



Petersburg Borough

12 South Nordic Drive
Petersburg AK, 99833

Meeting Minutes Planning Commission

Monday, June 20, 2016

3:00 PM

Assembly Chambers

1. Call To Order/Roll Call

Present: 4 - Dave Kensinger, Otis Marsh, Richard Burke and Harold D. Medalen

By Phone: 1 - Chris Fry

Excused: 1 - Yancey Nilsen

2. Approval of the previous meetings minutes

The motion to approve the minutes from the May 10, 2016 meeting passed unanimously.

Meeting minutes 5.10.2016

Attachments: [Meeting minutes 5.10.2016](#)

3. Amendment and approval of agenda

The motion to approve the agenda as submitted passed unanimously.

4. Public Hearing

The motion to approve opening all nine public hearings passed unanimously.

- a) Public hearing for a request from Branden Fletcher for a variance from the 10' side-yard setback at 500 Haugen Drive for the purpose of enclosing an existing car port. (PID# 01-006-520)

No public comments were made.

- b) Public hearing for an application from Marcus Hom for a conditional use permit to operate a home occupation at 1309 Gjoa Street. (PID#: 01-005-535)

Andreas Payne spoke on her own behalf in opposition stating that her property is right next door and she already hears all his traffic since his driveway is right next to her deck and she's worried that she will be bothered by even more traffic. She stated that a business will disturb the area.

Mr. Marcus Hom spoke on his own behalf regarding the statements from Ms. Payne and stated that his driveway is in compliance with the setback regulations and but he does understand her concern since his driveway is on the deck side of her house. However, Hom stated that the traffic that would be coming to his house is no more than what would be expected during any given social situation being held at a persons home. Hom stated his main business is primarily internet sales with the occasional local sale of ammunition and similar items. Hom doesn't see how the traffic to his house would be any different than any social situation. Hom stated that he is aware that the other application for a home occupation in the area had concerns about on-street parking, but that wouldn't be an issue with him because his driveway is large enough to accommodate what little traffic this may create.

Commissioner Marsh asked if Hom would be stocking firearms at his home. Hom answered in the affirmative stating that he had all the necessary federal licensing that is required to do this.

Inspector Bertagnoli asked Hom about the schematics he submitted and stated that they don't show the area of the house he's dedicating to this business. Hom responded that it's the home office area that is indicated on the drawings and that the area measures approximately 15' x 25'.

Commissioner Marsh asked if Hom planned on having any employees and Hom answered that he has no plans to hire any employees. Hom stated he does not plan on doing a storefront-type business, but rather a convenience business for those people that are interested in shooting and want to be able to stop by and pick up items that are not necessarily stocked downtown.

Ms. Payne rebutted that she stresses that after hearing Mr. Hom's responses, that it sounds like more than ever that there will be more traffic and is concerned about the guns being stored next door.

Commissioner Marsh asked what hours Hom planned to keep. Hom reported that he plans to be open during hours that most folks would have social engagements in their homes. That if someone called looking for a last minute item, that he would accommodate them, if he could.

Two emails were read into the record; one from Ms. Rexanne Stafford in support as long as the same conditions of no signage and no on-street parking were enforced that were stipulated on the Townsend application. The other email came from Ms. Julie Sheldon in opposition stating that this type of business and the traffic it could potentially create is inappropriate for the neighborhood.

Commissioner Marsh stated that he had spoken with Wes Abbott, a resident in the area, and that Mr. Abbott is very concerned and does not want this business in his neighborhood since there is already a business of this type next door and doesn't want to see another one. Mr. Hom

stated that Mr. Townsend has ceased his operation leaving just one business in the neighborhood. Hom explained that just because he could sell firearms, that he still had the discretion to not sell to someone if he didn't think they were safe. When questioned further about his hours of operation, Hom stated that he wouldn't have any more people at his house than someone having a social situation going on. Marsh pointed out that Hom's application had said the hours would be 9-6.

