



Development Services  
Department  
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# **Appeal Application & Process Guide**

Town of Gilbert  
Planning Services Division  
<http://www.gilbertaz.gov/departments/development-services/planning-development>

## Appeal Application Procedures

The following information is provided to assist in the preparation and submittal of an application for an Appeal of a decision made by the Zoning Hearing Officer, Design Review Board and Planning Commission:

**1. Appeals May Be Filed By:**

- a. The owner of property that is the subject of a final decision by the Zoning Administrator, Zoning Hearing Officer, Planning Commission, Design Review Board, Board of Adjustment, or Redevelopment Commission;
- b. Any other person aggrieved by a final decision of a decision-making body and who has standing to appeal pursuant to State law;
- c. A member of the Town Council;
- d. The Town Manager; or
- e. The Planning Manager

**2. Filing of Appeal**

An appeal shall be filed with the Development Services division. The appeal shall set forth the decision or decisions being appealed and the grounds upon which the appeal is based. The appeal shall be accompanied by any applicable fees.

**3. Time Limits for Appeal**

All appeals shall be filed within 10 calendar days of the decision, except for appeals from decisions of the Zoning Hearing Officer and Board of Adjustment. Appeals from decisions of the Zoning Hearing Officer and Board of Adjustment shall be filed within 30 calendar days of the decision.

**4. Proceedings Stayed by Appeal**

The timely filing of an appeal, except for the appeals of a decision of the Board of Adjustment to Superior Court, shall stay all proceedings in the matter appealed.

**5. Public Notice**

Prior to consideration of any appeal for which State law or the Zoning Code requires a public hearing, the Town shall provide public notification in compliance with Section 5.205: Notice of Public Hearings or as required by State law, whichever requires the most notice.

**6. Transmission of Record**

The Manager shall forward the appeal, the Notice of Decision, and all other documents that constitute the record to the decision-making body.

**7. Standards**

When reviewing any decision on appeal, the decision-making body shall use the same standards for decision-making required for the original decision.

**8. Hearing Body Action**

Public hearings shall be conducted in accordance with procedures set forth in Section 5.206: Public Hearing Procedures. In addition, the decision-making body may remand the matter to the original decision-making body for reconsideration, for additional information or to cure a deficiency in the record or proceeding. The decision-making body shall render its decision within 30 days of the date the hearing is closed unless State law requires a shorter deadline.





Appeal Application

Project Name: \_\_\_\_\_

Address or Location: \_\_\_\_\_

Grounds upon which the appeal is based (may attach separate sheet): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Owner: (Please print - all information must be provided)

Name (print): \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

City, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature\*: \_\_\_\_\_ Date: \_\_\_\_\_

\* A letter of authorization from the property owner is required if the application is not signed by the owner.

Applicant/Contact: (Please print - all information must be provided)

Company: \_\_\_\_\_

Contact Name: (print) \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

City, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For Staff Use Only		
Submittal Date	_____	Case Number
Fee Paid	_____	EDEN Permit Number
Receipt Number	_____	EDEN Permit Type

PADRP  
PADRAPP  
PZAAPP



**A.R.S. § 9-843. Prohibited acts by municipalities and employees; enforcement; notice**

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.