



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 11, 2018

I. SILENT ROLL CALL

In attendance were: Susan Long, Gary Brown, Joseph Citro, John Dingfelder (arrived at 6:42), Dustin Pasteur, Michael Via, Michael DePappa

Staff in attendance: Kristin Mora, Legal Department; Eric Cotton & Towanda Anthony, Land Development Coordination; Brian Knox, Natural Resources

II. APPROVAL OF MINUTES for October 9, 2018 & November 13, 2018 Public Hearing

Susan Long moved to approve the October 9, 2018 minutes and was seconded by Gary Brown. The motion passed 6-0, with Mr. Dingfelder being absent at vote.

Susan Long moved to approve the November 13, 2018 minutes and was seconded by Dustin Pasteur. The motion passed 6-0, with Mr. Dingfelder being absent at vote.

III. CONTINUED CASES:

APPLICATION:	VRB18-73	(Approved)
APPLICANT:	Bermuda Sand LLC	
AGENT:	John Lum	
LOCATION:	2903 W Ballast Point Boulevard	
REQUEST:	Removal of a Grand Tree (Section 13-45) and reduce front yard setback from 25' to 20' (Section 27-156)	
PURPOSE:	To prove reasonable use of the parcel is being denied, to construct a single family residence.	
NEIGHBORHOOD:	Ballast Point, McGraw Hill	

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

Brian Knox, Natural Resources, indicated the tree would need intensive pruning which would be an effective removal of the tree. Natural Resources rated the tree as a B7. The tree canopy prohibits the construction of a single story home.

Stephen Michelini, representing the applicant, stated that shifting the house forward would not keep the tree from being removed. Alternative site plans were tried, but there was no way to construct a structure without affecting the tree. The house needs to be elevated due to the flood zone, affecting the tree canopy.

BOARD DISCUSSION:

Michael Via moved to approve the removal of tree, citing that the applicant proved reasonable use was being denied, based on the factors specified in the Code, specifically the impact of the grand tree on the buildable area. Seconded by Dr. Long. The motion passed unanimously.

APPLICATION: **VRB18-74 (Continued)**
APPLICANT: Javier Moreno & Victoria Skrimshire
AGENT: John Lum
LOCATION: 4001 W McKay Avenue
REQUEST: Removal of a Grand Tree (Section 13-45)
PURPOSE: To prove reasonable use of the parcel is being denied,
to construct a single family residence.
NEIGHBORHOOD: None

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

Brian Knox, Natural Resources, showed an existing survey, indicating that the tree is actually 39” and is therefore a grand. Mr. Knox indicated that Natural Resources suggested a reduction in the rear yard and work within the 20’ protective radius. Natural Resources is of the opinion that a two story house could be constructed and keep the tree.

Stephen Michelini, representing the applicant, explained the current construction and was of the opinion the existing roots were under the house. He showed pictures of the existing conditions and showed alternative designs. Mr. Michelini submitted a petition indicating that the signers did not want a reduction in the front yard.

Victoria Skrimshire, owner, spoke in favor of the tree removal and the value of the property.

BOARD DISCUSSION:

Board discussion ensued regarding the easement in the rear and the required setbacks.

Dr. Long moved to reopen the hearing and was seconded by Mr. Via. The motion to reopen was approved unanimously. Discussion of alternatives and meeting with staff prior to coming back to the Board.

Mr. Michelini requested a continuance to February 12, 2019. Moved by Mr. Dingfelder and seconded by Dr. Long. The motion passed unanimously.

APPLICATION: **VRB18-90** (Approved)
APPLICANT: Frank & Hillarie Mastandrea
AGENT: Francis Vivero
LOCATION: 4919 W Melrose Avenue N
REQUEST: To reduce front yard setback 25' to 22', and reduce the rear yard setback from 20' to 12' with allowed encroachment for eaves and gutters (Section 17-156)
PURPOSE: To construct a new single family house
NEIGHBORHOOD: Culbreath Isles, Stoney Point Civic

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

Mr. Michelini presented the case, explaining the seawall issue and resulting setback.

BOARD DISCUSSION:

After Board discussion Mr. Brown moved to be approved as per the site plan, having met the required hardship criteria and that the lot shape is unique and was seconded by Mr. Dingfelder. The motion was approved 6-1, with Mr. Pasteur voting nay.

