

# Planning Commission Staff Report & Finding of Fact

Meeting Date: July 9, 2024

APPLICANT/AGENT:

Michelle Brock

OWNER(S), IF DIFFERENT:

Richard and Michelle Brock

LEGAL DESCRIPTION:

Lot 10A

LOT AREA:

18,761 SQ FT

LOCATION:

310 Sandy Beach Road

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:

01-003-525

EXISTING STRUCTURES:

residence

APPLICATION SUBMISSION DATE:

5/13/2024

RECOMMENDATION:

Approve with Conditions

I. APPLICANT REQUEST:

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

II. APPLICABLE CODES:

19.20 SINGLE FAMILY RESIDENTIAL DISTRICT

18.72 CONDITIONAL USE PERMIT

III. FINDING:

- a. The surrounding area is an established residential neighborhood.
- b. The subject property has an existing residential structure.
- c. The total floor area of existing structures is 2,810 square feet.
- d. The proposed home occupation would occupy 238 square feet or 2.8% of the existing dwelling.
- e. The dwelling has a +30' wide driveway with ample room for off-street parking.

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 home occupation.

a. ZONING DISTRICT STANDARDS

Minimum Standards for Zoning District and Use	
Home Occupation	

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Use is conducted in dwelling or accessory building	Conforms	Use is inside existing dwelling.
Use is clearly incidental and secondary to the dwelling or accessory buildings	Conforms	Use is incidental to dwelling.
Use does not change the character or appearance of the dwelling or exhibit other visible evidence of the conduct of such home occupation	Conforms	No alteration or construction is proposed.
Employment of one person not a resident in the subject home	Conforms	No employees.
< 15% of the existing floor space of the structures on the property, not to exceed 525 sf.	Conforms	The proposed home occupation would occupy 238 square feet or 2.8% of the existing dwelling.

b. Floodplain management – The subject property is not located in a flood plain 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 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 use occurs within the dwelling, is limited to 1-2 customers at a time, and is unlikely to create any impact to surrounding 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 dwelling has a +30' wide driveway with ample room for off-street parking. The use is not likely to generate significant traffic or congestion on public streets.

. 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  C REASON:

## VI. ACTION

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**Proposed motion:** I move to approve the application for a conditional use permit to allow for a home occupation of a personal training business at 310 Sandy Beach Road.

**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. Register to collect and remit sales tax with the Petersburg Borough.

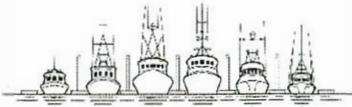
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Chair, Planning Commission

## **EXHIBITS**

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

## Applicant material

 <b>PETERSBURG BOROUGH</b> <b>CONDITIONAL USE APPLICATION</b>		CODE TO: <b>110.000.404110</b>
		BASE FEE: \$50.00
		PUBLIC NOTICE FEE: \$70.00
		<b>TOTAL: \$120.00</b>
DATE RECEIVED: <u>5/13/24</u>	RECEIVED BY: <u>KG</u>	CHECK NO. or CC: <u>120 - pd</u>
APPLICANT/AGENT		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME <u>Michelle Brock - and</u>		NAME <u>Richard Brock</u>
MAILING ADDRESS <u>PO Box 2127</u>		MAILING ADDRESS <u>same</u>
CITY/STATE/ZIP <u>Petersburg AK 99833</u>		CITY/STATE/ZIP <u>same</u>
PHONE <u>907-518-0184</u>		PHONE <u>907-518-0185</u>
EMAIL <u>mmbrock30@gmail.com</u>		EMAIL <u>rbrock@pcsd.us</u>
PROPERTY INFORMATION		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: <u>310 Sandy Beach Road</u>		
PARCEL ID: <u>01003525</u>	ZONE: <u>Residential</u>	OVERLAY:
CURRENT USE OF PROPERTY: <u>House</u>	LOT SIZE: <u>181.73 x 149.97</u>	
PROPOSED USE OF PROPERTY (IF DIFFERENT): <u>Personal training in studio in house</u>		
SEPTIC SYSTEM: Is there a septic system on the property <input type="checkbox"/> YES <input type="checkbox"/> NO What is current or planned system? <input type="checkbox"/> Municipal <input type="checkbox"/> DEC-approved on-site		
WATER SOURCE: <input type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well		
LEGAL ACCESS TO LOT(S) (Street Name): <u>Sandy Beach Road</u>		
TYPE OF APPLICATION		
<input checked="" type="checkbox"/> Home Occupation. Please include copy of current Sales Tax Registration Application <u>personal training</u>		
<input type="checkbox"/> Residential Use in Industrial District		
<input type="checkbox"/> Other:		
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): <u>Michelle Brock</u>		Date: <u>5/11/24</u>
Owner(s): <u>Michelle + Richard Brock</u>		Date: <u>5/11/24</u>



