



CITY AND BOROUGH OF SITKA

Meeting Agenda - Draft

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Randy Hughey
Victor Weaver

Wednesday, July 17, 2019

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 19-11](#) Approve the July 2, 2019 minutes.

Attachments: [11-July 2 2019 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 [MISC 19-15](#) Public hearing and consideration of an extension on an initiation period for a conditional use permit for a short-term rental at 709 Lincoln Street approved under case number CUP 18-26. The property is also known as Lot 21, Block 13, Tract A, USS 1474. The request is filed by (Katharyn) Anne Chadwick. The owner of record is Lincoln Street House, LLC.

Attachments: [MISC 19-15 Chadwick Initiation Extension Memo](#)

[MISC 19-15 Chadwick Initiation Extension Applicant Note](#)

[MISC 19-15 Chadwick Initiation Extension Background](#)

- C** [VAR 19-02](#) Public hearing and consideration of a zoning variance for front and side setbacks at 200 Park Street in the R-1 single-family and duplex residential district. The property is also known as A Portion of Lot 24, Block 14, Sitka Townsite. The request is filed by Zack and Jacquie Foss. The owners of record are Zack and Jacquie Foss.

Attachments: [VAR 19-02 Foss 200 Park Staff Report](#)

[VAR 19-02 Foss 200 Park Aerials](#)

[V 19-02 Foss 200 Park Street As Built](#)

[VAR 19-02 Foss 200 Park Site Plan](#)

[V 19-02 Foss 200 Park Street Photos](#)

[VAR 19-02 Foss 200 Park Applicant Materials](#)

[VAR 19-02 Foss 200 Park Public Comment](#)

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

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Randy Hughey
Victor Weaver

Tuesday, July 2, 2019

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (chair), Darrell Windsor, Randy Hughey
Absent: Victor Weaver (excused), Aaron Bean (assembly liaison)
Staff: Amy Ainslie, Pat Swedeen
Public: Richard Wein, Jacquie Foss, Dan Evans, Ted Laufenberg, Marty Martin, Justin Brown, Dave Miller

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

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

M-Hughey/S-Windsor moved to approve the June 19, 2019 minutes. Motion passed 3-0 by voice vote.

A [PM 19-10](#) Approve the June 19, 2019 minutes.

Attachments: [10-June 19 2019 DRAFT](#)

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie informed the Commission that Fire Chief, Dave Miller, had been named as the Interim Municipal Administrator. There were no updates on filling the Planning Director position, though the Assembly had given approval for the position to be filled. Ainslie discussed a potential extension of an initiation period for a conditional use permit on short-term rental while the permit holder finished work to meet a fire, life, & safety inspection. The Commissioners agreed the issue should appear on the next agenda. Ainslie told Commissioners the next agenda would be light and to let her know if there were any discussions or research issues they would like Ainslie to set time aside for on the agenda.

VI. REPORTS

VII. THE EVENING BUSINESS

B [MISC 19-14](#)

Review / Recommendation of draft revised Floodplain Management Ordinance and Regulations.

Attachments: [NFIP Update Planning Commission MEMO 8-1-19](#)
[2019-xx Floodplain update Final Draft](#)
[Sitka floodplain regulations-Clean Copy Draft](#)

The Building Official and Floodplain Manager, Pat Swedeen came forward. Swedeen explained that Sitka's floodplain ordinance and management policy needed to be updated before August 1 in order to stay in good standing with the FEMA program. Federally backed home loans required mortgage holders to obtain flood insurance if their home was in a floodplain as determined by FEMA mapping. Swedeen explained there had been changes to the floodplain maps for Sitka that was informed by LIDAR surveys; approximately 100 structures were leaving the floodplain, but approximately 100 new structures would be entering the designation. Maintaining compliance with the program allowed those mortgage holders to obtain subsidized flood insurance, and had other effects on federal funding and grants for CBS and citizens.

Spivey inquired about whether or not the structures newly entering the floodplain designation per the new maps had been notified of the change. Swedeen answered that there had been several public meetings to make new information available, but that there was not an assurance that all the owners of the structures newly entering the floodplain had attended and were aware. Spivey also asked if there was an avenue for property owners to appeal their status in the floodplain, which Swedeen said there was a process called a "letter map amendment", and several of these exemptions had taken place for properties in Sitka. Swedeen also noted that regardless of whether or not a structure is in the flood zone, being a part of the FEMA program allowed all Sitka property owners to obtain subsidized flood insurance that would cover water events that are possible outside of the floodplain. Hughey and Windsor agreed that being in the program was beneficial and that they would like to vote yes on it.

Richard Wein came forward and expressed a desire to notify property owners of structures newly entering the floodplain. He also noted that participation in the program was not mandatory, but it was the lending institutions that created a de facto mandate to be a part of the program. Wein stated that in reviewing 50 years of information from the Sitka Sentinel on flood events and was not able to find much history. Wein felt participation in the program was another "hit" to Sitka, and the Commission should consider asking that notifications to property owners in the floodplain be sent.

Commissioners discussed how property owners would receive notification, Spivey stated mortgage lenders would likely notify property owners. Hughey concluded the discussion by saying there was no harm in being part of the program and that our participation in it should continue.

**M-Hughey/S-Windsor moved to recommend approval of the amendments to, and adoption of, the Floodplain Management ordinance to the Assembly.
Motion passed 3-0 by voice vote.**

C [VAR 19-02](#)

Public hearing and consideration of a zoning variance for a front and side setback at 200 Park Street in the R-1 single-family and duplex residential district. The property is also known as A Portion of Lot 24, Block 14, Sitka Townsite. The request is filed by Zack and Jacquie Foss. The owners of

record are Zack and Jacquie Foss.

Attachments: [VAR 19-02 Foss 200 Park Staff Report](#)
[VAR 19-02 Foss 200 Park Aerials](#)
[V 19-02 Foss 200 Park Street As Built](#)
[V 19-02 Foss 200 Park Street Site Plan](#)
[V 19-02 Foss 200 Park Street Photos](#)
[VAR 19-02 Foss 200 Park Applicant Materials](#)

Ainslie noted the non-standard size and shape of the lot, as it was just under 4500 square feet in size. Ainslie described some of the challenges of developing the lot given its size, shape, existing structures, an easement on the north side of the lot, and that it was a corner lot (meaning it had 2 front setbacks). Ainslie presented the site plan and parking plan.

Spivey asked about maximum lot coverage and if the plans exceeded the maximum. Spivey also asked if the structure was being used as a duplex, Ainslie answered that it was not. Hughey voiced concern about the frontage on Etolin Street being so close to the road, and if that could be removed.

Jacquie Foss, the owner of the property came forward. Foss noted the state of disrepair of the structure and the plans to repair the home were no longer possible. Foss also stated that due to climate and lifestyle in Southeast Alaska, having covered entry-ways and garage storage were important priorities in the plan. Foss clarified that the structure would have two small dwelling units; a small home with an apartment. Hughey and Spivey reiterated concerns for visibility at the corner of Etolin Street and Park Street, Foss stated that she could be flexible in the design if needed.

Dan Evans had safety concerns about garages being too close to the property line; when cars back out of a garage so close to a property line, part of the car is out in the street before its completely out of the garage which impeded visibility. Evans supported the Foss's project and improving the property but wanted to see the plans changed to better accommodate vehicles and safety concerns.

Ted Laufenberg did not wish to see crowding of the lot with cars, boats, and overbuilding. Laufenberg stated that homes in the R-1 zone ought to have more open space, and he also questioned whether or not duplexes were allowed in R-1 zones. Laufenberg also reiterated traffic and visibility concerns.

Richard Wein asked to look at the aerial view and noted there was in practice no neighbor on the east side on the lot, and the Commission could go down to a zero setback. Wein also reminded the Commission of the home's age and that the house with its current placement was not considered a hazard.

