

# MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

## CHAIRPERSON

Terry Nicodemus

## VICE CHAIR

Jesse Rongitsch



## BOARD MEMBERS

Tina Crawford

## ALTERNATE BOARD MEMBER

Larry Schmidt

Brian Swanson

## AGENDA

### BOARD OF ADJUSTMENT AND APPEALS

350 EAST DAHLIA AVENUE

PALMER, ALASKA

## APPEAL HEARING

10 A.M.

APRIL 30, 2025

### I. CALL TO ORDER

### II. ROLL CALL

### III. APPROVAL OF AGENDA

### IV. ITEMS OF BUSINESS

#### A. Elect Officers

1. Elect Chairperson
2. Elect Vice Chairperson

#### B. Approval of Minutes

1. November 8, 2024
2. November 20, 2024
3. December 18, 2024

#### C. Hearing, BOAA Case No. 24-03, Appeal of the Approval of a Conditional Use Permit for Extraction of Earth Materials at 8751 & 8901 East Palmer/Wasilla Highway.

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, Current Planner

2. Appellant (*15 minutes*)
  - a. David Oliver
3. Entitlement Applicant (*15 minutes*)
  - a. Tim Alley on behalf of Mountain Gravel Investments Group, LLC.
4. Borough (*15 minutes*)
  - a. Erin Ashmore, Assistant Borough Attorney
5. Interested Parties (*5 minutes each*)
  - a. Cheri A. Sobczak-Crippen
  - b. Karel LaWalter
  - c. Catherine Torrence
6. Appellant for Rebuttal (*5 minutes*)
  - a. David Oliver

V. ADJUDICATORY SESSION

VI. BOARD COMMENTS

VII. ADJOURNMENT

**I. CALL TO ORDER**

A meeting of the Matanuska-Susitna Borough Board of Adjustments and Appeals was called to order at 10 a.m. by Chairperson Terry Nicodemus.

**II. ROLL CALL**

Board members present and establishing a quorum were:

Terry Nicodemus  
Jesse Rongitsch  
Tina Crawford  
Larry Schmidt

Board members recused from participating:

Jay Van Diest  
Brian Swanson

**III. APPROVAL OF AGENDA**

Chairperson Nicodemus queried if there was any objection to the agenda as presented.

There were no objections noted.

**III. ITEMS OF BUSINESS**

**A. Elect Chairperson**

Tina Crawford nominated Terry Nicodemus as chairperson.

VOTE: The nomination was accepted without objection.

**B. Elect Vice Chairperson**

Tina Crawford nominated Jesse Rongitsch as vice chairperson.

VOTE: The nomination was accepted without objection

**C. Minutes**

1. May 24, 2022
2. June 30, 2022
3. August 17, 2022
4. September 8, 2022

Chair Nicodemus queried if there were any changes or objections to the minutes as presented.

VOTE: The minutes were approved as presented without objection.

- D. Hearing, BOAA Case No. 24-02, Appeal the approval of the preliminary plat for Lazy Moose Run Subdivision, Abby Pochatko, Appellant

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

- a. Matthew Goddard, Platting Technician

Matthew Goddard presented the decision below and set forth the evidence and rationale of the decision maker.

Tina Crawford asked questions of Matthew Goddard.

2. Appellant (15 minutes)

- a. Abby Pochatko

Abby Pochatko provided her statement in support of the appeal.

Chairperson Nicodemus asked questions of Abby Pochatko.

3. Entitlement Applicant (15 minutes)

- a. Thomas or Megan Van Diest

Thomas Van Diest provided his statement in opposition to the appeal.

Chairperson Nicodemus asked questions of Thomas Van Diest.

Thomas stated that his surveyor and his engineer would be better equipped to answer questions.

Chairperson Nicodemus queried if there was any objection to him asking questions of Gary LoRusso and Curt Holler.

There was no objection noted.

Chairperson Nicodemus asked questions of Gary LoRusso.

Chairperson Nicodemus asked questions of Curt Holler.

Tina Crawford asked questions of Curt Holler.

4. Borough (15 minutes)

- a. John Aschenbrenner, Deputy Borough Attorney

John Aschenbrenner provided his statement of the Borough's support of the preliminary plat.

Larry Schmidt asked questions of John Aschenbrenner

Tina Crawford asked questions of John Aschenbrenner.

