

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

MEETING DATE: October 10, 2006 MEETING TIME: 6:30 PM LOCATION: 315 East Kennedy Boulevard, 3 rd Floor, City Council Chambers
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MEETING MINUTES

I. SILENT ROLL CALL

Eric Rahenkamp, John Weiss, Ana Wallrapp, Randy O’Kelley and Tom Cheshire, Steve LaBour, Seth Nelson were in attendance. Note: Rahenkamp served as Chair.
Barbara Lepore, of LDC, Roger Kirk of the Transportation Department, Dave Reilly of Parks and Recreation Department, Donna Wysong of the Legal Department were in attendance.

II. APPROVAL OF MINUTES FOR September 12, 2006

III. ADMINISTRATIVE INFORMATION

Wysong explain the hardship criteria and handed out the memorandum regarding the hardship criteria. The workshop has been scheduled by council on Oct.25, 06. She also reminded the Board of the requirement to state in the decision which criteria petitioner didn’t meet if the request is denied.

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

A. ADMINISTRATIVE APPEALS

PETITION:	PETITIONER:	Scott Smith
VRB06-74	LOCATION:	2821 and 2823 West Thornton Avenue
Approved 5-2	REQUEST:	To reduce the front yard setback from 20’ to 15.0’, with the allowed encroachments of the eaves and gutters.
	PURPOSE:	To build two houses.

Wysong informed the Board of the recommendation from the City Council stated during the appeal on September, 07, 2006.

Gina Grimes; the agent for the petitioners handed out the presentation materials. She reminded the Board of the case facts. Motion by Council was read, page 121 of the material. She pointed out to the Board substantial evidences. Said the structures didn’t gain any square footage. Only the setbacks were changed. Survey was presented and compared with the proposed site plan, it evident that is an honest mistake made.

Rahenkamp asked Wysong for an explanation of the Council recommendation. He wanted to check the hardship criteria.

Agent representative for the petitioners evaluated the previous hearing. Representative noticed that the Board doesn't want to set precedence. House had several inspections. Rahenkamp wanted to get an explanation on what basis this case should be evaluated. Wallrapp stated it was a builder's mistakes and question if it was honest mistakes? Nelson and LaBour stated they were familiar with the case, they have watched it televised. Nelson: Will you allow an honest mistake (asked the agent)? Agent: thinks the hardship criteria were met. Thinks the city Council felt this same way. Wysong stated that the new evidence will not be admitted during the hearing. Nelson wanted to clarify if this is this same petition on two variances? LaBour wanted to find when the mistakes were picked up. The builder explained it was discovered during the final survey. Rahenkamp went over the site plan-5' sidewalk, 16' to the edge of the asphalt. Weiss pointed out the location of the tree, thinks the location of the tree creates a hardship. LaBour, the difference between required side yard setback and the required front setback – you will not be able to see with the naked eye. They didn't gain any additional square footage. Every case is its own, support the request. Nelson felt that the petitioner is honest. Weiss went over the required side and front yard setbacks for the RS-50 zoning district. The rear yard setbacks are far more than required. Agent – the survey presented is “as built”. Cheshire stated it is self imposed hardship. Wallrapp It was missed by 7'. O'Kelly wanted to go over the Council recommendation. Stated there were no gains. LaBour: It wasn't self imposed. It was an accident. Wysong Technically self-imposed hardship criteria isn't in the code. Nelson moved to approved. Weiss seconded. Approved 5-2; Wallrapp and Cheshire voted nay.

B. CONTINUANCES AND MISSED NOTICES

PETITION:	PETITIONER: Deborah Arkin
VRB06-98	LOCATION: 7506 N Ola Ave
Partially approved	REQUEST: To increase building height from 35' to 54', to 7-0 reduce the front yard setback from 100'5" to 88'5" with the allowed encroachments of the eaves and gutters, and to remove the laurel oak tree.
	PURPOSE: To build a family residence.

