



Petersburg Borough

12 South Nordic Drive
Petersburg AK, 99833

Meeting Minutes Planning Commission

Tuesday, July 8, 2014

2:00 PM

Assembly Chambers

1. Call To Order/Roll Call

Present: 5 - Chris Fry, James Demko, Dave Kensinger, Dona Malhoit Laubhan and Otis Marsh

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2. Approval of the previous meetings minutes

A motion was made by Commissioner Otis Marsh, seconded by Commissioner Dona Malhoit Laubhan, that this be approved. The motion carried by a vote of

Yes: 6 - Chairperson Thomason, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry

A. [14-201](#)

Minutes of the Petersburg Planning & Zoning Commission on May 13, 2014.

3. Amendment and approval of agenda

4. Public Hearing

A. [14-204](#)

A public hearing on an appeal of a decision by the Building Official - Aaron and Katrina Miller.

Director Luczak reviewed the history of the Aaron and Katrina Miller's zoning violation.

Testimony of Aaron Miller. Mr. Miller spoke on his behalf stating he felt that the issue here was basically about money. Mr. Miller testified that he bought this property with the intention of using it for storage and due to this zoning issue, he will probably be unable to sell it.

Director Luczak reviewed the rules of appealing a zoning violation.

Katrina Miller testified about their efforts to work with the Planning Department and the timeliness of getting the second zoning violation letter. Mrs. Miller stated that they will put a fence up in the future, if they are allowed to have a conditional use permit. They also stated that their original intent was to build a warehouse, but that plan fell through after the Borough Assembly rejected their application. They have a variety of gear and fear they will not have the space to store it all. Mrs. Miller stated that her husband is a fisherman and is often out of town.

Commissioner Fry asked what the original problem was with getting the fence built which was a condition of the original permit. The Miller's stated that they had planned to build a warehouse to store their gear but their rezoning request was denied by the Borough Assembly. Mr. Miller admitted that they had completely forgotten about the expiration date of their original permit.

Commissioner Demko asked why the fence had not been built originally. The Miller's stated they wanted to get the property rezoned to build their warehouse so did not build an expensive fence.

Commissioner Kensinger asked Director Luczak whether the Commission could address the new conditional use permit at this time. Director Luczak stated that the Miller's theoretically could re-apply for a conditional use permit but that the application process would have to be followed. Borough Attorney Sara Heideman stated that this meeting must stick to the issue at hand and that any other testimony, if any, should be heard at this time for the appeal. Discussion.

Mr. Miller stated that he felt that the receipt of the letter regarding the zoning violation was received so quickly, they did not have a chance to deal with it. They also thought they were going to be able to go back to using the original conditional use permit after the Borough Assembly rejected their re-zoning request. It was pointed out that the Miller's conditional use permit had expired and is no longer valid. Mr. Miller admitted that they had completely forgotten about the expiration date of their original permit. Mr. Miller requested that the Commission just renew their previous permit. It was explained to him that the conditional use permit process would need to begin from the beginning as their original permit had expired.

Commissioner Demko stated that he did not see how the Miller's have met any of their obligations to prove their appeal.

Commissioner Fry stated that discussion must be limited to the existing law at hand. The Miller's may be able apply for a new conditional use permit, however, the board is unable to discuss that issue at this time. Director Luczak recommended that the Miller's get their new application submitted in a timely manner in order to get the

process started. Commissioner Malhiot-Lauban asked if it would be possible to get an extension on their conditions of violation in order to apply for a new conditional use permit. Attorney Heideman suggested that the process of the appeal be finalized before moving on to further discussion on a possible future conditional use permit. Discussion.

Joe Aliberti, neighbor to the Miller property, testified that he bought his property to live on, knowing that his neighbors were zoned industrial. He purposely purchased this particular spot because it is zoned residential but also with the understanding that his surrounding lots are residential. He is not in favor of the Miller's being able to use their property as industrial. Mr. Aliberti said he would wait for the next step in the conditional use permit process to address his concerns. Discussion.

Mr. Miller submitted a letter to be read into the record. Attorney Heideman suggested a copy of the letter be put into the record along with all the other documents to date. The letter was read into the record by Commissioner Dave Kensinger. Miller's ended their testimony.

Mr. Aliberti testified on his behalf.

Commissioner Fry suggested they conclude this portion of the hearing.

A motion was made by Commissioner James Demko, seconded by Commissioner Dave Kensinger, that this Action Item be approved. The motion carried by a vote of

Yes: 6 - Chairperson Thomason, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry

5. Visitors' views related to agenda items

None.

6. Visitors' views unrelated to agenda items

None.

7. Report of staff members

None

Comprehensive Plan update

Commissioner Fry stated that he met with PEDC Director Cabrera and that three members from the P&Z board could be assigned for the committee to review the Comprehensive Plan proposals submitted.

Commissioner Kensinger asked what the scope of this committee would be, if there is an RFP out, and what would the volunteers be asked to participate in. He also asked if there has been much interest in this RFP. Director Luczak updated the board on the response to the RFP that has been published. Discussion.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner James Demko, that this be approved. The motion carried by a vote of

Yes: 6 - Chairperson Thomason, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry

8. Unfinished Business

Consideration of an appeal of a decision by the Building Official - Aaron and Katrina Miller.

The Commission discussed the extension of the violation deadline.

Commissioner Marsh asked the Millers if this time frame would give them enough time to get their application filed. Attorney Heideman suggested clarification on the enforcement date. Discussion.

A motion was made by Commissioner James Demko, seconded by Commissioner Dona Malhoit Laubhan, that this be failed. The motion carried by a vote of

Yes: 6 - Chairperson Thomason, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry

9. New Business

A. [PZ14-197](#)

A public hearing for a request from Alec and Theresa Pfundt for a variance of the 10 foot side setback requirement to allow the construction of a carport 3 feet from the property line on lot 01002459, located at 205 Galveston Street.

A motion was made by Commissioner Otis Marsh, seconded by Commissioner James Demko, that this Action Item be approved. The motion carried by a vote of

Yes: 5 - Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry

10. Discussion items

Attorney Heideman requested that the Commission direct Director Luczak to mail the Millers a letter outlining written findings of the public hearing held today as well as the conditions outlined by the Commission.

Commissioner Demko spoke on his search for property for his bicycle shop and the permitting required for that. Discussion.

11. Adjournment

A motion was made by Commissioner Dona Malhoit Laubhan, seconded by Commissioner Dave Kensinger, that this be adjourned. The motion carried by a vote of

Yes: 6 - Chairperson Thomason, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry

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