

# **CITY OF CRAIG PLANNING COMMISSION AGENDA**

Meeting of October 12, 2023  
7:00 p.m., Craig City Council Chambers

## **Roll Call**

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

## **Approval of Minutes**

1. August 24, 2023 Minutes

## **Public Comment**

1. 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' sideyard setback in a High-density Residential Zone at 440 Hamilton Drive (Lot F-2, Tract F, USS 2327).

## **Old Business**

1. None

## **Adjourn**

*The meeting will be available by teleconference for both the public and planning commissioners. To call into the planning commission meeting call 1-800-315-6338, code 63275#. Commissioners can participate and vote by phone if they wish.*

CITY OF CRAIG  
PLANNING COMMISSION MINUTES  
Meeting of August 24, 2023

**Roll Call**

Sharilyn Zellhuber (Ex abs.), John Moots (Acting chair), Kevin McDonald, Barbara Stanley, Jeremy Crews

From the public: Daniel Nelson

*The attempt at recording the meeting failed. The recorder had only recorded 5 seconds of the meeting.*

Meeting Started at 7:00pm.

**Approval of Minutes**

1. June 22, 2023 Minutes. A motion was made and seconded to approve the minutes from the June 22, 2023 meeting.

MOTION TO APPROVE

STANLEY/MCDONALD

APPROVED

**Public Comment**

1. Other Non-Agenda Items

**Public Hearing and New Business**

1. PC Resolution 619-23-PC – Title 18 Amendment to 18.00.020 Definition of “Mobile home park” and “Mobile Building” and Additions to 18.07.040 Health and Safety Standards.

Wilson noted that she had reached out to Shaan-Seet Inc., owner of Shaan-Seet Trailer Court and Misty Fitzpatrick, Owner of Bumblebee/Harborview Trailer Court regarding the new proposed language. Responses were received from each acknowledging the meeting, and Ed Douville stated that written comments would be submitted. However, no comments were received at the time of the meeting.

Commissioner Stanley brought up the issue of outreach to the owner of Shapley Subdivision, a lot with three trailers constituting a trailer park and owned by Faith Lane. Wilson noted she did not have a phone contact for Faith and did not have time to mail out a notice as that trailer park was previously unknown to her. Stanley asked about other potential trailer parks and Wilson noted there was no single source identifying everything that would qualify as a trailer park and it would be difficult to comb through all records to identify them. Stanley disagreed and stated that trailer parks could easily be identified via a walk-by. Wilson disagreed stating that lot-lines are not always apparent. Moots noted that some

trailer parks might also be a result of grandfathered-in structures and not actually constitute a trailer park.

Wilson noted if the notice issue was a problem, the proposed amendment/resolution could be readvertised and revisited but that there would also be an opportunity for public comment at the City Council meetings. After some discussion, the Planning Commission determined that the language should go before the Craig City Council on September 7<sup>th</sup> for its first Ordinance reading. Due to the new schedule the City Council is testing out, the language could not be passed until October, offering ample opportunity for further notice and public input.

MOTION TO APPROVE

MCDONALD/CREWS

APPROVED

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

Daniel Nelson was present to answer questions about his greenhouse and his request for a variance. Nelson noted that the structure was built on 9' x 6' timbers, was not a permanent structure, and could be slid. Daniel Nelson also noted he had no flat property to slide it on and did not want to move it to the front yard due to its encroachment into family space. Daniel further noted any movement would require excavation that would cause undue hardship and that he had gotten a fair ways into the project before he was contacted by the City Planner about the issue with the building permit/setback requirements. Nelson stated that he was unaware that a building permit was necessary for an accessory building or that it was required to meet setback requirements. Wilson noted she had attempted to contact Nelson twice and was unable to leave a voice message before getting through to him on the third attempt. Nelson stated his phone records only showed one call, that being the one that reached him.

