

# Planning Commission Staff Report

Meeting date: August 14, 2018

**TO:** Planning Commission

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

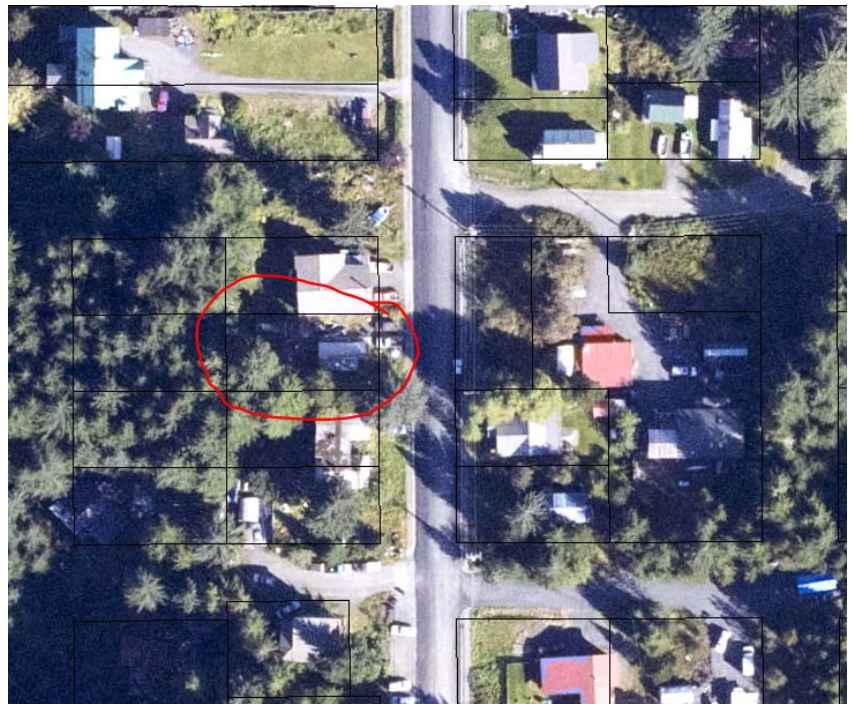
**Subject:** Variance Application – Parcel 01-011-202  
Erik and Keefer Kegel

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**Recommendation:** APPROVE a variance from the 20' rear yard and 10' side yard setback requirements at 402 Lumber St. to allow for construction of a shed and carport within 3' of the rear property line and 5' of the side property line.

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

1. An application for variance and fees was submitted by Erik and Keefer Kegel (applicant) submitted on June 26, 2018.
2. Applicant is requesting a variance from the 20' rear yard and 10' side yard setback requirements at 402 Lumber St.
3. Subject parcel is 5,000 sf. It has an existing residence and shed.
4. Maximum lot coverage allowed in the district is 35% or 1,750 sf. Existing structures comprise 760 sf. The expansion would add 240 sf for a total of 1,000sf or 20% of lot area.
5. A structure on the adjacent lot encroaches approximately 2 ft into the subject parcel.
6. The zoning district and use of the area is predominantly Single-Family Residential. Surrounding parcels are single-family residential.
7. Hearing notices were mailed to property owners within 600 feet of the subject parcel on July 27, 2018.
8. On August 14, 2018, a duly noticed public hearing was held by the Petersburg Planning & Zoning Commission.
9. At the public hearing, the Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff comments.



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**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 parcel is a legal non-conforming lot as it does not meet current minimum lot size area for the single-family residential district.

The adjacent house encroaches on the subject parcel by about 2 feet.

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

The property owner has reasonable use of the property already as evidenced by existence of a dwelling and shed. Unfortunately, the house on the adjacent lot encroaches onto the subject parcel and limits possible locations for placement of the shop/carport.

Removing the encroachment is not practical and would have an adverse impact on the neighbor's house.

**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 would not be detrimental to the public health, safety or welfare.

Maintaining a 5' setback on the side yard allows for separation to the neighboring developed property.

The rear yard setback is reduced to 3' since it is unlikely there will be any development along that back property.

