



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: VAR 17-11
Proposal: Request for reduction in lot size requirement for four-plex from 10,000 square feet to 9791 square feet
Applicant: Timothy Bernard
Owner: Timothy Bernard
Location: 720 Indian River Road
Legal: Lot 8A Indian River Land Subdivision
Zone: R-2 MHP multifamily and mobile home district
Size: 9791 square feet
Parcel ID: 1-8575-010
Existing Use: Undeveloped
Adjacent Use: Residential and Public
Utilities: Available
Access: Indian River Road

KEY POINTS AND CONCERNS:

- Neighborhood harmony: consider consistency with zoning requirements and neighboring properties, presence/absence of extenuating circumstances
- Community need for additional and affordable housing
- Similar variance granted for 728 Indian River in 2011
- Platted in 2008 – zone allows multifamily but size does not permit four-plex
 - Did this platting create a default variance?

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Zoning Map
Attachment D: Site Plan
Attachment E: Floor Plan
Attachment F: Subdivision Plat

Attachment G: Parcel Pictures
Attachment H: Application
Attachment I: Flood Zone Map
Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Warranty Deed

BACKGROUND

720 Indian River Road resulted from Indian River Land Subdivision, designated as plat 2008-5. The property is currently undeveloped. Adjacent lots are residential and recreational in use. In 2011, 728 Indian River Road was granted a variance for the reduction in the lot size requirement for a four-plex from 10,000 square feet to 9600 square feet, but the property was not developed.

Overruling precedence should be exercised with care and only when appropriate. Precedence should stand when based on a sound line of reasoning, law, and policy that is applicable and workable among current circumstances. However, precedence should be overruled when unworkable in modern times or circumstances or is based on faulty reasoning, law, or policy, or with major changing social policy. In this case, it does not appear the past approval rose to the appropriate legal level of findings required for variances. Specifically, there are no special circumstances present that support this lot as different than comparable lots in similar zones and of similar size. Moreover, the original developer chose to make this lot this size, which is substantial over the minimum size, but under the required size for a four-plex. The chosen size still has a wide variety of uses such as a triplex. Finally, the increase of density above what development regulations require would increase the amount of potential residents in the area beyond what existing development standards allow. Therefore, the Planning Director recommends that this variance be denied and break with the precedence of the prior 728 Indian River variance granted in 2011.

PROJECT DESCRIPTION

The variance request is for the reduction of the minimum lot size for a four-plex from 10,000 square feet to 9791 square feet at 720 Indian River Road. This would constitute a reduction of 209 square feet, which is 2% of the required lot size. The proposal meets the required maximum lot coverage of 50% and setbacks of 20 feet on the front, 8 feet on the sides, and 10 feet on the rear.

ANALYSIS

Project / Site: The project area is primarily flat. The lot is 9791 square feet. The minimum lot size for the first two dwelling units is 8000 square feet, plus 1000 square feet for each additional unit.¹ The property abuts public recreation space to the rear. The applicant should consult with US Army Corps of Engineers regarding possible wetland concerns.

Zone: R-2 MHP: Intent. This zone is intended to provide for primarily for single-family and multiple-family residences at moderately high densities.²

Traffic: A four-plex would generate more traffic than a single-family home. Multifamily development is permitted in the R-2 MHP zone. Vehicles backing onto Indian River Road could be hazardous.

Parking: The site plan has the eight required parking spaces for a four-plex designated along the front of the lot.

Noise: A four-plex would generate more noise than a less dense structure. The property is zoned for multifamily development; however, this lot does not meet minimum size requirements for the desired development.

Public Health or Safety: No concerns.

Habitat: US Army Corps of Engineers should be consulted for any potential impact to wetlands.

Property Value or Neighborhood Harmony: A variance from required development standards could create neighborhood disharmony. A four-plex could increase the property value on an otherwise undeveloped lot.

Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience.

¹ Table 22.20-1 – Development Standards

² Section 22.16.060 - R-2 MHP District

IN SUPPORT OF DENIAL

Comprehensive Plan: The proposed variance for the reduction of minimum lot size for a four-plex from 10,000 square feet to 9791 square feet does not conform to the 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 for an exception from codified development standards when not necessary.

D. Required Findings for Variances.³

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, *here, that the lot is relatively flat;*
- 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, *here, the lot has space available for the development of one, two, or three dwelling units;*
- 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, that the granting of an exception to development standards could create neighborhood disharmony; and*
- d) That the granting of such will not adversely affect the Comprehensive Plan: *specifically, the variance is not in line with 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 for an exception from codified development standards when not necessary for development.*

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 deny a variance request for the reduction in required lot size for a four-plex from 10,000 square feet to 9791 square feet at 720 Indian River Road. The property is also known as Lot 8A Indian River Land Subdivision. The request is filed by Timothy Bernard. The owner of record is Timothy Bernard.

³ Section 22.30.160(D)(1)—Required Findings for Major Variances

IN SUPPORT OF APPROVAL

Comprehensive Plan: The proposed variance for the reduction of minimum lot size for a four-plex from 10,000 square feet to 9791 square feet conforms to the 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 for the development of additional housing units.

D. Required Findings for Variances.⁴

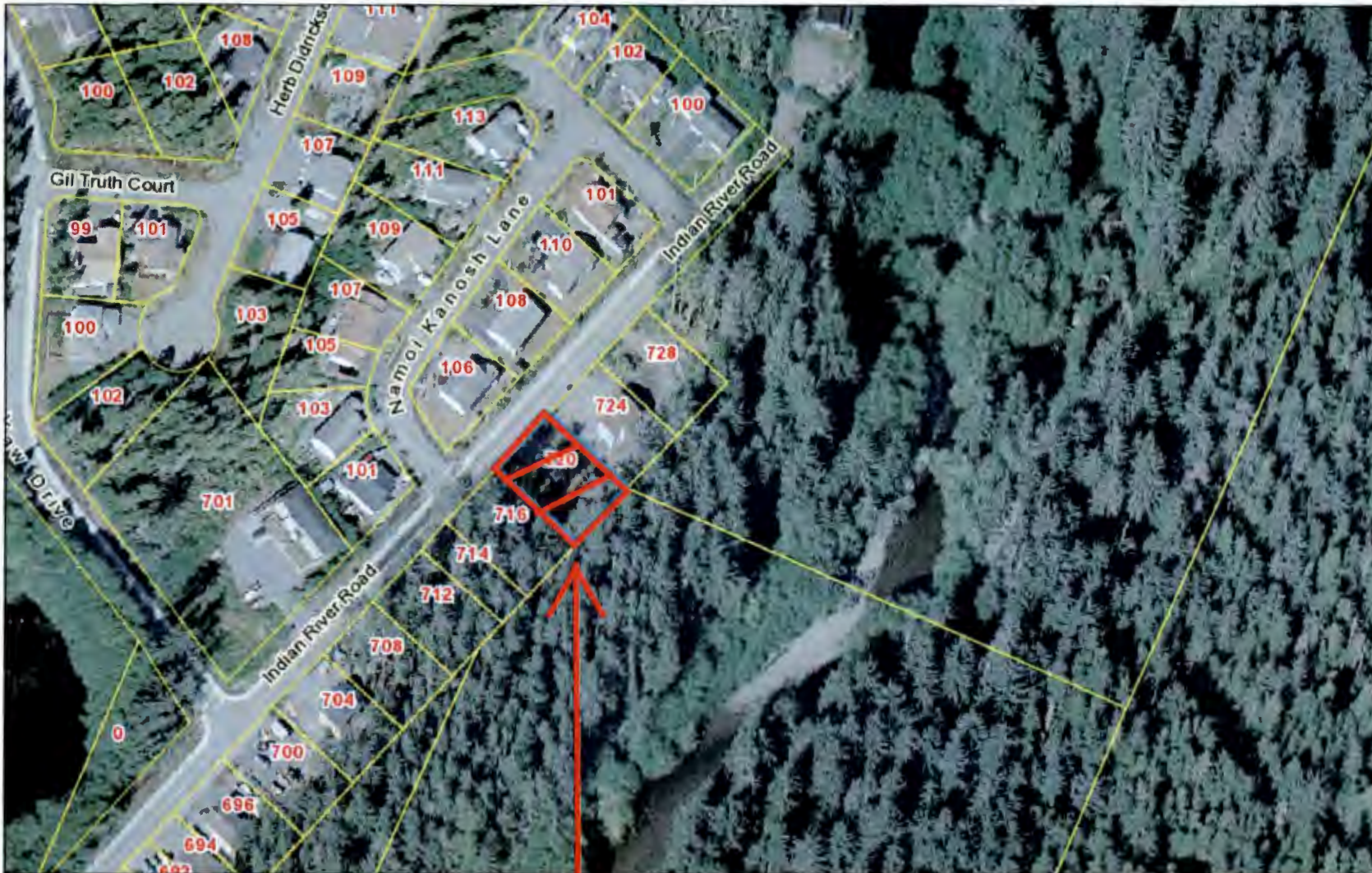
1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:
 - a) That there are special circumstances to the intended use that do not apply generally to the other properties, *here, that the lot is zoned for multifamily housing but lacks the square footage for a four-plex according to development standards;*
 - 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, *here, the development of multifamily housing;*
 - 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, that the structure could be built within setback and lot coverage requirements;* and
 - d) That the granting of such will not adversely affect the Comprehensive Plan: *specifically, the variance is in line with 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 for the development of additional housing units.

