

Planning Commission Staff Report

Meeting date: August 8, 2023

TO: Planning Commission

FROM: Liz Cabrera, Community & Economic Development Director

Subject: MINOR SUBDIVISION and VARIANCE
Tyler & Olivia Reid
419 Mitkof Highway (PID: 01-085-250)

Recommended Motion:

I move to approve the Stillwater Subdivision with a variance from the lot frontage requirement at 419 Mitkof Highway with findings of fact as presented.

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

1. An application was submitted by Tyler & Olivia Reid and fees paid on June 27, 2023.
2. The subject parcel is located at 419 Mitkof Highway.
3. The subject parcel is 3.66 acres. The proposed plat subdivides the parcel into three lots.
4. The subject parcel is zoned Rural Residential (RR). The stated intended use for the property is residential, which is consistent with the zoning district.
5. Surrounding properties are zoned RR and some lots remain undeveloped.
6. The minimum lot size in the RR district is 1 acre. All three proposed lots meet or exceed the minimum lot size.
7. The minimum road frontage for the RR district is 200'. Lots A1 and A2 meet or exceed the minimum road frontage requirement.
8. Lot A3 does not meet the minimum 200' frontage requirement and a variance has been submitted to allow for the proposed reduced road frontage.
9. Lot A3 would be considered a "flag lot" under PMC 19.04.310. Per this provision, the minimum roadway surface shall be 20' and the minimum easement 30'. This requirement is supported by comments from the PVFD Chief. Applicants will amend final plat to meet this standard.
10. The subject parcel is adjacent to municipal electric, water, and wastewater services. Properties located within 150 feet of municipal wastewater service are required to connect to the municipal system (PMC 14.08.080). Lots A1 and A2 will be required to connect to the municipal system.



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11. Lot A3 may be connected to the municipal sewer system but is not required to do so by code. An onsite wastewater system requires prior approval of the borough utility director and approval of the Alaska Department of Environmental Conservation prior to development (PMC 14.08.030).
12. The plat provides legal access to Mitkof Highway either directly or via a proposed access easement.
13. The plat does not contain or require a dedication of a street, right-of-way, or other area.
14. The plat does not require a vacation of a public dedication of land or a variance from a subdivision regulation (the variance requested is from a zoning regulation)
15. On July 20, 2023, copies of the application were provided for review and comment to:
 - a. Public Works: No comments.
 - b. Utility:
 - c. Fire Chief: I hope the 20ft width of the proposed road is the top before the ditch starts. The fire trucks will need that room to safely off-load equipment and personnel in case of an emergency. The word substandard, for a road is a bit concerning.
 - d. Police:
16. Hearing notices were mailed to property owners within 600 feet of the right-of-way.
17. On August 8, 2023, a duly noticed public hearing was held by the Petersburg Planning Commission.
18. 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 Commission makes the following determinations:

1. The proposed Stillwater Subdivision meets the conditions outlined in Title 19 for a minor subdivision.
2. The planning commission must find all three of the following conditions to exist to grant the variance from the minimum road frontage requirement:

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 subject parcel is a large with road frontage for two legal lots, but sufficient acreage to create three legal 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 200' road frontage would restrict the subdivision to two lots and would not allow for highest and best use of the available

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acreage. Constructing a 200' road along Lot A3 would be impractical given the topography and the road would not connect to other roads or provide access to additional properties.

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: Adjacent subdivisions have a similar design whereby legal access is provided through easements and do not meet the minimum lot frontage requirement.

Lot A3 shall not be required to connect to the municipal sewer system. An onsite system requires prior approval of the borough utility director and approval of the Alaska Department of Environmental Conservation prior to development.

2. The access easement for Lot A3 shall meet the minimum standards required under PMC 19.04.310, which is a 30' wide easement and, when constructed, 20' wide roadway.

3. The applicant shall submit a plat with legible lettering meeting the generally accepted standards for good draftsmanship as prepared by a professional land surveyor, properly registered in the state of Alaska, drawn to scale, and provided in a format, size, suitable for signatures and recording.

