

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

September 8, 2016 7:00 pm

Agenda

A. CALL TO ORDER/ROLL CALL

B. AMENDMENTS TO THE AGENDA

C. APPROVAL OF MINUTES: Special March 29, 2016; August 11, 2016

D. PERSONS TO BE HEARD

E. CORRESPONDENCE

F. OLD BUSINESS

1. Request for a Contract Zone from Single Family Residential to Multi-Family Residential for a triplex apartment building (3 living units), Lots 4 and 5, Block 5, USS 2127, requested by Isobel Brophy of Greystone Holdings Inc.

G. NEW BUSINESS

- Pub Hrg 1. Proposed Ordinance 924 of the Assembly of the City and Borough of Wrangell Alaska amending certain sections of Title 20, Zoning, of the Wrangell Municipal Code, to add Licensed Marijuana Establishment Facilities as Conditional Uses in certain specific zoning districts, and to update the Temporary and Special Zoning Acts Table.
- Pub Hrg 2. Variance Application for front yard setback reduction for a deck on Lot 5, Southeast Homes Subdivision, zoned Rural Residential I, requested by Adam Tlachac.
- Pub Hrg 3. Conditional use application for a storage unit facility and up to 3 apartments on Lot 28, Block 7, USS 1119, zoned Waterfront Development, requested by Elodie Freeman.
4. Appeal of Zoning Administrators denial of a building permit for a residential structure on Lot, zoned Single Family, requested by applicant Melissa and Jeremy Stolley, owned by William and Michelle Bloom.
- Pub Hrg 5. Variance Application for front, side and backyard setback reductions for a trailer on Trailer Space 29, of Lot 2 Block 2 USS 1593, Evergreen Trailer Park, zoned single family residential requested by Melissa and Jeremy Stolley, owned by William and Michele Bloom.
6. Non traditional Housing issues: Cottage Houses, Tiny Houses, Yurts, stick built trailer type houses

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City and Borough of Wrangell, Alaska

Wrangell Planning and Zoning Commission

SPECIAL MEETING MINUTES

March 29, 2016

12:00pm Assembly Chambers

Call to Order: 12:00 noon

Roll Call: Quorum of the Commission was established. There was no tape recording made of the meeting. Jeff Jabusch, Borough Manager was present.

Variance request to WMC 20.52.060 NOISE for purposes of working beyond the designated hours for the Sewer Pump Replacement project, on Lot 4A Block 21 Brig Replat and within the ROW at the harbor ramp, adjacent to Lot 10A, Block 83, both zoned Waterfront Development, requested by CBC Construction Inc, owned by the City and Borough of Wrangell.

Open Public Hearing
Close Public Hearing

Commission moved and second to approve the variance request to the Noise requirements for the installation of the sewer pumps. Approved Unanimously.

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

MINUTES

August 11, 2016

7:00 pm

A. CALL TO ORDER/ROLL CALL

Chairperson Terri Henson called the regular meeting of the Wrangell Planning and Zoning Commission to order at 7:00 pm on August 11, 2016 in the Wrangell Borough Assembly Chambers. Commissioners' Don McConachie, Roland Howell, Jim Shoemaker were present, April Hutchinson and Duke Mitchell were absent.

Recording Secretary Lavonne Klinke and Zoning Administrator Carol Rushmore were present.

B. AMENDMENTS TO THE AGENDA none

C. APPROVAL OF MINUTES: Special March 29, 2016; May 12, 2016 and Special Meeting May 26, 2016; July 14, 2016; Special July 19, 2016.

Moved by McConachie to approve May 12, Special May 26, July 14 and Special July 19, 2016 meeting minutes. 2nd by Shoemaker.

All approved

D. PERSONS TO BE HEARD None

E. CORRESPONDENCE None

F. OLD BUSINESS None

G. NEW BUSINESS

1. Request for a Contract Zone from Single Family Residential to Multi-Family Residential for up to a 4 unit apartment building, Lots 4 and 5, Block 5, USS 2127, requested by Isobel Brophy of Greystone Holdings Inc.

Open public hearing

Close public hearing

McConachie moves to approve, Shoemaker seconds.

Commission asks about the notice saying 4 units and the staff report saying 3 units. Staff explained her verbal conversation with Ms. Brophy changing her request to only three units. Building has been a multi-family unit for many years. Electrical issues for some time. City would not grant additional meters until zoning compliance.

McConachie states he feels that this structure is dangerous with questionable building applications.

In past there was a request for an assisted living structure, it was approved on condition they received state license, but state never approved.

There have been recent complaints and a violation letter sent by Borough staff. Current owner is trying to work through and address the issues.

Henson states if that they can bring the structure up to standards that there shouldn't be a problem.

Shoemaker comments on the submitted site map. The drawing isn't quite accurate, missing is the three structures on the backside of property. Concerned that there could be possible encroachments issues. Recommends that postponing this item until the structures are evaluated.

Item deferred by consensus to future meeting

2. Variance application for a reduction in side yard setback on Lot 15, USS 3403, zoned Rural Residential, requested by Bruce Ward.

Open public hearing

Susan Stuart, 5 mile loop road,

We are building an 800 sf cottage. The building is in the setback area and requesting approval for the structure.

Shoemaker went to look, and has some issues with the current structure. Did the request take into account overhangs (eves). Ms. Stuart states that there is no overhang is close to the walls, will be installing gutters. 48x32' structure. Is this being built out of pocket and will there be an as-built completed.

Staff talked to contractor Neal Soeteber who had found the corner marker and did the submitted measurements from that.

Close public hearing

**McConachie moves to approve the Variance request as presented, Howell 2nd.
All approved.**

H. PUBLIC COMMENT none

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

Mcconachie asks if there is anything Planning and Zoning Commission can do about the Shoemaker Bay Loop road issue regarding the right of way. Staff indicated that the Borough

has maintenance responsibilities. State would like the City to have the road, but in past conversations had told the State not until the Right of way issues are cleaned up... some are easements, some lots. City has said no right of way issue is fixed or change. Landowners could band together to have a very expensive survey completed.

J. ADJOURNMENT 7:38pm

City and Borough of Wrangell

Agenda Items F1

Date: August 30, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Request for a Contract Zone from Single Family Residential to Multi-Family Residential for a triplex building (3 living units), Lots 4 and 5, Block 5, USS 2127, requested by Isobel Brophy of Greystone Holdings Inc.

Background:

At the August 11, 2016 meeting, the Commission moved (McConachie, 2nd Shoemaker) to approve the Contract Zone request changing the zone from Single Family to Multifamily for a triplex. After discussion the Commission deferred a decision until information pertaining to accessory structures could be obtained in order to deal with all issues at one time.

This staff report is updated with additional information.

This structure has had three units for some time, but the previous owners never obtained the necessary permits for a multi unit structure. While attempts were made to require zoning compliance, staff did not consistently pursue. One of the previous owners did apply for and received a conditional use permit for a 3 unit assisted living facility with apartment subject to State licensing approval.

Findings:

The Commission is making a recommendation to the Assembly for review.

In June 2016, the Public Works Director sent a Notice of Violation letter to Isobel Brophy, Greystone Holdings Inc, in response to a review of a violation complaint. In response to that letter, Ms. Brophy is trying to address each violation issue outlined in the letter, one of them being the zoning issue.

The structure is located on two lots and at some point was converted into three units – possibly in the late 1990's. Staff found out about the conversion when the owners applied for an electrical permit to install additional meters. Additional meters were not permitted since they were not in compliance with the zoning. In 2005, the owners of the structure at that time applied for and received a conditional use permit for converting the structure into a three unit Assisted Living Facility, plus an apartment, subject to assisted living licensing approval by the State of Alaska. The State license was never approved, and the multifamily structure remained an unapproved zoning violation. Ms. Brophy is seeking the Contract Zone for up to 3 units in order to comply with zoning requirements. Her original request asks for 4

units but in a phone conversation on August 10, 2016, she indicated she was changing the request to 3 units.

Primary potential impacts of having a multi family structure within Single Family residential includes noise and traffic. The rental market is extremely tight right now according to a housing survey conducted as part of the Institute Master Planning Process. The proposal meets the housing criteria of the Comprehensive Plan as well as community needs. The Commission must review the proposal as to whether the location is appropriate for the multi family structure, if the proposal is in the best interest of the public, and what the impacts could affect adjacent residents

The structure has been a triplex for many years and staff is not aware of complaints resulting from the fact that the structure has 3 residential units, but rather inquiries have been made regarding zoning of the property.

At the August meeting, the Commissioners were seeking information regarding use and location of the accessory structures located on site, in order to address any other requirements all at the same time. Ms. Brophy provided an updated siteplan and letter regarding the structures that are used for storage, wood and a chicken coop. At this time, the side yard setbacks seem to be met. The structure located in the Backyard Setback does not appear to have a permanent structure and is currently being used as a chicken coop. All are approximately 8 feet from property lines according to the landowner. The Side yard setback in Single Family is 5 foot and the back yard is 20 foot. She indicated that she would be doing an asbuilt survey soon and would have setbacks established accurately at that time, possibly in time for the Assembly hearing.

Recommendation:

Staff recommends approval of the Contract Zone for Triplex . The Commission needs to make Findings of Fact to forward to the Assembly regarding the request as part of the approval or rejection of the request. This can be done at the meeting with the public hearing or at a subsequent meeting.

Findings must address per WMC 20.76.030 (C):

- 1) Justification for the proposed change, including the effect on the objectives of the comprehensive plan
- 2) Effect of the proposed change on property owners, including traffic flow, population, density, parking, sewer and water
- 3) Approval or Disapproval

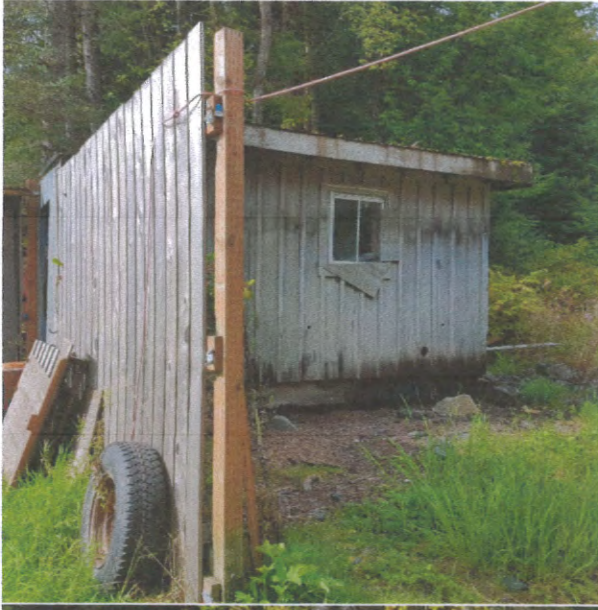
DRAFT FINDINGS OF FACT:

1. Justification for the proposed change, including the effect on the objectives of the comprehensive plan: The Commission deems it in the best interest of the community to approve the requested contract zone change from Single Family Residential to Multi Family residential for the specific use of a triplex. The proposal can meet Policy 31 of the Comprehensive Plan by providing for a range of housing and the Commission could establish conditions that might minimize any impacts between adjacent residents in order to comply with Policy 33 Compatibility between land use and user. The proposal will provide much needed rental units and are also a step toward

correcting many of the code violations that the structure has.

