



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator 

From: Amy Ainslie, Planning & Community Development Director 

Date: September 21, 2022

Subject: Appeal of V 22-14

Background

On August 3, 2022, the Planning Commission heard case file V 22-14, a request to reduce the front setback from 14' to 0' at 1415 Davidoff Street ("subject property"). The applicant is Sam Smith ("applicant"), and Hardrock Construction, LLC is the owner of record. The specifics of the proposal can be found in the Planning Commission packet materials enclosed. Staff recommended approval of the request, and the commission voted 5-0 to approve the request.

Larry Calvin, represented by his family Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard, is an adjacent property owner with lots on the opposite side of Davidoff Street from the subject property. The primary bases of the Calvin's ("the appellant") objections are:

1. The setback reduction increases the allowable height of the structure based on the view from "street level" which will adversely impact their property.
2. The plans submitted with the request were insufficiently detailed.
3. The variance was granted solely to relieve financial hardship or inconvenience.

Analysis

1. Building Height: The appellant's comments regarding building height were read during the public testimony portion of the Planning Commission's hearing. The applicant responded that regardless of the setback reduction, there may be some element of view impact given that the subject property has been vacant. There was no further comment on this point by Commissioners.

Staff comment: If there is an impact on view sheds, this generally will factor into

staff's analysis of a proposal. However, these comments were not elucidated in the staff report for these reasons:

- The zoning code calculation for calculating maximum building height is based on the average finished grade on which the building sits. As the applicant's development plans are dependent on the variance decision, a final grading plan from which to calculate maximum height is not yet completed; this sequence in development planning is not uncommon. Further, the setback reduction does not necessarily impact building height from street level, as the applicant could add fill in the lot to bring up the finished grade irrespective of the setback line/reduction.
- Prior to the Planning Commission hearing, staff asked if the appellants could provide photos of their view shed from Mr. Calvin's home to help demonstrate a negative impact on view; it was then clarified that no existing view sheds would be impacted, but rather the potential views from the appellant's vacant lots fronting Davidoff Street could be impacted. Without a tangible impact to report on or analyze, staff did not feel this was an impact that could be appropriately weighed in the staff report.

2. Plan Detail: There was discussion amongst Commissioners regarding the plans submitted, and it was noted that there was not a complete topographic map of the entire lot. There was also discussion on the level of detail for the house plans, as there was some confusion regarding the size of the proposed structure. Staff clarified for Commissioners that while the plans were general at this stage, any significant deviations would require additional Commission review. Ultimately, the Commission felt that the applicant's professional expertise and consultation with a geotechnical engineer, the available plans and photos depicting the site conditions, and the opportunity to re-review the proposal if significant changes were made to the plans provided enough information and assurance to approve the request.

Staff comment: While a topographical map of the entire lot was not provided, the site plan did depict topographic lines at the front of the lot where building would take place. Photos of the lot and surrounding area were also provided to help Commissioners visualize the site conditions.

3. Basis of Decision: The appellant is correct that Alaska Statute does prohibit the granting of a variance solely to relieve financial hardship or inconvenience. Commissioner discussion of the decision included safety considerations for landslide potential, the challenging nature of the lot, and previous precedent set for 0' setbacks along this undeveloped portion of Davidoff Street.

Staff comment: A required finding in the zoning code for variance requests is that *"there are special circumstances to the intended use that do not apply generally to other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels...."*. There is long-standing precedent for variances to be granted on parcels with challenging

slopes/topography. Further, all required findings were adopted and approved. The applicant also clarified that the basis of his request was not solely financial given the safety/slope stability considerations.

Recommendation

First, the chair of the board should set time limits for presentations (staff and appellant) and for rebuttal (staff and appellant). If other members of the board would like to challenge the time limits, a motion should be made specifying the desired time limits, and if it passes, the time limits specified in the motion will be used.

The recommended process for this hearing is outlined in SGC 22.30.180:

1. Staff presentation. Members of the hearing body may ask questions.
2. Applicant presentation. Members of the hearing body may ask questions.
3. Testimony or comments by the public germane to the matter. Questions directed to staff or the applicant shall be posed by the chair at its discretion.
4. Rebuttal, response or clarifying statements by the staff and the applicant.
5. Evidentiary portion of the hearing closed.
6. Board deliberation and decision.

