



## 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.*

May 14, 2019

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

In attendance were: Gary Brown, Dustin Pasteur, Bret Feldman, Michael DePappa, Susan Long

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

### **II. APPROVAL OF MINUTES for March 12, 2019**

Susan Long moved to approve minutes of the March minutes and was seconded by Michael DePappa.

The motion passed 5-0.

Bret Feldman moved to approve minutes of the April minutes and was seconded by Susan Long.

The motion passed 5-0.

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

APPLICATION: **VRB19-22 (Requested Continuance)**  
APPLICANT: Alan Dobbs  
AGENT: Rebecca Kujawski  
LOCATION: 3004 W Bay Vista Avenue  
REQUEST: To reduce the rear yard setback from 3' to 1.3' and the side yard setback  
From 3' to 12" (Section 27-290)  
PURPOSE: To allow construction of a new accessory structure  
NEIGHBORHOOD: Bayshore Beautiful Homeowners Assoc., Keep Bayshore Beautiful,  
345 Bayshore Condo Assoc., Parkland Estates Civic Club

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

Hardship is due:

Comments from anyone in audience:

**BOARD DISCUSSION:**

After Board discussion Susan Long moved that the application be continued because the applicant requested and was seconded by Michael Depappa. The motion passed 5-0.

APPLICATION: **VRB19-30** (APPROVED)  
 APPLICANT: Richard Gilbert & Marilyn Barger  
 AGENT: John Barger  
 LOCATION: 3013 E Waters Avenue  
 REQUEST: Reduce front yard setback from 25' to 17'  
 PURPOSE: To allow residential renovation  
 NEIGHBORHOOD: Temple Crest Civic Assoc.

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

Hardship is due: Existing non-conforming structures, built in 1948, on an unusually shaped property. The existing property was damaged by a fallen tree branch and needs to be rebuilt. The applicant reduced the existing non-conformity by 6' by removing a porch, but seeks to vest the existing structure for reconstruction. ,

No comments from anyone in audience.

**BOARD DISCUSSION:**

After Board discussion Dustin Pasteur moved that the application be approved and based upon the hardship criteria stated above and the motion was seconded by Bret Feldman. The motion passed 5-0.

**IV. NEW CASES:**

APPLICATION: **VRB18-47** (APPROVED)

APPLICANT: Lynn & Steven Stanford  
AGENT: Charles Kitzmiller  
LOCATION: 3106 W Fair Oaks Avenue  
REQUEST: To reduce the side yard setback from 7' to 3" and reduce the Rear yard from 20' to 3.9' (Section 27-156)  
PURPOSE: To construct a one story addition  
NEIGHBORHOOD: Bayshore Beautiful Homeowners Assoc., Keep Bayshore Beautiful, 345 Bayshore Condo Assoc., Parkland Estates Civic Club

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

Hardship is due: Existing structure, built in 1946, constructed further back on the property to preserve a Grand Oak Tree within the front of the property. Additions in rear and side are necessary to allow home expansion while continuing to preserve the tree.

No comments from anyone in audience.

#### **BOARD DISCUSSION:**

After Board discussion Dustin Pasteur moved that the application be approved and based upon the hardship criteria stated above, and the motion was seconded by Susan Long. The motion passed 5-0.

APPLICATION: **VRB19-50** (CONTINUED TO JULY)  
APPLICANT: David Osborne  
AGENT:  
LOCATION: 1905 Ellicott St  
REQUEST: To remove a Laurel Grand Oak Tree on Northwest side of lot (Section 13-45)  
PURPOSE: To construct a single family residence  
NEIGHBORHOOD: N/A

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

Hardship is due: Applicant stated his hardship is the loss of backyard space due to moving the house back to protect the tree, and trees in back of the neighbor's property will prevent from adding solar panels

No comments from anyone in the audience.

#### **BOARD DISCUSSION:**

After Board discussion Susan Long moved that the application be continued to July 9, 2019 with applicant be reviewing for air spading, and the motion was seconded by Dustin Pasteur. The motion passed 5-0.

APPLICATION: **VRB19-51** (**MISNOTICE**)  
APPLICANT: Mid-Atlantic Investments, Inc.  
AGENT: Todd Pressman  
LOCATION: 4144 N Armenia Avenue  
REQUEST: Increase existing 236sf sign area by 40sf; to allow existing  
29' height and allow 1' front setback (Section 27-289)  
PURPOSE: To revise the existing free standing sign  
NEIGHBORHOOD: Stadium Area Neighborhood Assoc.

