



## Variance Review Board

City Council Chambers  
City Hall  
315 E. Kennedy Blvd, Third Floor

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

*IF YOU DECIDE TO APPEAL A DECISION OF THE VARIANCE REVIEW BOARD, YOU WILL NEED TO APPLY TO THE CITY OF TAMPA CITY CLERK'S OFFICE NO LATER THAN TEN BUSINESS DAY'S AFTER THE ORAL DECISION IS MADE.*

August 13, 2019

### **I. SILENT ROLL CALL**

In attendance were: Gary Brown, Dustin Pasteur, Bret Feldman, Susan Long, Michael Via

Staff in attendance: Jerrod Simpson, Legal Department; Aileen Rosario & Towanda Anthony, Land Development Coordination; Brian Knox of Natural Resources,

### **II. APPROVAL OF MINUTES for July 9, 2019**

Susan Long moved to approve minutes of the July minutes and was seconded by Michael Via.  
The motion passed 5-0.

### **III. CONTINUED CASES:**

APPLICATION: **VRB18-74 (APPROVED)**  
APPLICANT: Javier Moreno & Victoria Skrimshire  
AGENT: Stephen Michelini  
LOCATION: 4001 W McKay Avenue  
REQUEST: Reduce rear yard from 20' to 4'  
PURPOSE: To construct a single family residence  
NEIGHBORHOOD: Swann Estates Neighborhood Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Brian Knox, Natural Resources are okay with the request to be approved.

**Hardship is due:** Application is intended to preserve a 42 inch grand oak tree, giving up approximately 49ft in the front due to the tree. Neighboring property owned by the city.

**Comments from the audience:** Natural Resources supports the application; applicant worked with the city for about a year.

**BOARD DISCUSSION:**

After Board discussion, Dustin Pasteur moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by Susan Long. The motion passed 5-0.

APPLICATION: **VRB19-17** (Continue to October)  
APPLICANT: Melody Radix  
AGENT:  
LOCATION: 3002 N Adams St  
REQUEST: Reduce side yard from 3' to 2', front yard from 60' to 31.5',  
And the building separation from 5' to 1' (Section 27-290)  
PURPOSE: To construct a shed  
NEIGHBORHOOD: Ballast Point Neighborhood Assoc., McGraw Hill Construction  
Patsy Hall

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining of the site plan.

**Hardship is due:**

**Comments from the audience:**

**BOARD DISCUSSION:**

After Board discussion Susan Long moved that the application be approved to be moved to the October hearing; motion was seconded by Dustin Pasteur. The motion passed 5-0.

APPLICATION: **VRB19-18** (Continue to October)  
APPLICANT: Paul Quinn Jr.

AGENT:  
LOCATION: 3101 W Prospect Road 1/2  
REQUEST: Reduce rear yard from 20' to 8' (Section 27-156)  
PURPOSE: To construct a residential addition  
NEIGHBORHOOD: Gulfview Civic & Garden Assoc., SOHO Business Alliance, Parkland Estates Civic Club Inc., Palma Ceia Neighborhood Assoc., New Suburb Beautiful Civic Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Hardship is due:

Comments from the audience:

**BOARD DISCUSSION:**

After Board discussion Susan Long moved that the application be approved to be moved to the October hearing motion was seconded by Dustin Pasteur.  
The motion passed 5-0.

APPLICATION: **VRB19-22 (MISNOTICE)**  
APPLICANT: Alan C Dobbs  
AGENT: Rebecca Kujawski  
LOCATION: 3004 W Bay Vista Avenue  
REQUEST: To reduce the rear yard accessory building setback from 3' to 1.04'  
And the rear yard setback from 20' to 17' and side yard setback  
From 7' to 1.25' (Section 27-156 and 27-290)  
PURPOSE: To allow construction of a new carport and vest existing garage  
NEIGHBORHOOD: Bayshore Beautiful Homeowners Assoc., Keep Bayshore Beautiful  
345 Bayshore Condo Assoc., Parkland Estates Civic Club

Case not heard due to missed notice.

