



CITY AND BOROUGH OF SITKA

Meeting Agenda - Final

Planning Commission

Wednesday, June 2, 2021

7:30 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 21-10](#) Approve the May 19, 2021 minutes.

Attachments: [10-May 19 2021 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

B [CUP 21-08](#) Public hearing and consideration of a conditional use permit for a dwelling unit on the first floor within the Central Business District located at 302 Monastery Street. The property is also known as a Portion of Lot 3, Block 16, USS 1474 Tract A. The request is filed by Lenise Henderson-Fontenot. The owner of record is Lenise Henderson-Fontenot.

Attachments: [CUP 21-08 Fontenot 302 Monastery Apt Staff Report](#)

[CUP 21-08 Fontenot 302 Monastery Apt Aerial](#)

[CUP 21-08 Fontenot 302 Monastery Apt Floor Plan](#)

[CUP 21-08 Fontenot 302 Monastery Apt Photos](#)

[CUP 21-08 Fontenot 302 Monastery Apt Applicant Materials](#)

- C** [VAR 21-06](#) Public hearing and consideration of a variance to reduce the rear setback from 8 feet to 0 feet at 1421 Halibut Point Road in the R-1 Single-Family and Duplex residential district. The property is also known as Lot 1B of a minor subdivision of Lot 1 of Hager Subdivision. The request is filed by David and Mary Levesque. The owners of record are David and Mary Levesque.

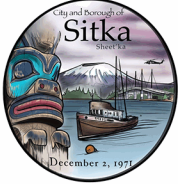
Attachments: [V 21-06 Levesque 1421 Halibut Point Road Setback Variance Staff Report](#)
[V 21-06 Levesque 1421 Halibut Point Road Setback Variance Aerial](#)
[V 21-06 Levesque 1421 Halibut Point Road Setback Variance Site Plan](#)
[V 21-06 Levesque 1421 Halibut Point Road Setback Variance Elevation Sket](#)
[V 21-06 Levesque 1421 Halibut Point Road Setback Variance Floor Plan](#)
[V 21-06 Levesque 1421 Halibut Point Road Setback Variance Plat](#)
[V 21-06 Levesque 1421 Halibut Point Road Setback Variance Photos](#)
[V 21-06 Levesque 1421 Halibut Point Road Setback Variance Applicant Mate](#)

- D** [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, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish:



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Wednesday, May 19, 2021

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Darrell Windsor (arrived 7:01PM), Wendy Alderson, Katie Riley
Absent: Stacy Mudry (Excused)
Staff: Amy Ainslie, Ben Mejia
Public: Alexander Allison, Sarah Allison, Jay Sweeney, Ariadne Will (Sitka Sentinel)

Chair Spivey called the meeting to order at 7:00pm.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 21-08](#) Approve the May 5, 2021 meeting minutes.

**M-Riley/S-Alderson moved to approved the May 5, 2021 meeting minutes.
Motion passed 3-0 by voice vote.**

B [PM 21-09](#) Approve the May 5, 2021 special meeting minutes.

M-Riley/S-Alderson moved to approved the May 5, 2021 special meeting minutes. Motion passed 3-0 by voice vote.

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie reminded the Commission of the tourism planning attractions and excursions forum at 7pm on May 20th. Ainslie told the Commission that the short-term rental community survey had been published and received over 240 responses so far and would remain open until end of day on May 26th. Ainslie informed the Commission that should would be out of office from May 27th to the 31st and city offices would be closed May 31st in observance of Memorial Day.

VI. REPORTS

VII. THE EVENING BUSINESS

C [CUP 21-07](#) Public hearing and consideration of a conditional use permit for a

short-term rental at Thomsen Harbor, Float B, Slip 30 in the P- Public Lands district. The property is also known as a portion of ATS 15. The request is filed by Alexander and Sarah Allison. The owner of record is Alexander Allison.

Ainslie introduced the request for a short-term rental(STR) on a boat in Thomsen Harbor. Ainslie informed the Commission of the 2017 STR on Boats Plan which established process and limits the number of STRs to 2 per harbor and no more than 10 in total. Ainslie explained that as part of the process, the application had been sent to the Harbor Department for review by Ports and Harbors Commission, and received their approval on May 12th. Ainslie noted that the Ports and Harbors Commission were supportive of the application, and appreciated the level of detail included in the renter handout.

Ainslie explained that the vessel, M/V Sound Judgment, could accommodate up to 5 guests and was likely only to generate 1 car for parking and traffic concerns, though the applicants felt that many renters may choose not to use a car. Ainslie acknowledged that noise and odor were present in the harbor as a working harbor, and guests were asked to be respectful in terms of noise generation. Ainslie noted that the vessel had received a safety inspection from the Coast Guard on May 7th, 2021. Ainslie explained that guests would not be permitted to operate the vessel and that the owner would be in town to manage and mitigate potential impacts. Staff recommended approval.

The applicants, Alexander and Sarah Allison, were present. A. Allison informed the Commission that he had used the vessel as a live-aboard until he moved inland last year. The applicants felt that the proposal provided a unique STR opportunity for visitors and reduced the burden of visitor accommodations.

Windsor asked if Coast Guard required a captain onboard for STRs. Spivey recalled that this had been discussed but only if the vessel would be operated during STR. The Commission saw no issue with the application.

Having no further questions, the Commission excused the applicants.

M-Alderson/S-Windsor moved to approve the conditional use permit for a short-term rental located on the M/V Sound Judgment in Thomsen Harbor Float B, Slip #30 in the P Public lands zone. The property was also known as a portion of ATS 15. The application was filed by Alexander and Sarah Allison. The owner of record was Alexander Allison. Motion passed 4-0 by voice vote.

M-Alderson/S-Windsor moved to approve and adopt the required findings conditional use permits as listed in the staff report. Motion passed 4-0 by voice vote.

D [MISC 21-11](#)

Discussion/Direction to change the regular meeting time from 7:00 pm on the first and third Wednesday each month to 7:30 pm on the first and third Wednesday each month.

The Commission unanimously agreed to the meeting time change. Windsor asked if the same process would be required to revert the time back to regular hours. Ainslie confirmed that public notice and a vote would be necessary.

M-Windsor/S-Riley moved to change the regular meeting time from 7:00pm on the first and third Wednesday of each month to 7:30pm on the first and third

Wednesday of each month. Motion passed 4-0 by voice vote.

E [MISC 21-09](#)

Discussion/Direction on Short-Term Tourism Plan

Ainslie introduced the item as an opportunity for the Commission to prepare the format of the attractions and excursions forum on May 20th as well as the questions that would be helpful in initiating conversation. Ainslie noted that the downtown business forum was scheduled for Thursday June 3rd.

Alderson noted that including possibilities for scaled responses according to the number of passengers in a day would be good to include. Riley noted that impact cruise passengers have on independent travelers may be an important consideration.

Ainslie stated that the June 2nd hour long special meeting would be an opportunity for increased public engagement.

The Commission identified suggested drop-off points, areas to avoid, general concerns, suggested infrastructural improvements, and suggested process improvements as starting questions for the attractions and excursions forum.

