



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 23-07
Proposal: Reduce front setback from 14' to 5'
Applicant: Ken Davis
Owner: Ken Davis
Location: 3516 Halibut Point Road
Legal: Lot Two (2) Shuler Subdivision
Zone: R-1 MH - Single-Family/Duplex/Manufactured Home District
Size: 7, 886 Square Feet
Parcel ID: 2-5570-002
Existing Use: Manufactured Home
Adjacent Use: Manufactured Home
Utilities: Existing
Access: Halibut Point Road and Shuler Drive

KEY POINTS AND CONCERNS

- The proposal is to reduce the front setback requirement on Shuler Drive from 14' to 5' to facilitate building of a garage.
- Property is a corner lot and has two front property lines.
- Potential negative impacts are minimal.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Site Plan
Attachment D: Elevation View
Attachment E: Photos
Attachment F: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The applicant is requesting to reduce the front setback on the north side, adjacent to Shuler Drive, to 5' to facilitate construction of a 14' tall, 24' x 26' garage in the R-1 MH single-family, duplex and manufactured home zoning district at 3516 Halibut Point Road. The property lot size is 7,886 square feet that currently has a single-family dwelling unit with a footprint of 1,344 square feet.

The setback reduction is requested to maintain the required fire separation distance between the house and proposed garage. The applicant would like to maintain access to the rear of the house and keep the garage away from the rock retaining wall. The property slopes from rear of lot down to Halibut Point Road and this constricts where garage can be placed on the property. These factors are the rational and justification for the variance request.

ANALYSIS

Setback requirements

The SGC requires 14-foot front setbacks, 5/9-foot side setbacks, 8-foot rear setbacks in the R-1 MH 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.

In order for a variance to be granted, it must be shown that there are special circumstances warranting a variance, one of which can be the orientation or placement of existing structures or characteristic of the lot. Between the placement and orientation of the house, the existing driveways, and the slope of the property, the northeast corner is the only practical building area on the lot. With the need to maintain fire separation and access to the rear of the home, as well as the angle of the property line, buildable area is further constrained. It also must be shown that the variance is necessary for the preservation and enjoyment of a substantial property right, one specific example included in the code is the placement of garages. The granting of this variance would enable the property owner to enjoy a normal and substantial property right.

Potential Impacts

With the placement of garages near front property lines, there is always a concern about the safety of ingress and egress in terms of sight lines and vehicles backing on to roadways. In this case, staff does not foresee ingress/egress issues with the placement of this garage because the garage door is

¹ SGC Table 22.20-1

not parallel to the street (i.e. facing the street), it's perpendicular meaning that vehicles will be still be on the property entirely when entering or exiting the garage.

The 5' front setback is only at the closest point of the garage; the property line angles away from the structure, leaving a larger setback along east side of the property. As configured, the 5' setback is a conservative estimate to account for eaves and gutters.

There is ample off-street parking on the property, easily meeting the requirement for two parking spaces; the garage will not impact parking availability.

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 public health and safety are minimal, and the proposal is consistent with the character of the neighborhood.

Comprehensive Plan Guidance

The Comprehensive Plan encourages housing stock rehabilitation (H 2.4), and aims to maintain attractive, livable neighborhoods.

RECOMMENDATION

Staff recommends approval of the front setback reduction from 14' to 5' for construction of a garage at 3516 Halibut Point Road 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 front setback at 3516 Halibut Point Road in the R-1 MH single-family, duplex and manufactured home district subject to the attached conditions of approval. The property is also known as Lot Two (2) Shuler Subdivision. The request is filed by Ken Davis. The owner of record is Ken Davis.**

Conditions of Approval:

- a. To facilitate construction of a garage, the front setback adjacent to Shuler Drive will be decreased from 14' feet to 5' to accommodate eaves and gutters from the structure, as the site plan submitted depicts only the foundation.
- 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 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; *special circumstances found in this case include the dimensions of the lot and placement of the existing structure on the lot;*
- 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 preserved enjoyment in this case is a garage.*
- 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;
- d. That the granting of such a variance will not adversely affect the comprehensive plan.

² Section 22.30.160(D)(1)—Required Findings for Variances Involving Major Structures or Expansions.