




City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mark Gorman, Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Maegan Bosak, Planning and Community Development Director 

Subject: Burkhart appeal of zoning violation fine- 101 Lance Drive

Date: July 22, 2015

The Planning and Community Development Department issued a notice of violation and order to correct a zoning violation at 101 Lance Drive to property owner Ms. Shirley Burkhart. Shortly thereafter an appeal was submitted on behalf of the property owner by Attorney Brita Speck.

After a thorough analysis and long enforcement process, including meetings with the property owner and representatives, it was determined that the use of the property at 101 Lance Drive continues to be a zoning violation. The commercial activity identified in the property meeting on March 30, 2015 was best determined to be welding/metal fabrication use which requires a conditional use permit in the C-1 commercial zone per SGC Table 22.16.015-5.

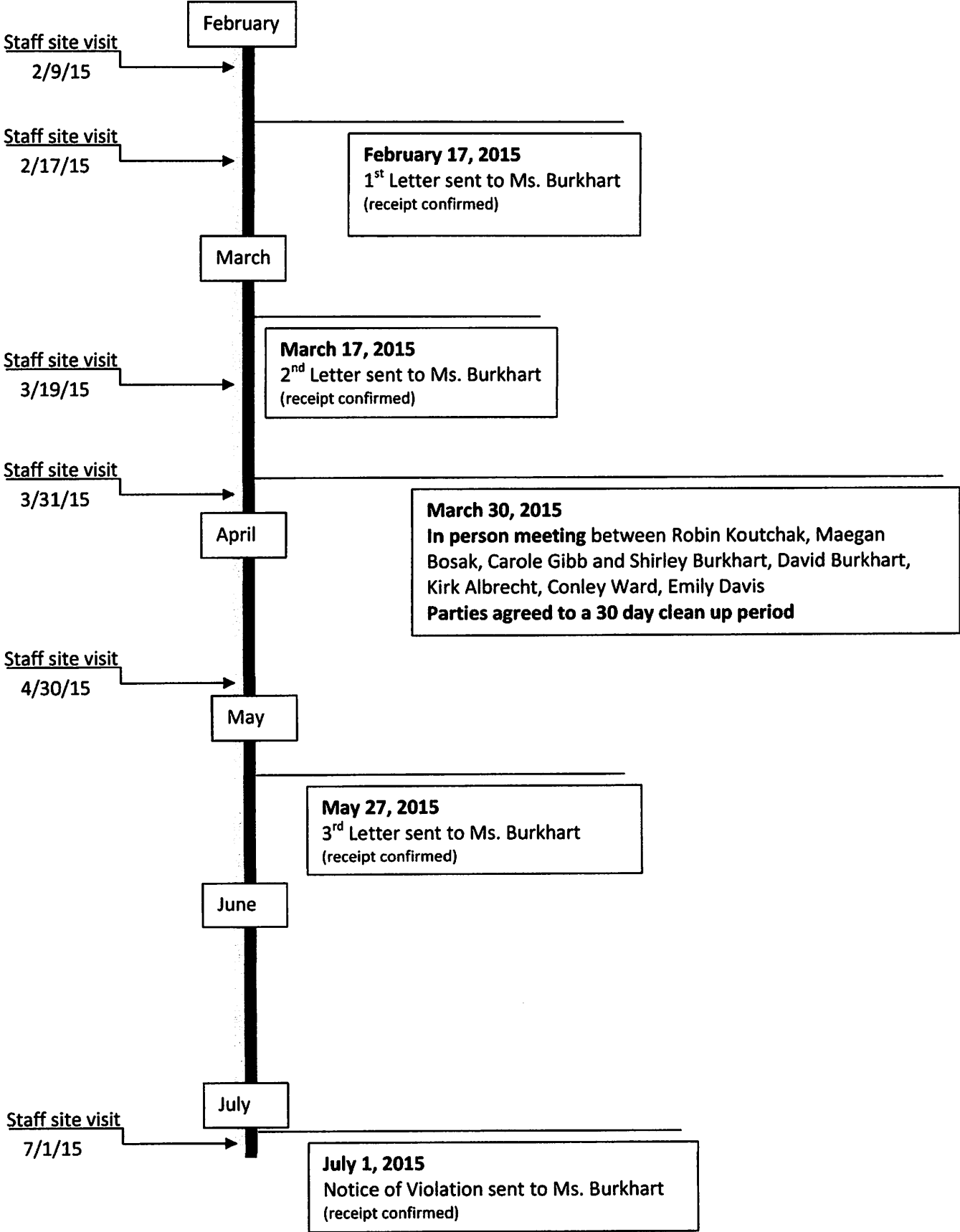
Throughout discussion with the property owner and representatives, staff has stated multiple times that we would be available to assist them through the conditional use permit process and see it as the best opportunity to mitigate concerns from surrounding neighbors. Conditions could be placed that provide a visual buffer, noise buffer or possibly a limitation on hours, all of which would allow the business activity to prosper without infringing on the neighborhood feel and safety.

The C-1 general commercial district is intended to be served by major essential utilities and to include those areas which are heavily dependent upon vehicular access. The district is intended for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the general commercial district along the roads in a strip fashion is to be discouraged.

Included in your packet is the staff analysis of the complaint, copies of correspondence, neighborhood complaints and pictures of the property throughout the enforcement process.

Staff's end goal is that this owner be able to use her property to the greatest extent possible, in line with CBS code, while the residential nature of the surrounding zone be protected.

**101 Lance Drive
Zoning Violation
Timeline**



Maegan Bosak

From: Melissa Henshaw <melissa.henshaw@cityofsitka.org>
Sent: Thursday, July 09, 2015 2:02 PM
To: 'Maegan Bosak' (maegan@cityofsitka.com); Carole Gibb (carole@cityofsitka.com); Robin Koutchak; Reuben Yerkes
Cc: Sara Peterson
Subject: Appeal from Burkhart for Notice of Violation
Attachments: 20150709134134653.pdf

Good afternoon,

The Clerk's Office just received the attached letter from Brita Speck for Shirley Burkhart as an appeal for the Notice of Violation I am assuming that Planning sent. Please advise if the Clerk's Office needs to do anything further or what steps happen now.

Have a great rest of your day,

Melissa Henshaw

Deputy Clerk/Records Specialist
City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835
[907-747-1826](tel:907-747-1826)
FAX [907-747-7403](tel:907-747-7403)

[Messages to and from this email address may be available to the public under Alaska Public Records Law.](#)

From: noreply@cityofsitka.org [<mailto:noreply@cityofsitka.org>]
Sent: Thursday, July 09, 2015 9:42 AM
To: Melissa Henshaw
Subject: Scanned Images from Admin Savin 9080

P.O. Box 6458, Sitka AK 99835

BRITA SPECK

LAW OFFICE, LLC

(907) 747-3750 Fax: (907) 747-3750

264 Katlian Street

specklaw@ptialaska.net

City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835

July 9, 2015

RE: Notice of Violation and Order to Correct

101 Lance Drive

Attention Municipal Clerk:

I am the attorney-in-fact for Ms. Shirley Burkhart. This letter will serve as an appeal to the Notice of Violation dated July 1, 2015.

Ms. Burkhart is celebrating her 80th birthday, and is quite distressed to be receiving this confusing and unfounded correspondence regarding her property.

The Notice of Violation states that a conditional use permit is required for manufacturing of fabricated metal products, industrial and commercial machinery, heavy machinery and equipment. While that may be the case, there is no commercial activity of this type on the property. While Ms. Burkhart's family occasionally uses the property for his or her own personal benefit, there is no commercial manufacturing taking place and thus there is no basis for a conditional use permit, let alone a fine for this activity.

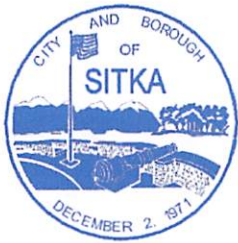
Please update the City Records to reflect this fact and further remove the unfounded fine for violation.

Sincerely,



Brita Speck

cc: Burkhart



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

July 1, 2015

Shirley Burkhart
1613 Sawmill Creek Road
Sitka, AK 99835

COPY

**RE: NOTICE OF VIOLATION AND ORDER TO CORRECT
ZONING VIOLATION: 101 LANCE DRIVE, SITKA, ALASKA**

Dear Ms. Burkhart,

As you have been previously notified, the use of the property at 101 Lance Drive appears to be in violation of CBS Code Title 22 Zoning District Regulations.

Fabricated metal products or Industrial and commercial machinery or Heavy machinery and equipment all require a conditional use permit in the commercial (C-1) zone per CBS Table 22.16.015-5 Manufacturing/Storage Uses.

DATE OF OFFENSE: July 1, 2015

PROPERTY OWNER: Shirley Burkhart

FINE: \$500

The fine is due and payable immediately, checks payable to City and Borough of Sitka, Planning Dept., see note other below.

