



June 3, 2025

## NOME PLANNING COMMISSION

### RECORD OF CITY ACTION FOR JUNE 3, 2025 APPEAL

Appeal Requested by Joe Burnham

Re: Use of Tract A of Bench #2 Placer Claim, US Mineral Survey #691

This Record of City Action is prepared pursuant to NCO 18.160.020 (c).  
It contains:

1. February 26, 2025 enforcement letter from Acting City Manager Grimmer.
2. March 21, 2025 E-mail from Mr. Burnham requesting appeal.
3. E-mail correspondence regarding appeal.
4. Photos of property, dated January 3, 2025.
5. Parcel viewer data.
6. Nome Zoning Map.



February 26, 2025

Joe Burnham  
Registered Agent/Member Kanosak, LLC  
1120 East Huffman Rd. #453  
Anchorage, AK 99515

Dear Mr. Burnham:

Kanosak, LLC, of which you are the only member, is the owner of land known as Parcel ID 190.1.040, also known as Tract A of Bench #2 Placer Claim, US Mineral Survey #691, according to Plat #81-1. It is zoned in the Commercial District, governed by Chapter 18.60 of the Nome Code of Ordinances. The property is currently being used for outdoor storage of various vehicles, implements, trailers and so on. Outdoor storage is only permitted as an accessory use to a permitted use in the Commercial District. NCO 18.60.020 (t). You do not have a city business license for any of the permitted uses in this zoning district and it does not appear the property is being used for any of the uses permitted under NCO 18.60.020. Thus, there is no permitted use to which the storage could be considered incidental.

If there is a permitted use, the storage still must meet the definition of an accessory use. NCO 18.20.010 defines an accessory use: "Accessory use or building" means a use or building customarily incidental and subordinate to, and located on the same lot with, the principal building. Storage is clearly the predominant use on the lot.

Private storage, including junk, requires a conditional use permit. NCO 18.60.030 (k). No conditional use permit has been applied for.

Please remove all vehicles, boats, storage trailers, tools and all other material from the property immediately. If the items are not removed by March 24, daily penalties will begin accruing at \$250 daily, per NCO 1.20.010 and NCO 18.10.110. If not removed by April 7, the daily penalty will increase to \$500. The city would ultimately seek to enforce those fines and obtain injunctive relief in court if this issue cannot be resolved.

If you are unable to move the items by those timeframes due, for example, to winter weather conditions, the city may enter into a compliance agreement with you. Likewise, if you choose to apply for a conditional use permit, the city may enter a compliance agreement with you. However, please be aware that for any such arrangement, the burden is on you to provide a plan and to communicate with the city. It should be abundantly clear that the code is being violated presently. Neither an application for a conditional permit, nor a compliance agreement would change that. The city is, however, willing to work you to achieve compliance provided you are actively and demonstrably working on a solution.



P.O. Box 281 • Nome, Alaska 99762

phone 907.443.6663 fax 907.443.5349

You may appeal this decision within 10 days. Please see NCO 18.160.020, Appeal application. Please note that an appeal would be limited to the interpretation and application of the Nome Code of Ordinances.

Dan Grimmer  
Acting City Manager  
City of Nome

*"There's no place like Nome"*

[www.nomealaska.org](http://www.nomealaska.org)

**From:** [joe burnham](#)  
**To:** [Sam Severin](#); [Dan Grimmer](#)  
**Subject:** Re: Nome Zoning Matter  
**Date:** Friday, March 21, 2025 10:37:06 AM  
**Attachments:** [2.26.25 Kanosak Letter.pdf](#)

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sam, dan ,

first off

please forgive the formatting as i am working off of an iphone

i am in a foreign country at a remote village location with no internet access except to climb to the top of a ridge line there there is enough signal for to ck text and make a call ( some times) theres several hour time difference as well. it is several hours over a goat trail that serves as a road to reach enough signal to send or receive emails.

on march third i was sent a text by brad requesting my current email address ( i will attcach a screen shot to this email) , which i thought a bit strange as it is the same email address i have had since there was “e mail “ and the city of nome has had it for at least a few years. in my response i asked what was up , i got no reply ?

