

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

<b>MEETING DATE:</b> September 12, 2006 <b>MEETING TIME:</b> 6:30 PM <b>LOCATION:</b> 315 East Kennedy Boulevard, 3 <sup>rd</sup> Floor, City Council Chambers
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**MEETING MINUTES**

**I. SILENT ROLL CALL**

James Catalano, Eric Rahenkamp, Melanie Higgins, John Weiss, Ana Wallrapp, Randy O'Kelley and Tom Cheshire were in attendance. Note: Melanie Higgins, Vice-Chair, served as Chair for Eric Rahenkamp, pending Mr. Rahenkamp's reappointment by Mayor Iorio.

Barbara Lepore, of LDC, Roger Kirk of the Transportation Department, Donna Wysong of the Legal Department were in attendance.

**II. APPROVAL OF MINUTES FOR August 08, 2006**

**III. ADMINISTRATIVE WORKSHOP REGARDING THE APPEALS PROCESS, HARDSHIP CRITERIA, WORK LOAD:**

Catalano requested the consideration on grandfather property. Stated, the allowed hardship or practical difficulties are unique and singular as to regards to the property, or with respect to a structure or building thereon.

Moreda (LDC) stated that this problem exists for many years. Staff thinks it should be looked up. It is very difficult to meet. To allow historical pattern in the area, or the neighborhood.

Higgins will not agree with the historical criteria.

Weiss: 167 cases were heard last year (2005). It was very small percentage of property owners.

Catalano stated that the decisions can not always be made base on the criteria. Decisions are based on the individual situation. Thinks the hardship criteria should not be change d.

Wysong informed the members of the up coming hardship criteria workshop.

Weiss asked Gloria Moreda of LDC if staff will prepare a draft for VRB to review.

Moreda: Will look into it.

Higgins: The appeal process.

Wysong explained the appeal process.

David Smith-City Council Attorney informed of the possibility of the hiring of the hearing master, but not sure of the level of the appeal this master will look at. It will clarify the process of the remanded cases.

Wysong: On October 12, 2006 will have to present to the Council proposed hardship criteria and an appeal process.

Weiss: To change an appeal process.

Wysong: **Explained** the appeal process and noted that it is a long and time consuming process.

Higgins referred to the appeal and stated that the only issues which were in the initial case will be in the appeal.

Wysong mentioned the Florida Statue Section 166, written notice for any denial. Also, pointed out that the VRB must state for the record, which section failed to meet criteria in order to deny the case.

Weiss would like to find out - was anybody subpoena by the court?

Wysong stated that determined by the record, nobody was subpoenaed.

Higgins would like to talk about the rules and regulations, number of the cases being scheduled for the hearing.

Wysong explained city council rules - 10 new cases and 3 continued per hearing.

Higgins asked the attorney Wysong if the Board can limit the number of scheduled new and continued cases. Noticed that, if the cases were continued for two hearings they were generally denied. The missed noticed cases were denied or withdrawn. Ms. Higgins suggested continuing cases the hearings should be scheduled on the second month. It would give staff and petitioner time to prepare their cases. Check list for the petitioner-survey, tree.

O'Kelley stated that the staff report format was changed. Also, asked the staff to make it consistent with the check list.

Catalano would like to find out how to check if it is continued case?

Higgins - Cases can be continued by the Board, staff, missed noticed.

Catalano would like to solve the problem of the missed noticed cases.

Weiss proposed that on the continued notices-when the petitioners not present, it should be continued for the next meeting.

Wysong stated it should be removed.

Motion passed 6-0 to remove the case.

Catalano wanted to vote on the load of cases per hearing; supported 10 new cases, three continued, also wanted to limit the time of the presentation.

Higgins wanted to limit the time from 15 to ten minutes.

Catalano moved motion on the time from 15 to ten minutes. Motion passed 6-0.

Catalano moved to approve 10 new and continue three new cases. Motion passed 6-0.

Rahenkamp absent during the voting

#### **IV. ADMINISTRATIVE RECONSIDERATION**

1. VRB06-119            PETITIONER: Tammy Allen  
    Approved 7-0        LOCATION: 10008 N 21St  
                            REQUEST: To reduce the front yard setback from 20' to 16', with  
  the allowed encroachment of the eaves and gutters  
                            PURPOSE: To construct a residential addition

The request VRB06-44 to remove the tree was denied on 04-11-2006. The petitioner is requesting relief from Sec. 17.5-77 Effect of denial.

Mr. Jones: stated the site plan was re-designed in order to keep the tree. Requesting a 16 feet set back.

Wants to be heard on the October's agenda

Catalano moved to approve, Rahenkamp seconded. Approved 7-0

Petitioner: Jones: stated the site plan was re-design in order to keep the tree. Requesting 16 feet set back. Would like to present his request on the Octobers Agenda.

