

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-041-209782-2, Greist Fill and Associated Structures, Gilchrist County

**RECOMMENDATION**

Deny, without prejudice a variance from section 40B-4.3030(7), Florida Administrative Code (F.A.C.), for General Works of the District Permit WOD-041-209782-2 to Mary and John D. Greist; 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 floodway fill requirements set forth in section 40B-4.3030(7), F.A.C., to retain fill exceeding the 100 square feet of the cross-sectional area of the floodway requirement on their property adjacent to the Suwannee River. The applicant originally requested this variance for 171 ft<sup>2</sup> of cross-sectional fill and demonstrated a substantial hardship by providing medical documentation demonstrating the need for a flat walking surface to avoid aggravating an existing medical condition. However, the applicant failed to provide a method by which the underlying rule would be met, and was asked at the July Governing Board meeting to return in August with a zero-rise certification and any other measures that could be implemented to satisfy this requirement.

The applicant has assessed the extent of cross-sectional fill area and determined that 49 ft<sup>2</sup> could be removed; and, although the remaining 122 ft<sup>2</sup> of fill exceeds rule criteria, a zero-rise certification indicates no impact. Due to the activity being done prior to obtaining a permit and failure to meet the specific rule criteria by other means, District staff recommends denial of this variance request and the removal of 71 ft<sup>2</sup> cross-sectional area of fill by the applicant.

Denial of this variance request will require removal of, at a minimum, 71 ft<sup>2</sup> cross-sectional area of fill in addition to obtaining a permit. Granting of the variance would allow the proposed 122 ft<sup>2</sup> of fill to remain as authorized by a permit. The District has received five objections to the granting of the variance due to concerns that the fill could result in an increased flooding risk.

AS/tm  
Attachments