



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: V 24-12
Proposal: Reduce front setback from 14' to 10'
Applicant: Lucas Goddard
Owner: Goddard Enterprises LLC
Location: 4602 Halibut Point Road
Legal: Lot 2, Magee Subdivision
Zone: C-2 - General Commercial and Mobile Home District
Size: 16,227 SF
Parcel ID: 2-5865-002
Existing Use: Garage, RV Park
Adjacent Use: Commercial, Residential
Utilities: Halibut Point Road
Access: Halibut Point Road

KEY POINTS AND CONCERNS

- The proposal is to facilitate construction of a small single-family home.
- There is also an RV Park on the property.
- The property is accessed via an access easement to Halibut Point Road.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Site Plan/As-built
Attachment D: Floor Plan
Attachment E: Elevation View
Attachment F: Parking Plan
Attachment G: Photos
Attachment H: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The applicant/owners are proposing to reduce the front setback from 14 feet to 10 feet to accommodate a 10' x 24' addition to an existing garage to create a small single-family home. This will be an 816 square foot studio with a kitchen, laundry/mud room, and bathroom. There is an existing RV park on the property with two small RV's available as short-term rentals.

The existing garage is placed at an angle to the property line. The addition on to the front would also have this angle, meaning that the northern corner of the structure is closest to the front property line with the rest of the structure angling away from the front property line.

The property is accessed via a 20' wide easement over 4600 Halibut Point Road (Lot 1, Magee Subdivision). Both properties utilize the 20' driveway up from Halibut Point Road, as well as the portion of the easement that straddles the two properties. The subdivision plat carries a restriction that the access easement would need to be upgraded to accommodate two lanes of traffic if commercial uses of Lot 2 require more than 4 off-street parking spaces.

ANALYSIS

Setback requirements

The Sitka General Code requires 14-foot front setbacks in the C-2 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 slopes at the back of the lot and on the side, should be considered a circumstance outside of the control of the property owner, as well as the placement of the existing garage structure.

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. The structure does not have garage doors or a carport, and parking is not immediately in front of the proposed structure. For the existing home on 4600 HPR (Lot 1), the parking area and carport are set back more than 20’ from the easement. The easement and immediate area around it is leveled and cleared which maintains adequate site distance. Overall, staff does not have concerns regarding the safety of ingress/egress or driver visibility as a result of granting this variance.

Additionally, because of the plat note for the subdivision, considerations for parking also need to be made in consideration of this variance. The zoning code does not specify parking requirements for RV parks, nor does it have any like-uses to compare it to. The dwelling unit will require two-parking spaces; whether this use is considered commercial or residential is unclear given that the commercial zoning of the property allows for use as a short-term rental by-right. The RV park could carry a requirement of two-spaces per unit as consistent with the requirement for short-term rentals; this would mean that the two uses together require six off-street parking spaces which would trigger the requirement to upgrade the access easement as staff has measured that easement currently has 16’ of developed width (the full 20’ would need to be developed in order to accommodate two lanes of traffic). Alternatively, the Commission could determine that either the dwelling unit is not a commercial use and/or determine that the RV park does not require more than two parking spaces. The applicant has submitted a parking plan showing 7 parking spaces.

Comprehensive Plan Guidance

This proposal is consistent with the housing action H 1.1e, “Encourage higher density development” of the Comprehensive Plan.

RECOMMENDATION

Staff recommends approval of the variance, and further recommends that the Commission determine whether more than four parking spaces are required for the proposed uses of the property such that upgrades to the access easement are required.

Motions to approve the zoning variance

1. **“I move to approve the zoning variance for a reduction to the front setback at 4602 Halibut Point Road in the C-2 - General Commercial and Mobile Home District subject to the attached conditions of approval. The property is also known as Lot 2, Magee Subdivision. The request is filed by Lucas Goddard. The owner of record is Goddard Enterprises.**

Conditions of Approval:

- a. The front setback will be decreased from 14 feet to 10 feet. No encroachments into the access and utility easement or 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, and the placement of the existing structure are special circumstances 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 C-2 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