

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

**August 12, 2015**

---

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

**Board Present**

Royal Field  
Ray Hickel  
Scott Bohne

**Staff Present**

Ross Noffsinger  
Sharen Walsh  
Jerry Weaver  
Sam Severin

**Public Participation**

Jason Ruedy  
Del Isabelle  
Sue Isabelle  
Ron Wilde

**2. PUBLIC HEARINGS:**

Chair Bohne opened the hearing asking Mr. Severin to present the case. Mr. Severin presented the case before the panel noting two items were before the board: the Notice and Order of September 26, 2014; a Stop Work Order of 2005, which has not been in effect since 2008. Mr. Severin suggested the panel should make a decision to not hear the 2005 case. The panel asked questions regarding the motions and if the panel has the authority to act on hearing the 2005 case.

Mr. Ruedy asked to address the panel on the 2005 case saying the appellant would like the 2005 case addressed as no action was taken by the board and the Isabelle's have appeal rights and due process rights. If the panel wants to deny the Isabelle's the action they would like it noted on record. The panel considered all options before them.

Chair Bohne asked do we want to entertain a motion to hear the 2005 case. **Mr. Hickel moved to hear the 2005 case. Mr. Field second.** There is a motion to hear BCA02 -2005. Mr. Ruedy and the Isabelle's would like both items to be combined and heard. Mr. Severin commented we don't believe there is a stay of any kind. Combining them doesn't make sense. The 2014 Notice and Order could take care of everything and the facts are in front of the panel. **The vote was called and the Panel voted not to hear the 2005 case.** The Chair asked the appellant to present his case regarding the Notice and Order of September 26, 2014,

Mr. Ruedy began stating it would be a group effort and it would take longer then 30 minutes to present his case. It was explained there were two permits taken out, one was a right-of-way permit to gain access for a driveway and the other was a fill and grade permit. The appellants began a detailed presentation stating it was necessary because the information had not been documented previously. The presentation discussed the topography; the content of the fill, the ROW for a driveway and utility pole in the ROW, the retention basin, and earthwork on Crockett's property. They concluded with a request to lift the stop work orders.

The panel asked questions on the topography, fill placement, the ROW for a driveway and pole in the ROW, retention basin, and earthwork on Crockett's property; the panel concluded their questioning and asked staff to give their presentation.

Ms. Walsh first clarified staff's position regarding statements made by the Isabelle's. She acknowledged the first topographic survey given to the Isabelle's was incorrect. She thanked the Isabelle's for catching the error on the survey and noted the second survey was correct. She confirmed the Isabelle's were given a topographic map and CD containing all survey information in the department's possession.

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

The panel questioned staff on the 2001 and 2003 codes; substantial changes to the design of the home, 2001 permitting of engineered fill, asking if there was a requirement for engineered fill back then. The panel asked about slope grades, stop work orders for emergency repair, and if inspection were conducted without owner's permission or knowledge. Staff answered all questions and concerns from the panel.

The panel asked if it was Building Safety's responsibility to move the pole. It was noted no. The appellant noted Chugach stated it was the Municipality's ROW. Has the removal been started? Staff commented we don't know. Mr. Thompson was involved in that and he is no longer with the Municipality. We would be happy to coordinate with Chugach regarding an appropriate alternate location and timetable for moving the pole as noted in the Notice and Order.

Mr. Ruedy asked why do we keep addressing the fill and drainage issues. It's a bonded fill site, the Isabelle's are happy to deal with the neighbor's complaints. Let us complete our project; let's make them come to us.

Staff spoke to the drainage issue and noted the theme through-out has been changes have been made without notification or submittal of revised plans. The appellant has shown a pattern of not informing the Municipality of changes in the work.

Mrs. Isabelle replied the changes were done at the request of the municipality and their intent was to go forward with the original approved plans.

