

**APPEAL
(of Administrative and LUHO Decisions)**

APPLICATION INFORMATION PACKET

Applications cannot be accepted without an appointment.

**Call (813) 277-1630
to schedule an appointment to file an application.**

**Incomplete applications cannot be accepted.
Please read the instructions and use the attached checklist.**

**The Land Development Code allows up to 30 business days for
processing and review of administrative applications.**

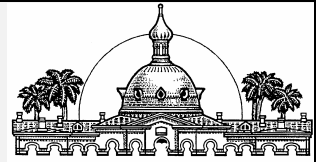


**Hillsborough County
Florida**

**THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS
ADOPTED LOBBYING ORDINANCE NO. 93-8, AS AMENDED. PRIOR TO
MEETING PRIVATELY WITH A BOARD MEMBER, COUNTY ATTORNEY,
CHIEF ASSISTANT COUNTY ATTORNEY, COUNTY ADMINISTRATOR, ANY
ASSISTANT COUNTY ADMINISTRATOR, OR ANY DEPARTMENT HEAD,
YOU MAY BE REQUIRED TO REGISTER AS A LOBBYIST.**

**HILLSBOROUGH COUNTY PLANNING & GROWTH MANAGEMENT
APPLICATION FORM**

Shaded Area For Official Use Only



Hillsborough County
Florida

APPLICATION PREFIX AND NUMBER: _____ - _____ - _____

HEARING(S) AND TYPE: DATE: _____ TYPE: _____
(If Applicable)

DATE: _____ TYPE: _____

RECEIPT NUMBER: _____

APPLICATION TYPE AS REFERENCED IN LDC: _____

INTAKE DATE: _____ INTAKE TECHNICIAN SIGNATURE: _____

APPLICANT'S REPRESENTATIVE

Name: _____

Address: _____

City / State / Zip _____ Daytime Phone: (____) _____

E-mail address: _____ Fax Number: (____) _____

APPLICANT

Name: _____

Address: _____

City / State / Zip _____ Daytime Phone: (____) _____

PROPERTY OWNER

Name: _____

Address: _____

City / State / Zip _____ Daytime Phone: (____) _____

PROPERTY ADDRESS OR GENERAL LOCATION: _____

NATURE OF REQUEST: _____

RELATED APPLICATIONS: _____

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

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.

Signature of the Owner(s) – (All Parties on the Deed must Sign)

Type or Print Name

AFFIDAVIT TO AUTHORIZE AGENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

(NAME OF ALL PROPERTY OWNERS), being first duly sworn, depose(s) and say(s):

1. That (I am/we are) the owner(s) and record title holder(s) of the following described property, to wit:

ADDRESS OR GENERAL LOCATIONS: _____ Folio No: _____

2. That this property constitutes the property for which a request for a: _____ (NATURE OF REQUEST)
is being applied to the Board of County Commissioners, Hillsborough County.

3. That the undersigned (has/have) appointed _____ as
(his/their) agent(s) to execute any permits or other documents necessary to affect such permit.

4. That this affidavit has been executed to induce Hillsborough County, Florida, to consider and act on the above-described property;

5. That (I/we), the undersigned authority, hereby certify that the foregoing is true and correct.

SIGNED (PROPERTY OWNER)

SIGNED (PROPERTY OWNER)

<p>STATE OF FLORIDA COUNTY OF HILLSBOROUGH The foregoing instrument was acknowledged before me this (DATE) _____ by _____ who: _____ (Property Owner) <input type="checkbox"/> Personally known to me <input type="checkbox"/> Florida driver's license <input type="checkbox"/> Other type of identification: _____ and who: <input type="checkbox"/> did <input type="checkbox"/> did not take an oath.</p> <p>_____ (Signature of Notary taking acknowledgment)</p> <p>_____ Type or Print Name of Notary Public</p> <p>_____ Commission Number Expiration Date</p>

<p>STATE OF FLORIDA COUNTY OF HILLSBOROUGH The foregoing instrument was acknowledged before me this (DATE) _____ by _____ who: _____ (Property Owner) <input type="checkbox"/> Personally known to me <input type="checkbox"/> Florida driver's license <input type="checkbox"/> Other type of identification: _____ and who: <input type="checkbox"/> did <input type="checkbox"/> did not take an oath.</p> <p>_____ (Signature of Notary taking acknowledgment)</p> <p>_____ Type or Print Name of Notary Public</p> <p>_____ Commission Number Expiration Date</p>

APPEALS OF ADMINISTRATIVE AND LAND USE HEARING OFFICER (LUHO) DECISIONS

A. General Description

There are two types of appeals regulated by the Land Development Code (LDC): appeals to decisions made by the Administrator; and appeals to decisions made by Land Use Hearing Officers (LUHO). This section addresses submittal requirements for each type of appeal.