Per SGC 22.30.170, the Assembly must take one of the following actions:

- Grant the appeal in whole or in part (overturning the variance):

“I move to grant the appeal filed by Larry Calvin, Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard of the Planning Commission’s decision made August 3, 2022, regarding case file V 22-14, a request to reduce the front setback from 14’ to 0’ at 1415 Davidoff Street as filed by Sam Smith.”

- Deny appeal in whole or in part (upholding the variance):

“I move to deny the appeal filed by Larry Calvin, Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard of the Planning Commission’s decision made August 3, 2022, regarding case file V 22-14, a request to reduce the front setback from 14’ to 0’ at 1415 Davidoff Street as filed by Sam Smith.”

- Remand for further proceedings:

“I move to remand this matter back to the Planning Commission with additional considerations made for: _____.”

Encl: Appellant Materials
Planning Commission Minutes & Packet



VI. REPORTS

VII. THE EVENING BUSINESS

B [VAR 22-14](#)

Public hearing and consideration of a variance to reduce the front setback from 14' to 0' at 1415 Davidoff Street in the R-1 single family and duplex residential district. 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.

Staff report: Ainslie introduced the variance to reduce the front setback from 14 feet to 0 feet at 1415 Davidoff Street. The lot was currently undeveloped and was located along the undeveloped portion of the Davidoff Street right-of-way (ROW). The section of the ROW had very dense vegetation and uneven topography even for pedestrian use. The ROW was platted as 60 feet wide. The applicant would like to construct a single-family home on the property. The property had landslide history and steep topography particularly towards the rear of the lot. The applicant had completed study work to determine the best path forward and had concluded keeping the structure towards the front of the lot was the best and safest option to complete construction. The site plan shows the proposed boundary line adjustment from the Sitka Community Land Trust subdivision; the ceded portion to 1415 Davidoff provided another 50 feet of frontage along Davidoff Street, which created a larger setback to the common property line with 1417 Davidoff. It also allowed for more off-street parking on the property. The variance itself would not increase traffic, density, or other impacts beyond regular residential use under the R-1 zone. It was in line with the comprehensive plan objectives on housing development and the topography challenges qualified as special circumstance warranting a variance. Staff recommended approval. Alderson asked staff about the current owner of the portion from the Sitka Community Land Trust Subdivision. Staff responded the SCLT currently owned the portion, and the new boundary line would be recorded on the final plat for the subdivision.

The applicant Sam Smith was present. He stated to keep the project safe and affordable, he would like to move the house forward towards Davidoff Street and away from the steep hillside. The hillside had been reviewed by a local engineer, who suggested that moving the house closer to Davidoff Street was the best option for constructability. A mitigation study had been done by R&M engineering and provided options to help mitigate possible landslide risk. A local engineer who was assisting with the design had been adamant that the applicant drill into rock and not build on ash. Drilling rebar into the bedrock and adding a retaining wall would shore up the hillside. The footprint of the house was roughly 35 feet by 50 feet. The footprint included the cantilever floor portion out from the foundation using steel beams. Smith stated it was possible to build without a variance, but the house would be wider and not as deep. He was asking for the consideration with the understanding Davidoff Street was considered a dead-end. The height of the building was limited to 35 feet per the zoning code. Smith also stated he believed other developments nearby had been granted the 0' variance by the Commission and would like that to be considered.

Public comment: Eric Calvin, representing his father Larry Calvin, disagreed with the findings of the area not being developed. E. Calvin stated the properties across the street would be developed in the future. If granted the variance would create a parking problem. He asked that the variance application be denied.

