



# 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 DAYS AFTER THE ORAL DECISION IS MADE.*

**November 12, 2019**

**I. SILENT ROLL CALL**

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

Staff in attendance: Cate Wells, Legal Department; Eric Cotton & Roberta Meade-Curry, Planning, Design & Development Coordination (PDDC); Brian Knox, Natural Resources.

**II. APPROVAL OF MINUTES for October 8, 2019**

Samantha Walker moved to approve minutes of the October minutes and was seconded by Brett Feldman.

The motion passed 5-0.

**III. VRB WORKSHOP – VRB Procedures, Tree Code Update **POSTPONED****

**IV. NEW BUSINESS:**

PDDC Staff, Roberta Meade-Curry, presented request to Board the VRB Case # VRB-19-0000112 is added to the agenda and continued to December 10, 2019.

Bret Feldman moved to add to the agenda and continue VRB Case # VRB-19-0000112 to December 10, 2019 Public Hearing and was seconded by Lynn Hurtak.

The motion passed 5-0.

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## V. CONTINUED CASES:

APPLICATION: **VRB19-22** (APPROVED)

APPLICANT: Rebecca Kujawski

AGENT: Alan C Dobbs

LOCATION: 3004 W Bay Vista Avenue

REQUEST: To reduce the rear yard setback from 20' to 1' and the side yard setback from 7' to 1.25' (Section 27-156)

PURPOSE: To vest existing conditions and allow construction of a new addition and carport.

NEIGHBORHOOD: Bayshore Beautiful Homeowners Assoc., Keep Bayshore Beautiful, 345 Bayshore Condo Assoc., Parkland Estates Civic Club

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Staff presented condition request from ROW staff that Release of Easement be approved and site plan be corrected to show easement.

Applicant and Agent both spoke at hearing. Agent presented site plan, architectural plans and elevations, and explained hardships. Applicant confirmed other structures are similar within the neighborhood.

**Hardship is due:** Existing garage structure, built in 1926, and purchased in 2015, is being preserved and will remain. Addition is to expand existing garage to accommodate a full-size vehicle, and provide covered connection with a small porch. Due to TECO not releasing the easement causes existing garage structure to remain, and only allow property owner to repair and replace, not allow new construction within the easement. Existing primary structure, built in 1926, is being preserved and will remain; therefore, prevents moving garage to new location on the property.

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

### **BOARD DISCUSSION:**

After Board discussion, Michael Via moved that the application be approved with conditions, as stated below, and based upon the hardship criteria stated above, the motion was seconded by Bret Feldman.

The motion passed 4-1. Hurtak voting NO.

**Conditions:**

1. Subject to a Release of Easement, if deemed necessary by staff.
2. Area shown as open shall remain open and not be screened nor enclosed.



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APPLICATION: **VRB19-92** (APPROVED)  
APPLICANT: Jack Leal and Mary Tomaino  
AGENT: Peter Gottschalk, Architect  
LOCATION: 2608 W Morrison Avenue  
REQUEST: To reduce the west side yard setback from 7' to 3' for carport, and rear yard setback from 3' to 0', and eave to eave separation from 5' to 1' for accessory structure (Section 27-156 and 27-290)  
PURPOSE: To vest existing conditions  
NEIGHBORHOOD: New Suburb Beautiful Civic, SOHO Business Alliance, Parkland Estates Civic, Tampa Heights Civic, Historic Hyde Park Neighborhood Assoc.

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

Agent spoke at hearing. Agent presented site plan, architectural plans and elevations, and explained hardships.

**Hardship is due:** Existing primary and accessory structure built in 1926, and purchased in 2018, is being preserved and is to remain. Applicant is seeking to vest the existing accessory structure and carport roof. Existing roof structure of existing carport to remain with Applicant is improving existing structural integrity of the carport, and by removing non-compliant overhang and adding eaves and gutters will improve drainage reduce run-off onto neighboring property.

**Comments from the audience:** D. Steadman & J. Steadman – Neighbors – Requested clarification of VRB Rules and time-frame of approval.

## BOARD DISCUSSION:

After Board discussion, Bret Feldman moved that the application be approved with conditions, as stated below, and based upon the hardship criteria stated above, the motion was seconded by Lynn Hurtak.