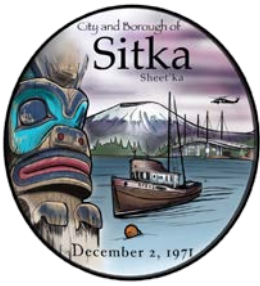
The Commission opened the floor for public comment. Jay Sweeney of the Island Artists Gallery expressed a need for increased public outreach, and suggested a letter to the editor may provide increased visibility as current public notice is often buried in the center of the newspaper. Sweeney also voiced his concern that tourists be directed to the city to increase opportunities for downtown businesses.

Alderson asked if it would be appropriate for Commissioners to write letters to the editor regarding the tourism planning effort. Ainslie stated that this would be appropriate.

No action taken.

VIII. ADJOURNMENT

Seeing no objection, Chair Spivey adjourned the meeting at 7:43pm.



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 21-08
Proposal: Request for dwelling unit on first floor
Applicant: Lenise Henderson-Fontenot
Owner: Lenise Henderson-Fontenot
Location: 302 Monastery Street
Legal: A portion of Lot 3, Block 16, US Survey 1474, Tract A
Zone: CBD Central Business District
Size: 5,658 square feet
Parcel ID: 1-2195-000
Existing Use: Single family home and garage
Adjacent Use: Residential, Elementary School, Police Station, Offices
Utilities: Existing
Access: Monastery Street

KEY POINTS AND CONCERNS:

- Dwelling units on the first/ground level of a structure in the Central Business District is a conditional use in the zoning code
- Proposal is to rebuild a garage on the site and add a studio apartment with 1 bathroom, and an office.
- Location is away from main shopping/highly visible areas
- Immediate surrounding area is single-family – proposal is consistent with the character of the neighborhood

RECOMMENDATION:

Staff recommends that the Planning Commission approve the conditional use permit request for a dwelling unit on the first floor of a structure in the Central Business District at 302 Monastery Street subject to conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

Footnote 12 to Table 22.16.015-1 Residential Land Uses states “Single or multiple apartments shall only be permitted on the first floor of structures in the CBD if approved through the conditional use process. Single and multiple apartments are permitted uses on upper floors of structures in the CBD.” Staff’s interpretation of the intent of this code provision is to preserve commercial and retail space in the central business district, particularly those on the first floor that is accessible and visible.

The request is to rebuild a garage that is currently on the site and expand it. The new structure would include:

- Garage: Approx. 320 square feet, 16’ x 20’
- Studio apartment: Approx. 272 square feet, 1 bathroom and laundry
- Separate office space (not accessible from apartment): Approx. 112 square feet with half bath attached – half bath approx. 24 square feet.

This section of Monastery Street is largely single-family structures which are not allowed in CBD – these structures are considered legal non-conforming. Given the lack of retail buildings on this stretch of Monastery Street, staff feels the intent of this code provision (protecting visual/aesthetic value of shopping street and preservation of commercial/retail space) does not clearly apply in this case.

ANALYSIS

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

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: A slight increase in traffic could be experienced by adding a dwelling unit. Moderate to heavy vehicular and foot traffic is to be expected in the Central Business District.

b. Amount of noise to be generated and its impacts on surrounding land use: Noise impact should be minimal – living space is a small studio that would likely house a single person, perhaps up to 2 people.

c. Odors to be generated by the use and their impacts: None anticipated – should be in line with normal residential use

d. Hours of operation: N/A

e. Location along a major or collector street: Accessed from Monastery Street, a municipally maintained right-of-way.

¹ § 22.24.010.E

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: No cut-through concerns for vehicular traffic anticipated. The only way to access this section of Monastery Street is via Oja Way or Sawmill Creek Road.

g. Effects on vehicular and pedestrian safety: Parking for at least one car (perhaps two) is available. Parking requirements do not pertain to the Central Business District.

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

i. Logic of the internal traffic layout: Pull in parking from Monastery Street available on site as is street parking.

j. Effects of signage on nearby uses: None.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Building is set far back from Monastery Street. There is a tall fence on the rear to provide buffer from Baranof Elementary. There are also fences on both sides of neighboring residential properties.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to the chapter on housing goals to expand the range, affordability, and quality of housing in Sitka by offering housing in the desirable downtown area.

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

RECOMMENDATION

Staff recommends that the Planning Commission approve the conditional use permit request for a dwelling unit on the first floor of a structure in the Central Business District at 302 Monastery Street subject to conditions of approval.

ATTACHMENTS

Attachment A: Aerial

Attachment B: Floor Plan

Attachment C: Photos

Attachment C: Applicant Materials

Motions in favor of approval:

- 1) I move to approve the conditional use permit application for a dwelling unit on the first floor of a structure in the Central Business District located at 302 Monastery Street in the Central Business District subject to the attached conditions of approval. The property is also known as A Portion of Lot 3, Block 16, US Survey 1474, Tract A. The request is filed by Lenise Henderson-Fontenot. The owner of record is Lenise Henderson-Fontenot.**

Conditions of Approval:

1. The structure shall be used consistent with the application, narrative, and plans that were submitted with the request.
2. The Planning Commission, at its discretion and upon receipt of meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
3. Permit and use shall comply with all local regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.

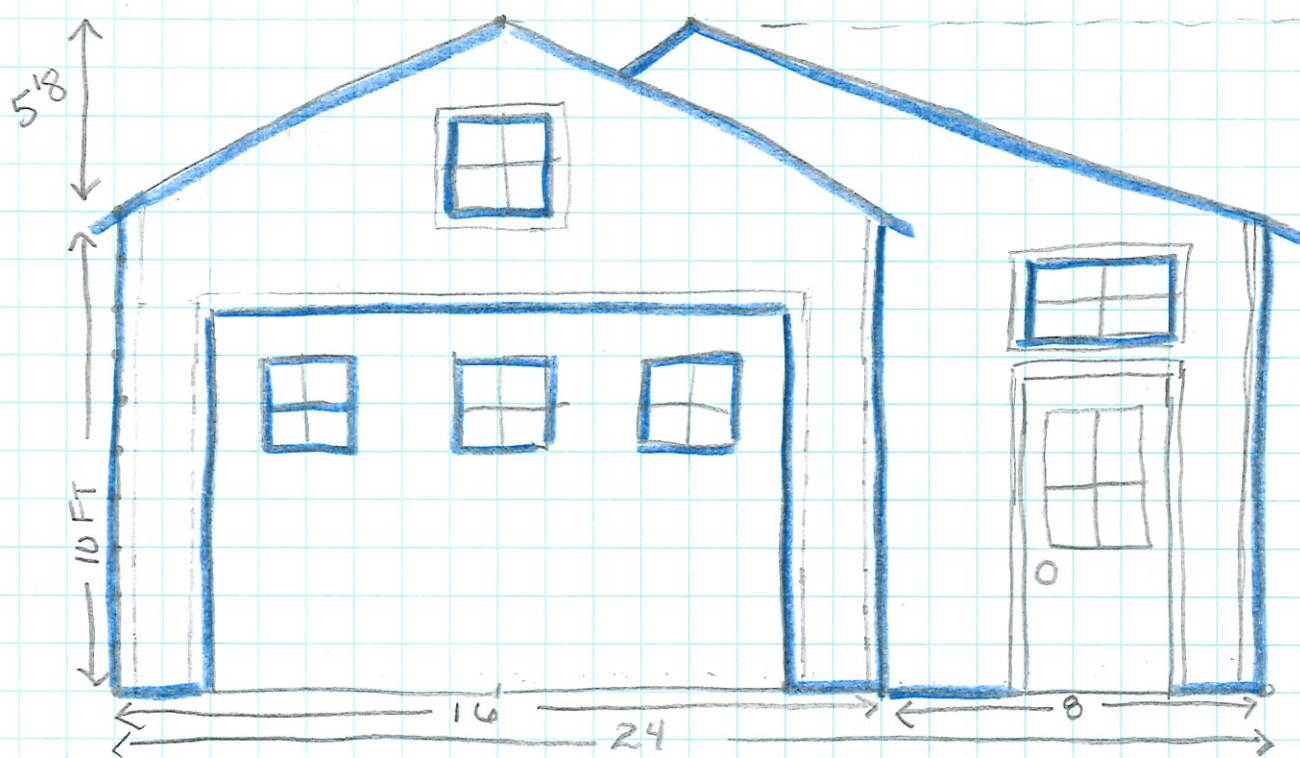
- 2) I move to adopt the required findings for conditional use permits² as listed in the staff report:**

