

**Chair**

Tania Harrison

**Vice Chair**

Mark Hall

**Commissioners**

Tom McGann

Chris Bolin

Trae Lohse

Sarah Trumblee

Kris Ranney

**City Planner**

Kevin Johnson

**PLANNING COMMISSION REGULAR MEETING  
Tuesday February 14, 2023 AT 7:00 PM  
CORDOVA CENTER COMMUNITY ROOMS A & B**

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

Chair Tania Harrison, Commissioners Tom McGann, Chris Bolin, Trae Lohse, Mark Hall, Sarah Trumblee, and Kris Ranney

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF CONSENT CALENDAR**

- a. Record unexcused absence for Trae Lohse from the January 10, 2023 Regular meeting

**5. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS**

**6. CORRESPONDENCE**

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

- a. Guest Speakers  
b. Audience comments regarding agenda items (3 minutes per speaker)

**8. PLANNER'S REPORT .....Page 1**

**9. UNFINISHED BUSINESS**

**10. NEW BUSINESS**

- a. Conditional Use Permit -Sales Not Associated With a Permanent Building - Lots 3 & 4, Block 6, OTS.....Page 2  
b. Variance Request – Lot Width – Lot 14A, Block 10, USS 2981 Jeff Guard & Dorne Hawxhurst.....Page 17  
c. Variance Request - On-Site Parking - Lots 2 & 3, Block 26, Original Townsite.....Page 39  
d. 2023 Land Disposal Map Update Discussion.....Page 64

**11. AUDIENCE COMMENTS**

**12. COMMISSION COMMENTS**

**13. ADJOURNMENT**

**You may submit written public comments via email to [planning@cityofcordova.net](mailto:planning@cityofcordova.net), mail comments to City of Cordova, PO Box 1210, Cordova, AK 99574, or delivered to City Hall directly. Written public comments must be received by 4:00 p.m. on the day of the meeting**

# Planner's Report

**To:** Planning and Zoning Commission  
**From:** Kevin Johnson, City planner  
**Date:** 2/14/23  
**Re:** Recent Activities and Updates

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- I attended a meeting hosted by Prince William Sound Economic Development District on the topic of “Cordova Fisheries Climate Adaptation” on February 6<sup>th</sup>. An interactive presentation was given by Dr. Marysia Szymkowiak to review climate vulnerability and adaptation planning processes, SeaGrant’s Fisheries Resiliency Index, and understand how fishermen are experiencing climate change and the adaptation tools available. This was the first of a series of meetings that will be held on this topic. I plan to continue to attend this meeting so that I can hear what the concerns are, what policy changes are desired by our fishing community. I can then bring that information back to the Commission and Council for discuss on policies we should consider adopting or promoting.
- I will be attending a National Flood Insurance Program training in Anchorage February 27 – March 2. This is timely as the Council will be reviewing Ordinance 1204 to update our flood plain code at their next few meetings. This training will ensure that the proper process is followed when reviewing a proposal that falls within our FEMA flood zones.
- Second Street sidewalk and parking upgrade preliminary concepts are expected to be received from the State soon. Staff anticipates bringing these drawings to the Commission at the March 14<sup>th</sup> meeting for comments. Once the initial concepts are firmed up, the State DOT will plan large public open house meetings for this project.
- Native Village of Eyak and the State DOT held a public meeting on January 26<sup>th</sup> regarding the Shepard Point Road. The State plans to begin work on the road this coming summer. The construction of this road will affect the cities raw water line coming from the Crater Lake intake. City staff continues to work with the State DOT contractors to ensure that water supply is not interrupted during fishing season. As part of this work, the city will get a section of the water line that is PVC (a less than desirable material) replaced with ductile iron pipe, paid for by the DOT.



## **AGENDA ITEM # 10a**

### **Planning Commission Meeting Date: 2/14/23**

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

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**FROM:** Kevin Johnson, City Planner

**DATE:** 2/14/23

**ITEM:** Conditional Use Permit -Sales Not Associated With a Permanent Building - Lots 3 & 4, Block 6, Original Townsite

**NEXT STEP:** Make a Decision on Conditional Use Permit Application

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☐ INFORMATION  
☒ MOTION  
☐ RESOLUTION

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

Requested Actions: Conditional Use Permit for Sales Not Associated With a Permanent Building

Applicant: Charity Schandel

Legal Description: Lots 3 & 4, Block 6, Original Townsite (Old Coho Lot)

Zoning: Central Business District

The City of Cordova received an application requesting a Conditional Use Permit (CUP) to allow for the sales of goods that are not associated with a permanent brick and mortar business. Cordova Municipal Code (CMC) 18.29.050 (A) states that "All selling, dealing in or displaying of goods or merchandise by shops, stores or business shall be entirely conducted and located within a permanent building unless otherwise specifically excepted."

The applicant intends to provide space for artists and craftsmen to create their goods and sell them from a mobile trailer similar to the food trucks that have been approved.

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

A Commissioner should make the following motion followed by a second to open the item for discussion

“I move that the Planning Commission grant the Conditional Use Permit request by Charity Schandel to run a Co-Op style business trailer for the purpose of selling non-food goods, and to adopt and incorporate the findings within the staff report.”

Staff recommends the Planning Commission grant the CUP

The CUP can be granted with or without special conditions or denied.

## **III. FISCAL IMPACTS:**

Increase in sales tax revenue.

## **IV. BACKGROUND INFORMATION:**

The applicants request is to be allowed an exemption from the code requirement that businesses sell goods from a permanent brick and mortar storefront. Their intent is to have a Co-Op style food and goods trailer that can be used by other community members as a startup for their businesses.

While food trucks are exempt from this approval process, they go through a different process that goes directly to City Council. The applicant has gotten Council approval for the sale of food but needs this separate approval to be able to sell non-food goods.

### **Cordova Municipal Code**

#### **Chapter 18.29 – CENTRAL BUSINESS DISTRICT**

##### *18.29.050 – General Conditions.*

- A. *All selling, dealing in or displaying of goods or merchandise by shops, stores or business shall be entirely conducted and located within a permanent building unless otherwise specifically excepted.*

#### *Chapter 18.60 – Conditional Use Permits.*

##### *18.60.010 - Purpose.*

*It is recognized that there are some uses and associated structures which may be compatible with designated principal uses in specific zoning districts provided certain conditions are met. The conditional use permit procedure is intended to allow flexibility in the consideration of the proposed use on surrounding property if the proposed use is in harmony with the various elements or objectives of the comprehensive city plan and the zoning district. The conditional use permit process provides the opportunity to apply conditions of controls and safeguards to ensure that the proposed use will be compatible with the surroundings.*

##### *18.60.020 – Applications*

- B. *Prior to granting a conditional use permit, the planning and zoning commission must determine that the proposed use meets all of the following review criteria:*



- 1. The use is consistent with the purpose of this chapter and is compatible with the zoning district and the comprehensive plan;*
- 2. The use will not permanently or substantially injure the lawful use of neighboring properties;*
- 3. Public services and facilities are adequate to serve the proposed use;*
- 4. The proposed use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development; and*
- 5. The proposed use will not adversely affect to the public's safety, health, or general welfare.*

### **Conditional Use Standards**

The following conditional use standards have been met:

- 1. The use is consistent with the purpose of this chapter (Chapter 18.60 – Conditional Use Permits) and is compatible with the zoning district and the comprehensive plan.*

This condition is met. The use is consistent with the purpose of Chapter 18.60 in that it is a use which falls outside of what is expressly permitted in the zone district, but is compatible with the area being a direct to consumer sales business like other businesses along First Street.

In the Economic Development Issues and Policies section of the 2019 Comprehensive Plan, strategy #4 (b) identifies a need to establish co-work or “incubation spaces” for “sole proprietors to share space and resources”. This CUP would allow for such a space to be established.

Another item under the Economic Development portion of the Comprehensive Plan is to “Support the growth of existing and new local businesses.” By removing the barrier of acquiring a brick and mortar space that many small businesses run into, this could allow for these start up business to grow and potentially transition into a brick and mortar space once better established.

- 2. The use will not permanently or substantially injure the lawful use of neighboring properties.*

This condition is met. The use is based in a mobile trailer that can be removed so no permeant business would be established. Additionally, the neighboring properties are a two liquor stores and a bar that are uses that would not be negatively affected by having a Co-Op crafts business as they serve different purposes and uses.

- 3. Public services and facilities are adequate to serve the proposed use.*

This condition is met. The property has water and sewer and power connections and there is adequate capacity to serve this use.

- 4. The proposed use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.*

This condition is met. The property has off street parking that is accessible by the alley and there is on street parking on both sides of First Street. There is also the ability to park on nearby side streets or the Cordova Center parking lot. This use should not create negative traffic or pedestrian impacts as it is a lower impact use than those adjacent to it (bar, liquor store, etc.)

- 5. The proposed use will not adversely affect to the public's safety, health, or general welfare.*

This condition is met. By being in line with the comprehensive code and the above criterion, this proposal would not adversely affect to the public's safety, health, or general welfare.

**Special Conditions:**

Special Conditions may be added by the commission.

**VI. LEGAL ISSUES:**

N/A

**VII. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VIII. SUMMARY AND ALTERNATIVES:**

The Planning Commission may grant or deny the Conditional Use Permit and add or delete conditions.

**IV. ATTACHMENTS:**

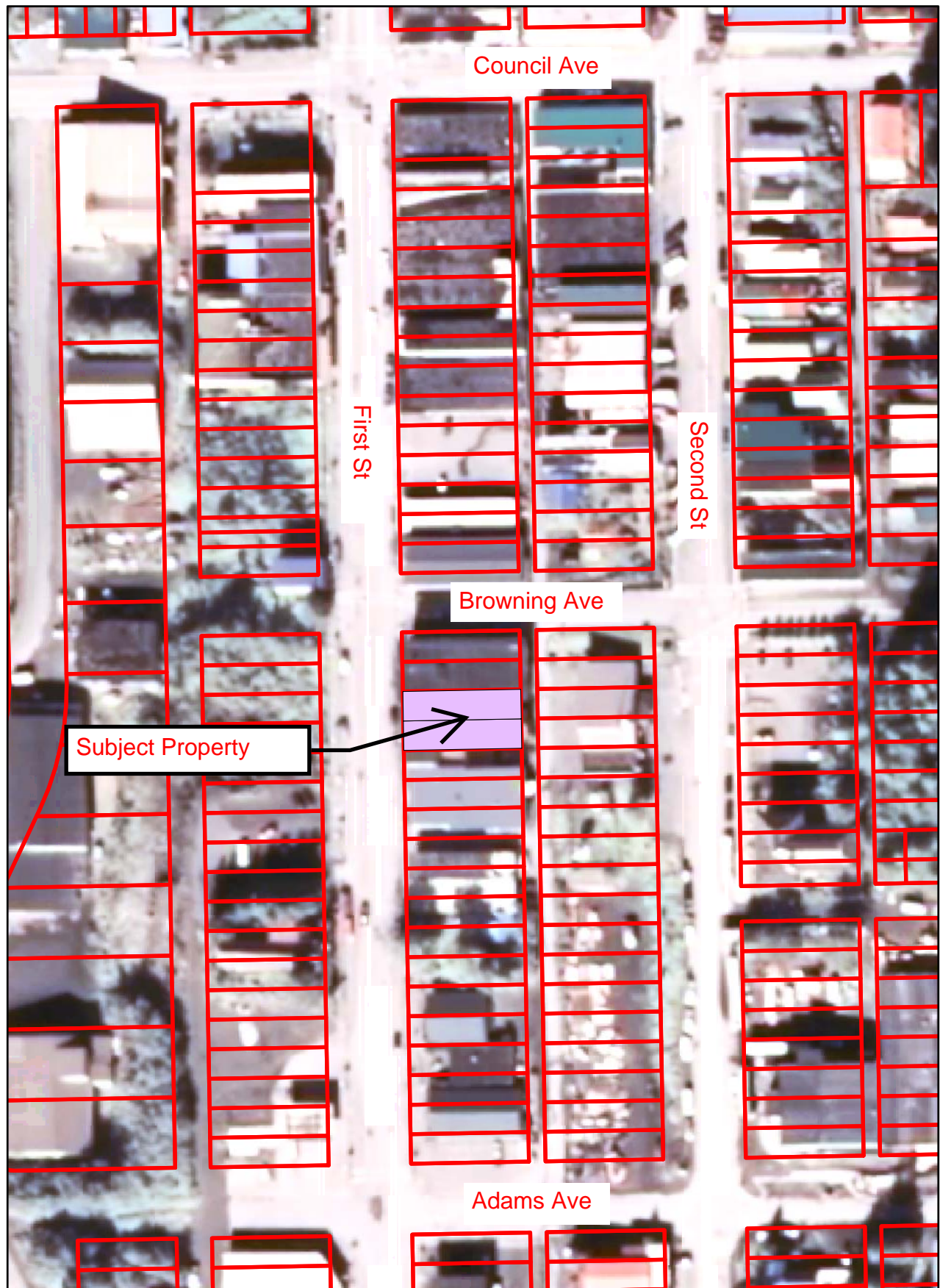
- A. Vicinity Map
- B. Application
- C. Project Proposal

## Location Map





# Schandel Condition Use Request Location Map



## CITY OF CORDOVA

**CONDITIONAL USE PERMIT 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.	Conditional Use Permit	\$250

APPLICANT INFORMATION	
Name:	CHARITY SCHANDEL DBA TERRA VEDA
Mailing Address:	Box 2152
City/State/Zip:	CORDOVA, ALASKA 99574
Phone Number:	907.942.5568
Email Address:	Sunshine_28479@yahoo.com & terra-veda@yahoo.com

OWNER INFORMATION	
Name:	
Mailing Address:	
City/State/Zip:	
Phone Number:	
Email Address:	
Only complete this section if owner is different from applicant.	

PROPERTY INFORMATION	
Address:	604 First St
Legal Description:	Lot 384 Block 6 OTS
Tax Lot No.:	02-173-503/504
Zone District:	CBD
Planning Department can assist if unknown.	



## REQUEST DESCRIPTION

Please describe your requested conditional use in detail as well as the proposed time frame for the new use.

REQUESTING PERMISSION TO SELL NON-EDIBLE ITEMS FROM PRE-APPROVED "MOBILE RESTAURANT" UNIT, "THE COOP" THAT HAS LEASED SPACE IN CDOH/CTC LOT. SELLERS WILL BE ABLE TO WIDEN RANGE OF GOODS OFFERED TO INCLUDE HANDCRAFTED ITEMS LIKE % SKINCARE + CLEANING PRODUCTS, ARTWORK, PHOTOGRAPHY, HOUSEWARES, CUTLERY + DININGWARE, PLANTS + STARTERS, FRESH LOCAL PRODUCE, CRAFTS, TINTURES + OILS, CANDLES, ETC. EXPANDING AVAILABILITY FOR LOCAL HANDMADE GOODS + ENTREPRENEURSHIP IDEAS/CONCEPTS TO SELL FROM.

You may add any additional documents which will help the Planning Commission better understand the request, such as a cover letter, drawings, maps, or photographs.

## CONDITIONAL USE STANDARDS

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

The use is consistent with the purpose of this chapter (Chapter 18.60 - Conditional Use Permits) and is compatible with the zoning district and the comprehensive plan.

BEING THAT THE PROPOSED BUSINESS PLATFORM DOES NOT CURRENTLY EXIST IN CORDOVA; IT CATERS TO A DEMOGRAPHIC WE DO NOT SEE AS MANY SALES/PRODUCTS FROM. THERE IS EXISTING + FLUID AGREEMENT BETWEEN CTC + I ABOUT MOVING FORWARD WITH THIS PLAN. I BELIEVE IT MORE THAN FITS ALL STANDARDS. SEE ATTACHED LEASE AGREEMENT + ORIGINAL PACKET INFO INCLUDED FOR SUPPORTING EVIDENCE.

The use will not permanently or substantially injure the lawful use of neighboring properties.

THE UNIT IS MOBILE, THEREFORE NOT PERMANENT, BUT IS ALSO BUILT IN A MANNER THAT DRASTICALLY REDUCES RISKS ALL AROUND. COMPETITION IS ALMOST OBSOLETE + IN TURN CREATES A PLATFORM FOR CORDOVAS TO GROW FROM + COLLABORATE.

Public services and facilities are adequate to serve the proposed use.

THERE ARE SEVERAL RESTROOMS IN THE SURROUNDING AREA + FOOD WAS ALREADY APPROVED TO BE SOLD FROM THIS LOCATION. I DO NOT BELIEVE ANY ALTERATIONS ARE NEEDED.

The proposed use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.

THE CTC (OLD COHO) LOT IS FENCED IN <sup>4</sup> <sup>FOOT</sup> ADEQUATELY HOSTS INCOMING FLOWS OF TRAFFIC REGULARLY. THE PERMIT WILL EXPAND GOODS OFFERED, BUT WOULD NOT CREATE A FLOW THAT WAS UNMANAGEABLE OR WOULD CREATE A NEGATIVE IMPACT.

The proposed use will not adversely affect the public's safety, health, or general welfare.

NOTHING ABOUT THIS PROPOSAL OR REQUEST WOULD CAUSE HARM. IT ACTUALLY HAS THE POTENTIAL TO DO THE OPPOSITE. IF OUR TOWN HAS AN INCREASE IN UNEMPLOYMENT EVERY OFF SEASON, AN ADDITIONAL PLATFORM TO SELL GOODS WILL BOOST THE ECONOMY (EVEN IF PERSONAL LIVELIHOODS). NON-EDIBLE GOODS POSE LITTLE RISK OR HAZARD.

#### OTHER CONDITIONAL USE REQUIREMENTS

Any application approved by the planning commission shall be conditional upon the privilege granted being utilized within six (6) months after the effective date of approval.

Plot plan is required. The plot plan needs to be drawn to scale, showing the location of all existing and proposed buildings or improvements, elevations of such buildings or alterations, and off-street parking areas.

The City Planning Commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the Comprehensive City Plan and zoning ordinance.

If applicant is not the owner of the subject lot, the owner's signed authorization granting applicant the authority to (a) apply for the conditional use permit and (b) bind the owner to the terms of the conditional use permit, if granted.

Some conditional uses (telecommunication tower, marijuana establishments, junkyards, and others) are subject to additional requirements in Chapter 18.60 of the Cordova Municipal Code.

#### 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:



Date:

1/31/23

Print Name:

CHARITY A SCHANDEL



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## **Terra Veda/Charity Schandel (Wheeler)**

Box 2152

Cordova, AK 99574

(907) 942-5568

Operation Location: 604 1st Street

# **MOBILE MARKET VENDING**

**January 18, 2023 Council Meeting**

## **OVERVIEW**

I have recently upgraded a hand-built unit on trailer & was granted permission via DEC to sell & make foods that fall under Alaska Cottage Food Laws (non-potentially hazardous/not needing to be temperature controlled), from said unit. I have signed a lease with CTC to put the unit in & have paid for insurance for the year. In 2018, I launched my small herbal business, Terra Veda, & had moved into the retail location behind the Alaskan. I handcraft an array of art, loose-leaf teas, herbal products, & foods that are health conscious & eco-friendly. This unit offers me a platform to relaunch my business after the pandemic, with a more solid chance for expansion & growth. Beyond myself, I wish to run the unit with a forward-thinking community approach by offering it to licensed/permitted locals & fundraisers to do the same, at no charge. This essentially creates a Mobile Mercantile Market Unit with Co-Op fundamentals & community values; we affectionately refer to the unit as “The Coop”, & would like to officially coin it as such. The unit has room for further upgrading, which would expand how much food can be offered to Cordova. This is a future plan & I would like City Council’s blessing to move forward with such plans, as we reach the milestones to do so. For now, I wish to have the dry, warm unit host Terra Veda and other Cottage Food creators, Artists, and Fundraisers to sell their goods from, at an affordable & more frequent location. Currently, these types of businesses are only seen at the 4 annual vendor events & once-a-month Saturday Markets; Approving this proposal will exponentially increase locals, like myself, availability to sell their goods from 16 times a year, while decreasing hassle, discouragement from overhead costs, & commitment of brick and mortar vending.

