



City and Borough of Wrangell
Planning and Zoning Commission
AGENDA

Thursday, July 11, 2019
6:00 PM

Location: Borough Assembly Chambers
City Hall

Planning and Zoning Meeting 7-11-19
6:00 PM

A. CALL TO ORDER / ROLL CALL

B. AMENDMENTS TO THE AGENDA

C. APPROVAL OF MINUTES:

D. PERSONS TO BE HEARD

E. CORRESPONDENCE

F. OLD BUSINESS

1. Draft Hazard Mitigation Plan Review Status
2. Discussion of development options and zoning of the former Junkyard lot
3. Discussion regarding a request to construct a driveway/road access to remote property in Wrangell East Subdivision, zoned Remote Residential Mixed Use - E, requested by Sherri and Royce Cowan.

G. NEW BUSINESS

1. Variance permit request for a variance to the sideyard setback requirements on Lot 26D, Block 84, USS 1815, zoned Single Family Residential, requested by Michelle Thomassen.
2. Variance permit request for a variance for front and backyard setback requirements for a single family structure on Tract 4, USS 2321, zoned Rural Residential, requested by owners Kristen and James Debord.
3. Variance permit request for a variance to the front yard required setback for a deck, and to the backyard required setback for the mobile home and a deck, per the requirements for structures within a mobile home park, on Lot B, Nugget Subdivision, zoned Rural Residential, requested by Robert Robbins.
4. Recommendation regarding the sale of Borough owned Lot 8, Block 53, Wrangell Townsite
5. Appeal by the Applemans of an administrative decision to grant a ROW encroachment permit to Laurie Overbay.
6. Recommendation regarding a limited access agreement with Twyla and Dan Nore

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City of Wrangell, Alaska

Agenda Item F1

Date: July 8, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Hazard Mitigation Plan update

Review:

Staff submitted additional draft comments to AECOM and those recommendations can be found online at <https://www.wrangell.com/planning/multi-jurisdictional-hazard-mitigation-plan>. Staff had several conversation with AECOM staff regarding the Commission comments as well as presentation of mitigation strategies.

The Critical Facility Spreadsheet was modified to make changes for potential Tsunami impacts as well as some ground failures. AECOM will reanalyze the numbers and adjust the vulnerability assessment.

One of the questions the Commission raised was regarding State roads as part of the total Mileage. While we have state facilities listed in the Critical Facility spreadsheet, technically, those facilities are not “eligible” under this plan. The State makes separate applications for mitigation needs or for damages. We have the state roads listed, but of critical importance are the City Roads that we could make application to mitigate or seek assistance for damages. For the State facilities, it was important to know how many people could be impacted.

I have talked to AECOM staff regarding the previous plan’s mitigation strategies, how we thought to modify, delete, or defer and how to include the Assembly proposed strategies. They will work on and hopefully will be included in the next draft.

City and Borough of Wrangell

Agenda Item F2

Date: June 7, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Discussion of zoning issues and subdivision options for the former Byford Junkyard

Background: The Alaska Department of Environmental Conservation completed the clean up of the contaminated site last year. The Assembly has had several discussion of subdividing and disposal options of the property. Discussion and recommendation from the Commission was requested during a budget workshop. The attached memo provides a few out of many options for subdividing and was first provided to the Assembly in fall of 2018 and updated since then. The property is zoned Light Industrial with surrounding uses Residential.

Update for July meeting:

At the June 2019 meeting, the Commission moved to recommend to the Assembly to sell the portion of the lot behind Molinek and Bill Byford's residents to them and also moved to recommend rezoning from Light Industrial to Residential (Rural Residential). That information has gone to the Manager but staff has not had further discussions.

City and Borough of Wrangell, Alaska

Date: April 16, 2019

To: Lisa Von Bargaen, Borough Manager

From: Carol Rushmore, Economic Development Director

Re: Former Junk Yard Site

Background:

- The property was cleaned to the highest standard so Residential development is permitted.
- Zoning is Light Industrial
- Lot size is 2.51 acres or 109,355 square feet
- Bob Molinek continues to voice an interest in purchasing the land directly behind their property, and presented a letter. This would equate to just over 15,000 square feet.
- Bill Byford has voiced an interest in resolving an encroachment issue. A corner of his greenhouse attached to his house encroaches into the property a few feet. He is interested in buying a sliver of land, or getting an encroachment easement where the corner of his greenhouse encroaches onto the subject lot. An easement would be good as long as the greenhouse structure remains as is, but would not be able to be expanded on and if removed, the encroachment easement would no longer be valid. He would also like to be able to continue to use any access easement that might be created to access the back portion of his lot.
- Electrical pole on Zimovia was moved in 2018 to allow for a 30' easement to access lots that might be subdivided in the back of the property.

Several options or many, with maps as to how the Borough could dispose of the property:

Option 1) Subdivide the property There would be 3 rear flag lots in the back (maximum allowed) and one lot in the front with the easement adjacent to Byford lot. The City should put in the sewer and water for each of the lots, and a utility/access agreement that would be recorded with subdivision will spell out how landowners will maintain in the future. See Option 1 map as an example. The lots could be configured in numerous ways. An easement would be required for access and utilities.

Option 2) Subdivide the property into a flag lot subdivision, creating the maximum of 4 lots (3 back, 1 fronting Zimovia) and sell for residential. This Option differs from Option 1 only in the configuration of the lots. One of the rear lots would be configured in such away as to

allow Molinek to purchase the area behind him directly or as part of a bid process. Option 2A just shows a different configuration and there are other lot configuration options as well.

Option 3) Sell the entire parcel as a single sale for residential development and let someone else subdivide or not. A requirement to the sale would be that any further subdivision must provide city sewer and water since the area was cleaned down to clay and filled with rock.

Option 4) Create a 60' wide ROW through the parcel to connect with Mental Health Trust lands to provide an additional access point for future development on their lots. This could create a few different type of subdivided lot configuration, although a variance to the 100' highway frontage for the front lot would be required. The City would be required to construct the road and install utilities.

Option 5) Change the zone to Rural Residential for only residential development.

CITY AND BOROUGH OF WRANGELL, ALASKA



Public Map

1 inch = 75 feet
Date: 7/9/2019

**DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE.**

City and Borough of Wrangell

Agenda Item F3

Date: July 8, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Driveway request of Royce and Sherri Cowan to remote property in Wrangell Island East

Update 7-11-2019:

The applicants have sent letters to landowners regarding the road. Staff needs to follow up and do the same. The applicants have had previous experience with the Corps of Engineers so are familiar with the permitting process. Applicants are requesting that the drive would be gated to prohibit vehicular traffic until such time that the Borough would develop in this area. Walking traffic would still be allowable. This will also minimize remote dumping on this road. The estimated volume of rock has not been determined. Staff has not been able to sit down with the Borough Manager or Public Works Director for further discussions.

In reviewing the area for this permit application and another city project, staff have discovered additional driveways to access water front property in Wrangell Island East. These are short spurs off the existing road way, but staff will be pursuing necessary permits.

From June 2019 meeting agenda:

The attached request by the Cowans is before the Commission for discussion, identification of issues of concern, and recommendation. There are several issues for consideration:

- 1) Location of the road. There has been no surveying of the Borough property for access to these remote parcels, looking at topography, drainage and additional lots for sale. Staff does not know if this is the best location for a road or for long term development, other than review and comments by the applicants as to why they chose the specific route for ease of access
- 2) Sole use of the rock pit. The City has had several requests by contractors over the years to utilize the existing pit for rock. Because of location and potential use by the City and likely need for bidding on the use of the pit, the City denied previous requests.
- 3) Survey: Applicant has already agreed to surveying the road location for future planning needs
- 4) Easement/Driveway permit: City does not have an established formal process for requests such as this. A Driveway agreement has been used, as has a driveway permit. Ultimate decision regarding the action will be made by the Borough Assembly

RECEIVED

MAR 18 2019

WRANGELL CITY HALL

March 16, 2019

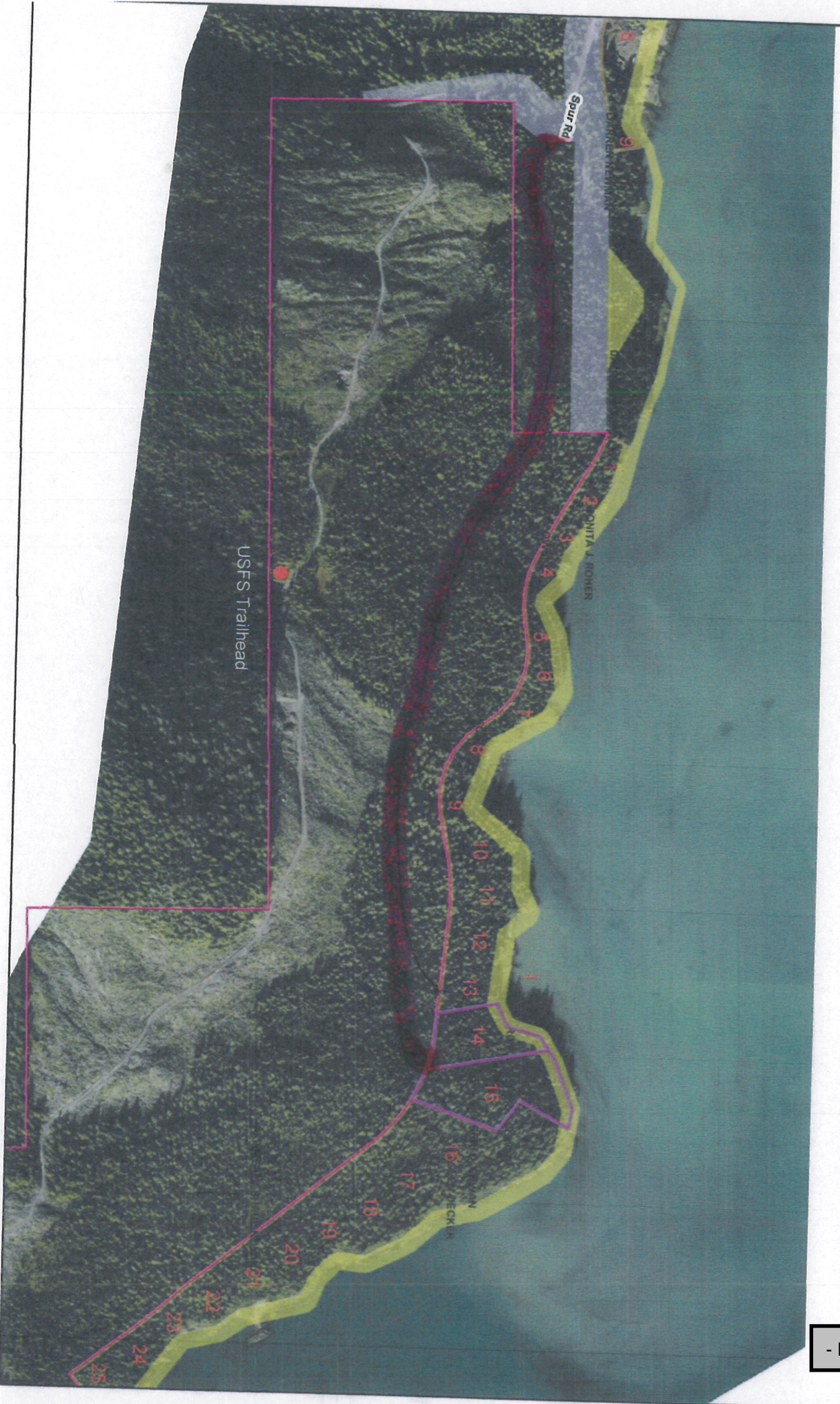
City and Borough of Wrangell
PO Box 531
Wrangell, AK 99929

Subject: Request for Driveway on the Eastern Passage

Royce and Sherri Cowan are requesting a permit for a driveway on the Eastern Passage from the rock pit at the end of the Spur Road to our Lot 14 Block 2 Eastern Passage-waterfront . The drive way is approximately one mile long. Drive way will be rock fill on tie par where needed. We are asking if the City can help supply the road building material out of the rock pit where the drive way will start. We will pay for all the drilling, blasting and supply the equipment. This will be a private driveway but will also help the City access more lots in this area if they will want to help improve the road to carry heavier traffic. We will provide all drainage and culverts as required in the survey. Approximate location of driveway is drawn on the Plat. See attached. Survey will be done upon agreement with the City of Wrangell for the driveway.

Thank you,

Royce Cowan
Sherri Cowan

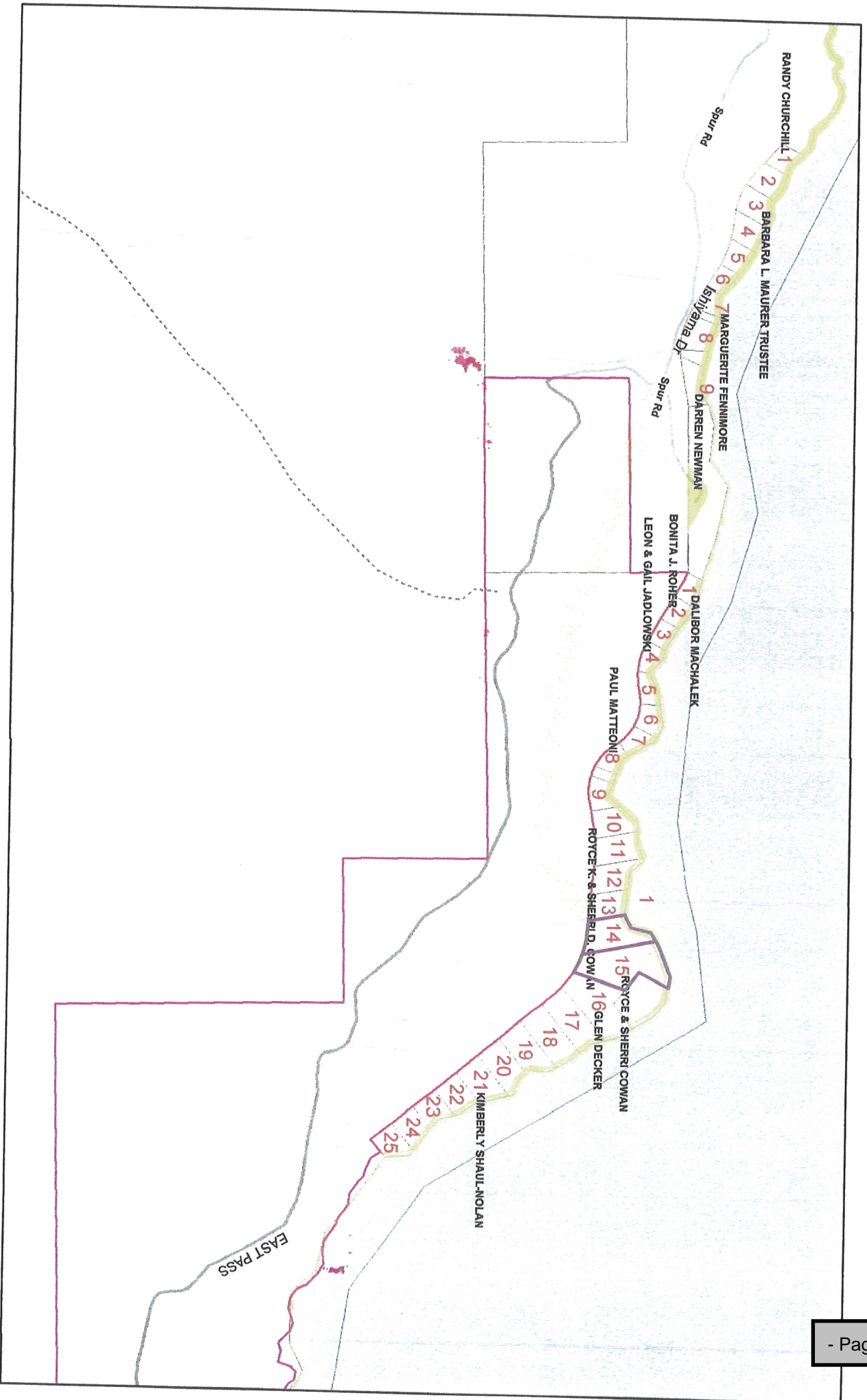


1 inch = 700 feet



DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE. UPDATED MARCH 2013.
AERIAL PHOTO 2002.





1 inch = 1,166,866.667 feet



DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE. UPDATED MARCH 2013.
AERIAL PHOTO 2002.



City of Wrangell, Alaska

Agenda Item G1

Date: July 5, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance permit request for a variance to the side yard setback requirements for a residential structure on Lot 26D, USS 1119 Zoned Single Family Residential, requested by owner Michelle D. Thomassen

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Review:

The applicant is requesting a side yard setback of 3 feet (2 foot variance) for a garage apartment.

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Recommendation Staff recommends approving the variance request for the Garage Apartment and recommends elimination of the lot line creating a single lot for the larger residential structure that encroaches into Lot 26D.

Recommended Motion:

- 1) Move to approve findings of facts and a 3 foot side yard setback, providing for a 2 foot variance for the proposed garage and apartment.**

Criteria:

The proposal must comply with the following sections:

Chapter 20.16: Single Family Residential

Chapter 20.52: Lot Standards

Chapter 20.72: Variances

Findings:

Michelle Thomassen, owner, is proposing to construct a garage with an apartment on the subject lot. Applicant owns two lots in same ownership side by side, with the larger adjacent lot having the current house located on it and encroaching into Lot 26D by approximately 5 feet. The smaller lot of 8800 sq. ft. is proposed for the garage/apartment. The lot is sloped toward the water. The garage/apartment is being constructed closer to the water than the road. Applicant applied for and received a variance to the height requirement due to the sloped ground, in May 2019. The as-built provided for this request was not provided to staff at the time of the height variance review.

The house on lot 3A encroaches into Lot 26D per an asbuilt performed in 1982. While not part of this permit application, were the property line to be eliminated, this variance application would not be required. Should the properties go into different ownership in the future, the encroachment of the residence presents a legal issue for either lot and the landowner should resolve the issue by resubdividing and eliminating the lot line.

The new structure which is a garage and apartment will be 10 feet from the existing residence, meeting the minimum 5 foot requirement in the Single Family District of WMC20.52.030 Distances between Buildings. The lots are on City sewer and water.

A Variance application must meet four criteria (WMC20.72.050)

1. Exceptional Physical Circumstances: The lot is a narrow lot at the road (44' wide) and widens to 66 ' along the shoreline. The slope of the lot is downward toward the shoreline with embankments on the side. Allowing the smaller setback for the structure allows for a vehicle to access along side of the structure.
2. Strict application would result in practical difficulties or unnecessary hardships: Strict application to the setback requirement would push the house over two feet, and create a slightly tighter drive lane.
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 will not prejudice others in the area with similar construction. The variance will not create a safety issue or be detrimental to public health nor will it block sunlight or views.
4. Granting of the variance is not contrary to the comp plan for single family residential development.

APPLICATION FOR VARIANCE

CITY OF WRANGELL
PLANNING AND ZONING
P.O. BOX 531
WRANGELL, AK 99929
Application Fee \$50.00

RECEIVED
JUN 18 2019
WRANGELL CITY HALL

02-014-394

26D
BK 84

I. 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 _____

U5S 1815 # 1982-000310-0 No Plat

Lot (s) size of the petition area 8800 Sq ft

Existing zoning of the petition area SFR

Current zoning requirements that cannot be met (setbacks, height, etc.): _____

20.52.010 - Setbacks

Proposed change that requires this variance The building is

3' from property line

III. Application information: (use additional paper if necessary)

Explain details of the proposed development Apartment being

built on one of the two lots that are adjoined & owned

A variance may be granted only if all four of the following conditions exist: by myself

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 property line
that the one side of the building encroaches
on is also owned by myself

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.

Michelle D. Thomassen
PRINT PETITIONER'S NAME

Michelle D. Thomassen
SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA

230 Ocean View Drive
ADDRESS

6-17-19
DATE
305-0214
TELEPHONE

RECEIVED

JUL 11 1982

Ocean View Drive

N22°04'W
44.5'

N25°17'W
80'

N64°43'E
160'

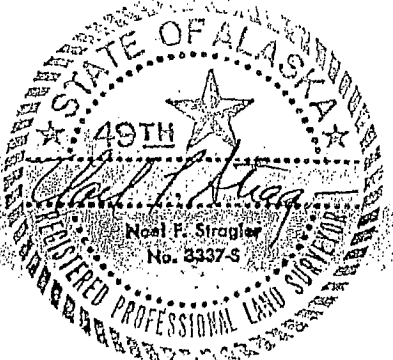
3A

26D

S70°53'W
141.1'

S64°43'W
174.85'

Scale: 1" = 40'



I, NOEL F. STRAGIER, being a Registered Land Surveyor in the State of Alaska, having inspected Lots 3A & 26D Block 84, hereby certify that the improvements located thereon lie wholly within the property lines and that improvements on adjacent properties do not encroach upon the subject property.

AS-BUILT PLOT PLAN	
Lots 3A & 26D Block 84 U.S.S. 1815 & 1119	
PREPARED FOR: Steve Thomassen Box 742 Wrangell, AK. 99929	
DATE:	STRAGIER ENGINEERING SERVICES P.O. Box 4555 Sitka, Alaska 99835 (907) 747-5833
7-26-82	

CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 125 feet
Date: 4/29/2019

Public Map

**DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE.**



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City of Wrangell, Alaska

Agenda Item G2

Date: July 5, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance permit request for a variance for front and backyard setback requirements for a single family structure on Tract 4, USS 2321, and a variance to the width the required flag lot access easement, zoned Rural Residential, requested by owners Kristen and James Debord.

Review:

The applicant is seeking to build a second primary residential structure on a single lot.

Recommendation: Staff recommends approving the variance request for the setbacks necessary to construct a second residential structure and a reduction in the width of the access easement.