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**Chairman, Planning Commission**

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**Secretary, Planning Commission**

*Kegel Property*  
*402 Lumber Street*  
*01-011-202*





***Kegel Property***  
***402 Lumber Street***  
***01-011-202***



Date Received 6/26/18 : Received By [Signature] : Fee \$170.00

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

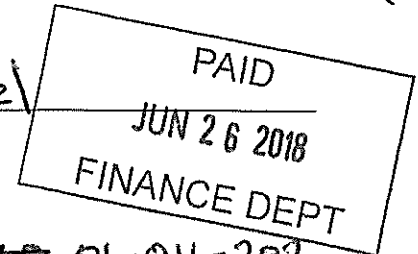
**FOR OFFICE USE ONLY**

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

For Payment use  
visa on file for  
city utilities  
EK

Applicant(s): ERIK KECEL, Keeler Kece  
PO BOX 118

Description: (use additional paper if necessary)



Legal description of the area requested for the variance: Parcel ~~12~~ 01-011-202

Lot(s) size of the petition area: 5,000 sq. ft. 60'x100'

Existing zoning of the petition area: Single family residential

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

Back Property line 20ft, North Property line 10ft

Application information: (use additional paper if necessary)

Explain details of proposed development: Build 12'x20' shop (240 sq. ft.)  
with attached 10'x20' carport.

Explain schedule of timing of development program:

As soon as variance is approved.

**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) original survey, aerial

plat, utility survey, sight plans  
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.

(CONTINUED ON OTHER SIDE)

**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.

The lot is narrow (100'x50') Existing home is centrally located on front half of property. An existing shed sits on the back southern corner. The existing structures leave the Northern back corner available for building. Due to the close proximity of the neighbors house on the north line, the proposed shop needs to be set back to avoid snowfall from neighbors roof. Existing shed necessitates placement near North Property line.

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

In order to abide by the 20' rear setback and 10' northern setback, the proposed shop/carport would be at risk of snow shed from neighbors second story roof. Setback requirements would also restrict access to existing shed. Existing house to north restricts placement.

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.

Lot #3 has no right of way and is unlikely to be utilized. Structure would not effect lot 01011203. Other than proximity, proposal has no effect on lot 01011201. Proposed structure neither restricts access to others or is detrimental to health safety, or restricts access to others. Remains house to north is on my 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.

Eda. Keyel - Keefe Jorgensen  
Signature of Applicant

6/19/18  
Date

Eda. Keyel  
Signature of the Owner(s) (if different than above)