2. Effect of the proposed change on property owners, including traffic flow, population, density, parking, sewer and water: The Commission finds that the impacts to adjacent property owners will be minimal with a tri-plex. The Commission does not believe that traffic flow issues on Evergreen would increase significantly or that sewer and water services should be an issue. None of the accessory structures look to be very solid or in good condition. If the survey proves them to not meet setbacks, a condition of approval could be to remove the structures. The chicken coop structure appears to be within the required setback and according to the landowner, is approximately 8 feet from the property line.

3. Approval or Disapproval: The Commission moved at the August meeting to recommend to the Assembly approval of the Request for a Contract Zone to Multi Family for a Triplex apartment unit on Lots 4 and 5 Block 5, USS 2127 zoned Single Family Residential, requested by Isobel Brophy of Greystone Holdings LLC. The item was then deferred until September meeting to confirm accessory structures.



August 30/16

Attn. Carol Rushmore,

Faxing you the update schematic for
the property @ 907 Evergreen.

Hope this information satisfies the
Commission.

Thank you for your advice and help
with the process of completing this
application for a new contract zone.

Sincerely
Jared Brophy

Greystone Holdings LLC

Re lots 4/5a Block 5, USS 2127. - 907 Evergreen Rd.

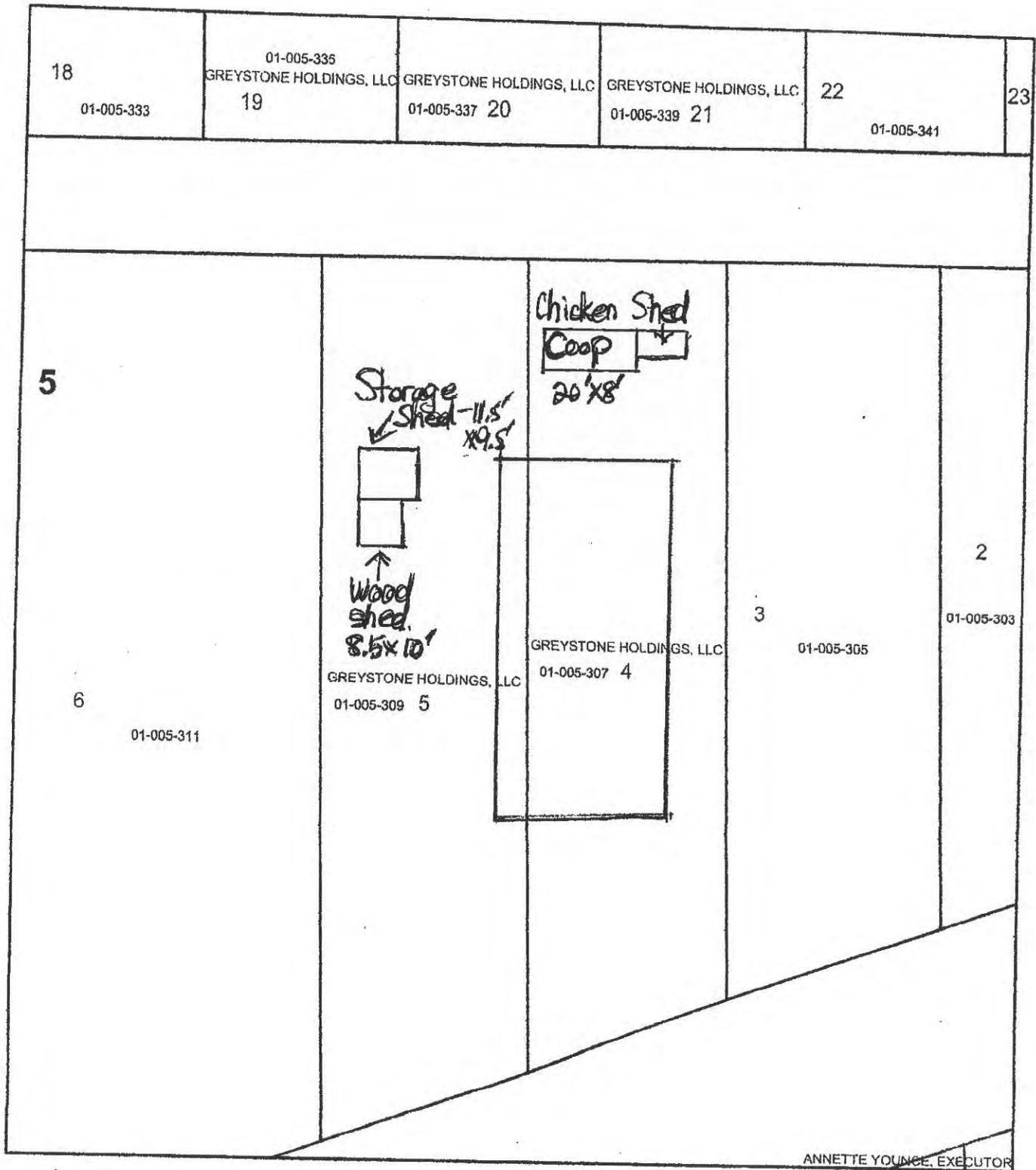
To whom it may concern,

As per the request from the Planning and Zoning Commission for an updated site plan to reflect location, descriptions of use and distances from property lines, I am submitting a schematic utilizing a public map of the property with the outbuildings included. They have been measured by a tenant on the property as as much as possible drawn to scale. The distances from the property lines are measured to a shared fence c LOT # 3. and a wooded area abutting LOT 6. Visually they appear to be about 8' from these borders.

All out buildings are for storage, wood, chicken coop. I hope this additional information is helpful and conclusive to the approval of the rezone contract.

Sincerely
Isabel Brophy
IBrophy.

CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 35 feet
Date: 7/5/2016

Public Map



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



CITY & BOROUGH OF WRANGELL
INCORPORATED JUNE 15, 1903

Dept. of Public Works & Capital Projects

PO Box 531
Wrangell, AK 99929

Phone (907)-874-3904
Fax (907)-874-2699

June 15, 2016

Isobel Brophy
Greystone Holdings, LLC
9116 East Sprague Avenue, #527
Spokane Valley, WA 99206

Re: Lots 4 and 5, Block 5, USS 2127 Subdivision, located along Evergreen Road
Zoning and Code Compliance: Notice of Violations

Dear Ms. Brophy:

The office of Public Works serves as the office of the Building Official in Wrangell. We are in receipt of a Notice of Violation, issued as a complaint of building code compliance issues filed with our office for the above-referenced property. The City & Borough of Wrangell's records list you as the responsible party.

Zoning Compliance

During our review of the zoning for the subject property (Lots 4 and 5, Block 5, USS 2127), we find that it is zoned Single Family Residential, which allows one and two family dwellings. The structure, from a zoning designation, is an unapproved multifamily structure. In 2005, the owners of the structure at that time applied for and received a conditional use for an Assisted Living Facility for 3 units, plus an apartment, subject to assisted living licensing approval by the State of Alaska. That license was never approved, thus the multifamily structure remains an unapproved zoning violation.

In order to become compliant with Wrangell's zoning regulations, you are required to either: 1) convert the current structure to a duplex; 2) apply for a Contract Zone, per WMC 20.77, requesting a multifamily structure with 3 or 4 units. If applying for a Contract Zone, a site plan, a \$75 application fee and the additional information requested in WMC20.77 is required. A copy of WMC20.77 is attached for your reference.

Building Code Compliance

The primary purpose of building codes is to protect the health and safety of the people who live in houses and apartments. This office is relying on one of your former tenant's Notice of Violation which cites that there are building code violations in the referenced property as follows:

- Drain waste and vent system is not properly vented, and it is suspected that waste lines are improperly vented, or possibly not vented at all. If waste lines are not adequately vented, sewer gasses present a potential safety risk to your tenants.

- A heat source is not provided and tenants must provide their own heater source.
- The former tenant has provided a photograph of an inside electrical distribution panel stated to be located in a downstairs hallway of your building (photo provided). If this panel is indicative of the wiring within the building, the violations are founded.

There are at least eight different Municipal and National Code violations present with just this one panel. A review of the service entrance (outside meter base) also presents compliance issues, the most critical being the lack of an effective building ground, which essentially renders all the grounding/bonding and GFCI's ineffective within the building. The meter height is a problem as it is well over the 6.5 foot maximum allowed by code. It also does not have a main disconnect as a part of the base, as is required for rental units.

The work to correct these violations will have to be done by a licensed electrician working with a valid State of Alaska Certificate Of Fitness as well as under the authority of a current Alaska Administrators License.

These conditions present a potential life safety risk to your tenants. Further, the Landlord and Tenant Act law provides for certain responsibilities of the landlord, including that they maintain fit premises. This act stipulates in part that the landlord must:

1. Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition.
2. Keep all common areas of the premises in a clean and safe condition.
3. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilation, air conditioning, kitchen, and other facilities and appliances, supplied or required to be supplied by the landlord.

Your response is required within twenty-one (21) calendar days from the date of this letter. Please address the manner in which you propose to comply with the zoning regulations. Please also respond to each alleged building code violation, identifying and describing the building system addressed in each item and the current condition and/or the proposed corrective action for each item. To ensure that your building is in compliance, we will require a site visit for inspection (as allowed by 1997 Uniform Building Code 104.2.3 Right of Entry).

Our goal, through this correspondence, is aimed at protecting the safety of the residents in our community. Thank you in advance for your assistance and cooperation in this matter, and we look forward to your reply by July 7, 2016.

Best Regards,

Amber Al-Haddad
Public Works Director
City & Borough of Wrangell

Copy: Jeff Jabusch, Borough Manager
Clay Hammer, Municipal Light & Power Director
Carol Rushmore, Zoning Administrator

Enclosure: Wrangell Municipal Code 20.77

July 26th/2016

Re: Contract Zone Petition for Lots 4 and 5, Block 5, USS 2127 subdivision, located on Evergreen Road

Dear Ms. Rushmore,

In response to your correspondence of 6/15/16, I am writing to inform you that I am applying for a Contract Zone per WMC 20.77 requesting appropriate zoning for a multifamily structure with 3 or 4 units.

