

Excerpts from Syracuse City Code

10.20.120 Appeal of Administrative Decisions.

(A) Purpose. This section sets forth procedures for appealing an administrative decision applying provisions of this title.

(B) Authority. The Board of Adjustment, Planning Commission, or City Council, as designated in this title, shall hear and decide appeals from administrative decisions applying the provisions of this title as provided in this section.

(C) Initiation. Any person adversely affected by a decision administering or interpreting a provision of this title may appeal to the Board of Adjustment or City Council, as applicable. A complete application for an appeal shall be filed within 15 days of the decision.

(D) Procedure. An appeal of an administrative decision shall be considered and processed as provided in this subsection.

(1) A complete notice of appeal shall be submitted to the office of the Community Development Department on a form established by the Department along with the fee established by the City in its consolidated fee schedule. The notice of appeal shall include at least the following information:

(a) The decision appealed;

(b) Grounds for the appeal; and

(c) A description of the action claimed by the applicant to be incorrect.

(2) After the notice of appeal is determined to be complete, the City shall schedule a hearing before the appropriate body. Notice of the hearing, whether before the Board of Adjustment or City Council, shall be given as provided in SCC 10.20.040. Prior to the hearing, the Community Development Department shall transmit to the appellate body all papers constituting the record of the appealed action.

(3) An appeal to the Board of Adjustment, Planning Commission, or City Council shall not stay proceedings taken in furtherance of the action appealed, unless such proceedings are specifically stayed by order of the Land Use Administrator. An appellant may request a stay by submitting to the Land Use Administrator, in writing, a request for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the Land Use Administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five days from the submittal date to the Land Use Administrator. The Land Use Administrator, in granting a stay, may impose additional conditions to mitigate any potential harm caused by the stay, including requiring the appellant to post a bond. Within 10 days of the Land Use Administrator's decision regarding the grant or denial of a stay, any aggrieved party may appeal the decision to the appellate body with jurisdiction over the appeal, whose decision will be final.

(4) The appellate body shall conduct a hearing based upon the record only, taking no new testimony or new information but relying solely upon the information and final decision of the officer or body from whom the appeal was taken. The appellate body shall thereafter affirm or reverse, wholly or in part, the lower decision, modify that decision, or impose any conditions needed to conform the matter appealed to applicable approval standards. If the prior decision is supported by substantial evidence, the appellate body shall affirm that decision. The appellate body shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

(5) A record of all appeals shall be maintained in the office of the Community Development Department. [Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Code 1971 § 10-4-120.]

<http://www.codepublishing.com/UT/Syracuse/html/Syracuse10/Syracuse1020.html#10.20.120>

NOTE: Applicant shall furnish the information on this form for purposes of identification and expediting the request in full knowledge that it may become public record pursuant to provisions of the Utah State Government Records Access and Management Act (GRAMA). Use of this information will be only for necessary completion and execution of the requested transaction. If applicant so chooses not to supply any requested information, applicant accepts the additional time in processing or inability to process the application at all. If applicant is an "at-risk government employee" as defined in Utah Code Ann. § 63-2-302.5, please inform a member of the Department staff upon submission of the application. Syracuse City does not currently share any private, controlled, or protected information with any other person or government entity.