



Variance Review Board  
City Council Chambers  
City Hall  
315 E. Kennedy Blvd., Third Floor  
Tampa, Florida 33602

**DRAFT MEETING MINUTES**

(as of August 13, 2008)

**MEETING DATE: August 12, 2008**

**MEETING TIME: 6:30 PM**

**I. ROLL CALL**

Members Present: Antonio Amadeo, Chair; Melanie Higgins, Steve LaBour, Randy Baron, Randy O'Kelley, Nicholas Bradford, Lucinda Utter

Staff Present: Samantha Fenger (LDC), Eric Cotton (LDC), Catherine Coyle (LDC), Ernie Mueller (Legal), Rebecca Kert (Legal), Dave Jennings (CSD), Mary Danielewicz (LDC), David Reilly (Parks)

**II. APPROVAL OF MINUTES FOR July 8, 2008**

Mr. LaBour moved to approve and was seconded by Mr. Baron. The vote was 7-0 to approve.

**III. ADMINISTRATIVE APPEALS**

PETITION: VRB08-58  
PETITIONER: The University of Tampa  
AGENT: David Mechanik  
LOCATION: 123 South Hyde Park Avenue  
REQUEST: Administrative Appeal  
PURPOSE: Administrative Appeal of a Zoning Interpretation  
NEIGHBORHOOD: Hyde Park North

Mark Bentley, representing The Retreat, indicated that he was of the opinion that the VRB could not hear the case and that the University of Tampa did not have standing to appeal the decision of the zoning administrator, since The Retreat did not ask for a zoning interpretation.

There was Board discussion over how to handle the amount of evidence that was submitted to the Board tonight.

David Mechanik, Esquire, explained what was in the binders submitted as part of the public record.

Mr. Bentley indicated that he did not have chance to review the information presented by Mr. Mechanik.

Catherine Coyle, Zoning Administrator, indicated that she had not reviewed the information presented to her tonight.

Ms. Higgins and Mr. O'Kelley indicated that they felt that they did not feel that they had the ability to review the information to make an adequate decision. Mr. LaBour stated that he was not sure about continuing and reading the documentation and not have answers to questions. Mr. Bradford was concerned about the amount of information being presented.

The Board asked the petitioner about a continuance in order for the information to be reviewed. Mr. Mechanik and Mr. Bentley did not object to the hearing being continued, but Mr. Mechanik indicated that a large number of people were present to speak on the case.

After Board discussion, Mr. O'Kelley moved to continue the case, seconded by Mr. Bradford. Mr. O'Kelley tabled the motion.

Mr. O'Kelley moved to accept the data, with additional information from Mr. Mechanik available at the hearing, seconded by Mr. Bradford. The motion passed 6-1, with Mr. LaBour voted nay.

Mr. O'Kelley moved to accept the data, with additional information from Mr. Bentley available at the hearing, Ms. Higgins seconded. The motion passed 6-1, with Mr. LaBour voting nay.

All evidence will be presented within 24 hours by Mr. Bentley.

Mr. O'Kelley moved to continue the hearing until September 9, 2008, and was seconded by Mr. Bradford, with the understanding that the hearing will be set for a date time certain. The motion passed 6-1, with Mr. LaBour voting nay.

PETITION:	VRB08-67
PETITIONER:	Taylor and Esther Able
AGENT:	Stephen Michelini
LOCATION:	584 Marmora Avenue
REQUEST:	Administrative appeal of the Parks and Recreation of grand tree removal determination, to reduce the front yard setback from 25' to 20', with the allowed encroachment of the eaves and gutters
PURPOSE:	To construct a new single family residence
NEIGHBORHOOD:	Davis Island Civic Association / Davis Island Neighborhood Planning Task Force

Steve Michelini presented his case, indicating the trees and utility lines causing problems with the possible development of the site.

Mr. Michelini showed the site plan with the trees and underground utilities. The tree locations are causing a hardship in the development of the site. He read letters of support into the record. He also indicated that Joe Samnick, ISA, found that the tree

was in poor condition and was a danger to the family. Mr. Michelini indicated that he was going to meet Transportation standards and make a commitment to move the stormwater inlet to meet Code.

