

# 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 01-004-116**  
**Ty Peterson**

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## RECOMMENDATIONS:

**DENY** variance from front yard setback requirement

**DENY** variance from maximum fence height

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

1. An application for variance and fees was submitted by Ty Peterson (applicant) on October 19, 2018.
2. Applicant is requesting variances:
  - a) from the front-yard setback requirement for purposes of constructing a 1,600 sf garage 10' from the property line
  - b) from the maximum fence height requirement for purposes of constructing a 16' fence along 37' of the side yard
3. Subject parcel is 16,585 sq. ft. The zoning district for the area is single-family residential. Maximum lot coverage allowed is 35% or 5,804 sq. ft.
4. Surrounding parcels are all zoned single-family residential. Surrounding area is well-developed residential.
5. Subject parcel has an existing 2,400 sf residence.
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.
  - a. Comment from Don Koenigs
  - b. Comment from John Hoag



**Based on the preceding findings of fact, the Petersburg Planning & Zoning Commission**

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Meeting date: November 13, 2018

**makes the following determinations:**

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

Variance a. The Sandy Beach ROW along the subject property is extremely wide making the buildable area on these lots relatively shallow without placing additional fill onto the beach tidelands.

Variance b. The physical condition identified in the application is a steep slope along the side property line separating the applicant's home from the neighboring property.

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

Variance a. Despite the size of the right-of-way, there is ample space in front of the home to construct a sizable garage. The applicant could meet the setback requirement by reducing the width of the proposed garage to 37'. This still allows for a generous garage of 1,200 sf.

Variance b. The applicant is seeking a variance to construct a 16' tall private fence; this is over 2 times the maximum fence height allowed in the district. The applicant could pursue other alternatives that are more in keeping with the character of the neighborhood to achieve the same result, such as planting vegetation to provide screening or constructing a shorter privacy fence closer to the their own residence that would require no variance or a minimal variance from the fence height requirement.

**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.**

Variance a. The variance would not be detrimental to fire or safety standards, traffic, clear visions areas, and health and safety standards for air or water quality. Even with the variance, the proposed structure would sit 52' from the edge of the roadway.

Variance b. Granting a variance to construct a 16'h privacy fence along the side property line would have a number of negative effect on the adjoining properties including limiting site views down the beach from both directions and from the roadway. The proposed privacy fence is inconsistent with the character of the neighborhood, which generally preserves open views to the water and relies primarily on vegetation to provide natural screening. The variance would not be detrimental to fire or safety standards, traffic, clear visions areas, and health and safety standards for air or water quality.

