

Planning Commission Staff Report & Finding of Fact

Meeting Date: 7/8/2025

APPLICANT/AGENT:

Bryan Haas

OWNER(S), IF DIFFERENT:

Bryan & Lisa Haas Living Trust

LEGAL DESCRIPTION:

N. portion of G.L. 28

LOT AREA:

6,517 sf

LOCATION:

782 Mitkof Highway

SURROUNDING ZONING:

North: Rural Residential (RR)

South: Rural Residential (RR)

East: Rural Residential (RR)

West: --

ZONING:

Rural Residential (RR)

PID:

01-174-152

EXISTING STRUCTURES:

Piling for a pole-barn

APPLICATION SUBMISSION DATE:

5/28/2025

RECOMMENDATION:

Postpone, request more information

I. APPLICANT REQUEST:

Applicant is requesting a variance from the 25' setback requirement to allow for construction of a pole barn for boat storage approximately 5' from the front property line.

II. APPLICABLE CODES:

19.16 RURAL RESIDENTIAL

19.80 VARIANCE

III. FINDING:

- a. The subject property is zoned RR and requires a 25' front yard setback.
- b. The surrounding area semi-developed along the Mitkof Highway corridor.
- c. The subject property has a partial structure constructed several years ago without a building permit review. Construction was halted by the order of the Building Official.
- d. The RR district allows one-family dwellings as principal use. Allowed accessory uses include garages and boathouses. The principal use must be established before the accessory use may be permitted.
- e. Per 19.80.010, under no circumstances shall a variance be granted to permit a use of land or structure which is not otherwise permitted in the zone involved.
- f. The highway ROW is approximately 150' wide at this location though the actual road is significantly less than that.
- g. As constructed, the partial structure is within 5' of the front property line.
- h. The structure also is built across the property line and encroaches onto G.L. 18., which is owned by the Applicant.
- i. International Residential Code (IRC) does not allow construction of structures across a property line.

IV. PUBLIC NOTICE

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The borough provided public notice consistent with 19.80.040. Notice was mailed by first class mail to the owner of record of the property within a distance of six hundred feet of the exterior boundary of the property that is the subject of the application.

V. APPLICATION REVIEW

The application is classified as a request for a variance from the front yard setback requirement.

a. ZONING DISTRICT STANDARDS

Minimum Standards for Zoning District and Use			
	Requirement	Subject Property	Analysis
Minimum Lot Size	1 acre		Legal non-conforming
Minimum Road Frontage	200'		Legal non-conforming
Front Yard	25'		Variance requested
Rear Yard	N/A		Conforms
Side Yard	20 ft		Conforms
Max. Height	3 stories, not to exceed 35 ft		Conforms
Max Lot Coverage	25%		Conforms
Fire Code Separation			
Principal Use	One-family dwelling	No dwelling on G.L. 28	Non-conforming
Accessory Use	Principal use must be established	No principal use established	Non-conforming

b. Variance Criteria – Per 19.80.020, the commission shall permit these uses if, in addition to meeting the off-street parking regulations, development requirements and all other requirements of this title, the conditions set forth in this chapter are met.

A. That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same zone;

YES X NO _____ REASON: The highway right-of-way is approximately 150' wide along this stretch of the highway.

B. That the strict application of the provisions of this title would result in practical difficulties or unnecessary pecuniary hardships;

YES X NO _____ B. REASON: The subject property drops off making it difficult to construct a structure 25' from the property line.

C. That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

YES X NO _____ N/A _____ REASON: The proposed location of the structure is approximately 70' from the actual highway. It does not obstruct visibility or site lines along the highway.

VI. ACTION

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Proposed motion: I move to approve the application for a variance from the front yard setback requirement to allow for construction of a boat shed on Government Lot 28 along with findings of fact and conditions of approval as presented.

