

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In re: SUNRISE PARK PHASE I, LTD.

FHFC Case No. 2010-035VW

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**ORDER GRANTING PETITION FOR WAIVER OF  
RULE 67-48.004(14)(g), F.A.C.**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on October 22, 2010, pursuant to a "Petition for Waiver of Rule 67-48.004(14)(g)" (the "Petition"), filed by Sunrise Park Phase I, Ltd. ("Petitioner") on September 16, 2010. On October 1, 2010, Florida Housing published the Notice of the Petition in Volume 36, Number 39, 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 an allocation of Low Income Housing Tax Credits to finance the construction of Sunrise Park Apartments (the "Development") located in Polk County, Florida.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

*Della Harrell* / DATE: 10/22/10

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

Notwithstanding any other provision of these Rules, there are certain items that must be included 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. Any attempt to make changes to these items will not be accepted. Those items are as follows:

(g) Development Type;

4. 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.

5. Petitioner requests a waiver of the above rules to permit a change in Development Type from “Townhouses” to “Other –Stacked Flats” with no change in the number of units.

6. As grounds for its request for a waiver, Petitioner states that after submission of Petitioner’s Application, the City of Lake Wales required this change in Development Type due to its ordinance requiring two entrances. In order to meet this requirement, Petitioner re-designed its development plans to

include a second entry way and re-designed internal roads. This change has no effect on the score Petitioner received in its original application, and would not give Petitioner an advantage not enjoyed by competing applicants.

7. Petitioner provided correspondence from the Lake Wales Housing Authority that stated that without the required site modification that Petitioner cannot receive final approval and necessary permits causing extensive delays. In order to meet the requirement, the units must now be stacked flat buildings. Strict application of the above Rules under these circumstances would cause Petitioner substantial hardship and would violate the principles of fairness. Petitioner has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute.

**IT IS THEREFORE ORDERED:**

The Petition for Waiver of Rule 67-48.004(14)(g), F.A.C. (2009), is hereby **GRANTED**, to allow Petitioner to change the Development Type from “Townhouses” to “Other-Stacked Flat.” The Development shall be comprised of five townhouses with 24 units and six stacked flats with 48 units for a total of 11 buildings with 72 units.

DONE and ORDERED this 22nd day of October, 2010.



Florida Housing Finance Corporation

By: Stuart Schaefer  
Chair

**Copies furnished to:**

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Joint Administrative Procedures Committee  
Attention: Ms. Yvonne Wood  
120 Holland Building  
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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.**