

# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

## Planning and Community Development Department

Date: January 6, 2017

From: PCDD Staff

To: Planning Commission

Re: V 16-26 Variance for ADU at 312 Eliason Loop

### GENERAL INFORMATION

Applicant: Mike and Taylor Vieira  
Property Owner: Mike and Taylor Vieira  
Property Address: 312 Eliason Loop  
Legal Description: Lot 2 Block 6 Hillside Subdivision  
Parcel ID Number: 30647029  
Size of Existing Lot: 12,484 square feet  
Zoning: R-1  
Existing Land Use: Single family  
Utilities: Full city services  
Access: Eliason Loop  
Surrounding Land Use: Residential, Undeveloped

### MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion to approve

### ATTACHMENTS

- Attachment A: Vicinity Map
- Attachment B: Aerial Vicinity Map
- Attachment C: Zoning Map
- Attachment D: Flood Zone Map
- Attachment E: Parcel Pictures
- Attachment F: Subdivision Plat
- Attachment G: Site Plan/Floor Plan Proposal
- Attachment H: Application

Providing for today...preparing for tomorrow

Attachment I: Comments

Attachment J: Mailing List

Attachment K: Proof of Payment

Attachment L: Proof of Ownership

## **BACKGROUND**

312 Eliason Loop was created through the Hillside Subdivision. The lot currently has a single-family home. Surrounding properties are residential and undeveloped.

## **PROJECT DESCRIPTION**

The variance request is for the reduction of the front setback from 20 feet to 12 feet for the construction of an accessory dwelling unit. Accessory dwelling units require conditional use permits if variances are required. The proposed accessory dwelling unit would be on the downhill front of the property. The ADU will be a maximum of 800 square feet. Exact plans have not been submitted, as the owner must excavate before he can see what is buildable.

## **ANALYSIS**

**Project / Site:** The lot has two front setbacks and steep topography, both which constrain development. The current home is on the uphill front of the property. The property is 12,484 square feet. The unit would be used to house long-term residents.

**Zone: R-1:** Intent. This zone is intended to provide for primarily for single-family and duplex residences at moderate densities.<sup>1</sup>

**Traffic:** No concerns for traffic.

**Parking:** There is enough space for parking with two spaces required per single-family dwelling unit.<sup>2</sup> For 2 dwelling units, 4 spaces would be required.

**Noise:** Minimal noise concerns beyond the construction period.

**Public Health or Safety:** No concerns for public health and safety.

**Habitat:** No concerns for habitat.

**Property Value or Neighborhood Harmony:** An accessory dwelling unit structure would be an improvement to the property. The adjacent neighbor has concerns about proximity, and other existing structures that encroach into their property.

**Conformity with Comprehensive Plan:** The proposed variance for the reduction of the front setback from 20 feet to 12 feet conforms to the Comprehensive Plan Section 2.4.19(A) by considering all the relevant factors for applying a variance.

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<sup>1</sup> Section 22.16.040—R-1 District

<sup>2</sup> Section 22.20.100.G.1—Off-Street Parking Requirements

V 16-26 Variance Staff Report for January 17, 2017

Further, SGC Section 22.24.020 established the process for variances to provide a means of altering specific code sections when the strict application of those would deprive a property of privileges enjoyed by others due to special features or constraints unique to the property. Further, when the required findings have been met, such a variance may be granted to preserve the spirit of the code and promote substantial justice so long as public welfare and safety are secured.

## **FINDINGS<sup>3</sup>**

### **D. Required Findings for Variances.**

1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:
  - a) That there are special circumstances to the intended use that do not apply generally to the other properties, *specifically, the steep topography limits development within setbacks;*
  - b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, *because the allowable use of an accessory dwelling unit is constrained by steep topography;*
  - 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, *specifically, that the proposed structure would be in line with character of the neighborhood;* and
  - d) That the granting of such will not adversely affect the Comprehensive Plan: *specifically, the proposed variance for the reduction of the front setback from 20 feet to 12 feet conforms to the Comprehensive Plan Section 2.4.19(A) by considering all the relevant factors for applying a variance.*

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt the staff analysis and suggested findings, and grant the variance for the reduction of the front setback from 20 feet to 12 feet for the construction of an accessory dwelling unit

### **Recommended Motions:** (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for major structures or expansions as discussed in the staff report.
- 2) I move to approve a variance request for 312 Eliason Loop, subject to conditions of approval. The request is for the reduction in the front setback from 20 feet to 12 feet for the construction of an accessory dwelling unit. The property is also known as Lot 2 Block 6 Hillside Subdivision. The request is filed by Mike and Taylor Vieira. The owners of record are Mike and Taylor Vieira.
  - i. Applicant specifically acknowledges and shall follow all applicable development standards and zoning regulations such as required parking and height limits for structures (25 feet or the height of the principal structure, whichever is less);

<sup>3</sup> Section 22.30.160(D)(1)—Required Findings for Major Variances  
V 16-26 Variance Staff Report for January 17, 2017

- ii. ADU shall be no greater than 800 square feet, comply with setbacks as proposed on site and approved by variance, and shall meet all applicable building codes regarding dwelling units.





