

Attachment “A”

APPLICATION AND SUPPORTING DOCUMENTS

PETITION BA-17-05 VAR

PETITION TO THE BOARD OF ADJUSTMENT
Planning & Development Services Department

OFFICE USE ONLY

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: <u>Monica Garza</u>		Name: <u>Dee Edwards</u>	
Address: <u>117 Tylerway Lane</u>		Address: _____	
<u>Morrisville, NC 27560</u>		_____	
E-mail Address: <u>monicaccgarza@gmail.com</u>		E-mail Address: <u>dee@horizonrealty-realtors.com</u>	
Phone: <u>(321) 604-2820</u>		Phone: <u>(352) 262-1355</u>	
Fax: _____		Fax: _____	
PROPERTY INFORMATION:			
Street address: <u>4186 NW 37th Terrace, Gainesville, FL 32606</u>			
Tax parcel no(s): <u>06074-030-013</u>			
Legal description (may be attached): <u>Breckenridge Cluster S/D PB U-25 Lot 13 OR 4196/1458</u>			
Existing Zoning: <u>RSF1</u>		Lot size: <u>10,418 sq. ft.</u>	
Present use: <u>Single family</u>		Proposed use: <u>Single family</u>	
Historic District or Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Present structures (type) and improvements upon the land: <u>Single family home</u>			
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	<u>RSF1</u>	<u>SFR</u>	<u>Single family dwelling</u>
South			<u>Roadway commons area</u>
East	<u>RSF1</u>	<u>SFR</u>	<u>Single family dwelling</u>
West	<u>RSF1</u>	<u>SFR</u>	<u>Single family dwelling</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:

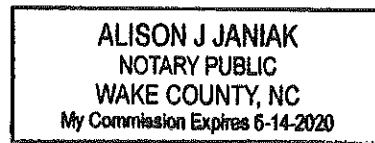
Monica Garza Date: 6/12/17

STATE OF ~~FLORIDA~~^{NC} North Carolina
COUNTY OF Wake

Sworn to and subscribed before me this 12 day of June, 2017,
by (Name) Monica Garza.

Alison J. Janiak
Signature – Notary Public

Personally Known ☐ OR Produced Identification ☒ (Type) Drivers License



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:	30-51(e)		

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?

The shape of the lot is unique. My property is at the end of the cul-de-sac so it is more trapezoidal in shape rather than square.
--

(2) Are these special conditions or circumstances applicable to other lands, structures, or buildings in the same district? ☐ YES ☒ 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 limitation or hardship.

No, it does limit the use of the property. However, it does prevent me from selling the property. The house is already built. It passed all inspections. Nothing was ever mentioned about the encroachment of the building setback lines until a buyer for the house conducted their survey, pointed it out and wanted the issue resolved before moving forward with buying the house.
--

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

No.

(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 Breckenridge Cluster Subdivision requires a side setback of 7.5' (requesting 7.4') and rear setback of 10', except for specifically noted properties. My lot requires 20' (requesting 17.3'). The Capri Cluster Subdivision Phase III, located directly north of my lot, requires a 5' side setback and 15' rear setback unless shown otherwise.
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(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)*