At the time that the property and structure were purchased in 2010, I was neither aware nor informed by any interested party that it was not zoned for a multifamily structure.

This building has 3 units/apt., and a 4th unit unfinished, utilized largely as storage for the other 3 units. For years, I have been billed by the City and paid monthly utilities for 3 units whether or not the units were occupied.

Currently I have 3 units occupied by stable renters, including a disabled individual whose rent is subsidized by Alaska Housing. It would create much hardship to any of these tenants should they be asked to leave. Minimally, it is necessary to have 3 units occupied in order to support the high costs associated with renting and maintaining this structure.

I have included the requested site plan with parking allowances outlined. This is a large property with ample room to accommodate the vehicles of 3 tenants or more. I have submitted a map of the property which I have tried to do to scale.

There are no structural changes planned for this building other than those which are cosmetic, interior or needed to improve the safety for the residents living within.

I am requesting that this petition be considered at the August mtg. of the Planning and Zoning Commission and that common sense and fairness will prevail in your deliberations.

Sincerely,

Isobel Brophy

tandibrophy@gmail.com

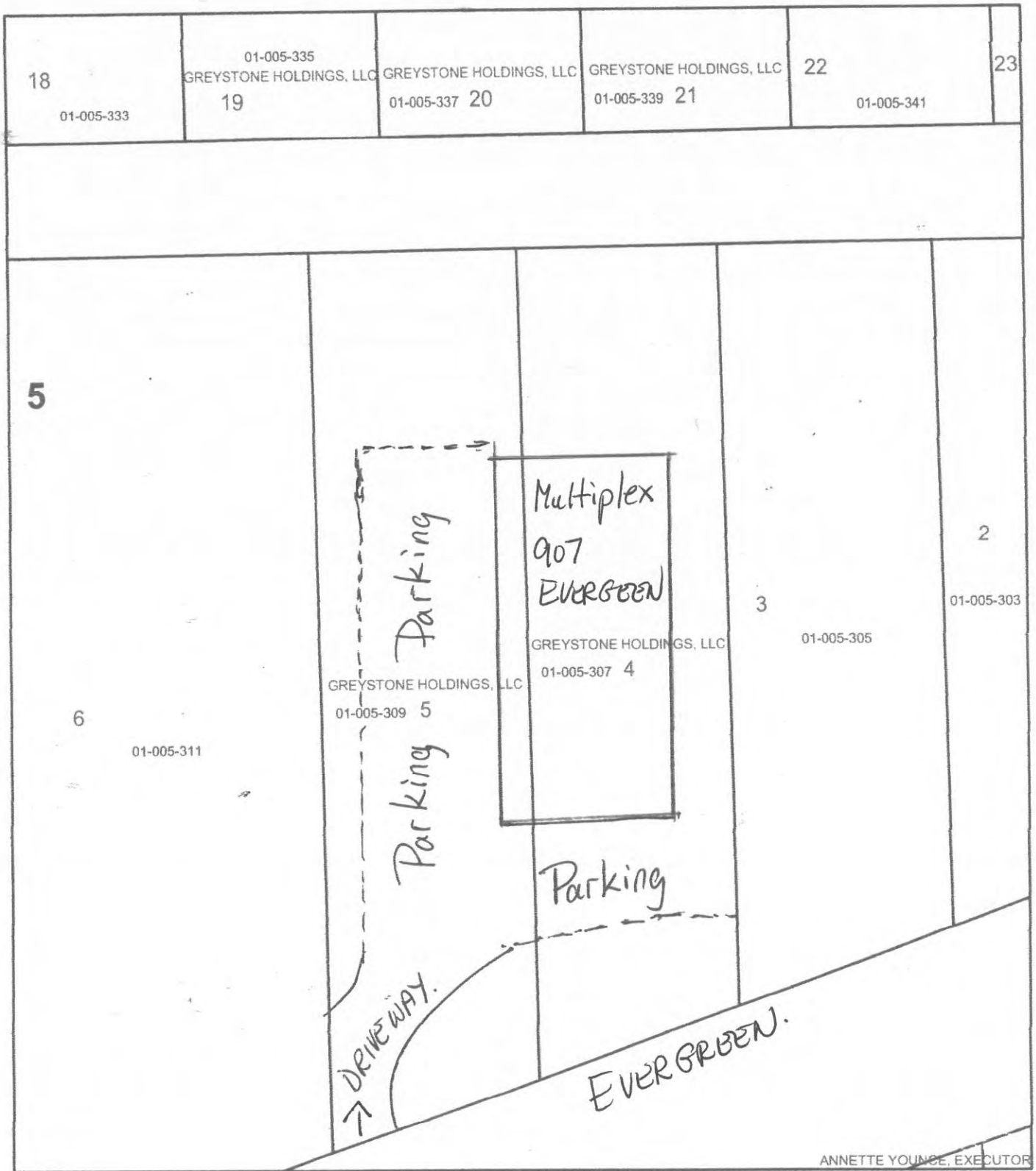
509-499-2142 [c]

Greystone Holdings LLC

Cc Ms Al-Haddad

I have sent the 75.00 application fee by check in the mail

CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 35 feet
Date: 7/5/2016

Public Map



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

Aug. 10/16

Hello Carl.

Faxing you the requested schematic for the structure at 907 Invergreen as you requested.

In the end I have decided to ask for rezoning for 4 units as the building contains an unfinished area that could be another apartment in the future.

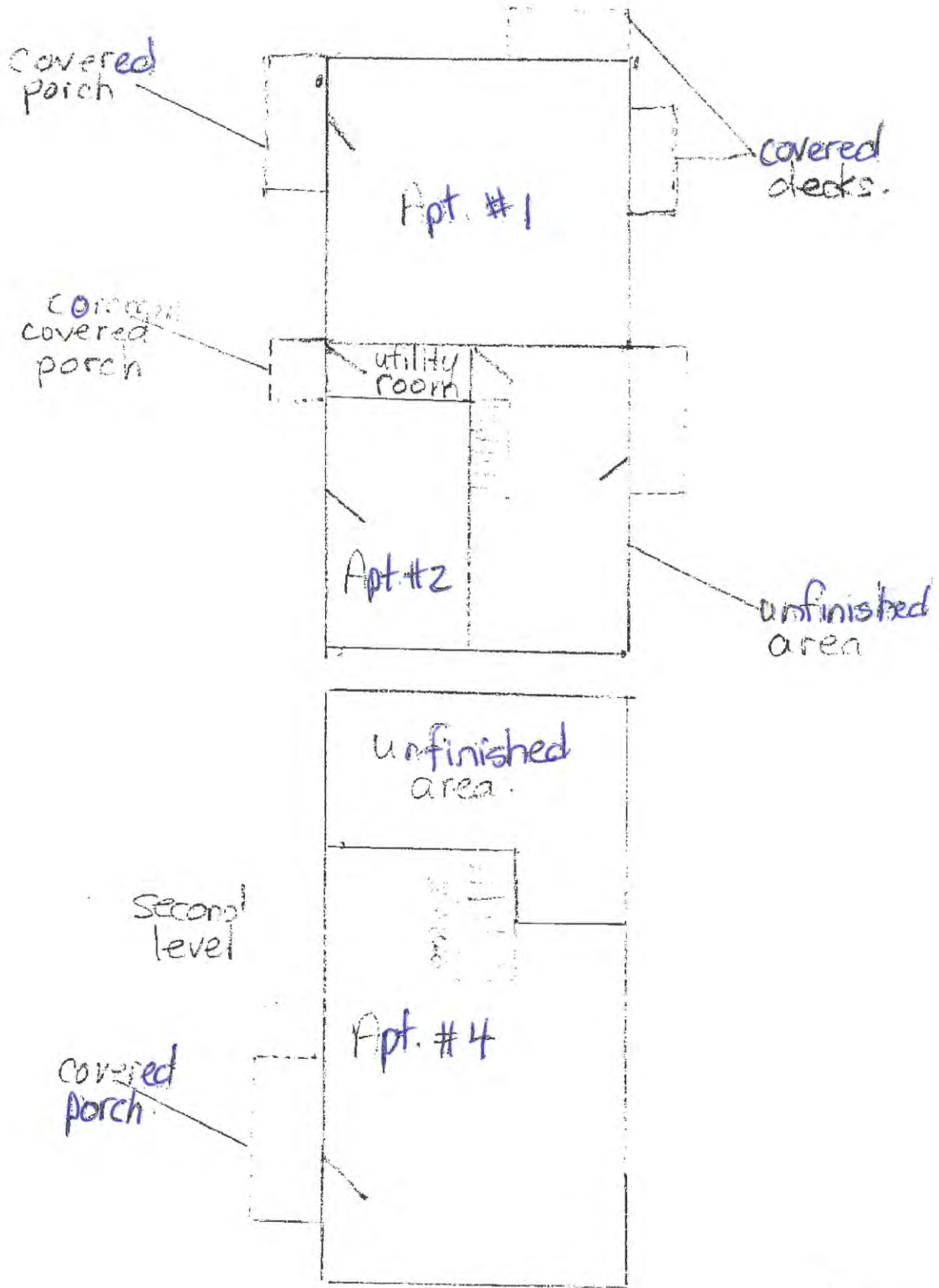
I hope this info. is helpful and contributes to a successful rezoning.

Thank You.
Isobel Buehler
Int'lty Rep.
Greystone Holdings LLC
1-509 499 2142

8/10/16
spoke to Isobel -
she is asking for
only 3 units.

RECEIVED
AUG 10 2016
WRANGELL CITY HALL

GREYSTONE HOLDINGS LLC APARTMENT SCHEMATIC



907 EVERGREEN

RECEIVED
AUG 10 2016
WRANGELL CITY HALL

City and Borough of Wrangell, Alaska

Agenda G-1

Date: August 31, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Draft Ordinance for Marijuana Licensed Facilities

The attached draft ordinance is a result of several workshops by the Planning and Zoning Commission to discuss the various licenses and appropriate areas for commercial marijuana operations. Assembly reviewed the Commission's recommendations and said to move forward with the ordinance to modify the Zoning Code. The Commission reviewed draft changes to the code at the July meeting prior to the changes being submitted to the attorney. Some language changes have been made in the draft code, but not the Commission's intent. A public hearing must be held by the Planning and Zoning Commission and testimony, in addition to the Commission's recommendation, will be forwarded to the Assembly.

