

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

<b>MEETING DATE:</b> July 11, 2006 <b>MEETING TIME:</b> 6:30 PM <b>LOCATION:</b> 315 East Kennedy Boulevard, 3 <sup>rd</sup> Floor, City Council Chambers
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**MEETING MINUTES**

**SILENT ROLL CALL**

Eric Rahenkamp, Melanie Higgins, John Weiss, Ana Wallrapp, Randy O'Kelley and Tom Cheshire were in attendance. Note: Melanie Higgins, Vice-Chair, served as Chair for Eric Rahenkamp, pending Mr. Rahenkamp's reappointment by Mayor Iorio.

Barbara Lepore and Catherine Coyle of LDC, Donna Wysong of the Legal Department were in attendance.

**APPROVAL OF MINUTES FOR June 13, 2006**

Motion to approve minutes, with error noted by Randy O'Kelley, VRB06-52, John Weiss vote to approve. Minutes approved unanimously.

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

**ADMINISTRATIVE APPEALS**

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

**GENERAL VARIANCES**

VRB06-53	PETITIONER:	Lois P Latimer
Approved 4-2	LOCATION:	3924 West San Juan Street
	REQUEST:	To reduce the rear yard setback from 20' to 10' and the corner yard from 15' to 10.6', with the allowed encroachment of the eaves and gutters.
	PURPOSE:	To construct a residential addition
	NEIGHBORHOOD:	Virginia Park

Summary read by staff. Petitioner's agent shows site plan on ELMO with reductions in variance request. Rahenkamp asks question – what is side yard, what is corner yard setback, what is rear yard setback? Petitioner's daughter presented pictures on ELMO. Board closed hearing. O'Kelley noted h/c issue and sees it as unique and singular and motions for approval. Weiss noted similar case in previous month with h/c issue; felt not able to approve a variance based on person's condition instead of land issue; cannot support motion to approve. Wallrapp agreed with Weiss on corner yard, but does agree with motion to approve rear yard reduction. Rahenkamp agreed with Wallrapp on rear yard being reduced, but could not approve corner yard. Wallrapp motion to approve reduction of rear yard from 20' to 14' and deny request on side yard reduction. Weiss/Cheshire opposed.

Weiss motion to rescind original motion, unanimous approval. Wallrapp restates motion to approve reduction of rear yard from 20' to 14', denial of corner yard setback, and condition that the carport that meets those setbacks shall not be enclosed living/air-conditioned space for safety reasons. Weiss/Cheshire opposed.

VRB06-62 Approved 4-2	PETITIONER: LOCATION: REQUEST: PURPOSE: NEIGHBORHOOD:	Christopher Hicks 912 Frankland Road To reduce the building separation from 10' to 1' To construct a residential addition Virginia Park
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Summary read by staff. Petitioner presented testimony regarding reduction of the proposed family room addition; showed photos on ELMO; petitioner presented 3 separate site plan options to the Board (A/B/C); petitioner asks for questions of Board. Weiss engaged discussion with petitioner acknowledging that the petitioner wanted plan C. Higgins opens discussion to Board. Weiss acknowledged plan C was the best of the options, given that the rear and front yards are so large and the front yard was created at such a large distance. Weiss motion to approve reduction building separation from 10' to 1' eave to eave, given that front yard was originally created at such a large amount and no additional impact to neighboring properties. Wallrapp/Rahenkamp opposed.

VRB06-66 Approved 5-1	PETITIONER: LOCATION: REQUEST:  PURPOSE: NEIGHBORHOOD:	Terry H and Catherine E Woods 105 W Jean St To reduce the front yard setback from 20' to 7.8', with the allowed encroachment of the eaves and gutters To construct a residential addition Old Seminole Heights
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Staff presented summary. Petitioner presented new site plan on 6/27 with porch reduced in size. Motion to close. VRB open discussion; O'Kelley stated that request may be excessive; Weiss saw reduction of porch width from 32' to 20' was appropriate and motions to approve front yard reduction from 20' to 9.8' and that porch not be enclosed and remain open on three sides; Cheshire opposed.

