

**ALASKA NOTARY ACKNOWLEDGEMENT
(COPY CERTIFICATION BY DOCUMENT CUSTODIAN)**

State of Alaska

Judicial District (or County of Skagway)

(or Municipality of Skagway)

I, Kathy Carr (name of custodian of original document), hereby swear (or affirm) that the attached reproduction of Jonathan Hillis' Appeal of Decision regarding Conditional Use Permit Application #23-72 and all records, transcripts, written decision, and other documents related to the granting of the application (81 pages), is a true, correct and complete photocopy of these documents in my possession.

Kathy Carr
Signature and address of custodian
of original document

Subscribed and sworn to before me this 7th day of February in the year 2024.

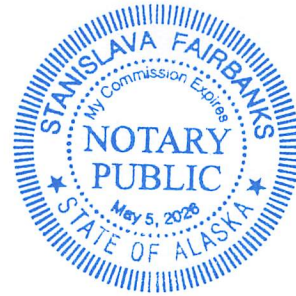
(Seal)

Stanislava Fairbanks
Signature of Officer

Permitting Official
Title of Officer

Serial Number, if any

My Commission Expires: May 5, 2026



MUNICIPALITY OF SKAGWAY
Planning and Zoning Commission
MEETING AGENDA

Thursday, December 14, 2023 at 5:30 p.m. in the Assembly Chambers

1. **Call to Order:**

2. **Roll Call:**

David Brena, Chair
Rocky Outcalt
Jacy Kern

Laura Mabee, Vice-Chair
Gary Hisman
Orion Hanson, Ex-Officio

3. **Minutes:**

A. November 9, 2023

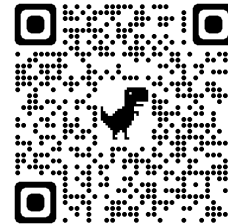
4. **Approval of Agenda:**

5. **Communications:**

A. Correspondence

B. Permitting Official's Report

C. Citizens Present: *PLEASE COME TO THE FRONT OF THE CHAMBERS AND STATE YOUR NAME BEFORE ADDRESSING THE COMMISSION*



6. **Unfinished Business:**

7. **New Business:**

A. Approval of 2024 Planning & Zoning Commission Schedule

B. Schedule Housing Work Session

8. **Public Hearings:**

A. Conditional Use Permit Application #23-69, Paul Munson/Early Bird Café, Request to use the Fellowship Hall to serve as a pop-up breakfast café, Block 9 , Lot 2 in the Residential-General Zone

1. Public Hearing

2. Consideration

B. Conditional Use Permit Application #23-70 BoomTown Buds, LLC, Request to Operate a Retail Marijuana Store, Block 25, Lot 11 in the Business-Skagway Historical Zone

3. Public Hearing

4. Consideration

C. Conditional Use Permit Application #23-72 Jonathan Hillis, Request to convert garage to a studio apartment, Block 105, Lot 7 in the Residential-General Zone

5. Public Hearing

6. Consideration

9. **Discussion Items:**

10. **Adjournment:**

Next Regular Meeting: **Thursday, January 11, 2024 at 5:30 p.m.**

- Application materials are due at the Borough Offices by 4:00 p.m. Monday, January 1, 2024.



MUNICIPALITY OF SKAGWAY, ALASKA
PLANNING & ZONING COMMISSION MINUTES

December 14, 2023
Page 1 of 6

1. **Call to Order:**

Chair Brena called the meeting to order at 5:30 p.m.

2. **Roll Call:**

Present: Commissioners: Jacy Kern, David Brena, Laura Mabee

Assembly Liaison: Orion Hanson

Absent: Commissioners: Gary Hisman, Rocky Outcalt

3. **Approval of Minutes:**

A. November 9, 2023

Motion/Second: Kern/Mabee to approve the minutes for November 9, 2023.

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

4. **Approval of Agenda:**

Motion/Second: Kern/Mabee to approve the agenda.

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

5. **Communications:**

A. Correspondence

Deputy Clerk Carr indicated that one piece of correspondence was added to the packet.

B. Permitting Official Report

Permitting Official Fairbanks indicated that she conducted the following inspections:

- November 20, 2023- a roughing inspection of a garage on Block 122, Lot 5.
- December 11, 2023- a final inspection for the Alaska Coach Tours facility on Lot D, Dave and Pam Hunz subdivision.

C. Hear Citizens Present

6. **Unfinished Business:**

7. **New Business:**

A. Approval of 2024 Planning & Zoning Commission Schedule

Motion/Second: Kern/Mabee to approve the 2024 Planning & Zoning Commission Meeting Schedule.

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

B. Schedule Housing Work Session

Chair Brena indicated that he placed this on the agenda to determine commissioners' availability to have a discussion regarding housing. He would like each commissioner to bring three ideas to the table.

Commissioner Mabee indicated that she would be available most evenings.

Commissioner Kern indicated that early to mid-January would work best for her.

Chair Brena indicated that he would leave it to the Clerk's office to determine the scheduling.

8. Resolutions:

9. Public Hearings:

- A. Conditional Use Permit Application #23-69, Paul Munson/Early Bird Café, Request to use the Fellowship Hall to serve as a pop-up breakfast café, Block 9, Lot 2 in the Residential-General Zone

1. Public Hearing

Chair Brena opened the Public Hearing and invited the applicant to introduce their application.

Applicant Paul Munson introduced his application to operate a pop-up breakfast café at the Presbyterian church as a service to the community which is lacking early morning breakfast businesses.

Deputy Clerk Carr indicated that there was no correspondence received for this application.

Permitting Official Fairbanks indicated that she informed the applicant that they would need a conditional use permit to comply with code and they applied the next day.

Chair Brena closed the public hearing.

2. Consideration

Commissioner Kern indicated that there is a small mistake on the application where it indicates that it is not within the coastal management program area.

Main Motion/Second: Kern/Mabee to approve application permit 23-69 by proposed resolution.

Secondary Motion/Second: Kern/Mabee to amend the main motion to include the finding of fact that the requested conditional use will protect the public health, safety, and welfare.

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

Secondary Motion/Second: Brena/Kern to amend conditional use permit 23-69 to include the hours of operation as 6:00 a.m. to 9:00 a.m., to define the off season as the day after the last cruise ship departs until the day before the first cruise ship arrives in the spring, and that five off-street parking spaces be provided by the applicant.

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

Secondary Motion/Second: Kern/Mabee to amend the main motion to include the finding of fact that the conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

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

Secondary Motion/Second: Kern/Mabee to amend the main motion to include the finding of fact that the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans.

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

Secondary Motion/Second: Kern/Mabee to amend the main motion to include the finding of fact that the conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

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

Assemblymember Hanson indicated that he would suggest changing the off-season definitions of the first and last cruise ship day to actual dates in April and October because the cruise ship calendar changes year to year.

Chair Brena indicated that his intention was to keep the schedule variable in the changing of the cruise ship calendar.

The Main Motion passed as amended by roll call vote, 3 yes, 0 no, 2 absent.

- B. Conditional Use Permit Application #23-70 BoomTown Buds, LLC., Request to Operate a Retail Marijuana Store, Block 25, Lot 11 in the Business-Skagway Historical Zone
 1. Public Hearing

Chair Brena invited the applicant to introduce the application.

Applicant Dylan Healy indicated that he is the co-owner of BoomTown Buds with Mike Healy. They will be opening a year-round marijuana dispensary in the old Starfire location.

Deputy Clerk Carr indicated that there was one request to testify; however, that person also sent a letter and declined to testify in person.

Chair Brena indicated that he did investigate some of the concerns expressed in the letter regarding the proximity of a youth center in the form of the Park Service's Junior Ranger program. He found that the Park Service stated that the Junior Ranger program was closed in 2022 and 2023.

Chair Brena closed the public hearing.

2. Consideration

Main Motion/Second: Mabee/Kern to approve application 23-70 for BoomTown Buds, LLC. by proposed resolution.

Secondary Motion/Second: Kern/Mabee to amend the main motion to include the finding of fact that the requested conditional use will protect the public health, safety, and welfare.

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

Secondary Motion/Second: Kern/Mabee to amend the main motion to include the finding of fact that the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

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

Secondary Motion/Second: Kern/Mabee to amend the main motion to include the finding of fact that the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans.

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

Secondary Motion/Second: Kern/Mabee to amend the main motion to include the finding of fact that the requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

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

Chair Brena indicated that he researched the concern regarding the existence of a liquor license for the same property and found that not to be the case.

Permitting Official Fairbanks indicated that the Assembly would be reviewing the marijuana application at some point.

The Main Motion passed as amended by roll call vote, 3 yes, 0 no, 2 absent.

- C. Conditional Use Permit Application #23-72 Jonathan Hillis, Request to convert garage to a studio apartment, Block 105, Lot 7 in the Residential Zone

- 1. Public Hearing

Chair Brena invited the applicant to introduce the application.

Applicant Jonathan Hillis indicated that he has a garage that is mostly unused, and he wants to section off a roughly 500 square foot area and turn it into a studio apartment for an occupant year-round. Exterior changes include replacing the garage door with a wall and adding two windows and a door on the backside of the building.

Chair Brena closed the public hearing.

Permitting Official Fairbanks indicated what the setback requirements are. There was a variance granted for this building for a garage with a one-foot setback from 17th Avenue and three-foot setback on the east side.

Chair Brena indicated that the variance was granted for a garage and would not apply to an accessory housing structure. The way code is written now, it does not satisfy setback requirements as an accessory housing structure. Setback requirements are established for safety and municipal accessibility reasons.

- 2. Consideration

Main Motion/Second: Mabee/Kern to approve application 23-72 by proposed resolution.

Secondary Motion/Second: Mabee/Kern to amend the main motion to include the finding of fact that the requested conditional use will protect the public health, safety, and welfare with the additional condition that setback requirements be met.

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

Secondary Motion/Second: Mabee/Kern to amend the main motion to include the finding of fact that the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

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

Secondary Motion/Second: Mabee/Kern to amend the main motion to include the finding of fact that the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans.

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

Secondary Motion/Second: Mabee/Kern to amend the main motion to include the finding of fact that the requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

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

The Main Motion passed as amended by roll call vote, 3 yes, 0 no, 2 absent.

10. Commission Discussion:

11. Adjournment:

Motion/Second: Kern/Mabee to adjourn at 6:17 p.m.

Motion passed with no objection.



David Brena, Chair

ATTEST:



Kathy Carr, Deputy Borough Clerk
(SEAL)



2023_12_14 P&Z

Chair Brena: Planning and zoning will come to order. Roll call.

Deputy Clerk Carr: Kern?

Kern: Here.

Deputy Clerk Carr: Brena?

Chair Brena: Here.

Deputy Clerk Carr: Mabee?

Mabee: Here.

Deputy Clerk Carr: Hisman. Absent. Outcall. Absent. Hanson?

Assemblymember Hanson: Present.

Deputy Clerk Carr: 3 members present. Quorum is established.

Chair Brena: I'll entertain a motion to approve the November 9, 2023 minutes.

Kern: I'll make a motion to approve the minutes from the November 9th, 2023 meeting.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: 3 yeases. Motion passes.

Chair Brena: And I'll entertain a motion to approve the agenda.

Kern: I'll make a motion to approve this evening's agenda.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: 3 yeases, motion passes.

Chair Brena: And on to communications, uh, do we have any correspondence that were not a part of the packet?

Deputy Clerk Carr: There was just the 1 piece of correspondence that was in your packet.

Chair Brena: Okay. So, we'll move on to the permitting officials report.

Permitting Official Fairbanks: I apologize that I didn't have a report included, but I just want to let, you know, that I conducted since our last meeting, I conducted 2 inspections, one on November 20th, 2023, roughing inspection of a garage. On block 122, lot 5, and December 11th, 2023 final inspection for the Alaska coach bus facility on lot D, Dave and Pam Hunz subdivision.

Also, before you vote on any of these conditional use permit applications, if you'll give me a chance to speak about them. Yeah, thank you.

Chair Brena: Yeah, we'd like that. Thank you. Citizens present, if anyone would like to come forward, state their name to address the commission.

Okay. No unfinished business. We have two items of new business. I'll entertain a motion to approve the 2024 Planning and Zoning Meeting Schedule.

Kern: I'll make a motion to approve the 2024 Planning and Zoning Commission Schedule.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: 3 yeases. Motion passes.

Chair Brena: And, uh, the next item of new business is a schedule for, um, a housing work session. And, um, I placed this on the agenda, uh, and I, I was hoping to just find what people's schedule might be like and, um, I guess the, the idea behind this is to, uh, possibly come up with 3 items, each commissioner, that could be, uh, possibly turned into a resolution, but, um, that would do something to improve Title 19 or, um, Even recommendations to the assembly directly to do certain things with lots to get them into the public's hands.

So, I guess I'm kind of looking now for, uh, you know, what, what your schedules might be like.

Mabee: Um, chair Brenna, I am available for foreseeable future most nights and evenings work for me. Um, I do have some input for that and definitely can work on items to bring to a housing work session.

Kern: I will be available, um, probably in early January. The rest of this month is pretty chaotic for me. So, if we wanted to schedule this the 1st or 2nd week in January, that would be much more doable for me personally.

Chair Brenna: So, I guess I'll leave it up to the deputy clerk to contact everybody. I'm available anytime and, uh. Maybe we can get everybody together. It doesn't have, it shouldn't be longer than 2 hours. I would think.

Kern: I will also be out of town from the 23rd through the 30th.

Chair Brenna: of January? Okay. Yeah, I, I mean, ideally, I was hoping to get it before the next meeting, but... Maybe we'll shoot for the following meeting.

Okay. So, uh. Are there any questions about the work session? So, we're on to the public hearing and we'll now open the public hearing and invite the applicant of the 1st application to testify if they, if they prefer. And so that's the, uh, the early bird restaurant.

