

Planning Commission Staff Report & Finding of Fact

Meeting Date: 3/12/2024

APPLICANT/AGENT:

Josh Etcher

OWNER(S), IF DIFFERENT:

4 & 4 Rentals LLC

LEGAL DESCRIPTION:

Lot 16, Plat 76-1, USS 285

LOT AREA:

12,500 Sq Ft

LOCATION:

112 Cornelius Rd

SURROUNDING ZONING:

North: Single-family Residential (SF)

South: --Industrial (I)

East: Single-family Residential (SF)

West: Single-family Residential (SF)

ZONING:

Single-family Residential (SF)

PID:

01-031-610

EXISTING STRUCTURES:

Vacant

APPLICATION SUBMISSION DATE:

2/12/2024

RECOMMENDATION:

Approve with Conditions

I. APPLICANT REQUEST:

Applicant is requesting a variance to allow for construction of a net house within 10' of the rear property line.

II. APPLICABLE CODES:

19.20 SINGLE FAMILY RESIDENTIAL DISTRICT

19.80 VARIANCE

III. FINDING:

- a. Subject parcel is zoned Single-family Residential and is undeveloped.
- b. The applicant is proposing to use the property for a net house to store personal boats and property. A net house is a conditional use in the single-family district.
- c. The surrounding area is well-developed with a mix of uses, including some residential and warehouses.
- d. The subject property is a filled vacant lot 100 x 85 lot with road access and utilities.

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 rear yard setback requirement.

- a. ZONING DISTRICT STANDARDS

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Minimum Standards for Zoning District and Use			
	Requirement	Subject Property	Analysis
Minimum Lot Size	8,000 sf	12,500 Sq Ft	Conforms
Minimum Road Frontage	80 ft	Easement	Conforms
Front Yard	20 ft	20'	Conforms
Rear Yard	20 ft	10'	Variance requested
Side Yard	10 ft	10'	Conforms
Max. Height	3 stories, not to exceed 30 ft		Conforms
Max Lot Coverage	35%	3,150/4,375	Conforms
Fire Code Separation	n/a		
Off-street Parking			
Dwelling	2 spaces	N/A	--
Home Occupation		N/A	
Max Height Fence	6 feet	N/A	--

b. Variance Criteria – Per 19.80.050, 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 _____ NO **REASON:** The applicant does not provide any examples of exceptional physical circumstances or condition of the property.

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

YES _____ NO **REASON:** The setback requirements do not prevent the applicant from developing the property as allowed within the zoning district.

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 NO _____ N/A _____ **REASON:** Unlikely granting this setback would be detrimental to the public health, safety or welfare.

VI. ACTION

Proposed motion: I move to approve the application for a variance from the rear yard setback requirement to allow for construction of a net house within 10' of the rear property line at 112 Cornelius Rd along with the findings of fact.

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

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- 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 approval 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.

EXHIBITS

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

PAID

Applicant Material

FEB 12 2024



FINANCE DEPT.

**PETERSBURG BOROUGH
VARIANCE APPLICATION**

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: CK # 1094 *ste*

APPLICANT/AGENT	LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME Joshua Etcher	NAME 4&4 Rentals, LLC
MAILING ADDRESS Box 1952	MAILING ADDRESS
CITY/STATE/ZIP Petersburg, AK 99833	CITY/STATE/ZIP
PHONE 907-518-0726	PHONE
EMAIL 4and4rentals@gmail.com	EMAIL

PROPERTY INFORMATION

PHYSICAL ADDRESS or LEGAL DESCRIPTION:
112 Cornelius Rd.

PARCEL ID: 0131610 ZONE: OVERLAY:

CURRENT USE OF PROPERTY: Vacant Lot LOT SIZE: 100' X 150'

PROPOSED USE OF PROPERTY (IF DIFFERENT):
Boat shed

SEPTIC SYSTEM: Is there a septic system on the property? YES NO
 What is current or planned system? Municipal DEC-approved on-site system

WATER SOURCE: Municipal Cistern/Roof Collection Well

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

TYPE OF VARIANCE REQUESTED

- Yard Setback
- Maximum Lot Coverage
- Building Height
- Fence Height
- Other: Build up to 10ft from front and back property lines.

