



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

*ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE VARIANCE REVIEW BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.*

*IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE DATE OF THE MEETING.*

*IF YOU DECIDE TO APPEAL A DECISION OF THE VARIANCE REVIEW BOARD, YOU WILL NEED TO APPLY TO THE CITY OF TAMPA CITY CLERK'S OFFICE NO LATER THAN SEVEN BUSINESS DAYS AFTER THE ORAL DECISION IS MADE. YOU WILL NEED TO OBTAIN A COMPLETE COPY OF THE RECORD FOR YOUR APPEAL.*

## **MINUTES**

(As of April 15, 2009)

**MEETING DATE: April 14, 2009**

**MEETING TIME: 6:30 PM**

**I. ROLL CALL** Members Present: Antonio Amadeo, Chair; Randy Baron, Randy O'Kelley, Lucinda Utter, and Sue Lyon, Steve LaBour, Gennaro DiNola.

Staff Present: Towanda Anthony (LDC), Barbara Lepore (LDC), Ernie Mueller (Legal), Mary Danielewicz-Bryson (LDC), Dave Raily (Parks Department), Roger Kirk (Transportation)

## **II. BOARD ORGANIZATIONAL MATTERS**

1. Annual Variance Review Board elections  
Board moved to hear annual elections at end of meeting

## **III. APPROVAL OF MINUTES FOR March 10, 2009**

Minutes approved by Antonio Amadeo, Steve LaBour 2<sup>nd</sup>.

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

**PETITION:** VRB09-15  
**PETITIONER:** Donald McLellan  
**AGENT:** Cindy Vaughan/Stephan Michelini  
**LOCATION:** 8634 N Nebraska Avenue  
**REQUEST:** To install electric fence  
**PURPOSE:** To provide a security fence inside perimeter fence

Mr. Michelini presented case to install electric fence. He mentioned owner's property losses because of the high crime and breakage in. Presented the pictures from the location, showing the fence. Secondary wire is 6' height. He spoke w/TPD; was informed that they have extra squad assigned to this area. The fence is 12 volt operated, pulse signal. It will do not to harm anybody.

The petitioner has explained the losses. The testimony was in English. The translator was sworn in. In first month his business was broke in 4 times. He did not want to report to insurance agency, installed an electric fence. Since then he then did not have any problems.

Randy O'Kelley asked if there were any injuries.

Petitioner stated there were none. They close business at 6 PM, the fence is turn in at 7 PM.

Steve LaBour asked if the outside 6 feet fence installed before or after petitioner got the business.

Petitioner: It was after.

Randy Baron read the TPD report. The business was purchased in 2005.

Petitioner: Doesn't remember the actual date.

Randy Baron mentioned that sometimes the TPD shall be reported while he is losing so much money.

Stephen Michelini pointed out the statement from the petitioner, it was turn in to the file. The petitioner did not file an insurance claim. Until June 2005 there was lots of crime activity. It did stop after installation of the fence.

Petitioner asked if he has to remove the fence, there will be a breakage in – what he shall do? The petitioner was informed that it isn't this Board to determinate.

Steve LaBour wanted to see TPD reports that were turn in during the last meeting.

Randy Baron asked about the use of the property directly to the west?

Stephan Michelini stated that it is City's owned park.

Randy Baron mentioned that the children play over there.

Petitioner says that he does not see lots of people going to the park.

Pictures of the park were presented to the Board.

Steve LaBour had questions about alarm, requested explanation between alarm auditable and other kind of auditable alarms.

Sue Lyon: mentioned that this fence was installed in 2005; with no problems.

Stephen Michelini stated there were no problems. The electric fence will not burn, but it will shock you. Compare the fence operation to "dog's fences".

Sue Lyon discussed staff report.

Stephen Michelini stated that it is a different kind of staff report and different case.

Randy Baron asked question about basketball field.

Staff submitted picture of the field.

How far is this playground from the fence?

Stephan Michelini could not specify. Present other pictures, states it is approximately 70'.

Randy O'Kelley asked if the petitioner looked for other different security devices.

Petitioner: No. Was looking only for auditable alarm systems, and eventually purchased this electric alarm.

Stephan Michelini presented the pictures of the fence. It did not show the electric wire fence. Springs on the end-it is the electric wire.

