



Municipality of Skagway

MEMO

TO:	Board of Appeals
FROM:	Steve Burnham Jr, Borough Clerk
DATE:	February 29, 2024
SUBJECT:	Board of Appeals Information and Procedure

Pursuant to SMC 19.04.070(A)(2), the Borough Assembly is the Board of Appeals, and hears and decides appeals from decisions of the planning commission on requests for conditional uses.

Pursuant to SMC 19.04.070(E)(3), the Board of Appeals shall **only consider such grounds for appeal as specified in detail in the notice of appeal from the appellant.** After considering the appeal, the certified record, and testimony offered during the hearing, the Board of Appeals may consider a **motion to reverse or affirm the decision of the planning commission, wholly or partly, or consider a motion to modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the body from whom the appeal is taken.**

If a motion to uphold the decision of the planning commission does not pass, the Board of Appeals must make a separate motion to reverse the decision in whole or in part, or to otherwise modify the decision.

The Board of Appeals is a quasi-judicial board, which means it investigates facts and draws conclusions from them as the basis for a written decision and official action. Because the role of the board is adjudicatory, it is imperative that members of the board maintain impartiality and avoid ex parte contact with appellants and conflicts of interest regarding the matter being considered. If a member feels they have a conflict of interest on the matter, they should disclose this during the hearing and ask the presiding officer to be excused from the discussion and vote. If ex parte contact occurs, the member should fully disclose these details at the beginning of the hearing so they become part of the official record.