



**Hillsborough  
County Florida**

**LAND USE HEARING OFFICER REPORT**

**APPLICATION NUMBER:** FW 23-0289

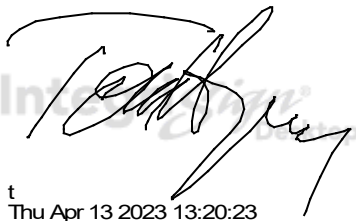
**LUHO HEARING DATE:** April 24, 2023

**CASE REVIEWER:** Israel Monsanto

**REQUEST:** Pursuant to Section 9.7.D of the Development Review Procedures Manual, the applicant requests consideration of an Exception by the Land Use Hearing Officer for a fee waiver application that cannot be approved by the Administrator. The fee waiver is requested by the applicant on the basis of staff error in connection with the improper issuance of a building permit (HC-BLD-22-0039170) and subsequent construction of a single-family home not meeting some of the Citrus Park Village Development Standards.

The LUHO shall conduct an independent review of the request based on the fee waiver criteria found in the DRPM and the testimony at today's hearing. In granting an Exception, the LUHO shall be required to find extraordinary financial circumstances, emergency, catastrophe or staff error which are outside the scope of the Administrator's authority to consider.

**ADMINISTRATOR'S SIGN-OFF**



t  
Thu Apr 13 2023 13:20:23

**Attachments: FW 23-0289 Administrative Decision Letter**



# Hillsborough County Florida

## DEVELOPMENT SERVICES

PO Box 1110, Tampa, FL 33601-1110  
(813) 272-5600

April 4, 2023

### REFERENCE: FW 23-0289

David Scott Gembutis  
Home Pro of Central Florida & Southwest Florida  
22810 Bay Cedar Dr  
Land O' Lakes, FL 34639

Dear Mr. Gembutis:

This letter is in response to your fee waiver application, FW 23-0289, which seeks to waive the application fee for a variance request for property located at 7403 Ardenwood Street, Tampa, with folio# 3217.000, on the basis of staff error.

Please be advised that pursuant to Section 9.7 of the Development Review Procedures Manual, staff may not approve any fee waivers requested on the basis of staff error. Additionally, such requests are automatically scheduled for review by a Land Use Hearing Officer at a public hearing.

Accordingly, your fee waiver application has been scheduled for review by a hearing officer on **April 24, 2023**. The meeting will begin at 10:00 am in the 2<sup>nd</sup> Floor Boardroom at County Center, 601 E. Kennedy Blvd., in downtown Tampa. At that time, you may present testimony and evidence to the hearing officer on the matter. Please note that failure to appear at the hearing, unless you request a continuance in advance, will result in denial of your fee waiver request.

Please contact our office if you have any questions.

Sincerely,

J. Brian Grady, Director  
Community Development Division  
Development Services Department

CC: Israel Monsanto, Executive Planner, Development Services  
Tom Hiznay, Executive Planner, Development Services  
Maricela Medrano, Executive Planner, Development Services  
Carmen Mason, Planning and Zoning Technician II, Development Services

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Gregory S. Horwedel

**To:** Mel Siegrist <[mel.siegrist@gjgardner.com](mailto:mel.siegrist@gjgardner.com)>  
**Subject:** RE: HC-BLD-22-0039170

Hi Mel,

Building staff is evaluating the next steps regarding the building permit on hold.

You can in the meantime file for the variance application. We will fast track it so it can be presented at the April 24 hearing, but you need to file it no later than March 10.

<https://www.hillsboroughcounty.org/en/businesses/zoning/variances>

See attached my notes on the building plans for the requirements from the CPV. Let me know which ones you can still meet, and those that you would not (which will be then requested to the LUHO). For the variance fee, you will have to file it and pay it first. Then request a fee waiver to refund it. Both applications will have to be approved by the Land Use Hearing Officer (LUHO).

<https://www.hillsboroughcounty.org/library/hillsborough/media-center/documents/development-services/zoning/feewaiver.pdf>

**Israel Monsanto**

**Executive Planner**

Development Services Department

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P: (813) 276-8389

E: [monsantoi@HCFLGov.net](mailto:monsantoi@HCFLGov.net)

W: [HCFLGov.net](http://HCFLGov.net)

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Please note: All correspondence to or from this office is subject to Florida's Public Records law.

