



## 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 9, 2019

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

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

Staff in attendance: Jerrod Simpson & Kristin Mora, Legal Department; Aileen Rosario & Joel Sousa, Land Development Coordination; Brian Knox of Natural Resources,

### **II. APPROVAL OF MINUTES for June 11, 2019**

Susan Long moved to approve minutes of the June minutes and was seconded by Michael Via.  
The motion passed 5-0.

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

APPLICATION: **VRB19-38 (Continue to August)**  
APPLICANT: Madeline Perello & Emiliano Gallardo  
AGENT: Timothy Jones  
LOCATION: 1505 S Arrawana Avenue  
REQUEST: To reduce the north side yard from 7' to 0' (Section 27-156)  
PURPOSE: To construct residential addition  
NEIGHBORHOOD: Palma Ceia Neighborhood 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 be moved to the month of August and the motion was seconded by Dustin Pasteur. The motion passed 5-0.

APPLICATION: **VRB19-45** (APPROVED)  
APPLICANT: 365 Property Partners  
AGENT: Kevin Lee/ Jerry Brit  
LOCATION: 2311 E Minnehaha St  
REQUEST: To reduce the front yard setback from 20' to 15' and  
Reduce rear yard setback from 20' to 9' (Section 27-156)  
PURPOSE: To vest existing single family residence  
NEIGHBORHOOD: Seminole Heights East Neighborhood Assoc.,  
Business Guild of Seminole Heights

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

**Hardship is due:** that the house was built in 1944 and is still in the same location, the rear of the house is out of compliance with the current code even before the proposed lot split, the lot has been formally split done thru a formal decision, and the applicant removed the carport to minimize further setback infringement in the rear.

The Board noted that there might be an issue with notice as to the front porch, which encroaches six feet further into the front setback than was noticed. The applicant chose to address the front porch separately.

No comments from anyone in audience.

**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 Susan Long. The motion passed 5-0.

APPLICATION: **VRB19-50** (Continue to August)  
APPLICANT: David Osborne  
AGENT:  
LOCATION: 1905 E Ellicott St  
REQUEST: To remove a 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:

No comments from anyone in audience.

#### **BOARD DISCUSSION:**

After Board discussion Susan Long be moved to the month of August and the motion was seconded by Dustin Pasteur. The motion passed 5-0.

#### **VI. NEW CASES:**

APPLICATION: **VRB18-47** (APPROVED)  
APPLICANT: Carmen Fernandez  
AGENT:  
LOCATION: 3107 W Dewey St  
REQUEST: To reduce the side yard setback from 7' to 1.4', reduce the rear yard setback from 3' to 0' and reduce the front yard setback from 20'to 17' (Section 27-156)  
PURPOSE: To construct a residential addition and vest existing conditions  
NEIGHBORHOOD: MacFarlane 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.

Hardship is due: House was built 1950's and applicant testified that all structures (with the exception of a metal shed that was removed and replaced) existed at the time the applicant acquired the home in 2002. Applicant agrees that screen room can never be enclosed.

No comments from anyone in the audience.



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: There are three large buildings on the site, but only one has any road frontage. . Property size is dramatically larger and deeper than any other properties in the area – 59,000 leasable square feet in the property - site has hardship of visibility due to the depth. More square footage of signage would be permitted on the buildings, if the front door faces the right of way. Proposing to add square footage to existing signage – The sign is not moving – if approved, it will be tied to the existing location of the sign.

### BOARD DISCUSSION:

After Board discussion Dustin Pasteur moved that the application be approved and based upon the hardship criteria stated above with the condition as per the existing location and height of size remain the same and the motion was seconded by Michael Via. The motion passed 5-0.

APPLICATION: **VRB 19-54 (APPROVED)**  
APPLICANT: Justin Willits  
AGENT: Richard Peterika  
LOCATION: 3701 N Dartmouth Ave  
REQUEST: To reduce side yard setback from 7' to 3' (Section 27-156)  
PURPOSE: To construct a covered front porch with potential to enclose and vest existing structure  
NEIGHBORHOOD: Tampa Heights Civic Assoc., One Laurel Place Condo Assoc., THCA Land Use Committee, Business Guild of Seminole Heights

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

Hardship is due to: The home on the property was built in 1926 at 4' from the side setback. A tree fell on the home in 2018, the owner took the opportunity to remodel. Addition will follow the existing setback – will not increase the setback. Practical difficulty due to the existing, nonconforming setback of the existing setback

Michael Lang – neighbor – is in support of the construction

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 19-68 (APPROVED)**  
APPLICANT: Domain Homes  
AGENT: Kevin Robles  
LOCATION: 2926 N 21<sup>st</sup> St  
REQUEST: Removal of Grand Tree (Section 13-45(g))  
PURPOSE: To construct a new single family residence  
NEIGHBORHOOD: College Hill-Belmont Heights Neighborhood Assoc. & Crime Watch, K-Bar Ranch, North Ybor Neighborhood Assoc.

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

Hardship is due to: Lot size is 38 x 79 smaller than normal it is in the East Tampa Overlay, the canopy goes over the top of a 1<sup>st</sup> story house, . The lot is an affordable housing project, and there are no affordable housing alternative plans that fit on the lot – this is the only approved plan that fits. The applicant cannot reduce setbacks in the front, as the change in setback won't meet transportation requirements. Therefore, the tree denies reasonable use of the property.

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 Bret Feldman. The motion passed 5-0.

