

Planning Commission Staff Report

Meeting date: November 13, 2018

TO: Planning Commission

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

Subject: Variance Application – Parcel 01-030-085
Dave & Nancy Berg

Recommendation:

Approve an application from Dave & Nancy Berg for a variance from the front-yard setback requirement for purposes of constructing a single-family home 5' from the property line at 215 Mitkof Highway (PID: 01-030-085) with the following conditions:

- Owner's responsibility to obtain a Corps of Engineers permit, if necessary, to construct on tidelands.
- Owner's responsibility to contact ADOT for approval of driveway, as needed.
- Entire structure, including all building elements, must be kept out of remaining front setback area.

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

1. An application for variance and fees was submitted by Dave & Nancy Berg (applicant) on October 23, 2018.
2. Applicant is requesting a variance from the 20' front yard setback requirements at 215 Mitkof Highway.
3. Subject parcel is 7,356 sq. ft. The zoning district for the area is single-family residential. Maximum lot coverage allowed is 35% or 2,574 sq. ft.
4. Surrounding parcels are all zoned single-family residential.
5. The variance would allow construction of a single-family dwelling 2.0' from the front yard property line.
6. Hearing notices were mailed to property owners within 600 feet of the subject parcel on October 26, 2018.
7. On November 13, 2018, 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 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.**

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The subject lot area is substandard for the single-family residential district at just 7,356 sq. ft. rather than the 8,000 sq. ft. minimum required. The lot is considered a nonconforming lot.

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. 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 limit the available buildable area and shallow lot and sloping terrain makes development of the parcel difficult given existing setback requirements.

The existing warehouse on the lot is approximately 7' from the property line.

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.

According to the application, the 10' side yard setbacks remain in place. There is no rear yard setback requirement.

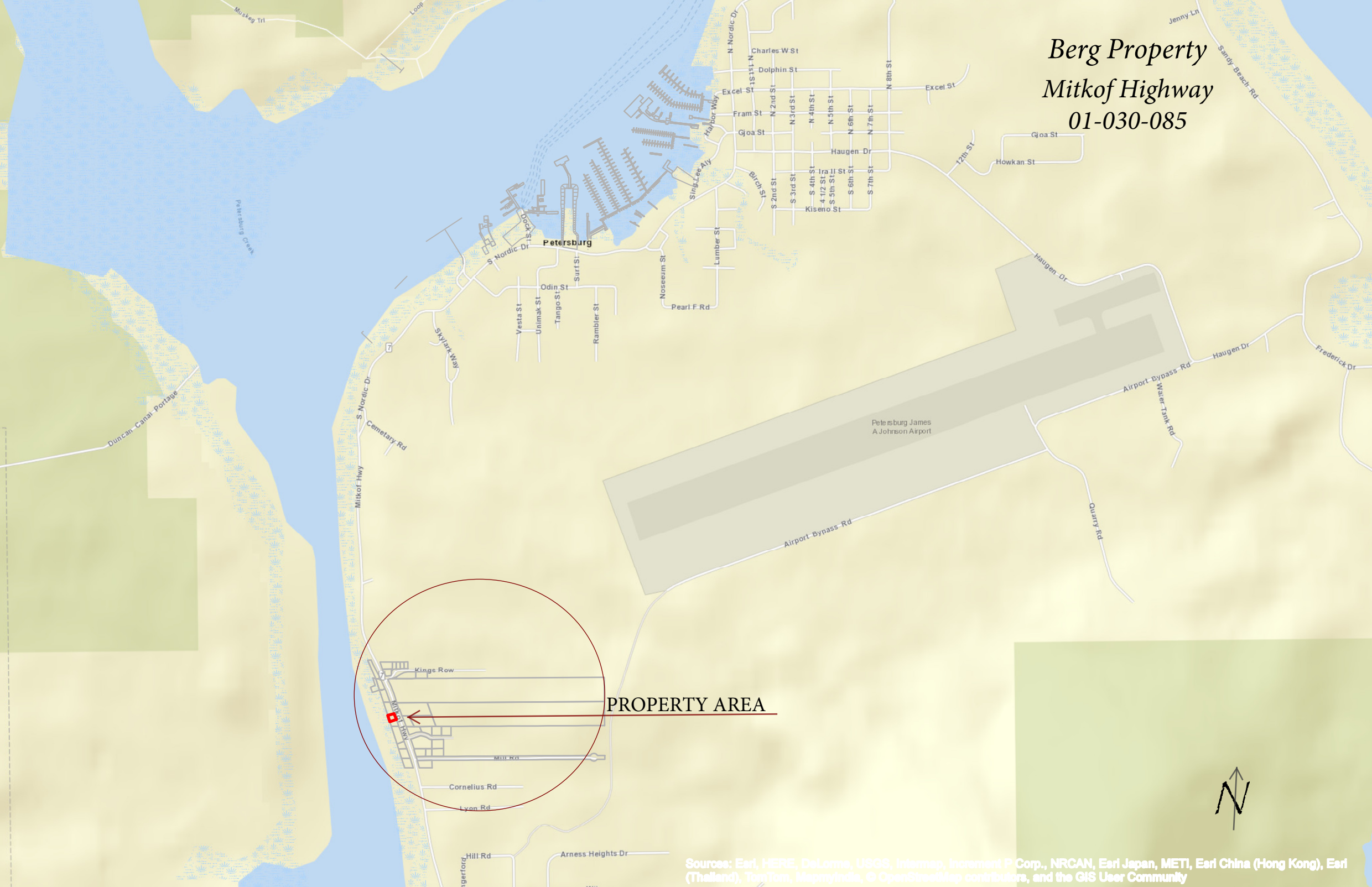
With the structure so close to the bike path along the front property line, all building elements, i.e. eaves, decks, porches, need to be kept out of the remaining front setback area.

