



City and Borough of Wrangell
Planning and Zoning Commission
AGENDA

Thursday, May 09, 2019
6:00 PM

Location: Borough Assembly Chambers
City Hall

Planning & Zoning Meeting May 9, 2019
6:00 PM

A. CALL TO ORDER / ROLL CALL

B. AMENDMENTS TO THE AGENDA

C. APPROVAL OF MINUTES:

1. Approval of the Minutes of the April 11, 2019 Meeting

D. PERSONS TO BE HEARD

E. CORRESPONDENCE

1. Letter to Loretto Jones regarding renting of rooms dated April 24, 2019

F. OLD BUSINESS

G. NEW BUSINESS

1. Conditional use permit review for a cottage industry to rent a residence as a short term vacation rental, on Lot 7D, Block 12, USS 1119, zoned Single Family Residential, requested by Mike and Lydia Matney.
2. Variance permit review for a variance to the height requirement from 25 feet to 28.6 feet for a garage and apartment on Lot 26D, USS 1119 Zoned Single Family Residential, requested by owner representative Michelle D. Thomassen

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

April 11, 2019

6:00pm

Minutes

A. CALL TO ORDER / ROLL CALL

Commissioner Hutchinson opened the meeting at 6:02 and recessed for 5 minutes.

Chair Terri Henson reconvened the meeting at 6:08 p.m.

PRESENT

Chair Terri Henson

Commissioner Apryl Hutchinson

Commissioner Kate Hein

ABSENT

Vice-Chair Donald McConachie

Commissioner Andy Hoyt

Also present were staff Carol Rushmore and Aleisha Mollen

B. AMENDMENTS TO THE AGENDA

None.

C. APPROVAL OF MINUTES:

Approval of the Minutes of the March 14, 2019 Regular Meeting.

Motion made by Commissioner Hutchinson, Seconded by Commissioner Hein to approve the minutes of the March 14, 2019 regular meeting as presented.

Approved unanimously by consent.

D. PERSONS TO BE HEARD

None.

E. CORRESPONDENCE

Letter to Loretto Jones requiring need for CU Permit dated April 3, 2019

Rushmore stated that there had been additional complaints about this issue and they are trying to track down the owner. She is currently out of town.

F. OLD BUSINESS

None.

G. NEW BUSINESS

1. Variance request for a front yard setback reduction for a shop and garage on Lot 11, USS 3403, Zoned Rural Residential, requested by owners Greg and Anne Duncan.

Public Hearing opened at 6:11 p.m.

Greg Duncan stated that they wanted to do the project in a way that there would be no impact on the neighbors or the ROW. They have also contacted the State of Alaska and the Army Corps of Engineers.

Public Hearing closed at 6:12 p.m.

Motion made by Commissioner Hutchinson, Seconded by Commissioner Hein to approve the variance request for a front yard setback reduction for a shop and garage on Lot 11, USS 3403, Zoned Rural Residential, requested by owners Greg and Anne Duncan with the recommendations and findings of fact.

Rushmore stated that the ROW used to be the state's and has not transferred ownership. It's a weird ROW, but there is more than adequate space.

Voting Yea: Chair Henson, Commissioner Hutchinson, Commissioner Hein

2. Conditional use permit request for a cottage industry to rent residence as a short term vacation rental, on Lot 5A, Block 19, USS 1119, zoned Single Family Residential, requested by Steve and Yvonne Powers.

Public Hearing opened at 6:14 p.m.

No one was present to speak on this item.

Public Hearing Closed at 6:15 p.m.

Motion made by Commissioner Hutchinson, Seconded by Commissioner Hein to approve the conditional use permit request for a cottage industry to rent residence as a short term vacation rental, on Lot 5A, Block 19, USS 1119, zoned Single Family Residential, requested by Steve and Yvonne Powers, with the recommendations and findings of fact.

Hutchinson asked about the parking spaces available and Rushmore stated that it meets the requirements.

Voting Yea: Chair Henson, Commissioner Hutchinson, Commissioner Hein

3. Update regarding the surveys for the Mental Health Trust and US Forest Service land trade

Don Mullikan from Mullikan Surveys was present to present the update.

Rushmore gave a quick background of the project to the new commissioner on the board.