B. Cross Reference to Land Development Code

Section 10.05.00

APPEALS FROM ADMINISTRATOR TO LAND USE HEARING OFFICER

Applications for appeals of administrative decisions are considered and decided by the LUHO in accordance with Section 10.05.01 of the [LDC](#). This section includes the application submittal requirements for appeals to the Administrative decisions.

A. Submittal Requirements

The submittal requirements to appeal a decision of the Administrator are as follows:

1. [Fee Payment](#) - as referenced in Section 2.0 of the Development Review Procedures Manual.
2. [Application](#) - as referenced in Section 3.0 of the Development Review Procedures Manual.
3. [Written Statement](#) - explaining basis for appeal.
4. [Decision](#): A copy of the decision being appealed.

APPEALS OF LAND USE HEARING OFFICER DECISIONS

A decision of the LUHO [may](#) be appealed to the Appeal Board in accordance with Section 10.05.02 of the [LDC](#). This section includes the application submittal requirements for appeals to LUHO decisions.

A. Submittal Requirements

This section includes the submittal requirements for filing applications for appeals to the above referenced decisions.

1. [Fee Payment](#) - as referenced in Section 2.0 of the Development Review Procedures Manual.
2. [Application](#) - as referenced in Section 3.0 of the Development Review Procedures Manual.
3. [Written Statement](#) - explaining basis for appeal.
4. [Public Notice](#) - in accordance with Section 10.05.02.D of the [LDC](#).
5. [Decision](#) - A copy of the decision being appealed.

Checklist of Submittal Requirements

	Applicant Initials	Intake Initials	Requirements
1.	_____	_____	Fee Payment
2.	_____	_____	Application (Included in this packet)
2.a.	_____	_____	Affidavit to Authorize Agent (If applicable)
3.	_____	_____	Written Statement
4.	_____	_____	Notice of Appeal (appeals to LUHO decisions only)
5.	_____	_____	Decision: copy of the decision being appealed.

**PROCEDURES
FOR APPEALS
FROM
LAND USE HEARING
OFFICER
TO THE
LAND USE APPEALS BOARD**

LAND USE APPEALS BOARD
APPEAL PROCEDURES

The Appellant must provide a notice of hearing (as outlined in LDC 10.05.02.D.2.) to all parties of record (as defined in LDC 10.03.06A.) no later than 20 days prior to the appeal hearing date by proof of mailing receipt.

1. Parties of record include all persons who were notified of the hearing before the Land Use Hearing Officer by proof of mailing receipt; all persons who submitted documentary evidence to the master file two business days prior to the Land Use Hearing Officer hearing or by proxy during the Land Use Hearing Officer hearing; and, all persons who were present at the hearing before the Land Use Hearing Officer and presented either oral testimony or documentary evidence. In the event that a Land Use Hearing Officer's approval is appealed by an opponent, both the applicant and the owner of the property that is the subject of the application must be noticed in the same manner that notice is provided to parties of record..
2. The case file that was presented to the Land Use Hearing Officer may be viewed in Planning and Growth Management Department, Records Room, 20th floor County Center. You may obtain the following information from the case file:
 - The list of persons who were notified of the hearing before the Land Use Hearing Officer.
 - Any persons who submitted documentary evidence to the master file.
 - In the case of an appeal by the opposition, the owner and applicant information may be found on the application form.
3. The file of any evidence that was submitted at the Land Use Hearing Officer's hearing and the Speakers' List may be viewed at the Clerk of the Circuit Court/BOCC Recording Secretary's Office, 12th floor, County Center. You may obtain the following information from the Clerk's file:
 - The list of persons who signed in to speak at the Land Use Hearing Officer's hearing.
 - Any persons who submitted documentary evidence at the hearing.
4. A copy of the notice of hearing letter, a complete list of all parties of record, and the stamped Certificate of Mailing must be submitted to the office of Citizen Boards Support, 505 E. Jackson St., Suite 300, Tampa, Florida 33602, no later than 5 calendar days prior to the Land Use Appeals Board hearing date.
5. All requests for continuances must follow the procedures outlined in LDC 10.05.02.E.

