

Kim Davis

From: pego <pegoshea1309@gmail.com>
Sent: Saturday, August 12, 2023 12:55 PM
To: Planning Department
Subject: Item D consideration of Short term rental at 1711 Edgecumbe drive

Follow Up Flag: Follow up
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I reside on Edgecumbe Drive and am not in favor of another Short term rental on this street.

This is not allowed in the zoning for this area without a conditional use permit.

Home ownership is the single largest investment that people make and in that decision, location and zoning are a big factor. The continuous granting of conditional use permits such as this erodes the zoning and security for the homeowner and it neighbors. In September of last year our neighbor changed his apartment unit into a STR and the 2nd patron to rent the AirBnB was a couple that were involved in drug dealing into Sitka. The Sitka Police arrested the occupants and fire arms and drugs were involved This occurred at 3:30 in the afternoon and the top of the driveway of this residence is where the high school students wait for the bus. This can be verified with the Police department, as we were out of town at the time and went to the SPD to confirm the incident with the Chief of Police. Its much safer to know your neighbors than to live with the unknown people coming into your residential neighborhood. I have had to install a security camera and am planting a larger green space barrier. I feel that my property value is diminished with this business venture next door.

Sitka is in need of housing for working people who reside here not more short term rentals.

Peg Shea

Sent from [Mail](#) for Windows



Virus-free. www.avast.com

Kim Davis

From: Cathy Burton <fvmoonlight@gci.net>
Sent: Sunday, August 13, 2023 1:52 PM
To: Planning Department
Subject: FW: Cup 23-15 Letter in opposition of request for short-term rental @ 1711 B Edgecumbe Drive

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To the Planning and community development Department:

We ask that you strongly consider our opposition of this request for a short-term rental at 1711 B Edgecumbe Drive for the following reasons :

#1 Noise would have an extreme negative impact on us and the neighborhood. Our houses are extremely close and we can already hear every word spoken from there deck or backyard anywhere on our property but mostly in our bedrooms. You can see from our as built survey where our bedrooms are in proximity to their back decks. We can even hear conversations from their neighbor to the South of them.

You can see from the pictures that we are right below there house and the vegetation is not a sound barrier at all, due to the close proximity. We strongly oppose a VRBO. We have lived here for over thirty years and have experienced firsthand the negative impact of this type of rental.

#2 The surrounding residents of 1711 Edgecumbe Drive are all seniors (please see CBS tax exempts). Every single residence South, North, and directly behind and adjacent are seniors and families with children. This is clearly a residential neighborhood. We ask that you strongly take this into consideration.

#3 This would turn a now peaceful residence into a party venue depriving all surrounding neighbors of quiet enjoyment of there home. There would be a negative impact due to noise from guests, vehicles, music, wifi, driveway and all related issues with a VRBO. This is and always should be a residential house.

#4 We believe the owners already have a disregard for their neighbors and may not respect the other residents of this neighborhood. We have already experienced the total disregard of private property from the owners of this dwelling. When they moved in as renters 2018 we were very clear about our private driveway behind there home that is for use of 102 and 104 Eberhardt Dr. only. The owner at the time was fairly respectful of this and notified his renters as well. Since the now owners of this dwelling have purchased the residence 1711 Edgecumbe Dr they have continued to trespass on this driveway as recent as 1 month ago blocking our drive way on Eberhardt Dr. that is ours and 6 other people that live on Eberhardt Drive's only access to the main road.

#5 We cannot see the benefit another short term rental will give the City and Borough of Sitka as a community, especially in this neighborhood. We believe It has already caused a negative impact on potential renters causing a shortage of housing and the increase of rent for year round residents.

We strongly urge you to please consider the above opposition that would be negatively detrimental to our lives as property owners, tax payers and residence of this city for over thirty years and our rights for a peaceful and quiet home and neighborhood.

Sincerely yours,

Hugh and Catherine Burton
104 Eberhardt Dr.

To Hugh

We have received your input to our recent application for a VRBO request to the City of Sitka.

Please let us address and ease your concerns in sequence as you listed them.

