



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 June 10, 2008)

**MEETING DATE: May 13, 2008**

**MEETING TIME: 6:30 PM**

**I. ROLL CALL**

Randy Baron, Lucinda "Alyson" Utter, Melanie Higgins (arrived prior to the start of VRB08-48), Antonio Amadeo, Nicholas Bradford (left prior to the start of VRB08-32), Gennaro DiNola, Randy O'Kelley, Steve LaBour  
Samantha Fenger (City of Tampa Land Development Coordination Division)  
Ernest Mueller (City of Tampa Legal Department)

**II. APPROVAL OF MINUTES FOR April 8, 2008**

Mr. O'Kelley moved to approve moving VRB08-32 and VRB08-48 to the front of the May 13, 2008, agenda, seconded by Mr. Gennaro. The motion carried 7-0.

Without objection, Mr. Amadeo moved to approve the April 8, 2008, minutes. The motion carried 7-0.

**III. BOARD DISCUSSION**

Mr. LaBour asked staff for clarification regarding the staff finding reports. Ms. Fenger explained that staff finding reports are only included in monthly Board packets when inconsistent findings are reported and staff is in attendance this evening to discuss those comments.

Regarding the Administrative Appeals, Mr. Mueller suggested the Zoning Administrator talk first and that become part of the Variance Review Board's procedures. Mr. DiNola moved to approve making that a standard procedure, Mr. Bradford seconded. The motion carried 7-0.

#### **IV. ADMINISTRATIVE APPEALS**

PETITION: VRB08-32  
PETITIONER: Engelhardt, Hammer and Associates, Inc.  
AGENT: Not Applicable  
LOCATION: 3001 North Rocky Point Drive East  
REQUEST: Administrative Appeal  
PURPOSE: Administrative Appeal of an administrative determination  
NEIGHBORHOOD: Beach Park

Cathy Coyle, City of Tampa Land Development Coordination Division, explained the case and said that staff determined the initial request to not be a substantial change.

Ernie Mueller reviewed the de novo standard of review process with the board members.

Ethel Hammer provided an exhibit for the file and reviewed the materials. Ms. Hammer said the basis for her objection is that her company is trying to protect its long-term lease (through 2015) and parking in the building is a challenge. Ms. Hammer recommends the Board remand the case to City Council.

Ms. Coyle said that many of her Zoning Administrator duties are delegated. The parking ratio was reviewed. It was called out as a "specialized medical office." A traffic analysis was completed and the need for parking was not demonstrated like in other medical office uses.

The Board requested to see the PD site plan that was initially approved. Mr. LaBour asked for clarification regarding DRC approval and the traffic analysis that was provided with the rezoning application in 2005.

Wendy Giffin, of Osprey Orion Center, discussed another tenant - Vein Center. The Vein Center has been a tenant since 1998 and occupies 5,800 square feet. Since Wendy's employment in 2004, LSI expanded several times, but the Vein Center had not expanded.

Jim Shimberg supports the City's decision.

John LaRocca explained original requests.

The property owner spoke.

Wendy Giffin testified that as tenants have expanded, parking has been an issue. However, complaints have lessened since the parking monitor has been employed. There's a 100% occupancy rate in the building and they are in the process of finalizing a cross-parking agreement with the Westin Hotel.

Mr. O'Kelley moved to grant the appeal citing based on the evidence provided the City failed to show that it is not a substantial change, seconded by Ms. Utter. The motion carried 7-0.

PETITION: VRB08-48  
PETITIONER: Ralph M. Hughes  
AGENT: John Grandoff  
LOCATION: 205 South Hoover Boulevard  
REQUEST: Administrative Appeal  
PURPOSE: Administrative Appeal of an administrative determination  
NEIGHBORHOOD: Beach Park

Ms. Coyle explained the case.

John Grandoff provided an exhibit for the file and reviewed the materials with the Board explaining that his client is challenging Ms. Coyle's decision because she did not evaluate competent evidence when making her decision. Mr. Grandoff said the marina was never legal, and even if it were legal, it went dormant for a period of time, which means it is illegal under current code.

Mr. Amadeo asked Mr. Grandoff how he knows the marina was dormant. Mr. Grandoff referred to tab three of the provided exhibit as well as provided photographs.

Ms. Coyle explained that petitioners must provide as much information as possible to prove occupancy and to prove that there was no intent to abandon. The term marina was not always defined under the zoning code. So when the code is silent, it is up to the Zoning Administrator to interpret; therefore, it has been determined that the marina is a legal non-conforming use.

Carter McCain, legal counsel for Tampa Bay Marina, presented 12 sworn affidavits and 14 different aerials.

