



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 17-12
Proposal: Request for reduction of side setback from 8 feet to 3 feet and the rear setback from 10 feet to 5 feet for a garage
Applicant: Serena Wild
Owner: Mary Jo Lord-Wild and James Wild
Location: 815 Lake Street
Legal: Lot 5 Block 11 Amended Plat of Sirstad Addition No. 2
Zone: R-1 single family and duplex residential district
Size: 10,859 square feet
Parcel ID: 1-7940-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Lake Street

KEY POINTS AND CONCERNS:

- Neighborhood harmony:
 - Consistency with zoning requirements and neighboring properties
 - Absence of extenuating circumstances or hardships
 - Structures within 5 feet of the property line can increase building requirements and other adverse impacts to adjacent properties
 - Garage could be built with redesign including relocation and/or reduction

RECOMMENDATION:

Move to deny the variance request for the reduction of the side setback from 8 feet to 3 feet and the rear setback from 10 feet to 5 feet for the construction of a garage at 815 Lake Street.

ATTACHMENTS

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

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

BACKGROUND

815 Lake Street resulted from the amended plat of Sirstad Addition No. 2, recorded in 1965. The property is currently developed with a single family structure and two sheds. Adjacent lots are residential in use.

PROJECT DESCRIPTION

The variance request is for the reduction of the side setback from 8 feet to 3 feet and the reduction of the rear setback from 10 feet to 5 feet for the construction of a 30 foot by 18 foot garage. The property currently has a single-family house and two sheds, but no garage.

The minimum setbacks in the R-1 zone are 20 feet on the front, 10 feet on the rear, and 8 feet on the sides.¹ Setbacks are measured from property lines to eaves, gutters, and drip lines.

ANALYSIS

Project / Site: The project area is primarily flat but slopes downward near the southwest corner. The lot is 10,859 square feet, exceeding the 8000 square foot minimum requirement. A 20 foot utility easement is located in the front setback. A chicken yard is located in the backyard. The proposed garage would replace the existing sheds. The applicant states that the variance is required to construct the garage while still allowing the truck to access the back yard to pick up heavy fishing equipment stored in the southwest rear corner of the lot.

Possible options for constructing the garage while avoiding the variance include 1) reducing the size of the garage and moving it inside setbacks or 2) constructing the garage in the southwest corner.

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

¹ Table 22.20-1—Development Standards

² Section 22.16.040—R-1 District

Traffic: A garage would not result in an increase in traffic. Proposed garage is situated at the rear of the lot and would not impede pedestrian or motorist visibility.

Parking: The property provides parking in excess of the required two spaces.

Noise: Work on boats or vehicles in the garage could create increased noise; however, such work could occur outside of a garage up to the property line.

Public Health or Safety: Work on boats or vehicles in the garage could create fumes; however, such work could occur outside of a garage up to the property line. Reduction in distance between structures could create greater fire, privacy, noise, and other impacts to adjacent properties.

Habitat: None.

Property Value or Neighborhood Harmony: A variance from required development standards could create neighborhood disharmony. Staff found no record of variances granted to adjacent lots for side and rear setbacks. A garage may increase the property value on the residential lot.

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

IN SUPPORT OF DENIAL

Comprehensive Plan: The proposed variance for the reduction of the side setback from 8 feet to 3 feet and the rear setback from 10 feet to 5 feet for a garage 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, there are no known hardships. Lot is flat and above minimum standards. Further, garage could be built through redesign and relocation.*
- 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 a garage within setbacks;*
- 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 of the side setback from 8 feet to 3 feet and the rear setback from 10 feet to 5 feet for the construction of a garage at 815 Lake Street. The property is also known as Lot 5 Block 11 Amended Plat of Sirstad Addition No. 2. The request is filed by Serena Wild. The owners of record are Mary Jo Lord-Wild and James Wild.

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 the side setback from 8 feet to 3 feet and the rear setback from 10 feet to 5 feet for a garage 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 covered vehicle storage on a residential lot.

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 house is pre-existing and the location limits development of allowed accessory structures;*
 - 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 covered parking;*
 - 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 will be located away from the visibility of pedestrians and motorists;* 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 covered parking on a residential lot.

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 variance request for the reduction of the side setback from 8 feet to 3 feet and the rear setback from 10 feet to 5 feet for the construction of a garage at 815 Lake Street. The property is also known as Lot 5 Block 11 Amended Plat of Sirstad Addition No. 2. The request is filed by Serena Wild. The owners of record are Mary Jo Lord-Wild and James Wild.