Based on the preceding findings of fact, the Petersburg Planning Commission makes the following determination:

- a. The application meets the criteria outlined in Title 19.80 for a variance.
- b. Granting the variance does not allow a boat shed to be the principal use on GL 28. Applicant must comply with zoning requirements of the RR district by consolidating lots so there is a one-family dwelling, i.e. principal use established, on the property prior to resuming construction.
- c. Granting the variance does not allow violation of IRC prohibiting construction across a property line. Applicant must comply with IRC requirements by consolidating adjacent lots and eliminating property line prior to resuming construction.
- d. As a condition of approval, the Applicant/Owner shall:
 - a. Consolidate G.L. 18, 19, and 28 under a minor subdivision within one year of variance approval.
 - b. Apply for building permit for construction of a boat shed within one year of variance approval (note: building permit will not be issued until lots are consolidated).

EXHIBITS

- A. Draft Sketch of Lot Consolidation
- B. Applicant materials
- C. Vicinity & Detail Maps
- D. Public Hearing Mailout

WRANGELL NARROWS

G.L. 13
OWNER: BRYAN & LISA HAAS LIVING TRUST
N89°49'13"E 297.18'

G.L. 14
OWNER: PETERSBURG BOR.

N. PTN. G.L. 20
OWNER: BRYAN & LISA HAAS LIVING TRUST
N00°16'54"W 330.37'

N. PTN. G.L. 19
N. PTN. G.L. 18
W. PTN. G.L. 17
OWNER: PETERSBURG BOR.

TRACT H
5.079 AC.

LOT LINES ELIMINATED BY THIS SURVEY

N. PTN. G.L. 29
OWNER: BRYAN & LISA HAAS LIVING TRUST

N. PTN. G.L. 28

MITKOF HIGHWAY

C2
N80°48'45"W 359.27'

C1

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	402.46'	143.70'	142.94'	S88°57'29"W	20°27'29"	72.62'
C2	678.11'	163.68'	163.28'	N87°43'38"W	13°49'47"	82.24'

TR. 2
MIRANDA ROSE SUBD.

G.L. 27
S. PTN. G.L. 19
S. PTN. G.L. 18
S. PTN. G.L. 28

OWNER: BRYAN & LISA HAAS
P.O. BOX 1248
PETERSBURG, AK 99833

**PRELIMINARY PLAN
HAAS SUBDIVISION**

A PLAT OF THE CONSOLIDATION
OF THE PORTIONS OF G.L. 18, 19 & 28
OF T59S, R79E, C.R.M. P.R.D.
THAT LIE NORTH OF THE NORTH
RIGHT-OF-WAY LINE OF MITKOF HWY.

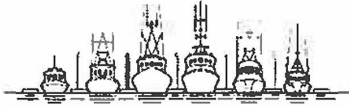
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B. Applicant Material



PETERSBURG BOROUGH VARIANCE APPLICATION

CODE TO: 110.000.404110

BASE FEE: \$100.00

PUBLIC NOTICE FEE: \$70.00

TOTAL: \$170.00

CHECK NO. or CC: 170-2d

DATE RECEIVED: 5/28/25

RECEIVED BY: [Signature]

APPLICANT/AGENT

NAME: Bryan Haas

MAILING ADDRESS: P.O. Box [Redacted]

CITY/STATE/ZIP: Petersburg, AK 99833

PHONE: 907- [Redacted]

EMAIL: [Redacted]

LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)

NAME: Bryan & Lisa Haas Living Trust

MAILING ADDRESS: [Redacted]

CITY/STATE/ZIP: Wasilla, AK 99654

PHONE: 907- [Redacted]

EMAIL: [Redacted]

PROPERTY INFORMATION

PHYSICAL ADDRESS or LEGAL DESCRIPTION:

782 Mitkof Hwy, Petersburg, AK 99833

PARCEL ID: 01-174-152 & 01-174-150

ZONE: RR

OVERLAY: H/A

CURRENT USE OF PROPERTY:

Driveway & Boat Storage

LOT SIZE:

PROPOSED USE OF PROPERTY (IF DIFFERENT):

Driveway Boat Storage Same

SEPTIC SYSTEM: Is there a septic system on the property? ☐ YES ☒ NOWhat is current or planned system? ☐ Municipal ☐ DEC-approved on-site systemWATER SOURCE: ☐ Municipal ☐ Cistern/Roof Collection ☐ Well None

LEGAL ACCESS TO LOT(S) (Street Name):

Mitkof Highway

TYPE OF VARIANCE REQUESTED

☐ Yard Setback☐ Maximum Lot Coverage☐ Building Height☐ Fence Height☒ Other: Road Row Setback

SUBMITTALS:

Please include a site plan of your proposed development.