## **GOALS**

1. Boost my livelihood, local economy, morale, and entrepreneurship.
2. Provide a vital platform for growth as a person & community.
3. Diversify locally offered goods, while increasing the limited community resources.
4. Be a subconscious influence towards waste management & eco-friendly solutions.



## SPECIFICATIONS

The hand-built, off-grid unit is 10.7' long (with additional 4' trailer tongue), 6.5' wide, & 8.7' tall, being previously used locally for Cottage Food sales. We upgraded the unit with full insulation, walls, FRP (commercial & food-grade wall protector), along with upgrading the wiring to a contained system to run fans & lighting from 12-volt DC batteries with attached fuse-box. The unit can be run full-time without needing to be charged for a month, which will be supplemented by a trickle-charge via a solar charging system that we are installing. A #40 propane tank is mounted on the tongue of the trailer & is attached to a portable 2-burner propane inside, which can be removed from the unit for grilling use &/or currently approved foods under Alaska Cottage Food Laws inside the unit. A portable heater is being hooked to the existing propane tank to offer heat, under the guidance of local CVFD personnel who are aware of these plans. The unit is equipped with a fire extinguisher, 4 ventilation flaps, 2 sliding windows, & a locking door. A spigot is located in the lot to provide water, if needed, but we prefer to maintain our off-grid foundation when gradually upgrading-hauling water &/or self-contained hand-washing stations. After extensively reading through the state guidelines, this is entirely possible and permissible, but is not required until someone is seeking a permit to sell foods that are hazardous, which Cottage Food is not, therefore exempt. The bulk of food being sold will not be made on-site, but will follow state regulations to ensure compliance with vendors & goods being sold from "The Coop". If currently approved foods are made on-site or at-home, a placard, label, card, or signage that reads, "THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTION" shall be conspicuously posted on or within the unit itself, or directly on packaged foods, per DEC requirements for Cottage Foods. A vendor has the opportunity to apply for a Temporary Food Service permit for up to 120-days, in conjunction with a "Not Self-Contained" permit from the state, which allows them to prepare foods in an approved kitchen & expand their menu. I will be personally pursuing this once the initial phases are complete & will encourage vendors to do so themselves. This proposal will not be approving anyone to sell out of "the Coop"-aside from pre-scheduled fundraising events- that have a menu similar to Jen's. Cottage Food is very limited, therefore automatically reducing risk of competition due to none of her items falling under this category. Terra Veda itself is built on plant-based products, foods, and eco-friendly systems that are not available locally, but heavily desired. Interested candidates will need to be approved prior to use by providing a menu, proof of current state & city licensing, any necessary permits, and agree to haul their own waste & fully sanitize between use.

## **Menu Example(s):**

<https://dec.alaska.gov/eh/fss/food/retail/cottage-food/>

### **Cottage Food (Already approved by DEC to sell from unit)**

1. Baked Goods- Cakes, Pies, Cookies, Breads, Crackers not needing refrigeration after preparation.
2. Bottled/Jarred Items- Vinegars, Extracts, Pickles, BBQ sauces, Pickles, Salsas, Relishes, & Jams/Jellies.
3. Candies/Confections- Fudge, Truffles, Brittles, Marshmallows, & Chocolate Covered Pretzels, Graham Crackers, or Fruit.
4. Fermented Products- Kombucha, Fermented Fruit & Vegetable Products (ex: sauerkraut & kimchi)
5. Other Cottage Food: Baked Product Mixes, Dried Soup & Dip Mixes, Dehydrated Vegetables or Fruit, Popcorn (candied/balls/seasoned), Dry Herbs, Salts, Seasonings, Dry Pasta made with Egg, Nuts (coated or uncoated), Roasted Coffee or Dried Tea, Waffle Cones, Tortillas, Flatbreads, & Fruit Leathers.

### **Fundraisers ( Not more than 3 within 90-days for same beneficiary cause):**

1. Expanded options as long as items are cooked and served immediately, prepared beforehand and kept within safe serving temperatures upon serving, or are using pre-packaged foods that just need “warmed” before serving.
2. Eligible candidates to host a fundraiser from “The Coop” must advertise to the general public, be under the umbrella of a 501c3, religious congregation, school, organization, or political campaign, to raise funds for a cause within their entity. Fundraisers for medical, education, or personal needs of an individual are permissible, as long as the monetary gains are solely used for the cause outlined in the fundraiser.
3. Examples: Hot Dogs, Hamburgers, Soups, and many other options can be cooked from portable burners outside of the unit, under a canopy, if desired. As long as the guidelines outlined by the state are followed, food fundraisers can include a lot more items than Cottage Food.

### **Non-Contained Items (Businesses whom obtain this permit can expand the menu):**

1. Terra Veda: Plant-Based Milks & Ice-Cream, Sauces, Dips, Charcuterie, etc intended to eventually be prepared in separate DEC approved kitchen & vended from unit.

## Non-Edible Goods Examples (Once Conditional Use Permit is Obtained):

1. Artwork- Handcrafted decorative pieces made from an array of materials such as wood, epoxy, metals, textiles, glass, canvas, etc that were customized by the seller.
  2. Photography- Photo images on an array of materials & layouts that are taken by the seller & watermarked.
  3. Crafts- Useful Items handmade from an array of materials such as wood, glass, metals, textiles, leather, epoxy, wax, etc.
  4. Toiletries & Household Cleaning- Handcrafted products, not found at local retail, for the purpose of personal hygiene, beautification, grooming, & household cleanliness. Example: Bath bombs, Soaps, plant-based cleaners & detergents, body scrubs, salves, lotions, etc.
  5. Plant & Garden: Plant starters, bouquets, seeds & garden supplements.
- Proper permitting will be obtained before selling any items listed above.

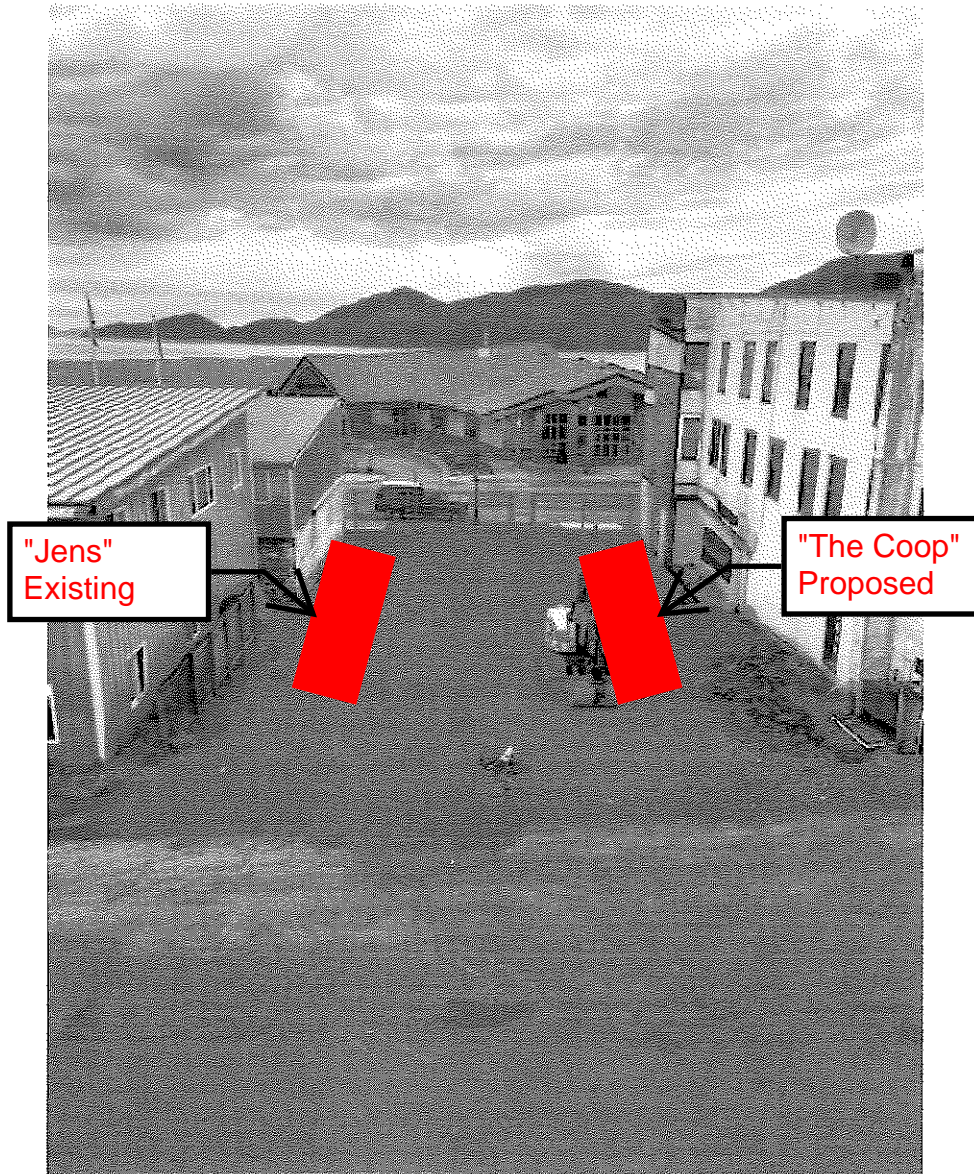






EXHIBIT A  
LEASED PROPERTY DESCRIPTION

The leased space consists of the empty lot shown below.



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**Location**

604 1<sup>st</sup> Street, Cordova Alaska, 99574.



**AGENDA ITEM # 10b**  
**Planning Commission Regular Meeting Date: 2/14/23**  
**PLANNING COMMISSION COMMUNICATION FORM**

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**FROM:** Kevin Johnson, City Planner  
**DATE:** 2/14/23  
**ITEM:** Variance Request – Lot Width – Lot 14A, Block 10, USS 2981  
**NEXT STEP:** Decide Whether to Grant Variance

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☐ INFORMATION  
☒ **MOTION**  
☐ RESOLUTION

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**I. REQUEST OR ISSUE:**

Requested Actions: Grant of Variance  
Applicant: Jeff Guard & Dorne Hawxhurst  
Address: 902 Cliff Trail  
Legal Description: Lot 14A, Block 10, USS 2981  
Zoning: Low Density Residence District

The City of Cordova received an application requesting a variance from Cordova Municipal Code (CMC) 18.20.030 (A) – Lot Area.

The application specifically requests a variance from the requirement that newly created lots be a minimum of 40 feet in width. The applicant's have submitted a subdivision application in which one lot would be 33.64 feet, see the draft plat Attachment C.

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

A Commissioner should make the following motion followed by a second to open the item for discussion

“I move that the Planning Commission grant the variance request by Jeff Guard & Dorne Hawxhurst and to adopt and incorporate the findings within the staff report.”

Staff recommends the Planning Commission grant the variance request.

The variance can be granted with or without special conditions or denied.

## **III. FISCAL IMPACTS:**

Increased property values and tax base.

## **IV. BACKGROUND INFORMATION:**

This variance request is related to the land disposal of approximately 4,471 sq. ft. of tidelands that was approved by Council at their 10/19/22 meeting. The applicants Letter of Interest explained that they intended to acquire the tidelands to make it possible for them to subdivide their existing lot into two lots. This would then allow them to construct a new home to add to the communities housing stock. During that process, the applicants also understood that there was a requirement for a minimum lot width of 40 feet. They expressed that they did not believe they could get the full 40 but that they would be able to get close. They understood that a variance would be required to approve a subdivision with a lot that is less than 40 feet side, and that its approval was not guaranteed.

With the land disposal process completed (deed recorded 1/19/2023 Doc# 2023-000013) the applicants have submitted a draft plat showing Lot 2 with a width of 33.64 feet along its front (north) property line.

The applicants were able to work with their neighbor to adjust the shared property line running down the west side of proposed Lot 2. This adjustment gained the applicants about two feet along the front property line, as well as cleaning up the excessive zig zag of the existing west property line. The applicant is unable to gain any additional length by adjusting the shared lot line between proposed lots 1 & 2 since there is an existing home that must maintain a five-foot setback from the west property line of Lot 1.

While reviewing this application I was unable to find any firm conclusion on why code requirement for a 40-foot lot width was established. The requirement existed as of the 1965 version of the municipal code; however, I was unable to find reference prior to that date or documents regarding why that number was chosen.

Staff does not believe that granting this variance would cause detrimental harm to the adjacent property owners or community at large. The existing lots in this neighborhood have varying lot widths with some as narrow as 27 feet. A 33.64-foot-wide lot is still able to accommodate a driveway and garage for two cars to be parked side by side, as typical parking spaces are around 10 feet wide. It is staff's opinion that this variance should be granted.

### **Applicable Codes:**

*18.20.030 – Lot Area.*

- A. *The minimum lot area in the R low-density district shall be four thousand square feet and the minimum lot width shall be forty feet.*

**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;*
  2. *- The application shall contain a statement and adequate evidence showing the following conditions, all four of which must exist before a variance may be granted.*
    - 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,*
    - b. *- That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship,*
    - 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,*
    - d. *- That the granting of the variance will not be contrary to the objectives of the comprehensive plan.*

**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 been met. With the existing home on the property establishing a firm boundary for proposed Lot One's east property line, the applicants worked with their neighbor to the west to gain as much additional land as possible. This gained the applicants just about two feet, as well as cleaned up some of the unusual zig zagging property lines. This property is also along an unusually narrow street (Cliff Trail) which is also a dead end. This means that unlike other areas, there is not a high volume of traffic and so narrower lots would not have an impact on traffic turning into or out of the lot. Other properties along Cliff Trail are currently less than 40 feet in width so this variance generally exists within the neighborhood presently.

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

The applicants are able to meet all other zoning requirements such as setbacks, parking, height limit, lot size, etc. They are even intending to have larger than required setbacks which can partially offset the narrower lot width at the front property line. Staff believe that not being allowed to subdivide and construct a new home is an unnecessary hardship because the property width would be about six feet less than the code minimum but all other zoning codes would be met. The lot is still able to accommodate all other zoning requirements and causes no harm to adjacent properties as setbacks for the proposed home are still being met.



This condition has been met.

- 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 been met. The granting of this variance would allow what is already occurring on what appears to be at least two other properties where the lots width is less than 40 feet. This approval would also create no visual difference to the neighborhood.

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

This condition has been met. The 2019 Comprehensive Plan identifies “Infill and densification” as one of the top ways to increase the housing stock both in quantity of homes but also diversity of housing types (Land Use Issues and Policies Strategy #2 (d)). This property also falls within the “In-Town Residential” zone on the Future Land Use Map. This zone is one specifically identified to implement infill and densification allowances. Achieving this strategy means allowing for lots to be reduced in their size, including their widths.

## **V. LEGAL ISSUES:**

The public or applicant may appeal the decision of the Planning Commission to the City Council.

## **VI. ENVIRONMENTAL ISSUES:**

N/A

## **VII. SUMMARY AND ALTERNATIVES:**

The applicant is working towards completing their goals that they laid out in their letter of interest to purchase city tidelands. They have purchased the tidelands and now are requesting a variance to complete the subdivision of their property so that a new lot and new home can be built.

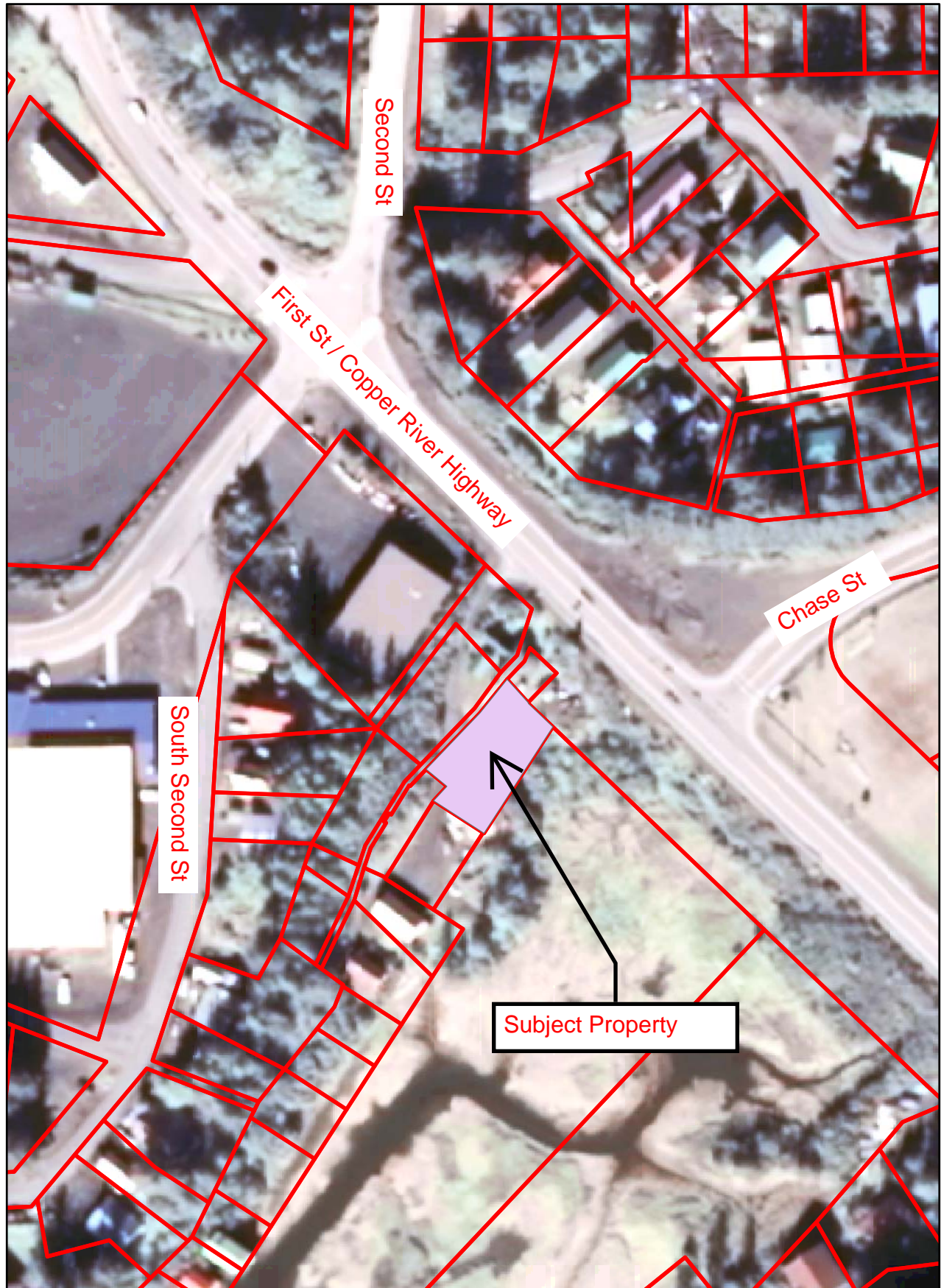
Staff does not believe that granting this variance would cause detrimental harm to the adjacent property owners or community at large and in fact achieves the goals set out in the 2019 Comprehensive Plan. The existing lots in this neighborhood have varying lot widths with some as narrow as 27 feet. A 33.64-foot-wide lot is still able to accommodate a driveway and garage for two cars to be parked side by side as typical parking spaces are around 10 feet wide. It is staff’s opinion that this variance should be granted.

