



**City of Gainesville  
Department of Sustainable Development  
Planning Division**

PO Box 490, Station 11  
Gainesville, FL 32627-0490  
306 NE 6<sup>th</sup> Avenue  
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**DEVELOPMENT REVIEW BOARD STAFF REPORT**

**PUBLIC HEARING DATE:** September 29, 2020

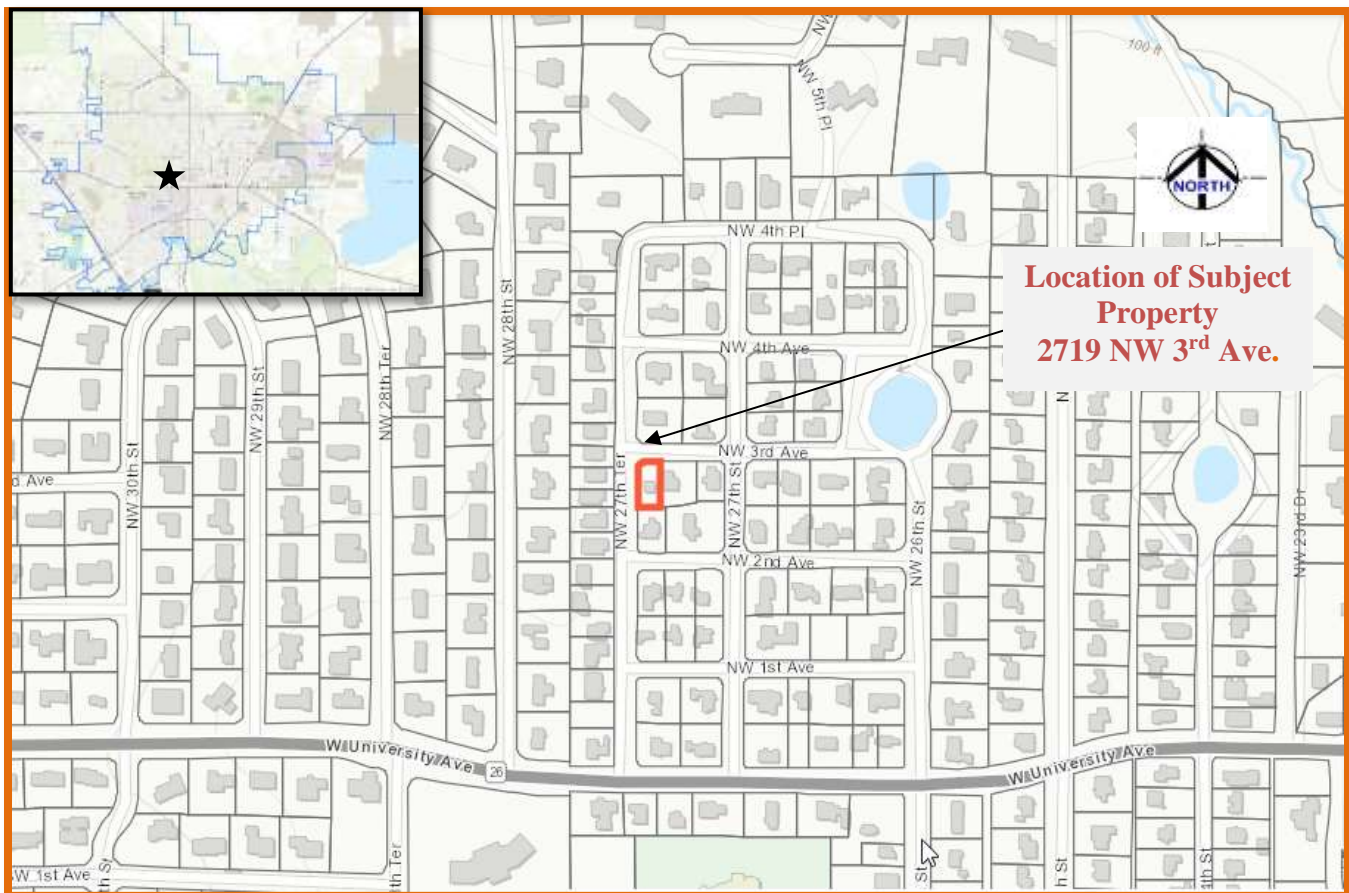
**ITEM NO:** 1.

**PROJECT NAME AND NUMBER:** **Ryland Wagner** Variance to Reduce Front Yard Setback for expansion of the primary single-family Structure, Petition DB-20-86 VAR

**APPLICATION TYPE:** Variance with no Development Plan

**CITY PROJECT CONTACT:** Lawrence Calderon, Planner III

**Map 1. General Location Map**



**APPLICATION INFORMATION:**

**Agent/Applicant:** Mr. Ryland Wagner  
**Property Owner(s):** Mr. Ryland Wagner  
**Related Petition(s):** N/A  
**Legislative History:** None  
**Neighborhood Workshop:** Not Required

**SITE INFORMATION:**

**Address:** 2719 NW 3<sup>rd</sup> Avenue  
**Parcel Number(s):** 06454-005-000  
**Acreage:** Approximately 5,401 square feet (0.124 Acres)  
**Existing Use(s):** Single-family residence  
**Land Use Designation(s):** SF: Single Family  
**Zoning Designation(s):** RSF-3 Single-family Residential  
**Overlay District(s):** None  
**Transportation Mobility Program Area (TMPA):** Area A  
**Water Management District:** Saint John's River Water Management District  
**Special Feature(s):** Property is a unique architectural design located within one-quarter mile of the University of Florida's. It was part of a Design/Build project of a well-known architect Dan Branch professor at University of Florida, during the 1960s.  
**Annexed:** 1961  
**Code Violations:** No record of Code Violations

**ADJACENT PROPERTY CHARACTERISTICS:**

	<b>EXISTING USE(S)</b>	<b>LAND USE DESIGNATION(S)</b>	<b>ZONING DESIGNATION(S)</b>
<b>North</b>	Single family dwelling	Single-Family	<b>RSF-3: Single-Family Residential</b>
<b>South</b>	Single family dwelling	Single-Family	<b>RSF-3: Single-Family Residential</b>
<b>East</b>	Single family dwelling	Single-Family	<b>RSF-3: Single-Family Residential</b>
<b>West</b>	Single family dwelling	Single-Family	<b>RSF-3: Single-Family Residential</b>

**BACKGROUND AND EXPLANATION:**

**Background:**

The subject property is located in a subdivision called Hibiscus Park, immediately north of the University of Florida. The original subdivision contained lots ranging in size from 4,100 to 6,300 square feet, which is below and close to the RSF-3 minimum lot size of 6,000 square feet. However, over the past years, property owners have divided and combined parcels to create larger lots accommodating larger building footprints. There are some original lots scattered throughout the subdivision which are improved with smaller single-family dwellings. The subject property is one such corner lot which is approximately 5,401 square feet and is improved with a two story single-family dwelling of 1,312 square feet. The current layout of the building on the lot leaves an open front setback of 47.5 feet which the owner intends to use for expansion of the primary single family dwelling.

**Explanation:**

The subject property is 5,401 square feet (0.124 Acres) feet with dimensions of approximately 50 feet wide by 105 feet deep. Dimensional standards for the RSF-3 zoning district are listed below in Table 1. The property has a Single Family land use designation and a zoning of RSF-3: Single-family Residential (5.8 dwelling units per acre). Currently there are no setback encroachment, the property complies with all the dimensional standards of the RSF-3 zoning district.

The owner states that the single-family development is a product of a Design/Build architectural project of a well-known architect Dan Branch, who was a professor at University of Florida during the 1960s., (see attachment A). Since the proposed expansion is towards the front, the owner wishes to maintain the architectural integrity of the development by preserving the existing front design in glass and replicating the existing front elevations in the new expansion. This would result in a five-foot encroachment into the front twenty-foot setback. In order to accomplish the design, the owner is requesting a variance to reduce the front setback from 20 feet to 15 feet to allow expansion of the single-family dwelling. Table 1 shows a comparison of the required RSF-3 development standards relative to the proposed standards.

**TABLE 1.**

**DIMENSIONAL REQUIREMENTS FOR RSF-1 ZONING DISTRICT**

<b>Principal Structures</b>		
<b>STANDARDS</b>	<b>RSF-1</b>	<b>SUBJECT PROPERTY: LOT 5</b>
Maximum density	3.5 du/acre	<b>3.5 du/acre</b>
Minimum Lot area	8,500 sq. ft.	<b>5,401 sq. ft.</b>
Minimum lot width	85 ft.	<b>50 ft.</b>
Minimum lot depth	90 ft.	<b>105 ft.</b>

STANDARDS	RSF-1	SUBJECT PROPERTY: LOT 5
<b>Minimum yard setbacks:</b>		
Front	20 ft.	<b>47.5 ft. (Existing Structure)</b> <b>15.42'ft. (Proposed Structure)</b>
Side (interior)	7.5 ft.	<b>8.7 ft. East Side (Existing Structure)</b> <b>7.5 ft. East Side (Proposed Structure)</b>
Side (street)	7.5 ft.	<b>14.2 ft. West Side (Existing Structure)</b> <b>7.5 ft. West Side (Proposed Structure)</b>
Rear <sup>1,2</sup>	20 ft.	<b>Primary Structure 34.8 ft.</b> <b>Accessory Structure 7.8 ft.</b>
Maximum Building Height	35 ft.	<b>Approximately 22 ft.</b>

**STAFF ANALYSIS:**

Staff reviewed this petition in the context of Sec. 30-4.17 and Sec. 30-3.55 of the Land Development Code. Those sections of the code set development standards, define a variance and authorize the Board to grant variances from certain provisions of the code. It also places restrictions on granting variances and outlines the general requirement for granting a variance. The Land Development Code is clear in outlining findings needed for granting a variance.

**Staff identifies the following key issues as directly related to the requested variance:**

1. The property has a unique architectural design, created by a notable architect, Dan Branch.
2. The purpose of the encroachment is to protect the unique architectural design of the development
3. The lot is a corner lot and is narrow relative to the existing ownership pattern.
4. The size of the lot is less than the minimum 6,000 square feet required for the RSF-3 zoning district.
5. While there are significant merits to setbacks, the applicant claims that the proposed encroachment is very small and would result in greater benefits to the community than enforcing the 20-foot front setback.

In considering a request for a variance, the code requires that the board establish findings that the request demonstrates the following:

1. *That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.*

The subdivision is unique in that the majority of lots are less than the minimum required for the RSF-3 zoning district; original lot sizes range from 4,085 to 6,300 square feet. The small lot sizes have resulted in division and aggregation of lots to meet the demand for larger building footprints

within the neighborhood. Where owners missed out on the opportunity to split and/or aggregate parcels, the original lot sizes remain, leaving very small lots scattered among larger lots (See Map 2 below). The subject parcel is one such lot. Another unique aspect is the historic architectural design of the single-family dwelling on the property. The applicant states that the single-family development is the result of a design/build architectural project of architect Dan Branch, who was a professor at the University of Florida during the late 1960s. The applicant states the following:

*“...This house is a uniquely designed Mid-Century Modern home built in 1969 by the University of Florida Architecture class of Professor Dan Branch as a design/build project. It is located in the eclectic, almost 100-year-old neighborhood of Hibiscus Park in the Center of Gainesville. The design/build project was to create the most efficient 2-bedroom, 1 bath single-family residence possible in a little over 1,000 sq. '. I purchased the home in 2002 as a student and have lived in it, improved it, and loved the neighborhood for close to 20 years. I want to continue there as a family man improving and stabilizing the neighborhood for families, but need to add more living space. Because of the unique history of the house it is important to maintain the architectural integrity of the style and proportions of the addition to the existing home. We wish to separate the original home from the addition with a 5' glass entryway to hold that integrity. Also, the new addition would mirror the old building with the same materials, style, proportions and façade to honor the historic integrity of the existing structure and the design integrity of Professor Dan Branch. In conversations with him previously, materials and size proportions were of utmost importance in designing the original home. ...”*

Dan Branch was also involved in the design of well-known structures through the state, The Tallahassee Museum, the NE 39<sup>th</sup> Avenue, Municipal Jail, the State Museum in Crystal River, Florida, and our own City Hall at 200 East University Avenue.

The narrow width, 50 feet, and the additional limitations of a corner lot imposes yet another unique element to the subject property. As a corner lot it should be typically larger than other interior lots, but is not in this case. Being on a corner, the property must address one additionally wider setback because of the second street. A corner lot carries an unusual burden of adjusting to cope with the typical impacts of living with the public activities impacts of two adjacent streets. Given the narrow width of the property, this places another unique criteria which must be addressed in consideration of the proposed expansion.

Those elements listed above are unique to the property and are not typical of other lands, structures and buildings in the same zoning district.

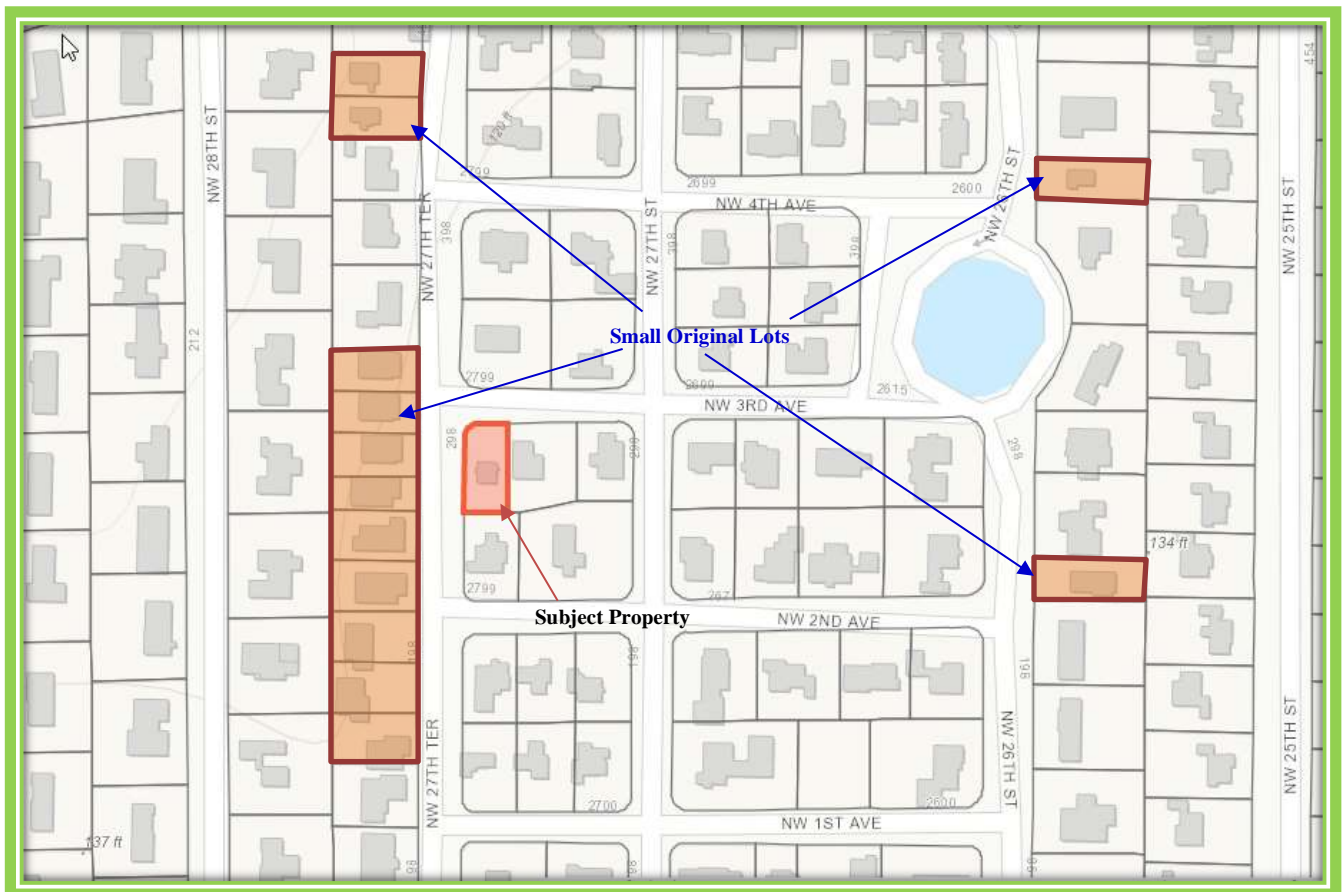
**2. *That the special conditions and circumstances do not result from the action of the applicant.***

The unique conditions and circumstances listed above are not directly due to the actions of the applicant. The applicant references the natural elements of the site, its historical characteristics, its size, corner location and its relationship with other lots within the surrounding neighborhoods.

