



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.*

**DRAFT AGENDA**  
(as of October 19, 2009 )

**MEETING DATE:     October 13, 2009**

**PUBLIC HEARING**

**MEETING TIME: 6:30 PM**

**I.     ROLL CALL**

Gennaro DiNola, Sue Lyon, Randy Baron, Antonio Amadeo, Randy O'Kelley, Steve LaBour, Lucinda Utter

Mr. Amadeo introduced the board and went over the Boards procedures for conducting the meeting.

Staff in Attendance: Ernie Mueller , Assistant City Attorney, Eric Cotton, LDC, Joel Sousa, LDC, Mary Danielewicz-Bryson, LDC, Rodger Kirk, Transportation.

- II.     APPROVAL OF MINUTES FOR September 8, 2009 Mr. Amadeo asked if no other comments from Board members that the following be added: since the Assistant City Attorney had asked at the beginning of the meeting, if any one wanted to be continued as there were only four (4) members for quorum and rules require (4) members to grant a variance. There was no objection to the addition.

**Motion by Mr. LaBour seconded by Mr. Baron, to approve minutes. Motion passed unanimously (7-0).**

**Attorney swore in prospective speakers.**

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

PETITION: VRB09-54  
PETITIONER: Jose Montserrat, Eugenia Marcet, Melvis Montserrat  
AGENT: Not Applicable  
LOCATION: 3105 W Saint Conrad Street  
REQUEST: Reduce side yard setback for main structure from 7' to 0', and rear yard from 20' to 3'  
PURPOSE: To keep existing structure constructed without permits  
NEIGHBORHOOD: NE MacFarlane  
At the August 11, 2009 hearing, the VRB voted to **continue** until 10/13/09 for the possible inclusion of a green space waiver request.

Staff introduced the case and showed photographs regarding the petition.

Melvis Montserrat, petitioner, explained her variance request. She showed aerials from 1988 and 1991, showing the shed at its current location. Ms. Montserrat submitted a letter from Isleda Pelcus, the adjacent neighbor, stating that she did not have an objection to the variance request.

The public hearing was closed.

Motion to approve was made by Mr. DiNola and seconded by Mr. Baron, with the condition that green space issues will be addressed at permitting. Motion passed unanimously (7-0).

Mr. Mueller made copy of property diagram, which was placed into the public record after a motion by Mr. Barron, seconded by Mr. Labour, motion carried unanimously (7-0).

PETITION: VRB09-63  
PETITIONER: Metro PCS  
AGENT: Todd Pressman  
LOCATION: 2915 N Dale Mabry Hwy.  
REQUEST: To add additional square footage to existing pylon sign  
PURPOSE: To keep existing sign structure  
NEIGHBORHOOD: NE MacFarlane & Carver City/Lincoln Gardens  
*Petition was moved to the October 13, 2009 hearing date due to a mis-notice.*

Staff introduced the case and showed pictures and elevations of the site and signs.

Todd Pressman explained that the proposal was to place an additional sign cabinet on an existing free-standing sign pole that had two existing sign cabinets. Due to the way sign space is calculated by code, the amount of space is not actually the amount of sign copy area.

The Board closed the public hearing and entered into discussion.

Mr. LaBour commented regarding the City's sign code changes.

Mr. Baron motioned to reopen the public hearing, with Mr. LaBour seconding, motion passed 7-0. Mr. Baron then asked if the petitioner would like a continuance to reconfigure the sign.

Mr. DiNola stated that he understood sign dimension would be simple going in the middle instead of three separate 3' by 15' sign cabinets with air space between them. Proposed sign should stay within the copy box (13' X 15').

Motion to approve by Mr. DiNola, seconded by Mr. Baron, with the condition that the proposed sign cabinet fits within the 3' x 15' space (195 sqft. total) in-between the sign frames of the Chase and Family Dollar signs on the existing free-standing sign pole.

Motion passed 4-3; with Ms. Lyon, Mr. O'Kelley, and Mr. LaBour voting nay.

PETITION: VRB09-62  
PETITIONER: Sunstate Construction  
AGENT: Cain Barry  
LOCATION: 610 Marmora Ave.  
REQUEST: Reduce rear yard setback from 14' to 5'.  
PURPOSE: For proposed screen pool enclosure  
NEIGHBORHOOD: Davis Islands Civic Association, Davis Island  
Neighborhood Planning Task Force  
*Variance request was withdrawn by the petitioner 10/8/09.*

PETITION: VRB09-51  
PETITIONER: Albert Docobo  
AGENT: N/A  
LOCATION: 3225 South MacDill Ave.  
REQUEST: To increase height of free standing sign from 20-feet to 39-feet, to increase sign square footage from 50 sq ft to 496 sq ft and to increase the square footage of an electronic sign from 50 sq ft to 52.25 sq ft  
PURPOSE: To install a electronic reader board on existing free standing sign  
NEIGHBORHOOD: Palma Ceia  
*Petition was remanded to the VRB per City Council on August 20, 2009.*

Staff introduced the case and showed photographs regarding the petition and explained the nonconforming issue.

