

**City and Borough of Sitka  
PLANNING AND ZONING COMMISSION  
Minutes of Meeting  
May 1, 2007**

**Present:** Don Alexander, Brian McNitt, Larry Crews, Jeremy Twaddle, Planning Director Wells Williams, Planner Sara Russell and Secretary Maria Finkenbinder

**Members of the Public:** Lance and Anne Stephenson, Doug Campbell (teleconference), Scott Lang, Ron Bellows, Denton Pearson, Jay Stelzenmuller, Joe D'Arienzo, Walt Pasternak, Joe Mudry, Wade Parrish, Andy Miller (Sentinel).

Chair Alexander called the meeting to order at 7:00 pm.

**Consideration of Minutes from the April 17<sup>th</sup>, 2007 meeting:**

Ms. Russell said that the minutes need to be amended. On page 3 of 6, the action on the motion to adopt the findings in the denial of the request should read as "Motion **PASSED 4-0** on a voice vote."

**MOTION: M/S McNitt/Crews** moved to approve the minutes from the April 17<sup>th</sup>, 2007 meeting, as amended.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

Mr. Williams pointed out that the Commission packet has been enhanced with blue pages that contain the required findings for variances and conditional use permits. It also includes a summary of planning regulations and procedures. He requested the members to keep in mind the required findings when making a determination on the merits of a request.

**The evening's business:**

**MINOR SUBDIVISION – FINAL PLAT  
TO CREATE THREE PARCELS  
RANDY HITCHCOCK, PETER WEILAND, AND DAN EVANS  
320 AND 324 WACHUSETTS STREET**

*Public hearing and consideration of a final plat for a minor subdivision at 320 and 324 Wachusetts Street to create three parcels. This request is filed by Randy Hitchcock, Peter Weiland, and Dan Evans. The property is also known as Lots 3 and 4, Block 17 of the NW addition.*

Mr. Williams told the Board that there are no changes to the plat since the last meeting. The only question that was left unanswered was about Peterson Creek, if it is an androgynous fish stream. He said that Alaska Dept. of Fish and Game requires 20 to 25 feet streamside setback. A note about the required streamside setback will be added on the building permit for any structure to be built on the three parcels.

**MOTION: M/S McNitt/Crews** moved to approve the final plat for a minor subdivision at 320 and 324 Wachusetts Street to create three parcels. This request is filed by Randy Hitchcock, Peter Weiland, and Dan Evans. The property is also known as Lots 3 and 4, Block 17 of the NW addition.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

This takes effect as soon as the plat is recorded.

**DOUBLE VARIANCE REQUEST  
(1) REDUCTION OF FRONT SETBACK  
FACING HOLLYWOOD WAY TO 15 FEET  
(2) REDUCTION OF REAR SETBACK TO 4 FEET  
FOR CONSTRUCTION OF A GARAGE WITH APARTMENT  
LANCE STEPHENSON  
MARTIN AND MARCIA STRAND, OWNERS OF RECORD  
407 SAWMILL CREEK ROAD**

*Public hearing and consideration of a double variance request filed by Lance Stephenson for 407 Sawmill Creek Road to (1) reduce the front setback facing Hollywood Way to 15 feet, and (2) reduce the rear setback to 4 feet for construction of a garage with apartment. The property is also known as Lot 10-11B Block 19 USS 1474, Tract "A". Owners of record are Martin and Marcia Strand.*

Mr. Williams described the parcel as being very small and on the corner of Sawmill Creek Road and Hollywood Way which requires 20-foot front setbacks off the two right of ways. The parcel contains an older house that is in a state of considerable disrepair. The Stephensons have an agreement with the Strands to purchase the property contingent upon approval of the variance.

Mr. Stephenson told the Board that they have a house on an island and would only be using the apartment on top of the garage during winter months when commuting to the island is difficult. The driveway will be off Hollywood Way as they plan to keep the Sawmill Creek Road setback and landscape it.

Asked by Mr. Twaddle if they have spoken with their neighbor on 409 Sawmill Creek Road, the applicants said that they did and the neighbors don't have a problem with the rear setback.

