



**City of Gainesville
Department of Sustainable
Development
Planning Division**

PO Box 490, Station 11
Gainesville, FL 32627-0490
306 NE 6th Avenue
P: (352) 334-5022
F: (352) 334-2648

CITY DEVELOPMENT REVIEW BOARD STAFF REPORT

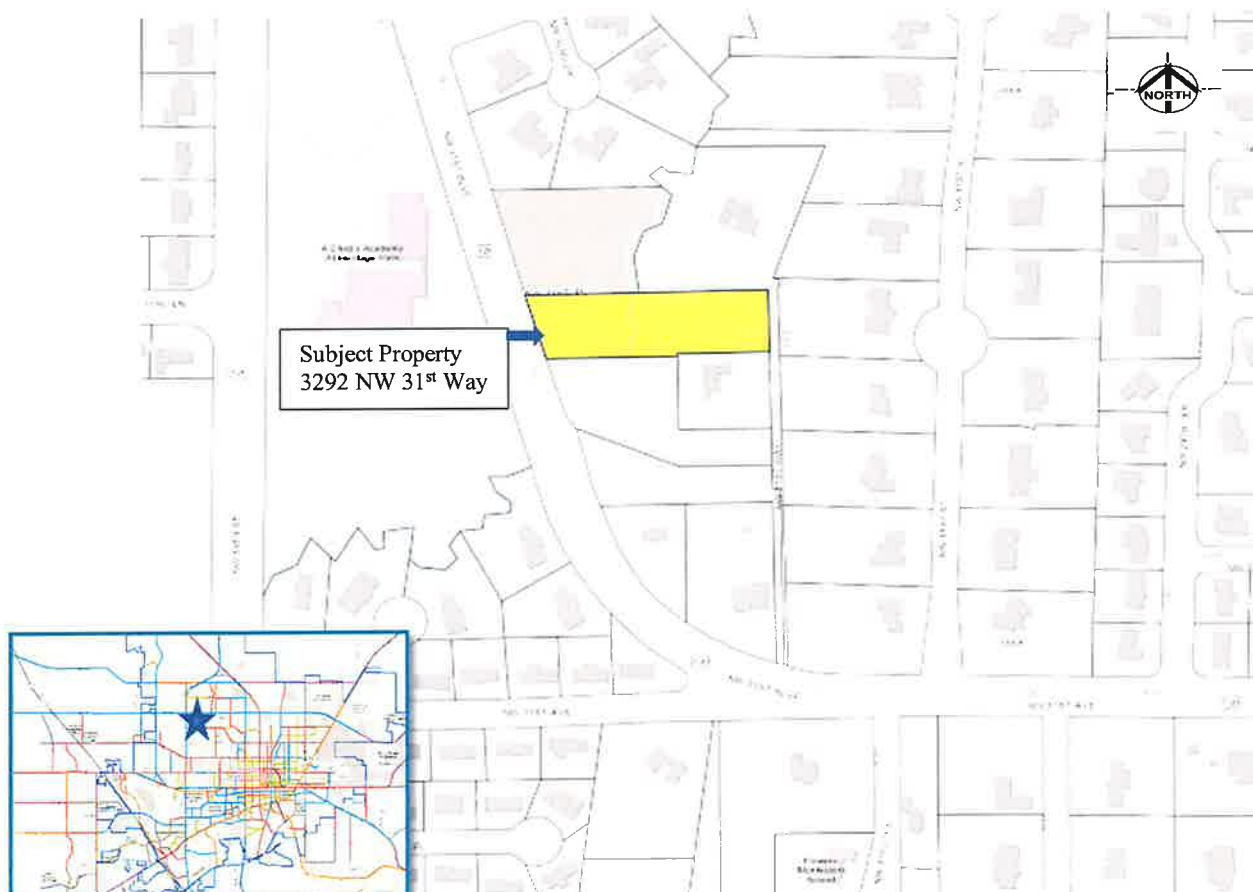
PUBLIC HEARING DATE: June 28, 2022

ITEM NO: 1

PROJECT NAME AND NUMBER: Glen Springs Road Single Family Lot Variance, Petition LD22-000046 VAR

APPLICATION TYPE: Requesting a variance consistent with the single-family/septic setback requirements in Sec. 30-8.22.—Single-family lots, on tax parcel 06092-002-000.

CITY PROJECT CONTACT: Jason Simmons, Planner



Map 1: General Location Map of 3292 NW 31st Way

APPLICATION INFORMATION:

Agent/Applicant: eda consultants, inc.

Property Owner(s): Kaplan & Steve Dublin Homes Inc.

Related Petition(s): None.

Legislative History: None.

Neighborhood Workshop: Not required

SITE INFORMATION:

Address: 3292 NW 31st Way

Parcel Number(s): 06092-002-000

Acreage: Approximately 1.3 Acres (Approximately 56,192.4 square feet)

Existing Use(s): Vacant Residential

Land Use Designation(s): SF: Single-Family

Zoning Designation(s): RSF-1: Residential Single Family, 3.5 dwelling units per acre)

Overlay District(s): None

Transportation Mobility Program Area (TMPA): Zone B

Water Management District: St. John's River Water Management District

Special Feature(s): Three Lakes Creek flows through the property, with applicable setback requirements

Annexed: 1979

Code Violations: No record of code violations

ADJACENT PROPERTY CHARACTERISTICS:

	EXISTING USE(S)	LAND USE DESIGNATION(S)	ZONING DESIGNATION(S)
North	Single family dwelling, Drainage right-of-way	Single-Family (SF), Public and Institutional Facilities (PF)	RSF-1: Single-Family, PS: Public Services and Operations
South	Single family dwelling, Vacant residential	Single-Family (SF)	RSF-1: Single-Family
East	Single family dwelling	Single-Family (SF)	RSF-1: Single-Family
West	School/Daycare	Office (O)	OR: Office Residential

BACKGROUND AND EXPLANATION:

Background:

The subject property is located in the northwest quadrant of the City within a minor subdivision approved by the City in 2018. The subdivision lies between NW 31st Boulevard and NW 31st Way, just north of the curve where NW 31st Boulevard turns north (See Map 1). The minor subdivision created three lots, including Parcel B with 53,389 square feet and Parcel C with 37,703 square feet. The subject property is Parcel A with 1.29 acres (56,387 square feet) of land area. All three lots are vacant with no buildings and are accessed off NW 31st Way, a private drive. The intent of the subdivision was to create three lots for the construction of single-family houses on each lot. The zoning for the properties is RSF-1, Single-Family residential, with Single-Family (SF) land use. The general area around the subject property is comprised of single-family residential dwellings. Across NW 31st Boulevard to the west is the Heritage Park Academy Inc., home of a school with a daycare center.

Explanation:

At the time of the review of the minor subdivision, the belief was that Gainesville Regional Utilities (GRU) water and sewer could serve all three lots. When further review was done as the lots were being prepared for construction, it was determined that the sewer connection to the GRU sewer line would require an aerial crossing at the creek. This would be both very expensive and unacceptable from an environmental standpoint with the reviewing agencies. Once this determination was made with City staff, it was suggested by staff that the property owner apply for a variance to the creek setback to allow for the construction of a single-family structure with a septic system. All of the proposed construction would take place outside of the required 50-foot buffer area. The house has been designed with several 90-degree turns in order to stay out of the wetland buffer. The proposed septic system drain field is shown at 115 feet from the top of bank and 130 feet from the creek centerline. The applicants have also applied for and received a septic permit for the property from the Florida Department of Health.

STAFF ANALYSIS AND RECOMMENDATION:

Analysis:

Staff has reviewed this petition in the context of Sec. 30-4.16 and Sec. 30-3.55 of the Land Development Code. These sections of the code set development standards, define a variance and authorizes the board to grant variances from certain provisions of the code. The code also places restrictions on granting variances and outlines the general requirement for granting a variance. Section 30-3.55 D. lists three factors which shall not be considered in any variance:

1. The presence of nonconformities in the zoning district or adjoining districts.
2. Financial loss or business competition.
3. Whether the property was purchased with the intent to develop or improve the property, whether or not it was known at the time of purchase that such development would be a violation.

The Land Development Code is clear in outlining findings that must be established to grant a variance; an analysis is presented for the board's consideration.

TABLE 1.
DIMENSIONAL REQUIREMENTS FOR RSF-1 ZONING DISTRICT

Structures

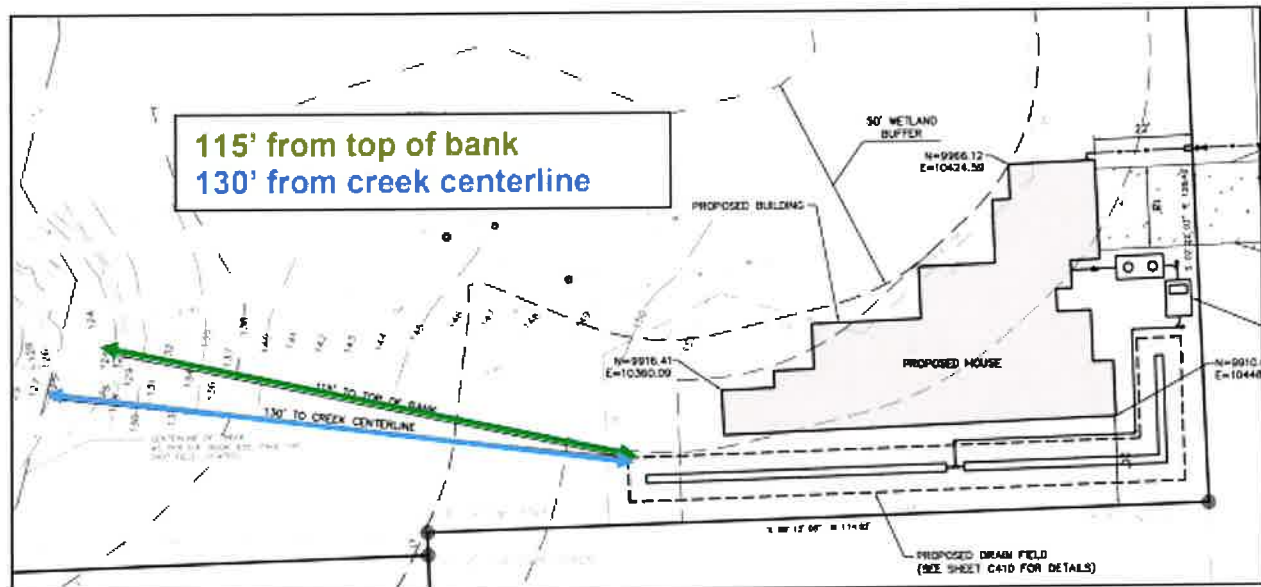
STANDARDS	RSF-1
Maximum density	3.5 du/a
Minimum lot area	8,500 sq. feet
Minimum lot width at minimum front yard setback	85 feet
Minimum lot depth	90 feet
Minimum yard setbacks:	
Front	20 feet
Side (interior)	7.5 feet
Side (street)	10 feet
Rear ^{1, 2}	20 ft.
Rear, accessory	7.5
Maximum building height	3 stories

Staff identifies the following key issues as directly related to the requested variance:

1. In 2018 a minor subdivision was approved by the City of Gainesville, with indications from GRU that water and sewer service could be provided to the three lots that were created for single-family residential development.
2. Three Lakes Creek runs through the property, which also contains wetland areas. Creek and wetland setback requirements and other applicable environmental regulations will have to be addressed with this project.

3. Upon further review, GRU determined that a connection to the GRU sewer line would require an aerial crossing over the creek. This would be both very expensive and unacceptable from an environmental standpoint with the reviewing agencies.
4. The State of Florida Department of Health has already approved a septic permit for the property.
5. The proposed septic system drain field is located 115 feet from the top of bank and 130 feet from the creek centerline.

Map 2: Proposed House and Septic System with Variance Request



Source: eda Variance Request Justification Report Single Family/Septic System Setback, page 5 of 7.

In considering a request for a variance, the code requires that the board establish findings that the request demonstrates the following:

1. ***That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.***

The special conditions and circumstances unique to the site are that in 2018 a minor subdivision was approved by the City of Gainesville, with indications from GRU that water and sewer service could be provided to the three lots that were created for single-family residential development. Upon further review and with design considerations for how to provide sewer service to a proposed house on the property, it was determined that the connection to the GRU sewer line would require an aerial crossing at the creek. This solution is prohibitively expensive and unacceptable from an environmental point of view with the reviewing agencies. After coming to this conclusion, it was suggested to the applicants that they apply for a variance to the creek setback to allow for the construction of a single-family structure with a septic system. The development on the vacant property would all be outside of the 50-foot wetland buffer area. The applicant has submitted a septic permit with the Florida Department of Health, which has been approved.

Condition 1.

The treatment effectiveness of the proposed septic system will be raised to a higher level of treatment in order to provide additional protection to the creek, the wetlands, and to abutting lands.

2. *That the special conditions and circumstances do not result from the action of the applicant.*

The special conditions and circumstances for this variance request are not the result of actions of the applicant. At the time of the creation of this lot in 2018 it appeared that sewer service was available to serve the lot, but once more specific plans were reviewed it was determined that the sewer connection was not feasible and a septic system would be required to serve the property. The minor subdivision had been approved by the time the current owners purchased the property.

3. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this section to other lands, structures or buildings in the same district.*

The Board's review of the variance must be based on the findings of fact listed in the Land Development Code in order to avoid any appearance of conferring special privileges. In reaching a decision on the requested variance, the Board must consider the material facts and competent, substantial evidence presented at the public hearing. The applicant has provided documentation illustrating reasons and circumstances resulting in the need for a variance. Staff has provided an analysis of the request based on the findings of fact listed in the Land Development Code. A decision based on the merits of the evidence and information presented at the public hearing is considered a sound decision and not one that is based on conferring special privilege.

4. *That literal enforcement of the provisions of the Land Development Code or building chapters would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Code or Building code.*

Considering the intent of the variance process, strict application and literal enforcement of the provisions of the Land Development Code or building chapters will deprive the applicant of rights typically enjoyed by most property owners. The subject property is large and has enough square footage to provide a wide range of options for placement of a single-family structure. However, because of the environmental constraints as discussed in this report, the actual building area available to meet the required dimensional, wetland, and septic setbacks is limited. There is room on the property for the placement of a house that can meet the setback requirements. The minor subdivision that created this lot in 2018 was reviewed with the idea that water and sewer service could be provided. Upon review of a more detailed plan, it was determined that a connection to the GRU sewer line would require an aerial crossing over the creek. This would be both very expensive and unacceptable from an environmental standpoint with the reviewing agencies. Without the variance, the applicant is deprived of the ability to build a home on the lot, a right available to other properties in the area. Please note that the other lots in the minor subdivision will have the same issue concerning connection with the GRU sewer line.

To ensure the overall health, welfare and safety of the community, the board is authorized to limit the extent of property improvements that encroach into required setbacks. Flexibility and reasonable relief should be afforded the property owner and conditions must ensure protection and improvement of the overall character of the neighborhood.

5. ***The variance requested is the minimum variance required to make possible the reasonable use of the land, building or structure.***

The applicant is requesting a variance to place the drain field of the proposed septic system 115 feet from the top of bank of Three Lakes Creek and 130 feet from the centerline of the creek. The planned location is on the south side of the proposed house, which is the only location where the drain field could stay out of the wetland buffer. The requested variance is the minimum necessary to make possible the reasonable use of the land, building or structure. The applicant has provided documentation indicating that the proposed design is at the minimum distance required to request a variance to make possible the reasonable use of the land, building or structure.

