



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

VARIANCE REVIEW BOARD MINUTES

MEETING DATE: December 8, 2009

MEETING TIME: 6:30 PM

I. ROLL CALL

Antonio Amadeo, Chair; Randy O'Kelly, Vice-Chair; Steve LaBour; Randy Barron; Ginnaro DiNola; and Sue Lyon

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

II. APPROVAL OF MINUTES FOR October 13, 2009 & November 10, 2009

Mr. Baron moved to table the minutes for staff to correct the October minutes. Seconded by Mr. LaBour. The motion passed 6-0.

Mr. O'Kelley moved to approve the November minutes and was seconded by Mr. Baron. The motion passed 6-0.

III. OLD BUSINESS: Cases Continued/ Mis-Notice

PETITION:	VRB09-57
PETITIONER:	Alexei Gonzalez
AGENT:	Jason Goodrich
LOCATION:	908 E. 25 th Avenue
REQUEST:	To reduce the proposed rear yard setback from 15' to 0', and reduce side yard setback from 5' to 0'.
PURPOSE:	To remodel burned structure in rear of property
NEIGHBORHOOD:	VM Ybor Neighborhood, East Tampa Mixed Use Overlay

Mr. Sousa summarized the case, explaining that the case is back before the Board on remand. It will be considered a new case. Mr. Sousa showed the site plan and some pictures of the property.

Mr. Goodrich, representing the petitioner, explained the need for the variance. As the result of a fire, the accessory structure is unable to be repaired, as it is nonconforming.

Mr. Goodrich explained the variance issues based on the previous meetings and comments made by a member of the public. Mr. Muller tried to explain to the petitioner to focus on the petition and the related hardship criteria. Mr. Goodrich showed pictures of the neighborhood, indicating that 11 of the 15 existing residences have accessory structures.

Kim Headland, President of VM Ybor, spoke in favor of the request, as long as it remains an accessory structure.

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

Mr. Baron moved to approve the request and was seconded by Mr. DiNola. Mr. LaBour indicated that he could not support the motion. Mr. O'Kelley indicated that he did support the request, as they were vesting an existing structure. Ms. Lyon said she could not support the motion, as she did not see any hardship presented. Mr. Amadeo said he could support the request.

Mr. Baron called the question. The motion passed 4-2, with Ms. Lyon and Mr. LaBour voting nay.

PETITION:	VRB09-72
PETITIONER:	Pedro Luis Herrera
LOCATION:	2003 N Lincoln Ave.
REQUEST:	Reduce rear yard setback from 20' to 4', with the allowed encroachment of the eaves and gutters
PURPOSE:	To keep an unpermitted addition to single family home
NEIGHBORHOOD:	NE MacFarlane Neighborhood & Crimewatch Association

Mr. Sousa summarized the case, showed an aerial photo, explaining the request.

Mr. Herrera explained the variance request. The addition was constructed without permits.

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

Mr. DiNola moved to approve the request and was seconded by Mr. Baron. The motion passed 5-1, with Mr. O'Kelley voting nay.

PETITION:	VRB09-68
PETITIONER:	Eric & Courtney Hoening
AGENT:	Stephan Micheli
LOCATION:	2410 Sunset Drive
REQUEST:	Reduce rear yard setback from 20' to 7' and reduce the side yard setback from 7' to 0.25'
PURPOSE:	Build accessory structure for single-family home

NEIGHBORHOOD: New Suburb Beautiful Civic Assn.

Mr. Sousa summarized the case and stated that there were no objections from Transportation or from LDC. TECO withdrew their objection that was stated in the staff report.

Mr. Michelini showed a plat of the New Suburb Beautiful. He stressed the detached structures that exist throughout the neighborhood. Showing the neighborhood, Mr. Michelini pointed out the neighbors that supported the variance request.

He showed surrounding properties that had a port-a-cochere that was near the property line, for a total of 26 properties and the alley access that exists. Mr. Michelini also referenced a report from the HPC that highlighted this property and explained that the variance is going to support the historic characteristic of the property.

Mr. LaBour asked for the hardship for the garage. Mr. Michelini stated that the petitioner was trying to mimic the development pattern of the area.

The Board closed the public hearing.

Mr. O'Kelley indicated that he did not see a hardship in relationship to the covered breezeway.

Mr. DiNola moved to approve the request to reduce the rear yard setback from 20' to 7' and the side yard setback from 7' to 3' for the garage and to reduce the side yard setback from 7' to 0.25'. Mr. O'Kelley seconded the motion. The motion passed 6-0.

PETITION:	VRB09-77
PETITIONER:	Sylvia Mansour
AGENT:	Sylvia Mansour
LOCATION:	2304 S Clark Ave.
REQUEST:	Reduce side yard setback from 7' to 1', with the allowed encroachment of the eaves and gutters
PURPOSE:	To construct second floor addition to single family home
NEIGHBORHOOD:	Palma Ceia West Neighborhood Assoc.

