



MUNICIPALITY OF SKAGWAY, ALASKA  
PLANNING & ZONING COMMISSION MINUTES

May 11, 2023  
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1. Call to Order:

Chair Lawson called the meeting to order at 5:37 p.m.

2. Roll Call:

Present: Commissioners: Jaimie Lawson, Gary Hisman, Rocky Outcalt, Laura Mabee\*

Assembly Liaison: Orion Hanson

Absent: Commissioner: Jacy Kern

\*[Clerk's Note: Commissioner Mabee was initially marked absent, but arrived at 5:44 p.m. and participated in the remainder of the meeting]

3. Approval of Minutes:

Motion/Second: Hisman/Outcalt to approve the April 13, 2023 minutes.

Motion passed by roll call vote, 3 yes, 0 no, 2 absent.

4. Approval of Agenda:

Motion/Second: Outcalt/Hisman to approve the agenda.

Motion passed by roll call vote, 3 yes, 0 no, 2 absent.

5. Communications:

- A. Correspondence
- B. Permitting Official Report

Permitting Official Fairbanks read her written report that is in the packet.

- C. Hear Citizens Present

Bruce Webber, Dyea Community Advisory Board indicated that the Board has two concerns regarding the Dyea Subdivision.

- First is regarding the protection of the entire subdivision; since the flooding in west creek the Municipality installed a dike, but it does not go the entire length and the creek has caused erosion leaving one area only 12 feet away from the bank of the creek.
- The second concern is that the first few people that buy lots and start construction may inhibit subsequent people from meeting well and wastewater requirements.

6. Unfinished Business:

7. New Business:

**8. Resolutions:**

- A. Adoption of Planning & Zoning Resolution No. 23-04: Approving Conditional Use Permit Application No. 23-35: Skagway Brewing Company (Nanu, LLC), ATS #4 Ptn 5D, in the Waterfront Zone, Request to Operate a Restaurant Serving Alcohol

**Motion/Second: Hisman/Outcalt** to adopt Resolution 23-04, approving Conditional Use Permit Application No. 23-35.

**Motion passed by roll call vote, 4 yes, 0 no, 1 absent.**

- B. Adoption of Planning & Zoning Resolution No. 23-05: Approving Conditional Use Permit Application No. 23-36: Municipality of Skagway, Unsubdivided Portion of ATS #4, in the Waterfront Zone, Request to Operate a Municipal Tour Broker Building/Kiosks per Contract

**Motion/Second: Hisman/Outcalt** to adopt Resolution 23-05 to approve conditional use permit application No. 23-36.

**Motion passed by roll call vote, 4 yes, 0 no, 1 absent.**

- C. Adoption of Planning & Zoning Resolution No. 23-06: Approving Conditional Use Permit Application No. 23-37, Henry Burnham, Block 71 Lot 1, in the Residential-General Zone, Request for Residential Triplex

**Motion/Second: Mabee/Hisman** to approve Conditional Use Permit Application No. 23-37 by proposed resolution.

**Motion passed by roll call vote, 4 yes, 0 no, 1 absent.**

**9. Public Hearings:**

- A. Public Hearing and Consideration of Conditional Use Permit Application No. 23-42: Paul Nils Davis & Earl H. Stovall Jr., Lot 5 Block 29, in the Residential General Zone, Request to Operate a Commercial Rental Car Business in Residential General Zone (Parking and Washing Rental Vehicles)

**Public Hearing**

**Chair Lawson** invited the applicant representative to speak about the permit application.

**Nils Davis and Skipper Stovall** indicated that they received a letter from the Permitting Official stating that they need a conditional use permit to wash and park their rental cars behind the duplex they own. They have been doing this for five years and are not sure why they need to get permission now but are here to find a way to move forward.

**Written Comments were received from:**

- D. Brena, indicating that:
  - He is an adjacent property owner to the east of this proposed use.
  - Operating a commercial business in the residential zone is not a permitted use, accessory use, or a conditional use.
  - The proposed use is not in character with the zoning, creates an eye sore, and adds additional noise and traffic in the neighborhood.
  - He is opposed to this proposed use and believes it will set a precedent that would allow commercial vehicle washing and storage in all zoning areas where it is currently prohibited.

**Permitting Official Fairbanks** indicated that it was brought to her attention that there are businesses relating to rental and tour vehicles that are being run from the residential general zone. She sent letters to these businesses to notify them that a conditional use permit must be acquired from the Planning & Zoning Commission.

**Nils Davis** indicated that their customers do not pick up the vehicles from their home, they only park the vehicles behind the home and wash them in the driveway.

**Commissioner Hisman** indicated that the residential general zone does not permit commercial business of any type. It would not be an accessory use or a conditional use.

**Public Hearing was closed.**

**Main Motion/Second: Mabee/Hisman** to deny Conditional Use Permit Application No. 23-42.

**Secondary Motion/Second: Mabee/Outcalt** to amend the main motion to include that finding of fact that the requested conditional use will not protect the public health, safety, and welfare of the public because commercial use in the residential general zone is not permitted.

**The Secondary Motion passed by roll call vote, 4 yes, 0 no, 1 absent.**

**Secondary Motion/Second: Mabee/Hisman** to amend the main motion to include the finding of fact that the requested conditional use will permanently or substantially injure the lawful use of the neighboring property or uses because of the addition of multiple vehicles into a residential neighborhood for commercial use.

**The Secondary Motion passed by roll call vote, 4 yes, 0 no, 1 absent.**

**Secondary Motion/Second: Hisman/Mabee** to amend the main motion to include the finding of fact that the requested conditional use will not generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans because it is a commercial operation in a residential general zone.

The Secondary Motion passed by roll call vote, 4 yes, 0 no, 1 absent.

**Secondary Motion/Second: Outcalt/Hisman** to amend the main motion to include the finding of fact that the requested conditional use will substantially decrease the value or be out of harmony with property in the neighboring area because it is not zoned for commercial use.

The Secondary Motion passed by roll call vote, 4 yes, 0 no, 1 absent.

The Main Motion passed as amended by roll call vote, 4 yes, 0 no, 1 absent.

10. Commission Discussion:


**Assemblymember Hanson** indicated that he wanted to address Mr. Weber's comments. The Municipality does have engineering plans for a scope of levy work in Dyea. He does not agree with the statement that there may be limited ability to develop well and septic within the requirements. This is why the lots are two acres, and while it may limit options to be within setback requirements, it does not prohibit it.

11. Adjournment:

**Motion/Second: Outcalt/Hisman** to adjourn at 6:28 p.m.

Motion passed by roll call vote, 4 yes, 0 no, 1 absent

ATTEST:

  
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Steve Burnham Jr., Borough Clerk  
(SEAL) DEPUTY

  
Jaimie Lawson, Chair

Kathy Carr

