



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

**MINUTES**

**MEETING DATE: October 14, 2008**

**MEETING TIME: 6:30 PM**

**I. ROLL CALL**

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

Staff Present: Towanda Anthony (LDC), Eric Cotton (LDC), Ernie Mueller (Legal), Mary Danielewicz-Bryson (LDC), Roger Kirk (Transportation)

**II. APPROVAL OF MINUTES FOR September 9, 2008**

Mr. Baron moved to approve the minutes with corrections (VRB08-91) and the motion passed 6-0.

**III. ADMINISTRATIVE DETERMINATION FOR "Substantially Different Request"**

PETITION: VRB08-36  
PETITIONER: Carlos Amaya  
AGENT: Not Applicable  
LOCATION: 3617 West Carmen Street  
REQUEST: "Substantially Different Request" determination  
PURPOSE: To retain an existing accessory structure  
NEIGHBORHOOD: Oakford Park

*The Board shall hear a summary of any new evidence or of any other factors which may indicate that the application for rehearing constitutes a substantially different request. No testimony in opposition will be heard at this time.*

Carlos Amaya turned the case over to a family member for translation, Rolando Amaya.

Mr. Amadeo explained that for tonight the petitioner needed to show what was different between this plan and what was denied in April.

Staff explained what was originally asked for in April and what was denied by the VRB.

Mr. Amaya (translator) explained the difference, showing that the setback had been increased and that the building separation was no longer needed.

The public hearing was closed and the Board entered into discussion.

Mr. Baron moved to continue the case to November 18 and was seconded by Mr. Bradford with instructions to bring in a site plan or survey. The motion passed 6-0.

**IV. OLD BUSINESS: Cases Continued/ Mis-Notice**

PETITION:	VRB08-92 <b>(Withdrawal)</b>
PETITIONER:	Anthony Galarza
AGENT:	Not Applicable
LOCATION:	9310 N Edison Avenue
REQUEST:	To reduce the front yard setback from 20' to 15', with the allowed encroachment of the eaves and gutters
PURPOSE:	To construct a new single family residential residence
NEIGHBORHOOD:	Forest Hills Community Association
PETITION:	VRB08-93 <b>(Continuance)</b>
PETITIONER:	Adam LaFaye
AGENT:	Not Applicable
LOCATION:	4311 W South Avenue
REQUEST:	To reduce the front yard setback from 10' to 6.1', to reduce the corner yard setback from 10' to 2.2' with the allowed encroachment of the eaves and gutters and to reduce parking requirement from 6 spaces to 5 spaces
PURPOSE:	To retain existing buildings
NEIGHBORHOOD:	Drew Park Advisory Committee
	<i>The board requested a continuance to the October 14, 2008, public hearing date.</i>

Mr. Bradford stepped away.

Mr. LaFaye presented the revised site plans, showing the parking layout in addition to the building locations.

Public hearing was closed.

Mr. Baron questioned the layout and if space 3 was functional.

Mr. Baron moved to approve and was seconded by Ms. Utter. The motion passed 5-0.

Mr. LaBour arrived and Mr. Bradford took his seat.

**V. NEW BUSINESS**

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

B. GENERAL VARIANCES

PETITION: VRB08- 95  
PETITIONER: William R. Alford  
AGENT: Not Applicable  
LOCATION: 3308 W. Kennedy Boulevard  
REQUEST: To reduce the rear yard setback from 10 to 4.67', with the allowed encroachment of the eaves and gutters to reduce buffer from 15' to 4.67'.  
PURPOSE: To install a refrigeration unit to accommodate existing restaurant  
NEIGHBORHOOD:

Mr. Alford explained the request and showed pictures of the building and surrounding properties and trees.

Mary Bryson showed a redlined site plan and the distance from the existing slab to the tree, which is 11', not 12' as shown on the site plan. She indicated that for the health of the tree, the slab not be expanded.

Mr. Alford agreed to staff's recommendation and keep the unit at 12' from the tree.

The public hearing was closed.

Mr. LaBour and Mr. Bradford questioned the hardship and if it was met.

Mr. O'Kelley moved to deny the request based on the lack of hardship through substantial and competent evidence and was seconded by Mr. Bradford. The motion passed 4-3, with Mr. LaBour, Mr. Baron and Mr. Amadeo voting against the motion.

PETITION: VRB08-96  
PETITIONER: John DeCaro  
AGENT: Not Applicable  
LOCATION: 6101 S. Elkins Avenue  
REQUEST: South side yard setback from 5' to 3' for the pool and the side and rear yard from 5' to 2' for a pool enclosure.  
PURPOSE: To install an in-ground pool and cage  
NEIGHBORHOOD: Ballast Point

Matt Campo represented the petitioner and explained the site plan.

The public hearing was closed.

Mr. O'Kelley moved to deny based on the lack of substantial and competent evidence and that the site was over developed, and was seconded by Ms. Lyon. The motion failed 3-4, with Mr. Barron, Ms. Utter, Mr. Amadeo and Mr. Bradford voting nay.

Mr. Baron moved to approve and was seconded by Ms. Utter and the motion passed 4-3, with Mr. LaBour, Mr. O'Kelley and Ms. Lyon voting nay.

PETITION: VRB08-97  
PETITIONER: Rafael E. & Becky M. Fernandez  
AGENT: Not Applicable  
LOCATION: 1111 Culbreath Isles Drive  
REQUEST: To reduce the east side yard setback from 7' to 5', with the allowed encroachment of the eaves and gutters.  
PURPOSE: To construct a two car garage  
NEIGHBORHOOD: Culbreath Isles P.O.A. Inc / Culbreath Isles HOA

Mr. Fernandez explained the request and the impact of the deed restrictions on the property with the design of the structure. He showed pictures of the properties adjacent being less than 7', closer to 5'.