A public notice was posted, announced on KSTK and put into the paper at least 20 days prior to the hearing. By code, any changes affecting the RMU district must be posted 20 days in advance, other areas only require a 10 day notice.

Once the Commission reviews comments and accepts as is or makes any additional changes, the Assembly will then have a first reading and a second reading (public hearing) to accept or make final changes or send back to the Commission for further work.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 924

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF TITLE 20, ZONING, OF THE WRANGELL MUNICIPAL CODE, TO ADD LICENSED MARIJUANA ESTABLISHMENT FACILITIES AS CONDITIONAL USES IN CERTAIN SPECIFIED ZONING DISTRICTS, AND TO UPDATE THE TEMPORARY AND SPECIAL ZONING ACTS TABLE

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend certain sections of Title 20, Zoning, of the Wrangell Municipal Code to add licensed marijuana establishment facilities as conditional uses in certain specified zoning districts, and to update the temporary and special zoning acts table.

SEC. 2. Amendment of Section. Section 20.12.050 of the Wrangell Municipal Code is amended to read:

20.12.050	Temporary and special zoning acts.
Ord. No.	Description
...	
<u>864</u>	<u>Rezone by Contract Zone from single-family residential to multifamily residential for a three-unit structure; Lot 20A, Oliver Subdivision</u>
<u>867</u>	<u>867 Amending Title 20, including adding Remote Residential Mixed Use District</u>
<u>1/28/14 motion</u>	<u>Rezone of Lot 12 and portion of Lot 5 USS 2589 from Waterfront Development to Rural Residential</u>

<u>2/24/15 motion</u>	<u>Reassignment of Contract Zone Ordinance 609 from Fennimore to Matney</u>
<u>7/28/15 motion</u> <u>Pending signature</u>	<u>Rezone by Contract Zone from Single Family Residential to Light Industrial Lot C Torgramsen- Glasner Subdivision.</u>
<u>3/31/16 motion</u>	<u>Rezone by Contract Zone from Commercial to Single Family Residential Lot 7B, Block 2, USS 1119.</u>
<u>4/26/16 motion</u> <u>Pending signature</u>	<u>Rezone by Contract Zone from Single Family Residential to Light Industrial, Lot A-1A and Lot A, Torgramsen – Prunella Subdivision.</u>

SEC. 3. Amendment of Section. Section 20.28.040 of the Wrangell Municipal Code is amended to read:

Chapter 20.28

RR-1 DISTRICT – RURAL RESIDENTIAL

...

20.28.040 Conditional uses.

The following are the uses which may be permitted in the RR-1 district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

- A. Home occupations;
- B. Public and private elementary and secondary schools and colleges;
- C. Nursery schools, private kindergartens, and child care centers;
- D. Public buildings and structures;
- E. Hospitals, sanitariums, nursing homes and convalescent homes;
- F. Churches and cemeteries;
- G. Radio and television transmitters and towers;
- H. Mobile home parks;
- I. Neighborhood-oriented commercial development (e.g., neighborhood grocery);
- J. Quarrying, material extraction and processing;

- K. Energy-related facilities;
- L. Commercial animal establishments;
- M. Fisheries enhancement/aquaculture;
- N. Recreational vehicle parks;
- O. Marine ways;
- P. Storage of equipment for private and/or commercial use only;
- Q. Cottage industry[.];
- R. Licensed retail marijuana store facility, provided the facility must be located on one acre or more of land and meet setbacks;
- S. Licensed marijuana testing facility, provided the facility must be located on one acre or more of land and meet setbacks;
- T. Licensed marijuana product manufacturing facility, with the exception of solvent based manufacturing processes which are not allowed, and provided the facility must be located on one acre or more of land and meet setbacks;
- U. Licensed standard cultivation marijuana facility (500 square feet or more under cultivation), provided the facility must be located on two acres or more of land and meet setbacks;
- V. Licensed limited cultivation marijuana facility (fewer than 500 square feet under cultivation), provided the facility must be located on one acre or more of land and meet setbacks.

...

SEC. 4. Amendment of Section. Section 20.28.040 of the Wrangell Municipal Code is amended to read:

Chapter 20.30

RR-2 DISTRICT – RURAL RESIDENTIAL

...

20.30.040 Conditional uses.

The following are uses which may be permitted in the rural residential-2 (RR-2) district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

- A. Home occupations;
- B. Public and private elementary and secondary schools and colleges;
- C. Nursery schools, private kindergartens and child care centers;
- D. Public buildings and structures;
- E. Hospitals, sanitariums, nursing homes and convalescent homes;
- F. Churches and cemeteries;
- G. Radio and television transmitters and towers;
- H. Mobile home parks/subdivision;
- I. Neighborhood-oriented commercial development (e.g., neighborhood grocery);
- J. Quarry, material extraction and processing;
- K. Energy-related facilities;
- L. Commercial animal establishments;
- M. Fisheries enhancement/aquaculture;
- N. Recreational vehicle parks;
- O. Marine ways;
- P. Storage of equipment for private and/or commercial use;
- Q. Cottage industry[.];
- R. Licensed retail marijuana store facility, provided the facility must be located on one acre or more of land and meet setbacks;
- S. Licensed marijuana testing facility, provided the facility must be located on one acre or more of land and meet setbacks;
- T. Licensed Marijuana product manufacturing facility, with the exception of solvent based manufacturing processes which are not allowed, and provided the facility must be located on one acre or more of land and meet setbacks;
- U. Licensed standard cultivation marijuana facility (500 square feet or more under cultivation), provided the facility must be located on two acres or more of land and meet setbacks;
- V. Licensed limited cultivation marijuana facility (fewer than 500 square feet under

cultivation), provided the facility must be located on one acre or more of land and meet setbacks.

...

SEC. 5. Amendment of Section, Section 20.31.040 of the Wrangell Municipal Code is amended to read:

Chapter 20.31
RMU DISTRICT – REMOTE RESIDENTIAL MIXED-USE

...

20.31.040 Conditional uses.

A. The following licensed marijuana establishment facilities are uses which may be permitted in the remote residential mixed-use (RMU) district, with the exception of the Union Bay RMU subarea zone (RMU-U), by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC: retail store, testing, standard cultivation (500 or more square feet under cultivation), limited cultivation (fewer than 500 square feet under cultivation), and product manufacturing with the exception of solvent based manufacturing processes which are not allowed. Licensed marijuana establishment facilities are not allowed in the Union Bay RMU subarea zone (RMU-U).

[A]B. Other compatible uses which are consistent with the intent of this chapter, as determined by the commission, may be allowed with appropriate conditions in accordance with Chapter 20.68 WMC, if such uses would serve the community's best interest.

...

SEC. 6. Amendment of Section, Section 20.40.040 of the Wrangell Municipal Code is amended to read:

Chapter 20.40

TM DISTRICT – TIMBER MANAGEMENT

...

20.40.040 Conditional uses.

The following uses may be permitted in the timber management district by action of the commission under the conditions and procedures set forth in Chapter 20.68 WMC:

- A. Storage (inside or screened);
- B. Mineral extraction (including quarries) and processing;
- C. Temporary dwellings and facilities associated with permitted or other conditional uses;
- D. Commercial hunting and fishing camps and lodges;
- E. Private roads;
- F. Public utility uses (i.e., power lines and other energy-related facilities);
- G. Mariculture and fisheries enhancement;
- H. Recreational vehicle parks;
- I. Cabins;
- J. Commercial animal establishments; **[and]**
- K. Cottage industry[.];
- L. Licensed marijuana establishment facilities as follows: retail store, testing, standard cultivation (500 or more square feet under cultivation), limited cultivation (fewer than 500 square feet under cultivation), and product manufacturing with the exception of solvent based manufacturing processes which are not allowed.

...

SEC. 7. Amendment of Section. Section 20.44.040 of the Wrangell Municipal Code is amended to read:

Chapter 20.44

C DISTRICT COMMERCIAL

...

20.44.040 Conditional uses.

The following are uses which may be permitted in the commercial district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

- A. Gasoline/service stations[.];
- B. Licensed marijuana retail store facility;
- C. Licensed marijuana testing facility;
- D. Licensed marijuana product manufacturing facility, with the exception of solvent based manufacturing processes which are not allowed;
- E. Licensed standard cultivation marijuana facility (500 or more square feet under cultivation), provided the facility must be located indoors only and must be limited to no more than a 2,000 square foot grow area;
- F. Licensed limited cultivation marijuana facility (fewer than 500 square feet under cultivation).

...

SEC. 8. Amendment of Section. Section 20.48.040 of the Wrangell Municipal Code is amended to read:

Chapter 20.48

I DISTRICT – INDUSTRIAL

...

20.48.040 Conditional uses.

The following are permitted conditional uses in this district:

A. Animal establishments; **[and]**

B. Licensed marijuana establishment facilities as follows: retail store, testing, standard cultivation (500 or more feet under cultivation), limited cultivation (fewer than 500 square feet under cultivation), and product manufacturing with the exception of solvent based manufacturing processes which are not allowed.

[B]C. Other compatible uses which are consistent with the intent of this chapter, as determined by the commission, may be allowed with appropriate conditions in accordance with Chapter 20.68 WMC, if such uses would serve the community's best interest.

...

SEC. 9. Amendment of Section. Section 20.50.040 of the Wrangell Municipal Code is amended to read:

Chapter 20.50

WD DISTRICT – WATERFRONT DEVELOPMENT

...

20.50.040 Conditional uses.

The following are uses which may be permitted in the waterfront development district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Water-related uses not mentioned above and their accessory uses;

- B. Other uses if there is no suitable upland alternative for a nonwater-related or nonwater-dependent use;
- C. Retail and wholesale businesses;
- D. Laundries and consumer services; **[and]**;
- E. Animal establishments other than establishments for livestock[.];
- F. Licensed marijuana establishment facilities as follows: retail store, testing, standard cultivation (500 or more square feet under cultivation), limited cultivation (fewer than 500 square feet under cultivation), and product manufacturing with the exception of solvent based manufacturing processes which are not allowed.

...

SEC. 10. Amendment of Section. Section 20.51.040 of the Wrangell Municipal Code is amended to read:

**Chapter 20.51
IL DISTRICT – LIGHT INDUSTRIAL**

...