Steve LaBour wasn't present during the first VRB meeting. He questions if there was any kind security system on the office, the fence?

Petitioner: Prior was only on the office. He did not know what are his other choices.

Steve LaBour asked if there shall be the sign be on the fence.

Stephen Michelini assured that there are signs on the fence. "Electrified fence"

Public comments:

Susan Long had the police report. She thinks there aren't intrusions. The electric fence will stop the revitalization of the Nebraska Street.

Sue Lyon questioned the staff report rules.

Ernie Mueller quoted section 27-133 of the Zoning Code.

Stephan Michelini states that the fence needs to be set 6' back from the prop line. Read the criteria. Question the statement from Ms. Long. The TPD makes determination it isn't Ms. Long determination. Revitalization of the community has not the value in this case. It is not the review criteria. It is height crime area. He requested the approval. He also assured that it will meet the required setback for the fence.

Steve LaBour closed the public hearing. Gennaro DiNola seconded the motion.

Board discussion:

Steve LaBour understands the criteria. Talks about the TPD report. The alarm is on the building. The petitioner needs to show this Board the security. He has not seen enough evidence for this approval.

Randy Baron agrees w/ Steve LaBour. He stated that the petitioner did not prove that other fences etc were installed. Checks the ordinance-does not see the minimum standard for this approval. It is next to the park, playground. The electric wire can not be seen. It isn't secure. Do not approve. Standard has not been met.

Randy O;Kelly would not support this request base of the kind business.

Antonio Amadeo states that security reason was not presented.

Steve LaBour mentions that an open storage is a challenge. There are probably other materials that could be used.

Steve LaBour moved to deny. Sue Lyon seconded.

Vote: 7-0 to deny this request.

<b>PETITION:</b>	<b>VRB09- 26</b>
<b>PETITIONER:</b>	Bradley A Suddath
<b>AGENT:</b>	John B Grandoff, III, Esq.
<b>LOCATION:</b>	3417 W Empedrado Street
<b>REQUEST:</b>	Removal of grand tree and to reduce front yard from 25' to 15'
<b>PURPOSE:</b>	To remove grand tree to construct residence

Agent presented the case. He introduced the architect/designer of this project. The architect has the degree in architecture. The Agent has reminded Board of the directions he received from the Board. There are tree issues.

The request is for the yard reduction. 15' set back to the main street and 20' to back. Front yard set back was not an issue.

The architect Ms. Erin Barker presented different options of the site set ups around the ground tree. She stated that some options aren't reasonable. She presented other different possibilities regarding the square footage of the dwelling. There would be no rear yard. The entire yard will be in the front. It would be only 830 SF on one level.

Dave Raily stated that it is an elderly tree, approximately 70 years.

Randy Baron: 830 SF without the garage.

Architect explains the request. It is very hard to design on this location.

Steve LaBour has been the member of the association. He stated that it would not influence his decision by this membership.

Grandoff discuss the exhibit one. The front yard set back will be required. The set backs are: on the left house 14', on the right 12'. The owner wants to meet the pattern of the development.

Dave Raily has reviewed this location and states if just the one house the pruning will be OK. With the driveway - it will impact the tree roots system. Pruning for one story building will be OK; the tree is not a hazard tree.

Steve LaBour remained the objection from the previous staff report and questions Mr. Raily why did you remove the objection.

Dave Raily stated that he has not seen enough evidence for his first report.

Antonio Amadeo mentions the possibility to allow new tree to be planted on the site.

Dave Raily the cost are \$500 permits fee, 1" for 1" replacement.

Antonio Amadeo presented new comments from Parks Department to the Board and to the agent.

Public comments

Ms. Ellis read email she has rec'd from Thomas P. Sheehan. It is a disapproval of the variance request. It is for deny. Thomas P. Sheehan wants the Board to deny.

Agent states that it isn't realistic to build around the tree. Most of the owners want to have 2 car garages. Application is justified. Also, quotes the section from landscape code.

Steve LaBour moved to close public hearing, DiNola seconded.

Steve LaBour discusses the probability of removing the tree and prefers to keep the code setbacks. He would like see only one request, not both.

Randy Baron mentions the petitioner needs the driveway, put the utilities. The tree needs to come down. If that's the option, he will support the removal the tree. Also, states that without the tree there shall be no variance request on the setbacks.

