



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.**

December 10, 2019 – 6:30 PM Meeting Minutes – F I N A L

I. SILENT ROLL CALL

Board Members in attendance: Gary Brown, Bret Feldman, Michael Via, Lynn Hurtak, Samantha Walker, Susan Long, and Dustin Pasteur.

Staff in attendance: Jerrod Simpson - Legal Department; Roberta Meade-Curry, LaChone Dock, Brett Burks - Planning, Design & Development Coordination (PDDC); Brian Knox - Natural Resources; and Jonathan Scott - Transportation.

Carlos Torres - Interpreter

II. APPROVAL OF MINUTES for November 12, 2019

Gary Brown moved to approve minutes from the November meeting, motion to approve was seconded by B. Feldman.

Motion passed: 7-0.

III. NEW BUSINESS:

PDDC Staff, Roberta Meade-Curry presented request to Board - Case # VRB-19-0000095, applicant/authorized agent, John Grandoff, III/Hill Ward Henderson, requested continuance to the January 14, 2020, public hearing. After Board discussion, L. Hurtak made a motion on request to continue the case to the January 14, 2020, public hearing. Motion was seconded by M. Via. Motion passed: 7-0.



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IV. CONTINUED CASES: (requesting interpreter)

APPLICATION: **VRB19-94** **SPANISH INTERPRETER** **(DENIED)**
APPLICANT: Jairo and Caridad Oliveros
AGENT: Caridad Oliveros
LOCATION: 10501 North 21st Street
REQUEST: To reduce side yard setback from 7' to 1' (Section 27-156)
PURPOSE: To maintain and keep side covered/screened patio built without permits.
NEIGHBORHOOD: University Square Civic Association, Inc.

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

Applicant did not have an agent but required Spanish interpretation. The case was interpreted by the City (legal department) provided interpreter. Applicant presented site plan and photographs of property.

Hardship is due: The applicant stated she needed this enclosed area to enjoy the ability to sit outside and not have to deal with mosquitos, neighbors dogs, and enjoy shade and weather, and could not use any other part of her property.

Comments from the audience: Catherine Jones opposed the request. The adjacent neighbor, Doris Jones opposed the request.

BOARD DISCUSSION:

After Board discussion, D. Pastuer made motion to deny the request due to request not meeting hardship criteria. Motion was seconded by L. Hurtak. Motion passed: 7-0.



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V. NEW CASES: (requesting interpreter)

APPLICATION: **VRB19-106**

SPANISH INTERPRETER REQUESTED

APPLICANT: Eliane Alfonso

AGENT: Adrian Alfonso

LOCATION: 5106 North MacDill Avenue

REQUEST: To reduce the rear yard setback from 20' to 3', and reduce the side yard setback from 7' to 0' for additions to primary structure, and to reduce the building separation from 5'to 0' for accessory structure (shed) (Section 27-156 and 27-290)

PURPOSE: To vest additions to side and rear of house, constructed without permits.

NEIGHBORHOOD: Plaza Terrace Neighborhood Assoc.

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

Applicant, and applicant's family member, daughter, spoke to the interpreter in Spanish. The interpreter translated. Applicants presented site plan, photos, and explained hardships.

Hardship is due: Applicant declared structures have been built for some time, and were built due to his large family, which all live on property.

Comments from the audience: N/A

BOARD DISCUSSION:

After Board discussion, Board chose to bifurcate variance request. S. Long made motion to bifurcate variance request and separate the portion relating to the detached shed, and the request to reduce the eave to eave separation from 5' to 0', motion was not seconded. After further discussion and advice from counsel, Board made an alternate motion.

After Board discussion, S. Long made a motion to deny the setback reduction for the accessory structure because the hardship criteria was not met, shed can be relocated, applicant has stated he would be willing to relocate shed to come into compliance, motion seconded by M. Via. Motion passed 7-0.

After additional Board discussion upon remaining portions of variance request, M. Via entered a motion to deny based on the fact the hardship criteria was not met, motion who stated the hardship was self-created, and there was ample space for additions on remaining property, was seconded by D. Pastuer.

The motion passed: 6-1. S. Long voting NO.



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V. NEW CASES (cont.): (requesting interpreter)

APPLICATION: **VRB19-108**

SPANISH INTERPRETER REQUESTED

APPLICANT: Dayailys Mons Montano

AGENT: N/A

LOCATION: 3305 West Abdella Street

REQUEST: To reduce the rear yard setback from 20' to 10', and reduce the side yard setback from 7' to 3' (Section 27-156 and 27-290.3)

PURPOSE: To vest existing conditions of an above-ground pool and addition to house, constructed without valid permits.