**3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this section to other lands, structures or buildings in the same district.**

The board’s review of the variance must be based on the criteria and findings of fact necessary to grant a variance. A decision based on the merits and required criteria will not be viewed as conferring special privileges on the applicant that are denied to other land, structures, or buildings in the same district. In reaching a decision on the requested variance, the board must consider the material facts and competent substantial evidence presented at the meeting. The applicant has provided documentation illustrating reasons for the requested variance and the circumstances resulting in the need for such a variance. A variance based on the listed criteria establishes a sound basis for deviating from the zoning standards and is not considered a special privilege.

**Map 2  
Current Distribution of Lot Sizes within the Neighborhood**



**4. That literal enforcement of the provisions of the Land Development Code or building chapters would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Code or Building code.**

The property was built in 1970, was annexed into the City in 1961 and has been owned by three separate parties implementing multiple improvements over the years. According to records from the Alachua County Property Appraiser’s office, the owners purchased the property on December 19, 2017, being

aware of its size, design and amenities, including the architectural elements, which for them, clenched the purchase and love for the property.

The owners have enjoyed the basic property rights, similar to that enjoyed by most surrounding property owners. Besides the variance, the applicant has other options to resolving the current encroachment. The structures can be attached, made smaller or even forego the architectural element resulting in the need for the variance. Though more rigorous, lengthy, complex and costly, the applicant may also consider other options such as a replat, a full subdivision, or even a rezoning. Denial of this variance will not deprive the applicant of rights commonly enjoyed by most property owners. The applicant claims that the variance process is intended to address such unique qualities of individual parcels which may deprive owners of the full enjoyment of property.

5. ***The variance requested is the minimum variance required to make possible the reasonable use of the land, building or structure.***

The narrow width, 50 feet, of a corner lot is yet another element unique to the subject property. It poses an unusual burden to comply with setback distances necessary to ensure separation from the impacts of living with the impacts of two adjacent streets. The encroachment is approximately 5 feet into the front 20-foot setback. The applicant is requesting the minimum possible to allow the existing building placement that would preserve the architectural integrity of the development. The applicant indicates that other options such as attaching the structure, a replat or rezoning would be cost prohibitive and would erase the important architectural element of the site.

6. ***The variance is in harmony with the general intent and purpose of the regulation at issue and the Land Development Code, and such variance will not be injurious to the abutting lands or to the area involved or otherwise detrimental to the public welfare.***

The intent of the variance procedure is to provide relief to property owners who have demonstrated hardships in pursuing development in strict compliance with the Land Development Regulations. Such requests must be in harmony with the character and without being injurious to the neighborhood. Staff identifies the architectural integrity as a unique and unusual element that is worth consideration and would be a major element if the site was in a historic district. If the board finds consistency with the findings of fact, granting the variance would be a legitimate avenue to preserving the important structural elements of historic structures and developments within a historic district. The applicant is of the opinion that if Sec. 30-4.28 allows modification of zoning standards for developments within historic districts, it is of even greater importance to apply the same principles to isolated historic structures which do not have the benefits of those protective elements.

The requested variance is consistent and in harmony with the Land Development Code which references the granting of variances and modifications to facilitate the health and maintenance of historic structures, within and outside historic districts. The Comprehensive Plan is also supportive of measures to encourage the healthy status of historic structures. The Comprehensive Plan states the following:

**“Goal 1 of the Historic Element of the Comprehensive Plan:**

Preserve, protect, enhance and support the historic, archaeological and cultural resources within the city of Gainesville. “

Policies:

- 2.1.3 The City shall work with state and local governmental organizations, the University of Florida and other interested parties to promote historic preservation.
- 2.1.4 The City shall maintain a list of historic properties that are threatened by demolition by neglect.

Based on the goals and policies of the Comprehensive Plan, as listed above, granting a variance for a historic element is consistent with the Historic Preservation Elements of the Comprehensive Plan. The request is also consistent with several references in the Land Development Code pertaining to modifications to historic structures.

Consider another unique element, the size of building footprints within the neighborhood, 7,510 to 15,925 square feet, as opposed to a 1,300 square feet on the subject property. It is reasonable and consistent with the neighborhood character to consider a small encroachment of 5 feet into the front setback to allow for reasonable dwelling expansions resulting from family needs that enhance neighborhood values. Additionally, the impact of the front setback encroachment is minimized by the wide distance between the edge of pavement and the right-of-way line. Granting the variance will lead to no noticeable change in the relationship of the single-family development to the adjacent streets and surrounding properties. Granting the variance will not be injurious to the abutting properties or the general neighborhood.

The petitioner must demonstrate compliance with the findings necessary to issue a variance and show restricting hardships.

**POST-APPROVAL REQUIREMENTS:**

If approved the variance will become immediately effective unless there is an appeal of the board's decision.

**LIST OF ATTACHMENTS:**

**Attachment A: Application and Supporting Documents.**

**Attachment B: Some Relevant Land Development Code References.**





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**Petition DB-20-86 VAR**

**September 29, 2020**

**Attachment A: Application and Supporting Documents**

**Attachment B: Comprehensive Plan and Land Development Code References**

# LAND DEVELOPMENT CODE REFERENCES

## Definitions:

**Abut** means to physically touch or border upon, or to share a common property line.

**Accent lighting** means **lighting** of predominately non-horizontal surfaces, including facades, fountains, displays and statuary.

**Accessory dwelling unit** means a subordinate living unit added to, created within, or detached from a single-family dwelling (but within the same lot) that provides basic requirements for independent living, sleeping, eating, cooking and sanitation.

**Accessory structure** means a subordinate structure (not exceeding 50 percent of the building square footage of the principal structure), the use of which is incidental to that of the principal structure on the same lot.

**Accessory use** means an activity, or function that is incidental to, and on the same lots as, a principal use.

**Adjacent** means when two properties, uses or objects are not abutting but are separated only by a right-of-way, street, pathway or similar minimum separation.

**Building** means any structure, either temporary or permanent, except a fence or as otherwise provided in this definition, used or built for the enclosure or shelter of persons, vehicles, goods, merchandise, equipment, materials or property generally. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, jails, barns or vehicles serving in any way the function of a building as described herein. This definition shall not include individual doll houses, play houses, and animal or bird houses.

**Building envelope** means the outermost surfaces forming the complete enclosure of a building.

**Building frontage** means the total length in linear feet of a building façade(s) within a development that fronts directly on a required street or urban walkway. Building frontage is regulated as a required percentage of the total length of the development frontage along the street or urban walkway. For corner lots, the building frontage calculation shall exclude the widths of the required landscape zone, sidewalk zone and building frontage areas.

**Building frontage zone** means the area between the edge of the sidewalk opposite to the travel lane and the building façade.

**Building height** means the vertical distance measured from the average elevation of the proposed finished grade to the top plate of the highest story.

**Building official** means the person designated as building official by the city manager.

**Building permit** means an official document or certificate issued by the building official, as provided for in the Standard Building Code as adopted in [chapter 6](#) of the City of Gainesville Code of Ordinances, authorizing performance of construction or alteration of a building or structure.

**Building setback line** means a line, established at the minimum setback line as set forth by the applicable zoning district, within a lot or other parcel of land so designated on the plat.

**Development or development activity** means any of the following activities:

- A. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil or vegetation of a site.
- B. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface or water management system, and including the long term storage of materials.
- C. The erection, placement, alteration, remodeling or reconstruction of any building on any land or the authorization of any improvements on any land to facilitate the use of such land.
- D. Subdividing land into two or more parcels.
- E. A tree removal for which authorization is required under this Code of Ordinances.
- F. Erection of a permanent sign unless expressly exempted by this Code of Ordinances.
- G. Alteration of a historic property for which authorization is required under this Code of Ordinances.
- H. Changing the use of a site so that the need for parking is increased.
- I. Construction, elimination or alteration of a driveway onto a public street.
- J. For the purpose of vested rights, development has the meaning given to it in F.S. § 380.04 as amended.

**Improvements** means physical changes made to raw land and structures placed on or under the land surface, in order to make the land more usable. Typical improvements would be clearing and grubbing, grading, street pavements, sidewalks, bicycle facilities, curb and gutter, drainage ditches, required trees, storm and sanitary sewers, streetlights, fire hydrants, street name signs, permanent control points (PCP's), etc.

**Infill** means the use of vacant or underutilized land within a built-up area for further construction or development.

**Local street** means any street that is not designated as a collector or arterial on the roadway map on file in the public works department, is not functionally classified by the state department of transportation, and, by nature of its physical design, the local nature of trip purposes and the existing and anticipated traffic characteristics, is not suited to carry more than 1,200 average daily trips.

**Lot** means a parcel of land contained within property lines of a specific area, including land within easements and building setback lines of the area, but excluding any land within street right-of-way. The word "lot" includes the words "plot," "unit," "parcel" and "tract."

- A. Corner lot means a lot located at the intersection of two streets and abutting such streets on two adjacent sides of the lot, or a lot with two adjacent sides abutting adjoining and deflected right-of-way lines of the same street that form an interior angle of less than 135 degrees.

- B. Double-frontage lot means a lot other than a corner lot having frontage on two or more streets or two portions of the same street.
- C. Interior lot means a lot other than a corner lot having frontage only on one street.
- D. Reverse-frontage lot means a lot extending between and having frontage on a collector or arterial street and a local street and shall include double-frontage lots.

**Lot area** means the total horizontal area included within lot lines.

**Lot coverage** means the maximum combined area occupied by all principal and accessory buildings or structures expressed as a percentage, measured from the exterior walls that are roofed or otherwise covered.

**Lot depth** means the mean horizontal distance between the front and rear lot lines.

**Lot line or property line** means the boundary line of a lot.

- A. Front lot line means that property line that abuts a public street. If a lot abuts on two or more streets, the front lot line shall be that property line abutting a street that has been so designated by the owner at the time of an application for a building permit, provided such lot is not thereby made nonconforming.
- B. Side lot line means any property line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- C. Rear lot line means that property line that is most distant from and is, or is most nearly, parallel to the front lot line.

**Lot of record** means, for the purposes of determining vested rights, a designated parcel, tract or area of land established by plat, lot split, metes and bounds description, or otherwise permitted by law, to be used, developed or built upon as a unit and which existed in the records of the county property appraiser on November 16, 1992.

**Lot split** means the division of a single tract of land into two lots or parcels, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this chapter.

**Lot width** means the shortest horizontal distance between side lot lines, measured along any line that intersects the minimum required front yard setback line.

**Parcel** means a unit of land within legally established property lines. Legally established property lines means those lines created by a recorded plat, minor plat or lot split, those units of land recognized as lots formed prior to 1961 as recorded on a map kept by the building division, and those lots recognized by the county code enforcement department at the time of any annexation.

**Porch** means a covered area adjoining the entrance to a building. Porches may be "engaged" (with two sides partially or fully enclosed by walls and roof), "integral" (part of the overall massing and roof form of the building), or "projecting" (open on three sides with a roof that is separate from the main building roof).

**Principal structure** means a structure in which is conducted the principal use of the lot on which it is situated, including any attached carport, shed, garage or any other structure that is a part of the principal building and structurally dependent, totally or in part, on the principal building. In a residential district any dwelling shall be deemed to be the principal structure on the lot on which the same is situated.

**Residential area** means, when used in the context of regulating sexually oriented businesses, any of the following: land zoned in any RSF district, any RMF district, the MH district, the RC district, or the PD district (if predominantly residential).

**Structure** means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, and having a height of four inches or more, except for patios, ground-level parking and loading facilities, fences and individual doll houses, play houses, and animal or bird houses that are neither to be used for human habitation, i.e., a place of permanent or temporary residence, nor storage as a principal use.

**Use** means any activity, function or purpose to which or for which a parcel of land or building is put, used, arranged or occupied, for any purpose, including any residential, office, business, industrial, public or any other purpose or use.

**Variance** means a relaxation from strict compliance with the requirements of this chapter or building chapters, in accordance with the criteria of this chapter.

**Yard** means the space on any lot between the lot lines and the minimum required setback line for principal structures.

- A. **Front yard** means the area between the front lot line and the minimum required front yard setback.
- B. **Rear yard** means the area between the rear lot line and the minimum required rear yard setback.
- C. **Side yard** means the area between the side lot line and the minimum required side yard setback, not including any part of the front or rear yard.

DIVISION 3. - RESIDENTIAL

Sec. 30-4.16. - Permitted uses.

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section shall be allowed.

**Table V-4: Permitted Uses in Residential Districts.**

USES	Use Standards	RSF-1 to 4	RC	MH	RMF-5	RMF-6 to 8
Accessory dwelling units	30-5.34	-	A	A	A	A
Adult day care homes	30-5.2	P	P	P	P	P
Assisted living facilities		-	-	-	P	P
Attached dwellings (up to 6 attached units)		-	-	-	P	P
Bed and breakfast establishments	30-5.4	S	P	P	P	P
Community residential homes (up to 6 residents)	30-5.6	P	P	P	P	P
Community residential homes (7 to 14 residents)	30-5.6	-	-	-	-	P
Community residential homes (over 14 residents)	30-5.6	-	-	-	-	P
Day care centers	30-5.7	-	P	P	P	P
Dormitory, small	30-5.8	-	-	-	-	P
Dormitory, large	30-5.8	-	-	-	-	S
Emergency shelters		-	-	-	-	P
Family child care homes	30-5.10	P	P	P	P	P

Fowl or livestock (as an accessory use)	30-5.37	-	-	-	-	-
Mobile homes		-	-	P	-	-
Multi-family dwellings		-	-	-	P	P
Multi-family, small-scale (2-4 units per building)		-	p <sup>1</sup>	-	P	P
Places of religious assembly	30-5.21	S	P	P	P	P
Libraries		-	S	S	S	S
Public parks		P	P	P	P	P
Schools (elementary, middle and high)		S	P	P	P	P
Simulated gambling establishments		-	-	-	-	-
Single-family dwellings		P	P	P	P	P
Skilled nursing facility		-	-	-	-	S
Social service homes/halfway houses	30-5.27	-	-	-	-	S

**LEGEND:**

P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

1 = No more than two dwellings units per building are permitted in the RC district.

(Ord. No. [170975](#), § 2, 2-21-19; Ord. No. [190292](#), § 3, 2-20-20)

Sec. 30-4.17. - Dimensional standards.

The following tables contain the dimensional standards for the various uses allowed in each district:

**Table V-5: Residential Districts Dimensional Standards.**

	RSF-1	RSF-2	RSF-3	RSF-4	RC	MH	RMF-5	RMF-6	RMF-7	RMF-8
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<b>DENSITY/INTENSITY</b>										
Residential density (units/acre)										
Min.	None	None	None	None	None	None	None	8 <sup>1</sup>	8 <sup>1</sup>	8 <sup>1</sup>
Max. by right	3.5	4.6	5.8	8	12	12	12	10	14	20
With density bonus points	-	-	-	-	-	-	-	See Table V-6	See Table V-6	See Table V-6
Nonresidential building coverage	35%	35%	40%	40%	50%	50%	50%	50%	50%	50%
<b>LOT STANDARDS</b>										
Min. lot area (sq. ft.)	8,500	7,500	6,000	4,300	3,000	3,000	3,500	None	None	None
Min. lot width (ft.)										
Single-family	85	75	60	50	35	35	40	40	40	40
Two-family <sup>2</sup>	NA	NA	NA	NA	70	NA	75	75	75	75
Other uses	85	75	60	50	35	35	85	85	85	85
Min. lot depth (ft.)	90 <sup>3</sup>	90 <sup>3</sup>	90 <sup>3</sup>	80 <sup>3</sup>	None	None	90	90	90	90
<b>MIN. SETBACKS (ft.)</b>										
Front	20 <sup>3</sup>	20 <sup>3</sup>	20 <sup>3</sup>	20 <sup>3</sup>	10 <sup>4</sup>	15	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	10 min. 100 max
Side (street)	10	10	7.5	7.5	NA	NA	15	15	15	15
Side (interior) <sup>5, 6</sup>	7.5	7.5	7.5	7.5	5	5	10	10	10	10



Rear <sup>6, 7</sup>	20	20	15	10	20	15	10	10	10	10
Rear, accessory	7.5	7.5	5	5	5	5	5	5	5	5
<b>MAXIMUM BUILDING HEIGHT (stories)</b>										
By right	3	3	3	3	3	3	3	3	3	3
With building height bonus	NA	NA	NA	NA	NA	NA	NA	5	5	5

**LEGEND:**

1 = Parcels 0.5 acres or smaller existing on November 13, 1991, are exempt from minimum density requirements.

2 = Assumes both units on one lot. Lot may not be split, unless each individual lot meets minimum lot width requirement for single-family.

3 = Lots abutting a collector or arterial street shall have a minimum depth of 150 feet and a minimum building setback of 50 feet along that street.

4 = Attached stoops or porches meeting the standards in sections 30-4.13 and 30-4.14 are permitted to encroach up to five feet into the minimum front yard setback.

5 = Except where the units are separated by a common wall on the property line of two adjoining lots. In such instances, only the side yard setback for the end unit is required.