## City & Borough of Sitka, Alaska

Selected Parcel: 312 ELIASON ID: 30647029

Printed 12/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m  
100 ft



 **MainStreetGIS**  
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100 ft



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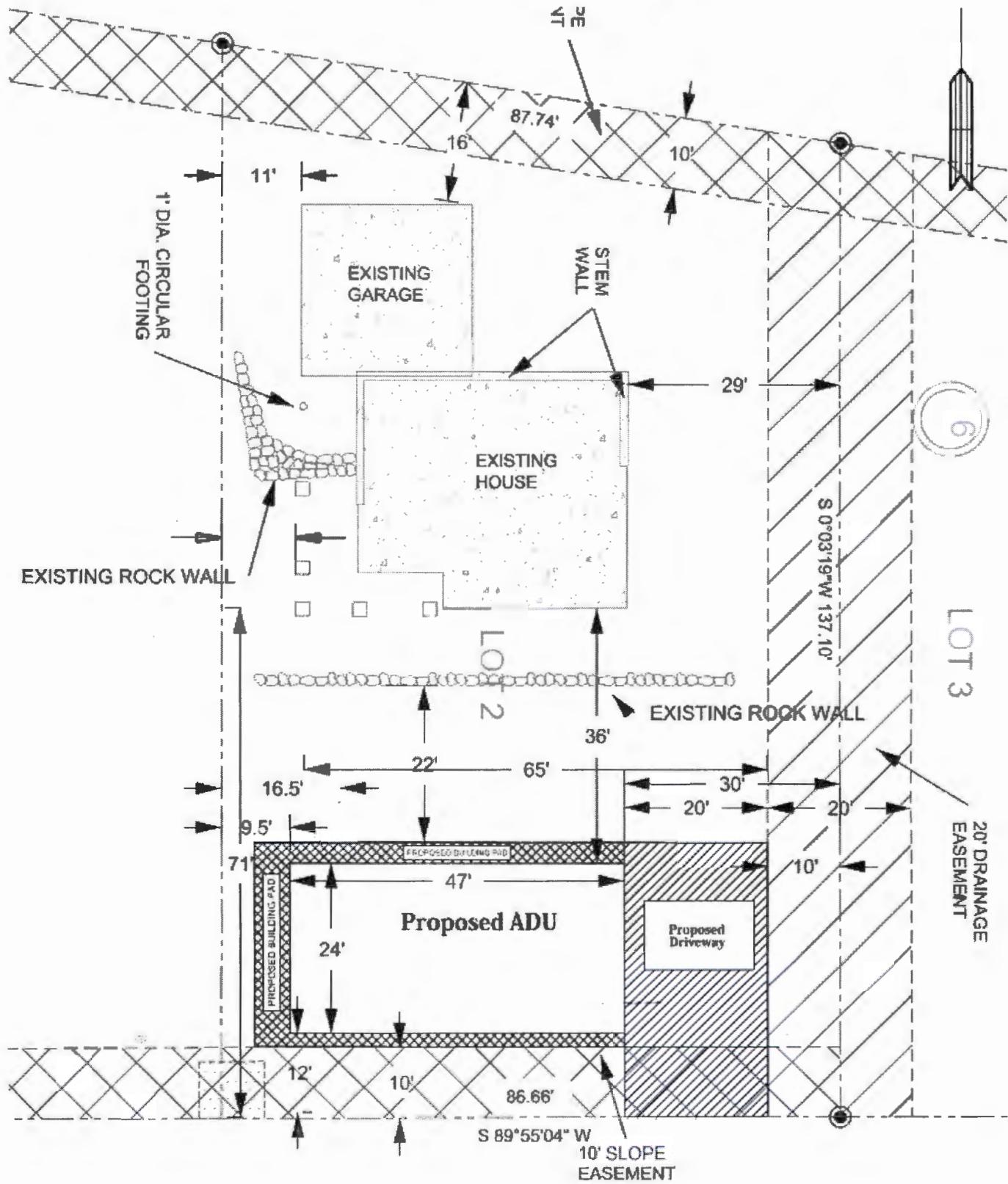






Michael & Taylor Vieira  
312 Eliason Loop  
Proposed ADU Variance Request  
December 27, 2016