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.

² § 22.30.160.C – Required Findings for Conditional Use Permits



302 Monastery Street

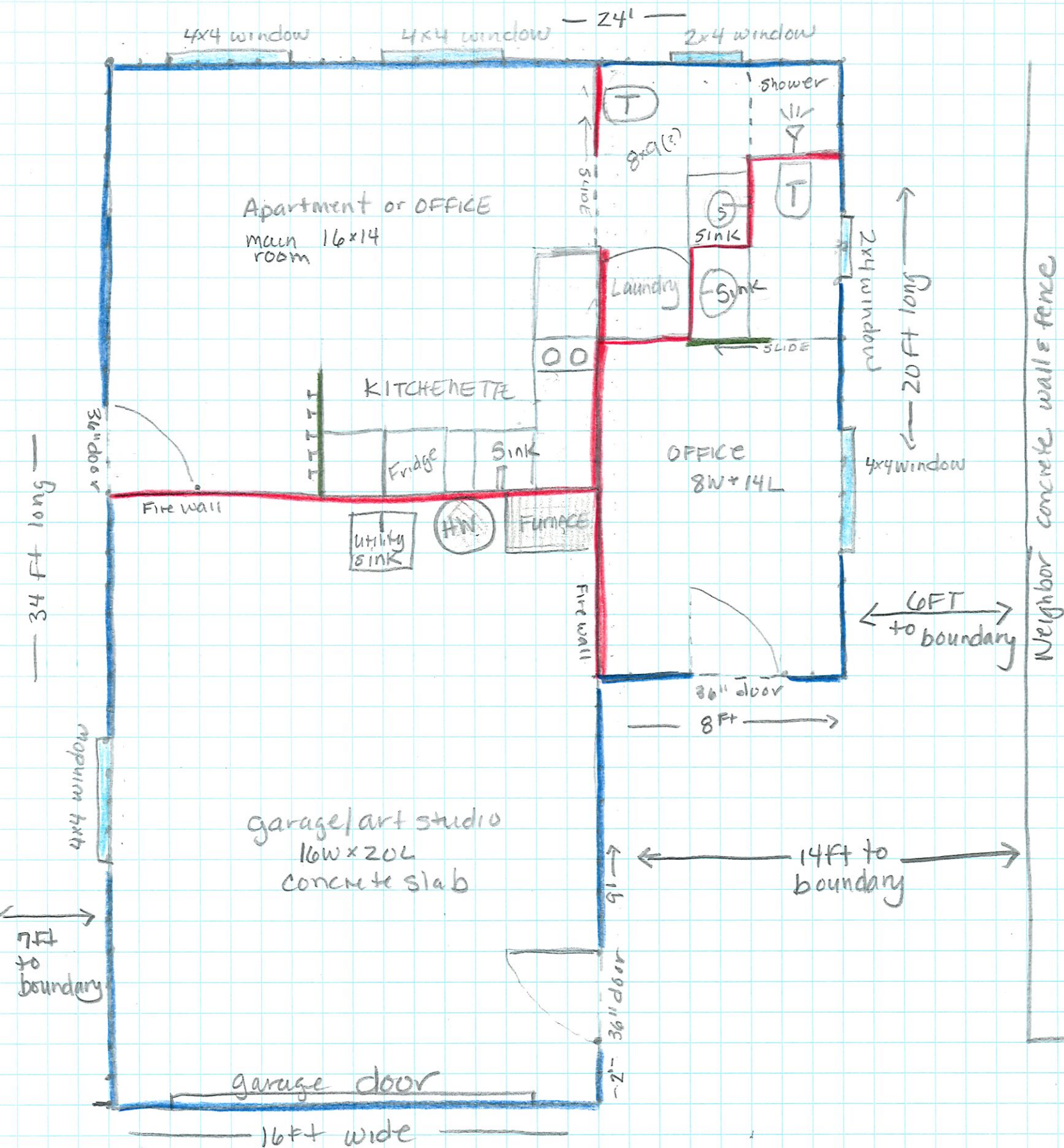


Overall height 15'8"

Total Height 15'8"

match paint, trim, windows, to existing cottage

siding: part metal, part shingle
dusty grey, white trim, white doors & windows



Monastery Street

existing cottage





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: New building being built
Use of First Floor building(s) for
long term rental. OFFICE, ART STUDIO, or Apartment.

PROPERTY INFORMATION:

CURRENT ZONING: Commercial PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): personal PROPOSED LAND USES (if changing): rentals / personal

APPLICANT INFORMATION:

PROPERTY OWNER: Lenise Henderson - Fontenot

PROPERTY OWNER ADDRESS: 711 Biorka St

STREET ADDRESS OF PROPERTY: 302 Monastery

APPLICANT'S NAME: Lenise Henderson Fontenot

MAILING ADDRESS: 711 Biorka St

EMAIL ADDRESS: lenisehf@mac.com DAYTIME PHONE: 907 314 0456

Henderson-Fontenot 5/17/21 302 Monastery
 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

5/17/21

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

Henderson-Fontenot

Last Name

Date Submitted

302 Monastery

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: long term rental apartment

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

- Hours of operation: 24/7 home
- Location along a major or collector street: monastery st.
- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:
minimal
- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: none
- Effects on vehicular and pedestrian safety: minimal
- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: yes.
- Describe the parking plan & layout: long driveway
- Proposed signage: none

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

Current fences will remain
and updated.

- Amount of noise to be generated and its impacts on neighbors: minimal

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

Low profile, should be pleasant looking. Will match
paint, windows, trim, & roofing to existing cottage.
landscaping will be low maintenance and neat.

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

Because of location easy walking, bicycling to town
1 or 2 person occupancy

Henderson-Fontenot

Last Name

5/17/21

Date Submitted

302 Monastery

Project Address

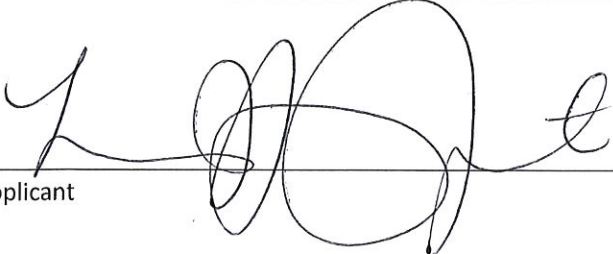
REQUIRED FINDINGS (SGC 22.30.160(C):

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

ANY ADDITIONAL COMMENTS

Hoping to provide additional long term rental housing
for our town.


Applicant

5/17/21
Date

Henderson-Fontenot
Last Name

5/17/21
Date Submitted

302 Monastery
Project Address



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 21-06
Proposal: Reduce rear setback from 8' to 0'
Applicant: David and Mary Levesque
Owner: David and Mary Levesque
Location: 1421 Halibut Point Road
Legal: Lot 1B of a Minor Subdivision of Lot 1 of Hager Subdivision
Zone: R-1 Single-Family/Duplex District
Size: 6,574 square feet
Parcel ID: 1-5764-000
Existing Use: Residential
Adjacent Use: Single-family and duplex housing
Utilities: Existing
Access: Halibut Point Road and easement

KEY POINTS AND CONCERNS

- Lot is slightly above standards for minimum lot size in the zoning district, but is challenging to build on given the uneven terrain
- Access is granted via an easement through 1419 Halibut Point Road, however a grade change from easement to building site limits access to the property
- Rationale for setbacks may not be applicable to property lines abutting tidelands

RECOMMENDATION

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

BACKGROUND/PROJECT DESCRIPTION

Project location is on a 6,574 square foot lot in a developed, residential neighborhood. The proposal would facilitate the placement of a single-family home with a mother-in law suite, attached garage, and a waterfront deck on the rear of the property. The property is accessed by an easement along 1419 Halibut Point Road, however a steep grade change from the easement to the building site impacts the accessibility of the site. Granting of this request allows for the placement of the home to be further from the front property line, which would increase site accessibility and allow for a deck at the back of the home for the enjoyment of the property's waterfront location. It is for this reason that rear setback reduction is requested.

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 GPIIP 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 14-foot front setbacks, 5/9 foot side setbacks, 8 foot rear setbacks in the R-1 zone¹.

22.20.040 Yards and setbacks.

A. Projections into Required Yards. Where yards are required as setbacks, they shall be open and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward.

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving 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 placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity". In this case, the topography of the lot, as it restricts access and buildable area for an appropriate and common use, can be viewed as justifications for granting a variance.

¹ SGC Table 22.20-1

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. Further, allowing this setback variance allows the front of the structure and the garage to be placed further back from the front property line, improving the safety and visibility of vehicular ingress/egress from 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.

Comprehensive Plan Guidance

This proposal is consistent with one of the housing actions in the Sitka Comprehensive Plan 2030; H2.4 “Encourage housing stock rehabilitation”.

RECOMMENDATION

Staff recommends approval of the rear setback reduction. The rationale for setbacks (open space, buffering to neighbors, and fire separation), is not as appropriate or compelling for property lines abutting tidelands. Granting of this variance also facilitates access of the lot from a platted access easement by allowing placement of the structure farther from the front property line.

ATTACHMENTS

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Elevation Sketch
- Attachment D: Floor Plan
- Attachment E: Plat
- Attachment F: Photos
- Attachment G: Applicant Materials

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) I move to approve the zoning variance for reductions in the front and rear setbacks at 1421 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 1B, of a Minor Subdivision of Lot 1 of Hager Subdivision. The request is filed by David and Mary Levesque. The owners of record are David and Mary Levesque.**

Conditions of Approval:

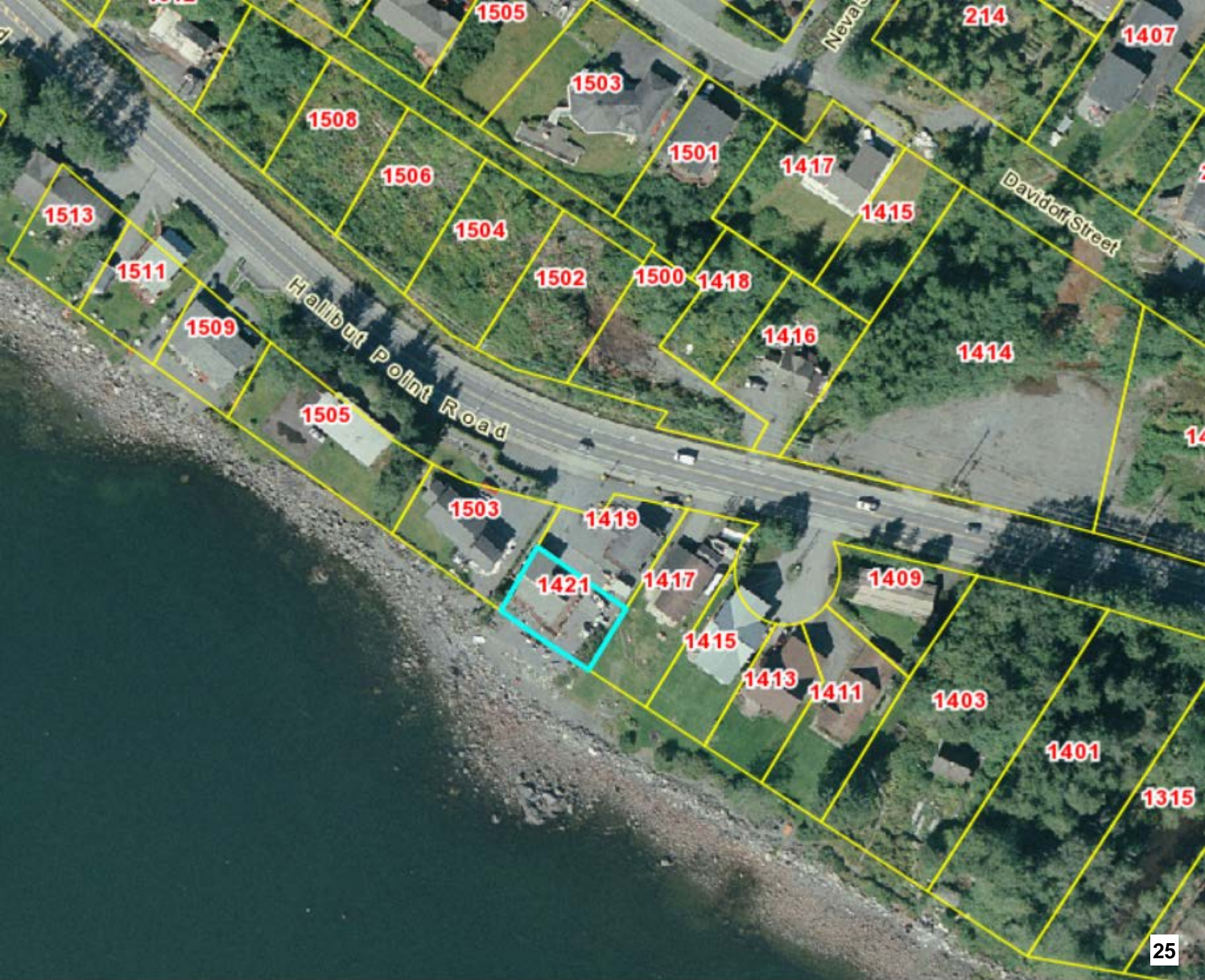
- a. The rear setback will be decreased from 8 feet to no less than 0 foot.
- b. Building plans shall remain consistent with the narrative and plans provided by the applicant for this request. Any major changes (as determined by staff) to the plan will require additional Planning Commission review.
- 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 shown²:

