



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 19-04
Proposal: Fence height exceeding 8'
Applicant: City and Borough of Sitka Electric Department
Owner: City and Borough of Sitka
Location: 401 Spruce Street, 207 Erler Street, and 400 Marine Street
Legal: Lots 10, 11, and 12 Hanlon Heights Subdivision
Zone: R-2 multifamily residential district
Size: 6,518 sf, 6,242 sf, 6,432 sf
Parcel ID: 1-3542-000, 1-3545-000, 1-3547-000
Existing Use: Electric Substation
Adjacent Use: Residential
Utilities: Existing
Access: Spruce Street, Erler Street, Marine Street

KEY POINTS AND CONCERNS

- The substation is located in an R-2 zone, which has a maximum fence height of 8'.
- Due to security reasons, the National Electric Code specifies fence height and presence of barbed wire for substations.
- Potential negative impacts to public health and safety, neighborhood harmony, and property values are minimal as substation and associated fencing are already in place at 207 Erler and 400 Marine Street. Fencing provides shielding/buffering for residential neighbors, and is in place to ensure public safety.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance.

BACKGROUND/PROJECT DESCRIPTION

The properties are located at 401 Spruce Street, 207 Erler Street, and 400 Marnie Street. The substation is undergoing expansion and improvement. 401 Spruce is mostly vacant – the plans include expansion on this lot and therefore fencing around it. The Electric Department is also taking this opportunity to do a replacement-in-kind of fencing for the rest of the facility.

The National Electric Code (NEC) specifies a fence height of at least 7 feet with additional barbwire above it, bringing fence height well over 8 feet per code. This is to ensure public safety by restricting access to the substation. Given the terrain of the lots, the fence needs to be built on top of retaining walls, which also increases the total height of the fence. The Electric Department plans to build a 10 foot high fence with an additional 1 foot section of barbwire, **bringing total fence height to 11 feet.**

As the height requirements are mandated by NEC codes, the terrain of the area requires retaining walls which add height to the fence measurements, and the additional height of the fence ensures public safety and adequate buffering for residential neighbors, staff recommends approval.

ANALYSIS

Fence height requirements

The Sitka General Code allows for a fence no greater than 8' without a variance.¹

22.08.370 Fence Height

“Fence height” means the vertical distance between the ground, either natural or filled, directly under the fence and the highest point of the fence. No fence shall exceed eight feet in height without a variance. Fences in the public and industrial zones may be no higher than twenty feet.

The substation is a public utility infrastructure that must be set in a residential area – otherwise it would likely be zoned as “Public” and allow for a 20' fence.

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 echoes this statement by stating that there must be “...*special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, 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*”. In this case, the public safety aspects of restricting access to an electric substation warrant “special circumstances that do not apply to other properties”, particularly given that it’s a public utility infrastructure that must be located in a residential zone, and would otherwise fall under “Public” zoning.

¹ SGC 22.08.370

Potential Impacts

The construction of the fencing will be an improvement to the area, providing a shielding and buffering effect for nearby residential neighbors. The fence will be similar to the fencing currently in place, chain link with solid screening. The neighborhood has become accustomed to the presence of the substation and the fencing – this is an extension of the status quo. Further, the height requirements as stated by the NEC are in place to restrict public access into the substation, which can be a hazardous environment for those who lack training or awareness of the equipment and potential hazards. Therefore, staff believes there are no potential adverse impacts to neighborhood harmony and public health and safety (the proposal actually benefits neighborhood harmony and public safety), and the proposal is consistent with the character of the neighborhood.

Comprehensive Plan Guidance

This proposal is consistent with one of the economic development actions in the Sitka Comprehensive Plan 2030; ED 5.3 “Maintain well-functioning infrastructure upon which commerce and economic activity depend” by maintaining/expanding electric utility infrastructure. The proposal also adds to the Comprehensive Plan’s goal to maintain attractive and harmonious neighborhoods by providing screening/buffering and public safety precautions.

Conclusion

Overall, the neighborhood would be minimally affected, if not improved, by this proposal as the fence is needed to meet public safety codes and also provide a screen and buffer of utility infrastructure for residential neighbors.

RECOMMENDATION

It is recommended that the Planning Commission move to approve the zoning variance subject to the attached conditions of approval.

ATTACHMENTS

Attachment A: Aerial

Attachment B: Site Plan

Attachment C: Plat

Attachment D: Applicant Materials

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Motions to Approve the Zoning Variance

- 1) I move to approve the zoning variance for a fence to exceed 8' in height at 401 Spruce Street, 207 Erler Street, and 400 Marine Street in the R-2 multifamily zoning district subject to attached conditions of approval. The properties are also known as Lots 10, 11 and 12, Hanlon Heights Subdivision. The request is filed by the City and Borough of Sitka Electric Department. The owner of record is the City and Borough of Sitka.
 - a. The fence shall be 11 total feet in height.
 - b. Construction 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.
- 2) I move to adopt the required findings for variances involving minor expansions, small structures, fences, and signs. Before any variance is granted, it shall be shown that²:
 - a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or expansions;
 - b. The granting of the variance is not injurious to nearby properties or improvements
 - c. The granting of the variance furthers an appropriate use of the property.

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