

# Planning Commission Staff Report

Meeting date: August 8, 2023

**TO:** Planning Commission  
**FROM:** Liz Cabrera, Community & Economic Development Director  
**Subject:** VARIANCE (SETBACK) – 811 Sandy Beach Rd (PID: 01-004-138)  
Greg & Heidi Johnson

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## Recommended Motion:

I move to approve a variance from the 20' front yard setback requirement to allow for construction of a dwelling 5' from the property line at 811 Sandy Beach Rd along with findings of fact as presented.

## The Petersburg Planning & Zoning Commission makes the following findings of fact:

1. An application for a variance was submitted by Greg & Heidi Johnson (applicant) and fees paid on July 19, 2023.
2. Subject parcel size is approximately 12,687 sf. and is a vacant lot. The lot has been cleared and has a building pad.
3. The zoning of the subject parcel is single family residential (SF).
4. Surrounding properties are all zoned single-family residential and the area is well-established and developed residential neighborhood.
5. The minimum lot size for the SF district is 8,000 square feet. The subject property exceeds the minimum.
6. Setback requirements for this district are 20' front and rear yard and 10' on the side yards. However, there is no yard setback requirement on lot lines which are in common with shorelines, so the rear yard setback is 0' (PMC 19.60.050).
7. The maximum lot coverage for the district is 35%. The proposed development results in a lot coverage of 43%. A separate application has been submitted to request a variance from the maximum lot coverage requirement.
8. The maximum building height in the SF district is three stories, not to exceed 30'. The proposed building height is 30'.
9. Previous land use decisions:



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- a. 2011 – A minor subdivision was approved subdividing the original parcel into three separate lots.
10. On July 20, 2023, copies of the application were provided for review and comment to:
  - a. Utility Department: No comment.
  - b. Public Works: No opposition to variance.
  - c. Fire Chief: No opposition to variance.
11. The Sandy Beach Rd right-of-way is approximately 100' wide in front of the subject property.
12. Hearing notices were mailed to property owners within 600 feet of the subject parcel.
13. On August 8, 2023, a duly noticed public hearing was held by the Petersburg Planning & Zoning Commission.
14. At the public hearing, the Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff comments.

## **Section 2. Based on the preceding findings of fact, the Petersburg Planning & Zoning Commission makes the following determinations:**

The planning commission must find all three of the following conditions to exist to grant the variance:

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 right-of-way along the subject property is approximately 100' wide, which results in shallow lots.

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

Yes  No REASON: Enforcing the required setback would limit the ability of the owner to fully utilize their property and could result in the owners relocating the residence further back on the lot as there is no yard requirement on the rear yard. This would have a negative impact on surrounding property owners' water views.

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 REASON: Several properties along Sandy Beach Rd have received similar accommodation due to the width of the right-of-way and to preserve water views of neighboring properties. Even with the variance the proposed residence will be constructed 50' from the existing road pavement. This provides ample room for fire access, pedestrian and bicycle use, and line of sight of oncoming traffic. Further surrounding properties would benefit from the owners constructing their home closer to the road and protecting neighbors' views.

