

History of Zoning Violation – Burrell

July 26, 2004 – Received notification from the Corps of Engineers that Richard Burrell was requesting a permit to fill a lot directly adjacent to Rock-n-Road Construction. In the COE application he described the activity as a “residential fill”. As the lot he wanted to fill was zoned Single Family Residential, I double checked to see if the intent was to expand the construction business. I then placed the COE permit on the Planning and Zoning agenda for a review at the next meeting.

P&Z minutes - June 8, 2004

New Business:

a. COE/ACMP Review – Wrangell Narrows (Burrell Fill)

Staff reported that he had contacted Rick Braun to make sure that the applicant was aware that the lot is zoned residential, and Rick said that he had informed Richard Burrell that the parcel is zoned Single Family Residential.

The members reviewed that application and noted that the applicant does own some commercial fishing permits.

Motion by C. Buschmann, second by C. Jensen to instruct staff to write a letter stating that this fill is consistent with the Coastal Zone Plan.

C. Buschmann noted that we are just saying that the fill is okay – not any particular use.

Motion carried 6 – 0.

September 28, 2010 – contacted Richard Burrell about the construction equipment being stored on the lot. He stated he would remove the equipment in the spring when he can access his pit.

May 23, 2011 – Mailed a Notice of Zoning Violation to Richard Burrell and placed this violation as an agenda item for the next P&Z meeting.

August 22, 2011 – P&Z discussed the violation. Richard Burrell attended the meeting and after Aaron and Katrina Miller’s conditional use permit discussion, he commented that he would have to deal with the situation.

Winter – Summer 2012 - Attempted to contact Richard Burrell but he was unavailable. I continued to keep P&Z apprised of the situation.

October 19, 2012 – Richard Burrell responded to my inquiries and said he had been south and out of town during the summer. He said he would get his stuff off the lot within a week.

November 2, 2012 – noted that much of the lot is cleaned-up.

July 9, 2013 – reported to P&Z that more construction items were being stored on the lot.

July 11, 2013 – sent 2nd Notice of Zoning Violation.

September 9, 2013 – Richard Burrell attended the P&Z meeting and asked if his lot could be rezoned. P&Z members suggested the work with the surrounding property owners and see if an agreement could be worked out.

November 12, 2013 – Katrina Miller submits letter on behalf of Richard Burrell to rezone the lot. Public Hearing is scheduled for December 10, 2013.

November 20, 2013 - Staff sends letters of notification of public hearing to all property owners within 600 feet, posts property, places legal notification in the Petersburg Pilot and posts notices at the Finance Office, Community Development and Post Office.

December 10, 2013 – Public Hearing occurs;

Consideration of a request from Richard Burrell for a change in zoning classification from Single Family Residential to Industrial for parcel 1001596.03, located at 105 Arness Drive.

Staff sent letters to all property owners within 600 feet. Luczak read 4 letters from John Murgas, Ray Olsen, Jr. and Alan Murph into the record.

Discussion on the different zoning types.

Pat Weaver, an adjacent property owner, spoke in favor of the request as long as there are covenants set.

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The current owners and the Weavers are intending to enter into a covenant which will include the requirement to construct an 8 foot fence on two sides and establish a 20 foot green belt on the lot.

The members discussed the zoning request and decided Commercial Zone 2 would be more appropriate.

The members discussed the requirements for recommending a change in zoning classification to the Borough Assembly and found that the request satisfied the requirements due to the fact that there were no objections from the adjacent property owners, and the proposed covenant, along with the requirement of a screening from the street side, would help mitigate the impacts to the residential neighbors.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Chris Fry that this Planning Item be recommended for approval. The motion carried by a vote of 7-0:

Yes: Chairperson Thomason, Vice Chair Buschmann, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry.

January 14, 2014 – Borough Attorney reviews the proposed covenants and recommends rezoning with additional restrictions. Staff forwards P&Z recommendation to Assembly.