

Wednesday, December 13, 2023

Matthew and Azure Jensen  
9624 Birdville Way  
Fort Worth, TX 76244

Haines Borough Planning Commission  
% Planning Commission Chair Patty Brown  
PO BOX 1209  
Haines, AK 99827

RE: Borough Administration Variance Application Responses C-HAY-00-0300

Dear Chairwoman Brown,

We have reviewed the Borough Administration's response to our application in the Agenda Packet and wish to highlight some inaccuracies in their written responses that require correction and rebuttal prior to our public hearing before the Planning Commission.

Both Manager Kreitzer and Planner Conrad provided a more than adequate pre-application meeting which was professional and exceptionally friendly. We thank them for that. While discussing the positioning of the buildings, both Manager Kreitzer and Planner Conrad asked why we wouldn't build the proposed structures 15' apart. We responded that we did not believe it was possible given the shape of the lot to do so. We even conceded that we would pursue that solution if it would comply with code, but we thought there was not enough room. They continued to tell us there is enough room when it appeared obvious this was not the case. The Borough Staff incorrectly asserts the claim that we can comply with code by placing the structures within the setbacks and reducing the space between them to 15' (the minimum allowed by code) in the Borough Staff response HBC 18.80.050(C) Criteria #3 and HBC 18.80.050(D) Criteria #3 & #5. This is not the case. (See ATTACHMENT A)

Towards the end of this meeting, we also explained that there is one more obvious solution that would negate the need for a variance and the unique shape and practical difficulties it creates. It appears that the "wedge" that creates the unique property line boundary, is a part of ATS 1308. We agree with the Borough Staff that we do not understand why our property was platted as it was. Although a separate process, contained in HBC Title 14, we stated that purchasing this land from the Borough was an alternative solution, albeit, not one we really wanted to pursue. Manager Kreitzer agreed and vehemently stated that the Borough Administration preferred us to pursue this setback variance first. This is an alternative option to resolve our dilemma. (See ATTACHMENT B)

The Borough Staff response in HBC 18.80.050(D) Criteria #3. states, "A variance is an extraordinary remedy-basically license to violate Borough Code." We strenuously object to this statement and believe if there was ever an example where a reasonable setback variance situation exists and warrants examination, this is it.

A variance is a part of the code, the exception to the rule. Borough Code can't possibly be a "one size fits all" solution. If that was the case, then a provision for a variance would not exist within the code, and, if granted, is most certainly not "a license to violate code."

Lastly, the Borough Staff response contained in HBC 18.80.050(D) Criteria #5, makes mention of the Portage Cove Trail as being likely to include a sidewalk/trail. We are completely in favor

of this sidewalk/trail idea, however, this has only been contained conceptually in the “11A1 Portage Cove Trail Design (2018)” and “2019 Portage Cove Trail Framework Plan by James Corner Field Operations” on the Borough website. This has NOT been included in the 35%, 65%, or 95% Draft Plans. It should be noted that there have been many variations to these plans with many discarded concepts in the initial planning stages. This sidewalk idea appears to have been discarded. Therefore, the “design considerations” cited appear to have been considered and are no longer part of the Portage Cove Trail. This should not be given any weight in consideration of our setback variance application.

We would like to add that we have found Manager Kreitzer and Planner Conrad to be friendly and professional. They are assets to the Haines Borough. Our contention is that this is simply a difference of opinion.

Respectfully Submitted,

Matthew and Azure Jensen

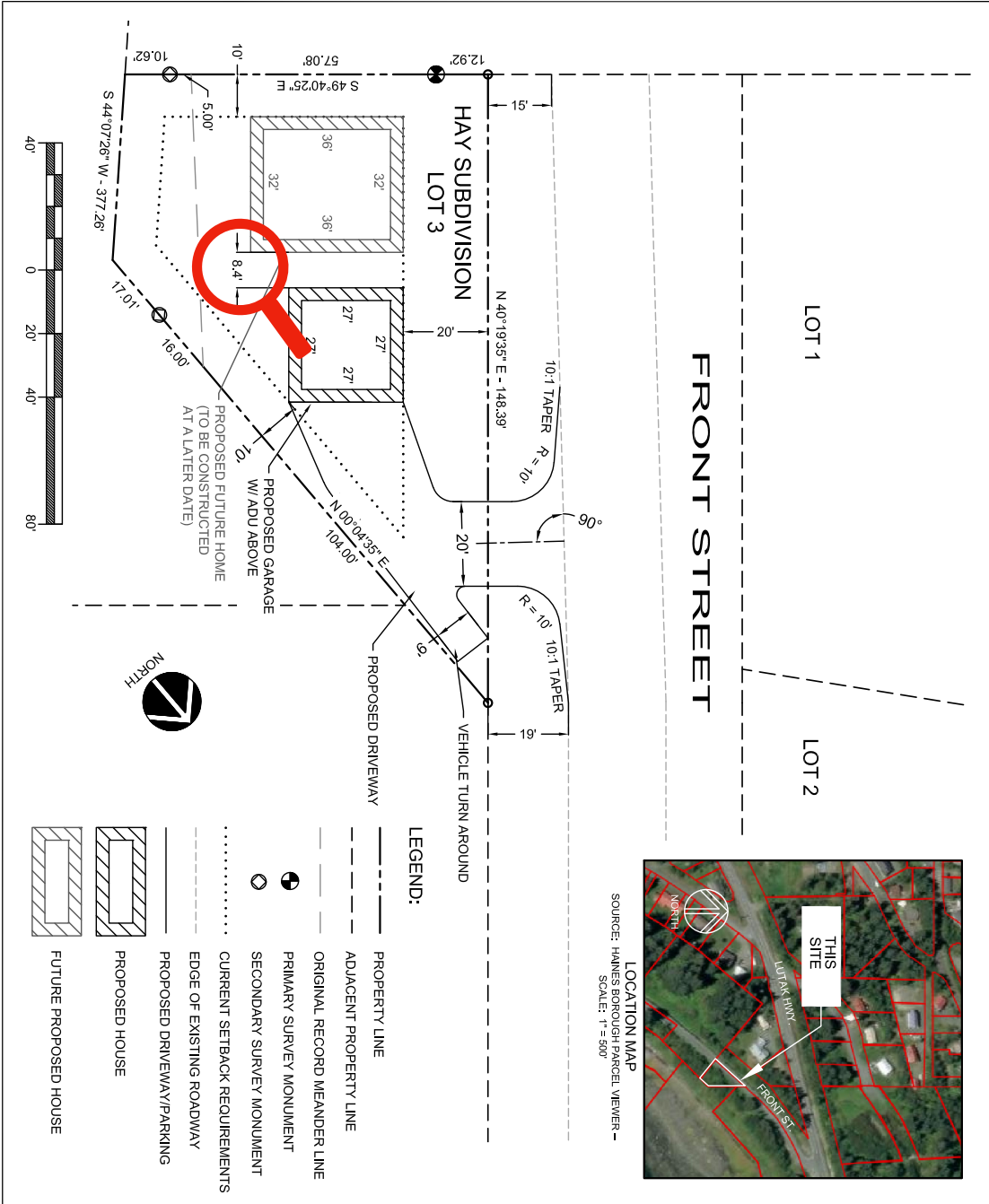
FOR REFERENCE



YELLOW LINE = PROPERTY LINE

GREEN LINE to RED LINE = APPROXIMATE ROOFLINE OVERHANG w/ STRUCTURE WALL  
18" BEHIND

# ATTACHMENT A SITE PLAN WITHIN SETBACKS



<b>SHEET</b> 1 OF 1	DRAWN BY: EKH  CHECKED BY: EKH	SCALE: 1" = 40'  DATE: 12/11/23	 PO BOX 210393, AURKE BAY, AK 99821 (907) 321-5850	<b>MATTHEW &amp; AZURE JENSEN</b> <b>FRONT STREET PROPERTY</b> <b>SITE PLAN</b> <b>BUILDING WITHIN SETBACKS</b>	MATTHEW & AZURE JENSEN 9624 BIRDVILLE WAY FORT WORTH, TX 76244  HAY SUBDIVISION LOT 3 HAINES RECORDING DISTRICT
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ATTACHMENT B  
ATS 1308

