



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.

November 18, 2014

I. SILENT ROLL CALL

In attendance were: Chair Randy Baron, Richard Peterika, Antonio Amadeo, Joseph Citro and Bret Feldman.

Staff in attendance: Shaun Armanani, Legal Department; Eric Cotton and Karencia Ciagala from Land Development Coordination.

II. APPROVAL OF MINUTES for October 14, 2014, Public Hearing

Joseph Citro made the motion to approve, seconded by Richard Peterika, passed unanimously.

III. EXPARTE COMMUNICATION - NONE

IV. NEW BUSINESS

APPLICATION: **VRB14-89**
APPLICANT: James Brookings
LOCATION: 3558 North 29th 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.

Because the applicant was not present, Joseph Citro entered a motion to place this case to the end of the agenda. Seconded by Richard Peterika. Unanimously passed.

APPLICATION: **VRB14-92**
APPLICANT: Villa Rosa Distinctive Linens and Bath Shop
AGENT: Ralph Bosek, PE
LOCATION: 3001 South MacDill Avenue
REQUEST: To increase the height of a sign from 20' to 22.4', to increase the square footage of a sign from 50 square feet to 105 square feet
PURPOSE: To make a sign conforming and install an electronic messaging center
NEIGHBORHOOD: Palma Ceia

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

PUBLIC COMMENTS: None

Board discussion about conformance of signs. Also Bret Feldman sits on Board of Science & Industry with owner of property, and declared to City Attorney Shaun Armanani that he has had no exparte discussions. Chair Randy Baron had questions regarding visibility of new sign. Mr. Bosek stated that the Oak Tree has grown over twenty-five year period blocking view, and that the sign is difficult to change.

Board Discussion: Antonio Amadeo questioned whether there was a visibility issue. Joseph Citro stated to the west there are several other businesses with signs. Mr. Feldman stated he saw some hardship from the lower part of sign and ability to change the lettering. Chair Randy Baron stated that City Council passed stringent sign code and that we (the VRB) have to adhere to that, and that if this fails to pass, then take it to City Council.

Antonio Amadeo entered a motion to **deny** the applicant's request. Seconded by Richard Peterika. Denied with Bret Feldman and Joseph Citro opposing the motion. Request by applicant was denied by a vote of 3 to 2.

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

Because the applicant was not present, Joseph Citro entered a motion to place this case to the end of the agenda. Seconded by Richard Peterika. Unanimously passed.

APPLICATION: **VRB14-95**
APPLICANT: Tim Powell
LOCATION: 211 South Shore Crest Drive
REQUEST: To increase the height of an accessory structure from 15' to 20' (Section27-290)
PURPOSE: To construct an accessory structure
NEIGHBORHOOD: Beach Park/Armory Gardens

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

VRB14-95 Continued

PUBLIC COMMENTS: Tim Powell agent for the owners of the listed property, stated that the owner's were being required to raise the elevation because of the flood elevation. A brief history was given of the original owner's being members of a carnival act of being shot out of a cannon. A photo was shown of one of the original wheels from the cannon, now being used for a mailbox stand in front of the home.

Richard Peterika asked the question of staff, Eric Cotton, as to separation being five feet, from eave to eave. Mr. Powell stated that the distance has been met, and that the accessory structure meets the separation required. Site plan was shown showing 3 feet separation, however applicant is only seeking a height increase.

Board Discussion: Richard Peterika believes that hardship has been met and entered a motion to approve the applicant's request. Seconded by Joseph Citro. Antonio Amadeo clarified that FEMA requirements requiring the height are federal regulations. Request by applicant was approved unanimously.

APPLICATION: **VRB14-98**
APPLICANT: Cheryl Ruiz
LOCATION: 4704 West Vasconia Street
REQUEST: To reduce the front yard from 25' to 18', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a residential addition (garage)
NEIGHBORHOOD: Belmar Gardens

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

PUBLIC COMMENTS: Applicant Cheryl Ruiz stated that laundry is in carport and visible at night, so that for security reasons as well as putting in a dormer. The applicant stated their home is smaller compared to others in the neighborhood.

Board Discussion: Antonio Amadeo entered a motion to approve the applicant's request. Seconded by Bret Feldman. Request by applicant was approved unanimously.

APPLICATION: **VRB14-99**
APPLICANT: Gary Resmondo
LOCATION: 610 Superior Avenue
REQUEST: To reduce the building separation from 10' to 5' 10" (Section 27-290)
PURPOSE: To construct an accessory structure
NEIGHBORHOOD: Davis Islands

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

PUBLIC COMMENTS: Antonio Amadeo stated he is on the board of the community for that area and that he has not been noticed or received any info other than what was presented here tonight and can vote accordingly.