6 = Accessory pre-engineered or pre-manufactured structures of 100 square feet or less and one story in height may be erected in the rear or side yard as long as the structure has a minimum yard setback of three feet from the rear or side property line, is properly anchored to the ground, and is separated from neighboring properties by a fence or wall that is at least 75 percent opaque.

7 = Accessory screened enclosure structures, whether or not attached to the principal structure, may be erected in the rear yard as long as the enclosure has a minimum yard setback of three feet from the rear property line. The maximum height of the enclosure at the setback line shall not exceed eight feet. The roof and all sides of the enclosure not attached to the principal structure shall be made of screening material.

Sec. 30-4.18. - Density bonus points.

Development criteria described in the density bonus points manual, when met, shall allow increases in development intensity based upon the limits in this section. These increases in intensity shall be allowed should a developer propose to undertake a project that will result in a development sensitive to the unique environmental and developmental needs of the area. For each criterion met by the developer, certain points shall be credited to the project. Those points, calculated in accordance with the Density Bonus Points Manual, shall determine the maximum allowable density.

**Table V-6: Permitted Density Using Density Bonus Points**

RMF-6		RMF-7		RMF-8	
Points	Max. residential density (du/ac)	Points	Max. residential density (du/ac)	Points	Max. residential density (du/ac)
0	10	0	14	0	20
26	11	20	15	16	21
52	12	39	16	30	22
79	13	59	17	46	23
108	14	79	18	59	24
138+	15	98	19	75	25

DIVISION 11. - MODIFICATIONS AND VARIANCES

Sec. 30-3.54. - Modifications.

- A. *Purpose.* In order to provide flexibility for the unique circumstances of individual developments, certain modifications from the standards provided in this chapter, as provided in this section, may be requested by an applicant as part of the development review process.
- B. *Review procedures.* All requests for modifications shall be submitted in writing with the application for development review on forms provided by the city. If an applicant requests multiple modifications, each modification shall be evaluated independently. The city manager or designee shall have the authority to approve the modifications specifically set forth in this section. The request shall be approved or denied during development plan review and, if approved, shall be noted on the final development plan. No administrative appeals are available for any decision to approve or deny a modification.
- C. *Review criteria.* The city manager or designee may approve a modification if the request meets all of the following criteria:
  - 1. The request is consistent with the Comprehensive Plan and meets the intent of this chapter and the zoning district.
  - 2. The applicant is providing a compensating enhancement of the public realm.
  - 3. The request will not have a material negative impact on adjacent uses, and is not injurious to the public health, safety, and welfare.
- D. *Available modifications.*

REQUESTED MODIFICATION	MIN. COMPENSATING ENHANCEMENT OF PUBLIC REALM
Variation in required street setback up to 3 feet.	1. 10% increase above required 1 <sup>st</sup> floor glazing.
Reduction in required glazing percentages up to 10%.	2. Increase of 2 feet above required sidewalk width.
Reduction in required building frontage percentages up to 10%.	3. 10% increase above required building frontage.
Reduction in required landscape zones up to 2 feet; however, in no case shall a landscape area be less than 4 feet in depth.	4. Increase of 4 feet above min. 1 <sup>st</sup> floor height.
	5. Increase of 2 feet above min. landscape zone.

Sec. 30-3.55. - Variances.

- A. *Generally.* Variance from strict compliance with the requirements of the Land Development Code is provided for in this section.
- B. *Authorized variances.* Variances may be approved only for height of structures; size of yard setbacks; driveway widths; building form standards in transect zones; building design standards for transect zones (dimensional standards only); landscaping requirements for vehicular use areas; landscape buffer requirements for buffer strip areas; landscape zones; street setbacks; glazing percentages; and minimum first floor height. Under no circumstances may a variance be granted to allow a use not permitted generally or by special use permit in the district involved, or any use expressly or by necessary implication prohibited in the district by the terms of this chapter.
- C. *Review criteria.* A variance from the terms of this chapter or building chapters shall not be granted unless the appropriate reviewing board affirmatively finds that each of the following criteria have been met:
1. Special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings in the same district.
  2. The special conditions and circumstances do not result from the action of the applicant.
  3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this section to other lands, structures, or buildings in the same district.
  4. Literal enforcement of the provisions of the Land Development Code or building chapters would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Code or building chapters.
  5. The variance requested is the minimum variance required to make possible the reasonable use of the land, building, or structure.
  6. The variance is in harmony with the general intent and purpose of the regulation at issue and the Land Development Code, and such variance will not be injurious to the abutting lands or to the area involved or otherwise detrimental to the public welfare.
- D. *Prohibited considerations.* The following factors shall not be considered in any variance request:
1. The presence of nonconformities in the zoning district or adjoining districts.
  2. Financial loss or business competition.
  3. Whether the property was purchased with the intent to develop or improve the property, whether or not it was known at the time of purchase that such development would be a violation.
- E. *Review procedures.*
1. *Pre-application meeting.* A pre-application meeting is not required; however, the applicant is encouraged to attend a meeting with staff to review procedural and regulatory requirements.
  2. *Application submittal.* The applicant shall submit a complete application on a form prescribed by the city and accompanied by the applicable fee and plans.
  3. *Staff review.* The city manager or designee shall review the application and prepare a staff report for submittal to the appropriate review board.
  4. *Board hearing.* The appropriate reviewing board shall hold a public hearing to consider the request according to the review criteria provided in this section.
- F. *Conditions and limitations.* In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with the Land Development Code or building chapters. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable according to applicable law. If a variance request is denied, the same variance may not be considered for the property for a period of two years from the date of denial.

- G. *Expiration.* Any variance granted shall expire one year after the date of variance approval, unless a building permit based upon and incorporating the variance is issued within the aforesaid one-year period and construction has begun thereunder.

Sec. 30-3.57. - Administrative decisions.

- A. *Authority of hearing officer.* The hearing officer has authority to hear and decide appeals where it is alleged a city administrative official charged with the administration and enforcement of the provisions of the Land Development Code or building chapter (chapter 6 of the Code of Ordinances) erred in issuing or denying a final decision, order, requirement, interpretation, determination, or action. The hearing officer is not authorized to hear appeals based on the following:
1. Any order, requirement, decision, or determination made regarding code enforcement, including notice of violations and civil citations.
  2. Acts of administrative officials pursuant to the orders, resolutions, or directives of the city commission.
  3. Zoning verification letters.
  4. Challenges to a development order controlled by F.S. § 163.3215.
  5. Appeals that circumvent procedures required by this chapter, including those that are more appropriately addressed in an application for a modification, variance, or rezoning.
- B. *Standing to appeal.*
1. *Decisions of general applicability.* Any resident, landowner, or person having a contractual interest in land in the city shall have standing to appeal an administrative decision that is of general applicability and that is not specifically related to a particular parcel of real property or project.
  2. *Decisions relating to particular property.* The following persons shall have standing to appeal an administrative decision that is not of general applicability and that is specifically related to a particular project or parcel of real property:
    - a. An applicant who is adversely affected by the decision.
    - b. A property owner whose property is the subject of the decision.
    - c. All owners of real property that lies within 400 feet of the property that is the subject of the decision.
    - d. Any resident, landowner, or person having a contractual interest in land in the city who demonstrates a direct adverse impact from the decision that exceeds in degree the general interest in community good shared by all persons.
- C. *Appeal procedures.*
1. A notice of appeal of an administrative decision, together with the applicable fee as set forth in appendix A and any submittal requirements established by the city, shall be filed with the city within 30 calendar days of the date the administrator signed the decision at issue or the decision is otherwise rendered in writing. The notice of appeal shall set forth a detailed basis for the appeal.
  2. *Stay during appeal.* The filing of a timely notice of appeal shall stay all proceedings in furtherance of the decision being appealed, including the issuance of any building permit or development order, until the appeal has been concluded in accordance with this division. The applicant may file applications, plans, or other information with the city pending the outcome of the review, but the filing of such shall create no rights to any related approval by the city.
  3. Within 20 calendar days of the filing of a notice of appeal pursuant to this section, any person with standing may intervene and become a party to the appeal by filing a notice of appeal in accordance with this section.
  4. The matter shall be set for a public hearing within 50 calendar days of the date of the notice of appeal. This period may be extended by agreement of the city and all parties appealing the decision.

5. The hearing shall be limited to the record on appeal and shall consist of oral argument by city staff and parties with standing, each of whom may be represented by legal counsel, and the party challenging the administrative decision shall have the burden of proof. The hearing shall be conducted in accordance with established Florida law for quasi-judicial hearings.
6. *Record on appeal.*
  - a. The record on appeal shall consist of the following: 1) the application and accompanying information; and 2) the written decision of the administrative official and accompanying information.
  - b. All parties may freely refer to provisions from the following:
    - i. The Comprehensive Plan, Land Development Code, and any other City of Gainesville ordinance, resolution, or rule; and
    - ii. Any federal or state statute, rule, or decision.
  - c. If any party desires to admit any additional evidence, the additional evidence shall be disclosed to the other parties and the hearing officer not less than five calendar days before the hearing. At the beginning of the hearing, the hearing officer shall rule on whether such additional evidence may be presented and shall freely allow the evidence when such evidence is relevant to the issue on appeal.
7. The hearing officer shall make a decision based on the appeal criteria provided in this section, and may affirm, reverse, or modify the decision or action of the administrative official. In making a decision, the hearing officer may take any action that the administrative official was authorized to take.
8. The decision of the hearing officer shall be rendered in writing not later than seven calendar days after the date of the hearing's conclusion, and shall include findings of fact, if any, and conclusions of law.
9. The decision of the hearing officer shall be final, and may be subject to judicial review as provided in law.
- D. *Appeal criteria.* The hearing officer shall give deference to the administrative official's final decision, order, requirement, interpretation, determination, or action, and may only reverse or modify such when the hearing officer finds that the administrative official's final decision, order, requirement, interpretation, determination, or action:
  1. Was clearly erroneous or patently unreasonable and will result in a miscarriage of justice;
  2. Has no foundation in reason, meaning the absence of a situation where reasonable minds could disagree, and is a mere arbitrary or irrational exercise of power having no substantial relation to the public health, morals, safety, or welfare; or
  3. Was an ultra vires act, meaning the administrative official clearly lacked the authority to take the action under statute or the City of Gainesville Charter Laws or Code of Ordinances.

The hearing officer shall use binding, and may use persuasive, Florida case law as it relates to this standard of review.

Sec. 30-3.58. - Board decisions.

- A. *Authority of hearing officer.* The hearing officer has authority to hear and decide appeals of the decisions of the boards established by or administering the Land Development Code, including the city commission and the reviewing boards provided in this article, when all of the following criteria are met:
1. The board decision was quasi-judicial, meaning the board applied established policy or law to a specific, individualized situation. Quasi-judicial board decisions include but are not limited to rezonings, special use permits, subdivisions, and development plan review. Quasi-judicial board decisions do not include legislative decisions such as land use changes or text amendments to the Comprehensive Plan and Land Development Code.
  2. The board decision was final, and not advisory.
  3. The appeal is not a challenge to a development order controlled by F.S. § 163.3215.
- B. *Standing to appeal.* The following persons shall have standing to appeal a board decision pursuant to this section:
1. An applicant who is adversely affected by the decision.
  2. A property owner whose property is the subject of the decision.
  3. All owners of real property that lies within 400 feet of the property that is the subject of the decision.
  4. Any resident, landowner, or person having a contractual interest in land in the city who demonstrates a direct adverse impact from the decision that exceeds in degree the general interest in community good shared by all persons.
- C. *Appeal procedures.*
1. A notice of appeal of a board decision, together with the applicable fee as set forth in Appendix A and any submittal requirements established by the city, shall be filed with the city within 30 calendar days of the effective date of the board decision at issue. The notice of appeal shall set forth a detailed basis for the appeal.
  2. *Stay during appeal.* The filing of a timely notice of appeal shall stay all proceedings in furtherance of the decision being appealed, including the issuance of any building permit or development order, until the appeal has been concluded in accordance with this division. The applicant may file applications, plans, or other information with the city pending the outcome of the review, but the filing of such shall create no rights to any related approval by the city.
  3. Reserved.
  4. Within 20 calendar days of the filing of a notice of appeal pursuant to this section, any person with standing may intervene and become a party to the appeal by filing a notice of appeal in accordance with this section.
  5. The matter shall be set for a public hearing within 50 calendar days of the date of the notice of appeal. This period may be extended by agreement of the city and all parties appealing the decision.
  6. The hearing shall be limited to the record on appeal and shall consist of oral argument by city staff and parties with standing, each of whom may be represented by legal counsel. The hearing shall be conducted in accordance with established Florida law for quasi-judicial hearings.
  7. *Record on appeal.* The record on appeal shall consist of an exact replication of the information that was before the board for the decision being appealed, which may include the following:
    - a. The application and accompanying information.



- b. Staff reports and recommendations, and any accompanying information.
  - c. All exhibits and documentary evidence.
  - d. The summary, findings, conclusions, and decision of the board that is the subject of the appeal.
  - e. Any audio or video recording of the board hearing that is the subject of the appeal.
  - f. Any verbatim transcript available of the board hearing that is the subject of the appeal.
8. The hearing officer shall make a decision based on the appeal criteria provided in this section, and may either affirm the board decision or remand the decision back to the reviewing board with specific issues for the reviewing board to address.
  9. The decision of the hearing officer shall be rendered in writing not later than seven calendar days after the date of the hearing's conclusion, and shall include findings of fact, if any, and conclusions of law.
  10. If the hearing officer affirms the board decision at issue, the hearing officer's decision shall be final and may be subject to judicial review as provided in law.
  11. If the hearing officer remands the board decision at issue, the reviewing board shall reconsider its decision and shall consider the issues specified by the hearing officer and may accept, reject, or modify the hearing officer's findings and conclusions in making the final decision. After considering the hearing officer's findings and conclusions, the reviewing board's decision shall be final and may be subject to judicial review as provided in law.
- D. *Appeal criteria.* The hearing officer shall affirm the board decision unless an appealing party with standing demonstrates that any one of the following three requirements was not met. The hearing officer shall use established Florida law as it relates to this standard of review.
1. The appealing parties were afforded procedural due process, which includes:
    - a. Notice of the board hearing that is the subject of the appeal;
    - b. A fair hearing before an impartial decision-maker;
    - c. An opportunity to be heard and present evidence at the hearing; and
    - d. The opportunity to cross-examine any witnesses.
  2. The reviewing board observed the essential requirements of law.
    - a. A departure from the essential requirements of law is something more than mere legal error. A decision made according to the form of the applicable law and the rules prescribed for rendering it, although it may be erroneous in its conclusion as applied to the facts, is not an act that amounts to a departure from the essential requirements of law.
    - b. The hearing officer shall examine the seriousness of any error and exercise discretion only when there has been a violation of a clearly established principle of law that results in a miscarriage of justice.
  3. The reviewing board's decision was supported by competent substantial evidence.
    - a. Competent substantial evidence means such evidence that may establish a substantial basis from which the fact at issue can be reasonably inferred, or material and relevant evidence that a reasonable mind could accept as adequate to support a conclusion. The opinions and recommendations of experts, including city staff, are deemed expert testimony and constitute competent substantial evidence. Citizen testimony during any public comment portion of a hearing may constitute competent substantial evidence if it is fact-based and not a mere generalized statement of support or opposition.

- b. The hearing officer may not reweigh the evidence or substitute his or her judgment for that of the reviewing board, but rather shall rule upon only whether the reviewing board's decision was supported by any competent substantial evidence.













\_\_\_\_\_



**City of Gainesville  
Department of Sustainable Development  
Planning Division**

PO Box 490, Station 11  
Gainesville, FL 32627-0490  
306 NE 6<sup>th</sup> Avenue  
P: (352) 334-5022  
F: (352) 334-2648

**Petition DB-20-86 VAR**

**September 29, 2020**

**Attachment A: Application and Supporting Documents**

**Attachment B: Comprehensive Plan and Land Development Code References**

PAGE 3 OF 5 VARIANCE QUESTIONS  
1-5

**(1.) What special conditions and circumstances peculiar or unique to this land, structure or building exist that necessitate the variance?**

This house is a uniquely designed Mid-Century Modern home built in 1969 by the University of Florida Architecture class of Professor Dan Branch as a design/build project. It is located in the eclectic, almost 100-year-old neighborhood of Hibiscus Park in the center of Gainesville. The design/build project was to create the most efficient 2-bedroom, 1-bath single family residence possible in a little over 1,000 SF'. I purchased the home in 2000 as a student and have lived in it, improved it, and loved the neighborhood for 20 years. I want to continue there as a family man improving and stabilizing the neighborhood for families, but have to have more living space. Because of the unique history of the house it is important to maintain the architectural integrity of the style and proportions of the addition to the existing home. I wish to separate the original home from the addition with a 5' glass entryway to hold that integrity. Also, the new addition would mirror the old building with the same materials, style, proportions and front façade to honor the historic integrity of the existing structure and the design integrity of Architecture Professor Dan Branch. In conversations with him previously, materials and size proportions were of utmost importance in designing the original home. Considering these specific design elements is the unique condition we are faced with. The same balcony and supports appear on the south side of the original building as also appear on the north side of the original building. I wish to replicate on the NEW addition the same north façade with the original balcony and supports from the original house to be stay cohesive with the original house and to mirror what appears on the south façade as originally designed.

