

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

**October 12, 2017
7:00pm**

Agenda

A. CALL TO ORDER/ROLL CALL

B. AMENDMENTS TO THE AGENDA

C. APPROVAL OF MINUTES: September 14, 2017

D. PERSONS TO BE HEARD

E. CORRESPONDENCE

F. OLD BUSINESS

G. NEW BUSINESS

1. Final plat approval and Access Easement Maintenance Agreement of River's Edge Subdivision, a subdivision of Tracts A, B1 and B2, Sergief Island Subdivision, zoned Remote Residential Mixed-Use F1, requested by owners Greg Wood and Bernard Massin.
2. Variance application review for a height variance for a house on Lot 9, Block 1 City Subdivision, Zoned Single Family Residential, requested by Mike Jabusch.
3. Request for a vacation of a 3 foot wide trail right-of-way from Cassiar to the corner of Lot 20A Oliver Subdivision and Lot A LRO Subdivision, requested by Thomas Roland, owner of Lot 20A and Michael Nash, Attorney for Evi Fennimore, Trustee of the Viola Erickson Irrevocable Trust, owner of Lots 7 and 8A, Block 13, USS 1119 (or proposed new Lot 8A of proposed Fennimore/Roland Replat).

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

September 14, 2017
7:00pm

Minutes

(Note: the tape recorder was set for the meeting, but staff forgot to turn the recorder on)

A. CALL TO ORDER/ROLL CALL Chair Don McConachie called the meeting to order at 7:00pm. Commissioners present April Hutchinson, Terri Henson (by phone), and Charles Haubrich present. Staff Carol Rushmore was also present.

B. AMENDMENTS TO THE AGENDA - None

C. APPROVAL OF MINUTES: August 13, 2017
Hutchinson moves to approve
Haubrich seconds, approved unanimous

D. PERSONS TO BE HEARD - None

E. CORRESPONDENCE

F. OLD BUSINESS

G. NEW BUSINESS

1. Conditional Use Permit Application for a private air strip as proposed in the Wrangell View Subdivision, a subdivision of Tracts A, B1 and B2, Sergief Island Subdivision, zoned Remote Residential Mixed-Use F1, requested by owners Greg Wood and Bernard Massin.

Open Public Hearing:

Greg Wood Box 2361, 12 mile Zimovia Highway- We would like to change the name of the Subdivision to River's Edge. The airstrip improves access to property. Provides another option for folks that become land owners. Aircraft seen as traditional use by USFS who has control of surrounding property. The 100' wide runway is 2000' long. Plenty of Distance for landing. Private strip for use of folks that own property. Search and Rescue.

Not sure what all is required for approved flight path, visual parameters. If make a move to build, then would need to look into all the requirements in depth and will have to do it right. Part of future plan

Close public hearing.

TH moves to approve a CU app for private air strip as proposed in the Wrangell View Subdivision, a subdivision of Tracts A, B1 and B2, Sergief Island Subdivision, zoned Remote Residential Mixed-Use F1, requested by owners Greg Wood and Bernard Massin. Haubrich seconds.

Staff explained that the Conditional Use permit is good for a year. If reasonable work is performed annually the permit remains in good standing. But if not used, implemented, or good headway is made, the permit would expire after a year. Based on staff's research, very little state regulation for private strips. Anyone can mow a strip down behind their house. If start to work on it and makes substantial effort toward completing then it keeps the CU permit valid.

Henson moves to amend motion adding approval of findings of fact and conditions per staff recommendation:

- 1) Plane landings and take offs should be between the hours of 8:00am and 7:00pm, except for emergency needs.**
- 2) No more than 9 planes at any given time should be parked/using the landing strip.**
- 3) Any conditions placed on the permit will be recorded to all lots within the subdivision**

Add 4) All state and federal requirements must be followed.

Haubrich seconds the amendment

Amendment approved unanimous

Main motion approved unanimous

2. Preliminary Plat review of Wrangell View Subdivision, a subdivision of Tracts A, B1 and B2, Sergief Island Subdivision, zoned Remote Residential Mixed-Use F1, requested by owners Greg Wood and Bernard Massin.

Open public hearing

Greg Wood Box 2361, 12 mile Zimovia Highway. As mentioned previously, change name of subdivision to Rivers Edge Subdivision. Wanted to break down the larger lot into smaller lots. We feel like the 4 acre lot size is met. Land area of the original Plat is actually much larger, but the land is now within the Stikine River, is half of the land area that is left. River is gnawing away. Shoreline is reflected in this plat as the meander line... Applicants understand that if river moves back out, that land comes back to them in possession. Lot line would extend out again. River continues to erode, front lots would lose land area. In meantime state retains control of submerged lands overtaken by the river. Plan to sell the lots in the future. Keep a portion for ourselves. Down the road maybe sell some of them. Access is provided with easements to the three back lots and through the runway access also. Will be creating a home owners association.

Henson moves to approve the preliminary plat of Rivers Edge subdivision with Staff's recommendations:

1. Conditional use for a private runway is approved to maintain the designated easement.
2. Note 3: Add the name of the Subdivision
3. Note 4: Lots 5, 16 and 17 is incorrect... it is either the original lots prior to Plat#79-2,(4-6) or Tract A,B1 and B2. Please correct.
4. Note 5: Please identify and provide a copy of the patent
5. Add Note 7: Reference the Access maintenance agreement that will be recorded for each Lot 1-9
6. The Access Maintenance Agreement should also reference the specific Code for Flag Lots and that each land owner will meet all requirements within the WMC 19.30 Flag Lot Subdivisions.

Hutchinson seconds. Approved unanimous

3. Variance application review of a front yard and side yard setback variance for a carport on Lot 3, Block 3, USS 1593, zoned Single Family Residential requested by City and Borough of Wrangell as part of the Evergreen Resurfacing project for owners Roger and Zona Gregg.

Open public hearing
Close Public Hearing

**Hutchinson moves to approve the Variance request for a front yard and side yard setback for a carport on Lot 3, Block 3, USS 1593, zoned Single Family Residential requested by City and Borough of Wrangell as part of the Evergreen Resurfacing project for owners Roger and Zona Gregg.
Henson seconds.**

This is to replace the existing car port because it has to come down as part of the Evergreen widening and resurfacing project. Front yard variance of 20 feet (0 feet setback from the property line, but 4 feet back of sidewalk) and side yard variance is 3 feet (2 feet setback from the property line).

Approved unanimous

4. Variance application review of a side yard setback for a deck on Tract Z-5 Road House Subdivision, zoned Rural Residential, requested by owners Ronald and Anne Winters

Open Public Hearing

Anne Winters 4.5 mile Zimovia. Want to build a house with a wrap around deck. Would like variance to be 10 feet so we can have a wrap around deck. Actual house will be 18 feet but deck will be 10 feet from side yard property line.

Close Public hearing

**Haubrich moves to approve Variance application of a side yard setback, for a deck to be 10 feet from the property line, on Tract Z-5 Road House Subdivision, zoned Rural Residential, requested by owners Ronald and Anne Winters
Hutchinson seconds.**

Approved unanimous

5. Conditional Use application review of a Home Occupation for an environmental portrait business, Lot 3A, Emde/Calvert Resubdivision, zoned Rural Residential, requested by owner Richard M. Rivard.

Open public hearing
Close public hearing

**Hutchinson moves to approve Conditional Use application of a Home Occupation for an environmental portrait business, Lot 3A, Emde/Calvert Resubdivision, zoned Rural Residential, requested by owner Richard M. Rivard.
Haubrich seconds.**

Approved unanimous.

6. Review and discussion of request by Wrangell Medical Center to construct a 4plex on Lot 1, Block 35, USS 1119, owned by the City and Borough of Wrangell.

Henson sits on Hospital Board and asked if she has a conflict of interest. McConachie says no. She declares her position with the Hospital Board.

Kris Reed is here to answer questions.

Questions regarding the 4 different land areas looked at were asked with Staff describing each area as discussed in the staff report. Cost effective since still pursuing the new hospital?

Kris Reed 6522 Etohin Avenue. WMC chose the specific area because flat, middle between existing and new hospital site.

Plenty of room for parking but we want to keep foot print small enough so not to have to do a COE permit. Would like south portion of lot. Adjacent to platted road that is not built yet but could be an access or alley.

It is a fair amount of property. McConachie suggests subdivision prior to building or any construction. Need only the adequate land area for access and parking. Want to be fair to both hospital and city. City shouldn't be giving away land. City derives income from sale of lot and taxes collected, but this would be exempt. Henson wants to make sure that however it is divided, there is adequate yard area, and fits the need of what is required. Intent is a landing place for doctors/nurses, traveling professionals, and also for teachers or public safety professionals while they find long term housing. Haubrich said he had been in that situation but was fortunate that AICS had a place to provide. I am sympathetic to this problem.

Hutchinson asked whether the Light Industrial lots might be more appropriate. Concern about elevation, close proximity to Kadin construction yard

Hutchinson moves to recommend to the Assembly to approve WMC request to construct the 4-plex housing development on the southern portion of Lot 1 Block 35, with a subdivision to occur as part of the site planning process, with lot size determined by need of construction, outdoor space, and parking and subdivision will occur after a site plan is developed which will be reviewed by the Commission.

Haubrich seconds. Approved unanimous

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

Howell has put his name in for Assembly so Commission will have 2 vacancies.

Street addressing has been reviewed with recommendations and the issue will be forthcoming in the next several months.

J. ADJOURNMENT

City and Borough of Wrangell

Agenda G1

Date: October 9, 2017

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Final plat approval and Access Easement Maintenance Agreement of River's Edge Subdivision, a subdivision of Tracts A, B1 and B2, Sergief Island Subdivision, zoned Remote Residential Mixed-Use F1, requested by owners Greg Wood and Bernard Massin.

Background: Applicants are seeking to subdivide their recently acquired property. As part of their subdivision, they applied for and received last month a conditional use permit for a private landing strip easement for personal airplanes or emergency search and rescue.

The following recommendations were made at the approval of the preliminary plat and were corrected/made for the final plat:

- Conditional use for a private runway is approved to maintain the designated easement.
- Note 3: Add the name of the Subdivision and change the name to River's Edge.
- Note 4: Lots 5, 16 and 17 is incorrect... it is either the original lots prior to Plat#79-2,(4-6) or Tract A,B1 and B2. Please correct.
- Note 5: Please identify and provide a copy of the patent
- Add Note 7: Reference the Access maintenance agreement that will be recorded for each Lot 1-9
- The Access Maintenance Agreement should also reference the specific Code for Flag Lots and that each land owner will meet all requirements within the WMC 19.30 Flag Lot Subdivisions

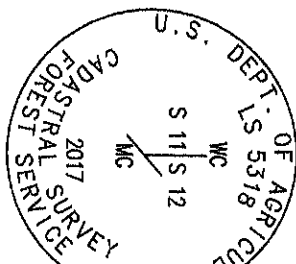
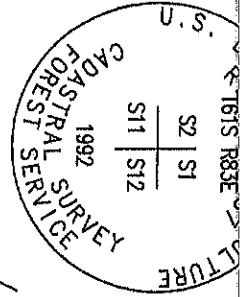
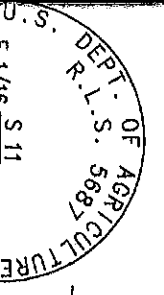
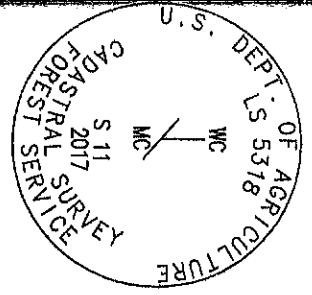
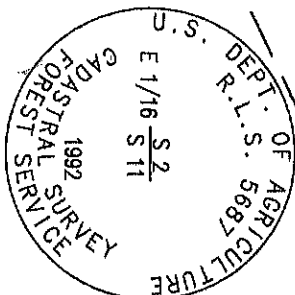
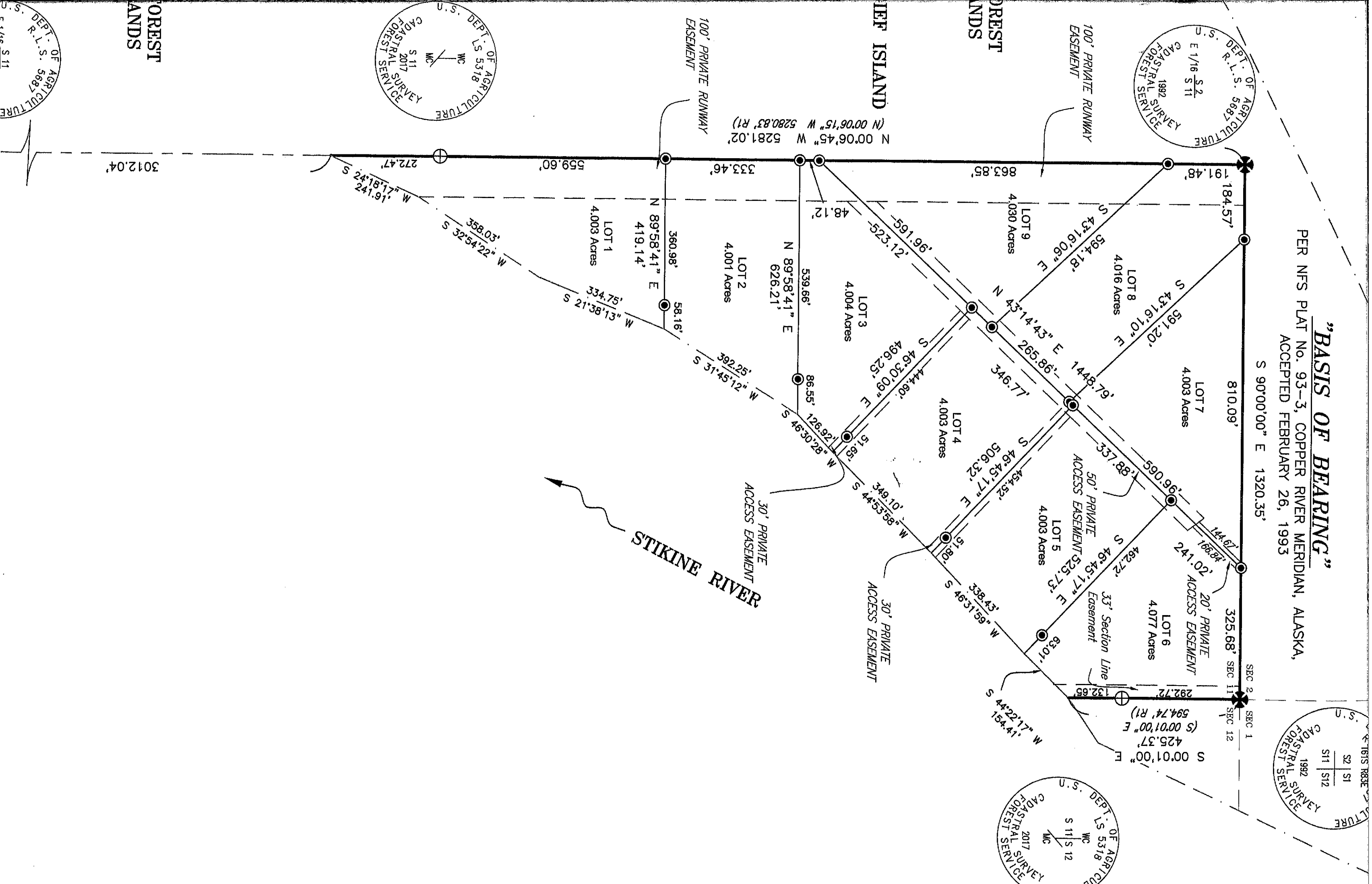
Recommendation:

Staff recommends approval of the final plat.

"BASIS OF BEARING"

PER NFS PLAT No. 93-3, COPPER RIVER MERIDIAN, ALASKA,
ACCEPTED FEBRUARY 26, 1993

S 90°00'00" E 1320.35'



FOREST
LANDS

FOREST
LANDS

OFF ISLAND

100' PRIVATE RUNWAY
EASEMENT

100' PRIVATE RUNWAY
EASEMENT

LOT 1
4.003 Acres

LOT 2
4.001 Acres

LOT 3
4.004 Acres

LOT 4
4.003 Acres

LOT 5
4.003 Acres

LOT 6
4.077 Acres

LOT 7
4.003 Acres

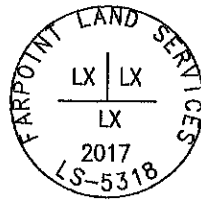
LOT 8
4.016 Acres

LOT 9
4.030 Acres

STIKINE RIVER

3012.04'

