



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 24-04
Proposal: Request for an accessory dwelling unit (ADU)
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

- ADUs are a conditional use in the R-1 zone if the ADU requirements are not met
- Variance to request to increase height, see VAR 24-08 for more information

ATTACHMENTS

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

BACKGROUND

The owner is requesting to construct an accessory dwelling unit (ADU) on their property. The lot size is 11,200 square feet (SF) with a 1,798 SF duplex. The main house was approved as a short-term rental (STR) under CUP 15-21 and the apartment was approved as a STR under CUP 12-03. These STR's had been approved before the STR code change. The ADU will have approximately 708 SF of living space with one bedroom, living/dining room, kitchen, bathroom and closet space. Details of the height variance requested can be found under case file VAR 24-08.

PROJECT DESCRIPTION

The proposed structure is a two-story ADU, with a garage on the first floor. The footprint of the new structure is identified as 708 SF with an overall height of 24' 10.5", the second story ADU contains one bedroom, living/dining room, kitchen, bathroom and closet space.

For the R-1 zone a conditional use permit is required for ADUs when it does not meet the requirements listed in SGC 22.20.160(C). Below is an analysis of the requirements met, or not met by the proposal. The requirements this proposal does not meet are #7, parcel contains a duplex, and #14, increase in height over the existing principal dwelling unit.

The way the requirements are written in the zoning code is such that if the requirements are not met, a conditional use permit is needed per SGC 22.20.160(D) which states "*Conditional use permits may be sought if the above requirements cannot be met. Conditional use permit must be in conformance with Chapter 22.25.*" Therefore, not meeting the listed requirements is not grounds to automatically deny an ADU proposal but may be used as a factor in determining whether to grant the conditional use permit.

- 1. An ADU is a permitted use, on lots served by a publicly maintained right-of-way in the following residential zoning districts: R-1 and R-2 and related districts exclusive of MH and MHP. An ADU shall not be constructed on lots accessed by access easements. They are also not allowed on lots served by rights-of-way that have not been accepted by the municipality or state of Alaska for maintenance. Property is served via a municipal developed and maintained right-of-way, Davidoff Street.*
- 2. ADUs are intended for long-term rental use only. Rental of an ADU for a period of less than ninety consecutive days is prohibited. ADUs shall not be used for short-term vacation rentals and/or bed and breakfast purposes. To be used by the property owner.*
- 3. ADUs shall meet all development, design, zoning and building requirements at the time of construction (e.g., setback requirements and lot coverage standards) applicable to the primary dwelling unit, except as otherwise noted. Provided plans from the applicant indicate the ADU will exceed the height of the primary dwelling unit by 7' 10.5" but not exceed 25'.*

4. *The ADU must be located on the same parcel as the primary dwelling unit.* Proposed ADU is on the same parcel.
5. *Only one ADU is allowed per parcel.* Only one ADU proposed.
6. *Mobile homes, travel trailers and recreational vehicles shall not be used as an ADU.* ADU is to be a conventionally built (stick-built) structure. Applicants will be required to obtain a building permit for the structure.
7. *ADUs shall only be located on a parcel in conjunction with a single-family dwelling unit. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.* Applicant materials identify duplex dwelling unit on the property.
8. *ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.* The front view and elevation plan submitted show that the ADU shall be of similar design and appearance.
9. *If a separate external entrance for the ADU is necessary, where possible, it shall be located on the side or rear of the structure. On a corner lot, where there are two entrances visible from either street, where possible, solid screening is required to screen at least one of the entrances from the street.* Entrance to the ADU is planned for the rear of the structure. There will be a door next to the garage door as well.
10. *Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.* Building plans are not finalized for exterior stairs at this time.
11. *The maximum size of an ADU shall be eight hundred square feet.* Floor space for the ADU is anticipated to be 708 square feet.
12. The following parking requirements are applicable for ADUs:
 - a. *As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.* The applicant has six parking spaces identified.
 - b. *Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties:* Property has fence on west side of the property.
 - c. *On-street parking is prohibited.* None is proposed.
 - d. *If additional parking is necessary, new parking space(s) shall utilize existing curb cuts.* Davidoff Street has rolled curbs which do not require curb cuts.

13. *All subdivisions of lots containing ADUs are prohibited unless all minimum lot sizes (exclusive of access easements), setbacks, lot coverage, and other requirements in the zoning and subdivision codes are met. N/A – subdivision not proposed at this time.*

14. *Variations are prohibited on any lot containing an ADU including, but not limited to, variations for setbacks, lot coverage, building height, and off-street parking requirements. A variance is requested for an increased height by 7' 10.5" but will not exceed 25'. The primary duplex dwelling is 17'.*

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: Additional vehicles may increase traffic but should be in-line with normal residential use.

b. Amount of noise to be generated and its impacts on surrounding land use: Noise generated should be in-line with normal residential use.

c. Odors to be generated by the use and their impacts: Odor generated should be in-line with normal residential use. Garbage shall be disposed of in municipal container and in accordance with Sitka General Code requirements. Possible reduction of odors by supplying additional storage space.

d. Hours of operation: Available year-round.

e. Location along a major or collector street: Located on Davidoff Street, a collector street for local traffic and Edgum Drive traffic.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: Cut through traffic unlikely as property only has vehicular access from Davidoff Street.

g. Effects on vehicular and pedestrian safety: Minimal impact to existing safety conditions, increase in traffic should be 1 to 2 vehicles.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Site is accessible to emergency services.

¹ § 22.25.010 E.

i. Logic of the internal traffic layout: Parking requirements will be met with areas on the property already developed for parking – the long driveway along southern property line, and the graveled area immediately adjacent to front property line.

j. Effects of signage on nearby uses: Existing sign with business name of the STR's. All signs shall comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent to the site: Fence on south side of property, along with trees and shrubbery.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan. Expansion of ADUs in Sitka directly supports two Comprehensive Plan Objectives, H1.1a “allow, encourage, and promote ADUs by right in more zones” and H1.1e “encourage higher density”.

m. Other criteria that surface through public comments or planning commission review: None.

RECOMMENDATION

Staff recommends approval for the ADU at 1507 Davidoff Street subject to the recommended conditions of approval and VAR 24-08 facts and findings.

MOTIONS IN FAVOR OF APPROVAL

- 1. “I move to approve the conditional use permit for 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:

- Approval of ADU is specific to the site plan included in this application. Any substantial or significant change to the plans would require a new site plan review and approval from the Planning Commission.
 - The applicant shall successfully obtain a variance from the Planning Commission for the height increase as requested in the site plan. If granted, the applicant will comply with all conditions associated with the variance.
- 2. “I move to adopt and approve the required findings for conditional use permits as listed in the staff report.”**

The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:²

- The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - Be detrimental to the public health, safety, and general welfare;
 - Adversely affect the established character of the surrounding vicinity; nor
 - Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; *because the property will retain its use as a residence and the ADU will be monitored by the owner to ensure that there are no resulting impacts or disturbances that would negatively affect the surrounding vicinity.*
- The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation; *specifically, Actions HI.1a, HI.1e and LU 8.2.*
- All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *with the owner on site, conditions will be monitored and enforced.*

² §22.10.160(C)—Required Findings for Conditional Use Permits

4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard; *no hazardous conditions are expected from development of property with a ADU.*
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services; *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.*
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section; *The applicant has met the burden of proof through information provided in their application packet.*