Commissioner Fry asked how many customers Hom expects to have during any given day. Hom stated that it would probably be one, but that it wouldn't be any more than any other home in the neighborhood.

- c) Public hearing for an application from Thomas Greenley for a special use permit to install culvert and fill on Koenigs Lane right-of-way to access Lot 2C in Jacobian Subdivision (PID#: 01-003-285).

Tom Greenley spoke on his own behalf describing that he is planning on installing a culvert in order to access his property. Site plan is pending receipt from Rick Braun.

There were no pertinent comments from the Commission or the public.

- d) Public hearing for an application from Brandi Thynes for a conditional use permit for a home occupation at 1017 Valkyrie St. (PID#: 01-002-351)

There were no comments, questions or concerns.

- e) Public hearing for an application from Rosann Dunham for a special use permit to install fill on the undeveloped portion of Baranof St. ROW to provide access to the backyard of 223 S. Nordic Drive.

Rosann Dunham spoke on her own behalf explaining that she would like guaranteed access to her property. Ms. Dunham described her parking situation on the front portion of her property and explained the difficulty accessing the back of her property. Dunham described her intention of filling some pot holes and trimming some trees in order to maintain the property and the desire to build a garage on the rear of her property at some point, but not in the near future. Dunham is requesting this in order to guaranteeing having the access available.

Mr. Stan Hjort spoke on his own behalf expressing concern about fill being used and that the last time fill was used, and now whenever it rains, water drains onto his property and floods the back of his house. Hjort said that he is concerned that once the property gets used by Dunham, that she will take over use of that open space that is currently shared by three other families. Commissioner Marsh asked if there was a way to fix the drainage and Hjort stated he did not see a way to fix that drainage short of digging all the way down to the street and that his dad did some fixing at one time but it would take a lot of expense and labor to fix it.

Mr. Dan Tate spoke on his own behalf stating that he would like more information on Dunham's application and stated that all the neighbors have been able to work together to be able to use this area and co-operate in accessing their properties and would like to see that space continue to accessible to all parties, although he does not begrudge Ms. Dunham having access to the back of her property. Tate requested more information be submitted as to specifically what Dunham has in mind for that area.

Ms. Deborah Bailey spoke on her own behalf stating concern that Dunham would block the access if given exclusive rights and stated that they are in need of using that right-of-way. Commissioner Marsh asked that if this permit were granted if that meant that access to the right-of-way would be blocked. Director Cabrera responded that approval of the special use permit would not change the nature of the public access to that road, so part of that special use permit would state that Dunham would not be allowed to block access to the right-of-way. It does not give the person any other rights than to have permission to maintain it as an access to their property. So all the Commission would be saying is that we acknowledge that you are putting rock down and maintain that access point to your property but that you can't block anyone else from using it.

Dunham rebutted that she is not trying to purchase or to gain full, exclusive rights to the right-of-way, but rather that she is looking to maintain the access point to the back of her property. She is aware that her neighbors need access to that road and has no intention of blocking that road but wants in insure access to her own property.

- f) Public hearing for an application from Stephanie Thynes for a conditional use permit for a home occupation at 1100 Wrangell Ave. (Parcel ID #01-002-389).

No comments, questions or concerns from the Commission or the public.

- g) Public hearing for an application from Glenn Reid, Jr. for a variance from the front set-back requirements at 250 Mitkof Highway (Parcel ID #01-056-010).

Glenn Reid, Jr. spoke on his own behalf asking if the Commission had any questions. Marsh asked if the addition is coming off the house and Reid explained that the location is coming from under those bedrooms that are already sticking out. It's actually 11' below the street to the foundation bottoms.

- h) Public hearing for an application from Brian Whitney for a conditional use permit for use of a trailer during construction at 202 S Frederick Drive. (Parcel ID #01-021-310)

Brian Whitney spoke on his own behalf explaining his request that he has a building permit currently in process and in the interim wants to live on the property while building the house. Whitney would like to set up his mill there, store his building materials and live there while he is building his home on his own.