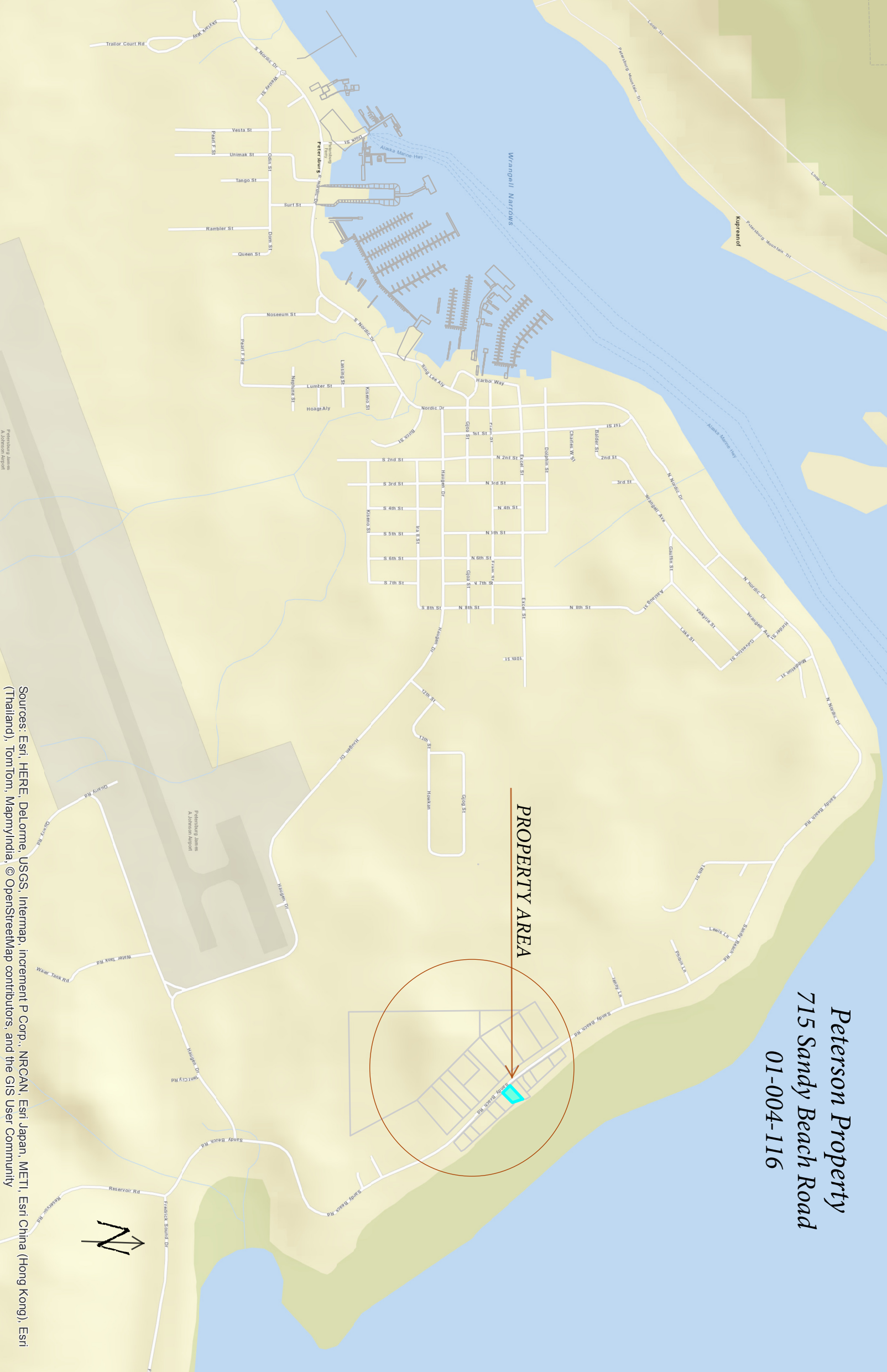
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Chair, Planning Commission

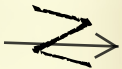
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Secretary, Planning Commission

Peterson Property  
715 Sandy Beach Road  
01-004-116



PROPERTY AREA



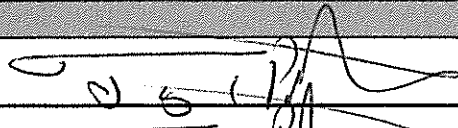
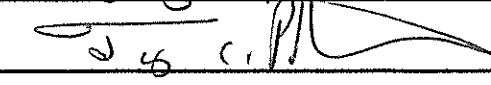
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

*Peterson Property*  
715 Sandy Beach Road  
01-004-116



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCoast, IGN,  
Carteblanc, Swisstopo, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox India, © OpenStreetMap  
contributors, and the GIS User Community



