

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

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| <b>MEETING DATE:</b> May 8, 2007  |
| <b>MEETING TIME:</b> 6:30 PM  |
| <b>LOCATION:</b> 315 East Kennedy Boulevard, 3 <sup>rd</sup> Floor, City Council Chambers |

**MINUTES**

**I. SILENT ROLL CALL**

In attendance was Tom Cheshire, Antonio Amadeo, John Weiss, Melanie Higgins, James Catalano, Seth Nelson and Steve LaBour

**II. APPROVAL OF MINUTES FOR April 10, 2007**

Approved 7-0

**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

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|--------------|---|
| 1. 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                     |

P.J Shaw present the case and spoke about the concerns of the Board at the last months meeting. He presented the site plan, aerial. Told the Board about the Pre-App meeting with CSC and would not have to bring total site into compliance. Took photos of parking lot on a Monday, the heaviest day of the business. Spoke about stormwater retention area. Mrs. Shah spoke about the issue of the need for storage and that by law they must keep records. The addition would help with record management. Melanie Higgins asked the petitioner what was behind the building. John Weiss asked the petitioner about the storage and what would the petitioner do when that room gets full.

Nelson spoke about it being a use issue not a land issue. Weiss spoke about not being able to support because he does not think storage is a hardship. LaBour made a motion to approve. Donna Wysong asked if it would be beneficial to show the pictures of the apartment complex. Petitioner showed pictures. LaBour made motion to approve. Seconded by Catalano. Motion passed with a 4-3 vote, with Weiss, Cheshire, and Nelson voting nay.

2. 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

Petitioner presented new survey showing the addition. The setbacks were larger. Nelson said it was unique and singular. LaBour made a motion to approve. Board discussion on proper notice. LaBour made motion to redraw motion. Amadeo withdrew second. Nelson made a motion to approve side yard from 7' to 3.8. Catalano seconded the motion. Weiss, Labour, Higgins voted nay Motion failed. Labour made a motion to continue to June 12, 2007 meeting so that the petitioner could make correct notice. The motion was seconded by Nelson. Motion passed 6-1 with Cheshire voting nay.

V. NEW BUSINESS

A. ADMINISTRATIVE APPEALS

B. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES

C. GENERAL VARIANCES

3. PETITION: VRB07-40  
 PETITIONER: Jo-Anne Peck/City of Tampa  
 LOCATION: 2709 N 19<sup>th</sup> Street  
 REQUEST: To reduce the side yard setback from 5' to 4', with the allowed encroachment of the eaves and gutters.  
 PURPOSE: To place a home on a vacant lot.  
 NEIGHBORHOOD: East Tampa Business and Civic Association

Jo-Anne Peck presented her case. Show pictures and site plan, talked about the program of moving a house and placing it on a City of Tampa lot. Talked about the parking pad and that it could never be a garage. Gone through the Barrio Latino and approved the house to move to this site. Showed pictures of three other houses and owner occupied. Weiss spoke about this meeting the hardship and being unique and singular with a 38' lot. Seth moved to approved request. Weiss seconded the motion. Motion passed 7-0.

4. PETITION: VRB07-41  
 PETITIONER: David Varela  
 LOCATION: 4206 N 14<sup>th</sup> Street  
 REQUEST: To reduce the rear yard setback from 3' to 0'.  
 PURPOSE: To construct a one story accessory building.  
 NEIGHBORHOOD: Southeast Seminole Heights

David Varela spoke about the request and showed the site plan and that he used the shed to keep personal items. He spoke about not realizing that he needed permits to re-build

the shed. Amadeo asked questions about the site plan and what the one story structure looks like. Catalano asked about the property appraiser data and the square footage of the previous structure.

Catalano spoke about the seriousness of the variance. That the petitioner replaced a 300 square foot structure with a 500 square foot structure. Nelson spoke in favor of approving the variance. The alley made a difference to him. Weiss moved to deny based on not meeting the hardship #1, 4, and 2. The motion was seconded by Cheshire. Motion passed 4-3. With Nelson, Catalano, Amadeo. Variance was denied.

- 5. PETITION: VRB07-42
- PETITIONER: Ken Ali
- LOCATION: 304 Sligh Avenue
- REQUEST: To reduce the rear yard setback from 20' to 2.7', side yard from 7' to 2.8' and from 7' to 6.5', with the allowed encroachment of the eaves and gutters.
- PURPOSE: To construct a residential addition.
- NEIGHBORHOOD Old Seminole Heights.