APPEAL: Any person having record title or legal interest in this property may appeal this notice and order in writing. Every appeal to the planning commission shall be filed with the municipal clerk within ten (10) days of the date of the recommendation or decision of the matter being appealed. Appeals of enforcement actions by the administrator shall be made directly to the assembly.

OTHER: Fine may be suspended if complete application for conditional use permit for fabricated metal products/ Industrial and commercial machinery/ Heavy machinery and equipment is received by the Planning Department no later than noon on July 7, 2015, scheduling public hearing for consideration on July 21, 2015.

Thank you,

Maegan Bosak
Planning and Community Development Department
City and Borough of Sitka
907-747-1824

Cc: Municipal Attorney Robin Koutchak
Municipal Administrator Mark Gorman



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM- COMPLIANCE ORDER

To: File

From: Maegan Bosak, Planning and Community Development Director

Subject: Zoning/Junkyard/Litter Violation, 101 Lance Drive

Date: June 1, 2015

Multiple (6) residential neighbors have filed complaints against Shirley Burkhart, owner of 101 Lance Drive. The neighbors have expressed repeated concerns that the property, 101 Lance Drive, is becoming a junkyard and a zoning violation. The neighbors also expressed concern over the amount of litter, debris and junk cars that have accumulated on property.

Staff first wrote to Ms. Burkhart on February 17, 2015 requesting that she call the office to discuss this complaint. Staff researched the complaints, and determined that garbage, junk and equipment on the lot and spilling into the right of way was in excess of what was allowable per the CBS Junkyards Ch 6.08, Litter Ch 9.12 and Zoning Ch 22. There was no response from the property owner.

Staff proceeded with the enforcement process, as complaints were continuing to come in. The second letter was sent to Ms. Burkhart on March 17, 2015. This letter again spoke to the junk cars, equipment and other debris including wrecked/scrapped materials such as machinery and metal. The letter gave notice to clean up within seven days of receipt and asked the party to contact the Planning and Community Development Department to assist them in applying for the proper permits to come into compliance. The property owner received the letter and after phone calls with Ms. Burkhart and drop in visits from multiple property representatives, a meeting was set for March 30 between Municipal Attorney Robin Koutchak, PCDD Maegan Bosak, Planner I Carole Gibb and all parties involved in the said property.

On March 30, 2015, Shirley Burkhart, David Burkhart, Kirk Albrecht, Conley Ward and Emily Lewis met with City Staff to discuss the activity on the property. The party stated that the property they were previously operating on (102 and 104 Burkhart) was quickly sold and everything had to be removed from the lot and transferred to 101 Lance Drive. We reviewed the complaints and discussed the plan going forward which was to use the commercial C-1 lot in a commercial use specifically for Kirk Albrecht's welding fabrication business Albrecht –Ent. Representatives stated that nothing on the lot was junk or litter but valuable materials. They intend to construct a building on the lot and use for commercial purposes. Parties agreed to significant clean-up over the next 30 days. Staff also discussed uses that

require a conditional use permit. Staff recognized the need for the business in Sitka as much of the work is done repairing boats. We encouraged applicants that we could help guide them through the public process.

Staff documented property with pictures on March 31, 2015 as agreed with property owner at meeting, to gauge progress after the 30 day clean up period.

Staff documented the clean up effort on April 30, 2015. Some clean up had taken place. Analysis determines that the activity on the lot is primarily junk cars and zoning violation.

Amidst additional complaints received, regarding the noise, late working hours and additional materials being accumulated on site, the third and final letter prior to citation, was sent to Ms. Burkhart on May 27, 2015. The letter acknowledges that some cleanup has occurred but not enough to bring the property into compliance with code.

The general commercial district is intended to be served by major essential utilities and to include those areas which are heavily dependent upon vehicular access. The district is intended for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the general commercial district along the roads in a strip fashion is to be discouraged.

SGC Table 22.16.015-5 Manufacturing /Storage Uses lists primary metal products, fabricated metal products, Industrial and commercial machinery, and heavy machinery and equipment as conditional uses in the C-1 zone. Staff is unsure of the official final business intent of the property but considering the materials staged and representatives saying the property is home to Albrecht-Ent. at the March 30 meeting, staff concludes that the business activity on the lot is currently in violation.

Staff site visits, photo documentation, and analysis support the finding that there is a zoning violation at the property. Some clean up has occurred and staff is hoping to work with the property owners, assisting them with a conditional use permit application process, adding conditions to mitigate neighborhood concerns, while allowing for business activity.

July 1, 2015 Update:

No response from the property owner regarding the May 27, 2015 letter. Staff site visit shows no additional clean up or effort to come into compliance. Issuing zoning violation with the caveat that if a complete conditional use permit is received for the next Planning Commission meeting the fee may be waived.

July 9, 2015 Update:

Appeal of fine received from Brita Speck, representing Shirley Burkhart. Appeal will be heard at upcoming Assembly meeting.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

May 27, 2015

Shirley Burkhart
1613 Sawmill Creek Road
Sitka, AK 99835

COPY

RE: 101 Lance Drive

Dear Ms. Burkhart,

As you were previously notified in writing on 2/17/15 and 3/17/15 as well as in our meeting on 3/30/15, multiple complaints have been received by the City of Sitka Planning Office concerning the amount of litter, debris and wrecked/scrapped materials such as machinery and metal on your property at 101 Lance Drive.

The junk cars, equipment and other material appear to be contrary to the Litter Chapter in Section 9.12 of the Sitka General Code. A copy of the litter ordinance is enclosed. Additionally the activity on the lot, which appears to include fabricated metal products, requires a conditional use permit per Sitka General Code 22.16.015-5. In our meeting on 3/30/15, both parties agreed to significant clean up within 30 days. To date, it appears that this has not happened. We observed the area yesterday and although we can see movement, not nearly enough has taken place in the allotted time.

Sitka General Code Section 1.12.010 states "Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city and borough is guilty of a violation...the offense shall be punishable by a fine of not more than five hundred dollars each and every day during any portion of which a violation or failure to comply is committed." The next step will be a citation.

If you believe that this notice is in error, contact our office within 7 days of receipt of this notice. Our office will assist in finding ways to bring the activity on the lot into compliance with Sitka General Code.

Sincerely,


Maegan Bosak
Planning and Community Development Director

Cc: Mark Gorman, Municipal Administrator
Robin Koutchak, Municipal Attorney



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

March 17, 2015

Shirley Burkhart
1613 Sawmill Creek Road
Sitka, AK 99835

COPY

RE: 101 Lance Drive

Dear Ms. Burkhart,

As you were previously notified in writing on 2/17/15, multiple complaints have been received by the City of Sitka Planning Office concerning the amount of litter, debris and wrecked/scrapped materials such as machinery and metal on your property at 101 Lance Drive.

The junk cars, equipment and other material appear to be contrary to the Litter Chapter in Section 9.12 of the Sitka General Code. A copy of the litter ordinance is enclosed. To date it appears you have not corrected the issue. You were also advised of the junkyard permit process and have not applied for one. Additionally the activity on the lot, which appears to include fabricated metal products, requires a conditional use permit per Sitka General Code 22.16.015-5.

You are hereby given notice to correct the problem within 7 days of receipt of this letter. Sitka General Code Section 1.12.010 states "Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city and borough is guilty of a violation...the offense shall be punishable by a fine of not more than five hundred dollars each and every day during any portion of which a violation or failure to comply is committed."

If you believe that this complaint is in error, contact our office within 7 days of receipt of this notice. Our office will assist in finding ways to bring the activity on the lot into compliance with Sitka General Code.

Information regarding Spring Clean-up 2015, April 18th-26th, for free refuse disposal at the Jarvis Street Transfer Station is enclosed.

Sincerely,

Maegan Bosak

Planning and Community Development Director

Cc: Mark Gorman, Municipal Administrator

Robin Koutchak, Municipal Attorney

Providing for today ... preparing for tomorrow



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

February 17, 2015

Lewis E. Burkhart Heirs
1613 Sawmill Creek Rd.
Sitka, AK 99835

COPY

RE: 101 Lance Drive

Dear Lewis E. Burkhart Heirs,

The City of Sitka Planning and Community Development Office has been notified by several individuals concerned with the amount of equipment and debris on your property at 101 Lance Drive. The garbage/junk/equipment appears to be contrary to the Junkyards Chapter Section 6.08 and Litter Chapter 9.12 of the Sitka General Code.

A copy of the junkyard and litter ordinance is enclosed.

Please contact our office to discuss obtaining the required annual Junkyard certificate of approval for the location. The fee for a certificate of approval is ten dollars per year.

Please take appropriate action to comply within 20 days of this notice. According to code "the maximum penalty for a violation of Section 9.12.010 is a fine of two hundred fifty dollars, with each day the violation continues constituting a separate offense."

Thank you for your attention to this matter.