<b>PETERSBURG BOROUGH LAND USE APPLICATION</b>		<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">PAID</div>		
		<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">OCT 19 2018</div>		
		<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">FINANCE DEPT</div>		
		CODE TO:	110.000.404110	
		BASE FEE:		
		PUBLIC NOTICE FEE:	\$70.00	
		<b>TOTAL:</b>		
DATE RECEIVED:		RECEIVED BY:		CHECK NO. or CC:
APPLICANT/AGENT			LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)	
NAME TY C. PETERSON			NAME	
MAILING ADDRESS P.O. BOX 216			MAILING ADDRESS	
CITY/STATE/ZIP PETERSBURG AK 99833			CITY/STATE/ZIP	
PHONE (907) 772-2177 (H) (907) 518-1655 (C)			PHONE	
EMAIL TYFLYS@YAHOO.COM			EMAIL	
PROPERTY INFORMATION				
PHYSICAL ADDRESS or LEGAL DESCRIPTION: 715 SANDY BEACH RD PLAT 2005-15 LOT 1B				
PARCEL ID:		ZONE: Rural Residential SINGLE FAMILY		OVERLAY: Not Applicable
CURRENT USE OF PROPERTY: HOME (SINGLE FAMILY)			LOT SIZE: 16,585 SQ FT	
PROPOSED USE OF PROPERTY (IF DIFFERENT):				
SEPTIC SYSTEM: Is there a septic system on the property? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
What is current or planned system? <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> DEC-approved on-site system				
WATER SOURCE: <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well				
LEGAL ACCESS TO LOT(S) (Street Name): SANDY BEACH RD				
TYPE OF APPLICATION & BASE FEE				
<input checked="" type="checkbox"/> 19.80 Variance (\$100).				
<input type="checkbox"/> 19.72 Conditional Use Permit (\$50).				
<input type="checkbox"/> 19.72 Home Occupation CUP (\$50)				
<input type="checkbox"/> 19.76 Special Use Permit (\$50)				
<input type="checkbox"/> 19.84 Zoning Change (\$100)				
<input type="checkbox"/> 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)				
<input type="checkbox"/> 18.20 Minor Subdivision/18.24 Preliminary Plat (\$75 + \$10 per lot)				
<input type="checkbox"/> 18.24 Final Plat (\$25 per lot)				
SUBMITTALS:				
Please submit additional information as required for specific permit. See specific application for more information.				
SIGNATURE(S):				
Applicant(s): 			Date: 10/11/18	
Owner(s): 			Date: 10/11/18	
			Date:	

**19.80 VARIANCE APPLICATION**  
(SUBMIT WITH LAND USE APPLICATION & SITE PLAN)

Applicant(s): TY C. PETERSON

Address or PID: 715 SANDY BEACH RD

**Variance Requested:**

☒ Setback Requirement

☐ Building Height

☐ Other:

☐ Max. Lot Coverage

☐ Fence Height

**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. What is the exceptional physical circumstance or condition affecting this property?

☐ Substandard Lot Area

☒ Easements/ROW

☐ Stream/Drainage

☐ Steep/Unstable Slope

☐ Odd Lot Shape

☐ Nonconforming Structure

☐ OTHER (Please Specify): THE HOME WAS BUILT IN 1970 PRIOR TO SANDY BEACH ROAD BEING PART OF A STATE HIGHWAY. THE CURRENT RIGHT OF WAY HAS THE PROPERTY LINE 42 FEET FROM THE EDGE OF THE PAVEMENT AND 58 FEET FROM THE CENTERLINE OF THE ROAD.

2. 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 VARIANCE IS NEEDED TO ADD A GARAGE BIG ENOUGH TO STORE SEVERAL VEHICLES. DUE TO THE SIZE OF THE LOT AND THE LOCATION OF THE HOME, IT IS IMPOSSIBLE TO BUILD IT BEHIND THE HOUSE. ALSO THE HOME WAS BUILT BEFORE THE HIGHWAY WAS PUT IN AND THE 20 FOOT SET BACK CODE WAS ESTABLISHED.

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

DUE TO THE LOCATION OF THE HOME AND THE SIZE OF THE LOT, GRANTING THE VARIANCE IS THE BEST WAY TO TIE THE GARAGE IN WITH THE HOME AESTHETICALLY. PLACING THE GARAGE BEHIND THE HOME IS IMPOSSIBLE. PLACING A STAND ALONE GARAGE IN FRONT OF THE HOME WOULD MAKE THE PROPERTY LOOK COMMERCIAL IN A RESIDENTIAL ZONE.

4. 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.

BY GRANTING THE VARIANCE THE ATTACHED GARAGE WILL BE MORE AESTHETICALLY PLEASING FROM THE ROAD SIDE. ALSO THE EXTREMELY WIDE RIGHT OF WAY FOR SANDY BEACH RD WILL HAVE THE GARAGE MORE THAN 50 FEET FROM THE PAVEMENT WITH THE VARIANCE. THIS IS MUCH FURTHER BACK THAN MOST HOMES ON NORDIC DRIVE, ALSO A PART OF THE HIGHWAY.

