



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: April 11, 2016

From: Samantha Pierson, Planner I

To: Planning Commission

Re: V 16-06 Variance Request for a Patio at 224 Marine Street

GENERAL INFORMATION

Applicant	Jamie Steinson
Property Owner:	Gary and Phyllis Mulligan
Property Address:	224 Marine Street
Legal Description:	Lot 1 Golden Subdivision
Parcel ID Number:	1-0637-000
Size of Existing Lot:	7950 square feet
Zoning:	R-1
Existing Land Use:	Residential
Utilities:	Full city services
Access:	Access from Marine Street
Surrounding Land Use:	Residential, Public

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion to approve

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Parcel Pictures
Attachment D: Application
Attachment E: Site Plan
Attachment F: Subdivision Plat
Attachment G: Zoning Map
Attachment H: Flood Zone Map

Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Proof of Ownership

BACKGROUND

The property is located at 224 Marine Street, in the R-1 district. The lot is currently developed as a residential property. Surrounding lots are residential and public in use. A house and a garage currently exist on the lot.

PROJECT DESCRIPTION

The variance request is for the increase of building lot coverage from 35% to 40%. The maximum building coverage in the R-1 zone is 35%.¹ Building coverage includes all area on a horizontal plane covered the principal structure, accessory structures, steps, and decks.² The lot currently has a 33.7% building lot coverage. The applicant seeks to construct a 380 square foot patio toward the rear of the lot, which would result in a 38.6% building lot coverage. The patio will not be covered.

ANALYSIS

Project / Site: This lot at 224 Marine Street is rectangular and flat. The property abuts Marine Street on the front and the Russian Cemetery on the rear. The lot has less than the required 8000 square feet, at 7716 square feet. Setbacks are not included in this discussion, as structures within 30 inches of grade are permitted in setbacks.

In 2014, the Planning Commission granted an increase in building coverage from 35% to 53% for 408 DeArmond Street. Further, R-2 properties, some of which are across the street from this property, have a more lenient lot coverage restriction of 50%.

Lot coverage requirements help to ensure that there is adequate ground space to absorb rainwater. Patios tend to be semi-permeable. The open nature of the Russian Cemetery helps to mitigate some of the runoff concern for the vicinity.

As this proposal does not include a roof, the patio will be semi-permeable. If the applicant chose to place a stone patio or concrete slab over the same area, the Planning Department would not be involved due to the detail in code's definition of building lot coverage. A semi-permeable wood patio, however, would provide for more water percolation than stone or concrete. With this and the reduced lot size in mind, staff would be in support of a modified

¹ Table 22.20-1—Development Standards

² Section 22.08.130

variance for 37% of building lot coverage. This would permit the applicant to construct a patio up to 250 square feet.

Zone: R-1: Intent. The summed intent for this zone is intended to provide for primarily for single-family and duplex residences at moderate densities.³

Traffic: No concerns for traffic. The proposed patio is at the rear, away from any public streets.

Parking: There is enough space for parking with two spaces required per single-family dwelling unit.⁴

Noise: Minimal noise concerns beyond the construction period. Lot coverage requirements are one way to mitigate noise by creating buffer zones.

Public Health or Safety: No concerns for public health and safety.

Habitat: No concerns for habitat.

Property Value or Neighborhood Harmony: A patio would be an improvement to the property.

Conformity with Comprehensive Plan: A modified variance to 37% building lot coverage conforms to Comprehensive Plan Section 2.4.1 which states, “To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations” by allowing the development of outside living space for the owners in a manner that does not impact other properties.

FINDINGS⁵

D. Required Findings for Variances.

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, *specifically, the substandard lot size*;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, *specifically, the ability to develop outside living space*;
- 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, the variance is minimal and the proposed structure is semipermeable*; and

³ Section 22.16.040—R-1 single-family and duplex residential district

⁴ Section 22.20.100.G.1—Off-Street Parking Requirements

⁵ Section 22.30.160(D)(1)—Required Findings for Major Variances

- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: *specifically, the modified variance to 37% is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners" specifically, by allowing the development of outside living space for the owners in a manner that does not impact other properties.*

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planner's analysis and suggested findings, and grant **a modified variance to 37% building lot coverage** at 224 Marine Street for the construction for a patio.

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for major structures or expansions as discussed in the staff report.
- 2) I move to approve a **modified variance to 37% building lot coverage** for the construction of a patio at 224 Marine Street. The property is also known as Lot 1 Golden Subdivision. The request is filed by Jamie Steinson. The owners of record are Gary and Phyllis Mulligan.