6. ***The variance is in harmony with the general intent and purpose of the regulation at issue and the Land Development Code, and such variance will not be injurious to the abutting lands or to the area involved or otherwise detrimental to the public welfare.***

The variance process provides an opportunity for property owners, experiencing hardships to the land, structure or building, to ask for relief in pursuing developments that are compatible and harmonious with the neighborhood. In addition to the issue of compatibility and harmony with the neighborhood, the variance requests must also demonstrate compliance with the findings of fact listed in Section 30-3.55. In considering the requested variance, the board must establish that there are unique situations resulting in hardships or constraints in complying with required standards.

The neighborhood homes tend to be placed further from the street than the subject property, giving them more useable space in the front yard. The proposed house is placed 22 feet back from the property line, in order to comply with the 50-foot wetland buffer in the back. From the map view, one can see the “stair step” view of the back of the house in order to keep out of the 50-foot buffer. The proposed L-shaped drain field starts in the front of the house and runs next to the house on the south side. At the end, it stays out of the wetland buffer area but is 115 feet from the top of bank of the creek and 130 feet from the centerline of the creek. With the placement of the drain field and meeting the staff condition, the variance is intended to provide functional and reasonable use of the property that would be in harmony with the overall character of the neighborhood and would not be injurious to the abutting lands or to the area involved or otherwise detrimental to the public welfare. The proposed house would be compatible with the surrounding residential area and would be able to meet the applicable dimensional setbacks for the RSF-1 district. The house and septic system as proposed would also meet the 50-foot minimum wetland buffer.

The petitioner must demonstrate compliance with the findings necessary to issue a variance and must show restricting hardships.

RECOMMENDATION:

Review the application, Petition LD22-000046 VAR, for compliance with the criteria for granting a variance, with the condition that the treatment effectiveness of the proposed septic system will be raised to a higher level of treatment in order to provide additional protection to the creek, the wetlands, and to abutting lands.

POST-APPROVAL REQUIREMENTS:

If the variance is approved, the applicant has six months to implement the variance; failing implementation of the variance, the approval becomes invalid and will require a new application.

LIST OF ATTACHMENTS:

Attachment A: Boundary Survey for the Minor Subdivision

Attachment B: Application and Supporting Documents.

Attachment C: Technical Review Committee Comments.

Attachment D: Some Relevant Land Development Code References.



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Petition LD22-000046 VAR

June 28, 2022:

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NOTE: THIS IS NOT A RECORD PLAT

NORTH



OVERALL PARCEL

[illegible]

CONTAINING 3.386 ACRES (147,479 SQUARE FEET), MORE OR LESS

PARCEL A

A PORTION OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

PARCEL E

A PORTION OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

PARCEL 4

A PORTION OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE HEREON DESCRIBED PROPERTY AND CONSENT TO THIS MINOR SUBDIVISION.

Errol Mizrahi
ERROL MIZRAHI
MANAGER
ABUNDANT, LLC

3-22-2018
DATE

WE HEREBY CERTIFY THAT THIS MINOR SUBDIVISION CONFORMS TO APPLICABLE ORDINANCES AND REGULATIONS OF THE CITY OF GAINESVILLE.

LEAD NUMBER PL411 DATE 4/2/2018
 DIRECTOR OF PUBLIC WORKS 3/30/18
571151A DATE 4/4/18
 GENERAL MANAGER FOR GREENVILLE REGIONAL UTILITIES

RECEIVED AND ~~FILED~~ ^{RECORDED} AS AN INSTRUMENT MAP IN ACCORDANCE WITH SECTION 177.132 FLORIDA STATUTES
ON THIS 12th DAY OF MAY 2018.

S. K. "Jess" Irby
CLERK OF THE COURT

Debra M. Elia
DEPUTY CLERK

THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 (2017), FLORIDA STATUTES. THIS SURVEY DEFENDS THE SITE CONDITIONS AS OF 1/10/2018.

Robert H. Graver
ROBERT H. GRAVER P.L.S. 4239
THIS SURVEY IS NOT VALID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.



eda engineers-surveyors-planners, inc.
 LB 2389
 3544 N.W. 43rd ST, GAINESVILLE, FLORIDA 32606-6642
 TEL. (352) 273-3541 FAX. (352) 273-7249

LINE	BEARING	DISTANCE
L1	S 01° 47' 27" E	5.03
L2	S 15° 57' 43" E	52.03
L3	S 01° 00' 00" E	5.00
L4	N 26° 53' 25" E	36.78
L5	S 05° 32' 52" E	6.79
L6	S 01° 00' 00" E	5.00
L7	S 30° 26' 41" E	24.75
L8	N 15° 14' 26" W	51.82
L9	S 01° 00' 00" E	5.00
L10	N 30° 35' 48" E	32.13
L11	S 44° 30' 06" W	23.89
L12	N 00° 31' 32" E	29.22
L13	N 06° 19' 09" E	43.29
L14	N 1° 24' 53" W	53.97
L15	S 22° 51' 18" W	6.42
L16	N 08° 18' 08" E	5.00
L17	N 18° 15' 12" E	41.85
L18	S 25° 19' 32" E	106.32
L19	N 01° 00' 00" E	5.00
L20	N 74° 50' 00" W	34.06
L21	S 00° 51' 19" E	28.27
L22	N 01° 36' 38" E	51.85
L23	N 42° 44' 48" W	21.55
L24	S 73° 48' 11" W	33.00
L25	S 62° 53' 52" E	30.00
L26	N 08° 12' 08" E	134.26
L27	S 08° 11' 15" W	149.04
L28	N 01° 10' 10" E	7.91
L29	S 25° 34' 35" W	29.41
L30	S 25° 34' 35" W	7.91
L31	N 01° 10' 10" E	18.18
L32	S 15° 58' 43" E	32.75
L33	N 01° 36' 52" E	23.13
L34	N 01° 00' 00" E	22.22
L35	S 69° 16' 27" E	6.77
L36	N 88° 04' 15" E	150.00

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C1	01° 42' 17"	522.96	15.56	15.56	7.78	N 76° 12' 25" W
(C1	01° 42' 27"	522.96	15.58	15.58	7.79	N 76° 10' 30" W

LEGEND OF SYMBOLS & ABBREVIATIONS:

EJB = ELECTRIC JUNCTION BOX
CONC = CONCRETE
HNDRL = HANDRAIL
No. = NUMBER
O.R. = OFFICIAL RECORDS BOOK
PGS. = PAGES
R/W = RIGHT OF WAY
ANDER = GUY ANDER
O CD = SANTARY CLEAN-OUT
= FOUND IRON PIPE (size, ID)
= FOUND NAIL & BISS (ID)
= FOUND REBAR & CAP (size, ID)
= FOUND SPIKE
FH = FIRE HYDRANT
L.P. = LIGHT POLE
SMH = SANTARY SEWER MANHOLE
OP = POWER POLE
= SET 5/8" REBAR & CAP (LB 2389)
= TELEPHONE POLE
= TELEPHONE PEDESTAL
= CABLE TELEVISION PEDESTAL
= WATER METER
DV W = WATER VALVE
= FENCE LINE
= OVERHEAD GUY WIRE
= OVERHEAD POWER LINE
= OVERHEAD TELEPHONE LINE
= OVERHEAD LIGHT LINE

- (1) BEARINGS AS SHOWN HEREON WERE PROJECTED FROM A BEARING OF N 87°04'00" E ON THE NORTH LINE OF PARCEL 1 OF OFFICIAL RECORDS BOOK 3373, PAGE 15 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA
- (2) BEARINGS SHOWN IN PARANTHESES () REFER TO LEGAL DESCRIPTION WHERE THEY OBTAIN FROM FIELD MEASUREMENT.
- (3) THE ERROR OF CLOSURE OF THE BOUNDARY OF THE DESCRIBED PARCELS DOES NOT EXCEED 1/15,000.
- (4) NO UNDERGROUND UTILITIES HAVE BEEN FIELD LOCATED.
- (5) NO SIZING OF THE PUBLIC RECORDS WAS MADE BY THE SURVEYOR; THEREFORE, THERE MAY BE RESTRICTIONS OR OTHER DATA ON OTHER SHOWN HEREON WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA RECORDS AND BUILDING SETBACK REQUIREMENTS, OTHER THAN THOSE SHOWN HEREON, NOT PROVIDED TO THIS SURVEYOR.
- (6) SANITARY SEWER SERVICE IS AVAILABLE AS SHOWN HEREON.
- (7) WATER SERVICE IS AVAILABLE FROM AN EXISTING LINE LOCATED ALONG N.W. 31ST WAY.
- (8) ALL UTILITY SERVICE SHALL BE INSTALLED BENEATH THE SURFACE OF THE GROUND IN ACCORDANCE WITH SECTION 30-34-03 OF THE CITY OF GAINESVILLE LAND DEVELOPMENT CODE.
- (9) THE DEPT. OF LAND AND WATER CONSERVATION SURVEY PERFORMED BY JOHN LAND SURVEYING, J.S.D. HAS DATED 11/19/2015. THE DEPT. LINE CALCULATIONS REPRESENT THE APPROXIMATE EASTERN LIMITS OF WETLANDS LOCATED WITHIN PARCELS A & B, WHICH RESIDENTIAL, STRUCTURES AND LANDS ARE PROHIBITED FROM DISTURBANCE AND DESTRUCTION. THE DEPT. OF LAND AND WATER CONSERVATION'S DETERMINATION OF APPROPRIATE WETLAND SERVICES WILL BE NECESSARY BY THE CITY OF GAINESVILLE DEPARTMENT OF SOILS, PLANT AND WATER CONSERVATION.
- (10) THE REAL PROPERTY SHOWN HEREON LIES WITHIN ZONE "X" (UNDEVELOPED) AND ZONE "A" AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP NUMBER 12002002001C, COMMUNITY NUMBER 121017, FLOOD ZONE, EFFECTIVE DATE 12/01/2015. FLOOD INSURANCE RATES AND REQUIREMENTS AS NOTED HAVE DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODWAY AND ZONE "A" AS SPECIAL FLOOD HAZARD AREAS (SPECIAL) SUBJECT TO THE 0.2% ANNUAL CHANCE FLOODWAY. NO BASE FLOOD ELEVATION INFORMATION TO BE PROVIDED.
- (11) DRAINAGES SHOWN HEREON ARE EXPRESSED IN U.S. SLUDDY FEET AND WERE MEASURED ON A HORIZONTAL PLANE.
- (12) THE CITY OF GAINESVILLE HAS SPECIFIC CRITERIA RELATIVE TO THE PROTECTION, REMOVAL, REPLACEMENT AND MITIGATION OF CERTAIN TREE SPECIES. PARCEL OWNERS WILL BE RESPONSIBLE FOR PROVIDING A TREE SURVEY DEPENDING ON THE LOCAL TREE SPECIES. TREE SPECIES IDENTIFICATION AS NOTED HAVE DETERMINED TO BE OUTSIDE THE WETLANDS. THE WETLANDS OF PROTECTED RESIDENTIAL, STRUCTURES AND ASSOCIATED FACILITIES. THE CITY OF GAINESVILLE DEPARTMENT OF SOILS, PLANT AND WATER CONSERVATION TO CONSIDER TREE SPECIES.
- (13) ACCESS TO PARCELS A & B MUST BE FROM THE PRIVATE DRIVE ALONG N.W. 31st WAY.
- (14) BUILDING SETBACK LINES WILL BE CHECKED AT THE BUILDING PERMIT STAGE AND VARIANCES TO THE SETBACK LINES MAY BE APPLIED AT THAT POINT.



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Petition LD22-000046 VAR

June 28, 2022:

Attachment A: Boundary Survey

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Attachment C: Technical Review Committee Comments.

Attachment D: Some Relevant Land Development Code References.



PETITION TO THE BOARD OF ADJUSTMENT
Planning & Development Services Department

OFFICE USE ONLY

Petition No. LD22-000046VAR Fee: \$ _____
Hearing Date: 6/28/22 EZ Fee: \$ _____
Account No. 001-660-6680-3401 []
Account No. 001-660-6680-1124 (Enterprise Zone) []
Account No. 001-660-6680-1125 (Enterprise Zone Credit) []

CHECK ONE:

☒ Variance ☐ Appeal of Administrative Decision ☐ Special Exception ☐ Special Permit

Please note that a pre-application conference is required before submitting this application

Owner(s) of Record (please print)		Agent Authorized to Act on Owner Behalf	
Name: Kaplan & Steve Dublin Homes Inc.		Name: eda consultants, inc.	
Address: 2572 NW 47th Ter, Ste I		Address: 720 SW 2nd Ave, South Tower, Ste 300	
Gainesville, FL 32606		Gainesville, FL 32601	
E-mail Address: kaplanarchitect@gmail.com		E-mail Address: ssutton@edafl.com & permitting@edafl.com	
Phone:		Phone: 352-373-3541	
Fax:		Fax:	
PROPERTY INFORMATION:			
Street address: 3292 NW 31st Way			
Tax parcel no(s): 06092-002-000			
Legal description (may be attached):			
Existing Zoning: RSF1		Lot size: 1.3 +/-	
Present use: Vacant Residential		Proposed use: Single Family Residential	
Historic District or Landmark?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Present structures (type) and improvements upon the land:			
SURROUNDING PROPERTY INFORMATION: (List all uses surrounding the subject property under "Existing use." Staff is available to supply zoning and land use information.)			
	Zoning	Land Use	Existing Use
North	RSF1	Public Facilities	Single Family Residential
South	RSF1	SFR	Vacant Residential
East	RSF1	SFR	NW 31st Way
West			NW 31st Blvd

Certified Cashier's Receipt:

SIGNATURE PAGE

1. (a) I hereby attest to the fact that the above supplied parcel number(s) and legal description(s) is (are) the true and proper identification of the area of this petition.
(b) I authorize staff from the Planning and Development Services Department to enter onto the property in question during regular city business hours in order to take photos which will be placed in the permanent file.
2. I/We understand that this petition becomes a part of the permanent records of the Board of Adjustment. I/We hereby certify that the above statements and the statements or showings made in any document or plans submitted herewith are true and correct to the best of my/our knowledge.

~~Property Owner~~ ^{Agent} Signature: *Stephane Sutton* Date: 5/9/22

STATE OF FLORIDA

COUNTY OF Alachua

Sworn to and subscribed before me this 9th day of May 2022
by (Name) Stephanie Sutton

Audra Bunnell
Signature – Notary Public

Personally Known ✓ OR Produced Identification (Type)

VARIANCE

The process for requesting a variance is documented in the Land Development Code Chapter 30-354(d)(3).

Indicate the specific code a variance is requested from and summarize the context:

Code source:	<input checked="" type="checkbox"/> Land Development Code	<input type="checkbox"/> Fire Code	<input type="checkbox"/> Building Code
Section:	30-8.22		

The following questions must be answered to demonstrate the foundation for the variance request as specifically required by the Land Development Regulations. As the applicant, you bear the burden of proving the variance criteria.

