

# Planning Commission Staff Report

Meeting date: December 19, 2017

**TO:** Planning Commission

**FROM:** Liz Cabrera, Community & Economic Development Director  
Joe Bertagnoli, Building Official

**Subject:** Variance Application – Parcel 01-031-580  
Mark Severson

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## Recommendation:

Deny a variance from the 10' side-yard setback and 35% maximum lot coverage requirement for the purposes of expanding an existing net house.

## The Petersburg Planning & Zoning Commission makes the following findings of fact:

1. An application for variance and fees was submitted by Mark Severson (applicant) submitted on November 11, 2017. The application was accepted and scheduled for a public hearing on December 19, 2017.
2. Applicant is requesting a variance from the 10' side-yard setback to expand an existing pole building to 0' from the property line and variance from the 35% maximum lot coverage requirement. Proposed pole building is 1,200 sq. ft resulting in 37% coverage.
3. Subject parcel is 15,000 sq. ft. The zoning district for the area is single-family residential. Maximum lot coverage allowed is 35% or 5,250 sq. ft.
4. Parcels to the North, South, East and West are also zoned single-family residential. Adjacent parcel to the East has a warehouse built within 4-5' of the property line.
5. Applicant received a conditional use permit in 1987 to classify an existing 2,400 sq. ft. warehouse as a net house and expand the structure consistent with requirements of a single-family residential district.
6. Applicant received a variance from the rear-yard setback requirement in 1988. The variance allowed for expansion of existing warehouse by 210 sq. ft. The variance stated the expansion is allowed as a temporary structure that would need to be removed if and when another building is placed on the rear adjoining property.
7. Applicant received a conditional use permit in 1993 to construct a 1,200 sq. ft. net house on the property. Yard setback requirements were observed.
8. Applicant received a conditional use permit in 2000 to add 600 sq. ft. to existing net house (pole building). Yard setback requirements were observed.
9. Applicant received a conditional use permit in 2015 allowing an additional 850 sq. ft. or up to 35% lot coverage of building construction and other conditions (snow clips & maintain 5' from property line), but the applicant was unable to use the permit within a year. At the time of the hearing, a variance of the maximum lot coverage was not noticed and could not be addressed by the commission. See attached letter of determination. The permit expired in September of 2016.

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10. Applicant has a total of 4,410 sq. ft. built on the lot. An additional 840 sq. ft. of building is possible before maximum lot coverage is exceeded.
11. Hearing notices were mailed to property owners within 600 feet of the subject parcel on December 4, 2017.
12. On December 19, 2017, a duly noticed public hearing was held by the Petersburg Planning & Zoning Commission. The Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff comments.

**Based on the preceding findings of fact, the Petersburg Planning & Zoning Commission makes the following determinations:**

**The request is inconsistent with the stated purpose of a variance permit.**

The request is inconsistent with the stated purpose of variance permits. Specifically, the purpose of a variance is “to adjust regulations of this title in special cases where unusual physical features of the particular parcel involved would make a strict application of the zoning regulation unreasonable.”

The subject parcel is a standard rectangular lot with no unusual physical features.

**1. There are exceptional physical circumstances applicable to the property which does not apply generally to the other properties in the same zone.**

There are no exceptional physical circumstances applicable to the property as the subject parcel is a standard sized and configured lot located in a developed residential/warehouse area.

**2. The strict application of the provisions of this title would result in practical difficulties or unnecessary pecuniary hardships.**

The parcel has nearly been developed nearly to maximum lot coverage under existing code, and the applicant has not been limited in their ability to develop the property.

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

The variance may result in damage or hardship or prejudice to other properties in the vicinity.

With the slope of the roof grading toward the neighbor's property, snow and rain runoff will shed directly towards the neighbor. Snow falling and buildup could compromise the neighbor's fence. The parcel adjacent to the proposed development is used as warehouse/storage area.

Fire and Building codes will dictate what kind of protection this structure would need if constructed within 10' of the property line. The warehouse on the adjacent property appears to be 4-5 feet from the line.

