



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.

DRAFT MINUTES
(As of September 13th, 2010)

MEETING DATE: August 10, 2010

MEETING TIME: 6:30 PM

- I. **ROLL CALL: Gennaro DiNola, Sue Lyon, Randy Barron, Antonio Amadeo, Nicholas Bradford, Lucinda Utter.**
- II. **APPROVAL OF MINUTES FOR July 13, 2010 June 8, 2010, Motion made by Antonio Amadeo asking if there were any objections, and finding none, approved the minutes. Antonio Amadeo had two changes on page one in the next to last sentence, add that petitions are based on competent and substantial evidence and add the words the board. Minutes approved**
- III. **Antonio Amadeo introduced the staff that was Present: Ernie Mueller, Senior Assistant City Attorney, Joel Sousa, Land Development Coordination, Mary Danielewicz-Bryson, Land Development Coordination, Dave Reilly, Parks and Recreation, Melanie Calloway, Transportation.**

He went over the rules and appeals process and procedures. He asked staff if there was any additional information regarding the agenda he wanted to present to the board. Continuances will be October or November. Joes Sousa stated that the applicant for VRB10-47 and the Zoning Administrator believed this should be remanded back to the zoning Administrator. Julie Cole (City Attorney) stated that after review this case with Zoning Administrator, she believed in remanding back to Zoning

Administrator, and if there is an appeal that needs to go to the board it will at that time.

Ernie Mueller asked to remand.

Motion made by Gennaro DiNola to remand VRB10-47 back to Zoning Administrator to review for conformance per recommendation by legal staff, in agreement with the applicant.

Motion was seconded by Nick Bradford.

Motion carried 6-0.

VRB10-49 September hearing due to tree issue needs to re-notice.

Joel Sousa: Board determination added to the bottom of the agenda for a substantial application change request.

In addition, VRB10-36, the applicant is here to request being moved to the November. 9th hearing date, his attorney is not available tonight.

Motion made by Bradford, 2nd Utter, to accept the requested continuance of VRB10-36 to the 11/9/10 hearing date, and to hear determination of a substantial application change.

All in favor – Gennaro DiNola, Sue Lyon, Randy Barron, Antonio Amadeo, Nicholas Bradford, Lucinda Utter. Motion carried 6-0.

None opposed.

Ernie Mueller swore every one in.

Ernie Muller went over exparte communication and to please disclose.

IV. OLD BUSINESS: Cases Continued/ Mis-Notice

PETITION:	VRB10-27
APPLICANT:	Michael Kass
AGENT:	Stephen Michelini
LOCATION:	1505 N Florida Ave.
REQUEST:	To reduce the front yard setback from 8' to 1'.
PURPOSE:	To remodel an existing legal non-conforming sign & make the sign legal conforming.
NEIGHBORHOOD:	Tampa Heights Civic Assn. <i>Board voted to continue this case to the June 8, 2010 hearing date. Case was approved by the Board to be continued from the April 13, 2010 hearing, to the June 8th hearing, and then approved</i>

by the Board to be continued from the June 8th hearing to the August 10, 2010 hearing.

Joel Sousa - introduced the case and showed photos and an aerial photo. No departments had any issues with the request. He handed out handouts submitted by the applicant.

Steve Michelini - addressed the board stating that they asked for additional information provided to the board in various forms. He showed pictures.

Bob Smith, Electric Sign Company 8402 us highway 301, electric sign contractor, he did a printout – explained 5' setback if you are lower than 10 you can be closer. If you went up to 20' you move back 1' for every foot over 10'.

Motion to approve made by: Gennaro DiNola per the dimensions 50 sqft sign one sided facing south.

Motion was seconded by: Randy Barron.

All in favor: All, Carried 6-0

Opposed: None

APPLICATION: VRB10-36
APPLICANT: Tait Kmentt
LOCATION: 7 W Spanish Main St.
REQUEST: Appeal of the denial of the Parks Department to reduce the setback for protective radius of a tree from 15' to 8', and remove a grand tree.
PURPOSE: To allow installation of a basketball court.
NEIGHBORHOOD: Beach Park Homeowners Assn.
Case was moved to the July 13th hearing date due to a mis-notice, and then approved by the Board to be continued to the August 10, 2010 hearing.

Applicant requested to be continued to the 11/9/10 hearing date.

