



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

May 11, 2020

Temporary Approval

Vasari Country Club Master Association, Inc
Attention: Mr. Chris Corbin
11250 Via Del Vasari Drive
Bonita Springs, FL 34134

Dear Mr. Corbin:

Subject: Water Shortage Variance No. 4838

Your application for a variance regarding the Phase III (EXTREME) Water Shortage restrictions imposed by the South Florida Water Management District ("District") has been reviewed. Please be advised that you have met the requirements for the issuance of a 'temporary' variance; this is valid only through June 30, 2020. A variance certificate is enclosed. This should be displayed so that an enforcement officer can see the variance.

On June 11, 2020, the temporary variance will be presented to the District's Governing Board at its regular monthly meeting for final agency action. These meetings are generally held in West Palm Beach. Although staff is recommending approval of your variance request, the Governing Board may concur with, reject, or modify staff's recommendation. If you wish to present your position regarding this application to the Governing Board, you may want to attend this meeting. If approved, a new variance certificate will be sent to you with a new expiration date. Please read the certificate carefully since the Governing Board action regarding your request may differ from the staff recommendation.

Please be aware that if this variance is necessary because of limitations of existing irrigation system, the variance is approved only for the current restrictions and appropriate changes must be made to the system in order to be in compliance with future water shortage restrictions. No additional variances will be granted for a system that has not been properly modified.

The agenda, location, and time of the Governing Board meetings are published on the District's web page one week before the meeting (www.sfwmd.gov).

If you have any questions regarding this matter, please feel free to contact Thushari Liyanage at (561) 682-2774.

Sincerely,

A blue ink handwritten signature, likely of Drew Bartlett, is written over a horizontal line.

Drew Bartlett, Executive Director
South Florida Water Management District



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Variance Control No: 4838

Project Name: VASARI

Issued To: VASARI COUNTRY CLUB MASTER ASSOCIATION INC
11250 VIA DEL VASARI DRIVE
BONITA SPRINGS, FL 34134

Expiration Date: END OF PHASE III WATER SHORTAGE

Specific Authorization(s): BECAUSE OF IRRIGATION SYSTEM LIMITED CAPABILITIES, THE APPLICANT IS ALLOWED TO IRRIGATE THE PROJECT AS FOLLOWS, ONE HALF OF THE ODD-NUMBERED ADDRESSES: TUESDAYS FROM 12:01 AM TO 8:00 AM AND THE OTHER HALF OF THE ODD-NUMBERED ADDRESSES: WEDNESDAYS FROM 12:01 AM TO 8:00 AM. EVEN-NUMBERED ADDRESSES: SATURDAYS FROM 12:01 AM TO 8:00 AM AND NON-ADDRESSED AREAS: SUNDAYS FROM 12:01 AM TO 8:00 AM.

THIS VARIANCE WILL ONLY APPLY TO THE CURRENT RESTRICTIONS: THE APPLICANT MUST TAKE ALL STEPS NECESSARY TO COMPLY WITH RESTRICTIONS SUBSEQUENT TO THE END OF THE CURRENT RESTRICTIONS AND PRIOR TO THE NEXT WATER SHORTAGE DECLARATION.

Approved by:

A handwritten signature in blue ink, appearing to read "Drew Bartlett", is written over a horizontal line.

*Drew Bartlett
Executive Director
SFWMD*

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF AN ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

APPLICATION FOR VARIANCE

Pursuant to Rule 40E-21.275, Florida Administrative Code

Additional information believed to be material may be attached and additional sheets may be used if necessary, for any of the responses.

A. Name: Vasari Country Club - HOA

Address: 11250 Via Del Vasari Bonita Springs, FL 34134
Street City State Zip

Email Address: Supt@vasaricc.com

24 hour contact phone #: (305) 587-7370

Location of Property for which relief is being requested if different from above:

Section/Township/Range (if known):
Street City State Zip

SFWMD Permit Number: 36-04045-W Project Name: _____

B. Specific rule, order, water shortage phase or restriction from which relief is requested:

2020-012-DAO-WS Modified Phase I and Phase III
restrictions

C. Facts supporting this request (be as specific as possible – include reports by qualified technical experts):

Answer on attached paper.