Ainslie read three written public comments into the record. Two letters from Brandon Marx and Bridget Kauffman further iterated parking, traffic, and visibility concerns in the area. Shelly Adams wrote to express support for the variances requested and stated that the proposal would be a positive addition to the neighborhood.

Commissioners supported the plans to renovate and improve the property, but wanted the plans to address concerns raised by the neighborhood. Commissioners wished to postpone action on the item so that the applicant could make changes and come back before the Commission as soon as the applicant wished.

M-Hughey/S-Windsor moved to postpone consideration of the item to allow the applicant time to make changes to the site plan that addressed concerns raised during the hearing. Motion passed 3-0 by voice vote.

D [CUP 19-13](#)

Public hearing and consideration for a conditional use permit for a marijuana retail facility at 1210 Beardslee Way in the Industrial District. The property is also known as Lot 1B, Mick's Resubdivision. The request is filed by Marty and Elizabeth Martin, Justin Brown, and AKO Farms, LLC. The owner of record is Martin Enterprises, Inc.

Attachments: [CUP 19-13 Martin MJ Retail Staff Report](#)
[CUP 19-13 Martin MJ Retail Aerial](#)
[CUP 19-13 Martin MJ Retail Site Plan](#)
[CUP 19-13 Martin MJ Retail Parking Plan](#)
[CUP 19-13 Martin MJ Retail Photos](#)
[CUP 19-13 Martin MJ Retail Plat](#)
[CUP 19-13 Martin MJ Retail Deed](#)
[CUP 19-13 Martin MJ Retail CUP Application](#)
[CUP 19-13 Martin MJ Retail AMCO Application](#)

Ainslie gave the staff report, reminding the Commission that two previous conditional use permits for marijuana facilities, a cultivation permit and concentrate permit, had previously been granted to the applicants at this address. Ainslie reported that the incremental impacts of adding retail operations to the area would be marginal in terms of traffic, noise, odor, or any other impacts on the surrounding area. The applicants planned to build an approximately 500 square foot addition on to the existing facility.

The applicants, Marty Martin and Justin Brown came forward. The Commission asked if they were going to construct the building the same way the original building had been constructed, and the applicants answered yes. Spivey stated that he wished all marijuana operators would build their facilities to the standards the applicants had used in constructing their facility. There were no further questions or concerns from the Commission or the public.

M-Windsor/S-Hughey moved to approve the conditional use permit application for a marijuana retail facility at 1210 Beardslee Way in the Industrial zoning district subject to the listed conditions of approval. The property was also known as Lot 1B, Mick's Resubdivision. The request was filed by Marty and Elizabeth Martin and Justin Brown. The owner of record was Martin Enterprises, Inc. Motion passed 3-0 by voice vote.

M-Windsor/S-Hughey moved to find that there were no negative impacts present that had not been adequately mitigated by the listed conditions of approval and to adopt the required findings. Motion passed 3-0 by voice vote.

VIII. ADJOURNMENT

Seeing no objection, Chair Spivey adjourned the meeting at 8:05 p.m.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

To: Chair Spivey and the Planning Commission

From: Amy Ainslie, Planner I

Subject: Initiation Period Extension

Date: July 12, 2019

Table 22.24.010-2 of the zoning code, “Initiation and Termination Periods” defines initiation period as “period in which the permit must be activated following planning commission approval or permit becomes void.” The initiation period for short term rentals is one year.

CUP 18-26 was approved by the Commission at their August 2, 2018 meeting. Approval was issued on August 20, 2018, meaning that the initiation period will end on August 20, 2019. The conditional use permit is for a short-term rental at 709 Lincoln Street. Background information on the original request including the staff report and 8/2/18 meeting minutes are included in this packet.

The permit holder, Anne Chadwick, has relayed to staff that there were findings during her health, life, & safety inspection that require fairly extensive construction work (primarily the installation of egress windows that meet the building code). These findings have been the reason that Ms. Chadwick has not been able to initiate use of her conditional use permit. Ms. Chadwick feels confident with an extension of the initiation period past the summer season of approximately 3-6 months (Ms. Chadwick to clarify planning/scheduling with Commissioners), the work could be done to satisfy safety inspection requirements and begin operation.

Potential phrasing for a motion to extend the initiation period:

“I move to extend the initiation period for CUP 18-26 to (Month, Day, Year).”

Amy Ainslie

From: Anne Chadwick <abchadwick@me.com>
Sent: Tuesday, July 02, 2019 4:06 PM
To: Randy Hughey; Darrell Windsor; Chris Spivey; alaskanengineer@gmail.com
Cc: Amy Ainslie
Subject: 709 Lincoln Street short term rental permit

Hello Gentlemen,

Last August the planning commission granted a short term rental permit to Lincoln Street House LLC for operation of a rental at 709 Lincoln Street, pending, of course, a successful fire & safety inspection. Thank you - I was thrilled, as it has long been a desire of mine to host visitors outside of my friends and family, and to share the historic Degroff/Vanderbilt home of 709 Lincoln Street with others and contribute to the economy of Sitka in a meaningful way.

I own Lincoln Street House LLC, and 709 Lincoln Street. Per permit requirements I had Pat Sweden from the city come and do the inspection last fall. Unfortunately for me, however, the inspection revealed the need to replace several windows and take care of a few minor electrical issues before I can be up and running as a short term rental. I had high hopes of accomplishing all this quickly once spring hit and had hoped to be up and running by August to meet the terms of the permit you all granted. I am sad to report that it is highly unlikely, however, that I will have all upgrades complete and a paying guest book and stay before August 20 as is required to keep my permit active.

Realizing the clock was ticking faster than my window replacement, electric fixing process was moving, I stopped by the planning office last week to talk to Amy and discuss the situation and see what options I might have. The notion of a 3-6 month extension to complete the renovations arose. I believe she may bring up a generic scenario to you all tonight at the planning commission meeting at an appropriate time to see if this is possible. I wanted to let you all know that this is the property to which she is referring, and ask if you all would please consider authorizing her to make a 3-6 month extension for me to complete upgrades needed to comply with the permit application. I would be most grateful for the additional time.

Thank you for your time and consideration.
Please feel free to contact me with any questions.

Anne Chadwick
738-7512

Planning Director Scarcelli clarified the purpose of the evening's hearing, which was to discuss potential uses of the property.

Keith Nyitray and Charles Bingham of Sitka Food Co-op and Sam Pointer of Young Life spoke of their groups' need for space, and willingness to continuing the uses of the building, such as office rental, commercial kitchen, meeting space; and in the nave, continue to host weddings and funerals.

Staff and Commission discussed the zoning, current and potential uses of the property, non-conforming use; and noted they welcomed all proposals for the use of the property.

M/S Randy Hughey/Darrell Windsor to Open up for further discussion at next scheduled meeting. **Motion Carried 3-0.**

- I. Public hearing and consideration of a conditional use permit request for short-term rental at 709 Lincoln Street. The property is known as Lot 21, Block 13, Tract A, US Survey 1774. The request is filed by the owners, Lincoln Street House, LLC.

Planning Director Scarcelli went over the application and supporting documents; he noted that the residence was serving as a family vacation home, and approving the use would not be taking the home off the long-term rental market. He recommended addition to conditions of a review.

Applicant Anne Chadwick answered questions the Commission had on the business and potential rental management.

M/S Randy Hughey/Darrell Windsor to approve the conditional use permit for a short-term rental at 709 Lincoln Street in an R-1 zoning district subject to the attached conditions of approval. The request is filed by the applicant (Katharyn) Anne Chadwick for the owner Lincoln Street House, LLC. The property is described as lot 21, Block 13, US Survey 1474 (Tax ID: 11575000).