Sue Lyon read the Parks Department report. The request is inconsistent w/ Parks Code.

Randy O'Kelley supports the request to remove the tree but no setback requests.

Gennaro DiNola approves the tree removals. No set backs reduction.

Antonio Amadeo reviewed the development pattern this area. The new house of 1395 SF will need the driveway and needs to utilities. He will support the petition of removal of the tree.

Steve LaBour wants to open public hearing.

Antonio Amadeo opens public hearing, Steve LaBour seconded.

Steve LaBour questioned the hardship for the setback?

Grandoff read the hardship criteria.

Steve LaBour requested to present the hardship (the tree located on the neighbors lot).

Grandoff proposes 10' in front setback and wants 25' in the back.

Public hearing closed.

Steve LaBour asked legal representative if this request can it be condition.

Steve LaBour moved to tree grant the removal. Gennaro DiNola seconded.

Vote: 6-1; Sue Lyon voted nay.

Steve LaBour removed motion for reducing the front yard from 25' to 15', and proposed to continue the review. He requested the petitioner to bring the site plan. Also would like to see the development pattern in the neighborhood. Gennaro DiNola seconded.

Vote 6-1 w/ Randy O'Kelly voted nay.

**PETITION:** VRB09-16  
**PETITIONER:** Glenda Hardingham  
**AGENT:** Alonda Stokes  
**LOCATION:** 1709 W Humphrey Street  
**REQUEST:** To reduce building separation from 5' to 4.4' and reduce rear yard setback from 7' to 4.3'  
**PURPOSE:** To re-construct residential addition  
**NEIGHBORHOOD:** Lowry Park Central

Agent presented the request stating that it is an existing structure that is over 20 years old. The owner wants to rebuild to the code. She is asking the Board for an approval of building separation of 4.2', and reduction of the rear set back to the existing now that is now 4.3'.

Steve LaBour asked if they are you expanding the area.

Agent stated that only one foot.

Randy O'Kelly and Gennaro DiNola wanted to find out if there is any connection and how the roof is laid out between the buildings.

Agent stated it is an aluminium w/screen.

Randy Baron review the pictures that were presented and stated that the gutter in on the second home.

Gennaro DiNola asked why not to build w/5' building separation.

Agent stated the owner wants to stay this same way as it was built.

Randy O'Kelly tried to verify with the agent if the owner is asking to vest rear setbacks on the main structure.

Randy O'Kelley asked if both structures were on the lot before.

Agent;yes.

Public hearing was closed.

Randy O'Kelly will support the request.

Randy Baron would not support the request due to the removal of the existing structure.

Steve LaBour stated that the existing structure is unsafe. Separation will it help the tree.

He would support the request

Sue Lyon stated that this is an upgrade (the screen enclosure).

Gennaro DiNola wanted to support the enclosure, but do not know what will happened after the construction.

Antonio Amadeo asked if the agent can condition the request.

Steve LaBour stated that if it's enclosed – the use inside the building is governed by the code. The structure will need building separation.

Randy Baron moved motion to approve to reduce rear yard setback. Randy O'Kelley seconded.

Side yard set back was previously granted.

Steve LaBour: " Grandfather the main house.

Randy Baron: 20' to 4'3". 7-0

Randy Baron moved to deny the building separation, Sue Lyon second motion to deny Sue Lyon 2<sup>nd</sup>. Building separation

Passed, with Steve LaBour, Antonio Amadeo

**PETITION**                      **VRB09- 25**  
**PETITIONER:**                Palma Ceia Storage Inc.  
**AGENT:**                        Albert Dacobo  
**LOCATION:**                      520 S MacDill Avenue  
**REQUEST:**                    To increase sign from 100' to 192'  
**PURPOSE:**                    To retain existing modified sign  
**NEIGHBORHOOD:**        Parkland Estates

Agent presented the case, asked for variance approval. He stated that the adjacent property obstructed the view of the sign. Also he presented the new proposed, sign. Presented the pictures of other signs located on the street. The existing sign has been there since 1995. There aren't objections from the neighbors. It is existing sign but wants to update the panel.