1. You had mentioned noise that may be heard when people speak on the balcony. There are 4 balconies total, 2 for each unit. One balcony attaches to the living room, and the other attaches to a bedroom. The VRBO side only has 2 small plastic chairs on the living room balcony. The balcony is small. It does not have space to "party". When ppl spend time on the balcony and talk, or laugh, that is normal. There are no speakers or loud sound systems in the living room to play loud music either.
2. I believe we are in the range of seniors as well. There are children in the neighborhood. We have noticed them as well.
3. Parties and gatherings are not allowed in the unit. Not from VRBO tenants, nor renters. Never have, never will. Driveway and parking area is not on your side.
4. We are confused about this one. We respect our neighbors. I have never personally spoken to Mrs or Mr Hugh. I do not know what Mrs Hugh looks like. I only know, Mr Hugh has a wife and she is always inside the house. In 2018, I unloaded items when I first moved here from the Eberhardt drive. Since then, I have not driven there. Other times when heavy items needed to be delivered, I know that my husband had spoken to Mr Hughes and got a verbal ok. My husband said that he might have something delivered 6-12x/year and may need access. Of course that is a stretch and we don't need deliveries that often. My husband was never told that he is not allowed to do so. When a drop off was done, my husband and Mr Hugh to my knowledge always talked about it verbally. The drop off's were always very brief. My husband has a very bad back and has a 90% disability. He cannot carry heavy or bulky items down the steep side of the house. In terms of trespassing, I am not sure if Mrs Hugh confuses me with other ppl, because many strangers have trespassed through our property, passed Mr and Mrs Hugh's property for quite some time. Therefore we put up a fence, mainly for safety, because the side of the house is steep and rocky.
5. We are expecting several friends and family over the next couple of years to visit Sitka. Renting long-term is not feasible. Renting short term would for instance help workers come to the community, ie specialists for SEARHC etc

Thank you for your consideration, if you have any questions, please reach out,
Petra Lechner and Senolden Norwood

To Shea Pego.

Hello Shea,

As your neighbor, Petra Lechner and Senolden Norwood, who recently applied for a STR on 1711 Edgumbe Dr, we received your input to this request from the city.

We fully understand your concern for safety on who comes into the neighborhood as we read your story. We would not allow this, either from short-term OR long-term renter. As we are present next door to the rental at all times and have strict rules enforced in a double way, ie via VRBO rules, as well as enforced written house rules, we are doing everything we can to not invite anything negative into this neighborhood. We love and respect this neighborhood as much as you do.

We have cameras installed as well as number locks, and are well aware what is going on at the house.

The value of the property would actually increase as improvements can be made in a much better and more substantial way, than otherwise.

Also, we have many friends and family coming to Sitka over the next 1-2 years, and a long term renting situation would not work.

A VRBO would help us out that way.

Thank you for your consideration, please feel free to reach out to us with further concerns or questions

Petra Lechner, and Senolden Norwood

Kim Davis

From: Jennifer Vallion <jenniferv@mehs.us>
Sent: Wednesday, August 16, 2023 3:44 PM
To: Planning Department
Subject: Short Term Rental

You don't often get email from jenniferv@mehs.us. [Learn why this is important](#)

To Whom it May Concern,

I am writing in opposition of the proposed short term rental at 1711 B Edgecumbe Drive. There are currently multiple short term rentals in this vicinity (on this same stretch of street) already. In the last few years, short term rentals have taken over the city of Sitka. Long term rentals are now scarce, and there is no solution for the lack of housing in sight. Locals have been forced out of Sitka due to lack of long term affordable housing, while others have had to move in with family members in order to keep Sitka as their home. Professionals that Sitka desperately needs have been forced to turn down teaching positions at Mt. Edgecumbe High School, a boarding school that is vital to Alaska's youth, due to lack of long term housing. The community of Sitka does NOT need any more short term rentals than they already have, as we are already in a serious housing crisis. I have experienced this firsthand as a life long Sitkan and urge you not to move forward with this project.

--

Jennifer Vallion
Mt. Edgecumbe High School
Education Program Assistant
Office 907.966.3200
Fax 907.966.4100

Kim Davis

From: Ann Vallion <annvallion@gmail.com>
Sent: Thursday, August 17, 2023 5:51 PM
To: Planning Department
Subject: CUP 23-15

Follow Up Flag: Follow up
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I live at 1721 Edgecumbe Drive, just behind the property in question, I am writing in opposition to the conditional use permit request for a short term rental at 1711 B Edgecumbe Dr. Not only will a short term rental in the neighborhood bring additional noise and traffic, it will remove yet another long term unit from an essentially nonexistent rental market in Sitka. The stories of housing shortages in our community, affordable or otherwise, are all too common, from professionals who decline jobs here to adult children living at home.