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

- 3) I move to adopt and approve the required findings for major structures or expansions as discussed in the staff report.
- 4) I move to approve a variance request for the reduction in required lot size for a four-plex from 10,000 square feet to 9791 square feet at 720 Indian River Road. The property is also known as Lot 8A Indian River Land Subdivision. The request is filed by Timothy Bernard. The owner of record is Timothy Bernard.

⁴ Section 22.30.160(D)(1)—Required Findings for Major Variances





City & Borough of Sitka, Alaska

Selected Parcel: 720 INDIAN RIVER ID: 18575010

Printed 5/1/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City & Borough of Sitka, Alaska and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.



City & Borough of Sitka, Alaska

Selected Parcel: 720 INDIAN RIVER ID: 18575010

Printed 5/1/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

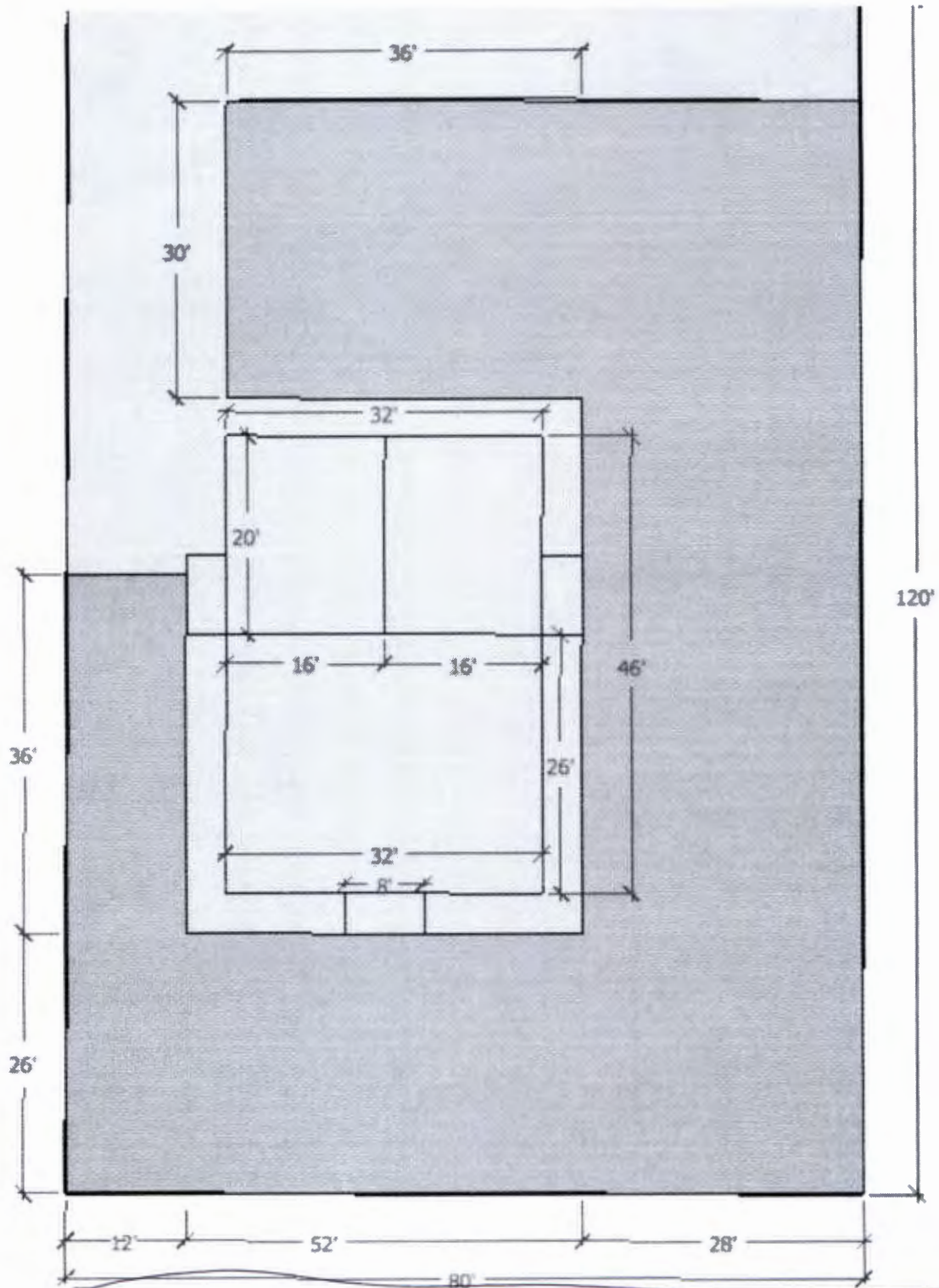
50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City & Borough of Sitka, Alaska and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.

Structure to Lot Layout
Available parking in shaded area.



