

RECEIVED

OCT 15 2011

To the Assembly of the City and Borough of Sitka,

City & Borough of Sitka

I am taking this opportunity to write to you so that I might express my disagreement with the decision of the planning commission on Oct 4th, 2011; to deny a variance reduction of the front setback from 20' to 10' on the property located at 1955 Anna Circle and therefore, I am appealing the decision. I would like you to consider appealing the decision for the following reasons:

1. Characteristics of the property
2. Other requests granted in the past
3. Reduction of living square footage
4. Peaceful enjoyment

I am asking that the variance request for the front setback to be from 20' to 10' be granted.

Truly Yours,

MARCO HERNANDEZ
Marco Hernandez



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

October 10, 2011

Marco Hernandez
PO Box 6521
Sitka, AK 99835

Dear Mr. Hernandez,

As you are aware, the Planning Commission denied the variance request to reduce the front setback to 10 feet to accommodate a mobile home at 1955 Anna Circle. This decision was made at the June 7, 2011 Planning Commission meeting based on the following findings:

1. There are not special circumstances to the intended use that do not apply generally to the other properties with the rectangular shaped lot at 110 feet length for a 66 foot mobile home with a previous mobile home at a longer length being placed there without a variance;
2. The variance is not necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel;
3. That the granting of such a variance could be detrimental to public infrastructure and materially detrimental to nearby parcels;
4. It cannot be found that the granting of such a variance will not adversely affect the comprehensive plan.

Thank you for working with us on this matter. If you should have any questions, please don't hesitate to contact me in the Planning Office at 747-1814.

Sincerely,

Melissa Henshaw
Planner I

Providing for today...preparing for tomorrow

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To: City and Borough Sitka Planning and Zoning

Fm: Littlebit Construction

Subj: Lot On Anna Circle

Last spring Littlebit did the sight prep for a Mobil home on Anna Circle for Marco Hernandez. I was instructed by Marco to excavate as far back on the lot as possible to make room for Mobil home. While doing the excavation I ran into a solid rock face that runs along the entire length of the back of the property and on top of the rock is native soil. A rock retaining wall needed to be built to keep native soil from sluffing off onto back of trailer and also to prevent landside from happening. Every attempt was made to place trailer as far back on lot as feasibly possible.