Catalano moved to approve Rahenkamp seconded. Approved 7-0

V. **OLD BUSINESS: Cases Continued by the Board/Staff/Remands**

**A. ADMINISTRATIVE APPEALS**

**B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES**

**C. GENERAL VARIANCES**

2. VRB06-38                    PETITIONER: Donald and Cheryl Smith  
Deny 7-0                      LOCATION: 1910 South Ardsley Street  
REQUEST: To reduce the rear yard setback from 20' to 10', with the  
allowed encroachment of the eaves and gutters  
PURPOSE: To construct residential addition

Mr. Smith stated the Council's recommendations. Petitioner presented the photographs, and explained the error he made on the application. Requested the rear yard setback of 11.5' as it has been shown on the site plan. Petitioner remained Board the last meeting; would like to add an additional living space. To move the patio isn't inconsistent with the existing floor plan. No adverse effect to the surrounding property owners or just a minimum is expected. Petitioner stated it is a reasonable request and asked to be approved.

Rahenkamp - Please explain the previous addition.

Catalano: Side yard set back, lot line and bldg line.

Weiss went over the hardship criteria stated by the petitioner. No negative impact on the neighborhood.

Mr. Smith wasn't aware of the bases of the variance. Stated there is a tree on the lot. Practical difficulties are tremendous, location of the master bedroom. The house was built in 1948.

Rahenkamp: Maybe there shouldn't be any addition. There are some properties, that there is no room for any addition. There is no hardship.

Weiss: There are seven properties. Yours is the smallest. You have a compatible house with the neighborhood. Do not see the hardship.

Petitioner: Practical difficulties?

Cheshire will not support.

O'Kelly stated that the property has been optimized; didn't see the hardship.

Catalano: Moved to deny. Cheshire seconded; passed 7-0.

VI. **OLD BUSINESS: Continuances and Missed Notices**

3. VRB06-83                    PETITIONER: Aaron T Dude  
Approved 6-1                    LOCATION: 4731 W Wallace Ave  
REQUEST: To reduce the rear yard setback from 20' to 12',  
with the allowed encroachments of the eaves and  
gutters.  
PURPOSE: To construct a residential addition.

Petitioner submitted letters from the neighbors, presented the photographs of the area. No objections from the neighbors. Petitioner will stay away from the tree.

Mr. Martin stated that he is Mr. Dude's neighbor for a long time and supported the request.

Weiss: Please show the trees pictures. The tree is on the right side.

Petitioner thinks it will be easier to add the addition this way.

Catalano wanted to find out any information of the tree in front?

Petitioner: Just one in the front.

Wallrapp saw the hardship.  
Weiss: Petitioner presented the hardship, tree issue.  
Wallrapp moved to approved, Rahenkamp seconded.  
Approved-6-1, Cheshire voted nay.

4. VRB06- 101  
Approved 7-0
- PETITIONER: Stanton R Storer Trustee  
LOCATION: 4510 W Beachway Dr  
REQUEST: To reduce the side yard setback from 7' to 2.9', and rear yard setback from 20' to 18'5" with the allowed encroachment of the eaves and gutters. The site plan has been redesigned to accommodate the Board's previous recommendations.  
PURPOSE: To construct a residential addition.

Mr. Grandoff represented the petitioner, showed the site plan, and presented 32 letters of support. Weiss clarified, motion was to continue the case. Wanted to know why the loggia should be 13' high.  
The agent explained: On the east elevation showed the location of the loggia,  
Weiss: It is a very high loggia.  
Catalano checked the site plan and elevations.  
O'Kelly: The east elevation, it is in proportion.  
Catalano supported the request  
Weiss moved to approve, Wallrapp seconded. Request was approved 7-0.

5. VRB06-83a  
Missed noticed
- PETITIONER: Steve Deal  
LOCATION: 1104 Arboleda Ct  
REQUEST: To reduce the rear yard setback from 20' to 10' with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct a residential addition

The request was administratively withdrawn.

6. VRB06-92  
Withdrawn
- PETITIONER: Nereida Bello  
LOCATION: 4402 N. Suwanee Ave  
REQUEST: To reduce the rear yard setback from 20' to 0'.  
PURPOSE: To create a buildable lot.

7. VRB06-93  
Approved 4-3
- PETITIONER: Mary Angela Brittain  
LOCATION: 8111 N River Shore Dr  
REQUEST: To reduce the front yard setback from the lot line from 60' to 35', to reduce building separation from 5' to 0' on the existing accessory structure. Also to reduce the front yard setback from 25' to 22', rear yard setback from 20' to 9'2", and side yard setback from 7' to 3'5", with the allowed encroachment of the eaves and gutters.  
PURPOSE: To construct a residential addition

Petitioner explained the request; wanted to make the house "legal". Has a tree in the front.