Proposed Site Plan – 312 Eliason Loop





312 Eliason Loop – looking up from lower road

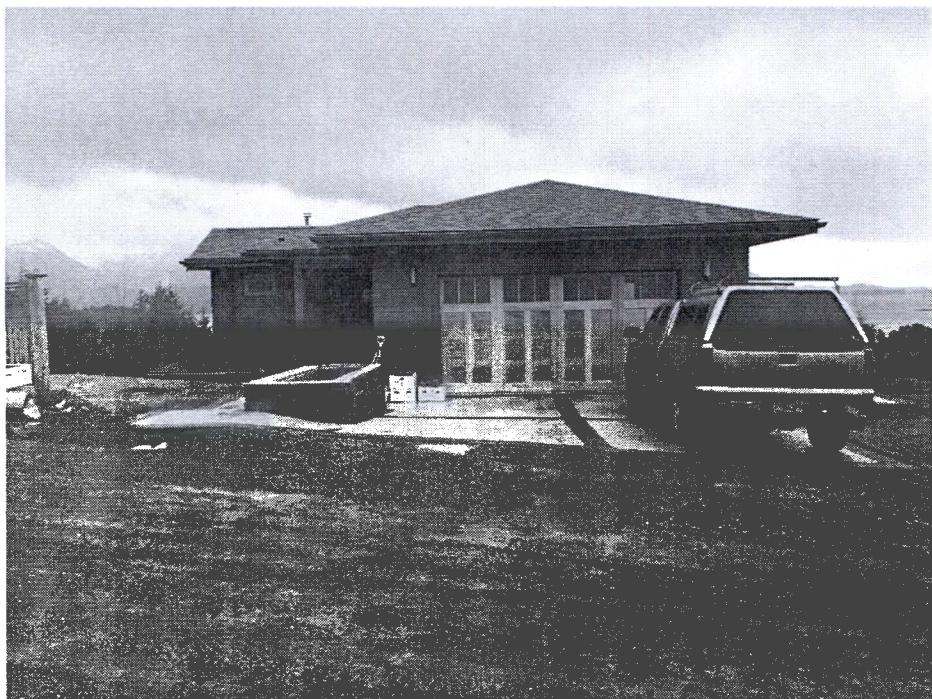


Approximate rendering of proposed ADU – plans not yet finalized

Michael & Taylor Vieira  
312 Eliason Loop  
Request for Variance to Reduce Front Setback for Construction of ADU  
December 27<sup>th</sup>, 2016

We reside in a single family home located at 312 Eliason Loop. The lot sits between the lower loop and upper loop and therefore has two front setback restrictions of 20' each. We would like to build an Accessory Dwelling Unit (ADU) on the downhill portion of the lot and are requesting a variance to reduce the front setback from 20' to 12' for its construction.

The ADU will be a one-bedroom unit of approximately 780 square feet to be used as a long term rental, accessed from the lower road. The ADU will have an approximately 20' x 25' driveway providing two parking spaces as shown on the attached site plan. The ADU will be a single story structure with an approximate grade to ridge height of 15 feet. The existing single family home is accessed from the uphill road. The home has a two car garage with two parking spaces in the driveway.

