



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.

JULY 8, 2014

SILENT ROLL CALL

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

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

II. APPROVAL OF MINUTES for June 10, 2014, Public Hearing

Antonio Amadeo made motion to approve, seconded by Dr. Susan Long.

III. EXPARTE COMMUNICATION - NONE

IV. CONTINUED CASES

APPLICATION: VRB14-29
APPLICANT: Carlos Gomez
AGENT: Thomas Hills
LOCATION: 2312 West Morrison Avenue
REQUEST: To reduce the front yard from 25' to 10' and the rear yard from 15' to 10', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a new residence
NEIGHBORHOOD: New Suburb Beautiful/Parkland/Tampa Heights/Historic Hyde Park

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

Thomas Hills explained the property had a Grand Oak Tree and after speaking with City Arborist they came to an agreement as to where to place the building to save the tree.

VRB 14-29 Continued:

PUBLIC COMMENTS: None

Board Discussion: Board Members discussed neighboring structures and whether hardship had been met.

After discussion Dr. Susan Long entered a motion to approve the applicants request, seconded by Alyson Utter. Request by applicant was approved by unanimous vote.

V. NEW BUSINESS

APPLICATION: VRB14-52
APPLICANT: Affordable Home Solutions of West Coast Florida, LLC
LOCATION: 7304 South Elliot Street
REQUEST: To reduce the side yard from 7' to 5', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a single family home
NEIGHBORHOOD: Port Tampa City

Applicant was not in attendance when staff introduced this case. Motion was made by Antonio Amadeo to place this case at the end of the agenda. Motion was seconded by Richard Peterika, and passed by a unanimous vote.

APPLICATION: VRB14-59
APPLICANT: David Hetrick
LOCATION: 1129 West Arch Street
REQUEST: To reduce the rear yard from 15' to 0', the side yard from 5' to 0' and the building separation from 5' to 0' (Section 27-156)
PURPOSE: To keep unpermitted additions
NEIGHBORHOOD:

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

Applicant Agent David Hetrick explained the property was previously permitted and closed out. He provided photos and drew on the survey to show location of the different parts of the deck.

PUBLIC COMMENTS:

Mr. Vincent Lopez stated he owns property across from Mr. Hetrick, and provided photos to Eric Cotton to add to the record. Mr. Lopez pointed out that there is only a sidewalk on Mr. Hetrick's side of the street.

Ruth McNair, having been a resident of the area since 1958, has concerns about safety issues regarding traffic, children, and sidewalk obstructions.

Delores Lewis is concerned about parking business vehicles in residential neighborhood, and wants the neighborhood to remain residential.

Mae Harper stated she has known the applicant for many years and has no objections.

Pastor Spencer Pittman spoke in support of the applicant.

Sandy Davis spoke in support, as long as applicant didn't do any additional work.

The photos submitted during public comment showed a spiral staircase leading to an upper deck.

Board Discussion: The board discussed in great details the differing site plans and new photos, and determined that it may not be possible to make a determination with the limited information.

Motion to continue to the September 9th meeting was entered by Dr. Susan Long and seconded by Alyson Utter. Motion carried unanimously.

Antonio Amadeo suggested staff provide applicant with information to be able to provide a site plan with dimensions at the next meeting. Chair Randy Baron assured applicant that they would be first on the agenda.

APPLICATION: VRB14-60
APPLICANT: Lee and Karen Nelson
AGENT: Keith Peters
LOCATION: 3006 South Westshore Boulevard
REQUEST: To increase the height of a fence from 3' to 6' in the front yard (Section 27-290.1)
PURPOSE: To construct a fence
NEIGHBORHOOD: Sunset Park

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

Karen Nelson explained the property location and necessity for the taller fencing.

PUBLIC COMMENTS: NONE

Board Discussion:

Board Members discussed the area where the property is located and agreed with the applicant.

