

**Minutes for the Board of Adjustment
Held on June 9, 2014**

Vice Mayor Julie Decker called the Board of Adjustment meeting to order at 6:20 p.m., June 9, 2014, in the Borough Assembly Chambers. Assembly Members Stough, Wiederspohn, and Blake were present. Assembly Member McCloskey and Mayor Jack were absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

PUBLIC HEARING ITEM

Appeal filed by James Brenner, appealing the decision made by the Planning and Zoning Commission, on a three foot variance to the height requirement on Lot 7B, McCay Subdivision, zoned Single Family Residential, requested by James Brenner, owned by Bert and Tammy McCay.

WRITTEN TESTIMONY

- Correspondence from Mr. Tim Murray in opposition to the variance was received.
- Correspondence from Mr. James Brenner supporting his appeal was received.

ORAL TESTIMONY

James Brenner, P.O. Box 78, Wrangell, provided opposing testimony on the claim by Mr. Tim Murray that there would be a loss of sunlight; according to a measurement that was done by Public Works Director Johnson, Mr. Murray's house is 28 feet tall.

Mr. Brenner stated that if he had to back-fill on one side, the measurement of the house (ridge line) would be in compliance with code but the house would not change in height; placing more back-fill could create water intrusion issues. Mr. Brenner also said that he had made some changes to the house design to decrease the height of the house by a couple of feet.

Tim Murray, 1275 Riverside Dr., Aspen, Co, stated that Mr. Brenner wants to build a very large house; if the house were narrower, it would be more acceptable; will lose sunlight.

Mr. Brenner said that there were no complaints from the other neighbors. Mr. Brenner stated that the view would be lost regardless; that was a buildable lot; lot was subdivided in 1997; Mr. Murray purchased his lot in 2000; Mr. Murray could have purchased the lot if he was worried about a view being obstructed.

Carol Rushmore, Economic Director, explained the way that the height measurements are determined.

DISCUSSION AND DECISION OF THE BOARD OF ADJUSTMENT

Assembly Member Stough stated that the question was just how much back-fill would be placed; should maintain a crawlspace so that there wouldn't be water intrusion; height of the house would stay the same.

Assembly Member Blake agreed that there could be water intrusion problems if Mr. Brenner were to back-fill to the foundation; would be good to have a crawl space to do maintenance.

In response to Blake, Mr. Brenner stated that at this time, there would be a mother-in-law unit on the lot.

In response to Blake, Jabusch stated that in Single Family Residential zoned areas, duplexes were allowed.

Mr. Brenner stated that he would be taking up 1800 square feet of the lot which is roughly 20% of the lot.

Assembly Member Wiederspohn agreed that he should be allowed to have the crawl space for maintenance.

Mr. Murray stated that the house could have a bigger crawl space if the house were to be narrower; reason why the zoning ordinance is there is to make the houses conform; everyone else has had to make changes to build to 25 feet.

Vice Mayor Decker stated that there was a way to comply with the code if Mr. Brenner were to add fill; does not make sense to add fill if it will not change Mr. Murray's situation.

Mr. Murray commented that if the Board were to allow Mr. Brenner to build a house that has a basement above grade; we don't have basements in Wrangell because the ground is wet; you're not paying attention to the codes; rules are there, they are good ones.

M/S: Stough/Blake, that the Board of Adjustment grant an appeal hearing variance to James Mr. Murray and allow a three (3) foot variance to the height requirement on Lot 7b, McCay Subdivision, zoned Single Family Residential.

In response to Vice Mayor Decker, Mr. Brenner stated that he was requesting three (3) feet however; he would not be building the house any taller than he had discussed. He further stated that three (3) feet would allow for some wiggle-room.

Motion approved unanimously by polled vote. (4/0)

Adjourned at 6:52 p.m.

ATTEST: 
Kim Lane, Borough Clerk


Julie Decker, Vice Mayor



CERTIFICATE

I, the undersigned, Borough Clerk of the City and Borough of Wrangell, Alaska, (herein called the "City"), DO HEREBY CERTIFY to the best of my knowledge:

1. That on June 9, 2014, the Borough Assembly met as the Board of Adjustment to hear the Appeal from Mr. James Brenner who appealed the decision made by the Planning and Zoning Commission, on a three foot variance to the height requirement on Lot 7B, McCay Subdivision, zoned Single Family Residential, requested by James Brenner, owned by Bert and Tammy McCay.
2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Borough Assembly (sitting as the Board of Adjustment) voted in the proper manner on the following motion:

Moved by Stough, seconded by Blake, that the Board of Adjustment grant an appeal hearing variance to James Brenner and allow a three (3) foot variance to the height requirement on Lot 7b, McCay Subdivision, zoned Single Family Residential. Motion approved unanimously by polled vote. (4/0)

3. Finally, all other requirements and proceedings incident to the proper proceeding of the Board of Adjustment meeting has been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 10th day of June, 2014.



Kim Lane, OMC, Borough Clerk