Wilson noted that the property was tiered but was larger than most standard lots and had adequate room elsewhere on the property outside of the setback, much of it is fairly flat. Commissioners Stanley and Moots generally agreed that the criteria for the variance were not met while McDonald and Crews generally felt the criteria for a variance were met. It was agreed that Criteria 4 and Criteria 6 were met but there was no agreement on the remaining Criteria.

Moots noted the structure was a greenhouse without electricity and was not a residential structure, presenting it as low fire-risk. Wilson later noted that the presence of electricity was not a factor considered in building permits or setback requirements and that the presence/lack-of of electricity could not be enforced if this or other greenhouses were allowed.

McDonald strongly felt that there was a previous precedent set by an approved variance applied for by Curtis Brown for a greenhouse (Resolution 545-13 reviewed 5/13/2023 and 5/23/2023 and passed 5/23/23). Wilson noted she had referred to other setback cases, particularly Tim Wyzwowski's (Resolution 499-08 reviewed 1/24/2008 and denied) where the variance was denied for similar reasons, but had not carefully reviewed the Curtis Brown greenhouse and did not have the conditions for that situation readily available at the meeting. *(Editor's note: most approved variances presented as having some unusual feature of topography including Curtis Brown's and did not have a structure present prior to the application for the variance. Regardless, the Curtis Brown case should have been more closely inspected prior to the Planning Commission meeting due to other comparable circumstances).* Nelson stated that if a previous greenhouse had been approved in a setback, that his should be approved as well.

Wilson noted that one option available to the Planning Commission was to approve a modified variance requiring the greenhouse to be moved partially out of the setback. Moots had noted that his biggest issue was how far into the setback the greenhouse was built and that he would be more inclined to approve a smaller encroachment. Moots suggest 5' into the setback would be a more reasonable concession. McDonald asked Nelson if he would be able to move the greenhouse over 3' to reduce the encroachment to 5' into the setback. Nelson stated excavation would need to be done and that it would interfere with/damage his landscaping. Nelson stated that he would rather tear the greenhouse down than move it.

Stanley was strongly apposed to the variance on the basis that it did not meet the criteria for a variance. She noted this issue was a slippery slope and that all manner of other accessory buildings could be allowed within the setback if they were built before the receipt of a building permit. McDonalds was strongly in favor of the variance due to the previous precedent set by the Curtis Brown decision.

Moots noted that the issue was tied and that the matter could be tabled. Moots suggested revisiting the previous decision on the Curtis Brown greenhouse to see if the two situations were comparable. Nelson found that result to be unideal, but noted that he had waited to complete his greenhouse this long and that he could wait a little longer; he noted that the issue of weathering was a concern for him as his structure was still exposed. Moots would like to see a special session held to decide the issue. Stanley noted that she will be gone and unavailable to participate in the special meeting. McDonald stated he will also be traveling but that he would be interested in attending the meeting via teleconference.

No comments were submitted regarding this variance other than a letter submitted by Commissioner Zellhuber who was unable to attend. Zellhuber noted that while the greenhouse was a beautiful structure and that Daniel Nelson had done much to improve his property, she did not think it met the criteria for a variance. Zellhuber

wondered if a temporary variance could be granted until development of the adjacent lot, but acknowledged that would likely be too complicated. Wilson confirmed that temporary variances were not a function of the Craig Municipal Code. As Commissioner Zellhuber was not present, she was unable to break the tied vote.

## **TABLED**

### **Old Business**

1. The planning commission generally asked about updates from the Craig City Planner.

Wilson noted that the City Council had expressed interest in moving on with the Wards Cove property, opting to look at improvements in existing infrastructure, starting with the web loft roof. There had also been some discussion of possible remediation of existing docks, although nothing was determined for sure.

Moots asked about the failing rock wall on 600 Cedar Street that required a variance. Wilson noted that no paperwork had been submitted and that she had heard nothing back from Dave Nelson Jr. A new neighbor had purchased and moved into the property next door at 602 Cedar, which is threatened by the rock wall. The home previously belonging to the Colbergs and was now owned and occupied by Gregg Dockweiler.

Wilson also noted that Councilwoman Chanel had requested language for the Craig Municipal Code be investigated to allow temporary stays or reduction on property taxes if improvements are made. Wilson noted that she had done some research and presented a couple of options exercised by other communities and had received the go-ahead to investigate further. Wilson noted this could be language drafted in the Planning Commission if commissioners were interested in taking part in it. The language would not be a part of Title 18.

### **Adjourn**

A motion was made and seconded to adjourn the meeting at 8:05pm.

MOTION TO ADJOURN

MCDONALD/CREWS

APPROVED

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Chairman John Moots

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Samantha Wilson

# **CITY OF CRAIG PLANNING COMMISSION**

Staff Report  
October 12, 2023

Applicant: Daniel Nelson

Requested Action: Variance to allow a structure to encroach up to 8 ft into the 10' side-yard setback

Location: Lot F-2, Tract F, USS 2327 (440 Hamilton Drive)

Lot Size: 15,887 SF

Zoning: High-Density Residential

Surrounding Uses: North: High-Density Residential  
West: Marine Industrial & ROW  
South: High-Density Residential  
East: High-Density Residential

## **Analysis**

Daniel Nelson owns the property located at Lot F-2, Tract F, USS 2327. The property currently contains a two-story garage and single-family residential structure as well as a new structure that is intended to be used as a greenhouse. The new greenhouse is 22' x 10' and encroaches up to 8' into 10' the property setback on the north side of the lot. The structure was built without a building permit and the setback issue became apparent during review after Mr. Nelson was contacted regarding the requirement for a building permit for a structure that size. Mr. Nelson stated that he was unaware that a greenhouse would require a building permit.

The greenhouse location violates section 18.05.003.D 5a of the Craig Municipal Code which establishes exterior setbacks as: "Ten feet from all lot lines."

Options to remedy the issue are to move the structure out of the setback, remove the structure entirely, or have a variance approved allowing the structure to encroach up to 8' into the 10' setback.

This variance was previously reviewed by the Planning Commission and tabled August 24<sup>th</sup>. The Commission was split with Commissioner McDonald particularly concerned about a previous variance that was approved for Curtis Brown's greenhouse on Lot 2A-2-A, USS 3857. Variances should be issued in a consistent, fair manner and in keeping with the Craig Municipal Code, Title 18.

Both owners requested a variance for a greenhouse and both variances list some aesthetic hardship: lost family space/uprooted landscaping on the part of Daniel Nelson and

blocked view/requirement for sunlight for a greenhouse in the case of Curtis Brown. In both cases a home previously exists on the lot in question.

The differences between the two variance include the following:

- Usable lot size: Daniel Nelson has a tiered lot with two large, relatively flat spaces in front of his home. The entire lot has fill. In the case of Curtis Brown, the lot is unusually shaped with only part of the lot filled. The lot is directly on the water with a fair portion of the lot occupying tidelands. Both lots appear to have had other locations to put the greenhouse where it would not have encroached into the setback. Curtis Brown did end up moving his planned greenhouse location so it was only 3.5' into the setback rather than the original requested 5'.
- Greenhouse Size/Nature: Daniel Nelson's greenhouse is a 22'x10' greenhouse constructed on skids and constructed with timbers. It is large, heavy and would require excavation and heavy equipment to move. Curtis Brown's greenhouse is a 8' x 16' (previously listed as 8'x10') light-weight structure that was required to have a concrete slab upon which it was affixed to prevent windthrow. During the Planning Commission meeting of 5/13/2023 Brian Templin noted that usually a greenhouse that could be easily lifted/disassembled and moved manually, without machinery would not be considered for a building permit or be required to have a variance. The factor of wind and the requirement for an affixed slab were what made the greenhouse in question a structure in 2013.
- Side-yard setback encroachment: Daniel Nelson's greenhouse encroaches up to 8' into the side-yard setback. Curtis Brown's greenhouse encroaches up to 3.5' (previously requested 5').
- Applicant's role causing the requirement for a variance: Daniel Nelson's greenhouse is already partially erected and was set up without a building permit leading to the issue of setback encroachment as well as difficulty moving the structure. Curtis Brown had requested a variance prior to construction/erecting his greenhouse; the circumstance of the lot and the wind affected the nature of the structure which lead to the variance requirement.
- Other factors: Daniel Nelson's primary reason for requesting the variance/location in the setback is that he does not want the greenhouse occupying other open/landscaped space and that some excavation would need to take place. Nelson also notes moving the existing structure would be difficult as it is incomplete and fragile. Curtis Brown's primary reason for requesting the variance/location in the setback was due to wind requiring the attached foundation that turned what may have debatably been a non-structure into a structure as well as the need for sun exposure for the greenhouse to be effective.

