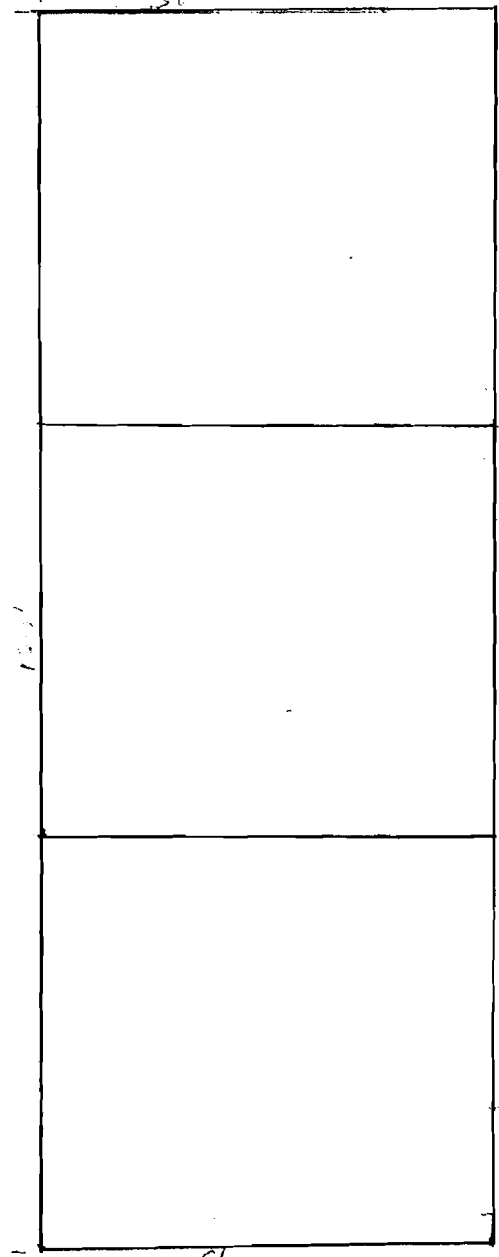


LOT 4
NORTH

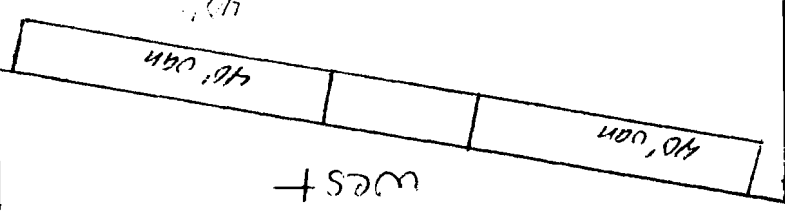


ADD
ON

East

219 Smith Street
LOT 3

SOUTH
LOT 2



40' van

40' van

West

Davis
 Variance Request
 219 Smith Street

Memorandum

TO: Jim Dinley, Municipal Administrator
Mayor McAdams and Members of the Assembly

FROM: Wells Williams, Planning Director

SUBJECT: Appeal of Variance Denial – Cam Davis, 219 Smith Street

DATE: December 15, 2009

Cam Davis is appealing the Planning Commission denial of his variance request to reduce a front setback from 20 feet to 10 feet on Smith Street.

The Planning Commission denied the variance, by a vote of 2-3, on December 1, 2009.

Mr. Davis requested the variance to add on to existing commercial building. The expansion would allow for marine, outboard, and motorcycle related retail sales. The applicant stated that adding on to the building on the Smith Street side of the structure was the most logical place for the extension. The building is oriented towards the seaward side. He felt that an addition on another side of the structure, that would not require a setback reduction, would interfere with the existing layout and use of the building.

The Smith Street right of way is forty feet wide. It is below the current fifty foot standard width. Concerns were raised by the Public Works Department that the road is considered too narrow, in its current configuration, for potential curb, gutter, and drainage systems that could be installed in the future.

Planning staff informed the Planning Commission that variances were previously approved farther up Smith Street for reduction of front setbacks. Those approvals involved the John Skannes property. The board was also told that the Skannes property differed from the Davis property since the Skannes parcel required substantial excavation and fill.

There was not any public testimony at the meeting outside of the comments made by the applicant.