Mullikan and Rushmore are still working on plat 2018-9, and there are still 5 floating easements, as DNR kept the first one.

Rushmore stated that the easements will be a separate recording, but will be recorded shortly after the final plat.

On plat 2018-10, they are still working on an easement that the Borough Assembly requested near Lot 2, to provide access to Lots 1, 14, and 23, as well as the USFS land behind it.

Rushmore asked about the split of Lot 3 and should it be a new Lot 3A. Mullikan stated that this part of the land was not part of the plat and would be an unsubdivided remainder.

On plat 2018-11, MHT is going to keep Lots 2, 3, and 5 due to access and encroachments. Lots 1, 4, 6, and 7 will go to the USFS. Rushmore asked how wide Lot 5 will be now. Mullikan answered that it would be 400-500 ft wide, but there isn't a final agreement.

Mullikan also stated that Zimovia Hwy is owned by the State, but there are easements throughout for the use of it. MHT and USFS have not yet agreed to keep the easement for Zimovia Hwy.

Rushmore recommended to put something in motion that says at minimum the easement stays and is at least 100 feet wide.

Mullikan asked about the mylars and Rushmore stated that the Borough Assembly would not approve the finals without a signed mylar, since they are the final approval.

Motion made by Commissioner Hutchinson, Seconded by Commissioner Hein to keep the easement around Zimovia Hwy with a 100 foot minimum for the safety and transportation for the MHT and USFS land exchange on plat 2018-11.

Voting Yea: Chair Henson, Commissioner Hutchinson, Commissioner Hein

H. PUBLIC COMMENT

None.

I. COMMISSIONERS REPORTS AND ANNOUNCEMENTS

New Commissioner Kate Hein was welcomed.

Rushmore stated that there will be several future items about zoning and subdividing of the Byford Junkyard property, Institute property, and entitlement lands. This will be based on the Assembly's recommendations.

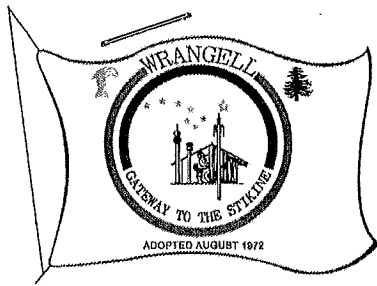
Chair Henson would not be available in May or June, but could call in if needed. No other scheduling conflicts were heard.

J. ADJOURNMENT

Chair Henson adjourned the meeting at 6:43 p.m.

CHAIRPERSON

SECRETARY



CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

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

April 24, 2019

Loretto Jones
Box 874
Wrangell, AK 99929

Re: Zoning Requirements for Room Rentals

Dear Loretto:

Last Friday when I saw you in City Hall, I had hoped that we could discuss the type of rooming or boarding activities that seem to be occurring at your residence on Zimovia Highway. Our very short conversation ended with you adamantly saying that you were not renting rooms. Unfortunately, I am receiving complaints from individuals and families regarding continued access to your residence by multiple people that may be staying with you based on a prearranged financial agreement. Your fliers that you have posted on bulletin boards advertising rooms for rent for \$400 indicate that you do have a business activity for room rentals. I was hoping that we could sit and talk about what type of business activity it is specifically, so I could better help you navigate any zoning permit(s) you might need. Unfortunately, you do not seem to want to discuss the issue with me.

Please cease renting rooms within your residence until the required conditional use zoning permit is determined and obtained. WMC 20.92.040 states that owners of a premise where a violation is occurring may be punishable as provided for in WMC 1.20.010. Each and every day that the violation continues is a separate and distinct violation.

Please give me a call at your earliest convenience so we can sort through the permitting issues.

Sincerely,

Carol Rushmore
Economic Development Director

Sent via Certified Mail

City and Borough of Wrangell

Agenda Item G1

Date: May 3, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Conditional use permit request for a cottage industry to rent residence as a short term vacation rental, on Lot 7D, Block 12, USS 1119, zoned Single Family Residential, requested by Mike and Lydia Matney.

Background: The applicant is seeking to operate a transient short term vacation rental within the residence.