**MOTION:** **M/S Crews/McNitt** moved to approve a double variance request filed by Lance Stephenson for 407 Sawmill Creek Road to (1) reduce the front setback facing Hollywood Way to 15 feet, and (2) reduce the rear setback to 4 feet for construction of a garage with apartment. The property is also known as Lot 10-11B Block 19 USS 1474, Tract "A". Owners of record are Martin and Marcia Strand.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

**MOTION:** **M/S McNitt/Crews** moved to adopt the following findings in the approval of the request:

- (1) That there are special circumstances to the intended use that do not apply generally to the other properties such as the small size of the lot and the dual front setbacks;
- (2) The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel;
- (3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure as evidenced by the fact that there is concerted effort to maintain the setback from a major roadway such as Sawmill Creek Road; and
- (4) That the granting of the variance will further the goal of rehabilitating old neighborhoods embodied in the Comprehensive Plan.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

**ZONING MAP AMENDMENT  
REZONE LOT 3, US SURVEY 3695 AND  
PORTION OF LOT 1-A, US SURVEY 3858  
FROM P (PUBLIC) TO C-1 (GENERAL COMMERCIAL)  
ALASKA MENTAL HEALTH TRUST**

*Public hearing and consideration of a zoning map amendment to rezone Lot 3, US Survey 3695, and a portion of Lot 1-A, US Survey 3858 from P (Public) to C-1 (General Commercial). This request is filed by Alaska Mental Health Trust.*

Mr. Williams stated that Mr. Campbell, Alaska Mental Health Trust (the Trust) Senior Resource Manager, will be in teleconference to respond to any questions the Board and the public may have. Mr. Campbell planned on attending this evening's meeting in person but didn't get the necessary approval in time for the meeting. According to Mr. Williams, the Trust originally had three rezoning requests but withdrew the Cascade Creek Road rezoning request due to the problems and controversies associated with the project. That issue will not come back to the Planning Commission in the foreseeable future.

He said that this agenda item and the next item are both located in one tract which spans from Indian River, above Jarvis Street and to the new Hillside Subdivision. He said he suggested to the Trust that they request rezoning of the portion adjacent to existing industrial and commercial uses from public to commercial to meet the increasing demand for commercial properties in the area. He also mentioned that it will create a buffer or transitional zone between existing commercial and industrial areas and the remaining portion of Lot 1-A which is the subject of the next request to rezone it from P to R-1.

Mr. Williams also said that if the rezoning process will go through, the Trust can go through a major subdivision process in the future and make land available for residential and commercial uses. He pointed out that the Trust recognizes that it's not desirable to have direct development in the area of Indian River. Through the platting process, there will be streamside setbacks. The trail issues that were raised in the previous meeting can also be addressed through a future subdivision process. The Trust has been in contact with Sitka Trail Works about a trail easement through the property.

#### *Mr. Campbell's Comments*

At the outset, Mr. Campbell thanked the crew who cleaned up the Indian River area of the Trust property a couple of months ago, saying that the Trust is extremely appreciative of that volunteer effort.

Mr. Campbell briefly outlined the history of how the Trust took ownership of the subject parcels. He said the Trust acquired the tracts as part of its original appropriations when the Trust was created by an act of Congress in 1956. However, upon statehood, the State legislature reclassified the Trust lands and rolled them into state ownership with the Bureau of Land Management (BLM) managing the lands and making it available for community development. The Trust was dissolved in the 1970s during which time the Trust lands became state lands and were rezoned public and some were subdivided. When the Trust was reconstituted in the 1990s and the original Trust lands were returned to them, the Sitka tracts were not rezoned back to residential and has remained public; thus, their request for a zoning map amendment.

He stressed that the Trust do not have any immediate plans to subdivide or to sell any of the tracts they are requesting to be rezoned. He stressed that this request is all part of the Trust's statewide efforts to have their land holdings rezoned for the basic reason that Trust lands are not publicly-owned lands. He also pointed out that rezoning the properties now will enable them to proceed with development of the properties later on when they are ready.

He also pointed out that Trust regulations clearly state that Trust land is subject to local planning and zoning laws and regulations as well as coastal management regulations. When the time comes, the Trust will work hand in hand with the City, within its planning and zoning code, to set whatever idea they may have for the property within the way the community wants the land to be managed.

