

**AGENDA
PLANNING COMMISSION
FOR THE
CITY OF THORNE BAY
COUNCIL CHAMBERS, CITY HALL
MONDAY
October 10, 2016
5:30 p.m.**

The public is invited and encouraged to attend

1. CALL TO ORDER:
2. PLEDGE TO FLAG:
3. ROLL CALL:
4. APPROVAL OF AGENDA:
5. PUBLIC HEARING:
 - A. Public Hearing Sean McRae, Variance Application, 16-08-01, Lot 7, Block 5, Finney Drive, discussion and action item: Variance application request for permitting a 6.795-foot setback from road right-of-way; where City Code requires 10-foot setback from road right-of-way, PUBLIC HEARING
6. NEW BUSINESS:
 - A. Resolution 16-09-06-01-PZ, a resolution of the Planning Commission for the City of Thorne Bay, acting on the Variance Application 16-08-01 – McRae Variance, discussion and action item:
8. COMMISSION COMMENTS:
9. PUBLIC COMMENTS:
10. ADJOURNMENT:

*Posted: _____
City Hall (2), Alaskan & Proud, Thorne Bay School, Forest Service, The Port, Riptide
Liquor, SISD and Tackle Shack, www.thornebay-ak.gov*

CITY OF THORNE BAY - PLANNING COMMISSION
RESOLUTION 16-10-10-01-PZ

A RESOLUTION OF THE CITY COUNCIL ACTING AS THE THORNE BAY PLANNING COMMISSION FOR THE CITY OF THORNE BAY, ALASKA, SUPPORTING THE VARIANCE REQUEST, FILE NUMBER 16-08-01 FOR Permitting a 6.795-foot setback from road right-of-way, where City Code requires a 10-foot setback from road right-of-way

WHEREAS, the Planning Commission serves city-wide functions of planning, platting and zoning for the city, and to advise the chief executive officer and city council of them; and

WHEREAS, the City Council, acting as the Thorne Bay Planning Commission, held a public hearing on September 6, 2016 at 6:00 p.m., to consider a request by Sean McRae for a Variance to permit a setback of 6.795-feet from road right of way, where the Thorne Bay Municipal Code 17.04.024-Residential/Commercial I Zone, requires a setback of 10-feet from road right of way, file number 16-08-01; and

WHEREAS, the City Council, acting as the Thorne Bay Planning Commission, has answered the following required criteria for approval (Thorne Bay Municipal Code 17.04.044 (A) of the Variance as follows:

- 1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;**

- 2. That the particular conditions or reasons that require the variance are not caused by the person requesting the variance;**

- 3. That the strict application of the provisions of this title would result in unnecessary hardship;**

- 4. That approval of the variance would not be detrimental to the health, safety and welfare of other properties in the vicinity;**

- 5. That the variance will not allow a land use in a zone that prohibits that particular land use;**

- 6. That approval of the variance is consistent with the comprehensive plan;**

- 7. That the variance is not requested because of monetary considerations or inconvenience;**

- 8. That the variance request is for work yet to be performed.**

NOW, THEREFORE, BE IT RESOLVED, that the City Council acting as the Planning Commission of the City of Thorne Bay approves Variance_____.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL ACTING AS THE PLANNING COMMISSION ON September 6, 2016.

James Gould, Mayor

ATTEST:

Teri Feibel, City Clerk/Treasurer

File Number <u>16-06-01</u>	File Name <u>M. Crae, Sean</u>
Date Received <u>7-21-16</u>	By <u>Dec (\$25)</u>
Hearing Date <u>8-16-16</u>	Notice Deadline <u>8-27-16</u> (10 days)
Application is for: Subdivision	Zoning
Reviewed by: Public Works	Meeting: at least 21 days after filing

Applicant Name: SEAN MCRAE
 Address: ASLS 82-139, Block 5, Lot 7 Phone 805-223-3390
 Email/Contact Info TRAPPER136@AOL.COM
 Agent: _____ Phone _____

I certify that I am the legal owner of the property submitted for subdivision and have approved the submitted plat. Signed Sean McRae Date 07/23/2016

VARIENCE is to permit A 6.795' SETBACK FROM ROAD RIGHT OF WAY

*Where City Code requires A 10.00' SETBACK FROM ROAD RIGHT OF WAY
17.04.024, F, 4,

17.04.044 Variance procedure. A variance is a tool that gives an applicant relief from the strict application of the zoning title. It will permit a justifiable exemption or exception to the development requirements...when their imposition would result in unnecessary hardship or practical difficulties.

Zoning limits the use of property and structures. A variance can lessen some of the limits that zoning imposes. To be granted a variance, the applicant must show how the zoning title impedes development on his/her property more than it would on other property within the same zone. In other words, the applicant is responsible for showing how the strict application of the zoning title will hurt him/her more than other land owners within the same zone.

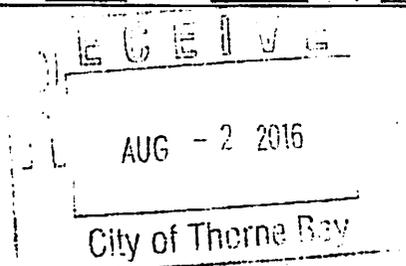
What physical conditions exist that make the variance necessary?

REFER TO ATTACHMENT 1

What hardship will occur by conforming to the provisions of Code?

REFER TO ATTACHMENT 1

Planning Commission Action: Approved <input type="checkbox"/> Denied <input type="checkbox"/>	Date: _____	Clerk _____
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STANDARDS:

16.36.010 Platting variance requirements. A variance from the requirements for this title may be granted only if the following conditions are met:

- A. The granting of a platting variance will not be detrimental to the public health, safety or welfare, or injurious to adjacent property.**
- B. The conditions upon which the platting variance is based do not apply generally to the properties other than the property for which the variance is sought.**
- C. The tract to be subdivided is of such unusual size and shape or topographical configuration that strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.**
- D. Implementation of the variance will not cause a violation of a state fire regulation adopted pursuant to AS 18.70.080. (Ord. 87-01 § 11(part), 1987)**

17.04.044 A. Acquired Criteria for Approval.

- 1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;**
- 2. That the particular conditions or reasons that require the variance are not caused by the person requesting the variance;**
- 3. That the strict application of the provisions of this title would result in unnecessary hardship;**
- 4. That approval of the variance would not be detrimental to the health, safety and welfare of other properties in the vicinity;**
- 5. That the variance will not allow a land use in a zone that prohibits that particular land use;**
- 6. That approval of the variance is consistent with the comprehensive plan;**
- 7. That the variance is not requested because of monetary considerations or inconvenience.**

C. Notification.

1. Notification of variance application shall be made by first class mail to surrounding property owners which will consist of adjacent property owners and property owners located across rights-of way or alleys, no less than ten calendar days from the planning commission hearing.

ATTACHMENT 1

Variance Request, ASLS 82-139, Block 5, Lot 7

What physical conditions exist that make the variance necessary?

This lot, Lot 7, is the shallowest lot in Block 5 and on Finney Drive. This is due to the radius of the frontage of the property bordering the right of way of Finney Drive. (Referring to the south to north, west property line labeled "DD1" on the plat). Items 1 and 2, enclosed, depict this location. This radius encroaches 3.205' at its maximum encroach into the frontage of Lot 7. Item 5, enclosed, depicts this location.

The east edge of Lot 7, labeled "125.95" on the plat, consists of an unusable and unbuildable portion that is 11.60' due to the extreme slope of the terrain and close proximity of previously constructed dwellings. Items 3 and 4, enclosed, depict this location. Enclosed are a series of photographs depicting the steep cut bank and existing dwellings. Due to the steep bank and the existing dwellings, the overall depth of Lot 7 is further reduced by 11.60'.

What hardship will occur by conforming to the provisions of Code?

By conforming to Code 17.04.024, F, 4, the overall buildable area of Lot 7 is severely compromised. This would prohibit the construction of a truly livable and useful building. I sought the advise of B-3 Contractors owner, Mike Bush, to determine if there was a possibility of building up the east edge of Lot 7 to make it useable. Mr. Bush inspected the lot in April 2016, and determined it would not be possible to perform building construction within 11.60' of the east property line.

Enclosed are two photographs depicting the location of the mid-ordinate of the chord for the street facing property boundary. Also depicted in the photographs are the front corner markers of Lot 7. The proposed requested variance of 6.795' is also indicated in the photographs. The variance of 6.795' is the maximum at the center of the mid-ordinate and tapers towards each property line as depicted in Item 6.

PLAT 82-139

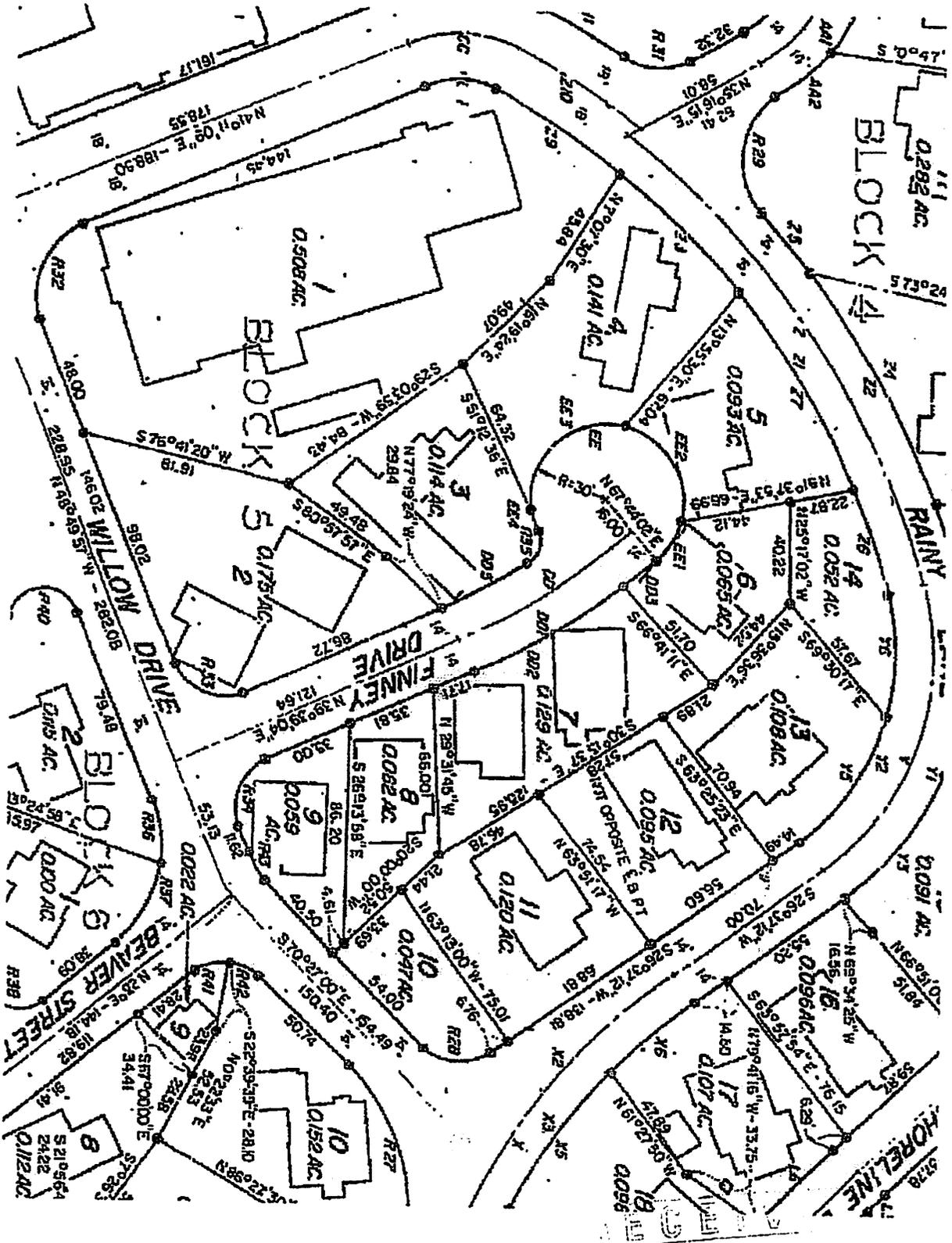
AUG - 2 2016

City of Thompson

B-3 CONTRACTORS

907-755-2375

MIKE.. WILL LOOK AT WHEN HE IS IN THORNE BAY NEXT.



ITEM 1

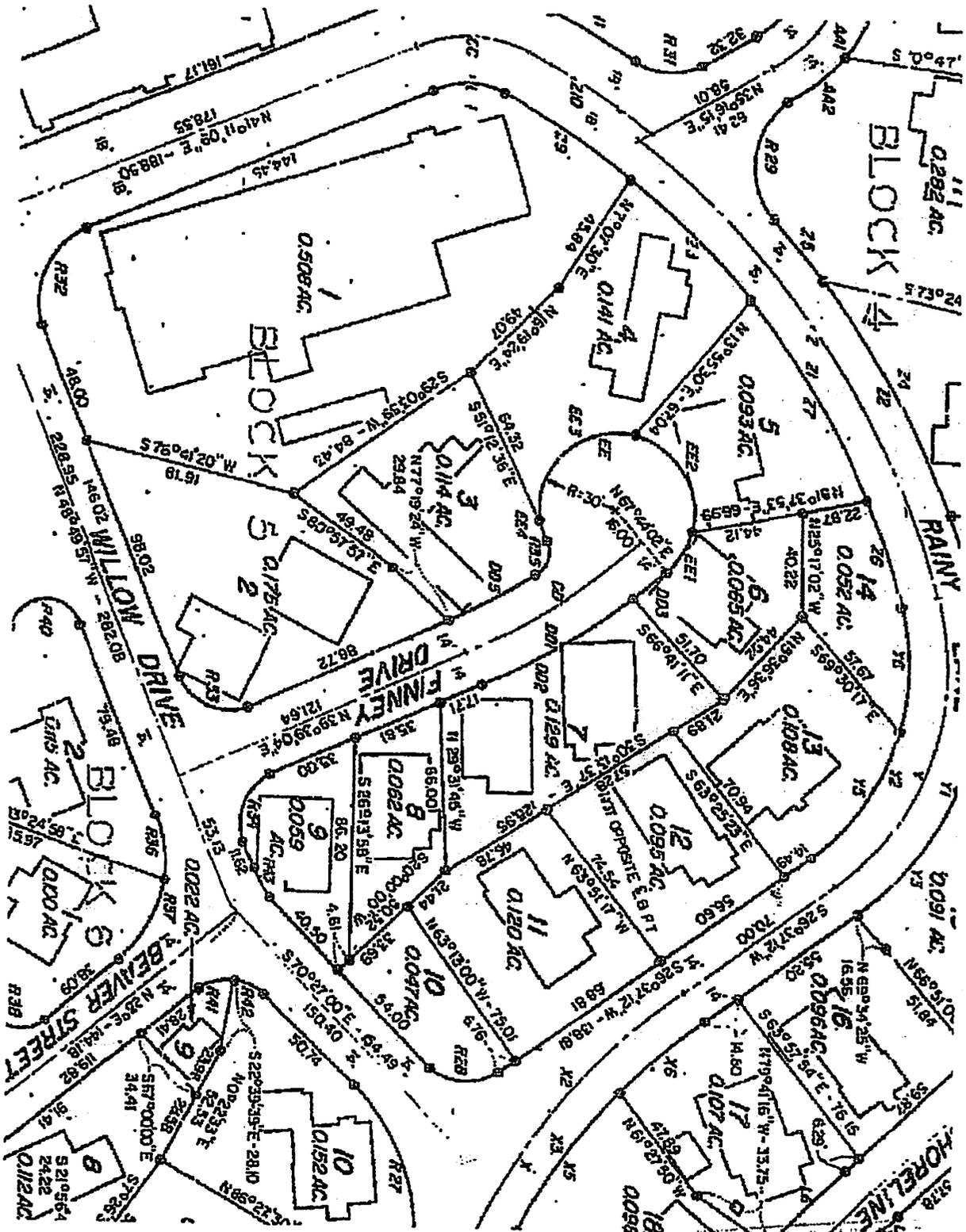
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City of Thorne Bay