SIGNATURE(S):

I hereby affirm all of the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or authorized agent thereof for the property subject herein.

Applicant(s): [Signature]

Date: 5/28/2025

Owner(s):

Date:

Use this address

19.80 VARIANCE APPLICATION

(SUBMIT WITH SITE PLAN)

Applicant(s): Bryan Haas

Address or PID: 782 Mitkof, 01-174-152

Conditions of approval as required in Petersburg Municipal Code 19.80.050: (Note that all three conditions must be satisfied in order to qualify for a variance.)

1. What is the exceptional physical circumstance or condition affecting this property?

☐ Substandard Lot Area

☒ Easements/ROW
Large DOT ROW

☐ Stream/Drainage

☐ Steep/Unstable Slope

☐ Odd Lot Shape

☐ Nonconforming Structure

☐ OTHER (Please Specify):

2. Explain the exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same zone.

Extra large/wide DOT ROW cuts across curve.

3. Explain how the strict application of these provisions of this title would result in practical difficulties or unnecessary pecuniary hardships.

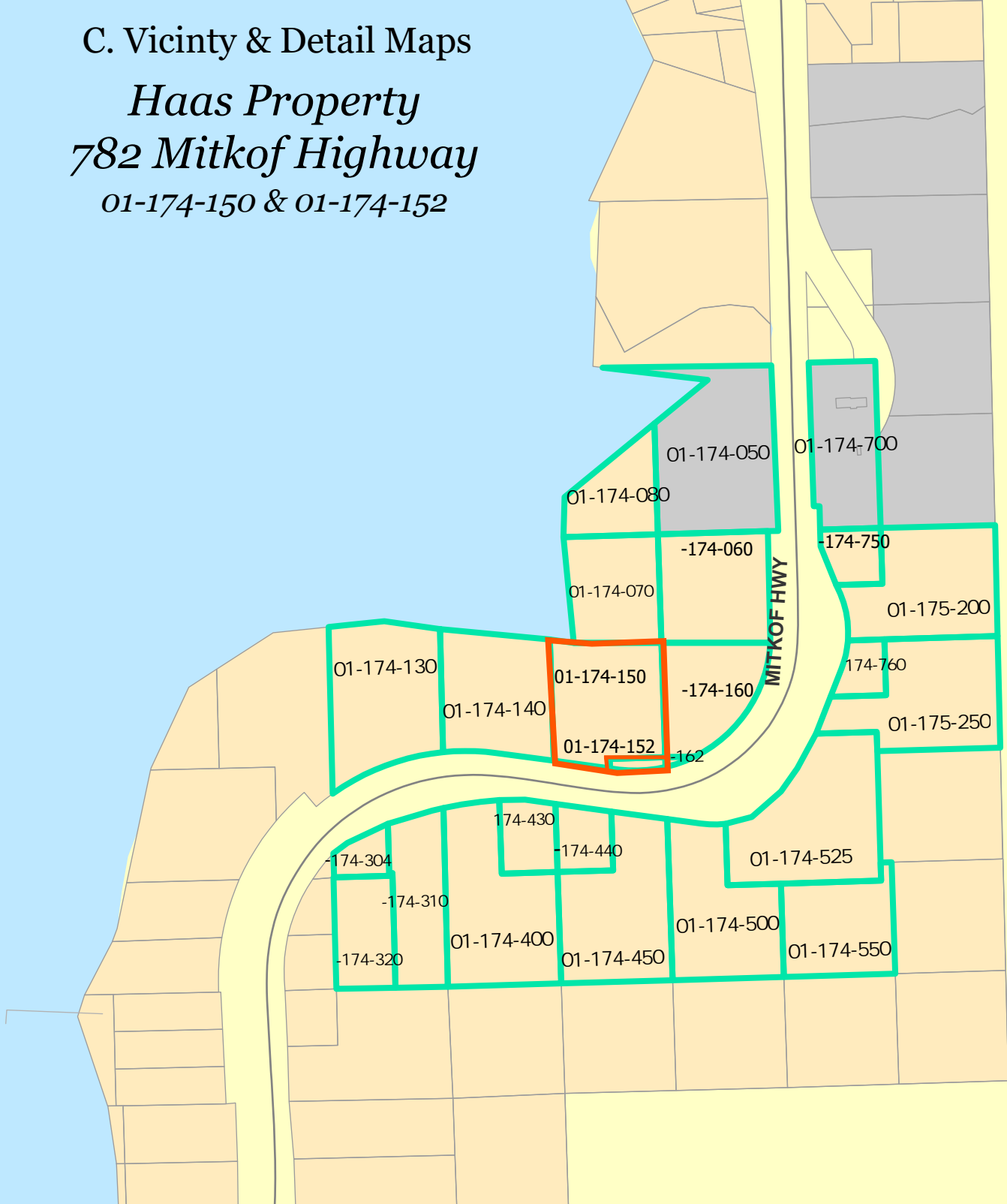
Pilings are already in place and were constructed by another party/owner.

