



**Variance Review Board**  
**City Council Chambers**

City Hall  
315 E. Kennedy Blvd., Third Floor  
Tampa, Florida 33602

**MINUTES**

**MEETING DATE: February 8, 2011**

**MEETING TIME: 6:30 PM**

**I. ROLL CALL: Gennero DiNola, Sue Lyons, Randy Barron, Antonio Amadeo, Steve Labour, Lucinda Utter**

**II. APPROVAL OF MINUTES FOR January 11, 2011**

Staff Present: Ernest Muller, Assistant City Attorney; Jonathan Scott, Transportation Planning Division; Mary Danielewicz-Bryson, Land Development Coordination; Eric Cotton, Staff, Land Development Coordination; David Reilly, Parks Department

Mr. Amadeo then went over the rules and procedures for the public hearing and the appeal process.

Ernie Mueller went over exparte communications.

Mr. Amadeo asked staff if there was any information regarding the agenda. Staff stated that case number VRB11-21 and VRB11-22 were missed noticed. VRB11-22 was moved to the March agenda, but VRB11-21 has not been rescheduled as of yet.

Mr. Mueller swore everyone in and went over ex-parte communications and asked the board to disclose communications.

**III. OLD BUSINESS: Case Remanded by City Council**

**A. Signs/Transportation**

APPLICATION: VRB10-38  
APPLICANT: Kennedy Dale Mabry Center, Inc  
LOCATION: 101 South Dale Mabry Highway  
REQUEST: To increase the height of a sign from 20' to 25', to increase the square footage from 100 to 317, and

to reduce the setback from 15' to 2' (Kennedy Boulevard) and from 15' to 7' (Dale Mabry)  
PURPOSE: To make two signs conforming  
NEIGHBORHOOD: Swann Estates

*This case has been remanded from the City Council with the specific request to determine if the administration interprets the City Sign Code to prohibit more than 50 percent of a sign face to be changed without a variance.*

Staff introduced the case and showed aerial photos and photos. Originally heard by board in 8/10 it was remanded by council to the board because there is interpretation issue he is here to address how permitting office addresses sign issues.

Mr. Mueller stated that specific issue to be addressed and suggested that the record be re-opened and have the department address specific issues and give the applicant a chance to rebut and close the record. In the City Council appeal the issue was raised as to whether a variance was required to change out more than 50% of the sign face. That issue was remanded back to the Board. One of two things the record from the 1<sup>st</sup> hearing is still there, you will open the record receive information, petitioner rebuts, and you close the hearing and grant or deny variance.

Terry Cope, Construction Services Plan Review Supervisor, stated that per the Code, a variance is not required to change the face of a sign, nor is a permit required. It has been interpreted that way for more than 7 years. If you are changing the face no variance is needed.

Mr. Michelini requested that they reopen the appeal to discuss several different elements and legal-nonconforming sign issues. Discussion had to do with the structural integrity of the sign, and then affects 50% of the sign and needs to meet the code. One provision VRB shall base decision on substantial evidence and does not need to meet all 5 criteria. He then went over the criteria.

After Board discuss, Mr. Mueller instructed the Board to remember there is an entire record that you are adding this information to and you should make your decision on the entire record if there is a hardship that would warrant granting the variance.

Mr. Baron moved to deny the variance, based on the prior record and the question remanded did not have any impact on the boards decision and was seconded by Sue Lyon. The motion carried unanimously.

#### **IV. NEW BUSINESS**

##### **A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES**

APPLICATION: VRB11-16  
APPLICANT: Bill Neyland (University of Tampa)  
LOCATION: 401 West Kennedy Boulevard  
REQUEST: To remove a non-hazardous grand tree

PURPOSE: To construct an intramural field  
NEIGHBORHOOD: North Hyde Park

Staff presented the case and went over the particulars that the tree is non-hazardous and the are

Ms. Danielewicz-Bryson explained the Chapter 13 issues in regards to the Grand Tree. She reviewed the comprehensive plan issues in regards to grand trees and the importance to the City. Ms. Bryson-Danielewicz showed the tree canopy study performed by the University of Florida. She showed the tree table attached to the variance request, showing the percentage and size of trees on the campus.

David Reilly, Parks Department, showed the location of the trees and presented pictures of the tree. He showed structural limbs on this tree and indicated that it was rated as an A6, which means that it is a good tree.

Bill Neyland presented to the board proposed site plans and the purpose of the field as an intramural field and soccer practice field. He showed grand trees that are to be protected.