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Chair, Planning Commission

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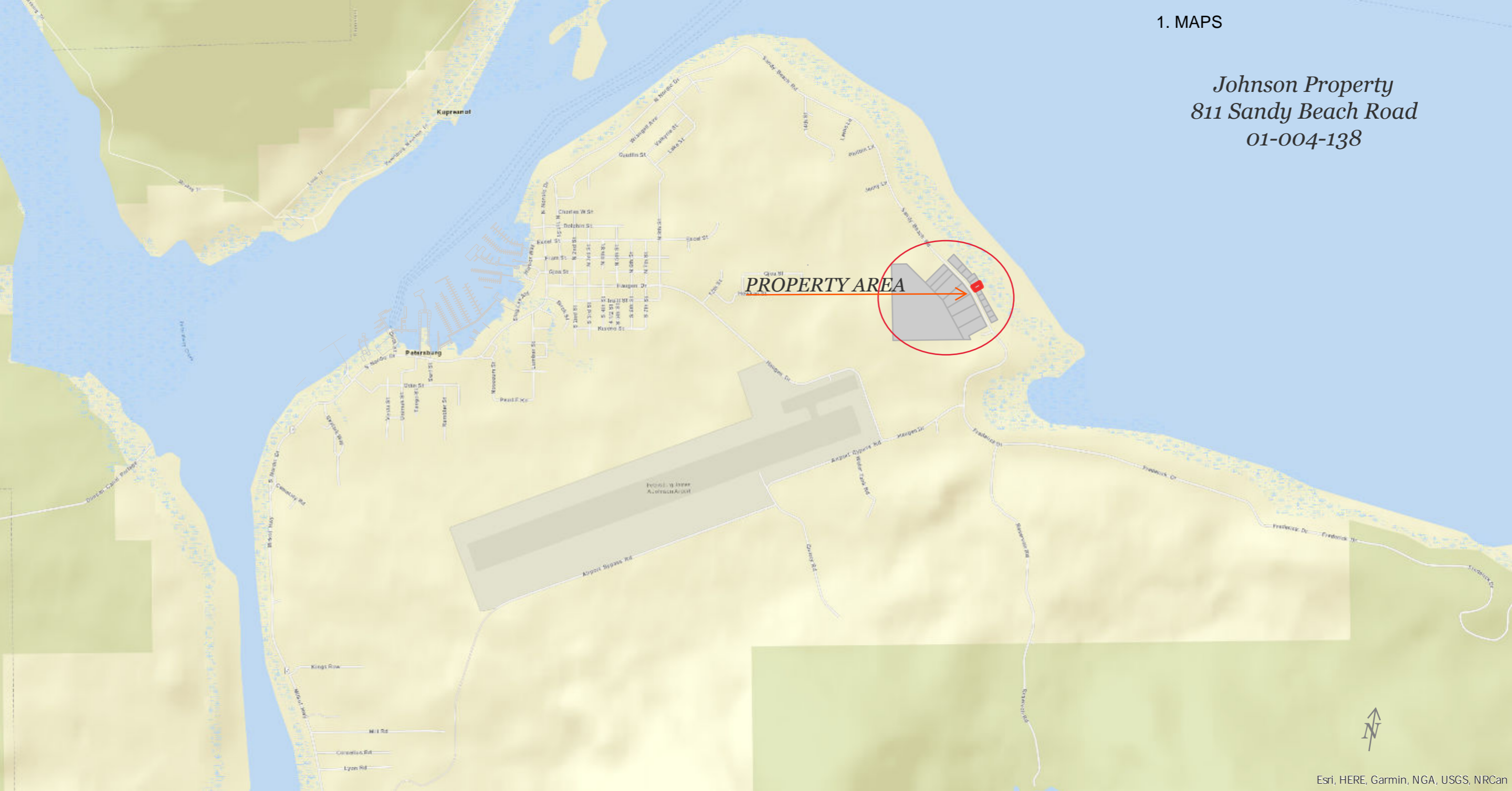
Secretary, Planning Commission

