

CITY OF CRAIG PLANNING COMMISSION AGENDA

Meeting of November 30, 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. October 12, 2023 Minutes

Public Comment

1. Non-Agenda Items

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).
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).

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 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

CITY OF CRAIG PLANNING COMMISSION

Staff Report
November 27, 2023

Applicant: Shaan-Seet Inc

Requested Action: Approval of Preliminary Plat of Lot 1 & 2, USS 2613

Location: Lot 1 & 2, USS 2613

Zoning: Commercial

Surrounding Uses: North: Public/Commercial
South: High-Density Residential
East: High-Density residential
West: Marine Industrial/Heavy Industrial

Analysis

Shaan-Seet Inc. owns Lot 1 and Lot 2, USS 2613, both of which are zoned Commercial. Shaan-Seet Inc. proposes extending the boundaries of Lot 1 along the northwestern edge of Lot 2. The proposed lots would be Lot 1A and Lot 2A; Lot 1A would contain all tideland between the two lots and Lot 2A would become a smaller lot.

Shaan-Seet Inc. has been working with the Craig Tribal Association with the intent of leasing Lot 2A for the establishment of a gas station. A conditional use permit listing the Craig Tribal Association as the operator will be required prior to operation of a gas station at the listed location. A conditional use permit was granted to Shaan-Seet Inc. in 2011 to operate a gas station in the same location. This subdivision is not required by the City of Craig but is desirable to Shaan-Seet Inc.

Both lots will remain accessible via the Craig-Klawock Highway. An additional access and utility easement has been proposed along the southwestern boundary between Lot 1A and Lot 2A.

Due to the replat itself qualifying as a minor replat, no improvements would be required as a part of the replat. Any water or sewer work will require cooperation with the State of Alaska and the City of Craig Public Works Department.

Staff have reviewed the submitted plat; a copy of the preliminary plat and the comments are attached.

The preliminary plat can be approved, but the final plat should be approved when the following conditions have been met:

1. that the comments provided by the Craig City Planner and Craig Planning

- Commission are incorporated into the final plat;
2. that all property corners be monumented with rebar and capped;
 3. that the final plat conforms to the requirements of 18.09.009 of the Craig Land Development Code;
 4. that the final plat be submitted in .DWG format, on reproducible mylar, and two full sized paper copies;

Recommendation

That the planning commission approve Resolution 621-23-PC, approving the preliminary plat creating Lot 1A and Lot 2A, USS 2613.

CITY OF CRAIG PLANNING COMMISSION

RESOLUTION 621-23-PC

**GRANTING PRELIMINARY PLAT APPROVAL TO SHAAN-SEET INC TO
REPLAT LOT 1 & LOT 2, USS 2613 INTO LOT 1A & LOT 2, USS 2613.**

WHEREAS, the Planning Commission held a public hearing on November 30, 2023; and,

WHEREAS, public notice was given in accordance with Section 18.09 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section 18.09 of the Craig Land Development Code are met as follows, subject to the conditions listed later in this resolution:

- A. That the proposed subdivision is consistent with the Craig Comprehensive Plan;
- B. That historic buildings or sites or natural features which are significant to the community or required to be protected by law (such as eagle nest trees) are preserved in the design of the development.
- C. That the proposed subdivision will not interfere with existing or officially planned development.
- D. That the future street plan and utilities for the proposed subdivision will permit the development of adjoining land.
- E. That proposed access, drainage, sanitary and water facilities, and fire protection are available and adequate for the subdivision, subject to approval by the city public works director.
- F. That the City has utility capacity to serve the area without interfering with utility capacity to serve other areas if City utilities are proposed.
- G. That the proposed subdivision does not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

NOW, THEREFORE, BE IT RESOLVED that the Craig Planning Commission does hereby approve the preliminary plat for the replat shown as the Craig Gas Station Subdivision and will grant final plat approval once the following conditions are met:

- 1. that the comments provided by the Craig City Planner and Craig Planning Commission are incorporated into the final plat;
- 2. that all property corners be monumented with rebar and capped;

3. that the final plat conforms to the requirements of 18.09.009 of the Craig Land Development Code;
4. that the final plat be submitted in .DWG format, on reproducible mylar, and two full sized paper copies;

Approved this 30th day of November, 2023.

