

Planning Commission Staff Report & Finding of Fact

Meeting Date: 2/24/2024

APPLICANT/AGENT:

Marissa Collison

OWNER(S), IF DIFFERENT:

-

LEGAL DESCRIPTION:

Lot 4A, Blk O, US S 2985, Plat 83-8

LOT AREA:

8,860 Sq Ft

LOCATION:

104 Lewis Lane

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:

01-003-272

EXISTING STRUCTURES:

Home with attached garage

APPLICATION SUBMISSION DATE:

2/24/2024

RECOMMENDATION:

Approve with Conditions

I. APPLICANT REQUEST:

Applicant is requesting a conditional use permit to operate a home-based stretch therapy business.

II. APPLICABLE CODES:

19.04.370 HOME OCCUPATION

19.20 SINGLE FAMILY RESIDENTIAL DISTRICT

19.72 CONDITIONAL USE PERMIT

III. FINDING:

- a. The surrounding area is an established residential neighborhood.
- b. The subject property has an existing residential structure with an attached garage. The total floor area of the structures is 2,712 sq ft.
- c. Applicant is proposing to establish a home-based business using approximately 368 sf of the home. (Note application states 432 sf but the request has been amended to delete area of staircase.)
- d. Municipal code defines a home occupation as "a profession or use customarily conducted entirely within a dwelling or accessory building by the owners, which use is clearly incidental and secondary to the dwelling or accessory buildings and does not change the character or appearance of the dwelling or exhibit other visible evidence of the conduct of such home occupation. A home occupation shall permit the employment of one person not a resident in the subject home and shall have not more than fifteen percent of the existing floor space of the structures on the property, not to exceed five hundred twenty-five square feet, used for the business or profession."
- e. The maximum space available for home occupation is 2,712 x .15 or 407 sf.
- f. The applicant proposes having customers visit the home. Customers will be by appointment and one at a time.

IV. PUBLIC NOTICE

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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 home-based business.

a. ZONING DISTRICT STANDARDS

Minimum Standards for Zoning District and Use			
	Requirement	Subject Property	Analysis
Minimum Lot Size	8,000 sf	8860 sf	--
Minimum Road Frontage	80 ft	129'	Conforms
Max Lot Coverage	35%	30%	Conforms
Off-street Parking			
Home Occupation	1 space	1 space	
Sign	Max. 3' square; name of occupant & home occupation	None proposed	--
Max Height Fence	6 feet	N/A	--
Home Occupation			
Use is conducted in dwelling or accessory building		Yes	
Use is clearly incidental and secondary to the dwelling or accessory buildings		Yes	
Use does not change the character or appearance of the dwelling or exhibit other visible evidence of the conduct of such home occupation		Yes	
Employment of one person not a resident in the subject home		N/A	
< 15% of the existing floor space of the structures on the property, not to exceed 525 sf.		Yes	2,712 x .15 or 407 sf.

b. Floodplain management – The subject property is not located in a flood hazard area.

c. 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

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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 proposed business is low-impact and likely has minimal effect on neighbors.

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: The public street access is from Sandy Beach Rd. The proposed business will not generate sufficient traffic to create traffic hazards or congestion.

The parking on Lewis Ln appears limited and applicants need to ensure the easement remains open and access to properties beyond the subject property is maintained.

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.

YES NO N/A REASON:

VI. ACTION

Proposed motion: I move to approve the application for a conditional use permit to allow for a home occupation at 104 Lewis Ln.

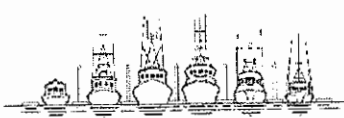
Based on the preceding findings of fact, the Petersburg Planning Commission makes the following determination:

- 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, the Applicant/Owner shall:
 - a. Applicants must ensure there is adequate access for vehicles and emergency services along their portion of Lewis Ln.

