

**Chair**

Tom McGann

**Commissioners**

Scott Pegau

John Baenen

Allen Roemhildt

Nancy Bird

Chris Bolin

*vacant*

**City Planner**

Samantha Greenwood

**Assistant Planner**

Leif Stavig

**PLANNING COMMISSION SPECIAL MEETING  
SEPTEMBER 27, 2018 AT 6:45 PM  
CORDOVA CENTER COMMUNITY ROOM B**

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

Chair Tom McGann, Commissioners Scott Pegau, John Baenen, Allen Roemhildt, Nancy Bird, and Chris Bolin

**3. APPROVAL OF AGENDA (voice vote)**

**4. DISCLOSURES OF CONFLICTS OF INTEREST**

**5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**

a. Guest Speakers

b. Audience comments regarding agenda items (3 minutes per speaker)

**6. NEW/MISCELLANEOUS BUSINESS**

a. Variance Request – Brian Butler.....Page 2

b. Comprehensive Plan Update Discussion.....Page 15

**7. AUDIENCE PARTICIPATION**

**8. COMMISSION COMMENTS**

**9. ADJOURNMENT**



## **AGENDA ITEM # 6a**

### **Planning Commission Meeting Date: 9/20/18**

#### **PLANNING COMMISSION COMMUNICATION FORM**

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**FROM:** Planning Staff

**DATE:** 9/27/18

**ITEM:** Variance Request – Brian Butler

**NEXT STEP:** Vote on Variance Request from Front Setback

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☐ INFORMATION  
☒ MOTION  
☐ RESOLUTION

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#### **I. REQUEST OR ISSUE:**

Requested Actions: Vote on Variance Request from Front Setback  
Applicant: Brian Butler  
Address: 524 Third Street  
Legal Description: Lot 13 & 14, Block 15, Original Townsite  
Parcel Number: 02-273-313  
Zoning: Medium Density Residence District  
Lot Area: 10,000 sq. ft.  
Attachments: Location Map  
Application with Drawings

Brian Butler is requesting a variance to build a deck and stairs that do not meet the minimum front yard requirement for the Medium Density Residential District.

The nonconforming house is currently 5 feet into the 10-foot front yard setback. Nonconforming stairs built within the setback and right of way (ROW) provided access to the house (see attached as-built survey). The request would allow the applicant to construct a deck up to the front property line.

A ROW permit is under review and at a minimum, the pre-existing stairs would be allowed in the ROW.

The drawing from 9/17/18 is the most accurate drawing with the correct dimensions.

## **II. RECOMMENDED ACTION / NEXT STEP:**

“I move that the Planning Commission grant the variance request by Brian Butler and to adopt and incorporate the findings within the staff report.”

Staff recommend the Planning Commission not grant the variance request.

## **III. FISCAL IMPACTS:**

Increased property value and tax base.

## **IV. BACKGROUND INFORMATION:**

### **Applicable Code:**

*18.20.040 - Front yard.*

*There shall be a front yard in the R medium density district of not less than ten feet from curb line.*

*18.64.020 - Variances.*

*A. An application for a variance shall be filed in writing and verified by the owner of the property concerned.*

*1. The application shall contain the following data with respect to the property and the applicant:*

- a. A legal description of the property involved,*
- b. Plot plans showing the location of all existing and proposed buildings or alterations, elevations of such buildings or alterations, and such other data as may be required,*
- c. Evidence of the ability and intention of the applicant to proceed in accordance with the plans within six months after the effective date of the variance;*

### **Suggested Findings:**

- 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 land use district.*

This condition has not been met. The medium density residential district encompasses a wide range of properties many of which have similar conditions to this lot. While the lot is sloped, there is no practical necessity for a deck on the front of the building.

- b. That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship.*

This condition has not been met. The nonconforming stairs which provided access to the residence in the past can be rebuilt and replaced in the same footprint. There are practical difficulties or unnecessary hardships associated with the existing stair layout versus the proposed deck and stairs.