The Planning Commission can approve the variance as requested, approve the variance with conditions, or deny the variance.

## **VII. ATTACHMENTS:**

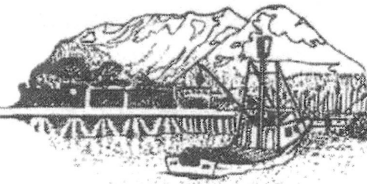
- A - Location Map
- B - Application and Associated Material
- C – Draft Plat

# Guard / Hawxhurst Variance Request Location Map





# 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:	Jeffrey H. Guard (and) Dorne Hawxhurst
Mailing Address:	PO Box 856
City/State/Zip:	Cordova, AK 99574
Phone Number:	(907) 602-6055 or (360) 535-4320
Email Address:	dornehawxhurst@hotmail.com

OWNER INFORMATION	
Name:	
Mailing Address:	
City/State/Zip:	
Phone Number:	
Email Address:	

Only complete this section if owner is different from applicant.

PROPERTY INFORMATION	
Address:	902 Cliff Trail, Cordova, AK 99574
Legal Description:	
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.

Please see Attachments A, B, and C

**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.**

Please see Attachment A

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

Please see Attachment A

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.

SEE ATACHMENT A

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

SEE ATACHMENT A

#### 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:

JA Guard  
JEFFREY GUARD (AND)

Date: 01/18/2023

Print Name:

DORNE HAWXHURST

**ATTACHMENT A**  
***Request Description***  
***Variance Conditions***

**ATTACHMENT A**  
**Guard/Hawxhurst Variance Application**

**Request Description**

We are applying for a variance from the 40-foot residential lot width requirement.

We bought a dilapidated house on the Slough about 10 years ago. Next to the house, on the same lot, was an old building with a studio apartment and carport. We rebuilt the house and are now ready to rebuild on the apartment side. In order to do that, we are required by code to make two lots...one lot per house.

The only way to come up with sufficient square footage for two lots was to add land and the only land available was tidelands from the City of Cordova. So we purchased 4,000 square feet of tidelands, had them attached to our current lot, and now we wish to subdivide them into two lots. We also negotiated with our neighbor to the south which allowed us to straighten the property lines between us and increase our width at the most narrow point by 1.8 feet. In short, we acquired as much width as possible.

If our variance is approved, the new lot will be 33.64 feet wide at the front; 41.8 feet wide at the back (the slough side); and 31.4 feet wide at its most narrow point.

On this new lot we plan to build a 1700 SF house with a 700 SF heated garage. We will exceed all side, front, and rear setback requirements as shown in the attached plan documents. We have demonstrated the ability to proceed in accordance with our plans, and we intend to break ground on or around the first of April, 2023.

Thank you for your consideration.



***Variance 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.***

About 10 years ago we bought a dilapidated house on the Slough. On the same lot as the house was a detached studio apartment and carport. We rebuilt the existing house; the rebuilt house is the green house in the photograph on the top of page 18 of the *City of Cordova Comprehensive Plan*.

Now we are ready to tear down the detached studio apartment and carport (also shown in the photograph on page 18) and build a 1700 SF house with a 700 SF heated garage in its place. To do that, we are required by code to create a separate lot.

The only place where we could acquire enough land to create a separate lot was on the tidelands side of the property. So we bought tidelands from the City of Cordova and attached those tidelands to our existing lot to make enough square footage for two lots. We also straightened out the old property line with our adjacent neighbor. In doing this we added as much new width as we could negotiate and increased the minimum width of the old lot by 1.8 feet.

The lot for which we request a variance will be shaped like a flag. At the front, it will be 33.64 feet wide. At the back (the slough side), it will be 41.8 feet wide. At its most narrow, the lot will be 31.4 feet wide. To the north is the main house (the green house) which we obviously cannot move. To the south, we negotiated as much property as was available from our neighbor. We cannot feasibly carve out any more land width than we have already done. Though our lot will be less than 40 feet wide, our plan is designed to meet all setback requirements. In this way we will protect the health, safety, and welfare of our neighborhood and community.

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

A strict application of the provisions of this title will prevent us from building the new residence. Denial of our variance application will not just create practical difficulties but will instead terminate the option to build on this lot at all. This results in unnecessary hardship to us and our community. Moreover, we are configuring the lot and planning the house to exceed all side, front, and rear setback requirements. In this way we expect to promote safe zoning practices.

***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.***

The requested variance will not cause damage or prejudice to other properties in the area. On the contrary, we will be the only two houses in our neighborhood that meet setback requirements. Also, on information and belief, Lot 12A does not have a 40' frontage. Our plan does not cause any neighborhood inconvenience or even a material change for the neighbors.



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

Among the land use strategies in the *Comprehensive Plan* is the promotion of residential development in locations with the best potential to increase affordable housing. (See Land Use Strategy #2 on page 24.) Among the categories showing the most promising potential is infill property (Strategy 2(d)). The lot we propose for a variance will be a classic infill lot.

Approval of our variance will also help meet Housing Goal A, Strategy #1, on page 29 of the *Comprehensive Plan*, by establishing incentives for new, quality, and affordable housing. Our proposal makes it possible to use an infill lot to build a single-family house. As stated by a member of the Cordova community at the bottom of page 28: "Development costs are high—properties that are available often require extensive costly site development work." This is not the case with our proposal.

Another member of the community states: "The cost of housing limits new job growth. Over the coming years we are losing approximately 30 housing units due to older buildings being demolished, which will make the problem worse." We are doing our part to reverse this trend by demolishing our older buildings and replacing them with new and better quality housing.

## ATTACHMENT B

### *Proposed Subdivision Plat*

LEGEND

- Proposed 20' Buffer with 2' Buffer
- Proposed 20' Buffer
- △ Proposed 20' Buffer
- 1/4" x 1/4" Buffer with 2' Buffer

100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer

100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer

TAX CERTIFICATIONS

300' Buffer and 10' Buffer  
300' Buffer and 10' Buffer  
300' Buffer and 10' Buffer  
300' Buffer and 10' Buffer

Lot	Area (Acres)	Value
1	1.00	100,000
2	1.00	100,000
3	1.00	100,000
4	1.00	100,000
5	1.00	100,000
6	1.00	100,000
7	1.00	100,000
8	1.00	100,000
9	1.00	100,000
10	1.00	100,000

PLAT APPROVAL

100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer

OWNERSHIP AFFIDAVIT

100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer  
100' Buffer and 10' Buffer

OWNERSHIP AFFIDAVIT

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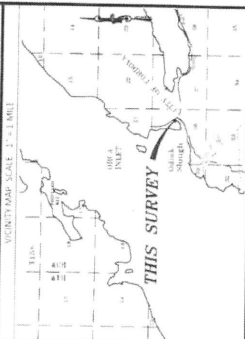
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NOTES

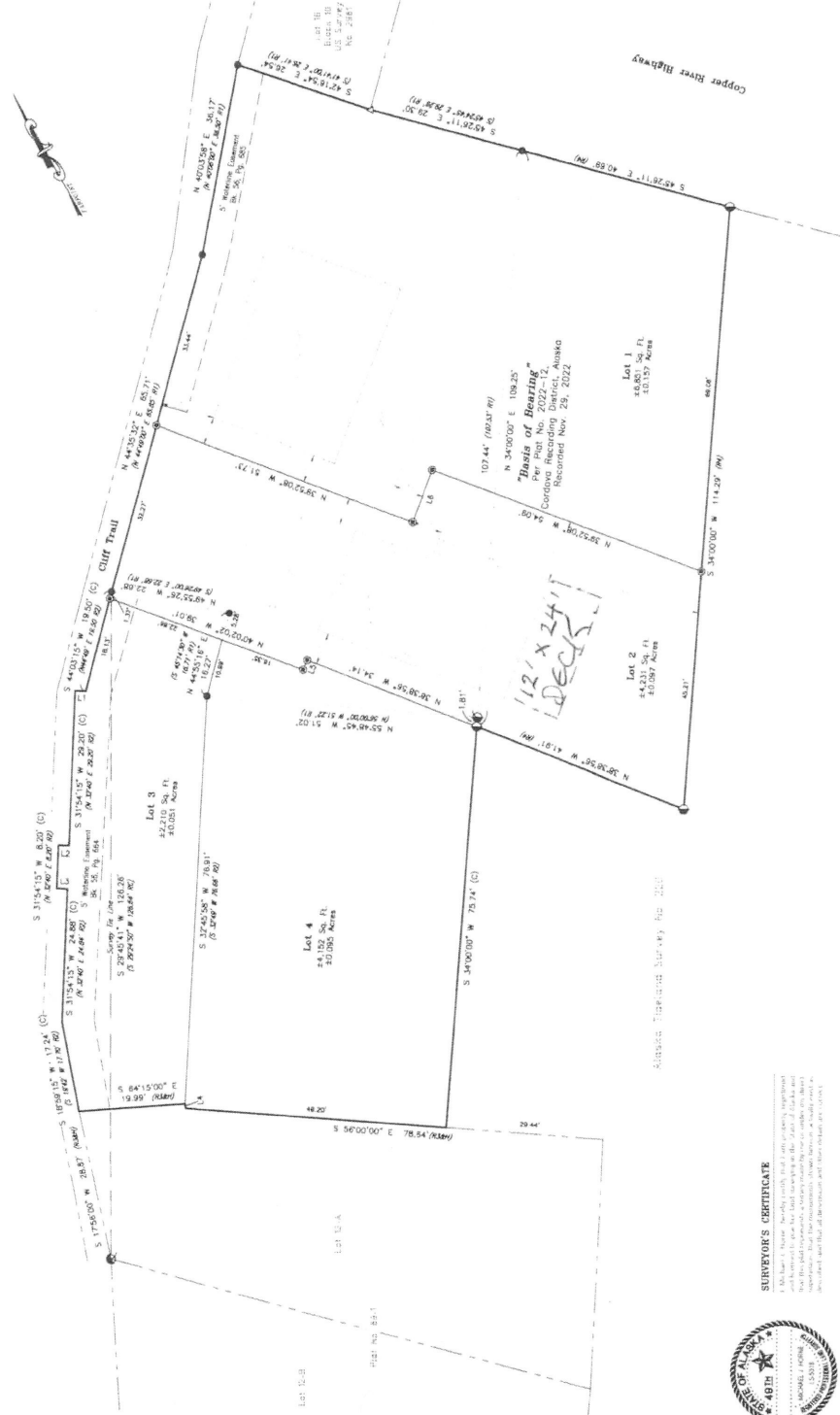
- 1. All boundaries shown on this map are based on the best available information.
- 2. All boundaries shown on this map are based on the best available information.
- 3. All boundaries shown on this map are based on the best available information.
- 4. All boundaries shown on this map are based on the best available information.
- 5. All boundaries shown on this map are based on the best available information.
- 6. All boundaries shown on this map are based on the best available information.
- 7. All boundaries shown on this map are based on the best available information.
- 8. All boundaries shown on this map are based on the best available information.
- 9. All boundaries shown on this map are based on the best available information.
- 10. All boundaries shown on this map are based on the best available information.



Slough View Subdivision  
Creating Lots 1, 2, 3, & 4

Lot 1: 1.00 Acres  
Lot 2: 1.00 Acres  
Lot 3: 1.00 Acres  
Lot 4: 1.00 Acres

Surveyor: [Name]  
Date: [Date]

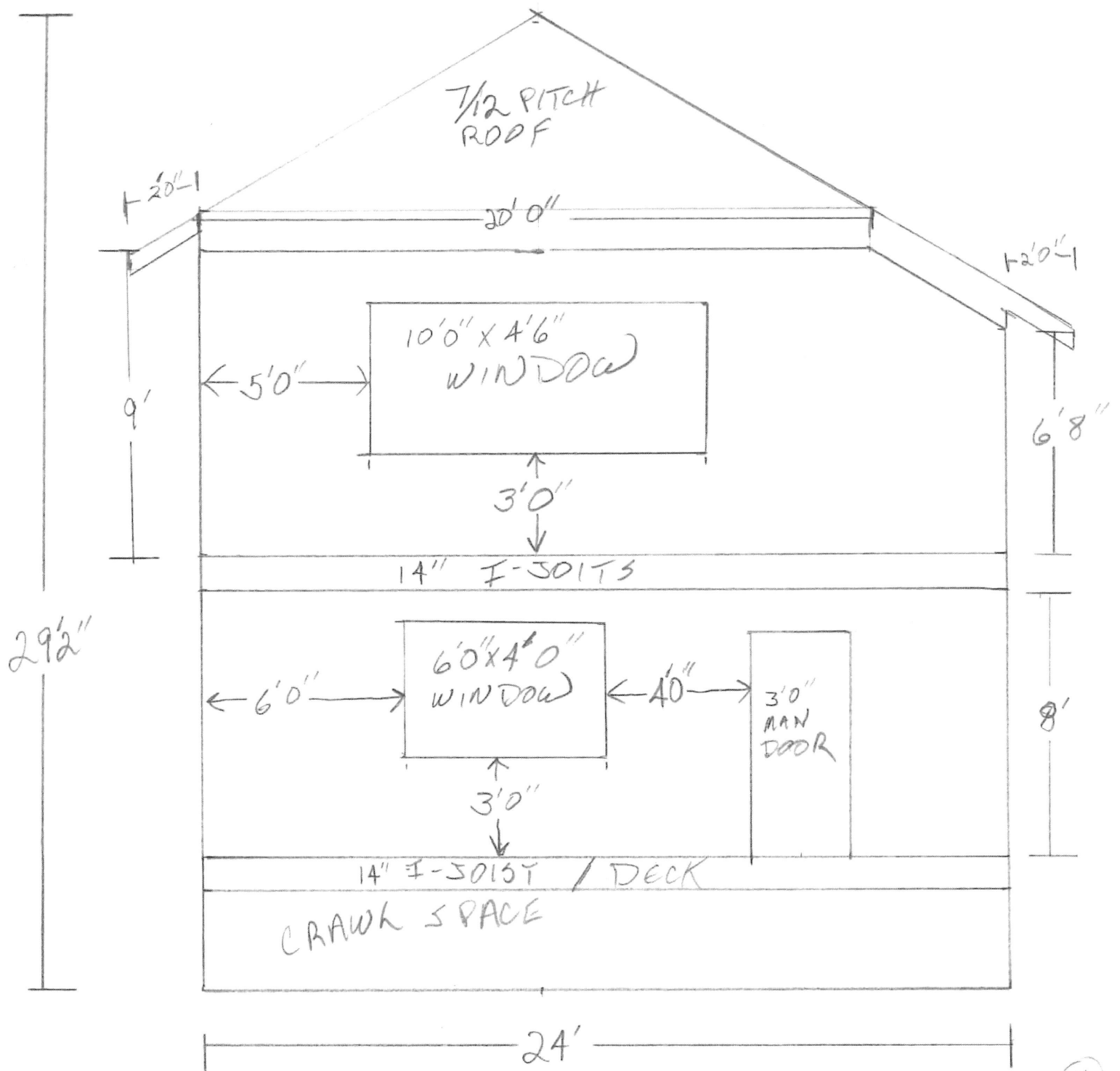


SURVEYOR'S CERTIFICATE

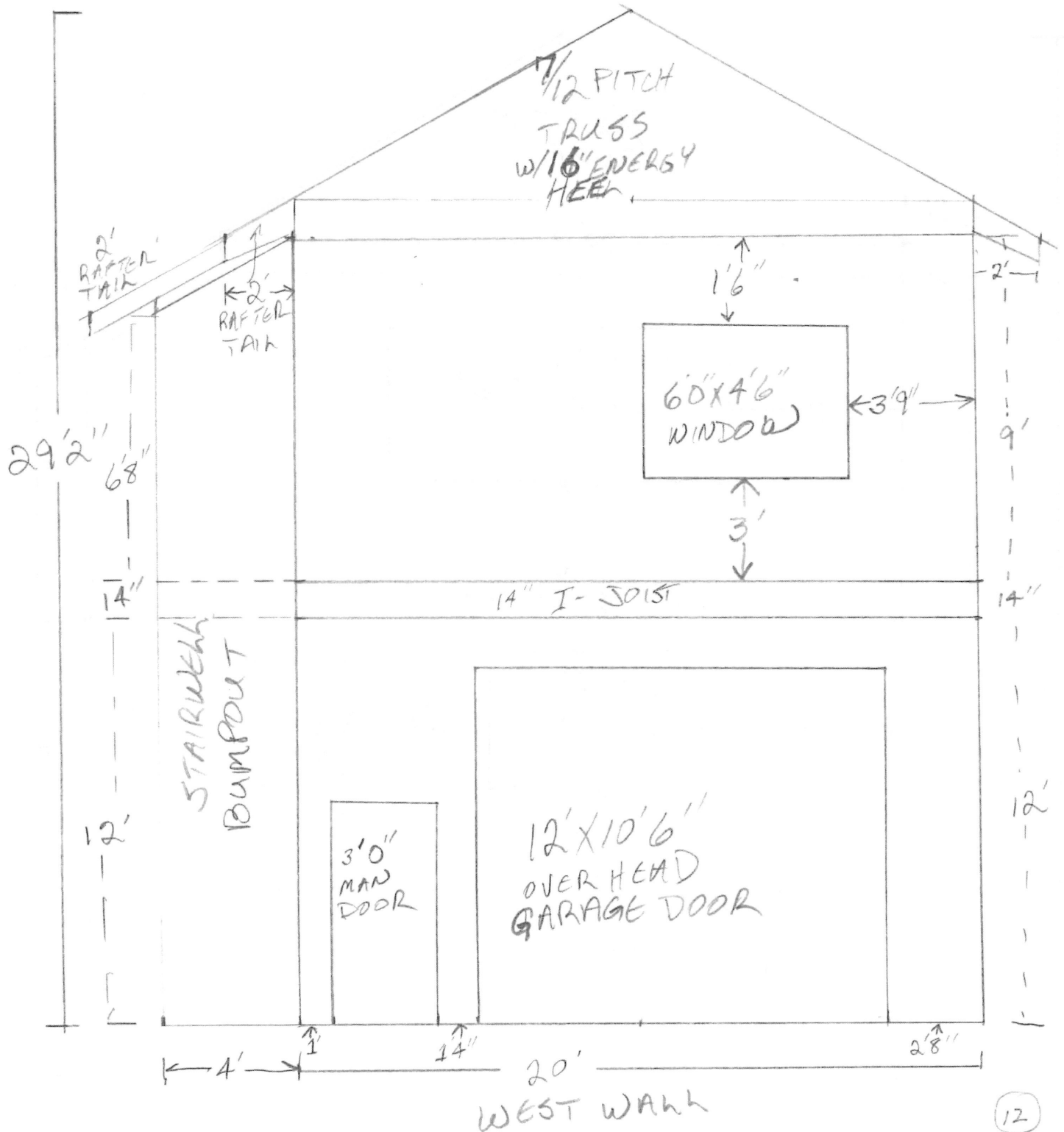
I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey map as the same appears on the records of the State of Alaska, and that the same is a true and correct copy of the original survey map as the same appears on the records of the State of Alaska.

