



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Date: April 11, 2016

From: Michael Scarcelli, Senior Planner and Samantha Pierson, Planner I

To: Planning Commission

Re: V 16-04 Variance Request for Carport at 405 Hemlock Street

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### GENERAL INFORMATION

Applicant: Richard Parmelee  
Property Owner: Richard J. & Marjorie A. Parmelee  
Property Address: 405 Hemlock Street  
Legal Description: Lot 11, Tower Heights Subdivision  
Parcel ID Number: 13440000  
Size of Existing Lot: 7950 square feet  
Zoning: R-2  
Existing Land Use: Residential  
Utilities: Full city services  
Access: Access from Hemlock Street  
Surrounding Land Use: Residential

### MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion to approve

### ATTACHMENTS

Attachment A: Vicinity Map  
Attachment B: Aerial Vicinity Map  
Attachment C: Parcel Pictures  
Attachment D: Application  
Attachment E: Site Plan  
Attachment F: Subdivision Plat  
Attachment G: Zoning Map  
Attachment H: Flood Zone Map  
Attachment I: Mailing List

*Providing for today...preparing for tomorrow*

Attachment J: Proof of Payment  
Attachment K: Proof of Ownership  
Attachment L: Comment

## **BACKGROUND**

The lot is currently developed as a residential property. Surrounding lots are residential in use. A house and a temporary parking canopy exist on the lot.

## **PROJECT DESCRIPTION**

The variance request is for the reduction of the northwesterly side setback from 8 feet to 2 feet for the construction of a carport. A canvas canopy currently provides partial coverage for one vehicle. The permanent carport would be in approximately the same location as the canvas canopy; however, it would be longer so as to cover the full length of the vehicle. The carport would also extend approximately one foot past the width of the current canopy. At the closest point, the carport tails would be two feet from the side property line.

The property is located at 405 Hemlock Street, in the R-2 District. The minimum side setbacks in the R-2 zone are 8 feet.<sup>1</sup> Setbacks are measured from property lines to eaves, gutters, and drip lines.

## **ANALYSIS**

**Project / Site:** This lot at 405 Hemlock narrows toward the rear of the property. The rear corner of the house is 16 feet from the side property line. The proposed carport would be 13 feet wide and 16 feet long (as drawn on site plans 15 x 16 feet). The carport would attach to the house on one side, and would have a one foot tail on the other side. The proposed 2 foot setback would only be for the rear 5 feet of the carport. A modified 3 foot setback would encroach upon a smaller portion of the property line.

The applicant reported that, although there isn't an easement, both he and the neighbor use the edge of the applicant's property for a driveway. This has been a longstanding arrangement provided by the applicants at their sole discretion and courtesy. The proposed carport would not interfere with this arrangement.

Please see new pictures depicting the proposal and property lines with bright orange markings.

**Zone: R-2:** Intent. The summed intent for this zone is intended to provide for primarily for single-family and multiple-family residences at moderately high population densities; and to preserve and protect the residential character of the R-2 district.<sup>2</sup>

**Traffic:** No concerns for traffic.

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<sup>1</sup> Table 22.20-1—Development Standards

<sup>2</sup> Section 22.16.050—R-2 Multifamily Residential District

**Parking:** There is enough space for parking with two spaces required per single-family dwelling unit.<sup>3</sup> This carport would provide one covered parking space, with space for other vehicles in the driveway.

**Noise:** Minimal noise concerns beyond the construction period. Setbacks are one way to mitigate noise by creating buffer zones.

**Public Health or Safety:** No concerns for public health and safety.

**Habitat:** No concerns for habitat.

**Property Value or Neighborhood Harmony:** A permanent carport would be an improvement over the temporary canopy.

**Conformity with Comprehensive Plan:** A modified variance to 3 feet conforms to Comprehensive Plan Section 2.4.1 which states, “To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations.”

**Staff Conclusion:** A modified variance to three feet would minimally impact the adjoining neighbor. In addition, though there has been a trend to only allow variances to about 4-5 feet of the property line, where there is a minimal portion encroaching at three feet this Commission has approved a three foot side setback (See 502 Monastery for Turley, October 20, 2015). Furthermore, due to the angle of the property line the three foot encroachment would be only for a small portion of the structure, and the rest of the structure would move towards greater setback.

## **FINDINGS<sup>4</sup>**

### **D. Required Findings for Variances.**

1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, *specifically, the narrowing of the lot near the rear;*
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, *specifically, the ability to adequately protect a vehicle from rain;*
- 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; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: *specifically, the modified variance to 3 feet is in line with Comprehensive Plan 2.4.1, which states, “To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life*

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<sup>3</sup> Section 22.20.100.G.1—Off-Street Parking Requirements

<sup>4</sup> Section 22.30.160(D)(1)—Required Findings for Major Variances

*for present and future generations without infringing on the rights of private landowners.”*

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt the Planners' analysis and suggested findings, and grant a **modified** variance for the reduction of the easterly side setback from 8 feet to 3 feet for the construction of a carport.

### **Recommended Discussion Points**

1. Municipal findings and State criteria to grant a variance?
2. Are there existing topographical or other pertinent constraints that support granting in fairness? (e.g. existing structure, existing driveway and lack of garage?)
3. Is a use of the property truly denied or are there other options? Is the expansion of the structure denied? (e.g. Could the structure be expanded or relocated without the variance?)
4. Should a neighbor's access across the applicant's property be a criteria to approve or deny or is it a non-issue?

### **Recommended Motions:** (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for major structures or expansions as discussed in the staff report.
- 2) I move to approve a modification of the variance request filed by Richard Parmelee for 405 Hemlock Street. The variance is for the reduction in the side setback from 8 feet to 3 feet for the construction of a carport. The property is also known as Lot 11 of Tower Heights Subdivision. The request is filed by Richard Parmelee. The owners of record are Richard J. Parmelee and Marjorie A. Parmelee.