



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 26-03
Proposal: Reduce side setbacks from 15' to 10'
Applicant: James Penny
Owner: James Penny
Location: 2013 and 2015 Sawmill Creek Road
Legal: Lots Two-A (2A) and Two-B (2B), U.S. Survey 3302 (Penny Subdivision)
Zone: R-1 LDMH Single-Family or Duplex Low-Density or Single-Family Low-Density and Manufactured Home District
Size: 43,583 Square Feet, 22,336 Square Feet
Parcel ID: 3-1520-000, 3-1521-000
Existing Use: Residential, Storage
Adjacent Use: Residential
Utilities: Existing
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS

- The proposal is to reduce the side setback requirement from 15' to 10' to facilitate a lot line adjustment.
- Properties are somewhat developed with a single-family home on one lot and a Quonset hut and shed on the other.
- An additional single-family home is proposed.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Current Plat
Attachment C: Proposed Plat
Attachment D: Photos
Attachment E: Applicant Materials

PROJECT DESCRIPTION

The owner-applicant is requesting to reduce two side setbacks at 2013 and 2015 Sawmill Creek Road from 15' to 10' to facilitate a boundary line adjustment. The properties are in the R-1 LDMH single-family duplex low-density or single-family low-density and manufactured home district. 2013 Sawmill Creek Road is 43,583 SF and has a single-family home with an improvement size of 1,208 SF; 2015 Sawmill Creek Road is 22,336 SF and is undeveloped apart from a Quonset hut and shed. The setback variance requested will apply to the Quonset hut and shed currently at 2015 Sawmill Creek Road.

ANALYSIS

The owner-applicant has proposed a boundary line adjustment at 2013 and 2015 Sawmill Creek Road to facilitate construction of a single-family home at 2015 Sawmill Creek Road. As proposed, the boundary line adjustment will place two existing structures—a shed and Quonset hut currently located at 2015 Sawmill Creek Road—within side setbacks.

Boundary Line Adjustments

A boundary line adjustment (BLA) is the relocation of a common boundary without creating any additional lots. Sitka General Code (SGC) 21.60.010(A) states that BLAs within subdivisions that have been recorded for more than 18 months may be approved administratively, and so it is not typical for the Planning Commission to review such actions.

SGC 21.60.010(A) further states that BLAs “may be used to eliminate or reduce encroachments or nonconformities.” The applicant has applied for a variance to reduce the impact of the setback encroachment prior to the recording of the proposed BLA, which otherwise meets all minimum requirements for lots in the R-1 LDMH zoning district.

Setback Requirements

Sitka General Code requires 20-foot front setbacks, 15-foot side setbacks, and 20-foot rear setbacks in the R-1 LDMH single-family duplex low-density or single-family low-density and manufactured home district¹.

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.**

Justification

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience; the applicant must demonstrate that the variance is warranted due to a

¹ SGC Table 22.20-1

unique need or circumstance surrounding the request. Given the existing placement of structures and the applicant’s proposed platting action, this variance facilitates development while mitigating encroachment issues.

Comprehensive Plan Guidance

This proposal is consistent with the Sitka Comprehensive Plan 2030, and is supported by 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 a reduction of the side setbacks from 15’ to 10’ to facilitate a boundary line adjustment.

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) I move to approve the minor zoning variance for a reduction to the common side setback from fifteen feet to ten feet in the R-1 LDMH single-family duplex low-density or single-family low-density and manufactured home district single-family and duplex residential low density district subject to the attached conditions of approval. The property is also known as Lots Two-A (2A) and Two-B (2B), U.S. Survey 3302 (Penny Subdivision). The request is filed by James Penny. The owner of record is James Penny.**

Conditions of Approval:

- a) To facilitate a boundary line adjustment, the side setback at the common side property line will be decreased from 15’ feet to 10’ to accommodate an existing shed and Quonset hut. No encroachments over the property line are permitted.
 - b) The activation of this variance is contingent upon the approval of the proposed Penny Place Lot Line Adjustment by the Planning and Community Development Department and the recording of the approved lot line adjustment with the State of Alaska Department of Natural Resources Recorder’s Office.
 - c) Substantial progress related to the recording of the proposed boundary line adjustment must be made 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.
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- 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) The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions *because the existing structures to which the variance applies are minor improvements to*

² Section 22.30.160(D)(2)—Required Findings for Variances Involving Minor Expansion, Small Structures, Fences, and Signs.

- a property and no new development within setbacks is proposed;*
- b) *The granting of the variance is not injurious to nearby properties or improvements because the site plan preserves safe ingress/egress and visibility, and because the proposal furthers an appropriate use of the property; and*
 - c) *The granting of the variance furthers an appropriate use of the property because the variance allows for a boundary line adjustment that will facilitate the construction of a single-family home, which will meet development standards for the zone and is a permitted principal use in the R-1 LDMH zone under SGC 22.16.016.*