Sec. 9.03.02. Land Use Appeals Board

B. Special Membership Requirements

1. Membership shall include the following, with no more than two persons being appointed from any one category. Initial appointments shall be in accordance with 9.03.01 of this Code.
 - a. Attorney with at least five years of experience shall be an attorney practicing in Hillsborough County who shall have been admitted to The Florida Bar for not less than five years;
 - b. Landscape Architect or Architect, registered to practice in the state of Florida;
 - c. Business owner or operator in unincorporated Hillsborough County;
 - d. Professional Planner with not less than three years of experience in land use planning or zoning in Hillsborough County;
 - e. Civil or Environmental Engineer registered to practice in Florida;
 - f. Member of a civic or neighborhood organization in unincorporated Hillsborough County;
 - g. Developer active in development in Hillsborough County or a duly licensed general contractor (Class A) active in business in Hillsborough County.
2. The Board of County Commissioners may appoint up to two alternate members to the Land Use Appeals Board to serve in the absence of a Land Use Appeals Board member. The alternates shall meet one of the qualifications listed in 9.03.02.B.1.

D. Decision of Hearing Officer

1. The decision of the Land Use Hearing Officer shall be rendered not later than five working days after the conclusion of the hearing.
2. The decision of the Hearing Officer shall be reduced to writing and shall include findings of fact, if any, and conclusions of law and state the relief, if any, accorded to the Appellant.
3. The decision of the Hearing Officer shall be based on the record on appeal and any additional evidence presented in accordance with Section 10.05.01.D of this Part.

E. Authority of Hearing Officer

The Hearing Officer is authorized to take any action that the Administrator was authorized to take under this Code.

F. Finality of Decision

The decision of the Hearing Officer is final. The Hearing Officer's decision may be challenged by any person with standing under state law, in whatever way authorized by state law.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 01-26, § 2, 9-12-01; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 03-36, § 2, 11-12-03; Ord. No. 05-10, § 2, 6-16-05, eff. 10-1-05)

Sec. 10.05.02. From Land Use Hearing Officer to Land Use Appeals Board

A. Generally

Except where a different procedure is set forth elsewhere in this Code, and except for appellate decisions rendered pursuant to 10.05.01, any decision of the Land Use Hearing Officer under this Code may be appealed to the Land Use Appeals Board as set forth below and in Section 10.2 of the Development Review Procedures Manual.

B. Standing to Appeal

The following shall have standing to appeal a decision of the Land Use Hearing Officer, or to intervene in an appeal that has been filed pursuant to this section:

1. An applicant who is adversely affected by the Land Use Hearing Officer's decision; or
2. Any person or entity who:
 - a. Was present at the hearing before the Land Use Hearing Officer and presented either oral testimony or documentary evidence; or
 - b. Submitted documentary evidence themselves or by proxy prior to or during Land Use Hearing Officer hearing, and
 - c. Is adversely affected by the Land Use Hearing Officer's decision.

The Land Use Appeals Board shall determine whether a person or entity has standing to appeal or intervene in an appeal at the appeal hearing.

C. Notice of Appeal

1. A Notice of Appeal of a decision shall be filed within 30 calendar days of the date on which the Land Use Hearing Officer rendered the decision in writing. Said Notice of Appeal shall be in accordance with the submittal requirements of appeals as defined in Section 10.1 of the Development Review Procedures Manual.
2. The Notice of Appeal shall be filed with the Administrator and shall set forth the basis for the appeal.

D. Referral to Land Use Appeals Board

1. The Administrator shall schedule the matter before the next regularly scheduled meeting of the Land Use Appeals Board that is at least 20 days from the date the Notice of Appeal was filed.
2. Notice of the filing of a Notice of Appeal and the setting of the matter before the Land Use Appeals Board shall be mailed to all parties of record in the hearing before the Land Use Hearing Officer.