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 every year, 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 has begun 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 risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
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 on-street 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.
12. 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.
13. The short-term rental conditional use permit shall be reviewed September 2019.
14. Failure to comply with any of the above conditions may result in revocation of the conditional use permit. **Motion Carried 3-0.**

M/S Randy Hughey/Darrell Windsor to find that:

1. The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare specifically, conditions of approval address potential impacts and mitigate them through a rental overview and other conditions of approval;
 - b. Adversely affect the established character of the surrounding vicinity specifically, the home is already used as a vacation home and the conditions of approval would mitigate any impacts; 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, specifically, the use is quasi-residential/commercial (transient housing) and is not anticipated to cause material impacts to adjacent uses.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, specifically, that the proposal provides owners with incentives to provide tourism based business that promotes economic development and job creation. **Motion Carried 3-0.**



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 18-26
Proposal: Request for short-term rental at 709 Lincoln Street
Applicant/owner: (Katharyn) Anne Chadwick/Lincoln Street House, LLC
Location: 709 Lincoln Street
Legal: Lot 21, Block 13, Tract A, USS 1474
Zone: R-1 zoning district
Lot Size: approx. 8,835 square feet
Parcel ID: 11575000
Existing Use: Single-family residence
Adjacent Use: Residential
Utilities: Existing
Access: Directly off of Lincoln Street and Finn Alley

KEY POINTS AND CONCERNS:

- Rental overview (aka Welcome Brochure) shall comply with conditions of approval, specifically regarding access, parking, quiet hours, respect for neighborhood, trash/bears, transportation, and visitor options.
- Neighborhood has repeatedly vocalized disagreement with short-term rentals moving into the area and bringing in transient guests that would impact their residential use and enjoyment.
- STR have impacts to LTR and home values. This is important in regards to this specific proposal and to the issue at large.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the conditional use permit request for a short-term rental at 709 Lincoln Street subject to the recommended conditions of approval.

ATTACHMENTS

Attachment A: Applicant Materials

Attachment B: Staff Materials

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a short-term rental (STR) of 5 bedroom single family home. The home is approximately 2,691 sf and the lot is approx. 8,835 sf.

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:

Applicant does not anticipate significant increase in vehicular traffic nor impact from proposed use as there is adequate parking on-site (5 spaces).

b. Amount of noise to be generated and its impacts on surrounding land use: could create noise from transient guests. Staff defer to applicant to explain how they propose to manage potential noise conflicts.

c. Odors to be generated by the use and their impacts: 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. Rental overview and conditions of approval shall address garbage disposal and compliance with trash and nuisance bears ordinances.

d. Hours of operation: Renters may come and go 24/7. Quiet hours will be enforced. Staff defer to applicant to detail quiet hours.

e. Location along a major or collector street: Access from Lincoln Street and Finn Alley.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: no ability to cut through site. Finn Alley is substandard though.

g. Effects on vehicular and pedestrian safety: Applicant shall provide a rental overview that summarizes various safe means of access and transportation options. And details location/directions to and from.

¹ § 22.24.010.E

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: residence has reasonable access off of maintained Lincoln Street and access to their driveway off of Finn Alley.

i. Logic of the internal traffic layout: Driveway is logically located next to access and home.

j. Effects of signage on nearby uses: No effects.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: the adjacent lots have reasonable setbacks.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: an STR can help support the existing and growing tourism industry. By providing transient guests short-term housing options, that allows the potential for more visitors to visit here, which in turns brings in more outside money and creates opportunities for additional job creation and economic development. On the flip side, STRs are linked to negative impacts to LTR rates and increased purchase prices for housing; though they may help home owners make their own homes more affordable for themselves.

m. Other criteria that surface through public comments or planning commission review: Short-term rentals may cause the increase of long-term rental rates.

Property owners shall keep garbage in city garbage bins with closed lid, which may be located in garage or bear resistant enclosure. Conditions of approval require that garbage management follow Sitka General Code requirements, including but not limited to the restriction from putting garbage out until 4 am on garbage collection day.

RECOMMENDATION

It is recommended that the Planning Commission approve the conditional use permit application for a short-term rental at 709 Lincoln Street subject to the recommended conditions of approval.

.....

Motions in favor of approval:

1) I move to approve the conditional use permit for a short-term rental at 709 Lincoln Street in an R-1 zoning district subject to the attached conditions of approval. The request is filed by the applicant (Katharyn) Anne Chadwick for the owner Lincoln Street House, LLC. The property is described as lot 21, Block 13, US Survey 1474 (Tax ID: 11575000).

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 every year, 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 has begun 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 risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
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 on-street 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.
12. 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.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

2) I move to find that:²

1. ...The granting of the proposed conditional use permit will not:

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

- a. Be detrimental to the public health, safety, and general welfare *specifically, conditions of approval address potential impacts and mitigate them through a rental overview and other conditions of approval;*
 - b. Adversely affect the established character of the surrounding vicinity *specifically, the home is already used as a vacation home and the conditions of approval would mitigate any impacts; 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, *specifically, the use is quasi-residential/commercial (transient housing) and is not anticipated to cause material impacts to adjacent uses.*
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, *specifically, that the proposal provides owners with incentives to provide tourism based business that promotes economic development and job creation.*



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 19-02
Proposal: Reduce west front setback from 14' to 8'
Reduce south front setback from 14' to 2'
Reduce east side setback from 5' to 0'
Applicant: Zack and Jacquie Foss
Owner: Zack and Jacquie Foss
Location: 200 Park Street
Legal: A portion of Lot 24, Block 14, Sitka Townsite
Zone: R-1 single-family and duplex residential district
Size: 4,499
Parcel ID: 1-1960-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Park Street

KEY POINTS AND CONCERNS

- The existing foundation placement and irregular shape/size of the lot requires a variance for reconstruction; foundation and/or eaves already encroach into setbacks.
- Sewer/utility easement on the northeast corner of the lot, restricting development on the north end of the lot
- Property is a corner lot, meaning it has two front setbacks of 14 feet. It also has two side setbacks of 5 feet (as lots that are less than 60 feet wide have a side setback of 5 feet rather than the standard split side setback of 5/9 feet).
- Potential negative impacts to public health and safety, neighborhood harmony, and property values are mitigated, as the house is currently in “tear down” condition – renovation plans should improve neighborhood aesthetic. Parking plan in place to minimize disturbances to neighbors and traffic.
- Lot coverage variance not needed – proposal results in 32.4% lot coverage.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance.

BACKGROUND/PROJECT DESCRIPTION

The property is located in a densely populated, residential area. Many of the lots in the neighborhood do not meet dimensional standards due to the age and development history of the area. The property in question is undersized at 4,499 square feet, and with a maximum width of approximately 56 feet. The lot is a corner lot, meaning it has two front setbacks (one on Park Street and one on Etolin Street). There is also a sewer/utility easement on the northeast corner of the lot, restricting development on the north side of the lot.

The structure currently on the lot was built in 1940. The home must be demolished, but the property owners intend to keep the foundation and rebuild from it. The foundation on the south side of the property has a basement, and the foundation on the north side does not, meaning that the structure has different levels, lending itself to a multi-family structure. Were the requested variances granted, the owners intend to build a home with an apartment.

There are three setback variances requested, one for the front setback on Park Street (the west side of the property), one on the Etolin front setback (south side of property), and one for the side setback on the east side of the property. On the west side, the front corner of the foundation is 14.6 feet back from the property line. Given standard construction practice in Sitka, there would be an additional 2 foot overhang from eaves, meaning the structure already encroaches into the setback (reducing it from the required 14 feet to 12.6 feet). The owners would like to add a stemwall to support the second story in-line with the existing porch. The foundation will be 10 feet from the property line, preserving parking parallel to Park Street.

