



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 25-05
Proposal: Variance to increase height of accessory structure
Applicant: Marty Martin
Owner: Martin Revocable Trust
Location: 2217 Halibut Point Road
Legal: Lot 15-A3 of the Hatsue Potter Subdivision
Zone: R-2 MHP Multifamily and Mobile Home District
Size: 14,247 square feet
Parcel ID: 2-5222-000
Existing Use: Residential
Adjacent Use: Residential, Public
Utilities: Existing
Access: Halibut Point Road

KEY POINTS AND CONCERNS

- Sitka General Code sets a maximum allowable height for accessory structures in the R-2 MHP district at 16'
- To facilitate the placement of a garage.
- Parking is available on the property.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Site Plan
Attachment C: Floor Plan
Attachment D: Elevation
Attachment E: Photos
Attachment F: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The request is to increase the maximum allowable height of an accessory structure from 16' to 20' in the R-2 MHP Multifamily and Mobile Home District at 2217 Halibut Point Road for the placement of a garage with second-story craft and storage areas. The applicant would like to build a detached garage on the lot which is situated towards the front of the narrow property. At 24' x 24' or 576 square feet, this is a fairly standard-sized garage, and the property has more than the required amount of parking spaces. The Commission has granted around ten other variances in the past to increase the height of accessory structures, mainly garages.

ANALYSIS

The Sitka General Code limits the maximum height of accessory structures to 16' in R-2 MHP Multifamily and Mobile Home District ¹.

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code echoes this statement by stating that there must be “...*special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner*”. In this case, the placement of the existing structure, existing driveway, and narrowness of the lot can be considered a special circumstance that is unique to the proposed use.

Potential Impacts

Granting of this variance is likely to result in minimal impact to surrounding uses. This area has moderate density with larger than average lot sizes. This is a residential neighborhood, and the neighboring properties are far enough away and on a significantly higher elevation and therefore viewsheds would be minimally impacted. Other existing uses in the area is the public Sandy Beach. The garage will be slightly hidden behind a wall of trees adjacent to Halibut Point Road.

Justification

In order for a variance to be granted, it must be shown that there are special circumstances warranting a variance, one of which can be the orientation or placement of existing structures. The orientation of the house (particularly its placement) and the narrowness of the lot with the way the

¹ SGC Table 22.20-1

driveway is located does constrain the placement of the garage therefore warrants consideration of a variance.

It also must be shown that the variance is necessary for the preservation and enjoyment of a substantial property right, one specific example included in the code is the placement of garages. The granting of this variance would enable the property owner to enjoy a normal (but substantial) property right.

Comprehensive Plan Guidance

This proposal is consistent with one of the land use and future growth actions in the Sitka Comprehensive Plan 2030; LU 8.2 “Amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate”.

RECOMMENDATION

Staff recommends approval of the zoning variance request to increase height of an accessory structure to 20’ at 2217 Halibut Point Road subject to the recommended conditions of approval.

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) **I move to approve the zoning variance for an increase in height of an accessory structure to 20’ in the R-2 MHP Multifamily and Mobile Home District subject to the attached conditions of approval. The property is also known as Lot 15-A3 of the Hatsue Potter Subdivision. The request is filed by Marty Martin. The owner of record are Martin Revocable Trust.**

Conditions of Approval:

- a. The allowable height for the accessory structure will be increased from 16’ to 20’.
 - b. Building plans shall remain consistent with the narrative and plans provided by the applicant for this request. Any major changes (as determined by staff) to the plan will require additional Planning Commission review.
 - c. Substantial construction progress must be made on the project within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the Planning Director if a request is filed within eleven months of the initial approval.
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- 2) **I move to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report.**

Before any variance is granted, it shall be shown²:

- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner; *because the orientation of the existing house, narrowness of the lot, and placement of the driveway does constrain the placement of the garage which can be considered a special circumstance that is unique to the proposed use; and*
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity; *because this is for the placement of a garage, and there are similar structures in the neighboring area; and*
- c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure; *because no negative impacts to public welfare infrastructure are expected, safety of ingress/egress is unaffected, there will be minimal impacts on viewsheds, and adequate parking is still available; and*
- d. That the granting of such a variance will not adversely affect the comprehensive plan; *because the proposal is consistent with the Plan's land use objectives regarding promotion of affordable development.*

² Section 22.10.160(D)(1)—Required Findings for Major Variances