



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.

MINUTES

(As of January 29, 2010)

MEETING DATE: January 12, 2010

MEETING TIME: 6:30 PM

I. ROLL CALL : Nicholas Bradford, Randy Baron, Antonio Amadeo, Steve Labour, Lucinda Utter

Staff Present: Eric Cotton (LDC), Joel Sousa (LDC), Ernie Mueller (Legal), Mary Danielewicz-Bryson (LDC) David Reilly (Parks), Roger Kirk (Transportation), June Li and Alex Awad (Storm water)

Antonio Amadeo Called the meeting to order at 6:31 p.m. Steve Labour welcomed the Boy Scout Troup Number 4 from Davis Island. Antonio then went over the information regarding appeals and permits and the approval date and the rules for the meeting.

He asked if staff had changes to the agenda. Joel Sousa stated that the first case, VRB09-73 has been withdrawn. He also stated that there is someone that needed to go first due to a medical condition Case VRB10-12. Joel then stated that the agenda needed a correction to read from 7' to 0.3' for Case Number VRB10-15.

Antonio Amadeo and the Board wished Board Member Sue Lyons well, who is home recuperating.

APPROVAL OF MINUTES FOR October 13, 2009 & December 8, 2009.

Randy Barron asked about a statement on the minutes that are unclear about a condition on the last case. He did not want to approve minutes with that phrase still in the minutes. Joel stated that Eric Cotton brought it to his attention that it should have stated as shown as a condition on the site plan. It was corrected.

Randy moved to approve minutes it was seconded by Steve Labour and they were approved unanimously. The October 2010 minutes were approved.

December minutes were distributed. Randy Barron stated that one sentence that was redacted. Joel Sousa stated that that was a note for him that had nothing to do with the case and has no bearing on the minutes. Randy Barron moved to approve the December minutes. It was seconded by Steve Labour. The December minutes were approved unanimously.

Ernie Mueller, Legal, addressed board regarding exparte communications and went over the disclosure requirements. Asked if you had verbal communication that you disclose when and where it occurred and who you had the conversation with and what you discussed.

Nick Bradford – had verbal communication with Jeffrey Hughes on case number VRB10-08, he is a client of his company and he is not involved in case. He went over what the conversation was about. Ernie asked questions regarding possible gain, and if decision would be based upon evidence and fair. Nick Bradford stated that he could be fair, impartial and base decision on merits of case.

Antonio Amadeo stated that on case number VRB10-12, he received a mailed letter regarding a neighborhood association. Joel Sousa stated it is in packets.

Antonio asked if VRB10-12 could be moved to be heard first and asked if the public or the board had objection, there was none.

Ernie Mueller swore in persons in to speak on the cases.

II. OLD BUSINESS: Cases Continued/ Mis-Notice

PETITION:	VRB09-73
PETITIONER:	Peter Donegian
LOCATION:	54 Adalia Avenue
REQUEST:	Increase fence height from 4' to 6'
PURPOSE:	To construct fence with gate
NEIGHBORHOOD:	Davis Island Civic Association & Davis Island NPTF <i>Case was moved to the January 2010 hearing, from the November 2009 hearing, due to a request by the petitioner and approval from the VRB</i>

This case was withdrawn by the petitioner.

Case number VRB10-12 was heard here – see below for minutes on this case.

PETITION: VRB10-08
PETITIONER: Jeffrey Hughes
AGENT: Jeffery Hughes
LOCATION: 3912 W Oklahoma Avenue
REQUEST: Reduce front yard setback from 25' to 17'
PURPOSE: To add a carport & front porch extension
NEIGHBORHOOD: Gandy Sunbay South Civic Assn.
Case was moved to the January 2010 hearing due to a mis-notice

Ernie Mueller, for the record went over disclosure - whether this would involve gain or loss regarding this case with Nick Bradford, Nick responded that was correct as he is not involved with this particular case and would not receive gain or loss.

Joel Sousa introduced case and showed the aerial and pictures.

Jeffrey Hughes introduced his case. He stated that the large oak tree requires that the carport be on opposite side, will be constructed out of concrete masonry block and built to look like the house. It is not aluminum like other carports. He showed pictures of other carports in the neighborhood.

Antonio Amadeo asked if there were questions from the board.

Nick Bradford asked how get to garage in rear. Jeff Hughes said it is a workshop not garage. No driveway to garage.

Steve Labour stated that on the site plan pad for drive stops at rear of house – Jeffrey Hughes stated it was never a driveway. Steve Labour asked if it meet setbacks. Joel Sousa stated that in 2003 or 2004 there were permits and he pulled a copy of the permit. Steve Labour asked about setback Joel Sousa stated that it should be 3'.

Nick Bradford asked if petitioner would accept the condition that the carport not be enclosed.

Jeff Hughes stated he would and has no intention to enclose it.

Ernie Mueller asked if owner would agree to condition.

Antonio Amadeo said that this could be addressed at board discussion.

No public comment.

Randy Barron asked if condition accepted – Jeff Hughes stated yes.

Steve Labour – accessory structure could be a garage and negated need for carport.

Randy Barron – tree negates drive, and that the carport is tied to the house and not considering garage.

Motion to Approve: Randy Barron
Motion 2nd by: Allison Utter

Steve Labour mentioned that they could have garage and carport.

Antonio Amadeo stated that there are instances of carports and garages that the property owners are entitled to have and is concerned regarding tree and 12' dimension. Petitioner showed other examples of carports and is in support.

All in favor: Nicholas Bradford, Randy Barron, Antonio Amadeo, Allison Utter

Opposed: Steve Labour

Motion Carried 4-1

V. NEW BUSINESS

A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

PETITION: VRB10-13
PETITIONER: City of Tampa
AGENT: Chuck Walter
LOCATION: 5625 N Lois Avenue
REQUEST: To remove over 50% of existing trees
PURPOSE: To remodel an existing stormwater pond
NEIGHBORHOOD: Drew Park Advisory Committee

Joel Sousa introduced case showed aerial of the site, and showed pictures. There were no department objections.

Alex Awad, Stormwater Division, stated development is in Drew Park area and there is still flooding problems. He showed pictures of cars covered in water in ditch because they could not see road. The petition is to remove more than 50% and it's the only property large enough to accommodate to expand pond. He showed the trees that were being removed, they will improve plantings on that boundary, and they are protecting larger trees. He showed some trees they are saving. He stated that they will either replace with larger trees and/or pay into tree bank. It is the only site with 2.5 acres to accommodate the expansion.

Nick Bradford asked to see the aerial to show where expansion was. Alex Awad showed where he is removing trees. He showed where State Department of Transportation owned the property and stated that the city took over the property and the city did plant trees on the north on the Henry Avenue side. Alex Awad stated they are expanding to east and south.

Steve Labour asked Alex Awad that if the city was concerned that if pond was not expanded public health would be hindered. Steve then asked Mary Danielewicz-Bryson a question, if payment into tree bank would be used for drew park area. Mary replied yes it would.

Antonio Amadeo asked who implements this and Mary Danielewicz-Bryson stated that it is implemented by the Parks and Recreation Department.

Antonio Amadeo asked if there was anyone from the public to speak on the application and hearing none closed the public hearing. Board discussion ensued.

Randy Barron stated that there is a compelling public purpose for this request, a safety issue in Drew Park area stated he doesn't want to see trees removed but is happy with planting and payment into tree fund and hardship criteria has been met.

Motion to approve made by: Randy Barron.

Motion 2nd by: Steve Labour

Antonio stated staff found consistent and grand trees have been saved and welfare of residents in area is addressed by project.

All in favor: Nick Bradford, Randy Barron, Antonio Amadeo, Steve Labour, Allison Utter

Opposed: none.

Motion Carried 5-0

B. GENERAL VARIANCES

PETITION:	VRB10-11
PETITIONER:	Gary Trupp
AGENT:	Gary Trupp
LOCATION:	4611 S Lois Avenue
REQUEST:	To reduce the front yard setback from 25' to 14'; and to reduce the side yard setback from 7' to 3', with the allowed encroachment of the eaves and gutters

PURPOSE: To allow the enclosure of an existing porch and carport completed without permits
NEIGHBORHOOD: Fair Oaks/Manhattan Manor

Joel Sousa introduced case and showed aerials and photos. Stated that Land Development found it inconsistent – protective radius of 28" tree not met.

Gary Trupp: front porch has not been constructed, it will meet conditions of 27 -98 permitted projections into front yard setback. Owner bought property in foreclosure and someone else enclosed carport. Regarding oak tree to left, asked if Dave Reilly would look at it and allow pier and lintel system to be utilized for the tree and Dave Reilly agreed. He showed an aerial in photo from 1982 that showed the carport is an existing structure.