- 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.*

This condition has not been met. Many of the houses on this block have access stairs that are within the front setback and the right of way. Granting the variance would result in material damage or prejudice to other properties in the neighborhood because the proposed deck is not a necessity, and other properties in the vicinity are subject to the same setback requirements.

This neighborhood has limited off street parking and there are multiple nonconforming structures in the setbacks and the right of way. Granting the variance would eliminate 5 feet of existing setback space and would increase the encroachment into the right of way, thereby increasing the congestion of the neighborhood, which would be detrimental to public health, safety and welfare.

- d. *That the granting of the variance will not be contrary to the objectives of the comprehensive plan.*

This condition has not been met. The comprehensive plan development strategies for land use are

*Development strategies of the land use plan are discussed for all areas of the community including residential, commercial, industrial, and public lands and are listed as follows:*

- Provide land use guidance for the City.
- Plan for organized future growth and development.
- Anticipate and respond to trends in development patterns.
- Maintain and provide for a balanced and complementary pattern of land uses.
- Ensure growth patterns respect the natural environment.
- Protect the citizens of the community and the investments that have been made.
- Protect property values.
- Provide a clear and concise direction towards future growth within the community.

Granting this variance would be contrary to these comprehensive plan strategies.

**V. LEGAL ISSUES:**

N/A

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VII. SUMMARY AND ALTERNATIVES:**

The variance can be granted, denied, or special conditions may be added by the commission.

ATTACHMENT A



# CITY OF CORDOVA



## VARIANCE APPLICATION

City of Cordova, Alaska

INSTRUCTIONS	PERMIT TYPE	FEE
Print or type requested information. Incomplete applications will be returned to the applicant and will delay processing of the request. Applications must be received by the Planning Department 21 days prior to the next Planning Commission Regular Meeting, which is scheduled the second Tuesday of each month.	<input checked="" type="checkbox"/> Variance	\$250

APPLICANT INFORMATION	
Name:	BRIAN P BUTLER
Mailing Address:	2383
City/State/Zip:	CORDOVA AK 99574
Phone Number:	907-223-7897
Email Address:	lucidian1@gmail.com

OWNER INFORMATION	
Name:	ANGELA BUTLER
Mailing Address:	2383
City/State/Zip:	CORDOVA AK 99574
Phone Number:	907-429-7447
Email Address:	smalleyak@gmail.com

Only complete this section if owner is different from applicant.

PROPERTY INFORMATION	
Address:	524 3rd Street
Legal Description:	Block 15 Lots 13 & 14 Cordova Original Townsite
Tax Lot No.:	
Zone District:	

Planning Department can assist if unknown.



### REQUEST DESCRIPTION

Please describe your request in detail and identify which provision(s) of the code you are seeking a variance from.

Need to replace old, rotted, and dangerous front steps - the main entrance to our home - they were sagging and breaking through in areas - new porch steps will provide a way to enter and exit - fire safety in consideration - they are absolutely needed. Improving the stairs with larger landing areas makes emergency response ~~more~~ easier and improves fire safety with an additional exit from the home

With this application you must also include:

1. Plot plans showing the location of all existing and proposed buildings or alterations and the elevations of such buildings or alterations.
2. Evidence of the ability and intention to proceed in accordance with the plans within six months after the effective date of the variance.

Planning Department staff recommend that you provide any additional documents which will help the Planning Commission better understand the request, such as a cover letter, drawings, maps, or photographs.

### VARIANCE CONDITIONS

The Planning Commission may only approve a variance if the commission finds that ALL of the following four conditions are met. You must include a statement and adequate evidence showing that each of the conditions has been met. Use additional pages if needed.

**CONDITION 1: 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 land use district.**

- Main entrance is at 2nd floor of home.
  - Requires stairs & landings to access
  - New stairs and landing with deck will provide better access for emergency - such as fire or EMT Gurney - will not pose threat of collapse
- ~~Not~~

**CONDITION 2: The strict application of the provisions of this title would result in practical difficulties or unnecessary hardship.**

We would not be able to use the entrance to our home. Have already torn out old structure and framed in new structure - would lose 5,000 dollars worth of lumber & 1,000 in transportation.

