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ADMINISTRATIVE APPEAL APPLICATION

PROPERTY OWNER INFORMATION
 Property Owner as indicated on deed: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Contact Phone: _____ E-Mail: _____

AUTHORIZED REPRESENTATIVE INFORMATION
 Agent/Applicant Name: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Contact Phone: _____ E-Mail: _____

If exhibits including photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, these instruments are required to be left with County Clerk’s representative. By law, those instruments become public records and cannot be returned to you. The public hearing before the Board of County Commissioners is considered quasi-judicial in nature. Decisions should be the result of the evidence presented at the hearing. Applicants should review Section 7302 of the Land Development Code and provide written justification for the appeal. If you wish to appeal any determination of the Board of County Commissioners to the appropriate legal jurisdiction, you will need a verbatim transcript of the record and copies of all the evidence presented. It is the applicant’s responsibility to provide a verbatim record.

- 4. Address & Location of Property: _____
 Parcel ID # for Subject Parcel: _____
 Size of Parcel (acreage must agree w/legal and survey): _____
 Future Land Use Category: _____ Existing Land Use: _____

- 5. Provide the Following with the application:
 - _____ (a) Hearing fee of \$500.00 per parcel of land (cash, check or money order) drawn to the order of Gadsden County Board of County Commissioners (BOCC).
 - _____ (b) Narrative and support documents including Comprehensive Plan and Land Development Regulation citations in support of the appeal.
 - _____ (c) Drawing, to scale, showing the proposed property under appeal (maximum size of 8-1/2" x 14") as applicable.

_____ (d) Power of Attorney from the owner of the subject property if the applicant is not the owner.

_____ (e) Proof of Ownership (Tax Assessor's Statement is preferred or a Copy of a Deed). Which ever is chosen to be used as proof of ownership, the complete legal description must be included.

_____ I AM THE OWNER

_____ I AM THE LEGAL REPRESENTATIVE OF THE OWNER (Attach Authorization to Represent) of the property described which is the subject matter of this application. Under penalties of perjury, I declare that I have read said application and all sketches, data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief. I understand that by signing this document, I am giving the County or agent thereof the authority to duplicate, disseminate and reproduce any and all items submitted as part of this request, whether copyrighted or not.

_____ **SIGNATURE OF APPLICANT**

_____ **DATE**

The forgoing instrument was acknowledged before me this _____ day of _____ 20
by _____ who is personally known to me, or who has produced as
identification and who did (did not) take an oath.

NOTARY PUBLIC:

SEAL:

NOTARY PUBLIC, State of Florida at Large

My Commission Number: _____

AUTHORIZATION TO REPRESENT

I, _____, owner of the following described property:
PROPERTY ADDRESS: _____,
hereby authorize the following named individual to appear on my behalf at the Planning
Commission and Board of County Commissioners hearings to be held on
_____ and _____.

AUTHORIZED REPRESENTATIVE:
BY:

PROPERTY OWNER

STATE OF FLORIDA
COUNTY OF GADSDEN

The foregoing instrument was acknowledged before me this ____ day of _____,
20_____, by _____ who is personally known to me, or who
has produced as identification and who did (did not) take an oath.

NOTARY PUBLIC

NAME: _____

TITLE: _____

COMMISSION NUMBER:

Subsection 7302. Appeals.

A. Appeals to the Board of County Commissioners.

An administrative decision in conjunction with the issuance of a Development Order may be reconsidered by filing an appeal with the Planning Department within ten (10) working days of the decision and shall be processed as Type III reviews. The appealing party assumes the responsibility of all required notification procedures. The notice of appeal shall indicate the nature of the interpretation of Code standards or legislative decisions that are being appealed. Such appeal or legislative relief shall be heard first by the Planning Commission. The final decision on all appeals or legislative decisions shall be made by the Board of County Commissioners. The subject of the hearing will be a determination of the appropriateness of the interpretation of the Code standards applied to make the initial decision on the application.

B. General rules and procedures for appeals.

1. All appeals and applications shall be on forms prescribed by the County and accompanied by the appropriate fees to cover the costs of processing.
2. All appeals and applications shall cite those provisions of this Code relevant to said appeal or application.
3. The reviewing body shall render a written decision giving the reason(s) for its decision within thirty (30) calendar days of the close of an appeals hearing. The Board of County Commissioners may affirm, reverse, wholly or in part or modify the order, requirement, decision or determination and to that end shall have the powers of that officer from whom the appeal is taken.
4. The reviewing body may, by order, affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. The reviewing body, in modifying or reversing a decision, shall set forth its findings and state its reasons for such action encompassed in the order. The reviewing body shall not render any decision which confers rights or privileges on the appellant other than those permissible under the strict interpretation of the language of this Code.
5. Action by the reviewing body shall be decided by a majority vote of its membership and shall be taken at the appeals hearing.
6. A notice of a decision shall be submitted to the appellant.
7. All decisions rendered on appeals by the Board of County Commissioners shall be final and binding on all parties.

Subsection 7504. Burden and Nature of Proof.

The burden of justifying a request is upon the applicant. The more drastic the change or the greater the impact of the proposal, the greater is said burden upon the applicant. The relevant standard of proof for quasi-judicial proceedings is “competent and substantial evidence.”

- A.** The proposal shall be supported by proof that it conforms to the applicable policies of the Comprehensive Plan and to applicable standards of this Code, and the specific criteria set forth for the particular type of decision under consideration.
- B.** Additionally, the following factors are deemed relevant, material and shall be considered by the hearing body in reaching its decision on a proposal.
 1. Mistake in the original designation or provision.
 2. Significant change of conditions within the vicinity in which the development is proposed. Changes shall be specified and supported by written analysis and documentation.