Marsh asked where the trailer would be parked. Whitney responded that he is currently staying on the property now in a container that has been modified as living quarters. Inspector Bertagnoli stated that there are already two other trailers up there now and wanted to know what else he would be putting out there. Whitney stated that one trailer is storing building materials and equipment and that he needs those so that he can use his equipment and materials as he builds.

Commissioner Kensinger asked if there were any neighbors up there. Director Cabrera stated that one neighbor, Bruce Cady, submitted his opinion to her in opposition stating he does not want to see the character of the single family zoning change and thinks the area ought to remain in keeping with the spirit that the State had originally subdivided there, which is single family residential. Cady reported that he has observed what appears to be stockpiling of product for a commercial operation and does not think that's appropriate. Cady also expressed concern for the stream that runs downhill near the property. Cady also suggested to the Commission that they not feel bullied or be concerned about a lawsuit; that the law is on the Commissions side.

Kensinger asked if Whitney is going to use the property for single-family dwelling and he answered in the affirmative. Whitney stated that if the storage of materials became an issue, he offered to move any materials that may be misconstrued as industrial.

- i) Public hearing for an application to purchase borough property from Suzanne Paulsen & James C. Jensen at 705 N. Fourth St. (PID#: 01-002-262, 01-002-263, 01-002-264)

Suzanne Paulsen spoke on her own behalf stating that when additional building structures were added to the original construction of the family home, they encroached Borough property. She and her brother would like to purchase the property from the Borough in order to ensure the structures can remain should they ever want to sell although they have no plans to so at this time.

5. Visitors' views related to agenda items

None

6. Visitors' views unrelated to agenda items

None

7. Report of staff members

No new information from Liz Cabrera from the Department of Transportation in regards to the airport property.

No report from Joe Bertagnoli.

8. Unfinished Business

- a) Consideration of an application from Branden Fletcher for a variance from the 10' side-yard setback at 500 Haugen Drive for the purpose of enclosing an existing car port. (PID# 01-006-520)

Bertagnoli stated that a variance was already given back in 2001 for the carport, and at that time, the Commission stated that a variance would be required if the carport were to be enclosed.

Bertagnoli added that this enclosure would not change the footprint of the existing carport.

Marsh asked how far the walls would be from the neighboring property. Mr. Fletcher reported that the posts are 4.6 feet from his property line. Marsh asked about the roofline hanging over that setback and Fletcher reported that the roofline would not change from what it is now.

Discussion.

The motion to approve the variance for Branden Fletcher passed unanimously.

Fletcher dox

Attachments: [Fletcher.dox](#)

- b) Consideration of an application from Marcus Hom for a conditional use permit to operate a home occupation at 1309 Gjoa Street. (PID#: 01-005-535)

Commissioner Burke stated that he spoke to Devren Bennett who lives two houses down from Mr. Hom. Burke reported that Mr. Bennett was in favor of this application being approved. Commissioner Medalen stated that his only concern would be parking and if it became a problem, what would they do about it. The Commission discussed conditions and Cabrera directed them to the conditions that the Commission placed on Mr. Townsend's permit. Marsh conveyed that his only issue is that two neighbors are in opposition, otherwise he would be in favor of this application. Kensinger stated that he has issue with home occupations being allowed in residential areas. Discussion.

Hom asked about the limitations of parking- requesting an average of vehicle traffic over the next year of the application. Bertagnoli reported that this request is not possible to enforce or to quantify. Bertagnoli also reminded the Commission that any conditions they put on this application need to be enforceable. Discussion.

Director Cabrera pointed out to the Commission that if this vote is to pass, they need to have four passing votes or it fails.

Commissioner Marsh called for a reconsideration, which passed unanimously, resulting in a four vote in favor and one opposed.

