

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

July 12, 2018

7:00pm

Agenda

A. CALL TO ORDER/ROLL CALL

B. AMENDMENTS TO THE AGENDA

C. APPROVAL OF MINUTES: June 14, 2018

D. PERSONS TO BE HEARD

E. CORRESPONDENCE

F. OLD BUSINESS

1. Report to the Commission regarding the Demerjian complaint on neighbor Eastaugh

G. NEW BUSINESS

- Pub Hrg 1. Preliminary Plat review of Massin/Industrial Replat, a replat of Lots 6, 7 and 8, Block 59B, Industrial Subdivision, Plat 82-1, creating Lot 6A and Lot 8A, zoned Industrial, requested by Bernard Massin, owner, and Alaska Power and Telephone.
- Pub Hrg 2. Preliminary Plat review of Good/Edgley Subdivision, a replat of Lots 7-K and 7-R Block 67, creating Lot AA and Lot BB, zoned Single Family Residential, requested by Jeffrey Good.
- Pub Hrg 3. Variance application for a front yard and side yard setback for a carport on Lot 11A, Block 24, of CDH Subdivision, Plat 92-4, zoned Multi Family Residential, requested by Michael Kurth, owner.

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

June 18, 2018
1:00pm

Minutes

A. CALL TO ORDER/ROLL CALL: Chair Terri Henson called the meeting to order at 1:02 pm. Commissioners Duke Mitchell, Apryl Hutchinson, and Charles Haubrich were present. Commissioner Don McConachie was absent. Also present were staff Carol Rushmore and Aleisha Mollen.

B. AMENDMENTS TO THE AGENDA: None

C. APPROVAL OF MINUTES: May 10, 2018

M/S: Mitchell/Haubrich moved to approve the minutes as presented. Motion approved unanimously by polled vote.

D. PERSONS TO BE HEARD:

1. Haig Demerjian – Follow Up Statement to the letters written. Thank you to Lisa and Carol for their conversation last week. He urges the Planning and Zoning Commission and the City and Borough to follow up on the concerns and looks forward to the steady progress.

2. Scott Eastaugh – presented a letter of response to the Planning and Zoning Commission, letter was read into record by the Recording Secretary and is attached.

Henson asked if there was anything commercial done on the property. Eastaugh said that he has occasionally done work as a favor only.

Mitchell asked about the hours for noise and Rushmore stated that there is an ordinance for the hours.

Rushmore also stated that there is a current separate issue with the property concerning the Assembly's action about the nuisance abatement process.

Eastaugh stated that he intends to do as much work on the boat inside, but some of it will not fit.

Rushmore clarified that the zoning code is being investigated as to the nature of the activity and level of the noise. Haubrich asked about determining the nature of the activity and urged the parties to come to a compromise.

Demerjian stated that the things that Eastaugh does belong in a light industrial zone according to the zoning laws. The activity is within 50 feet of the house and recently the activity included aluminum and a sledgehammer. There is currently no commercial activity happening on the property and instead it is industrial in

nature. Haubrich asked for examples of the types of equipment. Demerjian stated that forklift repair, tires, excavator repair, etc. are some of the things that have been happening.

After discussion, the commission will read through everything and review the report by staff pertaining to the complaint.

E. CORRESPONDENCE

1. Email dated June 7, 2018 from Kevin Young regarding a notification by staff of a complaint to parking and safety at Case Avenue duplex under construction.

2. Letter dated June 7, 2018 from Haig and Bonnie Demerjian regarding industrial noises adjacent to their residential property

3. On the table letter dated June 12, 2018 from Haig and Bonnie Demerjian regarding the above complaint, with a letter to Eastaugh from Carol Rushmore and a copy of a recent Police Report.

F. OLD BUSINESS: None

G. NEW BUSINESS

1. Preliminary Plat review of TLO Ketchikan MC-1 Subdivision, a subdivision of Lot 40 J, ASLS 85-93, creating Tracts A and B, zoned RMU-M, requested by the owner Mental Health Trust Authority as part of the proposed land trade with the US Forest Service.

Public Hearing was opened for this item at 1:32 pm. No one was present to speak on this item. Public Hearing was closed at 1:32 pm.

M/S: Hutchinson/Mitchell moved to approve the preliminary plat of the TLO Ketchikan MC-1 Subdivision, a subdivision of Lot 40 J, ASLS 85-93, creating Tracts A and B, subject to clarification of the Trail ROW and note to the existing permitted water line and the findings and facts.

Rushmore identified that surveyors were using existing recorded monuments and setting 2 additional points. Henson clarified that they could approve the preliminary plat with the recommended changes and Rushmore concurred.

Motion approved unanimously by polled vote.

2. Review and Concurrence with the State of Alaska Bennett Street Project.

Rushmore clarified what the project was from the design drawings, repaving of Bennett Street. They are just seeking concurrence with zoning requirements.

M/S: Hutchinson/Mitchell moved to concur with the proposed Bennett Street/Airport Road Rehabilitation Project. Motion approved unanimously by polled vote.

H. PUBLIC COMMENT: None

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS:

Rushmore clarified that there are USFS cabin surveys on the table at City Hall and urged everyone to fill these out and return them to provide input to Wrangell district within the region.

Henson stated that she would be out for the next meeting, Mitchell will be fishing, but McConachie, Hutchinson, and Haubrich should be available.

J. ADJOURNMENT: 1:40 pm.

CHAIRPERSON

SECRETARY

City and Borough of Wrangell, Alaska

DATE: July 6, 2018

TO: Planning and Zoning Commission

FROM: Carol Rushmore, Economic Development Director

RE: Haig and Bonnie Demerjian complaint regarding activities on property owned by Scott Eastaugh

Background:

On June 7, Mr. Demerjian first submitted a letter of complaint regarding very loud, boat working activities occurring on Mr. Eastaugh's property. These loud activities were occurring daily, fairly close to their windows, and into the evening. Over the next week, staff spoke with Mr. Demerjian and tried to reach Mr. Eastaugh, who after receiving staff's email came down to City Hall. Subsequent emails and a second letter from Mr. Demerjian, site viewing, and public testimony at the Commission's June meeting provided additional information.

Mr. Demerjian owns an 11,569 square foot single family waterfront residential lot on the west side of Evergreen Avenue. Legal description of his lot is Lot 5A, Block 3, USS 1593. Next door, Mr. Eastaugh owns two single family lots 13,363 square feet and 27,474 square feet, along the waterfront, both with houses on the lots. The structures are at a lower elevation than the commercially zoned 15,106 square foot lot at the head of the driveway along Evergreen Ave. The legal description of the commercially zoned lot is Lot 6B, Eastaugh Subdivision. The bulk of the activities being complained about occur on this lot within the driveway access area or the easterly portion of Lot 6A, Eastaugh Subdivision. Lot 6B was rezoned to commercial in 1987. Mr. Demerjian last complained to the City in 2008 regarding inappropriate activities of his neighbor for the location and zone.

There are several issues that are being investigated: 1) Noise level of the activities; 2) Appropriate type of activities for the property zoning; 3) potential courses of action by the Borough.

Zoning Code Criteria:

Single Family Residential District:

20.16.010 Purpose: The single-family (SF) residential district is established to provide for medium density residential uses in areas having public vehicular access and major utilities available or where such access and major utilities are expected to become available within 10 years. This district is also established to help maintain the character and integrity of existing medium density residential neighborhoods.

Commercial District:

20.44.010 Purpose: The commercial district is intended to provide for the continued use and expansion of Wrangell's commercial center. This land will be regulated to concentrate commercial development and to prevent uses which would have any adverse effects upon nearby properties or would needlessly compete for designated commercial space.

not to become objectionable due to intermittent beat, frequency or shrillness. Where the use adjoins a residential district (SF, MF, RR-1, RR-2, and RMU), the noise loudness measured at the boundary line of the premises used for industrial activities shall not exceed 90 decibels between the hours of 7:00 a.m. and 8:00 p.m. weekdays and the hours of 10:00 a.m. and 8:00 p.m. weekends and holidays, and 40 decibels at other hours.

Other Code Criteria:

Nuisance:

9.08.080 Accumulations of rubbish and material prohibited: No owner, lessee, agent, tenant, or occupant shall allow or permit any junk vehicles, junk, debris, or indiscriminate storage of machinery, equipment parts, lumber, or other material, or any accumulation of garbage, manure, offal, rubbish, stagnant water, or any filthy liquid or substance, or anything that is or may become putrid or offensive to be or remain upon his yard, lot or premises, or upon any yard, lot or premises controlled by him.

Discussion and Findings:

Mr. Demejian has complained about the loud, outdoor work activity occurring on Mr. Eastaugh property that should be occurring elsewhere. A police report was filed on June 12, 2018 reporting Mr. Demerjian was complaining between 5:00pm and 8:00pm of grinding on a boat, and when approached, Mr. Eastaugh indicated he would be done soon. The majority of the work being complained about is occurring within the area of the driveway access to the two residences owned by Mr. Eastaugh. Equipment is being stored and according to Mr. Demerjian, is also being worked on along their mutual property lines, in the open yard area, and in the shop. There is considerable noise associated with the maintenance and repair of the equipment and boat which is the specific subject of the current complaint.

According to Mr. Eastaugh, work on the equipment, vehicles, boat is personal work on his own items for his own use, and not as a commercial business. The Commission must consider whether working on personal items is an appropriate type of a use on residential or commercial property (anywhere within the community), or at what point does this particular type of activity exceed the intent or allowance by the zoning district. If Mr. Eastaugh is working on equipment which is then used for commercial gain, is that then considered a business activity? At this point, Mr. Eastaugh has indicated the equipment/boats/vehicles he works on are for his own use or occasionally for a friend as a favor.

Mr. Demerjian has indicated in his complaint that work on boats and equipment is an industrial type activity and not appropriate for the residential area. The Waterfront Development District specifically identifies "facilities for construction, maintenance, repair and storage of vessels" as a principal use permitted, but uses listed are of a business orientation. If the activity is not of a commercial/business nature, can someone use their own property to repair/build personal boats or equipment, or is this use considered only a waterfront/industrial district appropriate use? Maintenance and repair of boats and equipment is not an allowable business use in the commercial district, but a mechanic shop could be allowed on Commercial property if a conditional use permit is granted from the Commission, but this would typically be a business activity which Mr. Eastaugh has indicated he is not pursuing.

The Noise standard within the Wrangell Municipal Code specifically addresses Industrial activities, and the impact to adjacent properties, specifically referencing limits to those activities adjacent to residentially zoned property. Interpretation of this section could be that it only refers to Industrial Zoned property, or it

could be referring to any industrial activity. This then comes back to the question raised above, is the repair or maintenance of boats and equipment for personal use considered an Industrial activity or at what point does it become an industrial type activity due to noise or other factors?

Zoning districts and allowable uses are adopted because as much as most individuals would like to allow anyone to do what they want with their property, there are differences of opinions as to what is appropriate and reasonable. Zoning districts allow different types of uses per the intent of the district hoping to minimize conflicts between neighbors and providing a security in knowing what uses are allowed.