Steve LaBour asked if the sign permitted when posted.  
 Petitioner would need to follow the new code requirement. The new code is more restricted than the old.  
 Sue Lyon stated that if new sign is not granted, the existing one is legal as states.  
 Agent explains the new code requirement. Now he needs to keep 196 SF of the new sign.  
 Antonio Amadeo wanted to see the new layout of the proposed sign.  
 Agent mentioned that the existing sign will stay, but he want to replace the face that will be bigger that is allow.  
 Randy O'Kelley had question about the sign change.  
 Towanda Anthony mentioned that the request is for 162 SF not 167SF.  
 Antonio Amadeo quoted letter from the Mark Branchely CSC, who deny the request.  
 Randy Baron read section of the code 20.5.  
 Baron: wants to know what we are doing here?  
 Towanda Anthony read the letter from Mark Branchely.  
 Ernie Mueller reviewed Chapter 20.5 of the City Code.  
 Antonio Amadeo called for 5 min recess.  
 Ernie Mueller quoted portions of section 20.5-13 City Code and standard review procedures under section 17.5-24

Antonio Amadeo closed public hearing, Randy O'Kelley seconded.  
 During the Board discussion Steve LaBour stated that he will approve the request.  
 Randy Baron mentioned that the pet will double the SF of the sign. It will be digital. Had a question if it could it be (the digital sign) under current code.  
 Steve LaBour mentioned that the petitioner is honest; he wants to change the panel; he didn't create the hardship.  
 Steve LaBour moeved motion to approve, Randy O'Kelley seconded.  
 Vote: 4-3 with Randy Baron, Antonio Amadeo and Lucinda Utter voted nay.

**PETITION:**                      **VRB09-30**  
**PETITIONER:**                James and Margaret Trezevant  
**AGENT:**                        Not Applicable  
**LOCATION:**                      1609 S Georgia Avenue  
**REQUEST:**                    To reduce rear yard 5' to 2' and north side yard from 7' to 5'  
**PURPOSE:**                    To construct single family residence with pool  
**NEIGHBORHOOD:**        Palma Ceia

Mr. Trezevant presented the request.

Steve LaBour asked if there is any alley behind the property.

Petitioner stated that there is only a fence.

Roger Kirk: Requested more detailed site plan. He also mentioned that there will be no waiver through permitting office.

Mary Danielewicz-Bryson informed the Board of few issues that need to be addressed on the site plan. She had reviewed the site plan based on her field visit. The camper tree is close to the proposed pool. The laurel oak could be impacted by the proposed two-story structure.

Steve LaBour had a question to Ms. Danielewicz-Bryson - how it impacts the variance request?

Mary Danielewicz-Bryson stated that it will impact the trees. She needs to dimension the site plan.

Steve LaBour mentioned that if the Board passes this request it will still be reviewed during the permitting process.

Public comments:

**Anne last name???** has presented the new site plan. She states it is ±4000 SF. She had letters from the neighbors, also presents some pictures from the other side of the street. She submitted the pictures and letters of oppositions.

Michelle Morlen lives on the opposed site. She opposed this request. It is massive and not competitive with this area. In her opinion the petitioner shall review the site before purchasing his house. This variance, if approved will decrease her property value.

Mark LaRocca presented the pictures showing how the house was built around the existing tree. He did not see any hardship; stated that nothing shall be approved.

Lance Morlen lives behind the bldg. Reads the letter from president of Palma Ceia N.A. It was an opposition letter. Letter was turned in to the file.

Steve Labour asked if there are any protected trees.

Mary Bryson had informed the Board of the two existing, protected trees. Both of them are located on the neighbor's property.

The petitioner presented personal hardship, addressed the tree issues. He wants to save the trees. That's why he moved the location of the pool.

Antonio Amadeo asked petitioner what minimum width he needs to get to his vehicles. Petitioner stated that the house was designed on one floor. It would be very difficult to move the furniture to the room. The front left room not usable; need the whole house, maybe 5-7 feet.

Steve Labour stated that this request is in his neighborhood, where he is a member. He is not influenced by this membership.

Sue Lyon asked if any tree will be removed.

Petitioner stated the camper – only this one.

Petitioner spoke with the neighbors about the location of the pool. In result of the conversation he placed the pool on the other side of the house to protect the tree.

Sue Lyon asked the petitioner if he needs the driveway to go all the way to the house.

Petitioner said that he does not need to go all the way to the back.

Randy O'Kelley mentioned that this design is one of the challenging.

Petitioner stated that the problem is with the space. He would stay with one story.

