

CITY OF CRAIG
PLANNING COMMISSION MINUTES
Meeting of November 30, 2023

Roll Call

Sharilyn Zellhuber (Chair), John Moots, Kevin McDonald, Barbara Stanley, Jeremy Crews (exabs)

Public: Clinton Cook & Josh Bennett

Meeting Started at 7:00pm.

Approval of Minutes

1. October 12, 2023 Minutes. A motion was made and seconded to approve the minutes from the October 12, 2023 meeting.

MOTION TO APPROVE

MOOTS/STANLEY

APPROVED

Public Comment

1. Josh Bennet wanted to know when Daniel Nelson was due to move his greenhouse and if there was a building permit for 600 Cedar Street. Wilson stated that Daniel Nelson's greenhouse was due to be moved January 15th. Wilson asked for more information on the 600 Cedar Street issue as she did not know which property Josh was referring to, but that it may be a known issue. Josh did not know the name of the owner at 600 Cedar Street and did not elaborate on the construction or problem at that location.

Public Hearing and New Business

1. PC Resolution 621-23-PC – Preliminary plat for Shaan-Seet Inc. to replat Commercially Zoned Lot 1 and Lot 2 of USS 2613 (1700 & 1710 Craig-Klawock Highway).

Wilson gave a brief review of the plat, noting that this was a desired replat from Shaan-Seet Inc. and had nothing to do with City of Craig requirements.

Moots noted the unusual shape of the lot and asked why Shaan-Seet did not subdivide Lot 2 and leave Lot 1. Wilson noted that the first draft of the replat depicted three lots, but Shaan-Seet decided to maintain two lots. Wilson was uncertain about the reasoning behind the change. Clinton Cook, President of the Craig Tribal Association, stated that Shaan-Seet wanted to retain access to the water for future projects.

Wilson stated that there were no written or public comments regarding this replat.

2. PC Resolution 622-23-PC – Variance for Craig Tribal Association to maintain a structure encroaching into the 10' sideyard setback in a Commercial Zone at 404 Main Street (Lot 2, Block 18, USS 1430).

Wilson noted this was an enforcement issue that had been drawn out over a year, starting with the previous owner, Aimee Demmert, who initiated construction without a building permit.

Clinton Cook stated that the ongoing issue with the property was not brought to the attention on the Craig Tribal Association and that the City failed to do their job. Clinton stated that their realtor, broker, and title agencies did not find any liens or other red-flags when purchasing the property for cash. Clinton feels that there was improper communication within the City of Craig and that the City should have stopped the sale or put a lien on the property.

Clinton stated that a letter had been incorrectly sent to Shaan-Seet Inc. rather than the Craig Tribal Association regarding the encroachment. Wilson apologized and stated she would review the notice letters about the ongoing problem and ensure a mix-up did not happen in the future (*Editor's note: on further investigation, it was determined that all appropriate Craig Tribal Association letters were sent to the CTA. Shaan-Seet Inc. received a public notice letter due to being an adjacent property owner. Shaan-Seet Inc. is an adjacent property owner and was an intended public notice recipient*).

Josh Bennett asked what the building permit stated. Bennett noted that he had built the deck in question and was shut down during construction. Bennett further noted that he had eventually received approval to continue construction. Wilson stated that the building permit was approved with the expectation the deck/grade would be adjusted to meet code. Raising the grade of the property so that the deck was 30" or less from grade would make it a non-structure and meet code. Bennett stated that it appeared to him that the Craig Fire Chief approve the construction and that all the boxes had been checked off. Bennett further stated that the property being commercial property should allow the construction to encroach within the setback. Wilson noted that the City Fire Chief is not the appropriate authority to approve encroachments, nor is the City Planner; that is the role of the State Fire Marshal. Encroachments may occur on commercially zoned property with approval of the State Fire Marshal, but the State Fire Marshal does not review residences with under four dwelling units. Wilson reiterated that the building permit was approved with the understanding that the original property owner would raise the grade to meet code. Bennett would like to see future clarification of the 30" rule in the Craig Municipal Code.

Wilson noted she spoke to at least four individuals over the phone regarding the property in question and the ongoing issues with 404 Main Street. The problem was also noted in MARS, the City of Craig's municipal assessment system. Wilson cannot verify what information was conveyed through the City Clerk's office, or if/why information she provided to inquirers did not go up the chain-of-command in the Craig Tribal Association.

Clinton stated that fixing the issue by raising the grade would be problematic due to potential drainage issues as well as physical practicality. Clinton asked if pavers could be used. Wilson stated that pavers were an unlikely solution as they could so easily be removed, but acknowledged that gravel is fairly easy to wash away as well. Clinton stated that the height from grade was only about 36" while Wilson noted that her measurements put it at 46" from grade in the worst corner.

Zellhuber reiterated that the solutions were raising the grade 16" to render the deck a non-structure or to obtain State Fire Marshal approval, although Wilson noted the structure was unlikely to qualify for Fire Marshal review. Stanley asked what the typical time period was on Fire Marshal review and wondered if it would be something the Fire Marshal could look at on a trip to Prince of Wales. Bennet confirmed that the Fire Marshal keeps a strict schedule and does not add buildings for review during trips. Wilson stated that in her experience with another commercial building, it took many months for the review to be completed; she understood that to be due to COVID backlogs and that the time scale for that review was unusual. Clinton stated for Green Street Marijuana Retail Facility, the review took 9 months. Clinton stated that the Craig Tribal Association was not interested in pursuing Fire Marshal review due to the extensive work that would require. The commission reviewed the definition of a structure and discussed the wording. Wilson acknowledged that removing the encroaching portion of the deck was another way of addressing the issue.

Commissioner Zellhuber asked to clarify if the variance was still requested. Wilson added the variance is the only function that required Planning Commission discussion, other solutions could be discussed outside of the Planning Commission meeting. Clinton confirmed interest in pursuing the variance.

Criteria 1:

Moots asked about the grade of the property, Wilson stated that the property sloped slightly towards the problem corner. Wilson also stated during her discussions with the Fire Chief, that he noted the entire structure could have been built lower and likely met code. Kevin McDonald noted that his own deck (since removed) had been approved within the setback and was quite a bit taller than the Demmert deck. Wilson noted that a deck as described by Kevin should not have been approved, but she did not have enough information to determine how or why the discrepancy had happened. Clinton noted that rewording of the code could allow a percentage of the deck to meet the under 30" requirement. Zellhuber

asked if the code language could be changed. Wilson stated that using a percentage would make evaluation more difficult, and the intent of the code was to define structures. Commissioner McDonald felt the Criteria was met while Moots, Stanley, and Zellhuber were more uncertain but stated that it might be met. The Criteria was temporarily skipped. Upon reviewing the remaining Criteria, all Planning Commissioners ultimately determined that Criteria 1 was MET.

Criteria 2:

Moots felt that Criteria 2 appeared to be met, but acknowledged feeling conflicted. Wilson noted that the first two criteria were more subjective and that Criteria 3, 5, and 7 would require more discussion. Wilson acknowledged drainage being the primary issue for addressing the problem. The Planning Commissioners agreed that Criteria 2 was MET.

Criteria 3:

Wilson acknowledged the issue with fire response due to the encroachment but acknowledged that the extra height was unlikely to stop fire fighters during a response. Wilson also acknowledged that an open deck was unlikely to be a significant fire risk. Wilson stated the more likely issue was prejudice to other property owners. Zellhuber acknowledged the potential for future prejudice if an adjacent lot owner wished to build something nearby or if the adjacent properties were sold. No public comment was received regarding the encroachment and currently no nearby structures were affected. Any future structure would be expected to maintain at least 6 feet of distance from the current structure. Moots noted the deck does not change the geometry or slope of the lot. The Planning Commissioners agreed that Criteria 3 was MET.

Criteria 4:

The Planning Commissioners agreed that Criteria 4 was MET.

Criteria 5:

The Planning Commissioners agreed that Criteria 5 was MET.

Criteria 6:

The Planning Commissioners agreed that Criteria 6 was MET.

Criteria 7:

Zellhuber reiterated that the variance cannot be sought solely to relieve monetary hardship or inconvenience. She asked Clinton if he had any other reasons for seeking the variance. Clinton noted the drainage issue if grade were raised under the deck. Wilson noted the other solution to solving the problem was to remove the encroaching portion of the deck or lower the encroaching portion that was over 30". Bennett stated that the code was problematic as adding a step could fix the issue. Wilson stated that the issue was not the code, but the building permit not being approved prior to construction of the deck. Wilson stated that making

the encroaching portion a step-down was an option available to Tammy and Aimee Demmert. Zellhuber acknowledged that her biggest issue was approving the variance if removing the encroaching portion was still an option to meet code. After some confusion, Wilson clarified that Bennett's idea of adding a step-down within the setback while retaining the oversized encroachment did not resolve the problem. McDonald, Stanley, and Moots Determined that Criteria 7 was MET.

Commissioner Zellhuber confirmed that the Planning Commission had determined all seven criteria were met and that a variance to grant the encroaching deck was approved.

MOTION TO APPROVE

MCDONALD/MOOTS

APPROVED (4-0)

Old Business

1. In a brief discussion, Wilson noted that Jeremy Crew's position was coming up for reinstatement. Due to Council Member Millie Schoonover's comments from 2022, Wilson would ask Crews if he is interested in maintaining his seat as a planning commissioner and advertise to see if any one else in Craig was interested in the position. If someone else is interested, Wilson will work with the Mayor and City Council on how they would like to proceed.

Wilson also noted that the City Council was interested in doing streetlight nominations. This public process would be brought up at the next Planning Commission meeting with advertisement.

Stanley asked about the outcome for the amendments to Title 18 allowing tiny homes in trailer parks. Wilson confirmed that the amendment had been approved by the council but the code still needed official updates. Stanley requested updated codes when the amendments are added.

The Planning Commission agreed to meet January 25th due to holidays and travel interfering with a December meeting. No immediate items are on the agenda.

Adjourn

A motion was made and seconded to adjourn the meeting at 8:19pm.

MOTION TO ADJOURN

MCDONALD/STANLEY

APPROVED


Chairman Sharilyn Zellhuber


Samantha Wilson, City Planner