**(2) Are these special conditions or circumstances applicable to other lands, structures or buildings in the same district?**

No

**(3) Does a literal enforcement of the provisions of the zoning or building code limit the use of the property or building in a manner unlike that of other properties in the same district? If so, please describe the limitations or hardship.**

The current enforcement of the setbacks will not allow the use of the original balcony design on the front of the new addition (as it was on the original house) and keep the proportional integrity of the new addition to mirror the original design. The balcony and supports are a unique design feature developed by Dan Branch, famed University of Florida Architect, during the 1960's when this original home was built. They give it it's unique style and since they are repeated on the south side of the building they are integral to the design of this house. It is the signature look of the house. The house was selected for the Mid-Century Modern Home Tour 2020 and is located near the University so that allows new architecture students to find it easily when studying these past design elements. Without the balcony and supports we lose the clarifying Mid-Century Modern characteristics that allow the house its architecturally significant history and economic value.

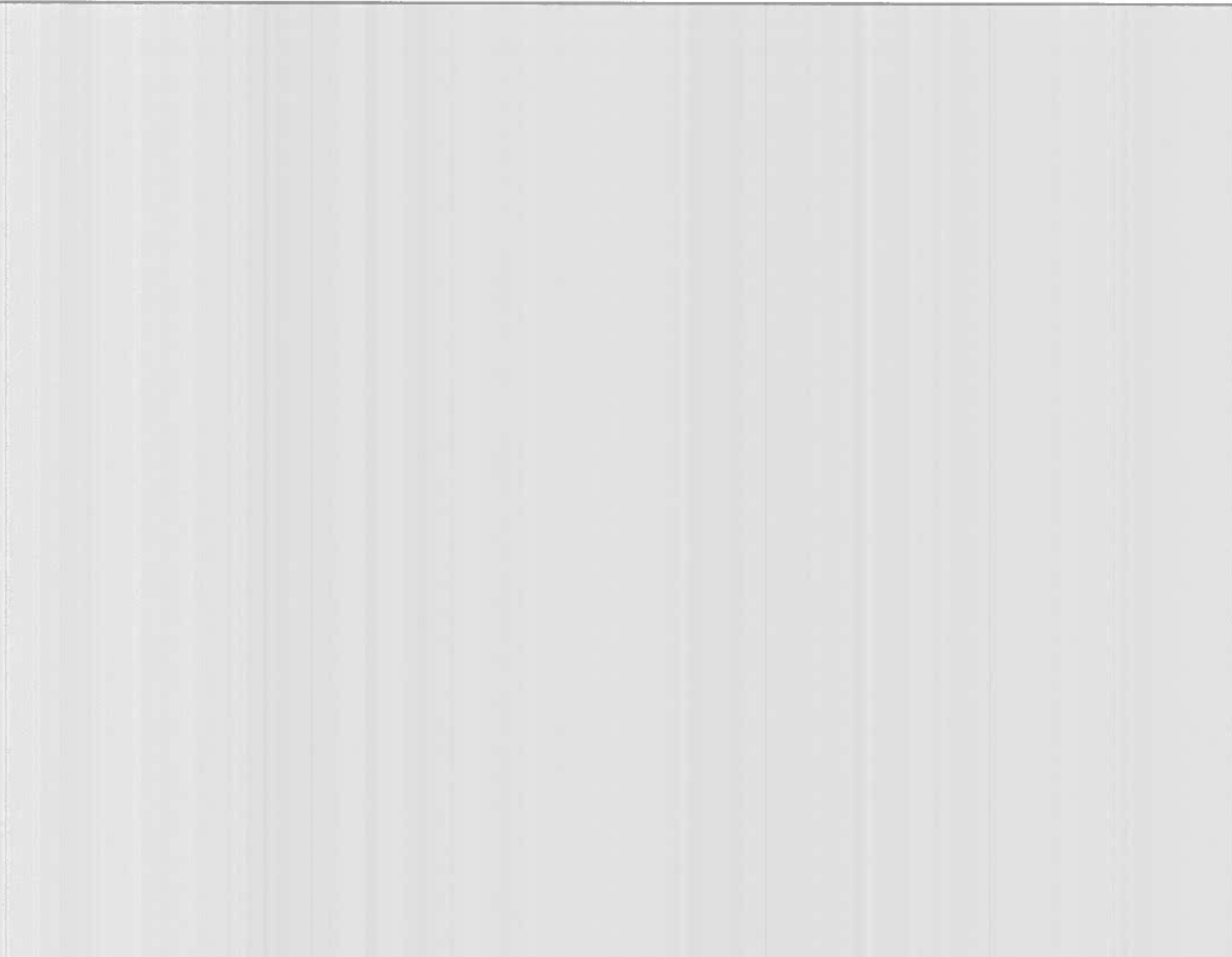
**(4) Were these special conditions or circumstances described in (1), above, the result of your actions?**

The proposed addition has not begun construction yet. Plans are drawn. The special design characteristics of this unique home addition are the direct result of historic Mid-Century Modern architectural decisions already implemented and are the reason for this request of special consideration. I intend to maintain the historic architectural value and aesthetics of the home while still allowing for the personal family growth needed and choosing to remain in this beloved neighborhood. I do not want to move and have to sell or rent out my house in order to accommodate my increased family plans. I choose to increase the family nature of the neighborhood to help stabilize its cultural history and to help balance the number of rental properties that already exist because of the proximity to UF. The original 1000 SF house is efficiently and beautifully designed but will not accommodate expanded family and I would improve and enhance the current neighborhood rather than move.

**(5) Explain how the requested variance will not confer a special privilege on you that is not enjoyed by other properties in the same district.**

This requested variance for the balcony and supports into the front yard is at the minimal extension possible and brings no real weight of visual structure to the overall view of the façade or takes away any appropriate visual space from the yard. The balcony sits approximately 9' off the ground. The supports extend 2.5' into the setback. We would reuse the current balcony from the original façade to recreate the look on the front of the new addition. (Please refer to photos of the original house front and back.) The area to the north, on 3<sup>rd</sup> Avenue which the façade of the house is facing, and the variance consideration is affecting, is actually the large vegetative end of this corner property. From the actual front edge of the proposed balcony to the setback line is a little over 15' of trees and landscape PLUS, there is then another 15 feet to the actual edge of the road. The amount of visual distance to the house is still being honored and NO encroachment to the road is present. There is no standard of setbacks or size of yard in this eclectic neighborhood, as every home is unique and built at different times over the 100 years of its existence, so the variance would be in harmony with the rest of the homes and how they all present differently to the road. The vegetation, trees and corner lot give a view of a large space to the property. With the new building addition, and the small variance for the balcony structure, the home will still present with a spacious yard to the street and bring an even more secure family face and value to this historic neighborhood and enhance the quality of the homes in general. Professor Dan Branch also designed 2 other homes in Hibiscus Park that help offer this same Mid-Century historical flavor to the neighborhood.

NEIGHBORHOOD MAP OF HIBISCUS PARK  
HIGHLIGHTING PROPERTY



**ALACHUA COUNTY  
PROPERTY APPRAISER**



**Ed Crapo, CFA, ASA, AAS, FIAAO  
PROPERTY APPRAISER**

**Quarter Section Map**

Map Legend	
	1/4 Section Line
	Government Lot Line
	Grant Line
	Railroad C/L
	Canal
	Creek
	Island
	Lake
	Low and Swampy
	Pond
	Retention Pond
	River



SCALE: 1" = 200'

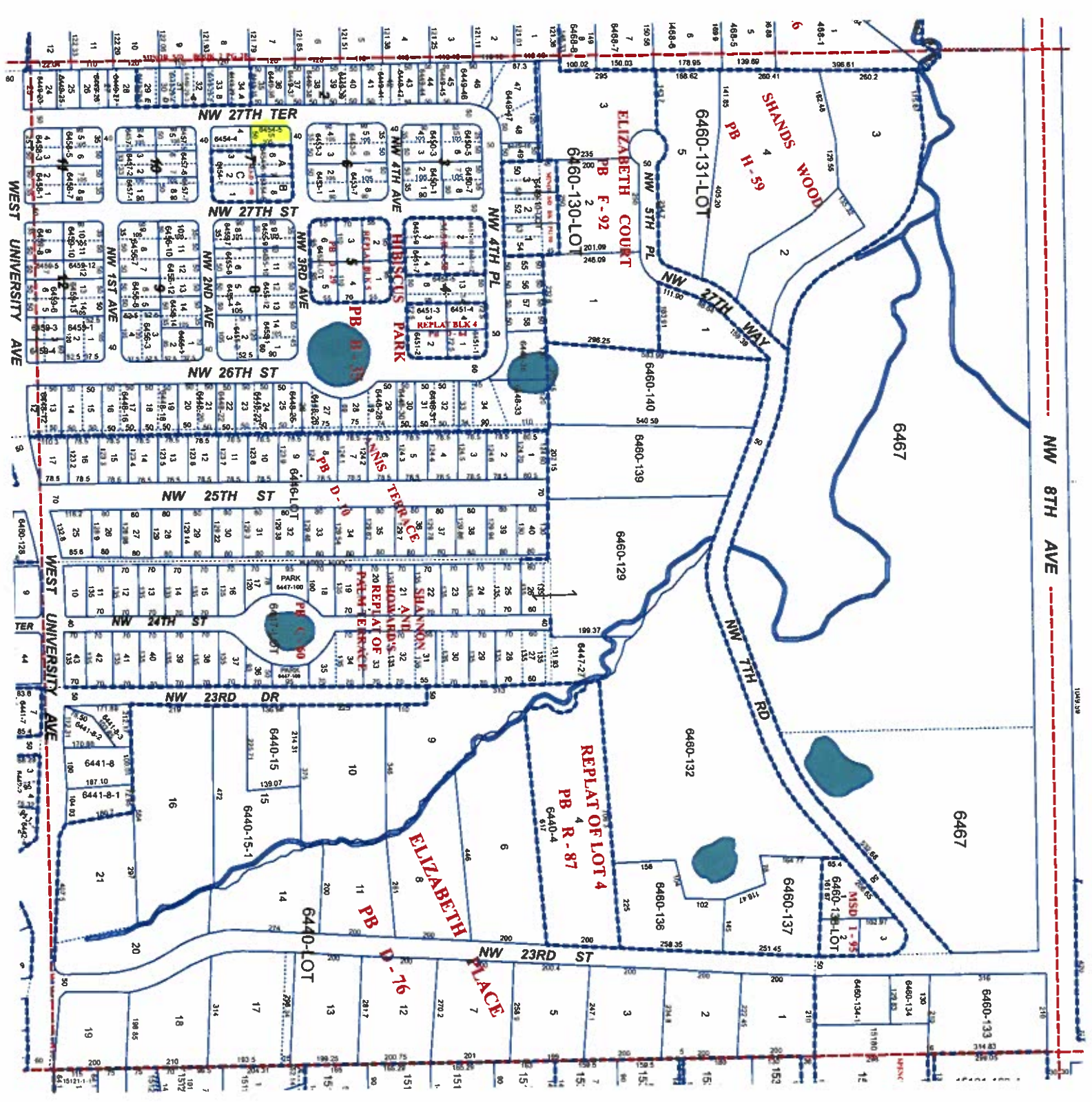
**INFORMATION MAP - NOT A SURVEY**

This map is a Quarter Section Map of the Property Appraiser's GIS Parcel database. The accuracy of this map meets national Map Accuracy Standards. The Alachua County Property Appraiser's Office is committed to providing the most accurate and current information. No warranties expressed or implied are provided for the data herein. Its use or interpretation. This information should not be relied upon by anyone as a survey or determination of the ownership of property.

This Map was created by the Alachua County Property Appraiser's GIS Services located at 615 N Main Street, Suite 200, Gainesville, FL 32601

SEC TWP RGE QUAD  
**01 10S 19E NE**

Revision Date: 1/8/2019





**PETITION TO THE BOARD OF ADJUSTMENT**  
**Planning & Development Services Department**

<b>OFFICE USE ONLY</b>	
Petition No. _____	Fee: \$ _____
Hearing Date: _____	EZ Fee: \$ _____
Account No. 001-660-6680-3401 [ ]	
Account No. 001-660-6680-1124 (Enterprise Zone) [ ]	
Account No. 001-660-6680-1125 (Enterprise Zone Credit [ ]	

**CHECK ONE:**

Variance       Appeal of Administrative Decision       Special Exception       Special Permit

*Please note that a pre-application conference is required before submitting this application*

Owner(s) of Record (please print)	Agent Authorized to Act on Owner Behalf
Name: Ryland Wagner	Name: Mary Lynn Jamison
Address: 2719 NW 3rd Ave Gainesville, FL. 32607	Address: 8820 Millhopper Road Gainesville, FL. 32653
E-mail Address: rylandw@joyner-construction.net	E-mail Address: rrrml@cox.net
Phone: 352-316-5054	Phone: 352-538-2070
Fax: n/a	Fax: n/a

**PROPERTY INFORMATION:**

Street address: 2719 NW 3rd Ave	
Tax parcel no(s): 06454-005-000	
Legal description (may be attached): Hibiscus Park PB B-35 Lot 5 Blk 7 or 2470/0403 & 4565/1504 (also attached)	
Existing Zoning: RSF-3	Lot size: 0.12 acres
Present use: Residential	Proposed use: Residential
Historic District or Landmark?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Present structures (type) and improvements upon the land: Single Family Residence - year built 1970 - 2 stories	

**SURROUNDING PROPERTY INFORMATION:** (List all uses surrounding the subject property under "Existing use." Staff is available to supply zoning and land use information.)

	Zoning	Land Use	Existing Use
North	RSF-3	SFR	Single Family Residence
South	RSF-3	SFR	Single Family Residence
East	RSF-3	SFR	Single Family Residence
West	RSF-3	SFR	Single Family Residence

**Certified Cashier's Receipt:**





**SIGNATURE PAGE**

1. (a) I hereby attest to the fact that the above supplied parcel number(s) and legal description(s) is (are) the true and proper identification of the area of this petition.  
(b) I authorize staff from the Planning and Development Services Department to enter onto the property in question during regular city business hours in order to take photos which will be placed in the permanent file.
2. I/We understand that this petition becomes a part of the permanent records of the Board of Adjustment. I/We hereby certify that the above statements and the statements or showings made in any document or plans submitted herewith are true and correct to the best of my/our knowledge.

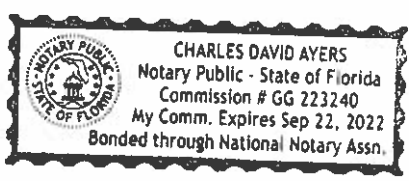
Property Owner Signature: *Ryland Wagner* Date: 7/9/20

STATE OF FLORIDA  
COUNTY OF ALACHUA

Sworn to and subscribed before me this 9<sup>th</sup> day of JULY 2020,  
by (Name) RYLAND WAGNER.

*Charles David Ayers*  
Signature – Notary Public

Personally Known  OR Produced Identification  (Type) \_\_\_\_\_





### VARIANCE

*The process for requesting a variance is documented in the Land Development Code Chapter 30-354(d)(3).*

Indicate the specific code a variance is requested from and summarize the context:

Code source:	<input checked="" type="checkbox"/> Land Development Code	<input type="checkbox"/> Fire Code	<input type="checkbox"/> Building Code
Section:	30-354 (d) (3)		

The following questions must be answered to demonstrate the foundation for the variance request as specifically required by the Land Development Regulations. As the applicant, you bear the burden of proving the variance criteria.

(1) What special conditions and circumstances peculiar or unique to this land, structure or building exist that necessitate the variance?

Please see attached letter

(2) Are these special conditions or circumstances applicable to other lands, structures, or buildings in the same district?  YES  NO

Please see attached letter

(3) Does a literal enforcement of the provisions of the zoning or building code limit the use of the property or building in a manner unlike that of other properties in the same district? If so, please describe the limitation or hardship.

Please see attached letter

(4) Were these special conditions or circumstances described in (1), above, the result of your actions?

Please see attached letter

(5) Explain how the requested variance will not confer a special privilege on you that is not enjoyed by other properties in the same district.