**CONDITION 3:** 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.

Not at all. It will enhance public health, safety, and welfare by providing better access to the home for emergency purposes. The new stairs do not encroach on adjacent properties.

- By having me stop progress poses a danger to my family at this time with out access to the main entrance and exit of the home

**CONDITION 4:** The granting of the variance will not be contrary to the objectives of the comprehensive plan.

Not at all. It will improve the appearance of the neighborhood, provide greater access for fire department personnel as well as enhance the safety of visitors, occupants and EMTs should they need access to the home.

#### APPLICANT CERTIFICATION

*By the signature attached hereto, I certify that I am the owner or duly authorized owner's agent and that the information provided within this application and accompanying documentation is correct. Furthermore, I hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting site inspections.*

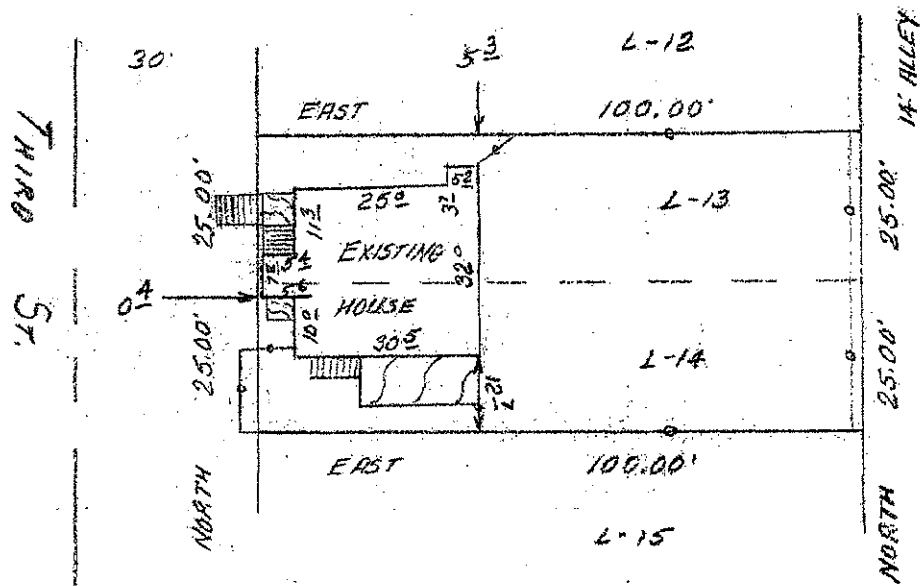
**Applicant Signature:** Brian P Butler

**Date:** 9/12/18

**Print Name:** Brian P Butler



PROPOSED FINISHED FLOOR ELEV. (ASSUMED)	
PROPOSED BUILDING CORNER ELEV. (ASSUMED)	
ZONING DISTRICT	
FRONT BUILDING SETBACK	
SIDE BUILDING SETBACK	
REAR BUILDING SETBACK	



# **SURVEY CERTIFICATION**

## **PLOT PLAN**

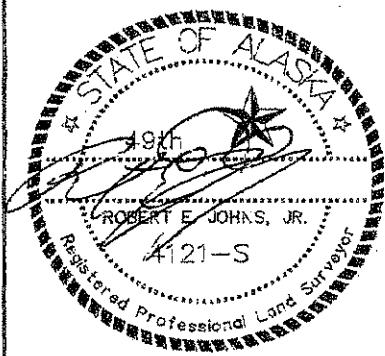
I hereby certify that I have physically surveyed the lot shown and described herein, and that I have found or established all of the lot corners as shown on the plan and to the best of my knowledge and belief, all dimensions have been measured true and correct.

## **FOUNDATION AS-BUILT**

I, Robert E. Johns, Jr., hereby certify that I have performed an As-Built survey of the foundation on this lot and that all the dimensions and information as shown herein are true and no encroachments exist unless shown otherwise.

## **FINAL STRUCTURE AS-BUILT**

I, Robert E. Johns, Jr., hereby certify that I have performed an As-Built survey of the structure on this lot and that all the dimensions and information as shown herein are true and no encroachments exist unless shown otherwise.