SEC 1
SEC 2
SEC 11
SEC 12

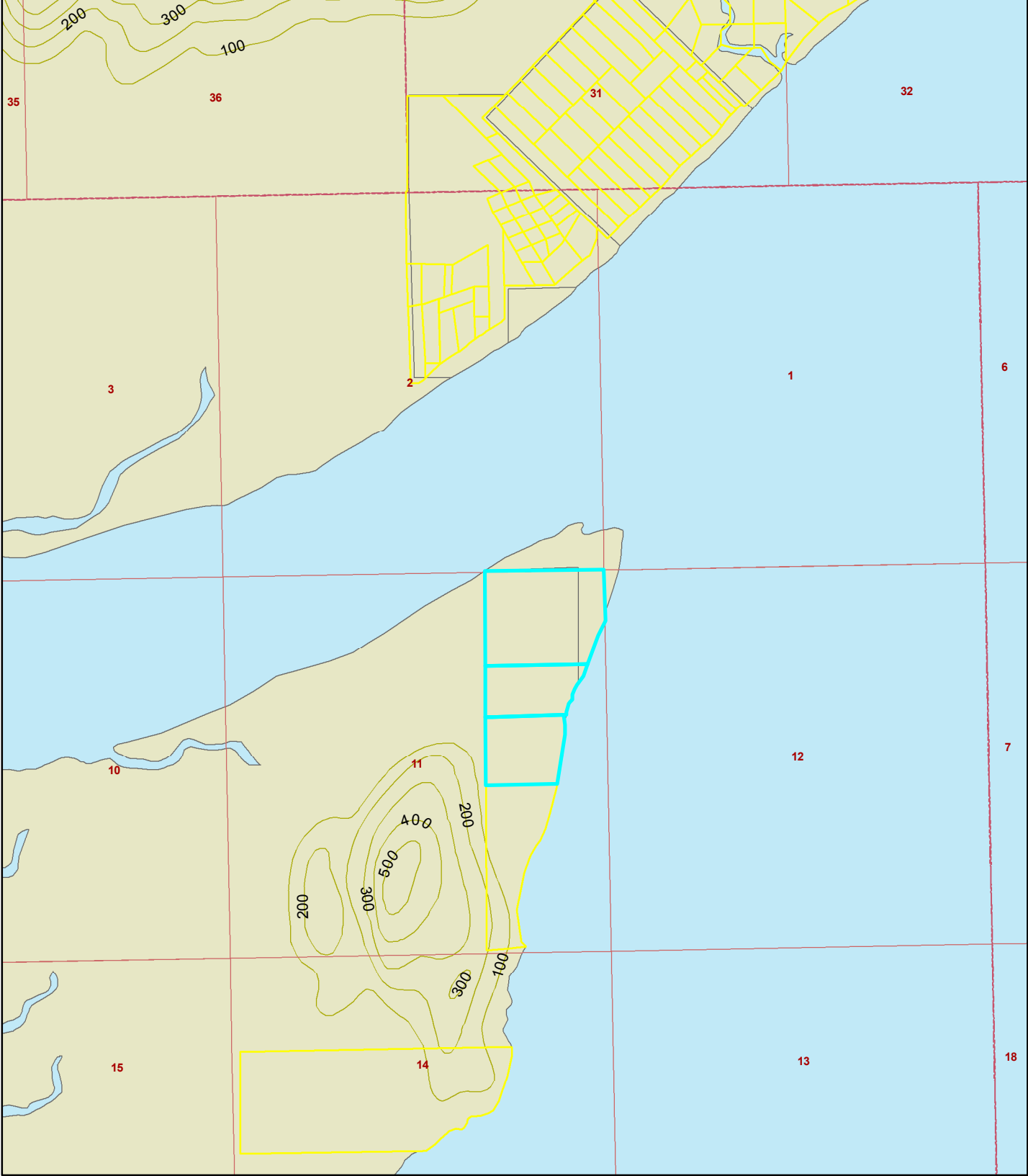


TYPICAL SET MONUMENT:
5/8" REBAR WITH 2"
ALUMINUM CAP STAMPED
AS ILLUSTRATED ABOVE

NOTES

1. The error of closure of this survey does not exceed 1:5000.
2. All Bearings shown are True Bearings as oriented to the Basis of Bearing as per Plat No. 93-3, and the distances are shown are reduced to horizontal field distances.
3. River's Edge Subdivision in its entirety is located within the RMU-F1 Zone as defined by chapter 20.31.010 (A) of the Wrangell Municipal Code and is subject to the reservations and restrictions thereof.
4. The natural meanders of the mean high water line of the Stikine River form the true bounds of Lots 1, 2, 3, 4, 5, & 6. The mean high water line as shown hereon was determined from a field survey of the Stikine River's bank conducted during July, 2017, and is for area computations only, the true corners being on the extensions of the sidelines and their intersections with the natural meanders.
5. This plat is subject to reservations and exceptions as contained in U.S. Patent No. 1039022.
6. Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine, Submerged Lands Act of 1953 and Section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, location, or absence of meander lines to depict water bodies.
7. Lots 1-9 shall be subject to an Access Maintenance Agreement which shall be recorded for each lot.

CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 1,916.66667 feet
Date: 10/10/2017

Public Map

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



City of Wrangell, Alaska

Agenda Item G2

Date: October 9, 2017

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance application review for a height variance for a house on Lot 9, Block 1 City Subdivision, Zoned Single Family Residential, requested by Mike Jabusch.

Background:

Applicant is seeking to construct a residence and is asking for a 5 foot variance to the 25 foot height restriction.

Criteria:

The proposal must comply with the following sections:

Chapter 20.16: Single Family Residential District

Chapter 20.52: Lot Standards

Chapter 20.72: Variances

Findings:

Mr. Jabusch will be constructing a two story house on Council Drive in the City Subdivision. The lot is 21,347 square feet. The lot is a relatively flat rocky knob.

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 house directly behind the proposed structure is surrounded by trees so the 5 foot height increase should have minimal impact on their views. The other residences adjacent or nearby have other view angles if trees in other locations don't block their current views or are homes are further away from the structure to open up entirely new view angles.

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 with attic, and typical current construction for residences, they feel the 25 foot requirement is very difficult if not impossible to meet. 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 original lot itself does not have exceptional physical circumstances. The lot is primary rock which is actually a benefit for home construction. The exceptional circumstances arise in the building code requirements and 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, 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.
4. Granting of the variance is not contrary to the comp plan for single family residential development.

Staff recommends approval of the variance request for a five foot variance to the 25 foot height restriction, permitting a 30 foot high structure from grade.

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

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 9 Bk 1 City Subdivision #96-2
02-032-908
Lot (s) size of the petition area 21,347 sq. ft.

Existing zoning of the petition area Single Family RESIDENTIAL

Current zoning requirements that cannot be met (setbacks, height, etc.): Height - from Top of grade To PEAK - 30' 2"

Proposed change that requires this variance New house with 2 floors. Normal house Constr. requirements Put house Peak at 30' 2".

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

Explain details of the proposed development New home - flat level area house being constructed. - It would be next to impossible to

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.

build a 2 story house of ANY SIZE AND meet the 25' restriction. THE house Plans do not have any elements that UNreasonably cause the house to be 30' 2". (OVER)

Explain how your application meets these conditions: Many of the surrounding houses are two story so our house is along those same structures, IT ALSO seems reasonable that we should be able to build a normal 2 story house using current codes AND construction practices for a normal house.

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.

Jeffrey Michael Jabusch

PRINT PETITIONER'S NAME

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

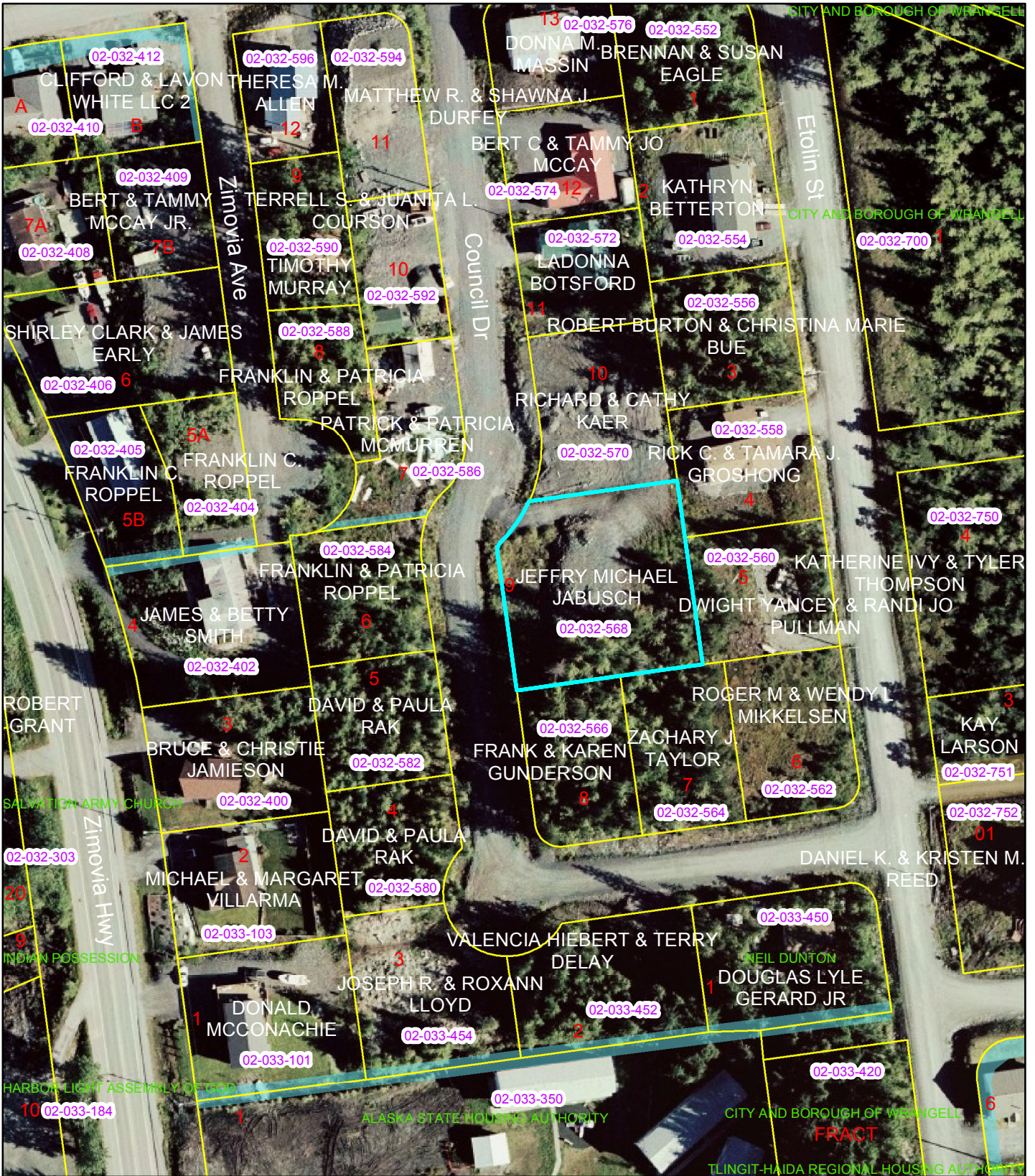
ADDRESS

7-11-17
DATE

907-874-2035
TELEPHONE

THERE will be some fill that goes above the footing,
but unsure how much. This would bring the 30' 2"
down some, but still NOT to the required 25'.

