



# CITY AND BOROUGH OF SITKA

## Meeting Agenda - Final

### Planning Commission

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Wednesday, July 21, 2021

7:30 PM

Harrigan Centennial Hall

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**I. CALL TO ORDER AND ROLL CALL**

**II. CONSIDERATION OF THE AGENDA**

**III. CONSIDERATION OF THE MINUTES**

**A**      [PM 21-15](#)      Approve the July 7, 2021 meeting minutes.

**Attachments:**   [15-July 7 2021 DRAFT](#)

**B**      [PM 21-16](#)      Approve the July 7, 2021 special meeting minutes.

**Attachments:**   [16-July 7 2021 Special Meeting DRAFT](#)

**IV. PERSONS TO BE HEARD**

*(Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the Chair imposes other time constraints at the beginning of the agenda item.)*

**V. PLANNING DIRECTOR'S REPORT**

**VI. REPORTS**

**VII. THE EVENING BUSINESS**

- C**      [VAR 21-08](#)      Public hearing and consideration of a variance to reduce off-street parking requirement from 6 spaces to 5 spaces at 601 Lincoln Street in the R-1 single-family and duplex district. The property is also known as Lot 3, Gregory Subdivision. The request is filed by Kent Bovee. The owner of record is Bovee Irrevocable Children's Trust.

**Attachments:**   [V 21-08 Bovee 601 Lincoln Street Parking Variance Staff Report](#)  
[V 21-08 Bovee 601 Lincoln Street Parking Variance Aerial](#)  
[V 21-08 Bovee 601 Lincoln Street Parking Variance Floor Plan](#)  
[V 21-08 Bovee 601 Lincoln Street Parking Variance Parking Plan](#)  
[V 21-08 Bovee 601 Lincoln Street Parking Variance Photos](#)  
[V 21-08 Bovee 601 Lincoln Street Parking Variance Plat](#)  
[V 21-08 Bovee 601 Lincoln Street Parking Variance Applicant Materials](#)

- D**      [VAR 21-09](#)      Public hearing and consideration of a variance to reduce the front setback from 14 feet to 6 feet at 5318 Halibut Point Road in the R-1 Single-Family and Duplex residential district. The property is also known as Lot 1, Tract B-1, U.S. Survey 3670. The request is filed by Raymond and Judy Wampler. The owners of record is Raymond Wampler.

**Attachments:**   [V 21-09 Wampler 5318 Halibut Point Road Setback Variance Staff Report](#)  
[V 21-09 Wampler 5318 Halibut Point Road Setback Variance Aerial](#)  
[V 21-09 Wampler 5318 Halibut Point Road Setback Variance Site Plan](#)  
[V 21-09 Wampler 5318 Halibut Point Road Setback Variance Elevation](#)  
[V 21-09 Wampler 5318 Halibut Point Road Setback Variance Floor Plan](#)  
[V 21-09 Wampler 5318 Halibut Point Road Setback Variance Plat](#)  
[V 21-09 Wampler 5318 Halibut Point Road Setback Variance Photos](#)  
[V 21-09 Wampler 5318 Halibut Point Road Setback Variance Applicant Materials](#)

- E**      [VAR 21-10](#)      Public hearing and consideration of a variance to reduce the rear setback from 8 feet to 0 feet at 1401 Halibut Point Road in the R-1 Single-Family and Duplex residential district. The property is also known as Lot 2, Borhauer Subdivision. The request is filed by John Hardwick and Ral West. The owners of record are John T. Hardwick Revocable Living Trust and Ral West Revocable Living Trust.

**Attachments:** [V 21-10 Hardwick and West 1401 Halibut Point Road Setback Variance Staff](#)  
[V 21-10 Hardwick and West 1401 Halibut Point Road Setback Variance Aerial](#)  
[V 21-10 Hardwick and West 1401 Halibut Point Road Setback Variance Site Plan](#)  
[V 21-10 Hardwick and West 1401 Halibut Point Road Setback Variance Wetlands](#)  
[V 21-10 Hardwick and West 1401 Halibut Point Road Setback Variance Elevation](#)  
[V 21-10 Hardwick and West 1401 Halibut Point Road Setback Variance Floor Plan](#)  
[V 21-10 Hardwick and West 1401 Halibut Point Road Setback Variance Plat](#)  
[V 21-10 Hardwick and West 1401 Halibut Point Road Setback Variance Photos](#)  
[V 21-10 Hardwick and West 1401 Halibut Point Road Setback Variance Application](#)

- F**      [CUP 21-11](#)      Public hearing and consideration of a request for a conditional use permit for a short-term rental at 617 DeGroff Street, Apt. A., in the R-1 single-family and duplex residential district. The property is also known as Lot 9, Amended Pinehurst Subdivision. The request is filed by Tyler Eddy. The owner of record is Janet Eddy.

**Attachments:** [CUP 21-11 Eddy 617 DeGroff Apt A STR Staff Report](#)  
[CUP 21-11 Eddy 617 DeGroff Street Apt A STR Aerial](#)  
[CUP 21-11 Eddy 617 DeGroff Street Apt A STR Floor Plan](#)  
[CUP 21-11 Eddy 617 DeGroff Street Apt A STR As-Built and Parking Layout](#)  
[CUP 21-11 Eddy 617 DeGroff Street Apt A STR Photos](#)  
[CUP 21-11 Eddy 617 DeGroff Street Apt A STR Renter Handout](#)  
[CUP 21-11 Eddy 617 DeGroff Street Apt A STR Public Comment](#)  
[CUP 21-11 Eddy 617 DeGroff Street Apt A STR Applicant Materials](#)

- G**      [MISC 21-09](#)      Discussion/Direction on Short-Term Tourism Plan

## **VIII.      ADJOURNMENT**

*NOTE: More information on these agenda items can be found at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Planning Office at 100 Lincoln Street. Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org), or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.*

*Publish:*





# CITY AND BOROUGH OF SITKA

## Minutes - Draft

### Planning Commission

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Wednesday, July 7, 2021

7:30 PM

Harrigan Centennial Hall

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#### I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Stacy Mudry, Wendy Alderson  
Absent: Darrell Windsor, Katie Riley (Excused)  
Staff: Amy Ainslie, Ben Mejia  
Public: Brad Shaffer, Randy Hughey, Shannon Haugland (Sitka Sentinel)

**Chair Spivey called the meeting to order at 7:30pm.**

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

- A [PM 21-13](#) Approve the June 16, 2021 minutes.

**Attachments:** [13-June 16 2021 DRAFT](#)

**M-Mudry/S-Alderson moved to approved the June 16, 2021 minutes. Motion passed 3-0 by voice vote.**

- B [PM 21-14](#) Approve the June 16, 2021 special meeting minutes.

**Attachments:** [14-June 16 2021 Special Meeting DRAFT](#)

**M-Mudry/S-Alderson moved to approved the June 16, 2021 special meeting minutes. Motion passed 3-0 by voice vote.**

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Ainslie informed the Commission that she would be out of office from 7/8 to 7/13 and that the Planning Department would be closed on Friday, 7/9 when both Ainslie and Mejia would be out of office. Ainslie notified the Commission that due to a full agenda at the next meeting, the report on the short-term rental community survey has been postponed. Alderson informed staff of her scheduled absence on the 7/21 meeting, Spivey noted that he may have a work schedule conflict for the 7/21 meeting.

#### VI. REPORTS

#### VII. THE EVENING BUSINESS

**C**     [P 21-04](#)

Public hearing and consideration of a preliminary plat for a minor subdivision of the property at 601 Baranof Street in the R-1 Single-Family and Duplex Residential District. The property is also known as Lot 1, Shaffer/Rezek Lot Line Adjustment. The request is filed by David Thomas. The owner of record is David Thomas.

**Attachments:**     [P 21-04 Thomas 601 Baranof Street Minor Sub Staff Report](#)  
[P 21-04 Thomas 601 Baranof Street Minor Sub Aerial](#)  
[P 21-04 Thomas 601 Baranof Street Minor Sub Current Plat](#)  
[P 21-04 Thomas 601 Baranof Street Minor Sub Preliminary Plat](#)  
[P 21-04 Thomas 601 Baranof Street Minor Sub Photos](#)  
[P 21-04 Thomas 601 Baranof Street Minor Sub Applicant Materials](#)

Ainslie introduced the proposal to subdivide a 1.24 acre lot into 2 lots at 601 Baranof Street situated between a residential area and Moose Cemetery. Ainslie explained that the current lot made contact with 2 rights-of-way, Baranof Street and Hirst Street but that once subdivided each lot would have access from 1 right-of-way though Lot 1 would require a utility easement from Hirst Street through Lot 2. Ainslie noted that the area was heavily wooded and vegetated with a steep grade change along the eastern boundary. Ainslie explained that the applicant had received feedback from city staff that Army Corps of Engineers permitting may be necessary for development due to likely presence of wetlands and that municipal engineers would require an engineered drainage plan prior to final plat, as was added as a condition of approval. Ainslie concluded that the resultant lots far exceeded development standards with access and utilities provided via municipal rights-of-way. Staff recommended approval.

The applicant, David Thomas, was present. Thomas explained his intent to sell Lot 2 and retain Lot 1 to replace the existing structure for his personal residence. Thomas mentioned that the lot had rock dumped into the wetlands area and had existing drainage, and asked why an engineered drainage plan would be required. Spivey responded that it was necessary because future development may impact existing drainage. Ainslie explained that the drainage study was required by subdivision regulations.

The floor was opened for public comment. No comment was made. The Commission voiced their approval of the proposal subject to the listed conditions of approval.

**M-Alderson/S-Mudry moved to approve the preliminary plat for a minor subdivision to result in two lots at 601 Baranof Street in the R-1 single-family and duplex residential district subject to the attached conditions of approval. The property is also known as Lot 1, Shaffer/Rezek Lot Line Adjustment. The request was filed by David Thomas. The owner of record was David Thomas. Motion passed 3-0 by voice vote.**

**M-Alderson/S-Mudry moved to adopt the findings as listed in the staff report. Motion passed 3-0 by voice vote.**

**D**     [MISC 21-13](#)

Commission review of a proposed site plan for 1410 and 1414 Halibut Point Road in the R-2 multifamily district. The properties are also known as Tracts 1 and 2 of U.S. Survey 500. The request for review is filed by the Sitka Community Land Trust. The owner of record is City and

Borough of Sitka.

**Attachments:**     [MISC 21-13\\_1 - Staff Memo](#)  
                              [MISC 21-13\\_2 - Aerial](#)  
                              [MISC 21-13\\_3 - Conceptual Site Plan](#)  
                              [MISC 21-13\\_4 - Conceptual renderings](#)  
                              [MISC 21-13\\_5 - Photos](#)  
                              [MISC 21-13\\_6 -SCLT Correspondence](#)  
                              [MISC 21-13\\_7 - ORD 2015-56](#)  
                              [MISC 21-13\\_8 - ORD 2006-32](#)

Ainslie introduced the item for conceptual site plan review of 1410 and 1414 Halibut Point Road by Sitka Community Land Trust (SCLT). Ainslie explained that the 2015 ordinance which authorized the transfer of a portion of the "the old city shops" land to SCLT with the intent to transfer the remainder of the land at a later date once SCLT could demonstrate their ability to develop the land for affordable housing. Ainslie noted that the original development created 7 lots with 5 lots committed and 5 more on the wait-list. Ainslie explained that the availability of grant funding made SCLT believe it the appropriate time to initiate the transfer of the remaining land. Ainslie clarified that the item was not a subdivision application but rather a conceptual site plan to aid in future development if approved, and that the applicant requested Commission feedback to support the Assembly decision as they consider the ordinance.

Spivey asked if the landslide ordinance was under review as it restricted development potential. Ainslie explained that it was, though the applicant wanted to make sure that development was safe.

Randy Hughey was present, as representative of the applicant. Hughey explained that the land trust model for affordable housing was to remove land cost and construct small housing to reduce costs for prospective buyers. Hughey explained that SCLT had contracted engineering services for geotechnical analysis to prevent another landslide. Hughey explained that there was contaminated soil on the site but test holes suggested the identified building locations were not contaminated and would not require cutting into the hillside.

The floor was opened for public comment. No comment came forward.

The Commission voiced their support.

**M-Alderson/S-Mudry moved to support the transfer of land at 1410 and 1414 Halibut Point Road to the Sitka Community Land Trust. Motion passed 3-0 by voice vote.**

**E**     [MISC 21-09](#)

Discussion/Direction on Short-Term Tourism Plan

Item was not discussed as there proved to be sufficient time in the special meeting.

**No action taken.**

**VIII. ADJOURNMENT**

**Chair Spivey adjourned the meeting at 8:10pm.**



# CITY AND BOROUGH OF SITKA

## Minutes - Draft

### Planning Commission

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Wednesday, July 7, 2021

6:30 PM

Harrigan Centennial Hall

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#### **\*\*Special Meeting\*\***

#### **I. CALL TO ORDER AND ROLL CALL**

Present: Chris Spivey (Chair), Stacy Mudry, Wendy Alderson

Absent: Darrell Windsor, Katie Riley (Excused)

Staff: Amy Ainslie, Ben Mejia

Public: Brad Shaffer, Ariadne Will (Sitka Sentinel)

**Chair Spivey called the meeting to order at 6:33pm.**

#### **II. CONSIDERATION OF THE AGENDA**

#### **III. PERSONS TO BE HEARD**

#### **IV. THE EVENING BUSINESS**

##### **A [MISC 21-09](#)**

##### **Discussion/Direction on Short-Term Tourism Plan**

Ainslie reviewed public comment submitted during the tourism planning forums and showed maps that displayed suggested drop-off locations and areas to avoid. Christianson suggested that Lincoln Street or a portion of it be used only for bus drop-off and pedestrians. The Commission discussed potential impacts to existing tour operators by a city-run shuttle service. Spivey voiced concern over actions that may block businesses during day-to-day operations. The Commission acknowledged that any plan would need to take business operations into account.

The Commission discussed the using the Baranof Elementary School parking lots as a drop-off location. Mudry asked if any summer programs used the school, Spivey and Alderson responded that the Ventures program used the school.

Ainslie noted that frequently identified concerns were inadequate or insufficient number of bathrooms, the traffic and environmental impacts from buses, and emergency service access. Alderson asked staff how the Sawmill Creek Road work would impact transportation and what detours might be expected. The Commission noted that tour bus operators would be challenged by a Jeff Davis Street reroute to access Sawmill Creek Road. Ainslie replied that staff would collect information about the Sawmill Creek Road project. Christianson commented that the Assembly was reviewing the possibilities of unburdening processes for taxi driver permitting, and that more taxi drivers may facilitate dispersion. Christianson voiced concern over safety of tour bus drivers acting as tour guides and instead suggested that tour operators have separate tour guides and drivers to reduce the possibility of distracted driving.

Ainslie provided updates on cell tower projects in town and informed the Commission that she had reached out to phone and internet service providers to discuss the possibility of expanding coverage and capacity during the cruise season.

The Commission opened the floor for public comment. No comment was made. Christianson and Ainslie identified a potential need for crosswalks on Sawmill Creek Road in front of the raptor center and on Halibut Point Road at the new Cross Trail trail head.

Ainslie provided a summary of findings. The Commission agreed with the findings and commented on the importance of signage and visitor information.