**From:** Mel Siegrist <[mel.siegrist@gjgardner.com](mailto:mel.siegrist@gjgardner.com)>  
**Sent:** Wednesday, March 1, 2023 8:31 AM

On Wed, Feb 22, 2023 at 12:12 PM Monsanto, Israel  
<[Monsantol@hillsboroughcounty.org](mailto:Monsantol@hillsboroughcounty.org)> wrote:

Good afternoon Mel,

My department handles the single family permit reviews for zoning compliance in the CPV area. However, your permit application was not routed to us for review and it was ultimately approved by Building Services without CPV compliance with LDC Part 3.10.00. We review SFR permits for compliance with the section of the LDC below:

[https://library.municode.com/fl/hillsborough\\_county/codes/land\\_development\\_code?nodeId=ARTIIIISPD1\\_PT3.10.00CIPAVIDEST\\_S3.10.12SIMITMIBURE](https://library.municode.com/fl/hillsborough_county/codes/land_development_code?nodeId=ARTIIIISPD1_PT3.10.00CIPAVIDEST_S3.10.12SIMITMIBURE)

In order to correct this, variances approved by the Land Use Hearing Officer (LUHO) are required. Are you available for a call tomorrow at 11:30 am? In the meantime, can you send me pictures of the current status of the home site construction?

Regards,

**Israel Monsanto**

**Executive Planner**

Development Services Department

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**From:** Mel Siegrist <[mel.siegrist@gigardner.com](mailto:mel.siegrist@gigardner.com)>

**Sent:** Wednesday, February 22, 2023 11:46 AM

**To:** Monsanto, Israel <[Monsantol@hillsboroughcounty.org](mailto:Monsantol@hillsboroughcounty.org)>

**Subject:** HC-BLD-22-0039170

23-0289

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Good Morning,

I was given your email this morning by Inspector Daniel Roman after a stop work order was placed on our job at 7403 Ardenwood St.

The only explanation I was given was that the plans never went through Zoning for approval and our build is not in compliance. Our building and site plans have county approval stamped on them as well as the Accela System shows Zoning and Site review was completed.

I was told that I would need to resubmitt the plans for approval. This home is about 50% complete, How or why is this being brought to anyone's attention now ?

Can you direct me as to what we need to do to proceed with this project ?

Thank you

--

--

**Mel Siegrist**

**Supervisor/Estimator**

**Tampa North Design Center**

18948 N Dale Mabry Hwy STE #101, Lutz, FL 33548

**C. 727 326 2356**

**O. 813 328 5631**

**G.J. Gardner.** HOMES

From: **Monsanto, Israel** <[Monsantoi@hillsboroughcounty.org](mailto:Monsantoi@hillsboroughcounty.org)>  
Date: Wed, Mar 8, 2023 at 8:18 AM  
Subject: RE: Permit# HC-BLD-22-0039170  
To: Geni Gembutis <[geni.gembutis@gjgardner.com](mailto:geni.gembutis@gjgardner.com)>  
Cc: Mel Siegrist <[mel.siegrist@gjgardner.com](mailto:mel.siegrist@gjgardner.com)>, Grady, Brian  
<[GradyB@hillsboroughcounty.org](mailto:GradyB@hillsboroughcounty.org)>, [david.gembutis@gjgardner.com](mailto:david.gembutis@gjgardner.com) <[david.gembutis@gjgardner.com](mailto:david.gembutis@gjgardner.com)>  
<[david.gembutis@gjgardner.com](mailto:david.gembutis@gjgardner.com)>

Good morning Ms. Gembutis,

We sent the attached email to Mr. Siegrist last week. Staff can accommodate a fast track (expedite the intake process) in order to start the Variance process for those standards from the Citrus Park Village zoning that would not be met due to the stage of the construction of the home. In order to place the variance request in the next available Land Use Hearing Officer on April 24, the variance application needs to be filed this week. The attached email also has instructions to request a fee waiver for the Variance application's fee, due to the staff error.

Please review and feel free to email me if questions.

Regards,

**Israel Monsanto**

**Executive Planner**

Development Services Department

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**From:** Geni Gembutis <[geni.gembutis@gjgardner.com](mailto:geni.gembutis@gjgardner.com)>  
**Sent:** Tuesday, March 7, 2023 3:35 PM  
**To:** Monsanto, Israel <[Monsantol@hillsboroughcounty.org](mailto:Monsantol@hillsboroughcounty.org)>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>  
**Cc:** David Gembutis <[david.gembutis@gjgardner.com](mailto:david.gembutis@gjgardner.com)>  
**Subject:** Permit#

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Permit #HC-BLD-22-0039170

Applied for permit on 9/7/2022.

Stephen Kologa approved the Building Review on 9/15/2022.

Orfilio Ramos approved the Zoning Site Review on 10/5/2022.

Michael Martis approved the Site-Engineering-Row Review on 9/7/2022.