Paul Munson: Thank you for your time. Paul Munson

Chair Brenna: maybe just give us a rundown of what it is you're proposing.

Paul Munson: Sure. Um, so I was approached by the Presbyterian church. To, um, if I would be interested in opening a restaurant open and well, like a pop up restaurant open to the public and early mornings. Um, there's been, um, several people who have approached them saying, you know, um, that there's no place in the town where they can just sit down and enjoy, uh, more of a full scale breakfast as opposed to just a sandwich or, or whatever.

Um, so And the idea was more as a community service, um, and also as a way to have an income from my family for the winter as well, um, from what I understand.

Chair Brenna: Uh, I don't know if we're running through these in order or we're going to go on to the next.

Deputy Clerk Carr: You're going to fully complete this public hearing and all the motions and everything before you move on to the next. Is that, am I understanding the question correctly?

Chair Brena: I think so, yeah. Okay. So, Let's see, I guess, uh, Did we receive any, uh, public testimony about this application?

Deputy Clerk Carr: None for this application.

Chair Brena: And, uh, would the permitting official have anything to say about this application?

Permitting Official Fairbanks: Yeah, for this application, I just want to say that I approached the, uh, business owner and informed them that they will need to apply for a conditional use permit, uh, and they basically applied the next day. They are willing to comply with code. That's the only thing I want to say.

Chair Brena: Okay, so I guess we'll, uh, close the public hearing on this application. We'll, uh, we may want to, uh, recall you when appropriate time.

So, now I'd like to receive a motion.

Kern: I do have a question, Paul. I just wanted to clarify 1 thing on your application. Um, on page 3, there's a question that says, does this conditional use fall within the coastal management plan or coastal management program area? And you answered no, and I don't think that's.

Yeah, so I just wanted to clarify that this application does fall into the coastal management program area. And the application just says no, but I just wanted to make sure.

Chair Brena: So, I'll entertain a motion on the application for a conditional use permit.

Mabee: I'll make a motion to approve application permit 2369.

Kern: I'll second.

Chair Brena: Uh, roll call.

Deputy Clerk Carr: You'll now want to go through your standards.

Chair Brena: Oh, okay. I'm sorry. So, now we're going to open the, uh, 4 standards of, uh, of a conditional use permit and, uh, the 1st being that, uh, the requested conditional use permit will protect, uh, public health, safety, and welfare. And, uh, I wonder, is there anyone who would like to Amend the motion in any way relative to this standard.

Kern: Uh, I'd like to make a motion that we amend the main motion to include the finding the facts that the requested conditional use will protect public health, safety and welfare.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: 3 yeases. Motion passes.

Chair Brena: And are there any further amendments to. Requested conditional use permit item A?

Kern: Pardon?

Chair Brena: Are there any further amendments?

Kern: Not for to the motion A

Mabee: not for A, no.

Chair Brena: So I know normally I, I wouldn't enter, um. amendments, but in this case where we're shorthanded, I'm going to move that we amend

Conditional Use Permit 23-69 to include the hours of operation during the off season and define the off season as the day after the last cruise ship departs until the day before the first cruise ship arrives in the spring.

Kern: We do have to finish the other amendments though.

Chair Brena: I know.

Kern: Okay.

Chair Brena: And, um, and in addition, uh, I think these are under the, the, um, Public Health, Safety and Welfare, which is where I think Title 19 mostly falls. But, uh, and then to go on with the, uh, my amendment that, uh, There are 4, um, parking Spaces shown on the application.

I think by my calculation, although I couldn't see the Numbers very well, but there should be 5. Um, and, uh, so I would recommend that 5, uh, off street parking spaces be provided by the applicant.

Deputy Clerk Carr: Would you just restate the beginning of the, of the amendment? I just missed... I, could you restate the beginning of the amendment regarding, regarding the hours?

Chair Brena: Yeah, the beginning of it is including the hours of operation, which are stated in the permit to be 9, uh, 6 a. m. to 9 a. m. During the off season, and then that's defining the off season.

Uh, and then in addition to that, uh. The amendment would condition that there are 5 parking spaces provided according to the. Uh, legal required parking for the size that the building is instead of 4.

Deputy Clerk Carr: Thank you.

Chair Brena: Do I have a second?

Kern: Second.

Chair Brena: Uh, roll call?

Deputy Clerk Carr: Mabee?

Mabee: Oh, sorry. I was trying to. Sorry, I was trying to pull up the code and it's blocking me right now.

Chair Brena: The code, I believe is 1, uh, parking space for every 500 square feet.

Mabee: Right, yeah, I was just going to look at what the requirement was for the current lot and establishment there. Does it have 5?

Chair Brena: It can have 5, yeah.

Mabee: Um, yes.

Deputy Clerk Carr: Kern?

Kern: Uh, yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: 3 yeases. Motion passes.

Chair Brena: Okay, now on to item, uh, Standard B, the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses. So I'll entertain a motion on that standard.

Kern: I'll make a motion that we amend the main motion to include the finding that Binding of fact, the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: 3 yeses. Motion passes.

Chair Brena: And on to standard C, which reads the requested conditional use will generally be in harmony with comprehensive plan, coastal management plan. And other officially adopted plans. I'll entertain a motion for that.

Kern: I make a motion we amend the main motion to include the finding of the fact that the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan and other officially adopted plans.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: 3 yeses. Motion passes.

Chair Brena: And on to the final standard, uh, The requested conditional use will not substantially decrease the value or be out of harmony with properties in the neighboring area. I'll entertain a motion for that standard.

Kern: I'll make a motion we amend the main motion to include the finding of the fact that requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Three yeses. Motion passes.

Chair Brena: Now, I believe we're back to the main motion, uh, as amended and, uh, can you state it?

Deputy Clerk Carr: Um, that, uh, conditional use permit application number 2369 will be approved by resolution. Sorry, I didn't have it pulled up.

Chair Brena: Okay.

I think that's good enough. Do we have a motion?

Deputy Clerk Carr: We already have the motion. If you guys are done with discussion, we can do roll call.

Chair Brena: Um, yeah, so I'll open it for discussion.

Assemblymember Hanson: Mr. Chairman, if I may, your motion amendment, I'm sorry, to allow this after the 1st cruise ship and before the 1st cruise ship, the cruise ship calendar changes every year, and it might be a little more consistent

if you said, say, October 15th to April 15th. It's approximately when it happens, but we know the cruise ship calendar changes all the time.

And it's kind of uncertain with those early ships or late ships have actually come. It's just a suggestion.

Chair Brena: Yeah, thanks for that. Uh, Commissioner Hanson, I did consider that. I, um. And the reason that I made it, um, variable is exactly for that reason, um, because it does change every year. Uh, so I don't, I don't think it's, uh. Should be too big of an issue either way.

Where are we? We're voting on the main motion.

Deputy Clerk Carr: you ready?

Chair Brena: We're ready.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: 3 yeses. Motion passes.

Chair Brena: Okay.

Now we're on to the 2nd Conditional Use Permit 23-70.

Um, that's the, uh, Boomtown Buds, and, uh, that's at the old Starfire location with the owner, uh, I believe, Healy. And, um, if you could come forward and, uh, give us some of the information.

Dylan Healy: Dylan Healy, uh, co owner of Boomtown Buds with Mike Healy.

Chair Brena: Can you just, uh, run down what it is and tell us a little bit about it?

Dylan Healy: Good to go? We're opening a marijuana dispensary in the old Starfire location. Um, yeah, to be open year-round. Um, yeah, selling to persons of 21 years of age or older and yeah.

Chair Brena: Did we have any requests, uh, public testimony other than the one that's in the packet?

Deputy Clerk Carr: We did have one request by Timothy Shelby. Who I believe is present.

Yes, it seems he did send a letter, so he will just rely on that letter instead of testifying here tonight.

Chair Brena: That's fine. I read the letter. I do have a couple of comments about the letter. I'm not sure when the appropriate time to say that is. I did call, I did do some research online about the junior Ranger program, that was referenced in, in the letter. And, uh, as being a type of a youth program or school and too close to the, the, the park stated that in 2022 and 2023 that, uh, Junior ranger program was, uh, not open, uh, so, uh, in terms of the distance, the distance is very close to what, if it were a school or something of that nature, the distance is very close to, uh, it would have to be measured by the building official or, or someone at the assembly to determine if it's too close, um, or not.

So, yeah, I guess that's it. We'll close that testimony, Dylan, and if we need you, we'll call you back up.

Dylan Healy: Sounds good.

Chair Brena: So I'll entertain a motion on the, uh, application 23-70 for Boomtown Buds.

Mabee: I'll make a motion to approve the application 2370 for Boomtown Buds LLC, conditional use permit.

Kern: Second.

Chair Brena: Uh, roll call?

Deputy Clerk Carr: You'll want to go through your standards before we come back to the main motion.

Chair Brena: Oh, all right. That's only the 2nd time I've done it. So, uh, okay. So, uh. The standard, standard, uh, standard A, uh, the condition, the requested conditional use will protect public health, safety and welfare.

Uh, so I'll entertain a motion to, uh, amend that language.

Kern: Uh, I would like to make a motion. We amend the main motion to include the finding of the fact that the requested conditional use will protect the public health, safety, and welfare.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: 3 yeses. Motion passes.

Chair Brena: Onto standard B, the requested conditional use will not permanently or substantially injure The lawful use of neighboring properties or uses. I'll entertain a motion to amend that language.

Kern: Uh, I'd like to make a motion. We amend the main motion to include the finding of the fact that requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: 3 yeases, motion passes.

Chair Brena: And standard C, the requested conditional use will generally be in harmony with comprehensive plan, coastal management plan, and other officially adopted plans. I'll entertain a motion to amend the main motion.

Kern: I'll make a motion we amend the main motion to include the finding of the facts that request conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: 3 yeses, motion passes.

Chair Brena: And standard Item D, the final one, the requested conditional use Will not substantially decrease the value or be out of harmony with property in the neighboring area, and I'll entertain a motion to, uh, address that item.

Kern: I'll make a motion we amend the main motion to include the finding of the fact that requested conditional use will not substantially decrease the value or be out of harmony with the property in the neighboring area.

Mabee: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Three yeses, motion passes.

Chair Brena: And before we're out of the discussion area on this, the 2nd item of, uh, It was in the letter that was that there may be A conflict between alcohol being served on site and The sale of marijuana on the site. And I Know that, uh, that's not the case.

So, just For your information. So we're back to the main motion.

Kern: Just to clarify, though, while we're still in discussion, Stacey, did you have?

Permitting Official Fairbanks: Well, I had prepared myself if this was going to be more of a discussion, really, because I read the state's code. But, yeah, it seems like, you know, it's not turning to be a big discussion.

And I think the commission is doing the right thing because after all, you're actually looking after title Title 19, and it's going to be up to the assembly to decide if this, um, uh, application is going to pass or not. Once the marijuana application goes to the assembly. But yeah, and I also checked on the liquor license as well, And yeah, the chair is correct. Thank you.

Chair Brena: No, thank you for that for me official. I'm sorry. I passed you. So, we're to the main motion again.

Deputy Clerk Carr: Uh, Mabee?

Mabee: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: 3 yeses. Motion passes.

Chair Brena: Okay.

Now we're on to Conditional Use Permit 23-72 in the residential general area. It's being represented by Jonathan Hillis. And if you could come forward and give us a rundown of what you're doing.

Jonathan Hillis: Jonathan Hillis, thank you all for listening to this. So, I have a garage that sat on my property, mostly unused since I bought it. Um, so I am segregating off a roughly 500 square foot section, um, to make it into a small studio apartment. Um, the, I have an occupant coming, um, who will be living here year-round.

Um, the only changes to the exterior of the building will be the garage door will be replaced, um, with a wall that matches the rest of the building and 2 windows there. And then a door will be put on the backside, mostly hidden by the existing fence that's there.

Chair Brena: Do we come back to him if we have questions for him? After?

Deputy Clerk Carr: You can, yes.

Chair Brena: Okay, we'll close this for now and come back.

Kern: do we close the public hearing and then they'll stay up there, or..[inaudible]

Deputy Clerk Carr: The reason we had the applicant going back to sit down was to allow for the other public testimony that might be happening. We didn't have anybody that signed up for public testimony on this application. So, if you are ready to ask questions now, you could have him stay there.

[Inaudible request from the audience]

Chair Brena: Uh, I think I think so we closed it, but we didn't know that you were.... So, please come up and speak.

Charles Doland: My name is Charles Doland. Um, I'm actually Jonathan's father-in-law, but I'm not involved in this project other than, uh, advice, I guess, but I did want to make a couple of statements. Um, We know housing is very tight in Skagway, desperate need of housing. This property is a corner lot. Across the street to the south is the RV park, across the street to the west is the school ball field, um, to the west, uh, behind a six foot fence is existing employee housing, and to the north is White Pass President housing, White Pass President, historically in the 30 years I've been here, Uh, that housing has been occupied very little.

I, I doubt it's occupied 30 percent of the year. Um, and the building that he's wanting to, to put this housing in is, is already existing. Uh, there will be no exterior changes other than, as he mentioned, removing a garage door, walling it off, putting two windows in, and adding a man door. Um, so to me, it seems like a really good answer to a really bad problem in Skagway.

And, uh, that's just what I wanted to state to this. Thank you.

Chair Brena: And now I think that I'll go to the remaining official for comments on this.

Permitting Official Fairbanks: Yeah, just a comment about the setbacks of let me just pull up the plans. Usually, the setback should be 5 feet, 5 feet on each side and 5 feet in the back, and then 10 feet in the front, um, so there is a 1 foot

setback from the 17th Avenue and 3 feet, um, towards, so it's east towards Jan Wrentmore's property.

