

## VARIANCE REVIEW BOARD

### MINUTES OF THE MEETING

January 11, 2000

Members in Attendance:

John Dingfelder  
Bill Holsonback  
Jeff Conner  
Rebecca Smith  
John Bales  
Ana Wallrapp  
Eric Rahenkamp

Absent Members:

Staff members in attendance were Assistant City Attorney Andrea Zelman and Staff Coordinator Peter Cowell.

APPROVAL OF MINUTES: A motion was made by Member Smith with a second by Member Wallrapp to approve the December 14, 1999 minutes. The vote was 7-0.

Prior to the meeting Ms. Zelman introduced Jodi Pollack a new Assistant City Attorney who would be representing the Variance Review Board starting March 2000.

#### **OLD BUSINESS:**

A. ADMINISTRATIVE APPEALS - None

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-05** Maria T. Oliveras at 4901 S. San Jose Street represented by James Brant requested to reduce the corner yard setback from 15' to 7'; to construct a single family residence. Members Conner and Holsonback respectively moved and seconded to **approve** the request. The motion carried 7-0. Present to speak on the request was Jim Brant.

**VRB99-136** Miguel and Theresa Gurdillo at 3205 San Juan Street requested to reduce the side yard setbacks from 3' to 2'; to allow an accessory structure to remain as built. Members Smith and Wallrapp respectively moved and seconded to **deny** the request. The petitioner was not in attendance. Present to speak on the request was Michael English.

**VRB00-003** Atlantic Gulf of Tampa, Inc. at 8202 New Tampa Blvd. represented by Heidt & Associates requested to reduce the allowable tree removal from 50% to 60%; to construct a residential subdivision. Members Dingfelder

and Wallrapp respectively moved and seconded to **continue** the request. The motion carried 7-0. Present to speak on the request was Tom Deal.

**VRB00-018** Gino and Linda Graci at 4814 Londonderry Drive requested to reduce the wetlands from 30' 28'; to construct a new retaining wall. Members Wallrapp and Rahenkamp respectively moved and seconded to **approve** the request. The motion carried 7-0. Present to speak at the request was Linda Graci and Larry Falls.

**VRB00-023** I.C.I. Properties represented by Scott Cramer requested to reduce the front yard (Bayshore Blvd.) setback from 70' to 25'; to reduce the front yard (Ysabella Avenue) setback from 70' to 64'; to reduce the corner yard setback from 52' to 25'; to reduce the side yard setback from 52' to 27'; to construct a 12 story condominium. Due to a no-show the case will be heard at the February 8, 2000 hearing. Members Dingfelder and Wallrapp respectively moved and seconded to **continue** the request. The motion carried 7-0.

**VRB00-025** Renald Y. Michaud requested to reduce the corner yard setback from 15' to 14.5'; to reduce the rear yard setback from 15' to 4.6'; to reduce the side yard setback from 7' to 5'; to construct an addition to an accessory structure and vest the existing structure. (Members Wallrapp and Holsonback) respectively moved and seconded to **approve the request with the condition that the concrete be removed in accordance with the approved site plan.** The motion carried 7-0. Present to speak at the request was Tony Michaud.

**VRB00-026** Isaak Properties 4013 N. Armenia Avenue represented by A.G. Spicola requested to increase the allowable square footage for signage from 120 square feet to 208 square feet; to reduce the separation between signs from 150' to 123' to reduce the special street setback from 54' to 33' to the center line; to construct a second ground sign of 88 square feet. Members Smith and Conner respectively moved and seconded to **continue** the request. The motion carried 7-0.

C. GENERAL VARIANCES -

**VRB00-008** Luong La and Nguyen Le at 9316 N. Tampa Street represented by Elicia Ruilover requested to reduce the rear yard setback from 20' to 4'; to allow an addition to a single family residence to remain (as-built under construction). Due to a no-show the case will be heard at the February 8, 2000 hearing. Members Smith and Wallrapp respectively moved and seconded to **continue** the request. The motion carried 7-0.

**VRB00-027** Joan P. Germino at 8301 N. 46<sup>th</sup> Street represented by Emidio J. Germino requested to reduce the rear yard setback from 20' to 13'; to construct a porch. Due to a no-show the case will be heard at the February 8, 2000 hearing. Members Dingfelder and Wallrapp respectively moved and seconded to **continue** the request. The motion carried 7-0.

**NEW BUSINESS:**

A. ADMINISTRATIVE APPEALS – None

## B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-028** TRS Properties Inc. at 1307 E. 2<sup>nd</sup> Avenue represented by Steve Michelini requested to reduce the front and corner yard setbacks from 10' to 0'; to construct a warehouse building. Due to a **misnotice** the case will be heard at the February 8, 2000 hearing.

**VRB00-029** Eliab, Diane & Yolando Delgado at 2709 W. Louisiana Avenue requested to reduce the front yard setback from 20' to 3.3' to construct a garage addition to a single family residence. Members Wallrapp and Rahenkamp respectively moved and seconded to **continue** the request. The motion carried 7-0. Present to speak at the request was Eliab Delgado.

**VRB00-031** Heritage Isles Community Development District at 913 Cimmeron represented by George Diaz requested to increase the height of a subdivision pylon sign from 10' to 25'4"; to reduce the setback for a pylon sign from 30' to 7'. Due to a problem in the timing of the rezoning. Members Conner and Smith respectively moved and seconded to **continue** the request. The motion carried 7-0.

**VRB00-033** Discount Auto Parts, Inc. at 5902 S. Dale Mabry represented by William Hockensmith, Taylor-McVay Inc. To challenge the Transportation managers denial for an access to a local street (Wisconsin Avenue); to construct a retail store accessing to a local street. Members Dingfelder and Holsonback respectively moved and seconded to **deny** the request. The motion carried 7-0. Present to speak on the request was Bill Hackensmith.

**VRB00-035** Marcos H. Ramos and Tracy A. McMenimon at 3901 Palmira Avenue requested to increase the height of a fence from 6' to 8'; to construct an 8' fence in the rear yard. Due to a **misnotice** your case will be brought forth at the February 8, 2000 hearing.

**VRB00-037** Jeflis Property Management Corp. at 308 S. Delaware Avenue represented by Harold Koster requested to reduce the rear yard setback from 20' to 3'; to construct a new triplex. Members Conner and Wallrapp respectively moved and seconded to **approve the request with the condition that every effort be made to protect all healthy trees**. The motion carried 6-1. Present to speak on the request was Harold Koster.

## C. GENERAL VARIANCES

**VRB00-032** Mary T. Mitchell at 3406 W. Granada Street represented by Herman Molina requested to reduce the front yard setback from 25' to 19'; to construct a carport and porch addition to a single family residence Rahenkamp respectively moved and seconded to **approve the request with the condition that neither the carport or porch be enclosed**. The motion carried 4-3. Present to speak at the request was Herman Molina.

**VRB00-34** Coach Foundation at 300 E. Park Avenue represented by Steven Mica requested to reduce the front yard setback from 25' to 15'; to construct a single family residence. Members Wallrapp and Rahenkamp respectively moved and seconded to **approve** the request. The motion carried 7-0. Present to speak at the request was Steve Mica.

**VRB00-036** Mr. and Carl A. Guggino at 3305 San Pedro Street requested to reduce the front yard setback from 25' to 16'; to enclose a carport. Members Dingfelder respectively moved and seconded to **approve the request with the condition that the garage never be converted to living space**. The motion carried 7-0. Present to speak at the request was Carl Guggino.

**VRB00-039** Cassandra M. Mabry at 4413 Webster Avenue requested to reduce the rear yard setback from 20' to 7.5'; to construct an addition to a single family residence. Members Smith and Wallrapp respectively moved and seconded to **approve** the request. The motion carried 7-0. Present to speak at the request was Cassandra Mabry.

**VRB00-040** Daniel C. & Kevin Brown requested to reduce the rear yard setback from 15' to 10' 11"; to construct an addition to a single family residence. Members Dingfelder and Wallrapp respectively moved and seconded to **approve the request with the condition that conditions of the Variance be recorded in the Public Records of Hillsborough County on Lots 19 & 20 within 60 days of receipt of the letter by City Attorneys Office further that the new garage remain a garage.** The motion carried 6-1. Present to speak at the request was Daniel Brown.

At the hearing the members discussed the appeals being taken to the Tampa City Council. A motion was made by Member Dingfelder with a second by Member Wallrapp to have the City Attorney provide a monthly report on the status of appeals to the Tampa City Council. Further that a report be generated by the City Attorney for the Variance Review Board to review appeals over the past year.

**ADJOURNMENT:** With no further business to discuss the meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

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John C. Bales, Chairman  
VARIANCE REVIEW BOARD

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Date

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## VARIANCE REVIEW BOARD

### MINUTES OF THE MEETING

February 8, 2000

Members in Attendance:

John Dingfelder  
Bill Holsonback  
Jeff Conner  
Rebecca Smith  
John Bales  
Ana Wallrapp  
Eric Rahenkamp

Absent Members:

Staff members in attendance were Assistant City Attorney Andrea Zelman and Staff Coordinator Peter Cowell.

APPROVAL OF MINUTES: A motion was made by Member Bill Holsonback with a second by Member Wallrapp to approve the February 8, 2000 minutes. The vote was 6-0.

#### **OLD BUSINESS:**

A. ADMINISTRATIVE APPEALS - None

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-003** Atlantic Gulf of Tampa, Inc. at 8202 New Tampa Blvd. represented by Heidt & Associates requested to reduce the allowable tree removal from 50% to 60%; to construct a residential subdivision. Members Dingfelder and Wallrapp respectively moved and seconded to **approve** the request. The motion carried 7-0. Present to speak on the request was Tom Deal and Naomi Riby.

**VRB00-029** Eliab, Diane & Yolando Delgado at 2709 W. Louisiana Avenue requested to reduce the front yard setback from 20' to 12' to construct a garage addition to a single-family residence. Members Conner and Wallrapp respectively moved and seconded to **approve** the request. The motion carried 7-0. Present to speak at the request was Eliab Delgado.

**VRB00-30** Nadine S. Diaz at 913 Cimmeron Drive represented by George Diaz requested to reduce the side yard setback from 20' to 8'.; to construct an addition to a single family residence. Members Holsonback and Wallrapp respectively moved and seconded to **approve** the request. The motion carried 4-3. Present to speak on the request was George Diaz.

**VRB00-031** Heritage Isles Community Development District at 10402 Cross Creek Blvd. represented by Jake Zimmerman requested to increase the height of a subdivision pylon sign from 10' to 25'4"; to reduce the setback for

a pylon sign from 30' to 7'; to construct a subdivision entrance sign. Members Smith and Wallrapp respectively moved and seconded to **approve** the setback and **deny** the height request. The motion carried 4-3.

C. GENERAL VARIANCES -

**VRB00-008** Luong La and Nguyen Le at 9316 N. Tampa Street represented by Elicia Ruilover requested to reduce the rear yard setback from 20' to 4'; to allow an addition to a single-family residence to remain (as-built under construction). Members Wallrapp and Conner respectively moved and seconded to **continue** the request. The motion carried 7-0.

**VRB00-027** Joan P. Germino at 8301 N. 46<sup>th</sup> Street represented by Emidio J. Germino requested to reduce the rear yard setback from 20' to 13'; to construct a porch. Members Conner and Dingfelder respectively moved and seconded to **approve the request with the condition that the porch never be enclosed** . The motion carried 7-0.

**VRB00-028** TRS Properties Inc. at 1307 E. 2<sup>nd</sup> Avenue represented by Steve Michelini requested to reduce the front and corner yard setbacks from 10' to 0'; to construct a warehouse building. Members Wallrapp and Smith respectively moved and seconded to **approve** the request. The motion carried 6-1.

NEW BUSINESS:

A. ADMINISTRATIVE APPEALS – None

**VRB00-051** Lowe's Home Centers, Inc. at 16901 Bruce B Downs represented by Steven Henry requested to appeal the Zoning Coordinators denial requesting to place three wall signs on a single occupancy parcel in excess of 75 square feet; to construct three wall signs in excess of 75 square feet; to construct three wall signs on a single occupancy retail parcel. Members Smith and Rahenkamp respectively moved and seconded to **overturn** the Zoning Coordinators determination of the request being inconsistent with the overlay guidelines. The motion carried 5-2. Present to speak on the request was Steve Henry.

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-042** The Sembler Company at 5002 E. Broadway represented by Greg Race requested to remove 100% of the trees from a nonwooded lot to waive the interior landscape requirement of an island for every ten parking spaces; to allow redesign of site plan in order to save the 22' oak tree; to construct a retail facility. Members Dingfelder and Smith respectively moved and seconded to **continue** the request. The motion carried 7-0.

**VRB00-043** Russell V. & Connie S. Hayes at 3201 San Carlos Street requested to reduce the rear yard setback from 20' to 4'; to reduce the corner yard setback from 7' to 4'; to construct an addition to a single family residence. Members Smith and Wallrapp respectively moved and seconded to **continue** the request. The motion carried 7-0. Present to speak at the request was Russell Hayes.

**VRB00-046** Michael Kass at 4915 W. Juno represented by Richard Chad requested to reduce the corner yard setback from 15' to 8'; with the condition that the vaulted floor of the den provide a 10' protective radius to the 21' oak tree; to construct a new single family residence. Members Wallrapp and Rahenkamp respectively moved and

seconded to **approve** the request. The motion carried 5-2. Present to speak at the request was Richard Chad, Ellie Montaque and Phyllis Bernstein.

**VRB00-047** Michael C. Marlene S. Gregory requested to increase the height of an accessory structure from 15' to 26.5'; to reduce the west side yard setback from 7' to 5'; to reduce the rear yard setback from 20' to 5'; to construct a second story to an existing garage. Members Conner and Dingfelder respectively moved and seconded to **continue** the request. The motion carried 7-0. Present to speak at the request was Ellie Montaque, Phyllis Bernstein and Rocky Klec.

**VRB00-048** Lori and Michael Mondor at 4004 Swann Avenue represented by David K. Lesser requested to reduce the front yard setback from 25' to 15'; to construct a single-family residence. Members Conner and Wallrapp respectively moved and seconded to **continue** the request. The motion carried 7-0.

### C. GENERAL VARIANCES

**VRB00-041** Adam Dunbar at 2811 W. Sitos Street represented by Jennifer Griffith requested to reduce the rear yard setback from 3' to 2.5'; with the condition that the structure does not exceed a width of 18' along the north property line; to reconstruct an accessory structure. Members Wallrapp and Rahenkamp respectively moved and seconded to **approve** the request. Present to speak at the request was Jennifer Griffith.