## 19.72 CONDITIONAL USE APPLICATION

Applicant(s): Michelle Brode

Address or PID: 310 Sandy Beach Road

Project Summary: Personal training in small exercise studio in home.

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.

This business will not effect surrounding properties. All training will take place indoors. There will be no changes or building taking place.

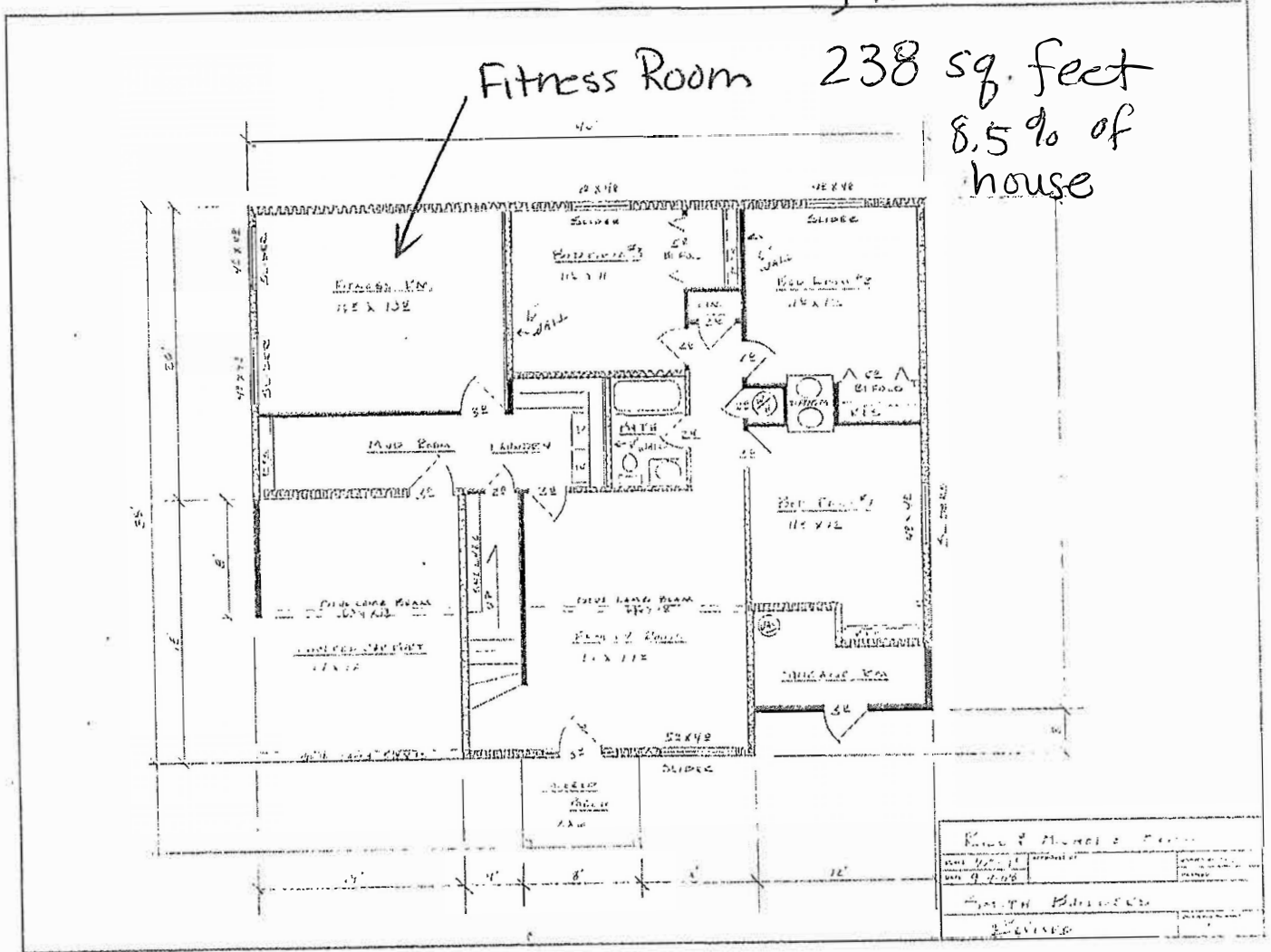
2. Exits and entrances and off-street parking for the conditional use shall be located to prevent traffic hazards or congestion on public streets.

