

MEMORANDUM

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

From: Maegan Bosak, Planner I

Subject: Evans Short-Term Rental, 612 Oja Street

Date: November 4, 2013

The Planning Commission is recommending approval of a conditional use permit request for operation of a short-term rental filed by Dan and Janet Evans at 612 Oja Street. Action on this item was taken at the October 15, 2013 Planning Commission meeting. The recommendation to approve the request, with the following conditions, passed 4-0.

Mr. and Mrs. Evans own a single-story three bedroom house on Oja Street. The applicants would like the ability to rent this property on a short-term basis in between longer term renters. Welcome Home Vacations owned by Sharon Romine will be managing the rental.

Guests will be responsible for their own meals and transportation. The applicant is able to provide four off street parking spaces.

The Planning Office proposed standardized conditions and findings for short-term rentals in a memorandum that was previously written to the Assembly. The conditions included a requirement for an annual report to assist the monitoring of short term rental conditional use permits.

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

Recommendation:

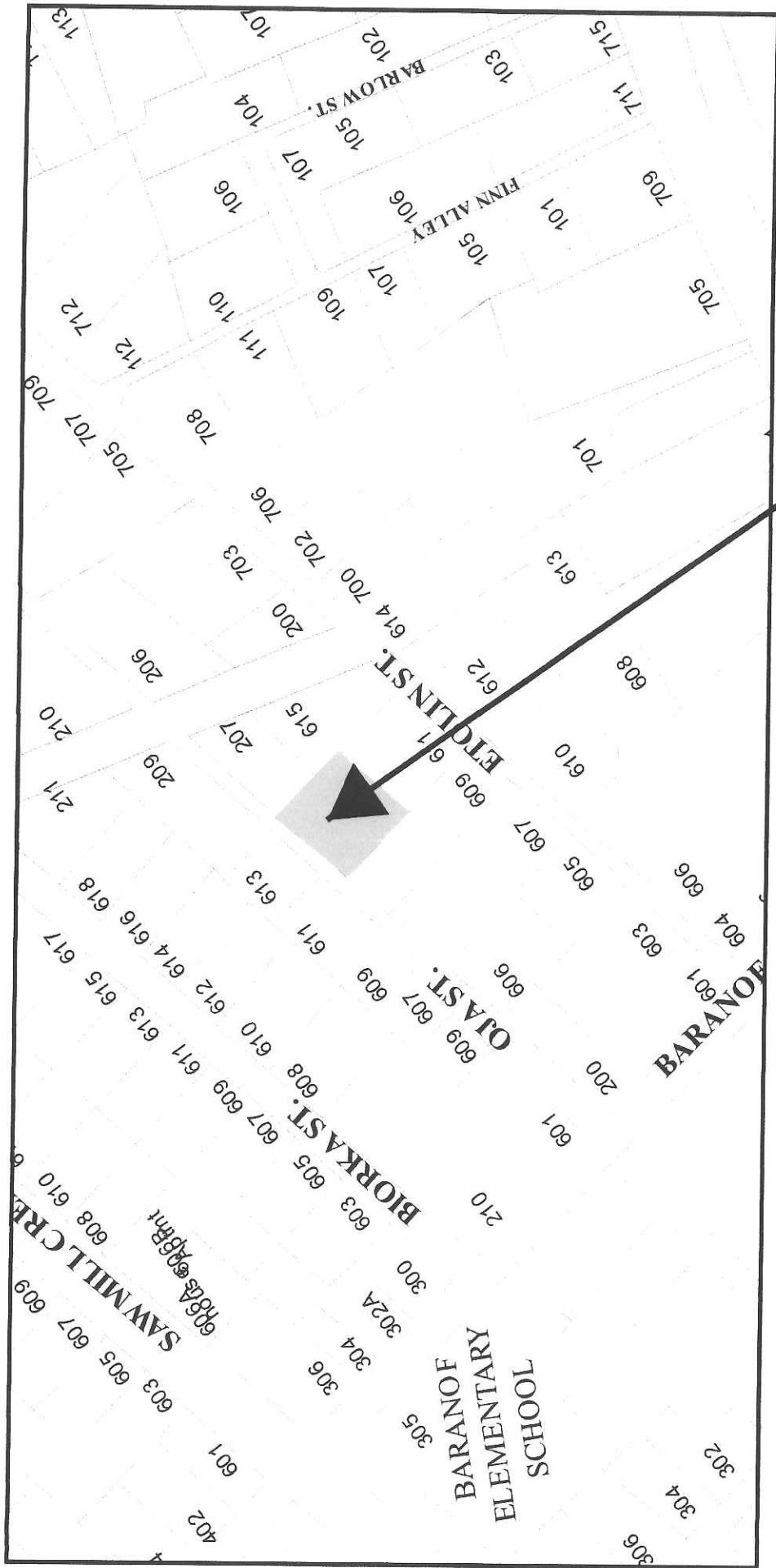
Approve the recommended request with the following conditions and findings.

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 will not be detrimental to public health, safety or welfare;
2. Will not adversely affect the surrounding character;
3. Will not be injurious to uses or property in the immediate vicinity;
4. Is consistent with Comprehensive Plan policy 2.5.2 I Encourage the development of facilities to accommodate visitors without significant impacts on residential properties;
5. That all conditions necessary to lessen impacts can be monitored and enforced;
6. Will not introduce hazardous conditions on the site;
7. Is adequately supported by public facilities and services;
8. 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.



Evans
Conditional Use Permit Short-Term Rental
612 Oja Street



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Conditional Use Permit Short-Term Rental
612 Oja Street



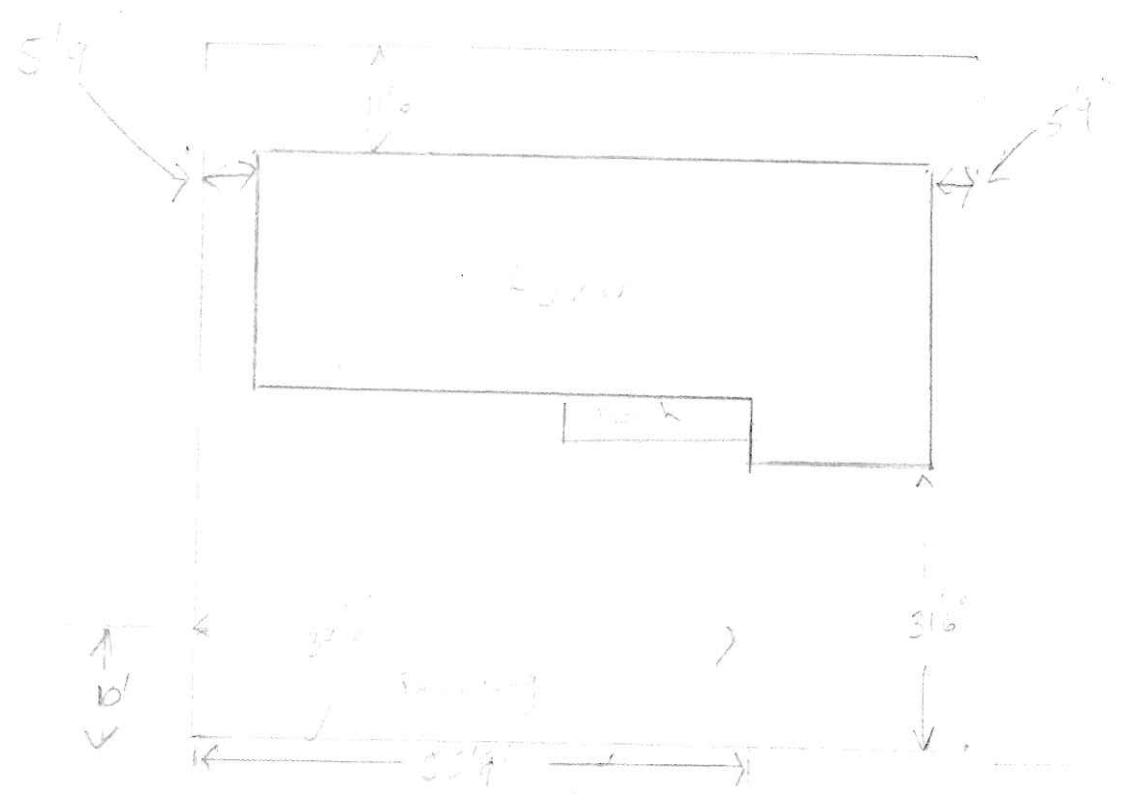
Evans
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Evans
Conditional Use Permit Short-Term Rental
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612
OJA Street
30' x 31' 6"

Back
30' x 31' 6"



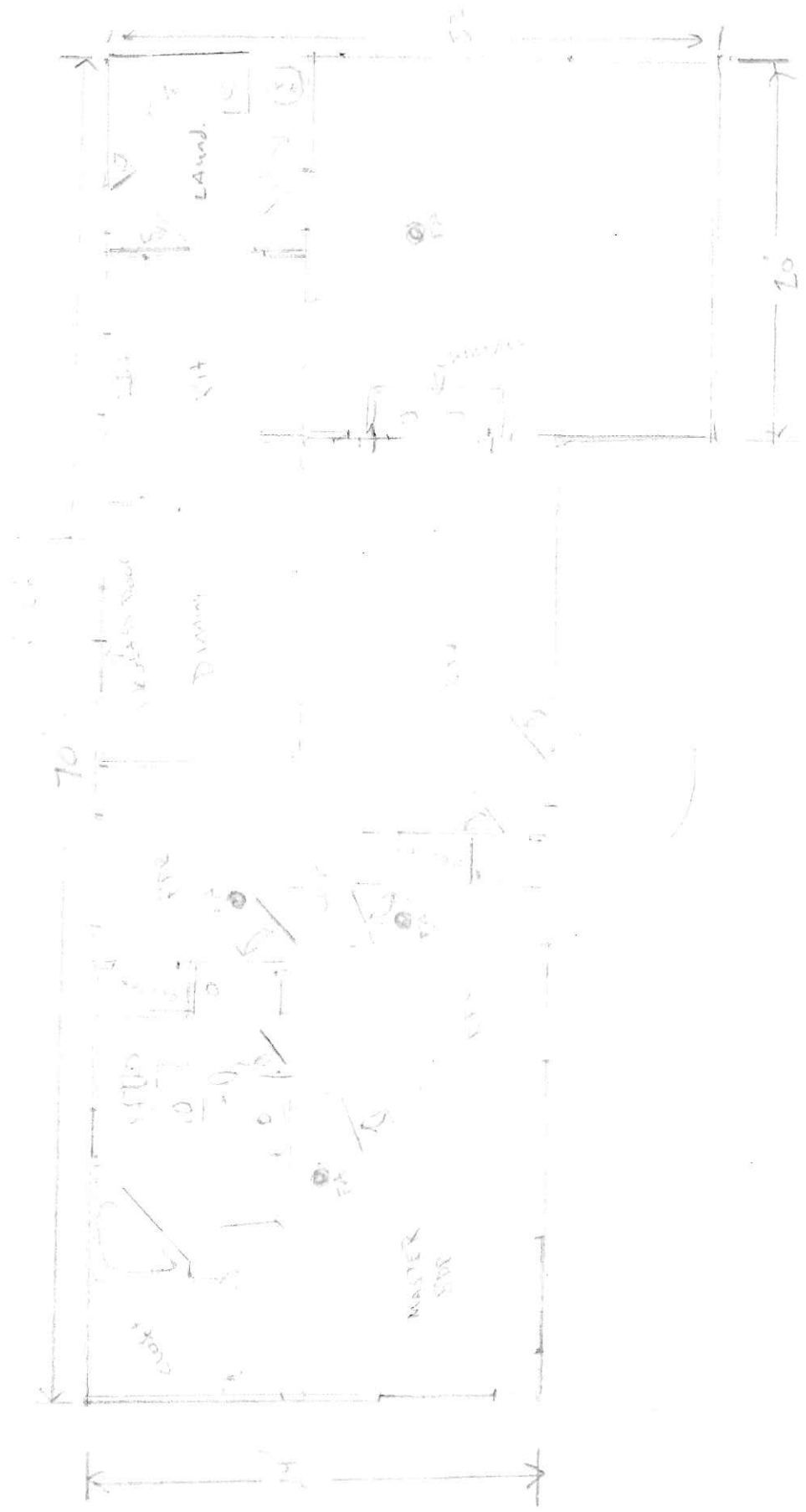
OJA CT

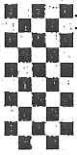
SIDE ROAD 10' x 31' 6"

DRIVEWAY - 20' x 31' 6"

Evans
Conditional Use Permit Short-Term Rental
612 Oja Street

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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, November 12, 2013 on the following items:

Public hearing and consideration of a short-term rental conditional use permit request filed by Dan and Janet Evans at 612 Oja Street. The property is also known as a portion of Lot 8, Block 15, U.S. Survey 1474, Tract A.