Mr. Eastaugh's repair and maintenance of his boat and equipment for his own personal use is and of itself not necessarily an activity that is inappropriate in the residential area. It becomes inappropriate when his activities impact neighbors. The closest neighbors are Mr. Demerjian and the owners of residences across the street. Most of the activity is occurring directly beside Mr. Demerjian's residence and therefore he certainly receives the main impacts. The former Commercial Home Store has been converted to a shop according to Mr. Eastaugh. There are many personal "shops" in residential neighborhoods throughout Wrangell that do not impact adjacent neighbors. Mr. Eastaugh should be allowed to work on his personal equipment and boats, but should not be creating the level of noise and impacts that appear to be threatening the wellbeing of the Demerjians. Working within a shop, that is or can be sound proofed, with appropriate doors and ventilation, to muffle and contain the loud noises of equipment being used for the maintenance and repair activities should be permitted. If Mr. Eastaugh cannot minimize the noise associated with his personal activities, then those activities should be moved offsite.

At this time, staff is still reviewing potential options for zoning code changes to clarify the Noise Standard, definitions, or address personal "shops" in residential neighborhoods, restrictions on types of uses, or other appropriate changes. Staff at this time is not presenting specific recommendations for code changes.

Another point of discussion that came up during the public meeting referenced the amount of equipment and piles of "stuff" stored and stacked on the Commercial property. As part of a different process identifying "Nuisances" within the community, the Borough Manager is notifying owners of properties identified with an inordinate amount of "stuff" that appears to be abandoned, stockpiled, or inappropriate and thus a nuisance, that their lots need to be cleaned. Mr. Eastaugh's property was on the initial list and he should have received a letter from the Borough Manager in January or February. The storage of equipment and piles of items is being handled separately pursuant to WMC 9.08.080.

Attachments:

- Eastaugh Subdivision
- Letters and emails from Mr. Demerjian
- Letter to Mr. Eastaugh from staff
- Maps of site area
- Police Report
- Decibel levels for reference

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED IN THE ABOVE INSTRUMENT, AND THAT WE HAVE THE FULL AND COMPLETE POWER TO EXECUTE THIS CERTIFICATE OF OWNERSHIP. ALL INTERESTS, ALIENS, MORTGAGES, EASEMENTS, AND ENCUMBRANCES, INCLUDING ANY INTERESTS OF THE STATE OF ALASKA, ARE HEREBY RELEASED AND DISCHARGED TO THE EXTENT OF OUR OWN KNOWLEDGE AND BELIEF. IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND AFFIXED OUR SIGNS AND SEALS THIS 15th DAY OF AUGUST, 1985, AT ANCHORAGE, ALASKA.

BY: *Greg Scheff*
GREG SCHEFF, OWNER

NOTARY'S ACKNOWLEDGEMENT

I, THE NOTARY PUBLIC, DO HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS VOLUNTARILY EXECUTED BY THE PERSONS WHOSE NAMES ARE THEREIN SET FORTH, AND THAT THE SAID INSTRUMENT IS VALID AND EFFECTIVE IN ACCORDANCE WITH THE LAWS OF THE STATE OF ALASKA. I HAVE BEEN DULY QUALIFIED AND MY COMMISSION EXPIRES ON 12/31/86.

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF ANCHORAGE, ALASKA, ORDINANCES AND REGULATIONS, AND THAT THE SAID SUBDIVISION PLAN HAS BEEN REVIEWED AND APPROVED BY THE CITY ENGINEER AND THE CITY PLANNING DEPARTMENT. THE CITY ENGINEER'S AND CITY PLANNING DEPARTMENT'S APPROVAL IS LIMITED TO THE TECHNICAL ASPECTS OF THE SUBDIVISION PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.

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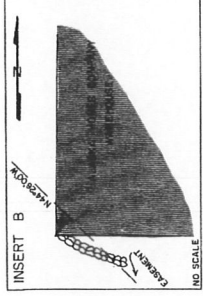
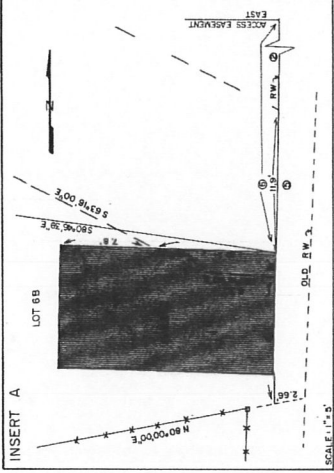
STRAIT

ZIMOVIA

1592

U.S.

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NOTES

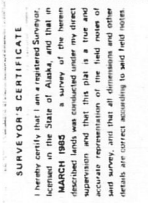
- 1) TOTAL AREA ACQUIRED FOR ROW, RECORD 1251, SE CORNER 151.51 S.E. FOR LOT 6 & LOT 7, BLOCK 3 U.S.S. 1592.
- 2) THE INTENT OF THE EASEMENT AS PRESENTED IN THE INSTRUMENT IS TO PROVIDE AN ACCESS EASEMENT TO INSERT A AND ALSO TO CLEAR THE S.E. CORNER OF ALASKA HOMES COMPANY WAREHOUSE (SEE INSERT B).
- 3) THIS SUBDIVISION WILL UTILIZE THE EXISTING EASEMENT FOR ACCESS TO LOTS 6 & 8, LOTS 7A UP TO THE SUBDIVISION LINE BETWEEN SAID LOTS.
- 4) THE BEARING BASE FOR THIS SUBDIVISION IS THE ACCEPTED BEARING OF NORTH, BETWEEN CORNER #3 THE TIE FROM CORNER #3 U.S.S. 1592 TO THE N.W. CORNER OF 7B, WHICH IS IDENTICAL WITH THE N.E. CORNER OF 7B. LOT 7A IS 53949.35 W FOR DISTANCE OF 102539 FT.
- 5) THE CAMP ENCROACHES ONTO LOT 7A AS SHOWN.

LEGEND

- PRIMARY MONUMENT (RECORDED)
- REBAR IN ALUMINUM CAP (SET)
- MAIL IN ROCK (SET)
- MAIL IN SUBURBIA (SET)
- 9"x11" X 20" FENCE

85-6

RECORDED - FILED 1600
WHEWELL, INC. OAL
DATE 7-11-85
FILED 2-20-85
BY [Signature]
TOLSON, ALASKA



BY: *Greg Scheff*
GREG SCHEFF & ASSOCIATES
LAND SURVEYORS
PETERSBURG, AK 99833

EASTAUGH SUBDIVISION
LOTS 6 & 7 BLOCK 3
FOR THE CITY OF ANCHORAGE
WHEWELL, ALASKA 99509
GREG SCHEFF & ASSOCIATES
LAND SURVEYORS
PETERSBURG, AK 99833
DATE: MARCH 3, 1985
SCALE: 1" = 20'
DRAWN BY: [Signature]

WRANGE LL 85-6

CITY AND BOROUGH OF WRANGELL, ALASKA



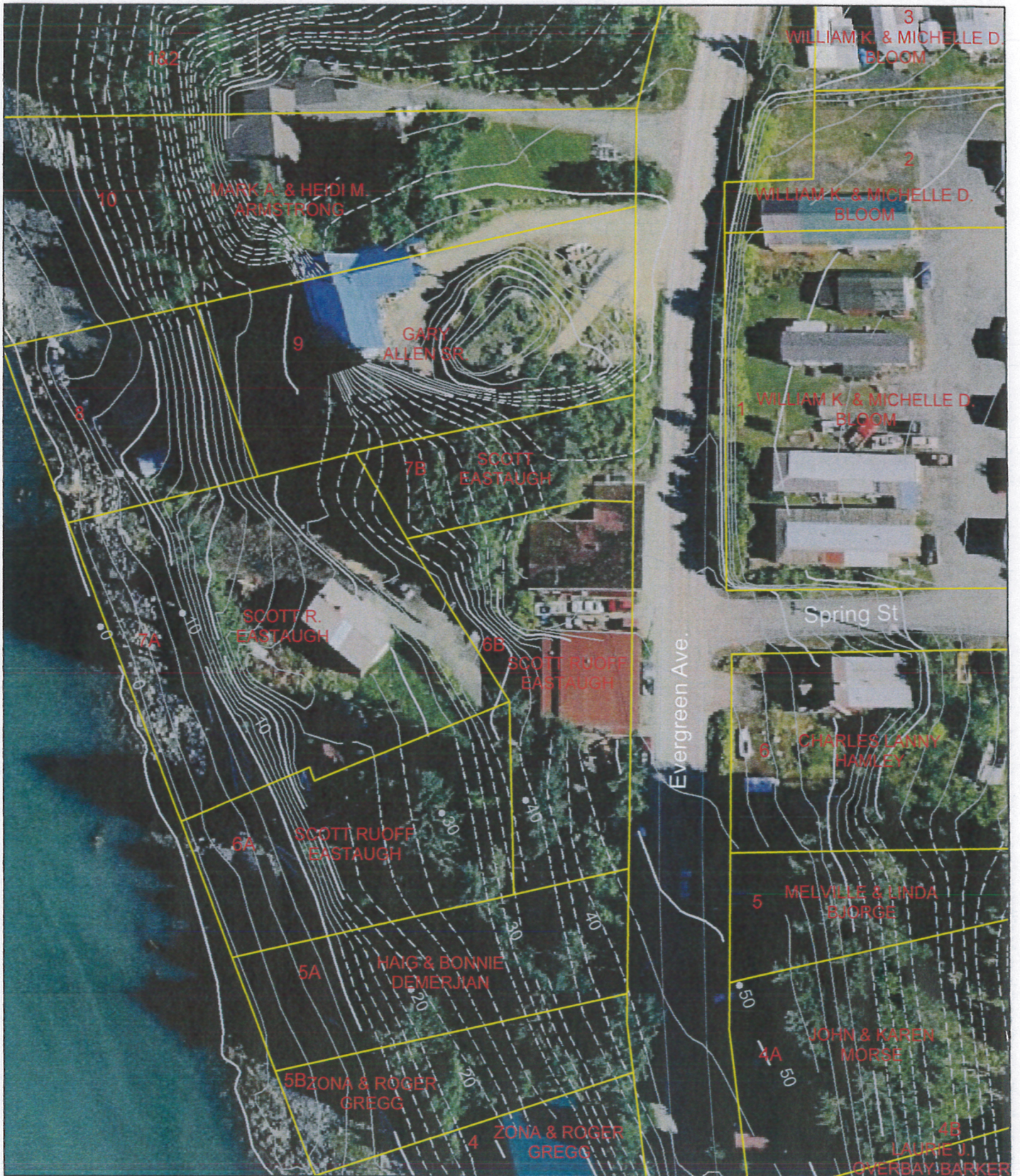
Public Map

1 inch = 75 feet
Date: 7/11/2018

**DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE.**



CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 75 feet
Date: 7/11/2018

Public Map

**DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE.**



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 513

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WRANGELL, ALASKA BY REZONING PROPERTY HEREINAFTER DESCRIBED FROM SINGLE FAMILY RESIDENTIAL TO COMMERCIAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

Sec. 1. Classification. This ordinance is not an ordinance of a permanent and general nature and shall not become a part of the code of the City of Wrangell, Alaska.

