



**MUNICIPALITY OF ANCHORAGE
BOARD OF ADJUSTMENT
MEETING AGENDA**

May 22, 2024; 10:00 a.m. to 11:00 a.m.
City Hall, 632 W. 6th Avenue
Conference Room 240 and Microsoft TEAMS
Anchorage, Alaska

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF THE AGENDA**
4. **MINUTES OF THE PREVIOUS MEETING**
 - A. Minutes of the Board of Adjustment Meeting of May 10, 2024
5. **NEW BUSINESS –**
 - A. **BOA Appeal No. 2023-02**, Re: Planning and Zoning Commission Case No. 2023-0078 & 2023-0079, Conditional Use for a 65' Type I Tower and Utility Substation with Variances for Landscaping and Fence Height
 1. **Findings of Fact and Decision**
6. **OLD BUSINESS –** None.
7. **MEMBER COMMENTS**
8. **AUDIENCE PARTICIPATION**

Please note: Audience Participation may not concern adjudicatory matters before the Board of Adjustment. **Pursuant to AMC 21.03.050A.10.b., the Board of Adjustment shall not hear argument nor take additional testimony or other evidence.** The Board may consider only the material contained in the appeal packet.
9. **ADJOURNMENT**

HOW THE PUBLIC CAN PARTICIPATE:

Teams Phone Number: **+1 907-519-0237**
Phone Conference ID: **107 516 53#**



**Municipality of Anchorage
Board of Adjustment
Minutes of the Meeting of May 10, 2024**

City Hall, 632 W. 6th Avenue
Assembly Conference Room #240 and TEAMS
Anchorage, Alaska

1. CALL TO ORDER

Chair Rose convened the meeting at 10:01 a.m.

2. ROLL CALL

Present: Michael Rose, Sam Laffey, Nancy Pease
Excused: Carl Propes, Jr.

A Quorum was achieved with 3 Board Members present.

Also in attendance were Board Counsel, Dean Gates; Assistant to Board Counsel, Brandi Heasley; Legal Counsel for Board of Adjustment, Cortney Kitchen; and Deputy Clerk, Jasmine Acres.

Clerk's Note: Board Counsel, Dean Gates, was excused at 11:00 a.m.

3. APPROVAL OF THE AGENDA

Michael Rose, moved,
Nancy Pease, seconded,

to approve the Agenda of the Board
of Adjustment Meeting of May 10,
2024

and the motion passed with unanimous consent.

4. MINUTES OF THE PREVIOUS MEETING

- a. February 23, 2024
- b. April 26, 2024

Nancy Pease, moved,
Michael Rose, seconded,

to approve the Minutes of the Board
of Adjustment Meetings of February 23, 2024
and April 26, 2024

and the motion passed with unanimous consent.

5. NEW BUSINESS

A. Hearing on BOA Appeal No. 2023-02, Re: Planning and Zoning Commission Case No. 2023-0078 & 2023-0079, Conditional Use for a 65' Type I Tower and Utility Substation with Variances for Landscaping and Fence Height

1. Hearing Panel Members' Disclosures of Potential Conflict of Interest

Clerk's Note: The Board of Adjustment members did not have a conflict of interest.

2. Board Consideration of Appeal No. 2023-02

Michael Rose, moved,
Nancy Pease, seconded,

to consider the appeal in the matters regarding AO 2023-11 and AO 2023-12 following the analysis laid out in the memorandum in regard to items A through B

and this motion passed 3-0.

AYES: Michael Rose, Sam Laffey, Nancy Pease
NAYS: None.

Sam Laffey, moved,
Michael Rose, seconded,

to discuss that the un inclusion of the materials outlined in the appellants brief was not a substantial error

and the motion, as amended, passed 3-0.

AYES: Michael Rose, Sam Laffey, Nancy Pease
NAYS: None.

Sam Laffey, moved,
Michael Rose, seconded,

to amend the motion to state, "that un inclusion of the materials outlined in the appellants Brief was a harmless error by the Planning and Zoning Commission due to the discussion of the issues."

and the motion passed with unanimous consent.

AYES: Michael Rose, Sam Laffey, Nancy Pease
NAYS: None.

Sam Laffey, moved,
Nancy Pease, seconded,

that the Planning and Zoning Commission's implicit factual findings that Chugach met the Community Council summaries implicitly stated is supported by substantial evidence

and the motion failed 0-3.

AYES: None.

NAYS: Michael Rose, Sam Laffey, Nancy Pease

Michael Rose, moved,
Nancy Pease, seconded,

that the Board of Adjustment remand to the Planning and Zoning Commission for further hearing and direct the Planning and Zoning Commission to require the Community Council meeting requirements be met before they reconsider the issue on the remand

and the motion passed 3-0.

AYES: Michael Rose, Sam Laffey, Nancy Pease

NAYS: None.

Clerk's Note: Chair Rose made the ruling that the three remaining issues should not be considered by the Board of Adjustment and there was no objection.

Michael Rose, moved,
Nancy Pease, seconded,

to remand Appeal No. 2023-02 to the Planning and Zoning Commission under Anchorage Municipal Code (AMC) 21.030.050 13.a.ii, there has been a substantial procedural error that requires further public hearing

and the motion passed 3-0.

AYES: Michael Rose, Sam Laffey, Nancy Pease

NAYS: None.

Michael Rose, moved,
Sam Laffey, seconded,

to direct the Planning and Zoning Commission that any facts and findings must be supported by substantial evidence

and the motion passed 3-0.

AYES: Michael Rose, Sam Laffey, Nancy Pease
NAYS: None.

6. **OLD BUSINESS** - *None.*
7. **MEMBER COMMENTS** – *None.*
8. **AUDIENCE PARTICIPATION** – *None.*
9. **ADJOURNMENT**

Chair Rose adjourned the Board of Adjustment meeting of May 10, 2024, at 11:23 a.m.

Respectfully submitted,
Jasmine Acres, for
Jamie Heinz, Municipal Clerk

For detailed Board discussion, please refer to the recording of this meeting located on the Municipal Website at <http://www.muni.org/Residents/Pages/MuniMeetings.aspx>.