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

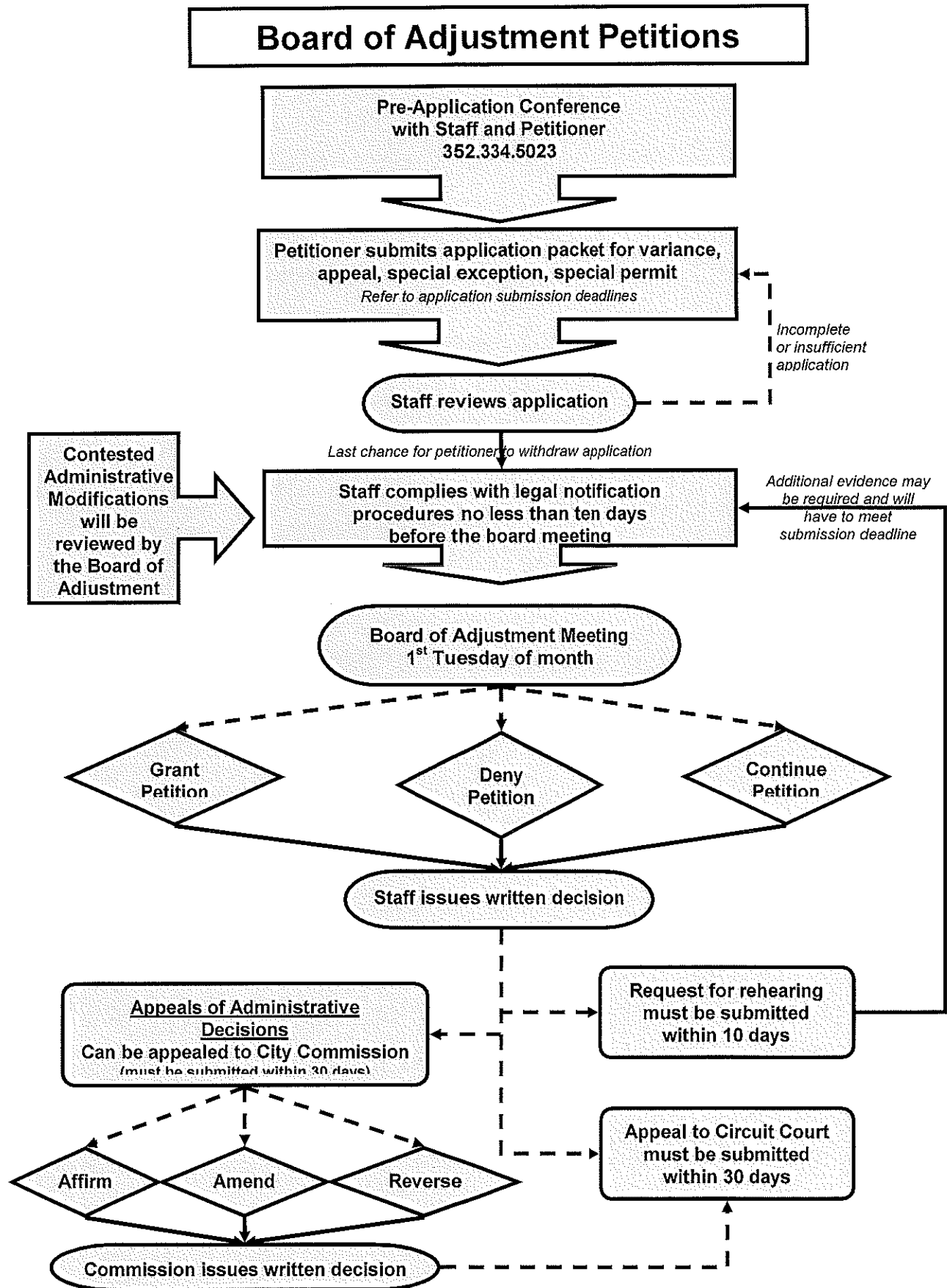
Check below that you have included these items with your application:

- ☒ 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



June 12, 2017

Board of Adjustment
City of Gainesville
Planning and Development Services Department: Planning Division
PO Box 490, Station 12
Gainesville, FL 32627-0490

Dear Board of Adjustment:

I am submitting this application for a rear and side setback variance. I am seeking approval to reduce the side setback line from 7.5' to 7.4' and the rear setback line from 20' to 17.3'.

To give you a little background, my house was built in 2014. During the construction process, the HOA adjusted the minimum square footage for my house. It was originally 1,000 sq. ft. Once the plans were submitted, the HOA changed the minimum to 2,000 sq. ft. The plans had to be adjusted last minute in order to accommodate the new HOA requirements.

In addition, the building setbacks for the Breckenridge Subdivision Cluster according to the plat map are: front - 15 ft., rear - 10 ft., side - 7.5 ft., and side street - 10 ft., unless otherwise noted. There are houses in the Breckenridge neighborhood that have smaller setbacks than the 20' required for my piece of land.

These two factors must have caused some confusion during the building process. Being that construction is not my profession, I trusted those individuals I was paying and who are in the construction profession to follow all codes and standards.

The house is already built and I never had any issues in the three years I lived there. It passed all inspections throughout the building process and nothing was mentioned about the encroachment of the setback lines until the house was on the market. This problem was brought to my attention by potential buyers who conducted a survey of the property and wanted the issue resolved before moving forward with buying the house.

Thank you very much for your time and consideration regarding my variance application.

Sincerely,

A handwritten signature in black ink that reads "Monica Garza". The script is cursive and fluid, with the first name "Monica" and last name "Garza" clearly distinguishable.

