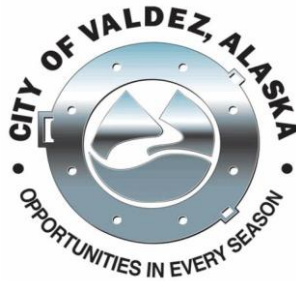


# City of Valdez

212 Chenega Ave.  
Valdez, AK 99686



## Meeting Minutes - Final

Wednesday, September 13, 2017

7:00 PM

Regular Meeting

Council Chambers

### Planning and Zoning Commission

WORK SESSION AGENDA - 6:00 pm

Code Enforcement and the Appeals Process Work Session

#### REGULAR AGENDA - 7:00 PM

#### I. CALL TO ORDER

## II. ROLL CALL

**Present** 5 - Chair Donald Haase  
Chair Pro Tempore Jess Gondek  
Commission Member Brandon Reese  
Commission Member Roger Kipar  
Commission Member Victor Weaver  
**Excused** 2 - Commission Member Harold Blehm  
Commission Member Kristian Fagerberg  
**Also Present** 3 - Administrative Assistant Sue Moeller  
Sr. GIS Planning Tech AnnMarie Lain  
Sr. GIS Planning Tech Paul Nylund

## III. APPROVAL OF MINUTES

1. Approval of the Planning & Zoning Commission Regular Meeting Minutes of December 14, 2016.

**Motion: Commission Member Weaver moved, seconded by Commission Member Reese, to approve the Planning & Zoning Commission Regular Meeting Minutes of December 14, 2016.**

**Yays:** 5 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Kipar, and Commission Member Weaver

**Excused:** 2 - Commission Member Blehm, and Commission Member Fagerberg

2. Approval of the Planning & Zoning Commission Regular Meeting Minutes of January 11, 2017.

**Motion: Commission Member Reese moved, seconded by Commission Member Weaver, to approve the Planning & Zoning Commission Regular Meeting Minutes of January 11, 2017.**

**Yays:** 5 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Kipar, and Commission Member Weaver

**Excused:** 2 - Commission Member Blehm, and Commission Member Fagerberg

3. Approval of the Planning & Zoning Commission Regular Meeting Minutes of February 8, 2017.

These minutes had previously been approved at the 2-22-17 meeting.

## IV. PUBLIC APPEARANCES

There were no public appearances from the floor.

## **V. PUBLIC BUSINESS FROM THE FLOOR**

There was no public business from the floor.

## **VI. PUBLIC HEARINGS**

Public Hearing for Exception (#17-01) for a One Foot Three Inch (1'3") Exception into the Required Twenty (20) Foot Front Yard Setback for a Single-Family Residence Located at 355 Nebesna Street, Lot 15, Block 6, North Portion Mineral Creek Subdivision. Applicant: Brad Barnett.

Brad Barnett stepped up to the podium. He stated that he was the contractor for the house, and said that there were existing markers on the property which he pulled his measurements from. He said he felt comfortable using them. Mr. Barnett believes that during the setting of the foundation, the foundation got moved forward. Chair Haase verified that this was the old Zarumba property.

Al Minish, Wrangell Mountain Technical Service, stepped forward to indicate an error has been found where one foot three inches should really read on foot one inch, which would make this a little less of a variance.

Director of Community Development AnnMarie Lain addressed the Commission regarding a letter that had come in just after the agenda packet had been published. In it, Ms. Dorothy Moore of 346 Nebesna, addressed her understating of needing the variance, and asked how this sort of situation could be prevented in the future. The letter from Ms. Moore was given to each Commission member, and read aloud by Ms. Lain. A copy of the letter has been attached to the minutes as part of the record.

## **VII. UNFINISHED BUSINESS**

There was no unfinished business.

## **VIII. NEW BUSINESS**

- 1. Approval of (SUBD 17-04) Preliminary Plat for Totem Inn Subdivision, Creating Lots 1B, 2A, 3A, 4A and 5A of Block 41A, Totem Inn Subdivision. Applicant James M. Williams.**

MOTION: Chair Pro Tempore Gondek moved, seconded by Commission Member Reese, to Approve (SUBD 17-04) preliminary plat for Totem Inn Subdivision, creating lots 1B, 2A, 3A, 4A and 5A of Block 41A, Totem Inn Subdivision. The motion carried by the following vote after the following discussion occurred.

Mr. Al Minish, Wrangell Technical Services, noted that there were a couple of small changes in the packet in front of the Commission. Stating that the changes do not affect the boundaries, Mr. Minish presented a copy with the changes for the Commission. A copy is attached to the minutes as part of the record.

**Yays:** 5 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese,

**Excused:** 2 - *Commission Member Blehm, and Commission Member Fagerberg*

**2. Approval of Exception (#17-01) for a One Foot Three Inch (1'3") Encroachment into the Required Twenty (20) Foot Front Yard Setback for a Single-Family Residence Located at 355 Nebesna Street, Lot 15, Block 6, North Portion Mineral Creek Subdivision. Applicant: Brad Barnett**

MOTION: Chair Pro Tempore Gondek moved, seconded by Commission Member Reese, to 17-0448 Approval of Exception (#17-01) for a One Foot Three Inch (1'3") Encroachment into the Required Twenty (20) Foot Front Yard Setback for a Single-Family Residence Located at 355 Nebesna Street, Lot 15, Block 6, North Portion Mineral Creek Subdivision. Applicant: Brad Barnett. The motion carried by the following vote after the following discussion occurred.

Commissioner Weaver asked Ms. Lain and Ms. Rochelle Rollenhagen, Senior Planner regarding the setback and dimensions. Ms. Lain stated that the question from Commissioner Weaver was whether or not a freestanding deck on the second floor of the building would be counted as the footprint. The zoning review looked at code 17.04.270-Building Line Front which defines the foundation of the building as the front building line. Utilizing that definition, and because the deck was not attached by stairs, it was not included in the building footprint. Code further states the Planning & Zoning Commission will assess a second floor deck and its impact on the building footprint on a case by case basis and through the variance process if necessary. Staff's interpretation was that the deck was not to be considered part of the foundation. Ms. Rollenhagen was asked about the overhang of home roofs, and whether that length was included in the footprint. She referenced code 17.48.040-Yards and Setbacks Generally, which indicated that eaves were not to be counted into the footprint and can, in fact, extend three feet into the setback.

Chair Haase asked if the Commission could approve the exception for the encroachment of the foundation and if it became a problem come back for a separate exception for the roof. Chair Haase asked if a postponement would be more appropriate. Ms. Rollenhagen said that the review only took into account the exception for the encroachment of the foundation, and that there were no measurements given for the roof. Mr. Minish noted that during as built surveys the surveyor is not looking at the roof eaves. He stated that you would not see a document coming back with that information unless it had been specifically asked for, and in Mr. Minish's experience that does not happen. Carports and covered decks represent closed areas and are included.

Brad Barnett, Contractor, said that he had good intentions in building this house and attempted to do everything by the book. He takes full responsibility for the error, but the lack of a resolution this evening is going to confound the situation for Mr. Barnett and the customer wanting to purchase the house. With no further discussion, the Commission voted as follows:

**Yays:** 5 - *Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Kipar, and Commission Member Weaver*

**Excused:** 2 - *Commission Member Blehm, and Commission Member Fagerberg*

**3. Establish a Three Member Planning and Zoning Commission Sub-Committee**

***for Assistance and Direction in Completing the City of Valdez Natural Hazard Mitigation Plan.***

MOTION: Chair Pro Tempore Gondek moved, seconded by Commission Member Reese, to make the motion to approve the creation of a three member Planning and Zoning Commission Sub-Committee for assistance and direction in completing the City of Valdez Natural Hazard Mitigation Plan.. The motion carried by the following vote after the following discussion occurred.

Commissioner Gondek, Commissioner Reese, and Commissioner Blehm volunteered for the Sub-Committee. Commissioner Kipar will serve as a backup should on of the three choose to step down.

**Yays:** 5 - *Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Kipar, and Commission Member Weaver*

**Excused:** 2 - *Commission Member Blehm, and Commission Member Fagerberg*

**IX. REPORTS**

City Manager Elke Doom addressed the Commission with an update on Aleutian Village. She said that the Aleut Corporation which manages Aleutian Village would like the City of Valdez to take over that management. The City indicated that if the Aleut Corporation would take care of big ticket items such as upgrading the water and electrical systems, the COV may consider it. To date, the Aleut Corporation has shown no interest in updating gather utilities. A lot of the residents of Aleutian Village are concerned about the outcome of this issue, but at this point there is really no answer. One of the biggest concerns is alternative housing for the people who currently live in the trailer court. Asked if there was any timeline for moving forward, Ms. Doom indicated that a notice was required prior to eviction, and as nothing had be received so far, perhaps there would be no action until next year.

**X. COMMISSION BUSINESS FROM THE FLOOR**

Commissioner Kipar described the atmosphere at the Community Development Department as helpful and friendly, and praised the Department for their good work. This sentiment was echoed by Commissioner Weaver.

Chair Haase will be out for the month of October.

**XI. ADJOURNMENT**

There being no further business, Chair Haase adjourned the meeting at 8:15pm.