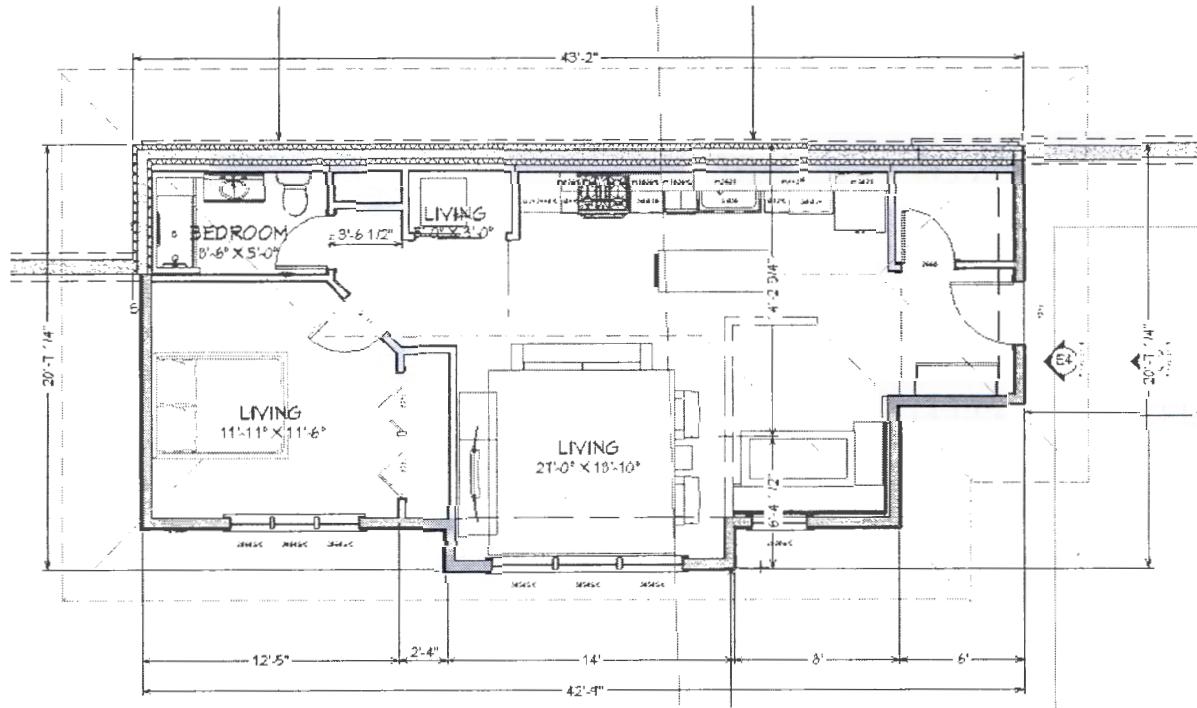


312 Eliason Loop – from the uphill road

The lot has a significant downhill slope. Our request for a variance is made in an effort to limit disturbance of the hillside as much as possible, reduce the retaining efforts needed and minimize the costs associated with constructing on a hillside. When building the ADU, the entirety of the cut along the width of our lot will need to have some type of retaining structure built to meet grading requirements and keep the hillside intact. We plan to construct the back wall of the ADU using Insulated Concrete Forms (ICF) to retain that portion of the slope and use rock walls built to ARC standards to retain the other portions of the slope. The further we have to build from the lower road, the higher the vertical retainage of the hillside must be. In addition, any increased distance that we can provide between structures will help to maintain the appearance of separate homes and with that the character of the neighborhood.