Monica Garza

Parcel: 06074-030-013*Search Date: 6/9/2017 at 2:00:57 PM*

Taxpayer:	GARZA MONICA C C	Legal:	BRECKENRIDGE CLUSTER S/D PB U-25 LOT 13 OR 4196/1458
Mailing:	117 TYLERWAY LN MORRISVILLE, NC 27560-8718		
Location:	4186 NW 37TH TER GAINESVILLE		
Sec-Twn-Rng:	23-09-19		
Property Use:	00100 - Single Family		
Tax Jurisdiction:	Gainesville - 3600		
Area:	Breckenridge Cluster		
Subdivision:	Breckenridge Cluster		

	Property	Land	Land	Building	Misc	Total	Deferred	County	School	County	School	County	School	Total
Year	Use	Assessed Value	Just Value	Value	Value	Just Value	Value	Assessed	Assessed	Exempt	Exempt	Taxable	Taxable	Taxes
2016	Single Family	50000	50000	174200	2400	226600	15130	211470	211470	50000	25000	161470	186470	3940.55
2015	Single Family	50000	50000	157600	2400	210000	0	210000	210000	50000	25000	160000	185000	3994.7
2014	Vacant	50000	50000	0	0	50000	0	50000	50000	0	0	50000	50000	1187.11
2013	Vacant	50000	50000	0	0	50000	0	50000	50000	0	0	50000	50000	1190.81
2012	Vacant	50000	50000	0	0	50000	0	50000	50000	0	0	50000	50000	1184.87
2011	Vacant	50000	50000	0	0	50000	0	50000	50000	0	0	50000	50000	1200.12
2010	Vacant	50000	50000	0	0	50000	0	50000	50000	0	0	50000	50000	1193.86
2009	Vacant	50000	50000	0	0	50000	0	50000	50000	0	0	50000	50000	1194.85
2008	Vacant	50000	50000	0	0	50000	0	50000	0	0	0	50000	0	1109.54
2007	Vacant	50000	50000	0	0	50000	0	50000	0	0	0	50000	0	1115.91

Land

Use	Zoning Type	Zoning Desc	Unit Type	Units
SFR	RSF1		Lot	1
			2016 Certified Land Just Value: 50000	2016 Certified Land Assessed Value: 50000

Building

Actual Year Built	2014	Footprint_file = 36648_36648.jpg
Effective Year Built	2014	
Building Quality	Above Average	
Building Style	Single Family	
Building Use	Single Family	
Bedrooms:	4	
Baths:	2.0	
Stories:	1.0	
Exterior Wall 1:	Hardiboard	
Exterior Wall 2:	N/A	
Interior Wall 1:	Drywall	
Interior Wall 2:	N/A	
Floor Cover 1:	Carpet	
Floor Cover 2:	Clay Tile	
Roof Cover:	Asphalt	
Roof Structure:	Gable/Hip	
AC:	Central	
Heating Type:	Forced Air	
Heating System:	Gas	
Total Square Feet:	2686	

Heated Square Feet:	2032
Area Type	Square Footage
BAS (BASE AREA)	2032
FGR (FINISHED GARAGE)	462
FOP (FINISHED OPEN PORCH)	192

2016 Certified Building Value: 174200

Miscellaneous

Description	Unit Type	Units
0800 - Drive/Walk	SF	696
2160 - Spr System	UNITS	1

2016 Certified Miscellaneous Value: 2400

Sale

Date	Price	Vac/Imp	Qualified	OR Book	OR Page	Instrument
05/17/2013	40000	V	Q	4196	1458	WD
09/06/2012	35800	V	U	4134	1863	SD
11/01/2011	100	V	U	4065	2394	CT
08/08/2008	34700	V	U	3830	155	SD
09/30/2005	102000	V	U	3230	510	WD
05/21/2002	52000	V	Q	2454	72	WD
03/10/2000	45000	V	Q	2279	2915	WD

Permit

County Permit information is supplied by the Alachua County Office of Codes Enforcement. The Alachua County Office of Codes Enforcement and the Property Appraiser's Office assume no liability whatsoever associated with the use or misuse of this public information data and will not be held liable as to the validity, correctness, accuracy, completeness, and / or reliability of this data.

