

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 9-9-03

Submitted by: Assemblymember Tesche
Prepared by: Department of Assembly
For reading: August 12, 2003

ANCHORAGE, ALASKA
AO NO. 2003-117

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING A
2 PORTION OF AO 2003-58, SECTION 3, AND PROVIDING FOR THE TRANSFER OF
3 JURISDICTION OF PENDING APPEALS BEFORE THE FORMER BOARD OF
4 ADJUSTMENT TO THE NEWLY ESTABLISHED BOARD OF ADJUSTMENT.

5
6
7 WHEREAS, on July 8, 2003, the Assembly adopted AO 2003-58, attached, establishing a separate
8 board of adjustment; and

9
10 WHEREAS, members of the new board of adjustment have been or will be nominated by the Mayor,
11 subject to confirmation by the Assembly; and

12
13 WHEREAS, the Assembly intends to divest itself of jurisdiction over pending board of adjustment
14 cases in order that the new board of adjustment may commence adjudication of pending cases and
15 strive to issue expeditious decisions on those appeals; and

16
17 WHEREAS, the members of the new board of adjustment are hereby responsible for [ENTIRELY]
18 familiarizing themselves with all of the pending cases listed in Section 1 below.

19
20 NOW THEREFORE THE ANCHORAGE ASSEMBLY ORDAINS:

21
22 **Section 1.** The following cases are hereby transferred to the newly appointed board of
23 adjustment that is responsible for reviewing and issuing all orders and final decisions associated with
24 each case.

- 25
26 1. **S-10965 Denali View Subdivision**
27 Appellant: Larry Smith & Other Concerned Residents
28 Petitioner: Denali View Corporation
29 Subject: Proposed subdivision
30 Filed: June 5, 2003
31
32 2. **S-10935-2 Astoria Park**
33 Appellant: Skyway Park Estates Homeowners Assoc.
34 Appellee: Ranna Fekrat
35 Subject: Proposed subdivision
36 Filed: May 1, 2003

AM 659-2003

S-10999 Park West Subdivision
Appellant: Westview Condominium Association
Subject: 24-unit development
Filed: January 30, 2003

S-10990 Kincaid Estates Subdivision
Appellant: South Anchorage Concerned Coalition, Inc.
Subject: Sand Lake Gravel Pit
Filed: January 29, 2003

S-10811-3 Grandview Subdivision
Appellant: Stolle Investment, Inc.
Subject: Extension of Honey Bear Lane
Filed: January 2, 2003


Section 2. To the extent that AO 2003-58 is inconsistent with a portion of Section 3 of AO 2003-58, it is repealed. In all other respects, AO 2003-58 remains unchanged.

Section 3. This ordinance shall become effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 9th day of September, 2003.


Chair

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2002- 117 Title: Transferring Jurisdiction of Pending Appeals Before the Former Board to
the Newly Established Board of Adjustment

Sponsor: Assemblymember Tesche

Preparing Agency: Department of Assembly

Others Impacted: Office of the Mayor

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)			
	FY02	FY03	FY04	FY05	FY06
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$	\$	\$	\$	\$
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$	\$	\$	\$	\$
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

The attached ordinance is a housekeeping document in connection with AO 2003-58 which terminated designation of the Assembly as the Board of Adjustment. Therefore, there are no public sector economic effects anticipated.

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no private sector economic effects anticipated.

Prepared by: Elvi Gray-Jackson Telephone: 343-4751



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
AM NO. 659-2003

Meeting Date: August 12, 2003

From: Assemblymember Allan Tesche
Subject: **AO 2003-117, Transfer of Pending Land Use Appeals Before the Assembly to the New Board of Adjustment**

If enacted, AO 2003-117 transfers pending appeals to the Board of Adjustment. The Mayor's office will shortly be nominating individuals to the Board who now will handle new and pending cases. It is recommended that AO 2003-117 be adopted.

Respectfully submitted,

Assemblymember Tesche

AO 2003-117

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 7-8-03

Submitted by: Assemblymembers Tesche, Sullivan
Prepared by: Assembly Department
For reading: March 18, 2003

ANCHORAGE, ALASKA
AO NO. 2003-58

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE 21.10.030 AND 2.30.030 TERMINATING
3 DESIGNATION OF THE ASSEMBLY AS THE BOARD OF ADJUSTMENT, CREATING
4 A SEPARATE BOARD OF ADJUSTMENT, AND TRANSFERRING ALL FUNCTIONS OF
5 THE BOARD OF ADJUSTMENT FROM THE ASSEMBLY TO THE NEWLY
6 CONSTITUTED BOARD.

7
8
9 **THE ANCHORAGE ASSEMBLY ORDAINS.**

10
11 **Section 1.** Anchorage Municipal Code Section 21.10.030B1, board of adjustment, is
12 amended by adding language to read as follows:

13
14 **21.10.030 Board of adjustment.**

15
16 **A.** There is a board of adjustment, which shall decide appeals from:

- 17
18 1 Decisions regarding the approval or disapproval of a plat or variance from the
19 provisions of chapters 21.80 and 21.85; and
20
21 2. Decisions regarding the approval or disapproval of applications for concept
22 or final approval of conditional uses;

23
24 in accordance with Chapter 21.30.