Please see the hearing description on back of page. The Assembly may take action on November 12, 2013.

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.

To Whom it May Concern:

I support the Evans' conditional use permit application.

Brandon Marx

neighbor

Providing for today ... preparing for tomorrow

615 Eto lin St.

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

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

APPLICANT'S NAME: DAN EVANS
PHONE NUMBER: (407) 738-0236
MAILING ADDRESS: 611 ETOIN ST

OWNER'S NAME: DAN EVANS + JANET EVANS
(If different from applicant)
PHONE NUMBER: _____
MAILING ADDRESS: _____

PROJECT ADDRESS: 612 OJA Street
LEGAL DESCRIPTION Lot: 8 Block: 15
Subdivision: _____
U.S. Survey: 1474 TRACT Zoning Classification: _____

State all reasons for justifying request: I would like the option to rent short term to fill in if needed between dates of longer term.

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).
This house is fully furnished and all utilities are covered. At this time welcome Home vacations is handling the renters.
renters can have their own vehicle or rental vehicle since there is room for parking up to 4 vehicles.

Anticipated start date: Nov 1, 2013

What months of the year the facility will be in operation: ALL months

- 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.

Bed and Breakfast applicants shall be aware that only limited cooking facilities such as small toaster ovens, microwaves, and refrigerators are allowed and those appliances must be outside of guestrooms.

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: *Daniel Evans* Date: Oct 1, 2013

SIGNATURE OF OWNER: *Daniel Evans* Date: Oct 1 2013

(If different from the applicant)



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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 Rental Conditional Use Permit at 612 Oja Street

The applicant is requesting a conditional use permit to allow the residence at 612 Oja Street to be a short-term rental. Applicant has expressed interest in renting out the home short-term in between long term rental opportunities. Welcome Home Vacations will be managing the rental. Parking is available for up to four vehicles at this single family residence. A short-term rental is defined as stays of fourteen days or less.

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Assembly Mailing
November 1, 2013

Evans
Conditional Use Permit Short-Term Rental
612 Oja Street



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

Sitka Planning Commission Agenda- Revised

Tuesday, October 15, 2013

Held in Harrigan Centennial Hall

330 Harbor Drive, Sitka, Alaska

7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE MINUTES FROM October 1, 2013
- III. THE EVENING BUSINESS
 - A. Public hearing and consideration of a variance request filed by Boyd Didrickson at 428 Kaagwaantaan Street. The request is for a reduction in the front setback from 20 feet to 10 feet, reduction in side setbacks from 8 feet to 3 feet, an increase in lot coverage to approximately 50% and reduction of the parking spaces from 2 spaces to 1 space. The previously approved variances have lapsed. The property is also known as South portion of Lot 47 Block 2 of the Sitka Indian Village. This request is for the construction of a new two-story house.
 - B. Public hearing and consideration of a variance request filed by David Longtin at 711 Biorka Street. The request is for a reduction in the front **PULLED** 20 feet to 10 feet to allow for construction of a new workshop/garage. The property is **PULLED** all of Lot 6 of Block 23, according to U.S. Survey 1474, Tract A. The owner of record is Michael LaGuire.
 - C. Public hearing and consideration of a **concept plan** for a minor subdivision at Parcel A South Benchlands off of Kramer Avenue. The **PULLED** by Sound Development, LLC. The property is also known as Track A14-III, Whitcomb Heights III Subdivision.
 - D. Public hearing and consideration of a **concept plan** for a minor subdivision at Parcel B South Benchlands off of Kramer Avenue. The **PULLED** by Sound Development, LLC. The property is also known as Track A13, Whitcomb Heights Subdivision.
 - E. **Public hearing and consideration of a short-term rental conditional use permit request filed by Dan and Janet Evans at 612 Oja Street. The property is also known as a portion of Lot 8, Block 15, U.S. Survey 1474, Tract A.**
- IV. PLANNING DIRECTOR'S REPORT
- V. PUBLIC BUSINESS FROM THE FLOOR
- VI. ADJOURNMENT

NOTE: Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to maegan@cityofsitka.com, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: October 11

Providing for today ... preparing for tomorrow

E. Short-Term Rental Conditional Use Permit at 612 Oja Street

The applicant is requesting a conditional use permit to allow 612 Oja Street to be a short-term rental. Parking is available for up to four vehicles at this single family residence.

A short-term rental is defined as stays of fourteen days or less.

This request will go before the Planning Commission and the Assembly for review.

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Planning and Zoning - Mailing
October 4, 2013

Evans
Conditional Use Permit Short-Term Rental
612 Oja Street

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
October 15, 2013**

Present: Richard Parmelee (Chair), Darrell Windsor (Member), Chris Spivey (Member), Debra Pohlman (Member), Maegan Bosak (Planner I), Wells Williams (Planning Director) via phone

Members of the Public: Don Anderson, Bill Anderson, Scott Saline, Boyd Didrickson, Nick Anderson, Doris Emanoff, Becky Anderson, Dan Evans

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

Roll Call:

PRESENT: 4 – Parmelee, Windsor, Spivey, Pohlman (joins meeting at 7:15 p.m.)

Consideration of the Minutes from the October 1, 2013 meeting:

MOTION: M/S SPIVEY/WINDSOR moved to approve the meeting minutes for October 1, 2013

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

The evening business:

**VARIANCE REQUEST
A SOUTH PORTION OF LOT 47 BLOCK 2 OF THE SITKA INDIAN VILLAGE
BOYD DIDRICKSON**

Public hearing and consideration of a variance request filed by Boyd Didrickson at 428 Kaagwaantaan Street. The request is for a reduction in the front setback from 20 feet to 10 feet, reduction in side setbacks from 8 feet to 3 feet, an increase in lot coverage to approximately 50% and reduction of the parking spaces from 2 spaces to 1 space. The previously approved variances have lapsed. The property is also known as South portion of Lot 47 Block 2 of the Sitka Indian Village. This request is for the construction of a new two-story house.

Williams thanks Commissioners for allowing him to participate in the meeting via phone. The purpose being to continue the flow of cases through the Planning Office. He reviews the variance case thus far and encourages Commissioners to split the variances up and take individual votes if need be. Williams highlights the as-built survey, specifically 3 ft by 10 ft easement, on Didrickson's property, granted to the Anderson's for access. Previously discussed power pole is on adjacent lot, 420 Kaagwaantaan, not on Anderson's property. Previously approved variances have lapsed and this must be treated as a new request. Bosak shares comments received from Anderson's and cost estimate of moving the power pole from Electric Department. Public Works has not submitted any comments on moving the guardrail.

Parmelee asks how easement affects variance. Williams states that easement does not affect variance only allows additional access to Anderson's property.

APPLICANT: Boyd Didrickson came forward to say that he only wants an extension. He has been before the commission six times and just wants the process over. Costs of grading and retaining wall exceeded his budget and therefore he wasn't able to finish work in the allotted year.

7:15 p.m. Commissioner Debra Pohlman joins meeting.

PUBLIC COMMENT: Bill Anderson and Don Anderson come forward to explain additional concerns and list presented to the commission. Adequate access to property is a major concern – the utility pole and the guardrail inhibit large trucks from pulling up driveway. The Anderson's feel that preexisting conditions limit any chance of variances being approved. Moving the power pole would include getting approval from the property owner. The power pole moving cost is \$1250 and there would be additional costs of moving the telecommunications. Public Works told Anderson's that it would be very difficult to have guardrail moved. Anderson's state that upper concrete block is requiring them to make a 4 point turn. Parmelee describes easement as giving Anderson's more access. Anderson's say that it is the concrete blocks that inhibit the access. Blocks can be all the way up to the property line as they are temporary and under 30 inches – the concrete blocks are not subject to setbacks. Anderson's ask if rear setback is from the cement retaining wall or from the property line. The retaining wall is also not subject to setbacks as it is not higher than 30 inches above the highest grade. Williams states that Didrickson is not requesting a rear setback so it shouldn't be a point of discussion. Don Anderson restates that this will create a hardship for access. Power pole creates hardship. Williams reminds Commission that a new easement would have to be granted to the Anderson's from the neighbor (owner of 420 Kaagwaantaan) for access where the power pole currently sits. Windsor asks about guardrail. Don Anderson talks about past work done with Rich Riggs. During construction, small portions were removed for access but Anderson's wish there had been more removed. Restricted deeds limit them from going back and making changes as there are to many people to track down.

