

## MEMORANDUM

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

**From:** Maegan Bosak, Planner I MB

**Subject:** Balovich Short-Term Rental, 713 Lake Street

**Date:** August 1, 2014

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The Planning Commission is recommending approval of a conditional use permit request for operation of a short-term rental filed by Chris Balovich at 713 Lake Street. Action on this item was taken at the July 15, 2014 Planning Commission meeting. The recommendation to approve the request, with the following conditions, passed 3-0.

Mr. Balovich owns a two-story house, with a one bedroom/one bathroom apartment on the lower level, at 713 Lake Street. The applicant is requesting the ability to rent this property on a short-term basis in between visits from friends and family.

Guests will be responsible for their own meals and transportation however the apartment is fully furnished. The applicant is able to provide two off-street parking spaces accessed by a private driveway around the back of the house.

The Planning Office has not received any comments on this request.

**Recommendation:**

Approve the recommended request with the following conditions and findings.

### **Planning Department recommended conditions:**

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, that summarizes the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

### **Findings:**

1. The Planning Commission finds that the recommended conditional use permit
  - a. Will not be detrimental to public health, safety or welfare;
  - b. Will not adversely affect the surrounding character;
  - c. Will not be injurious to uses or property in the immediate vicinity;
2. Is consistent with Comprehensive Plan policy 2.5.2 I Encourage the development of facilities to accommodate visitors without significant impacts on residential properties;
3. That all conditions necessary to lessen impacts can be monitored and enforced;
4. Will not introduce hazardous conditions on the site;
5. Is adequately supported by public facilities and services;
6. The applicant has met the burden of proof; and
9. The Planning Commission finds that the general approval criteria have been met and the Planning Commission has evaluated the criteria set forth in 22.24.010 which is the criteria for conditional uses that deal with hours of operation and location along collector streets.

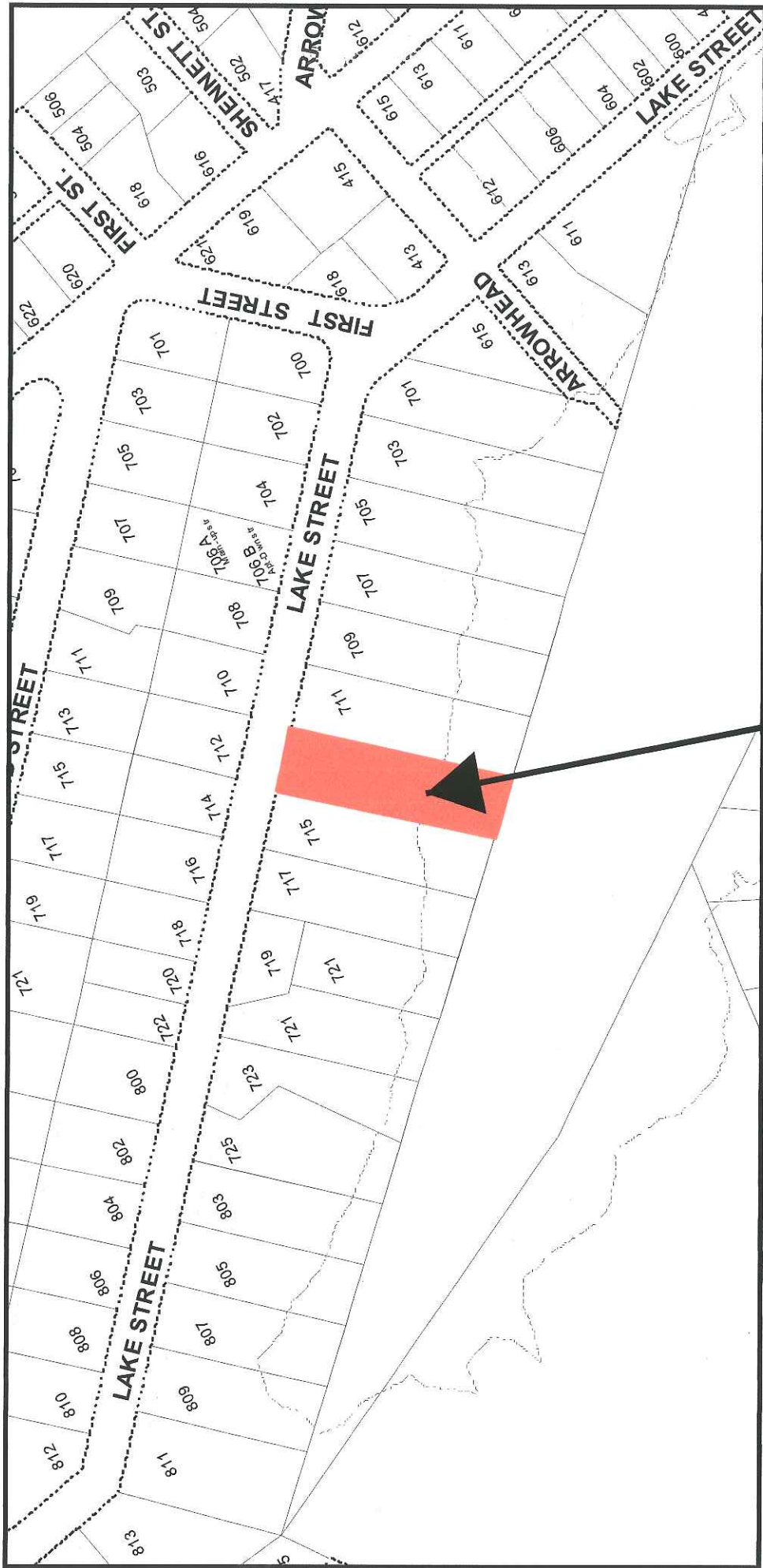
#### **The general approval criteria are as follows:**

