



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.

May 13, 2014

SILENT ROLL CALL

In attendance were: **Chair Randy Baron, Alyson Utter, Gary Brown, Richard Peterika, Antonio Amadeo, Joseph Citro, and new member Brian Seel, and alternate member Bret Feldman**

Staff in attendance were Ernest Mueller, Legal Department; Eric Cotton and Karencia Ciagala from Land Development Coordination.

II. APPROVAL OF MINUTES for APRIL 8th, 2014, Public Hearing

Dr. Susan Long made motion to approve, seconded by Gary Brown.

III. EXPARTE COMMUNICATION - NONE

IV. NEW BUSINESS

APPLICATION: **VRB14-30**
APPLICANT: Carroll Johnson
LOCATION: 4611 West Fair Oaks Avenue
REQUEST: To reduce the front yard from 60' to 5' and the building separation from 5' to 0', with the allowed encroachment of the eaves and gutters (Section 27-290)
PURPOSE: To keep an unpermitted carport
NEIGHBORHOOD: Beach Park/Bayside West

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Applicant Carroll Johnson, provided photos of the carport and a list of neighbors names supporting her request. She explained that if she moves the carport, she will not have access to her front door.

PUBLIC COMMENTS: None

VRB 14-30 (Continued)

Board members discussed length of time in existence and whether or not applicant would enclose carport. Board discussion closed.

Antonio Amadeo entered a motion to approve the applicants request, **with the condition, that it never be enclosed. Seconded by Lucinda Alyson Utter.** Request by applicant was **approved** by a vote of **6 to 1**, with Richard Peterika casting his vote against the request.

APPLICATION: **VRB14-32**
APPLICANT: Russell Falor and Linc Benkert
AGENT: Wilson D, Ayala III
LOCATION: 5614 North River Shore Drive
REQUEST: to reduce the rear yard from 20" to 1.2" 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, showing an aerial and photographs and explaining the site plan.

Applicants Agent, Wilson D. Ayala, III explained that this property was originally two (2) lots zoned RS-50, and that there are four grand oak trees on the property, and each lot will have two. He also explained due to an auto accident, the additional space was to be used for a caregiver.

Public Comments:

Frank Greco, introduced himself as representative of Riverbend Civic Association, and disclosed that he is also a City of Tampa employee, but that he was acting on behalf of the Association, and not the City and that he has received letters for and against this request. Mr. Greco referred to the Florida Building Code 2010 Section 302, and that code requires a fire rated overhang.

Lisa Frazier provided a copy of a letter to the Board, requesting they reject this request, as the builders letter stipulates they did not build the kitchen, that it was added later, and it is not on their plans. She stated that this was a self-created hardship. Ms. Frazier also provided a flyer showing that the property was being advertised as a rental, and that she believed renters were in it now.

Deborah Lecanto agreed that this was a self created hardship, and that a Mike Shea was unable to attend, but had sent a letter opposing the request, and she provided photos.

Chad Wimmer spoke about what his neighbors had originally proposed and what is now being considered. With rental concerns, and the possibility of becoming a Section 8 rental, he is concerned for the future use of this property and the safety of his children, and is opposed to this request.

Mr. Greco reminded applicant that they would need to be in total compliance with building permits.

Deb Lecanto reminded the Board of the French drain, concrete drive and that water floods, and parking is on the right-of-way.

Rebuttal by Wilson Ayala clarified that the French drain can be corrected, and mentioning Section 8 is not appropriate. He reminded everyone that anyone could sell and rent as is, with no change to the neighborhood, as it is RS50 to RS50.

Public discussion was closed and the board discussed hardship issues, changing property lines and considering removing screen enclosure

Gary Brown entered a motion to approve the applicants request clarifying rear lot setback from 20' to 16.5' and the accessory lot from 20' to 17.1'. **Seconded by Richard Peterika.** Motion failed to pass. **Second motion was entered by Lucinda Alyson Utter to deny** the applicants request. **Seconded by Antonio Amadeo.** This **second motion also failed** to pass causing an **insufficient vote.** Per **Senior Assistant City Attorney, Ernest Mueller,** because the motions both failed to pass, the request will be continued until the next meeting.

APPLICATION: **VRB14-38**
APPLICANT: Carol Ann Hailey
LOCATION: 2804 South Esperanza Avenue
REQUEST: To reduce the rear yard from 20' to 9', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Palma Ceia

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Applicant/owner, **Carol Ann Hailey,** explained that the addition was for a laundry and bathroom, and that if approved would remove the existing two sheds from the property. She provided photos.

Public Comments:

Kim Foss, who is a neighbor on Grenada, said that she is in favor of the applicants request. **John Boudensack,** who is a neighbor south of applicant, said he had no problem with the request.

After board discussion and a clarification from Eric Cotton as to the front of the property being located on Grenada, **Antonio Amadeo entered a motion to approve** the applicants request, **seconded by Richard Peterika.** Request by applicant was **approved by a unanimous vote.**

APPLICATION: **VRB14-39**
APPLICANT: Armado Cruz Cestayo
LOCATION: 3212 West Abdella Street
REQUEST: Reduce front yard from 20' to 6', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a carport
NEIGHBORHOOD: MacFarlane Park

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Mr. Cestayo's daughter, spoke on his behalf, and explained that a metal porch was torn down, and decided to build a heavier one. Her father built it, and that there was another just like it next door.

Public Comments: None

Dr, Susan Long made the motion to **approve** the applicants request with the condition that it never be enclosed. **Seconded by Antonio Amadeo**, the motion **passed with a vote of 6 to 1, with Richard Peterika** casting the **opposing vote**.

APPLICATION: **VRB14-40**
APPLICANT: Chandrapattie Persaud
LOCATION: 10414 North 27th Street
REQUEST: Reduce side yard from 7' to 3', with allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To keep an unpermitted addition
NEIGHBORHOOD:

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

The applicant explained when they bought the home it had an existing porch which they enclosed. Then they asked around and was told that it was ok to build in place of the screen, so spent the funds. They did their letters of notice and have no issues with the neighbors.

Public Comments: NONE

Antonio Amadeo entered a motion to **approve** the applicants request. **Seconded by Dr. Susan Long**. The motion **passed with a vote of 6 to 1, with Richard Peterika** casting the **opposing vote**.

APPLICATION: **VRB14-41**
APPLICANT: Ursula Osorio
LOCATION: 5307 East 30th Avenue
REQUEST: To increase the height of a fence in the corner and rear yard from 6' to 7' and the height of a fence in front yard from 4' to 7'
PURPOSE: To keep an existing chain link fence
NEIGHBORHOOD: Grant Park

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

The applicant, Ms. Osorio described the location of the property at 30th/ 54th, as being a criminal activity area, involving burglaries and drugs, and that the purpose of the fence is for security. The fence is similar in height to neighbors in the area and improves the appearance.

Public Comments:

David Fininem, mentioned the crime in the area, that someone had been beaten up at Grant Park, who went to the hospital, a car was stolen from the driveway, and a lawn mower was stolen. He said that Grant Park has a six foot fence, and all the neighbors have the same.

Board Discussion:

Richard Peterika asked the homeowner if they would be willing to keep the front corner fence transparent without adding any slats, and keep it as is, and she agreed.

Richard Peterika entered a motion to **approve** the applicants request, with the condition that the front and corner fences remain transparent. **Seconded by Dr. Susan Long.** Request by applicant was **approved** by a **unanimous** vote.

APPLICATION: **VRB14-42**
APPLICANT: Carmen Vila Rey
LOCATION: 2911 West Woodlawn Avenue
REQUEST: Reduce front yard from 20' to 5' , with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a residential addition (garage)
NEIGHBORHOOD: None

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

The applicant provided a translator, and oral consent was given. There is a grand tree on the property located 10' from the structure. The applicant stated that the hardship is children, grandchildren, and an elderly mother needing protection. The applicant also stated that the property is even on both sides, and she has no preference as to which side the carport would be.

