town Planner

This item was never discussed and will be moved to the January 18, 2024 meeting.

#### **7.B Swimming Pools** - Judith Frankel, Town Planner

This item was never discussed and will be moved to the January 18, 2024 meeting.

**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 10:09 p.m., seconded by Board Member Lecour. The motion carried with a 3-0 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