Sharilyn Zellhuber, Chairman

Samantha Wilson, City Planner

CITY USE ONLY

FILE NUMBER 231130

FILE NAME 231130

DATE RECEIVED 11/8/23

BY SW FEE \$60

HEARING DATE 11/30/23

NOTIFICATION DEADLINE 11/21

**City of Craig
Subdivision Application**

Applicant's Name Shaan Seet Inc.

Address po box 690 Telephone No. 907-826-3251

Name of Surveyor: R&M Engineering Ketchikan Inc.

Address 7180 Revilla Rd. Suite 300, Ketchikan, AK. 99901 Telephone No. 907-401-0155

Subject Property Legal Description: Lot 2 Tract n/a Survey Number 2613

Number of Existing Lots: 1 Number of Proposed Lots: 2

Subdivision Name: Craig Gas Station Zoning Designation: _____

1. What use do you propose for the subdivision? Lease to CTA for their planned fuel station.

2. Will you place structures or fill in tidal waters, streams or lakes? ☐ Yes ☒ No

3. Is this property currently owned, or was it once owned, by an Alaska Native Claims Settlement Act village or regional corporation? ☒ Yes ☐ No

4. Which of the following improvements do you intend to install in the subdivision?

☒ Water ☒ Sewer ☐ Street
☒ Drainage ☒ Electrical ☒ Telephone
☐ Other: _____

Please note that the Craig planning commission may require the installation of improvements in addition to those listed above.

5. If you intend to bond as a guarantee for the installation of improvements, indicate the type of guarantee you propose:

☐ Performance Bond ☐ Certificate of Deposit ☐ Deed of Trust/Warranty Deed

6. Do you intend to apply for a variance to any subdivision requirement? ☐ Yes ☒ No

7. All applications for subdivision/replat must be accompanied by the required application fee and eight copies of the proposed plat. Are the required fee and plat copies attached? ☒ Yes ☐ No

The criteria by which a subdivision application is approved or denied is listed in Chapter 18.09.006 of the Craig Land Development Code. Decisions of the planning commission may be appealed to the city council within 30 days of the mailing of the notice of the commission's decision. Decisions of the city council may be appealed to Superior Court.

I/We certify that I/we am/are the sole owner(s) or appointed agent of the property owner represented in this application, and that the information included herein is true, correct and complete to the best of my/our knowledge.

I/We hereby appoint the City of Craig as my/our agent for filing the final plat of this subdivision/replat with the State Recorder's Office, and agree to pay the costs of recording associated with this subdivision/replat.

Dated this 2 day of November, 2023.

Ed Douville

Applicant



Applicant

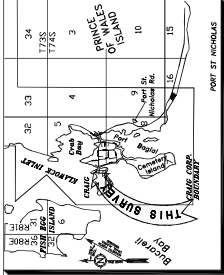


Preliminary Plat Review

Shaan-Seet Inc. Replat – Preliminary Plat Received 11/15/23, Prepared by R&M Engineering

I have reviewed the preliminary plat of Craig Gas Station Subdivision and have the following comments:

1. The map in the upper right corner indicates the wrong location.
2. Why are there two certificates of Ownership and Dedication? Are there two signers for Shaan-Seet Inc.?
3. In the "Notes" section, item 4 is not necessary from the City of Craig's perspective. If the note remains, the note on the plat in no way legally requires the use of the replated Lot 2A as a gas station. Any use of the plot should be legally determined in the lease language between Shaan-Seet Inc. and the CTA.
4. Any witness corners should be appropriately labeled with distances to the true corners indicated.
5. On sections of the plat with multiple breaks, please also include full distances as well as broken distances to avoid confusion (i.e. the northeastern side of Lot 2A.)
6. There appear to be two indicated monuments in the easternmost corner. Such corners should not be doubled. If one corner is found to be inaccurate, it should be removed.
7. The final plat be clean with no indication of trees or other extraneous markings.
8. That any missing property corners be reset and new ones placed as indicated on site.
9. That the final plat be submitted in .DWG format, paper and on reproducible mylar



TAX STATEMENT

I HEREBY CERTIFY THAT ALL VALUATION TAXES, SPECIAL ASSESSMENTS AND OTHER CHARGES REQUIRED BY LAW TO BE PAID ON THE TAX ROLL HAVE BEEN PAID.

