

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

**OFFICE USE ONLY**

Petition No. BA-17-3 Fee: \$ 302.00  
Hearing Date: \_\_\_\_\_ EZ Fee: \$ (151.00) EO  
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*

<b>Owner(s) of Record (please print)</b>		<b>Agent Authorized to Act on Owner Behalf</b>	
Name: <u>SATCHEL RATE</u>		Name: <u>JOSHUA SHATKIN</u>	
Address: <u>1800 N.E. 23<sup>RD</sup> AVE</u>		Address: <u>2266 S.W. 43<sup>RD</sup> PLACE</u>	
<u>GAINESVILLE, FL 32609</u>		<u>GAINESVILLE, FL 32608</u>	
E-mail Address: <u>SATCHELSGVILL@GMAIL</u>		E-mail Address: <u>JOSHUA@SHATKIN.NET</u>	
Phone: <u>352-262-3166</u>		Phone: <u>352-222-3443</u>	
Fax: _____		Fax: _____	
<b>PROPERTY INFORMATION:</b>			
Street address: <u>1800 N.E. 23<sup>RD</sup> AVE</u>			
Tax parcel no(s): <u>08198-002-005</u>			
Legal description (may be attached): _____			
Existing Zoning: <u>B1</u>		Lot size: <u>100' X 261'</u>	
Present use: <u>RESTAURANT</u>		Proposed use: <u>RESTAURANT</u>	
Historic District or Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Present structures (type) and improvements upon the land: <u>RECONSTRUCT DINING AREA AND GIFT SHOP DUE TO FIRE DAMAGE AT REAR OF EXISTING RESTAURANT.</u>			
<b>SURROUNDING PROPERTY INFORMATION:</b> (List all uses surrounding the subject property under "Existing use." Staff is available to supply zoning and land use information.)			
	<b>Zoning</b>	<b>Land Use</b>	<b>Existing Use</b>
North	<u>12</u>	<u>1</u>	<u>NIEMANS A.C. COMPANY</u>
South	<u>STREET</u>		
East	<u>B1</u>	<u>1</u>	<u>AUTO PAINT SHOP</u>
West	<u>B1</u>	<u>1</u>	<u>MECHANICAL EQUIP. DISTRIBUTION</u>

**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:



Date:

1/10/17

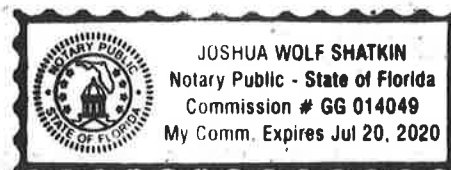
STATE OF FLORIDA

COUNTY OF ALACHUA

Sworn to and subscribed before me this 10<sup>th</sup> day of JANUARY 2017,  
by (Name) SATCHEL RAYE

  
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:	30-67.1.(d)(1)d.		

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?

REQUESTING A SIDE SETBACK VARIANCE FROM 10' TO 8'-8".

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

EXISTING ADJACENT RESTAURANT BLDG IS 8'-8" FROM PROPERTY LINE. NEW BUILDING WILL ALIGN WITH THIS BLDG.

(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.

YES, THIS IS ONE OF THE MOST NARROW LOTS IN THE DISTRICT. THE EXISTING PARKING AND DRIVE LIMITS THE BUILDABLE AREA ON THE PROPERTY.

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

NO, WE ARE ACTUALLY INCREASING THE SETBACK OF THE PROPOSED BUILDING FROM THE BUILDING THAT WAS REMOVED DUE TO EXTENSIVE FIRE DAMAGE.

(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.

THE NEW BUILDING WILL ALIGN WITH THE EXISTING BUILDING SETBACK.

(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)*

- SR (a) That the applicant has met the requirements set forth in section 30-354(d)(3) of the Land Development Code
- SR (b) That the reasons set forth in the application justify granting the variance
- SR (c) That the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building
- SR (d) That granting the variance will be in harmony with the general intent and purpose of the land development code or building chapters
- SR (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

16798

**BOUNDARY SURVEY**  
**TAX PARCEL #08198-002-005**  
**1800 N.E. 23RD AVENUE**  
**GAINESVILLE, FL 32609**  
**SECTION 27, TOWNSHIP 09 SOUTH, RANGE 20 EAST**  
**ALACHUA COUNTY, FLORIDA**

