

**CITY OF UNALASKA, ALASKA
HISTORIC PRESERVATION COMMISSION
REGULAR MEETING**

THURSDAY, MAY 20, 2021, 6:00 P.M.

AGENDA

COVID-19 Call-In Line: 1-888-808-6929 Access Code: 6692621

CALL TO ORDER

ROLL CALL

REVISIONS TO THE AGENDA

APPEARANCE REQUESTS

ANNOUNCEMENTS

MINUTES: Draft minutes from the meeting March 18, 2020

PUBLIC HEARING

No Items

OLD BUSINESS

No Items

NEW BUSINESS

No Items

WORKSESSION

1. Discussion on letter from Tom Benintendi to Mayor Tutiakoff regarding "Recognition of the WWII Aleutian Campaign"
2. Update on USACOE RAB

ADJOURNMENT

COPY

Mr. Tim Benintendi
Box 241492, Anchorage, AK 99524-1492
(907) 276-2923 / ztimbz@gmail.com

January 26, 2021

Mr. Vince M. Tutiakoff, Sr., Mayor
City of Unalaska
Box 610
Unalaska, AK 99685-0610

RE: Recognition of the WWII Aleutian Campaign

Dear Mayor Tutiakoff:

I write to inform and encourage the City of Unalaska to engage in an effort to have the National WWII Museum in New Orleans, Louisiana, recognize the WWII Aleutian Campaign. You may have seen the attached opinion item in the Anchorage Daily News last fall.

I have visited this well financed and otherwise spectacular museum, and have nothing but praise for its achievements; except for the total lack of recognition of the Aleutian Campaign. I don't need to tell you that ignoring the impacts of a tough and bloody military operation, ignoring the bombing of Dutch Harbor, ignoring the unspeakable impacts on the Aleut people, and ignoring the construction of the Alcan Highway, leaves this museum coming up short.

As a 38-year resident of Alaska, and a twelve-year state legislative staff member to the late Carl Moses, I came to know several veterans and Aleut survivors of that campaign. I have also taken a very sobering two-week tour of Attu, Kiska, and several other historic sites in the far Aleutians.

I urge you and the city council to participate in rectifying this unacceptable oversight. It shouldn't take a significant amount of staff time or other resources, perhaps a direct letter to the board

chairman of the museum, direct communication with our Congressional delegation, and some coordination with the entities on the attached list of interested parties. You might also consider sending a resolution from the city council to the National WWII Museum. I would also encourage individual letters of support for the recognition from community members.

It's an interesting note that the late Senator Ted Stevens was a major player in the transition of what was originally the Higgins Boat Museum, to the National WWII Museum. He is prominently recognized in the lobby of the museum, along with the late Senator Daniel Inouye, also a major player in the transition. That Senator Stevens is recognized, but the WWII events in his home state are not, is ironic.

Thank you for your attention to this matter.

Sincerely,

Tim Benintendi

COMMENTARY

US World War II Museum should commemorate the Aleutian campaign

Jeanne Ostnes

With Veterans Day just past, it seems an appropriate time to tell you of the wonders of the National World War II Museum in New Orleans, Louisiana. The museum began as a local historical venue to memorialize Louisiana's vast contributions to the war effort, chiefly in terms of the production of various watercraft — think Higgins boats — and other war materiel. At the museum's grand opening reception, U.S. senators and representatives who served in WWII were invited to attend. Among those were our late Sen. Ted Stevens and Hawaii's late Sen. Daniel Inouye. So the story goes, deeply impressed, the members of Congress encouraged the museum board to broaden the scope and make it a national museum dedicated to memorializing the entire war. In the lobby today is a display of this transformation, and it specifically highlights Stevens and Inouye.

Today, the museum occupies the better part of three city blocks in downtown New Orleans, is that city's No. 1 visitor attraction, is well financed, and has displays on most every aspect of WWII — more than I can go into here.

What greatly surprised my husband and me during our visit in 2018 was that there was no display or reference to the Aleutian Campaign. None. There was nothing about the forced relocation of the Aleut people, nothing about the construction of the Alcan Highway.

of the booklets published by the National Park Service, but that she had no room for the rest. She was either to toss the materials or send it back to us. We asked that it be donated to a local New Orleans school, and that was done.

I would like to inspire Alaskans, including our governor, congressional delegation, and the Aleut Corp. to contact the National WWII Museum and petition for a permanent display on the Aleutian Campaign, the building of the Alcan Highway and the forced relocation of the Aleut people. Write the Board Chairman, Mr. Paul Hilliard. He's a WWII veteran. The mailing address is 945 Magazine St., New Orleans, LA 70130. I encourage interested readers to explore online, and visit in person, this grand testament to those who served, sacrificed and provided industrial support during WWII.

Jeanne Ostnes, a third-generation Alaskan from Fairbanks, is retired and living in Anchorage. Her father flew 19 missions in a B-17 over France and Germany. She is an annual Patriot Circle donor to the museum, active in the Anchorage veterans' community, and was involved with the renovation of the Anchorage Veterans' Memorial.

It also contains an eight-story hotel and conference center, a multi-level parking garage, and has a wide variety of active educational programs. In addition to the vast displays about the European Theater, the Pacific Theater and war on the home front, there is a period malt shop and a restaurant. There is also a re-created USO ballroom, in which concerts and other entertainment are staged. The museum's lobby prominently displays the many hundreds of major donors, including Steven Spielberg and Tom Hanks, and many American and foreign companies and families.

What greatly surprised my husband and me during our visit in 2018 was that there was no display or reference to the Aleutian Campaign. None. There was nothing

about the forced relocation of the Aleut people, nothing about the construction of the Alcan Highway. The only indication in the entire museum was on a large wall map of the furthest extent of Japanese control in the Pacific, showing Atsu and Kiska in small letters at the top of the map, almost up in a corner. With the Aleutian Campaign being proportionally one of the bloodiest campaigns of WWII, we approached museum staff to enquire. That individual knew

nothing of the Aleutian Campaign, and we eventually found out that the librarian had no materials on the topic. Once home, my husband and I spent more than \$200 gathering and mailing a box of documents and literature to the museum. A later call from the librarian said that she would keep a couple

ALEUTIAN CAMPAIGN DISPLAY IN NATIONAL WWII MUSEUM

Contact List:

National WWII Museum

Mr. Paul Hilliard, Board Chairman
945 Magazine St., New Orleans, LA 70130
(504) 528-1944

The Honorable Lisa Murkowski, U.S. Senator

510 L Street #600, Anchorage, AK 99501-7569
(907) 271-3735

The Honorable Dan Sullivan, U.S. Senator

510 L Street #750, Anchorage, AK 99501-7569
(907) 271-5915

The Honorable Don Young, U.S. Representative

471 W. 36th Ave. #201, Anchorage, AK 99503
(907) 271-5978

The National Park Service (Alaska)

Ms. Sue Masica, Regional Director
240 W. 5th Ave., Anchorage, AK 99501
(907) 644-3510 / 644-3472

Also the contact for:
Aleutian WWII National
Historic Area and
Visitors Center

The Aleut Corporation

Mr. Thomas Mack, President & CEO
4000 Old Seward Hwy #300, Anchorage, AK 99503
(907) 561-4300

The Alaska Veterans Museum

ATTN: Ms. Suelllyn Novak
333 W. 4th Ave #227, Anchorage, AK 99501
(907) 677-8802

The City of Unalaska

Mr. Vincent M. Tutiakoff, Sr., Mayor
Box 610, Unalaska, AK 99685-0610
(907) 581-1251

The Unalaska Visitors Bureau

Ms. Carlin Enlow, Executive Director
Box 545, Unalaska, AK 99685-0545
(907) 581-2612 / info@unalaska.org

Unalaska Corporation

Mr. Vincent M. Tutiakoff, Sr., Board Chairman
Box 149, Unalaska, AK 99685-0149
(907) 581-1276

The Honorable Mike Dunlevy

Governor, State of Alaska
550 W. 7th Ave. #1700, Anchorage, AK 99501
(907) 269-7450

The Honorable Peter Micciche

President, Alaska State Senate
State Capitol, Juneau, AK 99801-1182
(907) 465-2828

The Honorable x

Speaker, Alaska State House
State Capitol, Juneau, AK 99801-1182
(907) 465-

Anchorage Daily News

Dutch Harbor Fisherman

Alaska News Source

COMMENTARY

US World War II Museum should commemorate the Aleutian campaign

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January 20, 2021

Alaska Veterans Museum
Attn: President and Executive Director Lt Col (Ret) Robert Sherrill
333 W 4th Avenue
Anchorage, AK 99501


Dear Lt Col Sherrill,

Thank you for your letter regarding coverage of the Aleutian Campaign in The National WWII Museum. Thank you also for your generous offer to produce an interpretive panel for us. While greatly appreciated, your offer is not necessary. We do cover the Aleutian Campaign in two different galleries of our Arsenal of Democracy permanent exhibit. In our Day of Infamy gallery, we have an interpretive panel that provides an overview of the battle for the Aleutians, includes a photograph of US Marines at Dutch Harbor during the attack, and a photograph of a Japanese Zero fighter that was salvaged and studied to learn its performance characteristics. The panel is provided in the wider context of the Japanese onslaught across the Pacific in the early stages of the war.

In the Manufacturing Victory gallery, we have two interpretive panels. The first speaks to the overall fight for the Aleutians and has a photograph of Private Joseph Martinez, the first Hispanic-American to receive the Medal of Honor during the war. Next to that is a panel telling the story of the construction of the ALCAN Highway. In addition to an overview text, the panel provides photos showing the primitive conditions under which the road was built and the triumphant moment when the Northern and Southern sections were joined.

I regret that the three AVM members who visited missed our content on the Aleutians and the ALCAN highway. Unfortunately, space constraints do not allow us to go into the depth we would like about the Aleutian Campaign, but I am proud of the story we tell and how it fits in the wide context of the war in the Pacific. I invite you and Colonel Novak to come visit as soon as it is safe to travel again.

Sincerely,


COL Peter D. Crean, USA (Ret.)
Vice President, Education and Access



April 1, 2021

Senator Dan Sullivan
Suite 302
Hart Senate Office Building
Washington, DC 20510

Dear Senator Sullivan,

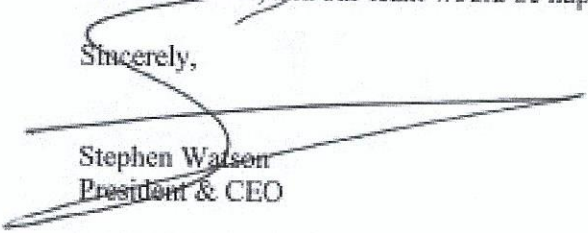
Thank you for your letter highlighting the generous offer from the Alaska Veterans Museum (AVM) to provide resources and assistance toward the creation of an exhibit on the Aleutian Campaign. I greatly appreciate your attention to this important aspect of nation's military history, and your interest in The National WWII Museum.

In January 2021, the Museum's Vice President, Education & Access COL Pete Crean, USA (Ret.) responded to the offer from the Alaska Veterans Museum. His response noted that we cover the Aleutian Campaign in two galleries within *The Arsenal of Democracy* permanent exhibit on our campus. In our *Day of Infamy* gallery, we have an interpretative panel that gives an overview on the battle for the Aleutians, which includes a photograph of US Marines at Dutch Harbor during the attack and a photograph of the Japanese Zero fighter that was salvaged and studied to learn its performance characteristics.

Additionally, the *Manufacturing Victory* gallery includes two interpretative panels on this subject. The first speaks to the overall fight for the Aleutians and has a photograph of Private Joseph Martinez, the first Hispanic-American to receive the Medal of Honor during the war. The second tells the story of the construction of the ALCAN Highway. Although not mentioned in our earlier response to AVM, the gallery also includes three oral histories from veterans who helped to recapture the Island of Attu. These 90 second, fully produced films include footage of the veterans discussing their experiences as well as narration and archival footage to give our visitors a sense of the challenging conditions and brutality of the battle to retake American soil from Japanese occupation.

We regret that the AVM members who visited our Museum missed our content on the Aleutian Campaign and ALCAN Highway. As America's congressionally-designated WWII Museum, we are charged with telling the complete story of our nation's experience during the war, and space constraints do not allow us to go into more detail about the Aleutian Campaign. Nonetheless, I am proud of the story we tell and how it fits into the wider context of the war in the Pacific. I invite you and the members of AVM to come visit us in the future, and our team would be happy to give you a personal tour to look at this content.

Sincerely,



Stephen Watson
President & CEO

CC: Lt. Col (Ret) Robert Sherrill, President and Executive Director of Alaska Veterans Museum

The War That Changed The World™

**CITY OF UNALASKA, ALASKA
PLANNING COMMISSION & PLATTING BOARD
REGULAR MEETING
THURSDAY, MAY 20, 2021, IMMEDIATELY FOLLOWING THE HISTORIC PRESERVATION MEETING
AGENDA
COVID-19 Call-In Line: 1-888-808-6929 Access Code: 6692621**

CALL TO ORDER

ROLL CALL

REVISIONS TO THE AGENDA

APPEARANCE REQUESTS

ANNOUNCEMENTS

MINUTES: Draft minutes from the meetings on March 18, 2020

PUBLIC HEARING

1. **RESOLUTION 2021-09:** A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A TRIPLEX AT 32/34 THOMPSON CIRCLE, LOT 1A, GENERALS HILL SUBDIVISION, PLAT 90-1 AIRD.
2. **RESOLUTION 2021-10:** A RESOLUTION APPROVING A 5 FOOT VARIANCE TO THE 10 FOOT SIDEYARD SETBACK, AND A 5 FOOT VARIANCE TO THE 15 FOOT REAR YARD SETBACK AT 232 BAYVIEW AVE, LOT 2, BLOCK 5, USS 992.

OLD BUSINESS

1. **RESOLUTION 2021-06:** A RESOLUTION APPROVING THE PRELIMINARY PLAT OF HENNING SUBDIVISION, A REPLAT OF LOT 14, BLOCK 8, HAYSTACK HILL SUBDIVISION, PLAT 91-14, AIRD

NEW BUSINESS

1. **RESOLUTION 2021-09:** A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A TRIPLEX AT 32/34 THOMPSON CIRCLE, LOT 1A, GENERALS HILL SUBDIVISION, PLAT 90-1 AIRD.
2. **RESOLUTION 2021-10:** A RESOLUTION APPROVING A 5 FOOT VARIANCE TO THE 10 FOOT SIDEYARD SETBACK, AND A 5 FOOT VARIANCE TO THE 15 FOOT REAR YARD SETBACK AT 232 BAYVIEW AVE, LOT 2, BLOCK 5, USS 992.

WORKSESSION

1. Notification of planning determination by Acting Planning Director

ADJOURNMENT

Principles of the Unalaska Planning Commission

1. The Position: In any community, the position of Planning Commissioner is a highly respected and honored one.
2. The Job: The job of Planning Commissioner is to serve the public, as representatives of the City Council and to the best of their ability, in ensuring sound planning and growth management in Unalaska. All decisions of the Planning Commission should be based on sound planning principles and practices, and not on the personal opinion of individual Planning Commissioners. Once the Planning Commission makes a recommendation to the City Council, the job of the Planning Commissioners and Planning Commission is over, in terms of that particular action.
3. Integrity: Planning Commissioners are appointed by City Council. The actions, behavior, and comportment of each Planning Commissioner reflect not only on that Planning Commissioner's integrity – but also on the integrity of the City Council and of the entire City government.
4. Collaboration: An individual Planning Commissioner is not a “lone wolf,” but is part of a collective body. As such, each Planning Commissioner is expected to act in a collaborative manner with his and her fellow Planning Commissioners.
5. Respect Each Other: While it is understandable to sometimes disagree with your fellow Planning Commissioners on issues brought before the body, and appropriate to publically vocalize that disagreement during Planning Commission meetings, a Planning Commissioner should always respect the opinion of their fellow Commissioners and treat each other with respect.
6. Majority Rules: It is important to remember that, at the end of the day, the majority rules. So, after each action is brought before the body, discussed, and voted upon, Planning Commissioners must accept and respect the rule of the majority – even if the ruling was counter to an individual Commissioner's position.
7. Respect Staff: A Planning Commissioner should respect the opinion of City Planning Staff, whether the Planning Commissioner agrees with staff or not. Planning Staff Members are professionals who are employed to serve not only the Planning Commission and general public, but the City Council.
8. The Las Vegas Rule: What comes before the Planning Commission must stay before the Planning Commission. This means there can be no outside negotiating with petitioners or with the public regarding applications brought before the Commission. And, all discussions – pro or con – concerning a petition before the Planning Commission, must take place solely within Planning Commission meetings.
9. Respect Applicants and Public: Each Planning Commissioner must always show professionalism and respect for applicants and the general public – regardless of the position held by that Planning Commissioner or by the Planning Commission.
10. Upholding the Principles: Any member of the Planning Commission who finds that he or she cannot uphold and abide by the above principles should resign from the Commission.

PROCEDURES FOR THE CHAIR

Approval of Minutes

The Chair states: "The minutes were included in the packet. Are there any corrections to the minutes?" [pause to wait for commissioners to object]. "Hearing none, if there are no objections, the minutes are approved as printed."

OR

If there are objects to the minutes, then...

1. Ask for a motion to approve the minutes as printed. And a second.
2. Facilitate Commission discussion.
3. Amendments will need a motion and a second.
4. When there is no more discussion, call for a vote on any amendments.
5. Continue discussion until there is none further, then call for a vote on the minutes as amended.

Public Hearings

1. Open the public hearing.
2. Notify the public that they may raise their hand and speak from their seats.
3. Read the title of the first item.
4. Ask if any member of the public wishes to speak to the item. They may do so by raising their hand.
5. When discussion has ended, read the title of the second item.
6. Again ask for public discussion.
7. Continue until all items on the public hearing are complete.
8. NOTE: No commissioners or staff should give any input during the public hearing.

Resolutions under new business or old business

1. Read the title of the first resolution.
2. Ask for declaration of ex parte communications and conflicts of interest from commissioners.
3. Any question of whether a conflict of interest exists will be settled by a majority vote of the Commission. Members with a conflict will be asked to sit in the audience during this discussion/vote.
4. Ask for staff presentation.
5. Ask for questions from Commissioners of staff.
6. Ask for a presentation from the applicant.
7. Ask for questions from Commissioners of the applicant.
8. Ask for a motion to approve the resolution. And a second.
9. Facilitate commission discussion.
10. If any members of the public have signed up to speak on the topic, they will be given a chance to speak. The chair must set a time limit (such as 2 minutes) to each public comment. Time limits can be objected by commissioners and subsequently put to a vote if necessary.
11. Following public testimony, continue commission discussion until there is nothing further.
12. NOTE: Each member of the public only gets one chance to speak, but anyone who signs up with staff before the commission votes shall be given their one chance to speak before the vote occurs.
13. Call for a vote.
14. Repeat for each resolution on the agenda.