Antonio Amadeo 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: VRB14-61
APPLICANT: Christopher Phillips
LOCATION: 2909 West Bay Vista Avenue
REQUEST: To reduce the rear yard from 20' to 5' (Section 27-156)
PURPOSE: To construct a lanai and outdoor kitchen
NEIGHBORHOOD: Bayshore Beautiful

Christopher Phillips explained the property is owned by physicians and their primary concern is pool safety and for their health by providing shade for protection from the sun.

PUBLIC COMMENTS: NONE

Board Discussion:

Board Members discussed hardship and practical difficulty. Staff explained the setback requirements related to the breezeway. Gary Brown was of the opinion that possibly the changes could be made to avoid seeking a variance. Richard Peterika agreed and said some issues may or may not be hardships, Brian Seel disagreed and said that the design request was reasonable. Antonio Amadeo

VRB14-61 Continued:

and Dr. Susan Long agreed with Mr. Seel. Chair Randy Baron spoke about practical difficulty, sacrificing space, and that he would like to see it remain within five feet and never be enclosed.

Brian Seel entered a motion that a practical difficulty had been met and to approve the applicants request, seconded by Dr. Long. Request by applicant was approved by a vote of 5 to 2, Richard Peterika and Gary Brown opposing.

APPLICATION: VRB14-62
APPLICANT: Thomas E Lamb
LOCATION: 2912 West Wallcraft Avenue
REQUEST: To reduce the rear yard from 20' to 3', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To keep an unpermitted lanai
NEIGHBORHOOD: Bayshore Beautiful

Applicant Mr. Lamb explained the unpermitted lanai was built by the previous owner, who was a builder. Permitting was denied, yet he built it anyways.

PUBLIC COMMENTS:

Ron Dickman owns property on Wallcraft, and said he met with Mr. Lamb. He said that he was there in 1988 when the original permit request was made. Since then the property has sold five times. Someone (during that time) had reattached and his concern is that he would never want it to become enclosed and if torn down, would want it to revert to previous setback.

Attorney Ernest Mueller explained that the property would be tied to the site plan. Chair Randy Baron agreed and said that he would approve with the condition it remain a single story and never be enclosed.

Adele Crosby lives on Harborview, and stated her main concern is water coming from this property. She provided photos, stating that water is ankle and knee deep at times, and that she wouldn't object if something could be done about the drainage.

REBUTTAL:

Mr. Lamb stated he was aware of the water condition shared by the adjacent and rear properties. He stated that it has been like this for 36 years, but that he would put in gutters, or underground system, and would look in to it. Attorney Ernest Mueller and Eric Cotton explained it may be difficult to determine the cause at this time, however permitting should address this issue at time of permitting.

Board Discussion:

Board Members discussed the possibility of tearing down structure and building to variance, and that it runs with the land and tied to the site plan. Gary Brown questioned structural soundness, and was assured by Mr. Lamb that inspections had been done and passed, and that the original owner that built the structure was a general contractor for 36 years and built well.

Antonio Amadeo entered a motion to approve the applicants request with condition to never be enclosed, stay a single story, subject to permitting, and was seconded by Dr. Susan Long. Request by applicant was approved by a unanimous vote.

APPLICATION: VRB14-63
APPLICANT: Anthony Peeler
LOCATION: 4805 West Sunset Boulevard
REQUEST: To reduce the front yard from 25' to 15' and the side yard from 7' to 5', with three with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Sunset Park

Applicant Anthony Peeler explained the property is extremely small and request for variance is to avoid trees on the side,

PUBLIC COMMENTS: NONE

Board Discussion:

Board Members discussed the uniqueness of the location, having no other place to put the addition, and that neighbors approve. Attorney Ernest Mueller clarified for members that neighbor's approval cannot be basis for their approval or denial.

Dr. Susan Long entered a motion to approve the applicant's request, that due to unique shape, hardship had been met and was seconded by Gary Brown. Request by applicant was approved by a unanimous vote.