**ATTACHMENT C**  
***Elevations***

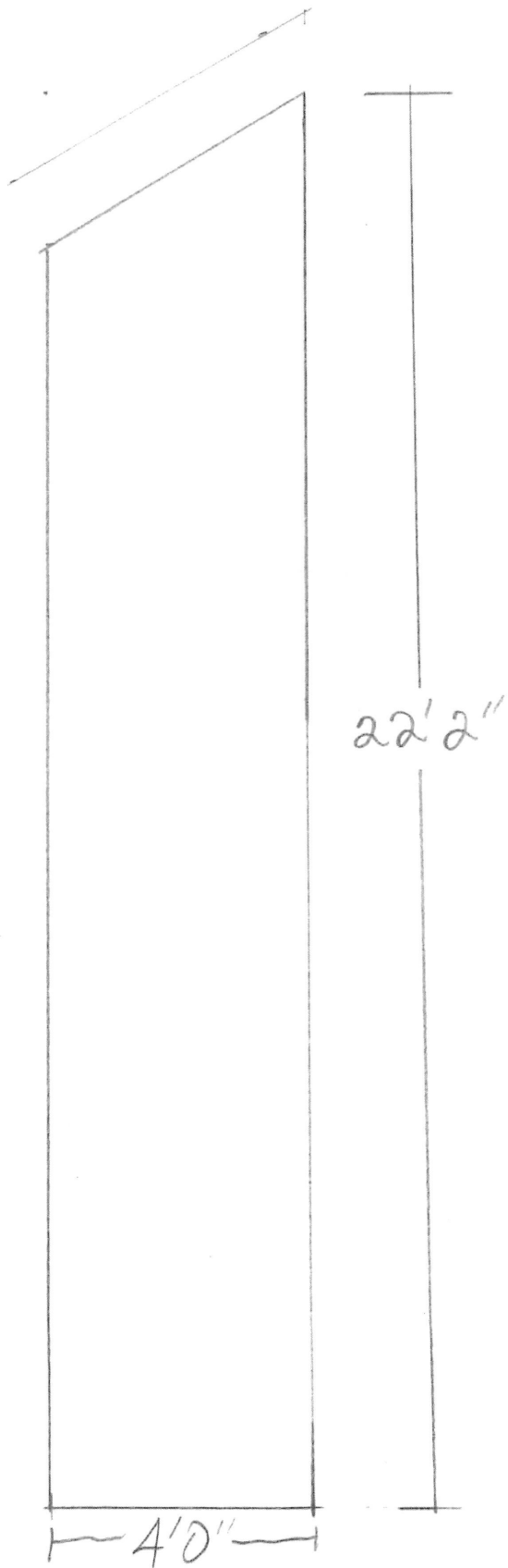
# EAST WAHh



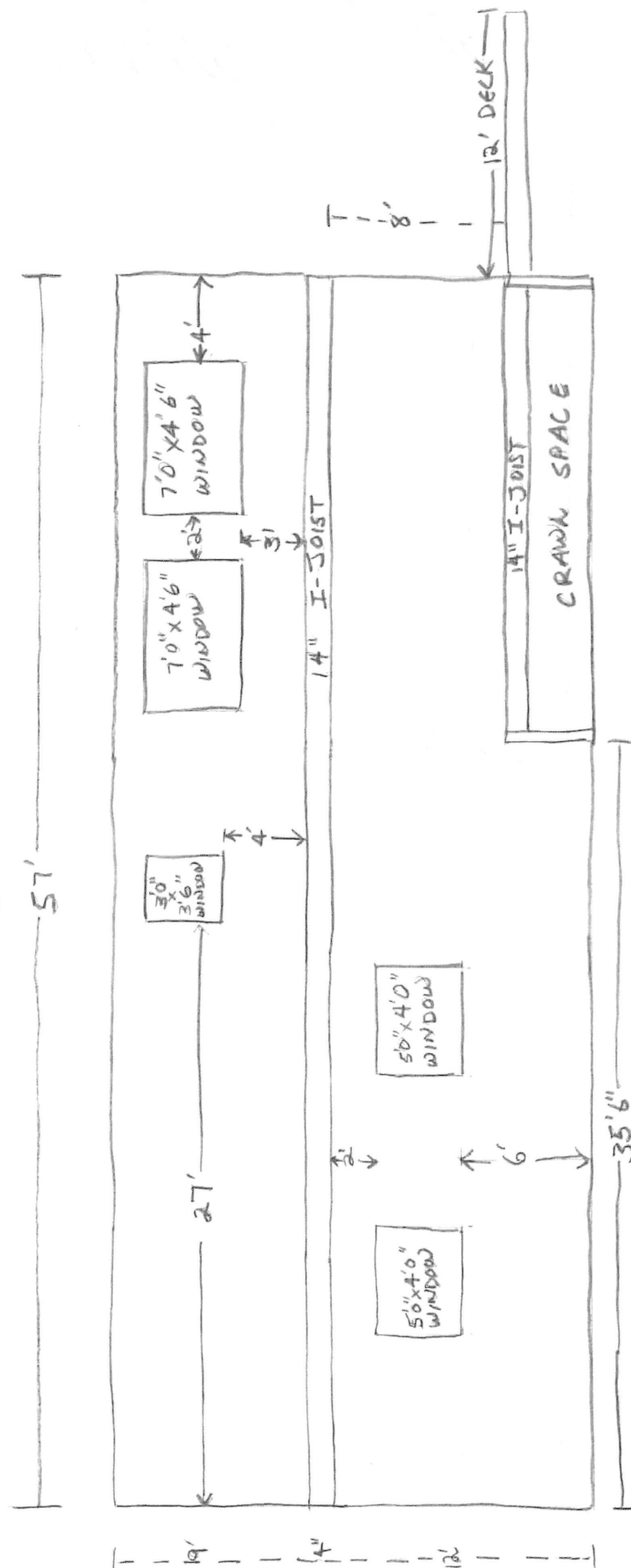
WEST WAHh



WEST STAIR WEHH  
WAHH

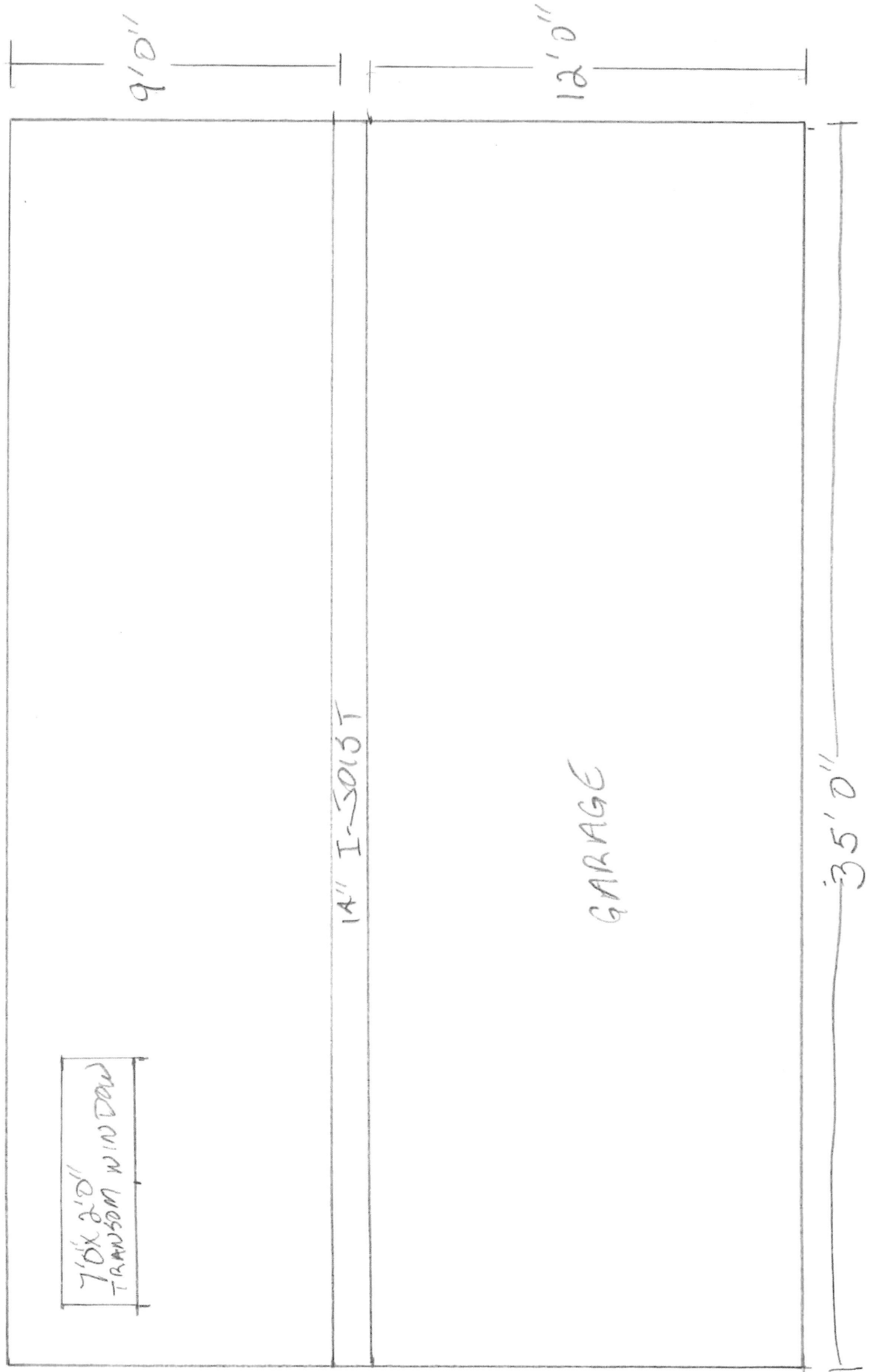


SOUTH WALL





NORTH GARAGE  
WALL





N. STAIR WALK WALK

LEGEND

- Recovered 5/8" Rebar with 2" Aluminum Cap  
Recovered 5/8" Rebar  
Recovered Magnetic Survey Nail  
Set 5/8" x 30" Rebar with 2" Aluminum Cap  
(C) Computed  
(R&H) Record and Held  
(R1) Record per Plat No. 86-3  
(R2) Record per U.S. Survey No. 2981  
(R3) Record per Plat No. 89-1  
(R4) Record per Plat No. 2022-12

Subject Boundary Line  
Adjacent Boundary Line  
Easement Boundary Line  
Survey Tie Line

TAX CERTIFICATIONS

All real property taxes are levied by the City of Cordova on the area shown on this plat have been paid through \_\_\_\_\_.

Attest: City Clerk \_\_\_\_\_ Date \_\_\_\_\_

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N 57°11'45" W	2.00'
L1(R)	S 56°26' E	2.00'
L2	N 58°05'45" W	2.00'
L2(R)	S 57°20' E	2.00'
L3	S 58°05'45" E	2.00'
L3(R)	N 57°20' W	2.00'
L4	S 22°43'00" W	0.84'
L4(R)	S 22°43' W	0.84'
L5	S 52°17'42" W	2.01'
L6	N 50°07'52" E	10.45'

PLAT APPROVAL

This plat conforms to the requirements of the city of Cordova Planning and Zoning commission and is hereby accepted as the official plat, subject to any and all conditions and requirements of ordinance and law pertaining thereto.

City Manager \_\_\_\_\_ Date \_\_\_\_\_

Chairman, Planning & Zoning Commission \_\_\_\_\_ Date \_\_\_\_\_

Platting Official \_\_\_\_\_ Date \_\_\_\_\_

OWNERSHIP AFFIDAVIT

We hereby certify that we are the owners of the property shown and described hereon. We hereby request approval of this plat.

Thomas McGann \_\_\_\_\_ Date \_\_\_\_\_  
P.O. Box 1624  
Cordova, AK 99574  
(As to Lot 13 and Lot T43)

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this \_\_\_\_\_ Day of \_\_\_\_\_  
2023, for \_\_\_\_\_

Notary Public for the State of Alaska  
My Commission Expires \_\_\_\_\_

OWNERSHIP AFFIDAVIT

We hereby certify that we are the owners of the property shown and described hereon. We hereby request approval of this plat.

Jeffery H. Guard \_\_\_\_\_ Date \_\_\_\_\_  
1326 W. 10th Avenue  
Anchorage, AK 99501  
(As to Lot 14A and Tract D)

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this \_\_\_\_\_ Day of \_\_\_\_\_  
2023, for \_\_\_\_\_

Notary Public for the State of Alaska  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_  
Dorne Hawxhurst  
1326 W. 10th Avenue  
Anchorage, AK 99501  
(As to Lot 14A and Tract D)

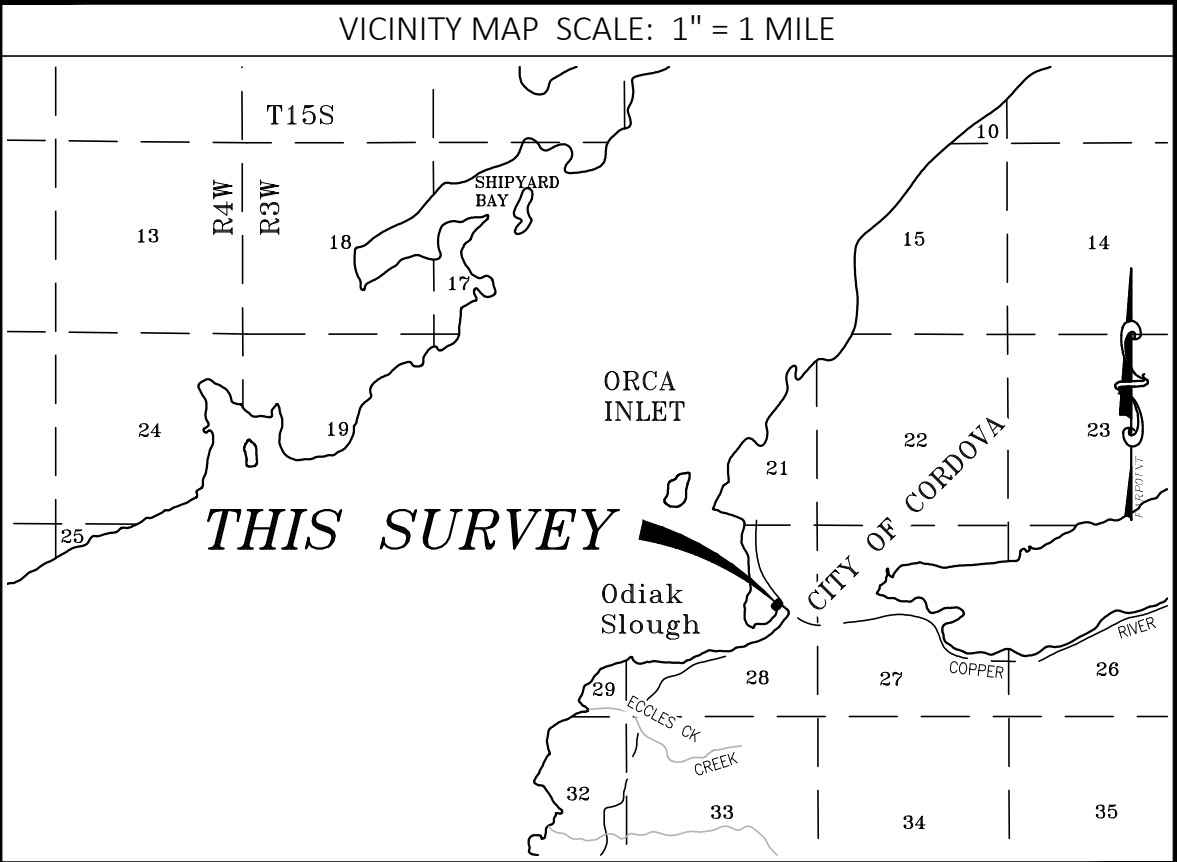
NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this \_\_\_\_\_ Day of \_\_\_\_\_  
2023, for \_\_\_\_\_

Notary Public for the State of Alaska  
My Commission Expires \_\_\_\_\_

NOTES

- The error of closure of this survey does not exceed 1:5000.
- All bearings are true bearings as oriented to the Basis of Bearings.
- All distances shown have been reduced to horizontal ground distances.
- All development work within Copper River Highway right-of-way requires approval from the Alaska Department of Transportation and Public Facilities.
- No boundary surveying was conducted for Lot 13, Block 10, U.S. Survey No. 2981 A-B, or for Lot T43, Alaska Tidelands Survey No. 220, other than on the east side of both parcels. The two lots are being subdivided under the Administrative Lot Line Adjustment / Deletion Process.



SUBDIVISION PLAT OF  
**Slough View Subdivision**  
*Creating Lots 1, 2, 3, & 4*

A Subdivision of  
Lot 14A, Block 10, U.S. Survey No. 2981 A-B; Plat No. 86-3  
Tract D, Alaska Tidelands Survey No. 220; Plat No. 2022-12  
Lot 13, Block 10, U.S. Survey No. 2981 A-B;  
and  
Lot T-43, Alaska Tidelands Survey No. 220

Cordova Recording District, Located Within  
Section 28, T15S, R3W, Copper River Meridian, Alaska.  
Containing 0.400 acres more or less.

**Farpoint Land Services, LLC**  
SURVEYING, MAPPING, LAND PLANNING, GIS  
1131 E. 76th Ave., Suite 101, Anchorage, Alaska 99516  
FarpointAK.com • (907) 522-7770 • survey@farpointak.com

Drawn: JLA | Date: Jan. 13, 2023 | Field Bk/Pg: 158/44 | WO #: 22185  
Checked: MJH/ROL | Scale: 1"=10' | Sheet: 1 of 1 | Grid: 443 | Case No. N/A



SURVEYOR'S CERTIFICATE

I, Michael J. Horne, hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska and that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.



**AGENDA ITEM # 10c**  
**Planning Commission Regular Meeting Date: 2/14/23**  
**PLANNING COMMISSION COMMUNICATION FORM**

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**FROM:** Kevin Johnson, City Planner

**DATE:** 2/14/23

**ITEM:** Variance Request – Off-Street Parking – Lots 2&3, Block 26, Original Townsite

**NEXT STEP:** Decide Whether to Grant Variance

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☐ INFORMATION  
☒ **MOTION**  
☐ RESOLUTION

---

**I. REQUEST OR ISSUE:**

Requested Actions: Grant of Variance  
Applicant: Michael Schumm  
Legal Description: Lots 2&3, Block 26, Original Townsite  
Zoning: Low Density Residence District

The City of Cordova received an application requesting a variance from Cordova Municipal Code (CMC) 18.48.060 – Off-street parking requirements

The application specifically requests a variance from the off-street parking requirement due to topographic constraints that are both natural and man-made.

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



A Commissioner should make the following motion followed by a second to open the item for discussion

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

Staff recommends the Planning Commission grant the variance request with conditions (see suggested conditions be section IV below)

The variance can be granted with or without special conditions or denied.

### **III. FISCAL IMPACTS:**

Increased property values and tax base.

### **IV. BACKGROUND INFORMATION:**

The applicant has applied for a variance from the code requirement to have two off-street parking spaces for a single-family dwelling. The reasoning provided is that this lot is physically constrained by both natural and man-made topographic challenges. The lots, like others are hillside lots, however these lots have been affected by having their access cut off from improvements made by neighboring property owners as well as city ROW improvements.

The lots are separated from the grade of Davis Avenue by a gabion wall that was installed by the city. This wall runs almost the full length of Davis Avenue on its north side, starting about 200 feet to the west of the applicant's property and ending about 100 feet to the east of the property. This eliminates the ability for the applicant to carve out a parking area along the north side of Davis without incurring huge costs to engineer a solution to adjust the gabions that the city placed there.

To the north of the property, there is a platted ROW that runs east to west between blocks where it connects to Fourth Street. This alley is fairly flat as show in the photos and as I observed during my site visit. However, the ROW has been damaged at some point in the past by the excavation work done on the properties to the east of the applicants lots. This excavation carved away the alley so that its grade is no longer flat as I have attempted to illustrate in attachments E & F. It is unclear if this work was done without city approval or if the city was ever aware of this work prior to the applicant bringing it to my attention. The costs associated with repairing the ROW that was damaged by others would be a huge financial burden for the applicant who had no involvement in creating these conditions.