**The Petersburg Planning & Zoning Commission makes the following findings of fact:**

1. An application for variance and fees was submitted by Mark Severson (applicant) submitted on May 20, 2015. The application was accepted and scheduled for a public hearing on June 8, 2015.
2. Applicant is requesting a variance from the 10' side-yard setback to expand an existing pole building to 0' from the property line. Proposed pole building is 1,200 sq. ft.
3. Subject parcel is 15,000 sq. ft. The zoning district for the area is single-family residential. Maximum lot coverage allowed is 35% or 5,250 sq. ft.
4. Parcels to the North, South, East and West are also zoned single-family residential. Adjacent parcel to the East has a warehouse built within 4-5' of the property line.
5. Applicant received a conditional use permit in 1987 to classify an existing 2,400 sq. ft. warehouse as a net house and expand the structure consistent with requirements of a single-family residential district.
6. Applicant received a variance from the rear-yard setback requirement in 1988. The variance allowed for expansion of existing warehouse by 210 sq. ft.. The variance stated the expansion is allowed as a temporary structure that would need to be removed if and when another building is placed on the rear adjoining property.
7. Applicant received a conditional use permit in 1993 to construct a 1,200 sq. ft. net house on the property. Yard setback requirements were observed.
8. Applicant received a conditional use permit in 2000 to add 600 sq. ft. to existing net house (pole building). Yard setback requirements were observed.
9. Applicant has a total of 4,410 sq. ft. built on the lot. An additional 840 sq. ft. of building is possible before maximum lot coverage is exceeded.
10. Hearing notices were mailed to property owners within 600 feet of the subject parcel on July 20, 2015.
11. On September 8, 2015, a duly noticed public hearing was held by the Petersburg Planning & Zoning Commission.
12. At the public hearing, the Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff comments.

**Based on the preceding findings of fact, the Petersburg Planning & Zoning Commission makes the following determinations:**

The request is consistent with the stated purpose of a variance permit.

**1. There are exceptional physical circumstances applicable to the property which does not apply generally to the other properties in the same zone.**

Only reasonable location to accomplish goal is to encroach on setback.

**2. The strict application of the provisions of this title would result in practical difficulties or unnecessary pecuniary hardships.**

There is no additional area on the lot where owner can expand and get maximum use of the lot.

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

Use of snow clips will prevent snow from accumulating on neighboring lot. Roofline is to be no closer than 5' from property line and total lot coverage is not to exceed 35%.

**Section 3. Action of the Planning Commission: PASSED, APPROVED and ADOPTED this 8th day of September 2015 by the following vote of the Planning Commission:**

Ayes: Commissioner(s): Fry, Kensinger, Bangs, Marsh, Stearns

Nays: Commissioner(s)

Absent: Commissioner(s)

  
Chair, Planning Commission

  
Secretary, Planning Commission

PID: 01-031-580 Date Received: 2/20/15 Received By: [Signature]

Fee \$170.00 (CODE: 110.000.404110) Refiled - 11/9/17 rd ck #12637

Planning Commission Public Hearing Date: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

FOR OFFICE USE ONLY

APPLICATION FOR VARIANCE  
PETERSBURG BOROUGH  
PLANNING AND ZONING  
P.O. BOX 329  
PETERSBURG, ALASKA 99833

Applicant(s): MARK SEVLSON

Description: (use additional paper if necessary)

Legal description of the area requested for the variance: Tax Lot 4-338

Lot(s) size of the petition area: 100x125

Existing zoning of the petition area: single family

Current zoning requirements that cannot be met (setbacks, height, etc.): ~~35%~~ 35% of the lot is covered by the building currently.

Application information: (use additional paper if necessary)

Explain details of proposed development: Extend existing pole building towards weaver's lot as close as possible. weaver's fence is right on the property line.