**OLD BUSINESS: Continuances and Missed Notices**

**V. NEW BUSINESS**

**A. ADMINISTRATIVE APPEALS**

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

VRB06-91 Approved 6-0	PETITIONER: AGENT: LOCATION: REQUEST: PURPOSE: NEIGHBORHOOD:	Capstone Group, Inc. BushRoss, P.A. 1801 N Highland Ave To remove two (2) grand trees. To build an office building. Tampa Heights
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Staff gave summary. Petitioner's agent/attorney (City of Tampa is property owner); debate was about tree hazard rating (points); petitioner stated that grand trees were hazardous; 4 trees totaling 29" in replacement to be placed on site and contribution to tree trust fund per code requirements; stated improvements have to be removed to develop site therefore trees come out as well; petitioner showed elevations, parks plans, site plan on ELMO; petitioner's landscape architect/arborist testified regarding point system being slightly vague and as a 'slice in time'; intent is to place as many trees on site and not use tree trust fund. Weiss question Addendum A and petitioner's explanation. S. Graham, parks gave testimony regarding 'technical' objection due to actual code requirement however stated that replacements were 'admirable' and that

existing grand trees would most likely not survive. Rahenkamp questioned Graham about additional conditions needed, Graham stated no additional would be needed. O'Kelley questioned noting exact specimen replacements on plan or leaving it open for permitting; Graham agreed to leave it open. Motion to close. VRB open discussion. Cheshire motion to approve removal of 2 grand trees for development of office building. Unanimous approval.

### C. GENERAL VARIANCES

VRB06-69	PETITIONER:	Hannah Bartoletta
Approved	AGENT:	Molly and James
6-0	LOCATION:	18143 Longwater Run Dr
	REQUEST:	To reduce the rear yard setback from 11'6' to 10'2" with the allowed encroachment of the eaves and gutters.
	PURPOSE:	To build the pool.
	NEIGHBORHOOD:	Hunter's Green

Staff gave summary. Petitioner's agent/attorney presented case and utilized ELMO to show site plan and site photo. Motion to close hearing. Board discussion. Rahenkamp motion to approve to reduce rear setback for screen enclosure from 11'6" to 10'2". Unanimously approve.

VRB06-70	PETITIONER:	Catherine M. Tucker
Approved	LOCATION:	1011 E Mohawk Ave
6-0	REQUEST:	To reduce the side yard setback from 7' to 3.9', with the allowed encroachment of the eaves and gutters
	PURPOSE:	To create a buildable lot
	NEIGHBORHOOD:	Seminole Heights

Staff gave summary. Petitioner presented to board and used ELMO to show site plan and photos. Weiss questioned petitioner about use of neighboring property. O'Kelley questioned petitioner regarding letter from Parks Dept and location of grand tree onsite; petitioner acknowledged the builder knows about the overlay requirements and planned to follow tree code. Old Seminole Heights Board member spoke in 'strong' support of petition. Rahenkamp motion to approve reduction of side yard from 7' to 3.9' for Lot 9/10 for eastern side of existing structure. Unanimously approved.

VRB06-71	PETITIONER:	John R. Velez
Approved	LOCATION:	807 E Okaloosa Ave
6-0	REQUEST:	To reduce the side yard setback from 7' to 5' with the allowed encroachment of the eaves and gutters.
	PURPOSE:	To build residential addition.
	NEIGHBORHOOD:	Sulphur Springs

Staff gave summary. Petitioner gave testimony and used ELMO to show site plan to show variance request. Wallrapp questioned code enforcement action listed in report; work done without permits. Petitioner stated work started, but in for permits now and variance needed. Weiss questioned petitioner about true side setback distance. Weiss addressed setback change at front of structure, because house was built skewed. Weiss motion to approve side setback reduction from 7' to 5' because house was built skewed that constitutes a hardship. Unanimous approval.

