

LaChone Dock

From: dzhome@tampabay.rr.com
Sent: Wednesday, May 19, 2021 6:26 PM
To: LaChone Dock
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Subject: [EXTERNAL] FW: FW: Presentation for the 3/25 Workshop - Item #3
Attachments: Document_2021-03-31_175920 Pool Deck Case Study .pdf

LaChone –

I plan on attending the June 7th meeting at 6:00 regarding the referenced amendments. What is the process for accepting public comments prior to the meeting and making them available to others within the community?

Note I respectfully request that the comments I submitted to City Council on March 31, 2021 be included within the public comment record. Additionally, it would be helpful if the public understood why these changes are being proposed in the first place and what benefits will be achieved. On the flip side my correspondence highlights a number likely adverse impacts (potentially serious) which should be addressed as well.

Please do not hesitate to contact me should you have any questions.

Regards,
Debbie Zomermaand
City of Tampa Resident

From: dzhome@tampabay.rr.com <dzhome@tampabay.rr.com>
Sent: Wednesday, March 31, 2021 6:31 PM
To: 'TampaCityCouncil' <TampaCityCouncil@tampagov.net>; 'City Councilman Guido Maniscalco' <guido.maniscalco@tampagov.net>; 'Bill Carlson' <Bill.Carlson@tampagov.net>; 'John@johndingfelder.com' <John@johndingfelder.com>
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Subject: RE: FW: Presentation for the 3/25 Workshop - Item #3

Dear Chairman Maniscalco and City Council Board Members,

I would like to personally thank you and the applicant for deferring Agenda item #3 this past Thursday. Due to the deferral and out of respect for your time, I opted to not comment during the meeting.

Your actions will allow for meaningful discussion of items that have the potential to adversely impact our communities. Although this communication only reflects my thoughts and opinions, it has been my experience that the Davis Islands Civic Association (“DICA”) and island residents are NOT anti-development, but expect that development adhere to the City’s Land Development Code (“LDC”). LDC interpretations, variances, design exceptions, etc. have

resulted in development of structures that are much more intensive from a massing perspective, than the established character of the community.

Had the process included an opportunity to provide input prior to Thursday's workshop, I would have addressed the following points for consideration:

- This language will likely be used to build larger units primarily within the single family attached/townhome category. Recently constructed developments are often too intensive for the surrounding environment creating issues with: trash collection, parking, visibility, relocation of outdoor activities to roofs versus yards, etc. There are numerous safety and privacy issues to be vetted prior to adopting any changes which will likely result in even greater massing.
- The recently adopted change to the LDC building height definition, already provides an increase in height – if the proposed language for Sec. 27-156 is approved, RM-24 zoning will be allowed even higher structures than the recently revised code allows. This is a double height increase for this zoning category.
- Much of the proposed language will likely result in increased massing. Therefore, it is premature to consider language revisions until the massing study requested by Councilman Dingfelder and approved by City Council has been completed. Note passage of this language will increase development rights and those will not be easy to take away, essentially limiting alternates which are presently available, to address, suggested actions/recommendations, arising from the massing study. Additionally, all current studies (city, county, transportation, resiliency, planning, etc.) need to be identified, to assure compatibility and consistency across initiatives.
- Upon review of the Overview – Text Amendment Request which included 9 items; I fully support with Staff's objections and believe deferral to the residents/business owners within the East Tampa Overlay District and West Tampa Overlay District for items #8 & #9 is appropriate.
- Concerns regarding the remaining four items:
 - #1 Sec. 27-162 – Yard between residential buildings; This language includes important direction regarding the configuration of lots, basis for calculations, massing, etc. The language being suggested for removal contains **IMPORTANT** direction which essentially creates greater yard separation for higher buildings. Removal of this language will likely result in increased massing and thereby erode the existing character of the City's established neighborhoods.
 - #3 Section 27-290.3 Swimming Pools – Requests for increased pool height is an item that Davis Islands Civic Association has opposed and is a contentions topic on Davis Islands. We actually used this as an example for neighborhood associations to have standing thereby providing the ability to file a Petition for Review. The language proposes that the pool deck and water be measured from the finished floor versus finish grade. Say the finished floor is 4 ft + an additional 12 inches (as allowed within the LDC) = 5ft pool deck. Fences are 6 ft. and pools must be at least 5 ft. from the property line. In this case a 6 ft. fence provides 1 ft. of privacy for adjacent property owners. Additionally, the proposed language fails to address protection so people on the 5 ft. high deck don't fall off. Further analysis needs to be conducted to determine if there will be flooding impacts, potential issues if the pool is materially comprised due to damage (i.e. falling tree which breaks the elevated pool structure) or neglect (do not forget the huge code enforcement and health/safety problems created by pools which were located on lots with abandoned/foreclose homes during previous real estate cycles), etc. This item should be denied for privacy, safety, potentially flooding or other adverse impacts. **(Please refer to the attached article.)**
 - #5 Section 27-156. Official Schedule of District Regulations - Staff found that this request would result in consistency for the current height requirement for single family residential uses. Note the footnote pertains to a **fairly intensive multifamily use** allowing for 60 ft. in height. Therefore the comparison to single family is not appropriate and the language should remain unchanged as it is consistent with the other more intensive multifamily uses and achieves a basic planning philosophy which addresses that buildings of greater bulk