Um, I was in my research, uh, I was able to find that there was a variance for, uh, Building the garage from, uh, 2010 and, um, I requested, uh, the clerk and, uh, deputy borough clerk, um, um, attached the, the minutes from the meeting and, uh, a resolution for the variance. When the variance was given, it was given for, uh, for setbacks for a garage.

Um, what, through reading of the minutes, and then I listen, I found the recording as well, listen to the recording, um, they, so per code they can put, uh, the commission can put, uh, conditions on a variance, um, but no conditions were given for this variance, so, um, I'm just providing it as information of like, does it... Does it change anything if it's becoming a residence now from a, from a garage, um, since variance is existing, but no conditions were given? Like, for example, condition of just the variance is only for a garage. That garage can't become anything else. There's no conditions like that. So I just want to provide you with this information that, um, of my research.

Thanks.

Chair Brena: Okay, do the commissioners have any questions for the permitting official? Jacy?

um, so the issue on this is the setback requirements on the property and, uh, I believe the side yard setback is 1 foot. And it should be 5 feet, and the backyard setback is 3 feet, and the code says it should be 5 feet. Um, the variance that was, uh, pulled out of the file today, uh, from 2010 is, uh, was for a garage.

And variances don't run with a different property type. So if you have a variance for a garage and you're proposing an accessory structure, Uh, which is the case here, that variance doesn't apply to it. You would have to apply for a new variance. And, you know, I understand everyone's need and desire for housing, additional housing.

And, you know, that's partly what this work session that's coming up is all about. But the way the code is written now, uh, it, it does not satisfy the setback requirements for Uh, an accessory structure and, um, there are reasons for setbacks. I mean, it's not just a thing. I mean, it's mostly it's within the health, uh, welfare, it's fire related.

It's, uh, you know, it's blocking, uh, views. It's allowing the city to put in, uh, to do their work. Um, so one of the things I really, uh, do not like is the one-off nature of some of the decisions that come out of planning and zoning, where it's instead of sticking to the rule, it's... it depends on who you are and what you are.

But I really think that uses like this should be permitted, but it's not. And, uh, Hopefully, planning and zoning can initiate a change along those lines. So I'll go with that. I'll go to, uh, uh, We did have a motion on this, right? No. Okay. I'll go to a motion on this.

Mabee: I will make a motion to approve application 23-72.

Kern: Second.

Chair Brena: roll call.

Deputy Clerk Carr: You'll do your standards first and, um. When you're doing your standard amendments, you can put in, um your additional conditions, such as meeting setback requirements.

Chair Brena: Okay, so we're on to standard A again, and this is a requested conditional use. We'll project the public health, safety and welfare and, uh, in my view, this would be the, uh, area that, um, setbacks would fall within, uh, of the 4.

So, uh, I'll, uh, I'll accept a, uh, motion on it. Standard A.

Mabee: I make a motion we amend the main motion to include the finding of the fact the requested conditional use will protect the public health, safety and welfare. Um, and we'd like to add that this. By meeting the setback standards as laid out in code.

Kern: Second.

Chair Brena: I'm a little confused on that motion. Uh, it doesn't meet the setback requirements.

Deputy Clerk Carr: Commissioner Mabee can correct me if I'm wrong, but I was interpreting that the motion would be then that the conditional use will protect the public health and safety and welfare with the additional condition that setback requirements are met.

Mabee: Yes.

Deputy Clerk Carr: So, that would be required in order for the permit to be in effect.

Chair Brena: Okay, that's your motion. Uh, roll call or did we get a 2nd?

Kern: Yes.

Chair Brena: Okay, roll call.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Brena.

Chair Brena: Yes.

Deputy Clerk Carr: 3 yeases. Motion passes.

Chair Brena: And item B, the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties.

Mabee: I make a motion we amend the main motion to include the finding of the fact that the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

Kern: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: 3 yeses, motion passes.

Chair Brena: And, uh, standard C, the requested conditional use will generally be in harmony with comprehensive plan, the coastal management plan and other officially adopted plans.

Mabee: I make a motion we amend the main motion to include the finding of fact that the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans.

Kern: Second.

Chair Brena: Roll call.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: 3 yeses. Motion passes.

Chair Brena: And standard D, the requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

I'll entertain a motion on. That standard.

Mabee: I make a motion. We amend the main motion to include the finding of fact that the requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring areas.

Kern: Second.

Chair Brena: roll call.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Mabee?

Mabee: Yes, 3 yeses, motion passes.

Chair Brena: Okay, I guess we're back to the main motion. Do you want?

Deputy Clerk Carr: Ready?

Chair Brena: Yeah.

Deputy Clerk Carr: Mabee?

Mabee: Yes.

Deputy Clerk Carr: Kern?

Kern: Yes.

Deputy Clerk Carr: Brena?

Chair Brena: Yes.

Deputy Clerk Carr: 3 yeses, motion passes.

Chair Brena: Okay, so we're on to discussion items. Uh, Laura?

Commissioner Kern?

uh, I've got, uh, 1 thing, um, And that is that I've noticed in the, um, Conditional use permit code area. That there are three carve outs for land that's, um, accepted from the standards of the conditional use permit, uh, along Alaska Street, along State Street, some areas. And, uh, so, you know, there's a bit of a precedent for being able to do something more for applications like this, um, and, uh, hopefully we can Address that in, uh, in our work session.

And in the work session, I would like to get things into a resolution format and not just, uh, you know, when we're done, we're ready to give a resolution that's a recommendation that Orion or whoever can take to the assembly. And so it's more than just talking about it. It's, you know, it's a detailed thing that says, okay, this language should be.

Stricken, this should be added and these are our recommendations for the assembly. Okay, that's it. And I guess with our agenda concluded, I will Entertain a motion to adjourn.

Kern: I'd like to make a motion that we adjourn.

Mabee: Second.

Chair Brena: Meeting is adjourned.



MUNICIPALITY OF SKAGWAY NOTICE OF PUBLIC HEARING CONDITIONAL USE REQUEST

CONDITIONAL USE PERMIT APPLICATION NO. 23-72

The Municipality of Skagway Planning Commission will consider the following:

APPLICANT: Jonathan Hillis, PO Box 1031, Skagway, AK 99840

REQUEST: Request to convert garage to a studio apartment

LOCATION: Block 105, Lot 7, in the Residential-General Zone

PROJECT DESCRIPTION: Applicant is requesting a conditional use permit to:
Convert garage to a studio apartment.

PUBLIC HEARING: Thursday, December 14, 2023, at 5:30 p.m. in the Borough Assembly Chambers.

You are invited to attend and give your comments particularly as your property may be affected by the conditional use. Individuals who would like to testify at the meeting must sign up with the Borough Clerk's Office by 5 pm on Wednesday, December 13, 2023. Comments can also be submitted in writing to the Municipality of Skagway Planning Commission, P.O. Box 415, Skagway, AK 99840, or delivered to the Borough Clerk's Office by 5 pm on Wednesday, December 13, 2023.

QUESTIONS: Please contact the applicant regarding questions about the project or call the Permitting Official's Office at (907) 983-3906 to review the permit application provided by the applicant.

RECEIVED

DEC 04 2023

Municipality of Skagway

MUNICIPALITY OF SKAGWAY

Application/Permit # 23-72

Application for a Conditional Use Permit

For Borough Staff to Fill Out:
Application Complete & Accepted for Review Date

Zoning District:

- Business General, Business Historic, Residential General, Residential Conservation, Residential Low Density, Industrial, Industrial Light, Waterfront

Application Fee: \$50.00

A conditional use permit gives site-specific flexibility to the zoning ordinance in a uniform and controlled manner. It permits uses that are desirable to the community, but may not be suitable at every location in the zone based on character, intensity, size or impact on surrounding uses. THE PLANNING COMMISSION MAY ATTACH RESTRICTIONS AND CONDITIONS DESIGNED TO FIT THE SPECIAL PROBLEMS WHICH THE USE PRESENTS.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

YOUR CONDITIONAL USE PERMIT APPLICATION MUST INCLUDE THE FOLLOWING MATERIALS TO BE COMPLETE:

- Permit application states the conditional use requested.
A plot plan indicating date, north arrow, scale, exterior property boundaries and approximate dimensions, location of all existing and proposed buildings on the property and their approximate distance from lot lines, access for ingress and egress, sewer and water lines serving the property and power poles, all easements on the property, construction details, approximate dimension of parking areas and spaces, if applicable.
Other information as necessary to illustrate the impact of the proposed conditional use.

Applications will not be processed until all application fees have been submitted.

Property Owner: Name Jonathon Hillis, Phone & Fax 760-293-8015, Mailing Address PO Box 1031 Skagway AK 99840, Signature, Date 12/4/23

Business Owner: Name, Phone & Fax, Mailing Address

Who should we contact regarding this permit? 7/105

Property Description Present Use Residential General current use full time residency

Conditional Use Requested Convert Garage to Studio Apartment

Does Proposed Work Involve:

MARK ALL BOXES THAT PERTAIN TO YOUR PROJECT

- Residential Use
- Commercial Use
- Industrial Use
- Land Clearing
- Increased Traffic or Parking Areas
- New Construction
- Modification of Existing Building(s)
- Demolition of Existing Building(s)
- Construction in or Adjacent to Tidelands or River

Is Property Serviced By:

	EXISTING SIZE	PROPOSED SIZE
<input checked="" type="checkbox"/> Water	<u>1/2 in</u>	<u>1/2 in</u>
<input checked="" type="checkbox"/> Sewer	<u>main</u>	<u>main</u>
<input checked="" type="checkbox"/> Electric	<u>200 A</u>	<u>200 A</u>

The proposed use may be different than present uses in this area and may have impacts on neighboring properties. Describe any impacts the proposed use will have and what measures will be taken to minimize these impacts. Attach additional information if necessary.

Should have no additional impacts. Noise will be kept to a minimum and parking is plentiful on street and on property.

Per standards listed in SMC 19.04.060(B)(3) please provide information on the following:

THE PLANNING & ZONING COMMISSION MUST FIND ALL FOUR OF THE CONDITIONS SET OUT BELOW TO EXIST IN ORDER TO GRANT THE CONDITIONAL USE.

A. The requested conditional use will protect the public health, safety, and welfare:

How, please explain?

Provides housing for a year round resident in a area where housing is needed

B. The requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses:

How, please explain?

We will stay ^{under} occupancy as required for the zoning and provide adequate parking

C. The requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans:

How, please explain?

By adding revenue through rental tax, providing a year round occupancy and ~~bringing~~

D. The requested conditional use will not substantially decrease the value of or be out of harmony with property in the neighboring area:

How, please explain?

It fits within occupancy as required by zoning and does not change the visual impact of my lot

The Coastal Management Program Area encompasses all lands within municipal boundaries excluding State and Federal Lands.

Does this conditional use fall within the Coastal Management Program Area? Yes No

Skagway's inland coastal zone boundary includes all islands and the lands and waters within:

- The timberline of the coastal Sitka spruce/hemlock forest,
- Slopes contiguous with marine waters where mass wasting is evident or likely to occur, and
- Unvegetated areas left by receding glaciers where the coastal forest is likely to invade.

Skagway's seaward coastal zone boundary includes all marine waters and tidelands within the city limits.

Have you completed a Coastal Project Questionnaire? Yes No

- When a project is proposed for development within the City of Skagway's coastal zone, it is subject to the SCMP's enforceable policies, listed in Chapters 4.0 and 5.0 (and consolidated in Appendix A) of the Skagway Coastal Management Plan. If the project is a federal activity, or needs State or federal permit or other approval, the State reviews the project for consistency with the ACMP and the Skagway CMP, and Skagway formally participates in the State-coordinated review. If only local approval is required (such as a conditional use permit), then the Municipality reviews the project for consistency as part of the Planning Commission's regular permit review process.
- Federal lands and waters are excluded from Skagway's coastal zone. However, the federal government is not exempt from coastal management. Activities that require a federal license or permit, or that are sponsored by a federal agency, that would affect coastal uses or resources within Skagway's coastal zone must be consistent with the Skagway CMP to the maximum extent practicable.

Proposals subject to the Coastal Management Program must meet the following criteria before approval:

A. Uses and activities must be compatible with the goals and objectives of the Skagway Coastal Management Program. The subject uses and activities of the Coastal Management Program are as follows:

- | | |
|--|---|
| <input type="checkbox"/> Coastal Development; | <input type="checkbox"/> Natural Hazards |
| <input type="checkbox"/> Coastal Access | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Energy Facilities | <input type="checkbox"/> Sand and Gravel Extraction |
| <input type="checkbox"/> Fisheries and Fishery Enhancement | <input type="checkbox"/> Subsistence Uses |
| <input type="checkbox"/> Habitats | <input type="checkbox"/> Transportation Routes and Facilities |
| <input type="checkbox"/> Historic, Prehistoric, Archaeological
and Cultural Resources | <input type="checkbox"/> Utility Routes and Facilities |

B. Priority use of the shoreline shall be accorded to uses and activities which are water-dependent or water-related, and to those uses and activities which are neither water-dependent or water-related for which there is no feasible and prudent inland alternative to meet the public need for the use or activity. Uses and activities which do not require shoreline access or are not enhanced by shoreline proximity must be located in a manner consistent with the policies and rules listed in SMC 17.40.

Planned Completion Date: 1/30/24

Statement of General Compliance: I/We hereby certify that the improvement indicated herein will be so constructed as to meet all applicable ordinances and codes as adopted by the Municipality of Skagway.