Petitioner explained the request. In 2004 the neighbor had a flood. She would like to build an elevated house. The FEMA requirement is to be 18" above the ground level. She presented the picture of the neighbor's house. Rahenkamp finish floor elevation 14.59' house will be elevated 4' above grade. Staff presented the letter from neighborhood association supporting the request. LaBour read the letter form Seminole Heights Association. Weiss wanted to compare the building heights of other houses in the area. Also questioned the front yard setback averaging. LaBour asked Mr. Arkin the husband of the petitioner for an explanation of the submitted pictures. Nelson: The tree. Improper pruning cuts. Please explain. Petitioner: It was done previously. They bought the probably four years ago.

O'Kelly checked with the staff if notice was proper, reflecting the petitioner request. He would like to find out more information about the location of the tree.

Reily showed the picture of the tree, had no objection.

Wallrapp went over the letters of support.

LaBour petitioner could meet the required height without the variance.

Rahenkamp 1st floor is a garage. It will be 6'8" height.

LaBour Only evidence it is the petitioner wants to have a great view. It isn't a hardship.

Wallrapp It is high.

Weiss- What about the tree and setback averaging?

Reily The tree isn't hazardous. However the tree isn't the greatest, will not permit to remove.

Reily; the tree isn't dead. At this time would like to tree replacement.

Weiss moved to approve –setbacks and to remove three with the replacement 1" for 1",

Rahenkamp seconded. Motion approved 7-0.

Weiss moved to deny building height request from 35 ' to 54', Rahenkamp seconded. Motion passed 7-0. None of 5 hardship criteria has been met.

PETITION:	PETITIONER: Edelmiro Mendez
VRB06-110	LOCATION: 701 E Hollywood St
Continued by Board	REQUEST: To reduce the rear yard setback from 20' to 13' with the allowed encroachments of the eaves and gutters
	PURPOSE: To create a buildable lot.

Petitioner did not show up.

Wysong suggested the petitioner should present the request.

LaBour moved to continue in December meeting. Renkamp seconded. Motion passed 6-1.

Cheshire voted nay.

Suggestion from Nelson; start the meeting with the – roll call.

V. NEW BUSINESS

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

PETITION:	PETITIONER: Chris Bilar
VRB06- 102	LOCATION: 4509 N. Nebraska Ave
Continue by Board	REQUEST: To reduce the front yard setback from 10' to 4'.
	PURPOSE: To construct the new sign

Petitioner presented the request. If variance be granted, the sign will be better visible from the street.

Weiss wanted to find more information about the sign.

There was nobody from the CSC to state any objections.

Tom Moore member of the Seminole Heights Association is against this request. There are too many signs on Nebraska Ave.

Beverly Morrow from the neighborhood association wants to make sure that the sign ordinance will be enforced. There is enough room on the wall to place the sign.

LaBour would like to find more about the sign code. He requested that the representative from the CSC will be present during the hearings when the Board has to review the signage requirements.

Petitioner wouldn't like to post the sign on the wall.

What kind of sign is permitted in this area?

Wallrapp moved motion to continue, Nelson seconded.
The Board voted to continue the hearing in November. The motion passed 7-0

C. GENERAL VARIANCES

PETITION: PETITIONER: John McFadden
VRB06-114 LOCATION: 3612 S Gunlock Ave
 REQUEST: To reduce the rear yard setback from 25' to 7'.
 PURPOSE: To build a swimming pool.

The petitioner missed noticed and would like to present the request on November 14, 2006 public hearing.

Wallrapp moved to deny the request for public hearing in November. The Board voted to schedule the public hearing in December. Motion passed 7-0

PETITION: PETITIONER: Ronald and Donna Mayo
VRB06-116 LOCATION: 2016 Gordon St
Approved 7-0 REQUEST: To reduce the front yard setback from 25' to 20', with the allowed encroachment of the eaves and gutters
 PURPOSE: To keep residential addition.

The petitioners presented the request showing the survey and pictures on the ELMO. The addition had been built without the required building permits. They would like to make it "legal".

Renkamp approved letters to be admitted for the record.

Kirk stated his comments regarding the driveway to the west and on site parking space. Petitioner should construct driveway apron as required by the Transportation Department.