Ainslie read a letter objecting to the variance from Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard on behalf of Larry Calvin (Calvin). Calvin owned four neighboring properties; 210 and 214 Neva Street, 1410 Davidoff Street, and 1409 Edgcumbe Drive. The letter asserted that if granted, the variance would have a detrimental effect on their surrounding properties and public safety in the area. They also felt that the variance was not warranted because the issues regarding the topography and buildability of the lot could be addressed with enough time and financial resources, and that variances may not be granted solely to relieve financial hardship or inconvenience. The detrimental effect to Calvin's property included a greater view obstruction as the structure would be built on a higher elevation as a result of the variance. Public safety considerations included soil disturbance and long-term erosion in an already unstable landslide zone.

Ainslie read a letter from Beverly Caldwell. Caldwell resided at 1503 Halibut Point Road. She stated she had concerns about potential landslides happening between 1511 and 1417 Halibut Point Road, particularly due to trees on the hillside that could uproot.

Smith responded to public comment. Understands the concerns but even without the variance he would be able to build a house on the property. Without the variance he would have to make the house wider which would probably block the view more. He stated landslides in the area were caused by the way the lots in the area were developed. He would be de-loading the lot by pulling trees and stumps to make the hillside stable for building. Geotechnical engineers have assessed the hillside and provided ways to make it safer. He believes even without the variance view blocking would occur.

Commission discussion: Windsor stated he felt the 0-foot variance would be safer for preventing landslides, and there was a precedent with the Sitka Community Land Trust property below being granting a 0-foot setback for those properties that abutted the undeveloped portion of Davidoff Street, but he understood the neighbors point of view. Riley was unsure given that there could be alternate building plans made, and reinforced that variances were not granted solely due to inconvenience. Alderson had questions and concerns regarding how the building plans could change after the variance was granted, but generally understood why it made sense to build that close to Davidoff Street. Alderson also felt that with the additional 32 feet on the side adjacent to 1417 Davidoff, and a two-car garage there seemed to be enough parking. Ainslie clarified the building plans submitted under a building permit would need to be consistent with those submitted in the variance application, and if plans changed too much then it would come back to the commission for reconsideration. Spivey stated the footprint had to stay the same, but the building design was able to change. Ainslie reminded Commissioners they could add conditions if necessary. Spivey believed that the development of this portion of the right-of-way undertaken by the applicant would ultimately be a benefit to the property owners across the street. Spivey stated he did not see a reason for denial, and they have set precedent of approving 0-foot setbacks to this portion of the Davidoff Street right-of-way in the past.

M/Mudry-S/Windsor moved to approve the zoning variance for a reduction to the front setback to 0' at 1415 Davidoff Street in the R-1 single family and

duplex residential district subject to the attached conditions of approval. The property was also known as Lot 3, Clyde Franks Subdivision. The request was filed by Sam Smith. The owner of record was Hard Rock Construction, LLC. Motion passed 5-0 by voice vote.

M/Mudry-S/Windsor moved to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report. Motion passed 5-0 by voice vote.

█ █

█

█

█

█



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.