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the Assembly and Planning Commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

#### **1. Criteria to be used in determining impacts of conditional uses:**

- a. Amount of vehicular traffic to be generated and its impacts of the traffic on nearby land uses;
- b. Amount of noise to be generated and its impacts on surrounding land uses;
- c. Odors to be generated by the use and their impacts;
- d. Hours of operation, not different that a traditional residential use;
- e. Location along a major or collector street;
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario;
- g. Effects on vehicular and pedestrian safety;
- h. Ability of the Police, Fire, and EMS personnel to respond to emergency calls on the site;
- i. Logic of the internal traffic layout;
- j. Effects of signage on nearby uses;
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site;
- l. Relationship if the proposed conditional use in a specific location to the goals, policies, and objectives of the Comprehensive Plan;
- m. Other criteria that surface through public comments or Planning Commission Assembly review.





**Balovich**  
CUP- Short-term Rental  
713 Lake Street





**Balovich**  
CUP- Short-term Rental  
713 Lake Street





**Balovich**  
CUP- Short-term Rental  
713 Lake Street





Short-term  
Rental  
(lower portion of house)

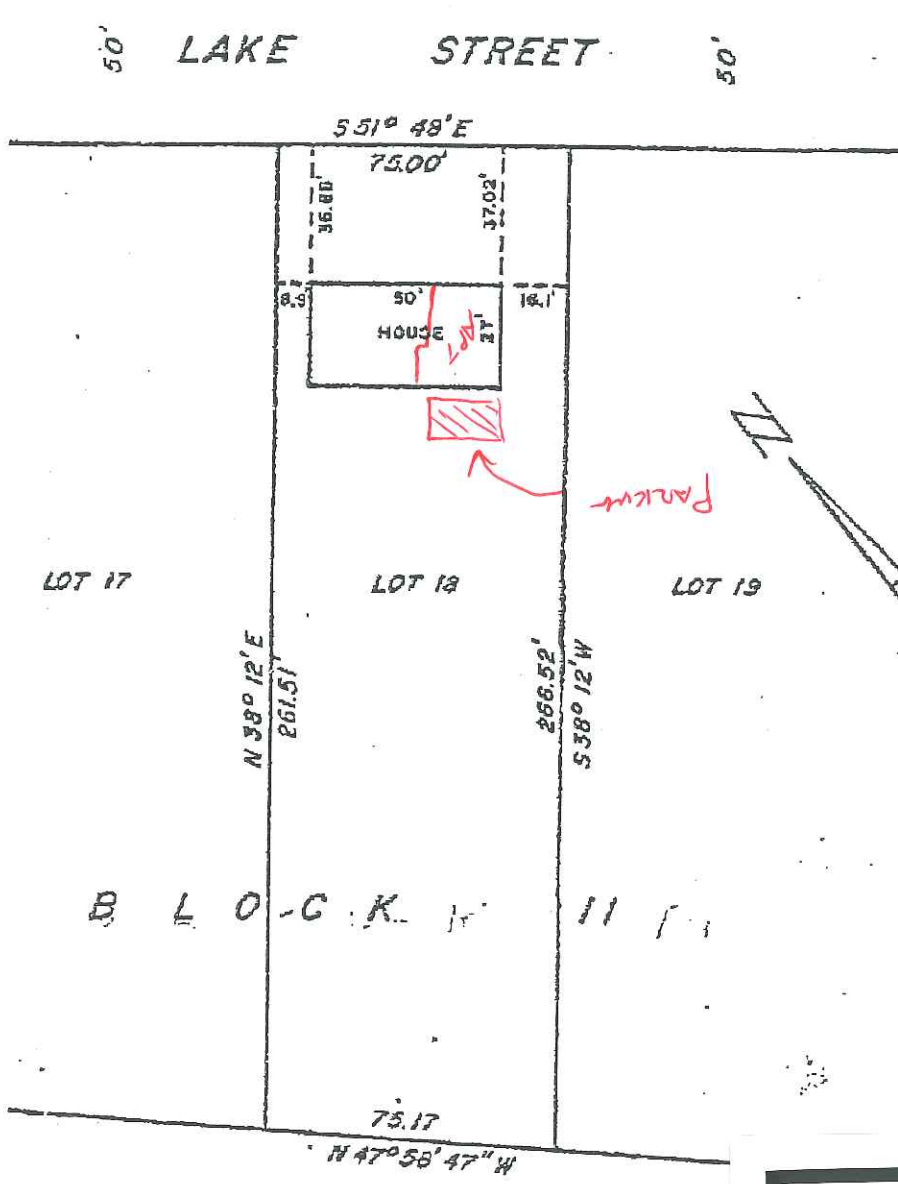
Short-term  
Rental  
Access to  
parking in  
back of home

