

MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

Chairperson
Terry Nicodemus

Vice Chair
Claudia Roberts



Board Members
Tina Crawford
Jesse Rongitsch

Alternate Board Member
Larry Schmidt

BOARD OF ADJUSTMENT AND APPEALS AGENDA ASSEMBLY CHAMBERS 350 E. DAHLIA AVENUE, PALMER

APPEAL HEARING

10 A.M.

MARCH 8, 2021

- I. CALL TO ORDER; ROLL CALL
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - A. December 28, 2021
- IV. ITEMS OF BUSINESS
 - A. Elect Chairperson
 - B. Elect Vice Chairperson
 - C. Appeal Hearing - BOAA Case No. 21-01, Appeal the Approval of the New Hope Estates Master Plan – Patricia Sikes, Appellant
 1. Borough Staff (*10 Minutes To Present The Decision Below And To Set Forth The Evidence And Rationale Of The Decision Maker.*)
 - a. Peggy Horton, Platting Technician
 2. Appellant (*15 minutes*)
 - a. Patricia Sikes
 3. Entitlement Applicants (*15 minutes*)
 - a. John James
 - b. Monica James
 - c. Merle Sikes
 4. Borough Attorney (*15 Minutes*)
 - a. Shannon Bodolay, Assistant Borough Attorney
 5. Interested Parties (*5 Minutes Each*)
 - a. No Interested Parties
 6. Appellant For Rebuttal (*5 minutes*)
 - a. Patricia Sikes, Appellant

V. ADJUDICATORY SESSION

VI. BOARD COMMENTS

VII. ADJOURNMENT

I. CALL TO ORDER; ROLL CALL

A meeting of the Matanuska-Susitna Borough Board of Adjustment and Appeals was called to order at 10 a.m. by Chair Terry Nicodemus for the purpose of conducting an appeal hearing.

Board members present and establishing a quorum were:

Mr. Terry Nicodemus
Ms. Claudia Roberts
Ms. Tina Crawford
Mr. Larry Schmidt

Staff in attendance were:

Ms. Brenda J. Henry, Assistant Borough Clerk
Mr. Mark Whisenhunt, Development Services Manager
Ms. Shannon Bodolay, Assistant Borough Attorney

II. APPROVAL OF AGENDA

Chair Nicodemus queried if there were any changes to the agenda.

GENERAL CONSENT: There was no objection to the agenda as presented.

III. APPROVAL OF MINUTES

A. November 6, 2020

Chair Nicodemus queried if there were any changes to the minutes.

GENERAL CONSENT: There were no changes to the minutes as presented.

IV. ITEMS OF BUSINESS

Ms. Henry noted that Mr. Creech had moved to supplement the record on appeal on December 21, 2020. Advised that the documents he requested to supplement the record with were copies of the four driveway permits and rebuttal to the Borough's written arguments. Noted that the appellant's attorney had already submitted written arguments by the due date, which was December 8. Advised that Borough code does not provide for rebuttal to written arguments but that the decision is up to the BOAA if they want to admit it to the record. Provided copies to all the parties.

Chair Nicodemus advised that the Board would go into adjudicatory session and upon exiting, they would take testimony from the appellant's attorney and the Borough attorney, regarding the motion to supplement the record.

MOTION: Ms. Roberts moved to enter into adjudicatory session.

VOTE: There was no objection noted and the Board entered into adjudicatory session at 10:03 a.m.

MOTION: Ms. Roberts moved to exit adjudicatory session.

VOTE: There was no objection noted and the Board exited adjudicatory session at 10:13 a.m.

A. Appellant's Motion to Supplement the Record

1. Paul Nangle – Attorney for Appellant Dewayne Creech (*3 minutes*)

Mr. Nangle spoke in support of supplementing the record.

2. Shannon Bodolay – Assistant Borough Attorney (*3 minutes*)

Ms. Bodolay advised that she did not oppose admitting the driveway permits, but did oppose admitting the rebuttal to the written arguments.

MOTION: Ms. Roberts moved to supplement the record with copies of the driveway permits only and to exclude the rebuttal to the written arguments.

VOTE: The motion passed without objection.

B. Appeal Hearing - BOAA Case No. 20-04 – Appeal the Denial of a Conditional Use Permit Located at 7430 West Sunrise Circle, Tax Id. No. 6405000L006, Dewayne Creech, Appellant

1. Borough Staff (*10 Minutes To Present The Decision Below And To Set Forth The Evidence And Rationale Of The Decision Maker.*)

a. Mark Whisenhunt, Acting Development Services Manager

Mr. Whisenhunt presented the decision of the Planning Commission and spoke to the remand order by the Superior Court.

2. Appellant (*15 minutes*)

a. Paul Nangle, Attorney for Appellant Dewayne Creech

Mr. Nangle presented his client's position.

3. Borough Attorney (*15 Minutes*)

a. Shannon Bodolay, Assistant Borough Attorney

Ms. Bodolay presented the Borough's position.

4. Interested Parties (*5 Minutes Each*)

a. No Interested Parties

There were no interested parties present who wished to testify.

5. Appellant For Rebuttal (*5 minutes*)
 - a. Paul Nangle, Attorney for Appellant Dewayne Creech

Mr. Nangle provided his rebuttal.

V. ADJUDICATORY SESSION

MOTION: Ms. Roberts moved to enter into adjudicatory session.

VOTE: There was no objection noted and the Board entered into adjudicatory session at 11:23 a.m.

MOTION: Ms. Roberts moved to exit adjudicatory session.

VOTE: There was no objection noted and the Board exited adjudicatory session at 3:54 p.m.

Chair Nicodemus requested that Ms. Henry read the draft of the final decision into the record.

Ms. Henry read the draft final decision into the record. Noted for the record that the BOAA only requests that she read the final decision and not all of the findings and conclusions.

MOTION: Ms. Crawford moved to approve the final decision as read into the record by the Clerk.

VOTE: The motion passed with Roberts opposed.

VI. BOARD COMMENTS

There were no comments provided.

VII. ADJOURNMENT

The meeting adjourned at 3:55 p.m.

MATANUSKA-SUSITNA BOROUGH
BOARD OF ADJUSTMENT AND APPEALS

TERRY NICODEMUS, BOAA Chairperson

ATTEST:

BRENDA J. HENRY, CMC, Assistant Borough Clerk

Minutes Approved: 03/08/21