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): Joshua R Etcher Date: 2-12-24

Owner(s): _____ Date: _____

19.80 VARIANCE APPLICATION

(SUBMIT WITH SITE PLAN)

Applicant(s): Josh and Rachel Etcher

Address or PID: 112 Cornelius Road PID: 0131610

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

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.

I am seeking approval to optimize the usage of my property and align with the actions already taken by neighboring property owners in this vicinity. A few other properties situated along Cornelius road have shops, storage sheds for boats and gear, which are constructed at a distance of 10ft from both the front and back property lines.

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

I would appreciate utilizing my property to its utmost potential, as our family possesses eight boats and accompanying gear that require suitable and secure storage, out of the weather.

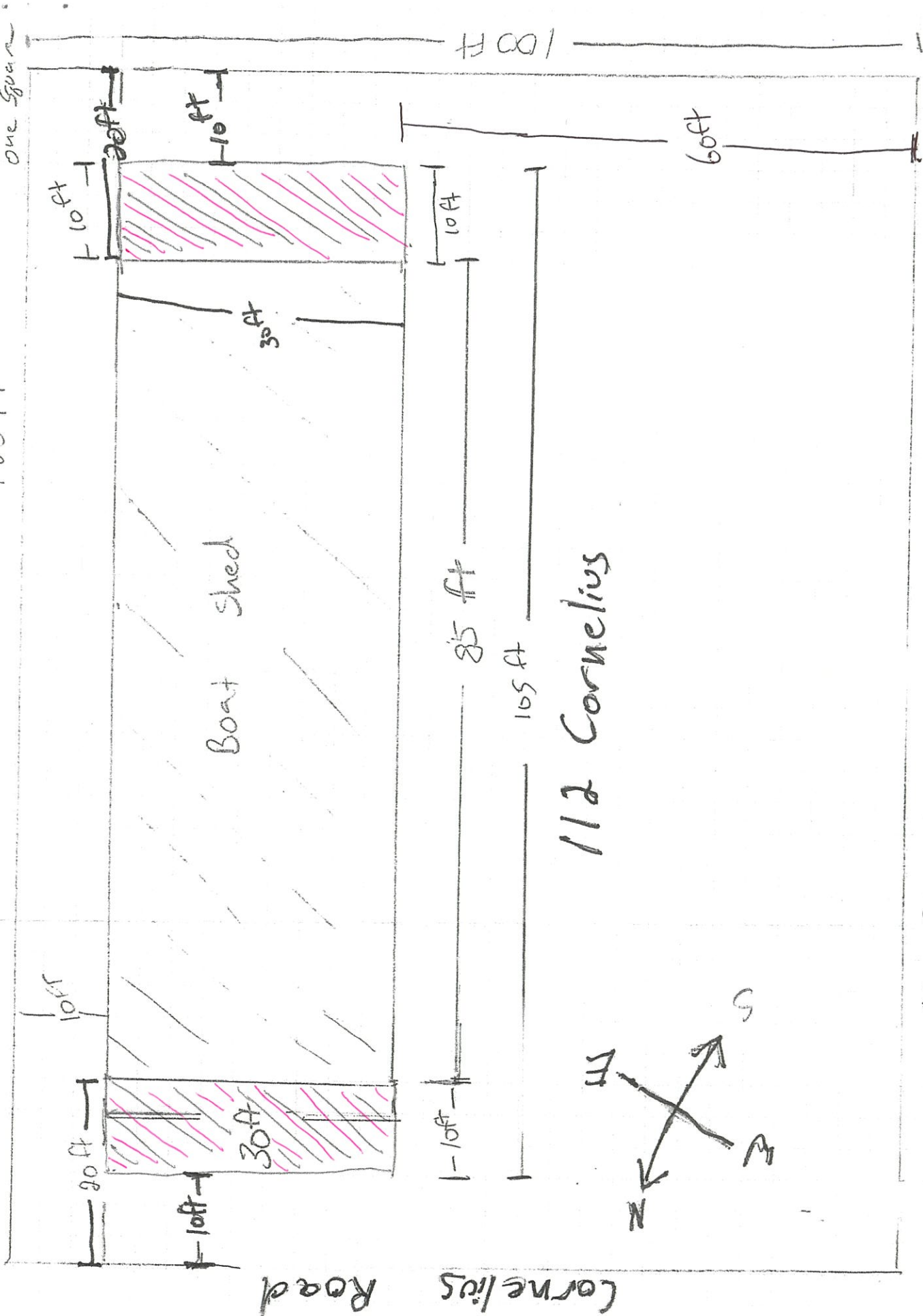
4. State why the granting of the variance will not result in material damage or hardship or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

It will not affect other property owners because several structures in that area are similar and are built 10ft from the front and/or back of their property lines. The granting of this variance will not be detrimental or cause hardship to other properties in the area.

114 Cornelius

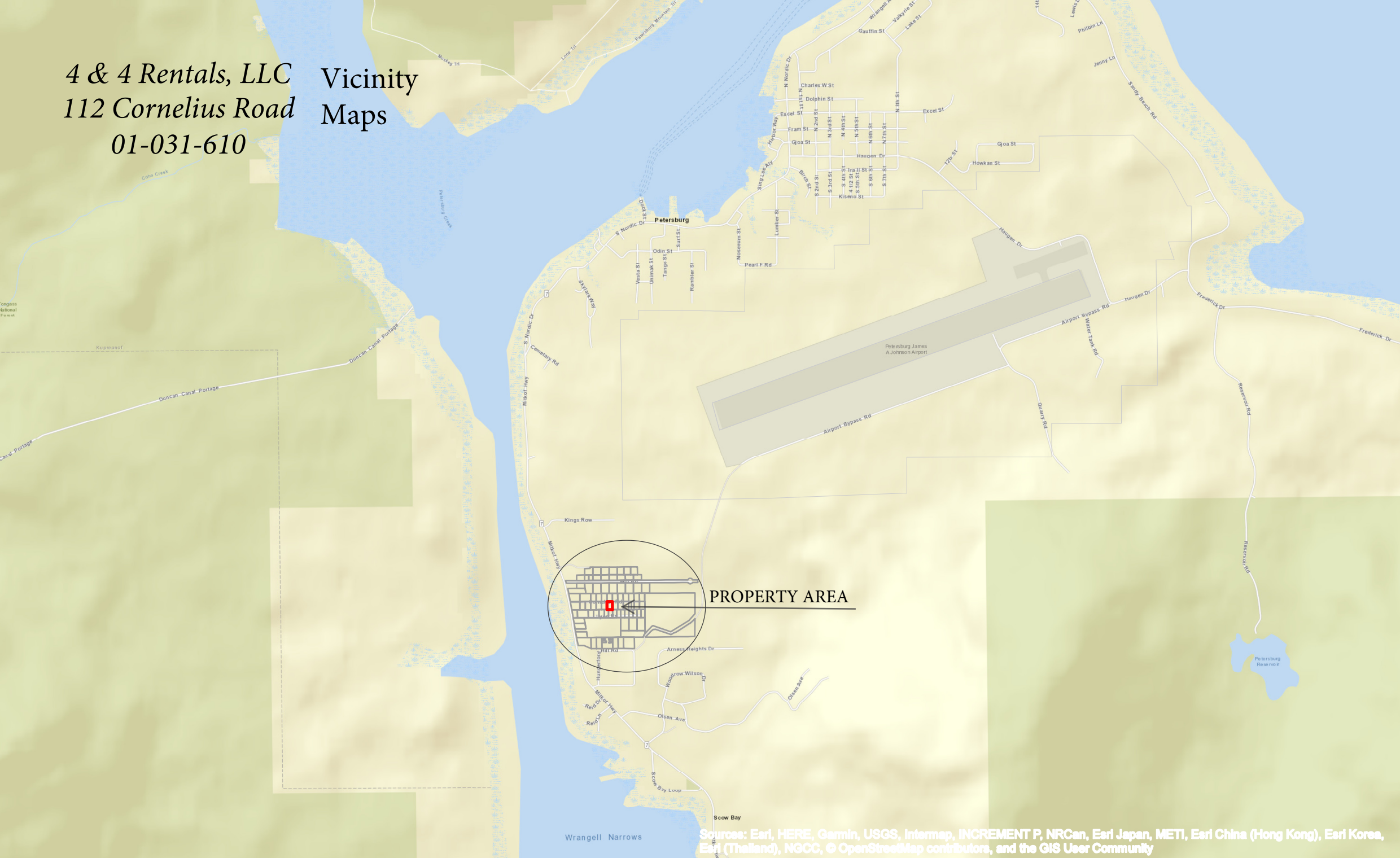
125 FT

3.28 ft
One Span



4 & 4 Rentals, LLC
112 Cornelius Road
01-031-610

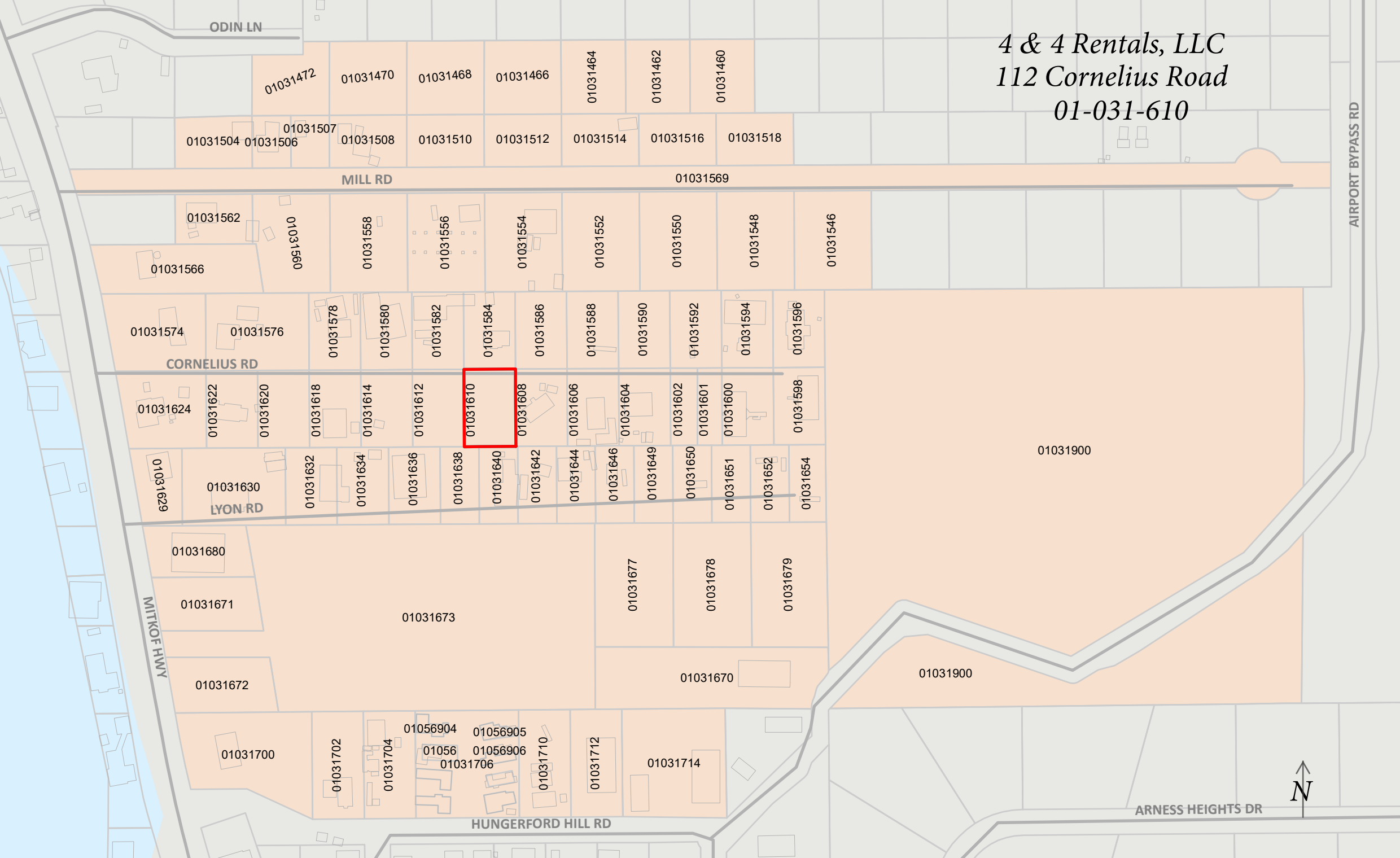
Vicinity Maps



PROPERTY AREA

Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

4 & 4 Rentals, LLC
112 Cornelius Road
01-031-610



ODIN LN

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01031714

HUNGERFORD HILL RD

ARNESS HEIGHTS DR



AIRPORT BYPASS RD



February 20, 2024

**WRIGHT ANDREW P
PO BOX 1432
PETERSBURG, AK 99833-1432**

NOTICE OF SCHEDULED PUBLIC HEARINGS

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

An application from Josh Etcher for a conditional use permit to allow construction of a net house in a single-family residential zone at 112 Cornelius RD (PID: 01-031-610), along with an application from Josh Etcher for a variance from the yard setback requirement to allow for construction of a 105' x 30' net house 10' from the rear yard property line at 112 Cornelius RD (PID: 01-031-610).

The public hearing and consideration of the application will be held:	Tuesday, March 12th 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

Public Hearing
Mailout

Name1	Name2	Address1	City	State	Zip
CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440
HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083
SALLY DWYER		PO BOX 1788	PETERSBURG	AK	99833-1788
JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281
JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681
PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514
