



Variance Review Board
City Council Chambers
City Hall
315 E. Kennedy Blvd, Third Floor

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.

June 10, 2014

SILENT ROLL CALL

In attendance were: Chair Randy Baron, Antonio Amadeo, Dr. Susan Long, Brian Seel, Bret Feldman, and Joseph Citro. Members not in attendance were: Gary Brown, Alyson Utter, and Richard Peterika. Staff in attendance were Ernest Mueller, Legal Department; Eric Cotton and Karencia Ciagala from Land Development Coordination.

II. APPROVAL OF MINUTES for May 13, 2014, Public Hearing

Mr. Citro made motion to approve, seconded by Dr. Long.

III. EXPARTE COMMUNICATION - NONE

IV. CONTINUED CASES

APPLICATION: VRB14-32
APPLICANT: Russell Falor and Linc Benkert
LOCATION: 5614 North River Shore Drive
REQUEST: To reduce the rear yard from 20' to 14' and the front yard from 20' to 17.1', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To create a conforming lot (splitting of two lots)
NEIGHBORHOOD: Old Seminole Heights/Riverbend Civic

Staff introduced the case, reviewing the request, and that this case was continued from the last meeting.

Mr. Citro made motion to reopen public hearing and was seconded by Mr. Amadeo. Mr. Mueller, questioned Mr. Amadeo as to his ability to have reviewed this case, and he stated that he had.

Mr. Fallor was given ten minutes by Chair Baron to present any additional information to be reviewed. Mr. Fallor provided an email on overhead projection from Ms. Herrington, City of Tampa, and he handed out information to VRB Members. Mr. Fallor stated he was now in compliance with his previous code violation.

Chair Baron, requested staff to clarify parking on public right-of-way. Mr. Cotton stated vehicles cannot be parked on public right-of-way. Mr. Fallor stated pointing to the overhead diagram, that he could place two vehicles within a certain area.

PUBLIC COMMENTS:

Frank Greco and Debra Lecanto spoke in opposition.

Board Discussion:

Mr. Feldman asked for clarification on setback. Mr. Cotton stated that the original request is what is now being considered.

Mr. Amadeo stated he does not see any hardship. Dr. Long stated it was originally two lots, and the applicant want to put it back as it was.

Mr. Amadeo entered a motion to deny the applicants request, seconded by Mr. Seel. Chair Baron stated that placement of building is the hardship, can't see any other reason to split the lot.

Mr. Amadeo clarified, this is a self-created hardship, that this was originally for a caregiver, and that there were other ways to accomplish this. Mr. Seel agrees with Mr. Amadeo, and that this was a self-created hardship.

Request by applicant was denied by a vote of 4 to 2. Dr. Long and Chair Baron opposing votes.

V. NEW BUSINESS

APPLICATION: VRB14-29
APPLICANT: Carlos Gomez
AGENT: Thomas Hills
LOCATION: 2312 West Morrison Avenue
REQUEST: To reduce the front yard from 25' to 10' and the rear yard from 15' to 10', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a new residence
NEIGHBORHOOD: New Suburb Beautiful/Parkland/Tampa Heights/Historic Hyde Park

Staff introduced the case, and stated that the client may have withdrawn request for tonight's meeting. Chair Baron placed this case at the end of the agenda.

APPLICATION: VRB14-48
APPLICANT: John Keener
LOCATION: 3210 W. Obispo Avenue

REQUEST: To request a variance to vest an existing enclosed addition connecting the principal and accessory structures, and also vesting existing front, rear, and side setback encroachments. No new work is proposed. (Section 27-290)
PURPOSE: To vest an existing residential addition
NEIGHBORHOOD: Palma Ceia

Mr. Keener explained that the property was purchased in 2005, and that he is asking to vest existing encroachments. The client plans to add on in the future, but wants to clean up existing encroachments, to move forward knowing what their boundaries are. Pictures were presented by applicant, who stated they were taken in 2005, showing the connectivity of the roof, which shows the property was that way when it was purchased. Plan provided by applicant shows all space is currently utilized, and he stated that the hardship is that it was this way when purchased, and that future building will meet required setbacks..

PUBLIC COMMENTS: NONE

Board Discussion:

Mr. Amadeo entered a motion to approve the applicants request to vest existing conditions and was seconded by Dr. Long. Request by applicant was approved by unanimous vote.

APPLICATION: VRB14-49
APPLICANT: David Johnson
AGENT: Stephen Michelini
LOCATION: 2503 South Parkview Street
REQUEST: To reduce the front yard from 25' to 20' (Section 27-156) and the corner yard from 11' to 6' for a pool and 11' to 2' for pool equipment (Section 27-290.3)
PURPOSE: To construct a single family home
NEIGHBORHOOD: Sunset Park

Mr. Michelini explained the property currently vacant and will have a single family residence built on a lot that has an acute angle, and they are asking for relief from the code due to the configuration of the lot. Mr. Michelini explained that the front setback request is not from the main building which meets the 25'. The building is being pushed over to the side due to the acute angle, and at the rear the pool will be behind a masonry wall and not affect any neighbors on S. Hawthorne Circle.

Board Discussion: Dr. Long asked for site plan to be discussed. If set back 5 feet, it would put it to about 18 feet. (Mr. Michelini stated after measuring the to-scale site plan.)

Mr. Seel asked if the house to the north has a privacy wall. Photo of house on north, across the street. Mr. Michelini stated that this is the side of the property.

Chair Baron asked about the tree, and Mr. Michelini showed a photo of a laurel. And then questioned about what looked like a roof over front windows, and Mr. Michelini stated it was not a roof. Mr. Michelini marked the site plan for 25'.

PUBLIC COMMENTS:

John Grandoff spoke in opposition to the request.

Chair Baron asked Mr. Cotton to clarify, and he stated that regarding a pool, when an applicant reduces a required yard, a pool could be placed between the reduced yard back to the house. A variance is not needed for wall as it is at the 25' setback.

Mr. Michelini then stated that his client had decided to withdraw the front setback request, and that the only request they want considered is for the pool. He stated that they have done what they can to meet the setbacks and that the code was never meant to deny people to build, but rather to prevent fraud. He said that the hardship is not self-created, and respectfully request approval for relief on side for pool.

Mr. Amadeo stated he is concerned with applicants asking for redefinition of their yard, and said it should be on the basis of a regular lot approval. Dr. Long agreed with Mr. Amadeo. Chair Chair Baron stated that because of the administrative decision previously, and this is an irregularly shaped lot, he would have to support

Dr. Long entered a motion to approve the applicants request, with the front yard withdrawn, a reduction in the corner yard from 15' to 6' for pool and pool equipment 11' to 2' , seconded by Mr. Amadeo. Request by applicant was approved by unanimous vote.

APPLICATION: VRB14-51
APPLICANT: Do Kim
LOCATION: 3121 West Knights Avenue
REQUEST: To reduce the rear yard from 5' to 0' Section 27-290.3 and Section 27-290.5
PURPOSE: Construct a pool and screen enclosure
NEIGHBORHOOD: Bayshore Beautiful

Mr. Kim explained the property front setback of 50 feet and that the rear sets back further than their neighbors. He stated he is only asking for rear, and that he spoke to a neighbor who is in agreement of his request.

Chair Baron stated that on the overhead screen it shows a zero setback. Mr. Kim stated he spoke to his contractor and that there will be a header wall, and no walkable area.

Dr. Long, questioned an area of a 10' 8" space to the back of the house. Mr. Kim stated that's an L, that is a patio area, pointing to the area on the overhead of the site plan.

Mr. Amadeo stated he supports this request.

PUBLIC COMMENTS: NONE

Mr. Citro entered a motion to approve the applicants request and was seconded by Mr. Feldman. Request by applicant was approved by unanimous vote.

APPLICATION: **VRB14-54**
APPLICANT: Dayana Morera
LOCATION: 808 West Adalee Street
REQUEST: To reduce the front yard from 60' to 28' and the side yard from 3' to 32" (with the allowed encroachment of the eaves and gutters) and the building separation from 5' to 38" (Section 27-290)
PURPOSE: To keep unpermitted accessory structure
NEIGHBORHOOD: Riverside Heights

Romondo Martinez, representing the applicant, explained the property, block structure that was there, and building for roof was already there. He said that their mother-in-law lives with them, they recently had a baby, and it is difficult to find space for everyone. He said he spoke to neighbors, spent all of his savings, the roof was already there, and it's definitely their fault. Mr. Seel asked for

clarification on roof already there. Mr. Martinez said it was and, we repaired roof and enclosed. Mr. Citro asked if they were joining two structures together, and was told definitely not.

PUBLIC COMMENTS:

Michelle Cruz and Finn Giles spoke in opposition to the request.

Chair Baron asked if they were replacing carport ,and was told it was a new addition to end of attachment.

Mr. Cotton indicated that permits will need to be applied for and received if the Board approved the request.

Mr. Martinez stated that they were sorry for doing the work without permits and they want to keep what they built.

Board Discussion:

Antono Amadeo: Stated that having heard the evidence, he doesn't see that a hardship is shown, it is to close to property line, and it does impact the neighbor. This addition was built because a roof was there. Not willing to support.

Mr. Citro agrees with Mr. Amadeo, enclosed by homeowner, wasn't done by code/permitting.

Chair Baron stated that the criteria he considers is if the structure wasn't there yet,would he approve the variance. In this case impact too great on neighbor, due to runoff, and not sure if it would pass code. There is space in back. Financial hardship, in this case can't support it.

