

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

MEETING DATE: April 10, 2007

MEETING TIME: 6:30 PM

LOCATION: 315 East Kennedy Boulevard, 3rd Floor, City Council Chambers

MINUTES

I. SILENT ROLL CALL

Tom Cheshire, Steve LaLabour, Randy O'Kelly, Seth Nelson, James Catalano, Antonio Amadeo were present. Melanie Higgins (Chair) and John Weiss (Vice Chair) were absent. The board elected Seth Nelson as Chair for the meeting.

II. APPROVAL OF MINUTES FOR March 13, 2007

Approved

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

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

IV. OLD BUSINESS: Continuances and Missed Notices

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

C. GENERAL VARIANCES

1. PETITION: VRB07-18
PETITIONER: Isabel Valladarez Izquierdo
LOCATION: 3601 Cherry Street
REQUEST: To reduce the rear yard setback from 20' to 11.6', with the allowed encroachment of the eaves and gutters.
PURPOSE: To construct an addition.
NEIGHBORHOOD Northeast Macfarlane Civic Assoc

Orlando Izquierdo presented his case. He indicated that the addition had already been built. The house is addressed off of Cherry Street, but the house actually fronts Himes. James Catalano asked the petitioner questions about the addition. Questions to staff about the special street setback from Himes of 45' from centerline. O'kelly asked about the 36' Oak. Amadeo thought the property was unique and singular. Amadeo made a motion to approve the request to reduce the rear yard setback. Seconded by Labour. Motion passed 5-1, with Cheshire voting nay.

2. PETITION: VRB07-21
PETITIONER: Vina Shah
LOCATION: 4910 N Armenia Avenue

REQUEST:	To reduce the rear yard setback from 10' to 5'.
PURPOSE:	To build a commercial addition.
NEIGHBORHOOD	Wellswood Civic Association

PJ Shah presented the case for the petitioner. Showed site plans and explained the need for the commercial addition. Showed pictures on the Elmo of the proposed addition. He explained that there are no neighbors and no one has objected. It would be a hardship if the Doctor had to move his business. Amadeo asked about the site plan and where the residential property was located. Asked whether the wall is old or new. La Bour moved to approve the rear yard setback from 10' to 5' for a commercial addition. Amadeo seconded the request. Amadeo was concerned about parking and withdrew his second. The motion was then seconded by Catalano. (Amadeo withdrew his second). The motion had a 3-3 tie with Nelson, Amadeo and Catalano voting nay. Continued to next month. May 8th.

3. PETITION:	VRB07-27
PETITIONER:	Alan Dobbs
LOCATION:	507 W Henry Ave
REQUEST:	To reduce the front yard setback from 26'10" to 15', side yard setback from 7' to 6', with the allowed encroachment of the eaves and gutters.
PURPOSE:	To construct a 2-car garage and residential addition.
NEIGHBORHOOD	Old Seminole Heights.

Alan Dobbs spoke to the continuance and his concern with the front yard averaging and his objection to the zoning administrator's determination. Would this be a variance or an appeal (e-mail) questions arose on whether to appeal the zoning administrators decision and continue or move on. Alan Dobbs indicated that he wanted to move forward. Showed revised site plan showing a one-car garage Vs the previous 2 car garage. Went from 26'10 to 20' front yard to 26'10 to 15' and no longer requesting a side yard setback. Amadeo spoke to the petitioner addressing the mass and scale. Amadeo made a motion to approve from 26'10" to 20' front yard setback. Seconded by Catalano. Motion passed with Labour voting nay.

4. PETITION:	VRB07-29
PETITIONER:	William Troutman
LOCATION:	1110 W Coral Street
REQUEST:	To reduce the rear yard setback from 20' to 7', with the allowed encroachment of the eaves and gutters.
PURPOSE:	To build residential addition.
NEIGHBORHOOD	Riverside Heights

Mr. Hersom did a presentation and spoke to the nature of the continuance. Showed the site plan and spoke about the addition. Showed elevations. William Troutman spoke about the need for the additional residential space. Received and filed a packet. Mr. Troutman went over the pictures that they took in the neighborhood. Spoke to the nature of the alley. Amadeo spoke to how he felt that the petitioner is meeting hardship criteria number 3. LaLabour made a motion to approve. Seconded by O'Kelly based on the Original site plan. The motion passed 4-2. With Cheshire and Catalano voting nay.

