

Friday, July 12, 2024



Affected Party Request to Participate in Quasi-Judicial Hearing

If you have general questions or concerns about a project or item going before a board you may contact the Department of Doing:

Physical Address: 306 NE 6th Avenue, Gainesville, FL, 32601

Mailing Address: PO Box 490 Station 11, Gainesville, FL, 32627

Phone: 352-334-5022

Fax: 352-334-2648

E-mail: CoGPlanning@cityofgainesville.org

If you believe you are an affected party and would like to participate in a quasi-judicial hearing please continue to fill out the form below and refer to the **BASIC QUASI-JUDICIAL HEARING INFORMATION** section at the bottom of this form for more detailed information.

Matter at Issue (e.g., petition/ordinance #)

Sub23-000027

Date of Hearing

Thursday, July 18, 2024

Your Name

Gouri Kumar

Your Address

5639 NW 80th Ave
32653

Phone #

(352) 514-7615

Email

gouri.kumar@gmail.com

Signature (depending on your device, use your mouse, stylus, or finger to sign)

Although the general public may provide comments at any hearing, only certain "affected parties" may participate as a full party in quasi-judicial hearings.

Please indicate how you are an "affected party" in the above matter:

RECEIVED MAILED NOTICE - You have received mailed notice under Section 30-3.8 of the Land Development Code.

Will you be participating in person for or against approval of this matter?

AGAINST

BASIC QUASI-JUDICIAL HEARING INFORMATION

What is a quasi-judicial hearing? The decisions of local government boards are generally of two types: legislative or quasi-judicial. A **legislative** decision is when a board makes policy or law that generally applies to a broad group of citizens. A **quasi-judicial** decision is when a board applies already-established general policy or law to a specific, individualized situation. In other words, the decision-maker in a quasi-judicial hearing is not making policy or otherwise deciding what he/she would prefer to happen in a particular case, but rather is limited to making a determination on whether a specific application meets the existing regulations or requirements. Examples of legislative matters are amendments to the City's Comprehensive Plan, including amendments to the City's Future Land Use Map, and amendments to the City's Code of Ordinances or Land Development Code. Examples of quasi-judicial matters are changes to a property's zoning district (i.e., rezonings), applications for a Special Use Permit, and applications for development review.

Who may participate in a quasi-judicial hearing? Only the following may participate as a "party" in a quasi-judicial hearing: 1) the **applicant** (e.g., the property owner or entity that has applied for a rezoning, Special Use Permit, development review, etc.); 2) **city staff**; and 3) other "**affected parties**". "Affected parties" include persons who are either: 1) entitled to mailed notice under Section 30-3.8 of the Land Development Code; or 2) have properly applied for such status no less than 7 calendar days prior to the hearing and have been determined by the applicable reviewing board to be an "affected party" because he/she may, depending on the result of the quasi-judicial hearing, suffer an injury distinct in kind and degree from that shared by the general public. **Although the general public may not participate as a party, quasi-judicial hearings do provide an opportunity for public comment.**

What are the due process rights of a party to a quasi-judicial hearing? When conducting quasi-judicial hearings in Florida, local governments must provide the parties with notice of the hearing and an opportunity to be heard and to present evidence. The parties shall also have the opportunity to cross-examine any witnesses. In addition, parties are entitled to a fair hearing before an impartial decision-maker. To this end, board members (as the decision-maker) must avoid all "ex-parte communications," which are communications regarding quasi-judicial matters with anyone other than city staff that are made outside of the public hearing.

What is the difference between a formal and an informal quasi-judicial hearing? The City has established two methods for administering a quasi-judicial hearing: informal and formal. All quasi-judicial hearings are administered as informal hearings unless: 1) the applicant requests a formal hearing; or 2) an affected party other than the applicant or city staff requests to participate in person. The informal hearing is an abbreviated process and may include a presentation by both city staff and the applicant, followed by questions from the applicable reviewing board and public comment. The formal hearing is administered with certain additional formalities to ensure that all parties are able to participate in an effective hearing.

Importantly, regardless of whether a hearing is administered as informal or formal, the applicable reviewing board's decision-making criteria and the legal effect of any decision are the same.

How do affected parties request to participate in hearing? Any affected party may submit this form, together with any exhibits to be presented at the hearing, to the City no less than 7 calendar days prior to the date of the hearing as stated in the mailed notification letter.

If you are having trouble submitting this form please call (352) 334-5023 for assistance.