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







N

W

S

Lake Street
66.32'

20' Sewer Easement

143.65'

Flower Bed
Gravel Driveway

150.91'

One Story
House
60' x 28'

3 ft →
setback

30 x 18

Garage

5 ft ↑
setback

81.18'

1 square = 4 ft

3

Looking to the North side of the property, the garage would replace the two sheds currently in the backyard.



Looking to the West side of the property, the garage would replace the two sheds currently in the backyard.





MOORE MEMORIAL ADDITION

LOT 1-B

LOT 1-C

LOT 2

LOT 4

LOT 5

LOT 6

VERSTOVIA ST

LAKE ST

ROAD & SEWER EASEMENT

GRAVEL DRIVEWAY

WOOD FENCE

SHED SHED

PROPANE TANK

OIL TANK

ROOF OVERHANG (TYP)

ONE STORY HOUSE

8" STEEL PIPES (TYP)



I hereby certify that I have inspected the following described property: LOT 5
BLOCK II, SIRSTAD ADD. NO. 2 Sitka Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not encroach on the adjacent property, that no improvements on adjacent property encroach on the subject property and that there are no roadways, transmission lines or other visible easements on subject property, except as noted hereon. It is the owner's responsibility to determine the existence of any easements, covenants or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data shown hereon be used for construction or for establishment of boundary or fence lines. Dated this 4th day of AUG. 1991 David J. Stragier SURVEYOR

AS-BUILT PLOT PLAN

LOT 5, BLOCK II
SIRSTAD
ADDITION NO. 2

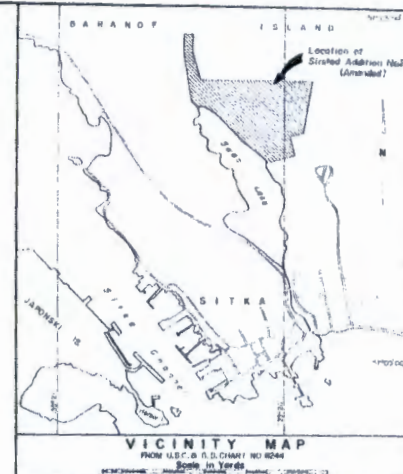
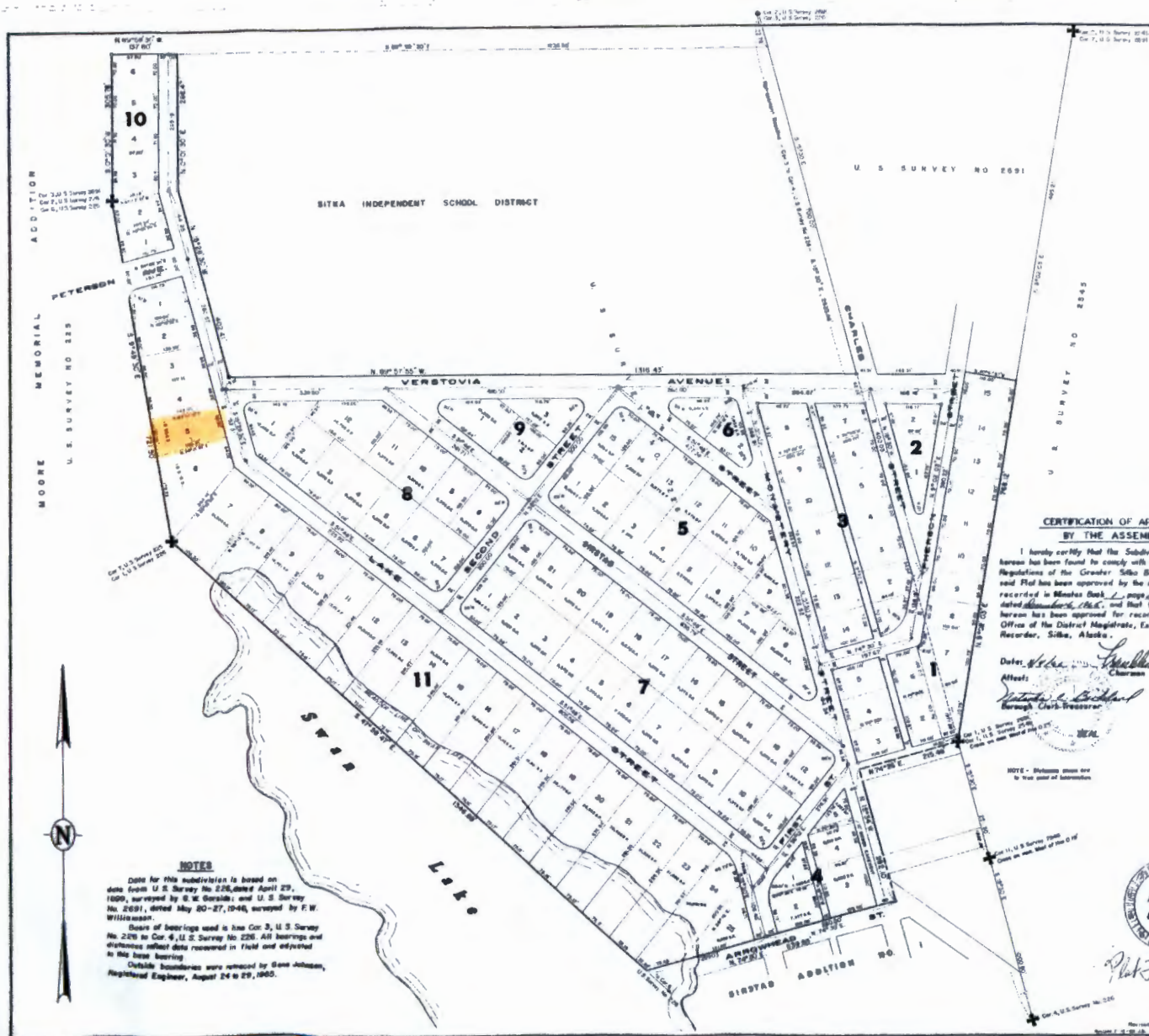