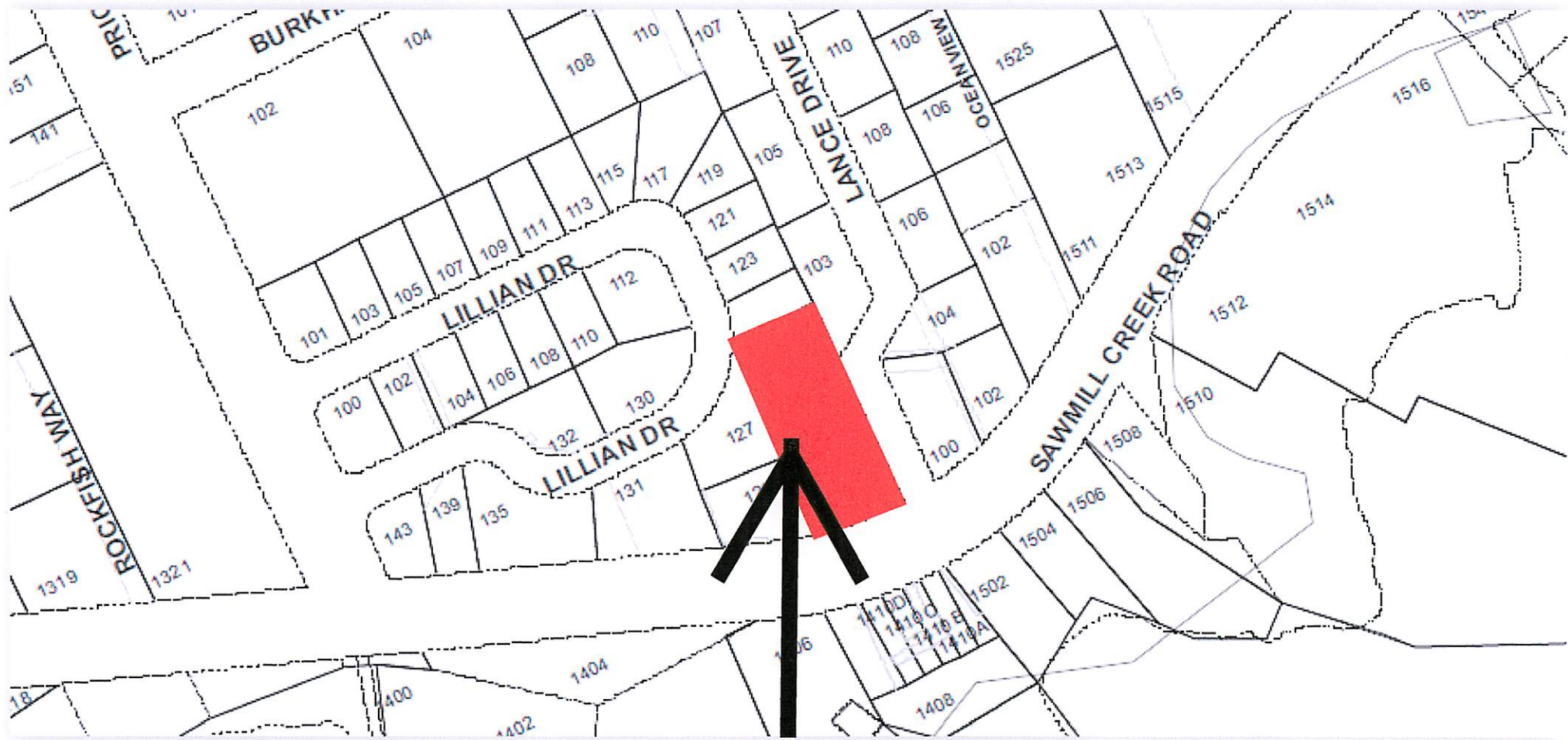
Sincerely,

Maegan Bosak
Planning and Community Development Director
907-747-1824

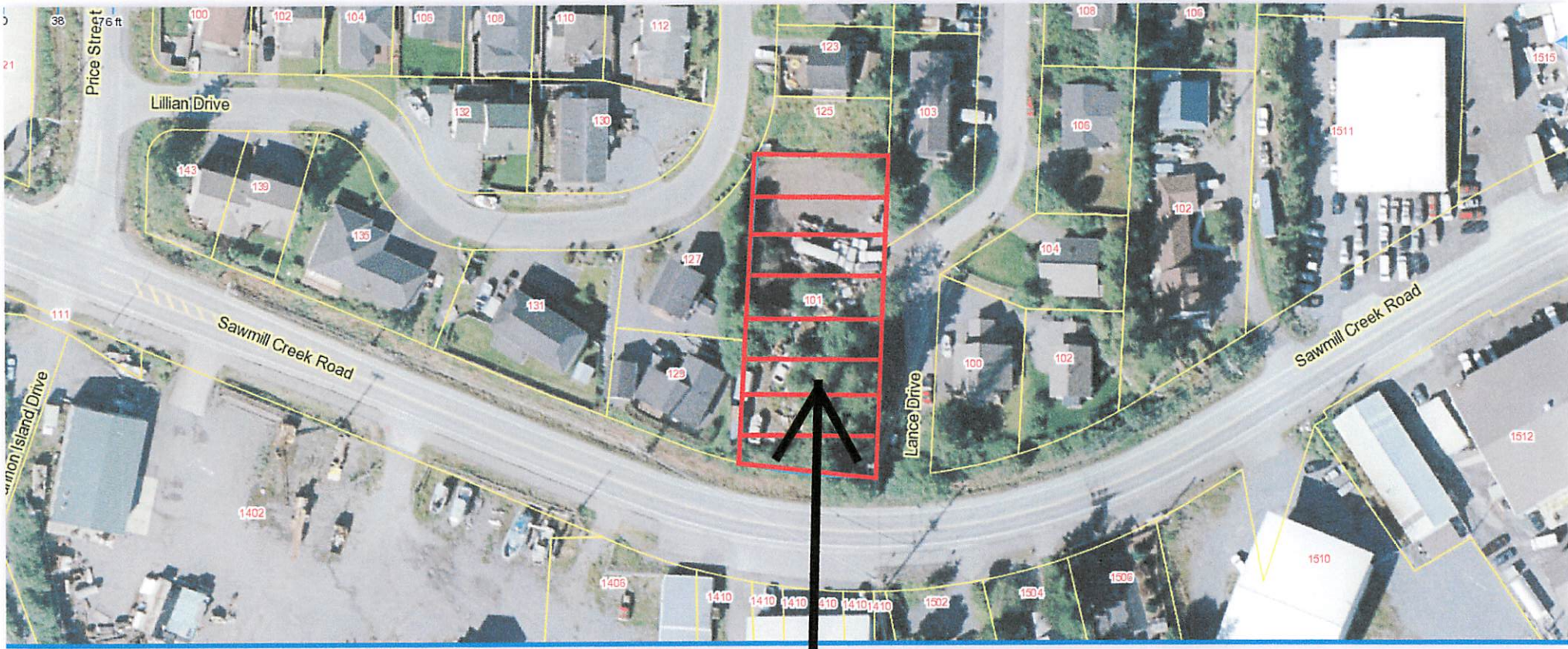
Cc:

Mark Gorman, Municipal Administrator
Robin Koutchak, Municipal Attorney

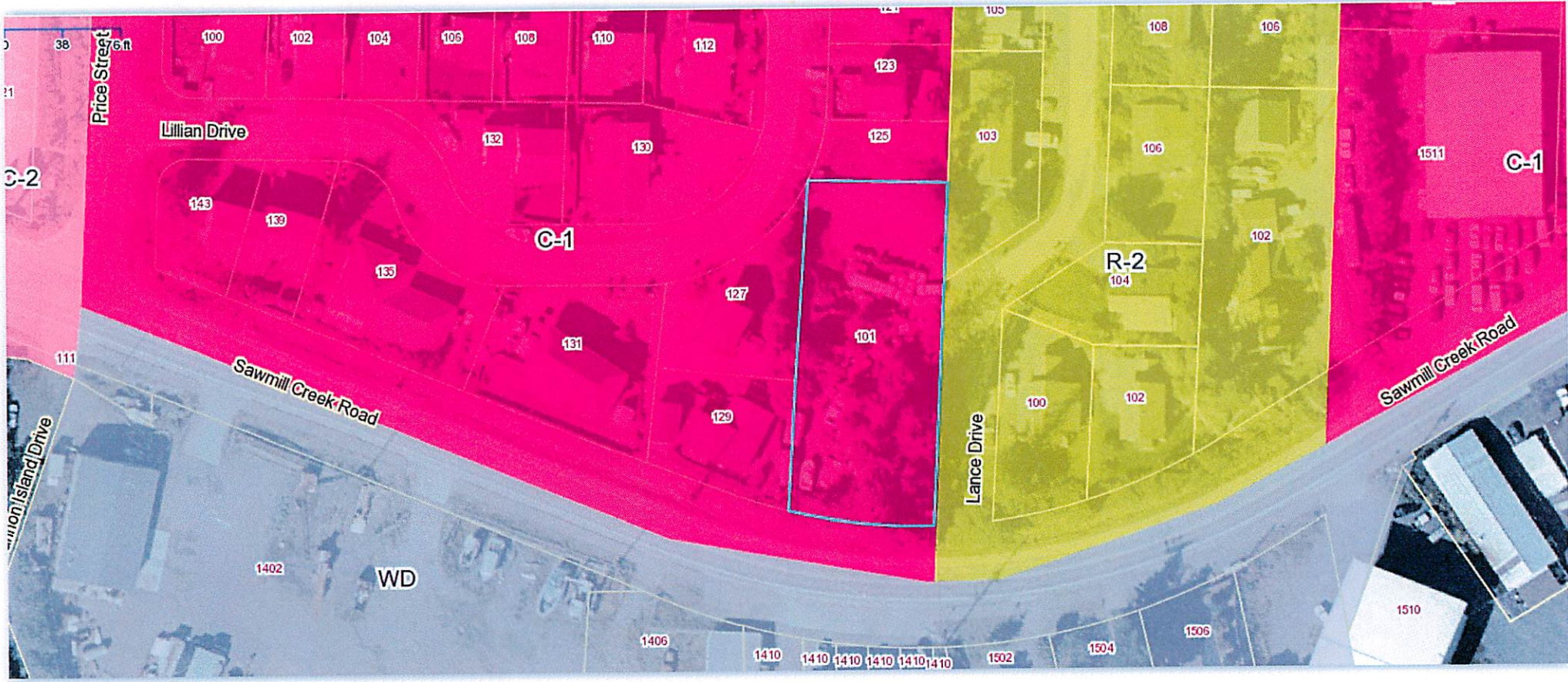
Providing for today ... preparing for tomorrow



Burkhardt
Zoning Violation
101 Lance Drive



Burkhardt
Zoning Violation
101 Lance Drive



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2015-000222-0

Recording District 103 Sitka

03/04/2015 02:40 PM Page 1 of 1



PERSONAL REPRESENTATIVE'S DEED

The Grantor, Shirley L. Burkhart, 1613 Sawmill Creek Road, Sitka, Alaska 99835, who is the Personal Representative of the Estate of Lewis E. Burkhart in Case No. 1SI-15-14 PR before the Superior Court for the State of Alaska, First Judicial District at Sitka, and who is the sole heir of Lewis E. Burkhart under his Last Will and Testament dated August 3, 1984, for valuable consideration, conveys and grants to the Grantee, Shirley L. Burkhart, 1613 Sawmill Creek Road, Sitka, Alaska 99835, individually, all right, title and interest in the following described real estate:

Lot Thirteen (13), Turney Burkhart Planned Unit Development, according to the plat thereof recorded March 1, 2001, as Plat 2001-1, Sitka Recording District, First Judicial District, State of Alaska.

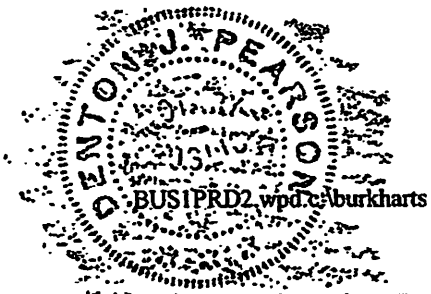
DATED this 4th day of March, 2015.

Shirley L. Burkhart
Shirley L. Burkhart, Personal Representative of
the Estate of Lewis E. Burkhart and sole heir of
Lewis E. Burkhart

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss:

The foregoing instrument was acknowledged before me this 4 day of March 2015, by Shirley L. Burkhart, Personal Representative the Estate of Lewis E. Burkhart.

[Signature]
Notary Public for Alaska
My commission expires: 1-1-16



After Recording Return to:
Shirley L. Burkhart
1613 Sawmill Creek Road, Sitka, Alaska 99835

Panhandle Law Center, LLC
Denton J. Pearson, Attorney
713-B Sawmill Creek Boulevard
Sitka, Alaska 99835
(907) 752-5001 (phone) (907) 747-4977 (fax)



City and Borough of Sitka

100 Lincoln Street
Ph: 747-1808

Sitka, Alaska 99835
Fax: 747-7403

RECEIVED MAR 10 2015
PL/Comm Dev

PUBLIC COMMENT FORM

Compliment

Comment

Complaint

Date: 2-3-15

Name: Gina Stearman, Nathan Stearman

Address: 102 Lance Drive

Phone: 316-644-6489

Statement: The trash and junk yard piled next to our home is disruptive and ugly. The area has become dangerous because of piles of junk and heavy equipment making it unsafe for my children to ride their bikes and play. Please do something to ensure our quiet residential area does not continue becoming a junk yard.

For Office Use Only	Referred to: _____
	Department: _____
	Signed by: _____

Response/date provided (forward to Administrator): _____



City and Borough of Sitka

100 Lincoln Street
Ph: 747-1808

Sitka, Alaska 99835
Fax: 747-7403

PUBLIC COMMENT FORM

Compliment

Comment

Complaint

Date: Feb 2, 2015

Rec'd in Planning
2-5-15

Name: Kelly + Todd Gebler

Address: 104 Lance Dr

Phone: 407-267-3486

Statement: Please see attached about
the complaint of the junkyard
at 101 Lance Dr. This complaint
is

For Office Use Only	Referred to: _____
	Department: _____
	Signed by: _____

Response/date provided (forward to Administrator): _____

To whom it may concern,

Feb 2, 2015

I would like to send a request for your review of the enforcement of specific General Code violations that greatly affect my property and those of my neighbors.

The property located at 101 Lance Drive has become a significant public nuisance and a point of conflict in the neighborhood. This is a longstanding issue where this vacant lot has become a depository for a variety of junked vehicles, parts, fluids, and general metal scraps and containers. There has been a dramatic increase in the amount of junk being deposited and is now overflowing onto the street pavement. This property is extremely dangerous and I fear for the safety of neighborhood children including my own toddler.

I hope that you will take the time to really look into this matter personally.

Additionally, we would ask that we (neighbors) remain anonymous in this matter as relationships in this small neighborhood are already strained and the personalities involved have yet to be civil in their responses.

Thank you for your time and consideration and I look forward to hearing from you soon. Please feel free to contact me via email or telephone.

Kelly and Todd Gebler

104 Lance Dr

ktgebler@hotmail.com

cell 407-267-3486 or 407-267-4425





City and Borough of Sitka

100 Lincoln Street
Ph: 747-1808

Sitka, Alaska 99835
Fax: 747-7403

PUBLIC COMMENT FORM

Compliment

Comment

Complaint

Date: _____

Name: Mary Jane Messinger

Address: 100 LAUCE Dr.

Phone: 907 752-5207

Statement:

Please see attached paperwork
for my complaint about the
Junkyard at 101 Lauce Drive

*Rec'd in
Planning Dept
2-5-65*

For Office Use Only	Referred to: _____
	Department: _____
	Signed by: _____

Response/date provided (forward to Administrator): _____

To whomever can help,

I tried to research the requirements for a Junkyard, Scrap yard, Metal Recycler, or Auto Salvage yard on the City website. I have used excerpts of various ordinances I found that will help explain my complaint that the junk yard located at 101 Lance Drive may not be in compliance with City codes. (See attached)

What prompts my complaint at this time is that there has been a dramatic increase in the amount of junk being deposited on the property and it is now overflowing onto the street pavement.

I believe this property is an attractive nuisance to children and extremely hazardous. I am curious about several items deposited in there and how safely are they being kept. I also have concerns about the horrific, if not toxic, smoke and fumes that come from burning. Along with these grievances, there is the matter of noise mostly from heavy equipment. It can be any day of the week and diminishing daylight doesn't always end it. I would like to know if the scrap/junk/rubbish being stored there is properly done and what kind of oversight is there for this kind of operation?

I wasn't able to determine conclusively how the property is zoned. Regardless of what it might be it seems an inappropriate place for such an activity as residential property surrounds it. Even the city has a property on Lillian Drive that is adjacent to this junkyard. If this Junkyard has to exist, then the very minimum it requires is a fence and some oversight.

I appreciate my concerns being addressed and am anticipating a speedy resolution to this situation.

Thank you for your attention.



Emjay Messinger

PO Box 1864

Sitka, AK 99835

its4emjay@yahoo.com

(907) 752-5207

Definitions.

A. "Junk" means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals and includes wrecked automobiles, tools, implements, rags, used building materials, rubber and paper; and

B. "Junkyard" means a location where junk is gathered together and stored for a commercial or public purpose.

A. "Litter" means garbage, refuse and rubbish as defined in this chapter and all waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

B. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

C. "Refuse" means all putrescible and nonputrescible solid wastes (except human body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, solid market and industrial wastes, and used motor oils or fuel.

