

**CITY OF TAMPA, FLORIDA
VARIANCE REVIEW BOARD
PUBLIC HEARING**

MEETING DATE: October 9, 2007
MEETING TIME: 6:30 PM
LOCATION: 315 East Kennedy Boulevard, 3 rd Floor, City Council Chambers

FINAL AGENDA

(as of October 8, 2007)

I. SILENT ROLL CALL

Randy O'Kelley, Vice-Chair; Antonio Amadeo; Steve LaBour; Randy Baron; James Catalano

Staff present: Samantha Fenger, Eric Cotton, Roger Kirk, Bruce Lucas, John McKirchy

II. APPROVAL OF MINUTES FOR September 11, 2007

Mr. LaBour moved to approve the minutes as amended and was seconded by Mr. Baron. The motion passed 5-0.

III. OLD BUSINESS: Cases Continued by the Board/Staff

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

PETITION: VRB07-58
PETITIONER: Bricklemyer Smolker & Bolves, PA
LOCATION: 1905 West Cass Street
REQUEST: To reduce the required parking spaces from 9 to 0
PURPOSE: To bring the site into commercial conformance
NEIGHBORHOOD: North Hyde Park Civic Association

Biff Craine, representing the petitioner, explained the case. He explained the history of the request and why it was denied by staff. Mr. Craine reviewed numerous pictures, explaining the site, the age of the building and the surrounding properties.

Mr. Craine reviewed the hardship criteria and explained, why, in his opinion, the site met the hardship criteria. Mr. Craine admitted that the proposed parking off the alley did not meet the minimum standards for the technical standards for the parking.

Roger Kirk, Transportation Division, stated that the petitioner shall provide an ADA parking stall, if this approved. No on street parking is allowed and can not be delineated.

Mr. Craine indicated that the handicapped space could be provided without a problem.

Bob Kelly, property owner, stated that he expected there to be four or more employees.

Board discussion regarding the use of the parking in the rear.

Mr. Amadeo moved to approve the request for the reduction in parking from 9 to 4. Mr. Amadeo withdrew his motion. Mr. Catalano withdrew his second.

Mr. Amadeo moved to continue and was seconded by Mr. Baron. The motion passed 5-0. The hearing will be on November 13, 2007. The petitioner was instructed to work with City staff to create a workable site plan and solution.

C. GENERAL VARIANCES

PETITION: VRB07-47
PETITIONER: Peggy and Ronald Gebler
LOCATION: 10921 North Annette Avenue
REQUEST: To reduce the side yard setback from 3' to .5' and the building separation from 5' to .5
PURPOSE: To keep an existing carport and privacy fence
NEIGHBORHOOD: North Tampa Community

Mr. Gebler presented his case and reviewed the history of the hearings.

Mr. Amadeo moved to approve the request and was seconded by Mr. LaBour. The motion passed 4-1 with Mr. O'Kelley voting nay.

IV. OLD BUSINESS: Continuances and Missed Notices

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

C. GENERAL VARIANCES

PETITION: VRB07-79
PETITIONER: Virginia Bentley
LOCATION: 8403 North Dexter Avenue
REQUEST: To reduce the side yard setback from 3' to 0.5', with the allowed encroachment of the eaves and gutters
PURPOSE: To keep an existing addition and to grandfather in the existing setback on the accessory structure
NEIGHBORHOOD: Lowry Park Central

This case was improperly noticed. The petitioner will be sending out notice for the December 11, 2007, public hearing.

PETITION: VRB07-81
PETITIONER: Todd Scime
LOCATION: 5713 Bayshore Boulevard
REQUEST: To retain the 39' height of an existing structure
PURPOSE: To keep an existing single family residence
NEIGHBORHOOD: Ballast Point

Mr. Scime presented his case, including a video of the property, explaining the height issue.

Gerald Koran (adjacent property owner) objected to the request.

Warren Kolhower objected to the request.

Sally Flynn, president of Ballast Point, stated that the Board objected to the request.

Nancy Turner (owner of three lots behind site) objected to the request and stated that she received a letter dated December 2006 asking for the additional height.