Property Owner/Contractor/Agent Signature: [Signature]
Date: 12/4/23

Official Use Only

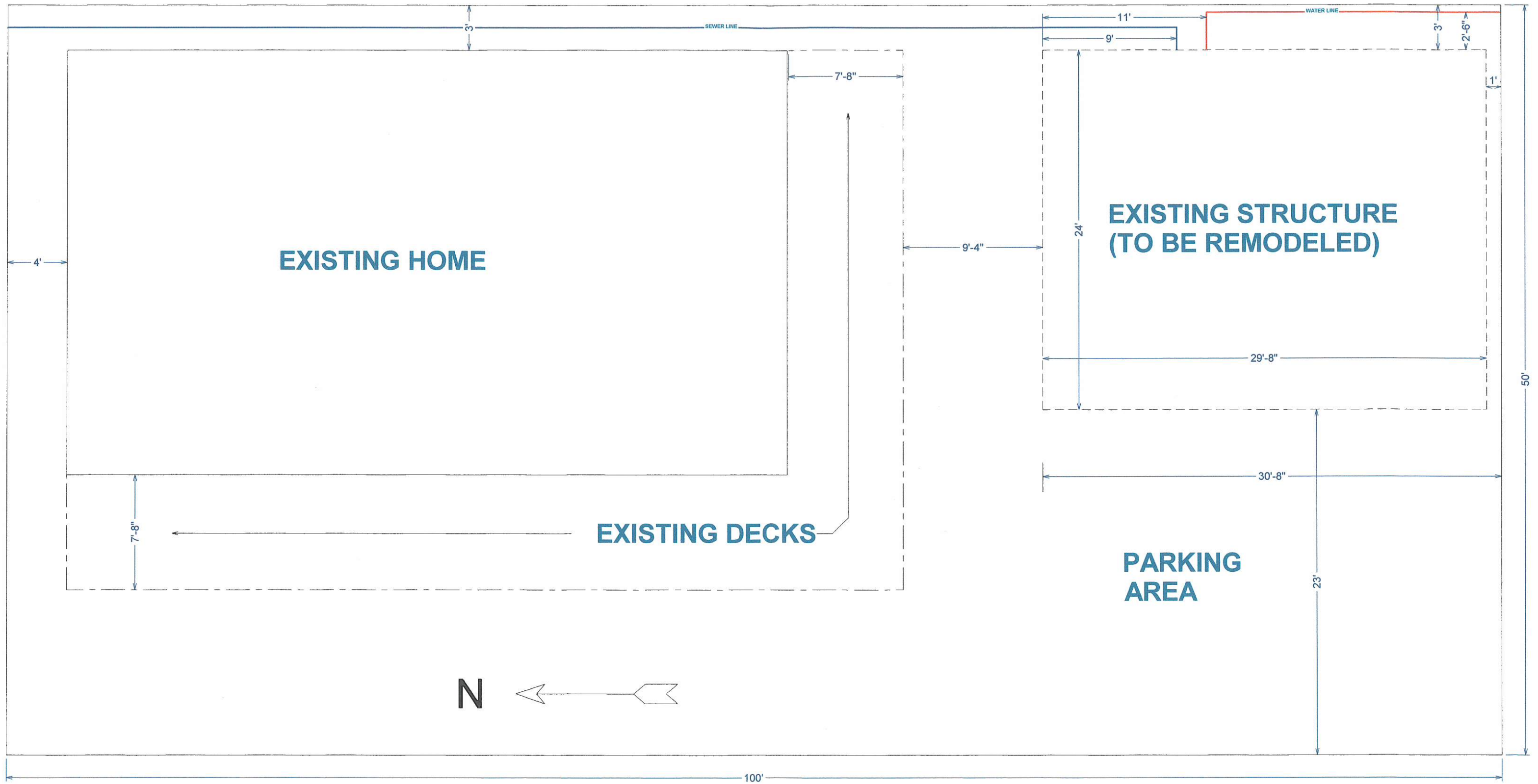
	Planning Commission	Public Hearing	Second Hearing	Permit Recorded
	Approval		(if Requested)	Date: _____
Granted	<input type="checkbox"/>	_____	_____	Book: _____
Denied	<input type="checkbox"/>			Page: _____

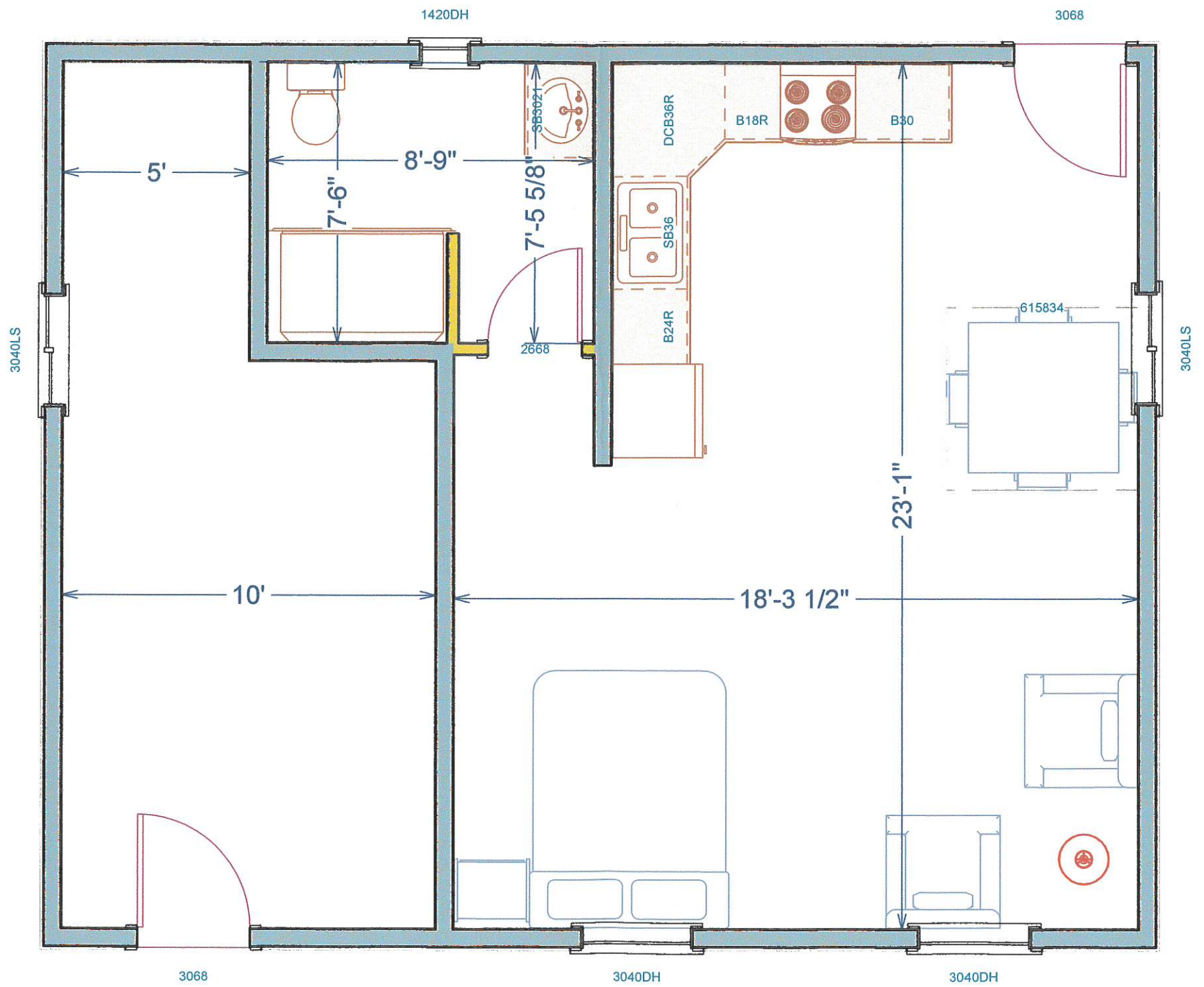
Conditions, Instructions, Notes:

Coastal Zone Management Consistency Review: _____

Application Fee: \$ _____ Date Paid: _____ Receipt # _____

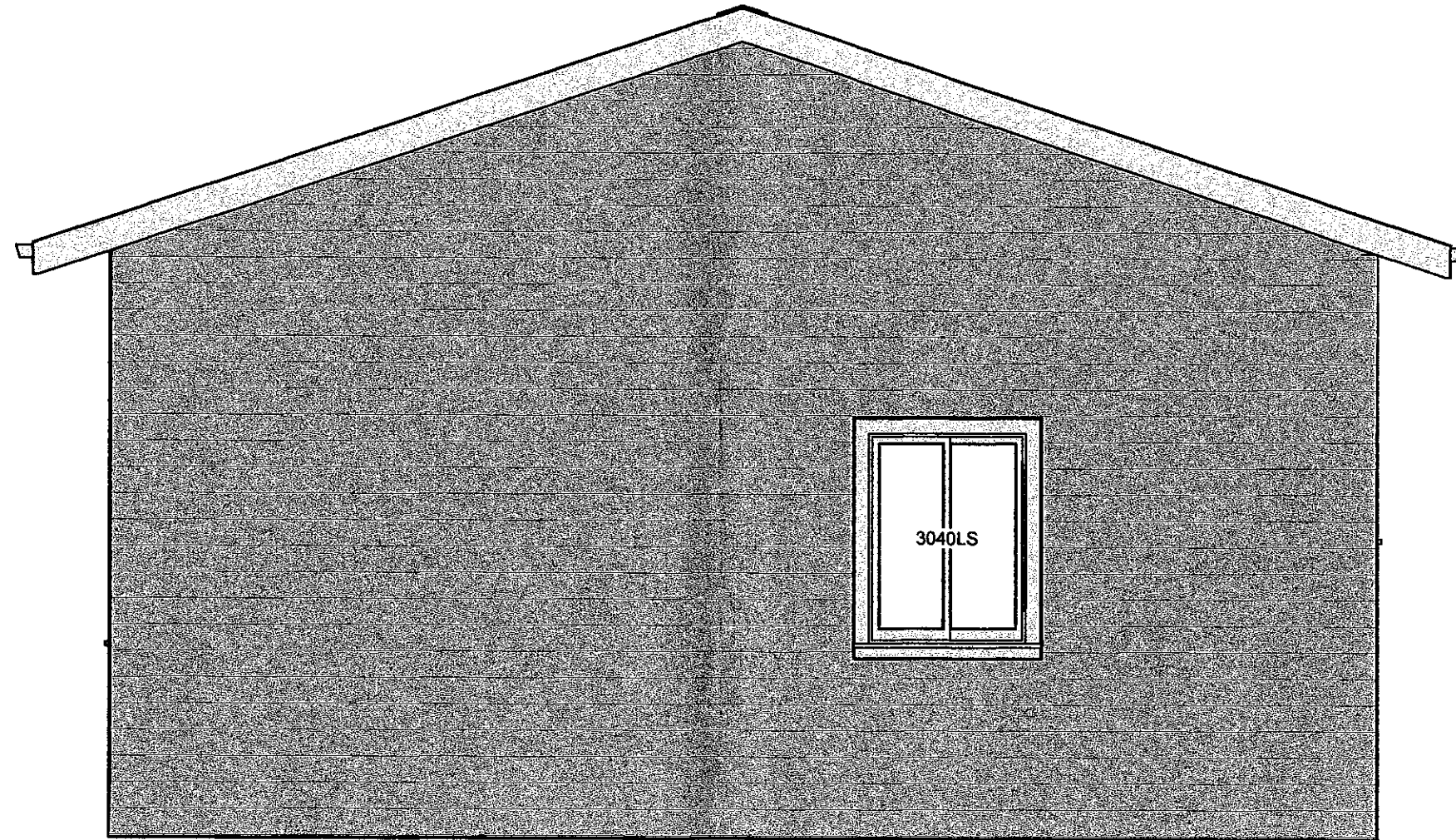
THIS APPLICATION IS NOT YOUR PERMIT, YOU WILL RECEIVE YOUR CONDITIONAL USE PERMIT IN THE MAIL AFTER THIS APPLICATION HAS BEEN APPROVED BY THE APPROPRIATE COMMISSION. AN APPROVED BUILDING PERMIT IS ALSO NEEDED BEFORE ANY CONSTRUCTION BEGINS.