NEIGHBORHOOD: MacFarlane Park Assoc/Neighborhood Watch, Bowman Heights Neighborhood Watch, La Maddalena HOA

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

Applicant spoke at the hearing with the Spanish translator. Interpreter translated the conversation. Applicant with aid of translator, presented site plan, photographs, and explained hardships.

Hardship is due: The board asked applicant if her son was still sick. The applicant responded he is better, but prefers current location for the pool.

Comments from the audience: N/A

BOARD DISCUSSION:

After Board discussion, the board decided to bifurcate the requests. S. Long moved to bifurcate the variance request regarding the reduction of side yard setback for pool being reduced from 7' to 3', motion was not seconded. Board made an alternate motion.

After Board discussion, S. Long made a motion to deny the setback reduction for the above-ground pool, accessory structure, because the hardship criteria was not met, pool can be relocated, applicant has stated they would be willing to relocate above ground pool to other side of property to come into compliance, motion seconded by S. Walker.

Motion passed: 7 to 0.

After additional Board discussion regarding rear yard setback reduction from 20' to 10', S. Long then made a second motion to approve rear yard setback due to son's health issues and additional space for in-laws and in keeping with the land use policy. G. Brown added request does not interfere with the health and welfare of others and is in harmony with surrounding land uses. D. Pastuer requested to amend motion and strike portion relative to son's illness as the stated hardship. Motion was seconded by S. Walker.



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Motion failed: 3 to 4, M. Via, D. Pasteur, B. Feldman, L. Hurtak voting NO.

After additional Board discussion, D. Pasteur made a motion to deny rear yard setback reduction due hardship criteria not met, it was seconded by L. Hurtak.

Motion to deny passed: 4 to 3. G. Brown, S. Walker, and S. Long voting NO.

APPLICATION: **VRB20-02** **SPANISH INTERPRETER - waived** (CONTINUED)
APPLICANT: Hilda Childress
AGENT: N/A
LOCATION: 8507 North Packwood Avenue
REQUEST: To reduce side yard setback from 7' to 1', to reduce the rear yard setback from 20' to 4'-6", and reduce the eave to eave separation from 5' to 0' (Section 27-156)
PURPOSE: To vest existing conditions of primary structure and accessory structure, constructed without permits.
NEIGHBORHOOD: None

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

Applicant requested not to use interpreter. Applicant presented floor plan, site plan and photographs, and asked for help with this request stating the contractor advised her that a permit was not required.

Hardship is due: TBD

Comments from the audience: N/A

BOARD DISCUSSION:

Hearing was closed by Gary Brown. After Board discussion, hearing was reopened. Board asked the Applicant if they wished to continue the case to next month's public hearing. The Applicant agreed and was willing to do some investigation if portions of roof can be removed, the roof connecting the two buildings. Applicant is to revise site plan and possibly amend request. S. Long made a motion to continue the case to January 14, 2020, public hearing, motion seconded by B. Feldman. Motion passed: 7 to 0.



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APPLICATION: VRB19-107 (APPROVED)
APPLICANT: Hugo Ruiz
AGENT: Stephen Michelini
LOCATION: 2905 West Louisiana Avenue
REQUEST: To reduce the rear yard setback from 3' to 1.6', and reduce the west side yard setback from 3' to 6" (Section 27-290)
PURPOSE: To vest existing conditions of accessory structure ("existing shed"), built in 1967, with 6" side yard and 1'-6" rear yard; and to reduce the side yard for the addition to that accessory structure ("covered exercise area"), built in 2018, without permits.
NEIGHBORHOOD: Plaza Terrace Neighborhood Association

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining of the site plan. Staff explained a previous variance was requested and was denied. Staff also provided documentation that a Design Exception has been granted to reduce the rear yard, DE2-17-0000041.

Authorized Agent declined use of interpreter. Applicant's family member, daughter, Amy Ruiz, was present and would interpret for her father. Agent expressed the Applicant requires regular physical therapy/exercise due to medical injury/surgery. Agent stated that the Applicant has a letter to submit regarding his medical conditions, and the letter was entered into the record at time of hearing.

Hardship is due: Applicant's need for continued physical therapy. Existing accessory structure, built in 1967, footprint for rear yard was not altered, and is an existing condition. Issues from previous variance request resulting in denial have been addressed and corrected.

Comments from the audience: N/A.

BOARD DISCUSSION:

After Board discussion, M. Via made a motion to approve, seconded by B. Feldman. Motion passed: 7 to 0.