(1) What special conditions and circumstances peculiar or unique to this land, structure or building exist that necessitate the variance?

see justification report

(2) Are these special conditions or circumstances applicable to other lands, structures, or buildings in the same district? ☐ YES ☒ NO

see justification report

(3) Does a literal enforcement of the provisions of the zoning or building code limit the use of the property or building in a manner unlike that of other properties in the same district? If so, please describe the limitation or hardship.

see justification report

(4) Were these special conditions or circumstances described in (1), above, the result of your actions?

see justification report

(5) Explain how the requested variance will not confer a special privilege on you that is not enjoyed by other properties in the same district.

see justification report

(6) Has an application for a variance been filed within the last 2 years in connection with these premises? Please note that the board will not entertain an application for a variance within two years of the board issuing a denial of the same variance request. ☐ Yes ☒ No

Please continue on additional pages as needed

(Variance, continued)

In addition to the above criteria, the Board of Adjustment will be required to make the following findings to authorize the variance request: *(please acknowledge by initialing each item)*

- SS (a) That the applicant has met the requirements set forth in section 30-354(d)(3) of the Land Development Code
- SS (b) That the reasons set forth in the application justify granting the variance
- SS (c) That the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building
- SS (d) That granting the variance will be in harmony with the general intent and purpose of the land development code or building chapters
- SS (e) That granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare

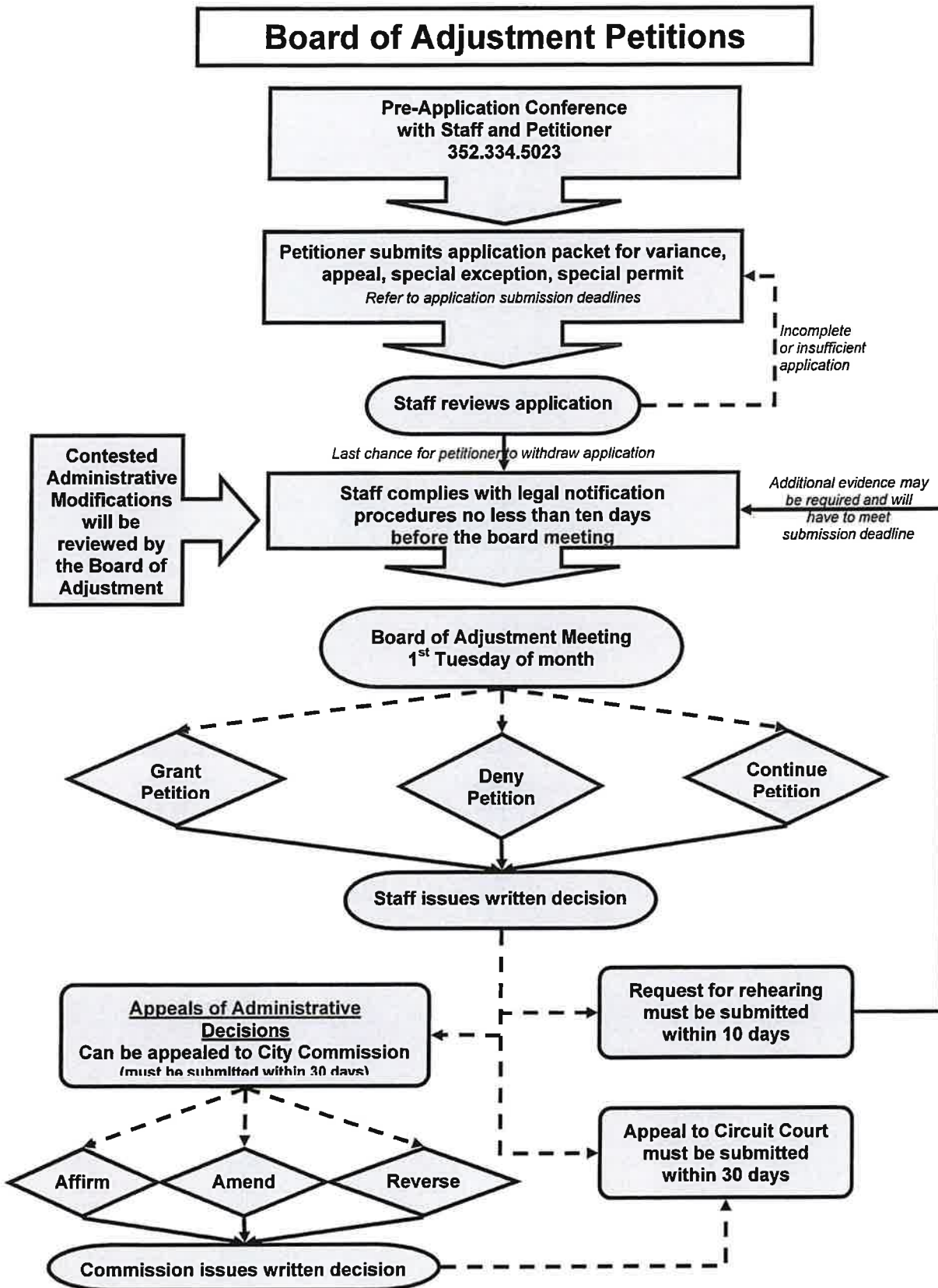
Check below that you have included these items with your application:

- ☒ Scaled drawing, site plan, or survey depicting property boundaries, easements, existing and proposed structures shown with their distance to the property line and existing building setback lines. The requested variance should be clearly illustrated with respect to each of these features.
- ☒ Reduced images or digital submission for oversized paper documents (greater than 11x17)
- ☒ Legal description, if not entered on front page
- ☒ Any other supporting materials you wish to provide


Variances are only authorized for height of structures, size of yard setbacks, driveway widths, street line corner clearances, and property line edge clearances as provided in section 30-336(15); and landscape and tree management and flood control provisions as provided in section 30-310.

A variance may not be granted for the following reasons:

- For establishment or expansion of a use otherwise prohibited
- Because of the presence of nonconformities in the zoning district or adjoining districts
- Because of financial loss or business competition
- Because the property was purchased with the intent to develop or improve the property, and the intended development or improvement would violate the restrictions of the land development code or building chapter, whether or not it was known at the time of purchase that such development would be a violation



PROPERTY OWNER AFFIDAVIT

Owner Name: Kaplan & Steve Dublin Homes Inc.			
Address: 2572 NW 47th Ter, Ste I Gainesville, FL 32606		Phone:	
Agent Name: eda consultants, inc.			
Address: 720 SW 2nd Ave, South Tower, Ste 300 Gainesville, FL 32601		Phone: 352-373-3541	
Parcel No.: 06092-002-000			
Acreage: 1.3 +/-		S: 25	T: 09 R: 19
Requested Action: Variance			
<p>I hereby certify that: I am the owner of the subject property or a person having a legal or equitable interest therein. I authorize the above listed agent to act on my behalf for the purposes of this application.</p> <p>Property owner signature: <u>[Signature]</u></p> <p>Printed name: <u>ANDREW KAPLAN</u></p> <p>Date: <u>4-25-22</u></p> <p>The foregoing affidavit is acknowledged before me, by means of <input checked="" type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this <u>25th</u> day of <u>April</u>, 20<u>22</u> by <u>Andrew Kaplan</u>, who is/are <u>personally known to me</u>, or who has/have produced _____ as identification.</p> <p>NOTARY SEAL <u>[Signature]</u></p> <p>Signature of Notary Public, State of <u>Florida</u></p> <p> LORRIE A. HERNDON Commission # HH 097421 Expires February 25, 2025 Bonded Thru Budget Notary Services</p>			

PUBLIC NOTICE SIGNAGE AFFIDAVIT

Petition Name LD 22-000046 VAR
Applicant (Owner or Agent) eda consultants, inc
Tax parcel(s) 06092-002-000

Being duly sworn, I depose and say the following:

1. That I am the owner or authorized agent representing the application of the owner and the record title holder(s) of the property described by the tax parcel(s) listed above;
2. That this property constitutes the property for which the above noted petition is being made to the City Of Gainesville;
3. That this affidavit has been executed to serve as posting of the "Notice of Proposed Land Use Action" sign(s) which describes the nature of the development request, the name of the project, the anticipated hearing date, and the telephone number(s) where additional information can be obtained. In addition, the applicant has securely posted the sign(s) on the property along each street frontage, at intervals of not more than four hundred (400) feet, and set back no more than ten (10) feet from the street and visible from the street. If the property does not abut a public right-of-way, signs have been placed at the nearest public right-of-way with an indication of the location of the subject property.
4. That the applicant has posted the sign(s) at least fifteen (15) days prior to the scheduled public hearing date; or for Historic Preservation Certificate of Appropriateness applications, at least ten (10) days prior to the scheduled public hearing date.
5. That the applicant shall maintain the signs(s) as provided above until the conclusion of the development review and approval process and that the signs shall be removed within ten (10) days after the final action has been taken on the development application.
6. That I (we), the undersigned authority, hereby certify that the foregoing statements are true and correct.

7. Melissa Watson
8. Applicant (signature)

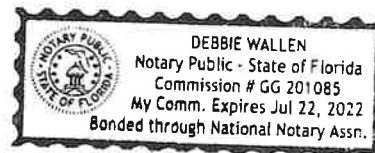
Melissa Watson
Applicant (print name)

**STATE OF FLORIDA,
COUNTY OF ALACHUA**

Before me the undersigned, an officer duly commissioned by the laws of the State of Florida, on this 13th day of June, 2022, personally appeared who having been first duly sworn deposes and says that he/she fully understands the contents of the affidavit that he/she signed.

Debbie Wallen Notary
Public
My Commission expires: 07/22/2022

RECORDING SPACE



Form revised on March 11, 2014. Form location: <http://www.cityofgainesville.org/PlanningDepartment.aspx>

FOR OFFICE USE ONLY

Petition Number LD22-000046 VAR Planner Jason Simmons

What's going on? **VARIANCE** CONSISTENT WITH THE
SINGLE FAMILY / Septic System Requirements in Sec. 30 P-22 -
SINGLE FAMILY LOTS ON PARCELS 0002.002.0 TO REDUCE THE CREEK/
WETLAND SETBACK FROM 150' FRONT OF BACK TO 112' FROM TOP OF BANK +
150' FROM CREEK CENTERLINE TO THE PROPOSED HOME + SEPTIC SYSTEM.

Petitioner Number/ Project:

LD 22-000046 VAR

Hearing Date/Time

TUESDAY JUNE 28, 2022 @ 6:30pm

City Hall Auditorium
200 East University Avenue

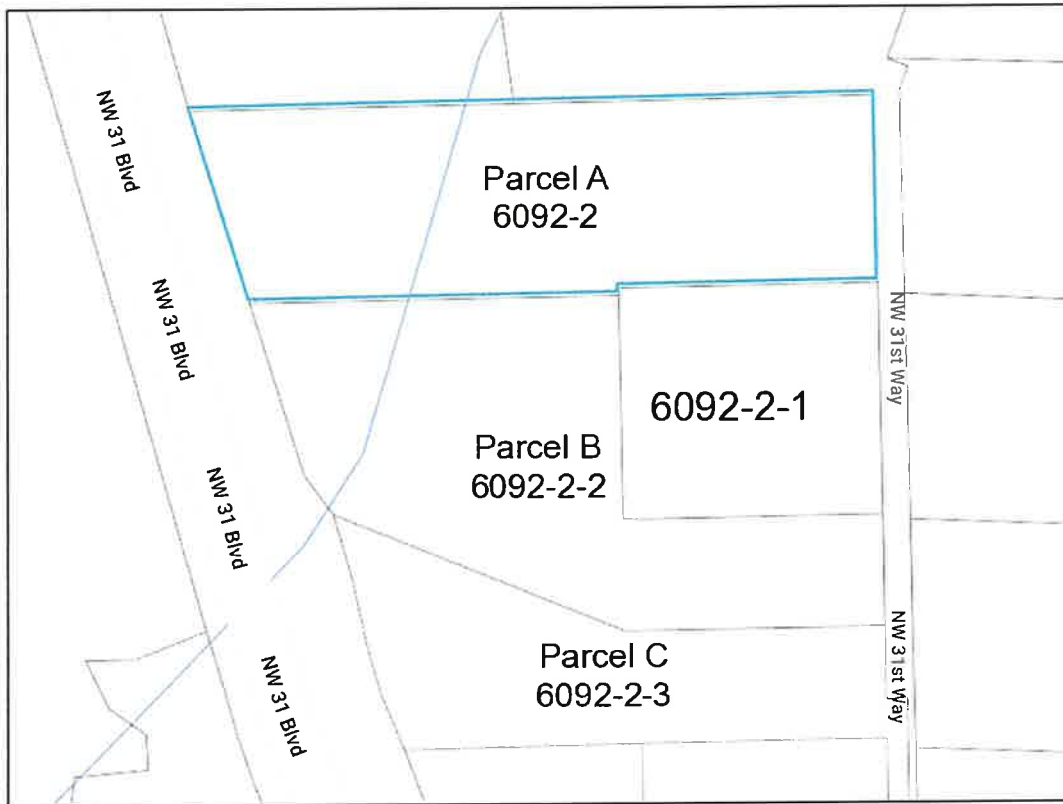
VARIANCE

Want to learn more?
352-334-5023 | cityplanning@cityofgainesville.org



Gainesville.
Citizen centered
People empowered

Variance Request Justification Report Single Family/Septic System Setback



Request: Variance consistent with the single family/septic setback requirements in Sec. 30-8.22. - Single-family lots on parcel 06092-002-000

Agents for: Kaplan & Steve Dublin Homes Inc.

Submittal Date: May 9, 2022

Prepared By: eda consultants, inc.

Variance Request & Background Information

This application is a request for a variance consistent with Sec. 30-8.22. Single-family lots – for the location of a single family home with a creek and wetland buffer on the property. Specifically, the request is related to setback requirements from 150' from top of bank to 115' from top of bank and 130' from creek centerline for the proposed single family home and septic system. The property is located within a minor subdivision approved by the City in April of 2018 with the intention of single family homes being constructed on all three of the lots created. The lot is larger than one acre.

The specific variances requested are:

- Reduce the creek/wetland setback from 150' from top of bank to 115' from top of bank and 130' from creek centerline for the proposed home and septic system.

The variances to the setbacks are necessary to facilitate development of this lot for a single family home. At the time of the original minor subdivision creating the three lots – it was believed that all three could be served by GRU water and sewer. Upon closer examination/design considerations when the lots neared construction – the connection to the GRU sewer line would require an aerial crossing at the creek, which is both prohibitively expensive and not acceptable to reviewing agencies from an environmental perspective. Upon reaching this conclusion with City staff, staff suggested that the owner apply for a variance to the creek setback to allow a single family home with septic system on the property. All proposed improvements will be outside the required 50' buffer area and a septic permit has already been approved for the property by the Department of Health (attached).