## **V. ADJOURNMENT**

**Chair Spivey adjourned the meeting at 7:25pm.**



# City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

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*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: V 21-08  
Proposal: Request to reduce off-street parking requirement from 6 to 5 spaces for a triplex  
Applicant: Kent Bovee  
Owner: Bovee Irrevocable Children's Trust  
Location: 601 Lincoln Street  
Legal: Lot 3, Gregory Subdivision  
Zone: R-1 single-family and duplex residential district  
Size: 8,420 square feet  
Parcel ID: 1-1675-000  
Existing Use: Residential  
Adjacent Use: Church, schools, harbor, residential  
Utilities: Existing  
Access: Baranof Street and Lincoln Street

### **KEY POINTS AND CONCERNS**

- In May of 2021 the Commission approved the proposal to convert a duplex into a tri-plex (CUP 21-06) with a condition that the applicant meet necessary parking requirement prior to staff approval of a building permit
- The applicant has since determined the development of an additional parking space to be unfeasible at this time, and requests a parking variance to allow the third dwelling be built without meeting off-street parking requirements
- Given the small size of the additional unit, a single parking space may be considered adequate to meet off-street parking needs of the new dwelling

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the variance to reduce the off-street parking requirement at 601 Lincoln Street.

## **BACKGROUND/PROJECT DESCRIPTION**

The request is to reduce the off-street parking requirement of the proposed triplex from 6 spaces to 5 spaces. On May 5, 2021 the Planning Commission reviewed and approved the applicant's conditional use permit request for a multi-family structure in the R-1 single-family and duplex residential district, to convert an existing duplex into a triplex at 601 Lincoln Street. A condition of approval for this permit was for the applicant to construct the necessary parking to accommodate the Code requirement that each dwelling have 2 off-street parking spaces prior to Planning Department approval of a Building Permit for the construction of the new dwelling unit. After time and consideration of the project, the applicant has determined that meeting this parking requirement would make the applicant unable to complete this project. It is for this reason that the applicant requests a reduction in the off-street parking requirement. The applicant feels that, due to the total square footage of livable area and number of bedrooms remaining the same, the proposal would not result in an increase in parking needs.

## **ANALYSIS**

### *Off-Street Parking Requirements*

The Sitka General Code requires 2 parking spaces per dwelling unit for structures of no more than 4 dwelling units. The purpose of this Code provision is to "regulate parking and loading in order to lessen traffic congestion and contribute to public safety by providing sufficient on-site areas for the maneuvering and parking of motor vehicles."<sup>1</sup> A parking space is defined as a minimum of 9'x18' with a Code preference for 10'x20' to accommodate for larger vehicles.

### **22.20.100 Off-Street Parking Requirements.**

**B. Required Automobile Parking Spaces. Off-street parking spaces shall be provided as an accessory use in accordance with the requirements of this section at the time any building or structure is erected, enlarged, or expanded. Consistent with earlier zoning ordinances, off-street parking and loading spaces are not required for properties in the central business district. Property owners are encouraged to provide off-street loading areas as appropriate and feasible.**

### *Potential Impacts*

Granting of this variance is likely to result in minimal impact to surrounding uses. The request to reduce the parking requirement by one space can be justified by the proximate location to the Central Business District and the understanding that the creation of the new dwelling unit would result in the restructuring of the existing number of residents and is unlikely to result in more residents than is currently allowable thereby mitigating potential traffic and parking impacts.

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<sup>1</sup> SGC 22.20.100 (A)

## *Comprehensive Plan Guidance*

This proposal is supported by Comprehensive Plan action LU 8.2 to “amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate.” Granting of this variance would support the applicant’s ability to bring a small dwelling to market at a more affordable rental cost than might be necessary if the costs of developing an additional parking space would need to be recuperated in the rental cost of the proposed dwelling.

### **RECOMMENDATION**

The Planning Department recommends approval of the request for reduction in the off-street parking requirement at 601 Lincoln Street. The proposal does not create more livable area and it unlikely to result in an increase in parking needs despite resulting in a new dwelling unit therefore the basis of the additional parking requirement is not as apparent in this case.

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### **ATTACHMENTS**

Attachment A: Aerial  
Attachment B: Floor Plan  
Attachment C: Parking Plan  
Attachment D: Plat  
Attachment E: Photos  
Attachment F: Applicant Materials

### **Motions in favor of approval**

- 1) **“I move to approve the variance for a reduction in the off-street parking requirement from 6 spaces to 5 spaces at 601 Lincoln Street in the R-1 single-family and duplex residential district, subject to the attached conditions of approval. The property is also known as Lot 3, Gregory Subdivision. The request is filed by Kent Bovee. The owner of record is the Bovee Irrevocable Children’s Trust.”**

- 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 shown<sup>2</sup>:

**Required Findings for Minor Expansions, Small Structures, Fences, and Signs.**

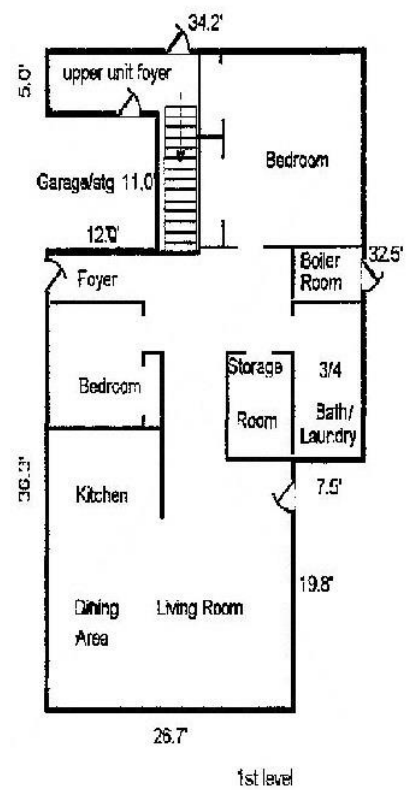
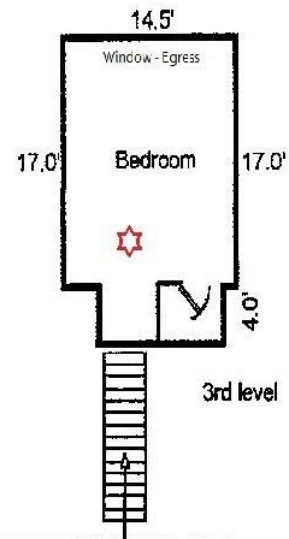
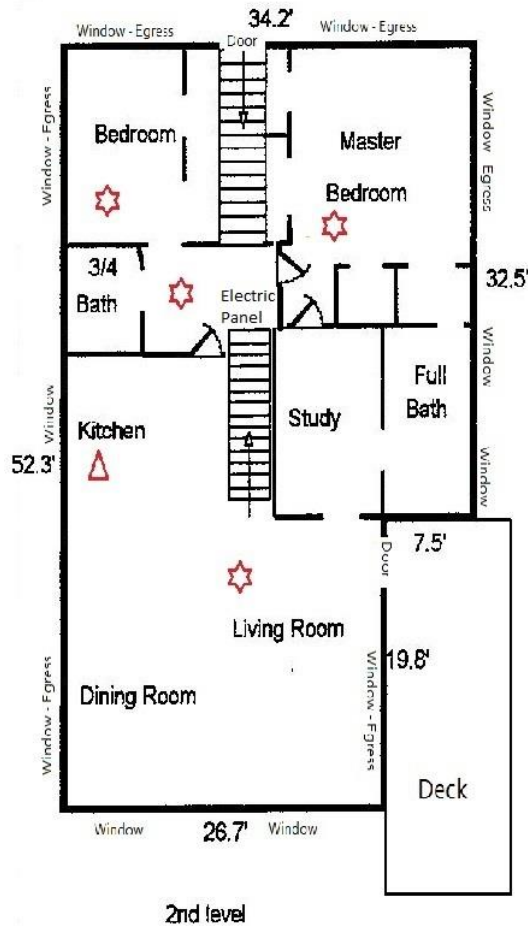
- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions;**
- b. The granting of the variance is not injurious to nearby properties or improvements;**
- c. The granting of the variance furthers an appropriate use of the property.**

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<sup>2</sup> Section 22.30.160(D)(1)—Required Findings for Major Variances



## Site Plan - Existing



Next page – Site Plan - Proposed

Site Plan - Proposed

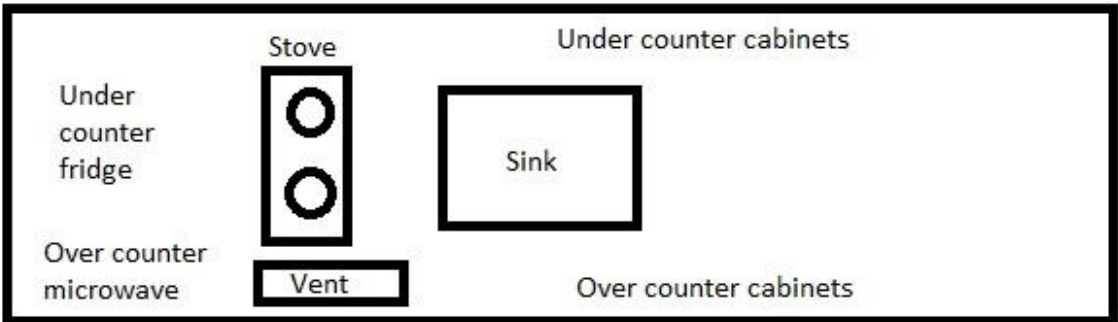


Next page – Kitchenette Details Plan - Proposed

Kitchenette Details Plan – Proposed

Kitchenette Details

7' 10"



## 601 Lincoln St – Parking

Existing is 19' x 45' but this could be extended as needed.









# CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY & BOROUGH OF SITKA, IN THE NAME OF St. Gregory Catholic Church and Charles C. & Edith S. Bowser and Corp of Catholic Bishop of Sitka AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 1999 WILL BE DUE ON OR BEFORE AUGUST 31, 1999 DATED THIS 30th DAY OF September, 1997.

*R.H. O'Neill*  
ASSESSOR, CITY AND BOROUGH OF SITKA

## CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 97-14 DATED July 21st 1997, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 7/15/97 *Jim Scott*  
CHAIRMAN, PLATTING BOARD  
*Shirley Barnett Simmons*  
SECRETARY

## CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK NA PAGE NA DATED NA 1997, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 9/3/97 *Bob Hillman*  
MAYOR  
*Edith S. Bowser*  
CITY AND BOROUGH CLERK



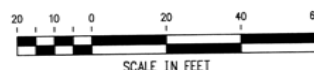
## CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF St. Gregory Catholic Church and Charles C. & Edith S. Bowser and Corp of Catholic Bishop of Sitka (ALL OWNERS OF RECORD), AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 7th DAY OF October 1997, AT SITKA, ALASKA.  
*Edith S. Bowser*  
FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

## LEGEND

- BRASS CAP MONUMENT (RECOVERED)
- SECONDARY MONUMENT (SET)
- SECONDARY MONUMENT (RECOVERED)
- (R) RECORDED DATA
- (C) COMPUTED DATA
- (M) MEASURED DATA



BASIS OF BEARINGS

- ORIGIN OF RECORD COORDINATES
- INTERSECTION SAWMILL CREEK ROAD & BARANOF STREET
- INTERSECTION SAWMILL CREEK ROAD & LAKE STREET

POR. LOTS 3 & 5, USS 1474

TRACT H, USS 404

LOT 2

LOT 1  
AREA = 52,698 S.F.

LOT C109

LOT 1

PORTION C108

LOT C108

LOT 2  
AREA = 7,941 S.F.

LOT C107

LOT 3  
AREA = 8,420 S.F.

USS 443  
TRACT A

BARANOF STREET

## PLAT NOTES

1. THE PURPOSE OF THIS PLAT IS TO COMBINE INTO ONE LOT THE FIVE INDIVIDUAL LOTS OWNED BY THE CATHOLIC CHURCH, AND TO CLEARLY DEFINE PROPERTY LINES BETWEEN REMAINING LOTS (MADE NECESSARY BY CONFLICTING DEED DESCRIPTIONS AND OVERLAPS). REFERENCE WARRANTY DEED IN BOOK 35, PAGE 595 AND WARRANTY DEED IN BOOK 30, PAGE 213 AND 214 FOR LOT 3 AND LOT 2 DESCRIPTIONS. BOUNDARIES HAVE BEEN REVISED ONLY SLIGHTLY TO CONFORM TO MEASURED SURVEY DATA.
2. AN EASEMENT FOR UNDERGROUND WATER AND SEWER LINES EXISTS AS SHOWN AND AS DESCRIBED IN BOOK 34, PAGE 885, SITKA RECORDING DISTRICT.

CLIENT: ST. GREGORY CATHOLIC CHURCH  
P.O. BOX 495  
SITKA, ALASKA 99835

## SURVEYOR'S CERTIFICATE

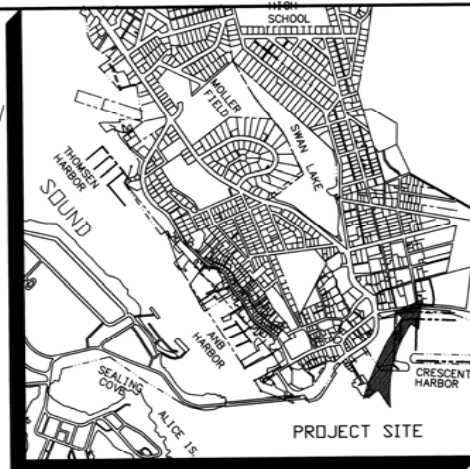
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN June 1997, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DESIGNED: P. O'NEILL  
DRAWN: GDS/ACAD  
CHECKED: PNO  
DATE OF PLAT: JUL 23, 1997 • 16:12:49  
SCALE: 1"=20'  
DRAWING NUMBER: 20027.01



O'NEILL  
LAND SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835  
(907) 747-6700



## VICINITY MAP

SCALE 1"=1,000'

## CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE 9-30-97 *R. McChesney* (SIGNATURE)  
DATE 9-30-97 *Edith S. Bowser* (SIGNATURE)  
DATE 9-30-97 *Edith S. Bowser* (SIGNATURE)  
DATE 9-30-97 *Edith S. Bowser* (SIGNATURE)

## NOTARY'S ACKNOWLEDGMENT

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA  
THIS IS TO CERTIFY THAT ON THIS 30th DAY OF September, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED St. Gregory Catholic Church and Charles C. & Edith S. Bowser and Corp of Catholic Bishop of Sitka TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND they ACKNOWLEDGED TO ME THAT they SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.  
WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.  
*Shirley Barnett Simmons*  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
MY COMMISSION EXPIRES 11-18-97

## CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

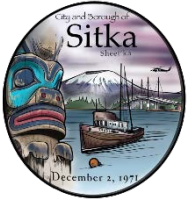
DATE 9/3/97 *Michael W. Bishop* (SIGNATURE)  
DATE 9/3/97 *Michael W. Bishop* (SIGNATURE)

## NOTARY'S ACKNOWLEDGMENT

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA  
THIS IS TO CERTIFY THAT ON THIS 3rd DAY OF September, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED St. Gregory Catholic Church and Charles C. & Edith S. Bowser and Corp of Catholic Bishop of Sitka TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND they ACKNOWLEDGED TO ME THAT they SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.  
WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.  
*Robert D. Dorman*  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
MY COMMISSION EXPIRES 10/10/99

## GREGORY SUBDIVISION

A RE-SUBDIVISION OF LOTS 1, 2, C107, THE 2 PORTIONS  
OF LOT C108, C109 AND TRACT 'A' USS 443



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

### APPLICATION FOR:

☐ VARIANCE☐ CONDITIONAL USE☐ ZONING AMENDMENT☐ PLAT/SUBDIVISION

### BRIEF DESCRIPTION OF REQUEST: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### PROPERTY INFORMATION:

CURRENT ZONING: \_\_\_\_\_ PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): \_\_\_\_\_ PROPOSED LAND USES (if changing): \_\_\_\_\_

