

# MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

**Chairperson**  
Terry Nicodemus

**Vice Chair**  
Claudia Roberts



**Board Members**  
Tina Crawford  
Jesse Rongitsch  
Jay VanDiest

**Alternate Board Member**  
Larry Schmidt

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

**APPEAL REHEARING**

**10 A.M.**

**MAY 27, 2021**

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I. CALL TO ORDER; ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. April 9, 2021
- B. April 22, 2021

IV. ITEMS OF BUSINESS

- A. Appeal Hearing Post Reconsideration - BOAA Case No. 21-01, Appeal the Approval of the New Hope Estates Master Plan – Patricia Sikes, Appellant
  - 1. Borough Staff (*10 Minutes To Present The Decision Below And To Set Forth The Evidence And Rationale Of The Decision Maker.*)  
Fred Wagner, Platting Officer
  - 2. Appellant (*15 minutes*)
    - a. Patricia Sikes
  - 3. Entitlement Applicants (*15 minutes*)
    - a. John James
    - b. Monica James
    - c. Merle Sikes
  - 4. Borough Attorney (*15 Minutes*)
    - a. John Aschenbrenner, Deputy Borough Attorney
  - 5. Interested Parties (*5 Minutes Each*)
    - a. No Interested Parties
  - 6. Appellant For Rebuttal (*5 minutes*)
    - a. Patricia Sikes, 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  
Mr. Larry Schmidt  
Ms. Tina Crawford

Staff in attendance were:

Ms. Brenda J. Henry, Assistant Borough Clerk  
Mr. John Aschenbrenner, Deputy Borough Attorney

**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. March 22, 2021

Vice Chair Roberts 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. Hearing to Take Up the Borough's Petition for Reconsideration of the final decision for BOAA Case No. 21-01, Appeal the Approval of the New Hope Estates Master Plan, Patricia Sikes, Appellant

1. John Aschenbrenner, Deputy Borough Attorney (15 minutes)

Mr. Aschenbrenner providing his testimony in support of reconsideration.

Chair Nicodemus asked questions of Mr. Aschenbrenner.

2. Patricia Sikes, Appellant (15 minutes)

Ms. Patricia Sikes provided her testimony in support of reconsideration.

There were no questions asked of Ms. Sikes.

**V. ADJUDICATORY SESSION**

MOTION: Mr. Schmidt moved to enter into adjudicatory session.

VOTE: There was no objection noted and the Board entered into adjudicatory session at 10:23 a.m.

MOTION: Mr. Schmidt moved to exit adjudicatory session.

VOTE: There was no objection noted and the Board exited adjudicatory session at 11 a.m.

Chair Nicodemus requested that Ms. Henry read the draft of the reconsideration order into the record.

Ms. Henry read the draft reconsideration order into the record.

MOTION: Mr. Schmidt moved to approve the order granting reconsideration and setting a hearing and briefing schedule.

VOTE: The motion passed without objection.

Ms. Sikes advised that she was out of town on May 7, 2021, which is the date is proposed for the rehearing.

MOTION: Mr. Schmidt moved to strike the date of May 7, 2021, in the reconsideration order and to have the Clerk determine a date all parties are available and to issue a notice of hearing and briefing schedule.

VOTE: There was no objection noted.

**VI. BOARD COMMENTS**

There were no comments provided.

**VII. ADJOURNMENT**

The meeting adjourned at 11:08 a.m.

MATANUSKA-SUSITNA BOROUGH  
BOARD OF ADJUSTMENT AND APPEALS

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TERRY NICODEMUS, BOAA Chairperson

ATTEST:

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BRENDA J. HENRY, CMC, Assistant Borough Clerk

Minutes Approved: NEED TO INSERT

**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
- Mr. Jesse Rongitsch
- Ms. Tina Crawford

Staff in attendance were:

- Ms. Brenda J. Henry, Assistant Borough Clerk
- Ms. Shannon Bodolay, Assistant Borough Attorney
- Mr. Mark Whisenhunt, Planner II

**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**

There were no minutes to approve.

**IV. ITEMS OF BUSINESS**

- A. Appeal Hearing - BOAA Case No. 21-03, Appealing the Hours of Operation for a Marijuana Retail Facility Located at West Machen Road, Permit No. 176020200012, Kerby Coman, Appellant
  - 1. Borough Staff (*10 Minutes To Present The Decision Below And To Set Forth The Evidence And Rationale Of The Decision Maker.*)
    - a. Mark Whisenhunt

Mr. Whisenhunt presented the decision below and set forth the evidence and rationale of the decision maker.

No questions were asked of Mr. Whisenhunt.

- 2. Appellant (*15 minutes*)
  - a. Kerby Coman

Mr. Coman set forth his points on appeal.

There were no questions asked of Mr. Coman.

3. Borough Attorney (*15 minutes*)
  - a. Shannon Bodolay, Assistant Borough Attorney

Ms. Bodolay testified to the Borough's position on the appeal.

Ms. Crawford asked questions of Ms. Bodolay.

Mr. Nicodemus asked questions of Ms. Bodolay and Mr. Whisenhunt.

4. Interested Parties (*5 Minutes Each*)
  - a. No Interested Parties

There were no interested parties to testify.

5. Appellant For Rebuttal (*5 minutes*)
  - a. Kerby Coman, Appellant

Mr. Coman provided his rebuttal.

Mr. Nicodemus asked questions of Mr. Coman.

## **V. ADJUDICATORY SESSION**

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

VOTE: There was no objection noted and the Board entered into adjudicatory session at 10:16 a.m.

MOTION: Ms. Crawford moved to exit adjudicatory session.

VOTE: There was no objection noted and the Board exited adjudicatory session at 11:30 a.m.

Chair Nicodemus requested that Ms. Henry read the draft of final decision into the record.

Ms. Henry read the draft reconsideration order into the record. Advised that there are findings and conclusions, but that the BOAA does not request that she read all of that into the record.

MOTION: Ms. Crawford 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 11:32 a.m.

MATANUSKA-SUSITNA BOROUGH  
BOARD OF ADJUSTMENT AND APPEALS

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TERRY NICODEMUS, BOAA Chairperson

ATTEST:

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BRENDA J. HENRY, CMC, Assistant Borough Clerk

Minutes Approved: NEED TO INSERT