**LAND DESCRIPTION:** (OFFICIAL RECORDS BOOK 3085, PAGE 595)  
A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 27, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

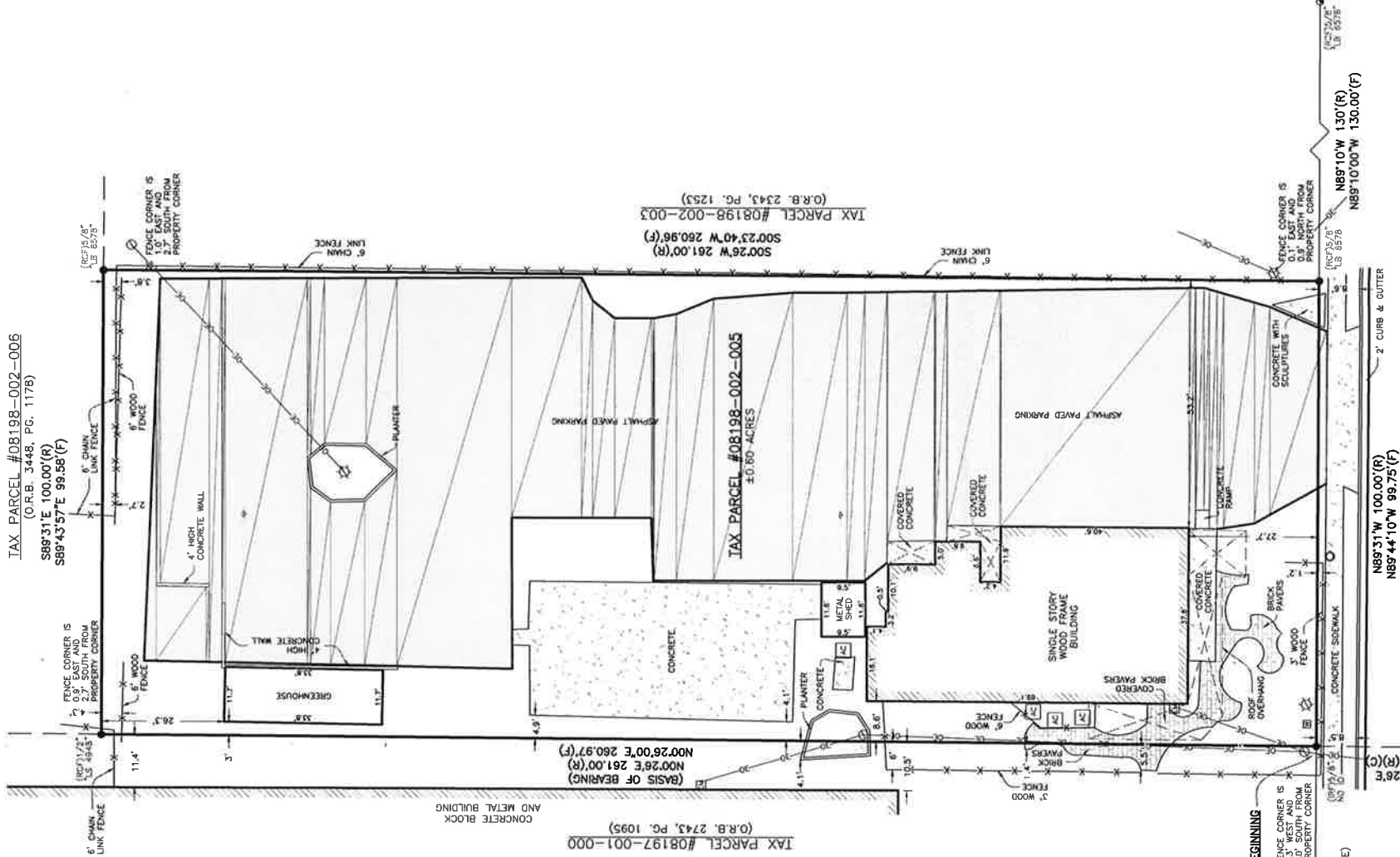
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 27, TOWNSHIP 9 SOUTH, RANGE 20 EAST ALACHUA COUNTY, FLORIDA, AND RUN SOUTH 89 DEGREES 31 MINUTES EAST ALONG THE SOUTH LINE OF SAID SECTION 27 AND THE CENTERLINE OF N.E. 23RD BOULEVARD, 1222.00 FEET; THENCE RUN NORTH 00 DEGREES 26 MINUTES EAST, 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID N.E. 23RD BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 26 MINUTES EAST, 261.00 FEET; THENCE RUN SOUTH 89 DEGREES 31 MINUTES EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 27 AND THE CENTERLINE OF N.E. 23RD BOULEVARD, 100.00 FEET; THENCE RUN SOUTH 00 DEGREES 26 MINUTES WEST, 261.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID N.E. 23RD BOULEVARD; THENCE RUN NORTH 89 DEGREES 31 MINUTES WEST ALONG THE NORTH RIGHT OF WAY LINE OF SAID N.E. 23RD BOULEVARD AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 27, 100.00 FEET TO THE POINT OF BEGINNING.