i returned to my village project and thought no more of it until on a supply trip i was able to ck my email

and found this demand letter from dan, which was dated in february but not emailed to me until the 10th.

which i did not get access to open until two days ago. this is the first i have heard that there maybe an issue with zoning and the use of the kanosak llc property. yesterday sam i received your email.

we are on another supply run so i will take time to respond as best i can at this time.

needless to say i am surprised and somewhat perturbed, if there was/is an issue here why in the world was i not notified of it by a simple phone call and request to come in and discuss it. ( i have made a couple of inquiry's ) and it appears this has become an “issue” several months ago. its been mentioned at community counsel, been an article in the paper , and who knows what else? and i am just now hearing about it ? by a demand letter threat ting to levy the property and other legal action if the demand is not complied with by removing the inventory by march 24

2025, a mere 10 days following the demand letter , and in the dead of winter to boot , bear in mind this property was purchased in december of 2002 with some inventory already there and in intervening almost three years its taken a great deal of time and expense obtaining and placing inventory. how has this become a dire issue all of a sudden ? whos pushing the buttons ?

this demand can not be complied with at this time

quite frankly i find it absurd

1. its simply not physically possible to move that much inventory in the time allooyed.
- 2 its the dead of winter
3. i am out of the country

no disrespect intended its just i will not be there. while i will be returning to alaska other commitments

will prevent me from returning to nome till the end of april.

therefore 1 . appeal this decision , 2. if the appeal is denied i request a stay of your actions till

we can discuss the issues upon my return.

i do not think kanosak llc is in violation of your zoning ordinance , however if it turns out there is a violation we will take the necessary action to come into compliance if required.

thank you for your time and attention , you know a simple phone call bringing this to my attention “when” the issue came up would have likely resolved the issue when it came up and more than likely saved the city of nome a few thousand dollars in attorney fees and not got the community all in an uproar.

i have devoted all the time ii can to this at the moment, my compatriots await we must return to the project at hand where the villagers appreciate the work we do to improve their community

joe burnham

again for give the lack of formatting

Sent from my iPhone

On Mar 20, 2025, at 11:43 AM, Sam Severin <SSeverin@mcsalaska.com> wrote:

Mr. Burnham – My office represents the City of Nome. The city has sent you the attached letter. Mr. Grimmer is pretty tied up this week working as both clerk and manager, and I offered to reach out and discuss this issue with you. Of course, compliance is the goal in any situation like this. However, we are nearing the deadline for daily penalties to be imposed, and the city will consider action for injunctive relief and fines if need be. Again, hopefully that can be avoided. My office number is 272-8401.

Sam

**From:** Dan Grimmer <DGrimmer@nomealaska.org>  
**Sent:** Tuesday, May 13, 2025 1:49 PM  
**To:** Sam Severin  
**Subject:** FW: External Email appeal

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**From:** joe burnham <burnham\_joe@yahoo.com>  
**Sent:** Thursday, April 17, 2025 11:59 AM  
**To:** Dan Grimmer <DGrimmer@nomealaska.org>  
**Subject:** Re: External Email appeal

yes that june meeting will give me plenty of time , however i asked for a stay on fines pending this appeal.  
i do not think i am out of compliance once i have my records and do a bit of research i think i will be able to show that. i appreciate you working with me on this , joe

Sent from my iPhone

On Apr 15, 2025, at 7:53 PM, Dan Grimmer <[DGrimmer@nomealaska.org](mailto:DGrimmer@nomealaska.org)> wrote:

Joe, I've given this a lot of thought on the best way to address this. Here are the options:

1. The appeal hearing will be set for June 3<sup>rd</sup> at 7pm to be heard before the planning commission. This should give you sufficient time to appeal before the first week of May. Daily fines can continue to accrue through that June meeting.
2. Another option that I would suggest is for you to come up with a plan to remove items that are not permitted by Zoning Ordinance. I recall that you had mentioned that you had property outside city limits which I had suggested that you use to store this equipment; instead of the site that you chose. If the property could be cleaned up before the appeal hearing then there may not be a need for further action. I picked the June meeting for the appeal hearing so that if you choose to remove the equipment/items it would be less likely to have snow as an obstacle.

