



**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