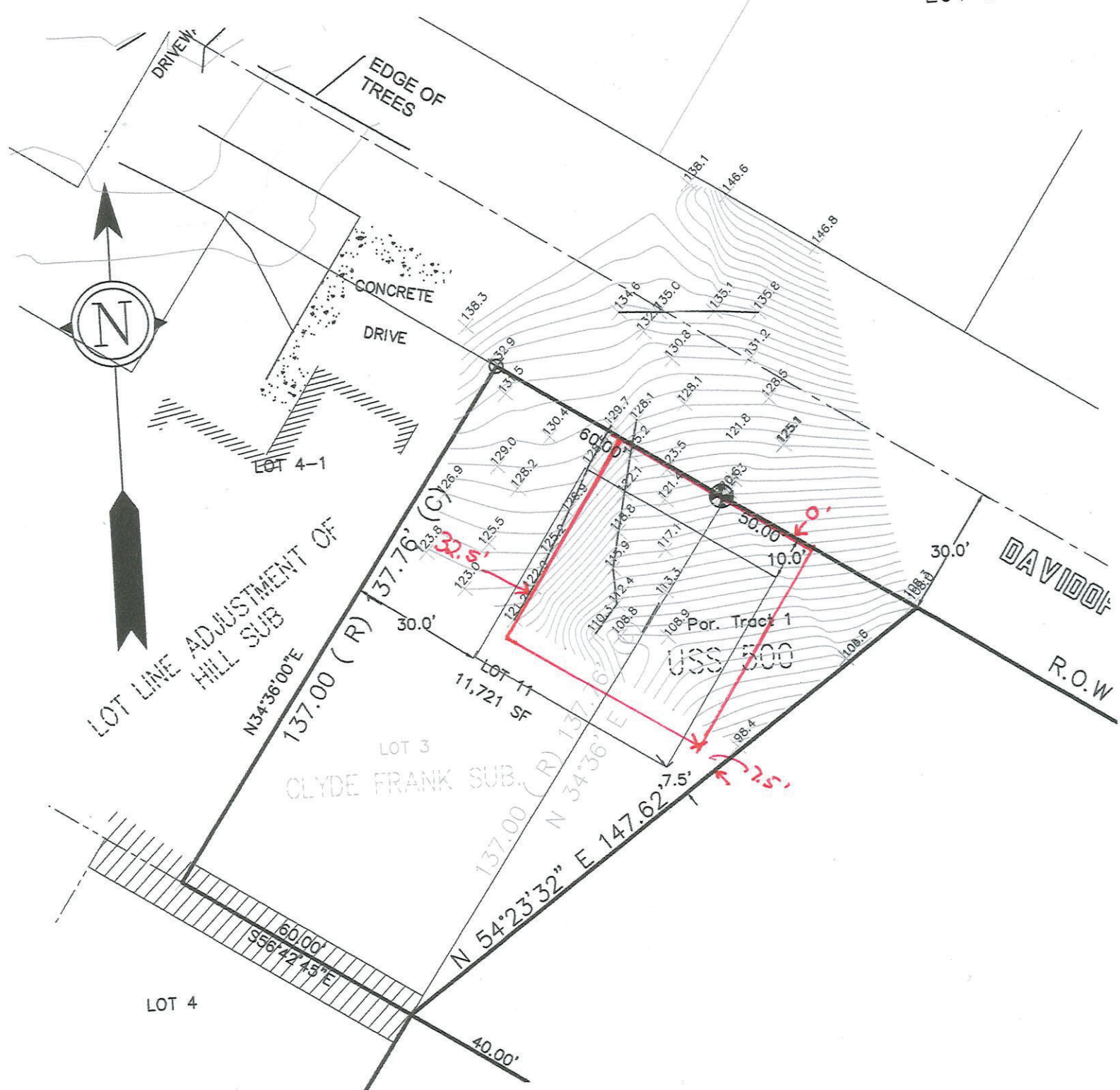
2) I move to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report.