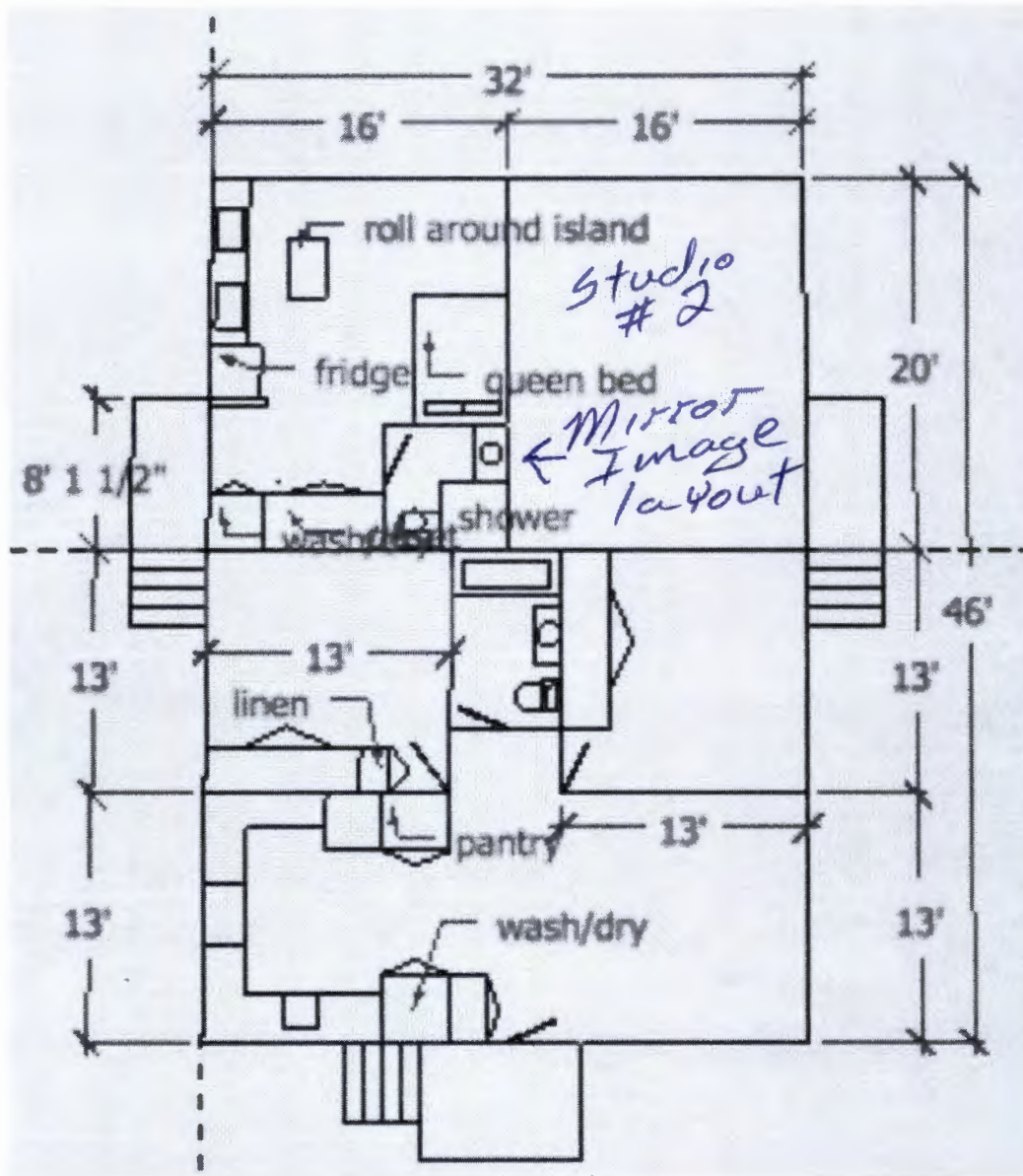
Indian River Road
Here

First Floor

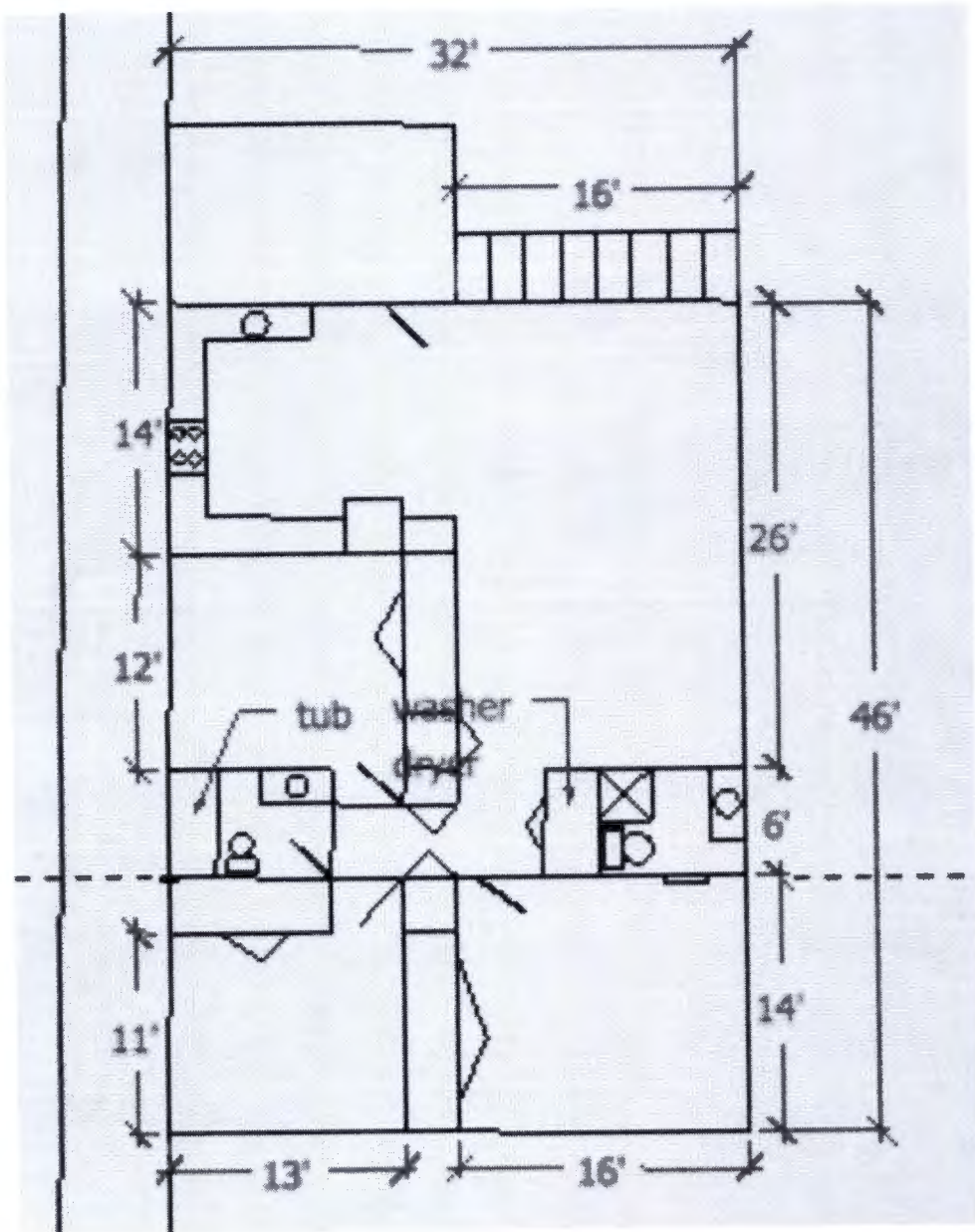
3 units Total

1 Two Bed apt.

2 Studio apt



Second Floor
Three Bed / 2 Bath



CERTIFICATE OF OWNERSHIP AND DEDICATION

CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND RECORDS THAT WE HEREBY ADAPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PRIVATE USE AS NOTED.

