

RESOLUTION NO. 4737

**A RESOLUTION URGING THE BOROUGH ASSEMBLY TO AMEND THE
RULES GOVERNING BOARD OF ADJUSTMENT HEARINGS TO ALLOW
FOR ORAL ARGUMENTS BY THE PARTIES**

WHEREAS, the Fairbanks City Council serves as the board of adjustment for decisions regarding land within the City of Fairbanks and hears and decides appeals of planning commission determinations on requests for conditional uses and variances and regarding decisions or determinations made by the department of community planning in the enforcement of Title 18 of the FNSB Code; and

WHEREAS, appeals to the board of adjustment are governed by FNSB Code Chapter 18.54, Sec. 18.54.070; and

WHEREAS, under subsection H of 18.54.070, the board of adjustment may not hear arguments of the parties at its hearing on the appeal; and

WHEREAS, under the rules governing appellate procedure in our legal system, the parties are generally granted the right to request oral argument before the appeal tribunal; and

WHEREAS, the City Council believes that allowing oral arguments in appeals conducted by the board of adjustment would be beneficial to the members of the board in that it would help clarify the issues and the positions of the parties.

NOW THEREFORE BE IT RESOLVED, that the City of Fairbanks City Council respectively requests that the Fairbanks North Star Borough Assembly amend Sec. 18.54.070H of its Code of Ordinances to allow oral arguments by the parties on appeals heard by the board of adjustment.

PASSED AND APPROVED this 23rd day of May 2016.



John Eberhart, City Mayor


AYES: PASSED and APPROVED on the CONSENT AGENDA
NAYS: None
ABSENT: None
APPROVED: May 23, 2016

ATTEST:



D. Danyielle Snider, CMC, City Clerk

APPROVED AS TO FORM:



Paul Ewers, City Attorney