See attached for driveway parking. We have plenty of room for the 1 or 2 cars that will park at one time

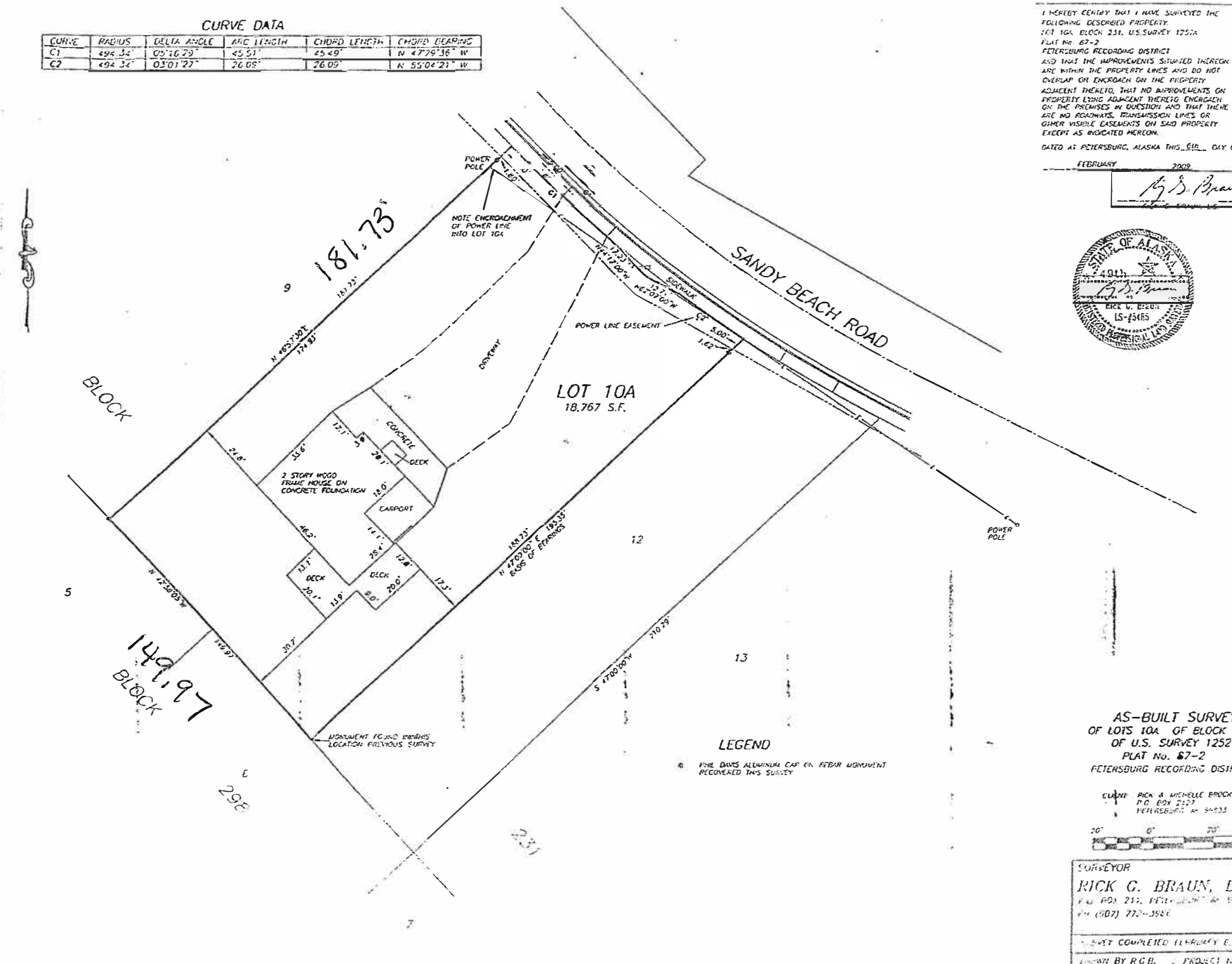
3. In addition to the conditions of subsections (A) and (B) of this section, schools, governmental and civic buildings and other public uses shall meet the following condition: The proposed location of the use and size and character of the site shall facilitate maximum benefit and service to the public.