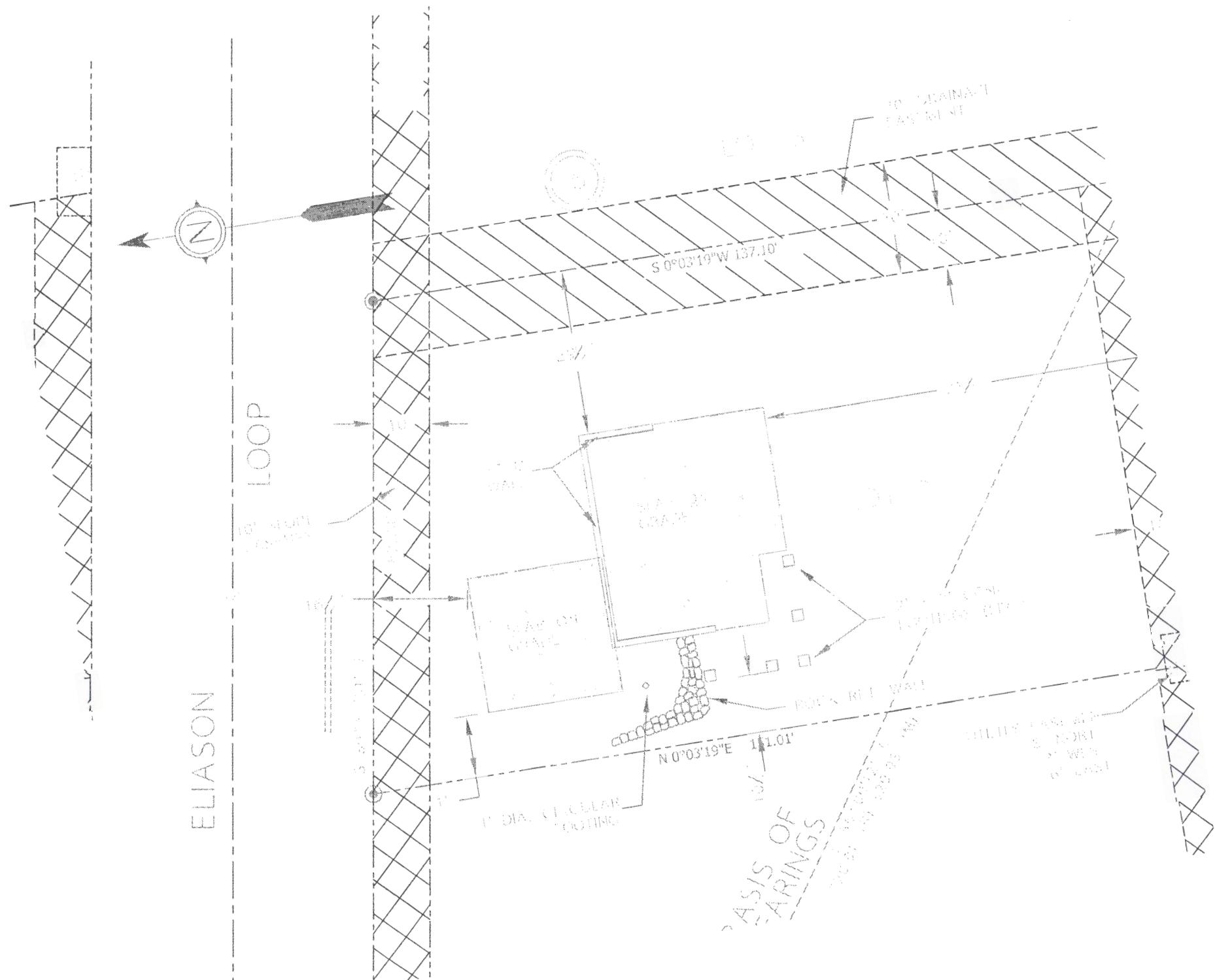


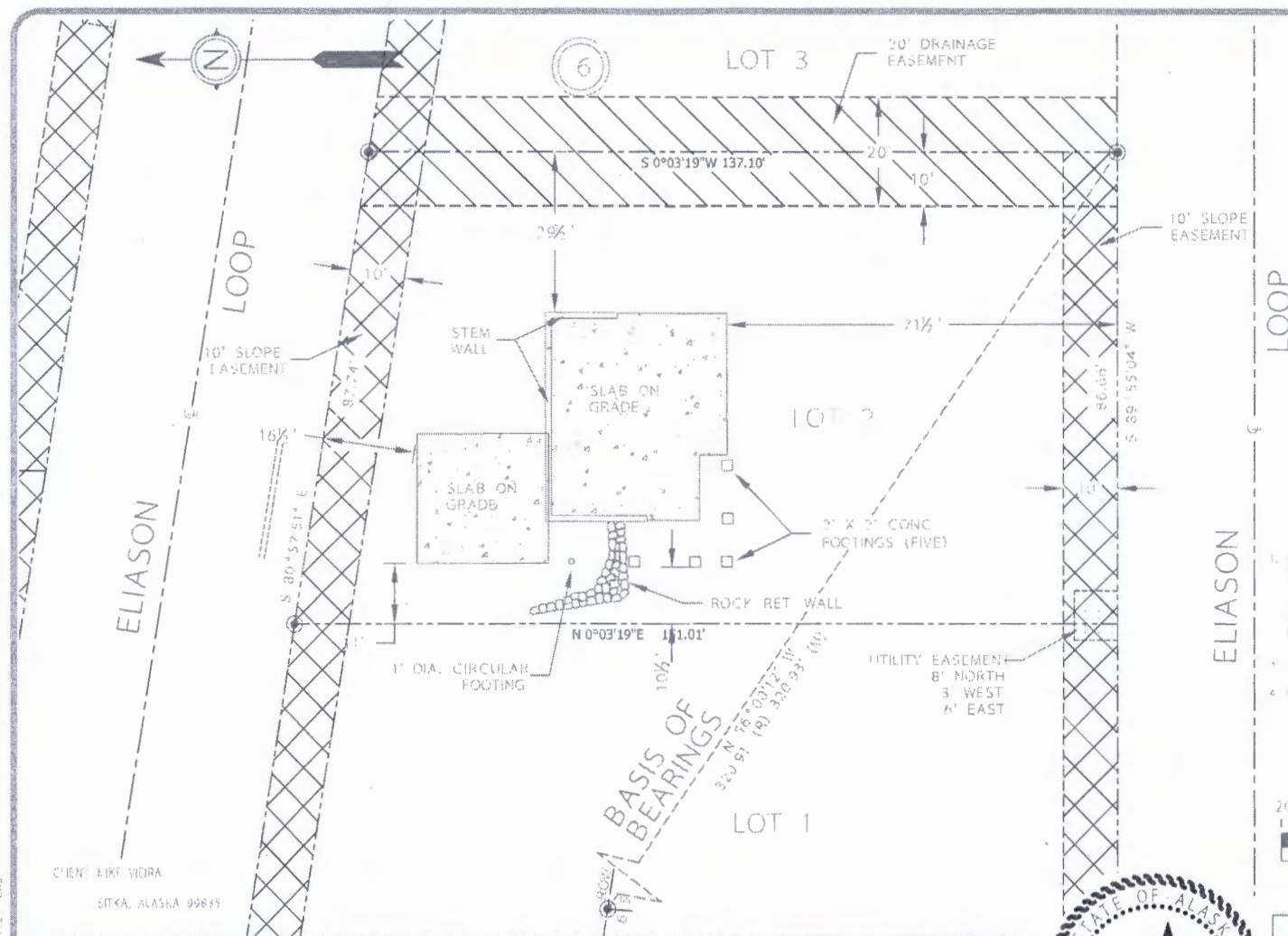
312 Eliason Loop – lower undeveloped portion of lot. Looking downhill from single family residence deck.



Proposed footprint of ADU – plan set has not been finalized, building permit has not been applied for at this point pending results of grading

The ADU is proposed to have an approximate footprint of 43' long by approximately 24' deep, including roof eaves. The floor plan above is a developing plan, please pay no attention room labels. We are working with a draftsperson to finalize the plan based on site prep developments and the outcome of this variance request. The ADU's driveway will be to the right of the building and will be approximately 25' x 20' providing parking space off road for two vehicles – please see attached proposed site plan.