Harold H Greene Owner Littlebit Construction

1
B

1C



10.10.2018 14:19

1 D STRUCTURE TO SIT BEHIND ROCKWALL



10.10.2011 14:20

11

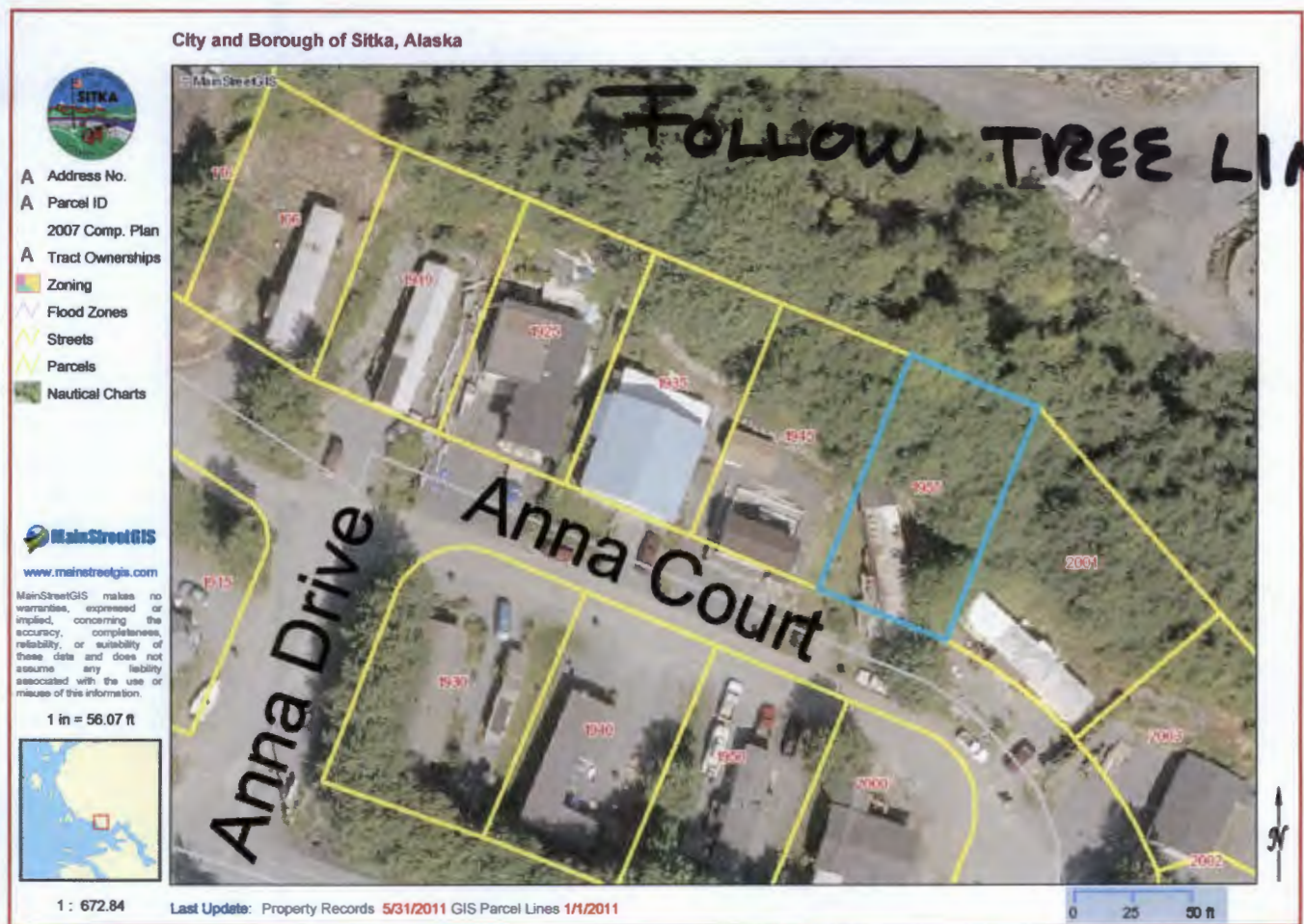
Bed Rock

10.10.2011 14:30

IG

41' +/-

10.10.2011 14:30



7
H

11

10.10.2011 14:34

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
VARIANCE APPLICATION

VARIANCE FEE	\$75.00
Plus current city sales tax	

APPLICANT'S NAME:

PHONE NUMBER:

MAILING ADDRESS:

OWNER'S NAME:

(If different from applicant)

PHONE NUMBER:

MAILING ADDRESS:

PROJECT ADDRESS:

LEGAL DESCRIPTION:

VIRGINIA OLNEY
7-5982
POB 2456 SITKA

SAME

1945 ANNA CIRCLE

Lot: 9 Block: Subdivision: VERSTEVIA PARK #2

☐ SPECIFIC REQUEST:

(e.g. Reduction of front setback to 15' for a porch)

FRONT SETBACK: 10 FEET TO ACCOMMODATE BUILDING AS SITUATED &
EAST SIDE SETBACK: 7.5 FEET ENTRY PORCH

☐ REASON REQUEST IS BEING SUBMITTED:

(e.g. Existing porch is too small to provide adequate access)

I have moved an existing house onto the Anna Circle lot. The lot is approx 6600 sq' but approx 2500 sq' of that is steeply sloped & treed, unusable for a building site. Just below the slope is bedrock, so positioning is further limited. I built up a site pad using a rock wall & gravel to provide a level pad for a foundation. Considerations that determined the positioning are: need to accommodate a small (not tiny) house #1 code aesthetics of the project & the neighborhood fit garage at head of driveway

☐ DIMENSIONS OF NEW CONSTRUCTION:

(Width, Length, Height above grade)

House 32' x 16.5' 13' HEIGHT
House with addition in rear 32' x 33' 18' HEIGHT APPROX
Garage 20' x 12'

☐ REASON PROJECT CANNOT BE BUILT WITHIN EXISTING SETBACKS:

(List alternatives that would comply with setbacks and why they are unworkable)

- 1) house & foundation are on-site
- 2) hillside/bedrock
- 3) my mistake (paying closest attention to east side setback - totally forgot about entryway, focussed on foundation.)

☐ UNUSUAL CHARACTERISTICS OF THE PARCEL:

(e.g. Lot Shape, Topography, Streams)

Steep slope in back
Bedrock

☐ HARDSHIPS THAT WILL BE CAUSED IF THE REQUEST IS NOT GRANTED:

foundation's 32x16.5 house are on site.
entry way could be removed but attractiveness & practicality of the project would suffer.

☐ DESCRIBE ANY FUTURE CONDITIONAL USE REQUESTS THAT MAY BE APPLIED FOR IN THE FUTURE:

(e.g. Bed and Breakfast)

Do not foresee any

An easy to read plot plan drawn to scale, MUST be attached to this application and contain the following:

- ✓1. Existing and proposed structures with their drives, dimensions and property offsets..
- ✓2. Roadway pavements and existing grading when applicable.
- ✓3. Roadway frontage and parcel area.
- ✓4. Location of all physical features on the parcel such as drainage, hills or rock out croppings, and tidelands.