#### *Public Comments*

Mr. Lang, a resident of 320 Price St., expressed his neighborhood's concern about the development on the Trust property behind their neighborhood which is essentially a residential area. The current request is to rezone this area from P to C-1 but they are hoping that the Trust will reconsider rezoning it to residential to

keep the residential character of their neighborhood which is zoned C-1 but largely used as residential.

Mr. Williams indicated that the area behind Mr. Lang's neighborhood has a 15% slope and would likely become a buffer zone between residential and C-1 zoning districts. He also stressed that, as Mr. Campbell stated, the Trust is willing to work with the concerns of the neighborhood when the time comes.

#### *Commission Comments*

Mr. McNitt's wanted to know why the Trust would want to do the rezoning now when they don't have a specific plan for the property. He noted Mr. Lang's comment about the area above Price St. which he felt should be rezoned to residential instead of C-1.

Mr. Campbell reiterated that the Trust is going through all their properties that are zoned public and having these rezoned to other uses since these are not publicly-owned lands. On the area above Price St., their original concept was to have it rezoned residential. They are not opposed to making it industrial or commercial and have a transitional portion zoned residential.

On Mr. McNitt's suggestion to keep the strip of land adjacent to Indian River as public, Mr. Williams said that the City has vested interest in having a portion of the north side of Indian River going residential in relation to the residential subdivision that the City is developing on the other side of Indian River. He also explained that rezoning from Public to C-1 or residential will give the Trust an opportunity to get economic value on their property. He added that the Trust wants to do something that the marketplace is calling for.

Mr. Campbell said that the corridor along Indian River will never get developed and he expects it to end up classified as wetlands. If it were to remain Public, the Trust won't be able to do compensatory mitigation and make it a conservation easement.

On Mr. Twaddle's query about the quarry located on the property, Mr. Williams said that the area may ultimately end up being reclaimed and become a residential use such as hillside condominiums.

**MOTION:** **M/S McNitt/Crews** moved to recommend approval of a zoning map amendment to rezone from P (Public) to R-1, a portion of Lot 1-A, USS 3858, from Price St. to the backside of Hawkeye Subdivision, and to rezone from P (Public) to C-1 (General Commercial), Lot 3, USS 3695 and a portion of Lot 1-A, USS 3858, from Jarvis St. to Price St. This request is filed by Alaska Mental Health Trust.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

**MOTION:** **M/S McNitt/Crews** moved to adopt the following findings in the approval of the request:  
(1) That the rezoning allows or facilitates further development of the area for important residential and commercial use;  
(2) That the rezoning is consistent with the adjacent land use patterns in the area, and  
(3) That the rezoning allows for the Trust to further plan for the development of the area.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

#### **ZONING MAP AMENDMENT REZONE A PORTION OF LOT 1-A, US SURVEY 3858 FROM P (PUBLIC) TO R-1 (SINGLE FAMILY/DUPLEX) ALASKA MENTAL HEALTH TRUST**

*Public hearing and consideration of a zoning map amendment to rezone A portion of Lot 1-A, US Survey 3858 from P (Public) to R-1 (Single Family/Duplex). This request is filed by Alaska Mental Health Trust.*

Mr. Williams said that this request is part of the Trust's effort to take their properties out of public classification. He pointed out that by rezoning the property to residential, the Trust will be able to get more value for compensatory mitigation.

On Mr. McNitt's query if the Trust has another reason for rezoning the property now than putting it off till they have an actual plan, Mr. Campbell reiterated that the Trust is trying to do a large scale project in communities where the Trust lands are still zoned public. He added that before seriously looking at a piece of property for potential development, they need certainty that the project can go forward. The zoning change can give them that comfort level of certainty.

Mr. Twaddle suggested that it will be in the better interest to the community to have it rezoned to R-2 instead of R-1 to allow the construction of multifamily homes.

Mr. Campbell said that they could go with Mr. Twaddle's suggestion.

Mr. Williams pointed out that the City property adjacent to the Trust property will be set aside for mitigation in the future. It will be consistent with the Trust's plans to set a portion of their property also for mitigation. The rezoning of the property will allow them to do that.

