



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 July 9, 2008)

MEETING DATE: June 10, 2008

MEETING TIME: 6:30 PM

I. ROLL CALL

Randy Baron, Lucinda "Alyson" Utter, Melanie Higgins (arrived during VRB08-61), Antonio Amadeo, Nicholas Bradford, 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 May 13, 2008

Mr. O'Kelley moved to approve revising the May 13, 2008, agenda to hear VRB08-61 first, seconded by Mr. Baron. The motion carried 6-0.

Without objection, Mr. Amadeo moved to approve the May 13, 2008, minutes. The motion carried 7-0.

III. NEW BUSINESS

PETITION:	VRB08-61
PETITIONER:	Chris Maccaron
AGENT:	Not Applicable
LOCATION:	2117 Rio Vista 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 an existing carport and deck
NEIGHBORHOOD:	Riverbend Civic Association

Chris Maccaron explained the case and reviewed the survey and photographs.

Jeff Edmondson spoke in objection of the petition and presented evidence for the file.

Marie Edmondson spoke in objection of the petition and presented evidence for the file.

Sonia Alley served as translator for Haydee Rabert who spoke in favor of the petitioner.

Mr. LaBour moved to deny the request citing the hardship criteria was not met, seconded by Ms. Higgins, who withdrew her second. The motion was then seconded by Mr. Baron. The motion carried 7-0.

IV. SUBSTANTIALLY DIFFERENT DETERMINATION OF PREVIOUS APPLICATIONS

PETITION: VRB08-46
PETITIONER: Sharon and Marty Millburg
LOCATION: 2414 Watrous Avenue
FIRST HEARING DATE: May 13, 2008

Marty Millburg reviewed the case that was presented at the May 13, 2008, public hearing and reviewed the revised survey and proposed variance request.

Mr. Baron moved to approve the request citing the height variance qualified as a substantial change, seconded by Mr. LaBour. The motion carried 6-1, with Mr. Bradford voting no.

PETITION: VRB08-49
PETITIONER: Charles A. Moore, III
LOCATION: 569 West Davis Boulevard
FIRST HEARING DATE: May 13, 2008

Charles Moore reviewed the case that was presented at the May 13, 2008, public hearing and reviewed the proposed variance request.

Mr. Baron moved to approve the request citing the single story garage proposal is a substantial change, seconded by Mr. O'Kelley. The motion carried 5-2, with Mr. Bradford and Mr. LaBour voting no.

V. ADMINISTRATIVE APPEALS

PETITION: VRB08-56
PETITIONER: Jeff O'Neal
AGENT: Not Applicable
LOCATION: 3506 West Barcelona
REQUEST: Administrative Appeal of the Parks and Recreation Department decision and to request tree removal or if administrative appeal is not granted, to reduce the rear yard setback from 15' to 7' and the front yard setback from 60' to 3', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a single family residence and detached two-car garage
NEIGHBORHOOD: Palma Ceia

Jeff O'Neal explained the case, reviewed the proposed site plans and photographs.

Bruce Lucas, Parks and Recreation Department, reviewed the Department's findings and said that the Department would support Site Plan #1 that was provided by the petitioner.

Ernie Mueller, City of Tampa legal department, reviewed accuracy of one of the proposed site plans and the notice for the rear yard.

Both the Parks Department and .Mary Danielwicz-Bryson, Land Development Coordination Division, determined that the tree which the petitioner requested to remove was a grand tree.

The following members of the public spoke in objection: Jim Stutzman, Sally Dee, Jon Strosberg, Lori Jennis (representing Palma Ceia neighborhood association), Vick Tipnes, Gregory Haney, Charles Moore, and Janet Rockey.

Mr. Bradford moved to deny the Administrative Appeal of the Parks and Recreation Department decision citing the evidence provided by the Parks and Recreation Department supported that this is a grand tree, seconded by Mr. LaBour. The motion carried 7-0.

The Board confirmed with Jeff O'Neal that breaking the variance request into two motions was acceptable.