20.51.040 Conditional uses.

The following are uses which may be permitted in the light industrial district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

- A. Those commercial uses as specified in WMC 20.44.020;
- B. Recreational vehicle parks;
- C. Multifamily structures, dormitories, roominghouses, bunk houses and boardinghouses;
- D. Public parks and playgrounds associated with a high density residential development;
[and]
- E. Animal establishments[.];
- F. Licensed marijuana retail store facility;
- G. Licensed marijuana testing facility;
- H. Licensed Marijuana product manufacturing facility, with the exception of solvent

based manufacturing processes which are not allowed;

I. Licensed standard cultivation marijuana facility (500 or more square feet under cultivation).

J. Licensed limited cultivation marijuana facility (fewer than 500 under cultivation).

...

SEC. 11. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 12. Severability. If any portion 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. 13. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2016.

PASSED IN SECOND READING: _____, 2016.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

City and Borough of Wrangell, Alaska

Agenda G-2

Date: August 31, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re. Variance Application for front yard setback reduction for a deck on Lot 5, Southeast Homes Subdivision, zoned Rural Residential I, requested by Adam Tlachac.

Back ground: The applicant is re-building a deck and is proposing to be 15 feet from the front property line.

Review Criteria: Rural Residential District: Chapter 20.28
Standards: Chapter 20.52
Variance: Chapter 20.52.72

Findings:

The applicant is seeking to reconstruct a deck but with a slightly different reconfiguration. The previous deck had encroached into the setback, and the existing deck will as well with a different shape. The deck is proposed to be approximately 15 feet from the front property line. Required front yard setbacks in the Rural Residential District is 20 feet.

A Variance application must meet four criteria:

1. **Exceptional Physical Circumstances:** The property has a major creek running down the middle of the lot adjacent to the house. The house was originally built at an angle with an odd shaped deck. Working with the existing structure and creek limitations, the applicants could reconfigure and reduce the size of the deck in order to meet the setback requirements and maintain an odd shaped deck. They were trying to meet setbacks but incorrectly thought it was 15 foot for the front.
2. **Strict application would result in practical difficulties:** They could rebuild using the same footprint resulting in an odd shaped deck or reduce the size of the deck.
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 should not prejudice others in the area. The construction is a permitted use within the district, will not affect Zimovia Highway Right of way and is a good distance away from neighbors and should not impact neighbors.
4. **Granting of the variance is not contrary to the Wrangell Comprehensive Plan approved June 22, 2010.**

Recommendation:

Staff recommends approval of the Variance request for the proposed deck to be 15 feet from the property line, (a 5 foot setback reduction).

CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 470.822709 feet
Date: 9/2/2016

Public Map

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



APPLICATION FOR VARIANCE

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

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 03-005-258
LOT 5 Southeast Homes Subd. #76-3

Lot (s) size of the petition area 1.5 acres

Existing zoning of the petition area rural residential

Current zoning requirements that cannot be met (setbacks, height, etc.):
20 ft front yard setback

Proposed change that requires this variance 15 ft set back of replacement deck

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

Explain details of the proposed development replacing deck in same location as old deck but different shape

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: due to lot shape, location of house and location of a creek this is the only viable location to construct a deck

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.

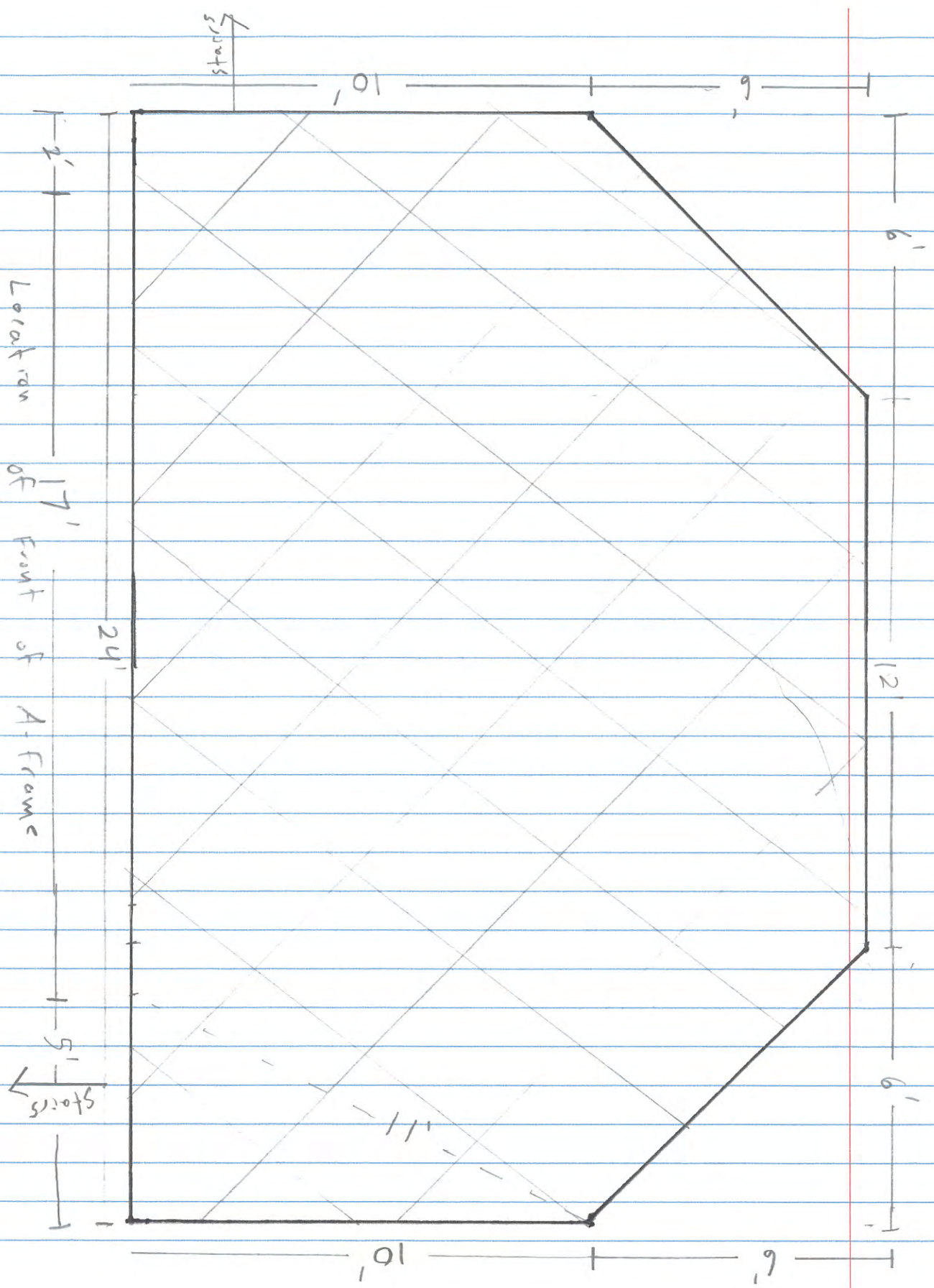
A schematic site plat must be attached showing the type and location of all Proposed uses on the site, and all vehicular and pedestrian circulation patterns relevant to those uses.

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.
Adam Tlachac

PRINT PETITIONER'S NAME

SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA _____
DATE

_____ **3.5 mile zimovia, post office box 1931** _____
TELEPHONE **907 254 2113** _____

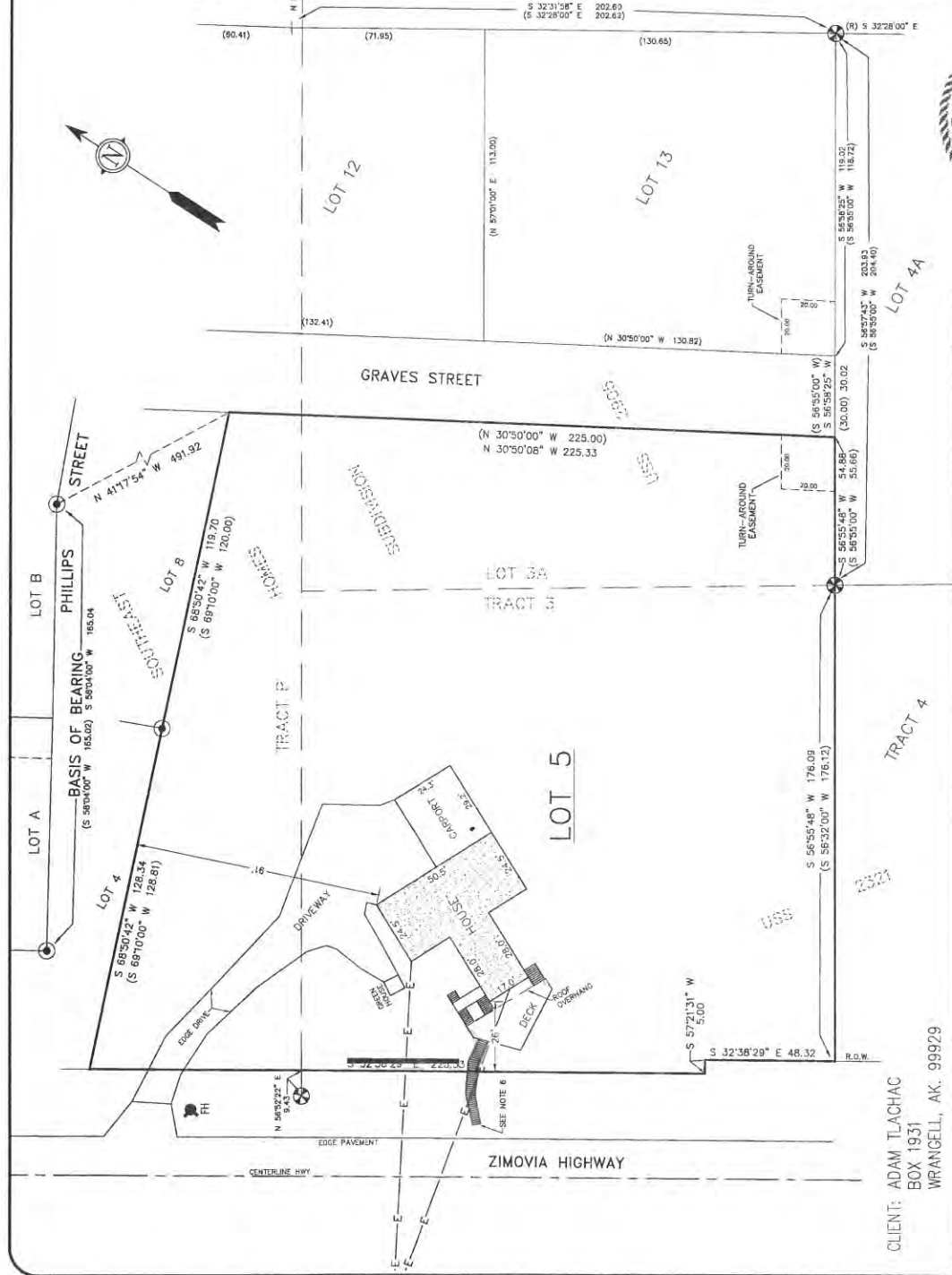


Scale: 1" = 3'

atlachac@gmail.com

LEGEND

- GLO/BLM BRASS CAP RECOVERED
 - SECONDARY MONUMENT RECOVERED
 - POWER POLE
 - OVERHEAD ELECTRICAL SERVICE LINE
 - FIRE HYDRANT
- (S 58°04'00" W 185.02) DATA OF RECORD
 (S 58°04'00" W 185.04) DATA MEASURED OR CALCULATED



