



HAINES BOROUGH, ALASKA
P.O. BOX 1209
HAINES, AK 99827
(907) 766-4600 FAX (907) 766-2716

September 15, 2020

From: Libby Jacobson, Planning and Zoning Technician

To: Haines Borough Planning Commission

**Re: Don Highsmith CUP #20-34 | Parcel ID: C-ALL-01-0600 | Industrial Light Commercial Zone
Convert Shop to Living Space**

Summary

Don Highsmith is requesting to convert his existing garage to a summer time living space. The garage is currently permitted as an "accessory use". On the property is a an existing 1,500 sf duplex that was grandfathered in, allowing a multi-unit dwelling to exist in the Industrial Light Commercial Zone.

Staff Recommendation

It is Borough staff's advice for the Planning Commission to recommend this conversion request be approved by the Assembly for the following reasons:

- The unit can be approved under the definition "multiple single family residences"
- The current use of the duplex is grandfathered in.
- The property is directly adjacent to the Single Residential zone and the use of this property is harmonious with the neighborhood as residential.
- The applicant paid an after the fact fee, set up his water/sewer account- coming in to "settle up"

Background

The garage was permitted in 2008. It is unclear when the duplex was built. Multiple Single Family Residences is a CUP. Multi-Unit Dwellings are NA. The property is directly adjacent to the Single Residential zoning, but the property is zoned industrial light commercial. The garage has been converted for months, the applicant has after the fact realized he needs to have this permitted. The applicant is living in the garage for a few months summer seasonally, not renting this space out.



Notifications Sent to Surrounding Property

Re: Don Highsmith CUP #20-34 | Parcel ID: C-ALL-01-0600 | Industrial Light Commercial Zone | Convert Shop to Living Space

Dear property owner,

You have been identified as owning property within 500 feet of the above listed property. This is notification that there will be a public hearing regarding a garage to living space conversion. This matter will be heard October 8th, 2020 at 6:30pm virtually on ZOOM. You are invited to provide testimony at the meeting or submit written comments to the Borough Planning & Zoning Tech at ljacobson@haines.ak.us. For more information, please call the Lands Dept. at 766-6400 ex3 or visit <https://www.hainesalaska.gov/pc/planning-commission-54>

OWNER1	OWNER2	ADDRESS1	ADDRESS2	OWNTYPE
DWIGHT DOWNER	LESLIE DOWNER	BOX 1045	HAINES AK 99827	PRIVATE
TROY S CLARK	HANNAH J CLARK	BOX 618	HAINES AK 99827	PRIVATE
HENRY H. WONG	JOYCE H. WONG	BOX 1518	HAINES AK 99827	PRIVATE
GERALD LAPP	KATHI LAPP	P.O. BOX 1702	HAINES AK 99827	PRIVATE
SEAN P. BRYANT	MARGARET A. STERN	BOX 1398	HAINES AK 99827	PRIVATE
DAVID BUTTON	JANE BUTTON	823 EVANS DRIVE	SEDRO WOOLLEY WA 98284	PRIVATE
JORDAN J. FROST	MORGAN FROST	BOX 372	SKAGWAY AK 99840	PRIVATE
SEAN P. BRYANT	MARGARET A. STERN	BOX 1398	HAINES AK 99827	PRIVATE
WOODY PAHL		BOX 1581	HAINES AK 99827	PRIVATE
JOHN KATZEEK	CHERYL KATZEEK	BOX 997	HAINES AK 99827	PRIVATE
DANIEL J. STICKLER		P.O. BOX 1053	HAINES AK 99827	PRIVATE
KRISTINE HARDER		BOX 136	HAINES AK 99827	PRIVATE
DARLIN MONROE		BOX 58371	FAIRBANKS AK 99711-0371	PRIVATE
RANDY KATZENMEYER		P.O. BOX 48	HAINES AK 99827	PRIVATE
ALASKA MARINE LINES		P.O. BOX 3996	SEATTLE WA 98124-3996	PRIVATE
ANDREW J. GRAY		3 HOLLY LANE	GREENLAND NH 03840	PRIVATE
WESTON DAVID	CARRIE WESTON	BOX 1424	HAINES AK 99827	PRIVATE
ARLENE BROOKS		BOX 1084	HAINES AK 99827	PRIVATE
ALBERT SAMPSON	GEORGIA SAMPSON	BOX 536	HAINES AK 99827	PRIVATE
DAVID PETERS	PATRICIA PETERS	BOX 152	HAINES AK 99827	PRIVATE
HARRY A. RIETZE	GENEVIEVE E. RIETZE	P.O. BOX 28	HAINES AK 99827	PRIVATE

Relevant Code:

Haines Borough Code

Chapter 18.20.020 Definitions Regulatory

I/L/C – Light Industrial/Commercial Zone. The intent of the light industrial/commercial zone is to provide for and protect the light industrial and commercial needs of the community. Light industrial land uses are distinct from heavy industrial uses in that they do not create the external effects typical of heavy industry. Enclosed manufacturing, wholesaling and warehousing are typical light industrial uses. Areas designated into the light industrial/commercial zone should be served by, or have access to, public utilities and roadways capable of handling the increased uses caused by business growth within the zone.

“Dwelling, multiple or multi-unit” means a structure built for residential occupancy and designed and constructed with two or more distinctly separate and independent dwelling units. Examples include: duplexes, tri-plexes and four-plexes.

“Nonconforming use” means a lot, building, use, or portion thereof, which was lawfully erected, altered or maintained, but no longer conforms to the provisions for the zone in which it is located.

“Planned unit development (PUD)” means a use or combination of uses that are designed to occupy the same lot or separate adjacent lots and complement each other through design and operational characteristics. The developer must demonstrate that creative approaches are used that will result in a more efficient, aesthetic and harmonious development with uses in the surrounding area, while at the same time providing higher population density or increased intensity or mix of uses than is permitted in the zone(s) in which the project is located. A PUD may be approved as a conditional use under specific approval criteria.

“Single-family dwelling” means a structure situated on a permanent foundation which is intended for habitation by a single family. This definition does not include a mobile home.

GENERAL CLASSIFICATION ➔	INDUSTRIAL USES			COMMERCIAL/ Residential Uses			RESIDENTIAL USES ONLY	RESIDENTIAL/ Commercial Uses			RECREATIONAL USE
	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Recreational
Specific Zoning Districts ➔											
USES ⬇	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	REC
Multiple Single Family Residences	NA	CU	NA	CU	CU	NA	NA	CU	CU	CU	NA
Multi-Unit Dwelling	NA	NA	NA	CU	CU	CU	NA	UBR	NA	UBR	NA
Planned Unit Development	NA	NA	NA	CU	CU	CU	NA	CU	CU	NA	NA



Haines Borough

Planning and Zoning

103 Third Ave. S., Haines, Alaska, 99827. Box 1209
 (907) 766-6401 * Fax: (907) 766-2716

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: 20-34
 Date: 7-23-20

Use this form for approval by the Planning Commission. **\$150 non-refundable application fee**

I. Property Owner/Agent		Owner's Contractor (If Any) <u>N/A</u>	
Name: <u>DON HIGHSMITH</u>		Name: <u>N/A Don Highsmith</u>	
Mailing Address: <u>PO Box 1497 HAINES AK.</u>		Haines Borough Business License #: <u>#1756</u>	
Contact Phone: <u>702-595-7584</u>		Alaska Business License #:	
Fax: <u>N/A</u>		Contractor's License #:	
E-mail: <u>donhighsmith@hotmail.com</u>		Mailing Address:	
		Contact Phone:	
		Fax:	
		E-mail:	

II. Property Information

Size of Property: 80.54' x 202.17'

Property Tax #: C-ALL-01-0600

Street Address: 215 ALLEN RD

Legal Description: Lot (s) 6 Block 1 Subdivision ALLEN Subdivision

OR

Parcel/Tract _____ Section _____ Township _____ Range _____

[Attach additional page if necessary.]