Please see attached letter

(6) Has an application for a variance been filed within the last 2 years in connection with these premises? Please note that the board will not entertain an application for a variance within two years of the board issuing a denial of the same variance request.  Yes  No

*Please continue on additional pages as needed*



*(Variance, continued)*

In addition to the above criteria, the Board of Adjustment will be required to make the following findings to authorize the variance request: *(please acknowledge by initialing each item)*

- X (a) That the applicant has met the requirements set forth in section 30-354(d)(3) of the Land Development Code
- X (b) That the reasons set forth in the application justify granting the variance
- X (c) That the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building
- X (d) That granting the variance will be in harmony with the general intent and purpose of the land development code or building chapters
- X (e) That granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare

Check below that you have included these items with your application:

- Scaled drawing, site plan, or survey depicting property boundaries, easements, existing and proposed structures shown with their distance to the property line and existing building setback lines. The requested variance should be clearly illustrated with respect to each of these features.
- Reduced images or digital submission for oversized paper documents (greater than 11x17)
- Legal description, if not entered on front page
- Any other supporting materials you wish to provide

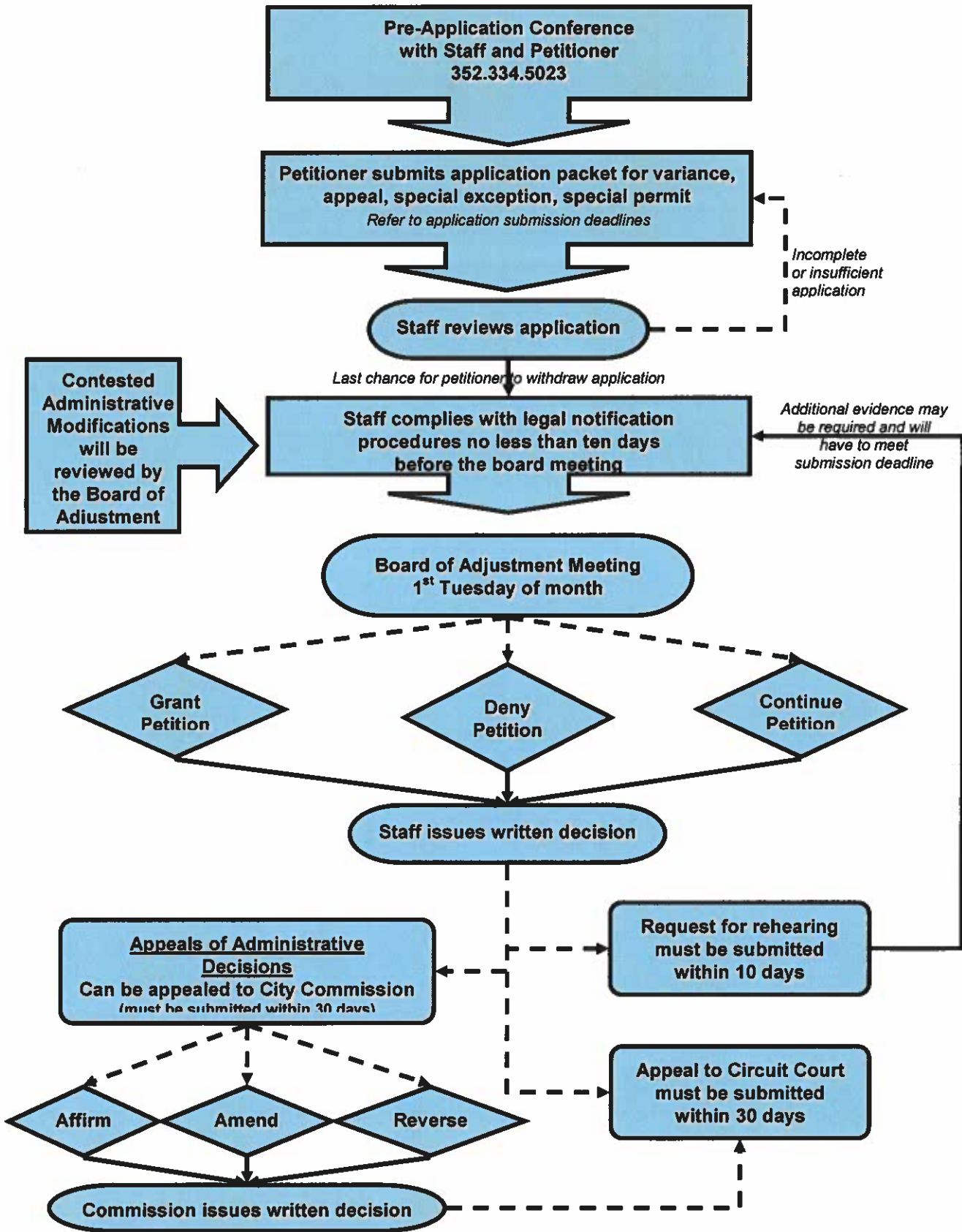
Variances are only authorized for height of structures, size of yard setbacks, driveway widths, street line corner clearances, and property line edge clearances as provided in section 30-336(15); and landscape and tree management and flood control provisions as provided in section 30-310.

A variance may not be granted for the following reasons:

- For establishment or expansion of a use otherwise prohibited
- Because of the presence of nonconformities in the zoning district or adjoining districts
- Because of financial loss or business competition
- Because the property was purchased with the intent to develop or improve the property, and the intended development or improvement would violate the restrictions of the land development code or building chapter, whether or not it was known at the time of purchase that such development would be a violation



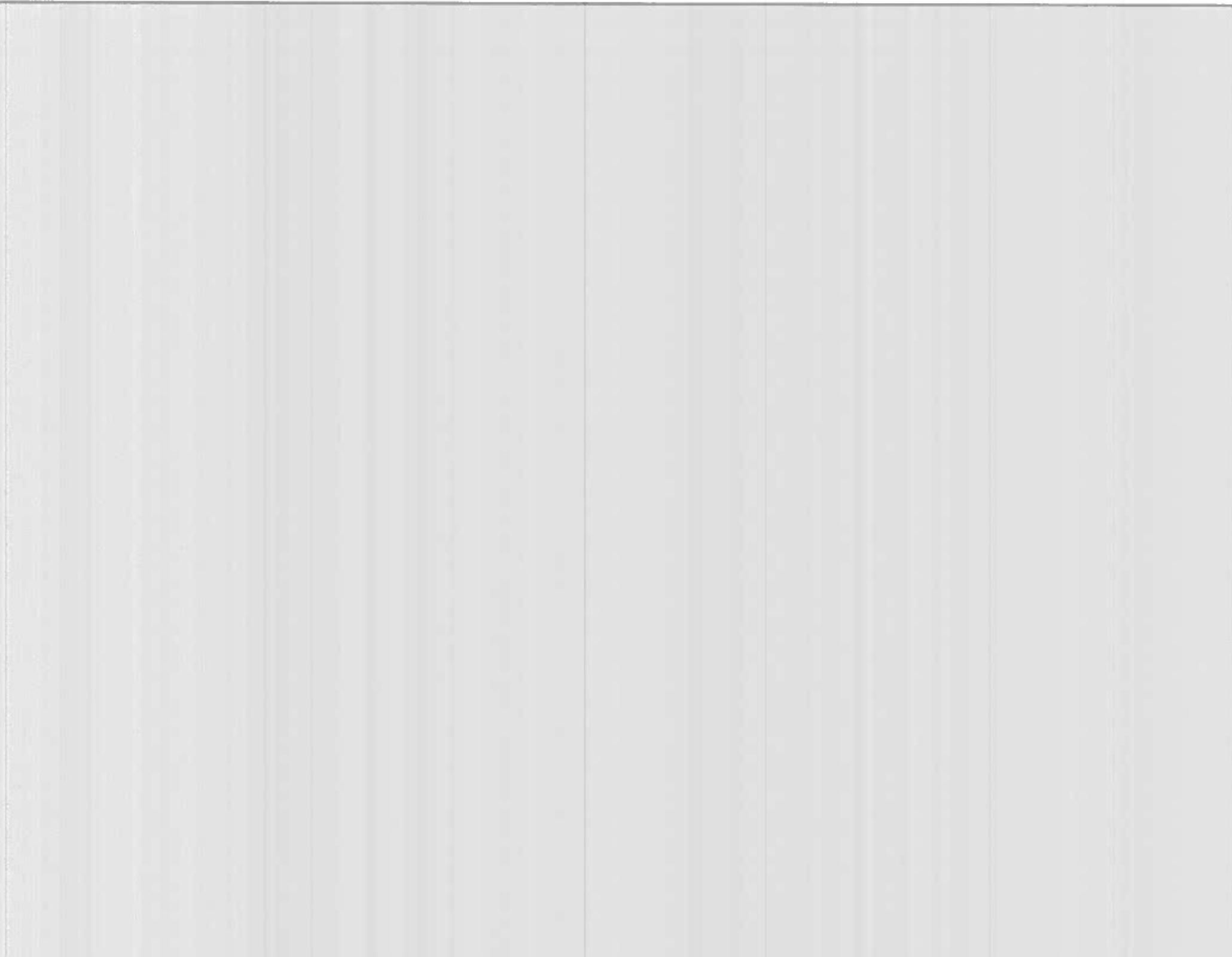
# Board of Adjustment Petitions





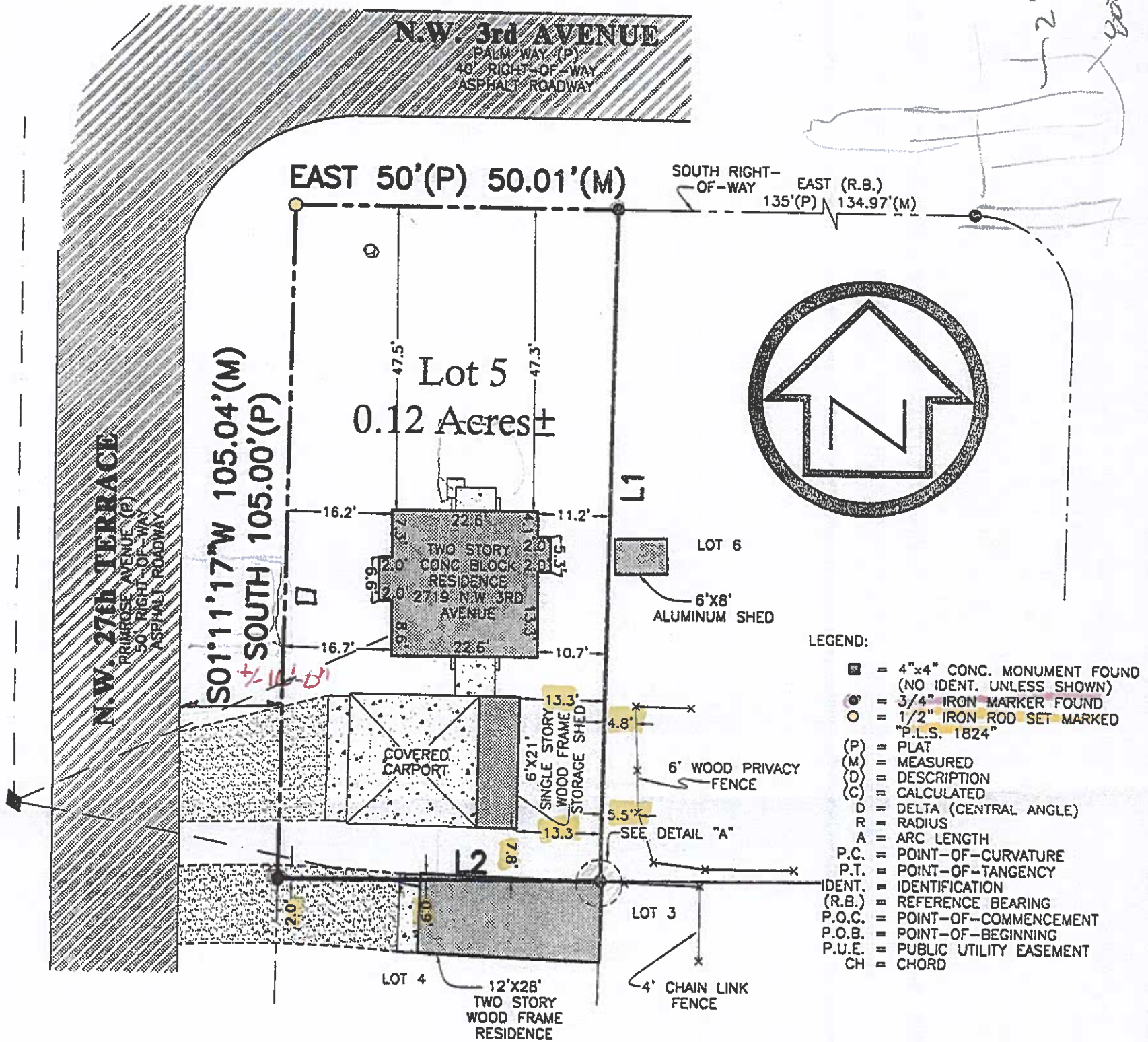


ORIGINAL SURVEY



# MAP OF BOUNDARY SURVEY

Lot #5, Block 7, Hibiscus Park, Lying in Section 1,  
Township 10 South, Range 19 East, Alachua County, Florida



**NOTES:**

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**NOTE:**  
THIS PROPERTY IS LOCATED IN FEDERAL FLOOD ZONE "C", AREAS OF MINIMAL FLOODING AS INTERPOLATED FROM F.I.R.M. PANEL NO. 125107 0004 B, EFFECTIVE DATE: 1/19/83.

DESCRIPTION (O.R.BOOK 864 PAGE 743)  
LOT 5, BLOCK 7 OF HIBISCUS PARK, A SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "B", PAGE 35 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.



L1=N01°11'17"E 104.90'(M)  
NORTH 105.00'(P)  
L2=S89°50'42"W 50.02'(M)  
WEST 50.00'(P)

Prepared By:  
Professional Land Surveyors  
3131 N.W. 13th Street, Suite 36,  
**WAYNE CHANCE, INC.**  
Gainesville, Florida, 32609  
Ph. (352) 336-0909 Fax 336-0012

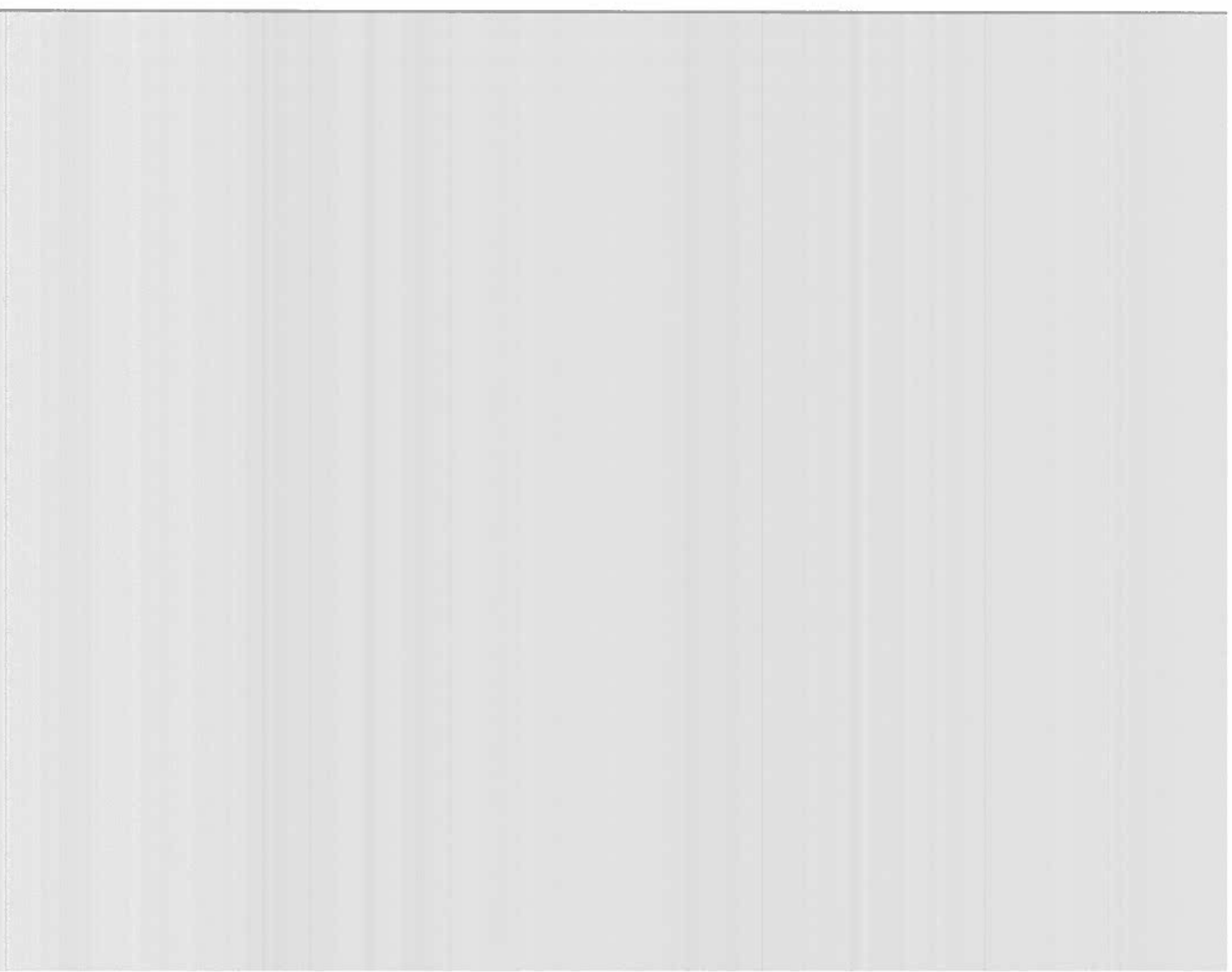
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Florida License No. 1824  
Certificate of Authorization No. 6806