EXHIBITS

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

Applicant Material

 PETERSBURG BOROUGH CONDITIONAL USE APPLICATION		CODE TO: 110.000.404110
		BASE FEE: \$50.00
		PUBLIC NOTICE FEE: \$70.00
		TOTAL: \$120.00
DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC:
APPLICANT/AGENT		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME <i>Marissa Collison</i>		NAME
MAILING ADDRESS <i>PO Box 1702</i>		MAILING ADDRESS
CITY/STATE/ZIP <i>Petersburg AK 99833</i>		CITY/STATE/ZIP
PHONE <i>907-518-0145</i>		PHONE
EMAIL <i>marissacollison@gmail.com</i>		EMAIL
PROPERTY INFORMATION		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: <i>104 Lewis Lane</i>		
PARCEL ID: <i>010103272</i>	ZONE: <i>Single family Res.</i>	OVERLAY:
CURRENT USE OF PROPERTY: <i>Residential</i>		LOT SIZE: <i>8860 sq ft</i>
PROPOSED USE OF PROPERTY (IF DIFFERENT): <i>allow use of room set up for stretch therapy sessions for 1 client @ time. parking provided on residential lot</i>		
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		
WATER SOURCE: <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well		
LEGAL ACCESS TO LOT(S) (Street Name): <i>Lewis Lane</i>		
TYPE OF APPLICATION		
<input type="checkbox"/> Home Occupation. Please include copy of current Sales Tax Registration Application		
<input type="checkbox"/> Residential Use in Industrial District		
<input checked="" type="checkbox"/> Other: <i>Allow use of room for stretch therapy business thru separate access entrance for 1 client at a time</i>		
Submittals		
Please submit site plan. For home occupation permits, please include a site plan showing location and size of area to be used for the home occupation (including storage). and location and size of area available for off-street parking.		
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):	<i>[Signature]</i> <u>MARISSA COLLISON</u>	Date: <u>2/24/2024</u>
Owner(s):	<i>[Signature]</i>	Date: <u>2/24/2024</u>

19.72 CONDITIONAL USE APPLICATION

Applicant(s): Marissa Gillison

Address or PID: _____

Project Summary:

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.

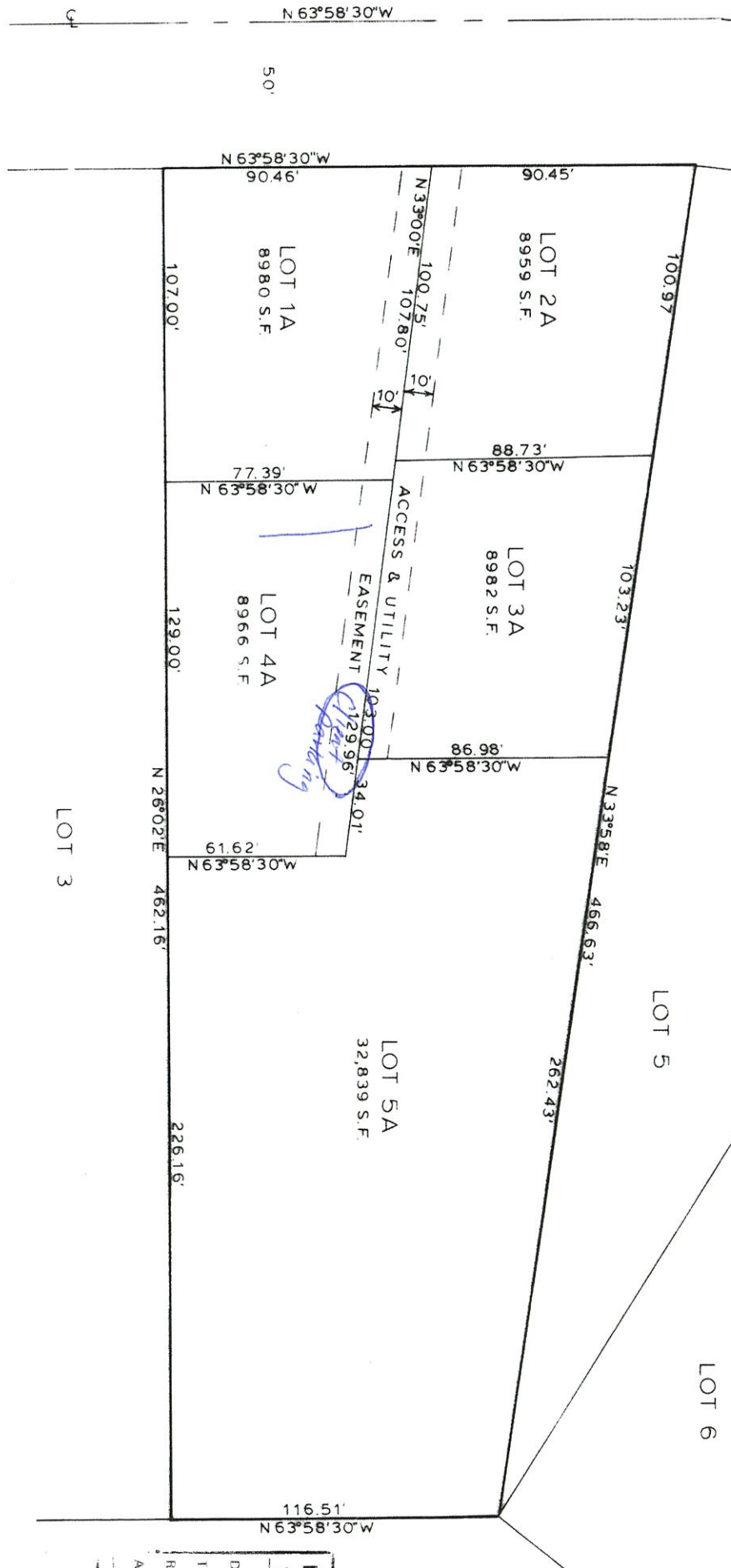
*Requesting used space to provide stretch therapy sessions
12x12 = 144 sq ft bodywork room
12x24 = 288 sq ft finger area
432 sq ft.*

