

Building Board of Adjustment and Appeal

Ordinance 96-9 Amended Sec. 27-6-1-19

Ordinance 86-53 Amended Sec. 20-39

Ordinance 78-5 Amended Sec. 27-11-1 adding two alt. members

Ordinance 73-34 Repealed Ord. 70-06 Amended Sec. 6-23

Ordinance 70-06 Amended Sec. 6-23

Resolution 67-17 Established the Building Board of Adjustment and Appeal

ORDINANCE NO. 96- 9

AN ORDINANCE AMENDING SECTION 27-6-1-19 OF THE UNIFORM DEVELOPMENT CODE OF THE CITY OF DUNEDIN TO ELIMINATE THE DRAINAGE BOARD OF APPEALS AND TO ASSIGN APPEALS FROM SECTION 27-6-1 TO THE BUILDING BOARD OF ADJUSTMENT AND APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

WHEREAS, the Drainage Board of Appeal for the City of Dunedin has not met to consider an appeal from Section 27-6-1 of the Uniform Development Code in several years and such duties could be performed by the Building Board of Adjustment and Appeal; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That Section 27-6-1-19 of the Uniform Development Code of the City of Dunedin, Florida, is amended in its entirety to read as follows:

"Section 27-6-1-19. Appeals

(a) Whenever the developer or his/her representative is aggrieved by the decision of the City Engineer relative to the administration of any portion of Sections 27-6-1-1 through 27-6-1-18, inclusive, or whenever the City Engineer has rejected or refused to approve the design or method of construction proposed, or materials to be used in the construction of drainage facilities, or when it is claimed that the provisions of the said Sections do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the said Sections or any of the criteria hereunder have been misconstrued or wrongly interpreted, the engineer of record, developer or his/her duly authorized agent may appeal the decision of the City Engineer to the Building Board of Adjustment and Appeal. Notice of appeal shall be in writing and filed with the City Clerk within thirty (30) days after the decision has been rendered by the City Engineer.

(b) In case of a structure which, in the opinion of

the City Engineer, is unsafe or dangerous, the City Engineer may, in his/her order, limit the time for such appeal to a shorter period appropriate to the degree and nature of such modified appeal. A copy of such order shall be mailed to the appellant or his/her representative.

(c) Appeals hereunder shall be on forms provided by the City Clerk.

(1) **Public notice and public hearings.** Upon an appeal to the Board being filed:

a. The City Clerk shall cause to be published public notice of the public hearing on such appeal at least fourteen (14) days prior to the scheduled public hearing, and abutting property owners shall be notified by regular mail at least fourteen (14) days prior to such hearing of the time, date and substance of the public hearing.

b. At the public hearing, the appellant or other person having interest in the matter advertised shall be heard by the Board. The chairman will direct all proceedings of the public hearing and the Board shall establish procedures under which all matters are to be heard or presented.

(2) **Variations and modifications:**

a. The Building Board of Adjustment and Appeal, upon consideration of the appeal may vary the application of the said Sections to any particular case when, in its opinion, the literal enforcement thereof would do manifest injustice and would be contrary to the intent and purpose of the said Sections or public interest, or when, in its opinion, the interpretation of the said Sections by the City Engineer should be modified or reserved.

b. The decision of the Building Board of Adjustment and Appeal to vary the application of any provision of the said Sections or to modify an order of the City Engineer shall be specific as to

what variance is to be permitted and the Board may impose such conditions on the variance as it deems appropriate to protect the public welfare and conform to the intent of the said Sections.

(3) Decisions.

- a. Every decision of the Building Board of Adjustment and Appeal shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing, and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the City Clerk and shall be open to public inspection; a copy shall be sent to mail to the appellant.
- b. The Building Board of Adjustment and Appeal shall, in every case, reach a decision without unreasonable or unnecessary delay."

Section 2: This Ordinance shall become effective immediately upon its final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 15 day of AUG., 1996.



Mayor/Commission

ATTEST:



City Clerk, *Acting*

PASSED ON FIRST READING: *Aug. 1, 1996*
PASSED ON SECOND READING: *Aug. 15, 1996*

ORDINANCE 86-53

AN ORDINANCE AMENDING SECTION 20-39 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN TO PROVIDE THAT NO VARIANCE MAY BE GRANTED IN VIOLATION OF THE STANDARDS OR REGULATIONS OF A STATE OR FEDERAL REGULATORY AGENCY; PROVIDING FOR AN APPEAL PROCESS TO THE CITY COMMISSION AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 20-39 of the Code of Ordinances of the City of Dunedin is amended in its entirety to read as follows:

"Sec. 20-39. Requirements for Variances.

