

**CITY OF TAMPA, FLORIDA
VARIANCE REVIEW BOARD
PUBLIC HEARING**

MEETING DATE: July 19, 2005
MEETING TIME: 6:30 PM
LOCATION: 315 East Kennedy Boulevard, 3 rd Floor, City Council Chambers

MINUTES

Present: John Weiss, Chair; James Catalano, Vice-Chair; Eric Rahenkamp; Melanie Higgins, Tom Cheshire, Randy O'Kelley, Seth Nelson

Absent: Tom Cheshire

Staff Present: Julia Cole, Legal; Eric Cotton, LDC

I. SILENT ROLL CALL

II. APPROVAL OF MINUTES FOR June 14, 2005 Approved 7-0 with correction

III. OLD BUSINESS: Cases Continued by the Board/Staff

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

C. GENERAL VARIANCES

VRB05-37	PETITIONER:	Rick Hoyt
Approved	AGENT:	None
6-1	LOCATION:	2212 Davis Street
	REQUEST:	To increase fence height to 6 feet
	PURPOSE:	Increase fence height
	NEIGHBORHOOD:	Palmetto Beach Community Association

Mr. Hoyt reviewed his survey, showing the location of the fence and wall.

Mr. Catalano moved to approve and was seconded by Ms. Wallrapp. The motion passed 6-1, with Mr. O'Kelley voting nay.

VRB05-65	PETITIONER:	Roosevelt and Delorius Lester
Continued by	AGENT:	None
Staff for 60 days	LOCATION:	3209 East Frierson Avenue
(September)	REQUEST:	To reduce the front yard setback from 18' to 0', with the allowed encroachments of the eaves and gutters
	PURPOSE:	To keep an existing (unpermitted) carport
	NEIGHBORHOOD:	East Tampa

IV. OLD BUSINESS: Continuances and Missed Notices

A. ADMINISTRATIVE APPEALS

VRB05-75	PETITIONER:	Norman Murray, Junior
Continued	AGENT:	David Smith
	LOCATION:	811-817 East Paris Street and 6007 King Street

REQUEST: To reduce the finished floor from 18" to 8"
PURPOSE: To keep existing as-built structures
NEIGHBORHOOD: Old Seminole Heights

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

C. GENERAL VARIANCES

VRB05-76 PETITIONER: Samuel Martinez
Denied AGENT: Hogan's Permit Service
7-0 LOCATION: 9414 North Boulevard
REQUEST: To reduce the front yard setback from 20' to 5', with the allowed encroachment of the eaves and gutters
PURPOSE: To split a lot
NEIGHBORHOOD: Forest Hills

Talesha Hogan reviewed the site plan and explained size of house and its history, being built before zoning. She then addressed the parking issue.

Sam Martinez stated that he wanted to sell off the two lots separately to two separate investors.

Greg Lalancia pointed out an easement that served as a shared driveway. He was afraid of a permanently established irregular lot.

Julie Sternfelds also discussed the easement and said that the lots be sold as one lot.

Ms. Hogan showed two parking spaces and said that there was no easement for parking or a driveway. The goal of the petitioner was to sell each house to a property owner, not have them continue as rental properties.

After Board discussion, Ms. Wallrapp moved to deny and was seconded by Mr. Catalano. The motion passed 7-0.

VRB05-77 PETITIONER: Mitchell and Barbara Bodden
Denied AGENT: None
7-0 LOCATION: 909 South Golf View Street
REQUEST: To reduce the front yard setback from 25' to 15', with the allowed encroachment of the eaves and gutters and to increase the height of an accessory structure from 15' to 24'
PURPOSE: To construct a new single family residence
NEIGHBORHOOD: Golf View

Barbara Bodden described how the original house was to be renovated, but it turned out that it was more feasible to demolish and start over. She showed a picture of the oak tree and stated that the tree is causing the need for the setbacks. For the accessory structure, the height was needed because the structure could not be moved forward because of the tree.

William Miller spoke against the variance and urged the removal of the tree.

Missy Steadman spoke against the variance.

Tara Hood spoke against, concerned with the size of the house.

Campbell McClain stated that he was representing the Baldwins and was also against the request. They had an issue with privacy.

Frank Geri III spoke against the request.

Elaine Johnson spoke against the request.

Ms. Bodden stated that they could not remove the tree; it was healthy and that there was a 20' setback from the tree.

Mr. Catalano stated that a house could be built on the site and still keep the tree.

Mr. Rahenkamp moved to deny and was seconded by Mr. Catalano. The motion passed 7-0.