****A sample plot plan follows on the next page for your reference.****

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after the Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

Signature of APPLICANT:

Virginia Eberly

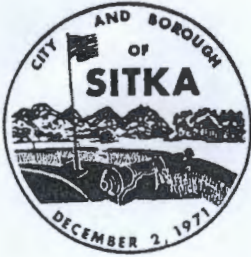
Date:

06 Mar 06

Signature of OWNER:

(If different from the Applicant)

Date:



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Sitka Planning Commission Agenda

Tuesday March 21, 2006

Held in the Harrigan Centennial Hall

330 Harbor Drive, Sitka, Alaska

7:00 p.m.

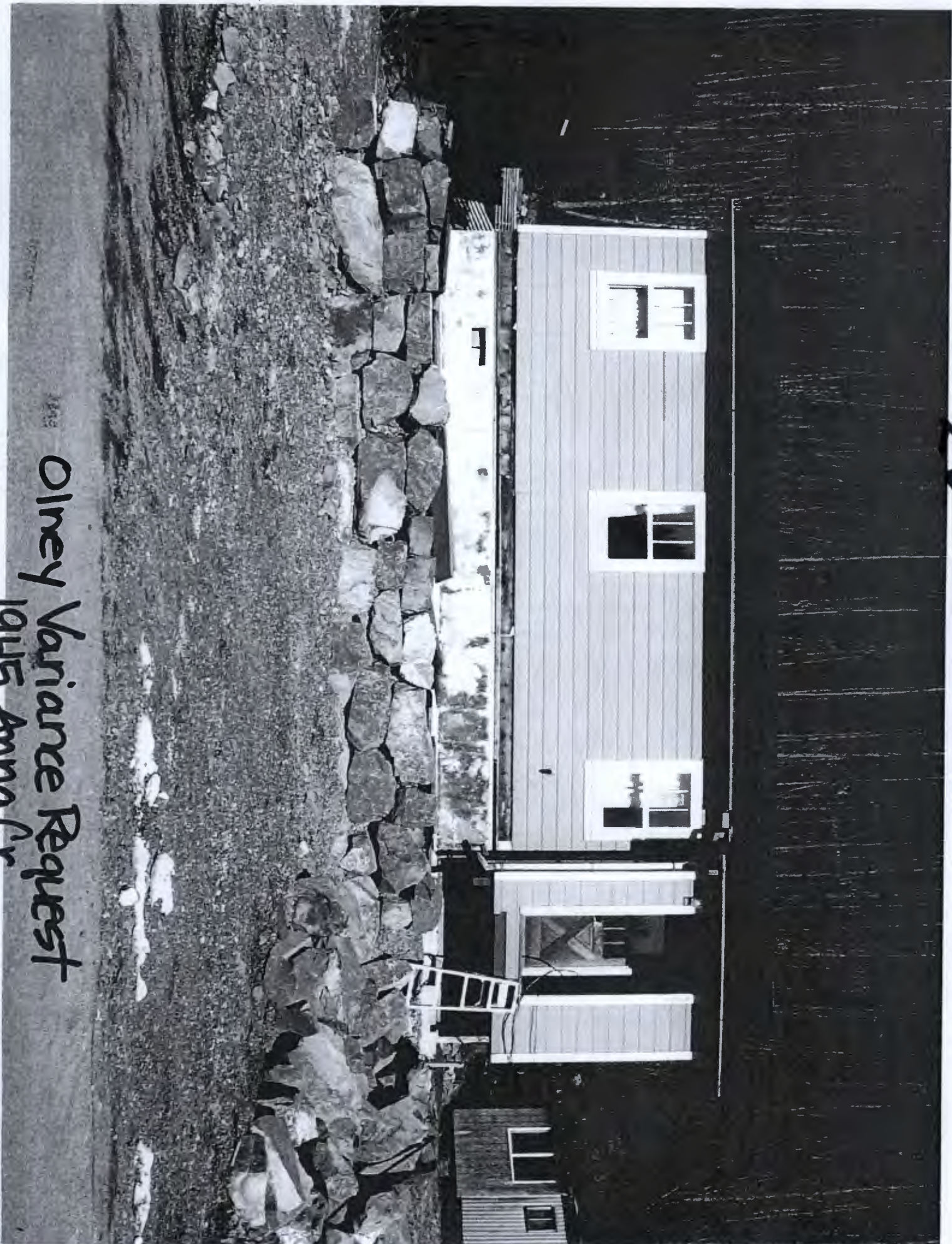
- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE MINUTES FROM March 7, 2006
- III. THE EVENING BUSINESS
 - A. Public hearing and consideration of a final plat to create a 5 lot hybrid minor subdivision at Sawmill Cove Industrial Park. This request is filed by the City and Borough of Sitka. The property is also known as USS 3551, 2797, and ATS No. 6.
 - B. Public hearing and consideration of a final plat for a major subdivision creating five lots and dedicating Tongass Avenue and Seward Avenue right of ways on Japonski Island. The plat is filed by the Alaska Department of Transportation and Public Facilities. The property involves Lot 15 of USS 1496 and the existing Tongass and Seward Avenues.
 - C. **Public hearing and consideration of a double variance request filed by Virginia Olney. The request is to 1) reduce the east side setback to 7 ½ feet, and, 2) reduce the front setback to 10 feet for placement of a house and garage at 1945 Anna Circle. The property is also known as Lot 9 of the Verstovia Park #2 Subdivision.**
 - D. Public hearing and consideration of a conditional use permit request filed by Charles and Carmen Haskins for a two guestroom bed and breakfast at 1805 Edgecumbe Drive. The property is also known as Lot 5 Block 3, Cascade Creek Alaska Subdivision. USS 3806. A permit was issued in August 2000 for a two guestroom bed and breakfast but has since expired.
- IV. PLANNING DIRECTOR'S REPORT
- V. PUBLIC BUSINESS FROM THE FLOOR
- VI. ADJOURNMENT