### **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. Daniel Nelson was informed of these criteria prior to requesting a variance.

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 property appears to contain adequate room to relocate a 22' x 10' greenhouse without encroaching into the side yard setback. The lot does not appear to be unusually shaped, small, or particularly steep (it is tiered). The lot is nearly double the minimum 8,000 sqft required for a modern, residential lot. Mr. Nelson feels that the lot is steep and would require excessive site preparation to relocate the greenhouse. The planning commission should discuss whether or not the lot presents exceptional physical circumstances.

Criteria 2: The strict application of the provisions of this title would result in practical difficulties or unnecessary hardship. Mr. Nelson states that the greenhouse must be placed in its current position so as to not take up family outdoor usable space. Nelson claims moving the structure would be an unnecessary hardship. This lot is significantly larger than the standard 8,000 sqft residential lot. The planning commission should discuss if the removal of family space is significant enough on this lot to constitute a practical difficulty or unnecessary hardship for the applicant or if it is more of an inconvenience as covered in Criteria 7.

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 10' property setbacks are enforced to ensure ease of firefighter access and limit the spread of fire across property boundaries. The encroachment is also severe with nearly 80 percent of the structure occupying the 10' setback and may affect the proximity of non-structures permitted on the neighbor's side within the setback (i.e. fences). The planning commission should discuss if a permanent structure located 8' into the property line will have long-term affects on any future developer of the adjacent lot or affect fire response/spread to either property.

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. Greenhouses are allowed within residentially zoned areas and are consistent with objectives of the comprehensive plan. This criteria appears to be met on the face of the application.

Criteria 5: The special conditions that require the variance are not caused by the person seeking the variance. The encroaching structure was erected by the applicant without a building permit. The applicant built the structure within the 10' setback against Craig Municipal Code as a result. The planning commission should discuss if there is any physical circumstance that would have prevented the structure from being erected elsewhere outside of the setback.

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. Greenhouses/accessory buildings are allowed uses on high-density residential properties. This condition is met on the basis of the application.

Criteria 7: The variance is not sought solely to relieve monetary hardship or inconvenience. The applicant's primary listed hardship is inconvenience of relocating or removing the structure as well as the impact moving the structure would have on outdoor family space and existing landscaping. The planning commission should discuss if the applicant has considered alternatives to the variance to meet the code since the last meeting, even if they cause monetary hardship or inconvenience.

### **Recommendation**

On its face, the variance application does not appear to meet Criteria 1, 2, 3, 5, or 7. The planning commission should discuss each criteria and determine what criteria are or aren't met. Previously, the Planning Commission was split on each contested criteria during the August meeting, much of it primarily hung on a previous precedent. Due to the options available for relocating the greenhouse, the lack of significant physical circumstance that would prevent relocating the greenhouse, and that the applicant initiated the construction without a building permit which further sets a problematic precedent, I do not recommend the variance be approved.

**CITY OF CRAIG  
PLANNING COMMISSION  
RESOLUTION 620-23-PC**

APPROVING A REQUEST BY DANIEL NELSON FOR A VARIANCE TO  
RETAIN A STRUCTURE 8' INTO THE 10' PROPERTY SETBACK.

WHEREAS, the Planning Commission held a public hearing on October 12, 2023; 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 criteria as shown in 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 allow the encroachment of a 10'x22' greenhouse up to 8' into the  
10' property setback.

Resolution Approved this 12<sup>th</sup> day of October, 2023.

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Chairman Sharilyn Zellhuber

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Samantha Wilson, City Planner

**CITY OF CRAIG  
PLANNING COMMISSION  
RESOLUTION 620-23-PC**

DISAPPROVING A REQUEST BY DANIEL NELSON FOR A VARIANCE  
TO RETAIN A STRUCTURE 8' INTO THE 10' PROPERTY SETBACK.

WHEREAS, the Planning Commission held a public hearing on October 12, 2023; 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 criteria as shown in Section  
18.06.003 of the Craig Land Development Code are not met.

NOW, THEREFORE, BE IT RESOLVED the Craig planning commission disapproves the  
request for a variance to allow the encroachment of a 10'x22' greenhouse up to 8' into the  
10' property setback.

Resolution Approved this 12<sup>th</sup> day of October, 2023.

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Chairman Sharilyn Zellhuber

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Samantha Wilson, City Planner

CITY USE ONLY

FILE NUMBER \_\_\_\_\_ FILE NAME \_\_\_\_\_  
DATE RECEIVED \_\_\_\_\_ BY \_\_\_\_\_ FEE \_\_\_\_\_  
HEARING DATE \_\_\_\_\_ NOTIFICATION DEADLINE \_\_\_\_\_

Applications must be received 15 days prior to the hearing date, which is the fourth Thursday of each month.

**VARIANCE APPLICATION**

APPLICANT'S NAME DANIEL J. NELSON

ADDRESS 440 WEST HAMILTON PHONE 360-471-7681

APPLICANT'S REPRESENTATIVE \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

PROPERTY DESCRIPTION: LOT F-2 BLOCK \_\_\_\_\_ TRACT F

SUBDIVISION OR SURVEY NUMBER \_\_\_\_\_ LOT/PARCEL SIZE 15874 SQ FT

SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_ RANGE \_\_\_\_\_

To help the Planning Commission gather facts about the proposal, please complete the following:

1. Describe the variance requested (measurement, location, type, etc.) \_\_\_\_\_

SET BACK OF AP. 8'

2. Why is the variance requested? BUILT THE GREEN HOUSE

BEFORE KNOWING I NEEDED A PERMIT

3. What exceptional physical circumstances or conditions make the variance necessary?

SO THE GREEN HOUSE DOES NOT TAKE UP FAMILY OUTDOOR  
USEABLE SPACE.

4. What difficulty or hardship would result if the variance is not granted? I WOULD

BE REQUIRED TO MOVE AND OR TAKE DOWN GREEN HOUSE

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5. What effects would the variance have on the surrounding properties? None

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Dated this 10<sup>th</sup> day of July, 2023.

I hereby swear that the information contained within and submitted with this application are in all respects true and correct to the best of my knowledge and beliefs.

Signed Charles No Date 07.10.23

The criteria on which approval or denial of a variance are based are listed in CHAPTER 18.06.003(C) of the Craig Municipal Code.

A decision of the Planning Commission may be appealed to the City Council within 30 days of the date of the mailing of the notice of the Commission's decision.



# SITE PLAN

Show the items from the checklist below in the drawing grid. The drawing must be legible and accurate.

