

**MUNICIPALITY OF ANCHORAGE
ADMINISTRATIVE THREE-MEMBER PANEL
of the
BOARD OF BUILDING REGULATION EXAMINERS AND APPEALS
MEETING MINUTES SUMMARY**

December 9, 2013

1. **CALL TO ORDER AND ROLL CALL:** The meeting was called to order at 6: 02 pm. by Chair Bohne.

Board Present

Scott Bohne
Serena O'Donnell
Jon Steele

Staff Present

Ross Noffsinger
Sharen Walsh
Jerry Weaver

Appellant

Rebecca Windt
Bill Taylor
Paul Michelsohn

2. **APPROVAL OF AGENDA:** Mr. Steele motioned to approve and Ms. O'Donnell seconded. At this time all parties were sworn in.

3. **PUBLIC HEARINGS: Not Applicable**

4. **NEW BUSINESS:**

- a. **An appeal of Denial of Acceptance of Application due to incomplete submittal**

Staff gave a brief overview of the case before the panel. The appeal was protesting a denial of acceptance of application due to incomplete submittal. The appeal asserted the code did not preclude acceptance and early review of zoning, planning, address, flood, NPDES, storm water and other reviews not related to the third-party approved architectural and structural submittal. The appellant also asserted partial submittals had been previously accepted. The Panel asked questions of staff on the permitting process.

Chair Bohne asked the appellant to present their case. The representative for the appellant explained the panel should approve the appeal because standard practice in the building safety review is to accept permit review materials and to have them reviewed by the plan review department simultaneously with other departments in the municipality: zoning, planning, floods, storm water, etc...and the department to her knowledge has not required that plan review not necessarily be completed prior to these other reviews. On October 30, Colony Builders submitted materials to commence the building review process and at the time the plans were going through simultaneous review by a third party professional. The thought was the municipality portions of the plan review were going to be completed at the same time.

The appellant noted the ordinance on third-party review stated the intent was to speed up the plan review permitting process. It is believed a section in the ordinance is being misinterpreted and slowing process down and that is not the intent of the ordinance the assembly passed. In closing, the appellant noted if completion of the third party review prior to submittal is not specifically required by the code but if the building official would like to make this requirement as an extrapolation of this ordinance, it would have the effect of a regulation and needs to go through public process. The Panel asked questions of the appellant for several minutes.

Staff presented their case and explained the appeal should be denied because the appellant attempted to submit an application for review under 23.10.104.7.1 Optional residential single-family and two-family plan review without including the signed architectural and structural drawings, which were under separate review by a non-MOA reviewer. Staff rejected the application as incomplete; the building official upheld this action. MOA maintains code is specific as to what is required for a complete submittal prior to acceptance and initiation of any review, and staff acted correctly in rejecting the application and the building official acted correctly in upholding the staff's decision. The panel asked questions of staff and the appellant.

The appellant was given an opportunity to give a rebuttal. The panel asked more questions about stamped plans and how important it is to have those stamped plans.

Mr. Steele motioned that we reorder the agenda to allow an additional opportunity for public input. Ms. O'Donnell seconded. The panel discussed. The Chair approved.

Ms. Windt introduced Mr. Michelsohn as a witness and asked he be able to speak on the process as to when he submits permits. Mr. Michelsohn spoke of the plan review process and the building official has the right to not issue permit until all requirements are satisfied. He noted when one submits the documentation, 2 sets of prints, plot plans, etc...and it goes through review, most times it's five to ten days for comments to come back but by the third day you have your zoning and approved plot plans way before your structural is every completed. What Mr. Taylor is saying is there is a standard for MOA plan review and a standard for third party review and really they should be working together. Mr. Steele asked Mr. Michelsohn if he had ever submitted for a permit under the exempt process. Mr. Michelsohn responded, "No."

Staff responded and stated there are two standards. As an example, if you submit plans under the municipality review you must submit calculations and under the private review you are not required to submit calculations.

5. PANEL COMMENTS/DECISION:

Mr. Steele motioned to deny the application for building permit BCA – 4 – 2013. Ms. O'Donnell seconded. Mr. Steele noted it boils down to the language of the ordinance and code. The specifics needs to be addressed: the permit was submitted, it was not accepted because the required items were not included in the packet. The panel discussed and asked further questions of both staff and the appellant.

Chair Bohne summarized the appeal and the motion before them then the panel voted. The panel's unanimous decision was: not in favor of supporting the appeal.

Mr. Steele gave the findings of fact, which will be in a formalized another document.

6. ADJOURNMENT: Meeting adjourned at 7:48 p.m. **Mr. Steele motioned. Ms. O'Donnell seconded. Unanimously Approved.**