\_\_\_\_\_

### APPLICANT INFORMATION:

PROPERTY OWNER: \_\_\_\_\_

PROPERTY OWNER ADDRESS: \_\_\_\_\_

STREET ADDRESS OF PROPERTY: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_ DAYTIME PHONE: \_\_\_\_\_

\_\_\_\_\_

Last Name

Date Submitted

Project Address

## REQUIRED SUPPLEMENTAL INFORMATION:

### For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Proof of filing fee payment
- ☐ Other: \_\_\_\_\_

### For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

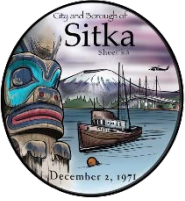
\_\_\_\_\_  
Applicant (If different than owner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Project Address



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

### SUPPLEMENTAL APPLICATION FORM

### VARIANCE

#### APPLICATION FOR

- ☐ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
- ☐ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
- ☐ PLATTING VARIANCE – WHEN SUBDIVIDING

**RATIONALE** - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

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#### POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- TRAFFIC 

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- PARKING 

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- NOISE 

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- PUBLIC HEALTH AND SAFETY 

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- HABITAT 

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- PROPERTY VALUE/NEIGHBORHOOD HARMONY 

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- COMPREHENSIVE PLAN 

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Last Name

Date Submitted

Project Address

**REQUIRED FINDINGS** (Choose **ONE** applicable type and explain how your project meets these criterion):

**Major Zoning Variance** (Sitka General Code 22.30.160(D)1)

Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

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. Explain the special circumstances:*

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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. Explain the use/ enjoyment this variance enables:*

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c. *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. Initial Here* \_\_\_\_\_

**Minor Zoning Variance** (Sitka General Code 22.30.160(D)2)

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

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. My request should be considered a minor zoning variance because:*

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b. *The granting of the variance furthers an appropriate use of the property. Explain the use or enjoyment this variance enables:*

---

c. *The granting of the variance is not injurious to nearby properties or improvements. Initial Here* \_\_\_\_\_

**Platting Variance** (Sitka General Code 21.48.010)

- a. A variance from the requirements of this title may be granted only if the planning commission finds that the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. **Explain the conditions of the lot that warrant a variance:** \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- b. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property. **Initial Here** \_\_\_\_\_

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date



# City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

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*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: VAR 21-09  
Proposal: Reduce front setback from 14' to 6'  
Applicant: Raymond and Judy Wampler  
Owner: Raymond Wampler  
Location: 5318 Halibut Point Road  
Legal: Lot 1, Tract B-1, U.S. Survey 3670  
Zone: R-1 Single-Family and Duplex Residential District  
Size: 21,862 square feet  
Parcel ID: 2-6040-000  
Existing Use: Vacant/Under Development  
Adjacent Use: Residential, Commercial, State Park  
Utilities: Existing  
Access: Halibut Point Road

### **KEY POINTS AND CONCERNS**

- Lot is large at 21,862 square feet, but is challenging to build on given the severe grade change from the roadside to the upland portion of the property
- The proposal is for the placement of a small single-family home
- Vegetation and topography serve as substantial buffer to adjacent property uses

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the zoning variance for the front setback reduction.

## **BACKGROUND/PROJECT DESCRIPTION**

Project location is on an 21,862 square foot lot in an under-developed area along Halibut Point Road between the ferry terminal and Old Sitka boat launch auxiliary parking. The proposal is to allow for placement of a small single-family home. Currently, there is a structure to house the applicant's dogs placed on the lot as the applicant continues to develop the property. Due to the substantial grade change from the roadside to the upland portion of the property, the buildable area is greatly reduced without significant earthwork. However, the applicant has identified a portion of the lot where it would be feasible to place a small home. It is for this reason that a front setback reduction from 14' to 6' is requested. The garage for car storage is located on the east side of the building such that there is adequate room for ingress/egress on the property (i.e. cars will not have to back out on to the right-of-way). The property is buffered by vegetation and topography, serving to mitigate effects of setback reduction.

## **ANALYSIS**

### *Setback requirements*

The Sitka General Code requires 14-foot front setbacks in the R-1 zone<sup>1</sup>.

### **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 major structures or expansions in the Sitka General Code is "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". In this case, the topography of the lot can be viewed as justifications for granting a variance.

### *Potential Impacts*

The granting of the variance does not increase traffic, density, or other impacts beyond the residential use that was intended for the lot. 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.

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<sup>1</sup> SGC Table 22.20-1

### *Comprehensive Plan Guidance*

This proposal is consistent with one of the land use and future growth actions in the Sitka Comprehensive Plan 2030; LU 8.2 “Amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate”.

### **RECOMMENDATION**

Staff recommends approval of the front setback reduction. This proposal opens up possibility for development of a small residential structure on an underutilized lot. Vegetation and topography mitigate potential for visual or traffic impacts.

### **ATTACHMENTS**

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Elevation
- Attachment D: Floor Plan
- Attachment E: Plat
- Attachment I: Photos
- Attachment J: Applicant Materials

### **MOTIONS TO APPROVE THE ZONING VARIANCE**

- 1) **I move to approve the zoning variance for reductions in the front setback at 5318 Halibut Point Road in the R-1 Single-Family and Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot 1, Tract B-1, U.S. Survey 3670. The request is filed by Raymond and Judy Wampler. The owners of record are Raymond Wampler.**

#### Conditions of Approval:

- a. The front (north) setback will be decreased from 14 feet to no less than 6 foot.
- 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 shown<sup>2</sup>:

- 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;
- 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;
- 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.

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<sup>2</sup> Section 22.30.160(D)(1)—Required Findings for Major Variances



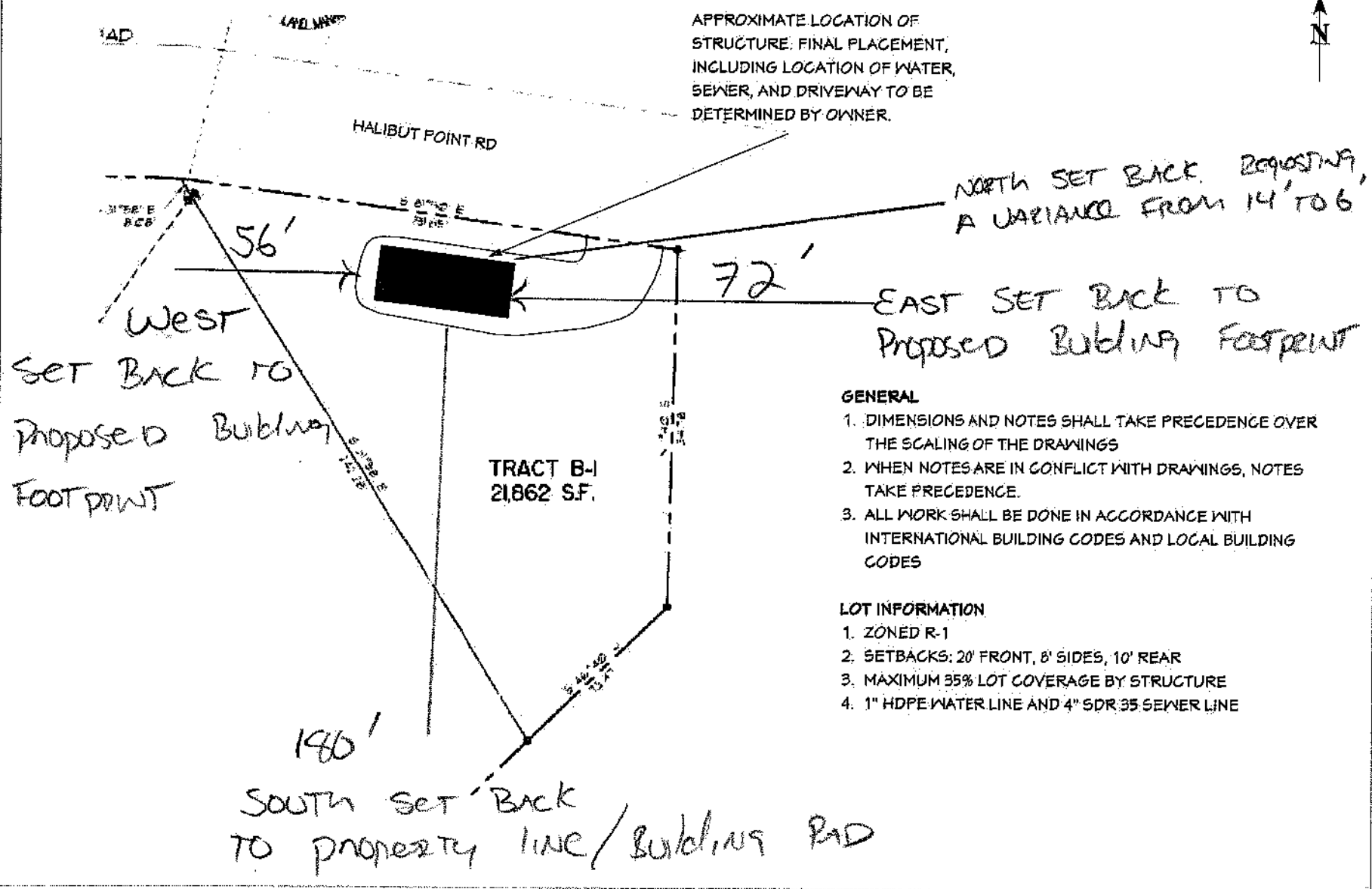
SHEET NUMBER  
**A2**

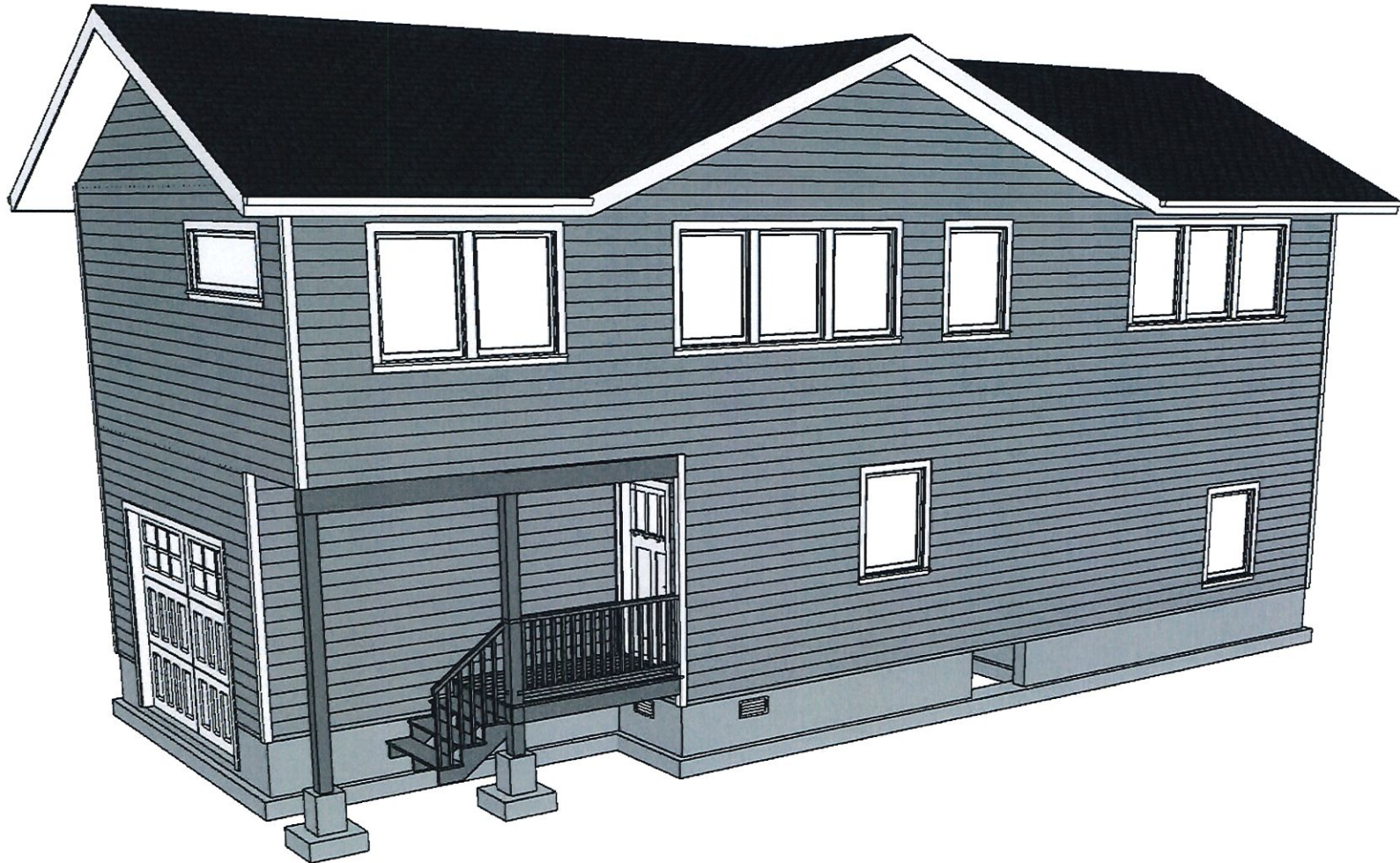
NO SCALE  
2/24/2021  
DRAWN BY: S.H.

TITLE  
**PLOT PLAN**

CLIENT  
RAYMOND NAMPLER  
5318 HALIBUT PT RD  
(907) 738-1629

PLANS BY  
TITAN CONSTRUCTION  
210 KRAMER AVE  
SITKA, AK 99835  
(907) 752-0415





5318 HALIBUT POINT ROAD

SURVEY 3670, PLAT 97-19, TRACT B-1

SHEET NUMBER

A1

NO SCALE

2/24/2021

DRAWN BY: S.H.

OVERVIEW

OVERVIEW

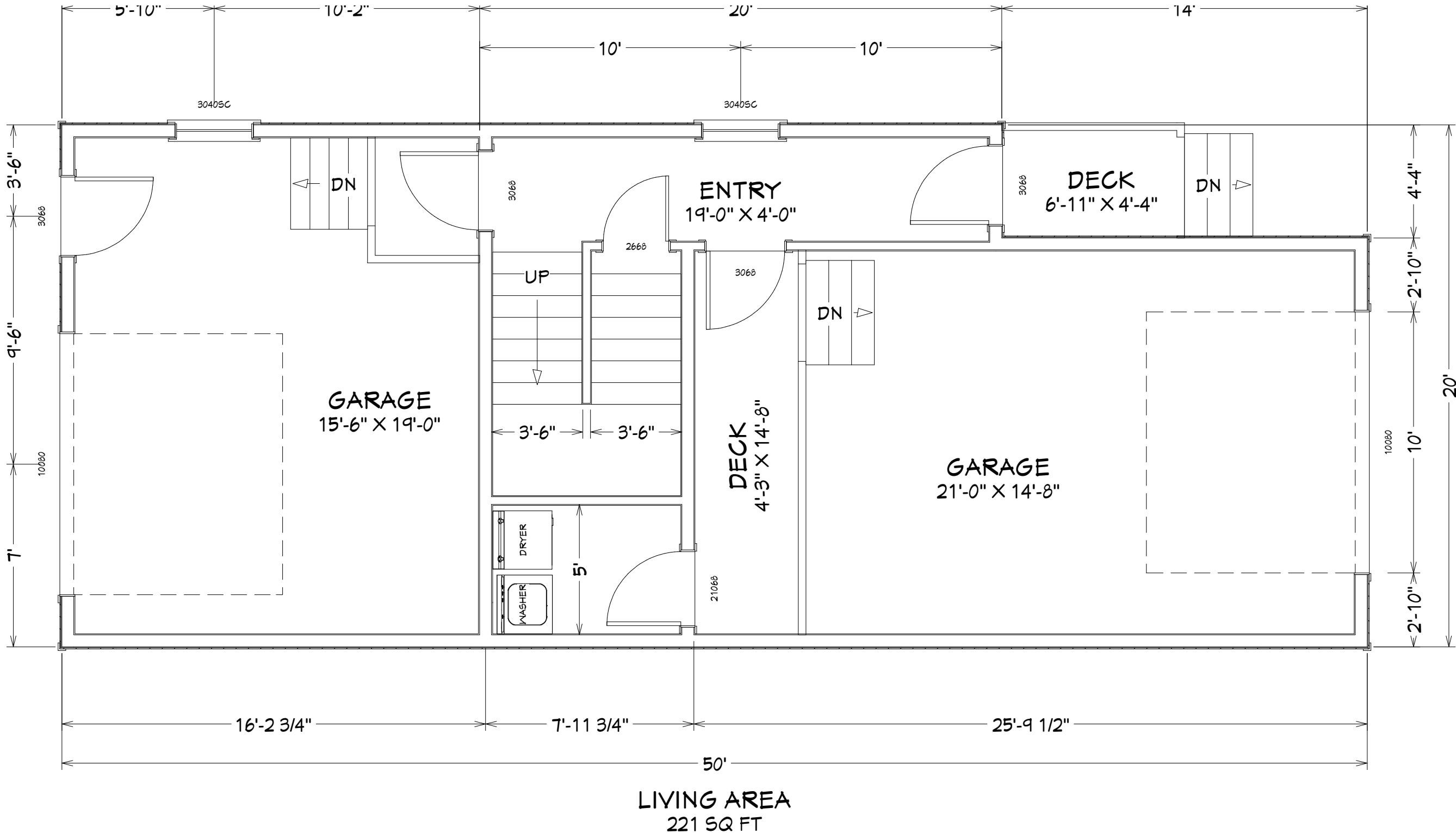
CLIENT:

RAYMOND WAMPLER  
5318 HALIBUT PT RD  
(907) 738-1629

PLANS BY:

TITAN CONSTRUCTION  
210 KRAMER AVE  
SITKA, AK 99835  
(907) 752-0415

TITAN  
CONSTRUCTION



SHEET NUMBER		A3	
1/4" = 1'		2/24/2021	
TITLE:		DRAWN BY: S.M.	
FIRST FLOOR			
CLIENT:			
RAYMOND WAMPLER 5318 HALIBUT PT RD (907) 738-1629			
PLANS BY:			
TITAN CONSTRUCTION 210 KRAMER AVE SITKA, AK 99835 (907) 752-0415			









# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

### APPLICATION FOR:

☒ VARIANCE☐ CONDITIONAL USE☐ ZONING AMENDMENT☐ PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Reduction of Front Setbacks  
Due to Extreme Lot Topography, Geologic Stability  
of Parcel  
Specifically, Reduction from 14' to 6' Setbacks

### PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): Residential PROPOSED LAND USES (if changing): \_\_\_\_\_

### APPLICANT INFORMATION:

PROPERTY OWNER: Raymond and Judy Wampler

PROPERTY OWNER ADDRESS: 5318 Halibut Point Rd

STREET ADDRESS OF PROPERTY: 5318 Halibut Point Rd

APPLICANT'S NAME: \_\_\_\_\_

MAILING ADDRESS: P.O. Box 1796, Sitka AK 99835

EMAIL ADDRESS: RAYMONDW@PETRO49 DAYTIME PHONE: 907-738-1629  
.com

Wampler

Last Name

06-23-2021

Date Submitted

5318 HPR

Project Address

## REQUIRED SUPPLEMENTAL INFORMATION:

### For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Proof of filing fee payment
- ☐ Other: \_\_\_\_\_

### For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

\_\_\_\_\_  
Owner

06-23-2021  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

\_\_\_\_\_  
Applicant (If different than owner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Project Address



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM VARIANCE

### APPLICATION FOR

- ☐ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
- ☒ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
- ☐ PLATTING VARIANCE – WHEN SUBDIVIDING

**RATIONALE** - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

A VARIANCE IS REQUESTED DUE TO THE EXTREME TOPOGRAPHY OF THE PARCEL, AND TO MAINTAIN GEOLOGICAL STABILITY.

### POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- TRAFFIC NO GREATER THAN EXPECTED BY RESIDENTIAL USE.
- PARKING PARKING IS OFF-STREET, WITH A 1 CAR ENCLOSED GARAGE AND THREE DESIGNATED PARKING SPOTS
- NOISE NO GREATER IMPACTS THAN NORMAL RESIDENTIAL USE.
- PUBLIC HEALTH AND SAFETY THE LOT IMPROVEMENTS WILL INCREASE SAFETY DUE TO HABITATION AND EXTERIOR LIGHTING.
- HABITAT THE LOT IMPROVEMENT HAS MINIMAL IMPACT ON HABITAT, AND STRIVES TO RETAIN NATURAL CONDITIONS.
- PROPERTY VALUE/NEIGHBORHOOD HARMONY THE DEVELOPMENT OF THE PARCEL WILL INCREASE PROPERTY VALUES, AND ASSESSED VALUE.
- COMPREHENSIVE PLAN H2 4, ENCOURAGE HOUSING.

Wampler

Last Name

06-23-2021

Date Submitted

5318 HPR

Project Address

**REQUIRED FINDINGS** (Choose ONE applicable type and explain how your project meets these criterion):

**Major Zoning Variance** (Sitka General Code 22.30.160(D)1)

Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

- 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, specifically, EXTREME TOPOGRAPHY AND GEOLOGICAL STABILITY;
- 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, specifically, BY ~~MA~~ ALLOWING SET BACKS VARIANCE ALLOWS FOR BUILDING 20 X 50 RESIDENTIAL STRUCTURE.
- 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, specifically, DUE TO THE ISOLATED LOCATION, DOES NOT IMPACT ANY ADJACENT ENTITIES;
- d. That the granting of such a variance will not adversely affect the comprehensive plan, specifically, (cite section and explain) ENCOURAGES THE BUILDING OF RESIDENTIAL PROPERTY PER 14.2

**Minor Zoning Variance** (Sitka General Code 22.30.160(D)2)

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

- 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, specifically, \_\_\_\_\_;
- 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, specifically, \_\_\_\_\_.

88

**Platting Variance** (Sitka General Code 21.48.010)

A variance from the requirements of this title may be granted only if the planning commission finds that:

- A. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property, specifically, \_\_\_\_\_  
\_\_\_\_\_.
- B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property, specifically, \_\_\_\_\_  
\_\_\_\_\_.

88

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Raymond T. Wampler

\_\_\_\_\_  
Applicant

06-23-2021

\_\_\_\_\_  
Date

88

Wampler

\_\_\_\_\_  
Last Name

06-23-2021

\_\_\_\_\_  
Date Submitted

5318 HALIBUT POINT RD.  
SITKA, AK 99835

\_\_\_\_\_  
Project Address

## Letter of Intent

### In support of Request for Variance

**5318 Halibut Point road, Sitka, AK 99835**

This letter of Intent is in support of my request for a variance to the front setback for an existing non-conforming lot. The intention is to construct a new, single family dwelling on the lot with a footprint of 20 wide x 50 feet long.

*Exhibit 1-Drawing of building foundation, exterior architectural rendering*

Due to the extreme topography of the parcel, and to maintain the geologic integrity of the slope behind the building pad, I am requesting a reduction in the front setback.

*Exhibit 2, drawing of variance reduction, final structure placement*

The current required set-back for this lot as zoned is 10 feet. I am requesting a 4-foot variance to make the front set back a total of 6 feet from the front property boundaries.

The lot is located on Halibut Point road, and currently maintains a 50-foot easement between the roadway and my property lines. Of note, the easement consists of a greenbelt of mature trees and foliage, and an approximate 6-foot-deep drainage ditch. The variance request does not encroach on the Department of Transportation easement, nor does it affect the side or rear setbacks to the proposed building area. The lot is  $\frac{1}{2}$  acre, with the building pad located on the front  $\frac{1}{4}$  of the property.

*Exhibit 3, photo of DOT easement to include greenbelt and drainage ditch*

The request for variance would allow the full and unrestricted use of the parcel, and due to its isolated location does not impact neighbors' adjacent properties. The closest neighbor is over 600 ft to the west and located at the top of a bluff. To the east is a CBS owned green belt approximately  $\frac{1}{2}$  mile wide, separating the Starrigavan overflow parking area from my property. Directly in front of the property, facing north is Halibut Point Road, and to the south is the remaining land area of the property, approximately 16,000 square feet of forested hillside.

*Exhibit 4, photos of property in four directions.*

The architectural rendering of the finished structure is in step with existing styles of the surrounding neighborhoods, the occupancy of the parcel will improve general security and safety in the area and provide much needed area lighting.

The proposed project would increase the property value and subsequently the tax base generated by the improvements.

Thank you for your consideration.

Respectfully submitted,

Raymond T. Wampler



# City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

---

*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: VAR 21-10  
Proposal: Reduce rear setback from 8' to 0'  
Applicant: John Hardwick and Ral West  
Owner: John T. Hardwick Revocable Living Trust and Ral West Revocable Living Trust  
Location: 1401 Halibut Point Road  
Legal: Lot 2, Borhauer Subdivision  
Zone: R-1 Single-Family and Duplex Residential District  
Size: 29,900 square feet  
Parcel ID: 1-5761-000  
Existing Use: Vacant  
Adjacent Use: Single-family and duplex  
Utilities: Existing  
Access: Halibut Point Road

### **KEY POINTS AND CONCERNS**

- Lot is large at 29,900 square feet, but the presence of wetlands and current grading of the site limit appropriate placement of a home
- The proposal is for the placement of a duplex (single-family home with attached apartment)

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the zoning variance for a rear setback reduction from 8' to 0'.

## **BACKGROUND/PROJECT DESCRIPTION**

Project location is on an 29,900 square foot undeveloped lot in a residential area along Halibut Point Road. The proposal is to allow for placement of a two-story duplex with a total living area of approximately 5,000 square feet. Granting the request would facilitate the placement of the structure and allow the applicants to take advantage of their waterfrontage. It is for this reason that a rear setback reduction from 8' to 0' is requested. The site plan shows the structure is oriented to optimize views afforded by the waterfront location while maintaining side setbacks and that only the southern corner of the structure is set to 0' from the property line while the northwestern corner is about 4.5' from the rear property line. The property is buffered by vegetation, serving to mitigate effects of setback reduction.

Setbacks to tidelands are treated differently in certain zoning districts per the zoning code. Though there is a footnote to table 22.20-1 Development Standards, footnote 12, that states "*No setbacks are required from property lines of adjacent filled, intertidal, or submerged tidelands,*" this footnote is only referenced in the WD and GPIP zones. However, the rationale behind it would seem to apply in this case. Setbacks are in place to ensure open space, distance/buffer from neighboring properties, and fire separation. These factors are not as applicable when applied to property lines abutting tidelands in this case.

## **ANALYSIS**

### *Setback requirements*

The Sitka General Code requires 8-foot rear setbacks in the R-1 zone<sup>1</sup>.

### **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 major structures or expansions in the Sitka General Code echoes this statement by stating that there must be "...special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, 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". Further, the Sitka General Code determines the granting of a variance appropriate as it allows 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

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<sup>1</sup> SGC Table 22.20-1

placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity”. In this case, the presence of wetlands on the lot, as it restricts access and buildable area for an appropriate and common use, can be viewed as justifications for granting a variance.

#### *Potential Impacts*

The granting of the variance does not increase traffic, density, or other impacts beyond the residential use that was intended for the lot. There is no adjacent property owner to be impacted by building up to a property line abutting tideland. 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.

#### *Comprehensive Plan Guidance*

This proposal is consistent with one of the land use and future growth actions in the Sitka Comprehensive Plan 2030; LU 8.2 “Amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate”.

### **RECOMMENDATION**

Staff recommends approval of the rear setback reduction. This proposal allows for the enjoyment of the property’s waterfront location with minimal impact to surrounding uses. Vegetation and topography mitigate potential for visual impacts to neighboring uses.

### **ATTACHMENTS**

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Wetlands Map
- Attachment D: Elevation
- Attachment E: Floor Plan
- Attachment F: Current Plat
- Attachment G: Photos
- Attachment H: Applicant Materials

## **MOTIONS TO APPROVE THE ZONING VARIANCE**

- 1) I move to approve the zoning variance for reductions in the rear setback at 1401 Halibut Point Road in the R-1 Single-Family and Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot 2, Borhauer Subdivision. The request is filed by John Hardwick and Ral West. The owners of record are John T. Hardwick Revocable Living Trust and Ral West Revocable Living Trust.**

### **Conditions of Approval:**

- a. The rear (west) setback will be decreased from 8 feet to no less than 0 foot.
  - 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 shown<sup>2</sup>:**

- 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;
- 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;
- 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.

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<sup>2</sup> Section 22.30.160(D)(1)—Required Findings for Major Variances



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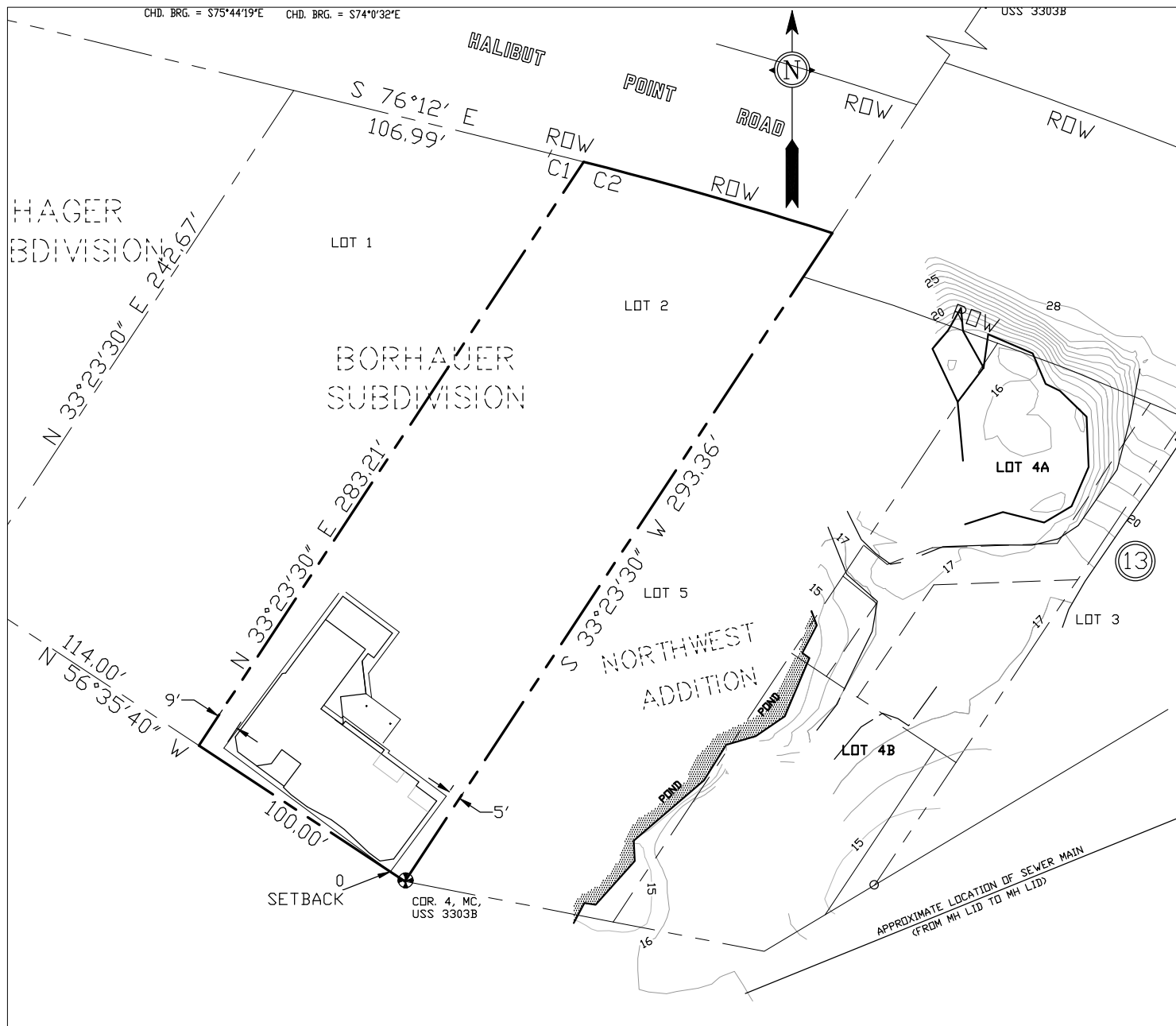
1300B Aptmt

Halibut Point Road

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© 2021 Google

© 2021 Google







**EAST ELEVATION**  
SCALE : 1/4" = 1' 0"

Driveway side - toward HPR



**WEST ELEVATION**  
SCALE : 1/4" = 1' 0"

waterfront side

**EXTERIOR FINISH NOTES:**

1. EXTERIOR FINISH TO BE DETERMINED.
2. WINDOW & DOOR TRIM MATERIAL AND COLOR BY OWNER.
3. VERIFY MANUFACTURER, COLOR AND STYLE WITH OWNER.
4. DOWNSPOUTS TO BE COLLECTED AND ROOF RUN OFF TO BE DIRECTED AWAY FROM STRUCTURE PER THE SITE PLAN.



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
EXTERIOR ELEVATIONS

PROJECT DESCRIPTION:
HARDWICK-WEST RESIDENCE

DRAWINGS PROVIDED BY:

DATE:
6/30/2021

SCALE:
AS NOTED APPLICABLE ONLY TO ARCH D (24" X 36")

SHEET:
A-6



**NORTH ELEVATION**  
SCALE : 1/4" = 1' 0" **Facing Lot 1**



**SOUTH ELEVATION**  
SCALE : 1/4" = 1' 0" **Facing Lot 5**

**EXTERIOR FINISH NOTES:**

1. EXTERIOR FINISH TO BE DETERMINED.
2. WINDOW & DOOR TRIM MATERIAL AND COLOR BY OWNER.
3. VERIFY MANUFACTURER, COLOR AND STYLE WITH OWNER.
4. DOWNSPOUTS TO BE COLLECTED AND ROOF RUN OFF TO BE DIRECTED AWAY FROM STRUCTURE PER THE SITE PLAN.



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**EXTERIOR ELEVATIONS**

PROJECT DESCRIPTION:  
**HARDWICK-WEST RESIDENCE**

DRAWINGS PROVIDED BY:

DATE:

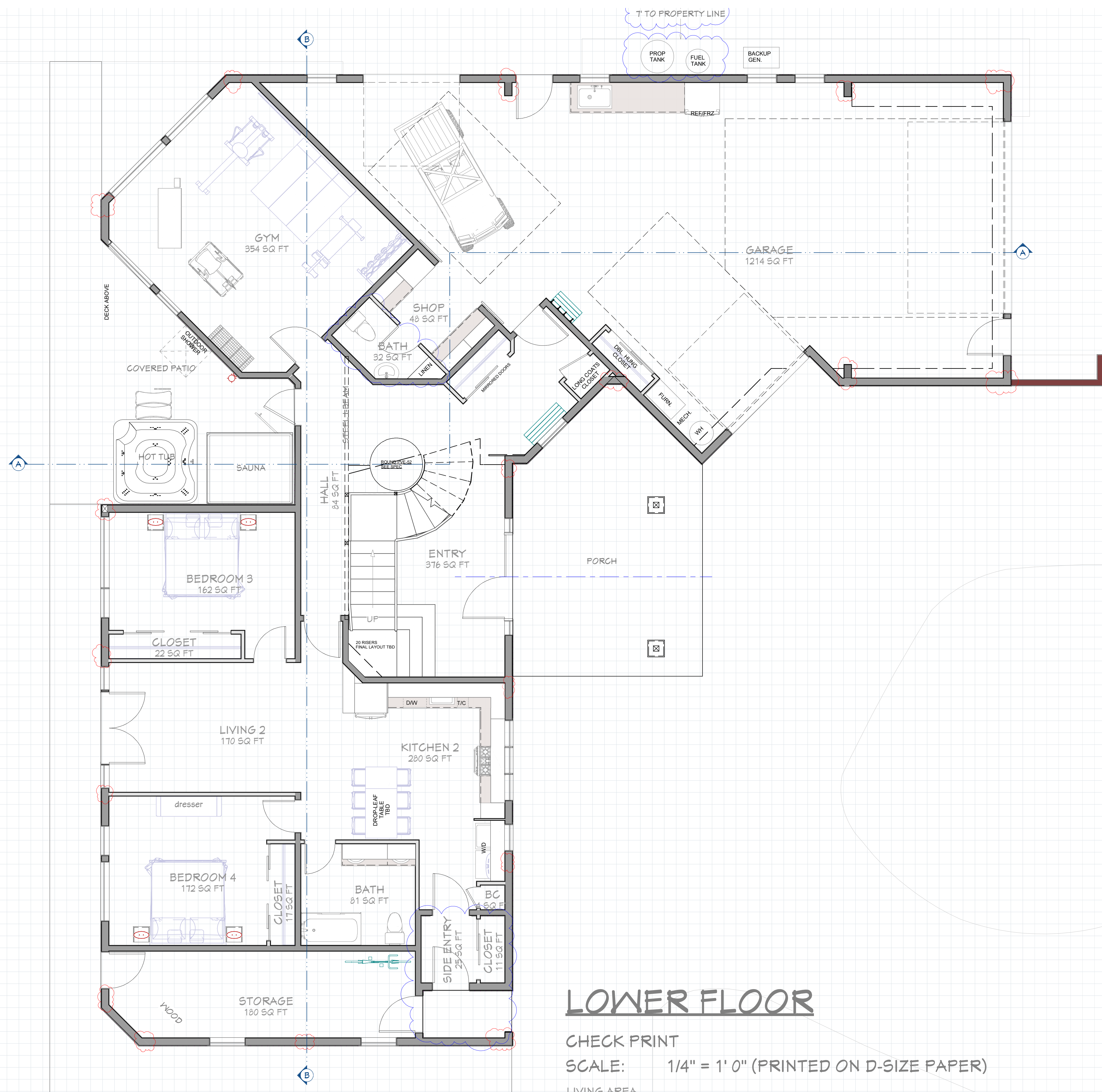
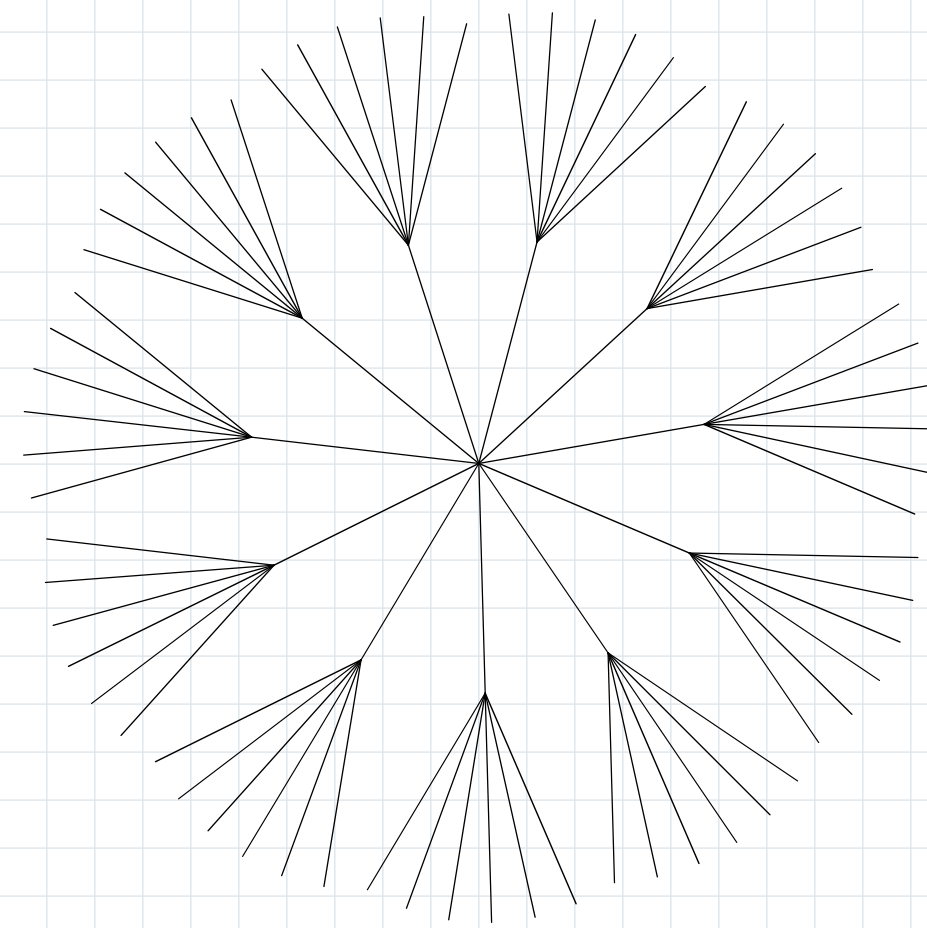
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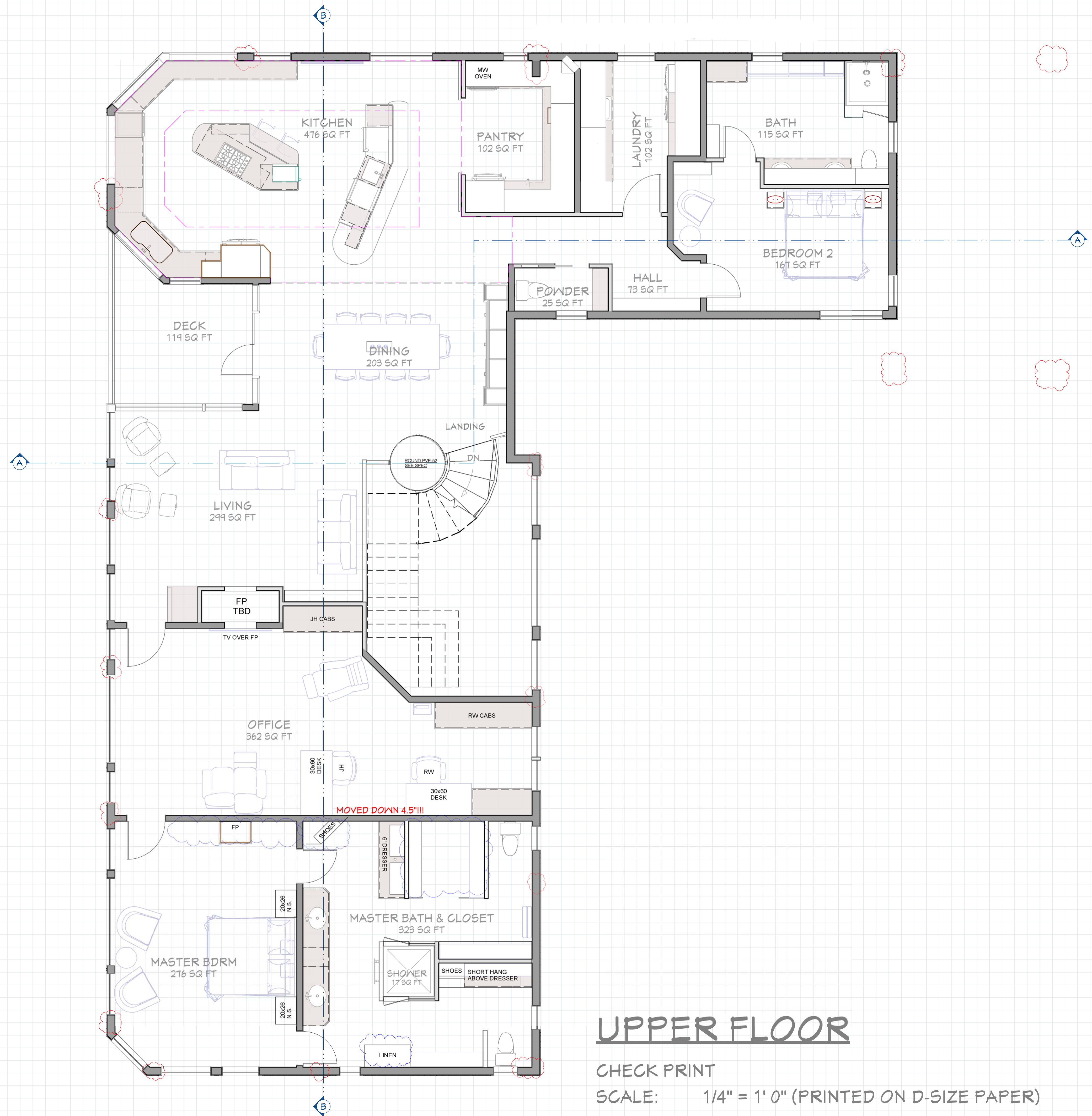
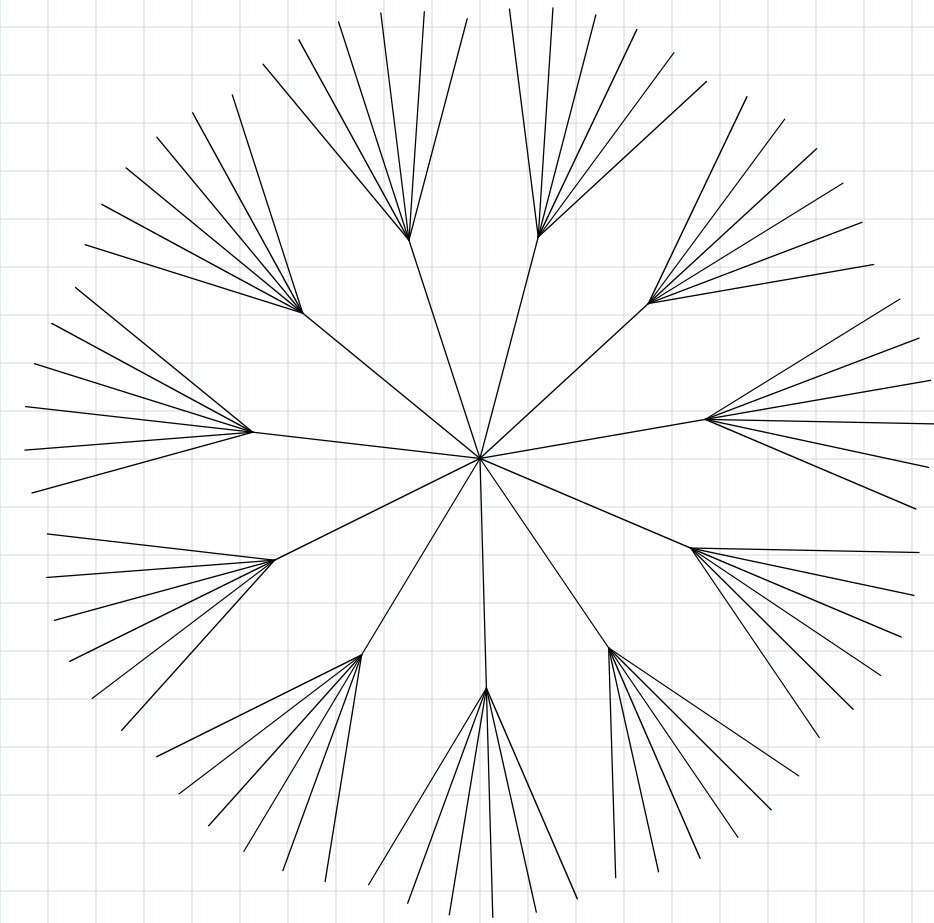
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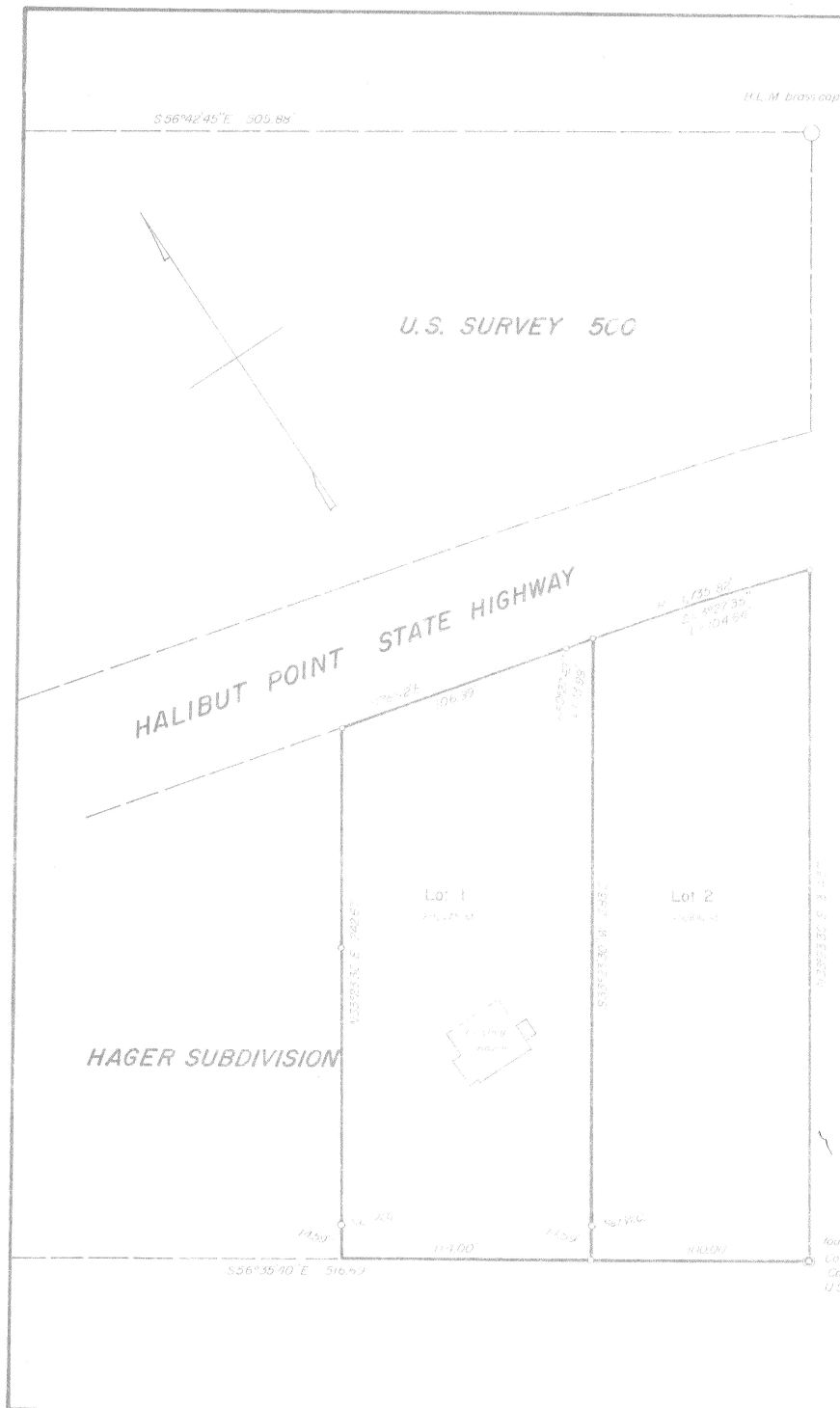
AS NOTED  
APPLICABLE ONLY TO  
ARCH D (24" X 36")

SHEET:

**A-7**







# CERTIFICATE

STATE OF ALASKA  
FIRST JUDICIAL DISTRICT

I the undersigned, being duly appointed and qualified, and acting assessor for the Greater Sitka Borough, do hereby certify that, according to the records of the Greater Sitka Borough, the following described property is carried on the tax records in the name of:

and that according to the records in my possession, all taxes assessed against said lands and in favor of the Greater Sitka Borough are paid in full; that current taxes for the year 1970 will be due on or before July 31, 1970

DATE D this 4th day of May, 1970 at Sitka, Alaska

*Kenneth R. Olson*  
Assessor, Greater Sitka Borough

## CERTIFICATION OF APPROVAL BY THE BOARD

I hereby certify that the subdivision plat shown herein has been found to comply with the subdivision regulations of the borough planning board, and that said plat has been approved by the board by Plat Resolution No. \_\_\_\_\_ dated \_\_\_\_\_, 1970, and that the plat shown herein has been approved for recording in the office of the district court, ex officio recorder, Sitka, Alaska

May 20, 1970

*Fred K. Greenlin*  
President, Planning Board

## CERTIFICATION OF APPROVAL BY THE ASSEMBLY

I hereby certify that the subdivision plat shown herein has been found to comply with the subdivision regulations of the Greater Sitka Borough, and that said plat has been approved by the assembly as recorded in minutes taken \_\_\_\_\_, page \_\_\_\_\_, dated \_\_\_\_\_, 1970, and that the plat shown herein has been approved for recording in the office of the district court, ex officio recorder, Sitka, Alaska

4/1/70

*Eugene M. Callahan*  
President

ATTEST:

*Myrtle V. Flynn*  
Recorder

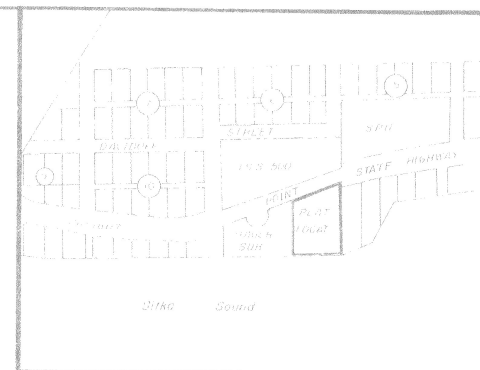
## CERTIFICATE OF REGISTERED ENGINEER

I hereby certify that I am a registered professional civil engineer and that this plat represents the survey made by me or under my direct supervision, and the measurements shown thereon actually exist as located, and that all dimensions and other details are correct

May 3, 1970

Engineer

*Laurance C. Stratton*  
Registered Civil Engineer



## CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described herein and that I hereby adopt this plan of subdivision with my free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted:

June 3, 1970

Date

*Irvin Borbauer*  
Owner  
*Christ B. Roberts*  
Witness

## NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA

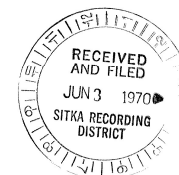
FIRST JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this 3 day of June, 1970, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn in such, personally appeared Florence Borbauer, known to me to be the person described in and who executed the above and foregoing Certificate of Ownership and Dedication and that she signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNE SS my hand and official seal the day and the year in this certificate first above written

*Charles V. Linsten Area*  
Notary Public

My Commission Expires July 13, 1971



## PLAT BORBAUER SUBDIVISION SITKA, ALASKA

THIS PLAT REPRESENTS A SURVEY OF U.S. SURVEY NO. 500, BEING ALL OF THE HALIBUT POINT STATE HIGHWAY AND SOUTH OF THE HAGER SUBDIVISION

Dated: May 6, 1970 Scale: 1" = 40'

Prepared by LARRY STRATTON, CIVIL ENGINEER

SITKA, ALASKA

Check by \_\_\_\_\_

Check by \_\_\_\_\_

Check by \_\_\_\_\_

SITKA  
Serial No. 70-490

Drawer #7 Plat No 97







# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

### APPLICATION FOR:

☒ VARIANCE

☐ CONDITIONAL USE

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

### BRIEF DESCRIPTION OF REQUEST:

Requesting variance to allow for zero rear lot setback in one corner on waterfront side of

1401 Halibut Point Road, and about 3.5' into the setback on the other corner, to be able to position new home

closer to the waterfront side of the lot and to provide for sufficient room for vehicle turnarounds in driveway.

### PROPERTY INFORMATION:

CURRENT ZONING: \_\_\_\_\_ PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): Vacant PROPOSED LAND USES (if changing): \_\_\_\_\_

### APPLICANT INFORMATION:

PROPERTY OWNER: John T Hardwick and Ral T West

PROPERTY OWNER ADDRESS: 107A Toivo Circle, Sitka, 99835

STREET ADDRESS OF PROPERTY: 1401 Halibut Point Road, Sitka, AK 999835

APPLICANT'S NAME: John Hardwick and Ral West

MAILING ADDRESS: 107A Toivo Circle, Sitka, 99835

EMAIL ADDRESS: ralwest@me.co DAYTIME PHONE: 907-738-1066 or  
jth0502@me.com 738-4656

Hardwick

6-30-21

1401 Halibut Point

Last Name

Date Submitted

Project Address

## REQUIRED SUPPLEMENTAL INFORMATION:

### For All Applications:

- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☒ Floor Plan for all structures and showing use of those structures
- ☒ Proof of filing fee payment receipt in planning office
- ☐ Other: \_\_\_\_\_

### For Marijuana Enterprise Conditional Use Permits Only:


- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)


## CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. **I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval.** I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

  
\_\_\_\_\_  
Owner

6-30-21

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Owner

6-30-21

\_\_\_\_\_  
Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

\_\_\_\_\_  
Applicant (If different than owner)

\_\_\_\_\_  
Date

Hardwick

6-30-21

1401 Halibut Point Road

Last Name

Date Submitted

Project Address



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM VARIANCE

### APPLICATION FOR

- ☐ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
- ☒ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
- ☐ PLATTING VARIANCE – WHEN SUBDIVIDING

**RATIONALE** - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

We are planning to build our permanent home on this property. It is a waterfront property and we naturally want to take full advantage of the ability to enjoy the access to the waterfront as well as the views afforded from the property. The views as well as the southern light will be obstructed if the house is placed further back from the waterfront side (rear lot line). For this reason, we are asking if we can move the house further toward the waterfront, making it a zero setback in just one corner of the lot.


### POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- TRAFFIC none
- PARKING none
- NOISE none
- PUBLIC HEALTH AND SAFETY none
- HABITAT none
- PROPERTY VALUE/NEIGHBORHOOD HARMONY This home will enhance the values of all properties around it, and will harmonize beautifully with the existing structures in the area. There will be no deleterious affect on the properties around it.
- COMPREHENSIVE PLAN See attached home plans and site plan

**REQUIRED FINDINGS (Choose ONE applicable type and explain how your project meets these criterion):**

**Major Zoning Variance (Sitka General Code 22.30.160(D)1)**

Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

- 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. Explain the special circumstances:*  
This lot is a long, narrow lot abutting the tidelands on the rear lot side. The topography of the neighboring lots is such that the placement of the home 8' back from the rear lot line obscures some views as well as southern light (on the lot 5 side). Additionally, we are finding it difficult to have enough room for cars to make the turnaround in the driveway due to a stand of tall old growth trees that we do not want to cut down. We also cannot let the driveway go into the wetlands part of the lot, thus limiting the space for the vehicle turnaround. Additionally, that portion of Lot 5 that is adjacent to the zero lot setback is not developable due to wetlands.
- 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. Explain the use/ enjoyment this variance enables:*  
Allowing the zero rear lot setback in one corner of the lot will allow better light for the home, as well as better views, and will assist in allowing enough room for cars to make the turnaround in circular driveway, thus enhancing the utility of the home. There are no structures or existing properties that would be impacted by this placement of the home.
- c. *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. Initial Here* 

**Minor Zoning Variance (Sitka General Code 22.30.160(D)2)**

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

- 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. My request should be considered a minor zoning variance because:* \_\_\_\_\_
- b. *The granting of the variance furthers an appropriate use of the property. Explain the use or enjoyment this variance enables:* \_\_\_\_\_
- c. *The granting of the variance is not injurious to nearby properties or improvements. Initial Here* \_\_\_\_\_

**Platting Variance** (Sitka General Code 21.48.010)

- a. A variance from the requirements of this title may be granted only if the planning commission finds that the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. **Explain the conditions of the lot that warrant a variance:** \_\_\_\_\_

\_\_\_\_\_

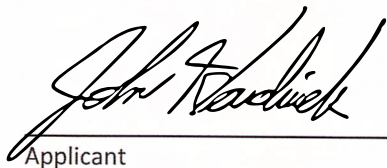

- b. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property. **Initial Here** \_\_\_\_\_

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_

We are cooperating with our neighbor at Lot 1, Kris Pearson, to ensure that we have mutual privacy and access to waterfront.

\_\_\_\_\_

\_\_\_\_\_

   
Applicant

6-30-21

Date

Hardwick

6-30-21

Halibut Point Road

Last Name

Date Submitted

Project Address

## **General Application**

### **Brief Description:**

Requesting variance to allow for zero rear lot setback in one corner on waterfront side of 1401 Halibut Point Road, and about 3.5' into the setback on the other corner, to be able to position new home closer to the waterfront side of the lot and to provide for sufficient room for vehicle turnarounds in driveway.

## **Variance Application**

### **Rationale:**

We are planning to build our permanent home on this property. It is a waterfront property and we naturally want to take full advantage of the ability to enjoy the access to the waterfront as well as the views afforded from the property. The views as well as the southern light will be obstructed if the house is placed further back from the waterfront side (rear lot line). For this reason, we are asking if we can move the house further toward the waterfront, making it a zero setback in just one corner of the lot.

### **Property Value**

This home will enhance the values of all properties around it, and will harmonize beautifully with the existing structures in the area. There will be no deleterious affect on the properties around it.

### **Findings**

a.

This lot is a long, narrow lot abutting the tidelands on the rear lot side. The topography of the neighboring lots is such that the placement of the home 8' back from the rear lot line obscures some views as well as southern light (on the lot 5 side). Additionally, we are finding it difficult to have enough room for cars to make the turnaround in the driveway due to a stand of tall old growth trees that we do not want to cut down. We also cannot let the driveway go into the wetlands part of the lot, thus limiting the space for the vehicle turnaround. Additionally, that portion of Lot 5 that is adjacent to the zero lot setback is not developable due to wetlands.

b.

