

STATEMENT OF THE LEGAL ISSUES

I. Whether the Trial Court erred in ruling that the decision by the Board of Adjustment was administrative and not legislative.

The Trial Court dismissed the application for a Writ of Mandamus on grounds that the decision was administrative.

II. Whether the Trial Court erred in failing to rule on the issue of whether a decision by a county board of adjustment can be referred to a vote of the citizens of the county.

The Trial Court refused to rule on this issue.

III. Whether the Trial Court erred in failing to rule on the issue of whether a decision on a motion to grant a conditional use permit can be referred to a vote of the citizens of the county.

The Trial Court refused to rule on this issue.