



CITY OF KENAI APPEAL TO THE BOARD OF ADJUSTMENT

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611
Phone: 283-8231
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Contact Information	
Name of Appellant:	Date:
Daytime Phone No.:	Email Address:
Appellant's Physical Address:	
Appellant's Mailing Address:	
Appeal Information	
Description of the decision being appealed:	
Subject Property Owner's Name and Address:	
Subject Property Street Address:	
Decision was <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date of Decision:
Decision was made by <input type="checkbox"/> Administrative Official <input type="checkbox"/> Planning & Zoning Commission	
Check One: <input type="checkbox"/> I am the applicant for the action taken or determination, or the owner of the property that is the subject of the action or determination under appeal. <input type="checkbox"/> I am the administrative official. <input type="checkbox"/> I am a legal occupant or owner of an interest in real property who can show the decision has or could have an adverse effect on the use, enjoyment, or value of that real property. An interest which is no different from that of the general public is not sufficient to make a person aggrieved. To be a "party of record," participation with either oral or written comments at the hearing before the Planning and Zoning commission or before the administrative official making a final decision must be shown.	
Description of Harm (Note: An interest which is no different from that of the general public is not sufficient.):	
I am seeking relief as follows:	
Signature of Appellant:	
FOR CITY CLERK'S OFFICE USE ONLY: Receipt Stamp: Appellant <input type="checkbox"/> Owns <input type="checkbox"/> Leases, Lease Requested Appellant Participated <input type="checkbox"/> Orally <input type="checkbox"/> In Writing Appellant Paid Pursuant to <input type="checkbox"/> Fee Schedule <input type="checkbox"/> Fee Reduction Form Copy provided to Appellant <input type="checkbox"/> In Person <input type="checkbox"/> By Mail By: _____ Application <input type="checkbox"/> Approved <input type="checkbox"/> Denied for _____ Date Appellant Notified: _____	

Appeals to the Board of Adjustment

A. Purpose

The City of Kenai has ordinances and regulations in place to provide an opportunity to resolve certain decisions before an appeal is filed with the Superior Court. These regulations apply to certain persons aggrieved by a final decision of the administrative official or Commission. This document has been prepared as an informational guide and is not inclusive of all ordinances and regulations.

Decisions to cite or not cite a person for a violation of the Kenai Municipal Code, decisions not to issue an enforcement order under the Kenai Municipal Code, and any matters involving a recommendation may not be appealed.

B. Administration and General Provisions

Appeals are heard by the Kenai City Council sitting as the Board of Adjustment.

The Kenai City Clerk is charged with administering the appeal process. Appeals must be submitted within fifteen (15) days of the decision. An appeal notice is attached to this information for your use and complies with the information the notice must contain.

The fee for filing an appeal is established and maintained in the Planning & Zoning Schedule of Rates, Charges and Fees. Appellants whose income within certain guidelines may apply for a reduced fee or a payment plan.

C. Who can File an Appeal

Any person or persons who are aggrieved by a final decision of the administrative official or Commission and are a party of record may file an appeal.

A "person or persons aggrieved" must be:

1. The applicant
2. The administrative official
3. A legal occupant or owner of real property who shows that the decision has or could have an adverse effect on their use or enjoyment of their property.

A "party of record" is someone who shows that they, their entity, or their government agency participated with either oral or written comments at the hearing before the Commission or before the official making the decision.

D. Procedures

Once the City Clerk has accepted a notice of appeal that complies with the requirements outlined in Kenai Municipal Code, the Board of Adjustment will set a hearing. The hearing is open to the public. Within thirty (30) days after the hearing, the Board of Adjustment will issue a decision on the appeal. The Board may reverse, remand, or affirm, wholly or partly, or may modify the decision. The Board will also issue a written opinion, stating its decision, the reasons for its decision, and the vote of each member entitled to vote upon each question. Copies of the written decision are promptly posted on the City's official web site and are mailed to all parties participating in the appeal.