**SURVEYOR'S NOTES:**

1. SURVEY BASED ON MONUMENTATION FOUND AND ACCEPTED AND ON LAND DESCRIPTION OF RECORD AS RECORDED IN OFFICIAL RECORDS BOOK 3085, PAGE 595 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
2. BEARINGS ARE BASED ON A RECORDED CALL OF NORTH 00°26' EAST FOR THE WEST LINE OF THIS PROPERTY.
3. REPRODUCTIONS OF THIS SURVEY ARE NOT VALID UNLESS SIGNED AND SEALED BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.
4. UNLESS NOTED, NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS WERE LOCATED FOR THIS SURVEY.
5. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAYS, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
6. ONLY ABOVE GROUND UTILITIES WERE LOCATED FOR THIS SURVEY.
7. NORTH ARROW IS BASED ON BEARING STRUCTURE.
8. CERTIFICATION IS NOT TRANSFERABLE.
9. THE PURPOSE OF THIS SURVEY IS TO SHOW BOUNDARY INFORMATION AND IMPROVEMENTS. IT IS NOT TO BE USED FOR ARCHITECTURAL, ENGINEERING, DESIGN OR CONSTRUCTION PURPOSES.
10. FENCES, SYMBOLS, MONUMENTATION AND UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR PICTORIAL PURPOSES ONLY AND MAY NOT BE SHOWN TO SCALE.
11. THIS SURVEY COMPLIES WITH THE FLORIDA STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

**FLOOD ZONE:**

IT IS THE OPINION OF THIS LAND SURVEYOR BASED ON AN INTERPRETATION OF F.I.R.M. PANEL NO. 316 OF 640, COMMUNITY PANEL NO. "125107 0316 D" THAT THIS PROPERTY IS LOCATED IN FLOOD ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN). MAP EFFECTIVE DATE JUNE 16, 2006.

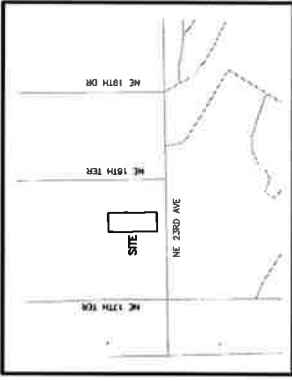


**POINT OF COMMENCEMENT**  
S.W. CORNER OF  
SECTION 27-08-20

S89°31'E 1222.00'(R)(C)

N.E. 23RD AVENUE (66' R/W)  
N.E. 23RD BOULEVARD

- LEGEND:**
- (R) RECORD MEASUREMENT
  - (F) FIELD MEASUREMENT
  - (C) CALCULATED MEASUREMENT
  - ID. IDENTIFICATION
  - R/W RIGHT-OF-WAY
  - O.R.B. OFFICIAL RECORDS BOOK
  - PG. PAGE
  - (RCF) REBAR & CAP FOUND
  - (RF) IRON ROD FOUND
  - ⊗ (OPF) OPEN PIPE FOUND
  - ⊗ AIR CONDITIONER
  - ⊗ WOOD POWER POLE
  - ⊗ METAL LIGHT POLE
  - ⊗ WATER METER
  - ⊗ STORM WATER MANHOLE
  - ⊗ ELECTRIC METER
  - X— FENCE LINES
  - OE— OVERHEAD ELECTRIC LINES



SCALE: 1" = 20'