Sec. 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Sec. 3. Effective Date. This ordinance shall be published as provided in the City Charter and ordinances and shall be effective thirty (30) days after final passage.

Sec. 4. Compliance with Procedures and Notices. The procedures and notices as required and set out in Chapter 20.76 of Title 20 of the Wrangell Municipal Code have been followed and complied, the Council hereby finds that the public convenience, necessity and general welfare of the inhabitants of the City of Wrangell requires that the following described real property should be rezoned from Single Family Residential to Commercial.


Sec. 5. Property Rezoned. The property hereinafter described is hereby rezoned from Single Family Residential to Commercial.

Lot 6B, Block 3, USS 1593, Wrangell Townsite, situated in the City of Wrangell, First Judicial District, Wrangell Recording District, State of Alaska.


The official zoning map of the City of Wrangell is hereby amended to reflect the above rezone and said official zoning map should be physically amended.

PASSED IN FIRST READING: JANUARY 14, 1987

PASSED IN SECOND READING: JANUARY 27, 1987



Mayor

ATTEST: 
City Clerk

Published: 02-05-87

Field Interview Report

Wrangell Police Department		Incident/Department Number 18060891		Case Number 18060891	
REASONS FOR CONTACT <i>Civil Issue</i>			Reported On Tue	Date 06/12/2018	Time 17:00
Location of Incident:			Location Name (if applicable) Evergreen Ave		Beat of Occurrence X5
Related Case No's			District Wra		
Officer Involved					
People <small>IN-Inmate, JV-Juvenile, W-Witness, DR-Driver, D-Deceased, VP-Victim Police Officer, VU-Victim Unknown, VO-Victim Other, VS-Victim Society/Public, VI-Victim, O-Other, G-Parent/Guardian, A-Arrestee, S-Suspect, SV-Suspect Verified, R-Runaway, M-Missing, H-Institutional, C-Complainant, OL-Legal Owner, OR-Registered Owner</small>					
Code C-1	Name: Last, First, Middle Demerjian, Haig Davis		Sex M	Race/Ethnicity W-White	DOB/Age [REDACTED]
Address 12 Evergreen Avenue, Wrangell, AK 99929			Home Telephone		
Place of Employment / School/ Address			Occupation		Employer Phone
Height	Weight	Build	Hair	Eyes	Descriptors
Driver's License Number [REDACTED]		State AK	License Class	Other ID's [REDACTED]	
Code O-1	Name: Last, First, Middle Eastaugh, Scott Ruoff		Sex M	Race/Ethnicity W-White	DOB/Age [REDACTED]
Address 583 Evergreen Avenue, Wrangell, AK 99929			Home Telephone		
Place of Employment / School/ Address			Occupation		Employer Phone
Additional Address PO Box 722, Wrangell, AK 99929			Address Type Mailing Address		
Additional Phones [REDACTED]					
Height	Weight	Build	Hair	Eyes	Descriptors
Driver's License Number [REDACTED]		State AK	License Class	Other ID's [REDACTED]	
Narrative					

DISPATCH INFORMATION:

1700: Haig Demerjian reported that Scott Eastaugh is grinding on an aluminum boat and he is not zones for that. Haig just wanted this documented because he has been in a dispute with the City

2012: Haig called again and said that Scott is disturbing his family and it is against City zoning for him to be doing this. Haig said that he is getting ready to take Scott and the City to court over it and he wants it to stop

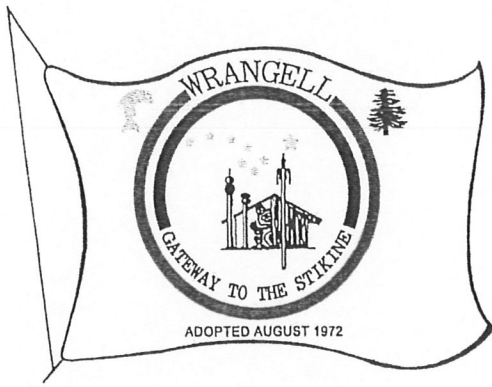
2013: Officer notified

2019: Out at that residence

2022: He is getting to a stopping point and will be done for the night

tl

I.D. No./Name of Reporting Officer #P1 - Groshong, Rick Colby		Approval	Date/Time	Distribution
RECORDS	DISTRIBUTION DATE	BY	Supervisor	



CITY OF WRANGELL

INCORPORATED JUNE 15, 1903

P.O. BOX 531 (907)-874-2381
Wrangell, AK 99929 FAX (907)-874-3952

June 14, 2018

Scott Eastaugh
P.O. Box 722
Wrangell, AK 99929

Dear Scott:

The Borough has recently received a complaint from a neighbor regarding improper use activities and zoning violations on your properties Lots 6A, 6B and Lot 7A Eastaugh Subdivision. The complaint centers around the improper industrial aluminum repair activities that have been occurring recently daily and are often very loud. The Borough also has concerns regarding the types of items that may be stockpiled or stored on the property creating a nuisance within residential districts. You might have received a letter from the Borough Manager previously regarding property clean-up.

Lot 6B, the lot that includes the Home Store building, was rezoned in January 1987 (Ordinance No. 513) from single family residential to commercial. Lot 6A and Lot 7A are both zoned single family residential. Trailer, vehicle and boat and other commercial or industrial type repair services and activities are not permitted in either the residential district or commercial district should the noise create a significant impact to the adjacent residences per the Wrangell Municipal Code.

Applicable zoning code requirements that can be found on the Borough's website at <http://www.codepublishing.com/AK/Wrangell/> include:

- Chapter 20.16 Single Family Residential District
- Chapter 20.44 Commercial District
- Chapter 20.52.060 Noise
- Chapter 9.08. Nuisances

These activities should cease while the Borough's investigation of the complaint is on-going. Depending on the use, some activities could be permitted in the commercial district by the Planning and Zoning Commission with a conditional use permit.

I have tried calling but the cell number I have for you does not permit messages to be left. Please give me a call regarding the issues in this letter so that I can understand from you what activities you are and plan to engage. Hopefully we can resolve the concerns of the neighbors as well as continue to allow you full utilization of your property within the zone requirements.

Sincerely,

A handwritten signature in black ink that reads "Carol Rushmore". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carol Rushmore
Economic Development Planner

cc: Planning and Zoning Commission
Lisa Von Bargaen, Borough Manager
Doug McCloskey, Police Chief
Haig and Bonnie Demerjian

Carol Rushmore

From: Haig Demerjian <haig@aptalaska.net>
Sent: Friday, June 15, 2018 10:28 AM
To: lvonbargen@wrangell.com
Cc: Carol Rushmore
Subject: Re: Demerjian issue Update Thursday

I forgot to cc Carol.

On Jun 15, 2018, at 10:26 AM, Haig Demerjian <haig@aptalaska.net> wrote:

Hi Lisa,

I have already complimented Carol on her nicely written letter. Thanks to both of you for putting up with me. Now the hard part comes; mitigation. I see it as a two part problem. The first is making sure that illegal industrial activities cease. I intend to have the police document any of these type of activities that take place from this time on. I will then alert the city as to each infraction if and when they happen. The second problem is the view shed that my family and the community have endured for a very long time. Tourists even take pictures of the mess on their way to the petroglyphs to show their buddies back home. I think we need to see progress within the next several weeks as to ridding the property of industrial junk, tires, junk cars, industrial heavy machinery, etc. Anyway I am going to write a formal letter to address these topics so my thoughts are on the record for the city and the P+Z folks. Thanks again. Maybe I will see you at the meeting Monday.

Haig

On Jun 15, 2018, at 8:54 AM, lvonbargen@wrangell.com wrote:

Thank you for the update Haig. As I am sure you are aware, Carol sent an initial enforcement letter yesterday.

-----Original Message-----

From: "Haig Demerjian" <haig@aptalaska.net>

Sent: Thursday, June 14, 2018 10:45am

To: "Carol Rushmore" <ecodev@wrangell.com>, lvonbargen@wrangell.com

Subject: Demerjian issue Update Thursday

Good Morning,

I wanted to inform you that I had a lengthy and civil discussion with Scott Estaug as to the Wrangell zoning codes and the gross violations that his property and his activities include. Over the years and last night I have offered several times to loan him the money to buy an industrial piece of property. He stated last night that he feels it is convenient for him to conduct his industrial activities on his current property and that there are no pieces of industrial property available anyway.

I feel he left our meeting knowing that I am going to push the issue to the full extent. I am informing you of this discussion last night so you know that it will not be a surprise to Scott when you pursue this issue with him.

Thanks for your help.

Carol Rushmore

From: Haig Demerjian <haig@aptalaska.net>
Sent: Wednesday, June 13, 2018 7:37 AM
To: lvonbargen@wrangell.com; Carol Rushmmore
Subject: Demerjian Update

Good Morning,

I want to suggest that you observe the gross zoning violation taking place on the Eastaugh property at this time. This week's project is the rebuilding of a huge aluminum boat right next to my kitchen and bedroom windows. Last night the noise was so loud emanating from the grinding and cutting of aluminum that I called the police twice. I asked them to document what they saw as heard. I also recorded the grinding sound at the property line. I called the police about 5 pm then left for several hours. When I returned I had to call the police again at 8:15 pm. The sound was way above the legal decibel level even for a legal industrial property.

According to city law, after a zoning complaint is made, the city staff is required to perform an onsite inspection which can lead to mitigation of the illegal zoning issues. The code # is 20.92.015. Please keep me informed as to your actions taken. Thanks.

Haig Demerjian=

June 12, 2018

PO Box 1762
Wrangell, AK 99929

Chairperson, Wrangell Planning and Zoning Committee
PO Box 581
Wrangell, Ak 99929

Cc: Carol Rushmore, Lisa von Bargen, David Jack

Dear Ms. Henson,

We wrote you on June 7, 2018 concerning zoning violations on the Eastaugh property. At the time of writing that letter we were unaware of the extent of proper zoning laws and penalties for such violations in our Wrangell code.

This letter is a formal violation complaint made under Chapter 20.92, *violation ordinance*, Article 20.92:15 which says that a formal complaint stating the nature of the violation shall be made to city staff.

The nature of the complaint is that the Eastaugh property is being used to conduct activities that belong in a light industrial zone, not in a residential zone. Our property is zoned residential and we expect to live next to neighbors who adhere to proper zoning. We have been exposed to industrial noise, industrial machinery and machine repair, and industrial junk for years. The city has done nothing to stop these activities after many complaints and letters from us. The police say there are no laws to stop these activities.