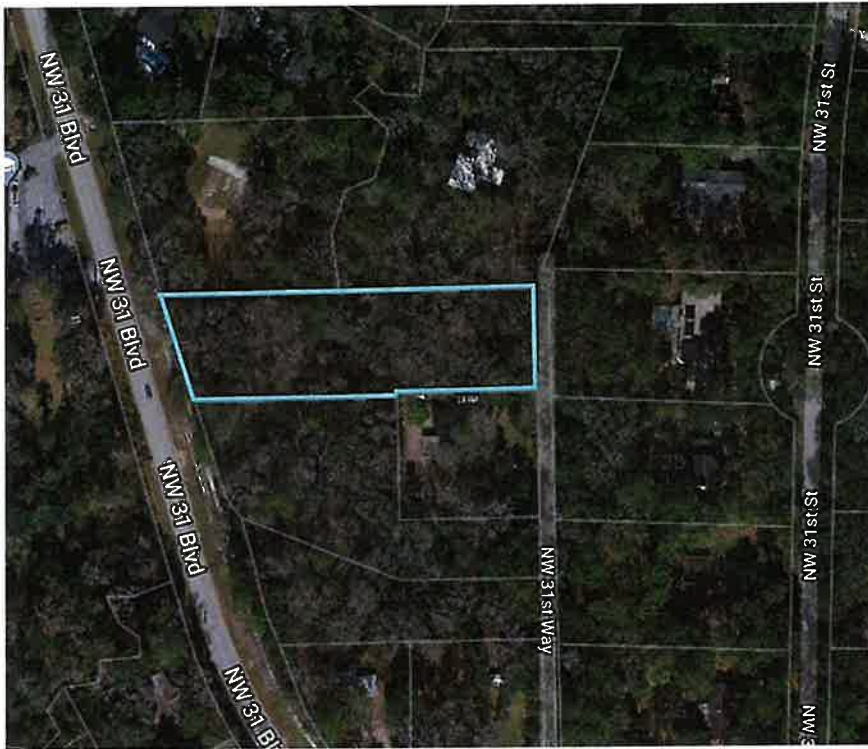
Typically septic systems are not allowed for new development in the city, however, Sec. 30-3.34. - *Lot splits and lot line adjustments.*, 2. *Lot split standards* provides for the following exceptions:

*d. A lot split shall be allowed only where water, sewer, fire and solid waste services are available to service the proposed lots. **Alternatively, in the event city water or sewer is not available at any lot line, the lot may be served by a well or septic tank; provided the lot is a minimum size of one acre and the well or septic tank is permitted and approved by the governmental agencies with jurisdiction.** Based on the review by the governmental permitting agencies, a well or septic tank may not be allowed within the wellfield districts, special environmental concern areas or areas with the presence of hazardous materials or known environmental contamination, due to health and safety concerns. Further, at the time city water or sewer become available at the lot line, the property owner shall, at its sole expense, connect to city water or sewer. This connection requirement shall run with the land and shall be evidenced in a written document executed by the property owner and recorded in the public records of Alachua County, Florida, at the time of approval of the lot split. In the case of a vacant lot, the connection shall be required at the time of application for development. In the case of existing development (other than single-family or two-family), the connection shall be required at the time of application for development plan review at the rapid review level or higher. In the case of single-family or two-family development, the connection shall be required at the time of application for a permit for an additional*

bathroom or for any structure equal to or greater than 25 percent of the square footage of the existing principal structure.

Location

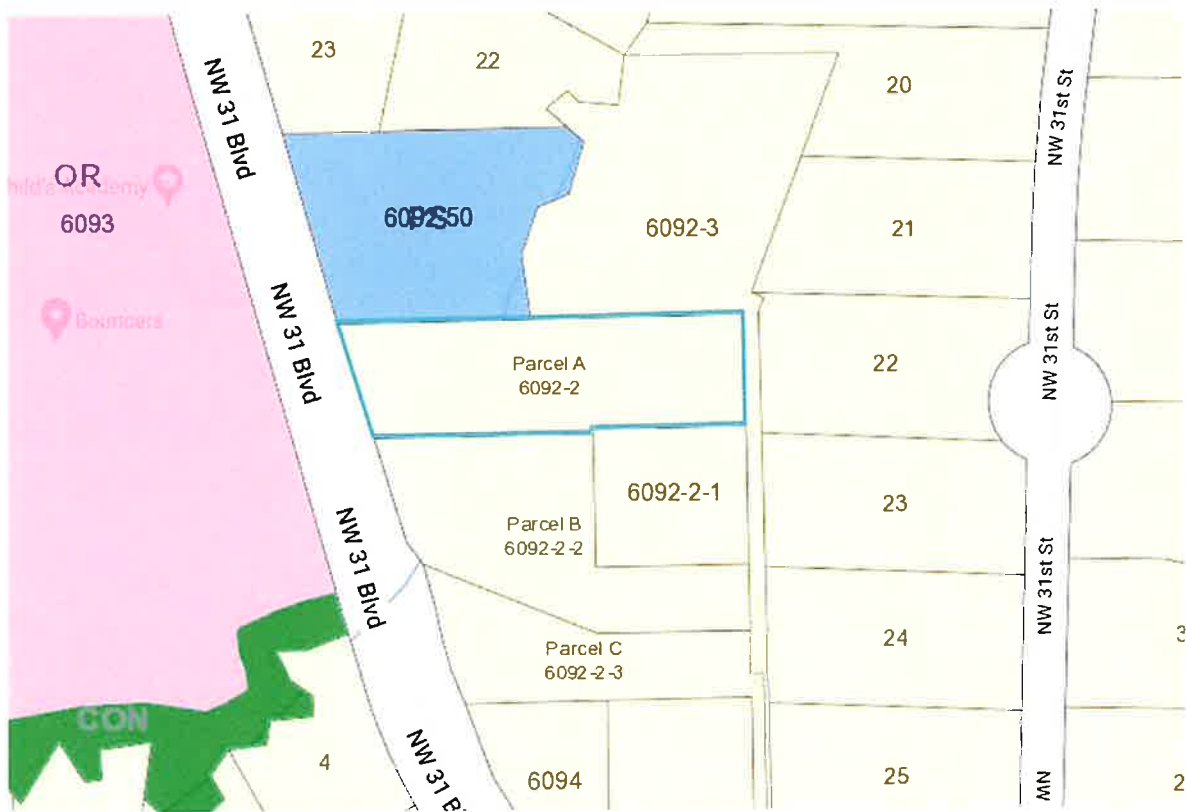
The figure below illustrates the location of the parcel between Glen Springs Road (NW 31st Blvd) and NW 31st Way. The surrounding area is primarily single family residential homes, with a school/daycare on the west side of NW 31st Blvd.



The table below illustrates the surrounding property characteristics.

	Future Land Use	Zoning	Existing Use
North	Public Facilities and Single Family Residential	PS and RSF1	Single family home
South	Single Family Residential	RSF1	Single family home
East	Single Family Residential	RSF1	Single family home
West	Office	OR	School/Daycare

The figure below illustrates the zoning of the parcel and surrounding properties:



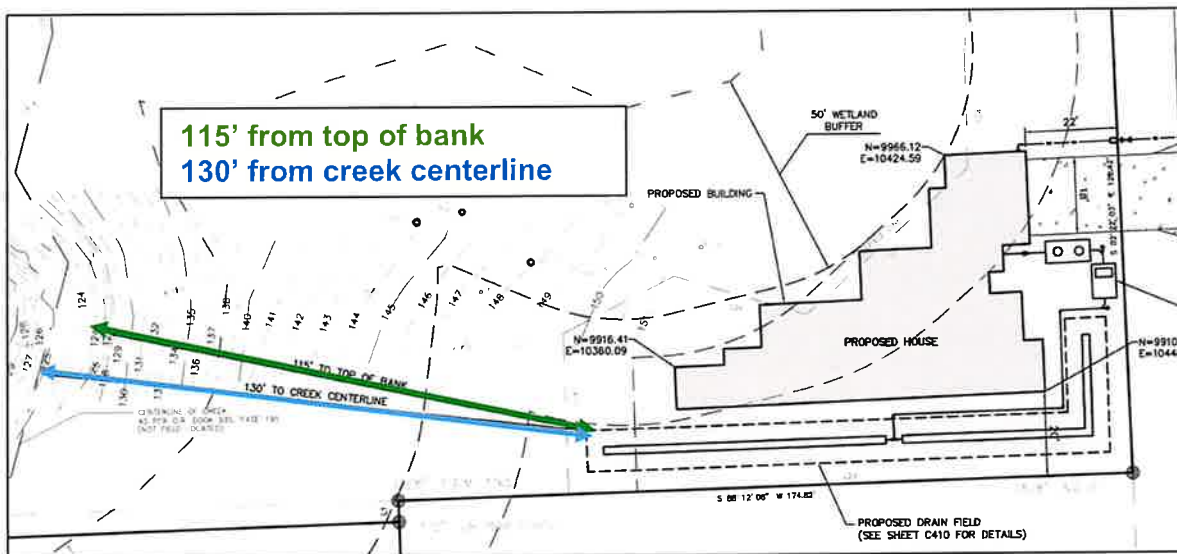
Existing Conditions

The parcel is currently wooded, undeveloped and has both a creek and wetlands on the property. The steep slopes/topography leading down to the creek limits the buildable area on the property.

Requested Variances

When it was determined that a connection to the GRU sewer system was infeasible, City staff directed the applicant to apply for a variance for the proposed house and septic system.

The figure below (full exhibit attached) illustrates where the requested variances are located on the site. These requested variances will allow a single family home to be built on the property, with a septic system to avoid an aerial sewer line crossing of the creek.



Criteria for Variances

Land Development Code Section 30-3.55(c) establishes the criteria for review of a variance application. These criteria are listed in the section below with responses to each of the criteria.

Variance Review Criteria (Land Development Code Sec. 30-3.55(c))

1. *Special conditions and circumstances exist that are peculiar to the land, structure or building involved and that are not applicable to other lands, structures, or buildings in the same district.*

Response: This property has both a creek and wetlands, and due to the unique topography and location of the closest sewer line available to serve the lot, it isn't possible to connect to sewer without an aerial crossing, which was not acceptable to reviewing agencies. Thus a septic tank is necessary for the single family home proposed on the property. Other lots within the same zoning district are unlikely to have this unique combination of environmental and topographic constraints.

2. *The special conditions and circumstances do not result from the action of the applicant.*

Response: The special conditions and circumstances are the result of natural environmental conditions on the property. At the time of the minor subdivision creating this lot, it was determined that the lot could be served by water and sewer, but upon closer inspection with the proposed home, it was determined that the connection was not feasible and a septic system is required to serve the property.

3. *Granting the variance requested will not confer on the applicant any special privilege that is denied by this section to other lands, structures, or buildings in the same district.*

Response: Other properties with similar environmental and topographic constraints could also work with environmental staff and GRU engineers to determine the best possible way to serve the site with utilities. In this case, staff has recommended the septic system on site, which reduces the buildable area on the property more than is typical for the zoning district (based on standard lot sizes and setbacks).

4. *Literal enforcement of the provisions of the Land Development Code or building chapters would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Code or building chapters.*

Response: Literal enforcement of the Land Development Code setback requirements in this case would deprive the applicant of the ability to build a home on the lot previously approved in the minor subdivision. This right is available to other properties in the zoning district and the other lots within the approved minor subdivision.

5. *The variance requested is the minimum variance required to make possible the reasonable use of the land, building, or structure.*

Response: The requested variance is the minimum required to allow a single family home and septic system on the property.

6. *The variance is in harmony with the general intent and purpose of the regulation at issue and the Land Development Code, and such variance will not be injurious to the abutting lands or to the area involved or otherwise detrimental to the public welfare.*

Response: Since this is an existing environmental condition and the proposed house and lot are compatible with the surrounding area, the variance will not be injurious to the abutting lands. The house and septic system is proposed as far from the environmental features on the site as possible and exceed the minimum wetland buffer (50') required by the City and County code.

Conclusion

The requested variance is the minimum necessary to allow construction of a single family home on the site. The applicant has worked with City staff to find a solution to allow for development of the lot as envisioned at the time a minor subdivision was approved in April 2018.

The unique environmental features and topography of the site prevent a future home from being able to connect to the GRU sewer system and require a variance consistent with the requirements within Section 30-8.22 of the Land Development Code to reduce the creek/wetland setback from 150' from top of bank to 115' from top of bank and 130' from creek centerline for the proposed home and septic system. All proposed improvements will be outside the required 50' buffer area. The site is larger than an acre and the Department of Health has already approved a septic permit for the site.



STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE TREATMENT AND DISPOSAL
SYSTEM
APPLICATION FOR CONSTRUCTION PERMIT

PERMIT NO. 03-188-21
DATE PAID: 3-17-21
FEE PAID: 450.00
RECEIPT #: 1-5261310
AP11637676

APPLICATION FOR:

☒ New System ☐ Existing System ☐ Holding Tank ☐ Innovative
☐ Repair ☐ Abandonment ☐ Temporary ☐

APPLICANT: Andrew Kaplan

AGENT: eda consultants inc. Email to: dmcgrath@edaf1.com TELEPHONE: 352-373-3541

MAILING ADDRESS: 720 SW 2nd Ave, South Tower, Ste 300, Gainesville, FL 32601

TO BE COMPLETED BY APPLICANT OR APPLICANT'S AUTHORIZED AGENT. SYSTEMS MUST BE CONSTRUCTED BY A PERSON LICENSED PURSUANT TO 489.105(3)(m) OR 489.552, FLORIDA STATUTES. IT IS THE APPLICANT'S RESPONSIBILITY TO PROVIDE DOCUMENTATION OF THE DATE THE LOT WAS CREATED OR PLATTED (MM/DD/YY) IF REQUESTING CONSIDERATION OF STATUTORY GRANDFATHER PROVISIONS.

PROPERTY INFORMATION

LOT: 6092-2 BLOCK: SUBDIVISION: Minor Subdivision BK34 PG47 PLATTED:

PROPERTY ID #: 06092-002-000 ZONING: rsf1 I/M OR EQUIVALENT: ☐ No ☐

PROPERTY SIZE: 1.3 ACRES WATER SUPPLY: ☒ PRIVATE PUBLIC ☐ $\leq 2000\text{GPD}$ ☒ $> 2000\text{GPD}$

IS SEWER AVAILABLE AS PER 381.0065, FS? ☐ No ☐ DISTANCE TO SEWER: FT

PROPERTY ADDRESS: Between 3234 and 3344 NW 31st Way 32605

DIRECTIONS TO PROPERTY: North on NW 34th St/SR121, right on NW 31st Blvd, second left on NW 31st Way

BUILDING INFORMATION

☒ RESIDENTIAL ☐ COMMERCIAL

Unit No	Type of Establishment	No. of Bedrooms	Building Area Sqft	Commercial/Institutional System Design Table 1, Chapter 64E-6, FAC
1	Residence	3	<u>2631</u> <u>1912</u>	Bedrooms
2				
3				
4				

☐ Floor/Equipment Drains ☐ Other (Specify)

SIGNATURE: Paul Dey DATE: 3/12/21



STATE OF FLORIDA
DEPARTMENT OF HEALTH
ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
SITE EVALUATION AND SYSTEM SPECIFICATION

APPLICATION # AP1637676
PERMIT # 01-SA-2250817
DOCUMENT # SE1540144

APPLICANT: Andrew Kaplan

CONTRACTOR / AGENT: Eda Consultants, Inc.

LOT: A

BLOCK:

SUBDIVISION: Minor S/D ID#: 06092-002-000

TO BE COMPLETED BY ENGINEER, HEALTH DEPARTMENT EMPLOYEE, OR OTHER QUALIFIED PERSON. ENGINEERS MUST PROVIDE REGISTRATION NUMBER AND SIGN AND SEAL EACH PAGE OF SUBMITTAL. COMPLETE ALL ITEMS.