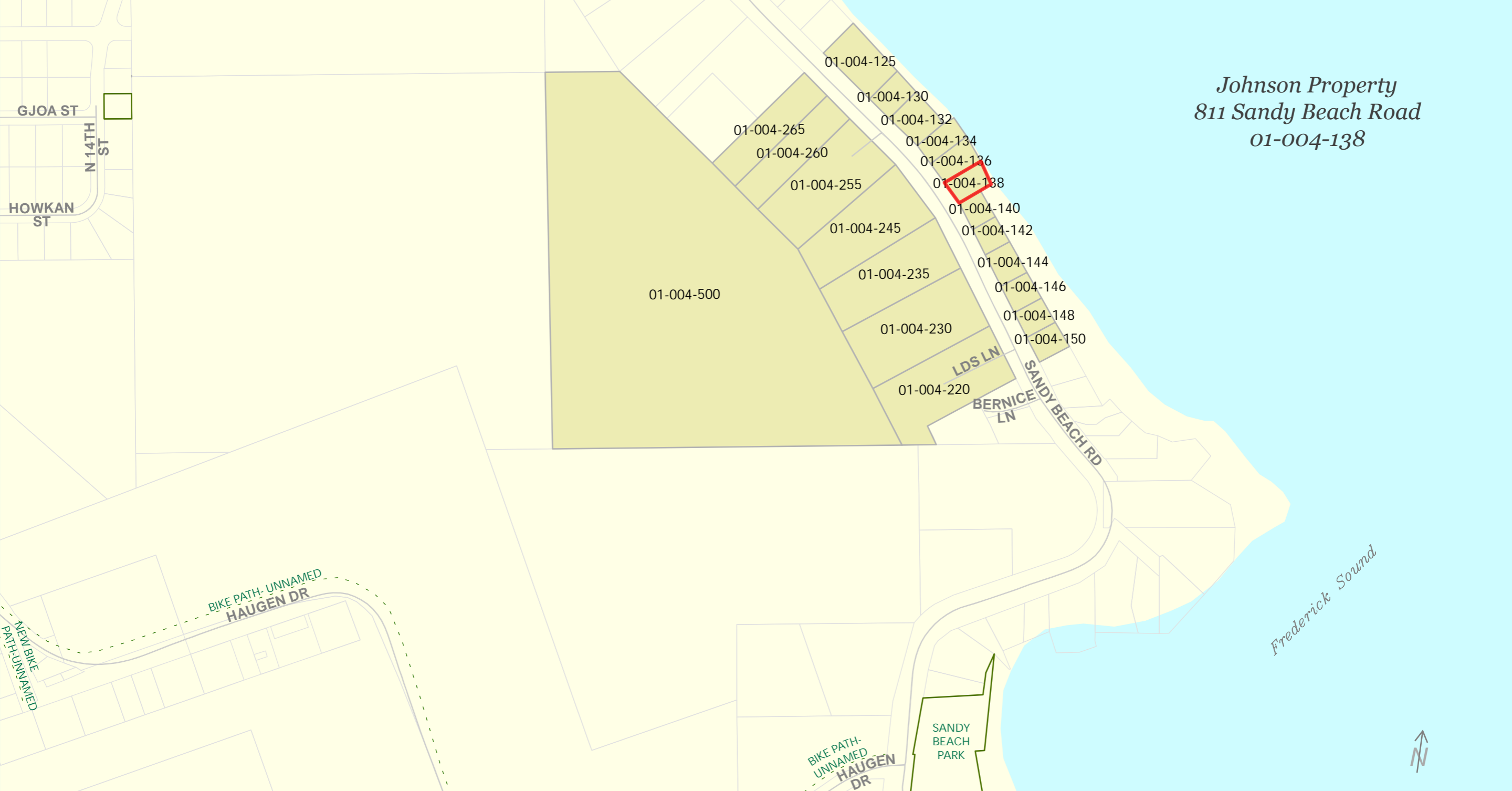
## Attachments:

1. MAPS
2. Applicant submitted materials
3. Hearing notice mail out

1. MAPS

*Johnson Property*  
*811 Sandy Beach Road*  
*01-004-138*





*Johnson Property  
811 Sandy Beach Road  
01-004-138*

01-004-125

01-004-130

01-004-132

01-004-134

01-004-136

01-004-138

01-004-140

01-004-142

01-004-144

01-004-146

01-004-148

01-004-150

01-004-265

01-004-260

01-004-255

01-004-245

01-004-235

01-004-230

01-004-220

01-004-500

LDS LN

BERNICE LN

SANDY BEACH RD

BIKE PATH- UNNAMED  
HAUGEN DR

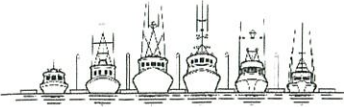
BIKE PATH- UNNAMED  
HAUGEN DR

SANDY BEACH PARK

*Frederick Sound*



2. Applicant submitted materials

 <b>PETERSBURG BOROUGH VARIANCE APPLICATION</b>		CODE TO: <b>110.000.404110</b>
		BASE FEE: \$100.00
		PUBLIC NOTICE FEE: \$70.00
		<b>TOTAL: \$170.00</b>
DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC:
<b>APPLICANT/AGENT</b>		<b>LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)</b>
NAME <u>GREGORY B. JOHNSON</u>		NAME
MAILING ADDRESS <u>PO BOX 282</u>		MAILING ADDRESS
CITY/STATE/ZIP <u>PETERSBURG, AK 99833</u>		CITY/STATE/ZIP
PHONE <u>(208) 989-9505</u>		PHONE
EMAIL <u>greg@westparkco.com</u>		EMAIL
<b>PROPERTY INFORMATION</b>		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: <u>811 SANDY BEACH ROAD</u>		
PARCEL ID: <u>Lot 5C Skokum</u>	ZONE: <u>RESIDENTIAL</u>	OVERLAY:
CURRENT USE OF PROPERTY: <u>VACANT LOT</u>		LOT SIZE:
PROPOSED USE OF PROPERTY (IF DIFFERENT): <u>SINGLE FAMILY HOME</u>		
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): <u>SANDY BEACH ROAD</u>		
<b>TYPE OF VARIANCE REQUESTED</b>		
<input checked="" type="checkbox"/> Yard Setback		
<input checked="" type="checkbox"/> Maximum Lot Coverage		
<input type="checkbox"/> Building Height		
<input type="checkbox"/> Fence Height		
<input type="checkbox"/> Other:		
<b>SUBMITTALS:</b>		
Please include a site plan proposed plans.		
<b>SIGNATURE(S):</b>		
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>Gregory Johnson</u>	Date: <u>JULY 18, 2023</u>	
Owner(s): <u>(Same)</u>	Date: _____	

# 19.80 VARIANCE APPLICATION

For Setback Variance

(SUBMIT WITH SITE PLAN)

Applicant(s): GREGORY B. JOHNSON

Address or PID: 811 SANDY BEACH ROAD

P.O. BOX 282 PETERSBURG, AK 99833

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.

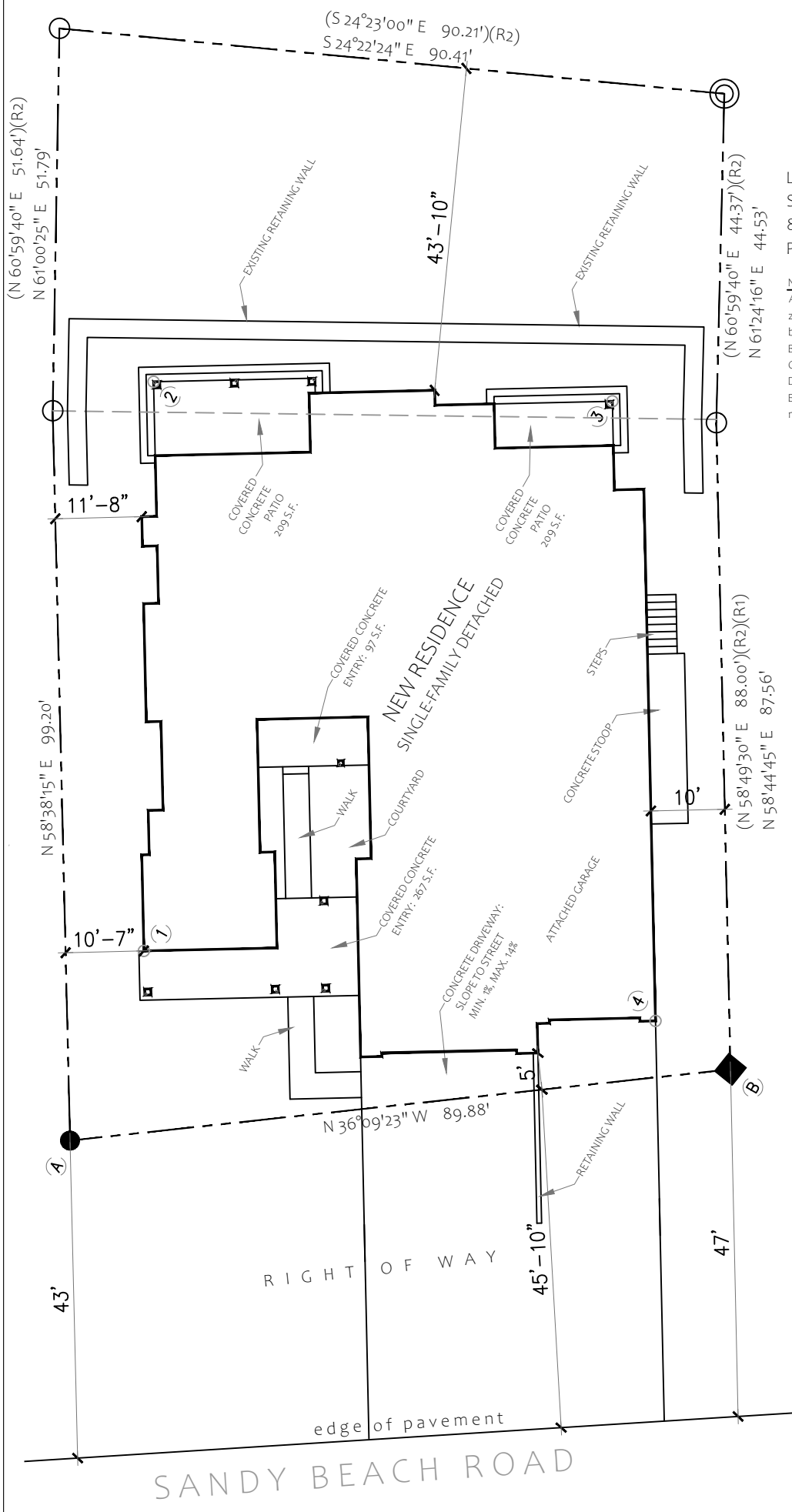
WHILE FACING THE LOT FROM THE STREET, THE LEFT PROPERTY PIN IS 43' FROM THE EDGE OF PAVEMENT; THE RIGHT PROPERTY PIN IS 47' FROM THE EDGE OF PAVEMENT. THIS IS AN EXCESSIVELY LARGE RIGHT OF WAY.