DATE: _____ CITY CLERK: _____

CERTIFICATE OF IMPROVEMENTS

I HEREBY CERTIFY THAT NO IMPROVEMENTS ARE REQUIRED FOR THE VACATION / RE-PLAT.

DATE: _____ PUBLIC WORKS DIRECTOR: _____

DATE: _____ CITY PLATTING OFFICIAL: _____

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE LAND AND DEVELOPMENT CODE - SUBDIVISION SUBORDINATE.

DATE: _____ CITY PLATTING OFFICIAL: _____

DATE: _____ PRESIDING OFFICER - PLANNING COMMISSION: _____

DATE: _____ PLANNING COMMISSION MEMBER: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HAVE THE RIGHT TO VACATE AND DEDICATE THE SAME FOR THE USE AND BENEFIT OF THE PUBLIC OR PRIVATE USE AS NOTED.

DATE: _____ SHAWN SET INC.

NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA
STATE OF ALASKA
CITY OF CRAIG

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, _____, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY QUALIFIED AND SWORN, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE SAME PERSON AS THAT WHOSE NAME IS SIGNED TO THE ABOVE INSTRUMENT, AND THAT HE OR SHE IS FULLY COMPETENT AND OF SOUND MIND AND CAPACITY TO MAKE THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESSES MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HAVE THE RIGHT TO VACATE AND DEDICATE THE SAME FOR THE USE AND BENEFIT OF THE PUBLIC OR PRIVATE USE AS NOTED.

DATE: _____ SHAWN SET INC.

NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA
STATE OF ALASKA
CITY OF CRAIG

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, _____, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY QUALIFIED AND SWORN, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE SAME PERSON AS THAT WHOSE NAME IS SIGNED TO THE ABOVE INSTRUMENT, AND THAT HE OR SHE IS FULLY COMPETENT AND OF SOUND MIND AND CAPACITY TO MAKE THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESSES MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

LEGEND

ORIGINAL BLM BRASS CAP
SECONDARY MONUMENT SET THIS SURVEY
LOT LINE VACATED BY THIS PLAT
SURVEYED
MEASURED DATA
XX

NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.

2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

3. THE PURPOSE OF THIS RE-PLAT IS TO ALLOW THE CONSTRUCTION OF A NEW GAS STATION.

4. REFER TO THE FOLLOWING WITHIN THE KETCHIKAN RECORDING DISTRICT:
A. PLAT 2012.13
B. PLAT 2012.13

CRAIG GAS STATION SUBDIVISION

A SUBDIVISION AND RE-PLAT OF
LOTS 1&2 OF U.S.S. 2613 OF
PLAT 2012-13,
CREATING LOTS 1A AND 2A
LOT 1A CONTAINING 1.80 ACRES MORE OR LESS
LOT 2A CONTAINING 2.00 ACRES MORE OR LESS

LOCATED WITHIN
U.S. SURVEY 2813
KETCHIKAN RECORDING DISTRICT
FIRST JUDICIAL DISTRICT
STATE OF ALASKA

SURVEYED BY: EBH
DATE: 08/02/2023
DRAWN BY: GGP
DATE: NOV 2023

SCALE: 1"=40'
CHECKED: COP
RPM PROJECT NO: 222806

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROPERTY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A TRUE AND CORRECT STATEMENT OF THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: _____

CHRISTOPHER G. PIRLUM, PLS # 107552

LEGEND

ORIGINAL BLM BRASS CAP
SECONDARY MONUMENT SET THIS SURVEY
LOT LINE VACATED BY THIS PLAT
SURVEYED
MEASURED DATA
XX

NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.

