

CITY OF CRAIG PLANNING COMMISSION AGENDA

Meeting of June 7, 2010
7:00 p.m., Craig City Council Chambers

Roll Call

John Moots (chair), Sharilyn Zellhuber, Lonnie Walters, Bill Russell, Mark Beardsley

Approval of Minutes

1. Approval of February 25, 2010 Meeting Minutes
2. Approval of March 30, 2010 Meeting Minutes

Public Comment

1. 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
2. Resolution 523-10, Variance 100607, Kenneth and Tyna Soule encroachment into the side yard setback on Lot 6, Block 10, USS 1430
3. Discussion of Planning Commission Member attendance by teleconference
4. Planning Commissioner Training (verbal report and discussion)

Old Business

Adjourn

CITY OF CRAIG
PLANNING COMMISSION MINUTES
Meeting of February 25, 2010

Roll Call

Present were John Moots (chair), Bill Russell, and Mark Beardsley (Sworn in prior to meeting starting to establish a quorum.). Sharilyn Zellhuber and Lonnie Walters were absent excused.

Also present were Richard Trojan, Jan Storbakken, Phil Hyatt, Travis Triple, Greg Boyd and Brian Templin,

Appointment of Planning Commissioner

1. Appointment of Mark Beardsley to the Planning Commission. Brian reported that Mark had been appointed by the mayor and ratified by the Craig City Council on February 18, 2010. Mark was sworn in and signed his oath of office.

Approval of Minutes

1. Approval of minutes of the January 28, 2010 Planning Commission Meeting. A motion was made and seconded to approve the January 28, 2010 meeting minutes.

MOTION TO APPROVE

RUSSELL/MOOTS

APPROVED

Public Comment

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

Public Hearing and New Business

1. Conditional Use Permit 070628 Review – Anchor Baptist Church Design and Material Review (per special condition on permit). Brian reported to the commission that in 2007 Anchor Baptist Church was given a conditional use permit to allow a religious assembly in a residential zone on Lots 6 and 7, Port Bagial Heights Subdivision. One of the conditions of the permit was that Anchor Baptist had to present design and materials information to the planning commission to be approved prior to construction. This condition was added to ensure that the proposed building design and materials were consistent with a residential neighborhood. Phil Hyatt, Travis Triple and Greg Boyd were there to represent Anchor Baptist. They said that they chose cedar siding because it was commonly used in houses in Craig and that they decided on a split level design for the building so that they could keep the profile of the building low. There was discussion about the size and layout of the building, parking and the cedar siding. Phil, Travis and Greg said that they tried to make sure that the building would be appropriate in a residential neighborhood. Since the building materials were not purchased already and there was some difference in the size of the lot between the

record and construction drawings. Bill Russell asked Brian if they could amend motion to read “preliminary concept design” to allow Brian and the developer to make sure that the final design met all parking, setback and density requirements. Brian said that they could amend the motion and that he would work with the applicant to ensure that the final design met development standards and used the style and materials approved by the commission. There was no public comments for or against the approval in writing or at the meeting.

A motion was made and seconded to approve the preliminary concept design and construction materials for construction of a new religious assembly as required in special condition 5 of Planning Commission Resolution 496-07 PC and that staff is directed to issue a building permit based on designs modified to meet development standards.

MOTION TO APPROVE RUSSELL/BEARDSLEY APPROVED

2. Resolution 520-10, Variance 10-02-25, Richard Trojan Variance to Encroach in Side and Front yard Setbacks. Brian reported that Richard Trojan had applied to extend his garage further into the northerly property line setback, encroach into the westerly sideyard setback and encroach further into the easterly sideyard setback. The purpose of the new construction would be to extend the garage toward Hilltop Drive and create an enclosed storage area and access to the second story exterior adjacent to the kitchen at the back of the house. There was discussion on what the use would be. Richard explained that he wanted to create covered, enclosed firewood storage in front of the garage and that he wanted to create some storage area and make it easier to access the rear of the house by adding a deck and enclosing the space below it for storage. There was discussion about the options on where he could store firewood and how he could extend the garage without needing a variance. After the discussion Richard said that he could change the pitchline of the roof on the extension and make sure that no walls were within 10’ of the property lines and still create covered storage. Brian said that this was allowed under the municipal code without a variance. Richard withdrew the portion of the variance relating to the garage. The commission and Richard discussed drainage and proximity to other structures behind the kitchen and discussed the amount of the existing encroachment. The commission determined that there was no other way to accomplish what Richard was trying to do due to the unique shape and size of the lot. No public comment was submitted in writing or at the meeting for or against the variance request. The commission determined that all required criteria were met for the extension at the kitchen.

A motion was made and seconded to approve Resolution 520-10-PC after amending it to remove the encroachments into the north side yard and west front yard setbacks and increasing the encroachme to allow up to 3’ into the east back yard setback.

MOTION TO APPROVE RUSSELL/BEARDSLEY APPROVED

Old Business

There was no old business on the agenda and no other items were discussed.

Adjourn

A motion was made and seconded to adjourn.

MOTION TO ADJOURN RUSSELL/BEARDSLEY APPROVED

John Moots, Chairman

Attest: Brian Templin, City Planner

CITY OF CRAIG
PLANNING COMMISSION MINUTES
Meeting of March 30, 2010

Roll Call

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

Also present was Brian Templin, City Planner.

Approval of Minutes

The minutes of the February 25, 2010 meeting weren't ready for approval. Brian said that he would have them for the next meeting.

Public Comment

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

Public Hearing and New Business

1. Resolution 521-10, Conditional Use Permit 100330, National Weather Service/Federal Aviation Administration request to exceed maximum building height. Brian reported that the FAA and NOAA were working together to add a weather camera to the NOAA radio tower in Craig. In order to get the best picture the tower needs to be raised to a total of 55', 25' higher than the maximum building height. Brian said that the footprint wouldn't change just the height and that the additional tower could be supported within the existing lease area. There was no public comment in writing or at the meeting. The commission discussed the proximity of adjacent structures and that one of Craig Cable's towers had recently been raised as well and that there was no objection or problems from that tower either.

A motion was made and seconded to approve Resolution 521-10-PC allowing the FAA and NOAA to exceed the maximum building height for their radio tower. The resolution allows for an additional 25', a maximum building height of 55'.

MOTION TO APPROVE

WALTERS/RUSSELL

APPROVED

Old Business

1. Anchor Baptist Church Conditional Use Permit. Brian reported that he had gotten a phone call from a neighbor the day after the commission had approved the design and materials for the Anchor Baptist Church construction. The caller objected to the cedar siding as appropriate building material for the structure. Brian said that he told the caller that they had the right to appeal the Planning Commission's decision to the Craig City Council. Brian also said that he explained the appeal process to them and told them that they only had 30 days to file the appeal. Brian said he also told them that they could contact Anchor Baptist directly and ask them to consider some other siding, but any changes to

the building materials or design would have to come back to the planning commission because of the special condition on the original permit. Brian said that he would keep the commission informed if there was any further action on the issue.

Adjourn

A motion was made and seconded to adjourn the meeting.

MOTION TO ADJOURN

WALTERS/RUSSELL

APPROVED

John Moots, Chairman

Attest: Brian Templin, City Planner

**CITY OF CRAIG
PLANNING COMMISSION**

Staff Report by Brian Templin

June 4, 2010

Applicant: Kim Patotzka

Requested Action: Variance to set back requirement

Location: Lot 4, Block 12, USS 1430
703 Main Street

Zoning: High Density Residential

Surrounding Uses: North: High Density Residential/Main Street
South: High Density Residential
West: High Density Residential
East: High Density Residential

Analysis

Kim Patotzka has applied to the Craig Planning Commission for a variance to the side yard setback on Lot 4, Block 12, USS 1430. The variance is to allow encroachment of approximately 5' caused by placement of a building to be used as a single family dwelling rental unit.

Kim has submitted a building permit application and variance application for a building that he recently placed on the site. The building was placed by the owner without any applications or permits being issued. The building is a small frame construction building that was located on Kim's property on Beach Road and Kim intends to use the building as a single family rental unit. Kim is proposing to allow the building to remain where it has been placed which is approximately 5' from the easterly property line. This placement encroaches 5' into the sideyard setback. Kim also owns Lot 5, Block 12, USS 1430 which is the property adjacent to the proposed encroachment. Kim has stated on his application that he does not wish to cut down the timber on the lot and that the current placement is the only place the building can be located without cutting down timber.

Criteria Analysis

Section 18.06.003 of the Craig Land Development Code lists the seven specific criteria that must be met before a variance may be granted.

Criteria 1. There are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which make the variance necessary. The lot is shaped and sized similar to most residential lots in this part of town. Kim is claiming that the fact that the timber creates few placement options is the exceptional physical circumstance requiring the variance. The commission should discuss whether or not the timber on the lot constitutes exceptional physical circumstances to allow for the variance.

Criteria 2: The strict application of the provisions of this title would result in practical difficulties or unnecessary hardship. The strict application of the provisions of the setback

would require the applicant to realign the building, remove the timber or replat the adjacent lot to move the shared lot line. The planning commission should discuss whether this criteria is met.

Criteria 3: Granting the variance will not result in physical damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare. The variance is requested within setbacks that will affect one property to the east (also owned by Patotzka). Aside from the building in question, which was placed without a permit, there are no buildings or other encroachments into the setback on this or the adjacent lot. The commission should discuss the impacts to the adjacent properties.

Criteria 4: Granting the variance is consistent with the objectives of the comprehensive plan. The proposed use, zoning and location are consistent with the Craig Comprehensive Plan. This condition is met on the basis of the application.

Criteria 5: The special conditions that require the variance are not caused by the person seeking the variance. As the commission is probably aware, this is the most difficult condition to meet when granting a variance for new construction or placement. Since the applicant has discretion on the size and placement of the building since the building did not exist on the property prior to the current placement and variance application then the commission has to look at the other factors described in the application to determine if the person seeking the variance is causing the conditions necessary for the variance. In this case the applicant is claiming that the location of the existing timber is the cause for the need for the variance. The commission should discuss whether the applicant has the ability to modify size or location of the improvements or take some other action to minimize or eliminate the variance while still accomplishing reasonable improvements.

Criteria 6: The variance will not permit a land use in a zone in which that use is prohibited. The proposed use and construction is allowed in the zone that the property is located in. This condition is met based on the application.

Criteria 7: The variance is not sought solely to relieve monetary hardship or inconvenience. The applicant has listed removing the existing timber as an exceptional physical circumstance and that removal would be cost prohibitive. The commission should discuss whether the applicant has looked at alternatives to the variance that will allow for reasonable improvements, even if they cause monetary hardship or inconvenience.

Recommendation

As the commission is fully aware granting the variance require a balance of what is reasonably expected in terms of construction footprint to meet an applicants needs and weighing that against public safety, property values and other considerations spelled out in the variance requirements.

Criteria 4 and 6 are met on the face of the application. All other criteria should be discussed by the commission to determine if the variance meets these criteria.

A copy of the application is attached (per the applicant's request).

**CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 522-10-PC**

APPROVING A REQUEST BY KIM PATOTZKA FOR A VARIANCE TO THE SIDEYARD SETBACK REQUIREMENTS ON LOT 4, BLOCK 12, USS 1430

WHEREAS, the Planning Commission held a public hearing on June 7, 2010; and,

WHEREAS, public notice was given in accordance with Section 18.06 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section 18.06.003 of the Craig Land Development Code are met.

NOW, THEREFORE, BE IT RESOLVED the Craig planning commission approves the request for a variance to the setback requirements on Lot 4, Block 12, USS 1430 not to exceed an encroachment of five feet (5') into the east side yard setback.

Resolution Approved this 7th day of June, 2010.

Chairman John Moots

Brian Templin, City Planner

**CITY OF CRAIG
PLANNING COMMISSION**

Staff Report by Brian Templin

June 4, 2010

Applicant: Kenneth and Tyna Soule

Requested Action: Variance to set back requirement

Location: Lot 6, Block 10, USS 1430
603 Spruce Street

Zoning: High Density Residential

Surrounding Uses: North: High Density Residential/Spruce Street
South: High Density Residential
West: High Density Residential
East: High Density Residential/Sixth and Beach Road

Analysis

Kenneth and Tyna Soule have applied to the Craig Planning Commission for a variance to the side yard setback on Lot 6, Block 10, USS 1430. The variance is to allow encroachment of approximately 10' caused by rebuilding and expansion of a deck connected to a single family dwelling. The deck is more than 30" above grade, which requires it to meet the same standards as a wall or other structure in terms of setbacks. The building previously had a deck located here and the applicant has been granted permission to rebuild up to the same size deck for safety reasons. Since the applicant is looking to increase the size of the deck and therefore the size of the encroachment a variance is required for the additional footprint.

The applicant has Lou Gehrig's disease, has limited mobility and is confined to a wheelchair the majority of the time. The current deck is too small and structurally unsafe to support the large wheelchair required by the applicant. The newly built, increased deck will allow for easier access by the wheelchair and allow for the applicant to spend time outside.

Criteria Analysis

Section 18.06.003 of the Craig Land Development Code lists the seven specific criteria that must be met before a variance may be granted.

Criteria 1. There are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which make the variance necessary. The lot is shaped and sized similar to most residential lots in this part of town. The house placement does not leave any options for expansion of the back deck without encroaching. The applicant has stated that the medical situation is an exceptional physical circumstance requiring the variance. The commission should discuss whether or not the medical condition and the requirement for the expanded deck constitutes exceptional physical circumstances to allow for the variance.

Criteria 2: The strict application of the provisions of this title would result in practical difficulties or unnecessary hardship. The strict application of the provisions of the setback

would limit the applicant's ability to spend time outdoors. The existing deck is too small and is structurally unsound. The applicant has may rebuild the deck on the current footprint to solve the structural and safety issues without a variance but may not expand the size of the deck without the variance. The planning commission should discuss whether this criteria is met.

Criteria 3: Granting the variance will not result in physical damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare. The variance is requested within setbacks that will affect one property to the east (also owned by Soule). In addition to the existing deck and the proposed expanded deck the current home encroaches approximately 7.5' at the northeast corner of the house. There are no improvements on the adjacent lot. The commission should discuss the impacts to the adjacent properties.

Criteria 4: Granting the variance is consistent with the objectives of the comprehensive plan. The proposed use, zoning and location are consistent with the Craig Comprehensive Plan. This condition is met on the basis of the application.

Criteria 5: The special conditions that require the variance are not caused by the person seeking the variance. The applicant has listed the medical condition and the lack of alternative locations for the deck as the special conditions requiring the variance. As the commission is probably aware, this is the most difficult condition to meet when granting a variance for new construction or expansion of existing construction. Since the applicant has discretion on the size and placement of the increased size of the deck then the commission has to look at the other factors described in the application to determine if the person seeking the variance is causing the conditions necessary for the variance. The commission should discuss whether the applicant has the ability to modify size or location of the improvements or take some other action to minimize or eliminate the variance while still accomplishing reasonable improvements.

Criteria 6: The variance will not permit a land use in a zone in which that use is prohibited. The proposed use and construction is allowed in the zone that the property is located in. This condition is met based on the application.

Criteria 7: The variance is not sought solely to relieve monetary hardship or inconvenience. The commission should discuss whether the applicant has looked at alternatives to the variance that will allow for reasonable improvements, even if they cause monetary hardship or inconvenience.

Recommendation

As the commission is fully aware granting the variance require a balance of what is reasonably expected in terms of construction footprint to meet an applicants needs and weighing that against public safety, property values and other considerations spelled out in the variance requirements.

Criteria 4 and 6 are met on the face of the application. All other criteria should be discussed by the commission to determine if the variance meets these criteria.

A copy of the application is attached.

**CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 523-10-PC**

APPROVING A REQUEST BY KENNETH AND TYNA SOULE FOR A VARIANCE TO THE SIDEYARD SETBACK REQUIREMENTS ON LOT 6, BLOCK 10, USS 1430

WHEREAS, the Planning Commission held a public hearing on June 7, 2010; and,

WHEREAS, public notice was given in accordance with Section 18.06 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section 18.06.003 of the Craig Land Development Code are met.

NOW, THEREFORE, BE IT RESOLVED the Craig planning commission approves the request for a variance to the setback requirements on Lot 6, Block 10, USS 1430 not to exceed an encroachment of ten feet (10') into the east side yard setback.

Resolution Approved this 7th day of June, 2010.

Chairman John Moots

Brian Templin, City Planner

CITY OF CRAIG MEMORANDUM

To: Craig Planning Commission
From: Brian Templin, City Planner
Date: June 4, 2010
RE: Planning Commissioner Attendance by Teleconference

Earlier this year Mark Beardsley was appointed to fill an unexpired term on the planning commission. When Mark was appointed we knew that he would be out of town for most of the summer commercial fishing. Since we often do not have meetings and can usually get a quorum this isn't a big factor. In our discussions when Mark was appointed he also suggested that we look at the possibility of allowing attendance by teleconference so that he could continue to attend meetings through the summer. This would also allow commissioners to attend at other times of the year when they are travelling. Craig Municipal Code Section 18.02.10, which covers the planning commission meeting quorum requires that "A majority of voting membership constitutes a quorum. Any act of the commission requires a majority affirmative vote of those voting members present."

There is no other reference to presence of members at meetings. Since "present" is not defined in our municipal code there appears to be some latitude to allow telephone presence. The commission should discuss whether or not it wants to allow attendance by teleconference; whether or not it wants to allow voting rights by teleconference; and what the conditions might be regarding this attendance and voting (i.e. previous notice, notice in writing, attendance but not voting, etc.).

A review of the municipal code does not find any restrictions but the commission should look at the issues and decide what to allow or not to allow and whether any of the code needs to change to reflect this.