



## 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.*

September 10, 2019

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

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

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

### **II. APPROVAL OF MINUTES for August 13, 2019**

Minutes will be approved within the October minutes.

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

### **IV: NEW CASES**

Note: Lynn Hurtak disclosed that she drove by and visited each of the properties in person.

APPLICATION: **VRB1-52 (APPROVED)**  
APPLICANT: Brixton Investments, LLC  
AGENT: Matthew Cogan  
LOCATION: 3001 N Ola Avenue  
REQUEST: To reduce both side yard setbacks from 7' to 5' and reduce  
The front and rear yard setback from 20' to 10' (Section 27-156)  
PURPOSE: To construct a single family residence  
NEIGHBORHOOD: Tampa Heights Civic Assoc., One Laurel Place, THCA Land Use  
Committee, One Laurel Place Condo Assoc. Inc., Business Guild of

Seminole Heights, Tampa Heights Civic Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Lynn Hurtak stated that she visited the site and feels it is very close to the back of the lot.

**Hardship is due:** Existing house built in 1925 and cannot be salvaged. Unusually small lot is 40 x 50. Setbacks would prevent the reconstruction of the existing small home. Maximum sized house that could be built on current lot with existing setbacks is 200 sq ft. Wanting to build a bigger house than 200 sq ft., but new home planned for smaller than existing home.

**Comments from the audience:**

**BOARD DISCUSSION:**

After Board discussion, 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 6-0.

APPLICATION: **VRB19-89** (APPROVED)  
APPLICANT: Shantanice & Christopher Vaxter  
AGENT:  
LOCATION: 4318 W Empedrado St  
REQUEST: To reduce the corner side yard setback from 15' to 10' (Section 27-156)  
PURPOSE: To vest existing structure  
NEIGHBORHOOD: Sunset Park Area Homeowners Assoc., Viriginia Park Neighborhood Assoc.

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

**Hardship is due:** House built in 1949 and does not meet current setbacks. Applicant remodeling the home internally but is not changing the current footprint of the house. Only external change to the footprint is moving the driveway. Building permit has been approved to move the driveway to Empedrado St. for safety reason. House is 816 sqft. Difficult to get out of the driveway due to traffic on Manhattan ave. Vesting the existing structure to permit the renovation and change to the driveway.

**Comments from the audience:**

**BOARD DISCUSSION:**

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 Susan Long.

The motion passed 6-0.

APPLICATION: **VRB19-90** (APPROVED w/conditions)  
APPLICANT: David Allen  
AGENT:  
LOCATION: 3208 W San Jose Street  
REQUEST: To reduce the front yard setback from 25' to 13'8" and the Side yard setback from 7' to 0' (Section 27-156)  
PURPOSE: To construct a new residential addition and vest the existing house/chimney  
NEIGHBORHOOD: Parkland Estates Civic Club Inc. and Palma Ceia Neighborhood Assoc.,

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

Hardship is due: House built in 1925 and has a small footprint. Lot has a big oak tree in the front yard that prevents a second story from being built onto the home, so the applicant is expanding the home via a bedroom addition to the north. Applicant says the front walkway is very dangerous and slippery because of the tree debris and is seeking to cover the front porch.

Comments from the audience: Volodja Tymoschenko – neighbor, is in favor for the front yard setback And the side yard setback is against due to rain drainage.

#### **BOARD DISCUSSION:**

After Board discussion, Dustin Pasteur moved that the application be approved with conditions 1) Front porch is to never be closed and 2) Side yard setback from 7 to 0 is for the existing setback. Based upon the hardship criteria stated above and the motion was seconded by Michael Via. The motion passed 5-1 voting nay Susan Long.

APPLICATION: **VRB19-91** (Approved in part and denied in part)  
APPLICANT: Joselyn Kamph  
AGENT: Stephen Michelini  
LOCATION: 1318 S Moody Avenue  
REQUEST: To reduce the front yard setback from 25' to 18' and both side Yard setbacks from 7' to 2' (Section 27-156)  
PURPOSE: To allow fire emergency exist stairs  
NEIGHBORHOOD: Bayshore Gardens Neighborhood Assoc.,

Hardship is due: Property is a corner lot, and a through-lot with two frontages. Consequently, the lot is burdened by corner-yard setbacks and two front yard setbacks. Lot is zoned for multifamily and is seeking to build a duplex. Applicant alleges that the side-yard setback is necessary for stairs required by fire code for ingress and egress into the second-story separated rooms over the garages (though the

current plan has the living space encroaching into the setback), and that the garages will encroach into the second frontage setback.

