

June 8, 2026

RE: Variance Criteria Review, Due Process for Volunteers, P&Z Handbook,

Dear George, Planning and Zoning Board Chairman,

I am struggling to understand the recent decision granting a variance from the pool setback requirements. From my perspective, the evidence presented did not establish the findings necessary to satisfy the variance criteria or other relevant provisions of the Code, and the record does not reflect a meaningful analysis of the evidence supporting those findings.

My understanding is that, as members of a quasi-judicial board, our decisions should be supported by competent, substantial evidence in the record. Please let me know if my understanding is incorrect.

Regardless of the legal standard, it seems our recommendations should be grounded in facts, evidence, and the criteria established in our Code. In the interest of transparency and continuous improvement, I would appreciate the opportunity to discuss this matter at the next Board meeting to better understand how the Board concluded that the variance criteria were met, or alternatively, the reasoning supporting the variance.

Unlike private organizations, we serve in a public, quasi-judicial role and are accountable to our citizens. For that reason, I believe it is important that our decisions and reasoning be transparent and clearly tied to the applicable standards.

My questions regarding the variance process and my vote against the variance have resulted in my integrity being questioned by both citizens and a Commissioner. To help maintain a collaborative and respectful environment, I respectfully request that the Board consider adopting a process that provides volunteer board members a fair opportunity to respond when their integrity or conduct is publicly challenged, and a process to educate and inform new volunteers to help them navigate their role as a public servant, making decisions affecting their neighbors.

Finally, in my service on other boards, I have found member handbooks to be valuable tools for understanding responsibilities, procedures, and governing standards. As a relatively new member, I am still learning and conducting research to better understand my role and duties. The attached materials reflect that effort. They have not been reviewed or vetted by anyone and are offered only as a starting point. My hope is that, over time, the Board might consider developing a comprehensive handbook to assist current and future members in carrying out their responsibilities effectively and consistently.

Respectfully,

Lynne Benton
Planning & Zoning Board Member

Cc: Planning and Zoning Board Members

Attachments:

- Subject to Laws Governing Local Public Officials
- Types of Proceedings
- Decision Making

Subject to Laws Governing Local Public Officials

Planning and Zoning Board members are considered “local public officials” and subject to laws governing local public officials.

Local public officials are not separately defined in the KCB ordinance and instead the ordinance references Florida Statute, F.S. § 286.0115(1)(b) which provides:

As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

In most Florida contexts, a member of the Planning & Zoning Board who is appointed by the City, serves on a municipal board, conducts quasi-judicial hearings, and makes recommendations or decisions affecting property rights, would very likely be considered a local public official under § 286.0115 when acting in that capacity. The fact that the position is voluntary or unpaid does not usually change the analysis. The focus is on whether the person is exercising governmental authority, not whether they are compensated. The ex parte communication statute specifically defines a “local public official” to include “an elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action...” F.S. § 286.0115(1)(b).

Florida courts generally treat members of local boards exercising governmental authority as public officials for purposes of Sunshine Law requirements, public records requirements, ethics and conflict-of-interest rules, and quasi-judicial due process requirements.

Types of Proceedings

Quasi-Judicial Proceeding

One of the most frequently cited definitions comes from the Florida Supreme Court in *Board of County Commissioners of Brevard County v. Snyder*. The Court explained that a quasi-judicial decision involves “the application of general rules or policies to specific individuals, interests, or situations.” A quasi-judicial action is one in which a governmental body applies existing laws, ordinances, or regulations to a specific set of facts and a particular person or property, rather than creating new policy. If the Board is deciding whether a particular property owner gets an exception to existing rules, the proceeding is usually quasi-judicial.

Characteristics of a quasi-judicial proceeding: a hearing is held, evidence and testimony are presented, specific facts about a particular property or applicant are considered. Existing ordinances or regulations are applied. A decision is made affecting the rights of a specific person or property owner. Examples include Variances, Special exceptions, Conditional use permits, Appeals from administrative decisions, Site-specific development approvals.

Legislative Proceeding

In contrast, a legislative action involves the formulation of policy applicable to the public generally. If the Board is deciding what the rules should be for everyone in the future, the proceeding is usually legislative. Examples include adopting a zoning ordinance, amending land development regulations, comprehensive plan amendments, and establishing city-wide policy.

Decision Making

Decisions must be supported by substantial, competent evidence in the record pertinent to the proceeding.

Under Florida law, F.S. § 286.0115(2)(c), “all decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding.”