VRB06-75 Approved 4-2	PETITIONER: LOCATION: REQUEST: PURPOSE: NEIGHBORHOOD:	Ignacio and Michelle Duarte 4523 W Brookwood Dr To reduce the side yard setback from 15' to 7'. To construct a pool. Culbreath Bayou
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Staff gave summary. Petitioner's agent/attorney testified that they hired an arborist to work with City's arborist and that pool shifts due to tree preservation; showed photos and site plan on ELMO; submitted 2 letters of support and 1 letter of concern; screen enclosure not requested; any fence will comply with code; decking will comply with tree code. Rahenkamp questioned the side yard whether it is 8'6" or 7'. Petitioner stated 8'6" was adequate. S. Reynolds appeared on behalf of neighbor about letter of concern regarding screen enclosure, fence, decking, oak tree location. Petitioner's agent rebuttal; stated average sized pool, not oversized; showed pictures regarding site visibility triangles and 12' separation requirements. Wallrapp questioned petitioner's pictures about visibility. Rahenkamp question the potential angling of a fence, but noted that they could not add a condition to the fence because no variance requested. Weiss questioned staff about utility easement and house corner setback at 12.6'. Cheshire noted that the pool on a corner lot in the rear is always noticeable and may appear to encroach into neighborhood. Weiss suggests reducing length of pool from 26' to lesser amount. Wallrapp questioned pool being pushed to the rear, but the tree is there. O'Kelley noted that screen enclosure is an issue. Weiss requested condition to not include an enclosure. Weiss motioned to reduce corner yard setback from 15' to 7', noting the location of the existing tree causing the shifting of the pool, and placing the condition that a screen enclosure shall not be erected due to site visibility issues for neighboring property. 4-2 vote Cheshire/Wallrapp opposed.

VRB06-77 Deny 5-1	PETITIONER: LOCATION: REQUEST:  PURPOSE: NEIGHBORHOOD:	John N. LaRocca 3010 W Bay Court Ave To increase accessory height restriction from 15' to 23.5'. To build a residential addition. Bayshore Beautiful
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Staff gave summary. Petitioner's agent testified regarding variance request; petitioner's architect testified regarding size of existing structure at 1200 SF and need for additional floor area; traditional architecture/bungalow-style dictates detached garage; design of accessory structure as compatible with main structure. Weiss questioned the architect about accessory structure size; architect noted 750 SF (375 SF per floor). O'Kelley questioned architect about going to a 2<sup>nd</sup> floor of main structure vs. building accessory structure; architect noted that the main structure would most likely be destroyed/razed to add 2<sup>nd</sup> story. Weiss questioned petitioner's agent regarding testimony about 2 story structures. Neighbor (Mr. Sloman) gave testimony opposing the variance request, noting invasion of privacy and impact to him; would not be opposed to rear addition. O'Kelley noted 2-story prevalence in area and that existing house is unique that it is only 1-story and limit stormwater impact with no expansion of footprint of 1-story garage. Weiss noted his observations during site visits; noted hardship criterion #3 that states should not cause hardship to neighboring property; could not support motion to approve due to impact to rear neighbor. Weiss questions need for continuance to work out issue with neighbor. O'Kelley noted that petitioner hired competent architect. Cheshire noted not supporting 2-story accessory structures with 1-story main structures. Weiss motion to deny request based on negative impact to rear neighbor and not meeting hardship criteria and no predominance of 2-story accessory structure character in area. O'Kelley opposed to denial; vote 5-1 to deny.