1-2-08 Russell
 PUBLIC, AUTHORIZED TO SIGN (COOPERATIVE)
 Administrator for the City and Borough of SITKA
 NOTARY'S ACKNOWLEDGMENT

NECA
 ALASKA
 BOROUGH OF SITKA

CERTIFY THAT ON THIS 22nd DAY OF February, 2008, before me, JAMES A. RUSSELL, a Notary Public in and for the State of Alaska, duly sworn, and SUNDY PERSONALLY APPEARED John C. Russell, Mayor for the City and Borough of Sitka.

AM TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTED THE AT AND AM ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

I HAVE AND NOTARY SEAL THE DAY AND YEAR ON THIS CERTIFICATE FIRST TITLED.

1-2-08 Russell
 NOTARY PUBLIC
 STATE OF ALASKA
 COM. EXPIRES 4-15-2011

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

DESIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY HAND, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX MAP OF THE CITY AND BOROUGH OF SITKA, IN THE NAME OF:

Indian River Land Subdivision
 According to the records in my possession, all taxes assessed against said lands and in favor of the City and Borough of Sitka are paid in full. DATED: 2-2-08
 22nd DAY OF February 2008
 J. A. Russell
 CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREIN HAS BEEN FOUND TO BE IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATTING THAT SAID PLAN HAS BEEN APPROVED BY THE BOARD BY PLAT REGULATION NO. 2, DATED: 2-2-08, AND THAT THE PLAN SHOWN IS BEING APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX-OFFICIO RECORDING, SITKA, ALASKA.

1-2-08 Russell
 DISTRICT CLERK, SITKA

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREIN HAS BEEN FOUND TO BE IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA ASSEMBLY THAT SAID PLAN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX-OFFICIO RECORDING, SITKA, ALASKA.

1-2-08 Russell
 DISTRICT CLERK, SITKA

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

DESIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE BOROUGH OF SITKA, HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS IN MY HAND, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX MAP OF THE CITY AND BOROUGH OF SITKA, IN THE NAME OF:

Indian River Land Subdivision
 IS OF RECORD, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.

1-2-08 Russell
 FINANCE DIRECTOR, SITKA

RECORD OF SITKA

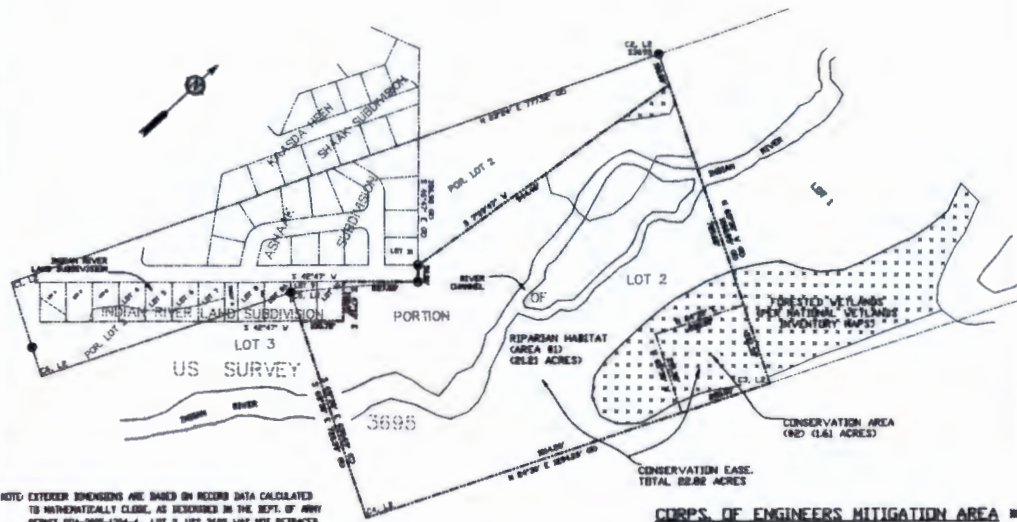


TABLE OF ACCESSORIES

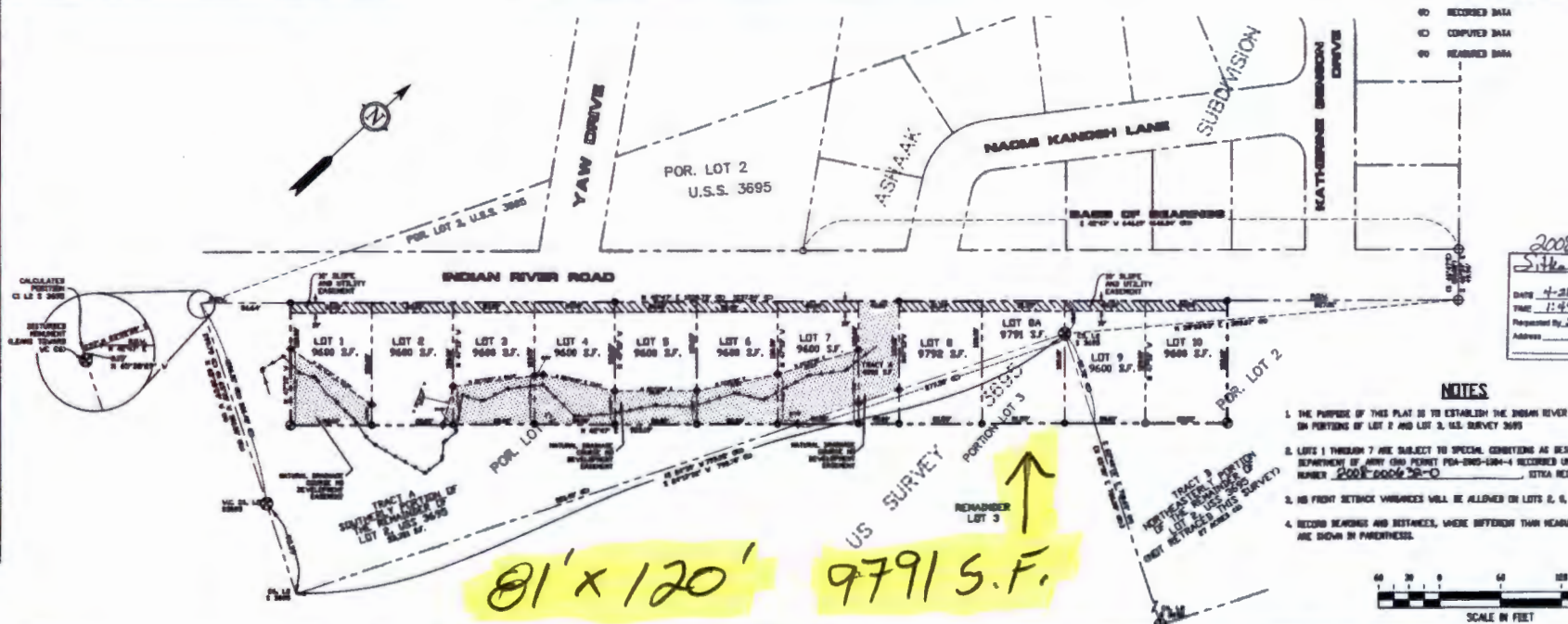
CORNER	DESCRIPTION	BEARING	DISTANCE
LOT 1 SOUTH CORNER	10' DIA. HEMLOCK	N 21°17' V	32.3'
	26' DIA. SPRUCE	S 20°43' E	20.2'
	20' DIA. SPRUCE	S 30°47' V	17.1'
LOT 10 EAST CORNER	24' DIA. SPRUCE	N 70°17' E	19.3'
	24' DIA. SPRUCE	S 43°30' V	10.4'
	15' DIA. SPRUCE	N 66°43' V	14.0'