Mr. Sousa summarized the case, showing an aerial and some photographs. He indicated that staff received a letter of objection from the Palma Ceia West Neighborhood Association, objecting to the request.

Ms. Mansour explained the variance for a second story bedrooms and bathrooms. She showed the elevation and the site plan of the property.

Michael McNabb, representing the neighborhood association, objected to the request. Mr. McNabb also read an email from Kenny Kaplan, the adjacent property owner, objecting to the variance.

Marshall Beshner objected to the variance.

Ms. Mansour, on rebuttal, indicated that all development will be on her property and there are no proposed windows on the second story addition facing the adjacent property owner.

The Board closed the public hearing and entered into discussion.

Mr. O'Kelley moved to deny the request and was seconded by Mr. Baron. The motion passed 6-0.

IV. NEW BUSINESS

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

B. GENERAL VARIANCES

PETITION: VRB09-78
PETITIONER: Jason Hodges
LOCATION: 911 W West Street
REQUEST: Reduce rear yard setback from 20' to 10'.
PURPOSE: To construct a detached 3 car garage
NEIGHBORHOOD: Riverside Heights Civic Assoc.

Mr. Sousa summarized the case, showing an aerial photo and site photographs.

Mr. Hodges explained the request and the need for the variance and the garage. He indicated that the garage was needed to provide off-street parking and extra storage for the property. Mr. Hodges indicated that there were other garages that are currently as close as 6' to the property line. He then reviewed elevations of the property.

Board discussion ensued and questioned the need for a three car garage and if the existing shed were removed, would a variance be needed.

James Smith spoke in support of the request.

The Board closed the public hearing and discussion ensued regarding the hardship criteria.

Mr. LaBour moved to deny the request and was seconded by Mr. DiNola. The motion passed 5-1, with Mr. O'Kelley voting nay.

PETITION: VRB10-07
PETITIONER: Kelly & Ed Bulleit
LOCATION: 4921 Bay Way Dr.
REQUEST: Reduce rear yard setback from 20' to 15', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct an open porch structure enclosure
NEIGHBORHOOD: Beach Park Isles Civic Assoc.

This case was moved out of order to assist the petitioner returning to work.

Mr. Sousa summarized the case, showing the aerial and photos of the site.

Ms. Bulleit presented the case, reviewing the site plan, showing pictures and explaining the hardship.

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

Mr. Baron moved to approve, with the condition that the structure never be enclosed with solid walls. Mr. DiNola seconded the motion, which passed 6-0.

PETITION:	VRB10-01
PETITIONER:	Alicia Ameneiro
AGENT:	Juan Carlos Castillo
LOCATION:	1910 W Saint Isabel Street
REQUEST:	Reduce side yard setback from 7' to 4' and reduce rear yard setback from 20' to 3'7", with the allowed encroachment of the eaves and gutters
PURPOSE:	To keep an unpermitted bedroom addition
NEIGHBORHOOD:	Riverside Heights Civic Assoc.

Mr. Sousa summarized the request, indicating that there was an issue with green space requirements and the effective removal of a tree. He indicated that the petitioner was going to remove pavement to meet the green space issue.

Mr. Castillo presented his case. He indicated that there was a sudden growth in the family and she built an addition, which was done by an unlicensed contractor. The property was red tagged. Mr. Castillo presented two letters of support.

The Board asked questions about the site plan and was what on the site prior to the variance request being needed.

The Board closed the public hearing and entered into discussion regarding the hardship criteria.

Mr. LaBour moved to approve the request and was seconded by Mr. DiNola. The motion passed 4 to 2, with Mr. Baron and Mr. O'Kelley voting nay.

PETITION:	VRB10-02
PETITIONER:	Curtis Brown
LOCATION:	2110 E Genesee Street
REQUEST:	Reduce rear yard setback from 20' to 5', with the allowed encroachment of the eaves and gutters
PURPOSE:	To construct detached utility/workshop structure, with carport, for single family home
NEIGHBORHOOD:	East Tampa Community Revitalization & East Tampa Business & Civic Assoc., Inc.

Mr. Sousa summarized the request and showed an aerial photograph and pictures of the property.

Mr. Brown explained his request and the need for the workshop for the storage of his equipment.

Board discussion ensued regarding the location of the accessory structure and the required setbacks.

Ricardi Brown spoke in support of the request.

The Board closed the public hearing and entered into discussion.

Mr. DiNola moved to approve, as shown on the attached sketch, and was seconded by Mr. LaBour. Mr. O'Kelley offered an amendment that the carport not be enclosed. Mr. DiNola accepted the amendment, Mr. LaBour seconded by the amended motion. The motion passed 6-0.