**VRB00-44** Ray and Darlene Coker at 4523 Azele Street requested to reduce the corner yard setback from 15' to 6.5' with the condition that the 2<sup>nd</sup> story addition is allowed over the existing footprint of the garage allowing a 6'5 setback and that the petitioner will not expand area of the property without a variance. Present to speak at the request was Roy Smith, Stan Murphy and D. Coker.

**VRB00-045** Robert H. and Sandra Cobb at 4609 Lowell Avenue requested to reduce the east side yard setback from 7' to 4'2"; to construct a garage addition to a single-family residence. Members Smith and Wallrapp respectively moved and seconded to **deny** the request. Present to speak at the request was Ellie Montaque, Phyllis Bernstein and John Montaque.

### D. Election of Officers

The meeting ended with the annual meeting and election of officers. The Chairperson elected was Ana Wallrapp. The Vice Chair person elected was Rebecca Smith. The rules of procedure were continued to the 3/14/00 public hearing.

### ADJOURNMENT:

The rules of procedure were to discuss the meeting adjourned at 12:15 a.m.  
Respectfully Submitted,

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John C. Bales, Chairman  
VARIANCE REVIEW BOARD

\_\_\_\_\_  
Date



## VARIANCE REVIEW BOARD

### MINUTES OF THE MEETING

April 11, 2000

Members in Attendance:

John Dingfelder  
Bill Holsonback  
Jeff Conner  
Ana Wallrapp  
Eric Rahenkamp

Absent Members:

Rebecca Smith  
Donald Luce

Staff members in attendance were \_\_\_\_\_

APPROVAL OF MINUTES: A motion was made by Member Conner with a second by Member Dingfelder to approve the April 11, 2000 minutes. The vote was 6-0.

#### OLD BUSINESS:

- A. ADMINISTRATIVE APPEALS - None
- B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-012** Stephen J. and Susan Brown at 3121 Lawn Avenue requested **to reduce the corner yard setback from 7' to 0'; to reduce the corner yard setback from 7' to 0'; to construct an addition to a single family residence.** The variance request was **withdrawn** from consideration at your request.

**VRB00-023** I.C.I. Properties at 3001-3005 represented by Scott Cramer requested **to reduce the front yard (Bayshore Blvd.) setback from 70' to 25'; to reduce the front yard (Ysabella Avenue) from 70' to 64' to reduce the corner yard setback from 52' to 25'; to reduce the side yard setback from 52' to 27' without bias.** To construct a 12-story condominium. Members Conner and Holsonback respectively moved and seconded to **deny** the request. The motion carried 6-0. Present to speak on the request was Marcos H. Ramos and Tracy McMenimon.

**VRB00-26** Isaak Properties at 4013 N. Armenia Avenue represented by A.G. Spicola requested **to increase the allowable square footage for signage from 125 square feet to 208 feet; to reduce the separation between onsite signs from 150' to 123'; to reduce the special street from 54' to 33' from centerline.** To construct a second ground sign of 88 square feet. Please be advised your variance request was **continued** for the May 9, 2000 hearing.

**VRB00-043** Russell V. and Connie S. Hayes at 3201 W. San Carlos Street requested to **reduce the rear yard setback from 20' to 8'; to reduce the corner yard setback from 7' to 4'9"; to construct an addition to a single family residence.** Members Dingfelder and Conner respectively moved and seconded to **continue** the request. The motion carried 3-2. Present to speak on the request were Russell Hayes and David Morgan.

**VRB00-047** Michael C. and Marlene S. Gregory at 4634 W. Lumb Avenue requested to **increase the height of an accessory structure from 15' to 26.5'; to reduce the west side yard setback from 7' to 5'; to reduce the rear yard setback from 20' to 5'; to construct a second story to an existing garage.** Members Conner and Rahenkamp respectively moved and seconded to **continue** the request. The motion carried 4-0.

**VRB00-048** Lori and Michael Mondor at 4004 Swann Avenue represented by David K. Lesser, requested to **reduce the front yard setback from 25' to 20'; to construct a single family residence.** Members Conner and Rahenkamp respectively moved and seconded to **approve** the request. The motion carried 5-0. Present to speak on the request was A. Fernando Torres and David Lesser.

C. GENERAL VARIANCES -

**VRB00-008** Luong La and Nguyen Le at 9316 N. Tampa Street represented by Elicia Ruilover requested to **reduce the rear yard setback from 20' to 4'; to allow an addition to a single-family residence to remain (as-built under construction).** Members Conner and Rahenkamp respectively moved and seconded to **deny** the request as this was the forth meeting Ms. Ruilover had not attended. The motion carried 5-0.

NEW BUSINESS:

A. ADMINISTRATIVE APPEALS – None

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-052** Sam's East, Inc. at 5135 South Dale Mabry represented by Todd Pressman requested to **allow a second wall sign; to allow one oversized directional sign and to place the 10' directional signs at the northeast corner of the Dale Mabry property line; with the condition that no other sign be added to the site and that the requirements of the transportation memo be met; to place a 64 square foot sign over the main entrance and a directional sign on the north entrance.** Members Dingfelder and Conner respectively moved and seconded to **approve** the request. The motion carried 5-0. Present to speak on the request were Andy B. Steingold, Harry Kerch, John E. Oliver, Jesus A. Perez and R. Trent Perkins.

**VRB00-057** Marvin Holloway, as Trustee of the Marvin L. Holloway Trust represented by Ethel Hammer/Englehardt, Hammer & Associates, Inc at 5102 W. Laurel Street requesting to **remove the three grand trees with a life expectancy greater than five years; to construct a one-story office building, asked that the case be withdrawn from consideration.**

**VRB00-058** Won Bok and Jung C. Jeong at 4101 W. South Avenue requested to **reduce the corner yard setback from 10' to 8'; to allow a steel building to remain as built (under construction) for an auto repair garage.** Members Dingfelder and Conner respectively moved and seconded to **approve** the request. The motion carried 5-0. Present to speak on the request were John J. Frangos, Hong S. Jeong and Won Jeong.

**VRB00-059** Floyd Milo Dean, Trustee and Ada Louise Dean, Trustee at 6404 Bayshore Blvd. represented by Keith W. Bricklemyer requested to **reduce the front yard setback from 25' to 16' and to reduce the wetlands setback**

**from 25' to 6'; to construct a new single family residence.** Members Dingfelder and Conner respectively moved and seconded to **continue** the request. The motion carried 4-0 with Member Rahenkamp abstaining. Present to speak on the request were Melanie Higgins Ted Taub, Keith Brickelmeyer, all of whom held their comments for the next public hearing Ada L. Dean, Susan Fox, Walter Klagey, Carla Saavedra, Claire Klages, Jr. Wachtel and David Peszko.

**VRB00-060** Bartholomew U. Nwaqbuo at 4202 E. Martin King Luther King Jr. Blvd., requested to **reduce the 20% VUA green space requirement to 13.3%; to construct a public storage building.** Members Conner and Holsonback respectively moved and seconded to **continue** the request. Present to speak at the request was Bartholomew. The motion carried 4-1 with Member Dingfelder voting against the motion. Present to speak on the request was Bartholomew Nwaqbuo.

### C. GENERAL VARIANCES

**VRB00-049** Jeffrey A. Caglianone at 5829 Mariner Street represented by John B. Grandoff, III requested to **reduce the front yard setback from 25' to 13.5'; to increase the height of a structure from 35' to 42'83'; to construct a single family residence.** Members Conner and Holsonback respectively moved and seconded to **approve** the request. The motion carried 5-0. Present to speak on the request were Maryse Parrino, Mitchell Meeks and John Grandoff.

**VRB00-050** Woodruff & Sons, Inc. at 1502 N. 50<sup>th</sup> Street represented by Paul M. Nichols requested to **increase the height of a masonry wall from 8' to 10'; to reduce the front yard setback from 10' to 1'; to construct a 10' wall on the rear and both side property lines and to vest an existing nonconforming structure.** Members Rahenkamp and Conner respectively moved and seconded to **approve** the request. The motion carried 5-0. Present to speak on the request was Paul Nichols.

**VRB00-053** David M. and Renee C. Capouya at 4901 W. Estrella represented by George D. Smith requested to **reduce the rear yard setback from 20' to 4'; to reduce the west side yard setback from 7' to 4'; to construct a two-story addition to a single family residence.** Members Rahenkamp and Conner respectively moved and seconded to **continue** the request. The motion carried 5-0. Present to speak on the request was John Grandoff.

**VRB00-055** City of Tampa and Hillsborough County School Board at 2618 Corrine Street represented by John LaRocca requested to **reduce the front yard setback (Corrine Street) from 25' to 4'; to construct a canopy 4' from the property line and the front wall of the structure at 14'.2 from the front property line.** Members Dingfelder and Rahenkamp respectively moved and seconded to **approve** the request. The motion carried 5-0. Present to speak on the request was John LaRocca.

**VRB00-56** Jacqueline A. Mastandrea at 602 S. Albany Avenue represented by Jay Campbell requested to **reduce the rear yard setback from 15' to 9'3"; to construct a second story on an accessory structure.** Members Conner and Dingfelder respectively moved and seconded to **approve** the request. The motion carried 5-0. Present to speak on the request were Jacqueline Mastandrea and Jay Campbell.

### ADJOURNMENT:

The rules of procedure were discussed at the meeting. Changes requested by the Variance Review Board will be drafted by the City Attorney's Office for review at the April 11, 2000 hearing. With no further business to discuss the meeting adjourned at 10:15 p.m.

Respectfully Submitted,

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Ana Wallrapp, Chairman  
VARIANCE REVIEW BOARD

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Date

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## VARIANCE REVIEW BOARD

### MINUTES OF THE MEETING

April 11, 2000

Members in Attendance:

Graham Carothers  
Bill Holsonback  
Jeff Conner  
Ana Wallrapp  
Eric Rahenkamp  
Rebecca Smith  
Fred Montjoy  
John Dingfelder

Absent Members:

Donald Luce

Staff members in attendance were Peter Cowell, Assistant City Attorney Jodi Pollock and David Riley.

APPROVAL OF MINUTES: A motion was made by Member Conner with a second by Member Dingfelder to approve the April 11, 2000 minutes as amended. The vote was 6-0.

#### **OLD BUSINESS:**

- A. ADMINISTRATIVE APPEALS - None
- B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-26** Isaak Properties at 4013 N. Armenia Avenue represented by A.G. Spicola requested **to increase the allowable square footage for signage from 125 square feet to 208 feet; to reduce the separation between onsite signs from 150' to 123'; to reduce the special street from 54' to 33' from centerline;** to construct a second ground sign of 88 square feet. Members Smith and Holsonback respectively moved and seconded to **continue** the request (one last time). The request will be brought forth at the June 13, 2000 hearing.

**VRB00-065** Duval Motor Company/A.G. Spicola at 11024 N. Florida Avenue represented by Brooks and Amaden, requested to remove one grand tree with a life greater than five years; to construct an automobile dealership. Members Conner and Smith respectively moved and seconded to **approve the request with the condition that a certified arborist make a three year maintenance program with the owner and the results given to the Construction Services Center.** The motion carried 6-0. Present to speak on the request was A.G. Spicola.

**VRB00-043** Russell V. and Connie S. Hayes at 3201 W. San Carlos Street requested to **reduce the rear yard setback from 20' to 8'; to include a structural edge from 15' to 12';** to construct an addition to a single story to a single-family residence. Members Dingfelder and Holsonback respectively moved and seconded to **approve the request with the condition that the garage not be converted to living space;** to construct a single story to a single-family residence. The motion carried 4-2. Present to speak on the request was Russell Hayes.

**VRB00-047** Michael C. and Marlene S. Gregory at 4634 W. Lumb Avenue requested to **increase the height of an accessory structure from 15' to 20.10"**; **to reduce the west side yard setback from 7' to 5'**; **to reduce the rear yard setback from 20' to 5'**; **to construct a second story to an existing garage.** Members Smith and Rahenkamp respectively moved and seconded to **approve** the request. The motion carried 6-0. Present to speak on the request were A.F. Torres and Mike Gregory.

**VRB00-059** Floyd Milo Dean, Trustee and Ada Louise Dean, Trustee at 6404 Bayshore Blvd. represented by Keith W. Bricklemyer **requested to reduce the front yard setback from 25' to 16' and to reduce the wetlands setback from 25' to 6'**; **to construct a new single family residence.** Members Smith and Rahenkamp respectively moved and seconded to **deny** the request. The motion carried 6-0. Present to speak on the request was Thomas Gooch, Susan Fox, George Beck, Ted Taub, Joseph Sammik, Thomas J. Ellwanger, John S. Lockett, Melanie Higgins, Kevin Woods, David Peszko, Beth Nicholson Tom Fitzhugh, Michael Braun, and Kathleen Kruczek.

**VRB00-060** Bartholomew U. Nwaqbuo at 4202 E. Martin King Luther King Jr. Blvd., requested to **reduce the 20% VUA green space requirement to 13.3%**; **to construct a public storage building.** The variance request was **withdrawn** from consideration at the petitioner's request.

C. GENERAL VARIANCES -

**VRB00-053** David M. and Renee C. Capouya at 4901 W. Estrella represented by John Grandoff requested to **reduce the rear yard setback from 20' to 13'**; to construct a two-story addition to a single family residence. Members Smith and Conner respectively moved and seconded to **approve the request with the condition that any trees be trimmed in compliance with Chapter 13.** The motion carried 7-0. Present to speak on the request was John Grandoff.

**VRB00-066A** Edward and Irene Bogos at 4414 W. Fair Oaks Avenue represented by James Bogos requested to reduce the rear yard setback from 20' to 7'; Members Smith and Rahenkamp respectively moved and seconded to **approve the request with the condition that the side yard remain at 17'10" with the exception of the porch be allowed at 6'10"**. The motion carried 7-0. Present to speak on the request was James Bogos.

**VRB00-066** Gary and Molly Smith at 3012 W. Chapin Avenue represented by Sam Queirolo/Jim Shimberg of Holland & Knight LLP requested to remove a grand oak with a life expectancy greater than five years; to construct a single-family residence. Members Smith and Holsonback respectively moved and seconded to **deny** the request. The motion carried 7-0.