Motion to approve made by: Nick Bradford

Motion was seconded by: Lucinda Utter

All in favor: 6

Opposed: 0

Joel Sousa asked to move VRB10-99 up in the agenda per request of Steve Michelini.

APPLICATION: VRB10-38
APPLICANT: Kennedy Dale Mabry Center Inc.
AGENT: Stephen Michelini
LOCATION: 101 S Dale Mabry Hwy.
REQUEST: To reduce the Kennedy Blvd. (front yard) setback from 15' to 2', to reduce the Dale Mabry Hwy. (side yard) setback from 15' to 7, increase the height from 20' to 25', and to increase the allowable square footage from 100 SF. to 317 SF.
PURPOSE: To make two existing legal non-conforming monument signs legal conforming.
NEIGHBORHOOD: Swann Estates
Petition was moved to the June 8, 2010 hearing date due to a mis-notice, and then approved by the Board to be continued from the June 8th hearing to the August 10, 2010 hearing.

Joel Sousa introduced the case and showed photos and an aerial photo. No objections from internal agencies.

Steve Michelini – showed pictures of both signs. Showed site plans of where the sign presently is and showed where the signs would be in the drive aisle if placed where they would need to be to meet code drive aisle is 12' wide.

Bob smith – of Electric sign Co. went over the City sign code.

Mr. Barron moved to deny the variance application, there was no substantial or competent evidence that shows a hardship with respect to square feet.

Ms. Lyon 2nd , no hardship presented.

All in favor: 6-0.
Motion carried: 6-0.

PETITION: VRB10-99
APPLICANT: Salem Gharsalli
AGENT: Edward Martin
LOCATION: 2015 50th Street
REQUEST: To increase the sign square footage from 50 sqft. to 132 sqft., to increase the sign height from 20-feet to 25-feet, and to decrease the sign setback from 15-feet to 5-feet.
PURPOSE: To make a legal non-conforming sign legal conforming.
NEIGHBORHOOD: East Tampa Community Revitalization Partnership, Florence Villa/Beasley/Oak Park Civic Association

Case was moved to the August 10th hearing date due to a mis-notice.

Joel Sousa introduced the case and showed photos and an aerial photo. No objections from any of the agencies.

Ed Martin, of Bay Area Sign Company, introduced his application.

Randy Barron motioned to deny - there was no competent substantial evidence for a hardship.

Motion 2nd , by Sue Lyon.

Motion carried to deny the application, 6-0.

PETITION: VRB10-101
APPLICANT: T. Truett Gardner
LOCATION: 3528, 3601 & 3608 N Nebraska
REQUEST: To allow security barbed wire fencing
PURPOSE: To allow existing barbed wire fencing to remain.
NEIGHBORHOOD: Ybor Heights
Application was approved by the Board to be continued from the July 13th hearing to the August 10, 2010 hearing.

Joel Sousa introduced the case and showed photos and an aerial photo. No objection from internal agencies.

Truitt Gardner – gave brief synopsis – in order to keep our barbed wire need to demonstrate a security need.

Gennaro DiNola motioned to approve the application with conditions.

Motion 2nd , by Randy Barron.

Conditions: – 3528 Nebraska Ave. – no barbed wire, remove all existing barbed wire and add City of Tampa commercial grade buffering along rights-of-ways & alleys (chain link fence with vines); 3608 N. Nebraska Ave. – keep chain link fence with barbed wire, but remove existing barbed wire where it meets any building and add commercial grade buffering (chain link fence with vines); 3601 N Nebraska Ave. – keep chain link fence with barbed wire, remove barbed wire where it meets any buildings and add commercial grade buffering (chain link fence with vines). There shall be no buffering where access/egress gates are located ingress/egress non gated areas

All in favor motion carried unanimously, 6-0.

V. NEW BUSINESS

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

PETITION: VRB10-47
APPLICANT: Rico Potter/PGS Cores
AGENT: Stephen Michelini
LOCATION: 3601 N 15th St
REQUEST: To appeal the Zoning Administrator's decision that the existing use of recycling/building and auto parts in not an allowed use in either of the two zoning districts (CI & RS-50) of which the current zoning lot is comprised of. Further, that the existing non-conforming uses are vested under the provisions allowed by Chapter 27.
PURPOSE: To allow the existing non-conforming uses to remain.
NEIGHBORHOOD: East Tampa Business & Civic

Motion made by Gennaro DiNola to remand VRB10-47 back to Zoning Administrator to review for conformance per recommendation by legal staff, in agreement with the applicant.