5. Other Interested Parties (*5 minutes each*)

b. Shelly Nielsen

Shelly Nielsen provided her statement in opposition to the preliminary plat.

c. John Nielsen

John Nielsen provided his statement in opposition to the preliminary plat.

d. Gail Volt

Gail Volt provided her statement in opposition to the preliminary plat.

e. Jerry Hupp

Jerry Hupp provided his statement in opposition to the preliminary plat.

f. Amanda Wolfe

Amanda Wolfe provided her statement in opposition to the preliminary plat.

6. Appellant for Rebuttal (*5 minutes*)

a. Abby Pochatko

Abby Pochatko provided her rebuttal.

V. ADJUDICATORY SESSION

MOTION: Jesse Rongitsch moved to enter adjudicatory session.

There was no objection noted and the BOAA entered adjudicatory session at 11:56 p.m.

MOTION: Jesse Rongitsch moved to exit adjudicatory session.

There was no objection noted and the BOAA exited adjudicatory session at 3:11 p.m.

Chair Nicodemus requested Ms. Henry to read the draft notice of right to appeal and final decision into the record.

MOTION: Jesse Rongitsch moved to approve the notice of right to appeal and final decision as read into the record by the Clerk.

VOTE: The motion passed with Tina Crawford opposed.

VI. BOARD COMMENTS

There were no comments provided.

VII. ADJOURNMENT

The meeting adjourned at 3:25 p.m.

BOARD OF ADJUSTMENT AND APPEALS

---

TERRY NICODEMUS, Chairperson

ATTEST:

---

BRENDA J. HENRY, MMC  
Assistant Borough Clerk

Minutes Approved:

**I. CALL TO ORDER**

A meeting of the Matanuska-Susitna Borough Board of Adjustments and Appeals was called to order at 10 a.m. by Chairperson Terry Nicodemus.

**II. ROLL CALL**

Board members present and establishing a quorum were:

Terry Nicodemus  
Jesse Rongitsch  
Jay Van Diest  
Tina Crawford  
Larry Schmidt

Board members absent and excused:

Brian Swanson

**III. APPROVAL OF AGENDA**

Chairperson Nicodemus queried if there was any objection to the agenda as presented.

There were no objections noted.

**III. ITEMS OF BUSINESS**

A. Hearing, BOAA Case No. 24-01, Appeal the denial of a conditional use permit for Shoreline Cannabis, located at 4200 Snider Drive, Wasilla, Alaska – Justin Benson, Appellant

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

a. Rick Benedict, Planner

Rick Benedict presented the decision below and set forth the evidence and rationale of the decision maker.

No questions were asked of Rick Benedict.

2. Appellant *(15 minutes)*

a. Justin Benson or Jana Weltzin

Ms. Weltzin requested to share her time with the appellant.

Chairperson Nicodemus queried if there was any objection.

There was no objection noted.

Jana Weltzin, Attorney for Appellant Justin Benson, provided her opening statement in support of the CUP

Justin Benson, Appellant, provided his opening statement in support of the CUP.

3. Borough Attorney (*15 minutes*)

a. ~~Denise Michalske~~ John Aschenbrenner

John Aschenbrenner, Deputy Borough Attorney, provided his opening statement in opposition to the CUP.

Chairperson Nicodemus asked questions of John Aschenbrenner.

Jesse Rongitsch asked questions of John Aschenbrenner.

Chairperson Nicodemus asked questions of John Aschenbrenner and Rick Benedict.

Jay Van Diest asked questions of John Aschenbrenner.

4. Interested Parties (*5 minutes*)

John Aschenbrenner, Deputy Borough Attorney, objected to the interested parties as listed on the agenda.

Chairperson Nicodemus requested a motion to enter into adjudicatory session.

MOTION: Jesse Rongitsch moved to enter into adjudicatory session.

VOTE: There was no objection noted and the BOAA entered into adjudicatory session at 11:01 a.m.

MOTION: Jesse Rongitsch moved to exit adjudicatory session.

VOTE: There was no objection noted and the BOAA exited adjudicatory session at 11:06 a.m.

MOTION: Jay Van Diest moved to hear from all interested parties.

VOTE: The motion passed without objection.

a. Morgan Hall

Morgan Hall testified in support of the CUP.

b. Yvonna Williamson

Yvonna Williams testified to the character of Justin Benson.

Chairperson Nicodemus redirected the testimony by stating that the BOAA is not present to



determine whether Mr. Benson is a good person, they are here to decide if the Planning Commission made a good decision.