**VRB00-067** Salvatore Colombrita at 2304 N. Massachusetts requested to reduce the front yard setback from 25' to 20'; to reduce the rear yard setback from 15' to 5'; to reduce the structural edge setback from 15' to 12'; to construct a residence and garage apartment. Members Conner and Rahenkamp respectively moved and seconded to **approve** the request. The motion carried 6-0. Present to speak on the request was Salvatore Colombrita.

**VRB00-069** Richard W. and Lynda B. Knight represented by Monica L. Watson requested to reduce the structural edge setback for a garage; to allow a garage to remain (as-built). Members Conner and Smith respectively moved and seconded to **approve** the request. The motion carried 7-0. Present to speak on the request was Monica L. Watson.

**VRB00-070** Roderic L. Martin at 13 Hamilton Heath Drive represented by Terry W. Cope requested to reduce the setback to the base of a grand oak from 20' to 10'; to construct a two-story addition to an existing single-family residence. The request was **withdrawn** at the petitioner's request.

**VRB00-072** John C and Patricia J. Riesenburger at 412 S. Oregon Avenue represented by Steven Henry requested to reduce the front yard from 25' to 13'; to reduce the both the north and south side yard setbacks from 7' to 5'; to reduce the rear yard setback from 20' to 10'; to increase the height of an accessory structure from 15' to 25'; to reduce the structural edge setback from 15' to 10'. Members Conner and Dingfelder respectively moved and seconded to **approve** the request. The motion carried 7-0. Present to speak on the request was Steve Henry.

**VRB00-074** Sandra Scarborough at 7003 S. Manhattan Avenue requested to reduce the rear yard setback for a detached accessory structure from 20' to 10'; to construct a detached garage of 1,069 square feet. Members Smith and Rahenkamp respectively moved and seconded to **continue** the request. Therefore your request will be brought forth at the June 13, 2000 hearing. Present to speak on the request was Sandra Scarborough.

**VRB00-068** Melissa L. Staples at 2509 W. Watrous represented by Prairie Building Solutions requested to reduce the rear yard setback from 20' to 10.8'; to construct a one-story addition to a single-family residence. Members Dingfelder and Conner respectively moved and seconded to **approve the request with the condition that the garage be demolished**. The motion carried 4-3. Present to speak on the request was Calvin T. Weese.

**VRB00-071** Charles and Diane Hutchinson at 3220 San Carlos represented by Richard Thurlby requested to reduce the rear yard setback from 20' to 1.4'; to reduce the front yard setback from 25' to 16.5'; to construct a front porch and rear addition to a single-family residence. Members Dingfelder and Rahenkamp respectively moved and seconded to **approve the request with the condition that the front porch not be enclosed**. Present to speak on the request was Rick Thurlby, Eric L. Myers and Peter Fernandez.

**VRB00-073** Guillermo E. Gomez and Olga Pina at 2609 W. Prospect Road represented by Susan E. Johnson-Velez, Esq. Requested to reduce the west side yard setback from 7' to 0'; to construct multiple additions to a single-family residence. Members Smith and Conner respectively moved and seconded to **continue** the request. The motion carried 7-0. Present to speak on the request was Kathy Williams.

**VRB00-075** J. Michael Morris at 1909 S. Oakmont Street requested to reduce the rear yard setback from 20' to 3.5'; to reduce the south side yard setback from 7' to 2.5'; to increase the height of an accessory structure from 15' to 22'; to cover an existing deck on a two-story accessory structure. Members Conner and Rahenkamp respectively moved and seconded to **approve** the request. Present to speak on the request was J. Michael Morris.

#### **NEW BUSINESS:**

A. **ADMINISTRATIVE APPEALS** – None

B. **TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES**

**VRB00-061** AGMT LLC at 734 S. Dale Mabry Hwy. represented by Todd Pressman requested to **reduce the required number of parking spaces from 56 to 49**; to allow suites in the hotel (under construction) to be divided into individual rooms. The variance request was **withdrawn** from consideration at the petitioner's request.

**VRB00-064** Robert and Marlou Shumake at 3510 W. San Pedro Street requested to **reduce the front yard setback from 25' to 20'**; to construct an addition to an addition and remodel a single-family residence. Members Conner and Rahenkamp respectively moved and seconded to **approve** the request. The motion carried 4-1, with Member Smith voting against the motion. Present to speak on the request was Robert Shumake.

**VRB00-065** Duval Motor Company at 11024 N. Florida Avenue represented by Brooks and Amaden, requested to remove three grand trees with a life greater than five years; to reduce the buffer requirement of a masonry wall to a PVC or wood fence; to construct an automobile dealership. Members Conner and Dingfelder respectively moved and seconded to **continue** the request. The motion carried 4-1 with Member Smith voting against the motion. Present to speak on the request was A.G. Spicola and Thomas Turnage Jr.

C. GENERAL VARIANCES

**VRB00-062** Cletus A. and Anita C. Belsom at 2905 Bayview Avenue requested to reduce the front yard setback from 25' to 17'; to construct a new single family residence. Members Conner and Rahenkamp respectively moved and seconded to **approve the request with the condition that the house plan be approved by the Board Chairperson**. Present to speak on the request was Cletus Belsom and Henry Gotsch.

**VRB00-063** Douglas L. and Judith L. Pardue at 3416 W. Palmira Avenue requested to reduce the rear yard from 5' to 2' (to the waters edge) for a pool; to construct a pool and privacy wall. Members Conner and Smith respectively moved and seconded to **approve** the request. The motion carried 5-0. Present to speak on the request was Judy Pardue.

V. ADMINISTRATION:

Following the public hearings, the meeting resumed with amendments to the rules for the Variance Review Board. Ms. Pollock presented the amendment to be reviewed and was asked to create another rule relating to speaking. Voting is expected to be done at the May 9, 2000 public hearing.

ADJOURNMENT:

With no further business to discuss the meeting adjourned at 12:10 p.m.

Respectfully Submitted,

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Ana Wallrapp, Chairman  
VARIANCE REVIEW BOARD

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Date



## VARIANCE REVIEW BOARD

### MINUTES OF THE MEETING

June 13, 2000

Members in Attendance:

Graham Carothers  
Bill Holsonback  
Jeff Conner  
John Dingfelder  
Eric Rahenkamp  
Rebecca Smith

Absent Members:

Ana Wallrapp  
Fred Montjoy

Staff members in attendance were Peter Cowell, Assistant City Attorney Jodi Pollock and David Riley.

APPROVAL OF MINUTES: Conner approved the minutes without objection.

**OLD BUSINESS:**

- A. ADMINISTRATIVE APPEALS - None
- B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-26** Isaak Properties at 4013 N. Armenia Avenue represented by A.G. Spicola requested **to increase the allowable square footage for signage from 125 square feet to 197 feet; to reduce the separation between onsite signs from 150' to 123'; to reduce the special street from 54' to 33' from centerline with covenant; to reduce the setback from 5' to 5' with the condition that the top 6x12 sign be removed from the south sign;** to modify an existing second ground sign of 88 square feet. Members Dingfelder and Conner respectively moved and seconded to **approve** the request. The motion carried 5-0. Present to speak on the request was A.G. Spicola.

**VRB00-074** Sandra Scarborough at 7003 S. Manhattan Avenue requested to reduce the rear yard setback for a detached accessory structure from 20' to 10'; to construct a detached garage of 1,069 square feet. The request was **withdrawn** at the petitioner's request.

**VRB00-073** Guillermo E. Gomez and Olga Pina at 2609 W. Prospect Road represented by Susan E. Johnson-Velez, Esq. Requested to reduce the west side yard setback from 7' to 0'; to construct multiple additions to a single-family residence. Members Smith and Conner respectively moved and seconded to **deny** the request. The motion carried 4-2. Present to speak on the request was J.A. Curry.

C. GENERAL VARIANCES -

**VRB00-053** David M. and Renee C. Capouya at 4901 W. Estrella represented by John Grandoff requested to **reduce the rear yard setback from 20' to 13'**; to construct a two-story addition to a single family residence. Members Smith and Conner respectively moved and seconded to **approve the request with the condition that any trees be trimmed in compliance with Chapter 13**. The motion carried 7-0. Present to speak on the request was John Grandoff.

**VRB00-066A** Edward and Irene Bogos at 4414 W. Fair Oaks Avenue represented by James Bogos requested to reduce the rear yard setback from 20' to 7'; Members Smith and Rahenkamp respectively moved and seconded to **approve the request with the condition that the side yard remain at 17'10" with the exception of the porch be allowed at 6'10"**. The motion carried 7-0. Present to speak on the request was James Bogos.

NEW BUSINESS:

A. ADMINISTRATIVE APPEALS -

**VRB00-077** Walter Property Investments, LLC at 17605 represented by Scott O. Stigall, Esq. requested to **challenge the Zoning Coordinators determination that the proposed signage for a retail use does not meet the New Tampa Overlay Design Guidelines**; to construct 446 ft. of wall signs. Members Holsonback and Conner respectively moved and seconded to **uphold** the request. The motion carried 3-3. Present to speak on the request was Scott Stigall.

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-078** James E. McMannus at 4802 W. Juno Street requested to **reduce the rear yard setback from 3' to 2.1'**; to **reduce the west side yard setback from 3' to 1.8'**; to **increase the height of an accessory structure from 15' to 20'**; to construct a two-story accessory structure. Members Dingfelder and Rahenkamp respectively moved and seconded to **na**The motion carried 5-0.

**VRB00-067** Salvatore Colombrita at 2304 N. Massachusetts requested to reduce the front yard setback from 25' to 20'; to reduce the rear yard setback from 15' to 5'; to reduce the structural edge setback from 15' to 12'; to construct a residence and garage apartment. Members Conner and Rahenkamp respectively moved and seconded to **approve** the request. The motion carried 6-0 with Member Dingfelder absent at the vote. Present to speak on the request was Salvatore Colombrita.

**VRB00-069** Richard W. and Lynda B. Knight represented by Monica L. Watson requested to reduce the structural edge setback for a garage; to allow a garage to remain (as-built). Members Conner and Smith respectively moved and seconded to **approve** the request. The motion carried 7-0. Present to speak on the request was Monica L. Watson.

**VRB00-070** Roderic L. Martin at 13 Hamilton Heath Drive represented by Terry W. Cope requested to reduce the setback to the base of a grand oak from 20' to 10'; to construct a two-story addition to an existing single-family residence. The request was **withdrawn** at the petitioner's request.

**VRB00-072** John C and Patricia J. Riesenburger at 412 S. Oregon Avenue represented by Steven Henry requested to reduce the front yard from 25' to 13'; to reduce the both the north and south side yard setbacks from 7' to 5'; to reduce the rear yard setback from 20' to 10'; to increase the height of an accessory structure from 15' to 25'; to reduce the structural edge setback from 15' to 10'. Members Conner and Dingfelder respectively moved and seconded to **approve** the request. The motion carried 7-0. Present to speak on the request was Steve Henry.

### C. GENERAL VARIANCES

**VRB00-068** Melissa L. Staples at 2509 W. Watrous represented by Prairie Building Solutions requested to reduce the rear yard setback from 20' to 10.8'; to construct a one-story addition to a single-family residence. Members Dingfelder and Conner respectively moved and seconded to approve the request with the condition that the garage be demolished. The motion failed 3-4 and was therefore **denied**. Present to speak on the request was Calvin T. Weese.

**VRB00-071** Charles and Diane Hutchinson at 3220 San Carlos represented by Richard Thurlby requested to reduce the rear yard setback from 20' to 1.4'; to reduce the front yard setback from 25' to 16.5'; to construct a front porch and rear addition to a single-family residence. Members Dingfelder and Rahenkamp respectively moved and seconded to **approve the request with the condition that the front porch not be enclosed**. Present to speak on the request was Rick Thurlby, Eric L. Myers and Peter Fernandez.

**VRB00-075** J. Michael Morris at 1909 S. Oakmont Street requested to reduce the rear yard setback from 20' to 3.5'; to reduce the south side yard setback from 7' to 2.5'; to increase the height of an accessory structure from 15' to 22'; to cover an existing deck on a two-story accessory structure. Members Conner and Rahenkamp respectively moved and seconded to **approve** the request. Present to speak on the request was J. Michael Morris.

V. **ADMINISTRATION:** The VRB Rules of Procedure were revised and approved. Members Rahenkamp and Conner respectively moved and seconded to approve the rules as amended. The motion carried 7-0.

### VI. **ADJOURNMENT:**

With no further business to discuss the meeting adjourned at 11:15 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Ana Wallrapp, Chairman  
VARIANCE REVIEW BOARD

\_\_\_\_\_  
Date



## VARIANCE REVIEW BOARD

### MINUTES OF THE MEETING

June 13, 2000

Members in Attendance:

Graham Carothers  
Bill Holsonback  
Jeff Conner  
John Dingfelder  
Eric Rahenkamp  
Rebecca Smith

Absent Members:

Ana Wallrapp  
Fred Montjoy

Staff members in attendance were Peter Cowell, Assistant City Attorney Jodi Pollock, Eric Cotton and Taha Ataya and Roger Kirk.

APPROVAL OF MINUTES: Member Conner was asked to chair the meeting and ask for approval of the minutes without objection.

#### **OLD BUSINESS:**

A. ADMINISTRATIVE APPEALS - None

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-26** Isaak Properties at 4013 N. Armenia Avenue represented by A.G. Spicola requested **to increase the allowable square footage for signage from 125 square feet to 197 feet; to reduce the separation between onsite signs from 150' to 123'; to reduce the special street from 54' to 33' from centerline with covenant; to reduce the setback from 5' to 5' with the condition that the top 6x12 sign be removed from the south sign;** to modify an existing second ground sign of 88 square feet. Members Dingfelder and Conner respectively moved and seconded to **approve** the request. The motion carried 5-0. Present to speak on the request was A.G. Spicola.

**VRB00-074** Sandra Scarborough at 7003 S. Manhattan Avenue requested to reduce the rear yard setback for a detached accessory structure from 20' to 10'; to construct a detached garage of 1,069 square feet. The request was **withdrawn** at the petitioner's request prior to the meeting.

C. GENERAL VARIANCES -

**VRB00-073** Guillermo E. Gomez and Olga Pina at 2609 W. Prospect Road represented by Susan E. Johnson-Velez, Esq. Requested to reduce the west side yard setback from 7' to 0'; to construct multiple additions to a single-family residence. Members Smith and Conner respectively moved and seconded to **deny** the request. The motion carried 4-2 with Members Carothers and Dingfelder voting nay. Present to speak on the request was James A. Curry, Susan Johnson-Velez, Guillermo E. Gomez, Olga Pina Gomez, Joseph W. Clark and Marsha Rydberg.