MARIETTA DAVIS		PO BOX 673	PETERSBURG	AK	99833-0673
4 & 4 RENTALS LLC	Josh and Rachel Etcher	PO BOX 1952	PETERSBURG	AK	99833-1952
AHO RICHARD	HERLICK-AHO DORIS	PO BOX 1272	PETERSBURG	AK	99833-1272
APEX REFRIGERATION & HEATING LLC		PO BOX 162	PETERSBURG	AK	99833-0162
AULBACH GARY L	AULBACH KIMBERLEY L	PO BOX 1748	PETERSBURG	AK	99833-1748
BIRD DANIEL W		PO BOX 1628	PETERSBURG	AK	99833-1628
COLE FORREST	COLE SHIRLEY	PO BOX 1684	PETERSBURG	AK	99833-1684
COOK JEROD		PO BOX 1262	PETERSBURG	AK	99833-1262
CRAIG VERN R	CRAIG THERESA	PO BOX 1238	PETERSBURG	AK	99833-1238
DAVIS CHARLES		PO BOX 405	PETERSBURG	AK	99833-0405
DIAMANTE GIFT SHOPPE INC		PO BOX 1029	PETERSBURG	AK	99833-1029
DICKAMORE ROBERT A		PO BOX 1830	PETERSBURG	AK	99833-1830
ELLIS JEAN L		PO BOX 1068	PETERSBURG	AK	99833-1068
ETCHER MICHAEL V		PO BOX 1585	PETERSBURG	AK	99833-1585
EVENS CRAIG J	EVENS VIRGINIA P	PO BOX 585	PETERSBURG	AK	99833-0585
EVERGREEN HOLDINGS LLC		PO BOX 1385	PETERSBURG	AK	99833-1385
FIERCE ALLEGIANCE DEVELOPMENT LLC		PO BOX 11463	BOZEMAN	MT	59719
GOOD INVESTMENTS LLC		PO BOX 818	PETERSBURG	AK	99833-0818
HEGAR JERRY	HEGAR ELLIE	PO BOX 435	PETERSBURG	AK	99833-0435
J & M ENTERPRISES LLC		PO BOX 1952	PETERSBURG	AK	99833-1952
JENSEN JEREMY C	EIDE MITCHELL L	PO BOX 981	PETERSBURG	AK	99833-0981
JENSEN MARINE STORAGE LLC		PO BOX 681	PETERSBURG	AK	99833-0681
JENSEN MARK L		PO BOX 457	PETERSBURG	AK	99833-0457
JOUIKO IVAN		PO BOX 174	PETERSBURG	AK	99833-0174
KOWALSKE THOMAS MARTIN	KOWALSKE SUSAN SMART	PO BOX 402	PETERSBURG	AK	99833-0402
LACHAPELLE DARREN D	LACHAPELLE HAILI L	PO BOX 2058	PETERSBURG	AK	99833-2058