VICINITY MAP

SCALE 1"=1,000'

LEGEND

- PRIMARY CONTROL MONUMENT (CIC)
- PRIMARY MONUMENT (CIC)
- GLASS/PLA MONUMENT BRASS CAP (CIC)
- SECONDARY MONUMENT (CIC)
- WETLANDS (NO DEVELOPMENT) (NO)
- SECONDARY MONUMENT (CIC)
- RECORDED DATA
- COMPUTED DATA
- MEASURED DATA



NOTES

- THE PURPOSE OF THIS PLAN IS TO ESTABLISH THE INDIAN RIVER LAND SUBDIVISION OF LOT 2 AND LOT 3, U.S. SURVEY 3695.
- LOTS 1 THROUGH 7 ARE SUBJECT TO SPECIAL CONDITIONS AS BEING SEPARATELY OF THE 1990 PERMIT PDA-2005-1204-4 RECORDED UNDER NUMBER 2008-0006-25-0 SITKA RECORDS.
- NO FRONT SETBACK VARIANCES WILL BE ALLOWED ON LOTS 2, 6, 8, 9A.
- RECORD BEARINGS AND DISTANCES, WHERE DIFFERENT THAN BEARINGS ARE SHOWN IN PARENTS.



WILL
 VETTING AND ENGINEERING

9 SITKA, ALASKA 99835
 (907) 747-0700
 will@wvet.com

NO	DATE	REV	DESCRIPTION OF CHANGE
1	2/2/08	1	INCORPORATED TRIANGULAR SECTION OF LOT 2, S 3695 INTO SUB.
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			
57			
58			
59			
60			
61			
62			
63			
64			
65			
66			
67			
68			
69			
70			
71			
72			
73			
74			
75			
76			
77			
78			
79			
80			
81			
82			
83			
84			
85			
86			
87			
88			
89			
90			
91			
92			
93			
94			
95			
96			
97			
98			
99			
100			



DESIGNED: J. RUSSELL
 DRAWN: J. RUSSELL
 CHECKED: J. RUSSELL
 DATE OF PLANNING: 2/2/08
 SCALE: 1" = 200'
 DRAWING NUMBER: 110-00
 PROJECT NO: 30014-110-00

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT ON 2/2/08, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAN IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL MEASUREMENTS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.
 J. A. Russell
 JAMES A. RUSSELL, L.S. 6204

INDIAN RIVER LAND SUBDIVISION

SUBDIVISION OF A PORTION OF LOTS 2 AND 3, U.S. SURVEY 3695
 CLIENT: CITY AND BOROUGH OF SITKA
 100 LINCOLN STREET
 SITKA, ALASKA 99835









May 15, 2017

Planning and Community Development Department
100 Lincoln Street
Sitka, AK 9835

Dear Planning Commission,

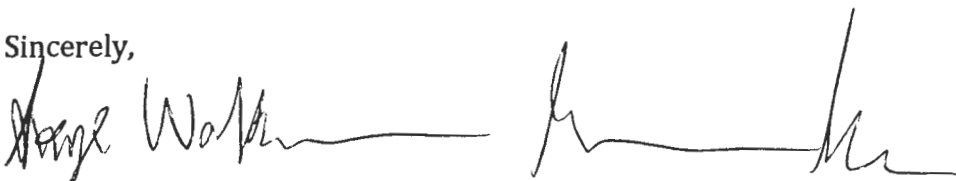
This letter is in response to the notice we received regarding a request for a variance to reduce the required lot size for a four-plex from 10,000 square feet to 9,971 square feet at street address 720 Indian River Road. I understand that the planning committee has many things to consider when a variance request comes up and I believe that this letter will outline several reasons why this particular variance request should not be granted.

There are so many positive things about this area that led my husband and me to consider purchasing our property and building our home in this neighborhood. So many good things, in fact, that we took two years to build our home the good old-fashioned way with lots of sweat, some tears, a little blood and a lot of help from family and friends. We didn't have the means to buy a home without putting in the time and we wouldn't have put in the time to build this home here if we thought there was a possibility of a multi-family structure being put up next door. We already have the Sitka Counseling and Prevention treatment/rehab center across the street that brings a new crowd of faces to the neighborhood periodically. The impact of the requested structure in the Indian River Subdivision and right next door to our home would be huge.

There are a number of factors that we would be upset to see change with the approval of a four-plex. The first is the increase in the population density of the area. The second is that the traffic in the neighborhood would increase dramatically with a four family structure, whether it is foot traffic and/or vehicles. With the increase of people and traffic there would naturally be an increase in noise. Another factor is the possibility of an increase in crime. The Sitka Police Department is dedicated to making regular trips around the neighborhood and we are grateful for their attention, but it would be natural for there to be decreased safety of the neighborhood to go along with the increased traffic and density. Another thing to consider is that there is no other similar housing in the neighborhood; it simply doesn't fit. The final point that I would like to bring up, and this one hits very close to the heart, is that it would lower the value of our property due to all the reasons that have been previously listed and therefore has a direct negative impact on our household. Our family. Our future.

It is up to you to honor the fact that we were able to create our beautiful custom home in a nice, low-density neighborhood in spite of being a low-income family or you can ruin our efforts by changing the face of our neighborhood. Please reflect on these factors as you come to a decision about the request that has been put before you. Thank you for the notice and the opportunity to speak up about this request.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature on the left is 'Skye Workman' and the second signature on the right is 'Ian Workman'. Both signatures are fluid and cursive.

Skye and Ian Workman
716 Indian River Road
Sitka, AK 99835



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

RECEIVED APR 28 2017

1. Request projects at least TWENTY-ONE (21) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR:

☒ VARIANCE

☐ CONDITIONAL USE

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: Variance for a Four plex
home on a 9,971 sq lot.
Municipal Code requires 10,000 sq.

PROPERTY INFORMATION:

CURRENT ZONING: R2 MHP PROPOSED ZONING (if applicable): R2 MHP

CURRENT LAND USE(S): Residential PROPOSED LAND USES (if changing): Residential

APPLICANT INFORMATION:

PROPERTY OWNER: Tim Bernard

PROPERTY OWNER ADDRESS: 720 Indian River Rd.

STREET ADDRESS OF PROPERTY: 1107 H.P.R.

