



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

VARIANCE REVIEW BOARD MINUTES

MEETING DATE: November 10, 2009

MEETING TIME: 6:30 PM

I. ROLL CALL/AGENDA ITEMS

Randy O'Kelly, Vice-Chair; Steve LaBour (arrived during VRB09-70); Randy Barron; Allison Udder; Sue Lyon; and Nick Bradford

Staff Present: Joel Sousa, LDC; David Reilly, Parks; Roger Kirk, Transportation; Ernest Muller, Legal Department; Eric Cotton, LDC

Mr. Sousa spoke indicated that the petitioner for VRB09-73 would like a continuance. Mr. Bradford moved to approve and was seconded by Mr. Baron to continue the case until the January 2010 public hearing. The motion passed 5-0.

II. APPROVAL OF MINUTES FOR October 13, 2009

Mr. Baron moved to table the minutes to the December 2009 public hearing and was seconded by Ms. Lyon. The motion passed 5-0.

III. OLD BUSINESS: Cases Continued/ Mis-Notice

APPLICATION:	VRB09-64
APPLICANT:	Gregory & Gay Jacobs
AGENT:	Gary Brown
LOCATION:	465 Severn Avenue
REQUEST:	Reduce rear yard setback from 12' to 7' and corner yard setback from 15' to 10', with the allowed encroachment of the eaves and gutters
PURPOSE:	For replacement of existing 2 car garage
NEIGHBORHOOD:	Davis Islands Civic Assn./Davis Islands Neighborhood Planning & Task Force

Mr. Sousa announced the case and summarized the request and staff report. He showed pictures and the aerial map.

Mr. Brown, representing the petitioner, explained the request and presented the site plan to the Board. He showed pictures of the streetscape and surrounding properties. Currently, the garage is built to face an interior courtyard that does not allow garage access; this was the result of a remodel in the 1990s.

Mr. Brown indicated that the variance will allow for more functionality and enable the vehicles to be parking in the street.

Mr. Bradford asked about the ability to use the existing garage (built in 1993) and move the garage door to the front. Mr. Brown indicated that the existing garage is not wide enough to accommodate two cars. Mr. Bradford thought that the petitioner's created their own hardship.

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

Mr. Baron indicated that the lot was irregular and the building was skewed because of the lot shape. Mr. Baron moved to approve and was seconded by Ms. Lyon. The motion passed 5-0.

IV. NEW BUSINESS

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

APPLICATION: VRB09-75
APPLICANT: Masterwork Studios, Inc
AGENT: Roger Graham
LOCATION: 1108 N Boulevard
REQUEST: Reduce R.O.W setback from 15' to 7.5', reduce intersection setback from 30' to 18' and to allow the placement of the signs at non-vehicular entrances
PURPOSE: To install two signs
NEIGHBORHOOD: West Riverfront

Mr. Sousa announced the case and summarized the request and staff report. He showed pictures and the aerial map. There were two issues before the Board: the location of the signs and the setback location.

Mr. Graham explained the site and the location of the roadways. The signs would be more visible at the locations of the two intersections of the roadways.

Mr. LaBour asked about the signage allowance for the location. He then asked if the applicant could then put signs back at the original locations allowed by Code and if the Board can put a condition on the approval, if approved, that the applicant be limited to only the two signs.

Mr. Graham agreed that he would accept that as a condition if placed on the approval.

Ruth McNair, representing the neighborhood association, supported the requested variance.

The Board closed the public hearing and entered into discussion.

Mr. LaBour moved to approve the request with the condition that the total number of signs on the property be these two. Mr. Bradford seconded the motion, which passed 6-0.

B. GENERAL VARIANCES

APPLICATION: VRB09-70
APPLICANT: Robert & Jean Thornton
AGENT: Patricia Ortiz

LOCATION: 3307 W Rogers Avenue
REQUEST: Reduce front yard setback from 25' to 5' and reduce rear yard setback from 20' to 14', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a screen enclosure with a solid roof
NEIGHBORHOOD: Gandy / Sun Bay South Civic Association

Mr. Sousa announced the case and summarized the request and staff report. He showed pictures and the aerial map. He acknowledged an email received from the neighborhood association.

Ms. Ortiz explained the variance requests and showed pictures of the site. She explained the dual front yard setback for the carport and for the front porch. The rear yard and the carport encroachment, as shown on site the plan, are existing conditions. Ms. Ortiz then explained the hardships and the health of the applicant.

Mr. Baron asked if there would be any issues with a condition that the porch always remain screened and that the carport not be enclosed. Mr. Bradford questioned the location of the screen porch, given that there was a location on the property whereas a variance may not be required.

The public hearing was closed and Board discussion ensued.

Mr. Baron moved to approve with the conditions that the carport never be enclosed and that the screen room only be enclosed with screening and never be air conditioned. Ms. Utter seconded the motion. The motion passed 5-0.

