

CITY OF CRAIG
PLANNING COMMISSION MINUTES
Meeting of October 12, 2023

Roll Call

Sharilyn Zellhuber (Chair), John Moots, Kevin McDonald (excused absent), Barbara Stanley, Jeremy Crews (arrived at 7:23pm)

Meeting Started at 7:15pm.

Approval of Minutes

1. August 24, 2023 Minutes. Commissioner Stanley stated that a section of the minutes regarding identifying trailer parks via walk-by was incorrect. Commissioner Moots agreed that he did not recall that statement. Wilson agreed to amend the minutes redacting the two sentences associated with that portion of the discussion. A motion was made and seconded to approve the amended minutes from the August 24, 2023 meeting.

MOTION TO APPROVE

MOOTS/STANLEY

APPROVED

Public Comment

1. Other Non-Agenda Items

Public Hearing and New Business

1. PC Resolution 620-23-PC – Variance for Daniel Nelson to maintain a structure 8' into the 10' side yard setback in a High-density Residential Zone at 440 Hamilton Drive (Lot F-2, Tract F, USS 2327).

Wilson noted that she had been approached by the neighbor, Jim Dennis, who expressed concern with the variance due to the perceived value of his property being affected by the close proximity of the greenhouse. Jim is interested in selling his property and his potential buyers had expressed concern.

Wilson also noted that Daniel Nelson had submitted a letter as he would be unable to attend the meeting. Zellhuber asked about the reference to Tract F in Daniel Nelson's letter. Wilson noted that this was the intersection issue the City of Craig addressed with Shaan-Seet Inc. where the visibility at the Main and 4th Street intersection was negatively affected by the construction of a rock-wall. This issue was resolved without a variance by agreement. Nelson thought that it related to his request for a variance.

Zellhuber remarked about the comparison of the previous variance approved to Curtis and Wendy Brown. Wilson noted this was the variance that had split the Planning Commission previously, with two commissioners feeling that this decision had set a precedent in the past and was relevant to the current decision.

Previously, there was not enough information on the Curtis Brown variance to make an accurate comparison.

Wilson noted that moving forward, each criteria should be considered separately other than Criteria 4 and 6 which were determined to be met by all Commissioners in the previous meeting. All others were a split.

Criteria 1: Moots noted that viewshed and family outdoor space were the primary issues. Moots stated he did not think the viewshed would be significantly affected. Wilson noted that encroachment into family outdoor space was the primary listed problem. Stanley stated she felt criteria one was not met, Moots and Zellhuber agreed. Zellhuber noted she saw nothing unusual about the lot. Stanley acknowledged that the steepness of the lot had been mentioned before, but expressed that she did not feel it was an unusual circumstance. The commission found that the criteria was NOT MET.

Criteria 2: Commissioner Crews arrived at 7:23pm. Zellhuber addressed the hardship of moving the structure, but agreed with Wilson that this was a result of rules not being followed and normally would not be considered as an unnecessary hardship. Stanley stated that she felt the criteria was not met, Zellhuber agreed. Moots noted that the family outdoor space lost by moving the structure would not be very large, especially considering the large lot. Crews asked if Nelson had landscaping in front of the greenhouse. Wilson noted there were retaining walls near the greenhouse, but it looked to be mostly bushes in front of the structure. Crews stated he thought that there were large rocks. Crews noted that moving the greenhouse would be difficult. The commission found that this criteria was NOT MET.

Criteria 3: Zellhuber observed that the Curtis Brown greenhouse, while more flammable, would be easier to knock down or take apart and manage in a fire situation due to its fiberglass/plastic structure; Moots agreed. Crews asked about the language in the variance addressing prejudice to neighboring property owners in light of Jim Dennis' letter. Wilson acknowledged the issue of structure proximity, particularly due to the encroachment being 8 feet into the setback as structures are expected to be at least 6 feet away from other structures unless they share a wall or are connected. The neighbor would not be allowed to put up their own greenhouse adjacent to the current greenhouse due to the proximity issue. Crews asked about the affect of the greenhouse on the neighbor's property value. Wilson reiterated that Jim Dennis had come in expressing that concern after a potential property buyer requested a reduced price if the variance is approved. Zellhuber stated that she felt the criteria was not met. Crews expressed that the criteria did not appear to be met due to the devaluation of the neighbor's property, although he stated that he did not feel the greenhouse was a safety or fire concern. Crews clarified that he was not on the fire department and would not speak formally on the issue of fire. Moots agreed that the neighbor's concern was the primary issue. The commission found that this criteria was NOT MET.

Criteria 4: Previously agreed to be met.

Criteria 5: Stanley stated this condition is often met when a new owner inherits a pre-existing condition that requires a variance to remain, Wilson agreed. Moots noted an unusual lot may play into the decision to award a variance as well, but observed that the lot in question was fairly standard despite sloping. Zellhuber asked what defines a structure. Wilson noted there are some grey areas, but generally enclosed walls define a structure. Non-structures may include open structures, fences and retaining walls under listed heights as well as decks under 30" from grade. Containers and other potentially mobile structures are generally defined by how they are used. Crews asked if the greenhouse in question could be lifted, affixed to wheels and made non-permanent. Wilson stated that a "structure" that could be moved by non-mechanical means could qualify as a non-structure. *(Editor's note: the structure in question is likely too big to qualify as its width would make it "oversized" for typical road use).* The commission found that this criteria was NOT MET.

Criteria 6: Previously agreed to be met.

Criteria 7: Stanley stated that the criteria was not met. Zellhuber acknowledged that an inconvenience was the only listed reason for the applicant requesting the variance. Crews agreed, adding that the cost of moving the structure was a significant factor. Moots agreed. The commission found that criteria 7 was NOT MET.

All variances require an affirmative vote to approve or deny a variance. Included in the packet were two versions of the draft resolution with one approving and the other denying the variance. A motion was made and seconded to approve the version of PC Resolution 620-23, disapproving the request for a variance to the property setback encroachment on Lot F-2, Tract F, USS 2327.

MOTION TO APPROVE

MOOTS/STANLEY

APPROVED (4-0)

Old Business

1. Zellhuber asked to see public notices posted about the requirements for building permits. Crews agreed, requesting to see such notices run in the local paper. Stanley agreed this would be a positive step towards educating the public. It was generally acknowledged smaller projects can easily slip through the cracks with buildings not thinking they needed a building permit. Zellhuber acknowledged that the sales tax exemption was no longer such a benefit with so many materials purchased off-island.

Adjourn

A motion was made and seconded to adjourn the meeting at 7:55pm.

MOTION TO ADJOURN

CREWS/STANLEY

APPROVED


Chairman Sharilyn Zellhuber


Samantha Wilson