City of Unalaska, Alaska
Planning Commission/Platting Board
Staff Report

RESOLUTION 2021-06: A RESOLUTION APPROVING THE PRELIMINARY PLAT OF HENNING SUBDIVISION, A REPLAT OF LOT 14, BLOCK 8, HAYSTACK HILL SUBDIVISION, PLAT 91-14, AIRD

Basic Information	
Application Type	Preliminary Plat
Land Owner(s)	Dutch Harbor Properties, Owner, Monica Henning
Applicant	Monica Henning
Proposed Use	3 Properties, one including a triplex
Exhibits	Draft Resolution 2021-06, Preliminary Plat Application, Supplemental Materials, Location Map
Staff Recommendation	Approval of Resolution 2021-06

Legal Information	
Tax Parcel ID	04-09-211
Address	189 Trapper Drive, Unalaska, Alaska 99685
Legal Description	A proposed subdivision of Lot 14, Block 8, Haystack Hill Subdivision, Plat 91-14, AIRD
Land Use Subarea	Haystack Hill

Area Description	
North	Cliffside uphill to Raven Way, Undeveloped continuing up.
South	Trapper Drive, Single-Family/Duplex
East	Majority Single Family Housing, one duplex
West	Raven Way, Single Family Housing

Current Site Description and Zoning Standards					
Zone	Single Family/Duplex (SFO) (UCO §8.12.040)				
Existing Use	Residential				
Permitted Uses	In the Single-Family/Duplex District, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended, or designated to be used for other than one or more of the following uses: Up to two single-family dwellings or a two-family dwelling, on a lot; Home occupations subject to the requirements of § 8.12.180(M); Day-care for five or less children; Noncommercial greenhouses, gardens, storage sheds; Outdoor storage of subsistence and noncommercial fishing gear, boats, nets, buoys, and related equipment; Noncommercial stables, barnyards, and corrals provided they shall be located not less than 25 feet from any public street or property line; Noncommercial agricultural buildings and activities; Public recreational areas, parks, playgrounds, hiking trails, and such buildings and structures as are related thereto				
Conditional Uses	Schools; Churches; Public and quasi-public buildings essential to the physical and economic welfare of the area, such as utility buildings and facilities, fire stations, electric substations, water treatment plants, telephone exchanges, and similar uses or public services; Public and quasi-public social and recreational facilities; Bed and breakfasts, lodging houses, and boarding houses; Day-care for more than five children				
	Existing	Required		Existing	Required
Lot Area	29,258 ft ²	>10,000 ft ²	Front Setback		20 ft
Lot Frontage	24 ft	>60 ft	Side Setbacks		15 ft
Coverage	4 %	<50 %	Rear Setback		20 ft
Building Height	25 ft	<30 ft	Parking		6 spots
Corner Lot?	Yes		Nonconformance?	Permitted Triplex	

Parcel History	
Planning Commission Resolution	<p>Resolution 2014-03: Withdrawn resolution.</p> <p>Resolution 2014-24: A Resolution Approving a Variance for a Lot Width Reduction From 60 Feet To 20 Feet to Accommodate A Subdivision of Lot 14, Block 8, Haystack Hill Subdivision, Located At 201 Trapper Drive – Approved with conditions resulting in Variance 2014-03, expired.</p> <p>Resolution 2015-13: A Resolution Approving a Conditional Use Permit for Three Existing Residential Dwelling Units on Lot 14, Block 8, Haystack Hill Subdivision, Located At 189 Trapper Drive – Approved with conditions, expired before work was done.</p> <p>Resolution 2015-21: A Resolution Approving Preliminary Plat of Deffendall Subdivision, a Replat Of Lot 14, Block 8, Haystack Hill Subdivision, Located At 201 Trapper Drive – Approved, not completed, due to Res. 2015-13 not being completed. Substantially different design from this application.</p> <p>Resolution 2016-10: A Resolution Approving a Conditional Use Permit for Three Existing Residential Dwelling Units on Lot 14, Block 8, Haystack Hill Subdivision, Located At 189 Trapper Drive – Re-Approved after original approval expired</p>
City Council Ordinance	Resolution 99-18: A Resolution of the Unalaska City Council Confirming the Assessment Roll for the Upper Haystack Hill Sewer Assessment District - Approved

ADDITIONAL CODE REQUIREMENTS

1. **§ 8.08.070 PLATTING PROCEDURES**

In General

2. **§ 8.12.040 SINGLE-FAMILY/DUPLEX DISTRICT (SFD).**

(E) *Minimum lot size.*

- (1) 10,000 square feet for any combination of up to two dwelling units.
- (2) If additional requirements identified in § 8.08.070(A)(3)(d) are met, the minimum lot size for a single-family dwelling unit or a two-family dwelling unit/duplex may be less than 10,000 but shall be no smaller than 6,000 square feet.

3. **§ 8.08.070 PLATTING PROCEDURES.**

(A)(3)(d)(23). If property is zoned Single-Family/Duplex, Moderate-Density Residential, or High Density Residential and if lots proposed are between 6,000 and 10,000 square feet, the following shall be included with the preliminary plat:

- (a) If determined by the Department of Public Works to be warranted due to the existing topography, a note shall be added to the plat that a minimum 9-foot by 20-foot approach shall be provided with a slope of 5% or less at the foot of the driveway. Anticipated locations of the approach shall be identified on the preliminary plat;
- (b) Parking areas shall be identified to indicate full compliance with § 8.12.170(K) Off-street parking requirements;
- (c) Drainage plan shall be provided if determined by the Department of Public Works to be necessary per § 8.08.100(B)(7) Drainage.

4. § 8.08.090 SUBDIVISION DESIGN STANDARDS.**(D) *Lots.***

- (1) *General.*** The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (2) *Dimensions.***
 - (a)** Lot dimensions shall conform to the requirements of Chapter 8.12, "Zoning," provided that no lot shall be less than 10,000 square feet in area. If requirements identified in § 8.08.070(A)(3)(d) have been addressed, residential lots less than 10,000 square feet but greater than 6,000 square feet may be permitted. See Chapter 8.12 for lot size requirements in different districts.
 - (b)** Lots shall be designed with a suitable proportion between width and depth. Long and narrow, or wide and shallow lots are undesirable. Normal depth shall not exceed 2 1/2 times width, or be less than 85 feet. Width of all lots shall not be less than 60 feet. See Chapter 8.12, "Zoning," for lot dimension requirements in different districts.
 - (c)** Lots laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of development.
 - (d)** No lots, tracts, or parcels shall be created or designed which would create any non-conforming setbacks as they relate to any physical improvements which are subject to setback, building separation, or other dimensional provisions

5. § 8.12.170 GENERAL PROVISIONS.

- (B) *Front yards*** (See § 8.06.020(A), "Yard"). Where any specified front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the front lot line than the distance indicated by the depth of the required front yard. Exceptions include:
 - (1)** Steps, terraces, platforms, and porches having no roof covering and not being over 30 inches high may be built within a front yard a distance of not more than two feet and are specifically excluded from this definition; and
 - (2)** Eaves, cornices, and similar ornamentations may project over a front yard not more than two feet.
- (C) *Side yards*** (See § 8.06.020(A), "Yard"). Where any specified side yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard. Exceptions include:
 - (1)** Steps, terraces, platforms, and porches having no roof covering and not being over 30 inches high may be built within a side yard a distance of not more than two feet and are specifically excluded from this definition; and
 - (2)** Eaves, cornices, and similar ornamentations may project over a side yard not more than two feet.

- (D) *Rear yards* (See § 8.06.020(A), “Yard”). Where any specified rear yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required rear yard. Exceptions include:
- (1) Steps, terraces, platforms, and porches having no roof covering and not being over 30 inches high may be built within a rear yard a distance of not more than two feet and are specifically excluded from this definition; and
 - (2) Eaves, cornices, and similar ornamentations may project over a rear yard not more than two feet.
- (E) *Irregular lot shapes*. Where irregular lot shapes prevent the direct determination of the area and yard requirements for a lot, the Director of Planning shall determine said area and yard requirements. Said determination shall be known as a “Planning Determination” and the Planning Commission will be advised of said determination at its next regular meeting (See § 8.12.220(A)(2)).
- (K) *Off-street parking requirements*. At the time a new structure is erected or a structure is enlarged, or the use of the existing structure is changed, off-street parking spaces shall be provided as set forth in this section, unless greater requirements are otherwise provided in connection with an existing use prior to the adoption date of this chapter. Each parking space shall be at least 180 square feet in area and have a width of nine feet and a depth of not less than 20 feet. In determining the gross area required for an off-street parking lot requiring a specific number of parking places including driveways and aisles, 250 square feet per parking space shall be used. Each use shall provide the following minimum off-street parking spaces discussed below.
- (2) *Location of parking*. Off-street parking shall be located as follows:
 - (a) Parking spaces serving single and multi-family dwelling units shall be located on the same lot as the building served;
 - (6) Other off-street parking requirements. Other off-street parking requirements are to be provided as follows:
 - (a) All residential dwellings. Two spaces per dwelling unit;

PLAN GUIDANCE

1. Housing was identified as a community need in the 2009 Community Visions for the Future: Unalaska 2010-2020 visioning document as part of the Comprehensive Planning process.
2. The Unalaska Comprehensive Plan 2020 – Housing Plan identifies several goals including:
 - a. Goal #9 of the Unalaska Housing Plan is to ensure that zoning and all regulatory and permit processes support the redevelopment of in-fill lots and new subdivisions for new housing development.
3. The 2015 Land Use Plan calls for an overall increase in Single Family/Duplex housing in the undeveloped lands of Haystack Hill. However, it acknowledges this lot as being already zoned for, and in use as Single Family. This was prior to the housing being identified as multi-family housing. The Land Use Plan specifically calls for no additional multi family housing to be built in the Haystack Hill subarea.

BACKGROUND

1. The applicant purchased the land in 2020.
2. The previous owner had attempted to subdivide the property. The two applications are different, and this application should not be viewed in relation to the prior application.
3. The applicant has indicated a desire to subdivide the property into three lots:
 - Proposed Lot 1 is 9,889 square feet, which is below the 10,000 square foot standard, but above the 6,000 square foot minimum.
 - Proposed Lot 3 is 12,446 square feet, which is above the 10,000 square foot standard.
 - Proposed Lot 2 is 6,922 square feet, which is above the absolute minimum lot size of 6,000 square feet.
4. The Proposed Lot 2 is inaccessible from Raven Way due to topography, requires an access easement proposed across the Lot 1.
5. The applicant has indicated a desire to place a cabana on the proposed Lot 2.
6. The applicant has submitted a drainage plan.
7. The applicant has not provided a certificate to plat.
8. If approved, this resolution to change this lot nullifies all prior Conditional Use Permits and Variances.

DETAILED FINDINGS

- 1) The Planning Department has identified the deed indicating ownership, however, this does not constitute a proper title search and certificate to plat. This is noted in Condition 1, which may be removed when a certificate to plat is acquired.
- 2) *Proposed Lot 2:*
 - a) The Proposed Lot 2 is 6,922 square feet, just barely above the absolute minimum lot size of 6,000 square feet. While there is not enough square footage for each lot to be 10,000 square feet, the applicant has requested a variance to the setbacks for the smallest lot. The applicant is no longer seeking a variance for this lot.
- 3) The lot line between the Proposed Lot 1 and Proposed Lot 3 has been adjusted to account for the deck on the existing structure. The 1-foot overhang is within parameters of a planning determination, and acceptable to the department.
- 4) *Private Access and Utility Easement:*
 - a) A Private Access and Utilities Easement is required to reach the smallest of the lots. This private access easement needs to be labeled as a “Private Access and Utilities Easement”. It should be clear that the private access easement is solely for access and utilities, and parking in the easement is not allowed. Furthermore, the private access easement shall exist in perpetuity to serve all three lots. The City shall not be responsible for the maintenance of this easement, and shall be held harmless from civil disputes arising over use of the easement.
 - b) A preexisting Variance (2014-03) and Resolution (2014-24) is associated with the lot to reduce frontage from 60 feet to 20 feet. However, the replat was never completed, and the variance has expired. Furthermore, the intended design has changed, and therefore it is no longer valid if this plat is approved. A new variance will be required. The need for this variance is not the fault of the applicant, as the lot is substantially below grade of the adjacent roadway.
- 5) A parking plan shows an appropriate amount of parking for each lot.
- 6) Several easements are missing from the lot, as noted in Condition 2.
- 7) Setbacks shown on the plat do not conform to zoning code.

- 8) The Conditions noted below also cover some housekeeping items, such as the appropriate signature for the plat approval, noting the appropriate owner in the signature block, reiterating the proposed buildings are not approved this plat, etc.

CONDITIONS

1. A certificate to plat must be provided per UCO 8.08.070(A)(3)(b)
2. All utility lines serving this subdivision must be shown on the final plat, including relevant mainlines.
3. All new and existing easements must be shown on the final plat, including those easements shown on plat 91-21 and document number 1993-000420 AIRD.
4. Utility service lines for any lot shall not cross through another lot without a dedicated utility easement.
5. Proposed buildings must be removed for final plat, existing deck shall be shown on existing triplex.
6. The applicant shall not proceed to the final plat until the existing triplex on Lot 3 is a legal nonconforming use, which may be accomplished by completing the conditions of approval of the Conditional Use Permit approved by Resolution 2021-08.
7. The name of the signer under City Approval must be changed from “Planning Director, Platting Authority” to “Chair of the Platting Board”.
8. The Private Access Easement must include a note of the following: That no parking is to be allowed on the private access easement. The private access easement is to be shared across all separate lots, and is to exist in perpetuity. Disputes over the private access easement and any rights it may confer are solely a civil matter, the City is not responsible for the resolution of disputes arising from the access easement. The City will not maintain the private access easement.
9. The owner of the neighboring lot shall provide a written statement accepting the Drainage Plan if their lot is included and affected per application statement.
10. The 5-foot drainage easement shall be shown within the access easement.
11. Note number 5 is to be deleted. Variance 2014-03 was withdrawn by the applicant, and Lot 2 is not beholden to the expired and therefore void variance resolution 2014-24.
12. A closure report shall be submitted.
13. Electronic versions of the final plat shall be provided to the Department of Planning at the time of mylar plat submittal, allowing for incorporation into the City’s CAD and GIS programs.

RECOMMENDATION

In accordance with the standards outlined in Unalaska City Code of Ordinances Chapter 8.12 (Zoning), the City of Unalaska Department of Planning, in concert with the City’s Developmental Review Team, recommends that the Planning Commission **approve Resolution 2021-06**



PLANNING REQUEST APPLICATION FORM

CITY OF UNALASKA, ALASKA

Department of Planning
PO Box 610
Unalaska, Alaska 99685-0610
Phone: (907) 581 3100 FAX (907) 581 4181
Email: planning@ci.unalaska.ak.us
Website: www.ci.unalaska.ak.us

The undersigned hereby applies to the City of Unalaska for approval of the following as per Title 8: Planning and Land Use Development, UCO.

APPLICATION FOR:



VARIANCE



ZONE AMENDMENT



CONDITIONAL USE



PLAT

Brief Description of Request: (attach additional information to communicate request)

Current Zone Designation: Single Family Duplex Proposed Zone Designation(s) (if applicable): _____

Current Land Use(s): Single Family Duplex w/conditional use Proposed Land Use(s) (if changing): _____

Property Owner: Dutch Harbor Properties LLC.

Property Owner Address: P.O. Box 921404, Dutch Harbor, AK 99692

Street Address of Property: 189 Trapper Drive

Applicant's Name: Monica Henning

Mailing Address: P.O. Box 921404 Dutch Harbor AK 99692

Email: mmm-8k@hotmail.com Day Time Phone: _____ Message Phone: _____

FOR OFFICE USE ONLY		DATE	
Preliminary Plat Copies		Attachment A	
Applicant Letter		Site Plan	
Application Fee		Title Search/Certificate-to-Plat	

PROPERTY LEGAL DESCRIPTION: (Fill in applicable blanks)

Tax Lot ID No.: 91-14 Lot: 14 Block: 8 Tract: _____

Subdivision: Haystack Hill Sub. USS: _____

Section(s): _____ Township: _____ Range: _____

PROPOSED FUTURE DESIGNATION OF PROPERTY: (For Plat Application Only)

Platting Procedures and Requirements are described in detail in Chapter 8.08: Platting and Subdivision. A certificate to plat as proof of ownership shall accompany the submittal of a plat.

SUBDIVISION Trey Nicholas Henning Subdivision

Block(s) _____ Lot (s) _____ Tract (s) _____ USS _____

Containing: _____ Acre(s) _____ Lot(s) _____ Tract(s) _____

SURVEYOR INFORMATION

Surveyor Name: John F. Segesser

Firm Name: Segesser Surveys Inc

Address: 30485 Rosland St. Soldotna, AK 99669

Contact Details: Email seggy@ptialaska.net Phone Number 907-262-3909

Registered in Alaska: Yes ☒ No ☐

REQUIRED SUPPLEMENTAL INFORMATION (For Variance, Zone Amendment and Conditional Use Application Only).

Subdivision Variance (8.08.110)

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Variance:

- Is needed due to special circumstances or conditions affecting the proposed subdivision such that strict application of the provisions of this chapter would clearly be impractical or undesirable to the general public or that strict application would be unreasonable or cause undue hardship to the applicant requesting the variance.
- Will not be detrimental to the public welfare or injurious to other property in the area in which the proposed subdivision is located;
- Will be in accord with the intent and purpose of this chapter and of the Comprehensive Plan of the city.

Zone Amendment (8.12.190)

Applicant is encouraged to submit supporting documentation to demonstrate how the requested Zone Amendment is reasonable, in the public interest, and in conformance with the goals and objectives of the Comprehensive Plan.

Conditional Use (8.12.200)

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Conditional Use:

- Furthers the goals and objectives of the Comprehensive Development Plan;
- Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
- Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

Zoning Variance (8.12.210)

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Variance:

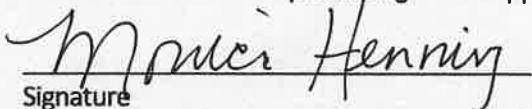
- Need is not caused by the person seeking the variance and that exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district, and result from lot size, shape, topography, or other circumstances over which the applicant has no control. An argument of "financial hardship" when defined as causing a developer to spend more than he is willing to in order to conform, is not an over-riding factor in the granting of a variance;
- Is necessary for the preservation of a property right of the applicant substantially the same as is possessed by other landowners in the same zoning district;
- Will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- Will not be materially detrimental to the intent of this chapter, or to properties in the same zoning district in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan and the variance requested is the minimum variance, which would alleviate the hardship.

***SITE PLAN (TO SCALE):** Please show all existing and proposed structures, access, dimensions, utilities and parking as appropriate.