The applicant has proposed that during the snow free time of the year (May – October) parking would be on the shoulder of Davis Avenue where there is a pull out that is used as a snow dump in the winter. This space is completely off the paved roadway, does not hinder traffic flow, and is where parking has historically occurred. During the snow season (November – April) the applicant would park downtown like others in the area as near by properties in the Central Business District already have no parking requirements per city code. The applicant already has a foot trail established along Davis that they would continue to use to get up to the property.

Staff believes that approving this variance with a condition that no parking along Davis Avenue is allowed between November 1<sup>st</sup> and April 30<sup>th</sup> would be appropriate. This approval condition could also be required to be recorded against the property so that future purchasers of the property are made aware of this restriction during the title search process.



## Applicable Codes:

### *18.48.060 – Off-Street Parking Requirements.*

- A. *Any structure or building hereafter erected, converted, or enlarged for any of the following uses shall be provided with not less than the minimum spaces as set forth below unless otherwise permitted under this code. Fractional numbers of required parking spaces shall be increased to the next whole number.*

*Single-family dwellings: Two parking spaces*

### *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.*
  - 2. - The application shall contain a statement and adequate evidence showing the following conditions, all four of which must exist before a variance may be granted.*
    - 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,*
    - b. - That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship,*
    - 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,*
    - d. - That the granting of the variance will not be contrary to the objectives of the comprehensive plan.*

## 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 been met. Between the gabion wall along Davis and the damaged alley, the property has physical constraints that make accessing the property extremely difficult without imposing a large financial burden to correct issues that were not caused by the applicant. The gabion wall is specifically something that does not generally apply to other properties as most other city ROW does not have this impediment to uphill properties immediately adjacent to the ROW.

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

This condition has been met. To meet the onsite parking, the applicant would be forced to either install retaining walls to backfill and fix the alley way which was damaged by others, or to have the gabion wall

along Davis reengineered to allow them to construct some sort of parking area. Either of these options would be a huge financial hardship to fix the issues that were outside of the applicant's control.

- 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 been met. The granting of this variance would not cause harm to the neighbors, surrounding property owners, or the city at large as the applicant would be parking either in the historical parking spot along Davis in the summer, or in other legal on-street parking spaces in the downtown area.

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

This condition has been met. The 2019 Comprehensive Plan identifies this property as being along the Hillside Residential and Community Core zones which acknowledges the challenges of building on hillside lots, and the benefits of being near the downtown core. This promotes walkability and the reduced dependence on needing one or multiple cars. This lot is within a five to ten-minute walk of all of downtown and the harbor area (see walk shed map attachment H) which is a standard accepted amount of time to expect someone to walk to get to a destination.

**Suggested Conditions:**

- **Parking associated with these lots is prohibited along Davis Avenue from November 1<sup>st</sup> to April 30<sup>th</sup>.**

**V. LEGAL ISSUES:**

The public or applicant may appeal the decision of the Planning Commission to the City Council.

**VI. ENVIRONMENTAL ISSUES:**

N/A

**VII. SUMMARY AND ALTERNATIVES:**

The applicant has requested a variance from the onsite parking requirements due to constraints out of their control. These constraints include the city placed gabion wall along the Davis Ave ROW and the excavation of the platted ROW by adjacent property owners in the past. To modify these constraints not created by the applicant would be a financial hardship.

Staff does not believe that granting this variance would cause detrimental harm to the adjacent property owners or community at large if the suggested condition is incorporated into the approval.

The Planning Commission can approve the variance as requested, approve the variance with conditions, or deny the variance.

**VII. ATTACHMENTS:**

- A. Vicinity Map
- B. Application
- C. Davis ROW Gabion Wall Photos

- D. Alley Photos
- E. Aerial View East
- F. Davis Avenue and Alley Cross Section
- G. Davis Street Parking
- H. Walkshed Exhibit
- I. Site Plan
- J. House Floor Plan and Elevations

# Schumm Variance Request Location Map





# 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.	Variance	\$250

### APPLICANT INFORMATION

Name:	
Mailing Address:	
City/State/Zip:	
Phone Number:	
Email Address:	

### OWNER INFORMATION

Name:	
Mailing Address:	
City/State/Zip:	
Phone Number:	
Email Address:	

Only complete this section if owner is different from applicant.

### PROPERTY INFORMATION

Address:	
Legal Description:	
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.

**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.**

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

**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.**

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

#### **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:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_



Davis Avenue Looking West





Davis Avenue Looking North  
Towards Applicant Property





Alley ROW looking east





ROW excavation begins here. See "Aerial View East" and "Davis Ave and Alley Cross Section" for reference

Alley ROW looking west





Beginning of  
ROW damage



Alley

4th

4th

Davis



Schumm Lot

52



# Davis Ave and Alley Cross Section





Davis Avenue Existing Parking  
Looking South



# Schumm Five Minute Walkshed (1/4 mile radius)

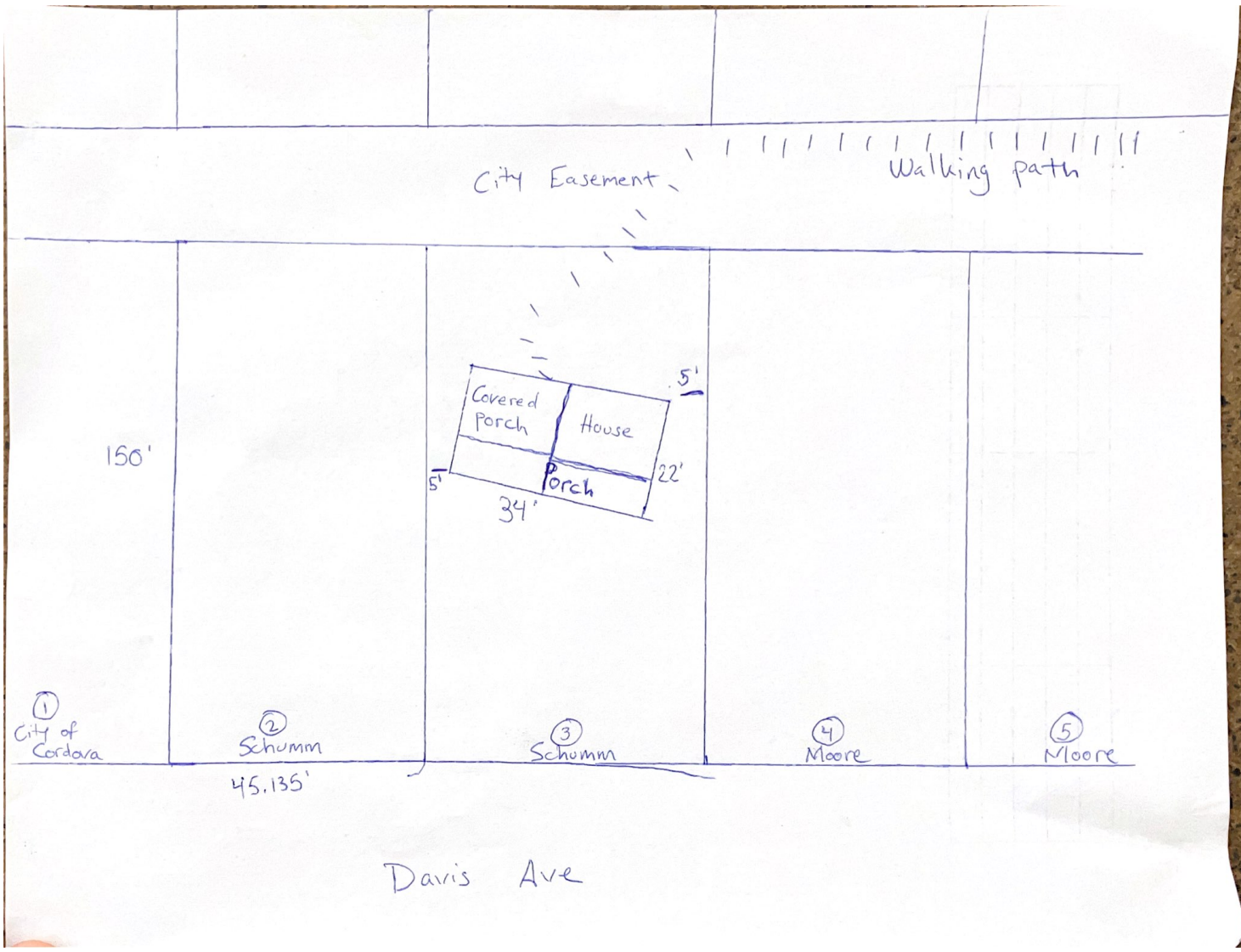


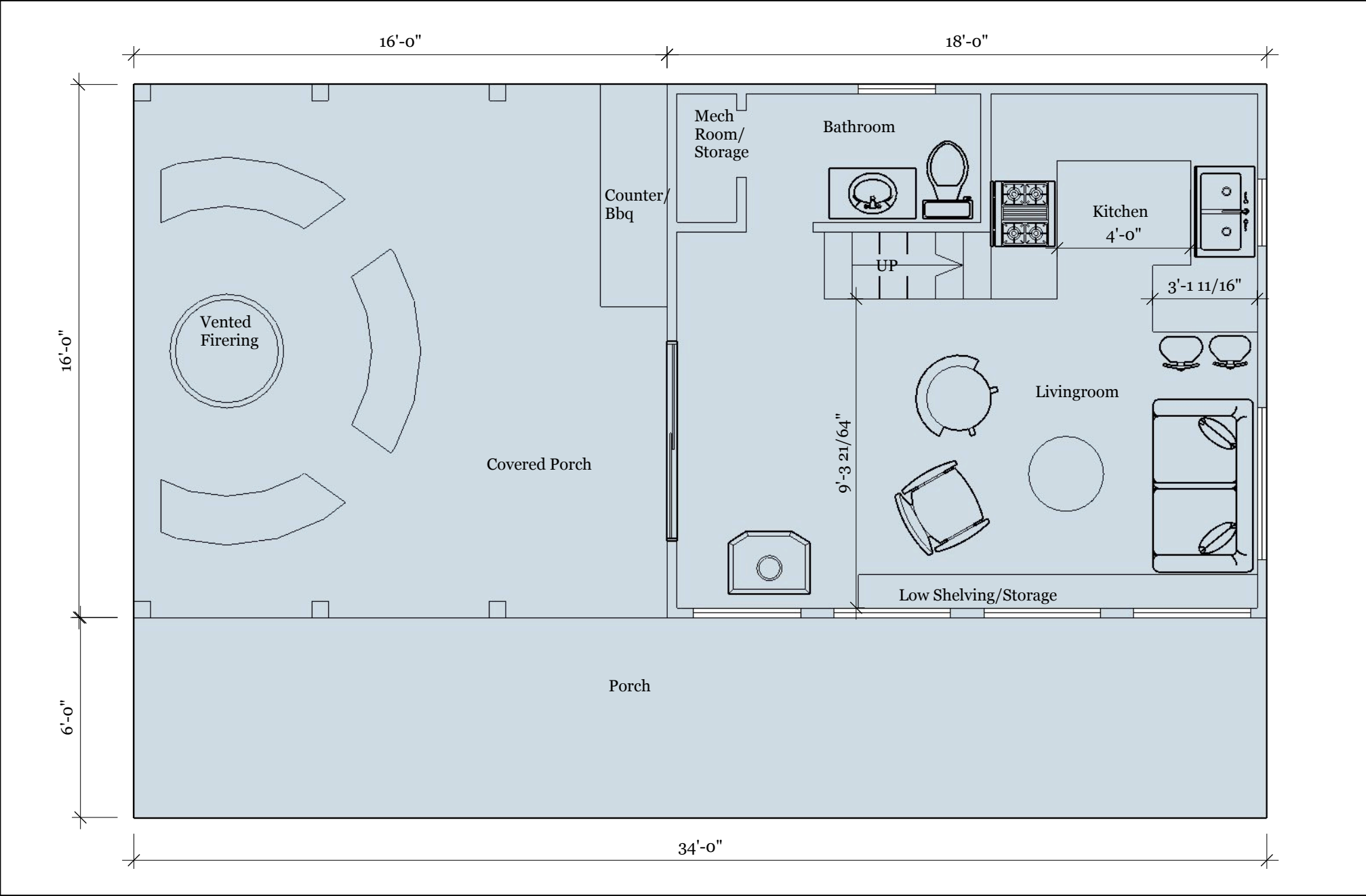


# Schumm Ten Minute Walkshed (1/2 mile radius)

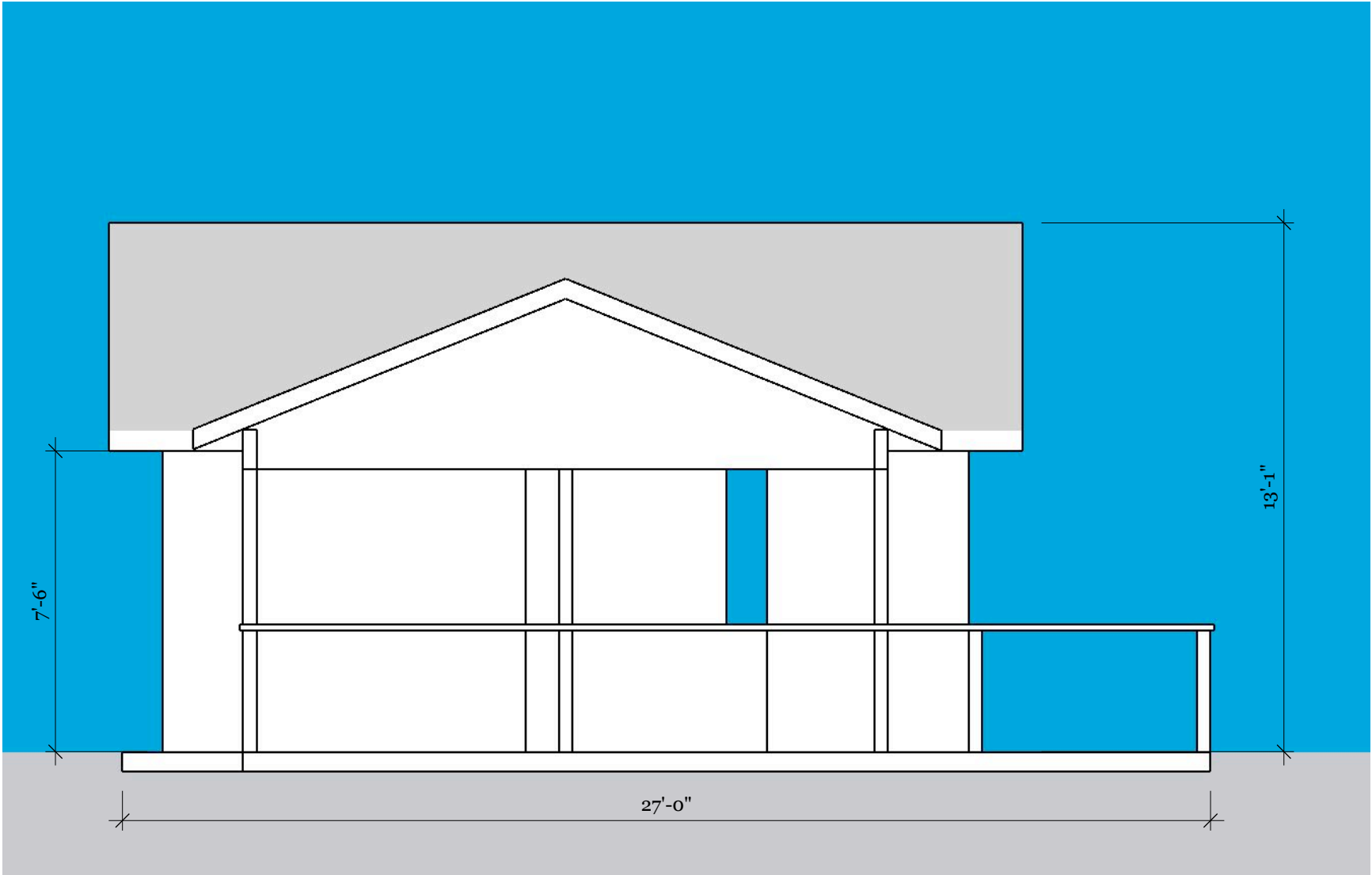








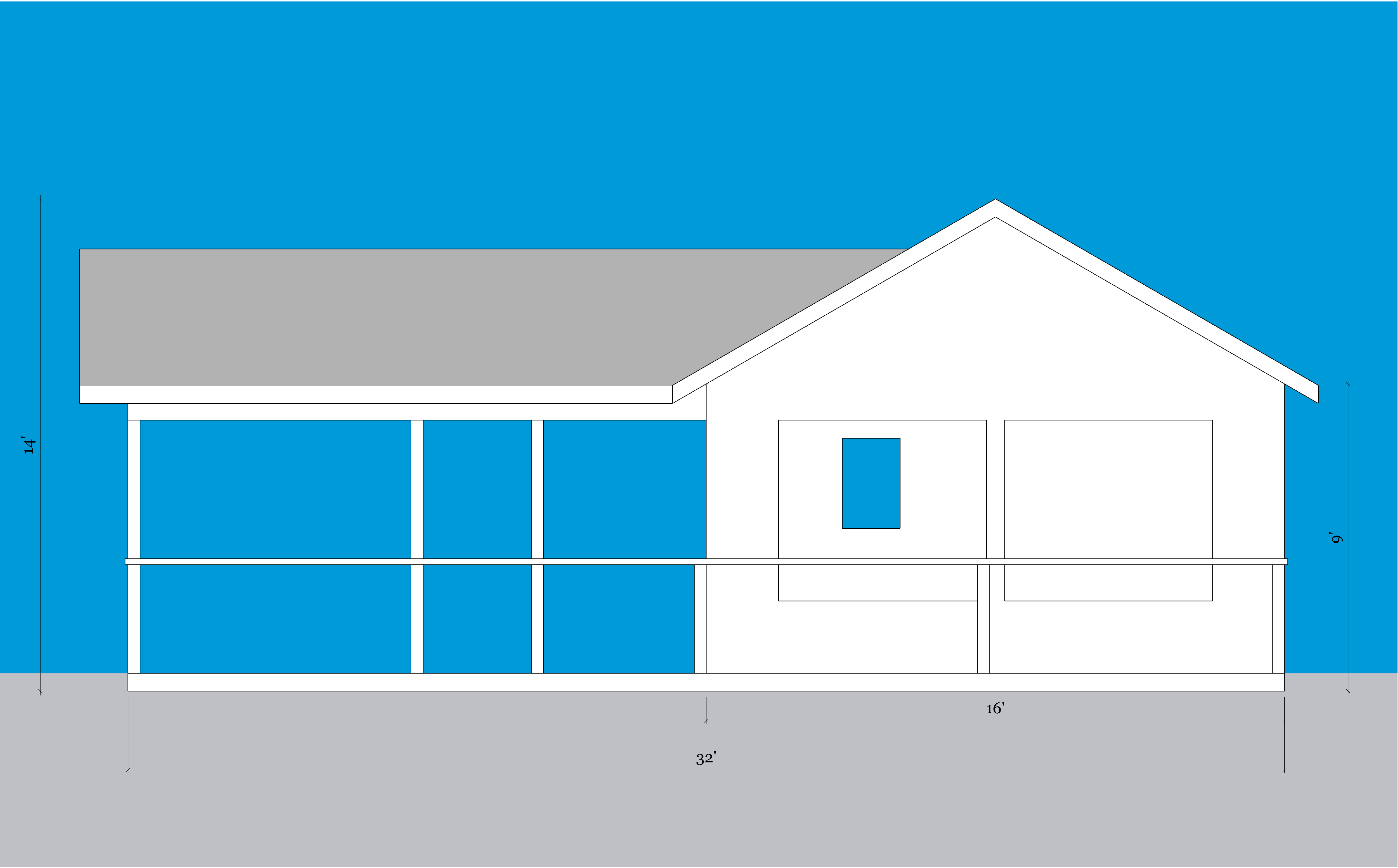
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East View