David Reilly showed a site plan and indicated that the tree asking to be removed was not hazardous and his opinion was seconded by Bruce Lucas, also of the Parks Department.

After his 10 minutes, Mr. Michelini indicated that the FEMA regulations would prohibit the remodeling of the home on site.

Mr. Bradford disagreed over the FEMA guidelines and indicated that any additions can “go up” as long as the new construction is outside of the flood zone.

Public hearing closed.

Mr. Bradford did not object to the tree removal, but did object to the front yard reduction.

Mr. O’Kelley supported the tree removal and moved to overturn the determination of the Parks Department’s regarding the tree and allow its removal and deny the request to reduce the front yard. Mr. Bradford seconded the motion. Mr. Baron requested that the motion be separated out into two motions.

Mr. O’Kelley moved to overturn the determination of the Parks Department’s regarding the tree being hazardous and allow its removal and was seconded by Mr. Baron. Board discussion ensued regarding the arborist report. The vote was 3-4 to approve, with Ms. Utter, , Mr. Amadeo, Ms. Higgins, and Mr. LaBour voting nay. The motion failed.

Mr. LaBour moved to overturn the determination by the Parks Department based that the petitioner is being denied reasonable use. Mr. Baron seconded the motion. The motion passed 5-2, with Ms. Utter and Ms. Higgins voting nay. Mr. Michelini withdrew the front yard request.

#### **IV. OLD BUSINESS: Cases Continued by the Board/Staff**

##### **A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES**

##### **B. GENERAL VARIANCES**

PETITION:	VRB08-60
PETITIONER:	Optimus Development
AGENT:	Matt Campo
LOCATION:	4424 West Carmen Street
REQUEST:	To reduce the front yard setback from 25’ to 23’, the east side yard setback from 7’ to 6’, with the allowed encroachment of the eaves and gutters
PURPOSE:	To construct a four unit townhome
NEIGHBORHOOD:	Westshore Palms

Mr. Campo presented his case, explaining the change in the setback request and marketability of the property. It was denied as an administrative variance request.

Public hearing closed.

Mr. LaBour moved to approve and was seconded by Mr. Baron. The motion passed 7-0.

PETITION: VRB08-65  
PETITIONER: Isaac Borges  
AGENT: Not Applicable  
LOCATION: 1809 West Kirby  
REQUEST: To reduce the rear yard setback from 20' to 4', with the allowed encroachment of the eaves and gutters  
PURPOSE: To retain an existing residential addition  
NEIGHBORHOOD: Lowry Park Central

Ms. Borges, interpreted by Samuel Hernandez, indicated that she need a larger kitchen. The petitioner submitted letters of support.

Public hearing was closed.

Board discussion ensued over the hardship criteria.

Mr. O'Kelley moved to approve the request based on the lot shape and was seconded by Mr. LaBour. The motion passed 4-3, with Ms. Utter, Mr. Bradford and Mr. Baron voting nay.

PETITION: VRB08-70  
PETITIONER: Joe Wright  
AGENT: Clyde Keller  
LOCATION: 1507 South Georgia Avenue  
REQUEST: To reduce the north side yard setback from 7' to 1', with the allowed encroachment of the eaves and gutters  
PURPOSE: To create a buildable lot  
NEIGHBORHOOD: Palma Ceia

Mr. Wright presented his case, explaining the need for the variance. He showed his site plan and the existing conditions on the property. The variance is needed to create a buildable lot.

Public hearing is closed.

Board discussion ensued regarding the setback, Fire Code and such.

Mr. LaBour moved to approve the request with condition that the existing carport never be enclosed and the dimensions remain as is, with Mr. Baron seconding the request. The petitioner was asked if he agreed with the condition. The motion passed 6-1 with Mr. Bradford voting nay.