**Balovich**  
CUP- Short-term Rental  
713 Lake Street



25 Jun 2014 14:30

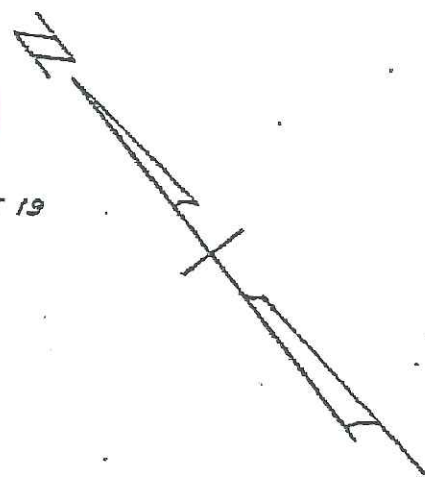
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SURVEYOR'S

I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT THE SURVEY MADE BY ME.

*Jerry D. ...*



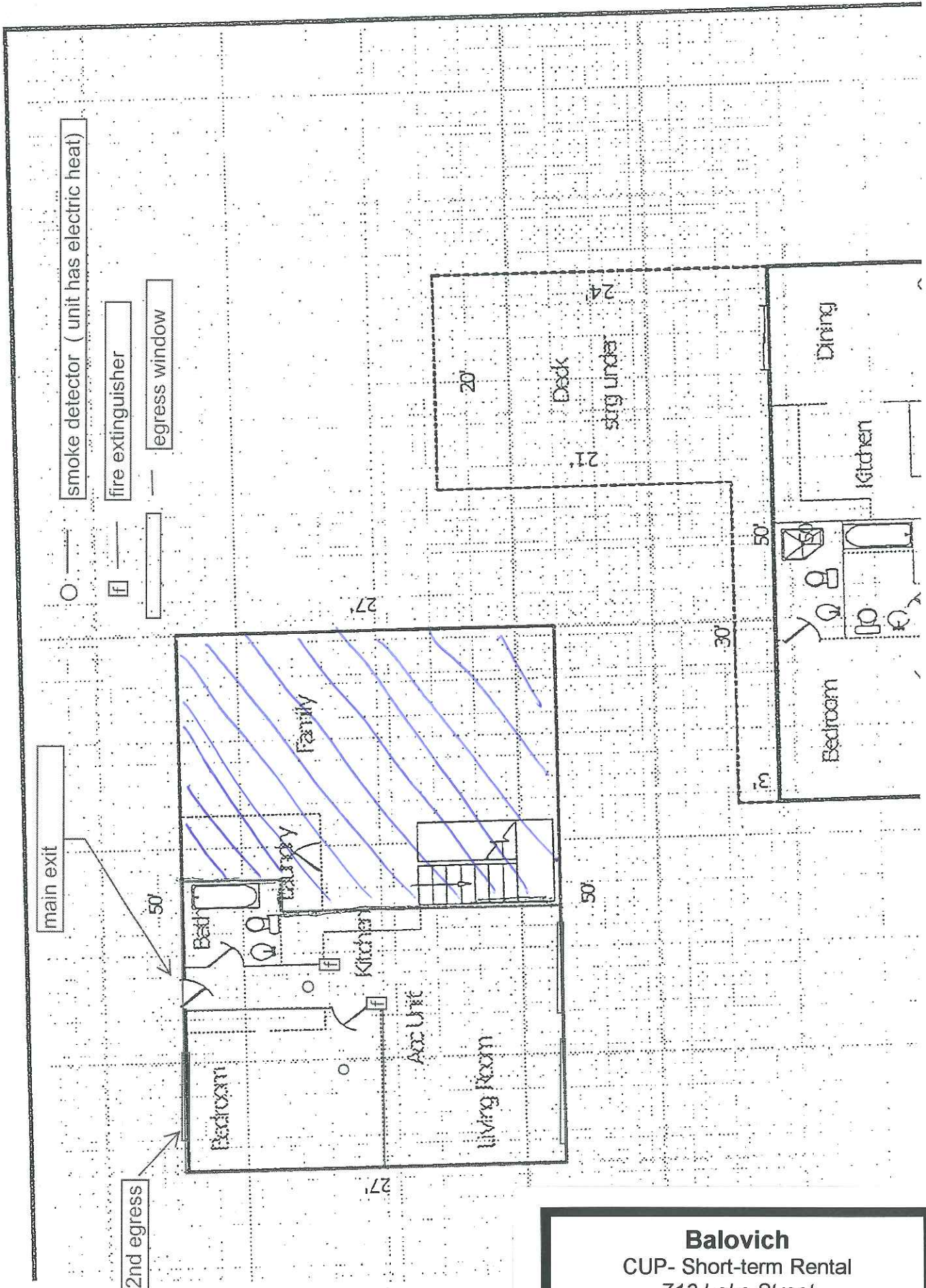
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SWAN