WAYNE CHANCE, P.L.S.  
*Wayne Chance*  
Professional Land Surveyor  
Signing Date: 2/1/02

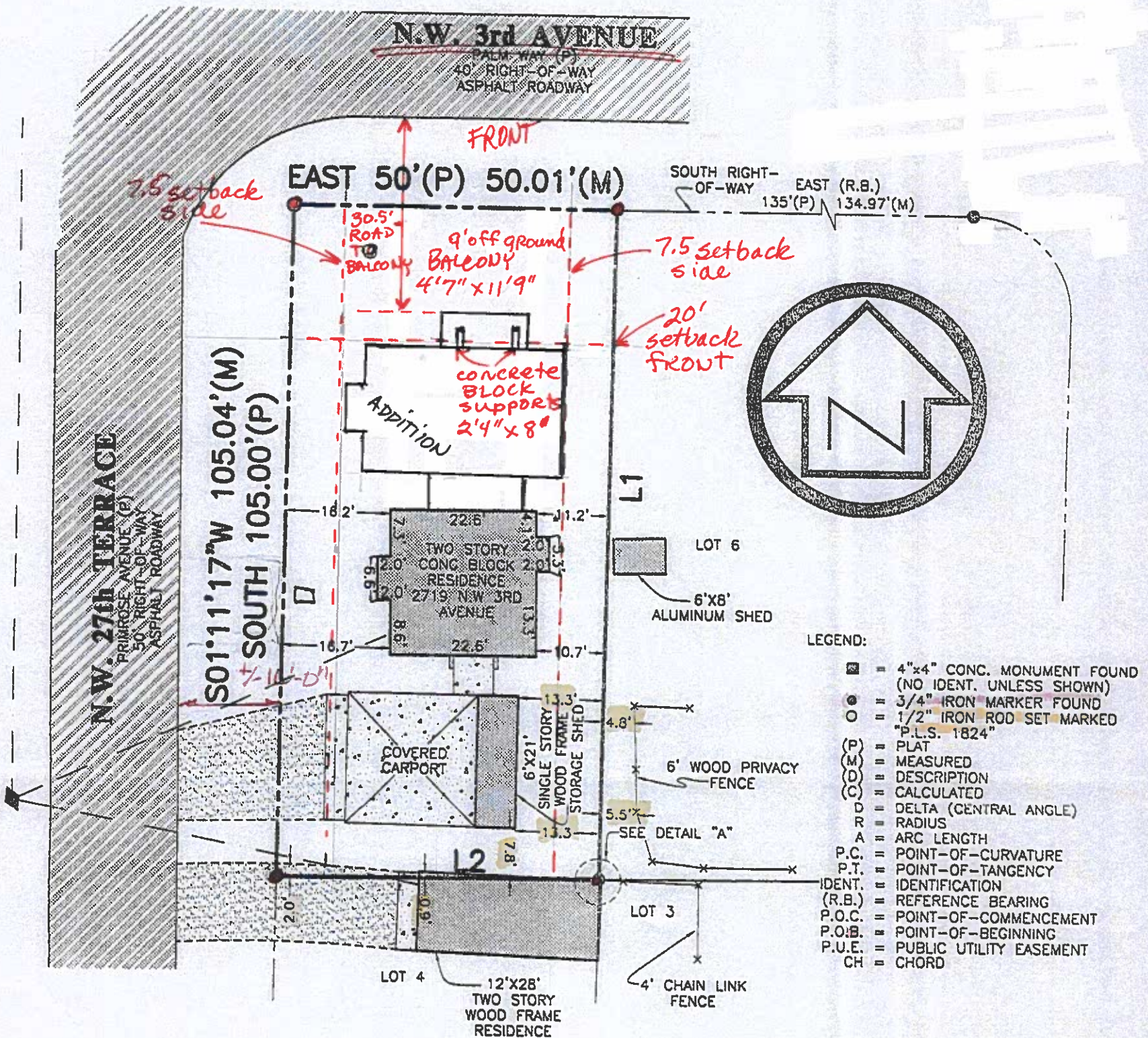
CERTIFIED TO:	Scale: 1" = 20'
JASON SIRMANS	Proj. No. 02-022
FIRST UNION	Drawn: T.M
ACCU TITLE AGENCY	Chk'd: W.C.
OLD REPUBLIC TITLE	Dwg. Name: W02-022
	Survey Date: 1/30/02
	Field Book: W1
	Pages: 20

SURVEY DEPICTING PROPERTY BOUNDARIES,  
EASEMENTS, EXISTING AND PROPOSED STRUCTURES  
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EXISTING SETBACK LINES. THE REQUESTED BALCONY  
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# MAP OF BOUNDARY SURVEY

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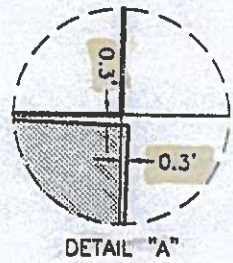
- LEGEND:**
- = 4"x4" CONC. MONUMENT FOUND (NO IDENT. UNLESS SHOWN)
  - = 3/4" IRON MARKER FOUND
  - = 1/2" IRON ROD SET MARKED "P.L.S. 1824"
  - (P) = PLAT
  - (M) = MEASURED
  - (D) = DESCRIPTION
  - (C) = CALCULATED
  - D = DELTA (CENTRAL ANGLE)
  - R = RADIUS
  - A = ARC LENGTH
  - P.C. = POINT-OF-CURVATURE
  - P.T. = POINT-OF-TANGENCY
  - IDENT. = IDENTIFICATION
  - (R.B.) = REFERENCE BEARING
  - P.O.C. = POINT-OF-COMMENCEMENT
  - P.O.B. = POINT-OF-BEGINNING
  - P.U.E. = PUBLIC UTILITY EASEMENT
  - CH = CHORD

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L1=N01°11'17"E 104.90'(M)  
NORTH 105.00'(P)  
L2=S89°50'42"W 50.02'(M)  
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Prepared By:  
Professional Land Surveyors  
3131 N.W. 13th Street, Suite 36,  
**WAYNE CHANCE, INC.**  
Gainesville, Florida, 32609  
Ph. (352) 336-0909 Fax 336-0012

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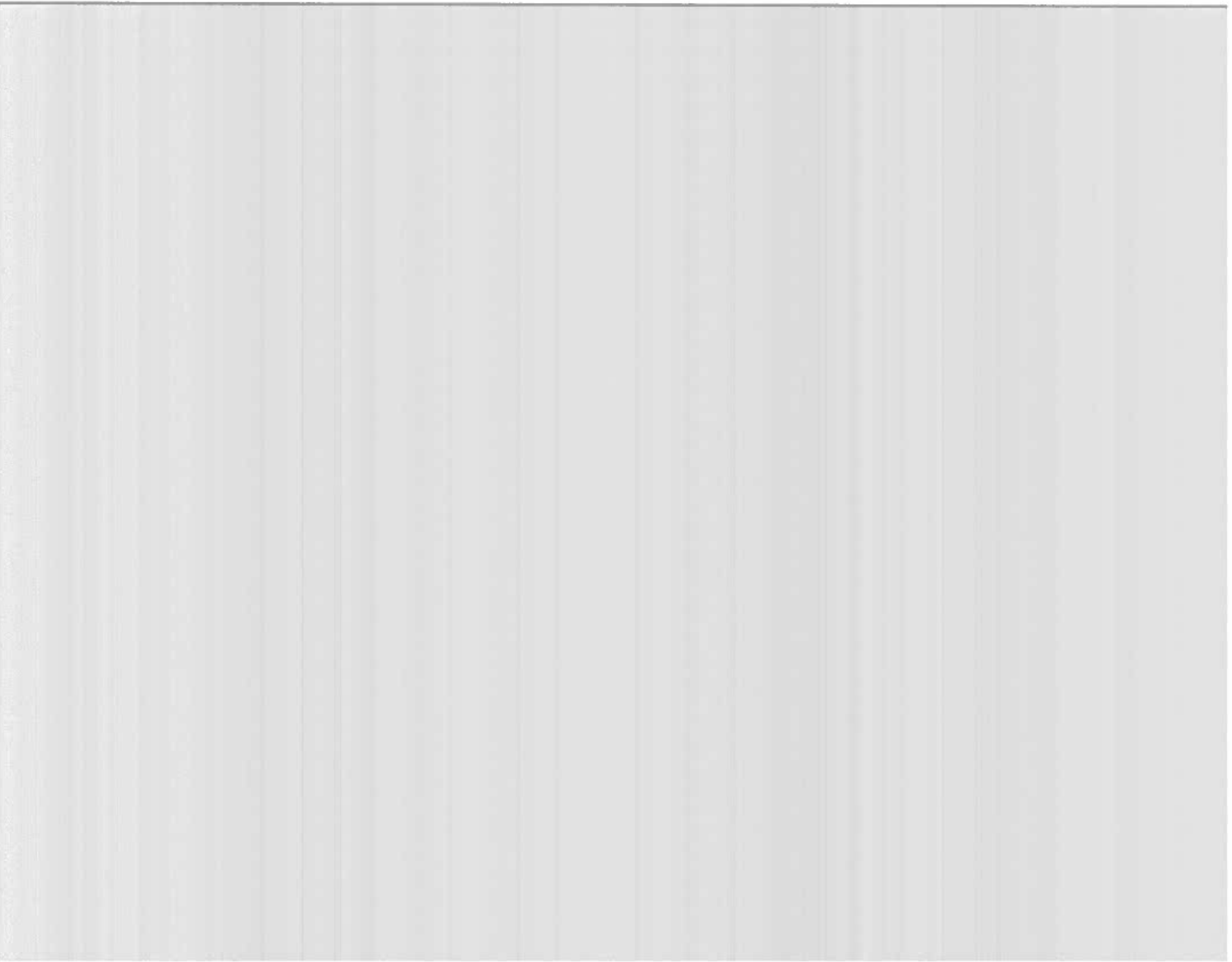
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Certificate of Authorization No. 6806

WAYNE CHANCE P.L.S.  
*Wayne Chance*  
Professional Land Surveyor  
Signing Date: 2/1/02

NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

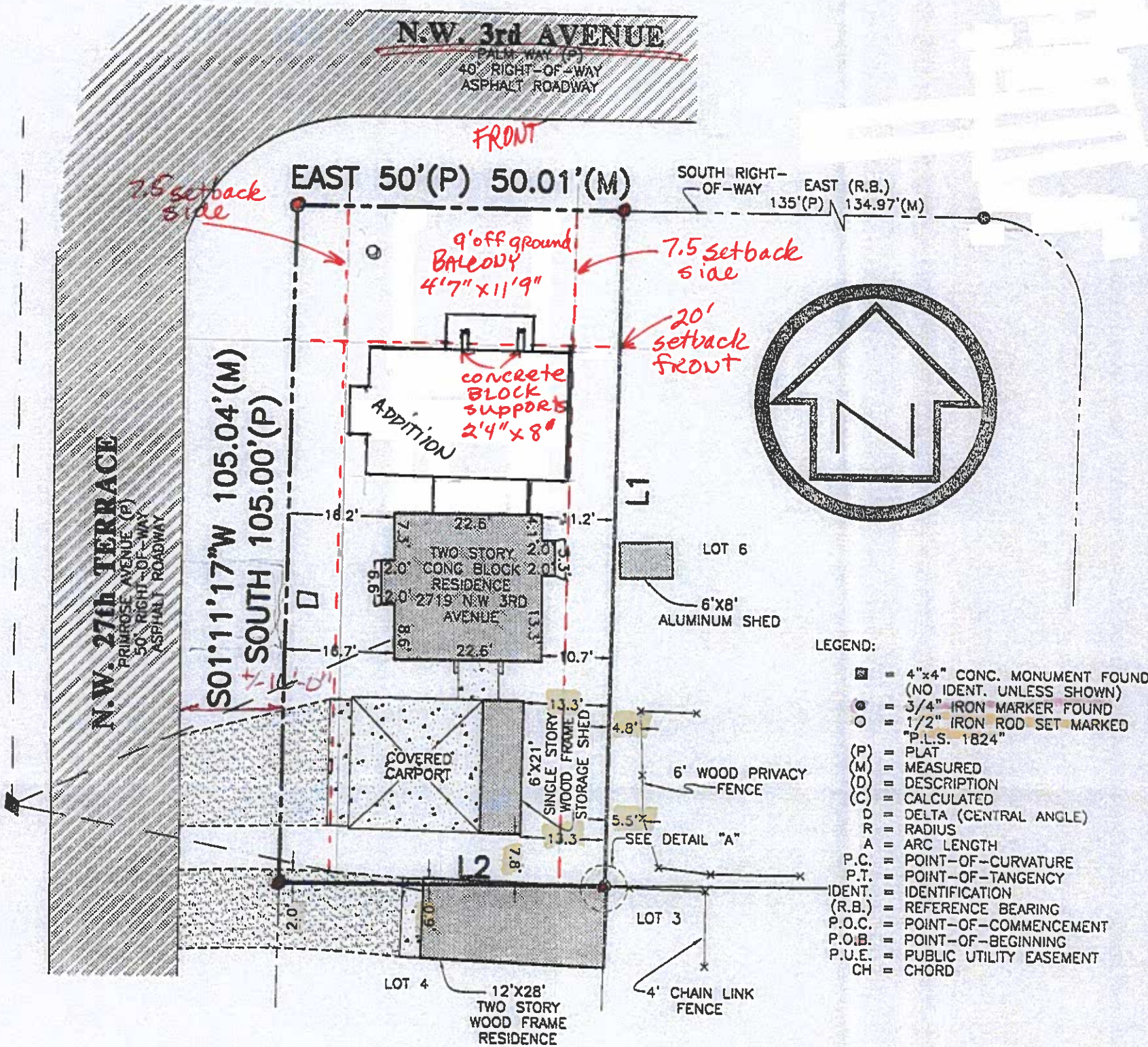
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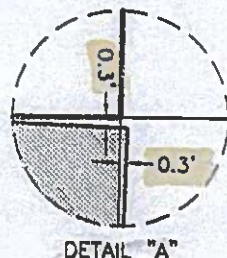
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WAYNE CHANCE, P.L.S.

*Wayne Chance*  
Professional Land Surveyor  
Signing Date: 2/11/02

**CERTIFIED TO:**

JASON SIRMANS  
FIRST UNION  
ACCU TITLE AGENCY  
OLD REPUBLIC TITLE

Scale: 1" = 20'

Proj. No. 02-022

Drawn: T.M

Chk'd: W.C.

Dwg. Name: W02-022

Survey Date: 1/30/02

Field Book: W1

Pages: 20

**HISTORY OF DAN BRANCH, ARCHITECT, AND UNIVERSITY OF  
FLORIDA GRADUATE IN 1954**







# Dan Branch, Architect



Updated: Jun 20, 2019

## Dan Branch 1931-

### Education:

1954 - Bachelor of Architecture, University of Florida, Gainesville, FL

1956 - Master of Architecture, Columbia University, New York City, NY

### Registered:

Alabama, Florida, Georgia and Louisiana

### Fellowships:

1956 - W. K Perkins Fellowship, University, New York City, NY

1962 - Perkins Boring Fellowship, Columbia University, New York City, NY

### Academic Appointments:

1961 - Associate Professor of Architecture, University of Florida, Gainesville, FL

### Certifications:

1956 - Certified Tropical Architecture Association, London, England

### Publications:

1966 - *Folk Architecture of the Eastern Mediterranean*

### Firms:

1959 - 1961 - Barrett, Daffin, Bishop, Architects

1961 - 1964 - David Reaves, Dan Branch, Gainesville, FL

1965 - Founded Dan Paulk Branch Architects, Gainesville, FL

### Professional Affiliations:

Member Gargoyle Society, University of Florida, Gainesville, FL

National Council of Architectural Registered Board Certified (NCARB)

1960 - Member American Institute of Architects, Florida Chapter (AIA)

1967 - Treasurer American Institute of Architects, Florida Chapter (AIA)

1967 - 1968 - Publishing Committee, *Florida Architect*

### Notable Works:

1961 - Tallahassee Museum, 3945 Museum Drive Tallahassee, FL

1962 - Municipal Jail, 3333 NE 39th Avenue Gainesville, FL

1963 - State Museum, 3400 N. Museum Point, Crystal River, FL

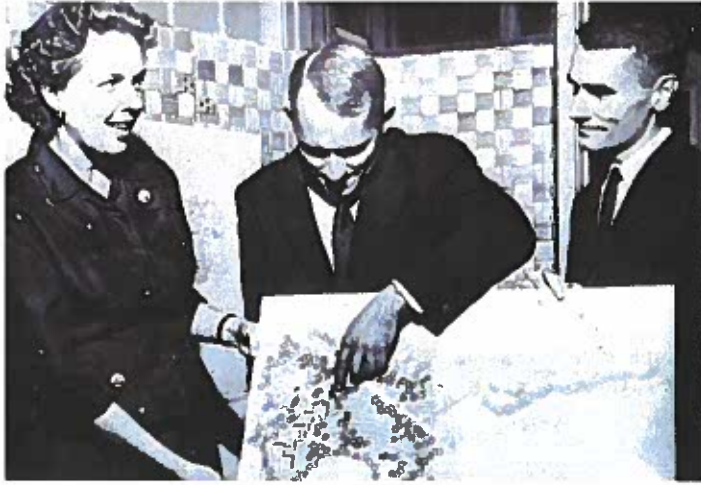
1965 - City Hall with Architect Myrl Hanes & Associates, 200 E.

