



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: V 24-11
Proposal: Reduce front north setback from 14' to 10'
Applicant: Frederic and Amy O'Connor
Owner: Frederic and Amy O'Connor
Location: 318 Eliason Loop
Legal: Lot 5, Block 6, Hillside Subdivision
Zone: R-1 - Single-Family/Duplex Residential District
Size: 19,664 SF
Parcel ID: 3-0647-032
Existing Use: Vacant
Adjacent Use: Residential
Utilities: Eliason Loop
Access: Eliason Loop

KEY POINTS AND CONCERNS

- The proposal is to facilitate construction of a single-family home.
- No negative impacts to ingress/egress or visibility anticipated.

ATTACHMENTS

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

BACKGROUND/PROJECT DESCRIPTION

The applicants/owners are proposing to reduce the north front setback from 14 feet to 10 feet. The applicants would like to build a single-family home and strategically place the structure away from the slope easements to have additional stability for the foundation away from the less stable slopes on the lot. This property is platted as a corner lot as it abuts three rights-of-way (ROW) on Eliason Loop. The east and south sides of the property have a 20' slope easement. The property is 19,664 SF and the proposed structure is a single-family home with two garages at 1,764 SF. This property is currently developed with a pad.

ANALYSIS

Setback requirements

The Sitka General Code requires 14-foot front setbacks in the R-1 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 topography of the lot, particularly the significant slope at the back of the lot, should be considered a circumstance outside of the control of the property owner. Additionally, the property only has a front – the entirety of the property that abuts Eliason Loop – and a rear which results in larger setback requirements. The property is also subject to 20' wide slope easements on the south and east frontages.

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 north frontage abuts the 50' wide ROW. This frontage is diagonal; the west corner is approximately 14' farther north than the east corner. This means that only the eastern front corner of the proposed structure is within 10' of the ROW (12' to the foundation), while the rest of the structure observes a larger setback. Staff estimates that the middle of shorter, easternmost garage door is 16' back from the front property line, and the middle of the taller garage door in the center of the structure is 17' back, both of which would be consistent with a 14' setback when accounting for a standard 2' overhang. The carport is approximately 22' back from the front property line.

Ingress/Egress:

There is some concern regarding the safety of egress. The section of the ROW adjacent to the front, eastern corner of the property is a curve on a slope. The primary concern would be for driver visibility in a scenario in which a driver was backing out of a garage while another vehicle is coming uphill and around the corner. A scenario in which a vehicle is traveling east, heading downhill around the corner does not present a significant concern; this section of the ROW is fairly flat, wide, and without large visibility obstructions close to the ROW such as large/dense vegetation. However, there are a couple of mitigating factors in the first scenario. First, the vehicle traveling uphill would be in the right lane – opposite of the property. Second, traveling speeds are generally lower when heading uphill and around the corner. These two factors in combination do provide meaningful mitigation to collision risk. In addition to these mitigating factors, it's important to consider whether this scenario would still be of concern were the structure to be 4' farther back from the front property line; it is arguable that this scenario would still be of concern even if the variance wasn't granted.

Given the width of the right-of-way and the speed at which bicyclists and pedestrians travel (particularly coming uphill), staff does not foresee impacts to bicyclist or pedestrian safety.

Driver Visibility

General visibility for drivers coming up and around this section of the ROW will be impacted as a result of a structure being placed on the lot. As the lot is currently vacant, there is more visibility over the top of the hill. However, staff does not foresee that the granting of the variance will have a significant impact on driver visibility over that of a structure built 14' back from the front property line.

Comprehensive Plan Guidance

This proposal is consistent with the Housing goal of the comprehensive plan, which aims to, “Expand the range, affordability, and quality of housing in Sitka while maintaining attractive, livable neighborhoods”, by enabling creative development of a constrained residential lot that is currently underutilized.

RECOMMENDATION

Staff and the Commission have generally exercised caution in recommending/granting front setback reductions that put parking areas and garage doors closer to ROWs. A cautious approach in these cases is prudent given the potential safety concerns. Ultimately, staff’s recommendation in this case comes down to the following:

- The lot has constraints that warrant consideration of the variance.
- The placement of the structure not being parallel to the front property line means that the distance between the garage doors and the front property line are reasonably consistent with the distance that could result from not granting the variance.
- While there are some concerns regarding egress and visibility, there are meaningful risk mitigations, and these concerns would likely still exist if the variance wasn’t granted.

Staff recommends approval of the reduction of the north front setback from 14’ to 10’.

Motions to approve the zoning variance

1. **“I move to approve the zoning variance for a reduction to the north front setback at 318 Eliason Loop in the R-1 - Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot 5, Block 6, Hillside Subdivision. The request is filed by Fredric and Amy O’Connor. The owners of record are Fredric and Amy O’Connor.”**

Conditions of Approval:

- a. The front north setback will be decreased from 14 feet to 10 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 topography of the lot 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 single-family structure, a substantial property right in the R-1 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 creative development of new housing, expanding the range and affordability of housing in Sitka.*

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