*Skookum Custom Cabins*

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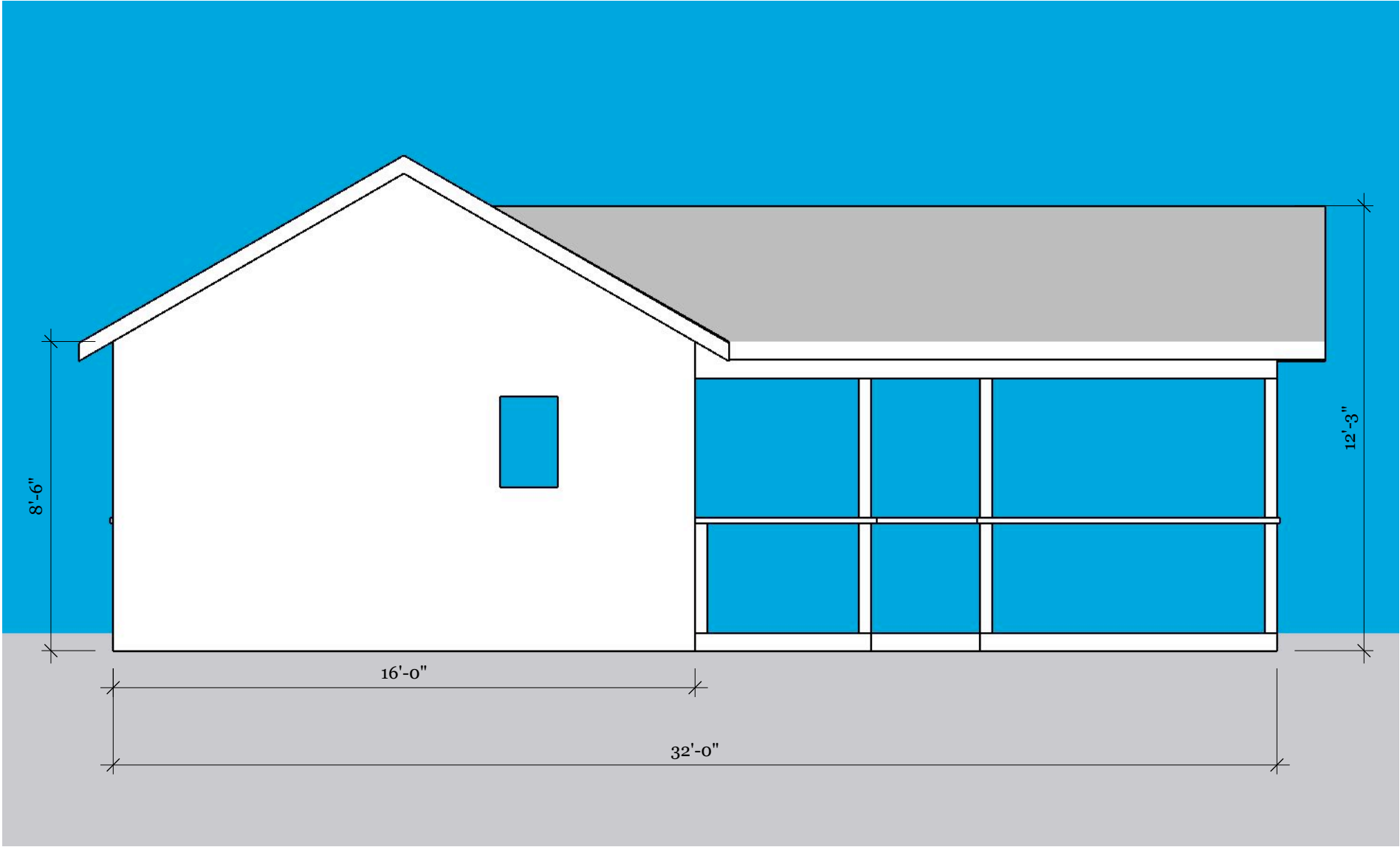


North View

Skookum Custom Cabin

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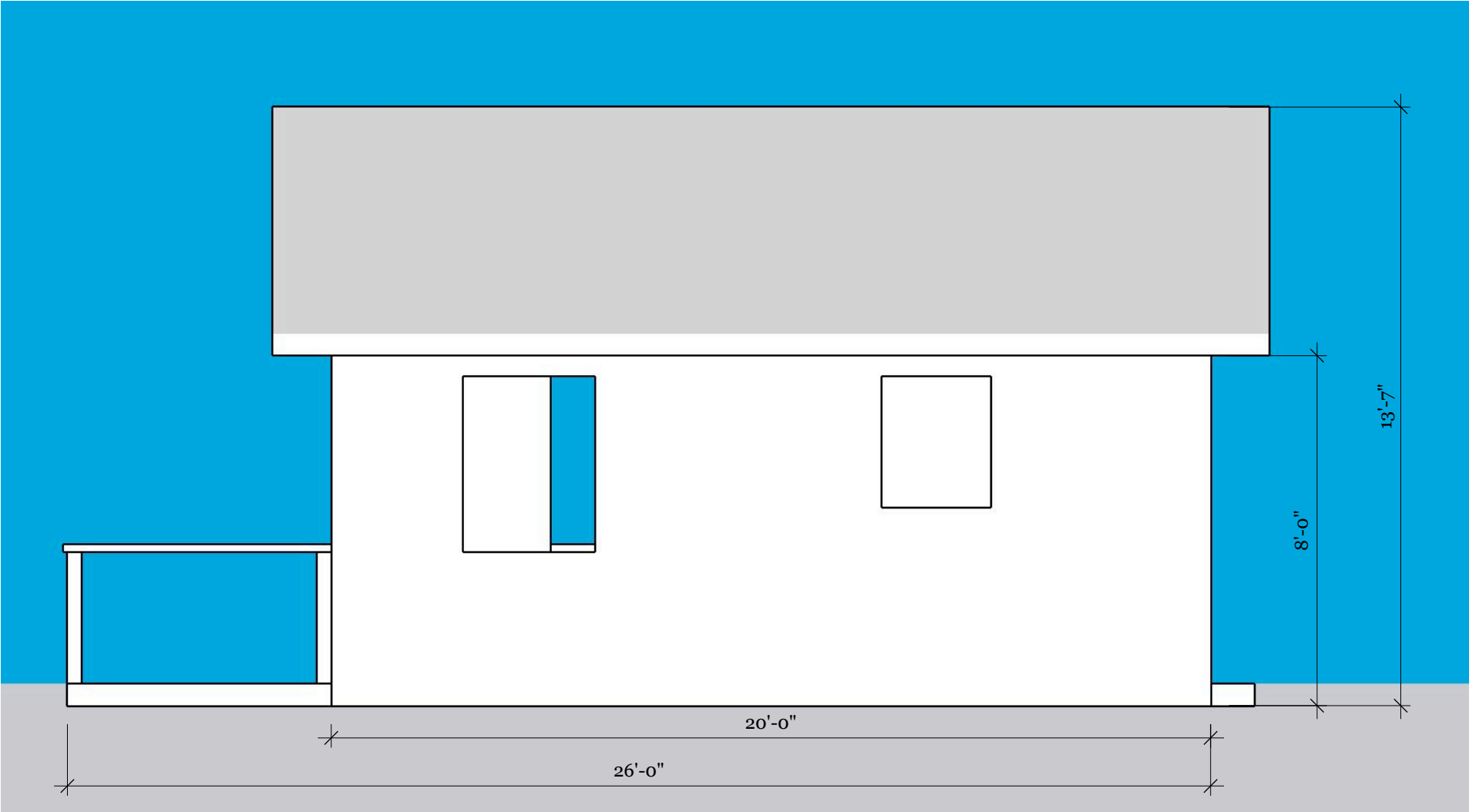
South View

***Skookum Custom Cabins***

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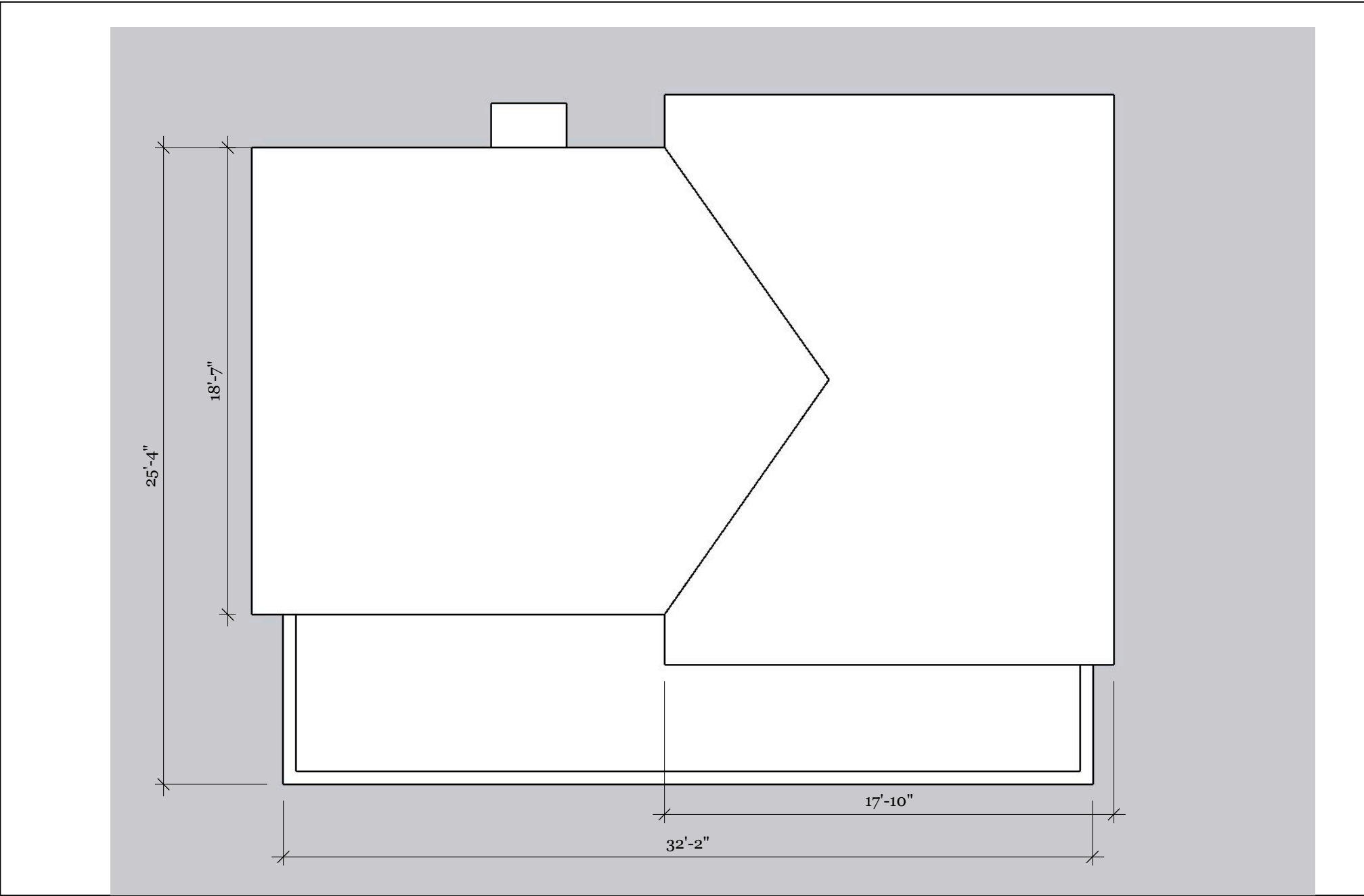
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West View

*Skookum Custom Cabins*

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Bird's-Eye View	Skookum Custom Cabins	REVISIONS		A	01
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## **AGENDA ITEM # 10d**

### **Planning Commission Meeting Date: 2/14/23**

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

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**FROM:** Kevin Johnson, City Planner

**DATE:** 2/14/23

**ITEM:** 2023 Land Disposal Map Discussion

**NEXT STEP:** Discuss Potential Changes to the Land Disposal Maps

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☒ INFORMATION  
☐ MOTION  
☐ RESOLUTION

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

The Land Disposal Maps are updated annually. At this time, the Planning Commission should review the 2021 Land Disposal Map document, have discussion on potential changes, and provide staff with guidance on what changes to bring back for a resolution.

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

The chair should open the agenda item for discussion. No motion necessary.

#### **III. FISCAL IMPACTS:**

Land disposals can be a revenue source for the city.

#### **IV. BACKGROUND INFORMATION:**

Staff has the following suggestions / updates regarding the Land Disposal Maps

- Ocean Dock Subdivision
  - Remove “Not Available” lot where city water tank is located. This lot is not owned by the city and should not be included in the Land Disposal Maps
  - Change the “Available” parcel in the shipyard to “Leased” as the City has signed the lease with DMI for that space.
- North Fill Development Park
  - Change the ‘impound lot’ to Available. This is highly valuable industrial space that should be opened to development. The city can find a place to move the impound lot to if a Letter of Interest was received and approved.
- Old Town
  - 6 or 7 of the 10 lots across Second Street from the elementary school (lots along Second and Adams) should be changed to “available” These are prime lots in our downtown core that have direct access to the ROW and utilities with no topographic constraints. This space has large development potential especially for mixed use development with commercial on the ground floor and apartments or condos built above. 3 or 4 lots should be reserved on the north end for snow dump purposes.
  - Lots on Ski Hill road that overlay the paved street should be changed to “Available – Requires Subdivision”. These lots have the potential to be replatted so that they are usable spaces and not encumbered by the road going through them.
- South Fill Development Park
  - Leased lot along Harbor loop should be changed to “Available” as it is no longer leased. Consider expanding available area, as that area does see some use, but the entire lot is usually never filled with trucks or trailers. The new South Harbor parking will alleviate some parking concerns in the area.
- Whitshed Road
  - The large “Available – Requires Subdivision” area above the ‘Reservoir’ text has been determined to not be city property and must be removed from the map. This land was requested as part of our municipal entitlement from the State. The State approved a portion of this area, but the full area was not approved as we have reached our max municipal entitlement. The Land outlined in green was approved and is city land, the land outlined in yellow was part of the request but not approved. See attachment B for clarity.
- Odiak Park
  - Change the two square lots across the street from the park to “Available”
- Eyak Lake
  - Change “Not Available” lots along hillside to “Available – Requires Subdivision”. While this entire area may not be appropriate for development due to the stream and city water infrastructure, some of the area may be able to be carved out for lots.

#### **V. LEGAL ISSUES:**

N/A

#### **VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VII. SUMMARY AND ALTERNATIVES:**

N/A

**VII. ATTACHMENTS:**

- A. 2021 Land Disposal Map
- B. Whitshed Road Municipal Entitlement Lot Removal



# 2021 Land Disposal Maps

Adopted by City Council: 3/17/21

## Map Designations

**Available** – Available to purchase, lease, or lease with an option to purchase. Any of these lots may have conditions or special criteria that must be met.

**Available - Requires Subdivision** – These parcels are considered ‘Available.’ These are large parcels of land which would most likely be developed as a subdivision. The disposal process for these parcels is complex and could take a significant amount of time. Many require some or all of the following: city acquiring title to the land from the state, an extensive amount of surveying, or subdivision development agreements. Many of these parcels include city improvements that would not be disposed, such as access roads, water infrastructure, trails, cemeteries, etc.

**Not Available** – These parcels include substandard lots, snow dumps, property with improvements/buildings on them, or other lots used or occupied by the city. The city manager will accept letters of interest from an interested party who requests the property designation be changed to ‘Available,’ however the existing city use of the property will be examined and carefully weighed against the letter of interest.

**Tidelands** – All requests to purchase tidelands will be reviewed by the Planning Commission as they are received. The Planning Commission will make a recommendation on disposing of the tidelands to City Council.

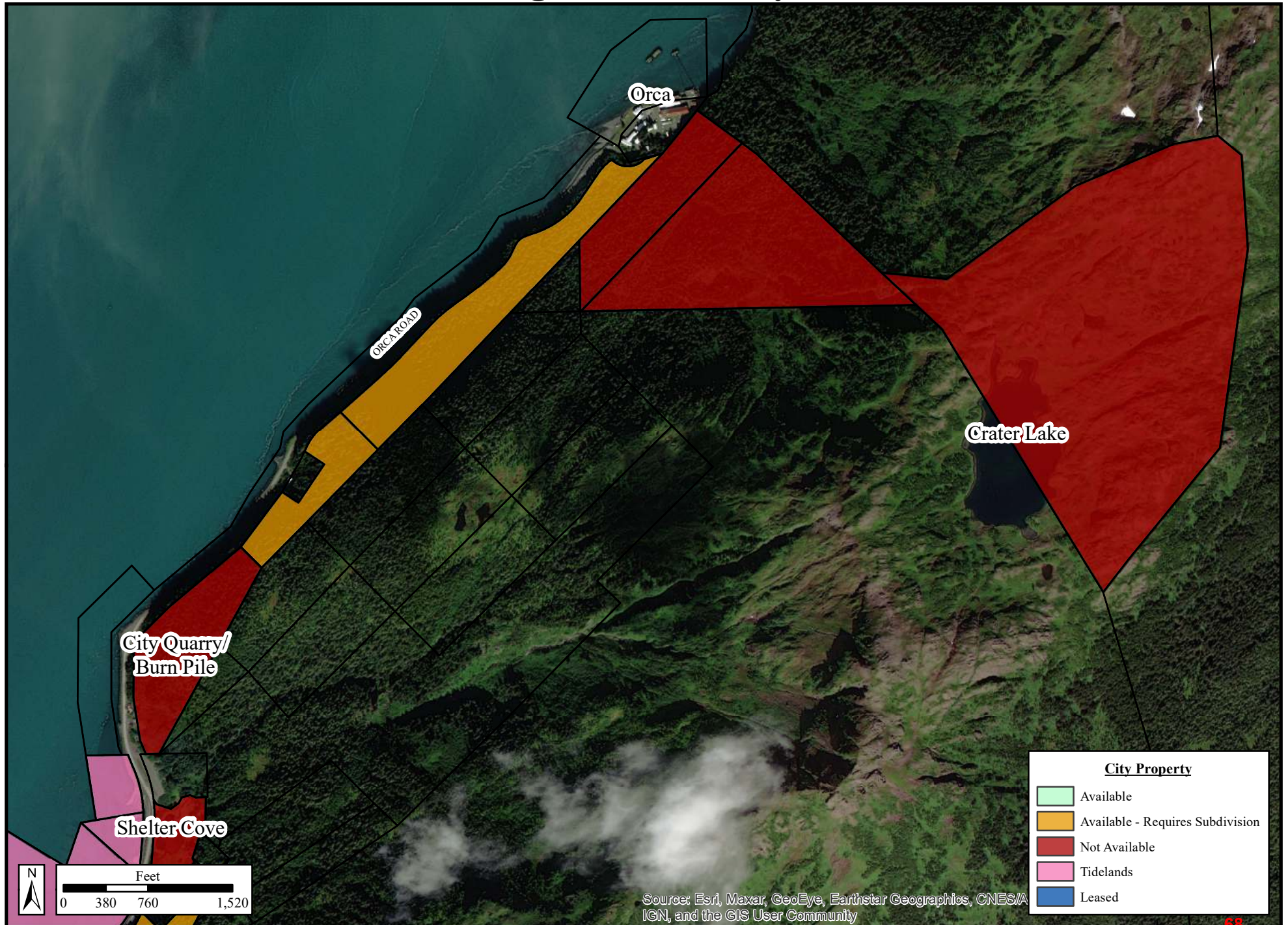
**Leased** – These are parcels currently leased to a business or government entity by the city and are not available during the lease term. There are leases that are short term and renew every two years and others are long term leases with substantial improvements on the property. Some leased property has an option to purchase. When a lease term ends, the property immediately becomes ‘Available.’

