

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Leroy Marshall, P.E., Chief Professional Engineer, Office of Engineering/ERP

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: July 31, 2020

RE: Variance Request for General Works of the District Permit Application WOD-029-237339-1, Cothron Residence, Dixie County

RECOMMENDATION

Deny, without prejudice, a variance from section 40B-4.3030(13), Florida Administrative Code, for Works of the District General permit application number WOD-029-237339-1 to Forrest Cothron; and formalize the Board's decision through the issuance of a Final Order executed by the Executive Director.

BACKGROUND

The District received an after-the-fact application and variance request from section 40B-4.3030(13), F.A.C., which states in part, "No construction, additions or reconstruction shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of a water, except for one deck per parcel located at the top of the bank no larger than 200 square feet and a boardwalk no wider than five feet to provide reasonable pedestrian access to water dependent structures such as docks.." A variance requested pursuant to section 120.542, Florida Statutes, must demonstrate that the purpose of the underlying statute will be or has been achieved by other means; and that application of the rule would create a substantial hardship or would violate principles of fairness.

The applicant has failed to demonstrate any unusual hardship in his request to allow the unpermitted structure (residential home) and concrete to remain. For the structure, the applicant asserts that it was believed that all permits were obtained when the home was constructed, and moving the home would make access to the house impossible because it would then be within the County's 25-foot road setback. A variance from this setback was never requested. For the concrete, the applicant asserts that the concrete is required for the chosen retrofit seawall but did not provide justification that the chosen retrofit was the only viable option for the project location. Furthermore, the applicant has not demonstrated that the requirement of the underlying statute has been met by other means through the removal of other existing structures and tree planting that leaves, at a minimum, 600 ft² of structures and concrete over what is authorized in rule.

Denial of the Variance will require that, as part of the after-the-fact permit, the structure be moved outside of the 75-foot setback and all concrete be removed from within the 75-foot setback, except for a 5 foot path to access the stairs and a maximum of 5 feet of impervious along the seawall for a cap and access. Granting of the variance will allow the structure and concrete to remain in the 75-foot setback as part of the after-the-fact permit. The District published a notice regarding the project in the Florida Administrative Register on July 23, 2020. To date, no objections have been received.

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Attachments