STRAGIER
ENGINEERING SERVICES
504 DeGROFF ST.
SITKA, ALASKA 99835
907-747-5833
FAX: 907-747-4993

AS-BUILT PLOT PLAN

Scale 1" = 30'
Job No. 2892 / 2931
Date 8.4.91
Field Book 120, PG 12

PREPARED FOR:
FIRST NATIONAL BANK OF ANCHORAGE
318 LINCOLN ST.
SITKA, AK 99835



CERTIFICATION OF APPROVAL BY THE PLATTING BOARD

I hereby certify that the Amended Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the City of Sitka, Alaska, and that said plat has been approved by the Board as recorded in the minutes of their meeting of date 4/23/65, and that the plat shown hereon has been approved for recording in the office of the Magistrate, ex-officio Recorder, Sitka, Alaska.

Date 4/23/65

James L. Peterson
Chairman, Platting Board
Attest: *Richard C. Becklund*
Secretary

CERTIFICATION OF APPROVAL BY THE ASSEMBLY

I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the City of Sitka, Alaska, and that said Plat has been approved by the Assembly as recorded in Minutes Book 6, Page 132, dated 4/23/65, and that the Plat shown hereon has been approved for recording in the Office of the District Magistrate, ex-officio Recorder, Sitka, Alaska.

Date 4/23/65 *James L. Peterson*
Chairman
Attest: *Richard C. Becklund*
ex-officio Recorder

ENGINEER'S CERTIFICATE

I hereby certify that I am a registered professional civil engineer, and that this plat represents a report of the Sitka Addition No. 2 to the City of Sitka, and that all dimensions and other details are correct to the best of my knowledge.

Date 4/23/65

CERTIFICATION OF APPROVAL BY THE COUNCIL

I hereby certify that the Amended Subdivision has been found to comply with the Subdivision Regulations of the City of Sitka and that said Plat shown hereon has been found to comply with Subdivision Regulations of the City of Sitka and said Plat has been approved by the Common Council as recorded in Minutes Book 6, Page 132, dated 4/23/65, and that the Plat shown hereon has been approved for recording in the office of the Magistrate, ex-officio Recorder, Sitka, Alaska.