PLAT NOTES

1. OFFSET DISTANCES ARE SHOWN TO THE NEAREST FOOT FROM THE PROPERTY LINE TO THE IMPROVEMENT.
2. THIS PLAT DOES NOT MEET MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AS SET FORTH BY THE ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS (ASPLS).
3. THIS PLAT IS NOT TO BE SCALED FROM, USE GIVEN DIMENSIONS ONLY.
4. UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN ON THIS PLAT.
5. REFERENCE THE FOLLOWING WITHIN THE WRANGELL RECORDING DISTRICT TO THE WRANGELL HOMES SUBDIVISION:
 - A. BOOK 13, PAGE 80
 - B. BOOK 13, PAGE 80
 - C. BOOK 13, PAGE 302 DOES NOT PERTAIN TO THIS PORTION OF THE ORIGINAL TRACT P.
6. STARWAY ENCROACHES ONTO ZIMOVA HIGHWAY RIGHT-OF-WAY AS SHOWN.



RAM ENGINEERING-KETCHIKAN, INC.
 365 Carlianna Lake Road
 Ketchikan, AK 99901
 Phone: (907) 225-7917
 Fax: (907) 225-3441

WRANGELL OFFICE
 P.O. BOX 1331
 Wrangell, AK 99929
 Phone: (907) 874-2177
 Fax: (907) 874-2187

PROJECT: AS-BUILT SURVEY
LOT 5,
SUBDIVISION OF TRACT P,
U.S. SURVEY 2321,
SOUTHEAST HOMES SUBDIVISION
WRANGELL RECORDING DISTRICT



BY: *[Signature]*
 GREGORY S. GOSS

DATE: 11-17-11

11-17-11

CLIENT: ADAM TLACHAC
 BOX 1931
 WRANGELL, AK. 99929

DRAWN BY: TJS
 CHECKED BY: GGS
 DRAWING DATE: 11/04/2011
 DATE SURVEYED: OCTOBER 2011
 SCALE: 1"=40'
 SURVEYOR: GGS/AH
 PROJ. NO.: 112757

City and Borough of Wrangell

Agenda G-3

Date: September 1, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Conditional use application for a storage unit facility and up to 3 apartments on Lot 28, Block 7, USS 1119, zoned Waterfront Development, requested by Elodie Freeman.

Background: Elodie Freeman is proposing to construct an indoor storage facility, with an apartment downstairs and two additional apartments (phased) upstairs.

Review Criteria: Waterfront Development District: Chapter 20.50
Standards: Chapter 20.52
Conditional Uses : Chapter 20.68

Findings: Wrangell Municipal Code 20.50.040 requires other uses not water related or dependent be permitted with a Conditional Use permit in the Waterfront Development District. The use is a light industrial type use, but is not utilized solely for water oriented storage and could also be housed anywhere in town and used for storage of household goods as well.

There are no setbacks required in the Waterfront Development District.

There is adequate parking for 4 vehicles, although the 4 spaces do not meet the 10 foot wide standard. Each space would be approximately 8.8 feet wide. Each residential unit will require one space. (Only one apartment unit is proposed for construction now, the other 2 could be several years away). The Off-street parking requirements do not really address parking for this type of use. WMC 20.52.190(H) requires 1 space for every 2 employees for industrial uses. Since there are no employees, 1 designated space for clients loading or unloading is sufficient for code compliance.

Conditions of Approval for conditional use applications include:

- 1) *Minimal impacts on adjacent neighbors from noise, traffic, appearance, yards etc.* The proposed commercial facility will be located on the waterside of Case Avenue with access to the units from a single entry way facing Case Avenue. Other nearby structures include Trident's Bunk House, a church, residences, bar, warehouse and general harbor activities. Traffic on Case Avenue should not be impacted. Noise should not increase due to the loading or unloading of storage goods.
- 2) *Provisions of sewer and water:* There is sewer and water connection available to the property.
- 3) *Entrances and off-street parking available without safety issues:* Access to the structure will be from Case Avenue. Parking is available in front of the building. There are 4 parking spaces

available – 1 for loading/unloading, 1 for the initial apartment and 2 additional spaces to be allocated to the additional apartments when built.

Recommendation: Staff recommends approval of the conditional use permit request for storage facility and up to 3 apartments, subject to the Findings above and the following conditions:

1. The initial building permit is for the storage units and one apartment only. Once the applicant is prepared to add the additional apartments, a modified or new building permit and necessary reviews (i.e. electrical/fire marshal/zoning) will be required.
2. Any additional apartments above the three approved would need a new parking plan to address the required additional off street parking.
3. Facility security lighting should consider adjacent residences in type and placement to minimize impacts.



FREEMAN

X

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: ELODIE FREEMAN
Box 336
Wrangell, AK 99929

Applicant's Phone Number: _____

II. Owners's Name and Address: Elodie C. Freeman
Box 336
Wrangell, AK 99929

Owner's Phone Number: 305-0308

III. Legal Description: Lot 28, Block 7, U.S. Survey _____
Parcel No. _____

IV. Zoning Classification: WATERFRONT DEVELOPMENT

V. Specific Request: TO CONSTRUCT A MIXED USE
BUILDING CONSISTING OF STORAGE UNITS
AND APARTMENTS IN TWO PHASES.
PHASE 1: GROUND LEVEL STORAGE & ONE
APARTMENT.
PHASE 2: UPPER FLOOR APARTMENTS

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.

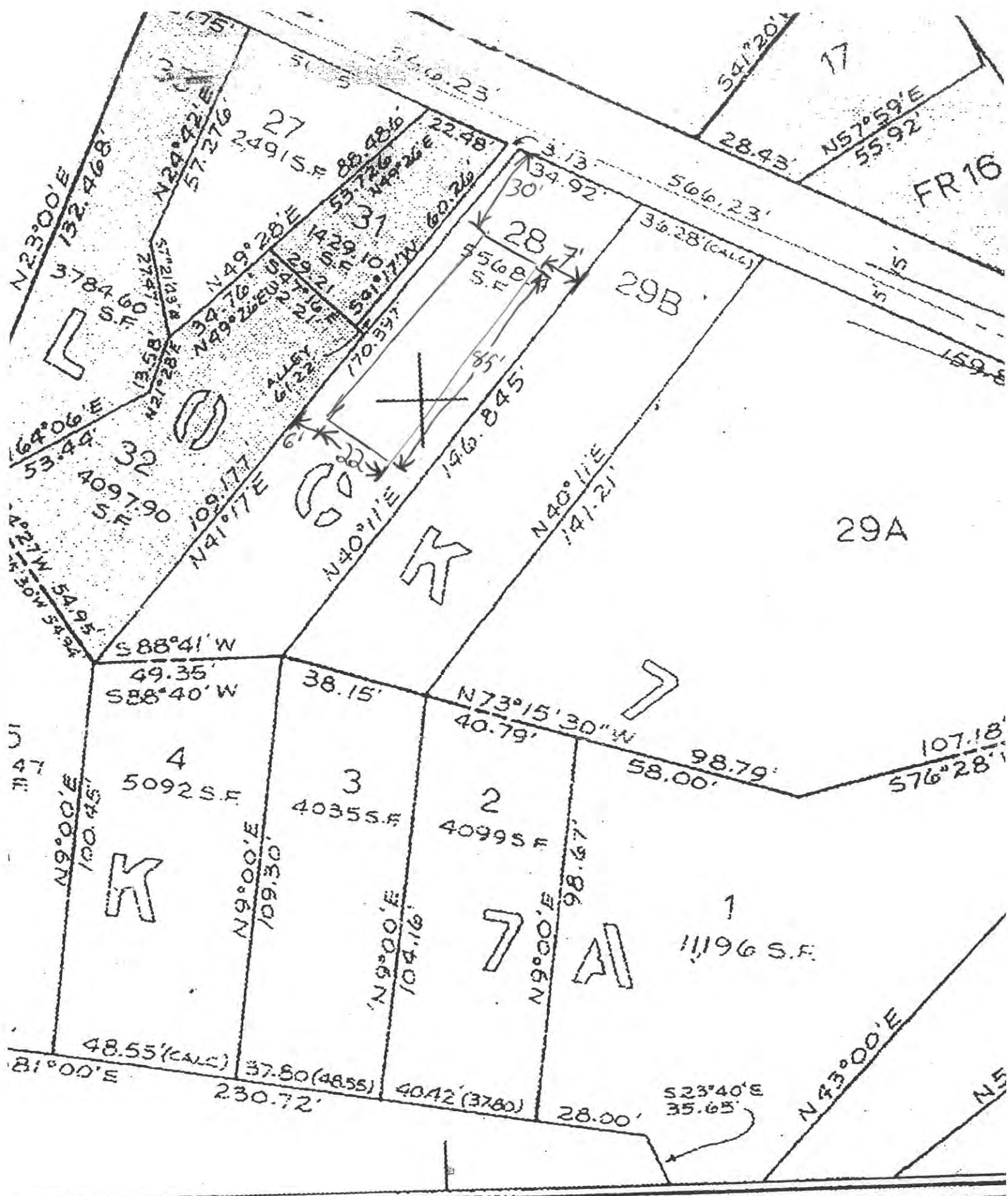
VII. Construction Schedule: BEGIN: 9/2016 END: SUMMER 2017 (PH#1)