Permit Number	Permit Type	Issue Date	Final Date	Appraisal Date	Comment
13-03421	SFD	07/01/2013	01/07/2014	03/17/2015	



Building Inspection Department
 Application for Building Permit
 306 NE 6th Avenue "Thomas Center B"
 PO Box 490 Station 9
 Gainesville, Florida 32602
 Phone/Inspections: 352-334-5050 Fax: 352-334-2207

Permit No: BP-13-03421	Date: 06/13/2013
Property Address: 04186 NW 37TH TER	
Parcel No: 06074030013	
Description of Work: New Single family dwelling	Permit Type: New Residential Dwelling
Property Zoning: RSF1	Job Cost/Valuation: 235920
Property Owner: Garza Monica 4237 SW 22 Ln Unit 136 Gainesville, FL 32607	Contractor: Brian Rauch B A R Construction Inc 6153 Tim Crews Rd Macclenny, FL 32063 (904) 710-7477
Occupancy Type: Residential R-3	Square Footage: 2680
Historic District: N	Construction Type: V-B Any material permitted by Code
Flood Zone: N	
Special Notes and Comments: Warning to Owner: Your failure to record a notice of commencement may result in your paying twice for improvements to your property. A notice of commencement must be recorded and posted on the job site before the first inspection. If you intend to obtain financing, consult with your lender or an attorney before recording your notice of commencement.	

 Print Name of Applicant

 Signature of the applicant

FEES

Valuation-Cost Per Square Ft	\$1,686.25
Plan Review Building	\$381.25
Plan Review Building - Adjustment	\$44.00
Fire Assessment Fee - Adjustment	\$38.67
Fire Assessment Fee	\$154.46
State Surcharge 2010	\$73.26
State Surcharge 2010 - Adjustment	\$7.92
Reinspection Fee	\$110.00

Total: \$2,391.97



Building Permit

CONTRACTORS AND OWNERS INSPECTION LINE (352) 334-5050

Application Date: 06/13/2013 Date Issued: 07/01/2013 Permit No: **BP-13-03421**

Parcel No: 06074030013 Job Address: 04186 NW 37TH TER

Permit Type: New Residential Dwelling

Description of work: New Single family dwelling Construction Type: V-B Any material permitted by Code

Contractor: B A R Construction Inc Occupancy Type: Residential R-3

Owner: Garza Monica Job Cost/Valuation: 235920

Permit Fee: \$2,405.22 Square Feet: 2680

Code Edition in Effect: Florida Building Code 5th Edition

Approved plans **MUST** be retained on the job and this card **KEPT POSTED** until final inspections have been approved. All structures require a Final Inspection. Buildings may not be occupied until approved by the Building Official.

This permit expires and becomes null and void if work is not started within six (6) months.
An inspection must be scheduled and passed every six (6) months to keep this permit active.

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Building Official or Designee

Date

Permit No: BP-13-03421

Address: 04186 NW 37TH TER

Permit Type: New Residential Dwelling



REQUIRED INSPECTIONS (To schedule the inspection call 352-334-5050 between 7:00am and 4:00pm on the workday prior to the proposed date of the inspection)

INSPECTION	INSPECTOR	DATE
Plumbing Rough In #1	Hayes , Charles	07/24/2013
Structural Framing #1	Tschirhart , Bud	10/07/2013
Exterior Wall Sheathing #1	Tschirhart , Bud	08/22/2013
House Wrap #1	Tschirhart , Bud	10/07/2013
Insulation #1	Sapp , Steve	10/18/2013
Sheetrock Nailing #1	Sapp , Steve	10/24/2013
Electrical Preliminary #1	Mitchell , Jed	11/22/2013
Gas Final #1	Sapp , Steve	12/10/2013
Curb Cut Final #1	McCormick , Harold	12/10/2013
Landscape Final #1	Luhrman , Earline	12/16/2013
Slab #3	Martin , John	07/31/2013
Electrical Groundwork #1	Tschirhart , Bud	08/01/2013
Temporary Pole #2	Mitchell , Jed	08/30/2013
Roof Sheathing #5	Tschirhart , Bud	09/19/2013
Roof Flashing #1	Tschirhart , Bud	09/26/2013
Window/door Attachments #1	Tschirhart , Bud	09/26/2013
Electrical Concealment #2	Mitchell , Jed	10/08/2013
Plumbing Top Out #3	Tschirhart , Bud	10/15/2013
Gas Piping #2	Tschirhart , Bud	10/15/2013
Mechanical Duct Rough #2	Tschirhart , Bud	10/15/2013
Driveway Apron #1	McCormick , Harold	11/25/2013
Electrical Final #2	Mitchell , Jed	12/12/2013
Building Final Inspection #3	Sapp , Steve	01/06/2014



Certificate of Occupancy

Date Completed: 01/06/2014

This Certificate issued pursuant to the requirements of the
2010 Florida Building Code

Certifying that at the time of issuance this project was in compliance with the various ordinances of the Jurisdiction regulating building construction or use.

