

DA & MS Isabelle

June 16, 2004

Scott M. Haan P. E., Chief of Building Inspection
MOA Building Safety Division
P. O. Box 196650
Anchorage, AK 99519-6650

00-6083
SUBMITTAL
JUN 16 2004
SCOTT HAAN

Re: Lot 7B, Block 2, Seaview Heights Subdivision: Permits 00-6083 and 01-0076

Dear Mr. Haan;

I received your letter dated June 15, 2004, regarding my active permits 00-6083 and 01-0076 for Lot 7B, Block 2, Seaview Heights Subdivision.

I ordered the asbuilt survey last fall as a result of a neighbors revoked permission to fill the lowest corner of their lot (meeting Lori Drive) in support of the elevations required to build my driveway access road. When asked I removed the fill to the original elevation that it was before I had started. I thought that I would now have to build a very expensive retaining wall to hold the fill required to extend Lori Drive and make the improvements necessary to obtain road access to my home currently under construction. Fortunately my neighbor to the West has come to my aid by allowing the fill to be placed as needed to gain access and grade. I will not be building the retaining wall to extend Lori Drive to my property line.

I would like to petition to the M.O.A. to impose Lori Dr. as a request to this years capitol improvements project list.

In regards to the fill slopes, I believe a simple site visit to review the property corners in relation to the current fill will negate the need for any survey at this time.

Regarding the compaction requirements, we have dumped very little fill over the slopes. Most of the fill is going on the roadway and all of it gets track walked with a 50,000 pound dozer and 90,000 pound trucks rolling over it. The final layers of gravel will be compacted with a ride on compactor prior to paving.

I am meeting with you today at 11:30 a.m. to discuss any other issues and to point out the property corners for you.

If you have any further questions or concerns, please feel free to contact me at 243-5845.

Sincerely,



Del Isabelle

P. O. BOX 220021 • ANCHORAGE, AK • 99522-0021 / PHONE: (907) 243-5845 • FAX: (907) 248-0004

DA & MS Isabelle

June 28, 2004

Scott M. Haan P.E., Deputy Building Official
MOA Building Safety Division
P. O. Box 196650
Anchorage, AK 99519-6650

00-6083
SUBMITTAL
JUN 29 2004

Re: Lot 7B, Block 2, Seaview Heights Subdivision: Permits 00-6083 and 01-0076

Dear Mr. Haan;

I have exhausted my efforts trying to comply with your accusations regarding the fill dirt placement within my front yard. You made an arbitrary inspection based on disgruntled neighbors who wanted my front yard to be untouched for their own enjoyment.

You issued a citation stating that we are no longer in compliance with our permit only because you claim that your coworker failed to issue the proper permitted documents for my type of fill project. Your citation compels with force that I must provide an engineers inspection report to verify the amount of fill, provide survey for slope set backs, prove 90% compaction, verify 2 to 1 slope and that the work must comply with approved plans. You claimed in your citation that I have not verified the amount of fill. Quite to the contrary I have kept you informed and in fact I have requested at least two inspections the first for 25% (12,000 cu.yd) and then second for 50% (24,000 cu.yd) both of which were inspected by your peers and found to be in compliance. Very little fill has occurred since the second inspection.

With the request for the increased fill quantity your department required an engineered plot plan with contour elevations to adequately depict the proposed surface drainage. Your peers insisted that the grade changes be adequate to shed water to the M.O.A. Right of Way (R.O.W.) which created the potential that the fill required to do so may take more than the permitted amount. I complied by providing the engineered plot plan for site grading with corrections to ensure storm water runoff would be shed to Lori Drive R.O.W. and continue to Dimond Blvd.

My initial permit was for 4,800 cu.yd. to upgrade Lori Drive sufficiently to obtain my only legal vehicle access to my future home site. 90% compaction was intended for the Lori Rd. R.O.W. improvements but should not have been extended into the change order for the entire 48,000 cu.yd. of yard fill especially considering that your office required a higher-grade elevation to provide proper storm water drainage to Dimond Blvd. It appears that the prevailing M.O.A. requirement is that adequate drainage flows are required regardless of the amount of fill it takes to do so. Is this a correct assumption?

I have complied, even though in protest, with your requests. I hired an engineering firm who provided you with a timely response, yet you issued a stop work order and posted it

P. O. BOX 220021 • ANCHORAGE, AK • 99522-0021 / PHONE: (907) 243-5845 • FAX: (907) 248-0004

DA & MS Isabelle

at the gate of my home. Your reasons were because you claim that I have not proven the actual quantities of fill placed in my yard and you want proof of testing on my yard fill. It should be noted that you did this while my engineer was on site Saturday working on the computations you have required to be in compliance. M.O.A.'s main objective should be that the storm drainage will flow to the permitted location. It is obvious that it can not, without additional fill placement. Compaction has been a requirement in private yard fills. My engineer has complied as expected. Your citation and stop work order has already cost me thousands of dollars in unnecessary expense and now you tell me that I can pay \$500.00 to file an appeal to your decision. Why do you continue to harass me with such frivolous issues? What happened to common sense? Where is the harm in what I am trying to accomplish? If you would offer me the equal consideration as you have others, perhaps we could settle this amicably.