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



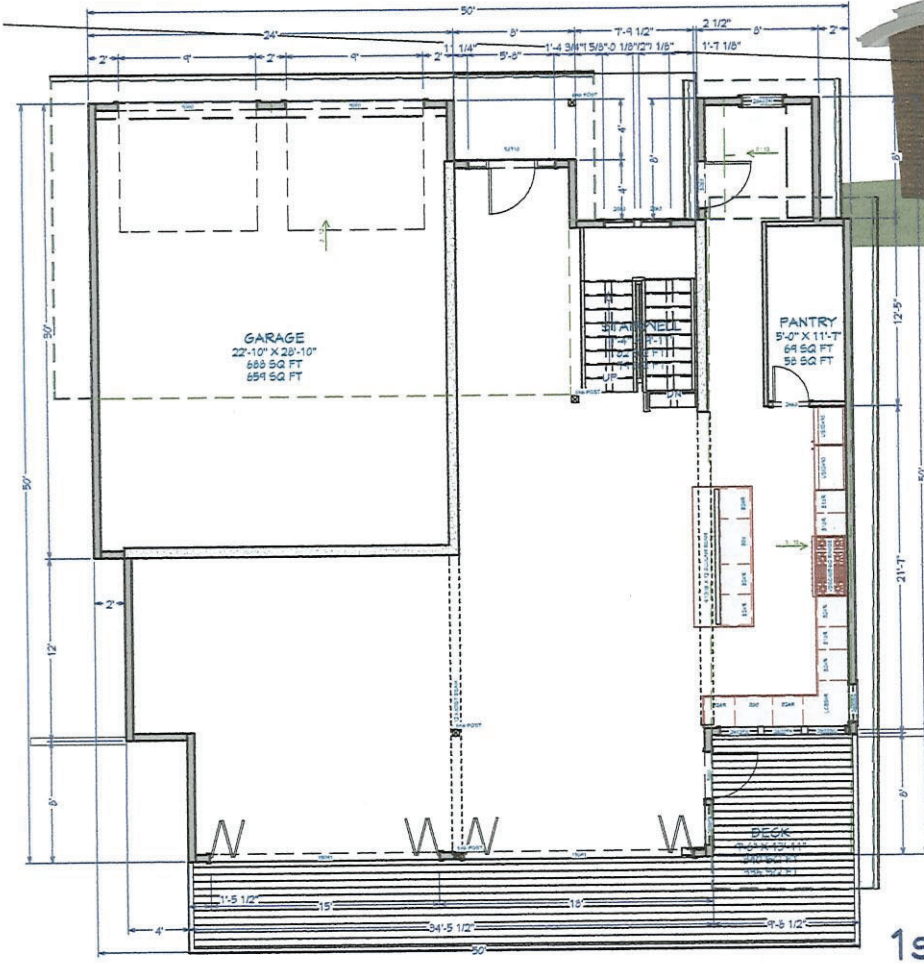


1415 DAVIDOFF ST.

7/18/22



REVISION TABLE		
NUMBER	DATE	DESCRIPTION



DRAWINGS PROVIDED BY:
Jill Hlrai

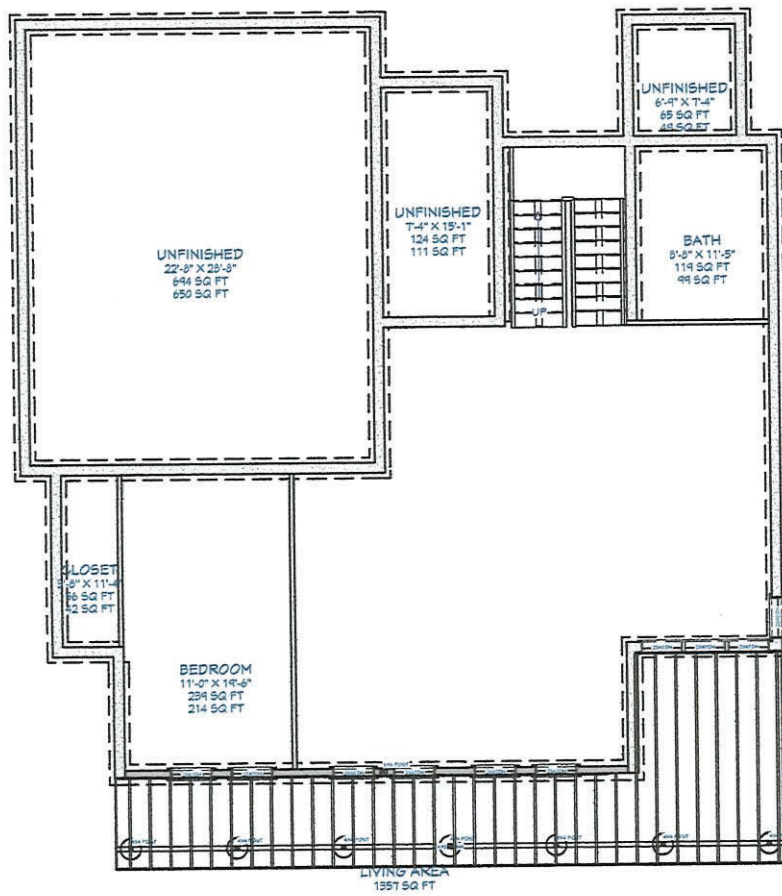
DATE:

6/19/22

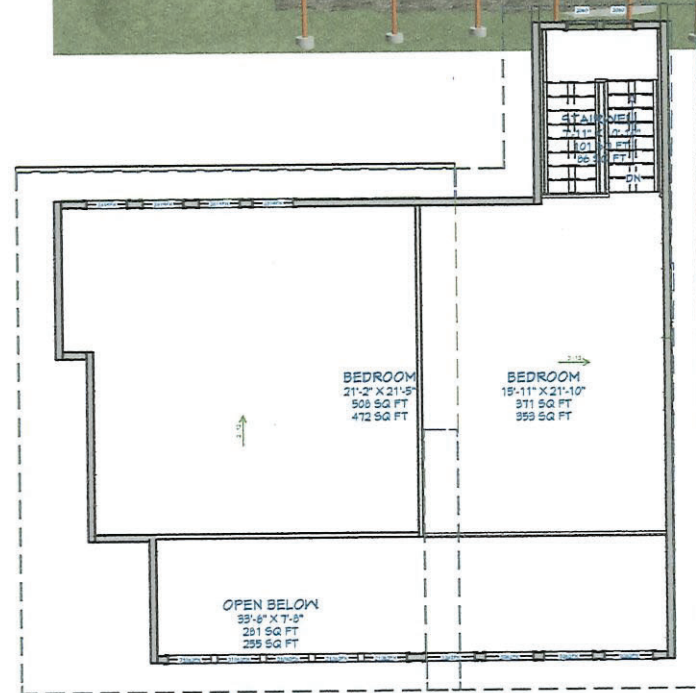
SCALE:

SHEET:

1



Foundation



2nd Floor



REVISION TABLE	REVISION NO.	DESCRIPTION

DRAWINGS PROVIDED BY:
Jill Hirai

DATE:

6/19/22

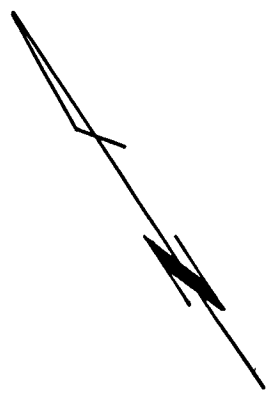
SCALE:

SHEET:

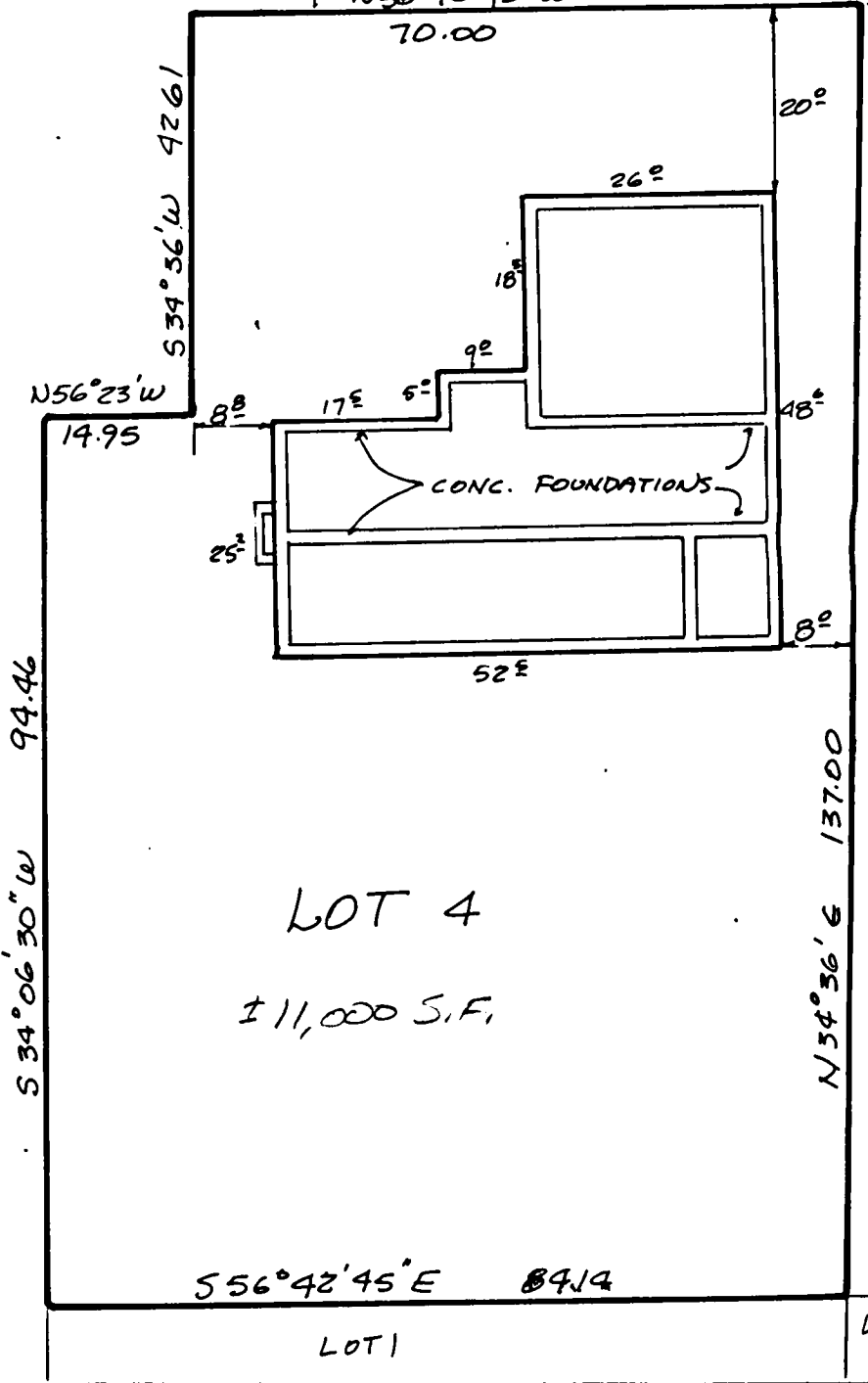
2

FRANKS 7857
 N56°42'45" W

DAVIDOFF ST.



NEVA ST.



LOT 3

LOT 2



I hereby certify that I have inspected the following described property: Lot 4 Clyde Franks Subdivision, Sitka Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property adjacent thereto, that no improvements on the property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or other visible easements on said property, except as noted hereon. It is the owner's responsibility to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data shown hereon be used for construction or for establishing boundary or fence lines. Dated at Sitka, Alaska this 4 day of JUNE 1990.
Noel F. Stragier, Surveyor

AS-BUILT PLOT PLAN
 LOT 4
 Clyde Franks Subdivision

STRAGIER ENGINEERING SERVICES, INC.
 504 DeGroat St.
 SITKA, ALASKA 99835
 (907) 747-5833

AS-BUILT PLOT PLAN
 Scale 1" = 20'
 Job No. 1293
 Date 6.4.90
 Field Book 84-68

PREPARED FOR:
 MR. ED VENNEBERG
 1114 EDGE CUMBE DR
 SITKA, ALASKA 99835









CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:

VARIANCE

CONDITIONAL USE

ZONING AMENDMENT

PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: SAM SMITH IS REQUESTING THE FRONT SET BACK BE
CHANGED FROM 14' TO 0'. DUE TO THE CHALLENGING TILTING OF THE PROPERTY MOVING
THE HOUSE TOWARDS DAVIDOFF WOULD MAKE CONSTRUCTION STRAIGHT AND MORE
AFFORDABLE.

PROPERTY INFORMATION:

CURRENT ZONING: ? PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): RESIDENTIAL PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: SAM SMITH / GRAN ROCK CONSTRUCTION, LLC

PROPERTY OWNER ADDRESS: PO BOX 1451 SITKA, AK 99835

STREET ADDRESS OF PROPERTY: 1415 DAVIDOFF ST.

