



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 23-09
Proposal: Variance to increase height for accessory dwelling unit (ADU) by 4.5'
Applicants: Alexandra Fish Hackett and Adam Hackett
Owners: Alexandra Fish Hackett and Adam Hackett
Location: 1601 Halibut Point Road
Legal: Lot 1, Block 11, Northwest Addition
Zone: R-1 - Single-Family/Duplex Residential District
Size: 10,058 square feet
Parcel ID: 1-5700-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Halibut Point Road

KEY POINTS AND CONCERNS

- Applicants are currently in the design phase
- Structure currently on property to be demolished
- Conceptual plans identify the primary dwelling structure as 26' and the ADU as 31'5" making the ADU 4'5" taller than the primary dwelling unit
- Buildable area on lot limited due to flood zones
- See case file CUP 23-14 for more information on the ADU

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Conceptual Plans
Attachment D: Photos
Attachment E: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The applicants are constructing a new single-family dwelling and an accessory dwelling unit (ADU) containing a garage, shop and apartment in the R-1 single-family and duplex residential district at 1601 Halibut Point Road (HPR). The two structures will be attached via breezeway. The property lot size is 10,058 square foot and currently has a single-family dwelling unit which is in the process of being demolished. The buildable space on the property is limited due to identified flood zones. The applicants have a creative design to utilize lot space and to update the curb appeal of the property. As identified in CUP 23-14, the applicants, after destruction of the current structure on the lot, will fill the lot adjacent to HPR creating a level entry into the new single-family home and the ADU.

ANALYSIS

Height Increase

Footnote 18 to SGC Table 22.20-1 states that, *“Accessory dwelling units in residential zones shall be limited to a maximum height of twenty-five feet or the height of the existing principal dwelling unit on the property whichever is less.”* The height of the new primary structure is 26’ 9” below the district maximum height of 35’. The main house will be a two-story structure with the first floor having 9’ ceilings and the second floor having vaulted ceilings. The ADU building is designed to be three stories with an 8’ daylight basement which serves as a garage, the primary first story sharing a roof line and a breezeway with the first floor of the primary dwelling unit and the 612 square foot ADU on the second story. To accommodate three levels in this accessory structure, the overall height will be slightly taller, at 31’5” tall, than the primary dwelling unit. The request was rounded to a 4.5’ height increase by staff to accommodate for minor change in building plans or finish grade that may arise during the permitting process.

The property has direct access from HPR. View impact/obstruction is not anticipated through the granting of the height increase as the front of the property abuts HPR and the rear of the property abuts the tidelands. Adjacent properties are to the sides of this property and across HPR at higher elevations on Davidoff Street.

Justification

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”. 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.

Through analysis of this case, it is evident that there are special circumstances that apply; including the practical building area is in the front of the lot due to the special flood hazard zones as identified in CUP 23-14, the slope of the lot which will require fill to the front of the property, and the desire to maintain good airflow between the buildings by building the garage/ADU vertically rather than horizontally are all factors that warrant special consideration. Further, the variance would be necessary for normal enjoyment of the property, i.e. a garage/ADU, and the applicants have provided a creative and attractive design to accomplish these conditions.

Accessory dwelling units are permitted in this zone but become conditional use in this zone if the outlined SGC 22.20160.C “Accessory Dwelling Unit Requirements” are not met. One of the evaluation criteria for ADUs is whether variances are needed to construct it. The Commission may find that the special circumstances surrounding the property make it an unsuitable location for an ADU. It is staff’s recommendation that, from a practical standpoint, an ADU could be accommodated in this location. There is parking available with adequate distance from the right-of-way to maintain good sightlines/visibility, and the ROW is equipped to handle high volumes of traffic. Any increase in traffic from this request will have a negligible impact on the road’s existing levels of use.

Comprehensive Plan Guidance

The comprehensive plan encourages development of ADUs (H 1.1a), increases in housing density (H 1.1e), and reconsideration of development standards such as setbacks, height, and parking requirements to promote affordable development (LU 8.2). This request is consistent with the above comprehensive plan objectives.

RECOMMENDATION

Staff recommends approval of the height variance.

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1. “I move to approve the zoning variance at 1601 Halibut Point Road in the R-1 single-family and duplex residential district subject to the attached conditions of approval. The property is also known as Lot 1, Block 11, Northwest Addition. The request is filed by Alexandra Fish Hackett and Adam Hackett. The owner of record is Alexandra Fish Hackett and Adam Hackett.”**

Conditions of Approval

- a. The maximum allowable height for an ADU shall be increased by 4.5’ above the height of the existing, principal structure. Total allowable height for the ADU is therefore increased to 31.5’.
- 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.

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 shown¹:

- 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;
- 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;
- 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;
- d. That the granting of such a variance will not adversely affect the comprehensive plan.

¹ Section 22.30.160(D)(1)—Required Findings for Major Variances