

## KETCHIKAN GATEWAY BOROUGH

### Planning Commission/Platting Board Meeting Minutes

4/8/2025

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:00 p.m., Tuesday, April 8, 2025 by Chair Jos Govaars, and the roll was called.

#### **CALL TO ORDER - PLEDGE OF ALLEGIANCE – ROLL CALL**

PRESENT: Chair Jos Govaars, Planning Commissioners Robb Arnold, Darlene D-Svenson, and Janalee Gage. Vice Chair Trevor Shaw appeared via Webex. Commissioners Diane Gubatayao and Michael Medford were absent.

STAFF PRESENT: Planning Director Frank Maloney, Associate Planner Alethea Johnson, and Platting/Zoning Clerk Crystal Vail

#### **SPECIAL ORDERS**

none

#### **PRESENTATION OF MINUTES – PC Meeting Minutes of March 11, 2025**

M/S: SHAW/D-SVENSON to adopt the Planning Commission meeting minutes of March 11, 2025.

#### **DISCUSSION**

None

Upon roll call the vote on the MOTION was:

YES: ARNOLD, GAGE, SHAW, D-SVENSON, GOVAARS

MOTION DECLARED CARRIED

#### **CORRESPONDENCE**

Govaars asked commissioners to review the on the table documents. There were two On the Table documents, one a comment from a neighboring property owner regarding Case 25-018 and the other a 2024 letter from the Borough Manager supporting the Ketchikan Historic Commission, for use as a reference during the Regular Business item 9 A.

#### **PERSONS TO BE HEARD**

none

#### **UNFINISHED BUSINESS/ PUBLIC HEARINGS**

None

#### **NEW BUSINESS/PUBLIC HEARINGS**

Govaars described the procedures for public hearings and appeals of decisions of the Planning Commission/Platting Board. He read that the agenda was published on April 4, 2025, and hereby entered into the record.

**Case 25-016** is a request for a 3-year conditional use permit (CUP) for a mobile building to be used as a residence on property located at 62 Garland Court, Ketchikan Gateway Borough

Planner Johnson presented information on Case 25-016

Commissioners had no questions for staff.

**PUBLIC COMMENT**

none

M/S:D-SVENSON/ARNOLD to adopt Resolution 4497 A

**DISCUSSION**

none

Upon roll call the vote on the MOTION was:

YES: D-SVENSON, ARNOLD, SHAW, GAGE, GOVAARS

MOTION DECLARED CARRIED

**Case 25-017** is a request for a major variance to allow a detached accessory structure to be constructed and encroach into the required 15-foot front yard setback on property located at 13095 North Tongass Highway, Ketchikan Gateway Borough

Planner Johnson presented information on Case 25-017.

Commissioners had no questions for staff.

**PUBLIC COMMENT**

The applicant was present and answered a question from the Commission about the status of a tree buffer that exists in the public right of way. The applicant confirmed that the buffer was not on his property and would not be removed.

M/S: SHAW/D-SVENSON to adopt Resolution 4498 A

**DISCUSSION**

None

Upon roll call the vote on the MOTION was:

YES: SHAW, D-SVENSON, ARNOLD, GAGE, GOVAARS

MOTION DECLARED CARRIED

Case 25-018 is a request for a major variance to allow an existing detached accessory structure to remain and encroach into the required 15-foot north side yard setback on property located at 219 Potter Rd, Ketchikan Gateway Borough.

D-SVENSON made a conflict disclosure, as she lives in the vicinity of the subject property and disclosed her inability to make an unbiased decision. GOVAARS excused her from the public hearing for Case 25-018

Planner Johnson presented information on Case 25-018.

Commissioners asked questions of staff and discussed the following:

- The applicant had applied for this variance previously and the PC denied the request. The applicant has taken past action to bring other areas of their property into zoning compliance such as addressing an encroaching carport and finalizing the platting action of an ATS lot. The remaining encroachment of the marine shed was the only request in Case 25-018.