Hardship is due:

Comments from the audience:

**BOARD DISCUSSION:**

APPLICATION: **VRB19-38** (APPROVED w/ Condition)  
APPLICANT: Madeline Perello & Emiliano Gallardo  
AGENT: Timothy Jones  
LOCATION: 1505 S Arrawana Avenue  
REQUEST: To reduce the north side yard setback from 7' to 0' (Section 27-156)  
PURPOSE: To construct a residential home, carport, cover & trussels  
NEIGHBORHOOD: Palma Ceia Neighborhood Assoc., Parkland Estates Civic Club

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Hardship is due to: Second story addition requires additional structural support columns, and placing those columns within the current setback will situate the columns in the center of the existing driveway, eliminating the ability to park cars or utilize the drive. There are grand trees on west side of the home, that prevent construction on that side. Applicant agreed that there will be no livable area within the portion of the structure that will encroach on the setback – only the structural support columns and roofing area will be inside the setback.

Comments from the audience: N/A

#### BOARD DISCUSSION:

After Board discussion Dustin Pasteur moved that the application be approved with the conditions that the portion of the building space that encroaches upon the setback must never be enclosed, and approving the side yard setback from 7' to 1' based upon the hardship criteria stated above. The motion was seconded by Bret Feldman. The motion passed 5-0.

APPLICATION: **VRB 19-50** (DENIED)  
APPLICANT: David Osborne  
AGENT:  
LOCATION: 1905 E Ellicott Street  
REQUEST: To remove Grand Oak Tree on Northwest side of lot (Section 13-45)  
PURPOSE: To construct a single family residence  
NEIGHBORHOOD: N/A

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Brian Knox-Natural Resources requested to move the home back, but the applicant was concerned it will cut their rear yard.

Hardship is due to: Laurel Oak C8 – 33in about 50yrs old, old tree. Limited back yard space, will be placed outside of the front yard setback from the remaining of the neighbors' homes. Board questioning sought to determine whether reasonable accommodations or changes to the floor plan will save the tree. No reasonable alternative plans have been presented or entered into evidence.

Comments from the audience: N/A

**BOARD DISCUSSION:**

After Board discussion Dustin Pasteur moved that the application be denied due to not meeting the burden of proof, hardship criteria due to other reasonable use solutions that can be worked on and due to the reconfiguration and based upon the hardship criteria stated above and the motion was seconded by Bret Feldman. The motion passed 4-1 voting nay Gary Brown.

**IV: NEW CASES**

APPLICATION:        **VRB 19-60        (APPROVED)**  
APPLICANT:        Ronald & Angelica Yarbrough  
AGENT:             Robert Bender  
LOCATION:            4111 W Barcelona St  
REQUEST:           To reduce side yard setback from 3’ to 0’ and reduce the building separation from 10’ to 0’ (Section 27-156 and 27-290)  
PURPOSE:           To remodel existing structure  
NEIGHBORHOOD:   Virginia Park Neighborhood Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Hardship is due to: Applicant seeks to increase the height of the existing structure and vest the current setbacks that have existed for many years (prior to the applicant acquiring the property). Current structure floods due to inadequate base height, and applicants’s construction will remedy the height of the floor. Applicant was questioned about whether to move the structure closer to the back neighbor’s property so as to mitigate the existing 0’ separation from side neighbor’s property. However, side neighbor does not object to the petition, and North (rear) yard neighbor objects to moving the structure closer than where the structure is currently situated. Further, practical difficulties exist to prevent moving the structure further to the north, including existing drain pipes and pool equipment behind the structure.

Comments from the audience: James Anderson, neighbor, requesting a denial due to might becoming a rental apartment.

After Board discussion Michael Via moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by Bret Feldman. The motion passed 4-1 voting nay Gary Brown.

APPLICATION: **VRB 19-75 (APPROVED)**  
APPLICANT: **Bank of New York Mellon**  
AGENT: John Lum/ Steve Michelini  
LOCATION: 3818 W San Obispo St  
REQUEST: To reduce the corner yard setback from 15' to 7' (Section 27-156)  
PURPOSE: To construct a new single family residence  
NEIGHBORHOOD: BayShore Beautiful Homeowners Assoc., Keep BayShore Beautiful, 345 BayShore Condo Assoc., Parkland Estates Civic Club

Commented [BF(1)]: I didn't have this in my notes and it doesn't show up on the agenda. Is this applicant accurate?

