

Planning Commission Staff Report & Finding of Fact

Meeting Date: 9/9/2025

APPLICANT/AGENT:

Mary Ellen Anderson

OWNER(S), IF DIFFERENT:

Jimmy Swainson

LEGAL DESCRIPTION:

Lot 2, Plat #84-10

LOT AREA:

4.82 acres

LOCATION:

191 B Mitkof Hwy

SURROUNDING ZONING:

North: Single-family Residential (SF)

South: Single-family Residential (SF)

East: --Public Use

West: Single-family Residential (SF)

ZONING:

Single-family Residential (SF)

PID:

01-031-100

EXISTING STRUCTURES:

Dwelling with garage

Greenhouse

APPLICATION SUBMISSION DATE:

7/18/2025

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

19.72 CONDITIONAL USE PERMIT

19.04.370 HOME OCCUPATION

III. FINDING:

- a. The subject property is located 2 miles from downtown and has access to municipal utilities.
- b. The subject property has an existing residential structure and accessory greenhouse.
- c. Applicant is seeking a home occupation permit to sell seedlings.
- d. The total floor area of existing structures is 2,564 sf. Applicant is proposing to use approximately 276 sf for the home occupation or 11% of the existing floor space.
- e. Applicant has 6 off-street parking spaces available for customer use.
- f. Applicant has no outside employees.
- g. Home business operates February-June/July but applicant anticipates customers only during April-June/July.
- h. Proposed sales are to be conducted within the greenhouse and/or on the subject property porch.

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.

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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			
	Requirement	Subject Property	Analysis
Minimum Lot Size	8,000 sf	210,003	Conforms
Minimum Road Frontage	80 ft	145'	Conforms
Front Yard	20 ft	No as-built available	--
Rear Yard	20 ft	1,200 ft	Conforms
Side Yard	10 ft	No as-built available	--
Max. Height	3 stories, not to exceed 30 ft	No as-built available	--
Max Lot Coverage	35%	1.2%	Conforms
Fire Code Separation	n/a	n/a	
Off-street Parking			
Dwelling	2 spaces	2 spaces	Conforms
Home Occupation	As needed	6 spaces	
Sign	N/A	N/A	--
Max Height Fence	6 feet	N/A	--
Home Occupation			
Use is conducted in dwelling or accessory building		Use is in a greenhouse and on porch	Conforms
Use is clearly incidental and secondary to the dwelling or accessory buildings		Use is limited and secondary to residential use.	Conforms
Use does not change the character or appearance of the dwelling or exhibit other visible evidence of the conduct of such home occupation		No changes to dwelling or accessory structure	Conforms
Employment of one person not a resident in the subject home		No employees	Conforms
< 15% of the existing floor space of the structures on the property, not to exceed 525 sf.		276sf/2,564 = 11%	Conforms

b. Floodplain management – The subject property is not located within the floodplain.

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.

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YES ☒ NO ☐ 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.

REASON: Use is consistent with common accessory uses in residential area (greenhouse) and is unlikely to generate noise, etc. or be hazardous to the community in any way.

YES ☒ NO ☐ B. Exits and entrances and off-street parking for the conditional use shall be located to prevent traffic hazards or congestion on public streets.

REASON: Applicant has sufficient off-street parking to accommodate use. Driveway exits to Mitkof Hwy so unlikely there will be traffic hazards or congestion.

YES ☐ NO ☐ N/A ☒ 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.

VI. ACTION

Proposed motion: I move to approve the application from Mary Ellen Anderson for a conditional use permit to allow for a home occupation at 109B Mitkof Highway.

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

- 1) The application meets the criteria outlined in Title 19.72 for a conditional use permit.
- 2) 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.
- 3) 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.
- 4) As a condition of approval, the Applicant/Owner shall:
 - i) Complete sales tax registration with the Petersburg Borough.

