



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 25-02
Proposal: Reduce side setback from 9' to 1'
Applicant: Jill and Tad Kisaka
Owner: Jill and Tad Kisaka
Location: 696 Indian River Road
Legal: Lot 3, Indian River Land Subdivision
Zone: R-2 MHP - Multifamily/Mobile Home District
Size: 9,600 Square Feet
Parcel ID: 1-8575-003
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing, Indian River Road
Access: Indian River Road

KEY POINTS AND CONCERNS

- The proposal is to reduce the side setback requirement from 9' to 1' to facilitate building of an attached carport for a duplex addition.
- Property is developed with a single-family home.
- A natural drainage course no development easement encumbers the rear of the property.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: As-Built
Attachment D: Site Plan
Attachment E: Elevation View
Attachment F: Photos
Attachment G: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The applicants/owners are requesting to reduce the side setback on the north side, adjacent to 700 Indian River Road, to 1' to facilitate construction of a 13.9' tall, 12'11" x 24' carport including roof eave and gutter in the R-2 MH multifamily and mobile home zoning district at 696 Indian River Road. The property lot size is 9,600 square feet and currently has a single-family dwelling unit with a footprint of 1,130 square feet. The setback reduction is requested to place a proposed carport attached to the duplex addition. The proposed deck/stair landing would be 6.58' from the property line. The applicant will be constructing a firewall to keep the carport away from the rock retaining wall along the property line.

ANALYSIS

Setback requirements

The SGC requires 14-foot front setbacks, 5/9-foot side setbacks, 8-foot rear setbacks in the R-2 MH 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.**

Justification

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". Between the placement and orientation of the house and the natural drainage course easement at the rear of the property where no development is allowed, the north side is the only practical building area on the lot.

It also must be shown that the variance is necessary for the preservation and enjoyment of a substantial property right, one specific example included in the code is the placement of garages. The granting of this variance would enable the property owner to enjoy a normal and substantial property right. There is ample off-street parking on the property, easily meeting the requirement for two parking spaces per dwelling unit; the carport will not impact parking availability.

¹ SGC Table 22.20-1

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. The proposal is also supported by LU 8.2, “amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate.”

RECOMMENDATION

Staff recommends approval of a side setback reduction from 9’ to 1’ at 696 Indian River Road subject to the attached conditions of approval.

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) **I move to approve the zoning variance for a reduction to the side setback at 696 Indian River Road in the R-2 MH multifamily and mobile home district subject to the attached conditions of approval. The property is also known as Lot 3, Indian River Land Subdivision. The request is filed by Tad and Jill Kisaka. The owner of record is Tad and Jill Kisaka.**

Conditions of Approval:

- a. To facilitate construction of a carport, the side setback will be decreased from 9’ feet to 1’ foot. 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.
- 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; *special circumstances found in this case include the placement of the existing structure on the lot and the natural drainage course restricting development at the rear of the property.*
- b. The variance is necessary for the preservation and enjoyment of a substantial property

² Section 22.30.160(D)(1)—Required Findings for Variances Involving Major Structures or Expansions.

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; *the preserved enjoyment in this case is a carport.*

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 housing, expanding the range and affordability of housing in Sitka.*