



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.

MINUTES

(As of May 11, 2010)

MEETING DATE: May 11, 2010

MEETING TIME: 6:30 PM

I. ROLL CALL: Sue Lyon, Randy Barron, Antonio Amadeo, Nicholas Bradford, Lucinda Utter. Steve Labour came in at 6:33 p.m.

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 Joel Sousa if there was any additional information regarding the agenda he wanted to present to the board. Joel stated that VRB10-26 asked for a continuance see below and that VRB10-38 was being moved to the June 8, 2010 due to a mis-notice.

II. APPROVAL OF MINUTES FOR March 9, 2010 & April 11, 2010 Tabled until June 8, 2010.

Ernie Mueller swore in the audience. He went over ex-parte communications. Antonio Amadeo asked the board to disclose any written communications.

III. OLD BUSINESS: Cases Continued/ Mis-Notice

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.

Joel stated that the petitioner e-mailed him and asked for continuance.

Motion to continue by Randy Barron

The motion was seconded by Nick Bradford.

Motion carried unanimously.

Motion carried unanimously to move the case to the June 8, 2010.

Please note that this petition was moved to the May 11, 2010 hearing from the April hearing date due to a mis-notice.

V. NEW BUSINESS

A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

APPLICATION: VRB10-31
APPLICANT: Lori & William Brazis
AGENT: Christy Schultz
LOCATION: 4812 Woodmere Road
REQUEST: Remove 36" grand pine tree
PURPOSE: To allow reasonable use for a bedroom addition to
a single family residence
NEIGHBORHOOD: Beach Park Homeowners Assn.

Joel went over the particulars of the case. He introduced Dave Reilly. Dave Reilly showed pictures of the tree. He went over the measurements: circumference is 36", it is 76' high and the average spread of 58'. He stated that it was a unique tree only two or three pines that were considered grand in his history with the city. He showed an aerial photo. Not only not a hazard but that there is opportunity to make an addition by enclosing the porch. He showed pictures of porch and tree. He stated that the finished floor of the porch is high. The neighborhood is heavily canopied, and they can build without removing the tree.

Mr. Bradford stated that he needs to recuse because he works for the designers. Mr. Mueller asked him to fill out the form. The form was filled out and submitted to LDC.

Joel showed the aerial photo.

Antonio asked City Attorney, Ernie Mueller to address petitioner due to there being only five (5) voting member which requires a minimum of four (4) board members to approve. He asked if the petitioner want to continue to the next month. The petitioner, Christie Schultz, stated that they wanted to proceed and be heard.

Christie Schultz, designer agent. She stated that both parents of the homeowners are moving in (age of 83). She stated that there are 5 oaks on the property. They are designing for elderly people. They explored other options. They knew that there would be a problem because of the tree. She called Dave Reilly to go over other options. Using study – husband works out of home. Upstairs addition requires elevator. They looked at accessory structure but it conflicts with live oak. The porch is not option is not 10' wide and floor plan She showed the bathroom and closet part of addition. It would hurt beauty of home due to the French doors. They wanted to push the addition back into existing space and gained few feet off tree - gained 5'. House was not built to code very little space to play with.

Lorie Brazis stated that two years ago husband's sister died suddenly and now parents are their responsibility. At their age (83) for both of them, based on their emotional frailness she feels that them being under our roof is best for them physically and emotionally. She stated that the only way to make it work and allow them to do things on their own.

Christie Schultz showed more pictures, oak in front yard and oak in rear yard. She showed base of the pine and the canopy. The root system is massive. She stated that pines are known to snap and that a branch has fallen off tree.

Questions by board:

Steve Labour – two criteria hazardous and reasonable use. He asked that they are not asking to consider hazardous. She responded tree is in good health. He asked with respect to reasonable use – what is reason removal of tree denies reasonable use. Christie – they are being denied the right to use property to put that addition on and have their family together.

Randy Barron asked if they considered garage – Christie – considered it and it is very tight. Garages are important and they would be without garage. Considered pushing it into washroom and using pier foundation but she talked about it already.

Antonio asked if there was anyone in the public to speak - seeing none closed public hearing.

Discussion:

Antonio Amadeo stated that the standard of review there is only two (2) criteria - hazard and denying reasonable use.

