



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.

September 9th, 2014
(DRAFT)

I. SILENT ROLL CALL

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

Staff in attendance was Ernest Mueller, Legal Department; Eric Cotton and Karencia Ciagala from Land Development Coordination, and Mary Danielewicz-Bryson from Natural Resources.

II. APPROVAL OF MINUTES for August 12th, 2014, Public Hearing

Susan Long made the motion to approve, seconded by Gary Brown, passed unanimously.

III. EXPARTE COMMUNICATION – NONE

IV. OLD BUSINESS:

APPLICATION: **VRB 14-59**
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

David Hetrick was not present at the beginning of the meeting. Motion made by Susan Long, seconded by Richard Peterika, and passed unanimously to place this case at the end of this meeting.

V. NEW BUSINESS:

APPLICATION: VRB14-81
APPLICANT: Dustin Thomas
LOCATION: 4510 Henderson Boulevard
REQUEST: To remove a grand tree
PURPOSE: To construct a single family home
NEIGHBORHOOD: Sunset Park

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

Dustin Thomas explained that there are 17 trees located on the property and the placement of the home will remove the smallest of the grand trees.

Staff, Mary Danielewicz-Bryson, Natural Resources, explained that they worked with the applicant, comparing several different renditions and this request had the least impact.

PUBLIC COMMENTS:

Sherwin Ernst stated that there has been a prior flooding problem in that area.

John Grandoff stated he lives nearby and that he was there to speak on behalf of himself and his neighbors, and that he has no objection. He provided applicant some information to review.

Board Discussion: Board Members discussed reasonable use criteria and that drainage would be addressed at permitting.

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

APPLICATION: VRB14-78
APPLICANT: Peter Winters
LOCATION: 3319 West Dorchester Street
REQUEST: To reduce the rear yard from 5' to 4' for a pool enclosure (Section 27-290.3)
PURPOSE: To construct a pool cage
NEIGHBORHOOD: Bayshore Beautiful

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. The request was changed from a rear yard setback of 5' to 0', to a rear yard setback of 5' to 4',

Applicant Peter Winters explained that he was originally going to move the setback to the property line, but has since changed his request to the knee wall with the pool cage being installed on it.

PUBLIC COMMENTS:

Brad Baird stated he has lived in this area since 1986 and that applicant had addressed his concerns about being on the property line. His other concern was property value and has no objection to a pool cage.

VRB 14-78 Continued:

Graham Caruthers objected to request that he felt did not meet hardship criteria, and it was unclear how tall the cage would be.

Mr. Winters rebuttal clarified he understood lawyers concerns, and that he was building a pool cage from same company as his neighbors. He said he would agree to a one story cage.

Board Discussion: The board discussed the distance from pool to fence, and it was pointed out that the fence was not on the property line, and Eric Cotton clarified that the pool was built prior to a change in the code, so that it would not have needed a variance at that time.

Motion was made by Brian Seel to approve the applicant's request, stating that the hardship criteria had been met. Motion was seconded by Susan Long, and passed by a unanimous vote.

APPLICATION: VRB14-79
APPLICANT: Yolandi Proenza
AGENT: Pedro Rodriguez, Esquire
LOCATION: 1912 West Fern Street
REQUEST: To reduce the front yard from 20' to 19' and the side yard from 7' to 0' (Section 27-156)
PURPOSE: To vest unpermitted construction
NEIGHBORHOOD: Riverbend

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. A change in request was made, deleting the request for air conditioner setback, as it was not noticed.

Pedro Rodriguez, Esquire explained the property was purchased in October of 2012, and problems were not disclosed. Property owner obtained an easement from the neighbor and document shown to VRB. Mr. Rodriguez asked that variance be granted to vest existing conditions, and that owner would agree to not enclose.

PUBLIC COMMENTS: NONE

Board Discussion: The board discussed the hardship criteria and that the side was built after purchase. Discussion continued regarding encroachment, easement, and the possibility that even if approved the structure may not pass code. The board agreed to vote on each variance separately.

