



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

MINUTES

MEETING DATE: September 9, 2008

MEETING TIME: 6:30 PM

I. ROLL CALL

Members Present: Antonio Amadeo, Chair; Steve LaBour, Randy Baron, Randy O'Kelley, Nicholas Bradford, Lucinda Utter, Gennaro DiNola

Staff Present: Towanda Anthony (LDC), Eric Cotton (LDC), Ernie Mueller (Legal), Mary Danielewicz-Bryson (LDC)

II. APPROVAL OF MINUTES FOR August 12, 2008

Mr. LaBour moved to approve and was seconded Mr. Baron. The motion passed 7-0.

III. ADMINISTRATIVE APPEALS

PETITION: VRB08-58 (**Continued from August 12, 2008**)
PETITIONER: The University of Tampa
AGENT: David Mechanik
LOCATION: 123 South Hyde Park Avenue
REQUEST: Administrative Appeal of Zoning Interpretation
PURPOSE: To set a public hearing date to actually hear the case
NEIGHBORHOOD: Hyde Park North

Mr. Muller explained the need for a special hearing for a night in mid-October and to adopt rules of procedure.

Mr. Mechanik indicated that he wanted the earliest possible date that the case can be heard.

Mr. Bentley indicated that he was available in November.

Board discussion ensued regarding the date. Mr. DiNola moved to have the hearing on November 12 at 6:30 and was seconded by Mr. Baron. The motion passed 7-0.

PETITION: VRB08-85
PETITIONER: Teresa M. Miller
AGENT: Not Applicable
LOCATION: 3608 W. Corona Street
REQUEST: Administrative appeal of the Parks and Recreation of tree removal determination.
PURPOSE: To avoid further damage to existing residence
NEIGHBORHOOD: Virginia Park

Ms. Miller presented her case, indicating that the tree was originally approved to come out and discussed the issues that have resulted from the tree being in that location.

Mr. LaBour asked about any arborist reports that were done.

Mr. Reilly, Parks Department, explained why the Parks Department objected to the removal. Per Mr. Reilly, Kathy Beck (Parks) and Jim Stephens (CSD) examined the tree. Mr. Reilly had a written report from CSD explaining the position of the City.

Mr. Bradford asked for an arborist report. Ms. Miller indicated that she did not have one.

Discussion ensued regarding the original site plan and the location in regards to the structure.

The public hearing was closed.

Board discussion ensued regarding the damage report and damage that the tree may be causing or will cause to the house.

Mr. Muller explained the three standards for grand tree removal: hazardous tree, reasonable use or structural damage (13-45(g)).

In response to questions, Mr. Reilly indicated that within a year or two, chances are good that structural damage will take place.

Mr. DiNola moved to overturn the Parks Department and allow the removal of the tree was seconded by Mr. O'Kelley. The motion passed 7-0.

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

A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

B. GENERAL VARIANCES

V. NEW BUSINESS

A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

B. GENERAL VARIANCES

PETITION: VRB08-86
PETITIONER: Gustavo Ospina
AGENT: Not Applicable
LOCATION: 2114 W Clifton Street
REQUEST: To reduce the west side yard setback from 7' to 3.5' with the allowed encroachment of the eaves and gutters.
PURPOSE: To retain existing residential structure
NEIGHBORHOOD: River Bend Civic Association

The petitioner was not in attendance. Mr. LaBour moved to continue the case until November 18, 2008 and was seconded by Mr. Baron. The motion passed 7-0.

PETITION: VRB08-87
PETITIONER: Michelle Young
AGENT: Not Applicable
LOCATION: 3109 W Oakellar Avenue
REQUEST: To reduce the rear yard setback from 20' to 5', the west side yard setback from 7' to 5.9', and the east side yard setback from 7' to 6.7' (vest existing condition) with the allowed encroachment of the eaves and gutters
PURPOSE: To retain existing residential addition
NEIGHBORHOOD: Bayshore Beautiful

Ms. Young explained her request and the history of the house. She explained the previous variance that was granted previously. Ms. Young explained the permitting issues and the building of the addition without permits.

Ms. Young showed the original survey of the house, indicating the layout and existing setbacks.

Public hearing was closed.

Mr. O'Kelley moved to approve the request and was seconded by Mr. Bradford. The motion passed 7-0.

PETITION: VRB08-88
PETITIONER: Gerald Martinez
AGENT: Not Applicable
LOCATION: 4201 W Fig Street
REQUEST: To reduce the east side yard setback from 7' to 4' with the allowed encroachment of the eaves and gutters

PURPOSE: To allow addition of master bedroom, family room and lanai
NEIGHBORHOOD: Westshore Palms

Mr. Martinez explained the requested variance and reviewed the survey and site plan. He explained the taking for the widening of Lois Avenue in the reduction of the setback.

Public hearing closed.

Mr. LaBour moved to approve the request and was seconded by Mr. Baron. The motion passed 7-0.

PETITION: VRB08-89
PETITIONER: Sharon & Marty Millsburg
AGENT: Not Applicable
LOCATION: 2414 Watrous Avenue
REQUEST: To increase height from 15' to 19'
PURPOSE: To construct 2-story garage
NEIGHBORHOOD: New Suburb Beautiful

Mr. Millsburg explained the request and the reasoning for the previous denial and the inaccuracy of the survey that was previously presented. He explained the vacating of the alley way.

The hardship was the need for additional space for relatives coming to stay.

Mr. Millsburg addressed the tree issue, indicating the tree might need to be pruned and that the protective radius will be at 18'. He showed other two-story garages in the neighborhood, indicating that is was compatible with the neighborhood. He also showed a letter of support from one of his neighbors.

