

Planning Commission Staff Report & Finding of Fact

Meeting Date: 10/8/2024

APPLICANT/AGENT:

Matt Lichtenstein

OWNER(S), IF DIFFERENT:

LEGAL DESCRIPTION:

LOT AREA:

5,000 sf

LOCATION:

405 Lumber Street

SURROUNDING ZONING:

North: Single-family Residential (SF)

South: Single-family Residential (SF)

East: Single-family Residential (SF)

West: Single-family Residential (SF)

ZONING:

Single-family Residential (SF)

PID:

01-011-217

EXISTING STRUCTURES:

Dwelling

Shed

APPLICATION SUBMISSION DATE:

Click or tap to enter a date.

RECOMMENDATION:

Approve with Conditions

I. APPLICANT REQUEST:

Applicant is requesting a variance from the 10' setback requirement to allow for construction of a deck walkway 5' from the property line.

II. APPLICABLE CODES:

19.20 SINGLE FAMILY RESIDENTIAL DISTRICT

19.80 VARIANCE

III. FINDING:

- a. The surrounding area is a well-established residential neighborhood.
- b. The subject property has an existing residential structure and a small shed.
- c. The proposed project would replace an existing deck and walkway with a similar sized 240 sf deck and walkway in the same location.
- d. The deck and walkway were pre-existing when current owners purchased the property.

IV. PUBLIC NOTICE

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 yard setback requirement.

a. ZONING DISTRICT STANDARDS

Minimum Standards for Zoning District and Use
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	Requirement	Subject Property	Analysis
Minimum Lot Size	8,000 sf	5,000	Legal non-conforming
Minimum Road Frontage	80 ft	50'	Legal non-conforming
Front Yard	20 ft	Variance for porch	Conforms
Rear Yard	20 ft	30'	Conforms
Side Yard	10 ft		Variance requested
Max. Height	3 stories, not to exceed 30 ft		Conforms
Max Lot Coverage	35%		--
Fire Code Separation	n/a	n/a	
Off-street Parking			
Dwelling	2 spaces	2	Conforms
Max Height Fence	6 feet		Conforms

b. Variance Criteria – Per 19.80.050, the planning commission must find all three of the following conditions to exist in order to grant the variance:

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 subject property is only 5000 sq ft which is far smaller than the current, minimum residential lot size of 8000 sq ft. However, we are still bound by the same 10-foot, side setback requirements which limit our improvement options far more than SFR properties that meet the minimum lot size. Due to this issue, it would take extensive, structural remodeling of the house itself to have a back deck we can access from our back door without going partly into the side setback.

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 dwelling is situated 10 feet from the south side property line. The back door on that side opens to a narrow portion of the back deck that encroaches approx. 4'-2" into the setback and leads to the rest of the deck connected to the back of the house. The deck was there when owners purchased the house in 2004 and needs to be rebuilt. Owners cannot connect the back door to the back deck without rebuilding this narrow part in the same spot within the setback. Strict application of the setback makes any size deck/porch leading from that door out of compliance if it is part of a larger deck (even if the rest of the deck is in compliance) Due to the layout of the house/yard, there is no other practical location for deck access from that back door.

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 portion of the deck at issue in this case would change very little with the rebuild. The proposed design would increase the width slightly from 4'-2 inches to 5 foot for better ingress/egress. It is otherwise the same style/height and location as existing structure. It would not degrade access to the side of the house or back yard. If anything, the slightly

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wider surface would make it easier to reach the back yard in an emergency since thick Salmon Berry bushes take up the rest of the space between this portion of the deck and the property line. The bushes also screen the porch from the neighboring property to a large extent so the rebuild should have no impact in that regard other than making our deck more sightly.

VI. ACTION

Proposed motion: I move to approve the application from Matt Lichtenstein for a variance from the side yard setback requirement to allow for construction of a deck walkway within 5' of the property line at 405 Lumber St 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. The variance approved by the planning commission shall expire unless the privilege granted is utilized within one year after the granting of the conditional use permit. The applicant may request an extension in writing prior to expiration of their permit.
- c. The planning commission may, in writing, suspend or revoke the variance whenever the permit is issued in error or based on incorrect information supplied, or in violation of any ordinance or regulation or any provisions of this code.
- d. As a condition of approval, the Applicant/Owner shall:

Apply for and be issued a building permit prior to construction.