CITY AND BOROUGH OF WRANGELL, ALASKA

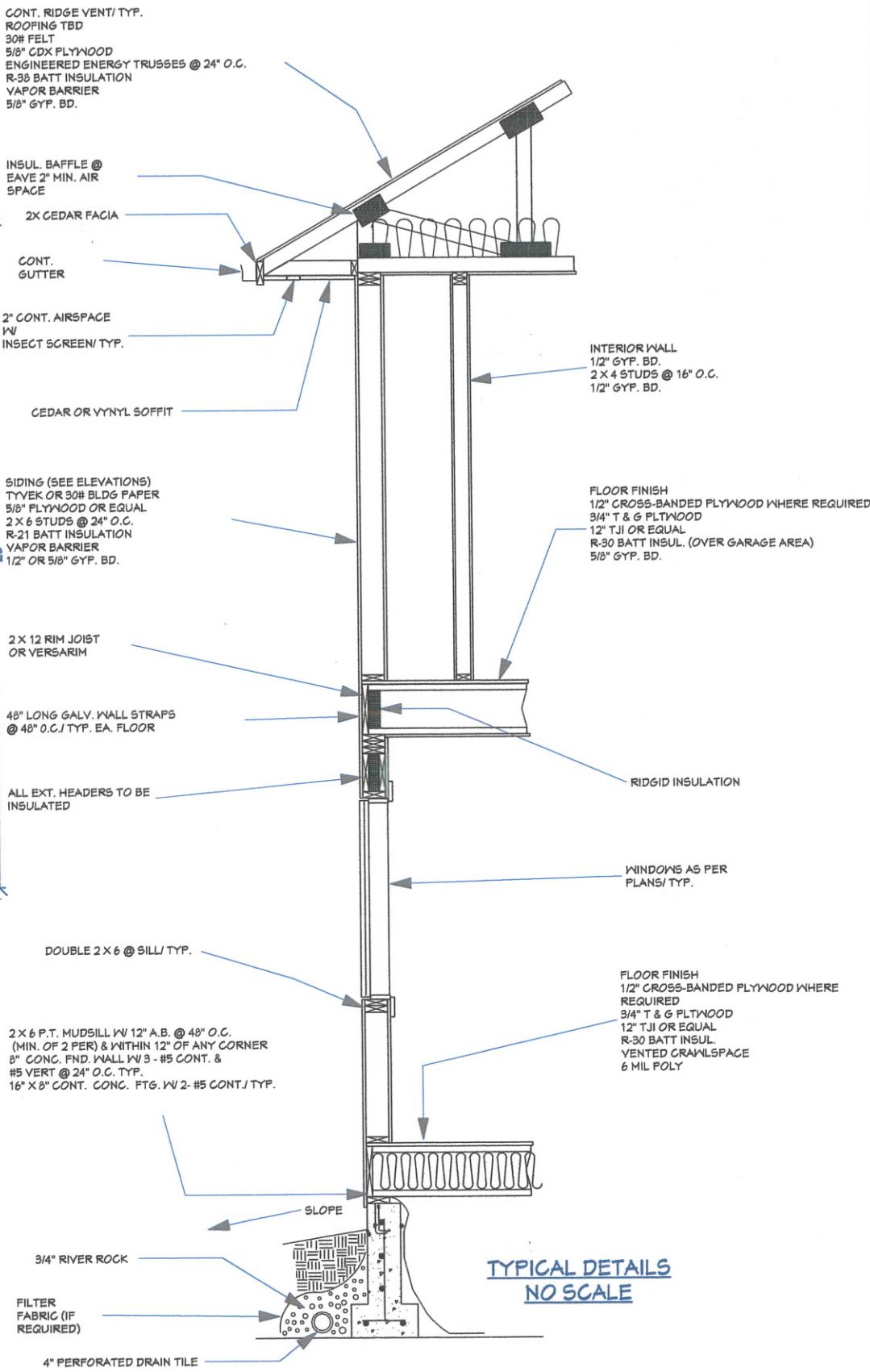
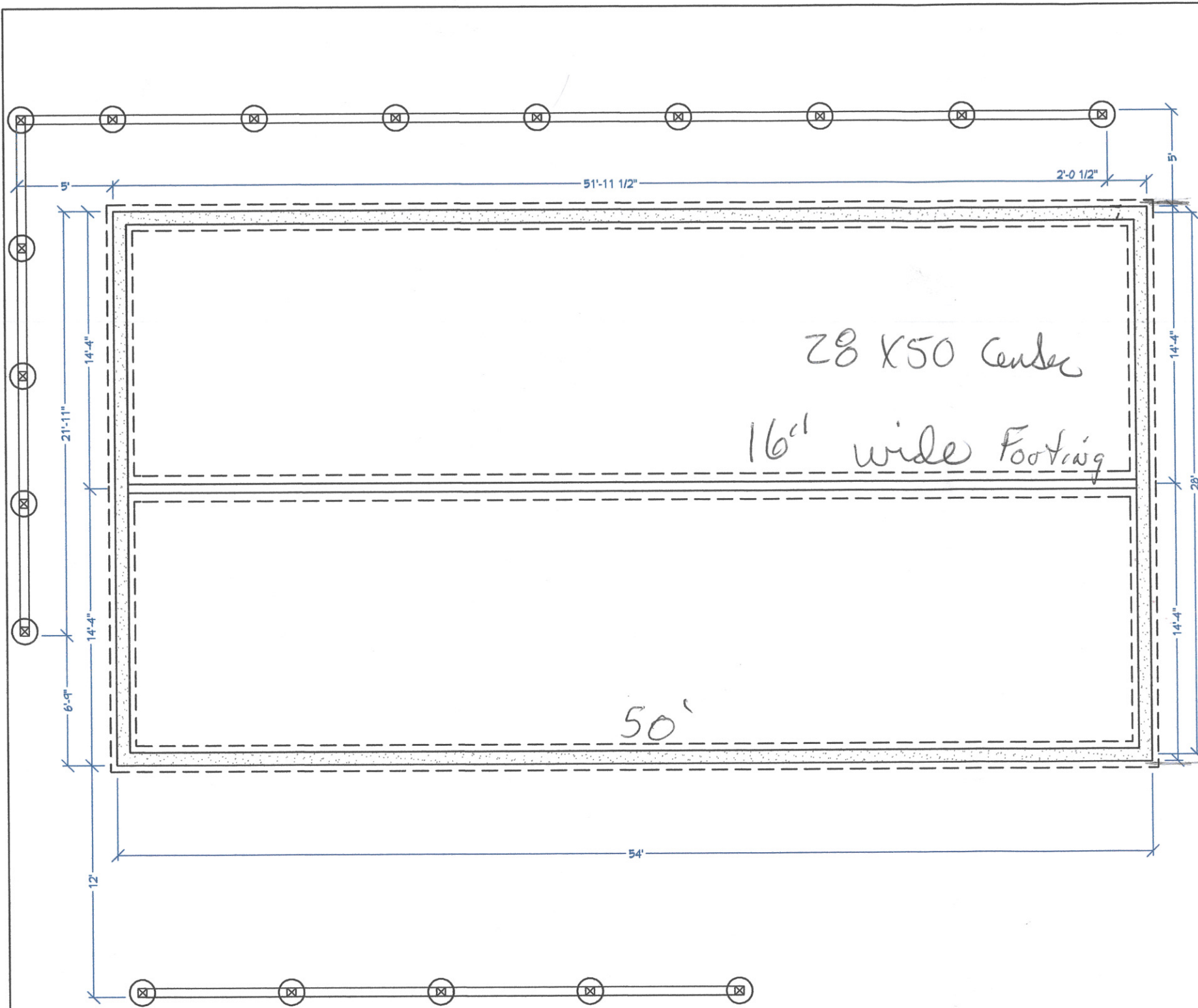


1 inch = 109.317287 feet
Date: 10/10/2017

Public Map

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





*NOTE: ALL DIMENSIONS ARE FRAMING TO FRAMING UNLESS OTHERWISE NOTED

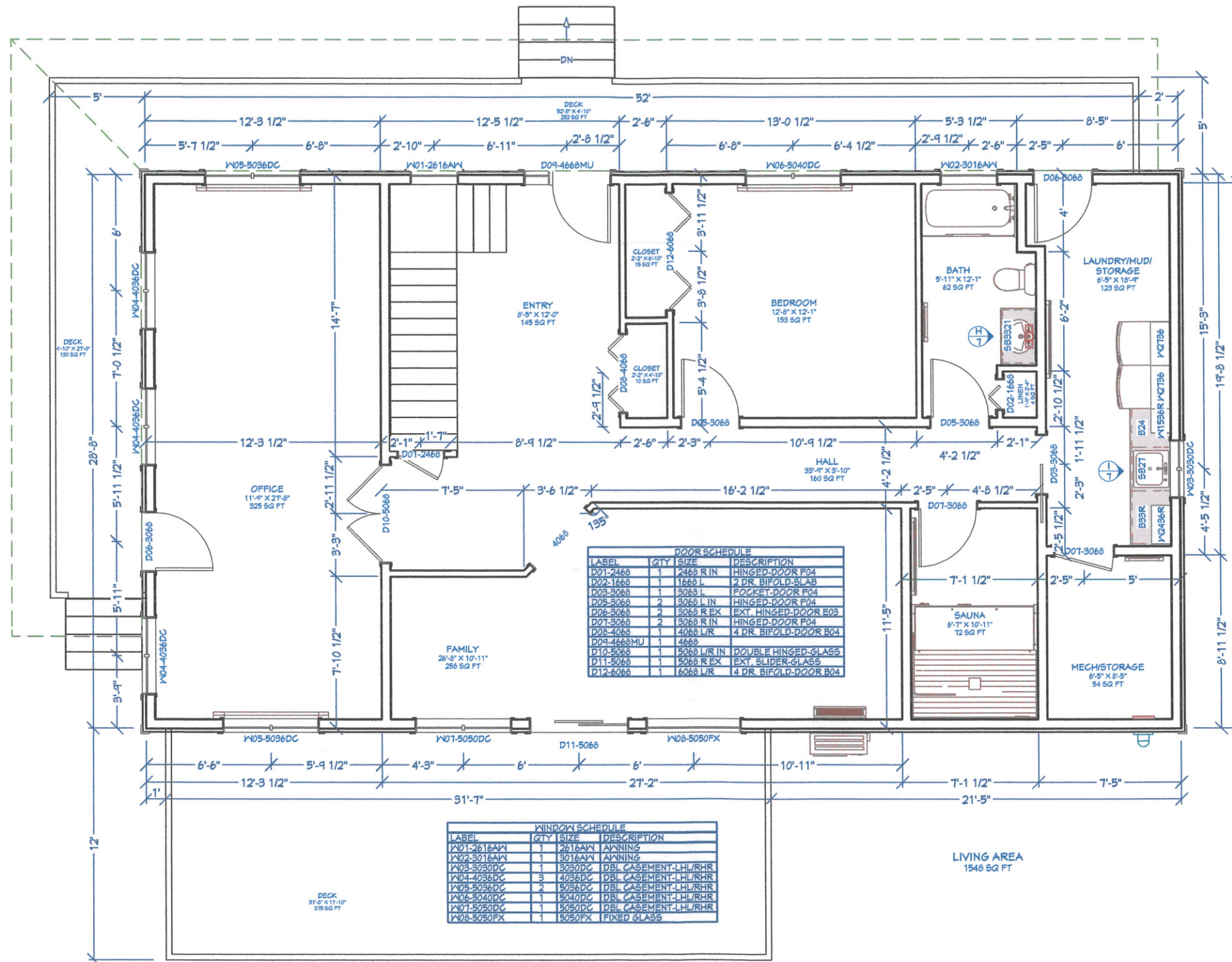
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OHMER'S RENDERINGS
 2997 SO TONGASS HWY
 KETCHIKAN, ALASKA 99901
 PH: 907-225-2605, CELL: 907-254-7682
 email: turtle@kpunet.net

