



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.

December 12, 2017

I. SILENT ROLL CALL

In attendance were: Chair Susan Long, Bret Feldman, Gary Brown, Joseph Citro, Dustin Pasteur, John Dingfelder, Richard Peterika

Staff in attendance: Kristin Mora, Legal Department; Towanda Anthony and Joel Sousa, Land Development Coordination,

II. APPROVAL OF MINUTES for November 14, 2017 Public Hearing

_____ moved to approve the November 14, 2017 minutes and was seconded by _____.

Minutes will be approved at the January 9th public hearing.

III. CONTINUED CASES:

APPLICATION:	VRB 17-114	(APPROVED)
APPLICANT:	Brandi Lanci	
AGENT:	Joe Toph	
LOCATION:	4515 North A Street	
REQUEST:	To reduce the front setback from 25' to 20', and the rear yard setback from 15' to 12' (Section 27-156)	
PURPOSE:	To construct 8 townhouse units	
NEIGHBORHOOD:	Westshore Alliance	

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

The applicant Mr. Toph presented request to the board. Joseph Citro asked for the hardship. The geometry of the site and the setbacks were stated by the applicant.

BOARD DISCUSSION:

After Board discussion, Gary Brown moved to be granted and seconded by John DingFelder. The motion was approved 5-2 with Dustin Pasteur and Richard Peterika voting nay.

Mr. Brown motions to approve stating they are trying to get what is allowed under the current zoning district and project supports the fee simple concept. He approved as presented on the site plan without conditions to construct 8 unit townhomes with figurations of the project footprint to address the development requirements including garages and no substantial harm caused.

APPLICATION: **VRB 17-115** (CONTINUED TO MARCH 13)
 APPLICANT: Ultra Custom Outdoor Living Spaces, Inc.
 AGENT: Zac Pease
 LOCATION: 2305 S Cardenas Avenue
 REQUEST: To reduce the front yard setback from 25’ to 8’, and reduce the side yard from 7’ to 1’, with the allowed encroachments for eaves and gutters (Section 27-156)
 PURPOSE: To construct a one car garage
 NEIGHBORHOOD: Golfview Civic & Garden, Palma Ceia Neighborhood

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

Board mentioned 3 letters of objection. Applicant states 2 objections have been retracted.

BOARD DISCUSSION:

Applicant requested a continuance to the March public hearing date to provide an alternative design that may be less intrusive. Mr. DingFelder recommended get letters.

After Board discussion, Mr Dingfelder moved to grant the continuance and recommended applicant bring letters of support rescinding objections, seconded by Mr. Citro. The motion passed unanimously.

VI. NEW CASES:

APPLICATION: **VRB17-135** (APPROVED)
 APPLICANT: Allied Roofing, Inc.
 AGENT: David Townsend, Esq.
 LOCATION: 4105 W Cayuga Street
 REQUEST: To reduce the required setback from 10’ to 3.8’, with the allowed encroachment of the eaves and gutters (Section 27-156),
 PURPOSE: To allow an unpermitted commercial building to remain
 NEIGHBORHOOD: Drew Park, Grant Park Civic

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

The hardship is that a structure was placed incorrectly.

BOARD DISCUSSION: Mr Dingfelder asked for clarification of the violation and the encroachment issues. The building was constructed without the knowledge and consent of the owner.

Mr. Feldman moved to deny due to lack of hardship. Applicant did not state any basis for a hardship.

Chairman Long stated hardship is the placement of the building without consent. Mr Dingfelder stated not a burden on anyone except the ones who will have to tear it down and relocate. Is it a substantial justice or injustice?

Board member Pasteur states, this is not a traditional variance case. This is to remedy to something already built and requires a variance. Mr. Brown points out the metal building may be able to be relocated without much effort.

Mr Citro moved to re-open case and seconded by Mr. Brown. Motioned failed 5-2.

Mr Dingfelder motioned to approve request for a warehouse building competent and hardship criteria number 5 that substantial justice will be done 2nd by Dustin Pasteur.

The motion failed 4-3 with Feldman, Brown, Peterika and Citro voting nay. Mr. Brown motioned to deny request to allow for unpermitted building due to only testimony was the cost of having to move the structure, seconded by Peterika. Motioned floored.

Mr Dingfelder motioned to re-open case, seconded by Mr. Citro, motion granted 4-3.

Public hearing closed.

Motion floored re-opened and fails 4-3 with Dingfelder, Pasteur, Feldman and Long voting nay.

After Board discussion, Mr Feldman motioned to grant request in accordance with site plan and showing practical difficulty and hardship based on new information presented during the re-opened public hearing that the location of the building was impacted by storm water flow on the property, the location of the existing gate, the traffic patterns and planned future development along with the placement of building to the existing right of way. Motioned approved 4-3 with Brown, Peterika and Citro voting nay.

APPLICATION: **VRB17-136** (APPROVED)
APPLICANT: Carlos Maldonado & Sinahy Ordonez
LOCATION: 9613 N Edison Avenue
REQUEST: To increase the height of existing walls of a garage, with the allowed Encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a garage addition
NEIGHBORHOOD: None

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

BOARD DISCUSSION: The garage is existing and attached to the house. The request will vest the existing structure and allow technically for maintenance of the roof.

