

# MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

**Chairperson**  
Terry Nicodemus

**Vice Chair**  
Claudia Roberts



**Board Members**  
Tina Crawford  
David Boulier

**Alternate Board Member**  
Larry Schmidt

## BOARD OF ADJUSTMENT AND APPEALS AGENDA ASSEMBLY CHAMBERS 350 E. DAHLIA AVENUE, PALMER

**APPEAL HEARING**

**10 A.M.**

**NOVEMBER 6, 2020**

I. CALL TO ORDER; ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. September 9, 2020

IV. ITEMS OF BUSINESS

A. BOAA Case No. 20-03 - Appeal Hearing – Appeal the Denial of a Request for Variance, Janice Ellsworth, Appellant

1. Borough Staff (*10 Minutes To Present The Decision Below And To Set Forth The Evidence And Rationale Of The Decision Maker.*)

a. Joe Metzger, Planner II

2. Appellant (*15 minutes*)

a. J. Taylor Rounds, on behalf of Janice Ellsworth, Appellant

3. Borough Attorney (*15 Minutes*)

a. Shannon Bodolay, Assistant Borough Attorney

4. Interested Parties (*5 Minutes Each*)

a. No Interested Parties

5. Appellant For Rebuttal (*5 minutes*)

a. J. Taylor Rounds, on behalf of Janice Ellsworth, Appellant

V. ADJUDICATORY SESSION

VI. BOARD COMMENTS

VII. ADJOURNMENT

**I. CALL TO ORDER; ROLL CALL**

A meeting of the Matanuska-Susitna Borough Board of Adjustment and Appeals was called to order at 10 a.m. by Chair Terry Nicodemus for the purpose of conducting an appeal hearing.

Board members present and establishing a quorum were:

Mr. Terry Nicodemus  
Ms. Claudia Roberts  
Ms. Tina Crawford  
Mr. Larry Schmidt

Staff in attendance were:

Ms. Brenda J. Henry, Assistant Borough Clerk  
Mr. John Aschenbrenner, Deputy Borough Attorney  
Ms. Susan Lemons, Assistant Borough Attorney  
Ms. Peggy Horton, Platting Technician

**II. APPROVAL OF AGENDA**

Chair Nicodemus queried if there were any changes to the agenda.

GENERAL CONSENT: There was no objection to the agenda as presented.

**III. APPROVAL OF MINUTES**

A. June 11, 2020

Chair Nicodemus queried if there were any changes to the minutes.

GENERAL CONSENT: There were no changes to the minutes as presented.

**IV. ITEMS OF BUSINESS**

A. BOAA Case No. 20-02 - Appeal Hearing – Appeal the Approval of the 6 Mile Master Plan, Platting Board Case No. 2020-039 – Jim Colver, Appellant

Ms. Henry advised that Mr. Colver is requesting to use a visual aid for his presentation. Noted that if it is allowed, it would become part of the record and copies would need to be provided to all the parties. Queried if the BOAA is interested in allowing this.

Chair Nicodemus queried if there was any objection.

There was no objection noted

Chair Nicodemus stated that he has known Mr. Colver for many years as they both work in the same industry. Stated that he can be fair and impartial in making any decisions about the appeal.

Ms. Roberts stated that she has known him for many years in a professional setting and that she can be fair and impartial.

Ms. Henry noted that she has known Mr. Colver for many years both personally and professionally. Related that she is not a decision maker but wanted to be clear for the record.

1. Borough Staff (*10 Minutes To Present The Decision Below And To Set Forth The Evidence And Rationale Of The Decision Maker.*)

a. Peggy Horton, Platting Technician

Ms. Horton presented the decision and rationale of the Platting Board.

Chair Nicodemus asked questions of Ms. Horton.

2. Appellant (*15 minutes*)

a. Jim Colver, Appellant

Mr. Colver provided his opening statement.

There were no questions asked of Mr. Colver

3. Entitlement Applicant (*15 Minutes*)

a. Lee Allen Estate Representative

Mr. Craig Hanson spoke on behalf of the estate.

There were no questions asked of Mr. Hanson.

4. Borough Attorney (*15 Minutes*)

a. Susan Lemons, Assistant Borough Attorney

Ms. Lemons provided her opening statement.

Mr. Aschenbrenner concluded the opening statement.

5. Interested Parties (*5 Minutes Each*)

a. Rhonda Stark

Ms. Stark spoke in support of the Appellant.

b. Russell Lewis

Mr. Lewis did not appear and did not testify.

6. Appellant For Rebuttal (*5 minutes*)
  - a. Jim Colver, Appellant

Mr. Colver provided his rebuttal.

## **V. ADJUDICATORY SESSION**

MOTION: Ms. Roberts moved to enter into adjudicatory session.

VOTE: There was no objection noted and the Board entered into adjudicatory session at 10:51 a.m.

MOTION: Ms. Roberts moved to exit adjudicatory session.

VOTE: There was no objection noted and the Board exited adjudicatory session at 1:20 p.m.

Chair Nicodemus requested that Ms. Henry read the findings, conclusions, and final decision of the draft decision into the record.

Ms. Henry read the draft final decision into the record.

MOTION: Ms. Roberts moved to approve the final decision as read into the record by the Clerk.

VOTE: The motion passed without objection.

## **VI. BOARD COMMENTS**

There were no comments provided.

## **VII. ADJOURNMENT**

The meeting adjourned at 1:27 p.m.