#### PUBLIC COMMENT

The applicant's representative, Scott Brandt-Erickson, was in attendance and presented the following information to the PC:

- This case has come to the PC before and the analysis included meeting all but one criterion for variance approval. Since the denial of this request, there has been another denial similar in nature that was overturned by the Board of Adjustment. The applicant decided to bring their case back to the PC to have the same analysis applied to their request. The analysis included viewing the after-the-fact variance fee as a penalty. He asserted that if the after-the-fact fee does not excuse the applicant from "causing the need for the variance," then there is no purpose for the fee and there is no way to remedy cases where an applicant completed building without initially applying for a zoning permit.

Commissioners asked questions regarding the following:

- The variance could have been granted at the time of the first request if the PC would have viewed it as just explained.
- The other factors such as the topography of the lot and an existing easement on the property were all analyzed in the previous request as reasons to approve a variance.

John Harrington, neighboring property owner, commented on the case. He presented some background on the after-the-fact fee at the Assembly level. He was bothered that the applicant built the structure without applying for a zoning permit and did not understand why anyone would be entitled to a variance because they paid a fee.

M/S: SHAW/GAGE to adopt Resolution 4499 A

DISCUSSION

Shaw thought this was ultimately a decision for the Board of Adjustment. His opinion was that the PC should follow the application of the code as the Board of Adjustment set forth in Case 25-035 by approving this variance.

Upon roll call the vote on the MOTION was:

YES: SHAW, GAGE, GOVAARS

NO: ARNOLD

MOTION DECLARED CARRIED

**Case 25-019** is a request to rezone Lots 1-12, Block 1; 1-3, Block 2; and Tracts A, B, C, and D, of the Leask Cove Subdivision, from the Future Development/ Cottage Industry Overlay (FD/CI) zone to the Rural Residential/ Cottage Industry Overlay (RR/CI) zone; located in Leask Cove at the north end of George Inlet, Ketchikan Gateway Borough

Planner Johnson presented information on Case 25-019.

Commissioners asked staff questions and discussed with staff about the following:

- The cottage industry overlay allows residents of the properties the opportunity to create income while living on a remote property. The idea is to create goods and services available to residents in the area.
- The rezone will not affect any planned road maintenance by the Borough or Alaska State Department of Transportation.
- Individual property owners will have to apply for a tideland lease, if interested, which is at the discretion of the Alaska State Department of Natural Resources.

The commissioners had no questions for the applicant, who was present via Webex.

PUBLIC COMMENT

None

M/S: SHAW/D-SVENSON to adopt Resolution 4500 A

DISCUSSION

None

Upon roll call the vote on the MOTION was:

YES: SHAW, GAGE, ARNOLD, D-SVENSON, GOVAARS

MOTION DECLARED CARRIED

Case 25-020 is a request for a major variance to allow a residence and attached accessory shed to remain and encroach into the required northwest side yard setback; located at 3051 Crest Avenue, Ketchikan Gateway Borough

Planner Johnson presented information on Case 25-020.

Commissioners asked staff questions and discussed with staff about the following:

- The shed would be an exempt structure if it were detached from the principal dwelling.
- There are 2 separate resolutions, one which denies the variance for the attached shed and one approves the variance for the encroaching residence.

### PUBLIC COMMENT

The applicant was present and available to answer questions. Matthias Volkmann addressed the commissioners and stated his confusion over how the shed would be allowed if he detached it and essentially increased the amount of encroachment.

Planning Director Maloney explained to the applicant that the Ketchikan Gateway Borough Code does not allow for attached accessory sheds to encroach into setbacks in the Low Density Residential zone.

Commissioners and staff discussed that the applicant did not supply evidence that the cost of removing or relocating the shed to a place having the same effect. If he had supplied evidence that the project would meet or exceed \$10,000, the variance would have reason to be approved.

M/S: SHAW/D-SVENSON to adopt Resolution 4501 A

M/S: SHAW/D-SVENSON to amend Resolution 4501 A by replacing all references to the northwest side yard with north side yard

### DISCUSSION

Arnold clarified that the resolution was referring to the residence.