The Planning Commission approved the following findings in support of the variance denial:

1. Based on the evaluation by the Planning Commission that there are not special circumstances to the intended use that do not apply generally to the other properties; specifically that the lot has a traditional flat topography.

2. The required finding that 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 cannot be made.
3. The granting of such a variance will not be materially detrimental to the public welfare or nearby parcels cannot be made.

Recommended Actions:

Hold a public hearing, consider the testimony of the applicant, and reports from the Planning Commission and staff.

According to Sitka General Code, In order for the variance to be approved, the all following findings are required:

- 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.

The Sitka General Code further states that, “The appellant shall bear the burden of proof of proving the decision was in error.”

Thank you.

**City and Borough of Sitka
Planning and Zoning Commission
Minutes of Meeting
December 1, 2009**

Present: Don Alexander (Chairman), Richard Parmelee (Member), William Stortz (Member), Karen Dhillon (Member), Jeremy Twaddle, Wells Williams via telephone (Planning Director), Melissa Henshaw (Planner), and Crystal Duncan (Contract Secretary).

Members of the Public: Cam Davis (Davis Inc.), Cliff Richter (Baranof Island Housing Authority), Joanne Lott (Jensen Lott Architects), and Shannon Haugland (Sitka Sentinel).

The Chair called the meeting to order at 7:02 p.m.

Consideration of the Minutes from the November 17, 2009 meeting:

A request was made by Ms. Henshaw to amend the findings on the LaRose variance request in the meeting minutes from four general findings for the denied variance to the following:

MOTION: *M/S Stortz/Parmelee moved to approve the following findings in support of the denied variance:*

1. *Based on the evaluation by the Planning and Zoning Commission that there are not special circumstances to the intended use that do not apply generally to the other properties; specifically the lot has a traditional flat topography and that the orientation or placement of existing structures would allow the structure to be placed elsewhere on the property.*
2. *The required finding that the variance is necessary for the preservation by other properties but are denied to this parcel cannot be made.*

MOTION: **M/S Stortz/Parmelee** moved to make the following changes to the meeting minutes for November 17, 2009.

ACTION: Motion **PASSED unanimously** on a voice vote.

The amended Minutes for the November 17, 2009 meeting will be added to the next meeting agenda for the Commission's approval.

This evening's business:

**VARIANCE REQUEST
REDUCTION IN FRONT SETBACK TO 10 FEET
219 SMITH STREET
DAVIS INCORPORATED**

Public hearing and consideration of variance request to reduce the front setback from 20 feet to 10 feet for the construction of an addition. The location is 219 Smith Street. The request is filed by Davis, Inc. The property is also known as Lot 3, Smith Industrial Subdivision, a subdivision of Lot 12, US Survey 3695.

Ms. Henshaw provided the Commission members property details for the variance request at 219 Smith Street. Smith Street is located off Sawmill Creed Road. Spenard's Builders Supply is one of the businesses located off of Smith Street.

Davis Incorporated or Southeast Discount Tires is requesting a reduction in the front setback from 20 feet to 10 feet for a building expansion. The addition will be 27 feet wide by 25 feet long by 20 feet high and will be built on the right half of the building.

Previously a variance request was issued to John Skannes, another property owner on Smith Street. His property was a corner lot at Smith Street and Beardsley Way.

Dan Jones, Engineering Manager (Operations) for the City of Sitka, expressed concern over approval of this request. Ms. Henshaw read an email that stated the following:

"Item A is just a bad idea. The majority of the businesses on Smith think the road is too narrow and want the CBS to install a curb and gutter/storm drain system (which we would if they were willing to form an LID), and even if we did get rid of the ditches the road would be marginal given the commercial/light industrial nature of the area."

Chairman Alexander called the applicant, Cam Davis, forward to provide comments and answer questions about the variance request. Mr. Davis is one of the owners of Davis Incorporated. He stated that they were expanding their business to include inventory related to: marine/outboard and motorcycles, thus they need more storage space. This particular location was chosen to build onto because of the renters in the back of the building that access their space via a road on the left side of the building.