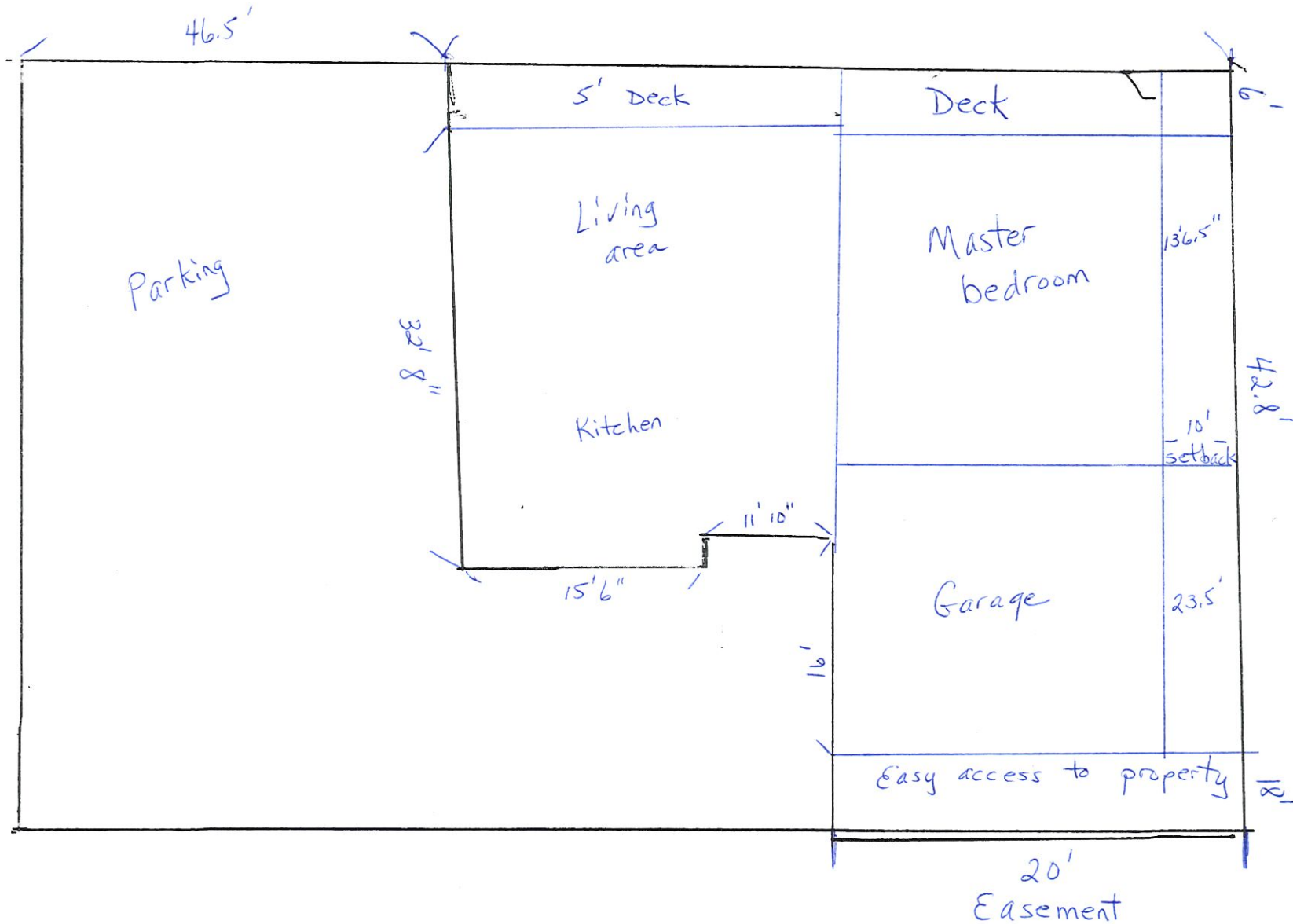
- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner;
- 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.

² Section 22.30.160(D)(1)—Required Findings for Major Variances



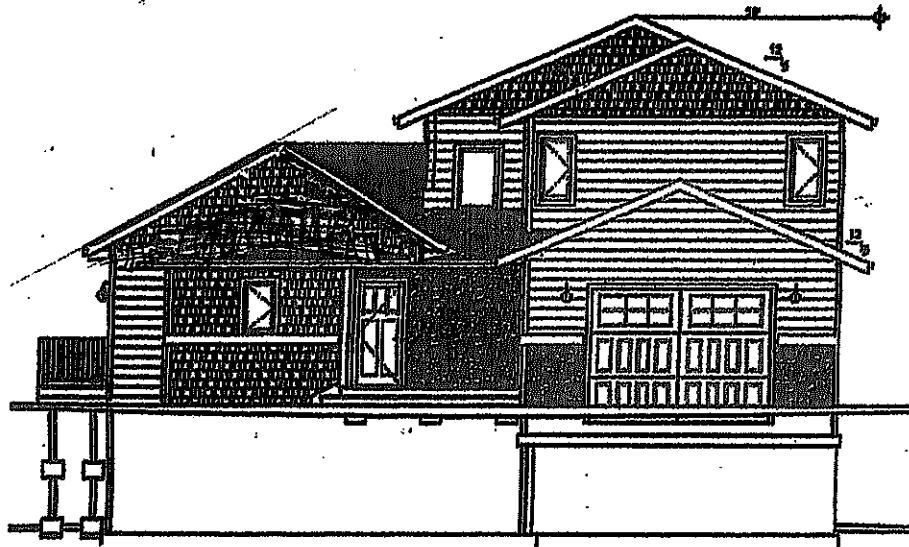
Ocean

48'