Recommendation: Approve the conditional use permit application for a cottage industry for short term vacation rentals

Recommended Motion: Move to approve findings of fact and the conditional use permit request for a cottage industry allowing the residence to be used as a short term vacation rental as a cottage industry, subject to the following condition:

- 1) Provide Guest Guidance or similar document on noise and expected behavior to encourage respect for the residential district and neighbors.**

Review Criteria:

Single Family Residential: Chapter 20.16

Standards: Chapter 20.52

Findings of Fact:

Applicant is seeking to utilize a home that he has purchased as a vacation rental. Rentals would likely be weekly but could be of shorter duration. Conditions of Approval for conditional use applications include:

- 1) Minimal impacts on adjacent neighbors from noise, traffic, appearance, yards etc.**

The property is zoned Single Family Residential. WMC 20.08.260 defines dwelling unit as one or more rooms and a single kitchen designed as a unit for occupancy by not more than one family for living or sleeping purposes.

Home Occupations (WMC 20.08.380) are allowed as an accessory use within the home as long as there are no changes from the characteristics of the permitted use. Cottage Industry (WMC 20.08.200) requires a conditional use permit and is for uses that are compatible with the underlying zone but could potentially have impacts to the adjacent property owners. Because the owners do not reside on the property, and the use could have potential impacts, the requested conditional use permit is for a cottage industry for short term vacation rental.

A vacation rental for short term transient duration (under 30 days) could see an increase in traffic to the neighborhood as visitors come and go from their overnight stay. However, the traffic may be no different than a typical resident. Many visitors will not have a vehicle and will be on foot, but some will have vehicles. The increase in traffic is likely to be minimal.

Noise could be more than typical if the unit is rented by vacationers interested in partying. City Hall has not yet received any complaints by neighbors of vacation rentals and the owner can provide rules and reminders to all guests to minimize potential issues.

2) Provisions of sewer and water: The property is connected to sewer and water.

3) Entrances and off-street parking available without safety issues:

Access to the residence is from Evergreen. The short term rental is required to have at least one off street parking place. There is adequate parking available for guests if they have a vehicle. Many visitors will not have a vehicle and will be on foot, but some will have vehicles.

CITY OF WRANGELL, ALASKA
CONDITIONAL USE APPLICATION

PLANNING AND ZONING COMMISSION

P.O. BOX 531
WRANGELL, ALASKA 99929
Application Fee: \$50

I. Applicant's Name and Address: Mike & Lydia Matney
PO Box 2095

Wrangell AK 99929

Applicant's Phone Number: 907-305-1117

II. Owners's Name and Address: Mike & Lydia Matney
PO Box 2095

Wrangell AK 99929

312 Stikine Ave

Owner's Phone Number: 907-305-1117

III. Legal Description: Lot 7D, Block 12, U.S. Survey 1119

Parcel No. 02-0004-313

IV. Zoning Classification: Residential

V. Specific Request: Would like to rent weekly rather
than monthly, occasionally daily rental

Max capacity 10

Parking up to 4 vehicles

VI. Site Plan shall be submitted with the application. The plan shall show existing and proposed structures, driveways, roadways, existing and proposed grading. Additional information shall be furnished upon request of the Zoning Administrator.