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☒ Steep/Unstable Slope      ☐ Odd Lot Shape      ☐ Nonconforming Structure  
☐ OTHER (Please Specify): THE HOME BUILT NEXT DOOR IS ON A GRAVEL PAD 9 FEET ABOVE THE GRADE OF MY YARD. A 6 FOOT TALL PRIVACY FENCE ON MY PROPERTY WOULD BE USELESS

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THE LOT NEXT DOOR HAS A GRAVEL PAD THE IS 9 FEET ABOVE THE GRADE OF MY LOT, ALSO THE HOME BEING BUILT IS PUSHED OUT MUCH FARTHER THAN THE REST OF THE HOMES ALONG SANDY BEACH ROAD.

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DUE TO ELEVATION OF THE PAD AND HOME NEXT DOOR A 6 FOOT PRIVACY FENCE WOULD BE USELESS. A VARIANCE FOR 15 FEET IS REQUIRED FOR A PRIVACY FENCE TO BE EFFECTIVE. IF I RAISED MY PROPERTY WITH FILL 9 FEET I WOULD HAVE DRAINAGE ISSUES BECAUSE IT WOULD CAUSE WATER TO RUN TOWARDS MY HOME INSTEAD OF AWAY.

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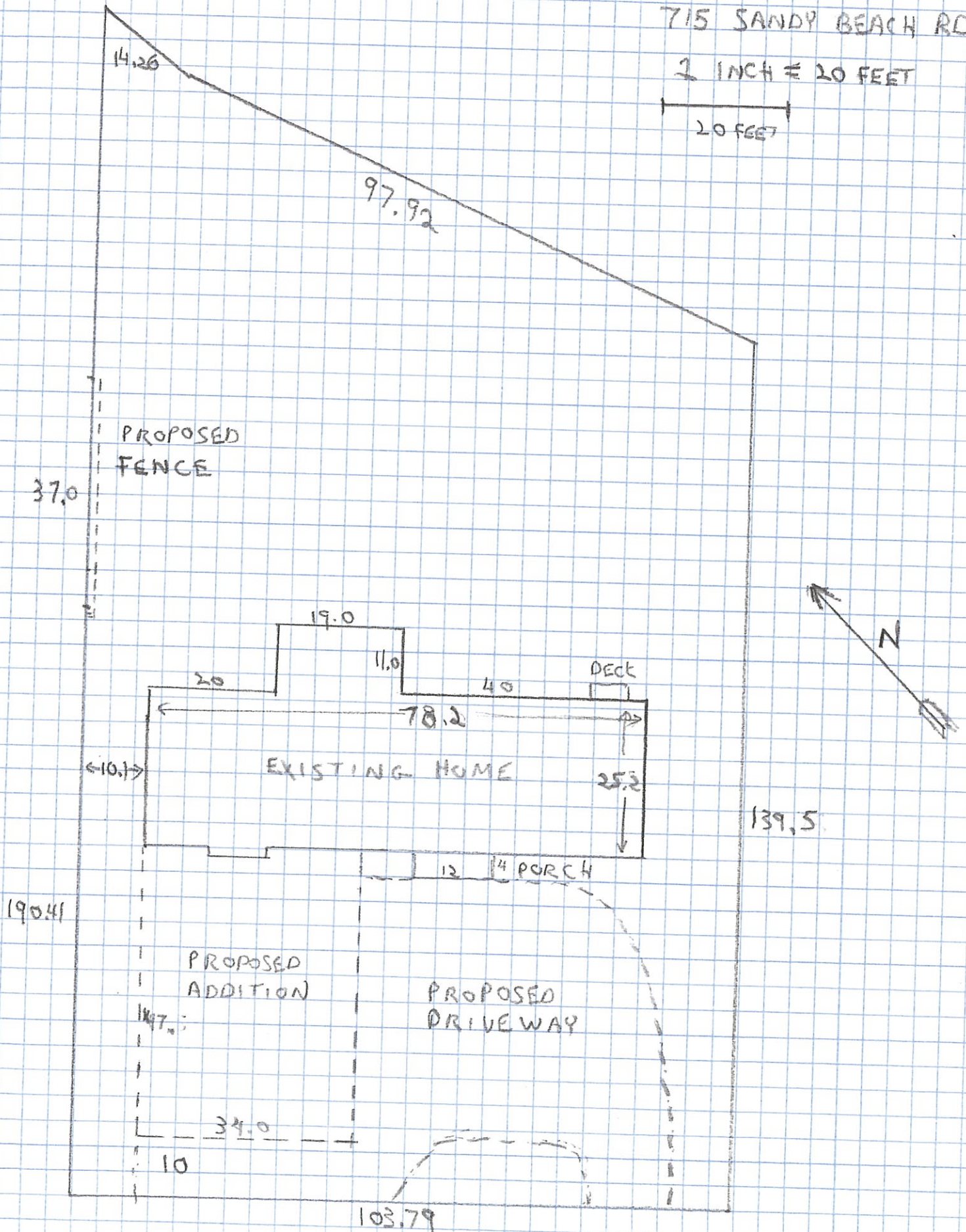
THE VARIANCE WOULD NOT EFFECT SAFETY IN ANYWAY. IT WOULD ALSO ADD PRIVACY FOR SEVERAL OF MY NEIGHBORS TO THE SOUTH.