Prepared by  
**Robert E. Johns, Jr. & Assoc.**  
Professional Land Surveyors  
1700 BRINK DR.  
ANCHORAGE, ALASKA 99504

Scale: 1" = 30'	Rec. Lot S.F.	Rec. Plat File No.
Date Surveyed: 12-29-05	Drawn by: REJ	Checked by:
Date Drawn: 12-29-05	Grid: Cordova	W.O. 5358

Legal Description:  
Block 15 Lots 13 and 14  
Cordova Original Townsite

- SURVEY TYPE**
- ☐ LOT SURVEY  
☐ FOUNDATION AS-BUILT  
☐ FINAL STRUCTURE AS-BUILT  
☐ PLOT PLAN . . . AS-BUILT . . . LOT SURVEY . . . TOPOGRAPHY  
☒ AS-BUILT . . . NO CORNERS SET ☐ RECERTIFICATION AS-BUILT . . . NO CORNERS SET

SYMBOLS	
• SET REBAR	← DRAINAGE
○ FOUND REBAR	— WOOD FENCE
100' ASSUMED ELEV.	— METAL FENCE
	ASPHALT
	CONCRETE
	WOOD DECK

## **PLOT PLANS & LOT SURVEYS**

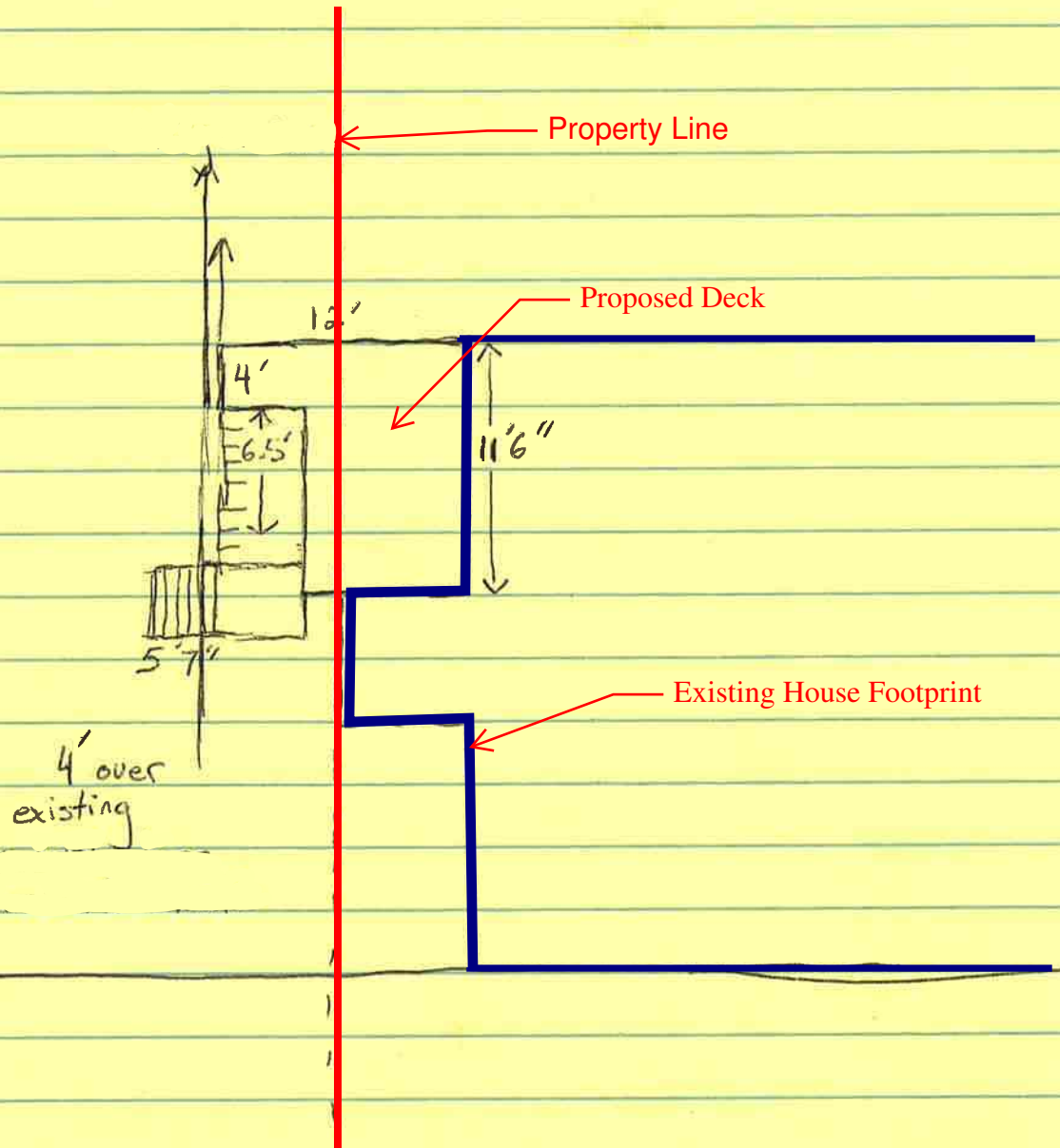
IT IS THE RESPONSIBILITY OF THE BUILDER OR OWNER, PRIOR TO CONSTRUCTION, TO VERIFY PROPOSED BUILDING GRADE RELATIVE TO FINISHED GRADE AND UTILITY CONNECTIONS AND TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.