4. State why the granting of the variance will not result in material damage or hardship or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

Granting the variance will not impact the ROW, visibility, maintenance, or use of the area.


C. Vicinity & Detail Maps

Haas Property
782 Mitkof Highway
01-174-150 & 01-174-152



Zoning Classification

	C1 - Commercial 1
	C2 - Commercial 2
	C3 - Commercial 3
	I - Industrial
	MF - Multi-family
	SF - Single Family
	SF2 - Single Family 2
	SFM - Single Family Mobile Home Park
	MHP - Mobile Home Park
	OSR - Open Space Recreational
	PU - Public Use
	RR - Rural Residential
	U - Undeveloped



D. Public Hearing Mailout



June 23, 2025

KISSINGER EVERETT J KISSINGER KRISTINE O
PO BOX 741
PETERSBURG, AK 99833-0741

NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:

An application from Lisa and Bryan Haas for a variance from the front-yard setback requirement to allow for construction of a pole-barn within 5' of the property line at 782 MITKOF HIGHWAY (PID:01-174-152).

The public hearing and consideration of the application will be held:	Tuesday, July 8th, 2025, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , please contact Anna Caulum at 907-772-5409.	

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION	
By Mail:	PO Box 329, Petersburg, Alaska 99833
By Email:	acaulum@petersburgak.gov
Hand-Deliver:	Petersburg Municipal Building, 12 S. Nordic Dr.

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600' of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,

Liz Cabrera
Community & Economic Development Department

Community & Economic Development

PO Box 329, Petersburg, AK 99833 – Phone (907)772-4042 Fax (907)772-3759

www.petersburgak.gov

Name1**Name2**

CHRIST FRY	
HEATHER O'NEIL	
JIM FLOYD	
JOHN JENSEN	
PHIL MEEKS	
MARIETTA DAVIS	
DONALD SPERL	

HAAS BRYAN HAAS LISA

ALASKA MENTAL HEALTH TRUST

BEERS RUSSELL

BEHARY ALEXANDER JR

COOK RALIEGH

KISSINGER EVERETT J

NUNLEY JAMES A NUNLEY LESLEA L

ROSVOLD KAREN

ZWEIFEL KELLY K

BEHARY JUDITH & AMBER

COOK MARSHA

KISSINGER KRISTINE O

TWIN CREEK LLC

ZWEIFEL SCOTT A