

Jacqueline Mays

From: Dawn Velsor
Sent: Tuesday, May 17, 2022 6:04 PM
To: Jacqueline Mays
Subject: FW: 1434978 Variances

From: Dawn Velsor
Sent: Tuesday, March 29, 2022 1:10 PM
To: Aaron Pool <APool@co.hernando.fl.us>
Cc: Jacqueline Mays <JMays@co.hernando.fl.us>
Subject: RE: 1434978 Variances

Hi Aaron,

Apologize for the delay (due to Zoning cases, riverine permits, and vacation). I don't have a concern regarding the dock variance for Marine Construction Code for the 5-foot side setback (while the original dock never had a permit, they have spent several months going through permitting for the modified dock structure).

I do have concerns regarding the pavers in the riverine buffer. In my opinion, the RPO applies to the property (edge of seawall used when wetlands have been removed to determine buffer width – determination made by a previous Zoning administrator including subdivisions that met the 15' setback due to clearing to install the canals). Removal of wetlands to install riparian structures shouldn't negate the buffer requirement to provide for wildlife and water quality, but please let me know if we need to discuss this.

Rational: The variance is for existing pavers in the 15-foot riverine buffer where the vegetation was removed after the ordinance went into effect. To qualify for a variance the applicant must be unable to meet the buffer requirement. At this location the 15-foot buffer requirement can be met, and the riverine buffer does not need to be adjusted due to site limitations. The narrative provided does not prove that the buffer width cannot be met due to circumstances beyond the property owner's control. Pavers can be replaced with Florida-Friendly Landscaping that is low maintenance without the use of pesticides, fertilizers, and other yard chemicals adjacent to the water that can be detrimental to the estuarine ecosystem. While the applicant checked the following statements, "The special conditions and circumstances do not result from the actions of the applicant", "The requested variance will not be detrimental to the riverine system or the development pattern in the neighborhood", and "The riverine buffer width cannot be met with reasonable reconfiguration of the site plan", the conditions result from the actions of the owner and special circumstances, or environmental limitations have not been demonstrated.

If the owner could demonstrate that the pavers were installed before the ordinance went into effect (before the home was built) and provide proof (photo, video, etc) the pavers could be considered to be nonconforming and could continue to be used in accordance with Section 23-216.

Please let me know if you agree or if we need discuss.

Thanks,



Dawn Velsor | Lead Environmental Planner

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