Steve Labour said that you can see the drive way. Gary Trupp stated that the driveway goes to the side. Steve asked when it was done. Gary Trupp replied in 1982. He showed the date on the aerial.

Antonio Amadeo asked Gary Trupp to show where the carport is. Gary did, and stated they just opened the wall up to see if there is rebar –there is not. They are in the permit stage. He was called in when they discovered variance was needed and there was a code violation.

Randy Baron asked when it was enclosed. Gary Trupp stated that the block had mold on it on the inside and looked like it was there for years. And new front porch.

Steve Labour is the footprint of porch and garage going to change. Gary Trupp stated that the existing porch is to be removed and new porch will be constructed. Steve Labour asked if it is bigger left to right and forward. It was confirmed it was.

Randy Baron pointed out the encroachment for variance. Gary Trupp stated that the porch is coming out 6'. Randy Baron asked if the client would agree to the condition that the porch not be ever enclosed.

Nick Bradford asked about the timeline between 1982 and 1989 when the carport got enclosed. Gary Trupp stated that in 2009, clients purchased through foreclosure. Nick Bradford asked if it was discovered when they wanted to expand porch, did the city find out it was enclosed. Gary Trupp stated that no, the owner got

a code violation and the city attorney advised them to get permits.

Steve Labour asked them to put up the site plan and asked if the 7.3' is that corner of house that needs the variance. Gary Trupp stated that it is legal except the only place is the little corner. Gary showed where variance is needed.

Antonio Amadeo asked if there was anyone in the public that wanted to speak, seeing none he closed the public hearing.

Motion to approve was made by Allison Utter she stated that it is an existing condition. They did not create the violation stated that they must do construction to protect 28' oak.

Motion 2nd by: Randy Barron who asked that they add the condition that the porch not be enclosed. Allison Utter added that condition and stated that the variance is tied to the site plan.

Antonio added that the standard of review first one – the building has an odd configuration he could support it.

All in favor: Randy Barron, Antonio Amadeo, Steve Labour, Allison Utter

Opposed: Nicholas Bradford

Motion Carried 4-1 with condition that the front porch not the garage not be enclosed.

PETITION: VRB10-12
PETITIONER: Brent & Stephanie Squires
AGENT: N/A
LOCATION: 10506 Cory Lakes Drive
REQUEST: To reduce rear yard setback from 30' to 20'.
PURPOSE: To construct a 2-story addition to an existing residential home
NEIGHBORHOOD: Cory Lake Isles Property Owners Assn.

Joel Sousa introduced case and went over request. He showed the aerial photo and pictures.

Mrs. Stephanie Squires gave the board packets. There was a letter from the association regarding they have no objection. She went over why she needed the variance and why she is adding on. She stated that she has a business that was also approved by the association.

Antonio Amadeo asked if there is any other place for addition. Stephanie squires replied that they would need a setback variance if it was in the front. She looked into buying another home and then buying the lot next door and that is not an option.

Steve Labour asked if 2-story addition as main house is one story. Are there any other homes that did this? She stated that they were outside the 250' radius but there was a home on Barbados that went up for a second story.

Nick Bradford asked how the rear yards face each other. She stated lot backs up to landscaped area of lot on St. Lucia.

Antonio Amadeo asked about square foot. Mrs. Squires stated that she though it was around 956 square feet for both stories. It was confirmed at 1300 total.

Antonio Amadeo asked if any one in the public had objection, seeing none asked to close public hearing.

Steve Labour asked if the PD set the setbacks. Joel Sousa answered yes.

Steve Labour asked what setback would be if not PD; Joel Sousa answered 20' or 15'.

Antonio Amadeo closed the public hearing the board went into discussion.

Antonio Amadeo stated that in looking at the information supplied the lot is irregular. The width of the addition is limited to 26' on back. Thinks encroachment is not as substantial.

Motion to approve made by Steve Labour hardship criteria met – irregular lot and more restrictive rear yard setback and the homeowners association approved it.