It seems that Wrangell has well-written zoning code and penalties (Chapter 1.20 General Penalties). Our request is that the zoning code be enforced in regard to the Eastaugh property. We request that this be done in a timely fashion and that we be kept informed of the progress being made. Legal action will be taken against the city if our zoning ordinances are not enforced. We believe that our rights under the law have long been violated in an egregious manner.

We look forward to hearing from you.

Sincerely,

Handwritten signatures of Haig Demerjian and Bonnie Demerjian. The signature of Haig Demerjian is on the left, and the signature of Bonnie Demerjian is on the right.

Bonnie and Haig Demerjian

June 7, 2018

PO Box 1762
Wrangell, AK 99929

Chairperson, Wrangell Planning and Zoning
PO Box 581
Wrangell, AK 99929

Cc: Carol Rushmore, Lisa van Bargaen, David Jack
Re: Demerjian/Eastaugh property problems

Dear Ms. Henson,

We are writing to ask for assistance in addressing the following issues:

1. Industrial noise - Our rights as residential property owners are being (and have been, for twenty years and more) violated because the city does not have the proper ordinances to allow the police to stop industrial noise generated by the Eastaugh family in very close proximity to our house.

The police have been involved many times over the past years with no results except that the industrial noises now stop about 9 pm or so. That took years to make happen. The police say that there are no laws to restrict these industrial noises and messes. The only law that deals with noise in residential areas that we can see is 20.52.060 *Noise*:

The noise emanating from a premises used for industrial activities shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness. Where the use adjoins a residential district (SF, MF, RR-1, RR-2, and RMU), the noise loudness measured at the boundary line of the premises used for industrial activities shall not exceed 90 decibels between the hours of 7:00 a.m. and 8:00p.m. weekdays and the hours of 10:00 a.m. and 8:00 p.m. weekends and holidays, and 40 decibels at other hours. (Ord. 867 1, 2013: Ord. 462 6, 1984.)


This law only deals with property zoned industrial that abuts a residential area. The Eastaugh property is not zoned industrial, however it is being used like an industrial property as it applies to industrial noise and mess generated. The scope of the industrial activities is wide, however the most egregious noise comes from cutting, grinding and welding aluminum for boat projects. This activity should be done in industrial areas only.

There is also a wide variety of industrial machinery housed on the property that produce abnormal noise and mess for a residential area. We see and listen to auto and boat repair for friends and family, with the tools of the trades making noise and mess in our faces. As residential property owners we believe over the years we have suffered enough mental anguish caused by the Eastaugh issues. Furthermore, property values in the area are affected by these same issues. To repeat, our rights as residential property owners are being violated. Their shop and industrial equipment should be moved to an industrial-zoned property as everyone else is required to do.

2. Junk stored on the property – The city is already working on the issue of illegal items stored on properties. We hope this applies to the Eastaugh property. This may require new laws so that the city can enforce ordinances already on the books. This issue also has a profound effect on our property value and the well-being of the entire neighborhood. We have been told a number of times that while people like our house, they would never buy it because of the issues next door. Also, we hear tourists commenting on the unsightliness of the Eastaugh property.

It is time for enforceable laws that model those in other communities, where zoning is taken seriously, to be created so that the city can do its job in enforcing proper zoning regulations. This will be our final request. If no action is forthcoming, we are prepared to sue the city for the mental turmoil and the devaluing of our property caused by the lack and enforcement of zoning regulations.

Sincerely,


Haig Demerjian


Bonnie Demerjian

		possible in 8 hr exposure.
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage in 8 hour exposure.
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 hour exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 feet.	60	Half as loud as 70 dB. Fairly quiet.
Quiet suburb, conversation at home. Large electrical transformers at 100 feet.	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area.	30	One-sixteenth as loud as 70 dB. Very Quiet.

City and Borough of Wrangell, Alaska

Agenda G1

Date: July 9, 2018

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Preliminary Plat review of Massin/Industrial Replat, a replat of Lots 6, 7 and 8, Block 59B, Industrial Subdivision, Plat 82-1, creating Lot 6A and Lot 8A, zoned Industrial Development, requested by Bernard Massin, owner, and Alaska Power and Telephone

Recommendation:

Staff recommends approving the Preliminary plat with modifications to lot lines as shown in the preliminary plat due to structures being located across property lines.

Motion:

Move to approve the Preliminary plat of the Massin/Industrial Replat, a replat of Lots 6, 7 and 8, Block 59B, Industrial Subdivision, including Lot 3 and Lot 4 along with Lot 8 and portion of Lot 7 as part of the newly created Lot 8A.

Background:

Alaska Power and Telephone is seeking to purchase Lot 6 and a portion of Lot 7, Block 59B, in the Industrial Park, owned by Bernard Massin.

Findings:

Due to two structures being located across lot lines, staff is recommending that lot lines between Lots 8, 3 and 4 be eliminated. Mr. Massin can subdivide at a future date with the buildings all on a single lot should he seek to sell portions of the larger lot. There is no minimum lot size or setback requirements in the Industrial district.

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE LESSEES OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____
 BERNARD A. MASSIN

NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA
 STATE OF ALASKA
 CITY AND BOROUGH OF WRANGELL

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND _____ ACKNOWLEDGED TO ME THAT _____ SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES _____

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL ASSEMBLY AS RECORDED IN MINUTE BOOK _____ PAGE _____ DATED _____ 20____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, WRANGELL, ALASKA.

DATE _____
 ATTEST: _____
 MAYOR, CITY AND BOROUGH OF WRANGELL
 CITY CLERK _____

**CERTIFICATE STATE OF ALASKA
 (FIRST JUDICIAL DISTRICT)ss**

I THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR FOR THE CITY AND BOROUGH OF WRANGELL, HEREBY CERTIFY, THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF WRANGELL, IN THE NAME OF _____

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 20____ WILL BE DUE ON OR BEFORE OCTOBER 15, 20____ DATED THIS _____ DAY OF _____

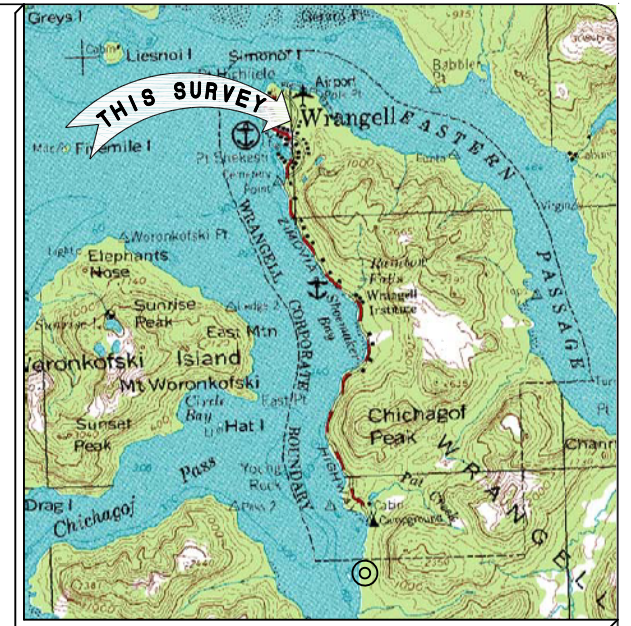
ASSESSOR CITY AND BOROUGH OF WRANGELL

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL PLANNING COMMISSION, AND THAT SAID PLAT HAS BEEN APPROVED BY THE COMMISSION BY PLAT RESOLUTION NO. _____ DATED _____ 20____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, WRANGELL, ALASKA.

DATE _____
 CHAIRMAN, PLANNING COMMISSION
 SECRETARY _____

G1-1



VICINITY MAP:
 SCALE: NOT TO SCALE

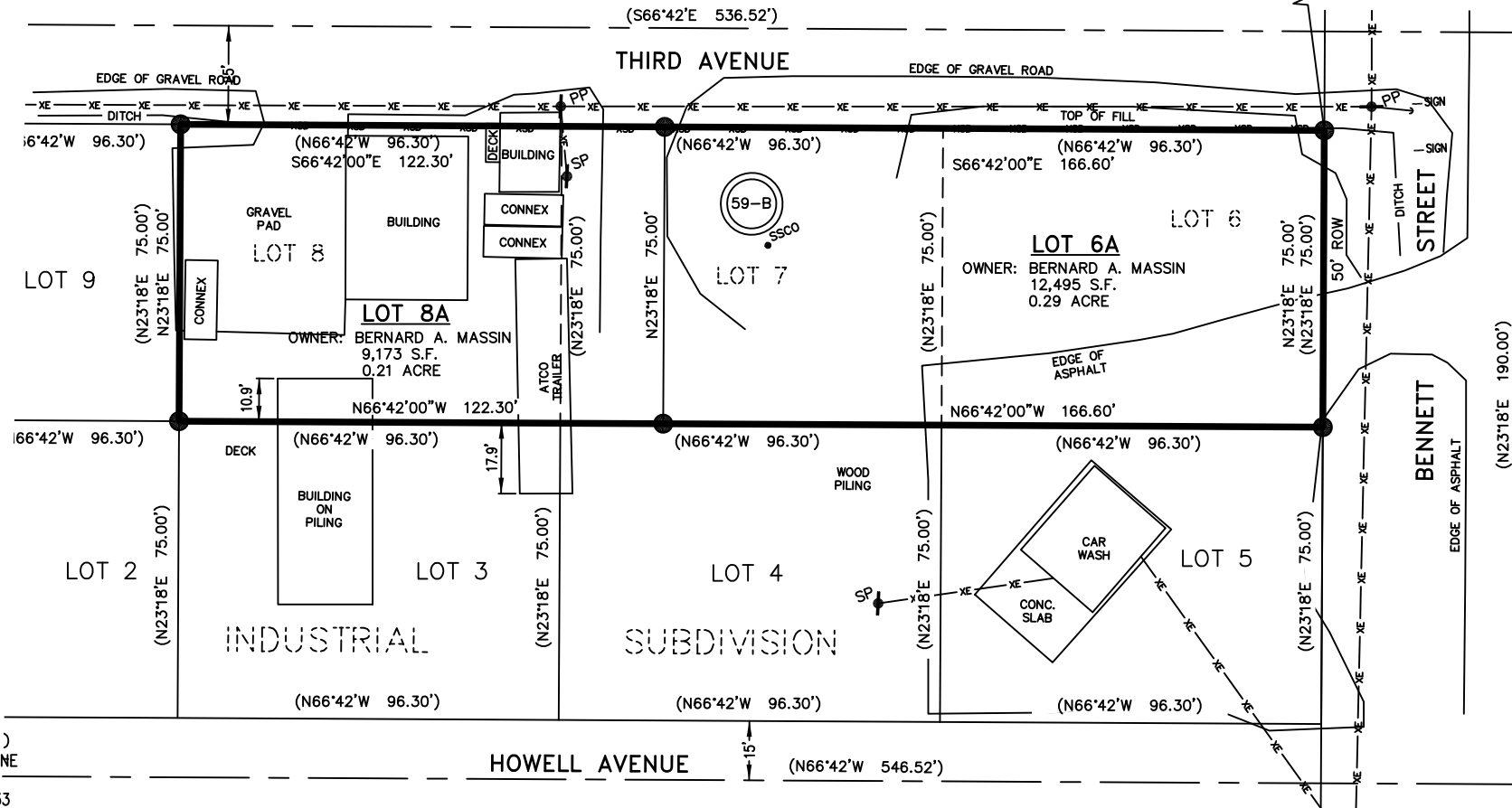
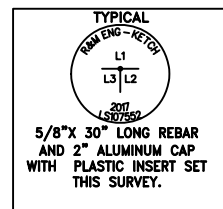
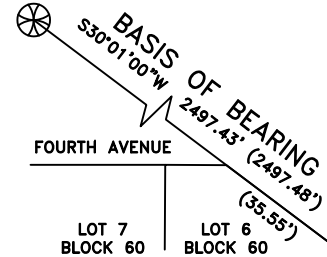
LEGEND