VRB06-78 Approved 5-1	PETITIONER: LOCATION: REQUEST:	Ana and Nicholas Martoglio 3604 N Habana Ave To reduce the rear yard setback from 20' to 6.5', side yard setback from 7' to 3.85' with the allowed encroachments of the eaves and gutters,
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	and side setback for the placement of an ac unit from 3' to 0'.
PURPOSE:	To create a buildable lot.
NEIGHBORHOOD	Northeast Macfarlane

Staff gave summary. Petitioner stated need to reduce setbacks to create a buildable lot. Rahenkamp questioned setbacks. Cheshire motion to approve rear yard reduction from 20' to 15' and side yard from 7' to 3.85'; motion withdrawn. Weiss motion to approve rear yard reduction from 20' to 6.5' and side yard reduction from 7' to 3.85' and deny request for a/c setback request from 3' to 0'. Cheshire opposed (5-1 vote).

VRB06-79	PETITIONER:	Daniel M. Someillan
Deny	LOCATION:	201 S Hale Ave
6-0	REQUEST:	To reduce the rear setback from 20' to 3', with the allowed encroachments of the eaves and gutters.
	PURPOSE:	To build an accessory structure.
	NEIGHBORHOOD:	Swann Estates

Staff gave summary. Petitioner testified regarding hardship criteria; went through all 5 hardship items. Weiss questioned petitioner regarding oak tree on lot and change in location from each site plan revision. Rahenkamp questioned staff regarding setback request. Wallrapp stated having difficulty finding hardship. Wallrapp motion for denial of variance request with no proof of hardship criteria being met. Denial approved unanimously.

VRB06-80	PETITIONER:	Israel Sotolongo
Approved	LOCATION:	1108 W Willow Pine Ct.
5-1	REQUEST:	To reduce the rear setback from 20' to 13.2', with the allowed encroachments of the eaves and gutters.
	PURPOSE:	To construct a residential addition.
	NEIGHBORHOOD:	Riverbend Civic Association

Staff gave summary. Petitioner testified regarding variance request noting construction of addition w/o permits. Board questioned how it was cited, staff advised cited through the Building Bureau. Rahenkamp motion to approve rear yard reduction from 20' to 13.2' noting hardship for undersized lot in depth. Cheshire opposed.

VRB06-81	PETITIONER:	Heather J. Lamond
Approved	LOCATION:	5204 E 20th Ave
6-0	REQUEST:	To reduce the side yard setback from 7' to 2' with the allowed encroachments of the eaves and gutters
	PURPOSE:	To create a buildable lot.
	NEIGHBORHOOD:	Civic Association of Florence

Staff gave summary. Petitioner was not present. Board agreed to place it back in order of agenda to wait for petitioner, if they show up. Petitioner re-entered chambers and stated she was present – case moved forward. Petitioner presented testimony regarding setback reduction with exhibits on ELMO; stated that the variance is internal to the site and would not impede on other properties. Weiss requested petitioner to place plat map/parcel map back on ELMO; questioned lot development pattern. Higgins questioned petitioner regarding SF of existing SFR. Weiss readdressed petitioner about reduction or partial removal of converted garage. W. Zack, neighbor showed parcel map on ELMO and discussed site plan showed a

building footprint that was out of character with neighborhood, no consideration for current residents. T. Conte, neighbor, stated concerns regarding oak tree shown on site plan and that it was not located correctly on the plan. Cheshire questioned Zack regarding character of houses in area; Zack worried that houses would turn into rentals and presented a signed petitioner from surrounding neighbors that object to request. Cheshire noted to neighbor that footprint shown on plan is really 'buildable' area not building footprint. S. Graham stated that no plan was received, but that developer would have to adhere to Chapter 13 at time of permitting. Motion to close hearing. Rahenkamp acknowledged the issue before the board is the side yard reduction only. Higgins questioned staff about variance approval and how long it lasts if existing house is destroyed and rebuilt. O'Kelley motion to approve. Unanimous approval.

VRB06-83	PETITIONER:	Aaron T Dude
Missed notice	LOCATION:	4731 W Wallace Ave
	REQUEST:	To reduce the rear yard setback from 20' to 12', with the allowed encroachments of the eaves and gutters.
	PURPOSE:	To construct a residential addition.
	NEIGHBORHOOD:	Gandy/Sun Bay

Case was misnoticed and noted to reschedule for September agenda and place 1<sup>st</sup> on the agenda.