Lot lines and dimensions

Distances from all structures to lot lines

Proposed structures with dimensions

All easements, streets, alleys, sidewalks

Existing structures and their dimensions

Parking spaces

Water lines

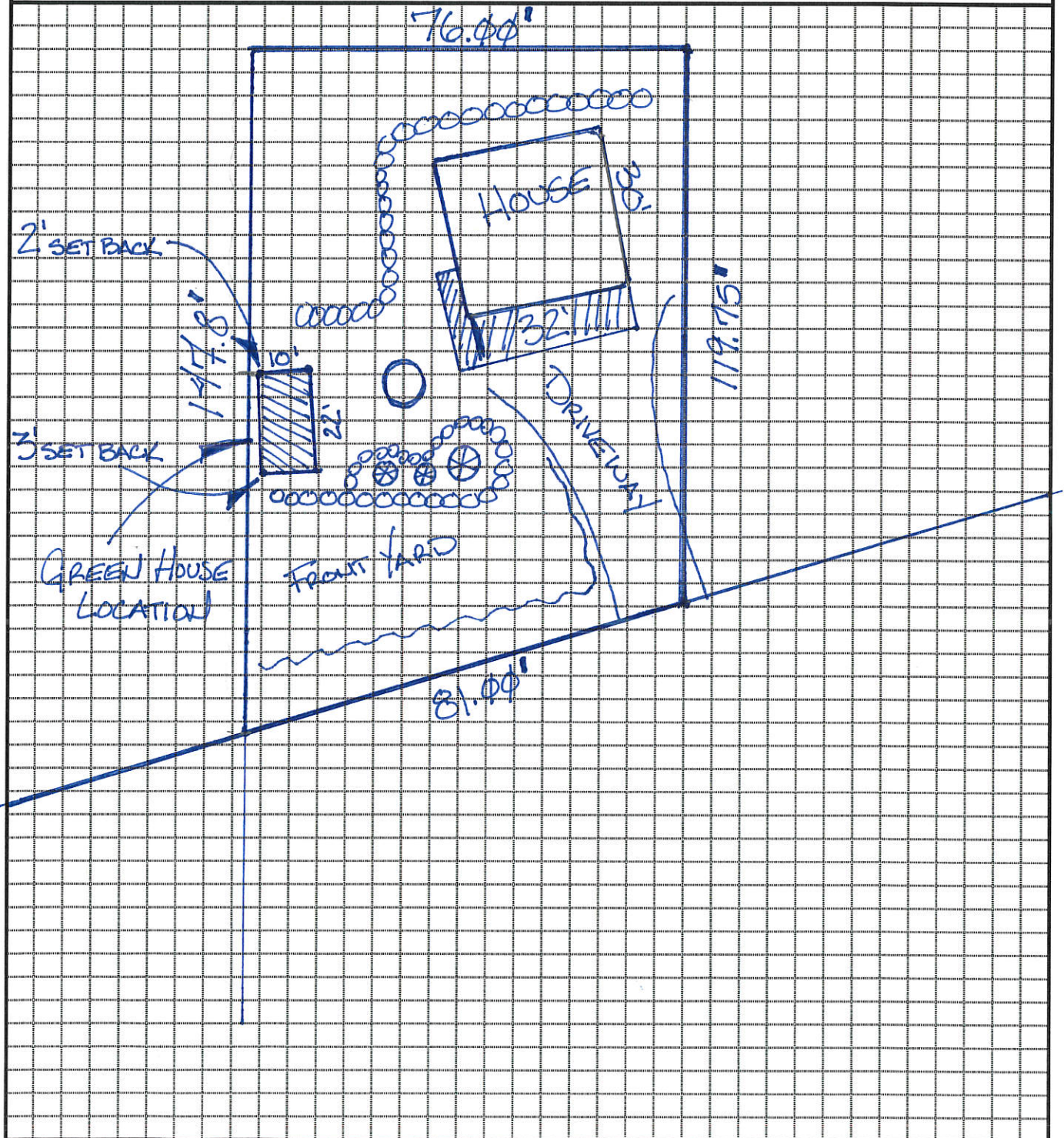
Sewer lines

Electric lines and poles

Driveways

North Arrow

Other pertinent information



GREEN HOUSE IS 10' x 22'