**MOTION:** **M/S Twaddle/Crews** moved to recommend approval of a zoning map amendment to rezone a portion of Lot 1-A, US Survey 3858 from P (Public) to R-2 (Multifamily). This request is filed by Alaska Mental Health Trust.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

**MOTION:** **M/S McNitt/Crews** moved to adopt the following findings in the approval of the request:  
(1) That the rezoning facilitates the long-term residential development potential in Sitka;  
(2) That the rezoning is consistent with the R-2 MHP zoning that dominates the adjacent Indian River Valley;  
(3) That the rezoning is consistent with the goals and policies of the Comprehensive Plan.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

#### **VARIANCE REQUESTS**

**(1) TO REDUCE FRONT SETBACK FACING  
LAKE STREET TO 12 FEET**

**(2) TO INCREASE THE MAXIMUM ALLOWED HEIGHT  
FROM 40 TO 49 FEET**

**FOR CONSTRUCTION OF A NEW BUILDING  
402 SAWMILL CREEK ROAD  
SITKA SUPER 8 MOTEL INC.**

*Public hearing and consideration of variance requests for Super 8 Motel (1) to reduce the front setback facing Lake Street to 12 feet, and (2) to increase the maximum allowed height for a principal structure from 40 feet to 49 feet, for construction of a new building at 402 Sawmill Creek Road. This request is filed by Sitka Super 8 Motel Inc. The property is also known as the north portion of Lot 1 and the south portion of Lot 1 Block 17, Sitka Townsite USS 1474.*

The Chair disclosed at the outset that he is the principal of Mt. Verstovia Lodge 18 Sitka which owns the Mt. Verstovia Building on 313 Lake St. located across from the subject property. Mr. Williams said that since Mr. Alexander does not have any personal financial interest in the building, he does not need to step aside and leave the room.

Mr. Williams said that the two items E and F pertain to variance requests for Super 8 Motel and both shall be discussed at the same time. Item G is also for Super 8 Motel but it will be considered separately since it is a

subdivision replat to remove the existing property lines. He briefly outlined the Super 8 project which will be a 4-story building with retail/office space on the first floor and then suites on the remaining three floors. There will be a walkway that connects from the second floor of the new building to the current Super 8 building. The eaves and the wall will be 12 feet and 14 feet from the Lake Street property line, respectively. The building height will be 49 feet which is approximately 12 feet above the utility poles.

*Comments from Mr. Bellows, Building Contractor*

Mr. Bellows told the Board that the new building will have the same basic style as the existing building with gable roof with the same slope and same style of windows. The first floor will be retail/office spaces while the upper three floors will be upscale suites for summer rentals with kitchen, bathrooms, and bedrooms. The rent will be lower during eight months of the year. It will be an expansion to the existing building but more upscale. The new building will be 15,760 square feet in total size with 2,080 square feet for retail/office space and 1,060 square feet for support space on the first floor and 4 rental suites per floor or a total of 12 additional rental units. The existing building has 25 parking spaces but the complex will ultimately have a total of 33 parking spaces. They are trying to be sensitive on the design by making the side of the building staggered and stepping the building back from the corner to keep the line of sight at the intersection.

Mr. Bellows also told the Board that they are working with the State DOT on the location of the driveway. He learned that the roundabout is back in the pipeline and the State wants a piece of the corner of the property. The roundabout project will involve the construction of a splitter island in front of the proposed driveway for the new building which compels them to put in an angled driveway. They are likewise committed to widen the driveway to accommodate emergency vehicles.

On Mr. Twaddle's question about the possibility of actually connecting the two buildings, Mr. Bellows said that it is not possible since the windows on the existing building require an egress. He also mentioned that they looked at the possibility of moving the new building closer to the existing Super 8 building but it would make the front of the building into a driveway onto Lake St. He pointed out that the current design is the only way they could make their plan work.

On Mr. Crews' question about parking, Mr. Bellows said that the proposed building meets the required number of parking spaces.

*Comments from Mr. Pearson, Attorney for the Rivett Trust*

Mr. Pearson presented a drawing of the HPR-Lake St.-Sawmill Creek Road intersection showing the width of Lake St. and the sidewalk in front of the subject property. He estimated that the Lake St. right of way is on the average at least 80 feet. His contention was that the lot does not require a variance as the City Code provides that front setbacks need only 10 feet when a lot faces a right of way that is equal or exceeds 80 feet in width. 12 feet is closest the structure will ever get to the property line including the eaves.