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

Entrance off Sandy Beach road onto Lewis Lane. Private parking on lot provided

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.

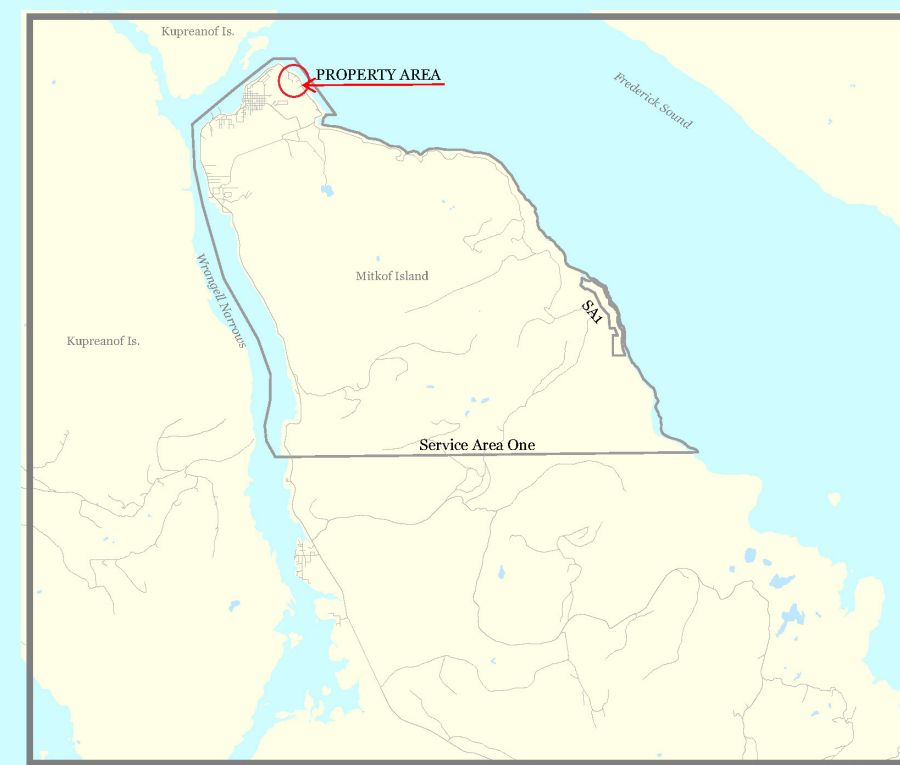
SANDY BEACH ROAD



Collison Property

104 Lewis Lane

01-003-272



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





March 22, 2024

**CORL DOUGLAS M CORL ARLANA S
PO BOX 1254
PETERSBURG, AK 99833-1254**

NOTICE OF SCHEDULED PUBLIC HEARINGS

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

An application from Marissa Collison for a conditional use permit for a home occupation at 104 Lewis Lane (PID: 01-003-272).

The public hearing and consideration of the application will be held:	Tuesday, April 9th, 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
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
COLLISON JEREMY N	COLLISON MARISSA A	PO BOX 1702	PETERSBURG	AK	99833-1702
ALASCOM INC PROPERTY TAX DIVISION		1010 PINE ST 9E-L-01	SAINT LOUIS	MO	63101-2015
ANDERSON WILLIAM	ANDERSON CHERYL	N1687 16TH RD	MONTELLO	WI	53949
BALDWIN DAVID L	DAVID LE BALDWIN REVOCABLE LIVING TRUST	1410 E JAMAICA WAY	MOHAVE VALLEY	AZ	86440
BATES JASON	SUSORT KIRSTEN	PO BOX 132	PETERSBURG	AK	99833-0132
CORL DOUGLAS M	CORL ARLANA S	PO BOX 1254	PETERSBURG	AK	99833-1254
