

MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

CHAIRPERSON

Terry Nicodemus

VICE CHAIR

Claudia Roberts



BOARD MEMBERS

Tina Crawford

Jesse Rongitsch

Jay VanDiest

ALTERNATE BOARD MEMBER

Larry Schmidt

AGENDA

BOARD OF ADJUSTMENT AND APPEALS ASSEMBLY CHAMBERS

APPEAL HEARING

10 A.M.

MARCH 14, 2022

I. CALL TO ORDER; ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. December 22, 2021

B. January 10, 2022

IV. ITEMS OF BUSINESS

A. Elect Chairperson

B. Elect Vice Chairperson

C. Hearing, BOAA Case No. 22-01, Appeal the Denial of a Variance for Government Lot 5, within Township 18 north, Range 1 east, Section 34, Seward Meridian, Tax ID No. 18N01E34B002, Shaun Krautkremer, appellant

1. Borough Staff (*10 minutes to present the decision below and to set for evidence and rationale of the decision maker*)

a. Mark Whisenhunt

2. Appellant (*15 minutes*)
 - a. Shaun Krautkremer

3. Borough Attorney (*15 minutes*)
 - a. Shannon Bodolay, Assistant Borough Attorney

4. Interested Parties (*5 minutes each*)
5.
 - a. Terrance Cosgrove
 - b. Ronald Reisner
 - c. Elizabeth Holt

6. Appellant for Rebuttal (*5 minutes*)
 - a. Shaun Krautkremer

IV. ADJUDICATORY SESSION

V. BOARD COMMENTS

VI. ADJOURNMENT

I. CALL TO ORDER

An appeal hearing was held on December 22, 2021, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The hearing was called to order at 9 a.m. by Chair Terry Nicodemus.

II. ROLL CALL

Board members present and establishing a quorum were:

Terry Nicodemus, Chair
Claudia Roberts, Vice Chair
Tina Crawford
Jesse Rongitsch

Board members absent and excused were:

Larry Schmidt
Jay VanDiest

Staff in attendance were:

Brenda J. Henry, CMC, Assistant Borough Clerk
Denise Michalske, Assistant Borough Attorney
Jason Ortiz, Acting Planning and Land Use Director
Mark Whisenhunt, Planner II

III. APPROVAL OF AGENDA

MOTION: Claudia Roberts Moved to approve the agenda as presented.

GENERAL CONSENT: The agenda was approved as presented without objection.

IV. APPROVAL OF MINUTES

- A. October 13, 2021
- B. October 26, 2021

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

GENERAL CONSENT: The minutes were approved as presented without objection.

V. ITEMS OF BUSINESS

A. Hearing, BOAA Case No. 21-05 – Appeal of Planning Commission Resolution No. 21-19, Denial of a Conditional Use Permit for Extraction of Earth Materials at Tax Parcel C001, Township 17 North, Range 2 West, Section 10, Seward Meridian, aka Sylvan Road Gravel Pit, Trust Land Office, Appellant No. 1 and Colaska dba QAP, Appellant No. 2

1. Any Items That Were Unable To Be Addressed Before The Hearing

Brenda Henry advised that there were two late filed interested parties, which were Nellie and Edward Hanousek. Stated she did not know if the parties were present to speak. Noted it is up to the BOAA if they want to allow a late filing of the notice of interested party.

Chair Nicodemus queried if there was any objection to denying the late filed interested parties forms.

There was no objection noted.

2. Borough Staff (*10 minutes to Present the Decision Below and to Set Forth Evidence and Rationale of the Decision Maker.*)
- a. ~~Alex Strawn, Planning and Land Use Director~~ Jason Ortiz, Acting Planning and Land Use director

Jason Ortiz presented the decision below and set forth evidence and rationale of the decision maker.

No questions were asked of Jason Ortiz.

3. Appellant No. 1 (*15 Minutes*)
- a. Aaron Peterson, Attorney for Appellant No. 1, Jusdi Doucet, Trust Land Office

Aaron Peterson provided his opening statement.

No questions were asked of Aaron Peterson.

4. Appellant No. 2 (*15 Minutes*)
- a. Todd Johnson, Colaska dba QAP

Todd Johnson provided his opening statement.

No questions were asked of Todd Johnson.

5. Borough Attorney (*15 Minutes*)
- a. Denise Michalske, Assistant Borough Attorney

6. Interested Parties (*5 Minutes Each*)

a. Julie Holbrook

Julie Holbrook spoke in opposition to the CUP.

b. Kenneth Holbrook

Kennith Holbrook spoke in opposition to the CUP.

c. Patti Fisher for Meadow Lakes Community Council

Patti Fisher spoke in opposition to the CUP.

d. Brett Westcott

Brett Westcott spoke in opposition to the CUP.

e. Shawn Barrows

Shawn Barrows did not appear and did not provide testimony.

f. Norman L. Godfrey

Norman L. Godfrey did not appear and did not provide testimony.

g. Norman James Godfrey

Norman James Godfrey did not appear and did not provide testimony.

h. Sarah Godfrey

Sarah Godfrey spoke in opposition to the CUP.

i. Hailee Godfrey

Hailee Godfrey did not appear and did not provide testimony.

j. Cody Godfrey

Cody Godfrey did not appear and did not provide testimony.

k. Matthew Medinas

Matthew Medinas did not appear and did not provide testimony.

l. Michael Baumgartner

Michael Baumgartner did not appear and did not provide testimony.

m. Monica Alderman

Monica Alderman spoke in opposition to the CUP.

n. Dawn Harris

Dawn Harris did not appear and did not provide testimony.

o. John Harris

John Harris did not appear and did not provide testimony.