He also pointed out that the distance from the property line to the curb is about 9.4 feet which is not clear to the casual observer. Add that width to the 12 foot setback of the eaves from the property line, functionally, there is over 20 feet setback from the right of way.

If the Board believes that a variance for the reduction of the front setback is necessary, he requested that the Board consider the special characteristics of the property to support his client's variance request. To wit:

- (1) The property is facing two right of ways which are vastly wider than most other public right of ways in the downtown area.
- (2) The property owner has no control over the public right of ways fronting two sides of the property.
- (3) It is a corner lot facing a state highway which significantly impacts the developable area that is available for a project.
- (4) The shape of the lot is not conducive to orienting a structure of similar size to the other direction.
- (5) Twenty (20) feet of setback from the right of way can be maintained under any circumstance.
- (6) The property across the street in front of the Nazarene Church is sloping and is not susceptible to

development. Regardless, if there is intensive development that would occur on that lot, the new building will still be over 70 feet from the lot.

He also stressed that the motel and retail space fits in perfectly with the general use that is permitted in the C-1 zoning district.

#### *Commission Comments*

Mr. Crews wanted to see a drawing which shows the building in relation to the drawing. The members concurred with Mr. Crews' suggestion and briefly discussed if they should make a determination on the height variance request.

Mr. Twaddle requested to see any drawings on how the buildings would look like and suggested that the design should match the look of the new buildings in the area such as the Fire Hall.

Mr. Williams pointed out that in a meeting with Mr. Bellows at the Administrator's office and looking at the drawing which definitively lays out the property lines, right of ways, and setbacks, there was a consensus that indeed there is a need for a variance. He expressed confusion in the difference of opinions between Mr. Bellows and Mr. Pearson regarding setback requirements.

Mr. McNitt said he has a lot of issues with the project, saying that it is hard to accept that the property has special characteristics to warrant a variance.

#### *Public Comments*

Ms. Russell read into the records correspondence from Jeffrey Favour, Connie Kreiss, Brant Brantman, Megan Pasternak, and Sitka Tree and Landscaping Committee, all of whom expressed opposition to the granting of the variance requests. (Please see Attachment "A")

Mr. Stelzenmuller stepped forward to express his objection to the variance requests, explaining that the project will cause visual congestion in the area. He felt that the new building will diminish a scenic view shed. He said that setbacks are there to protect the public and ensure "enjoyment of life" by the community.

Mr. Pasternak wished that Mr. Rivett is a better neighbor. He spoke about Mr. Rivett's non-compliance on his island property. He asked the Board to pay attention to Mr. Rivett and his past activities.

Mr. Joe D'Arienzo stepped forward as a private citizen and spoke about maintaining the aesthetics of the community. He doesn't see any hardship on the part of the applicant if the variance is not granted. He also wanted to see the plat of the property in relation to the roundabout.

#### *Additional Commission Comments*

The Chair said that there are some unknowns that the Board needs to work through.

Mr. Williams pointed out that whether variances are required or not for the project, the project represents a major change in the busiest intersection of Sitka. He stated that the applicant needs to provide the following information before the Planning Office can schedule another meeting for this agenda item:

- (1) A drawing that lays out the property in relation to the roundabout with full dimensions of the existing right of ways;
- (2) Specific retail uses of the first floor.

#### *Height Variance*

Mr. McNitt stated that he was fully prepared to discuss the height variance and make a determination. He believed that there is no justification for the variance regardless of the use for the first floor.

Mr. Williams said there is an advantage in knowing what exactly the use is going to be for the first floor. He explained that a height variance may be granted for specific uses.

The members briefly exchanged ideas whether to pass a motion on the height variance or not.

Mr. Pearson requested the Board that all three requests be heard in a single meeting, saying that to make a decision on one request and defer a decision on the other request will be a disservice to his client. He assured the Board that they will get the information requested by the Commission as quickly as possible.

By consensus, items E, F and G were deferred until the applicant provides the required additional information.

