



**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 DAY'S AFTER THE ORAL DECISION IS MADE.

APRIL 12, 2011 DRAFT MINUTES

I. SILENT ROLL CALL: Sue Lyons, Randy Baron, Steve LaBour , (Chair), Nick Bradford, Antonio Amadeo, Lucinda Utter. Genarro DiNola came in at 6:39 p.m.

II. APPROVAL OF MINUTES FOR March 8, 2011 Public Hearing, all in favor approved. (Barron/Utter)

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 stated that there were not changes to the agenda.

Ernie Muller swore every one in and went over exparte communications for the board.

III. OLD BUSINESS: Continuances by the Board

None

IV. NEW BUSINESS

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

APPLICATION: VRB11-27
APPLICANT: Koto Japanese Steak House and Sushi, Inc
AGENT: Russell Ottenberg, AICP
LOCATION: 533 South Howard Avenue
REQUEST: To reduce the number of parking spaces from 110 to 84
PURPOSE: To allow for additional hours for a restaurant
NEIGHBORHOOD: Courier City/Oscawana

Staff introduced the case and showed an aerial photo and pictures of the site. Property received interpretation from the Zoning Administrator

based upon shared parking based on hours and. The times on the alcohol petition requires the waiver.

Russell Ottenberg went over the case and explained the need for the variance. He showed a site plan of the shopping center, stating that it was constructed in 1987. Mr. Ottenberg explained the previous parking agreement and how the hours were restricted to a 6:00 PM opening time, but it was never conveyed to the Koto and there are no restrictions in the lease. Mr. Ottenberg went over the request and reviewed the hardship criteria. He showed a table that shows what the parking tallies are on the site at 15 minute intervals and went over what that table means. The parking waiver did not reflect what the demand really is for the plaza. Mr. Ottenberg argued that the parking ratio of 4 per 1000 square feet of gross floor area is adequate for the site. He submitted a patronage study that shows that they only get about 8 lunch time patrons. During the lunch hours, a maximum of nine parking spaces are needed.

The Board asked questions regarding the leases, the previous zoning administrator determination, the alcohol approval, and change of use.

Mike Tegee, owner Jimmy Johns, spoke against the request.

Dels Belcus, manager of the Optic Shop, opposed the request.

Cary Puma, owner of the optic shop, opposed the request.

Rufus Williams, representing the owner of center, spoke in favor of the request.

Mr. Ottenberg readdressed the board and he explained that it is needed and would keep the business open. Redevelopment of that part of the city has had a lot to do with the parking problems in the area.

The public hearing was closed and Board discussion ensued. The Board stated there was a determination what businesses were open before and after 6:00 p.m. They do have a hardship but approving it will create other hardships. It is for a reduction of 26 spots which is severe.

The Board went over the hardship criteria and how each one applies.

Mr. DiNola made a motion to deny the variance due to there being not hardship and was seconded by Mr. Bradford. The motion carried unanimously.

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| APPLICATION: | VRB11-28 |
| APPLICANT: | RANA Investments Property, LLC |
| AGENT: | Michael Horner |
| LOCATION: | 4600 East Hillsborough Avenue |
| REQUEST: | To remove three protected trees |
| PURPOSE: | To construct a commercial shopping center |
| NEIGHBORHOOD: | Northeast Community Crime Watch/East Tampa Business |

Staff introduced the case and showed an aerial photo and pictures of the site, explaining the previous administrative waivers.

Michael Horner went over the case and explained the need for the variance. He submitted an arborist report and discussed the particulars of the location of the site. Mr. Horner then showed numerous iterations of the proposed plan, explaining the issues with each one.

The Board closed the public hearing and entered into discussion.

Mr. Baron made a motion to approve and was seconded Mr. Di Nola. The motion carried unanimously.

C. GENERAL VARIANCES

APPLICATION: VRB11-26
APPLICANT: Santiago Betancourt Rodriguez
AGENT: Joseph Pando
LOCATION: 921 West Warren Avenue
REQUEST: To reduce the front yard setback from 20' to 14.7', the side yard setback from 7' to 3.8' (west side yard) and the side yard setback from 7' to 1', with the allowed encroachment of the eaves and gutters, and to reduce the eave to eave separation from 5' to .5' and the increase the height of an accessory structure from 15' to 16.9'
PURPOSE: Bring existing construction into conformance with Chapter 27
NEIGHBORHOOD: Riverside Heights

Staff introduced the case and showed an aerial photo and pictures of the site. They were cited for work without permits.

Joe Panda addressed the board and explained that the applicant did not know they needed permits. There was confusion on the part of the new owner in regards to the permits that had been issued, but had expired. Mr. Panda submitted letters of support.

Stan Luna, 1007 Warren Avenue, spoke in opposition.