PROPERTY SIZE CONFORMS TO SITE PLAN: ☒ YES ☐ NO NET USABLE AREA AVAILABLE: 1.30 ACRES
TOTAL ESTIMATED SEWAGE FLOW: 300 GALLONS PER DAY [RESIDENCES-TABLE1 / OTHER-TABLE 2]
AUTHORIZED SEWAGE FLOW: 3250.00 GALLONS PER DAY [1500 GPD/ACRE OR 2500 GPD/ACRE]
UNOBSTRUCTED AREA AVAILABLE: 1200.00 SQFT UNOBSTRUCTED AREA REQUIRED: 563.00 SQFT

BENCHMARK/REFERENCE POINT LOCATION: Nail Ribbon Hickory h14

ELEVATION OF PROPOSED SYSTEM SITE 1.50 [INCHES / FT] [ABOVE / BELOW] BENCHMARK/REFERENCE POINT

THE MINIMUM SETBACK WHICH CAN BE MAINTAINED FROM THE PROPOSED SYSTEM TO THE FOLLOWING FEATURES

SURFACE WATER: 93 FT DITCHES/SWALES: na FT NORMALLY WET: ☐ YES ☐ NO
WELLS: PUBLIC: na FT LIMITED USE: na FT PRIVATE: +100 FT NON-POTABLE: +100 FT
BUILDING FOUNDATIONS: 5 FT PROPERTY LINES: 8 FT POTABLE WATER LINES: 25 FT

SITE SUBJECT TO FREQUENT FLOODING? ☐ YES ☒ NO 10 YEAR FLOODING? ☐ YES ☒ NO
10 YEAR FLOOD ELEVATION FOR SITE: FT [MSL / NGVD] SITE ELEVATION: FT [MSL / NGVD]

SOIL PROFILE INFORMATION SITE 1

USDA SOIL SERIES: Millhopper		
Munsell #/Color	Texture	Depth
10YR 5/2	Fine Sand	0 To 5
10YR 4/2	Fine Sand	0 To 5
10YR 5/4	Fine Sand	5 To 12
10YR 6/4	Fine Sand	12 To 20
10YR 6/4	Loamy Sand	20 To 31
2.5Y 6/4	Sandy Loam	31 To 43
2.5Y 6/4	Loamy Sand	43 To 52
2.5Y 5/4	Loamy Sand	52 To 54
REFUSAL	Hardpan	54 To 54

SOIL PROFILE INFORMATION SITE 2

USDA SOIL SERIES: Millhopper		
Munsell #/Color	Texture	Depth
10YR 4/1	Fine Sand	0 To 3
10YR 7/2	Gravel	0 To 3
10YR 4/2	Fine Sand	3 To 5
10YR 6/3	Fine Sand	5 To 16
10YR 6/4	Fine Sand	16 To 28
10YR 7/6	Fine Sand	28 To 33
REFUSAL	Hard Rock	33 To 33

OBSERVED WATER TABLE: 55.00 INCHES [ABOVE / BELOW] EXISTING GRADE TYPE: [PERCHED / APPARENT]
ESTIMATED WET SEASON WATER TABLE ELEVATION: 55 INCHES [ABOVE / BELOW] EXISTING GRADE
HIGH WATER TABLE VEGETATION: ☐ YES ☒ NO MOTTLING: ☐ YES ☒ NO DEPTH: INCHES
SOIL TEXTURE/LOADING RATE FOR SYSTEM SIZING: Loamy Sand/0.80 DEPTH OF EXCAVATION: INCHES
DRAINFIELD CONFIGURATION: ☒ TRENCH ☐ BED ☐ OTHER (SPECIFY)

REMARKS/ADDITIONAL CRITERIA

SP1 +8"RP, SP2 -1.5"RP. No ESHWT indicators observed to depth of refusal. Some roadbase fill SP2. Surface water present. Need clear south and east boundaries. Neighboring wells greater than required setback distance. Mapped Blichton; dissimilar for texture and drainage. Millhopper like with rock refusal down slope break to creek bottom.

SITE EVALUATED BY: *Harris, Todd*

Harris, Todd (Title: Assistant EH Director) (Department of Health in Alachua County)

DATE: 04/19/2021

Low Pressure Dosing plan provided not required and has not been reviewed with this permit approval. Permit elevation listed is for West drain line. With dosing the East drain line could be installed 10.5" below elevation reference point. East and South properly boundaries shall be located and clearly marked for approval. 2:1 sodded or hydroseed slopes required. System shall not be subject to vehicular traffic or saturation from storm water runoff.. Mound storm water runoff shall be contained on applicants lot and not impact adjacent property. System elevation based on refusals; it is possible that excavation with site re-evaluation may improve drainfield elevation. Pumps shall be approved for sewage application.



STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE TREATMENT AND DISPOSAL
SYSTEM

03-187-21
PERMIT #: 01-SA-2250817
APPLICATION #: AP1637676
DATE PAID: _____
FEE PAID: _____
RECEIPT #: _____
DOCUMENT #: PR1583384

CONSTRUCTION PERMIT FOR: OSTDS New

APPLICANT: Andrew Kaplan

PROPERTY ADDRESS: 3234 and 3 NW 31st Way Gainesville, FL 32605

LOT: A BLOCK: u SUBDIVISION: Minor S/D

PROPERTY ID #: 06092-002-000 [SECTION, TOWNSHIP, RANGE, PARCEL NUMBER]
[OR TAX ID NUMBER]

SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH SPECIFICATIONS AND STANDARDS OF SECTION 381.0065, F.S., AND CHAPTER 64E-6, F.A.C. DEPARTMENT APPROVAL OF SYSTEM DOES NOT GUARANTEE SATISFACTORY PERFORMANCE FOR ANY SPECIFIC PERIOD OF TIME. ANY CHANGE IN MATERIAL FACTS, WHICH SERVED AS A BASIS FOR ISSUANCE OF THIS PERMIT, REQUIRE THE APPLICANT TO MODIFY THE PERMIT APPLICATION. SUCH MODIFICATIONS MAY RESULT IN THIS PERMIT BEING MADE NULL AND VOID. ISSUANCE OF THIS PERMIT DOES NOT EXEMPT THE APPLICANT FROM COMPLIANCE WITH OTHER FEDERAL, STATE, OR LOCAL PERMITTING REQUIRED FOR DEVELOPMENT OF THIS PROPERTY.

SYSTEM DESIGN AND SPECIFICATIONS

T [900] GALLONS / GPD Septic CAPACITY
A [] GALLONS / GPD N/A CAPACITY
N [] GALLONS GREASE INTERCEPTOR CAPACITY [MAXIMUM CAPACITY SINGLE TANK:1250 GALLONS]
K [225] GALLONS DOSING TANK CAPACITY [50.00] GALLONS @ [6] DOSES PER 24 HRS #Pumps [1]

D [375] SQUARE FEET Drainfield SYSTEM
R [] SQUARE FEET N/A SYSTEM

A TYPE SYSTEM: [] STANDARD [] FILLED [x] MOUND []

I CONFIGURATION: [x] TRENCH [] BED []

N

F LOCATION OF BENCHMARK: Nail Ribbon Hickory hi14

I ELEVATION OF PROPOSED SYSTEM SITE [1.50] [INCHES] FT [] ABOVE [BELOW] BENCHMARK/REFERENCE POINT

E BOTTOM OF DRAINFIELD TO BE [7.50] [INCHES] FT [] ABOVE [BELOW] BENCHMARK/REFERENCE POINT

L

D FILL REQUIRED: [27.00] INCHES EXCAVATION REQUIRED: [] INCHES

O

The system is sized for 3 bedrooms with a maximum occupancy of 6 persons (2 per bedroom), for a total estimated flow of 300 gpd. Install per approved site plan meeting local regulation for creek / wetland. Permit issued per utility attestation that the existing sewer lateral in existing sewer easement traversing property is unavailable. Note: sewer unavailability determination is in contrast with Note #6 on recorded Minor Subdivision BK34 PG47 prepared by same party as applicants agent. Remove topsoil including shoulders and slopes. Use alternative drainfield product per plan design.
(Comments Continued on Page 2.)

R

SPECIFICATIONS BY: Todd S Harris

TITLE: Assistant EH Director

APPROVED BY: Todd S Harris

TITLE: Assistant EH Director

Alachua CHD

DATE ISSUED: 06/27/2021

EXPIRATION DATE: 12/27/2022

DH 4016, 08/09 (Obsoletes all previous editions which may not be used)

Incorporated: 64E-6.003, FAC

Page 1 of 3

v 1.1.4

APIE7876

SE1040144

eds



NORTH

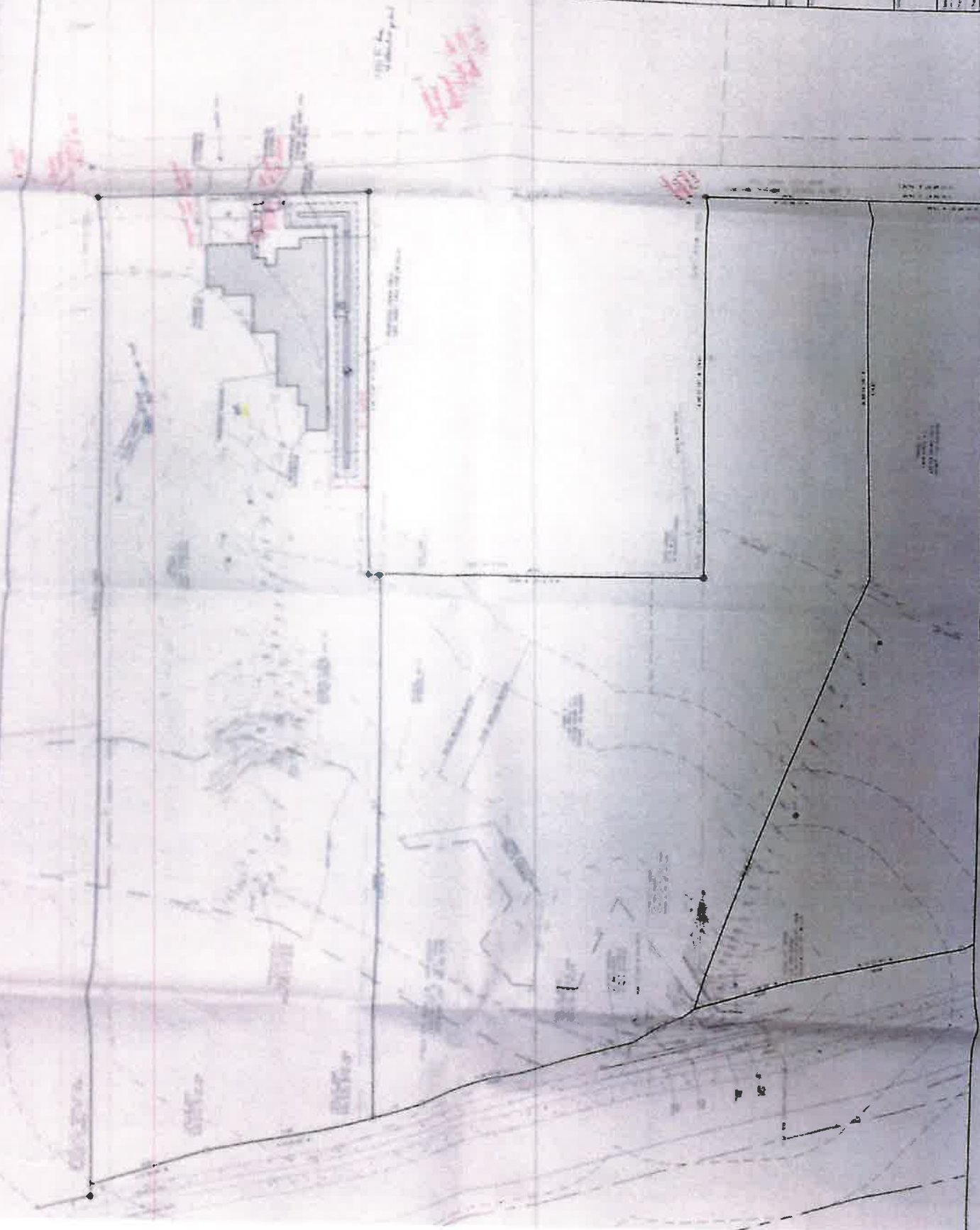


SEPTIC SYSTEM

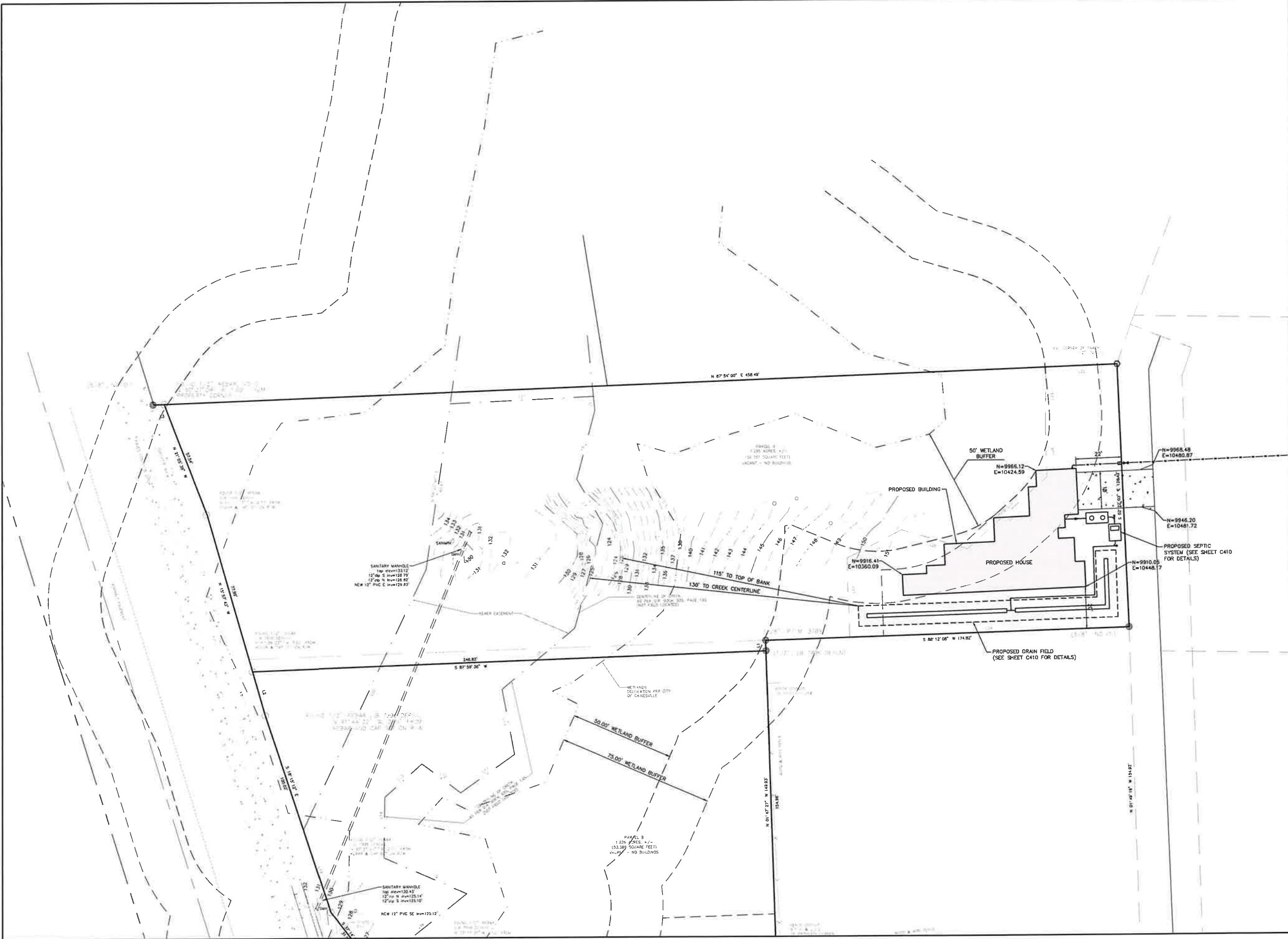
PARCEL 06092-002
SEPTIC SYSTEM
GAINESVILLE FLORIDA

OVERALL SITE PLAN

C400



\\server2\eng\project\Glen Springs Road - Andy Kaplan-Houses\Plans\Current\DWG\G01251.dwg, C800 - VARIANCE EXHIBIT, 5/4/2022 12:07:15 PM, Iovanni, AutoCAD PDF (General Documentation) p2



ES 2399
720 S.W. 2nd Ave, South Tower, Suite 300
GAINESVILLE, FLORIDA 32601
TEL: 352.379-3541
www.edafl.com mail@edafl.com



NORTH

SCALE: 1" = 20'



GRAPHIC SCALE

No.	Date	Comment

THIS REVIEW HAS BEEN DIGITALLY SIGNED AND SEALED BY
CLAUDIA S. VEGA, P.E. ON THE DATE ADJACENT TO THE SEAL.
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED
BOND AND SEALED AND HIS SIGNATURE MUST BE VERIFIED
ON ANY ELECTRONIC COPIES.