VII. Construction Schedule: BEGIN: N/A END: N/A

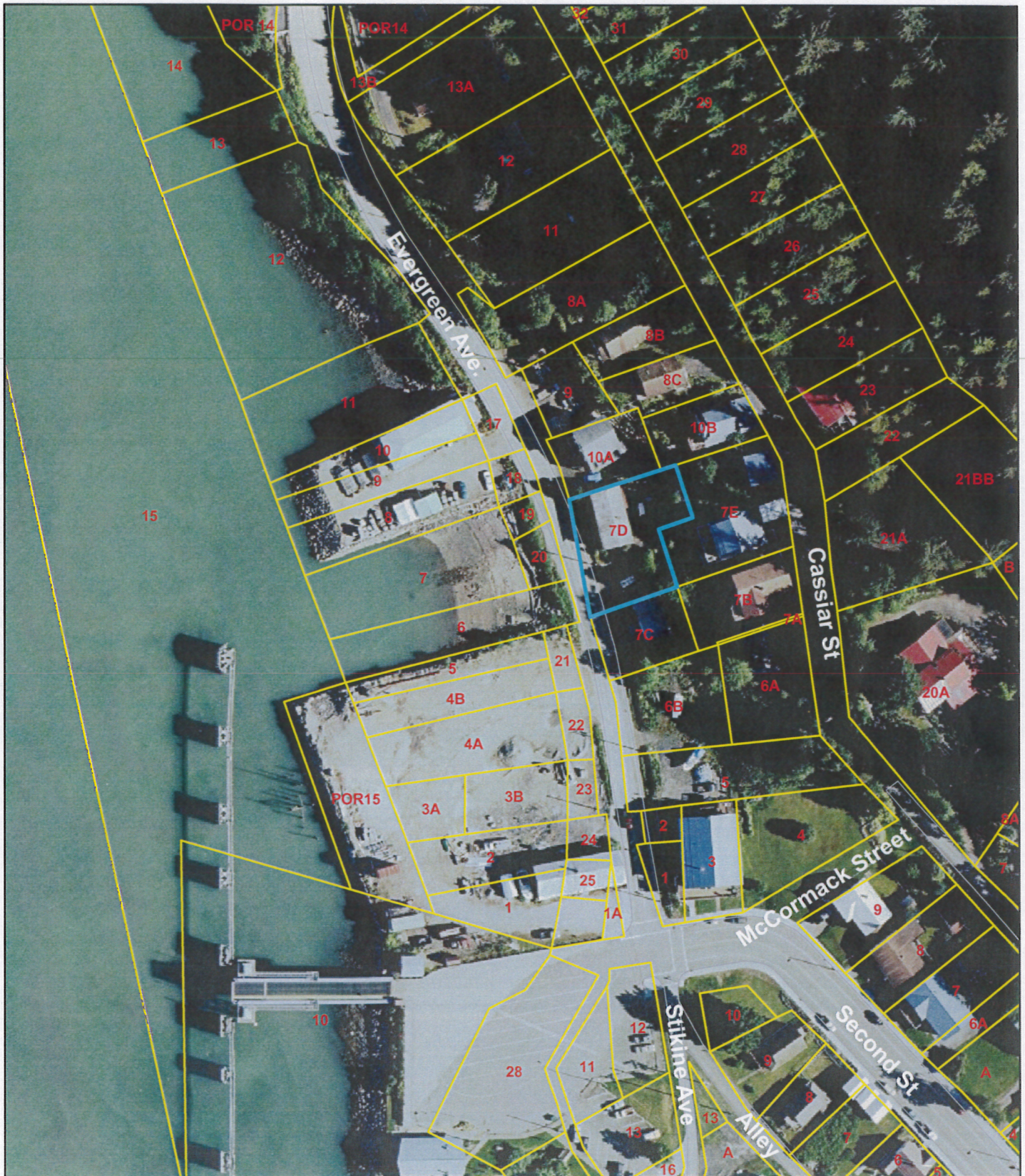
SIGNATURE OF OWNER: Mike Matney DATE: 4/25/19

SIGNATURE OF APPLICANT: Mike Matney DATE: 4/25/19

If more than one owner or if more than one parcel is involved, attach all signatures on a separate piece of paper identifying which parcels are owned by which persons.

Written authorization of the property owner must be submitted with this application if the applicant is other than the owner.

CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 125 feet
Date: 4/29/2019

Public Map



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

City of Wrangell, Alaska

Agenda Item G2

Date: May 7, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance request for a variance to the height requirement from 25 feet to 28.6 feet for a garage and apartment on Lot 26D, USS 1119 Zoned Single Family Residential, requested by owner representative Michelle D. Thomassen

Review:

The applicant is requesting a height variance for a garage apartment

Recommendation Staff recommends approving the height variance request

Recommended Motion:

- 1) Move to approve findings of facts and a 4 foot variance to the height requirement, providing for a 29' foot high structure for the proposed garage and apartment.**

Criteria:

The proposal must comply with the following sections:

Chapter 20.16: Single Family Residential

Chapter 20.52: Lot Standards

Chapter 20.72: Variances

Findings:

Michelle Thomassen, representative owner, is proposing to have constructed a garage with an apartment on the subject lot. There are two lots in same ownership side by side, with the larger adjacent lot having the current house located on it. The smaller lot of 8800 sq. ft. is proposed for the garage/apartment. The lot is sloped toward the water. The garage/apartment is being constructed on the slope, where the front of the structure will have a higher surrounding grade, meeting the 25 foot height requirement from grade to peak. The back of the structure as proposed would be 32feet from surrounding grade to peak.