~~APPLICATION: **VRB18-92** (**?????**)~~
~~APPLICANT: Rajaheshwar & Indra Parasanlal~~
~~AGENT: N/A~~
~~LOCATION: 10404 N 21st Street~~
~~REQUEST: To reduce front yard setback from 25' to 18'; to reduce the rear yard setback from 5' to 3'; and reduce the building separation from 5' to 3' (Section 27-156 & 27-290)~~
~~PURPOSE: To allow existing shed and carport to remain~~
~~NEIGHBORHOOD: University Square Civic Association, Inc.~~

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

~~**BOARD DISCUSSION:**~~

~~After Board discussion _____ moved to be approved as per the site plan and has been met and it was seconded by _____. The motion was approved 7-0 voting unanimously.~~

IV. NEW CASES:

APPLICATION: **VRB18-116** (Continued to February 12, 2019)
APPLICANT: Paul & Tessa Kramer
AGENT: N/A
LOCATION: 22 ½ Hamilton Heath Dr
REQUEST: To reduce wetland setback from 25' to 17' (Section 27-285)
PURPOSE: To allow for an in-ground swimming pool and deck
NEIGHBORHOOD: Old Seminole Heights Neighborhood Association, Neighborhood Watch, Business Guild of Seminole Heights, South Seminole Heights Civic Association, Sulphur Springs Action League Inc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Natural Resources found the request consistent with conditions as read into the record.

BOARD DISCUSSION:

Dr. Long moved to continue the case and was seconded by Mr. Dingfelder.

APPLICATION: **VRB18-118** (Continued)
APPLICANT: David & Stephanie Zalich
AGENT: David Zalich
LOCATION: 3002 W San Rafael Street
REQUEST: Removal of a Grand Tree (Section 13-45)
PURPOSE: To prove reasonable use of the parcel is being denied, to construct a single family residence.
NEIGHBORHOOD: None

After Board discussion Susan Long moved to continue to the February 12, 2019, and was seconded by Gary Brown. The motion was approved 6-0 voting unanimously.

APPLICATION: **VRB 18-119** (Approved)
APPLICANT: Yoleivi Amaro Ibanez
AGENT: Juan Ramon Acosta Corral
LOCATION: 1511 W Knollwood Street
REQUEST: To reduce the east side yard setback from 3' to 0' and to reduce the rear yard 3' to 0' with allowed encroachments for eaves and gutters (Section 27-290)
PURPOSE: To keep existing screened porch
NEIGHBORHOOD: Riverbend Civic

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

Carlos Martinez represented the owner as a translator. Juan Acosta and Yoleivi Ibanez spoke through the translator. Indicated that the structure was already existing as the time they purchased the house. The applicant showed pictures. The applicant explained the hardship as wanting a workshop.

Frank Greco, Riverbend Civic Association, reviewed the history of the property through photos and Google Earth, showing the property being constructed without permits and is against the application.

Deborah LePenta spoke against the request.

Mr. Martinez explained the opposition to the applicant.

BOARD DISCUSSION:

Mr. Dingfelder moved to reopen the case, was seconded by Mr. DePappa to ask if the structure was going to be used as a bedroom. The applicant said he had no intent and accepted that as a condition.

After Board discussion, Mr. Pasteur moved to be approved as depicted by the site plan submitted, with the following justifications, the structures were existing when he purchased the property and did not know of the violation and has tried to remedy the situation, and motion was seconded by Dr. Long. The motion passed 4-3, with Mr. Citro, Mr. Brown and Mr. Dingfelder voting nay.

APPLICATION:	VRB 19-01	(Continued)
APPLICANT:	Charles & Brenda Arnao	
AGENT:	Charles Arnao	
LOCATION:	10406 N Lantana Avenue	
REQUEST:	To reduce the side yard setback from 7' to 2.9', reduce the rear yard 20' to 4', and building separation from 5' to 2', with allowed encroachments for eaves and gutters (Section 27-156)	
PURPOSE:	To construct metal storage building and keep existing structures	
NEIGHBORHOOD:	North Tampa Community	

After Board discussion Susan Long moved to continue to the February 12, 2019, and was seconded by Gary Brown. The motion was approved 6-0 voting unanimously.

APPLICATION:	VRB 19-02	(Partially approved)
APPLICANT:	Fidelina Perez	
AGENT:	John A Collado	
LOCATION:	1509 W Powhatan Avenue	
REQUEST:	To reduce the rear yard 20' to 10', reduce the side yard setback from 7' to 0', reduce the rear yard from 3' to 0', and building separation from 5' to 0', and reduce the allowable green space from 25% to 16%, with allowed encroachments for eaves and gutters (Section 27-156, Section 27-290 & Section 27-285)	
PURPOSE:	To keep existing structures	

NEIGHBORHOOD: Riverbend Civic

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

Brian Knox, Natural Resources, found the request inconsistent regarding the green space reduction. Mr. Knox showed Google images, showing the historical progression of the adding of impervious surface.