Dan Grimmer  
City Clerk  
City of Nome  
[DGrimmer@nomealaska.org](mailto:DGrimmer@nomealaska.org)  
(907)443-6611  
PO Box 281, Nome, AK 99762  
Website: [www.nomealaska.org](http://www.nomealaska.org)

<image001.jpg>

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**From:** joe burnham <[burnham\\_joe@yahoo.com](mailto:burnham_joe@yahoo.com)>  
**Sent:** Friday, April 4, 2025 4:13 PM  
**To:** Dan Grimmer <[DGrimmer@nomealaska.org](mailto:DGrimmer@nomealaska.org)>  
**Subject:** Re: External Email appeal

i can not prepare the appeal documents by april 11 th my documents and records for this property are in nome , to which i will return to around the 30 th of april  
i again request you stay any action until i return and can make a formal appeal of the decision letter ,  
i think once we are able to hash this out it will resolve its self quickly.  
you might also let them know that thank you this demand letter went out by email on the tenth and i did not receive it till several days later, on the 6 th i got a text from brad asking for a current email address to which i replied its the same as its always been , whats up ? i did not get a response to that text had i been told what to be expecting and why i would have made a point of looking for it on a supply run and would have been able to respond in a timely manner.  
your demand letter stated that i had to begin moving equipment out by the 24 a mere ten days in the dead of winter which i think anyone can see is unreasonable , that being said kanosak will do whatever is necessary to comply with applicable zoning regulations , thank you  
Sent from my iPhone

On Apr 1, 2025, at 7:11 PM, Dan Grimmer <[DGrimmer@nomealaska.org](mailto:DGrimmer@nomealaska.org)> wrote:

Mr. Burnham: The City will consider this e-mail a formal request for an appeal to the Planning Commission. It was not submitted within the 10 days required by code. The Planning Commission may deem in late-filed, but I will process the appeal and allow the commission to make that decision.

The appeal will be heard at the May 6 meeting. Please see NCO 18.160 regarding appeals. If you wish to submit a more formal written statement of your appeal for the record, please do so by April 11.

Dan Grimmer  
City Clerk/Acting City Manager  
City of Nome  
[DGrimmer@nomealaska.org](mailto:DGrimmer@nomealaska.org)  
(907)443-6611  
PO Box 281, Nome, AK 99762  
Website: [www.nomealaska.org](http://www.nomealaska.org)