Ryan Joyce approved Natural Resources Review on 10/25/2022.

Luis Benitez approved the Supervisor Review on 10/31/2022.

The permit was approved and issued on 10/31/2022.

Good afternoon,

23-0289



Serving Central and Southwest Florida

Phone: (813) 528-3505  
Fax: (813) 995-2106  
22810 Bay Cedar Dr.  
Land O' Lakes, FL 34639

**Certified Building Contractor**  
**License # CBC 1256810**

HC-BLD-22-0039170  
7403 Ardenwood St.  
Tampa 33625

Hillsborough County Building Department

Regarding the recent Stop Work Order issued on our Permitted Single Family Home at 7403 Ardenwood Street Tampa, FL 33625.

We applied for the permit of this single family residential home in September of 2022 with all the necessary documents uploaded to Accela for review. During the county review process there were minor issues that required revisions to the site plan. The revisions were made, submitted and ultimately approved along with the building plans by Hillsborough County on 10/31/22 by all reviewing departments. All the required construction documents, site and building plans are stamped "Approved" and the permit (HC-BLD-22-0039170) was issued by Hillsborough County.

This home has been constructed according to the Hillsborough County Approved plans and is over 50% complete. There is no violation on our part, and we should not be responsible for any variance fees, application fees or fines. The county should claim full responsibility for their errors and a fee waiver should be granted, refunding all applicable fees.

This variance request application was needed due to a Hillsborough County Building Department staff error, and we should not be responsible for the variance application fee, fast track surcharge, sign posting, waiver request fee, or any other fees or fines. A county staff error should not be the financial responsibility of the homeowner or general contractor.

Kj cxg'cwcej gf "c'hgy "go cku'ltqo "Kutcgil'O qpucpvq"\*Gz gewkxg'Ræppgt "cv'vj g'F gxgrqr o gpv'Ugtxkëgu"  
F gr ctwo gpv'v'q"j gr "hwtvj gt"gzr rëlp'vj g'ukwëvkp0Thank you for your understanding.

Sincerely

David Gembutis

Home Pro of Central and Southwest Florida LLC



Regarding the requirement of the Variance on this permit while we halfway completed with this home.

We did our part by sending you the site plans, electronic stamped plans along with all other items you needed and were required. We trusted and have trusted over the years that you have trained knowledgeable staff to review what we send to you. Once approved by you, Hillsborough County Building Department, we can now build our clients' home. You approved and stamped our site plan and building plans, so we started building the home.

It was a shock to get an email telling us we were not in compliance with the Building Code. This is being sent five months after issuing us the permit and the home has been half constructed. It was your staff who should have told us what to change during the permit process, not when we are halfway done with the home.

We are at a critical stage of construction and the home is exposed to the elements. This home is not in a very nice part of Tampa and is at risk of vandals, graffiti, and trespassers if left exposed and opened. We have already had to clean graffiti off of this home.

The owners of this home live out of state. They are first time homebuyers with a newborn baby. They are also paying for the mortgage on this home. Due to the incompetence of the people who stamped and approved these plans who work for you, you are now causing great financial harm to them and us. The owners will have nowhere to live. They do not have money to rent and pay for this mortgage simultaneously. You are affecting their lives greatly.

We have done nothing wrong. If forced, we will hire an attorney and file a lawsuit. We would like someone to see that what we are building was approved by your staff. We are willing to correct or change what we can at this point of the building process, but to make us go through a variance when the home is half built, per your approval, is unjust.

This does not seem fair to us or the homeowner. Can someone please help get this resolved?

**Geni Gembutis**

Job Administrator | Tampa North Design Center

18948 N Dale Mabry Hwy STE #101, Lutz, FL 33548

☎ 813 435 0392

📞 813 328 5631



# Fee Waiver Application

Shaded Area For Official Use Only

Application prefix and number: 8I - S%Z' S\*+

Hearing(s) and type: Date: \_\_\_\_\_ Type: \_\_\_\_\_  
(if applicable)

