



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 DAY'S AFTER THE ORAL DECISION IS MADE. YOU WILL NEED TO OBTAIN A COMPLETE COPY OF THE RECORD FOR YOUR APPEAL.*

**FINAL AGENDA**  
(As of July 8, 2009)

**MEETING DATE: July 14, 2009**

**SPECIAL MEETING**

MEETING TIME: 6:00 PM

I. WORKSHOP – Hardship and Practical Difficulties

Roll Call:

Nicholas Bradford, Sue Lyons, Randy Baron, Randy O'Kelly, Steve Labour, Lucinda Utter. Later during presentation, Antonio Amedo came in.

Mr. O'Kelly called meeting to order for the workshop.

Ernie Mueller, Assistant City Attorney, explained that workshop was to discuss how to apply hardship criteria and introduced Assistant City Attorney Rebecca Kurt.

Rebecca Kurt explained practical difficulties and hardship criteria. Ms. Kurt gave a historical context to the discussion and then explained the two types of variances: use and area. She stated that use variances are not granted by the VRB and that they deal with height and area

variances. Ms. Kert explained that hardship and practical difficulties are the same thing. The applicant has no reasonable use of the property. For example, if all the lots in a subdivision have porches and a person with a pie shaped lot asks for a variance for a porch, that would be a reasonable request and a practical difficulty. The Board must remember the five criteria and apply it to the property in question; it must be unique and singular to the property. She explained that the variance must be justified by the property and existing conditions on the property, not the person asking for the request. The variance must also address and ensure the health, safety and welfare of the public.

The Board then discussed specific issues that may arise and how to address those situations. Ms. Kert responded and said in some circumstances, the only way to know would be through litigation.

Mr. O'Kelley adjourned the workshop.

## **PUBLIC HEARING**

**MEETING TIME: 6:30 PM**

### **I. ROLL CALL**

**Nicholas Bradford, Sue Lyons, Randy Baron, Randy O'Kelley, Steve Labour, Lucinda Utter**

Staff Present: Towanda Anthony (LDC), Eric Cotton (LDC), Joel, Sousa (LDC), Ernie Mueller (Legal), Mary Danielewicz-Bryson (LDC) Roger Kirk (Transportation).

### **II. APPROVAL OF MINUTES FOR June 9, 2009**

Steve Labor made a motion to continue approval of June 9 minutes to August 11, 2009 meeting – motion seconded by Randy Baron and the motion carried unanimously.

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

|               |   |
|---------------|---|
| 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" and reduce corner yard setback from 18' to 7' |
| PURPOSE:      | To construct home addition and driveway   |
| NEIGHBORHOOD: | Old Seminole Heights  |

Staff presented the case and stated that the property received a variance to the rear yard setback from 20' to 8'9" in 2004 (VRB04-15). This property had been continued from the July public hearing.

Mr. Murphy presented case and provided letters of support from neighbors.

The Board discussed the tree issues and submitted survey with staff.

The board closed the public hearing and went into discussion.

Mr. Labour expressed concern that the reason for the continuance was to address Transportation's concerns with the 18' setback for the garage.

Roger Kirk (Transportation) confirmed the one car garage needs an 18' setback.

The Board then discussed the hardship criteria and if the petitioner met that standard.

Steve Labour Move to deny request due to practical difficulty and hardship not met.  
The motion was seconded by Sue Lyon and passed unanimously.

#### IV. NEW BUSINESS

##### A. GENERAL VARIANCES

PETITION: VRB09-50  
PETITIONER: John French  
AGENT: Not Applicable  
LOCATION: 915 W Knollwood Street  
REQUEST: To increase fence height from 6' to 9'  
PURPOSE: To retain existing fence  
NEIGHBORHOOD: Willow Pines

Towanda introduced variance and showed an aerial and pictures of the fence.

Mr. French submitted pictures and a letter of support. He stated that he lived in his house for the past 20 years and in 1997, with the development of the adjacent subdivision, his fence became ineffective. He showed pictures to support his argument.

Nick Bradford moved to approve, met hardship uniqueness of property and stated that any future changes applicant to come back. The Board questioned if they could impose that condition and was told no by Mr. Mueller. Mr. Bradford removed that condition.

Ms. Lyon moved to approve the existing fence and the 9' height. Ms. Utter seconded the motion, which passed 6-1 with Mr. LaBour voting nay.

PETITION: VRB09-52  
PETITIONER: Mario Espaillat  
AGENT: Not Applicable  
LOCATION: 4014 N 22<sup>nd</sup> Street  
REQUEST: To reduce side yard setback from 10' to 1'1/2"  
PURPOSE: To vest existing building  
NEIGHBORHOOD: East Tampa Business & Civic Association  
Petition moved to the August 11, 2009 public hearing date.

PETITION: VRB09-53  
PETITIONER: Pauline Mordini  
AGENT: Sergio Mordini  
LOCATION: 418 S Orleans Avenue  
REQUEST: To reduce north side yard setback from 7' to 3'  
To reduce south side yard setback from 7' to 4'5"  
PURPOSE: To add a one-story addition to rear of existing house  
NEIGHBORHOOD: Hyde Park North Neighborhood

Staff explained the request and presented aerials and pictures on front and north and south side yards. Staff also showed the existing and proposed site plans and noted a letter of objection from the property owner at 416 S Orleans Ave had been received.

Towanda showed site plans showing the existing & proposed. Stated that there is one objection letter 416 S. Orleans Ms. Williams.

Sergio Mordini, representing the petition, reviewed the existing & proposed site plan. He stated that he talked to Ms. Williams she now has no objection to the addition as the existing separation remained and had her sign a statement stating such. Staff stated that the lot is nonconforming and the notice was for both the existing structure and the new addition

The Board closed the public hearing and entered into discussion.

A motion approve was made by Mr. O'Kelly and seconded by Mr. Barron.

The Board discussed the motion and issues regarding health, safety and welfare, primarily the building code. It was stated that these things would be addressed at the time of permitting.

Mr. Amadeo stated that a motion to approve was made by Mr. O'Kelly and seconded by Mr. Barron. The motion passed 6-1 with Mr. Bradford voting nay.

#### **V. BOARD ORGANIZATIONAL MATTERS**

A workshop on sign code 20.5 was set for August 11, 2009 at 5:30 p.m.

The hearing was adjourned at 8 PM.