



Exhibit "B"

Robert Hoskinson <rfhtampa@gmail.com>

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## Riverine buffer zone and request for vaiance. 6080 Waverly RD Wikiwatchee, FL

Andrew Holland <aholland@mgcenv.com>

Wed, Aug 17, 2022 at 12:07 PM

To: Robert Hoskinson <rfhtampa@gmail.com>, Charlie Fernandez <chchas8@hotmail.com>

Cc: Michael Czerwinski <mczerwinski@mgcenvironmental.com>

Good Morning – I apologize for the delay on getting back to you. I have done some preliminary research and it appears permitted portions of the deck were constructed in 1995 (12x14' section), another in 2001 (6'x10' section), and another in 2011 (6'x26'). It appears from the site photos and information provided that the wetland line would simply be the waterward face of existing seawall. I overlayed the new and old deck layout together and it appears overall the new deck has been brought back away from water a bit, which should be in your favor. The lot was existing / home constructed well before 1990 and it appears much of the natural buffer adjacent to wetlands was altered pre-1990, so some of those exemptions would be applicable, but I have highlighted a few of the ordinance items of note below. Specifically, we would appear to need a variance, but may be able to make argument in accordance with 23-211(6) and our "good cause" simply being we were replacing a preexisting structure and overall have pulled it back further landward from the original orientation, which should be a net benefit under the ordinance. I will email Dawn Velsor with the old versus new deck design and present this basic argument and we can go from there.

### Sec. 23-210. - Buffer zones.

(a)The natural buffer zone for a legally existing lot of record which existed prior to the effective date of the ordinance from which this article derived and which was naturally vegetated as of January 1, 1990, shall be determined as follows:

(1)The wetland line shall be delineated.

(2)A natural buffer width of seventy-five (75) feet shall be added to the upland side of the wetland delineation.

(3)The applicant may use the methodology for newly created lots of record (paragraph (c)) if this application demonstrates that a smaller natural buffer width is appropriate.

(b)The buffer zone for a legally existing lot of record which existed prior to the effective date of the ordinance from which this article derived and in which the natural vegetation was removed prior to January 1, 1990, shall be determined as follows.

(1)A fifteen-foot buffer shall be retained adjacent to the wetland line.

(2)Site-specific stormwater treatment, such as a swale/berm system and erosion-control measures, shall be required adjacent to the upland side of the fifteen-foot buffer.

(c)Natural buffer zones for any lot of record created after the effective date of the ordinance from which this article derived shall be based on guidelines contained in "An Evaluation of the Applicability of Upland Buffers for the Wetlands of the Wekiva Basin (Center for Wetlands, Brown and Schaefer, 1987)" and "Buffer Zones for Water, Wetlands, and Wildlife (Center for Wetlands; Brown, Schaefer, and Brandt; 1989)." The applicant may propose alternate methodology, but such methodology may be subject to verification and must address the following:(1)Erodibility of soils upland of the wetland line.(2)Depth of the watertable below the soil surface in the zone immediately upland of the wetland line.(3)Habitat requirements of aquatic and wetland-dependent wildlife based on:a.Habitat suitability.b.Spatial requirements.c.Access to upland or transitional habitat.d.Noise impacts.(d)All new commercial and industrial development must follow the buffer methodology contained in paragraph (c) above.

(Ord. No. 90-17, § 10, 8-23-90)

Sec. 23-211. - Hardship due to buffer requirement.

Should an applicant be unable to meet the buffer requirements for single-family residences, a variance may be requested. This variance will apply to the adjustment of the buffer width and does not automatically eliminate the buffer zone. To qualify for hardship, the applicant must meet the following:

1450899

(1)The buffer width cannot be met with reasonable reconfiguration of the site plan.

(2)The wetland line has been delineated.

(3)Construction will not occur within the wetlands unless:

a.No upland alternatives exist;

b.No significant loss of wetland function occurs; and

c.The activity has received all appropriate agency permits.

(4)Stormwater management techniques will be implemented to protect water quality.

(5)Removal of natural vegetation is minimized.

(6)Lots existing as of January 1, 1990, may be considered for a variance for reasons other than hardship with regards to the standards of this article upon a showing of good cause.

(7)Variance procedure:

a.The administrative official, or designee, shall, following the receipt of the completed application for a variance, review the application and, within fifteen (15) days, issue a notice of intent, for either the approval or the denial of the variance.

b.If the notice of intent is to approve the variance, a mailing shall be issued to the property owners within two hundred fifty (250) feet of the property under consideration for the variance. This notice shall indicate that it is the administrative official's intent to approve the requested variance fifteen (15) days after the date of the mailing if no appeal is filed. The notice of intent shall be forwarded to the board of county commissioners.

c.If no appeal is filed within fifteen (15) days objecting to the administrative official's decision to approve the variance, the decision shall stand. If an appeal is filed by 5:00 p.m. on the fifteenth day, the administrative official shall schedule a public hearing before the board of county commissioners to hear the application for the variance.

d.If the administrative official's intent is to deny the requested variance, the administrative official shall send notification letters to the applicant and the property owners within two hundred fifty (250) feet of the property under consideration for the variance, indicating the administrative official's intent to deny the variance. The notice of intent shall be forwarded to the board of county commissioners.

e.If no appeal is filed within fifteen (15) days objecting to the administrative official's decision to deny the variance, the decision shall stand. If an appeal is filed by 5:00 p.m. on the fifteenth day, the administrative official shall schedule a public hearing before the board of county commissioners to hear the application for the variance.

f.Notice for variances under this section that require a public hearing before the board of county commissioners shall be in accordance with the notice provisions for variances under appendix A (zoning), article V (administration), section 3 (appeals and variances).

(Ord. No. 90-17, § 11, 8-23-90; Ord. No. 2013-11, § III, 4-23-13)

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**From:** Robert Hoskinson <rfhtampa@gmail.com>

**Sent:** Monday, July 18, 2022 9:14 AM

**To:** Andrew Holland <aholland@mgcenv.com>; Charlie Fernandez <chchas8@hotmail.com>

**Subject:** Riverine buffer zone and request for vaiance. 6080 Waverly RD Wikiwatchee, FL

Andrew,