

**MUNICIPALITY OF ANCHORAGE  
ZONING BOARD OF EXAMINERS AND APPEALS  
RESOLUTION NO. 2018-007**

A RESOLUTION DENYING AN APPEAL OF A DIRECTOR'S DETERMINATION DATED JULY 23, 2018 REGARDING A COMPARISON OF PLANNING CASES 2017-0072 AND 2018-0052 DETERMINING THAT THEY ARE NOT "SUBSTANTIALLY THE SAME" REZONE.

(Case 2018-0099)

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WHEREAS, a request was received from Marc June, Patrick Dougherty, Robert Brown, Gail Morrison, Mark Morrison, Bern Davis, and Ralph Warren, Appellant(s), for an appeal of a director's determination dated July 23rd, 2018 regarding a comparison of planning cases 2017-0072 and 2018-0052 determining that they are not "substantially the same" rezone; and

WHEREAS, public hearing notices were published, posted, and mailed, and a public hearing was held on December 13, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Examiners and Appeals that:

- A. The Board makes the following findings of fact in response to the "statements of error" alleged by the appellant:
1. Anchorage municipal code does not require the Planning Director to request comments, or provide notice to the public or interested parties regarding directors' determinations.
  2. This statement of error is not pertinent to the appeal. The Planning Director was not required to request a rehearing.
  3. The cases cited by the appellant are not applicable, and thus, do not require a comparison of "scope, general purpose, and means."
  4. Zoning districts are different based upon the virtue of their existence. Each one has their own purpose, intent, and rules. The rezoning sought in case 2018-0052 was not "substantially the same" as the rezoning sought in case 2017-0072.
  5. This statement of error is outside the scope of the appeal. The only cases the board must consider are 2017-0072 and 2018-0052.
  6. This statement of error is outside the scope of the appeal.

8. This statement of error is redundant to previous arguments. The rezoning sought in case 2018-0052 was not “substantially the same” as the rezoning sought in case 2017-0072.

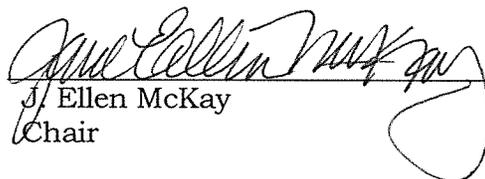
The Board makes the following findings of fact in response to the “statements of error” alleged by the appellant in their October 25, 2018 submittal:

1. The Planning Director has the authority to make interpretations of code and is not required to publish or notice those interpretations.
  2. This statement of error is outside the scope of the appeal.
- B. The Board denies the appeal of a director’s determination dated July 23, 2018 regarding a comparison of planning cases 2017-0072 and 2018-0052 determining that they are not “substantially the same” rezone.

DENIED by the Zoning Board of Examiners and Appeals on the 13<sup>th</sup> day of December, 2018.

ADOPTED by the Zoning Board of Examiners and Appeals on the 10<sup>th</sup> day of January, 2019. This is the final decision of the Board. Any party aggrieved by this decision may file an appeal pursuant to Anchorage Municipal Code 21.03.050D.

  
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David R. Whitfield  
for Secretary

  
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Ellen McKay  
Chair

(Case No. 2018-0099)