Public Comments: NONE

Board Discussion: Richard Peterika asked if there were other properties that extended out front and if it would remain open? The applicant replied there was another a few blocks away, and she would agree to keep the carport open.

Brian Seel entered a motion to **approve** the applicants request with condition that it never be enclosed and allow applicant to flip to the other side (of the front)of the structure and the approval tied to the plan in the record. **Seconded by Gary Brown.** Request by applicant was **approved** by a unanimous vote.

APPLICATION: **VRB14-44**
APPLICANT: Larry Isdahl
LOCATION: 3001 West Angeles Street
REQUEST: To reduce the required rear yard from 20' to 6' , with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Palma Ceia

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

VRB14-44 (Continued)

Mr. Isdahl stated he was the owners agent and that owners had lived at this location for 17 years. He provided 54 photos of properties in the area and stated that only 9 of them were in compliance.

Public Comments: NONE

Gary Brown entered a motion to **approve** the applicants request. **Seconded by Dr. Susan Long.** Request by applicant was **approved** by a **unanimous** vote

APPLICATION: **VRB14-45**
APPLICANT: David Clark
AGENT: Cate O'Dowd, Esquire
LOCATION: 7501 Interbay Boulevard
REQUEST: To keep existing razor wire (Section 27-290.1)
PURPOSE: To keep nonconforming razor wire
NEIGHBORHOOD: Gandy/Sunbay South

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

The applicant explained that the wire was needed for security reasons and was being used as a measure of last resort.

Public Comments: NONE

Board Discussion: The board members questioned the location of the barb wire and razor wire. **Brian Seel** quoted Code (**Chapter 27-290.1**) stating that razor wire is required to be 6 feet above ground and per the photos presented the wire did not appear to be in compliance.

Antonio Amadeo entered a motion to **approve** the applicants request with the **wire being moved to the required 6 feet or above level per Code.** **Seconded by Brian Seel.** Request by applicant was **approved** by a **unanimous** vote

APPLICATION: **VRB14-46**
APPLICANT: Mark Bentley, Esquire
LOCATION: 66 Columbia Drive
REQUEST: To reduce the side yard from 7' to 0' (Section 27-290.3)
PURPOSE: To construct a pool
NEIGHBORHOOD: Davis Island

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Public Comments: NONE

Board Discussion: Board members discussed with staff the code/grade and setback requirements

Richard Peterika entered a motion to **approve** the applicants request. **Seconded by Dr. Susan Long.** Request by applicant was **approved** by a **unanimous** vote

APPLICATION: **VRB14-47**
APPLICANT: William and Maria Garrison
LOCATION: 7412 South Fitzgerald Street
REQUEST: To reduce the side yard from 7' to 2' (27-290.3)
PURPOSE: To construct a screen enclosure
NEIGHBORHOOD: Port Tampa

Staff introduced the case, and advised that Eric Cotton had received an email during this meeting, and that the **applicant is withdrawing** their request at this time.

At this time, VRB Board Member, **Gary Brown, recused** himself as a Board member and stepped down to act as agent for **VRB 14-43**. New Alternate Member having already been sworn in, **Bret Feldman**, took his seat. **Senior Assistant City Attorney Ernest Mueller** then swore in Gary Brown and directed him to turn in his required form before the next meeting.

APPLICATION: **VRB14-43**
APPLICANT: Gary Brown
LOCATION: 420 Riviera Drive
REQUEST: Reduce front yard from 25' to 14', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Davis Islands

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Gary Brown, Agent for the applicant, introduced Tim Powell, whom he hired to be his spokesman for this meeting. Discussion included concerns for a protected 28" tree, and **Chair Randy Baron** would like it to be the best location with the least impact.

Public Comments: NONE

Bret Feldman entered a motion to **approve** the applicants request. **Seconded by Dr. Susan Long**. Request by applicant was **approved** by a vote of 6 to 1, with Antonio Amadeo casting the opposing vote. **Meeting Adjourned**.

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