



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

May 11, 2020

### Temporary Approval

Resources Conservation Systems, LLC  
Attention: Mr. Vincent O. Barraco  
9990 Coconut Road, Suite 102  
Bonita Springs, FL 34135

Dear Mr. Barraco:

Subject: Water Shortage Variance No. 4839

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 if that 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](http://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, appearing to read "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: 4839

Project Name: VERANDAH

Issued To: RESOURCES CONSERVATION SYSTEMS LLC  
9990 COCONUT ROAD, SUITE 102  
BONITA SPRINGS, FL 34135

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, WEST OF THE PROJECT (17 ACRES): WEDNESDAYS FROM 12:01 AM TO 8:00 AM. EAST OF THE PROJECT (12 ACRES): 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](mailto: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: Resource Conservation Systems, LLC

Address: 9990 Coconut Rd #102 Bonita Springs FL 34135  
Street City State Zip

Email Address: info@resirrigation.com

24 hour contact phone #: (239) 253-1275

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

VERANDAH DEVELOPMENT FT. MYERS, FL.  
Street City State Zip

Section/Township/Range (if known): \_\_\_\_\_

SFWMD Permit Number: 36-04340-W Project Name: Verandah

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

SFWMD No. 2020-012-DAO-WS

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

HOA/POA CANNOT ACHIEVE WATERING REQUIREMENT IN 1 DAY. THEY DO NOT ADDRESS SO THEY WOULD BE RESTRICTED TO JUST SUNDAY WATERING.

D. Description of relief requested:

HOA/POA METERS LOCATED IN PH 1 (WEST OF BRANTLEY OAKS DRIVE) WATER ON WEDNESDAY AND METERS IN PH. 2 (EAST OF BRANTLEY OAKS DRIVE) WATER ON SUNDAY.

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

ALL WATERING TIME REMAIN THE SAME. JUST SPLIT AREA WATERING DAYS.

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

MINIMUM VOLUME CANT BE IRRIGATED IN ONE DAY WINDOW WHICH WILL RESULT IN LOSS OF TURF & PLANT MATERIAL.

Application for Variance  
Pursuant to Rule 40E-21.275, F.A.C.

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:

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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.

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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:

ALL DISTRIBUTION SYSTEMS ARE OPERATED BY RCS AND  
MASTER PUMP STATIONS ARE USED. VOLUME & PRESSURE  
CAN/WILL BE REGULATED BASED ON WEEKLY TOTALS.

J. Any other information the applicant believes is material:

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Vincent A. Barraco  
Applicant's Signature

VINCENT A. BARRACO  
Print name of Applicant

4.30.20  
Date

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

Date Received: \_\_\_\_\_ Date Application Complete: \_\_\_\_\_ Control No: \_\_\_\_\_

Compliance: Yes \_\_\_\_\_ No \_\_\_\_\_

Approved:

By: [Signature]  
Date: May 8, 2020

Form Sent \_\_\_\_\_

Received \_\_\_\_\_



- 1.) NO CHANGE IN RESIDENTIAL WATERING DAYS OR TIMES.
- 2.) HOA/POA COMMON AREAS (ROADWAY/PARKS/CUL-DE-SACS) TIMES- NO WATERING BETWEEN 9 AM & 5 PM.
- 3.) WEST AREA APPROX. 15 ACRES WATERING WEDNESDAY.
- 4.) EAST AREA APPROX. 12 ACRES WATERING SUNDAY.

Vincent O. Barraco 5/6/20  
VINCENT O. BARRACO