LAKE

**Balovich**  
 CUP- Short-term Rental  
 713 Lake Street





**Balovich**  
 CUP- Short-term Rental  
 713 Lake Street



**Subject Photo Page**

Client	Alaska Pacific Bank				
Property Address	713 Lake St				
City	Sitka	County	City and Borough of Sitka	State	AK Zip Code 99835
Lender	Alaska Pacific Bank				

**Subject Front**

713 Lake St  
 Sales Price  
 Gross Living Area 2,750  
 Total Rooms 10  
 Total Bedrooms 4  
 Total Bathrooms 3.0  
 Location N;Res;WtrFr  
 View B;Wtr;  
 Site 19801 sf  
 Quality Q3  
 Age 34

**Subject Rear****Subject Street**



CITY AND BOROUGH OF SITKA  
 PLANNING DEPARTMENT  
 SHORT-TERM RENTAL &  
 BED & BREAKFAST APPLICATION

Short-Term Rental Fee	\$100.00
Bed & Breakfast Fee (per Guestroom)	\$35.00
* plus current city sales tax *	

100.00  
 6.00  
 106.00

APPLICANT'S NAME: CHRIS BALOVICH  
 PHONE NUMBER: 747-9333  
 MAILING ADDRESS: BOX 6133 SITKA, AK. 99835

OWNER'S NAME: CHRIS BALOVICH  
*(If different from applicant)*  
 PHONE NUMBER: 747-9333  
 MAILING ADDRESS: BOX 6133 SITKA AK 99835

PROJECT ADDRESS: 713 Lake St.  
 LEGAL DESCRIPTION Lot: 18 Block: 11  
 Subdivision: Sirstad Add II  
 U.S. Survey \_\_\_\_\_ Zoning Classification: R1

#7-7966

State all reasons justifying request: I WOULD LIKE MORE CUSCERY CONTROL THE  
USAGE AND WORK & TIME ON MY APT.

Describe how the facility will be operated, what meals will be served, and how guests will be transported. (This information may be provided on a separate sheet).  
NO MEALS OR TRANSP PROVIDED.  
RENTAL TO BE OPERATED/MANAGED BY MYSELF.

Anticipated start date: 7-1-2014

What months of the year the facility will be in operation: JAN - DEC

**Balovich**  
 CUP- Short-term Rental  
 713 Lake Street

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- Drawing of the **interior** layout showing:
- ✓ 1. Size and location of rooms
  - ✓ 2. Types of facilities in the rooms
  - ✓ 3. Windows and exits
  - ✓ 4. Location of smoke alarms and fire extinguishers
  - ✓ 5. Guestrooms specifically delineated on the plans

- Drawing of the **exterior** site plan showing:
- ✓ 1. Dimensions of the home
  - ✓ 2. How the house sits on the lot
  - ✓ 3. Location of parking

Check if facility is not fully constructed at the time of the application.

Check if Life Safety Inspection has already been completed. If not, please contact the Building Department at 747-1832 to schedule an appointment. This Inspection is to certify that the residence complies with life and fire safety code aspects.

*In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.*

SIGNATURE OF APPLICANT: \_\_\_\_\_

DATE: \_\_\_\_\_

6/25/2019

SIGNATURE OF OWNER: \_\_\_\_\_

DATE: \_\_\_\_\_

6/25/2019

*(If different from applicant)*



# MEMO

**To:** Wells Williams  
**From:** William Stortz  
**Date:** 7/16/2014  
**Subject:** Short term rental life safety inspection

Wells,

I conducted a life safety inspection for a short term rental in a dwelling unit located at 713 Lake Street owned by Chris Balovich. No deficiencies were noted during this inspection.



William Stortz  
Building Official

**INSPECTION REPORT**  
CITY AND BOROUGH OF SITKA BUILDING DEPARTMENT  
100 LINCOLN STREET  
SITKA, ALASKA 99835  
PHONE: 747-1804 FAX: 747-3158  
www.cityofsitka.com

DATE 7/11/14  
TIME 1:40

**TYPE OF INSPECTION**

- FOOTING
- STEM WALLS
- SLAB
- UNDERSLAB

(PLUMBING/ELECTRICAL)

- FRAME
- ELECTRICAL
- PLUMBING

- FIRE & LIFE SAFETY
- FINAL
- \_\_\_\_\_


OWNER Chris Balovich  
ADDRESS 713 Lake St.

Fire & life safety inspection.  
No deficiencies noted.

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COPY PROVIDED TO Chris

- CALL FOR REINSPECTION BEFORE CONCEALMENT
- CORRECTIONS OR ITEMS NOTED ABOVE WILL BE REINSPECTED AT TIME OF NEXT CONSECUTIVE INSPECTION.

INSPECTOR   
 OTHER \_\_\_\_\_



**CITY AND BOROUGH OF SITKA  
Planning Commission  
Minutes of Meeting  
July 15, 2014**

**Present:** Richard Parmelee (Chair), Darrell Windsor (Member), Terrance Seslar (Member), Wells Williams (Planning Director), Maegan Bosak (Planner I)

**Members of the Public:** Richard Doland, Chad and Kelly Goeden, Hans Von Rekowski, Ken Buxton, Dan Tadic (Municipal Engineer)

Chair Parmelee called the meeting to order at 7:01 p.m.

**Roll Call:**

**PRESENT:** 3 –Parmelee, Windsor, Seslar

**Consideration of the Minutes from the June 17, 2014 meeting:**

**MOTION: M/S WINDSOR/SESLAR** moved to approve the meeting minutes for June 17, 2014.

**ACTION:** Motion **PASSED unanimously 3-0** on a voice vote.

**The evening business:**

**VARIANCE REQUEST  
LOT 54 GAVAN SUBDIVISION  
SAM SKAGGS**

*Public hearing and consideration of a variance request at 504 Charteris Street filed by Sam Skaggs. The request is to reduce the side setback from 8 feet to 3 feet for a new construction house. The property is also known as Lot 54 Gavan Subdivision. The owner of record is Samuel D. Skaggs.*

Planner I, Bosak, describes the applicant's request. Skaggs is back before the Board with revised building plans requesting a side setback variance from 8 feet to 3 feet. Bosak describes the eagle permit and the location. Bosak reads public comment from Jay and Amy Sweeney.

**APPLICANT:** Via phone, Sam Skaggs, educates the Board on the extremely challenging site. Most of the lot is unbuildable, however they plan to build on a pounded piling foundation, going down approximately 20-25 feet. The plan is for a small home, a 30x30 ft. two story. Skaggs reviews the eagle permit and the ability to "take" two eagles which he is trying not to do. He is a conversationalist and waiting for the eagles to leave before working on the land so not to disturb them. He reminds the Commission that there are no eagle nests on the property and they aren't looking to remove trees to the west as they are a wind barrier. Skaggs is trying to build an earthquake safe house. The lot is disadvantaged due to the old city water line at the front. Richard Doland, Doland Built Homes, explains that excavation depths will be fairly negligible. No shot rock will be used only digging for footings. Doland approximates less than two feet of actual digging down.

Williams asks Skaggs to elaborate on his Sitka roots. Skaggs replies that he doesn't think this should have any bearing on the variance but he has been heavily involved in Sitka for many years. He looks forward to being a full time resident.

**PUBLIC COMMENT:** Dan Tadic, Municipal Engineer, says that Skaggs has worked with Engineer Dave Longtin on waterline easement and they appreciate his willingness to compromise with CBS.

**COMMISSIONER DELIBERATION:** No Commissioner questions.

**MOTION: M/S WINDSOR/SESLAR** move to approve the following findings:

1. That there are special circumstances to the intended use that do not apply generally to the other properties, specifically the rear of the property being unbuildable and the waterline crossing the front;
2. The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel;
3. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property nearby parcels of public infrastructure, specifically public infrastructure is enhanced due to the arrangement of the waterline;
4. That the granting of such a variance will not adversely affect the Comprehensive Plan. It is in line with Comprehensive Plan 2.3.1 *To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners.*

**ACTION:** Motion **PASSED unanimously 3-0** on a voice vote.

**MOTION: M/S WINDSOR/SESLAR** move to approve a variance request at 504 Charteris Street filed by Sam Skaggs. The request is to reduce the side setback from 8 feet to 3 feet for a new construction house. The property is also known as Lot 54 Gavan Subdivision. The owner of record is Samuel D. Skaggs.

**ACTION:** Motion **PASSED unanimously 3-0** on a voice vote.

**CONDITIONAL USE PERMIT- 2 BEDROOM BED AND BREAKFAST  
LOT 1-S GIBSON/KITKA/SNOWDEN SUBDIVISION  
BRIAN JARDINE**

*Public hearing and consideration of a two bedroom bed and breakfast conditional use permit filed by Brian Jardine at 105 Shelikof Way. The property is also known as Lot 1-S Gibson/Kitka/Snowden Subdivision. The owner of record is Shannon J. Jardine and Brian R. Jardine.*

Planner I, Bosak, describes the two bedroom B&B request. Home is accessed on shared easement with neighbors Grun and Mulligan. Bedrooms are located on the bottom story of the home, living space is up above. Long history of property applying for permit and not granted. Neighborhood petition over concern of noise and traffic, prompted a meeting between City Officials and Jardine. Mr. Jardine owns a fishing charter business, A-Z Fishing Charters, and it could be presumed that those clients have been or could be renting rooms. Williams suggests that the Planning Commission takes a minimum of two meetings. Bosak reads two public



comments- from Michelle Putz and Richard Mulligan. Williams shares that neighbor Grun has a two bedroom bed and breakfast permit currently.

**APPLICANT:** Brian Jardine, says there is plenty of room for four parking spaces. Traffic will not increase or decrease. Past permit was not granted due to parking but parking is accounted for. He is aware of the permit regulations and he is willing to follow those. Permit will hold him accountable and City will get taxable revenue. Jardine only plans to operate for a few months out of the year. Mr. Mulligan also has a rental contributing to traffic on the easement. Jardine is looking to forward his business and make it lucrative. Would like bed and breakfast to run mid-May through September 1st. He drives trucks during the winter down south for additional income. He is willing to compromise and work with anyone who is willing to work with him.

Williams showcases pictures of parking on overhead screen for Commissioners. Jardine explains that he would just like to make a little extra income. Rather than start a neighborhood feud, they would like the opportunity to run the permit in accordance with the law.

**COMMISSIONER DELIBERATION:** Commissioner Windsor asks if there are clients staying there now? Jardine responds that he has friends staying with him. "Have you had clients in the past?" Windsor asks. Yes, we have. Jardine explains that they haven't been charging for the lodging only for the fishing. That's why they are going through this permit process is so they can make more money, specifically for the lodging. Jardine states that he is just looking for an opportunity to work within whatever boundaries the Board deems necessary. He is willing to look at a one year permit or whatever they say. There are children that visit the home.

Commissioner Seslar says that the website clearly states this is for lodging. Jardine responds that they lodge guests around town in hotels, etc. and that the website is very outdated. It shows a boat that Jardine no longer owns. Jardine only owns one boat. They have asked that the website be changed.

Windsor asks is the lodging referring to people staying at hotels? Jardine says that it is standard language and if its guys that he hunts with they will come up and stay with him and he charges the \$275 fishing fee only. After the meeting with the City, Jardine says he understands that this is not the way they would like to see it done. They are willing to work with all parties. They can show hotel receipts.

**PUBLIC COMMENT:** Mike Steinberg, 127 Shelikof Way, says they look directly down at Jardine's driveway. Steinberg thinks it is important to note that Jardine is trying to start and operate a legitimate business in Sitka. It takes a lot of different pieces. He wants Jardine to be part of the tax base. Steinberg is also a charter boat operator and it impacts his bottom line as he could then keep guests there or take guests out that are staying with Jardine. He doesn't see a lot of traffic in and out of the house. There aren't additional vehicles coming in and out. He says Vonnies B&B doesn't affect him. He wants to see this become a legitimate and legal business.

Molly Kitka, 155 Shelikof Way, has a little bit of concern. Her major concern was her own privacy. Jardine did put up a laddice screen to protect her privacy and to keep guests from looking off the deck into her house. They have been lodging people at their home for the last 10 years. She would like to know how the City plans to monitor the permit. How can it be determined the 3 bedrooms aren't being rented out rather than 2? She feels Jardine needs to prove himself before being granted a permit.



Williams is unaware of how this permit could be monitored. Seslar asks specifically about sales tax and if this could work as an enforcement agent. Williams does not know of any Planning Commission across the country that gets involved in company financials. Sales tax records are confidential records. Bosak says that bed tax reporting could be a means.

Windsor asks Ms. Kitka which house is hers. She describes proximity and past noise issues. She wants Planning Commission to have all the information – she is neither for or against permit. Her one concern was her privacy- traffic doesn't concern her. She wants forthrightness and honesty.

Jardine says he would like the opportunity to prove that he can operate within the rules. The website is out of date and not accurate. He is just asking for the opportunity to prove himself.

Ken Buxton, 108 Shelikof Way, says he's not indifferent but he would like to be fair and see things done right. He is available to answer questions. He voiced problems with Grun's operation but those seem to have been resolved. He's lived there for three years. Windsor asks him if he would notice any increase of traffic? No, he hasn't noticed any increase. There are two sides to every story. He wanted to hear them both and then make a decision on his own.

Richard Mulligan, 107 Shelikof Way, states he is totally against this request. There is already an established business that is out of control. Mulligan passes out photos to the Planning Commission of guests coming and going from Jardines and Grun's. Mulligan is afraid it is just going to get worse. Morning traffic between 4:30-5 am wakes him and his family up. Mulligan has submitted a records request for information he will provide to the Board. Parmelee asks how long he has lived there- 14 years. Pictures show gatherings between Grun's and Jardine's guests/captains – excessive traffic and noise. Jardine's guests do not park on Mulligan's property. Jardine points out that only one of the pictures is of his house.

Mike Steinberg, 127 Shelikof Way, again approaches the Board and says in the last 5 years he has seen Jardine put a new roof on the house, new deck, clean up the lot and general improvements. Thus Increasing the value of his home and the entire neighborhood.

LaVonne Grun, 101 Shelikof Way, supports Jardine's right to operate a B&B and finds it offensive that she has been brought into this situation. She has a B&B and operates within the City guidelines. She says this is not about traffic or noise but operation of a charter fishery. It is about a commercial issue and Mr. Mulligan's dislike and hatred towards their sportfishing industry.

Jardine says that Mulligan's photos show that Jardine is providing adequate parking. Past request was turned down due to parking and that should not be a factor this time.

Williams reminds Board that the staff recommendation is to close public hearing and schedule it again at the next meeting.

Windsor asks about the petition. It will be included in the next packet. Williams says petition was against charter businesses in the neighborhood not specific properties.

Request will be scheduled again for August 5<sup>th</sup>.

**VARIANCE REQUEST  
LOT 3 STOCKER SUBDIVISION**



## CHAD AND KELLY GOEDEN

*Public hearing and consideration of a variance request at 2012 Cascade Creek Road filed by Chad and Kelly Goeden. The request is to reduce the side setback from 8 feet to 2 feet for construction of a new garage. The property is also known as Lot 3 Stocker Subdivision. The owner of record is Chad and Kelly Goeden.*

Bosak provides staff report commenting on the layout of the lot with the proposed two car garage. All property lines are side setbacks as it does not front a right of way. Bosak provides history of old waterline and issues that may arise for the applicants. Request went through the Development Review Committee and staff didn't foresee any issues. Applicants will be required to sign waiver releasing liability from any future erosion or drainage issues. Bosak reads comment asking for hydrologist study from Gary Olsen.

**APPLICANT:** Chad and Kelly Goeden share the planned location of the new two car garage. Coming out on the diagonal from the house. Points out the shed will be removed and garage will be built in its place. Creek follows the old water line which is not on Goeden's property. There will be no additional excavation on the site. They point out the location of the garage on the overhead.

Williams describes old city water line. He says requests like this are fairly common. Williams says waterline will never be used again and property behind the lot is wetlands.

Chad Goeden shares his appreciation for Planner I, Bosak. He states she was knowledgeable, kind and gives government officials a good name.

**PUBLIC COMMENT:** Neighbor, Hans Von Rekowski, 2010 Cascade Creek Road, shares concern of possible landslides in the area as seen in the past. He wants an engineered report to ensure additional weight will not create new slides.

Williams asks if Goeden plans to cut into the bank at all? No, they don't plan any additional excavation of the property.

**COMMISSIONER DELIBERATION:** Commissioner Parmelee asks Municipal Engineer, Tadic, if he knows the area? Tadic replies that he is not that familiar with it but the waterline is old WWII era. He knows that some areas of the line have collapsed and that there is still limited water draining through. He doesn't see any concerns.

**MOTION: M/S WINDSOR/SESLAR** move to approve the following findings:

1. That there are special circumstances to the intended use that do not apply generally to the other properties, specifically the limited building pad due to terrain;
2. The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically the implied right to construct a garage in an R-1 zone;
3. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property nearby parcels of public infrastructure, specifically that the construction of the proposed garage will not increase the footprint and construction will not adversely affect the abandoned waterline;
4. That the granting of such a variance will not adversely affect the Comprehensive Plan. It is in line with Comprehensive Plan 2.3.1 *To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere,*

*encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners.*

**ACTION:** Motion **PASSED unanimously 3-0** on a voice vote.

**MOTION: M/S WINDSOR/SESLAR** move to approve a variance request at 2012 Cascade Creek Road filed by Chad and Kelly Goeden. The request is to reduce the side setback from 8 feet to 2 feet for construction of a new garage. The property is also known as Lot 3 Stocker Subdivision. The owner of record is Chad and Kelly Goeden.

**ACTION:** Motion **PASSED unanimously 3-0** on a voice vote.

**CONDITIONAL USE PERMIT- SHORT-TERM RENTAL  
LOT 18, BLOCK 11, SIRSTAD ADDITION NO. 2  
CHRIS BALOVICH**

*Public hearing and consideration of a short-term rental conditional use permit filed by Chris Balovich at 713 Lake Street. The property is also known as Lot 18, Block 11, Sirstad addition No. 2. The owner of record is Christopher Balovich and Shelly Vaughn.*

Bosak gives staff report commenting on location, building layout and access to the possible short term rental. The applicant has had the apartment for family and friends and would an additional income source. No meals or transportation will be provided.

Commissioner Windsor states that he has worked on the applicant's home in the past.

**APPLICANT:** Owner and applicant, Chris Balovich, comes forward to share his intent with the Commission. He has grown children and family members that often visit and he would like to be able to rent the apartment on a short term basis in between those times. Currently used as a long term rental. The one bedroom apartment is fully furnished. No meals or transportation will be provided. There is a private driveway on the side of the home and plenty of parking. Fire/Life safety inspection has already been completed.

**PUBLIC COMMENT:** No public comment.

**COMMISSIONER DELIBERATION:** No Commissioner questions.

**MOTION: M/S WINDSOR/SESLAR** move to approve the following findings:

1. The Planning Commission finds that the recommended conditional use permit
  - a. Will not be detrimental to public health, safety or welfare;
  - b. Will not adversely affect the surrounding character;
  - c. Will not be injurious to uses or property in the immediate vicinity;
2. Is consistent with Comprehensive Plan policy 2.5.2 I Encourage the development of facilities to accommodate visitors without significant impacts on residential properties;
3. That all conditions necessary to lessen impacts can be monitored and enforced;
4. Will not introduce hazardous conditions on the site;
5. Is adequately supported by public facilities and services;
6. The applicant has met the burden of proof; and
9. The Planning Commission finds that the general approval criteria have been met and the Planning Commission has evaluated the criteria set forth in 22.24.010 which is the



criteria for conditional uses that deal with hours of operation and location along collector streets.

**The general approval criteria are as follows:**

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the Assembly and Planning Commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

**1. Criteria to be used in determining impacts of conditional uses:**

- a. Amount of vehicular traffic to be generated and its impacts of the traffic on nearby land uses;
- b. Amount of noise to be generated and its impacts on surrounding land uses;
- c. Odors to be generated by the use and their impacts;
- d. Hours of operation, not different that a traditional residential use;
- e. Location along a major or collector street;
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario;
- g. Effects on vehicular and pedestrian safety;
- h. Ability of the Police, Fire, and EMS personnel to respond to emergency calls on the site;
- i. Logic of the internal traffic layout;
- j. Effects of signage on nearby uses;
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site;
- l. Relationship if the proposed conditional use in a specific location to the goals, policies, and objectives of the Comprehensive Plan;
- m. Other criteria that surface through public comments or Planning Commission Assembly review.

**ACTION:** Motion **PASSED unanimously 3-0** on a voice vote.

**MOTION: M/S WINDSOR/SESLAR** move to approve a recommendation of approval to the Assembly for a short-term rental conditional use permit filed by Chris Balovich at 713 Lake Street. The property is also known as Lot 18, Block 11, Sirstad Addition No.2. The owner of record is Christopher Balovich and Shelly Vaughn.

**ACTION:** Motion **PASSED unanimously 3-0** on a voice vote.

Commission discussion over the difference between CBS definitions of a Lodge and Bed and Breakfast. Williams states that staff will be working to update the definitions in the future.

**PLANNING DIRECTOR'S REPORT:** No report.

**PUBLIC COMMENT:** No public comment.

**ADJOURNMENT:**

**MOTION:** M/S WINDSOR/SESLAR moved to adjourn at 9:17 pm.

**ACTION:** Motion **PASSED** unanimously 3-0 on a voice vote.

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Richard Parmelee, Chair

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Maegan Bosak, Secretary





# City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

*Coast Guard City, USA*

## Notice of Public Hearings

The Assembly of the City and Borough of Sitka will hold a public hearing during a regular meeting scheduled Tuesday, August 12, 2014 on the following items:

**Public hearing and consideration of a short-term rental conditional use permit filed by Chris Balovich at 713 Lake Street. The property is also known as Lot 18, Block 11, Sirstad Addition No. 2. The owner of record is Christopher Balovich and Shelly Vaughn.**

Please see the hearing description on back of page. The Assembly may take action on August 12, 2014.

The Assembly meeting will begin at 6:00 pm in Harrigan Centennial Hall at 330 Harbor Drive in Sitka.

Interested residents are encouraged to make comments during the meeting and written comments can be submitted to the Municipal Clerk at 100 Lincoln Street.

**Short-term conditional use permit at 713 Lake Street:**

The applicant is requesting a conditional use permit for a short-term rental at 713 Lake Street. This would allow the applicant to rent out the one bedroom, one bath fully furnished apartment for stays of 14 days or less. Guests will be responsible for their own meals and transportation. Two off-street parking spaces are available around the back of the home. The property is zoned R-1 Residential.

The R-1 single-family and duplex 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.



JOHN VALENTE  
VALENTE, JOHN, D.  
297 SUNSHINE ACRES DR  
EUGENE OR 97401

THOMAS/CAROL PENDELL  
C/O STAGG ELDER CARE SERV  
PENDELL, CAROL, E.  
111 E.BROADWAY, STE 250  
SALT LAKE CITY UT 84111

PHILIP SPIEGLE

SPIEGLE, PHILLIP, A.  
P.O. BOX 2604  
SITKA AK 99835

RICHARD REEDER

REEDER, RICHARD, T.  
712 LAKE ST  
SITKA AK 99835

LOIS RHODES

RHODES, LOIS, A.  
710 LAKE ST.  
SITKA AK 99835

ROBERT HARTMAN

HARTMAN, ROBERT, J.  
708 LAKE ST  
SITKA AK 99835

ALBERT/PAULINE DUNCAN

DUNCAN, ALBERT, F./PAULINE, V.  
721 LAKE ST.  
SITKA AK 99835

ALICIA/EDWARD GASSMAN

GASSMAN, ALICIA & EDWARD  
P.O. BOX 2461  
SITKA AK 99835

DAVID/LESLIE GORDON

GORDON, DAVID, A./LESLIE, L.  
717 LAKE ST  
SITKA AK 99835

CAROLYN WOHLERS

WOHLERS, CAROLYN  
13511 VERN DR  
ANCHORAGE AK 99516

CHRISTOPHER/S.M BALOVICH/VAUGHN

BALOVICH, CHRISTOPHER/VAUGHN,  
SHELLY, M  
P.O. BOX 6133  
SITKA AK 99835

**Assembly Mailing  
August 1, 2014**

**Balovich**  
CUP- Short-term Rental  
713 Lake Street

JOHN VALENTE  
VALENTE, JOHN, D.  
297 SUNSHINE ACRES DR  
EUGENE OR 97401

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BALOVICH, CHRISTOPHER/VAUGHN,  
SHELLY, M  
P.O. BOX 6133  
SITKA AK 99835

**Planning Mailing**  
**July 3, 2014**

**Balovich**  
CUP- Short-term Rental  
713 Lake Street