

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:

1/29/2024

RECOMMENDATION:

Approve with Conditions

I. APPLICANT REQUEST:

Applicant is requesting a conditional use permit to construct a net house in a single-family residential district.

II. APPLICABLE CODES:

19.20 SINGLE FAMILY RESIDENTIAL DISTRICT

18.72 CONDITIONAL USE PERMIT

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 applicant applied for and received a conditional use permit for a net house in 2020. The permit is valid for one year and expired before the applicant was able to construct a net house.
- d. The surrounding area is well-developed with a mix of uses, including some residential and warehouses.
- e. Per code, "Net house" means a covered structure whose sole purpose is for the storage, repair and construction of fishing gear. Fishing gear being nets, pot gear, hooks, line, buoys and corks, poles, gurdies and other small accessory parts and supplies.

IV. PUBLIC NOTICE

The borough provided public notice consistent with PMC 18.12.040. 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 conditional use permit for a net house.

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		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. Conditional Use Permit Criteria – Per 19.72.020, 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. The commission shall consider the suitability of the property, the character of the surrounding property and the economic and aesthetic effects of the proposed use upon the property and neighboring property. The use will be permitted if it is in harmony with the general purpose and intent of this title and where the use will be in keeping with the uses generally authorized for the zone in which the use is to take place. The commission shall require the conditional user to take those steps necessary so that the permitted conditional use will not be offensive because of injurious and noxious noise, vibrations, smoke, gas, fumes or odors or will not be hazardous to the community because of danger of fire or explosion.

YES NO **REASON:** The surrounding property is mixed use and a net house would not be out of place in this location. It is unlikely the proposed use would result in excessive noise, vibrations, smoke, gas or fumes or hazardous to the community due to danger of fire or explosion.

District yard setbacks would be adhered to providing separation and fire protection to surrounding property owners unless a variance is granted by the commission.

B. Exits and entrances and off-street parking for the conditional use shall be located to prevent traffic hazards or congestion on public streets.

YES NO **REASON:** Proposed use is unlikely to require significant off-street parking nor cause traffic hazards or congestion. Also, access to the property is via public access easement, Cornelius Rd.

C. In addition to the conditions of subsections (A) and (B) of this section, schools, governmental and civic buildings and other public uses shall meet the following condition: The proposed location of the use and size and character of the site shall facilitate maximum benefit and service to the public.

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YES _____ NO _____ N/A X REASON: N/A

VI. ACTION

Proposed motion: I move to approve the application for a conditional use permit to allow for construction of net house for personal boat storage at 112 Cornelius along with the findings of fact and conditions of approval.

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

- a. The application meets the criteria outlined in Title 19.72 for a conditional use permit.
- b. The conditional use permit 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 conditional use permit 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:
 - a. The property and structures shall only be used for personal for personal boat/gear storage. The applicant cannot commercially lease space or use the property or structures for any other commercial activity, except in the case of an approved home occupation permit.

EXHIBITS

- A. Letter of Decision – Etcher 2020
- B. Applicant materials
- C. Vicinity & Detail Maps
- D. Public Hearing Mailout
- E. Public Comment

Letter of Decision



January 21, 2020

4 & 4 Rentals, LLC
PO Box 1952
Petersburg, AK 99833

Re: Letter of Determination – Conditional Use Permit

Dear Mr. & Ms. Etcher,

At their meeting on January 14, 2020, the Planning Commission conducted a public hearing and considered your request for a conditional use permit for a net house in a single-family residential district at 112 Cornelius RD (01-316-610).

The Planning Commission reviewed your application and found the request satisfies the requirements as described in Petersburg Municipal Code 19.72 and has granted a conditional use permit based on the information contained in your application for construction of a net house for personal boat/gear storage.

Please be advised the privilege of the conditional use permit expires if it is not used within one year of issuance. Under certain circumstances the Planning Commission may extend the one-year period prior to expiration.

Petersburg Municipal Code 19.92 provides for an appeal of a commission decision to the Borough Assembly within 10 consecutive calendar days of the date the decision is made.

Please contact Joe Bertagnoli at 772-5410 to obtain a building permit prior to construction.

