



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

## Minutes

**MEETING DATE: November 18, 2008**

**MEETING TIME: 6:30 PM**

### **I. ROLL CALL**

Members Present: Antonio Amadeo, Chair; Randy Baron, Randy O'Kelley, Nicholas Bradford, Sue Lyon, Gennaro DiNola

Staff Present: Towanda Anthony (LDC), Eric Cotton (LDC), Ernie Mueller (Legal), David Reilly (Parks), Roger Kirk (Transportation)

### **II. APPROVAL OF MINUTES FOR October 14, 2008**

Mr. Baron moved to approve with corrections and was seconded by Mr. O'Kelly. The motion passed 6-0.

### **III. ADMINISTRATIVE DETERMINATION FOR "Substantially Different Request"**

PETITION: VRB08-36 (**Continuance**)  
PETITIONER: Carlos Amaya  
AGENT: Not Applicable  
LOCATION: 3617 West Carmen Street  
REQUEST: "Substantially Different Request" determination  
PURPOSE: To retain an existing accessory structure  
NEIGHBORHOOD: Oakford Park

*The Board shall hear a summary of any new evidence or of any other factors which may indicate that the application for rehearing constitutes a substantially different request. No testimony in opposition will be heard at this time.*

*The board requested a continuance to the November 18, 2008, public hearing date to allow petitioner to bring site plan.*

Carlos Castillo explained the site plan.

Mr. Amadeo asked what was different between this plan and the other plan.

Mr. Castillo explained it was the building separation is being removed and only the side yard variance is needed.

The public hearing was closed and Board discussion ensued.

Mr. Baron did not see any substantially different request and could not support the motion. Mr. Bradford agreed with Mr. Baron,. Mr. Amadeo felt that the request was substantially different.

Mr. Bradford moved to deny the request for “substantially different determination” based on that the requirements have not been met and was seconded by Mr. Baron. The petition is still very similar. The motion tied 3-3. Ms. Lyon asked for reconsideration and was seconded by Mr. O’Kelley. The motion passed 6-0.

Mr. Mueller indicated that the rules require the motion to be continued.

Mr. Baron moved to waive the rules and was seconded by Mr. O’Kelley.

The motion to deny the request passed 4-2, with Mr. Amadeo and Mr. Di Nola voting nay.

**IV. OLD BUSINESS: Cases Continued/ Mis-Notice**

PETITION: VRB08-86 (**Continuance**)  
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 board requested a continuance to the November 18, 2008, public hearing date.*

Mr. Baron moved to continue this case until the end of the agenda. Mr. O’Kelley seconded the motion which passed 7-0.

The Board opened the case, the petitioner was not in attendance. As this was the second time this had happened, Ms. Lyon moved to deny and was seconded by Mr. Bradford. The motion passed 6-0.

**V. NEW BUSINESS**

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

PETITION: VRB08-111  
PETITIONER: Charlie Deal  
AGENT: Not Applicable  
LOCATION: 302 N Dale Mabry Highway  
REQUEST: Additional Signage

PURPOSE: To install additional signage on rear elevation facing parking lot, non-illuminate  
NEIGHBORHOOD: North Bon Air

Mr. Deal explained the variance request. He showed an aerial map and the site plan for the property. He showed elevations of the property, including the west elevation, where the proposed sign will be located.

Public hearing was closed and Board discussion ensued.

Mr. O'Kelley moved to approve and was seconded by Mr. Baron. Motion passed 5-1, with Mr. DiNola voting nay.

PETITION: VRB08-114  
PETITIONER: David B Williams  
AGENT: David B Williams  
LOCATION: 1801 N Highland Avenue  
REQUEST: To increase height of freestanding sign from 10' to 11' and to reduce 5' to 0'.  
PURPOSE: To add southwest corner sign to the exterior wall  
NEIGHBORHOOD: Tampa Heights Civic Association

Mr. Williams explained the request and showed a photo of where the signage will be located.

The public hearing was closed and Board discussion ensued.

Mr. O'Kelley moved to approve and was seconded by Mr. Baron. The motion passed 6-0.

## B. GENERAL VARIANCES

PETITION: VRB08- 105  
PETITIONER: Gina K. Grimes, Esquire  
AGENT: Not Applicable  
LOCATION: 4625 Bayshore Boulevard  
REQUEST: To reduce the building separation from 10' to 1.9', with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct accessory structure  
NEIGHBORHOOD: Bayshore Beautiful Homeowners Association

Ms. Grimes explained the variance request. She went through the RS-150 development standards and showed lot coverage.

Mr. Riley, Parks Department, explained the concern over the tree. Ms. Grimes countered that the approval of the garage at that location was granted by CSD.

Tom Lamb, the architect for the project, stated that the garage could not be reduce in size and still function.

The public hearing was closed and Board discussion ensued.

Nick Bradford recused himself, as he is the engineer on record and submitted the conflict of interest paperwork.

Mr. DiNola moved to approve and was seconded by Mr. O'Kelley. The motion passed 5-0.