While the ballooning visitor industry has been great for Sitka's economy over all, its growth is outpacing the available infrastructure, having a detrimental effect on the quality of life. There is a finite number of dwellings for residents and visitors alike, and what our community currently needs is long term rentals, not more visitors accommodation.

Please vote no on this request. Thank you for your time and consideration,
Ann Vallion
1721 Edgecumbe Dr.
406-552-7416

Coral Crenna

From: Ruth McMaster <mcmaster0057@yahoo.com>
Sent: Saturday, August 19, 2023 9:48 PM
To: Planning Department
Subject: Short term rental 1711 B Edgecumbe Drive

Follow Up Flag: Follow up
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I'm apposed to the conditional use permit for a short term rental at 1711 B Edgecumbe Drive. There are not enough full time year round rentals in this community and I'm apposed to the additional traffic and turn around in our residential neighborhood. We have live in this quiet, family oriented neighborhood for over 30 years with long term home owners u til recently when there's been turn over in ownership. Still it remains a quiet un cluttered neighborhood. We support the year round access to rentals for families. Especially our youth as they transition out of their parents home. Lack of year round housing that's also affordable is highly needed.

Sent from my iPad

Coral Crenna

From: Ruth McMaster <mcmaster0057@yahoo.com>
Sent: Saturday, August 19, 2023 9:54 PM
To: Planning Department
Subject: 1711 B Edgecumbe Dr

Follow Up Flag: Follow up
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[You don't often get email from mcmaster0057@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

OPPS

I accidentally sent my comments about the Conditional Use Permit with out signing off.
Thank you for giving us the opportunity to comment on this permit.

Ruth and Gary McMaster
1722 Edgecumbe Dr
Sitka Alaska 99835

From: [Emjay Messinger](#)
To: [Planning Department](#)
Subject: short term rental at 1711 Edgecumbe Dr.
Date: Monday, September 11, 2023 5:35:30 PM

[You don't often get email from its4emjay@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Planning and Community Developers,

This letter is in support of my next door neighbors' request for a short-term rental permit at 1711B Edgecumbe Dr.

I have lived next door to them for about a year and a half and have found them to be very good neighbors. They are very quiet and private people. They keep their property up and have been making improvements.

As much as we all seem to want more affordable housing and long term rentals vs short term rental units, we must consider that one size does not fit all. Long term rental does not work for everyone.

I, personally, have a small rent-able space but cannot rent it long term as it is my guest quarters now for family and friends. If, in the future, it becomes necessary it might house a live in caregiver. Not that I am contemplating it (and truthfully prefer not to), but I could decide, if I my situation changes, to ask for the same conditional use permit. It would allow for the flexibility of the occasional guest/family and I wouldn't have people in my house (lower level separate efficiency apartment) 24-7/ 365. I am not saying that this is the requester's situation but just an observation to counter the possible objections that might have been received.

No matter what the petitioners' reasoning for requesting this conditional use permit, if they have met all the city's conditions for this permit I feel that it should be granted. I know that they would be responsible hosts.

Thank You for your consideration,

Emjay Messinger
1709 Edgecumbe Dr.

Law Office of Brita Speck, LLC
PO Box 6458
Sitka, AK 99835
907-747-3750
bspecklaw@outlook.com

September 26, 2023

Support of 1711 Edgecumbe Drive CUP

Dear Members of the Planning and Zoning Commission,

I am writing as an attorney on behalf of Senolden Norwood and Petra Lechner, and in support of their application for a conditional use permit (CUP) for a short-term rental located at **1711 Edgecumbe Drive**. **This application is eligible for a STR CUP** under the newly tightened restrictions for STRs for primary residences under Sitka General Code 22.24.010(C)(1)(F), a non-owner-occupied unit within a two-family unit. In addition, the City Planning Department has recommended its approval.

Please the following, which in my legal opinion are critical to this application and the City's handling of STRs in general.:

Prior to the above code change, the Commission very appropriately discussed streamlining the CUP for primary residence STR's and discussed the following goals for **Primary Residence STRs**:

- to support locals who are trying to offset the ever-increasing cost of living in Sitka.
- to eliminate arbitrary and non-standardized decision-making processes for STRs, which is unconstitutional and will likely result in future Assembly and costly court appeals.
- to eliminate the unneighborly, opinion based, and sometimes factually incorrect, solicited and unsolicited comments that sour community and neighborhood relations.
- to eliminate clear or hidden prejudices, whether intentional or unintentional, towards race, disability, sex, age, family status, and even political choices.
- to make the process PR-STRs streamline and uniform, thereby reducing the above negative factors.

