

# APPEALS

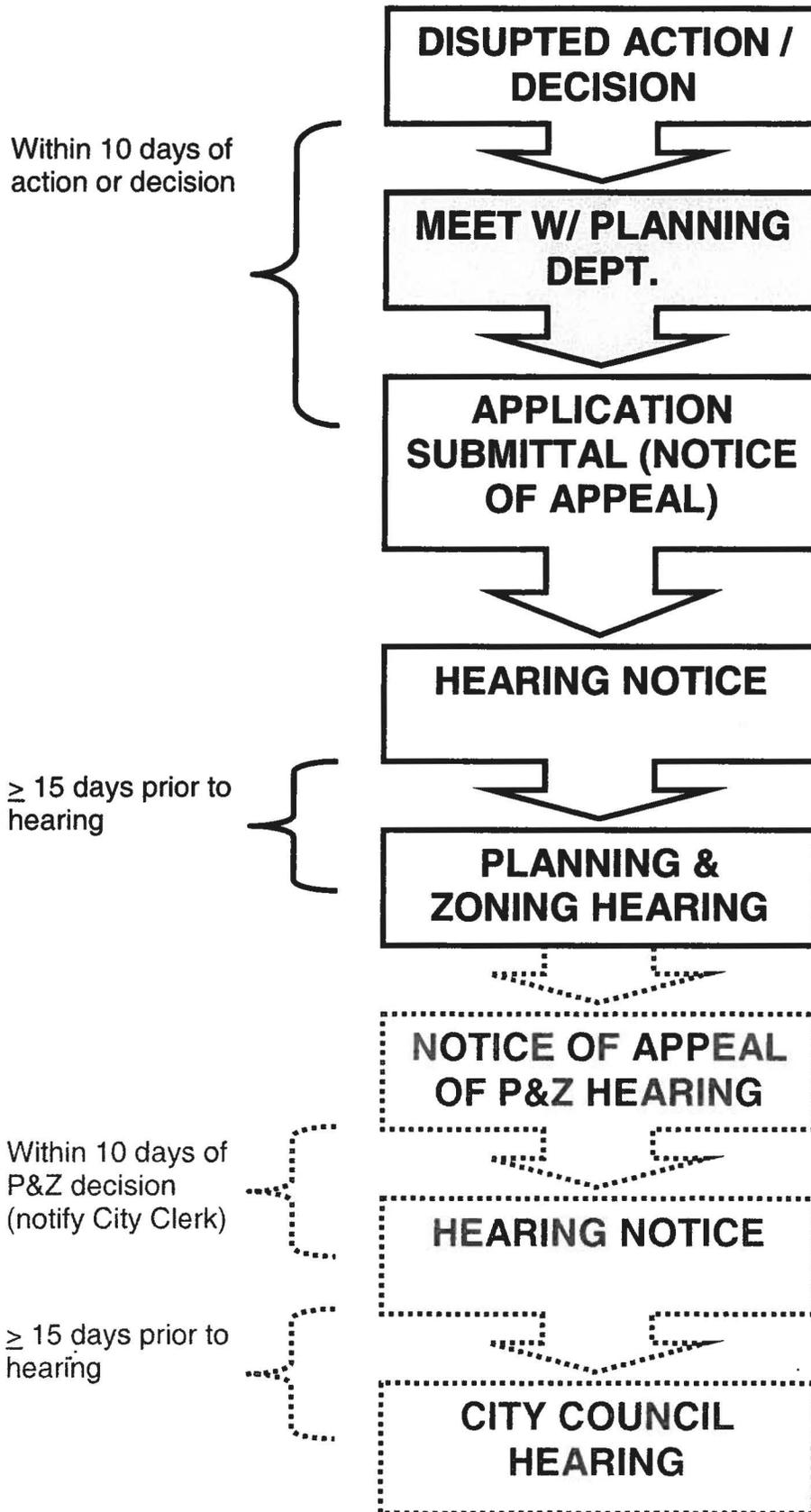


**Appeals of Actions / Decisions of the Zoning Administrator  
OR  
Appeals of Planning & Zoning Commission Decisions**



**CITY OF GALLUP, NEW MEXICO**

# THE ADMINISTRATIVE APPEALS PROCESS



## **INTRODUCTION: APPEALS**

Appeals may be taken by any person aggrieved or, by any Officer, Department, Board or Bureau of the City of Gallup, County of McKinley affected by any Administrative or Planning & Zoning Commission decision. Such an appeal shall be made within 10 days of the decision by filing with the City Clerk a Notice of Appeal specifying the grounds for the appeal. The Planning Department shall transmit to the Planning & Zoning Commission or the governing body respectively, all the papers constituting the record upon which the Appeal of Action is taken.