6/19/18  
Date

402 Lumber St.  
Street Address

P.O. Box 118  
Mailing Address

Petersburg  
City

AK  
State

99833  
Zip Code

907 618 0625 ERK  
Telephone  
360 333 8890 Keefe

# PLAT OF PETERSBURG TOWNSITE ALASKA

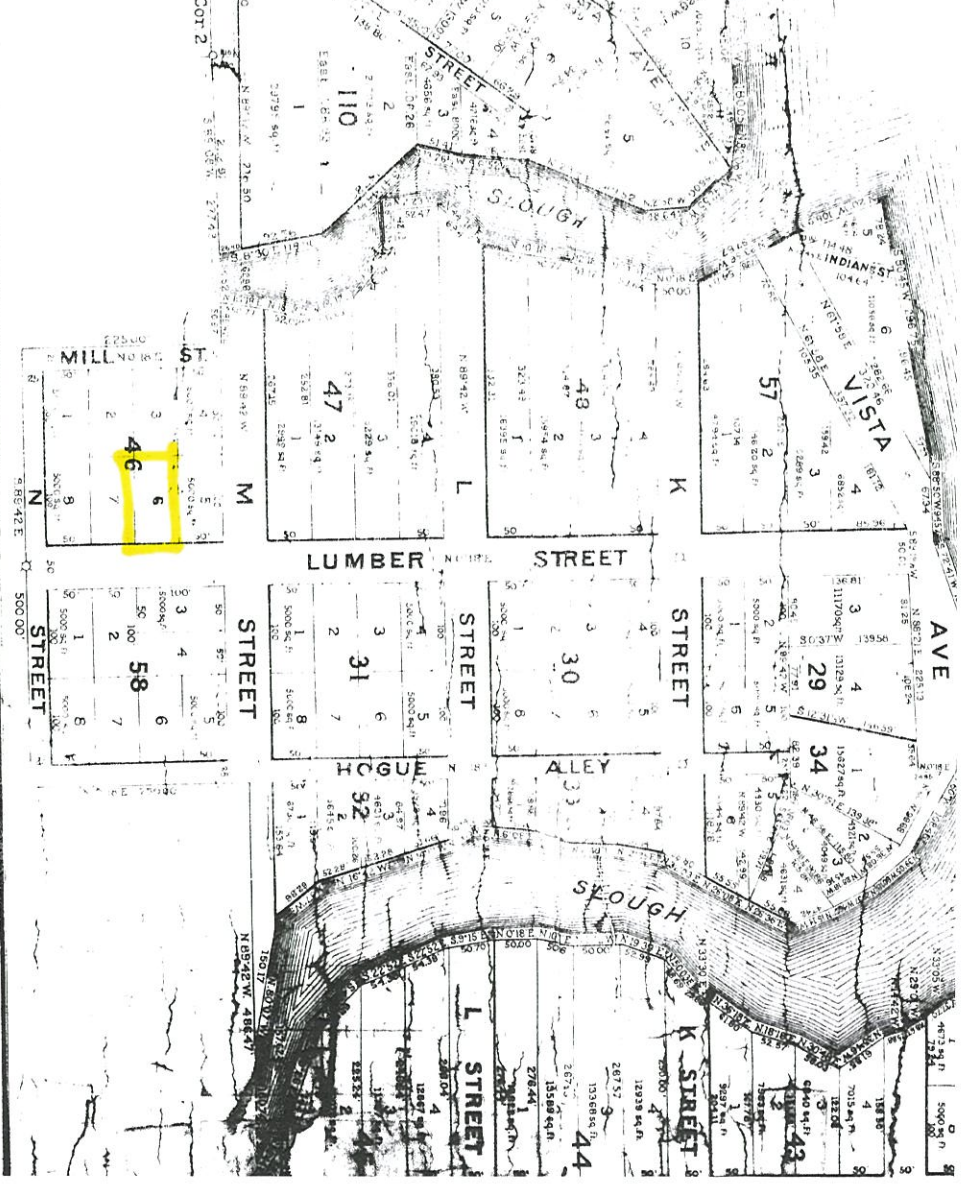
U.S. SURVEY NO 1252

Latitude: 56°49'02"N. Longitude: 132°57'26"W

AREA SUBDIVIDED 125,563 ACRES

Survey commenced May 26, 1918  
Survey completed August 31, 1918

SECTION TO SHOW DETAILS



## LEGEND

Since there are no corners marked in the plat, the bearings of the ground are located at the intersection of the streets where indicated in the plat. The point of intersection being marked by a cross on the street.

Block Corners are shown posts 3x3x30 inches.

Lot Corners are shown posts 2x2x30 inches.

AND DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE

Washington, D. C. 20540

I hereby certify that this plat of Petersburg Townsite, Alaska U.S. Survey No. 1252, as shown under special instructions dated May 22, 1918 by J. Frank Warner, U.S. Surveyor in accordance with the provisions of Act October 3, 1917 (40 Stat. 295) is strictly conformable to the field notes thereof and the plat which have been examined and approved.

Witness my hand and the seal of the Department of the Interior at Washington, D. C. this 10th day of February, 1918.

