



## 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.*

January 8, 2019

### **I. SILENT ROLL CALL**

In attendance were: Gary Brown, Joseph Citro, Dustin Pasteur, Michael DePappa, Bret Feldman, John Dingfelder

Staff in attendance: Kristin Mora, Legal Department; Aileen Rosario & Joel Sousa, Land Development Coordination;

Motion for approval of exceeding the 13-case maximum and hearing 14 cases this evening was moved by Gary Brown and seconded by Bret Feldman, and approved by a vote of the board.

### **II. APPROVAL OF MINUTES for December 11, 2018 Public Hearing**

Review of the minutes will be approved in February for the December 11, 2018 minutes.

### **III. CONTINUED CASES:**

APPLICATION:	<b>VRB18-81</b>	<b>(APPROVED)</b>
APPLICANT:	Michael Shutt	
AGENT:	Shane D O'Neil	
LOCATION:	311 W Park Avenue	
REQUEST:	To decrease the front yard setback from 25' to 23'7", reduce the side yard setback from 7' to 3', and increase the height of an accessory structure from 15' to 3', with the allowed encroachment of the eaves and gutters (Section 27-156 & 290)	
PURPOSE:	To construct a new single family house	
NEIGHBORHOOD:	Tampa Heights	

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

Michael Schutt – home owner has done the presentation for a 2 story detached garage with pictures. Hardship is avoid impacting the trees on the property, enabling a full functioning use of the property. No comments from anyone in the audience.

**BOARD DISCUSSION:**

After Board discussion Bret Feldman moved to be approved as per the site plan, having met the required hardship criteria due to avoiding the impact of trees on the property, preserving the trees and maintaining the historic character of the neighborhood for the property and was seconded by John Dingfelder. The motion was approved 6-0.

APPLICATION: **VRB18-83 (APPROVED)**  
APPLICANT: Miguel Pene  
AGENT: Charles Kitzmiller  
LOCATION: 1608 E Idell Street  
REQUEST: To reduce the side yard setback from 7’ to 5.2’, with the allowed Encroachment of the eaves and gutters (Section 27-156)  
PURPOSE: To construct a new single family house  
NEIGHBORHOOD: Sulphur Springs

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Petitioner intends to split off adjoined lot for single family development, which would leave the existing home on the adjoined lot inside the 7 foot side setback. Petitioner requires a variance to vest that home’s setback.

Carolyn Sullivan, 1604 E Idell St. the fence she is reviewing the site plan shows that her fence is on Lot 153 which belongs to Mr. Pene.

**BOARD DISCUSSION:**

After Board discussion Gary Brown moved to be approved as per the site plan, without condition having met the required hardship criteria due to the position of the existing home as previously constructed within the setback prior to the lot split, and was seconded by Michael DePappa. The motion was approved 6-0.

**IV. NEW CASES:**

APPLICATION: **VRB18-112 (APPROVED)**  
APPLICANT: Willie Brown  
AGENT: N/A  
LOCATION: 701 E Humphrey Street  
REQUEST: To reduce side yard from 3’ to 0’, front yard from 60’ to 0’ and the Building separation from 5’ to 0’ (Section 27-290)  
PURPOSE: To keep detached carport addition  
NEIGHBORHOOD: Sulphur Springs Action

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

The carport was installed Oct 2014 after the city required trees to be removed for drainage purposes. There are no issues with any of the neighbors, gives her shade and she has medical issues. No comments from anyone in audience.

Hardship is that the burden due to the company that put this carport did it with obtaining permits.

### **BOARD DISCUSSION:**

After Board discussion John Dingfelder moved to be approved as per the site plan, having met the required hardship criteria based upon the city's insistence of the removal of previously existing shade trees, the existing situation of the property, and carports being consistent with the neighborhood and was seconded by Michael DePappa. The motion was approved 5-1, with Gary Brown voting nay.

APPLICATION: **VRB19-05 (APPROVED)**  
APPLICANT: Cesar & Kimberly Macuare  
AGENT: N/A  
LOCATION: 3614 W North A Street  
REQUEST: Reduce rear yard setback 20' to 5' with allowed encroachments  
For eaves & gutters (Section 27-156)  
PURPOSE: To keep bathroom addition  
NEIGHBORHOOD: Oakford Park, Parkland Estates, Ballast Point, K Bar Ranch,  
Westshore Alliance, Bon Air

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

Hardship is that the master bathroom in the home doesn't have a toilet. No comments from anyone in the audience.

### **BOARD DISCUSSION:**

After Board discussion Bret Feldman moved to be approved as per the site plan, having met the required hardship criteria because the construction does not bring any portion of the home any closer to the setback limits, the rear neighbor most effected is commercial property, and the work maintains the current setback of the home. Seconded by John Dingfelder . The motion was approved 6-0.