Steve appreciates the personal circumstance – rules and regulations that impact grand trees two (2) criteria hazard reasonable use. Testimony no hazard – reasonable use not same definition that I would impose upon in this case. Challenge wants to add room. Board does not tell pet how to build – could take out pool and build. They want to keep pool and kitchen and they want to put addition where it would work best for the owner but for the grand tree. Ordinance written to protect grand trees and must abide by it and this board member could not find a reason to grant removal of that tree and does not support this variance.

Randy Barron stated that he agrees with Steve Labour that personal issues, they cant base approval on that – they cant build because of the grand tree in middle then reasonable use is an issue and they can grant that.

Randy Barron Made a motion to deny based on there being no evidence of reasonable use being denied.

Motion was seconded by Sue Lyons.

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

Opposed: none

Variance denied based on hardship not being met no evidence of denial of reasonable use and tree is not in hazardous condition.

Motion carried 5-0 to deny.

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

Antonio Amadeo gave Joel a few minutes to speak with petitioner.

B. GENERAL VARIANCES

APPLICATION: VRB10-29
APPLICANT: Harry Teichman
AGENT: Gary Trupp
LOCATION: 3709 W Tacon Street
REQUEST: To reduce side yard setback from 7' to 3' and rear yard setback from 20' to 16'.
PURPOSE: To construct a bedroom/bath addition to a single family residence.
NEIGHBORHOOD: Virginia Park

Joel introduced the case. Showed aerial photo's and showed pictures of the structure.

Nick Bradford had a question regarding the report that was the same for another case and asked if these items apply VRB10-37 and VRB10-29 both of these reference VRB10-17, which does that apply to. Joel stated that that did not apply to this case.

Gary Troup showed an aerial and pictures as to why the variance is needed. He addressed there being a water heater that encroaches into setback – can be relocated.

Antonio Amadeo asked if the addition is one or two-story - Gary Troup stated that it is one story. He gave the reasons for the variance – house is small.

Nick Bradford asked about garage being 6' away from addition. Per Gary Troup it is only required to be 5'. Gary also showed survey that showed how far apart the proposed structure is from the adjacent property, he showed how far apart this structure is from the adjacent structure.

Antonio Amadeo asked if there was any one from the public to speak on the petition seeing none he closed the public hearing.

Ernie asked if question for Joel Sousa was answered for the board. It was.

Steve Labour asked if it was a single story addition.

Randy Barron – what is hardship. Gary Troup stated to make large enough for 2 bedrooms and bathroom.

Antonio Amadeo asked for a dimension on what is left after addition, Gary Troup answered 16'. Antonio Amadeo asked if floor plan is dimensioned. It was.

Nick asked about the size of the existing structure and the proposed the homeowner stated that it is currently 1,300 square feet and that it is to be enlarged to 1,850 or 1,900 square feet. He asked about the dimension is it 2.8 – not 3'. Sue Lyons stated that it is 3'-8". It was advertised at 3'-8".

Antonio Amadeo asked if there was anyone there to speak regarding the petition seeing none he closed the public hearing.

Steve Labour stated that the side yard since 1920 – but doesn't see hardship. Antonio Amadeo stated that the hardship is the building on site 1,300 square feet and is a small footprint. To increase to allow house less than 2000 square feet and can only put in rear yard.

Sue Lyons – other houses go back farther. How far do they go. Gary stated that he did not know.

Randy Barron stated he agrees with Steve Labour regarding the hardship for 4'. Looking at size but doesn't have floor plan. Gary stated that he has a floor plan and Randy stated that the public hearing would need to be reopened. If the Board members think that it is important, then one of them can move to reopen. He stated that he is grappling with the issue that they are 4' from meeting setback.

Steve Labour stated that before we open the public hearing, we do not vote on use. We judge where the building is sitting on the lot. There was further discussion on opening public hearing.

Nicholas Bradford made motion to reopen the public hearing. It was seconded by Randy Barron. The motion carried unanimously

The motion carried 5-1 with Antonio Amadeo voting no.

Randy Barron asked about the additional 4' and mentioned floor plan wants to see and explain why additional 4' is needed. Gary Troup showed floor plan. Stated why flow is critical. Gary Troup stated that the hardship is size of lot. Randy Barron asked if it is physically possible to build without variance. The homeowner Mr. Harry Tieshman stated that the hardship is there are four (4) of us now they can't

make square footage work – worked with a designer for 7 months – it doesn't fit without making a strange design. Antonio Amadeo stated that the hardship had to do with size of lot but Mr. Harry Tieshman stated that the hardship is related to structure.