Professional Engineer of Record:

Claudia S. Vega, P.E. 51532
Engineer Certificate No.

Project No: 20-125

Project phase:

Project title:

PARCEL 06092-002
SEPTIC SYSTEM
GAINESVILLE, FLORIDA

Sheet title:
VARIANCE EXHIBIT

Designed: CSV Sheet No.:
Drawn: DLW/MAB
Checked: DJM
Date: 05/04/22
C800



**City of Gainesville
Department of Sustainable
Development
Planning Division**

PO Box 490, Station 11
Gainesville, FL 32627-0490
306 NE 6th Avenue
P: (352) 334-5022
F: (352) 334-2648

Petition LD22-000046 VAR

June 28, 2022:

Attachment A: Boundary Survey

Attachment B: Application and Supporting Documents.

Attachment C: Technical Review Committee Comments.

Attachment D: Some Relevant Land Development Code References.



Department Review Status Report

Project Name: LD22-000046 - Variance - Glen Springs Rd SFD

Workflow Started: 05/05/2022 5:08 PM

Report Generated: 06/15/2022 02:25 PM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1	Building Coordinator	Paul Myers	myersp1@cityofgainesville.org	No Review Required		
	Environmental	Forrest Eddleton	eddlstonfk@cityofgainesville.org	Approved for Board Review	The request for a variance can be supported by Environmental. Further detail on treatment effectiveness and on the specific type of system that is to be installed will likely be helpful in making the request of the DRB.	
	GRU New Services Department	Wendy Mercer	MercerWL@gru.com	Assign Only		
	Planners	Jason Simmons	simmonsja@cityofgainesville.org	Corrections Required		
	Public Works - Design	Upasana Srivastava	srivastavu1@cityofgainesville.org	No Review Required		
	Urban Forestry	Chelsea Proia	ProiaCR@cityofgainesville.org	Corrections Required		
	Real Estate	Edla Thomas	thomase1@gru.com	Corrections Required		
	Water-Waste Water	Jordan Pfost	pfosije@gru.com	Corrections Required		
	Water-Wastewater Planning	Barbara Mlsener	MISENERBJ@gru.com	Corrections Required	Variance to allow septic tank will not be allowed. Propose grinder pump and force main to GRU system instead	






Changemarks Report

Project Name: LD22-000046 - Variance - Glen Springs Rd SFD

Workflow Started: 05/05/2022 5:08 PM

Report Generated: 06/15/2022 02:35 PM

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
E Main Workflow	B1	3	False	Unresolved	Planners		DOH Septic Permit.pdf	Address	Changemark note #01	The address does not match the address of the tax parcel number; please clarify	06/13/2022 2:38 PM	Jason Simmons	
		2	False	Unresolved	Real Estate		C800 VARIANCE EXHIBIT.pdf	GRU Real Estate	Easement needed	An easement is needed over the sanitary sewer line on this property. Easement should be 30' wide (15' on either side of the sewer line). Please send legal and sketch to Edie Thomas at thomase1@gru.com for preparation of easement documents for signature.	06/13/2022 11:47 AM	Edie Thomas	
		1	False	Unresolved	Urban Forestry		C800 VARIANCE EXHIBIT.pdf	Urban Forestry	Regulated trees?	Please indicate if there are any regulated trees in the footprint of this proposed home. If any regulated trees are to be removed, will need to be approved and mitigated per Sec. 30-8.7. Please also show tree protection per Sec. 30-8.8 for all trees within 50-feet proximity of any work or storage.	06/09/2022 3:46 PM	Chelsea Proia	



**City of Gainesville
Department of Sustainable
Development
Planning Division**

PO Box 490, Station 11
Gainesville, FL 32627-0490
306 NE 6th Avenue
P: (352) 334-5022
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Petition LD22-000046 VAR

June 28, 2022:

Attachment A: Boundary Survey

Attachment B: Application and Supporting Documents.

Attachment C: Technical Review Committee Comments.

Attachment D: Some Relevant Land Development Code References.

DIVISION 4. - SURFACE WATERS AND WETLANDS

Sec. 30-8.17. - Regulated surface waters and wetlands.

All regulated surface waters and wetlands that are located in whole or in part within city limits are regulated by this article. Regulated surface waters and wetlands are as follows:

- A. Surface waters delineated pursuant to Rule 62-340.600, F.A.C., as may be amended or renumbered from time to time.
- B. Wetlands delineated pursuant to Rule 62-340.300, F.A.C., as may be amended or renumbered from time to time.

Sec. 30-8.18. - Exemptions.

- A. The provisions of the surface waters and wetlands sections of this article shall not apply to:
 - 1. Unless otherwise provided herein, any construction, development or use initiated pursuant to any valid building permit or approved development plan issued or approved before April 12, 2004.
 - 2. Any public works or utilities projects initiated by the city or by a property owner acting with the authorization of the city and state agencies (the state department of environmental protection or the appropriate water management district) to provide utility services or to maintain or modify existing public works or utilities infrastructure or to provide controlled stormwater discharge to the creek, lake or wetland. However, such projects shall not be exempt from first avoiding loss or degradation of wetland functions and habitats, and then minimizing unavoidable loss or degradation of wetland function and habitats. Such projects that cause unavoidable loss or degradation of wetland functions or habitats shall be clearly in the public interest.
 - 3. Repairs or replacement to the site structure(s) that do not increase the external dimensions of site impervious surface. When such development does increase said dimensions, the development up to the point at which dimensions increase will be exempt.
 - 4. Additions or accessory structures that do not add more than 100 square feet of impervious surface area cumulative from April 12, 2004, including any construction that does not require a building permit, and are at a distance greater than 50 feet from the landward extent of the wetland, or greater than 75 feet from the landward extent of the lake, or greater 35 feet from the break in slope at the top of the bank of a regulated creek. However, the placement of limerock surface, irrespective of size, shall comply with the provisions of these sections.
 - 5. Any construction or development initiated pursuant to the development plan of a planned development approved prior to April 12, 2004, if the development plan depicts the location of the buildings and structures on the site or if special consideration has been given to the issue of creek, lake or wetland protection as evidenced by specific limitations and/or restrictions having been placed on the lots or buildings during the approval process.
 - 6. Construction of public or private nature trails if the proposed plan is consistent with the intent of these sections and complies with each of the following restrictions:

- a. There is no significant alteration of creek, lake or wetland drainage patterns or special protection species: reduction or habitat alteration due to the trail.
 - b. The natural grade within the buffer area is maintained to the maximum feasible extent.
 - c. The maximum width for private trails within 35 feet of the break in slope at the top of the bank of a regulated creek or within 50 feet of a wetland is 50 inches. The maximum width for private trails within 75 feet of a regulated lake is 50 inches. A private trail greater than 50 inches in width that is located between 35 feet and 150 feet from the break in slope at the top of the bank of a regulated creek, is presumed detrimental to the creek unless the trail plan demonstrates otherwise. The width of public trails shall be set during site plan review.
 - d. Materials used for the trails construction are limited to asphaltic concrete, concrete, wood, compacted earth, mulch, crushed shells or other materials that will not result in the creek receiving significant amounts of sediment or other adverse material harmful to the creek water quality. If materials other than asphaltic concrete or concrete are used, such materials shall be stabilized to prevent washouts or soil erosion.
 - e. Developers, their successors and assigns of private trails shall provide the city with a maintenance agreement which is acceptable to the city attorney and provide for maintenance and preservation of the trail to ensure there is no adverse impact to creek, lake or wetland vegetation, water quality, or creek or lake bank soils.
7. The reestablishment of native vegetation. When the reestablishment of native vegetation is for any property other than a single-family residential dwelling, a vegetative reestablishment plan shall be subject to the approval of the city manager or designee to ensure the appropriateness of the vegetation proposed and to ensure the incorporation of proper sediment control measures.
 8. All human-built impoundments, lakes, streams, ponds, and artificial or created wetlands, provided that development activities in these areas will not adversely impact natural or mitigation surface waters and wetlands. If these facilities were required as a mitigation project, they shall not be exempt from the provisions of these sections. If any surface waters or wetlands are part of a stormwater management facility approved by the city, the same functions shall be provided and any modifications shall be subject to approval by the public works department.
 9. Stormwater management facilities are allowed within wetland buffers provided that: The stormwater management facility will not adversely impact natural or mitigation surface waters and wetlands; the hydroperiod of the wetland will be maintained or restored; the stormwater management facility will have a maximum slope of 4:1; littoral zones will be established and maintained in all wet detention facilities; and that landscaping of stormwater management facilities will conform to section 30-8.3 and all other applicable requirements of chapter 30, and to the Design Manual. Stormwater management facilities are not exempt from the buffer requirements of section 30-8.20 for regulated creeks or lakes.
- B. All development, even if exempt or otherwise granted an exemption from any other provisions of these sections, shall incorporate either the city's general criteria for controlling erosion and sediment or equivalent practices.

- A. *Scope of review.* The following types of applications shall be reviewed to determine whether the proposed development impacts regulated surface waters or wetlands, and if so, whether the proposed development complies with the Comprehensive Plan, the Land Development Code and other applicable law with respect to surface waters and wetlands:
1. Future land use map amendments (including large-scale and small-scale);
 2. Rezoning and amendments to zoning ordinances;
 3. Development plans (including minor plan, minor plan II, intermediate plan and major plan);
 4. Subdivisions/plats;
 5. Special use permits;
 6. Commercial tree removal permits; and
 7. Other development applications, including without limitation special exceptions and variances.
- B. *Reviewing authority.* The city manager or designee is authorized to conduct all reviews pursuant to this section.
- C. *Level of review.* The level of review shall be classified as follows:
1. *Basic review.* All applications shall undergo basic review. Basic review shall consist of determining, from available data sources and site visits (where necessary), the potential presence of any regulated surface waters and wetlands. If the basic review indicates the presence of any regulated surface waters or wetlands, then a level 1 review is required.
 2. *Level 1 review.* Level 1 review shall consist of more detailed review of the project data and the potential impacts identified in the basic review, including coordination with appropriate regulatory agencies, site visits and recommendation of modifications to the development proposal in order to avoid or minimize impacts to the regulated surface waters or wetlands. If during environmental review it is determined that a mitigation plan for impacts to the regulated surface waters and wetlands is required, then a level 2 review is required.
 3. *Level 2 review.* Level 2 review shall consist of extensive review of the potential environmental impacts, including coordination with appropriate regulatory agencies, recommendation of modifications to the development proposal in order to avoid and minimize potential impacts; and review of and comment on the mitigation plan to address remaining impacts.
- D. *Review report.* Upon reviewing an application, the reviewing authority shall issue a written report that describes: The scope of the review conducted; the presence (or absence) of regulated surface waters and wetlands; whether the proposed development complies with the Comprehensive Plan, the Land Development Code and other applicable law with respect to the regulated surface waters and wetlands; the potential (or actual) impacts that the development will have on the environmental features of concern and the reviewing authority's recommendations to address the impacts.
- E. *Review fees.* The fees for all reviews are set forth in appendix A, schedule of fees, rates and charges. The fee will cover up to three reviews within a two-year period for the same project. By way of example, a single project that is required to undergo basic and level 1 reviews due to three applications filed within a two-year period for a PD rezoning, a special use permit and a development plan will be charged one level 1 review fee,

not three level 1 review fees. The fees shall be paid within five business (excludes weekends and city holidays) days of the date of written notice from the city that a level 1 or level 2 review is required. Failure to timely pay the review fees shall result in the application being deemed incomplete and returned to the applicant.

Sec. 30-8.20. - General requirements and procedures.

- A. Wetlands and required wetland buffers shall not be included within any platted lots or blocks of any subdivision (not including lot splits and minor subdivisions) that is approved after April 12, 2004.
- B. Except as otherwise provided, there shall be no development in, on or over a surface water or wetland, or within 75 feet of the landward extent of a regulated lake, or within 35 feet of the break in slope at the top of the bank of any regulated creek.
- C. A minimum buffer distance of 35 feet and an average minimum buffer distance of 50 feet shall be required between the developed area and the landward extent of any wetland or surface water, other than (as provided in the preceding paragraph) a regulated lake or creek. Figure 1 depicts the minimum 50-foot buffer distance without encroachment. Wherever the buffer distance is less than 50 feet, the amount of such encroachment along the 50-foot buffer line shall be mitigated along an equal length of buffer line contiguous to the encroachment. Such mitigation shall consist of increasing the minimum buffer distance so that the average minimum buffer distance of 50 feet is maintained at that location. Figures 2 and 3 depict encroachment of the 50-foot distance with required mitigation contiguous to the encroachment. The required increase in minimum buffer distance can be provided along an equal length of buffer line not contiguous to the encroachment only if greater protection of wetland resources can be attained, subject to the approval of the city manager or designee or appropriate reviewing board. See Figure 4 for depiction of increased minimum buffer distance along equal length of buffer line not contiguous to the encroachment.
- D. The average minimum distance of 50 feet shall be maintained under all circumstances unless it is established, prior to permitting, by competent, substantial evidence that a distance greater than 50 feet is required for the protection of wetland functions, as required by this article. Buffers shall remain in an undisturbed condition except for drainage features that will not adversely affect wetland functions and public infrastructure exempted by section 30-8.18. Outfall structures from stormwater retention or detention basins can be allowed within required buffers. The buffer shall not apply to surface waters or wetlands created by humans, except those wetlands that are created for mitigation. The buffer shall be clearly delineated with permanent markers.
- E. Within required wetland or surface water buffers, there shall be no placement of impervious surfaces or sod, except as otherwise allowed pursuant to this article. All invasive, non-native plant species listed in section 30-8.3 shall be removed prior to issuance of the certificate of occupancy. All plants listed on the Noxious Weed List, Section 5B-57.007, Florida Administrative Code, shall be removed prior to issuance of the certificate of occupancy. Native vegetation shall be retained and/or installed in order to protect wetland and surface water environmental features.