EXHIBITS

- A. Applicant materials
- B. Vicinity & Detail Maps
- C. Public Hearing Mailout

Applicant Material

 <h3 style="margin: 0;">PETERSBURG BOROUGH VARIANCE APPLICATION</h3>		CODE TO: 110.000.404110
		BASE FEE: \$100.00
		PUBLIC NOTICE FEE: \$70.00
		TOTAL: \$170.00
DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC:
APPLICANT/AGENT		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME Matt Lichtenstein		NAME
MAILING ADDRESS PO Box 643		MAILING ADDRESS
CITY/STATE/ZIP Petersburg, AK 99833		CITY/STATE/ZIP
PHONE 907-518-0923		PHONE
EMAIL mattakfish@gmail.com		EMAIL
PROPERTY INFORMATION		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: 405 Lumber Street		
PARCEL ID: 01011217	ZONE: Single Family Residential	OVERLAY:
CURRENT USE OF PROPERTY: Residential		LOT SIZE: 50x100
PROPOSED USE OF PROPERTY (IF DIFFERENT):		
SEPTIC SYSTEM: Is there a septic system on the property? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO What is current or planned system? <input type="checkbox"/> Municipal <input type="checkbox"/> DEC-approved on-site system		
WATER SOURCE: <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well		
LEGAL ACCESS TO LOT(S) (Street Name): Lumber Street		
TYPE OF VARIANCE REQUESTED		
<input checked="" type="checkbox"/> Yard Setback		
<input type="checkbox"/> Maximum Lot Coverage		
<input type="checkbox"/> Building Height		
<input type="checkbox"/> Fence Height		
<input type="checkbox"/> Other:		
SUBMITTALS:-		
Please include a site plan proposed plans. Site, floor and framing plans, 3-D and side renderings, photos of existing structure.		
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): _____		Date: _____
Owner(s):  _____		Date: 09/13/2024

19.80 VARIANCE APPLICATION

(SUBMIT WITH SITE PLAN)

Applicant(s): Matt Lichtenstein

Address or PID: 405 Lumber Street

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?

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Substandard Lot Area | <input type="checkbox"/> Easements/ROW | <input type="checkbox"/> Stream/Drainage |
| <input type="checkbox"/> Steep/Unstable Slope | <input type="checkbox"/> Odd Lot Shape | <input checked="" type="checkbox"/> Nonconforming Structure |
| <input type="checkbox"/> 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.

Our lot is only 5000 sq ft which is far smaller than the current, minimum residential lot size of 8000 sq ft. However, we are still bound by the same 10-foot, side setback requirements which limit our improvement options far more than SFR properties that meet the minimum lot size. Due to this issue, it would take extensive, structural remodeling of the house itself to have a back deck we can access from our back door without going partly into the side setback.

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

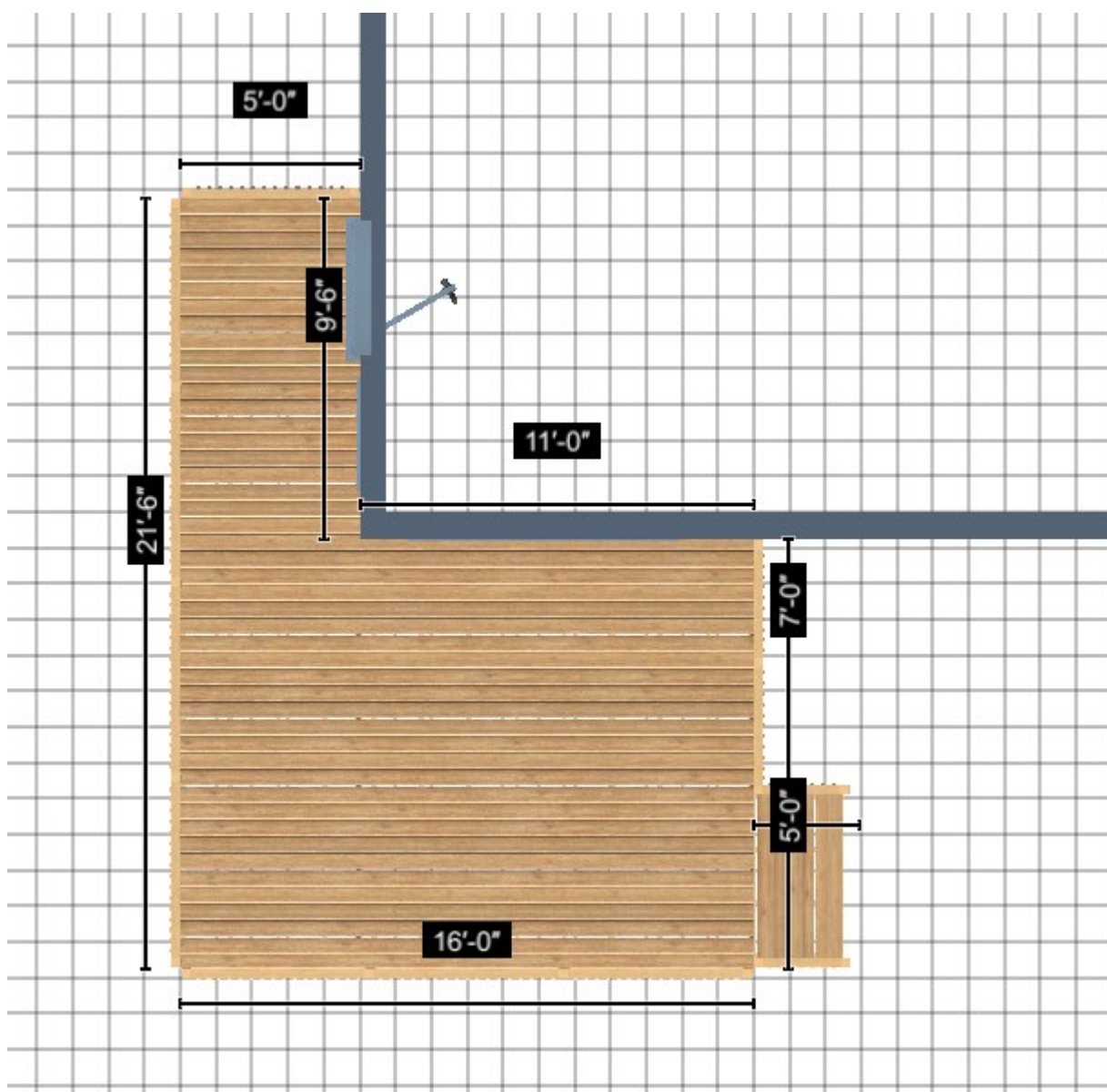
Our house is situated 10 feet from the south side property line. Our back door on that side opens to a narrow portion of the back deck that encroaches approx. 4'-2" into the setback and leads to the rest of the deck connected to the back of the house. The deck was there when we purchased the house in 2004 and needs to be rebuilt. We cannot connect the back door to the back deck without rebuilding this narrow part in the same spot within the setback. Strict application of the setback makes any size deck/porch leading from that door out of compliance if it is part or a larger deck (even if the rest of the deck is in compliance) Due to the the layout of the house/yard, there is no other practical location for deck access from that back door.

