



Haines Borough
Planning Commission Meeting
May 13, 2010
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG** –Chairman **Heinmiller** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL – Present:** Chairman Lee **Heinmiller**, Commissioners Pete **Lapham**, Rob **Goldberg**, Donnie **Turner** and Andy **Hedden**. **Absent:** Robert **Venables** and Roger **Maynard**

Staff Present: Steve **Ritzinger** – Planning and Zoning Technician, Jamie **Heinz** – Deputy Clerk, Mark **Earnest** – Borough Manager and Julie **Cozzi** – Borough Clerk.

Visitors Present: Dick **Aukerman**, Darsie **Culbeck**, Leane **Converse**, Joanne **Waterman** – Borough Assembly Liaison and others.

3. **APPROVAL OF AGENDA**

Add Other New Business Item 10E4 – Asper Enclosed Porch - **Lapham**

Motion: **Turner** moved to “approve the agenda as amended,” and the motion carried unanimously.

4. **APPROVAL OF MINUTES** – April 8, 2010 Regular Meeting

Motion: **Turner** moved to “approve the April 8, 2010 Regular Meeting Minutes,” and the motion carried unanimously.

5. **PUBLIC COMMENTS – Converse** expressed concerns about the poor conditions of Barnett Drive and a new driveway being built creating additional traffic. **Ritzinger** gave an update regarding the developer’s permit explaining that at this point it is a driveway and will in the future become a road.

6. **CHARIMAN’S REPORT** – Chairman **Heinmiller** gave an overview of the MRV meeting with the Assembly Committee of the Whole. He also explained that the School District is currently dealing with Department of Transportation and the Safe Routes to School program.

7. **STAFF REPORTS**

A. **Planning & Zoning Report – Ritzinger** summarized his written report that provided an update on recent permits, activities and projects.

In addition to his written report **Ritzinger** explained additional permits that had come in since the publishing of the packet, an update on the PC’s recommendations to the assembly and the Crystal Cathedrals Water Sewer acquisition.

8. **PUBLIC HEARINGS**

1. **Aukerman Septic Setback Variance**

Heinmiller opened and closed the public hearing at 6:45 pm, there were no public comments.

Motion: **Goldberg** moved to “approve the Aukerman setback variance allowing the replacement of a septic system as engineered within the 20 foot setback along Mud Bay Road.”

Insufficient alternative locations on the property to place the septic was discussed.

The motion carried unanimously.

9. **OLD BUSINESS** – None

10. **NEW BUSINESS**

A. **HCMP Consistency Review** - None

B. **Haines Borough Code Amendments** – None

C. **Historic District/Building Review** – None

D. **Project Updates** – None

E. **Other New Business**

1. **Culbeck Appeal of a Decision by the Manager**

The existing variance, the possibility that the structure encroaches into the right-of-way and the difference between a structure being permitted to sit within a setback and encroaching into the right of way were topics discussed. Possible remedies if an as-built survey determined that the structure encroached into the right-of-way, safety that the as-built survey offers for the property owner as well as the public, the original structure construction pre-dating zoning laws, ramifications of snowplowing and nearby monuments available to help determine where the property line is were other topics discussed.

It was clarified that if the property was surveyed and it was found that the structure did not encroach into the right-of-way, the property owner would not have to go through planning commission again because a variance already exists.

Motion: **Turner** moved to “uphold the manager’s decision.”

Possible remedies if an as-built survey determined that the structure encroached into the right-of-way were discussed further.

The motion failed with **Goldberg** and **Hedden** opposed.

The Planning Commission was encouraged to request as-built surveys in the case of variances to alleviate this type of problem in the future.

It was explained that because the motion failed, no decision had been made and Borough Code specifies that a decision is needed at this meeting.

Motion: **Turner** moved to “rehear the manager’s decision regarding Culbeck’s appeal.”

Ernest assured the Planning Commission that the Borough would work with Mr. Culbeck if it was determined that the structure encroached into the right-of-way.

The motion failed with all opposed.

2. **Emerson Park Acquisition**

Motion: **Goldberg** moved to “recommend the Assembly buy the Emerson Park property for the price offered.”

The need to look to the long term, the growth rate of the Mosquito Lake area, the offered price, the offered price in relation to the size and location of the property and Mr. Emerson’s wishes for the property were topics discussed.

The motion carried unanimously.

3. **Parking Formula**

The current parking formula, vehicles backing out into streets and alleys, off-site parking and snow storage were topics discussed. It was recommended that an

ordinance come forth for action at the next Planning Commission meeting with a statement that legal street parking can be considered in the parking formula.

4. Asper Enclosed Porch

Motion: Lapham moved to “direct property owner, James Asper, to remove the exterior walls enclosing the porch on his guest house located within the Lutak Zoning District (property #2-LTI-02-0B00) because it is the opinion of the planning commission that this enclosed porch enlarges the guest house to a size that exceeds the 800 square foot limit in HBC 18.20.20. Decks are not intended to have roofs or walls, but the planning commission will allow the roof to remain and removable screens to be installed in place of the walls.”

It was explained that after discovering the expense of the removable screens the affected parties wanted to appeal.

The motion carried unanimously.

11. COMMISSION COMMENTS – None

12. COMMUNICATION – None

13. SET MEETING DATES – The next Regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, June 10th.

14. ADJOURNMENT – 8:12 p.m.