## Update Policy

Maps will be updated on an annual basis by the Planning Department staff, reviewed by the Planning Commission, and adopted by City Council. This update process begins each year with updated maps being presented to the Planning Commission in January, but the maps may be modified throughout the year on a case-by-case basis.

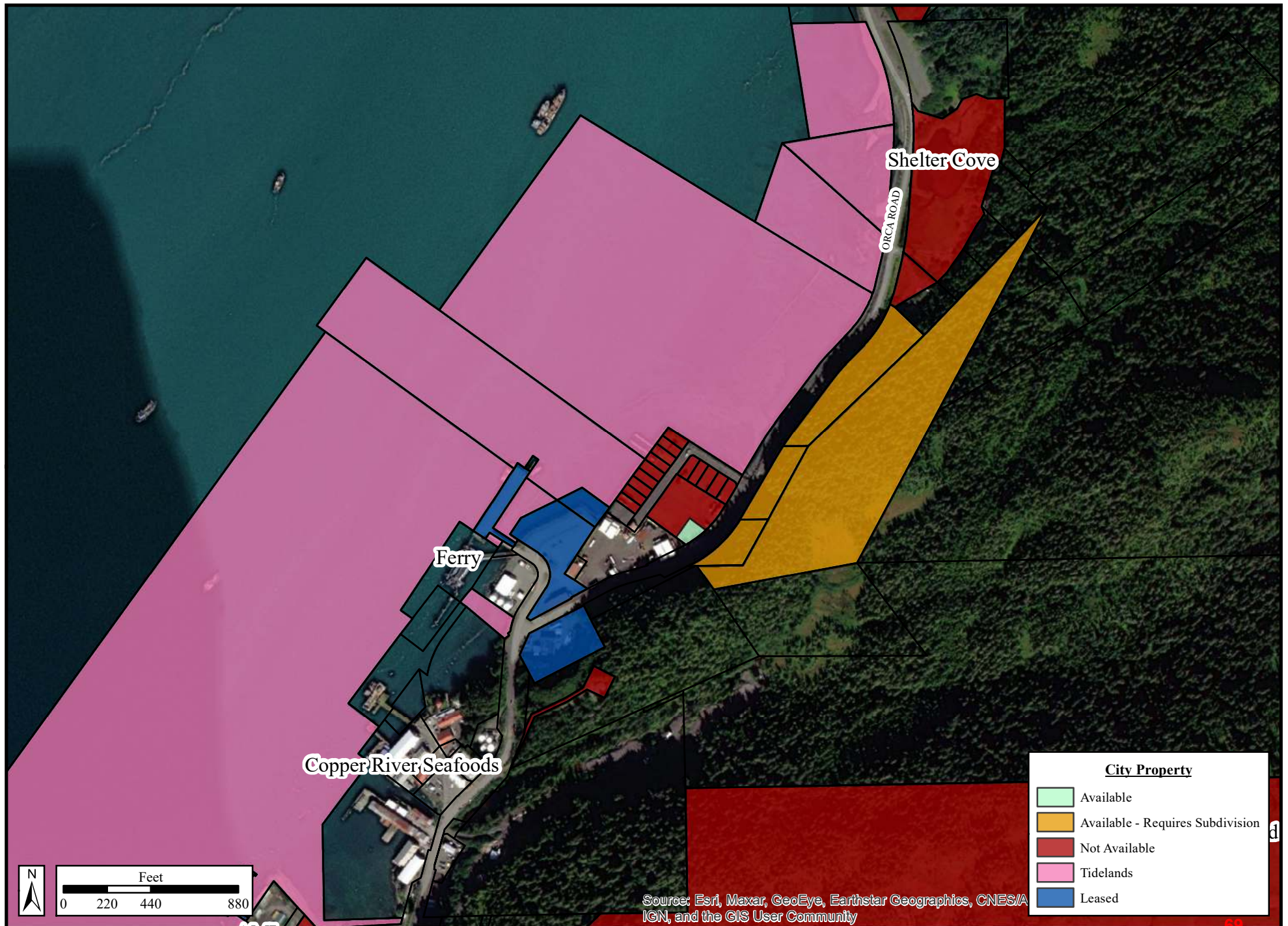
For more information on the land disposal process, refer to Chapter 5.22 of the Cordova Municipal Code, or direct your questions to the Planning Department staff.