Yvonna Williamson continued her testimony in support of the CUP.

c. Josh Boots

Josh Boots testified in support of the CUP.

d. Matt Neissink

Matt Neissink testified in support of the CUP.

e. Loren Means

Loren Means testified in support of the CUP.

5. Justin Benson, Appellant Rebuttal

Jana Weltzin, Attorney for Appellant, provided her rebuttal.

6. ~~Denise Michalske~~ John Aschenbrenner

John Aschenbrenner provided his rebuttal.

Tina Crawford asked questions of John Aschenbrenner.

## V. ADJUDICATORY SESSION

MOTION: Jesse Rongitsch moved to enter adjudicatory session.

There was no objection noted and the BOAA entered adjudicatory session at 11:40 a.m.

MOTION: Jesse Rongitsch moved to exit adjudicatory session.

There was no objection noted and the BOAA exited adjudicatory session at 3:05 p.m.

Chair Nicodemus requested Ms. Henry to read the draft notice of right to appeal and final decision into the record.

MOTION: Jesse Rongitsch moved to approve the notice of right to appeal and final decision as read into the record by the Clerk.

VOTE: The motion passed with Tina Crawford opposed.

VI. BOARD COMMENTS

There were no comments provided.

VII. ADJOURNMENT

The meeting adjourned at 3:09 p.m.

BOARD OF ADJUSTMENT AND APPEALS

---

TERRY NICODEMUS, Chairperson

ATTEST:

---

BRENDA J. HENRY, MMC  
Assistant Borough Clerk

Minutes Approved:

## **I. CALL TO ORDER**

A meeting of the Matanuska-Susitna Borough Board of Adjustments and Appeals was called to order at 10 a.m. by Chairperson Terry Nicodemus.

## **II. ROLL CALL**

Board members present and establishing a quorum were:

Terry Nicodemus  
Jesse Rongitsch  
Tina Crawford  
Larry Schmidt  
Brian Swanson

Board members recused from participating:

Jay Van Diest

## **III. APPROVAL OF AGENDA**

Chairperson Nicodemus queried if there was any objection to the agenda as presented.

Ms. Henry stated that she used an old template that did not include time for the entitlement applicant to speak. Requested that the BOAA amend the agenda to include time for the entitlement applicant as speaker number 2.

Chairperson Nicodemus queried if there was any objection.

There were no objections noted.

## **III. ITEMS OF BUSINESS**

A. Hearing RE: MSB Motion to Dismiss the appeal in BOAA Case No. 24-03, Appeal the approval of a conditional use permit for extraction of earth materials at 8751 & 8901 East Palmer/Wasilla Highway, David Oliver, Appellant.

1. Borough (*15 Minutes*)

a. Erin Ashmore, Assistant Borough Attorney

Erin Ashmore spoke in support of dismissing the appeal due to Mr. Oliver not meeting the code requirements of an interested party.

Tina Crawford asked questions of Erin Ashmore.

2. Entitlement Applicant (15 minutes)
- a. Tim Alley, Entitlement Applicant Representative

Tim Alley, testified in support of the CUP.

No questions were asked of Tim Alley.

Chairperson Nicodemus queried if there was any objection to asking Ms. Henry to speak to how the appeal was filed.

David Oliver did not object.

Erin Ashmore objected noting that would put Ms. Henry in place as a witness and that it would require getting another clerk to staff the meeting.

The BOAA collectively declined to go that route.

3. Appellant (15 minutes)
- a. David Oliver

David Oliver provided his rebuttal to the dismissal.

No questions were asked of David Oliver.

## **V. ADJUDICATORY SESSION**

MOTION: Jesse Rongitsch moved to enter adjudicatory session.

There was no objection noted and the BOAA entered adjudicatory session at 10:26 a.m.

MOTION: Jesse Rongitsch moved to exit adjudicatory session.

There was no objection noted and the BOAA exited adjudicatory session at 11:40 a.m.

Chair Nicodemus requested Ms. Henry to read the draft order into the record.

MOTION: Jesse Rongitsch moved to approve the order denying dismissal.

VOTE: The motion passed without objection.

## **VI. BOARD COMMENTS**

There were no comments provided.

## **VII. ADJOURNMENT**

The meeting adjourned at 11:50 a.m.

BOARD OF ADJUSTMENT AND APPEALS

---

TERRY NICODEMUS, Chairperson

ATTEST:

---

BRENDA J. HENRY, MMC  
Assistant Borough Clerk

Minutes Approved: