

**NOTICE OF PLANNING & ZONING MEETING - NOTE SPECIAL TIME OF**

**5:30 P.M.**

**AGENDA**

**CITY COUNCIL ACTING AS  
PLANNING COMMISSION**

**Location: City Hall Council Chambers,  
120 Freeman Drive, Thorne Bay  
Monday, October 9, 2017  
Beginning at  
5:30 p.m.**

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**The meeting will be followed by a Special Meeting of the City Council beginning at 6:30 p.m., with workshop at 6:00 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 VARIANCE:
  - A. Public Hearing for Variance Application, 17-09-13-01, 1222 Shoreline Drive, Thorne Bay Alaska, discussion and action item: Variance application for permitting a 2-foot setback from road right-of-way; where City Code requires 5-foot setback from road right-of-way,  
PUBLIC HEARING
6. NEW BUSINESS:
  - A. Resolution 17-10-09-01- PZ, a resolution of the City Council, acting as the Planning Commission for the City of Thorne Bay, approving Variance Application No. 17-09-13-01 – for Gary Anderson (The Port), discussion and action item:
7. PUBLIC COMMENTS:
8. COMMISSION COMMENTS:
9. ADJOURNMENT:

# Thorne Bay Municipal Code - Variance Procedures

**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 of the title 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. 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)



### ZONING VARIANCE APPLICATION

variance application page 1 of 2

File Number 17-09-13-01 File Name Anderson Variance  
 Date Received: 9/13/17 By: JF Fee (\$50): Bill resolution 16-09-20-01  
 Hearing Date: 10/9/17 Notice Deadline: 9/29/17 (10 days prior to meeting)  
 Appointment with City Planning Official: 9/13/17 Reviewed by: WB

Applicant Name: GARY ANDERSON  
 Address: 1222 SUBURB DR. Phone: 907-419-0099  
 Email/Contact Info Thornebayport@gmail.com  
 Agent: \_\_\_\_\_ Phone: \_\_\_\_\_

I certify that I am the legal owner of the property submitted for a variance.

Signed [Signature] Date: 09/13/17

VARIANCE is to permit Propane tank placement for retail.

Where City Code requires setback

To help the planning commission gather facts about the zoning variance request, please complete the following:

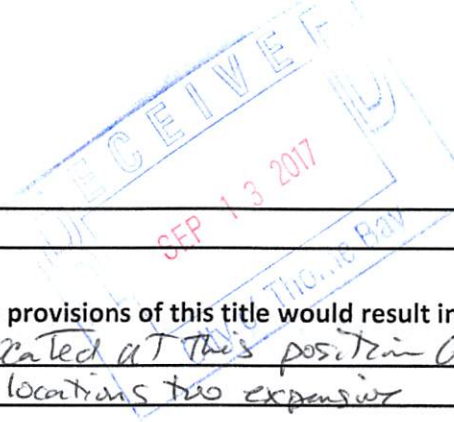
1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;

A. True: Setback from the road would be less than 10ft.

B. False: \_\_\_\_\_

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

A. True: In order to have a 30ft setback from building



B. False: \_\_\_\_\_  
\_\_\_\_\_

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

A. True: If it cannot be located at this position customer access would be reduced and other locations too expensive

B. False: \_\_\_\_\_  
\_\_\_\_\_

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

A. True: X

B. False: \_\_\_\_\_  
\_\_\_\_\_

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

A. True: X

B. False: \_\_\_\_\_  
\_\_\_\_\_

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

A. True: X

B. False: \_\_\_\_\_  
\_\_\_\_\_

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

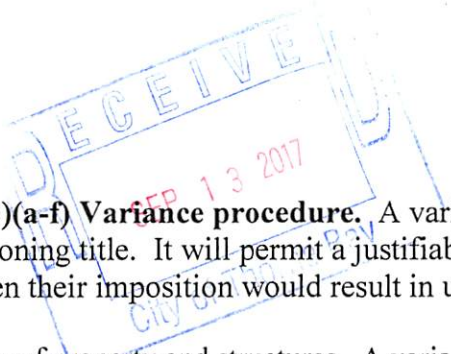
A. True: X

B. False: \_\_\_\_\_  
\_\_\_\_\_

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

A. True: X

B. False: \_\_\_\_\_  
\_\_\_\_\_



**17.04.044 (A)(B)(2)(a-f) 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. 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.**

# THORNE BAY

BEACH ROAD

**ATS 1482**  
Plat No. 95-77

**TR A**  
**ASLS 82-139**  
Plat No. 83-42

132°31'57" W  
55°41'15" N

**ASLS 85-55**  
Plat No. 86-64

OCD  
Bk. 185,  
12,

10' Fuel Line Esmt.  
50' Public Access Easement

**SHORELINE SUBD.**  
Plat No. 2000-68

**GREENBELT**  
50  
40  
30



2





**17.04.029 Waterfront Zone.** The purpose of this zone is to provide for aesthetically pleasing commercial areas along the waterfront while retaining access to the waterfront for both public and private uses. Development plans are required for all development within the waterfront commercial zone conforming to applicable standards of section 17.04.035.