PLEASE NOTE : All applications must be received fifteen (15) days prior to the next regular meeting of the Planning Commission as per Section 8.12.200(A)(2), Section 8.12.210(B)(2) UCO, and Section 8.12.190 UCO. The Department of Planning will provide an examination of the City of Unalaska Real Property Tax Roll indicating that the signature of the landowner on the application form is in fact the latest owner of record. The Department of Planning will mail a notice of the public hearing to all landowners of record within 300 feet of the proposed request as shown in the City of Unalaska Real Property Tax Rolls.

CERTIFICATION:

I hereby certify that (I Am) (I have been authorized to act for*) the owner of the property described above and that I desire a planning action for this property in conformance with the Title 8, UCO and hereby dispose and say that all of the above statements are true. I am familiar with the code requirements and certify, to the best of my knowledge, belief, and professional ability, that this application meets them. I understand that payment of the review fee is non-refundable and is to cover costs associated with the processing of this application and that it does not assure approval of the request.


Signature

2.20.2021
Date

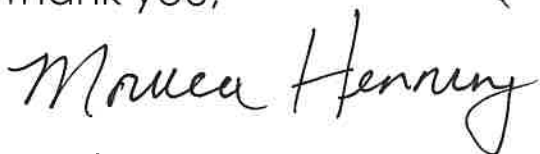
***Please fill out and submit Authorization to Make Application by Agent form if acting as Owner's Agent**

Planning Request for a Variance and Conditional Use

Attachment:

- 1.) I am requesting a Variance for the proposed Lot 2. The requirement is a 20' set back on the south side but I am requesting a 10' Setback on the south side so I can install 1' corrugated high density polypipe and catch basins to improve the drainage for Mike Hansen and my property. My proposed drainage will flow into the cities proposed drainage. Also, I will would use the variance to build the proposed small single family home away from the mountain and drainage.
- 2.) I am requesting a conditional use extension for the proposed Lot 3. Lot 3 currently has an existing triplex which has been approved in the past and the building is currently being utilized as a triplex.

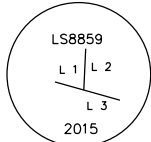
Thank you,

A handwritten signature in cursive script that reads "Monica Henning".

Monica Henning

LEGEND

- = REBAR FOUND
○ = REBAR W/ PLASTIC CAP SET THIS SURVEY
⊙ = PRIMARY MONUMENTS SET THIS SURVEY
⊠ = UTILITY PEDESTALS
— s — = SEWER LINE
— w — = WATER LINE
— e — = UNDERGROUND ELECTRIC



TYPICAL MONUMENT SET



TYPICAL PLASTIC CAP

NOTES:

- 1) The Basis of bearing for this survey is S86°54'49"E and is based on the North property line of Lot 14, Block 8 as shown on the plat Hatstack Hill Subdivision Plat No. 91-14, and filed in the Aleutian Islands Recording District.
- 2) As of the date of survey, all public utilities are within the Right of Ways or have dedicated easements provided and the Right of Ways encompass the travelways.
- 3) No Alaska Department of Environmental Conservation approval is required for this plat.
- 4) Developers may not alter existing natural drainage without providing alternatives and/or drainage easements, if necessary.
- 5) Lot 2 is permissible due to Variance 2014-03 approved by Planning Commission Resolution 2014-24, issued December 9, 2014.
- 6) The proposed buildings shown on Lots 1 and 2 have not been approved by the City of Unalaska, and this plat does not imply endorsement or approval of the proposed buildings.
- 7) The existing building on Lot 3 operates as a triplex under Conditional Use Permit Resolution 2015-13 approved on May 14, 2015. Conditions of approval for such Conditional Use Permit shall apply to Lot 3, including the maintenance of 6 parking spaces.
- 8) This subdivision is currently zoned Single-Family/ Duplex Residential. A maximum of 2 residential units are allowed for each lot. Front and rear yard requirements for Lots 1 and 2 are 15 feet. Front and rear yard requirements for Lot 3 are 20 feet. Side yard requirements are 10 feet for all lots. Maximum height of structures is 35 feet, and maximum lot coverage is 40%. The existing building does not meet the front yard requirements and is considered a nonconforming structure of record.

CITY APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE CITY OF UNALASKA, SAID PLAT HAS BEEN APPROVED BY THE CITY OF UNALASKA.

CITY CLERK

CHAIR OF THE PLATTING BOARD

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____,
FOR _____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____,
FOR _____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

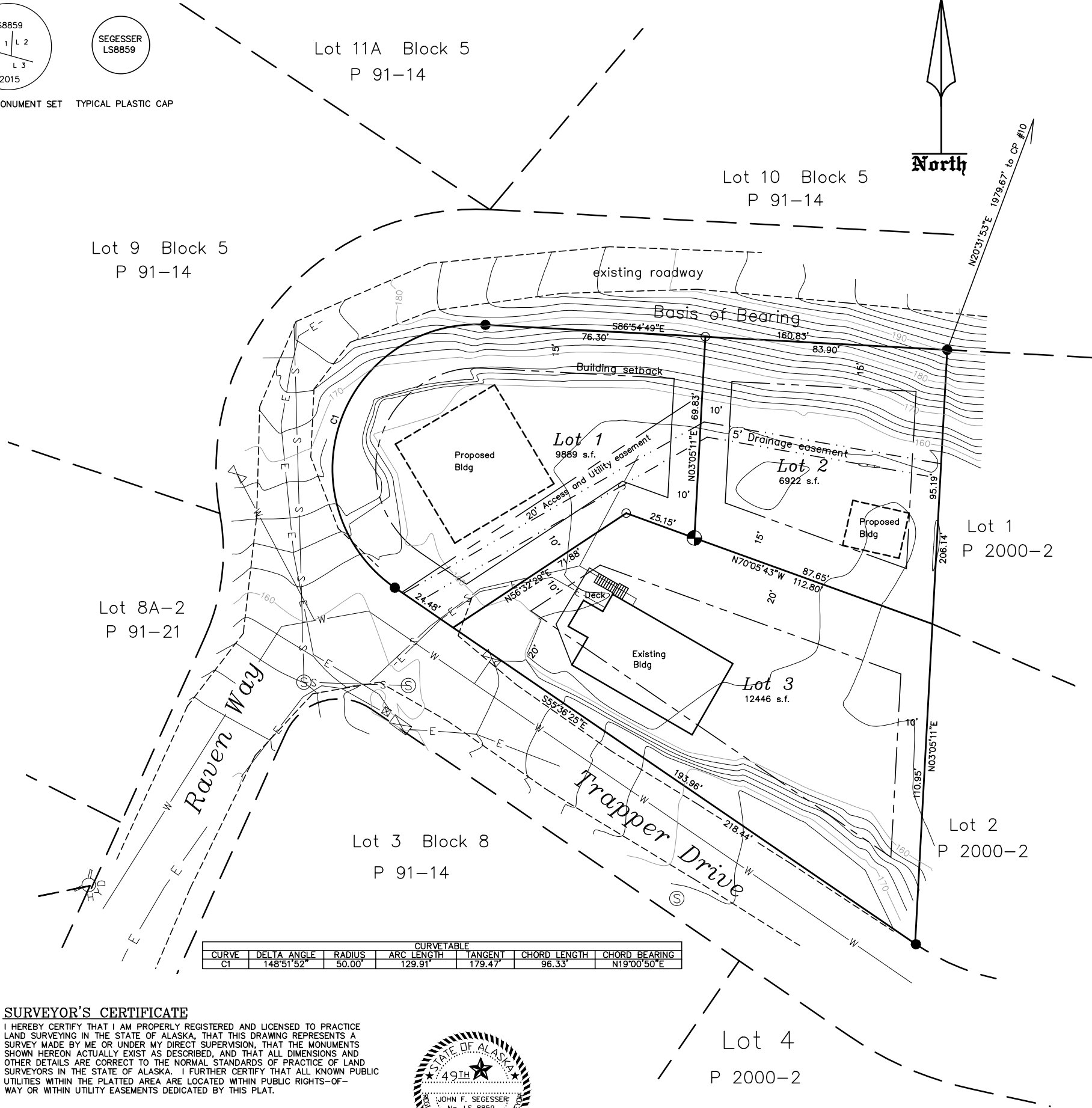
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS DRAWING REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA. I FURTHER CERTIFY THAT ALL KNOWN PUBLIC UTILITIES WITHIN THE PLATTED AREA ARE LOCATED WITHIN PUBLIC RIGHTS-OF-WAY OR WITHIN UTILITY EASEMENTS DEDICATED BY THIS PLAT.

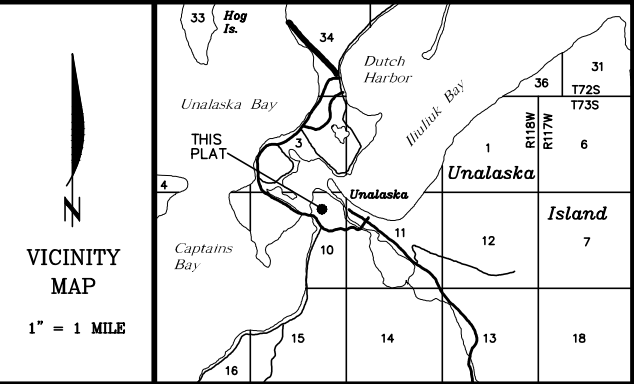
REGISTERED LAND SURVEYOR

REGISTRATION NO.

DATE



CURVETABLE						
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	148°51'52"	50.00'	129.91'	179.47'	96.33'	N19°00'50"E



CERTIFICATE of OWNERSHIP
and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO THE PUBLIC, AND EASEMENTS TO THE USE SHOWN.

DUTCH HARBOR PROPERTIES LLC
P.O. BOX 921404
DUTCH HARBOR, ALASKA 99692

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____,
FOR _____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

TAX CERTIFICATE

I HEREBY CERTIFY THAT NO TAX PAYMENT IS CURRENTLY DUE FOR THE PROPERTY SHOWN HEREON.

TAX OFFICIAL, CITY OF UNALASKA

DATE

Trey Nicholas
Henning Subdivision

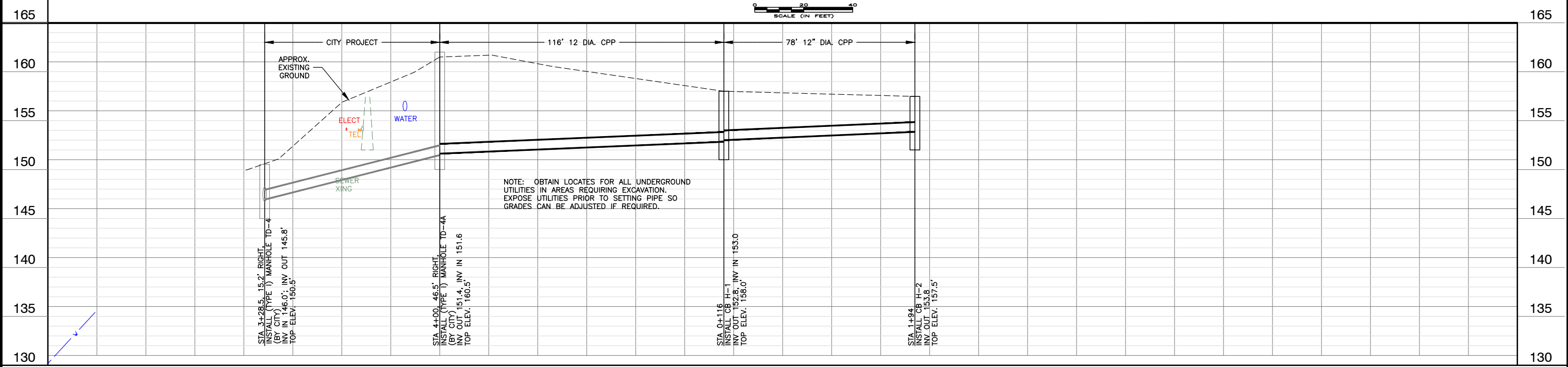
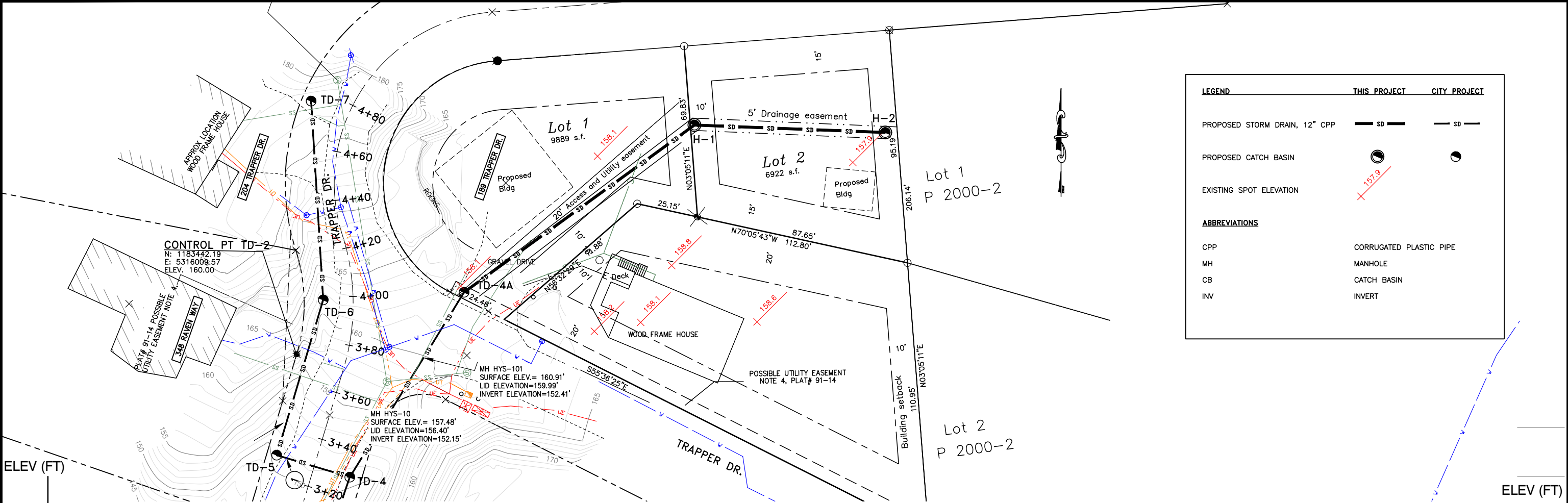
A replat of Lot 14 Block 8, Haystack Hill
Subdivision, Plat 91-14 Aleutian Islands Rec. Dist.

Located within protracted Section 10, T73S, R118W, S.M.,
City of Unalaska, Alaska.

Containing 29258 s.f. 0.672 Ac.

SEGESSER SURVEYS
30485 Rosland St.
Soldotna, AK 99669

JOB NO.	20317	DRAWN:	4-26-21
SURVEYED:	June, 2009	SCALE:	1"=20'
FIELD BK:	08-5	SHEET:	1 of 1



GENERAL NOTES:

- STATIONING ON THE CITY STORM DRAIN IS ALONG THE CENTERLINE OF THE ROAD ROW WITH OFFSETS FROM CENTERLINE.
- STATIONING FOR THE HENNING SUBDIVISION STORM DRAIN IS ALONG THE CENTERLINE OF THE PIPE.
- THE CITY STORM DRAIN SYSTEM IS NOT INSTALLED AS OF APRIL 2021. THE DEPICTED SYSTEM IS SCHEDULED FOR INSTALLATION IN 2021. CONFIRM CONSTRUCTION PRIOR TO STARTING THIS WORK.
- CONTRACTOR SHALL MAKE ADJUSTMENTS TO CATCH BASIN TOP AND INVERT ELEVATIONS TO ACCOMMODATE FIELD CONDITIONS. SURFACING SHALL BE GRADED TO DRAIN TO CATCH BASINS.

FOR REVIEW 4/26/21

0" 1/2" 1" 1-1/2"
GRAPHIC SCALE

PROFILE SCALE
HORIZ: 1"=20'
VERT: 1"=5'

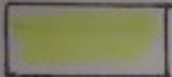
REV	DATE	DESCRIPTION

REGAN ENGINEERING, P.C.

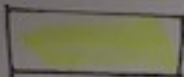
PROJECT: **HENNING SUBDIVISION**
STORM DRAINAGE IMPROVEMENTS

TITLE: **STORM DRAIN PLAN & PROFILE**

DESIGNED BY:	TR	DATE:	02/26/21	SHEET NO:
CHECKED BY:	TR	DPW PROJECT NO:	N/A	01 OF 01

 = Lot 1 Parking



 = Lot 2 Parking

MONICA HENNIP
P.O. BOX 9214
DUTCH HARBOR

NOTA

SUBSCRIBED AND

FOR _____

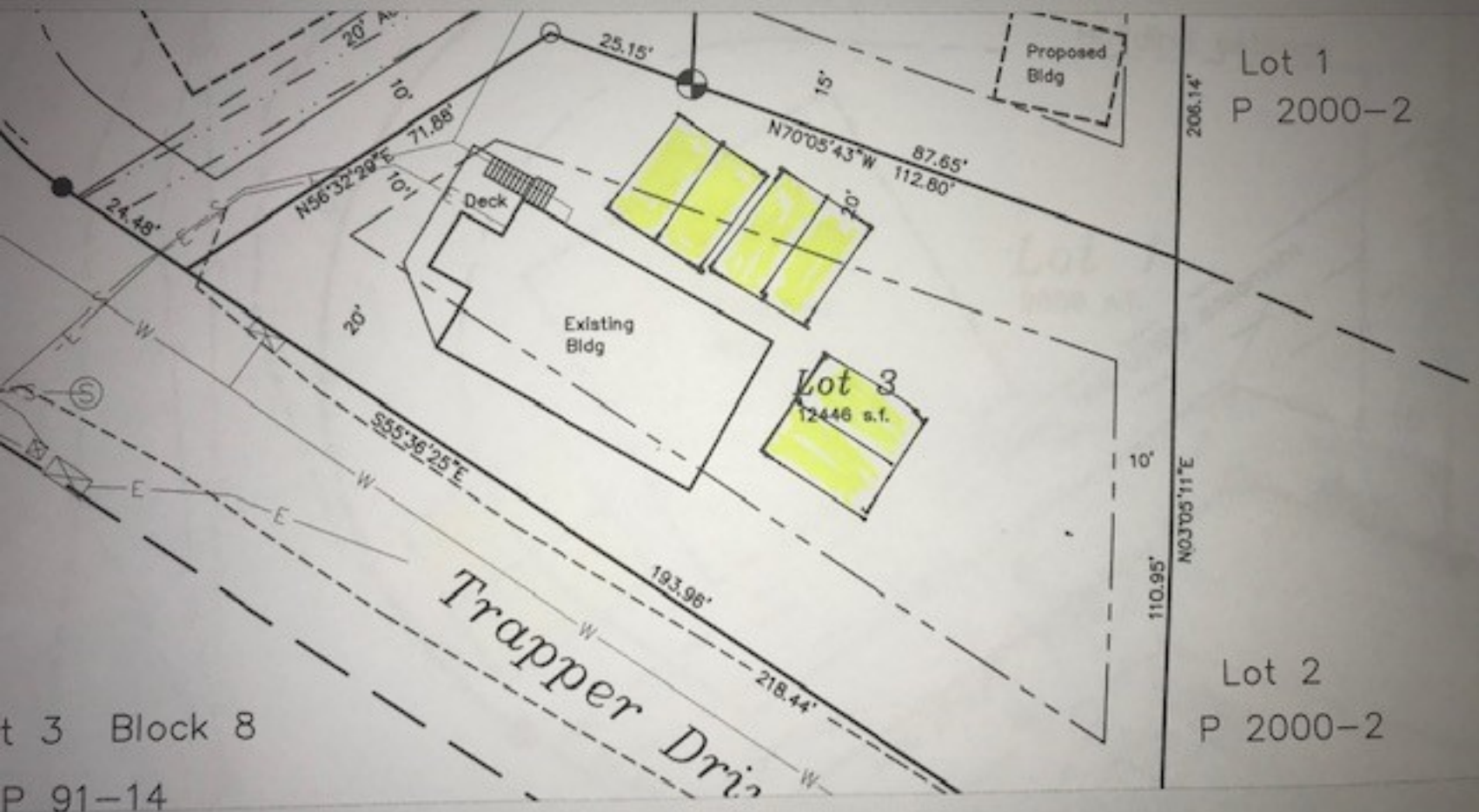


Lot 1
P 2000-2





Lot 3 Parking



UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that, John D. York whose address is P.O. Box 33, Unalaska, Alaska 99685 ("Grantor"), does hereby convey to the City of Unalaska, whose address is P.O. Box 89, Unalaska, Alaska 99685 ("Grantee"), its successors and assigns forever, an easement and a right of way in perpetuity, with the right, privilege and authority to the City, its successors and assigns, to construct, erect, operate and maintain power lines and appurtenances through, across, over and under the following described lands, to wit:

A portion of Lot 14, Block 8, Haystack Hill Subdivision, Seward Meridian, P-91-21, Aleutian Islands Recording District, more specifically, a 10' wide parcel shown on Exhibit "A" and described as follows:

Commencing at the southwest corner of Lot 14, Block 8, at the southerly end point of an arc on the right-of-way of Trapper Drive, said arc having a length of 129.76 feet; thence northeasterly 5 feet more or less along the west end of an existing utility easement; thence S 55d36'25" E, 8.00 feet along the northeast side of the existing utility easement to the point of beginning; thence continuing along northeast side of the existing utility easement S 55d36'25" E, 16.10 feet; thence N 86d00' E, 25.00 feet; thence N 04d00' W, 10.00 feet; thence S 86d00' W, 37.62' feet to the point of beginning; 309 square feet, more or less.

and that only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation, maintenance, repair and removal of said power line and appurtenances, reserving unto the property owners the right to use said property in any way and for any purpose not inconsistent with the rights hereby acquired; provided that the City shall have the right without prior institution of any suit or proceeding at law, at such times as may be necessary, to enter upon said property for the purposes herein described, without incurring any legal obligation or liability therefore; provided that such work shall be accomplished in such a manner that the private improvements existing in said easement area shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed, they shall be replaced in as good condition as they were immediately before the property was entered upon by the City; and provided that no building or buildings or other permanent structures shall be constructed or permitted to remain within the boundaries of said easement without written permission of the City, its successors or assigns.

This agreement shall be a covenant running with the land and shall be binding on the Grantor, his heirs, executors, administrators and assigns forever.

IN WITNESS WHEREOF, the Grantor hereunto sets his hand and seal this 27 day of May, 1993.

John D. York
John D. York

ACKNOWLEDGEMENT

STATE OF ALASKA)

) ss:

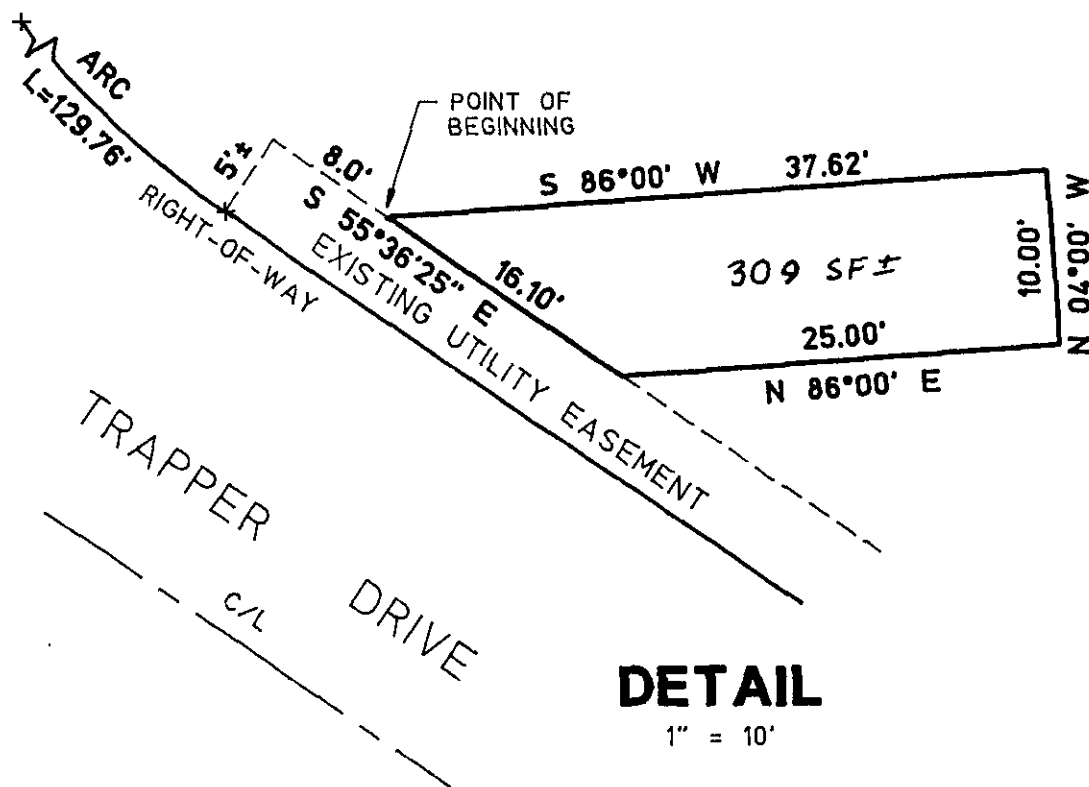
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 27 day of May, 1993, by John D. York

Rita Hawley
NOTARY PUBLIC in and for Alaska
My commission expires: 11/27/96

RETURN TO:

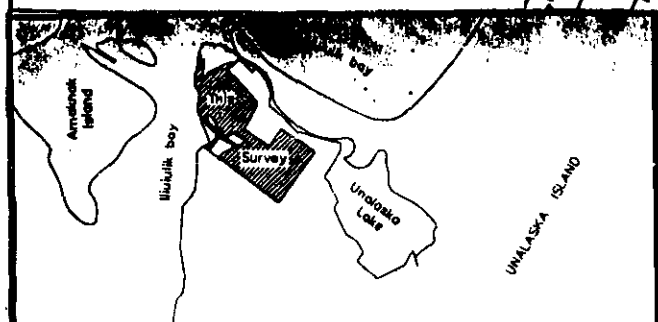
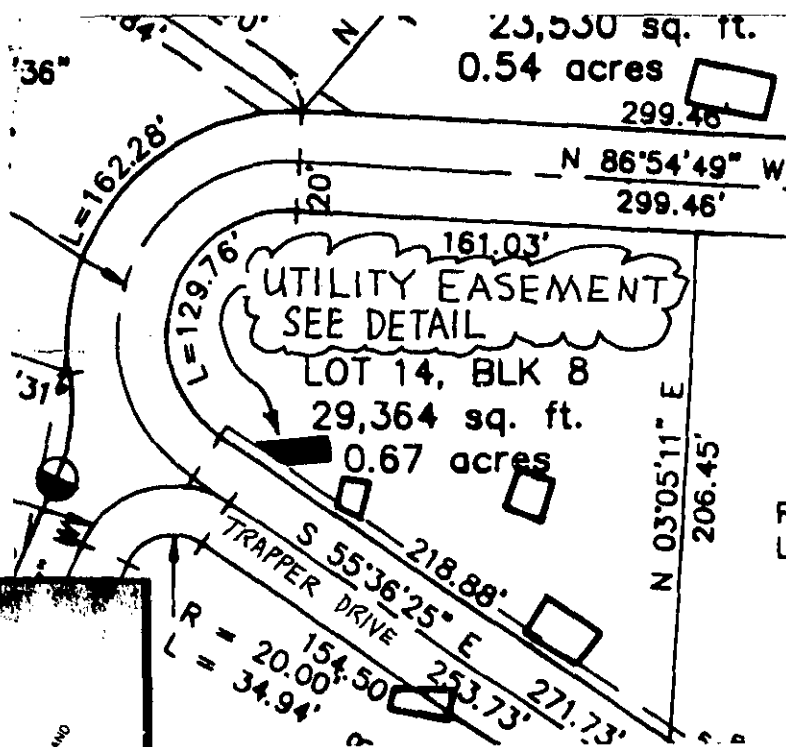
Roe Sturgulewski
Public Works Director
City of Unalaska
P.O. Box 89
Unalaska, AK 99685



DETAIL
1" = 10'

93-420

RECORDED - FILED 18
Aleutian Islands REC. DIST.
DATE 6-9-93
TIME 2:15 P.M.
Submitted by City of Unalaska
Address



HAYSTACK HILL SUBDIVISION

A PLAT OF
A RESUBDIVISION OF
Lots 3 THRU 5, Block 1; a portion of Lot 5, Block 3;
Block 4; Lots 2 thru 5, Block 5 and Tract "B" of
USS 4988 & the Vacation of portions of First, Third &
Fourth Streets & Captain's Bay Road within USS 4988.
Located Within Sec. 11, T 73 S, R 118 W, S.W., ALASKA
Containing 29 Lots, 2 Tracts, 81.69 Acres
ALEUTIAN RECORDING DISTRICT

**TRYCK
NYMAN
& HAYES**
ENGINEERS/PLANNERS/SURVEYORS
& LANDSCAPE ARCHITECTS

DATE	JWG	SCALE	1" = 100' N.T.S.
CHECKED	WFT	JOB NO.	7480.0
DATE	04/01/91	GRID	
FIELD BOOK		CASE NO.	
PREPARED FOR	CITY of UNALASKA	SHEET	1 of 1

EXHIBIT "A"



Block 5
91-14

existing roadway

Basis of Bearing

Lot 1
9889 s.f.

Lot 2
6922 s.f.

Lot 1
P 2000-2

Lot 8A-2
P 91-21

Existing Bldg

Lot 3
12446 s.f.

Lot 2
P 2000-2

Raven Way

Trapper Drive

Lot 3 Block B
P 91-14

Building setback

**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2021-06**

**A RESOLUTION APPROVING THE PRELIMINARY PLAT OF HENNING SUBDIVISION, A
REPLAT OF LOT 14, BLOCK 8, HAYSTACK HILL SUBDIVISION, PLAT 91-14, AIRD**

WHEREAS, UCO 8.08 sets forth the procedures and requirements for the subdivision and platting of land and provides that the Planning Commission/Platting Board shall act as the Platting Authority; and

WHEREAS, Monica Henning is the owner of Dutch Harbor Properties, which is the owner of Lot 14, Block 8, Haystack Hill Subdivision, P-91-14, Aleutian Islands Recording District (04-09-211); and

WHEREAS, the landowner has submitted a plat application to split the existing lot into three lots; and

WHEREAS, the City of Unalaska Departments of Planning, Public Works, Public Utilities, and Public Safety staff have reviewed the proposed plat and have requested revisions as described below; and

WHEREAS, the City of Unalaska Planning Commission held a public hearing on May 20, 2021 to consider this platting action and to hear testimony of the public;

WHEREAS, notices were posted and mailed in accordance with Title 8, UCO §8.08.020(F); and

NOW THEREFORE BE IT RESOLVED, the Platting Board approves the preliminary plat of Henning Subdivision with the following conditions of approval in accordance with the standards outlined in Unalaska Code of Ordinances Chapter 8.08 (Platting and Subdivision):

1. A certificate to plat must be provided per UCO 8.08.070(A)(3)(b)
2. All utility lines serving this subdivision must be shown on the final plat, including relevant mainlines.
3. All new and existing easements must be shown on the final plat, including those easements shown on plat 91-21 and document number 1993-000420 AIRD.
4. Utility service lines for any lot shall not cross through another lot without a dedicated utility easement.
5. Proposed buildings must be removed for final plat, existing deck shall be shown on existing triplex.
6. The applicant shall not proceed to the final plat until the existing triplex on Lot 3 is a legal nonconforming use, which may be accomplished by completing the conditions of approval of the Conditional Use Permit approved by Resolution 2021-08.
7. The name of the signer under City Approval must be changed from "Planning Director, Platting Authority" to "Chair of the Platting Board".
8. The Private Access Easement must include a note of the following: That no parking is to be allowed on the private access easement. The private access easement is to be shared across all separate lots, and is to exist in perpetuity. Disputes over the private access easement and any rights it may confer are solely a civil matter, the City is not responsible for the resolution of disputes arising from the access easement. The City will not maintain the private access easement.
9. The owner of the neighboring lot shall provide a written statement accepting the Drainage Plan if their lot is included and affected per application statement.
10. The 5-foot drainage easement shall be shown within the access easement.
11. Note number 5 is to be deleted. Variance 2014-03 was withdrawn by the applicant, and Lot 2 is not beholden to the expired and therefore void variance resolution 2014-24.
12. A closure report shall be submitted.

13. Electronic versions of the final plat shall be provided to the Department of Planning at the time of mylar plat submittal, allowing for incorporation into the City's CAD and GIS programs.

Upon the correction of the aforementioned deficiencies, the applicant shall submit a corrected preliminary plat to the Department of Planning for review and concurrence before proceeding to final plat. This conditional plat approval becomes effective if there are no appeals within ten (10) working days after the Planning Commission action and shall remain in effect for one year.

PASSED AND APPROVED THIS ____ DAY OF _____, 2021, BY THE PLATTING BOARD OF THE CITY OF UNALASKA, ALASKA.

Travis Swangel
Commission Chair

William Homka, AICP, Planning Director
Secretary of the Commission

City of Unalaska, Alaska
Planning Commission/Platting Board
Staff Report

RESOLUTION 2021-08: A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A TRIPLEX ON A PARCEL ZONED SINGLE FAMILY DUPLEX ON THE PROPOSED LOT 3 OF THE PROPOSED HENNING SUBDIVISION

Basic Information	
Application Type	Conditional Use Permit
Land Owner(s)	Dutch Harbor Properties, Owner, Monica Henning
Applicant	Monica Henning
Proposed Use	Triplex
Exhibits	Draft Resolution 2021-08, Preliminary Plat Application, Supplemental Materials, Location Map
Staff Recommendation	Approval of Resolution 2021-08

Legal Information	
Tax Parcel ID	Parent Parcel: 04-09-211
Address	189 Trapper Drive, Unalaska, Alaska 99685
Legal Description	A proposed subdivision of Lot 14, Block 8, Haystack Hill Subdivision, Plat 91-14, AIRD
Land Use Subarea	Haystack Hill

Area Description	
North	Proposed Lot 2, Cliffside uphill to Raven Way, Undeveloped continuing up.
South	Trapper Drive, Single-Family/Duplex
East	Majority Single Family Housing, one duplex
West	Proposed Lot 1, Raven Way, Single Family Housing

Current Site Description and Zoning Standards					
Zone	Single Family/Duplex (SFO) (UCO §8.12.040)				
Existing Use	Residential				
Permitted Uses	In the Single-Family/Duplex District, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended, or designated to be used for other than one or more of the following uses: Up to two single-family dwellings or a two-family dwelling, on a lot; Home occupations subject to the requirements of § 8.12.180(M); Day-care for five or less children; Noncommercial greenhouses, gardens, storage sheds; Outdoor storage of subsistence and noncommercial fishing gear, boats, nets, buoys, and related equipment; Noncommercial stables, barnyards, and corrals provided they shall be located not less than 25 feet from any public street or property line; Noncommercial agricultural buildings and activities; Public recreational areas, parks, playgrounds, hiking trails, and such buildings and structures as are related thereto				
Conditional Uses	Schools; Churches; Public and quasi-public buildings essential to the physical and economic welfare of the area, such as utility buildings and facilities, fire stations, electric substations, water treatment plants, telephone exchanges, and similar uses or public services; Public and quasi-public social and recreational facilities; Bed and breakfasts, lodging houses, and boarding houses; Day-care for more than five children				
	Existing	Required		Existing	Required
Lot Area	12,280 ft ²	>10,000 ft ²	Front Setback	9.5 ft	20 ft
Lot Frontage	24 ft	>60 ft	Side Setbacks	≈ 70 ft	10 ft
Coverage	17 %	<50 %	Rear Setback	≈ 85 ft	20 ft
Building Height	≈ 30 ft	<30 ft	Parking	6	6 spots
Corner Lot?	No		Nonconformance?	None	

Parcel History	
Planning Commission Resolution	<p>Resolution 2014-03: Withdrawn resolution.</p> <p>Resolution 2014-24: A Resolution Approving a Variance for a Lot Width Reduction From 60 Feet To 20 Feet to Accommodate A Subdivision of Lot 14, Block 8, Haystack Hill Subdivision, Located At 201 Trapper Drive – Approved with conditions, expired.</p> <p>Resolution 2015-13: A Resolution Approving a Conditional Use Permit for Three Existing Residential Dwelling Units on Lot 14, Block 8, Haystack Hill Subdivision, Located At 189 Trapper Drive – Approved with conditions, expired before work was done.</p> <p>Resolution 2015-21: A Resolution Approving Preliminary Plat of Deffendall Subdivision, a Replat Of Lot 14, Block 8, Haystack Hill Subdivision, Located At 201 Trapper Drive – Approved, not completed, due to Res. 2015-13 not being completed. Substantially different design from this application.</p> <p>Resolution 2016-10: A Resolution Approving a Conditional Use Permit for Three Existing Residential Dwelling Units on Lot 14, Block 8, Haystack Hill Subdivision, Located At 189 Trapper Drive – Re-Approved after original approval expired</p>
City Council Ordinance	Resolution 99-18: A Resolution of the Unalaska City Council Confirming the Assessment Roll for the Upper Haystack Hill Sewer Assessment District - Approved
Building Permit	<p>BP 92-47 – appears base structure is constructed</p> <p>BP 04-03 – addition to existing structure, unclear if single or duplex.</p>

ADDITIONAL CODE REQUIREMENTS

1. **§ 8.12.040 SINGLE-FAMILY/DUPLEX DISTRICT (SFD).**

(E) *Minimum lot size.*

- (1) 10,000 square feet for any combination of up to two dwelling units.
- (2) If additional requirements identified in § 8.08.070(A)(3)(d) are met, the minimum lot size for a single-family dwelling unit or a two-family dwelling unit/duplex may be less than 10,000 but shall be no smaller than 6,000 square feet.

2. **§ 8.12.200 Conditional Use Applications.**

(C) *Findings.* At public hearing, the Planning Commission shall determine if any application for a conditional use:

- (1) Furthers the goals and objectives of the Comprehensive Development Plan;
- (2) Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
- (3) Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

3. **§ 8.12.170 GENERAL PROVISIONS.**

(B) *Front yards (See § 8.06.020(A), “Yard”).* Where any specified front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the front lot line than the distance indicated by the depth of the required front yard. Exceptions include:

- (1) Steps, terraces, platforms, and porches having no roof covering and not being over 30 inches high may be built within a front yard a distance of not more than two feet and are specifically excluded from this definition; and
- (2) Eaves, cornices, and similar ornamentations may project over a front yard not more than two feet.
- (K) *Off-street parking requirements.* At the time a new structure is erected or a structure is enlarged, or the use of the existing structure is changed, off-street parking spaces shall be provided as set forth in this section, unless greater requirements are otherwise provided in connection with an existing use prior to the adoption date of this chapter. Each parking space shall be at least 180 square feet in area and have a width of nine feet and a depth of not less than 20 feet. In determining the gross area required for an off-street parking lot requiring a specific number of parking places including driveways and aisles, 250 square feet per parking space shall be used. Each use shall provide the following minimum off-street parking spaces discussed below.
 - (2) *Location of parking.* Off-street parking shall be located as follows:
 - (a) Parking spaces serving single and multi-family dwelling units shall be located on the same lot as the building served;
 - (6) Other off-street parking requirements. Other off-street parking requirements are to be provided as follows:
 - (a) All residential dwellings. Two spaces per dwelling unit;

PLAN GUIDANCE

1. Housing was identified as a community need in the 2009 Community Visions for the Future: Unalaska 2010-2020 visioning document as part of the Comprehensive Planning process.
2. The Unalaska Comprehensive Plan 2020 – Housing Plan identifies several goals including:
 - a. Goal #9 of the Unalaska Housing Plan is to ensure that zoning and all regulatory and permit processes support the redevelopment of in-fill lots and new subdivisions for new housing development.
 - b. Goal #4 of the Unalaska Housing Plan is to preserve and improve the condition of existing housing in the community through code enforcement.
3. The 2015 Land Use Plan calls for an overall increase in Single Family/Duplex housing in the undeveloped lands of Haystack Hill. However, it acknowledges this lot as being already zoned for, and in use as Single Family. This was prior to the housing being identified as multi-family housing. The Land Use Plan specifically calls for no additional multi family housing to be built in the Haystack Hill subarea.

BACKGROUND

1. The triplex has existed in some form since approximately 2004, the first-floor footprint having existed as early as 1992.
2. The previous owner purchased the building in 2007, and stated on the record that the building had been operating as a triplex prior to his purchase of the lot.
3. The previous owner applied to retroactively bring the triplex into compliance with zoning code, and the triplex was permitted in 2015 with conditions (Resolution 2015-21).
4. The Resolution 2015-21 permit lapsed due to incomplete conditions. Once the triplex met its conditions in 2016, it was permitted again in Resolution 2016-10, with the same conditions as Resolution 2015-21.
5. The applicant purchased the land in 2020.

6. The applicant desires to continue to use the triplex.
7. If the plat is approved, the existing CUP expires and must be re-evaluated.
8. The conditional use requested in this case is for one additional dwelling unit above the maximum of two. The total number of units allowed would then be three, rather than two.
9. This request is a conditional use application to continue the existing use of the triplex. The applicant is proposing no changes to the property, but simply attempting to continue the lot's conformance with the zoning code by obtaining the necessary conditional use permit. If the Commission chose to deny the permit, the applicant would be compelled by the City to discontinue use of the one extra dwelling unit and remove one of the families from their home.
10. During the past fourteen or more years that this triplex has been in operation, there have been no complaints or major issues noted with congestion, noise, or parking. The appearance of the triplex doesn't differ from typical buildings expected in the Single-Family/Duplex Residential zone or from typical buildings in this particular neighborhood. It largely resembles a single-family home and only houses five occupants in the entire triplex.
11. The only change in conditions in this resolution is related to the Private Access Easement, which was not related to the Lot in the past.

DETAILED FINDINGS

The purpose of the conditional use permit is to allow for a specific use to be examined on a case-by-case basis with consideration to the uniqueness of the situation and public testimony. The Planning Commission is to approve the request when it finds that the three-part test is satisfied. Staff finds that all three tests are met as follows.

- 1) *Furtheres the goals and objectives of the Comprehensive Development Plan:*
 - a) The conditional use furthers the objectives of the Comprehensive Plan by providing additional housing for the community in accordance with Goal #9 of the Housing Plan. Goal #4 encourages compliance with standards for quality of structures, which is furthered by Conditions #2 and #3, as they bring the building into compliance with City standards for a triplex.
 - b) Staff finds this test passed with conditions.
- 2) *Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district:*
 - a) The conditional use is compatible with the surrounding land uses and neighborhood character, as the structure resembles a single-family home and the intensity of the use is minimal enough not to conflict with the character of the surrounding area.
 - b) Condition #1 added to the draft resolution guarantees that the character of the structure will not change by requiring that the applicant obtain a new conditional use permit from the Planning Commission for any significant alterations to the building. The applicant is advised that this condition applies to all exterior fascia and accessories such as fuel tanks and stairs/decking.
 - c) The parking plan and the access easement will prevent disputes over parking space and requirements.
 - d) Staff finds this test passed with conditions.
- 3) *Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district:*
 - a) The conditional use will not have a negative impact on the surrounding area because the impact of the use is minimal. The use has been in operation for at least fourteen years and has

caused no noticeable negative impacts beyond what is expected from a single-family home or duplex. Again, condition #1 added to the draft resolution will maintain the low impact of the use. Also, conditions #2 and #3 keeps the structure in compliance with City requirements for a triplex, which prevents the structure from having a negative impact on the community in terms of fair utility billing and maintaining water quality. Condition #4 prevents the use from having a negative impact by requiring adequate parking on the property.

- b) A parking plan was submitted with the plat; showing the required six spaces.
- c) The shared private access easement may result in contention in the future, as many have in the city in the past. The need for a private access easement is unfortunately unavoidable, as the lot cannot be accessed from the adjacent roadway due to the topography of the lot. It should be clear that the private access easement is solely for access and utilities. Parking in the easement is not allowed. Furthermore, the private access easement shall exist in perpetuity to serve all three lots. The City shall not be responsible for the maintenance of this easement, and shall be held harmless from civil disputes arising over use of the easement.
- d) Staff finds this test of passed with conditions.

CONDITIONS

1. This approval only applies to the building as it is at the time of approval. Any alterations to the building that significantly change the appearance or modify the building footprint in any way shall void the conditional use permit. The landowner must obtain a new conditional use permit prior to any such alterations.
2. Prior to issuance of the conditional use permit, the applicant must have an electric meter that meets the standards of the Department of Public Utilities for a triplex. The options are: 1) Three electric meters, one for each unit; or 2) One electric meter registered with the utility billing department as a triplex.
3. Prior to issuance of the conditional use permit, the applicant must install a backflow preventer, approved by the Department of Public Utilities, for the water service.
4. Six parking spaces shall be maintained on the property for the duration of the use, in accordance with UCO §8.12.170(L). If the property is subdivided while this conditional use is in effect, the new lot containing this structure shall have six parking spaces on it.
5. No parking is to be allowed on the Private Access and Utilities Easement. The private access easement is to be shared across all separate lots, and is to exist in perpetuity. Disputes over the private access easement and any rights it may confer are solely a civil matter, the City is not responsible for the resolution of disputes arising from the access easement. The City will not maintain the access easement.

RECOMMENDATION

In accordance with the standards outlined in Unalaska City Code of Ordinances Chapter 8.12 (Zoning), the City of Unalaska Department of Planning, in concert with the City's Developmental Review Team, recommends that the Planning Commission approve the conditional use request with the associated condition of approval identified in Resolution 2021-08.

**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2021-08**

**RESOLUTION 2021-08: A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
A TRIPLEX ON A PARCEL ZONED SINGLE FAMILY DUPLEX ON THE PROPOSED LOT 3
OF THE PROPOSED HENNING SUBDIVISION**

WHEREAS, UCO §8.12.200 sets forth the procedures for taking action on a conditional use application; and

WHEREAS, Monica Henning is the owner of Dutch Harbor Properties, which is the owner of Lot 14, Block 8, Haystack Hill Subdivision, P-91-14, Aleutian Islands Recording District (04-09-211); and

WHEREAS, the property is zoned Single-Family/Duplex Residential; and

WHEREAS, UCO §8.12.040(D)(7) states that all uses may be permitted as conditional uses in this district upon approval of the Planning Commission; and

WHEREAS, the applicant has submitted a conditional use permit application to allow for a total of three residential dwelling units on the property whereas the zoning allows for two total units by right; and

WHEREAS, the City of Unalaska Departments of Planning, Public Works, Public Utilities and Public Safety have reviewed the request; and

WHEREAS, the creation of additional land for housing is desirable from the standpoint of public interest, as identified in the Unalaska Comprehensive Plan 2020; and

WHEREAS, the City of Unalaska Planning Commission held a public hearing on May 20, 2021 to consider this request and to hear testimony of the public, and

WHEREAS, notices of the public hearing were posted and mailed; and

WHEREAS, the Planning Commission reviewed the application and finds that this conditional use request satisfies the three-part test set forth in UCO §8.12.200(C):

1. Furthers the goals and objectives of the Comprehensive Plan;
2. Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
3. Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

THEREFORE, BE IT RESOLVED, that the Planning Commission approves the conditional use permit for three residential dwelling units on Lot 14, Block 8, Haystack Hill Subdivision, at 189 Trapper Drive with the following conditions of approval:

1. This approval only applies to the building as it is at the time of approval. Any alterations to the building that significantly change the appearance or modify the building footprint in any way shall void the conditional use permit. The landowner must obtain a new conditional use permit prior to any such alterations.

2. Prior to issuance of the conditional use permit, the applicant must have an electric meter that meets the standards of the Department of Public Utilities for a triplex. The options are: 1) Three electric meters, one for each unit; or 2) One electric meter registered with the utility billing department as a triplex.
3. Prior to issuance of the conditional use permit, the applicant must install a backflow preventer, approved by the Department of Public Utilities, for the water service.
4. Six parking spaces shall be maintained on the property for the duration of the use, in accordance with UCO §8.12.170(L). If the property is subdivided while this conditional use is in effect, the new lot containing this structure shall have six parking spaces on it.
5. No parking is to be allowed on the Private Access and Utilities Easement. The private access easement is to be shared across all separate lots, and is to exist in perpetuity. Disputes over the private access easement and any rights it may confer are solely a civil matter, the City is not responsible for the resolution of disputes arising from the access easement. The City will not maintain the access easement.

This resolution approves the conditional use only as it applies to the existing building and use, and becomes effective once the Planning Department issues the conditional use permit. Issuance of the conditional use permit is contingent upon 1) that there are no appeals within ten (10) working days from the decision date, as outlined in UCO §8.12.200(E); and 2) that all conditions listed above are satisfied by the applicant. Following its issuance, the applicant has the responsibility to maintain compliance with all conditions, and for any failure to abide by these conditions, the Planning Department may revoke the conditional use permit and enforce abatement proceedings on the property as a public nuisance, according to UCO §8.12.220(F), 8.12.220(H), and Chapter 11.12.

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2021, BY THE
PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.

Travis Swangel
Commission Chair

William Homka, AICP, Planning Director
Secretary of the Commission

City of Unalaska, Alaska
Planning Commission/Platting Board
Staff Report

RESOLUTION 2021-09: A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A TRIPLEX AT 32/34 THOMPSON CIRCLE, LOT 1A, GENERALS HILL SUBDIVISION, PLAT 90-1 AIRD

Basic Information	
Application Type	Conditional Use Permit
Land Owner(s)	Danielle and Brian Whittern
Applicant	Danielle Whittern
Proposed Use	Triplex
Exhibits	Draft Resolution 2021-09, Preliminary Plat Application, Supplemental Materials, Location Map
Staff Recommendation	Approval of Resolution 2021-09

Legal Information	
Tax Parcel ID	06-05-526
Address	23/34 Thompson Circle, Unalaska, Alaska 99685
Legal Description	Lot 1A, Generals Hill Subdivision, Plat 90-1 AIRD
Land Use Subarea	Steward Road/Generals Hill

Area Description	
North	Duplex on Eagle Crest Court, SFD zoning
South	Generals Hill, Single-Family/Duplex zoning
East	Majority Single Family Housing, one duplex, SFD zoning
West	Generals Hill, Single Family Housing

Current Site Description and Zoning Standards					
Zone	Single Family/Duplex (SFO) (UCO §8.12.040)				
Existing Use	Residential				
Permitted Uses	In the Single-Family/Duplex District, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended, or designated to be used for other than one or more of the following uses: Up to two single-family dwellings or a two-family dwelling, on a lot; Home occupations subject to the requirements of § 8.12.180(M); Day-care for five or less children; Noncommercial greenhouses, gardens, storage sheds; Outdoor storage of subsistence and noncommercial fishing gear, boats, nets, buoys, and related equipment; Noncommercial stables, barnyards, and corrals provided they shall be located not less than 25 feet from any public street or property line; Noncommercial agricultural buildings and activities; Public recreational areas, parks, playgrounds, hiking trails, and such buildings and structures as are related thereto				
Conditional Uses	Schools; Churches; Public and quasi-public buildings essential to the physical and economic welfare of the area, such as utility buildings and facilities, fire stations, electric substations, water treatment plants, telephone exchanges, and similar uses or public services; Public and quasi-public social and recreational facilities; Bed and breakfasts, lodging houses, and boarding houses; Day-care for more than five children				
	Existing	Required		Existing	Required
Lot Area	15,943 ft ²	>10,000 ft ²	Front Setback	11 ft	20 ft
Lot Frontage	154 ft	>60 ft	Side Setbacks	≈ 8 ft	10 ft
Coverage	14 %	<50 %	Rear Setback	≈ 75 ft	20 ft
Building Height	≈ 20 ft	<30 ft	Parking	6	6 spots
Corner Lot?	No		Nonconformance?	yes, predates current code	

Parcel History	
Planning Commission Resolution	n/a
City Council Ordinance	n/a
Building Permit	BP 90-35 – appears base structure is constructed BP 09-16 – roof and siding repairs

ADDITIONAL CODE REQUIREMENTS

1. **§ 8.12.040 SINGLE-FAMILY/DUPLEX DISTRICT (SFD).**

(E) *Minimum lot size.*

- (1) 10,000 square feet for any combination of up to two dwelling units.
- (2) If additional requirements identified in § 8.08.070(A)(3)(d) are met, the minimum lot size for a single-family dwelling unit or a two-family dwelling unit/duplex may be less than 10,000 but shall be no smaller than 6,000 square feet.

2. **§ 8.12.200 Conditional Use Applications.**

(C) *Findings.* At public hearing, the Planning Commission shall determine if any application for a conditional use:

- (1) Furthers the goals and objectives of the Comprehensive Development Plan;
- (2) Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
- (3) Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

3. **§ 8.12.170 GENERAL PROVISIONS.**

(B) *Front yards (See § 8.06.020(A), “Yard”).* Where any specified front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the front lot line than the distance indicated by the depth of the required front yard. Exceptions include:

- (1) Steps, terraces, platforms, and porches having no roof covering and not being over 30 inches high may be built within a front yard a distance of not more than two feet and are specifically excluded from this definition; and
- (2) Eaves, cornices, and similar ornamentations may project over a front yard not more than two feet.

(K) *Off-street parking requirements.* At the time a new structure is erected or a structure is enlarged, or the use of the existing structure is changed, off-street parking spaces shall be provided as set forth in this section, unless greater requirements are otherwise provided in connection with an existing use prior to the adoption date of this chapter. Each parking space shall be at least 180 square feet in area and have a width of nine feet and a depth of not less than 20 feet. In determining the gross area required for an off-street parking lot requiring a specific number of parking places including driveways and aisles, 250 square feet per parking space shall be used. Each use shall provide the following minimum off-street parking spaces discussed below.

(2) *Location of parking.* Off-street parking shall be located as follows:

- (a) Parking spaces serving single and multi-family dwelling units shall be located on the same lot as the building served;

- (6) Other off-street parking requirements. Other off-street parking requirements are to be provided as follows:

(a) All residential dwellings. Two spaces per dwelling unit;

PLAN GUIDANCE

1. Housing was identified as a community need in the 2009 Community Visions for the Future: Unalaska 2010-2020 visioning document as part of the Comprehensive Planning process.
2. The Unalaska Comprehensive Plan 2020 – Housing Plan identifies several goals including:
 - a. Goal #9 of the Unalaska Housing Plan is to ensure that zoning and all regulatory and permit processes support the redevelopment of in-fill lots and new subdivisions for new housing development.
 - b. Goal #4 of the Unalaska Housing Plan is to preserve and improve the condition of existing housing in the community through code enforcement.
3. The 2015 Land Use Plan specifically states “If there are going to be minor amounts of the other uses listed above, they should remain on Steward Road. ...Thompson Circle...should all be reserved for Single Family/Duplex Residential use.”

BACKGROUND

1. The duplex has existed in some since approximately 1990, the first related building permit on file.
2. The applicant desires to change the use to a triplex.
3. The conditional use requested in this case is for one additional dwelling unit above the maximum of two. The total number of units allowed would then be three, rather than two.
4. The number of parking units will need to increase from 4 to 6. There appears to be ample space on the lot.

DETAILED FINDINGS

The purpose of the conditional use permit is to allow for a specific use to be examined on a case-by-case basis with consideration to the uniqueness of the situation and public testimony. The Planning Commission is to approve the request when it finds that the three-part test is satisfied. Staff finds that all three tests are met as follows.

- 1) *Furtheres the goals and objectives of the Comprehensive Development Plan:*
 - a) The conditional use furthers the objectives of the Comprehensive Plan by providing additional housing for the community in accordance with Goal #9 of the Housing Plan. Goal #4 encourages compliance with standards for quality of structures, which is furthered by Conditions #2 and #3, as they bring the building into compliance with City standards for a triplex.
 - b) The conditional use, however does not conform to the land use plan’s goals for the subarea. The Planning Commission will need to weigh the minimal increase of a single unit against the needs of the community and the overall comprehensive plan.
 - c) It is the opinion of Staff that with the protections from the conditions, this test is passed.
- 2) *Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district:*
 - a) The conditional use is compatible with the surrounding land uses and neighborhood character, as the structure resembles a two-family home and the intensity of the use is minimal enough not to conflict with the character of the surrounding area.

- b) Condition #1 added to the draft resolution guarantees that the character of the structure will not change by requiring that the applicant obtain a new conditional use permit from the Planning Commission for any significant alterations to the building. The applicant is advised that this condition applies to all exterior fascia and accessories such as fuel tanks and stairs/decking.
 - c) The parking plan and the access easement will prevent disputes over parking space and requirements.
 - d) Staff finds this test passed with conditions.
- 3) *Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district:*
- a) The conditional use will not have a negative impact on the surrounding area because the impact of the use is minimal. The major exterior impact of the structure will remain the parking. The need to maintain the requisite number of parking spaces in Condition #4 prevents the use from having a negative impact by requiring adequate parking on the property.
 - b) To further protect the surrounding neighborhood, Condition #1 added to the draft resolution will maintain the low impact of the use, by ensuring that the exterior does not change. The building footprint and burden on the lot will remain the same.
 - c) Also, conditions #2 and #3 keep the structure in compliance with City requirements for a triplex, which prevents the structure from having a negative impact on the community in terms of fair utility billing and maintaining water quality.
 - d) A parking plan was submitted with the plat; showing the required six spaces.
 - e) Staff finds this test of passed with conditions.

CONDITIONS

1. This approval only applies to the building as it is at the time of approval. Any alterations to the building that significantly change the appearance or modify the building footprint in any way shall void the conditional use permit. The landowner must obtain a new conditional use permit prior to any such alterations.
2. Prior to issuance of the conditional use permit, the applicant must have an electric meter that meets the standards of the Department of Public Utilities for a triplex. The options are: 1) Three electric meters, one for each unit; or 2) One electric meter registered with the utility billing department as a triplex.
3. Prior to issuance of the conditional use permit, the applicant must install a backflow preventer, approved by the Department of Public Utilities, for the water service.
4. Six parking spaces shall be maintained on the property for the duration of the use, in accordance with UCO §8.12.170(L). If the property is subdivided while this conditional use is in effect, the new lot containing this structure shall have six parking spaces on it.

RECOMMENDATION

In accordance with the standards outlined in Unalaska City Code of Ordinances Chapter 8.12 (Zoning), the City of Unalaska Department of Planning, in concert with the City's Developmental Review Team, recommends that the Planning Commission approve the conditional use request with the associated condition of approval identified in Resolution 2021-09.



PLANNING REQUEST APPLICATION FORM

CITY OF UNALASKA, ALASKA

Department of Planning
PO Box 610
Unalaska, Alaska 99685-0610
Phone: (907) 581 3100 FAX (907) 581 4181
Email: planning@ci.unalaska.ak.us
Website: www.ci.unalaska.ak.us

The undersigned hereby applies to the City of Unalaska for approval of the following as per Title 8: Planning and Land Use Development, UCO.

APPLICATION FOR: ☐ VARIANCE ☒ CONDITIONAL USE
☐ ZONE AMENDMENT ☐ PLAT

Brief Description of Request: (attach additional information to communicate request)

We would like to convert our duplex into a triplex.

Current Zone Designation: Single-Family/Duplex Proposed Zone Designation(s) (if applicable): _____

Current Land Use(s): Two-family dwelling Proposed Land Use(s) (if changing): Three-family dwelling

Property Owner: Brian and Danielle Whittern

Property Owner Address: PO BOX 165, Unalaska, AK 99685

Street Address of Property: 32 & 34 Thompson Circle, Unalaska, AK 99685

Applicant's Name: Brian and Danielle Whittern

Mailing Address: PO BOX 165, Unalaska, AK 99685

Email: daniellewhittern@gmail.com Day Time Phone: 907-359-2808 Message Phone: same

FOR OFFICE USE ONLY		DATE	
Preliminary Plat Copies		Attachment A	
Applicant Letter		Site Plan	
Application Fee		Title Search/Certificate-to-Plat	

PROPERTY LEGAL DESCRIPTION: (Fill in applicable blanks)

Tax Lot ID No.: 06-05-526 Lot : Plat 1-90, Lot 1-A Block: _____ Tract: _____

Subdivision: General Hills Subdivision USS: _____

Section(s): _____ Township: _____ Range: _____

PROPOSED FUTURE DESIGNATION OF PROPERTY: (For Plat Application Only)

Platting Procedures and Requirements are described in detail in Chapter 8.08: Platting and Subdivision. A certificate to plat as proof of ownership shall accompany the submittal of a plat.

SUBDIVISION _____

Block(s) _____ **Lot (s)** _____ **Tract (s)** _____ **USS** _____

Containing: _____ **Acre(s)** _____ **Lot(s)** _____ **Tract(s)** _____

SURVEYOR INFORMATION

Surveyor Name : _____

Firm Name : _____

Address : _____

Contact Details : Email _____ Phone Number _____

Registered in Alaska: Yes ☐ No ☐

REQUIRED SUPPLEMENTAL INFORMATION (For Variance, Zone Amendment and Conditional Use Application Only).

Subdivision Variance (8.08.110)

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Variance:

- Is needed due to special circumstances or conditions affecting the proposed subdivision such that strict application of the provisions of this chapter would clearly be impractical or undesirable to the general public or that strict application would be unreasonable or cause undue hardship to the applicant requesting the variance.
- Will not be detrimental to the public welfare or injurious to other property in the area in which the proposed subdivision is located;
- Will be in accord with the intent and purpose of this chapter and of the Comprehensive Plan of the city.

Zone Amendment (8.12.190)

Applicant is encouraged to submit supporting documentation to demonstrate how the requested Zone Amendment is reasonable, in the public interest, and in conformance with the goals and objectives of the Comprehensive Plan.

Conditional Use (8.12.200)

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Conditional Use:

- Furthers the goals and objectives of the Comprehensive Development Plan;
- Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
- Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

Zoning Variance (8.12.210)

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Variance:

- Need is not caused by the person seeking the variance and that exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district, and result from lot size, shape, topography, or other circumstances over which the applicant has no control. An argument of "financial hardship" when defined as causing a developer to spend more than he is willing to in order to conform, is not an over-riding factor in the granting of a variance;
- Is necessary for the preservation of a property right of the applicant substantially the same as is possessed by other landowners in the same zoning district;
- Will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- Will not be materially detrimental to the intent of this chapter, or to properties in the same zoning district in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan and the variance requested is the minimum variance, which would alleviate the hardship.

***SITE PLAN (TO SCALE):** Please show all existing and proposed structures, access, dimensions, utilities and parking as appropriate.

PLEASE NOTE : All applications must be received fifteen (15) days prior to the next regular meeting of the Planning Commission as per Section 8.12.200(A)(2), Section 8.12.210(B)(2) UCO, and Section 8.12.190 UCO. The Department of Planning will provide an examination of the City of Unalaska Real Property Tax Roll indicating that the signature of the landowner on the application form is in fact the latest owner of record. The Department of Planning will mail a notice of the public hearing to all landowners of record within 300 feet of the proposed request as shown in the City of Unalaska Real Property Tax Rolls.

CERTIFICATION:

I hereby certify that (I Am) (I have been authorized to act for*) the owner of the property described above and that I desire a planning action for this property in conformance with the Title 8, UCO and hereby dispose and say that all of the above statements are true. I am familiar with the code requirements and certify, to the best of my knowledge, belief, and professional ability, that this application meets them. I understand that payment of the review fee is non-refundable and is to cover costs associated with the processing of this application and that it does not assure approval of the request.



Signature

3/10/2021

Date

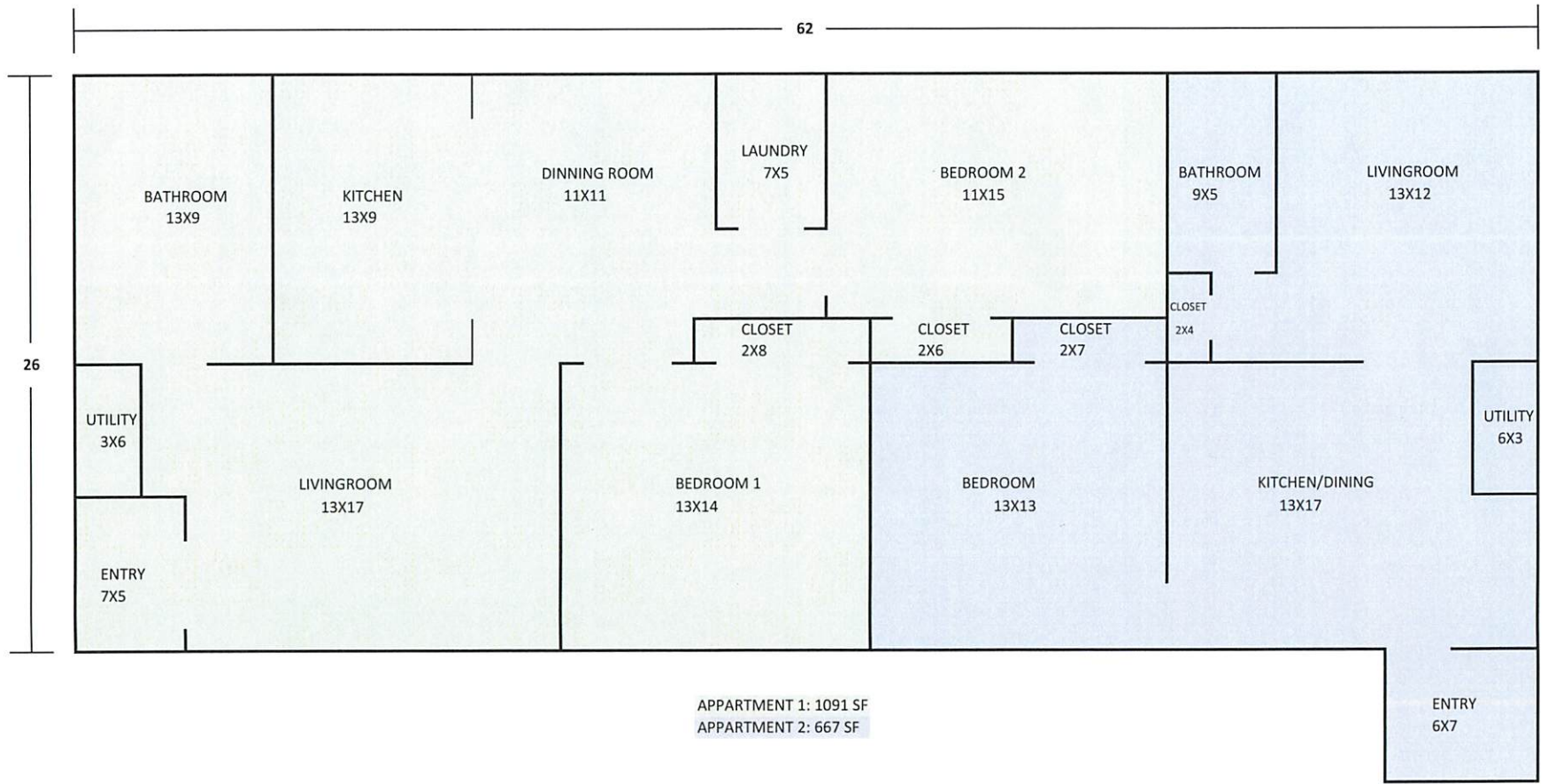
***Please fill out and submit Authorization to Make Application by Agent form if acting as Owner's Agent**

One of the 2020 Unalaska Comprehensive Development Plan's goal's is to continue improving the overall quality-of-life enjoyed by all Unalaska residents and visitors. One of the identified values is to continue the provision of adequate shelter and amenities to support the needs of all residents, visitors, and businesses.

By remodeling our duplex into a triplex, we will have the ability to offer an additional unit for housing. The building will include one larger unit and two smaller units. Right now the duplex is designed to accommodate two larger units and our community has a shortage of smaller affordable units for single individuals. We hope to help the community by turning one large unit into two smaller units. The duplex is located in a residential area with other multifamily dwellings in the general vicinity and the remodeling will not increase or change the buildings overall foot print.

I currently manage teacher housing and it is a constant struggle to find adequate housing for single teachers. It is a common practice for these teachers to live in a roommate setting due to living expenses in Unalaska. There are also single parents in our community who struggle to find affordable housing for themselves and their children. Having an additional smaller two-bedroom unit available to the community can help alleviate this issue. Businesses also struggle to find smaller units for workers who are single or live here without their families. Every additional unit we can add in our community will help with these issues.

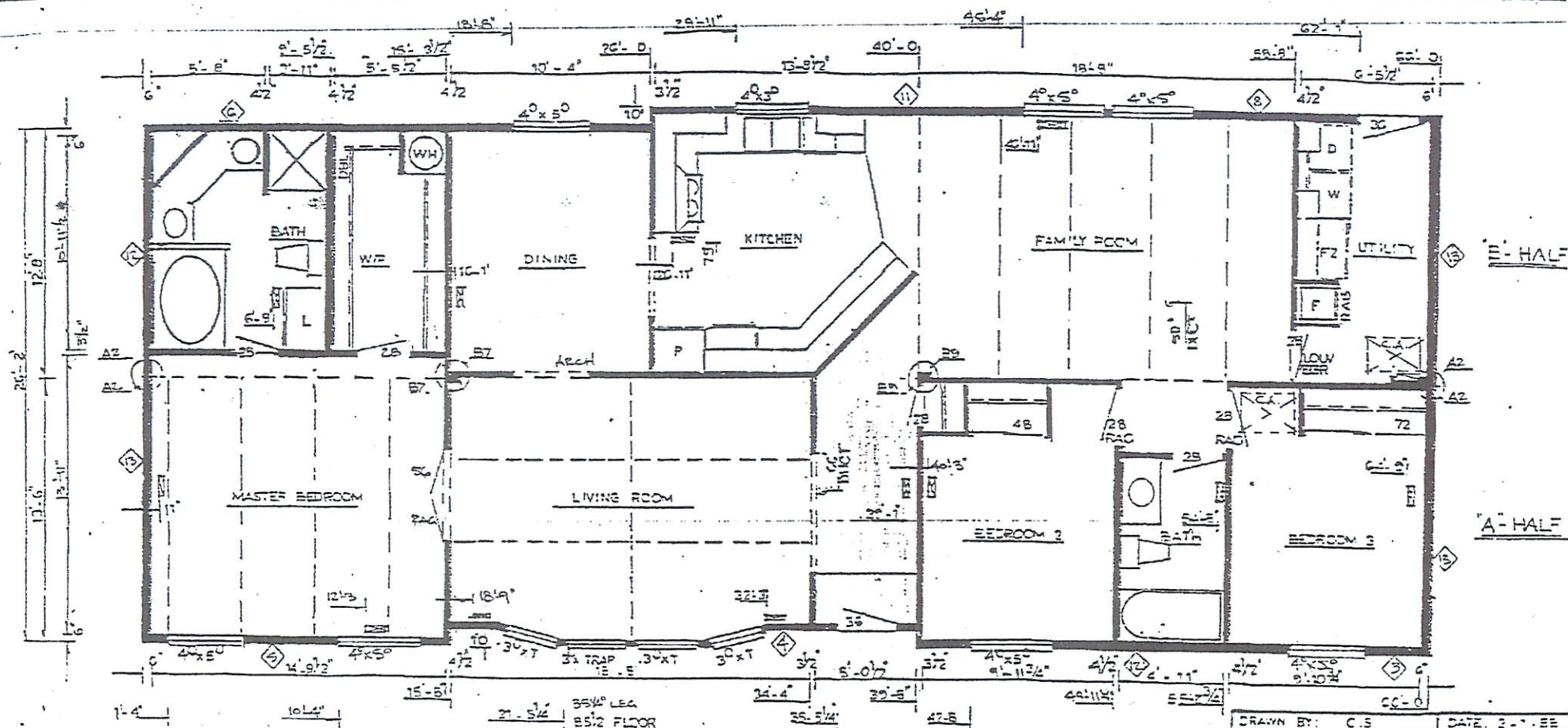
One of the actions identified in the plan states "encourage construction of quality, reasonable-priced housing" and this is also our plan too. We purchased this property so we can renovate it into quality housing and improve our community. Housing is one of the key elements needed to support many areas of the City's plan. If we don't have adequate housing for the people, then we won't have the people to implement the actions and improvements identified in the plan.



Downstairs plan for
2 apartments


Current upstairs Plan

200

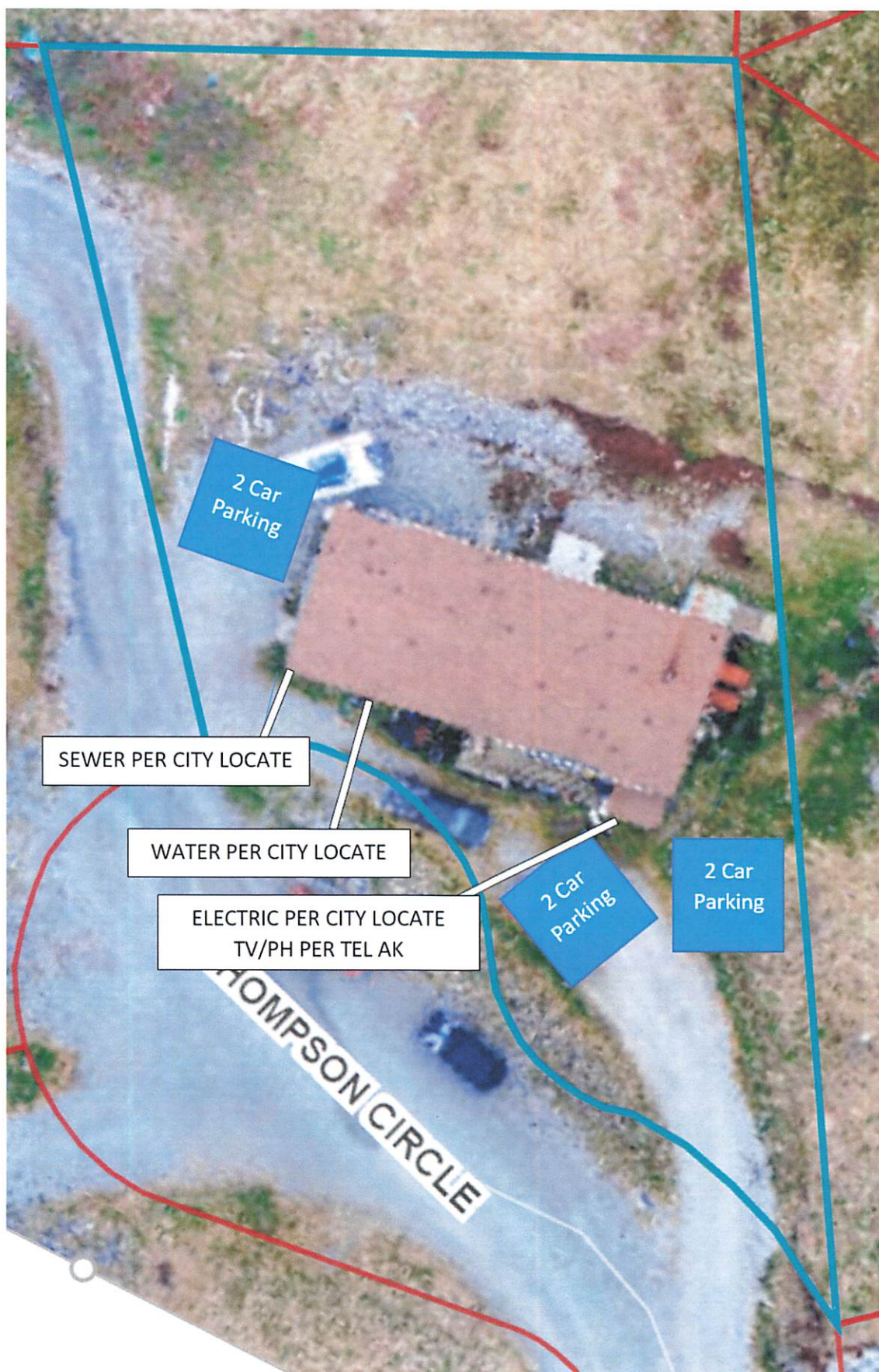


DESIGN UBC CODE

40 PSF ROOF LIVE LOAD 4/12 PITCH
 70 PSF HORIZ. WIND, (150 MPH. EXPOSURE C)
 40 PSF FLOOR LIVE LOAD, 2X10 FLOOR JOISTS
 2X RIGIDBEAM
 SEISMIC ZONE 3
 ON SITE WORK TO BE INDICATED ON AN N.L.E.A.
 FORM AT TIME OF CONSTRUCTION
 MIN ATTIC VENT AREA = 538 S.I.

DRAWN BY: C.S.	DATE: 2-7-88
CHECKED BY:	DATE:
SCALE: 3/8" = 1'-0"	REV:
USE: 430-UBC AK UEC	TITLE: FLOOR PLAN
 GLEN RIVER INDUSTRIES, INC.	DRAWING NO. A-403
	PAGE/SHEET 1/1

3830/202



LEGEND

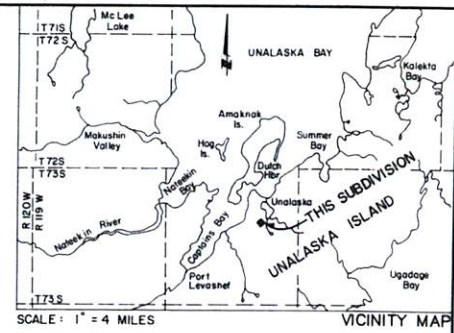
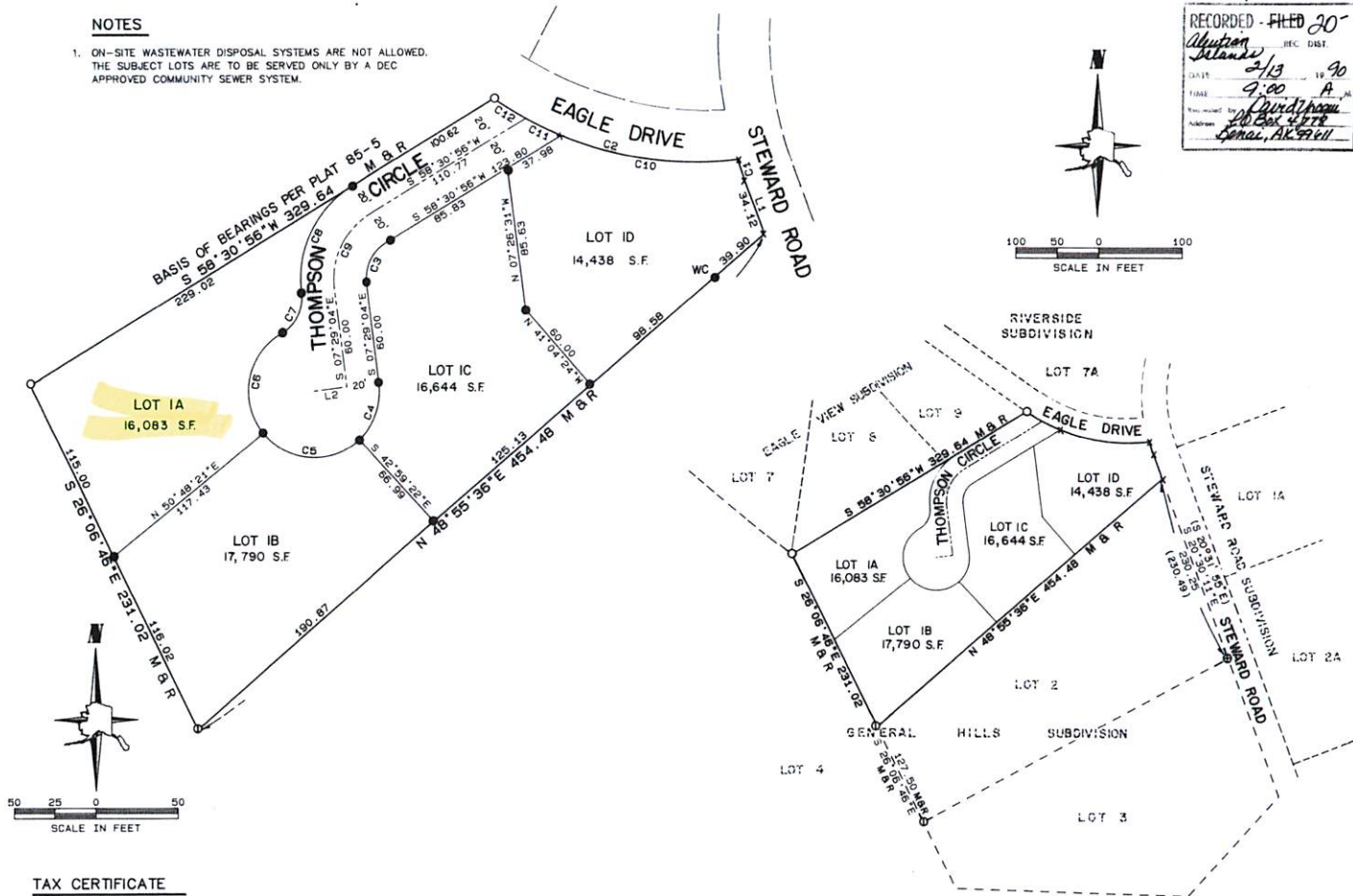
- FOUND 1/2" REBAR PER PLAT 85-5
- ⊙ FOUND 5/8" REBAR WITH PLASTIC CAP PER PLAT 85-5
- ⊕ FOUND 5/8" REBAR
- SET 5/8" X 30" REBAR WITH 2" ALUM. CAP
- X SET PK NAIL
- M & R MEASURED AND RECORD DATA PER PLAT 85-5
- () RECORD DATA PER PLAT 85-5
- 117.40 MEASURED DATA

NOTES

1. ON-SITE WASTEWATER DISPOSAL SYSTEMS ARE NOT ALLOWED. THE SUBJECT LOTS ARE TO BE SERVED ONLY BY A DEC APPROVED COMMUNITY SEWER SYSTEM.

LINE	BEARING	DISTANCE
1	N 20°31'55"W	34.12
2	S 82°30'56"W	20.00

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BRG
1	3°32'42"	215.00	13.30	6.85	13.30	N 18°45'34"W
2	41°20'33"	214.44	154.73	80.91	151.40	N 76°04'09"W
3	66°00'00"	25.00	28.80	16.24	27.23	S 25°30'56"W
4	54°29'42"	40.00	38.04	20.60	36.63	S 19°45'47"W
5	93°47'43"	40.00	65.48	42.74	58.41	N 86°05'31"E
6	99°05'24"	40.00	69.18	46.91	60.87	N 10°21'03"E
7	67°22'48"	25.00	29.40	16.67	27.74	N 26°12'20"E
8	66°00'00"	65.00	74.87	42.21	70.80	N 25°30'56"E
9	66°00'00"	45.00	51.84	29.22	49.02	N 25°30'56"E
10	28°57'54"	214.44	108.41	55.39	107.26	N 62°15'29"W
11	6°22'56"	214.44	23.89	11.96	23.87	N 64°35'04"W
12	5°59'44"	214.44	22.44	11.23	22.43	N 58°23'44"W



90-1
RECORDED - FILED 20-
Alutian Islands REC. DIST.
DATE 2/13/90
TIME 9:00 A.M.
By David N. Yragui
Address 10 Box 4778
Unalaska, AK 99561

OWNERSHIP CERTIFICATE

WE, THE UNDERSIGNED CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN HEREON, AND WE HEREBY APPROVE THIS SUBDIVISION PLAT. THE STREET RIGHT-OF-WAY SHOWN HEREON IS HEREBY DEDICATED TO THE PUBLIC.

BY: David N. Yragui 2-9-90 DATE
DAVID N. YRAGUI
BY: Maryjeane Yragui 2-18-90 DATE
MARYJEANE YRAGUI

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF Feb 1990.

NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: 8-19-90

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF Feb 1990.

NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: 6-2-91

CITY APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT AS SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE CITY OF UNALASKA. SAID PLAT HAS BEEN APPROVED BY THE CITY OF UNALASKA.

CITY CLERK Barbara Jensen 1/23/90 DATE
CHAIRMAN OF THE PLATTING BOARD David N. Yragui 2/9/90 DATE

SURVEY CONTAINS 1.7841 ACRES

CITY OF UNALASKA

A PLAT OF
LOT 1A, LOT 1B, LOT 1C, AND LOT 1D
GENERAL HILLS SUBDIVISION

A RESUBDIVISION OF LOT 1, GENERAL HILLS SUBDIVISION, PLAT 85-5
LOCATED IN TRACT A-1-A, BLOCK 7, U.S. SURVEY NO. 778,
TRACT B REPLAT, UNALASKA, ALASKA.
ALEUTIAN RECORDING DISTRICT ALASKA.

L.C.M.F. LIMITED

ENGINEERS - PLANNERS - SURVEYORS
723 WEST SIXTH AVENUE ANCHORAGE, ALASKA
DATE: 18 JANUARY 1990 SCALE: AS NOTED
DRAWN BY: ACAD/RBC/7585B SHEET: 1 OF 1
CHECKED BY: D.W.H. WO NO: 89-088

TAX CERTIFICATE

I HEREBY ACKNOWLEDGE THAT NO TAX PAYMENT IS CURRENTLY DUE FOR THE PROPERTY SHOWN HEREON.

TAX OFFICIAL Barbara Jensen 1/23/90 DATE

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVAL

THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18 AAC 72.065 AND IS APPROVED SUBJECT TO THE NOTED RESTRICTIONS.

NAME M. P. L. TITLE EE III DATE 1/19/90



SURVEYOR'S CERTIFICATE

I, DEREK HOWARD, HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THAT THIS MAP REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE 1-22-90
REGISTERED LAND SURVEYOR
6923-S
REGISTRATION NUMBER



SEWER PER CITY LOCATE

WATER PER CITY LOCATE

ELECTRIC PER CITY LOCATE
TV/PH PER TEL AK

HOMPSON CIRCLE

1 Car

1 Car

1 Car

1 Car

1 Car

1 Car













06-05-502-502

05-506-506

06-05-342-342

06-05-340-340

05-335-335

06-05-56

06-05-550-550

06-05-516-516

05-511-511

06-05-409-409

05-512-512

06-05-520-520

06-05-411-411

06-05-526-526

05-522-522

035-535

06-05-535-535

06-05-530-530

06-05-531-531

06-05-413-413

06-05-524-524

06-05-532-532

06-05-417-417

**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2021-09**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A TRIPLEX AT 32/34
THOMPSON CIRCLE, LOT 1A, GENERALS HILL SUBDIVISION, PLAT 90-1 AIRD**

WHEREAS, UCO §8.12.200 sets forth the procedures for taking action on a conditional use application; and

WHEREAS, Danielle and Brian Whittern are the owners of Lot 1A, Generals Hill Subdivision, Plat 90-1, Aleutian Islands Recording District (06-05-526); and

WHEREAS, the property is zoned Single-Family/Duplex Residential; and

WHEREAS, UCO §8.12.040(D)(7) states that all uses may be permitted as conditional uses in this district upon approval of the Planning Commission; and

WHEREAS, the applicant has submitted a conditional use permit application to allow for a total of three residential dwelling units on the property whereas the zoning allows for two total units by right; and

WHEREAS, the City of Unalaska Departments of Planning, Public Works, Public Utilities and Public Safety have reviewed the request; and

WHEREAS, the creation of additional land for housing is desirable from the standpoint of public interest, as identified in the Unalaska Comprehensive Plan 2020; and

WHEREAS, the City of Unalaska Planning Commission held a public hearing on May 20, 2021 to consider this request and to hear testimony of the public, and

WHEREAS, notices of the public hearing were posted and mailed; and

WHEREAS, the Planning Commission reviewed the application and finds that this conditional use request satisfies the three-part test set forth in UCO §8.12.200(C):

1. Furthers the goals and objectives of the Comprehensive Plan;
2. Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
3. Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

THEREFORE, BE IT RESOLVED, that the Planning Commission approves the conditional use permit for three residential dwelling units on Lot 1A, Generals Hill Subdivision, at 32/34 Thompson Circle with the following conditions of approval:

1. This approval only applies to the building as it is at the time of approval. Any alterations to the building that significantly change the appearance or modify the building footprint in any way shall void the conditional use permit. The landowner must obtain a new conditional use permit prior to any such alterations.

2. Prior to issuance of the conditional use permit, the applicant must have an electric meter that meets the standards of the Department of Public Utilities for a triplex. The options are: 1) Three electric meters, one for each unit; or 2) One electric meter registered with the utility billing department as a triplex.
3. Prior to issuance of the conditional use permit, the applicant must install a backflow preventer, approved by the Department of Public Utilities, for the water service.
4. Six parking spaces shall be maintained on the property for the duration of the use, in accordance with UCO §8.12.170(L). If the property is subdivided while this conditional use is in effect, the new lot containing this structure shall have six parking spaces on it.

This resolution approves the conditional use only as it applies to the existing building and use, and becomes effective once the Planning Department issues the conditional use permit. Issuance of the conditional use permit is contingent upon 1) that there are no appeals within ten (10) working days from the decision date, as outlined in UCO §8.12.200(E); and 2) that all conditions listed above are satisfied by the applicant. Following its issuance, the applicant has the responsibility to maintain compliance with all conditions, and for any failure to abide by these conditions, the Planning Department may revoke the conditional use permit and enforce abatement proceedings on the property as a public nuisance, according to UCO §8.12.220(F), 8.12.220(H), and Chapter 11.12.

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2021, BY THE
PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.

Travis Swangel
Commission Chair

William Homka, AICP, Planning Director
Secretary of the Commission

**City of Unalaska, Alaska
Planning Commission/Platting Board
Staff Report**

RESOLUTION 2021-10: A RESOLUTION APPROVING A 5 FOOT VARIANCE TO THE 10 FOOT SIDEYARD SETBACK, AND A 5 FOOT VARIANCE TO THE 15 FOOT REAR YARD SETBACK AT 232 BAYVIEW AVE, LOT 2, BLOCK 5, USS 1992.

Basic Information	
Application Type	Variance
Land Owner(s)	Claire & Peter Neaton
Applicant	Peter Neaton
Proposed Use	New shed to replace the old multiple structures
Exhibits	Draft Resolution 2021-10, Preliminary Plat Application, Supplemental Materials, Location Map
Staff Recommendation	Denial of Resolution 2021-10

Legal Information	
Tax Parcel ID	03-07-603
Address	232 Bayview Ave, Unalaska, Alaska 99685
Legal Description	Lot 2, Block 5, USS 1992
Land Use Subarea	Downtown/Unalaska Townsite

Area Description	
North	Iliuluk Bay
South	Unalaska High School
East	Single Home, Unalaska High School Playground
West	Single Family housing on 3 similarly small lots

Current Site Description and Zoning Standards					
Zone	Single Family/Duplex (SFO) (UCO §8.12.040)				
Existing Use	Residential				
Permitted Uses	In the Single-Family/Duplex District, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended, or designated to be used for other than one or more of the following uses: Up to two single-family dwellings or a two-family dwelling, on a lot; Home occupations subject to the requirements of § 8.12.180(M); Day-care for five or less children; Noncommercial greenhouses, gardens, storage sheds; Outdoor storage of subsistence and noncommercial fishing gear, boats, nets, buoys, and related equipment; Noncommercial stables, barnyards, and corrals provided they shall be located not less than 25 feet from any public street or property line; Noncommercial agricultural buildings and activities; Public recreational areas, parks, playgrounds, hiking trails, and such buildings and structures as are related thereto				
Conditional Uses	Schools; Churches; Public and quasi-public buildings essential to the physical and economic welfare of the area, such as utility buildings and facilities, fire stations, electric substations, water treatment plants, telephone exchanges, and similar uses or public services; Public and quasi-public social and recreational facilities; Bed and breakfasts, lodging houses, and boarding houses; Day-care for more than five children				
	Existing	Required		Existing	Required
Lot Area	6,825 ft ²	>10,000 ft ²	Front Setback	18 ft	15 ft
Lot Frontage	62 ft	>60 ft	Side Setbacks	17ft W 3ft E	10 ft
Coverage	27 %	<50 %	Rear Setback	53ft	15 ft
Building Height	<20 ft	<30 ft	Parking	2 spots	2 spots
Corner Lot?	No		Nonconformance?	Yes, predates code	

Parcel History	
Planning Commission Resolution	n/a
City Council Ordinance	Per Alaska Heritage Resources Survey (2013): The structure was constructed sometime in the 1920s/30s

ADDITIONAL CODE REQUIREMENTS

1. **§ 8.12.040 SINGLE-FAMILY/DUPLEX DISTRICT (SFD).**

(E) *Minimum lot size.*

- (1) 10,000 square feet for any combination of up to two dwelling units.
- (2) If additional requirements identified in § 8.08.070(A)(3)(d) are met, the minimum lot size for a single-family dwelling unit or a two-family dwelling unit/duplex may be less than 10,000 but shall be no smaller than 6,000 square feet.

2. **§ 8.12.210 VARIANCES.**

(A) *Authorization.* The Planning Commission, after public hearings, may vary or modify requirements of this chapter where strict application would cause an undue or unnecessary hardship. Variances will be dimensional in nature and may be limited to requirements governing yards, lot dimensions and coverage, heights, and parking areas. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity, and to otherwise achieve the purpose of this chapter. If a dimensional variance of ten percent or less of a standard set forth in this chapter is requested, the Director of Planning may grant such a variance if he finds that strict application of the chapter's standard may cause undue hardship. The Director of Planning shall report all such dimensional variances that he grants as a Planning Determination to the Planning Commission. If the Director of Planning denies a request for a dimensional variance of ten percent or less, that decision may be appealed pursuant to § 8.12.220(B).

(E) *Approval.* The Planning Commission may approve an application for a variance by finding, that the request conforms to AS 29.40.040 land use regulations, or any subsequent amendments thereto and:

- (1) Special conditions that require the variance are not caused by the person seeking the variance and that exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district, and result from lot size, shape, topography, or other circumstances over which the applicant has no control. An argument of "financial hardship" when defined as causing a developer to spend more than he is willing to in order to conform, is not an over-riding factor in the granting of a variance;
- (2) That the variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by other landowners in the same zoning district;
- (3) That the granting of the variance will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and

- (4) That the variance will not be materially detrimental to the intent of this chapter, or to properties in the same zoning district in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan and the variance requested is the minimum variance which would alleviate the hardship.

(J) *Time limit for a variance.* Each variance authorized under the provisions of this chapter which is not actually established or for which the actual construction commenced on the buildings or structures involved within one year from the date of the decision of the Planning Commission, will be null and void. In the event construction work is involved, it must actually commence within the stated period and must be diligently pursued to completion. Provided further, when any use or land, building, structure, or premises established by variance has been discontinued for a period of one year, it shall be unlawful to use said land or building or premises again for such use unless a subsequent variance is again authorized and issued therefore. Permits shall require new hearings with the Planning Commission.

3. **§ 8.06.020 DEFINITIONS**

(1) “ACCESSORY BUILDING” or “ACCESSORY USE” means a use, or structure, which is customarily incidental and subordinate to the principal use of the land, building, or structures and is located on the same lot or parcel of land. If an accessory building is attached to the main building by a common wall or roof, such building shall be considered a part of the main building and no longer an accessory building.

(26) “BUILDING” means any structure having a single or common roof supported by columns or walls. An “existing building” is any building erected in conformance with a legal permit issued therefore.

(143) “SETBACK” means the distance between a building or structure and a lot line or right-of-way, or the distances between buildings. See “YARD.”

(157) “STRUCTURE” means any edifice, fence, tower, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires location on the ground or attachment to something having a location on the ground.

(173) “YARD” means an open space on a lot other than a court, which is unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. See “LOT LINE.” Yards consist of the following:

(a) “FRONT YARD” means an open, unoccupied space extending across full width of the lot between the front lot line and the nearest part of any building on the lot. The front yard generally faces a right-of-way. See “LOT FRONTAGE”;

(b) “REAR YARD” means an open space extending across the full width of the lot between the most rear main building and the rear lot line; and

(c) “SIDE YARD” means a yard extending from the rear line of the required front yard to the rear lot line.

4. **§ 8.12.170 GENERAL PROVISIONS.**

- (B) *Front yards* (See § 8.06.020(A), “Yard”). Where any specified front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the front lot line than the distance indicated by the depth of the required front yard. Exceptions include:
- (1) Steps, terraces, platforms, and porches having no roof covering and not being over 30 inches high may be built within a front yard a distance of not more than two feet and are specifically excluded from this definition; and
 - (2) Eaves, cornices, and similar ornamentations may project over a front yard not more than two feet.
- (C) *Side yards* (See § 8.06.020(A), “Yard”). Where any specified side yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard. Exceptions include:
- (1) Steps, terraces, platforms, and porches having no roof covering and not being over 30 inches high may be built within a side yard a distance of not more than two feet and are specifically excluded from this definition; and
 - (2) Eaves, cornices, and similar ornamentations may project over a side yard not more than two feet.
- (D) *Rear yards* (See § 8.06.020(A), “Yard”). Where any specified rear yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required rear yard. Exceptions include:
- (1) Steps, terraces, platforms, and porches having no roof covering and not being over 30 inches high may be built within a rear yard a distance of not more than two feet and are specifically excluded from this definition; and
 - (2) Eaves, cornices, and similar ornamentations may project over a rear yard not more than two feet.
- (E) *Irregular lot shapes*. Where irregular lot shapes prevent the direct determination of the area and yard requirements for a lot, the Director of Planning shall determine said area and yard requirements. Said determination shall be known as a “Planning Determination” and the Planning Commission will be advised of said determination at its next regular meeting (See § 8.12.220(A)(2)).

5. **§ 8.12.180 NONCONFORMITIES.**

- (A) When a use, structure or lot legally exists prior to the adoption or amendment of this chapter, it shall be permitted to continue within the limits set forth in this chapter. Under such circumstances, it is said to have nonconforming status. It is the intent of this section to permit these nonconformities to continue until they are removed, but not to encourage their perpetuation. There are three types of nonconformities.
- (2) *Nonconforming structures*. A nonconforming structure is one which was lawful at the time of construction but which does not presently conform to chapter provisions and standards for the district in which it is located.
- (B) *Alteration*. Nonconforming uses or structures may be continued but may not be altered, extended or expanded without being in compliance with provisions of this title. The extension or expansion of a nonconforming use to a portion of a structure which was designed and approved for the nonconforming use at adoption of this chapter shall not be

considered an extension or expansion of the nonconforming use. A nonconforming structure may be altered only when such alteration is in compliance with all applicable standards of this chapter.

- (C) *Completion of structure.* Nothing contained in this chapter shall require any change in the plans, construction, alteration, or designated use of a structure for which construction has been approved prior to the adoption of this chapter, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one year from the effective date of this chapter.
- (D) *Replacement.* Where a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent not exceeding eighty percent of its fair market value as indicated by the current assessment records of the City Clerk and is not returned to its original size, locations, and use and in actual operating condition within one year from the date of destruction, a future structure or use on the site shall conform to this chapter.
- (E) *Conformance.*
 - (1) Where a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty percent of its fair market value as indicated by the records of the City Clerk a future structure or use on the site shall conform to this chapter.

PLAN GUIDANCE

1. The Unalaska Comprehensive Plan 2020 – does not specify guidance regarding accessory uses. However, the Physical Appeal section of the Comprehensive Plan contains the following goal:
 - a. Take more pride in our personal property: “The maintenance of personal property – one’s home and yard – is a growing concern in Unalaska as the community takes on the characteristics of a more established community, rather than as a simple “fishing village.””
2. The 2015 Land Use Plan has no relevant guidance.

BACKGROUND

1. The applicant has requested a waiver for 5-feet of the 15-foot rear yard setback, and a 5-foot waiver to the 10-foot side yard setback. The waivers effectively maintain the average footprint of the existing sheds and storage.
2. The applicant is the owner of the land.
3. The lot is one of the original lots from the survey of the town in the 1930’s.
4. All structures on the lot are non-conformances.
5. The applicant has indicated a desire to replace the existing derelict sheds with a single one of newer and cleaner construction.
6. The applicant has expressed an intent to clean his lot and that of his neighbors, in order to help maintain the physical appeal of the area.

DETAILED FINDINGS

- 1) *Special conditions that require the variance are not caused by the person seeking the variance and that exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district, and result from lot size, shape, topography, or other circumstances over which the applicant has no control. An argument of “financial hardship” when defined as causing a developer to spend more than he is willing to in order to conform, is not an over-riding factor in the granting of a variance:*
 - a) This lot is one of the oldest lots in the town. It is large for the original subdivision, but is still only just above the 6,000 square foot minimum lot size.
 - b) However, with the preexisting accessory structures removed, the applicant has sufficient room on the lot to conform to current design standards.
 - c) Staff finds that the application fails to meet this test of code.
- 2) *That the variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by other landowners in the same zoning district:*
 - a) Within the same block, and substantially all of downtown, the use of accessory buildings within setbacks are commonplace and predates current code requirements. The applicant would be held to a higher standard than his neighbors, simply by removing the nonconformance, and would lose useable space on the lot for activities beyond the footprint of a structure.
 - b) Staff finds that the application passes this test of code.
- 3) *That the granting of the variance will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood:*
 - a) The applicant is requesting the variance specifically to benefit the health, safety, physical appeal and general welfare of the neighborhood in order to remove several derelict structures and replace them with a single shed. The new accessory building is smaller and will serve as an improvement to the neighborhood
 - b) Staff finds that the application meets this test of code.
- 4) *That the variance will not be materially detrimental to the intent of this chapter, or to properties in the same zoning district in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan and the variance requested is the minimum variance which would alleviate the hardship.*
 - a) Rear Yard code conflict:
 - i) The code definition for a “Rear Yard” specifically indicates that the rear yard extends from the rear lot line to the most rear of the *main building*. This clearly indicates that the rear yard is intended to ignore accessory structures, such as a shed.
 - ii) The General Provisions, however, state: Where any specified rear yard is required, *no building* shall be hereafter erected or altered so that any portion thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required rear yard.
 - iii) While the building *is* an “accessory building” it *is* still a “building” not included in the acceptable exceptions to the General Provisions.
 - iv) Staff must err on the side of the more stringent definitions and identify the structure as not meeting the intent of the chapter.

- b) Side yard:
 - i) While the immediate neighborhood maintains smaller yards and existing non-conformities, the overall intent of the zoning category in the rest of the city at large will suffer from granting this variance. This could be addressed through changes to the code in the future to better reflect the limitations of these smaller lots, as well as the addition of accessory buildings to the list of exceptions, rather than solely design elements of main structures.
- c) Non-conformance
 - i) The intent of the non-conformance code is clear in that removing non-conforming structures necessitates the replacement structure to meet the new design standards.
- d) Staff find the application fails this test of code overall.

CONDITIONS

1. Accessory buildings shall require a building permit.

RECOMMENDATION

In accordance with the standards outlined in Unalaska City Code of Ordinances Chapter 8.12 (Zoning), the City of Unalaska Department of Planning, in concert with the City's Developmental Review Team, recommends that the Planning Commission deny the request for a variance, as it has failed 2 of the 4 tests of code.



PLANNING REQUEST APPLICATION FORM

CITY OF UNALASKA, ALASKA

Department of Planning
PO Box 610
Unalaska, Alaska 99685-0610
Phone: (907) 581 3100 FAX (907) 581 4181
Email: planning@ci.unalaska.ak.us
Website: www.ci.unalaska.ak.us

The undersigned hereby applies to the City of Unalaska for approval of the following as per Title 8: Planning and Land Use Development, UCO.

APPLICATION FOR: ☒ VARIANCE ☐ ZONE AMENDMENT ☐ CONDITIONAL USE ☐ PLAT

Brief Description of Request: (attach additional information to communicate request)

Request a variance to the property setbacks. Description attached.

Current Zone Designation: _____ Proposed Zone Designation(s) (if applicable): _____

Current Land Use(s): *Residence* Proposed Land Use(s) (if changing): _____

Property Owner: *Peter Neaton*

Property Owner Address: *232 Bayview Ave Unalaska / P.O. Box 30 Unalaska*

Street Address of Property: *232 Bayview Ave*

Applicant's Name: *Peter Neaton*

Mailing Address: *P.O. Box 30 Unalaska 99685*

Email: *peterjneaton@gmail* Day Time Phone: *9073592332* Message Phone: _____

FOR OFFICE USE ONLY		DATE	
Preliminary Plat Copies		Attachment A	
Applicant Letter		Site Plan	
Application Fee		Title Search/Certificate-to-Plat	

PROPERTY LEGAL DESCRIPTION: (Fill in applicable blanks)

Tax Lot ID No.: 03-07-603 Lot: Lot 2 Block: 5 Tract: _____

Subdivision: USS 1992 USS: 1992

Section(s): _____ Township: _____ Range: _____

PROPOSED FUTURE DESIGNATION OF PROPERTY: (For Plat Application Only)

Platting Procedures and Requirements are described in detail in Chapter 8.08: Platting and Subdivision. A certificate to plat as proof of ownership shall accompany the submittal of a plat.

SUBDIVISION _____

Block(s) _____ **Lot (s)** _____ **Tract (s)** _____ **USS** _____

Containing: _____ **Acre(s)** _____ **Lot(s)** _____ **Tract(s)** _____

SURVEYOR INFORMATION

Surveyor Name : _____

Firm Name : _____

Address : _____

Contact Details : Email _____ Phone Number _____

Registered in Alaska: Yes ☐ No ☐

REQUIRED SUPPLEMENTAL INFORMATION (For Variance, Zone Amendment and Conditional Use Application Only).

Subdivision Variance (8.08.110)

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Variance:

- Is needed due to special circumstances or conditions affecting the proposed subdivision such that strict application of the provisions of this chapter would clearly be impractical or undesirable to the general public or that strict application would be unreasonable or cause undue hardship to the applicant requesting the variance.
- Will not be detrimental to the public welfare or injurious to other property in the area in which the proposed subdivision is located;
- Will be in accord with the intent and purpose of this chapter and of the Comprehensive Plan of the city.

Zone Amendment (8.12.190)

Applicant is encouraged to submit supporting documentation to demonstrate how the requested Zone Amendment is reasonable, in the public interest, and in conformance with the goals and objectives of the Comprehensive Plan.

Conditional Use (8.12.200)

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Conditional Use:

- Furthers the goals and objectives of the Comprehensive Development Plan;
- Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
- Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

Zoning Variance (8.12.210)

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Variance:

- Need is not caused by the person seeking the variance and that exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district, and result from lot size, shape, topography, or other circumstances over which the applicant has no control. An argument of "financial hardship" when defined as causing a developer to spend more than he is willing to in order to conform, is not an overriding factor in the granting of a variance;
- Is necessary for the preservation of a property right of the applicant substantially the same as is possessed by other landowners in the same zoning district;
- Will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- Will not be materially detrimental to the intent of this chapter, or to properties in the same zoning district in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan and the variance requested is the minimum variance, which would alleviate the hardship.

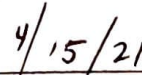
***SITE PLAN (TO SCALE):** Please show all existing and proposed structures, access, dimensions, utilities and parking as appropriate.

PLEASE NOTE : All applications must be received fifteen (15) days prior to the next regular meeting of the Planning Commission as per Section 8.12.200(A)(2), Section 8.12.210(B)(2) UCO, and Section 8.12.190 UCO. The Department of Planning will provide an examination of the City of Unalaska Real Property Tax Roll indicating that the signature of the landowner on the application form is in fact the latest owner of record. The Department of Planning will mail a notice of the public hearing to all landowners of record within 300 feet of the proposed request as shown in the City of Unalaska Real Property Tax Rolls.

CERTIFICATION:

I hereby certify that (I Am) (I have been authorized to act for*) the owner of the property described above and that I desire a planning action for this property in conformance with the Title 8, UCO and hereby dispose and say that all of the above statements are true. I am familiar with the code requirements and certify, to the best of my knowledge, belief, and professional ability, that this application meets them. I understand that payment of the review fee is non-refundable and is to cover costs associated with the processing of this application and that it does not assure approval of the request.


Signature


Date

*Please fill out and submit Authorization to Make Application by Agent form if acting as Owner's Agent

Requesting a variance to the setback code for my property.
There was a cabana/shed that had fallen into disrepair.

I tore that down and cleaned up the site. This structure was outside the current setback code as it had been there a long time (grandfathered). I would like to replace the original structure with a 16' x 20' utility shed. Following the original footprint on the West and North is the most logical location for new utility shed. There are currently trees to the East and a greenhouse to the North. This would put the new structure approximately 5 feet from the West property line, just like the original structure. Thank you for your consideration and I hope you understand my logic.

Peter Neaton
232 Bayview





**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2021-10**

**A RESOLUTION APPROVING A 5 FOOT VARIANCE TO THE 10 FOOT SIDEYARD
SETBACK, AND A 5 FOOT VARIANCE TO THE 15 FOOT REAR YARD SETBACK AT 232
BAYVIEW AVE, LOT 2, BLOCK 5, USS 1992.**

WHEREAS, this is a variance requested prior to construction; and

WHEREAS, UCO §8.12.210 sets forth the procedures and requirement for variances for development projects; and

WHEREAS, Claire & Peter Neaton are the owners of Lot 2, Block 5, USS 1992 (03-07-603); and

WHEREAS, the landowner has submitted a plat application to split the existing lot into three lots; and

WHEREAS, the Lot 2 is zoned Single Family/Duplex, but less than 10,000 square feet, which limits structures to a rear yard setback of fifteen (15) feet, and a side yard setback of ten (10) feet; and

WHEREAS, the lot predates existing zoning code and subdivision requirements, as one of the original lots in town; and

WHEREAS, the Applicant is requesting a permanent waiver to in the future place a structure ten (10) feet from the rear lot line, and five (5) feet from the side lot line; and

WHEREAS, the City of Unalaska Departments of Planning, Public Works, Public Utilities and Public Safety have reviewed the request; and

WHEREAS, the Planning Commission/Platting Board conducted a public hearing on May 20, 2021 in order to consider the testimony of the public; and

WHEREAS, notices were posted and mailed in accordance with Title 8, UCO §8.08.020(F); and

WHEREAS, the Planning Commission finds the Variance to be in accordance with the following tests of code:

- Special conditions that require the variance are not caused by the person seeking the variance and that exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district, and result from lot size, shape, topography, or other circumstances over which the applicant has no control. An argument of “financial hardship” when defined as causing a developer to spend more than he is willing to in order to conform, is not an over-riding factor in the granting of a variance;
- That the variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by other landowners in the same zoning district;
- That the granting of the variance will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- That the variance will not be materially detrimental to the intent of this chapter, or to properties in the same zoning district in which the property is located, or otherwise conflict with the

objectives of the Comprehensive Plan and the variance requested is the minimum variance which would alleviate the hardship.

NOW THEREFORE BE IT RESOLVED, that in accordance with UCO §8.12.210, the Planning Commission grants a waiver for a 5-foot variance to both the 15-foot rear setback and the 10-foot side yard setback on Lot 2, Block 5, USS 1992, located at 232 Bayview Ave with the following conditions of approval:

1. Accessory buildings shall require a building permit.

This resolution approves the variance only as it applies to the site plat submitted and shown in Attachment A, and becomes effective once the Planning Department issues the variance permit. Issuance of the variance permit is contingent upon 1) that there are no appeals within ten (10) working days from the decision date, as outlined in UCO §8.12.200(E); and 2) that all conditions listed above are satisfied by the applicant. Following its issuance, the applicant has the responsibility to maintain compliance with all conditions, and for any failure to abide by these conditions, the Planning Department may revoke the variance permit and enforce abatement proceedings on the property as a public nuisance, according to UCO §8.12.220(F), 8.12.220(H), and Chapter 11.12.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021, BY THE PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.

Travis Swangel
Planning Commission Chair

William Homka, AICP, Planning Director
Secretary of the Commission