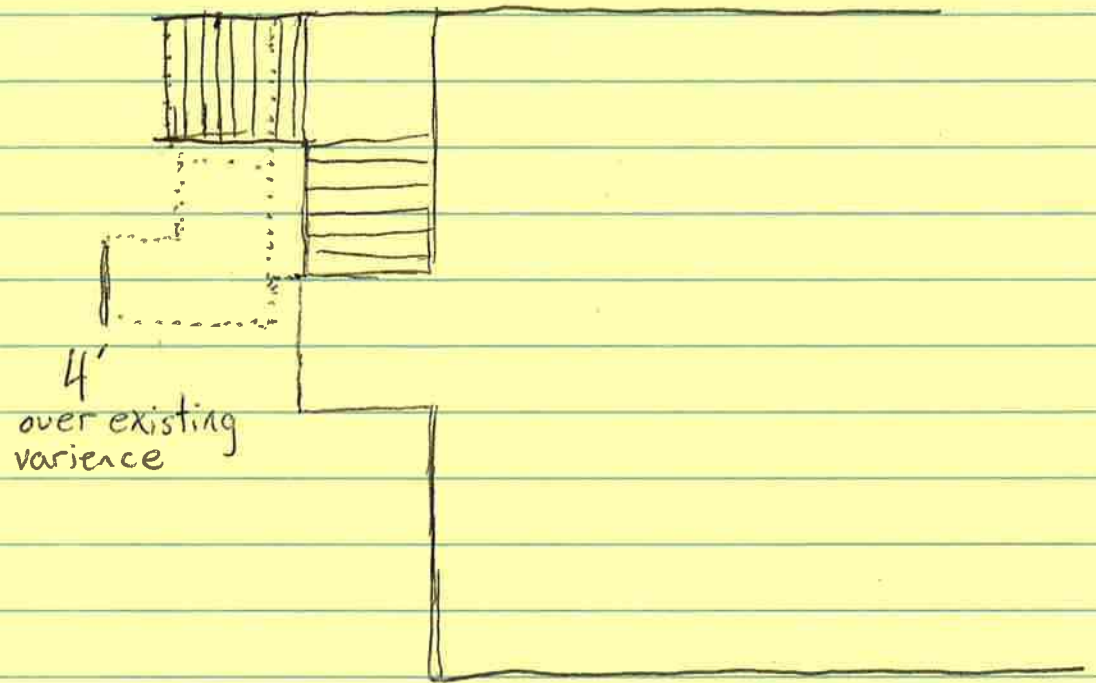
## **NOTE:**

ONLY THOSE IMPROVEMENTS ABOVE GROUND AND VISIBLE WILL BE SHOWN. FENCES, WELLS, SEPTIC CLEANOUTS, SIDEWALKS, DRIVEWAYS, ETC., ARE SHOWN IN THEIR APPROXIMATE LOCATION, ONLY. SNOW MAY PREVENT SOME IMPROVEMENTS FROM BEING SEEN AND LOCATED. ALL DISTANCES ARE RECORD UNLESS OTHERWISE NOTED.

