



# City of Tampa

*Jane Castor, Mayor*

## Variance Review Board

City Council Chambers

City Hall

315 East Kennedy Boulevard

Third Floor

Tampa, Florida 33607

*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.*

**October 8, 2019**

**I. SILENT ROLL CALL**

In attendance were: Gary Brown, Bret Feldman, Michael Via, Lynda Hurtak, Samantha Walker

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 and September 10, 2019**

Bret Feldman moved to approve minutes of the August minutes and was seconded by Lynn Hurtak.  
The motion passed 5-0.

Bret Feldman moved to approve minutes of the September minutes and was seconded by Michael  
Via.

The motion passed 5-0.



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### III. CONTINUED CASES:

APPLICATION: **VRB19-17 (WITHDRAWN)**  
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

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, \_\_\_\_\_ moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by \_\_\_\_\_.  
The motion passed 6-0.

APPLICATION: **VRB19-18 (APPROVED)**  
APPLICANT: Paul Quinn, Jr.  
AGENT:  
LOCATION: 3101 W Prospect Road 1/2  
REQUEST: Reduce side yard setback from 5' to 3' (Section 27-156)  
PURPOSE: To construct a pool enclosure  
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.



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**Hardship is due:** Practical difficulties due to the current situation with the existing pool and screen enclosure creating a safety issue, the separation between the pool and enclosure is not wide enough for anyone to walk thru there safely. ADA applicability was also raised.

**Comments from the audience:** N/A

## **BOARD DISCUSSION:**

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

## **IV: NEW CASES**

**APPLICATION: VRB19-96 (APPROVED)**  
**APPLICANT:** Myran Sails & Nolan Thomas  
**AGENT:** Willie McMillan  
**LOCATION:** 215 West Emily St  
**REQUEST:** Remove Grand Tree (Section 27-284.2.5)  
**PURPOSE:** New single family home construction  
**NEIGHBORHOOD:** Tampa Heights Civic Assoc., One Laurel Place, THCA Land Use Committee, One Laurel Place Condo Assoc. Inc., Business Guild of Seminole Heights,

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Brian Knox stated the tree is rated B-8 and it should be preserved. Replacement will 18 2-1/2 inch trees, they would have to have a 20ft radius around this tree. Building permit has been requested and is pending.

**Hardship is due:** Grand tree, small lot 40 x 100 only with a zoning of RS-50, multiple designs have been given to natural resources. Testimony presented evidence that the size of the lot and the size of the root zone would preclude a reasonably-sized single-story home, and a second story home would eliminate most of the branch spread.

**Comments from the audience:** N/A



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## 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 Lynn Hurtak. The motion passed 5-0.

APPLICATION: **VRB19-97 (APPROVED)**  
APPLICANT: Maureen Patrick & Bill Ledford  
AGENT: Bill Ledford  
LOCATION: 3411 West Bay Avenue  
REQUEST: To increase allowable height for an Accessory Dwelling from 15' to 18' (Section 27-156)  
PURPOSE: To construct new Accessory Dwelling for extended family member  
NEIGHBORHOOD: Gandy/ Sun Bay South Civic Assoc., Inc.

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

**Hardship is due:** Existing home built in 1925, the accessory structure is small, the property has a slope toward the back of the property line, alley is unfinished behind the home, 15ft tall structure, because of the property's slope, owner required to raise the finished floor height 3 feet to match higher height at front of property, which would reduce the permissible height of the accessory structure without a variance.

**Comments from the audience:** N/A

## BOARD DISCUSSION:

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 Michael Via. The motion passed 5-0.

APPLICATION: **VRB19-98 (DENIED)**  
APPLICANT: Carolina Kaman  
AGENT: Steve Allison/Cooper Johnson Smith Architects  
LOCATION: 198 Blanca Avenue  
REQUEST: To reduce the eave to eave separation required between primary Structure to accessory structure/pergola/gazebo from 10' to 6"



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(Section 27-156)

PURPOSE: Construct new pergola, aluminum sun shade in the rear yard  
NEIGHBORHOOD: Davis Island Civic Assoc.

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

**Hardship is due:** Property is a pie-shaped lot, and the shape of the lot pushed the location of the house (built in 2019) toward the back of the property. Homeowner said they did not want to build any shading at this location at the time the home was constructed because they wanted it to be open, but determined shading was necessary after living in the home for a time. Homeowner said they have no interest in enclosing the pergola

**Comments from the audience:** Pamela Joe Hatley – represent Terry & Jerry Lewis  
Applicant purchased property in 2016 and house was built in 2019 is over 7000 sq. ft.  
Jeff Wilis – neighbor has pushed and added to much to the property by there own free will  
Andrew Spicola – neighbor house is a way to big and They created the house so big without taking into account for this pergola  
Terri Wilis – neighbor pictures showing concern that they will cover by putting up screens  
Frank Repo – owner of the house, 3ft overhang doesn't do anything for shade, asking about other options

Neighbors raised issues regarding self-created hardships, including that the home's 5,000 to 7,000 square-foot size (there was some dispute about the interior space size) left little to no room for this pergola, that the house could have been reconfigured by this owner at the time of construction to build the pergola, and that there are at least two other covered outdoor spaces for the homeowner to utilize for this same purpose. Neighbors were also concerned about the proposed pergola blocking water views, and there was no hardship asserted for reducing the building separation.

## **BOARD DISCUSSION:**

After Board discussion, Michael Via moved that the application be denied and based upon the failure hardship criteria stated above and the motion was seconded by Lynn Hurtak . The motion passed 5-0.



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APPLICATION: **VRB19-100** (APPROVED)  
APPLICANT: Aaron & Megan Rose  
AGENT:  
LOCATION: 3603 S Omar Avenue  
REQUEST: Remove Grand Tree (Section 27-284)  
PURPOSE: New single family home construction  
NEIGHBORHOOD: Bel Mar Shores Civic Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Brian Knox states that it is a 33' Grand Oak, Grading B8, replacement is required 14 2-1/2 inch trees, also in a flood zone will 2-3 ft of fill

Hardship is due: Applicant presented a conceptual plan for design of a new home construction. Property is located in a flood plain, so two feet of fill will be required before the new home is built, which will create a "tree well" which Natural Resources testified as very hard to maintain. Natural Resources also testified that a new two-story structure will remove most of the tree limbs, likely kill the tree and making it hazardous. Even a one-story structure will impact the tree due to the required fill. The tree is located 6ft from the setback and is centrally-located in the middle of the front of the lot. Limbs are low-hanging and spread approximately 14 feet into the buildable zone. There are few reasonable design alternatives that could accommodate the spread of the limbs.

Comments from the audience: N/A

## BOARD DISCUSSION:

After Board discussion, Samantha Walker 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 Lynn Hurtak.

VI. Meeting adjourned \* 9:30 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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