Nick Bradford stated that it appears plan added 2 bedrooms but took one away. Mr. Harry Teishman stated that they used one bedroom as access. Stated that the house only had one bathroom and creating two, adding two full bathrooms – no other place – it is a puzzle bedrooms are small 10' x 10'.

Steve hardship if garage wasn't there you might not have needed the variance the placement of house and garage built in 1920 (setback did not exist then) is the reason you need the variance.

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

Motion to Approve was made By Randy Barron based upon the challenge of the lot. It sits 3' from one side and had to bump in one corner for existing garage and had to go back farther. The side setback was there for many years.

The motion was seconded by: Sue Lyons

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

Opposed: none

Motion Carried unanimously 6-0.

APPLICATION: VRB10-30
APPLICANT: William Dent
AGENT: Artisan Professional Group, LLC/Paul Carlisle
LOCATION: 4117 W Mango Avenue
REQUEST: To reduce corner yard setback from 15' to 2'.
PURPOSE: To enclose an open porch to a single family residence.
NEIGHBORHOOD: Gandy/SunBay South

Joel stated that he had an addendum - he went over the particulars to the case and Parks and Recreation had no objection. Transportation Department had an objection to the fact that the flare was not shown and that was worked out. Land Development Coordination found it inconsistent due to trees not shown, but that should be handled at permitting. He showed aerial and pictures.

Sue Lyons addressed the board – stating that she owns the property next door. It is a rental property next door. Ernie asked if she could be fair and impartial and make her decision based on evidence – Sue answered yes.

Paul Carlisle – showed photo's property has screen room has a front door and wall, and has one on rear, applicant proposes wants solid walls and conditioned area. He stated that everything is to stay within footprint. He discussed history of site. The existing structure is only 800 square feet. Owner just married and all other options had problems. The side is only 11'. There is a 20" oak tree in the front. On the back, a pool was recently added. Footprint of home would not change. Green space required is 1500 square feet, has 1700 square feet with out variance feels it best to enclose and gain 430 square feet. Home was built in 1957 and you can see structural footprint is the same since then. Also looked at expanding in front – would lose driveway which was already issue. He stated that Lois Avenue is not active – there is no pedestrian use.

Antonio Amadeo asked what addendum means – Paul Carlisle stated that it clarified hardship. Antonio Amadeo asked if they could highlight the area. Paul highlighted structure to show board and explained it. Antonio asked if the roof would extend over property line – Paul Carlisle stated no. He stated that the roof is already part of the house and is a hard canopy not a pan roof.

Randy Barron asked if where the white gate is roof line. Site Plan has porch and shed. Paul stated that the shed is part of the structure. There is another shed on the property.

Steve stated the home was built in 1957 and asked if this was in the city at time it was built. Joel - zoning came in effect in 1956. Steve asked. that given the fact of a corner lot, is there anything different about the side. Joel stated that due to the Bobby Hicks pool that this is not a true corner – by code it is corner. Not a trafficked area. He stated that Lois dead ends. Steve asked Mr. Carlisle if there was anything unique and singular. Mr. Carlisle stated yes from what he has seen there are not corners like this. Steve asked about the history of permits. Mr. Carlisle stated that they could not find a permit. On the site plan in 2003, it has it listed as a screen porch.

Nick – currently walls are screened – Mr. Carlisle- yes. Are there proper foundations, Carlisle – he and partner own engineering and construction company, and they will check foundation. It may end up a wood structure, if the foundation would not support.

Nick Bradford asked about green space. Mr. Carlisle stated that Mary Danielewicz-Bryson determined that the pervious is 1,756 square feet currently. Thomas Stinson, Transportation stated that they can use turf block.

Antonio Amadeo asked if there was any one to speak on the petition seeing no one asked if the board objected to closing the public hearing seeing none he closed the public hearing.

Board Discussion:

Steve Labour stated that the original structure was built in 1957. He stated that Lois was not extended there or the right of way may have been smaller. He stated that the structure is its current footprint and they are permanently enclosing the space that exists now.

Motion to Approve was made by Steve Labour as the hardship criterion was met.

The motion was seconded by Sue Lyons.

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

Opposed: none

Motion Carried 6-0

APPLICATION: VRB10-32
APPLICANT: Todd Gabel
AGENT: Craig Ross
LOCATION: 311 W Haya Street
REQUEST: To reduce the front yard setback from 18.5' to 11' and reduce the side yard setback from 7' to 0.667'.
PURPOSE: To construct a Porte cachere to a single family residence.
NEIGHBORHOOD: South Seminole Heights Civic Assn.