TY PETERSON  
715 SANDY BEACH RD  
1 INCH = 20 FEET

20 FEET





01004116

Plat 2005-15

Lot 1B.

50'

CURRENT  
DRIVEWAY

49.5'

138'

232'

192'

317'

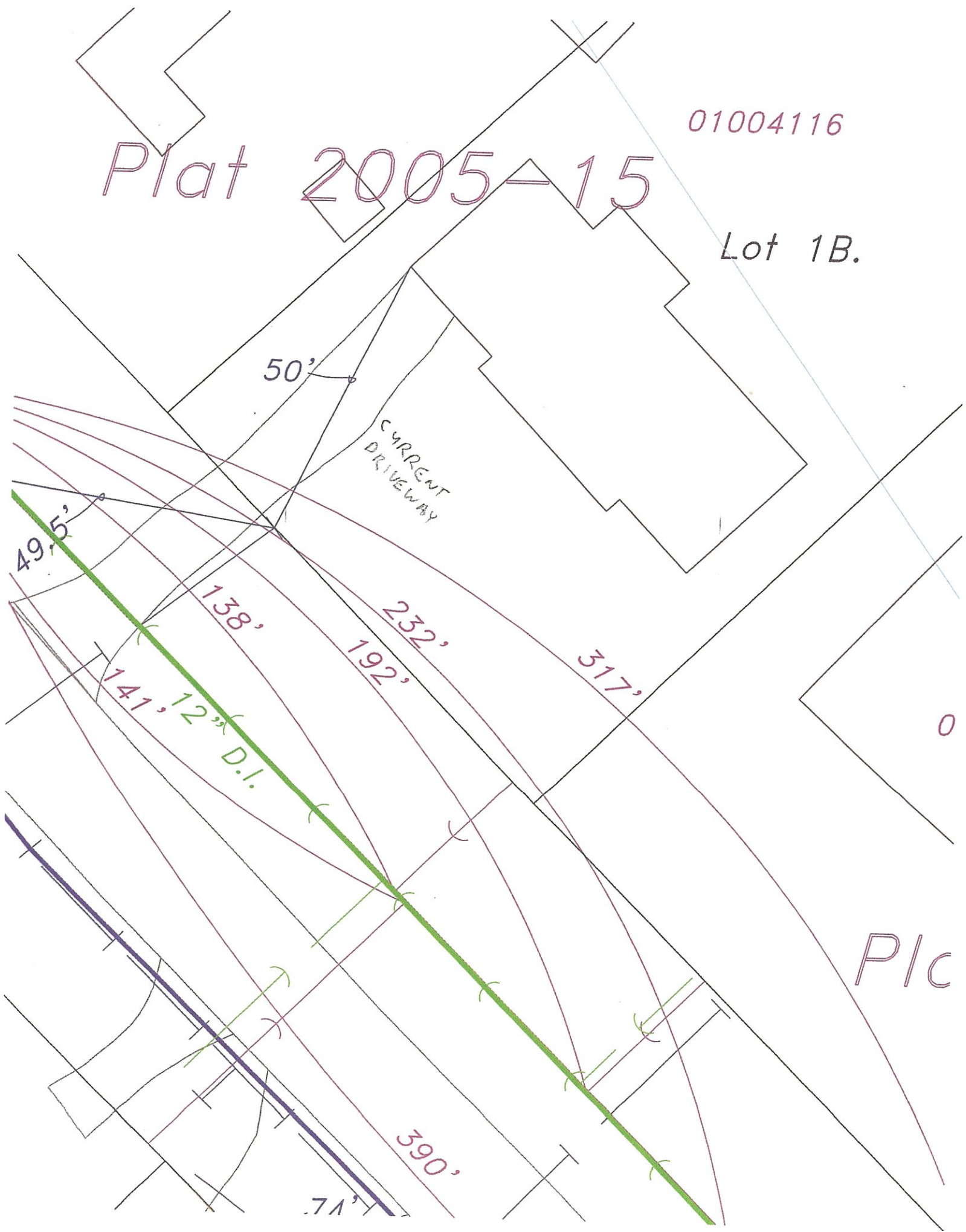
141.12' D.I.