Public hearing closed

Steve Labour moved motion to approve the request. Lucinda Utter seconded. Randy O’Kelley would not support this request due to the personal hardship. Ernie Mueller explained the change in Code-17.5 Antonio Amadeo stated that the driveway does need to go all the way to the back; did not see facts that will support this req. The site plan has no dimensions, will not support the request. Randy Baron would not make the decision without the dimensions on the site plan. Also he would like to find if the pet would like to continue this request. Steve Labour re-open public hearing, Randy Baron seconded. The petitioner wants to revise site plan. He will provide dimensions, driveway, and demonstrate the impact on the tree.

Ann could not understand why this request will be continued; what are the setbacks?

Steve Labour withdrew his motion, and motions to continue the request. Randy Baron seconded.

Vote: \_\_\_\_\_

<b>PETITION:</b>	<b>VRB09-31</b>
PETITIONER:	Francisco Otero
AGENT:	Not Applicable
LOCATION:	341 Blanca Avenue
REQUEST:	Removal of grand tree
PURPOSE:	To construct residence
NEIGHBORHOOD:	Davis Islands NPTF and Davis Islands Civic

The petitioner has withdrawn the request.

**V. NEW BUSINESS**

A. TREE & LANDSCAPE / TRANSPORTATION / SIGN VARIANCES/ SPECIAL TOPICS

B. GENERAL VARIANCES

<b>PETITION:</b>	<b>VRB09- 34</b>
PETITIONER:	Michael Fagan, ABK Real Estate, LLC
AGENT:	David Smith/ John Muratides, Stearns Weaver Miller et al
LOCATION:	2000 N 62 <sup>nd</sup> Street
REQUEST:	To reduce corner yard setback from 10' to 5'
PURPOSE:	To allow installation of back-up generator
NEIGHBORHOOD:	Florence Villas/ Beasley /Oak Park Civic Association

David Smith presented the request. It is in industrial area. He also presented the pictures of the location of electrical power post etc. Stated there isn't any other practical location for this generator to be placed. The pad for the generator is 5' wide. State almost no opposition with one phone call he had rec'd.

Public hearing closed.

Randy O'Kelley mentioned that the public safety is the main concern of this request. He moved for an approval of this request. Randy Baron seconded.  
Vote: 7-0

<b>PETITION:</b>	<b>VRB09-35</b>
<b>PETITIONER:</b>	JoAnne Colon & Fremin Vega
<b>AGENT:</b>	Not Applicable
<b>LOCATION:</b>	2719 E Linebaugh Avenue
<b>REQUEST:</b>	To reduce west side yard setback from 7' to 0.2"
<b>PURPOSE:</b>	To retain existing attached carport
<b>NEIGHBORHOOD:</b>	University Square Civic

Petitioner Ms. Colon and Mr. Vega request the approval. They moved to Florida from the other state, where the permits were not required. They did the carport, had not been aware of the required setbacks; presented the pictures. The hardship would all the expenses to remove the carport, if variance would not be granted. Ms. Colon presented pictures of the existing structure.

Sue Lyon asked when the petitioner built the carport.

Petitioner: about 5 months ago.

Randy O'Kelley asked the petitioner who built the carport, and was informed the contractor built it for them.

Randy Baron checked the letter from the neighbor Mr. James Nobles. It was the letter of support.

Dave Raily stated that the petitioner was cited for pruning the tree. They were cited for the sideways. It was constructed without permit. He stated that the grand tree shall be removed, it is hazard.

James Nobles spoke in support of this request; mentioned that petitioners did a good job.

Randy Baron was checking with the petitioners if there were any other hardship that they could present to the Board.

The petitioner did not understand the question.

Randy Baron explained the code requirements.

The petitioner stated that she could not put in back or in the front.

Antonio Amadeo asked if it could be smaller, and petitioner stated that the car will not fit in the smaller carport.

The public hearing was closed.

Gennaro DiNola mentioned that usually he is against any approval of cases that were done without the permit. He pointed out to the pictures that were presented, and moved to approve the request. Steve LaBour seconded.

Randy O'Kelley would not support this request. It is on the property line, due to stormwater and other issues.

Vote: 5-2 - Randy O'Kelley and Antonio Amadeo voted nay.