- GLO/BLM ROCK MONUMENT RECOVERED THIS SURVEY
- MURPH PRIMARY ALUMINUM CAP RECOVERED
- 5/8 REBAR 30" LONG WITH 2" ALUM CAP WITH PLASTIC INSERT SET THIS SURVEY
- (88.09) DATA OF RECORD
- 88.09 DATA MEASURED OR COMPUTED
- PREVIOUS PROPERTY LINE
- ROAD CENTERLINE
- OVERHEAD ELECTRICAL LINE
- UNDERGROUND ELECTRICAL LINE

PLAT NOTES

- THE PURPOSE OF THIS SURVEY IS TO COMBINE LOT 6 AND A PORTION OF LOT 7, CREATING LOT 6A, AND COMBINE LOT 8 AND A PORTION OF LOT 7, CREATING LOT 8A.
- REFERENCE THE FOLLOWING WITHIN THE WRANGELL RECORDING DISTRICT:
 DEED 2013-000214-0
 PLAT 92-9 (WRANGELL INDUSTRIAL PARK EXPANSION SUBD.)
 PLAT 85-8 (AMENDED INDUSTRIAL SUBDIVISION)
 PLAT 82-1 (INDUSTRIAL SUBDIVISION)
- REFERENCE AK. ESCROW AND TITLE INSURANCE AGENCY CERTIFICATE TO PLAT FILE NO. XXXXX.
- ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
- THE ERROR OF CLOSURE DOES NOT EXCEED 1:5000.

FND
 COR. 36
 U.S.S. 125



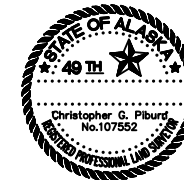
CLIENT: ALASKA POWER & TELEPHONE
 P.O. BOX 647
 PETERSBURG, ALASKA 99833

DRAWN BY: MCH
 CHECKED BY: CGP
 DATE PLATTED: JUNE, 2018
 DATE SURVEYED: JUNE, 2018
 SCALE: 1"=20'
 SURVEYED BY: MCH
 PROJ NO.: 1827XX

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN 2018 A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE _____ CHRISTOPHER G. PIBURN LS 107552



OWNERSHIP STATUS

- LOT 6 (BERNARD A. MASSIN)
- LOT 7 (BERNARD A. MASSIN)
- LOT 8 (BERNARD A. MASSIN)

PROPOSED OWNERSHIP

- LOT 6A (BERNARD A. MASSIN)
- LOT 8A (BERNARD A. MASSIN)

PREVIOUS LOT AREAS

- LOT 6 (7,222 SQ. FT) (0.17 ACRES)
- LOT 7 (7,222 SQ. FT) (0.17 ACRES)
- LOT 8 (7,222 SQ. FT) (0.17 ACRES)

NEW LOT AREAS

- LOT 6A (12,495 SQ. FT)(0.29 ACRES)
- LOT 8A (9,173 SQ. FT)(0.21 ACRES)

SCALE 1"=20'

THIS DRAWING MAY BE REDUCED, VERIFY SCALE BEFORE USING



1 METER = 3,2808333 U.S. SURVEY FEET
 1 U.S. ACRE = 0,4047 HECTARES

WRANGELL RECORDING DISTRICT

No.	Description
1	PRELIMINARY

R&M ENGINEERS
 355 Carlanna Lake Road
 Ketchikan, AK 99901

WRANGELL OFFICE
 P.O. BOX 701
 WRANGELL, AK 99929

CERTIFICATE OF AUTHORIZATION #: C576

PROJECT:

MASSIN / INDUSTRIAL REPLAT

A REPLAT OF LOTS 6, 7, & 8, BLK 59-B, INDUSTRIAL SUBDIVISION, PLAT 82-1, CREATING LOTS 6A & 8A, MASSIN / INDUSTRIAL REPLAT, CITY AND BOROUGH OF WRANGELL.

City and Borough of Wrangell, Alaska

Agenda G2

Date: July 9, 2018

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Preliminary Plat review of Good/Edgley Subdivision, a replat of Lots 7-K and 7-R Block 67, creating Lot AA and Lot BB, zoned Single Family Residential, requested by Jeffrey Good, owner.

Recommendation:

Staff recommends approving the Preliminary plat with modifications adding a utility easement along Third Street.

Motion:

Move to approve the Preliminary plat of the Good/Edgley Subdivision, a replat of Lots 7-K and 7-R Block 67, creating Lot AA and Lot BB, continuing the easement the full width of Lot BB on Third Street.

Background:

Applicants are combining two lots and adjusting the side lot line with the Edgley's.

Findings:

The Electrical Department has requested that the utility easement continue along Third Street the full width of proposed Lot BB in order to address some proposed power pole installations. An access easement to Lot B of the Edgley-Massin Subdivision is also being created this plat.

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE LEASEES OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____
 JEFFREY W. GOOD
 LOTS 7-K & 7-R, BLOCK 67

NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA
 STATE OF ALASKA
 CITY AND BOROUGH OF WRANGELL

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN _____ AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND _____ ACKNOWLEDGED TO ME THAT _____ SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES _____

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL ASSEMBLY AS RECORDED IN MINUTE BOOK _____ PAGE _____ DATED _____ 20____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, WRANGELL, ALASKA.

DATE _____
 MAYOR, CITY AND BOROUGH OF WRANGELL

ATTEST:

 CITY CLERK

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

I THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR FOR THE CITY AND BOROUGH OF WRANGELL, HEREBY CERTIFY, THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF WRANGELL, IN THE NAME OF _____

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 20____ WILL BE DUE ON OR BEFORE OCTOBER 15, 20____ DATED THIS _____ DAY OF _____

ASSESSOR CITY AND BOROUGH OF WRANGELL

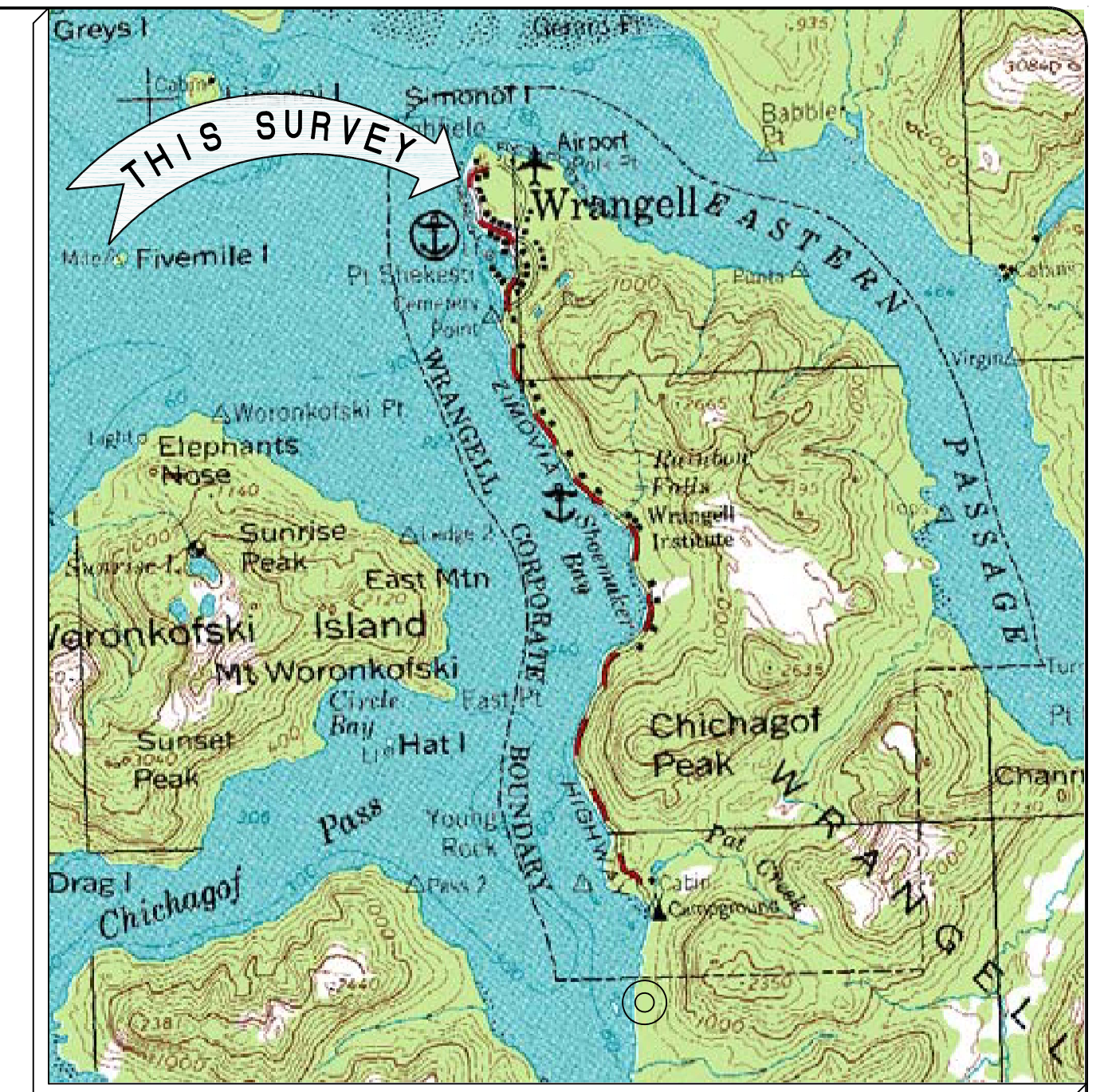
CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL PLANNING COMMISSION, AND THAT SAID PLAT HAS BEEN APPROVED BY THE COMMISSION BY PLAT RESOLUTION NO. _____ DATED _____ 20____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, WRANGELL, ALASKA.

