

bag ✓

NOTICE OF APPEAL TO THE ZONING BOARD OF EXAMINERS AND APPEALS

This appeal under AMC 21.30.130 must be perfected by the applicant, or any person adversely affected by an administrative official's decision, no later than **20 days** after written notification of the decision. To perfect the appeal, the applicant must file a *Notice of Appeal to the Zoning Board of Examiners and Appeals* with the Municipal Clerk's Office; and pay the appeal fee.

General Identity of Action Being Appealed:

Planning Division Case File Number: Date of Action:

Legal Description of Property Involved:

Appellant's Name and Address:

Last Name: First Name:

Address: City: State: Zip:

Phone Number:

Relationship to Action: Petitioner Agent of Petitioner Government Agency Other Person Adversely Affected

Provide Name and Address of Petitioner

Last Name: First Name:

Address: City: State: Zip:

Specifics of Appeal Certification

AMC 21.30.110 Jurisdiction of Board

AMC 21.30.130 Notice of Appeal - Time Limitation

A. An appeal to the Zoning Board of Examiners and Appeals must be filed no later than 20 days after notification of the decision being appealed.

B. Notice of appeal must be filed with the Municipal Clerk on a form prescribed by the Municipality and **must contain detailed and specific allegations of error.**

Detailed and specific allegation(s) of error:

See attached document.

VK Waldrop@gmail.com

2014 MAR 13 PM 1:59
CLERK'S OFFICE
H.O.A.

(Attach additional pages as necessary.)

I (we) hereby certify that I am (we are) qualified to make this appeal and that my (our) statement of cause and reason is true and correct to the best of my (our) knowledge.

Signature Date

Date: <u>3/13/14</u>	Cash: _____	Check: <input checked="" type="checkbox"/> #78261	Credit Card: _____	Receipt: <u>470360</u>	Total Paid: <u>\$1080.00</u>	Appeal Fee \$1080
----------------------	-------------	---------------------------------------------------	--------------------	------------------------	------------------------------	-------------------

2014 - 0058

present evidence that the facility meets the standards required for an occupancy variance under AMC 21.15.013.E.

b. The Department erred by approving an administrative variance based solely on unsubstantiated statements from the Applicant and failing to properly consider public comments illustrating the eight-person residential care facility will jeopardize the area's residential character. The Department's actions fail to comply with AMC 21.15.013.E.

c. The Department erred by failing to recognize that expanding the number of residents permissible at the residential care facility will permanently and negatively impact the residential neighborhood greater than is permitted in the R-1A, single-family residential zoning district. The needs associated with an eight-person residential care facility will significantly increase vehicle traffic in the cul-de-sac where the facility is located, disrupting and jeopardizing the area's residential character. The residential care facility will rely on outside providers for many services needed by the facility's residents, requiring numerous service providers, such as transportation services, food services, maintenance services, medical and personal care providers, and other service providers, to frequent the facility. Additionally, the facility will have several shift changes each day for staff. Together the service providers and shift changes will increase vehicle traffic, particularly commercial and large vehicle traffic, in the otherwise quiet cul-de-sac. In particular, the increased vehicle traffic will jeopardize the safety of pedestrians and children, who frequently walk and play in the quiet, dead-end-street. The commercial aspects

of the facility will jeopardize the neighborhood's residential character, and thus the standard announced in AMC 21.15.013.E.4 is not met.

d. The Department erred by approving an administrative variance application that included inadequate evidence that the Applicant will protect and preserve the area's residential character, as is required under AMC 21.15.013.E.1. The Applicant only cited to the facility's trash collection method and on-property parking to demonstrate the facility is preserving and protecting the area's residential character. Trash collection and on-property parking, however, only address two minor aspects of operating an eight-person residential care facility. The Applicant failed to establish how it would mitigate other aspects of an eight-person residential care facility to protect and preserve the area's residential character, such as potential noise disturbances, overflow parking, increased vehicle and large-vehicle traffic, and traffic patterns for the cul-de-sac location.

e. Because no evidence supports the finding, the Department erred by suggesting an economic hardship on the intended occupants would occur if the variance is denied. Neither the Department nor the Applicant cite information, such as the cost or availability of other housing options, to support a finding that an economic hardship on the intended occupants would occur if the variance is denied, as is required under AMC 21.15.013.E.2. Although the Applicant cites to an article purportedly written in "Senior Voice" to support the claim that Anchorage needs more residential care facilities like the proposed facility, other evidence indicates the cited material was an advertisement — not an article — for another care facility operated by the Applicant.

f. The Department's finding regarding the facility's financial viability lacks evidentiary support and, therefore, is erroneous. Furthermore, the Department's finding fails to acknowledge that by commencing construction on an eight-person residential care facility before obtaining an occupancy variance, the Applicant himself created the financial necessity, if any exists, for the expanded facility. Self-created hardships cannot be relied upon to meet the standard established in AMC 21.15.013.E.5.

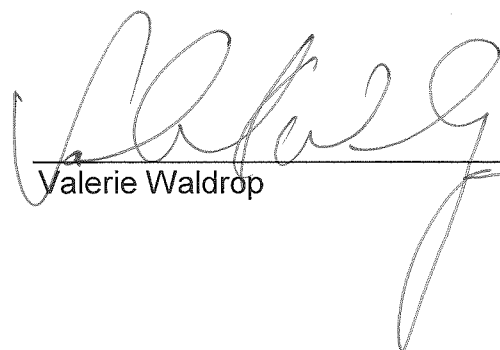
g. The Department erred by failing to comply with the notice and comment requirements established in AMC 21.15.013.C. and AMC 21.15.013.D.

2. Relief Requested

Due to the above detailed errors, I respectfully request the Zoning Board of Examiners and Appeals deny the administrative variance from occupancy limits for the residential care facility located at 8431 Cormorant Cove Circle.

DATED this 13 day of March, 2014.

By:



Valerie Waldrop