2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

3. THE PURPOSE OF THIS RE-PLAT IS TO ALLOW THE CONSTRUCTION OF A NEW GAS STATION.

4. REFER TO THE FOLLOWING WITHIN THE KETCHIKAN RECORDING DISTRICT:
A. PLAT 2012.13
B. PLAT 2012.13

LEGEND

ORIGINAL BLM BRASS CAP
SECONDARY MONUMENT SET THIS SURVEY
LOT LINE VACATED BY THIS PLAT
SURVEYED
MEASURED DATA
XX

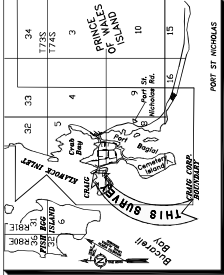
NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.

2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

3. THE PURPOSE OF THIS RE-PLAT IS TO ALLOW THE CONSTRUCTION OF A NEW GAS STATION.

4. REFER TO THE FOLLOWING WITHIN THE KETCHIKAN RECORDING DISTRICT:
A. PLAT 2012.13
B. PLAT 2012.13



TAX STATEMENT

I HEREBY CERTIFY THAT ALL VALUATION TAXES, SPECIAL ASSESSMENTS AND OTHER CHARGES REQUIRED BY LAW TO BE PAID ON THE TAX ROLL HAVE BEEN PAID.

DATE: _____ CITY CLERK: _____

CERTIFICATE OF IMPROVEMENTS

I HEREBY CERTIFY THAT NO IMPROVEMENTS ARE REQUIRED FOR THE VACATION / RE-PLAT.

DATE: _____ PUBLIC WORKS DIRECTOR: _____

DATE: _____ CITY PLATTING OFFICIAL: _____

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE LAND AND DEVELOPMENT CODE - SUBDIVISION SUBORDINATE.

DATE: _____ CITY PLATTING OFFICIAL: _____

DATE: _____ PRESIDING OFFICER - PLANNING COMMISSION: _____

DATE: _____ PLANNING COMMISSION MEMBER: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HAVE THE RIGHT TO VACATE AND DEDICATE THE SAME FOR THE USE AND BENEFIT OF THE PUBLIC OR PRIVATE USE AS NOTED.

DATE: _____ SHAWN SET INC.

NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA
STATE OF ALASKA
CITY OF CRAIG

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, _____, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY QUALIFIED AND SWORN, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE SAME PERSON AS THAT WHOSE NAME IS SIGNED TO THE ABOVE INSTRUMENT, AND THAT HE OR SHE IS FULLY COMPETENT AND OF SOUND MIND AND CAPACITY TO MAKE THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESSES MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HAVE THE RIGHT TO VACATE AND DEDICATE THE SAME FOR THE USE AND BENEFIT OF THE PUBLIC OR PRIVATE USE AS NOTED.

DATE: _____ SHAWN SET INC.

NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA
STATE OF ALASKA
CITY OF CRAIG

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, _____, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY QUALIFIED AND SWORN, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE SAME PERSON AS THAT WHOSE NAME IS SIGNED TO THE ABOVE INSTRUMENT, AND THAT HE OR SHE IS FULLY COMPETENT AND OF SOUND MIND AND CAPACITY TO MAKE THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESSES MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

LEGEND

ORIGINAL BLM BRASS CAP
SECONDARY MONUMENT SET THIS SURVEY
LOT LINE VACATED BY THIS PLAT
SURVEYED
MEASURED DATA
XX

NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.

2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

3. THE PURPOSE OF THIS RE-PLAT IS TO ALLOW THE CONSTRUCTION OF A NEW GAS STATION.

4. REFER TO THE FOLLOWING WITHIN THE KETCHIKAN RECORDING DISTRICT:
A. PLAT 2012.13
B. PLAT 2012.13

CRAIG GAS STATION SUBDIVISION

A SUBDIVISION AND RE-PLAT OF
LOTS 1&2 OF U.S.S. 2613 OF
PLAT 2012-13,
CREATING LOTS 1A AND 2A
LOT 1A CONTAINING 1.80 ACRES MORE OR LESS
LOT 2A CONTAINING 2.00 ACRES MORE OR LESS

LOCATED WITHIN
U.S. SURVEY 2813
KETCHIKAN RECORDING DISTRICT
FIRST JUDICIAL DISTRICT
STATE OF ALASKA

SURVEYED BY: EBH
DATE: 08/02/2023
DRAWN BY: GGP
DATE: NOV 2023

SCALE: 1"=40'
CHECKED: COP
RPM PROJECT NO: 222806

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROPERTY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A TRUE AND CORRECT STATEMENT OF THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: _____

CHRISTOPHER G. PIRLUM, PLS # 107552

LEGEND

ORIGINAL BLM BRASS CAP
SECONDARY MONUMENT SET THIS SURVEY
LOT LINE VACATED BY THIS PLAT
SURVEYED
MEASURED DATA
XX

NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.

2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

3. THE PURPOSE OF THIS RE-PLAT IS TO ALLOW THE CONSTRUCTION OF A NEW GAS STATION.

4. REFER TO THE FOLLOWING WITHIN THE KETCHIKAN RECORDING DISTRICT:
A. PLAT 2012.13
B. PLAT 2012.13

LEGEND

ORIGINAL BLM BRASS CAP
SECONDARY MONUMENT SET THIS SURVEY
LOT LINE VACATED BY THIS PLAT
SURVEYED
MEASURED DATA
XX

NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.

2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

3. THE PURPOSE OF THIS RE-PLAT IS TO ALLOW THE CONSTRUCTION OF A NEW GAS STATION.

4. REFER TO THE FOLLOWING WITHIN THE KETCHIKAN RECORDING DISTRICT:
A. PLAT 2012.13
B. PLAT 2012.13

CITY OF CRAIG PLANNING COMMISSION

Staff Report
November 27, 2023

Applicant: Craig Tribal Association

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

Location: Lot 2, Block 18, USS 1430 (404 Main Street)

Lot Size: 6,500 SF

Zoning: Commercial

Surrounding Uses: North: Commercial
West: Commercial
South: Public/Commercial
East: Commercial/High-Density Residential

Analysis

Craig Tribal Association owns the property located at Lot 2, Block 18, USS 1430. Although the property is zoned commercial, a residential building has been on the site since before the zoning was established. The property currently contains a single-family residential structure with an extended deck. The deck was built in 2022 and encroaches at least 7'11" into 10' the property setback on the northwestern side of the lot. The deck was built by previous owner Aimee Demmert whose primary representative was Tammy Demmert. Although a building permit was submitted by the representative, the measurements were incomplete and the available information was deemed insufficient to approve the building permit, particularly due to the proposed encroachment. Due to the language of the code, an open deck may encroach into the setback if it is under 30" from grade due to it qualifying as a non-structure. From the original building plan, it was unclear what the deck height would be. After a few days with no further updates, the construction project commenced despite no approved building permit being in place.

After it was determined that the deck height in the northwest corner was too high to qualify as a non-structure (46" from grade) based on the framed decking, a red card was issued ceasing all work until a building permit was submitted with complete measurements and a plan to remedy the issue of encroachment. A building permit was approved with the understanding that the owner would increase the grade of the property so that the deck qualified as a non-structure. A 60 day period with the option to extend the period upon request was granted. Multiple extensions were granted. After nearly a year and no successful negotiation of the issue, a notice of violation was issued. The property was put up for sale and promptly purchased by the Craig Tribal Association prior to a notice of enforcement being issued.

The deck violates sections 18.05.005.4.d of the Craig Municipal Code which establishes that structures which are not reviewed by the State Fire Marshal must remain 10 feet from all property lines.