Explain schedule of timing of development program:

Documents required:

- SITE PLAN - Attach a copy of a plan, drawn to scale, showing the site location, dimensions, and location of the existing and proposed buildings.
- ELEVATIONS PLAN - Attach a plan and profile of the proposed building and/or additions.
- OTHER DOCUMENTS PROVIDED - IF ANY (List) \_\_\_\_\_

Note: The variance provision is designed to allow the Planning Commission to adjust the regulations of this title in special cases where unusual physical features of the particular parcel would make a strict application of the regulations unreasonable. Under no circumstances shall a

2017

(CONTINUED ON OTHER SIDE)

priority  
Note: Other boat projects, a couple had  
===== some seasons and unavailable  
contractors; prevented this

variance be granted to permit the use of land or structure which is not otherwise permitted in the zone involved. Rezoning is the only legal means of changing permitted uses of land or buildings.

**Conditions of approval as required in Petersburg Municipal Code 19.80.050:**

**(Note that all three conditions must be satisfied in order to qualify for a variance.)**

1. Explain the 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.

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2. Explain how the strict application of these provisions of this title would result in practical difficulties or unnecessary pecuniary hardships.

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

*"weaver"*  
Next door neighbor's fence is already  
on the property line.

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 authorized agent thereof for the property subject herein.

*Mark Weaver*

Signature of Applicant

*5/20/15*

Date

Signature of the Owner(s) (If different than above)