NOTE: Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, e-mailed to sara@cityofsitka.com, or faxed to 747-6138. Those with questions may call 747-1814.

Publish: March 13, 15

Providing for today...preparing for tomorrow

Oiney Variance Request
1945 Anna Cr.



ANNA CIRCLE

April 2005

60.00'

LOT 9
10-0952-09
6635 SQ FT

DRAWING
SUBMITTED IN
2005

110.59'

← 18' →

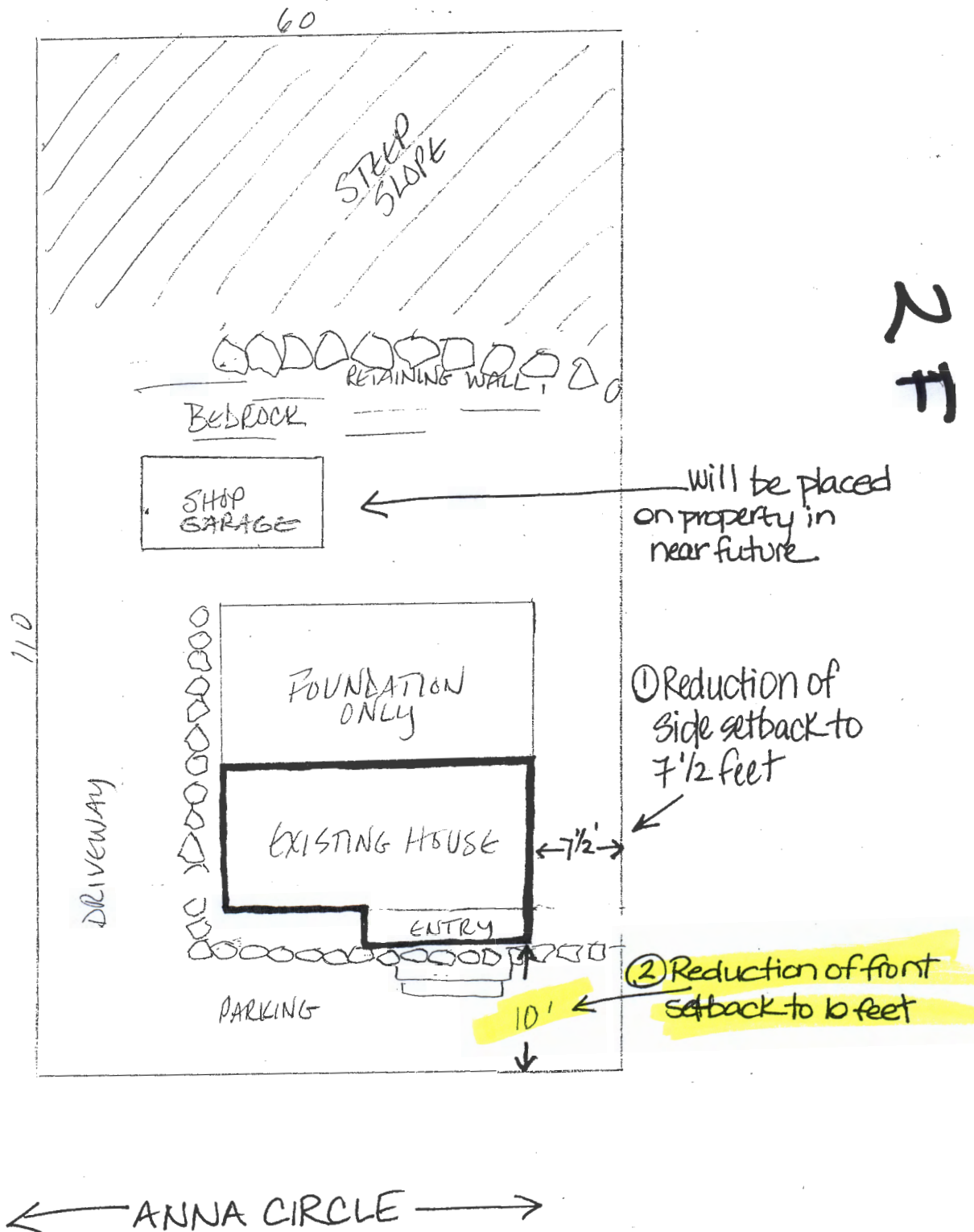
← 10' →

↑

25'