I have attached the Engineers quantity calculations for your review. With this information I expect the stop work order to be lifted.

Regards,



Del Isabelle

Cc: Royce & Brain
Cc: Ron Thompson

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MOA 000456

DA & MS Isabelle

July 1, 2004

Scott M. Haan P.E., Deputy Building Official
MOA Building Safety Division
P. O. Box 196650
Anchorage, AK 99519-6650

Re: Lot 7B, Block 2, Seaview Heights Subdivision: Permits 00-6083 and 01-0076

Dear Mr. Haan;

The stop work order is still posted on my gate. As I informed you yesterday I have available fill dirt to be placed immediately. The sooner I get the fill, the quicker we can close this fill permit. The loaded trucks provide the compaction that you are concerned about.

If you are waiting on a compaction test let me know. As you are aware a certified compaction test would require a sieve analysis and proctor to accurately determine the compactability of any given soil sample. Unfortunately we do not have the luxury of a constant soil condition such as AS&G type II gravel to work with. The site is a mixed bag of unusable unclassified soils for which no one soil sample will reflect anything representative of the whole site. I may be able to ask a tester to give it his best guess by visual soil analysis. Would one test be sufficient?

Regards,



Del Isabelle

00-6083
SUBMITTAL
JUL 02 2004

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DA & MS Isabelle

SUBMITTAL
JUL 07 2004

July 7, 2004

Scott M. Haan P.E., Deputy Building Official
MOA Building Safety Division
P. O. Box 196650
Anchorage, AK 99519-6650

Re: Lot 7B, Block 2, Seaview Heights Subdivision: Permits 00-6083 and 01-0076

Dear Mr. Haan;

As noted in my letter dated 6-28-04, you issued an inspection report on 6-17-04 and enforced it with a Stop Work Order on 6-26-04. I complied and you lifted the stop work order 3 days ago. Today you issued another inspection report on 7-6-04 for items that obviously existed prior to the first inspection report and ensuing stop work order. What's up with that? The items you cite on the report are reflected by the neighbors' comments. However, no consideration has been given for the neighbors' infractions of the very same violation for which he is accusing his neighbor. This whining has to stop. I know your office has a lot more things to do than to keep responding to senseless complaints.

The codes are to protect and promulgate continuity amongst everyone. While we must respect the code we must also be intelligent enough to understand that it was designed to protect in all general situations. Each situation has its own idiosyncrasy's that can contribute to a revision of the code to compel the parties involved to a compromise. Our situation is one that requires a common sense compromise. If Mr. Crocket is not willing to compromise then perhaps the court system is his only avenue but the courts may find it hard to believe that Mr. Crocket has been damaged in any way by either the M.O.A. or myself.

Before we go any further I want a resolution and a guarantee from Mr. Crocket to agree on resolving the matter once and for all. Either we are both required to eventually comply to the max slope and set backs or we both agree to allow the others existing infractions to remain as it exists today for which a signed agreement needs to be initiated to document the acceptance.

Regards,



Del Isabelle

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DA & MS Isabelle

July 16, 2004

Scott M. Haan P.E., Deputy Building Official
MOA Building Safety Division
P. O. Box 196650
Anchorage, AK 99519-6650

00-6083
SUBMITTAL
JUL 19 2004

Re: Lot 7B, Block 2, Seaview Heights Subdivision: Permits 00-6083 and 01-0076

Dear Mr. Haan;

I got your voice mail message on my cell phone referencing the additional engineering requirements you are imposing for my front yard fill. Discussion at the site meeting with the City Manager was that it was undetermined what would have to be done at that time. It was his and your decision to hold a future meeting that would address a plan to best accommodate all that have interest. Additional discussion was that it would be senseless to research the old contours or dig test holes when the logical approach would be to match the property line grade as close as is practical, (Keep in mind that we will be destroying all the natural vegetation) with exception to the North East corner of Lori Drive which was the agreed restored elevation as noted in our August 8, 2002 letter and agreement to the Crockets prior to commencing. (Copy attached) to remove his previously accepted fill from his property. It should be noted that when I applied for my fill permit a retaining wall was not necessary as Bob Crocket approved the filling over his property corner as needed to promote the access to my property. As you are aware he reneged on his agreement and has continually complained to the M.O.A. about fill dirt that has no impact what so ever to his property or property values.

My engineer is designing the Gablon Rock Wall for the Lori Dr. Right of Way for which I would like to discuss the cost impacts and possibility for reimbursement from the M.O.A. for the retaining wall and the removal of the telephone pole from the middle of Lori Drive.