5. PETITION:	VRB07-31
PETITIONER:	Roderick Courtney Mann
LOCATION:	4929 WS Melrose Ave

REQUEST:	To reduce the rear yard setback from 20' to 8', with the allowed encroachment of the eaves and gutters.
PURPOSE:	To build residential addition.
NEIGHBORHOOD	Stoney Point

Mr. Grandoff spoke to the rear setbacks. Measurement from seawall is 20'. His stance is that the seawall meanders. Planned a home to be built 20' from seawall and property line, but 8' where the seawall is notched out. Went over the hardship criteria and how they meet the criteria. New house shows 10' side yard setback instead of 7'. Mr. Mann spoke and showed photos. Spoke about a precedence of this in the neighborhood. Mr. Cheshire spoke as to the need for consistency. LaLabour spoke to the inconsistency of the code. Feels that there is a conflict with the code. LaLabour made a motion to approve. Seconded by Cheshire. Motion passed 5-1 with Catalano voting nay.

V. NEW BUSINESS

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

C. GENERAL VARIANCES

6. PETITION:	VRB07-33 (a)
PETITIONER:	George Resch
LOCATION:	3101 W Cypress Street
REQUEST:	Reduction in Landscape buffer or reduction in required parking.
PURPOSE:	To conform to commercial requirements
NEIGHBORHOOD	MacFarlane Park

George Resch presented his case and why they need the landscape buffer Vs the parking waiver. Roger Kirk spoke. He said he wanted the petitioner to be aware of the sidewalk situation. Questions from LaLabour as to what happens if the property is sold and a change of use occurs. Amadeo ask what would the landscape requirements be, and would it have to go through that a review. John Husdon, neighborhood association president, spoke in support of the commercial property. Amadeo feels the hardship has been met. Catalano made a motion to approve the landscape buffer from 8' to 5'. Seconded by Amadeo. Motion passed 6-0.

7. PETITION:	VRB07-33 (b)
PETITIONER:	Suresh Ragoobar
LOCATION:	8100 N Orangeview Avenue
REQUEST:	Reduction of side yard setback from 7' to 3' and 7' to 4'.
PURPOSE:	To retain a residential addition.
NEIGHBORHOOD	Temple Crest Civic Association

The petitioner presented his case and showed pictures of the existing addition. Received and filed pictures. Presented letters from neighbors with no objection. Received and file letters. Catalano asked the question about lot 1 and lot 2 and wanted to make sure that it was site plan specific. Labour asks questions of staff. Amadeo sees a unique and singular lot with a 25' side yard setback. LaLabour spoke in support of the request. LaLabour made a motion to approve side yard setback from 7' to 3' and 7' to 4'. Amadeo seconded. The motion tied 3-3, with Catalano, O'Kelly, and Cheshire voting nay. Continued until next hearing date of May 8, 2007.

8. PETITION:	VRB07-34
PETITIONER:	Randall Preiser
LOCATION:	636 Geneva Place
REQUEST:	Reduction of side yard setback from 7' to 0'.
PURPOSE:	To retain an existing carport.
NEIGHBORHOOD	Davis Island Civic Association

Englehart and Hammer presented the case. They stated that asking for a side yard setback-is a non-conforming lot RS-75 (lot is only 66 feet wide) and 6600square feet. Carport has been existing for many years.-Provides cover for parking. This new carport was a replacement of the carport that was there. Spoke to how they meet the hardship criteria. The carport is historically part of the home. Noticed both Neighborhood Assoc. and are in support of the application. Letter in support of the variance. Received and Filed. LaLabour asked question of Ms. Hammer, is this a permanent structure? The owner hired contractors to pull a permit and the contractors did not. Amy Japlin spoke in favor of the variance. LaLabour spoke to a zero lot setback and not feeling comfortable with approving a zero lot line. Amadeo feels that it meets the hardship criteria. Nelson spoke to the concern of the zero lot line. Catalano asked a question of Ms. Hammer about the survey and encroachment onto adjacent property. Catalano spoke to his concerns about zero lot setback. **Catalano moved to approve side yard setback from 7' to 1', with the allowed encroachments of eaves and gutters and on the condition that the structure remains open. LaLabour seconded. Motion passed 6-0.**

9. PETITION:	VRB07-35
PETITIONER:	Benjamin LaMonte
LOCATION:	4201 W San Juan Street
REQUEST:	To reduce the rear yard setback from 3' to 1'4" and increase height from 15' to 22', with the allowed encroachment of the eaves and gutters.
PURPOSE:	To build a two-story accessory structure.
NEIGHBORHOOD	Virginia Park Residential Neighborhood Assoc.