The Commission then asked for clarification on the following:

- Is the City of Sitka planning to pave Smith Street?
- If variance granted, would it be same 10 foot setback as the Skannes request?
- What is plan for parking? Does the addition decrease the parking available for Davis, Inc. as well as the renters of the back lots?
- What is the side setback?

Ms. Henshaw provided that Public Works would know about the paving question. Mr. Davis offered that paving would be unrealistic. In order for the City to pave the street, the tenants along Smith would have to be willing to pay for it.

Mr. Davis then addressed the parking issue. The main entrance to his retail store is not in the front (closest to the street) but rather on the side of the building. Thus customers have typically used the side of the building for parking spaces which is more than adequate for their traffic load, still allowing access to the renters behind their store.

Mr. Williams offered information regarding the Skannes variance. The property required substantial excavation (almost the entire lot), unlike the Davis request which doesn't have the same site constraints.

MOTION: M/S Stortz/Parmelee moved to approve the variance request to reduce the front setback from 20 feet to 10 feet for the construction of an addition. The location is 219 Smith Street. The request is filed by Davis, Inc.

ACTION: Motion **FAILED 2-3** with Twaddle, Stortz, and Parmelee opposed.

Planning staff proposed a motion containing findings that supported the outcome.

MOTION: M/S Twaddle/Stortz moved to approve the following findings in support of the denied variance:

1. Based on the evaluation by the Planning Commission that there are not special circumstances to the intended use that do not apply generally to the other properties; specifically that the lot has a traditional flat topography.
2. The required finding that 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 cannot be made.
3. The granting of such a variance will not be materially detrimental to the public welfare or nearby parcels cannot be made.

ACTION: Motion **PASSED unanimously** on a voice vote.

PLANNING DIRECTOR'S REPORT:

Mr. Williams once again thanked the Commission for allowing him to participate via telephone. He is working remotely due to family medical issues. He credited Ms. Henshaw with working hard to ensure that the public is not inconvenienced by his absence.

The Planning Office is working on reviewing and scheduling a conditional use request for Dove Island. It is tentatively scheduled for review by the Commission at the first Planning and Zoning Commission meeting in January 2010.

At the last meeting, the Planning and Zoning Commission approved items related to the recycling facility at 802 Sawmill Creed Road. The City Assembly will have its first reading next week on Tuesday, December 8, 2009.

ADJOURNMENT

MOTION: M/S Stortz/Parmelee moved to adjourn the meeting at 7:55 p.m.

ACTION: Motion **PASSED unanimously** on a voice vote.

Don Alexander, Chair

Crystal Duncan, Secretary

Request: Reduction of the front setback to 10 feet

Zoning District: I

Front setback = 20 feet

Rear setback = 10 feet

Side setback = 5 feet

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
- Comment period closed - brought back to the board

- Motions

Tonight's Motions

- Move to approve
- Motion approving findings - required if motion passes or fails

Davis Variance Request

219 Smith Street

December 1, 2009

The location to this variance request is out Sawmill Creek Road on Smith Street. Smith Street is after the Post Office on the upland side. It is the same turn off as Spenard's Builders Supply. It is on the right side of Smith Street.

The applicant is requesting a reduction in the front setback from 20 feet to 10 feet for construction of an addition. This addition is for storage and a retail store. Davis Inc. or Southeast Alaska Discount Tire Store is expanding. They need more room for new inventory.

This seems like the most logical place to put an addition, since placing this structure elsewhere would end up blocking the other entrances to this building. This building has a total of four units in it.

The dimensions of this addition will be 27 feet wide, 25 feet long and 20 feet high.

A variance to reduce the Smith Street setback to 10 feet was approved in 2004 for John Skannes. The Skannes' property is at the corner of Smith Street and Beardsley Way. It had additional Sitka constraints since a great deal of fill was required and it is a corner lot.

Mr. Davis will be in attendance Tuesday night, he can explain further or answer any questions you may have.

Following the vote on the motion, staff will propose a motion containing findings.

