Appeal of Administrative Decision Application

Hillsborough County Florida
Development Services

Except where a different procedure is set forth in the Land Development Code (LDC), any decision of the Administrator can be appealed to the Land Use Hearing Officer (LUHO) in accordance with the procedures found in LDC Section 10.05.01. This section is included below for your information.

It is important to understand that in order to appeal a decision, **you must have "standing."** The requirements for having standing to appeal an administrative decision are found in LDC Section 10.05.01.B.

You must submit the completed appeal application (pages 3-8 in this packet) **within 30 calendar days** of when the Administrator's decision was rendered.

It is critical that you submit a fully completed application by the deadline to preserve your appeal rights. If you fail to submit a fully completed application by the deadline, your appeal rights will be lost. Therefore, if you are planning to appeal a decision, you are strongly encouraged **to submit your application without delay** rather than waiting until the last day.

LDC Section 10.05.01

A. Applicability

Except where a different procedure is set forth elsewhere in this Code, any decision of the Administrator under this Code may be appealed to the Land Use Hearing Officer as set forth below and in Section 10.01 of the Development Review Procedures Manual.

B. Standing to Appeal

1. Any resident, landowner or any person having a contractual interest in land in unincorporated Hillsborough County and any duly registered neighborhood organization, as described in Section 10.03.02.F.1 of this Code, shall have standing to appeal or to intervene in an appeal of a decision of the Administrator that is of general applicability and that is not specifically related to a particular parcel of real property or project.
2. The following shall have standing to appeal or to intervene in an appeal of a decision of the Administrator that is not of general applicability and that is specifically related to a particular parcel of real property or project:
   a. An applicant of an Administrator's decision who is adversely affected by the Administrator's decision, or
   b. A property owner whose property is the subject of the administrative decision and is adversely affected by the Administrator's decision, or
   c. Any owner of real property as reflected on the current year's tax roll, lying within 500 feet in every direction of the property or project that is the subject of the administrative decision, any condominium and/or owners' association with common property lying within 500 feet in every direction of the property or project that is the subject of the administrative decision and any duly registered neighborhood organization, as described in Section 10.03.02.F.1 of this Code whose boundaries lie within one mile of the property or project that is the subject of the administrative decision, or
   d. Any resident, landowner or any person having a contractual interest in land in unincorporated Hillsborough County and any duly registered neighborhood organization, as described in Section 10.03.02.F.1 of this Code who demonstrates a direct adverse impact as a result of the administrative decision that exceeds in degree the general interest in community good shared by all persons. The Land Use Hearing Officer shall make the determination if there has been a demonstration of a direct adverse impact sufficient to grant appellant or intervener status, however any information considered in making such a determination shall not be considered a part of the record on appeal except as provided in Section 10.05.01.D. of this Part.

C. Notice of Appeal

1. A Notice of Appeal of an administrative decision shall be filed within 30 calendar days of the date on which the Administrator signs the decision or the decision is otherwise rendered in writing.
2. The decisions of formal Zoning Interpretations shall be signed by the Administrator and filed with the office of the Clerk of the Court - BOCC Records. A Notice of Appeal of a formal Zoning Interpretation shall be filed within 30 calendar days of the date which the signed Zoning Interpretation is filed with the Clerk of the Court - BOCC Records.
3. The Notice of Appeal shall be filed with the Administrator and shall set forth a detailed basis for the appeal. 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.

4. If a Notice of Appeal is filed regarding a decision of the Administrator that is not of general applicability and that is specifically related to a particular parcel of real property or project, the appellant shall mail notice, by proof of mailing receipt, within 5 calendar days of the filing of the appeal to all owners of real property that is the subject of the administrative decision.

5. Within 20 calendar days of the filing of a Notice of Appeal pursuant to this section, any person with standing pursuant to Section 10.05.01.B. may intervene and become a party to the appeal by filing a request for intervention in the same manner as filing an appeal of an administrative decision as provided in Section 10.1 of the Development Review Procedures Manual.

6. The Administrator shall set the matter for hearing within 50 days of the date of the Notice of Appeal. This period may be extended by agreement of the Administrator, the party appealing the decision and any intervener.

D. Conduct of Hearing

1. In general, the hearing shall be limited to the record on appeal, and shall consist of oral arguments by the Administrator, the party appealing the decision and any intervener, each of whom may be represented by legal counsel.

2. The record on appeal shall consist of the following:

   a. The application and any other information submitted by the Applicant to the Administrator.

   b. The written decision of the Administrator and any documents attached thereto.

3. In addition to the record on appeal, the Administrator, the Appellant and any intervener may freely refer to the following in presenting their cases to the Hearing Officer:

   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.

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

4. If either the Administrator, the Appellant or any intervener believes that, in order to fully present his case, evidence other than that listed in 2. and 3. above must be presented to the Hearing Officer, the nature of the additional evidence must be disclosed to the other parties and the Hearing Officer not less than five days before the hearing. At the beginning of the hearing the Hearing Officer shall rule on whether such additional evidence may be presented. The Hearing Officer shall freely allow the presentation of additional evidence pursuant to this subsection where such is relevant to the issue on appeal.

E. 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.

F. Authority of Hearing Officer

Upon a finding of error in the administrative decision, the Hearing Officer shall identify the error and is authorized to take any action that the Administrator was authorized to take under this Code.

G. 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.

LDC Section 1.03.04

J. Computation of Time

The time frame within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

Appeal of Administrative Decision Application

Hillsborough County Florida
Development Services

Important Instructions to All Applicants:

Email your completed application to ZoningIntake-DSD@HCFL.gov or visit HCFLGov.net/DigitalDropOff. All requirements listed on the submittal checklist must be met. Incomplete applications will not be accepted. For questions regarding the appeal process, please call (813) 307-4739 or send an e-mail to ZoningIntake-DSD@HCFL.gov.