Section 20.52.080 Building Height establishes requirements for height restrictions to minimize safety risks and maintain character of neighborhoods. The usual concern of neighbors is the impact on views. The property across the street (owned by Blatchley) from the applicant is slightly higher grade than the proposed area. While the structure will be in their view shed, it will not block the entire view. Other residences are similar, as they will have different view angles of the new structure but would not block their view.

The applicants are seeking a variance because to construct current crawl space requirements, to meet certain energy standards, roofing pitch and snow loads, regular 8 foot high ceilings, and sloped ground, the 25 foot requirement is very difficult if not impossible to meet. For structures constructed on slopes, the height is measured based on the average surrounding grade of all 4 sides. The Commission needs to explore if their proposed residence would impact adjacent residents and is reasonable in the request.

A Variance application must meet four criteria.

1. **Exceptional Physical Circumstances:** The lot slopes downward toward the shoreline. For structures constructed on slopes, the height is measured based on the average surrounding grade of all 4 sides. The building code requirements for current typical home constructions for crawl spaces, energy efficiency construction, typical roof constructions and other needs that make meeting the required 25 foot requirement difficult.
2. **Strict application would result in practical difficulties or unnecessary hardships:** Strict application to the height requirement would require the applicant eliminate crawl space, flatten the roof, and or drop ceiling heights. According to the applicant, to try and meet the height requirement, he has minimized crawl spaces and foundation footings, and reduced ceilings.
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 with similar construction. The variance will not create a safety issue or be detrimental to public health nor will it block sunlight or views.
4. **Granting of the variance is not contrary to the comp plan for single family residential development.**

Review Criteria:

20.08.150 Building height.

“Building height” means the vertical distance from the grade, as defined in WMC [20.08.360](#), to the average height of the highest roof surface. [Ord. 867 § 1, 2013; Ord. 349 § 5, 1976; prior code § 95.80.020. Formerly § 20.08.130.]

20.08.360 Grade or ground level.

“Grade” or “ground level” means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building. [Ord. 867 § 1, 2013; Ord. 349 § 5, 1976; prior code § 95.80.020. Formerly § 20.08.300.]

20.52.080 Building height.

The purposes of building height standards are to prevent loss of life, excessive property damage, and to minimize risk of fires, by enabling firefighters to reach upper stories or roofs, and to help maintain the character of neighborhoods.

- A. No structure within a single-family residential district should exceed a height of 25 feet absent a variance.
- B. Church spires, water towers, elevator shafts, or smoke stacks not used for human occupancy, and cables, antennas or similar accessories, are exempt from the height requirements of this section.
- C. Portions of a building may exceed 35 feet in height where 50 percent of the building's roof perimeter lies within the 35-foot height limit, from an existing grade accessible to fire suppression personnel and rescue equipment, not including perimeter areas which provide access only to portions of the building used for storage, or where all dwelling units and work spaces can be reached and evacuated through windows or balconies lying within the 35-foot height limit of borough firefighting equipment. The approval of the borough's fire chief and the zoning administrator shall be required before permits are issued for the construction of buildings exceeding the 35-foot limit. Measurements shall be taken from the base of the building to the perimeter of the roof.
- D. In the remote residential mixed-used district, structures should not exceed a height of 35 feet absent a variance. [Ord. 867 § 1, 2013; Ord. 462 § 6, 1984.]

VARIANCES 20.72.050 Conditions of approval.

The commission must find all four of the following conditions to exist in order to grant the variance:

- A. 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;
- B. That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardships. Financial difficulty shall not be considered a hardship under this provision;
- C. That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity and will not be detrimental to the public health, safety or welfare;
- D. That the granting of the variance will not be contrary to the objectives of the comprehensive plan. [Ord. 867 § 1, 2013; Ord. 485 § 5, 1985; prior code § 95.65.030(2)(d).]