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

**Hardship is due to:**

No comments from anyone in the audience.

**BOARD DISCUSSION:**

The application misnoticed and is automatically continued.

APPLICATION: **VRB 19-53** (**APPROVED**)  
APPLICANT: James & Anne Nelson  
AGENT: Kimberly Clement  
LOCATION: 5010 W Leona St  
REQUEST: To reduce the side yard setback from 7' to 5' (Section 27-156)  
PURPOSE: To construct a residential addition and vest existing structure  
NEIGHBORHOOD: N/A

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

**Hardship is due to: practical difficulty with very minimal addition keeping in line with a previous bump on the property**

**BOARD DISCUSSION:**

After Board discussion Bret Feldman moved that the application be approved and based upon the hardship criteria stated above, and the motion was seconded by Dustin Pasteur.  
The motion passed 5-0.

APPLICATION: **VRB 19-57 (APPROVED)**  
APPLICANT: Marlene Valentin  
AGENT:  
LOCATION: 8543 Sandpiper Ridge Avenue  
REQUEST: To reduce the rear yard setback from 7' to 0.5' (Section 27-156)  
PURPOSE: To construct a screen enclosure over existing concrete slab  
NEIGHBORHOOD: N/A

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

Hardship is due to: Existing concrete slab in rear, built with no setback because there is no rear yard other than the slab, wildlife within the neighborhood, backyard is part of a conservation wildlife, No rear yard neighbor due to the conservation

No comments from anyone in the audience.

After Board discussion Dustin Pasteur moved that the application be approved and based upon the hardship criteria stated above, and the motion was seconded by Bret Feldman with the condition that the enclosure never be enclosed. The motion passed 5-0.

APPLICATION: **VRB 19-58 (APPROVED)**  
APPLICANT: Joseph Brantley/ David Hurvitz  
AGENT: Stephen Michelini  
LOCATION: 3922 W North B Street  
REQUEST: Removal of a Grand Tree (Section 27-156)  
PURPOSE: To construct a new single family residence  
NEIGHBORHOOD: North Bon Air Neighborhood Assoc., Inc., Westshore Alliance

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

Hardship is due to: Application alleges the grand tree denies reasonable use of the lot. Applicant purchased the lot in 2019 with knowledge of the tree and its location relative to the lot. This lot was part of a larger lot that was split. Though the tree did not deny reasonable use of the undivided lot, after the lot split the tree is in the center of this newly-divided lot. The tree has a 70ft span from side to side with a grand tree in the center of it.

No comments from anyone in the audience.

After Board discussion regarding lot speculators who purchase lots with trees on them with the sole intention of removing the tree to increase the value of the lot they purchased, the Board concluded that the split of the lot created a situation where the grand tree's location on the newly-divided lot denied reasonable use of the newly-split lot. Because the tree denied reasonable use after the lot split, Susan Long moved that the application be approved and based upon the hardship criteria stated above, and the motion was seconded by Dustin Pasteur. The motion passed 5-0.

APPLICATION: **VRB 19-59 (APPROVED)**  
APPLICANT: PV-WD Gandy LLC  
AGENT: Jacob Cremer, Esq. and David Smith, Stearns Weaver Miller  
LOCATION: 4315 & 4317 W Gandy Boulevard  
REQUEST: To reduce the trees from 50% to 1% on lot over an acre  
(Section 27-285)  
PURPOSE: To redevelopment site  
NEIGHBORHOOD: Fair Oaks/Manhattan Manor Neighborhood Assoc.

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Joe Samnick – Consulting Arborist, Charles Ontarios - Engineer

**Hardship is due to: Unusually shaped lot with 59 trees in bad condition, new FEMA map shows that property will require substantial fill to raise it up to comply with flood regulations, and this fill would likely kill the majority of the existing trees even if they could be saved. Applicant's plan is to replace most of the trees with new trees in better condition and in better locations.**

Comments from anyone in the audience:

Bill Hirsh – neighbors is stating that the trees are in awful condition.

Jerry Frankhauser – neighbor stating they never received any notice, there are 2 live oaks and a retention pond. Likes all the trees but have to save the 2 oaks and retention pond.

After Board discussion Susan Long moved that the application be approved and based upon the hardship criteria stated above, and the motion was seconded by Michael DePappa. The motion passed 5-0.

**VI. Meeting adjourned \* 9:00 PM \*\*\***

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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 are on Tuesday's at 6:30pm.

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