

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

**MEMORANDUM**

TO: Governing Board

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

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

DATE: January 29, 2021

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

**RECOMMENDATION**

Approve a variance from section 40B-4.3030(13), Florida Administrative Code, for General Works of the District Permit 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), Florida Administrative Code, 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 request 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 provided documentation demonstrating unusual hardship exists in that there was a seawall with concrete on the property that predates the rule and that removing the existing seawall in its entirety or removing the seawall's concrete anchoring system would cause financial hardship to the owner and potentially cause adverse environmental impacts to the Suwannee River. The applicant also provided documentation demonstrating that a cap anchoring system supported by rebar and vertical piles was the preferred support system for the reconstructed seawall. The applicant demonstrated the purpose of the underlying statute will be met by deed-restricted preservation on the remaining natural portions of the bank (see exhibit A), and additional vegetation at nearby J.H. Anderson, Jr. Memorial Park. The total preservation and planting area is equivalent to the entire 75-foot setback area of the Cothron property (see exhibit B). Additionally, grandfathered structures/concrete and a dilapidated deck/set of stairs will be removed, further increasing the impact offset.

Denial of the variance request will require that, as part of the after-the-fact permit, the concrete anchoring system shall be removed from within the 75 foot setback, except for a 5-foot path to access one set of 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 concrete cap 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 September 14, 2020, and no objections have been received to date.

LM/tm  
Attachments