

**City and Borough of Sitka
PLANNING AND ZONING COMMISSION
Minutes of Meeting
August 7, 2007**

Present: Don Alexander, Richard Parmelee, Larry Crews, Jeremy Twaddle, Planner Sara Russell, and Secretary Maria Finkenbinder

Absent and Excused: Brian McNitt

Members of the Public: Robert 'Spike' Arnold, April Jensen, Wayne Westover

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

Consideration of Minutes from the July 19th, 2007 meeting:

MOTION: M/S Crews/Twaddle moved to approve the minutes from the July 19th, 2007 meeting.

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

The evening's business:

**VARIANCE REQUEST
REDUCTION OF FRONT SETBACK
FROM 20 FEET TO 10 FEET
ROBERT AND JEAN ARNOLD
119 KNUTSON DRIVE**

Public hearing and consideration of a variance request filed by Jean and Robert Arnold to reduce the front setback at 119 Knutson Drive from 20 feet to 10 feet for construction of a home. The property is also known as Lot 7, Block 1, Knutson Subdivision Phase 1.

Ms. Russell described the topography of the applicant's property as very steep which drops off rather quickly from Knutson Drive, hence the reason for the request. The applicants plan to build a two-story home on their property and are requesting a reduction of the front setback from 20 feet to 10 feet.

She also read the letter submitted by adjacent property owners, Charles and April Jensen, who expressed concern about their property being adversely affected in the construction of rock retaining walls or other types of improvements that will be needed for the building of structures on the applicants' lot. The Jensen's letter explained that they had to deal with inadvertent spillage from rock previously dumped on the Arnold property. They requested that the variance be made contingent upon receiving plans for the containment of the fill on the applicants' property.

Responding to a query from Mr. Crews, Mr. Arnold said that they plan to build their house on the same level as the road which is the reason why they are seeking a variance. The structure will be constructed on the west side of their property closer to the Wiley property where the two lots are now on the same level. Mr. Arnold explained that his neighbor on the west side, Phil Wiley, earlier made some improvements on his property and was concerned about the fill falling into the Arnolds' lot. So the Arnolds brought that portion of their lot up to the same level as the Wileys.

The applicant likewise told the Board that he has no intention of bringing the ground up on the other side of his property (the Jensens' side) but he plans to put in a driveway to get into his property for construction and maintenance.

On Mr. Twaddle's question about the applicant's plans for containment of fill, Mr. Arnold expressed familiarity with the height requirement for a rock wall and also pointed out that he will use as little fill as possible.

On Mr. Parmelee's question if he plans to bring in an engineer to produce a detailed plan for the construction of his home, Mr. Arnold replied in the affirmative, explaining that they wanted to get the Board's permission first for the 10 foot front setback before they spend more time and money on an engineer or architect.

Ms. Jensen told the Board that she and her husband are not directly opposed to the variance request. She reiterated the concerns they raised in their letter and their request that the approval of the variance be contingent on the submission of plans. She also clarified that there is a clear demarcation between their property and that of the Arnolds, contrary to Mr. Arnold's earlier claim that the Jensens' "pad" has encroached into his property.

MOTION: **M/S Crews/Twaddle** moved to approve the variance request filed by Jean and Robert Arnold to reduce the front setback at 119 Knutson Drive from 20 feet to 10 feet for construction of a home, contingent upon receiving plans for the containment of the fill on the Arnold property.

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

MOTION: **M/S Twaddle/Crews** moved to approve the following findings in support of the approval of the request:

1. That there are special circumstances to the intended use that do not generally apply to the other properties such as the steep topography of the lot.
2. The variance is necessary is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel such as the construction of a home;
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;
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 Planning Office will have to sign off on the plans submitting by the Arnolds to make sure it doesn't affect the Jensen property.

PLANNING DIRECTOR'S REPORT

Ms. Russell told the Commission that the Municipal Clerk will give the members a brief orientation on parliamentary procedure which includes how the meetings are conducted, how motions are made, etc. It will be at 6:15 pm prior to the Commission's regular meeting on August 21st.

PUBLIC BUSINESS FROM THE FLOOR

Mr. Wayne Westover, a resident of Crabapple Drive, stepped forward to express his objections to the alleged commercial operations conducted by his neighbor, John Litten. He said that Mr. Litten is running a bunkhouse for his tour bus drivers and parks his tour buses and vans on his property. He refuted his neighbor's explanation that the tour bus drivers are Mr. Litten's relatives. He pointed out that buses come and go from the Litten property, one of which he believed was involved in a hit-and-run incident that dented a car. He asked the Board if there is anything he can do about it.

Ms. Russell pointed out that she can't make a determination since it was Mr. Williams who handled Mr. Westover's complaint. She will request Mr. Williams to give Mr. Westover a call and to explain to him what his options are.

The Chair said that they will ask Mr. Williams to give the Board a report on his findings and recommendations about Mr. Westover's concerns.

ADJOURNMENT

The meeting adjourned at 7:35 pm.

Chair, Don Alexander

Secretary, Maria Finkenbinder