NEW BUSINESS:

A. ADMINISTRATIVE APPEALS -

**VRB00-077** Walter Property Investments, LLC at 17605 represented by Scott O. Stigall, Esq. requested to **challenge the Zoning Coordinators determination that the proposed signage for a retail use does not meet the New Tampa Overlay Design Guidelines;** to construct 446 ft. of wall signs. Members Holsonback and Conner respectively moved and seconded to **uphold** the request. The motion **tied** 3-3 and will be brought forth at the July 11, 2000 hearing. Present to speak on the request was Scott Stigall.

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

**VRB00-078** James E. McMannus at 4802 W. Juno Street requested to **reduce the rear yard setback from 3' to 2.1'; to reduce the west side yard setback from 3' to 1.8'; to increase the height of an accessory structure from 15' to 20';** to construct a two-story accessory structure. Members Dingfelder and Rahenkamp respectively moved and seconded to **continue** the request. The motion carried 5-0.

**VRB00-079** Mobley Homes at 19105 Autumn Woods Avenue requested to **reduce the wetlands from 30' to 17'; with the condition that a stem wall be constructed on the north property line;** to construct a pool. Members Dingfelder and Conner respectively moved and seconded to **approve** the request. The motion carried 5-1 with Member Smith voting against the motion. Present to speak on the request were Tim Mobley and a representative of M. Tampa Corp.

**VRB00-080** Kendrick T. Wallace at 5002 Elberon Street represented by Joseph Toph requested to **reduce the front yard setback from 25' to 5'; to reduce the corner yard setback from 15' to 5'; with the condition that the pool never be screened and that no diving boards and slides ever be constructed;** to construct a pool. Members Conner and Rahenkamp respectively moved and seconded to **approve** the request. The motion carried 5-1 with Mr. Holsonback voting against the motion. Present to speak on the request was Joseph Toph and Hank Ennis.

C. GENERAL VARIANCES

**VRB00-076** Fehim and Slobondanka Velic requested **to reduce the corner yard setback from 15' to 7.8'; to reduce the corner yard setback for an accessory structure from 15' to 8'; with the condition that the room never be converted to living space;** to construct a screened porch and detached accessory structure. Members Dingfelder and Conner respectively moved and seconded to **approve** the request. The motion carried 6-0. Present to speak on the request was Fehim Velic.

**VRB00-081** Michael L. Farmer at 2619 E Curtis Street requested **to reduce the east side yard setback from 7' to 2'7"; to remodel a single-family residence.** Members Conner and Rahenkamp respectively moved and seconded to **approve** the request. The motion carried 6-0. Present to speak on the request was Michael Farmer.

**VRB00-082** Christine Eagan at 1009 W. Fribley street requested **to reduce the front yard setback from 25' to 19'; with the condition that the front porch not be enclosed;** to construct a front porch. Members Conner and Holsonback respectively moved and seconded to **approve** the request. The motion carried 6-0. Present to speak on the request was Christine Eagan.

**VRB00-083** ALMJ at 1212 Fowler Avenue represented by Keith Johnson, requested to **be allowed to construct an activated sign at 150 sq. ft. per side;** to construct an activated sign. The request was **withdrawn** prior to the hearing at the petitioner's request.

V. ADMINISTRATION: Smith and Rahenkamp

Prior to the public hearings, as a result of the public workshop on parliament any procedures, a rule change was requested to Section 2.6. The change allows the Chair, Vice-Chair and or Temporary-Chair the right to make motions. Member Smith moved the language proposed by the City Attorney be adopted. The second was Member Rahenkamp. The vote was 5-0.

VI. ADJOURNMENT:

Respectfully Submitted,

\_\_\_\_\_  
Ana Wallrapp, Chairman  
VARIANCE REVIEW BOARD

\_\_\_\_\_  
Date



VARIANCE REVIEW BOARD

**MINUTES OF THE MEETING**

**July 11, 2000**

Members in Attendance:

Ana Wallrapp, Chair  
Graham Carothers  
Bill Holsonback  
Jeff Conner  
John Dingfelder  
Eric Rahenkamp  
Rebecca Smith, Vice-Chair

Absent Members:

None

Staff members in attendance were Peter Cowell, Jodi Pollock, Eric Cotton, Gloria Moreda, Taha Ataya and Roger Kirk.

APPROVAL OF MINUTES: Approved without objection

**OLD BUSINESS:**

A. ADMINISTRATIVE APPEALS

VRB00-77 Walter Property Investments, LLC, for a property located at 17605 Bruce B Downs represented by Christopher Clark, **challenged the Zoning Coordinators determination that the proposed signage for a retail use does not meet the New Tampa Overlay Design Guidelines.** Members Smith and Graham moved and seconded, respectively, to overturn the Zoning Administrator's determination. The motion carried 5-2. Christopher Clark spoke in favor of the petition. Brian Ross spoke against the petition.

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

VRB00-78 James E McManus, for a property located at 4802 West Juno Street, requested a variance to reduce the rear yard setback from 3 feet to 2.1 feet and to reduce the west side yard setback from 3 feet to 1.8 feet. Members Conner and Dingfelder moved and seconded, respectively, to approve the petition, with a condition that a gutter be placed on the west side and channeled to the northwest corner of the property for drainage into the street. The motion carried 7-0. James McManus spoke in favor of the petition. A F Torres spoke against the petition.

C. GENERAL VARIANCES - None

**NEW BUSINESS:**

A. ADMINISTRATIVE APPEALS - None

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

- VRB00-84 Charles and Beth Milner, represented by Keith Bricklemeyer, for a property located at 2908 West Hillsborough Avenue, requested that the 300-foot separation distance between an off-site sign and residentially zoned property be waived. Members Smith and Holsonback moved and seconded, respectively, that the petition be denied. The motion carried 7-0. Present to speak for the request was Keith Bricklemeyer.
- VRB00-89 Mauricio Faedo, represented by Robert Lence, for a property located at 5150 North Florida Avenue, requesting that the compliance with the landscaping requirements be waived and that access onto a local street be allowed. Members Smith and Holsonback moved and seconded, respectively, that the petition be denied. The motion carried 4-2. Present to speak for the request was Robert Lence. A petition with 21 signatures objecting to the variance was read into the record.
- VRB00-94 OS Developer, LLC, represented by Eric Hartman, for a site located at 4304 West Boy Scout Boulevard, requesting a reduction in parking from 170 spaces to 131 spaces. The petitioner requested that the petition be continued until the August 8, 2000, Variance Review Board hearing. Members Conner and Smith moved and seconded, respectively, that the petition be continued until August 8, 2000. The motion carried 7-0.
- VRB00-95 Yvonne Solario, represented by John Fowke, for a site located at 2805 Old Bayshore Way, requesting to reduce front setback from 25 feet to 20 feet, to reduce rear setback from 3 feet to zero and side setback from 3 feet to 2 feet, to reduce building separation distance from 5 feet to 2 feet. Members Conner and Dingfelder moved and seconded, respectively, to approve the petitioner's request, with the condition that the front porch remain open. The motion carried 6-1. Present to speak for the request was John Fowke.
- VRB00-92 Ronald A Powell, for a site located at 1415 South Moody Avenue, requesting to reduce rear yard setback from 20 feet to 10 feet, to reduce north side yard from 7 feet to four feet, and to reduce building separation distance from 13 feet to 4 feet. Members Dingfelder and Rahenkamp moved and seconded, respectively, to continue the petitioner's request until August 8, 2000, so that the petitioner can revise the submitted site plan. The motion carried 7-0. Present to speak for the request was Ronald Powell.
- VRB00-91 Ernest and Elizabeth Zuber, for a site located at 3215 Knights Avenue, requesting to increase the maximum height from 15 feet to 23 feet, to reduce east side yard from 7 feet to 3.5 feet, to reduce the rear yard setback from 20 feet to the distance as shown and that there shall be no access to the second story from the rear of the structure. Members Dingfelder and Conner moved and seconded, respectively, to approved the petitioner's request, with the condition that the rear setback be reduced from 20 feet to the distance as shown on the site plan and that there shall be no access to the second story from the rear of the structure. The motion carried 5-2. Present to speak on the request was Ernest "Bud" Zuber.
- VRB00-96 Allen Esses and Joanne Steinhardt, represented by John Grandoff, for a site located a 3001 Bay Court Avenue, requesting to reduce the required building separation from 5 feet, to 4 feet, rear yard setback from 20' to zero feet and the west side yard setback from 7 feet to 2.4 feet and to increase the building height from 15 feet to 23 feet. The petitioners requested that the petition be continued until August 8, 2000. Members Conner and Smith moved and seconded, respectively, that the petition be continued until the August 8, 2000 hearing. The motion carried 7-0.

### C. GENERAL VARIANCES

- VRB00-85 Norman Philogene, for a site located at 1610 East Louisiana Avenue, requesting To reduce the east side yard setback from 7 feet to 4.7 feet for two primary structures, to reduce the west side yard setback from 7 feet to 5 feet, to reduce the rear yard setback for a primary structure from 20 feet to 2.5 feet, to reduce the rear yard setback from 20 feet to zero feet, and to reduce the front yard setback from 20 feet to 19 feet. The petitioner misnoticed and was rescheduled to August 8, 2000.
- VRB00-86 Brian and Sandra Richmond, for a site located at 3419 West Tacon Street, requesting to reduce the east side yard from 7 feet to 1.6 feet. Members Smith and Conner moved and seconded, respectively, to deny the petition. The motion carried 5-2. Present to speak for the request was Sandra Richmond and Steve Carter. Present to speak against the petition were Richard Bennett and Steve Rhoda.
- VRB00-87 James A Welsh IV and Harry L Cahn, for a site located at 3504 North Highland Avenue, requesting to reduce the

southern side yard setback from 7 feet to 1.6 feet, northern side yard from 7 feet to 5.4 feet and to reduce the front yard setback from 20 feet to 9.8 for an existing structure. Members Smith and Wallrapp moved and seconded, respectively, to deny the petition. The motion to deny carried 5-2. Present to speak for the petition was James Welsh IV.

- VRB00-88 Antonio J De Varona, for a site located 3102 West Harborview Avenue, requesting to exceed the required height from 15 feet to 18.7 feet for an accessory structure. Members Conner and Wallrapp moved and seconded, respectively, to approve the motion with the condition that the materials used on the accessory structure be made of the same material as those on the principal structure. The motion passed 6-1. Present to speak for the petition was Anthony De Varona.
- VRB00-90 Fredrick and Joelle Siwinski, for a site located at 4508 South Shamrock, requesting to reduce the rear yard setback from 5 feet to 4 feet and the side yard setback from five feet to three feet. Members Dingfelder and Carothers moved and seconded, respectively, to approve the request. The motion carried 7-0. Present to speak for the petition was Fredrick Siwinski.
- VRB00-93 Bernice Craig, represented by Harry Felsenthal, for a site located at 4218 West North B Street, requesting to reduce the rear yard setback from 20 feet to five feet. Members Dingfelder and Holsenback moved and seconded, respectively, to approve the request. The motion carried 7-0. Present to speak for the petition was Harry Felsenthal.
- VRB00-99 John and Kathy Williams, for a site at 2611 Prospect Road, requesting to reduce the side yard setback from 7 feet to 3.9 feet. Members Smith and Dingfelder, moved and seconded, respectively, to approve the request. Motion carried 7-0. Present to speak in favor of the petition were John Williams, James Curry and Marsha Rydberg.

V. **ADMINISTRATION:**

VI. **ADJOURNMENT:**

Respectfully Submitted,

\_\_\_\_\_  
Ana Wallrapp, Chairman  
VARIANCE REVIEW BOARD

\_\_\_\_\_  
Date

VARIANCE REVIEW BOARD

**MINUTES OF THE MEETING**

**August 8, 2000**

Members in Attendance:

Ana Wallrapp, Chair  
Graham Carothers  
Bill Holsonback  
Jeff Conner  
John Dingfelder  
Eric Rahenkamp  
Rebecca Smith, Vice-Chair

Absent Members:

None

Staff members in attendance were Jodi Pollock, Eric Cotton, Gloria Moreda and Roger Kirk.

APPROVAL OF MINUTES: Approved without objection

**OLD BUSINESS:**

A. ADMINISTRATIVE APPEALS - None

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

VRB00-92 Ronald Powell for a property located at 1415 South Moody Avenue, requested a reduction in the rear yard setback from 20 feet to 10 feet, the north side yard setback from 7 feet to 3 feet, to reduce the building separation distance requirement from 13 feet to 4 feet and to waive the parking requirement for residential units. Members Conner and Dingfelder moved and seconded to approve the petition, with the following motion: the rear yard setback be reduced from 20 feet to 13 feet, the north side yard setback be reduced from 7 feet to 3 feet and the conditions that the parking requirements be reduced from 4 spaces to 3 spaces, the building separation distance need not be met and that the turf block be stabilized. The motion carried 6-0. Ronald Powell, Joseph Eustace and Carol Cira spoke concerning the petition.

VRB00-96 Allen Esses and Joanne Steinhardt, for a property located at 3001 Bay Court Avenue, requested a reduction in the required building separation from 5 feet to 4 feet, the rear yard setback from 20 feet and zero feet, the west side yard setback 7 feet to 2.4 feet and to increase the building height from 15 feet to 23 feet. Members Conner and Dingfelder moved and seconded to continue to the petition until the September 12, 2000 Variance Review Board hearing. The motion carried 6-0.

C. GENERAL VARIANCES

VRB00-85 Norman Philogene for a property located at 1610 East Louisiana Avenue, requested a reduction in the east side yard setback from 7 feet to 4.7 feet for two primary structures, to reduce the west side yard setback from 7 feet to 5 feet, to reduce the rear yard setback for a primary structure from 20 feet to 2.5 feet, to reduce the rear yard setback from 20 feet to zero feet, and to reduce the front yard setback from 20 feet to 19 feet. Members Dingfelder and Conner moved and seconded to approve the petition. The motion carried 6-0.

**NEW BUSINESS:**

A. ADMINISTRATIVE APPEALS

None

B. TREE & LANDSCAPE/TRANSPORTATION/SIGN VARIANCES

VRB00-101 Lee A Mezrah, represented by Steve Michelini, for a property located at 2909 Bay Vista Avenue, requested an increase in the height of a wall from 6 feet to 8 feet along the rear and side yard property lines. Members Smith and Holsonback moved to deny. The motion failed 3-3. This petition was continued per VRB rules. Steve Michelini spoke concerning the petition.