2E

1



1945 ANNA CIRCLE
VIRGINIA OLNEY

2G



Olney Variance Request

1945 Anna Circle

March 21, 2006

Anna Drive is located across from Knutson Drive on Sawmill Creek Road. If you are driving out Sawmill Creek and pass Jamestown Drive, Anna Drive is the next main drive on the left. Once you turn onto Anna Drive, Anna Circle is on your right. The home is the fourth on the left, a small gray house with white trim.

This is actually an after the fact variance request. The applicant purchased the property in March 2005. In April 2005, the applicant submitted the required paperwork for a foundation permit to the building department and was granted the permit based on the information provided by the applicant. The drawing at the time indicated a front setback of 25 feet.

When pouring the foundation, the applicant placed the foundation in the wrong spot. She now has a 10-foot front setback hence her reason for this request before you. The home has already been placed on the foundation. She will also be placing a small shed/garage towards the back of the property. There are no setback issues with this structure.

Looking at the photos in your packet, you will see the back of the applicant's lot has a steep slope to it along with a rock retaining wall.

Many of the structures on Anna Circle don't meet the 20-foot front setback requirement. In fact many are closer than 20 feet. There is side setback relief to some of the properties because they are 60 feet wide. The Code allows a 5-foot side setback if a lot is 60 feet wide or narrower.

The Planning Office has not received any comments from adjacent property owners. Given the fact the structure is already in place and the setback location is consistent with the general neighborhood, a motion granting approval of the requested variance is suggested based on the following findings:

1. There are special circumstances to the intended use that do not apply generally to the other properties;
2. 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;
3. 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;
4. The granting of such a variance will not adversely affect the Comprehensive Plan. Comprehensive Plan Policy 2.4.1 states it is the policy of the City and Borough of Sitka to guide the orderly and efficient use of private and public land in a manner that does not infringe on the rights of private landowners.

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**City and Borough of Sitka
PLANNING AND ZONING COMMISSION
Minutes of Meeting
March 21, 2006**

Present: Chair Pat Hughes, Brian McNitt, Don Alexander, Bob Goss, Planning Director Wells Williams, Planning Assistant Sara Russell, and Secretary Maria Finkenbinder

Absent (excused): Tom Rogers

Members of the Public: Jim Papoi, Virginia Olney, Charles & Carmen Haskins, Shannon Haugland (Sentinel)

Chair Hughes called the meeting to order at 7:00 pm.

Consideration of Minutes from the March 7th, 2006 meeting:

MOTION: M/S McNitt/Alexander moved to approve the minutes from the March 7, 2006 meeting.

ACTION: Motion PASSED 4-0 on a voice vote.

The evening's business:

**AFTER-THE-FACT VARIANCE REQUEST
REDUCTION OF FRONT SETBACK TO 10 FEET
1945 ANNA CIRCLE
VIRGINIA OLNEY**

Public hearing and consideration of an after the fact variance request filed by Virginia Olney. The request is to reduce the front setback to 10 feet for placement of a house and garage at 1945 Anna Circle. The property is also known as Lot 9 of the Verstovia Park #2 Subdivision.

The Chair, at the outset, informed the members that his high school shop class is building a shed that would go to the back of Ms. Olney's property. There are no setback issues with that structure.

Ms. Russell explained why Ms. Olney's request is an after-the-fact variance request. She said the applicant purchased the property in March 2005 and in April 2005, the applicant was granted a foundation permit indicating a front setback of 25 feet. When pouring the foundation, the applicant placed the foundation in the wrong spot which set the home at a 10-foot setback. Ms. Russell also pointed out that the Code allows a 5-foot setback if a lot is 60-feet wide or narrower and this applies to some of the properties on Anna Circle.

Ms. Olney explained to the Board the challenges she was faced with when building her home including the topography of the lot and a monument that was placed two feet into her neighbor's property. She said she has been measuring everything from the foundation and forgot about the entryway that extends beyond the foundation. She added that she could do away with the entryway but her house would be more functional and better-looking if it has an entryway.

MOTION: M/S Alexander/Goss moved to approve the after the fact variance request filed by Virginia Olney. The request is to reduce the front setback to 10 feet for placement of a

21

house and garage at 1945 Anna Circle. The property is also known as Lot 9 of the Verstovia Park #2 Subdivision. The approval is based on the following findings:

1. There are special circumstances to the intended use that do not apply generally to the other properties;
2. 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;
3. 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;
4. The granting of such a variance will not adversely affect the Comprehensive Plan. Comprehensive Plan Policy 2.4.1 states it is the policy of the City and Borough of Sitka to guide the orderly and efficient use of private and public land in a manner that does not infringe on the rights of private landowners.