## LEGEND

- PRIMARY BRASS CAP (RECOVERED)
- R BAR AND ALUMINUM CAP (RECOVERED)
- DATA
- COMPUTED DATA
- MEASURED DATA

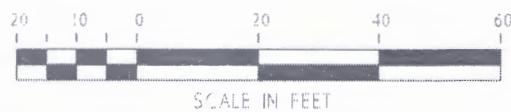
## PLAT NOTES

1. THE PLAT AND CLOSING ARE SHOWN ON A REHEarsed LINE, BOUND BY THE PROPERTY LINE TO THE IMPROVEMENT.

2. THE PLAT IS DRAWN IN ACCORDANCE WITH THE NATIONAL GEODYNAMIC STANDARD FOR BOUNDARY SURVEYS, AS ESTABLISHED BY THE ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS, AS OF 2001.

3. THIS PLAT IS NOT TO BE USED AS A PLAT, OR AS A SURVEY, UNLESS DIMENSIONS ARE SHOWN ON THE PLAT.

4. PROPERTY AND UTILITIES, IF ANY, ARE NOT SHOWN ON THIS PLAT.



O'NEILL

SURVEYING AND ENGINEERING  
PO BOX 1849 SITKA, ALASKA 99835  
FOUNDATION  
AS - BUILT SURVEY  
LOT 2, BLOCK 6,  
HILLSIDE SUBDIVISION



# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
GENERAL APPLICATION FORM

1. Request projects at least TWENTY-ONE (21) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

**APPLICATION FOR:**  VARIANCE  CONDITIONAL USE  
 ZONING AMENDMENT  PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Request of change of front set back  
from 20' to 12' for construction of ADU at 312 Ellason  
Loop.

#### PROPERTY INFORMATION:

CURRENT ZONING: R1 PROPOSED ZONING (if applicable): No Change

CURRENT LAND USE(S): \_\_\_\_\_ PROPOSED LAND USES (if changing): \_\_\_\_\_

#### APPLICANT INFORMATION:

PROPERTY OWNER: Michael & Taylor Vieira

PROPERTY OWNER ADDRESS: 312 Ellason Lp.

STREET ADDRESS OF PROPERTY: 312 Ellason Lp.

APPLICANT'S NAME: Michael & Taylor Vieira

MAILING ADDRESS: 312 Ellason Lp.

EMAIL ADDRESS: Vieira.miko@gmail.com DAYTIME PHONE: 738-2285

#### PROPERTY LEGAL DESCRIPTION:

TAX ID: \_\_\_\_\_ LOT: 2 BLOCK: 70 TRACT: \_\_\_\_\_

SUBDIVISION: Hillside US SURVEY: \_\_\_\_\_

#### OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEES		PARKING PLAN	

Parcel ID: 30645001  
CHARLTON CAPITAL MANAGEMENT  
CHARLTON CAPITAL MANAGEMENT  
4307 E. SOUTH SHORE DR, SOUTH  
ERIE PA 16511

Parcel ID: 30646003  
ANDREW/KATHRYN EGGEN  
EGGEN, ANDREW/KATHRYN  
105 KIKSADI CT  
SITKA AK 99835

Parcel ID: 30646004  
JAMES/PAMELA MOORE LIVING  
TRUST  
MOORE, PAMELA & JAMES  
P.O. BOX 770  
HAINES AK 99827-0770

Parcel ID: 30646005  
DAVID/KATHERINE INGALLINERA  
INGALLINERA, DAVID, J./KATHERINE,  
L.  
108 KIKSADI CT  
SITKA AK 99835

Parcel ID: 30647010  
JACOB/KATELYN YLITALO  
YLITALO, JACOB & KATELYN  
403 LOUISE CT  
SITKA AK 99835

Parcel ID: 30647013  
JOHN/JENNIFER DAVIS  
DAVIS, JOHN/JENNIFER  
336 ELIASON LOOP  
SITKA AK 99835

Parcel ID: 30647015  
WILLIAM/CAROL HUGHES  
HUGHES, WILLIAM, A./CAROL, A.  
332 ELIASON LOOP  
SITKA AK 99835

Parcel ID: 30647016  
WINGERT DEVELOPMENT, INC.  
WINGERT DEVELOPMENT, INC.  
4810 PT FOSDICK DR NW, PMB 20  
GIG HARBOR WA 98335

Parcel ID: 30647017  
ERNEST/PAULA SCOTT  
SCOTT, ERNEST/PAULA  
7395 ROUNDUP LANE NW  
SILVERDALE WA 98383

Parcel ID: 30647018  
KRISTOPHER/ERICA PEARSON  
PEARSON, KRISTOPHER/ERICA  
P.O. BOX 2421  
SITKA AK 99835-2421

Parcel ID: 30647021  
BRENT/KARIN CUNNINGHAM  
CUNNINGHAM, BRENT/KARIN  
337 ELIASON LOOP  
SITKA AK 99835

Parcel ID: 30647022  
BLAKE HAGEMAN  
HAGEMAN, BLAKE  
P.O. BOX 588  
SITKA AK 99835-0338

Parcel ID: 30647023  
DUSTIN WARD  
WARD, DUSTIN  
P.O. BOX 2165  
SITKA AK 99835-2165

Parcel ID: 30647024  
WINGERT DEVELOPMENT, INC.  
WINGERT DEVELOPMENT, INC.  
4810 PT FOSDICK DR NW, PMB 20  
GIG HARBOR WA 98335

Parcel ID: 30647025  
WINGERT DEVELOPMENT, INC.  
WINGERT DEVELOPMENT, INC.  
4810 PT FOSDICK DR NW, PMB 20  
GIG HARBOR WA 98335

Parcel ID: 30647026  
WINGERT DEVELOPMENT, INC.  
WINGERT DEVELOPMENT, INC.  
4810 PT FOSDICK DR NW, PMB 20  
GIG HARBOR WA 98335

Parcel ID: 30647027  
WINGERT DEVELOPMENT, INC.  
WINGERT DEVELOPMENT, INC.  
4810 PT FOSDICK DR NW, PMB 20  
GIG HARBOR WA 98335

Parcel ID: 30647028  
CHARLTON CAPITAL MANAGEMENT,  
L.P.  
CHARLTON CAPITAL MANAGEMENT,  
L.P.  
4307 E. SOUTH SHORE DR  
ERIE PA 16511

Parcel ID: 30647029  
MIKE/TAYLOR VIEIRA  
VIEIRA, MIKE & TAYLOR  
312 ELIASON LOOP  
SITKA AK 99835

Parcel ID: 30647030  
DAVID/KELLEY TRINCHERO  
TRINCHERO, DAVID & KELLEY  
P.O. BOX 177  
ROSEBURG OR 97470-0177

Parcel ID: 30647031  
DAVID/KELLEY TRINCHERO  
TRINCHERO, DAVID & KELLEY  
P.O. BOX 177  
ROSEBURG OR 97470-0177

Parcel ID: 30647032  
DAVID/KELLEY TRINCHERO  
TRINCHERO, DAVID & KELLEY  
P.O. BOX 177  
ROSEBURG OR 97470-0177

Parcel ID: 30647035  
HAL/CARRIE SPACKMAN  
SPACKMAN, HAL & CARRIE  
P.O. BOX 874  
SITKA AK 99835-0874

Parcel ID: 30647036  
MANDIE SMITH  
SMITH, MANDIE, L.  
315 ELIASON LOOP  
SITKA AK 99835

Parcel ID: 30647110  
PATRICK/TAMARA O'NEILL  
O'NEILL, PATRICK/TAMARA  
2309 MERCANSEIR DR  
SITKA AK 99835

Parcel ID: 30647111  
JERROD GALANIN  
GALANIN, JERROD, M.  
P.O. BOX 1804  
SITKA AK 99835-1804

Parcel ID: 30647140  
AMY NELSON  
NELSON, AMY  
334 ELIASON LOOP  
SITKA AK 99835

Parcel ID: 30647141  
MARY MILLER  
MILLER, MARY, A.  
P.O. BOX 864  
SITKA AK 99835-0864

Parcel ID: 30647330  
DAVID/PJ FORD RUPP/SLACK  
RUPP, DAVID & SLACK, PJ  
P.O. BOX 6281  
SITKA AK 99835-6281

Parcel ID: 30647331  
CLAYTON/LARISSA NELLIS  
NELLIS, CLAYTON/LARISSA  
602 VERSA PLACE  
SITKA AK 99835

Parcel ID: 30647341  
BENJAMIN/EMILY CLARK  
CLARK, BENJAMIN & EMILY  
309 ELIASON LP  
SITKA AK 99835

Parcel ID: 30647342  
SEIMEEN BLANCO  
BLANCO, SEIMEEN, J.  
P.O. BOX 541  
SITKA AK 99835-0541

Parcel ID: 30648001  
JAMES PENROSE  
PENROSE, JAMES, M.  
110-A CHIRIKOV ST  
SITKA AK 99835

Parcel ID: 30648002  
JAMES PENROSE  
PENROSE, JAMES, M.  
110-A CHIRIKOV ST.  
SITKA AK 99835

Parcel ID: 30648003  
JON/AMANDA MARTIN/GREARSON  
MARTIN, JON & GREARSON, AMANDA  
325-B CASCADE ST  
SITKA AK 99835

Parcel ID: 30648004  
WINGERT DEVELOPMENT, INC  
WINGERT DEVELOPMENT, INC.  
4810 PT FOSDICK DR NW, PMB 20  
GIG HARBOR WA 98335