Chair, Planning Commission

Secretary, Planning Commission

ATTACHMENTS:

A. MAPS

B. MATERIALS SUBMITTED BY APPLICANT

C. HEARING NOTICE TO NEIGHBORS

A. MAPS

*Reid Property
419 Mitkof Highway
01-085-250*



PROPERTY AREA



US Forest Service



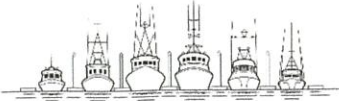
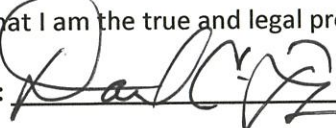


MIKOF HWY



15

B. MATERIALS SUBMITTED BY APPLICANT

 PETERSBURG BOROUGH LAND USE APPLICATION		CODE TO: 110.000.404110
		BASE FEE:
		PUBLIC NOTICE FEE: \$70.00
		TOTAL: \$175.00
DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC: # 3044
APPLICANT/AGENT		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME David Thynes C.S.S.	NAME Tyler & Olivia Reid	
MAILING ADDRESS PO Box 533	MAILING ADDRESS PO Box 1548	
CITY/STATE/ZIP Petersburg / Alaska / 99833	CITY/STATE/ZIP Petersburg / Alaska / 99833	
PHONE (907) 518-0075	PHONE (907) 518-0500	
EMAIL fvnocona@gmail.com	EMAIL tyler_reid42@hotmail.com	
PROPERTY INFORMATION		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: 397 Mitkof Highway / Lot A of U.S. Survey 2461 419 Mitkof Highway		
PARCEL ID: 01084475 01-085-250	ZONE: Rural Residential	OVERLAY:
CURRENT USE OF PROPERTY: Vacant land		LOT SIZE: 3.47 Acres
PROPOSED USE OF PROPERTY (IF DIFFERENT): Subdivide into 3 residential lots		
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): Mitkof Highway		
TYPE OF APPLICATION & BASE FEE		
<input type="checkbox"/> 19.84 Zoning Change (\$100)		
<input type="checkbox"/> 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)		
<input checked="" 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:		
For Zoning Change, please submit letter stating the new zoning and explaining the need for the change. For Subdivision approvals, please submit a prepared plat map as required by borough code.		
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(s) or authorized agent thereof for the property subject herein.		
Applicant(s): 	Date: 6/27/23	
Owner: _____	Date: _____	
Owner: _____	Date: _____	
Owner: _____	Date: _____	

19.80 VARIANCE APPLICATION

(SUBMIT WITH SITE PLAN)

Applicant(s): Tyler & Olivia Reid

Address or PID: 01085250

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?

- | | | |
|--|---|--|
| <input type="checkbox"/> Substandard Lot Area | <input checked="" type="checkbox"/> Easements/ROW | <input type="checkbox"/> Stream/Drainage |
| <input type="checkbox"/> Steep/Unstable Slope | <input type="checkbox"/> Odd Lot Shape | <input type="checkbox"/> Nonconforming Structure |
| <input type="checkbox"/> 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.

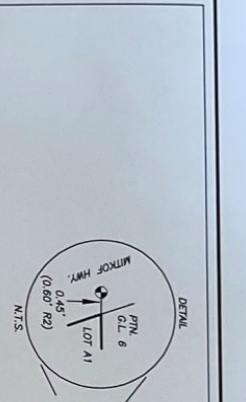
Lot A's shape, specifically its available road frontage, will not allow a three lot subdivision while also meeting the 200' road frontage requirement for the owner's desired three lot subdivision.

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

With only 459' of existing frontage along Mitkof Highway, the 200' road frontage requirement for rural residential lots would restrict the owners' subdivision to two, 1.73 Acre lots; both lots almost 3/4 of an acre over the 1 Acre required minimum for rural residential zoning. Restricting this subdivision to two lots would not allow optimal use of the existing acreage and would significantly reduce the owners' overall return on their investment compared to the proposed three lot subdivision plan.

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 subdivision to the north & adjoining Lot A USS 2461, Gato Montes subdivision, Plat 2007-9 and the subdivision to the south & adjoining Lot A USS 2461, Mom's Place subdivision, Plat 2011-4 both have similar designs in that there are easements used to access the lots that do not front Mitkof Highway. The Reid's three lot subdivision plan follows the spirit of these neighboring approved subdivisions while allowing them to maximize the use of their 3.47 Acre lot.