Options to remedy the issue are to remove the encroaching portion of the structure, increase the grade of the property so that the deck qualifies as a non-structure as defined in section 18.00.020 Definitions under “Structure”, or have a variance approved allowing the structure to encroach into the 10’ setback.

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 property is a historic lot located in west Craig and therefore is smaller than typical modern lots. As a commercial lot, there is typically an allowance to encroach into the side-yard setback with approval of the State Fire Marshall. As a residential building, the structure/use would not qualify for a Fire Marshall review. The applicant states that removing the large deck would be very costly and would accomplish nothing. The planning commission should discuss this criteria further to determine if it is met.*

Criteria 2: The strict application of the provisions of this title would result in practical difficulties or unnecessary hardship. *The current owners state that adding grade under an existing structure to allow for the proper height would be a practical difficulty. The previous owner stated that there was a concern with drainage if the grade was increased along the encroaching portion of the deck. The planning commission should discuss this criteria further to determine if it 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 10’ property setbacks are enforced to ensure ease of firefighter access and limit the spread of fire across property boundaries. Since this is an uncovered deck, fire response would be largely unencumbered. The deck height at the back end could make access a little more difficult for fire response if other portions of the deck were inaccessible, but ultimately would be unlikely to hinder fire access. The close proximity of the deck to the property line does have the chance of prejudicing the neighbor due to the requirement for structures to be at least 6’ apart. The planning commission should discuss this criteria further to determine if it is met.*

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. *Decks are allowed within commercially zoned areas/ areas with residential uses 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 previous owner of the property, Aimee Demmert. During the purchasing process, all individuals requesting information on the property were informed of the outstanding issue with the encroaching deck. The Craig Tribal Association appears to have willingly purchased a property with a known enforcement problem, although it cannot be verified if the appropriate information went up the chain of command. Due to the active enforcement surrounding this issue, this criteria poses a problem where non-conforming construction on properties about to go up for sale are rewarded with a variance once the property changes hands. The planning commission should discuss this criteria further to determine if it is met.*

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. *The residential property use is a grandfathered-in feature of the property despite its commercial zoning. Strictly speaking, the use does not appear to be consistent with the zoning, but would fit with the grandfathered use of the property. The planning commission should discuss this criteria further to determine if it is met.*

Criteria 7: The variance is not sought solely to relieve monetary hardship or inconvenience. *The applicant's primary listed hardship is inconvenience of removing the structure and that doing so does not accomplish much. The previous proposed remedy that does not entail removing the encroaching portion of the deck does not appear to be practicable. The planning commission should discuss this criteria further to determine if it is met.*

Recommendation

On its face, the variance application is complicated by the unusual status of this lot, but Criteria 1, 2, 4, 6 appear to be met. Criteria 3, 5, and 7 require the most discussion. If a variance is not granted, removal of the encroaching portion of the deck appears to be the most practical remedy. If the Planning Commission determines that the criteria are adequately met, with no expressed concern from the neighboring properties, the variance should be approved.

**CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 622-23-PC**

APPROVING A REQUEST BY THE CRAIG TRIBAL ASSOCIATION FOR A VARIANCE TO RETAIN A STRUCTURE 8' INTO THE 10' PROPERTY SETBACK.

WHEREAS, the Planning Commission held a public hearing on November 30, 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 an oversized deck up to 8' into the 10' property setback.

Resolution Approved this 30th day of November, 2023.

Chairman Sharilyn Zellhuber

Samantha Wilson, City Planner

**CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 622-23-PC**

DISAPPROVING A REQUEST BY THE CRAIG TRIBAL ASSOCIATION
FOR A VARIANCE TO RETAIN A STRUCTURE 8' INTO THE 10'
PROPERTY SETBACK.

WHEREAS, the Planning Commission held a public hearing on November 30, 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 an oversized deck up to 8' into the 10'
property setback.

Resolution Approved this 30th day of November, 2023.