Permit Number: BP-13-03421

Classification: New Residential Dwelling

Parcel Number: 06074030013

Property Zoning: RSF1

Property Address: 04186 NW 37TH TER Gainesville, Florida

Zip Code: 32605

Owner(s): Monica Garza

Contractor: B A R Construction Inc 6153 Tim Crews Rd Macclenny , FL 32063

Description of Work: New Single family dwelling

Construction Type: V-B Any material permitted by Code

Occupancy Type: Residential R-3

Approved By:

Name Printed:

John Freeland

Date:

1-7-14

USE COPPER WIRE OR GALVANIZED ROD 8-1-13 K.T.

BUILDING PERMIT #: BP-13-03421

4186 NW 37TH TERRACE

INSPECTOR MUST SIGN OFF ON ALL INSPECTIONS PERTAINING TO THIS JOB
REQUIRED INSPECTIONS ARE CHECKED IN THE RIGHT COLUMN

INSPECTION

DATE

INSPECTOR

TEMPORARY POWER POLE <i>OVER</i>	<i>8/30/13 JED</i>	X
FOUNDATION	<i>9/31/13 Jm</i>	X
VERTICAL CELL/STEEL		
PERIMETER BEAM/LINTEL		

DO NOT POUR CONCRETE UNTIL ABOVE INSPECTION HAS BEEN APPROVED

ELECTRICAL GROUNDWORK		X
PLUMBING ROUGH-IN	<i>7-24-13 Jm</i>	X
CONCRETE FLOOR SLAB	<i>OVER 7/31/13 Jm</i>	X

DO NOT POUR THE FLOOR UNTIL ALL REQUIRED INSPECTIONS HAVE BEEN APPROVED

ROOF SHEATHING	<i>8-9-13</i>	<i>8-22-13 - FAILED - OVER</i>	X
ROOF DRY-IN/FLASHING	<i>9-26-13 K.T.</i>	<i>OK</i>	X
POSTS, BEAMS SHEATHING	<i>8-22-13 K.T.</i>		X
HOUSE WRAP/WINDOWS	<i>9-26-13 K.T.</i>		X
ELEC CONCEALMENT			X
PLUMBING STACK-OUT	<i>SEP 10-15-13</i>	<i>9-6-13 K.T. - NO INSIDE INSPECTIONS</i>	X
HARV DUCT ROUGH-IN	<i>10-15-13 K.T.</i>		X
GAS PIPING ROUGH-IN	<i>10-15-13 K.T.</i>		X
ROOFING FINAL	<i>11-10-13 SSS</i>		X
FRAMING	<i>10-7-13 K.T.</i>		X
INSULATION	<i>R-13 walls, R-30 vault ceiling, R-19 knees 10/18/13 SSS</i>		X

DO NOT COVER WORK UNTIL ALL REQUIRED INSPECTIONS HAVE BEEN APPROVED

DRIVEWAY APRON LAYOUT			X
P.W. & Sidewalk	<i>11-25-13 Jm</i>		X

CONTACT PUBLIC WORKS AT 334-5050 FOR THE ABOVE INSPECTION PRIOR TO PLACING CONCRETE

SEWER INSPECTION	<i>uninspected</i>	<i>Contractor will provide Affidavit SSS</i>	X
ELECTRICAL PRELIMINARY	<i>11/22/13 JED</i>		X

NO FINAL INSPECTIONS UNTIL ALL REQUIRED INSPECTIONS HAVE BEEN APPROVED

ENERGY COMPLIANCE	<i>12/13/13 SSS</i>		X
GAS PIPING FINAL	<i>Turned on by GRU prior to Manometer insp. by me SSS</i>		X
ELECTRICAL FINAL	<i>Call separately 12/12/13 JED</i>		X
PLUMBING FINAL	<i>12/13/13 SSS</i>		X
MECHANICAL/HARV FINAL	<i>12/13/13 SSS</i>		X
SIDEWALK FINAL, PW	<i>12-10-13 Jm</i>		X
STREET SHADE TREE	<i>12/16/13 MS</i>		X
DRIVEWAY FINAL			
PUBLIC WORKS, 334-5050	<i>12-10-13 Jm</i>		
BUILDING FINAL	<i>12/13/13 SSS</i>	<i>Approval is Pending Receipt of Affidavit</i>	

MINIMUM FINISHED FLOOR ELEVATION- N/A

Master Bath vent on roof installed incorrectly SSS
ELEC concealment not approved
Do not Rock until verified.

UNTIL ROOFING IS COMPLETE (SHINGLES ON)