



Variance Review Board
City Council Chambers
City Hall
315 E. Kennedy Blvd., Third Floor
Tampa, Florida 33602

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE VARIANCE REVIEW BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

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 SEVEN BUSINESS DAYS AFTER THE ORAL DECISION IS MADE. YOU WILL NEED TO OBTAIN A COMPLETE COPY OF THE RECORD FOR YOUR APPEAL.

FINAL MINUTES

(as of March 12, 2008)

MEETING DATE: February 12, 2008

MEETING TIME: 6:30 PM

I. **ROLL CALL** Antonio Amadeo, Randy Baron, James Catalano, Melanie Higgins, Lucinda "Alyson" Utter, Steve LaBour, Gennaro DiNola
Samantha Fenger (City of Tampa Land Development Coordination Division)
John McKirchy (City of Tampa Legal Department)

II. **APPROVAL OF MINUTES FOR January 8, 2008**
Mr. LaBour moved to approve the minutes with the amendment to VRB08-11 to clarify that the case was continued because of a tie vote, seconded by Mr. Amadeo. The motion carried 5-0.

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

A. **ADMINISTRATIVE APPEALS**

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

C. **GENERAL VARIANCES**

PETITION: VRB08-06
PETITIONER: Robert Valdez, Sr.
AGENT: Ty Maxey
LOCATION: 24 Adalia Avenue
REQUEST: To reduce the northern side yard setback from 7' to 1.9', with the allowed encroachment of the eaves and gutters

PURPOSE: To renovate a single family residence
NEIGHBORHOOD: Davis Islands Civic Association

John McKirchy, City of Tampa legal department, explained that at the January 8, 2008, meeting, the public hearing was closed by the Board; therefore, it is the discretion of the Board whether to reopen the public hearing or just have staff present any new findings or information.

Eric Cotton, City of Tampa Land Development Coordination Division, spoke and amended the testimony he gave at the January 8, 2008, public hearing.

Mr. Amadeo asked for clarification from the City of Tampa's legal department regarding the public hearing portion of the meeting. Mr. Amadeo stated that he wanted to hear from the petitioner and the public, if present. Mr. LaBour moved to re-open the public hearing, seconded by Mr. Amadeo. The motion carried 5-0.

Ty Maxey reviewed the case. Mr. Maxey noted that the owner and the project architect were in attendance. The project architect and the owner discussed the renovations.

A Davis Islands Civic Association Board member, Pam, spoke against the variance stating the Civic Association met and voted to request denial of the variance.

Ms. Utter moved to approve the request. Mr. Catalano modified the motion so that it would only apply to the 4.4 square feet shown on the northern corner of the site plan. Mr. LaBour seconded the motion with the amendment. The motion carried 4-1, with Mr. Amadeo voting no.

PETITION: VRB08-11
PETITIONER: Glynn R. Morgan
AGENT: John D. Ehas
LOCATION: 15904 Layton Court
REQUEST: To reduce the rear yard setback from 20' to 3', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Tampa Palms

Mr. LaBour moved to re-open the public hearing, seconded by Mr. Catalano. The motion carried 5-0.

John D. Ehas reviewed the case. Mr. Ehas provided a copy of the revised site plan.

Mr. Amadeo moved to approve the modified site plan with an encroachment of 10' on the northern rear yard setback and the proposed addition aligning with the existing pool deck, seconded by Mr. LaBour. The motion carried 5-0.

IV. OLD BUSINESS: Continuances and Missed Notices

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

PETITION: VRB08-14
PETITIONER: Michael J. Wood
AGENT: N/A
LOCATION: 5019 Southampton Circle

REQUEST: To reduce the rear yard conservation setback from 30' to 21'6", with the allowed encroachment of the eaves and gutters
PURPOSE: To expand existing pool deck and screen
NEIGHBORHOOD: Tampa Palms

Michael Wood explained the case. The petitioner reviewed several photos and the property survey.

Mr. Amadeo moved to approve, seconded by Ms. Utter. The motion carried 4-1, with Mr. LaBour voting no.

C. GENERAL VARIANCES

PETITION: VRB08-02
PETITIONER: Albert Copeland, Dan Copeland and Connie Joplin
AGENT: Thomas W. Garland
LOCATION: 2913 East Hillsborough Avenue
REQUEST: To reduce the corner yard setback from 10' to 0', with the allowed encroachment of the eaves and gutters
PURPOSE: To retain two existing steel shelters
NEIGHBORHOOD: East Tampa Business and Civic Association

The petitioner requested a continuance to the March 11, 2008, public hearing date.

V. NEW BUSINESS

A. ADMINISTRATIVE APPEALS

PETITION: VRB08-22
PETITIONER: Perry F. and Katherine B. Jacobs
AGENT: Gerald L. Suetholz
LOCATION: 4013 West Swann Avenue
REQUEST: Appeal Parks and Recreation Department's determination
PURPOSE: To allow construction within protective radius of a Laurel Oak tree
NEIGHBORHOOD: Swann Estates

Gerald Suetholz explained the case. Mr. Suetholz said that the owner explored building the addition in other areas on the property; however, this was the only suitable location. The agent submitted a letter from a certified arborist.

David Reilly, City of Tampa Parks and Recreation Department, said that a 12' radius would have been permitted with a suspended floor area. The petitioner objected to the suspended floor area, therefore, the City of Tampa Parks and Recreation Department denied the request to encroach within the protective radius.