SIGNATURE OF OWNER: Elodie C. Freeman DATE: 8-26-16

SIGNATURE OF APPLICANT: Elodie C. Freeman DATE: 8-26-16

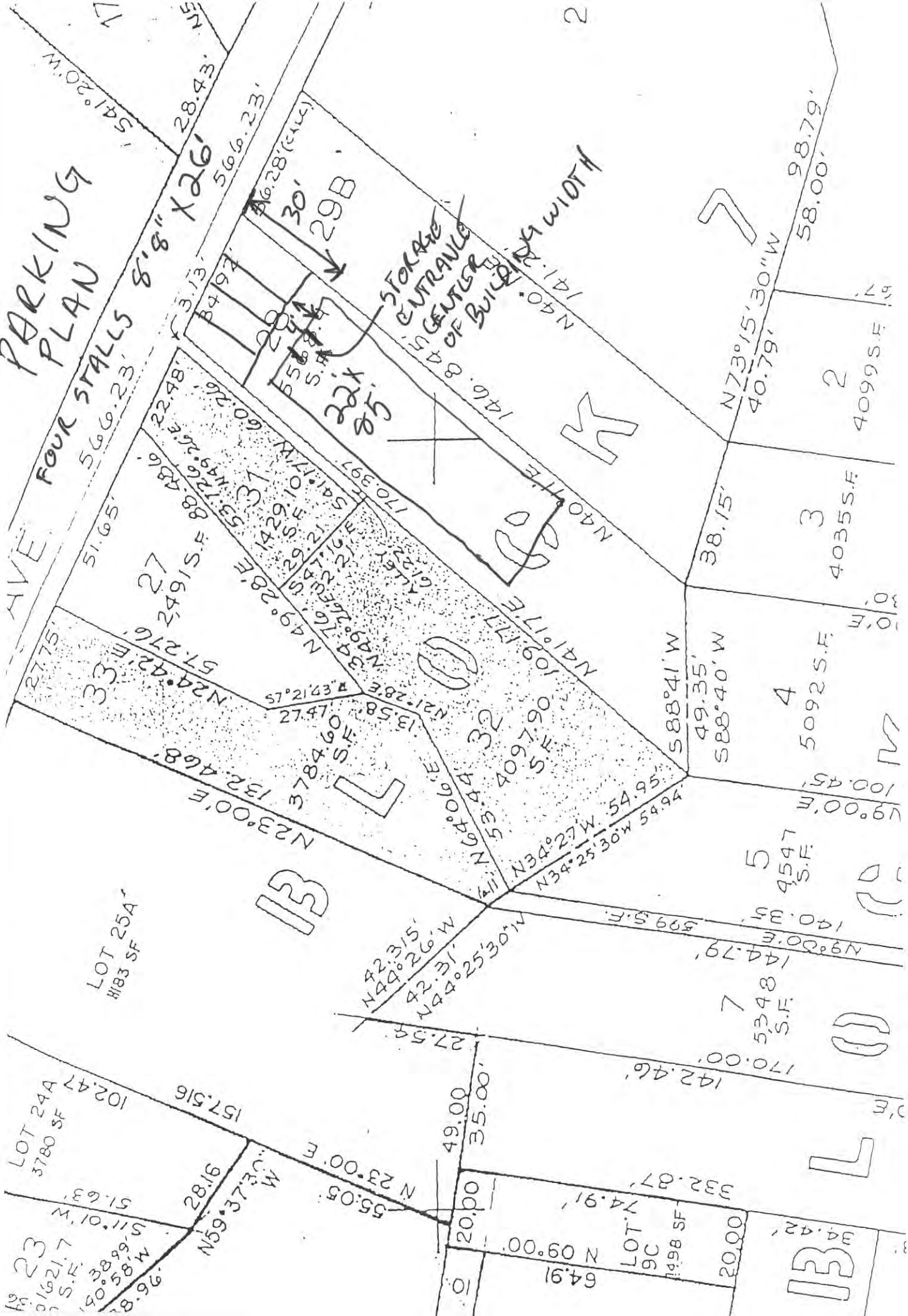
If more than one owner or if more than one parcel is involved, attach all signatures on a separate piece of paper identifying which parcels are owned by which persons.

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



N23°00'E 132.468'
 3784.60 S.F.
 N24°42'E 57.276'
 24915 S.F.
 N49°28'E 88.486'
 22.48'
 N49°26'E 53.726'
 14.29 S.F.
 N49°26'E 59.266'
 60.26'
 N41°17'E 170.337'
 566.23'
 N57°59'E 55.92'
 28.43'
 FR 16
 N40°11'E 141.21'
 146.845'
 28.00'
 30'
 34.92'
 566.23'
 36.28 (CALC)
 29B
 29A
 S88°41'W 49.35'
 S88°40'W 58.00'
 38.15'
 N73°15'30"W 40.79'
 98.79'
 58.00'
 107.18'
 576°28'
 N9°00'E 100.45'
 114.7'
 4
 5092 S.F.
 N9°00'E 109.30'
 3
 4035 S.F.
 N9°00'E 104.16'
 2
 4099 S.F.
 N9°00'E 98.67'
 1
 11196 S.F.
 N43°00'E
 N5
 81°00'E 48.55 (CALC)
 230.72'
 37.80 (4855)
 4042 (3780)
 28.00'
 S23°40'E 35.65'

PARKING PLAN



City and Borough of Wrangell

Agenda Items G-4 and G-5

Date: March 7, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Appeal of Zoning Administrator's denial of a building permit for a residential structure on Space 29 Evergreen Trailer Park, of Lot 2, Block 2, USS 1593, zoned Single Family, requested by applicant Jeremy Stolley, owned by William and Michelle Bloom.

Re. Variance Application for front, side and backyard setback reductions for a trailer on Trailer Space 29, of Lot 2 Block 2 USS 1593, Evergreen Trailer Park, zoned single family residential requested by Melissa and Jeremy Stolley, owned by William and Michele Bloom. *(Requires Public Hearing)*

Background:

The applicant was notified after construction for a residential structure was well underway that they needed a building permit for a structure located in Evergreen Trailer Park. The applicant immediately came in to apply for the building permit.

Upon review, staff denied the building permit as the structure is not a mobile home/trailer per the Wrangell Municipal Code, nor does it meet the required setbacks for either single family or for a mobile home park. The denial was appealed by the applicant and requested review before the Planning and Zoning Commission.

Review Criteria:

Single Family Residential District	WMC 20.16
Standards	WMC 20.52
Mobile Homes and Mobile Home parks	WMC 20.52.180
Variances	WMC 20.72

APPEAL OF BUILDING PERMIT Findings:

The applicant is building a stick-built mobile home type structure on a 66' X 24' trailer space. The proposed residence is 64' x 16'.

A copy of the Wrangell Municipal Code for Mobile Home Parks is attached for your reference.

Per Wrangell Municipal Code 20.52.180 (A) defines what a mobile home is and (B), a mobile home park means "any ... parcel or tract of land....intended or used for the purposes of supplying a location for more than two mobile homes....." According to subsection (C), a building permit is required for improvements and expansions of mobile homes parks by the Commission.

Subsection (D) identifies the compliance issues for mobile homes: such as construction standards, performance standards of single family residences, applicable district requirements. Subsection (E) of WMC 20.52.180 goes into much more detail regarding the site plan guidelines for mobile home parks including yard requirements (E) (1); recreational requirements (E)(2); buffers (E)(3); access to park streets (E)(4); accessory uses (E)(5); and building permits for parks and site plans (E)(6).

My denial of this building permit is based on meeting the code requirements for a mobile home and mobile home parks. The structure is not a mobile home which is what mobile home parks are designed for. Mr. Stolley is building a 1024 square foot house on 1584 sq. foot lot, with only 15 or 22 feet between structures. The foundation is precast pier blocks exposed and sitting on grade. I am asking the Planning and Zoning Commission to determine if his plans meet the mobile home definition and requirements or if it is a residential structure that should meet minimum zoning requirements for the Single Family District and building code requirements.

The Commission recently approved a similar structure in the Pan Handle Trailer park after the applicant appealed the building permit denial. Because staff's interpretation of the code believes such construction does not meet Sec.20.52.180, reviews of these types of activities would come before the Commission on a case by case basis until such time as the Code is modified.

The Planning and Zoning Commission needs to determine if the proposed construction is a mobile home unit or should it be defined as a structure needing to meet minimum requirements for a single family dwelling structure.

Definitions in the Zoning Code (in addition to what are located in Sec.20.52.180) are:

20.08.530 Mobile home.

"Mobile home" means any coach, motor home, trailer, or other vehicle or structure built prior to or after 1979 or less than 24 feet in width designed or intended for or capable of human dwelling or sleeping purposes which is mounted on wheels or supports and capable of being moved by its own power or transported by a vehicle, where such mobile home is used or intended for permanent occupancy. This does not include units that are similarly constructed and designed for multiple sleeping quarters such as bunkhouses with separate food preparation and dining areas. [Ord. 867 § 1, 2013; Ord. 462 § 6, 1984. Formerly § 20.08.450.]

20.08.540 Mobile home park.

"Mobile home park" means any park, court, parcel or tract of land, designed, maintained, intended or used for the purpose of supplying a location for more than two mobile homes including all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the park and its facilities. A mobile home park does not include automobile or trailer sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale, with no more than one mobile home fully set up for occupancy located on each such sales lot. A mobile home park may include modular dwellings or manufactured housing built prior to 1979, or less than 24 feet in width, and shall not be permitted in any district as a principal use, except in RR zones. [Ord. 867 § 1, 2013; Ord. 462 § 6, 1984. Formerly § 20.08.460.]

VARIANCE APPLICATION Findings:

Attached you will find the applicant's request and drawings. The applicant has indicated that the structure will be on a footing (exposed pier cast blocks sitting on grade) such that it could easily be moved. However, the yard setbacks as required by the Code are not being met. Should the Commission determine that the structure is appropriate for the mobile home park, a variance should be obtained to allow setback reduction for all yards.

Section 20.52.180 (E) identifies minimum yard requirements are Front 10 feet (excluding trailer tongue), Sides 8 feet, Rear 10 feet and exterior boundary of the park, 10 feet. The applicant's trailer meets none of the required setbacks, being approximately 1 foot from the front lot, 1 foot from the rear lot line and external park boundary and approximately 4 feet on each side.

A Variance application must meet four criteria:

1. **Exceptional Physical Circumstances:** The property has been a trailer park for a very long time and the lot sizes were probably established at that time below what would allow a trailer to meet current yard setbacks..
2. **Strict application would result in practical difficulties:** If the variance is not granted, the structure would need to be moved to a different trailer park space, a different trailer park or placed on a single, multi family or rural residential lot of at least 5000 square feet.
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 should not prejudice others in the area. Their structure is approximately as long as adjacent structures – which also would not meet yard setback requirements.
4. **Granting of the variance is not contrary to the Wrangell Comprehensive Plan approved June 22, 2010.**

Should the Planning and Zoning Commission determine that the structure is appropriate for the mobile home park, Staff recommends that the variances be granted per the findings addressing the Variance criteria.