Figure IX-1. Minimum 50-foot buffer

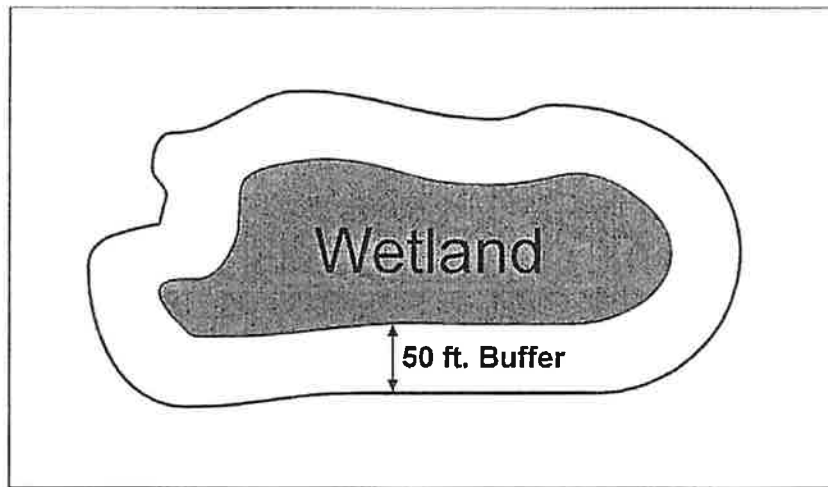


Figure IX-2. Buffer encroachment with contiguous increase

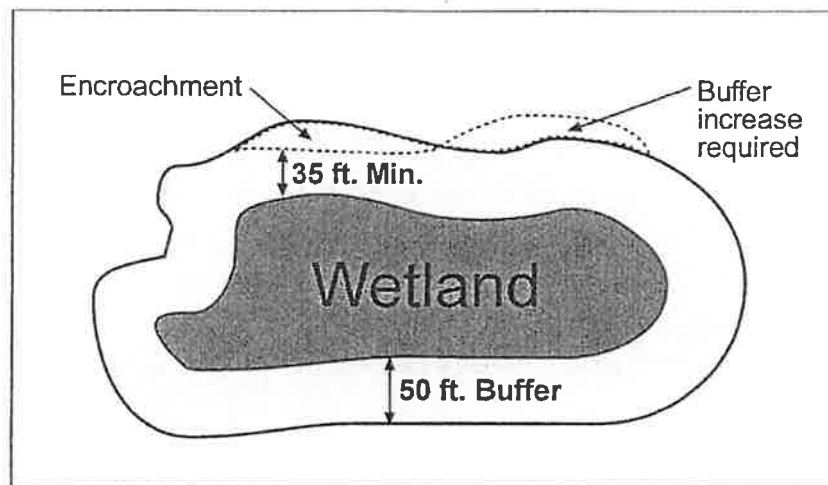


Figure IX-3. Buffer encroachment with contiguous increases

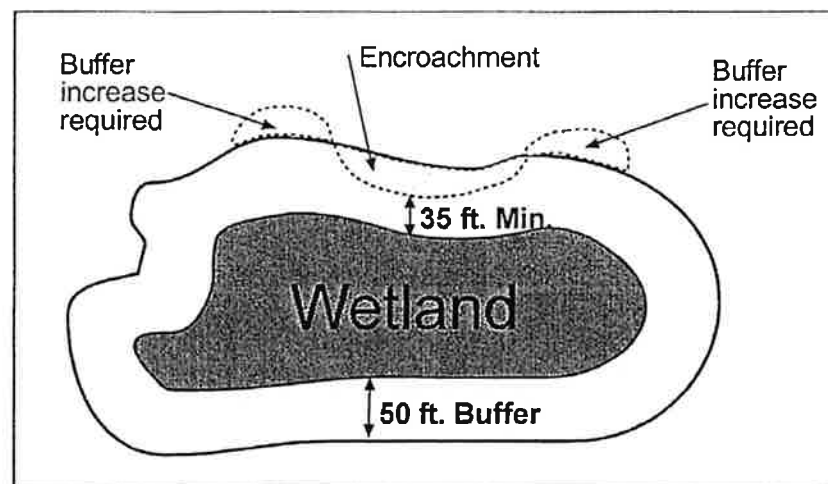
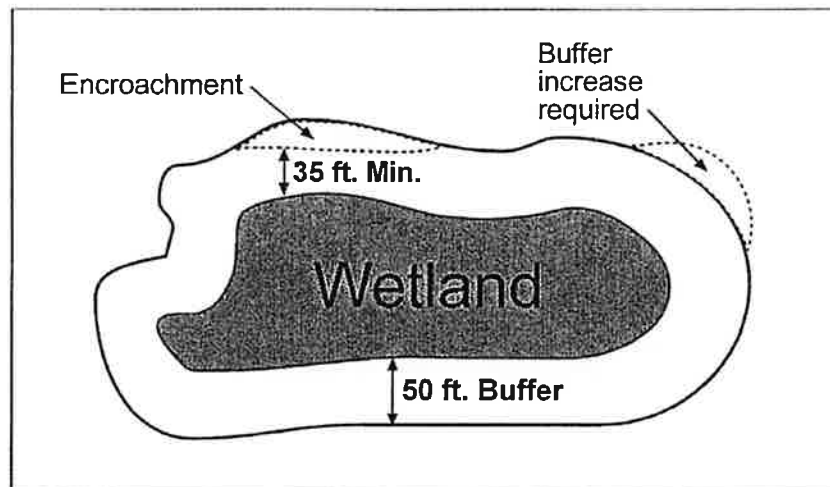


Figure IX-4. Buffer encroachment with non-contiguous increase



- F. Outstanding Florida Waters, as listed in Section 62-302.700, Florida Administrative Code, shall have a minimum buffer of 200 feet.
- G. For development activity between 35 and 150 feet from the break in slope at the top of the bank of any regulated creek, it is a rebuttable presumption that the development activity is detrimental to the regulated creek and is therefore prohibited unless approval is granted as set forth below.
- H. Development plans for lots within 150 feet of any regulated creek shall demonstrate compliance with the following standards (standards (2) and (3) shall not be applied to residential single-family lots):
 - 1. The development will not introduce erosion and sediment pollution to the creek both during and after construction;
 - 2. The first one inch of runoff or appropriate water management district standards, whichever is greater, will either be retained or detained through filtration on the project site;
 - 3. There will be no net increase in the rate of runoff from the site;
 - 4. There is no threat to the stability of the creek bank; and
 - 5. There will be no placement of buildings, structures, impervious surfaces, or sod that would require the removal of vegetation integral to the creek's ecological value. All invasive, non-native plant species listed in [section 30-8.3](#) shall be removed prior to issuance of the certificate of occupancy. All plants listed on the Noxious Weed List, Section 5B-57.007, Florida Administrative Code shall be removed prior to issuance of the certificate of occupancy. Native vegetation shall be installed and/or retained to protect surface water or wetland environmental features.
- I. The development will not modify groundwater levels so as to have an adverse impact on the hydrological regime of a surface water or wetland. For the purposes of this provision, adverse impact is defined as a change that prevents the surface water or wetland from maintaining a structure and function equivalent to pre-development levels.
- J. If a proposed development requires development plan review pursuant to article III, the showing of compliance with the requirements of the surface waters and wetlands sections of article VIII shall be made in development plan review. The petition for development plan review shall provide both a hydrological report and construction plans prepared by a qualified engineer registered in the state.
- K. If a proposed development does not require development plan review, a showing of compliance shall be

certified by the city manager's designee prior to issuance of any building permit. To demonstrate compliance with the requirements concerning quality and control of erosion and sediment pollution, the development plan may employ the city's "General Criteria for Controlling Erosion and Sediment," in the design manual, or equivalent practices, rather than employing the more elaborate hydrological and soil reports used in development plan review. Compliance with the measures required by "General Criteria for Controlling Erosion and Sediment" shall be presumed sufficient to meet the standards in subsections 30-8.20.H.1., 2. and 3. The development plan shall provide enough information to demonstrate compliance with the remaining standards, but need not ordinarily be prepared by a registered engineer. A professional land surveyor certified by the state shall provide the lot boundaries survey and topographical information.

- L. On-site transfer of development intensity and density. In order to protect surface water features of a site, development intensity and density for building areas may be transferred from a lower to a higher elevation within the same property or adjacent property under the same ownership and zoning category. Intensity and density may be apportioned over the property by reserving the surface water and its buffer area as common open space. If all of the intensity and density is transferred to the adjacent property, the owner shall record a restriction in the chain of title of the transferor property, prior to issuance of a final development order, to restrict the use of the land in perpetuity to non-development uses, with such restrictions being expressly enforceable by the city.
- M. The installation of new septic tanks is prohibited within 150 feet of the landward extent of a regulated lake or wetland, or within 150 feet from the break in slope at the top of the bank of a regulated creek.

Sec. 30-8.21. - Avoiding loss or degradation of wetlands.

Wetlands within and around the City of Gainesville provide environmental benefits such as water quality improvement, floodplain and erosion control, groundwater recharge and wildlife habitat, especially for species listed as endangered, threatened or of special concern by state and federal agencies, plus recreational, aesthetic and educational opportunities for people. These functions may be provided regardless of wetland size. Wetlands damaged or degraded shall either be restored to their function and condition prior to such damage, or mitigated pursuant to the mitigation requirements in the Comprehensive Plan, this Code, and in accordance with appropriate water management district standards.

- A. *Purpose and intent.* The purpose of this section is to avoid loss or degradation of wetland functions, to minimize unavoidable degradation or loss of wetland functions and to require mitigation that fully offsets any unavoidable loss or degradation of wetland functions. In addition, it is the purpose of this section to ensure that development activities that cause the unavoidable degradation or loss of wetland function are clearly in the public interest and fully offset any degradation or loss of wetland functions through sustainable mitigation. This section should contribute to the restoration of wetlands functions in the city.
- B. *Applicability.* Except as provided below this section shall be applicable to all wetlands within the City of Gainesville. This section shall not apply to the maintenance of permitted stormwater systems.
- C. *Delineation.* Wetlands shall be delineated pursuant to Rule 62-340.300, Florida Administrative Code. Delineations performed by the State of Florida pursuant to Rule 62-340.300, Florida Administrative Code, shall be binding on the city for the purposes of this section.
- D. *Avoidance through minimization.* Avoidance of loss of wetland function and wetland habitat is of the highest

priority. The owner shall avoid loss of wetland function and wetland habitat by implementing practicable design alternatives to minimize adverse impacts to wetlands, except as permitted in this section.

The adverse impacts remaining after practicable design modifications have been made shall be offset by mitigation as provided herein. A development activity cannot cause a net adverse impact on wetland functions, wetland habitat, or surface water functions, if such activity is not offset by mitigation.

Avoidance through practicable design modifications is not required when the ecological value of the function provided by the area of wetland is low and the proposed mitigation will provide greater long-term ecological value than the area of wetland to be affected.

- E. *Conditions for the issuance of a development permit for property upon which wetlands are located.* The city manager or designee or appropriate reviewing board shall review all permit applications based on the conditions set forth below. No development of property containing wetlands shall be permitted unless the owner provides reasonable assurance that the activity:
1. Will not adversely impact the value of wetland functions provided to fish and wildlife and listed species;
 2. Will not cause adverse secondary or cumulative impacts to water and wetland resources;
 3. Will be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed;
 4. Will be conducted by an entity with the sufficient financial, legal and administrative capability to ensure that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued;
 5. Will comply with criteria for buffer zones set forth herein;
 6. Is consistent with the owner's stormwater management permit, if required; and
 7. Is clearly in the public interest based on a balancing of the following criteria:
 - a. Whether the development activity requires location in, on, or over wetlands or surface waters in order to fulfill its basic function;
 - b. The effect of the development activity on the public health, safety, or welfare or the property of others;
 - c. The effect of the development activity on fish, wildlife and native plant communities;
 - d. The effect of the development activity on recreation, open space and aesthetic values;
 - e. The effect of the development activity on significant historical and archaeological resources;
 - f. Whether the development activity will be of a temporary or permanent nature;
 - g. The current condition and relative value of wetland functions being performed by areas affected by the proposed activity;
 - h. The type, extent, and geographic location of any mitigation proposed;
 - i. The extent to which the development furthers the goals of the Comprehensive Plan, and the proximity of the development to existing infrastructure.
- F. *Mitigation.* This section applies to development activities in wetlands, which cannot be avoided or minimized, as determined by the criteria stated herein. Mitigation means an action or series of actions to offset the adverse impacts that would otherwise cause a regulated activity to fail to meet the criteria set forth herein.

1. *Types of mitigation; mitigation ratios.* Mitigation consists of creation, preservation, enhancement, restoration combination thereof in accordance with the ratios and preferences set forth in Chapter 62-345, Florida Adm Code (Uniform Mitigation Assessment Method).

- a. Preservation means the protection of wetlands, other surface waters or uplands from adverse impacts by placing a conservation easement or other comparable land use restriction over the property, in favor of the governmental entity with the appropriate jurisdiction.
- b. Enhancement is an improvement in wetland function.
- c. Restoration means converting existing wetlands, surface waters or uplands from a disturbed or altered condition to a previously existing natural condition to the maximum extent possible.
- d. Creation means the establishment of new wetlands or surface waters by conversion of other landforms. Wetland creation is the least acceptable mitigation alternative and shall be considered only when preservation, restoration or enhancement within the sub-basin, basin or adjacent basin are infeasible at the ratios provided and when the owner can demonstrate that the proper hydrology and geology exist to make a created wetland sustainable.

2. *Location of mitigation.* Any mitigation required pursuant to this section shall be performed within the basins and sub-basins described below, and may be performed on-site. These basins and sub-basins shall be specifically delineated on a map in the data and analysis section of the conservation, open space and groundwater recharge element of the Comprehensive Plan. Sub-basins include but are not limited to those drainage units within basins described below and as determined by the city manager or designee.

- a. *Newnans Lake Basin.* This basin generally includes the areas east of the Hogtown Creek watershed and the Blues Creek watershed and north and east of the Paynes Prairie watershed. It includes Hatchet Creek, Little Hatchet Creek, Gum Root Swamp, Sunnyland Creek, Lake Forest Creek and the Newnans Lake watershed.
- b. *Paynes Prairie Basin.* The Paynes Prairie Basin generally consists of the area west and south of the Newnans Lake Basin and south of the Hogtown Creek watershed flowing to Paynes Prairie and Alachua Sink. The Paynes Prairie Basin includes Sweetwater Branch, Rosewood Lateral, Tumblin Creek, Bivans Arm, Extension Ditch, Calf Pond Creek, Alachua Sink and the Paynes Prairie watershed.
- c. *Hogtown Creek Basin.* The Hogtown Creek basin generally includes the watershed for Hogtown Creek and Haile Sink and includes the depression basins that are adjacent to the west side of the watershed and within the Gainesville Community Basin. This Basin includes Hogtown Creek, Rattle Snake Creek, Springstead Creek, Pine Forest Creek, Ridge View Creek, Glenn Springs Creek, Possum Creek, Three Lakes Creek, Millhopper Creek, Monterey Creek, Royal Park Creek, Beville Creek, and the Lake Alice watershed, Lake Kanapaha, Rutledge Drain, Liberty Drain, Unnamed Branch and Unnamed Drain.
- d. *Blues Creek Basin.* The Blues Creek Basin generally includes the area northwest of the Hogtown Creek Basin. The basin includes Blues Creek, Alachua Slough and Sanchez Prairie.
- e. Sub-basins may be delineated for each basin.

