

the land where the pavilion is placed is approximately 31 feet and 5 inches. The 100-year flood plain elevation at the pavilion's location is 40 feet. Under rule 40B-4.3030(3), the lowest horizontal member of the pavilion roof should reach an elevation of 41 feet or greater. At the time the community members constructed the pavilion they intended to comply with SWMD roof elevation requirements. Despite such efforts, the roof elevation of the lowest horizontal roof member is approximately 40-feet and 3 inches. The cost of raising the roof the 9 inches necessary to meet the 41-foot elevation, would exceed the original cost of constructing the pavilion. Additionally, raising the roof could also reduce its stability.

(h) The reason the variances or waivers requested would serve the purpose of the underlying statute:

The Location of the Pavilion:

The footprint of the pavilion is small and if it has any impact on the riverbank and river it is negligible. It does not impede the flow, or impact the level or quality of the river. Water falls from the pavilion roof in a consistent sheet like manner across its length. Many native plants grow freely along the riverbank. No unnatural materials of any kind have been or will be placed under the pavilion and no additional