The proposal includes an addition on the east side of the home with foundation 2 feet from the property line (a 0 foot setback with eaves), and build a garage on the property, tearing down an existing shed and attaching the garage to the home. Staff is supportive of this proposal because the building of a garage is, per the zoning code, a “normal enjoyment” of property, and a garage takes advantage of vertical space, providing for storage/parking while also allowing for additional living space to be built above. This is further advantageous as the construction of this garage will necessitate tearing down a 280 square foot shed that is placed on the property line.

The existing home was built close to the south property line, already encroaching into the setback. An arctic entry was built 4.3 feet from the front property line, the foundation of the house is 9.3 feet from the front property line. To rebuild the arctic entry with overhang and stairs, the south front setback would have to be reduced to 2 feet. Staff recommends adding a condition of this approval that the variance allows only for the reconstruction/repair of the home on the existing foundation footprint – no additional foundation encroaching into the front, south setback may be constructed. Additionally, the stairs to the entryway of the home will run along the house as opposed to coming up from Etolin Street (also added as a condition of approval).

The proposal makes best use of existing foundation on the site, preserves open space on the north side of the lot, and makes better use of vertical building space while still providing for parking.

Given these factors, and the challenges of the lot's dimensions, Staff recommends approval of the variance request.

ANALYSIS

Setback requirements

The Sitka General Code requires 14 foot front setbacks and 5 foot side 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.

Per the code, no structures over 30" may be located within the side setback. The home, constructed in 1940, predates the zoning code. Further, the lot is irregularly shaped and undersized. Requiring the reconstruction/remodeling and additional development to abide by the development standards is inconsistent with the lot's characteristics and is counterproductive to orderly development.

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". The shape of the parcel, dimensions, and placement/orientation of the existing structure all present special circumstances that qualify the request for a variance.

Potential Impacts

The reconstruction and remodeling of the structure would be an improvement to the property and the neighborhood, as it is currently in tear down condition. There is some concern about the increasing density of the residence, and traffic/parking concerns. However, the area is currently a densely populated residential area, parking has been properly accounted for in the parking plan, and open space on the north side of the property is preserved. The applicant has placed the garage door on the north side of the lot to maintain safe visibility when vehicles enter and exit the garage. Therefore, staff believes potential adverse impacts to neighborhood harmony and public health and safety are properly addressed/mitigated, and the proposal is consistent with the character of the neighborhood.

Comprehensive Plan Guidance

This proposal is consistent with two of the housing actions in the Sitka Comprehensive Plan 2030; H1.1e "encourage higher density development" and H2.4 "encourage housing stock rehabilitation".

¹ SGC Table 22.20-1

The proposal makes sensible use of the space available given the dimensional and easement challenges of the lot, preserves parking, and affords two dwelling units. Further, the lot in its current condition offers no use or utility – rehabilitating the home is a good use of existing, buildable land in a residential neighborhood.

Conclusion

Overall, the neighborhood would be minimally affected, if not improved, by this proposal as long as the home is reconstructed/developed in accordance with the application materials provided for the variance request.

RECOMMENDATION

It is recommended that the Planning Commission move to approve the zoning variance subject to the attached conditions of approval.

ATTACHMENTS

Attachment A: Aerial Photos
Attachment B: As-Built
Attachment C: Site Plan
Attachment D: Photos
Attachment E: Applicant Materials

.....

Motions to Approve the Zoning Variance

- 1) I move to approve the zoning variance to request for the reconstruction and further development of the structure at 200 Park Street. The property is also known as Lot 24, Block 14, Sitka Townsite. The request is filed by Zack and Jacquie Foss. The owners of record are Zack and Jacquie Foss.

Conditions of Approval:

- a. The front, west setback will be decreased from 14 feet to no less than 5 feet.
- b. The side, east setback will be decreased from 5 feet to no less than 3 feet.
- c. The front, south setback will be decreased from 14 feet to no less than 2 feet solely for the reconstruction on the existing footprint; no additional encroaching foundation may be added on the south end of the structure without additional Planning Commission review. Any stairs built will be along (parallel) to the structure.
- d. 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.

- 2) I move to adopt and approve the required findings for variances involving major structures of expansions. 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, 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









I hereby certify that I have surveyed the following described property, PORTION OF LOT 24 BLOCK 14, U.S. SURVEY 1474 Sitka, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property



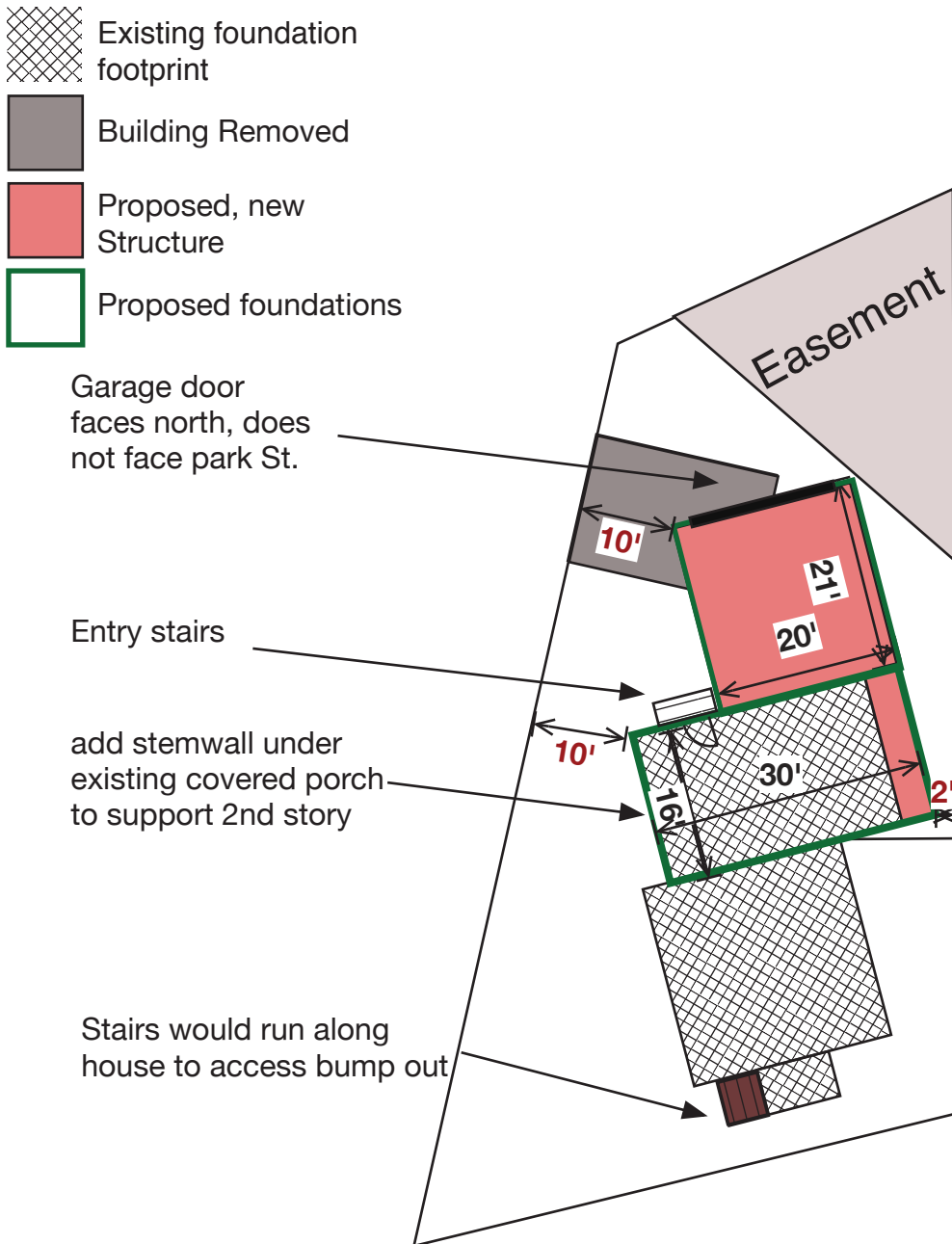
PORTION OF LOT 24 BLOCK
U. S. SURVEY 1474

FOR: J. D. HOLMES
STAR ROUTE H.P.R.
SITKA, ALASKA

1. 196

DAVIS & ASSOCIATES,

Proposed Building for 200 Park Street



1. Existing shed would be removed to make room for garage and parking
2. Setback would be 10' from front property line on Park to foundation corners of garage and house.
3. Rear setback would be 2' to foundation at 1 point then trend NNW
4. All measurements are to the foundation. There would be 2' eave and gutters surrounding the house, reducing setbacks at the top of the building but still allowing for parking along all of Park Street



Narrative for Proposed variance for 200 Park Street.