Chairman Sharilyn Zellhuber

Samantha Wilson, City Planner

CITY USE ONLY

FILE NUMBER 231130 FILENAME Vw 231130
DATE RECEIVED 10/16/23 BY _____ FEE \$30
HEARING DATE 11/30/23 NOTIFICATION DEADLINE 11/20/23

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

VARIANCE APPLICATION -

404 - ~~4th~~ ^{Main Street} ~~Street~~

APPLICANT'S NAME CRAIG Tribal Association

ADDRESS P.O. Box 828 PHONE 907-826-3996

APPLICANT'S REPRESENTATIVE Clinton Cook

ADDRESS P.O. Box 828 PHONE 907-401-0391

PROPERTY DESCRIPTION: LOT 2 BLOCK 18 TRACT _____

SUBDIVISION OR SURVEY NUMBER 1430 LOT/PARCEL SIZE 6,500 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.) _____

Deck built to far off ground

2. Why is the variance requested? it does not harm in ANY way the immediate Public

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

Removing this large deck would be very costly & would in the end not Accomplish anything new.

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

Adding grade under a structure to Allow proper height.

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

it is located in the N.W. corner & does
not harm any neighbors and or Public

Dated this 13th day of October, 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 Clint S. Cook Date 10-13-23

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.

BP 10-22

**CITY OF CRAIG, ALASKA
BUILDING PERMIT APPLICATION**

Applicant Information

Name Tammn Demmert
Mailing Address PO BOX 556
Street Address _____
City, State, Zip Craig AK 99921
Telephone 907-401-0453

Owner Information (if not also applicant)

Name Aimee Demmert
Mailing Address PO Box 496
Street Address _____
City, State, Zip Craig AK 99921
Telephone 907-0401-0877

Property Description

Subdivision Name 40000000 st. 404 main st.
Survey Number: U551430 Tract Number: _____ Lot Number: 2 Block Number: 18
Army Corps of Engineers Permit Name and/or Number: _____

Building Activity Information (please check one)

- ☒ Single Family Home ☐ Duplex ☐ Triplex ☐ Fourplex or greater
☒ Deck ☐ Porch ☐ Retaining Wall ☐ Addition
☐ Commercial Building ☐ Wannigan ☐ Garage ☐ Shed
☐ Mobile Home (Year and Make) _____
☐ Travel Trailer (Year and Make) _____
☒ Other (Please describe): 2nd office for cabin rentals covered deck

Height of Building at Roof Eve: _____

Closest setback to property line: _____

Building Dimensions: 22 x 35

Area of building footprint: _____

What use(s) do you propose for the building? _____

Site Plan

☐ Please complete on reverse side or attached sheet a site plan showing all proposed construction.

Owner's/Applicant's Statement

I acknowledge that I have read this application and state that the above information is correct. I agree to comply with all codes and ordinances of the City of Craig applicable to building and construction, and all land use regulations as pertaining to this permit. Any violation of land management regulations are the responsibility of the property owner. This permit becomes void upon completion of the approved work, or one year, whichever comes first. Work not documented in this application is not authorized by this building permit. I understand that this permit is revocable if work is not completed consistent with this applicant or if work does not comply with the requirements of the City of Craig Municipal Code. I agree to provide the City of Craig with an as-built survey of the lot in the event one is completed for this project.

Signature of Applicant _____

Date _____

Signature of Property Owner (if other than applicant) _____

Date _____

Special Conditions of Approval.

The following conditions of approval are made a part of this permit as provided by section 18.06.001B.6 of the Craig Land Development Code:

- 1.) Due to proximity to setbacks, grade must be less than or equal to 30" from the top of the deck.
- 2.) There may be no walls on the covered area, only posts.
- 3.) Fill must be added to the north west corner within 60 days of issued building permit. Failure to comply will result in fines & penalties. Applicant must contact city for any extensions.

Permission is hereby granted to perform the above work in compliance with any and all conditions listed above and in compliance with the Craig Land Development Code and all other ordinances of the City of Craig and the State of Alaska pertaining to the construction of buildings.

Signature of City Building Official _____

Date _____

50'

Property line

Property line

130'