Sandy Royal the neighbor was in favor of the request. Stated the property looks much better then is was when her family owned it a few years ago.

Ms. Campbell and Keith Campbell the neighbors also were in support of the petitioners. The petitioners definitely improved the property visual look. She also presented pictures of the houses in the surrounding area.

Petitioner stated nobody in the neighborhood has a driveway.

Wallrapp It is self imposed hardship, sees the hardship, moved to approve. Nelson seconded.
Motion passed 7-0

PETITION: PETITIONER: Jorge E and Jeanette Reyes
VRB06-117 LOCATION: 3412 W Spruce St
Approved 7-0 REQUEST: To reduce the rear yard setback from 20' to 17' and the side yard from 7' to 6'8" with the allowed encroachment of the eaves and gutters
 PURPOSE: To build a residential addition.

Agent along with the petitioner presented the request. It is already built addition, built without building permits.

It is a narrow lot.

The Board found the hardship, an honest mistake. LaBour moved to approve. Wallrapp seconded.
The motion passed 6-1, Renkamp voted nay.

PETITION: PETITIONER: Alberto Rosado
VRB06-118 LOCATION: 2010 E Idlewild Ave
Missed notice REQUEST: To reduce the side yard setback from 7' to 2.2'
with the allowed encroachment of the eaves
and gutters.
PURPOSE: To keep an existing carport.

The Board scheduled the public hearing in December.

PETITION: PETITIONER: Tammy Allen
VRB06-119 LOCATION: 10008 N 21St
Approved 7-0 REQUEST: To reduce the front yard setback from 20' to
16', with the allowed encroachment of the
eaves and gutters
PURPOSE: To construct a residential addition

Agent presented the case. Informed Board of the previous request; case VRB06-44. This request was denied. During the presentation agent explain the difference in the design between this one and previous request. At this time the site was re-design. The tree will be safe and will not be requiring any removal. The petitioner implemented the Board's suggestions into the recent site design.

Reilly will support the new site plan. The tree will stay.

Weiss noticed that the petitioner met the hardship criteria and moved to approve the request.

LaBour seconded. The motion passed 7-0.

PETITION: PETITIONER: Shawn Mercado
VRB06-120 LOCATION: 3311 W Vasconia St.
Denied 7-0 REQUEST: To reduce the rear yard setback from 20' to 3'
with the allowed encroachment of the eaves
and gutters.
PURPOSE: To build two story accessory structure.

Petitioner presented the request, presented pictures of the existing houses in area. The building has not been built yet. He submitted letters of support for the record. Stated he has a business and with his wife has an antique store, they need a storage space. The proposed two story garage of 1,150 square feet is necessary for the business and his truck to be stored in.

LaBour wanted to find out form the petitioner what he has on the north and east sides on the lot. Petitioner stated there are no structures on either side. Said his address is assign from Vasconia Street. Nearby there is an elementary school. He can not park his vehicle on the grass due to the high volume of the school traffic and cars being parked on the grass in front of his property.

Weiss, Wallrapp and Nelson found no hardship.

Nelson moved to deny. Cheshire seconded. Request was denied 7-0.

PETITION: PETITIONER: New Millennial Homes
VRB06-121 LOCATION: 1404 E Cayuga St
Continued by Board REQUEST: To reduce the side yard setback from 3' to 0.8'
with the allowed encroachment of the eaves and
gutters.
PURPOSE: To create a buildable lot

Agent presented the request. He would like to create a buildable lot #19. On the lot # 20 there is an existing accessory structure built in 1920's. The owner considers moving this old structure, but it is so old that it probably will get damaged during the relocation. The garage wasn't built to the code requirement.

O'Kelly examined the survey.

Nelson suggested the lot reconfiguration.

Wallrapp suggested to reconfigure the lot, would like to continue.

LaBour would like to see a better survey of the lot #20.

The Board requested better survey of lot # 20 where the garage has been located; requested to continue in December.

Public hearing was re-opened.