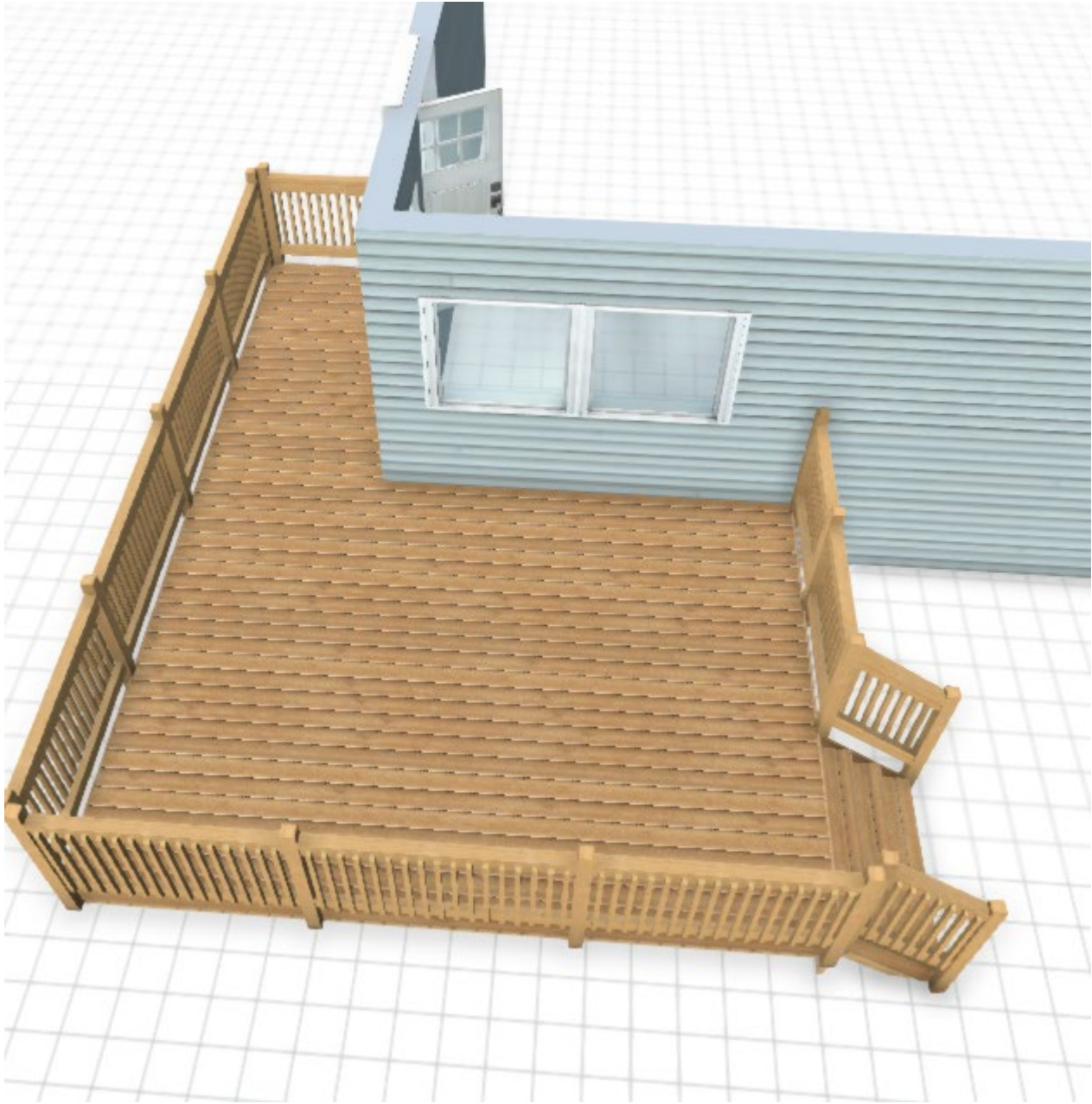
4. State why the granting of the variance will not result in material damage or hardship or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