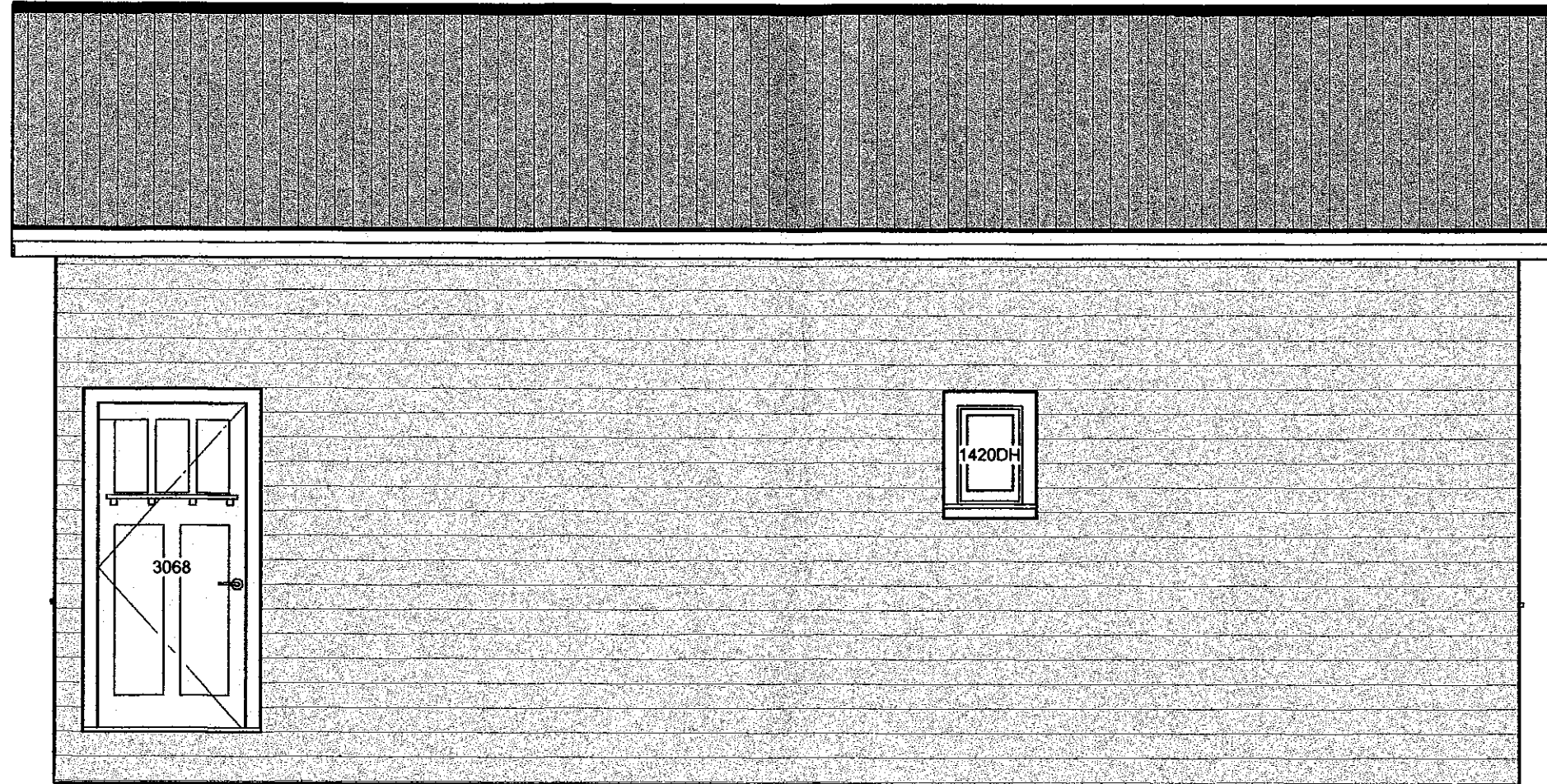




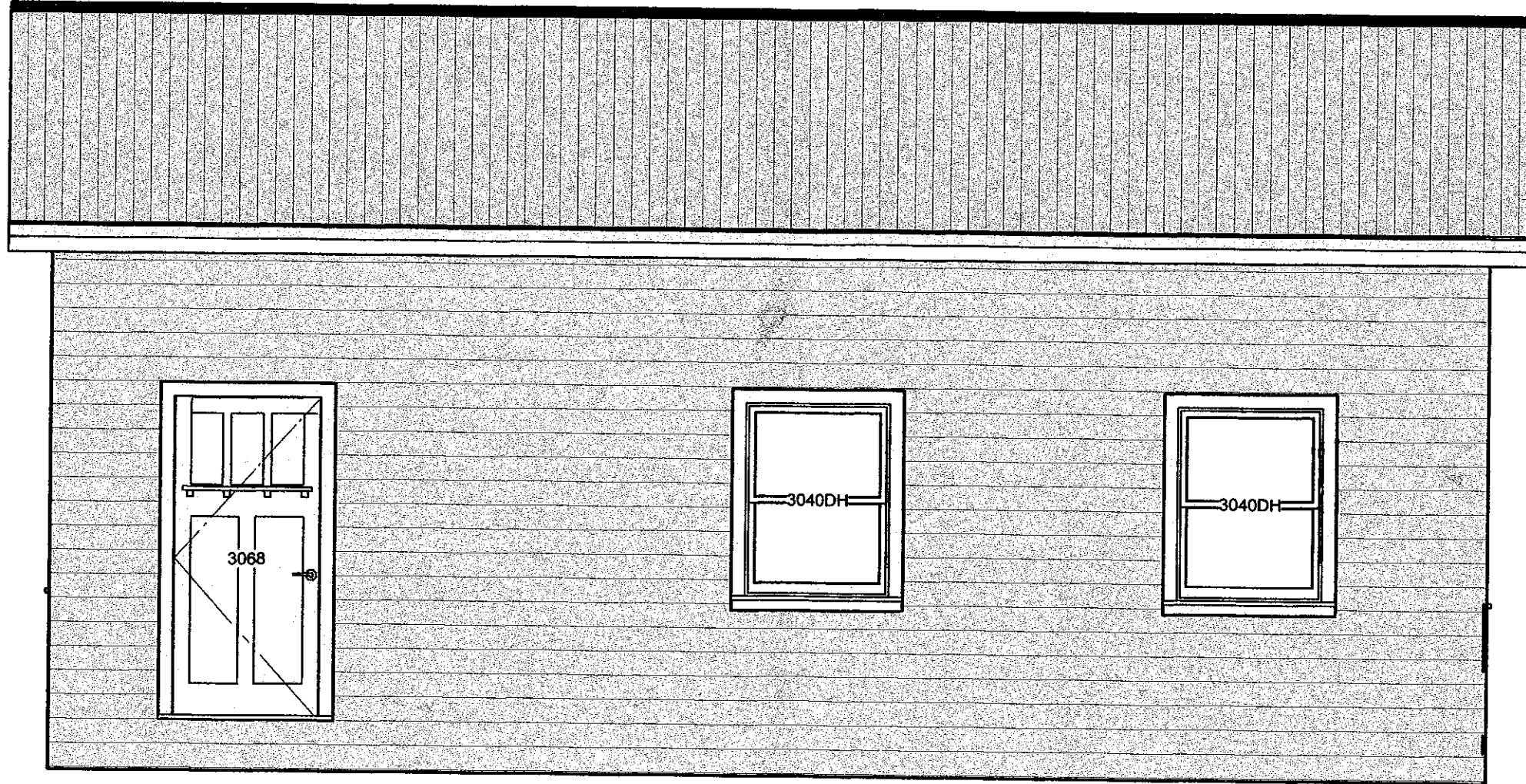
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



Receipt Number: R00017715

Cashier Name: Stacy Fairbanks

Terminal Number: 8

Receipt Date: 12/4/2023 3:28:04 PM

Trans Code: PERMITS - PERMITS

P&Z 50.00CR

23-72

Account: 23-72 HILLIS, JONATHON & DOLAND

\$50.00

50.00CR

LOT 7, BK 105, SKAGW

HILLIS, JONATHON & DOLAND, ELI

Trans Code: PERMITS - PERMITS

23-73 144.50CR

035

Account: 23-73 HILLIS, JONATHON & DOLAND

\$144.50

144.50CR

LOT 7, BK 105, SKAGW

HILLIS, JONATHON & DOLAND, ELI

Total Applied Amount: \$194.50

Payment Method: CREDIT CAF Payor: HILLIS, JONATHON & DOLA Reference: Visa-Authorized Amount: \$194.50

Total Payment Received: \$194.50

Change: \$0.00

Cardmember acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth by the cardmember's agreement with the issuer.

X _____



**MUNICIPALITY OF SKAGWAY
PLANNING AND ZONING COMMISSION MINUTES
SPECIAL MEETING
SEPTEMBER 15, 2010, 5:30 P.M.
ASSEMBLY CHAMBERS**

1. CALL TO ORDER:

Chair Murphy called the meeting to order at 5:32 p.m.

2. ROLL CALL:

PRESENT: Commissioners Robert Murphy, Matt Deach, Rocky Outcalt, and Assembly Liaison Tim Cochran

ABSENT: Commissioners Spencer Morgan and Mike Healy

3. APPROVAL OF MINUTES:

4. APPROVAL OF AGENDA:

A. September 15, 2010 Special Meeting

Motion/Second: Deach/Outcalt

To approve the agenda of the September 15, 2010, special meeting as submitted. There were no objections, agenda stands approved as submitted.

Motion passed by voice vote, unanimous.

5. COMMUNICATIONS:

A. Correspondence

No new correspondence was presented.

B. Hear Citizens Present. ***PLEASE COME TO THE FRONT OF THE CHAMBERS AND STATE YOUR NAME BEFORE ADDRESSING THE COMMISSION.***

Chair Murphy opened the meeting to public comment but no comments were made.

6. UNFINISHED BUSINESS:

7. NEW BUSINESS:

A. Variance Application No. 10-75; Tim & Sheryl Gladden; Block 105, Lot 7; Request for building setback variance

Motion/Second: Outcalt/Deach

To approve Variance Application No. 10-75; Tim & Sheryl Gladden; Block 105, Lot 7; Request for building setback variance

Tim Gladden stated that he and his wife had recently purchased this parcel of land at the corner of 17th Avenue and Main Street and that a reinforced concrete slab was poured by the owner

**MUNICIPALITY OF SKAGWAY
PLANNING AND ZONING COMMISSION MINUTES
SEPTEMBER 15, 2010
PAGE 2 OF 6**

previous to the last—two owners ago—sometime in the early 1990's. He stated that it has been in-place throughout that time to the present. Tim stated that all of the sidewalk and gutters are already developed and in-place on his corner lot so he doesn't foresee any other city development that will cause a conflict with this project. Tim stated that he would like to keep the slab intact even though it extends beyond the property line and that he would like permission to demolish the existing shed—a ramshackle building—and build a new 2-car garage. He clarified that what he is proposing is for the existing slab to be left in-place and intact as it would be a labor-intensive process to cut and jackhammer the slab back. He added that he would like to build to the property line with the new structure.

Chair Murphy queried, for a point-of-order, whether a public-hearing is required on a variance application. Permitting Official Van Horn stated that he did not think so, but he would have to check. Chair Murphy stated that he proposed the Commission open the meeting to public comment just in-case it is required.

Chair Murphy queried if there were any citizens present who would like to speak on the issue regarding Variance Application No. 10-75 and no comments were heard; therefore Chair Murphy closed the public hearing.

Assembly-Representative Cochran queried if the proposed garage would be encompassing the entire slab within the property line. Tim Gladden replied to the affirmative, stating that the garage would be built to rest on the slab from the south property line to the north edge of the slab.

Assembly-Representative Cochran commented that that would be quite a garage.

Tim Gladden stated that the garage's dimensions would be 30 feet by 25 feet.

Assembly-Representative Cochran queried if the applicant is asking for a variance to the offset from property lines. Tim Gladden stated, in reply, that he would like to build to zero-lot line on the slab so he can gain as much space as he can to make it a full garage. He stated that if only the slab is allowed in the variance, that space on the slab is useless and he would like to make use of it. He stated, additionally, that the current shed structure has its south wall right where he would place his new garage's wall so it would not be a significant change with respect to where the building is located. He mentioned that the existing structure's south wall could remain and therefore be grandfathered-in, but that that is not the route he would like to go because he would like to see the entire old shed gone.

Chair Murphy stated that, in the application, it appeared to him that all that was being asked was to keep the slab in-place—it goes beyond the property line. He stated that, personally, it makes sense that you are going to have your garage there and have access to the road there—which will be concrete anyways so that would be non-usable property. He stated, additionally, that what he did not see on the application was anything indicating that he would be building his garage to the lot line.

Tim Gladden stated that that was the intent: to build to the property line on the south side of the property and the new driveway would be accessing the garage from Main Street. He stated that he is proposing to build to where the existing structure's south wall is.

**MUNICIPALITY OF SKAGWAY
PLANNING AND ZONING COMMISSION MINUTES
SEPTEMBER 15, 2010
PAGE 3 OF 6**

Vice-Chair Deach queried the square-footage of the proposed building. Tim Gladden stated 25 feet by 30 feet.

Vice-Chair Deach commented that in the Residential-General Zone there is a limit on accessory structures pertaining to their square-footage; whereby the minimum is 300 square-feet and the maximum is 600 square-feet.

Assembly-Representative Cochran stated that this stipulation would allow for his building to be compliant and could then achieve the necessary setback requirement.

Chair Murphy clarified by stating that he has no issue with the slab because it is already there and the city would likely ask for an egress from the garage be installed anyways. He stated that the difficulty is building to the lot line because anybody else could come in and ask to build to the lot line and the Commission has to determine what the unusual circumstance is that provides for this exception to the rule. Chair Murphy queried what makes this case an unusual circumstance and an exception should be granted.

Tim Gladden commented that the ability to use that space for egress as proposed by Chair Murphy was something he had not considered but that was mostly due to the issue of the slab's surface height with respect to the drop-off in elevation to the surface of the sidewalk—being so great, as it exists, it would not be suitable for proper egress. He stated that he is just trying to get to build to where the existing building is. He queried what qualifies as maintaining the original structure and if foundations are considered part of the existing structure.

Chair Murphy queried if the existing shed structure was a permitted structure. Permitting Official Van Horn stated that it is shown in the plan drawings from 1990, submitted for the construction of the house, but at a different location on the property.

Chair Murphy stated that the original garage does not fit the setback requirements then, too. Chair Murphy stated that this circumstance is similar to one the Commission reviewed on a case with Ms. Plummer who wanted to demolish a shed and rebuild it but it was sitting on the lot line and there was a view-issue.

Commissioner Outcalt queried if there was a variance permit on-file for this property.

Permitting Official Van Horn replied to the negative stating that the property files in his possession at City Hall contain no variance permits or any indication there were any variances granted for the property.

Assembly-Representative Cochran stated that the plan drawing of the house in 1990 shows the shed existing in the south-west corner with the house about ten feet away and no plans for any other structures.

Chair Murphy stated that the main reason why the setback rule is in-place is a matter of eye-shot; therefore a slab at ground level is not going to impede on the line-of-sight for traffic on the street, but as soon as it is built up and obscures the view—that is where there is an issue.

Vice-Chair Deach stated, in contrast to the Plummer case, that all the development the city is going to make has been completed on Tim Gladden's property—sidewalk, curb and gutter, and

**MUNICIPALITY OF SKAGWAY
PLANNING AND ZONING COMMISSION MINUTES
SEPTEMBER 15, 2010
PAGE 4 OF 6**

there is not a green-belt there either. He stated that for the Plummer case there were several elements present that the city may need to develop later which caused more of an issue than in Gladden's case.

Assembly-Representative Cochran queried if Tim Gladden's proposal was for a wall on the lot line or for a garage entrance on the lot line. Tim Gladden stated that it would be a wall on the 18th Avenue side, and the garage door would be facing Main Street with the driveway skirt cut out of the curb at the corner of Main Street and 17th Avenue.

Chair Murphy queried if the garage would be accessed off of 17th Avenue. Tim Gladden replied to the negative. He stated that because of the difficulty of cutting the slab back, in a proper means because of the thickness and reinforcement, it is impractical to use that side of it as an egress. He stated, in addition, that the slab has been there and has not been a problem/nuisance or impeded on any City improvements since it was poured. He stated that he would like to leave the slab in place and be able to build on as much as he is granted to build on it.

Commissioner Outcalt queried the size of the slab. Tim Gladden stated that it is 25 feet by 35 feet and is out from the sidewalk, with about one-and-one-half feet of grass between the edge of the slab and the edge of the sidewalk. He stated that he is trying to gain as much usable square-footage as possible for the garage.

Assembly-Representative Cochran stated that according to code, the square-footage for the garage would have to be smaller and thereby the setback is not an issue.

Vice-Chair Deach queried if the slab qualifies as part of the existing building as per renovation and remodeling. He added that twelve inches of concrete is a fairly substantial investment. Tim Gladden interjected stating that his directive is not to do anything that is un-allowable, but that he is looking to get a determination before the end of the meeting so that he can begin getting a contract to build his garage before winter and whatever is decided, that is what will be done.

Chair Murphy stated that he wants to make this work, but the Commission needs to be sure that they are within their rights and according to law that this is allowable. He further stated that the interpretation of this as an accessory structure limited to 600 square-feet by code is inaccurate, as this structure is not for housing; therefore not subject to this limitation in square-footage. He clarified by stating that this is a garage and it is allowable to exceed 600 square-feet.

Tim Gladden stated that there will be no people occupying this structure as a dwelling.

Chair Murphy queried whether anybody had an issue with this re-interpretation of the structure as being a garage, not a housing structure. No objections were raised. Chair Murphy queried if the slab is one-and-one-half feet over the property line.

Tim Gladden stated that he had difficulty locating the property line marker because it is overgrown and he is not certain.

Sheryl Gladden stated that she thinks the slab goes approximately five feet over the property line.

**MUNICIPALITY OF SKAGWAY
PLANNING AND ZONING COMMISSION MINUTES
SEPTEMBER 15, 2010
PAGE 5 OF 6**

Chair Murphy queried if the 17th Avenue side was being considered the front yard. Tim Gladden replied to the negative, stating that is more likely the side yard.

Chair Murphy stated that that changes the setback requirement from ten feet from property lines to 5 feet from property lines and that, for corner properties, there is some leeway granted in determining which street the front yard will face.

Assembly-Representative Cochran stated that if Tim were to make his garage 25 feet by 25 feet then it could probably satisfy the setback requirement.

Tim Gladden queried whether a slab is to be considered in the setback requirements. Chair Murphy stated that technically the slab could be considered a part of the structure and the Commission could determine that that piece of slab needs to be cut off. He stated that he is considering it through the eyes of development and that by comparison—the other case (Plummer) did not have sidewalks, it was unclear where the development was going to be located, and it was proximal to a narrow street which could potentially be widened; thereby impeding on public improvements supposing the structure were to be located on the lot line and on the corner and also impeding on the view-shed. He stated that, in this case, the structure is off the street far enough to not impede on the right-of-way and there is already a sidewalk in. Chair Murphy stated that it is absolutely prohibited that the building be built over public property.

Vice-Chair Deach stated that Chair Murphy mentioned view-shed earlier and that in this case the proposed project will not be impeding on the view-shed.

Chair Murphy mentioned that at this Special Meeting there are only three voting members present—enough to establish a quorum—but if the applicant was compelled; the motion could be postponed until it can be heard before the full Commission.

Tim Gladden stated that he would prefer to have the motion determined tonight so he can get going on building this garage.

Chair Murphy queried how the Commission felt about building up to the lot line on this project. Vice-Chair Deach commented that he does not see any problem with the proposal considering that the area is already developed, he doesn't see any future difficulties with the structure being there, and it won't impede on the pedestrian's use of the sidewalks or the line-of-sight for drivers.

Commissioner Outcalt stated that knowing the area and who lives nearby, he sees no problem with the proposal and doesn't anticipate any future growth there.

Chair Murphy stated that his one reservation is that the area is a school zone, but that being where his house is located it should not impede on traffic. Chair Murphy stated, in addition, that it would appear—given that the area is fully-developed—that there is about 15 feet from the street to the property line which sets the Gladden's property back even further and allows for more view-shed. He stated that building on the slab up to the lot line is permissible in the instance given the circumstance that the area is already fully-developed and clarified by stating that supposing the area was not fully-developed, this permission would not be granted. He stated that it is permissible as long as the applicant finds his lot line and is sure not to exceed its boundaries.

MUNICIPALITY OF SKAGWAY
PLANNING AND ZONING COMMISSION MINUTES
SEPTEMBER 15, 2010
PAGE 6 OF 6

To approve Variance Application No. 10-75; Tim & Sheryl Gladden; Block 105, Lot 7;
Request for building setback variance

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

8. **COMMISSION DISCUSSION:**

9. **ADJOURNMENT:**


Motion/Second: Deach/Outcalt

To adjourn the meeting of September 15, 2010 at 6:03 p.m. **Motion passed by voice vote, unanimous.**

The next P&Z Commission meeting was set for 5:30 p.m. on Thursday, October 14, 2010.




David Van Horn, Permitting Official



Robert Murphy, Chair

ATTEST:



Emily Deach, Municipal Clerk

(SEAL)



Approved: OCT. 14, 2010



Return To: Municipality of Skagway, P.O. Box
415, Skagway, AK 99840
Skagway Recording District, First Judicial
District, State of Alaska

**PLANNING & ZONING COMMISSION
RESOLUTION NO. 10-04**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE MUNICIPALITY OF SKAGWAY, ALASKA REGARDING VARIANCE PERMIT NO. 10-75 FROM SHERYL & TIM GLADDEN IN THE RESIDENTIAL GENERAL ZONING DISTRICT REQUESTING A BUILDING SETBACK RELIEF ON LOT 7, BLOCK 105, SKAGWAY TOWNSITE, A FRACTION OF USS 435.

WHEREAS, Sheryl & Tim Gladden applied for Variance Permit No. 10-75 request for building setback relief on Lot 7, Block 105, in the Residential General Zoning District; and

WHEREAS, The Planning & Zoning Commission held a public hearing on the variance request on September 15, 2010; and

WHEREAS, No comments were received for the proposed variance in the neighborhood; and

WHEREAS, The Planning & Zoning Commission must find all four of the conditions set out in SMC 19.04.060(A)(8) to exist in order to grant the variance; and

WHEREAS, The Planning & Zoning Commission found there are exceptional physical circumstances or conditions applicable to the property or to its intended development which do not apply generally to the other properties in the same zoning district; and

WHEREAS, The Planning & Zoning Commission found that strict application of the provisions of this title would result in practical difficulties or unnecessary hardship; and

WHEREAS, The Planning & Zoning Commission found 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 and welfare; and

WHEREAS, The Planning & Zoning Commission found that the granting of the variance will not be contrary to the objectives of the Comprehensive Plan;


NOW THEREFORE BE IT RESOLVED by the Planning & Zoning Commission of the Municipality of Skagway, Alaska that Variance Application No. 10-75 from Tim & Sheryl Gladden within the Residential General Zone be approved.

PASSED AND APPROVED on the fifteenth day of September, 2010.

ATTEST:



Emily A. Deach, Borough Clerk



Robert Murphy, Chair

(SEAL)

Vote: 3 Aye 0 Nay 2 Absent



MUNICIPALITY OF SKAGWAY
Planning and Zoning Commission
MEETING AGENDA

Thursday, January 11, 2024 at 5:30 p.m. in the Assembly Chambers

1. **Call to Order:**

2. **Roll Call:**

David Brena, Chair
Rocky Outcalt
Jacy Kern

Laura Mabee, Vice-Chair
Gary Hisman
Orion Hanson, Ex-Officio

3. **Minutes:**

A. December 14, 2023

4. **Approval of Agenda:**

5. **Communications:**

A. Correspondence

B. Permitting Official's Report

C. Citizens Present: *PLEASE COME TO THE FRONT OF THE CHAMBERS AND STATE YOUR NAME BEFORE ADDRESSING THE COMMISSION*



6. **Unfinished Business:**

7. **New Business:**

8. **Resolutions:**

A. Adoption of Planning & Zoning Resolution No. 24-01R: Approving Conditional Use Permit Application No. 23-69: Paul Munson/Early Bird Café, Request to Use the Fellowship Hall to Serve as a Pop-Up Breakfast Café, Block 9 Lot 2, in the Residential-General Zone

B. Adoption of Planning & Zoning Resolution No. 24-02R: BoomTown Buds, LLC., Request to Operate a Retail Marijuana Store, Block 25 Lot 11 in the Business-Skagway Historical Zone

C. Adoption of Planning & Zoning Resolution No. 24-03R: Jonathan Hillis, Request to Convert Garage to a Studio Apartment, Block 105 Lot 7 in the Residential-General Zone

9. **Public Hearings:**

10. **Discussion Items:**

A. Housing Work Session

11. **Adjournment:**

Planning & Zoning Work Session: **Tuesday, January 16, 2024 at 5:30 p.m.**

Next Regular Meeting: **Thursday, February 8, 2024 at 5:30 p.m.**

- Application materials are due at the Borough Offices by 4:00 p.m. Monday, January 29, 2024.

2024_01_11 P&Z

Chair Brena: The January 11th planning and zoning meeting, uh, will come to order. Roll call.

Deputy Clerk: Kern?

Kern: Here.

Deputy Clerk: Hisman?

Hisman: Here.

Deputy Clerk: Outcalt?

Outcalt: Here.

Deputy Clerk: Brena?

Chair Brena: Here.

Deputy Clerk: Mabee? Absent. Hanson?

Assemblymember Hanson: Present.

Deputy Clerk: Four members present, quorum is established.

Chair Brena: I'll entertain a motion to approve, uh, the December 14th minutes.

Outcalt: I make a motion to approve the minutes for November for December 14th. Yep.

Kern: Second.

Chair Brena: motion and a second for approving the minutes from December 14th, roll call.

Deputy Clerk: Brena?

Chair Brena: yes.

Deputy Clerk: Kern?

Kern: yes.

Deputy Clerk: Hisman?

Hisman: yes.

Deputy Clerk: Outcalt?

Outcalt: yes.

Deputy Clerk: 4 yeases motion passes.

Chair Brena: And I'll entertain a motion to approve tonight's agenda.

Hisman: I move that we approve tonight's agenda as written.

Outcalt: Second.

Chair Brena: I have a motion and a second to approve the agenda as written.

Uh, roll call.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Kern?

Kern: Yes.

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: Brena?

Chair Brena: Yes.

Deputy Clerk: 4 yeases, motion passes.

Chair Brena: And, uh, correspondence. No correspondence? Okay. Permitting official is out of town and she has a written.

Deputy Clerk: She did not submit a written report before she left, but she will be here for your work session next Tuesday. So she wanted to let, you know, that she'll be here for that.

Chair Brena: Okay, so citizens present, uh, if you could come to, um. The front and identify yourself and, if you're representing someone other than, uh, yourself personally, please state who you're, uh, what your comments, how you're representing them. And, uh, just as, uh, a bit of a, um, a bit of notice, the, uh, public notice on, uh, the resolutions is closed.

Now, you can come and make comments in general if you like, but, uh. If they're specific to the resolutions, they're going to be out of order. So, anyone that would like to come forward, state your name and.

Jon Hillis: Thank you. Jon Hillis representing myself. I just wanted to speak in encouragement of the work session that's planned. I'm here to listen to it. I wanted to see what kind of progress is being made towards encouraging year-round housing. I had a discussion with a lot of people, um, just asking, like, what we can do, what we can think about it to encourage year-round housing, to encourage home ownership, um, to encourage development and, uh, a couple of thoughts that have come forward, um, are ways to, uh, There's a lot of talk about, like, how do we penalize people? And I don't really like that. I don't want to penalize homeowners or property owners for what they do with their property.

Um, but I've been trying to think of ways to incentivize. Property owners for doing things that encourage growth, year-round growth in Skagway. And so that's pretty broad, not very helpful to you guys, but I, I look forward to hearing more from that. So, thank you all.

Chair Brena: Thank you.

Anyone else?

I'd like the record to show that, uh, Commissioner Mabee came in at 5:33.

Charity Pomeroy: Uh, Charity Pomeroy speaking on behalf of myself. Uh, as a, um, a renter, as a business owner, uh, as a friend, as a citizen, um, I am feeling at a point of terror about our housing situation, and so as you're discussing tonight, as you're preparing to go into the work session on the 16th, I really encourage you all to look at every possibility that you can to extend the ability of people to create housing. Um, and I love what, uh, Jonathan Hillis, uh, mentioned about incentivizing. As a business owner, as somebody who wants to build and is at the mercy of the past, uh, few years. Um, uh, there are ways for many people in town to be incentivized. And I can even think of ways that, uh, I could be helped.

Other people can be helped, um, to be able to create opportunities for year-round housing for people in this community. It is an absolute terror at this point for all of us. And so, uh, I'd like you to please keep that in mind tonight and as you go into that work session, thank you.