G. *Order of mitigation preference.* The order of preference for the location of the mitigation area in relation to the impacted area is as follows:

- 1. In the same sub-basin;

2. In the same basin;
3. In another listed basin.

The appropriate reviewing board or city manager or designee, in writing, may approve a deviation from this order of preference if greater ecological benefits would be achieved with another order.

- H. *Mitigation plan.* Owners shall submit to the city manager or designee detailed plans describing proposed construction, establishment, and management of mitigation areas. These plans shall include the following information, as appropriate for the type of mitigation proposed by the owner:
1. A soils map of the mitigation area and other soils information pertinent to the specific mitigation actions proposed;
 2. A topographic map of the mitigation area and adjacent hydrologic contributing and receiving areas;
 3. A hydrologic features map of the mitigation area and adjacent hydrologic contributing and receiving areas;
 4. A description of current hydrologic conditions affecting the mitigation area;
 5. A map of plant communities in and around the mitigation area, including buffer areas;
 6. Construction drawings detailing proposed topographic alterations and all structural components associated with proposed activities;
 7. Proposed construction activities, including a detailed schedule for implementation;
 8. Vegetation planting scheme and schedule for implementation, if planting is proposed;
 9. Sources of plants and soils used in wetland creation;
 10. Measures to be implemented during and after construction to avoid adverse impacts related to proposed activities;
 11. A management plan comprising all aspects of operation and maintenance, including water management practices, plant establishment, exotic and nuisance species control, fire management, and control of access;
 12. A proposed monitoring plan to demonstrate mitigation success;
 13. A description of the activities proposed to control exotic and nuisance species should these become established in the mitigation area. The mitigation proposal shall include reasonable measures to assure that these species do not invade the mitigation area in such numbers as to affect the likelihood of success of the project;
 14. A description of anticipated site conditions in and around the mitigation area after the mitigation plan is successfully implemented;
 15. A comparison of current fish and wildlife habitat to expected habitat after the mitigation plan is successfully implemented; and
 16. An itemized estimate of the cost of implementing mitigation, if applicable, as set forth herein.
- I. *Monitoring requirements for mitigation areas.* The owner shall monitor the progress of mitigation areas until success can be demonstrated as provided herein. Monitoring parameters, methods, schedules, and reporting requirements shall be specified as conditions within the appropriate permit. At a minimum, the owner shall transmit to the city manager or designee monitoring reports certified by an environmental scientist, biologist,

registered engineer or registered landscape architect. These reports shall be submitted no less frequently than every 12 months for at least three years, except as provided herein. At a minimum, the monitoring reports shall include the following:

1. An executive summary;
2. A table of contents;
3. A map of the site;
4. Color photographs of the site and its important features;
5. A description and analysis of water levels;
6. A description and analysis of water quality;
7. A description and analysis of the amount and types of nuisance and exotic plants;
8. A description and analysis of the amount and types of intended and native plants;
9. The survival rates of installed plants;
10. Wildlife observations; and
11. A description of mitigating activities by owner or agent.

Pursuant to the requirements of the Comprehensive Plan, regulatory fees for mitigation plan review and mitigation plan implementation shall be borne by the owner. Similar reporting to and review by the water management district shall be acceptable in lieu of this review.

- J. *Protection of mitigation areas.* The owner shall propose and be responsible for implementing methods to assure that mitigation areas will not be adversely impacted by incidental encroachment or secondary activities which might compromise mitigation success.
- K. *Mitigation success.* After three years of monitoring, the owner shall provide to the city manager or designee a written certification by an environmental scientist, biologist or registered engineer or registered landscape architect that the mitigation meets applicable success criteria as described below. If certification of success is not submitted or is not approved by the city manager or designee, then monitoring shall continue and monitoring reports shall be submitted until the city manager or designee deems the mitigation successful.
1. *Mitigation success criteria.* Mitigation success will be measured in terms of whether the objectives of the mitigation are realized. The success criteria to be included in permit conditions will specify the minimum requirements necessary to attain a determination of success. The city manager or designee shall deem the mitigation successful when all applicable water quality standards are met, the mitigation area has achieved viable and sustainable ecological and hydrological functions, and the specific success criteria contained in the permit are met. If success is not achieved within the time frame specified within the permit, remedial measures shall be required. Monitoring and maintenance requirements shall remain in effect until success is achieved.
- L. *Financial assurances.* As part of compliance with this section, the owner shall provide proof of financial assurance when: 1) conducting the mitigation activities; 2) conducting any necessary management of the mitigation site; 3) conducting monitoring of the mitigation; and 4) conducting any necessary corrective action indicated by the monitoring.
1. *Cost estimates.* The amount of financial assurance provided by the owner shall be an amount equal to

120 percent of the cost estimate for each phase of the mitigation plan. For the purposes of determining the amount of financial assurance that is required by this subsection, the owner shall submit a detailed written estimate, in current dollars, of the total cost of conducting the mitigation, including any maintenance and monitoring activities, and the owner shall comply with the following:

- a. The cost estimate for conducting the mitigation and monitoring shall include all associated costs for each phase thereof, including earthmoving, planting, structure installation, maintaining and operating any structures, controlling nuisance or exotic species, fire management, consultant fees, monitoring activities and reports.
 - b. The owner shall submit the estimates, together with comprehensive and verifiable documentation, to the city manager or designee along with the draft of the financial assurance.
 - c. The costs shall be estimated based upon a qualified third party performing the work and supplying services and materials at fair market value. All cost estimates shall be supported by comprehensive and verifiable documentation.
2. *Financial responsibility assurances.* Financial responsibility for the mitigation, monitoring, and corrective action for each phase of the project may be established by any of the following methods, at the discretion of the owner:
- a. *Bond.* A performance bond shall be filed with the city manager or designee which is executed by a surety company authorized to do business in the state with a rating of not lower or less than A-XII as rated by A.M. Best Company, Inc., an independent national rating service for performance companies, which bond shall be conditioned to secure the required mitigation, monitoring, and corrective action in a satisfactory manner within 12 months from final plat approval and any extension of such period approved by the city commission, or, in the case of development (site) plan review, prior to final development plan approval. The bond shall be enforceable by and payable to the city in a sum at least equal to 120 percent of the total cost of the required mitigation, monitoring, and corrective action as estimated by the project engineer and verified and approved by the city manager or designee. The bond shall be first approved by the city attorney as to form and legality prior to its submission with the proposed final plat to the city commission for approval and shall be executed by both the owner and the party or parties with whom the owner has contracted to perform the required mitigation, monitoring, and corrective action. In the case of development (site) plan review, the bond shall be first approved by the city attorney as to form and legality prior to submission of the proposed final development plan to the appropriate reviewing entity (board or city manager or designee) and shall be executed by the developer and the party or parties with whom the developer has contracted to perform the required mitigation, monitoring, and corrective action; or
 - b. *Irrevocable letter of credit.* Deposit with the city manager or designee an irrevocable and unconditional letter of credit by a Florida bank that has authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency. The letter of credit shall be for an amount equal to 120 percent of the estimated costs of the required mitigation, monitoring, and corrective action. The letter of credit shall remain with the city as a valid letter of credit until the city is satisfied that all of the required mitigation, monitoring, and corrective action

has been completed in accordance with plans and specifications, that mitigation success as provided herein has been achieved, and that all other provisions of this chapter relating thereto have been fully complied with; or

- c. *Insurance certificate.* An insurance certificate from a company authorized to do business in the state and which has a rating of not lower or less than A-XII as rated by A.M. Best Company, Inc. The insurance certificate and its associated insurance policy shall be reviewed and approved by the city manager or designee before the city can accept the certificate as a financial responsibility assurance to secure the mitigation, monitoring and corrective action. The insurance certificate shall name the city named as an additional insured and shall provide not less than 30 calendar days' notice to the city of cancellation; or
 - d. *Cash deposit.* A cash deposit in an amount equal to 120 percent of the estimated costs of the required mitigation, monitoring, and corrective action. The cash deposit shall remain with the city until the city is satisfied that all of the required mitigation, monitoring, and corrective action has been completed in accordance with plans and specifications, that mitigation success as provided herein has been achieved, and that all other provisions of this chapter relating thereto have been fully complied with.
3. *Owners not subject to financial assurance requirements.* Owners whose mitigation is deemed successful pursuant to the mitigation success criteria provided herein prior to undertaking the construction activities authorized under their permit, or owners who purchase credits in a mitigation bank to offset the adverse impacts as required herein, are not subject to the financial assurance requirements of this section.
 4. *General terms for financial assurances.* In addition to the specific provisions regarding financial assurances set forth herein, the following shall be complied with:
 - a. The city attorney shall approve the form and content of all financial assurances prior to the commencement date of the activity authorized by the permit.
 - b. The financial assurance(s) shall name the city as sole beneficiary or shall be payable solely to the city. If the financial assurance is of a type that is retained by the beneficiary according to industry standards, the city shall retain the original financial assurance. For mitigation projects required both by the city and the water management district, the financial assurance(s) shall name the city and the water management district as joint beneficiaries or shall be payable to the city and the water management district jointly, unless the city and the water management district establish an alternative arrangement in writing with respect to the designated beneficiary or payee.
 - c. The financial assurances shall be effective on or prior to the date that the activity authorized by the permit commences and shall continue to be effective through the date of notification of final release by the city, which shall occur within 30 calendar days of the determination that the mitigation is successful.
 - d. The financial assurances cannot be revoked, terminated, or canceled without the owner first providing an alternative financial assurance that meets the requirements of this Code. Once the owner receives actual or constructive notice of revocation, termination, or cancellation of a financial assurance or other actual or constructive notice of cancellation, the owner shall provide such an alternate financial assurance prior to expiration of the financial assurance.

5. *Financial assurance conditions.* For owners subject to the financial assurance requirements of this section, the city manager or designee will include the following conditions in the permit:
- a. An owner shall notify the city attorney by certified mail of the commencement of a voluntary or involuntary proceeding under Title XI (Bankruptcy), U.S. Code naming the permittee as debtor within ten business days of the owner filing of the petition.
 - b. An owner who fulfills the requirements of this section by obtaining a letter of credit or bond will be deemed to be without the required financial assurance in the event of bankruptcy, insolvency or suspension or revocation of the license or charter of the issuing institution. The owner shall reestablish a financial assurance in accordance with this section within 60 calendar days after such event.
 - c. When transferring a permit, the new owner or person with legal control shall submit documentation to satisfy the financial assurance requirements of this section. The prior owner or person with legal control of the project shall continue financial assurance until the city manager or designee has approved the permit transfer and substitute financial assurance.
6. *Releases.*
- a. *Partial releases.* The owner may request the city attorney to release portions of the financial assurance as phases of the mitigation plan, such as earth moving or other construction activities for which cost estimates were submitted in accordance with this section, are successfully completed. The request shall be in writing and include documentation that the phase or phases have been completed and have been paid for, or will be paid for, upon release of the applicable portion of the financial assurance. The city attorney shall authorize the release of the portion requested upon verification that the construction or activities has been completed in accordance with the mitigation plan.
 - b. *Final release.* Within 30 calendar days of successful mitigation, as determined by the city manager or designee and based on the criteria stated herein, the city shall notify the owner and shall authorize the return and release of all funds held or give written authorization to the appropriate party of the cancellation or termination of the financial assurance.
- M. *Application procedure.* An owner seeking a permit for a development activity in an area containing wetlands shall adhere to the application procedure set forth in the development review process provisions of the Land Development Code.
- N. *Density transfers.* The Land Development Code provisions relevant to onsite transfer of development intensity and density shall apply to the transfer of intensity and density of developments within or in an area containing wetlands.
- O. *Exemptions.* The wetlands protection regulations do not apply to owners and applications exempted pursuant to section 30-8.18.

Sec. 30-8.22. - Single-family lots.

- A. *Applicability of standards.* All development of single-family lots shall comply with the surface waters and wetlands sections of this article. If a subdivision plat has satisfied the requirements of these sections, the city may issue a certification of compliance for some or all of the lots in the subdivision at one time. In that case

the lots are subject to further compliance review at the time of issuance of a building permit, only for compliance with the construction measures required by general criteria for controlling erosion and sediment.

- B. *Special permits.* In order to allow the reasonable development of a single-family dwelling and customary accessory structures and driveways on platted lots regulated by the surface waters and wetlands sections of this article, the development review board may grant a modification from compliance with the minimum buffer requirements of these sections only to the extent necessary to accommodate such reasonable development. As part of the same proceedings, the board may also grant variances to the yard setbacks required by this chapter in order to facilitate compliance with these sections subject to a finding that such special permits will neither be injurious to adjacent property owners or the neighborhood nor detrimental to the public welfare.
1. *Minimum requirement for special permits.* Special permits may be granted by the Development Review Board for single-family lots located within the 75-foot required minimum buffer for regulated lakes, or within the required average minimum buffer distance of 50 feet from the landward extent of any wetland or surface water, or within 150 feet of the break in slope at the top of bank of a regulated creek for lots which are lawfully created before April 12, 2004.
 2. *Criteria for granting of special permits.* The following criteria shall be used in deciding whether and to what extent a special permit should be granted:
 - a. The development review board shall determine what is reasonable development of a single-family lot, accessory structures and drives and shall consider the following factors:
 - i. The size of existing single-family dwellings in the immediate vicinity should serve as a guide to what is customary and reasonable for the property under review.
 - ii. No special permit shall be granted for the purpose of accommodating a swimming pool, tennis court, racquetball court or similar recreational structure, or to accommodate accessory uses that are not customary on single-family lots or exceed the customary size.
 - b. The Development Review Board shall consider features of the site, including its topography, the width of the creek bed, and the presence or absence of vegetation natural to the creek, lake or wetland, which indicate that a special permit would or would not further the goals of these sections.
 - c. The development review board shall consider building code requirements, including building orientation requirements to meet energy efficiency standards that affect the design and/or orientation of structures on the lot.
 - d. The development review board shall consider presence of trees eight inches or greater in diameter at a point four and one-half feet above the ground level that can only be preserved if a special permit is granted.
 3. The development review board shall consider staff reports as needed in reaching its decision. In granting a special permit the board shall establish measures to ensure that the goals of these sections are substantially met, in particular maintaining natural vegetation where feasible, preventing sedimentation loading to the creek, lake or wetland, maintaining the stability of the creek or lake bank, and preventing the degradation of the water quality of the creek, lake or wetland. To achieve these aims, the Development Review Board shall attach such reasonable conditions and safeguards, such as construction control techniques and other mitigative measures, as it deems necessary.

C. *Special permit procedures.* Applications shall be processed in accordance with the requirements in this chapter to variances, established for the development review board.