



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

**MEETING MINUTES**

**MEETING DATE: June 9, 2009**

**MEETING TIME: 6:30 PM – Hearing Opened**

**I. ROLL CALL**

Members Present: Antonio Amadeo, Chair;  
Randy Baron, Randy O'Kelley, Gennaro DiNola,  
Steve LaBour and Sue Lyon. Lucinda Utter - absent

Staff Present: Towanda Anthony (LDC), Mary Danielewicz-Bryson (LDC),  
Roberta Meade-Curry (LDC), Roger Kirt (Transportation),  
Ernie Mueller (Legal)

**II. APPROVAL OF MINUTES FOR May 12, 2009**

LaBour: Made motion to approve meeting minutes.  
Approved unanimously.

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

PETITION: VRB09- 26  
PETITIONER: Bradley A Suddath  
AGENT: John B Grandoff, III , Esq.  
LOCATION: 3417 W Empedrado Street  
REQUEST: To reduce front yard from 25' to 15'  
PURPOSE: To construct residence  
NEIGHBORHOOD: Palma Ceia

*Agent requested on behalf of the petitioner to **WITHDRAW** case. Petitioner has met all code requirements and therefore does not need variance, and has applied for permit.*

*J. Grandoff, Agent for Petitioner, added to record that request for withdrawal was with Petitioner's consent.*

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

*T. Anthony requested on behalf of the petitioner to **WITHDRAW** case.*

PETITION: VRB09- 40  
PETITIONER: Virgil Ealy  
AGENT: David Smith/ John Muratides, Stearns Weaver Miller et al  
LOCATION: 1221 E Powhatan Avenue  
REQUEST: To reduce side yard setback from 7' to 4'11"  
PURPOSE: To re-construct existing pergola  
NEIGHBORHOOD: Old Seminole Heights

*Petitioner Presented letter into record from neighbors who do not object to pergola and deck and screening, he also presented photos to demonstrate his intent to create privacy.*

*R. Baron: What is address of side property nearest pergola?*

*Petitioner: 1219 E. Powhattan Ave*

*R. Baron: This address is listed on petition and signed; therefore confirm they are not in objection.*

*LaBour: Why was this pergola not built to setbacks ?*

*Petitioner: Was not aware of setback requirements. If he was he would have built to requirements.*

*LaBour: What is overall height from ground to top of pergola?*

*Petitioner: 30" from ground to top of deck, not sure how high pergola is.*

*Lyon: Is it higher or taller than your own home?*

*Petitioner: No.*

*M. Danielewicz-Bryson presented photos of pergola into record.*

*Public: NONE.*

*Hearing Closed.*

*LaBour: Cannot support, looks too tall, cannot support because Owner "goofed" and was not aware of codes.*

*R. Baron: Supports because deck and spa were built to code, pergola was after thought and built later therefore that is why he is asking for variance.*

*Can support because neighbors support.*

*A. Amadeo: Can support because 5 separate addresses support.*

*Discussion Closed.*

*R. Baron: Agrees with petitioner that substantial competent evidence was presented to confirm pergola could not be located elsewhere on lot. Made motion to approve Variance with conditions that petitioner will not enclose pergola any further than what was shown in photos submitted today.*

*S. Lyon: Seconded*

*Vote: LaBour - nay All others present - approve*

***Variance Granted with 5-1 vote.***

#### IV. NEW BUSINESS

##### A. GENERAL VARIANCES

PETITION: VRB09-42  
PETITIONER: Mayim Properties, LP  
AGENT: John Grandoff III, Esq  
LOCATION: 7501 & 7512 S Trask Street  
REQUEST: To remove several grand trees  
PURPOSE: To construct new homes  
NEIGHBORHOOD: Port Tampa City

*T. Anthony has requested a continuance for this case until the August 11, 2009 hearing.*

*J. Grandoff, Agent for Petitioner, added to record that request for continuance was with Petitioner's consent.*

*R. Baron: Made Motion to approve continuance.*

*G. DiNola: Seconded.*

*Passed unanimously.*

***Variance granted.***

PETITION: VRB09-44  
PETITIONER: Julie T Pittman & Charles E Larsen  
AGENT: Not Applicable  
LOCATION: 4202 W Swann Avenue  
REQUEST: To reduce corner yard setback from 15' to 3'  
PURPOSE: To construct portizo  
NEIGHBORHOOD: Beach Park Homeowners

*T. Anthony submitted letter from Beach Park Homeowner's Association opposing request.*

*Petitioner: Reviewed request and presented site plan. Expressed concern regarding speed of vehicles coming down Swann Avenue with potential for accidents. Presented other locations in neighborhood with circular drives and similar corner lot conditions. She expressed concern for the safety of persons, visitors, students parked and accessing their vehicles.*

R. Kirt: Transportation has reviewed request and is requiring Petitioner to apply for a driveway variance for corner clearance of 25'-0". This can be done administratively.

M. Danielewicz-Bryson: Petitioner has not shown all the trees on Site Plan. There are 2 trees affected. ! tree is a Live Oak and requires the minimum protected radius of 6'-0" with the remaining 4'-0" radius of driveway around tree to be made of pervious material. The other tree can be removed with a permit. Petitioner also needs to include calculations of impervious area to apply for green waiver.