The following members of the public spoke: Richard Minardi, Glenda Montemayor, Thomas Korun, Judy Hall, Margaret Vizzi, Joe Chillura, Elliott Ross, Maria O'Sullivan, Michael Back, Chet Thatcher, and Styles Wilson.

Ms. Coyle corrected her original letter for the file. Mr. Grandoff and Mr. McCain accepted the changes.

Mr. DiNola moved to uphold the Zoning Administrator's decision. With no second, the motion failed.

Ms. Higgins moved to grant the appeal, seconded by Mr. Baron citing based on the evidence provided this location ceased to be a marina. The motion carried 5-2, with Mr. DiNola and Ms. Utter voting no.

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

#### **A. ADMINISTRATIVE APPEALS**

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

#### **C. GENERAL VARIANCES**

PETITION: VRB08-23  
PETITIONER: Jack D. and Nancy H. Suarez  
AGENT: Becky M. Craig, Cameron Coe and John Grandoff  
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  
*The public hearing was closed by the Board. It is the discretion of the Board as to reopen the public hearing or just have staff present any new findings or information.*

Mr. Grandoff explained the case and reviewed photographs.

Nancy Suarez spoke.

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

#### **IV. OLD BUSINESS: Continuances and Missed Notices**

##### **A. ADMINISTRATIVE APPEALS**

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

##### **C. GENERAL VARIANCES**

PETITION: VRB08-31  
PETITIONER: Courtney Congelio  
AGENT: Jodi Laumer-Giddens  
LOCATION: 4302 West Granada Street  
REQUEST: To reduce the rear yard setback from 12' to 9'-3 1/4"  
PURPOSE: To construct a carport  
NEIGHBORHOOD: Virginia Park

Ms. Giddens explained the case, reviewed the proposed site plan and photographs.

Ms. Giddens presented signatures of support for the file.

Mr. DiNola moved to approve the request, seconded by Ms. Utter, and Mr. O'Kelley added a condition that the carport never be enclosed. The motion carried 7-0.

PETITION: VRB08-34  
PETITIONER: Yannibert Jota  
AGENT: Juan C. Suarez  
LOCATION: 2337 Walnut Street  
REQUEST: To reduce the east side yard setback from 5' to 2'6" and the front yard setback from 11.69' to 5', with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct a single family home  
NEIGHBORHOOD: Old West Tampa

Mr. Suarez explained the case.

There was discussion between the Board, legal and staff regarding the petitioner's good neighbor notice, TECO's comments, and building safety standards.

Mr. LaBour moved to continue the case, seconded by Mr. DiNola. The motion carried 7-0.

PETITION: VRB08-35  
PETITIONER: Johann and Anthony Grieco  
AGENT: Not Applicable  
LOCATION: 18902 Woodsage Drive  
REQUEST: To reduce the wetland setback from 30' to 23', with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct a residential addition  
NEIGHBORHOOD: Hunters Green

*This case was improperly noticed and will be rescheduled for the June 10, 2008, public hearing.*

## V. NEW BUSINESS

### A. ADMINISTRATIVE APPEALS

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

PETITION: VRB08-52  
PETITIONER: Frank Grimaldi Trustee  
AGENT: Robert Smith  
LOCATION: 1002 North New Jersey Avenue  
REQUEST: To increase sign height from 6' to 18' and sign square footage from 15' to 80'  
PURPOSE: To retain an existing freestanding sign  
NEIGHBORHOOD: Oakford Park

Robert Smith explained the case, reviewed the permits and photographs.

Mark Brenchley with the City of Tampa Construction Services Department reviewed the permit comments.

Mr. Baron moved to approve, seconded by Mr. DiNola and Ms. Higgins noted that she supported the variance because there were no objections from the neighborhood association. The motion carried 6-1, with Mr. LaBour voting no.

### C. GENERAL VARIANCES

PETITION: VRB08-45  
PETITIONER: George and Gloria Barcelo  
AGENT: Not Applicable  
LOCATION: 3818 West San Pedro Street  
REQUEST: To reduce the minimum building separation distance from 5' to 1', with the allowed encroachment of the eaves and gutters  
PURPOSE: To demolish an existing aluminum structure and replace with a double carport  
NEIGHBORHOOD: Virginia Park

Mr. Barcelo explained the case and reviewed photographs.

Mr. DiNola moved to approve, seconded by Mr. Baron with the condition that the carport never be enclosed. The motion carried 7-0.