Mr. Scime on rebuttal understands the concern of the neighbors, but stated that there was no malice on the part of the developer.

Mr. Amadeo did not believe that the petitioner met the hardship criteria.

Mr. Catalano and Mr. LaBour argued in favor of the request.

Mr. Catalano moved to approve the request and was seconded by Mr. LaBour. The motion failed 2-3, with Mr. O'Kelley, Mr. Amadeo and Mr. Baron voting nay.

Mr. Amadeo moved to deny and was seconded by Mr. Baron. The motion passed 3-2, with Mr. Catalano and Mr. LaBour voting nay. The motioned passed.

PETITION:	VRB07-82
PETITIONER:	Scime for Permits
LOCATION:	5707 Bayshore Boulevard
REQUEST:	To retain the 39' height of an existing structure
PURPOSE:	To keep an existing single family residence
NEIGHBORHOOD:	Ballast Point

Mr. Scime presented his case, including a video of the property, explaining the height issue.

Daniel Botbol, property developer, stated that mistakes were made. There is no easy solution to an honest mistake. Showed pictures of the site.

Juan Ricardez everyone knows it is a flood zone area. They should have planned better.

Sally Flynn, president of Ballast Point, stated that the Board objected to the request.

Nancy Turner (owner of three lots behind site) objected to the request and stated that she received a letter dated December 2006 asking for the additional height.

Mr. Scime on rebuttal, again stated that there was no malicious intent.

Mr. Amadeo reviewed the hardship criteria.

Mr. LaBour reviewed the change to the requirements of the hardship criteria that only one needs to be met. He argued that there was no substantial and competent evidence given by the opposition.

Mr. Baron felt that the builder should not have made a mistake.

Mr. Catalano moved to approve the request and was seconded by Mr. LaBour. The motion failed 2-3, with Mr. O'Kelley, Mr. Amadeo and Mr. Baron voting nay.

Mr. Baron moved to deny and was seconded by Mr. Amadeo, with amendment that the request has not met 2, 3, 4 and 5 of the hardship criteria. The motion passed 3-2, with Mr. Catalano and Mr. LaBour voting nay. The motioned passed.

V. NEW BUSINESS

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

PETITION: VRB07-89
PETITIONER: Tracy McMenimon and Marcos Ramos
LOCATION: 3901 West Palmira Avenue
REQUEST: To reduce the rear yard setback from 12' to 7' and the corner yard setback from 15' to 6', with the allowed encroachment of the eaves and gutters; and to reduce the protective radius from a grand tree from 20' to 7' or to remove the tree
PURPOSE: To construct a new single family residence
NEIGHBORHOOD: Palma Ceia/Virginia Park

Ms. McMenimon explained the request, that the house was built in 1950 and would like to demolish the house and build new. She explained the issues with flooding and the noise from Church Street. She discussed the hardship issues, starting with grand tree and the drainage ditch.

Bruce Lucas, Parks and Recreation, objected to the encroachment of the building within the tree. In response to questions, Mr. Lucas stated that the requirement even with pier and lentil would be 15' from the base of the tree.

Mr. Catalano did not see any attempts to meet the constraints of the lot.

Mr. LaBour moved to deny and was seconded by Mr. Baron. The motion passed 4-1, with Mr. Amadeo voting nay.

C. GENERAL VARIANCES

PETITION: VRB07-88
PETITIONER: Joel and Shannon Cantor
LOCATION: 132 West Davis Boulevard
REQUEST: To reduce the rear yard setback from 20' to 10', with the allowed encroachment of the eaves and gutters
PURPOSE: To remove the existing garage and construct a new garage with an accessory space above
NEIGHBORHOOD: Davis Islands Civic Association

Mr. Amadeo moved to approve the request and was seconded by Mr. Catalano. The motion passed 5-0.

PETITION: VRB07-90
PETITIONER: Miguel Morales
LOCATION: 6813 North 14th Street
REQUEST: To reduce the rear yard setback from 20' to 3', with the allowed encroachment of the eaves and gutters
PURPOSE: To keep an unpermitted addition
NEIGHBORHOOD: Old Seminole Heights

Mr. Amadeo moved to approve the request and was seconded by Mr. LaBour. The motion passed 5-0.