A. Amadeo: Petitioner what is Hardship?

Petitioner: Safety issues with children getting in and out of the cars, speed of cars turning corner. Trying to be proactive so someone does not get hurt.

A Amadeo: How many vehicles can park now I driveway ? and are there other corner lots in neighborhood like what you are proposing?

Petitioner: 2 vehicles. Yes.

LaBour: Have the minimum Transportation requirements been met?

R. Kirt: Yes.

Public: NONE.

Hearing Closed.

LaBour: Cannot support, no hardship was demonstrated for porte-cochere.

S. Lyon: Cannot support due to Neighborhood Association objection and tree to be removed.

A.Amadeo: Cannot support porticochere because of tree being removed, but feels driveway is ok. And driveway can be something approved administratively.

LaBour: Do not feel the solution to the safety issues require the construction of the porte-cochere. Made motion to deny variance because hardship was not met. However circular driveway can be granted administratively with Transportation.

S. Lyon: Seconded.

**Variance denied unanimously.**

PETITION: VRB09-45  
PETITIONER: Timothy Scott Kippenburg  
AGENT: Not Applicable  
LOCATION: 3221 W San Luis Street  
REQUEST: To reduce corner yard setback from 7' to 5'  
PURPOSE: To construct pool screen enclosure  
NEIGHBORHOOD: Palma Ceia

David Dorgan presented case on behalf of petitioner. Site Plan and photos showing pool, proposed pool enclosure location and existing pool deck. He explained permit was submitted and approved for pool deck to be set at 5'-0" from property line. Construction had begun and inspections approved. When he applied for pool enclosure permit that is when he was told to maintain 7'-0" setback from corner lot. Requesting variance due to hardship now that pool and spa are built, and to redo would be very costly.

S. Lyon: Where is fence located in relation to pool?

Petitioner: Approx. 5'-0" from deck.

LaBour: How high will enclosure be?

Petitioner: 9'-0"

LaBour: Staff does pool deck comply?

T. Anthony: Yes, deck was built to code.

Public: NONE.

Hearing closed.

Board discussed at length safety issues, code issues, permit procedures, whether CSC was at fault or not, optional construction issues, and option of not having enclosure at all.

R. Baron: Made motion to approve variance based upon substantial competent evidence.

R. O'Kelley: Seconded.

Vote: DiNola, LaBour – nay All others present – approve

**Variance granted with 4 to 2 vote.**

PETITION: VRB09-46  
PETITIONER: Mark Mantooth  
AGENT: Not Applicable  
LOCATION: 3107 E 1st Avenue / 2801 Adamo Drive  
REQUEST: To increase fence height from 8' to 20'  
PURPOSE: To construct 20' tall masonry wall along Adamo Drive/SR60  
NEIGHBORHOOD: East Ybor

*Petitioner: Mike Reid spoke on behalf of Trademark Metals Recycling. He stated there is an application revision to height of wall. Requesting a 16'-0" height vs. the 20'-0" high previously requested. Petitioner reviewed history of site, explained zoning designation (IH) and permitted use. Reason request is being made due to FDOT Imminent Domain land swap. He has received an approved Land Use Interpretation from City regarding piles. Petitioner explained benefits of project –increase security to property and area, aesthetic improvement, opacity to site, encourage future development, effectiveness to block visual of piles along public ROW.*

*M. Daniel-Bryson: Filed a staff report stating inconsistencies. Petitioner has not demonstrated how 50% of trees will be preserved. Trees are palms and can be transplanted.*

*R. O'Kelley: Are there any Oaks on property being affected?*

*M. Danielewicz-Bryson: No.*

*LaBour: Made motion for a 12'-0" height wall on top of 4'-0" berm, resulting in overall wall constructed at 16'-0".*

*Baron: Seconded*

*Passed: unanimously*

***Variance granted***

PETITION: VRB09-47  
PETITIONER: Robert Vance Tankersley  
AGENT: Not Applicable  
LOCATION: 3222 W Wallcraft Avenue  
REQUEST: To reduce front yard setback from 25' to 14' and side yard setback from 7' to 3'4"  
PURPOSE: To renovate existing structure for porch and carport and to vest existing structure  
NEIGHBORHOOD: Bayshore Beautiful

*Petitioner: Submitted and reviewed floor plans, photos, and elevations. Explained basically beautifying home by building a covered front, no real structural walls being built. No neighborhood opposition as far as he knows. Presented photos of streetscapes demonstrating other homes built in front setbacks.*

*S. Lyon: Disclosed she is a member of the Bayshore Beautiful Homeowner's Association and stated it would not have an affect on her vote.*

*Board: No objections.*

*LaBour: Do you have a carport now?*

*Petitioner: No.*

*LaBour: Can carport go anywhere else on property?*

*Petitioner: No.*

*Public: (1) Neighbor @ 3304 W. Walcraft*

*Supports addition because it will be an added improvement to neighborhood.*

*R. Baron: Do homes in the area jog/jutt in and out along streets, possible impacting visibility?*