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VI. CONTINUED CASES:

APPLICATION: **VRB19-15** *Continued from November 12, 2019 Hearing* (APPROVED)
APPLICANT: Nelson and Vivian Castellano
AGENT: Grant Talkie, Professional Lift Solutions
LOCATION: 4935 West Bay Way Drive
REQUEST: To reduce side yard setback from 7' to 1' (Section 27-156)
PURPOSE: To allow construction of an enclosed elevator hoist way
NEIGHBORHOOD: Beach Park Isles Civic Association

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. The applicant is the contractor and stated the elevator was designed on this side of the house to avoid having the view blocked for the home owner. Brown asked the applicant can they place the elevator on the rear of the house since there is plenty of room on the rear and the applicant stated they cannot due to the location of second story sliding doors.

Hardship is due: Due to ADA accessibility and size of elevator, and mechanics are prohibitive where it can be placed. Existing structure is a post-tension concrete floor, which limited the ability to install a vertical chase for elevator.

Comments from the audience: N/A. Letter of opposition received and entered into record.

BOARD DISCUSSION:

After Board discussion, B. Feldman made a motion to approve due to accessibility solution to meet the ADA accommodation of home owners, and this is the only place this can be located based on the current property layout. Motion seconded by S. Long.

Motion passed: 5 to 2. G. Brown and L. Hurtak voting NO.

APPLICATION: **VRB19-101** *Continued from November 12, 2019 Hearing* (APPROVED)
APPLICANT: Robert & Deborah Knighton
AGENT: N/A
LOCATION: 3214 West Arch Street
REQUEST: To reduce the front yard setback from 20' to 18', the rear yard setback from 3' to 0' (Section 27-156 and 27-290)
PURPOSE: Additions and renovations to existing home, preserving Grand Tree in front yard. Vest existing conditions of accessory structure.
NEIGHBORHOOD: None



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Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Natural Resources staff, B. Knox, presented Natural Resources comments.

The Applicant presented a revised site plan showing modifications to reduce the front yard setback to 18' vs. the 14' as previously requested. The corrected site plan was submitted into the record.

Hardship is due: To existing grand tree in front yard which is being protected and preserved, and to vest setbacks of existing rear yard due to placement of shed many years ago, hardships are not self-created, and existed at the time of purchase of home

Comments from the audience: N/A.

BOARD DISCUSSION:

B. Feldman made a motion to approve to reduce front yard setback from 20' to 18' for primary structure addition, and to reduce the rear yard setback from 3' to 0' with the condition that no encroachment of eaves and gutters, eaves and gutters to be within property boundary along rear yard and drain on property, and the condition that Natural Resources is consulted regarding the pruning of grand tree, seconded by S. Long. The motion passed: 7 to 0.

APPLICATION: **VRB19-112** **Continued from November 12, 2019 Hearing** (APPROVED)

APPLICANT: Carlton Urban

AGENT: Timothy Jones

LOCATION: 1514 South Arrawana Avenue

REQUEST: To reduce north side yard setback from 7' to 6" (Section 27-156)

PURPOSE: Addition of an open carport/porte cochere to existing home

NEIGHBORHOOD: Palma Ceia Neighborhood Assoc., Parkland estates Civic Club, Inc.

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

Hardship is due: Practical difficulty due to large tree in front yard, no other place to place carport. The carport will never be closed.

Comments from the audience: N/A.



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BOARD DISCUSSION:

After Board discussion, S. Long made a motion with condition to approve the reduction of the north side yard from 7' to 6" with the encroachment of eaves and gutters, and that carport never be enclosed or screened, the motion was seconded by M. Via.

Motion passed: 4 to 3. B. Feldman, D. Pasteur, and L. Hurtak voting NO.

VII. NEW CASES:

APPLICATION: **VRB19-109** (APPROVED)

APPLICANT: Dominique Despointes

AGENT: N/A

LOCATION: 2801 Nevada Avenue

REQUEST: To reduce the front yard setback from 25' to 7' (Section 27-156).

PURPOSE: To install an open covered awning/canopy for existing front porch.

NEIGHBORHOOD: Tampa Heights Civic Assoc., One Laurel Place, THCA Land Use Committee

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

Applicant spoke and stated they want protection from the weather, sun and wind. Most of the homes in the neighborhood have covered front porches. Applicant was unaware of the redefining of the front and side yards due to the lot split, until he went to apply for permit for canopy over existing porch.

Hardship is due: Due to lot-split the placement of structure became non-conforming due to redefining of front and side yards per zoning definitions of yards, inability of applicant to be protected from weather.

Comments from the audience: N/A.

BOARD DISCUSSION:

D. Pasteur made motion to approve, seconded by S. Long. Motion passed: 7 to 0.



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APPLICATION: **VRB19-116** (APPROVED)
APPLICANT: Pamela Shives
AGENT: N/A
LOCATION: 159 Biscayne Avenue
REQUEST: To reduce the east side yard setback from 7' to 5'-8" (Section 27-156)
PURPOSE: To vest existing conditions of footprint of existing addition with screened porch built and permitted in 2000, in order to enclose area.
NEIGHBORHOOD: Davis Islands Civic Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Staff introduced previous permit which was issued and received final inspections in 2000. This request is for the side yard setback which was a result of an error on site plan discovered from the approved permit.

