



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 9, 2014

**Work Shop**

In attendance were: Chair Randy Baron, Kelsey A. Trujeque, Gary Brown, Richard Peterika, Susan Long, and alternate Brett Feldman.

Staff in attendance: Shaun Amarnani, Legal Department; Eric Cotton and Karencia Ciagala from Land Development Coordination, and Kathy Beck, Natural Resources Coordinator and Mary Danielewicz-Bryson from Planning & Urban Design.

Prior to Variance Review Board Meeting held a Work Shop conducted by Kathy Beck, who clarified authority of Natural Resources. Code section 13-45(g)2b and 13-45 6b were provided.

Gary Brown spoke of past experiences and confusion of terms. One term being speculative use and Board members basing their decisions on location and asked clients not knowing what they will build. And Mr. Brown asked for clarification of 6-B could apply for setback relief and removal of the tree, and then what part of Chapter 27 conforms to that, minimum setbacks to be changed via the code. The Board wanted clarification on the term "shall" if that meant that the applicant is required to work around a tree and if the applicant must ask for a variance. Staff indicated that yes, both need to be asked for and applicant must show that the request is the only feasible option.

Susan Long stated reasonable use, is not highest and best use. Code is specific with its flexibility and is never intended to deny use of property. Shaun Amarnani said Board members need to base decisions on the Code only.

Work shop ended at 6:25pm.

**Board Meeting:**

In attendance were: Chair Randy Baron, Kelsey A. Trujeque, Gary Brown, Richard Peterika, Antonio Amadeo, Dr. Susan Long, and Brian Seel.

Staff in attendance: Shaun Amarnani, Legal Department; Eric Cotton and Karencia Ciagala from Land Development Coordination; Kathy Beck, Natural Resources Coordinator, Mary Danielewicz-Bryson and Jonathan Scott from Planning & Urban Design.

**I. SILENT ROLL CALL**

**II. APPROVAL OF MINUTES for November 18, 2014, Public Hearing**

Susan Long made motion to approve, seconded by Richard Peterika.

**III. EXPARTE COMMUNICATION – NONE**

**IV. NEW BUSINESS**

APPLICATION: **VRB14-94**  
APPLICANT: Ian Buchanan  
LOCATION: 18117 Bahama Bay Drive  
REQUEST: To reduce the rear yard from 20' to 8' (Section 27-156)  
PURPOSE: To construct a screen room  
NEIGHBORHOOD: Live Oak/Heritage Isles

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

Applicant Ian Buchanan stated that he needed to reduce rear yard to construct a screen room.

**PUBLIC COMMENTS: NONE**

**Board Discussion:** Antonio Amadeo asked applicant about the size of the addition, and would it be a condition that it never be enclosed, and applicant agreed. It was discussed that this is new development built about 2006 and that there are no neighbors to the rear. Gary Brown asked if any neighbors commented, and was told by applicant that there were no objections.

Antonio Amadeo entered a motion to approve the applicant's request with the condition that it never be enclosed and remain at one story and was seconded by Susan Long. Request by applicant was approved with the above conditions by a unanimous vote.

APPLICATION: **VRB14-97**  
APPLICANT: Jose Saaverdra  
LOCATION: 2918 West Abdella Street  
REQUEST: To reduce the rear yard from 20' to 0.7' and the side yards from 7' to 3', with the allowed encroachment of the eaves and gutters (Section 27-156)  
PURPOSE: To keep an unpermitted addition  
NEIGHBORHOOD: Bowman Heights/MacFarlane Park

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Photograph was shown prior to removal, and Mr. Cotton stated that eaves cannot go past property line.

Applicant Jose Saaverda provided several photos of the property, and that he stated his wife wanted to use the property for a home daycare. Mr. Saaverda stated he spent money and was hoping to be approved.

**PUBLIC COMMENTS:** None

**Board Discussion:** Antonio Amadeo asked staff if excessive concrete coverage as shown in pictures and the site plan was allowed. And staff stated that would be determined at permitting. Mary Danielewicz-Bryson stated she did the calculations and he meets the requirements. Applicant was asked about construction, and was told applicant built it.

Gary Brown asked applicant why he added on to what was previously built, and was told he is building it to keep tools for his business, and away from the daycare.