VRB00-104 Mark Weldon, represented by John McCory, for a property located at 1048 Frankland Road, requested a reduction in required side yard setback from 15 feet to 9.16 feet, reduce the rear yard setback from 12 feet to 8.5. Members Dingfelder and Conner moved and seconded to continue the hearing until the September 12, 2000 VRB meeting with the direction that Residential Development review the petition. The motion carried 6-0. John McCory and Michael Albanese spoke concerning the petition.

VRB00-105 Broadway Development, Incorporated, represented by Tommy Ortiz, for a property located at 1806 Platt Street, requested a reduction in the rear yard setback from 10 feet to zero feet. Members Conner and Smith moved and seconded to approve the petition. The motion carried 6-0.

NOTE: Eric Rahenkamp arrived at this time.

VRB00-109 Arthur and Tracy Savage, represented by Cooper Johnson Smith Architects, for a property located at 3414 Swann Avenue, requested to increase the height of a wall from 3 feet to 8 feet. Members Carothers and Conner moved and seconded to continue the petition until the September 12, 2000 VRB meeting. The motion carried 7-0. Steven Smith and Claudette Herret spoke concerning this petition.

VRB00-110 Sterling Ridge Properties for a property located at 2817 West Price Avenue, requested to reduce the front yard setback from 25 feet to 15 feet. Members Smith and Wallrapp moved to continue the petition. The motion failed 3-4. Members Smith and Rahenkamp moved to deny the petition. Motion passed 7-0. Dominic Scarpinato, Ramon Dagostino, Jerry Miller and John Simpson spoke concerning this petition.

C. GENERAL VARIANCES

VRB00-97 Quenton V Wahl, for a property located at 103 South Hale Avenue, requested to increase the height of a fence from 6 feet to 8 feet along the property line to the north side yard and rear yard. Members Smith and Rahenkamp moved to approve the petition. Motion carried 7-0.

VRB00-102 Manuel Gonzalez for a property located at 3314 Cherry Street, requested to reduce the front yard setback from 60 feet to 35 feet for an accessory structure. Members Smith and Conner moved to approve the petition. Motion carried 6-1, with Member Holsenback voting no. Dennis Gonzalez spoke concerning this petition.

VRB00-98 Alan and Dawn Mills, represented by Carlos E Alfonso, for a property located at 2930 West Knights Avenue, requested to reduce the west side yard setback from 7 feet to 2.13 feet. Members Conner and Smith moved and seconded to approve the petition. The motion carried 6-0 with Member Carothers abstaining. Carlos Alfonso and Paul Soluri spoke concerning the petition.

VRB00-100 Kevin and Jovanna Stewart, for a property located at 3513 West Kensington Avenue, requested a reduction in the rear yard setback from 20 feet to 14 feet. Members Dingfelder and Conner moved and seconded to approve the petition. The motion carried 5-2.

VRB00-103 Able Property Management represented by Lynda Messman, for a property located at 6907 North Highland Avenue, requested to reduce the side yard setback from 7 feet to 2.2 feet. Members Dingfelder and Wallrapp moved and seconded to

approve the petition. The motion carried 5-2, with the condition that the future development on Lot 30 be no closer than 10 feet from the south property line. Members Conner and Smith voted to deny. Lynda Messman and Mike Angelo spoke concerning this petition.

VRB00-107 Donald and Pamela Pitisci, for a property located at 3308 San Jose Street, requested to reduce the front yard setback from 20 feet to 18 feet. Members Smith and Holsenback moved and seconded to approve the petition with the condition that the front porch never be enclosed or screened in. Motion carried 7-0. Donald Pitisci spoke concerning this petition.

**V. ADMINISTRATION:**

**VI. ADJOURNMENT:**

Respectfully Submitted,

\_\_\_\_\_  
Ana Wallrapp, Chairman  
VARIANCE REVIEW BOARD

\_\_\_\_\_  
Date

**CITY OF TAMPA, FLORIDA  
VARIANCE REVIEW BOARD  
Minutes**

<b>MEETING DATE:</b> September 12, 2000
<b>MEETING TIME:</b> 6:30 PM
<b>LOCATION:</b> 315 East Kennedy Boulevard, 3 <sup>rd</sup> Floor, City Council Chambers

Board Members Present: Ana Wallrapp, Chairman; Rebecca Smith, Vice-Chairman; John Dingfelder; Bill Holsonback; Graham Carothers.

Board Members Absent: Eric Rahenkamp; Jeff Conner

Staff Members Present: Jody Pollick, Assistant City Attorney; Eric Cotton, Urban Planner II; Roger Kirk, Engineer II

**I. SILENT ROLL CALL**

**II. APPROVAL OF MINUTES FOR August 8, 2000**

Not voted on. Will consider at the October 10, 2000, public hearing.

**III. OLD BUSINESS:**

A. ADMINISTRATIVE APPEALS - None

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

VRB00-105	OWNER:	Alicia Wyatt, Trustee
<i>Atlas L-10</i>	AGENT:	Andre P Rossoniello
	LOCATION:	4801 South MacDill (3100 Villa Rosa)
	REQUEST:	To increase the height of a wall from 3 feet to 4.64 feet
	PURPOSE:	To erect a 4.64-foot wall

Staff was directed to write a letter to the petitioner, informing her that the case will be withdrawn if there is no indication that the petitioner wishes to continue the matter.



John McCary, representing the petitioner, discussed the proposed plan. He indicated that he had spoken to Dave Jennings residential development regarding the requirements to develop around the oak trees.

Robert Bryan spoke against the petition, indicating that there were issues regarding the destruction of trees on the property.

Rebecca Smith indicated that she felt that the petitioner had already received too many variances on the site and that the petitioner was trying to place too much house on this size lot.

John Dingfelder discussed the conflict between the RS-150 and RS-75 zoning districts in regards to setbacks. He also moved to approve a reduction in the side yard setback from 15 feet to 11.2 feet, to reduce the rear yard setback from 12 feet to 8.5 feet and to increase the height of the wall in the front yard from 3 feet to 6 feet.

Rebecca Smith offered a friendly amendment requiring that the petitioner vault the foundation and fence around the existing trees. John Dingfelder accepted the friendly amendment.

Graham Carothers seconded the motion.

A vote was taken, with Rebecca Smith and Bill Holsonback voting nay. Because of the lack of the petitioner getting four votes for approval, the case was continued to the October 10, 2000, Variance Review Board hearing.

VRB00-109      OWNER:            Arthur and Tracy Savage  
*Atlas J-10*       AGENT:            Cooper Johnson Smith Architects, Inc.  
                      LOCATION:        3414 Swann Avenue  
                      REQUEST:        To increase the height of a wall from 3 feet to 8 feet (front) and from 6 feet to 8 feet (side)  
                      PURPOSE:        To erect an 8-foot wall with gates in the front yard and west side yard

Steven Smith, representative of the petitioner, discussed the changes made to the wall since last month's Variance Review Board meeting. The fence height had been reduce from 8 feet to 6 feet and it was now a combination of masonry block and wrought iron, instead of a solid masonry wall.

Discussion ensued regarding the fence height and location. John Dingfelder suggested that the petitioner use wrought iron back to at least the 25-foot mark from the property line to make it easier on the neighbor next door. Steven Smith agreed to the suggestion.

Rebecca Smith made a motion to approve the increase in the height of the fence in the front yard from three feet to six feet per site the plan, with the condition that the wall consist of 2'6" of masonry and the remainder being wrought iron; the wall shall be four feet of the front property line to allow for 18 feet of stacking purposes; the wall on the west side shall be constructed at eight feet up to the middle of the vacated alley; that the wall shall be constructed as in the front elevation for 25 feet along the east and west property lines from the front property line.

John Dingfelder seconded the motion, which passed 5-0.

GENERAL VARIANCES – None

**IV.      NEW BUSINESS**

A.      ADMINISTRATIVE APPEALS

VRB00-126      OWNER:            John and Claudette McKenna  
*Atlas I-08*       APPELLANT:       Peter and Mary Pavan  
                      LOCATION:        420 South Hesperides  
                      REQUEST:        Appeal of Administrative Decision to allow an attachment through the use of a breezeway from a principal structure to an existing nonconforming accessory structure

Marcia Rydberg, attorney for the petitioner, discussed the nonconformity issue, the legality of the two structures, the distance between the structures and the overall mass of the two structures.

Gloria Moreda, Zoning Administrator, discussed her past actions in considering what is not an expansion of a nonconforming structure. She continued to explain what was shown on the site plan and what was already existing at the site.

John Dingfelder and Graham Carothers asked for clarification on the breezeway.

Discussion ensued. Rebecca Smith made the motion to uphold the Zoning Administrator's decision. Graham Carothers seconded the motion, adding that it was based on substantial, competent evidence. A vote was taken and the motion passed 4-1 with John Dingfelder voting nay.

VRB00-127      OWNER:            Wal-Mart Stores East, Inc  
*Atlas EE-18*      AGENT:            Bowles, Sidell and Sykes, PA  
                    LOCATION:        19910 Bruce B Downs Boulevard  
                    REQUEST:         Administrative Appeal from the decision of the Zoning Administrator's decision that the additional signage of approximately 1150 square feet is not an alternative to the New Tampa Design Overlay Guidelines

Brian Sykes, representing the petitioner, discussed the size of the building, the landscaping, distance from Bruce B Downs and the Super Center and the need for the increase in the signage.

Gloria Moreda, the Zoning Administrator, explained purpose of the overlay district, the Department's view towards alternative designs and her opinion of the request.

Tim Johnson, representing the petitioner, discussed the adoption of the overlay district, with the 10 percent of building face versus the 150 square feet being adopted during Wal-Mart's design process.

Rebecca Smith questioned the justification of the need for 1273 square feet of signage. She suggested allowing the site to have the Wal-Mart sign, the food center sign and another sign, such as Low Prices over the entrances.

Rebecca Smith then made a motion to modify the Zoning Administrator's decision and allow the petitioner a total of three signs, not to exceed 600 square feet; one with the words Wal-Mart, one with the words Food Center and the last with words of the petitioner's choosing; all other signs would be excluded and would not exceed the dimensions shown on the submitted exhibits. The motion was seconded by Ana Wallrapp and voted on. The motion passed 4-1, with John Dingfelder voting nay.

B.            TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

VRB00-112      OWNER:            Gloria V Sims or Clarence B Townes  
*Atlas G-14*      AGENT:            None  
                    LOCATION:        2706 North 33<sup>rd</sup> Street  
                    REQUEST:         To reduce the rear yard setback from 20 feet to 5 feet  
                    PURPOSE:         To construct an indoor pool

Clarence Townes discussed the need for the setback and indoor pool in regards to maintenance and safety issues in his neighborhood.

Rebecca Smith moved to reduce the rear yard setback from 20 feet to 5 feet based on the hardship criteria being met, specifically the safety issue. The motion was seconded by Bill Holsonback.

Discussion on the motion took place, with John Dingfelder asking was the hardship was. Rebecca Smith responded that the safety issues in the neighborhood and the existing alley behind the site made for a justification of the variance.

A vote was taken and the motion passed 5-0.

VRB00- 116      OWNER:          Stovall Development, Inc  
*Atlas K-10*      AGENT:          Steve Michelini/Jeffrey Conner  
                    LOCATION:      3010 Stovall Place  
                    REQUEST:      Reduce the rear yard setback from 28.75 feet to 15 feet, front the yard setback from 33.75 feet to 25 feet, and the side yard setback from 15.75 feet to 10 feet  
                    PURPOSE:      To construct new townhomes

Steve Michelini, representing the petitioner, explained the revised site plan and the need to protect the grand tree located in the northwest corner of the site.

Rebecca Smith questioned the setback variance and the size of the footprint of the building.

Eric Cotton replied that the setbacks were required to be increased because of the additional height of the building in the RM-35 district.

Rebecca Smith moved to approve the motion based on the hardship of protecting the grandtree. Graham Carothers seconded the motion.

John Dingfelder questioned how many trees were being lost, to which Steve Michelini responded one.

The vote was taken and the motion passed 5-0.

VRB00-117      OWNER:          Speedline Athletic Wear, Inc  
*Atlas H-10*      AGENT:          Christine Malzone  
                    LOCATION:      1804 North Habana  
                    REQUEST:      Reduce the front yard setback from 10 feet to zero feet and the corner yard setback from 10 feet to zero feet  
                    PURPOSE:      To erect an aluminum carport

Christine Malzone presented her case.

Rebecca Smith indicated that she did not see any hardship for the request.

John Dingfelder, citing that this was a commercial area and there was no other place on the property to put a carport, moved to approve the variance. The motion failed for lack of second.

Rebecca Smith moved to deny the variance. Graham Carothers seconded the motion. A vote ensued and the motion passed 4-1, with John Dingfelder voting nay.

VRB00-123      OWNER:          Charles and Hillary Davis  
*Atlas J-09*      AGENT:          Elise B Lynn  
Misnoticed      LOCATION:      1010 Frankland Road  
                    REQUEST:      Increase the height of a principal structure from 35 feet to 39 feet and to increase the height of an accessory structure from 15 feet to 22.5 feet  
                    PURPOSE:      To construct a single-family residence with an accessory structure

This petition was continued until the October 10, 2000 Variance Review Board hearing.

### C.      GENERAL VARIANCES

VRB00-113      OWNER:          Traci J Rinoldo  
*Atlas H-12*      AGENT:          None  
                    LOCATION:      400 West Frances Street  
                    REQUEST:      Reduce front yard setback from 25 feet to 15 feet  
                    PURPOSE:      To construct a single-family residence

Thomas Rinoldo, representing the petitioner, discussed how the homes in Tampa Heights have the 15 foot setback and that the petitioner wishes to orient her house the same way.

John Dingfelder questioned the lot orientation.

Fred Dryer, representing the Mayor's Heights Project, discussed how City staff and the Tampa Heights civic group reviewed the site plan and elevations and agreed to the request.

Bill Holsonback moved to approve the variance. Rebecca Smith seconded and the motion passed 5-0.

VRB00-114      OWNER:        Thomas and Helen Rinoldo  
*Atlas H-12*      AGENT:        None  
                  LOCATION:        2306 North Massachusetts  
                  REQUEST:       Reduce front yard setback from 25 feet to 15 feet  
                  PURPOSE:       To construct a single-family residence

Thomas Rinoldo reiterated what he had said in the previous petition.