VRB06-85	PETITIONER:	Krista and Clint Maddox
Deny	LOCATION:	2503 W Fountain Blvd
6-0	REQUEST:	To increase the fence height from 6' to 8'.
	PURPOSE:	To build a privacy wall.
	NEIGHBORHOOD:	Parkland Estates

Staff gave summary. Petitioner testified regarding need for wall height variance; excessive noise from ambulances to Memorial Hospital and commercial corridor along Swann Avenue; hardship criteria met due to property location along commercial corridor. Weiss questioned petitioner regarding new fence on property. Higgins questioned petitioner regarding date property purchased. Rahenkamp discussed write-up from petitioner regarding 4 items noted for variance need – bus riders looking in on properties, signage lights, street lights, and traffic/ambulance noise. Wallrapp questioned petitioner regarding which property out of the 3 was his. O'Kelley questioned petitioner regarding how SOHO retail redevelopment has affected traffic on Swann. Neighbor spoke in support due to increased traffic noise. Motion to close hearing. Wallrapp motion to approve increase in height from 6' to 8' for rear wall on Swann given traffic noise and hardship criteria being met. Open Board discussion. Weiss noted that board has previously denied 8' walls to avoid 'walling off the city;' noted homes being built on Dale Mabry with 6' walls; not in support. Wallrapp noted this wall does not conflict with visibility requirements. Rahenkamp noted that landscaping would be a better alternative. Motion fails 4-2 (O'Kelley/Higgins/Rahenkamp/Weiss opposed). Rahenkamp motion to deny request noting hardship criteria not met. Cheshire/Wallrapp opposed to denial.

VRB06-86	PETITIONER:	Jonathan R. Hair
Deny	LOCATION:	2503 W Parkland Blvd
6-0	REQUEST:	To increase the fence height from 6' to 8'.
	PURPOSE:	To build a privacy wall.
	NEIGHBORHOOD:	Parkland Estates

Staff gave summary. Petitioner testified regarding wall height increase; offered to plant additional bougainvillea on wall on Swann side. Weiss noted height of current landscape is higher than the requested 8' and hardship criteria not being met. Weiss motion to deny based on hardship criteria not being met. Cheshire/Wallrapp opposed to denial.

VRB06-87	PETITIONER:	David and Christina Adams
Deny	LOCATION:	2501 W Fountain Blvd
6-0	REQUEST:	To increase the fence height from 6' to 8', and to reduce rear yard set back from 20' to 3' with the allowed encroachments of the eaves and gutters.
	PURPOSE:	To build a privacy wall, and an accessory structure.
	NEIGHBORHOOD:	Parkland Estates

Staff gave summary. Petitioner testified regarding wall height increase; also noted setback reduction for garage structure from 20' to 3'; hardship for placement of noted due to numerous trees on lot and utility easements; noted typical configuration of detached garages in rears of lots; used ELMO to present photos and site plan. Weiss questioned petitioner size of structure and to have pictures shown during petitioner's presentation re-shown on ELMO. Rahenkamp questioned need for living area in separate structure. Motion to close hearing. O'Kelley motion to deny with no hardship being found. Unanimous vote to deny.

VRB06-88	PETITIONER:	Steven and Lisa Rorrer
Deny	LOCATION:	3821 W San Pedro St
6-0	REQUEST:	To increase the height from 15' to 20'.
	PURPOSE:	To build a garage.
	NEIGHBORHOOD:	Virginia Park

Staff gave summary. Petitioner presented need for variance to store hurricane supplies; limited area in rear yard to attach garage to house due to location of pool; open carport proposed on ground floor; no tree removal needed. Weiss noted excessive building coverage on lot. Rahenkamp motion to deny request based on no hardship criteria being met. Unanimous denial.