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

The City Council serves as the Planning Commission when there is no one willing to serve on the commission

1. CALL TO ORDER:
Mayor Gould called the meeting to order at 5:30 p.m.

2. PLEDGE TO FLAG:
The audience and council stood for the pledge to the flag.

3. ROLL CALL:
Gould, Slayton, Edenfield, Hartwell and Burger were present. Carlson and McDonald attended by phone.

4. APPROVAL OF AGENDA:
Gould moved to approve the agenda. Hartwell seconded the motion. Mayor Gould declared a conflict of interest regarding the variance request, and requested to be recused from discussions and voting as a councilmember on the variance application. Gould continued to state his reason for declaring a conflict was that he was an adjacent property owner and would be effected by the outcome of the variance application request. Vice Mayor McDonald requested the councilmembers state for the record if they approve Mayor Gould's request to recuse himself. All councilmembers present (in person and by telephone) agreed to approve Mayor Gould's request to recuse himself from discussion and voting as a councilmember regarding the variance application. Vice Mayor McDonald approved Mayor Gould's request to be recused due to conflict of interest. There was no further discussion.

MOTION:	move to approve the agenda
F/S:	Gould/Hartwell
YEAS:	Burger, Gould, McDonald, Carlson, Slayton, Edenfield and Hartwell
NAYS:	None
STATUS:	Motion Passed.

Mayor Gould excused himself from the podium and seated in the audience.

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:

McDonald informed the council and audience of the Public Hearing timeline:

- Applicant will have ten minutes to present his application to the council and audience
- The Council will have the opportunity to comment or question the applicant
- The public will have the opportunity to comment regarding the variance application - Each person in the public will have a time limit of three minutes at the podium
- The applicant will have the opportunity to rebut or respond to any comments made regarding his application

McDonald opened the public hearing to the applicant, Sean McRae, for presentation of his variance application request.

Sean McRae stated he was the owner of the property on Lot 7, Finney Drive. McRae stated that he had originally intended to build a two-story building on the property, with the lower part being the garage for parking and the top half the home. McRae reported that in preparation of site work and construction of the home, he had two different contractors look at the lot for development. McRae continued that each contractor confirmed that the condition of the rear end of the lot would limit his lot usage by 11.6', furthermore limiting the construction of a livable, suitable dwelling on the property, while maintaining the vehicle parking requirement. McRae stated that his request for the variance reduction in setback requirement was based on the narrow depth of the lot. McRae stated that the zoning requirements for the setback from a lot line is 5 feet, but with his lot condition he is unable to build up to that setback as it would be unsafe to the properties below.

Hartwell inquired if Mr. McRae could build a retaining wall on the backside of the property.
McRae responded that both contractors advised it would not be an option to install a retaining wall due to the close proximity of the adjacent properties and would be a safety hazard if boulders or other material rolled into their homes.
Slayton inquired if it was an option to use concrete for the wall instead?
McRae answered that neither contractor was willing to do it.
Slayton inquired if a smaller building could be constructed to avoid encroaching into the setback.
McRae responded that he would not be able to provide for off street parking if the building was constructed at a smaller depth.
McDonald commented on the property layout and suggested the front of the building be at an angle instead of straight so it could still fit within the required setbacks.
McRae answered that McDonalds suggestion would work for a fixed building, but not for sliding or rolling doors to provide for vehicle access.

Slayton inquired what the building height would be. McRae responded it would be a maximum of 30 ft. high.
Hartwell inquired what the dimensions of the proposed building were. McRae stated the proposed dimensions were 80 x 32.

McDonald opened the hearing for Public Testimony:

James Gould stated as an adjacent property owner on Finny Drive, he objected to the variance and felt that it was an unnecessary request, as the building could be constructed smaller to fit within the required setbacks. Gould stated that the council had already set a precedent in the community by not approving variance requests of similar nature in the past. Gould stated he felt that a livable building could be constructed on the property.

McDonald opened the floor for the applicant to respond to the public comments.

McRae stated that his only comment was he had 2 contractors view the lot and does not know of any other contractors within the area.

Further discussion regarding the possibility of constructing a smaller building.
McDonald opened the floor to council comments or questions regarding the variance.

Carlson stated she felt that the variance request of 4' was very modest exception. Carlson stated that Thorne Bay has many lots that are odd shapes. Carlson stated a garage can only be so small and still allow for a vehicle. Carlson stated she felt the request was reasonable.
Slayton stated he would like for the council to be able to be compassionate, however, they have not approved similar requests in the past and have not granted any easements in a longtime.
Carlson inquired if the building would be in the road.
Slayton stated no, 6 ft. from the road, but within the 10 ft. setback that is required.
Carlson asked if the City had plans to put a sidewalk within that easement?
Slayton stated they may want to someday.
Edenfield stated the reduction in the setback would be an EMS/Fire safety issue. Finny Drive is already a very narrow road and makes it difficult for a fire truck or ambulance to get in and turned around safely.

McDonald invited the applicant to make any closing comments or statements before he closed the Public Hearing.

McRae stated the construction would not be in the right-of-way, only the easement, and a fence could just as easily be put within that easement and would not impede traffic.
McRae continued that the building would add appeal to the neighborhood and would not be a detriment to anyone on that street or in Thorne Bay.
McDonald closed the 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:

McDonald moved to approve Resolution 16-09-06-01-PZ, acting on Variance Application 16-08-01. Hartwell seconded the motion. The city council read each item of the required criteria as set out in Resolution 16-09-06-01-PZ. The responses given for the required criteria did not meet the requirements for approving the Variance Application 16-08-01. Full resolution with the answered criteria is attached to these minutes as pages 5 & 6. McDonald moved to amend his motion read: Move to approve Resolution 16-09-06-01-PZ, denying Variance Application 16-08-01, based on the responses given for the required criteria for approval. Hartwell amended his second to the motion. There was discussion among the council on how the required criteria for approval did not all have false responses or did not apply to the variance being requested. The City Clerk advised the council that the Municipal Code required that all 8 required criteria be answered and the council bases their decision upon the responses and given. There was further discussion.

MOTION:	Move to approve Resolution 16-09-06-01-PZ, denying Variance Application 16-08-01, based on the responses given for the required criteria for approval
F/S:	McDonald/Hartwell
YEAS:	Slayton, Hartwell, Burger, Edenfield, McDonald and Carlson
NAYS:	None
STATUS:	Motion Passed.

8. COMMISSION COMMENTS:

McDonald stated he hoped that Mr. McRae would be able to change his planned design for his building to meet the setback requirement and hoped that Mr. McRae understood the council's decision for denying his variance request.

9. PUBLIC COMMENTS:

There were no further public comments.

10. ADJOURNMENT:

McDonald adjourned the meeting at 6:20 p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, CMC