Allowing the zero rear lot setback in one corner of the lot will allow better light for the home, as well as better views, and will assist in allowing enough room for cars to make the turnaround in circular driveway, thus enhancing the utility of the home. There are no structures or existing properties that would be impacted by this placement of the home



# City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

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*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: CUP 21-11  
Proposal: Request for short-term rental at 617A DeGroff Street  
Applicant: Tyler Eddy  
Owner: Janet Eddy  
Location: 617A DeGroff Street  
Legal: Lot 9, Amended Pinehurst Subdivision  
Zone: R-1 Single-Family/Duplex District  
Size: 5,000 square feet  
Parcel ID: 1-8040-000  
Existing Use: Residential  
Adjacent Use: Single-family/ Duplex housing  
Utilities: Existing  
Access: DeGroff Street

### **KEY POINTS AND CONCERNS**

- Neighborhood is residential, primarily single-family and duplex dwellings.
- The proposed short-term rental is for an apartment within a triplex, to be rented year-round.
- Apartment is currently used for storage, has not been rented under current ownership.
- Short-term rentals have impacts to long-term rental availability and home values, however as the apartment is currently not in use for rentals, the proposal will not impact the existing rental market.
- Low density of short-term rentals in the area, with no permitted short-term rentals on the street.
- There is off-street parking available for 5 spaces. While this does not meet Sitka General Code parking requirements of 2 parking spaces per dwelling, staff interpretation is that the parking deficiency falls under legal non-conformity. Staff defers judgement to the Planning Commission on whether the granting of this permit constitutes sufficient need to require adequate off-street parking.

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the short-term rental at 617A DeGroff Street subject to the recommended conditions of approval.

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Providing for today...preparing for tomorrow

## **BACKGROUND/PROJECT DESCRIPTION**

This request is for a conditional use permit for a short-term rental (STR) for a 3-bedroom, 1 3/4 bath dwelling unit with full kitchen and living/dining area on a sub-standard lot. Only 1 bedroom will be available for renter use, the other two will be used by the owner for storage. As an apartment attached to the primary residence of the applicant, the owners will be on-site during rental of the property to mitigate any potential negative impacts.

## **ANALYSIS**

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

**a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:**

Applicant does not anticipate significant increase in vehicular traffic nor impact from proposed use as there is off-street parking available for up to five vehicles. While this is below the Sitka General Code off-street parking requirement of 2 parking spaces per dwelling unit, staff determines parking shortage to be a legal non-conformity and defers to the judgement of the Planning Commission on how it should impact granting of the permit.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Short-term rentals have the potential to create noise from transient guests. However, the renter handout and owner-occupancy of the property below the proposed rental unit will serve as mitigation to noise impacts.

**c. Odors to be generated by the use and their impacts:** Potential odor impacts are minimal and in line with similar residential uses. Garbage shall be disposed of in municipal container and in accordance with Sitka General Code requirements. Renter handout and owner-occupancy of the property below the proposed rental unit will serve as mitigation to odor impacts.

**d. Hours of operation:** The proposal is for limited use of short-term rental throughout the year.

**e. Location along a major or collector street:** Access from DeGroff Street.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario:** Property is accessed directly from DeGroff Street. There is no access to other streets from the property.

**g. Effects on vehicular and pedestrian safety:** No significant changes expected, minimal increase in traffic.

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<sup>1</sup> § 22.24.010.E

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:**

Residence has adequate access off DeGroff Street for emergency services.

**i. Logic of the internal traffic layout:** The rental unit is an apartment within a triplex with 3 bedrooms, 1 3/4 baths, a kitchen, and living/dining room. Only one bedroom will be accessible for rental, the remaining two bedrooms will be used for storage by the owner.

**j. Effects of signage on nearby uses:** All signs shall comply with Sitka General Code.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** A wooden fence along the eastern boundary provides some buffer between the entrance side of the site and the adjacent property.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** STRs can help support the existing and growing tourism industry by providing transient guests with short-term housing options that allow the potential for more visitors to visit Sitka, bringing in money and creating opportunities for job creation and economic development. STRs also increase the affordability of housing for owners by offsetting housing costs with rental income. While STRs in general correlate with negative impacts to available housing stock for residents, long-term rental rates, and increased purchase prices for housing, the proposed property has not been available as a rental and its use as a STR would not impact the long-term rental market.

**m. Other criteria that surface through public comments or planning commission review:** Not applicable at this time.

**RECOMMENDATION**

The Planning Department recommends that the Planning Commission approve the conditional use permit application for a short-term rental at 617A DeGroff Street subject to the recommended conditions of approval.

**ATTACHMENTS**

Attachment A: Aerial

Attachment B: Floor Plan

Attachment C: As-Built and Parking Layout

Attachment D: Photos

Attachment E: Renter Handout

Attachment F: Public Comment

Attachment G: Applicant Materials

## **CONDITIONS OF APPROVAL**

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. The applicant shall submit an annual report beginning in 2022, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility began operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate the impact of odor from the short-term rental and comply with bear attraction nuisance requirements, the property owner shall assure all trash is deposited in trash receptacles and only placed on street for collection after 4:00 a.m. on trash collection day.
8. To mitigate parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should off-site parking occur at any time, the conditional use permit shall be revoked.
9. Any signs must comply with Sitka General Code 22.20.090.
10. A detailed rental overview shall be provided to renters detailing directions to the unit, transportation options, appropriate access, parking, trash management, noise control/quiet hours, and a general condition to respect the surrounding residential neighborhood. The renter handout shall include an advisory note to tenants to be mindful of vehicle and especially pedestrian traffic in the area, and to exercise caution coming and going from the property in motor vehicles.
11. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
12. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

## **Motions in favor of approval**

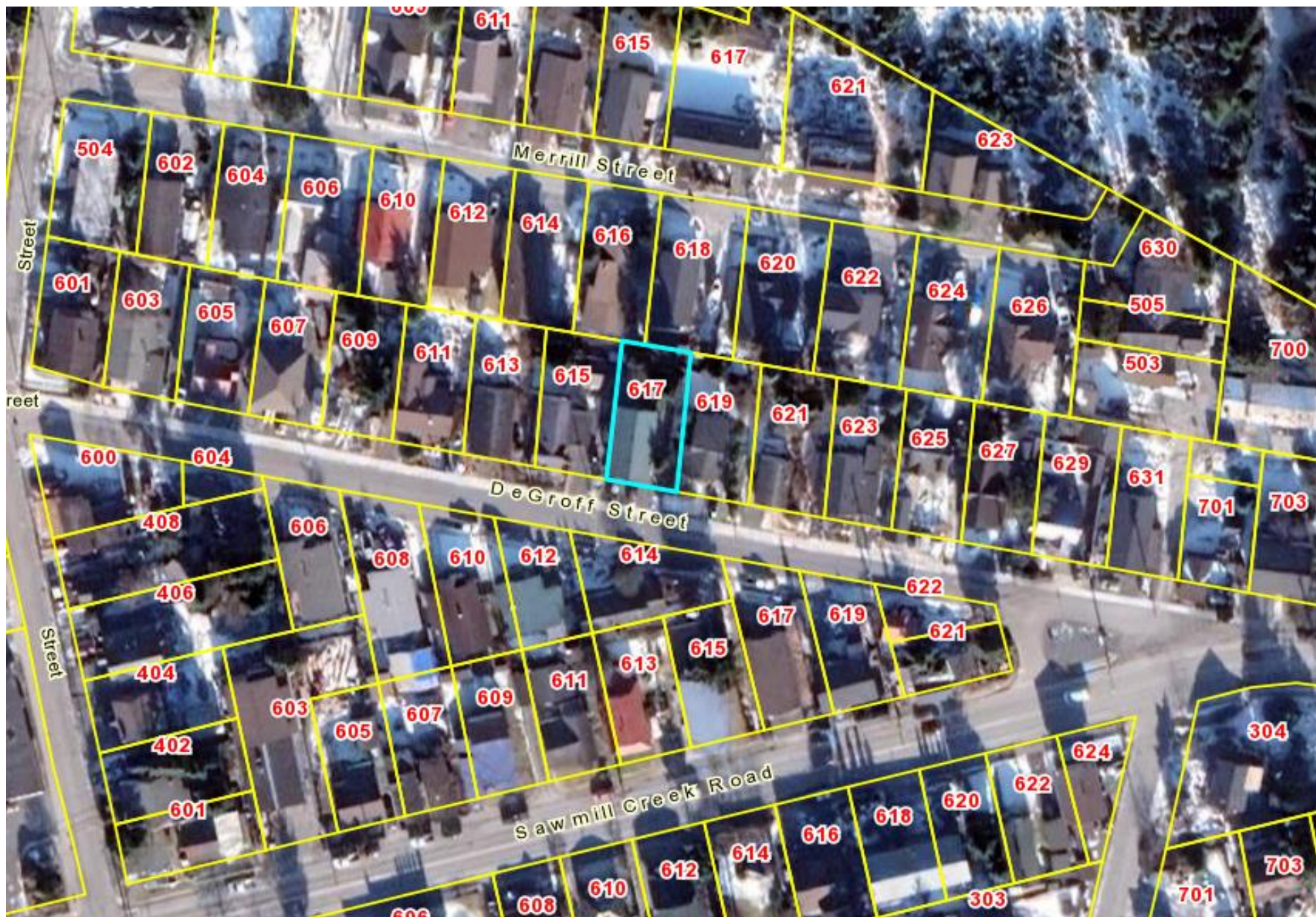
- 1) **“I move to approve the conditional use permit for a short-term rental at 617A DeGroff Street in the R-1 Single-Family/Duplex District, subject to the attached conditions of approval. The property is also known as Lot 9 of Amended Pinehurst Subdivision. The request is filed by Tyler Eddy. The owner of record is Janet Eddy.”**
- 2) **“I move to adopt and approve the required findings for conditional use permits as listed in the staff report.”**

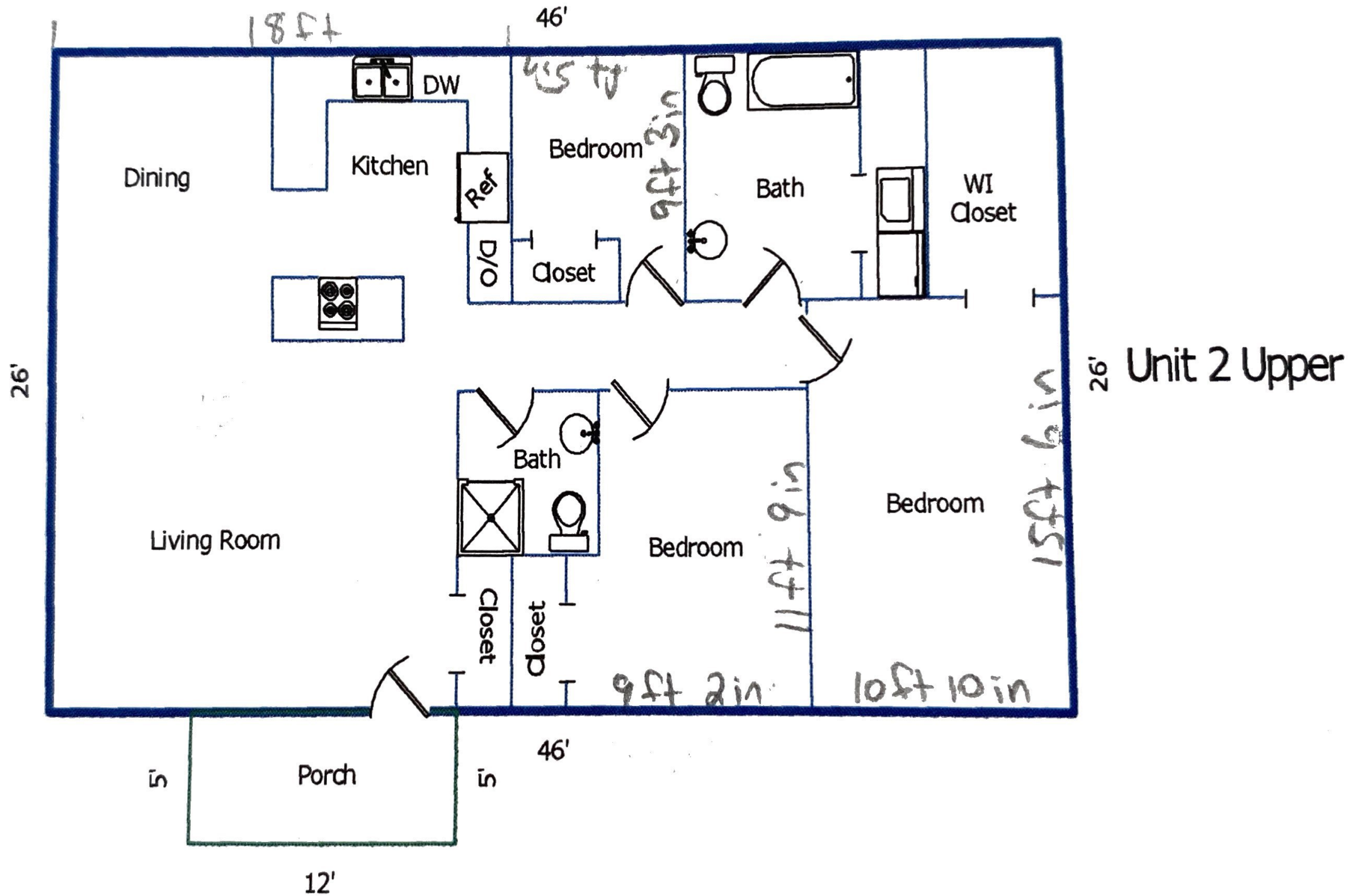
The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:<sup>2</sup>

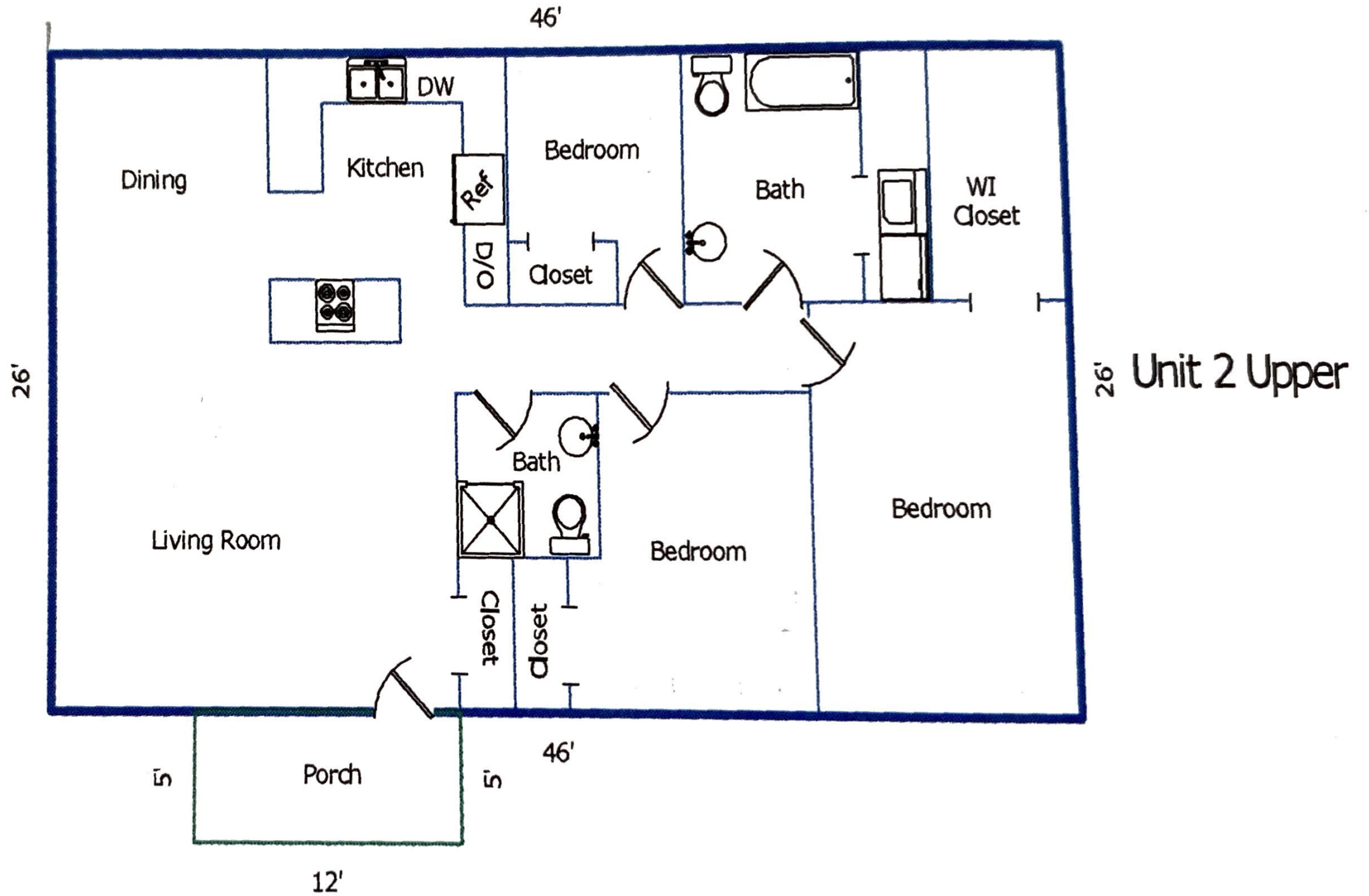
1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will 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.

