



# Variance Review Board

## FINAL MINUTES

(as of June 10, 2008)

**WORKSHOP DATE:** June 6, 2008

**MEETING TIME:** 11:00AM – 1:30PM

**MEETING LOCATION:** 306 E. JACKSON, 2<sup>nd</sup> FLOOR CONFERENCE ROOM

**BOARD MEMBER ATTENDEES:** Randy Baron, Lucinda “Alyson” Utter, Melanie Higgins (via phone), Antonio Amadeo, Nicholas Bradford, Gennaro DiNola, Randy O’Kelley

**OTHER ATTENDEES:** Julia Cole, Eric Cotton, Cathy Coyle, Samantha Fenger, Spencer Kass, Rebecca Kert, Gloria Moreda, Ernest Mueller

### I. Introductions

### II. Parliamentary Procedure

Julia Cole, City of Tampa Legal Department, provided an overview of Robert’s Rules of Order and the Variance Review Board’s adopted rules and procedures. Julia stressed the importance of being recognized by the chair before speaking because it helps maintain order throughout the meeting and it helps keep a clear record.

### III. Case Discussion and Board Interaction

Ernie Mueller, City of Tampa Legal Department, reviewed Board interaction.

### IV. Site Visits and Commentary

Rebecca Kert, City of Tampa Legal Department, reviewed Board commentary. Rebecca explained that, when necessary, it is the Legal Department’s responsibility to determine if the Board’s decision was legally defensible. To do that, the Legal Department considers the following three items: 1.) was due process afforded; 2.) was substantial competent evidence provided; and 3.) did the Board apply the code. Rebecca clarified that it is not the Board’s job to testify or present information into the record. Board members can solicit information

from applicants, but only when the public hearing is open. If the Board is concerned regarding the evidence being provided, the Board can request staff to obtain additional documentation; however, the petitioner can ask for the Board to vote once the case has been heard. The Board should consider whether sufficient evidence was provided, and then take a vote. Rebecca emphasized the importance of citing the code and/or hardship criteria when a Board member moves to deny a petition. Procedurally, the Board can close the discussion once the motion has been made.

#### **V. Board Jurisdiction**

Elevations can be considered if presented with the application.

#### **VI. Hardship Criteria**

Julia Cole, City of Tampa Legal Department, reviewed the Hardship Criteria.

#### **VII. Variances with Conditions**

If the Board wants to break up a variance request into two or more different motions, the Board first has to ask the applicant if s/he is agreeable to that motion.

#### **VIII. Appeals**

Ernie Mueller, City of Tampa Legal Department, clarified that the Board has the right to remand a petition back to the Land Development Coordination office.

Procedurally, the Board can change its rules and procedures to require petitioners to submit all application materials prior to the hearing date.

Cathy Coyle, City of Tampa Land Development Coordination Division, reviewed the appeals that are heard by the Board.

#### **IX. Board Packets**

Staff discussed making the applications and relevant materials available to Board members via the internet.

#### **X. Questions from the Board**