**SUBDIVISION REPLAT  
TO REMOVE EXISTING PROPERTY LINE  
402 SAWMILL CREEK ROAD  
RON BELLOWS FOR RON RIVETT**

*Public hearing and consideration of a subdivision replat for 402 Sawmill Creek Road to remove the existing property line between the North Portion of Lot 1 and the South Portion of Lot 1 Block 17, Sitka Townsite USS 1474. This request is filed by Ron Bellows for Ron Rivett.*

This agenda item is deferred until the applicant provides the required additional information in conjunction with items E and F.

**TRIPLE VARIANCE REQUEST  
(1) REDUCTION OF FRONT SETBACK  
FROM 20 FEET TO 15 FEET  
(2) REDUCTION OF LEFT SETBACK  
FROM 8 FEET TO 5 FEET  
(3) INCREASE MAXIMUM BUILDING COVERAGE  
FROM 35% TO 50%**

*Public hearing and consideration of a triple variance request filed by Virginia Erickson for 306 Tlingit Way to (1) reduce the front setback from 20 feet to 15 feet; (2) reduce the left setback from 8 feet to 5 feet, and (3) increase maximum building coverage from 35% to 50%, to reconstruct home to accommodate handicap accessibility. The property is also known as Lot 1, Block 27 USS 1474, Tract "A".*

Mr. Williams briefly described the property which is a small lot, only 5,300 square feet in size, and the existing structure is in a state of disrepair. The applicant plans to tear it down and replace it with a new home.

Mr. Mudry, representing Ms. Erickson, explained that the new house moves away from the back properties. It will have 2 foot overhang around the house, a covered porch, and an ADA ramp. It will be a two-story house with each floor covering an area of 2,200 square feet.

Asked by Mr. Twaddle about the need for the variances, Mr. Mudry said that the project can meet the setbacks without the overhang.

On Mr. McNitt's query about any future plans for the adjacent property owned by UNOCAL, Mr. Williams said that the property has been cleaned up. He expects that it will end for liquidation by the company. He estimated that the property is around 16,000 square feet in size that can conceivably accommodate two lots although access will be an issue.

Mr. Parrish, speaking as a member of the public, said that he has known Ms. Erickson all his life. He

encouraged the Board to approve the request to accommodate handicap access for Ms. Erickson who is physically disabled.

Mr. McNitt said he has no problem with the front setback. He felt that the side setback might be problematic to future owners of the adjacent property.

**MOTION:** **M/S McNitt/Crews** moved to approve the variance request filed by Virginia Erickson for 306 Tlingit Way to reduce the front setback from 20 feet to 15 feet.

**ACTION:** Motion **FAILED 2-2** on a voice vote with Crews and McNitt opposed.

**MOTION:** **M/S McNitt/Crews** moved to adopt the following findings in the denial of the request:  
(1) That the width of Tlingit Way and the concern about parking cannot be adequately addressed, and  
(2) The inability to maintain access to adjacent lot will be an issue.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

**MOTION:** **M/S McNitt/Crews** moved to approve the variance request filed by Virginia Erickson for 306 Tlingit Way to reduce the left setback from 8 feet to 5 feet.

**ACTION:** Motion **FAILED 2-2** on a voice vote with Twaddle and McNitt opposed.

**MOTION:** **M/S McNitt/Crews** moved to adopt the following findings in the denial of the request:  
(1) There are concerns about the impacts on a future house that could be built on the Unocal site, and  
(2) That the Commission cannot determine that the granting of the variance will not be detrimental to adjacent property.

**ACTION:** Motion **PASSED 3-1** on a voice vote with Alexander opposed.

**MOTION:** **M/S McNitt/Crews** moved to approve the variance request filed by Virginia Erickson for 306 Tlingit Way to increase maximum building coverage from 35% to 50%.

**ACTION:** Motion **4-0** on a voice vote.

**MOTION:** **M/S McNitt/Crews** moved to adopt the following findings in the approval of the request:  
(1) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically the small size of the lot which is 5,300 square feet.  
(2) That the variance is necessary for the preservation and enjoyment of a substantial property right specifically the construction of a house on the property.  
(3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure, and  
(4) That the granting of the variance will not adversely affect the comprehensive plan.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

**MINOR SUBDIVISION – CONCEPT PLAT  
TO CREATE 4 LOTS  
ARYEH LEVENSON  
5316 HALIBUT POINT ROAD**

*Public hearing and consideration of a concept plat for a minor subdivision to create 4 lots filed by Aryeh Levenson for 5316 Halibut Point Road. The property is known as Tract A-1 USS 3670 Tracts A and B Lot Line Adjustment.*

Mr. Williams briefly described the property which is located across from Samson Tug and Barge, past the ferry terminal on the upland side. Buildable land is on the left of the driveway on the first two lots. The parcel, labeled lot 2, at the top of the drive is level. An informational plat note will be required at the proper time to indicate that there is no municipal sewer line in the area.