Scott Saline comes forward to say the city caused this. Residents of Indian Village told staff that there would be problems. He will pursue getting the power pole removed that is causing other problems.

Williams encourages dialogue between the commissioners and then advises they move forward taking each variance individually or all at once.

COMMISSIONER DELIBERATION: Spivey thinks the main issue is the Anderson's access of which there is nothing in the variance request that limits their access. Spivey thinks it is Didrickson's right to build. Pohlman thinks that variances should be taken individually. Windsor thinks he is ready to take it as one vote perhaps parking and variances should be separated. Spivey agrees that there are no obstructions being caused by the variances. Parmelee would like to move forward with one vote as it has already been through the process. Board decides to make it one motion.

MOTION: M/S SPIVEY/WINDSOR moved to approve variance request filed by Boyd Didrickson at 428 Kaagwaantaan Street. The request is for a reduction in the front setback from 20 feet to 10 feet, reduction in the side setbacks from 8 feet to 3 feet, an increase in lot coverage to approximately 50% and reduction of the parking spaces from

2 spaces to 1 space. The previously approved variances have lapsed. The property is also known as south portion of Lot 47, Block 2 of the Sitka Indian Village. This request is for the construction of a new two-story house.

ACTION: Motion **PASSED 3-1** on a voice vote. Pohlman opposed.

MOTION: M/S SPIVEY/WINDSOR moved to approve the following findings in support of the variances:

1. There are special circumstances to the intended use that do not apply to the other properties, specifically the very small size of the lot;
2. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are not denied to this parcel, specifically due to the small size of the lot a number of variances are required to even build a modest structure;
3. That the granting of such a variance will not be detrimental to the public welfare, specifically the granting of the variances will not decrease the Anderson's legal access to their upland property;
4. That the granting of such a variance will not adversely affect the Comprehensive Plan, specifically 2.3.1 and 2.4.1 apply

ACTION: Motion **PASSED 3-1** on a voice vote. Pohlman opposed.

Williams explains that Anderson's have 10 calendar days to file an appeal if they so choose.

Planner I, Bosak, confirms that agenda items B,C and D have been pulled from the evenings agenda.

**CONDITIONAL USE PERMIT SHORT-TERM RENTAL
PORTION OF LOT 8, BLOCK 15, U.S. SURVEY 1474, TRACT A
DAN AND JANET EVANS**

Public hearing and consideration of a short-term rental conditional use permit request filed by Dan and Janet Evans at 612 Oja Street. The property is also known as a portion of Lot 8, Block 15, U.S. Survey 1474, Tract A.

Planner I, Bosak, reviews conditional use permit request with commission. Applicant plans to have entire 3 bedroom, 2 bath home available for short-term rental in between long term rental opportunities. The rental would be managed by Sharon Romine at Welcome Home Vacations. There are approximately four off street parking spaces and no comments have been received.

APPLICANT: Dan Evans states he would like more flexibility and the option to make it a short term rental.

COMMISSIONER DELIBERATION: Commissioners ask about garage space and parking.

MOTION: M/S SPIVEY/WINDSOR moved to recommend approval of the short-term rental conditional use permit request by Dan and Janet Evans at 612 Oja Street with the following conditions. The property is also known as a portion of Lot 8, Block 15, U.S. Survey 1474, Tract A.

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.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

Windsor asks if short-term rental permit lapses if not used in twelve months. Williams describes process and confirms that it will expire if not used.

MOTION: M/S WINDSOR/SPIVEY moved to approve proposed findings:

1. The Planning Commission finds that the recommended conditional use permit will not be detrimental to public health, safety or welfare;
2. Will not adversely affect the surrounding character;
3. Will not be injurious to uses or property in the immediate vicinity;
4. Is consistent with Comprehensive Plan policy 2.5.2 | Encourage the development of facilities to accommodate visitors without significant impacts on residential properties;
5. That all conditions necessary to lessen impacts can be monitored and enforced;
6. Will not introduce hazardous conditions on the site;
7. Is adequately supported by public facilities and services;
8. 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.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

PLANNING DIRECTOR'S REPORT: Williams will be present at next meeting.

ADJOURNMENT:

MOTION: M/S SPIVEY/POHLMAN moved to adjourn at 8:12 pm.

ACTION: Motion **PASSED** unanimously 4-0 on a voice vote.

Richard Parmelee, Chair

Maegan Bosak, Secretary