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Hardship is due to: Non-conforming corner lot (small); zoning is RS-75 but it is on a single family lot, additional space between the property line and the street approximately 60ft, 50ft wide lot due to the zoning

Comments from the audience: Michael McNabb, Palma Ceia Neighborhood President is in favor of this application. Transportation does not object.

After Board discussion Susan Long moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by Bret Feldman. The motion passed 5-0.

APPLICATION: **VRB 19-77 (APPROVED)**  
APPLICANT: Shell Point Estates Homeowners Assoc.  
AGENT: Brooks Byrd  
LOCATION: 2501 Mystic Point Way  
REQUEST: To reduce the front yard setback from 25' to 10' and side yard setback 7' to 0' (Section 27-156)  
PURPOSE: To construct a trash and mail facility for the Shell Point Estates Homeowners Assoc.  
NEIGHBORHOOD: Ballast Point Neighborhood Assoc., McGraw Hill Construction, Patsy Hall

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Hardship is due to: Very atypical situation; homeowner association owns the parcel, which is actually a road and not a structure. HOA is trying to build a structure on the side of the road to house trash receptables and mailboxes for beautification purposes. Gordon Street is closed and there is a vacated easement, property is being built on side of road.

Comments from the audience:  
Sean Seyacki, 2508 Mystic Point Way, is in favor of the application.  
Adam Deyasti, neighbor, is in favor of the application

After Board discussion Bret Feldman moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by Dustin Pasteur . The motion passed 5-0.

APPLICATION: **VRB 19-81 (APPROVED w/ Condition)**  
APPLICANT: Yerisley Lopez-Reyes  
AGENT: Ivan Galan  
LOCATION: 5510 Aldana Dr.  
REQUEST: To reduce the south side yard setback from 7' to 2.7' and south front yard setback 20' to 3.4', north front yard setback 20' to 17.5' (Section 27-156)  
PURPOSE: To allow lot split for construction of a new single family house  
NEIGHBORHOOD: N/A

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Hardship is due to: Existing house was built in 1946, existing building is too close to the property line. Two front yards and the existing home does not currently meet setbacks on either frontage, even without the lot split. House was built on a double lot, if not split the 2<sup>nd</sup> lot will be useless.

Comments from the audience: Yerisley Lopez lives next door is in favor of the lot split.

After Board discussion Michael Via moved that the application be approved and based upon the hardship criteria stated above, with the condition that the carport shall never be enclosed, and the motion was seconded by Bret Feldman. The motion passed 5-0.

APPLICATION: **VRB 19-82 (APPROVED)**  
APPLICANT: Lindsey & Dante Skourellos  
AGENT: Henry Moseley  
LOCATION: 5217 W Cleveland St  
REQUEST: To reduce the west side yard setback from 15' to 7.5' (Section 27-290)  
PURPOSE: To construct a 720sq. ft. accessory structure  
NEIGHBORHOOD: Beach Park Homeowners Assoc., West shore Alliance, Bayshore Beautiful Neighborhood Assoc., Bayshore Gardens Neighborhood Assoc., Armory Gardens Neighborhood Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Hardship is due to: House within a flood zone, so accessory structure will need to

sit very high, accessory structure being built as a mother in law suite, grandmother will be assistance to help with a child with ADA, House bordered by closed street on the west side, which though closed has not been vacated by the city, requiring 15' setback instead of 3' if the street was vacated. Applicant is requesting 7.5' setback from closed street. Because the road is closed but not vacated, the homeowner is not getting full access to her property. Rear property is commercial and multi family.

**Comments from the audience:**

After Board discussion Bret Feldman moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by Susan Long. The motion passed 4-1 voting nay Dustin Pasteur.

APPLICATION:       **VRB 19-83        (APPROVED)**  
APPLICANT:        Gina Gajraj  
AGENT:             Michael Lotter  
LOCATION:           2707 W Thornton Avenue  
REQUEST:           To reduce the front yard setback 60' to 30', building separation  
                          from 5' to 0' for accessory structure and reduce main front yard setback  
                          25' to 16.7' (Section 27-156 and 27-290))  
PURPOSE:           To vest existing shed and single family residence  
NEIGHBORHOOD:   Ballast Point Neighborhood Assoc., McGraw Hill Construction, Patsy Hall

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Hardship is due to: Home built in 1910, purchased in 2004. Home is in violation based on a shed built in 2000 (prior to applicant acquiring the property). Two large grand oak trees take up most of the yard, so there is no alternative place to move the shed.