APPLICANT'S NAME: Tim Bernard

MAILING ADDRESS: P.O. Box 711 Sitka

EMAIL ADDRESS: timb@sitkaelectric.com DAYTIME PHONE: 907 738 3644

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: _____ BLOCK: _____ TRACT: _____

SUBDIVISION: _____ US SURVEY: _____

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ Completed application form
- ☐ Narrative
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Proof of filing fee payment
- ☒ Proof of ownership
- ☒ Copy of current plat

For Conditional Use Permit:

- ☒ Parking Plan
- ☒ Interior Layout

For Plat/Subdivision:

- ☐ Three (3) copies of concept plat
- ☐ Plat Certificate from a title company
- ☐ Topographic information
- ☐ Proof of Flagging

If Pertinent to Application:

- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Tim Bernard

Owner

4-28-17

Date

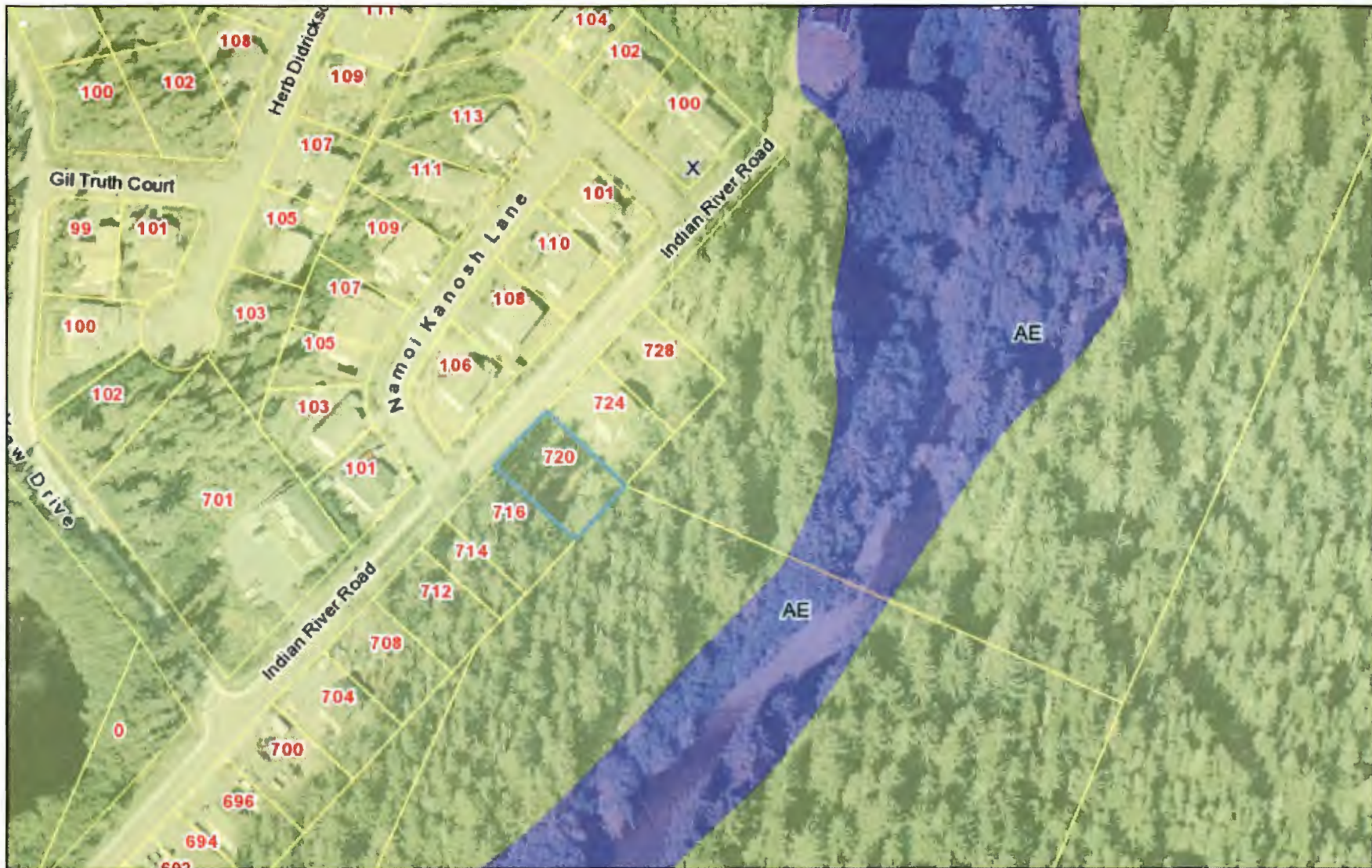
I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

[Signature]

Applicant (If different than owner)

4-28-17

Date



City & Borough of Sitka, Alaska

Selected Parcel: 720 INDIAN RIVER ID: 18575010

Printed 5/1/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City & Borough of Sitka, Alaska and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.

Parcel ID: 18573001
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18573013
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18575008
CITY & BOROUGH OF SITKA
C/B OF SITKA
100 LINCOLN STREET
SITKA AK 99835

Parcel ID: 18575011
LLOYD SWANSON
SWANSON, LLOYD
1412 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 18573002
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18573014
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18575009
IAN/SKYE WORKMAN
WORKMAN, IAN & SKYE
716 INDIAN RIVER RD
SITKA AK 99835

Parcel ID: 18575012
KERRY TOMLINSON
TOMLINSON, KERRY
P.O. BOX 672
SITKA AK 99835-0672

Parcel ID: 18573012
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18575007
STEPHANIE/NICH PIES/LEWIS
PIES, STEPHANIE & LEWIS, NICHOLAS
712 INDIAN RIVER RD
SITKA AK 99835

Parcel ID: 18575010
TIMOTHY BERNARD
BERNARD, TIMOTHY
P.O. BOX 711
SITKA AK 99835-0711

Parcel ID: 30270000
CITY & BOROUGH OF SITKA
IRR WATER TREATMENT PLANT
CITY & BOROUGH OF SITKA
100 LINCOLN ST
SITKA AK 99835

P&Z Mailing
June 9, 2017

Parcel ID: 18573001
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18573013
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18575008
CITY & BOROUGH OF SITKA
C/B OF SITKA
100 LINCOLN STREET
SITKA AK 99835

Parcel ID: 18575011
LLOYD SWANSON
SWANSON, LLOYD
1412 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 18573002
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18573014
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18575009
IAN/SKYE WORKMAN
WORKMAN, IAN & SKYE
716 INDIAN RIVER RD
SITKA AK 99835

Parcel ID: 18575012
KERRY TOMLINSON
TOMLINSON, KERRY
P.O. BOX 672
SITKA AK 99835-0672

Parcel ID: 18573012
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18575007
STEPHANIE/NICH PIES/LEWIS
PIES, STEPHANIE & LEWIS, NICHOLAS
712 INDIAN RIVER RD
SITKA AK 99835

Parcel ID: 18575010
TIMOTHY BERNARD
BERNARD, TIMOTHY
P.O. BOX 711
SITKA AK 99835-0711

Parcel ID: 30270000
CITY & BOROUGH OF SITKA
IRR WATER TREATMENT PLANT
CITY & BOROUGH OF SITKA
100 LINCOLN ST
SITKA AK 99835

PAID

APR 28 2017

CITY & BOROUGH OF SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 4/28/17

To:

ACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	75.00
Conditional Use Permit.....	
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	4.50
TOTAL.....	79.50

Thank you



WHEN RECORDED RETURN TO:

Name: TIMOTHY G. BERNARD
Address: 1107 Halibut Point Road
Sitka, Alaska 99835

WARRANTY DEED

THIS INDENTURE, made and entered into this 29 day of March, 2010 by and between

ROBERT McDOWELL and BRENDA McDOWELL

whose mailing address is: P.O.Box 2036, Wrangell, AK 99929, GRANTOR, and

TIMOTHY G. BERNARD, a married person

whose mailing address is: 1107 Halibut Point Road, Sitka, AK 99835, GRANTEE,

WITNESSETH:

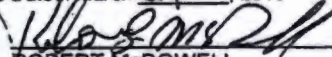
That the said Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration, does by these presents convey and warrant unto said Grantee, all of the following described property, to wit:

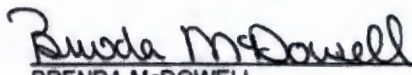
Lot Eight A (8A), INDIAN RIVER LAND SUBDIVISION, according to the plat thereof filed April 21, 2008 as Plat No. 2008-5, Sitka Recording District, First Judicial District, State of Alaska

SUBJECT TO covenants, conditions, easements, restrictions, reservations and rights-of-way of record, if any.