Mr. Amadeo entered a motion to DENY the applicants request and was seconded by Dr. Long. Request by applicant was denied by unanimous vote.

APPLICATION:	VRB14-55
APPLICANT:	Glenn McKay
LOCATION:	4919 West Melrose Avenue North
REQUEST:	To increase the height from 35' to 40' and to reduce the rear yard from 20' to 7.5' , with the allowed encroachment of the eaves and gutters
PURPOSE:	To construct a single family home
NEIGHBORHOOD:	Culbreath Isles/Stoney Point

Mr. Glenn McKay explained the property was purchased a year ago, with understanding same as neighboring properties. Wants a reduction for slip area, as south of there each house along the street, has gone ahead and just did it. One tree trimmed severely, will work around if needed. Photos shown of neighboring homes. Elevations applicant prefers a hip roof for insurance reasons.

PUBLIC COMMENTS: NONE

Board Discussion:

Mr. Amadeo, believes hardship met. Height, minimal request that is not excessive for height, but would like a discussion, but at this point, support this request for lot and height.

Chair Baron stated that he never knew you could put a parafait wall higher, if consistent, City is saying this is reasonable, less of an impact than putting on a flat roof, spend it on perimeter. No problem with that or the notch, reasonable. Trees will be permitting issue, and he supports this.

Dr. Long entered a motion to approve the applicants request and was seconded by Mr. Feldman. Request by applicant was approved by unanimous vote.

APPLICATION: **VRB14-56**
APPLICANT: Broadway National Sign and Lighting, Incorporated
AGENT: Gina Grimes
LOCATION: 3808 West Swann Avenue
REQUEST: To amend the approval of VRB13-60 and allow a sign to be placed higher on the elevation of the building
PURPOSE: To provide greater exposure for wall signage
NEIGHBORHOOD: Swann Estates

Ms. Grimes explained she represents the sign company that made the signs. The Board had previously approved a variance for the size of the sign. This request was to place the sign at a higher location and to slightly decrease the size.

PUBLIC COMMENTS: NONE

Board Discussion:

Mr. Amadeo stated a hardship met, justified, solution creates substantial justice.

Chair Baron agrees with Mr. Amadeo, great impact in helping find that business.

Mr. Seel moved to approve the applicants request and was seconded by Dr.Long. Request by applicant was approved by a unanimous vote.

APPLICATION: **VRB14-57**
APPLICANT: Scott and Dale Guenther
AGENT: Stephen Michelini
LOCATION: 913 South Golf View Street
REQUEST: To construct increase the height of a wall in the front yard from 3' to 6' (Section 27-290.1)
PURPOSE: To construct a wall
NEIGHBORHOOD: Golfview Civic and Garden

Mr. Michelini explained the street angle causes property setbacks to vary.

Asking to construct masonry wall, reduce feet and then back to six to meet front setback. Lot is 69" wide at front, unusually shaped lot. Existing iron fence and wants to convert to masonry wall for security. Brick wall to connect existing column. Because of irregular lot configuration, should allow and will continue to heavily landscape. Property owner to west, heavily landscaped, cannot be effected because of heavily landscaped and existing fence, requested we setback 12". Code allows to be built on property line. Reasonable request, had nothing to do with way street is configured.

Pat Rose spoke in opposition.

Board Discussion:

There was Board discussion regarding the material and type of fence, as well as security issues.

Mr. Citro entered a motion to approve the applicant's modified request, with 3' solid and 3' wrought iron, with the vesting of the large columns. Dr. Long seconded the motion. Request by applicant was approved by a unanimous vote.

APPLICATION: **VRB14-58**
APPLICANT: Jeff Smith
LOCATION: 4521 West Beachway Drive
REQUEST: To reduce the building
PURPOSE: To construct an accessory structure
NEIGHBORHOOD: Beach Park/Armory Gardens

Mr. Smith explained the request, indicating that the plan was approved

Board Discussion:

After Board discussion, Mr. Feldman moved to approve and was seconded by Mr. Amadeo. The motion passed unanimously.

APPLICATION: **VRB14-29**
APPLICANT: Carlos Gomez
AGENT: Thomas Hills
LOCATION: 2312 West Morrison Avenue
REQUEST: To reduce the front yard from 25' to 10' and the rear yard from 15' to 10', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a new residence
NEIGHBORHOOD: New Suburb Beautiful/Parkland/Tampa Heights/Historic Hyde Park

Dr. Long made a motion to continue VRB14-29 to July 8, 2014 and was seconded by Mr. Citro.

Table Discussion:

The discussion centered on what does it mean "tied to the site plan".

The Board offered their interpretations and staff clarified some issues.

Meeting Adjourned 9:55pm

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