Mr. Baron moved to deny the front yard setback citing the request substantially interferes with others, seconded by Mr. LaBour. The motion carried 7-0.

Mr. Baron moved to approve the rear yard setback from 15' to 7' citing the request is unique and singular, seconded by Ms. Utter, with the condition that the petitioner submits an amended site plan to City staff. The motion carried 5-2, with Mr. Bradford and Ms. Higgins voting no.

PETITION: VRB08-58
PETITIONER: The University of Tampa
AGENT: David Mechanik
LOCATION: 123 South Hyde Park Avenue
REQUEST: Administrative Appeal
PURPOSE: Administrative Appeal of a Zoning Interpretation
NEIGHBORHOOD: Hyde Park North
Per the City of Tampa's legal department request, this case has been continued to the August 12, 2008, public hearing date.

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

A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

B. GENERAL VARIANCES

PETITION: VRB07-78
PETITIONER: Stephen Michellini
AGENT: Not Applicable
LOCATION: 2400 – 2438 Prospect Road
REQUEST: To increase fence/wall 6' up to 10' for 2426 – 2438 Prospect Road inclusive and from 6' up to 14' for 2400 – 2424 Prospect Road inclusive per City Council motion
PURPOSE: To relocate fences and walls
NEIGHBORHOOD: New Suburb Beautiful

The City of Tampa Legal Department reviewed the following City Council decision with the Board members: *City Council remanded this petition to the Variance Review Board requesting the petitioner come back with a modified plan allowing 14' along the Crosstown side and reducing his request down to 10' along the east-west side adjacent to the apartment complex.*

Stephen Micheleni explained the case and reviewed photographs.

The Board confirmed with Stephen Micheleni that breaking the variance request into two motions was acceptable.

Mr. LaBour moved to approve the request to 10' along 2404 - 2424 Prospect Road citing the properties abut the highway, seconded by Mr. O'Kelley. The motion carried 7-0.

Mr. Baron moved to approve the request to 8' along 2426 - 2438 Prospect Road citing safety, seconded by Mr. Bradford. The motion carried 6-1, with Ms. Higgins voting no.

PETITION:	VRB08-34
PETITIONER:	Yannibert Jota
AGENT:	Juan C. Suarez
LOCATION:	2337 Walnut Street
REQUEST:	To reduce the east and west 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

Juan C. Suarez reviewed the case and explained that he met with Construction Services to clarify what would be expected of him regarding fireproof walls.

Mr. Baron moved to approve the request to reduce the east and west side yard setback, seconded by Mr. LaBour. The motion carried 6-1, with Mr. O'Kelley voting no.

Juan C. Suarez requested to withdraw the front yard variance request.

VII. NEW BUSINESS

A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

B. GENERAL VARIANCES

PETITION:	VRB08-55
PETITIONER:	Land Trust Service Corporation
AGENT:	Joseph Diaz
LOCATION:	1903 East Wilder Avenue
REQUEST:	To reduce the west side yard setback from 5' to 3.1', with the allowed encroachment of the eaves and gutters
PURPOSE:	To create a buildable lot
NEIGHBORHOOD:	East Tampa Business and Civic Association

Joseph Diaz explained the case and reviewed the survey.

Mr. Baron moved to approve the request citing the request was in harmony with the City's Comprehensive Plan, seconded by Ms. Higgins. The motion carried 6-1, with Mr. Bradford voting no.

PETITION: VRB08-57
PETITIONER: William and Sonia Mitchell-Alley
AGENT: Not Applicable
LOCATION: 2721 West Louisiana Avenue
REQUEST: To reduce the east side yard setback from 7' to 1.96', with the allowed encroachment of the eaves and gutters
PURPOSE: To retain an existing residential addition
NEIGHBORHOOD: Wellswood Civic Association

William and Sonia Mitchell-Alley explained the case and reviewed the survey and photographs.