John Grandoff spoke representing the petitioner. He stated that there is no increase in the sign area and the reason for the variance was to bring the sign into conformance so that an electronic messaging center could be installed.

Petitioner submitted five photographs of signs within the area.

Mr. DiNola moved to receive file – all in favor, passed unanimously.

The public hearing was closed and the Board entered into discussion.

Mr. Labour stated that he felt that the sign was appropriate and would reduce the future need for additional signage. Based partially on that, Mr. LaBour moved to approve and was seconded by Mr. DiNola, with the condition that the electronic message center be placed on the bottom sign panel only, motion carried unanimously (7-0).

#### **IV. NEW BUSINESS**

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

None

##### **B. GENERAL VARIANCES**

PETITION: VRB09-64  
PETITIONER: Gregory & Gay Jacobs  
AGENT: Gary Brown  
LOCATION: 465 Severn Avenue  
REQUEST: Reduce corner yard setback from 12' to 7'  
PURPOSE: For replacement of existing 2 car garage  
NEIGHBORHOOD: Davis Islands Civic Assn./Davis Islands  
Neighborhood Planning & Task Force  
*Case moved to the November hearing due to a  
mis-notice.*

PETITION: VRB09-65  
PETITIONER: Kelly A. Swalleh  
AGENT: Angelett Murray  
LOCATION: 8516 Sandpiper Ridge Ave.  
REQUEST: Reduce rear yard setback from 10' to 4'  
PURPOSE: For replacement of existing garage with 2 car  
garage  
NEIGHBORHOOD: West Meadows Homeowners Association  
*Case was removed due to a determination from the  
Zoning Administrator, a variance is not applicable  
to this case.*

PETITION: VRB09-66  
PETITIONER: David Cabrera  
AGENT: N/A  
LOCATION: 2546 W Main Street  
REQUEST: Reduce side yard setback from 7' to 3'  
PURPOSE: Room addition to single-family home  
NEIGHBORHOOD: NorthEast Macfarlane

Staff introduced the case and showed photographs regarding the petition.

Massiel Reynaldo (stated wife of David Cabrera) spoke explaining that the room addition and variance was needed for their elderly mother

The Board closed the public hearing and entered into discussion.

Mr. Labour moved to approve and was seconded by Mr. DiNola, with the condition that the side yard setback of 2'4" to include space for eaves and gutters. Motion approved unanimously (7-0).

PETITION: VRB09-67  
PETITIONER: Cynthia Gries  
AGENT: Stephan Michelini  
LOCATION: 2611 W Tyson Ave  
REQUEST: Reduce rear yard setback from 20' to 3' and reduce side yard setback from 7' to 3'  
PURPOSE: Build accessory structure for single-family home  
NEIGHBORHOOD: Ballast Point Neighborhood Assn.

Staff introduced the case and showed photographs regarding the petition.

Stephan Michelini explained that the construction of the subject home started in 2005 and was abandoned by different contractors. Although approved for under 900 square feet, the accessory structure measured at 960 square feet. The petitioner first found out about the nonconformity when she applied for the certificate of occupancy.

The Board closed the public hearing and entered into discussion.

Motion to approve made by Mr. DiNola, seconded by Mr. Baron, approved unanimously (7-0).

PETITION: VRB09-68  
PETITIONER: Eric & Courtney Hoening  
AGENT: Stephan Michelini  
LOCATION: 2410 Sunset Drive  
REQUEST: Reduce rear yard setback from 20' to 3' and reduce side yard setback from 7' to 3'  
PURPOSE: Build accessory structure for single-family home  
NEIGHBORHOOD: New Suburb Beautiful Civic Assn.  
*Case was moved to November hearing at the request of the petitioner.*

Mr. Sousa stated that petitioner wanted to continue variance request to the December hearing so that the petitioner could notice the request correctly.

Motion by Mr. Kelley, seconded by Ms. Lyon, approved unanimously (7-0).

PETITION: VRB09-69  
PETITIONER: Investors Land Trust Services, LLC  
AGENT: Charles Bean III  
LOCATION: 6813 N 18<sup>th</sup> Street  
REQUEST: Reduce side yard setback from 7' to 3'  
PURPOSE: Create an adjacent buildable lot  
NEIGHBORHOOD: Old Seminole Heights

Staff introduced the request and showed pictures of the site.

Charles Bean explained the need for the variance would like to build new bungalow style house on the vacant lot, but the existing house does not meet the required side yard setback.

The public hearing was closed and the Board entered into discussion.

Mr. DiNola moved to approve and was seconded by Mr. Baron, with the condition that the petitioner adhere to the development as shown on the submitted site plan. Motion passed unanimously (7-0).

## **V. BOARD ORGANIZATIONAL MATTERS**

There were no board organizational matters to discuss.

Public Hearing adjourned at 8:55 p.m.