

**Division 7. Administrative Appeals****Section IV-701. Authority and Purpose**

The Board of Adjustment is hereby authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or interpretation made by the Director of Building, Zoning and Code Enforcement in the enforcement or interpretation of these regulations. Any aggrieved person to such decision may initiate an appeal after the order, requirement, decision, or interpretation is issued in writing by the Director of Building, Zoning and Code Enforcement.

**Section IV-702. Application/Notice of Appeal**

A. A notice of appeal authorized under the provisions of this Section shall be filed on forms prepared by the Director of Building, Zoning and Code Enforcement and City Auditor and Clerk's Office within sixty (60) days from the date the notice of such decision is mailed, as provided in Section IV-202 or within 60 days from the date an application for development approval is submitted which incorporates the order, requirement, decision, or interpretation, whichever is later. The Director of Building, Zoning and Code Enforcement shall transmit to the Board of Adjustment a complete file constituting the record on appeal.

B. When an appeal is filed, all proceedings in furtherance of the action appealed from shall be stayed, unless the Director of Building, Zoning and Code Enforcement certifies to the Board of Adjustment that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed other than by a restraining order granted by the Board of Adjustment or by a court of record on application, on notice to the Director of Building, Zoning and Code Enforcement, and on due cause shown.

C. An applicant for a tree removal permit or a permittee who has been issued a tree removal permit may appeal to the Board of Adjustment any decision of the Director of Building, Zoning and Code Enforcement, pertaining to the denial, revocation of a tree removal permit, or any other decision of the Director of Building, Zoning and Code Enforcement interpreting or applying Article VII, Division 3.1 of this Code. An appeal must be requested within sixty (60) days of action, determination or notice from which the appeal is being taken. An appeal shall be deemed perfected when the applicant or permittee has submitted, in writing, a statement of the administrative action being appealed and the basis for such an appeal, and has delivered the same to the Building, Zoning and Code Enforcement Department, along with the required fee.”

(Ord. No. 02-4401, Sec.5, 8-4-03)

**Section IV-703. Action by Board of Adjustment**

A. The Board of Adjustment shall review the notice of appeal and shall give notice and conduct a hearing on the appeal in accordance with the requirements of Section IV-202 (pertaining to notice and hearing) of these regulations. The Board of Adjustment shall grant

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the appeal, grant the appeal subject to specified conditions, or deny the appeal, and to that end, shall have all the powers of the Director of Building, Zoning and Code Enforcement.

B. The Director of Building, Zoning & Code Enforcement, as Secretary to the Board of Adjustment, shall provide written notification to the aggrieved person initiating the appeal of the decision of the Board of Adjustment.

**Section IV-704. Action by Special Master**

A. In the event an appeal is referred to a Special Master for a hearing *de novo*, under the provisions of Section III-303(D), the Special Master assigned to hear the petition shall conduct a public hearing thereon in accordance with the requirements of section IV-202(pertaining to notice and hearing) of these regulations. The Special Master shall grant the appeal, grant the appeal subject to specified conditions, or deny the appeal, and to that end, shall have all the powers of the Director of Building, Zoning and Code Enforcement.

B. Action taken by the Special Master to grant an appeal to grant an appeal subject to specified conditions or to deny an appeal shall be documented in a final order. The final order shall be recorded in the public records of Sarasota County by the City Auditor and Clerk's Office.

**Section IV-705. Appeal of Decision**

An appeal of a decision of the Board of Adjustment or Special Master may be made to the Circuit Court for Sarasota County, Florida, by filing a Petition for Writ of Certiorari as provided under the Florida Rules of Appellate Procedure. The City Commission of the City of Sarasota or any officer or department of the City, whether or not the City Commission, officer, or department appeared at the hearing before the Board of Adjustment, and with or without a showing of special injury or aggrievement, shall have the right to file a Petition for Writ of Certiorari to the appellate court. A decision of the Board of Adjustment regarding an administrative appeal shall be deemed to have been rendered on the date of a letter prepared by the Secretary to the Board of Adjustment notifying the party initiating the appeal of the action taken by the Board. A decision of a Special Master shall be deemed to have been rendered upon the date of the execution of the final order.

(Ord. No. 03-4430, Sec.4, 1-21-03)