Donald Moak spoke against the variance stating he did not receive notice of the variance and that he supports the City of Tampa Parks and Recreation Department recommendations.

Mr. LaBour moved to uphold the City of Tampa Parks and Recreation Department determination, seconded by Mr. DiNola. The motion carried 7-0.

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

C. GENERAL VARIANCES

PETITION: VRB08-16
PETITIONER: Mark Ziegler
AGENT: N/A
LOCATION: 206 Como Street
REQUEST: To reduce the southeast side yard setback from 7' to 5' and the rear yard setback from 18' to 12', with the allowed encroachment of the eaves and gutters
PURPOSE: To remove a carport and construct an addition
NEIGHBORHOOD: Davis Islands Civic Association

Mark Ziegler explained the case and reviewed the proposed site plan.

David Reilly, City of Tampa Parks and Recreation Department, said that a potential grand tree is located just off site behind the property fence, which would be addressed at the time of permitting.

Mr. Catalano moved to continue the variance request to the March 11, 2008, public hearing, seconded by Mr. DiNola. The motion carried 7-0.

PETITION: VRB08-17
PETITIONER: Gabriel and Alphonsine Gonzales-Portillo
AGENT: N/A
LOCATION: 4933 West Melrose Avenue North
REQUEST: To reduce the rear yard pool setback from 5' to 3'
PURPOSE: To construct a pool
NEIGHBORHOOD: Stoney Point Civic / Culbreath Isles

Gabriel Gonzales-Portillo explained the case. Mr. Gonzales-Portillo explained that a portion of the land is deeded out to the water. The petitioner reviewed the proposed site plan and filed a neighborhood support petition.

Jim Michalak spoke in favor of the variance request siting overall neighborhood improvement.

Mr. Catalano moved to approve, seconded by Mr. Amadeo. The motion carried 6-0, with Ms. Higgins not present for the vote.

PETITION: VRB08-18
PETITIONER: Joseph and Audra Chiellini
AGENT: Andrew J. Mayts, Jr.
LOCATION: 7315 South Mascotte Street
REQUEST: To reduce the northern side yard setback from 7' to 1.9', with the allowed encroachment of the eaves and gutters
PURPOSE: To vest an existing condition
NEIGHBORHOOD: Port Tampa Civic Association

Andrew J. Mayts corrected the file and stated that he is not the petitioner, just the agent. Mr. Mayts explained the case. The home was sited by code enforcement, thus the owners became aware of the nonconformity.

Mr. LaBour moved to approve, seconded by Mr. Catalano. The motion carried 7-0.

PETITION: VRB08-19
PETITIONER: Simone and Mara Marozzelli
AGENT: N/A
LOCATION: 3606 West Santiago Street
REQUEST: To reduce the front yard setback from 20' to 15'6",
with the allowed encroachment of the eaves and
gutters
PURPOSE: To enclose front porch
NEIGHBORHOOD: Northeast MacFarlane

Mara Marozzelli explained the case. Mr. Marozzelli reviewed photos and explained the new building line wouldn't extend past the current building line.

Mr. Catalano moved to approve, seconded by Mr. Baron. The motion carried 6-1, with Mr. LaBour voting no.

PETITION: VRB08-20
PETITIONER: Luis Arroyo
AGENT: N/A
LOCATION: 1409 East Henry Avenue
REQUEST: To reduce the west side yard setback from 7' to 0',
with the allowed encroachment of the eaves and
gutters
PURPOSE: To retain a screen enclosure
NEIGHBORHOOD: Old Seminole Heights

Luis Arroyo explained the case. The petitioner clarified that the gutters do not drain into the neighbor's yard.

Mr. Catalano expressed concern regarding not hearing from the neighborhood association.

Mr. Amadeo moved to approve, seconded by Mr. DiNola. The motion carried 6-1, with Mr. Baron voting no.

PETITION: VRB08-21
PETITIONER: Michelle Gonzalez
AGENT: Carlos Castilla
LOCATION: 3213 West Pine Street
REQUEST: To reduce the rear yard setback from 20' to 9', with
the allowed encroachment of the eaves and gutters
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Northeast MacFarlane

This case was improperly noticed and will be rescheduled for the March 11, 2008, public hearing.

PETITION: VRB08-23
PETITIONER: Jack D. and Nancy H. Suarez
AGENT: Becky M. Craig
LOCATION: 1001 ½ South Sterling Avenue
REQUEST: To reduce the southern side yard setback from 7' to 3'4" and the rear yard setback from 20' to 7', with the allowed encroachment of the eaves and gutters
PURPOSE: To build an 8' wall along 155' long west property line abutting medical office; to increase allowable accessory structure square footage from 1125 sq. ft. to 1685 sq. ft.
NEIGHBORHOOD: Golfview Civic and Garden Association

This case was improperly noticed and will be rescheduled for the March 11, 2008, public hearing.

VI. ELECTION OF NEW OFFICERS

Ms. Higgins nominated Mr. Amadeo for chair and Mr. LaBour nominated Mr. O'Kelley for chair. The Board voted and Mr. Amadeo was named chair.

Mr. DiNola nominated Mr. O'Kelley for vice-chair. The Board voted unanimously to name Mr. O'Kelley vice-chair.

The newly elected officer positions will be in effect for the March 11, 2008, public hearing.