EVENS CRAIG JOHN		PO BOX 585	PETERSBURG	AK	99833-0585
EVENS RAY	EVENS BERTHIEL	PO BOX 197	PETERSBURG	AK	99833-0197
HURSEY BRIAN SCOTT	HURSEY JULIE	PO BOX 213	PETERSBURG	AK	99833-0213
JUDY RODNEY	JUDY DARCY	PO BOX 358	PETERSBURG	AK	99833-0358
LEE ANNE C		PO BOX 1595	PETERSBURG	AK	99833-1595
MATTSON CATHY		PO BOX 1168	PETERSBURG	AK	99833-1168
MATTSON MORRIS		PO BOX 1168	PETERSBURG	AK	99833-1168
MAYER NIKKI MW	MAYER III EDWIN V	2526 TESLIN ST	JUNEAU	AK	99801
MCCAY RODERICK	MCCAY JEAN	PO BOX 161	PETERSBURG	AK	99833-0161
MURRISON NANCY KAYE		PO BOX 689	PETERSBURG	AK	99833-0689
MYERS MEGAN	MYERS ERIC	31910 RAYMOND CREEK RD	SCAPPOOSE	OR	97956
PETERS COLETTE		PO BOX 2092	PETERSBURG	AK	99833-2092
RIEMER KATHI R		PO BOX 1752	PETERSBURG	AK	99833-1752
ROGERS DENNIS	ROGERS TONI	PO BOX 542	PETERSBURG	AK	99833-0542
SANDY BEACH HOLDINGS LLC		162 N 400 E STE A-204	ST GEORGE	UT	84770
SIERCKS BEVERLEY		PO BOX 2040	PETERSBURG	AK	99833-2040
SPIGELMYRE DONALD F	SPIGELMYRE JULIE W	PO BOX 611	PETERSBURG	AK	99833-0611
TEJERA ELEJABEITIA ROCIO		PO BOX 1270	PETERSBURG	AK	99833-1270
TOLAND KIM B	TOLAND TERI L	PO BOX 1037	PETERSBURG	AK	99833-1037
US COAST GUARD		PO BOX 1290	PETERSBURG	AK	99833-1290
VOLK SANDRA	VOLK KEVIN	PO BOX 554	PETERSBURG	AK	99833-0554
WARMACK JASON GLENN	EDWARDS WARMACK ASHLEY ELIZA	38820 SE 60TH ST	SNOQUALMIE	WA	98065-9104