



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Date: June 7, 2016

To: Planning Commission

From: Samantha Pierson, Planner I

Re: CU 16-20 Accessory Dwelling Unit at 1705 Sawmill Creek Road

---

### GENERAL INFORMATION

Applicant: Zak Dylan Wass

Property Owner: Morgan Doubleday

Property Address: 1705 Sawmill Creek Road

Legal Description: Portion of US Survey 1878

Parcel ID Number: 3-0790-000

Size of Existing Lot: 2.07 acres

Zoning: R-1

Existing Land Use: Residential

Utilities: Full city services

Access: Sawmill Creek Road

Surrounding Land Use: Residential

### 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 of Recommendation

### ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Parcel Pictures

Attachment D: Application

Attachment E: Site Plan

Attachment F: Subdivision Plat

Attachment G: Zoning Map

Attachment H: Flood Zone Map

Attachment I: Mailing List

### **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for an accessory dwelling unit at 1705 Sawmill Creek Road. The property currently has a duplex and a wood shop structure. The applicant proposes to convert the wood shop to a dwelling unit. Code states that an ADU shall only be permitted in conjunction with a single-family dwelling. The applicant states that this arrangement will make it feasible for him to purchase the property from his father. The applicant states that he will live in the ADU. The duplex would be inhabited by the current owner in one unit, and a long-term renter in the other. The proposed ADU would be located in the upper level of the woodshop, with parking available in the lower level. The unit would be 866 square feet. Code states that an ADU shall be a maximum of 800 square feet.

The proposal does not meet two of the accessory dwelling unit requirements (ADU with duplex, ADU size) so the applicants have requested that the Planning Commission approve a conditional use permit.

#### ***22.16.040 R-1 single family and duplex residential district.<sup>1</sup>***

The R-1 zoning district may allow accessory dwelling units that do not meet SGC 22.20.160 as a conditional use, subject to the ability to mitigate any adverse effects to nonexistent or minimal and reasonable for the zone and in harmony with surrounding land uses.<sup>2</sup>

#### **C. Accessory Dwelling Unit Requirements.**

1. An ADU is a permitted use, on lots served by a publicly maintained right-of-way in the following residential zoning districts: R-1 and R-2 and related districts exclusive of MH and MHP. An ADU shall not be constructed on lots accessed by access easements. They are also not allowed on lots served by rights-of-way that have not been accepted by the municipality or state of Alaska for maintenance.

---

<sup>1</sup> A. *Intent. The R-1 district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.*

*1. This district is intended primarily for single-family or duplex residential dwellings at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 district.*

<sup>2</sup> Table 22.16.015-1

2. ADUs are intended for long-term rental use only. Rental of an ADU for a period of less than ninety consecutive days is prohibited. ADUs shall not be used for short-term vacation rentals and/or bed and breakfast purposes.
3. ADUs shall meet all development, design, zoning and building requirements at the time of construction (e.g., setback requirements and lot coverage standards) applicable to the primary dwelling unit, except as otherwise noted.
4. The ADU must be located on the same parcel as the primary dwelling unit.
5. Only one ADU is allowed per parcel.
6. Mobile homes, travel trailers and recreational vehicles shall not be used as an ADU.
7. ADUs shall only be located on a parcel in conjunction with a single-family dwelling unit. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.
8. ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.
9. If a separate external entrance for the ADU is necessary, where possible, it shall be located on the side or rear of the structure. On a corner lot, where there are two entrances visible from either street, where possible, solid screening is required to screen at least one of the entrances from the street.
10. Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.
11. The maximum size of an ADU shall be eight hundred square feet.
12. The following parking requirements are applicable for ADUs:
  - a. As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.
  - b. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties.
  - c. On-street parking is prohibited.
  - d. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts.
13. All subdivisions of lots containing ADUs are prohibited unless all minimum lot sizes (exclusive of access easements), setbacks, lot coverage, and other requirements in the zoning and subdivision codes are met.
14. Variances are prohibited on any lot containing an ADU including, but not limited to, variances for setbacks, lot coverage, building height, and off-street parking requirements.

D. Conditional use permits may be sought if the above requirements cannot be met. Conditional use permit must be in conformance with Chapter 22.24.

(Ord. 15-08 § 4 (part), 2015; Ord. 13-14A § 4 (part), 2013.)

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>3</sup>**

**a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** An additional dwelling unit could generate additional traffic.

**b. Amount of noise to be generated and its impacts on surrounding land use:** An additional dwelling unit could generate additional noise.

**c. Odors to be generated by the use and their impacts:** No additional odors.

**d. Hours of operation:** Year-round operation.

**e. Location along a major or collector street:** Sawmill Creek Road.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No concerns.

**g. Effects on vehicular and pedestrian safety:** Tenants may attempt to back onto Sawmill Creek Road to exit the property. This could be mitigated by the owners providing a brief traffic flow explanation to tenants.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Same ability as if home was a triplex. Multiple family and accessory dwelling unit structures are both conditional uses in R-1, but permitted in some other zones.

**i. Logic of the internal traffic layout:** The applicant has provided a diagram with the six required parking spaces.

**j. Effects of signage on nearby uses:** No proposed signage.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** The property has abundant foliage to provide buffers.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan Section 2.2.16 which

---

<sup>3</sup> § 22.24.010.E

states, “Improve the availability of affordable housing, both long-term and short-term, to accommodate working families, seasonal workers, and students” by creating an additional dwelling unit out of an existing structure.

**m. Other criteria that surface through public comments or planning commission review:** None at this time.

## **FINDINGS**

**C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:**<sup>4</sup>

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare;
  - b. Adversely affect the established character of the surrounding vicinity; nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to

---

<sup>4</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

**Conclusion on Findings:** That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt the Planner's analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

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

- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the accessory dwelling unit at 1705 Sawmill Creek Road, in the R-1 single family and duplex residential district. The property is also known as a portion of US Survey 1878. The request is filed by Zak Dylan Wass. The owner of record is Morgan Doubleday.

Conditions of Approval:

1. The facility shall be operated consistent with the application, plans, and narrative that were submitted with the request.
3. Upon receipt of meritorious complaint regarding potential harm to public health, safety, and welfare, the Planning Commission may schedule a public hearing for the purpose of resolving issues and mitigating adverse impacts.