DISCUSSION: Mr. McNitt said that in general, he has a hard time approving after-the-fact variances but he went to see Ms. Olney's property and noted that the neighborhood was a "mess" in terms of setbacks.

Mr. Williams concurred that it is a poorly-planned neighborhood since it started as a temporary housing site for the construction crew of Verstovia Elementary School.

ACTION: Motion **PASSED 4-0** on a voice vote.

25



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

April 13, 2006

Virginia Olney
PO Box 2456
Sitka, AK 99835

Dear Virginia,

This note is to inform you the Planning Commission approved your request to reduce the front setback of your property to ten feet for placement of a home at 1945 Anna Circle. This approval was granted at the March 21, 2006 Planning Commission meeting. The variance took effect April 1, 2006.

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 Commission if a request is filed within eleven months of the initial approval.

We appreciate your patience and thank you for working with us on this matter. If you should have any questions, please don't hesitate to contact me in the Planning Office at 747-1814.

Sincerely,

Sara L. Russell
Planning Assistant

N
K



City and Borough of Sitka

PUBLIC SERVICES

100 LINCOLN STREET • SITKA, ALASKA 99835

PHONE (907) 747-1804 FAX (907) 747-3158

FOUNDATION ONLY PERMIT 05105F

This permit is issued to the undersigned with the understanding that the applicant assumes all responsibility for the construction of the foundation, realizing that the plans have not been completely checked nor approved for construction, as to the loads presumed to be carried on the foundation or as to the superstructure to be erected thereon. **Note that a sprinkler main cannot be run under the building it serves.**

Before the foundation is used or a permit is issued for the construction of any structure on the foundation, the same must be made to conform in every manner with current ordinances and laws governing the construction of foundations for buildings. In issuing this permit, the municipality makes **no warranties concerning compliance with either codes or ordinances and takes no responsibility for any failure of compliance or its consequences.**

City approval of this permit does not authorize encroachment into any easement, required zoning setback, or recorded or unrecorded utility easement. Note that not all easements are reflected on plats. Nor does approval invalidate any covenants or subdivision plat restrictions. We strongly recommend a title search prior to any construction.

No work above the sole plate is to be started before a building permit has been issued. This permit must be submitted with a plot plan showing the location of all existing and proposed structures, and showing discharge of drainage from yards, roofs, and foundations.

STREET ADDRESS: 1945 ANNACIRCLE

OWNER/APPLICANT: VIRGINIA DUNN CONTACT PHONE: 7-5981

OWNER/APPLICANT SIGNATURE: [Signature] DATE: 04.11.05

CITY ENGINEER: _____ WATER/WASTEWATER DEPT: _____

PLANNING DIRECTOR: Gary Russell 4-1105 ELECTRIC DEPT: _____

BUILDING OFFICIAL: [Signature] 4/12/05

DRAINAGE: [check] SPRINKLER MAIN LOCATION: _____

FLOOD ZONE: ZONE C [check]

Elevation certificate is required for any structure located within a flood plain.

Unless specifically approved otherwise, this permit does NOT authorize construction of a stem wall or retaining device more than four (4) feet in height.

COMMENTS: _____

ORIGINAL



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Variance Application Overview

Prepared May 11, 2007

For more information contact Melissa Henshaw, Planner, at 747-1814.

Planning Commission meetings are held the first and third Tuesdays of each month.

Complete applications and all supporting materials must be submitted by *noon on Tuesday* two weeks prior to the Planning Commission meeting of when the request will be considered. For example, materials for the June 19th meeting need to be submitted by noon on Tuesday June 5th.

June 2007						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

This deadline allows the municipality to review the applications, send out notifications to the applicant and adjacent property owners, and run the required advertisements in a timely fashion.

In the past, applications have been submitted for variances and conditional uses that required additional background information causing delays in our process. If the applications are not submitted with the required supporting materials, they may not be scheduled for Planning Commission review.

If the project is straightforward and no concerns are raised, the Planning Commission may take action the first night the case is scheduled. If there are any concerns by the Commission or other parties, action may be delayed. This delay would allow time for the

OVER

3A

11'6"

8

10.13.2011 15:54

3B

11'6"

6'4 1/2"

10.13.2011 15:53

3C

5'

5'

10.13.2011 15:52

3D

6' 4"

