



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 DAY'S AFTER THE ORAL DECISION IS MADE. YOU WILL NEED TO OBTAIN A COMPLETE COPY OF THE RECORD FOR YOUR APPEAL.

DRAFT MINUTES

(As of June 8th, 2010)

MEETING DATE: June 8, 2010

MEETING TIME: 6:30 PM

- I. **ROLL CALL Sue Lyon, Randy Barron, Antonio Amadeo, Steve Labour Lucinda Utter. Gennaro Dinola came in at 6:40 p.m.**
- II. **APPROVAL OF MINUTES FOR May 11, 2010 April minutes were approved. May minutes were approved. Both motions were made by Randy Barron and approved unanimously.**

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, Thomas Stinson, Transportation.

He went over the rules and appeals process. He asked staff if there was any additional information regarding the agenda he wanted to present to the board. Eric Cotton stated no not that he was aware of.

Ernie Mueller swore every one in.

Antonio asked if there were any conflicts. Antonio stated that he is a member of Davis Islands Association and he stated that he could base his decisions on the evidence submitted and be fair.

Ernie Muller went over exparte communication.

Steve Labour received on VRB10-43 an email from his former association but the case was withdrawn. He stated that he does not read these e-mails when they come in, he just deletes them.

III. 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 sign & add an electronic message board.
NEIGHBORHOOD: Tampa Heights Civic Assn.
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.

Joel Sousa introduced the case, showed aerial photos and photos.

Steve Michelini (agent) went over the particulars of the case. The proposal removes the 80 square feet existing sign and installs a 50 square foot sign.

The Board asked questions about keeping existing poles and proposed signage.

Motion to continue was made by Randy Barron to continue the case to 8/10/10.

The motion was seconded by Allison Utter

Antonio Amadeo stated that the petitioner needs to meet with transportation.

Sue Lyons stated that this is to be the last continuance for this case.

All in favor: Gennero Dinola Sue Lyon, Randy Barron, Antonio Amadeo, Steve Labour, Lucinda Utter

Opposed: None

Motion carried unanimously 6-0.

APPLICATION: VRB10-26
APPLICANT: Martin Zeisman
AGENT: Brian Herbert
LOCATION: 2718 N 40th Street

REQUEST: To increase allowable wall sign square footage from 150' to 600'.
PURPOSE: To keep existing un-permitted wall signs
NEIGHBORHOOD: East Tampa Business & Civic Assn.
Petition was moved to the May 11, 2010 hearing date due to a mis-notice, and moved to the June 8, 2010 hearing at the request of the petitioner and approval of the Board.

Joel Sousa went over the particulars sign erected illegally and stated that there was no objection from internal agencies. He showed the aerial photo and the pictures.

Marty Zeisman addressed the board and stated that he is the tenant. The hardships are they are using the sign to attract business. Building does not look run down anymore.

Board discussion; the Board did not see how it is different or see the justification.

Motion to deny was made by Allison Utter based upon there being no hardship.

The motion was seconded by Sue Lyon.

All in favor: Gennero Dinola, Sue Lyon, Randy Barron, Antonio Amadeo, Steve Labour, Lucinda Utter.

Randy Barron stated that it is denied based on the fact that the code does not allow unless there is a hardship. They are bound by code, and there is not sufficient evidence that it is different for any other property. He also stated that that can have additional signage -location on other side and wanted to state on the record that there was no foundation for us to find a hardship.

Opposed: none

Motion Carried to deny petition unanimously.

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 allow the installation of two electronic message center signs on two existing monument signs.
NEIGHBORHOOD: Swann Estates
Petition was moved to the June 8, 2010 hearing date due to a mis-notice

Joel Sousa stated that the petitioner requested a continuance. Steve Michelini stated that he needs to meet with Transportation.

Randy move to continue the public hearing. Antonio asked if there was any one in the public to speak seeing no one he closed the public hearing.

Sue Lyon seconded the motion to continue the public hearing to July 13, 2010.

All in favor Gennero Dinola, Sue Lyons, Randy Barron, Antonio Amadeo, Steve Labour, and Lucinda Utter.

Motion carried unanimously 6-0.

V. NEW BUSINESS

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

PETITION:	VRB10-44
APPLICANT:	Nathan Matthews
AGENT:	Nathan Matthews
LOCATION:	114 Baltic Cir.
REQUEST:	To appeal the Zoning Administrators determination concerning appropriate fence materials.
PURPOSE:	To keep a corrugated metal fence.
NEIGHBORHOOD:	Davis Island Civic Assn.