The motion passed 5-0.

**Conditions:** 1. Carport area shown as open shall remain open and not be screened nor enclosed.



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## IV: NEW CASES

APPLICATION: **VRB19-80** (APPROVED)

APPLICANT: Michael & Christina McIlwain

AGENT: Mike Loomis/dba Landscape Fusion

LOCATION: 15 West Spanish Main

REQUEST: To reduce the rear yard wetland setback from 25' to 0' and reduce building separation from 10' to 5' (Section 27-290 and 27-284)

PURPOSE: To allow construction of a new open-air accessory structure

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. Natural Resources staff, Brian Knox, presented their findings and found consistent with conditions.

Agent spoke at hearing. Agent presented site plan, architectural plans and elevations, and explained hardships.

**Hardship is due:** The existing primary structure built in 2012 and in-ground pool built in 2013, will remain and prevents expansion on the property without modifications of variances. Property is zoned RS-75 which requires there shall be a minimum separation of ten (10) feet between principal and accessory structures on the same zoning. Rear property line is located within the wetland area. Natural resources found that reduction of the 25' wetlands setback is appropriate under the proposed plan, and reducing the separation to 5' would be acceptable, if the applicant mitigates by planting mangroves and maintaining the remaining green space on the property.

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

### BOARD DISCUSSION:

After Board discussion, Bret Feldman moved that the application be approved with conditions stated below, and based upon the hardship criteria stated above, the motion was seconded by Michael Via.

The motion passed 5-0.

**Conditions:**

1. Cabana Area shown as open shall remain open and not be screened nor enclosed.
2. Conditions required per Natural Resources for mitigation, planting mangroves and maintaining the required greenspace.



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APPLICATION: **VRB19-87** (APPROVED)  
APPLICANT: Steven and Teresa Hulslander  
AGENT: Brian DeCosmo  
LOCATION: 3414 West Barcelona Street  
REQUEST: To Increase the height of the detached accessory structure from 15 ' to 24 ' , to reduce the side yard setback from 7' to 4' , to reduce the rear yard setback from 20' to 5' (Section 27-156)  
PURPOSE: To construct a new garage with laundry room and second level bedroom and bath  
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. Natural Resources staff, Brian Knox, presented their findings and found consistent with conditions, if the second story roof design slopes in a manner to minimize impact to the tree branches, and a minimum root distance is maintained.

Agent spoke at hearing. Agent presented site plan, architectural plans and elevations, and explained hardships.

**Hardship is due:** Reusing a portion of existing garage structure built in 2006. Improving the east side setback by increasing the depth from 1' to 4' and improving impact to tree on neighboring property. Garage location best to remain in existing location so as not to impact large grand tree on neighboring property near front-side yard. Adding on to existing garage structure does not impact the historical characteristic of primary structure built in 1925, as well as add impact to grand tree on neighboring property.

**Comments from the audience:** B. Bell – Neighbor – appeared on behalf of parent who is ill and could not be in attendance. Explained concerns that the height of structure will interfere with parent's enjoyment of adjacent property's rear yard, block light and ventilation.

## BOARD DISCUSSION:

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



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APPLICATION: **VRB19-88** (APPROVED)  
APPLICANT: Jerry and Noelle Longen  
AGENT: Matt Newton, Shumaker, Loop & Kendrick, LLP  
LOCATION: 3001 West Bay Court Avenue  
REQUEST: To reduce the side yard setback from 3' to 0', the front yard setback from 60' to 49'-5" for an arbor/accessory structure. Reduce eave to eave separation from 5' to 4'-2" for an accessory structure (Section 27-290)  
PURPOSE: To vest existing conditions  
NEIGHBORHOOD: Bayshore Beautiful Neighborhood Assoc., Keep Bayshore Beautiful, Inc., 345 Bayshore Condominium Assoc., Parkland Estates Neighborhood Assoc.

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

Agent spoke at hearing. Agent presented site plan, architectural plans and elevations, and explained hardships. Agent approved condition.

Hardship is due: Remaining rear yard available space for accessory structure was not available due to existing footprint of historical primary structure built in 1911, being preserved, and existing accessory structure re-built in approx. 2006 in same footprint left only the west side yard as a viable backyard area.