Sincerely,

A handwritten signature in blue ink, appearing to read "Liz Cabrera", written in a cursive style.

Liz Cabrera
Director of Community Development

Applicant material

paid ck # 1092 1/30/24

PETERSBURG BOROUGH LAND USE APPLICATION		CODE TO:	110.000.404110
		BASE FEE:	150.00
		PUBLIC NOTICE FEE:	\$70.00
		TOTAL:	120.00
DATE RECEIVED: <u>12/3/19</u>	RECEIVED BY:	CHECK NO. or CC:	<u>CC - 12-3-19</u>

APPLICANT/AGENT	LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME Josh and Rachel	NAME 4&4 Rentals LLC
MAILING ADDRESS P.o.box 1952	MAILING ADDRESS P.o. box 1952
CITY/STATE/ZIP Petersburg Ak 99833	CITY/STATE/ZIP Petersburg AK 99833
PHONE 907-518-0726	PHONE 907-518-0726
EMAIL jretcher@msn.com	EMAIL

PROPERTY INFORMATION		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: 112 Cornelius		
PARCEL 01-031-610	ZONE:	OVERLAY: Not Applicable
CURRENT USE OF PROPERTY: Vacant Lot		LOT SIZE: 100'x125'
PROPOSED USE OF PROPERTY (IF DIFFERENT): Boat Shed		
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 checked="" 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): Cornelius Road		

TYPE OF APPLICATION & BASE FEE
<input type="checkbox"/> 19.80 Variance (\$100).
<input checked="" type="checkbox"/> 19.72 Conditional Use Permit (\$50).
<input type="checkbox"/> 19.72 Home Occupation CUP (\$50)
<input type="checkbox"/> 19.76 Special Use Permit (\$50)
<input type="checkbox"/> 19.84 Zoning Change (\$100)
<input type="checkbox"/> 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)
<input type="checkbox"/> 18.20 Minor Subdivision/18.24 Preliminary Plat (\$75 + \$10 per lot)
<input type="checkbox"/> 18.24 Final Plat (\$25 per lot)

SUBMITTALS:
Please submit additional information as required for specific permit. See specific application for more information.

SIGNATURE(S):	
Applicant(s):	Date: <u>12-3-19</u>
Owner(s): _____	Date: _____
_____	Date: _____

19.72 CONDITIONAL USE APPLICATION
(SUBMIT WITH LAND USE APPLICATION & SITE PLAN)

Applicant(s): Josh and Rachel Etcher

Address or PID: 112 Cornelius Road

Project Summary:

Construct a 30'x85' boat shed on a 100'x125' vacant lot.

CUP Requested:

Home Occupation (Please include copy of Sales Tax Registration Application)

Other

Conditions of approval as required in Petersburg Municipal Code 19.72.020:

(Note that all regulations and requirements of Title 19 must be satisfied in order to qualify for a conditional use permit.)

1. The commission shall consider the suitability of the property, the character of the surrounding property and the economic and aesthetic effects of the proposed use upon the property and the neighboring property. The use will be permitted if it is in harmony with the general purpose and intent of this title and where the use will be in keeping with the uses generally authorized for the zone in which the use is to take place.

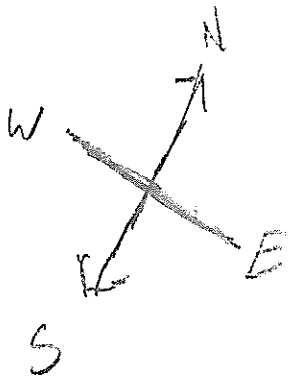
The reason that the proposed boat shed would be suitable for the neighboring properties is there are already several boat sheds, warehouses, and shops along Cornelius road.

2. Exits and entrances and off-street parking for the conditional use shall be located to prevent traffic hazards or congestion on public streets.

There will be plenty of room for off street parking on the 112 Cornelius lot.

3. In addition to the conditions of subsections (A) and (B) of this section, schools, governmental and civic buildings and other public uses shall meet the following condition: The proposed location of the use and size and character of the site shall facilitate maximum benefit and service to the public.

Cornelius Road



110 Cornelius

112 Cornelius

114 Cornelius 125 FT

3.28 FT
One Span

90 FT

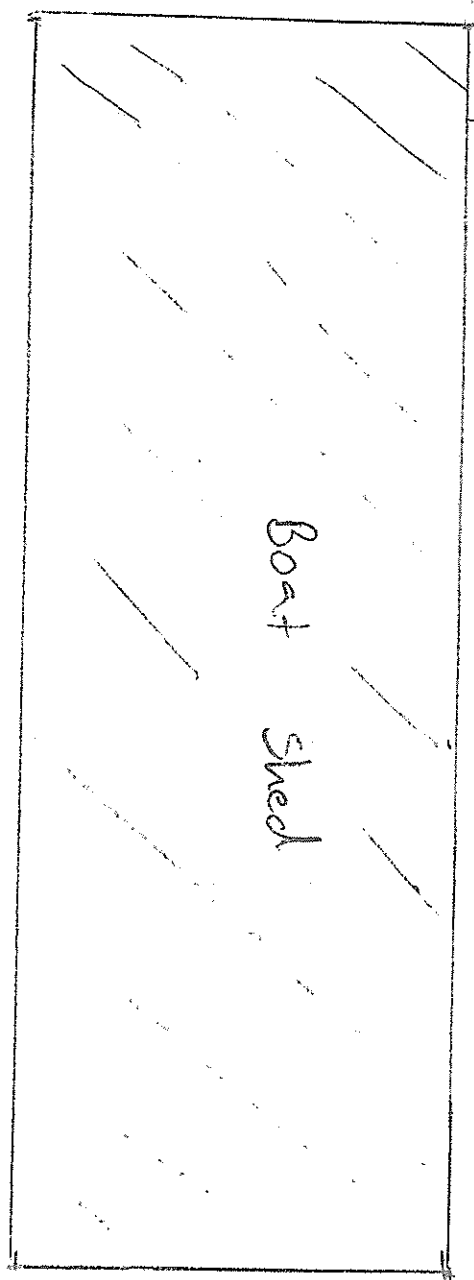
30 FT

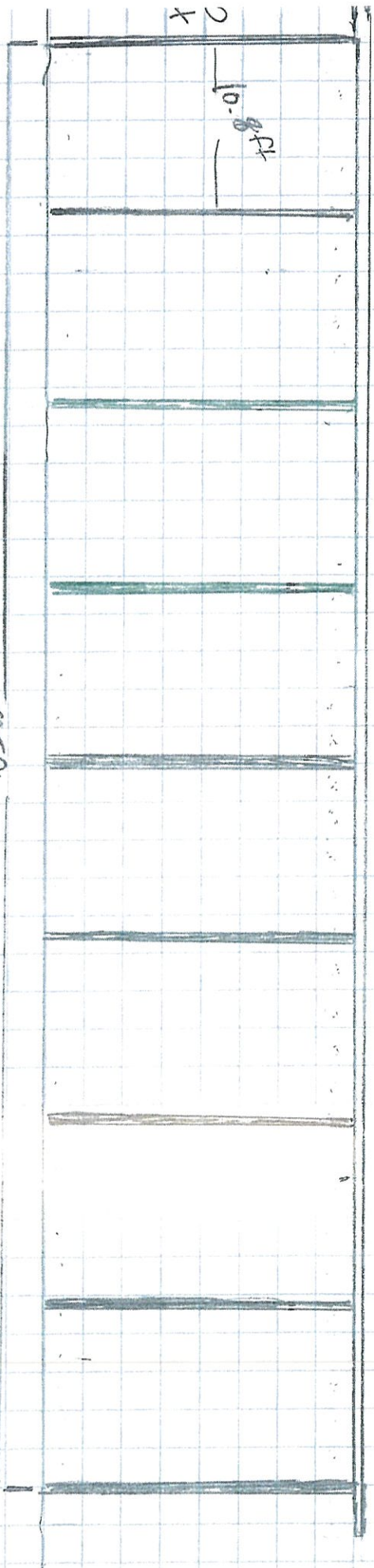
10 FT

85 FT

90 FT

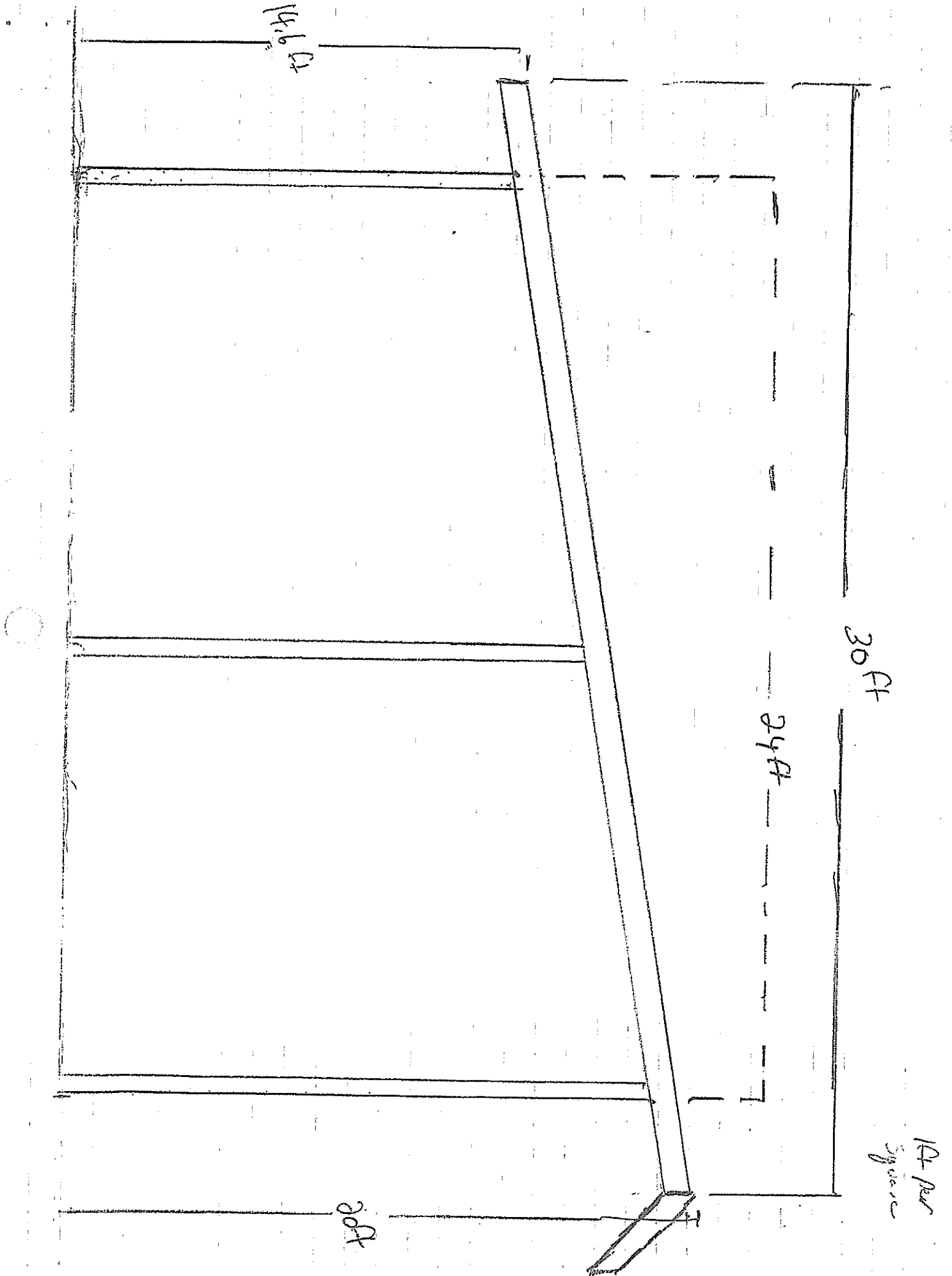
100 FT





Front View

2.5 FT
One Spine



ODIN LN

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

Vicintiy Maps

01031472

01031470

01031468

01031466

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01056906

01031706

01031710

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01031714

MITKOF HWY

HUNGERFORD HILL RD

ARNESS HEIGHTS DR

AIRPORT BYPASS RD



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



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



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