Motion was 2nd by Randy Barron

All in favor: Bradford, Barron, Amadeo, Labour, Utter

Opposed: none

Motion Carried unanimously

PETITION:	VRB10-15
PETITIONER:	Nichole Amica
AGENT:	N/A
LOCATION:	4205 W La Salle Street
REQUEST:	To reduce side yard setback from 7' to 0.3'.
PURPOSE:	To enclose existing carport for a garage
NEIGHBORHOOD:	Carver City/Lincoln Gardens

Joel Sousa introduced case – stated variance is to .3 feet. Showed aerial and pictures.

Nichole Amica gave information regarding case. Stated that there is already the structure and poles has side door. The garage is to be enclosed for safety purposes. Hardship safety – high crime rate of the neighborhood and produced report from district one. Presented pictures of other carports enclosed. Provided a signed affidavit from property owners affected on west side and east side and from across the street – no objection.

Randy Barron asked about other enclosures in area Nicole Amica showed pictures of other carports on Arch St. within one block.

Antonio Amadeo asked when it is enclosed how you can park. Nichole Amica stated she parks there now and stated that the home was built in the 1970's.

Antonio Amadeo stated that the car is 6.5' once walls are up it will be difficult to park. He doesn't want it to be unusable. Nichole Amica stated that she understands.

Steve Labour asked that in your application you state that you do not use the side door, and use the front. How does this help with security?

Nichole Amica stated that when auto is in the garage and will enter side door – today she does not use it, but if garage enclosed will use side door.

Antonio Amadeo asked if the side door swings in or out. Nichole Amica stated in.

Nick Bradford stated that the neighbor has a carport how far it is from the property line. Nicole stated that if she had to guess maybe 6' or 8', not sure exactly.

Steve Labour stated that the width is determined, however don't see dimension on length is it a two (2) car length? Nicole Amica stated it is one car length approximately 10' x 20'.

Antonio Amadeo – left with 9', 8.5" of clear space for auto and door and getting around it.

Nick Bradford stated that garage doors are 8' width. The front section of wall to attach tract on one side you lose 16" and

other side you lose 8-12" and further stated that you can't get a 7' garage door, He stated he felt that it is not functional.

Antonio Amadeo asked if there was anyone in public to speak on the case, seeing none he closed the public hearing.

Steve Labour stated that not having length concerns him. He stated that if we grant it we do not govern the use. He stated that she can enclose for another use if granted. He stated that he does not have enough information on the dimension. She can enclose the garage if granted for room. As far as security you can do a variety of other things. Not enough information he does not think it doable.

Randy Baron stated he would like a continuance for the petitioner to dimension the garage and determine if you can get garage door on it. If in favor of continuance needs dimension of garage.

Steve Labour if it is not built and she sells the property the variance goes with land. Only support continuance to have the petitioner come up with architectural drawings showing that the garage is doable.

Randy Baron stated that he agrees with Steve Labour. He would like a continuance to see if it can be a garage.

Steve Labour stated that he doesn't want to give the impression that if the petitioner continues the case that he will support it.

Randy Barron agreed with that statement.

Antonio Amadeo he would support a continuance to see if it is possible. Doesn't mean the petitioner will get the variance. It doesn't support standard of review.

Randy Baron stated that he wants the petitioner to come back on February 9, 2010 with site plan that is feasible. What they do with garage is up to the petitioner. He asked the petitioner if they agreed with the continuance.

The petitioner stated yes.

Antonio Amadeo - would support continuance but no guarantee it would be granted. He asked Ernie Mueller to confirm that the board cannot govern use. Ernie Mueller confirmed it. He also stated that the petitioner has the right to have the variance voted up or down. To

get the variance you need four out of the five members to say yes a denial only takes a majority of votes present which would be three.

Nicole (Petitioner) gave her understanding of the option for a continuance or if the petition was voted on and the risk of denial. If denied cannot reapply for one year but you could appeal the variance or make a substantially different application.

She stated that she chose not to continue the case and wanted a decision.

Motion to deny made by Steve Labour due to concerns about no dimensions on length and that the hardship was not met.

Motion 2nd by: Nicholas Bradford, for health and safety concerns and his concern of not being able to restrict the use of the space if the variance was granted.

All in favor: Nicholas Bradford, Randy Barron, Antonio Amadeo, Steve Labour, Allison Utter.

Opposed: Antonio Amadeo

Motion carried 4-1 to deny petition.

VI. BOARD ORGANIZATIONAL MATTERS

Antonio Amadeo asked if there were any Board organizational matters to discuss. There being none he closed the public hearing.

Meeting adjourned at 810 p.m.