**A. Uses allowed in waterfront zone without special permitting.**

1. Port and harbor facilities, including docks, floatplane operations;
2. Marine, vehicle and propane fuel sales;
3. Public, private and commercial moorage associated with approved uses;
4. Post office;
5. Small scale; seafood processing plants, cold storage plants and facilities;
6. Hair salons;
7. Banks and other financial institutions;
8. Parks and open space;
9. Community recreation, community facilities, open space, beaches and buffer strips;
10. Retail sales and rentals;
11. Laundromat;
12. Restaurants and other eating establishments;
13. Residential uses accessory to permitted uses such as watchmen quarters, owner-operator's home or rental unit constructed above an allowed use without special permitting;
14. Water and sanitation facilities;
15. Administrative offices accessory to permitted uses.

**B. Uses allowed in waterfront zone-trans-shipment without special permitting.**

1. Storage and shipping of containers, equipment, materials, commodities and any other items being shipped to and from prince of wales island;
2. Pick-up and delivery of containers, equipment, materials, commodities and any other items shipped to and from prince of wales island;
3. Loading and unloading freight barges.

**C. Uses allowed in waterfront zone-business district subdivision without special permitting.**

1. Material storage and sales associated with another local commercial operation;
2. Vehicle, boat and equipment parking, storage and repair;
3. Electric and communication facilities;
4. Warehouses and rental storage, including units;
5. Container storage.

**D. Uses considered in waterfront zone with conditional use permitting.**

1. Bars, taverns and restaurants that sell alcoholic beverages;
2. Hotels, motels and restaurants;
3. Lodges and resorts;
4. Communication facilities;
5. Light industrial facilities;
6. Commercial sales not associated with another local commercial operation;
7. All floating structures or structures on piling, excluding floatplane operations and docks accessory with approved uses;
8. Structures and fences built above the maximum height limit;

9. Telecommunication facilities, towers, and/or antennas.

**E. Property development standards.**

1. Minimum lot size: no minimum lot size.
2. Minimum lot width: no minimum lot width.
3. Setbacks: five feet from road rights-of-way and five feet from side and rear property lines.
4. Building heights: a maximum of thirty-five feet as defined in the definitions for "building height". Severe slopes maybe grounds to seek a variance from building height limitations.
5. Parking: all parking unless is otherwise approved by the planning director is off-street and subject to section 17.04.041.
6. Signs: no signs shall cause glare on any public right-of-way or surrounding property. Signs shall not be illuminated between the hours of eleven p.m. and seven a.m. unless the establishment is open during those hours.
7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Landscaping or view obscuring screening may be required for uses along the thorne river road and shoreline drive.

CITY OF THORNE BAY - PLANNING COMMISSION  
RESOLUTION 17-10-09-01 - PZ

A RESOLUTION OF THE CITY COUNCIL ACTING AS THE PLANNING COMMISSION FOR THE CITY OF THORNE BAY, ALASKA, APPROVING THE VARIANCE REQUEST, FILE NUMBER 17-09-13-01, Permitting a 2-foot setback from road right-of-way, where City Code requires a 5-foot setback from road right-of-way, within the Waterfront Zone

**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 October 9, 2017 at 5:30 p.m., to consider a request by Gary Anderson for a Variance to permit a setback of 2-feet from road right of way, where the Thorne Bay Municipal Code 17.04.029 (E)(3) -Waterfront Zone Development Standards, requires a setback of 5-feet from road right of way, file number 17-09-13-01; 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;

A. True, placement of a propane tank is directly related to the use of the property located at 1222 Shoreline drive, that has been operated as a marine and vehicle fueling station, in addition to the local post office, and retail store for over 25 years. It is necessary to have the fueling dispensers for the business located on the premises.

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

A. True, the reason for the variance is the requirement that fueling dispensers be at least 30-ft. from any building.

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

A. True, not approving the variance would cause a reduction in customers that currently purchase propane.

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

A. True, the propane tank will be surrounded by concrete blocks for safety.

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

A. True, Waterfront Zone permits Marine, vehicle and propane fuel sales.

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

A. True, approving variance allows for continued sale of propane, and continues to support economic development and small businesses within the community.

7. That the variance is not requested because of monetary considerations or inconvenience;  
A. True, variance is requested to ensure safety of customers by securing propane tank with concrete blocks.

8. That the variance request is for work yet to be performed.  
A. The variance request is for work that has not yet been performed.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council acting as the Planning Commission of the City of Thorne Bay approves Variance Application 17-09-13-01-Permitting a 2-foot setback from the road right-of-way, at 1222 Shoreline Drive, Thorne Bay, AK 99919.

**PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL ACTING AS THE PLANNING COMMISSION ON** October 9, 2017.

\_\_\_\_\_  
for  
James Gould, Mayor

ATTEST:

\_\_\_\_\_  
Teri Feibel, CMC