The Board entered into discussion regarding the location of the field and reasonable use. Ms. Utter stated that the field could be off-campus. Mr. Baron state that reasonable use is a high burden. Reasonable use does not require a certain size there is strong public policy to save these trees. You can put something there without taking out that tree. There are other alternatives. Mr. Baron moved to deny the request to remove grand tree based on reasonable and was seconded by Ms. Utter. The motion passed 5-1, with Mr. DiNola voting nay.

## **B. GENERAL VARIANCES**

APPLICATION: VRB11-17  
APPLICANT: Alvaro Yepes  
LOCATION: 1919 West Mohawk Avenue  
REQUEST: To reduce the rear yard setback from 20' to 8.4',  
with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct a residential addition  
NEIGHBORHOOD: Old Seminole Heights

Staff introduced the case and showed an aerial photo and pictures of the property, indicating that the property was under citation for work without permits.

Mike Rappenport, co-owner of the property, stated that he bought under foreclosure and relied on information in the Hillsborough County Property Appraiser's website for the size of the building.

The Board questioned what the hardship was for the site, assuming that the structure was not already built. Mr. LaBour asked if the applicant

would accept the condition that the screened area not be enclosed. The applicant agreed to that condition.

Mr. LaBour moved to approve based on the fact that there is a hardship, with the condition that the screened area not be enclosed. Mr. DiNola seconded the motion, which passed 4-2. Ms. Lyon and Mr. Baron voted against the motion.

APPLICATION: VRB11-18  
APPLICANT: Brian and Juli Jeffrey  
AGENT: John LaRocca  
LOCATION: 2709 West Fountain Boulevard  
REQUEST: To increase the height of a fence from 6' to 8'  
PURPOSE: To construct an 8' fence in the rear yard  
NEIGHBORHOOD: Parkland Estates

Staff introduced the case and showed aerial photos and photos of the property. He also indicated that three letters were received by LDC. It was indicated that the Parks Department wanted a pier and lentil development near the grand trees and that the fence will need the minimum protective radii from the grand trees.

Mr. LaRocca addressed the board and stated that the rear of the lot faces Swann Avenue. He showed photos and stated across street is memorial hospital campus. Mr. LaRocca agreed with the Parks Department requirements. He then reviewed the hardship criteria and how this property met those requirements.

Ms. Utter indicated that the presentation made clear hardships heavily traveled corridor and moved to approve the fence variance and was seconded by Mr. LaBour. Mr. LaBour asked if the motion could include the conditions from the Parks Department and the elevations of the wall. The motion was withdrawn by Ms. Utter, allowing Mr. LaRocca to agree to the condition. Ms. Utter then moved to approve the request, tied to elevation and tree protection, and was seconded by Mr. LaBour. The motion passed 6-0.

APPLICATION: VRB11-19  
APPLICANT: Henry Goldsborough Moseley  
LOCATION: 2817 Old Bayshore Way  
REQUEST: To reduce the rear yard from 20' to 10' for a residential alteration, with the allowed encroachment of the eaves and gutters, and to reduce the rear yard setback for a pool and pool cage from 5' to 0'  
PURPOSE: To construct a residential addition and a pool with a screen enclosure  
NEIGHBORHOOD: Ballast Point

Staff introduced the case and showed pictures and showed where the pool cage would be resting on the existing retaining wall.

Mr. Moseley addressed the board, indicating that the unique shape of lot is a hardship.

Mr. DiNola moved to approve and was seconded by Mr. Baron. The motion carried 6-0.

APPLICATION: VRB11-20  
APPLICANT: Patricia Porter  
LOCATION: 2926 West Bay Vista Avenue  
REQUEST: To reduce the side yard setback from 15' to 2', with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct an accessory structure  
NEIGHBORHOOD: Bayshore Beautiful

Staff introduced the case and showed pictures. It was indicated that Transportation did not find this consistent.

Ms. Porter addressed the board. The driveway will still be 17' from the edge of pavement. She indicated that they would like to retain as much open space as possible for the environment and for drainage issues. Ms. Porter indicated that the lot is only 50' wide and is zoned RS-60. She showed location of other driveways less than 21' and submitted three letters from adjacent neighbors in support.

After Board discussion, Ms. Utter moved to approve and was seconded by Mr. Baron. The motion passed 5-1, with Mr. DiNola voting nay.