Parcel ID: 30648005  
JAMES/DIANNE DUNNAVANT  
DUNNAVANT, JAMES, J./DIANNE, M.  
P.O. BOX 945  
SITKA AK 99835-0945

Parcel ID: 30649000  
DEANNA SMITH  
JOHNSON (SMITH), DEANNA  
1196 37TH ST.  
SPRINGFIELD OR 97478

Parcel ID: 30670005  
MARTY/ELIZABETH MARTIN  
REVOCABLE TRUST  
MARTIN TRUST, MARTY,  
J/ELIZABETH, A.  
P.O. BOX 437  
SITKA AK 99835-0437

Parcel ID: 30670006  
RODRIGO/CAROLIN RACAZA  
RACAZA, RODRIGO, B./CAROLINE, R.  
132 WOLFF DR.  
SITKA AK 99835

Parcel ID: 30670007  
DARYL/NATHALIE RICE  
RICE, DARYL, D./NATHALIE, P.  
P.O. BOX 1775  
SITKA AK 99835-1775

Parcel ID: 30670008  
ROLAND MEARS  
MEARS, ROLAND, R., III  
126 WOLFF DR.  
SITKA AK 99835

Parcel ID: 30670009  
JARED HAZEL  
HAZEL, JARED  
124 WOLFF DR  
SITKA AK 99835

Parcel ID: 30670010  
PATRICIA HOWSE  
HOWSE, PATRICIA, A.  
10650 SE BULL RUN RD  
SANDY OR 97055

Parcel ID: 30670011  
ERIC MORISKY  
MORISKY, ERIC, J.  
120-B WOLF DR  
SITKA AK 99835

Parcel ID: 30670012  
GREGORY BLANKENSHIP  
BLANKENSHIP, GREGORY, V.  
P.O. BOX 2393  
SITKA AK 99835-2393

Parcel ID: 30671001  
MICHAEL/ELLEN BAGLEY  
BAGLEY, MICHAEL, L./ELLEN, C.  
P.O. BOX 94  
SITKA AK 99835-0094

Parcel ID: 30671006  
SANDRA BEARE-SPENCER  
BEARE-SPENCER, SANDRA  
P.O. BOX 95  
SITKA AK 99835-0095

Parcel ID: 30703000  
SUSAN WARNER  
WARNER, SUSAN, H.  
411 7TH ST  
JUNEAU AK 99801

P&Z Mailing  
January 6, 2017

## INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 12/27/16To: Mike Vieira

**PAID**  
DEC 27 2016  
CITY & BOROUGH OF SITKA

ACCOUNT # 100-300-320-3201.002  
PLANNING & ZONING

Variance.....	<u>75.00</u>
Conditional Use Permit.....	<u>100.00</u>
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	<u>8.75</u>
TOTAL.....	<u>183.75</u>

Thank you

CC

A  
L  
A  
S  
K  
A

**2010-001786-0**

Recording Dist: 103 - Sitka  
12/30/2010 11:50 AM Pages: 1 of 2



File for Record at Request of:  
**First American Title Insurance Company**

AFTER RECORDING MAIL TO:

Name: Mike and Taylor Vieira

Address: 312 Eliason Loop

Sitka, AK 99835

File No.: 0241-1670786 (JRN)

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### **STATUTORY WARRANTY DEED**

THE GRANTOR, **Alaska Pacific Bank**, whose mailing address is **2094 Jordan Avenue, Juneau, AK 99801**, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **Mike Vieira and Taylor Vieira, husband and wife**, residing at **311 Eliason Loop, Sitka, AK 99835**, the following described real estate, situated in the **Sitka Recording District, First Judicial District, State of Alaska**:

**Lot 2, Block 6, HILLSIDE SUBDIVISION, according to Plat 2006-11 , Records of the Sitka Recording District, First Judicial District, State of Alaska.**

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: December 28th, 2010.

Alaska Pacific Bank

A handwritten signature of "Tammi Whistler" is written over a horizontal line.

By: Tammi Whistler, Vice  
President/Loan Services Manager

0241-1670786 (JRN)

### Statutory Warranty Deed-continued

December 23, 2010

STATE OF Alaska )  
First Judicial District ) SS.

THIS IS TO CERTIFY that on this December 28, 2010, before me the undersigned Notary Public, personally appeared **Tammi Whistler, Vice President/Loan Services Manager**, known to me and to me known to be the **Alaska Pacific Bank** of the corporation that executed the within instrument, and known to me to be the person who executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same pursuant to its by-laws or a resolution of its Board of Directors.

WITNESS my hand and official seal.

Julia R Hays  
Notary Public in and for Alaska  
My commission expires 2/25/14

