



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 25-01
Proposal: Variance to increase maximum height from 35' to 120' for communication tower
Applicant: Richard Peterson for Tlingit & Haida, Tidal Network
Owner: James Penrose
Location: 112 & 116 Nancy Court
Legal: Lots 1 and 2, Briggs Subdivision
Zone: R-1 - Single-Family/Duplex Residential District
Size: 27,210 and 23,810 square feet
Parcel ID: 3-0648-001 and 3-0648-002
Existing Use: Residential
Adjacent Use: Residential
Utilities: Nancy Court
Access: Nancy Court

KEY POINTS AND CONCERNS

- Sitka General Code sets a maximum allowable height in the R-1 district at 35'
- Increase maximum height from 35' to 120' for communication tower.
- Property proposed to be purchased by Tidal Network.
- Tower design will allow for future collocations by other providers, further increasing competitive telecommunication service.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Site Plan and Elevation View
Attachment D: Design
Attachment E: Photos
Attachment F: Applicant Materials
Attachment G: Public Comment

BACKGROUND/PROJECT DESCRIPTION

The request is to increase the maximum allowable height of principle structures from 35' to 120' in the R-1 single-family/duplex residential district at 112 and 116 Nancy Court for the placement of a communications tower. The proposal would allow the anchor tenant, Tidal Network, to provide adequate broadband coverage to the citizens of Sitka. The maximum height of a principal structure in the R-1 single-family/duplex residential district is 35'. The proposal for a 120' tower would allow for appropriate antenna height for optimized coverage.

The applicant has provided two different communication tower designs, a monopole tower and a self-support tower. The site plan depicts the communication tower on Lot 1 (116 Nancy Court) with proposed extension of the existing gravel access drive, retaining wall, filled building pad, wooden stairs, chain link fence and tree buffer. Lot 2 (112 Nancy Court) has no proposed structures and will be used as a buffer. Nancy Court is platted as a 20-foot municipal right-of-way but is not maintained by the city. The street is partially developed, served by municipal utilities, and there is a recorded access and utility maintenance agreement.

ANALYSIS

The Sitka General Code limits the maximum height of principal structures to 35' in the R-1 single-family/duplex residential district¹. The Code states that communications towers or antenna requests exceed the height limit require the granting of a variance².

Justification

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 applicant's ability to provide cellular and wireless coverage is dependent upon the height of the proposed structure and can therefore be considered a special circumstance that is unique to the proposed use.

Potential Impacts

Granting of this variance is likely to result in minimal impact to surrounding uses. The proposed site location is towards the northeast side of 116 Nancy Court. This is an undeveloped lot. Development of the site will attempt to preserve as many trees and other vegetation as possible to provide screening. The site will also be secured with fencing and a gate. The request to increase the

¹ SGC Table 22.20-1

² SGC 22.20.055

maximum height allowance to 120' can be justified by the allowance of requests made for communication towers at other locations. For comparison, the communication tower at 1000 Raptor Way is approximately 130'.

Comprehensive Plan Guidance

While the Comprehensive Plan does not specifically address telecommunications infrastructure, Comprehensive Plan support for this proposal can be found in actions ED 5.3 to “maintain well-functioning infrastructure upon which commerce and economic activity depend”, ED 5.4 “advocate for faster, more reliable cell and internet services” and LU 8.2 to “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.” Granting of this variance would increase Sitka’s cross-network telecommunications coverage, which would benefit both commercial and personal use of cellular and wireless infrastructure.

RECOMMENDATION

Staff recommends approval of the height variance at 112 and 116 Nancy Court.

MOTIONS TO APPROVE THE ZONING VARIANCE

1. **“I move to approve the zoning variance for increased height of an communications tower at 112 and 116 Nancy Court in the R-1 - Single-Family/Duplex Residential District. The property is also known as Lots 1 and 2, Briggs Subdivision. The request is filed by Richard Peterson for Tlingit & Haida, Tidal Network. The owner of record is James Penrose.”**
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; *in this case the applicant’s ability to provide cellular and wireless coverage is dependent upon the height of the proposed structure and can therefore be considered a special circumstance that is unique to the proposed use.*

² Section 22.10.160(D)(1)—Required Findings for Major Variances

- 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; *the variance will allow the applicant to more effectively meet broadband coverage goals for Sitka, as the project is otherwise permitted by right. The variance will allow for adequate broadband connectivity to all surrounding areas and is in line with existing variances applying to properties that house cellular towers elsewhere within the city.*
- 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; *the proposed structure will have minimal impact on existing infrastructure as it is unmanned, thus not creating additional traffic or other wear and tear on public utilities.*
- d. That the granting of such a variance will not adversely affect the comprehensive plan; *conversely, the proposal supports the Comprehensive Plan, specifically, ED 5.3 to “maintain well-functioning infrastructure upon which commerce and economic activity depend”, ED 5.4 “advocate for faster, more reliable cell and internet services” and LU 8.2 to “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.”*