



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

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 SEEK A REVIEW OF A DECISION OF THE VARIANCE REVIEW BOARD, YOU WILL NEED TO APPLY TO THE CITY OF TAMPA CITY CLERK'S OFFICE NO LATER THAN TEN BUSINESS DAYS AFTER THE ORAL DECISION IS MADE.

August 9, 2011 Minutes

I. **SILENT ROLL CALL:** Joseph P. Citro, Sue Lyon, Randy Baron, Steve LaBour (Chair), Antonio Amadeo and Lucinda Utter

II. **APPROVAL OF MINUTES FOR THE June 14, 2011 and July 12, 2011 Public Hearings** Mr. LaBour moved without objection to approve the minutes for the June 14, 2011 and July 12, 2011 Public Hearings. Motion to approve was made by Randy Barron and seconded by Antonio Amadeo. The motion was carried unanimously.

III. **ELECTION OF VICE CHAIR**

Mr. LaBour then went over the rules and procedures for the public hearing and the appeal process. He went over the staff in attendance, Ernie Mueller, Assistant City Attorney; Eric Cotton, Land Development Coordination; Mary Danielewicz-Bryson, Land Development Coordination; Jonathan Scott, Transportation.

Mr. LaBour asked staff if there was any information regarding the agenda. Staff reviewed the agenda with the Board.

Mr. Mueller swore in all witnesses and went over exparte communications for the board.

The Board held election of a vice chair and a motion to elect Randy Baron to vice chair was made by Antonio Amadeo and it was seconded by Sue Lyons. The motion was carried unanimously.

Mr. Amadeo stated that he knew one of the applicants of one of the cases as they had dealings with his agency. He was asked if he could make a fair and impartial decision and he stated yes.

IV.

IV. **OLD BUSINESS: Continuances and Missed Notices**

A. **ADMINISTRATIVE APPEALS**

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

C. **GENERAL VARIANCES**

APPLICATION: VRB11-50
APPLICANT: Larry Brindley
LOCATION: 403 East Chelsea Street
REQUEST: To reduce the side yard setback from 3' to 1',
with the allowed encroachment of the eaves
and gutters
PURPOSE: To construct a porte-cochere
NEIGHBORHOOD: Old Seminole Heights
*This case was continued at the request of staff to allow for further
review of the submitted site plan.*

Staff showed an aerial photo, pictures of the site and reviewed the site plan. He also explained that the property was within the Seminole Heights Overlay District. Staff also reviewed two letters received, one from Frank La Pina in opposition and one from Nick Scaglione in support.

Larry Brindley, representing the applicant, stated that the structure was built in 1938. He showed elevations. Looked at building in the front and on the side and these options were no practical. He showed a picture of the alley and stated that the utility poles are staggered along it. He stated that they are staying 6" off eave line to the property line. Mr. Brindley reviewed the site plan and submitted a petition in favor of the request.

Mr. Baron stated that the hardship is because the new owner needs a porte-cochere and needs extra space for handicap access. He asked if the client would agree with the condition that it not be enclosed. Mr. Brindley stated yes.

Nick Scaglione spoke in favor of the variance.

The hearing was closed and opened up for board discussion.

Mr. Baron stated that the overlay was established to encourage porte-cocheres.

Mr. Baron made a motion to approve with the condition that the porte-cochere never be enclosed and was seconded by Mr. Amadeo motion carried unanimously.

APPLICATION: VRB11-54
APPLICANT: Oxford Exchange, LLC
LOCATION: 410/420 West Kennedy Boulevard
REQUEST: To reduce the number of parking spaces 114
spaces to 34 spaces
PURPOSE: To convert building to a mixed use retail/
office/restaurant/lounge
NEIGHBORHOOD: None
This case was withdrawn.

V. NEW BUSINESS

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

APPLICATION: VRB11-53
APPLICANT: Ortiz Planning Solutions
LOCATION: 4400 North Dale Mabry Highway
REQUEST: To increase the height of a sign from 20' to 35'
and to increase the square footage of a sign
from 50 square feet to 107.3 square feet
PURPOSE: To construct a free standing sign
NEIGHBORHOOD: Drew Park Advisory Committee

Staff introduced the case and showed an aerial photo and photos of the property. He went over the overlay standards and went over the request to raise the height and increase the square footage. Staff also read a letter for support from the Drew Park Advisory Committee.

Mr. Baron asked if they grant the variance will it control the whole site and staff stated that the board could impose reasonable conditions.

Patricia Ortiz addressed the Board, indicating that she was the authorized agent, could accept conditions by the Board and showed a site plan. She went over where they would be allowed signs and stated that they want one free standing sign. Along Dale Mabry and showed a rendering of the proposed sign and where it will be placed. They are willing to give up on Grady and Cortez. The hardship is the size of the zoning lot. She went over the other hardship criteria. She referenced the letter from the neighborhood representative.

Mr. Baron stated that height is the issue what is hardship for height. Ms Ortiz stated visibility above tree tops traveling at 45 mph and other signs. Height is not inconsistent with the neighborhood. She referenced Burger King and Plaza signs and the Jeep Dealer ship. The existing signs are 17-1/4' tall at 41 square feet. These two signs will stay.

Ms. Utter asked what makes this property different than any other properties located along Dale Mabry, that you need a 35' sign?"

Mr. LaBour asked about other nonconforming signs. Ms. Ortiz stated that there were some new signs that went up and she doesn't know if they were legal and stated that they were illuminated.