University Avenue Gainesville, FL

1965 - Original Library, with Architect Myrl Hanes & Associates, 401 E. University Avenue, Gainesville, FL

1965 - Dan Branch Residence, Mallory Gardens Neighborhood, Gainesville, FL

1969 - Roberts Residence, Hague, FL



Dan Branch in center



1965 - City Hall with Myrl Hanes & Associates, 200 E. University Ave. Gainesville, FL

1963-State Museum, 3400 N. Museum Point, Crystal River, FL



1965 - Dan Branch Residence, Mallory Gardens neighborhood, Gainesville, FL



Archite...

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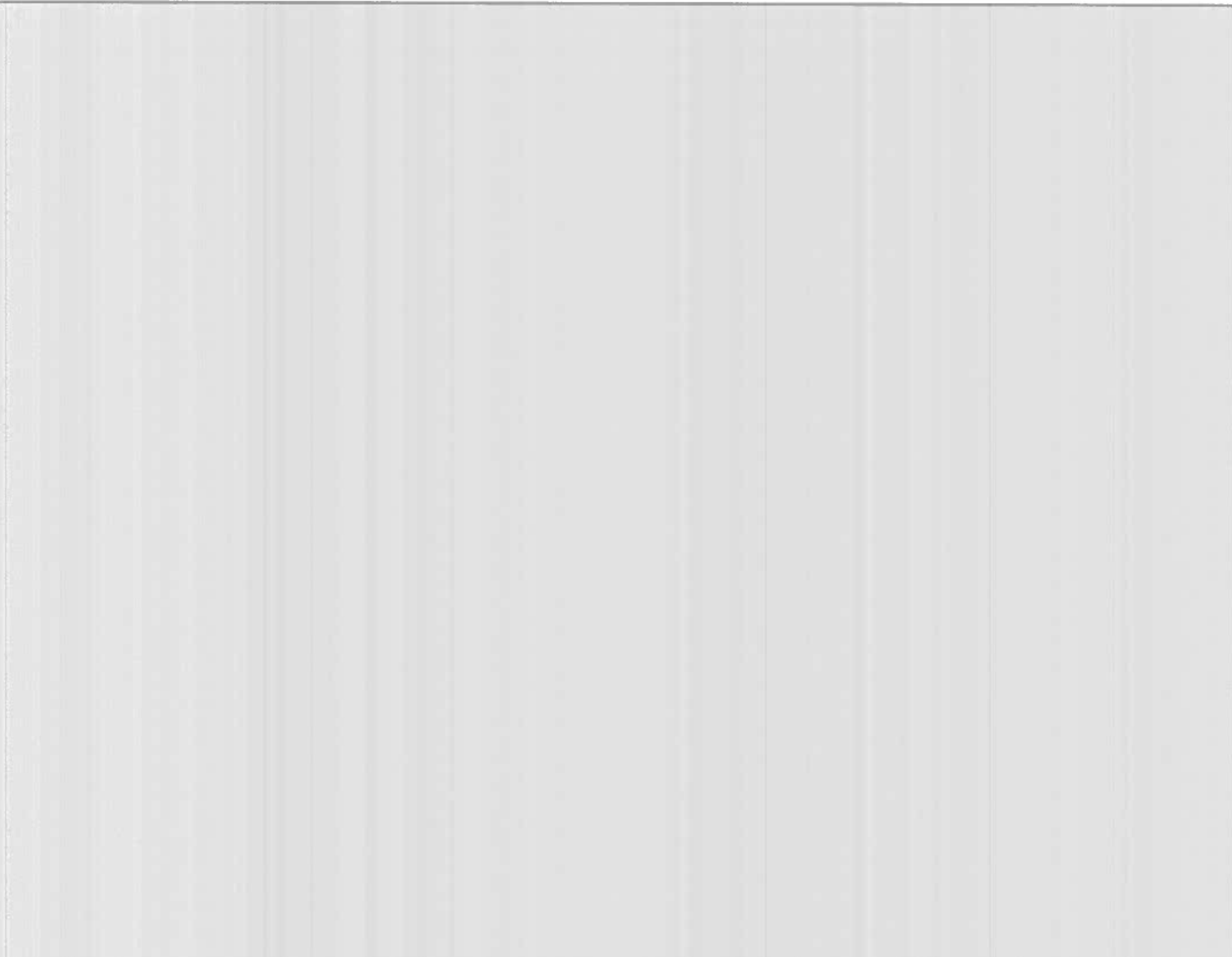
**Billy Brame, Architect**

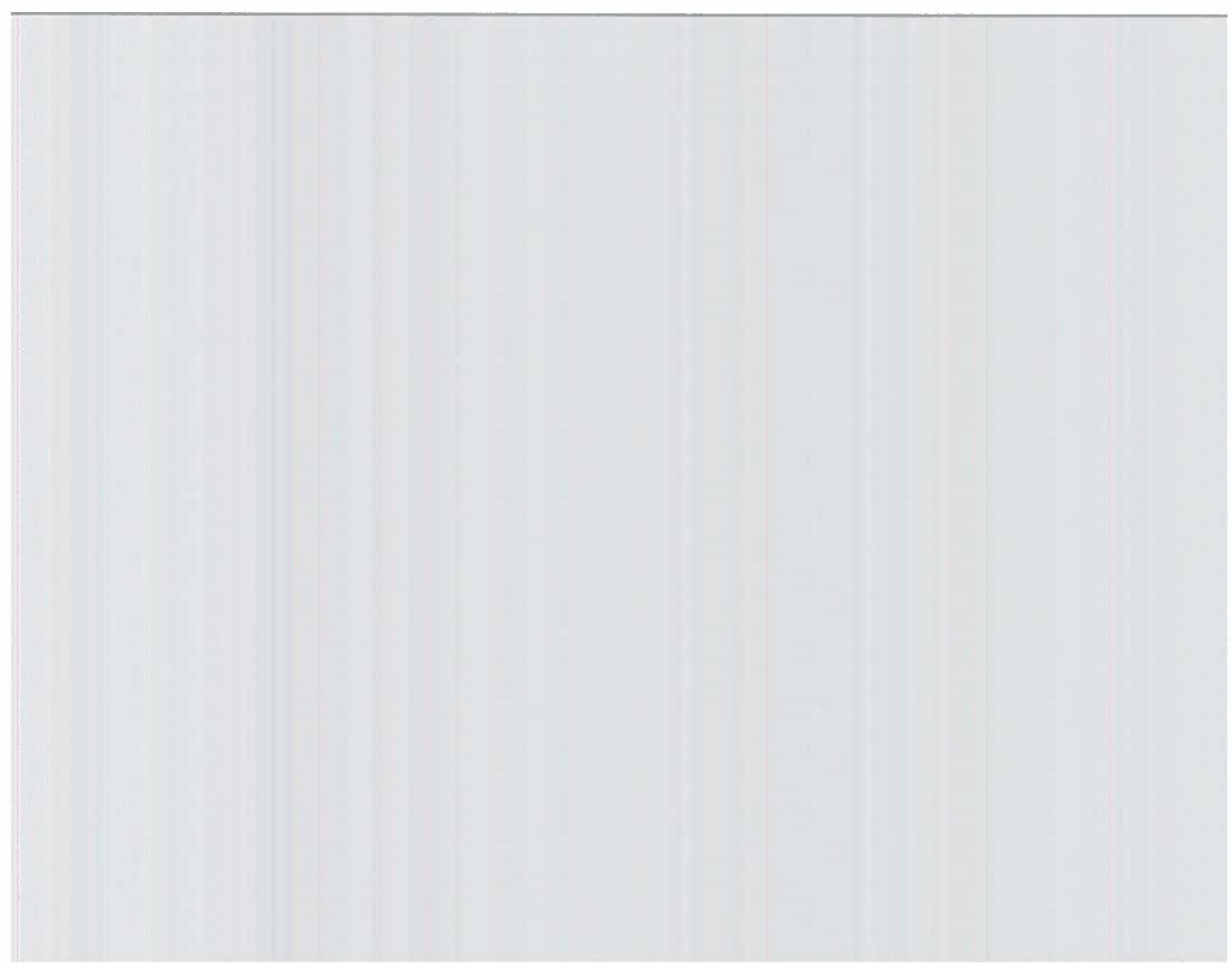
**Claude Armstrong, Architect**

Log in to leave a  
comment.



PICTURES OF SINGLE FAMILY RESIDENCE FROM THE NORTH  
SIDE OF THE BUILDING SHOWING EXISTING BALCONY AND  
SUPPORTS DESIGNED BY DAN BRANCH AND UF ARCHITECTURE  
IN 1969