(a) Applications for variances to the terms of this article shall be submitted to the City Clerk on forms furnished by him, upon receipt of a properly completed application, the City Clerk shall submit it to the Building Board of Adjustment and Appeal, which shall process it in accordance with its adopted procedures. The application shall contain the information required in Section 20-38(a), and any additional information requested by the Board. Upon the submission of the application to the Board, a variance may be granted permitting the erection of structures with a lowest flood elevation, including basement, lower than base flood elevation, if all of the following are met:

- (1) Good and sufficient cause exists for the granting of the variance.
- (2) Failure to grant the variance would result in exceptional hardship to the applicant.
- (3) The issuance of the variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense.
- (4) The variance allowed is the minimum necessary to afford relief.
- (5) The variance would not have the effect of nullifying the intent and purposes of this article.

located in the flood-prone area, that the structure will be permitted to be built with a lowest floor elevation the specified feet below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation.

(e) The applicant or the City may appeal from the decision of the board to grant or deny the requested variance to the City Commission. Notice of appeal shall be filed with the City Clerk not later than thirty (30) days from the rendition and filing with the City Clerk of the board's decision. The City Manager shall place such appeal on the agenda for a regular meeting of the City Commission at the earliest practical date. The City Commission shall, by a simple majority vote of a quorum, determine whether or not to hear such appeal and when such appeal shall be considered by the Commission. In the event that the City Commission determines not to hear such appeal, the party appealing the decision of the board shall have no further administrative remedy available. In the event that the City Commission determines to hear the appeal, the decision of the board may be reversed or modified only by a four-fifths (4/5) vote of the City Commission."

Section 2. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 10th DAY OF July, 1986.



Mayor/Commissioner

ATTEST:



City Clerk

PASSED ON FIRST READING: 12 June 1986
PASSED ON SECOND READING: 10 July 1986

ORDINANCE NO. 73-34

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN, FLORIDA, BY AMENDING CHAPTER 6, SECTION 6-23 THEREOF, ADOPTING BY REFERENCE THE 1973 EDITION OF THE SOUTHERN STANDARD BUILDING CODE; BY AMENDING CHAPTER 6, SECTION 6-80 THEREOF, ADOPTING BY REFERENCE THE 1973 REVISION TO THE 1971 EDITION OF THE SOUTHERN STANDARD PLUMBING CODE; BY AMENDING CHAPTER 6, SECTION 6-58 THEREOF, ADOPTING BY REFERENCE THE 1973 EDITION OF THE SOUTHERN STANDARD HOUSING CODE; AND BY AMENDING CHAPTER 6 BY THE CREATION OF ARTICLE 7 THEREOF, THAT ARTICLE ADOPTING THE SOUTHERN STANDARD MECHANICAL CODE; AND PROVING FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 6-23 of Chapter 6 of the Code of Ordinances of the City of Dunedin, Florida, shall be amended to read as follows:

"Section 6-23. The 1973 Edition of the Southern Standard Building Code, including appendices A, B, C, D, E, F, G, H, I and J, is hereby adopted and incorporated in this Section by reference and is hereby designated as the City Building Code, with the exception of all provisions and portions hereof which are in conflict with this Chapter or with any other Ordinance of the City. Section 107.4 (A) entitled "Permit Fees" is deleted in its entirety and a new Section 107.4 (A) to read as follows is adopted in its place, "One-quarter of one percent (1%) up to and including \$100,000 of the valuation of the completed project, one-eighth of one percent (1%) for valuation over \$100,000; minimum permit fee is \$5.00." The Clerk shall maintain available to the public appropriate copies of the same.

Section 2. That Section 6-104 of Chapter 6 of the Code of Ordinances of the City of Dunedin, Florida, shall be amended to read as follows:

"Section 6-104. The 1973 Revision to the 1971 Edition of the Southern Standard Plumbing Code is hereby adopted and

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incorporated in this Section by reference and is hereby designated as the City Plumbing Code, with the exception of all provisions and portions hereof which are in conflict with this Chapter or with any other Ordinance of the City." The Clerk shall maintain available to the public appropriate copies of the same.