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

THE HOUSE BUILDING WITH THE CURRENT SETBACK REQUIRED (25 FEET) FROM THE FRONT PROPERTY WOULD MEAN WE WOULD BE SEVERAL FEET BEYOND EXISTING SEA WALL. WE ORIGINALLY BUILT THE SEA WALL AT A DISTANCE COMPATIBLE WITH PROPERTIES ON BOTH SIDES. PUSHING BEYOND WOULD SERIOUSLY BLOCK NEIGHBORS VIEWS TO THE NORTH AND SOUTH.

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.

THE REQUESTED VARIANCE WILL ALLOW THE HOME TO BE PLACED WHERE IT WILL HAVE THE LEAST IMPACT ON VIEWS FROM NEIGHBORING PROPERTIES; AND BE BUILT UPON SOLID FILL ON LOT.



THESE DRAWINGS AND SPECIFICATIONS SHALL NOT BE USED BY ANY PERSON OR ENTITY FOR ANY PROJECTS OR ADDITIONS TO THIS PROJECT, WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT OR ITS AFFILIATES.

**JOHNSON**  
 811 SANDY BEACH ROAD,  
 PETERSBURG, AK 99833

COLD STORAGE:	488 s.f.
FIRST FLOOR:	3152 s.f.
SECOND FLOOR:	1469 s.f.
TOTAL LIVING AREA:	4621 s.f.
GARAGE:	1542 s.f.
COVERED PORCH/PATIO:	566 s.f.

DATE:	7.19.2023
DRAFTSMAN:	JOSHUA 208.854.7374
SUPERINTENDENT:	GREG 208.989.9505
PROJECT:	SKOOKUM





SCALE: 1"=10'-0"

LOT 5C BLOCK 3  
 SKOOKUM #2  
 811 SANDY BEACH ROAD  
 PETERSBURG, AK 99833

NOTES:

- A. All setbacks to comply with all codes and zoning requirements and to be verified by building inspector prior to construction.
- B. Water and sewer by local water corporation.
- C. All utilities to be run underground.
- D. Irrigation water may not be provided.
- E. All details shall be verified with current plat map on file with the city or county.

