



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 26-13
Proposal: Request for an accessory dwelling unit (ADU)
Applicant: Casey Finn
Owner: Finn Excavation LLC
Location: 2011 Sawmill Creek Road
Legal: Lot 1B, Hansen-Ness Subdivision
Zone: R-1 LDMH - Single-Family/Duplex and Single-Family/Manufactured Home Low Density District
Size: 42,680 square feet
Parcel ID: 3-1510-002
Existing Use: Vacant Lot
Adjacent Use: Residential
Utilities: Existing
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS

- ADUs are a conditional use in the R-1 LDMH zone if the ADU requirements are not met
- Proposed ADU is a HUD certified manufactured home
- There is no primary structure built on the property

ATTACHMENTS

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

BACKGROUND

The applicant/owner is requesting to construct an accessory dwelling unit (ADU) on their property. The lot size is 42,680 square feet (SF) and is currently vacant. The ADU will be a HUD certified manufactured home that is approximately 810 SF. This will be the first structure on the property.

PROJECT DESCRIPTION

The proposed structure will consist of two bedrooms, two bathrooms, living/dining room/kitchen, and a utility room. The structure will be single-story, 15' 4" in height. For the R-1 LDMH zone a conditional use permit is required for ADUs when it does not meet the requirements listed in Sitka General Code (SGC) 22.20.160(C). Below is an analysis of the requirements met or not met by the proposal.

The way the requirements are written in the zoning code is such that if the requirements are not met, a conditional use permit is needed per SGC 22.20.160(D) which states "*Conditional use permits may be sought if the above requirements cannot be met. Conditional use permit must be in conformance with Chapter 22.25.*" Therefore, not meeting the listed requirements is not grounds to automatically deny an ADU proposal but may be used as a factor in determining whether to grant the conditional use permit.

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.* Property is served via a state maintained right-of-way, Sawmill Creek Road.
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.* To be used by the property owner or as a long-term rental. No short-term use proposed.
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.* Provided plans from the applicant indicate the ADU will meet the developmental standards.
4. *The ADU must be located on the same parcel as the primary dwelling unit.* Proposed ADU is the first structure on the parcel. The applicant is proposing to build the ADU first, then the primary structure will be constructed at a later date.
5. *Only one ADU is allowed per parcel.* Only one ADU is proposed.
6. *Mobile homes, travel trailers and recreational vehicles shall not be used as an ADU.* ADU is to be a HUD certified manufactured home. SGC 22.05.990 defines a manufactured home as, "a

structure constructed on or after June 15, 1976, according to the United States Department of Housing and Urban Development (“HUD”) standards, transportable in one or more sections which, in the traveling mode is eight feet (2,438 millimeters) or more in width or 40 feet (12,192 millimeters) or more in length or, when erected on site, is 320 square feet (30 square meters) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating and electrical systems. “Manufactured home” shall also include any structure which meets all the requirements of this definition listed above, except the size requirements, and has a manufacturer certificate required by HUD that complies with HUD standards for manufactured homes.” The applicant will be required to obtain any building permits for the structure.

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.* This parcel is currently vacant and partially developed, with utilities installed. The proposed ADU will be the first structure on the property.

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.* The applicant has submitted view and elevation plans of the structure. There are no other structures on the property at this time.

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.* Entrance doors are located to the sides of the property.

10. *Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.* Exterior stairs will be at the sides and comply with setback and building code requirements.

11. *The maximum size of an ADU shall be eight hundred square feet.* Floor space for the ADU is anticipated to be 810 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.* The applicant has ample parking available on this parcel.

b. *Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties:* The applicant has not proposed any screening of the structure from the sides.

c. *On-street parking is prohibited.* None is proposed.

d. *If additional parking is necessary, new parking space(s) shall utilize existing curb cuts. Sawmill Creek Road has no curbs, and no additional parking is necessary.*

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. N/A – subdivision not proposed at this time.*

14. *Variations are prohibited on any lot containing an ADU including, but not limited to, variations for setbacks, lot coverage, building height, and off-street parking requirements. No variations are required.*

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: Additional vehicles may increase traffic but should be in-line with normal residential use.

b. Amount of noise to be generated and its impacts on surrounding land use: Noise generated should be in-line with normal residential use.

c. Odors to be generated by the use and their impacts: Odor generated should be in-line with normal residential use. Garbage shall be disposed of in municipal container and in accordance with Sitka General Code requirements.

d. Hours of operation: Available year-round.

e. Location along a major or collector street: Located on Sawmill Creek Road, a state arterial street for local traffic.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: Cut-through traffic is very unlikely as property only has vehicular access from Sawmill Creek Road.

g. Effects on vehicular and pedestrian safety: Minimal impact to existing safety conditions, increase in traffic should be 1 to 2 vehicles.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Site is accessible to emergency services.

¹ § 22.25.010 E.

i. Logic of the internal traffic layout: Parking requirements will be met with areas on the property.

j. Effects of signage on nearby uses: No proposed signage. All signs shall comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent to the site: Trees and vegetation surround the property. There is an existing drainage ditch located at the front of the property. No additional buffers proposed.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan. Expansion of ADUs in Sitka directly supports two Comprehensive Plan Objectives, H1.1a “allow, encourage, and promote ADUs by right in more zones” and H1.1e “encourage higher density”.

m. Other criteria that surface through public comments or planning commission review: None.

RECOMMENDATION

Staff recommends approval for the ADU at 2011 Sawmill Creek Road subject to the recommended conditions of approval.

MOTIONS IN FAVOR OF APPROVAL

- 1. “I move to approve the conditional use permit for an accessory dwelling unit at 2011 Sawmill Creek Road in the R-1 LDMH - Single-Family/Duplex and Single-Family/Manufactured Home Low Density District subject to the attached conditions of approval. The property is also known as Lot 1B, Hansen-Ness Subdivision. The request is filed by Casey Finn. The owner of record is Finn’s Excavation LLC.”**

Conditions of Approval:

- Approval of ADU is specific to the site plan included in this application. Any substantial or significant change to the plans would require a new site plan review and approval from the Planning Commission.
 - Property must be appropriately permitted via the grading, foundation, and building permit process through the City and Borough of Sitka Building Department.
- 2. “I move to adopt and approve the required findings for conditional use permits as listed in the staff report.”**
The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:²

² §22.10.160(C)—Required Findings for Conditional Use Permits

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; *because the property will retain its use as a residence and the ADU will be monitored by the owner to ensure that there are no resulting impacts or disturbances that would negatively affect the surrounding vicinity.*
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; *specifically, Actions HI.1a and HI.1e.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *because the property will retain its use as a residence and the ADU will be monitored by the owner.*
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; *no hazardous conditions are expected from development of property with a ADU.*
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; *the property is located on off a state maintained right-of-way and is served by municipally maintained and operated utilities, no adverse impacts on such facilities or services are expected.*
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 applicant has met the burden of proof through information provided in their application packet.*