Applicant Gary Resmondo is asking for 4 foot 2 inch reduction, because they are on utility easement, even though it has been vacated by the City. Applicant stated zoning was changed in 1985, and are only asking for the ability to make a standard pool bath.

Board Discussion: Antonio Amadeo asked if this was new construction, and the applicant responded yes, and that the only place that this would be at the edge of every setback and not able to move to another location, and that the lot is slightly irregular and not a true square. Chair Randy Baron asked applicant to point out the easement on the site plan, and the pool bath is right up to the easement.

Joseph Citro entered a motion to approve the applicant's request. Seconded by Antonio Amadeo. Request by applicant was approved unanimously.

APPLICATION: **VRB14-100**
APPLICANT: Megan Newcomb and Michael Lee Pack
LOCATION: 1105 South Moody Avenue
REQUEST: To reduce the rear yard from 15' to 8.6', the north side yard from 7' to 2.5' (vesting existing) and 7' to 5' (new construction), and south side yard from 7' to 2.1', with the allowed encroachment of the eaves and gutters (Sections 27-156 and 27-290)
PURPOSE: To construct a residential addition and to vest existing conditions
NEIGHBORHOOD: New Suburb Beautiful

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

PUBLIC COMMENTS: Applicant Megan Newcomb showed photos of the home, including the deck, and that the variance is being asked for them to remove the deck and add a bathroom, and vest existing three structures. The placement of the home is not square on the property and would like to keep the historical value of the structures, causing the need for a variance. The applicant stated she received several letters of support from neighbors. Garage was there since 1931, and cottage since 1951. No modern updates have been made.

Board Discussion: Antonio Amadeo entered a motion to approve the applicant's request. Seconded by Richard Peterika . Request by applicant was approved unanimously.

APPLICATION: **VRB14-102**
APPLICANT: Kyle Bassett
LOCATION: 336 Columbia Drive
REQUEST: Reduce front yard from 25' to 15', with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Davis Islands Civic

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

PUBLIC COMMENTS: Antonio Amadeo stated he is resident of Davis Islands and will make his decision based only on the info provided during tonight's meeting.

The applicant Kyle Bassett spoke about the property and provided photos of his children. At some time in the past, he stated that an addition was put on the home. He went to Davis Island Civic

Association and spoke with a Mr. Steve Daly, and was told by the president to contact Steve. He suggested he contact his neighbors. Since submission he took the site plan and contacted each neighbor, and so far has not received any objections. Clarification with Attorney Shaun Armanani to move forward with properly noticing front setback to 15 feet.

Board Discussion: Bret Feldman entered a motion to approve the applicant's request, having shown hardship met. Seconded by Antonio Amadeo. Request by applicant was passed unanimously.

V. OLD BUSINESS:

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

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. And stated that this case has been continued several times, and has not as yet received a site plan.

PUBLIC COMMENTS: Applicant David Hetrick was sworn in by Attorney Shaun Armanani, and passed out photos to the board. He stated he purchased home in 2008, closed in car port and built a deck, and a shed. And that the issue or complaint was made in 2011, (referred to a page three) and then page eleven, posts for that shed. Chair Randy Baron asked that the pages be put on the overhead for clarification.

The applicant stated an inspector came out and all were closed out. He said he spoke to a John Marsh and then was issued a violation. He said that with the second story deck, he spoke to Towanda and that he shouldn't pull any permits until after this meeting. He stated that this was brought up that the shed was put on later, and provided photos.

Chair Randy Baron wanted to allow applicant additional time to speak. Attorney Shaun Armanani advised the Chair that the board would need to approve it. Joseph Citro made a motion to allow applicant an additional minute. Seconded by Bret Feldman and approved unanimously.

Discussion continued with a site plan that had been hand drawn and showed on the overhead. Bret Feldman asked applicant who built the deck, and applicant stated that he built it, and that he built the whole deck. That he is licensed under Collins Construction, and that he is not a licensed contractor.

Richard Peterika asked staff if there is a minimum standard for drawn site plan being submitted, and attorney Shaun Armanani stated no requirement. Staff, Eric Cotton stated that Rules of Procedure have not been put in place to make such a requirement. Chair Randy Baron asked Attorney, Shaun Armanani to determine if this site plan is sufficient, and he stated that it is up to the discretion of the board to make that determination. Antonio Amadeo stated he felt that it was permissible for the board members to say that it may not be sufficient. Chair Randy Baron stated that the document is not sufficient to provide to permitting as to placement of the structures/hot tub. Chair addressed the applicant and stated that with documents provided we have no proof of location of any structures.