PETITION: VRB07-91
PETITIONER: Alexander Halikoytakis
LOCATION: 216 Columbia Drive
REQUEST: To reduce the front yard setback from 25' to 5', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a front porch
NEIGHBORHOOD: Davis Islands Civic Association

Mr. Amadeo moved to continue the petition and the motion died. Mr. Baron moved to deny and Mr. LaBour seconded. The motion passed 4-1, with Mr. Amadeo voting nay.

PETITION: VRB07-92
PETITIONER: William J Socher
AGENT: John D. Ehas
LOCATION: 3117 West Kensington Avenue
REQUEST: To reduce the rear yard setback from 20' to 3.5', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a detached garage
NEIGHBORHOOD: Bayshore Beautiful

Mr. LaBour moved to deny the request and Mr. Baron seconded. The motion passed 4-1. Mr. O'Kelley voted nay.

PETITION: VRB07-93
PETITIONER: Annie R Egolf
AGENT: Robert Byrd
LOCATION: 324 Columbia Avenue
REQUEST: To reduce the north side yard setback from 7' to 4.5', the rear yard setback from 20' to 9' and the front yard 25' to 20.33'
PURPOSE: To extend an existing front porch and vest existing building
NEIGHBORHOOD: Davis Islands Civic Association

Mr. Catalano moved to approve the request and Mr. LaBour seconded. The motion passed 5-0.

PETITION: VRB07-94
PETITIONER: CIG Real Estate
AGENT: URS Corporation
LOCATION: 700 North Dale Mabry Highway
REQUEST: To reduce the corner yard setback from 10' to 5', and increase the allowed encroachment of the eaves and gutters from 3' to 5'
PURPOSE: To expand the principal structure and associated overhang to accommodate coverage for an ADA accessible ramp
NEIGHBORHOOD: North Bon Air/Oakford Park

James Bradley explained the request, indicating that the ADA ramp had to be accommodated.

Mr. LaBour asked for clarification as to why the variance was needed.

Mr. LaBour moved to continue with the request that a site plan showing the location of the existing setback, the proposed addition and the location of the ADA ramp. The motion was seconded by Mr. Catalano. The motion carried 5-0.

PETITION: VRB07-95
PETITIONER: Kenneth Johnson
AGENT: Anthony Galarza
LOCATION: 3516 West Rogers Avenue
REQUEST: To reduce the rear yard setback from 20' to 15.1', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a single family home
NEIGHBORHOOD: Gandy/Sunbay South Civic Association

Mr. LaBour moved to approve the request and Mr. Baron seconded. The motion passed 4-1, with Mr. Amadeo voting nay.

PETITION: VRB07-97
PETITIONER: Craig and Vicki Linn
LOCATION: 2929 West Lawn Avenue
REQUEST: To reduce the rear yard setback from 20' to 5', with the allowed encroachment of the eaves and gutters
PURPOSE: To reconstruct and rehab the roof of an existing porch
NEIGHBORHOOD: Bayshore Beautiful

Mr. Michelini explained the request and showed pictures of the existing deck and how it was going to be constructed.

Mr. Amadeo moved to approve the request with the condition the porch never be enclosed and the gutters be limited to 6" and was seconded by Mr. LaBour. The motion passed 4-1, with Mr. Catalano voting nay.

PETITION: VRB07-98
PETITIONER: Stephen and Rena Jacobson
AGENT: Stephen Michelini
LOCATION: 4202 Sylvan Ramble Street
REQUEST: To reduce the corner yard setback from 15' to 4', with the allowed encroachment of the eaves and gutters
PURPOSE: To allow for the installation of an emergency generator
NEIGHBORHOOD: Beach Park

Mr. Michelini explained the request and how the site was permitted by the City.

Mr. Amadeo moved to approve the request and was seconded by Mr. LaBour. The motion passed 4-1, with Mr. Catalano voting nay.