VII. EXHIBITS

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

A. 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:	7/18/25	RECEIVED BY:	Kgriss
		CHECK NO. or CC:	Pd C.C
APPLICANT/AGENT		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)	
NAME Mary Ellen Anderson		NAME Jimmy Swainson	
MAILING ADDRESS PO Box 1654		MAILING ADDRESS PO Box 1654	
CITY/STATE/ZIP Petersburg, AK 99833		CITY/STATE/ZIP Petersburg, AK 99833	
PHONE 907-518-0951		PHONE 907-518-0680	
EMAIL matkateco@gmail.com		EMAIL jmswainson0@gmail.com	
PROPERTY INFORMATION			
PHYSICAL ADDRESS or LEGAL DESCRIPTION: 191 B Mitkof Hwy			
PARCEL ID: 1001411-00 01-031-100	ZONE: sfr	OVERLAY: --	
CURRENT USE OF PROPERTY: Residence		LOT SIZE: 4.82 acres	
PROPOSED USE OF PROPERTY (IF DIFFERENT): Sales of plant starts I grow			
WASTEWATER SYSTEM: What is the 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 checked="" type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well <i>there is a rain barrel on the greenhouse ☺</i>			
LEGAL ACCESS TO LOT(S) (Street Name): Mitkof Hwy			
TYPE OF APPLICATION			
<input checked="" type="checkbox"/> Home Occupation			
<input type="checkbox"/> Residential Use in Industrial District			
<input type="checkbox"/> Other:			
Submittals			
Please submit a site plan. For new construction, please include elevation drawing.			
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.			
For home occupation permits, are you registered to collect sales/transient room tax through <u>MuniRevs</u> ? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
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): ME Anderson Date: 07/18/2025
Owner(s): J.M. Swinson Date: 07/18/2025

Ver. 202406

19.72 CONDITIONAL USE APPLICATION

Applicant(s): Mary Ellen Anderson

Address or PID: 191 B Mitkof Hwy

Project Summary:

I plan to grow seedlings in my greenhouse, and sell them to people when they come by. The greenhouse is 20' x 12' in size, and I will use that space plus two or three large tables on the deck to spread plants out for display. The table space will be approximately 2' x 18' total combined space. I will be working in the greenhouse starting in February/March, but will only be selling plant starts from mid-April to mid-June.

Please respond to the following conditions of approval as required in Petersburg Municipal Code 19.72.020 below:

(Note that all regulations and requirements of Title 19 must be satisfied 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.

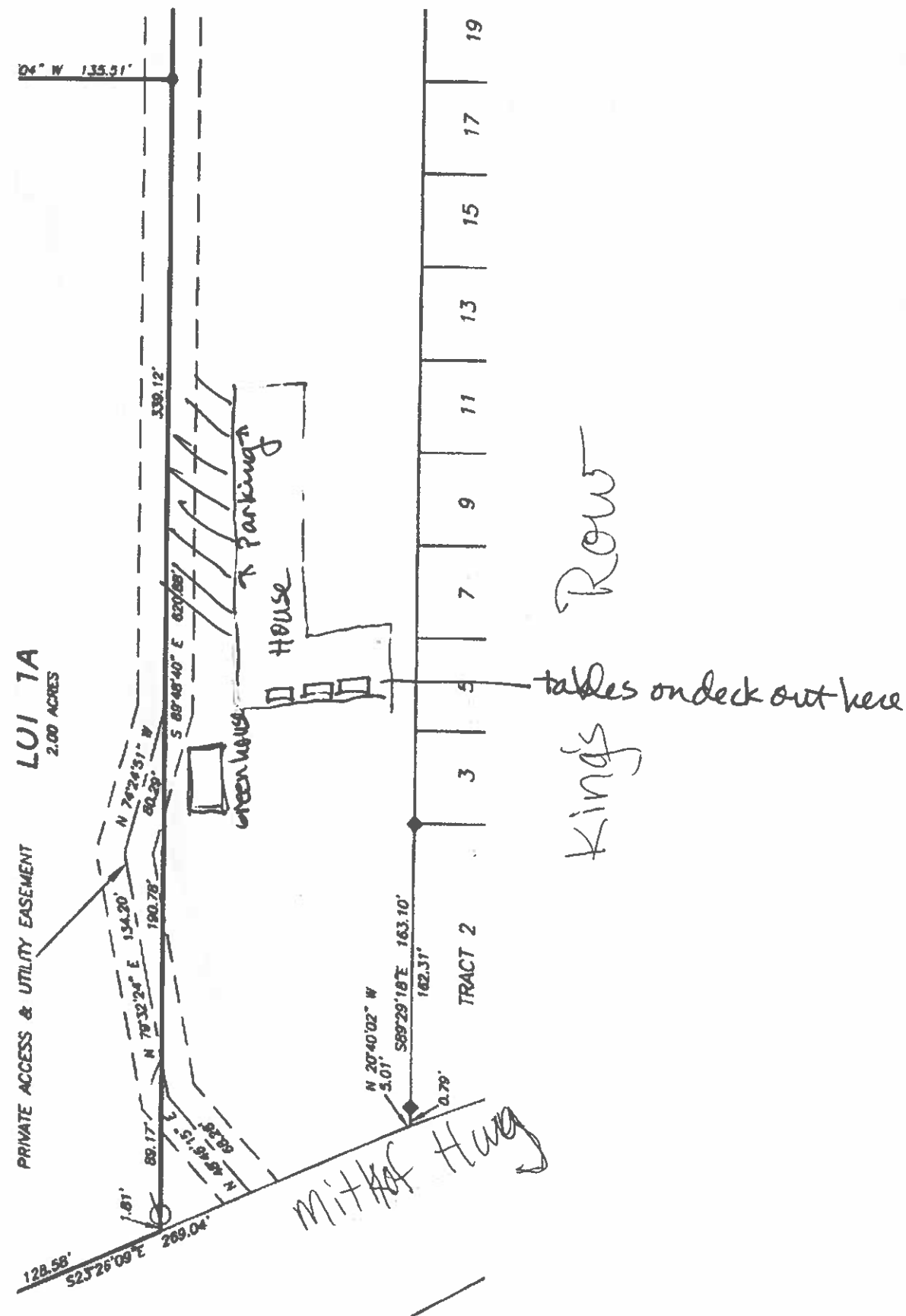
The plants will be grown in our greenhouse from Feb - April, and then brought outside onto tables up on our deck (3 tables about 2' x 6' each). These tables cannot be seen by neighbors or passersby. We have parking space at the top of the driveway for about 8 cars, should that many people show up at once, but that would be rare.