Mr. LaBour moved to approve the request citing the homeowners association had not objected, seconded by Ms. Higgins. The motion carried 4-3, with Mr. Amadeo, Mr. Baron and Mr. Bradford voting no.

PETITION: VRB08-59
PETITIONER: Pablo and Elise Ruiz-Ramon
AGENT: Not Applicable
LOCATION: 4803 West Woodmere Road
REQUEST: To increase the accessory structure height from 15' to 25' and to reduce the rear yard setback from 20' to 3' and the east side yard setback from 7' to 1', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a second story addition to an existing detached garage
NEIGHBORHOOD: Beach Park

Elise Ruiz-Ramon explained the case and reviewed the survey.

Margaret Vizzi spoke on behalf of the neighborhood association and objected to the petition.

Mary Danielwicz-Bryson clarified that the variance request would not interfere with the existing tree canopy.

Mr. LaBour moved to deny the request citing the hardship criteria had not been met, seconded by Ms. Higgins. The motion carried 6-1, with Mr. Bradford voting no.

PETITION: VRB08-60
PETITIONER: Optimus Development
AGENT: Matt Campo
LOCATION: 4424 West Carmen Street
REQUEST: To reduce the front yard setback from 25' to 24', the rear yard setback from 15' to 14' and the east side yard setback from 7' to 6', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a four unit townhome
NEIGHBORHOOD: Westshore Palms

Matt Campo explained the case and reviewed the survey and photographs.

Alexandra Wolfe objected to the rear yard variance request.

Mr. LaBour moved to continue the variance request to the August 12, 2008, public hearing date, seconded by Ms. Higgins. The motion carried 7-0.

PETITION: VRB08-62
PETITIONER: Mike and Steve Seifert
AGENT: Todd Pressman
LOCATION: 3812 West Obispo
REQUEST: To reduce the west side yard setback from 7' to 4',
with the allowed encroachment of the eaves and
gutters
PURPOSE: To vest an existing condition
NEIGHBORHOOD: Virginia Park

Todd Pressman explained the case and reviewed the survey. Mr. Pressman presented evidence for the file.

Mr. LaBour moved to approve the request with the condition that it only be applied to the reconstruction of the bay window, seconded by Ms. Higgins. The motion carried 7-0.

PETITION: VRB08-63
PETITIONER: Jaimet China
AGENT: Geoff Brown
LOCATION: 4003 West Marietta Street
REQUEST: To reduce the rear yard setback from 20' to 10',
with the allowed encroachment of the eaves and
gutters
PURPOSE: To retain an existing residential addition
NEIGHBORHOOD: Gandy / Sun Bay South Civic Association
*Per staff's review, this case has been withdrawn from the variance
process.*

PETITION: VRB08-64
PETITIONER: David and Stephanie Davidson
AGENT: Mark Madison
LOCATION: 1306 Alicia Avenue
REQUEST: To reduce the rear yard setback from 20' to 0', with
the allowed encroachment of the eaves and gutters
PURPOSE: To construct a screen room enclosure for a pool
NEIGHBORHOOD: Riverbend Civic Association

Mark Madison explained the case and reviewed the survey and photographs.

Michael Addison spoke in favor of the petition.

Mr. O'Kelley moved to approve the request citing the property is unique and singular, seconded by Mr. Baron. The motion carried 7-0.

VIII. OLD BUSINESS: Continuances and Missed Notices

A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

B. GENERAL VARIANCES

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
Per the petitioner's request, this case has been withdrawn from the variance process.

IX. BOARD ORGANIZATIONAL MATTERS

A. RULES AND PROCEDURES

The Variance Review Board discussed possibly changing its rules and procedures to require petitioners to submit all application materials five days prior to the scheduled public hearing date. The Board decided to table the agenda item for further discussion.

The Variance Review Board discussed possibly changing its rules and procedures to include that if a Board member has not responded by noon on the Friday before the scheduled public hearing, then s/he will be replaced by an alternate for that public hearing and will not be allowed to serve. The Board decided to table the agenda item for further discussion.