Ernie Mueller addressed the board and stated that this is an appeal of Zoning Administrator's decision. He gave the following procedures on official determinations, the Zoning Administrator will go first and then the applicant will follow. Each will have 30 minutes then it will be opened up to public. Standard of review is "de novo".

Steve Labour asked if they were to uphold, or overturn or grant variance. Ernie Mueller stated that they are to uphold or overturn.

Joel introduced the case internal and stated that the internal agencies had no objections. He went over Section 27-133 fence regulations and stated that the material shall be of wood PVC wrought iron etc. He showed an aerial photo and pictures of the fence.

Cathy Coyle Zoning Administrator stated that she received a formal request based upon material. 27-133 materials are in black and white – allowed chain link fencing, wood, and PVC wrought iron. She stated that it is not within a historic district. She stated that the board can vary fences as stated below for electric fences, razor wire, or barbed wire. Administrator review – looks at exposed framing must be interior. Administrator can allow exceptions. This section is different to other sections, there is an alternative process. Waivers to this fence section with respect to material do not exist. She denied the request.

Antonio Amadeo passed gavel to Barron and made motion a motion to approve, there being no second to the motion, the motion failed.

Steve Labour made a motion to uphold Zoning Administrator's decision.

The motion was seconded by Randy Barron

All in favor: Gennero Dinola, Sue Lyon, Randy Barron, Steve Labour, Lucinda Utter.

Antonio Amadeo stated that he is not supporting the motion and was opposed.

The Motion Carried 5-1.

APPLICATION: VRB10-36
APPLICANT: Tait Kmentt
AGENT: 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.

Joel – mis-notice – will be heard July 13, 2010

Amadeo asked if there was any one in the public on this case and stated that it is moved to July 13, 2010.

APPLICATION: VRB10-41
APPLICANT: Hooters II, Inc.
AGENT: Paul Lima/Apple Sign & Awning
LOCATION: 4215 W Hillsborough Ave.
REQUEST: To decrease sign setback from 10-feet to 5-feet
PURPOSE: To install a new free standing sign.
NEIGHBORHOOD: Drew Park Advisory Committee

Joel Sousa introduced case no objections – read memo from CSC Terry Cope from CSD is here to answer questions. He showed an aerial and photographs.

Paul Lima – introduced his case. There is an existing sign is 120 square feet and is 20-square feet over code, height is 17', and states that he wants to use existing post and foundation to put led sign only has 20' area from the sidewalk. He wants sign brought up to code at less than 100 square feet. He showed site plan and location for sign.

Motion to deny made by Randy Barron based upon no evidence that there is no hardship other locations for sign

The motion was seconded by Sue Lyon.

All in favor: Gennero Dinola, Sue Lyons, Randy Barron, Steve Labour, Lucinda Utter

Antonio Amadeo opposed

Motion carried 5-1.

B. GENERAL VARIANCES

APPLICATION: VRB10-39
APPLICANT: Daniel Beltram
AGENT: Daniel Beltram
LOCATION: 6805 Wellington Ave.
REQUEST: To reduce side yard setback from 3' to 0' and rear yard setback from 3' to 0', and reduce the required separation from 5' to 0'.
PURPOSE: To remodel an existing accessory structure for a single family residence.
NEIGHBORHOOD: South Seminole Heights

Joel introduced case.

Dan Beltram (Applicant) – family moved in 1953 started out as one home and parents added an empty lot you have the site plan which shows a shared drive and garage. Has a picture from 2002 which shows garage and a carport. He stated that the Awning coming over 6803 to be removed. Put a new roof on the garage and house and found live infestation replaced but still had sag showed existing w/new roof and showed sag. Hired an engineering firm and he submitted it for permit. He was told he needed a variance.

Randy Barron moved to approve and it is on the site plan that the encroachment is removed.

Dinola – 2nd the motion.

Joel Sousa was asked who in Zoning made the determination and he stated that he spoke to Eric Cotton.

All in favor: Gennero Dinola, Randy Barron, Antonio Amadeo, Lucinda Utter.

Opposed Sue Lyon and Steve Labour

Motion carried. 4-2

APPLICATION: VRB10-40
APPLICANT: John Scrivens, Jr.
AGENT: John Scrivens, Jr.
LOCATION: 4602 N 39th Street
REQUEST: To reduce the front yard setback from 20' to 7'.
PURPOSE: To construct a covered porch to a single family residence.
NEIGHBORHOOD: East Tampa Business and Civic

Joel introduced case and stated that it's located in the East Tampa Overlay District.