DATE _____
 CHAIRMAN, PLANNING COMMISSION

SECRETARY

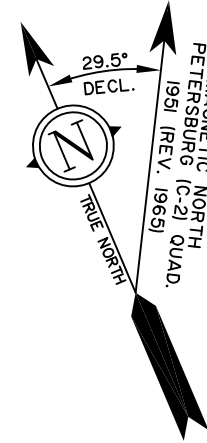
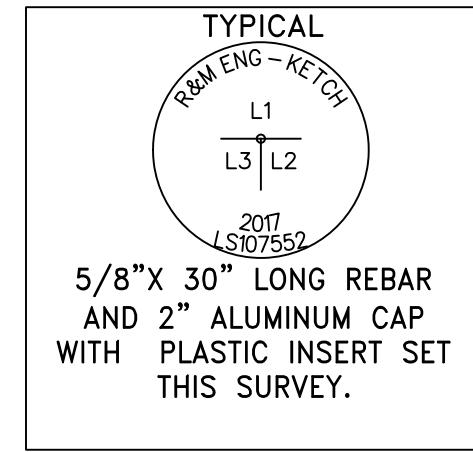
G2-1



VICINITY MAP:
 SCALE: NOT TO SCALE

PLAT NOTES

1. THE PURPOSE OF THIS SURVEY IS TO COMBINE LOTS 7-K, 7-R, AND A PORTION OF LOT A, CREATING LOT BB. THE REMAINING PORTION OF LOT A WILL BECOME LOT AA.
2. REFERENCE THE FOLLOWING WITHIN THE WRANGELL RECORDING DISTRICT:
 PLAT 2015-7 (EDLEY - MASSIN SUBDIVISION)
 DEED 2013-000199-0
 EASEMENT 2003-000272-0 (UTILITY & SLOPE EASEMENT)
 PLAT 93-10 (MT DEWEY FARM ADDITION RESUBDIVISION)
 PLAT 82-09 (ROBERTS AND MASSIN SUBDIVISION)
3. REFERENCE AK. ESCROW AND TITLE INSURANCE AGENCY CERTIFICATE TO PLAT FILE NO. 55601.
4. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
5. THE ERROR OF CLOSURE DOES NOT EXCEED 1:5000.



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE LEASEES OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____
 WARREN C. EDGLEY
 LOT A, BLOCK 67

DATE _____
 CHLOE C. EDGLEY
 LOT A, BLOCK 67

NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA
 STATE OF ALASKA
 CITY AND BOROUGH OF WRANGELL

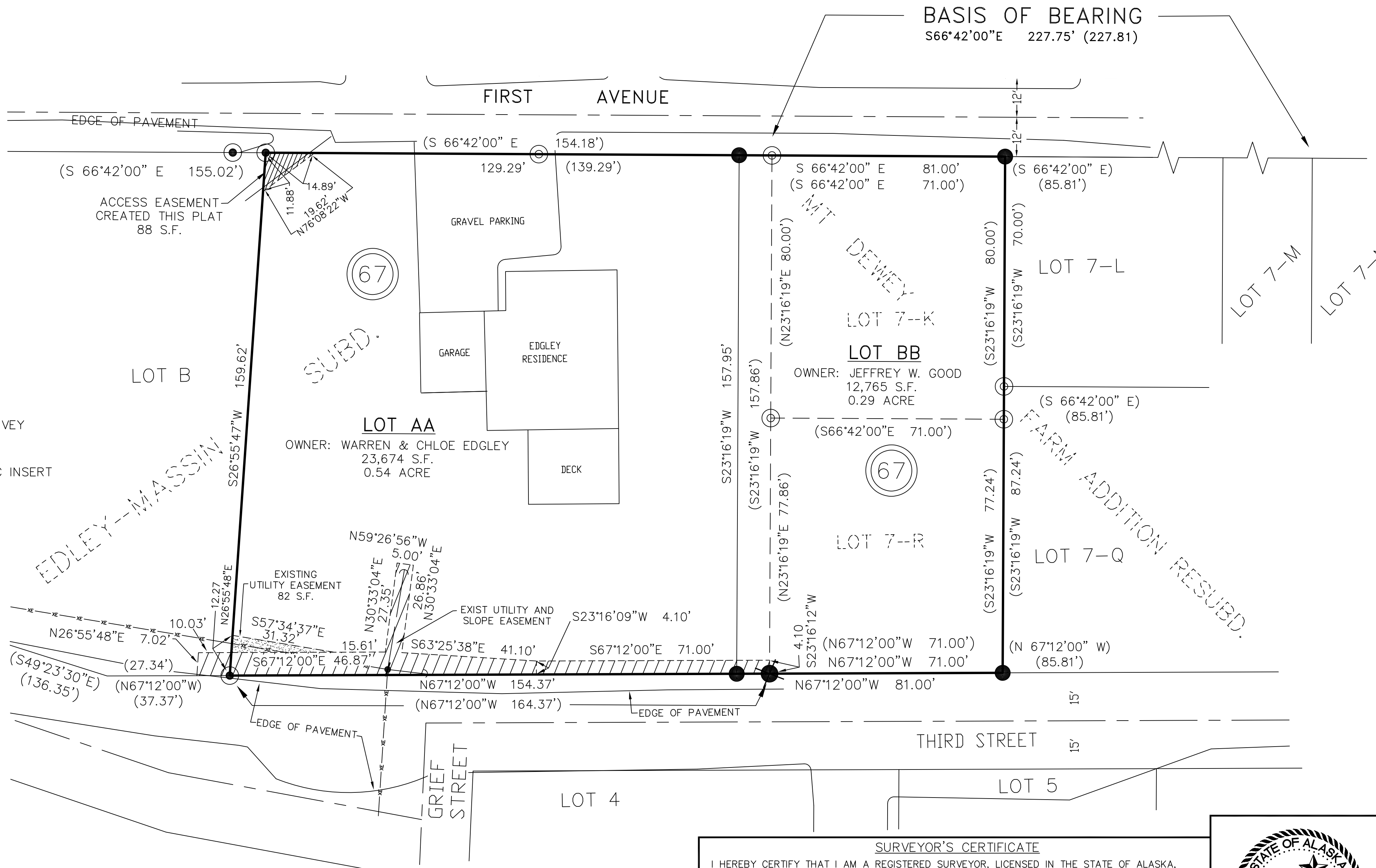
THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN _____ AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND _____ ACKNOWLEDGED TO ME THAT _____ SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES _____

LEGEND

- REBAR AND ALUMINUM CAP RECOVERED THIS SURVEY
- REBAR AND YELLOW PLASTIC CAP RECOVERED THIS SURVEY
- ⊗ PK NAIL FOUND IN ROCK FACE
- 5/8 REBAR 30" LONG WITH 2" ALUM CAP WITH PLASTIC INSERT SET THIS SURVEY
- (88.09) DATA OF RECORD
- 88.09 DATA MEASURED OR COMPUTED
- PREVIOUS PROPERTY LINE
- ROAD CENTERLINE
- OVERHEAD ELECTRICAL LINE
- UNDERGROUND ELECTRICAL LINE



OWNERSHIP STATUS

1. LOT A (WARREN & CHLOE EDGLEY)
2. LOT 7-K (JEFFREY W. GOOD)
3. LOT 7-R (JEFFREY W. GOOD)

PROPOSED OWNERSHIP

1. LOT AA (WARREN & CHLOE EDGLEY)
2. LOT BB (JEFFREY W. GOOD)

PREVIOUS LOT AREAS

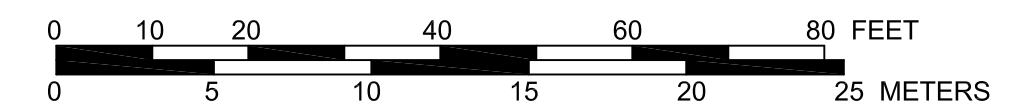
1. LOT A (25,253 SQ. FT) (0.58 ACRES)
2. LOT 7-K (5,680 SQ. FT) (0.13 ACRES)
3. LOT 7-R (5,506 SQ. FT) (0.13 ACRES)

NEW LOT AREAS

1. LOT AA (23,674 SQ. FT)(0.54 ACRES)
1. LOT BB (12,765 SQ. FT)(0.29 ACRES)

SCALE 1"=20'

THIS DRAWING MAY BE REDUCED, VERIFY SCALE BEFORE USING



1 METER = 3.2808333 U.S. SURVEY FEET
 1 U.S. ACRE = 0.4047 HECTARES

WRANGELL RECORDING DISTRICT

No. r	Description	Revisions
PRELIMINARY		
R&M ENGINEERS 355 Carlanna Lake Road Ketchikan, AK 99901		
WRANGELL OFFICE P.O. BOX 701 WRANGELL, AK 99929		
CERTIFICATE OF AUTHORIZATION #: C576		

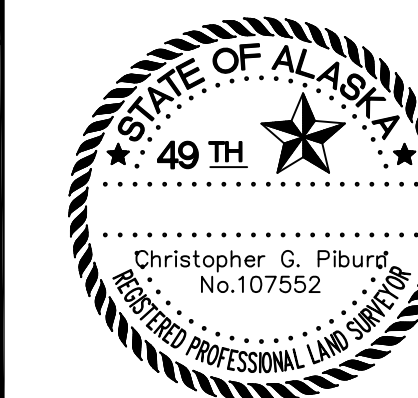
CLIENT: JEFFREY W. GOOD
 153 PARKS LANE
 KODIAK, ALASKA 99615

DRAWN BY: MCH
 CHECKED BY: CGP
 DATE PLATTED: JUNE, 2018
 DATE SURVEYED: JUNE, 2018
 SCALE: 1"=20'
 SURVEYED BY: MCH
 PROJ NO.: 182734

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN _____ 2018 _____ A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE _____
 CHRISTOPHER G. PIBURN LS 107552



GOOD / EDGLEY SUBDIVISION

A REPLAT OF LOTS 7-K & 7-R, BLK 67, MT. DEWEY FARM ADDITION RESUBDIVISION AND LOT A, BLK 67, EDLEY-MASSIN SUBDIVISION, CREATING LOTS AA & BB, GOOD / EDGLEY SUBDIVISION, CITY AND BOROUGH OF WRANGELL.

City of Wrangell, Alaska

Agenda Item G3

Date: July 6, 2018

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance application to a front yard and side yard setback for a carport on Lot 11A, Block 24, of CDH Subdivision, Plat 92-4, zoned Multi Family Residential, requested by Michael and Mary Kurth, owners.

Recommendation: Staff recommends approval of the variance requests the front and side property lines and Findings of fact.

Motion: Move to approve the request for a front yard setback of 3.5 from Case Avenue property line, to extend no closer than parking area side cement wall perpendicular to Case Avenue closest to the house, and for a side yard setback to be 1 foot from the northern property line, for an open sided carport only, and staff's Findings of fact. ,

Background:

The applicant would like to construct an open carport covering their parking area located on Case Avenue.