p. Irina Morozova

Irina Morozova spoke in opposition to the CUP.

q. Amy Schacle

Amy Schacle spoke in opposition to the CUP.

r. Elissa Williams

Elissa Williams spoke in opposition to the CUP.

s. James Reese

James Reese did not appear and did not provide testimony.

t. Robert Coffin

Robert Coffin spoke in opposition to the CUP.

u. Roger Oliver

Roger Oliver did not appear and did not provide testimony.

v. Olena Oliver

Olena Oliver did not appear and did not provide testimony.

w. Rachel Hebert

Rachel Hebert did not appear and did not provide testimony.

x. Karen Zajchowski

Karen Zajchowski spoke in opposition to the CUP.

y. Whitney Crombie

Whitney Crombie did not appear and did not provide testimony.

z. Heather Langendorf

Heather Langendorf spoke in opposition to the CUP.

aa. Brian O'Connor

Brian O'Connor did not appear and did not provide testimony.

bb. Mary White-Meacham

Mary White-Meacham spoke in opposition to the CUP.

cc. Sherri Rusher

Sherri Rusher spoke in opposition to the CUP.

dd. Camden Yehle

Camden Yehle spoke in opposition to the CUP.

ee. Kara Nelson

Kara Nelson did not appear and did not provide testimony.

ff. Chad Scott

Chad Scott spoke in opposition to the CUP.

gg. Kathleen Koeneman

Kathleen Koeneman spoke in opposition to the CUP.

hh. John Sturgeon

John Sturgeon spoke in support of the CUP.

ii. Kelly Turnage

Kelly Turnage did not appear and did not provide testimony.

jj. Will Turnage (telephonic)

Will Turnage spoke in opposition of the CUP.

6. Appellant No. 1 for Rebuttal (*5 Minutes*)

a. Aaron Peterson, Attorney for Appellant No. 1 Jusdi Doucet, Trust Land Office

Aaron Peterson provided his rebuttal.

7. Appellant No. 2 for Rebuttal (*5 Minutes*)

a. Todd Johnson, Colaska dba QAP

Todd Johnson provided his rebuttal.

IV. ADJUDICATORY SESSION

MOTION: Claudia Roberts moved to enter into adjudicatory session.

VOTE: There was no objection noted and the BOAA entered into adjudicatory session at 10:53 a.m.

MOTION: Claudia Roberts moved to exit adjudicatory session.

VOTE: There was no objection noted and the BOAA exited adjudicatory session at 2:09 p.m.

Chair Nicodemus requested Brenda Henry to read the draft final decision into the record.

Brenda Henry noted that there are findings and conclusions but that the BOAA only requests that she read the final decision into the record. Read the final decision into the record.

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

VOTE: The motion passed without objection.

V. BOARD COMMENTS

There were no comments provided.

VI. ADJOURNMENT

The meeting adjourned at 2:11 p.m.

MATANUSKA-SUSITNA BOROUGH
BOARD OF ADJUSTMENT AND APPEALS

TERRY NICODEMUS, Chairperson

ATTEST:

BRENDA J. HENRY, CMC, Assistant Borough Clerk
Minutes Approved:

I. CALL TO ORDER

A hearing to take up a petition for reconsideration was held on January, 10, 2022, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The hearing was called to order at 10 a.m. by Chair Terry Nicodemus.

II. ROLL CALL

Board members present and establishing a quorum were:

Terry Nicodemus, Chair
Claudia Roberts, Vice Chair
Tina Crawford
Jesse Rongitsch

Board members absent and excused were:

Larry Schmidt
Jay VanDiest

Staff in attendance were:

Brenda J. Henry, CMC, Assistant Borough Clerk
John Aschenbrenner, Deputy Borough Attorney
Jason Ortiz, Acting Planning and Land Use Director
Mark Whisenhunt, Planner II

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved as presented without objection.

IV. ITEMS OF BUSINESS

A. BOAA Case No. 21-04 – Hearing To Take Up Petition For Reconsideration Of The Final Decision For BOAA 21-04, Appeal The Determination That A Conditional Use Permit Is Required For Operation Of The Comsat Quarry Near Talkeetna, Marty Parsons, Appellant.

1. Geoffrey Parker, Attorney for Interested Party, Comsat Area Lakes and Land Alliance
(10 minutes)

Geoffrey Parker presented his case in support of reconsideration.

2. Dana Burke or Brian Gregg, Attorneys for Appellant Marty Parsons (*10 Minutes*)

Dana Burke presented his case in opposition of reconsideration.

3. John Aschenbrenner, Deputy Borough Attorney (*10 Minutes*)

John Aschenbrenner presented his case in support of reconsideration.

Terry Nicodemus asked questions of John Aschenbrenner

Jesse Rongitsch asked questions of John Aschenbrenner.

IV. ADJUDICATORY SESSION

MOTION: Claudia Roberts moved to enter into adjudicatory session.

VOTE: The motion passed without objection and the BOAA entered adjudicatory session at 10:55 a.m.

MOTION: Claudia Roberts moved to exit adjudicatory session.

VOTE: The motion passed without objection and the BOAA exited adjudicatory session at 11:08 p.m.

Chair Nicodemus requested that Brenda Henry read only the draft final decision into the record.

Brenda Henry read the draft final decision into the record.

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

VOTE: The motion passed without objection.

V. BOARD COMMENTS

There were no comments provided.

VI. ADJOURNMENT

The meeting adjourned at 11:10 a.m.

MATANUSKA-SUSITNA BOROUGH
BOARD OF ADJUSTMENT AND APPEALS

TERRY NICODEMUS, Chairperson

ATTEST:

BRENDA J. HENRY, CMC, Assistant Borough Clerk

Minutes Approved: