

**KETCHIKAN GATEWAY BOROUGH**

**Planning Commission/Platting Board Meeting Minutes**

**9/10/2024**

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:00 p.m., Tuesday, September 10, 2024, by acting Chair Trevor Shaw, and the roll was called.

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

PRESENT: Acting Chair Trevor Shaw, Commissioners Darlene Dollimont-Svenson (D-Svenson,) Diane Gubatayao and Michael Medford. Commissioner Robb Arnold was present via Webex.

ABSENT: Commissioners Michael Martin and Jos Govaars

STAFF PRESENT: Planning Director Frank Maloney, Associate Planner Talya Stek and Platting and Zoning Clerk Crystal Vail

**PRESENTATION OF MINUTES – Meeting Minutes of August 13, 2024**

M/S: D-SVENSON/GUBATAYAO to approve the Meeting Minutes of August 13, 2024

Upon roll call the vote on the MOTION was:

YES: ARNOLD, GUBATAYAO, D-SVENSON, MEDFORD, SHAW

MOTION DECLARED CARRIED

**SPECIAL ORDERS**

None

**CORRESPONDENCE**

None

**PERSONS TO BE HEARD**

None

**UNFINISHED BUSINESS/ PUBLIC HEARINGS**

None

**NEW BUSINESS/PUBLIC HEARINGS**

Acting Chair Shaw described the procedures for public hearings and appeals of decisions of the Planning Commission/Platting Board. He read the agenda published on September 6, 2024, into the record.

Case 24-035 is a request for a major variance to allow an existing attached accessory deck to remain and encroach into the required front yard setback, located at 65 Moore Dr, Ketchikan Gateway Borough.

Associate Planner Stek presented information on Case 24-035.

Planning Commissioners asked questions and discussed the following topics with Planning staff:

- Clarification of what a denial of the variance will impose on the applicant
  - Applicant in violation of zoning code
  - Applicant will be unable to obtain future zoning permits until code violation is fixed
- Applicant did not apply for a zoning permit prior to original construction of the home and deck.
- The applicant has limited options to fix the problem due to topography of the property.
- Clarification of the duties of Planning Commissioners to uphold the zoning code and decide whether there are factors in any given case to grant an approval.

The applicant was present and commented on the case.

The applicant stated his name, Jim LaHue of 65 Moore Drive, Ketchikan, AK.

The applicant discussed the following topics with the Planning Commissioners:

- The applicant assumed the contractor who built the house applied for the required permits.
- The applicant recently applied for a zoning permit to build an additional storage space and discovered the unpermitted deck encroachment.

Planning Commissioners and staff discussed the following topics further:

- Consequences of a variance denial
  - If a complaint is filed against the applicant, the issue must be resolved.
  - Future zoning permits cannot be issued to the applicant for this property until the property is in zoning compliance.
- Are there any prior examples to reference how to handle this case?
  - There are; each has unique circumstances and solutions.
- A previous zoning permit for this property had been applied for by the applicant in 2013.
  - Was this applied for by the applicant or an authorized agent? Staff did not have the information available.
- Solutions for the applicant to bring their property into zoning compliance are with an approved variance or by modifying the subject deck so it does not encroach.
  - The subject deck cannot be modified as needed because of the location of the septic system.

The applicant confirmed that there was an alternate entrance to the home.

The applicant, Commissioners and staff discussed the former code exemption for decks less than 30 inches above grade. The applicant stated that adding fill to create a height which would have previously been exempt would have created a financial hardship.

M/S: GUBATAYAO/MEDFORD to adopt Resolution No. 4474B

DISCUSSION

Planning Commissioners discussed a proposal for postponement of the case until Assistant Planner Johnson returned to answer more questions.

M/S: D-SVENSON/GUBATAYAO to postpone the adoption of Resolution No. 4474B until the first October meeting of the Planning Commission.

DISCUSSION

Commissioners discussed with Planning Staff an option of modifying the deck for the applicant to become compliant.

Commissioner Shaw stated he was not in favor of postponing the case; the Commissioners discussed the following:

- The facts of the case will not change in one month
- Postponement may give the applicant time to correct the violation
- Clarification that the applicant can appeal to the Board of Adjustment
- Postponement will add no further benefit to the applicant nor the Borough
- Recommendation for staff to document the questions and responses for the applicant for clarification

Upon roll call the vote on the MOTION to postpone was

NO – GUBATAYAO, MEDFORD, ARNOLD, D-SVENSON, SHAW

MOTION DECLARED FAILED

Commissioner Shaw clarified again if a denial was issued and the applicant remedied the violation, there would be no further need for consideration because the property would be in compliance with the zoning code.

Planning Commissioners discussed the need for clear communication between Planning staff and the applicant concerning the denial and the applicant's options for correcting the violation and applying for future permits.

Upon roll call the vote on the MOTION to adopt Resolution No. 4474B was

YES – GUBATAYAO, MEDFORD, ARNOLD, D-SVENSON, SHAW

MOTION DECLARED CARRIED

Case 24-036 is a request for a major variance to allow a storage addition to be constructed and encroach into the required side yard setback; located at 65 Moore Dr, Ketchikan Gateway Borough

Director Maloney presented information regarding Case 24-036 and recommended postponement of the case until the applicant has brought their property into zoning compliance.

M/S:D-SVENSON/MEDFORD to postpone the case until the property owner can bring their property into compliance with current zoning code.

Upon roll call the vote on the MOTION to postpone was

YES – GUBATAYAO, ARNOLD, MEDFORD, D-SVENSON, SHAW

MOTION DECLARED CARRIED

Case 24-037 is a request for a major variance to allow existing attached accessory decks to remain and encroach into required side yard setbacks, and to allow an existing deck to be expanded and further encroach into the right side yard setback; located at 940 Park Ave, City of Ketchikan.

Associate Planner Stek presented information on Case 24-037.

The applicant's authorized agent was in attendance and answered commissioner questions regarding:

- Creation of the lot before zoning code was established
- Clarified for which deck the variance was being requested
- Easier access for maintenance in and around the applicant's home

M/S: D-SVENSON/GUBATAYAO to adopt Resolution 4476 A

Planning Commissioners discussed the added safety feature of the deck addition.

Upon roll call the vote on the MOTION was

YES – MEDFORD, ARNOLD, D-SVENSON, GUBATAYAO, SHAW

MOTION DECLARED CARRIED

#### **CONSENT AGENDA**

None

#### **REGULAR BUSINESS**

Case 22-071 is a request for a final plat to realign Slide Ridge Road; alter Lot 1A, Block 1, Lot 1A, Block 2 and Lot 1A, Block 3, US Survey 1754; and record the vacation right-of-way approved by Final Order Resolution No 4078 A - Amended; located at 7628 North Tongass Highway, Ketchikan Gateway Borough.

Director Maloney presented the timeline of the final plat.

Commissioner D-Svenson asked a question regarding the connection between this plat and Williams Road. Planning staff agreed to find an answer to the question.

M/S: GUBATAYAO/MEDFORD to approve the request for a final plat of Lot 1A, Block 1, Lot 1A, Block 2 and Lot 1A, Block 3, US Survey 1754 at 7628 North Tongass Highway; Ketchikan Gateway Borough.

**DISCUSSION**

Commissioners Gubatayao and Shaw commented on the thorough process used to bring final plats for Planning Commission approval.

Upon roll call the vote on the MOTION was

YES – GUBATAYAO, ARNOLD, D-SVENSON, MEDFORD, SHAW

MOTION DECLARED CARRIED

**REMARKS**

DIRECTOR'S REPORT

Director Maloney reported on the following subjects:

- Clarified the commission's request to put the questions and answers from Case 24-035 in writing.
- Postponement of the Mile 17 Subdivision
  - Planning to have a work session prior to the public hearing when it returns to the agenda
- Comprehensive Plan process update: the proposal to award the contract will be on the Assembly's September 16, 2024 meeting agenda.
- Planning Department Comprehensive Plan vs. Borough Strategic Plan

COMMISSIONERS' COMMENTS

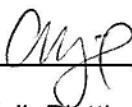
Commissioners commended the work of Planning Staff.

Commissioner Shaw commented on the variance denial, asking staff to notify the planning commission if an appeal is filed.

**ADJOURNMENT**

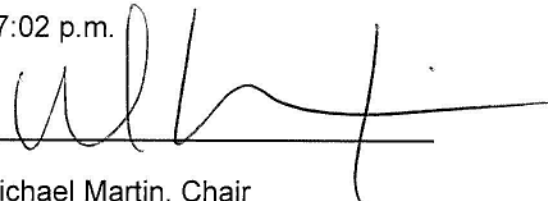
M/S: D-SVENSON/MEDFORD moved to adjourn.

With no objection, the meeting was adjourned at 7:02 p.m.



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



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Michael Martin, Chair  
Planning Commission/Platting Board