**V. NEW BUSINESS**

A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

B. GENERAL VARIANCES

PETITION: VRB08-76

PETITIONER: Patricia E. and James Amerosa  
AGENT: Not Applicable  
LOCATION: 1906 W Meadowbrook Avenue  
REQUEST: To increase the accessory structure height from 15' to 19.5'  
PURPOSE: To allow for a two story storage shed  
NEIGHBORHOOD: Forest Hills

Ms. Amerosa explained the request and issue with the flat roofs. She reviewed pictures of the property.

Shelia and Steven Palukaitis objected to the request, indicating that the request was out of character for the neighborhood.

Ms. Amerosa offered her rebuttal regarding the proposed shed.

Public hearing closed.

Mr. LaBour moved to deny the request for lack of hardship with Ms. Higgins seconding the request. The motion was denied 7-0.

PETITION: VRB08-77  
PETITIONER: Diocese of St. Petersburg  
AGENT: Lawrence Migliara / Oscar Benavides  
LOCATION: 4518 S. Manhattan Avenue  
REQUEST: To increase sign height from 20' to 28', increase sign area from 50 sf to 140 sf  
PURPOSE: To allow tower adjacent to existing sign  
NEIGHBORHOOD: Fair Oaks/ Manhattan Manor Neighborhood and Bayside West Neighborhood Association

Mr. Migliara and Mr. Benavides explained the need for the variance request.

Father Angelus Migliore spoke in support of the request, stating that the sign will make it clearer and easier for people to spot the entrance to the church.

Mr. Bradford recused himself.

Public hearing was closed.

Mr. LaBour moved to approve the request and was seconded by Mr. Baron. The motion passed 5-1, with Ms. Utter voting nay. Mr. Bradford recused himself from the vote.

PETITION: VRB08-78  
PETITIONER: Kenneth R. and Kathryn Stephens  
AGENT: Kimberly Clement and John N. LaRocca  
LOCATION: 549 Riviera Drive  
REQUEST: To reduce the rear yard setback from 20' to 15', with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct a residential addition  
NEIGHBORHOOD: Davis Island Civic Association / Davis Island Neighborhood Planning Task Force

Mr. LaRocca explained his request, reviewing an aerial of the area. He reviewed a letter of support and indicated that Davis Islands Civic Association did not object to the request. Mr. LaRocca then reviewed the hardship criteria.

Public hearing closed.

Ms. Higgins moved to approve the request based on the configuration of the lot, with Mr. LaBour seconding the request. The motion passed 7-0.

PETITION:	VRB08-79
PETITIONER:	Bill B. and Kathryn L. Brannan
AGENT:	Robert C. Foss
LOCATION:	3918 San Pedro Street
REQUEST:	To reduce the front yard setback from 25' to 22.5', to reduce the rear yard setback from 20' to 18', and to reduce the building separation from 5' to 0' with the allowed encroachment of the eaves and gutters
PURPOSE:	To construct a breezeway connection to accessory structure, a front porch and rear addition
NEIGHBORHOOD:	Virginia Park

Bill Brannan presented his case, stating that a portion of the request could be granted through the administrative variance process. The most important variance is the building separation request.

He explained a flooding issue between the accessory structure and the principal building. The setbacks were to create a stoop and a create a more permanent porch. He showed additional pictures of the property.

Public hearing was closed.

Mr. Bradford moved to approve the request and was seconded by Ms. Higgins. The motion passed 7-0.

PETITION:	VRB08-80
PETITIONER:	Michelle Gonzalez
AGENT:	Carlos Castilla
LOCATION:	3213 W Pine Street
REQUEST:	To reduce the front yard setback from 20' to 12' with the allowed encroachment of the eaves and gutters
PURPOSE:	To allow a residential addition
NEIGHBORHOOD:	North East MacFarlene

Mr. Castillo presented his case. He explained the previous denial for the request.

Ms. Danielewicz-Bryson indicated that an off-site elm tree was being damaged by a storage building.

Ms. Utter asked if there were any homes that close to the front yard.

Public hearing was closed.