16798



DATE OF FIELD WORK: 12-15-2016  
DATE OF DRAWING: 12-22-2016  
DATE OF SIGNATURE: 12-22-2016

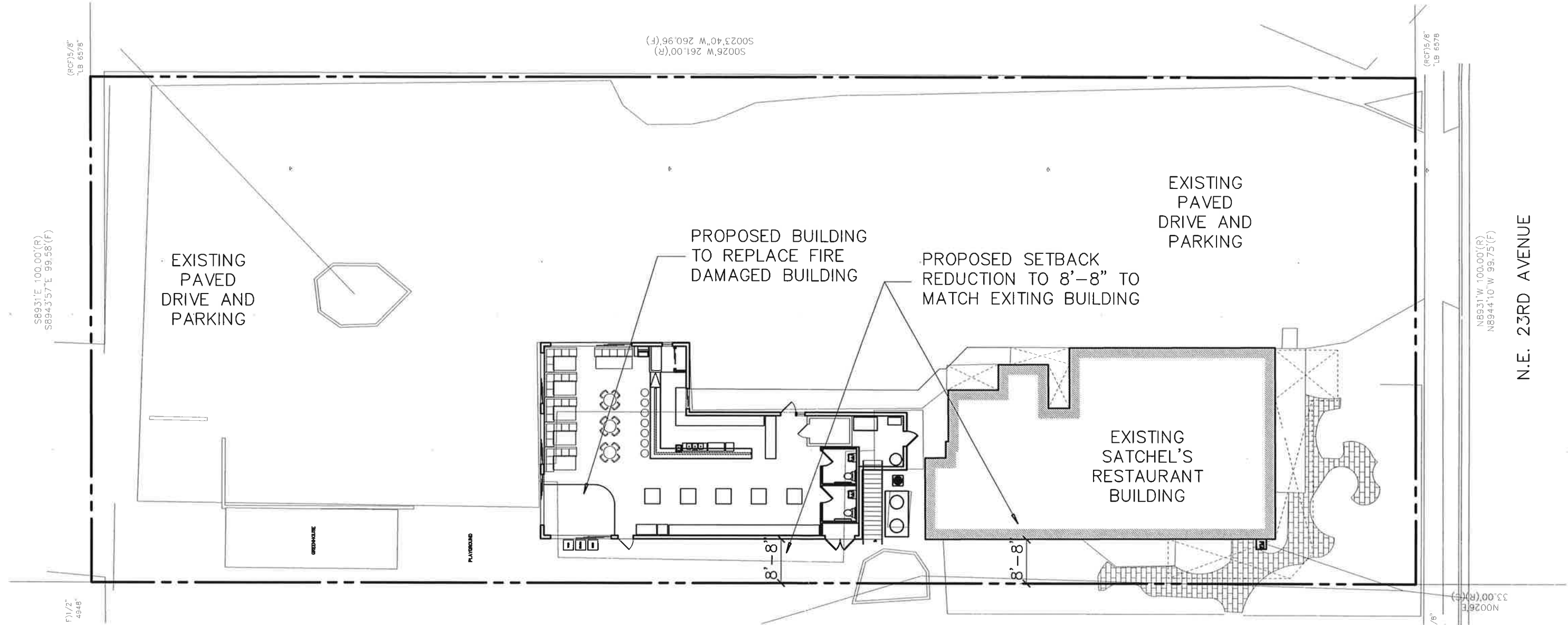
SCALE: 1" = 20'  
BAR IS ONE INCH ON  
ORIGINAL DRAWING  
0 1"  
IF NOT ONE INCH ON  
THIS SHEET, ADJUST  
SCALES ACCORDINGLY

**CERTIFY SURVEY TO:**  
SATCHEL'S PIZZA, INC.

KRIS ANN GATH P.S.M.  
4605 N.W. 6TH STREET, SUITE H  
GAINESVILLE, FLORIDA 32609  
PHONE: (352) 331-0010  
PHONE: (352) 336-3363  
FAX: (352) 336-1084  
DERENLANDSURVEYING.COM

**SURVEY BY:**  
PROFESSIONAL SURVEYOR & MAPPER PLACERT. 5339  
**JOB NO. 16798**  
**ACAD FILE: 16798**

**PAGE 1 OF 1**  
DATE: 12-22-2016  
DRAWN BY: GUY  
FIELD BOOK: 337/21-23  
COPYRIGHT © DEREN LAND SURVEYING, LLC. LB No. 7996



**SITE PLAN**  
1"=20'-0"

RECONSTRUCTION OF REAR BUILDING  
**SACHEL'S RESTAURANT**  
1800 NE 23rd AVENUE, GAINESVILLE, FLORIDA

**SHATKIN**  
ARCHITECTURE  
2546 SW 43RD PLACE  
GAINESVILLE, FL 32606  
AR 85609  
352-222-3443  
JOSHUA@SHATKIN.NET

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UNAUTHORIZED USE OF THIS  
DOCUMENT IS UNLAWFUL.