Comments from the audience: Thom Gicio- neighbor, against the development due to will be used as Air BNB

Paul Edotson- neighbor, against the development that the unit above The garage is not just a bedroom will be an apartment to rent as an AIR BNB.

Max Lidgh- neighbor, against the development that the unit is very close to the street, request for home to be rebuilt as a single family house

Yolanda Gocio – neighbor, against the development block is 2-1/2 blocks long, its not a big lot with detached apartments.

Mike Zewikler – neighbor, against the development of the block due to no parking, safety concern, single family home would be much better

Lisa Gonzalez – neighbor, against due to causing the neighborhood harshness, traffic is very hard leaving Moody St., parking and safety

Chris Francesci – neighbor, emergency vehicles will not be able to go Thru due to parking, erosion coming from the other house,

Frank Robaski – neighbor, drivers coming in out their homes, congestion, pedestrian, designed as per this neighborhood, protect the character Of the neighborhood.

#### **BOARD DISCUSSION:**

After Board discussion, Bret Feldman moved that the application be approved to reduce the second front yard setback from 25ft to 18ft due to stated hardship of the two frontages and corner yard, but not approving any side yard setback reduction. The motion was seconded by Gary Brown. The motion failed to pass with a tie vote of 3-3, with Long, Hurtak, and Pasteur voting nay.

After Board discussion, Susan long moved to approve the application as submitted, based upon the hardship criteria stated above but the motion did not receive a second.

After Board discussion, the front and side yard applications were bifurcated, and Bret Feldman made a third motion that the side yard setback reduction, by itself, be denied for failure of the applicant to establish the hardship criteria stated above. The motion was seconded by Dustin Pasteur. The motion passed 5-1 to deny the side yard setback reduction, with Susan Long voting nay.

After Board discussion, a Bret Feldman made a fourth motion that the reduction be approved for the reduction of the second “rear” front yard setback from to 25ft to 18ft based on the hardship criteria that it suffers from two frontages and a corner-yard setback, and the motion was seconded by Susan Long. The motion passed 4-2 with Dustin Pasteur and Lynn Hurtak voting nay.

APPLICATION: **VRB19-92** (Continue to November)  
APPLICANT: Jack Leal & Mary Tomaino

AGENT: David Roshard  
LOCATION: 2608 W Morrison Avenue  
REQUEST: To reduce the west side yard setback from 7' to 0', the rear yard setback from 3' to 0' and the building separation from 5' to 1' (Section 27-156 & 27-290)  
PURPOSE: To vest existing conditions  
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 built in 1926, but changes have been made to the carport over time. The current carport encroaches into the setback. Changing of the footprint because the columns will move, but the roof overhang is sought to remain in its current location.

Comments from the audience: John Stead – neighbor, rain gutters run into their yard  
Debbie Stead – neighbor, water runs into their yard  
Mill Oliver – neighbor, request can the variance go back to its original setbacks  
Stephen Michelini – not affiliated to this project, did answer questions on behalf of the neighbors

#### **BOARD DISCUSSION:**

After Board discussion, Dustin Pasteur moved that the application be approved for an unenclosed carport to reduce the west setback, with only the gabel roof being vested. The motion was seconded by Michael Via. The motion failed 2-4 with only Dustin Pasteur and Michael Via voting in favor of the motion.

A second motion was made by Susan Long, seconded by Feldman, to open the public hearing to allow the agent to agree to continue to the November hearing, and to try to work through issues with the neighbors. The motion was approved 5-1, with Michael Via voting nay. The agent agreed, and the petition was moved to November 2019 hearing schedule on a 5-1 vote (Michael Via voting nay).

APPLICATION: **VRB 19-93 (APPROVED w/condition)**  
APPLICANT: William & Annesley Cassidy  
AGENT: Moris Massey  
LOCATION: 3210 W San Nicholas Street  
REQUEST: To reduce the front yard setback from 25' to 15' 11", reduce the West side yard setback from 7' to 4' 2", and to reduce the east

PURPOSE: Side yard setback from 7' to 6'9", and reduce the rear yard setback  
From 20' to 4'1" (Section 27-156)  
To vest existing conditions  
NEIGHBORHOOD: Golfview Neighborhood Assoc., Parkland Estates Civic Club, Palma Ceia  
Neighborhood Assoc.

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

Hardship is due to: The property is an irregularly-shaped lot. There is an unusually large right of way in the front of the property. House built in 1989. Applicant seeks to add front and rear porches (never to be enclosed. )

Comments from the audience: Neighbor supports the application, so long as the porches never be enclosed or encroach further on the neighboring property,

#### **BOARD DISCUSSION:**

After Board discussion, Lynn Hurtak 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 6-0.

**VI. Meeting adjourned \* 11:00 PM \*\*\***

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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.  
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