Chair Brena: Thank you.

Anybody else?

Sherry Corrington: Sherry Corrington, Citizen, um, do I go off on a tangent or I just go for it?

I... I want to talk about how on earth do you plan when you are 20 steps behind an industry that is growing exponentially. I talked about this in the fall and I'm going to beat this drum until I go hoarse. We are going to lose our community, period. Because of what is happening, we can't maintain it.

We did everything in our power to survive for two years, almost two and a half, with what happened with the dock. It was a big deal. And this was coming off of 2019 where we saw some of the greatest numbers we've ever had. However, downtown was suffering because of what happened with the White Pass schedule.

Every hour on the hour, that means people stayed in town. It meant they didn't come in and spend money, go to restaurants. And who are we? Are we a, a method for giant corporations to make profit? Or are we a community? We are Skagway First. We are a community. First and foremost, they fit into what we want and no one has ever asked the community the question, what do we want?

What do we want? Who are we? If we ask this question this summer, we have a million summer people voting for their businesses. We ask the question in the

winter, and we make the decision. And I can tell you from the conversation that is happening around this community right now, last year, 2019, 2018, we're kind of distracted in 2020 and 2021.

So. Everyone has been talking about this, so I'm going to use the word that no one wants to talk about, and that is limits. Let's limit what is happening here so we can get caught up, we can deal with our housing issues, we can deal with our traffic issues. We have huge problems in front of us, and we can't keep going forward the same way we've been doing it.

We cannot.

We can do this better. We're Skagway. We can do this with vision, but the only way to do that is to gather information, crunch numbers, but we have to go like this. Time out. Time out to growth that we don't control. We have never been in control of our destiny until we got the dock back. Until we got the waterfront back.

This is our opportunity. Stop doing it the same way and let's figure something out, but we have to put limits on this. We saw an expansion of the season. The expansion of the season into October damaged housing, the flow, the rental agreements. It caused so much havoc in our community. We're not ready for people to come in April or in, in October.

No, this is not healthy for our community. And it certainly wasn't healthy for people's state of mind after what pounding we took this summer. We can do this better. And I look forward to the work session. I want everyone on the panel and everyone in the community who's listening to come forward to speak out at Civic Affairs, to speak out at these meetings and let everybody, let everybody be a part of this.

We have to do it different and I have faith that we can do it so well. Monica Carlson is smiling behind everybody's heads up there. Her vision was for us to become a boutique port. That means limits. So we can control. This is quality over quantity. Quality over quantity. Do you want to drink out of a fire hose or a garden hose?

You drink out of a fire hose you're are going to get knocked on your ass and everything is going to get destroyed behind you. That's where we're at. We are losing good people. Thank you.

Chair Brena: Thank you. Anyone else from the public comment?

All right. Uh, so public, uh, correspondence is closed. Uh, we have no unfinished business. We have no new business and so we're on to the resolutions. Uh, I'll entertain a motion to adopt a resolution number 24-01R, which is the, uh, Early Bird Cafe application.

Mabee: I'll make a motion to approve resolution number 24-01 for the Early Bird Cafe.

Kern: I'll second. Oops, sorry.

Chair Brena: Okay, we have a motion and a second to adopt the, uh, zoning resolution 24-01 R. Is there any, the discussion?

Hearing none, roll call.

Deputy Clerk: Outcalt?

Outcalt: yes.

Deputy Clerk: Kern?

Kern: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Brena?

Chair Brena: Yes.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: 5 yeases, motion passes.

Chair Brena: And, uh, so now we're on to item B, which is the resolution number, uh, 24-02R. It's, uh, Boomtown Buds. And I'll entertain a motion on this resolution.

Kern: I'd like to make a motion to approve application...

Chair Brena: 24-02?

Kern: Yeah, 24 0 2. Uh, BoomTown Buds, LLC.

Outcalt: Second.

Chair Brena: I have a motion and a second to approve zoning Resolution number 24-02R. Uh, roll call.

Deputy Clerk: Brena?

Chair Brena: Yes.

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Kern?

Kern: Yes.

Deputy Clerk: Five yeses. Motion passes.

Chair Brena: And item C under resolutions is the adoption or is the resolution 24-03R, Jonathan Hillis application and I'll entertain a motion on this resolution.

Mabee: I'll move for the adoption of planning and zoning resolution number 24-03R, Jonathan Hillis request to convert garage to a studio apartment, block 105, lot 7 in the residential general zone.

Kern: I'll second.

Chair Brena: We have a motion and a second to adopt, uh, resolution 24-03R. Is there any discussion on this motion?

Outcalt: I have one thing to discuss. Okay. As I read through the information today, I saw that, um, in order for that motion to be approved, um, it has to be in accordance with lot lines or setback rules, is that correct? That's part of this motion?

Chair Brena: That is correct.

Outcalt: So it has to meet proper setbacks?

Chair Brena: Yes, it has to meet the setbacks as written in the zoning ordinance for residential general. Yeah.

Outcalt: Okay.

Chair Brena: Any other discussion? Roll call.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Outcalt?

Outcalt: No.

Deputy Clerk: Kern?

Kern: Yes.

Deputy Clerk: Brena?

Chair Brena: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Four yeses, motion passes.

Chair Brena: Okay, now we're on to a discussion item, which is a discussion of the upcoming housing work session. And I just put this on as a reminder, we have been, it's, it's been on the agenda for a couple, uh, 2 times and I just wanted to be sure. If there are any questions, uh, what we're doing, and in, in my mind, what we're doing is, uh, planning and zoning is going to, uh, make suggestions either in, uh, Title 19, which is the zoning ordinance, or, uh, in general, that will be recommendations, ultimately, to the Assembly, and I, I would like to see us put these recommendations forward in written format so that we can distribute them among ourselves ahead of time. Uh, in a packet of sorts and so we don't have to. Uh, question them if it's going to be a general recommendation, like the assembly should release land. Um, let's try to be specific about it. Let's say which lots we think should be released and what their purpose should be.

How it should be zoned, let's try to be specific rather than, um, general. And I think it's perfectly appropriate, uh, um, to talk about, uh, the timelines and some of the constraints that, uh, the Assembly and the, and the various committees have been working under, uh, with respect to some of the difficulties of, uh, Getting some of these projects online and, um,

You know, I, I, I'll, I'll just stop there. It's probably not appropriate to go into the specifics of that here, but, uh, does anyone else have any, uh, questions or comments on the work session? Including you, Orion?

Kern: Just to be clear, is it your goal to have written recommendations and suggestions to move forward at this work session? Or is this going to be like the first of many work sessions?

Chair Brena: No, my, my, uh, idea was to have, uh, workable recommendations from each, uh, person. In written format, and we can, uh, we can take it from there.

I don't know whether there'll be additional ones. It'll probably be dictated by the results of the meeting. Go ahead.

Deputy Clerk: Just because it's the work session, so you guys will discuss everything and you can come up with ideas and direct me to come up with a proposal, whether that be a resolution ordinance or just.

Written suggestions, and then you guys will want to have to consider that actually at your next meeting. So this will be, just to further expand on JC's question or Commissioner Kern's question, you guys will then review that

again, have to review that at a meeting before you can actually pass it on to the Assembly.

Hisman: What I think what you're looking for is, like, kind of a skeleton structure of, uh, how to proceed with the recommendations at the. Um, how to proceed generating recommendations that will come to the next meeting or something.

Chair Brena: Yes, and specifically. Yeah, so. You know, if it's releasing lots, if it's a, that you think that the setback requirements should be changed on particular zoning areas. You know, why and how, what the arguments are for changing them. Um, so I see, I mean, in my mind, I've seen that, um, anything that's under Title 19, which will ultimately go from the form, in the form of a recommendation at our meeting to the Assembly, uh, if we approve it, um, or, uh, or the ones we do approve, because there may be many recommendations.

And so we'll discuss those in the meeting when we get, when we compile that list. Um, my intention is to put it on a consent agenda for the next meeting. And then from the consent agenda, uh, any of the commissioners can, uh, single out any items that they don't agree with, and we can discuss those, uh, at the next meeting.

And then hopefully through those 2 meetings, we'll end up with, uh, a series of recommendations in general and specifically. About any, any number of things that could make it easier for people to build, uh, housing or, uh, less expensive, or maybe they'll, there should be a tax, uh, abatement for people Uh, projects of a certain description, you know, uh, and I, and I agree that I think, um, incentivizing is, you know, when you start to try to penalize, uh, property owners as to what they can and can't do with their property, that's not a winning scenario.

Um, but incentivizing them is something that works and it's, it is used in a number of jurisdictions that I'm aware of.

Hisman: So, my only comment on the work session would be, I hope that all the members of the public that spoke about housing tonight and the rest of the community will show up and, uh, generate some great discussion and input.

Chair Brena: I hope so too.

Mabee: Chair Brenna, if I could? um, I just, you know, wanted to put some thoughts, um, obviously publicly with this coming up. So I have spent a fair

amount of time of thought and like, research looking into this issue. And the 1 thing that kept catching me was, you know, what do we want to be? Because what we're doing right now, what I see is that.

We're both a seasonal tourist town and trying to be your own community in a very extreme state. And when I look at this and I think about infrastructure and I think about population, I think about visitation and growth, watching about a hundred people leave in the last two years because of this issue, you know, to me, I kind of see two plans.

And so I would, you know, urge commissioners to kind of look at, um, how we solve the housing issue with either sustaining and increasing our population. Or decreasing it because the motions that happen to our code, what would happen to a visitation levels, which were mentioned earlier and things like that, like, it's 2 totally different models, but what needs to happen for both of those to work is completely different things, and so I think there's a lot of good information out there. I'm going through the comprehensive plan, um, you know, looking at what other towns in Alaska are doing, um, populations that sustain doctors, that sustain dentists, that have, um, maintain businesses, you know, where there's a certain level where that exists.

If we have a smaller population, we know that we can't sustain that. So when we start to drop below those numbers, we lose a lot of our things, 6 months a year. Um, I would like people to look at what's happening with derelict houses. Um, the majority that, um, code covers right now with, like, transients, um, and how that is affecting the economy as well, because it's something that's not thoroughly addressed.

And so I just urge everybody to look through, but to realize that, um, we have, I think it's, if you look at the census, it's like 767 houses, you know, building at this point with our current population isn't necessary. Like, it's, there's not one solution, it's a myriad of things and I don't think either way all of us feel like we're getting something or that it's going to be perfect, but both models don't work at the same time.

And so I think the idea of trying to look at how we can address that housing issue 1 way or the other and bring that forward and get some ideas that are comprehensive to take to the assembly to see what Skagway wants.

Chair Brena: Good points. Thank you.

Outcalt: So, my understanding is that you would like us to come up with our 3 detailed ideas of what we want and present them to you or to you?

Deputy Clerk: If you come up with a written um, proposal or notes or something as chair Brenna suggested, you just send that to the clerk's office. We will email it to the commission in a way not to violate the open meetings act and put it in your packet.

So everyone can hopefully review it before the work session, and kind of have an idea of what you're proposing.

Outcalt: When would you like to have it?

Deputy Clerk: I will say that we're closed on Monday due to the holiday. So, if possible, tomorrow would be the best. However, I mean, we'll add it as late as you send it to us. So, if Tuesday morning, Tuesday afternoon, we'll email it as soon as we receive it.

Outcalt: I will get 3 ideas to you by tomorrow.

Chair Brenna: Yeah, and we all will and then we'll distribute them.

Outcalt: They'll be together.

Chair Brenna: And, you know, and I take, um Commissioner Mabee's point, I think philosophically, that might be a bigger point than we're going for whether or not we're, um, what type of town we're going to be, whether we're going to grow or stay the same size. Because, um, what we're looking at now is we're in a hole. And we're short of housing in a major way.

And a lot, this year more than I've ever seen, a number of fairly big apartment buildings have been sold out of what people generally classify as year-round housing, and they've been sold to seasonal operators. And so, I mean, we need, you know, housing, like, immediately. And, uh, you know, and I'm just going to go ahead and say, like, the, the concept of, uh, you know, the first time homebuyer and the assembly's, uh, um, consideration of that in a kind of a major way of trying to accommodate that is, um, there's 2 issues with that that I see on the Garden City lot. And one is any, any given lot that you use for a single, uh, first time homebuyer is 1 unit when it could be 3.

So, as a solution, it's underutilization. And the second thing is, I don't think anyone's run the numbers on what exactly a first-time homebuyer is in terms of

the requirements that you would need to enter this category. And so, for starters, you're going to buy a lot, or the city is going to prioritize a lot to a first-time home buyer.

It's a lot that will be at least \$100,000. Okay, then you're going to build a house, a small house. The total of those will cost about \$400,000 to \$450,000. Okay, in order to do that, in order to have an approval from a bank and to be able to do that, a first-time homebuyer needs \$40,000 cash. You need to be someone who hasn't owned a house, probably, uh, in Skagway, is a resident of Skagway, does not own a primary residence in other jurisdictions.

And, uh, and then on the income qualification side of it, which is the bank approval side, uh, first time homebuyer has to make \$122,000 to qualify for that loan. Okay, well, when you put those parameters into a matrix, and you submit a letter of interest to the public to see who exactly would like to participate in a program like this, um, I wonder how many first time homebuyers do we have in Skagway that can actually fit into that category?

And that's easy enough to find out. The city, uh, should just solicit that information and see how many people actually step up with that information. And if they don't, let's get off wasting time, meeting time after meeting time, trying to see how we can fit this into a category that clearly doesn't work.

Uh, you know, any of these land release programs that has to have something built. We're looking at, you know, we're worried about today. We're looking at, uh, three years is what it's going to take to actually be online. So, um, you know, we're, we're way behind the eight ball, and this is not going to be a fast solution.