Motion to approve the front setback from 20' to 19', bought as-is creating the hardship, was made by Gary Brown, and seconded by Susan Long. Motion carried by **unanimous** vote.

Motion to approve side setback from 7' to 0' on the condition it stay open and never be enclosed, was made by Antonio Amadeo, and seconded by Susan Long. Motion **failed** by a 2 to 5 vote. Richard Peterika, Brian Seel, Alyson Utter, Gary Brown and Randy Baron casting opposing votes.

Motion was made by Richard Peterika **to deny** side yard setback, because the hardship criteria had not been met, no practical difficulty, and the applicant created the hardship by constructing it and have not argued any other hardship other than financial. constructed it. Motion was seconded by Brian Seel. Motion was approved by a vote of 5 to 2. Allyson Utter and Susan Long opposing the motion.

APPLICATION: VRB14-80
APPLICANT: Lawrence and Tara McLaughlin
LOCATION: 2917 West Bay Court Avenue
REQUEST: To reduce the rear yard from 20' to 4' and the side yard from 7' to 3'
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Bayshore Beautiful

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

Applicant Lawrence McLaughlin explained he wants to build an open addition adjacent to his home and garage to minimize impact to camphor trees and maximize privacy. He stated he has support of neighbors to east and west and across the street from his property.

PUBLIC COMMENTS: John Grandoff stated that applicant request was not unique, and quoted several legal cases to refer to. Board members questioned noise, and remaining open issues, and Mr. Grandoff stated this is not unique and ordinance needs to be changed if this is policy. He also recommended applicant ask for an extension.

Board Discussion: The board discussed the issues brought up by Mr. Grandoff and asked staff for clarification of differences for applicant "by variance" verses "by right." Eric Cotton stated applicant could add about 350 square feet to the garage, without needing the variance. It was determined that without the variance this would put the structure about five feet closer to Mr. Grandoff's client's property.

After rebuttal was made by Mr. McLaughlin, it was determined he did not want to request an extension. Brian Seel compared cases from tonight's meeting, and stated he felt the garage was the hardship, just as the knee wall and pool were the existing hardship's in a previous case.

Motion was made by Antonio Amadeo to **approve** applicant's request based on the existing building. Motion was seconded by Brian Seel, and motion **failed** by a 4 to 3 vote. Alyson Utter, Gary Brown, Rick Peterika and Randy Baron casting opposing votes.

Motion was made by Gary Brown to **deny** applicant's request based on lack of hardship. Motion was seconded by Richard Peterika. Motion passed by a vote of 4 to 3 **denying applicant request**. Antonio Amadeo, Brian Seel and Susan Long casting the opposing votes.

APPLICATION: VRB 14-59
APPLICANT: David Hetrick
LOCATION: 1129 West Arch Street
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PURPOSE: To keep unpermitted additions.
NEIGHBORHOOD: West Riverfont/North Hyde Park

Applicant David Hetrick was not present at the beginning of the meeting. Motion made by Susan Long, seconded by Richard Peterika, and passed unanimously to place this case at the end of this meeting.

PUBLIC COMMENTS: Staff, Eric Cotton, mentioned that neighborhood association had conflicting meeting and were unable to attend. They requested Board consider continuance, as they have not seen a revised site plan.

VRB 14-59 Continued:

Applicant David Hetrick spoke about his revised site plan. Chair Randy Baron stated that staff had not reviewed the site plan, and wanting to be a good neighbor would Mr. Hetrick consider a continuance. Mr. Hetrick said he would. He handed out copies of his site plan, and it was pointed out that dimensions were missing, and he should provide a site plan with dimensions and agreed to discuss with Mr. Cotton.

Board Discussion: The board made recommendations to Mr. Hetrick. Chair Randy Baron recommended that exact measurements be placed on the site plan and that he provide any permits for work completed. Brian Seel suggested Mr. Hetrick work with Eric Cotton to clarify with neighbors to avoid same confusion at the last meeting.

Motion for a continuance and to place this case first on the agenda for the October 14th meeting was made by Susan Long, and was seconded by Brian Seel. Motion carried by unanime 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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