

100.347 Appeal from board of adjustment, planning commission, or legislative body action -- Final action defined.

- (1) Any person or entity claiming to be injured or aggrieved by any final action of the board of adjustment and that owns real property within the same zone where the property that is the subject of the final action is located shall appeal from the action to the Circuit Court of the county in which the property that is the subject of the action of the board of adjustment lies. The appeal shall be taken within thirty (30) days after the final action of the board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any appeal filed in the Circuit Court under this subsection.
- (2) Any person or entity claiming to be injured or aggrieved by any final action of the planning commission and that owns real property within the same zone where the property that is the subject of the final action is located shall appeal from the final action to the Circuit Court of the county in which the property that is the subject of the commission's action lies. The appeal shall be taken within thirty (30) days after the action of the commission. Such action shall not include the commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. Provided, however, any appeal of a planning commission action granting or denying a variance or conditional use permit authorized by KRS 100.203(5) shall be taken pursuant to this subsection. In such case, the thirty (30) day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The planning commission shall be a party in any appeal filed in the Circuit Court under this subsection.
- (3) Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of any city, county, consolidated local government, or urban-county government, relating to a map amendment and that owns real property within the same zone where the property that is the subject of the final action is located shall appeal from the action to the Circuit Court of the county in which the property that is the subject of the map amendment lies. The appeal shall be taken within thirty (30) days after the final action of the legislative body. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The legislative body shall be a party in any appeal filed in the Circuit Court under this subsection.
- (4) The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal.
- (5) For purposes of this chapter, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

Effective: June 27, 2025

History: Amended 2025 Ky. Acts ch. 83, sec. 2, effective June 27, 2025. -- Amended 2002 Ky. Acts ch. 346, sec. 153, effective July 15, 2002. -- Amended 1988 Ky. Acts ch. 144, sec. 8, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 141, sec. 39,

effective July 15, 1986. -- Created 1966 Ky. Acts ch. 172, sec. 82.