REVISED:	
PROJECT:	SA-1659
DRAWN BY:	J.W.S.
CHECKED:	
DATE:	1-10-2017



January 23, 2017

City of Gainesville  
Planning Department  
Forrest Eddleton

023217  
PLANNING DEPARTMENT

Mr. Eddleton,

We submitted a variance application from the reduction of the west setback from 10 feet to 8 feet 8 inches for the new Satchel's building. Due to the tight constraints of the site we would also like to include a setback variance for the new metal staircase to be 4 feet 8 inches from the west property line. We cannot turn the stair east as there is an existing underground grease trap in the way.

We have attached 11x17 copies of the proposed site plan.

If you need any additional information please let me know.

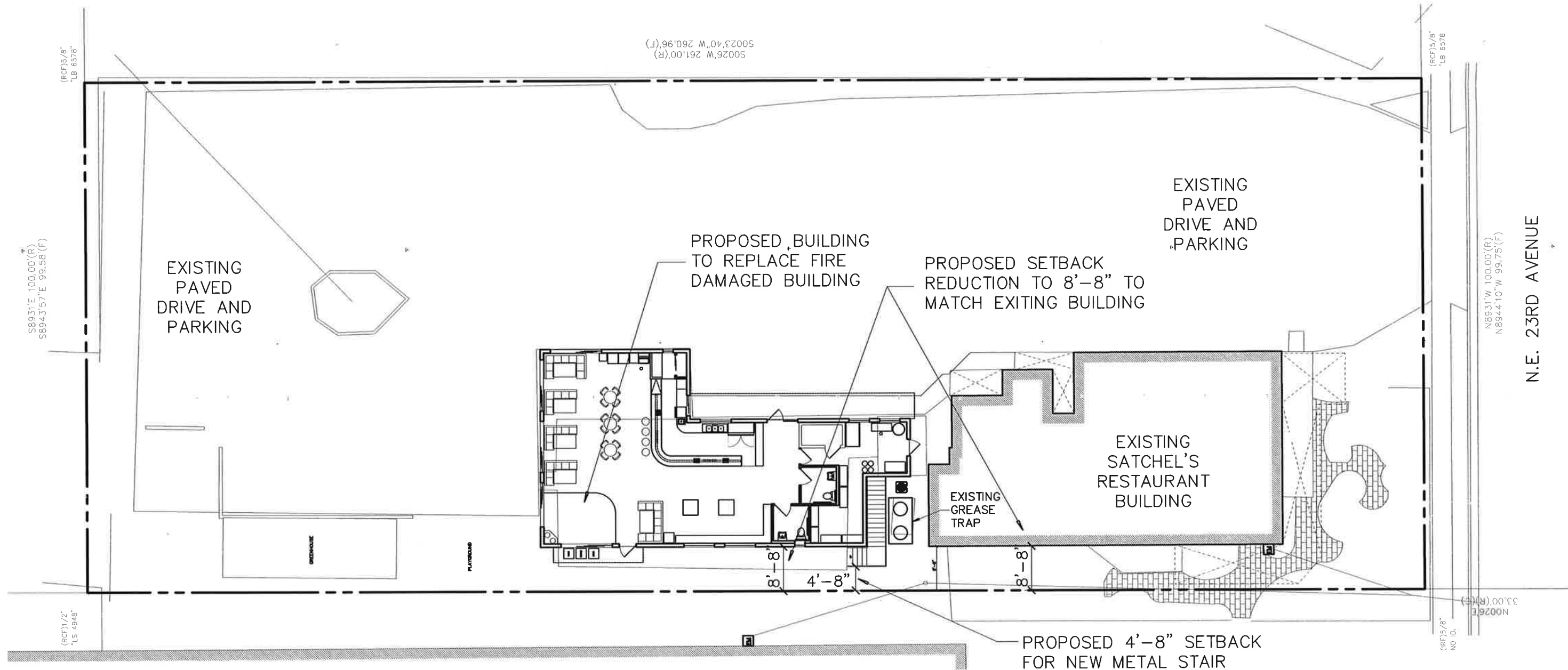
Thank you,



Joshua Wolf Shatkin  
Architect, AR 95609

*Shatkin Architects April 1*  
*Petty BA-17-03. Satchel's*  
*Requesting variances to <sup>reduce</sup> the west side setback*  
*from 10 feet to 8'6" to allow replacement of a bulk*  
*and a reduction from 10' to 4'6" to allow metal*  
*Stair accessing the existing property across to the*  
*building zoned MU-1, located at 4800 NE 23rd Ave.*

BA-17-3

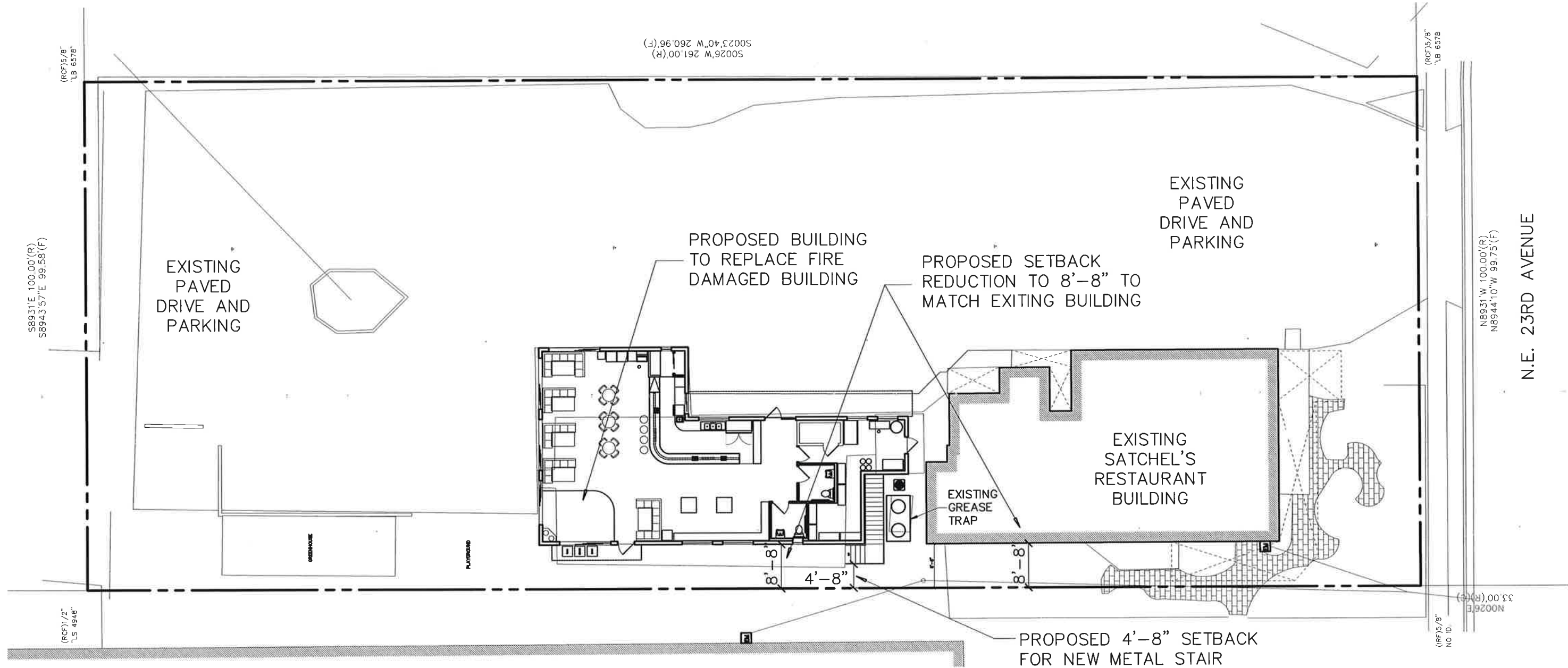


## SITE PLAN

1"=20'-0"







## SITE PLAN

1"=20'-0"



REF  
JUN 23 2017