20.52.180 Mobile homes and mobile home parks – Defined.

A. "Mobile home" means any coach, motor home, trailer or other vehicle or structure designed or intended for or capable of human dwelling or sleeping purposes which is mounted on wheels or supports and is capable of being moved by its own power or transported by a vehicle, where such mobile home is used or intended for permanent occupancy. This does not include units that are similarly constructed and designed for multiple sleeping quarters such as bunkhouses and separate food preparation and dining areas.

B. "Mobile home park" means any park, court, parcel or tract of land, including a planned unit development, designed, maintained, intended or used for the purpose of supplying a location for more than two mobile homes including all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the park and its facilities. A mobile home park does not include automobile or trailer sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale, with no more than one mobile home fully set up for occupancy located on each such sales lot.

C. A building permit for construction, improvement or expansion of a mobile home park is required. The planning and zoning commission shall authorize issuance of such a permit and shall impose any special conditions for development which have not already been imposed by order of the zoning administrator. Upon completion of construction, improvement or expansion of a mobile home park/subdivision, a permit for its operation is required. The planning and zoning commission shall issue such a permit upon a showing that the mobile home park/subdivision is in compliance with all applicable requirements. The permit to operate may be suspended by the commission for violation of this section.

D. All mobile homes in the borough must comply with the following requirements:

1. All mobile homes shall be constructed in conformance with state and federal specifications, including the Uniform Building Code. No accessory structures shall be attached to trailers in mobile home parks without a permit issued by the borough and signed by the park owner or manager;
2. Unless otherwise stated, mobile homes shall conform to the performance standards of single-family dwellings in the applicable district;
3. Mobile home developments, such as mobile home parks or planned unit developments, shall conform to the applicable district requirements;
4. Mobile homes that will occupy a site outside a mobile home park for more than 12 months shall be required to be set upon a permanent footing and to be skirted.

E. The following standards shall apply to areas wherein mobile home spaces are provided within a mobile home park that is constructed according to minimum standards and guided by a carefully

drawn plan of development. The standards, restrictions and procedures required in this section are designed to assure that mobile home parks provide an adequate residential environment:

1. Minimum yard requirements are designed to ensure that sufficient open area, sunlight, views, privacy and fire separation exist between mobile homes:

- a. Front, 10 feet, excluding trailer tongue;
- b. Side, eight feet;
- c. Rear, 10 feet;
- d. Exterior boundary of park, 10 feet;
- e. Enclosed accessory structures may not extend into yard areas.

2. Recreational area requirements are imposed to ensure that each mobile home park shall contain outside areas designated and developed for children's recreational purposes, unless evidence is provided that children will not reside in such park/subdivision:

- a. Ten to 50 spaces, 200 square feet for each mobile home or camper space;
- b. Over 50 spaces, 10,000 square feet plus 150 square feet for each additional mobile home or camper space over 50;
- c. There shall be at least one improved recreational area for children in each park of 30 units or more, not less than 6,000 square feet in area (5,000 square feet for less than 30 units). Such areas shall exclude steep slopes, water surface or periodically flooded or inundated land unless it is usable and maintained for recreational purposes, in which case it may be applied towards a maximum of one-fourth of the required recreation area in excess of 7,000 square feet. Two square feet of water surface or area of periodically flooded or inundated land shall be considered as only one square foot of land for purposes of fulfilling this requirement;
- d. Recreation equipment for use by children is required in each improved area.

3. A 10-foot vegetated buffer area is required adjacent to a public street and shall be attractive and maintained at all times.

4. All lots or spaces within a mobile home park shall have direct and uninterrupted access to an internal street restricted to use by residents. Such streets shall have direct access to a public right-of-way. Installation of all internal streets, easements and other improvements to the mobile home park shall be in conformance with the following standards:

- a. Dedication of streets and easements within the boundaries of a mobile home park is not required;

b. Adequate internal streets shall be developed and maintained as a provision of the conditional use permit for the mobile home park;

c. All internal streets in a mobile home park shall be constructed to the following standards. Street rights-of-way shall be a minimum of 20 feet with 12 feet of drivable road surface. Dead-end streets shall be limited to 500 feet in length and shall provide a terminal with a right-of-way diameter of not less than 70 feet containing a drivable road surface of a diameter of not less than 60 feet.

5. The following accessory uses (developed by the mobile home park owner for use by residents) are permitted: administration buildings; laundry and service buildings; community center; recreational facilities and detached storage structures.

6. A building permit for a mobile home park shall be issued only after review and approval of a site plan by the planning and zoning commission. To aid in the planning and zoning commission's recommendation, a scaled and dimensioned site plan and topographic map of the development shall be prepared and submitted according to the provisions of Chapter 20.58 WMC. The site plan shall show, but not be limited to:

a. Proposed standards for development, including any restriction of the use of the property, and density standards;

b. Location of buildings and mobile homes in relation to property and lot lines;

c. Location of off-street parking spaces and bays, internal circulation ways and ingress and egress points for the site;

d. Public and semipublic open spaces, community facilities and landscaped areas, fences, patios and service areas (including garbage disposal and snow removal areas), driveways and walkways, as well as provision for maintenance of all common areas;

e. Plans for the provision of utilities, including water, sewer and other drainage facilities, and provision for connection with public utilities;

f. Provision of buffers between the park and adjoining property;

g. After review of the plan, the planning and zoning commission may require that the applicant modify the proposal and resubmit it for further review if it is found not be in compliance with the standards applicable to the district in which it is located or the standards applicable to mobile home parks. [Ord. 867 § 1, 2013; Ord. 462 § 6, 1984.]

City and Borough of Wrangell, Alaska

Agenda G-6

Date: September 1, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Tiny Homes, Cottages, Yurts

This memo and information is an introductory discussion of Tiny Homes, Cottages, Yurts to identify for the Commission some of the inquiries and issues that staff are discussing, and to obtain some direction or interest for future discussions.

What has prompted this discussion?

- 1) Institute Master Plan includes a development area for tiny homes/small cottages – sharing parking, common area and reducing lot size requirements.
- 2) Inquiries by several individuals about the construction of yurts in Wrangell.
- 3) Inquiries about tiny homes (on wheels or off) and where are they permitted
- 4) Staff acknowledging changes in building options and needing further education as to zoning or building code compliance

Some basic sites for starters if you feel up to exploring these issues:

Fact Sheet from the State of Minnesota on Tiny Houses:

<http://americantinyhouseassociation.org/wp-content/uploads/2016/08/Minnesota-Tiny-House-Fact-Sheet.pdf>

By Becky Kemery, excerpt from Yurts: Living in the Round

<http://www.yurtinfo.org/yurts-and-building-codes>

<http://americantinyhouseassociation.org/>

At the meeting I will share some of the information I have found out thus far and issues potentially facing Wrangell.

Temporary vs. permanent use

Accessory vs primary use

Permanent foundations

Building code requirements

Standards as to floor size, sewer/water, kitchen, toilets

There are many more valuable websites. If you find one you think provides great information, please email it to me. I am developing a list of sites and can add it to the spreadsheet.

APPLICATION FOR VARIANCE

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

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 Lot 2 or 3
Block 2 USS1593 01-004-305
Lot (s) size of the petition area 24' x 66

Existing zoning of the petition area _____

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

Set Back from property

Proposed change that requires this variance Set Back

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

Explain details of the proposed development See attachment

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: ^① All the trailers that exist are old and don't meet current requirements, ~~it~~ we are not any bigger than trailers around us. ^② Our parking is not encroaching on our neighbors, and (Continued) →

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.

William Bloom Melissa Stalley 660-7228
PRINT PETITIONER'S NAME

William Bloom Melissa Stalley 8-06-16
SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA DATE

306 Ocean View DR. 874-3201
ADDRESS TELEPHONE

Section III

Details of the propose development. - The property we are on is 24' x 66', our structure is 16' x 64'. It is built on skids so it is moveable. It's a stick built home with 3 bedrooms and 1 bathroom.

Continued Explanation -

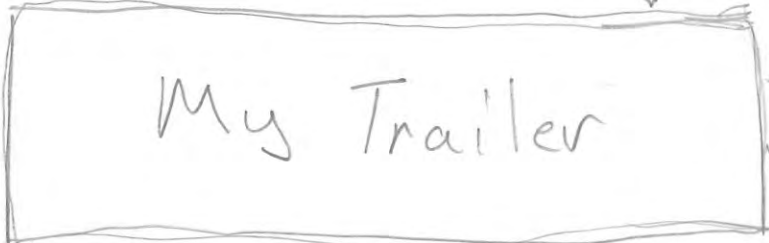
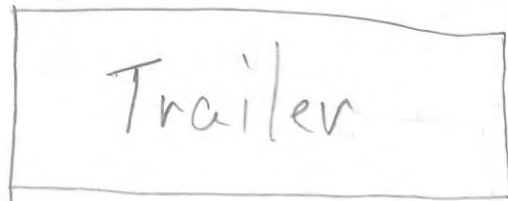
- (2) we fill our lot the same as any other home around us.
- (3) we aren't endangering anyone or anything around where we are building.
- (4) we are within our space that we were given permission from the property owner to build on.

RECEIVED
AUG 24 2016

REWARD CITY MAIL

Road

Woods



990-7214
Terence
Stolley

City and Borough of Wrangell, Alaska

Agenda G-6

Date: September 1, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Tiny Homes, Cottages, Yurts

This memo and information is an introductory discussion of Tiny Homes, Cottages, Yurts to identify for the Commission some of the inquiries and issues that staff are discussing, and to obtain some direction or interest for future discussions.

What has prompted this discussion?

- 1) Institute Master Plan includes a development area for tiny homes/small cottages – sharing parking, common area and reducing lot size requirements.
- 2) Inquiries by several individuals about the construction of yurts in Wrangell.
- 3) Inquiries about tiny homes (on wheels or off) and where are they permitted
- 4) Staff acknowledging changes in building options and needing further education as to zoning or building code compliance

Some basic sites for starters if you feel up to exploring these issues:

Fact Sheet from the State of Minnesota on Tiny Houses:

<http://americantinyhouseassociation.org/wp-content/uploads/2016/08/Minnesota-Tiny-House-Fact-Sheet.pdf>

By Becky Kemery, excerpt from Yurts: Living in the Round

<http://www.yurtinfo.org/yurts-and-building-codes>

<http://americantinyhouseassociation.org/>

At the meeting I will share some of the information I have found out thus far and issues potentially facing Wrangell.

Temporary vs. permanent use

Accessory vs primary use

Permanent foundations

Building code requirements

Standards as to floor size, sewer/water, kitchen, toilets

There are many more valuable websites. If you find one you think provides great information, please email it to me. I am developing a list of sites and can add it to the spreadsheet.