Chair Randy Baron asked about the roof, and finding practical difficulty that he needs space for tools and children.

Susan Long stated she is struggling with the hardship. Gary Brown stated he felt the hardship was self-created.

Gary Brown entered a motion to deny the applicant's request and was seconded by Richard Peterika. Request by applicant was denied by a vote of 5 to 2, with Chair Randy Baron and Antonio Amadeo voting against the motion.

APPLICATION: **VRB14-104**  
APPLICANT: Melissa Zophin  
LOCATION: 4804 West Beachway Drive  
REQUEST: To reduce the wetland setback from 25' to 15' (Section 27-286)  
PURPOSE: To construct a pool  
NEIGHBORHOOD: Beach Park/Culbreath Isles

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

Applicant Melissa Zophin stated she wants to reduce wetland setbacks to construct a modest sized pool.

**PUBLIC COMMENTS:** John Keener, as agent for her neighbor, supported her request.

**Board Discussion:** The Board discussed the development on the site and the location of the pool and deck.

Antonio Amadeo entered a motion to approve the applicant's request and was seconded by Susan Long. Request by applicant was approved by a vote of 6 to 1, with Richard Peterika opposing.

APPLICATION: **VRB15-02**  
APPLICANT: Gina Murphy  
LOCATION: 3514 West Tacon Street  
REQUEST: To reduce the rear yard from 20' to 3' (Section 27-156)  
PURPOSE: To construct a residential addition  
NEIGHBORHOOD: Palma Ceia/Virginia Park/Dana Shores

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

Applicant Shaun Murphy stated that he and his wife have four children and need to add on additional bathrooms/ space. Gary Brown asked about a two story addition, and he stated that his neighbors concern would be that it would overlook her pool.

Richard Peterika asked about the existing trees on the lot and Antonio Amadeo stated to applicant that once built no green space would be left, and it would be located only three feet from the neighbor. Applicant stated the south side of home sits next to a driveway, and that he had plenty of green space in the front and would be adding two bedrooms.

Applicant stated he wanted addition away from the traffic on Himes, and that was why he selected the area. Richard Peterika stated he was concerned about no green space and having a wall. Antonio Amadeo agreed and stated that it is a substantial amount of wall space near the property line. Kelsey Trujeque stated her concern about the hardship, and closeness of the wall. Chair Randy Brown stated that it is not just a tree in front, but also a driveway.

**PUBLIC COMMENTS: NONE**

**Board Discussion:**

Brian Seel entered a motion to approve the applicant's request and was seconded by Susan Long. Request by applicant was defeated by a vote of 3 to 4, with Richard Peterika, Gary Brown, Antonio Amadeo, and Kelsey Trujeque opposing.

Gary Brown made motion to deny the applicant's request and was seconded by Antonio Amadeo. Motion to deny the applicants request passed by a vote of 4 to 3, with Brian Seel, Susan Long, and Chair Randy Baron opposing.

APPLICATION: **VRB15-03**  
APPLICANT: John Keener  
LOCATION: 4802 West Beachway Drive  
REQUEST: To reduce the wetland setback from 25' to 15 (Section 27-286) and to reduce the front yard from 25' to 20' 1" (Section 27-156)  
PURPOSE: To construct a residential addition and pool (wetland) and to vest an existing condition (front yard)  
NEIGHBORHOOD: Beach Park/Culbreath Isles

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

John Keener showed property on overhead and that property is unique with wetland on two sides. Survey was shown with existing conditions and that front door is on West Shore and considered front of property. It was stated that after deducting the setbacks, the buildable area is only 1900 square feet.

**PUBLIC COMMENTS: None**

**Board Discussion:** Antonio Amadeo mentioned as to why the pool was being placed in the courtyard, and asked applicant about the hardship for separating the garage with such a large space.

Gary Brown said applicant did an excellent job on a presentation, and the wetland locations. Richard Peterika stated he would like more discussion in regards to size of pool area, why that area couldn't be less. Antonio Amadeo stated that by pushing addition to the north he would be splitting pool and back area, and applicant wants to maximize use of the lot. Chair Randy Baron stated

reorientation due to wetlands, and that he could support this. Gary Brown asked about breezeway and applicant stated the door was removed on the new plan.

Antonio Amadeo entered a motion to approve (without condition) the applicant's request and was seconded by Brian Seel. Request by applicant was approved by a unanimous vote.