Recommended Motion:

Move to approve findings of facts and back yard set back variance of 5 feet (15 feet from property line) for the proposed residential structure, a 11.5 front yard variance (8.5 feet from future property line) for the proposed residential structure, and an 11.5 foot back yard variance (8.5 feet) for the existing residential structure; and approve a proposed 20 foot access easement to the proposed residential structure.

Criteria:

The proposal must comply with the following sections:

Chapter 20.28: Rural Residential
Chapter 20.52: Lot Standards
Chapter 20.72: Variances

Findings:

The Debord's are seeking to build a smaller 24 X 28 second residential structure on their one lot for parents.

WMC 20.52.010 Principal Structures per lot states that "more than one principal structure housing a permitted use may be erected on a single lot provided the area, width and all other development requirements of the district shall be met for each principal structure as though each structure were on an individual lot." Per the applicant's application, the placement of the second structure requires variance permits for setback reductions for yards for both structures, as if the property were to be subdivided in the future. In addition to setback variances, the applicant is seeking a reduction in the width of the required 30 foot access easement for a flag lot should the lots be subdivided.

The subject lot is 34,800 square feet. Minimum lot size in the Rural Residential District is 10,000 square feet for lots on City sewer and water.

Setbacks in the Rural Residential District are 20 foot front and back yards, and 15 feet for side yards (WMC 20.52.110). The applicant proposes to place the second structure on a naturally occurring elevated flat area towards the back of the property. The property then gently slopes toward the existing structure. The proposed residential structure is proposed to be 15 feet from the back property line. The proposed residential structure would be 17 feet from the deck of the existing residential structure and per setback requirements, there should be 40 feet. Therefore, if splitting the difference between each structure, there would be 8.5 feet to a "potential" property line, each structure needing an 11.5 foot variance.

When a subdivision occurs creating a lot without direct road access, the lot must have an access easement provided to guarantee future access to a right-of-way. If this lot were subdivided in the future to allow each structure its own legal lot, an access easement would be necessary for the back structure. According to the WMC19.30.020 (D), the easement is required to be 30 feet wide with typically a 20 foot driving area. The applicant is requesting a 15 foot wide easement as he states in the application the existing driveway, which will be extended to the second structure, is 15 feet wide at the narrowest point. The applicant is concerned that a 30' side easement, being wider than the proposed structure is excessive. Structures must be 5 foot from the easement. According to the applicant, the existing house is more than 5 foot from the driveway and the north side yard property line is more than 50 feet from the house. A 20 foot wide easement is still reasonable within the given space and provides reasonable guaranteed access to the proposed structure should the lot be subdivided in the future.

Utilities will be connected on the south side of the existing structure – either an extension of the existing service or separate connections. The applicants are working with staff to determine the best way to install new utilities.

A Variance application must meet four criteria:

1. **Exceptional Physical Circumstances:** The lot has adequate square footage to subdivide into a maximum of 3 lots. There is an elevated flat area toward the back of the property but then has slopes downward toward the existing structure. The original house is accessed via a steep narrow driveway from Zimovia Highway. Due to the steepness of the front of the property, the primary structure had to be set back from the front property line. This minimizes the area for additional structures or subdivisions.
2. **Strict application would result in practical difficulties or unnecessary hardships:** Strict application would eliminate the ability to subdivide the property in their future and meet setback requirements. The applicants could remain with only one structure, but the proposal is for a parent to move in for future needs. The Commission has discussed options for smaller accessory residential structures, but has not yet reviewed or discussed in detail options for how that might actually occur in the Wrangell code.
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 will not prejudice others in the area with similar construction. The variance will not create a safety issue or be detrimental to public health nor will it block sunlight or views of adjacent property owners.
4. **Granting of the variance is not contrary to the comp plan for single family residential development.**

APPLICATION FOR VARIANCE

CITY OF WRANGELL
PLANNING AND ZONING
P.O. BOX 531
WRANGELL, AK 99929
Application Fee \$50.00

I. 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 03-005-301

TRACT 4 U.S.S 2321

Lot (s) size of the petition area

34800

Existing zoning of the petition area

RR

Current zoning requirements that cannot be met (setbacks, height, etc.):

Proposed change that requires this variance 15 foot variance from rear of home to property line. 17 foot from front to current home. 15 foot easement

III. Application information: (use additional paper if necessary)

Explain details of the proposed development

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: See attached

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

ADDRESS

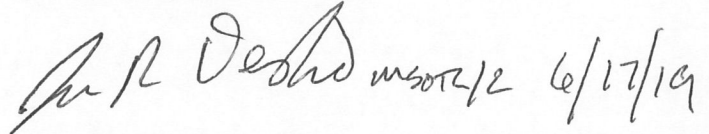
DATE

TELEPHONE

To whom it may concern,

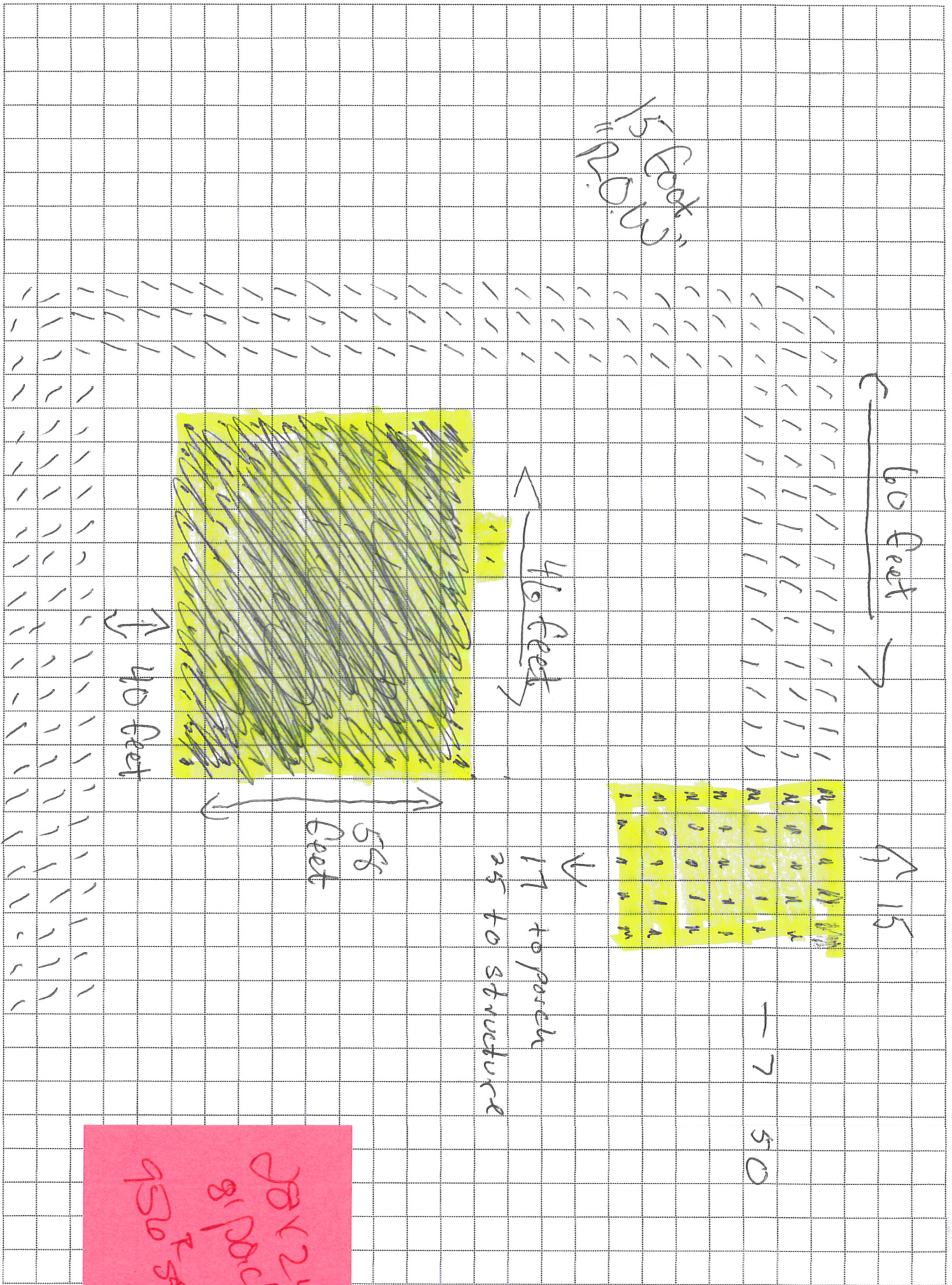
1. I would like a variance for 15 feet from the rear of the cabin to the property line as the current site where I will put this is a level, flat area of my property. Moving the home forward will result in not only a shorter variance on the front of the cabin, but also the slope of the lot descends fairly significantly. This will allow for the site to be prepared, filled, and accessed in an easier and more cost effective manner.
2. I would like a 17 foot variance from the front of the cabin to the rear of my existing home. If you don't account for the small back porch on my current home which is on the side of the home opposite the cabin, the distance is 25 feet to the main structure. Also, although it is 25 feet away, where the cabin will sit will have an unobstructed view all the way to the water.
3. I would like a 15 foot easement for the access to the proposed property site. This is for two reasons. First, the current driveway access, at its most narrow point, is 15 feet wide. Second, this home is only 24x28 feet, so the proposed easement would be wider than the cabin at its widest side.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "James R. DeBord", followed by the text "ms012/2" and the date "6/17/19".

James R. DeBord M.S. OTR/L

Zimmeria Hwy



20x24
8' porch
450 sq ft

CITY AND BOROUGH OF WRANGELL, ALASKA



Public Map

1 inch = 208.333333 feet
Date: 7/1/2019

**DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE.**



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BATTLE CREEK LOG HOMES

PRELIMINARY CHECKLIST

CUSTOMER NAME:

Jim DeBord

CONTACT INFORMATION

HOME: 907 660 7532
CELL: _____
WORK: _____
FAX: _____
EMAIL: _____

BUILD LOCATION

STATE: Alaska
COUNTY: _____
CITY: Wrangell
TENTATIVE DELIVERY DATE: _____
PARTIAL OR LOT #: _____

LEGAL

Do you need stamped engineered plans?

YES ☐

NO ☒

Building Inspector:

Amber Al-Haddad

Phone:

907 874 3902

Local R-Value for Roof:

R30 ☐

R38 ☒

R49 ☐

Local R-Value for Exterior Framed Wall:

R13 ☐

R19 ☒

Local Snow Load:

60 psf

GRADE

Does the building site have a slope?

YES ☐

NO ☐

If yes, what is the approximate slope?

FOUNDATION

BASEMENT ☐

CRAWL SPACE ☒

Height:

How much backfill?

BLOCK ☐

POURED CONCRETE ☒

Thickness:

8" ☐

10" ☐

12" ☒

Superior Wall ☐

Porch System Supports:

CONC. PIER

☒

P.T. Post

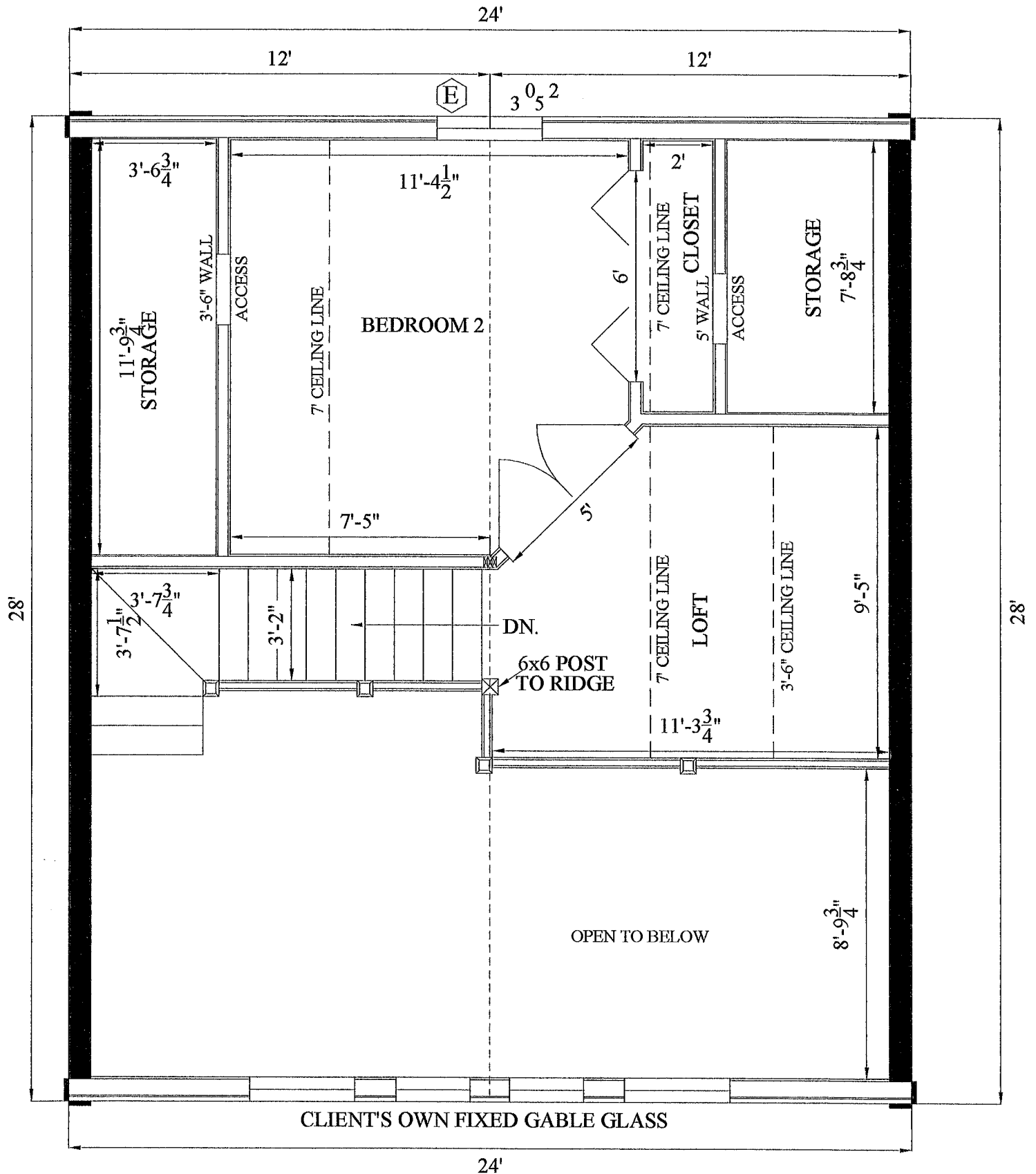
☒

Sonotube

☐

$$\frac{24'}{14'-6\frac{1}{2}''}$$


PRELIM 1



SECOND FLOOR PLAN

PRELIM 1

WINDOW AND DOOR SCHEDULE

WINDOW SCHEDULE

INSULATED LOW E VINYL WINDOWS

MARK	QUAN.	TYPE	SASH SIZE	FINISH	REMARKS
A	3	SINGLE	3'-0" X 5'-6"	VINYL	TEMPERED
B	1	TWIN	3'-0" X 5'-6"	VINYL	TEMPERED
C	1	SINGLE	3'-0" X 3'-0"	VINYL	
D	1	SINGLE	3'-0" X 3'-0"	VINYL	TEMPERED
E	2	SINGLE	3'-0" X 5'-2"	VINYL	

EXTERIOR DOOR SCHEDULE

MARK	QUAN.	TYPE	DOOR SIZE	FINISH	REMARKS
①	1	9-LITE 2-PANEL w/(2) 1' SIDLIGHTS	5'-0" x 6'-8"	METAL	
②	1	9-LITE 2-PANEL	3'-0" x 6'-8"	METAL	

FLOOR PLAN

Fireplace: YES ☐ NO ☒

Fireplace Manufacturer: _____

Fireplace Size/Style: _____

Raised Hearth: YES ☐ NO ☒

Roofing Material: SHINGLES ☐ METAL ☒

Window/Door Grids: YES ☐ NO ☒

Window Color: WHITE ☒ BEIGE ☐

City of Wrangell, Alaska

Agenda Item G3

Date: July 5, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance permit request for a variance to the required side yard setbacks for structures within a mobile home park for the construction of two different decks on Lot B, Nugget Subdivision, zoned Rural Residential, requested by Robert Robbins..

Review:

The applicant is requesting two side yard setbacks for front and back porches.

Recommendation: Staff recommends approving the variance requests for the setback reductions to construct front and back yard porches.

Recommended Motion:

- 1) Move to approve findings of facts and a 4 foot side yard setback (a 6 foot variance) for a front porch, and a 4 foot side yard set (4 foot variance) for a back porch.**

Criteria:

The proposal must comply with the following sections:

Chapter 20.28: Rural Residential
Chapter 20.52: Lot Standards
Chapter 20.72: Variances

Findings:

Bob and Bobby Robbins will be moving a mobile home trailer onto the first trailer lot within Nugget Trailer Park. The mobile home/trailer space is directly behind a privately owned parcel. Behind the space is a rock slope upwards to the next flat space.

According to WMC 20.52.180 (E) setback for mobile home spaces within mobile home parks are front and rear – 10 foot, and side yards 8 foot, with a 10 foot setback for exterior park boundaries. The front property line for the park is adjacent with Phillips Street.

The side yard (closest to the water) of the mobile home park and mobile home space is 12 feet from the proposed trailer to the property line of the adjacent landowner and exterior side boundary of the park. Applicant is seeking to construct an 8 X 12 foot front porch, which would encroach into the 10 foot required setback area 6 feet, ultimately being 4 foot from the side exterior park boundary. The side yard area (opposite the front porch) is 8 foot to the next space, with a sloped hillside to the next flat level. The applicants seek to construct a 4 X 6 back porch from the trailer to

access ground level. The porch would extend 4 feet into the setback area, ultimately being 4 foot from the next mobile home space.

A Variance application must meet four criteria:

1. Exceptional Physical Circumstances: The mobile home space is defined by the benches already created during the mobile home park construction. The applicants are putting in a 900 sq ft trailer and need a porch to access the door from the ground. Part of the mobile home space on one side is a rock slope upward to the next trailer space at a higher elevation.
2. Strict application would result in practical difficulties or unnecessary hardships: Strict application would create an unsafe situation for the applicants to access the elevated door from the ground level.
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 will not prejudice others in the area with similar construction. The variance will not create a safety issue or be detrimental to public health nor will it block sunlight or views.
4. Granting of the variance is not contrary to the comp plan for single family residential development.

APPLICATION FOR VARIANCE

CITY OF WRANGELL
PLANNING AND ZONING
P.O. BOX 531
WRANGELL, AK 99929
Application Fee \$50.00

I. 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 _____

Wugget trailer Ct SP # 2

Lot (s) size of the petition area Approx 35 ft x 85 ft.
2975 sq ft

Existing zoning of the petition area mobile Home Park

Current zoning requirements that cannot be met (setbacks, height, etc.): _____

MINIMUM 8 ft side Setback

Proposed change that requires this variance _____

Addition of Porch / Deck

III. Application information: (use additional paper if necessary)

Explain details of the proposed development 4x4 ft porch

8x12 ft Deck - Both extend 4 ft into setback

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: _____

lot size is large enough to
maintain setback with addition
of porch

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.

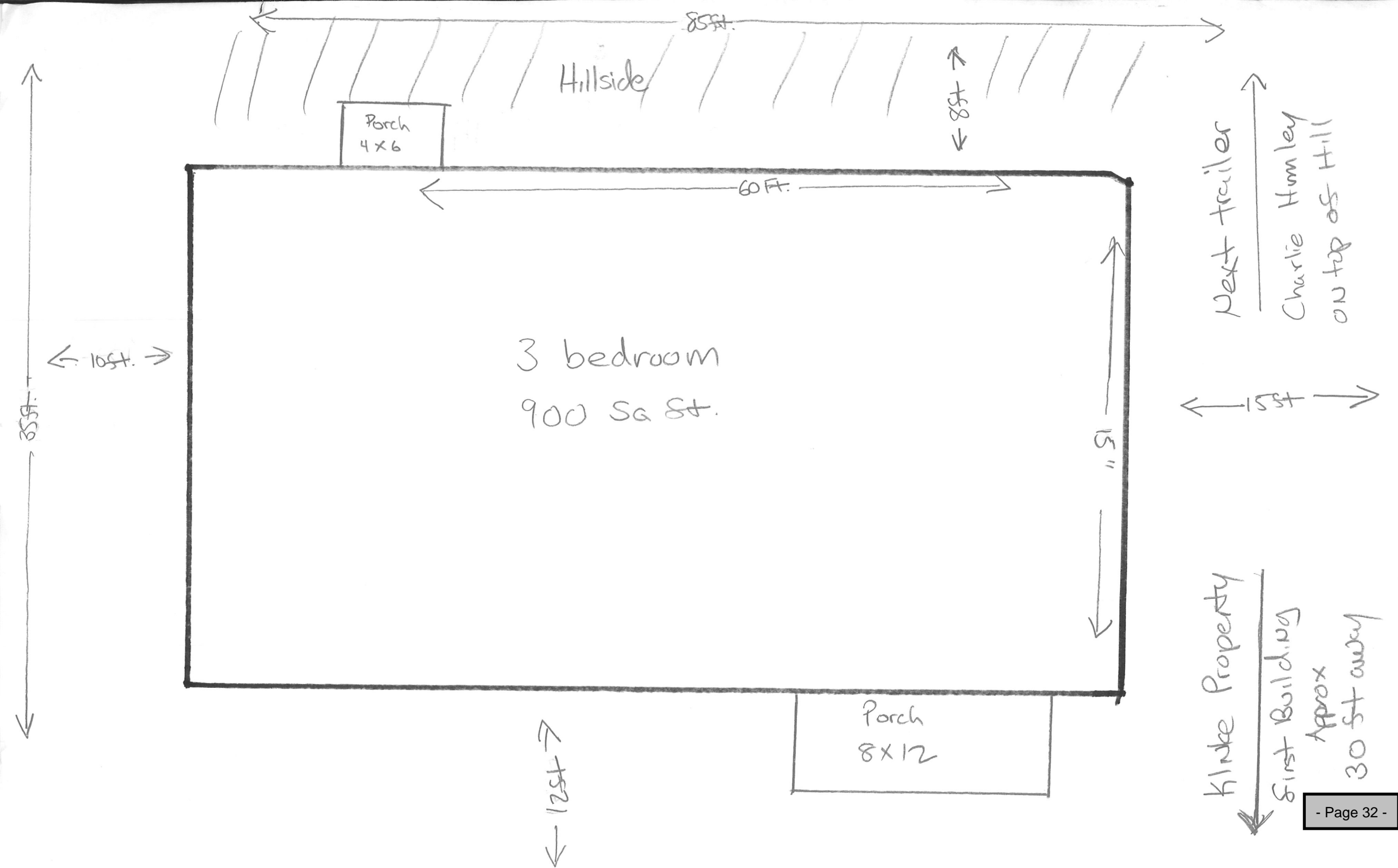
I hereby affirm that the above information is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or the authorized agent thereof for the property subject herein.

Robert K Robbins
PRINT PETITIONER'S NAME

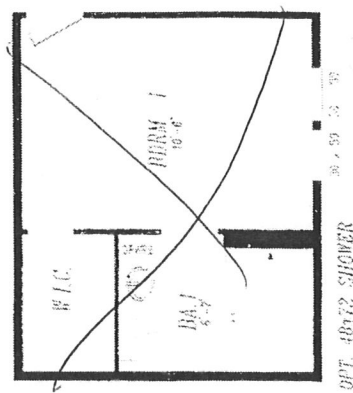
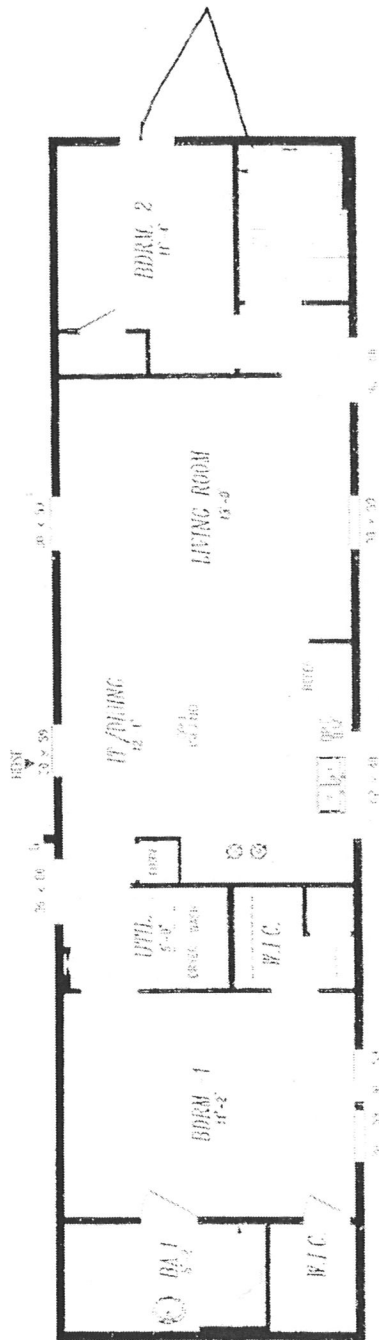
[Signature]
SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA

Box 544 Wrg.
ADDRESS

6/28/15
DATE
305-0251
TELEPHONE



#33 D
ISLAND



COLUMBIA RIVER COLLECTION

2007"
 15'-0" x 60'-0"
 APPROX. 900 SQ. FT.

Dr. G. B. B. B.

Handwritten signature/initials.

CITY AND BOROUGH OF WRANGELL, ALASKA



Public Map

1 inch = 208.333333 feet
Date: 7/1/2019

**DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE.**



- Page 34 -

City of Wrangell, Alaska

Agenda Item G4

Date: July 8, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Recommendation on sale of Borough owned property, Lot 8, Block 53, Wrangell Townsite, zoned Single Family Residential

Review:

The Montoys recently purchase Ben Lund's property consisting of two different lots on Reid Street across from the Wrangell Medical Center, only to discover a third lot they thought was part of the sale was actually is still owned by the Borough.

Recommendation Staff recommends that selling this land for residential purposes is in the best interest of the City and approves selling Lot 8, Block 53.

Recommended Motion:

Move to recommend to the Assembly that the sale of Lot 8, Block 53 for residential purposes is in the best interest to the City and to sell the parcel in a negotiated sale to the Montoys.

Findings:

After purchasing what they thought were three lots comprising the parcel purchased from Mr. Lund, it was discovered that only two lots were owned by him and the remaining lot was still in possession of the Borough. Lot 8, Block 53 is owned by the Borough and landlocked without road frontage.

During the private property sale, the Title Company did not catch that the third lot was owned by the Borough. The Montoys have been trying to figure out how to resolve the issue. As part of due diligence for the disposal of public lands, City staff sent out letters to adjacent property owners asking if they had any interest in the land. To date, one response has been received as having no interest.

MEMORANDUM

TO: PLANNING & ZONING COMMISSION

**FROM: ALEISHA MOLLEN
PLANNING AND ZONING SECRETARY**

**SUBJECT: RECOMMENDATION TO SELL BOROUGH-OWNED LANDS, LOT 8,
BLOCK 53, WRANGELL TOWNSITE**

DATE: JULY 11, 2019

In August, it was discovered that Lot 8, Block 53 was not owned by Alf Lund, who owns Lots 8A and 7A, but was owned by the City & Borough of Wrangell. Mr. Lund had chosen not to buy that lot when the City & Borough offered it to him.

Last month, the owners who purchased Lots 8A and 7A discovered that they did not own this lot and would like to purchase it to make the lot complete. Letters were sent to the adjacent lot owners to see if they had any interest in the lot. If so, a competitive bid process would open, and if not, the City & Borough can enter into a negotiated sales agreement with Job Montoy and Mary Glaser to purchase that lot. As of this day, neither of the other adjacent lot owners have an interest in the lot. We can now recommend to the Assembly to enter into a negotiated sales agreement for the lot.

Recommended Motion: Move to recommend entering into a negotiated sales agreement with Job Montoy and Mary Glaser for Lot 8, Block 53.



CITY AND BOROUGH OF WRANGELL
INCORPORATED MAY 30, 2008

P.O. Box 531 ph. 907-874-2381
Wrangell, AK 99929 fax 907-874-3952

Owner
Address
Wrangell, AK 99929

June 12, 2019

To Whom It May Concern,

This letter is to notify you of a potential land sale of an adjacent lot to your lot. On the attached exhibit, Alf Lund has sold Lots 8A and 7A, but Lot 8 is still in the possession of the City & Borough of Wrangell. The new owners have expressed interest in purchasing Lot 8.

There are two options to sell this lot. The first option is that we have to contact the adjacent lot owners and if you are interested in it, it will go into a competitive bid sale between those owners. The second option is that if no adjacent land owners are interested, we would enter into a negotiation with the new owners of Lots 8A and 7A to purchase Lot 8.

Please let me know via the enclosed envelope if you are interested or not. If we do not hear from you by July 11th, we will assume that you have no interest in this lot and will move forward. If you have any questions, please contact me at 907-874-2381. Thank you.

Sincerely,

Aleisha Mollen
Accounting Generalist
City and Borough of Wrangell

- ☐ I am interested in purchasing Lot 8 Block 53, and would like to be part of the competitive bid process.
- ☐ I have no interest in purchasing Lot 8 Block 53.

Signature

Printed Name

.....

MEMORANDUM

TO: LISA VON BARGEN, BOROUGH MANAGER

FROM: ALEISHA MOLLEN, ACCOUNTING GENERALIST

CC: KIM LANE, BOROUGH CLERK
CAROL RUSHMORE, ECONOMIC DEVELOPMENT DIRECTOR
LEE BURGESS, FINANCE DIRECTOR

SUBJECT: BLOCK 53, LOT 8
QUITCLAIM DEED REQUEST FROM ALASKA ESCROW & TITLE

DATE: AUGUST 22, 2018

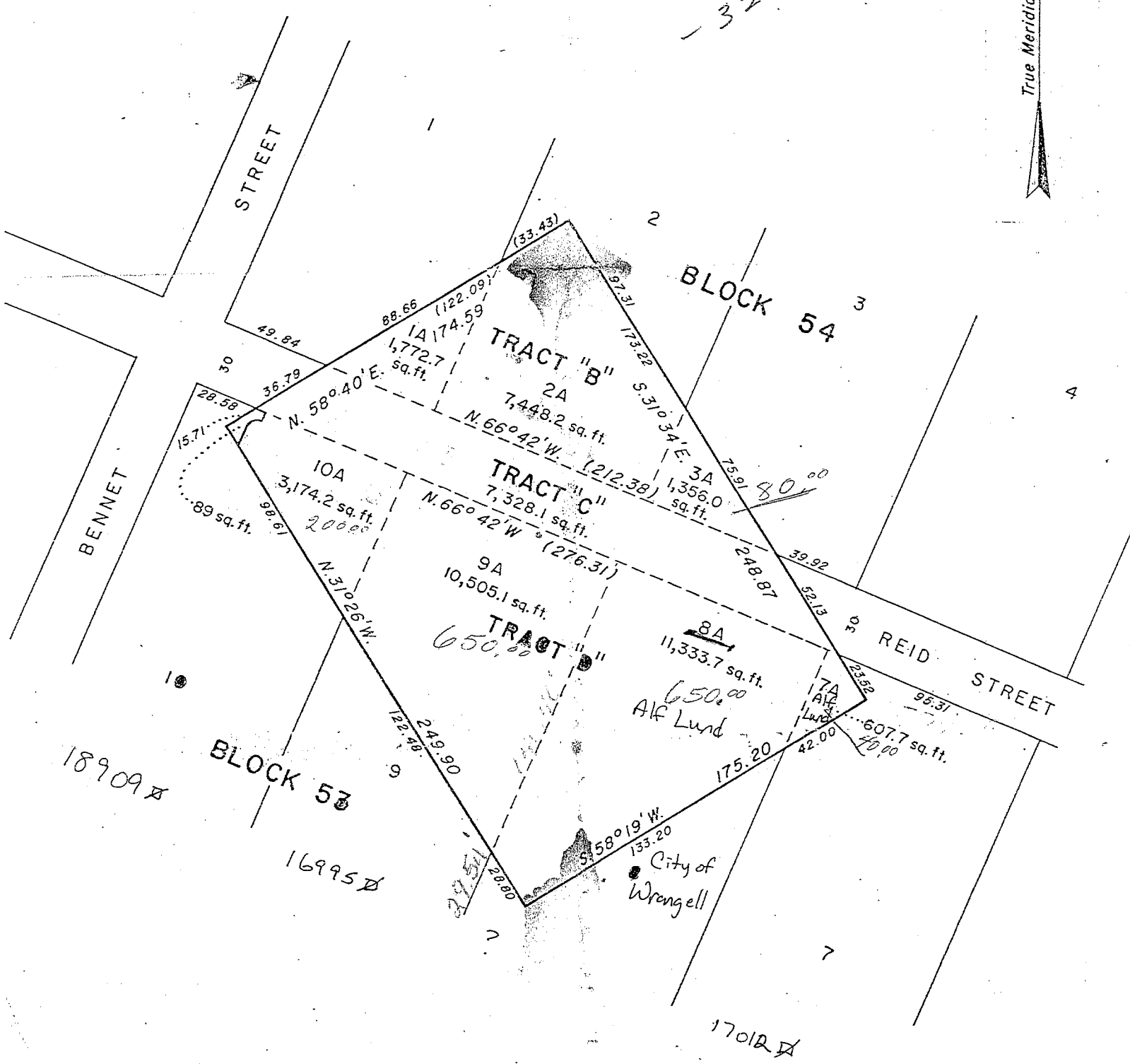
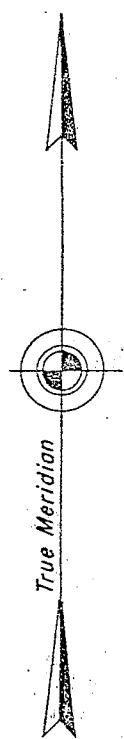
This memo is to document the circumstances around Block 53, Lot 8 and the findings. On Monday, August 20, 2018, I received a request from Alaska Escrow & Title to complete a Quitclaim Deed for Block 53, Lot 8. At the time it was believed that Alf Lund owned this lot as he owns the adjacent Lots 8A and 7A. After much research, nothing was found about Lot 8 beyond when it was given to the Town of Wrangell by the Territory of Alaska in 1917. After speaking to Mr. Lund to get clarification, Mr. Lund stated that he never bought Lot 8, since it was inaccessible except through his land and he had no need to purchase it (His house is on Lot 8A). Subsequently, he has decided not to sell the property after all and will continue to own just Lots 8A and 7A. Alaska Escrow & Title was notified and the case was closed.

The other concerns were if Mr. Lund had been paying property taxes on Lot 8 that he did not own and splitting the value of Lot 8 from 8A and 7A in MARS. Mr. Lund has been fully exempt via a senior exemption since 2003. In reviewing the values with Lila Koplin, Assessor, the value and square footage in MARS is only representative of Lots 8A and 7A, as Lot 8 never had a square footage assigned to it and therefore no value. Mr. Lund has never been overcharged for property taxes. The lots have now been split in MARS and Carol Rushmore will be providing an estimated square footage for Lot 8 to determine a value. The City & Borough of Wrangell can then decide in the future what they would like to do with that lot.

Attached are the plat map and deeds for the 3 lots as reference. A copy of this memo will be placed in each of the property folders for future reference.

WRANGELL TOWNSITE ADDITION

- 3294 -



WRANGELL

Serial No. 72-71

17 Deeds PAGE 453
Wrangell Recording District

12-33
1806

This Indenture, Made this 16th day of December
in the year of our Lord one thousand nine hundred and nineteen, by and between
Charles R. Wrangell, as trustee for the townsite of
Wrangell, in the Territory of Alaska, party of the first part,
and The Town of Wrangell, Alaska, inc
of Wrangell, in the County of _____
and Territory of Alaska, party of the second part,
witnesseth:

That said party of the first part, as such trustee, by virtue of the power vested in and conferred upon
him by the terms of section eleven of the Act of Congress approved March 3, 1891 (26 U. S. Stat., 1093),
and the regulations thereunder and the patent issued to him thereon, and in consideration of the sum of
_____ dollars, the amount of the assessments
upon the premises hereinafter described, the receipt of which is hereby acknowledged, by them presents
does grant, convey, and confirm unto the said party of the second part and he heirs and
assigns all the following lots, pieces, _____ and parcels _____ of land situate in the townsite of
Wrangell and Territory of Alaska, described as follows, to wit:
Lots 11, 12, 13, 14, 34, 35, 36, 37 and 38 Block 13; lots 12, 13 and 14 Block 21; lots
1, 2, 3, 6 and 7 Block 22; lots 5, 6, 7 and 8 Block 23; lots 1, 2, 3 and 4 Block 24; all of Block
25; lots 1, 2, 3 and 4 Block 26; all of blocks 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40,
41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52; lots 5, 6 and 8 Block 53; all of blocks
54, 55, 56, 57, 58, 59, 60 and 61; lots 5, 6, 7, 8, 9 and 10 Block 62; all of blocks 63, 64, 65 and
66; lots 1, 2, 3, 4 and 5 Block 67; and all of blocks 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81
and 82 all according to the official plat of survey of said townsite approved by the
Commissioner of the General Land Office on September 12, 1917
Subject to rights and reservations in said patent, as recited

To have and to hold the same, together with all and singular the tenements, hereditaments, and appar-
tenances thereunto belonging, or in anywise appertaining, forever.

In witness whereof, said party of the first part, as such trustee, has hereunto set his hand and seal
on the day and year first above written.

In presence of:
Gilbert A. Tuck
Walter B. Herick
Charles R. Wrangell
Trustee for the Townsite of
Wrangell
Territory of Alaska

Territory
District of Alaska:
It is remembered, that on this 16th day of December A. D. 1919
before me, a Notary Public, came Charles R. Wrangell
to me personally known to be the trustee of said townsite of Wrangell

FEB 1 1972
Date
Certified to be a true copy of the
original.
George E. McJoseph
Authorized Signature

person described in and whose name is affixed to the foregoing conveyance as grantee,
and I have subscribed my name and affixed my
official seal on the day and year first above written.

H. L. Faulkner

Box 2614
Filed 8-11-72
Transamerica Title Ins. Co.
Ketchikan 99901

77-5-2403

WARRANTY DEED
(ALASKA)

BOOK 4 PAGE 91
Wrangell Recording District

The Grantor Clifford O. White
(Place of residence) Box 861, Wrangell, Alaska
for and in consideration of FOURTY EIGHT THOUSAND AND NO/100 DOLLARS
_____ in hand paid, conveys and warrants to
Alf R. Lund and Julie R. Lund - Box-922, Wrangell, AK
_____ (grantee[s])

the following described real estate: That portion of Tract "D" as shown on the official plat of Supplemental Plat of Wrangell Townsite (U.S.S. No. 1119) as approved by the Chief, Division of Engineering, for the Director on January 16, 1968, described as follows: Beginning at the intersection of the lot line common to Lots 7 and 8, Block 53 and the southeasterly boundary line of Tract "D": thence, N. 23°19'E., 17.95 feet; thence, S. 66°42'E., 4.66 feet; thence, S. 31°34'E., 23.52 feet; thence, S. 53°19'W., 12.00 feet, to the point of beginning, containing 608 square feet, more or less; (Lot 7A); and beginning at the intersection of the lot line common to Lots 8 and 9, Block 53 and the southwesterly boundary line of Tract "D"; thence, N. 23°18'E., 140.46 feet; thence, S. 66°42'E., 100.00 feet; thence, S. 23°18'W., 17.95 feet; thence S. 58°19'W., 133.20 feet; thence, N. 31°26'W., 28.30 feet, to the point of beginning, containing 11,340 square feet, more or less. (Jct 3A).

77-142

RECORDED - FILED 5
<u>Wrangell</u> REC. DIST.
DATE <u>4-13-</u> 19 <u>77</u>
TIME <u>10:30</u> AM
Requested by <u>KTAI</u>
Address _____

situated in the State of Alaska.

DATED this 14th day of April, 1977

Signed, Sealed and Delivered in the Presence of

Notary Public

Notary Public (SEAL)

Notary Public (SEAL)

UNITED STATES OF AMERICA,

SS.

Individual Acknowledgment
(Alaska)

STATE OF ALASKA,

THIS IS TO CERTIFY that on this _____ day of _____, 19____, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared _____

to me known to be the person.... described in and who executed the above and foregoing instrument, and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

Notary Public for Alaska. My commission expires _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

TRUSTEE DEED

BOOK 17 Deeds PAGE 167
Wrangell Recording District

Serial No. 70-86

THIS INDENTURE, made this 21st day of April, in the year of our Lord one thousand nine hundred and seventy, by and between George E. M. Gustafson as trustee for the townsite of Wrangell, Supplemental Plat, U. S. Survey Number 1119, in the State of Alaska, party of the first part, and Clifford O. White of Box 861, Wrangell, Alaska, party of the second part,

WITNESSETH, That said party of the first part, as such trustee, by virtue of the power vested in and conferred upon him by the terms of section 11 of the Act of Congress approved March 3, 1891 (26 Stat. 1095), and the regulations thereunder and the patent issued to him thereon, and in consideration of the sum of \$650.00----- dollars, the amount of the assessments upon the premises hereinafter described, the receipt of which is hereby acknowledged, by these presents does grant, convey, and confirm unto the said party of the second part and his heirs and assigns all the following lotXXXXXXX, piece XXXXXX, and parcel XXXXXX of land situate in the townsite of Wrangell

, State of Alaska, described as follows, to-wit: That portion of Tract "D" as shown on the official plat of Supplemental Plat of Wrangell Townsite (U. S. S. 1119) as approved by the Chief, Division of Engineering, for the Director on January 16, 1968, described as follows: Beginning at the intersection of the lot line common to Lots 8 and 9, Block 53 and the southwesterly boundary line of Tract "D"; thence, N. 23° 18' E., 140.46 feet; thence, S. 66° 42' E., 100.00 feet; thence, S. 23° 18' W., 47.95 feet; thence, S. 58° 19' W., 133.20 feet; thence, N. 31° 26' W., 28.80 feet, to the point of beginning, containing 11,340 square feet, more or less. (Lot 8A).

According to the official plat of survey of said townsite, subject to rights and reservations in said patent expressed. To have and to hold the same, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, his heirs and assigns forever.

RECORDED	FILED
<u>Wrangell</u> REC. DIST.	
DATE	<u>4-23</u> 19 <u>70</u>
TIME	<u>9-43</u> A
Requested by <u>Clifford O. White</u>	
<u>Wrangell</u>	

IN WITNESS WHEREOF said party of the first part, as trustee, has hereunto set his hand and seal on the day and year first above written.

In the presence of:

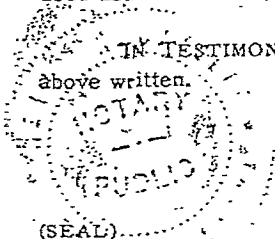
Valmer J. Moore
Clifford O. White

(SEAL)
George E. M. Gustafson
Trustee for the townsite of Wrangell, State of Alaska

STATE OF ALASKA:

BE IT REMEMBERED, That on this 21st day of April A.D. 1970, before me, a Notary Public, came George E. M. Gustafson, to me personally known to be the trustee of said townsite of Wrangell, Alaska, and the identical person described in, and whose name is affixed to, the foregoing conveyance as grantor, and he acknowledged the execution of the same to be his voluntary act and deed as such trustee, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year first above written.



Neil R. Bassett
Notary Public for Alaska, residing at Anchorage, Alaska

ORIGINAL

My Commission expires December

CITY AND BOROUGH OF WRANGELL, ALASKA



Public Map

1 inch = 75 feet
Date: 7/8/2019

**DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE.**

City of Wrangell, Alaska

Agenda Item G5

Date: July 8, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Appeal by the Applemans of an administrative decision to grant a ROW encroachment permit to Laurie Overbay.

Review:

Laurie Overbay requested a temporary encroachment permit for a pallet fence to extend no further than her existing encroachment approved for the stairs to the house. Staff approved the request. Upon complaint by Mr. Appleman that it blocks turning radius to his driveway, the permit was modified and reduced. The is now appealing the administrative decision, and appeal of the Zoning Administrator decision goes to the Planning and Zoning Commission for review and decision.

Recommendation: *(This is an appeal of an administrative decision)*

July 5, 2019

Planning & Zoning Commission:

This is my formal appeal of the decision made and signed by P & Z Administrator Carol Rushmore and Building Official Amber Al Haddad on 4/30/19 and modified by Carol Rushmore on 5/16/19.

This appeal is in regards to authorizing the Encroachment Permit to Laurie Overbay Barker on 4/30/19 for a pallet board fence to be constructed and placed within the City ROW adjacent to the common property line between the Overbay and Appleman parcels.

First, as common courtesy, I feel I should have been notified by the P&Z Administrator regarding this proposed encroachment permit application during the initial process, since we share this boundary and the proposal has negative impacts on my adjacent land parcel. My concerns could have been dealt with upfront, instead of after the fact. I never knew anything about the application and decision until the pallet board fence was being constructed.

The following is my email to Carol Rushmore on May 13, 2019: *I would like to reiterate my view that the extension of the fence into the City ROW is my largest concern. I do not feel that the City should be permitting structures not necessary for access or other essential services to the lot owner's property into the City ROW. It is strictly for the pleasure of the applicant and serves no essential or safety necessity. I feel the extension of the pallet fence into the City ROW is an unnecessary obstruction for vehicles or other access into the ROW that is not the property of the adjacent land owner (Overbay's).*

Many of these concerns could have been more easily dealt with if, as the adjacent property owner, I had been contacted either by phone, letter, or email to share the City's permit of this activity within the City ROW prior to issuance to the applicant so my issues and concerns could have been dealt with prior to the work occurring, instead of after the fact.

Attached are photos of the pallet board fence, as it was initially constructed and installed.





I have read Chapter 13.05 Encroachments in the Borough Right-of-Way. Under Section 13.05.010 Permitted Encroachments Section C and Item 1 it reads as follow (copied and pasted) :

C. The commission may provide for any such terms and conditions as the commission deems appropriate prior to approving an encroachment permit. In determining to issue or deny a permit, the commission may consider, at a minimum, the following:

- 1. The collateral impact of the requested encroachment upon other individuals, the city and borough maintenance efforts, and public safety;*
- 2. The overall beneficial or negative impacts on the use of the right-of-way by individuals or the public at large;*

I have driven all of Evergreen Avenue and looked for other Encroachments within the City ROW. The only constructed features that are readily apparent that I observed are staircases and other essential access improvements to resident's homes and property, which I feel are completely appropriate and necessary within the public ROW. However, this encroachment is only for the pleasure of the applicant and their personal benefit and is not by any means an essential need, nor does it serve any

public benefit, but in fact makes it increasingly difficult to access my own driveway when the property owner continues to park their vehicle towards the street to make it difficult to access my own driveway from this point.



I feel the City would be setting an unnecessary precedent by allowing non-essential structures to be constructed within the City Highway ROW.

I hope you give this serious consideration and revoke the previously authorized Encroachment Permit.

Sincerely,

J. Keith Appleman

Katherine M. Appleman



CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

P.O. BOX 531 (907)-874-2381
Wrangell, AK 99929 FAX (907)-874-3952
www.wrangell.com

May 16, 2019

Laurie Overbay Barker
Box 872
Wrangell, AK 99929

Re: ROW Encroachment Permit

Dear Laurie:

On May 1, 2019 you were granted an encroachment permit for the placement of a non-permanent pallet fence on your southern property line to extend from your property line into the ROW no further than your existing railing/stairway encroachment, approximately 5.5 feet. The fence within the encroachment area was to be located at least 6 inches from the property line.

Per our conversation this morning, there has been a complaint from the adjacent neighbor regarding the encroachment. Their concerns regarding the permitted structure within the encroachment pertain to the lack of necessity for access or other essential service. After reviewing their concerns and your request carefully, staff is modifying the encroachment permit approval. The fence within the encroachment area must be moved such that it is at least 6" from the side property line and should extend into the ROW no more than 2.5 feet. According to measurements provided by Mr. Appleman, the fence would need to be moved an additional 3-5" towards your garage in order to meet the terms of the approved encroachment permit. The only recorded survey available for this property line is the Appleman Subdivision, Plat No. 86-4 (attached). If you desire my assistance to measure and make sure the fence is moved appropriately, please let me know and I will arrange a time that will be convenient to both you and Mr. Appleman per his request to be present. The fence should be moved by the end of the month and please let me know when it is completed.

Please do not hesitate to call if you have any questions or need assistance.

Sincerely,

Carol Rushmore
Economic Development Director

cc: Amber Al-Haddad, Capital Facilities Director and Building Permit Agent
Keith Appleman, adjacent neighbor



CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

P.O. BOX 531 (907)-874-2381
Wrangell, AK 99929 FAX (907)-874-3952

RIGHT-OF-WAY ENCROACHMENT PERMIT

THIS PERMIT is issued and effective this 30th day of April, 2019 at Wrangell, Alaska, by the City and Borough of Wrangell to Laurie Overbay Barker with a mailing address of P.O. Box 872, Wrangell, AK 99929.

The permittee may occupy the following described right-of-way, which is shown on the attached drawing and application and any response by the Planning and Zoning Commission or Zoning Administrator.

This permit is subject to the provisions of Wrangell Municipal Code (WMC) 13.05, and the following general and special conditions:

1. **Allowed Use:** The permitted area of approximately 5.5 square feet is to be used for a non-permanent fence, and for no other purpose and will not be modified or enlarged without required approvals.
2. **Fee:** Permittee will pay the application fee in the amount of **\$50** at the time of the application submittal.
3. **Use by the City:** The issuance of this Permit notwithstanding, the permitted area's primary use is for transportation purposes or uses providing for the best interest of the City and Borough of Wrangell. The City may revoke this permit, and/or enter the permitted area at any time, without notice, for emergency use, or for the planning, design, construction, inspection, or maintenance of existing or future transportation and utility facilities. The applicant/owner shall bear all costs for repair, relocation, replacement or removal of the encroachments in the event of damage or movement due to, but not limited to, vehicular travel, alterations, installation or failures of a public utility, or due to the public's use of the right of way.
4. **Compliance with Laws:** Permittee shall comply with all laws, ordinances, regulations, and administrative agency and/or court orders, including those relating to health, safety, noise, environmental protection, waste disposal, hazardous or toxic materials, and water and air quality.
5. **Indemnification:** Per 13.05.050, Permittee shall indemnify, defend and hold harmless the City and Borough, and its officers, employees, and contractors, from any claim resulting from injury, loss, or damage to any person or personal property resulting from Permittee's use of the permitted area.
6. **Waiver of Claims:** Permittee waives any claim or right of action Permittee may have against the City and Borough in the event of damage to property, and injury to or death of any person in the permitted area that arises because of the design, construction, maintenance, management, or operation of a highway in the right of way containing the permitted area.
7. **Reimbursement of Costs:** Permittee shall reimburse the Borough for all costs and expenses incurred by the Borough, including attorney's fees, in any action brought by the Borough to recover any delinquent fees, or for the breach of any terms or conditions

realignment or installation, transportation improvements, street sign replacement, or other public use of the right of way.

8. **Non-discrimination:** No person, on the basis of race, religion, color, national origin, age, or sex, shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in that person's use of the permitted area.
9. **Assignment:** Permittee may not assign or transfer this permit. If the permitted encroachment changes ownership, the new owner needs to submit a new application, attach a copy of the existing permit, and provide proof of ownership of adjoining property.
10. **Revocation:** This Permit is not a property right but a temporary authorization, revocable by the City and Borough. Please see W.M.C. 13.05.020
11. **Loss of Business:** The City and Borough is not responsible for loss of business related to the issuance or revocation of this permit.
12. **Cancellation by Permittee:** Permittee may cancel this Permit by providing written notice to the City and Borough at the above address. Permittee is not entitled to a refund of any fees or expenses related to the revocation or cancellation of this Permit.
13. **Abandonment by Permittee:** Upon abandonment by Permittee of the permitted area, Permittee's rights under this Permit will immediately terminate, but Permittee's obligations will survive until fulfilled.

APPROVALS:

Planning and Zoning Chair: (Or Zoning Administrator per WMC 13.05.040)

Carol Rushmore

Date: 4/30/19

Building Code Official:

Amber Al Haddad

Date: 4/30/19

Land Owner:

Laurel Barker

Date: 5/1/19

Attachments:



CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

P.O. BOX 531 (907)-874-2381
Wrangell, AK 99929 FAX (907)-874-3952

RIGHT-OF-WAY ENCROACHMENT PERMIT APPLICATION

Wrangell Municipal Code Chapter 13.05 "Encroachments in the Borough Right-of-Way" represents the City & Borough of Wrangell's position with regard to proposed encroachments and the private use of public right-of-way within the corporate limits of the City & Borough of Wrangell, Alaska. In the context of this application, "public right-of-way" refers to all public sidewalks; street and alley right-of-way; and parks, open space, and other properties or lots owned or controlled by the City & Borough of Wrangell.

This Encroachment Permit Application solely covers encroaching on the public right-of-way as defined above and by no means exempts applicant from obtaining other permits or licenses as may be required by the City & Borough of Wrangell or other agencies. Advertising signs are not allowed in the right-of-way.

1) GENERAL INFORMATION

Name of Applicant:	Laurie J Overbay Barker	Phone:	907-874-3518
Mailing Address:	P.O. Box 872 WRC AK 99929		
Email Address:	laurieoverbay@yahoo.com		
Name of Property Owner:	Laurie J. Overbay Barker	Phone:	907-660-7544
Mailing Address:	P.O. Box 872 WRC AK		
Email Address:			
Identifying Description of Right-of-Way being encroached upon:			
Fence out to Road			
Physical Address/Location of Adjoining Property to Encroachment Area:			
655 Evergreen			
Lot:	4B	Block:	1
Subdivision:		Parcel#:	
Proposed use of the right-of-way (Describe here. Attach site plan showing location of improvements and photographs.)			
Fence off property to Road with Pallet fence.			

Are any permanent structures located in the right-of-way? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe	Are there any water and sewer facilities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Size of Proposed Permit area (square feet): 672 ^{sq} inch	How many feet from the edge of the pavement will the proposed improvement be located? 3.5'
Type of Permit Requested: <input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
If Temporary, when will it be removed? Date: <u>AS NEEDED</u>	
If Existing, when was it installed? Date: _____	

5.5'
4" wide pallet
1.81 sq. feet

This permit is subject to the provisions of Wrangell Municipal Code, Chapter 13.05, and the following general and special conditions:

- Indemnification:** Per 13.05.050, Permittee shall indemnify, defend and hold harmless the the City and Borough, and its officers, employees, and contractors, from any claim resulting from injury, loss, or damage to any person or personal property resulting from Permittee's use of the permitted area.
- Waiver of Claims:** Permittee waives any claim or right of action Permittee may have against the City and Borough in the event of damage to property, and injury to or death of any person in the permitted area that arises because of the design, construction, maintenance, management, or operation of a highway in the right of way containing the permitted area.
- Reimbursement of Costs:** Permittee shall reimburse the Borough for all costs and expenses incurred by the Borough, including attorney's fees, in any action brought by the Borough to recover any delinquent fees, or for the breach of any terms or conditions contained in this Permit, or to recover possession of the permitted area. All costs incident to encroachment shall be borne by the Applicant/Owner, including but not limited to utilities realignment or installation, transportation improvements, street sign replacement, or other public use of the right of way.
- Non-discrimination:** No person, on the basis of race, religion, color, national origin, age, or sex, shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in that person's use of the permitted area.
- Assignment:** Permittee may not assign or transfer this permit. If the permitted encroachment changes ownership, the new owner needs to submit a new application, attach a copy of the existing permit, and provide proof of ownership of adjoining property.

6. **Revocation:** This Permit is not a property right but a temporary authorization, revocable by the City and Borough. Please see W.M.C. 13.05.020
7. **Loss of Business:** The City and Borough is not responsible for loss of business related to the issuance or revocation of this permit.
8. **Cancellation by Permittee:** Permittee may cancel this Permit by providing written notice to the City and Borough at the above address. Permittee is not entitled to a refund of any fees or expenses related to the revocation or cancellation of this Permit.
9. **Abandonment by Permittee:** Upon abandonment by Permittee of the permitted area, Permittee's rights under this Permit will immediately terminate, but Permittee's obligations will survive until fulfilled.
10. **Public Notice:** Public notice may be required if the City and Borough of Wrangell determines it to be in the best interest of the city and borough.

2) PROPERTY OWNER ACKNOWLEDGEMENT

I have read the instructions and certify that all the above information and all attachments I have provided are true and correct. I understand that the City & Borough of Wrangell assumes no responsibility or liability for items encroaching into City & Borough Right-of-Way. I agree and understand that an encroachment permit can be denied. I agree and understand that a permit may be revoked based upon a written determination by the City and Borough of Wrangell that municipal code requirements have been violated.

Property Owner:

Sign:

Laurie Barker

Print:

Laurie Werby Barker

Date:

4/22/19

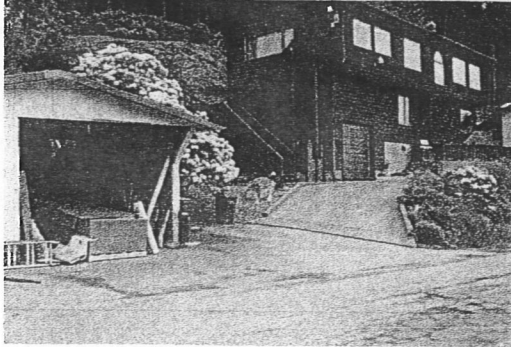
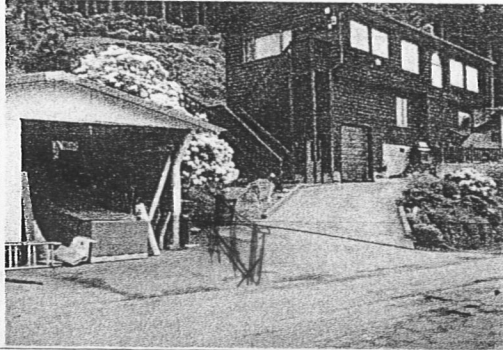
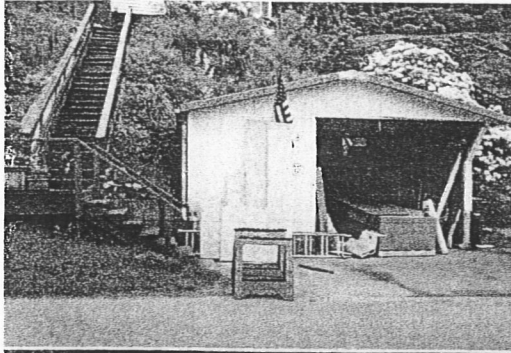
3) ATTACH SITE PLAN AND RELEVANT PHOTOGRAPHS of the proposed encroachment area, showing linear, height, and area of the encroachment.

Please return the completed application to City Hall. P.O. Box 531, Wrangell, AK 99929.



pros to do using Fence post
(Metal)
to stabilize pallets

6" from property line my side of
carport / Appleman's middle



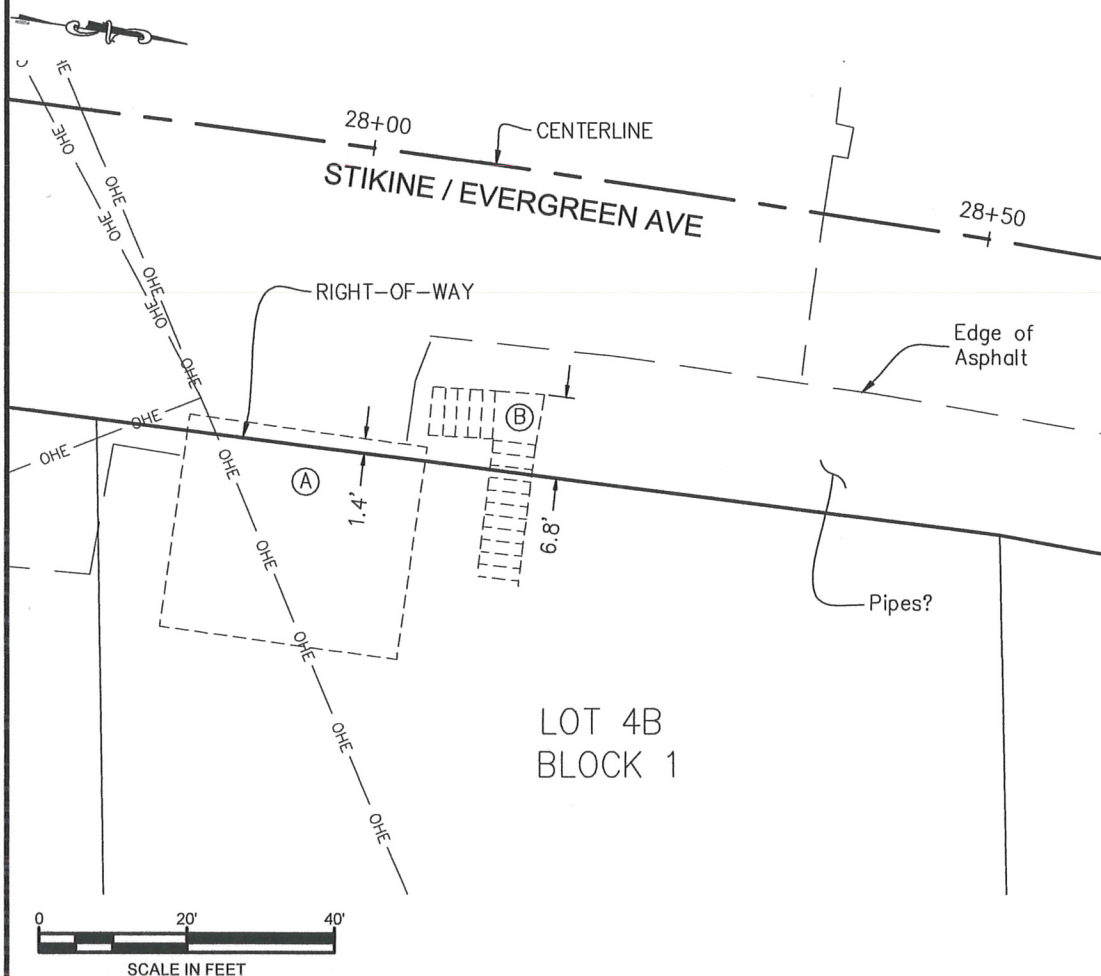
X

X

DOT Evergreen Encroachment



TABLE OF ENCROACHMENT DIMENSIONS			
ENTITY	DESCRIPTION	ENCROACHMENT DISTANCE	TRAVELED WAY OFFSET
A	WOOD FRAME CAR PORT	1.4'	8.9'
B	WOOD STAIRS	6.8'	3.5'



DESCRIPTION: 655 Evergreen, distances listed below extend into Right of Way
ENCROACHMENT: Car Port extends 1.4', Wood Stairs extends 6.8'.
DATE: 11/23/15

City of Wrangell, Alaska

Agenda Item G6

Date: July 5, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Recommendation on a limited access agreement for Dan and Twyla Nore across Borough owned property.

Review:

The Nore's are requesting permission to access the back of their house across Borough owned land, with driveway improvements, due to the inability of Mr. Nore to climb the steps on the front of the house.

Recommendation Staff recommends approving the limited access agreement and driveway improvements.

Recommended Motion:

Move to recommend to the Assembly to grant limited access and driveway improvements to the rear of the Nore residence.

Findings:

The Nore's have requested access across Lot 6A, Dan Nore Subdivision, owned by the Borough in order to access their back door due to the inability of Mr. Nore being able to climb steps on the front of the house. The access would include a rocked driveway for ease of access.

This lot is a 7934 square foot property with a 30 foot wide access easement to 2 back lots. The Nore's and Mr. Ashton had requested to split the property several years ago, but they could not agree on how it should be split and were concerned about the costs involved. Mr. Ashton has filled the upper portion of the lot. The City was interested in trying to sell the lot to Mr. Ashton and the Nore's, and rather than saying this was how it will be subdivided, were waiting for an agreement between the parties that was not forthcoming.

Since the upper portion of the Borough owned lot has been filled and is being used by Mr. Ashton for parking and other personal uses, staff sees no reason not to allow access across the middle of the property to the back of the Nore's property. Staff is not recommending a recorded access easement, but a limited approved access that would not be transferred. Should the Nore's and Ashton still seek to purchase the property, continued access could be dealt with at the time of the subdivision.

CITY AND BOROUGH OF WRANGELL, ALASKA



Public Map

1 inch = 30 feet
Date: 7/8/2019

**DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE.**