PROJECT FOR:
MIKE & NATALYA BUSCH
 P.O. BOX 559
 WRANGELL, ALASKA 99929

FOUNDATION PLAN

©2017 OHMER'S RENDERINGS
 DATE/REV: 14FEB17/#5
 SCALE: 3/16" = 1'
 PAGE: 2 OF 8



*NOTE: ALL DIMENSIONS ARE FRAMING TO FRAMING UNLESS OTHERWISE NOTED

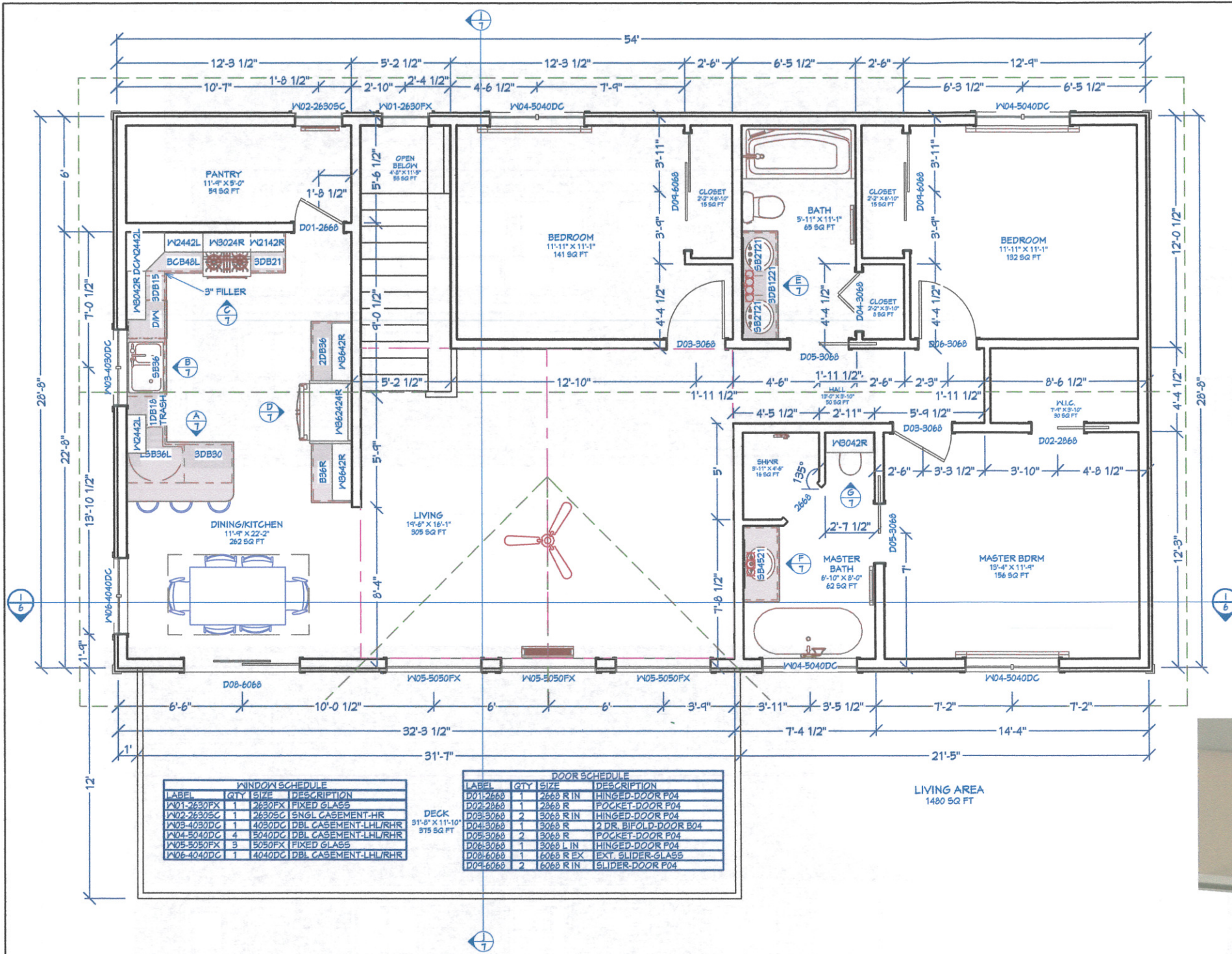
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DRAWN BY:
OHMER'S RENDERINGS
2997 SO TONGASS HWY
KETCHIKAN, ALASKA 99901
PH: 907-225-2605, CELL: 907-254-7682
email: turtle@kpnunet.net

PROJECT FOR:
MIKE & NATALYA BUSCH
P.O. BOX 559
WRANGELL, ALASKA 99929

FLOOR PLAN

©2017 OHMER'S RENDERINGS
DATE/REV: 14FEB17/#5
SCALE: 3/16" = 1'
PAGE: 3 OF 6



WINDOW SCHEDULE			
LABEL	QTY	SIZE	DESCRIPTION
W01-2630FX	1	2630FX	FIXED GLASS
W02-2630SC	1	2630SC	SINGL. CASEMENT-LHR
W03-4030DC	1	4030DC	DBL CASEMENT-LHL/RHR
W04-5040DC	4	5040DC	DBL CASEMENT-LHL/RHR
W05-5050FX	3	5050FX	FIXED GLASS
W06-4040DC	1	4040DC	DBL CASEMENT-LHL/RHR

DOOR SCHEDULE			
LABEL	QTY	SIZE	DESCRIPTION
D01-2668	1	2668 R IN	HINGED-DOOR P04
D02-2868	1	2868 R	POCKET-DOOR P04
D03-3068	2	3068 R IN	HINGED-DOOR P04
D04-3068	1	3068 R	2 DR. BIFOLD-DOOR B04
D05-3068	2	3068 R	POCKET-DOOR P04
D06-3068	1	3068 L IN	HINGED-DOOR P04
D08-6068	1	6068 R EX	EXT. SLIDER-GLASS
D09-6068	2	6068 R IN	SLIDER-DOOR P04