The motion to approve with conditions the application from Marcus Hom passed with 4 votes in favor and 1 opposed.

Hom dox

Attachments: [Hom dox](#)

- c) Review and recommendation of an application from Thomas Greenley for a special use permit to install culvert and fill on Koenigs Lane right-of-way to access Lot 2C in Jacobian Subdivision (PID#: 01-003-285).

The motion to recommend to the Borough Assembly the application from Thomas Greenley passed unanimously.

Greenley dox

Attachments: [Greenley dox](#)

- d) Consideration of an application from Brandi Thynes for a conditional use permit for a home occupation at 1017 Valkyrie St. (PID#: 01-002-351)

Director Cabrera pointed out to the Chairman that there are findings of fact in the Staff Report that the Commission could vote on as a whole.

The motion to approve the conditional use permit by Stephanie Thynes with the submitted findings of fact outlined in the staff report passed with 4 votes in favor and 1 abstained.

Thynes.B dox

Attachments: [Thynes.B dox](#)

- e) Review and recommendation of an application from Rosann Dunham for a special use permit to install fill on the undeveloped portion of Baranof St. ROW to provide access to the backyard of 223 S. Nordic Drive.

Commissioners Marsh and Burke expressed concern about the issue of drainage. Discussion. Ms. Dunham addressed the Commission stating that the entire area has drainage issues due to the State building a retaining wall all along that portion of North Nordic Drive. That retaining wall holds water back on all those properties. Dunham reported that if she were to be responsible for the repairing of drainage on the right-of way, she would not be willing to spend the kind of money that would be required to fix an already existing problem on property that she doesn't even own. Dunham's only request is to have access to her property and to put a little fill back there when it's needed. It is her intention to only fill in potholes and to secure access to her back property. Discussion.

The Commission recommends that nothing Ms. Dunham does aggravate the drainage situation. Discussion. The Commission recommends with the condition that Karl Hagerman check the drainage situation and give his recommendations.

The motion to recommend for approval of the special use for Rosann Dunham passed unanimously with conditions.

Dunham dox

Attachments: [Dunham dox](#)

Consideration of an application from Stephanie Thynes for a conditional use permit for a home occupation at 1100 Wrangell Ave. (Parcel ID #01-002-389).

The motion to approve the conditional use permit for Stephanie Thynes passed with 4 votes in favor and 1 abstain.

Thynes.S dox

Attachments: [Thynes.S dox](#)

- g) Consideration of an application from Glenn Reid, Jr. for a variance from the front set-back requirements at 250 Mitkof Highway (Parcel ID #01-056-010).

Commissioner Burke commented that he understood why Mr. Reid wants to do this and thinks it will look much better than what is out there now. Inspector Bertagnoli stated that the elevation is there and all you would see when you go by is the roof.

The motion to approve the application from Glenn Reid, Jr. passed unanimously.

Reid dox

Attachments: [Reid dox](#)

- h) Consideration of an application from Brian Whitney for a conditional use permit for use of a trailer during construction at 202 S Frederick Drive. (PID#: 01-021-310)

Commissioner Burke requested that there be a sunset of two years on this application. Commissioner Kensinger asked Inspector Bertagnoli if he thought a two year sunset would be appropriate with Bertagnoli answering in the affirmative. Bertagnoli stated his concerns about no septic service set up at the moment and expressed confusion as to how the Commission is going to deal with this. Whitney responded saying he would do whatever the Commission asked and that right now he's got holding tanks that he takes into town every once in a while and dumps in the R.V. disposal dump. Whitney explained that he has a separate holding container for his waste that he disposes of as it gets full. Director Cabrera asked what he was using for hauling the waste in. Whitney stated that he has 250 gallon vats each for drinking water and sewer. Kensinger stated his concern was how long would the Commission allow Mr. Whitney to have these containers on the property prior to the completion of his dwelling. Discussion. The Commission will put the time limit of two years to have a dwelling constructed. If in that two years, if there is no certificate of occupancy issued, the containers and everything on that property would be in violation of the single-family zoning ordinance.

