



Variance Review Board
City Council Chambers
City Hall
315 E. Kennedy Blvd., Third Floor
Tampa, Florida 33602

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE VARIANCE REVIEW BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE DATE OF THE MEETING.

IF YOU DECIDE TO APPEAL A DECISION OF THE VARIANCE REVIEW BOARD, YOU WILL NEED TO APPLY TO THE CITY OF TAMPA CITY CLERK'S OFFICE NO LATER THAN SEVEN BUSINESS DAYS AFTER THE ORAL DECISION IS MADE. YOU WILL NEED TO OBTAIN A COMPLETE COPY OF THE RECORD FOR YOUR APPEAL.

MINUTES

(as of January 13, 2009)

MEETING DATE: January 13, 2009

MEETING TIME: 6:30 PM

I. ROLL CALL

Members Present: Antonio Amadeo, Chair; Randy Baron, Gennaro DiNola, Lucinda Utter, Sue Lyon and Nicholas Bradford.

Staff Present: Towanda Anthony (LDC), Eric Cotton (LDC), Ernie Mueller (Legal), Mary Danielewicz-Bryson, Roger Kirk (Transportation)

II. APPROVAL OF MINUTES FOR December 10, 2008 and December 17, 2008

Mr. Baron moved to approve December 10, 2008 minutes and was seconded by Mr. Gennaro. The motion passed 7-0.

Mr. Baron moved to approve December 17, 2008 minutes and was seconded by Ms. Lyon.

III. OLD BUSINESS: Cases Continued/ Mis-Notice

PETITION:	VRB08-106
PETITIONER:	Phyllis E. Hunt & Vilia Corvison
AGENT:	Susan E. Johnson-Velez, Esquire Fred N. Presley, Jr. Esquire

LOCATION: Fowler White Boggs Banker P.A.
408 East Minnehaha
REQUEST: To reduce rear yard setback from 20' to 2.5'
PURPOSE: To construct residential structure and accessory
structure
NEIGHBORHOOD: Old Seminole Heights

Susan E. Johnson-Velez, Esquire presented her case, summarizing original request for board approval.

The Board questioned the breezeway. Petitioner agreed breezeway not part of variance request would be handles at permitting.

Mr. DiNola moved to approve the request and was seconded by Mr. Baron. The motion passed 6-0.

PETITION: VRB09- 03
PETITIONER: Karen and Paul Davis
AGENT: Madison Construction
LOCATION: 3812 San Juan Street
REQUEST: To reduce rear yard setback from 20' to 8'
PURPOSE: To re-construct garage and construct porch
NEIGHBORHOOD: Virginia Park Residential

Paul Davis, presented his case, summarizing original request for board approval. Petitioner revised request to reduce setback from 20' to 8' to 20' to 12' to address board concerns.

Board moved to close public hearing.

Mr. Bradford moved to approve the revised request for RY from 20' to 12' and was seconded by Mr. Baron. The motion passed 6-0.

PETITION: VRB09-06
PETITIONER: Eugene Chip Weiner
AGENT: Not Applicable
LOCATION: 3715 Tacon Street
REQUEST: To reduce rear yard setback from 20' to 0' and
reduce west side yard setback from 7' to 5.98'
PURPOSE: To vest existing residence and construct porch
NEIGHBORHOOD: Virginia Park

Chip Weiner, presented his case, summarizing original request for board approval.

Board asked for Eric Cotton to provide clarification.

Public Hearing Closed.

Petitioner agreed to condition never to enclose canopy.

Public Hearing reopened.

Mary D Bryson discussed concerns of trees.

Public hearing closed.

Mr. Baron moved to approve the revised request and was seconded by Mr. Gennaro. The motion passed 5-1 with Mr. Bradford voting no.

V. NEW BUSINESS

**A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES/
SPECIAL TOPICS**

PETITION: VRB09-11
PETITIONER: Mayan Properties, LP
AGENT: John Grandoff, III, Esq.
LOCATION: 7112 S Trask Street
REQUEST: To remove grand tree
PURPOSE: To construct new home
NEIGHBORHOOD: Port Tampa City, Inc. Civic

John Grandoff, III, presented his case requesting removal of a grand tree. Petitioner stated there would be no net lose of trees.

Board questioned location of tree. Bruce Lucas (Parks and Rec.) showed tree location.

Bruce Lucas stated due to fill better to remove tree.

Julia Cole (legal) stated development was not subdivided but did enter into a development agreement that does not waive any requirements.

Board moved to close public hearing.

Mr. Gennaro moved to approve the request and was seconded by Mr. Baron. The motion passed 6-0.

PETITION: VRB09-15
PETITIONER: Donald Mc Lellan
AGENT: Cindy Vaughan
LOCATION: 8634 N Nebraska Avenue
REQUEST: To install electric fence
PURPOSE: To provide a security fence inside perimeter fence
NEIGHBORHOOD: Sulphur Springs Action League

Board asked legal to clarify if VRB has jurisdiction to hear case. Julia Cole (legal) stated the board would review based on security not usual variance hardship criteria.

Board continued case to allow zoning administrator to determine jurisdiction of petition.

Mr. Baron moved to continue the request and was seconded by Mr. Bradford. The motion passed 6-0.

B. GENERAL VARIANCES

PETITION: VRB09-07
PETITIONER: Hector Rogue
AGENT: Not Applicable
LOCATION: 1706 W Crawford Avenue
REQUEST: To reduce the building separation from 5' to 3'
PURPOSE: To retain existing accessory structure
NEIGHBORHOOD: Lowry Park Central

Petitioner, Hector Rogue, presented his case requesting to retain existing accessory structure.

Board questioned staff on request.

