



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

## MINUTES

**MEETING DATE: May 12, 2009**

**MEETING TIME: 6:30 PM**

### I. ROLL CALL

Members Present: Antonio Amadeo, Chair; Randy Baron, Randy O'Kelley, Nick Bradford, Steve LaBour and Sue Lyon.

Staff Present: Eric Cotton (LDC), Ernie Mueller (Legal)

### II. APPROVAL OF MINUTES FOR April 14, 2009

Mr. Baron moved to approve and was seconded by Mr. Bradford. Motion passed 6-0. Mr. Amadeo asked for less detail and more summarization in the minutes.

### III. OLD BUSINESS: Cases Continued/ Mis-Notices

PETITION: VRB09- 26  
PETITIONER: Bradley A Suddath  
AGENT: John B Grandoff, III , Esq.  
LOCATION: 3417 W Empedrado Street  
REQUEST: To reduce front yard from 25' to 15'  
PURPOSE: To construct residence  
NEIGHBORHOOD: Palma Ceia

*The petitioner has asked for a continuance to the June 9, 2009, public hearing in order to address alternatives to the requested setback.*

The Board granted the request for continuance 6-0, with Mr. LaBour making the motion and seconded by Mr. Baron.

PETITION: VRB09-30  
PETITIONER: James and Margaret Trezevant  
AGENT: Not Applicable  
LOCATION: 1609 S Georgia Avenue  
REQUEST: To reduce rear yard 5' to 2' and north side yard from 7' to 5'  
PURPOSE: To construct single family residence with pool  
NEIGHBORHOOD: Palma Ceia

*The petitioner has asked for a continuance to the June 9, 2009, public hearing in order to address concerns of the neighborhood.*

The Board granted the request for continuance 6-0, with Mr. LaBour making the motion and seconded by Mr. Baron.

#### **IV. NEW BUSINESS**

##### **A. GENERAL VARIANCES**

PETITION: VRB09- 40  
PETITIONER: Virgil Ealy  
AGENT: David Smith/ John Muratides, Stearns Weaver  
Miller et al  
LOCATION: 1221 E Powhatan Avenue  
REQUEST: To reduce side yard setback from 7' to 4'11"  
PURPOSE: To retain an existing pergola  
NEIGHBORHOOD: Old Seminole Heights

Mr. Baron indicated that he was former president of the neighborhood association but it would have no effect on his vote.

Mr. Ealy explained his request and the need for privacy. He did not realize he needed permits for the pergola.

Mr. Bradford asked if he would have known, would the pergola been built to the required setback. Mr. Ealy answered yes.

There was discussion over the location of the pergola and its location. The Board continued to discuss hardship issues and the impact of the pergola on the area.

Mr. Baron moved to continue to June 9, 2009, with the instructions to bring back more information, including photos or drawings. Mr. Bradford seconded the motion. The motion passed 5-1, with Mr. LaBour voting nay.

PETITION: VRB09-41  
PETITIONER: Hernan Molina  
AGENT: Not Applicable  
LOCATION: 3204 Tyson Avenue  
REQUEST: To reduce front yard setback from 25' to 20'  
PURPOSE: To retain existing front porch  
NEIGHBORHOOD: Gandy / Sun Bay Civic

Mr. Bradford indicated that the petitioner was a former client of his, but stated that he would have no bias on the matter. Mr. Molina indicated that he would have no objection to Mr. Bradford hearing the case.

Mr. Molina explained the variance request and the need for the front porch. Mr. Molina stated that such setbacks were typical for the neighborhood.

The Board asked for such pictures but the petitioner did not have any pictures. Mr. Molina showed the aerial photos.

Mr. LaBour moved to approve the request, with the condition that the porch as shown on the site plan, stopping at the east edge of the driveway (not covering the driveway) and will never be enclosed. Mr. Baron seconded the motion. The motion passed 6-0.

## **V. BOARD ORGANIZATIONAL MATTERS**

### 1. Additional Procedural changes

The Board discussed the time of rebuttal what would be allowed to bring in new material during that time frame. Mr. Amadeo stated that he did not think that new material should be brought forth during the rebuttal period. If new evidence is brought forth, then the public should have a right to respond to the new evidence.

Discussion on the 3-3 vote and what happens to the motion.

Mr. Baron suggested tabling the discussion until next month's hearing.

Mr. Baron moved to table the discussion and was seconded by Mr. LaBour. The motion passed 6-0.

### 2. Real Estate Disclosure Form

Staff addressed with board members individually.