D. "Rubbish" means nonputrescible solid wastes consisting of both combustible and incombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin and aluminum cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

E. "Vehicle" means boats, boat trailers, any form of motor vehicle, whether it be four-wheel, two-wheel, three-wheel, or otherwise, and any other mode of transportation which would normally come under such a definition.

A. "Industrial" means a use engaged in the manufacture of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

B. "Industrial" shall not include occupations conducted only by residents of the property without outside employees, such as pottery, weaving, woodworking and the like.

C. This definition of "industrial" shall not authorize uses of property which are prohibited by other ordinances in the same zone.

"Automobile wrecking yard" means any lot or portion of a lot used for the purpose of dismantling used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled obsolete or wrecked vehicles.

Chapter 9.12 LITTER

9.12.010 Unlawful acts

It is unlawful for any person to do any of the following:

- A. Cause or allow litter to be collected, deposited or to remain in any place under his control;
- B. Throw or deposit litter in or upon any street, **abandoned vehicles and other debris on street** sidewalk or other public place except in public receptacles or containers, in authorized private receptacles or containers for collection, or in disposal areas designated by the municipality;
- C. Sweep into, or deposit in, any gutter, street or other public place the accumulation of litter from any residence, building, or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter;
- D. Drive or move any vehicle which is carelessly loaded, or not constructed to prevent its load, or litter on it, from falling upon any street, alley or public place; **Often delivers junk unsecured using a forklift or pay-loader driven down the street.**
- E. Distribute any handbills without either securing them to the building or vehicle to which they are being distributed, or handing them directly to a person willing to accept them;
- F. Throw or deposit litter on any private property, whether owned by the person or not;
- G. Keep, maintain, or deposit an abandoned or junked vehicle on private or public property within the public view.
 1. A vehicle shall be deemed abandoned or junked under the following circumstances:
 - a. If the vehicle has obvious physical deterioration, such as broken or smashed windows, wheels and tires missing, portions of the body dented or rusted out to a large degree and any other physical evidence showing neglect; or
 - b. If the vehicle lacks current vehicle registration and license, unless neatly stored and covered with a tarp or other method to clearly show the intent for storage for future use;

Chapter 6.08
JUNKYARDS²

6.08.010 Definitions.

In this chapter, unless the context otherwise requires:

- A. "Junk" means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals and includes wrecked automobiles, tools, implements, rags, used building materials, rubber and paper; and
- B. "Junkyard" means a location where junk is gathered together and stored for a commercial or public purpose.

(B.C.S. § 8.04.010.)

6.08.020 Regulations.

The planning commission may make reasonable regulations concerning the establishment, operation and maintenance of junkyards. (B.C.S. § 8.04.020.)

6.08.030 Chapter compliance required.

No person may establish, operate or maintain a commercial or public junkyard without complying with the provisions of this chapter. (B.C.S. § 8.04.030.)

6.08.040 Storage and fencing.

- A. Material shall be stored in as orderly a manner as its nature permits **Not too bad further back/Roadside not good**
- B. Each junkyard shall be fenced sufficiently to conceal from public view the material in the junkyard. **NO FENCE!!**

(B.C.S. § 8.04.040.)

6.08.050 Certificate of approval for location—Fee. Is there one for this location?

- A. A person using or proposing to use a location for a commercial or public junkyard must annually obtain a certificate of approval for the location from the administrator. If the administrator denies an application for a certificate of approval, or if an interested party objects to the granting of a certificate of approval, the applicant or interested party may appeal the decision of the administrator to the assembly.

- B. In determining whether to issue or deny a certificate of approval, the administrator shall consider the following:

1. The nature and development of surrounding property; **Residential / public housing**

2. The need to protect the local economy, adjacent land owners, **PEDESTRIANS** and the motoring public from economically depressing and unsightly roadside locations;

3. The proximity of churches, schools, hospitals, public buildings, recreation areas, or other places of public gathering;

4. The sufficiency in number of other similar business establishments in the vicinity;

5. The adequacy of fences and other types of enclosures to prevent the unsightly display of any **junkyard**: **NO FENCE!**

6. The health, safety and general welfare of the public; and

7. The suitability of the applicant to establish, maintain or operate the **junkyard**.

C. The fee for a certificate of approval is ten dollars per year.

G. **Manufacturing/Storage** Uses Table 22.16.015-5 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.

2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.

3. No **industrial** use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions. **Is it ok for a junk or scrap yard to do ?**

6. Automobile wrecking yards, salvage yards, and junkyards are **conditional uses** and shall be set back a minimum of twenty feet from property lines and be enclosed by fences a minimum of eight feet in height. The **setback** area may be used for customer parking but not for vehicle storage. **The junk is overflowing the property - no fencing - no setbacks.**

7. Any uses, except retail and business uses, and **natural resource extraction** and mining support facilities uses may be approved in accordance with Section **2.38.080**.

ZONING

22.16.040 R-1 single-family and duplex residential district.

A. Intent. The R-1 district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.

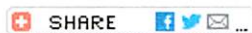
1. This district is intended primarily for single-family or duplex [residential](#) dwellings at moderate [densities](#), but [structures](#) and uses required to serve recreational and other public needs of [residential](#) areas are allowed as [conditional uses](#) subject to restrictions intended to preserve the [residential](#) character of the R-1 district.

2. The R-1 district, as it is a very restrictive district, may also be utilized as a holding district for lands which are located within the urban area but are not presently served by access or utilities until such time as a full-scale development plan can be adopted to allow a more permanent zoning district designation.

B. Signs may be allowed in conjunction with any permitted use subject to the provisions of Chapter [22.20](#) of this title.

(Ord. 02-1683 § 4 (part), 2002.)

22.16.080 C-1 general commercial district or C-2 general commercial mobile home district.



A. Intent. The general [commercial](#) district is intended to be served by major essential utilities and to include those areas which are heavily dependent upon vehicular access. The district is intended for those areas surrounding major intersections where [personal services](#), convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the general [commercial](#) district along the roads in a strip fashion is to be discouraged.

B. All provisions of the C-1 district apply in the C-2 district, except that permitted uses also include [manufactured homes](#) on [single lots](#) and [manufactured home](#) parks.

22.16.110 I industrial district.

A. Intent. The [industrial](#) district is intended for [industrial](#) or heavier [commercial](#) uses including warehousing, wholesale and distribution operations, manufacturing, [natural resource extraction](#), contractors' yards and other such uses that require larger property or larger water and sewer services.





Maegan Bosak

From: Emjay Messinger <its4emjay@yahoo.com>
Sent: Thursday, February 12, 2015 1:23 PM
To: Mark Gorman
Cc: Maegan Bosak
Subject: Re: Junk Yard @ 101 Lance Drive

Dear Mr. Gorman.

Thank you for your quick response to my concerns. It is comforting to know that the conditions that my neighbors and I are living with, have the joint resources of our city working toward a timely resolution.

I am grateful for the offer and will be most appreciative if I can be kept up to date with how this situation is to be handled.

Thanks again kindly,

Emjay Messinger

On Thursday, February 12, 2015 9:49 AM, Mark Gorman <markgorman@cityofsitka.com> wrote:

Dear Ms. Messinger,

Thank you for your email.

Earlier this week, the Planning Department brought the written complaints to my attention, We are currently working on an enforcement plan specific to this parcel. Staff is reviewing various sections of CBS code to determine which violations are applicable and enforcement strategies.

I understand your concern and apologize that the owner of 101 Lance Drive is allowing so much material to accumulate on the property.

We will keep you informed as events warrant.

Sincerely,

Mark

From: Emjay Messinger [<mailto:its4emjay@yahoo.com>]
Sent: Wednesday, February 11, 2015 3:28 PM
To: Mark Gorman
Subject: Junk Yard @ 101 Lance Drive

Dear Mr. Gorman,

I am dealing with an issue concerning the Junkyard at 101 Lance Drive. The city Planning Department is aware of it, as written complaints have been filed. They have been very prompt

about attending to this issue but their process is a very slow, time consuming one and one without any known action (other than a letter from the Planning Dept.) or end result. (Please see my complaint letter to them attached).

While researching the legalities of a Junkyard I discovered in the Alaska State Statute: AS 08.60.050 Articles 01 ("Regulations for Junk Yards and Scrap Metal Dealers") as well as in our Sitka Municipal Code (6.08.050 "Certificate of approval for location" that to operate a Junk Yard legally, it must have a certificate of approval for the location from the administrator on an annual basis. It also states that an interested party may object to the granting of a certificate of approval. I definitely and strongly object. If there is an official form necessary to accomplish my objection I would appreciate if you could respond with where to obtain it. Hopefully this letter is sufficient.

I am also hoping that your office can verify for me if the property owner (Mr. Burkhardt I believe) is in compliance with this certificate and all other city ordinances. By all the definitions on the City's website this is a Junk Yard. My interpretation of Sitka's Code in this matter, is that the owner of this property is woefully delinquent in fulfilling the obligations of a Junk Yard... at a minimum is the lack of fencing and setbacks. If I am inquiring in the wrong place then I hope you can direct me to the appropriate one.

This is something that needs a timely remedy. The most recent influx of junk along with the noise and commotion has had a very negative impact on our neighborhood.

I appreciate your attention in this matter and anticipate your informative response.

Thank You Kindly,

Emjay Messinger
PO Box 1864
Sitka, AK 99835
its4emjay@yahoo.com
(907) 752-5207

Maegan Bosak

From: Emjay Messinger <its4emjay@yahoo.com>
Sent: Wednesday, March 04, 2015 11:18 PM
To: maegan@cityofsitka.com
Subject: Look what arrived this evening
Attachments: 20150304_190149.jpg

I can't believe it Megan but he's adding to it!!!!

... do you have a time estimate on when we won't have to deal with this anymore? it is been far too long already ... how much longer do we have to endure this?...This hasn't been easy to live next to. the noise of their trucks and equipment ... it's just ridiculous... You know the story.

Thanks

Emjay

Sent from Yahoo Mail



101 Lance Drive
Picture email attachment
from Emjay Messinger
3/4/15

RECEIVED MAR 10 2015
PLANNING + CD

Hi

I AM WRITING TO YOU IN REGARDS TO THE
PROPERTY AT THE END OF LANCE DRIVE (SOUTH END)
BURKHART PROPERTY. YOU HAVE TO LOOK AT IT, IT IS A
AWFUL SITE. LOOKS LIKE A JUNK YARD - EQUIPMENT
(JUNK) ALL OVER THE PLACE. EVEN ON THE ROAD, AND
SEEMS LIKE THEY HAVI MORE IN EACH DAY.
MY NEIGHBORS AND MYSELF ARE TIRED OF LOOKING
AT THIS MESS - WOULD YOU PLEASE DO SOMETHING
ABOUT THIS

THANK YOU
A CONCERNED CITIZEN

PLEASE

Maegan Bosak

From: Emjay Messinger <its4emjay@yahoo.com>
Sent: Friday, April 24, 2015 10:27 AM
To: maegan@cityofsitka.com
Cc: Mark Gorman
Subject: Out of the box solution suggestion for Lance Dr. Junk yard

Hi Maegan,

Our Junk yard, it seems, is not to be going anywhere any time soon. As a matter of fact it seems that he is clearing more area perhaps..????

Anyway, the real reason I am contacting you is that I spoke with your assistant last week to get an update and mentioned this idea... She was of the mind set that it could not possibly work. I think it deserves your consideration especially after reading in the paper that the assembly was opening up to out of the box thinking... (I hope that is true). I have no way of knowing if it was passed on as I requested or not.

I aim for win/win outcomes. To that end I would like to propose a concept that might just solve everyone's problems and needs. I suggest that the city evenly exchange more appropriate city owned property (ex: GPIIP??) for his cleaned up Lance Dr. property. The city would then be able to rezone that vacated area. Since it adjoins an already city-owned lot that is slated for affordable housing it might be in the city's interest to look at cluster housing of smaller individual homes possibly sharing one parking area. I do digress... the main idea is to relocate his Junk Yard.

Maegan... this is no longer merely a commercial enterprise. It is way beyond that. The noise alone is of an industrial nature... some days it is non stop!! One day last week I had a strong smell of propane/gas in my house... I do not use propane! I went outside to find the source but what ever caused it had stopped so I did not call the fire dept. I concluded that one of the cylinders over there failed right across from my heat pump which then drew it into my house. It didn't linger long. Does anyone know for sure if those cylinders are pressurized and if so with what? I have asked this question before and never received an answer. Is there some one else I should be asking? Who is responsible for overseeing that place?

Seriously, I **AM** trying to be patient but I am running thin. Out of sheer frustration, I am trying to discover what, if any, other options I may have (legally, editorially??). This situation is deplorable as are the city's ordinances. This is, in my opinion, gone on far too long all ready and I am repeatedly told to just be patient!!!

I know you are doing your utmost. If there is anything that I can do to move this along just please communicate it to me.

Thanks again for doing your part,

Emjay Messinger

Maegan Bosak

From: Emjay Messinger <its4emjay@yahoo.com>
Sent: Tuesday, April 28, 2015 12:06 PM
To: Maegan Bosak
Subject: correction of update on Junk.. just FYI

Hey Maegan,

I suspect you now have a worse issue headache than I do....I read last nights paper.. I wish you (collectively) a speedy resolution.

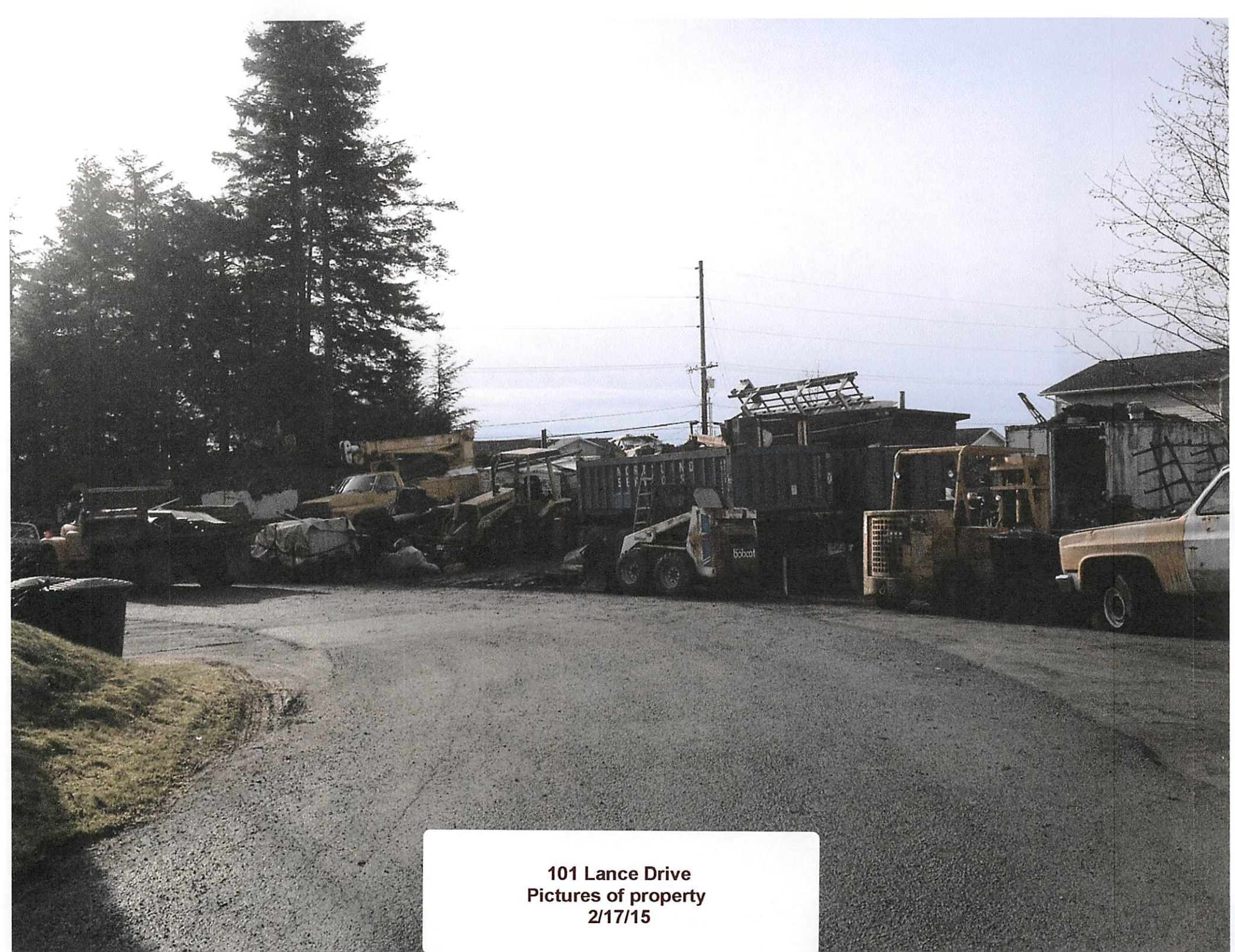
Just FYI:

Actually the junk yard seems to be making progress... I was mistaken about the digging. When I walked over I could actually see that it was the foundation of the new house. (That is awesome that it is being built!) Some of the larger items along the the front have been removed so one can see further back into the mess. Things seem to be leaving and (Knock wood) there does not seem to be anything new added... Dare I say things may be progressing.?

I suspect this will be put on the back burner which I can understand. I would still like to be in the loop should anything of consequence happen.

Thank You and Good Luck

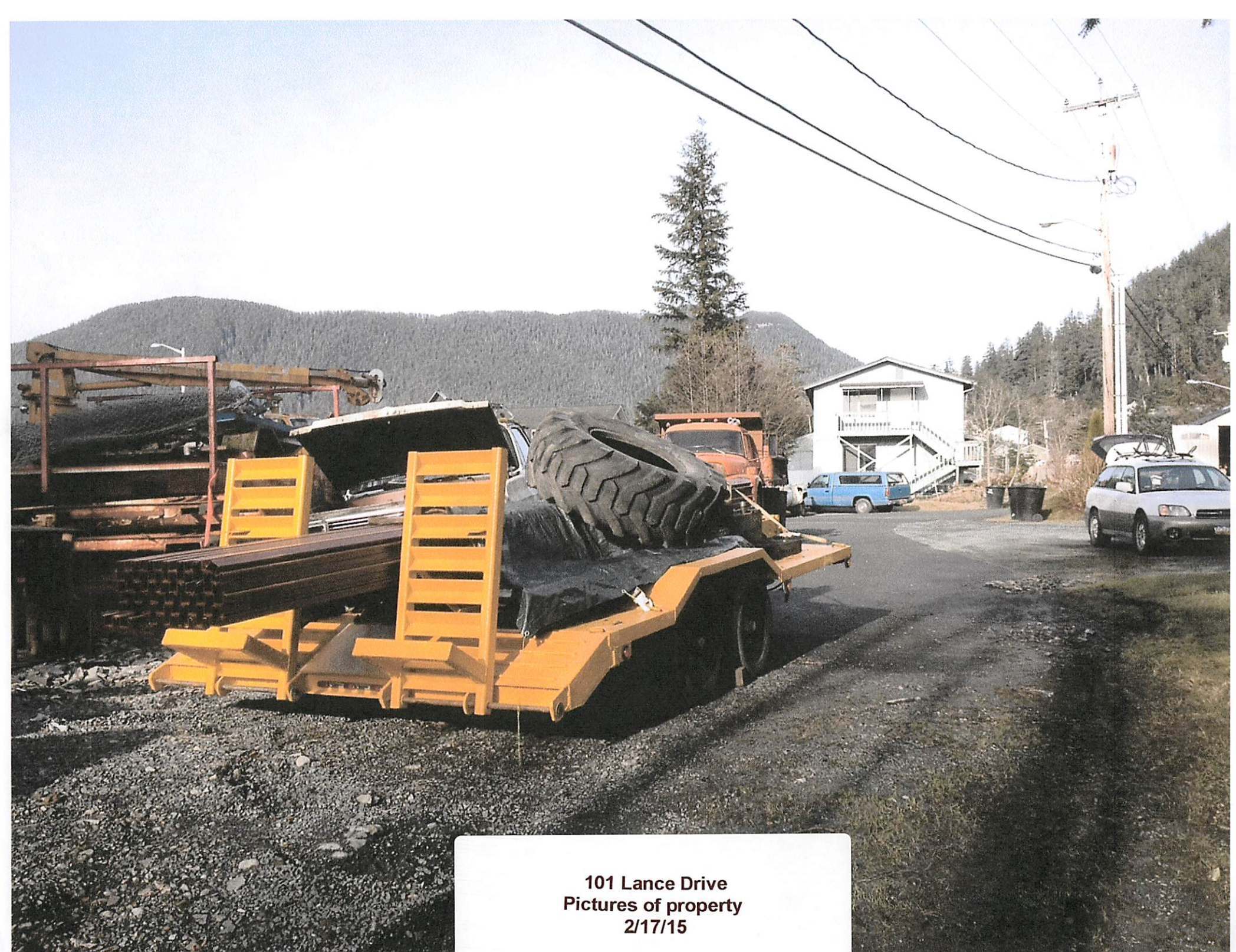
Emjay



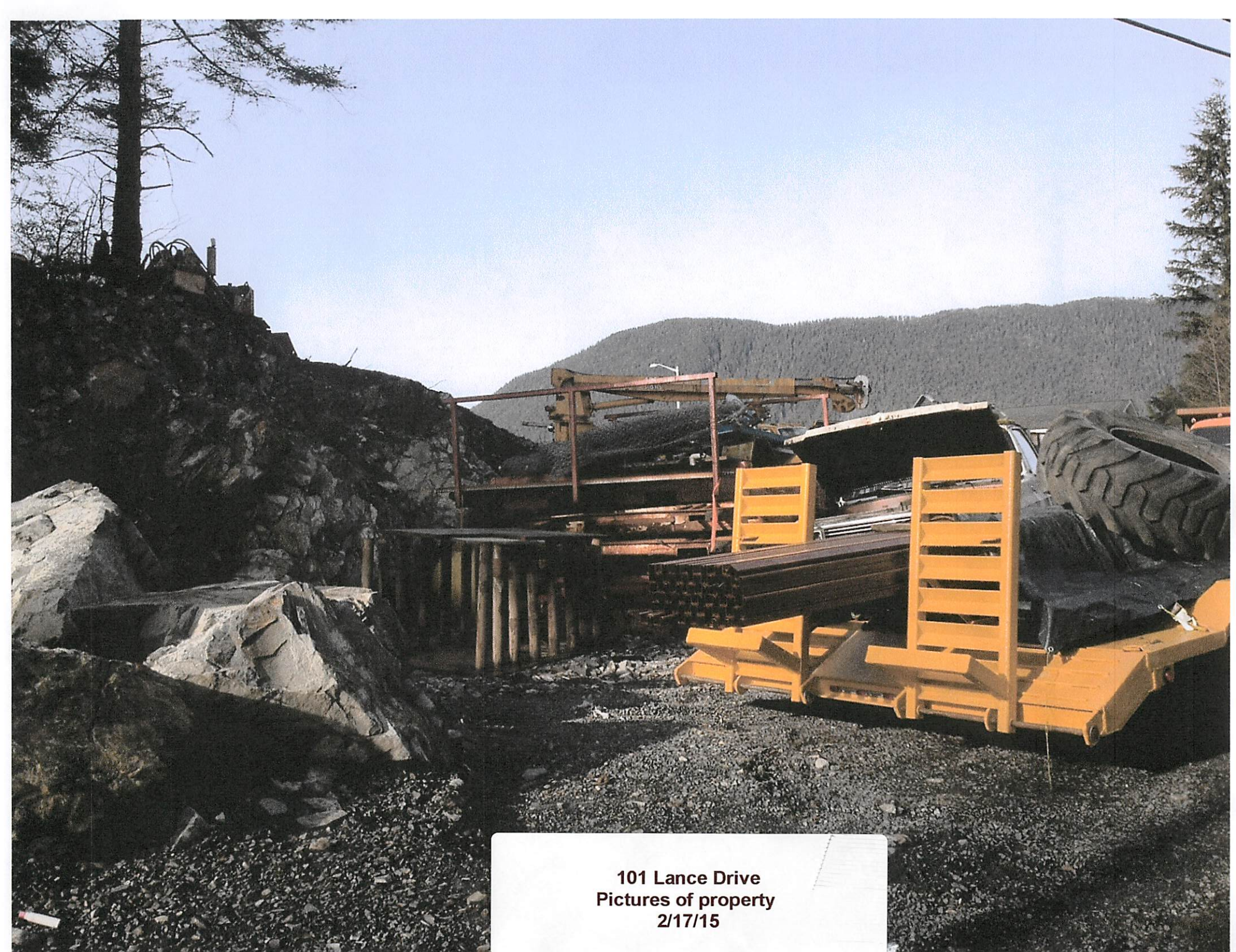
101 Lance Drive
Pictures of property
2/17/15