E. Continuances

1. One continuance shall be granted to the appellant and/or property owner, whichever requested the continuance, if the continuance request is filed with the administrative office of the Land Use Appeals Board at least 14 calendar days or more before the Land Use Appeals Board hearing date.
2. The appellant and/or property owner shall send the notice of continuance by proof of mailing to all parties of record at least 11 calendar days of the Land Use Appeals Board's hearing and shall submit proof of mailing to the administrative office of the Land Use Appeals Board at least 5 calendar days prior to the hearing date. This notification shall include the new time, date, and location of the meeting.
3. If the criteria for granting a continuance as listed in 10.05.02.E.1 not satisfied, the continuance request shall be considered by the Land Use Appeals Board at its meeting when the petition was scheduled for consideration.
4. At its discretion for unique circumstances, the Land Use Appeals Board may continue a petition at the Land Use Appeals Board's meeting without notification.

F. Conduct of Hearing

1. The hearing shall be limited to the record on appeal, as defined at 10.03.03 H of this Article, and shall consist of oral argument by the Administrator, party appealing the decision, and any intervenor(s), each of whom may be represented by legal counsel.
2. In addition to the record on appeal, the Land Use Hearing Officer and parties to the appeal may freely refer to the following:
 - a. Applicable portions of the Hillsborough County Comprehensive Plan, the Hillsborough County Land Development Code, and any other duly adopted Hillsborough County ordinance, rule or resolution.

§ 10.05.01 HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE

- b. Any state or federal statute, rule, or decision.

G. Authority of Land Use Appeals Board

The Land Use Appeals Board shall review the record on appeal and hear argument from parties who have standing to appeal or intervene in an appeal. The Land Use Appeals Board shall have the authority to either uphold the Land Use Hearing Officer's decision remand the case back to the Land Use Hearing Officer, or overturn the Land Use Hearing Officer's decision pursuant to 10.05.02.G.2.

1. If the Land Use Appeals Board remands a case back to the Land Use Hearing Officer, the Land Use Appeals Board shall specify the reason for the remand and specify the issues for the Land Use Hearing Officer to address.
2. The Land Use Appeals Board may overturn the decision of the Land Use Hearing Officer only if the all following criteria have been met:
 - a. The case has been remanded one time by the Land Use Appeals Board to the Land Use Hearing Officer; and
 - b. Based upon the record on appeal, if the Land Use Appeals Board finds that one or more of the official findings of fact and the conclusions of law as found in the decision of the Land Use Hearing Officer is unsupported by competent and substantial evidence in the record or if the essential requirements of the law have not been followed; and
 - c. A supermajority of five (5) Land Use Appeals Board members vote to overturn the Decision of the Land Use Hearing Officer.
3. If the Land Use Appeals Board overturns the Decision of the Land Use Hearing Officer, the Land Use Appeals Board must make findings of fact and conclusions of law. The Land Use Appeals Board may accept, reject or modify the Land Use Hearing Officer's findings of fact and conclusions of law in making the final decision. In addition, the Land Use Appeals Board may impose reasonable conditions on the permit request, if granting the request.

H. Finality of Decision

The decision of the Land Use Appeals Board shall be rendered at the conclusion of the hearing but shall be reduced to writing. Final decisions of the Land Use Appeals Board may be challenged by any persons with standing under state law, in whatever way authorized by state law.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 98-43, § 2, 7-17-98; Ord. No. 00-38, § 2, 11-2-00; Ord. No. 01-26, § 2, 9-12-01; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 05-22, § 2, 11-17-05)

Sec. 10.03.06. Party of Record

A. Defined

A Party of Record is:

1. A person who was present at the hearing before the Land Use Hearing Officer and presented either oral testimony or documentary evidence.
2. A person who was notified of the hearing before the Land Use Hearing Officer by proof of mailing pursuant to the terms of this Code.
3. A person who submitted documentary evidence to the master file two business days prior to the Land Use Hearing Officer hearing or by proxy during the Land Use Hearing Officer hearing.

B. Relationship to Law of Standing

The description of Party of Record contained herein is in no way intended either to broaden or restrict that group of individuals recognized by law to have standing to contest a decision of the Board.

C. Staff of the Planning Commission, County departments, and other regulatory agencies shall not be considered a party of Record. However, such staff shall be limited to the record.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 99-25, § 2, 11-18-99)

NOTICE AFFIDAVIT

STATE OF FLORIDA
COUNTY OF _____

I hereby state that I am the appellant or the agent for the appellant in the matter of the appeal of the decision of the Land Use Hearing Officer to the Land Use Appeals Board, for Appeal #_____.