Motion was seconded by Nick Bradford.

Motion carried 6-0.

APPLICATION: VRB10-51
APPLICANT: Patricia Ortiz
AGENT: Patricia Ortiz
LOCATION: 10909 N Florida Ave.
REQUEST: To reduce setbacks from 15' to 10' and 15' to 5', increase sign copy square footage from 150' to 328', decrease the pole size diameter from 30" to 28", and increase the sign height from 20' to 35' and 20' to 24'.
PURPOSE: To remodel an existing monument and install new pylon sign and make them legal conforming.
NEIGHBORHOOD: Forest Hills Neighborhood

Joel Sousa introduced the case and showed photos and an aerial photo. No departments objected.

Patricia Ortiz, of West Florida Central Permits – presented the application.

Mr. DiNola moved to approve to allow reduction from 15' to 10' at 116.5 square feet, and increase the height from 20' to 35', and pole diameter from 30" to 28", with conditions.

Ernie Mueller - amending the application, now agreed to the motion to remove the nonconforming sign.

Randy Baron 2nd the motion.

Condition: That the existing non-conforming sign, with LED, be torn down, and that the proposed 35' pylon sign be installed in its place. The board further voted to deny the requests for the existing sign variances: height from 20' to 24'; and the setback from 15' to 5'.

The motion passed 5-1, with Antonio Amadeo opposed.

B. GENERAL VARIANCES

APPLICATION: VRB10-49
APPLICANT: Jon Solomon/Javic Homes
AGENT: Jon Solomon
LOCATION: 51 Sandpiper Rd.
REQUEST: To reduce the front yard setback from 25' to 22' and rear yard setback from 20' to 14'.
PURPOSE: To construct a new single family residence.
NEIGHBORHOOD: Beach Park

This case was moved to the September 14, 2010 hearing due to an amendment to the variance request requiring a re-notice.

APPLICATION: VRB10-50
APPLICANT: Charles Bean III
AGENT: Charles Bean III
LOCATION: 4823 W San Jose Street
REQUEST: Reduce the front yard from 25' to 13'.
PURPOSE: To construct a garage addition.
NEIGHBORHOOD: Sunset Park

Joel Sousa introduced the case and showed photos and an aerial photo. No objections from internal agencies.

Charlie Bean, applicant, presented his case to the board.

Mr. DiNola moved to approve, based on its in harmony with what is there in hood and unique and singular.

Motion 2nd , by Randy Barron.

Motion carried 5-1, sues Lyon voting nay.

APPLICATION: VRB10-53
APPLICANT: Bricklemyer Smolker & Bolves, PA
AGENT: Biff Craine
LOCATION: 4101 W Bay Vista Ave.
REQUEST: To increase the allowable height of an amateur radio antenna from 45' to 85'.
PURPOSE: To install/keep an adjustable ham radio antenna.
NEIGHBORHOOD: Virginia Park

Joel Sousa introduced the case and showed photos and an aerial photo, and produced several letters in support, and one against.

Antonio asked Ernie Mueller to address the board concerning HAM radio legislation.

Biff Craine presented his application to the board.

Sue Lyon made a motion to approve the variance application, hardship met. With the condition, the antenna structure be built to Chapter 5 Building Code standards.

Randy Barron 2nd the motion.

All in favor: 5

Opposed: 1 - Nick Bradford

Motion carried: 5-1

PETITION:
APPLICANT: Nicole Anne DeBartolo
AGENT: Gina Grimes
LOCATION: 5138/40 W Longfellow Ave.
REQUEST: To request a determination from the Variance Review Board that the latest application is substantially different from the previous April 2010 variance request (VRB10-28).
PURPOSE: To construct a perimeter fence with entry gates.
NEIGHBORHOOD: Sunset Park Area

Ernie Mueller went over procedures. If the board finds this request substantially different, this case shall be placed on the next agenda

Gina Grimes introduced and presented her case.

Mr. DiNola motioned to view this request as substantially different from the previous disapproved case (VRB10-28), and that this new case be heard at the September 14, 2010 public hearing.

Motion 2nd, by Randy Barron.

All in favor: 6 - 0

VI. BOARD ORGANIZATIONAL MATTERS

Antonio Amadeo stated that it's important and necessary that City Council understand the Variance Board's duties regarding the sign ordinance, and how the Variance Board is to address existing signs.

Meeting adjourned 11:32 PM.