APPLICATION: **VRB19-06 (APPROVED)**  
APPLICANT: Kevin Robles/ Domain Homes  
AGENT: Fred Henry/Domain Homes  
LOCATION: 3018 W Ballast Point Boulevard  
REQUEST: To reduce the rear yard setback from 20' to 15' and the east side yard from 7' to 3' with allowed encroachments of eaves & gutters (Section 27-156)  
PURPOSE: To construct new single family home  
NEIGHBORHOOD: Ballast Point Neighborhood Assoc., McGraw Hill Construction, Patsy Hall, Gandy/Sun Bay South Civic Assoc., Inc.

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

Robert Shacknuff – neighbor of the property, feels that the homes are being built to big for the small property.

Hardship was due to the location of the tree.

**BOARD DISCUSSION:**

After Board discussion, Michael DePappa moved to be approved as depicted by the site plan submitted the stated hardship was to preserve a grand live oak tree, and the site plan was a reasonable alternative to preserve the tree and motion was seconded by John Dingfelder. The motion was approved passed 6-0.

APPLICATION:            **VRB 19-09**                    **(APPROVED with conditions)**  
APPLICANT:            Zoraida Perez Cuevas  
AGENT:                    Mark Bentley  
LOCATION:                 3011 W Leroy St  
REQUEST:                Reduce east side yard setback 7' (Section 27-156)  
PURPOSE:                To keep existing carport  
NEIGHBORHOOD:        McFarlane Park Assoc. & Neighborhood Watch, La Maddalena HOA  
                                 Bowman Heights Neighborhood Watch

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Staff requested that the carport will not be closed.

No comments from anyone in the audience. Mark Bentley gave a package in ref to the hardships.

**BOARD DISCUSSION:**

After Board discussion, Gary Brown moved to be approved as depicted by the site plan submitted and that the carport will never be closed and motion was seconded by John Dingfelder. Though a new roof was installed on the carport necessitating the variance, the variance vested conditions that have existed since 1956. The motion passed 6-0.

APPLICATION:            **VRB 19-10**                    **(APPROVED with conditions)**  
APPLICANT:            Kelly McMillan  
AGENT:                    Reginald Barnes - Contractor  
LOCATION:                 4003 W Mango Avenue  
REQUEST:                Reduce front yard setback from 25' to 20' (Section 27-156)  
PURPOSE:                To construct a carport  
NEIGHBORHOOD:        Gandy/Sun Bay South Civic Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. No comments from anyone in the audience.

**BOARD DISCUSSION:**

After Board discussion, John Dingfelder moved to be approved as depicted by the site plan 25’ to 20’ condition carport never to be enclosed submitted and motion was seconded by Bret Feldman. The location of the carport was necessitated by the existing entryways to the home. The motion passed 5-1 with Gary Brown voting nay.

APPLICATION: **VRB 19-12 (APPROVED with conditions)**  
APPLICANT: John Lum  
AGENT: Steve Michelini  
LOCATION: 3903 W Estrella Avenue  
REQUEST: Reduce front yard from 25’ to 19’ (Section 27-159)  
PURPOSE: To construct a front porch  
NEIGHBORHOOD: Palma Ceia West Neighborhood Assoc., Virginia Park Neighborhood Assoc.  
Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Agent introduced the case, explaining that the porch was an architectural feature that added design elements to the front of the home without adding additional living space.

**BOARD DISCUSSION:**

After Board discussion, Bret Feldman moved to be approved as depicted by the site plan and that the porch is to remain open, stated hardship was the undersized lot, the fact that the porch would be permitted in similar zoning like RS-50 or RS-60 and the existing trees on the lot forcing the home toward the front of the lot. Seconded by John Dingfelder. The motion passed 6-0.

APPLICATION: **VRB 19-13 (APPROVED)**  
APPLICANT: Vicente Perez  
AGENT: N/A  
LOCATION: 3205 S Braddock Street  
REQUEST: Increase the allowable size from 26’ to 30’ (Section 27-290)  
PURPOSE: To allow for a watercraft parked front yard driveway  
NEIGHBORHOOD: Beach Park Homeowners Assoc., West shore Alliance, Bay shore McFarlane Park Assoc. & Neighborhood Watch, La Maddalena HOA, Bowman Heights Neighborhood Watch

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. No comments from anyone in the audience.

**BOARD DISCUSSION:**

After Board discussion, Gary Brown moved to be approved as depicted by the site plan submitted and motion was seconded by John Dingfelder. The hardship was that a portion of the boat was being maintained within the carport, so that only about 18 feet of the boat extended into the front yard. The motion passed 4-2 with voting nay Michael DePappa & Bret Feldman.

APPLICATION: **VRB 19-14** (APPROVED)  
APPLICANT: Jose Higo  
AGENT:  
LOCATION: 5126 N Saint Vincent Street  
REQUEST: Reduce rear yard setback from 20' to 2', south side yard from 7' to 2' and the north side yard from 7' to 0' (Section 27-156)  
PURPOSE: To allow a shed  
NEIGHBORHOOD: Plaza Terrace Neighborhood Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Staff had determined that the size of the shed was small enough to be considered an accessory structure and that main setback would not be required. Therefore, the petitioner amended his request to seek reduction in the rear yard setback from 3' to 2', south side yard from 3' to 2' and the north side yard from 3' to 0'. No comments from anyone in the audience.