Mr. LaMonte presented his case and why the need for the addition and needing more space. No objections from neighbors. Sergio Mordini showed pictures and site plans. Catalano asked the petitioner about the dimensions of the accessory structure. LaLabour asked questions of staff and the height. Nelson asked the petitioner questions about what is the petitioner's hardship. Amadeo ask question of what is the size of the home. Catalano asked the petitioner questions about the dimensions of the lot. LaLabour stated that it was non-conforming smaller lot. LaLabour does not feel that they meet a hardship. Amadeo feels that they do meet the hardship. Catalano spoke about the concern for the two story garage. Catalano could support the one story detached garage. Amadeo made a motion to approve the request. The motion died for lack of a second. Catalano moved to approve the rear yard setback from 3' to 1.4', but denies the height from 22' to 15' based on hardship criteria not being met (#1,2,3,4, 5). Steve Labour seconded. Motion passed 5-1 with Amadeo voting nay.

10. PETITION:	VRB07-36
PETITIONER:	James and Tracy Patterson
LOCATION:	3913 W San Carlos Street
REQUEST:	To reduce the side yard setback from 7' to 2', with the allowed encroachment of the eaves and gutters.
PURPOSE:	To build residential addition.
NEIGHBORHOOD	Palma Ceia West

Mr. Patterson spoke about the need for more space and the need to enclose the garage. Showed the site plan and spoke to the need to stay away with the grand trees to the west of the property. The Neighborhood Association is in support of the variance. Received and filed letters and Catalano asked question of the petitioner. Catalano moved to approve the variance request to reduce the side yard setback from 7' to 4' with the allowed encroachments of eaves and gutter. Seconded by LaLabour. 6-0 passed.

11. PETITION:	VRB07-37
PETITIONER:	Benjamin Brice
LOCATION:	205 W Chelsea Street
REQUEST:	To reduce side yard setback from 7' to 2.1', with the allowed encroachments of eaves and gutters.
PURPOSE:	To retain an existing Porte coterie.
NEIGHBORHOOD	South Seminole Heights Residential Overlay

Benjamin Brice presented his cases and showed pictures explain the situation with the lot split. Had letters from the neighborhood in support of. Gary Ellsworth, Seminole Heights neighborhood association, is in support of this variance. O'Kelly moved to approve the request. Seconded by LaLabour. Motion passed 6-0.

12. PETITION:	VRB07-38
PETITIONER:	Luis Deliz
LOCATION:	801 W Yukon Street
REQUEST:	To reduce rear yard setback from 20' to 13', with the allowed encroachments of eaves and gutters.
PURPOSE:	To construct a residential addition.

Bart Valdes, the petitioner's agent, presents his case and spoke about an unfinished construction of an addition. The petitioner hired a contractor and the contractor did not pull permits for the addition. They were issued a stop work order. Showed pictures. Spoke to the hardship. LaLabour asked a question of the petitioner about the nature of construction . Amadeo asked the question on what is the hardship and the need for the addition. Nelson spoke about if this request came before them as a new project would they approve it and what is the hardship? O'Kelly spoke to the large front yard setback of 35'. LaLabour spoke about the state of the construction. Catalano spoke about the floor plan and would have made recommendation of addition and how it should have been built. Nelson spoke in favor of the variance. LaLabour made a motion to approve based on unusual lot configuration. Seconded by Catalano. Motion passed 4-2, with Amadeo, and Cheshire nay.

13. PETITION:	VRB07-39
PETITIONER:	Sanjay Madhu
LOCATION:	425 E Davis Blvd
REQUEST:	To reduce rear yard setback from 20' to 0', with the allowed encroachments of eaves and gutters.
PURPOSE:	To construct a safety/screen enclosure.
NEIGHBORHOOD	Davis Island Civic Association

Steve Michelini spoke for the petitioner and showed for the record, permits submitted to the construction services department. Electrical code required a vertical separation and requires a screen enclosure. Showed pictures. No objections from neighbors. The wall sits 3" from property line. If screen enclosure is mounted on the wall the setback could be 20' to 6". Alley is behind

property. Amadeo ask questions of the petitioner and how this would have gotten through permitting. Catalano moved to approve from 20' to 3", unique and singular due to the over hanging electrical lines. Seconded by LaLabour. Motion passed 5-1, with Cheshire voting Nay.

14. ANNUAL ELECTIONS OF CHAIR AND VICE CHAIR

Melanie Higgins was nominated and approved to Chair (4-2 vote). John Weis was nominated and approved to Vice-Chair (6-0 vote)..