**V. OLD BUSINESS: Cases Missed Notice or Continued by Applicant**

**A. Signs/Transportation**

APPLICATION: VRB11-05  
APPLICANT: Dr William Assad  
AGENT: Thomas Graham  
LOCATION: 601 South Armenia Avenue  
REQUEST: To reduce the number of parking spaces from 41 to 35  
PURPOSE: To construct a commercial addition  
NEIGHBORHOOD: Courier City/Oscawana

Staff introduced the case and showed an aerial photo and photos.

Mr. Graham addressed the board and showed a site plan. The owner has an upgrade in equipment this is a cancer treatment facility. 3000 square feet of the property will be concrete vaults and only three patients can be treated at a time.

After Board discussion, Mr. LaBour moved to approve and was seconded by Mr. DiNola. The motion passed 6-0.

APPLICATION: VRB11-12  
APPLICANT: Brian Hebert  
LOCATION: 2718 North 40<sup>th</sup> Street  
REQUEST: To increase the square footage of a wall sign from 150 square feet to 400 square feet  
PURPOSE: To keep an existing wall sign  
NEIGHBORHOOD: East Tampa Business and Civic

Staff introduced the case and showed pictures and went over what was being considered for the variance.

Mr. Hebert stated that they are removing one sign and are asking for 400 square feet.

The applicant was asked what the hardship was and he replied that it was the traffic and the need for visibility on 40<sup>th</sup> Street.

The Board entered into discussion and the applicant asked if the variance could be amended to 280 square feet. Mr. LaBour moved to approve the request and was seconded by Mr. Baron, who asked if they applicant would agree not to place a sign on the northern face of the property. Mr. Hebert agreed to that. After procedural issues, Mr. Baron moved to approve 280 square feet of signage, with the condition that there be no other sign on the northern face of the building. The motion passed 5-1, with Mr. Amadeo voting nay.

APPLICATION: VRB11-13  
APPLICANT: Martha Martinez  
LOCATION: 1505 North Dale Mabry Highway  
REQUEST: To increase the square footage of allowable signage from 488 to 1370  
PURPOSE: To install new signage at an existing retail establishment  
NEIGHBORHOOD: MacFarlane Park

Staff introduced the case and went over the request and how the City calculated the sign square footage.

Kristin Tovson addressed the board and went over the request. She indicated that the required parking creates much depth between the store and the road and that all the signs identify what part of the building one would need to enter for different things. She indicated that the signs themselves are only 550.6 square feet.

Mr. Baron moved to approve the request with the condition that the signs are tied to the submitted site plan. The motion was seconded by Mr. LaBour and passed 6-0.

## **B. General Variances**

APPLICATION: VRB11-07

APPLICANT: Melissa Daley  
AGENT: Stephen Michelini  
LOCATION: 2401 South Hale Avenue  
REQUEST: To reduce the corner yard setback from 15' to 0'  
PURPOSE: To construct a residential dwelling, with pool, screen enclosure and outside stairs  
NEIGHBORHOOD: Palma Ceia West

Staff reviewed the particulars of the case and presented photos of the site.

Mr. Michelini showed the site plan and stated that this is a corner lot and is only 71' wide. He presented a petition signed by 7 adjacent neighbors who were shown a site plan to be submitted into the record.

Michael McNabb, 2404 S. Clark Ave, spoke in opposition. Lot is large and had a house on it and is opposed to allow enclosure to be built on the wall.

After Board discussion, and discussion with the applicant, the request for the screen enclosure was withdrawn.

Mr. DiNola moved to approve a reduction in the setback for the pool from 15' to 5' and spiral stair 15' to 9' per the locations on site plan. Mr. Baron seconded the motion, which passed 5-1, with Mr. LaBour voting nay.

APPLICATION: VRB10-65  
APPLICANT: Frank and Carol Cintron  
LOCATION: 2207 North Lincoln Avenue  
REQUEST: To increase the height of a fence from 3' to 6'  
PURPOSE: To keep an existing fence  
NEIGHBORHOOD: MacFarlane Park

Staff introduced the variance, explaining the request.

Sabrina Cintron addressed the board and reviewed criminal activity on and around the site. She showed police reports.

Ms. Lyon moved to approve and was seconded by Mr. DiNola, with the condition that the fence never be opaque.

## **VI. BOARD ORGANIZATIONAL MATTERS**

### Election of Chair and Vice Chair

Randy Barron nominated Antonio for chair and Sue nominated Steve for chair. All in favor of Antonio: Randy and Antonio. Steve: Dinola, Sue, Steve and Lucinda voted for Steve.

Vice chair Dinola all were in favor.

Board adjourned at 11:16

