



# Appeal of a Decision

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Project # Being Appealed:	Received By:	Date Received:
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Appealed decision made by:

Planning Commission       Administrative Decision       Historic Landmark Commission

Appeal will be forwarded to:

Planning Commission       Appeal Hearing Officer       Historic Landmark Commission

Project Name:

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed:

Address of Subject Property:

Name of Appellant:	Phone:
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Address of Appellant:

E-mail of Appellant:	Cell/Fax:
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Name of Property Owner (if different from appellant):

E-mail of Property Owner:	Phone:
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Appellant's Interest in Subject Property:

### AVAILABLE CONSULTATION

Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

### APPEAL PERIODS

An appeal shall be submitted within ten (10) days of the decision.

### REQUIRED FEE

Filing fee of **\$253**  
 Plus additional fee for required public notices. (Additional fees for multiple hearings.)

### SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:	Date:
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**SUBMITTAL REQUIREMENT**

A written description of the alleged error and the reason for this appeal.

**WHERE TO FILE THE COMPLETE APPLICATION**

*Mailing Address:* Planning Counter  
PO Box 145471  
Salt Lake City, UT 84114

*In Person:* Planning Counter  
451 South State Street, Room 215  
Telephone: (801) 535-7700

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

\_\_\_\_\_ I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

**Additional Guidelines for Those Appealing a Planning Commission or Landmarks Commission Decision**

A person who challenges a decision by the Planning Commission or the Landmarks Commission bears the burden of showing that the decision made by the commission was in error.

The hearing officer, according to state statute, must assume that the decision is correct and only reverse it if it is illegal or not supported by substantial evidence in the record.

“Substantial evidence” means information that is relevant to the decision and credible. Substantial evidence does not include public clamor and emotion. It involves facts and not mere speculation. A witness with particular expertise can provide substantial evidence, but conjecture and public opinion alone are not substantial evidence.

The “record” includes information, including the application by the person seeking approval, the staff report, the minutes of the meeting, and any information submitted to the commission by members of the public, the applicant or others, before the decision was made. It does not include facts or opinion, even expert opinion, expressed after the decision is made or which was not available to the commission at the time the decision was made.

A decision is “illegal” if it is contrary to local ordinance, state statute or case law, or federal law. An applicant is entitled to approval if the application complies with the law, so a person challenging a denial should show that the application complied with the law; a person challenging an approval should show that the application did not conform to the relevant law. Issues of legality are not restricted to the record of the decision, but the facts supporting or opposing the decision are limited to those in the record.

With regard to the factual information and evidence that supports a decision, the person bringing the appeal, according to a long line of decisions handed down by the Utah State Supreme Court and the Court of Appeals, has a burden to “marshal the evidence” and then to demonstrate that the evidence which has been marshaled is not sufficient to support the decision.

The appellant is therefore to:

1. Identify the alleged facts which are the basis for the decision, and any information available to the commission when the decision is made that supports the decision. Spell it out. For example, your statement might begin with: “The following information and evidence may have been relied upon by the Commission to support their decision . . .”
2. Show why that basis, including facts and opinion expressed to the commission is either irrelevant or not credible. Your next statement might begin with: “The information and evidence which may have been relied upon cannot sustain the decision because . . .”

If the evidence supporting the decision is not marshaled and responded to, the hearing officer cannot grant your appeal. It may be wise to seek the advice of an attorney experienced in local land use regulation to assist you.