Section 3. That Section 6-58 of Chapter 6 of the Code of Ordinances of the City of Dunedin, Florida, shall be amended to read as follows:

"Section 6-58. The 1973 Edition of the Southern Standard Housing Code, save and except such portions as may hereafter be amended, of which not less than three (3) copies have been and are now filed in the office of the City Clerk of Dunedin, and the same are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this Ordinance shall take effect, the provisions therein shall be controlling in the use, maintenance and occupancy of all buildings, dwelling units and/or structures within the area of jurisdiction of the City of Dunedin."

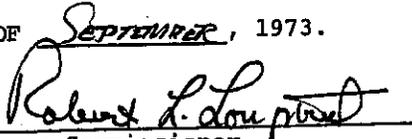
Section 4. That Article 7 of Chapter 6 of the Code of Ordinances of the City of Dunedin, Florida, is hereby created and is entitled "Mechanical Code" and Section 6-119 is hereby created under said Article 7 to read as follows:

"Section 6-119. The 1973 Edition of the Southern Standard Mechanical Code is hereby adopted and incorporated in this Section by reference and is hereby designated as the City Mechanical Code, with the exception of all provisions and portions hereof which are in conflict with this Chapter or any other Ordinance of the City." The Clerk shall maintain available to the public appropriate copies of the same. The building official is designated as the mechanical official in order to meet the requirement of Section 102.1 of the said Code. The

Building Board of Adjustment and Appeals is designated as the Board to which mechanical appeals shall be taken in order to comply with the provisions of Section 110 of the Southern Standard Mechanical Code.

Section 5. This Ordinance shall become effective immediately upon its final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 17 DAY OF SEPTEMBER, 1973.


Mayor-Commissioner

ATTEST:



City Clerk

PASSED ON FIRST READING

SEPT 10, 1973

PASSED ON SECOND READING

SEPT 10, 1973

PASSED ON THIRD READING

SEPT 17, 1973

ORDINANCE NO. 70-6

AN ORDINANCE AMENDING SECTION 6-23 OF THE CODE OF ORDINANCES, CITY OF DUNEDIN, FLORIDA, BY ADDING CERTAIN LANGUAGE THEREIN TO AMEND SECTION 111.4 OF THE SOUTHERN STANDARD BUILDING CODE TO PROVIDE THAT THE CITY CLERK SHALL BE SECRETARY TO THE BUILDING BOARD OF ADJUSTMENT AND APPEAL RATHER THAN THE BUILDING OFFICIAL, AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

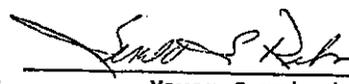
BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA:

Section 1. That Section 6-23 of the Code of Ordinances, City of Dunedin, Florida, shall be amended by the addition thereto of the following language:

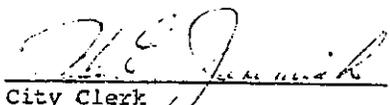
"Section 111.4 of said 1969 Edition of the Southern Standard Building Code is hereby amended by the deletion of the term "building official" and by the substitution therefor of "city clerk" as secretary to the building board of adjustment and appeal."

Section 2. This Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 6TH DAY OF APRIL, 1970.



Mayor-Commissioner

ATTEST:


City Clerk

PASSED ON FIRST & SECOND READING MARCH 16, 1970

PASSED ON THIRD READING APRIL 6, 1970

RESOLUTION NO. 67-17

A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENTS AND APPEALS FOR THE BUILDING DEPARTMENT

WHEREAS, the Southern Standard Building Code which has been adopted by reference by the City of Dunedin provides for the establishment of a Board of Adjustments and Appeals in the Building Department which shall consist of five (5) members,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That there is hereby established a Board of Adjustments and Appeals pursuant to Section 111 of the Southern Standard Building Code which said Board of Adjustments and Appeals shall hear appeals properly filed from decisions of the officials in the Building Department.

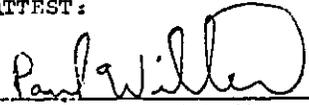
Section 2. The following persons are hereby appointed to serve for various terms or until their successor is appointed:

<u>Name</u>	<u>Term of office expires</u>
N. M. Beatty	Jan. 1, 1968 1969
W. V. Harris	Jan. 1, 1969 1970
Edward Proefke	Jan. 1, 1970 1971
Santiago Lloveras	Jan. 1, 1971 1972
Melvin Schultz	Jan. 1, 1972 1973

PASSED AND ADOPTED THIS first day of May, A.D. 1967.


Mayor-Commissioner

ATTEST:


City Clerk and Auditor