Tom representing the neighborhood association suggested that the petitioner should rezone the property and should ask for a PD-Planned Development Zoning.

Beverly Morrow representing the Neighborhood Association was against the request, would like to find more about the existing tree on the property.

Nelson stated the request is for lot # 20, not lot #19.

Wallrapp moved to continue and Nelson seconded. The request was scheduled to continue in December 2006.

The motion was carry 5-2.

PETITION:	PETITIONER:	Richard John and Kalyn K Brandewie
VRB06-122	LOCATION:	3309 W Lykes Ave
Approved 7-0	REQUEST:	To increase garage height from 15' to 18.5'.
	PURPOSE:	To build a new garage.

Agent represented the request. The owners would like to expand the existing garage. Structure was built in 1927. The garage is too small and it is only for one car. The petitioners have a verbal approval from the neighbors.

Renkamp requested information regarding the dimensions of the new garage.

LaBour is there storage in the existing garage?

Kirk stated his comments-driveway apron, 18' driveway, and added all transportation requirements can be taken care during the permitting process. Has no objection.

Reilly stated that all Parks objection can be taken care during the permitting.

Wallrapp moved to approve, LaBour seconded. Motion passed 7-0.

PETITION:	PETITIONER:	Linda Pearson, AICP, Diaz Pearson
VRB06-124	LOCATION:	1502 E Fowler Ave
Approved 4-3	REQUEST:	To reduce parking space requirements from 90 to 56.
	PURPOSE:	To use an existing structure as a medical clinic.

Linda Pearson presented the facts of the case. She presented pictures of the site and surrounded area on the ELMO. The site is surrounded by two major roadways. Tampa Community Health Center is the purchaser of this property. It is an abounded the Rooms to Go site located within easy access to the bus stop. The site is vacant at this time. The proposed use is a medical office, medical facility which by the code requires 7 parking spaces per 1000 SF GFA. She wanted to clarify the status the request. It will be medical office and not a medical clinic. There will be 4,500 SF of the administrative office space (15 employees), and 10,500 SF of the medical space. She thinks they should only ask for variance of 10 parking spaces only. Base on the proposed use the site will have to have 90 parking spaces. There are 56 existing parking spaces. The agent representative explained that the patients of this facility in general will be homeless people, single mothers with no transportation. She assumed they will be using public transportation system, or

they will drop off by friends etc. At this time there is a pending contract to buy this site by TCHC. The contract is base on the contingent of this variance. The Florida State granted the monetary funds in support this in-coming facility. There is no opposition from the neighbors.

Kirk stated the petitioner have not presented the transportations study during the peek hours.

Noticed if approved it can be a cause for public safety (Fowler is a collector street). There is a school in the area; he proposed to continue the request.

LaBour and Weiss will not support the request due to the safety issue, and proposed to continue the case.

Petitioner – rep. from TCHC stated that his clients are below the poverty income and declined to continue the variance stated the final decision should be made this evening.

Ms. Pearson stated there are no public safety issues. There are buss stops near by. She wanted to treat this request as a “specialty office”. There will be 15 employees. No room for any new patients.

LaBour suggested maybe there are other sites that petitioner can adapted for its needs. He can not support this request.

Nelson and Cheshire will support the required variance due to the facts and the function that this facility will be in support to the homeless population.

Nelson moved motion to approve and Wallrapp seconded. The motion passed 4-3 with LaBour, Weiss and Renkamp and voted nay.

PETITION:	PETITIONER:	Kathryn Solomon-Holland
VRB06-125	LOCATION:	5803 S Elkins Ave
Approved 6-1	REQUEST:	To reduce the side yard setback from 7’ to 3.7’ with the allowed encroachment of the eaves and gutters.
	PURPOSE:	To create a buildable lot.

Petitioner presented facts of the request. They recently purchased property at 5805 S Elkins. She is the owner of a large lot. Would like to split it and create the buildable lot.

During the discussion the Board found the hardship.

Wallrapp moved motion to approve, Weiss seconded.

The motion passed 6-1 with Nelson voting nay.

VI. ADJOURNMENT