APPLICATION: **VRB15-04**  
APPLICANT: John Keener  
LOCATION: 2614 West Jetton Avenue  
REQUEST: To reduce the side yard from 7' to 3' and the rear yard from 20' to 11.8" (Section 27-156)  
PURPOSE: To construct a porte cochere and to vest the existing condition (rear yard)  
NEIGHBORHOOD: New Suburb Beautiful

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Since 1999 application vacated an alleyway which provided additional footage.

Applicant Agent John Keener spoke, showing on overhead the location and aerials of the property. Addition would be on east side of property. Photos were shown. Applicant wants a place to park and site plan shown shows limitations.

Susan Long asked if applicant would agree to never enclose and Mr. Keener stated they would.

**PUBLIC COMMENTS: None**

**Board Discussion:**

Susan Long entered a motion to approve the applicant's request and was seconded by Gary Brown. Request by applicant was approved by a unanimous vote.

APPLICATION: **VRB15-05**  
APPLICANT: B & B Cash Grocery Stores, Inc  
AGENT: Mark Bentley, AICP  
LOCATION: 3714-18 Henderson Boulevard  
REQUEST: To reduce the rear yard from 10' to 0' and to reduce the side yard from 10' to 3' (Section 27-156)  
PURPOSE: To construct a commercial addition (rear yard) and vest the existing (side yard)  
NEIGHBORHOOD: Golfview

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

Jonathan Scott stated that a flag man must be provided for truck deliveries and site plan noted as such due to location of the loading dock.

Mark Bentley and Charlie Gardner stated property was built in 1948 and zoned CI. This is the Henderson Shopping Center where Fresh Market and First Watch restaurant are located. He stated this is a unique situation showing site plan, pointing out setbacks and loading area and summarized the request.

**PUBLIC COMMENTS:** Sally Speer, Estella Miller and Laura Miller voiced complaints about the variance requested.

**Board Discussion:** Brian Seel asked for clarification and that the loading dock would be a separate dock and Chair Randy Baron asked Mr. Bentley to clarify, and he pointed out Exhibit B2 showing that the space is not leased, and loading space would eliminate vehicle extending on to roadway.

Brian Seel entered a motion to approve the applicant's request, with condition that a flagman be utilized per Transportations request and was seconded by Richard Peterika. Request by applicant was approved by a unanimous vote.

APPLICATION: **VRB15-07**  
APPLICANT: Brian and Kimberly Overstreet  
AGENT: Gina Grimes, Esquire  
LOCATION: 1018 South Frankland Street  
REQUEST: To remove two grand trees (Section 13-45)  
PURPOSE: To construct a single family home  
NEIGHBORHOOD: Golfview

*The applicant was granted a continuance at the October hearing.*

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Mary Danielewicz-Bryson stated that applicant did not request a variance to save the tree. Applicant is aware and has had several meetings with staff. Ms. Bryson showed an alternative option that would save the tree by reducing the breezeway.

Gina Grimes spoke, showing aerials pointing to the fifth hole on a golf course near the property. Proposal is to build a two story home and add a pool. The site is zoned R-S150 which is the most restrictive area in the City of Tampa. Ms. Grimes referred to Exhibits 7, 8, and 9, of her packet presented to the board, showing setbacks, and homes with/without pools. Setback averages were discussed, and that every home except one has a pool. Code was clarified by Ms. Grimes, stating request is suitable, and compatible to others in neighborhood, and will increase fair market value.

**PUBLIC COMMENTS: None**

Gary Brown asked staff (Mary Danielewicz-Bryson) what is current canopy coverage of all trees. Mary estimated about 60 to 68% and that it was a lot. Chair Randy Baron asked about photos and Ms. Grimes referred to packet, showing extensive setbacks, and stated that they have been adhered to voluntarily by homeowners all these years.

Ms. Grimes asked for a clarification from earlier work shop and that once reasonable use was clarified there would be no discussion to redesigning, and clarifying meeting the compatible uses and adjacent land uses and development pattern. Chair Randy Baron asked about golf course issues and relocating (Option 1 and 2) and Ms. Grimes referred to letter from previous owner that stated it is a dangerous issue.