Official Use Only

Application No:_____Intake Date:_____Receipt Number:_____Intake Staff Signature:_____

Administrative Decision Being Appealed

Application Number of Decision: _____

Subject Property Address (If Applicable): _____

Folio(s): _____

Appellant Information

Name: _____Daytime Phone:_____

Address: _____

City:_____State:_____Zip:_____

Email:_____ Fax Number:_____

Appellant's Representative (Must be Legal Counsel)

Name: _____Daytime Phone:_____

Address: _____

City:_____State:_____Zip:_____

Email:_____ Fax Number:_____

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 Appellant

_____ Type or print name

Hillsborough County Florida
Development Services

Appellant's Standing to Appeal

An appellant must show standing to appeal. Please select the reason for appeal below (check one).

1. For a decision of the Administrator that is of general applicability and is not specifically related to a particular parcel of real property or project:

   ☐ Any resident, landowner or any person having a contractual interest in land in unincorporated Hillsborough County and any duly registered neighborhood organization, as described in Section 10.03.02.F.1 of the Land Development Code (LDC).

2. For a decision of the Administrator that is not of general applicability and is specifically related to a particular parcel of real property or project:

   ☐ An applicant of an Administrator's decision who is adversely affected by the Administrator's decision, or

   ☐ A property owner whose property is the subject of the administrative decision and is adversely affected by the Administrator's decision, or

   ☐ Any owner of real property as reflected on the current year's tax roll, lying within 500 feet in every direction of the property or project that is the subject of the administrative decision, any condominium and/or owners' association with common property lying within 500 feet in every direction of the property or project that is the subject of the administrative decision and any duly registered neighborhood organization, as described in Section 10.03.02.F.1 of the LDC whose boundaries lie within one mile of the property or project that is the subject of the administrative decision, or

   ☐ Any resident, landowner or any person having a contractual interest in land in unincorporated Hillsborough County and any duly registered neighborhood organization, as described in Section 10.03.02.F.1 of the LDC who demonstrates a direct adverse impact as a result of the administrative decision that exceeds in degree the general interest in community good shared by all persons. The Land Use Hearing Officer shall make the determination if there has been a demonstration of a direct adverse impact sufficient to grant appellant status, however any information considered in making such a determination shall not be considered a part of the record on appeal except as provided in Section 10.05.01.D of the LDC.

Hillsborough County Florida
Development Services

Written Statement of Appeal

In the space below, indicate the basis of the appeal.

Hillsborough County Florida
Development Services

Affidavit to Authorize Agent

(If applicant is other than owner)

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 location:_____Folio No(s): _____

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)
Type or Print Name	Type or Print Name

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of ❑ physical presence or ❑ online notarization, this_____ day of_____,
_____ , by_____
(year) (name of person acknowledging)

❑ Personally Known OR ❑ Produced Identification
Type of Identification Produced_____

(Signature of Notary taking acknowledgment)

Type or Print Name of Notary Public

Commission number Expiration date

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of ❑ physical presence or ❑ online notarization, this_____ day of_____,
_____ , by_____
(year) (name of person acknowledging)

❑ Personally Known OR ❑ Produced Identification
Type of Identification Produced_____

(Signature of Notary taking acknowledgment)

Type or Print Name of Notary Public

Commission number Expiration date

Hillsborough County Florida
Development Services

Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to Chapter 119 Florida Statutes, all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact Hillsborough County Development Services to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under Florida Statutes §119.071(4) will need to contact Hillsborough County Development Services to obtain a release of exempt parcel information.

Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS? ☐ Yes ☐ No

I hereby confirm that the material submitted with this application

☐ Includes sensitive and/or protected information.

Type of information included and location_____

_____

☐ Does not include sensitive and/or protected information.

Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the application can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: _____

(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: _____

Hillsborough County Florida
Development Services

Submittal Requirements for an Appeal of Administrative Decision

Incomplete applications will not be accepted.

	Included	N/A	Requirements
1	☐		**Application form** (included in this package)
2	☐	☐	**Affidavit(s) to Authorize Agent** (if applicable)
3	☐	☐	**Sunbiz Form** (if applicable). This can be obtained at Sunbiz.org.
4	☐		**Identification of Sensitive/Protected Information and Acknowledgement of Public Records**
5	☐		**Written Statement of Appeal**
6	☐		**Notice of Appeal of Administrative Decision**
7	☐		**Copy of Decision Being Appealed**
8	☐		**Evidence of Standing to Appeal**

Hillsborough County Florida
Development Services

Notice of Appeal of Administrative Decision

DATE: _____

APPEAL NUMBER: _____

APPELLANT: _____

DECISION BEING APPEALED: _____

ADDRESS/LOCATION OF THE SUBJECT PROPERTY OF DECISION: _____

NAME OF PROPERTY OWNER(S): _____

FOLIO #: _____

MAILING ADDRESS OF PROPERTY OWNER(S): _____

YOU ARE HEREBY NOTIFIED that an appeal of the administrative decision identified above has been filed with the Hillsborough County Development Services Department. As the owner(s) of the particular parcel of real property or project that is the subject of the decision, you are notified that this appeal will be set before the Land Use Hearing Officer pursuant to Section 10.05.01.C of the Land Development Code. You will receive notice from the Administrator when the LUHO hearing date is set.

Please direct all inquiries regarding this appeal to:

(813) 307-4739
Development Services Department
601 E. Kennedy Blvd., 20th Floor
Tampa, FL 33602

Appellant Name: _____

Appellant Address: _____

Decision being appealed: _____

Date of decision appealed: _____