Mr. Scrivens stated he would like to cover the south side of house – need to have a permit. Wants to make side porch match front porch.

Motion to Approve was made by Steve Labour as designated on site plan 11' x 17' with the condition it is always to remain open.

The motion was seconded by Randy Barron

All in favor: Sue Lyon, Randy Barron, Antonio Amadeo, Nick Bradford, Steve Labour, Lucinda Utter

Opposed: none

Motion Carried unanimously (6-0).

APPLICATION:	VRB10-42
APPLICANT:	Eric & Gina Bailey
AGENT:	David Hittmeier
LOCATION:	4203 W Woodmere Rd.
REQUEST:	To reduce the front yard setback from 25' to 15', to increase the height of an accessory structure from 15' to 25' and increase the fence height from 3' to 6'.
PURPOSE:	To construct a 2-story accessory structure and 6' fence for a single family residence.
NEIGHBORHOOD:	Beach Park Homeowners Assn.

Joel introduced case – all agencies find it consistent. Showed aerial and pictures.

Eric Bailey – purchased house in 2005 – goal to put in pool and pool house and outdoor kitchen. Original survey lot 1 was entire lot and our house fronts Woodmere – when subdivided created 27' of frontage on Azelee. It was re-platted with a new setback line as it is a through lot. It has a front yard on Woodmere and on Azelee. If he had 75' in width he would not be here. He went over the site plan. Pool house designed to conform to existing house. He showed that only 55 square feet, a corner that encroaches beyond the 25' front setback. The second request increase height from 15' to 22'. Our goal is to design along Azelee to look like front yard. That is why the driveway goes into garage. The third variance request is for fence – height – pool back there wants 6' fence. The fence will consist of 2' footer with wrought iron, and it does not go where current fence is. It is back some. He researched the front yard. Per Section 27-100 he explained the through lot determination of yard and he stated that if adjacent properties were developed with a rear yard it is rear. There are constraints of lot lines as drawn. He met with adjacent neighbors and they are in support. It will have a front yard appearance. He stated that he was told that the Beach Park Home Owner's assoc does not support anything.

Antonio Amadeo asked if there was any on in the public to speak seeing none he allowed the petitioner a change to rebut.

Steve Labour moved to approve the variance due to the hardship being met due to unusual shape of lot for setback. And for the increase in fence height.

Randy Barron seconded the motion.

All in favor: Gennero Dinola, Randy Barron, Antonio Amadeo, Steve Labour, Lucinda Utter.

Sue Lyon voted Nay.

Motion carried 5-1

Steve Labour made a motion to deny the height from 15' to 25' based on there being no evidence on why the second story was needed.

The motion was seconded by Gennero Dinola.

Gennero Dinola, Sue Lyon, Randy Barron, Antonio Amadeo, Steve Labour, Lucinda Utter voted in favor of the motion.

Opposed none 6-0

Motion Carried unanimously.

APPLICATION: VRB10-43
APPLICANT: Vicky Reed Life Estate & Joseph Kennedy
AGENT: Vicky Reed
LOCATION: 3613 W Palmira Avenue
REQUEST: 2nd driveway on a residential lot
PURPOSE: To park a recreational vehicle within the front yard of a single family residence.
NEIGHBORHOOD: Palma Ceia Neighborhood Assoc.
Petition was withdrawn at the request of the applicant.

APPLICATION: VRB10-45
APPLICANT: Sam & Riham Diasti
AGENT: Stephen Michelini
LOCATION: 901 S Golf View Street
REQUEST: To increase the front yard fence height from 4' to 6'.
PURPOSE: To construct a wrought iron fence with 6' columns.
NEIGHBORHOOD: Golfview Civic and Garden

Joel introduced case – showed aerial photo and pictures and stated that it is an odd shaped lot.

Steve Michelini (agent) introduced his case. The petitioner wants to make Morrison and Jean side a 6' fence.

Antonio Amadeo closed the Public Hearing.

Randy Barron, Gennero Dinola & Steve Labour openly discussed variance application and evidence

Randy Barron made a motion to approve the variance, with the condition that the front yard is tied to site plan – with masonry columns and tied to shown & submitted elevation on Jean and on Morrison right-of-ways.

Gennero Dinola seconded the motion.

All in favor: Gennero Dinola, Sue Lyon, Randy Barron, Antonio Amadeo, Lucinda Utter.

Steve Labour voted nay.

Motion carried 5 to 1.

VI. BOARD ORGANIZATIONAL MATTERS

None

Thanked board member and staff hearing closed at 9:57.