VRB05-84 PETITIONER: C Todd Alley and Cynthia Holloway Alley
Missed Notice AGENT: John Grandoff and Roy Ford
LOCATION: 184 Baltic Circle
REQUEST: To reduce the side yard setback from 7' to 4'
PURPOSE: To keep an existing rock climbing wall
NEIGHBORHOOD: Davis Islands

VRB05-86 PETITIONER: Franklin Cruz
Missed Notice AGENT: None
LOCATION: 211 West Frances Avenue
REQUEST: To reduce the side yard setback from 7' to 3' and the rear yard setback from 20' to 7', with the allowed encroachment of eaves and gutters
PURPOSE: To construct an accessory structure greater than 750 square feet
NEIGHBORHOOD: Tampa Heights

VRB05-88 PETITIONER: Florida Shed Company
Missed Notice AGENT: Ammie Willis
LOCATION: 3706 North Clearfield Avenue
REQUEST: To reduce the side yard setback from 7' to 3' and rear yard from 20' to 3', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct an accessory structure greater than 750 square feet
NEIGHBORHOOD: Tampa Heights

V. NEW BUSINESS

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

VRB05-103 PETITIONER: Heidi and Tony Land
Continued AGENT: None
4-3 LOCATION: 206 South Coolidge Avenue
REQUEST: To remove a protected tree
PURPOSE: To remove a tree and construct a residential addition
NEIGHBORHOOD: Beach Park

Tony Land explained the request and the need for reasonable use. They had applied for a permit, but it had been denied, because of the tree. They tried alternative designs, but none worked for them. They showed pictures of the tree, and argued that it was aestically displeasing. He stated that they would plant more trees on their lot.

Margaret Vizzi spoke against the tree coming out and said a rear porch is not a necessity.

After Board discussion, Mr. O'Kelley moved to continue, indicating that the petitioner's need to have someone check the structural issues of the property in regards to any damage the tree may be causing.

Ms. Wallrapp seconded the motion and after Board discussion, Mr. O'Kelley withdrew his motion.

After subsequent Board discussion, Mr. O'Kelley again moved to continue and was seconded by Ms. Wallrapp. The motion passed 4-3, with Mr. Rahenkamp, Ms Higgins and Mr. Weiss voting nay.

VRB05-116 PETITIONER: Ellis and Company, Ltd
Approved AGENT: Richard Diaz, jr
7-0 LOCATION: 1108 South Dale Mabry Highway
REQUEST: To reduce the number of required parking spaces from 51 to 26
PURPOSE: To open a retail store
NEIGHBORHOOD: None (Golfview and Palma Ceia West noticed)
CONDITION: That the approval for the reduced parking only be for specialty retail

NONE: John Weiss was not in attendance for this hearing

Mr. Hatton explained that he had done the work without permits and did not know that he needed them. He showed pictures of the property.

Mike and Gabriel Moody spoke against the variance.

Mr. Nelson moved to deny and was seconded by Mr. Rahenkamp. The motion passed 6-0.

VRB05-93	PETITIONER:	Richard and Mary Ann Fueyo
Approved	AGENT:	None
7-0	LOCATION:	3215 West Bay Villa Avenue
	REQUEST:	To reduce the rear yard setback from 20' to 11'8", with the allowed encroachment of the eaves and gutters
	PURPOSE:	To construct a residential addition
	NEIGHBORHOOD:	Bayshore Beautiful

Mr. Fueyo explained the need for the variance was based on the easement that ran behind his house.

Mr. Catalano moved to approve and was seconded by Mr. Rahenkamp. The motion passed 7-0.

VRB05-94	PETITIONER:	John David Mosley
Approved	AGENT:	None
7-0	LOCATION:	5001 West Neptune Way
	REQUEST:	To reduce the rear yard setback from 20' to 10.9', the side yard setback from 7' to 5' and the front setback from 25' to 19', with the allowed encroachment of the eaves and gutters
	PURPOSE:	To construct a residential addition
	NEIGHBORHOOD:	Beach Park

Mr. Mosley explained his request and reviewed the site plan.

Margaret Vizzi spoke against the variance.

Mr. Rahenkamp moved to approve and was seconded by Ms. Wallrapp. The motion passed 7-0.

VRB05-96	PETITIONER:	Moon and Michelle Lee
5-2	AGENT:	None
Denied	LOCATION:	3403 West Villa Rosa Street
	REQUEST:	To reduce the rear yard setback from 20' to 10'
	PURPOSE:	To construct a screened porch
	NEIGHBORHOOD:	Bayshore Beautiful

Ms. Lee reviewed the site plan and explained the variance. There were issues with the drainage and mold in the house.

Mr. Rahenkamp moved to approve and was seconded by Mr. Catalano. The motion failed 2-5. Ms. Wallrapp moved to deny and was seconded by Mr. O'Kelley. The motion passed 5-2, with Mr. Rahenkamp and Mr. Catalano voting nay.