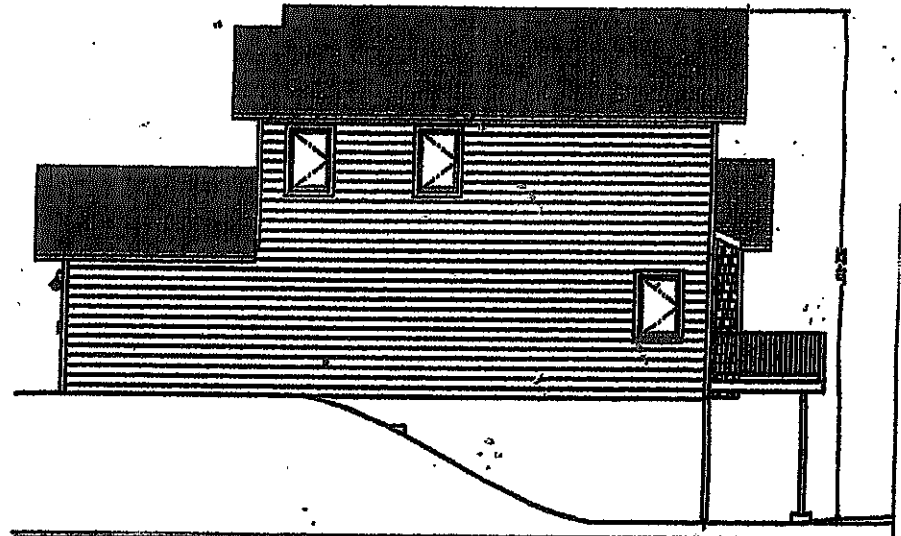


Proposed
requested 0 setback

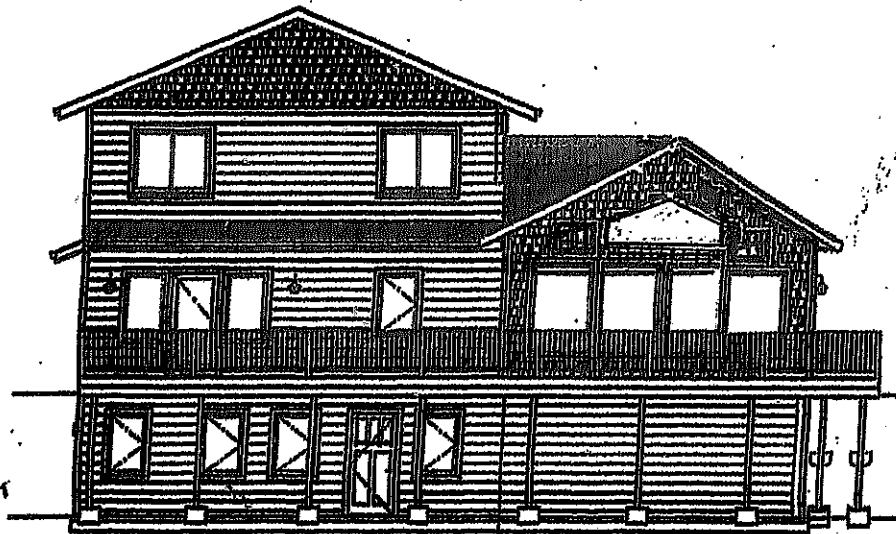
HPR



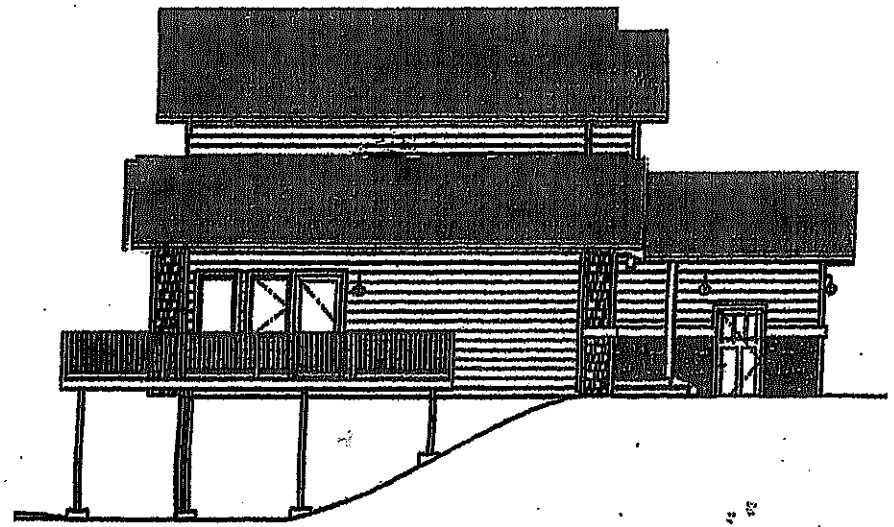
Exterior Elevation Back 1/8 in = 1 ft



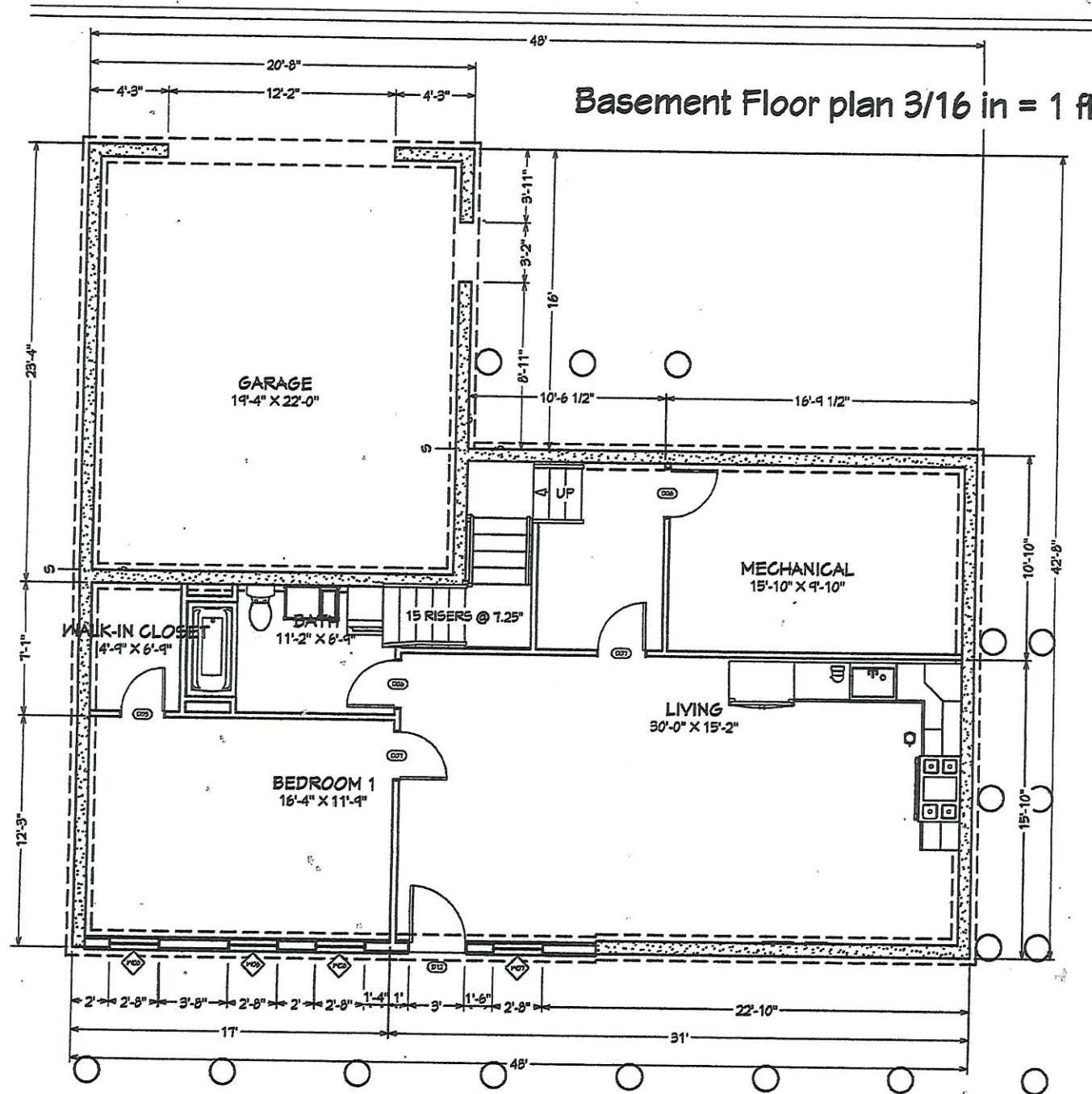
Exterior Elevation Left 1/8 in = 1 ft



Exterior Elevation Front 1/8 in = 1 ft