<b>PETITION:</b>	<b>VRB09-36</b>
<b>PETITIONER:</b>	Mark Weiss
<b>AGENT:</b>	Not Applicable
<b>LOCATION:</b>	621 Jamaica Avenue
<b>REQUEST:</b>	To reduce front yard from 25' to 16'
<b>PURPOSE:</b>	To construct screen room
<b>NEIGHBORHOOD:</b>	Davis Island Civic

Antonio Amadeo is the member of the Davis Island Association. He stated that he will make the decision without any influence. Petitioner presented the case. He mentioned that his house has strange address. The address confused everybody. He confused with this property front yard location. The address was changed to Jamaica Avenue from Bosphorous Avenue. He presented the pictures of the property.

John Houfek explain/presented the history of the front yard confusion. Had letters from the neighbors, and 11 of letters support were turn in for the records.

Mary Danielewicz-Bryson explained the location of the trees. Kelly Denny stated the house is on the non-conforming lot. She talked about the traffic visibility triangle requirements. She presented the pictures of the houses that are in this area. Ms. Denny stated that if this variance will be granted it will create the precedence. She also stated there is 6 feet high fence.

Craig Carter was a neighbor speaking against this request. He presented the pictures of the houses in this neighborhood, and mentioned that there are no enclosures in the front.

Petitioner stated he has support from the neighbors; discuss the traffic issues. He mentions that the code violations issues are separate issues not for this Board. It was related to the fence that is on the property.

Steve LaBour closed the public hearing and discusses the transportation issue. He moves motion to approve this request. Gennaro DiNola seconded. Antonio Amadeo explained the front and side yard code requirements.

Vote: 7-0

<b>PETITION:</b>	<b>VRB09-37</b>
<b>PETITIONER:</b>	Teresa Hatch & Christopher McNamara
<b>AGENT:</b>	Milt Roorda, Roorda Builders, Inc.
<b>LOCATION:</b>	3308 W Empedrado Street
<b>REQUEST:</b>	To reduce front yard setback from 25' to 20'

PURPOSE: To construct 2<sup>nd</sup> story bedroom, bath, and front porch  
NEIGHBORHOOD: Palma Ceia

Theresa Hatch presented the request. She wants to build the two story structure. Ms. Hatch presents the pictures of the houses in the neighborhood area.  
Randy O’Kelley questioned on projection of the porches into the front setback.  
Milt Roorda stated that the porch will be open.  
O’Kelley: question on projection of the porches into the front setback.  
Mary Danielewicz-Bryson explained which branches of the tree can be cut.  
Public hearing closed.  
Steve LaBour questioned Code Sec. 27-98—projection of the front porch requirements. He reviewed the request and would like to find the hardship criteria for the 2<sup>nd</sup> story porch.  
Antonio Amadeo stated that this property is non-conforming.  
Steve LaBour mentions the porch on the 1<sup>st</sup> floor encroaches into the setbacks and porch on the 2<sup>nd</sup> story, can find the hardship.  
Sue Lyon wanted to know what will be enclosed. It was presented on the site plan.  
Randy Baron proposed that the porch will never be enclosed.  
The petitioner agreed to that.  
Randy Baron moved to open public hearing. Antonio Amadeo seconded.  
Randy Baron reviewed the location of the neighbors’ houses.  
Public hearing was closed.  
Randy O’Kelley; moved to approve the request. Randy Baron seconded.

Vote 5-2 – Steve LaBour nay, Sue Lyon was absent during voting.

**PETITION:** VRB09-38  
**PETITIONER:** Joseph Kirkner  
**AGENT:** Not Applicable  
**LOCATION:** 2919 Coachman Avenue  
**REQUEST:** To reduce front yard setback from 25’ to 11’  
**PURPOSE:** To re- construct existing single family residence  
**NEIGHBORHOOD:** Bayshore Beautiful

Petitioner presented the site plan. The house is in the flood zone. He explained the setbacks of 25 feet and 33 feet (front). He showed the Board area from Google maps. Met with the neighbors and finds there no objections.  
Gennaro DiNola asked the petitioner why he did push stairs into the house.  
Petitioner stated that the house is in the flood zone. By code the house have to be above 10 feet.  
Randy Baron asked if petitioner had any consideration for the different design.  
Petitioner would minimize footprint of the project.  
Steve LaBour would like to know what will be the width of the stairs, and was informed by the petitioner – maybe 6 feet.  
Randy O’Kelley wanted to know what the depth of the lot is.  
Petitioner stated - about 135’.  
Antonio Amadeo reviewed the site plan with petitioner.