After Board discussion, **D Pasteur moves to grant request** as depicted on the site plan based on an **unnecessary hardship that this is an existing building vesting to meet setbacks, seconded by J Dingfelder. Motion carried** unanimously.

APPLICATION: **VRB17-137** (NO PUBLIC NOTICE)
APPLICANT: Linsford Clarke & Deloris Benson
LOCATION: 1714 E Annona Avenue
REQUEST: To reduce the front yard from 20' to __', with the allowed encroachment of the eaves And gutters (Section 27-156)
PURPOSE: To vest a principal and accessory structure for a single family carport addition
NEIGHBORHOOD: University

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

BOARD DISCUSSION:

After Board discussion, _____ moved to grant and it was approved/denied and was seconded by _____.
The motion passed _____ unanimously.

APPLICATION: **VRB18-01 (APPROVED)**
APPLICANT: Edward & Kelly Matysik
LOCATION: 3106 W Paxton Avenue
REQUEST: Reduce the front yard setback from 20' to 16', with the allowed encroachments
For eaves and gutters (Section 27-156)
PURPOSE: To construct addition to a single family home
NEIGHBORHOOD: Gandy/ Sunbay

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

BOARD DISCUSSION:

After Board discussion, Richard Petericka moves to grant request as depicted on the site plan based on practical difficulty of locating the living area to any other place on the property, seconded by Mr. Dingfelder. The motion carried unanimously.

APPLICATION: **VRB18-03 (APPROVED)**
APPLICANT: Enrique Fernandez
LOCATION: 2609 N Tampa Street
REQUEST: To reduce side yard 7' to 3.8', reduce front yard from 25' to 9.11", and
To reduce the rear yard setback from 15' to 2.1', with allowed encroachments
For the eaves and gutters (Section 27-156)
PURPOSE: To remodel an existing house
NEIGHBORHOOD: Tampa Heights

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

BOARD DISCUSSION:

After Board discussion, Mr Peterika moves to grant request as depicted on the site plan based on applicant vesting an existing structure on a uniquely small lot. The motion passed unanimously.

APPLICATION: **VRB18-04 (NO PUBLIC NOTICE)**
APPLICANT: Mielke Development Tampa LLC
LOCATION: 3001 N 36TH Street
REQUEST: To allow barbed wire to remain (Section 27-290.1)
PURPOSE: To allow a security barbed wire fence to remain
NEIGHBORHOOD: None

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

BOARD DISCUSSION:

After Board discussion, _____ moved to grant and it was approved/denied and was seconded by _____.
The motion passed _____ unanimously.

APPLICATION: **VRB18-05** (requested to be moved to Jan. 9th public hearing)
APPLICANT: Mary Schudraft
LOCATION: 4933 W Bay Way Place
REQUEST: To reduce the rear yard setback, with the allowed encroachments for Eaves and gutters (Section 27-156)
PURPOSE: To construct an addition
NEIGHBORHOOD: MacFarlane Park, La Maddalena HOA, Bowman Heights

APPLICATION: **VRB18-06** (APPROVED)
APPLICANT: Edward Keenan & Kimberly Sanz
LOCATION: 4903 W Estrella Street
REQUEST: To reduce rear yard setback from 20' to 16' in order to build a pool bath and Laundry room addition (Section 27-290)
PURPOSE: To construct a residential pool bath and laundry room addition
NEIGHBORHOOD: Culbreath Isles, Stony Point Civic

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

BOARD DISCUSSION:

After Board discussion, Gary Brown moved to grant as per the site plan and it was approved and was seconded by Bret Feldman. The motion passed 7-0 unanimously.

APPLICATION: **VRB 18-07** (APPROVED)
APPLICANT: Timothy Jones
LOCATION: 5913 Interbay Blvd.
REQUEST: To reduce west side yard 7' to 0', reduce east side yard from 7' to 0', and to Reduce the rear yard setback from 20' to 10', with allowed encroachments for eaves And gutters, provided they do not encroach across property lines. (Section 27-156 & 27-290))
PURPOSE: To remodel an existing house and vest an unpermitted accessory structure
NEIGHBORHOOD: Ballast Point

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

BOARD DISCUSSION:

After Board discussion, Mr Citro moved to grant request as depicted on the site plan unpermitted and vesting based on house sits so close to property line cannot add on to house with existing structures that have been there for years, seconded by Richard Peterika. The motion passed unanimously.
Board discussed approving the revised Rules of Procedure. The board discussed revisions to the draft pointed off by Mr. Gary Brown regarding xxxxx. Legal offered to revise the language to make it clearer based on the suggestions of the board. The board also discussed the section Site Plan section 6.4.

Mr. Dingfelder moved to strike the sealed survey requirement, seconded by Pasteur. Approved 5-2 with Brown and Peterika voting nay.

Motion by Long to amend language to add: Applicant should include a legal to scale site plan... seconded by ...

Board discussed applicant providing pictures of request.

IV. OLD BUSINESS:

None

V. **BOARD DISCUSSION:**

Meeting adjourned * * * ***

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