

1 HB398  
2 189283-1  
3 By Representative Poole  
4 RFD: Judiciary  
5 First Read: 08-FEB-18

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8 SYNOPSIS: Existing law provides for a board of zoning  
9 adjustment to hear applications or appeals for  
10 variances from the requirements of a zoning  
11 ordinance or regulation put in place by a municipal  
12 planning or zoning commission or a municipal body.  
13 Any party aggrieved by the final decision of the  
14 board can appeal to circuit court by filing with  
15 the board of zoning adjustment a written notice of  
16 appeal and then the board must send a transcript of  
17 the proceedings to the circuit court for a de novo  
18 trial.

19 This bill would provide that an aggrieved  
20 party seeking an appeal from a decision of the  
21 board of zoning adjustment can file the appeal with  
22 the circuit court in the county where the board  
23 convenes, would require the court to send notice of  
24 the filing of an appeal to the board, and would  
25 require the board to send a transcript of the  
26 proceeding to the circuit court within 30 days of  
27 the filing of the appeal.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
5

6 To amend Section 11-52-81, Code of Alabama 1975,  
7 relating to appeals of decisions by a board of zoning  
8 adjustment; to provide that an aggrieved party can file an  
9 appeal with the circuit court in the county where the board  
10 convenes; to require notice be given to the board of the  
11 filing of an appeal; and to require the board to send a  
12 transcript of the proceeding to the circuit court within a  
13 certain time frame.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 11-52-81, Code of Alabama 1975,  
16 is amended to read as follows:

17 "§11-52-81.

18 "Any party aggrieved by virtue of any final judgment  
19 or decision of ~~such a~~ board of zoning adjustment may appeal  
20 the decision by filing an appeal in the circuit court in the  
21 county where the board convenes within 15 days ~~thereafter~~  
22 ~~appeal therefrom to the circuit court by filing with such~~  
23 ~~board a written notice of appeal specifying the judgment or~~  
24 ~~decision from which the appeal is taken~~ of any judgment or  
25 decision of the board. In the case of ~~such an~~ appeal, the  
26 court shall send notice of the appeal to the board, such the  
27 board shall ~~cause~~ certify a transcript of the proceedings in

1 the action ~~to be certified~~ to the court to which the appeal is  
2 taken within 30 days of the filing of the appeal, and the  
3 ~~action in such court~~ appeal shall be tried de novo."

4 Section 2. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.