Joel introduced the case and stated that he just received new site plan and he distributed it. There was a tree issue is the reason for new site plan. He showed an aerial photo and pictures of the structure. He introduced Dave Reilly stated that he did not see the new site plan. He went over the pictures. Discrepancy where is tree is on site plan. On the new site plan grand tree has been located correctly and has set pier to be 14' from center of tree it is 13'-6" finds it inconsistent. He stated that they may be able to reduce the pier – it is inconsistent that it is not at 15'. At construction services may be able to reduce pier.

Sue Lyon asked that the only thing in the way is a pier. Dave - it is further than what it was and is better than what it was.

Dave Reilly stated that the tree is not in poor condition when asked by Steve Labour if it was in poor condition.

Homeowner, Todd Gabel stated that his agent Craig Ross is not there and he was presenting the case. He stated that he did not think that the tree was grand. He stated that he met with Dave and he thought 14-6" was acceptable. He can move pier back further. Not building closer to street than the existing house. He showed pictures of the Porte cachere in neighborhood. Not part of historic district – Ron Vila from Historic Preservation provided Sanborn maps and he highlighted how many existing homes had Porte cachere. Hardship is garage is difficult to use and does not want to change historic garage door.

Steve asked that given possible conflicts did you consider moving the Porte cachere back towards garage. Todd Gabel stated it need to line up with the front of the house.

Sue – show reduction of front 18.5 to 11’, is house at 11’ today? Todd Gabel stated yes. He also stated that there are neighbors here in support.

Steve address the fact that on the two site plans the tree condition is different on both. One says poor and one says fair. Todd tree is in decent condition. Steve asked if they consulted an arborist. Todd Gable stated no, and that the tree was on the neighbor’s property

Randy Barron asked if the house was in the Seminole Heights Historic Overlay District. Joel Sousa answered yes and the front setback has been averaged. Randy Barron asked about Porte cachere being encouraged and the side setback requirements. Joel Sousa stated he would get that information.

The adjacent neighbor on the west came up wasn’t sworn in and Ernie Mueller swore him in. He stated that his house was about 8’ from property line and stated that it is no closer than 6’ to his house.

Barron asked if he had an objection and the neighbor replied – no.

Antonio asked if anyone wanted to speak seeing no one and hearing no objection from the board he closed the public hearing.

Nick Bradford asked about the issue with power pole. It was driveway before – Joel Sousa stated that the petition was routed to TECO and there was no response.

Steve Labour stated that he likes Porte cachere – likes them, however, this on is too close to tree and it’s too tight. He stated that he doesn’t see hardship.

Randy Barron stated he worked on the overlay district – one of the policy issues was to encourage them. Petitioner is willing to work with permitting division to move it. Neighbor has no objection.

Allison - in respect to proximity of the tree, the pier is going to be in the area where the driveway is situated and it is probably impacted, and there are no roots in there and we are further than the protective radius.

Nick stated that there is a conflict, this won’t dimensionally work at 8’-6” that brick pier is offset loses 8”-10” it is not wide enough. Showed lines line up with house loses 1’ of width. Picture corresponds with elevation won’t have wide enough drive. Antonio Amadeo stated that that may be a permitting issue – they need to focus what is presented and the hardship. They will have to deal with it at permitting.

Steve Labour stated that he was not going to support it however the dimension in between and math works out. It is wide enough for certain cars. 8’-6” would work pier to pier.

Motion to approve was made by Randy Barron based upon competent and substantial evidence – no other place to put it, and the trees protective radius will be met at permitting.

Motion 2nd by: Lucinda Utter with the condition added that the Porte cachere not be enclosed confirmed by petitioner that he agreed to the condition that it not be enclosed.

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

Opposed: Nick Bradford, Steve Labour

Motion Carried 4-2

Condition: It is not to be enclosed.

APPLICATION: VRB10-33
APPLICANT: Robert & Mary Harley
AGENT: N/A
LOCATION: 4703 S Dauphin Avenue
REQUEST: To reduce the rear yard setback from 20' to 12'.
PURPOSE: To construct and open porch to a single family residence.
NEIGHBORHOOD: Bayshore Beautiful Homeowners

Joel introduced case and stated that Parks and Recreation objected due to tree. He showed pictures of property. Dave Reilly, Parks and Recreation – went over the site plan – showed trees on neighbor's property. He stated that the variance is to reduce protective radius. He showed additional pictures. He stated that he worked with petitioner on construction component. He received a revised detail with 12' x 12' support with a suspended floor. The pad is within 15'. He stated that he could work with them at permitting if the board was inclined to approve variance.