The portion of the deck at issue in this case would change very little with the rebuild. Our design would increase the width slightly from 4'-2 inches to 5 foot for better ingress/egress. It is otherwise the same style/height and location as existing structure. It would not degrade access to the side of the house or back yard. If anything, the slightly wider surface would make it easier to reach the back yard in an emergency since thick Salmon Berry bushes take up the rest of the space between this portion of the deck and the property line. The bushes also screen the porch from the neighboring property to a large extent so the rebuild should have no impact in that regard other than making our deck more sightly.









Maximum Deck Height is 30" above ground (varies 26 to 30 inches)

Stair treads will be 12 inch (double 2x6)

Beams are doubled 2x10 (4x10)

Joists are 2x10x12 on 16" centers

Joists perpendicular to house are hung on lag-bolted 2x10 ledger, other end resting on beam

Beams perpendicular to house hung on lag-boted 2x10 ledger, other end resting on post

According to Simpson Strong Tie Deck Planner:

Max. joist span : 121 3/8"

Max. joist cantilever 19 5/8"

Max. beam span 87 1/4"

Decking and railing will be locally milled Alaska yellow cedar including:

Decking: 2x8 (doubled 2x6 for stair treads)

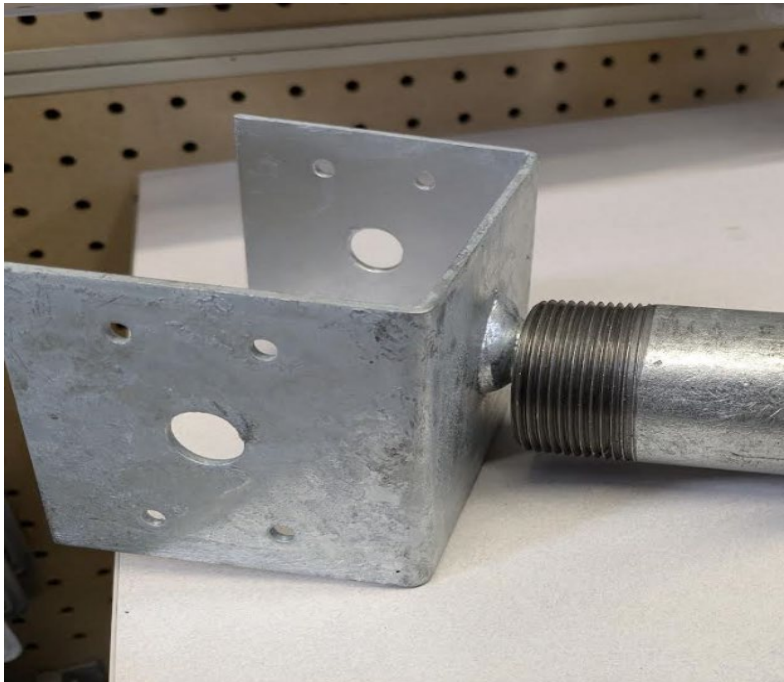
Railing: 2x4 railing with 2x2 balusters and 6x6 railing posts, notched and bolted to outside of deck.

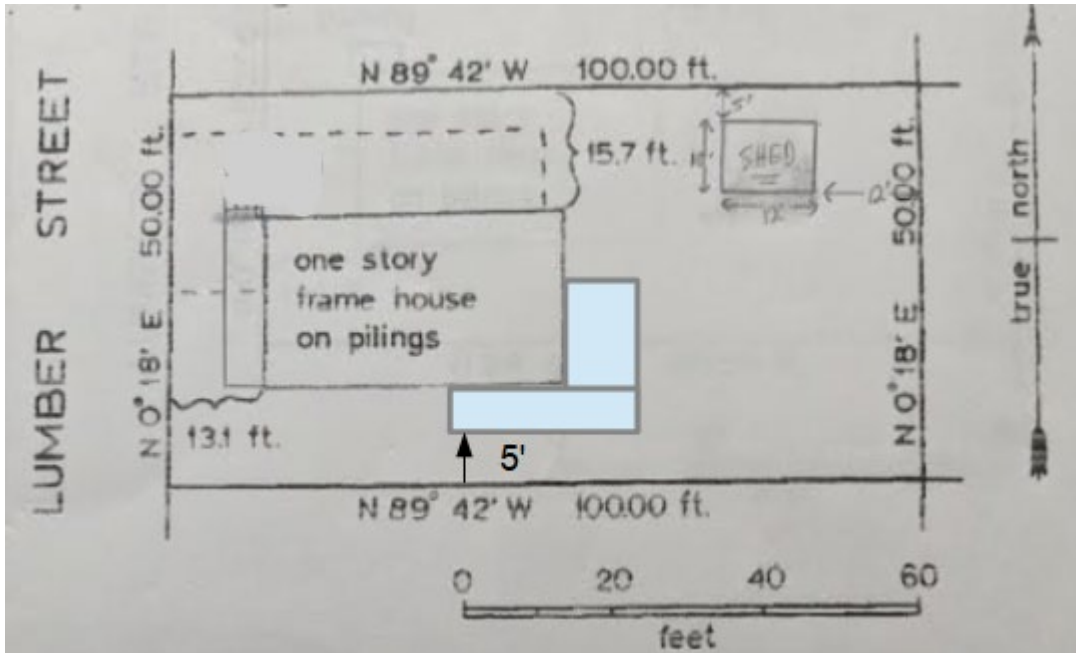
Railing is 36" high

Supporting structure including beams and joists will be ground-contact treated lumber

Fasteners/brackets/hangers: Corrosion resistant deck screws, lag bolts and galvanized or zmax simpson strong-tie brackets and joist hangers (Secured with purpose-made screws if available, otherwise secured with nails)

5 support posts will be 2" steel pipe, driven approximately 12 feet to hard pan and topped with a steel saddle/angle bracket (as shown in photo below or similar) to secure beams.



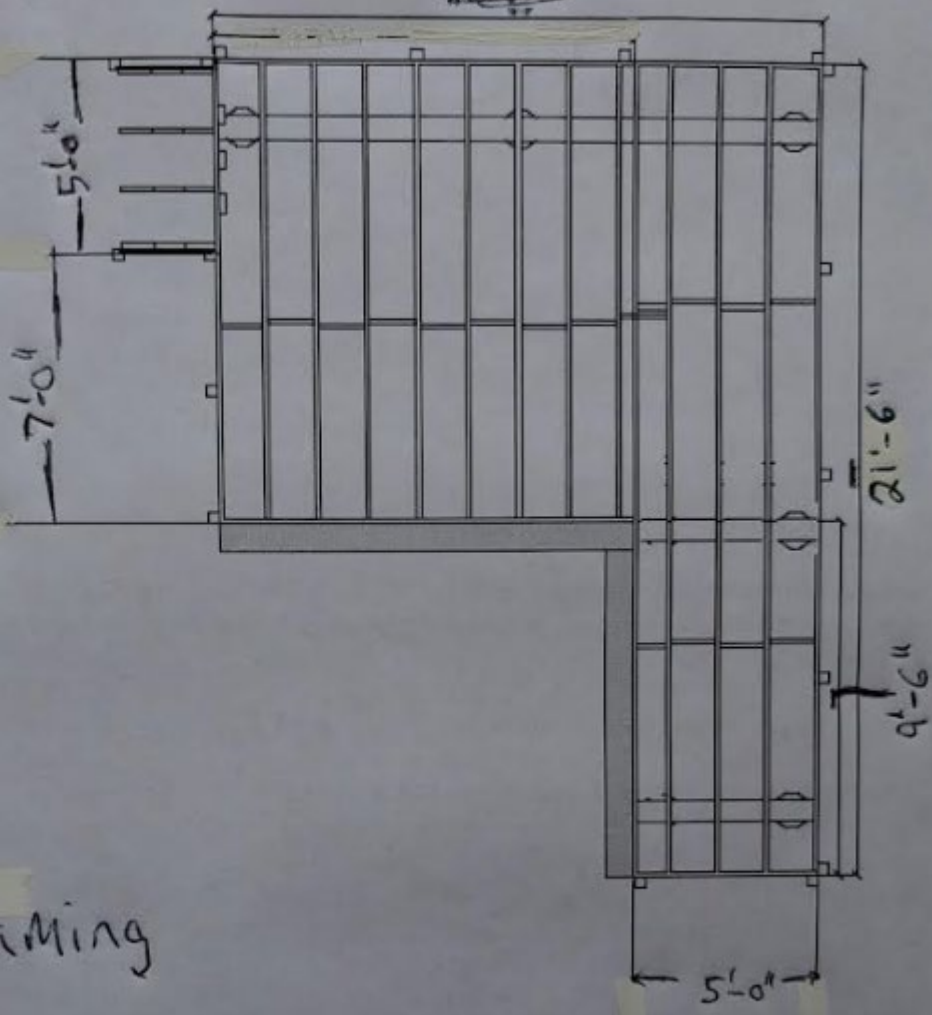


Site (not to scale)
 405 Lumber Street
 Location of side porch/back deck at SE corner of house

Additional info:
 Back of deck is 35 feet from rear property line

Railing will be 36 inches High.

- 16-0 -



Framing

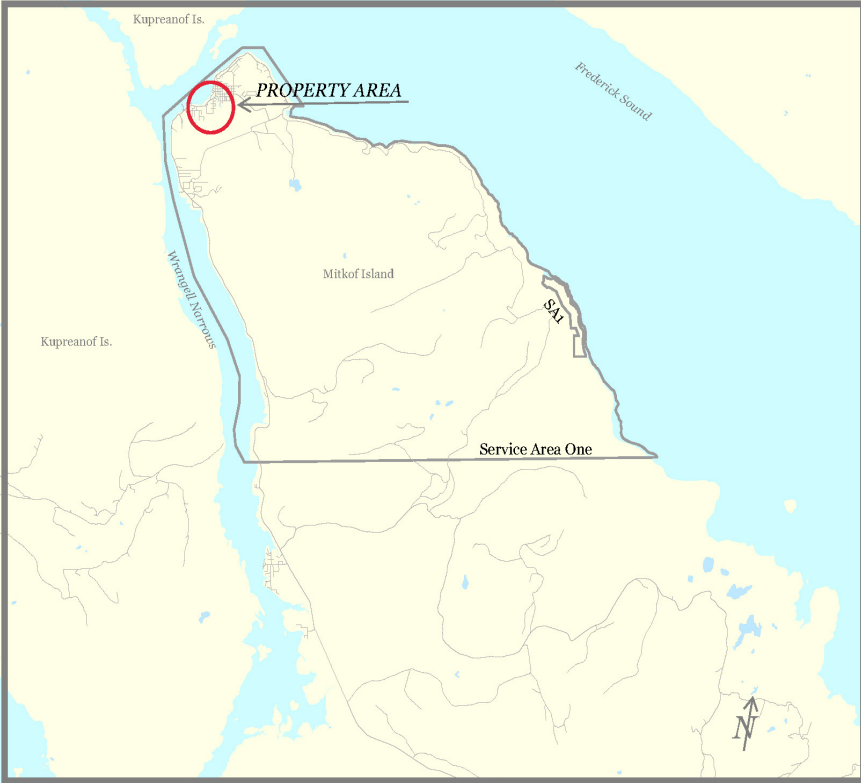
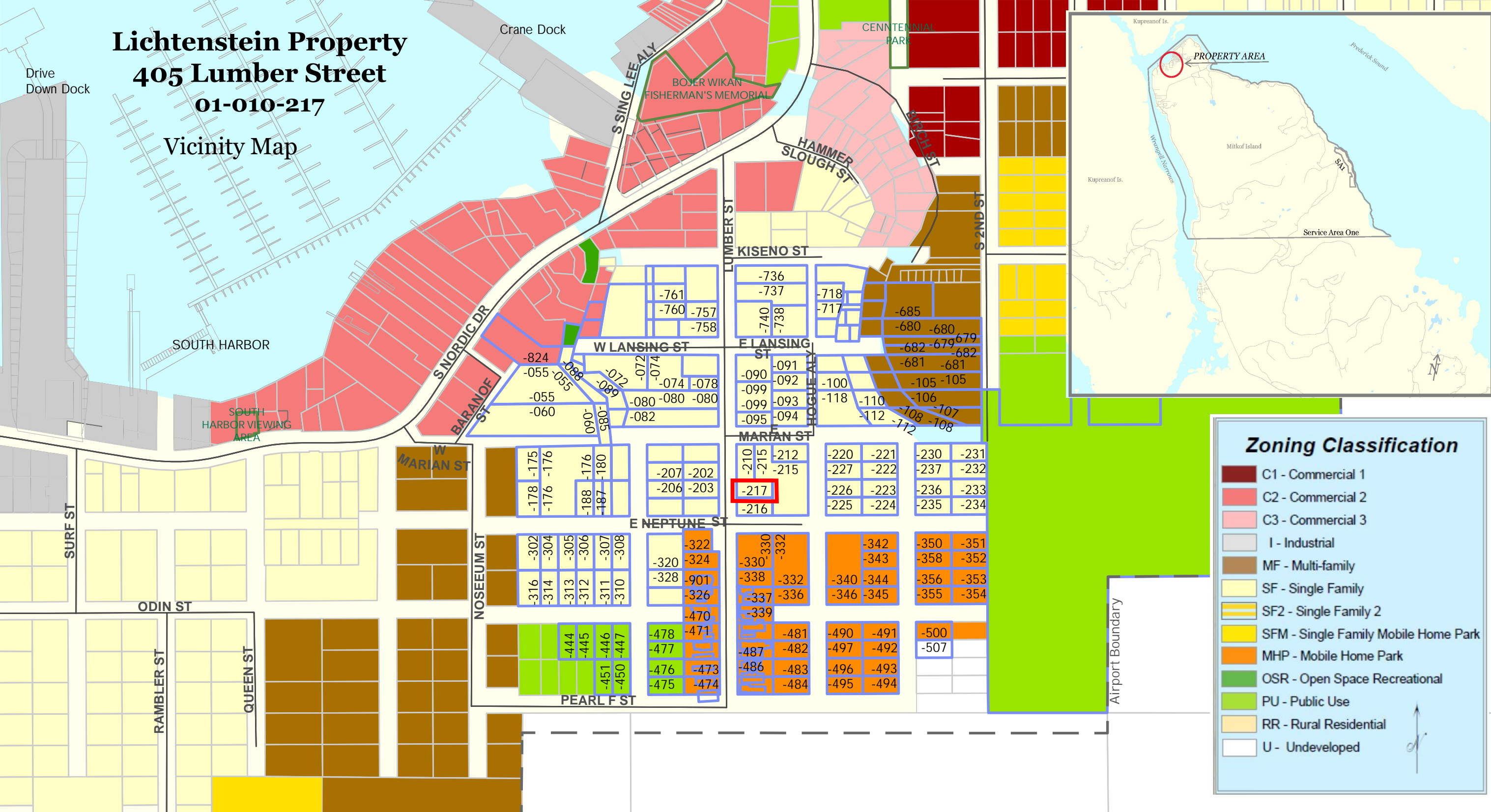