Date

*701 Cedar St.*

Street Address

*PO Box 1502*

Mailing Address

*Petersburg*

City

*AK*

State

*99833*

Zip Code

*907 518-0683*

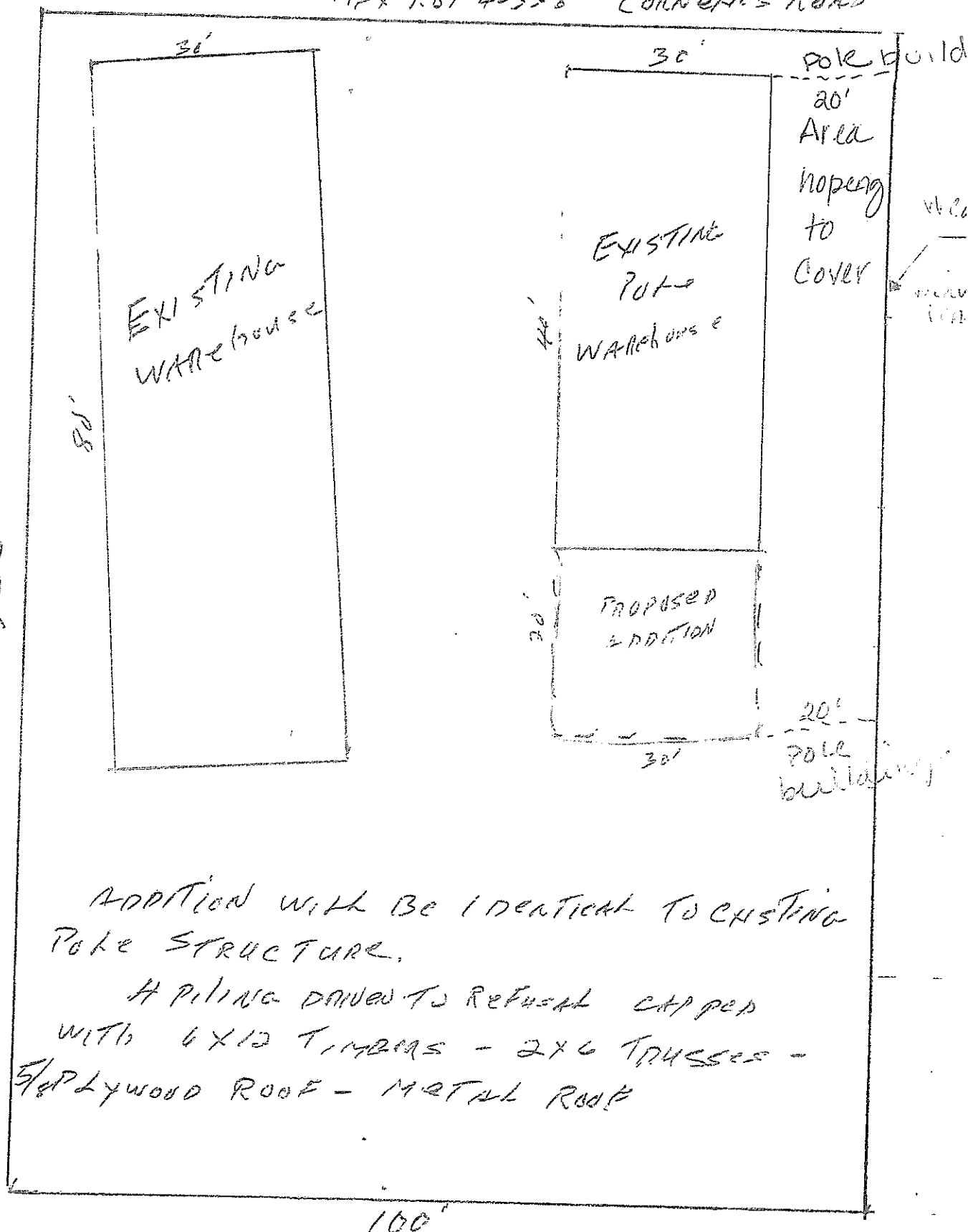
Telephone

116-16-2

123,100 actual

MARK SEIERSON WAREHOUSES

TAX LOT 4-338 CORNELIUS ROAD





Oct. 17  
\$170.00

Variance  
approval  
for extension  
of pole bldg

September 8, 2015

Mr. Mark Severson  
P.O. Box 1502  
Petersburg, Alaska 99833

Re: Letter of Determination - Variance request

Dear Mr. Severson,

At the commission meeting on September 8, 2015, the Planning and Zoning Commission conducted a public hearing and considered your request for a variance of the side-yard setback requirement for the purpose extending an existing net house at 109 Cornelius Rd (Parcel # 01-031-580).

The Planning and Zoning Commission reviewed your variance application and found the request satisfies the requirements as described in Petersburg Municipal Code 19.80.050, and has granted your request for a variance of the side yard setback requirement under the following conditions:

- Snowclips shall be installed on the roof of the structure.
- The total new building area shall not exceed approximate 850 sq. ft. and total lot coverage shall not exceed 35% of lot.
- The roof line shall be a minimum 5' from the property line.

Please be advised you are required to obtain a building permit prior to construction and the variance will expire unless the privilege granted is utilized within one year of the granting of the variance. Under certain circumstances the Planning Commission may extend the one-year period prior to the expiration of the variance.

Petersburg Municipal Code 19.92 provides for an appeal of a commission decision to the Borough Assembly within 10 consecutive calendar days of the date the decision is made.

Enclosed is a copy of the approved application. The Planning Department will keep the original on file.

Please contact Joe Bertagnoli at 772-4533 to obtain the required building permits prior to beginning construction.