Randy Barron asked where the 12' x 12' portion is, is there roots in that area. Dave Reilly - we will have them do a root excavation. If he hits roots then he would have to adjust the pier.

Nick Bradford asked Dave on the tree issue if it goes away if he can do individual pads. Dave Reilly stated if they do encounter roots at 12'-8', minimum is 15'.

Robert Harley addressed the board – purchased house and stated that the pad in back is a monolithic pad and is not on original construction plans. Do not know what is under that slab and thought that it must be demolished. Knew there were grand trees. He stated that they are now using 2' x 2' pads. Reason for variance has to create foundation off original slab. Based on the only egress from house for a porch did not make sense to move to area behind garage. He stated that he hired engineer and they are on their third (3) revisions. He stated that they are confident that they will have minimal impact to tree. Spoke to

neighbor – no objection. Stuck with slab and a demo of the slab could damage existing house and would hurt roots anyway.

Steve asked the petitioner to define what an open porch is. Robert Harley stated that they just got revised plans. He showed the plan. He stated that it will have knee wall with structure. On north will be concrete lintel. This design will conform to the architecture of house. Steve Labour asked if the petitioner agreed to the condition that it not be enclosed. The petitioner stated yes.

Nick asked how large is current house square footage? Robert Harley stated it is 2,130 square feet. Nick Bradford asked how it is a substantial loss of use. Robert Harley stated that they have no other screen porch, his mother is 85 years old, and having her outside with out protection is not good. He needs a screen enclosure. He stated that he had work around the existing nonconforming slab. Nick Bradford asked if doing an aluminum enclosure is not acceptable. Rob Harley stated that they would need a variance anyway. New construction on the existing slab needed a variance anyway. Wanted a structure that was sound and it would conform to the architecture of the house.

Steve asked that if they granted the variance, normally we say that it is tied with the site plan as an open porch. This is a hybrid, as there is a knee wall and it is open. The easiest is to have the petitioner submit this drawing into the record and we would say that this is what we are passing. He asked could we condition the approval that based on the plans that the wall could be 3' and only in only in the back? Ernie Muller stated that you are asking can we condition that it always remain open except for 2.8'. Ernie asked Joel if at permitting it could be dealt with. Joel replied that they approve site plans, not style. Ernie stated you are asking if you could condition it as a partial enclosure – can only enclose to knee wall. Joel stated that they only look at if it is conditioned space or not. Robert Harley stated that the knee wall is structural with a cantilevered slab. It is the engineers it would give it structural integrity it is more than ascetics. Steve Labour stated that they should submit his drawing in to the record. There was no objection to the elevation drawing being submitted.

Antonio Amadeo asked if there was anyone from the public to speak on the petition seeing none he closed the public hearing.

Board discussion:

Randy Barron stated that if you are going to build a porch, that is the place to put it with access and the pad is already there. He stated that they are to craft the motion tied to elevation drawings and documents presented here tonight.

Randy Barron made a motion to approve the variance. Based upon substantial and competent evidence that there is no other place to put porch based on access in the back, that other plans impact neighbors, due to the current placement of exiting pad, that the tree is protected at permitting and the petitioner has accepted the conditioned that the porch will not be enclosed due to the existence of the 2'-8" knee wall and it is tied to the documents that was submitted showing the planned openings of the porch.

Motion 2nd by Steve Labour

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

There was no one Opposed.

Motion carried with the condition that it never be enclosed.

PETITION: VRB10-34
APPLICANT: Charles & Georgia Baval
AGENT: Michael Dougherty
LOCATION: 6312 W MacLaurin Dr.
REQUEST: To reduce the rear yard setback from 20' to 12'.
PURPOSE: To construct an open porch
NEIGHBORHOOD: Tampa Palms Owners Assn.

Joel introduced case – Land Development Coordination had an objection due to no trees shown, however the site plan has been revised. He showed aerial photo and pictures.