Please review the attached contour map, which depicts a 30-foot grade drop from the Crockets home to the North property line. The contour has been changed to level out Mr. Crocket's north half of his lot creating greater than a 2 to 1 slope with no setbacks shedding his drainage onto my property. I demand that this code violation be brought into compliance immediately. Mr. Stubs made a good suggestion (during our site meet) that a berm should be constructed on the property line to minimize the site drainage violation at least until Mr. Crocket complies with the code ordinance for site drainage and applies for the proper permit to construct the improvements per MOA codes.

Have you presented any documents to Mr. Crocket enforcing the fill/setback requirements of his Northerly property line as it encroaches my Southerly property line? Would you please forward a copy of all correspondence to that effect? I am expecting that

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your office will require engineering, original contour documentation and test holes to undisturbed soils from Mr. Crocket. Scott you keep saying that this is a separate issue, but it is not. My property does not shed water onto Mr. Crockes property. He can not say the same thing for me and yet who has been the complainer? How has he been damaged? We previously discussed that the best thing we could do is get rid of the Cottonwoods, fill in the crevasse, plant new landscaping enhancements and maybe install a fence. All of the applicable codes, overages and violations are relieved from enforcement when the adjoining property owners sign an agreement to one another as neighbors should be able to do.

I am looking forward to meeting with you and the current city manager Mr. Dennis Leblanc at Building Safety's conference room on Monday July 19th at 5:00 p.m.

Regards,



Del Isabelle

DA & MS Isabelle

July 23, 2004

Scott M. Haan P.E., Deputy Building Official
MOA Building Safety Division
P. O. Box 196650
Anchorage, AK 99519-6650

Re: Lot 7B, Block 2, Seaview Heights Subdivision: Permits 00-6083 and 01-0076

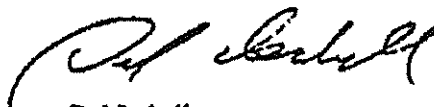
Dear Mr. Haan;

In our last discussion we talked about performing a soil test on Mr. Crocketts lot to explore the possibility of verifying if disturbed soil existed on his lot corner, but nothing was said about the fact that that whole bluff area had been mined and filled as a dump site long before the Crocketts owned the property. So how are we to determine at what elevation was existing four years ago? If soils are disturbed at 10 to 20 feet deep are we expected to remove to those elevations as well? Or if we don't find any disturbed soils can we assume the grade was higher and some fill be put back?

Dennis LeBlanc had asked if you could find better topographical information to verify a closer contour provided elevation for Crocketts property corner. Have you had any success in that search? Has Crockett provided any other proof of elevation prior to four years ago? We should not proceed by hear say alone. The original contour map appears to be very close to what is physically evident on that particular corner. If no other documentation is available it becomes a mute point to pursue. The fill remained over our joint property corner for nearly three (3) years before he requested that it be removed. Had Crockett signed the agreement that we sent to you prior to the removal of the fill or voiced a concern when he and I verbally agreed to the 15 feet depth of fill removal last year we could have adjusted the depth as it was agreed. The gabion rock wall has been set on the agreed elevation for over a year. I should not have to continually adjust the elevation because he is unwilling to sign an agreement to a final elevation.

I am pursuing other forms of soil retention for slopes with engineering to back it up. I should have that information by next week.

Regards,



Del Isabelle

DA & MS Isabelle

August 3, 2004

Scott M. Haan P.E., Deputy Building Official
MOA Building Safety Division
P. O. Box 196650
Anchorage, AK 99519-6650

Re: Lot 7B, Block 2, Seaview Heights Subdivision: Permits 00-6083 and 01-0076

Dear Mr. Haan;

I spoke to my Engineer who tells me that you called him this morning. He said that you are getting complaint calls from the Crocketts on a daily basis. Scott, I am sorry for everyone who has to get involved with these folks.

I would be happy to dig a test hole for you on the Crocketts property. In fact (with written permission) I will dig two test holes free of charge. One on the Crocketts NW corner and the second at approximately mid way between the NW and NE property corner at or near the top of the existing 1 to 1 slope 15-ft. from (and above) our adjoining property line.

Please inform the Crocketts they will have to sign a release for liability to all damage incurred during the test hole excavation.

Regards,



Del Isabelle

Cc: Tobben Spurkland P.E.

DA & MS Isabelle

August 9, 2004

Scott M. Haan P.E., Deputy Building Official
MOA Building Safety Division
P. O. Box 196650
Anchorage, AK 99519-6650

Re: Lot 7B, Block 2, Seaview Heights Subdivision: Permits 00-6083 and 01-0076

Dear Mr. Haan;

When we last spoke you were going to set up a meeting to discuss a resolution to the Crocketts dispute. Have you got the available time today? In the meantime, your stop work order is causing me to lose the available fill I need to continue to complete my landscaping. I am requesting that you allow fill to be placed far away from any setbacks or property lines. Would you limit your stop work order to just areas that you have a problem with? The quicker that I can get the fill the sooner we close out the permit and corresponding complaints.

Regards,



Del Isabelle

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P. 02

AMC-89-2084 09:30 AM

MOA 000482