APPLICATION: VRB14-64
APPLICANT: Joseph and Katherine Valenti
AGENT: Clayton Brickleyer, Esquire
LOCATION: 3614 South Omar Avenue
REQUEST: To increase the height of a fence in the rear yard from 6' to 8' (Section 27-290.1)
PURPOSE: To install an 8' fence
NEIGHBORHOOD: Belmar Gardens, Belmar Shores, Bayside West, Virginia Park

Clayton Brickleyer explained the property owner's request. That the wall is for enhanced security, and has received no opposition. He said he had received seven support letters from surrounding neighbors and that some neighbors have variances for exact same thing.

PUBLIC COMMENTS:

Kurt Davis, a neighbor, stated that the applicants have a beautiful home and should be allowed to have the variance. He stated that if you look at the photos, it is a clean shot to West Shore. He also mentioned that when the home was built it was constructed three to four feet taller than other homes in the area due to the newer flood plain requirements, and that the fence should be higher.

Board Discussion:

Members discussed the types of businesses behind the property and parking and traffic noise issues.

Antonio Amadeo entered a motion to approve the applicants request and was seconded by Brian Seel. Request by applicant was approved by a unanimous vote.

APPLICATION: VRB14-65
APPLICANT: Ross Puzzitiello
LOCATION: 4423 West Kensington Street
REQUEST: To increase the height of an accessory structure from 15' to 22' 7" and to decrease the building separation from 5' to 1' 8" (Section 27-290)
PURPOSE: To construct an accessory structure
NEIGHBORHOOD: None

Kurt Davis explained the property has trees that need to be removed that Natural Resources have approved. They have also requested that they plant seven six inch trees. He said that after modifying site plans several times they have finally come to an agreement as to the placement of the structure and the trees.

PUBLIC COMMENTS: NONE

Board Discussion:

Board Members discussed the Arborists agreement and the possibility of the applicant paying in to the tree fund instead of planting the trees. Lengthy discussion continued as to whether or not applicant could change their mind. Motion was made by Gary Brown to reopen public discussion and seconded by Dr. Susan Long. Chair Randy Baron asked Mr. Davis, for the record, if they would plant the trees, and Mr. Davis said they would.

Chair Randy Baron clarified that board members were not here to make the best site plan. He was stunned by some member's opposition, as these trees were 6" trees, more mature, and costly, and that hardship/practical difficulty had been met and not self-imposed.

Antonio Amadeo entered a motion to approve applicants request with the condition that trees be planted as shown on site plan and planted to specifications by Natural Resources and was seconded by Dr. Susan Long. Request by applicant was approved by a vote of 5 to 2, with Gary Brown and Richard Peterika opposing.

APPLICATION: VRB14-66
APPLICANT: Carson Futch
LOCATION: 3114 West Palmira Avenue
REQUEST: To reduce the rear yard from 3' to 2.5' and the side yard from 3' to 1.1', with the allowed encroachment of the eaves and gutters (27-290)
PURPOSE: To construct an addition to an accessory structure
NEIGHBORHOOD: Palma Ceia

Carson Futch explained the property has limitations due to oak trees and that when permitting is when they discovered it was too close and needed a variance. The existing open porch will stay as is, and he provided photos showing property lines.

PUBLIC COMMENTS: NONE

Antonio Amadeo entered a motion to approve the applicants request and was seconded by Dr. Susan Long. Request by applicant was approved by a unanimous vote.

APPLICATION: VRB14-52
APPLICANT: Affordable Home Solutions of West Coast Florida, LLC
LOCATION: 7304 South Elliot Street
REQUEST: To reduce the side yard from 7' to 5', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a single family home
NEIGHBORHOOD: Port Tampa City

Seeing no one in attendance to represent this application, Dr. Susan Long entered a motion to continue this request to the August 12th, 2014, Variance Review Board Hearing and was seconded by Gary Brown. Motion passed with a unanimous vote.

Meeting adjourned.

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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 Tuesdays at 6:30pm.

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