



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: V 24-06
Proposal: Reduce front west setback from 14' to 7'
Applicant: Diana Twaddle
Owner: Diana Twaddle
Location: 450 Alice Loop
Legal: Lot 11A, William Paul Subdivision
Zone: WD - Waterfront District
Size: 12,263 SF
Parcel ID: 1-9020-000
Existing Use: Vacant
Adjacent Use: Residential, Commercial
Utilities: Alice Loop
Access: Alice Loop

KEY POINTS AND CONCERNS

- The proposal is to facilitate construction of a tri-plex.
- No negative impacts to ingress/egress or visibility anticipated.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Site Plan
Attachment D: Parking Plan
Attachment E: Floor Plan
Attachment F: Model View & Elevation
Attachment G: Photos
Attachment H: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The applicant/owner is proposing to reduce the west front setback from 14 feet to 7 feet. The applicant would like to build a tri-plex and strategically place the structure on the property so as not to block the neighboring property's view from their deck. The property is 12,263 SF and the proposed tri-plex would be 1840 SF, and two stories tall. This property has been developed and is flat. The property fronts a 30' access and utility easement from Alice Loop which serves two other lots in the subdivision.

ANALYSIS

Setback requirements

The Sitka General Code requires 14-foot front setbacks in the WD zone¹.

22.20.040 Yards and setbacks.

- A. Projections into Required Yards. Where yards are required as setbacks, they shall be open and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward.**

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 is "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".

Justification

In order for a variance to be granted, it must be shown that there are special circumstances warranting a variance. In this case, the placement of existing structures (a neighbor's home) should be considered a circumstance outside of the control of the property owner.

¹ SGC Table 22.20-1

Potential Impacts

Generally, there are two primary concerns that arise when decreasing front setback – safety of ingress/egress, and driver visibility.

This property's front lot line is the west side which abuts the 30' wide access and utility easement. The whole length of the front lot line (~127') is subject to a front setback. As shown on the site plan, the structure is oriented towards the west side of the lot. While the structure encroaches into the front setback along the entire front lot line, the structure is more than 20' set back from the access easement. Additionally, with parking planned on the east side of the lot, drivers will have ample room to maneuver and turn around so that vehicles are not backing into the access easement. The distance of the structure to the access easement also ensures that visibility for drivers utilizing the access easement will not be impeded.

Comprehensive Plan Guidance

This proposal is consistent with the Comprehensive Plan Housing goal to, "Expand the range, affordability, and quality of housing in Sitka while maintaining attractive, livable neighborhoods", and Housing Action 1.1e, "Encourage higher density development", by enabling development of a new multifamily building that is mindful of the attractive qualities of neighboring structures.

RECOMMENDATION

Staff recommends approval for a reduction to the front setback.

Motions to approve the zoning variance

1. **“I move to approve the zoning variance for a reduction to the front setback at 450 Alice Loop in the WD - Waterfront District subject to the attached conditions of approval. The property is also known as Lot 11A, William Paul Subdivision. The request is filed by Diana Twaddle. The owner of record is Diana Twaddle.”**

Conditions of Approval:

- a. The front setback will be decreased from 14 feet to 7 feet. No encroachments over the property line are permitted.
- 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.

- 1) **“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; *in this case, the placement of existing structures is a special circumstance that warrants the granting of a variance.*
- 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 the granting of this variance is necessary to build a multifamily structure, a substantial property right in the WD zone.*
- 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 the site plan preserves safe ingress/egress and visibility, and because the proposal furthers an appropriate use of the property per the zoning and with regards to public infrastructure in the area.*
- d. That the granting of such a variance will not adversely affect the comprehensive plan *because it supports higher density development while maintaining the attractiveness of the neighborhood.*

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