Lichtenstein Property

405 Lumber Street

01-010-217

Vicinity Map



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



September 17, 2024

**CUMPS THOMAS JR CUMPS ALICE M
PO BOX 848
PETERSBURG, AK 99833-0848**

NOTICE OF SCHEDULED PUBLIC HEARINGS

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

An application from Matt Lichtenstein for a variance from the side yard setback requirement to allow for construction of a deck/walkway 5’ from the property line at 405 LUMBER ST (PID: 01-011-217).

The public hearing and consideration of the application will be held:	Tuesday, October 8th, 2024, 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

Name1	Name2	Address1	City	State	Zip	EMAIL
CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440	nwood@mac.com
HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083	fvroque@gci.net
JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281	jim@hammerandwikan.com
JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681	i.fishjensen@gmail.com
PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514	psmeeks@aptalaska.net
MARIETTA DAVIS		PO BOX 673	PETERSBURG	AK	99833-0673	mariettajoanne12@gmail.com
LICHTENSTEIN MATTHEW S	WOOD HILARY A	PO BOX 643	PETERSBURG	AK	99833-0643	
AIKINS ROBERT JR	AIKINS STEPHANIE	PO BOX 268	PETERSBURG	AK	99833-0268	
AKINS DONALD		PO BOX 2072	PETERSBURG	AK	99833-2072	
ALLEN CASSIE		PO BOX 816	PETERSBURG	AK	99833-0816	
BENITZ ROBERT E		PO BOX 298	PETERSBURG	AK	99833-0298	
BERTAGNOLI ANGELA		PO BOX 1253	PETERSBURG	AK	99833-1253	
BIRCH MICHAEL JAMES		PO BOX 1475	PETERSBURG	AK	99833-1475	
BUEHLER CRAIG D	BUEHLER LAURA J	PO BOX 1983	PETERSBURG	AK	99833-1983	
CONNOR DUSTIN		PO BOX 1372	PETERSBURG	AK	99833-1372	
CONNOR MARIANNE	CONNOR WILLIAM H	PO BOX 1124	PETERSBURG	AK	99833-1124	
CONTAG MARCUS	CONTAG DASHA	PO BOX 1494	PETERSBURG	AK	99833-1494	
CRAWFORD EDWARD		PO BOX 564	PETERSBURG	AK	99833-0564	
CUMPS THOMAS JR	CUMPS ALICE M	PO BOX 848	PETERSBURG	AK	99833-0848	
EDFELT ANDY	EDFELT GRAZEL	PO BOX 634	PETERSBURG	AK	99833-0634	
EINERSON GREGORY	EINERSON WENDY	PO BOX 307	PETERSBURG	AK	99833-0307	
ENGLE BRUCE		PO BOX 8229	LAVERN	CA	91750	
ETCHER MICHAEL SEAN		PO BOX 714	PETERSBURG	AK	99833-0714	
FARRELL MARCIA A		PO BOX 1456	PETERSBURG	AK	99833-1456	
FINK JASON	FINK EVA	PO BOX 2104	PETERSBURG	AK	99833-2104	
FLOR HANNAH		PO BOX 262	PETERSBURG	AK	99833-0262	
FORD JOHN C		PO BOX 1931	PETERSBURG	AK	99833-1931	
FUNK BOB		PO BOX 2191	PETERSBURG	AK	99833-2191	
GRANT TONIA		PO BOX 588	PETERSBURG	AK	99833-0588	
GRUNDBERG ERIC A	MARVIN MALENA	PO BOX 2193	PETERSBURG	AK	99833-2193	