Date: \_\_\_\_\_ Type: \_\_\_\_\_

Receipt number: 250059

Application type as referenced in LDC: \_\_\_\_\_

Intake date: "%#%S' S% Intake technician signature: Keshia Rivas

### Applicant's Representative

Name: N/A

Address: \_\_\_\_\_

City / State / Zip: \_\_\_\_\_ Daytime phone: ( \_\_\_\_ ) \_\_\_\_\_

Email: \_\_\_\_\_ Fax number: ( \_\_\_\_ ) \_\_\_\_\_

### Applicant

Name: David Scott Gembutis / Home Pro of Central and Southwest Florida

Address: 22810 Bay Cedar Drive

City / State / Zip: Land O' Lakes, FL 34639 Daytime Phone: ( 813 ) 435-0392

Email: homepro11@verizon.net Fax number: ( \_\_\_\_ ) \_\_\_\_\_

### Property Owner

Name: Shane and Olivia Bishop

Address: 82 N Main Street Apt 4116

City / State / Zip: Natick, MA 01760 Daytime Phone: ( 727 ) 458-8963

Email: shanestephenbishop@gmail.com Fax number: ( \_\_\_\_ ) \_\_\_\_\_

Property address or general location: 7403 Ardenwood Street Tampa, FL 33625

Nature of request: Fee Waiver for Variance Request

Related applications: Variance Request

Proposed utilities: public water  private well \_\_\_\_\_ public wastewater \_\_\_\_\_ septic tank

(Additional information required on "Property Information Sheet")

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

Signature of the Applicant

David S Gembutis

Type or print name

I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.

Shane Bishop / Olivia Bishop  
Signature of the Owner(s) - (All parties on the deed must sign)

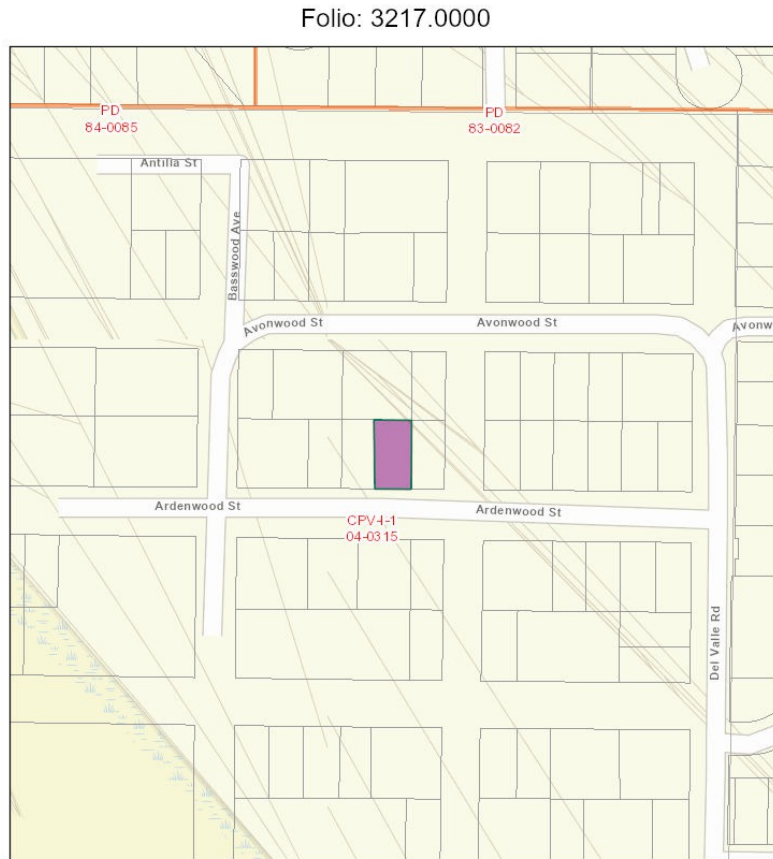
Shane Bishop / Olivia Bishop

Type or print name

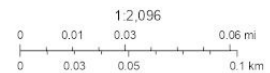


# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Community Based
Zoning	CPV-I-1
Description	Citrus Park Village
RZ	04-0315
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0179H
FIRM Panel	12057C0179H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X500
Pre 2008 Firm Panel	1201120180F
County Wide Planning Area	Citrus Park Village
Community Base Planning Area	Citrus Park Village
Census Data	Tract: 011410 Block: 3014
Future Landuse	CPV
Future Landuse	CPV
Future Landuse	CPV
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Overlay District	Citrus Park Village
Aviation Authority Height Restrictions	180' AMSL
Competitive Sites	NO
Redevelopment Area	NO



March 10, 2023



RD: Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Hillsborough County Florida

**Folio:** 3217.0000  
**PIN:** U-02-28-17-03V-000013-00011.0  
**Shane Bishop And Olivia Stein**  
**Mailing Address:**  
 82 N Main St Apt 4116  
 null  
 Natick, Ma 01760-3482  
**Site Address:**  
 0  
 Tampa, Fl 33625  
**SEC-TWN-RNG:** 02-28-17  
**Acreage:** 0.133357  
**Market Value:** \$47,611.00  
**Landuse Code:** 0000 Vacant Resident

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