UNDER NO CIRCUMSTANCES SHOULD AN AS-BUILT BE USED FOR CONSTRUCTION OR FOR ESTABLISHING BOUNDARY OR FENCE LINES.  
 THE SURVEYOR TAKES RESPONSIBILITY FOR THE INITIAL TRANSACTION ONLY AND ASSUMES FINANCIAL LIABILITY ONLY FOR THE COST OF THE SURVEY.  
 LISTED DISTANCES PREVAIL OVER SCALING. REPRODUCTION MAY CAUSE ERRORS IN SCALE.

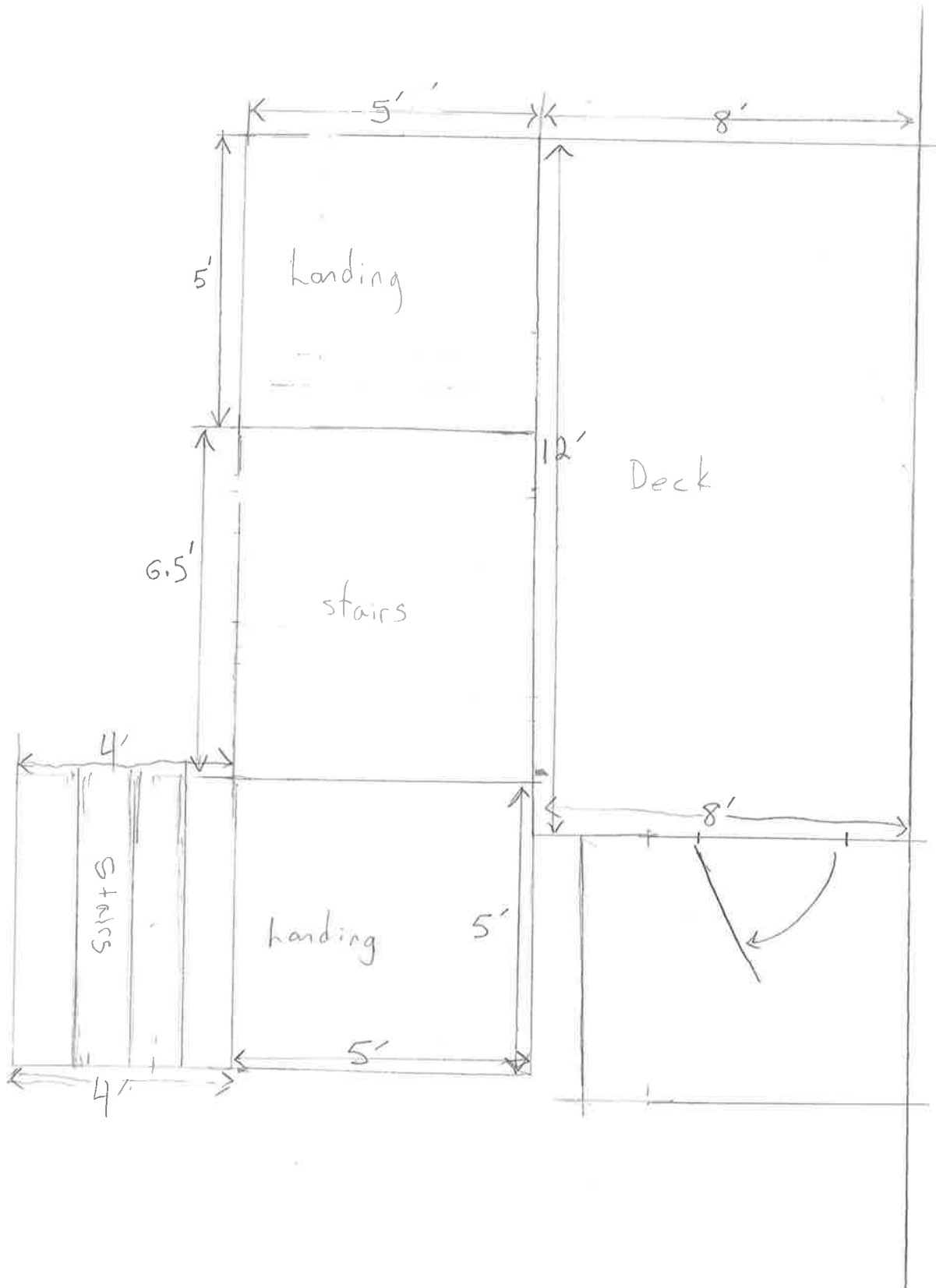
Third Street







FRONT ELEVATION







## Attachment A

### Task Schedule

- Task 1 – Project Initiation: [September/October 2018](#) (*Start date: September 1, 2018*)  
Task 2 – Background Collection and Data Synthesis: [October 2018 through February 2019](#)  
Task 3 – Community and Stakeholder Engagement: [October 2018 through October 2019](#)  
Task 4 – Draft Plan: [November 2018 through May 2019](#)  
Task 5 – Final Plan: [August through October 2019](#) (*End date/plan finalization: October 31, 2019*)  
Task 6 – Ongoing Project Management: [September 2018 through October 2019](#)  
Task 7 – Potential Subtopic Development: [September 2018 through October 2019](#)

### Process/Deliverable Schedule:

#### [September – October 2018](#)

- Form core group – Staff (2), Planning Commission (2), City Council (2),
- Conduct 10-15 interviews:
  - Core group members
  - Other key stakeholders – organized/selected by comp plan focus area – land use (land owners, real estate), housing, economic development (commercial fishing, recreation/tourism, small businesses), fiscal health, public services and infrastructure, transportation, quality of life
- Identify potential focus area working group members – small groups of “local experts” that will work with the team to review topic-specific materials and draft plan components
- Review/summarize existing plans and other relevant work/projects
- Develop plan structure – use A::B proposal regarding Task 4 as a starting point, and to include discussion and identification of any additional subtopics, and related additional contracting budget, the City would like to incorporate into the contracted planning process and final plan update