Criteria:

The proposal must comply with the following sections:

Chapter 20.20: Multi Family Residential

Chapter 20.52: Lot Standards

Chapter 20.72: Variances

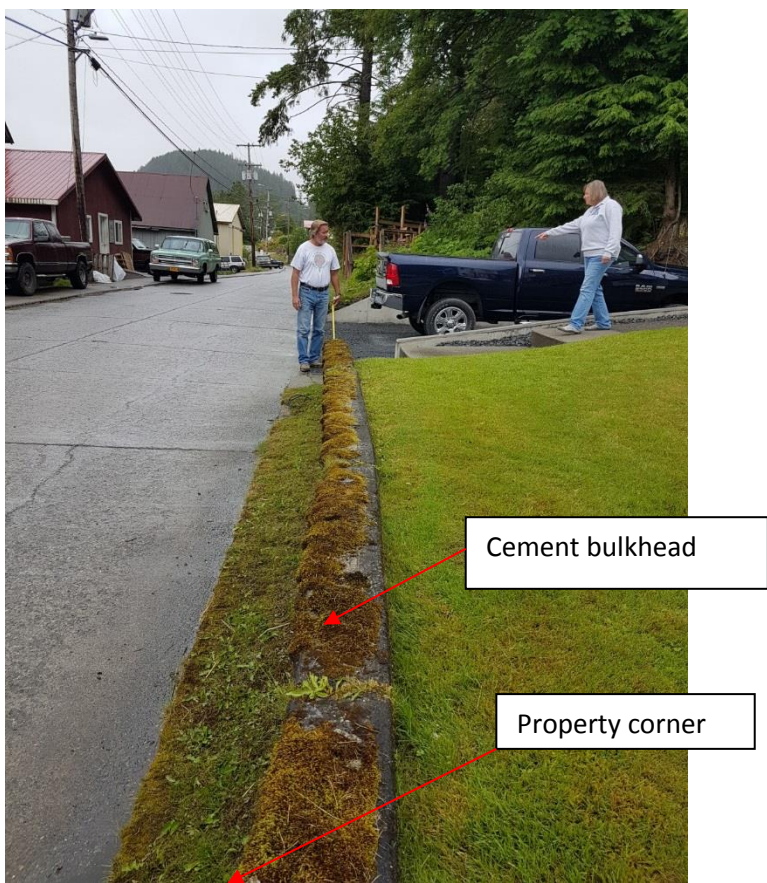
Findings:

The applicant owns a 5,761 square foot lot in the Multi-Family District (MF) on Case Avenue. Applicants are proposing to construct a carport with a 22' x 24' roof. Their parking area is currently on Case Avenue on the north side. Vehicle access on the north side of the house is limited due to slope of the Shakes Tribal property next door. The other side of the house is narrower and is enclosed with a cement bulkhead located on the property line. Applicants are seeking to cover the parking area with an open sided carport. The roof line would be 3.5' from the front property line. Case Avenue is narrow but straight in this section so an open sided car port will allow visibility by adjacent neighbors or vehicles on the street, as well as by the residents when exiting the parking area.

A variance must meet four criteria:

1. **Exceptional Physical Circumstances:** The lot sits at the base of a sloped mound on the north side and is just over the minimum lot size required for a single family residence. Access to the back is restricted by the slope on the north, a cement bulkhead on the front and narrow access between neighbor to the south.
2. **Strict application would result in practical difficulties or unnecessary hardships:** Strict application would result in the loss of the benefit to keep vehicles out of weather and would result in a decision to not construct a car port over their parking area, remaining status quo. Access to their vehicle is

3. That the granting of the variance will not result in prejudice to others, or be detrimental to public health, safety or welfare: The granting of the variance will not prejudice others in the area. Across the street is zoned Waterfront Development with structures varying distances from the property lines. The open construction of the car port will allow visibility by the owners when exiting and by oncoming vehicles. The variance request will not be detrimental to public health, nor should it impact adjacent neighbors within the same district.
4. Granting of the variance is not contrary to the comp plan for multi family residential development of accessory structures.





Approximately 3.5 feet



CITY OF WRANGELL
PLANNING AND ZONING
P.O. BOX 531
WRANGELL, AK 99929
Application Fee \$50.00

G3-1

I. The undersigned hereby applies to the City of Wrangell for a variance.

II. Description: (use additional paper if necessary)

Legal description of the area requested for the variance Parcel 02-033-176
CDH Subdivision, block 24, lot 11a, plat 92-4, 704 Case Ave
Lot (s) size of the petition area 22'x24' parking area/driveway

Existing zoning of the petition area Multi-Family

Current zoning requirements that cannot be met (setbacks, height, etc.): Setback
10' from Case Ave

Proposed change that requires this variance Request setback 3.5'
from Case Ave for carport roof.

III. Application information: (use additional paper if necessary)

Explain details of the proposed development Erect 22x24 carport roof
structure with 3:12 pitched, truss roof to cover parking area

A variance may be granted only if all four of the following conditions exist:

That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same zone.

That the strict application of the provisions of this ordinance would result in practical difficulties or unnecessary hardships.

That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

That the granting of the variance will not be contrary to the objectives of the Comprehensive Plan.

Explain how your application meets these conditions: Carport roof under
existing 10' setback would cause coverage of only
half of the existing driveway

Note: A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a zone in which that use is prohibited.

A schematic site plat must be attached showing the type and location of all Proposed uses on the site, and all vehicular and pedestrian circulation patterns relevant to those uses.

I hereby affirm that the above information is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or the authorized agent thereof for the property subject herein.