1. We would remove the existing shed that is sitting on the property line on Park street and build an approximately 20' by 21' garage attached to the existing structure. This building would follow the line that would originate at corner of the 2-foot setback (as measured to the foundation) and run to the city utility easement. The front set back would be 10 feet to the corner of the garage foundation minus 2' to allow the eave and gutter, allowing for parking and clear sight lines. See attached drawing 2.
2. The garage would open to the north, not facing Park street.
3. We would build a foundation under the existing porch footprint to support the second story. The existing, partially enclosed porch is 10 feet from the property line on Park street, bringing the front set back at this corner there to 10 feet to the foundation.
4. There is parking for 2-3 cars in the approximately 600 square foot city easement on the northern end of the property and since all foundations would be 10' minimum from the property line, the entire frontage of Park street would be available for parking (at least 60 feet in length) allowing for 3 cars to park along there.
5. The setbacks are measured to the foundation. The eaves are 2 feet with the gutter, thus decreasing the setbacks at the top of the house.
6. There is a section of "Gravel Parking" between the property line and the paved portion of Park street according to a drawing from the City of Sitka (figure 6 below). So the 10' from the garage foundation corner to the property line is really closer to 18' to the pavement on Park Street. (see attached scan of CBS drawing)



Figure 1. 200 Park Street. As you can see, our property line is setback from the paved portion of Park (drawings from City of Sitka from the stormwater/sewer project in 2007 show about 8'-10' between pavement and the property line). The area just to the east is a triangular easement that belongs to 703 Etolin.



Figure 2. photo of property from Park Street. The small white shed would be removed and there would be a garage with living space above it. Note the two different elevations of the existing structure.



Figure 3. photo from corner of Park and Etolin. The white shed sits right on the property line. This would be demolished to make room for the garage against the back property line.



Figure 4. A foundation would run along the small porch, following the blue line. The current porch overhang is the footprint of this. The corner of the overhang is currently about 10 feet from the property line.



Figure 5. Shed sitting on Park Street

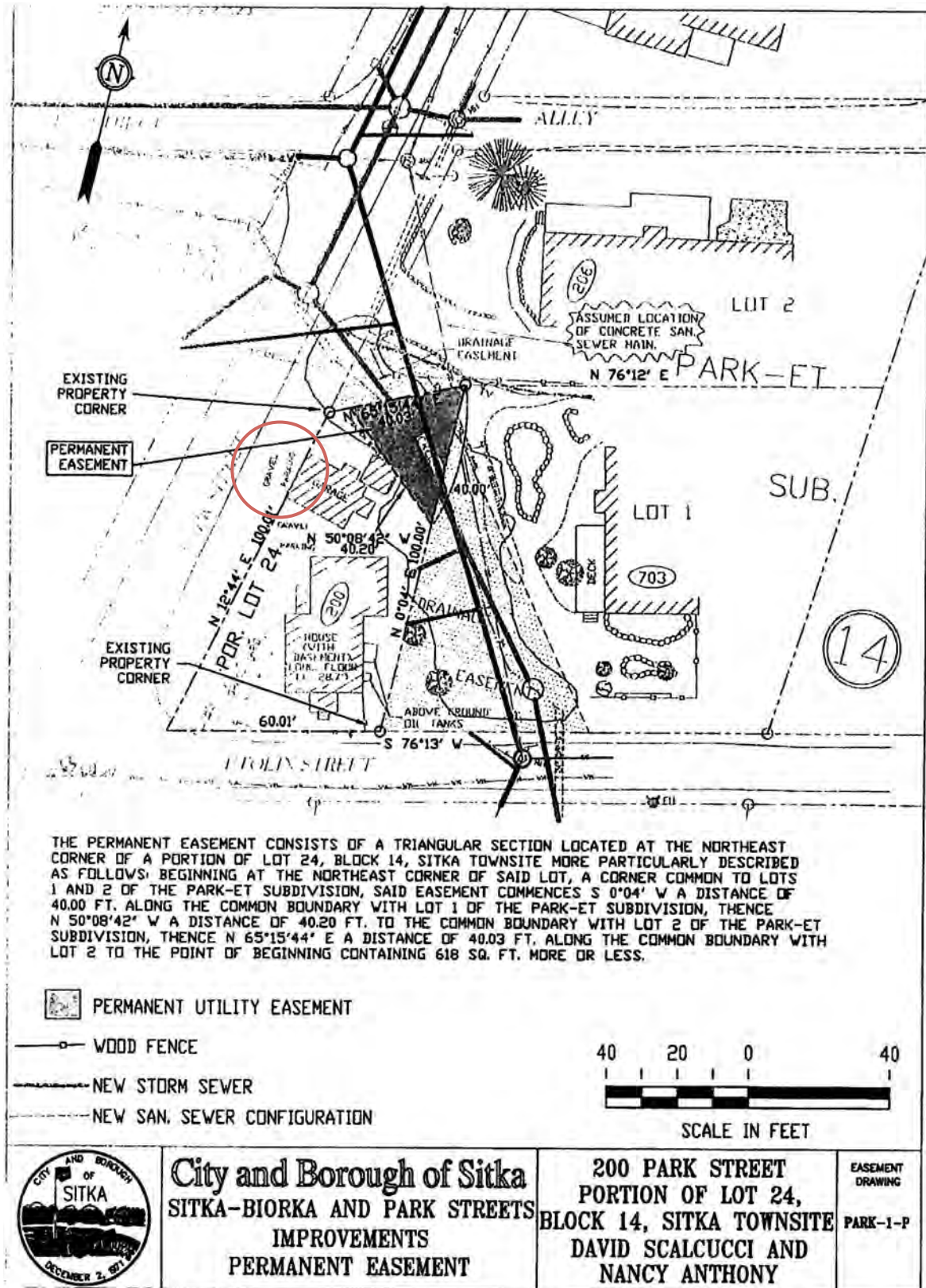
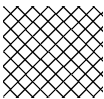
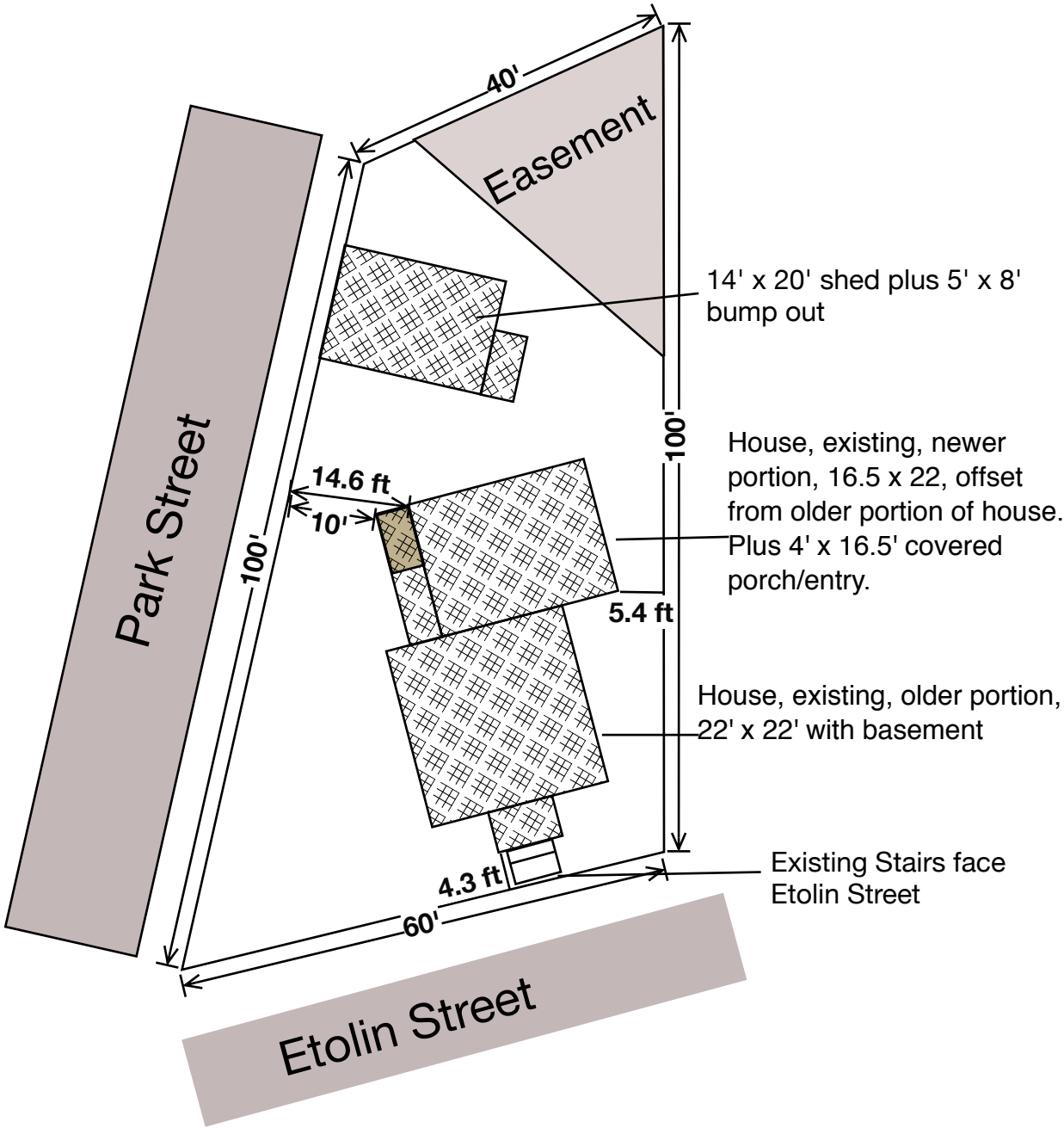