**BOARD DISCUSSION:**

After Board discussion, Bret Feldman moved to be approved as depicted by the site plan submitted and motion was seconded by John Dingfelder. The shed had existed in its current stated since 1980, it required only a minimal setback variance, and it was consistent with the neighborhood. The motion passed 6-0.

APPLICATION: **VRB 19-16** (APPROVED)  
APPLICANT: Gary & Sook Chung  
AGENT: David Mango  
LOCATION: 2908 W Sitios Street  
REQUEST: Reduce east side yard setback from 7' to 3'.6" (Section 27-156)  
PURPOSE: to construct a residential addition  
NEIGHBORHOOD: Palma Ceia Neighborhood Assoc., Parkland Estates Civic Club, Inc.

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

No one in the audience for discussion.

Hardship: the current home doesn't comply with current setbacks, wanting to keep existing esthetic.

**BOARD DISCUSSION:**

After Board discussion, John Dingfelder moved to be approved as depicted by the site plan submitted and motion was seconded by Gary Brown. The current home was a legal nonconforming use, constructed within the setback. The new construction maintains the look and boundaries of the existing home, only extending along the current setback to expand the home. The motion passed 6-0.

APPLICATION: **VRB 19-17** (CONTINUED March 2019)  
APPLICANT: Robert & Melony Radix  
AGENT: N/A  
LOCATION: 3002 N Adams Street  
REQUEST: Reduce side yard from 3' to 2', front yard from 60' to 31.5',  
And the building separation from 5' to 1' (Section 27-156)  
PURPOSE: To construct a detached shed size of 18' X 40'  
NEIGHBORHOOD: Ballast Point Neighborhood Assoc., McGraw Hill Construction, Patsy Hall

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. No comments from anyone in the audience.

Hardship is that the structure was built 1950 and there is hardly no storage space. Intent is to build an aluminum shed for storing vintage automobiles.

Natural Resources stated that a rubber tree can be removed per the applicant.

#### **BOARD DISCUSSION:**

After Board discussion, there was concern over emergency ingress and egress from existing bedrooms that could be blocked by the accessory structure, as well as building separation concerns over the accessory structure. Gary Brown moved to be continued to March 12, 2019 and motion was seconded by John Dingfelder. The motion passed 6-0.

APPLICATION: **VRB 19-18** (CONTINUED MARCH 2019)  
APPLICANT: Paul Quinn, Jr.  
AGENT: N/A  
LOCATION: 3101-1/2 W Prospect Road  
REQUEST: Reduce rear yard setback from 20' to 8' (Section 27-156)  
PURPOSE: To construct a residential addition  
NEIGHBORHOOD: Gulfview Civic & Garden Assoc., SOHO Business Alliance,  
Parkland Estates Civic Club, Inc., Palma Ceia Neighborhood Assoc.,  
New Suburb Beautiful Civic Assoc.

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

Hardship is allegedly due to not enough room on sides and no other way to add an extra addition.

#### **BOARD DISCUSSION:**

After Board discussion, there were concerns that the property was being overdeveloped for its size, and that the design plan was not thoroughly thought out. John Dingfelder moved to be continued to March 2019, and motion was seconded by Michael DePappa. The motion passed 6-0.

APPLICATION: **VRB 19-19** (APPROVED)  
APPLICANT: Mary Vone  
AGENT: Annie Ellis – Designer & Pamela - Attorney  
LOCATION: 3112 W Oakellar Avenue  
REQUEST: Reduce rear yard and side yard setback from 5’ to 0’ (Section 27-290.5)  
PURPOSE: To construct a pool cage  
NEIGHBORHOOD: Bayshore Beautiful Homeowners Assoc., Keep Bayshore Beautiful, Inc.  
345 Bayshore Condo Assoc., Parkland Estates Civic Club, Inc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. No comments from anyone in the audience.

Hardship is neighboring lots have screen enclosures set to 0’, and those screen enclosures unnecessarily burden the petitioner’s property.

**BOARD DISCUSSION:**

After Board discussion, Dustin Pasteur moved to be approved as depicted by the site plan Submitted, noting that prior city action in approving the PDs and neighbor variances have burdened the petitioner’s property, necessitating this variance, and motion was seconded by John Dingfelder. The motion passed 5-1 with voting Gary Brown.

**V. OLD BUSINESS:**

None

**VI. Meeting adjourned \* 12:00 AM \*\*\***

**To obtain a DVD copy of a CTTV program, call the City of Tampa Office of Cable Communication at (813) 274-8217. You must provide us with the following:**

**Title of program, or board meeting  
The date and time it was telecast on CTTV and  
A check made out to the City of Tampa for \$15 per DVD.**

**Submit your request online or by calling (813)274-8217.**

The VRB meets the second Tuesday of the month at 6:30pm to hear and decide variance requests for zoning, tree and landscape, and sign issues. Replays are on Tuesday’s at 6:30pm.  
City of Tampa Television is Channel 15 on the Frontier FIOS system and Channel 640 on Spectrum.