Hardship is due: Structure was permitted, built, and inspected by the City in 2000, with setback error not discovered at the time. The footprint of existing structure and second level above proposed work will not be changed, other than enclosing per request.

Comments from the audience: N/A.

BOARD DISCUSSION:

D. Pasteur moved to approve, seconded by L. Hurtak. Motion passed: 7 to 0.

APPLICATION: **VRB19-117** (APPROVED)
APPLICANT: Elder A. Leon/Leon, LLC
AGENT: N/A
LOCATION: 8506 El Portal Drive
REQUEST: To reduce the front yard setback from 20' to 12', to reduce the south side yard setback from 7' to 2' for primary structure. To reduce the south side yard setback from 3' to 2', and front yard setback from 60' to 57' for accessory structure. (Section 27-156 and 27-290)
PURPOSE: To vest existing conditions of primary structure and accessory structure.
NEIGHBORHOOD: None

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

Applicant spoke and presented site plans, chronological imagery of structures, and a letter of support into the record.



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Hardship is due: Hardship is not self-created, does not substantially interfere with or injure the health, safety or welfare of others, and existing structures are older and intending to be preserved, applicant was not aware of violations at time of purchase.

Comments from the audience: N/A.

BOARD DISCUSSION:

After Board discussion, S. Walker moved that the application be approved, the motion was seconded by D. Pasteur. Motion passed: 7 to 0.

APPLICATION: **VRB20-01** (CONTINUED)
APPLICANT: Joseph Murphy
AGENT: N/A
LOCATION: 6915 North River Boulevard
REQUEST: To reduce the wetland setback from 25' to 7' on north side yard (Section 27-286)
PURPOSE: To vest existing conditions of accessory structure.
NEIGHBORHOOD: Old Seminole Heights Neighborhood Assoc., Neighborhood Watch, Business Guild of Seminole Heights, South Seminole Heights Civic Association.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Natural Resources staff presented his findings and Natural Resources comments. Natural Resources found it consistent, advised a wetland exists in the back. Transportation Staff presented Transportation comments.

Applicant spoke and presented a packet along with additional information and documents entered into the record at time of hearing.

Hardship is due: TBD

Comments from the audience: Michael Gonzalez, Terry Gonzalez, and Christian Gonzalez are noticed neighbors, and spoke in opposition to the request, and entered records, and a presentations, and video into the record at time of hearing. Suzanne Stennith, owner of property, spoke in support and in rebuttal to testimony given from opposition.



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BOARD DISCUSSION:

After Board discussion, Gary Brown stated the carport separation distance eave to eave must be listed as part of the request on the site plan. He asked staff if the separation was noticed, R. Meade-Curry advised that was not a part of the request or notice provided. The Board discussed the possibility of a continuance. The Board also discussed a possible motion on what is currently before the Board.

D. Pasteur made a motion to deny, hardship criteria not met, the safety concern regarding fire hydrant, neighborhood opposition presented, use of dual driveway, not in harmony with Tampa Comprehensive Plan. Motion seconded by M. Via. Motion tied: 3 to 3. Motion failed. With L. Hurtak recusing self prior to hearing of this case. Based upon rules legal department staff stated case is automatically continued to next month's public hearing. Case will be placed on public hearing for January 14, 2020.

APPLICATION: **VRB20-04** (APPROVED)
APPLICANT: Jorge and Joan Marie Rodriguez
AGENT: Patricia Ortiz/Ortiz Planning Solutions, LLC
LOCATION: 83 Martinique Avenue
REQUEST: To reduce the west side yard setback from 7' to 3' (Section 27-156)
PURPOSE: To construct addition to existing primary structure.
NEIGHBORHOOD: Davis Islands Civic Association

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

Authorized Agent spoke and presented a packet along with other documents into the record.

Hardship is due: Irregular shaped lot along the side yards, placement of existing structure built in 1956 is placed closer to western property line, applicant's intent to preserve an older home.

Comments from the audience: N/A.

BOARD DISCUSSION:

After Board discussion, B. Feldman made motion for approval, due to the irregular shaped lot along the side yards, placement of existing structure built in 1956 is placed closer to western property line, applicant intent to preserve an older home and maintaining neighborhood character, applicant willing to install eaves and gutters to control drainage, which intends to reduce possible impacts to the abutting neighboring property. Motion second by S. Walker. Motion passed: 5 to 2. L. Hurtak and G. Brown voting NO.



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VIII. Meeting adjourned *** 1:00 AM ***

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