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

We are located at the top of a shared driveway and we have parking for about 8 cars, so there would be no congestion nor hazards on the highway below.

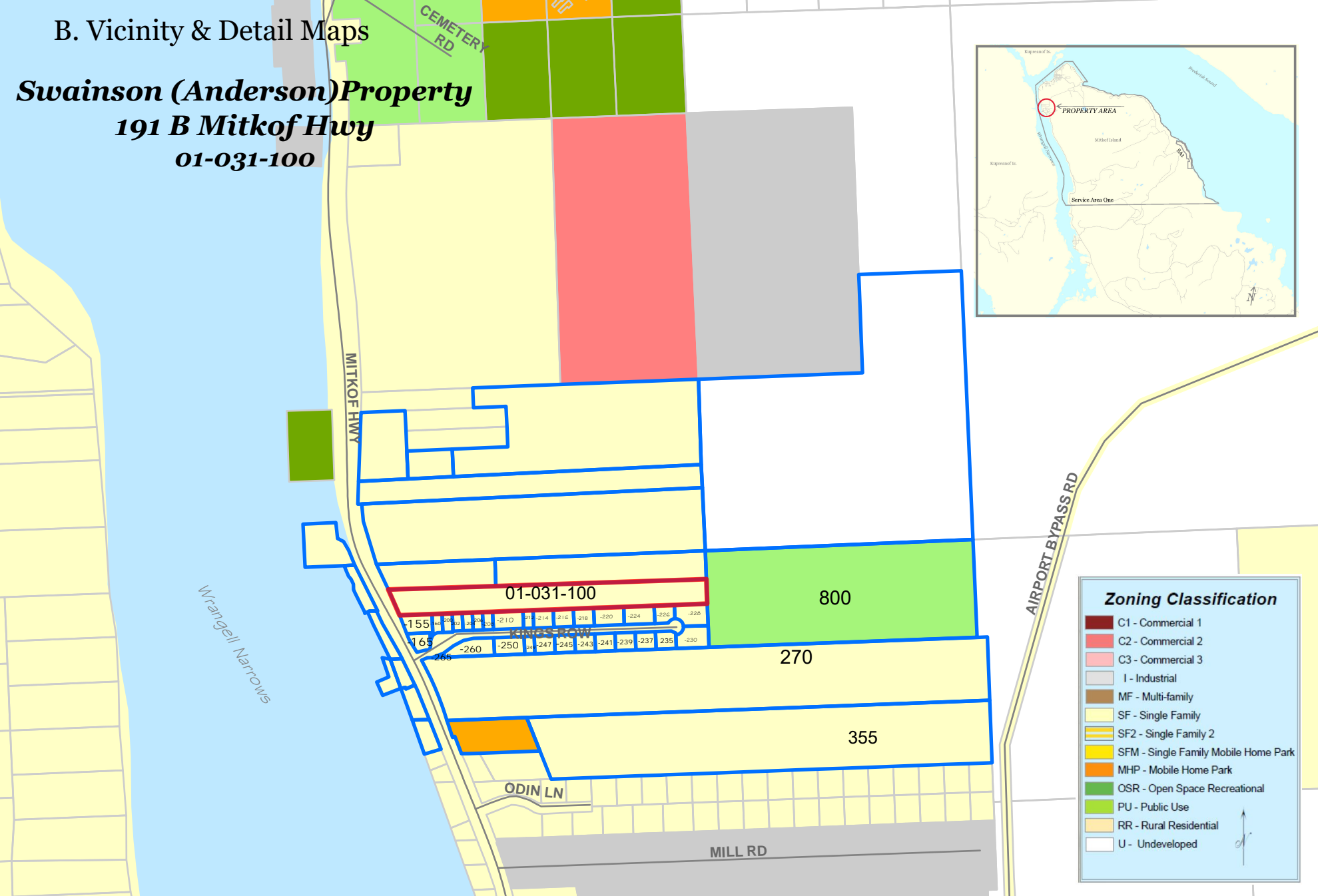
3. In addition to the conditions of subsections (A) and (B) of this section, schools, governmental and civic buildings and other public uses shall meet the following condition: The proposed location of the use and size and character of the site shall facilitate maximum benefit and service to the public.