# New England Cannery Road



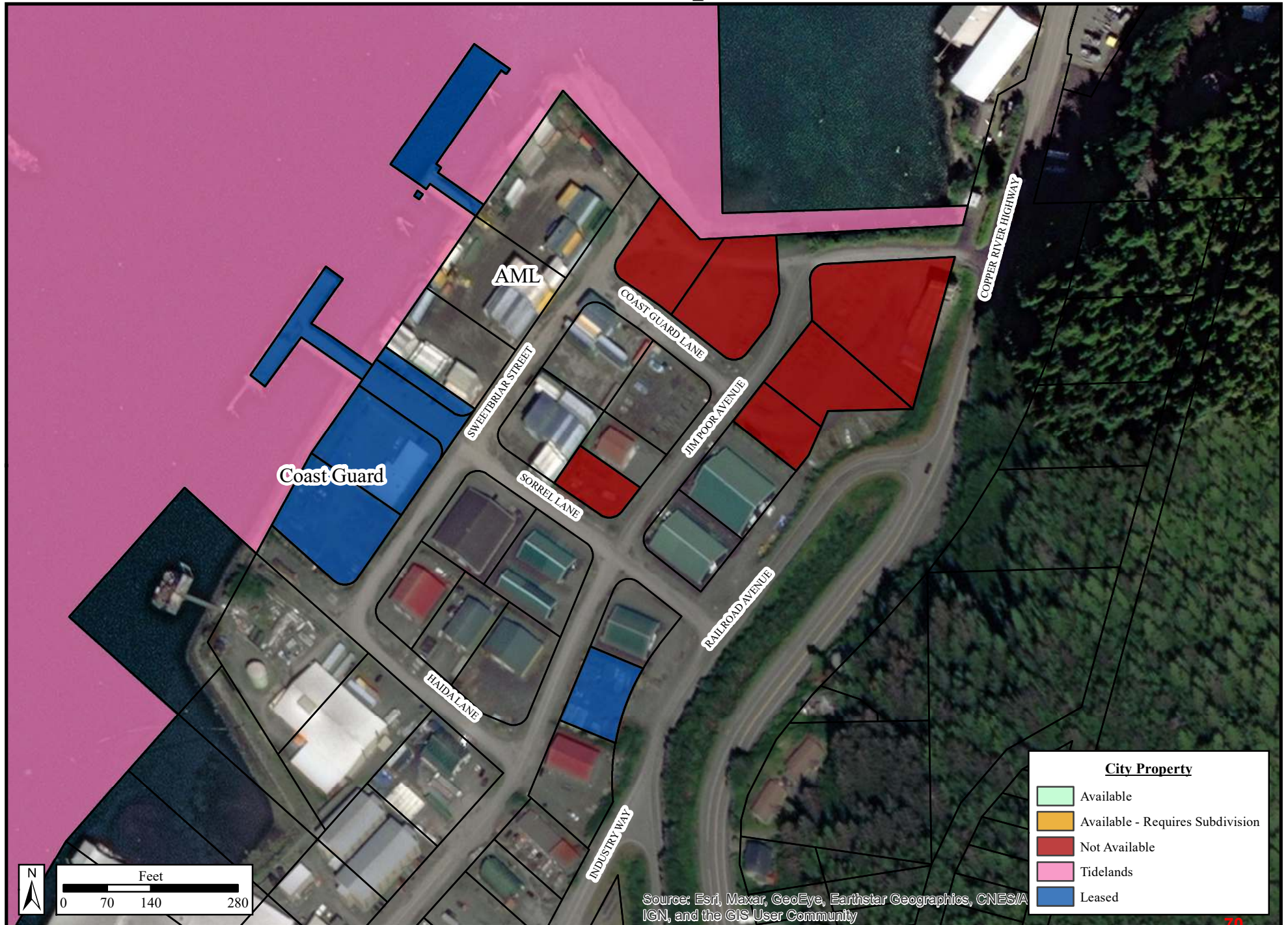


# Ocean Dock Subdivision



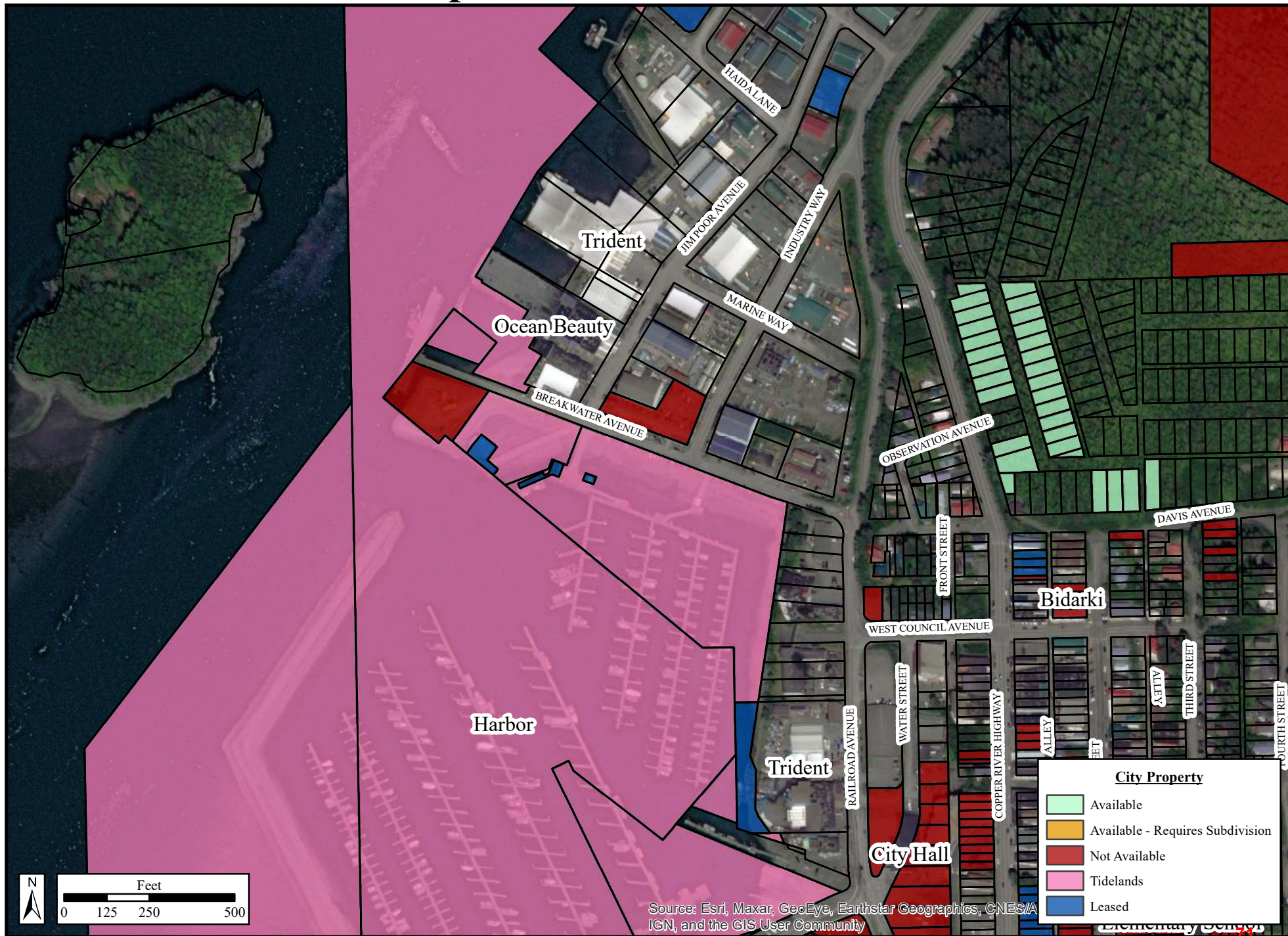


# North Fill Development Park



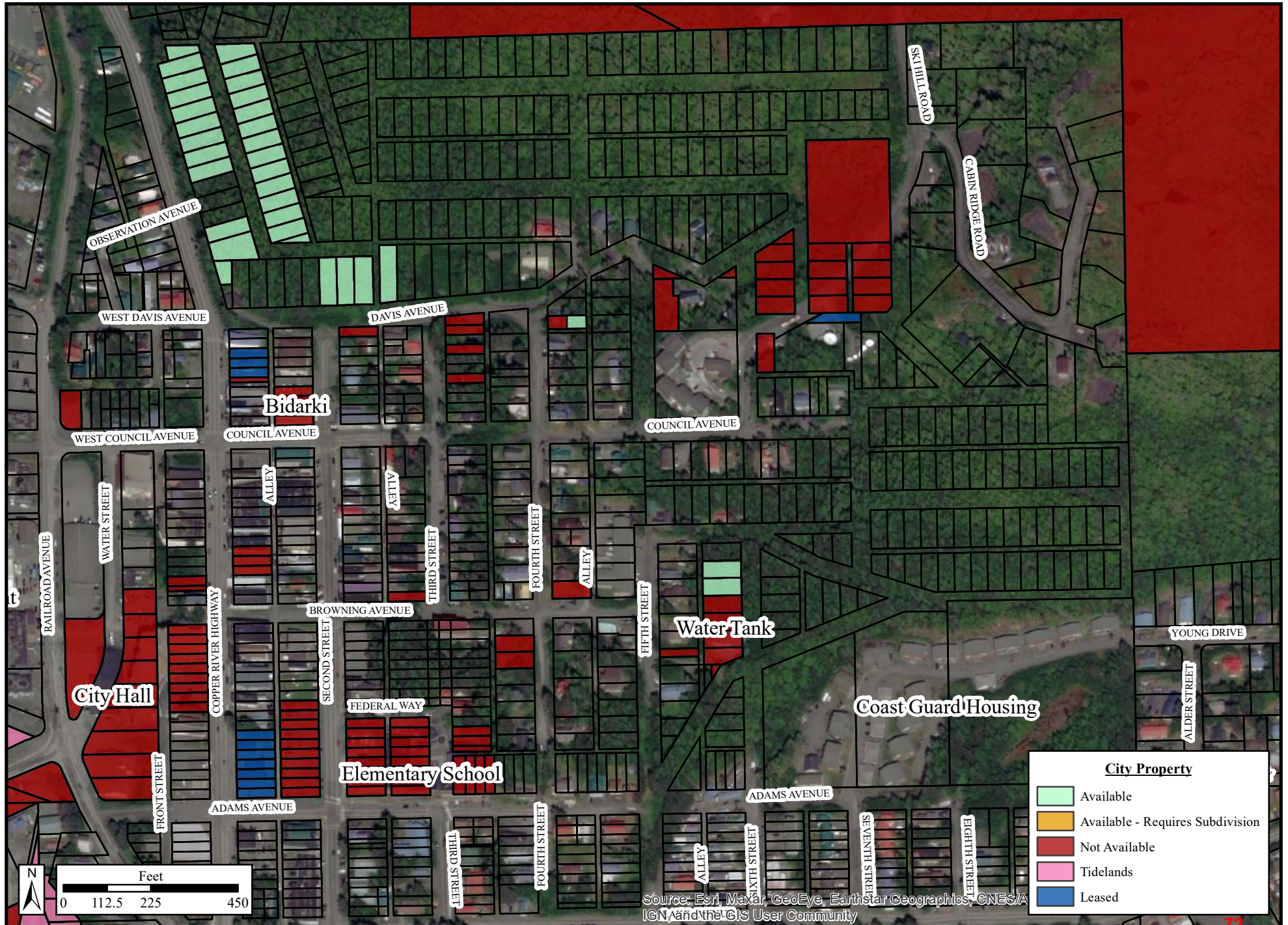


# Tidewater Development Park & Cordova Industrial Park





# Old Town



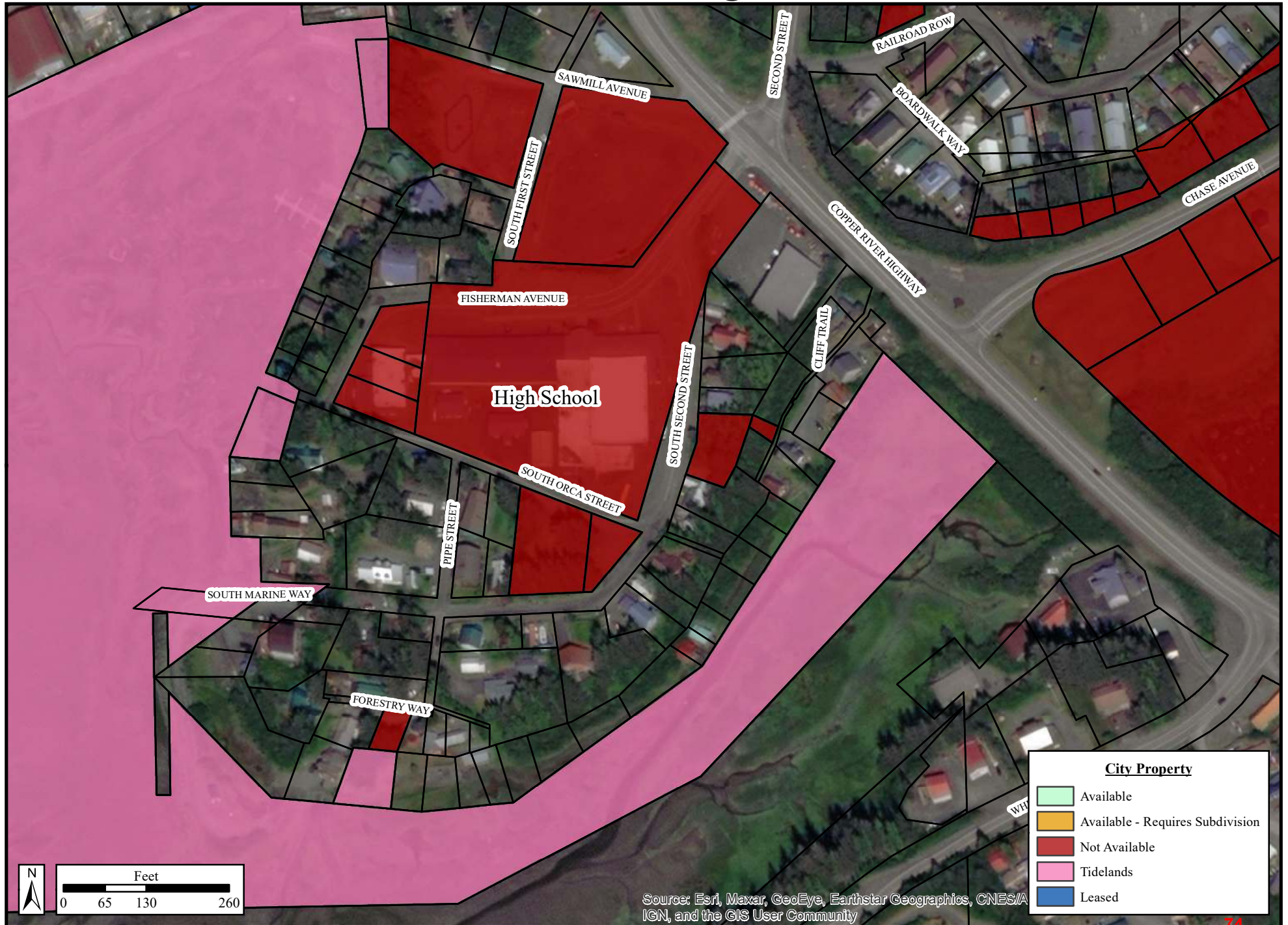


# South Fill Development Park



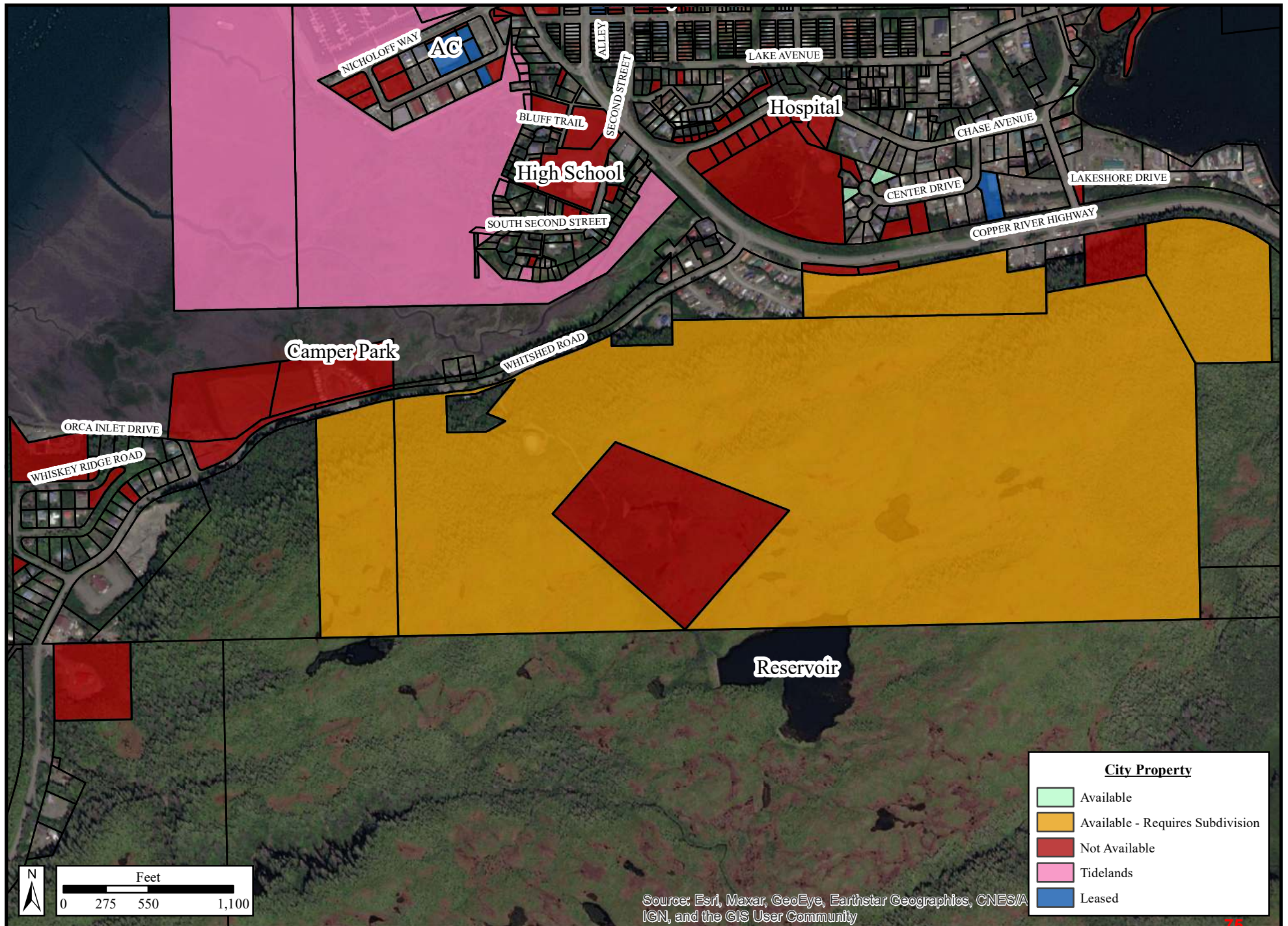


# Odiak Slough



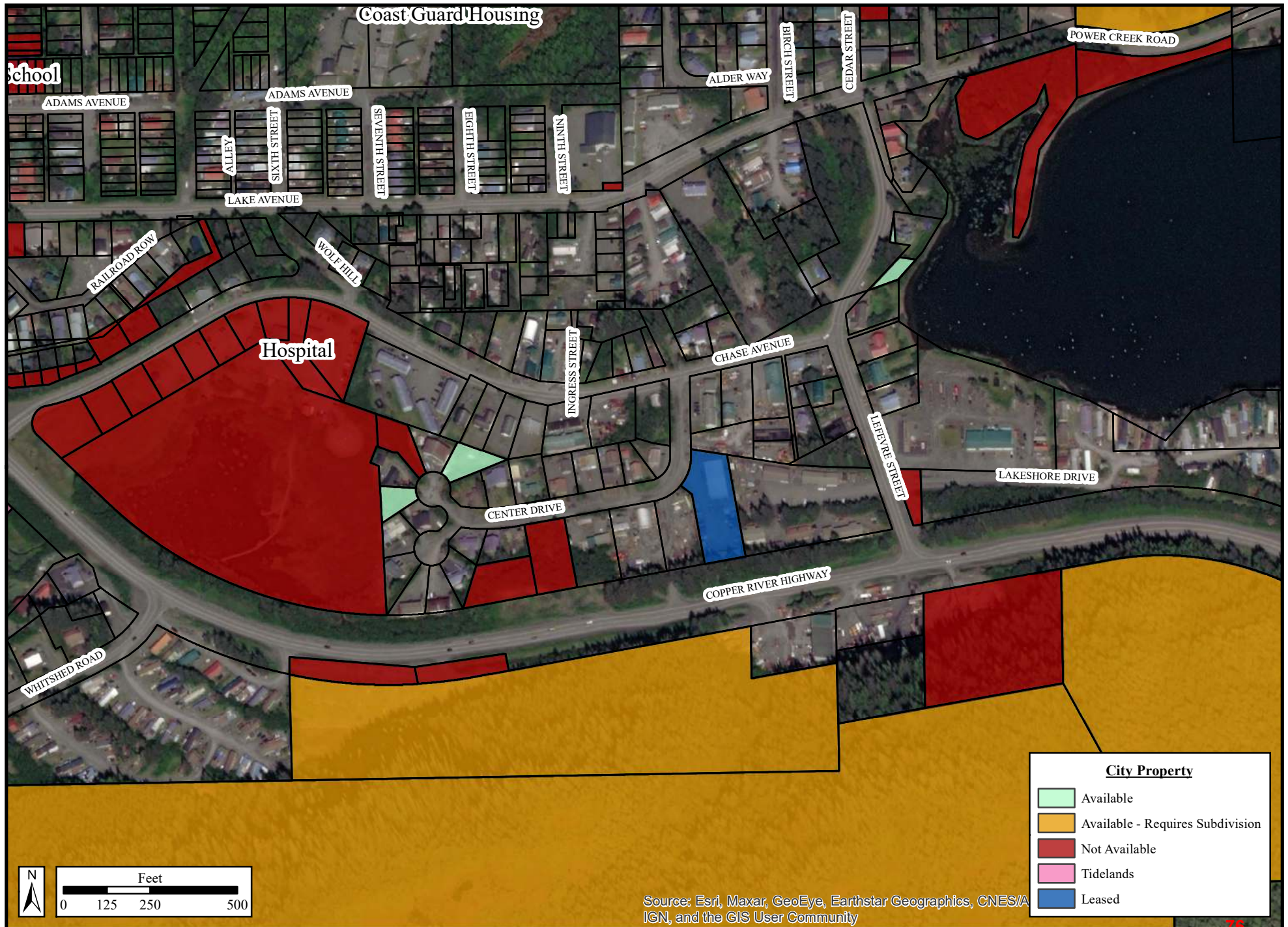


# Whitshed Road



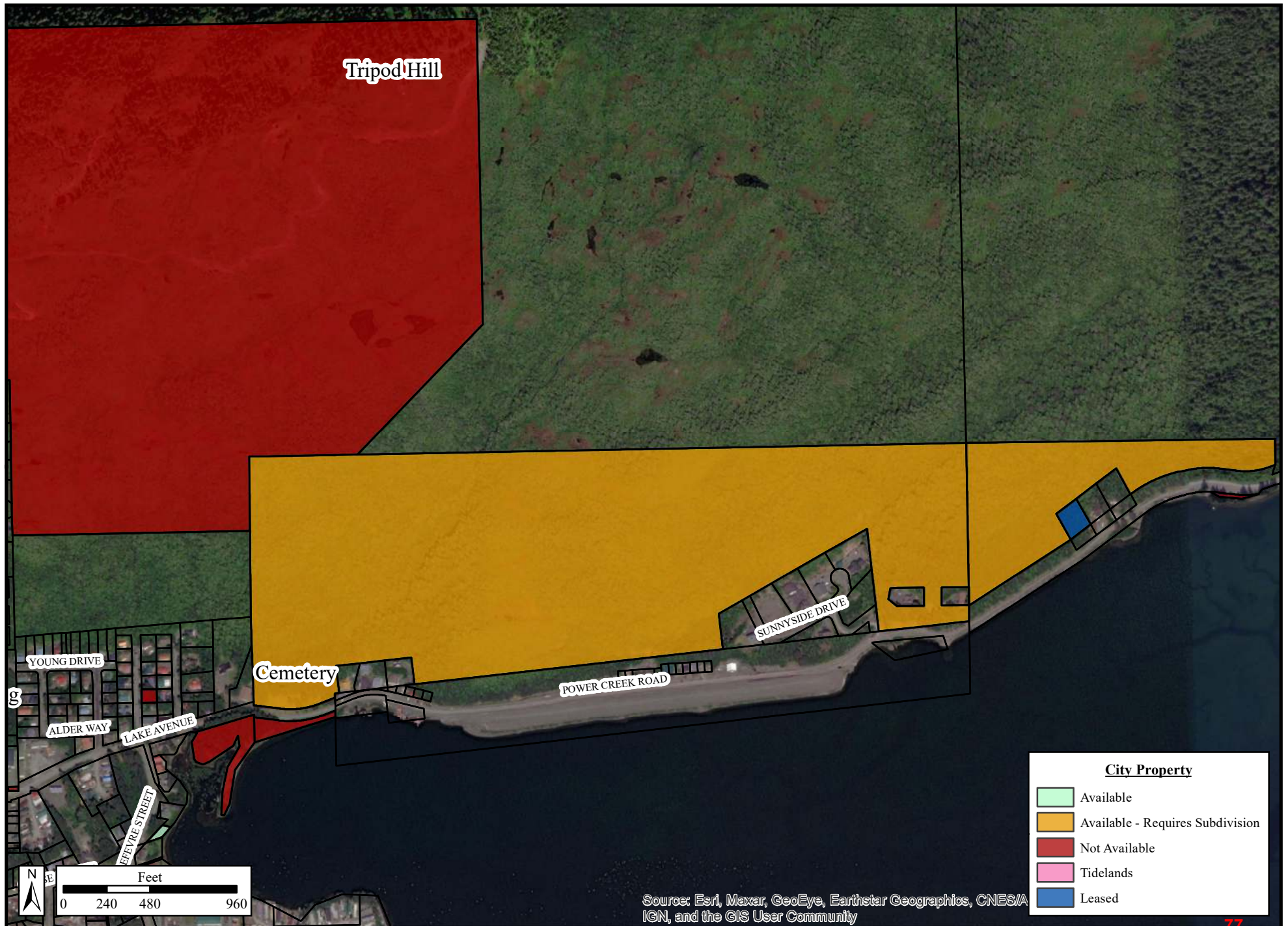


# Odiak Park



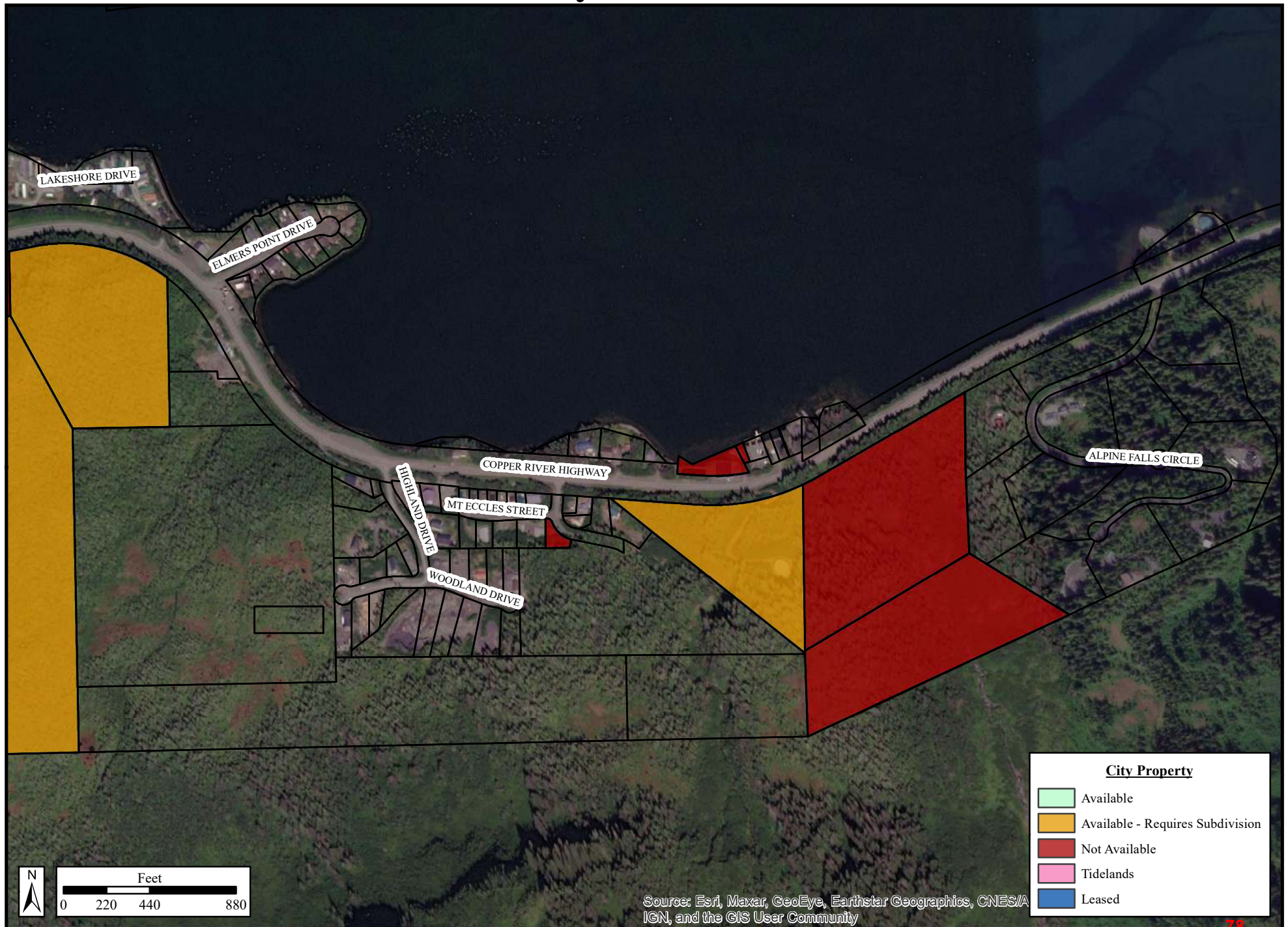


# Power Creek Road



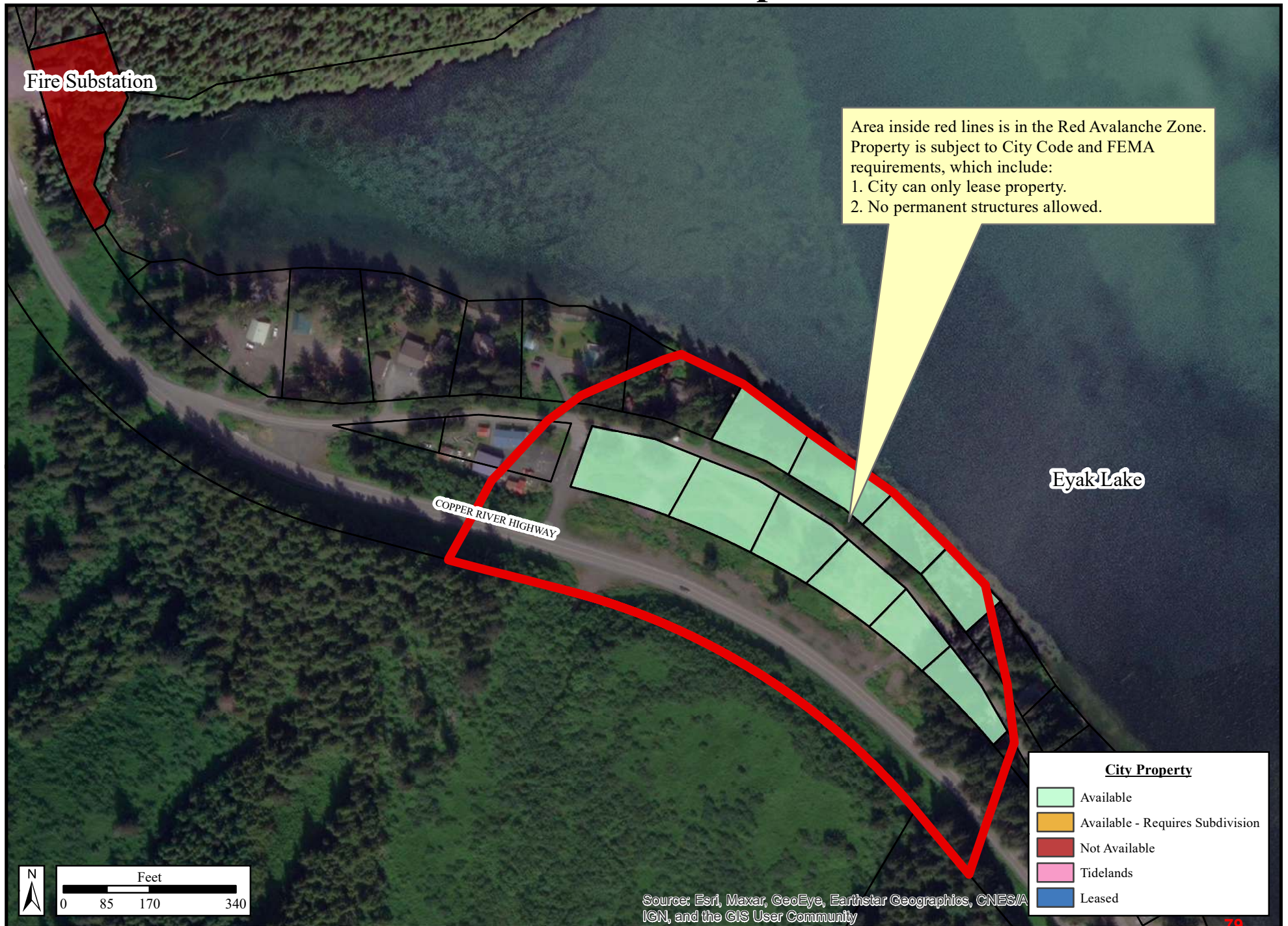


# Eyak Lake





# Five Mile Loop





# Whitshed Road