Roger Kirk, Transportation, had issues with the driveway layout.

Phil Foster explained that the driveway was 10' wide.

The public hearing was closed.

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

PETITION: VRB08-98  
PETITIONER: Cameron Mitchell  
AGENT: Todd Pressman  
LOCATION: 2205 N. Westshore Boulevard  
REQUEST: To increase signage from 0 sf to 166.83 sf, to increase signage from 0 sf to 10.51 sf, to allow signage where there is no street frontage  
PURPOSE: To construct new commercial development  
NEIGHBORHOOD: Carver City / Lincoln Gardens  
*Per the Zoning Administrator's review of provisions, this case has been removed from the agenda.*

PETITION: VRB08-99  
PETITIONER: Paul Salmon  
AGENT: Todd Scime  
LOCATION: 9617 ½ North Oklawaha Avenue  
REQUEST: To reduce the rear yard setback from 20' to 10', with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct residential addition  
NEIGHBORHOOD: Terrace Park Civic Association

Todd Scime, representing the property owner, explained the request and showed pictures. Mr. Scime stated that a contractor had done work without a permit.

Mr. Salmon asked for approval of the request.

The public hearing was closed.

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

PETITION: VRB08-100  
PETITIONER: Jorge Ramirez  
AGENT: Not Applicable  
LOCATION: 1215 E. New Orleans Avenue  
REQUEST: To reduce the rear yard setback from 20' to 6', to reduce the east side yard setback from 7' to 0' with the allowed encroachment of the eaves and gutters  
PURPOSE: To construct residential addition  
NEIGHBORHOOD: Southeast Seminole Heights

Ivan Valenzuela explained the variance request.

Susan Long, representing the neighborhood association, stated their concerns by reading a letter into the record.

Christine Hess, representing the land use committee, read a letter into the record from Stan Lassiter.

Nancy Acosta and Ames Meyer objected to the request and testified that the structure in question did not exist and showed pictures of the addition.

The public hearing was closed.

Mr. Bradford moved to deny the request and was seconded by Mr. Baron. The motion passed 7-0.

PETITION: VRB08-101  
PETITIONER: Nancy Lee Huerta  
AGENT: Not Applicable  
LOCATION: 2904 W. Lake Avenue  
REQUEST: To reduce the rear yard setback from 5' to 0', to reduce the east side yard setback from 5' to 0' with the allowed encroachment of the eaves and gutters  
PURPOSE: To allow for a pool screening  
NEIGHBORHOOD: Stadium Area

Michael Sierra, representing the property owner, gave a brief history of the property owner. Mr. Sierra showed pictures of the property and existing pool cage. He argued that the existing tree canopy is causing the partial hardship.

The public hearing was closed.

Mr. Baron moved to approve the request and was seconded by Mr. Bradford. The motion passed 6-1, with Mr. LaBour voting nay.

PETITION: VRB08-102  
PETITIONER: Dariel Diaz  
AGENT: Not Applicable  
LOCATION: 1901 W. Skagway Avenue  
REQUEST: To reduce front yard setback from 20' to 16.9' with the allowed encroachment of the eaves and gutters.  
PURPOSE: To retain existing front yard addition  
NEIGHBORHOOD: Lowry Park

Dariel Diaz and {wife} explained the request and the confusion over why the setback was 16.9 when the plans were approved at a greater setback.

Roger Kirk from Transportation objected to the request, citing code, but did state that it would be difficult to accomplish.

The public hearing was closed.

Mr. LaBour moved to approve the request and was seconded by Mr. Baron and passed 7-0.

PETITION: VRB08-103 **(Mis-Notice)**  
PETITIONER: Eduardo & Deolinda Tommasi  
AGENT: Not Applicable  
LOCATION: 1512 E. North Street  
REQUEST: To increase height of fence from 4' to 5'8"  
PURPOSE: To retain existing scalloped topped fence at 5'8" tallest 5' shortest  
NEIGHBORHOOD: Old Seminole Heights

PETITION: VRB08-104  
PETITIONER: Candy's Properties, Inc.  
AGENT: Frank C. Miranda, Esq.  
LOCATION: 4202 W. Cayuga Street  
REQUEST: To increase stacking height from 6' to 30' and retain chain link fence in place of the solid masonry wall  
PURPOSE: To allow open storage  
NEIGHBORHOOD: Drew Park Advisory Committee

Mr. Miranda explained the variance request and immediately discussed the letter of support from the Drew Park committee.

The stacking height was amended to be no more than 12' in height. Mr. Miranda discussed the fence issue and the need for it to be opaque for safety purposes.

The public hearing was closed.

Mr. Baron questioned the hardship criteria being met.

Mr. LaBour moved to approve the request for the chain link fence with in place of the masonry wall and was seconded by Mr. Bradford. The motion passed 6-1, with Mr. Baron voting nay.

Mr. LaBour moved to deny the request to increase the stacking height from 6' to 12' and was seconded by Mr. Baron. The motion passed 5-2, with Mr. Amadeo and Mr. O'Kelley voting nay.

## **VI. BOARD ORGANIZATIONAL MATTERS**

### 1. Proposed VRB Rules of Procedure changes - Legal

Mr. Mueller reported on the changes and went through the proposals before the Board.

Mr. Baron moved to adopt the changes to the rules of procedure and was seconded by Mr. LaBour. The motion passed 7-0.