John B. Smith questions if there is other house that has similar design with the stairs encroaching into the front yard?

Steve Otto lives directly behind the house. He does not like the height of the house (30-35 feet). He brought up other issue like stormwater etc. He mentioned that the streets flood. He was very concern about the setbacks.

Martson Paterno had the concern with the front setback. It is an old street. Has problem with the flood in the area. There will be more flooding issues. Oppose the front setback.

William Townley mentioned the 11' setback. It will be the precedent if approved. He opposed this request.

Petitioner informed the Board of the new house design. It will be about 1400 SF of the impervious area. He presented path drainage on the site plan. The drainage will come to the house. There is other carport on the street that encroaches about 14 feet.

Antonio Amadeo asked the petitioner if he have looked into re-shaping the house. Petitioner thinks this is the best plan that will fulfill the needs of the family. He did not think there are any privacy issues.

Mary Danielwicz-Bryson informed the Board of the tree located on the east side that will be damage by this construction.

Steve LaBour closed public hearing.

Board discussion:

Steve LaBour explained to the public that the stormwater will be addressed during the permit issuance. He stated that the Board has no right to design the resident's house.

Sue Lyon mentioned that she was the president of the Neighborhood Association, but it would not impact her review of this variance request.

Gennaro DiNola could not find any hardship.

Randy O'Kelley reviewed the site plan and mentioned that it is a very deep lot and states that the site plan can be redesigned.

Randy Baron would like to see the new stair location. There isn't hardship to the stairs location.

Steve LaBour makes motion to approve the request. No 2<sup>nd</sup>.

Antonio Amadeo informs the members of the Board - The board needs to apply same standards to the every resident. He also stated that no hardship was found in this case.

Randy Baron proposed other location for the stair, proposed the continuance of this request.

Baron motioned to reopen public hearing.

Vote: 6-1 open, Steve LaBour nay.

Petitioner stated that it will be Key West style house. He would like to split the difference; would like to revise his request.

Ernie Mueller stated that the petitioner needs to present to the Board what he would like to be reviewed.

Antonio Amadeo asked the petitioner what are his options.

Petitioner preferred the Board to vote same day. He proposed on the stairs to be 18 feet setback.

Petitioner revised his request from 25 feet to 18 feet front yard set back.

Public hearing closed.

Steve LaBour mentioned that the petitioner was trying to compromise the request. Need to hear the neighbors.

Randy O'Kelley did not support the request.  
Gennaro DiNola asked if this request can be this compromise.  
Steve LaBour made motion to approve request from 25 to 18 feet front setback to build a staircase. Gennaro DiNola seconded.

**Vote; 3-4 ney**

Steve LaBour suggested to maybe re-design the site plan.  
Randy Baron motioned to deny the request from 25' to 11'. Randy O'Kelley seconded.

Vote: 5-2 Gennaro DiNola and Steve LaBour voted nay.

<b>PETITION:</b>	<b>VRB09-39</b>
<b>PETITIONER:</b>	John & Deborah Fulton
<b>AGENT:</b>	Not Applicable
<b>LOCATION:</b>	8506 N Lynn Avenue
<b>REQUEST:</b>	To reduce front yard setback from 60' to 0'
<b>PURPOSE:</b>	To retain existing accessory structure (carport)
<b>NEIGHBORHOOD:</b>	Lowry Park Central

Petitioner would like to keep the carport. There are the trees on the property. There is no other location to move the carport. It does not create any hazard like utilities or ROW. Mary Danielewicz-Bryson informed the Board of the existing of two oak trees. The new design will impact the tree.

Roger Kirk stated that the structure was approved by CSC without transportation permit. Randy O'Kelley asked the petitioner if they understand the comments from Mary Danielewicz-Bryson.

Petitioner said that it did not touch tree. The tree has been there over 18 years. The carport was there 8 years.

Public hearing closed.

Gennaro DiNola moved motion to approve the location and conditioned it that the carport will remain open. Sue Lyon seconded.

Vote: 7-0

## **VI. BOARD ORGANIZATIONAL MATTERS**

1. Additional Procedural changes
2. Legal outlined the changes.