

### City and Borough of Wrangell Planning and Zoning Commission AGENDA

Wednesday, November 10, 2021 6:00 PM

Location: Borough Assembly Chambers City Hall

# PZ meeting 11-10-21 6:00 PM

- A. CALL TO ORDER / ROLL CALL
- **B. AMENDMENTS TO THE AGENDA**
- C. CONFLICTS OF INTEREST
- D. APPROVAL OF MINUTES
- E. PERSONS TO BE HEARD
- F. CORRESPONDENCE
- **G. NEW BUSINESS** 
  - 1. Variance permit application request for a reduction in the backyard setback from 20 feet to 5 feet for an encroaching residence and garage on proposed Lot 4A of the proposed Kuntz Replat, zoned Single Family Residential, requested by Robert Kuntz
  - 2. Preliminary Plat review of the Kuntz Replat, a subdivision and replat of Lot 2, Healthcare Subdivision III (Plat # 2018 -7) zoned Open Space/Public, owned by SEARHC and Lot 4, Block 29, USS 1119 (Plat # 73-7) zoned Single Family Residential, owned by Robert Kuntz, creating Lots 2A and 4A, Kuntz Replat.
- H. OLD BUSINESS
- I. PUBLIC COMMENT
- J. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS
- K. ADJOURNMENT

# City and Borough of Wrangell

#### Agenda Item G1

Date: November 5, 2021

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance permit application request for a reduction in the backyard setback from 20 feet to 5 feet for an encroaching residence and garage on proposed Lot 4A, of the proposed Kuntz Replat, zoned Single Family Residential, requested by Robert Kuntz

**Background:** Applicant's residence and garage encroaches into the SEARHC hospital property so a subdivision to correct the issue is proposed and requires a Variance setback to meet side yard setbacks.

#### **Review Criteria:**

Single Family Residential: Chapter 20.16

Standards: Chapter 20.52

Variance Permits: Chapter 20.72

**Recommendation:** Staff recommends approval of the variance request,

#### **Recommended Motion:**

Move to approve findings of fact and a Variance permit for a five foot setback (15 foot variance) on the mutual property line with Southeast Alaska Regional Health Consortium on proposed Lot 4A, of the proposed Kuntz Replat for the existing residential encroachments.

#### **Findings of Fact:**

The applicant owns Lot 4, Block 29, USS 1119. His residence and garage encroaches into the adjacent lot that was purchased by the Southeast Alaska Regional Health Consortium (SEARHC) for the purpose of constructing a new hospital. Mr. Kuntz had asked the City as far back as 2011 to purchase a portion of the adjacent lot to resolve the encroachments. However, a decision by the City was delayed until a new hospital design was completed. Once negotiations began with SEARHC for the construction of a new hospital, the decision was left to SEARHC to make.

Mr. Kuntz and SEARHC have reached an agreement. The existing Lot 4 parcel is triangular shaped lot and is 6,054 sq feet. Standard setback requirements for the Single Family Residential District is 5 foot for side yards and 20 foot for front and back yards. The variance request is on the property boundary shared with SEARHC which is the back property line. SEARHC has agreed to sell enough land to Mr. Kuntz to meet side yard setback requirements.

Per WMC 20.52.110 (A) Setbacks -yards, the Commission can grant setbacks not conforming to the minimum requirements if 1) It will not negatively impact adjacent property, existing views, road expansion or the passage of sunlight to adjacent property.

#### A Variance application must meet four criteria (WMC 20.72.050).

- 1. **Exceptional Physical Circumstances:** The lot is relatively flat. It is however a triangular parcel making it more difficult to potentially meet setback requirements. The exceptional circumstance is the previous construction years ago of the residence and garage across a property line but adjacent to a forested undeveloped parcel. After many years and transfer in ownership and use, current parties owning the properties have reached an agreement that addresses the encroachment.
- 2. Strict application would result in practical difficulties or unnecessary hardships: Strict application would require that the garage and house be reconstructed on the two corners that encroach in order to be situated on the correct parcel by ownership. However, even then, the setback requirements are not met and a variance would be required. Because both parties have agreed to a resolution of the issue, not approving the Variance would create hardship for Mr. Kuntz and require moving structures or reconstruction. Approving the request, meets side yard setbacks and SEARHC has indicated this will be satisfactory and not impact future needs of the hospital.
- 3. That the granting of the variance will not result in prejudice to others, or be detrimental to public health, safety or welfare: The granting of the variance should not prejudice others in the area with similar construction. It will not create a public health issue and SEARHC's agreement indicates this will be satisfactory and not impact future needs of the hospital.
- 4. Granting of the variance is not contrary to the comp plan for single family residential development.

#### **Carol Rushmore**

From:

Lisa Von Bargen

Sent:

Friday, October 29, 2021 9:41 AM

To:

Carol Rushmore

Subject:

FW: [EXTERNAL]Re: Proposal lot 4

**Attachments:** 

2127XX\_Robert Kuntz Detail (5-28-21).pdf; 2127XX\_Robert Kuntz Detail markup

(5-28-21).pdf

From: Michael J. Pountney <michaelp@searhc.org>
Sent: Wednesday, October 13, 2021 2:49 PM
To: Lisa Von Bargen <lvonbargen@wrangell.com>
Subject: FW: [EXTERNAL]Re: Proposal lot 4

#### Lisa,

Per our conversation earlier:

- SEARHC is willing to move the corner as needed to allow for the minimum 5' setback between the structure and property line. We will need to review the revised plat with leadership for final approval and signatures.
- Robert will need to provide SEARHC with a legal document releasing SEARHC from any liability while using the encroached upon property and stating he is responsible for any environmental damage to the property.
- In regards to bullet point 3 in the email below, removal of development will not include fill. It will include
  garden boxes, sheds, and other constructed items. Photo documentation of current condition have already
  been taken by SEARHC.

Please let me know if there are any other questions

Mike Pountney
Director of Facility Services
SEARHC Facilities
Cell 907 738 6971
Office 907 966 8413

From: Michael J. Pountney

Sent: Monday, October 4, 2021 9:12 AM

**To:** Robert Kuntz < <u>robertkuntz28@yahoo.com</u>> **Subject:** RE: [EXTERNAL]Re: Proposal lot 4

#### Robert,

I sent a response from SEARHC to Lisa Von Bargen in June on the transfer of property. One addition to the response below is that SEARHC will need proof that your home-owners insurance will cover the encroached property. See attachments and screen shot of email below:

From: Michael J. Pountney

Sent: Tuesday, June 1, 2021 11:27 AM

<u>To: Lisa Von Bargen < Ivonbargen@wrangell.com></u>
Subject: RE: [EXTERNAL]WMC Adjacent Land Owner

#### Lisa,

Item 1.

I asked Mike Howell to complete an as-built of the encroachment onto the Healthcare subdivision by Mr. Kuntz 🛶 have included it as an attachment titled 2127XX\_ Robert Kuntz Detail(5-28-21). This as-built shows the encroachment to be approximately 4082 sf. and at this time SEARHC does not want to transfer/sell in its entirety.

SEARHC will agree to moving one marker 15' as shown on the markup drawing attached. An official survey would need to be completed to confirm the 15' will achieve the minimum clearances. This would ensure that Robert's house is no longer over the property line but would require the City to agree to an almost zero lot line. Agreement as follows:

- Robert would have to pay all cost associated with the plat change but SEARHC would not charge him for the property itself.
- We will also require a letter from Robert that no further development on the encroached property will occur and that all will need to be removed at Robert's cost if SEARHC develops this property in the future. (No plans at this time)
- If ownership of land is transferred, prior to transfer all developments including structure, and gardens must 3. be removed from SEARHC owned land. This agreement is not transferable.

As I said in my last email, our intention is to protect the views of our Long-Term Care Residents but also work with Robert.

#### Please give me a call and we can discuss the details or answer questions

Please let me know if you have any questions. Mike Pountney **Assistant Director of Facility Services SEARHC Facilities** Cell 907 738 6971 Office 907 966 8413

Mike Pountney **Director of Facility Services SEARHC Facilities** Cell 907 738 6971 Office 907 966 8413

----Original Message-----

From: Robert Kuntz < robertkuntz 28@yahoo.com>

Sent: Monday, October 4, 2021 8:38 AM

To: Michael J. Pountney <michaelp@searhc.org>

Subject: [EXTERNAL]Re: Proposal lot 4

Are we still moving on this?

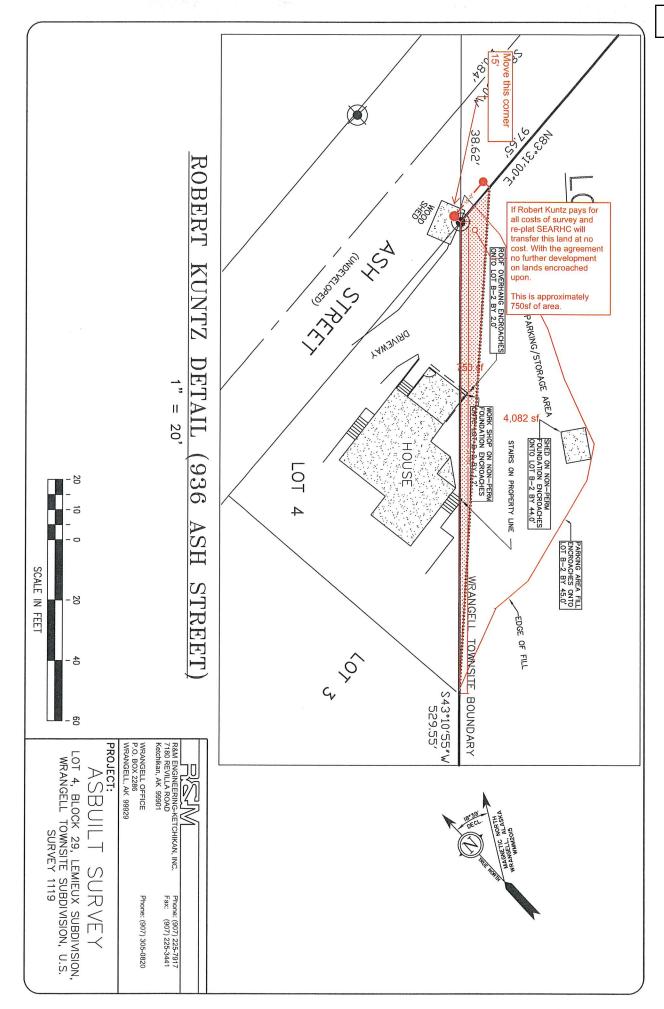
Sent from my iPhone

- > On May 24, 2021, at 9:11 AM, Robert Kuntz <robertkuntz28@yahoo.com> wrote: > > > <IMG 1563.jpg> > This is what I trying to do. Please let me know if you need anything else. Robert Kuntz.
- > Sent from my iPhone

#### APPLICATION FOR VARIANCE

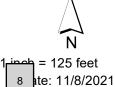
CITY OF WRANGELL **PLANNING AND ZONING** P.O. BOX 531 WRANGELL, AK 99929

WRANGELL CITY HALL THE Application Fee \$50.00 The undersigned hereby applies to the City of Wrangell for a variance. II. Description: (use additional paper if necessary) Legal description of the area requested for the variance LOT 2 Lot (s) size of the petition area Existing zoning of the petition area Current zoning requirements that cannot be met (setbacks, height, etc.): \_\_\_\_ Proposed change that requires this variance III. Application information: (use additional paper if necessary) Explain details of the proposed development TO HAIVE SET BACK FROM HOME A variance may be granted only if all four of the following conditions exist: That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same zone. That the strict application of the provisions of this ordinance would result in practical difficulties or unnecessary hardships. 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 or welfare. That the granting of the variance will not be contrary to the objectives of the Comprehensive Plan. Explain how your application meets these conditions: The Home Encroarted onto SA, Scapte property Note: A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a zone in which that use is prohibited. A schematic site plat must be attached showing the type and location of all Proposed uses on the site, and all vehicular and pedestrian circulation patterns relevant to those uses. I hereby affirm that the above information is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or the authorized agent thereof for the property subject herein. PRINT PETITIONER'S NAME SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA Box 455 wary, AIR 99929



### CITY AND BOROUGH OF WRANGELL, ALASKA









## City and Borough of Wrangell, Alaska

### Agenda Item G2

Date: November 8, 2021

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Preliminary Plat review of the Kuntz Replat, a subdivision and replat of Lot 2, Healthcare Subdivision III (Plat # 2018 -7) zoned Open Space/Public, owned by SEARHC and Lot 4, Block 29, USS 1119 (Plat # 73-7) zoned Single Family Residential, owned by Robert Kuntz, creating Lots 2A and 4A, Kuntz Replat.

#### **Background:**

The applicant is seeking to subdivide his existing lot with adjacent lot to eliminate encroachments of his residence and garage.

#### **Recommendation:**

Staff recommends approving the preliminary plat.

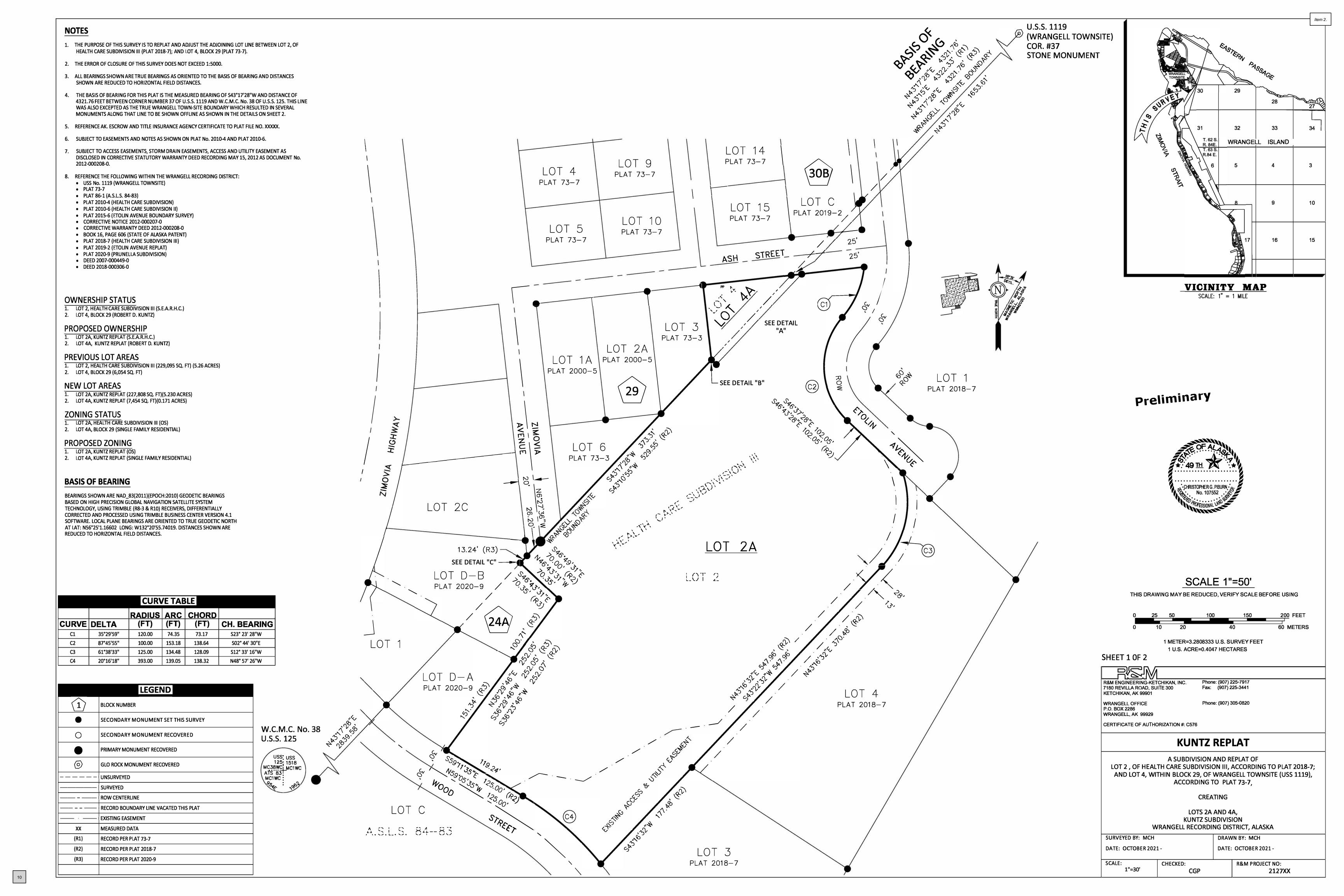
#### **Recommended Motion:**

Move to approve the Preliminary plat of the Kuntz Replat with the following change:

1) modifying the Title Block and correcting where it is referenced as Kuntz
Subdivision

#### Findings:

The proposed replat addresses and encroachment of Mr. Kuntz's residence and garage onto property owned by the Southeast Alaska Regional Health Consortium. This plat represents the agreement by both parties to resolve the encroachments. A variance was also applied for in order for the setbacks of the residence and garage to be in compliance.



CERTIFICATE OF OWNERSHIP AND DEDICATION	
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED	
HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT	
AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.	
PUBLIC ON PRIVATE USE AS NOTED.	
DATE	
DATEROBERT D. KUNTZ	
NOTARY'S ACKNOWLEDGMENT	
U.S. OF AMERICA	
STATE OF ALASKA CITY AND BOROUGH OF WRANGELL	
THIS IS TO CERTIFY THAT ON THIS DAY OF, 20, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY	
COMMISSIONED AND SWORN, PERSONALLY APPEARED	
TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE	
WITHIN PLAT AND ACKNOWLEDGED TO ME THAT SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.	
WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST	
HEREIN WRITTEN.	
NOTION DUDING IN 1917 TO THE PROPERTY OF THE P	
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA	
MY COMMISSION EXPIRES .	
CERTIFICATE OF APPROVAL BY THE ASSEMBLY	
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL ASSEMBLY	
AS RECORDED IN MINUTE BOOK PAGE DATED 20 ,	
AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE	
OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, WRANGELL, ALASKA.	
DATE MAYOR, CITY AND BOROUGH OF WRANGELL ATTEST:	
ATIEST.	
CITY OF EDV	
CITY CLERK	
CERTIFICATE STATE OF ALASKA	
(FIRST JUDICIAL DISTRICT)ss	
I THE UNDERSIGNED, AS THE PROPERTY TAX CLERK FOR THE CITY AND BOROUGH OF WRANGELL, HEREBY CERTIFY, THAT ACCORDING TO THE RECORDS IN MY POSSESSION,	
THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE	
CITY AND BOROUGH OF WRANGELL, IN THE NAME OF	
AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED	
AGAINST SAID LANDS ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR	
20 WILL BE DUE ON OR BEFORE OCTOBER 15, 20 DATED THIS	
DAY OF .	
ASSESSOR CITY AND BOROUGH OF WRANGELL	
CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION	
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I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL	
PLANNING COMMISSION, AND THAT SAID PLAT HAS BEEN APPROVED BY THE COMMISSION BY	
PLAT RESOLUTION NO DATED 20 , AND THAT THE PLAT	
SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, WRANGELL, ALASKA.	
DISTRICT MINISTERS IN OFFICIO RECORDER, WINNIGEEL, ALASKA.	
DATE CHAIDAAAN DI ANNING COMMISCIONI	
DATE CHAIRMAN, PLANNING COMMISSION	
SECRETARY	
SECRETARY	
SECRETARY	
SURVEYOR'S CERTIFICATE  I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A	
SURVEYOR'S CERTIFICATE  I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE	
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SURVEYOR'S CERTIFICATE  I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED,	
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CHRISTOPHER G. PIBURN, PLS # 107552

## **CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

S.E.A.R.H.C.

### NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA STATE OF ALASKA CITY AND BOROUGH OF WRANGELL

THIS IS TO CERTIFY THAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED A NOTARY <u>PUBLIC IN</u> AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND ACKNOWLEDGED TO ME THAT SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

DETAIL E SCALE: 1" = 1' SEE NOTE 4

LOT 2A

LOT 3

PLAT 73-3

29

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES

## LIEN HOLDER CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE LIEN HOLDERS OF LOT 4 WITHIN BLOCK 29, ACCORDING TO PLAT 73-7 WITHIN THE WRANGELL RECORDING DISTRICT, AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

FIRST BANK PRINT NAME AND TITLE

### **NOTARY'S ACKNOWLEDGMENT**

U.S. OF AMERICA STATE OF ALASKA CITY AND BOROUGH OF WRANGELL

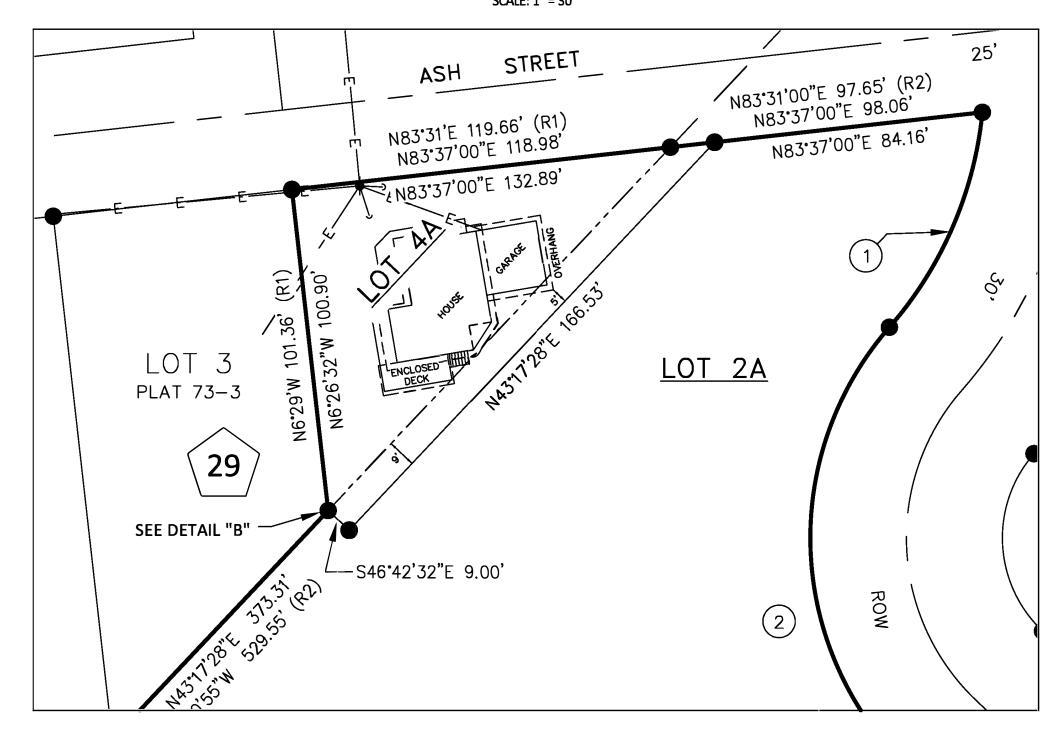
THIS IS TO CERTIFY THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED A NOTARY <u>PUBLIC IN</u> AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AN DWHO EXECUTED THE WITHIN PLAT AND ACKNOWLEDGED TO ME THAT SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

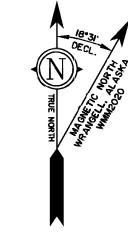
WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

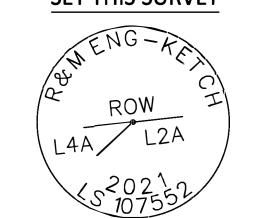
MY COMMISSION EXPIRES

### **DETAIL A** SCALE: 1" = 30'





TYPICAL SECONDARY MONUMENT SET THIS SURVEY



SET 5/8" X 30" LONG REBAR (UNLESS OTHERWISE NOTED) AND 2" ALUMINUM CAP WITH PLASTIC **INSERT** 

# SHEET 2 OF 2

R&M ENGINEERING-KETCHIKAN, INC. 7180 REVILLA ROAD, SUITE 300 KETCHIKAN, AK 99901 Phone: (907) 225-7917 Fax: (907) 225-3441

WRANGELL OFFICE P.O. BOX 2286 WRANGELL, AK 99929

CERTIFICATE OF AUTHORIZATION #: C576

### **KUNTZ REPLAT**

Phone: (907) 305-0820

A SUBDIVISION AND REPLAT OF LOT 2, OF HEALTH CARE SUBDIVISION III, ACCORDING TO PLAT 2018-7; AND LOT 4, WITHIN BLOCK 29, OF WRANGELL TOWNSITE (USS 1119), ACCORDING TO PLAT 73-7,

### CREATING

LOTS 2A AND 4A, KUNTZ SUBDIVISION WRANGELL RECORDING DISTRICT, ALASKA

2127XX

SURVEYED BY: MCH DRAWN BY: MCH DATE: OCTOBER 2021 -DATE: OCTOBER 2021 -

R&M PROJECT NO: CHECKED: **AS SHOWN** CGP