It was my understanding that the P&Z Commission made the code change to Sitka General Code 22.24.010 to address the above considerations, and to make the process a "CHECK THE BOX" type of application. Yet this commission still seems to be undergoing the **controversial and unconstitutional** challenge of evaluating *each residential CUP for an STR independently*.

As noted above, conditional use permits, by their nature, cause problems. While they are created by municipalities to provide flexibility, this flexibility is also the cause of numerous constitutional problems. In particular regarding Sitka's City Code, the problem originates from the vague standards in SGC 22.24.010 authorizes the issuance of conditional use permits for STRs.

The Fourteenth Amendment commands that no governmental entity shall "deprive any person of life, liberty, or property, without due process of law."¹ One of the ways any code violate due process as being unconstitutionally vague is if the law "authorizes or even encourages arbitrary and discriminatory enforcement."² Thus, statutes and codes "must provide explicit standards for those who apply them" to avoid "resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application."³ And, while a vague standard serves a purpose of flexibility in the conditional use permit context, the standard cannot be so vague that it does not provide certainty to landowners.⁴ Here, the City Code and its STR process provides absolutely NO CERTAINTY to primary resident applicants, subjecting them to arbitrary and discriminatory application where some may receive and some may not, and based on the sole discretion of a Commission (which further compounds the constitutional inquiry).

Instead, I urge the City and Borough of Sitka to consider streamlining its STR Process such that it removes this controversial dispute amongst the members of the community and arbitrary evaluative process by the Commission. In doing so, Sitka, like numerous other jurisdictions, should consider:

- 1) Enacting a clear STR Permit application for Primary Residence STRs (PR-STR) and General STR (G-STR) permits to remove the arbitrary CUP process.
- 2) Allow for Primary Residence STR Permits (without a CUP) for voting community residents for their primary residences, regardless of type, for the benefit of community residents.
- 3) Limit the # of G-STRs by imposing a moratorium on the issuance of new G-STRs and issuing a lottery system for expired or unclaimed G-STRs based upon the Commission's decided appropriate community number.

¹ U.S. CONST. amend. XIV, § 1.

² Hill v. Colorado, 530 U.S. 703, 732 (2000) (citing Chicago v. Morales, 527 U.S. 41, 56–57 (1999)).

³ Grayned v. City of Rockford, 408 U.S. 104, 108–09 (1972) (footnote omitted).

⁴ See *Town of Rhine v. Bizzell*, 751 N.W.2d 780, 798 (Wis. 2008) (quoting John B. Bredin, Common Problems with Zoning Ordinances, AM. PLANNING ASS'N ZONING NEWS, Nov. 2002, at 2), where the court was concerned with standards that were "simply not specific enough that one can reasonably say" what it takes to comply with the governing statutes and the fact that the standards for obtaining a conditional use permit that were subject to "significant interpretation."

- 4) Consider limiting the # of G-STR's based on Zones, to encourage STRs in some areas, and eliminate over concentration in others, as decided by the Commission.

Equal treatment under the City Code is the responsibility of this commission, and I urge you to make the above considerations when evaluating the application for the **Norwood Lechner PR-STR at 1711 Edgumbe Drive.**

I look forward to this commission addressing its stated goal regarding PR-STR's for by setting a clear and uniform policy for primary residences moving forward.

Sincerely,

Brita Speck

A handwritten signature in black ink, appearing to read 'BS' with a stylized flourish.

Attorney

Kim Davis

From: Ann Vallion <annvallion@gmail.com>
Sent: Thursday, September 28, 2023 12:11 PM
To: Planning Department
Subject: CUP 23-15

You don't often get email from annvallion@gmail.com. [Learn why this is important](#)

I'm writing again to oppose the conditional use permit for a short term rental at 1711 Edgecumbe Dr. This is an R1 neighborhood; there is no lack of short term rentals in town (87 on AirBnB alone), however there is a serious lack of affordable housing for citizens of the community. The visitor industry provides a terrific economic boost to our city, but if the locals can't find housing, those visitors will have an inferior experience.

Please vote no. Thank you for your time and work on this commission.

Ann Vallion
1721 Edgecumbe Dr.
406-552-7416