B-3 CONTRACTORS

907-755-2375

MIKE. WILL LOOK AT WHEN HE IS IN THORNE BAY NEXT.

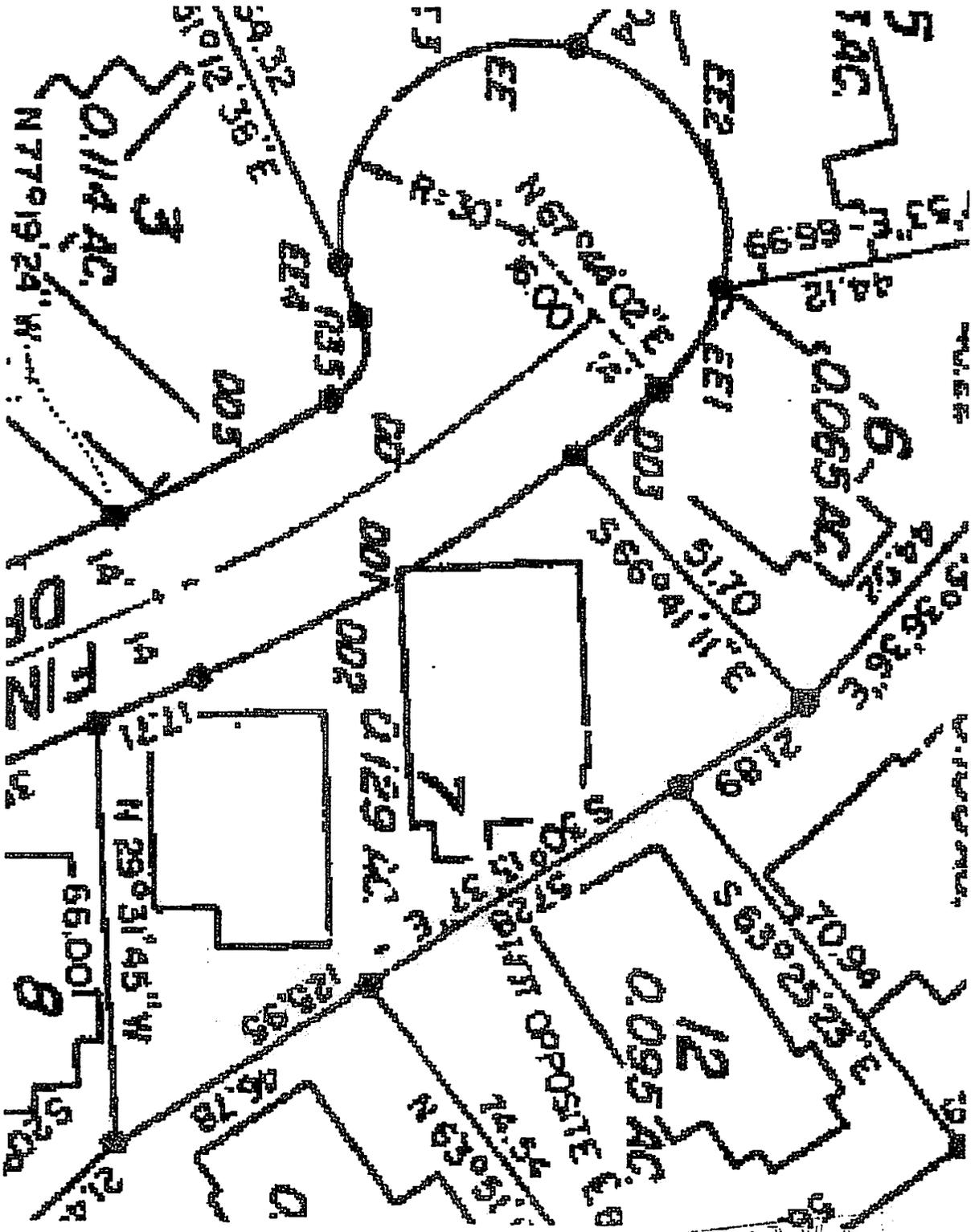


ITEM 3