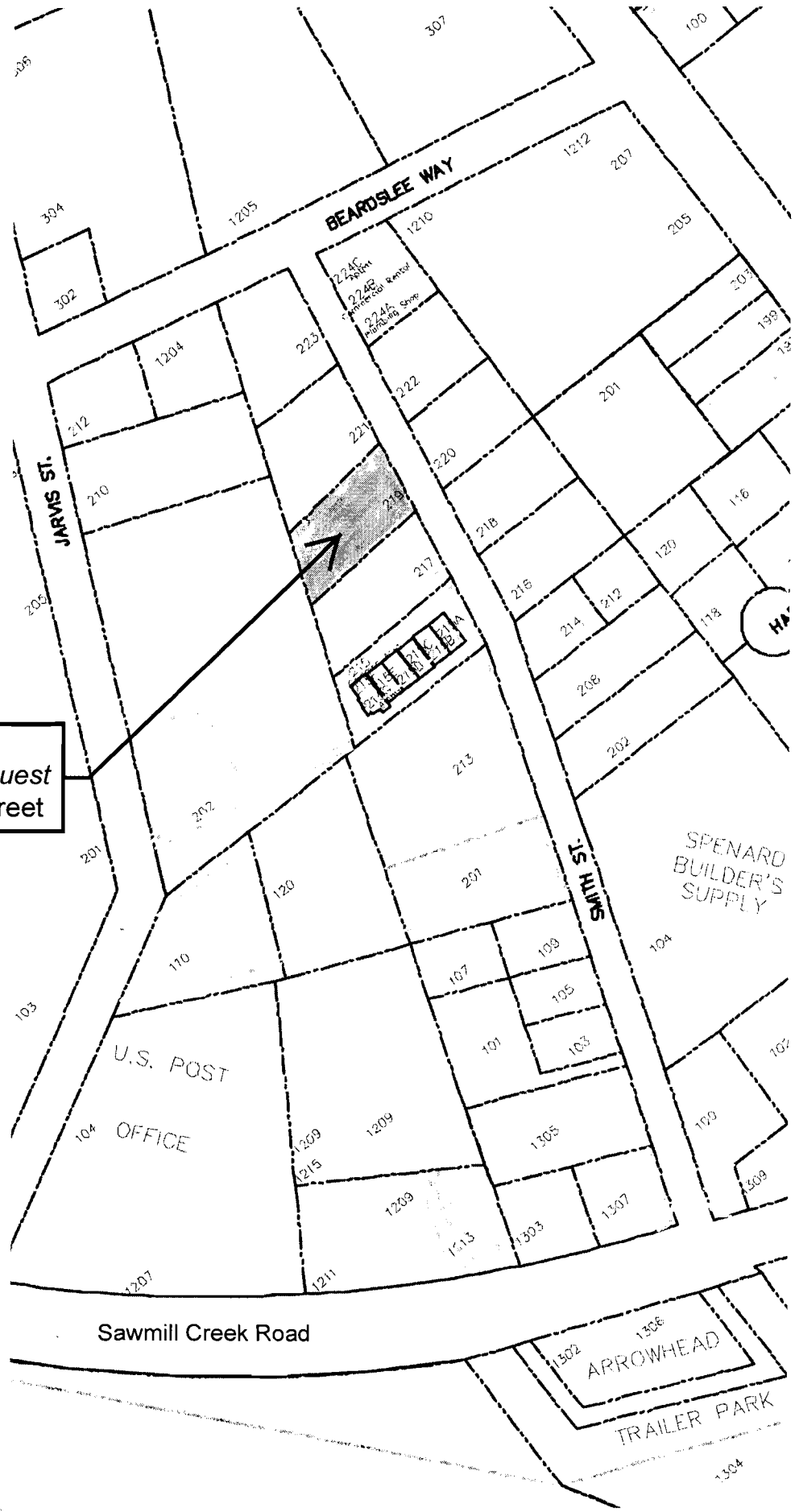
Davis Variance Request

219 Smith Street

November 17, 2009

This item has been postponed to the December 1st meeting.

Davis
Variance Request
219 Smith Street



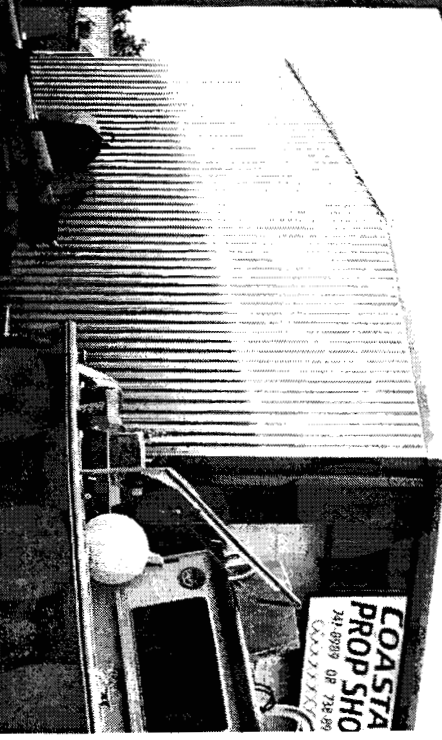
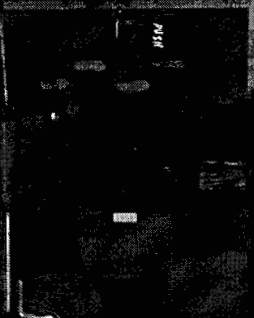
STAB

SOUTHEAST

ALASKA

DISCOUNT

TIRE STORE





Melissa Henshaw

From: Dan Jones [danj@cityofsitka.com]
Sent: Friday, November 20, 2009 5:08 PM
To: 'Melissa Henshaw'; 'Chris Brewton'; 'Colleen Ingman'; 'Crystal Duncan'; 'Jim Corak'; 'Jim Dinley'; 'Joe D'Arienzo'; 'Lynne McGowan'; 'Mark Buggins'; 'Marlene Campbell'; 'Mayor McAdams'; 'Michael Harmon'; 'Mike Webb'; 'O'Neill Engineering'; 'Preston O'Connell'; 'Sarah Jones'; 'Scott Elmer'; 'Sheldon Schmitt'; 'Stan Eliason'; 'Tad Fujioka'; 'Tim Hoyt'
Cc: sheldons@sitkapd.com
Subject: RE: December 1 Planning Commission agenda

Melissa-

Item A. is just a bad idea- the majority of the businesses on Smith think the road is too narrow and want the CBS to install a curb and gutter/storm drain system (which we would if they were willing to form an LID), and even if we did get rid of the ditches the road would be marginal given the commercial/light industrial nature of the area. Could I please have the paperwork so I can figure out how wide the ROW is?

If items B. and C. are to increase the size of buildings on Hollywood Way rather than to recognize existing encroachments, approval of them will tip my recommendation regarding going One-Way on Hollywood firmly and finally into the positive column. I don't necessarily object to the approvals, but I guess that I need to bring the Hollywood Way file to the top of my pile and make my recommendation for One-Way status.

Thanks-

Dan

From: Melissa Henshaw [mailto:melissa@cityofsitka.com]
Sent: Friday, November 20, 2009 2:47 PM
To: 'Chris Brewton'; 'Colleen Ingman'; 'Crystal Duncan'; 'Dan Jones'; 'Jim Corak'; 'Jim Dinley'; 'Joe D'Arienzo'; 'Lynne McGowan'; 'Mark Buggins'; 'Marlene Campbell'; 'Mayor McAdams'; 'Michael Harmon'; 'Mike Webb'; 'O'Neill Engineering'; 'Preston O'Connell'; 'Sarah Jones'; 'Scott Elmer'; 'Sheldon Schmitt'; 'Stan Eliason'; 'Tad Fujioka'; 'Tim Hoyt'
Subject: December 1 Planning Commission agenda

Hello,

Attached is the Planning Commission agenda for the December 1st meeting. Please let me know if you need any more info.

Thanks,

Melissa

Melissa Henshaw, Planner I
City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835
907-747-1814 FAX 907-747-6138

VARIANCE FEE \$75.00
Plus current city sales tax

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
VARIANCE APPLICATION

In the event all requested information is not provided, the application may not be processed.

APPLICANT'S NAME: David H. [unclear]

PHONE NUMBER: [unclear]

MAILING ADDRESS: 200 [unclear]

OWNER'S NAME: [unclear]

(If different from applicant)

PHONE NUMBER: 907 [unclear]

MAILING ADDRESS: Box 300

PROJECT ADDRESS: [unclear]

LEGAL DESCRIPTION: Lot: [unclear] Block: [unclear] Subdivision: [unclear]

SPECIFIC REQUEST:

(e.g. Reduction of front setback to 15' for a porch) A portion of the front porch is to be removed and replaced with a larger porch that extends to the front setback line. The new porch will be 15 feet wide and 10 feet deep. The existing porch is 10 feet wide and 8 feet deep.