*NOTE: ALL DIMENSIONS ARE FRAMING TO FRAMING UNLESS OTHERWISE NOTED

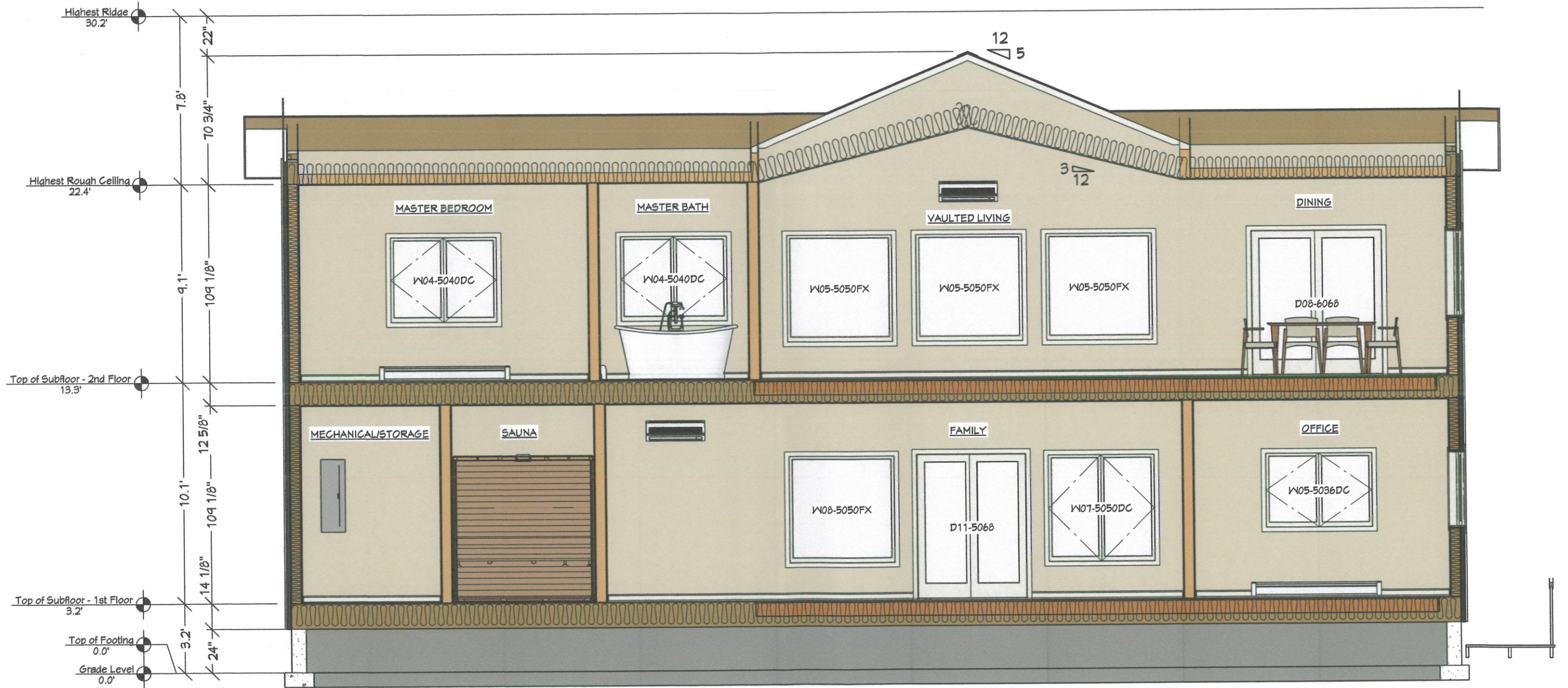
THESE PLANS HAVE BEEN DRAWN FOR THE CUSTOMER AT THE CUSTOMER'S REQUEST. EXTRA ENGINEERING MAY BE REQUIRED FOR SPECIAL FOUNDATION DESIGNS DUE TO SLOPE & SOIL CONDITIONS AND A LATERAL ANALYSIS MAY BE REQUIRED FOR WIND AND EARTHQUAKE DESIGN. OHMER'S RENDERINGS MAKE NO WARRANTIES, EXPRESSED OR IMPLIED, REGARDING PLANS. CUSTOMER SHOULD HAVE PLANS REVIEWED BY A LICENSED BUILDER, ENGINEER OR ARCHITECT PRIOR TO CONSTRUCTION. SOME MODIFICATION MAY BE NECESSARY FOR COMPLIANCE WITH LOCAL AND STATE REGULATIONS.

DRAWN BY: OHMER'S RENDERINGS
2997 SO TONGASS HWY
KETCHIKAN, ALASKA 99901
PH: 907-225-2605, CELL: 907-254-7682
email: turtle@kpunet.net

PROJECT FOR: MIKE & NATALYA BUSCH
P.O. BOX 559
WRANGELL, ALASKA 99929

UPPER FLOOR PLAN
DATE/REV: 14FEB17/#5
SCALE: 3/16" = 1'
PAGE: 4 OF 8

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*NOTE: ALL DIMENSIONS ARE FRAMING TO FRAMING UNLESS OTHERWISE NOTED

THESE PLANS HAVE BEEN DRAWN FOR THE CUSTOMER AT THE CUSTOMER'S REQUEST. EXTRA ENGINEERING MAY BE REQUIRED FOR SPECIAL FOUNDATION DESIGNS DUE TO SLOPE & SOIL CONDITIONS AND A LATERAL ANALYSIS MAY BE REQUIRED FOR WIND AND EARTHQUAKE DESIGN. OHMER'S RENDERINGS MAKE NO WARRANTIES, EXPRESSED OR IMPLIED, REGARDING PLANS. CUSTOMER SHOULD HAVE PLANS REVIEWED BY A LICENSED BUILDER, ENGINEER OR ARCHITECT PRIOR TO CONSTRUCTION, SOME MODIFICATION MAY BE NECESSARY FOR COMPLIANCE WITH LOCAL AND STATE REGULATIONS.

DRAWN BY:

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 2997 SO TONGASS HWY
 KETCHIKAN, ALASKA 99901
 PH: 907-225-2605, CELL: 907-254-7682
 email: turtle@kpunet.net

PROJECT FOR:

MIKE & NATALYA BUSCH
 P.O. BOX 559
 WRANGELL, ALASKA 99929

SECTION DETAILS

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DATE/REV: 14FEB17/#5

SCALE: 1/4" = 1'

PAGE: 7 OF 8



J
8

*NOTE: ALL DIMENSIONS ARE FRAMING TO FRAMING UNLESS OTHERWISE NOTED

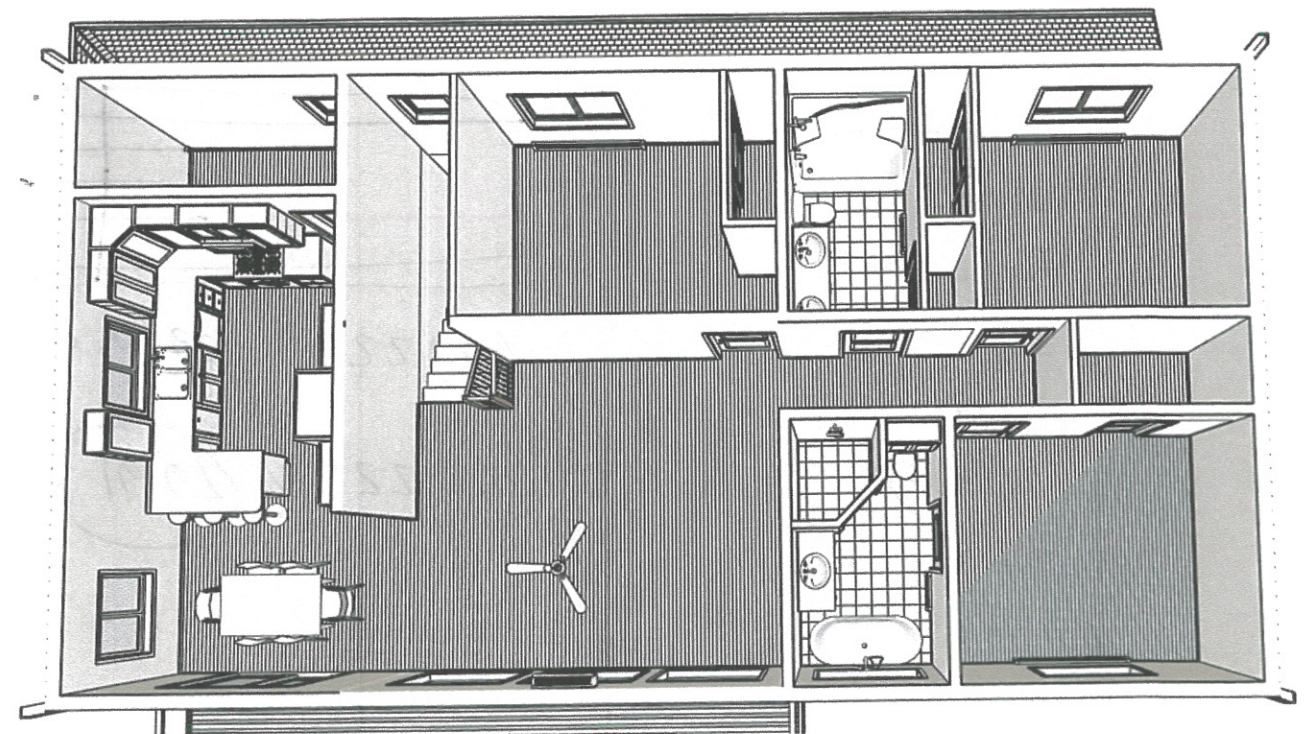
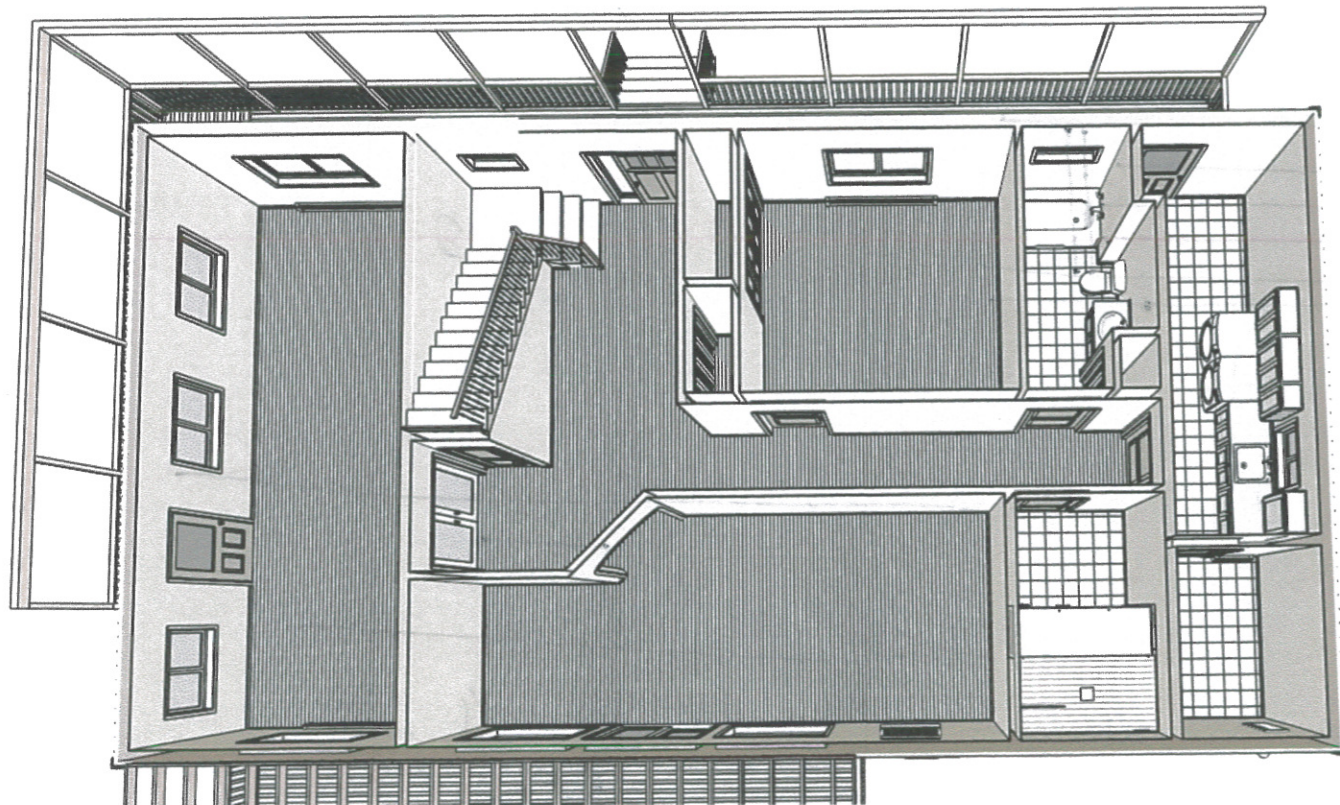
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DRAWN BY:
OHMER'S RENDERINGS
2997 50 TONGASS HWY
KETCHIKAN, ALASKA 99901
PH: 907-225-2605, CELL: 907-254-7682
email: turtle@kpunet.net