**101 Lance Drive
Pictures of property
2/17/15**



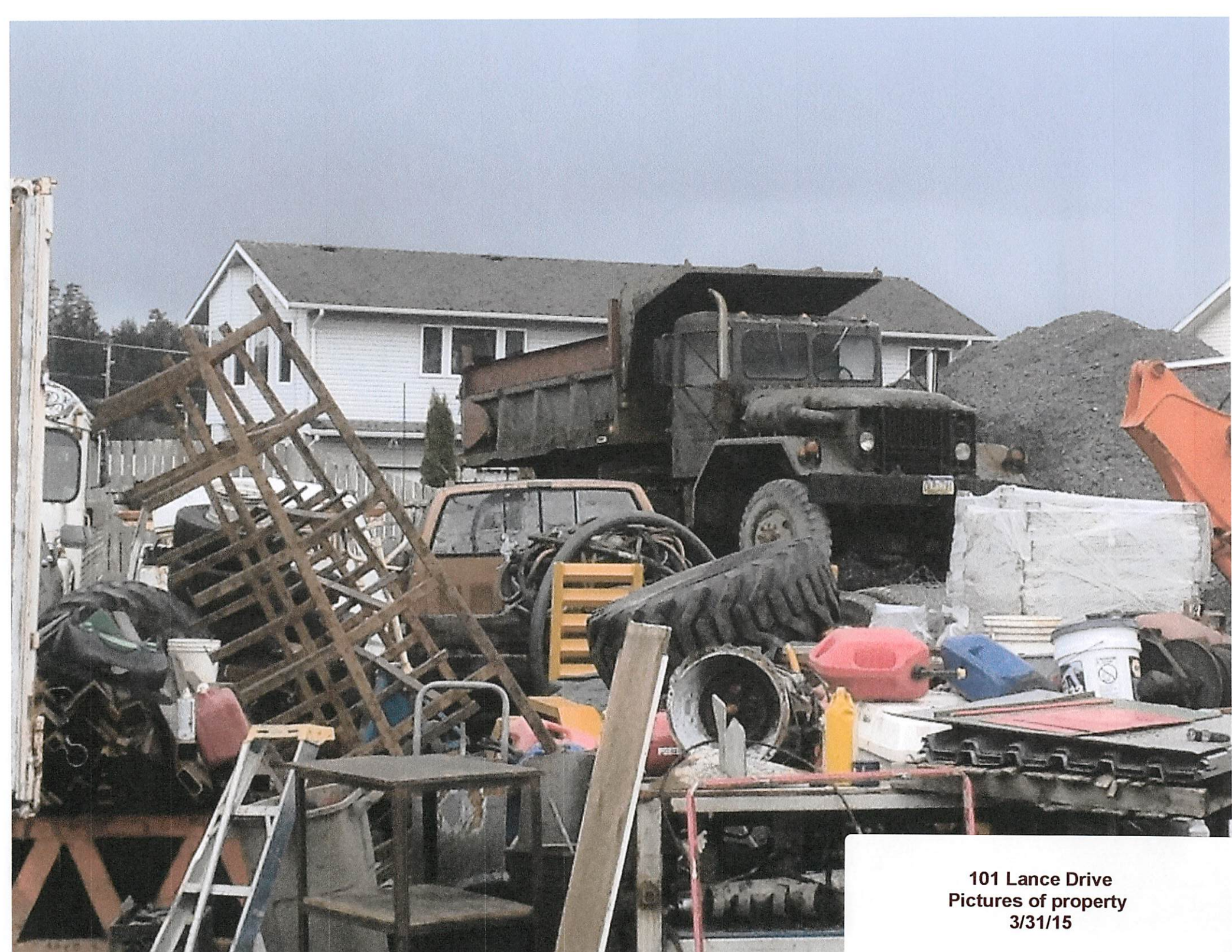
101 Lance Drive
Pictures of property
2/17/15



**101 Lance Drive
Pictures of property
2/17/15**



101 Lance Drive
Pictures of property
3/31/15



101 Lance Drive
Pictures of property
3/31/15



101 Lance Drive
Pictures of property
3/31/15



101 Lance Drive
Pictures of property
4/30/15



101 Lance Drive
Pictures of property
4/30/15



**101 Lance Drive
Pictures of property
7/1/15**



101 Lance Drive
Pictures of property
7/1/15



101 Lance Drive
Pictures of property
7/1/15

Application No. 239-120

City and Borough of Sitka
100 Lincoln Street
Sitka, Alaska 99835



(907) 747-1840 Phone
(907) 747-0536 Fax
www.cityofsitka.com

BUSINESS REGISTRATION APPLICATION

Business Identification	Is this a: <input checked="" type="checkbox"/> New Business (✓) <input type="checkbox"/> Change in Ownership () *Complete Previous Owner section below		
	Business Name <u>ALBRECHT - EWT</u>		
	Line of Business <u>WELDING FAB</u>		
Contact Information	Alaska Business License No.		EIN or Social Security Number
	Sales Tax Contact Information		
	Mailing Address <u>SITKA PO BOX 1853 ELSIN COVE PO BOX 53</u>		
	City <u>SITKA OR ELSIN COVE</u>	State <u>ALASKA</u>	Zip <u>99825-99825</u>
	Contact Name & Title <u>ALBRECHT - EWT Kick on Shelby/Emily</u>		
Other Business Info	Physical Address <u>PORTABLE</u>		
	Business Phone No.	Cell: <u>907 738-2269</u>	Fax:
	Start Date of Business Activity in CBS (itinerants-list start and end date) <u>Feb 06 in Sitka</u>		
	Type of Organization: <input checked="" type="checkbox"/> Sole Proprietorship (✓) <input type="checkbox"/> Partnership () <input type="checkbox"/> Corporation () <input type="checkbox"/> Other ()		
	Is it a Lodging Facility? Hotel/Motel () Bed & Breakfast () Short-Term Rental () Long Term Rental ()		
	Total # of units/rooms available for rent?	Please provide the physical locations of all rentals on the back of this form.	
Previous Owner	Previous Owner Name <u>N/A</u>		
	Previous Owner Address		
	City	State	Zip

I attest that to the best of my knowledge that the information provided on this application is true and correct.

Shelby J. Albrecht
Signature

5-12-06
Date

SHELBY J ALBRECHT
Printed Name

If this business is a corporation, an officer or director of the corporation must sign this form.



Continued on the back of this form. Applicants must complete both sides.

CBS USE ONLY

Sales Tax Account No. _____	Deposit _____ (100-2100-001)
Date _____	SIC# _____
Reviewed by: _____	Itinerant Fee _____ (100-300-320-3201-007)

Planning Dept. Clearance:

ZONE: _____ DATE: _____ Approved by: _____

*The Planning Dept. must be notified if nature or location of business changes.

Individual information is required on all owners of the business **								
Owner Information	Last Name	SHELBY	First Name	SHELBY	Middle Initial	J		
	Mailing Address						PO Box 1853	
	City		SITKA	State		AK	Zip	99835
	Physical Address						3850 HPR	
	City		SITKA	State		AK	Zip	99835
	Work Phone		907 738 2269	Social Security No.				
	Home Phone		907 747 3482	Drivers License No.		State		AK
	Office or Title		OWNER	Date of Birth				
Individual information is required on all owners of the business **								
Owner Information	Last Name	Albrecht	First Name	Kirk	Middle Initial			
	Mailing Address						PO Box 33	
	City			State			Zip	
	Physical Address							
	City			State			Zip	
	Work Phone			Social Security No.				
	Home Phone			Drivers License No.		State		
	Office or Title			Date of Birth				
Individual information is required on all owners of the business **								
Owner Information	Last Name		First Name		Middle Initial			
	Mailing Address							
	City			State			Zip	
	Physical Address							
	City			State			Zip	
	Work Phone			Social Security No.				
	Home Phone			Drivers License No.		State		
	Office or Title			Date of Birth				
All physical locations of business operations must be listed (including rentals)								
Additional business Physical locations	Physical Address							
	Physical Address							
	Physical Address							
	Physical Address							
	Physical Address							
	Physical Address							
	Physical Address							

** Attach additional owner or physical location information if necessary.

Shirley Burkhardt: 747-8225

Date	Time	Who	Comments
3/11		M.J.	Called to say more junk was piling up on property -- BUS
3/13	3pm	M.J.	More junk being brought in
3/13	3:45	Todd Gebler	Called for status update - more junk
3/17			2nd violation served
3/19	1:33	Shirley Burkhardt	Planning Dept. received VM and forwarded on to Assembly.
3/20	12:30	Emily Mrs. Albrecht	Came in as representative to find out what needs to be done; Advised COP, ZMA or move to industrial property. Told her to put extension request in writing.
3/20	3:45	Shirley Burkhardt	Left VM - returning call.
3/23	1:30pm	Frank Burkhardt	stopped in - requested response from city to talk about fine/101 L.O.
3/23	2:15	Kirk Albrecht David Burkhardt Conley Ward	Stopped in Ward to meet to discuss progress made on cleanup and claim neighbors love what they are accomplishing
3/23	8:57 AM	Shirley Burkhardt	left VM 4 Margaret asking to make an appt.
3/24	2:30 PM	CGibb	w/ Shirley Burkhardt left msg to set up mtg for Margaret Robin w/ Shirley on Mon 3/30 @ 2pm
3/25	8:50 AM	Shirley Burkhardt	called + spoke w/ CG to confirm mtg @ city Hall, Monday 3/30 @ 2pm
3/30	2pm	All -	Met to review complaints and intent going forward. Owner committed to more cleanup over the next 30 days and fence in the future. Meeting will happen tomorrow at 2:30 and the 5/1.
4/28	10 AM		
4/28	10 AM	David Burkhardt	Came in b/c concerned that the house being built on pocket park is encroaching on setbacks