REASON REQUEST IS BEING SUBMITTED:

(e.g. Existing porch is too small to provide adequate access) The existing porch is too small to provide adequate access to the building. The new porch will provide a larger area for seating and storage. The existing porch is 10 feet wide and 8 feet deep. The new porch will be 15 feet wide and 10 feet deep.

DIMENSIONS OF NEW CONSTRUCTION:

(Width, Length, Height above grade) Width: 15 feet, Length: 10 feet, Height: 8 feet

REASON PROJECT CANNOT BE BUILT WITHIN EXISTING SETBACKS:
(List alternatives that would comply with setbacks and why they are unworkable)

UNUSUAL CHARACTERISTICS OF THE PARCEL:
(e.g. Lot Shape, Topography, Streams)

HARDSHIPS THAT WILL BE CAUSED IF THE REQUEST IS NOT GRANTED:


DESCRIBE ANY FUTURE CONDITIONAL USE REQUESTS THAT MAY BE APPLIED FOR IN THE FUTURE:
(e.g. Bed and Breakfast)

ARE THE CONDITIONS THAT REQUIRE THE VARIANCE CAUSED BY THE APPLICANT? Yes No

- An easy to read plot plan drawn to scale, MUST be attached to this application and contain the following:**
1. Existing and proposed structures with their drives, dimensions and property offsets.
 2. Roadway pavements, sidewalks and existing grading on the property and immediately adjacent to it.
 3. Roadway frontage and parcel area.
 4. Location of all physical features on the parcel such as drainage, hills or rock out croppings, and tidelands.
 5. Location and specifications of all water, sewer, electrical, cable, and telephone infrastructure on the property and immediately adjacent to the property. The applicant must verify, to the satisfaction of the Public Works Department, that utility lines and services are not under proposed structures.

****A sample plot plan follows on the next page for your reference.****

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after the Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

Signature of APPLICANT:  Date: 11-3-09
Signature of OWNER: _____ Date: _____
(If different from the Applicant)

John Dawson Rev Living Trust
PO Box 7858
Ketchikan, AK 99901

Jarvis Sawmill, LLC
PO Box 31668
Bellingham, WA 98228

Tom/Bergey Mattingly
PO Box 624
Sitka, AK 99835

Davis, Inc.
PO Box 859
Sitka, AK 99835

AK Skiff Aluminum Boatworks
1403 Edgecumbe Drive
Sitka, AK 99835

Mariner Enterprises
1923 Cascade Creek Road
Sitka, AK 99835

George/Steven Skannes
PO Box 6035
Sitka, AK 99835

Michael/Susan Litman
PO Box 1971
Sitka, AK 99835

Stragier Sanitation Services
220 Smith Street
Sitka, AK 99835

Sitka House Business Organization
319 Seward Street B
Sitka, AK 99835

The Grind
Blair Seward
215 Smith Street Suite A
Sitka, AK 99835

Interiorworks
PO Box 261
Sitka, AK 99835

Raven Frog Fibers
215 Smith Street Suite D
Sitka, AK 99835

Party Ranch
Rick Anderson
PO Box 1123
Sitka, AK 99835

Darrell Windsor
215 Smith Street Suite F
Sitka, AK 99835

Cindy Westergaard
PO Box 2401
Sitka, AK 99835

Big Blue Fisheries
PO Box 2956
Sitka, AK 99835

Northern Marine Maintenance
PO Box 2335
Sitka, AK 99835

Worth Auto
216 Smith Street Suite C
Sitka, AK 99835

T & A Rentals
PO Box 624
Sitka, AK 99835

Dorothy Breedlove
319 Seward Street B
Sitka, AK 99835

Highliner Coffee
1407 Edgecumbe Drive
Sitka, AK 99835

BIHA
PO Box 517
Sitka, AK 99835

Gary's Outboard Repair
PO Box 1464
Sitka, AK 99835