

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
SHORT-TERM RENTAL &
BED & BREAKFAST
ANNUAL REPORT

DUE July 22, 2016

APPLICANT'S Name: Sheila Finkenbinder

PHONE NUMBER: 907-738-3098

MAILING ADDRESS: 415 DeArmond St.

OWNER'S NAME: Sheila Finkenbinder

(If different from applicant)

REGISTERED NAME OF BUSINESS WITH SALES TAX: _____

PHONE NUMBER: _____

MAILING ADDRESS: _____

PROJECT ADDRESS: 415 DeArmond Street

LEGAL DESCRIPTION Lot: 12 E portion of 11 Block: _____

Subdivision: Spruce Glen

U.S. Survey: _____ Zoning Classification: R-1

Date of Assembly approval: August 28, 2015

Date of activation of the conditional use permit: August 29, 2015

Number of nights a room in the bed and breakfast or short-term rental has been rented during the 12 month period from July 1, 2015 to June 30, 2016: 2015 - 47 / 2016 - 46

Number of nights of bed taxes reported to the City of Sitka's Sales Tax Department: 47 for 2015

SIGNATURE OF APPLICANT: Sheila Finkenbinder DATE: July 6, 2016

SIGNATURE OF OWNER: _____ DATE: _____

(If different from applicant)

**BEFORE THE BOARD OF ADJUSTMENT OF THE
CITY AND BOROUGH OF SITKA**

IN THE MATTER OF THE APPLICATION OF)
SHEILA FINKENBINDER FOR A CONDITIONAL)
USE PERMIT FOR OPERATION OF A ONE)
GUEST-ROOM BED AND BREAKFAST AT)
415 DEARMOND STREET.)

FINDINGS OF FACT AND DECISION

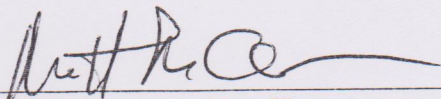
City and Borough Assembly, sat as the Board of Adjustment ("BOA") on August 25, 2015 pursuant to Sitka General Code ("SGC") 22.30.060A, regarding a conditional use permit ("CUP") application from Sheila Finkenbinder. The application concerns a Conditional Use Permit for operation of a one guest-room bed and breakfast at 415 DeArmond Street.

After considering the record, hearing testimony, conducting a public hearing, and deliberating in accordance with applicable SGC provisions, BOA unanimously approved the CUP application by a 6-0 vote and accepted the Planning Commission's recommended findings and conditions [Attached as Exhibit A]. Guevin was absent.

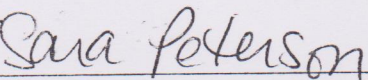
BOA issues these Findings of Fact and Decision regarding the CUP application by Sheila Finkenbinder. This Findings of Fact and Decision is issued by the Assembly sitting as a BOA on August 25, 2015.

This Findings of Fact and Decision constitutes the final decision of the Assembly acting as a BOA. Any appeal from this Findings of Fact and Decision must be filed with the Sitka Superior Court within 30 days of this final decision, in accordance with SGC 22.30.210 and SGC 22.30.240.

DATED at Sitka, Alaska this 28 day of August, 2015



Deputy Mayor Matthew Hunter

ATTEST 

Sara Peterson, CMC Municipal Clerk

Conditions

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. 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 rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

Required Findings

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; 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.
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 2.1.1: Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.

5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

General approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.