Upon roll call the vote on the MOTION to AMEND was:

YES: GAGE, SHAW, D-SVENSON, ARNOLD, GOVAARS

MOTION DECLARED CARRIED

Upon roll call the vote on the MOTION to adopt Resolution 4501 A- AMENDED was:

YES: SHAW, GAGE, D-SVENSON, ARNOLD, GOVAARS

MOTION DECLARED CARRIED

M/S: SHAW/GAGE to adopt Resolution 4504 B

### DISCUSSION

none

M/S: SHAW/GAGE to amend Resolution 4504 B by replacing all references to the northwest side yard with north side yard.

DISCUSSION

This resolution is regarding the attached accessory shed and the amendment clarifies that the encroachments are on the north side of property.

Upon roll call the vote on the MOTION to AMEND was:

YES: D-SVENSON, SHAW, GAGE, ARNOLD, GOVAARS

MOTION DECLARED CARRIED

Upon roll call the vote on the MOTION to adopt Resolution 4504 B- AMENDED was:

YES: SHAW, GAGE, ARNOLD, D-SVENSON, GOVAARS

MOTION DECLARED CARRIED

Case 25-021 is a request for a one-year conditional use permit to allow a mobile food vendor to operate on property located at 400 Spruce Mill Way; City of Ketchikan.

Planner Johnson presented information on Case 25-021.

Commissioners had no questions for staff

PUBLIC COMMENT

none

M/S: SHAW/D-SVENSON to adopt Resolution 4502 A

DISCUSSION

Commissioners discussed that they were interested to see how the location works for this mobile food vendor use and were glad to see more dining options happening in Ketchikan.

Upon roll call the vote on the MOTION was:

YES: SHAW, ARNOLD, GAGE, D-SVENSON, GOVAARS

MOTION DECLARED CARRIED

Case 25-022 is a request for a one-year conditional use permit to allow a mobile food vendor to operate on property located at 1101 Tongass Ave; City of Ketchikan.

SHAW disclosed that he has a financial interest in the subject property. GOVAARS excused him from the public hearing on Case 25-022.

Planner Johnson presented information on Case 25-022.

Commissioners had no questions for staff.

**PUBLIC COMMENT**

none

M/S: D-SVENSON/SHAW to adopt Resolution 4503 A

**DISCUSSION**

Commissioners expressed excitement for more local food options. The vendor is allowed to operate once their CUP is approved and their zoning permit is issued. There are instances where the CUP is never utilized because the applicant does not follow through with opening the proposed food truck.

Upon roll call the vote on the MOTION was:

YES: ARNOLD, D-SVENSON, GAGE, GOVAARS

MOTION DECLARED CARRIED

**CONSENT AGENDA**

None

**REGULAR BUSINESS**

Planning Commission Letter of Support for the Ketchikan Historic Commission

M/S: SHAW/GAGE to approve submitting a letter of support from the Planning Commission to the Ketchikan Historic Commission for the purpose of applying for grants

**DISCUSSION**

The Historic Commission uses grant funding for strategic and comprehensive planning and the Planning Commission should support this motion.

Upon roll call the vote on the MOTION was:

YES: ARNOLD, GAGE, D-SVENSON, SHAW, GOVAARS

MOTION DECLARED CARRIED

## REMARKS

### DIRECTOR'S REPORT

Director Maloney reported on the following subjects:

- He will draft a letter of support for the Ketchikan Historic Commission
- Comprehensive plan meetings are happening in the current week.
- The Comprehensive Plan survey had a good amount of responses.
- The Comment Map is still open for public comment, you can drop a pin on a selected area with your custom comment.
- The literature review, a process of forming a comprehensive plan, is almost complete.

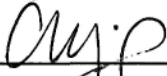
### COMMISSIONERS' COMMENTS

none

## ADJOURNMENT

M/S:D-SVENSON/SHAW moved to adjourn.

With no objection, the meeting was adjourned at 7:19 p.m.



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Crystal Vail, Platting/ Zoning Clerk  
Planning Commission/Platting Board



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Jos Govaars, Chair  
Planning Commission/Platting Board