Staff recommends retaining a 5' required setback to allow for clear line of site from the dwelling garage/driveway onto the bike path and roadway.

Chair, Planning Commission

Secretary, Planning Commission

Berg Property
Mitkof Highway
01-030-085



PROPERTY AREA



Berg Property
214 Mitkof Highway
01-030-085



01-030-085

PID: _____ Date Received: 10/23/18 Received By: [Signature]

Fee \$170.00 (CODE: 110.000.404110)

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

PAID
OCT 23 2018
FINANCE DEPT

Applicant(s): Nancy and David Berg

Description: (use additional paper if necessary) Variance for Setback from Mitkof Highway, new construction of a Single Family Home

Legal description of the area requested for the variance: Lot A, Erickson Subdivision, Plat 84-1 located at 214 S Mitkof Highway, Petersburg

Lot(s) size of the petition area: 7,095 sq ft

Existing zoning of the petition area: Single Family

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

Setback from highway (street front side of lot)

Application information: (use additional paper if necessary)

Applicants wish to build a two-story single-family residence with a daylight basement within two feet of the existing property line along the street right-of-way. The new home will be in the location of the present building labeled "house" (an old airplane hanger) on the plat. Approximate dimensions of the proposed foundation are 58' x 35' (2,030 sq. ft.) The proposed new structure footprint is marked in RED. Side set-backs will each be within existing code at 10'. Applicants wish to minimize street set back along the Highway right-of-way to align with existing structures along this immediate section of road.

More importantly, building the house in this location will lessen the impact of the view from neighboring properties, both North and South, of the Wrangell Narrows. Keeping with the standard setback regulations would put the house deeper on the lot (towards the water) and impact neighbors located both North and South of the property.

Explain schedule of timing of development program:

Applicants plan to build the residence sometime in 2019 or as soon as practical

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.

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.

Houses along this stretch of road are built very close to the street-side property line as a result of an extra-wide street/highway right-of-way. This is a result of the street being widened sometime in the past, after the existing homes along this road were built. In addition, the elevation drops off dramatically, as pictured in the elevation drawing. Keeping the structure near the property line will reduce the fill necessary for access to the structure for parking and entrance.

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

If we were to observe the 20' front-property set-back rule, the new building would be 20' closer to the water. It would partially block the view of the Narrows from neighbors to the North and South.

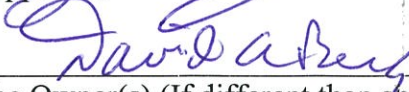
3. State why the granting of the variance will not result in material damage or hardship or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

Existing homes on either side of the subject property along this portion of the roadway are already built close to the property lines, within two feet of the property lines. We would like to build along this same line. The existing roadway is separated from the properties by a bike-path and safety lane.

