

ADMINISTRATIVE APPEAL

Authority: The procedure for appeals is prescribed at Sections 11.02.06, 11.02.07, and 11.02.08 of the Land Development Code.

Process: Any aggrieved person may appeal a final decision made by the Director of Growth Management, or designee, except appeals regarding construction matters which will be taken to the Code Enforcement Board. Appeals must be filed with the Director of Growth Management within thirty (30) days of the date the final decision is made.

Appeals made in this manner will be heard and decided by the Board of Adjustment (BOA). The BOA shall schedule a hearing within a reasonable time of the filing of the appeal, give public notice thereof, as well as due notice to the parties involved. At the hearing, any party may appear in person or by agent or attorney.

The filing of an appeal shall stay or otherwise stop any work, activity, or proceedings authorized by the final decision being appealed. An appeal shall not be stayed when, in the opinion of the Growth Management Director and supported by competent substantial facts, such stay would pose an imminent peril to life or property. In such cases an appeal shall not be stayed except by restraining order.

The only avenue of appeal from the decision of the BOA shall be in Circuit Court of the First Judicial Circuit. Any such appeal shall be by writ of certiorari which shall be filed within thirty (30) days of the date the BOA made its decision. The making of a verbatim transcript of the BOA hearing shall be the responsibility of the appellant.

Application fee: \$800.00

To apply: All appeals must be in the form of a signed and notarized written petition addressed to Director, Department of Growth Management, 1250 Eglin Pkwy N, STE 301, Shalimar, FL 32579 and contain the following:

1. Name, address, and telephone number of the person filing the appeal;
2. The permit number or other reference number as used by the County for the final decision involved;
3. Name of the project or action, and name of applicant, for the action upon which the appeal is based;
4. A precise statement of the final decision being appealed;
5. A description as to how the appellant is or will be aggrieved by the final decision involved;
6. A statement with specific citations to that section or portion of the Land Development Code upon which the appeal is based and a description of how that provision has not been met or otherwise improperly applied, and;
7. A statement of the relief being sought by the appellant.