



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 22-14
Proposal: Reduce front setback from 14' to 0'
Applicant: Sam Smith
Owner: Hard Rock Construction, LLC
Location: 1415 Davidoff Street
Legal: Lot 3, Clyde Franks Subdivision
Zone: R-1 Single-Family and Duplex Residential District
Size: 8,263 square feet
Parcel ID: 1-5780-000
Existing Use: Vacant/Under development
Adjacent Use: Residential
Utilities: Existing
Access: Davidoff Street

KEY POINTS AND CONCERNS

- New construction of a single-family home is proposed on this currently vacant lot
- The lot has significantly topographical challenges, with significant grade change in the southeast portion of the lot
- This portion of Davidoff Street is undeveloped. It is heavily vegetated and topography makes even pedestrian use impractical.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance for the front setback reduction.

BACKGROUND/PROJECT DESCRIPTION

The property at 1415 Davidoff Street is currently undeveloped, with plans for development of a single-family home. The southeastern portion of the lot has a significant slope, leaving little developable space towards the front of the lot.

This lot is also part of the Sitka Community Land Trust's planned unit development in the area, as one element is a boundary line adjustment that will add a wedge-shaped piece of land along east side. This will add an additional 50' of frontage along the right-of-way. This addition will allow the house to have an approximately 32.5' side setback to the west property line which abuts the other developed property, 1417 Davidoff Street. This wider setback helps to mitigate any crowding that may be felt with the requested 0' front setback, and also preserves accessible, off-street parking.

This portion of Davidoff Street is undeveloped. Due to the density of vegetation and changes in topography, this portion of the right-of-way is not passable even to pedestrians. It is also platted as 60' wide; were there to be interest in developing the right-of-way, there is space to account for built structures and not impede development.

ANALYSIS

Setback requirements

The Sitka General Code requires 14-foot front setbacks in the R-1 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". The topography of the lot in this case does warrant special consideration given the limitations on building space it creates.

Potential Impacts

The granting of the variance does not increase traffic, density, or other impacts beyond the residential use that was intended for the lot. Therefore, staff believes potential adverse impacts to

¹ SGC Table 22.20-1

neighborhood harmony and public health and safety are minimal, and the proposal is consistent with the character of the neighborhood.

Comprehensive Plan Guidance

This proposal is consistent with one of the land use and future growth actions in the Sitka Comprehensive Plan 2030; LU 8.2 “Amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate”.

RECOMMENDATION

Staff recommends approval of the front setback reduction. This proposal opens up possibility for development of a small residential structure on an underutilized lot. Vegetation and topography mitigate potential for visual or traffic impacts.

ATTACHMENTS

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Elevation & Floor Plan
- Attachment D: 1417 Davidoff Street As-Built
- Attachment E: Photos
- Attachment F: Applicant Materials
- Attachment G: Public Comment

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) **I move to approve the zoning variance for a reduction to the front setback at 1415 Davidoff Street in the R-1 single family and duplex residential district subject to the attached conditions of approval. The property is also known as Lot 3, Clyde Franks Subdivision. The request is filed by Sam Smith. The owner of record is Hard Rock Construction, LLC.**

Conditions of Approval:

- a. The front setback will be decreased from 14 feet to 0'. There shall be no encroachments over the property line.
- 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 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;
- 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.

² Section 22.30.160(D)(1)—Required Findings for Major Variances