Sincerely,

Liz Cabrera  
Director of Community Development

enclosure



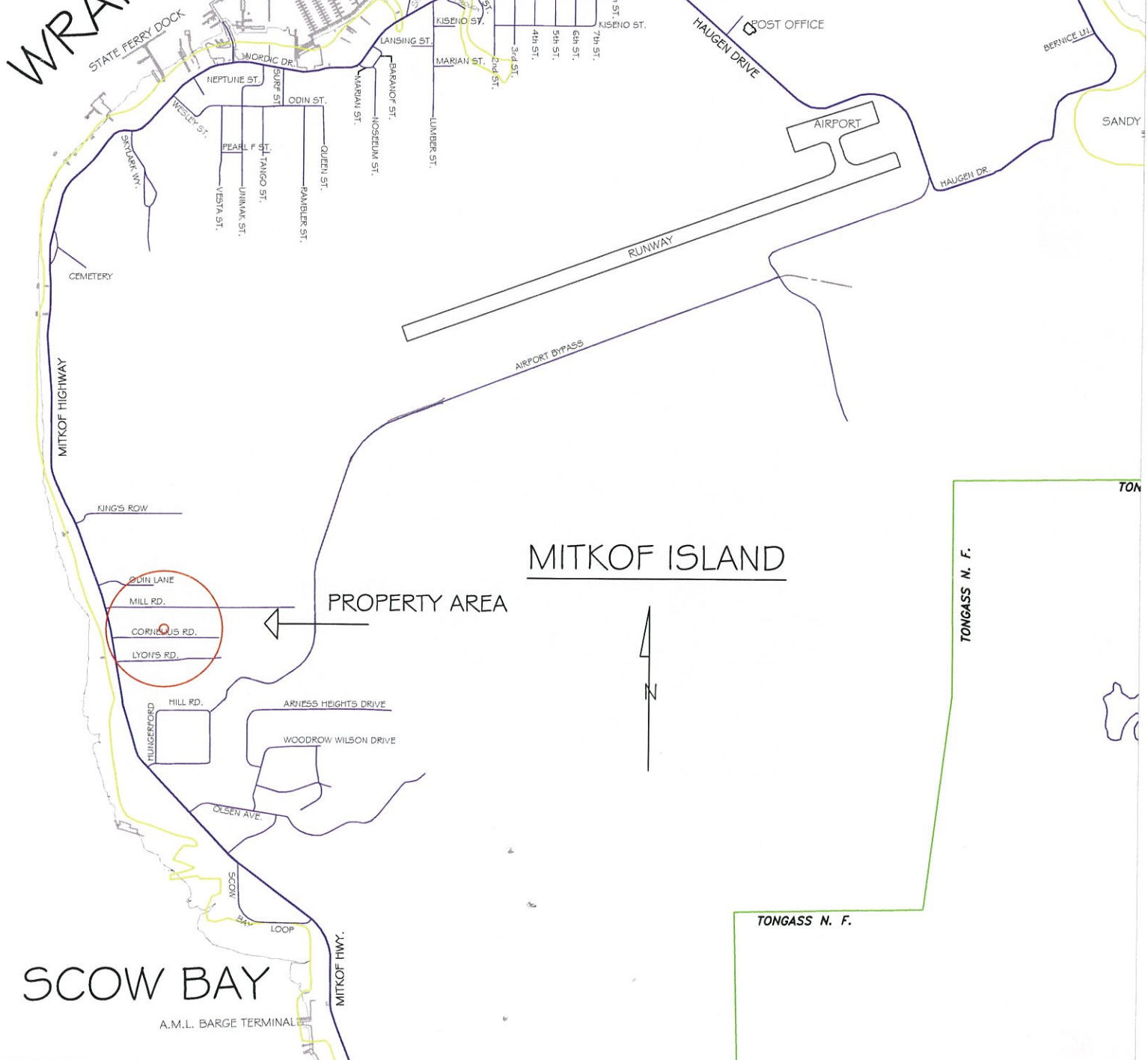
# PETERSBURG BOROUGH

1000 500 0 1000 Feet

DEPARTMENT OF COMMUNITY DEVELOPMENT

WRANGELL NARROWS

FREDERICK SOUND



SCOW BAY

A.M.L. BARGE TERMINAL



## Karen Malcom

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**From:** Pat Weaver <pemweaver@gmail.com>  
**Sent:** Wednesday, December 06, 2017 9:38 PM  
**To:** Karen Malcom  
**Subject:** Severson variance request

Dear Planning and Zoning Commission,

I am writing in regard to the Mark and Karen Severson request for a variance from the 10' side yard setback on their property located at 109 Cornelius Road.

My question is, are they applying for the same variance and conditions that were granted in 2015? If so, I have no objections, since there are conditions of snow clips, and the roof line shall be a minimum of 5' from property line.

If they are revisiting the request, wanting different conditions, such as zero lot line, then I do have concerns and objections in regard to the variance. My concerns are, as before, snow load being dumped over the fence and onto my property. There is a shed that would be affected as well as the fence and anything else that would be stored in the area, rendering it as unusable space.

I would request the same conditions of the initial approved variance:

- Snow clips installed on the roof of the structure
- The roof line shall be a minimum of 5' from the property line

Thank you for taking this into consideration when reviewing the proposed request.

Respectfully,  
Pat Weaver

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Pat Weaver  
907-518-1281 cell