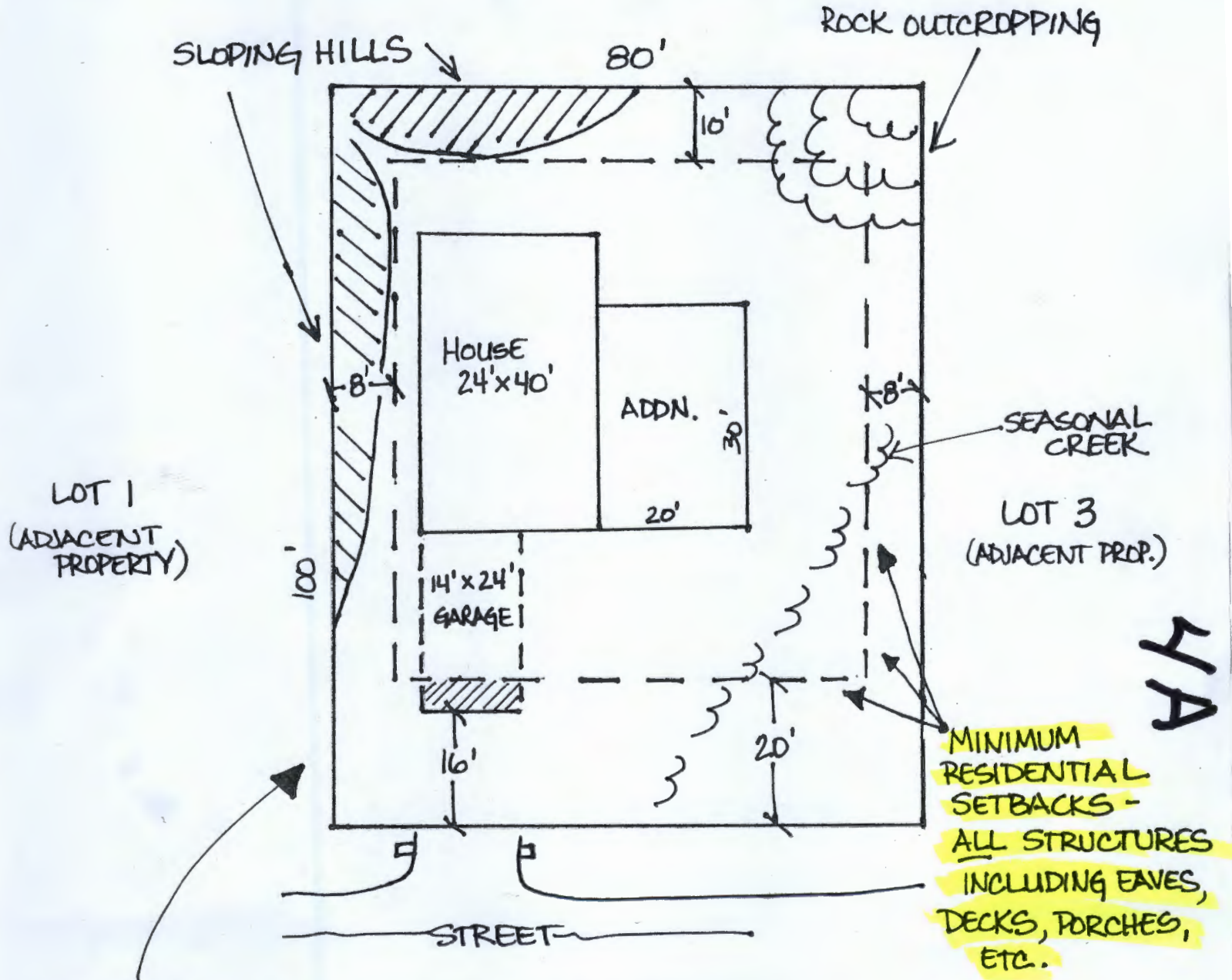
10.13.2011 15:5

3E

6' 4 1/2"

10:13:2011 15:54

205 JOHN DOE STREET
LOT 2 BLOCK 4
8,000 SQUARE FT.



REQUEST: VARIANCE TO REDUCE FRONT SETBACK
FROM 20' TO 16' TO FACILITATE CONSTRUCTION
OF FAMILY GARAGE.

SAMPLE PLOT PLAN

SCALE: 1"=20'