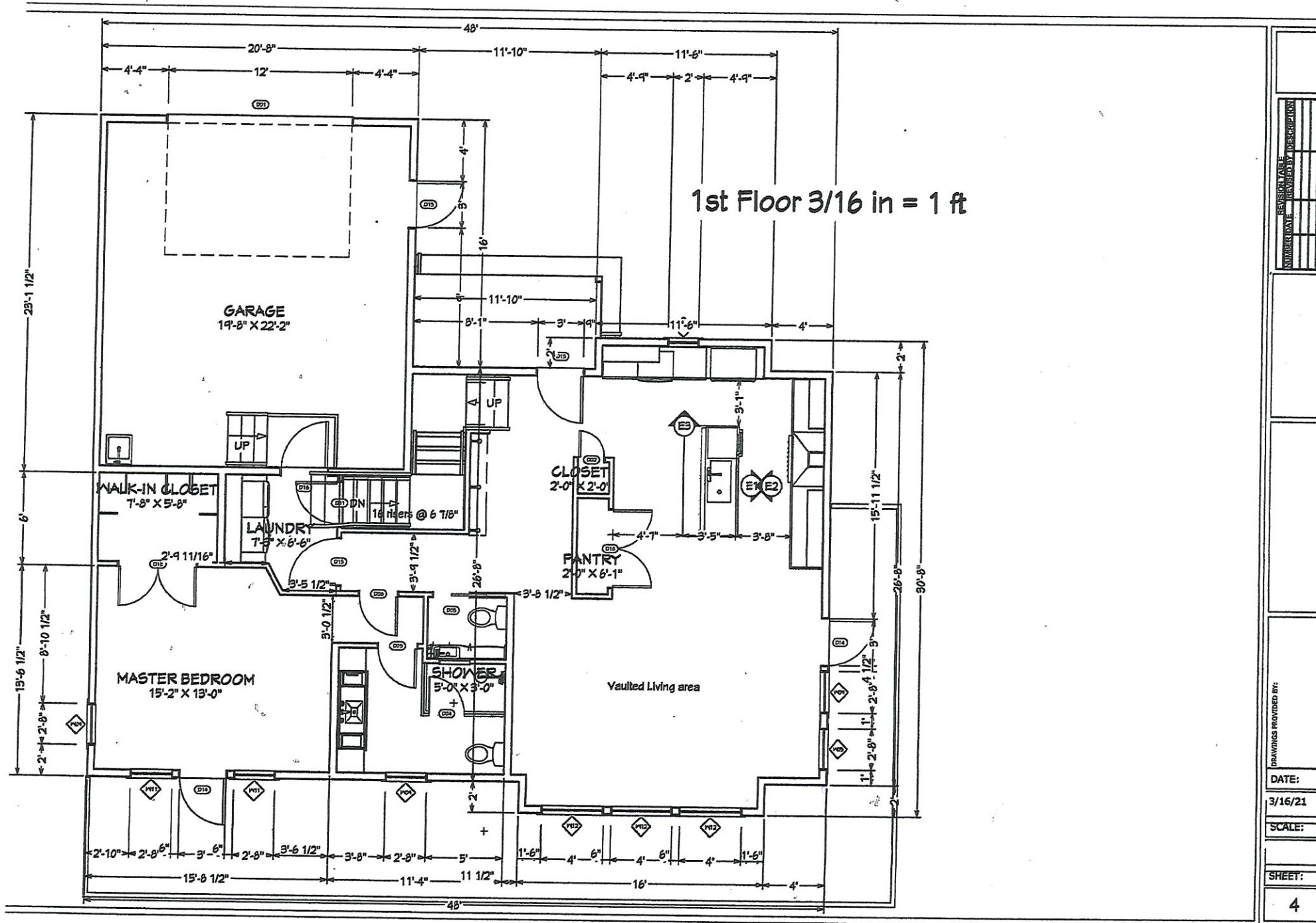


Exterior Elevation Right 1/8 in = 1 ft



REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION

DRAWINGS PROVIDED BY:
DATE:
3/16/21
SCALE:
SHEET:
3



REVISION TABLE	
NUMBER	DATE

DRAWINGS PROVIDED BY:

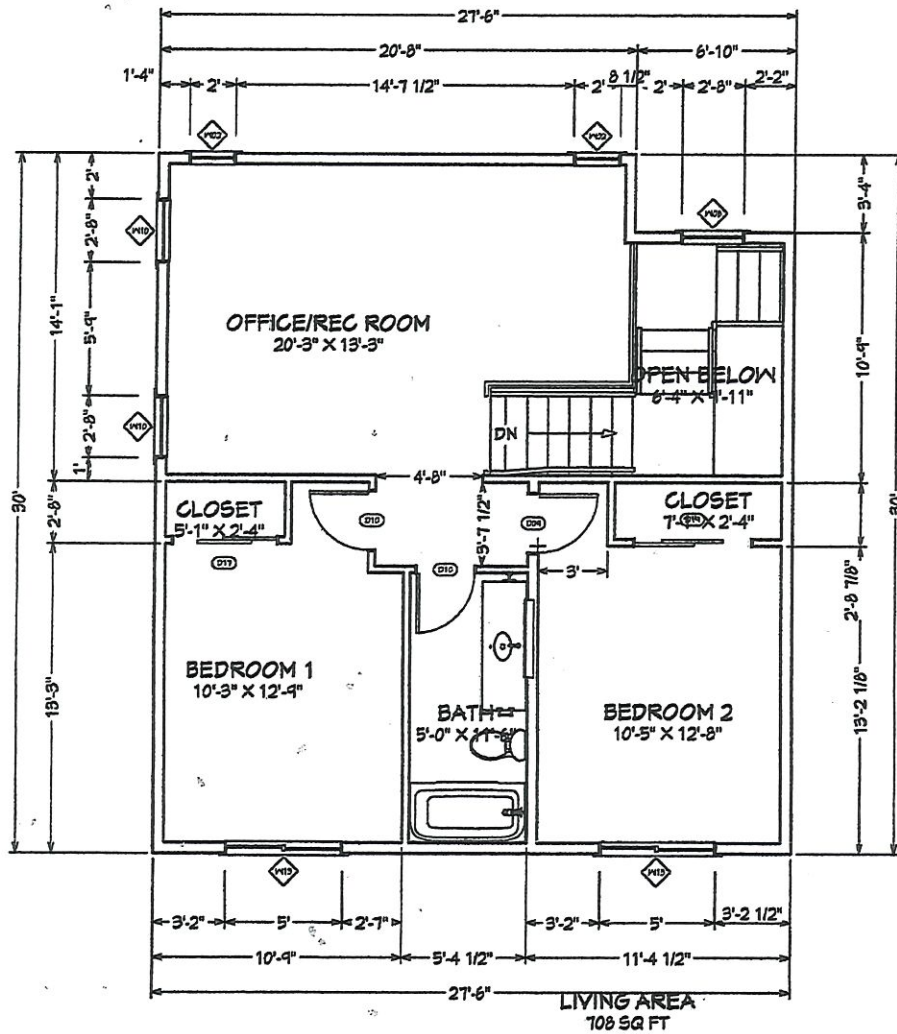
DATE:

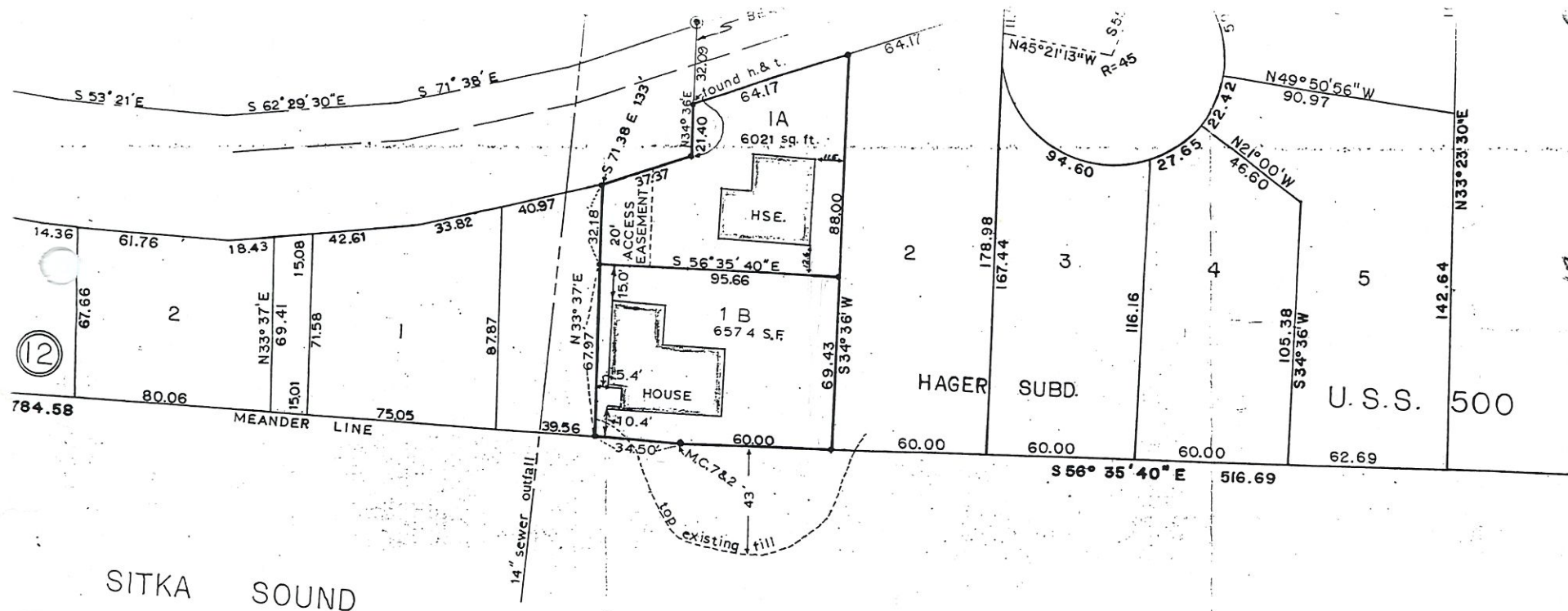
3/16/21

SCALE:

SHEET:

4





SITKA SOUND

LEGEND:

● BRASS CAP (FOUND)

● REBAR & PLASTIC CAP (EXISTING)

SURVEYOR'S CERTIFICATE

I hereby certify that I am a Registered Surveyor, licensed in the State of Alaska, and that in JUNE 1977 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.

AS-BUILT SURVEY

LOT 1B

TURNER SUBDIVISION

OWNER: MIKE TURNER
Box 393
Sitka, Alaska

CHARLES POOL & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
BOX 2609, KETCHIKAN, ALASKA 99901

DATE OF SURVEY 11 JUNE 1977 NAME OF SURVEYOR PROJ. NO.





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: See Attached

PROPERTY INFORMATION:

CURRENT ZONING: R1 PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): Res PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: David and Mary Levesgue

PROPERTY OWNER ADDRESS: 1419 Halibut Point Road

STREET ADDRESS OF PROPERTY: 1421 Halibut Point Road

APPLICANT'S NAME: David and Mary Levesgue

MAILING ADDRESS: 1419 Halibut Point Road

EMAIL ADDRESS: levesgue1419@gmail.com DAYTIME PHONE: 907-738-9489

*levesgue@pt.alaska.net Cell

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

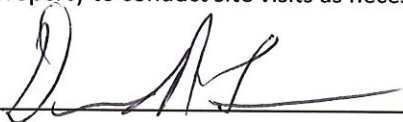
For Short-Term Rentals and B&Bs:

- ☐ 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.

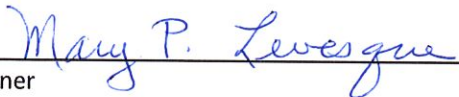
Owner



Date

5/19/2021

Owner



Date

5/19/2021

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

We own the property at 1421 Halibut Point Road. We tore down the existing structure and would like to rebuild and make access to the property easier.

We would like to have a zero setback at the back of the house (ocean side) in order to allow a six foot deck on the back of the house. This will make the setback on the front of the house (HPR side) 18' in front of the garage. This will allow us access to the property via the easement and not have to cross over 1419 HPR property.

The property owner of 1419 HPR allowed prior owners of 1421 HPR to access their property through 1419 HPR because access using only the easement was extremely difficult.



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.

See attached.

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

- TRAFFIC minimal
- PARKING minimal
- NOISE minimal
- PUBLIC HEALTH AND SAFETY None
- HABITAT None
- PROPERTY VALUE/NEIGHBORHOOD HARMONY None is keeping the character of neighborhood
- COMPREHENSIVE PLAN H2.4

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:**

Access to 1421 HPR is by easement only. The distance between the garage and property line makes access extremely difficult.

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:** Deck on the Rear

along Water Side.

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** DK

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)

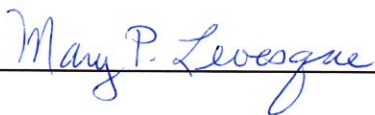
- a. A variance from the requirements of this title may be granted only if the planning commission finds that the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship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



Applicant



Date

Last Name

Date Submitted

Project Address