



# Delegation of Authority to Board of Adjustment and Appeals

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# Agenda



- 1. Authority of the Board of Adjustment and Appeals**
- 2. Examples of Review Types**
- 3. Options for Consideration**

# Authority of the Board of Adjustments and Appeals (BOAA)



## Section 138.66 of the Land Development Code (LDC), Authority

- **Review of all “Type 2” Applications (applications requiring a public hearing):**
  - Type 2 Uses – Proposed New Use or Major Modification to Existing Use
  - Variances
  - Nonconforming Uses and Structures
- **Appeals of decisions from a County Department and the Development Review Committee.**
- **Authority to review and decide on such other matters as assigned/delegated by the BCC or County Administrator.**
- **All decisions of BOAA are final and may be appealed to Circuit Court within 30 days.**

# Examples of Review Types



- **Type 2 Reviews**
  - **Type 2 use – 14 cases per year**
    - Place of worship in residential zone
  - **Variance – 25 cases per year**
    - Building Setback
  - **Non-conforming use modification (rare)**
    - Expansion of non-conforming outdoor auto repair
- **Appeal of Decision from County Department or Development Review Committee (rare)**
  - Review of code interpretation regarding pool display
- **Delegated Authority – one delegation only**
  - Medical Marijuana Facility (Statute 381.986(11)(c))

# DISCUSSION