4B

STRUCTURE
STICKS OUT
TO 2' FROM
PROPERTY LINE

10.10.2011 14:29

4C
Rock wall
sticks out to
2' from property
line



10.10.2011 14:28

4D



10:10:2011 14:25

4E



10:10:2011 14:24

4/F

10.10.2011 14:22

46

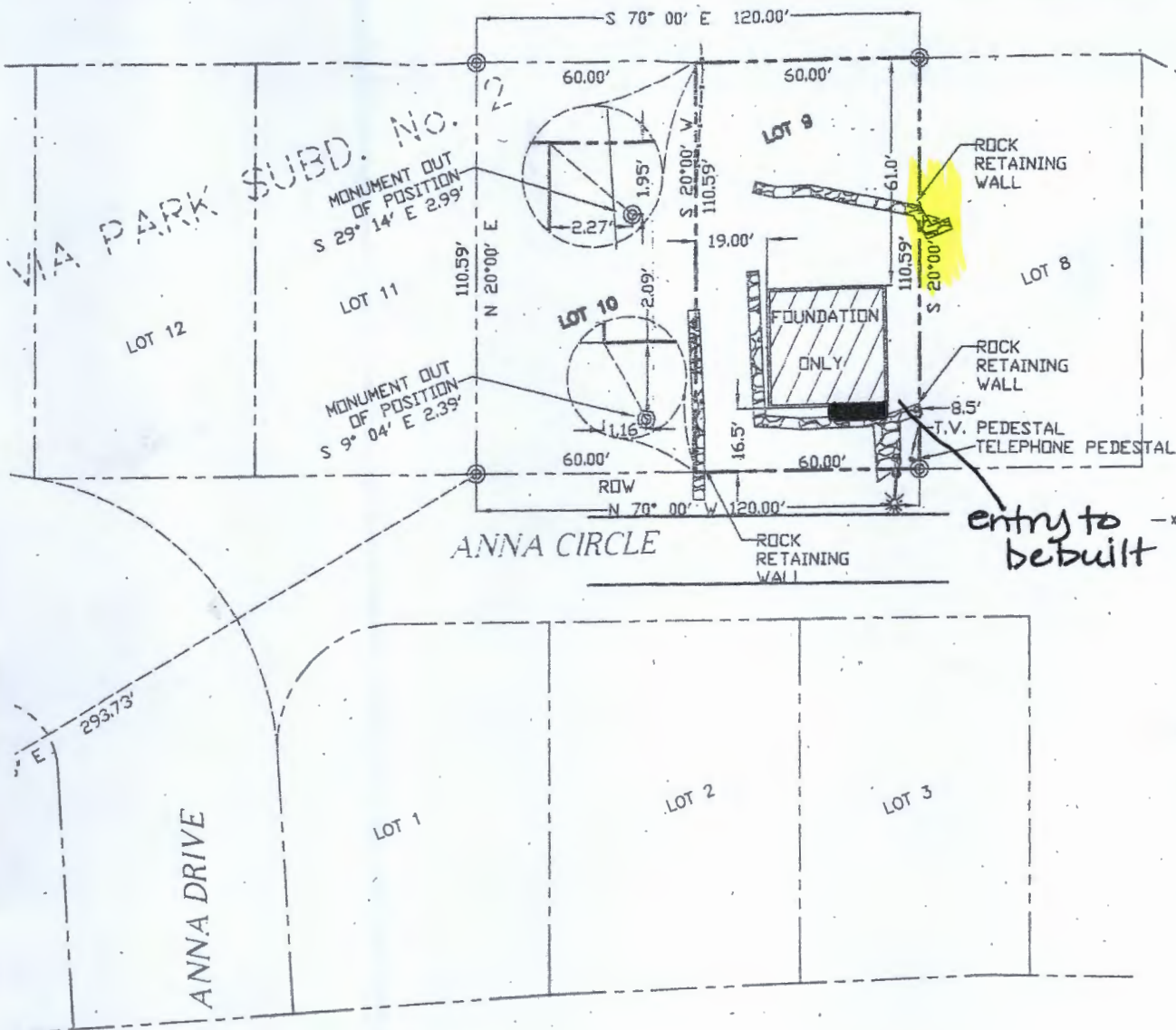


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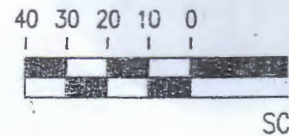
44

10.10.2011 14:20





1. OFFSET DISTANCES ARE SHD THE PROPERTY LINE TO THE
2. THIS PLAT DOES NOT MEET I SURVEYS, AS SET FORTH BY LAND SURVEYORS. (A.S.P.L.S.)
3. THIS PLAT IS NOT TO BE SE
4. UNDERGROUND UTILITIES, IF



SURVEYOR'S CERTIFICATE

I HAVE SURVEYED THE PROPERTY DESCRIBED ON THIS PLAT. I DECLARE THAT IMPROVEMENTS AND VISIBLE ENCROACHMENTS BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. THIS SURVEY IS FOR THE USE OF LENDING INSTITUTIONS SPECIFICALLY V EXISTING STRUCTURES AND PLATTED LOT LINES OR EASEMENTS. UNDER NO CIRCUMSTANCES SHOULD THE DATA HEREIN BE USED TRUCTURES, BUILDING FENCES, OR LOCATING BOUNDARY LINES. IT IS THE RESPONSIBILITY OF THE OWNER TO TUATED ON THIS PARCEL MEET ALL SUBDIVISION COVENANTS AND ZONING ORDINANCES. D CORRS. SET.

Patrick K. O'Neill
PATRICK K O'NEILL LS 6304



O'NEILL
SURVEYING
P.O. BOX 1849 SIT
FOUNDAT
LOT 9
VERSTOVIA P.

As-built 1-19-06

45

EXTENDED ROCKWALL
FROM ADJACENT PROPERTY

10.10.2011 14:32