Zoning: Waterfront Single Residential Rural Residential Significant Structures Area

Rural Mixed Use Multiple Residential Heavy Industrial Waterfront Industrial

Commercial Industrial Light Commercial Recreational Mud Bay Zoning District

Lutak Zoning District General Use

III. Description of Work

Type of Application	Project Description	Water Supply	Sewage Disposal
(Check all that apply) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial _____ sq. ft. _____ seating capacity if eating/drinking establishment <input type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	(Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Other <u>CONVERT Shop To SUMMER LIVING AREA</u>	(Existing or Proposed) <input type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input checked="" type="checkbox"/> Borough Water System <input type="checkbox"/> Other <u>EXISTING</u>	(Existing or Proposed) <input type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input checked="" type="checkbox"/> Borough Sewer System <input type="checkbox"/> Pit Privy <input type="checkbox"/> Other _____

Per HBC 13.08.100 and 18.60.010, If a property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. Failure to connect will result in a minor offense subject to penalties.

Valuation of Work:
\$4900.00

Current use of adjacent properties:
AML YARD, 1 SINGLE FAMILY HOUSE, FISH CREEK

Attach the following documents to the permit application:
 Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Required) Pre-application Conference Date: _____

Prior to submission of an application, the developer shall meet with the manager for the purpose of discussing the site, the proposed development and the conditional use permit procedure. The manager shall discuss these matters with the developer with special attention to policies and approval criteria that may pose problems or constraints on the site or the proposed development activity and policies or approval criteria that may create opportunities for the developer.

APPLICATION
Please provide a written narrative explaining how your project will meet the following requirements. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these six standards are met.

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers.
Describe what safeguards are being provided (i.e. setbacks or buffers) to meet the condition. MY GARAGE SHOP WAS APPROVED IN 2008, IT IS IN THE BACK OF OUR PROPERTY, ALL THE SETBACKS WERE APPROVED AT THAT TIME
2. Explain how the development of the use is such that the value of the adjoining property will not be significantly impaired.
SAM + GEORGIA LIVE NEXT DOOR. MY BUILDING IS BUILT WELL AND LOOKS GOOD.
3. Explain how the size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.
POWER WAS INSTALLED BY APT IN 2007
WATER + SEWER WERE CONNECTED TO MY EXISTING DUPLEX APARTMENTS

4. Describe how or why the specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.

THERE ARE NO BUILDINGS BEHIND OR ON ONE SIDE OF ME.

5. Explain how the granting of the conditional use will not be harmful to the public safety, health or welfare.

THERE IS NO ROAD FROM THE PROPERTY JUST A DRIVEWAY

6. Describe the safeguards that will be provided so that the use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams.

THE SHOP WAS BUILT IN 2008 WITH LAND USE PERMIT # 08-40, SETBACK WERE APPROVED

NOTICE

Per HBC 18.50.040, Comments received from property owners impacted by the proposed development will be considered and given their due weight. Additionally, the Planning Commission may impose one or more of the following conditions:

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.
2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.
3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.
4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.
5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.
6. Commitment Letter. The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.
7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.
8. Design. The conditions may require the adoption of design standards specific to the use and site.



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June 16, 2008

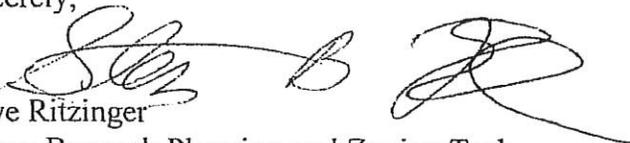
Don Highsmith
PO Box 1497
Haines, AK 99827

Re: Land Use Permit #08-40
C-ALL-01-0600

Dear Mr. Highsmith,

Your Land Use Permit to build a garage on the above listed property has been approved as per the plans submitted with adjusted location. Haines borough code requires accessory buildings be 10 feet inside of the setbacks of the interior property lines. Land use permits are valid for two years. If construction is not substantially complete within two years of the permit issued date you will be required to apply for a new permit. Due to the fact that construction took place prior to the issuing of a building permit, after review by borough management it is necessary to assess the \$250 fee. If you wish to appeal this fine you will be required to file a request with the clerk stating the grounds of the appeal within ten days. If you chose not to appeal, the \$250 fee will be due on July 16th. If you have any questions, please contact the borough.

Sincerely,


Steve Ritzinger
Haines Borough Planning and Zoning Tech
sritzinger@haines.ak.us
(907) 766-2231 Ext 23