Rebecca Smith moved to approve the variance. Bill Holsonback seconded and the motion passed 5-0.

VRB00-115      OWNER:        Holly Anne Hodge  
*Atlas K-10*      AGENT:        None  
                  LOCATION:        314 West Genessee Street  
                  REQUEST:       Reduce the rear yard setback from 20 feet to 11' 5" and the side yard from 7 feet to 3' 4"  
                  PURPOSE:       To allow an existing (framed) structure

Holly Hodge spoke regarding her petition and the addition that her brother built without permits. To a question from the Board, she indicated she did not know why her brother built the addition in the area in which it was built.

Ana Wallrapp thought that the encroachment caused by the addition was minimal.

Rebecca Smith indicated that the addition needed to be built to code and expressed that a contractor should have been contacted. She then moved to approve the variance. John Dingfelder seconded the motion, which passed 5-0.

VRB00-118      OWNER:        Donald Herr  
*Atlas J-10*      AGENT:        Jay Gabler  
                  LOCATION:        3014 West San Nicholas Street  
                  REQUEST:       To reduce the west side yard setback from 7 feet to 3.2 feet  
                  PURPOSE:       To construct an addition on an existing single family residence

Jay Gabler, presenting the owner, discussed his request.

Discussion ensued regarding the setback and how the addition is situated on the site.

Rebecca Smith moved to approve the variance. Graham Carothers seconded the motion, which passed 5-0.

VRB00-119      OWNER:        Robert D Fewox  
*Atlas M-10*      AGENT:        None  
                  LOCATION:        5823 Interbay Boulevard  
                  REQUEST:       Reduce side yard setback from 7 feet to 2.35 feet  
                  PURPOSE:       To bring existing structure into conformance

This petition was continued at the petitioner's request.

VRB00-120      OWNER:        Jae Heinberg  
*Atlas J-10*      AGENT:        Cooper Johnson Smith Architects, Inc  
                  LOCATION:        2413 Sunset Drive  
                  REQUEST:       Reduce side yard setback from 7 feet to 3 feet and rear yard setback from 20 feet to 3 feet  
                  PURPOSE:       To construct two-story garage with den

Steven Smith, representing the owner, discussed the petitioner's request and the use and number of accessory structures within the neighborhood.



VRB00-125      OWNER:        David Phuc Nguyen  
Atlas L-10      AGENT:        Warren Burchardt  
                  LOCATION:      2905 Bay View Avenue  
                  REQUEST:     Reduce the front yard from 25 feet to 17 feet  
                  PURPOSE:     Construct a new single family residence

Warren Burchardt, representing the owner, discussed the case and showed pictures from adjacent sites and their current setbacks.

Rebecca Smith discussed the precedent of the neighborhood and discussed the conditions from the previous approval.

Graham Carothers indicated that the previous conditions did not matter and moved to approve based on a precedent being set in the neighborhood and the hardship criteria being met regarding an oak tree. John Dingfelder seconded, with the motion passing 4-1. Bill Holsonback voted nay.

**V.        ADMINISTRATION:**

**VI.       ADJOURNMENT:**

**CITY OF TAMPA, FLORIDA  
VARIANCE REVIEW BOARD**

**MINUTES**

**MEETING DATE: October 10, 2000**

**MEETING TIME: 6:30 PM**

**LOCATION: 315 East Kennedy Boulevard, 3<sup>rd</sup> Floor, City Council Chambers**

Board Members Present: Rebecca Smith, Vice-Chairman; John Dingfelder; Graham Carothers; Eric Rahenkamp; Jeff Conner

Board Members Absent: Ana Wallrapp, Chairman; Bill Holsonback

Staff Members Present: Jody Pollick, Assistant City Attorney; Eric Cotton, Urban Planner II; Roger Kirk, Engineer II

**I. SILENT ROLL CALL**

**II. APPROVAL OF MINUTES FOR August 8, 2000 and September 12, 2000**

Graham Carothers moved and Jeff Conner seconded to approve the minutes. The motion passed 4-0.

**III. OLD BUSINESS:**

A. ADMINISTRATIVE APPEALS - None

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

VRB00-96      OWNER:          Allen Esses and Joanne Steinhardt  
                 AGENT:          William Weir  
                 LOCATION:      3001 Bay Court Avenue  
                 REQUEST:        To reduce the required building separation from 5 feet to 4.1 feet and to increase the building height from 15 feet to 19 1/2 feet  
                 PURPOSE:        Construction of a one-car garage with studio

Allen Esses discussed his case, showing pictures of the existing garage, a history of the home and pictures of other structures within the neighborhood.

Discussion ensued regarding the length of the driveway, with the question being asked if the drive needed to be 15 feet or 18 feet in length to accommodate tandem parking.

Jeff Conner and Rebecca Smith discussed shortening the garage by approximately 1½ feet to create an 18-foot driveway.

After further discussion, Jeff Conner moved and Graham Carothers seconded, to approve the petitioner's request, with the condition that the petitioner provide a driveway of no less than 18 feet. The motion passed 4-0.

VRB00-104      OWNER:        Mark Weldon  
                  AGENT:        Elise Lynn  
                  LOCATION:      1048 South Frankland Road  
                  REQUEST:     To reduce the required side yard setback from 15 feet to 9.16 feet, reduce the rear yard setback from 12 feet to 8.5, and to increase the height of a wall in the front yard from three feet to six feet  
                  PURPOSE:     To add to existing living quarters, construct a pool enclosure and wall, and to bring into conformance a portion of the existing structure

Elise Lynn requested that this hearing be postponed until more Board members were present. Jeff Conner moved and Graham Carothers seconded the motion and the case was moved further on the agenda.

The minutes will discuss these cases at this point. All Variance Review Board members in attendance at the meeting heard this case.

Elise Lynn discussed the case, reviewing the previous variances and the changes from Chapter 27 and Chapter 43 regarding a corner lot.

Discussion began on the case, with Rebecca Smith discussing the privacy issue. She indicated that she was okay with the fence becoming a wall and bringing into conformance the existing setbacks. Rebecca Smith did indicate that this was the third time the petitioner has been before the Board and there is still no change in the request.

John Dingfelder read the minutes from the last meeting and indicated why he had voted to approve.

Jeff Conner asked questions regarding the height of the plate line of the walls. He further discussed the requirements of the RS-150 zoning district in comparison to the RS-75 zoning district.

Elise Lynn discussed the original R-1A zoning and zoning conformance.

Jeff Conner again asked about the height of the proposed addition.

John McCary responded, indicating that it was 12 feet and showed illustrations of the new structure.

Michael Albanese, the adjacent property owner, discussed his property, the drainage issues, the wall and the trees that are on the property line.

Elise Lynn reiterated the flooding problem, the debris across the street, the privacy issue, and the conflict in the zoning districts and the old variances.

John Dingfelder moved to approve, with the modification that the side setback be to 11.2 feet, not 9.16 feet and that the wall be vaulted around all trees. Jeff Conner seconded the motion. The motion passed 3-2, which lacked the four required votes to approve the variance. Rebecca Smith and Eric Rehenkamp voted no.

Jody Powell discussed the option of the Board moving to reconsider the vote.

Eric Rehenkamp discussed his concern with the wall.

Rebecca Smith indicated that she thought there was too much house for this lot.

Graham Carothers asked if the wall was changed to be masonry and wrought iron if that would change Eric Rehenkamp's mind.

Eric Rehenkamp indicated no.

Discussion ended and the case was continued to next month.

VRB00-123      OWNER:        Charles and Hillary Davis  
AGENT:         John Grandoff  
LOCATION:        1010 South Frankland Road  
REQUEST:       Increase the height of a principal structure from 35 feet to 39 feet and to increase the height of an accessory structure from 15 feet to 19 feet  
PURPOSE:       To construct a single-family residence with an accessory structure

Jeff Conner moved and Eric Rehenkamp seconded to continue the case. The motion passed 4-0.

John Dingfelder arrived at this time.

C.      GENERAL VARIANCES

VRB00-119      OWNER:        Robert D Fewox  
AGENT:         None  
LOCATION:        5823 Interbay Boulevard  
REQUEST:       Reduce side yard setback from 7 feet to 2.35 feet  
PURPOSE:       To bring existing structure into conformance

This case was placed towards the end of agenda. John Dingfelder moved and Graham Carothers seconded to continue this case. The motion passed 5-0.

VRB00-120      OWNER:        Jae Heinberg  
Approved 5-0    AGENT:        Cooper Johnson Smith Architects, Inc  
LOCATION:        2413 Sunset Drive  
REQUEST:       Reduce side yard setback from 7 feet to 3 feet and rear yard setback from 20 feet to 3 feet  
PURPOSE:       To construct two-story garage with den

Steven Smith summarized his presentation from the last meeting. Showing drawings of the proposed accessory structure, Steven Smith indicated that the overall size was smaller and that the second story was 150 square feet less and design differently.

Jeff Conner commented about the rear and side yard portion of the accessory structure being only one story in height. He then moved and Graham Carothers seconded to approve the variance.

John Dingfelder asked Steven Smith if he had met with the neighbor who was in attendance last month and Steven Smith said yes.

The vote was taken and the motion passed 5-0.

VRB00-121      OWNER:        A de Q Historical Resources and Algeria Motorsports, Inc  
AGENT:         Robert Lofles III  
LOCATION:        5012 West Lemon Street  
REQUEST:       Reduce the side yard setback from 10 feet to 2 feet  
PURPOSE:       To construct a room addition on an existing slab

Robert Lofles, summarized last month's hearing and described the inside floor plan of the building.

Jeff Conner asked questions about the height of the existing building, the addition and the materials that the building will be made out of.

Jeff Conner, Rebecca Smith and Eric Rahenkamp discussed other alternatives for the addition to be located.

Eric Rahenkamp moved to deny the petition, with Jeff Conner seconding. The motion passed 3-2, with John Dingfelder and Graham Carothers voting to approve.

**IV. NEW BUSINESS**

**A. ADMINISTRATIVE APPEALS - None**

**B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES**

VRB00-128    PETITIONER: Hogan Pointe, LLC  
AGENT: Avid Engineering  
LOCATION: Tampa Palms, Area 4, Unit 1 and Area 8, Unit 1  
REQUEST: To remove more than 50 percent of the protected trees on a non-wooded lot  
PURPOSE: To develop a commercial site

Per the request of John Grandoff, the petitioner's agent, Jeff Conner moved and Eric Rehan Kamp seconded to continue this hearing until the following month.

VRB00-132    PETITIONER: U-Haul Company of Tampa/Five Sac Self-Storage Corporation  
Approved 5-0    AGENT: Robert Magyar  
LOCATION: 3939 West Gandy Boulevard  
REQUEST: To increase the number of wall signs from one to four  
PURPOSE: To erect four signs

Robert Magyar discussed the petition, indicating the although the number of signs was increasing, the total square footage was still less than is allowed per code.

John Dingfelder questioned staff about the intent of the sign code regulations.

Jeff Conner questioned the petition over the placement of the signs. He indicated that the placement of the signs, except for "Your Storage Place", was aesthetically pleasing.

Rebecca Smith indicated that she felt that the proposal met the intent of the sign code.

Jeff Conner moved, and Eric Rahenkamp seconded, to approve the petitioner's request. The motion carried 5-0.

**C. GENERAL VARIANCES**

VRB00-129    PETITIONER: Steven and Deborah Huelsman  
AGENT: None  
LOCATION: 3005 Bay Villa Avenue  
REQUEST: To reduce east side yard from 7' to zero feet and to reduce the west side yard from 7' to 5'  
PURPOSE: To add an attached carport with second story

Steve Huelsman presented his case, showing the site plan and photos of the existing structure. He indicated that he was under the impression when he bought the property that the variances were still in effect.

Elizabeth Combs discussed her opposition to the case and the building of big homes on small lots.

Susan Coley discussed the history of the lot in question.

Cheryl Follet stated she was against the variance request.

Mary Ann Fueyo discussed the location of the sign and that the house was too big for the lot.

Gail Kent also discussed the sign issue and her object to the variance.

Jeff Conner stated that he felt that the requested variance would result in too big of an encroachment into the setback.

John Dingfelder discussed the sign placement issue and indicated that from this point on, signs should be placed near the edge of the road.

John Dingfelder moved, and was seconded by Graham Carothers, to deny the petition. The motion carried 5-0.

VRB00-130    PETITIONER: Thomas and Debra Faulk

W/conditions      AGENT:            None  
                         LOCATION:        4001 San Nicholas Street  
                         REQUEST:        To reduce the side yard and rear yard setbacks from 5 feet to zero feet, with the condition that the screen follow the pitch of the roof and be no higher than the roof on the existing structure  
                         PURPOSE:        To erect a screen enclosure over the pool

Debra Faulk presented her petition.

Jeff Conner asked about the pitch and height of the proposed enclosure.

Eric Rahenkamp questioned about being able to mount the screen enclosure to the masonry wall.

Jeff Conner moved, and was seconded by Eric Rahenkamp, to approve the petition with the condition that the screen enclosure not exceed the height of the existing roof line and meet the intent of the discussion. The motion passed 5-0.

VRB00-131      PETITIONER:    Becky Kinkaid  
                         AGENT:            Robert Albano  
                         LOCATION:        2505 Jetton Avenue  
                         REQUEST:        To reduce the east side yard setback from 7 feet to 1.6 feet  
                         PURPOSE:        To construct a carport

Robert Albano discussed his case.

The Board asked various questions about the size of the structure, what is next door and on the surrounding properties throughout the neighborhood.

Eric Rehan Kamp moved, and was seconded by John Dingfelder, to continue the petition until the next meeting, with the instructions that the petitioner bring in pictures of the surrounding properties. The motion carried 5-0.

VRB00-133      PETITIONER:    Mobley Homes/M Tampa Corporation  
                         AGENT:            None  
                         LOCATION:        17205 Karis Court  
                         REQUEST:        To reduce the rear yard setback from 20 feet to 15.77 feet  
                         PURPOSE:        To construct a single-family residence

Tim Mobley presented his case.

Jeff Conner asked about the property to the north, which was identified as protected uplands.

John Dingfelder asked for clarification as to what was being requested.

Jeff Conner moved, and was seconded by Graham Carothers, to approve the variance request. The motion carried 4-1, with Rebecca Smith voting no.