Total house 2810

Fitness Room 238 sq. feet  
8.5% of house



CURVE DATA					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	494.34'	02°16'29"	45.51'	45.49'	N 47°29'36" W
C2	494.34'	03°01'27"	76.68'	76.05'	N 55°04'21" W



**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY:  
 LOT 10A, BLOCK 231, U.S. SURVEY 1252A  
 PLAT No. 87-2  
 PETERSBURG RECORDING DISTRICT  
 AND THAT THE IMPROVEMENTS SITUATED THEREON ARE WITHIN THE PROPERTY LINES AND DO NOT OVERLAP OR ENCRUCH ON THE PROPERTY ADJACENT THERETO, THAT NO IMPROVEMENTS ON PROPERTY LYING ADJACENT THERETO ENCRUCH ON THE PREMISES IN QUESTION AND THAT THERE ARE NO ROADWAYS, TRANSMISSION LINES OR OTHER VISIBLE EASEMENTS ON SAID PROPERTY EXCEPT AS INDICATED HEREON.  
 DATED AT PETERSBURG, ALASKA THIS 01<sup>ST</sup> DAY OF

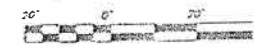
FEBRUARY 2000

*Rick G. Braun*  
 SURVEYOR



AS-BUILT SURVEY  
 OF LOTS 10A OF BLOCK 231  
 OF U.S. SURVEY 1252  
 PLAT No. 87-2  
 PETERSBURG RECORDING DISTRICT

CLARK RICK & MICHELLE BROCK  
 P.O. BOX 2127  
 PETERSBURG, AK 99733



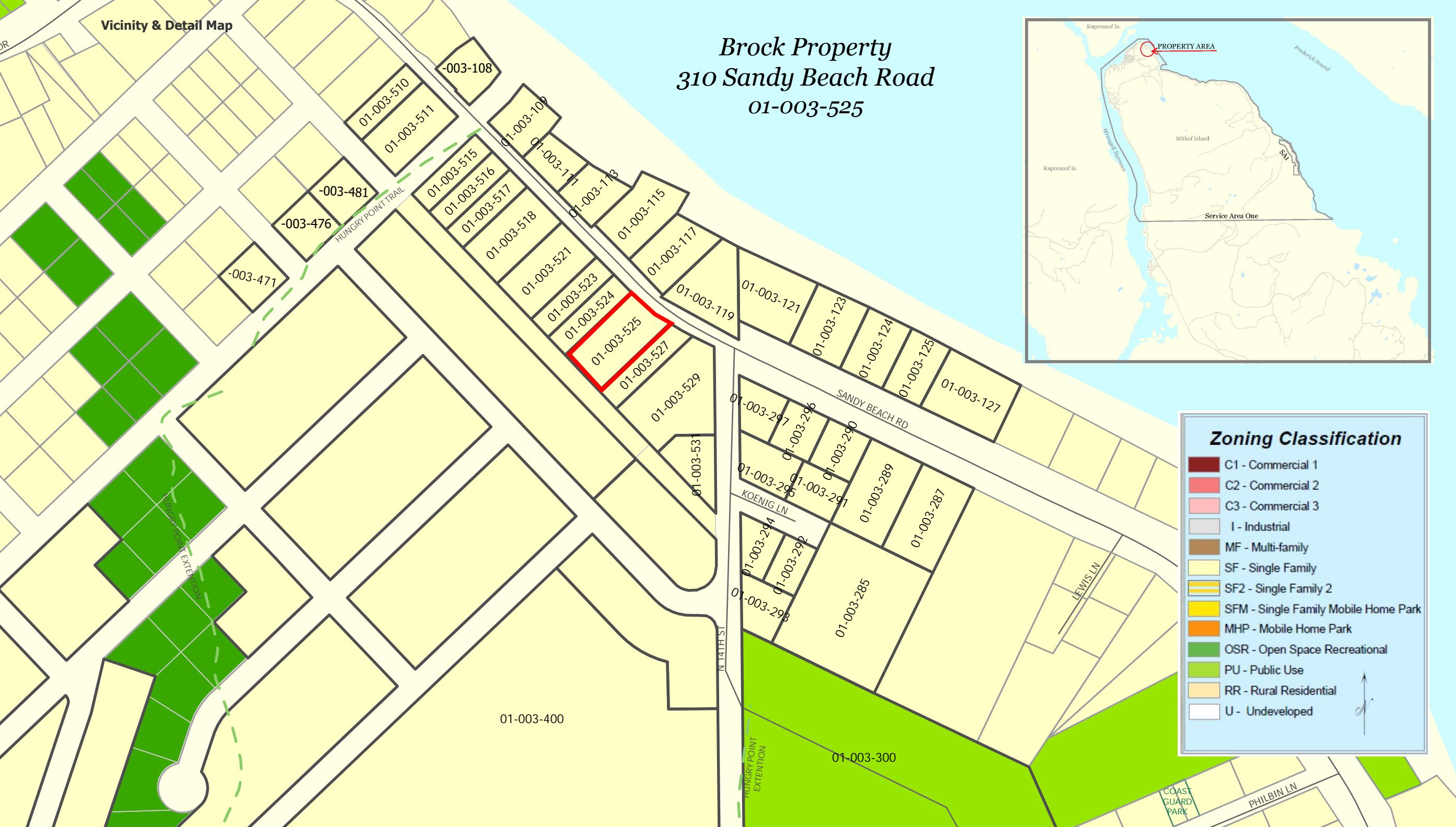
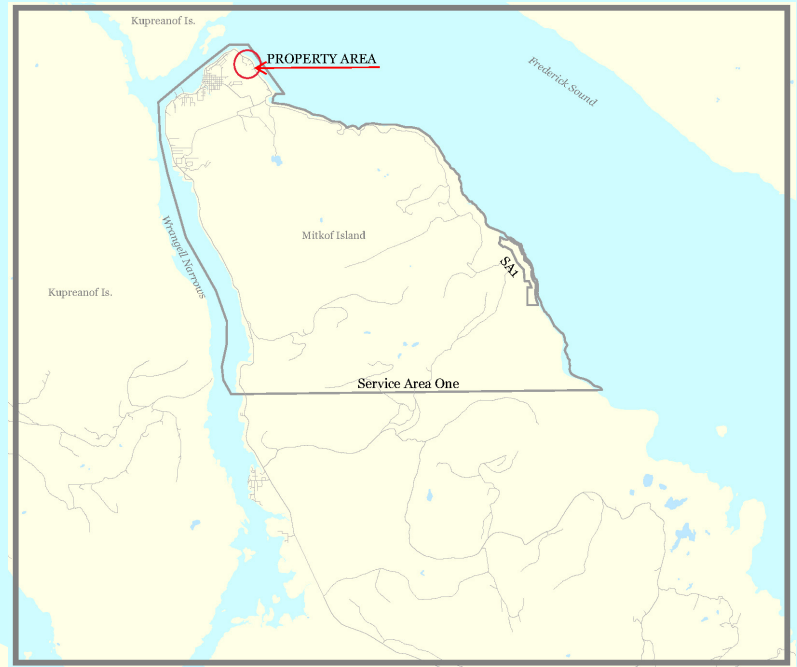
SURVEYOR  
**RICK G. BRAUN, L.S.**  
 P.O. BOX 211, PETERSBURG, AK 99733  
 PH (907) 773-3524