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.


Signature of Applicant

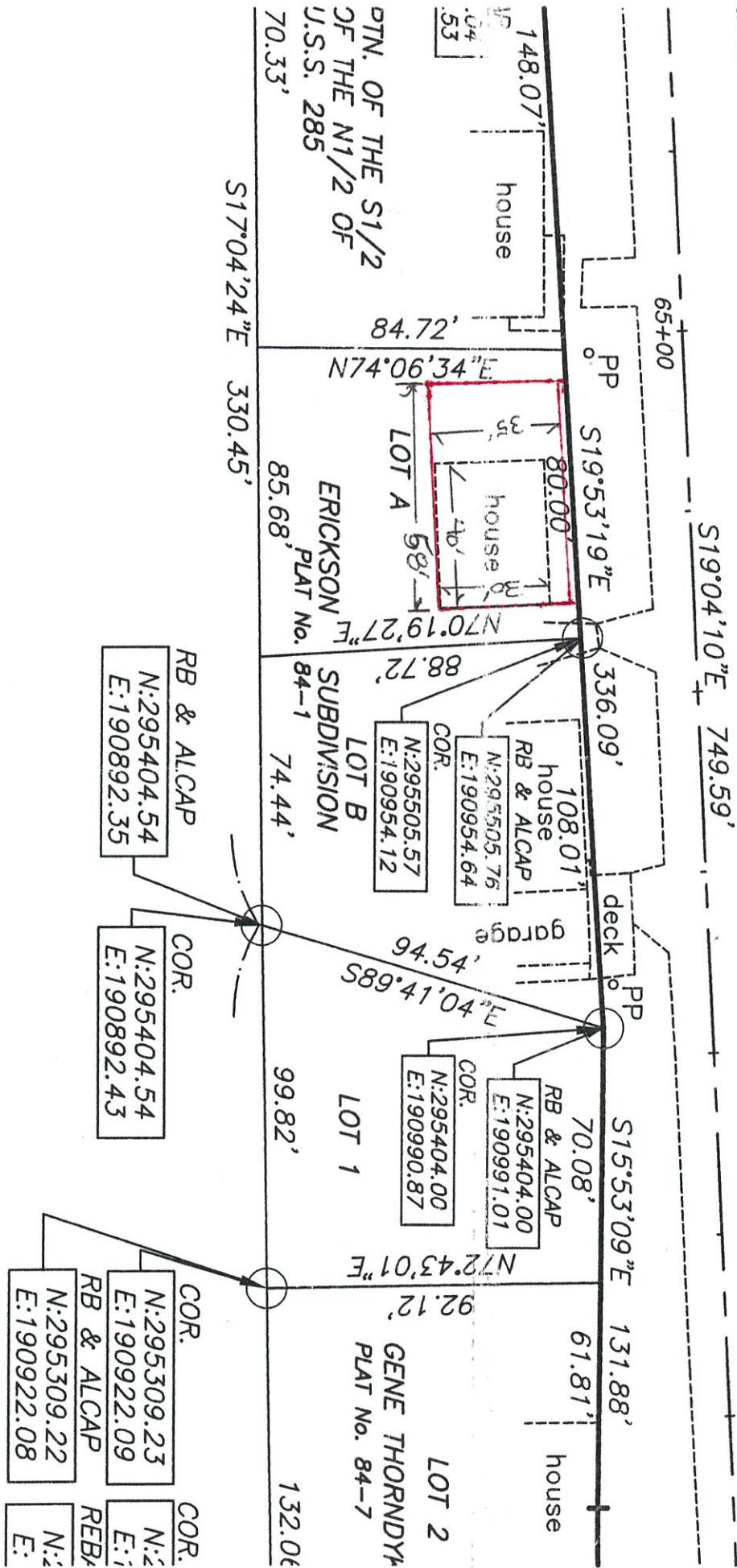
OCT. 23 '18
Date


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

OCT 23 2018
Date

214 S. Mitkof Highway
Petersburg, AK 99833-1435

PO Box 1435
Dave: 907 518 1199; Nancy: 907 518 1098



Esler, David + Nancy
214 Nittok Hwy - Elevations