<image001.jpg>

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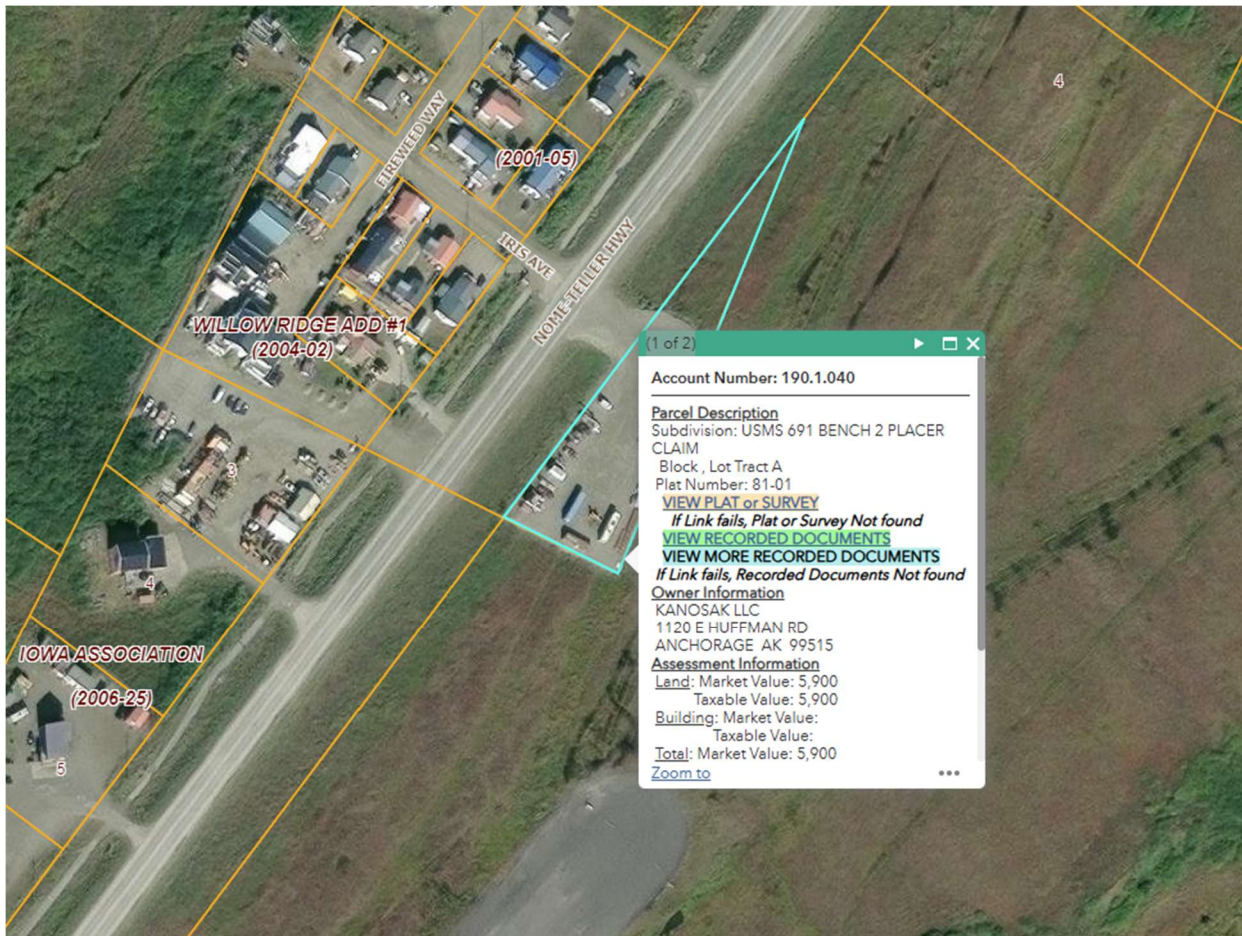












(1 of 2)

Account Number: 190.1.040

Parcel Description  
Subdivision: USMS 691 BENCH 2 PLACER  
CLAIM  
Block , Lot Tract A  
Plat Number: 81.01  
[VIEW PLAT or SURVEY](#)  
*If Link fails, Plat or Survey Not found*  
[VIEW RECORDED DOCUMENTS](#)  
[VIEW MORE RECORDED DOCUMENTS](#)  
*If Link fails, Recorded Documents Not found*

Owner Information  
KANOSAK LLC  
1120 E HUFFMAN RD  
ANCHORAGE AK 99515




Assessment Information  
Land: Market Value: 5,900  
Taxable Value: 5,900  
Building: Market Value:  
Taxable Value:  
Total: Market Value: 5,900  
[Zoom to](#) ...



# Nome Zoning Map

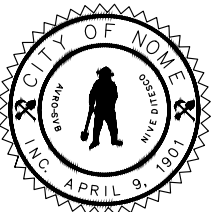
**City Council  
Approved Version 6,  
Dated October 9, 2017**

## LEGEND

-  **Corporation Boundary**
-  **Open Space/  
Recreation**
-  **Commercial**
-  **Industrial**
-  **Residential**
-  **General Use**
-  **Resource Development**
-  **100 Year Storm Boundary**



1320 0 660 1320  
HORIZONTAL SCALE IN FEET



**Bristol**  
ENGINEERING  
SERVICES CORPORATION

**Aerial Photography by GPS Aerial Services, Inc.  
taken on 09/28/08**