VRB05-97	PETITIONER:	Jammie and Elizabeth Chorrushi
7-0	AGENT:	None
Approved	LOCATION:	3921 West Palmira Avenue
	REQUEST:	To reduce the building separation from 10' to 1' and the structure height from 15' to 21'
	PURPOSE:	To construct an accessory structure

NEIGHBORHOOD: Virginia Park

Ms. Chorrushi explained the request and that they had 4 grand trees on the property. She showed pictures of the house and surrounding sites.

Gordon Yates spoke in favor.

Mr. Nelson moved to approve and was seconded by Ms. Higgins.

The motion passed 7-0.

VRB05-98	PETITIONER:	Edward Rechak, Jr
Denied	AGENT:	None
7-0	LOCATION:	7302 Douth Germer Street
	REQUEST:	To reduce the side yard setback from 7' to 5', with the allowed encroachment of the eaves and gutters
	PURPOSE:	To construct a single family home
	NEIGHBORHOOD:	Port Tampa

Mr. Rechak explained his variance request and the desire to maintain the 15' corner yard setback and avoid a tree in the front yard. He submitted a signed petition in favor of the request.

Scott Huntley spoke against and submitted a letter from the adjacent property owner against the request.

Al Mathieu spoke in favor of the request.

Mr. Weiss moved to deny and was seconded by Mr. O'Kelley. The motion passed 7-0.

VRB05-99	PETITIONER:	Gallery Custom Homes, Incorporated
6-1	AGENT:	John Schmitt
Approved	LOCATION:	2807 Old Bayshore Way
	REQUEST:	To reduce the rear yard setback from 20' to 15.4' and the side yard from 7' to 6.8', with the allowed encroachment of the eaves and gutters
	PURPOSE:	To construct a residential addition and grandfather in the existing setbacks
	NEIGHBORHOOD:	Ballast Point

Kathleen Schmidt explained the request and the drainage easement in the rear.

Joseph Gazzo spoke in favor of the request.

Mr. Rahenkamp moved to approve and was seconded by Mr. Catalano. The motion passed 6-1, with Mr. Weiss voting nay.

VRB05-100	PETITIONER:	Luca Mazzacurati
Approved	AGENT:	None
7-0	LOCATION:	1101 West De Leon Street
	REQUEST:	To reduce the front yard setback from 60' to 23.5', with the allowed encroachment of the eaves and gutters, and to reduce the building separation from 5' to 3'6"
	PURPOSE:	To construct a detached garage
	NEIGHBORHOOD:	Historic Hyde Park

Mr. Mazzacurati explained the need for the garage and the setback issue.

Mr. Rahenkamp moved to approve and was seconded by Mrs. Higgins. The motion passed 7-0.

VRB05-101	PETITIONER:	Alvis L Stadler
Denied	AGENT:	None
6-1	LOCATION:	4606 West Clifford Street
	REQUEST:	To reduce the front yard setback from 25' to 10' and the side yard setback from 7' to 1', with the allowed encroachment of the eaves and gutters
	PURPOSE:	To construct a carport
	NEIGHBORHOOD:	None (Sunbay South/Gandy)

Mr. Stadler explained the variance and the need for the carport because of the pollen and his wife's allergies.

Mr. Nelson moved to deny and was seconded by Mr. Catalano. The motion passed 6-1, with Ms. Wallrapp voting nay.

VRB05-102	PETITIONER:	Pamela Y Monaco
Approved	AGENT:	John Monaco
6-1	LOCATION:	122 Chesapeake Avenue
	REQUEST:	To reduce the rear yard setback from 20' to 13' and the side yard setback from 7' to 5', with the allowed encroachment of the eaves and gutters
	PURPOSE:	To construct a residential addition
	NEIGHBORHOOD:	Davis Islands
	CONDITION:	That the wall be maintain in alignment with the existing structure, not to exceed 5' on the eastern side yard

Mr. Manaco discussed previous ownership and explained the shape of his lot.

Mr. Nelson moved to approve with the aforementioned condition. Mr. Rahenkamp seconded the motion, which passed 6-1, with Mr. O'Kelley voting nay.

VRB05-104	PETITIONER:	John D Finn
Denied	AGENT:	None
4-3	LOCATION:	1004 South Siwanoy Street
	REQUEST:	To reduce the side yard setback from 7' to 1.5' and the rear yard setback from 20' to 16.3', with the allowed encroachment of the eaves and gutters
	PURPOSE:	To construct a residential addition
	NEIGHBORHOOD:	Golfview Estates

Mr. Finn was not in attendance. Mr. Nelson moved to continue and was seconded by Mr. O'Kelley. The motion failed 3-4.

Trip Barlow voiced opposition to the variance.

Mr. Rahenkamp moved to approve the rear yard from 20' to 16.3' and to deny the side yard and was seconded by Mr. O'Kelley.

The motion passed 4-3, with Ms. Higgins, Mr. Weiss and Ms. Wallrapp voting nay.

VI. ADJOURNMENT