



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: V 24-04
Proposal: Reduce front north and east setbacks from 14' to 5'
Applicant: Thomas Ensign
Owner: Thomas Ensign
Location: 325 Eliason Loop
Legal: Lot 4, Block 5, Hillside Subdivision
Zone: R-1 - Single-Family/Duplex Residential District
Size: 18,566 SF
Parcel ID: 3-0647-0247
Existing Use: Residential
Adjacent Use: Residential
Utilities: Eliason Loop
Access: Eliason Loop

KEY POINTS AND CONCERNS

- The proposal is to facilitate construction of a single-family home.
- Topography of the lot hinders the buildable area.
- The property is a corner lot, further constricting buildable area.
- No negative impacts to ingress/egress or visibility anticipated.

ATTACHMENTS

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

BACKGROUND/PROJECT DESCRIPTION

The applicant is proposing to reduce both the front setbacks from the north and east property lines from 14 feet to 5 feet. While not immediately recognizable as such, the property is platted as a corner lot as it abuts two rights-of-way (ROW). The applicant would like to build a modest-sized home, with approximately 315 square feet of living space and a round-house design. As a note, though the model photo refers to the structure as a “yurt”, the structure utilizes wood-frame construction and has a metal roof. It is anticipated that the structure will be a permanent (rather than temporary), and will comply with the International Residential Code, which means that both the Building Department and the Planning Department would classify the structure as a single-family home.

The north frontage of the lot abuts Eliason Loop, a 50-foot-wide developed city ROW. There is a 12 foot-wide ditch on this side of the ROW, which keeps a sizeable distance between passing vehicles and the front of the lot. The front property line on the east faces Chirikov Drive, a 40-foot-wide ROW. Approximately half the length of Chirikov Drive is developed, beginning at its intersection with Sawmill Creek Road and extending uphill for about 500 feet. The undeveloped remainder of Chirikov Drive extends uphill, intersecting with Eliason Loop. This section of the ROW is heavily wooded and has a significant elevation gain between the top and bottom of the hill.

This property is very challenging to build on, as a significant portion of the lot is a steep slope. The applicant would like to use as much of the flat, buildable space at the top of the lot as possible.

ANALYSIS

Setback requirements

The Sitka General Code requires 14-foot front 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 is “That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner”.

¹ SGC Table 22.20-1

Justification

In order for a variance to be granted, it must be shown that there are special circumstances warranting a variance. The topography of the lot in this case does warrant special consideration given the limitations on building space it creates. Further, the setback reductions are somewhat minimal given that the structure is round, so only small portions of the structure will be within 5' of the front property lines.

Potential Impacts

Generally, there are two primary concerns that arise when decreasing front setbacks – safety of ingress/egress, and driver visibility (particularly at intersections).

Ingress/Egress

As shown on the site plan, the house is oriented towards the east side of the lot, and the driveway comes in at an angle from the west/middle of the lot. This should ensure that there is adequate space and visibility for ingress/egress.

Intersection Visibility

As currently developed, there are no concerns about visibility impacts for drivers on Eliason Loop. The structure will be far enough back from the drivable surface of the ROW that it will not interfere with sight lines as drivers come around the bend of the loop.

While there are no imminent plans to develop the remaining portion of Chirikov Drive, it is still important to consider the potential impacts that could result from the granting of this variance were the ROW to be developed in the future. While the zoning code has provisions for intersection visibility, that analysis could not be applied to this case because it is dependent on the distance between structures and drivable surfaces (not the platted property line), and on the grade of the street versus the lot and structures. However, because the structure is uniquely shaped as a round instead of square, the setback reductions will still preserve a sizeable portion of open space on the northeast corner which should mitigate the potential for intersection visibility issues in the future.

Comprehensive Plan Guidance

This proposal is consistent with the Housing goal of the comprehensive plan, which aims to, “Expand the range, affordability, and quality of housing in Sitka while maintaining attractive, livable neighborhoods”, by enabling creative development of a challenging residential lot that is currently underutilized.

RECOMMENDATION

Staff recommends approval for granting the front setback reductions.

Motions to approve the zoning variance

- 1. “I move to approve the zoning variance for a reduction to the front setbacks at 325 Eliason Loop in the R-1 - Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot 4, Block 5, Hillside Subdivision. The request is filed by Thomas Ensign. The owner of record is Thomas Ensign.”**

Conditions of Approval:

- a. The front north and east setbacks will be decreased from 14 feet to 5 feet. No encroachments over the property line are permitted.
- 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.

- 1) “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; *in this case, the extreme topography of the lot is a special circumstance that warrants the granting of a variance.*
- 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 *because the granting of this variance is necessary to build a single-family home, a substantial property right in the R-1 zone.*
- 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 *because the site plan preserves safe ingress/egress and visibility, and because the proposal furthers an appropriate use of the property per the zoning and with regards to public infrastructure in the area.*
- d. That the granting of such a variance will not adversely affect the comprehensive plan *because it supports creative development of new housing, expanding the range and affordability of housing in Sitka.*

² Section 22.10.160(D)(1)—Required Findings for Major Variances