LITSHEIM JAMES S		PO BOX 1621	PETERSBURG	AK	99833-1621
MADSEN KENNETH G	MADSEN STACEY R	PO BOX 918	PETERSBURG	AK	99833-0918
MALCOM STAN		PO BOX 361	PETERSBURG	AK	99833-0361
MARTENS JAQUELINE CHERIE		PO BOX 623	PETERSBURG	AK	99833-0623
MEDALEN HAROLD D	MEDALEN CHRISTINE	PO BOX 821	PETERSBURG	AK	99833-0821
MERGENTHAL ROSA L	MERGENTHAL GEORGE V	PO BOX 764	PETERSBURG	AK	99833-0764
MILL ROAD FISHERIES LLC		PO BOX 1081	PETERSBURG	AK	99833-1081
MILLER JAMES L	MILLER APRIL	PO BOX 1184	PETERSBURG	AK	99833-1184
NEWMAN BRIAN A		PO BOX 893	PETERSBURG	AK	99833-0893
NILSEN YANCEY	NILSEN LISA	PO BOX 785	UNALASKA	AK	99685-0785
OAKS BREANNA		PO BOX 27	MONROE	OR	97456-0127
ONEIL DENNIS	ONEIL HEATHER	PO BOX 1083	PETERSBURG	AK	99833-1083
ONEIL MEGAN L		PO BOX 4	PETERSBURG	AK	99833-0004
PARKER JONATHAN	PARKER TONNA	PO BOX 406	PETERSBURG	AK	99833-0406
PARKER SAMMY	NEWTON LEEROY	PO BOX 1364	PETERSBURG	AK	99833-1364
PEELER AL	PEELER SHANNON	PO BOX 761	PETERSBURG	AK	99833-0761
PFUNDT JEFFREY	PFUNDT ALANA	PO BOX 855	PETERSBURG	AK	99833-0855
POPP KAYLA A	POPP JARED D	PO BOX 1576	PETERSBURG	AK	99833-1576
ROCK'S MARINE LLC LESSEE	EVERGREEN HOLDINGS LLC LESSOR	PO BOX 1385	PETERSBURG	AK	99833-1385
ROSVOLD & CURRY ENTERPRISES LLC		PO BOX 572	PETERSBURG	AK	99833-0572
SEVERSON MARK J	SEVERSON KAREN L	PO BOX 1502	PETERSBURG	AK	99833-1502
SHORT SUSAN D		PO BOX 1735	PETERSBURG	AK	99833-1735
SIPPER ANTHONY W		PO BOX 1334	PETERSBURG	AK	99833-1334
STAFFORD SCOTT L	REVOCABLE TRUST	911 PAXTON RD SW	ROCHESTER	MN	55902-6644
THE MILL INC		PO BOX 790	PETERSBURG	AK	99833-0790