D. Description of relief requested:

Answer on attached paper.

E. Period of time for which variance is sought and the reasons and facts for such:

Answer on attached paper.

F. Damage or harm which may result from compliance with the Water Shortage Rule or Order:

With the current restrictions and having to run all odd, even, and non-addressed zones on one day each we can only run 15-20 mins per week. This is going to result in the loss of hundreds of thousands of dollars in landscape/grass. It also puts a ton of strain and stress on our pump station when we run it for 12 straight hours.

G. If restrictions cannot be met because of extent or cost, describe measures necessary to meet all restrictions, restrictions which can be met, and the date of compliance:

If we can split odd, even, and non-addressed irrigation into 2 days rather than 1, we can meet the restrictions the next day after approval. If we are approved before May 4th, we can meet restrictions by May 4th to give an exact date. Basically, we can do this immediately.

H. If this request is for a golf course which is unable to meet the front nine-back nine requirements, submit a map showing the proposed alternative division of the course in half and an explanation of the proposed irrigation scheme.


N/A - request is for HOA communities

I. For applications for variance from restrictions on irrigation, provide a general description of the irrigation system, including pump or water system output and irrigated area:

We have 50 Acres of irrigated landscape. Our HOA pump station and irrigation is 20 years old, and can safely run 950 gallons per minute. Running our aging pump station for 12 hours straight is going to cause major problems.

J. Any other information the applicant believes is material:

Our avg. membership age is 65. With Covid-19 present, we have members with nothing to do, but walk the community. Mostly morning + night. Members cannot leave their homes if irrigation is running until 9:00 am. Please let us split our zones in half.



Applicant's Signature

Chris Corbin

Print name of Applicant

4/29/2020

Date

.....For District Use Only.....

Date Received: _____ Date Application Complete: _____ Control No: _____

Compliance: Yes _____ No _____

Form Sent

Received

Approved:

By: 

Date: May 8, 2020

C. The current restriction orders state that even addressed zones and non-addressed zones (Common Areas) are to be watered on Sunday. Our non-addressed water and our even address water program are equal in size, and when they run on the same night there is not enough time to run all these areas. Our odd addressed zones are twice as big as the even addressed zones, so there's not enough time to run irrigation. If I set up the irrigation to start at midnight at the beginning of Wednesday or Sunday, the program goes beyond 9:00am. Also, with the Covid-19 presence, our membership has very little to do, which means I have a significant number of members that start walking around 6am. If water is still running until 9am, then members cannot even open their front door to leave their homes because some zones are right up against their house. With all of this being said, I have about 6-7 hours where I can run water, and this only allows me to run about 15-20 minutes once a week. Trying to run water at the end of Wednesday and Sunday expose the same problem with members being out and about or not being able to get in/out of their front doors. We are going to lose a significant amount of landscape, costing hundreds of thousands of dollars, if we cannot split these programs in half.

D. We are asking if we can split our odd, even, and non-addressed watering days in half. That would mean the following:

- Half of the odd # addresses on Tuesday and the other half on Wednesday.
- Half of the even # addresses and non-addressed zones on Saturday and the other half on Sunday.