GENERAL NOTES

1. THE BASIS-OF-BEARING UTILIZED TO CONDUCT THIS SURVEY IS THE TRUE BEARING OF LOT 1 OF U.S. SURVEY 2461 AND THE B.L.M. B.C.M. MARKING CORNER 3 OF U.S. SURVEY 2461. THE ACCEPTED BEARING SHOWN ON THE MOM'S PLACE SUBDIVISION, N 62°23'36" E, PETERSBURG RECORDING DISTRICT, BEARS N 62°23'36" E.
2. THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:10,000.
3. ALL BEARINGS SHOWN ARE TRUE BEARINGS AND ARE CORRECTED TO HORIZONTAL FIELD DISTANCES.
4. WHEN RECORD COURSES DIFFER FROM MEASURED COURSES, RECORD COURSES ARE SHOWN IN PARENTHESES () FOLLOWED BY THE SOURCE OF THE RECORD COURSES AND A 3 OF ENABLE CONCLUSIVE LOCATION OF THE EASEMENT BOUNDS.
5. A TRANSMISSION LINE EASEMENT HAS BEEN SHOWN AS A 20' WIDE ACCESS & UTILITY EASEMENT FOLLOWED BY THE SOURCE OF THE RECORD COURSES AND A 3 OF ENABLE CONCLUSIVE LOCATION OF THE EASEMENT BOUNDS.
6. THE FOLLOWING PLATS AND RECORDS WERE USED TO EXECUTE THIS SURVEY:
 - (R1) MOM'S PLACE SUBDIVISION, PLAT #2011-4
 - (R2) GATO MONTES SUBDIVISION, PLAT #2007-9
 - (R3) A.D.O. 177' ROW, MW RS-5981(C2) PAGES 7 OF 18, (R4) U.S. SURVEY 2461

CERTIFICATE OF APPROVAL BY THE PLATING BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF PETERSBURG AND THAT I SAID THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE DISTRICT MAGISTRATE EX OFFICIO RECORDING DISTRICT, ALASKA

DATE: CHRYSTAL PETERSBURG PLATING BOARD

CERTIFICATE OF OWNERSHIP AND DEDICATION

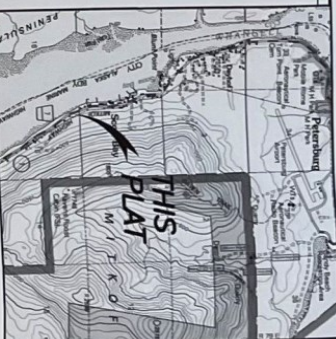
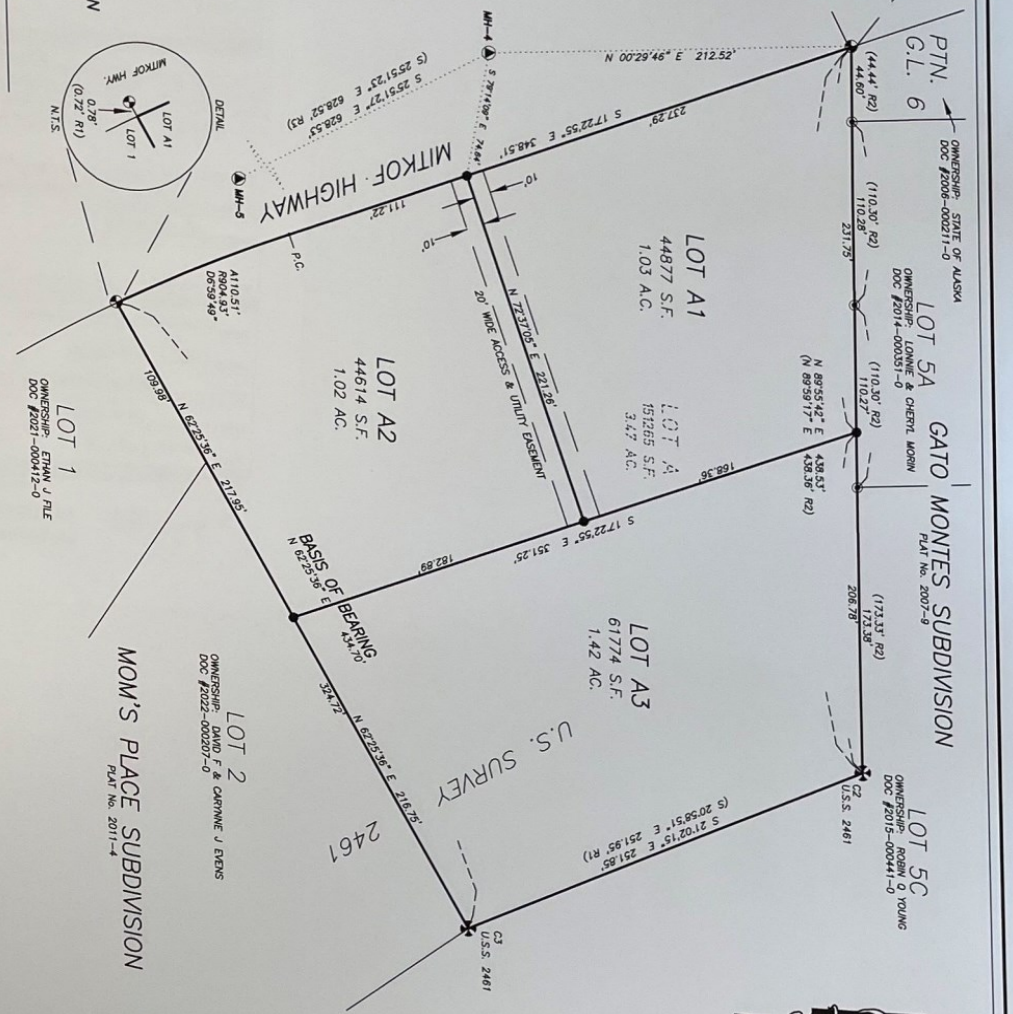
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN ON THE SUBDIVISION HEREON AND THAT WE HEREBY ADOP THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, NO ROAD RIGHT OF HWYS ARE DEDICATED BY THIS PLAT.