AS-BUILT COMPLETED FEBRUARY 1, 2000  
 DRAWN BY R.G.B. - PLAT No. 87-2




Vicinity & Detail Map

*Brock Property*  
*310 Sandy Beach Road*  
*01-003-525*



**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







June 17, 2024

**RIEMER KATHI R  
PO BOX 1752  
PETERSBURG, AK 99833-1752**

**NOTICE OF SCHEDULED PUBLIC HEARINGS**

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

**An application from Michelle Brock for a conditional use permit for a home occupation at 310 SANDY BEACH RD. (PID: 01-003-526).**

The public hearing and consideration of the application will be held:	<b>Tuesday, July 9<sup>th</sup>, 2024, at 12:00 PM</b> Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via <b>ZOOM</b> , 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.

<b>TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION</b>	
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
<b>BROCK RICHARD V</b>	<b>BROCK MICHELLE M</b>	<b>PO BOX 2127</b>	<b>PETERSBURG</b>	<b>AK</b>	<b>99833-2127</b>
ANDERSON WILLIAM	ANDERSON CHERYL	N1687 16TH RD	MONTELLO	WI	53949
BALDWIN DAVID L	DAVID LE BALDWIN REVOCABLE LIVING TR	1410 E JAMAICA WAY	MOHAVE VALLEY	AZ	86440
BIGGERS PATRICIA L		PO BOX 1633	PETERSBURG	AK	99833-1633
BOGGS JOSEPH	BOGGS HELEN A	PO BOX 1562	PETERSBURG	AK	99833-1562
BOSWORTH DALE	BOSWORTH LESLEY	PO BOX 45	PETERSBURG	AK	99833-0045
CURRY CLYDE	CURRY JEAN	PO BOX 572	PETERSBURG	AK	99833-0572
CURRY PROPERTY LLC		PO BOX 572	PETERSBURG	AK	99833-0572
CURTISS TROY E	CURTISS VICKI R	PO BOX 1532	PETERSBURG	AK	99833-1532
CUSHING DAVID	CUSHING MARLENE	PO BOX 1356	PETERSBURG	AK	99833-1356
ERBEY CYNTHIA ANN	GRESETH FAMILY IRREVOCABLE TRUST	PO BOX 70	PETERSBURG	AK	99833-0070
EVENS CRAIG JOHN		PO BOX 585	PETERSBURG	AK	99833-0585
EVENS RAY	EVENS BERTHIEL	PO BOX 197	PETERSBURG	AK	99833-0197
FINE STEPHANIE	FINE STEPHEN	14723 NW APPLGATE LN	PORTLAND	OR	98229
FLINT SUSAN H	FLINT CHARLES W	PO BOX 927	PETERSBURG	AK	99833-0927
MATTSON CATHY		PO BOX 1168	PETERSBURG	AK	99833-1168
MCCAY RODERICK	MCCAY JEAN	PO BOX 161	PETERSBURG	AK	99833-0161
MITCHELL BENNY B		103 DARRIN DR/HPR	SITKA	AK	99835
MULLEN LUCAS JOEL	MULLEN HILLARY BURGESS	PO BOX 543	PETERSBURG	AK	99833-0543
PEELER ZACHARY ALFRED		PO BOX 761	PETERSBURG	AK	99833-0761
PETERS COLETTE		PO BOX 2092	PETERSBURG	AK	99833-2092
PETERSON LARRY W	PETERSON SUZANNE M	PO BOX 1384	PETERSBURG	AK	99833-1384
RIEMER KATHI R		PO BOX 1752	PETERSBURG	AK	99833-1752
SCHWARTZ MICHAEL O SCHWARTZ KAY L	M&K SCHWARTZ AK TRUST	PO BOX 434	PETERSBURG	AK	99833-0434
SCHWARTZ ROBERT	SCHWARTZ COLLENE	PO BOX 1533	PETERSBURG	AK	99833-1533
SCRIMSHER SETH		PO BOX 1233	PETERSBURG	AK	99833-1233
TOLAND KIM B	TOLAND TERI L	PO BOX 1037	PETERSBURG	AK	99833-1037
VILLAMOR CHAD		PO BOX 462	TOPOCK	AZ	86436
VOLK SANDRA	VOLK KEVIN	PO BOX 554	PETERSBURG	AK	99833-0554