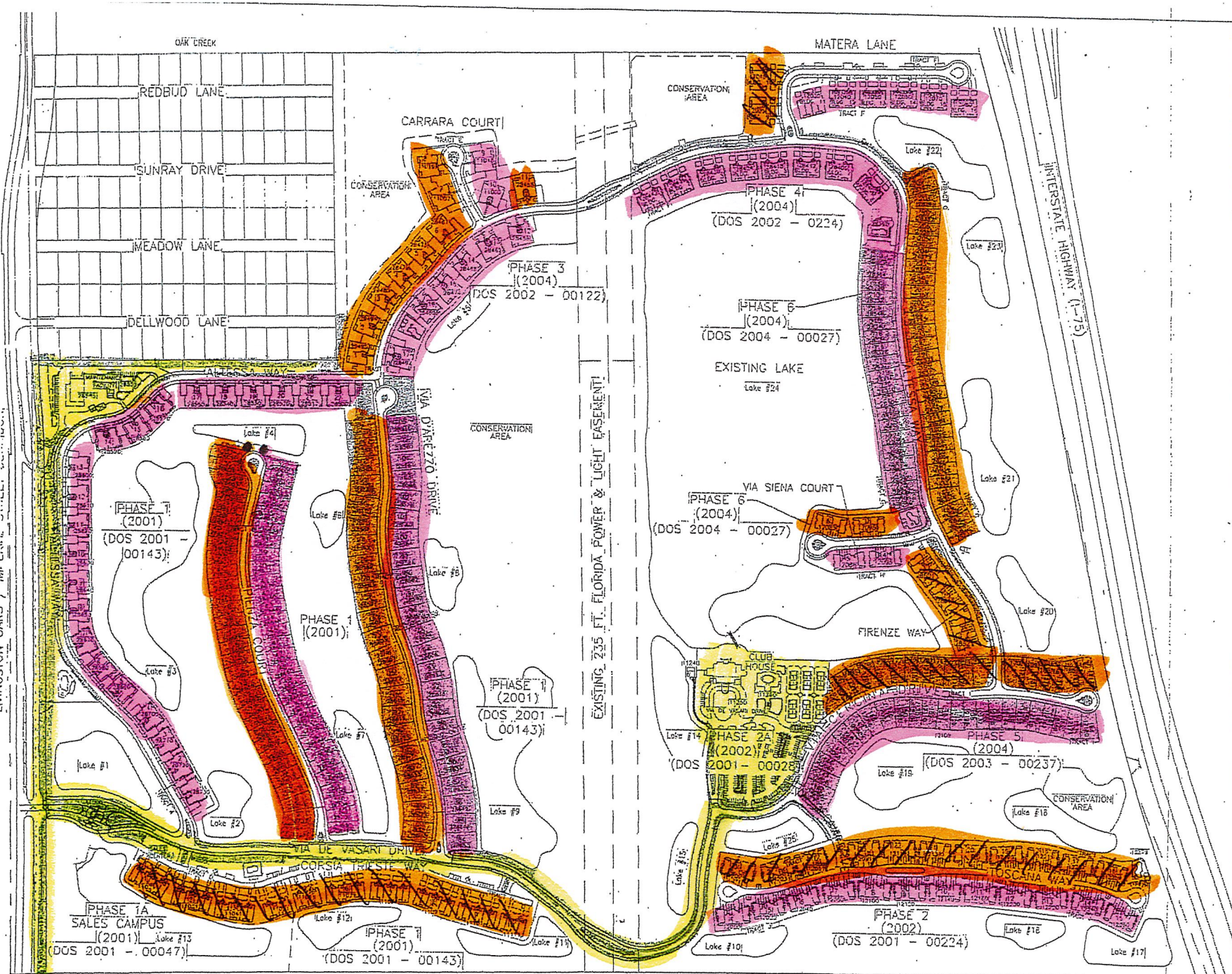
E. We would like to run our irrigation as mentioned above for the remainder of the issued water restrictions, or until restrictions get worse. This means we would still only water these areas 1 day per week during the ordered hours, but it allows us to run these zones for about 30-40 mins once a week versus 15-20 mins once a week. Currently, we've been running 30 mins, 3-4 times a week. Therefore, we would still be saving a significant amount of water by only running for 30-40 mins once a week.

odd # Addresses (half)
 Tuesday Watering
 1:00am - 8:00am

odd # addresses (half)
 Wednesday Watering
 12:00am - 8:00am

Even # addresses
 Saturday Watering
 12:00am - 8:00am

Non-addressed
 Sunday Watering
 12:00 am - 8:00am



10 Sheet Series (24) (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24)

DATE	NAME	STATUS
12/04	J.S.M.	DESIGNED
12/04	D.L.J.	DRAWN

RWA INC.
 CIVIL ENGINEERS
 Development & Environmental Consultants

3050 North Horseshoe Drive, Suite 270
 Naples, Florida 34104
 (813) 548-1508 FAX: (813) 649-7058
 E-Mail: www.consult-rwa.com

DATE: JAN, 2005
 CLIENT: TAYLOR WOODROW COMMUNITIES, INC.
 TITLE: MASTER OVERALL PLAN

PROJECT: VA
 SHEET: 11