

**BEFORE THE ADMINISTRATIVE HEARING OFFICER
FOR THE MUNICIPALITY OF ANCHORAGE**

MUNICIPALITY OF ANCHORAGE,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY B. WIKA and CHERYL ANN WIKA)
)
 Defendants.)
)

Administrative Hearing No.: _____
Code Enforcement Case No.: LUE119090

COMPLAINT OF MUNICIPAL CODE VIOLATION

Name and Address of the persons responsible for the violation: Gregory B. Wika and Cheryl Ann Wika. 4742 Potter Crest Circle, Anchorage AK 99516.

Street Address of Violation: NHN

Legal Description of Violation: Villages View Estates Tracts, Tract B

Zoning of Property & Section: R-10, Low Density Residential, Alpine/Slope (AMC 21.04.20.P)

Dates of violation: September 9, 2020 through November 9, 2020. 62 Days total.

Municipal Code Section: Anchorage Municipal Code (AMC) 21.14.030.B.

VIOLATIONS: Activity Inconsistent with Entitlement. Any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms or conditions of any entitlement required to engage in such activity, whether issued under or required by this title.

Specific violations:

1) Anchorage Municipal Code 21.03.100.C.3.a. Changes to Approved Permits:

After a land use permit has been issued, no substantial changes or deviations from the terms of the permit or the application and accompanying plans and specifications shall be made without the specific written approval of such changes

**Municipality
of
Anchorage**

Land Use
Enforcement
P.O. Box 196650
Anchorage, Alaska
99519-6650
(907) 343-4141

or deviations by the building official. A Land Use Permit, C13-1631, was issued for a fill and grade activity on the property on July 12, 2013. A third Change Order, X16-1768, was approved on January 31, 2017. The approved plans completed by Benjamin Schiller, Registered Professional Engineer, of Anderson Engineering dated 12-15-2016 specified in the notes section "Area of disturbance is 40,000 SF. QTY of fill that will be excavated and replaced is approximately 5,000 CY." On September 9, 2020 Chief Structural Inspector Donald Hickel posted a Stop Work Order on the property and issued a Notice and Order confirming that the fill and grading exceeded 5,000 cubic yards and required Engineered Grading per AMC 23.105.105.1.2. He estimated the area of ground disturbance to be in excess of two acres (86,900sq. ft.), and therefore a violation of AMC 21.14.030B.

Relief request:

1. Civil penalty in the amount of \$300.00 per violation, per day for sixty-two (62) day. Aggregate penalty for the amount of \$18,600.00. Account 192020-101000-407050.
2. A compliance order under AMC 14.50.010.A directing defendant to: Within thirty days of the Administrative Hearing Officer's order submit to Anchorage Development Services Department a complete application and required engineered plans, to obtain a Change Order that accurately depicts the condition of the property, and any further fill and grading to take place on the property.
3. A compliance order under AMC 14.50.010.A directing defendant to: Continue to comply with the posted Stop Work Order until such time as the application referenced in paragraph 2 is submitted and a change order is approved.
4. Other relief, specifically: defendant shall not conduct, permit, or allow others to permit or conduct any similar violation on the subject property *or be subject to* applicable civil penalties set forth in AMC Title 14. (Pre-hearing costs and costs of abating nuisances may also be sought.)

