



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 24-08
Proposal: Variance to increase height for accessory dwelling unit (ADU) by 8'
Applicant: Peter Weiland
Owner : Rebecca Himschoot
Location: 1507 Davidoff Street
Legal: Lot 4, Block 10, U.S. Survey No. 3303B, Northwest Addition to the Townsite of Sitka
Zone: R-1 - Single-Family/Duplex Residential District
Size: 11,200 square feet
Parcel ID: 1-4900-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Davidoff Street

KEY POINTS AND CONCERNS

- Owner/applicant are currently in the design phase.
- Conceptual plans identify the primary dwelling structure as 17' and the ADU as 25' making the ADU 8' taller than the primary dwelling unit.
- See case file CUP 24-04 for more information on the ADU.

ATTACHMENTS

Attachment A: Aerial
Attachment B: U.S. Survey 3303B
Attachment C: Site and Floor Plans
Attachment D: Design and Elevation View
Attachment E: Photos
Attachment F: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The owner is requesting to construct an ADU on their property that is higher than the primary dwelling. The lot size is 11,200 square feet (SF) with a 1,798 SF duplex. The ADU will have approximately 708 SF of living space with one bedroom, living/dining room, kitchen, bathroom and closet space. Details of the conditional use permit can be found under case file CUP 24-04.

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 primary structure is 17’ below the district maximum height of 35’. The ADU building is designed to be two stories with a garage on the first floor. The footprint of the new structure is identified as 708 SF with an overall height of 25’. The second story ADU contains one bedroom, living/dining room, kitchen, bathroom and closet space. The property has direct access from Davidoff Street. View impact/obstruction is not anticipated through the granting of the height increase as the front of the property abuts Davidoff Street. Adjacent properties are to the sides of this property and across Davidoff Street at higher elevations.

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 orientation or placement of existing structures and 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 22.20.160(D) “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 moderate volume of traffic. The granting of this variance allows for efficient development of this property for both a garage and an ADU, maximizing the "vertical" building space available.

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 for increased height of an accessory dwelling unit at 1507 Davidoff Street in the R-1 - Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot 4, Block 10, U.S. Survey No. 3303B, Northwest Addition to the Townsite of Sitka. The request is filed by Peter Weiland. The owner of record is Rebecca Himschoot."**

Conditions of Approval

- a. The maximum allowable height for an ADU shall be increased by 8' above the height of the existing, principal structure. The maximum allowable height for the ADU is therefore increased to 25'.
 - 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; *in this case the orientation or placement of existing structures.*
- 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; *the variance would be necessary for normal enjoyment of the property, i.e. a garage/ADU.*
- 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; *the property is located on a municipal maintained right-of-way and is served by municipally maintained and operated utilities, no adverse impacts on such facilities or services are expected. Additionally, negative impacts such as those to viewsheds are not expected by the granting of this variance.*
- d. That the granting of such a variance will not adversely affect the comprehensive plan; *conversely, the proposal supports the Comprehensive Plan, specifically, Actions H1.1a, H1.1e and LU 8.2.*

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