Chair Randy Baron stated measurements are required on a document for approval to be considered. Chair asked applicant on the record, that rear property line is seven feet in to rear set back and that staff stated Eric Cotton stated variance would be required. One foot and a half from edge, and that the open roof over, was not permitted and would agree to not ever enclose. Staff, Eric Cotton showed the boundary survey that was submitted with the original application, and suggested that applicant be required to put the measurements on the survey rather than the hand drawn site plan.

Public Comment: Vince Lopez, was sworn in and stated he is the owner of 118 W Arch, property across from Mr. Hetrick. Mr. Lopez had concern of the construction business materials blocking the sidewalk and lowers his property values. Mr. Hetrick responded that he is now leasing from Bill Young down the street and that all building materials have been cleaned out. Mr Hetrick stated he would provide a copy of the lease.

Board Discussion: Chair stated that applicant is going to dimension the one plan, and that it never be enclosed. Richard Peterika stated he there is a spoken discrepancy with measurements. Antonio Amadeo stated that this is the most complex request he has ever seen, and with evidence presented it has been difficult to reconcile, Chair Randy Baron, stated we have to make a decision based on the site plan presented, and he will reopen public discussion. And addressing the applicant that it does look like applicant obtained approval and that to tear down would cause a hardship.

Joseph Citro made motion to reopen public hearing, seconded by Bret Feldman. Richard Peterika opposed, passed 4 to 1. No further discussion.

Richard Peterika made the motion to deny the applicants request, as the applicant did not provide measurements. Motion failed for lack of a second. Chair made suggestion for a motion to reopen public discussion. Antonio Amadeo made motion to reopen, seconded by Joseph Citro passed unanimously. Joseph Citro made motion to place this case to end of the agenda. Seconded by Antonio Amadeo, passed with a vote of 4 to 1, with Richard Peterika opposing.

APPLICATION:	VRB14-77
APPLICANT:	Carlos Castillo
LOCATION:	4709 West Pearl Avenue
REQUEST:	To reduce the east side yard from 7' to 6" (Section 27-156)
PURPOSE:	To construct a carport
NEIGHBORHOOD:	Gandy/Sunbay South

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.

PUBLIC COMMENTS: Applicant provided photos of the property, and that the septic is noted on the plan.

Scott Burkett, stated he is the owner of 4705 and 4707 Pearl. He stated that at the last meeting, the contractor mentioned parking a motorcycle. Photo of side door was shown, and he stated that the carport was to be built to allow access thru the door. He also showed the placement of the original carport. Concrete on property was also shown, and the paver blocks of previous carport allowed for some drainage. The roof line runs north and south and that the contractor stated this would be contrary. The concrete that was put in slopes in to his yard, and he doesn't want his property to be damaged because of drainage.

Board Discussion: Mr. Peterika could not find a hardship for the motorcycle. Chair Randy Baron stated that he did not see any hardship. He also addressed the drainage. Antonio Amadeo brought

up location of the septic as a hardship. Chair Randy Baron brought up the roof discussion about the drainage and stated he could not approve unless the gutter, or roof direction be stipulated, and asked the board if they wanted to reopen to public discussion. Bret Feldman made motion to reopen, seconded by Joseph Citro, unanimously approved. Chair Randy Baron asked the applicant if the roof condition be built running north or south and/or a gutter be built on that side of the property, and that it never be enclosed, and applicant agreed. Eric Cotton provided the site plan submitted showing ½ foot from the property line.

Bret Feldman stated hardship for carport, and can't support the extension. Motion was made by Antonio Amadeo to approve with conditions, specific to site plan submitted, reduction from 7' to 6", with condition it never be enclosed, and the gutters be incorporated for drainage, and the roof design be included, and this is for the front portion only. Approved 4 to 1 with Mr. Peterika opposing.

Clarification was asked for by staff, and discussion continued as to changes being made to site plan. Antonio made motion to reopen to public discussion. Joseph seconded. Unanimous. Mr. Castillo was asked if he would be in agreement to withdraw the rear portion of the driveway. He agrees to the front portion carport only. Closed public hearing.

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

This case was on the agenda and continued to the end of the agenda to allow applicant to add dimensions to his survey.

Antonio Amadeo made motion to approve with conditions, as depicted on site plan annotated, to keep unpermitted additions, on condition never be enclosed. Seconded by Bret Feldman. Motion was approved by a vote of 4 to 1, with Richard Peterika opposing.

Joseph Citro made a motion to continue 14-94 to next meeting. Seconded by Richard Peterika. Richard Peterika made a motion to continue 14-89 to next meeting. Seconded by Joseph Citro. Both passed unanimously to be continued.

Meeting adjourned.

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