

**KANE COUNTY, UTAH**

**APPLICATION TO APPEAL AUTHORITY  
ON DECISIONS APPLYING LAND USE ORDINANCE**

**REQUIRED APPLICATION INFORMATION:**

**APPLICANT (AGENT) INFORMATION:**

Name(s): \_\_\_\_\_

Address, City, State, and Zip Code: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_ Email Address: \_\_\_\_\_

**PROPERTY OWNER INFORMATION:**

Name(s): \_\_\_\_\_

Address, City, State, and Zip Code: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_ Email Address: \_\_\_\_\_

Address of Subject Property: \_\_\_\_\_

Tax Parcel Number of Subject Property: \_\_\_\_\_

Applicant's Interest in Subject Property:  Contractual (Attach Evidence)  Fee Title

Total Area (Acres or Square Feet) of Subject Property \_\_\_\_\_

Date of decision being appealed \_\_\_\_\_

1. Complete Legal Description and map of Subject Property (May complete by providing attachments):

2. State exactly which officer, commission or authority made the decision you are appealing and why the decision is being appealed:

3. State each legal theory of relief that you believe applies:

4. Do you wish to present new information: Yes  No   
If yes, why wasn't this information available at the time of the initial decision?

I HEREBY CERTIFY THAT I HAVE READ, EXAMINED AND UNDERSTAND THIS APPLICATION AND THAT THE INFORMATION SUBMITTED HEREIN AND ATTACHED HERETO IS TRUE, ACCURATE AND CORRECTLY STATES MY INTENTIONS.

Applicant's Signature(s) \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

Property Owner Signature(s) \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_



### **Standard of Review for an Appeal Application:**

1. Appeal Authority shall hear and review all Appeal Applications “de novo” (anew), including the review of all factual matters. Appeal Authority shall consider the materials presented originally before the decision maker and only such other information as Appeal Authority may deem relevant.
2. The Appeal Authority shall determine the correctness of a decision in its interpretation and application of all Land Use Ordinances.
3. Only those decisions in which a Land Use Authority has applied the requirements of the Land Use Ordinances to a particular application, person, or parcel may be appealed to the Appeal Authority.
4. The Appeal Application shall not be used to waive, modify, or amend any requirement, provision, or term of any Land Use Ordinance, except as may be appropriate in the case of a variance.
5. The Appeal Applicant/Owner has the burden of proving that the Land Use Authority erred.
6. Appeal Applicants/Owners have the right to be represented by an attorney, architect or other professional.
7. All supporting documentary evidence should, where possible, be provided to the Appeal Authority 10 days in advance of the hearing.
8. Additional review standards for an Appeal Application are provided by Section 9-3-1 of the Kane County Land Use Ordinance.