



**Variance Review Board  
City Council Chambers**  
City Hall  
315 E. Kennedy Blvd, Third Floor  
Tampa, Florida 33602  
6:30 PM

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

November 8, 2011 Minutes

I. **SILENT ROLL CALL** Joseph V. Citro, Sue Lyon, Randy Baron, Steve LaBour (Chair), Lucinda Utter Ernest Muller, ACA, Mary Danielewicz-Bryon, Eric Cotton both from Land Development Coordination.

II. **APPROVAL OF MINUTES for September 13, 2011Public Hearing**

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

Mr. LaBour reviewed the rules and procedures and Mr. Mueller reviewed exparte communication.

III. **NEW BUSINESS**

A. **GENERAL VARIANCES**

APPLICATION:	VRB11-65
APPLICANT:	Luis Suriel
AGENT:	Stephen Michelini
LOCATION:	901 East Lotus Avenue
REQUEST:	To allow for an electric fence (Section 27-133)
PURPOSE:	To keep an existing electric fence
NEIGHBORHOOD:	North Tampa

Staff introduced the case and showed an aerial photo and photos of the property and then reviewed the site plan. He mentioned that the fence runs the entire perimeter of the property.

Mr. Baron asked how high the electric fence can be and it was replied 10'. Mr. LaBour asked if the fence meets all code and staff replied that it still needed to go through permitting and that he did not know if the fence met all current regulations.

Mr. Michelini submitted crime statistic reports and stated that he believes that he meets the security risk criteria for being approved for the variance.

Mr. Baron asked questions about the crime reports. Mr. Citro asked if there was evidence that crime had actually been lessened by the erection of the fence.

There was further discussion about the police reports and the types of disturbances. Mr. Michelini talked about his experience at the site. Mr. Michelini stated that he feels that the fence has been a deterrent. Some crimes do not get reported, and if reported the either lose their insurance or it goes up.

Pete Johnson addressed the board in opposition to the variance. He stated that that grid for crime is the same for all along Nebraska. The business has been there for years and there is not need for this type of fence and there is residential adjacent the majority is drugs and prostitution. The fence is a hazard to the children in the area. He showed an aerial photo. He pointed out all the residential adjacent. The electrical wiring is less than 3" from the chain link fence. He stated that there is no evidence of dogs or alarms being used.

Mr. Michelini stated that he needs a continuance until January to provide the information requested.

Mr. Baron made a motion and it was seconded by Ms. Utter and the motion passed 5-0.

APPLICATION:	VRB11-71
APPLICANT:	Peggy Smallheer
LOCATION:	6015 North Dexter Avenue
REQUEST:	To reduce the side yard setback from 7' to 2' and the rear yard setback from 20' to 6' (Section 27-126)
PURPOSE:	To repair and enclose an existing carport
NEIGHBORHOOD:	Old Seminole Heights

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

There was discussion if the property was in the overlay and if approved would it be keeping with the overlay.

Charles Smallheer addressed the board structure was built in 1962 and it has deteriorated and they would like to rebuild it as a garage. There was discussion about the construction of the carport and that it is the applicant desire to enclose it with block and windows.

Mr. LaBour stated that it is an accessory structure and the garage door could come down and they could make it into living space. Staff confirmed that they could do so, as the use is not regulated.

Mr. Baron made a motion to approve and it was seconded by Ms. Utter. The motion failed, with Mr. LaBour and Mr. Citro voting nay. The hearing is automatically carried over to the next meeting.

APPLICATION: VRB11-72  
APPLICANT: Jeffrey and Stacy Hausinger  
LOCATION: 3111 South Emerson Street  
REQUEST: To reduce the side yard setback from 5' to 1'  
(Section 27-144)  
PURPOSE: To construct a screen enclosure  
NEIGHBORHOOD: Belmar Gardens/Sunset Park

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

Mr. Hausinger addressed the board and stated that the pool existed when he purchased the house. It is difficult to use the pool, mosquito problem. Uniqueness of the property corner lot and when built it had double setbacks and back yard is non-existent.

Mr. Baron asked about the setback of the pool. 6" is close to the property line, and asked the property owner if he would amend his request to a 1' setback.

Mr. Baron moved to approve the setback from 5' to 1' and was seconded by Ms. Utter. The motion passed 5-0.

APPLICATION: VRB11-73  
APPLICANT: Peter and Laurie Lackman  
LOCATION: 2804 West Fountain Boulevard  
REQUEST: To reduce the building separation from 10' to 2'  
(Section 27-126)  
PURPOSE: To construct an accessory structure  
NEIGHBORHOOD: Parkland

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

Mr. Lackman addressed the board and stated that the structure is going to be an open carport because of an objection from his neighbor. Mr. Lackman indicated that the former garage is a pool house and the site has no covered parking.

Mr. Baron moved to approve, with the condition that it never be enclosed, and was seconded by Mr. Citro. The motion passed 5-0.

APPLICATION: VRB12-2  
APPLICANT: Faris Alnaser  
LOCATION: 7701 South Fitzgerald Street  
REQUEST: To reduce the rear and side yard setbacks from 5'  
to 3' (Sections 27-135 and 27-144)  
PURPOSE: To construct a pool and screen enclosure  
NEIGHBORHOOD: Port Tampa

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

Mr. Alnaser addressed the board and explained why he needed the variance for medical reasons for the pool and cage. He submitted three letters of support.

Mr. Baron moved to approve the request and was seconded by Mr. Citro. The motion carried 5-0 unanimously.

B. SUBSTANTIAL DIFFERENCE DETERMINATION

APPLICANT:	John Scheffel
LOCATION:	1501 South Dale Mabry
REQUEST:	To make a determination that a new request is substantially different than VRB10-68, which was a request to install a wall sign for a business that did not have a front door entrance

Mr. Mueller went over the substantially different request that address the grounds of denial and the board will hear a summary and no testimony will be heard at the time. If substantially different it will be heard at the next hearing legally it can be heard in December and the Board will determine when it will be heard.

Staff reviewed the original case, VRB10-68 and explained the prior particulars from the prior hearing minutes.

The applicant stated that the owner is having a hard time getting tenants without signage facing the road.

Mr. Baron stated that it is not a substantially different request, and they can come back on the January agenda by right. Mr. Baron stated that based on the evidence the case is no different than VRB10-68 and the criteria has not been met and moved to deny the request for a "substantially different request" and was seconded by Ms. Lyon. The motion passed 5-0.

The meeting adjourned at 8:33 p.m.