Fazi Ali spoke about the need to remodel the property and they would need a variance in order to remodel and put new siding on the property. Amadeo asked questions of the petitioner. Cathy Byrd spoke in objection to the variance. Spoke about them building without permits. John Weiss asked petitioner questions about the two separate buildings. Nelson would like a continuance based on insufficient information. Cheshire moved to approve the request. The motion was seconded by LaBour. Motion passed 6-1, with Nelson voting Nay.

- 6. PETITION: VRB07-43
- PETITIONER: Pemberton Development Company
- LOCATION: 1801 North Highland Avenue
- REQUEST: To reduce the rear yard setback from 10' to 0', with the allowed encroachment of the eaves and gutters.
- PURPOSE: To allow for the encroachment of HVAC condensing units.
- NEIGHBORHOOD Tampa Heights Civic Association

The petitioner showed the site plan. Showed how the property is open to the property on three sides. Feels that the location on the west property line is the best location for the HVAC units. The units cannot be located on the roof because of the design of a pitched roof. Cheshire asked the question about the AC units and the need for 0' side yard setback. The petitioner spoke about the location of the units and the design.

**Catalano spoke about the unique and singular situation about this property. Amadeo moved to approve from the request from 10' to 0'. Amended motion from 10' to 2' Seconded by Nelson. 7-0 approved**

- 7. PETITION: VRB07-44
- PETITIONER: Stacy Slaughter Harris
- LOCATION: 311 E Minnehaha
- REQUEST: To reduce the rear yard setback from 20' to 2'6", with the allowed encroachment of the eaves and gutters.
- PURPOSE: To build rear porch.

NEIGHBORHOOD

Old Seminole Heights Civic Association

**Stacy Harris spoke about the site plan. The lot is only 50' x 70'. The home already sits to the rear of the property. Ms. Harris spoke to the uniqueness of the lot and the positioning of the home to the rear of the property. Does not feel that the request would negatively effect the neighbors. Catalano asked the petitioner about the garage in the rear and when it was built. Mr. Payne of 6702 N Navin, spoke in objection to the variance request. Received and filed letters from Neighborhood Association. Max Bocker, Jean Street, spoke in objection to the request. Petitioner rebutted the objections. Weiss spoke to the impact of the structure to the neighbor, he does not felt that it meets the hardship criteria. LaBour moved to approve as per the site plan and area to remain open . Seconded by Amadeo. Motion passed 4-3, with Nelson, Weiss, Catalano voting nay.**

8. PETITION: VRB07-45  
PETITIONER: Jeffrey Diettert  
LOCATION: 3208 W Bayvista Avenue  
REQUEST: To reduce front yard from 25' to 20'6", and side yard from 7' to 1'6", with the allowed encroachment of the eaves and gutters.  
PURPOSE: To construct a detached residential structure.  
NEIGHBORHOOD Bayshore Beautiful

**Motion and seconded to continue the hearing to June 12, 2007.**

9. PETITION: VRB07-46  
PETITIONER: Jay Deckard  
LOCATION: 569 Suwanee Circle  
REQUEST: Reduction of front yard setback from 25' to 17'.  
PURPOSE: To construct a front porch..  
NEIGHBORHOOD Davis Island Civic Association

Jay Deckard the petitioner's agent spoke about the need for the variance. He spoke about the trees that he wants to save. Mr. Hill, owner, spoke about his petition. Showed petition that was signed by 25 neighbors. They would like to keep the existing pool and trees. Mr. Deckard stated that he is a member of Davis Island Civic Association. Moved to receive and file pictures and petition. Amadeo moved to approve the front yard setback per site plan. The motion was seconded by LaBour. Motion passed 7-0.

10. PETITION: VRB07-47  
PETITIONER: Peggy Gebler  
LOCATION: 10921 N Annette Avenue  
REQUEST: To reduce the side yard setback from 7' to 5' and to increase fence height from 3' to 6'.  
PURPOSE: To retain a carport and privacy fence.  
NEIGHBORHOOD North Tampa Community

**Motion was approved to continue to the June 12, 2007 meeting.**

**John Weiss removed himself from Vice President(Neighborhood representative. Weiss made a motion to nominate a new Vice Chair Randy O'Kelly. The motion was seconded by Catalano. Motion passed 7-0.**