PETITION: VRB08-46  
PETITIONER: Sharon and Marty Millburg  
AGENT: Not Applicable  
LOCATION: 2414 Watrous Avenue  
REQUEST: To reduce the rear yard setback from 3' to 0', with the allowed encroachment of the eaves and gutters, and to increase the accessory structure height from 15' to 19'  
PURPOSE: To demolish an existing garage and construct a two-story garage  
NEIGHBORHOOD: New Suburb Beautiful

Marty Millburg explained the case and reviewed the proposed site plan.

David Reilly said that the Parks and Recreation Department has no objection to the requested height variance; however, the Department objects to moving the structure towards the rear yard because it conflicts with tree roots and the protective radius. The Department also objects to removing the existing concrete pad.

Mr. LaBour moved to deny, seconded by Ms. Utter. The motion carried 6-1, with Mr. Amadeo voting no.

PETITION: VRB08-47  
PETITIONER: Ezer Silverio  
AGENT: Not Applicable  
LOCATION: 2906 West Main Street  
REQUEST: To reduce the front yard setback from 16.58' to 11', with the allowed encroachment of the eaves and gutters  
PURPOSE: To retain an existing open porch  
NEIGHBORHOOD: Northeast MacFarlane

Ms. Chipi explained the case and reviewed photographs.

Mr. O'Kelley moved to approve with the condition that the variance is tied to the site plan that was submitted with the variance application, seconded by Mr. LaBour who added a condition that the porch never be enclosed. The motion carried 7-0.

PETITION: VRB08-49  
PETITIONER: Charles A. Moore, III  
AGENT: Rebecca R. Johns, Esq.  
LOCATION: 569 West Davis Boulevard  
REQUEST: To reduce the front yard setback from 25' to 10', with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct an attached garage and a residential addition  
NEIGHBORHOOD: Davis Islands Civic Association

Rebecca Johns explained the case and reviewed photographs. Ms. Johns provided letters of support for the file.

Jay Bartlett spoke in objection.

Mr. Bell, the project contractor, spoke.

Mr. LaBour moved to approve, seconded by Mr. O'Kelley. The motion was denied 4-3, with Mr. Amadeo, Mr. DiNola, Ms. Higgins and Mr. Baron voting no.

PETITION: VRB08-50  
PETITIONER: John Semis  
AGENT: Sarah Peart  
LOCATION: 4402 West Leila Avenue  
REQUEST: To reduce the rear yard setback from 20' to 11.2',  
with the allowed encroachment of the eaves and  
gutters  
PURPOSE: To retain a residential addition  
NEIGHBORHOOD: Gandy/Sun Bay South

Ms. Peart explained the case and reviewed photographs. Ms. Peart provided letters of support for the file.

Mr. O'Kelley moved to approve, seconded by Mr. LaBour. The motion carried 7-0.

PETITION: VRB08-51  
PETITIONER: Arnold and Zenaida Fultz  
AGENT: Not Applicable  
LOCATION: 2306 South San Jose Circle  
REQUEST: To reduce the front yard setback from 25' to 17'4",  
with the allowed encroachment of the eaves and  
gutters  
PURPOSE: To construct a residential addition  
NEIGHBORHOOD: Sunset Park

Mr. Fultz explained the case and reviewed photographs. Mr. Fultz provided letters of support for the file.

Mary Danielewicz-Bryson, with the City of Tampa Land Development Coordination Division, has no objections with the revised site plan.

Mr. DiNola moved to approve, seconded by Mr. Baron. The motion carried 7-0.

PETITION: VRB08-53  
PETITIONER: Ronald Brown  
AGENT: Not Applicable  
LOCATION: 712 West Adalee  
REQUEST: To reduce the west side yard setback from 7' to  
4.5', with the allowed encroachment of the eaves  
and gutters  
PURPOSE: To construct a residential addition  
NEIGHBORHOOD: Riverside Heights

*The petitioner has requested to be withdrawn from the variance process.*

PETITION: VRB08-54  
PETITIONER: George Gage  
AGENT: Not Applicable  
LOCATION: 2614 West Sunset Drive  
REQUEST: To reduce the west side yard setback from 7' to 3',  
with the allowed encroachment of the eaves and  
gutters  
PURPOSE: To construct a residential addition  
NEIGHBORHOOD: New Suburb Beautiful

Truett Gardner reviewed the proposed residential addition.

Mr. LaBour moved to approve with the condition that the addition never be enclosed, seconded by Mr. Baron. The motion carried 7-0.

## VI. ORGANIZATIONAL MATTERS

### A. AGENDA FORMAT

Mr. Baron moved to place improperly noticed cases at the end of the agenda, seconded by Ms. Higgins. The motion carried 7-0.

Mr. LaBour moved to place administrative appeals at the front of the agenda, seconded by Mr. DiNola. The motion carried 7-0.