Mr. Baron moved to deny the request, stating lack of hardship and the existing streetscape on the front. Mr. O'Kelley seconded the motion, which passed 7-0.

PETITION: VRB08-81  
PETITIONER: Ashton Tampa Residential, LLC  
AGENT: Dick LaRosa  
LOCATION: Port Tampa area vacant lots- Tarpon street to the north, Westshore Blvd to the west, Sparkman Street to the east and Mitchell street to the south  
REQUEST: To reduce the rear yard setback from 20' to 19.5' with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct single family residences  
NEIGHBORHOOD: Port Tampa Inc. Civic Association

**SITUS NOT UPDATED ON THIS ONE – NEED TO SPEAK TO MIKE ABOUT ADDRESSING**

Mr. LaRosa explained the request. He showed an aerial of the property and reviewed the site plan.

Ms. Danielewicz-Bryson stated that the request was inconsistent with Chapter 13.

Public hearing closed.

Mr. LaBour moved to approve and was seconded by Mr. Baron. The motion passed 7-0.

PETITION: VRB08-83  
PETITIONER: Raymond and Jeanie Godinez  
AGENT: Wilbert Malphus / Jodi Laumer-Giddens  
LOCATION: 3417 W. Union Street  
REQUEST: To reduce the rear yard setback from 15' to 5'-4 1/4", to reduce the east side yard setback from 7' to 2'-4 1/2" with the allowed encroachment of the eaves and gutters at pavilion, and to reduce building separation from 5' to 0' with the allowed encroachment of the eaves and gutters  
PURPOSE: To keep existing metal carport and frame pavilion  
NEIGHBORHOOD: North East MacFarlene

Mr. Malphus, contractor for the property owner, showed a picture of the house. He explained how the property owners built the addition in the rear without permits. The total square footage of the accessory structures exceeded the 750 square feet allowable under Code.

Ms. Danielewicz-Bryson discussed the issue of tree removal without permits.

Mr. Godinez discussed the tree removal.

Mr. Bradford asked for the hardship criteria.

Mrs. Godinez stated it was located there because the site is a duplex and just wanted it on that side for privacy.

Mr. O'Kelley moved to approve the building separation and the east side yard from 7 to 2' 4.5" with the pavilion remaining open, with Mr. LaBour seconding the motion. The motion was withdrawn.

Mr. O'Kelley moved to approve the east side yard from 7' to 2' 4.5" and the building separation 5' to 0' with the condition that the pavilion never be enclosed. Mr. LaBour seconded the motion and the motion passed 6-1, with Mr. Bradford voting nay.

Mr. O'Kelley moved to deny the request for the metal carport building separation from 5' to 0', with Mr. LaBour seconding the motion. The motion passed 7-0.

Mr. O'Kelley moved to approve the rear yard setback reduction from 15' to 5' 4.25", seconded by Mr. LaBour, for the concrete garage structure. The motion passed 7-0.

PETITION:	VRB08-84
PETITIONER:	Garry L. Adams
AGENT:	Timothy E. Roney
LOCATION:	4310 S. Hale Avenue
REQUEST:	To reduce the south side yard setback from 7' to 3.5', with the allowed encroachment of the eaves and gutters
PURPOSE:	To construct a carport addition
NEIGHBORHOOD:	Fair Oaks / Manhattan Manor

Mr. Roney presented his clients case. He explained the carport request and how it is replacing a one car carport. The carport will remain open.

Ms. Danielewicz-Bryson indicated that the tree was a maple tree. She testified that one of the existing trees is in bad shape.

Public hearing closed.

Mr. LaBour moved to approve the request with the condition that the carport never be enclosed. The motion was seconded by Ms. Higgins. The motion passed 7-0.

## **VI. OLD BUSINESS: Continuances and Missed Notices**

### **A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES**

### **B. GENERAL VARIANCES**

## **VII. BOARD ORGANIZATIONAL MATTERS**

Discussion ensued regarding the documentation presented to the Board when the information is voluminous.

Melanie Higgins submitted her resignation.