Our location will not affect any school, government, or civic buildings as there are none nearby. The service I provide (bedding plant starts from seed) will fill a void in town. The sales part of the operation will take place only in spring, roughly from April until June/July and so people would only be coming and going during that time.

$$2 \leftrightarrow 5$$


B. Vicinity & Detail Maps

Swainson (Anderson) Property
191 B Mitkof Hwy
01-031-100





August 18, 2025

DAVIDSON WILLIAM DAVIDSON MYRTLE F
PO BOX [REDACTED]
PETERSBURG, AK 99833 [REDACTED]

NOTICE OF SCHEDULED PUBLIC HEARINGS

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

An application from Mary Ellen Anderson for a conditional use permit for a home occupation at 191B MITKOF HWY (PID: 01-031-100).

The public hearing and consideration of the application will be held:	Tuesday, September 9th, 2025, 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

Community & Economic Development

PO Box 329, Petersburg, AK 99833 – Phone (907)772-4042 Fax (907)772-3759

www.petersburgak.gov

Name1	Name2
CHRIST FRY	
HEATHER O'NEIL	
JIM FLOYD	
JOHN JENSEN	
PHIL MEEKS	
MARIETTA DAVIS	
DONALD SPERL	
ANDERSON MARY ELLEN	
ADAMS JOSHUA	
ALASKA STATE OF	
AXMAKER DAVID	AXMAKER CHRISTINA
BALDWIN ROBERT	
BEARDSLEE PHILLIP	BEARDSLEE RONELLE
BIRCH JAMES H	
BIRD DANIEL	BIRD CHRYSTE S
BROGAN FAMILY TRUST	C/O THOMAS PATRICK BROGAN/LOIS MILLS-BROGA
CLEMENS MARIAH J	CLEMENS JAKE D
COWLING GREGORY	
DAVIDSON WILLIAM	DAVIDSON MYRTLE F
DEAVOURS THOMAS MERCER	
DUPREE PAUL	
EIDE LARS R	EIDE PASSAWEE
FROSTAD KNUT	FROSTAD GERRY
GREEN JAMES	GREEN TINA
JENSEN WILLIAM B	
KOENIGS LEE M	
LUHR BEULAH	C/O JOYCE CUMMINGS
MARSHALL CHRISTOPHER ALAN	
MARTENS JAQUELINE CHERIE	
MCCALLUM SETH WILLIAM	
MCFADYEN CHRISTOPHER	
MCFADYEN JEFF	MCFADYEN KIM
NORHEIM ARIEL/LADD/BRENDA	GIBB DEREK
OLSON WANDA	
PERSCHON LIV M	
ROCK KENNETH	
ROUNDTREE CLIFF	
SUSORT MARTIN L	WERNET-SUSORT PATRICIA J
SWAINSON JAMES M	
WHITE U V ESTATE C/O BONNIE ERICKSON	
WILLIS JUDY	
WILSON-ASHBY JENNA B	RODRIGUEZ-SMITH ALEXANDER M