Weiss requested an explanation between the last submission and this one.  
 Catalano wanted to find out where there is a second tree.  
 Mr. Bird, architect for the petitioner explained the correct set back, and the lot lines.  
 Cheshire: It is an oak tree.  
 Petitioner stated that it will not encroach.  
 Rahenkamp: Will shed stay?  
 Petitioner: Yes.  
 Rahenkamp: Petitioner showed the hardship.  
 Wallrapp has no problem with the setbacks.  
 Wallrapp: Moved to approve, Rahenkamp seconded.  
 Catalano has a problem with the shed, it aluminum shed.  
 Petitioner stated the shed was there when the property was purchased.  
 4-3 approved with Catalano voted nay.

**VII. NEW BUSINESS**

**A. ADMINISTRATIVE APPEALS**

**B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES**

**C. GENERAL VARIANCES**

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|---------------------------------|--|
| 8. VRB06- 102<br>Missed noticed | PETITIONER: Chris Bilar<br>LOCATION: 4509 N. Nebraska Ave<br>REQUEST: To reduce the side yard setback from 10' to 4'<br>PURPOSE: To construct the new sign<br>NEIGHBORHOOD: Seminole Heights                     |
| 9. VRB06- 103<br>Approved 7-0   | PETITIONER: Dona J. Hathaway<br>LOCATION: 7608 N. Boulevard<br>REQUEST: To reduce the side yard setback from 7' to 2.7'<br>and rear yard setback from 20' to 17'.<br>PURPOSE: To keep an existing swimming pool. |

Petitioner presented the request, staying the pool has been there for a long time, submitted the pictures and three support letters. It is an above ground pool.  
 Weiss; Petitioner explained the hardship, the trees.  
 Wallrapp moved to approve, seconded by Catalano  
 O'Kelly: What about an enclosure? Pointed out that the all Building Code regulations must apply.  
 Wysong: Yes you can make the conditional approval.  
 Wallrapp moved to approve with the condition that the screen enclosure will not be built.  
 Rahenkamp seconded.  
 Approved 7-0

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| 10. VRB06-104<br>Approved 6-1 | PETITIONER: Joseph and Eileen Port<br>LOCATION: 3009 W Waverly Ave<br>REQUEST: To increase height from 15' to 23'4".<br>PURPOSE: To construct a residential addition |
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Agent explained the request, stated the hardship as pointed out in the application. The property is surrounded by the different PD developments. Wants to make a residential addition and retain the existing tree. Agent for the petitioner presented pictures of the surrounding area. Stated it is in harmony with surrounding properties. No burden to city infrastructure.

Catalano: Please explain the driveway.

Agent: It is an existing driveway.

Weiss: Can you explain the existing set back on the abutting property. What is the elevation on the west? Will there be any windows? There will no windows.

Agent: Yes, there will be no windows.

Catalano: Roof pitch 6 or 12?

Agent: It is matching the existing residence.

Roger Kirk: Has a concern stated in his comments. See the comments.

Rahenkamp: asked the agent if he would be able to re-design the site plan to address the transportation requirements. Existing driveway is about 7 feet.

Weiss; saw the hardship, lots of trees. There will be a solid wall, could not support.

Rahenkamp: This property is surrounded with multi-family uses. The building will be close to property on the west. The petitioner can redesign and built a much higher structure.

Catalano: There are trees; it is the most efficient uses.

Rahenkamp moved to approve, Wallrapp seconded.

Approved 6-1

11. VRB06-105

Deny 7-0

PETITIONER: Frank & Eileen Romps

LOCATION: 16209 Nottingham Park Way

REQUEST: To reduce rear set back from 20' to 17.5', with the allowed. encroachment of the eaves and gutters

PURPOSE: To construct a residential addition.

Mr. Douglas submitted photos for the file.

Catalano checked with the Legal Department to see if the Board had the jurisdiction to review and approve the PD-A?

Weiss: We had cases like this before. The Legal Dep. researched and found it has jurisdiction to review and make a decision.

Petitioner presented the photos of the surrounded area. All the properties have the screen enclosures. Stated there will be no impact on the trees. Has 14 supporting letters from the neighbors. It will be a hard roof shell. The back yard is unusable because the owner has a skin cancer. The addition will have 12'x16' footprint.

Catalano: Please explain the lanai?

Douglas: The existing lanai will be enclosed.

Catalano: Any door?

Petitioner: Yes there will be a French door

Rahenkamp: House is deeper than the other houses?

Douglas: Yes.

Rahenkamp: You are stated your hose is too deep. Why do you want to enclose the existing lanai?

Petitioner: The current lanai will be enclosed, the family is growing. This is a 9' area, no useable.

Weiss: Will it increase the value to the property?

Douglas: It is a sells pitch.