TO HAVE AND TO HOLD the premises, with the appurtenances unto the said Grantee, and to its heirs and assigns forever.

Dated: March 29, 2010


ROBERT McDOWELL


BRENDA McDOWELL

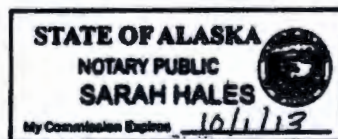
STATE OF ALASKA

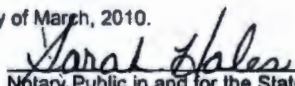
FIRST JUDICIAL DISTRICT

)
ss.
)

On this day personally appeared before me: ROBERT McDOWELL and BRENDA McDOWELL to me known to be the individual(s) described in and who executed the above and foregoing instrument, and acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal this 29th day of March, 2010.




Notary Public in and for the State of Alaska
My commission expires: October 1, 2013



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

August 29, 2011

Gerald Helem
PO Box 1811
Sitka, AK 99835

Dear Mr. Helem,

This letter is to inform you that your variance request has been approved for a reduction in the minimum lot requirement of square footage from 10,000 to 9,600 at 728 Indian River Road for a 4-plex. This approval was granted at the August 16, 2011 Planning Commission meeting.

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.

We appreciate your patience and thank you for working with us on this matter. If you should have any questions, please don't hesitate to contact me in the Planning Office at 747-1814. Best of luck with your project!

Sincerely,

Melissa Henshaw
Planner I

CC: McGraw's Custom Construction

**City and Borough of Sitka
Planning and Zoning Commission
Minutes of Meeting
August 16, 2011**

Present: Tom Rogers (Acting Chair), Richard Parmelee (Member), Darrell Windsor (Member), Jeremy Twaddle (Member via phone), Wells Williams (Planning Director), Melissa Henshaw (Planner)

Members of the Public: Dan Tadic (Project Engineer), Ron Waldron, Linda Selvig, Howie Pitts, Jerry Helem, Thad Poulson (Sitka Sentinel)

Chairman Stortz called the meeting to order at 7:03 p.m.

Consideration of the Minutes from the July 19, 2011 meeting:

MOTION: M/S PARMELEE/WINDSOR moved to approve the meeting minutes for July 19, 2011.

ACTION: Motion **PASSED unanimously** on a voice vote.

This evening's business:

Planning Director Wells Williams took a moment to thank William Stortz for volunteering on the Planning Commission. Mr. Stortz stepped down today from the Commission since he has accepted the job of Building Official for the City and will start on Thursday.

**VARIANCE REQUEST
728 INDIAN RIVER ROAD
GERALD HELEM**

Public hearing and consideration of a variance request at 728 Indian River Road. The request is filed by Gerald Helem. The request is for a reduction in the minimum lot requirement of square footage for a 4 plex in an R-2 zoning from 10,000 square feet to 9,600 square feet. The property is also known as Lot 10 Indian River Land Subdivision US Survey 3695. Owner of record is McGraw's Custom Construction Inc.

Ms. Henshaw provided a review of the request. This property is a parcel from the auction that the City did a few years back. The applicant is asking for a reduction of 400 square feet to accommodate a 4-plex. Code requirements for R-2 state "8,000 square feet for the first unit and 1,000 square feet for each additional unit." This property would allow for a tri-plex, but not a 4-plex.

Applicant:

Jerry (Gerald) Helem came forward. He is trying to utilize as much income back for the amount put in on this project therefore, he is proposed a 4-plex. He brought out the fact that BIHA has 4-plexes at the other end of Indian River Road. He thinks there is plenty of room and with parking the layout he proposed should work. He shows on the drawing also the 8 parking spaces that are required. The layout may change a bit with the parking moving to the front of the parcel, but would like to keep it in the rear of the property. These units are to be 2 bedrooms at approximately 900 square feet each. Two units will be downstairs and two upstairs.

Public Comment: None at the meeting, however previous to the meeting an email came in from 716 Indian River Road opposing the request stating that the amount of traffic would increase. The adjacent neighbor is also opposed to a 4-plex however, would not have any issues with a duplex.

Planning Director pointed out that this isn't the typical variance and that what is needed to be found for the findings of this request is that this it will not adversely affect the adjacent neighbors.

Commissioner Twaddle pointed out that the minimum lot coverage will not be over the maximum of 50 percent and the flat topographic nature also allows the entire property to be used.

MOTION: M/S PARMELEE/WINDSOR to recommend approval of a variance request at 728 Indian River Road. The request is filed by Gerald Helem. The request is for a reduction in the minimum lot requirements of square footage for a 4-plex in an R-2 zone from 10,000 square feet to 9,600 square feet. The property is also known as Lot 10 Indian River Land Subdivision US Survey 3695. Owner of record is McGraw's Custom Construction Inc.

ACTION: Motion PASSED 4-0 on a voice vote.

Staff recommended findings in support of the recommendation for approval.

MOTION: M/S PARMELEE/WINDSOR to approve the following findings in support of the approved variance:

1. That the approved reduction in lot coverage will not be materially detrimental to property or nearby parcels or infrastructure in the immediate area
2. That the granting of the variance is consistent with 2.3.1 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 generation without infringing on the rights of private landowners and 2.3.8A Developing more affordable housing opportunities, including single family homes and multi-family homes and multi-family dwellings.

ACTION: Motion PASSED 4-0 on a voice vote.

