Standards 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 Ordinance 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 ten (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. [www.kanecountyutah.net *under ordinances*]

APPLICATION TO APPEAL LAND USE DECISION
KANE COUNTY, UTAH

The following information is required:

APPLICANT INFORMATION (AGENT)

Name: _____ **Phone:** _____

Address: _____ **Email:** _____

City: _____ **State:** _____ **Zip Code:** _____

PROPERTY OWNER

Name: _____ **Phone:** _____

Address: _____ **Email:** _____

City: _____ **State:** _____ **Zip Code:** _____

SUBJECT PROPERTY

Address of Property _____
Parcel Number: _____ **Total Area (acres or sq. ft.)** _____
Applicant's Interest in Property (check one): _____ **Contractual (attach paperwork)** _____ **Fee Title**
Date of Original Decision: _____

(1) Legal Description (and map) of Property: [O.K. to provide attachments] _____
_____

(2) What Officer, Commission or Authority made the decision you are appealing, and why you are appealing the decision: [O.K. to provide attachment] _____
_____

(3) State each legal theory of relief that you believe applies: _____
_____

(4) Do you have new information to present? (circle one) YES NO
Explain: _____
_____

I certify that I have read, examined and understand this application and that the information submitted and attached is true, accurate and correctly states my intentions.

_____
Applicants Signature Print Name Date

_____
Property Owners Signature Print Name Date

AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent (s) _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the county considering this application and to act in all respects as our agent in matters pertaining to the attached application.

_____
Property Owner

_____
Property Owner

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they have executed the same.

_____
Notary

PROPERTY OWNER AFFADAVIT

State of Utah }
} ss
County of _____ }

I (we), _____, depose and say that I (we) am (are) the owners(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

_____
Property Owner

_____
Property Owner

Subscribed and sworn to me this _____day of _____, 20____

_____
Notary