



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Date: May 2, 2016

From: Samantha Pierson, Planner I, and Michael Scarcelli, Senior Planner

To: Planning Commission

Re: V 16-07 Variance Request for Relocation of Shed at 722 Biorka Street

### GENERAL INFORMATION

Applicant	Peter Thielke
Property Owner:	Peter L. Thielke
Property Address:	722 Biorka Street
Legal Description:	Fractional portion of Lot 13, Block 14, USS 1474, Tract A
Parcel ID Number:	11830000
Size of Existing Lot:	4965 square feet
Zoning:	R-1
Existing Land Use:	Residential
Utilities:	Full city services
Access:	Access from Biorka Street
Surrounding Land Use:	Residential

### 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: Deed

## **BACKGROUND**

The lot is currently developed as a residential property. Surrounding lots are residential in use. A house and a shed exist on the lot. A conditional use permit was granted for the short-term rental of the property on October 13, 2015, which has not yet been activated. Some maps show the property as one lot, but it actually consists of three small lots.

It is important to note that the City had made an agreement a long time ago to either move the shed or minimize it. The anticipated move never occurred for what reasons are unknown.

## **PROJECT DESCRIPTION**

The variance request is for the relocation of a shed back 6 feet onto the property. The building is currently adjacent to the sidewalk on the Jeff Davis front, and encroaches upon and over the southerly rear property line. The proposal would result in a 0 foot southerly rear setback, and a 6 foot easterly front setback. Though this proposal would encroach into setbacks, it would mitigate existing status-quo and move the property towards conformity with existing structures and lot dimensions. Relocating the existing structure outside of setbacks would defeat the purpose of the move and result in the project being killed and the status-quo remaining.

The property is located at 722 Biorka Street, in the R-1 District. The minimum front and rear setback in the R-1 zone are 20 feet and 10 feet, respectively.<sup>1</sup> Setbacks are measured from property lines to eaves, gutters, and drip lines.

## **ANALYSIS**

**Project / Site:** The shed currently extends to the edge of the Jeff Davis Street sidewalk, and a 1981 survey shows the side of the shed encroaching upon the southerly property line. A variance for relocation of the shed facilitates the relocation of the structure away from two property lines. The applicant requests a front setback reduction from 20 feet to 6 feet, and a rear setback reduction from 10 feet to 0 feet. The applicant states that the Jeff Davis Street encroachment is due to the city's Jeff Davis Street improvement project that took place in the early 1980s.

After review of the historical nature of the circumstance of Jeff Davis Street and location of the shed, staff is in support of a variance that relocates the shed anywhere from 1 inch off the

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<sup>1</sup> Table 22.20-1—Development Standards

property line up to 2 feet, or whatever the Planning Commission deems appropriate. Staff finds the existing nature of the structure and background facts persuasive, and also that fact that any move would be towards conformity. Moreover, other options, such as replats, would require a variance as well. Staff will expand upon this at the oral presentation.

**Zone: R-1:** Intent. This zone is intended to provide for primarily for single-family and duplex residences at moderate densities.<sup>2</sup>

**Traffic:** The shed currently extends to the edge of the sidewalk. Moving the shed back could provide better visibility for motorists.

**Parking:** There is enough space for parking with two spaces required per single-family dwelling unit.<sup>3</sup>

**Noise:** None anticipated.

**Public Health or Safety:** Relocating the shed further inside property lines would increase safety for sidewalk users.

**Habitat:** No concerns for habitat.

**Property Value or Neighborhood Harmony:** Relocation and repair of the structure would be improvements to the property and create safer sidewalks for community.

**Conformity with Comprehensive Plan:** A modified variance 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 moving an existing structure further within property lines off of public sidewalks.

## **FINDINGS<sup>4</sup>**

### **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 small lot size, and two front and two rear setbacks;*
- 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 fully utilize a pre-existing structure;*

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<sup>2</sup> Section 22.16.040—R-1 Single Family and Duplex Residential District

<sup>3</sup> Section 22.20.100.G.1—Off-Street Parking Requirements

<sup>4</sup> Section 22.30.160(D)(1)—Required Findings for Major Variances

- 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, by relocating a structure further away from city infrastructure*; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: *specifically, the modified variance 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" by moving an existing structure further within property lines and off of public sidewalks.*

### **RECOMMENDATION**

It is recommended that the Planning Commission adopt the Planner's analysis and suggested findings, and grant a ***modified*** variance for the reduction of the easterly front setback from 20 feet to 6 feet and the southerly rear setback from 10 feet to **(figure between 1 inch and 2 feet)** for the relocation of a shed.

### **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 modification of the variance request filed by Peter Thielke for 722 Jeff Davis Street. The variance is for the reduction in the easterly front setback from 20 feet to 6 feet, and the southerly rear from 10 feet to **(figure between 1 inch and 2 feet)** for the relocation of a shed. The property is also known as a fractional portion of Lot 13, Block 14, USS 1474, Tract A. The request is filed by Peter Thielke. The owner of record is Peter L. Thielke.