Date 4/23/65

James L. Peterson
Mayor
Attest: *Richard C. Becklund*
City Clerk

LEGEND

- + Indicates brass cap monument recovered
- Indicates iron pipe monument recovered
- o Indicates colored intersection point

AMENDED PLAT
OF
SIRSTAD ADDITION NO. 2
TO THE CITY OF SITKA, ALASKA

DATE: APRIL 23, 1965 SCALE: 1" = 100'

Designed by: HUBBELL & WALLER ENGINEERING CORP.
10 HARRISON STREET
SEATTLE, WASHINGTON 98109

Designed: 6/24/65 Checked: 6/24/65 Traced: 6/24/65 SHEET 1 OF 9 SHEETS

NOTES
Data for this subdivision is based on data from U.S. Survey No. 226, dated April 29, 1909, surveyed by G.W. Garside; and U.S. Survey No. 2691, dated May 20-27, 1946, surveyed by F.W. Willingham.
Dates of bearings used in this Cor. 3, U.S. Survey No. 226 to Cor. 4, U.S. Survey No. 226. All bearings and distances reflect data recovered in field and adjusted to the base bearing.
Outside boundaries were retraced by Gene Johnson, Registered Engineer, August 24 to 29, 1960.



Plat File #58





















CITY AND BOROUGH OF SITKA
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

RECEIVED JUL 19 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: We are wanting to build a
garage in the back north corner of the property.
We are requesting a variance of 5ft on the west side of
the property & a variance of 3ft on the north side.

PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): N/A

CURRENT LAND USE(S): Backyard residential PROPOSED LAND USES (if changing): N/A

APPLICANT INFORMATION:

PROPERTY OWNER: Mary Jo Lord-Wild & James Wild

PROPERTY OWNER ADDRESS: PO Box 109 Elfin Cove AK 99825

STREET ADDRESS OF PROPERTY: 815 Lake Street Sitka AK 99835

APPLICANT'S NAME: Sorena Wild

MAILING ADDRESS: 815 Lake Street Sitka AK 99835

EMAIL ADDRESS: renawild@gmail.com DAYTIME PHONE: 907-723-3559

PROPERTY LEGAL DESCRIPTION:

TAX ID: 1-7940-000 LOT: 5 BLOCK: 11 TRACT: 58

SUBDIVISION: SIR2 US SURVEY: 225

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.

Owner

James M. Wild
James M. Wild

Date

7-19-2017

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.

Applicant (if different than owner)

[Signature]

Date

7-19-17

Narrative to accompany application form:

A 30' x 18' Single story garage with an overhead door and a single man door. We are asking for a variance due to vehicle accessibility to the rest of our yard where we store our long line gear and other heavy fishing equipment. When set back, the ability for a pickup to enter the yard between the home and garage is available. Thank you for your time on this project.

Chris & Serena

Samantha Pierson

From: sharynferrick <sharynferrick@gmail.com>
Sent: Wednesday, August 09, 2017 11:12 AM
To: Planning Department
Cc: serenaw@sitkapd.com
Subject: var 17 12 Serena Wild

I fully support Serena Wild's variance request. It is great seeing people investing in improving their Homes

Thanks
Sharyn Ferrick

Sent from my Samsung Galaxy smartphone.

324 Cascade Street



10

322

328

1005

1003

1000

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294

300

311

321

323

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292

298

309

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323

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290

296

307

321

323

400

Parcel ID: 1-4411-000
Dennison, Holley, A
330 Cascade St
Sitka AK 99835

Parcel ID: 1-4412-000
Howard, Darryl, L.
Mudry, Stacy, M
328 Cascade St
Sitka AK 99835

Parcel ID: 1-4413-000
Devaney, III, Leonard, R
Orr, Darlene, Jo
326 Cascade St
Sitka AK 99835-7139

Parcel ID: 1-4414-000
Ferrick, Sharyn, M
617 Katlian Ave, #A-4
Sitka AK 99835

Parcel ID: 1-4416-000
Bagoyo, Deomedes, M
Bagoyo, Mayrose
322 Cascade St
Sitka AK 99835

Parcel ID: 1-4446-000
Sturm, Barbara, L
Sturm, James, A
313 Moller Ave
Sitka AK 99835

Parcel ID: 1-4448-000
Gluth, Dawn, M
Gluth, Randall, W
315 Moller Ave
Sitka AK 99835

Parcel ID: 1-7890-000
Stromme, Cheryl
Stromme, Gail
1717 Edgecumbe Dr
Sitka AK 99835

Parcel ID: 1-7892-000
Dumlao, Kathlea, M
Dumlao, Thelma, C
P.O. Box 1614
Sitka AK 99835-1614

Parcel ID: 1-7934-000
Larson, Judy, M
Dennis, James, Lloyd, and Bruce
P.O. Box 57
Sitka AK 99835-0057

Parcel ID: 1-7936-000
Kaminsky, Michael
Kaminsky, Elissa
P.O. Box 6202
Sitka AK 99835-6202