APPLICATION: **VRB 19-69 (APPROVED)**  
APPLICANT: Ashley Avenue Assoc.  
AGENT: Kamala Corbett  
LOCATION: 1000 N Ashley Dr.  
REQUEST: Removal of a Grand Tree (Section 13-45(g))  
PURPOSE: To construct a mixed-use residential/retail development  
NEIGHBORHOOD: Downtown River Arts Neighborhood Assoc., One Laurel Place Condo Assoc., The Residences of Franklin Street Condo Assoc.

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

Hardship is due to: Applicant and city considered three locations into which the tree might be transplanted, and the applicant invested time and resources to try to transplant the tree. However, none of the locations were suitable due to space limitations, and structural deficiencies were discovered within the tree that would make transport impossible due to the damage it would cause the tree. City staff agree that the tree removal is necessary because transplant cannot work. The Arborist

report in the record certifies the factors under the new code. The applicant will be replacing 55 4-inch trees with 6-inch trees, palm trees, and contributing to the tree trust fund.

Kathy Beck – certified arborist states tree must be removed

Michael Callahan – Urban Design Supervisor – is stating that the project is great and is urging for an approval

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 19-71 (APPROVED)  
**APPLICANT:** CBP Development, LLC  
**AGENT:** Strategic Property Partners, Sam Stein  
**LOCATION:** 615 Channelside Dr.  
**REQUEST:** To increase the allowable square footage of building signage from 2,086 to 3,340 for right-of-way frontage only; allow the placement of signage on any portion of the building regardless of the frontage; Allow tenants to install multiple signs and types, with Urban Design approval; Reduce the minimum elevation of a projecting sign from 10' to 9' for clearance above a pedestrian way (Section 27-289)  
**PURPOSE:** To allow changes to building signs during renovation  
**NEIGHBORHOOD:** Riverside Heights Civic Assoc., One Laurel Place, THCA Land Use Committee, Business Guild of Seminole Heights, Tampa Heights Civic Assoc.,

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

Hardship is due to: Largest commercial mixed use for the CBD area, need retail vibrancy, to assist for more signage to give more space for each retail, increase sign area. . This property is unique in the context of the Channel District. This property suffers additional regulations not applicable to the rest of the Water Street Project. Current regulations impact retailers differently from the application of current sign code of this area, which was previously focused more on industrial development. Applicant is asking to increase signage to what's already permitted in the CBD district, which are the regulations applicable to the rest of the project (other than the Channel District segment). This project also suffers from an extremely long frontage that is tough to break up; allowing the reallocation of signs would create more pedestrian-friendly experience with signage.

No comments from anyone in the audience.

Michael Via is recusing himself due to living within the notice area.

Michael Callahan – stating that he feels comfort with giving approval for this type of development

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 4-0 with Michael Via had recused himself.

APPLICATION:       **VRB 19-72**           **(APPROVED)**  
APPLICANT:       Elizabeth & Corbett Benn  
AGENT:            Corbett Benn  
LOCATION:          3402 W Sevilla Street  
REQUEST:         To reduce rear yard setback 20' to 9' (Section 27-156)  
PURPOSE:         To construct a residential addition (2 car garage)  
NEIGHBORHOOD:   Palma Ceia Neighborhood 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 to: Applicant is attempting to preserve a 1950s house and the character of neighborhood. Most other homes in the neighborhood have 2 car garages. Applicant could request only a 3' setback if the garage was detached, but that would move the garage closer to the neighbor's property. A vacated alley could also create additional issues.**

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 Susan Long. The motion passed 4-1 voting nay Gary Brown.

APPLICATION:       **VRB 19-73**           **(APPROVED)**  
APPLICANT:       Jerome & Bonnie Peirano  
AGENT:  
LOCATION:          2701 N Essex Court  
REQUEST:         To reduce the rear yard from 20' to 5'. Reduces the side yard setback from 7' to 4.2' and reduce the side yard setback from 7' to 3' (Section 27-156)  
PURPOSE:         To construct a residential addition  
NEIGHBORHOOD:   Ridgewood Park Crime Prevention & Civic Assoc., Business Guild of Seminole Heights, Riverside Heights Civic Assoc.

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

**Hardship is due to: Restoring a home built in 1925. Garage is in disrepair and requires replacement. Portico over existing driveway is too small for a car to enter. The property is unique because it is bordered on two sides by alleys, and there is only one neighbor.**

The neighboring garage currently has a 3-foot setback and a 5-foot setback from the alley, so the applicant's garage will align exactly with the neighbor's garage. Neighbors support the variance. Other homes in the area have similar garages

Al Cordova – architect – spoke on behalf of residents

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 Via. The motion passed 5-0.

APPLICATION: **VRB 19-74 (APPROVED)**  
APPLICANT: 2W Properties, LLC.  
AGENT: Joseph Gibbons  
LOCATION: 918 W Alfred St  
REQUEST: To reduce the rear yard from 20' to 9' (Section 27-156)  
PURPOSE: To construct a new single family residence with covered lanai  
NEIGHBORHOOD: Riverside Heights Civic Assoc., Business Guild of Seminole Heights

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

Hardship is due to: DE2 setbacks already addressed. Unpaved alley borders the rear side of the property where the covered lanai is proposed. Electric utility pole in the front could impede moving the design of the home toward the front. Neighbors support the variance.

No comments from anyone in the audience.

After Board discussion Michael Via moved that the application be approved and based upon the hardship criteria stated above, with the condition that the lanai may never be enclosed and the motion was seconded by Dustin Pasteur. The motion passed 4-1 voting nay Gary Brown.

**VI. Meeting adjourned \* 11:00 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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