(excepting Central Business Districts and the like) should generally have greater separation from other properties.

- #6 27-283.7 – Number of off-street parking. The staff findings address the fact that this will be problematic and the neighborhoods which will be impacted are most likely the ones already facing issues. The passage of this will only make the problem worse and adversely impact businesses in areas such as Howard Ave. since there will be less parking of patrons.

I am personally very grateful for all of your efforts to assure that balance and fairness exist in the process and I know others share my gratitude. In my professional life, I have been active in the development matters since the 80's, with my Florida career dating back to 1993. I always try to provide fact based comments and recognize that many of these issues are very complicated and cannot be addressed within three (3) minutes of public comment. I would be happy to speak with any of you should you have additional questions or concerns,

Most Sincerely,
Debbie Zomermaand
City of Tampa Resident and Business Owner
813-250-9356

What Is “Standing,” And Why Should You Care?



Q & A WITH DEBBIE ZOMERMAAND, DICA ZONING COMMITTEE MEMBER



Tampa – Suppose a developer bought and leveled a home behind you and constructed a 6,000-square-foot home where a 2,300-square-foot home previously existed. The swimming

pool design called for a 36-inch raised deck for easy access to the back patio.

Since the home was built to essentially all allowable setbacks, the pool deck height would require a variance allowing a reduced backyard setback from 20 feet to 3 feet.

Given the fact that the fence between your home and the new home is only 6 feet, the maximum height allowed by city code, you have concerns that the increased pool deck height will adversely affect your family’s privacy and enjoyment of the backyard.

What do you do next? Think fast, because the 30-day public notice may be the first you have heard of these plans. Plus, the developer has a lot of paid professionals who will show up at the Variance Review Board meeting to present the request.

The panic over situations such as this are real, and are creating angst in neighborhoods and pitting neighbors against neighbors. As a result, the Davis Islands Civic Association (DICA) is pursuing a change to the City’s ordinances which would provide neighborhood associations with “standing” in zoning matters to protect the Davis Islands Community Plan, which was approved by the City in 2007.

It is DICA’s position that development is welcomed, but new construction should be in conformity with the City’s land development code. A vacant lot is a clean slate. In most instances it is possible to construct a home without any exceptions to the code.

What does it mean to have “standing,” and who is excluded?

Zomermaand: “Standing” refers to the legal right to challenge a decision, such as a variance, rezoning or a design exception which the Petitioner believes was granted in conflict with the City’s zoning ordinances.

Who is automatically granted standing?

Zomermaand: Within the City’s code, standing is limited to an “aggrieved person or person aggrieved: which is defined as an applicant or any owner of property within 250 feet of the subject parcel.” That excludes anyone outside of the 250-foot circle surrounding the applicant’s parcel and all parties that are renters, even if you are next door.

Q: What problems have you encountered?

Zomermaand: We have seen situations where approvals have been granted despite being in conflict with the actual words contained in the City’s code and ordinances. We’re up against approvals based on inaccurate or misleading statements from applicants or their agents for which there was absolutely no evidence or basis presented within the record.

The current process creates a perception of bias for those that are “in the know” because the applicants typically have a professional team on their side while the resident often has little or no knowledge of how to present and defend their position.

Allowing neighborhood associations to have standing provides a community with the ability to have a decision reviewed and creates checks and balances that are currently absent.

Q: Why should a Davis Islander care about this?

Zomermaand: The prevalence of exceptions is undermining the protections that exist within the code, resulting in a community that is evolving one exception at a time and with extremely limited recourse for residents to challenge a decision, even when there is clear conflict with city codes.

The situation described above is representative of the situations DICA has addressed. The need for the hypothetical variance could have been avoided by building a smaller house, thereby leaving enough space for the outdoor recreational amenities or by simply lowering the level of the pool deck.

Hopefully, you do not encounter a similar situation, but if you do, DICA’s meetings are usually the first Tuesday of each month. Come talk to us, and we will listen.