Parcel ID: 1-7938-000
Cirera, Felix, A
Cirera, Myrna, R
901 Lake St
Sitka AK 99835

Parcel ID: 1-7940-000
Wild, James, M
Lord-Wild, Mary Jo
P.O. Box 109
Elfin AK 99825-0109

Parcel ID: 1-7942-000
Primacio, Lucille
Primacio, Robert
1907 Sawmill Creek Rd
Sitka AK 99835

Parcel ID: 1-7944-000
Primacio, Lucille
Primacio, Robert
1907 Sawmill Creek Rd
Sitka AK 99835

Parcel ID: 1-7981-000
Arce, Dennis, A
Arce, Shirley, S
401 Verstovia Ave
Sitka AK 99835

Parcel ID: 1-7982-000
Van Cise, Eric, T
403 Verstovia Ave
Sitka AK 99835

P&Z Mailing
August 4, 2017

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 7/19/2017

To:

Serena Wild

PAID

JUL 19 2017

CITY & BOROUGH OF SITKA

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



AFTER RECORDING, RETURN TO:

James M. Wild
Mary Jo Lord-Wild
P.O. Box 109
Elfin Cove, AK 99825

AETIA 50378

WARRANTY DEED

A.S. 34.15.030

The Grantors, **THOMAS A. GUGGENBICKLER and SANDRA L. GUGGENBICKLER, husband and wife**, whose address is P.O. Box 165, Sitka, AK 99835, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, convey and warrant to **JAMES M. WILD and MARY JO LORD-WILD, husband and wife, as tenants by the entirety with right of survivorship**, Grantees, whose mailing address is P.O. Box 109, Elfin Cove, AK 99825, the following-described real estate:

Lot 5, Block 11, according to the amended plat of Sirstad Addition No. 2, recorded as Plat No. 58, Sitka Recording District, First Judicial District, State of Alaska

SUBJECT TO the reservations and exceptions as contained in the U.S. Patent and acts relating thereto.

FURTHER SUBJECT TO the easements and notes as shown on Plat No. 58.

FURTHER SUBJECT TO the easement and the terms and conditions thereof to Grantee Bruce and Constance Ellingson for the purpose and right to run a drainage tile/pipe which affects an area to commence at the Southeast Corner of Lot 4, Block 11, the true point of beginning, thence at a Westerly direction of 48.2 feet and thence a Southerly direction across Lot 5, Block 11 a distance

WARRANTY DEED
A4350\3406\Warranty Deed


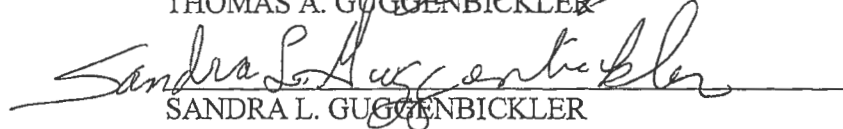
Page 1

of 66.32 feet to the South property line of Lot 5, Block 11, and thence a distance of 48.2 feet in a Easterly direction to the Southeast boundary line, thence North 66.32 feet to the true point of beginning dated April 12, 1994 and recorded April 13, 1994 in Book 108 at Page 671.

FURTHER SUBJECT TO the covenants, conditions and restrictions, including the terms and provisions thereof, recorded April 4, 1958 in Miscellaneous Book 5 at Page 94.

DATED this 9 day of July, 2014.

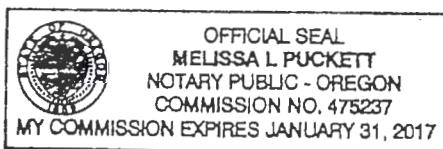
GRANTORS:

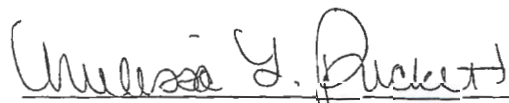

THOMAS A. GUGGENBICKLER

SANDRA L. GUGGENBICKLER

STATE OF Oregon)
COUNTY OF Washington) ss.

The foregoing instrument was acknowledged before me this 9th day of July, 2014, by **THOMAS A. GUGGENBICKLER** and **SANDRA L. GUGGENBICKLER**, husband and wife.

WITNESS my hand and official seal on the day and year in this certificate first above written.




Notary Public in and for Oregon
My Commission Expires: Jan. 31, 2017

WARRANTY DEED
A4350\3406\Warranty Deed

Page 2



2 of 2

2014-000829-0