The public hearing was closed with out objection and the Board entered into discussion

Mr. Baron moved to approve of the reduction of the front yard setback from 20' to 10.6', the west side yard setback from 7' to 3.7' and the east side from 7' to 1'. The motion was seconded by Mr. Amadeo and passed 6-1 with Mr. Bradford voting nay. Mr. Baron then moved to deny the eave to eave separation from 5' to .5' and the increase the height of an accessory structure from 15' to 16.9'. The motion carried unanimously.

APPLICATION: VRB11-29
APPLICANT: John L Keener
LOCATION: 2515 West Jetton Avenue
REQUEST: Reduce the side yard setback from 7' to 5' and the rear yard setback from 20' to 12', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a residential addition
NEIGHBORHOOD: New Suburb Beautiful

Staff introduced the case and showed an aerial photo and pictures of the site.

John Keener explained the variance request. The house was built in 1937 and the side yard request is part of the original house. He presented a site plan and pictures of the house and explained the use of the areas. Mr. Keener presented signed letters from both owners of the adjacent properties. He explained the layout of the floor plan and the orientation

of the house to the side. Mr. Keener also explained the curvature of the lot and that if the lot was "squared", a variance would not be needed.

There was no one to address the Board for or against and the public hearing was closed.

The Board discussed the hardship on the irregularity of the lot and the existing footprint to work with and expressed support of the variance.

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

APPLICATION: VRB11-30
APPLICANT: RU Project Management Group, LLC
AGENT: Ruth Roque
LOCATION: 1507 West Sligh Ave
REQUEST: Reduce the front yard setback from 10' to 2'5", with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a commercial addition
NEIGHBORHOOD: Lowry Park Central

Staff introduced the case and showed an aerial photo and pictures of the site. The site is split zoned back portion is RS-50 and the CG and the front is.

Ruth Roque addressed the board showing the requested variance only on the front (Dakota) side. She explained the addition.

The Board asked about if there already was an existing encroachment on that portion. The answer was yes.

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

The Board stated that there is no other place for the addition. Mr. Amadeo moved to approve the variance and was seconded by Ms. Lyon, with the motion carrying unanimously.

APPLICATION: VRB11-31
APPLICANT: David A Lance
LOCATION: 4120 West San Pedro Street
REQUEST: Reduce the front yard setback from 25' to 16' with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Virginia Park

Staff introduced the case and showed an aerial photo and pictures of the site.

The DRC voiced an objection based on the fact that they did not meet the minimum protective radius for the tree and requests that the driveway remain in place.

Phil Thomas, owner, addressed the Board and stated that Mr. Lance was also available if needed. He reviewed the request, pointing out the trees on the site. Mr. Thomas then showed the neighbor's houses and a diagram of the other houses in the area and their current setbacks.

The public hearing was closed without objection.

Mr. Baron moved to approve the request and was seconded by Mr. DiNola, with the motion carrying unanimously.

APPLICATION: VRB11-32
APPLICANT: Eugene Costa
LOCATION: 3508 West Granada Street
REQUEST: Reduce the rear yard setback from 20' to 17', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Palma Ceia

Staff introduced the case and showed an aerial photo and pictures of the site. The DRC found it inconsistent there is a grand tree w/l 20' of the addition. At time of permitting a pier & lintel should be used.

Gene Costa addressed the Board. There is no other place to put it on the property.

The board asked about the depth of the porch and if it would be enclosed. The applicant stated that they would screen it but not enclose it.

The public hearing was closed without objection.

Nicholas Bradford stated that the applicant is a client of his and therefore recused himself.

Mr. Barron moved to approve the variance based on there being no other place to put the addition with the condition that it not be enclosed. Ms. Lyon seconded the motion, which passed 6-0.

V. OLD BUSINESS: Continuances/Missed Notices

APPLICATION: VRB11-25
APPLICANT: John Williams
LOCATION: 5003 West Evelyn Drive
REQUEST: To reduce the rear yard setback from 10' to 5'
PURPOSE: To construct a screen enclosure (2 stories)
NEIGHBORHOOD: Beach Park

Staff introduced the case and showed an aerial photo and pictures of the site.

Mr. Hathoway, attorney for the applicant, stated that the lot was small and odd shaped. He stated the pool cage was not intrusive into the neighborhood and went over how they met the hardship criteria.

The Board stated that the lot is unique and singular. The board discussed that if the pool cage is single story it would meet the setback. They asked about the depiction of the screen enclosure. It follows the pool deck. There was discussion as to why a one story screen enclosure would not be structurally sound. It was stated that it would not be consistent with the architecture of the house and it would look ugly. There was further discussion about other enclosures in the neighborhood.

Lisa Simonton, the owner addressed stated that enclosing it would add value to the house.

The hearing closed with out objection.

After Board discussion, Ms. Lyon moved to approve the variance and was seconded by Mr. Amadeo. The motion carried 5-2, with Mr. LaBour and Mr. Bradford voting nay.

New Business:

Mr. DiNola stated that this might be his last meeting, as a new consulting position will keep him away on Tuesdays.

Mr. LaBour stated that he would like to send letter asking for new appointments.

Adjourned 9:57.