

**CITY OF UNALASKA, ALASKA  
PLANNING COMMISSION & PLATTING BOARD  
REGULAR MEETING  
THURSDAY, MAY 17, 2018, 6:00 P.M.  
UNALASKA CITY HALL COUNCIL CHAMBERS  
MINUTES**

**CALL TO ORDER:** Acting Chair Travis Swangel called the meeting to order at 6:04 PM.

**ROLL CALL**

Commissioners Physically Present

Thomas Bell  
Helen Brown  
Vicki Williams  
Travis Swangel

Commissioners Absent

Billie Jo Gehring - excused

Staff Present

Bil Homka, Planning Director  
James Price, GIS Administrator  
Judy Huling, Administrative Assistant

**REVISIONS TO THE AGENDA:** None

**ANNOUNCEMENTS:** None

**MINUTES:** Commissioner Bell made a motion to approve the minutes from March 15, 2018. Commissioner Brown seconded. Motion passed.

PUBLIC HEARING

**Resolution 2018-06** – A RESOLUTION APPROVING A LOT FRONTAGE VARIANCE FROM 60 FEET TO 20.42 FEET FOR A NEW FLAG LOT LOCATED ON LOT 2, OF HESTER SUBDIVISION NO. 2, AND APPROVING SAID SUBDIVISION

Mr. Homka gave a staff report, supporting the application. Michelle Hester spoke to the commission about the request. There was some concern about whether the subdivision would allow for the current building and potential new building to comply with set-back requirements. It was determined that there was sufficient room on both lots.

There was question as to whether a COE permit would be required to fill wetland in the new lot. It was determined that the Planning department and the commission would not be required to determine that issue.

**Resolution 2018-07** – A RESOLUTION APPROVING A REAR YARD SETBACK VARIANCE TO THREE FEET AND A SIDE YARD SETBACK VARIANCE TO THREE FEET FOR A TEMPORARY HOT TUB GAZEBO STRUCTURE LOCATED ON LOT 2A OF 1995 AND 1996 BROADWAY RIGHT-OF-WAY ACQUISITIONS, PLAT 97-7 AT 226 WEST BROADWAY AVENUE

Commissioner Williams excused herself from the commission to speak as a member of the public and not vote on this issue as she is an adjacent lot owner.

Mr. Homka stated that Mr. Collins was the applicant and was not present. We had spoken to him earlier today and reminded him that his request was on the agenda tonight. Mr. Homka gave the staff report.

Acting Commissioner Swangel opened the meeting up to public discussion. Susan Honan and Caroline (Vicki) Williams had signed up to speak on this resolution.

Vicki Williams said that there were two Native Allotments adjacent to the Collins property, and there was no room for any variances. She said it should not be okayed because the applicant had a dispute with a neighboring Native Allotment. She felt you should not do something on someone's property without their approval. She said if the hot tub had been moved closer to his house he wouldn't have any problem. She did not think anything should be granted until he had settled the dispute with the neighboring property owner. She asked the Commission to not grant any variance until he fixes all his disputes with the Galaktionoff family right next door to him. She said there was no room on her side of the property to give him any variances.

Susan Honan read a letter in favor of the applicant signed by her husband and herself. The letter stated they were happy to see improvements to Joel Collins's property. She read that Joel has been a good neighbor and friend, willing to help whenever he sees a way to. The Collins family was a wonderful addition to the neighborhood. The structure he wants to build will improve the quality of life for him and for his family. Joel does good work and they are sure the structure would be sound. Please allow him to build this structure.

Mr. Homka read letters from Peter Galaktionoff and Eugenie Lekanoff, both neighboring lot owners, in opposition to the variance request. Mr. Galaktionoff protested the variance proposed by Joel Collins as he had made no attempt to contact any of the owners of the adjacent property, lot 3, block 7, when he moved gravel onto the property. He felt Mr. Collins needed to research property lines before he continues any further development.

Ms. Lekanoff's letter stated that her family owns the adjacent lot to Mr. Collins property. She said Mr. Collins's gravel for his driveway was encroaching onto their land and he needed to be told this. She also thought Mr. Collins should research the property lines before he continues with further development.

Mr. Homka stated he'd talked to Peat, who wrote the first letter, explaining that his dispute was a civil issue. He would need to take the issue to court if they could not come to an amicable agreement. Mr. Homka felt that as a planning commission they should defer to neighboring lot owners having a dispute over the lot line with the applicant. The staff had initially been in favor of the variance, but that was before the issue came up of the property line dispute and other work going on out there. He did not think the commission could give a variance to a lot line when they weren't certain what the correct lot line was. He recommends they either vote no, or defer it and suggest he get a boundary survey that more accurately depicts where everything is.

Acting Chair Swangel said it was unfortunate that Joel was not there, he had several questions himself. He asked if any other commissioners had anything they would like to add to the discussion. Hearing none at this time, he asked if there was any more public hearing.

Ms. Williams stated that she was sure if he went to court it would be with the BIA.

OLD BUSINESS *None*

NEW BUSINESS

Mr. Homka recommended that since Commissioner Williams was already sitting in the audience, the commission deal with **Resolution 2018-07** before dealing with **Resolution 2018-06**.

**Resolution 2018-07** – A RESOLUTION APPROVING A REAR YARD SETBACK VARIANCE TO THREE FEET AND A SIDE YARD SETBACK VARIANCE TO THREE FEET FOR A TEMPORARY HOT TUB GAZEBO STRUCTURE LOCATED ON LOT 2A OF 1995 AND 1996 BROADWAY RIGHT-OF-WAY ACQUISITIONS, PLAT 97-7 AT 226 WEST BROADWAY AVENUE

Commissioner Brown made a motion to approve **Resolution 2018-07**, Commissioner Bell seconded.

Commissioner Bell expressed his wish that Joel had been present to answer questions. His first question was why in that particular location. His stated he had waivered back and forth on this item, he thought a hot tub with a gazebo was an appropriate purpose for the property, but when the question of variance came up he felt the board should not be handing out variances like candy. There should be good reasons for why they are approving

variances for certain things. His initial inclination was in favor of approving it because it was a quality of life issue, but there were several things he had a problem with. The drawings were not very clear. Mr. Bell wanted to know exactly what he was doing, where he was doing it, and why he was doing it. Now there was a property line dispute. He did not feel the commission should proceed with the variance until the dispute was settled. Without testimony from the applicant Commissioner Bell felt the applicant might not be very concerned about whether he got the variance or not.

Acting Chair Swangel stated that he was not against anyone having a hot tub and gazebo. He thought that was great and would improve the quality of life. He felt that the request did not meet the required conditions for allowing a variance. One of the requirements was to give the minimal variance required to alleviate a hardship. He was not sure that condition had been met, without going out and seeing the site. He stated they had approved several variances recently, but those had to do with housing. Those would further the objectives of the comprehensive plan by promoting housing. The hot tub and gazebo would be a totally separate structure. This building was already noncompliant with setback requirements. He did not want to set a precedent by approving the variance at this time.

Acting Chair Swangel asked if there was any further discussion. None was given.

Mr. Homka stated there was a motion on the table to approve the variance.

A roll call vote was taken. The motion failed unanimously.

Commissioner Williams was invited to retake her seat on the commission.

**Resolution 2018-06** - A RESOLUTION APPROVING A LOT FRONTAGE VARIANCE FROM 60 FEET TO 20.42 FEET FOR A NEW FLAG LOT LOCATED ON LOT 2, OF HESTER SUBDIVISION NO. 2, AND APPROVING SAID SUBDIVISION

Commissioner Williams made a motion to approve **Resolution 2018-06**, Commissioner Brown seconded.

Commissioner Bell questioned whether the plat shown was surveyed, or to scale. He questioned whether Lot 1 would still conform to code with the creation of Lot 2. It was determined that there would be sufficient set-backs remaining on Lot 1.

Commissioner Swangel expressed his concern for access to Lot 2 for public safety purposes. He felt that as long as nothing was parked within the driveway area there shouldn't be a problem with access to Lot 2. Roll call vote was taken. The motion passed unanimously.

#### WORKSESSION

Discuss Zoning Code review and update. Mr. Homka expressed the need for revision to the current zoning code for purposes of ease of use and basic outline revision. Mr. Homka would like to use this process to address zoning code for specific areas, such as the downtown area, which is non-conforming to the current code.

Commissioner William agreed that the property size should be lowered for the downtown area lots. There was additional discussion that there was a need for looking at lot size and parking space availability in the downtown area as they considered revisions to the code.

**ADJOURNMENT:** Commissioner Brown called for adjournment. Commissioner Williams seconded. Meeting was adjourned at 7:06 pm.

PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF JUNE, 2018 BY THE CITY OF UNALASKA PLANNING COMMISSION.

  
\_\_\_\_\_  
Billie Jo Gehring  
Commission Chair

6/21/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bil Homka, AICP  
Secretary of the Commission

6-21-18  
\_\_\_\_\_  
Date

Prepared by Judith Huling, Administrative Assistant