AUG - 2 2015

City of Thorne Bay

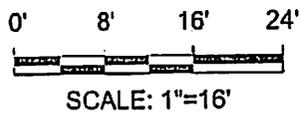
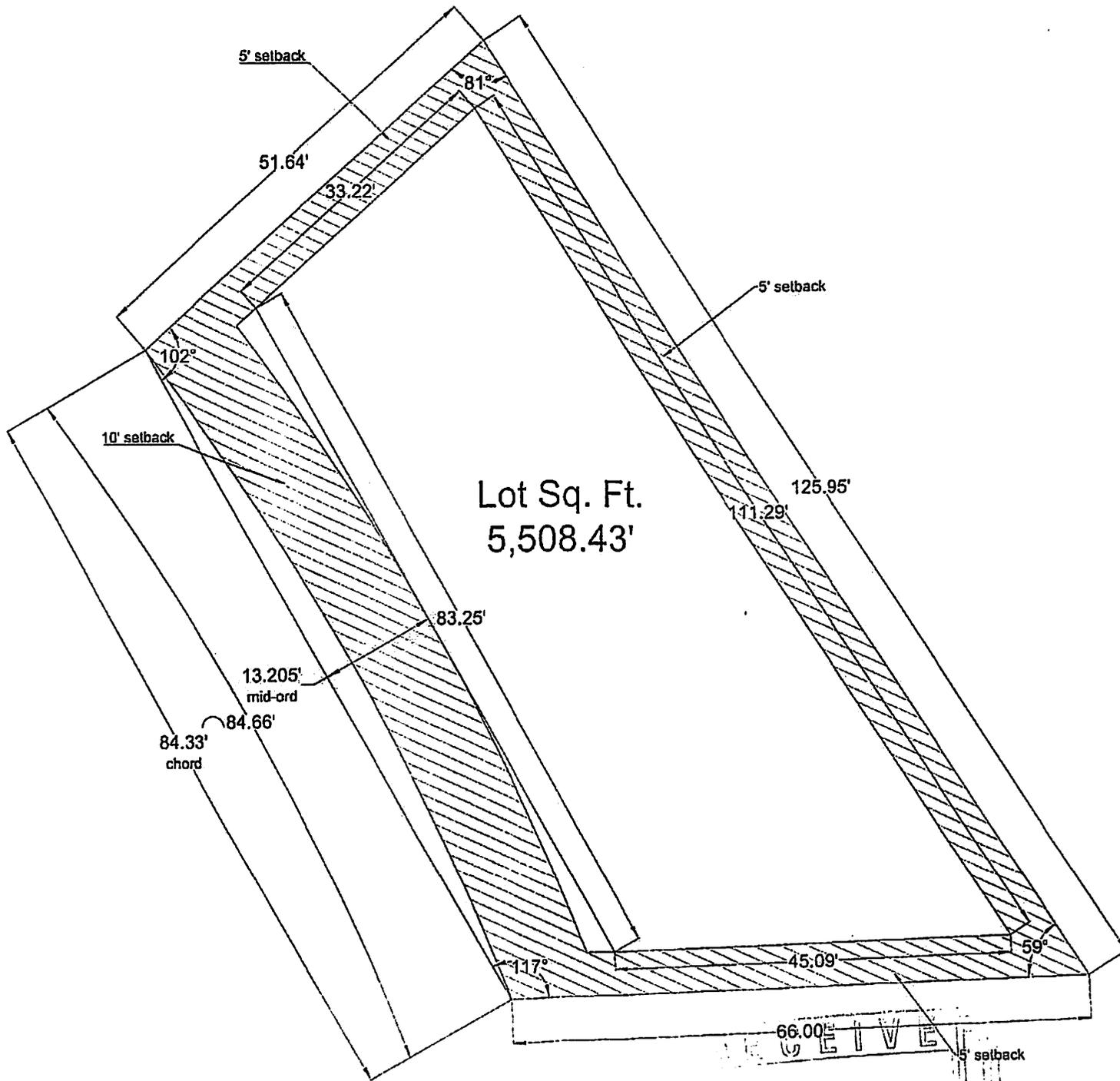
ITEM 4