LOT AREA: 12,687 sf  
 RIGHT OF WAY AREA: 4,028 sf  
 TOTAL AREA: 16,715 sf  
 35%: 5,850 sf  
 PROPOSED LOT COVERAGE: 5,446 sf

THESE DRAWINGS AND SPECIFICATIONS SHALL NOT BE USED BY ANY PERSON OR ENTITY ON OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF RIVERWOOD HOMES OR ITS AFFILIATES.

**JOHNSON**  
 811 SANDY BEACH ROAD,  
 PETERSBURG, AK 99833

COLD STORAGE: 488 s.f.  
 FIRST FLOOR: 3152 s.f.  
 SECOND FLOOR: 1469 s.f.  
 TOTAL LIVING AREA: 4621 s.f.  
 GARAGE: 1542 s.f.  
 COVERED PORCH/PATIO: 566 s.f.

DATE: 7.19.2023  
 DRAFTSMAN: JOSHUA 208.854.7374  
 SUPERINTENDENT: GREG 208.989.9505  
 PROJECT: SKOOKUM

3. Hearing notice mailout

July 25, 2023



**MARIETTA DAVIS**  
**PO BOX 673**  
**PETERSBURG, AK 99833-0673**

**NOTICE OF SCHEDULED PUBLIC HEARINGS**

**The Petersburg Borough Planning Commission has scheduled a public hearing to consider an application from Greg and Heidi Johnson for a variance from the front yard setback requirement to allow for construction of a residence 5' from the property line at 811 Sandy Beach Rd and a variance from the maximum lot coverage requirement to allow for construction of a residence with 43% lot coverage at 811 Sandy Beach Rd (PID: 01-004-138).**

You are receiving this notice because you own or lease property in the vicinity of the proposed action.

The public hearing and consideration of the application will be held:	<b>Tuesday, August 8, 2023, 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 or <a href="mailto:acaulum@petersburgak.gov">acaulum@petersburgak.gov</a>	

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:	<a href="mailto:acaulum@petersburgak.gov">acaulum@petersburgak.gov</a>
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

Parcel_ID	OWNER	Mailing_Address
01-004-500	ALASKA MENTAL HEALTH TRUST	2600 CORDOVA ST STE 201
01-004-148	BOWEN, PAUL	PO BOX 68
01-004-265	BUSCHMANN, CHRISTIAN W	PO BOX 898
01-004-220	CHURCH OF JESUS CHRIST	50 E NORTH TEMPLE
01-004-245	EVENS, ERIC N	PO BOX 1412
01-004-144	HURST, STEVEN and KASONDRA	3534 S 2640 E
01-004-136	JOHNSON, GREGORY and HEIDI	PO BOX 344
01-004-138	JOHNSON, GREGORY B and HEIDI M	PO BOX 344
01-004-140	JOHNSON, JOHN and DELL	PO BOX 1273
01-004-150	KENYON, PETER W and BOWEN, NEVETTE M	PO BOX 971
01-004-132	LYSTER, THEODORE C III III and ELOISE and TRUST	PO BOX 28
01-004-134	LYSTER, THEODORE C III III and ELOISE and TRUST	PO BOX 28
01-004-235	MARIFERN, BRUCE and BARBARA	PO BOX 917
01-004-130	MEHRKENS, JOSEPH and HELEN	PO BOX 296
01-004-125	OHMER, BECKY	200 BREE AVE
01-004-260	PAWUK, MATTHEW W and STEPHANIE J	PO BOX 1561
01-004-146	STOCKTON, MELVIN and SHARON	PO BOX 566
01-004-230	SWANSON, ADAM LEE and KAILI	PO BOX 2151
01-004-255	TETER, JOE and WEISS, CHRISTINE	PO BOX 32
01-004-142	WILLIAMS, RICK and JILL	PO BOX 1321
	CHRIS FRY	PO BOX 1440
	HEATHER O'NEIL	PO BOX 1083
	SALLY DWYER	PO BOX 1788
	JIM FLOYD	PO BOX 281
	JOHN JENSEN	PO BOX 681
	PHIL MEEKS	PO BOX 1514
	MARIETTA DAVIS	PO BOX 673