Comments from the audience: N/A

## BOARD DISCUSSION:

After Board discussion, Lynn Hurtak moved that the application be approved with condition, as stated below, and based upon the hardship criteria stated above, the motion was seconded by Bret Feldman.

The motion passed 5-0.

Conditions: 1. Accessory Structure/Arbor/Pergola shown as open shall remain open and not be screened nor enclosed.



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APPLICATION: **VRB19-94** (CONTINUED TO DECEMBER 10, 2019)  
APPLICANT: Jairo and Caridad Oliveros  
AGENT: Caridad Oliveros  
LOCATION: 10501 North 21<sup>st</sup> Street  
REQUEST: To reduce side yard setback from 7' to 1' (Section 27-156)  
PURPOSE: To maintain and keep side covered/screened patio  
NEIGHBORHOOD: University Square Civic Association, Inc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. However, staff requested a Spanish Interpreter for the applicant, and no interpreter was present at the hearing.

Hardship is due: Not presented at this hearing.

Comments from the audience: K. Jones – Neighbor - Approved continuance  
B. Jones – Neighbor – Approved continuance  
D. Jones – Neighbor - Approved continuance

## BOARD DISCUSSION:

After Board discussion, Lynn Hurtak moved that the application be continued to December 10, 2019 Hearing so as to permit a Spanish Interpreter to be present, the motion was seconded by Michael Via.

The motion passed 5-0.

APPLICATION: **VRB19-101** (CONTINUED TO DECEMBER 10, 2019)  
APPLICANT: Robert & Deborah Knighton  
AGENT: N/A  
LOCATION: 3214 West Arch Street  
REQUEST: To reduce the front yard setback from 20' to 14', the rear yard setback from 3' to 0' (Section 27-156)  
PURPOSE: Additions and renovations to existing home, preserving Grand Tree in front yard.  
NEIGHBORHOOD: None

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Natural Resources staff, Brian Knox, requested a pre-submittal meeting prior to permit to discuss pruning if necessary and tree protection guidelines.

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Applicant spoke at hearing. Applicant presented site plan, proposed remodeling sketches, and explained hardships. However, the applicant's petition did not address comments from Transportation regarding the placement of a second vehicle on site, and though the applicant attempted to address these comments at the hearing, no one from Transportation was present at the hearing to review the proposed modifications. Staff requested a continuance to allow Transportation to evaluate the revised petition.

Hardship is due: Additions proposed to improve conditions and impact of grand tree located in front yard. Improving site to remove driveway which is impacting grand tree.

Comments from the audience: N/A

## BOARD DISCUSSION:

After Board discussion, Michael Via moved that the application be continued to December 10, 2019 hearing, to allow staff from Transportation to review proposed changes and work with the Applicant to modify plans, the motion was seconded by Lynn Hurtak. The motion passed 5-0.

APPLICATION: **VRB19-102** (APPROVED)  
APPLICANT: Kelli & Roy Bridges  
AGENT: Stephen Michelini  
LOCATION: 4205 Beachway Drive  
REQUEST: To reduce the eave to eave separation from 5' to 1.6667' (20 ")  
(Section 27-290)  
PURPOSE: To build a new accessory structure  
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.

Agent spoke at hearing. Agent presented site plan, architectural plans and elevations, and explained hardships.

Hardship is due: Existing primary structure built in 1950 will be preserved and will remain. Existing non-conforming accessory structure will be removed. Location of existing pool built in 1987 to remain dictates remaining useable area of property; therefore building separation from primary structure to accessory structure cannot be met, requiring the variance.



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New accessory structure will be placed within remaining area and meet side and rear setbacks as required.

Comments from the audience: R. Scaglioni – neighbor – requested clarification of request.

## BOARD DISCUSSION:

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

- APPLICATION: **VRB19-103** **(APPROVED)**
- APPLICANT: James & Cindy Sershen
- AGENT: Stephen Michelini
- LOCATION: 2408 West Sunset Drive
- REQUEST: To reduce the front yard setback from 25' to 20', the west side yard setback from 7' to 3.5' (Section 27-156)
- PURPOSE: Addition of front porch
- NEIGHBORHOOD: New Suburb Beautiful Civic Assoc., Palma Ceia Neighborhood Assoc., SOHO Business Alliance, Parkland Estates Civic Club

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Agent spoke at hearing. Agent presented site plan, architectural plans and elevations, and explained hardships.