Mr. Levenson told the Board that the design of the subdivision maximizes the privacy of each lot and that there are natural contours that divide the lots. He added that the right side of the road is not usable.

Mr. Williams said that the request is very straightforward. It will come back before the Commission in the next meeting.

**VARIANCE REQUEST  
REDUCTION OF FRONT SETBACK TO 13 FEET  
CONSTRUCTION OF A GARAGE WITH  
AN APARTMENT ON THE SECOND FLOOR  
WADE PARRISH  
1216 GEORGESON LOOP**

*Public hearing and consideration of a variance request filed by Gretchen and Wade Parrish for 1216 Georgeson Loop to reduce the front setback for the construction of a two-story structure containing a bedroom/bathroom above garage/utility room. The property is also known as Lot 61 of the Gavan Subdivision.*

Mr. Williams showed onscreen images of the property which has considerable slope and wetlands constraints. He indicated that the project will not require Corps of Engineers permit since it only covers a tiny amount of wetlands.

Mr. Parrish discussed their original plan to build the addition onto the southern side of the house. But after having Troy's Excavation evaluate the site for expansion, it was determined that the soil is not stable on that side. A test hole on the northern side was successful in finding stable soil for construction. He described the constraints faced by his property and how the addition would be constructed. He also told the Board that they spoke with their neighbors and didn't hear any objections to their variance request.

On Mr. Twaddle's question if the City has any plans to pave the road, Mr. Williams said that the road will end up being paved in the next few years, possibly through an LID. There is plenty of right of way to accommodate the road widening when it happens.

Mr. Crews spoke about maintaining the aesthetic value of the neighborhood. Mr. Wade addressed Mr. Crews concerns by describing the design of their home addition and how it would fit with the design of the existing house. He said that they intend to stay in the neighborhood for a long time and are also concerned with the aesthetics of the neighborhood.

**MOTION:** **M/S Crews/McNitt** moved to approve the variance request filed by Gretchen and Wade Parrish for 1216 Georgeson Loop to reduce the front setback for the construction of a two-story structure containing a bedroom/bathroom above garage/utility room. The property is also known as Lot 61 of the Gavan Subdivision.

**ACTION:** Motion **4-0** on a voice vote.

**MOTION:** **M/S McNitt/Crews** moved to adopt the following findings in the approval of the request:  
(1) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically the poor soil conditions on a large portion of the lot and the side slopes in the rear;  
(2) That the variance is necessary for the preservation and enjoyment of a substantial

- property right specifically enlargement of a very small house on a substandard lot.
- (3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure, and
  - (4) That the granting of the variance will not adversely affect the comprehensive plan.

**ACTION:** Motion **PASSED 4-0** on a voice vote.

Ms. Russell said that the variance takes effect in 10 days.

#### **PLANNING DIRECTOR'S REPORT**

Mr. Williams said that he's hoping a new member will be appointed by Assembly for the next meeting. He reiterated his request for the members to inform the Planning Office about their travel schedule or to call Staff, if for some unavoidable circumstances, they can't be at the meeting. He asked the members to read the correspondence from Mr. Jim Blades which is included in the current packet and might be on the agenda in the next meeting. In addition, he told the Board that the Assembly passed the Comprehensive Plan and Staff will be working on the amendments and final edits. The Planning Office will be working on zoning map changes in summer.

The Chair indicated that he will be absent in the next meeting.

Mr. McNitt said that he appreciates the fact that the new members are looking at the variance requests seriously. They briefly exchanged comments on the various issues that cropped up during the meeting.

#### **PUBLIC BUSINESS FROM THE FLOOR - NONE**

#### **ADJOURNMENT**

The meeting adjourned at 10:05 pm.

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**Chair, Don Alexander**

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**Secretary, Maria Finkenbinder**