**Comments from the audience:**  
                          Neighbor Stephen Schumaker is in favor of keeping the shed where it is

After Board discussion Susan Long moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by Bret Feldman. The motion passed 5-0.

APPLICATION:       **VRB 19-84        (APPROVED)**  
APPLICANT:        Milton Lewis  
AGENT:             Kellie Llona  
LOCATION:           1516 W North B St  
REQUEST:           To reduce the side yard setback from 7' to 3' (Section 27-156)

PURPOSE: To construct a new single family residence  
NEIGHBORHOOD: North Hyde Park Civic Assoc., West Tampa CRA Community Advisory Committee, SOHO Business Alliance, North Hyde Park Alliance, Parkland Estates Civic Club, Historic Hyde Park Neighborhood Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Hardship is due to: Extremely small lot (25 x 98), but zoned RS-50. Existing house doesn't meet setbacks, but is being torn down. If built to required setbacks, new home could only built to 11ft wide. Lot is the smallest lot on her street, very large right-of-way. New structure will be thinner than the existing home (and encroach less into the setbacks) but will still require a variance.

Comments from the audience: N/A

After Board discussion Dustin Pasteur moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by Bret Feldman. The motion passed 5-0.

APPLICATION: **VRB 19-85 (APPROVED)**  
APPLICANT: David Clay & Catherine Witherspoon  
AGENT: John Grandoff  
LOCATION: 2623 W Jetton Avenue  
REQUEST: To reduce the front yard setback 60' to 50' and the side yard setback 3' to 1' (Section 27-290)  
PURPOSE: To allow for an 82sq. ft. accessory structure  
NEIGHBORHOOD: New Suburb Beautiful Civic Assoc., SOHO Business Alliance, Parkland Estates Civic Club, Tampa Heights Civic Assoc., Historic Hyde Park neighborhood Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Hardship is due to: House originally built 1939, RS-60, placement of existing structure leaves no place for outdoor storage. Placement lines up with the existing structure and the neighbors are all in favor.

Comments from the audience: David Clay, pergola was permitted in 2013.

After Board discussion Bret Feldman moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by Dustin Pasteur . The motion passed 5-0.

APPLICATION: **VRB 19-86 (APPROVED)**  
APPLICANT: Richard & Anna Cox  
AGENT: Morris Massey  
LOCATION: 5117 W Neptune Way  
REQUEST: Removal of a grand tree (Section 27-284)  
PURPOSE: To construct a new single family residence  
NEIGHBORHOOD: Beach Park Homeowners Assoc., Westshore Alliance, Bayshore Beautiful Neighborhood Assoc., Bayshore Gardens Neighborhood Assoc., Armory Gardens Neighborhood Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Michael Via has recused himself from this case due to knowing some of the applicant and people involved.

Brian Knox – Live Oak Grand Tree is in the rear of the property, some parts are very low between 8-12ft with long branches. Tree is rated B7, floor elevation will be raised, to keep tree can only do a 1 story home. Replacement is due to size of the canopy.

**Hardship is due to:** Tree is absolutely so large that it takes over the entire lot. Tree has pronounced canopy and some of the limbs are very low. Any structure on the lot cannot be reconfigured due the tree have a very low limbs. Applicant submitted multiple alternative plans, none of which would work due to the size and spread of the tree. Raising the base elevation of the lot to comply with flood regulations would further harm and impact health of the tree.

**Comments from the audience:**

After Board discussion Bret Feldman moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by Susan Long. The motion passed 4-0 (Michael Via abstained).

**VI. Meeting adjourned \* 10:45 PM \*\*\***

**To obtain a DVD copy of a CTTV program, call the City of Tampa Office of Cable Communication at (813) 274-8217. You must provide us with the following:**

**Title of program, or board meeting  
The date and time it was telecast on CTTV and  
A check made out to the City of Tampa for \$15 per DVD.**

**Submit your request online or by calling (813)274-8217.**

The VRB meets the second Tuesday of the month at 6:30pm to hear and decide variance requests for zoning, tree and landscape, and sign issues. Replays are on Tuesday's at 6:30pm. City of Tampa Television is Channel 15 on the Frontier FIOS system and Channel 640 on Spectrum.