PROJECT FOR:
MIKE & NATALYA BUSCH
P.O. BOX 559
WRANGELL, ALASKA 99929

SECTION DETAILS

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DATE/REV: 14FEB17/#5
SCALE: 1/4" = 1'
PAGE: 8 OF 8



*NOTE: ALL DIMENSIONS ARE FRAMING TO FRAMING UNLESS OTHERWISE NOTED

THESE PLANS HAVE BEEN DRAWN FOR THE CUSTOMER AT THE CUSTOMER'S REQUEST. EXTRA ENGINEERING MAY BE REQUIRED FOR SPECIAL FOUNDATION DESIGNS DUE TO SLOPE & SOIL CONDITIONS AND A LATERAL ANALYSIS MAY BE REQUIRED FOR WIND AND EARTHQUAKE DESIGN. OHMER'S RENDERINGS MAKE NO WARRANTIES, EXPRESSED OR IMPLIED, REGARDING PLANS. CUSTOMER SHOULD HAVE PLANS REVIEWED BY A LICENSED BUILDER, ENGINEER OR ARCHITECT PRIOR TO CONSTRUCTION, SOME MODIFICATION MAY BE NECESSARY FOR COMPLIANCE WITH LOCAL AND STATE REGULATIONS.

DRAWN BY:

OHMER'S RENDERINGS
2997 SO TONGASS HWY
KETCHIKAN, ALASKA 99901
PH: 907-225-2605, CELL: 907-254-7682
email: turtle@kpunet.net

PROJECT FOR:

MIKE & NATALYA BUSCH
P.O. BOX 559
WRANGELL, ALASKA 99929

COVER

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DATE/REV: 14FEB17/#5

SCALE: N/A

PAGE: 1 OF 8

City and Borough of Wrangell, Alaska

G-3

Date: October 9, 2017

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Request for a vacation of a 3 foot wide trail right-of-way from Cassiar to the corner of Lot 20A Oliver Subdivision and Lot A LRO Subdivision, requested by Thomas Roland, owner of Lot 20A and Michael Nash, Attorney for Evi Fennimore, Trustee of the Viola Erickson Irrevocable Trust, owner of Lots 7 and 8A, Block 13, USS 1119 (or proposed new Lot 8A of proposed Fennimore/Roland Replat).

Background:

In January of 2017 a preliminary plat for a subdivision was presented by the applicants to address an area of fill encroachment by Fennimore's into Lot 20A owned by Roland. The plat was approved, but there were questions raised regarding the potential to vacate and purpose of the three foot ROW reflected on the preliminary plat.

Findings:

For Vacation of easement or Right-of-way requests, the Planning and Zoning Commission holds a public hearing and makes a recommendation to the Assembly whether to grant the vacation. The Assembly also holds a public hearing and makes the final decision. As Wrangell's code does not have sections specific to vacation requirements, the Alaska Statutes within Title 29.40.160 are followed.

The surveyor and Michael Nash, attorney for Evi Fennimore, Trustee of the Viola Erickson Irrevocable Trust, conducted extensive document research on the three foot right of way, discovering over time it was described or reflected differently, a ROW, or an easement, part of Lot 20 or outside of Lot 20. Attorney Nash was able to find the original document that created the ROW from Lot 20. The owner of Lot 20 at the time created a three foot ROW and deeded the trail to the City of Wrangell to access Mt. Dewey (copy attached).

Because the vacation of the easement must be approved by the Assembly, the landowners are bringing this request forward first for Planning and Zoning Commission recommendation to the Assembly. The final plat will address the final decision of the Assembly regarding the vacation request.

Staff reviewed utilities, drainages and other public issues that might warrant the retention of the ROW. The trail back in 1923 was designated to access Mt. Dewey. Since that time, another trail option from downtown has been developed and is being utilized. There are no known utilities in the ROW area and it would be a difficult trail through residential yards, with blockages of vegetation, fences, and rock.

October 9, 2017

Carol Rushmore
Economic Development Director
City and Borough of Wrangell
P.O. Box 531
Wrangell, AK 99929

To Whom It May Concern:

I am writing in regards to the property at 306 Cassiar, Lot 20A of the Oliver subdivision. Prior to the Fennimore/Roland replat, we are seeking for the City and Borough of Wrangell to vacate the three foot trail Right of Way from Cassiar to the corner of Lot A and Lot 20, along the entire length of our property line.

Sincerely,

Thomas Roland
P.O. Box 2163
Wrangell, AK 99929

LAW OFFICES OF MICHAEL P. NASH

P. O. Box 2341
WRANGELL, AK 99929

COPY

September 5, 2017

Carol Rushmore
Planning and Zoning Commission
Borough of Wrangell
P.O. Box 531
Wrangell, AK 99929

In Re: Request to vacate a portion of a three-foot-wide right-of-way.

Dear Ms. Rushmore and Members of the Planning and Zoning Commission:

As Ms. Rushmore is aware, I represent Evi Fennimore, Trustee of the Viola Erickson Irrevocable Trust. The trust desires to make a boundary line adjustment with a neighbor to incorporate in its property a driveway that currently intrudes on the neighbor's property.

To that end, Ms. Fennimore had a preliminary plat prepared. In the process it discovered that the Borough of Wrangell has a three-foot wide right-of-way, running between the properties, that originally provided access to City land on Mount Dewey. At my request, Ms. Rushmore researched the origins and use of the right-of-way. She informed me that the right-of-way is no longer necessary, and that I could ask to have it vacated. Is do so now.

Because the new plat cannot be presented to this Commission until the issue of the three-foot right-of-way is resolved, I am requesting that the Borough vacate the right-of-way running along the northwest side of lots 7 and 8 and the southeast side of lot 20 as shown on the preliminary plat (enclosed). If that is not feasible, then I request some other action by the Borough to allow a driveway over the right-of-way.

Thank you for considering this request. Please contact me if you have any questions or concerns.

Sincerely,



Michael P. Nash

Attorney for Evi Fennimore, Trustee of the Viola Erickson Irrevocable Trust

Enclosure: Preliminary Plat

Mt. Diway trail

Quit Claim and Deed

The Grantor, Edwin Wolfstad, of Anchorage, in the Territory of Alaska, for the consideration of One Dollar (\$1.00) Convey and quit-claims to The Town of Anchorage, Incorporated, all interest in the following described Real Estate:

Beginning at the S.E. Cor. of Lot No. 22 in Block No. 18, as described on the official plat of the Anchorage Townsite, and following the lot between Lot No. 8 and Lot No. 22 in said Block No. 18 in a Northwesterly direction 262.427 ft. to City Park Reserve.

Being more particularly described as a path or trail three feet wide from Cassiar street to City Park Reserve the same to be used as a trail to connect with path or trail now in use to reach summit of "Mt. Diway" situate in the Town of Anchorage, Territory of Alaska.

Dated this 8th day of May, 1923

Witness:

John E. Hurdien

Edwin Wolfstad

United States of America }
Territory of Alaska }⁵⁵

I, John E. Hurdien, a Notary Public, do hereby certify that on this 8th day of May, 1923 personally appeared before me Edwin Wolfstad to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned shown under my hand and official seal this 8th day of May A.D. 1923.

[Signature]

John E. Hurdien
Notary Public, Alaska
Commission expires

Nov. 1st, 1924

Filed for record and recorded this 8th day of May, 1923, at 2 pm.