The Appeal process may or may not grant relief to an individual due to the actions/decisions of the City Planner or decisions of the Planning and Zoning Commission.

## **GROUND FOR AN APPEAL ( §10-4L-2(A) )**

1. There is an alleged misjudgment or error by the City Planner.
2. The particular action of the City Planner must be a part of an interpretation or decision made in the capacity as City Staff.
3. An appeal must be filed within ten (10) days after the City Planner has acted.

## **APPEAL PROCESS**

**First:** Meet with the Planning Department to discuss your needs.

**Second:** Prepare your application- you must hand it in by the second Friday of the month to be scheduled to be heard the following month.

**Third:** the application consists of:

1. Letter signed by Appellant (you) outlining the grounds for an appeal.
2. The name and address of the appellant (you), and the Property Owner (if different).
3. The exact legal description and current zoning designation of the property in question.
4. A brief description of the decision being appealed.
5. The specific provisions of the Zoning Ordinance involved in the appeal.
6. The nature of the error or grievance.
7. Specific relief sought and its justification.
8. Any additional information requested by the Board or a reviewing official.

**Fourth:** The Planning Department notifies adjacent property owners and gives notice of a public hearing in the newspaper. It also prepares a recommendation for the Planning & Zoning Commission.

**Fifth:** The Planning & Zoning Commission conducts a public hearing on the appeal and makes a decision.

**Sixth:** Should the Planning & Zoning Commission deny your appeal, you have ten (10) days from the date of the Planning & Zoning Commission decision to file your Notice of Appeal with the City Clerk for City Council consideration.

**IMPORTANT POINTS TO REMEMBER:**

There is one (1) public hearing. If you want your appeal to be heard, **YOU AND/OR YOUR AGENT MUST BE - PRESENT**. If you or your representative(s) are not present, the appeal **will not** be heard.

**COMMON PROBLEMS WITH APPEALS AND HOW TO AVOID THEM:**

Neighborhood Opposition: Visit and talk with your neighbors about your request. Keep them informed.

Lack of Information: If you have any questions, ask.

**USEFUL CONTACTS:**

Planning Department  
P. O. Box 1270  
Gallup, NM 87305  
505-863-1240

McKinley County Assessor's Office  
P. O. Box 70 / 207 W. Hill Avenue  
Gallup, NM 87301  
505-863-3032

**NOTICE OF APPEAL**

APPEALS MAY BE TAKEN BY ANY PERSON AGGRIEVED BY ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE CITY OF GALLUP, COUNTY OF MCKINLEY AFFECTED BY ANY ADMINISTRATIVE OR PLANNING AND ZONING COMMISSION DECISION. SUCH AN APPEAL SHALL BE MADE WITHIN 10 DAYS OF THE DECISION BY FILING WITH THE CITY CLERK A NOTICE OF APPEAL SPECIFYING THE GROUNDS FOR THE APPEAL. THE PLANNING DEPARTMENT SHALL TRANSMIT TO THE PLANNING AND ZONING COMMISSION OR THE GOVERNING BODY RESPECTIVELY, ALL THE PAPERS CONSTITUTING THE RECORD UPON WHICH THE APPEAL OF ACTION IS TAKEN.

**PROPERTY OWNER INFORMATION:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

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

**APPELLANT INFORMATION (if different):**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

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

**SITE ADDRESS:** \_\_\_\_\_

**LEGAL DESCRIPTION:** Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

**CURRENT ZONING:** \_\_\_\_\_

**DECISION/ACTION BEING APPEALED:** \_\_\_\_\_

**SECTION(S) OF THE LAND DEVELOPMENT STANDARDS INVOLVED IN THE APPEAL:** \_\_\_\_\_

**THE ALLEGED ERROR OR GRIEVANCE OF THE CITY OFFICIAL OR BOARD:** \_\_\_\_\_

**SPECIFIC RELIEF SOUGHT BY THE APPEAL AND REASONS SUCH RELIEF IS JUSTIFIED:** \_\_\_\_\_

\_\_\_\_\_ **Appellant (Printed Name)**                      \_\_\_\_\_ **Signature**                      \_\_\_\_\_ **Date**

O F F I C E U S E O N L Y

Pre-App. Confr. \_\_\_\_\_

Application by: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Case# \_\_\_\_\_