VERSTEEG KORY		PO BOX 1752	PETERSBURG	AK	99833-1752
WEAVER PAT ELAINE	PAT WEAVER LIVING TRUST	PO BOX 1181	PETERSBURG	AK	99833-1181
WHITETHORN JAREN		PO BOX 1716	PETERSBURG	AK	99833-1716
WILLIS WILBUR JOSEPH	WILLIS ERIN KATHLEEN	PO BOX 43	PETERSBURG	AK	99833-0043
WRIGHT ANDREW P		PO BOX 1432	PETERSBURG	AK	99833-1432

From: [Alpine Design & Building](#)
To: [Anna Caulum](#)
Subject: Etcher Variance Application
Date: Monday, March 4, 2024 3:02:01 PM

To: Petersburg Borough Planning and Zoning Commission

Subject: Application for Set Back Variance and Conditional Use Permit.

Dear Commissioners,

This letter references the application for a variance as well as a Conditional Use Permit for the property at 110 Cornelius Road. I also have property on Cornelius Road and was granted a conditional use permit for that property many years ago. I never actually used the property for anything other than a single family residence but I agree with the Etcher's that a precedent for building gear storage warehouses had been set in that area many many years ago. The application is a bit confusing as the letter from the Economic Development Department calls the structure a net house but all of the other documents refer to the structure as a boat shed. I am not sure if that matters. However, if the Etcher's plan is to rent out spaces in the boat shed I believe that would not be in line with current uses on Cornelius Road. If that is indeed okay to do on Cornelius Road please let me know and I would like to do the same thing.

Thank you for your time.

Gary Aulbach
907-518-0349