Mr. Reilly indicated that there was no objection to the garage location in regards to the tree.

Public hearing closed.

Mr. DiNola moved to approve the request and was seconded by Mr. Bradford. Mr. LaBour indicated that he did not see a hardship on the property. The motion passed 6-1, with Mr. LaBour voting nay.

PETITION: VRB08-90
PETITIONER: Charles A Moore III & Meagan D Moore
AGENT: Not Applicable
LOCATION: 569 W Davis Boulevard
REQUEST: To reduce the front yard setback from 25' to 12.2' with the allowed encroachment of the eaves and gutters
PURPOSE: To construct single story garage
NEIGHBORHOOD: Davis Island Task Force

Mr. Moore presented his case. He explained the previous request and the difference between the new request and the one that was previously denied.

Mr. Moore presented a packet of material and reviewed it before the Board. He showed numerous pictures of the property and discussed the aspects of the neighborhood.

He discussed a grand oak tree in the rear of the property, making it difficult to build the garage in the rear.

Mr. Kirk, Transportation, spoke in support of the request, citing the width of the right of way.

Public hearing was closed.

Mr. LaBour moved to approve the request and was seconded by Mr. DiNola. The motion passed 7-0.

PETITION: VRB08-91
PETITIONER: Leonard Whitehurst
AGENT: Not Applicable
LOCATION: 2919 W Woodlawn Avenue
REQUEST: To reduce the front yard setback from 20' to 14' 7"
to reduce the rear yard setback from 20' to 11' with
the allowed encroachment of the eaves and gutters
PURPOSE: To retain existing front addition/To vest rear yard
condition
NEIGHBORHOOD: Stadium Area/ North East MacFarlene

Ms. Whitehurst explained the request and the work done without permits. The petitioner has submitted for permits.

She explained the work of an unlicensed contractor.

Public hearing closed.

Mr. Bradford questioned the lack of hardship.

Mr. Baron suggested splitting the motion into front and rear setbacks.

Mr. Baron moved to approve the rear yard and was second by Mr. O'Kelley. The motion passed 7-0.

Mr. LaBour moved to approve the front yard and was seconded by Ms. Utter. The motion failed 2-5, with Mr. Baron, Mr. Amadeo, Mr. O'Kelley, Mr. DiNola and Mr. Bradford voting nay.

Public hearing was reopened and Ms. Whitehurst explained about a five foot slab. Sharon Whitehurst explained the addition in greater detail.

Public hearing was closed.

Mr. Baron moved to approve the request and was seconded by Mr. LaBour. Discussion ensued as to Roberts Rules.

Mr. Baron moved to reconsider the previous motion to approve and was seconded by Mr. O'Kelley. The motion to reconsider passed 5-2, Mr. DiNola and Mr. Bradford voting nay.

The original motion to approve was held for vote and failed 3-4, Mr. DiNola, Mr. Bradford, Mr. O'kelley and Mr. Amadeo voting nay.

Mr. Bradford moved to deny the front yard and was seconded by Mr. O'Kelley. The motion passed 4-3, with Mr. Baron, Mr. LaBour and Ms. Utter voting nay.

PETITION: VRB08-92 (**Mis-Notice**)
PETITIONER: Anthony Galarza
AGENT: Not Applicable
LOCATION: 910 N Edison Avenue
REQUEST: To reduce the front yard setback from 20' to 15',
with the allowed encroachment of the eaves and
gutters
PURPOSE: To construct a new single family residential
residence
NEIGHBORHOOD: Forest Hills Community Association

The case was mis-noticed. Staff will set another public hearing date for the October 14, 2008 or November 18, 2008 public hearing.

PETITION: VRB08-93
PETITIONER: Adam LaFaye
AGENT: Not Applicable
LOCATION: 4311 W South Avenue
REQUEST: To reduce the front yard setback from 10' to 6.1',to
reduce the corner yard setback from 10' to 2.2' with
the allowed encroachment of the eaves and gutters
and to reduce parking requirement from 6 spaces
to 5 spaces
PURPOSE: To retain existing buildings
NEIGHBORHOOD: Drew Park Advisory Committee

Mr. LaFaye presented his case, explaining the site plan and the odd shape of the property.

Mr. LaBour asked if the parking had been laid out and did not want to approve a parking reduction if the reduction in number of spaces would be greater than the five requested.

Public hearing was closed.

Mr. LaBour moved to continue the case October 14, 2008 and seconded by Mr. DiNola. The motion passed 6-0, with Mr. Bradford absent at vote.

PETITION: VRB08-94
PETITIONER: Kevin Fosbenner
AGENT: Not Applicable
LOCATION: 4323 W El Prado Boulevard
REQUEST: To reduce the front yard setback from 10' to 2' with
the allowed encroachment of the eaves and gutters
PURPOSE: To reestablish prior architecture feature
NEIGHBORHOOD: Virginia Park

Mr. Fosbenner showed pictures of his request, explaining the desire to re-establish the canopy and towers.

Mr. Ronnie Dasher explained why the architectural features were removed – termite damage.

Public hearing was closed.

Mr. Bradford moved to approve the request and was seconded by Mr. LaBour. The motion passed 7-0.

VI. OLD BUSINESS: Continuances and Missed Notices

A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

B. GENERAL VARIANCES

VII. BOARD ORGANIZATIONAL MATTERS

Mr. LaBour moved for counsel to draft rules of procedure for zoning administrator appeals. His motion was seconded Mr. DiNola. The motion passed 7-0.