I further state that I have notified all parties of record as defined in LDC 10.03.06.A., for the above reference appeal by Proof-of-Mailing as shown by the attached Certificate of Mailing and notice letter as proof of such notification.

TYPE OR PRINT LEGIBLY
NAME OF OWNER/AGENT OF OWNER

SIGNATURE OF OWNER/AGENT

DATE SIGNED

PERSONALLY APPEARED before me, the undersigned authority _____, who is personally known to me or provided _____ as identification, and acknowledged that he/she did execute the foregoing Affidavit of Notice and did not take an oath.

SWORN AND SUBSCRIBED before me this ___ day of _____, 20___.

Notary Public, State of Florida
My Commission Expires:

NOTICE OF APPEAL HEARING

Name: _____

Address: _____

APPEAL NUMBER: _____

(number)

PETITION FILE NUMBER: _____

(number)

APPELANT: _____

(name)

OWNERS: _____

(name)

PETITION REQUEST:

To appeal the decision of the Land Use Hearing Officer who (approved or denied) a (variance or special use permit) for _____
(the request).

LOCATION: _____

(address)

FOLIO: _____

(folio number)

SIZE OF PROPERTY/ZONING: _____ / _____

(# of acres)

/(zoning designation)

DATE OF LAND USE HEARING OFFICER HEARING: _____

(date)

YOU ARE HEREBY NOTIFIED that an appeal of the decision of the Land Use Hearing Officer for the above referenced case has been filed pursuant to Hillsborough County Land Development Code 10.05.02. The appeal has been scheduled for a hearing before the Hillsborough County Land Use Appeals Board for **Friday**, _____, **at 9:00 a.m.**, at the Hillsborough County Center, 601 E. Kennedy Blvd., 2nd Floor, County Commissioner's Board Room, Tampa, Florida.

As a "party of record" as defined in Land Development Code 10.03.06, you are notified of the filing of this appeal and the setting of the matter before the Land Use Appeals Board. The hearing will be limited to the record on appeal, as defined at 10.03.03 H of the Land Development Code and shall consist of oral argument by the Administrator, party appealing the decision, and any intervenor(s) of record.

For information on this appeal or board procedures, you may contact Citizen Boards Support at (813) 272-7181, 505 E. Jackson St., #300, Tampa, Florida, 33602 or the appellant _____
_____. (name and phone number).

Name & address of appellant: _____

****PARKING NOTICE**:** Parking is available at the new Pierce Street Parking Garage across from the County Center. You must enter the garage from the north side of Jackson Street just east of Pierce Street. The cost is 80 cents per half hour.

NOTICE OF CONTINUANCE OF APPEAL HEARING

Name: _____

Address: _____

APPEAL NUMBER:

(number)

PETITION FILE NUMBER:

(number)

APPELANT:

(name)

OWNERS:

(name)

PETITION REQUEST:

To appeal the decision of the Land Use Hearing Officer who (approved or denied) a (variance or special use permit) for _____

(the request).

LOCATION:

(address)

FOLIO:

(folio number)

SIZE OF PROPERTY/ZONING:

_____ / _____

(# of acres)

/(zoning designation)

DATE OF LAND USE HEARING OFFICER HEARING:

(date)

YOU ARE HEREBY NOTIFIED that an appeal of the decision of the Land Use Hearing Officer for the above referenced case was filed pursuant to Hillsborough County Land Development Code 10.05.02 for a hearing before the Hillsborough County Land Use Appeals Board. The appeal was continued to **Friday**, _____, **at 9:00 a.m.**, at the Hillsborough County Center, 601 E. Kennedy Blvd., 2nd Floor Board of County Commissioners' Boardroom, Tampa, Florida.

As a "party of record" as defined in Land Development Code 10.03.06, you are notified of the filing of this appeal and the setting of the matter before the Land Use Appeals Board. The hearing will be limited to the record on appeal, as defined at 10.03.03 H of the Land Development Code and shall consist of oral argument by the Administrator, party appealing the decision, and any intervenor(s) of record.

For information on this appeal or board procedures, you may contact Citizen Boards Support at (813) 272-7181, 505 E. Jackson St., #300, Tampa, Florida, 33602 or the appellant _____

(name and phone number).

Name & address of appellant: _____

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