*Public: There is not much impact, mostly front porches that are located in fronts, some homes are much closer to road than what is being proposed in this addition.*

*R. Baron: Do you feel this addition will create a canyon affect?*

*Public: No.*

*DiNola: Made motion to approve.*

*Lyon: Seconded*

*Passed unanimously*

**Variance Granted**

PETITION: VRB09-48  
PETITIONER: Mike Schlagheck  
AGENT: Not Applicable  
LOCATION: 6716 N Nebraska Avenue  
REQUEST: To retain existing barbed wire fence along perimeter fence  
PURPOSE: To secure property  
NEIGHBORHOOD: Old Seminole Heights

*T. Anthony: Passed out staff report with objections.*

*Pet: explained barbed-wire fence is existing since 1998. Permitted properly. Initially removed barbed wire when first cited. At that time he inquired as to why is site in violation. City responded due to new ordinance passed two years ago. Petitioner explained that this is a critical location for telecommunications on a daily and in emergency situations. Barbed-wire is needed for security, safety purposes. Building carries 4 times normal power than average building.*

*Public: (6) presented opposing arguments, photos and evidence.  
(4) electronically received response in opposition.*

*Petitioner: Rebuttal: Stated for the record that the security issues he presented were at other locations, and those location do not have barbed wire.*

*R. Baron: Has Brighthouse or could Brighthouse explore other fencing style options ?*

*Petitioner: Possibly, but it was a decision that had to be made by his Director.*

*O'Kelley: Have you discussed working with TPD and conducting a security survey of property? This is a viable service they offer.*

*Petitioner: No, but I can discuss with his Manager.*

*Hearing closed.*

*LaBour: No security need was demonstrated by Petitioner. Suggest Brighthouse work with Neighborhood Associations to develop a viable solution.*

*Amadeo: Agrees with LaBour's comments feels no hardship, nor security need was demonstrated.*

*LaBour: Made motion to deny variance.*

*R. Baron: Seconded.*

**Variance denied unanimously.**

*Petitioner added he will work with Neighborhood to resolve.*

PETITION: VRB09-49  
PETITIONER: Sean Murphy  
AGENT: Not Applicable  
LOCATION: 302 E Jean Street  
REQUEST: To reduce rear yard setback from 20' to 8'10"  
PURPOSE: To construct home addition  
NEIGHBORHOOD: Old Seminole Heights

*Pet: reviewed site plan and presented his two requests for a variance from the 20'-0" and the 18'-0" setback at garage. Presented photos of neighboring properties.*

*After some length discussion it was suggested variance be continued for 30 days to possibly amend original request.*

*LaBour: Made motion to have variance continued for 30 days.*

*DiNola: Seconded*

**Continuance granted unanimously.**

*Pet: Agrees*

PETITION: VRB09-51  
PETITIONER: Albert Docobo  
AGENT: Not Applicable  
LOCATION: 3225 South MacDill Avenue  
REQUEST: To increase sign height  
PURPOSE: To change existing sign to electric sign  
NEIGHBORHOOD: Palma Ceia

*Petitioner: Submitted email from M. Brenchley at City – CSC regarding no objections for a variance. Explained particulars of sign changes request. Presented photos. Do not want to change or reconstruct or increase size of existing sign, we just want to update it with electronic sign.*

*M. Danielewicz-Bryson: If tree trimming is required petitioner will be required to follow ANSI Standards.*

*A.Amadeo: Petitioner are you familiar with Tree Trimming Standards.*

*Petitioner: Yes.*

*Staff, Petitioner and Board discussed at some length details of case, signage code, needs of petitioner, intent of sign.*

*Public: NONE.  
Hearing closed.*

*Board continued to discuss at length sign code, type of sign proposed and its purpose.*

*R. Baron: Made motion to deny variance due to lack of demonstration for hardship.*

*Lyon: Seconded*

*Vote: DiNola – nay All others Present – approve denial.*

***Variance denied with 5-1 vote.***

## **V. BOARD ORGANIZATIONAL MATTERS**

1. Procedural changes presented by E. Mueller.
  - A. Make sure persons present all evidence at time of presentation and not perpetuate new evidence from being presented. Ernie presented code sections that he has suggested amended text. Board discussed how to handle this procedurally. Ernie reference sections – Sec.7.33(2), Sec.8.7.4, Sec.8.7.5.
  - B. Insufficient and tie vote would carry over to next hearing. Board discussed how to handle procedurally. Clarified this is only for approval, not for a denial.

*LaBour: Made motion to approve procedural changes as discussed.*

*Baron: Seconded.*

*Passed unanimously.*

2. A. Amadeo: Real Estate Disclosure forms are due and is re's by HR form. Send to T. Anthony and she will turn in. Everyone on Board has submitted and up to date.
3. E. Mueller: suggested additional workshops on Chapter 20.5 – Signage issues. A. Amadeo agreed this would be a good idea provided staff was able to present and review with them. Include 30 min presentation at next 30-60 day session.

Meeting adjourned at 10:08 PM