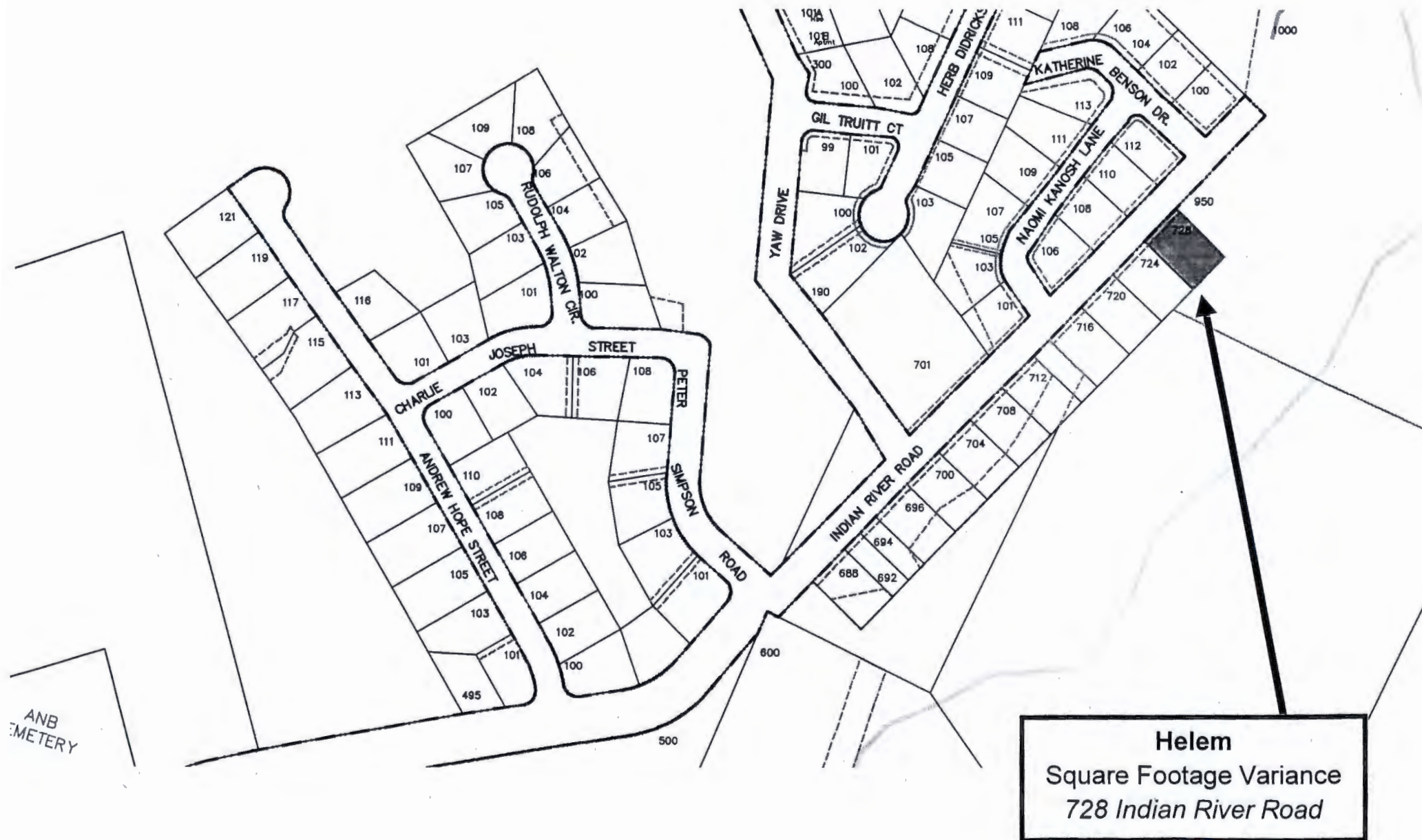
PLANNING DIRECTOR'S REPORT

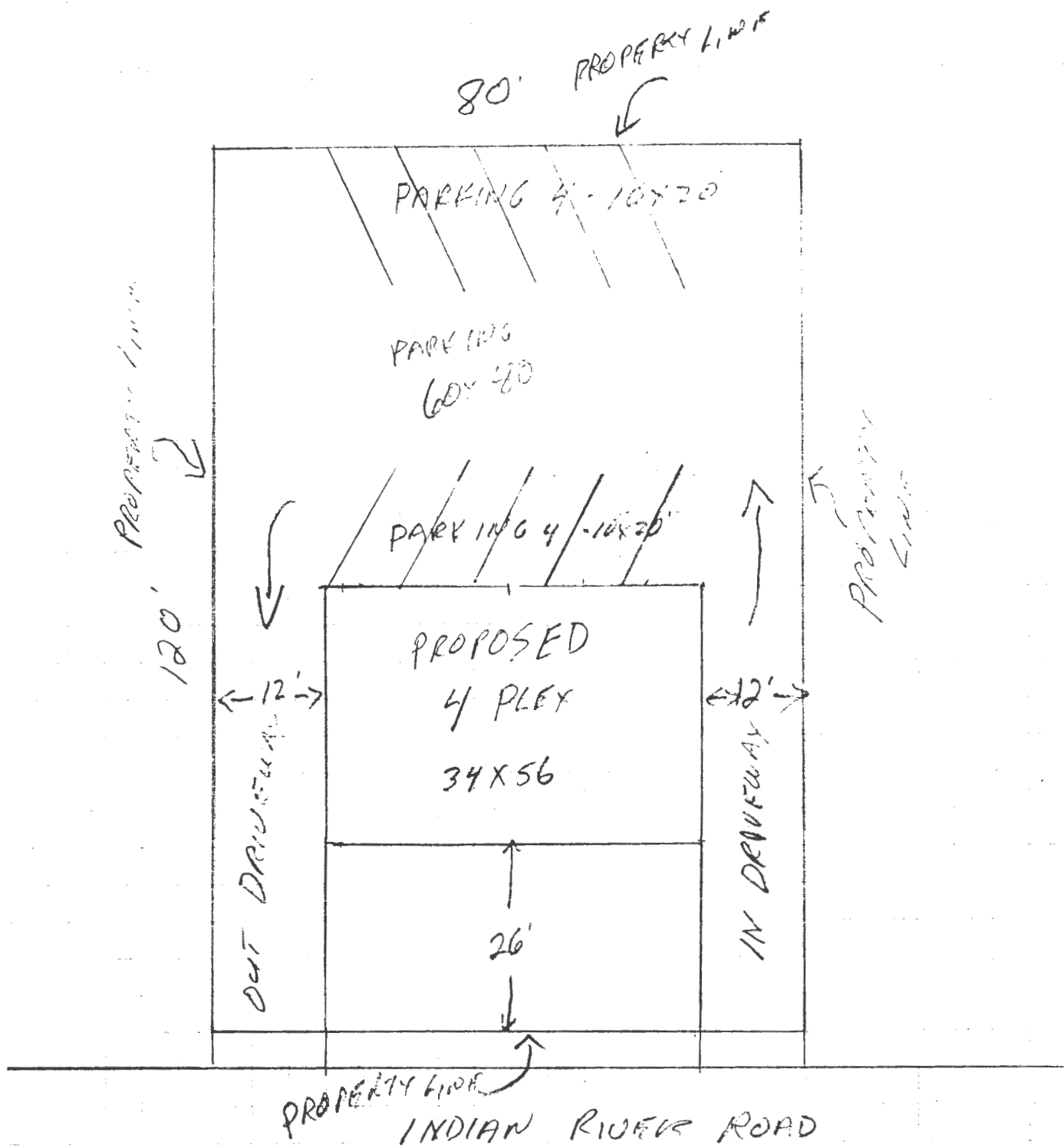
Planning Director Williams reminded Commissioners that the next meeting will be three weeks from tonight. He also updated the Commission on Delta Western and where they are in getting through the process of their bulk fuel facility.

PUBLIC BUSINESS FROM THE FLOOR

None.

ADJOURNMENT





728 INDIAN RIVER ROAD

Helem
 Square Footage Variance
 728 Indian River Road

SITKA

9,600 SQUARE FT.

SCALE 1" = 20'

Request:

Reduction of the square foot required for a 4-plex by 400 square feet.

Zoning District: R-2 MHP

- Front setback = 20 feet
- Rear setback = 10 feet
- Side setback = 8 feet

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
- Comment period closed - brought back to the board

- Motions

Tonight's Motions

- Move to approve
- Motion approving findings - required if motion passes or fails

Helem – Variance Request

728 Indian River Road

August 16, 2011

The location to this request is on Indian River Road which is off Sawmill Creek Road. It is the last property on Indian River Road on the right side. It is a vacant lot.

The applicant is asking for a reduction in the square footage in order to put in a four-plex on this 9,600 square foot lot. This would be a reduction of 400 square feet.

Code requirements found on Table 22.20-1 for the R-2 and R-2 MHP zoning districts states the minimum lot requirements as "8,000 square feet for the first two units and 1,000 square feet for each additional unit".

One comment has come in from an adjacent neighbor stating that they are opposed to a four-plex unit. However, would not have an issue with a duplex.

Following the vote on the motion, staff will propose a motion containing findings.