Figure 6. Drawing by CBS showing that the property line for 200 Park street has a section labeled "gravel parking" between the property line and pavement.

200 Park Street, Existing

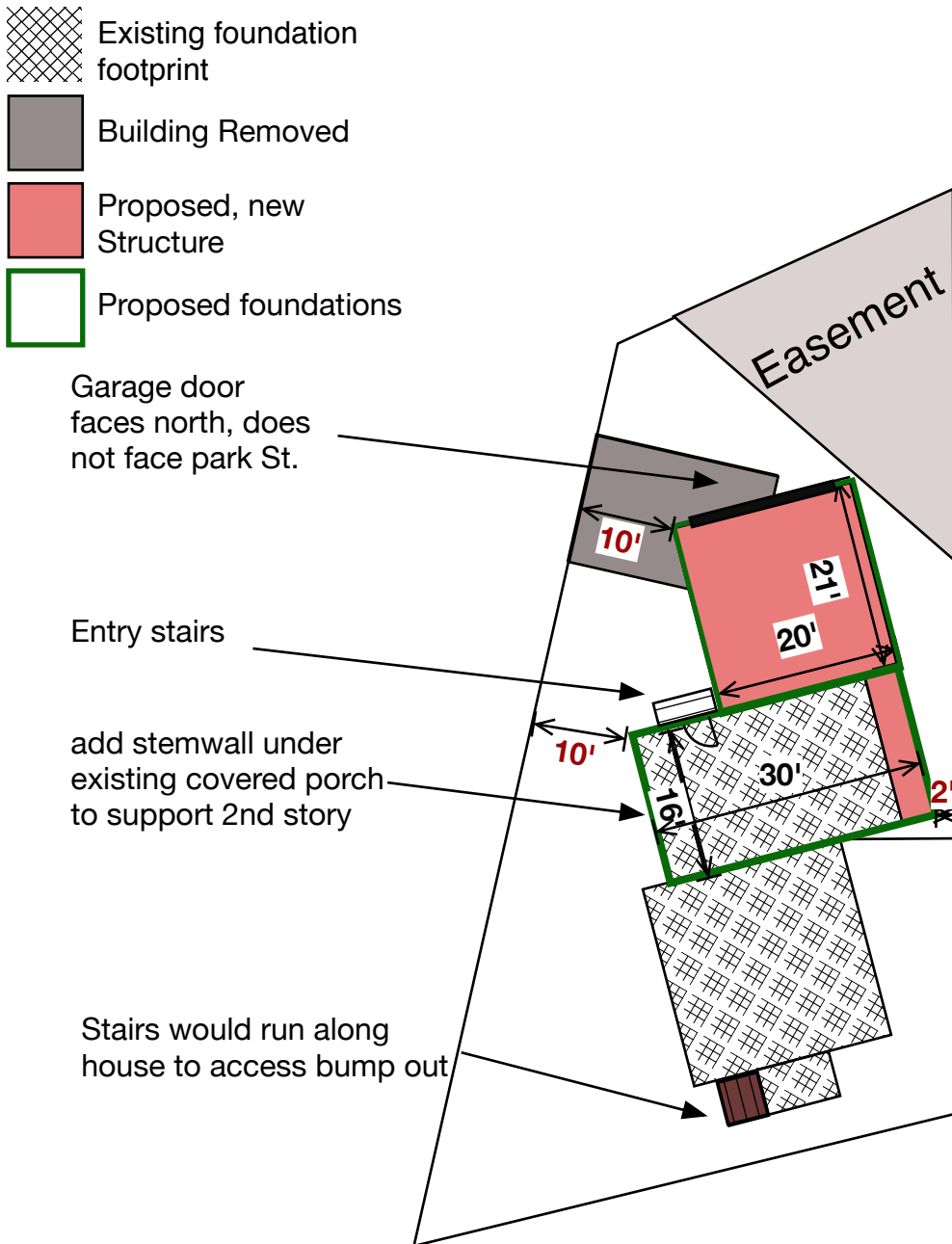


Existing Buildings



1 inch = 20 feet.

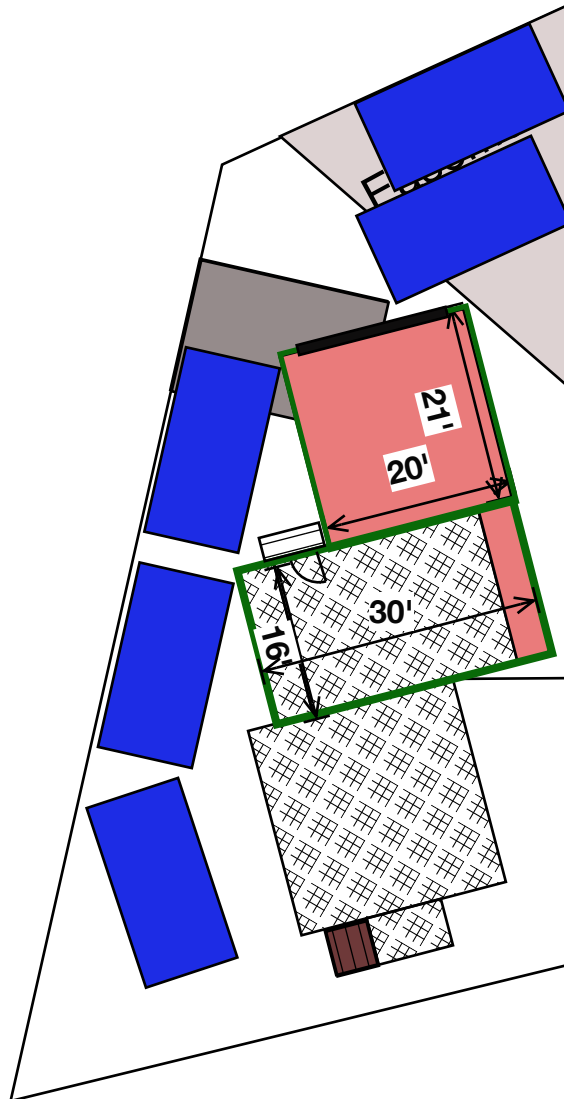
Proposed Building for 200 Park Street



1. Existing shed would be removed to make room for garage and parking
2. Setback would be 10' from front property line on Park to foundation corners of garage and house.
3. Rear setback would be 2' to foundation at 1 point then trend NNW
4. All measurements are to the foundation. There would be 2' eave and gutters surrounding the house, reducing setbacks at the top of the building but still allowing for parking along all of Park Street

200 Park Street Parking Plan

Each of the blue blocks is a 10' x 20' parking space.



1 inch = 20 feet.



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

- 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: decrease setbacks on front of property and rear to build a garage and improve the existing structure. This would allow us to remove the shed sitting on the property line / Park street.

PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): _____

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

APPLICANT INFORMATION:

PROPERTY OWNER: Zack + Jacquie Foss

PROPERTY OWNER ADDRESS: 1820 Edgcomb Dr

STREET ADDRESS OF PROPERTY: 200 Park Street

APPLICANT'S NAME: Zack + Jacquie Foss

MAILING ADDRESS: 1820 Edgcomb Dr

EMAIL ADDRESS: foss.jacquie@gmail.com DAYTIME PHONE: 738-9029

PROPERTY LEGAL DESCRIPTION:

TAX ID: 11960000 LOT: _____ BLOCK: _____ TRACT: _____

SUBDIVISION: _____ US SURVEY: 1474

Foss

Last Name

5/29/19

Date Submitted

200 Park St

Project Address

REQUIRED 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
- ☐ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Site photos showing all angles of structures, property lines, street access, and parking – emailed to planning@cityofsitka.org or printed in color on 8.5" x 11" paper
- ☐ Proof of filing fee payment

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

Foss

Last Name

5/29/19

Date Submitted

200 Park St

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.

This is a small lot With an existing house ^{that does not conform} ~~within current~~ setbacks. Due to ~~setbacks~~. This shape of the lot, and the fact that it is a corner, any addition needs a minor variance for setbacks.

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

• TRAFFIC N/A

• PARKING N/A

• NOISE None

• PUBLIC HEALTH AND SAFETY none

• HABITAT none

• PROPERTY VALUE/NEIGHBORHOOD HARMONY improve the appearance of
property. move ^{existing} shed from property line on Park st.

• COMPREHENSIVE PLAN None

Foss

Last Name

Date Submitted

200 Park St

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, _____;

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, _____;

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, _____;

d. That the granting of such a variance will not adversely affect the comprehensive plan, specifically, (cite section and explain) _____;

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, The

proposed garage + addition do not materially expand on existing footprint;

b. The granting of the variance is not injurious to nearby properties or improvements There

is a drainage easement on 2 sides of the property and it is a corner lot;

c. The granting of the variance furthers an appropriate use of the property, specifically, it

allows affordable housing for 2 families in an

Foss already dense neighborhood 5/29/19 200 Park St

Last Name

Date Submitted

Project Address

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, _____

ANY ADDITIONAL COMMENTS _____


Applicant

5/28/19
Date

Foss
Last Name

5/29/19
Date Submitted

200 Park
Project Address

Margaret Hart

From: peter thielke <peter.thielke@gmail.com>
Sent: Tuesday, July 09, 2019 2:11 PM
To: Planning Department
Subject: Variance application for 200 Park Street

Dear Planning Dept. Personnel,

I am writing to support the variance application by Zachary and Jacquie Foss to construct a garage at 200 Park Street.

First, I own the property at 722 Biorka, where I grew up many moons ago. I know the neighborhood well, and actually spent a lot of time in the house at 200 Park Street, where a boyhood friend, Benny Schultz, lived in the 1950s.

One of the reasons for this letter of support is that I have such high esteem for Zach and Jacquie. I met them about fifteen years ago in Sitka. They have lived in my house and Zach has done a lot of carpentry projects for me. Zach is an excellent carpenter and does things the right way, which, by the way, never used to be the "Sitka way." They are honest, hardworking, responsible and friendly Sitkans.

My brother, John Thielke, owner of 720 Sawmill Creek Blvd. and 206 Baranof Street, feels the same as I do about Zach and Jacquie, and I will suggest to Johnny that he write a similar letter of support. Former pillar of the community Florence Donnelly, now deceased but not forgotten, also had Zach work for her and held a similar regard for him.

Now, we all know that in the 1930s or 1940s there were no codes or planning departments in Sitka, so many things were done that today couldn't pass code. If, in 1950, the owner of 200 Park Street wanted to build a garage, he or she just would. Simple as that. No problem. But today the codes are in place and the City has to do its best to juggle the old way and the new way vis-a-vis buildings in the city. If I were on the Planning Commission, here are a few of the questions I would consider:

1. Will the new garage be safely constructed? (My answer: Yes)
2. Will it negatively impact the neighbors, such as by causing excessive noise or increased traffic? (My answer: No)
3. Will it add to the aesthetics of the neighborhood, much of which has already been improved? (My answer: absolutely!)
4. Will it increase the tax base? (My answer: Yes)
5. Will it enhance the housing market, either by resale or rental? This house is rather small and would be seemingly more affordable than other larger more expensive Sitka homes or view lots. (My answer: Yes)
6. Would an improved home with a garage enhance the quality of the neighborhood by eliminating a car on two that would otherwise have to be parked on the street? (My answer: yes)

I strongly support the granting of a variance to construct a garage to Zachary and Jacquie Foss. Please call me or email should you have any questions.

Thanks and all best,

Peter Thielke
Ojai, CA

805-798-2971

Margaret Hart

From: Justin Olbrych <justin.olbrych@yahoo.com>
Sent: Wednesday, July 03, 2019 10:06 PM
To: Planning Department
Subject: Etolin/park street variance request

That little arctic entry on the south side, bringing the setback to two feet, seems a bit tight. One, there is no concrete foundation under that. It was an add on. The details in the packet are wrong. Two, when the street is upgraded with sidewalks, seems like a two foot variance would disrupt that possibility. I'd like to be in the loop on the information. Justin Olbrych. 702 etolin st. I didn't receive a packet in the mail. Thanks

Sent from my iPhone

Margaret Hart

From: Amy Danielson <amyrowed@gmail.com>
Sent: Thursday, July 11, 2019 8:27 AM
To: spi3050@yahoo.com; d Windsor@gci.net; randywhughey@gmail.com;
taycolvin@gmail.com; alaskanengineer@gmail.com; Amy Ainslie; Aaron Bean
(Assembly); Kevin Knox (Assembly)
Subject: New setback Guidelines.

Dear Planning and Zoning,

I have some concerns about granting variances within the new setback guidelines. As stated in the new codes being made for smaller lots, this change was to reduced the amount of variances being requested. I see already a request for reduction to the already new set back guidelines has been asked. The new guidelines are more than generous and anything more than the 5/9/14 ft set back is not a good idea. Below is a letter I wrote the assembly when adopting these new guidelines. Please consider dense housing impacts everyone around.

