

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In re: NVC Spring Hill, Ltd.

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Case No. 2010-031VW

**ORDER GRANTING PETITION FOR WAIVER OF  
RULE 67-48.004(14)(g), FLORIDA ADMINISTRATIVE CODE (2009)**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on September 16, 2010, pursuant to a "Petition for Permanent Waiver and Variance From Administrative Rule and Universal Application" (the "Petition"), filed by NVC Spring Hill, Ltd.. ("Petitioner") on August 11, 2010. On August 27, 2010, notice of the Petition was published in Volume 36, Number 34, of the Florida Administrative Weekly. Florida Housing received no comments regarding the Petition. After careful review of the record and being otherwise fully advised in the premises, the Board of Directors (the "Board") of Florida Housing hereby finds:

1. The Board has jurisdiction over the subject matter of this case and the parties hereto.
2. During the 2009 Universal Cycle, "Petitioner" applied for and was awarded low-income Housing Credits to finance the acquisition and construction

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

Della M Harrell / DATE: 9/16/10

of Vista Grand at Spring Hill (the “Development”) located in Hernando County, Florida.

3. In its Universal Cycle Application, Petitioner indicated that the Development Type of the proposed Development was “Other”, and indicated it would be constructed as a single building with three stories and an elevator.

4. Rule 67-48.004(14)(g), Florida Administrative Code (2009) provides, in pertinent part:

Notwithstanding any other provisions of these rules, there are certain items that must be including in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Those items are as follows:

(g) Development Type;

5. Petitioner requests a waiver of the above Rule to allow Petitioner to change the Development Type from ‘Other’ (three stories with elevator) to “Midrise with elevator” (4 stories). Petitioner’s original building plans were based on preliminary site plans and soil studies, but during the development process additional soil studies indicated that the Development could not be constructed as planned, and that the building footprint would need to be reduced.

6. Accordingly, Petitioner now plans to construct a four-story building with an elevator, without reducing the number of units. The requested change

would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants.

7. Section 120.542(2), Florida Statutes provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

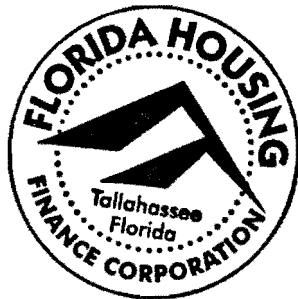
8. The Board finds that strict application of this Rule under these circumstances would result in a violation of the principles of fairness and substantial hardship to Petitioner, in that Petitioner would be unable to construct the Development given the apparent soil conditions of the subject property.

9. The Board further finds that the granting a waiver of the above Rule under these circumstances would serve the underlying purpose of the Chapter 420, Part V, Florida Statutes.


**IT IS THEREFORE ORDERED:**

The “Petition for Permanent Waiver and Variance From Administrative Rule and Universal Application” is hereby **GRANTED** to permit Petitioner to change the Development Type of the Development from “Other” (three stories with elevator) to Mid-Rise with Elevator (four stories).

DONE and ORDERED this 16th day of September, 2010.



Florida Housing Finance Corporation

By:   
Chair

**Copies furnished to:**

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### **NOTICE OF RIGHTS**

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTIONS 120.542(8), 120.569, AND 120.57, FLORIDA STATUTES. SUCH PROCEEDINGS ARE COMMENCED PURSUANT TO CHAPTER 67-52, FLORIDA ADMINISTRATIVE CODE, BY FILING AN ORIGINAL AND ONE (1) COPY OF A PETITION WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329.**