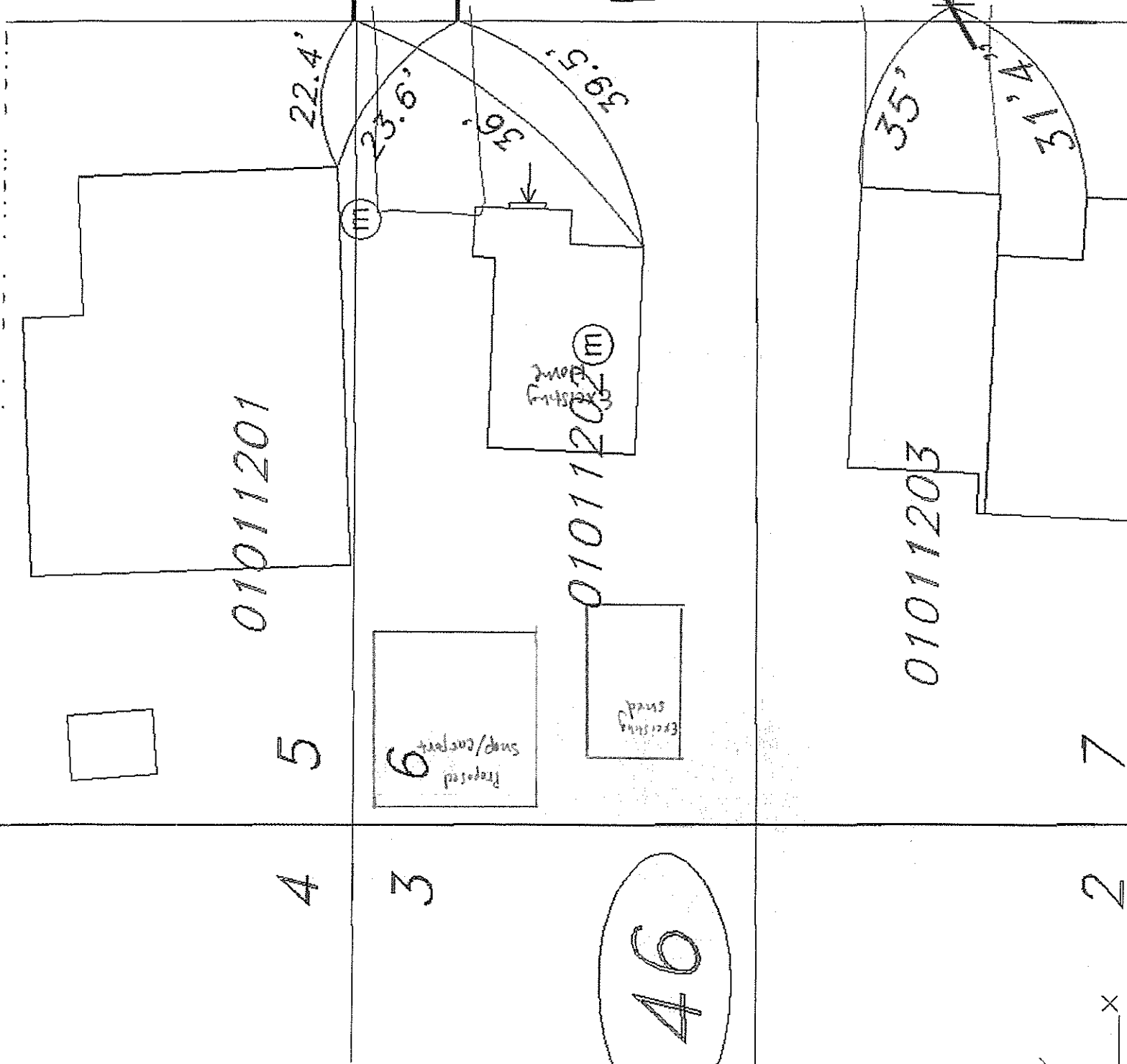
J. H. Priest, U.S. Surveyor

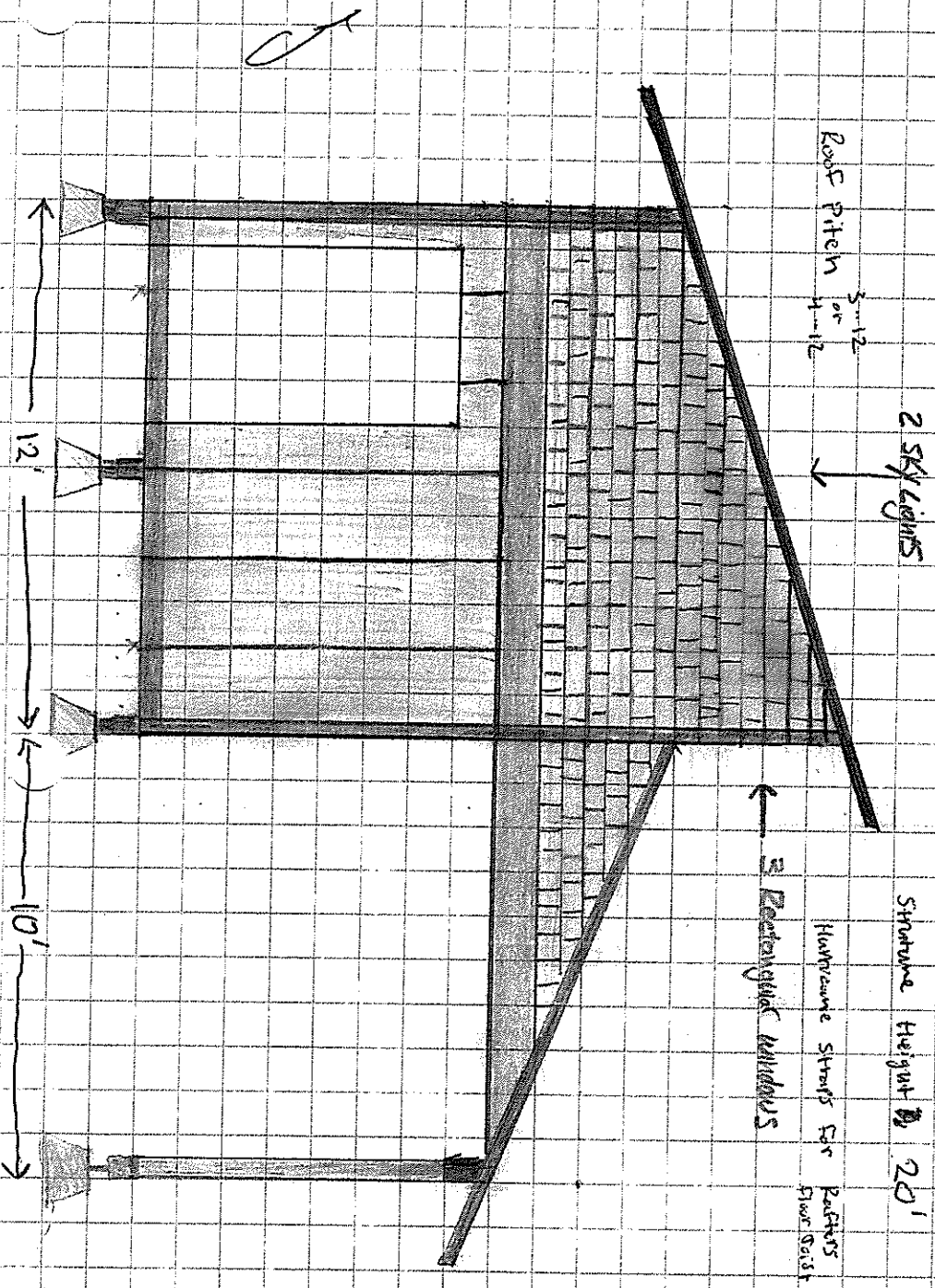




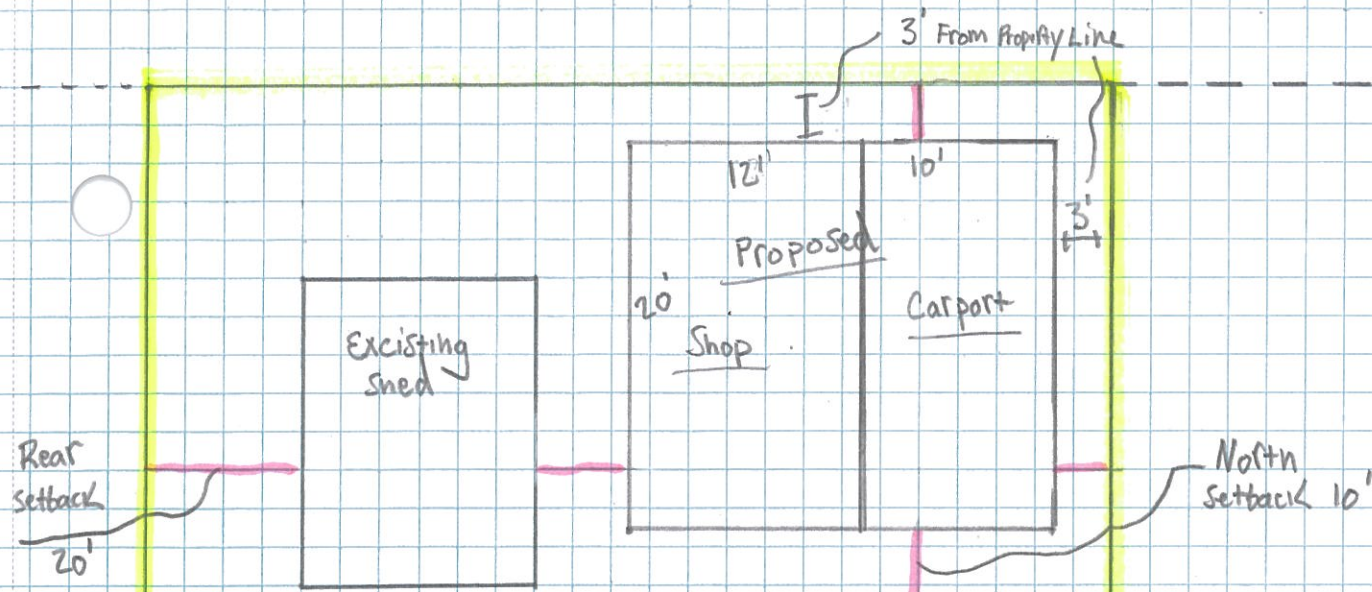


LUMBER STREET

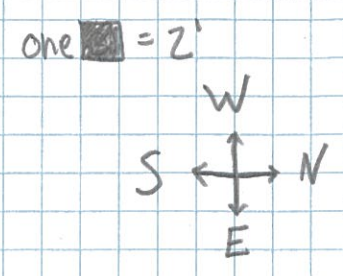








402 Lumber St.  
ERIK Kegel Res.  
Parcel 01-011-202



↓ Lumber Street