VRB00-134      PETITIONER:    Anita and Dennis Trosky  
Approved 5-0    AGENT:            None  
W/condition    LOCATION:        2601 Sunset Drive  
                         REQUEST:        To reduce the rear yard setback from 3 feet to zero feet, with the condition that the new structure run with the existing garage wall  
                         PURPOSE:        To construct a storage room addition on the rear of an existing detached garage

Dennis Trosky presented his case, indicating that he needed more storage room.

Eric Rahenkamp asked about the roofline of the existing garage.

Jeff Conner moved to approve, and was seconded by John Dingfelder, with the motion carrying 5-0.

VRB00-135      PETITIONER: Don Perez  
                  AGENCT: Bruce Genevish  
                  LOCATION: 4703 West Brookwood Drive  
                  REQUEST: To reduce the rear yard setback from 20 feet to 15 feet  
                  PURPOSE: To construct a rear addition

This petition was misnoticed and continued to the next hearing.

VRB00-137      PETITIONER: Ralph McMillan  
                  AGENT: Phillip Snyder  
                  LOCATION: 4206 East 10<sup>th</sup> Avenue  
                  REQUEST: To allow for three strands of barbed wire on existing six-foot fence  
                  PURPOSE: To keep existing barbed wire

Per the petitioner's request, Jeff Conner moved, and was seconded by Eric Rehankamp, to continue the petition. The motion carried 4-0.

This action was taken at the beginning of the meeting.

V.      ADMINISTRATION:

VI.     ADJOURNMENT:

Respectfully Submitted,

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Ana Wallrapp, Chairman  
VARIANCE REVIEW BOARD

**CITY OF TAMPA, FLORIDA  
VARIANCE REVIEW BOARD**

**MINUTES**

**MEETING DATE: November 14, 2000**

**MEETING TIME: 6:30 PM**

**LOCATION: 315 East Kennedy Boulevard, 3<sup>rd</sup> Floor, City Council Chambers**

Board Members Present: Ana Wallrapp, Chairman; Rebecca Smith, Vice-Chairman; John Dingfelder; Graham Carothers; Eric Rahenkamp; Jeff Conner

Board Members Absent: Bill Holsonback

Staff Members Present: Andrea Zelman, Assistant City Attorney; Eric Cotton, Urban Planner II; Roger Kirk, Engineer II; David Reilly, Urban Forester

**I. SILENT ROLL CALL**

**II. APPROVAL OF MINUTES FOR October 10, 2000**

Motion to approve minutes passed 5-0.

**III. OLD BUSINESS:**

A. ADMINISTRATIVE APPEALS

None

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

VRB00-128      PETITIONER: Hogan Pointe, LLC  
AGENT: Avid Engineering  
LOCATION: Tampa Palms, Area 4, Unit 1 and Area 8, Unit 1  
REQUEST: To remove more than 50 percent of the protected trees on a non-wooded lot  
PURPOSE: To develop a commercial site

John Grandoff introduced the other individuals that would be making the presentation regarding this case.

Mike Callahan, a landscape architect, described the tree removal request and the reason for it. He indicated that they were investing \$30,000 worth of greenery beyond what City code required. He indicated that this site was vested under the approved Development of Regional Impact.

Rebecca Smith indicated that the extra money was nice, but that was more for the selling of the sites.

Jeff Conner discussed the grouping of trees and the need to use fill in the development process and how to protect the trees.

John Dingfelder indicated that they were asking for a 27 percent variance over what was allowed by Code. He questioned the vesting issue.

David Smolker, representing USAA, submitted an aerial photo, showing the parcel and the adjacent USAA site. He indicated that USAA was against the current development plan for the site, primarily because of the road alignment. Lynn McGarvey, representing the Sierra Club, discussed the removal of trees in New Tampa and the Tree Ordinance in general. She passed out two studies regarding the importance of trees.

Robert Jornovich, a resident of New Tampa, discussed how the previous development in the area worked around the trees, not removing all of them.

Jeff Conner indicated that at the proposed entrance, there was a large clump of trees being removed. He questioned why the ingress/egress was located there.

Gary Miller, Avid Engineering, stated that the firm had done a number of studies and that this location was needed for the viability of the site plan.

Rebecca Smith questioned the design of the layout. She thought that it showed no creativity. She felt that the developer felt that this was the only plan, now give it to us.

Eric Rehenkamp questioned why the development had 50 percent more parking than was needed.

Mike Callahan indicated that he heard what they were saying, but that the future tenants of the site indicated that they needed the additional parking.

Graham Carothers asked why the VRB was even hearing this case if the incremental review had not been approved yet.

Gary Miller indicated that they were close to receiving City approval.

The public hearing was closed and Rebecca Smith made a motion to deny, do to the outstanding issues and lack of creativity on the petitioner's design. John Dingfelder seconded the motion, then read through the hardship criteria. The motion to deny passed 6-0.

John Grandoff asked if the Board could reconsider and continue the hearing, but he was told that the case was closed.

C. GENERAL VARIANCES

VRB00-123      PETITIONER: Charles and Hillary Davis  
AGENT: John Grandoff  
LOCATION: 1010 South Frankland Road  
REQUEST: Increase the height of a principal structure from 35 feet to 39 feet and to increase the height of an accessory structure from 15 feet to 19 feet  
PURPOSE: To construct a single-family residence with an accessory structure

John Grandoff, representing the petitioners, explained the variance. He also presented letters from the neighbors in support of the new home.

John Dingfelder asked what was previously there and how tall it was.

John Grandoff replied that it was a single story home.

The public hearing was closed.

Jeff Conner moved to approve the variance and Rebecca Smith seconded and the motion carried 6-0.

VRB00-119      PETITIONER: Robert Fewox  
AGENT: None  
LOCATION: 5823 Interbay Boulevard  
REQUEST: Reduce side yard setback from 7 feet to 2.35 feet  
PURPOSE: To bring existing structure into conformance

The petitioner was not present.

Jeff Conner moved to deny was seconded by Graham Carothers. The motion to deny passed 6-0.

VRB00-131      PETITIONER: Becky Kinkaid  
AGENT: Robert Albano  
LOCATION: 2505 Jetton Avenue  
REQUEST: To reduce the east side yard setback from 7 feet to 1.6 feet  
PURPOSE: To construct a one-car carport, with the condition that the structure never have outer walls

Robert Albano discussed his case, showing pictures that he had taken of the neighborhood based on last month's meeting.  
He read into the record a letter of support from the neighbor next door.

Jeff Conner discussed the roofing materials.

The public hearing was closed.

John Dingfelder moved to approve the variance, stating that the petitioner did everything that was asked of him at the October meeting. Jeff Conner seconded the motion, which passed 6-0.

VRB00-135      PETITIONER: Don Perez  
AGENT: Bruce Genevish  
LOCATION: 4703 West Brookwood Drive  
REQUEST: To reduce the rear yard setback from 20 feet to 15 feet  
PURPOSE: To construct a rear addition

Bruce Genevish discussed the petition and the history of the site.

Rebecca Smith pointed out that there were other options in adding onto the house.

Eric Rehenkamp asked what was there previously.

Bruce Genevish replied that it was a carport, bathroom, laundry room and Florida room. It was destroyed in a windstorm.

Jeff Conner pointed out that the previous construction was on an angle and that the new, proposed construction was squared off and had less of an impact into the setback.

John Dingfelder asked in the two neighbors were okay with the development.

Bruce Genevish said yes.

The public hearing was closed.

Jeff Conner moved to approve based on the fact that there was less intrusion into the setback. John Dingfelder seconded the motion, which passed 6-0.

**IV. NEW BUSINESS**

**A. ADMINISTRATIVE APPEALS**

VRB00-136      PETITIONER: R Gale and Jerry G Porter  
AGENT: Luke Charles Lirot, Esquire  
LOCATION: 922 West Kennedy Boulevard  
REQUEST: To Overturn the Zoning Administrator's Determination of an Adult Use

Andrea Zelman discussed what role the VRB will play in the review of this case.

Luke Lirot, representing the petitioners, discussed the petition, adult uses and freedom of speech. He stated that this was not an adult use because it was an e-business. He touched on parts of the Code that defined adult businesses and the recent court order regarding VoyuerDorm.com.

Rebecca Smith asked if the website was limited to adult users.

Luke Lirot replied that it was.

Graham Carothers asked what other users were there.

Luke Lirot stated that the business was in web design.

John Dingfelder asked if it was illegal for someone to view this over the internet.

Luke Lirot replied no.

Andrea Zelman stressed that the issue before the Board was if this was an adult use, as defined per Code.

Gloria Moreda, Zoning Administrator, stated her reasoning for determining that this was an adult use.

Gina Grimes, Chief Assistant City Attorney, reviewed the Voyeur Dorm case for the Board, explaining what the judge decided in the case.

John Dingfelder asked if the City had determined if there were any secondary effects of the business on the community.

Gina Grimes stated no and that the City was not required, by law, to determine if those existed.

The public hearing was closed.

Rebecca Smith moved to deny the petition and uphold the finding by the Zoning Administrator.

Jeff Conner seconded the motion.

John Dingfelder stated that he could not support the determination, as it was an infringement on free speech.

The motion carried 5-1.

NOTE: Jeff Conner left the meeting at this time.

**B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES**

VRB01-01      PETITIONER: Verizon  
AGENT: Federal Sign  
LOCATION: 201 North Franklin Street  
REQUEST: To increase the amount of signage on a wall face from 400 square feet to 650 square feet  
PURPOSE: To place new signs on the Verizon (GTE) building

The representative for Verizon illustrated how the new sign would appear on the building.

The public hearing was closed.

Rebecca Smith moved to approve the sign, stating that given the distance from the pedestrian on the street, it was not too large. Eric Rehenkamp seconded the motion, which passed 5-0.

VRB01-02      PETITIONER: Thomas and Martha McKeon  
AGENT: Macfarlane, Ferguson and McMullen, PA  
LOCATION: 5125 West Neptune Way  
REQUEST: To reduce the wetland setback from 25' to 5'  
PURPOSE: To construct a single-family residence with a pool and dock

Gordon Schiff, representing the petitioners, stated that they have met all EPC concerns and introduced other presenters.

Martha Sherman, AIA, discussed the orientation of the building on the lot and the need to place the pool at its current location.

Shirley Denton, Ph.D., discussed the environmental issues and the situation with the existing wildlife in the area.

John Dingfelder asked what kind of material was the seawall being built out of.

Thomas McKeon replied limestone and flint.

John Dingfelder asked if the pool would be enclosed and if the petitioners would agree not to enclose it.

Gordon Schiff replied no that it was not their intent to cage the pool.

The hearing was closed to the public.

Rebecca Smith moved to approve the petition, with the condition that the pool never be caged. Eric Rehenkamp moved to second the petition, which passed 5-0.

VRB01-03      PETITIONER: Robert I Boorstein  
AGENT: Desiree S Davis, PE  
LOCATION: 5525 West Cypress Street  
REQUEST: Removal of a grand tree and to reduce the west side yard setback from 10' to 0'  
PURPOSE: To construct an office building

Desiree Davis discussed her case.

John Dingfelder asked if there were any other grand oaks on the site.

Desiree Davis replied no, that the other large trees were multitrunked.

Rebecca Smith asked about the property to the west and its development potential.

Desiree Davis replied that she thought that they had even more wetlands on the site.

John Dingfelder asked about the ownership of the parcel.

Rebecca Smith asked about designing the retention area under the building and moving the building forward, therefore saving the tree.

Desiree Davis replied that it had to do with the aesthetics of the area.

Rebecca Smith indicated that the petitioner should redesign the property more around the grand tree.

Ana Wallrapp stated that as designed, the VRB could not support the variance.

Desiree Davis inquired about getting the side yard setback.

Graham Carothers replied that the first goal was to save the tree, then next month they would address the setback issue.

The public hearing was closed.

Rebecca Smith moved to continue and was seconded by Eric Rehenkamp. The motion carried 5-0.

VRB01-08      PETITIONER: Vincent and Mary Cassidy  
AGENT: Stephen Michelini  
LOCATION: 2923 West Wallcraft Avenue  
REQUEST: Removal of a grand tree  
PURPOSE: To remove a grand tree

Steve Michelini discussed the case. He indicated that it was the petitioner’s intent to keep the tree, but that the City indicated that it was a safety hazard and should come down. He referred to a statement from Steve Graham, the City’s arborist.

There was discussion over the state of the tree and when construction started.

The public hearing was closed.

Rebecca Smith moved to approve the variance, with the condition that an equivalent number of trees be placed on the property. The motion was seconded by Graham Carothers. The motion passed 4-1.

C.      GENERAL VARIANCES

VRB00-138      PETITIONER: Ariel Gonzalez  
AGENT: None  
LOCATION: 4311 South Renellie Drive  
REQUEST: Reduce the front yard setback from 25’ to 17.2’  
PURPOSE: To keep existing front porch on a single-family residence, with the condition that it not be enclosed

Michelle Gonzalez discussed her case.

Rebecca Smith asked if it was enclosed.

Michelle Gonzalez said no.

The public hearing was closed.

Rebecca Smith moved to approve, with the condition that it not be enclosed. Eric Rehenkamp seconded the motion, which passed 4-0.

VRB01-04      PETITIONER: Robert John Smith  
Approved      AGENT: None  
4-0              LOCATION: 6107 South Main Avenue  
REQUEST: To reduce the north side yard from 7’ to 0’  
PURPOSE: To modify and keep existing two-car carport as a one-car carport

Robert Smith discussed his case and his removing a portion of the carport.

Discussion ensued regarding the reconfiguration of the lots and the need for future variances.

The public hearing was closed.

Eric Rehenkamp moved to approve the petition, with the condition that it not be enclosed and that the setback be reduced to 2’4”. The motion was seconded by Rebecca Smith and passed 4-0.

VRB01-05      PETITIONER: Helen H MacFarlene  
AGENT: James M Rinehart, AIBD  
LOCATION: 57 Albemarle  
REQUEST: To reduce the rear yard setback from 20' to 16'  
PURPOSE: To construct a screen porch, with the condition that it not be enclosed

James Rinehardt discussed his case and the desire of the petitioner to have a screened porch.

Rebecca Smith asked what the hardship was.

James Rinehardt indicated that it was the size of the lot limited the size of the porch without a variance.

Discussion ensued about moving the porch elsewhere on the rear of the house.

John Dingfelder asked what was behind this parcel.

