



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 22-20
Proposal: Reduce side setback from 9' to 5'
Applicant: Scott Wagner
Owner: Scott Wagner and Danielle Snyder
Location: 304 Nicole Drive
Legal: Lot B, Pete Jones Subdivision
Zone: R-1 - Single-Family/Duplex Residential District
Size: 7,002
Parcel ID: 2-5499-006
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Nicole Drive

KEY POINTS AND CONCERNS

- Proposal is to reduce side setback requirements to facilitate replacement of an existing 8' by 5', uncovered deck with a 15' by 8' covered deck.
- Applicants would like replace deck due to deterioration.
- Potential negative impacts are minimal.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Site Plan
Attachment C: Current Deck
Attachment D: Proposed Deck Design
Attachment E: Photos
Attachment F: Applications

BACKGROUND/PROJECT DESCRIPTION

The applicants currently have an 8' x 5' deck on the west side of the property. The deck has deteriorated and requires replacement; rather than a like-for-like replacement, the applicants would like to improve the deck to provide for more practical use. The east side of the house has a 5' setback, so it is not developed with yard/outdoor enjoyment space. The west side of the house is approximately 14' feet from the foundation to the property line. This side of the house has been improved with a small paver wall, yard and landscaping, fence, and the deck.

ANALYSIS

Setback requirements

The Sitka General Code requires 14-foot front setbacks, 5/9-foot side setbacks, 8-foot rear setbacks in the R-2 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 minor structures or expansions in the Sitka General Code is “the granting of the variance is not injurious to nearby properties or improvements”.

Potential Impacts

The granting of the variance does not increase traffic, density, or other impacts beyond that of normal, allowable residential use. Therefore, staff believes potential adverse impacts to neighborhood harmony and public health and safety are minimal, and the proposal is consistent with the character of the neighborhood.

The neighboring property is a vacant lot. If developed, only the deck and covering will project closer to the property line as opposed to a larger, major structure. The placement also maintains the minimum fire separation distance of 5'.

Comprehensive Plan Guidance

The Comprehensive Plan encourages housing stock rehabilitation (H 2.4), and aims to maintain attractive, livable neighborhoods. The improvement of the deck increases the property owner enjoyment of their outdoor space and rehabilitates a structure in need of replacement.

¹ SGC Table 22.20-1

RECOMMENDATION

Staff recommends approval of the setback reduction at 304 Nicole Drive subject to the attached conditions of approval.

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) **I move to approve the zoning variance for a reduction to the side setback at 304 Nicole Drive in the R-1 Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot B, Pete Jones Subdivision. The request is filed by Scott Wagner. The owners of record are Scott Wagner and Danielle Snyder.**

Conditions of Approval:

- a. The side setback will be decreased from 9 feet to 5' for placement of a covered deck. 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 minor structures or expansions as listed in the staff report.**

Before any variance is granted, it shall be shown²:

- 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;
- 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)(2)—Required Findings for Minor Expansions, Small Structures, Fences, and Signs.