Board asked petitioner to agree to condition to not enclose porch. Legal stated condition has to be tied to variance request.

Board moved to close public hearing

Mr. Bradford concerned hardship self imposed, Mr. Baron and Gennaro concurred.

Board moved to reopen public hearing.

Board questioned petitioner as to location of structure. Petitioner stated utility easement in rear yard.

Amadeo stated utility easement entered into record a hardship.

Mr. Baron moved to deny the request and seconded by Ms. Utter. The motion passed 5-1. Mr. Amadeo voting no.

PETITION: VRB09-09
PETITIONER: Robert H Tintera
AGENT: Thayer Herson
LOCATION: 117 Adalia Avenue
REQUEST: To reduce side yard setback from 7' to 5.6'
PURPOSE: To construct 2nd story addition
NEIGHBORHOOD: Davis Islands NPTF/Davis Islands Civic

Amadeo stated residence of Davis Island and membership of Davis Islands NPTF would not make him act partial to the petition.

Agent, Thayer Herson, presented case requesting to construct 2nd story

addition.

Board asked staff if need to vest existing structure. Staff stated a legal nonconforming structure.

Board closed public hearing.

Mr. Gennaro moved to approve the request and seconded by Mr. Baron. The motion passed 6-0.

PETITION: VRB09-10
PETITIONER: Terry and Kathy Beyer
AGENT: Not Applicable
LOCATION: 4008 W Wallace Street
REQUEST: To reduce rear yard setback from 20' to 3', and to increase deck height from 3' to 5'
PURPOSE: To retain existing deck
NEIGHBORHOOD: Gandy/ Sun Bay South Civic

Petitioner, Terry Beyer, presented case requesting to retain existing deck.

Board asked about grand tree in front yard. Petitioner stated grand tree not impacted by request.

Mary D Bryson stated deck within the minimum protective radius of tree in proximity of the deck. Petitioner would need to remove 9 boards.

Petitioner, Kathy Beck, stated open deck should have minimal impacts.

Board closed public hearing.

Mr. Gennaro would approve petition if applicant can comply with staff concerns with the tree.

Board asked petitioner if agree to remove comply oval of

Mr. Baron moved to approve the request and seconded by Mr. Gennaro. The motion passed 4-2. Petition approved with condition to remove 9 boards from deck to comply with staff recommendation.

Motion carried 4-2 with Lyon and Bradford voting no.

PETITION: VRB09-12
PETITIONER: Francisco Otero
AGENT: Not Applicable
LOCATION: 5415 n Paddock Avenue
REQUEST: To reduce corner yard setback from 7' to 3'
PURPOSE: To construct 2 story garage
NEIGHBORHOOD: Wellswood Civic

Petitioner, Francisco Otero, presented case requesting to construct 2 story garage.

Mary D Bryson showed off site tree is really on property line and 2 additional trees on site including grand tree.

Gennaro concerned with location of garage, Bradford concurred.

Petitioner would like to discuss concerns with the owners.

Board moved to continue petition to February 10, 2009.

PETITION: VRB09-13
PETITIONER: Donald & Carmen DePalma
AGENT: Not Applicable
LOCATION: 4220 W North B Street Unit B
REQUEST: To reduce rear yard setback 15' to 5'
PURPOSE: To retain existing porch
NEIGHBORHOOD: Westshore Palms Neighborhood Association

Petitioner daughter Ms. DePalma presented case requesting to retain existing porch.

Gennaro asked to clarify who owns property and the correct petitioner. Petitioner stated 2 owners of property.

Legal if one zoning lot then may need all property owners in agreement. The petitioner will have to submit affidavit from other property owner.

Board moved to table petition.

Board reopened case.

Legal confirmed with zoning administrator that condo considered one zoning lot and approval conditioned on affidavit being submitted from other property owner.

Board asked if petitioner Carmen DePalma expanded original deck, petitioner stated decreased deck due to tree.

Mary D Bryson considers tree a removed tree due to location of deck and impact on tree.

Board closed public hearing.

Mr. Baron moved to approve the request and seconded by MS. Lyon. The motion passed 6-0. Petition approved with condition that affidavit from other proerty owner will be submitted to LDC prior to pulling permits.

Motion carried 6-0

PETITION: VRB09-14
PETITIONER: Arthur M Earnest

AGENT: Not Applicable
LOCATION: 4701 Wishart Boulevard
REQUEST: To reduce sidew yard setback setback from 7' to 3'
PURPOSE: To retain existing garage
NEIGHBORHOOD: Wellswood Civic

Petitioner, Arthur M Earnest, presented case requesting to retain existing porch.

Mary D Bryson showed on site trees including potential grand tree.

Parks and Rec. department Bruce Lucas states possible grand tree.
Parks request impervious surface around grand tree.

Transportation, Roger Kirk, petitioner should show driveway with impervious surface.

Board closed public hearing.

Board moved to re-open public hearing.

Board asked petitioner about other locations to put the garage.

Board closed public hearing.

Mr. Bradford moved to deny request and seconded by Gennaro.

Mr. Baron moved to continue petition allowing petitioner to address board concerns.

Board moved to continue petition to February 10, 2009.

PETITION: VRB09-18
PETITIONER: Joe Faw
AGENT: Stephen Michelini
LOCATION: 2409 W Sunset Drive
REQUEST: To increase height from 15' to 19'
PURPOSE: To re-construct garage
NEIGHBORHOOD: New Suburb Beautiful

Agent, Steve Michelini, presented case requesting to re-construct garage per approved plans.

Board questioned approved plans from construction services.

Board closed public hearing.

Mr. Gennaro moved to approve the request and seconded by Mr. Baron.
The motion passed 6-0.

VI. **BOARD ORGANIZATIONAL MATTERS**