



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

October 30, 2024; 9:30 a.m. to 10:30 a.m.
City Hall, 632 W. 6th Avenue
MICROSOFT TEAMS
Anchorage, Alaska

1. **CALL TO ORDER**
2. **ROLL CALL**
 - A. **Reappointments –**
 1. **Oath of Office – Michael Rose, Seat 4**
 2. **Oath of Office – Carl Propes, Jr., Seat 2**
3. **APPROVAL OF THE AGENDA**
4. **MINUTES OF THE PREVIOUS MEETING**
 - A. Minutes of the Board of Adjustment Meeting of May 22, 2024
5. **NEW BUSINESS –**
 - A. **BOA Appeal No. 2024-01**
 1. **Disclose potential conflicts of interest and confirm Hearing Panel**
 2. **Discuss schedule availability**
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: 965 588 354#



**Municipality of Anchorage
Board of Adjustment
Minutes of the Meeting of May 22, 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 Assistant to Board Counsel, Brandi Heasley; Legal Counsel for Board of Adjustment, Cortney Kitchen; and Deputy Clerk, Jasmine Acres.

3. APPROVAL OF THE AGENDA

Michael Rose, moved, to approve the Agenda of the Board
Nancy Pease, seconded, of Adjustment Meeting of May 22,
2024

and the motion Passed with unanimous consent.

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

4. MINUTES OF THE PREVIOUS MEETING

a. May 10, 2024

Nancy Pease, moved, to approve the Minutes of the Board
Sam Laffey, seconded, of Adjustment Meetings of May 10, 2024

and the motion Passed 3-0.

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

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. Findings of Fact and Decision

Sam Laffey, moved,
Nancy Pease, seconded,

to approve the document provided by Counsel titled "REDLINE 2024.5.22 BOA FINAL DECISION APPEAL" draft

and this motion was withdrawn.

Sam Laffey, moved,
Nancy Pease, seconded,

to approve the document "2024.5.22 FINAL BOA Decision Appeal 2023-02"

and this document, as amended, was approved 3-0.

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

Nancy Pease, moved,
Michael Rose, seconded,

to amend the Final Facts and Decision document on page 2, under Finding 7, to strike the word "Council"

and the motion Passed with unanimous consent.

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

Sam Laffey, moved,
Michael Rose, seconded,

to amend Finding 5, on page 2, after the first use of Planning and Zoning Commission to add the words, "and acknowledges the implicit fairness of providing public comments simultaneously with other case information, but commends..."

and the motion Passed 2-1.

AYES: Michael Rose, Nancy Pease
NAYS: Sam Laffey

Nancy Pease, moved,
Sam Laffey, seconded,

to amend Finding 5 at the first sentence to strike "community council comments" and add "the BKCC email and resolution were omitted..." and amend the last sentence to

read, "...but commends PZC for thoroughly addressing the issues raised by the BKCC email and resolution..."

and the motion Passed with unanimous consent.

AYES: Michael Rose, Sam Laffey, Nancy Pease

NAYS: None.

Nancy Pease, moved,
Michael Rose, seconded,

to amend Finding 6, after "procedural error..." to add the language, "because the specific issues raised in the email and resolution, regarding the communication tower, were discussed in detail by commissioners during the public hearing."

and the motion Passed 2-1.

AYES: Michael Rose, Nancy Pease

NAYS: Sam Laffey

Nancy Pease, moved,
Michael Rose, seconded,

to amend Finding 8 to read as follows, "AMC 21.03.020C requires conditional use applicants to attend a community meeting, preferably a community council meeting," and update citation 9 to read, "see *also* AMC 21.03.020C.2.b."

and the motion Passed with unanimous consent.

AYES: Michael Rose, Sam Laffey, Nancy Pease

NAYS: None.

Nancy Pease, moved,
Michael Rose, seconded,

to extend the meeting for 30-minutes

and the motion Passed with unanimous consent.

AYES: Michael Rose, Sam Laffey, Nancy Pease

NAYS: None.

Nancy Pease, moved,
Sam Laffey, seconded,

to amend Finding 9 to add at the end, "Chugach stated its reticence to share information that might be subject to change during the design and permitting process; while also stating that the community meeting is "our opportunity to inform you of all the details of our project and receive

input from anyone who has questions or concerns.”¹² Chugach’s withholding of design elements still subject to modification defeats the purpose of a community meeting for early discussion and input of community concerns.”

and the motion Passed 2-1.

AYES: Michael Rose, Nancy Pease
NAYS: Sam Laffey

Nancy Pease, moved,
Michael Rose, seconded,

to amend Finding 10 to strike the word, “suggested” and add the language, “gave BKCC the expectations...”

and the motion Passed with unanimous consent.

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

Michael Rose, moved,
Sam Laffey, seconded,

to amend the conclusion by adding a sixth paragraph to read, “6. Because of effect of the remand, the Board of adjustment declines to address the other points raised on appeal. The Board of Adjustment does this without any indication of the merits of those points of appeal.”

and the motion Passed with unanimous consent.

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

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

Nancy Pease, moved,
Sam Laffey, seconded,

to adjourn the Board of Adjustment meeting of May 22, 2024.

Chair Rose adjourned the Board of Adjustment meeting of May 22, 2024, at 11:17 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>.

DRAFT