DATE: OWNER:

NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA
STATE OF ALASKA
CITY OF PETERSBURG
THIS IS TO CERTIFY THAT ON THIS DAY OF BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED **TYLER & OLGA REID** TO ME AND EXECUTED THE KNOWN TO BE THE DEED AND MENTAL AGREEMENT AND THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED. WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREON WRITTEN.

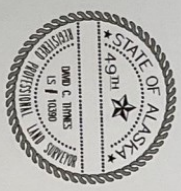
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: _____



SURVEYOR'S CERTIFICATE

I, DAVID C. THINES, CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY, AND THAT ALL NECESSARY MEASUREMENTS AND CONTROL MONUMENTS, AND LOT CORNERS HAVE BEEN SET AND SAVED.

DATE: REGISTERED PROFESSIONAL LAND SURVEYOR No. 4114 10380

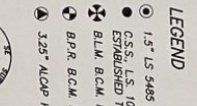


STILLWATER SUBDIVISION
A SUBDIVISION OF LOT 1 A
OF U.S. SURVEY 2461
SECT. 15, T59S, R79E, C.R.M.,
PETERSBURG RECORDING DISTRICT

CLIENT: TYLER & OLGA REID
P.O. BOX 533
PETERSBURG, AK 99833

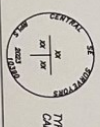
SURVEYOR:
CENTRAL SOUTHEAST SURVEYORS
P.O. BOX 533, PETERSBURG AK 99833
PH (907) 518-0075
RPTS #10380
SURVEY COMPLETED
DRAWN BY D.C.T.

DATE THIS SURVEY WAS MADE: _____ DAY OF _____ 20____
DRAWN BY D.C.T. DATE: 06/24/2022



LEGEND

- 1. 1.3" LS ALONG ON REBAR RECOVERED THIS SURVEY
- 2. C.S. L.S. 10390 2" ALCP MON ON REBAR
- 3. ESTABLISHED THIS SURVEY
- 4. B.L.M. B.C.M. MON. RECOVERED THIS SURVEY
- 5. B.P.R. B.C.M. RECOVERED THIS SURVEY
- 6. 3.3" ALCP HIGHWAY CONTROL MON. RECOVERED THIS SURVEY



C. HEARING NOTICE TO NEIGHBORS

July 25, 2023



FILE, ETHAN J
PO BOX 1666
PETERSBURG, AK 99833-1666

NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider an application from Tyler and Olivia Reid for a minor subdivision with variance from the minimum frontage requirement at 419 Mitkof Highway (PID: 01-085-250).

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:	Tuesday, August 8, 2023, 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 or acaulum@petersburgak.gov	

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

Parcel_ID	OWNER
01-085-270	FILE, ETHAN J
01-085-260	EVENS, DAVID F and CARYNNE J
01-084-500	LITTLETON, ROCKY C
01-085-350	SULLIVAN, DANIEL and DILLMAN, KAREN and TRANSFER ON
01-085-300	HALEY, WILLIAM P and DARLENE E
01-085-250	REID, TYLER and OLIVIA BUYER and AMHT SELLER
01-085-010	ALASKA STATE OF
01-085-700	YOUNG, ROBIN Q
01-084-155	JOHNSON, COURTNEY
01-084-520	CAULUM, CALEB J and BRITTON E
01-084-150	BETZINA, KIM and SUE
01-084-140	VOLK, DANIEL J
01-084-145	VOLK, DANIEL J
01-084-475	BLOOM, CAROLYN E
01-085-200	MORIN, LONNIE L and CHERYL M
01-143-800	US FOREST SERVICE
01-084-155	JOHNSON, COURTNEY
	CHRIS FRY
	HEATHER O'NEIL
	SALLY DWYER
	JIM FLOYD
	JOHN JENSEN
	PHIL MEEKS
	MARIETTA DAVIS