

# Planning Commission Staff Report

Meeting date: February 6, 2018

**TO:** Planning Commission

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

**Subject:** Variance Application – Parcel 01-0030-075  
Roger Sampson and Cheryl Keegan

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**Recommendation:** Approve a variance from the 20' front-yard setback requirement to allow for construction of a 1,600 sf garage 5' from the property line with the following conditions:

1. Proposed building shall be kept out of the utility easement;
2. Prior to construction, proposed building location shall be reviewed by ADOT to address any concerns about location relative to highway culvert; and
3. Garage bays/doors shall be on south side of proposed building as depicted in supporting documents.



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

1. An application for variance and fees was submitted by Roger Sampson and Cheryl Keegan (applicants) submitted on January 11, 2018.
2. Applicant is requesting a variance from 20' front yard setback requirement.
3. Subject parcel is 13,012 sq. ft.
4. The zoning district for the area is single family residential. Parcels to the North, South and East are zoned single-family residential.
5. Review of application by Power & Light resulted
6. Review of application by Public Works noted some concerns that are addressed through conditions of approval.
7. Hearing notices were mailed to property owners within 600 feet of the subject parcel on January 19, 2018.
8. On February 6, 2018, a duly noticed public hearing was held by the Petersburg Planning & Zoning Commission.

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9. 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.**

The waterfront lots along this stretch of highway are quite narrow both because of expansion of the State's ROW along their front lot line and expansive tidelands on the rear portion of the lot. Further a small stream runs along the north side of the property. These circumstances make it difficult to develop the property in accordance with standard setback requirements.

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

The physical circumstances limits the available buildable area and shallow lot configuration makes development of the parcel difficult given existing setback requirements.

**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 drainage easement on the north end of his lot is a slight concern as this is a large culvert that will need to be replaced at some point in time and the garage being that close will be an issue. However, this is an ADOT culvert so it would be best to contact Barry Youngberg, local M&O Manager, to see if he has concerns.

The proposed garage encroaches on the utility easement but only by inches it seems. It would probably be cleaner if he could move his building so that his setback is right on the western easement line.

Garage bays/doors must be on south end of the building to avoid issue for highway or bike path traffic.

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**Chairman, Planning Commission**

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**Secretary, Planning Commission**

PID: 01.030.075 Date Received: 1/11/18 Received By: KM **RECEIVED**  
1/11/18  
PD. CC  
Fee \$170.00 (CODE: 110.000.404110)  
Planning Commission Public Hearing Date: 02/06/2018 Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

**FOR OFFICE USE ONLY**

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

**Applicant(s):** Roger Sampson and Cheryl Keegan.

**Description: (use additional paper if necessary)**

Legal description of the area requested for the variance: Lot 2AA of the Olson/Macdonald  
Re-subdivision II, Plat No. 87-31 (located at mile 208 of Mitkof (Highway))

Lot(s) size of the petition area: Approximately 1/4 acre.

**Lot dimensions:** Perimeter = 183'x82'x167'x73'

Existing zoning of the petition area: Residential

Current zoning requirements that cannot be met (setbacks, height, etc.): Front/Highway setback

**Application information: (use additional paper if necessary)**

Explain details of proposed development: We want to build a single-family home of  
approximately 1800 sq. ft. and a detached garage that is approximately 1600 sq.ft. that will  
house our boat and automobiles.

Explain schedule of timing of development program: We would like to start building in the  
Spring of 2018, as early as weather permits.

**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) Survey showing existing neighbors front setbacks.

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 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.

My lot 2AA is very shallow, 73' on the North end and 82' on the South end. The first 30-35' of my lot from the highway is near level. Beyond that point it sharply drops down about 15'. In order to use the property that is beyond the steep drop of the lot to build a permanent structure, would require excessive expense and permitting. I am trying to do what my neighbors have done and use the limited depth of the lot to build my home and garage without excessive expense, excessive Corp of Engineers Permits, and destroying the view of my neighbors! If I can use the portion of my lot that is closest to the highway I will be aligned with my neighbors and not need to move further out into the Narrows. There is also a power pole and cable anchor that will block the entrance to my garage unless I can place the garage closer to the highway. I have already started the process to pay to have the power pole moved. There are limitations how far the power pole can be moved. Moving the power pole may not solve the problem!