Thank you for all the work you do,

Amy Rowe Danielson
amyrowed@gmail.com

Between every two pines is a doorway to a new world. John Muir

May 2019

Dear Assembly of Sitka,

I am writing in regards to the amendments to the Zoning Codes. While I support the need for options to build on smaller lots to aid in affordable housing, I do not agree with easing the rear and side setbacks 5/9ft-8ft and increasing the lot coverage to 50%. I live in one of the neighborhoods (Biorka Street) designated as higher density. It is very close to have a neighbor 5 feet from your property line. Also, in neighborhoods like this one, when new houses are built to the 35 ft. guideline, it blocks the light, and sun to the homes. Many houses here are less then 35 feet, a story and 1/2. If a house is allowed to be built 5 feet from the property line, and 35 feet high, the neighbor would have minimal light and sun. And adding he option for more lot coverage from 35% to 50% would only add to the impact to surrounding neighbors.

Lot setbacks are in place to ensure everyone has equal space, air and light in a neighborhood. They are for safety and and quality of life. Please re-evaluated these new setback standards to be sure you are making the best decision for Sitka long term.

F ORD 19-16A Amending Title 22 "Zoning" of the Sitka General Code by modifying Chapter 22.20 "Supplemental District Regulations and Development Standards" (1st reading as amended)

Thank you for your time,

Amy Rowe Danielson
amyrowed@gmail.com

Between every two pines is a doorway to a new world. John Muir

Margaret Hart

From: wendyalderson@gci.net
Sent: Wednesday, July 10, 2019 2:29 PM
To: spi3050@yahoo.com; dwindsor@gci.net; randywhughey@gmail.com; taycolvin@gmail.com; alaskanengineer@gmail.com; Amy Ainslie; Aaron Bean (Assembly); Kevin Knox (Assembly); Kevin Knox (Assembly)
Subject: Var 19-02 Foss 200 Park St request

Hello,

My name is Wendy Alderson and I live at 714 Etolin St. I am writing in regards to the variance requests submitted by Jaque Foss for 200 Park St. I did not receive a letter from the city referencing any of these requests so I was not aware that this item was on the July 2nd agenda. I have reviewed the requests online and I would like you all to know that I am absolutely against the granting of any of these variances.

I really struggled to support the new setbacks that were recently adopted, as I believe it punishes those of us who can't afford to purchase larger lots out of the downtown area, however I was won over by your reasoning that it would prevent people from asking for (and being granted) further variances. I was actually happy for the new owners of 200 Park St because I thought "Wow, good timing, these new setback codes will benefit you." So I am really disappointed that someone would come in, buy a property knowing exactly what they were getting and what the code is, and then immediately disregard the (more than generous, in my opinion) new setback codes.

Furthermore, I disagree with the key point on the agenda page online "Potential negative impacts to public health and safety, neighborhood harmony, and property values are minimal, as the house is currently in "tear down" condition – renovation plans should improve neighborhood aesthetic. Parking plan in place to minimize disturbances to neighbors and traffic." Considering our current lack of infrastructure on Etolin St I think it's presumptive to assume that a project of this caliber will have no negative impact on the neighborhood.

The Park St Etolin St corner is already a dangerous bottleneck and having the stairs to the arctic entry two feet from Etolin St. will only add to the problem. At this point, if two cars approach the stop sign at the same time, one of them has to back up to let the other proceed. Either that, or pull in to someone else's private driveway. There is already limited visibility and a large number of small children play on that corner constantly. Having a two story duplex 7' from Park St and 2' (for all practical purposes) will further impede visibility and create a real hazard. Frankly, I don't mind creeping along Etolin St, I wish everyone would, and those of us who live in the neighborhood have learned to work together to make our compromised traffic patterns work, but unfortunately, we are not the only ones who use Park and Etolin St, they are, after all, public roads, and many drivers seem to feel that those stop signs are optional.

The existing concrete foundation is large enough to build a substantial two story house without further variances, if that is what the owners choose to do. Case in point; two years ago I built a 1,200 sq ft two story two bed two bath house on a 3,600 (+/-) lot at 409 DeGroff St. without requesting any variances, and that was with the 8' side and 20' front setbacks.

Once again, since I did not receive any notice of this agenda item in the mail, I did not attend the hearing. It looks like the department's recommendation was to move this forward? Does this mean the next hearing will be in front of the assembly or will you be revisiting it? I would like to know what my next step is as far as contesting this variance.

Thank you for taking the time to read my email,
Wendy Alderson

Margaret Hart

From: Brandon Marx <marxlaw@gci.net>
Sent: Thursday, June 27, 2019 8:26 AM
To: Planning Department
Subject: Variance Request 200 Park Street

To Whom it May Concern:

I will be in Phoenix at the time of the hearing on July 2. I write
To point out a concern with respect to the front set back request
And the safety/parking complications posed by allowing
a duplex on such an undersized, unusually shaped lot.

While I have not had the privilege of seeing the plans that are on file, I
Understand that the applicants intend to build a duplex on the property.

This means more than one, and possibly up to 4 vehicles needing to
Find space for safe access and egress.
Given this prospect, shrinking the front set back clearly presents
issues with respect to safe parking in an
Area that is already congested due to unenforced zoning and set back rules
On neighboring properties.

The home at 700 Etolin Street, directly across from
The property in question, has very limited parking for a residence that now
Houses multiple renters who have more than one vehicle. Those vehicles sometimes
End up parking in front of this applicant's property at 200 Park Street,
along the shoulder of the street. Because Etolin street is so narrow there is
no ability for those residents to park on the street. So there is overflow
that ends up in front of this applicant's property. This overflow problem
was created, in part, by a prior variance shrinking the front set back to allow
an addition / storage room.

700 Etolin also constructed an
opaque fence which does not comport with existing front
fence ordinances; these ordinances were written for safety reasons;
so, there are several factors in this unusual intersection at Park / Etolin
that have made it less safe for small children and I worry
that this application will worsen the situation.

Our neighborhood has so many small kids that we constantly worry
About. We specifically worry about vehicles
backing out from parking spaces that have limited
Or restricted viewing.

We live directly across the street from 200 Park Street at 615 Etolin, and we
worry that with a duplex being placed 5 feet from the front set back, on such an
Undersized lot, it will further frustrate the parking in this area, making it less safe
For small kids.

That said, we are happy that the home is being renovated; we just wish that
Whatever structure that is built keeps the existing set back distance, or
Otherwise appropriately addresses these concerns by allowing for
Appropriate, off street parking. The lot really is too small for a duplex in my opinion,
But if that is allowed, as it seems to be under R-1 these days,
the parking issue really should be addressed.

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Margaret Hart

From: Bridget Kauffman <ak.bridget@gmail.com>
Sent: Monday, July 01, 2019 8:06 PM
To: Planning Department
Subject: VAR 19-02

My name is Bridget Kauffman. I live at 712 Etolin Street. I am opposed to the setbacks requested for 200 Park Street. The corner of Park Street and Etolin Street is already pinched making vehicle passing very difficult. Etolin Street is really a lane and accommodates only one car at a time. Vehicles attempting to pass or turn on this particular street corner must maneuver carefully around each other in order to pass. The setbacks requested will further reduce visibility on the corner. There seems to be a trend in the neighborhood to allow much reduced setbacks. I am very much opposed to these setbacks.

Thank you for your time.
Bridget Kauffman

VAR19-02

7/2/19

To whom it may concern:

I have discussed Jacqui
2) Zach Foss's planned changes
to 200 Park Street and as
a member of the neighborhood,
I feel it/they will be a positive
addition and tasteful expansion
of our small community of
families. I support the
variances they request.

Shelley Adams

210 Park St.

907-738-6020