APPLICATION: VRB09-71
APPLICANT: Mary and Willis Putney
LOCATION: 3914 W Wallace Avenue
REQUEST: Reduce rear yard setback from 20' to 5', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct kitchen addition and connect existing garage to main structure
NEIGHBORHOOD: Gandy / Sun Bay South Civic Association

Mr. Sousa announced the case and summarized the request and staff report. He showed pictures and the aerial map. The setback is a result of the detached structure become part of the main structure.

Mr. Putney presented his case and explained the need for the variance, primarily his wife's health. The goal was to have the entire structure at one continuous elevation. Mr. Putney explained the variance request and the kitchen addition.

Mr. Bradford and Mr. LaBour asked about other locations.

The Board closed the public hearing and entered into discussion.

Ms. Udder moved to approve based on the existing garage and that the addition is causing the need for the setback variance. Mr. LaBour seconded the motion, which passed 5-1, with Mr. Bradford voting nay.

APPLICATION: VRB09-73
APPLICANT: Peter Donegian
LOCATION: 54 Adalia Avenue
REQUEST: Increase fence height from 4' to 6'

PURPOSE: To construct fence with gate
NEIGHBORHOOD: Davis Island Civic Association & Davis Island NPTF

The Board voted to continue this case until the January 2010 public hearing.

APPLICATION: VRB09-74
APPLICANT: Jose Le Puente
AGENT: Peter Tagliarini
LOCATION: 5805 S Gordon Avenue
REQUEST: Reduce side yard setback from 7' to 4' and reduce rear yard setback from 20' to 5', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct second floor above accessory garage
NEIGHBORHOOD: Ballast Point Neighborhood Association

Mr. Sousa announced the case and summarized the request and staff report. He showed pictures and the aerial map. The variance is a result of the additional square footage requiring the structure meet main structure setbacks.

Mr. Reilly explained the tree issue and the determination of the LDC landscape reviewer. He stated that changes were made that would meet the requirements of the Code.

Mr. Tagliarini presented the site plan and explained the request. Because of the flood plain, the garage needed to go up, not out. The height of the structure could go lower. As the result of a question, Mr. Tagliarini explained why the 18" tree needed to be removed because of the trimming that would need to be done to save the tree and still build the addition.

Michael Williams spoke against the request, stating that there was no flood plain issue, as the house could have a second story built on it. He indicated that he saw no hardships, as there were other options.

Steven Sears spoke against the request. Claimed the request was a self-created hardship.

Marty Sears spoke against the request, explaining the location of her property and the proposed addition to the garage.

Donna Williams spoke against the request as it was going to have a negative effect on the light and air as a result of the addition.

Mr. Tagliarini, on rebuttal, showed aerials of the two houses (Williams/Le Puente) and the separation between the two. Regarding the tree issue, he did not feel like he was losing a lot of canopy.

The Board closed the public hearing and entered into discussion.

Mr. Bradford indicated that he did not see any hardship presented by the applicant's agent. Mr. LaBour agreed that he did not see any hardship.

Ms. Lyon moved to deny based on the lack of hardship. The motion was seconded by Mr. Baron because there was no hardship or practical difficulty presented. Mr. Baron explained his second as there was substantial impact on the health, safety and welfare of the neighbors, as presented at the hearing. The motion passed 6-0.

APPLICATION: VRB09-76
APPLICANT: Michael M Ingram
LOCATION: 1408 W Azeele Street
REQUEST: Reduce front setback from 25' to 9', reduce side yard setback from 7' to 3' (alley) and 7' to 5' (interior), reduce rear yard setback from 15' to 4', with the allowed encroachment of the eaves and gutters
PURPOSE: To new single family residence
NEIGHBORHOOD: Hyde Park North Neighborhood Association

Mr. Sousa announced the case and summarized the request and staff report. He showed pictures and the aerial map.

Mr. Mueller entered into the record Antonio Amadeo's conflict of interest form regarding work on this property.

John Harden, property owner and representing the applicant, explained the size of the lot being nonconforming. The front yard setback request would line the proposed house with the existing homes on the block. Mr. Harden then showed pictures, illustrating that the yard setback reduction requests were consistent with current development.

Mr. LaBour asked if the property could be developed without setback variances and Mr. Sousa confirmed that it could be.

Mr. Bradford and Mr. Baron expressed concern over the massing at the reduced setbacks. The petitioner reviewed the block layout that was submitted as part of this petition.

Ruth McNair, representing her relative at 408 S Orleans (need name of aunt), supported the requested variances.

The Board closed the public hearing and entered into discussion.

Mr. LaBour moved to approve the request and was seconded by Ms. Utter. The motion passed 6-0.

V. BOARD ORGANIZATIONAL MATTERS

Mr. Baron expressed a wish for a VRB email and if IT would allow for it.

Mr. Sousa reminded the Board not to park in the brickyard. Mr. Baron expressed concerns over the memo from Darrell Smith and he saw no issue with it.

Mr. Sousa wanted to confirm the Board updated the contact list.