

CITY OF CRAIG
PLANNING COMMISSION MINUTES
Meeting of June 7, 2010

Roll Call

Present were John Moots (chair), Sharilyn Zellhuber and Bill Russell. Lonnie Walters and Mark Beardsley were absent excused.

Also present was Brian Templin (City Planner), Kim Patotzka and Tyna Soule.

Approval of Minutes

1. Approval of February 25, 2010 Meeting Minutes. A motion was made and seconded to approve the meeting minutes of February 25, 2010.

MOTION TO APPROVE RUSSELL/MOOTS APPROVED

2. Approval of March 30, 2010 Meeting Minutes. A motion was made and seconded to approve the meeting minutes of March 30, 2010.

MOTION TO APPROVE ZELLHUBER/RUSSELL APPROVED

Public Comment

1. Non-Agenda Items. There was no public comment on non-agenda items.

Public Hearing and New Business

1. Resolution 522-10, Variance 100527, Kim Patotzka encroachment into the side yard setback on Lot 4, Block 12, USS 1430. Brian reported that Kim Patotzka had applied for a variance to the sideyard setback on Lot 4, Block 12, USS 1430 for a building that he had placed there. Brian reminded the commission that they needed to pass a resolution either approving or denying the variance and could not just vote down the approving variance. Brian also reminded the commission that if they felt that certain criteria weren't met then it would be helpful if they could specifically call out the unmet criteria and why they felt it was unmet so that Brian could publish a statement of findings if the request was disapproved. Kim shared what he wanted to accomplish and why he felt a variance was justified. There was discussion about the seven criteria. The commission had concerns that criteria 1, 5 and 7 were possibly not met. Bill Russell felt that there were other possible placements and that minimal trees had to be removed in order for the building to be placed on the property outside of the setback. Sharilyn Zellhuber commented that if Kim were to build a similar building from scratch that he could place it elsewhere on the lot and that the choice to use a pre-built building limited its placement more than just the size of the building. The commission also discussed the fact that Kim owns the lot adjacent to the property line that he is seeking the variance for and that give additional options. The commission felt that Kim could replat the property to also make the structure comply. The commission discussed the required criteria and asked Brian if they

could add a condition so that the variance wasn't permanent, but would be resolved in the future. Brian said that there was nothing prohibiting the commission from adding conditions to the resolution that called for some fix by a certain date or by some event such as transferring the property. There was some discussion about how long or what event would be appropriate to allow the variance to continue. Bill proposed that the approving resolution be amended to include a provision that Kim had twenty-four months to take some action to resolve the encroachment. The actions could include moving or modifying the structure; removing the structure; or replatting the property so that the building meets the code requirements. Kim asked if it was possible to replat the two properties to remove the property line between them. Brian said that if the replat meets the city code, and it looked like there was enough square footage to accomplish a replat, then it could be replatted. A motion was made and seconded to approve Resolution PC 522-10 as amended.

MOTION TO APPROVE

RUSSELL/ZELHUBER

APPROVED

2. Resolution 523-10, Variance 100607, Kenneth and Tyna Soule encroachment into the side yard setback on Lot 6, Block 10, USS 1430. Brian reported that Kenneth and Tyna Soule had applied for a variance to encroach up to 10' into the side yard setback on Lot 6, Block 19, USS 1430 to construct a deck that was more than 30" above grade. Brian explained that they were replacing a deck that was in bad shape and were expanding the footprint of the deck to accommodate Kenneth's wheelchair. Brian said that Kenneth was confined to a wheelchair due to Lou Gehrig's Disease and the larger deck would make it easier for him to spend time outside. Bill asked if there was a difference in code between a structure and a deck in terms of the setback. Brian said that the municipal code really considers them the same if the deck is more than 30" from grade. Brian also said that the Soules owned the property adjacent to the proposed encroachment. Bill asked if the grade could be brought up around the deck to make it less than 30" above the ground. Brian said that would eliminate the need for the variance but would be difficult and require a great deal of fill because of the height of the deck and the slope of the ground. The commission discussed the required criteria and found that the criteria were met for the current owner because of the hardship and circumstances created by Kenneth's illness, but that the criteria wouldn't necessarily be met for future property owners. Sharilyn proposed adding a condition similar to the one that was added to Mr. Patotzka's approval earlier that would allow for the variance but require it to come into compliance within a certain amount of time or when some event like a transfer of property happened. The commission discussed how much time would be appropriate. After the discussion the commission determined that the encroachment should be resolved by modifying or removing the deck; or replatting the two adjacent properties to bring it into compliance within forty-eight months or before any future property transfers. A motion was made and seconded to amend the resolution to include a provision to require compliance within the agreed time or triggering events and to approve the resolution as amended.

MOTION TO APPROVE

ZELHUBER/RUSSELL

APPROVED

3. Discussion of Planning Commission Member attendance by teleconference. Brian reminded the commission that when Mark Beardsley was appointed to it was with knowledge that he would be out of town for most of the summer. At that time the commission said it wanted to talk about the possibility of teleconferencing in to meetings. Brian said that currently teleconferencing was not specifically prohibited but that if the commission wanted it to become a regular part of the meeting then he would like to see some clear parameters outlined in code. Brian also said that if the commission wanted to pursue it as a regular option then it would also be good to see if there was interest by the city council to incorporate any rules about teleconferencing into other municipal meetings, such as city council meetings. Brian said that he had discussed the issue a little bit with Jon Bolling and there were two major concerns that they had with teleconferencing. The first concern was that the person calling in missed the opportunity to see and use non-verbal cues and reactions when discussing a matter. Secondly there was a concern about who else was on the caller's end. Brian said that it would be easy to violate the ex parte communications prohibition if the caller was getting input from someone else at their end who might be out of speaking range of the telephone so that the rest of the commission couldn't hear that part of the discussion. Brian also said that despite those concerns it was becoming more and more common to see board meetings and other business routinely done by teleconference including the Interisland Ferry, Southeast Conference and State Boards and Commissions. John Moots suggested that we could possibly allow participation and discussion but no voting for members calling in. Sharilyn added that it was also more difficult for commissioners to see sites being discussed for variances, subdivisions, conditional use permits, etc. if the commissioner was gone by the time the packets were distributed. Brian said that he could increase the amount of information that was provided to include more photos and drawings to make up for some of that. It would definitely be more work but could be accommodated. Bill said that he was in favor of being able to teleconference in and that even the courts were using it regularly for legal matters. Sharilyn suggested that we continue the discussion at the next meeting and work to teleconference Mark in to participate as well.

4. Planning Commissioner Training. Brian reminded the commission that Nicole Grewe from the Division of Community and Regional Affairs will be on the island June 14th to conduct planning commission training in Thorne Bay. Brian said that the training was during the day and that he would be happy to drive if anyone was interested in going.

Old Business

There were no old business items on the agenda.

Adjourn

A motion was made and seconded to adjourn the meeting at approximately 8:45 pm.

MOTION TO ADJOURN

ZELHUBER/RUSSELL

APPROVED

John Moots, Chairman

Attest: Brian Templin, City Planner