Mr. Baron asked if there were going to be digital component and Ms. Ortiz stated no and she would agree to such a condition.

There was no one to speak on the variance and the hearing was closed.

Mr. Amadeo stated that the intent of the code on highways he did not hear sufficient hardship. Mr. Baron stated it needs to be addressed by the applicant and would agree to reopen the hearing. He may ask for a continuance show pictures of trees and other signs in the area to support the hardship. Mr. LaBoour stated that this should go through alternative sign process and is concerned with the height.

Mr. Baron moved to continue the case and was seconded by Ms. Utter. The motion passed with Mr. Amadeo voting nay.

APPLICATION: VRB11-59
APPLICANT: William and Lisa Tison
AGENT: Roberto Hiller/Sign-A-Rama
LOCATION: 9312 North Armenia Avenue
REQUEST: To increase the square footage from 50 to 52 and to reduce the required setback from 10' to 3'
PURPOSE: To install a sign
NEIGHBORHOOD: Forrest Hills
The request has been amended, requiring a new notice.

C. GENERAL VARIANCES

APPLICATION: VRB11-48
APPLICANT: Glen Ottley
LOCATION: 2204 East Ida Street
REQUEST: To reduce the front yard setback from 17' 10", the rear yard setback from 15' to 3' and the west side yard setback from 5' to 1', all with the allowed encroachment of the eaves and gutters (amended original request)
PURPOSE: To keep an unpermitted addition
NEIGHBORHOOD: East Tampa Civic and Business

Staff introduced the case and showed an aerial photo and photos of the property and then reviewed the site plan.

Glen Ottley reviewed the case with the Board, explaining how the house was constructed to this point.

Mr. Amadeo asked to see the boundaries of the lot and where the encroachment is. The applicant then reviewed the site plan and the requests.

Mr. Baron asked about the modification of the building on the west side which was built into the alley. Mr. Ottley stated that he

submitted an engineers report that the truss modification will not affect the structure.

Jeffrey Farmer spoke about the neighbor on the west side they are trying to work out the issues regarding the alley.

Ms. Danielewicz-Bryson indicated that if the addition is removed, it must be done under the supervision of an arborist.

Mr. Baron moved to approve the request and was seconded by Ms. Utter. The motion was carried unanimously.

APPLICATION: VRB11-55
APPLICANT: Richard McGinniss
LOCATION: 2810 West Averill Avenue
REQUEST: To reduce the rear yard setback from 20' to 14', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a single family home
NEIGHBORHOOD: Ballast Point

Staff introduced the case and showed an aerial photo and reviewed the site plan.

Richard McGinnis addressed the board as stated that the property has a sewer pipe on the south west so that the pipe can go through the property w/o a structure on it and has pushed the house back on the corner. The neighbors have no objection.

There being no one to speak the public hearing was closed.

Mr. Baron moved to approve and was seconded by Mr. Citro. The motion carried unanimously.

APPLICATION: VRB11-57
APPLICANT: Michael J Friel
LOCATION: 2908 West Trilby Avenue
REQUEST: To reduce the rear yard setback from 20' to 2' , the side yard setback from 7' to 2' and the side yard setback and 5' to 2' (amended original request)
PURPOSE: To construct a pool, screen enclosure and pool cage
NEIGHBORHOOD: Ballast Point

Staff introduced the case and showed an aerial photo and reviewed the site plan. He then read two emails into the record. Ms. Danielewicz-Bryson had an objection to the location of the pool within the protective radius of a tree.

Michael Friel stated that he is ok with a 2' setback and would comply with the tree requirements.

Mr. Baron moved to approve the request and was seconded by Ms. Utter. The motion passed unanimously.

APPLICATION: VRB11-60
APPLICANT: Charlie Merrell
LOCATION: 3201 West Obispo Street
REQUEST: To reduce the corner yard setback from 7' to 5' and the side yard setback from 5' to 3' for a screen enclosure; to reduce the corner yard setback from 11' to 3' for the pool equipment; and to reduce the side yard setback from 7' to 6.8' to vest the existing setback for the house, with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a pool and pool enclosure and to vest the existing structure
NEIGHBORHOOD: Palma Ceia

Staff introduced the case and showed an aerial photo, photos of the property and reviewed the site plan.

Charlie Merrell presented his case, reviewing the site plan.

Mr. Citro moved to approve the variance and was seconded by Mr. Amadeo. The motion carried unanimously.

VI. **OLD BUSINESS: Continuances and Missed Notices**

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

APPLICATION: VRB11-51
APPLICANT: Kami Corbett
LOCATION: 2410 South Dundee Street
REQUEST: To remove a grand tree
PURPOSE: To construct a single family home
NEIGHBORHOOD: Sunset Park
This case was withdrawn.

APPLICATION: VRB11-52
APPLICANT: Sharon and Xavier Cannella
AGENT: John Sekas
LOCATION: 5801 South Gordon Street
REQUEST: To reduce the rear yard setback from 20' to 6'
PURPOSE: To construct a pool cage
NEIGHBORHOOD: Ballast Point
This case was continued from the July 12, 2011 public hearing at the request of the applicant.

Staff introduced the case and showed an aerial photo and photos of the property. He went over the site plan.

Sharon Cannella and John Sekas addressed the board. The screen enclosure has been constructed and is asking for a hard roof for about 12' and showed rendering. The hardship house was built in early 1900's and was built with a very large front yard setback.

There being no one to speak the public hearing was closed.

Mr. Amadeo moved to approve and was seconded by Mr. Citro. The motion passed unanimously.