Rebuttal: Ms. Grimes spoke about the golf course, and that Mr. Cromwell (previous owner) has testified to safety issues. She stated that they meet the requirements of reasonable use, and proposed that the board approve request.

**Board Discussion:** Antonio Amadeo asked about reasonable use as it pertained to the pattern of development on that street, and Shaun Armanani said you have the ten criteria to consider and weigh all the facts presented. Gary Brown clarified same issues to be considered as presented by Ms. Grimes. Gary Brown stated he felt that Ms. Grimes did an excellent job on presentation, and testimony of staff on value of trees, and that Code requires mitigation of removed trees, and that the tree bank trees can be planted where they can continue to grow, and in this case he does not have a problem.

Antonio Amadeo entered a motion to approve applicants request to remove one grand tree and was seconded by Brian Seel. Request by applicant was approved by a vote of 4 to 3, with Susan Long, Kelsey Trujeque and Chair Randy Baron opposing.

APPLICATION: **VRB15-08**  
APPLICANT: Susan and Michael Miller  
LOCATION: 5815 Bayshore Boulevard  
REQUEST: To reduce the front yard from 25' to 0' and the rear yard from 20' to 14', with the allowed encroachment of the eaves and gutters (Section 27-156)  
PURPOSE: To construct a residential addition  
NEIGHBORHOOD: Ballast Point/McGraw Hill

### **VRB15-08**

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

Susan Miller explained the property has three Grand Oak Trees which provides a canopy, and find it important to preserve these trees. Home was rented out for five years, and she wants to beautify the home. Ms. Miller has been working with the City and has spent thousands redesigning the home to abide by regulations.

Michael Miller stated he has health issues and moved here for medical facilities. Request is for six feet to extend family room and add screened in porch to accommodate a wheel chair, and a pool.

**PUBLIC COMMENTS:** Hartley Melish, Bruce Tiggart, Steven Reynolds, Cynthia Tiggart and Greg Holder all spoke against the request.

### **Board Discussion:**

Antonio Amadeo entered a motion to approve applicant's request to reduce rear yard setback from 20' to 14' and was seconded by Richard Peterika. Request by applicant was approved by a vote of 6 to 1, with Gary Brown voting nay.

Antonio Amadeo made motion to deny applicant's request for front setback reduction as no evidence was shown as to the hardship in the front yard and was seconded by Richard Peterika. Motion to deny was approved unanimously.

APPLICATION: **VRB15-09**  
APPLICANT: Lowry and Jennifer Baldwin  
AGENT: John Grandoff, Esquire  
LOCATION: 3601 South Beach Drive  
REQUEST: To reduce the front yard from 25' to 15' (Section 27-156)  
PURPOSE: To construct a single family home  
NEIGHBORHOOD: None

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

John Grandoff provided a brief presentation, showing a model construction that is constructed to withstand a catastrophic storm and is of a break away design. Ramp shown needs a setback of 15 feet, and is above grade. Aerial photos were shown to show setbacks of adjacent and neighboring properties. A neighborhood meeting was held and they received 15 letters of support which were

presented to the board. Antonio Amadeo asked about front ramp never being enclosed and that the setbacks be clarified.

**PUBLIC COMMENTS:** Site plan presented during meeting to be the plan that the board based their decision on.

**Board Discussion:**

Antonio Amadeo discussed that the encroachment was limited and it dealt with FEMA and ADA regulations. He moved to approved, with the condition that it never be enclosed and was seconded by Brian Seel. Request by applicant was approved by a vote of 6 to1, with Richard Peterika opposing.

APPLICATION: **VRB14-89**  
APPLICANT: James Brookings  
LOCATION: 3558 North 29<sup>th</sup> Street  
REQUEST: To reduce the required number of parking spaces from 18 to 16  
(Section 27-283.7)  
PURPOSE: To allow for a medical use in a strip plaza  
NEIGHBORHOOD: College Hill/East Tampa

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

Thomas Hills, representing the applicant, explained his request. And Chair asked if there was any additional parking nearby.

**PUBLIC COMMENTS: None**

**Board Discussion:**

Susan Long entered a motion to approve the applicant's request and was seconded by Richard Peterika. Request by applicant was approved by a unanimous vote.

**Discussion:** Procedure changed and will discuss at next meeting. Adjourned at 11:42.

Meeting adjourned.

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