James Rinehardt replied that it was a masonry wall and trees.

The public hearing was closed.

Rebecca Smith moved to approve, with the condition that the porch never be enclosed. John Dingfelder seconded the motion, which passed 5-0.

VRB01-06      PETITIONER: Matthew Paul Keller  
AGENT: None  
LOCATION: 3214 ½ Empedrado Street  
REQUEST: To reduce the west side yard setback from 7' to 2'6" and the rear yard setback from 15' to 8'  
PURPOSE: To construct a screen porch

Matthew Keller discussed his proposal.

After some discussion, the public hearing was closed.

John Dingfelder moved to approve, with the condition that it not be enclosed. Rebecca Smith seconded the motion, which passed 5-0.

VRB01-07      PETITIONER: Michael J Turrisi  
AGENT: Tracey Richey  
LOCATION: 4809 Juno Street  
REQUEST: To reduce the east side yard setback from 5' to 0' and the rear yard setback from 5' to 0'  
PURPOSE: To construct a pool enclosure

Michael Turrisi discussed his petition. He passed out photographs of his property.

Rebecca Smith asked what the hardship was.

Michael Turrisi replied that it was the debris left by the neighboring trees.

Gary Dogron spoke in opposition to the request. He discussed the requirements to prove the hardship and how he felt hemmed in by the number and mass of the existing screen enclosures.

Michael Turrisi rebutted that the screen enclosure would enhance the neighborhood.

The public hearing was closed.

Rebecca Smith moved to deny and was seconded by John Dingfelder. The motion to deny passed 5-0.

VRB01-09      PETITIONER: Paul and Terri Weinstock  
AGENT: Stephen Michelini  
LOCATION: 54 Aegean Avenue South  
REQUEST: To increase the height of a fence from 4' to 6'  
PURPOSE: To construct a wrought iron fence to match existing fence, with the condition that the fence not exceed 4'8" in height and that the columns match the existing height on site

Steve Michelini discussed the petition and showed pictures of the existing fence.

The public hearing was closed.

Rebecca Smith moved to approve the petition, with the condition that the wrought iron fence matches the existing fence, that the fence not exceed 4'8" in height and that the columns match the existing height on site

V.      ADMINISTRATION:

VI.     ADJOURNMENT:

**CITY OF TAMPA, FLORIDA**  
**VARIANCE REVIEW BOARD**  
**Minutes**

**MEETING DATE: December 12, 2000**

**MEETING TIME: 6:30 PM**

**LOCATION: 315 East Kennedy Boulevard, 3<sup>rd</sup> Floor, City Council Chambers**

Board Members Present: Ana Wallrapp, Chairman; John Dingfelder; Graham Carothers; Eric Rahenkamp; Jeff Conner; Donald Luse

Board Members Absent: Bill Holsonback; Rebecca Smith

Staff Members Present: Jody Schwahn, Assistant City Attorney; Eric Cotton, Urban Planner II; Roger Kirk, Engineer II; David Reilly, Urban Forester

**I. SILENT ROLL CALL**

**II. APPROVAL OF MINUTES FOR November 14, 2000**

Jeff Conner moved to approve, seconded by Donald Luse, with modification as proposed by John Dingfelder.

**III. OLD BUSINESS:**

VRB01-03      PETITIONER: Robert I Boorstein  
                  LOCATION: 5525 West Cypress Street  
                  REQUEST: To reduce the west side yard setback from 10' to 0'  
                  PURPOSE: To construct an office building

Desiree Davis, representing the petitioner, presented her case. Ms. Davis indicated that she spoke with the Environmental Protection Commission regarding the encroachment into the wetland setback. Ms. Davis reported that EPC had given her permission to encroach into the setbacks. In doing so, the grand tree that is located on the property would not have to be removed, as the footprint of the building will be oriented in a different direction.

Ms. Wallrapp asked what was on the adjacent property.

Ms. Davis responded that the majority of the property was a lowland and probably could not be developed.

Ms. Carothers asked if the building would be on pylons.

Ms. Davis said that it would be raised.

Mr. Rielly indicated that he had not reviewed this plan, but that there was a minimum of 15 feet of clearance between the protected grand tree and the turf block. He felt that the site could be redesigned and accommodate the parking situation.

Mr. Conner indicated that if the site were to flip the parking and drive aisle, there should be no problems with protecting the tree.

Ms. Davis indicated that her client would agree to that.

Mr. Dingfelder moved to approve the request, with the condition that the drive aisle be moved to the east of the parking, which was seconded by Mr. Conner. The motion passed 6-0.

C. GENERAL VARIANCES

VRB00-139      PETITIONER:    Khosrow Jabbari  
AGENT:            Nicholas Jammal  
LOCATION:         1104 – 1110 South Moody Avenue  
REQUEST:        To reduce front yard from 25' to 7' and to reduce the rear yard from 20' to 7'  
PURPOSE:        To construct townhouses

Nicholas Jammal presented his project and discussed the reasoning for needing the variance.

Mr. Carothers asked for clarification on the site plan submitted.

Mr. Dingfelder asked what was happening to the north and how close was this project to that development.

Ms. Wallrapp clarified questions about the front and side yards and asked about parking.

Mr. Jammal indicated that the units were two stories with a garage.

Mr. Dingfelder asked about any plans for a wall or fence and asked about the posting of the sign.

Mr. Jammal stated that there was no intent for a wall and that the sign was moved from its original posting location.

Mr. Carothers asked what, besides the desire to build more units, was the hardship.

Mr. Jammal replied that the trees and stormwater needs created a hardship.

Mr. Conner discussed the practical front yard versus the zoning front yard.

Mr. Conner moved to approve the variance, with Mr. Rehankamp seconding. The motion passed 5-1 with Mr. Carothers voting no.

IV. NEW BUSINESS:

A. ADMINISTRATIVE APPEALS

VRB01-11      PETITIONER:    Sam and Shirley Capitano  
AGENT:            Scott Boardman and Luke Lirot  
LOCATION:         5606 North Nebraska Avenue  
REQUEST:        To appeal the zoning administrator's determination that a use is an adult use

Ms. Schwahn explained the role of the Variance Review Board in an appeal hearing.

Luke Lirot discussed the appeal, indicating that this was a first amendment freedom of association issue. Mr. Lirot indicated that this was a private social club, with no restrictions on adult membership, what can be discussed or done. A charge was made each time someone entered the club.

Mr. Lirot continued that this was not an adult use per the zoning ordinance. He read the Zoning Administrator's letter and rebutted each point, finally stating that there was not way that he could be all three uses she named. He further indicated that the use was a lifestyle choice, not adult entertainment.

Mr. Dingfelder asked about consideration being paid at the door.

Mr. Lirot replied that any time consideration is given, such a beer, and sex results, by the definition that would be an adult establishment.

Mr. Dingfelder asked about secondary effects, signage and parking issues.

Mr. Lirot replied, discussing a Broward County case.

Mr. Dingfelder stated that the Broward case was irrelevant, as it was not a zoning issue.

Mr. Conner asked about it being a commercial business.

Mr. Lirot stated that the establishment was not entertainment.

Mr. Dingfelder asked why not, if people are watching.

Mr. Conner followed that question with the statement that isn't that what people's expectations were?

Mr. Lirot reiterated that the there was no entertainment, it was a social club.

Mr. Carothers asked if there was anything in the police report that he disputed.

Mr. Lirot replied that he disputed everything that was in the report.

Mr. Luse asked if they had any licenses.

Mr. Lirot replied no, that the City considered them an adult use and would not grant any other licenses.

Gloria Moreda, Zoning Administrator, told the Board to pay attention to the definitions. Ms. Moreda stated that they met the definitions as described in the zoning ordinance.

Gina Grimes, Chief Assistant City Attorney, filed evidence of entertainment (videos) being shown to members when attending the establishment.

Mr. Lirot reiterated his position that the use can not be all three at the same time.

Jeff Conner stated that it was pretty clear what was happening at this site.

Ms. Wallrapp stated that it was a business, not a social club.

Mr. Dingfelder stated that he agreed with the determination by staff.

Mr. Conner moved to uphold the Zoning Administrator's determination, which was seconded by Mr. Luse. The motion passed 6-0.

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

VRB01-13      PETITIONER: West Meadows, LLC  
AGENT: Heidt and Associates  
LOCATION: 18299 Highwoods Preserve Parkway  
REQUEST: To remove 83 percent of the existing trees  
PURPOSE: To construct a road extension

Tom Deal of Heidt and Associates presented his case. Mr. Deal indicated that this road was in the City's future road system and was shown in the original plans for West Meadows. The roadway was going to be attached to existing curb cuts on the site. The design included the ponds and sidewalk.

Ms. Wallrapp asked about the location and reason.

Mr. Deal indicated that the road was being built at the request of the City. He continued to state that the trees being removed were mostly pine and would be replaced with various species.

Lynn McGarvey, representing the Sierra Club, discussed the removal of trees and the need for trees. She did indicate that it was nice that these trees were being replaced on site.

James Davidson, New Tampa Transportation Task Force, spoke in favor of the roadway.

Donald Nevins, New Tampa Task Force, spoke in favor of the roadway.

Mr. Luse asked for clarification on how many trees were being removed and how many replaced.

Mr. Deal replied that 338 were being removed and 350 were being planted.

Mr. Dingfelder moved to approve the petition, since the road was needed, the trees being removed were mainly pines and that the trees were being replaced. Mr. Rahenkamp seconded the motion, which passed 6-0.

VRB01-15      PETITIONER: Pete Smith (Mercury Outdoor Advertising)  
AGENT: David Mechanik  
LOCATION: 509 North Westshore Boulevard  
REQUEST: To increase the height of a billboard from 35' to 65' and to increase the square footage from 378 SF to 672 SF for each sign face  
PURPOSE: To erect a billboard

Mr. Dingfelder moved to continue, seconded by Mr. Luse. The motion passed 6-0.

Note: This vote was taken at the beginning of the meeting.

C. GENERAL VARIANCES

VRB01-10      PETITIONER: Denise Catanzarite  
AGENT: None  
LOCATION: 2409 Harold Avenue  
REQUEST: To increase the height of a chain link fence from 4' to 5'  
PURPOSE: To maintain existing 5' fence

Denise Catanzarite presented her case, indicating that she wanted the additional one foot to protect her dogs and property and to protect people from her dogs. She further indicated that Plant High School was nearby and students would cut through the adjacent drainage ditch and harass her dogs.

Mr. Dingfelder asked what was across the street.

Ms. Catanzarite showed a photo of the multifamily unit across the road.

Mr. Dingfelder asked what kind of dogs did she have.

Ms. Catanzarite indicated that she had a lab, rottweiler, chow mix and shepherd mix.

Mr. Rahenkamp asked why she was before the Board.

Ms. Catanzarite stated it was because Code Enforcement has cited her.

Mr. Conner said that she was creating a front yard protection zone.

Mr. Dingfelder moved to deny, indicating that a four foot fence would work as well as a five foot fence. Mr. Conner seconded.

Ms. Wallrapp indicated that she would not support the motion, even though she normally votes against tall fences in th front yard.

The motion failed 3-3 and was continued to the next month, with Ms. Wallrapp, Mr. Luse and Mr. Carothers voting nay.

VRB01-12      PETITIONER: Michael and Susan Johnson  
AGENT: Richard Flowers  
LOCATION: 4301 West Corona Street  
REQUEST: To reduce corner yard setback from 7' to 3' for an accessory structure  
PURPOSE: To construct a two-car detached garage

Richard Flowers discussed the petition and the need to protect the oak tree.

Mr. Conner complimented the design in using a side loaded garage.

Mr. Kirk indicated that the sidewalk needed to be located adjacent to the property zone.

Mr. Rahenkamp asked if the sidewalk could be jogged to save the palm trees.

Mr. Kirk replied yes.

Mr. Conner moved to approve the petition, with the condition that the sidewalk jog around the palm trees.

Mr. Rahenkamp seconded the motion. The motion passed 6-0.

VRB01-14      PETITIONER: Zouheir and Maria Farah  
AGENT: None  
LOCATION: 6213 Bayshore Boulevard  
REQUEST: To reduce the side yard setback from 7' to 3'  
PURPOSE: To construct a single-family residence

Zouheir Farah explained his petition. He showed the pie shape of his lot and the need for the variance. He also said he spoke to the neighbors.

Mr. Conner asked if the garage was one or two stories.

Mr. Farah stated that it would be one story, although he wanted to use the attic section as a playroom.

Ms. Wallrapp asked what the hardship was.

Mr. Conner moved to approve, stating that the encroachment was minimal, with the condition that the plate line of the garage be no higher than 10'. Mr. Dingfelder seconded the motion, which passed 6-0.

VRB01-16      PETITIONER: Terrence and Suellen Short  
AGENT: None  
LOCATION: 548 West Davis Boulevard  
REQUEST: To reduce front yard setback from 25' to 18'  
PURPOSE: To construct a front porch

Terrence Short discussed his variance request, indicating that it was a porch and that it would meet with the architectural scheme of the house.

Mr. Dingfelder discussed the distance of the garage from the roadway.

Mr. Connor moved to approve request, with the condition that the porch not be enclosed as air conditioned space. Mr. Dingfelder seconded the motion, which passed 6-0.

VRB01-17      PETITIONER: Arthur Long and Carolyn Woods  
AGENT: Joe Toph  
LOCATION: 36 Columbia Drive  
REQUEST: To reduce the rear yard setback from 20' to 2 ½' and the side yard from 7' to 1 ½'  
PURPOSE: To construct a residential addition

Joe Toph discussed the history of the house. He showed architectural renderings of what was planned.

Larry Nixon indicated that he was the next door neighbor and never received notice of the public hearing. He asked that the case be continued until he could review the plans.

Mr. Dingfelder moved to continue the case until the following month. Mr. Luse seconded the motion, which passed 6-0.

NOTE: This case was reopened later in the meeting.

Mr. Nixon indicated that he no longer had an objection to the variance.

Mr. Conner stated that he liked the design and that it was good to see this house becoming a single family residence again.

Mr. Conner moved to approve and was seconded by Mr. Luse. The motion passed 6-0.

VRB01-18      PETITIONER: Gino Savorelli  
AGENT: None  
LOCATION: 4408 Wisconsin Avenue  
REQUEST: To increase the height of an accessory structure from 15' to 17'  
PURPOSE: To keep an accessory structure

NOTE: This case was moved to the end of the meeting.

Staff presented the petition.

