

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

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

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

DATE: July 31, 2020

RE: Denial of Variance Request for Individual Environmental Resource Permit Application ERP-023-206474-6, Bluebird Landing Modification, Columbia County

RECOMMENDATION

Deny, without prejudice, a variance from sections 40B-4.3030(3) and 40B-4.3030(13), Florida Administrative Code for Environmental Resource Permit application number ERP-023-206474-6 to Megan Olson of Bluebird Landing Owners Association, Inc.; and formalize the Board's decision through the issuance of a Final Order executed by the Executive Director.

BACKGROUND

The District received a request for an after-the-fact application and variance request from the requirements of sections 40B-4.3030(3) and 40B-4.3030(13), Florida Administrative Code (F.A.C.). Section 40B-4.3030(3), F.A.C., requires that the roofs on structures are to be one foot above the base flood elevation. The applicant requests that the pavilion roof remain at an elevation nine inches below the required elevation of 41 feet; and that the reconstructed pavilion be allowed to remain within the 75-foot setback of the Santa Fe River. Additionally, the applicant has requested authorization to add a concrete slab underneath the existing pavilion.

The applicant has failed to demonstrate any unusual hardship in asserting that the HOA does not have the funds to raise the existing roof; that raising the roof will reduce the pavilion's stability; that the pavilion is necessary in its current location and that moving the pavilion outside of the 75 foot setback is not a viable solution; that the HOA believed the necessary authorization from the District had been obtained prior to the reconstruction; and that the concrete slab is necessary to create an even walking surface for community use. The applicant has also failed to provide other means by which the purpose of the underlying rule will be met in their assertion that the small footprint of the pavilion and placement of the concrete slab at grade would have negligible floodway impacts within the 75-foot setback.

Denial of this variance request will require removal of the reconstructed pavilion and denial/ withdrawal of the permit application. Granting of the variance would allow the applicant to proceed with the permit application, which would require a calculated setback, signed and sealed plans, and a zero-rise certification. The District has not received any comments on variance request as of the date of the memo.

AS/tm
Attachments