GULESERIAN ROBERT		PO BOX 1011	PETERSBURG	AK	99833-1011	
HAMMER JACOB A	HAMMER KACEY J	PO BOX 97	PETERSBURG	AK	99833-0097	
HEMENWAY AMY B	HEMENWAY MATTHEW J	PO BOX 2012	PETERSBURG	AK	99833-2012	
HOFSTETTER SARAH C	HOFSTETTER PHILIP J	PO BOX 1580	PETERSBURG	AK	99833-1580	
HULSE DARLA J		PO BOX 1183	PETERSBURG	AK	99833-1183	
JENSEN TAYLOR		PO BOX 272	PETERSBURG	AK	99833-0272	
KEGEL ERIK A		PO BOX 118	PETERSBURG	AK	99833-0118	
KEUTMANN CHELSEA	KEUTMANN PETER	PO BOX 263	PETERSBURG	AK	99833-0263	
KITOS KAVE INC		PO BOX 1510	PETERSBURG	AK	99833-1510	
LAPEYRI JORDAN		PO BOX 1008	PETERSBURG	AK	99833-1008	
LAPPETITO TODD	LAPPETITO C/O RYAN	48 BELLTOWER LN	CAMPTON	NH	03223	
LARSON DOUG		PO BOX 2156	PETERSBURG	AK	99833-2156	
LOPEZ CHRISTOPHER & LORENZO	LOPEZ CECILIA & CHRISTINA	18709 WHIRLAWAY RD	EAGLE RIVER	AK	99577	
LOPEZ NATHAN	LOPEZ MINDY	PO BOX 1250	PETERSBURG	AK	99833-1250	
LYONS NEIL S LYONS JACK & GREGORY	RESERVED LIFE ESTATE OF	PO BOX 527	PETERSBURG	AK	99833-0527	
MAGOUN AUDREY J TRUSTEE	AUDREY J MAGOUN TRUST	12820 NORA DR	ANCHORAGE	AK	99515	
MCMURREN PATRICK F	C/O DANDO FINANCIAL LLC	PO BOX 1161	WRANGELL	AK	99929-1161	
MEDALEN MICHAEL D		PO BOX 969	PETERSBURG	AK	99833-0969	
MILLER CHRIS		PO BOX 1568	PETERSBURG	AK	99833-1568	
NISSELL MICHAEL		PO BOX 428	PETERSBURG	AK	99833-0428	
OHMER DAVE N		PO BOX 13	PETERSBURG	AK	99833-0013	
OLSON KEN		PO BOX 1557	PETERSBURG	AK	99833-1557	
PAHULU KEHULU		PO BOX 874	PETERSBURG	AK	99833-0874	
PAULSON ISAAC	PAULSON SHARON	PO BOX 153	PETERSBURG	AK	99833-0153	
RICHARDS BRAIN	RICHARDS ALEKSANDRA	PO BOX 1866	PETERSBURG	AK	99833-1866	
ROBERGE SCOTT W	SMITH JANE	PO BOX 2169	PETERSBURG	AK	99833-2169	
ROCKNE TOM		PO BOX 1305	PETERSBURG	AK	99833-1305	
SALLENBACH WILLIAM	SALLENBACH BRENDA	PO BOX 1128	PETERSBURG	AK	99833-1128	
SCHWEITZER DAN		PO BOX 1667	PETERSBURG	AK	99833-1667	
SHORT LUKE P		PO BOX 802	PETERSBURG	AK	99833-0802	
THATCHER PAUL		PO BOX 1072	PETERSBURG	AK	99833-1072	
THYNES RUSS	THYNES DANA	PO BOX 2047	PETERSBURG	AK	99833-2047	
TOTH JESSICA		PO BOX 2039	PETERSBURG	AK	99833-2039	
TOYOMURA DARYL H	TOYOMURA JENNIFER L	PO BOX 1237	PETERSBURG	AK	99833-1237	
VERSTEEG NICHOLAS A		PO BOX 1752	PETERSBURG	AK	99833-1752	
WESTHOFF THOMAS GUY	WESTHOFF MARISOL	PO BOX 1694	PETERSBURG	AK	99833-1694	
WHITETHORN DAVID	WHITETHORN ELOISE K	PO BOX 636	PETERSBURG	AK	99833-0636	
WILLIAMS DONALD		4112 TAKU BLVD	JUNEAU	AK	99801	
WOOD HILARY		PO BOX 643	PETERSBURG	AK	99833-0643	
WORTHINGTON MAVIS		PO BOX 428	PETERSBURG	AK	99833-0428	
YUEN FRANCES		PO BOX 2105	PETERSBURG	AK	99833-2105	

jensenboat@gmail.com