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

Both the neighbors to the North and South of my property are built very close to the highway easement. To the North of my property the structure is only 8' from the highway easement. See Survey attached. The home to the South of my property is only 1'2" from the highway easement. See Survey attached.

The closer I can get to the highway the less I will need to extend my home and garage into the Wrangell Narrows., thus the less I will impede on my neighbors' view which we all love. The fill or added pile needed to extend into the Narrows to my lot boundaries are extremely expensive! If a variance is not allowed, it will result in reducing the view my neighbors currently have.

Due to the placement of the power pole anchor located on my property, I will not be able to back my boat into my garage without a variance for the current front setback.



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.

Many homes on the Mitkof Hwy have received a variance to the front/Hwy setback. This is particularly the case since the widening of the Mitkof Hwy in the late 60's. The widening of the road made many of the water front lots on this section of the Hwy very shallow and difficult to build a residential structure due to the existing required front setbacks and the permitting required. The permitting is not always approved and can be a very lengthy process!

The granting of this variance will result in maintaining the view my neighbors currently have and placing my garage and house in close alignment to my neighbors! I am asking for a front setback of 5'. This splits the difference between the home to the North of my property (8') and the home to the South of my property (1'2").

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.

Roger Sampson Cheryl Keegan 11/11/18  
Signature of Applicant Date

\_\_\_\_\_  
Signature of the Owner(s) (If different than above) Date

\_\_\_\_\_  
Street Address

213 EAGLE DR. km  
Mailing Address

POLSON MT 59860 907-240-4473 km  
City State Zip Code Telephone







## North Neighbor

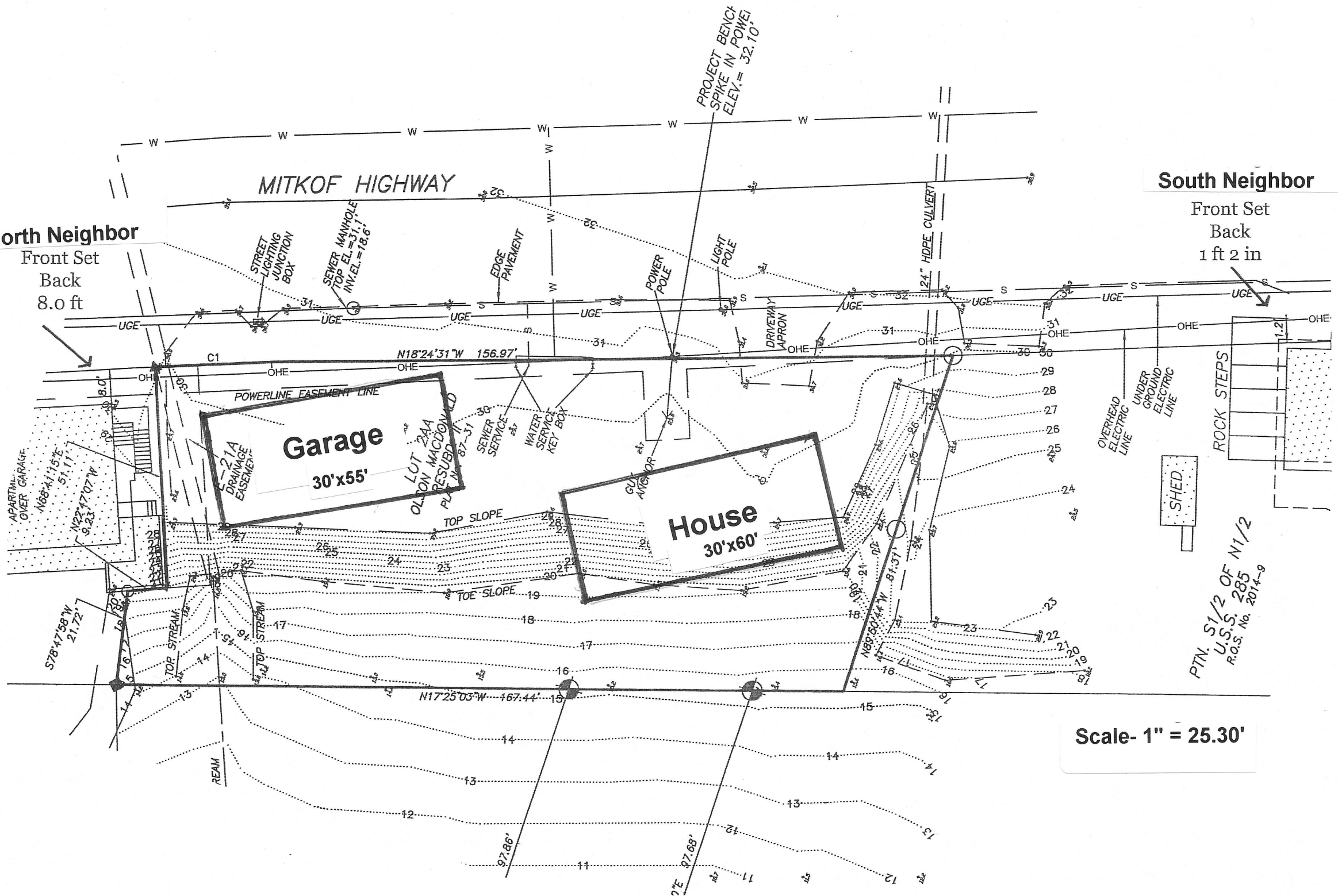
Front Set  
Back  
8.0 ft

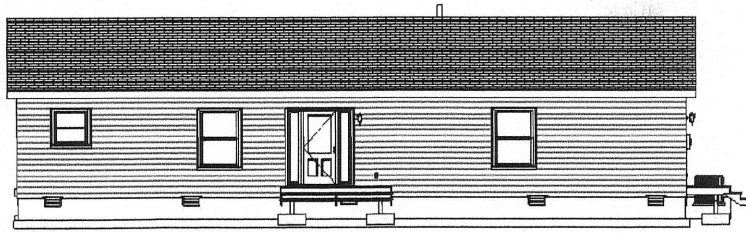
### South Neighbor

Front Set  
Back  
1 ft 2 in

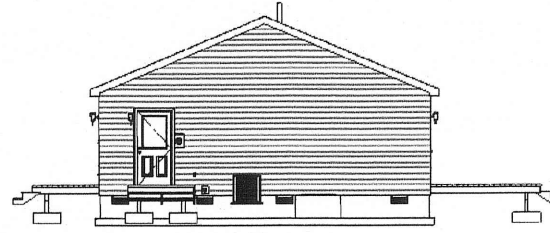
PTN. S1/2 OF N1/2  
U.S.S. 285  
R.O.S. No. 2014-9

**Scale- 1" = 25.30'**





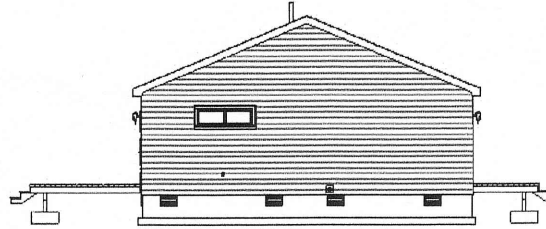
Front Elevation



Right Elevation



Rear Elevation



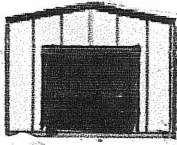
Left Elevation

## House Elevations

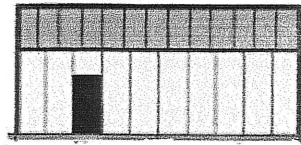
# Garage

# Elevations

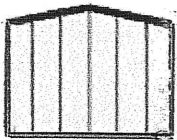
Sampson  
Garage



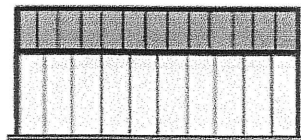
Front



Left



Rear



Right

**OLSEN - 208 MITKOF HWY**  
01-030-075



## PROPERTY AREA



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



# OLSEN - 208 MITKOF HWY

01-030-075