Weiss: Thank you for being honest. The health condition isn't a hardship for an approval.

Catalano: Will not support.

Wallrapp: Do not support and moved to deny. Catalano seconded.

Deny 7-0.

12. VRB06-106  
Deny 6-1

PETITIONER: Anthony A. Puleo  
LOCATION: 1415 W. Humphrey St.  
REQUEST: To reduce the front yard setback from 20' to 10',  
with the allowed encroachments of the eaves and  
gutters.  
PURPOSE: To construct a single-family residence.

Petitioner presented the case.

Weiss: There is an oak tree in the middle. Please show the evidence of the other houses  
requesting the front yard reduction?

Petitioner: Yes there are some, not to many.

Rahenkamp: Will you consider the 2 stories house?

Roger Kirk: Wants to review the site plan. Where is the garage?

Rahenkamp: This is a safety issue when parking the car.

Kirk: No problem.

O'Kelly: The grand tree is the tree in the middle of the property.

Petitioner: Yes.

Weiss: The violations from Parks Department.

The owner showed the trees they were located one on this lot.

Weiss: When did you purchase property?

Petitioner is the owner since 1978.

Kirk: Can we accommodate 15' setback?

Owner: The house was design by the recommendations from the Parks Department.

Catalano: The house can be re-designed, can not support.

Weiss: It is a double lot. He has the trees on both lots. The 10' isn't compatible with the area; c an  
not support the request.

Catalano: We already gave the petitioner some directions.

Catalano moved to deny the request, Wallrapp seconded.

Weiss: I like to see a better design.

Deny 6-1 with Cheshire voted nay.

13. VRB06-107  
Deny 6-1

PETITIONER: Steven Sepulveda  
LOCATION: 2904 W San Miguel St  
REQUEST: To increase the accessory structure height from  
15' to 24'.  
PURPOSE: To construct a second floor to the detached  
garage.

The agent requested to amend the request. The variance request is to increase the height of the  
proposed accessory structure. The agents show the pictures of the houses in the area. The adjacent  
properties have two stories accessory structures. Letters from neighbors were received by the  
Board. Explained the request – the bonus room will be for the children. Petitioner stated there are  
no difference between this property and other homes in the area. This was a “spec home”. The  
design of the house is a zigzag line, which creates a hardship to build an addition. Petitioner will  
expend up to max 750 S.F. as allow by the code. The garage will be 22' in height. Feel they met  
all the hardship criteria.

Catalano: Checked the Parks comments.

Mr. Sepulveda: Dave Reilly contacted the owner. Petitioner travels a lot. It is a home office.

Weiss: Unique shape of the lot? It is a standard lot.

The agent: It is unique shape of the house.

Rahenkamp: Please let me know where you have a two stories accessory structure in this neighborhood area? I do not see any hardship.

Agent: Asked to continue.

Catalano: Will support to continue.

Weiss: I do not pass the hardship criteria. Office from the house it isn't a hardship criteria. Hardship should be with the lot not the house.

Weiss: move to deny, Wallrapp seconded.

Catalano: to continue.

Rahenkamp: They do have a garage. This is not compatible with the neighborhood.

Deny 6-1 with Catalano voted nay.

14. VRB06-108  
Approved 7-0
- PETITIONER: Chris A Hastings  
LOCATION: 131 Adalia Ave  
REQUEST: To reduce the rear yard setback from 20' to 13', with the allowed Encroachments of the eaves and gutters.  
PURPOSE: To construct a residential addition.

The petitioner presented his request. Wants to remodel the house and add the bedroom. This is a preexisting structure.

Rahenkamp wants to make sure that it is the correct request.

Wants to vest the existing setback and add the addition.

Wallrapp move to approve, this is an odd shape of the lot, Rahenkamp seconded.

Weiss- supported.

Approved 7-0.

15. VRB06-109  
Approved 7-0
- PETITIONER: New Millennial Homes  
LOCATION: 4618 N. Troy St.  
REQUEST: To reduce the side yard setbacks from 5' to 4', with the allowed encroachments of the eaves and gutters.  
PURPOSE: To construct a single-family residence.

The petitioner presented the request.

Walrapp moved to approve. Rahenkamp seconded.

Approved 7-0

16. VRB06-110  
Missed noticed
- PETITIONER: Edelmiro Mendez  
LOCATION: 701 E Hollywood St  
REQUEST: To reduce the rear yard setback from 20' to 13' with the allowed encroachments of the eaves and gutters  
PURPOSE: To create a buildable lot.

17. VRB06-111  
Deny 7-0
- PETITIONER: Christopher G. Diaz  
LOCATION: 4000 W San Pedro St  
REQUEST: To reduce the corner yard setback from 15' to 7', rear yard setback from 20' to 10' with the allowed encroachments of the eaves and gutters  
PURPOSE: To construct a single-family residence.