SITUS NOT UPDATE FROM THIS POINT ON

PETITION: VRB10-03
PETITIONER: Aaron & Diana Bloom
LOCATION: 3312 W Dorchester Street
REQUEST: Reduce side yard setback from 5' to 3', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct pool, deck & screen enclosure
NEIGHBORHOOD: Bayshore Beautiful Homeowners Assoc., Inc.

Mr. Sousa summarized the case, showed an aerial and photographs of the property.

Mr. Bloom summarized his request, reviewing the site plan.

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

Mr. LaBour moved to approve and was seconded by Mr. Baron. The motion passed 6-0.

PETITION: VRB10-04
PETITIONER: Michael & Lisa Goetz
LOCATION: 4909 St. Croix Drive
REQUEST: Reduce side yard setback from 7' to 4'
PURPOSE: To construct an addition to single family home
NEIGHBORHOOD: Culbreath Isles Homeowners Assoc. & Sunset Park Area Homeowners Assoc., Inc.

Mr. Sousa summarized the request and showed an aerial photograph and photos of the site.

Dustin Thomas, representing the petitioner, explained the variance and showed the site plan. He explained that the variance was caused by attaching the existing house to the existing garage.

Mr. DiNola moved to approve, with the condition that the addition not be enclosed with solid walls, and was seconded by Mr. Baron. The motion passed 6-0.

PETITION: VRB10-05
PETITIONER: William & Mary Atkins
AGENT: Kimberly Clement, Clement Foss Architects
LOCATION: 494 Bosphorous Avenue
REQUEST: Reduce side yard setback from 7' to 5.4' and reduce front yard setback from 25' to 17', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct bedroom & garage addition
NEIGHBORHOOD: Davis Island Civic Assoc.

Mr. Sousa summarized the request and showed an aerial photograph and photos of the site.

Ms. Clement explained the request. She explained that the house was built in 1940 and has had some additions done over the years. She explained some of the family issues causing the need for the variance.

She showed the site plan and the curve of the road resulting in the need for a setback.

The Board closed the public hearing and entered into discussion.

Mr. DiNola moved to approve and was seconded by Mr. LaBour. The motion passed 6-0.

PETITION: VRB10-06
PETITIONER: Ted Cardoso
LOCATION: 917 E 17th Avenue
REQUEST: Reduce side yard setback from 5' to 2.5' and reduce rear yard setback from 15' to 4', with the allowed encroachment of the eaves and gutters
PURPOSE: To enlarge an existing garage
NEIGHBORHOOD: VM Ybor Neighborhood Assoc.

Mr. Sousa summarized the request and showed an aerial photograph and photos of the site.

Dr. Cardoso explained the request and showed a power point presentation of the property. He explained that unlicensed contractor did the work and the reasons for the request.

The Board closed the public hearing and entered into discussion.

The Board opened the hearing.

Dr. Cardoso explained that the new garage is further than the previous barn.

The Board closed the public hearing and entered into discussion.

Mr. DiNola moved to approve the garage as built and dimensioned at 395 square feet and was seconded by Mr. LaBour.

PETITION: VRB10-09
PETITIONER: Tom MacQuarrie
LOCATION: 91 Martinique Avenue
REQUEST: Reduce corner yard setback from 15' to 8'
PURPOSE: To construct a one-story addition to single family home
NEIGHBORHOOD: Davis Islands Civic Assoc.

Mr. Sousa summarized the request and showed an aerial photograph and photos of the site.

Mr. MacQuarrie showed a site plan and explained the existing conditions. He showed the adjacent property and how the addition would not cause any sight distance issues. Elevations were shown as part of the presentation. Mr. MacQuarrie discussed other options that were considered by the property owner.

The Board closed the public hearing and entered into discussion.

Mr. DiNola moved to approve and was seconded by Mr. Baron. The motion passed 6-0.

PETITION: VRB10-10
PETITIONER: Douglas & Tabitha Free
AGENT: Alan Dobbs
LOCATION: 2517 W Sunset Drive
REQUEST: Reduce side yard setback from 7' to 6", with the allowed encroachment of the eaves and gutters
PURPOSE: To construct Porte Cochere addition
NEIGHBORHOOD: New Suburb Beautiful Civic Assoc.

Mr. Sousa summarized the request and showed an aerial photograph.

Mr. Dobbs explained the request, showing photographs of the structure. He reviewed the site plan, showing the proposed portico. Mr. Dobbs then reviewed the hardship criteria, showing details of the design and other porticos in the area.

The Board closed the public hearing and entered into discussion.

Mr. O'Kelley moved to approve, with the condition that the portico never be enclosed, and was seconded by Mr. Baron. The motion passed 6-0.

V. BOARD ORGANIZATIONAL MATTERS

Mr. Muller discussed the possibility of an email address for the VRB.