

Variance requests run bureaucratic gamut

Zoning board decides how far to bend rules

By DAVID ABELS
Times Staff Writer

TAMPA — They come with a wide range of requests, from the woman asking to open a beauty shop in her living room to the businessman trying to build too close to a highway.

For some, it's the first time they've spoken publicly. For others, it's just a nuisance costing time and money.

But they endure the hassle because, for most, it's the only chance of getting what they want from their county government. Most are asking for permission to do something the rules say they can't.

They appeal to the Hillsborough County Board of Adjustment, a formal-sounding name for seven county residents who review cases once a month for the county.

Virtually all the board's cases involve some interpretation of the county's intricate zoning and planning rules — churches that want to build a bingo hall too close to their property line, homeowners who want permission to put

a shed in their side yard, astrologers who want to set up shop in their front parlor.

But unfortunately, like many government activities, the process depends on what some would say is a confusing and cumbersome shuffle of papers — forms to be filled out,

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documents to be filed, petitions to be signed.

And then, of course, there is getting up in front of the board to speak.

If there is any consolation, though, it may be that even some of the county's most famous residents must go before the board. According to records, Q105-FM radio personality Cleveland Wheeler has asked permission to put a pool in the front yard of his Keystone Park home.

Ronald Reinhardt, a Seffner resident, asked the board in April for permission to run a taxidermy business from his home.

"I wasn't really prepared as far as what to expect," he said. "I don't think the educational process, the literature they send out, is really enough to go before the board. You have to go there and sit there and watch people."

The adjustment board approved Reinhardt's request, which had to satisfy the board on several points: the business wouldn't occupy more than 25 percent of the floor space in his home and it wouldn't create any noises, odors or hazards bothering the surrounding area.

Before his application would even be reviewed, Reinhardt had to get an aerial view of his property and dimensions of his home, obtain survey reports, notify his neighbors within 150 feet of his property and pay his fees.

"The \$200 I didn't need to spend," says Reinhardt. Lack of money is the very reason he asked permission to use his home.

Still, Reinhardt says that during his hearing, board members offered valuable assistance. Though they denied his initial request for permission to operate his business in a back-yard shed, board members encouraged Reinhardt to find a different location and then allowed him to operate his business from his bedroom until he finishes construction on a garage.

Please see VARIANCE Page 3

from Page 1

"They were quite helpful on that fact," says Reinhardt.

For James Woods, the owner of a glass business in an industrial park near Waters Avenue and Anderson Road, the results were not as favorable.

Woods applied for permission to extend his warehouse toward the back end of his property so he could have a place to store his trucks, which he says have been hit by burglars in recent years. However, the addition conflicts with the county's setback rule, the distance required between his building and his property line.

In April, the board denied his request for a setback variance.

"I left very surprised at the approach they took," says Woods, who says board members suggested he build a higher fence.

Woods says he felt that if he had argued his case before the board with more of an emphasis on the importance of the variance to the survival of his business, he might have fared better.

"Had I gone that approach, at least it would have been considered," says Woods. "At least I got that feeling."

Woods says he is contemplating taking his case to court. People with certain zoning and planning problems have the option of going to the County Commission or court.

Todd Pressman, a consultant who helps people bring cases before the Board of Adjustment, says citizens confused about their case should seek help from the county staff, a consultant or lawyer. Anyone going before the board also should understand its guidelines, says Pressman.

For example, in order to obtain a variance from the board for a certain hardship created by a zoning or planning rule, the hardship must, among other things, be unique to the property and not caused by the owner himself.

"Review those and know what you want to do," says Pressman. "The board is very open to public comment."

Pressman says preparing thoroughly and giving a brief, effective presentation before the board is key.

"It surprises me sometimes the severity or importance of some

cases some of the people are who go before the board," says Pressman.

Sometimes those are the people who board members like Lois LaMere must rule against.

"Once you start breaking your rules and regulations, you start setting precedent that could lead to land use that doesn't conform to a neighborhood," says LaMere, a longtime activist from Town 'N Country.

Other board members are Carlos Frey, an environmental engineer; Marjorie Davis, a real estate agent; James Scarola, an engineer; David Fountain, president of the Northdale Civic Association; Gail Parsons, president of the Keystone Park Civic Association; and Adam Carnegie, an urban planner.

Board members work for free, reviewing about 20 cases every month.

LaMere said the board's actions are clearly dictated by the statutes for variances and home businesses.

"It either comes under those criteria or it doesn't," says LaMere.

Frequently in following the criteria, board members must agree to requests with which they personally disagree and deny requests they personally favor.

"I've seen times we had to approve ones that did meet the criteria but I didn't agree with," says LaMere. "But I won't break the criteria."

LaMere acknowledges the process may seem overwhelming. But citizens should come before the board with the understanding that its members are fellow residents who believe in the importance of the board's work.

"They should not be intimidated by the board," says LaMere. "If they're completely up front and honest with the board in giving their presentation, we will take it all into consideration."

LaMere, a 64-year-old great-grandmother and resident of the Pinehurst community, is familiar with the county's planning and zoning rules. And as much as she enjoys deciding whether the astrologer's home business will be allowed or the builder's variance will go through, sometimes the wisdom of Solomon is beyond her grasp.

"There are times," says LaMere, "that you can't please everybody."