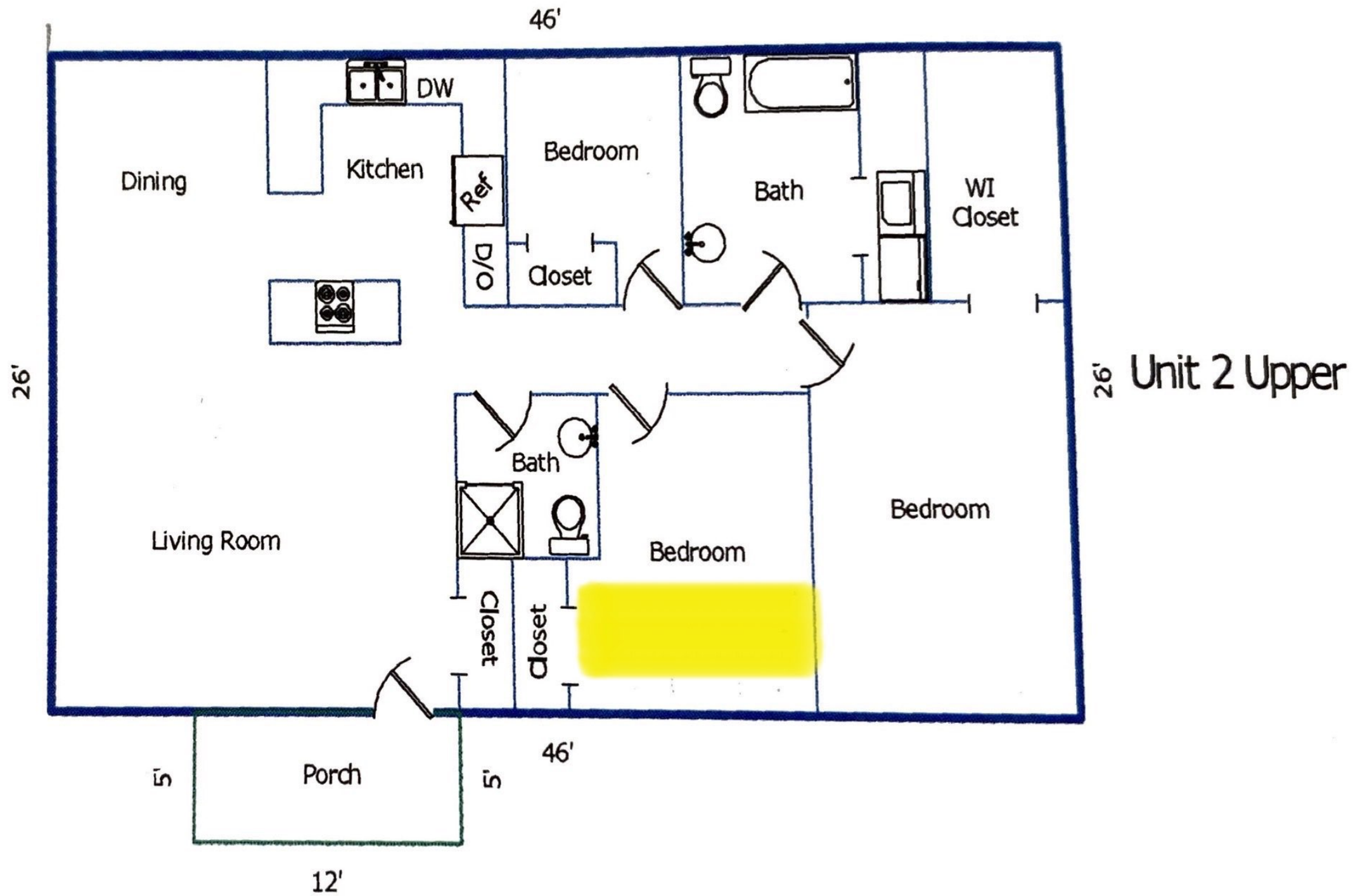
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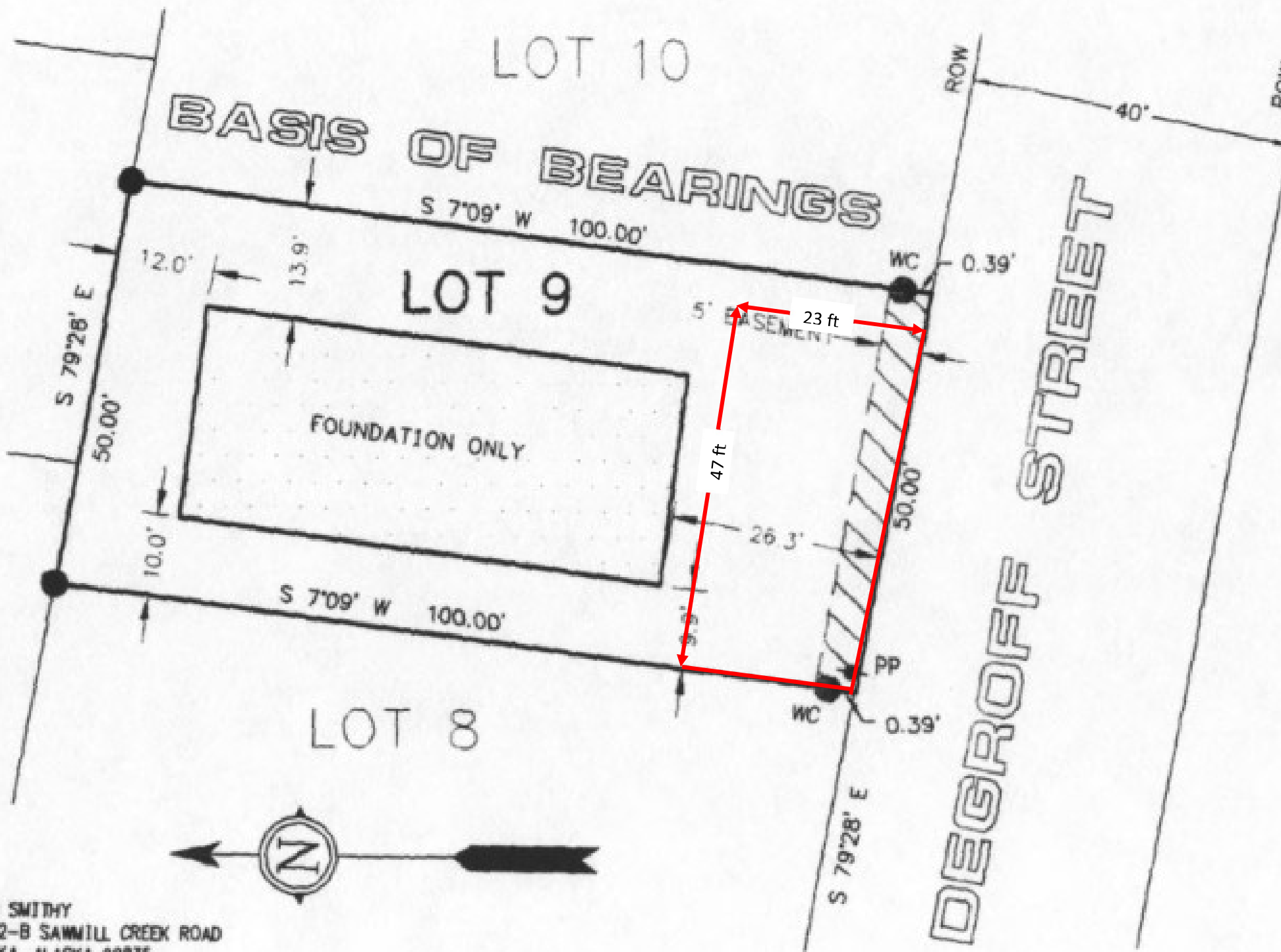
<sup>2</sup> §22.30.160(C)—Required Findings for Conditional Use Permits











DON SMITHY  
2002-B SAWMILL CREEK ROAD  
SITKA, ALASKA 99835



# Welcome to 617 DeGroff

## Directions for 617 DeGroff Street

- When you leave the airport, head to town and continue across the bridge. Head straight through the stop light and continue straight through the roundabout onto Lake Street (the lake will be on your left). Take the next right onto DeGroff Street, continue straight through two stop signs and 617 DeGroff will be on your left.
- We do not have a sign out front so please watch for street numbers, it is a two story green house with a black roof.
- Please park in the designated Guest Parking Area

## Directions for Entry into the Unit

- Head upstairs, the passcode to enter the unit is XXXX. Please remember this passcode, as the door is setup to remain locked at all times.

## Helpful House Rules

- Welcome to your home away from home.
- Your room will be the second door, room down the hallway on the right. The keypad code for your room is XXXX. This code is changed with every guest for your safety.
- If the garbage needs to be emptied please empty it into the trash cans at the bottom of the stairs.
- Please do not clean any fish or dispose of any fish in the trash. There are fish cleaning stations at the harbor.
- Please be respectful of the neighbors and neighborhood as it is our home. Try to limit any late nights and early morning noise as much as possible. Please watch your driving speed and watch for posted speed limits.
- Please leave your room door open when you check out.

## Contact Us

- We live down stair and our contact number is 907-738-7317 or 907-738-4855, please feel free to call us at any time, we would be glad to assist in anyway. We have two dogs, Sadie and Keeta, they are very friendly and often in our fenced yard.

## Amy Ainslie

---

**From:** Kris Hoffmann <kris4robert@gci.net>  
**Sent:** Friday, June 11, 2021 3:08 PM  
**To:** Planning Department  
**Subject:** 617 DeGroff short term rental

Hello,

I live on the corner of DeGroff and Sawmill Creek. I'm sorry, but I am against any more short term rentals in this general neighborhood. The city fathers keep talking about the problem of affordable housing, while they continue to make yearly rentals unavailable by giving more and more permits. DeGroff street is a RESIDENT-ial neighborhood, and that means it's set aside for RESIDENTS.

Please stop giving these short term rental unit permits! We have 3 large hotels and numerous airB&Bs already. I see on air B&B wealthy people own more than one home here in order to have short term rental income, while others in this community, me included, are concerned about residents having a place to live.

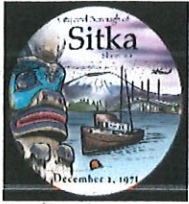
If and when Sitka starts to have too many vacant apartments, fine, but in my 48 years here, that has yet to happen.

Thank you for listening. An illness means I can't come in person. And my apologies to Tyler Eddy for my views, but enough is enough already.

From someone who lived in a tent in someone's yard on DeGroff Street in 1973, because seven or eight people lived in the one tiny bedroom house, Kris Hoffmann

621 SMC

PS. My husband who also lives here agrees with this.



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

### APPLICATION FOR:

☐ VARIANCE☒ CONDITIONAL USE☐ ZONING AMENDMENT☐ PLAT/SUBDIVISION

### BRIEF DESCRIPTION OF REQUEST: Limited short term rental of 617 Degroff Apt A that is currently

not being rented long term and at this time there is not plans to rent it long term. There have been  
several times a year that visiting friends or family have asked if they could rent this unit during their  
stay. At this time we would like to get a conditional use permit so that we can start saying, sure.

### PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): \_\_\_\_\_  
CURRENT LAND USE(S): residencial PROPOSED LAND USES (if changing): short-term rental

### APPLICANT INFORMATION:

PROPERTY OWNER: Tyler Eddy  
PROPERTY OWNER ADDRESS: 617 DeGroff Apt B Sitka, Alaska 99835  
STREET ADDRESS OF PROPERTY: 617 DeGroff St. Sitka, Alaska 99835  
APPLICANT'S NAME: Tyler Eddy  
MAILING ADDRESS: 617 DeGroff Apt B Sitka, Alaska 99835  
EMAIL ADDRESS: eddyfamily2001@hotmail.com DAYTIME PHONE: 907-738-7317

Last Name

Date Submitted

Project Address

## REQUIRED SUPPLEMENTAL INFORMATION:

### For All Applications:

- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Proof of filing fee payment
- ☐ Other: \_\_\_\_\_

### For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☒ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Owner

Date

5/18/21

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

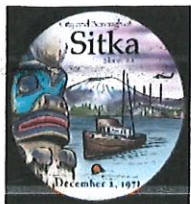
Applicant (If different than owner)

Date

Last Name

Date Submitted

Project Address



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM CONDITIONAL USE PERMIT

### APPLICATION FOR

☐ MARIJUANA ENTERPRISE

☒ SHORT-TERM RENTAL OR BED AND BREAKFAST

☐ OTHER: \_\_\_\_\_

### CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

- **Hours of operation:** 10am check out with a 3pm check in Limited rentals  
throughout the year.
- **Location along a major or collector street:** Located on DeGroff Street
- **Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:**  
Limited increase if any, based on location most people will not be renting a car and walking
- **Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No substandard streets access the property, all streets have been recently paved and upgraded including sidewalks and crosswalks
- **Effects on vehicular and pedestrian safety:** None, there a plenty of off street parking
- **Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Easy access and close proximity to the downtown area make this a none issue
- **Describe the parking plan & layout:** There is off street parking for four vehicles and we currently only have two. There is also on street parking that we will be asking the guests, to not use.
- **Proposed signage:** None proposed at this time or in the near future.

- **Presence of existing or proposed buffers (ie. Fences, boundary walls, natural barriers, etc.) on the site or immediately adjacent the site:**

There is a fence between us and the only adjacent neighbor that would be able to see the  
\_\_\_\_\_  
entrance to the unit.  
\_\_\_\_\_

None, I am living on-site and I am

- **Amount of noise to be generated and its impacts on neighbors:** \_\_\_\_\_  
not a fan of noise.  
\_\_\_\_\_  
\_\_\_\_\_

- **Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc):**

None that can be foreseen at this time.  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

- **Mitigation/ Management Plan (How will site be managed to ensure low/no impact on neighbors?)**

All issues will be addressed and resolved to be meet the needs of all parties involved.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REQUIRED FINDINGS (SGC 22.30.160(C):**

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:

	Initial
a. Be detrimental to the public health, safety, and general welfare;	AE
b. Adversely affect the established character of the surrounding vicinity; nor	AE
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.	AE
2. The granting of the proposed <b>conditional use</b> permit is consistent and compatible with the intent of the goals, objectives and policies of the <b>comprehensive plan</b> and any implementing regulation.	AE
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.	AE
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.	AE
5. The <b>conditional use</b> 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.	AE
6. Burden of Proof. The <b>applicant</b> has the burden of proving that the proposed <b>conditional use</b> meets all of the criteria in subsection B of this section.	AE

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant

Date

5/18/21

Last Name

Date Submitted

Project Address