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City of Terre Bay

ITEM 5

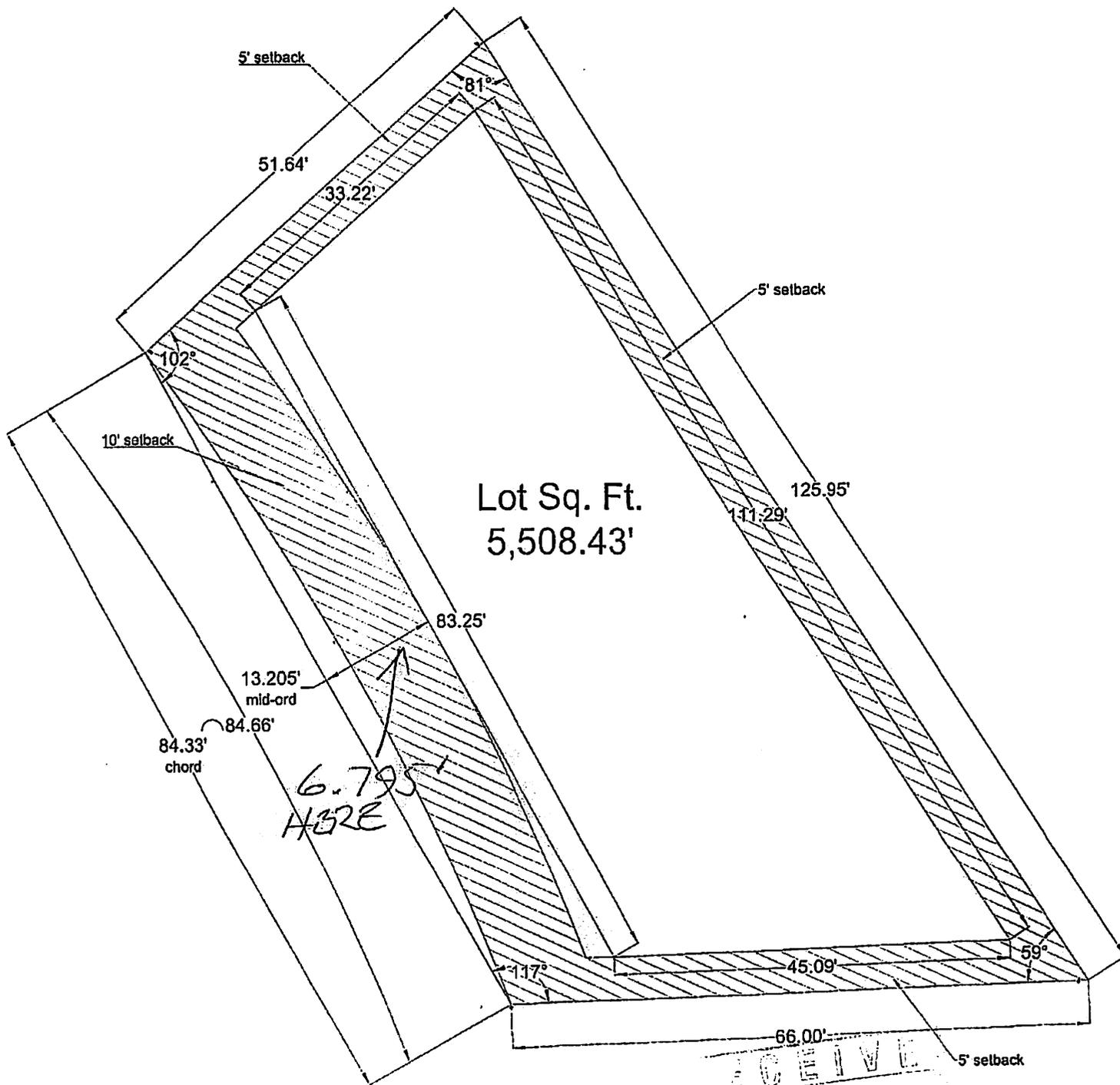
Finney Drive Lot 7



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City of Thorne Bay

ITEM 6

Finney Drive Lot 7



SCALE: 1"=16'

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City of Thorne Bay

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Zoning limits the use of property and structures. A variance can lessen some of the limits that zoning imposes. To be granted a variance, the applicant must show how the zoning title impedes development on his/her property more than it would on other property within the same zone. In other words, the applicant is responsible for showing how the strict application of the zoning title will hurt him/her more than other land owners within the same zone. The applicant must meet with the planning official and address the "Criteria for Consideration in Establishing Approval" prior to being scheduled for a hearing.

A. Criteria for Consideration in Establishing Approval or Denial the following criterial must be considered. After a public hearing, the planning commission must develop a resolution which addresses each of the criterial and base their decision on whether the criterial are in the affirmative or not:

1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;

2. That the particular conditions or reasons that require the variance are not caused by the person requesting the variance;

3. That the strict application of the provisions of this title would result in unnecessary hardship;

4. That approval of the variance would not be detrimental to the health, safety and welfare of other properties in the vicinity;

5. That the variance will not allow a land use in a zone that prohibits that particular land use;

6. That approval of the variance is consistent with the comprehensive plan;

7. That the variance is not requested because of monetary considerations or inconvenience.

8. That the variance request is for work yet to be performed.

B. Application Procedure.

1. Applications must be initiated by the property owner or by an authorized representative. The required fee must be paid and an application on city forms must be filed no less than twenty-one days prior to the hearing date.

2. Applications must be accompanied by a site plan that includes:

- a. North point arrow, date and scale;
- b. Exterior property boundaries and dimension;
- c. Access;
- d. All easements on the property;
- e. Location of all existing and proposed buildings on the property and their approximate distance from the lot lines;
- f. Sewer and water lines and power poles serving the property.

C. Notification.

1. Notification of variance application shall be made by first class mail to surrounding property owners which will consist of adjacent property owners and property owners located across rights-of way or alleys, no less than ten calendar days from the planning commission hearing.

2. The notice shall contain:
- a. The name of the applicant;
 - b. Date, time and place of hearing;
 - c. A description of the location of the property and the legal description of the property if available;
 - d. A description of the character and purpose of the variance;
 - e. The reference number of the sections of the title which pertain to the application;
 - f. An explanation of the appeal process.

3. Notices shall be sent to the most current address on the city's utility listing or city records, and if no address can be found, the most current property owner listed in the State Recording Office. The failure

of a property owner to receive a notice shall not void a planning commission decision if a good faith attempt to contact the current property owner was made.

4. A copy of the property owner notification list shall be kept in the file along with a notarized affidavit that letters have been sent.

5. A copy of the resolution approving or denying the variance shall be sent to the applicant and to any other person who requests a resolution in writing.

Resolutions denying an application shall be mailed within five days of the date of the decision and will explain the appeal process.

D. Reviewing Body.

1. The reviewing body will be the planning commission.

2. All formal actions of the reviewing body shall be made by a resolution conforming to the standards of Section 2.48.080 and shall address all required criteria for approval.

E. Appeals.

1. Appeals of the planning commission decision may be made to the city council within thirty days of the postmark of the notification of the decisions. Appeals must be made in writing. (Ord. 93-23 § 6(part), 1993)