Uh. So, my thoughts on first time homebuyer, I'd like to see it work. Now, maybe the city could figure out a way to, uh, um, get first time homebuyers into a triplex on a lot, so it wouldn't underutilize that given lot. Um, but it would involve other considerations, like maybe subordinating the land to their position.

So, the city would take a second on it instead of a first. Something like that. Allow them to have that equity.

But, you know, we need, in my opinion, we need some action. We need some of these lots released. There is no one in town, there's no landowner that's going to address or solve this problem. It's, it's got to be, the city has got to be at the forefront of it.

Rocky?

Outcalt: I know when I built that little garage and apartment on my piece of property, I'll just throw some numbers out. That cost me right at \$100,000 dollars to build that. I already owned the piece of property, which was advantageous, obviously. Um, \$25,000 of that was tied up with the plumber and the electrician, which I had to do because I was using it for an apartment.

So I couldn't do it myself, which I've been able to do in the past being a builder and. Um, but it still cost, cost me basically \$75,000 out of my own pocket. To put that little structure up the things only 20 by 24, it's a little small 2 bedroom apartment. But on the other hand, it provided housing in town for somebody.

And I've had it rented ever since the day I bought it without a glitch. Um, I've also added a spot, which I really would like to enjoy my own front yard, but I put an RV hookup in there so that we can help alleviate housing issues. Um, I don't get much for it, but it's a spot there for somebody to use. Um, to help alleviate that housing issue.

I think we are going to have to have somewhat of that kind of mentality, in town. To share our properties, to do whatever we can. Sherry, you hit it right on the head. I mean, you're right on in the fact that we need, we've got to do something about housing. You know, we've got, and we've got to offer opportunities for people to afford housing.

And that's going to be tough, but it has to happen somehow. I don't know how and I don't know how we're going to do it, but I bit the bullet and I just spent some of our money and we did it and it worked and, somehow, we've had a decent little business that's helped us along the way. We still need the cruise ships to come to town.

And they're growing, Ms. Corrington. They happen to be growing size. I don't think we need 5 of them out there at all. But if we have 4 of them and they get bigger, somewhere, there is a point where you can't send enough stuff down the sewer line, you know, there's only so, that pipe's only so big and we can only accommodate so much in town.

We've got some issues in town that we've got to deal with, but we also need to remember that we are just a one pony show. And I remember when David Presence sold me that building, he was nervous about it. He said, you're just selling fry bread, you're a one pony show. He didn't, he was worried about that.

We in the same way are a one pony show in this town, and the only, we rely on those cruise ships coming here. If they didn't come here, there would not be a community here, and I think we need to remember that, unless it's a bunch of retired people on Social Security getting a little bit of money. Those are some things to think about.

Mabee: Chair Brenna? um, yeah, and just I wanted to make one more statement too. So, you know, it does fall back and I hear definitely the development of housing is, you know, I think that's on everybody's minds of having more spaces, um, higher density, um, ability to live. But I think 1 thing too, when I made the statement, you know, it's not just philosophical, but the idea that, right now, it seems very incentivized. During the pandemic, we realized and we saw a bunch of housing units open up to the year-round population. We survived because these opened up, doors opened across. We had more people staying here than we had in any winter. So we found out that this transient housing very quickly, that landlords and others choose to make that open to our community.

So these housing units right now, it's incentivized, so we can develop as much as we want. Um, and have somebody build a house and get it done in 2 years, but we need to also look at how we keep that housing and the same with what already exists. Because to me, the fastest fix is looking at how we, what we prioritize there and how we regulate that.

You know, what are the terms of transient housing? Um, how long do leases need to be? A lot of communities that are in a similar situation to us have changed those times. They've made minimum leases up to 8 months. Um, things that no longer make it viable to close down for the majority of the year and too, that it's advantageous to have all of these empty houses sitting around waiting for, um, a population of workers that are going to come here for 5 months a year. And we want to open up doors. There's a lot. We don't have much land. I think we all know that as far as developing goes, we also know how expensive it is.

And so the speed at which that can go, like. We definitely need to do it, but I do believe that consideration for what our priority is kind of needs to be one way or the other because either we sustain the level of cruise ships and what that takes for our seasonal workforce and businesses to sustain themselves.

Or we're looking at our year-round community, and it can be both, but it, we can't sit with current code the way it is and have that work because it doesn't stop all of that development because as far as I know, this has been an issue for

well over 30 years. And so we do have more houses and we do, we have grown, we have built apartments.

We have had a lot of things come in, but every time that happens, they start getting double bunked. They start moving into... into seasonal housing and then they get lost because a lot of people are leaving at a massive rate and it's sad to me to see after the pandemic when we asked folks not to come back and those doors did open and we chose to survive as a community that as soon as the ships came back, we started to lose that after we had just endured that for several years.

So, I think it, you know, it is, it is to some degree a philosophical question, but I think also too, it's not everything goes together. So, looking at what it takes to go either direction is important because not everything fits for me. Not everything's going to fit for you. But it's 2 different outcomes and it takes 2 different paths to get there.

Thank you.

Chair Brena: Gary, any general comments?

Hisman: No, I think. I think it's better served to wait for the work session.

Chair Brena: Commissioner Kern?

Kern: Not at this time.

Chair Brena: Okay, I guess that's everything. I'll entertain a motion to adjourn the meeting.

Mabee: I'll make a motion to adjourn.

Kern: I'll second.

Chair Brena: Roll call.

Deputy Clerk: Brena?

Chair Brena: Yes.

Deputy Clerk: Kern?

Kern: Yes.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: 5 yeases, motion passes.

PLANNING & ZONING COMMISSION
RESOLUTION NO. 24-03R

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE MUNICIPALITY OF SKAGWAY, ALASKA REGARDING CONDITIONAL USE PERMIT APPLICATION NO. 23-72 FROM JONATHAN HILLIS IN THE RESIDENTIAL GENERAL ZONING DISTRICT, REQUEST TO CONVERT GARAGE TO A STUDIO APARTMENT ON LOT 7 BLOCK 105, SKAGWAY TOWNSITE.

WHEREAS, the property is described as Lot 7 Block 105, in Skagway Townsite.

WHEREAS, Jonathan Hillis applied for Conditional Use Permit Application No. 23-72 within the Residential General Zone, Lot 7 Block 105 Request to Convert Garage to a Studio Apartment; and

WHEREAS, the Planning & Zoning Commission held a public hearing on the conditional use request on December 14, 2023, and afforded Jonathan Hillis the opportunity to present evidence and otherwise be fully heard on the application; and

WHEREAS, the Planning & Zoning Commission must find all four of the Standards set out in SMC 19.04.060(B)(3) to exist in order to grant the conditional use; and

WHEREAS, the Planning & Zoning Commission found that per SMC 19.04.060(B)(3)(a) the requested conditional use will protect the public health, safety, and welfare with the following condition:

- The setback requirements are met; and

WHEREAS, the Planning & Zoning Commission found that per SMC 19.04.060(B)(3)(b) the requested conditional use will not permanently or substantially injure the lawful use of the neighboring properties or uses; and

WHEREAS, the Planning & Zoning Commission found that per SMC 19.04.060(B)(3)(c) the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans; and

WHEREAS, the Planning & Zoning Commission found that per SMC 19.04.060(B)(3)(d) the requested conditional use will not substantially decrease the value of or be out of harmony with property in the neighboring area;

NOW THEREFORE BE IT RESOLVED by the Planning & Zoning Commission of the Municipality of Skagway, Alaska that Conditional Use Permit Application No. 23-72 from Jonathan Hillis; Lot 7 Block 105, in the Residential General Zoning District is approved if the following condition is met:

- The setback requirements are met.

PASSED AND APPROVED on the ____ day of _____, 2024.

Vote: __ Aye __ Nay __ Absent

David Brena, Chair

ATTEST:

Kathy Carr, Deputy Borough Clerk

(SEAL)

Return To:	Municipality of Skagway, P.O. Box 415, Skagway, AK 99840 Skagway Recording District, First Judicial District, State of Alaska
------------	--

PLANNING & ZONING COMMISSION
RESOLUTION NO. 24-03R

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE MUNICIPALITY OF SKAGWAY, ALASKA REGARDING CONDITIONAL USE PERMIT APPLICATION NO. 23-72 FROM JONATHAN HILLIS IN THE RESIDENTIAL GENERAL ZONING DISTRICT, REQUEST TO CONVERT GARAGE TO A STUDIO APARTMENT ON LOT 7 BLOCK 105, SKAGWAY TOWNSITE.

WHEREAS, the property is described as Lot 7 Block 105, in Skagway Townsite.

WHEREAS, Jonathan Hillis applied for Conditional Use Permit Application No. 23-72 within the Residential General Zone, Lot 7 Block 105 Request to Convert Garage to a Studio Apartment; and

WHEREAS, the Planning & Zoning Commission held a public hearing on the conditional use request on December 14, 2023, and afforded Jonathan Hillis the opportunity to present evidence and otherwise be fully heard on the application; and

WHEREAS, the Planning & Zoning Commission must find all four of the Standards set out in SMC 19.04.060(B)(3) to exist in order to grant the conditional use; and

WHEREAS, the Planning & Zoning Commission found that per SMC 19.04.060(B)(3)(a) the requested conditional use will protect the public health, safety, and welfare with the following condition:

- The setback requirements are met; and

WHEREAS, the Planning & Zoning Commission found that per SMC 19.04.060(B)(3)(b) the requested conditional use will not permanently or substantially injure the lawful use of the neighboring properties or uses; and

WHEREAS, the Planning & Zoning Commission found that per SMC 19.04.060(B)(3)(c) the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans; and

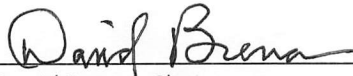
WHEREAS, the Planning & Zoning Commission found that per SMC 19.04.060(B)(3)(d) the requested conditional use will not substantially decrease the value of or be out of harmony with property in the neighboring area;

NOW THEREFORE BE IT RESOLVED by the Planning & Zoning Commission of the Municipality of Skagway, Alaska that Conditional Use Permit Application No. 23-72 from Jonathan Hillis; Lot 7 Block 105, in the Residential General Zoning District is approved if the following condition is met:

- The setback requirements are met.

PASSED AND APPROVED on the 11th day of January, 2024.

Vote: 4 Aye 1 Nay 0 Absent



David Brena, Chair

ATTEST:



Kathy Carr, Deputy Borough Clerk

(SEAL)



Return To:	Municipality of Skagway, P.O. Box 415, Skagway, AK 99840 Skagway Recording District, First Judicial District, State of Alaska
------------	--



MUNICIPALITY OF SKAGWAY
GATEWAY TO THE KLONDIKE
P.O. BOX 415, SKAGWAY, ALASKA 99840
(PHONE) (907) 983-3906
(FAX) (907) 983-2151
www.skagway.org

01/18/2024

Jonathan Hillis
P.O.Box 1031
Skagway, AK 99840

RE: Conditional Use Application #23-72; Jonathan Hillis; Lot 7, Block 105; Request to convert garage to a studio apartment.

Dear Applicant(s),

At its meeting of December 14, 2023, the Planning and Zoning Commission held a public hearing and considered Conditional Use Application No. 23-72. At its meeting of January 11, 2024, the Planning and Zoning Commission voted to approve Resolution No. 24-03R formally granting your Conditional Use Permit with the following conditions:

- The setback requirements are met.

If you have any questions, feel free to contact me at the Public Safety Building or through the number below.

Sincerely,

Stanislava Fairbanks

Stacy Fairbanks
Permitting Official
s.fairbanks@skagway.org
(907)983-3906



PLANNING AND ZONING
CONDITIONAL USE PERMIT
Municipality of Skagway

PO Box 415
Skagway, AK 99840
Phone: 907-983-3906
s.fairbanks@skagway.org

Permit Number:	23-72	Property Address:	LOT 7, BLOCK 105
Issue Date:	01/18/2024	Parcel ID:	2TOWN105070
Expiration Date:	07/17/2025	Property Owner:	HILLIS, JONATHAN & DOLAND, ELISE
Primary Permit Type:	P&Z-Conditional Use	Primary Contractor:	Jonathan Hillis
Issued to:	Jonathan Hillis	Contractor License:	
Lot #:	7	Contractor Phone:	
Block #:	105	Architect:	
Subdivision:		Architect Phone:	
Zoning Type:	Residential - General	Square Feet:	N/A
Property Use:	Residential	Estimated Value:	N/A

Description of Work:

PLANNING AND ZONING CONDITIONAL USE PERMIT WITH CONDITIONS
Jonathan Hillis

001 Conditional Use 50.00

TOTAL FEES: \$ 50.00
TOTAL PAYMENTS: \$- 50.00
BALANCE: \$ 0.00

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

BUILDING OFFICIAL

DATE January 18, 2024



**MUNICIPALITY OF SKAGWAY
PERMITTING OFFICE**

P.O. Box 415

Skagway, AK 99840

(P) 907-983-3906 • (F) 907-983-2151

To all Municipality of Skagway Permit Recipients

Issuance of a building permit or any other permitting or certificate of building or construction by the municipality shall not constitute a representation, guarantee, or warranty of any kind or any nature by the municipality or the borough manager of any other municipal employee or official of the municipality of the design, practicability, engineerability, quality, safety, or code compliance, or any other aspect related to building or construction of the proposed construction or design, and shall create no liability of any kind of any nature upon the municipality, its officials, officers, or employees. The submission of a request by any person or entity for a permit shall constitute a waiver by that person or entity of any cause of action of any kind or any nature against the municipality, its employees, officers, assembly persons and officials. No permit of any kind will be issued if approval by the State Fire Marshall for life safety factors is required, unless and until such approval by the Fire Marshall is obtained by the person or entity requesting the permit.