25
26 **B.** The board of adjustment shall be:

- 27
28 1 A three-member board of adjustment [THE ASSEMBLY], for appeals from
29 the platting board and the planning and zoning commission, whose members
30 are nominated by the mayor and confirmed by the assembly for three-year
31 staggered terms. The board's seats shall be designated Seats 1, 2, and 3;
32
33 2. The planning and zoning commission, for appeals from the hearing officer.

34
35 (GAAB 21.30.360, 21.30.370; AO No. 73-76; AO No. 77-355; AO No. 84-70; AO
36 No. 85-72; AO No. 86-155)

AM 222-2003/AIM 34-2003/AM 553-2003

Section 2. Anchorage Municipal Code 2.30.030 is amended to delete reference to the assembly sitting as the board of adjustment and renumbered to read as follows:

2.30.030 Meetings.

* * *

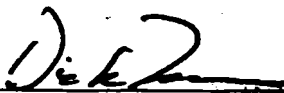
I The order of business at all regular meetings of the assembly shall be as follows:

* * *

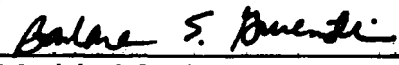
- | | |
|----------|--|
| [15.] | [BOARD OF ADJUSTMENT/ASSEMBLY APPEALS.] |
| 13.[16.] | Special orders. |
| 16.[17.] | Unfinished agenda. |
| 17.[18.] | Audience participation. |
| 18.[19.] | Assembly comments. |
| 19.[20.] | Executive sessions. |
| 20.[21.] | Adjournment, which shall be promptly at 11:00 p.m.; provided, however, by three-quarters vote of the assembly, adjournment and business before the assembly may be continued past 11:00 p.m. until 12:00 midnight. |

Section 3. This ordinance shall become effective upon passage and approval by the Assembly, provided that all appeals filed with the Board of Adjustment prior to the effective date of this ordinance shall be heard by the Board of Adjustment as constituted and according to the ordinances in effect prior to the effective date of this ordinance. All other appeals filed with the Board of Adjustment shall comply with the provisions of this ordinance.

PASSED AND APPROVED by the Anchorage Assembly this 8th day of July, 2003


Chair

ATTEST:


Municipal Clerk

FLOOR AMENDMENTS TO AO NO. 2003-58
MR. TESCHE

AO NO. 2003-58 is amended on the recommendation of the Planning and Zoning Commission Resolution 2003-032, set forth in AM 553-2003, and formatted in **bold** to read as follows:

Line 26: **B.** The board of adjustment shall be:

A three-member board of adjustment, with two alternate members to serve in the absence of the three sitting members, [THE ASSEMBLY], for appeals from the platting board and the planning and zoning commission, whose members are nominated by the mayor and confirmed by the assembly for three-year staggered terms. The board's seats shall be designated Seats 1, 2, and 3[;]. The board members shall be knowledgeable and experienced in administrative law and in the provisions of Title 21 of the Municipal Code.

C. When transmitting to the Assembly for confirmation the name of appointees to the board of adjustment, the Mayor shall cause a notice of a 10-day comment period inviting public comment on the qualifications of such appointees to be published in a newspaper of general circulation in the Municipality. The notice shall advise that comments shall be in writing and filed with the Municipal Clerk. Upon receipt, the Municipal Clerk shall forward comments received to the Mayor and the Assembly. The Assembly shall not take action on any appointment to the board of adjustment until after the close of the public comment period.

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AD 2003-117

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT An Ordinance Repealing a Portion of AO 2003-58, Section 3, and Providing for Transfer of Jurisdiction of Pending Appeals Before the Former to the Newly Established Board of Adjustment.	DATE PREPARED 8/6/03	
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME Department of Assembly	DIRECTOR'S NAME	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Assembly Counsel Administrative Assistant	HIS/HER PHONE NUMBER 4420	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor		
	Heritage Land Bank		
	Merrill Field Airport		
	Municipal Light & Power		
	Port of Anchorage		
	Solid Waste Services		
	Water & Wastewater Utility		
	Municipal Manager		
	Cultural & Recreational Services		
	Employee Relations		
	Finance, Chief Fiscal Officer		
	Fire		
	Health & Human Services		
	Office of Management and Budget		
	Management Information Services		
	Police		
	Planning, Development & Public Works		
	Development Services		
	Facility Management		
	Planning		
	Project Management & Engineering		
	Street Maintenance		
	Traffic		
	Public Transportation Department		
	Purchasing		
	Municipal Attorney		
	Municipal Clerk		
	Other		
5	Special Instructions/Comments <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Introduction</div>		
6	ASSEMBLY HEARING DATE REQUESTED 8/12/03	7	PUBLIC HEARING DATE REQUESTED 9/9/03