0

P/c

390'

71'





From: **Jessica Peterson** jesspeterson77@yahoo.com  
Subject: House  
Date: October 18, 2018 at 10:50 AM  
To: 77jesspeterson@gmail.com

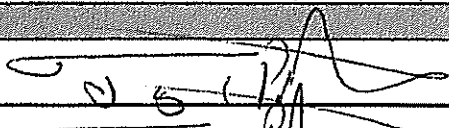
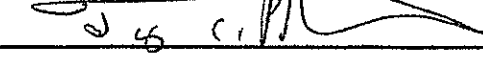
JP





# KOENIGS COMMENTS

10/28/18

<b>PAID</b>		<b>OCT 19 2018</b>		<b>FINANCE DEPT</b>	
<b>PETERSBURG BOROUGH LAND USE APPLICATION</b>			CODE TO:	<b>110.000.404110</b>	
			BASE FEE:		
			PUBLIC NOTICE FEE:	\$70.00	
			TOTAL:		
DATE RECEIVED:		RECEIVED BY:		CHECK NO. or CC:	
<b>APPLICANT/AGENT</b>			<b>LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)</b>		
NAME <b>TY C. PETERSON</b>			NAME		
MAILING ADDRESS <b>P.O. Box 216</b>			MAILING ADDRESS		
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## KOENIGS COMMENTS

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☐ Building Height

☐ Other:

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☐ Fence Height

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*Not a good reason for not adhering to the 20' setback today*

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not so! Look at Picture

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Neighbor fully used his lot - Front of house one about in line. Water side extends 20+ feet further towards water!

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

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Petitioner foundation about 2.5' below neighbors.

4. 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.