Junger Collado translated for Fidelina Perez and Juan Collado. Addition was existing at the time of purchase. Owner can't afford to spend the money to fix the issue.

Frank Greco, Riverbend Civic Association, reviewed the history of the property through photos and Google Earth, showing the property being constructed without permits and is against the application.

Deborah LePenta spoke against the request, showing pictures from the HCPA webpage.

Michael Addison spoke against the request.

BOARD DISCUSSION:

Mr. Brown moved to reopen the hearing and was seconded by Mr. Dingfelder to discuss the HCPA record regarding the shed built in 1982.

After Board discussion, Mr. Brown moved to approved the reduction in the rear yard from 3' to 0' for the existing concrete building and adhere to the existing side yard as shown on the plan (northwest corner); deny the existing smaller shed's setback and deny the reduction for the side and rear yard for the principal structure and deny the reduction in the green space, based on evidence submitted tonight for lack of hardship, but vesting the existing concrete shed and seconded by Dr. Long. The motion passed 6-1, with Mr. Citro voting nay.

APPLICATION: **VRB 19-03** (Approved)
APPLICANT: Elliot Wheeler
AGENT: N/A
LOCATION: 3309 S Drexel Avenue
REQUEST: Reduce front yard setback from 25' to 15' and reduce north side yard setback from 7' to 5', with the allowed encroachment of eaves and gutters.
PURPOSE: To construct a 2 story single family residence
NEIGHBORHOOD: Bayshore Beautiful Homeowners, 345 Bayshore Condo Assn. Palma Ceia Neighborhood Assoc.

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

Elliot Wheeler explained the property with the existing easements, lot sizes and the property to the north with its approved variance. Goal is to preserve the trees.

BOARD DISCUSSION:

After Board discussion, Mr. Pasteur moved to approve the request, based on evidence presented at the hearing, specifically that the lot is odd shaped and they are preserving the two large trees. The motion was seconded by Mr. Dingfelder and passed unanimously.

APPLICATION: **VRB 19-04 (Denied)**
APPLICANT: Michael Bednarski
AGENT: N/A
LOCATION: 4501 W Azeele Street
REQUEST: Reduce side yard 6' to 4.5', reduce the rear yard setback from 12' to 4.5'
(Section 27-290.5)
PURPOSE: To install a 2-story pool cage
NEIGHBORHOOD: Beach Park, Westshore Alliance, Bayshore Beautiful, Bayshore Gardens,
Armory Gardens

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

Mr. Bednarski indicated that the design worked around two grand oaks. He indicated the need for the pool cage because of the number of mosquitos, partially caused by the standing water in the required swales.

Julie Miller asked for clarification of the request, as she lived to the north, and voiced an objection. Discussion ensued.

BOARD DISCUSSION:

Mr. Brown moved to open the hearing and was seconded by Mr. DePappa. The motion passed unanimously.

After Board discussion, Mr. Pasteur moved to deny the request because the applicant did not meet the required hardship, specifically this is self –created and not the result of the property and opposition from the neighbors. The motion was seconded by Mr. Brown. The motion passed 4-3, with Mr. Dingfelder, Mr. DePappa and Dr. Long voted nay.

APPLICATION: **VRB 19-08 (Approved)**
APPLICANT: Scott & Rachel Philips
AGENT: N/A
LOCATION: 4405 Woodmere Road
REQUEST: Grand Tree Removal (Section 27-285)
PURPOSE: To construct an accessory structure
NEIGHBORHOOD: Beach Park Homeowners Assoc, Westshore Alliance, Bayshore
Gardens Neighborhood Assoc., Bayshore Beautiful Homeowners Assoc.,
Armory Gardens

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

Brian Knox, Natural Resources, discussed the removal of the 35” oak. He reviewed the Tree Consultation. Natural Resources found the request inconsistent because they were not sure if the structure would fit between the two trees.

Scott and Rachel Philips explained the request to remove the grand tree.

BOARD DISCUSSION:

After Board discussion, Mr. DePappa moved to grant the request to remove the tree as depicted on the site plan that the trees are denying reasonable use of the property, as the tree is diseased and the lot is irregular in size. Mr. Brown seconded the motion, which passed unanimously.

V. OLD BUSINESS:
None

VI. Meeting adjourned * 11:00 PM ***

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