

HB281 INTRODUCED



1 HB281
2 QKQA541-1
3 By Representatives Almond, Brinyark, Lamb
4 RFD: Judiciary
5 First Read: 13-Feb-25



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SYNOPSIS:

Under existing law, a party aggrieved by a final decision of a municipal zoning board of adjustment may appeal the decision to the circuit court by filing a written notice of appeal with the board within 15 days after the final decision. The law does not specify procedurally when the appeal is required to be filed in the circuit or other matters that concern the appeal.

This bill would further provide for the procedures for an aggrieved party to file an appeal of the final decision of a municipal zoning board of adjustment in the circuit court.

This bill would require a notice of appeal to be filed within 15 days after the final decision to the board and for an appeal to the circuit court to be filed within 30 days after the final decision of the board.

This bill would also provide for the decision of the board to remain in effect during the appeal, unless the circuit court grants a stay.

A BILL
TO BE ENTITLED
AN ACT



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29
30 Relating to municipal zoning boards of adjustment; to
31 amend Section 11-52-81, Code of Alabama 1975, to further
32 provide for the appeal of final decisions of zoning boards of
33 adjustment to the circuit court.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Section 11-52-81 of the Code of Alabama
36 1975, is amended to read as follows:

37 "§11-52-81

38 (a) Any party aggrieved by any final ~~judgment or~~
39 ~~decision of such a~~ board of zoning adjustment may ~~within 15~~
40 ~~days thereafter appeal therefrom to the circuit court by~~
41 ~~filing with such board a written notice of appeal specifying~~
42 ~~the judgment or decision from which the appeal is taken. In~~
43 ~~case of such appeal such board shall cause a transcript of the~~
44 ~~proceedings in the action to be certified to the court to~~
45 ~~which the appeal is taken, and the action in such court shall~~
46 ~~be tried de novo~~ appeal the final decision of the board by
47 filing an appeal in the circuit court in the county where the
48 board convenes. The aggrieved party shall first file a written
49 notice of appeal with the board within 15 days after the final
50 decision, specifying the decision from which the appeal is
51 taken. Thereafter, the aggrieved party must file the appeal
52 with the proper circuit court within 30 days after the final
53 decision of the board and shall also serve the board with the
54 appeal at the office of the city clerk. After an appeal has
55 been filed in the circuit court, the board shall submit to the
56 circuit court a certified copy of the minutes of the meeting



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57 of the board regarding the appealed case along with copies of
58 any documents submitted to the board during the meeting
59 concerning the appealed case. Minutes and other documents
60 shall be submitted within 45 days after the board is served
61 with the appeal, unless extended by order of the court. The
62 action in the circuit court shall be tried de novo.

63 (b) The decision of the board shall remain in effect
64 during the pendency of the appeal unless the circuit court
65 grants a stay. In determining whether to grant a stay, the
66 circuit court shall consider the appellant's likelihood of
67 success on the merits, whether there may be irreparable injury
68 absent a stay, whether the stay will substantially injure any
69 party to the proceeding, and whether a stay is in the public's
70 interest."

71 Section 2. This act shall become effective on October
72 1, 2025.