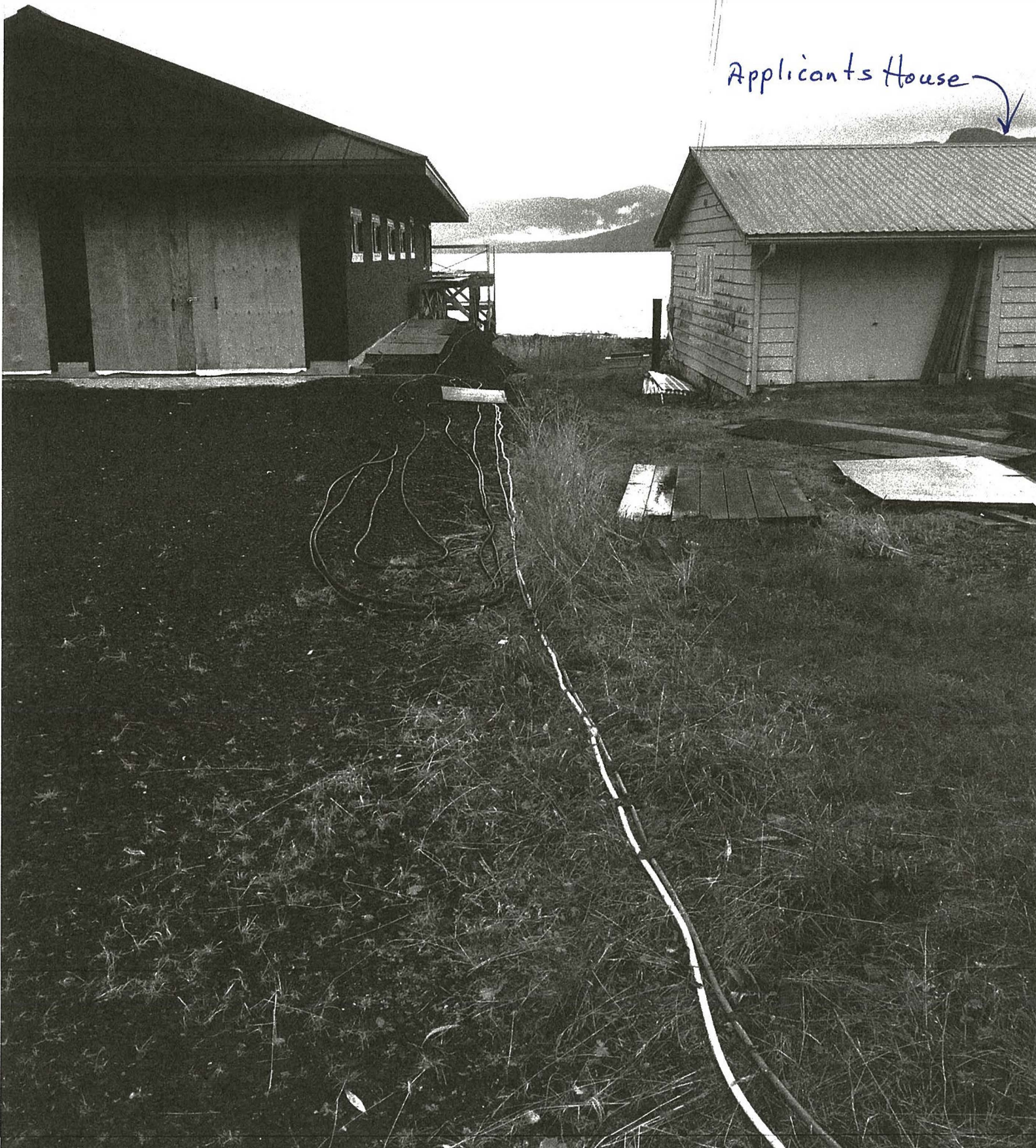
THE VARIANCE WOULD NOT EFFECT SAFETY IN ANYWAY. IT WOULD ALSO ADD PRIVACY FOR SEVERAL OF MY NEIGHBORS TO THE SOUTH.

Privacy issue could also be resolved by installing curtains or blinds on windows. If the fence blocks the neighbors view can



KOENIGS COMMENTS

Applicants House





# KOENIGS COMMENTS





719 Sandy Beach Rd.  
Petersburg AK 99833  
October 30, 2018

Petersburg Planning Commission  
Petersburg Borough  
Via e mail

Re: applications of Ty Peterson

Dear Folks,

Ty has two applications each with different considerations.

First, his request to construct a 16' fence. This should be granted. His "neighbor" has taken years and has yet to finish a building that is a neighborhood eyesore. It dwarfs the houses closest to it, and its height due to the rock pad that was built up destroys the privacy of those homes.

Second, his request to have a variance from the front yard setback requirement raises an issue for all of us who reside on Sandy Beach Road, namely that the 60' set back makes no sense because Sandy Beach is no longer a state highway. I would urge that his request be granted as part of a decision to change the requirement for all Sandy Beach residents.

Thank you for your consideration of these issues.

Sincerely,



John Hoag

Cc: Ty Peterson via e mail