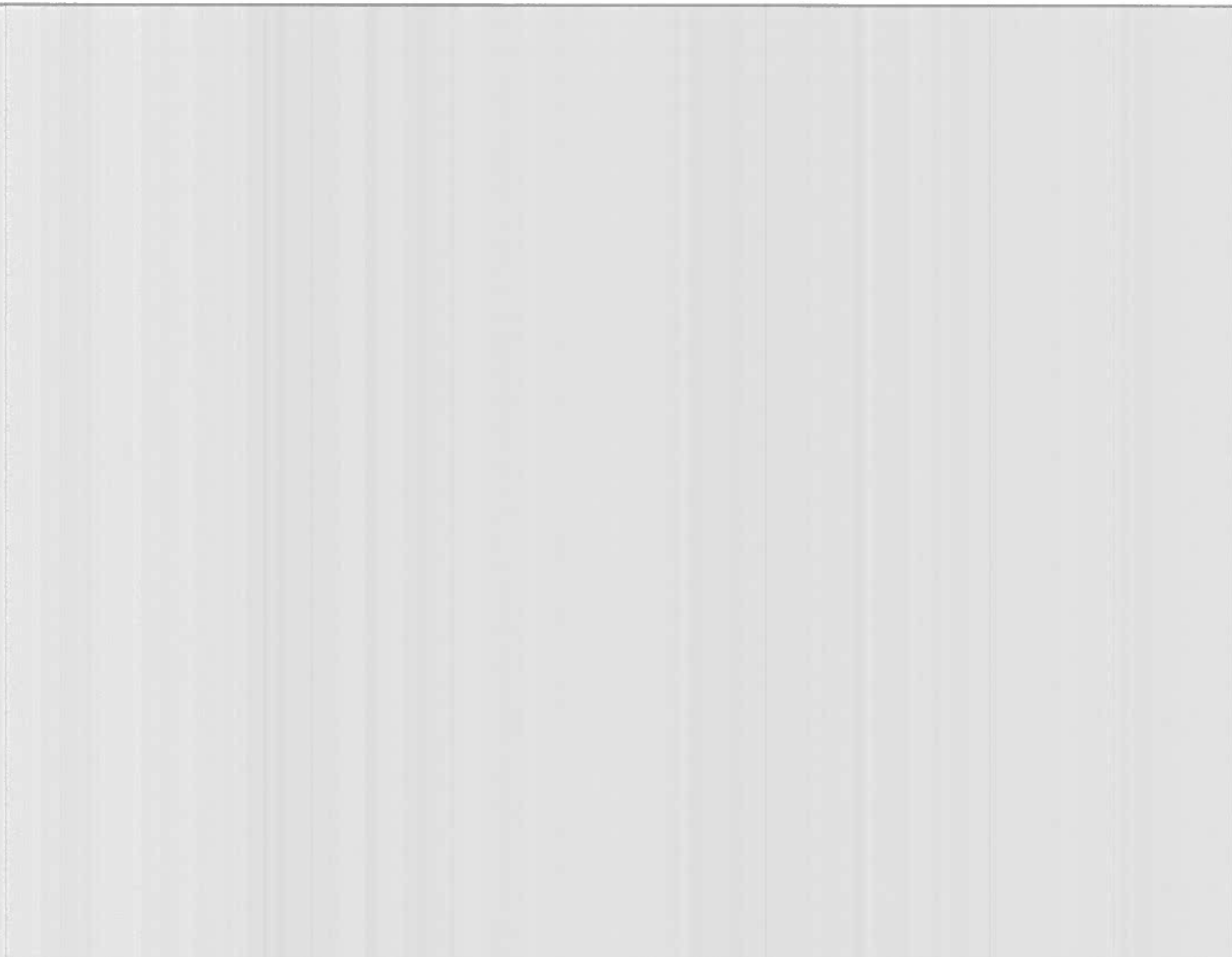






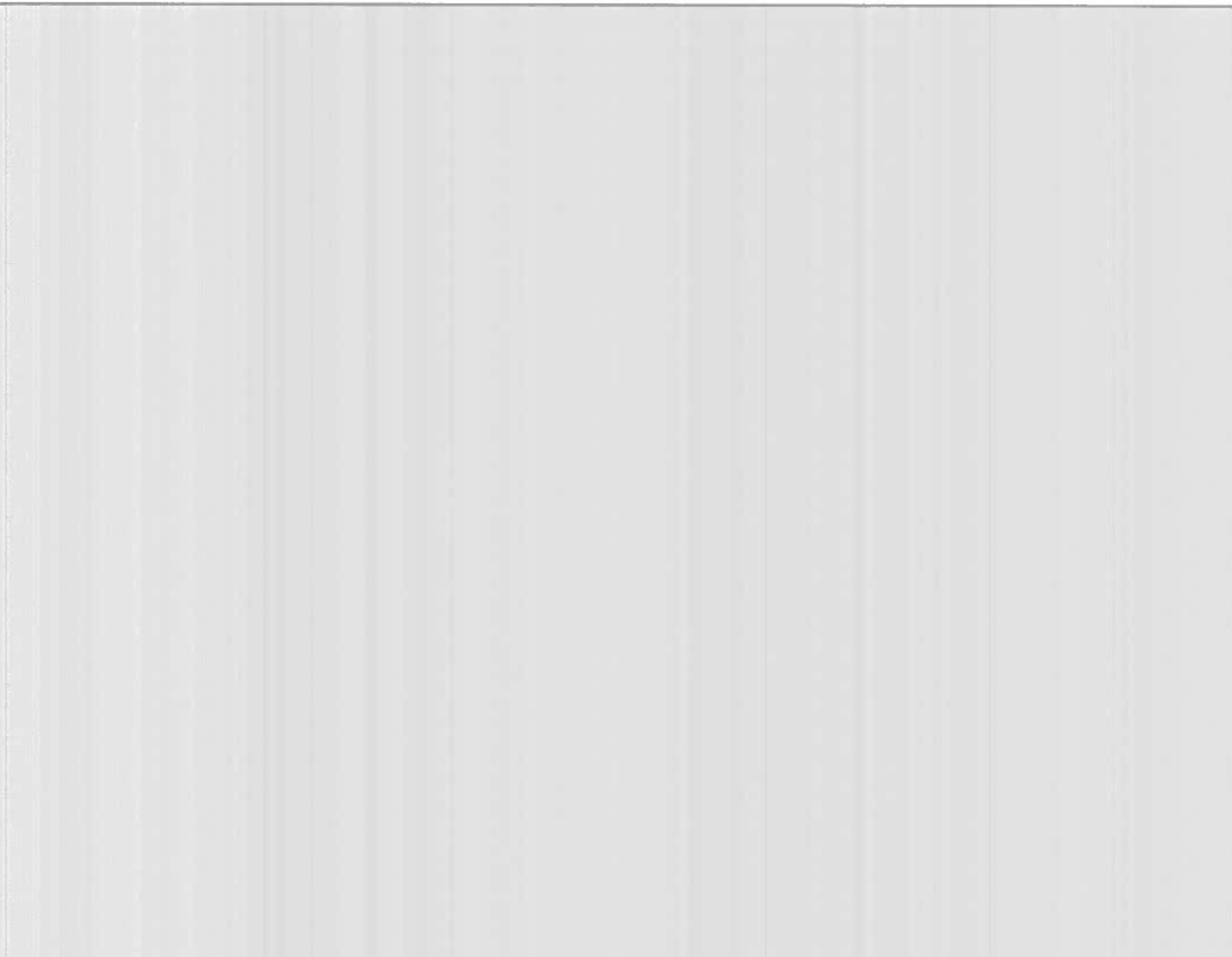


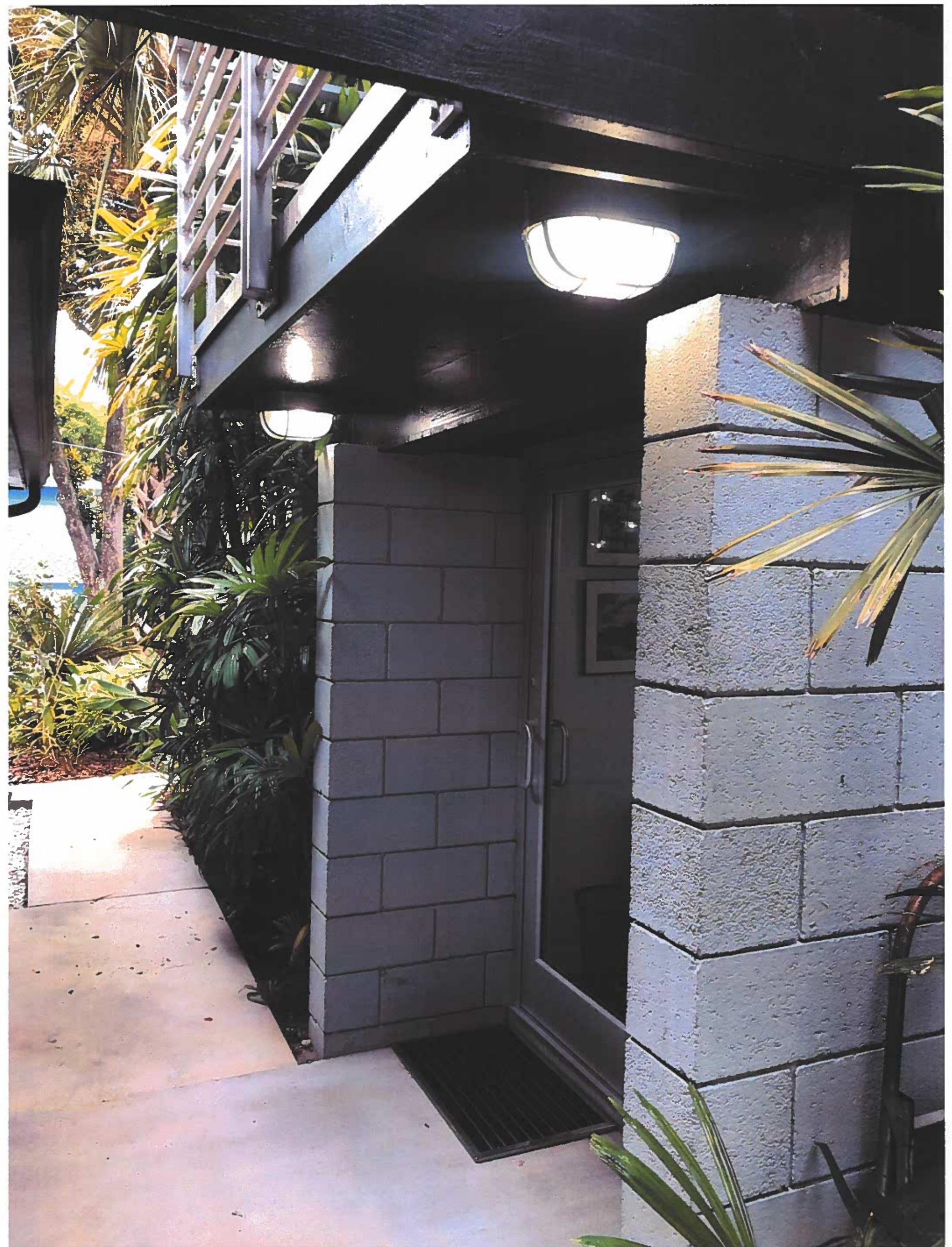
**PICTURE FROM THE ROADWAY TO THE EDGE OF THE  
PROPOSED STRUCTURE SHOWING THAT OVER 30' EXIST  
BETWEEN THE EDGE OF ASPHALT AND PROPOSED BALCONY**





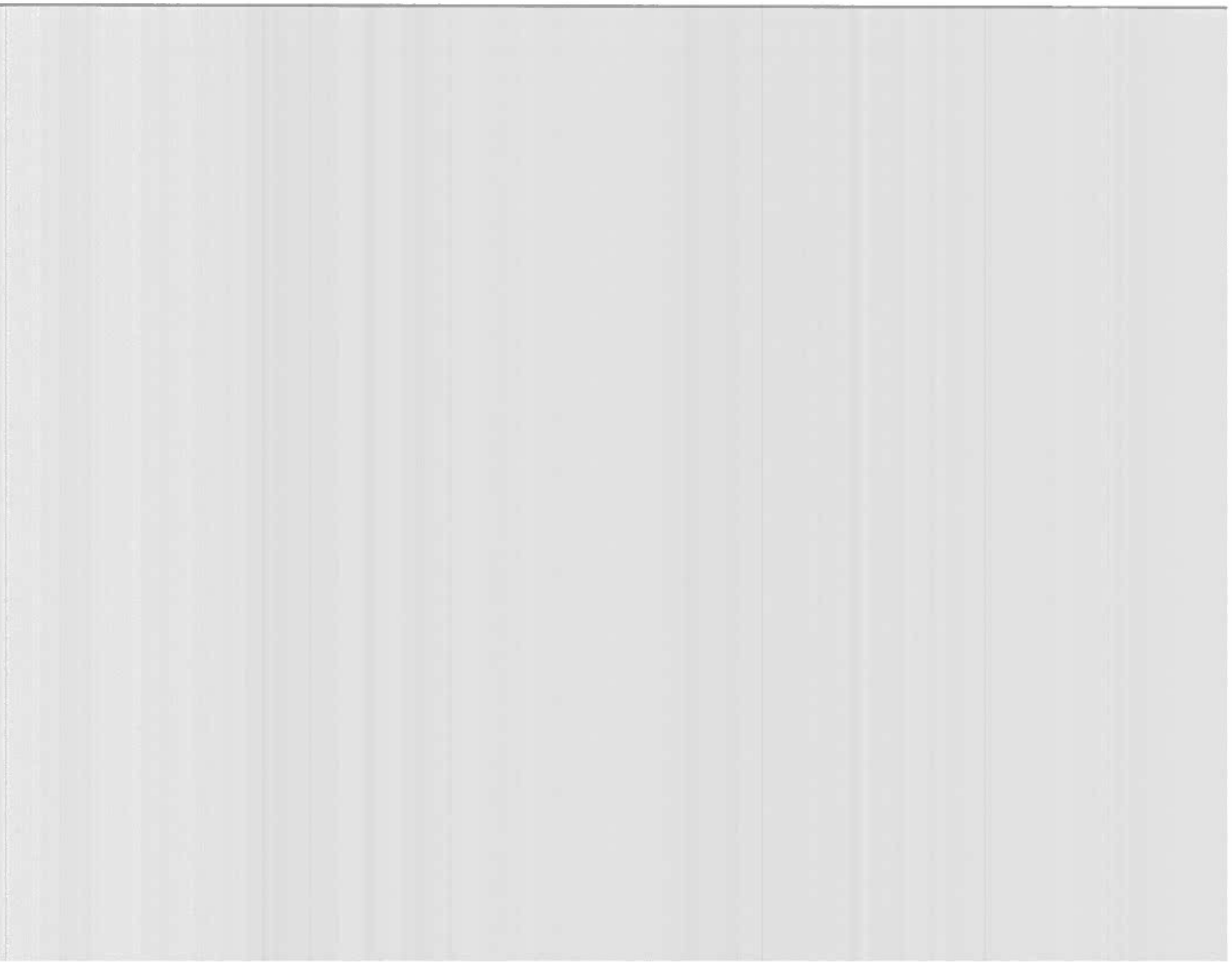
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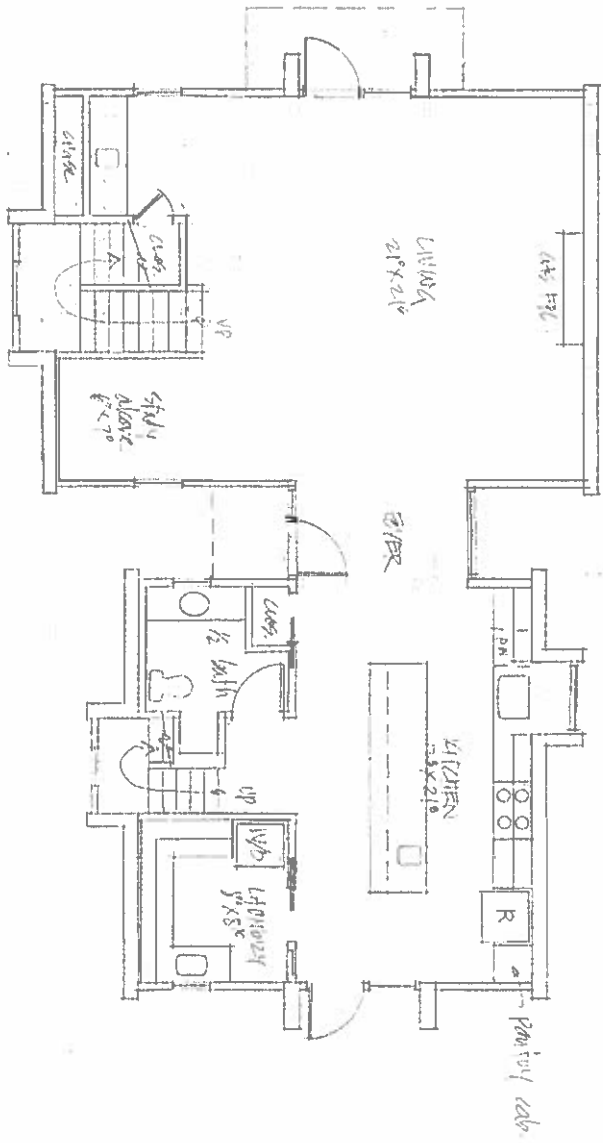




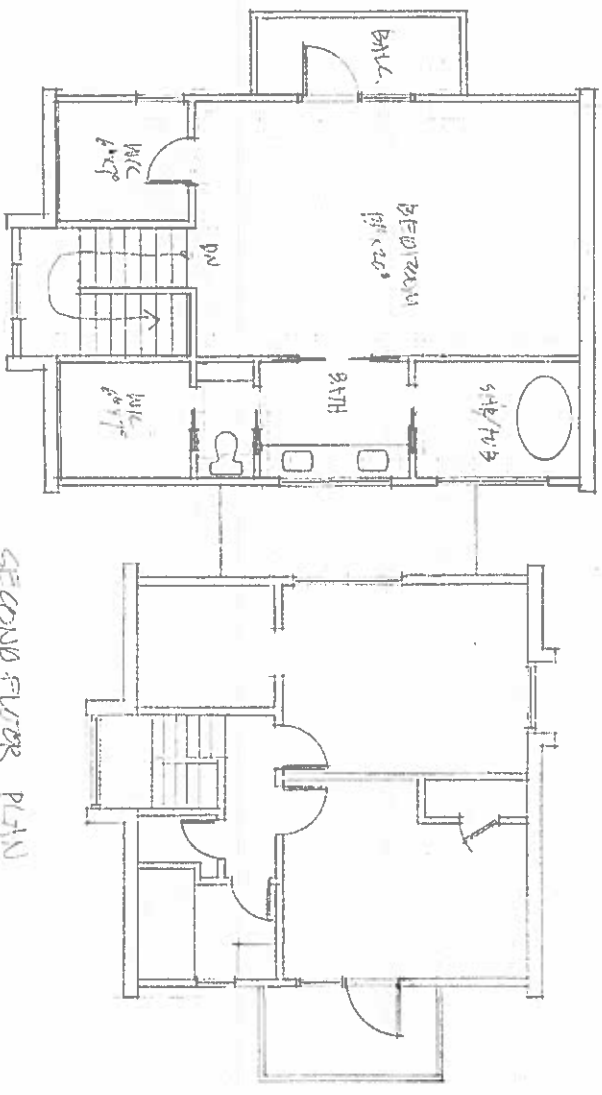
**SCALED PLAN OF THE NEW ADDITION  
(PDF OR HARCOPY AVAILABLE)**



1ST FLOOR PLAN  
 1/2" = 1'  
 ← -> N



SECOND FLOOR PLAN





# PROPERTY TAX RECORDS

Parcel: 06454-005-000

Search Date: 7/10/2020 at 11:53:22 AM

<b>Taxpayer:</b>	WAGNER RYLAND J	<b>Legal:</b>	HIBISCUS PARK PB B-35 LOT 5 BLK 7 OR 2470/0403 & OR 4565/1504
<b>Mailing:</b>	2719 NW 3RD AVE GAINESVILLE, FL 32603		
<b>Location:</b>	2719 NW 3RD AVE GAINESVILLE		
<b>Sec-Twn-Rng:</b>	01-10-19		
<b>Property Use:</b>	00100 - SINGLE FAMILY		
<b>Tax Jurisdiction:</b>	GAINESVILLE - 3600		
<b>Area:</b>	HIBISCUS PARK		
<b>Subdivision:</b>	HIBISCUS PARK, BLK 7		

Year	Property Use	Land Value	Classified Land Value	Improvement Value	Total Just Value	Deferred Value	County Assessed	School Assessed	County Exempt	School Exempt	County Taxable	School Taxable
2019	SINGLE FAMILY	31250	0	95861	127111	2997	124114	124114	50000	25000	74114	99114
2018	SINGLE FAMILY	31300	0	99500	130800	9000	121800	121800	50000	25000	71800	96800
2017	Single Family	31300	0	74500	105800	10260	95540	95540	50000	25000	45540	70540
2016	Single Family	31300	0	66100	97400	3820	93580	93580	50000	25000	43580	68580
2015	Single Family	31300	0	65000	96300	3370	92930	92930	50000	25000	42930	67930
2014	Single Family	31300	0	60900	92200	0	92200	92200	50000	25000	42200	67200

Land

Land Use	Land Use Desc	Zoning Type	Zoning Desc	Lots	Acres	Sq Feet	Land Type
0100	SFR	RSF3	RES SF 3	1	0	1	UN

Improvements

Improvement Type	Improvement Desc	Actual Year Built	Effective Year Built	Htd Square Feet	Stories
0100	SINGLE FAMILY	1970	1980	1312	2

Improvement Details

Improvement Attributes

Imprv Detail Type	Description	SqFt/Unit	Quality	Qual Desc	Bldg Use	BUse Desc	Attribute	Attribute Desc	Units
UST	UNFINISHED STORAGE	28	3	Average	0100	SINGLE FAMILY	Bathrooms	0-Baths	1
							Bathrooms	2 0-Baths	1
							Bedrooms	1-1 BEDROOM	1
							Bedrooms	2-2 BEDROOMS	1
BAS	BASE AREA	252	3	Average	0100	SINGLE FAMILY	Exterior Wall	14-WOOD SHINGLE	50
							Exterior Wall	15-CONCRETE BLOCK	50
BAS	BASE AREA	530	3	Average	0100	SINGLE FAMILY	Floor Cov	08-SHEET VINYL	50
							Floor Cov	14-CARPET	50
FOP	FINISHED OPEN PORCH	40	3	Average	0100	SINGLE FAMILY	HC&V	04-FORCED AIR	100
							Heat System	04-ELECTRIC	100
							HVAC	03-CENTRAL	100
FUS	FINISHED UPPER STORY	530	3	Average	0100	SINGLE FAMILY	Interior Wall	04-PANEL	100
							Num Res Units	Num Res Units	1
							Roof Type	01-FLAT	100
							Roofing	04-TAR & GRAVEL	100

Improvements

Improvement Type	Improvement Desc	Actual Year Built	Effective Year Built	Htd Square Feet	Stories
SOHM	SOH MISC				

**Improvement Details**

**Improvement Attributes**

Imprv Detail Type	Description	SqFt/Unit	Quality	Qual Desc	Bldg Use	BUse Desc	Attribute	Attribute Desc	Units
							-- N/A --		
0662	CP 2	420			R2	RES			
0722	DECK 2	352			R2	RES			
0800	DRIVE/WALK	400			R1	RES			

**Sales**

Date	Price	Vac/Imp	Qualified	OR Book	OR Page	Instrument
2017-12-19	100	No	11-Corrective Deed	4565	1504	WD
2002-06-14	124500	No	Q-OLD SALE - QUALIFIED	2470	403	WD
2002-02-22	100	No	U-OLD SALE - UNQUALIFIED	2470	402	WD
2002-02-22	85000	No	U-OLD SALE - UNQUALIFIED	2426	1298	WD
1976-01-05	100	Vac	U-OLD SALE - UNQUALIFIED	982	592	QD