- Identify data and mapping needs/requests (e.g., progress on previous comp plan, trends)
- Develop community/stakeholder outreach plan, including tools/schedule for providing project updates
- Develop project website and flyer – what, why, who, when, where
- Develop “Our Community” overview of key trends, issues and maps and other “meeting in a box” toolkit items

#### [October 2018 – February 2019](#)

- **Community Visit #1 – Week of October 22<sup>nd</sup>, 2018**
  - Meet with core group
    - Review all materials outlined above, including the schedule for future core group meetings
  - Conduct focus area working groups – use template that starts to set the stage for draft chapter development
  - Conduct other outreach – interviews, events, youth engagement, etc.
- Research, Analysis, Outreach, Early Plan Development – November through January
  - Work with core group and focus area working groups to develop draft “chapters” – this will include an early and aggressive consideration of priorities and implementation



- Conduct other outreach activities
- **Community Visit #2 – February 2019**
  - Share draft plan direction – work with core group to identify best methods, including through existing meetings, community events, etc.

#### March – May 2019

- Develop full public review draft plan
- **Community Visit #3 – April 2019**
  - Review draft plan with core group
- Release draft for public comment – May 2019

#### May – August 2019

- 120-day comment period
- Additional outreach to the community (using “meeting in a box”) and visitors (simple surveys at bed and breakfasts, hotels, etc.)

#### September – October 2019

- Summarize comments and team recommendations for plan revision with core group
- **Community Visit #4 – September 2019**
  - Meet with core group to review recommended revisions and to strategize support for the plan during upcoming PC and City Council meetings
- Revise and finalize the draft based on comments, including input during public hearings with PC and City Council – October 31, 2019