APPLICANT'S NAME: SAM SMITH

MAILING ADDRESS: PO BOX 1451 SITKA, AK 99835

EMAIL ADDRESS: GRANROCK@HOTMAIL.COM DAYTIME PHONE: (907) 738-7882

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- Completed General Application form
- Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- Site Plan showing all existing and proposed structures with dimensions and location of utilities
- Floor Plan for all structures and showing use of those structures
- Proof of filing fee payment
- Other: _____

For Marijuana Enterprise Conditional Use Permits Only:

- AMCO Application

For Short-Term Rentals and B&Bs:

- Renter Informational Handout (directions to rental, garbage instructions, etc.)

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.



Owner _____

7/29/22
Date _____

Owner _____

Date _____

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

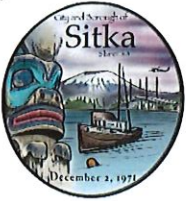
Applicant (If different than owner) _____

Date _____

Last Name

Date Submitted

Project Address



CITY AND BOROUGH OF SITKA
 PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 SUPPLEMENTAL APPLICATION FORM
 VARIANCE

APPLICATION FOR

- ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
- ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
- PLATTING VARIANCE – WHEN SUBDIVIDING

RATIONALE - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

DUE TO THE CHALLENGING TERRAIN MOVING THE HOUSE TOWARDS DAVIDOFF ST. WOULD MAKE THE CONSTRUCTION OF THE HOUSE SAFER AND AFFORD ADL.

POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- **TRAFFIC** THERE WOULD BE MINIMAL IMPACT TO TRAFFIC AS DAVIDOFF ST. DEAD ENDS AT 1415 DAVIDOFF ST.
- **PARKING** THERE WOULD BE 4 PARKING SPOTS AT 1415 DAVIDOFF ST. 2 ON THE NORTH SIDE OF HOUSE AND 2 INSIDE GARAGE.
- **NOISE** NO IMPACT
- **PUBLIC HEALTH AND SAFETY** PUBLIC HEALTH AND SAFETY WOULD IMPROVE AS THE RISK FOR POTENTIAL LAND SLIDE IS MITIGATED FROM MOVING THE HOUSE TOWARDS DAVIDOFF.
- **HABITAT** NO IMPACT
- **PROPERTY VALUE/NEIGHBORHOOD HARMONY** NO IMPACT
- **COMPREHENSIVE PLAN** _____

REQUIRED FINDINGS (Choose ONE applicable type and explain how your project meets these criterion):

Major Zoning Variance (Sitka General Code 22.30.160(D)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. 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. **Explain the special circumstances:**

DUE TO THE ^{STEEP} TOPOGRAPHY OF THE PROPERTY I WOULD LIKE TO MOVE THE PROPOSED STRUCTURE AS CLOSE TO DAVIDOFF AS POSSIBLE. IT WILL MAKE CONSTRUCTION SAFER AND WILL HELP KEEP THE PROJECT AFFORDABLE.

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. **Explain the use/ enjoyment this variance enables:** _____

c. 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. **Initial Here** SOS

Minor Zoning Variance (Sitka General Code 22.30.160(D)2)

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

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. **My request should be considered a minor zoning variance because:** _____

b. The granting of the variance furthers an appropriate use of the property. **Explain the use or enjoyment this variance enables:** _____

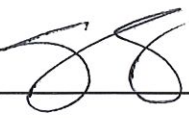
c. The granting of the variance is not injurious to nearby properties or improvements. **Initial Here** _____

Platting Variance (Sitka General Code 21.48.010)

a. A variance from the requirements of this title may be granted only if the planning commission finds that the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. Explain the conditions of the lot that warrant a variance: _____

b. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property. Initial Here _____

ANY ADDITIONAL COMMENTS _____



Applicant

7/18/22

Date

Amy Ainslie

From: Janet Keck Love <bjmelove@gci.net>
Sent: Wednesday, July 27, 2022 9:46 AM
To: Planning Department
Subject: Variance V22-14

Planning Commission and Staff,

We live at 1503 Davidoff two lots down from 1415 Davidoff where this reduction of setback is being requested. We feel this reduction of setback is an unwise move for our area. Between the the issues we face in the Davidoff neighborhood of steep grades and congestion, we believe the setbacks in place are necessary and should be enforced.

Sincerely,
Bob and Jan Love
1503 Davidoff St
Sitka, AK