APPLICATION FOR VARIANCE

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

RECEIVED
APR 16 2019
WRANGELL CITY HALL

- 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 _____

Block 84, Lot 26D

02-014-394
-305

Lot (s) size of the petition area _____

8,800 SF

Existing zoning of the petition area SFR - Single Family Residence

Current zoning requirements that cannot be met (setbacks, height, etc.): _____

Current zoning is for 25' Rule for roof

Proposed change that requires this variance Requesting 28.6' variance

for roof - Already lowered the total height - We need at least 28.6' for head room in loft

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

Explain details of the proposed development Building a garage/
apartment to meet room needs for large family

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: _____

Building on a hill

Already lowered total height to 28.6'

Need 28.6' to accommodate for head room in loft

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.

Michelle D Thomassen
PRINT PETITIONER'S NAME

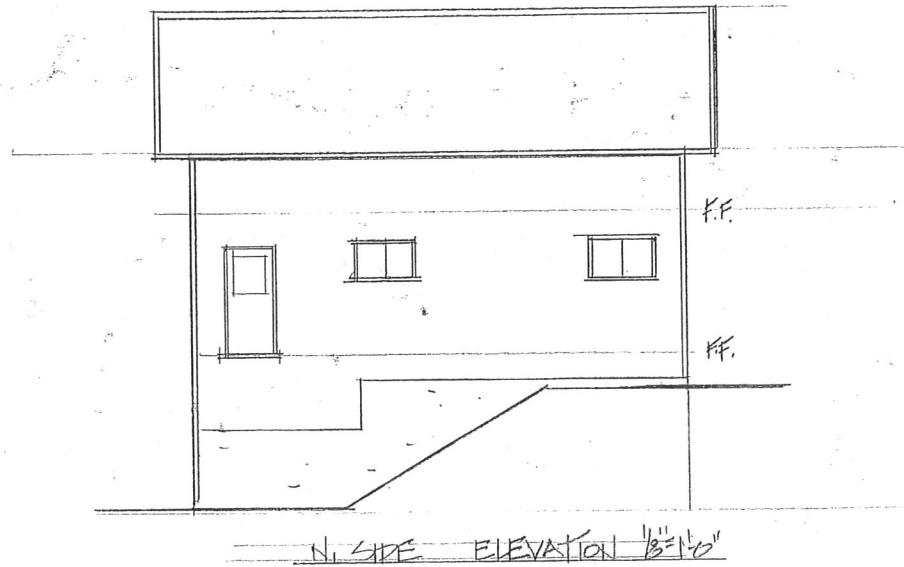
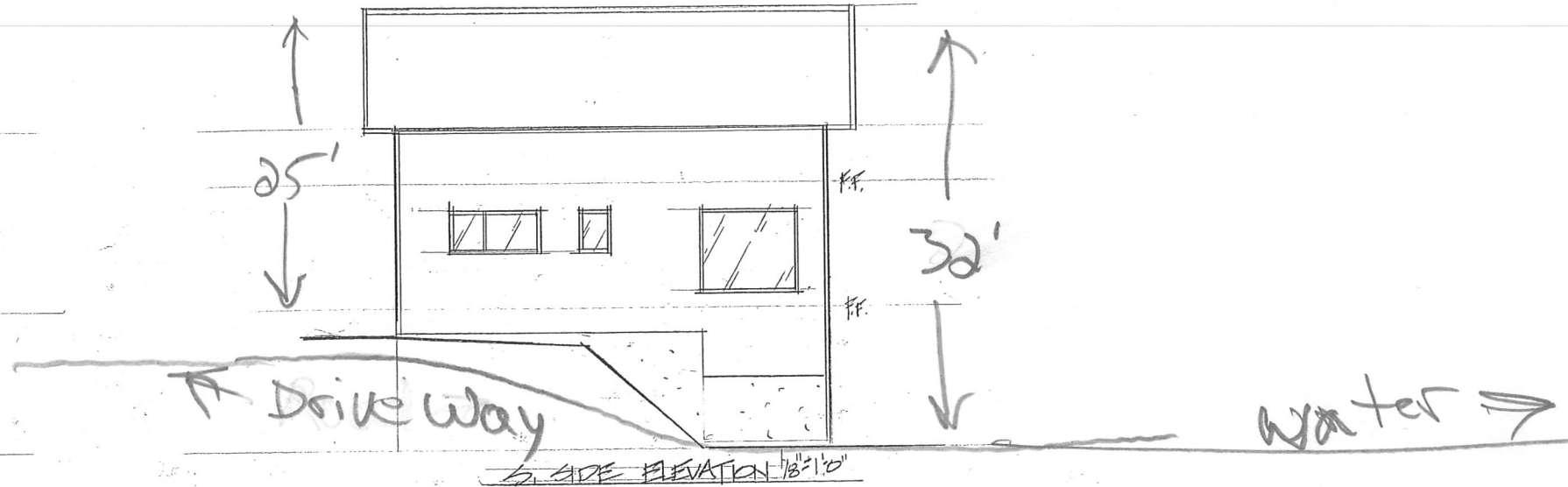
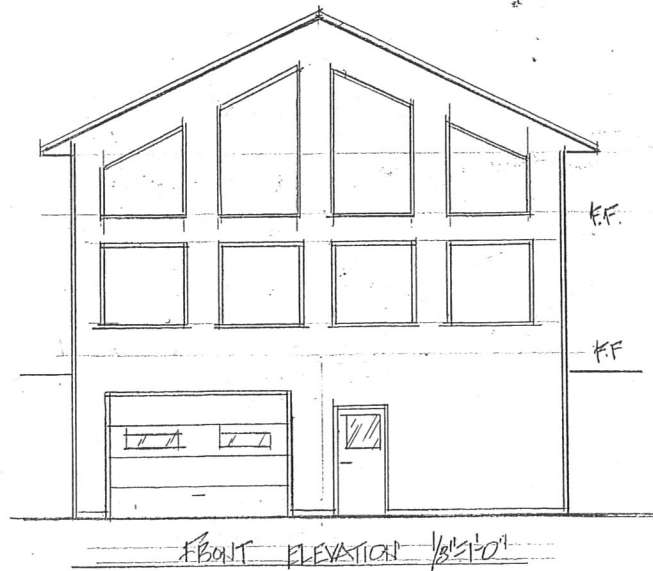
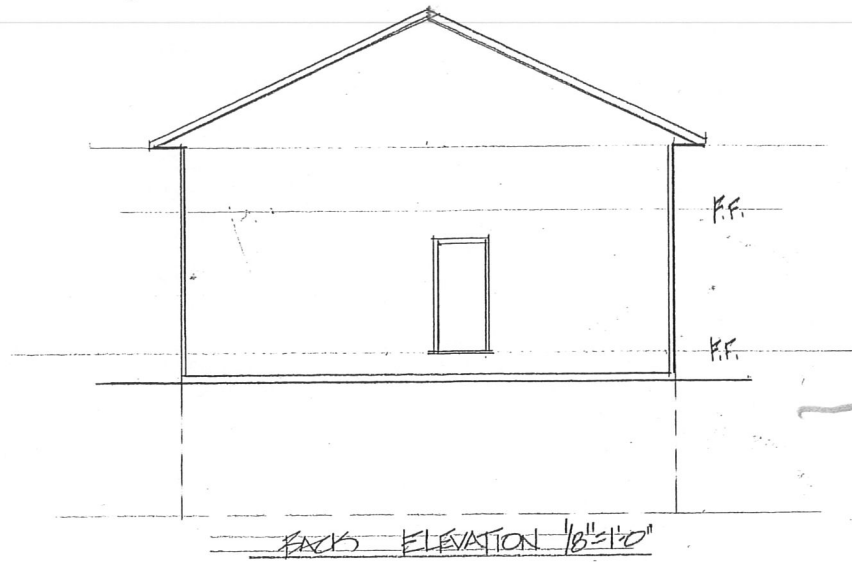
Michelle Diane Thomassen
SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA

230 Ocean View Drive
ADDRESS

4-16-2019
DATE

907-305-0214
TELEPHONE

RECEIVED
APR 16 2019
WRANGELL CITY HALL



WABD & CO LLC
11/1/90

CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 125 feet
Date: 4/29/2019

Public Map



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