**3. PANEL COMMENTS/DECISION:**

Chair Bohne closed testimony and asked for a positive motion from the board. Chair Bohne entertained a motion to accept appeal case BCA02-2014 filed by the Isabelles. Mr. Field motioned and Mr. Hickel second. Panel began discussion of the Notice and Order items:

The Notice and Order contained two general items and four specific directions. The two general items include relocation of the CEA service pole presently located in the middle of the right of way and the elevation of the northwest corner of the Crockett property. The primary one is the pole being moved out of the way. Typically it is not the MOA's responsibility, CEA promised they would move the pole and they should adhere to the promise. The other one deals with the findings of the elevation of the corner property. Substantial work was done and yet no one could come to any conclusion so the second paragraph is moot.

**Item 1 – Realignment of Lois Drive:**

With the panel's understanding of the code, the question was if the city acted appropriately regarding the driveway and utility pole. The panel felt if a driveway permit was obtained by the Isabelle's, they should only be held to the 2001 requirements. In conclusion, staff shall confirm there is a driveway permit and include amended language.

**Item 2 – Requirement to provide drainage calculations:**

On the requirement to provide drainage calculations: the panel would only support it if it was an original permit requirement.

**Item 3 – A statement recorded against the property about possible organics in the fill:**

Good idea; however, they had inspections. We are not clear as to how frequently but it appears not as frequently as the IBC would require. We have to believe the Isabelle's when they say they got rid of the debris. In the 70's

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

and 80's, there were many problems with debris being thrown on properties and covered with good materials then being sold. There is due diligence when you buy a property and with this, the city could be going too far. Regarding the frozen material for the septic system, it has been a while since it was placed and it's not frozen anymore. This one is a moot point now.

**Chair Bohne requested a motion to extend the meeting beyond 11:00 p.m. Mr. Hickel motioned and Mr. Field second. Approved.**

**Item 4 - Requirement of a structural engineer's report:**

Requiring an engineer's report for the structure; it would be a good idea. Through no fault, the structure has sat unmaintained and it needs to get looked at by an engineer for structural decay of framing members, plywood and connectors. The other thing is the condition and safety of the building is in play and with the Isabelle's signing off on it and the muni signing off on it then you have all the paperwork. There is some concern about the wording so to not use it as a hammer. The report need only address which building components need to be replaced due to exposure to weather, not to reanalyze the building's structural design.

**Vote on Item 1:**

**Mr. Hickel motioned to approve item 1; Mr. Field seconded. 2 in favor 1 opposed.** There was some confusion regarding the vote. **Mr. Hickel asked for reconsideration. The reconsideration was approved.** It was explained the vote is to insert language saying to use the 2001 code standards under the conclusions in item 1. **Chair Bohne read the current motion with amended language is: to enter into an Improvement to Public Place (IPP) agreement to realign the road or to confirm fulfillment of a previously approved driveway permit to 2001 standards. Mr. Hickel moved to accept item 1 with approved language as amended. Mr. Fields second. Approved. Panel Vote: 2 in favor and 1 opposed. The Panel found in favor of the Municipality.**

**Item 2:**

Acceptance of item 2 to provide drainage calculations shall be required. **Panel Vote: 0 in favor and 3 opposed. The Panel was opposed and found in favor of the appellant; drainage calculations will not be required.**

**Item 3:**

Requires recording of a statement against the property regarding the possibility of organic materials in the existing fill. **Panel Vote: 0 in favor and 3 opposed. The Panel was opposed and found in favor of the appellant; no such statement will be required to be recorded.**

**Item 4:**

Engineer's report assessing condition of building components to include a plan for corrections. **Panel Vote: 3 in favor and none opposed. The Panel found in favor of the Municipality; a structural engineer's assessment is required and shall also contain a plan for correction of items listed in the assessment.**

**Findings of Facts and Conclusions of Law** was read into the record by Mr. Field

**4. ADJOURNMENT:**

Meeting adjourned at 11:46 p.m. **Mr. Hickel moved to adjourn the meeting and Mr. Fields seconded. Unanimously Approved.**