

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

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

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

DATE: October 2, 2020

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

RECOMMENDATION

Deny, without prejudice, an emergency 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

Section 40B-4.3030(13), Florida Administrative Code (F.A.C.), 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.."* and a variance from this rule must demonstrate a hardship or the principles of unfairness; and that the purpose of the underlying statute has been achieved by other means. Furthermore, pursuant to the District's Statement of Agency Organization and Operation, the agency decision deadline for variance requests will be reduced from 90 days to 45 days if the request is demonstrated by the petitioner to be an emergency situation that will cause immediate adverse impacts.

Although it was unclear whether the petitioner was requesting an emergency variance for both the existing residence with all additions and concrete seawall tieback anchor (part f) or just the existing 1,347 ft² residence (parts g, h, and i), staff reviewed both and determined that the petitioner had failed to demonstrate any unusual hardship. For the residence, the petitioner is asserting that the previous owners believed placement of the mobile home was exempt from District permitting. The petitioner asserts that an exemption notation on the County Building permit verifies the exemption from District permits. However, this assertion is not substantiated by any District records. Furthermore, staff found no hardship with the fact that the residence would need to be unoccupied while being repositioned. No hardship for removal of the concrete seawall tieback anchor was provided by the petitioner.

The petitioner has also not provided an alternative means of meeting the underlying purpose of the rule. The petitioner is proposing to offset the impact of the mobile home with the removal of approximately 2,127 ft² of obstructions, some of which were already required to be removed by the current Administrative Complaint and Order. Accounting for the area of mobile home within the front 75-foot setback, staff estimates a net reduction of 423 ft² of grandfathered obstructions