Wm. G. Thomas
Recorder
by A.L. - etc

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

DATE: _____
 THOMAS E. ROLAND

NOTARY'S ACKNOWLEDGMENT
 U.S. OF AMERICA
 STATE OF ALASKA
 CITY AND BOROUGH OF WRANGELL

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

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

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

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

DATE: _____
 ELAINE EVI FENNIMORE

NOTARY'S ACKNOWLEDGMENT
 U.S. OF AMERICA
 STATE OF ALASKA
 CITY AND BOROUGH OF WRANGELL

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

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

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

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)ss

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

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

ASSESSOR CITY AND BOROUGH OF WRANGELL

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

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

DATE: _____
 CHAIRMAN, PLANNING COMMISSION

SECRETARY: _____

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

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

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

CITY CLERK: _____

PLAT NOTES

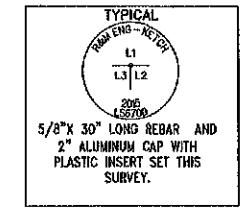
- THE BASIS OF BEARING IS THE ACCEPTED BEARING OF S 42°31'39.23" E BETWEEN H&W BRASS CAPS NO. 104 & 159. THE TIE FROM H&W NO. 104 TO THE S.E. CORNER OF LOT 20AA IS N 75°07'28.59" E AND A DISTANCE OF 215.80 FT.
- THIS PLAT WILL COMBINE A PORTION OF LOT 20A OF OLIVER SUBDIVISION AND PORTION OF LOT 8 WRANGELL TOWNSITE INTO ONE LOT TO FORM LOT 20AA OF FENNIMORE / ROLAND RESUBDIVISION.
- REFERENCES WITHIN THE WRANGELL RECORDING DISTRICT UTILIZED FOR THIS SURVEY:
 - PLAT 91-1
 - PLAT 66-193
 - QUICKCLAIM DEED 2005-000407-0
 - STATUTORY WARRANTY DEED 2014-000232-0
 - DEED OF TRUST 2014-000233-0
 - ASSIGNMENT OF DEED OF TRUST 2014-000234-0
 - ASSIGNMENT OF DEED OF TRUST 2014-000235-0

DRAWN BY: MCH
 CHECKED BY: CQP
 DATE PLATTED: JUNE 2016
 DATE SURVEYED: FEBRUARY, 2015
 SCALE: 1"=20'
 SURVEYED BY: MCH / CQP
 PROJ NO.: 162702

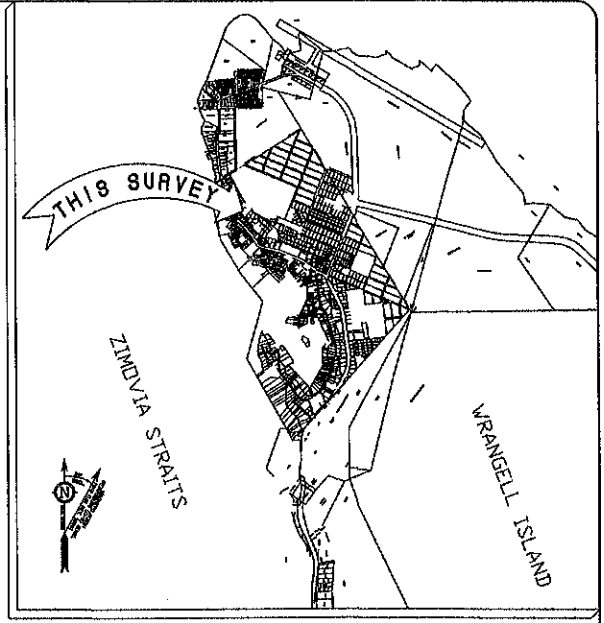
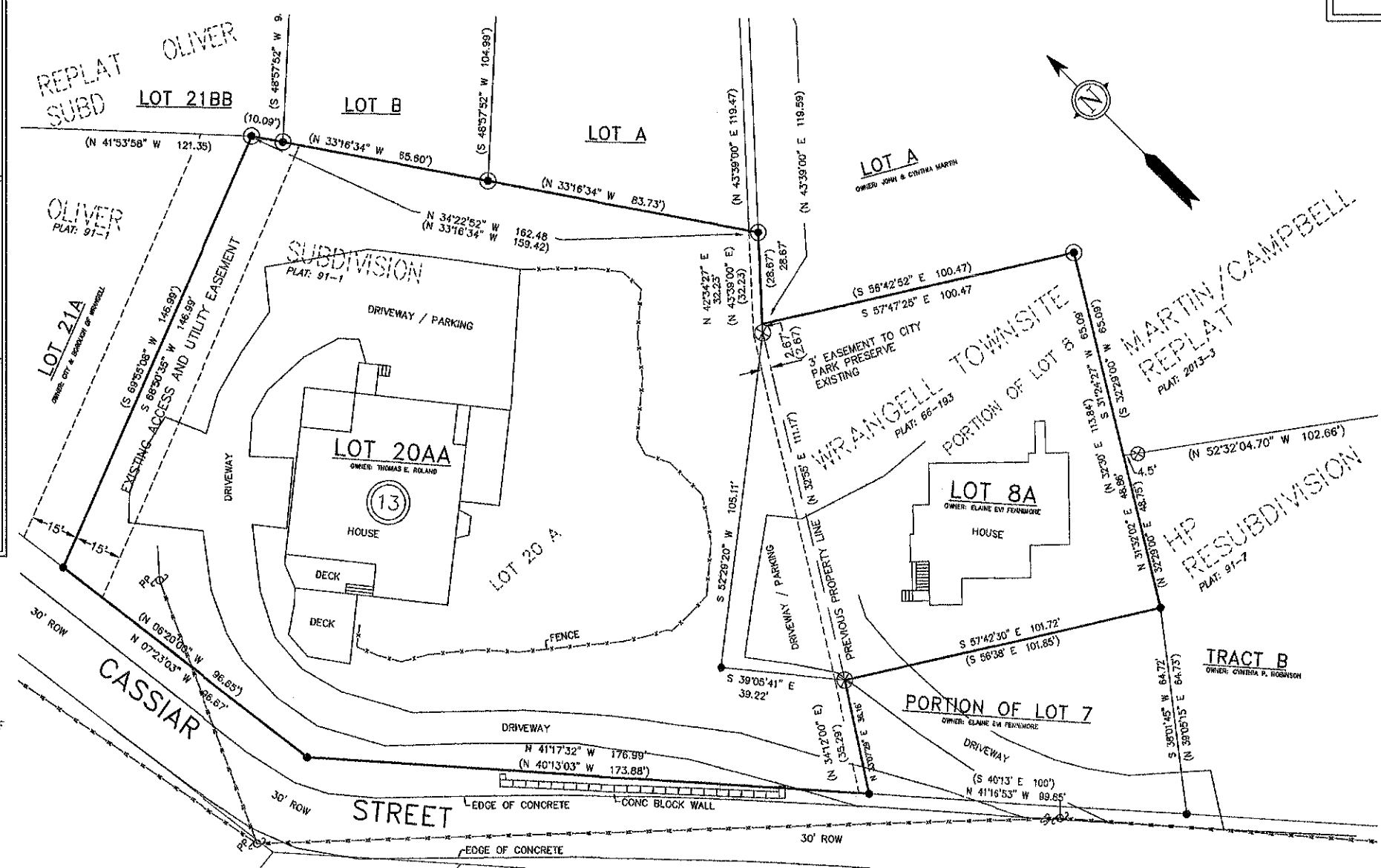
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN 2016 _____ A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE: _____
 CHRISTOPHER G. PIBURN LS 107552



- LEGEND**
- SCHEFF ALUMINUM CAP ON 5/8 REBAR MONUMENT RECOVERED
 - POOL ALUMINUM CAP ON 5/8 REBAR MONUMENT RECOVERED
 - ⊗ T-BAR SECONDARY MONUMENT RECOVERED
 - ⊙ IRON PIPE RECOVERED
 - 5/8 REBAR 30" LONG WITH 2" ALUM CAP WITH PLASTIC INSERT SET THIS SURVEY
 - BK 22, P 576, W.R.D. REFERENCE TO DOCUMENTS RECORDED WITHIN WRANGELL RECORDING DISTRICT
 - (88.09) DATA OF RECORD
 - 88.09 DATA MEASURED OR COMPUTED
 - - - - - PREVIOUS PROPERTY LINE
 - - - - - ROAD CENTERLINE



OWNERSHIP STATUS

- LOT 20A (THOMAS E. ROLAND)
- PORTION OF LOT 8 (ELAINE EVI FENNIMORE)

PROPOSED OWNERSHIP

- LOT 20AA (THOMAS E. ROLAND)
- LOT 8A (ELAINE EVI FENNIMORE)

PREVIOUS LOT AREAS

- LOT 20A (36,430 SQ. FT.)
- PORTION OF LOT 8 (11,542 SQ. FT.)

NEW LOT AREAS

- LOT 20AA (34,905 SQ. FT.)
- LOT 8A (13,603 SQ. FT.)

CLIENT: ELAINE EVI FENNIMORE
 BOX 957
 WRANGELL, ALASKA 99929

WRANGELL RECORDING DISTRICT

Revisions	
No.	Date

PRELIMINARY

R&M ENGINEERING-KETCHIKAN, INC.
 355 Cordana Lake Road
 Kodiak, AK 99501
 (907) 226-7917
 (907) 226-9441

CRANG OFFICE
 P.O. BOX 6273
 CHITINA, AK 99521
 Phone: (907) 628-2294

CERTIFICATE OF _____
 _____, L.S. 107552

PROJECT: **FENNIMORE / ROLAND REPLAT**

THE REPLAT OF LOT 20A, OLIVER SUBDIVISION, AND PORTION OF LOT 8, WRANGELL TOWNSITE, CREATING LOT 20AA AND LOT 8A, FENNIMORE / ROLAND RESUBDIVISION, CITY AND BOROUGH OF WRANGELL.