The motion to approve the conditional use permit with conditions for Brian Whitney passed unanimously.

Whitney dox

Attachments: [Whitney dox](#)

9. New Business

- a) Acceptance and scheduling of a public hearing for an application from Bill Menish for a conditional use permit to allow a two-family dwelling in an industrial district at 710 South Nordic. (PID#: 01-010-061)

The motion to schedule the public hearing for Bill Menish's conditional use permit passed unanimously.

Menish dox

Attachments: [Menish dox](#)

- b) Acceptance and scheduling of public hearing for an application from Raymond and Berthiel Evens for a minor subdivision at 405 Sandy Beach Rd. (PID#: 01-003-124)

The motion to schedule the public hearing for the minor subdivision application passed unanimously.

Evens dox

Attachments: [Evens.Minor.Subdivision](#)

- c) Preliminary review and recommendation of application to purchase borough property from Suzanne Paulsen & James C. Jensen at 705 N. Fourth St. (PID#: 01-002-262, 01-002-263, 01-002-264)

Commissioner Kensinger asked whether this would go up for public auction with Cabrera stating that if the Commission wanted to request that, they could. Commissioner Marsh commented that his was a special case since the buildings were already built on borough property. Discussion.

The motion to recommend for approval by the Borough Assembly for the purchase of borough property by Suzanne Paulsen and James C. Jensen passed unanimously.

Paulsen dox

Attachments: [Paulsen dox](#)

- d) Acceptance and scheduling of a public hearing for an application from the Petersburg Borough to vacate a portion of a public easement at 919 Sandy Beach Rd. (PID#: 01-014-125)

The motion to schedule a public hearing for an application to vacate a portion of public easement passed unanimously.

Borough dox

Attachments: [PSG.BOROUGH.Vacation.app.6.2016](#)

- e) Initiation of a rezone from Public Use to Single-Family Residential at 919 Sandy Beach Rd. (PID#: 01-014-125)

Cabrera explained that the Assembly passed a resolution at today's meeting authorizing the sale of this property so the borough is reducing the public easement to create more developable space and also it is currently zoned as public use, so even though single family use is considered a permissible use of the property, the assembly felt that since it's going through the public process anyway, the zoning may as well be changed to what the intent of the use will be, which is single-family residential. Discussion.

The motion to initiate a rezone from public use to single-family residential passed unanimously.

- f) Acceptance and scheduling of public hearing for an application from Patrick Fowler for a home occupation at 707 Rambler St. (PID#: 01-011-558)

The motion to schedule a public hearing on a conditional use application from Patrick Fowler passed unanimously.

Fowler dox

Attachments: [Fowler.CUP.6.2016](#)

10. Discussion items

Otis Marsh spoke on the Kissinger mill re-visit. Discussion. It was determined that this issue would be addressed at the September, 2016 meeting.

Commissioner Kensinger wished to express his viewpoint on existing home occupation applications in residential areas and the difficulty in enforcement. Kensinger stated he feels that the ordinance needs to be modified for sunseting, business type, etc. Kensinger would like to see the Assembly address the ordinance so that the Commission wouldn't have to deal with those issues and to make it more efficient for the Community Development department to enforce the ordinance. Discussion.

- a) Reschedule future Planning Commissions to 3rd Monday of the Month.

Karen Malcom, Planning & Zoning Administrative Assistant, requested that meetings be held on the 3rd Monday of the month to coincide with Assembly meetings, due to the time and effort of setting up equipment for each meeting held in the temporary assembly meeting room. Discussion. The next meeting tentative planned for the 25th of July at 2pm with future meetings being scheduled for the second Monday of the month to coincide with the Assembly meetings.

11. Adjournment

The motion to adjourn passed unanimously.