Chuck Baval addressed the board. He submitted two elevations into record, and showed them. He stated that the detached structure that has been approved. There is a gap between existing and proposed. Showed pictures and outlined addition. There is a proposed extension of roof over 5' area. Home was built and there plan was to build home closer to the rear to preserve the natural area in the front. There was much natural Florida vegetation in front of property and it was left in original natural state. There is a considerable buffer to golf course. Only place to add is on the east side. He stated that the Tampa Palms owners association approved the proposed construction. Next door neighbor Greg Carnie signed a notice of non-objection. On the other side the next door neighbor signed notice of non-objection. He does not have the document, but both owners have signed it and I will submit it when he has it. The Petricks have signed, I do not have it but, it was signed. Asked if acceptable – Ernie Mueller stated that it can't be basis for approval and it may not be necessary. Chuck Baval stated that the thought that it may have influence. He showed site plan. He stated that there was no impact to golf course, sometimes it is under water. No room to put in structure anywhere else.

Steve Labour stated that technically if there was no roof they would not be there. Steve Labour asked the petitioner to put site plan back on overhead. He asked do any other

lots have the same angle on the rear. Chuck Baval stated that all the lots are unique. Steve Labour asked if the line was curved due to golf course.

Steve Labour asked that if you were to take porch down to other end of house you would need a larger variance. Chuck Baval showed other improvements. Steve Labour stated that this is place to put the addition to impact the setback the least.

Nick Bradford stated that he doesn't see hardship. It is based on the fact if you are building a pool house, if you do not get the variance you still get pool house. With the 5' attachment there is an increased fire risk. He asked the petitioner to restate the hardship as he was not seeing the drainage issue. Chuck Baval stated that during times of rain water pools off both structures. Chuck Baval stated that the gutters and downspouts cannot handle water. He added that he spent \$30,000 on wood rot issues. Now with this structure there it will form the area of water to go through drains.

Randy Barron asked that when you went to permitting and permitted the accessory structure did you consider the water problems. When the accessory structure is attached to main structure they would still be before us for a variance. He stated that he is trying to analyze it. The setbacks are being changed because it is connected. If you included it originally you would still be before us.

Steve Labour asked the petitioner if he would accept condition that it remains open. He stated that the drawing has a wall. He asked him to submit drawing in record so we could tie it to three (3) open sides and one side solid. He asked when was it you discovered you needed a variance. Chuck Baval stated that when he spoke with the builder, and when he went to attach it, the city stated you need a variance. Steve stated that the City did not mess up, the accessory was allowed, and the variance was required when you applied to connect the buildings.

Antonio Amadeo stated that the elevation documents are accepted with out objection.

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

Board discussion:

Randy Barron stated that this is a unique shaped lot and the house was set back further than others. Place where addition was put meets setbacks and it is understandable that they want to connect it when you discovered the water problem, which requires the variance. He stated that he is supporting it.

The motion to approve was made by Randy Barron with the condition that the structure is never to be enclosed.

The motion was seconded by Sue Lyons

All in favor: Sue Lyons, Randy Barron, Antonio Amadeo, Steve Labour, Lucinda Utter

The motion was opposed by Nick Bradford.

The motion was carried 5-1.

Condition: The variance is tied to the elevation documents submitted by petitioner and it is not to be enclosed. Three (3) walls are to be open.

Nick Bradford stated that he does not believe the hardship works, as they have a pool house without the variance and with regard to rain, they could install a bigger gutter.

Steve Labour stated that the motion allows them to build a semi-open porch at 5' x 15', and it is unreasonable not to approve the variance.

APPLICATION:	VRB10-35
APPLICANT:	Orlando & Aleta Fernandez
AGENT:	N/A
LOCATION:	212 W Emma Street
REQUEST:	To reduce the front yard setback from 20' to 19', and reduce the side yard setback from 7' to 0'.
PURPOSE:	To vest a conditioned screen porch to a single family residence.
NEIGHBORHOOD:	South Seminole Heights

Joel introduced case and stated that all the departments found it Consistent - showed aerial and pictures. He showed the addition and stated that it was built with out permits.

Orlando Fernandez stated that the structure was built in the 1920's and sold in 1978 and sold to Mr. Leon Sayer and in 1980 and Mr. Sayer built the addition on back of house. The screened-in porch is here and this was built in 1980. The Sayers moved out of house in 2004. Over the last 4-5 years many street people were breaking into house through the screened in area. He stated that when he purchased house in December, the porch was boarded up. I was going to move into the house and the first thing I did was take boards down and put in 2' x 4' construction and added insulation and doors to make it secure. He stated that he just secured property and put on new roof. When inspector came

to inspect roof the improvements were discovered. He stated that he hasn't touched it since the stop order. He is putting up concrete siding and it is only 140 square feet. All construction was done in 1980.