Hardship is due: Existing primary structure built in 1925, and accessory structure built in 1950, will remain, thereby limits location of available yards. Existing trees to remain also adds to limited useable area of remaining property. Property is zoned RS-60, therefore any encroachment into front yard with porch requires a variance. Existing west side yard is non-conforming and sits at 3.5' away from property line, and Applicant is seeking to vest existing conditions.

Comments from the audience: N/A

## BOARD DISCUSSION:

After Board discussion, Michael Via moved that the application be approved with condition as stated below, and based upon the hardship criteria stated above, the motion was seconded by Samantha Walker. The motion passed 5-0.



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**Conditions:** 1. Front Porch shown as open shall remain open and not be screened nor enclosed.

**APPLICATION: VRB19-104 (APPROVED)**

**APPLICANT:** Jennifer Treece

**AGENT:** Charles Kitzmiller, Architect

**LOCATION:** 3206 West Hawthorne Road

**REQUEST:** To reduce the front yard setback from 25' to 16' (Section 27-156 )

**PURPOSE:** To construct new garage

**NEIGHBORHOOD:** Bayshore Beautiful Neighborhood Assoc., Keep Bayshore Beautiful, Inc.,  
345 Bayshore Condominium Assoc., Parkland Estates Civic Club, Inc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Natural Resources staff, Brian Knox, requests condition that the driveway width be reduced to a distance at a radius 9.5' from face of off-site tree to west. Agent spoke at hearing. Agent presented site plan, architectural plans and elevations, and explained hardships. Agent approved conditions.

**Hardship is due:** Existing primary structure built in 1974 is to remain. Side yards not wide enough to allow passage of a full-size vehicle. Location of proposed garage will lessen impacts to existing off-site grand tree to west side yard. Location of new garage is reasonable due to existing conditions.

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

## **BOARD DISCUSSION:**

After Board discussion, Bret Feldman moved that the application be approved with conditions as stated below, and based upon the hardship criteria stated above, the motion was seconded by Lynn Hurtak.

The motion passed 5-0.

**Conditions:** 1. Conditions required per Natural Resources to maintain a 9.5' radius from face of off-site tree located near west side yard.



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APPLICATION: **VRB19-105** (APPROVED)  
APPLICANT: Renald & Nicole Cruz  
AGENT: N/A  
LOCATION: 11304 North Hamner Avenue  
REQUEST: To reduce the front yard setback from 25' to 8' (Section 27-156 )  
PURPOSE: To construct new garage  
NEIGHBORHOOD: Forest Hills Neighborhood Assoc.

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

Applicants spoke at hearing. Applicants presented site plan, and photos, and explained hardships. Applicant's wife, Nicole Cruz, explained hardships with side yards not able to allow full-sized vehicle to pass.

Hardship is due: Existing primary structure built in 1960 will remain with enclosure of existing carport to increase livable area. Width of side yards does not allow vehicle passage, and nowhere else on property is there viable area for new 2-car garage.

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, the motion was seconded by Bret Feldman. The motion passed 5-0.

APPLICATION: **VRB19-111** (APPROVED)  
APPLICANT: W State St, LLC  
AGENT: N/A  
LOCATION: 3818 West State Street  
REQUEST: To reduce the rear yard setback from 20' to 5', (Section 27-156)  
PURPOSE: Addition to existing commercial structure and due to existing drainage area to rear of property buildable area has been reduced/lost.  
NEIGHBORHOOD: North Bon Air Neighborhood Assoc., Westshore Alliance

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

Applicant spoke at hearing. Applicant presented site plan, and explained hardships.



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Hardship is due: Rear yard depth was effectively reduced due to drainage area not previously identified on survey when property was purchased, thereby causing need for variance. The ownership of this drainage parcel was unknown to the applicant and the city, and was unrecorded. Title work showed applicant owned property.

Comments from the audience: N/A

## **BOARD DISCUSSION:**

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

VI. Meeting adjourned \* 11:15 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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