PETITION: VRB08-106  
PETITIONER: Phyllis E. Hunt & Vilia Corvison  
AGENT: Susan E. Johnson-Velez, Esquire  
Fred N. Presley, Jr. Esquire  
Fowler White Boggs Banker P.A.  
LOCATION: 408 East Minnehaha  
REQUEST: To reduce rear yard setback from 20' to 2.5'.  
PURPOSE: To construct residential structure and accessory structure  
NEIGHBORHOOD: Old Seminole Heights

Ms. Johnson-Velez explained the variance request and the history of the building approval through CSD. The site plan was modified to show the garage as being attached, not detached.

The public hearing was closed and Board discussion ensued.

The public hearing was reopened to ask the petitioner if the site was to remain a single family home with a detached structure.

Phyllis Hunt, property owner, indicated that she wanted to attach the two buildings. The Board expressed concern over the hardship for an attached structure.

Mr. Baron moved to continue until January 13, 2009 and was seconded by Ms. Lyon. The motion passed 6-0.

PETITION: VRB08-107  
PETITIONER: John Adam Danner and Andrea Danner  
AGENT: Not Applicable  
LOCATION: 3205 Oak Green Way  
REQUEST: To reduce rear yard setback from 5' to 1'.  
PURPOSE: To construct swimming pool and screen enclosure  
NEIGHBORHOOD: SouthGreen Homeowners Association

Mr. Danner explained the requested variance.

Mr. Reilly discussed the tree issue and that the request was going to cause the minimal root damage to the tree.

The public hearing was closed and Board discussion ensued.

Ms. Lyon moved to approve and was seconded by Mr. Baron. The motion passed 5-0, with Mr. Bradford not in attendance.

PETITION: VRB08-108

PETITIONER: Marc and Loreen Spencer  
AGENT: Mark D Madison  
LOCATION: 2916 ½ W Tambay Avenue  
REQUEST: To reduce the west side yard setback from 7' to 4' and to reduce the west side yard setback from 5' to 2', with the allowed encroachment of the eaves and gutters.  
PURPOSE: To construct solid roof patio cover and screened pool enclosure  
NEIGHBORHOOD: Baysshore Beautiful Homeowners Association

Mr. Madison explained the request and the history of the lot. He explained the bug problem and the mature trees on the site.

Mr. Reilly discussed the tree issue and maintaining the protective radius from the trees. He indicated that special construction techniques would be needed for construction.

There was Board discussion regarding the design of the screen room.

The public hearing was closed and Board discussion ensued.

Mr. DiNola moved to approve the request, with the condition that the porch never to be enclosed and that the petitioner meet the requirements of Chapter 13 as discussed that the hearing. The motion was seconded by Mr. Baron and passed 4-2, with Mr. Bradford and Mr. O'Kelley voting nay.

PETITION: VRB08-109  
PETITIONER: Dan Wallace Fields III & Deena M. Fields  
AGENT: Not Applicable  
LOCATION: 4522 W Watrous Avenue  
REQUEST: To reduce the corner yard setback from 15' to 12.3'  
PURPOSE: To enclose existing covered lanai  
NEIGHBORHOOD: Culbreath Bayou

Mr. Fields explained the variance request, showing a copy of his site plan. He also showed elevations of the property. Mr. Fields then explained four hardships: economic, living space, aesthetics and no other place to add any living space.

Public hearing was closed and Board discussion ensued.

Mr. Baron moved to approve and was seconded by Mr. DiNola. The motion passed 6-0.

PETITION: VRB08-110  
PETITIONER: Miguel's Properties LTD  
AGENT: Stephen Michelini  
LOCATION: 3035 W Kennedy Boulevard  
REQUEST: To reduce the front yard setback from 10' to 0'  
PURPOSE: To construct canopy with columns  
NEIGHBORHOOD: OakFord Park

Mr. Michelini discussed the variance request, showing pictures of the site and the purpose of the request.

The public hearing was closed and Board discussion ensued.

Mr. Baron moved to approve the request and was seconded by Mr. DiNaro. Mr. O'Kelley offered the amendment that the area never be enclosed. The amendment was accepted. The motion passed 5-1, with Mr. Bradford voting nay.

PETITION: VRB08-112  
PETITIONER: Richard D Ivester  
AGENT: Not Applicable  
LOCATION: 17805 Hickory Moss Place  
REQUEST: To reduce the rear yard setback from 20' to 15',  
with the allowed encroachment of the eaves and  
gutters  
PURPOSE: To construct room addition  
NEIGHBORHOOD: New Tampa

Mr. Ivester presented his case, explaining the need to the variance and extra space needed.

Public hearing was closed and Board discussion ensued.

Mr. O'Kelley moved to approve the request and was seconded by Mr. Bradford. The motion passed 6-0.

PETITION: VRB08-113  
PETITIONER: Kirk Blackburn  
LOCATION: 2830 W Bayhaven Drive  
REQUEST: To increase accessory structure height from 15' to  
19'3"  
PURPOSE: To retain existing accessory structure  
NEIGHBORHOOD: Ballast Point

Mr. Blackburn explained his variance request, stating that the plans were approved by the City.

Public hearing was closed and Board discussion ensued.

Mr. DiNola moved to approve the request and was seconded by Ms. Lyon seconded and the motion passed 6-0.

## **VI. BOARD ORGANIZATIONAL MATTERS**