Nick Bradford referred to screen porch asked if it was a non air conditioned porch and enclosed it and you upgraded. For us it is a downgrade with how close you are to lot. We tend to view air conditioned space needing to be farther from lot lines. He asked that the hardship is preventing crime. Orlando Fernandez stated yes the police are coming out constantly. It wasn't safe the way it was. Nick Bradford asked if the screen porch was aluminum and screened with wood posts. Orlando Fernandez stated that it was aluminum with a concrete floor and he put in the 2' x 4's.

Steve Labour asked how wide the lot is. Orlando Fernandez stated that it is 40'. Steve Labour asked if it is meeting setback on other side of the house. Orlando Fernandez stated that it is only 4'. Steve asked Joel Sousa what is the setback? Joel Sousa Stated 7'.

Steve Labour stated that this is a small lot and that Highland Avenue was not four lanes, and that originally there was further separation to street. On that street there are a lot of structures that are close to the street.

Antonio Amadeo asked if there was any objection to close the public hearing none he closed the public hearing.

Randy Barron stated that based upon the pattern of development, when the road was widened the structures are now closer. It is a problem sometimes the block would have the same situation. Given the circumstances of the narrowness of the lot and It is now enclosed and he could support the motion.

The motion to approve was made by Steve Labour. To vest the conditioned screened in porch making it a more permanent structure, as the hardship has been met.

The motion was seconded by Randy Barron.

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

There was no one Opposed.

The motion was carried unanimously.

PETITION:	VRB10-37
APPLICANT:	Hans & Gloria Beyer
AGENT:	John Munoz
LOCATION:	2514 W Sunset Dr.
REQUEST:	To reduce the rear yard setback from 20' to 0.3' and reduce the side yard from 7' to 3.3'.
PURPOSE:	To construct a 2 nd floor to an accessory structure garage.

NEIGHBORHOOD: New Suburb Beautiful

Joel introduced case. He stated that VRB10-17 was heard by you in February. Previously he and an administrative variance back in 1998. He stated that they discovered they have more square feet than was allowed and now they need to meet the main structure setbacks. He showed an aerial photo. He showed pictures of the house.

John Munoz stated that when they presented the plans for permit he was told that it triggered a quirk in the code as the lot in an RS-60 district. That based on the required lot, the structure could not be over 900 square feet. This lot is 60' x 140' but it is based on the required lot size. At 990 square feet total they are now 90 square feet over and need a variance.

Steve Labour asked if the variance was for height and setback. John Munoz stated that it was both. He added that if the structure is over 15% of the required lot it needs to meet the main structure setbacks.

Steve Labour asked if that requirement was in place when they went for the original variance. Joel Sousa answered yes.

Antonio Amadeo asked how much the square footage is over. Hans Beyer stated that it is 90 square.

Antonio Amadeo asked if there was anyone in the Public that wanted to speak, see no one and having no objection from the board he closed the public hearing.

Motion to Approve was made by Allison Utter.

The motion was seconded by Steve Labour.

Nick Bradford made a comment that the structure is at only 12-1/2% of lot size, and that they exceed only by a small amount of square feet. Antonio stated that the hardship is based on the size of the lot and the small square footage that is over.

Steve stated that he was opposed to the first variance.

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

There was no one opposed to the motion.

The motion was carried unanimously.

VI. BOARD ORGANIZATIONAL MATTERS

There were no board legal matters.

Randy Barron addressed the board and stated that they should consider making City Council aware of the continuing issue of the variance requests to make nonconforming signs legal and encourage them to look at the issue.

Antonio Amadeo asked Joel Sousa to discuss with Eric t that we are concerned about the number of electronic sign variances. Randy stated that for us to approve, we have to make them conforming and he is uncomfortable with it.

Allison Utter stated that we should just continue to turn them down.

Ernie stated that for him to address City Council would take a unanimous motion.

Randy stated that he was just mentioning it again. Steve Labour stated that it is a challenge to make whole sign legal, because they want to make a portion electronic and stated that we take each case individually. He stated that if we are to direct legal it should be unanimously and that he would not support it.

Antonio thanked the staff for their work for the Variance Review Board.

There being no further discussion, Antonio Amadeo Closed the public hearing at 9:28 p.m.