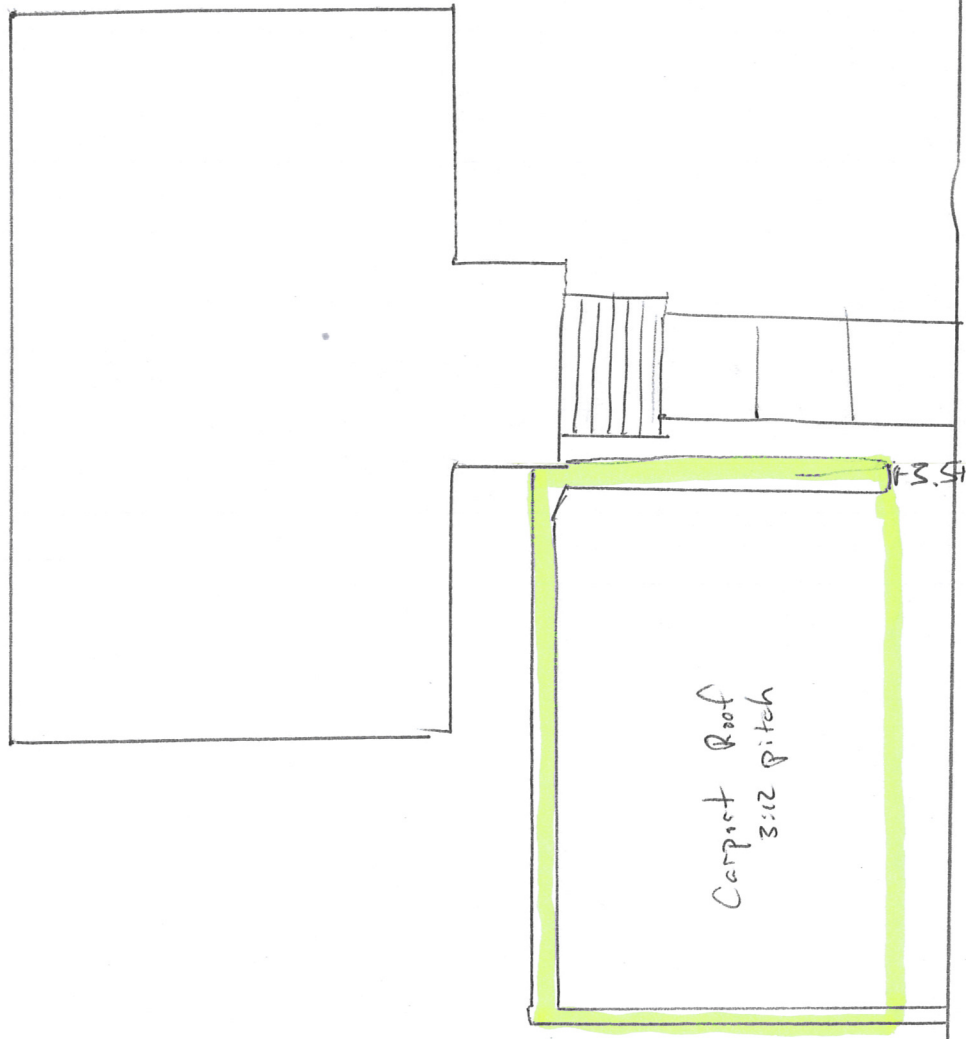
Michael Kurth
PRINT PETITIONER'S NAME

[Signature]
SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA

704 Case Ave, PO 2276, Wrangell
ADDRESS

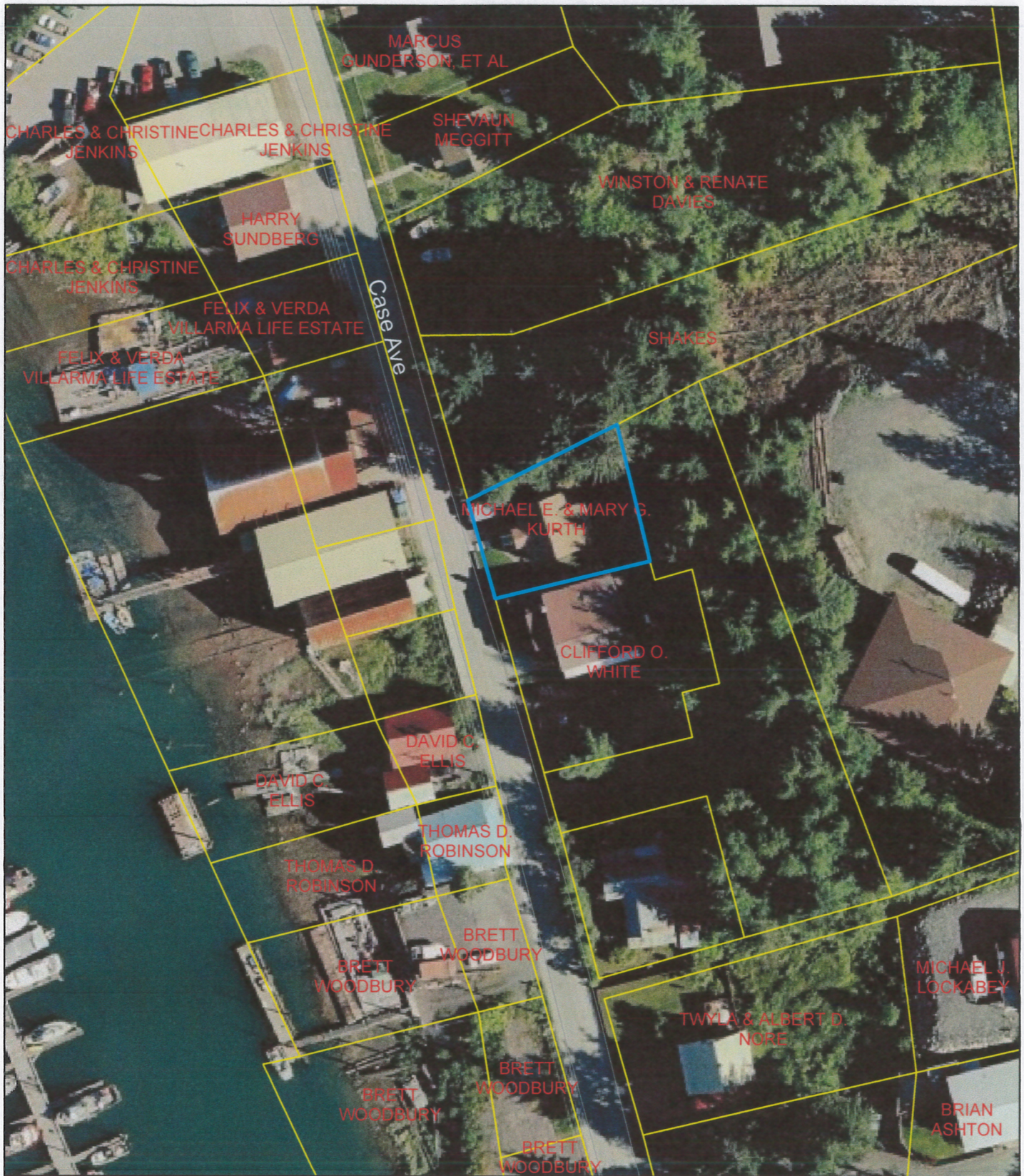
6/25/18
DATE

907-220-6141
TELEPHONE



Case Ave.

CITY AND BOROUGH OF WRANGELL, ALASKA



Public Map



1 inch = 75 feet
Date: 7/3/2018

**DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE.**

Certificate of Ownership and Dedication
 We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

Date Jan 14 1992
 Owner LOT A CLAY B HANSON
 Date _____
 Owner _____

Certificate of Ownership and Dedication
 We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

Date Jan 14 1992
 Owner LOT C CRAIG CAMPBELL
 Date _____
 Owner _____

Notary's Acknowledgement
 U.S. of America
 State of Alaska
 City of Wrangell
 First Judicial District

This is to certify that on this 17 day of July 1992, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Clay B Hanson to me known to be the identical individual(s) mentioned and who executed the within plat and acknowledged to me that they signed the same freely and voluntarily for uses and purposes therein specified.

Witness my hand and notarial seal the day and year in this certification first herein written.
Clay B Hanson
 Notary Public in and for the State of Alaska
 My Commission Expires 12/31/92

Certificate of Ownership and Dedication
 We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

Date 6-7-92
 Owner LOT B CLYDE DOWNS
 Date 6-7-92
 Owner LINDA DOWNS

Notary's Acknowledgement
 U.S. of America
 State of Alaska
 City of Wrangell
 First Judicial District

This is to certify that on this 7 day of May 1992, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Clyde B Downs to me known to be the identical individual(s) mentioned and who executed the within plat and acknowledged to me that they signed the same freely and voluntarily for uses and purposes therein specified.

Witness my hand and notarial seal the day and year in this certification first herein written.
Clyde B Downs
 Notary Public in and for the State of Alaska
 My Commission Expires 4-1-94

Certificate of Ownership and Dedication
 We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

Date 3-5-92
 Owner CONTRACT SELLER LOT D JOHN LEVERETT
 Date 3-5-92
 Owner SHANNE LEVERETT

Notary's Acknowledgement
 U.S. of America
 State of Alaska
 City of Wrangell
 First Judicial District

This is to certify that on this 5th day of March 1992, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared John Leverett to me known to be the identical individual(s) mentioned and who executed the within plat and acknowledged to me that they signed the same freely and voluntarily for uses and purposes therein specified.

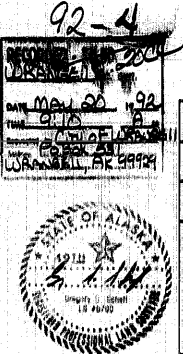
Witness my hand and notarial seal the day and year in this certification first herein written.
John Leverett
 Notary Public in and for the State of Alaska
 My Commission Expires August 19 1995

Certificate of Approval by the Board
 I hereby certify that the subdivision plat shown herein has been found to comply with the subdivision regulations of the City of Wrangell Platting Commission, and that the said plat has been approved by the commission by plat resolution No. _____ dated _____ 19____, and that the plat shown hereon has been approved for recording in the office of the District Magistrate, Ex-Officio Recorder, Kotahikan, Alaska.
 Date 5-17-92
Patricia Church
 Chairman, Platting Commission
 Date _____
Christi L. Jamieson
 Secretary

Certificate of Approval by the Council
 I hereby certify that the subdivision plat shown herein has been found to comply with the subdivision regulations of the City of Wrangell Council as recorded in minute book _____ page _____ dated _____ 19____, and that the plat shown hereon has been approved for recording in the office of the District Court, Ex-Officio Recorder, Kotahikan, Alaska.
 Date 5-18-92
Paul C. Fisher
 Mayor
 Date _____
Scott A. Hunt
 City Clerk

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)
 I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING MAYOR FOR THE CITY OF WRANGELL, HEREBY CERTIFY, THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY OF WRANGELL, IN THE NAME OF _____ AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY OF WRANGELL ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 19____ WILL BE DUE ON OR BEFORE JULY 31, 19____ DATED THIS DAY OF _____
 ADDRESSOR, CITY OF WRANGELL

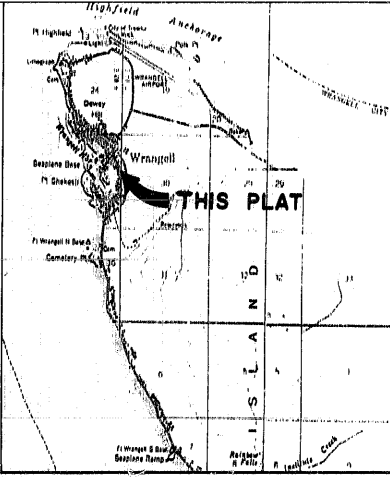
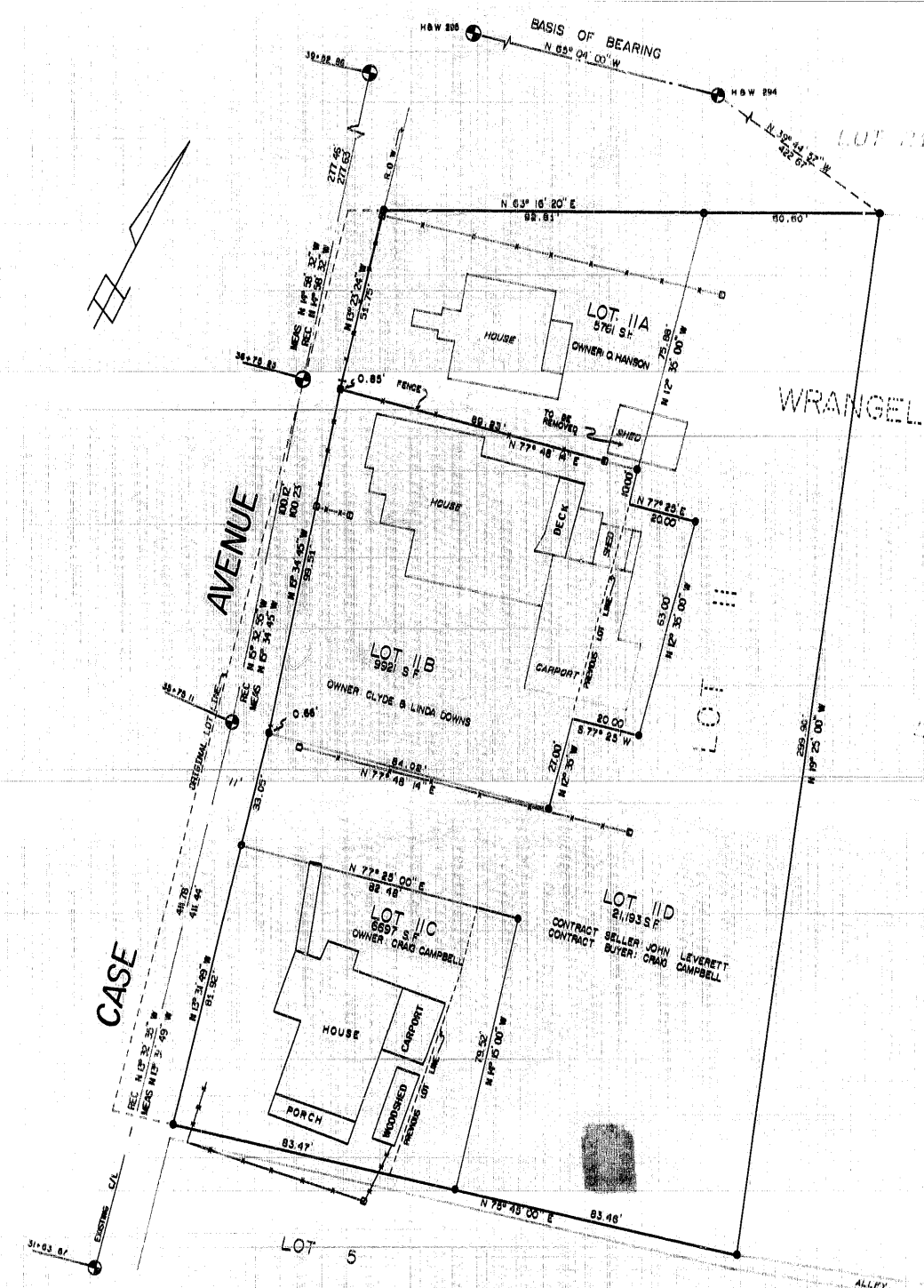
SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN MARCH OF 1988 A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.
 Date 4-16-91
GREGORY G. SCHEFF
 DATE



WRANGELL RECORDING DISTRICT
CDH RESUBDIVISION
 LOT 11 BLOCK 24
 WRANGELL TOWNSITE USS 1119
 CLINT: CRAIG CAMPBELL
 30 x 1878
 WRANGELL, AK 99929

GREG SCHEFF & ASSOCIATES
 LAND SURVEYORS & ENGINEERS
 BOX 1331
 WRANGELL, AK 99929

DATE	5/18/91	NAME OF SURVEYOR	US/LB	PROJECT NO.	91180-01-00W
SCALE:	1"=80'	DRAWN BY:	GGB/HABL 11		



VICINITY MAP
 1" = 1 MILE

NOTES

THIS RESUBDIVISION WILL CREATE LOTS A, B, C, AND D, WITHIN LOT 11

LEGEND

- REBAR AND ALUM CAP SET
- ⊙ PRIMARY BRASS CAP RECOVERED



WRANGELL 92-4