



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

### **AGENDA ITEM:**

Case No: CUP 17-24  
Proposal: Accessory dwelling unit requiring a variance and exceeding 800 square feet  
Applicant: Adam Chinalski  
Owner: Adam and Kris Chinalski  
Location: 610 Biorka Street  
Legal: Portion of Lot 2 Block 15 US Survey 1474  
Zone: R-1 single family and duplex residential district  
Size: 6411 square feet  
Parcel ID: 1-2015-000  
Existing Use: Residential  
Adjacent Use: Residential  
Utilities: Existing  
Access: Biorka Street

### **KEY POINTS AND CONCERNS:**

1. Neighborhood harmony:
  - Consistency with zoning requirements and neighboring properties
  - Substandard lot size of this lot and surrounding lots
  - Setbacks are intended to provide privacy and access to light and air
  - The need for additional affordable housing has been discussed throughout the comprehensive plan update process
  - Additional structure could result in increased drainage concerns

### **RECOMMENDATION:**

Move to approve the conditional use permit request for an accessory dwelling unit at 610 Biorka 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: Correspondence

## **BACKGROUND**

The existing lot at 610 Biorka Street resulted from US Survey 1474 in 1924. The property was currently developed with a single family structure, and the structure was recently demolished. A primary structure is currently under construction. Adjacent lots are residential in use.

The item was considered by the Historic Preservation Commission on December 13 and January 10.

## **PROJECT DESCRIPTION**

The original variance request was for the reduction in the side setback from 8 feet to 5 feet and the rear setback from 10 feet to 8 feet for the construction of a garage with accessory dwelling unit on a 6411 square foot lot. The garage would take up the first floor of the structure with the ADU on the second floor. A dilapidated structure was recently demolished and the property is being redeveloped with a primary house and proposed accessory dwelling unit with garage.

Prior to the December 19 hearing, the City and Borough of Sitka Electric Department determined that utility infrastructure existed in the side setback. The applicant and Electric Department worked together to reconfigure the proposed site plan to suit the needs of both parties. The new request is for a rear setback variance from 10 feet to 5 feet for the construction of a two-story accessory dwelling unit totaling 960 square feet. A 320 square foot carport would be constructed within setbacks and be attached to the primary residence.

Accessory dwelling units require conditional use permits if the standard criterion outlined in code are not met. In this case, a conditional use permit is required because 1) the property has a variance and 2) the proposed accessory dwelling unit will be 960 square feet, exceeding the 800 square foot maximum. The proposed accessory dwelling unit would be located toward the rear of the property.

The project area is primarily flat. The lot is 6411 square feet, approximately 80% of the 8000 square foot minimum requirement currently set in code. The proposal would result in 35% building lot coverage, which matches the 35% maximum.

Drainage has been a concern in this neighborhood. This property is filled higher than neighboring properties. Conditions of approval will require that all structures are guttered and routed toward the street and/or storm drains. In addition, the property will be required to establish and maintain at least 100 square feet of landscaping to help capture rain water.

A neighbor to the rear has raised concerns for the privacy impacts caused by reducing the setback. The rear neighbor's as-built survey has been attached to the packet to assist commissioners in understanding the concern. The proposed structure will have only one window on the rear wall inside the codified setback, and it is a bathroom window on the first floor. There will be no rear windows on the rear of the second story. If the commission wished, a condition of approval could require that the rear-facing bathroom window be frosted to preserve privacy.

### **Zoning Code**

Pursuant to Section 22.20.160, an ADU must seek a CUP if there is a variance on the property and if the unit exceeds 800 square feet. The proposal is connected with V 17-16 that sought a variance from setbacks. To move this proposal forward, the ADU would need to be conditionally approved.

### **C. Accessory Dwelling Unit Requirements.**

1. An ADU is a permitted use, on lots served by a publicly maintained right-of-way in the following residential zoning districts: R-1 and R-2 and related districts exclusive of MH and MHP. An ADU shall not be constructed on lots accessed by access easements. They are also not allowed on lots served by rights-of-way that have not been accepted by the municipality or state of Alaska for maintenance.
2. ADUs are intended for long-term rental use only. Rental of an ADU for a period of less than ninety consecutive days is prohibited. ADUs shall not be used for short-term vacation rentals and/or bed and breakfast purposes.
3. ADUs shall meet all development, design, zoning and building requirements at the time of construction (e.g., setback requirements and lot coverage standards) applicable to the primary dwelling unit, except as otherwise noted.
4. The ADU must be located on the same parcel as the primary dwelling unit.
5. Only one ADU is allowed per parcel.
6. Mobile homes, travel trailers and recreational vehicles shall not be used as an ADU.
7. ADUs shall only be located on a parcel in conjunction with a single-family dwelling unit. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.
8. ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.
9. If a separate external entrance for the ADU is necessary, where possible, it shall be located on the side or rear of the structure. On a corner lot, where there are two entrances visible from either street, where possible, solid screening is required to screen at least one of the entrances from the street.
10. Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.
11. The maximum size of an ADU shall be eight hundred square feet.
12. The following parking requirements are applicable for ADUs:
  - a. As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.
  - b. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties.
  - c. On-street parking is prohibited.



d. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts.

13. All subdivisions of lots containing ADUs are prohibited unless all minimum lot sizes (exclusive of access easements), setbacks, lot coverage, and other requirements in the zoning and subdivision codes are met.

14. Variances are prohibited on any lot containing an ADU including, but not limited to, variances for setbacks, lot coverage, building height, and off-street parking requirements.

D. Conditional use permits may be sought if the above requirements cannot be met. Conditional use permit must be in conformance with Chapter 22.24.

(Ord. 15-08 § 4 (part), 2015; Ord. 13-14A § 4 (part), 2013.)

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>1</sup>**

**a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** An additional dwelling unit could generate additional traffic and parking demand.

**b. Amount of noise to be generated and its impacts on surrounding land use:** An additional dwelling unit could generate additional noise. Setbacks act as a noise buffer.

**c. Odors to be generated by the use and their impacts:** No additional odors.

**d. Hours of operation:** Year-round residential use.

**e. Location along a major or collector street:** Biorka Street to Sawmill Creek Road.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No concerns.

**g. Effects on vehicular and pedestrian safety:** Structure would be located toward the rear of the lot, away from pedestrians and motorists.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** No significant change.

**i. Logic of the internal traffic layout:** Parking is available adjacent to both dwelling units.

**j. Effects of signage on nearby uses:** No proposed signage.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Setbacks are reduced, which impacts buffers. Setbacks are intended to protect privacy and access to light and air.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan: SGC identifies that ADUs are consistent with Comprehensive Plan sections 2.2.15, 2.2.16, 2.4.8A, 2.5.1B, 2.5.11, and 2.10.3B, which all encourage a mix of single family and multi-family housing types to encourage access to affordable

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<sup>1</sup> § 22.24.010.E

housing options, which small homes and accessory dwelling units would encourage.

**m. Other:**

Drainage has been a concern in this neighborhood, and increased lot coverage may result in additional runoff. Gutters on new structures should be routed to empty runoff toward street and/or nearby storm drains and landscaping should be established. This is a condition of approval.

The comprehensive plan update process has identified this and other downtown neighborhoods for higher density residential development.

**FINDINGS**

That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met as the proposal complies with SGC and Comprehensive Plan sections regarding ADUs and variances, and affordable housing while protecting the character of the neighborhood and the public's health, safety, and welfare.

**RECOMMENDATION**

It is recommended that the Planning Commission adopt the staff analysis and suggested findings, and grant the conditional use permit for the development of an accessory dwelling unit.

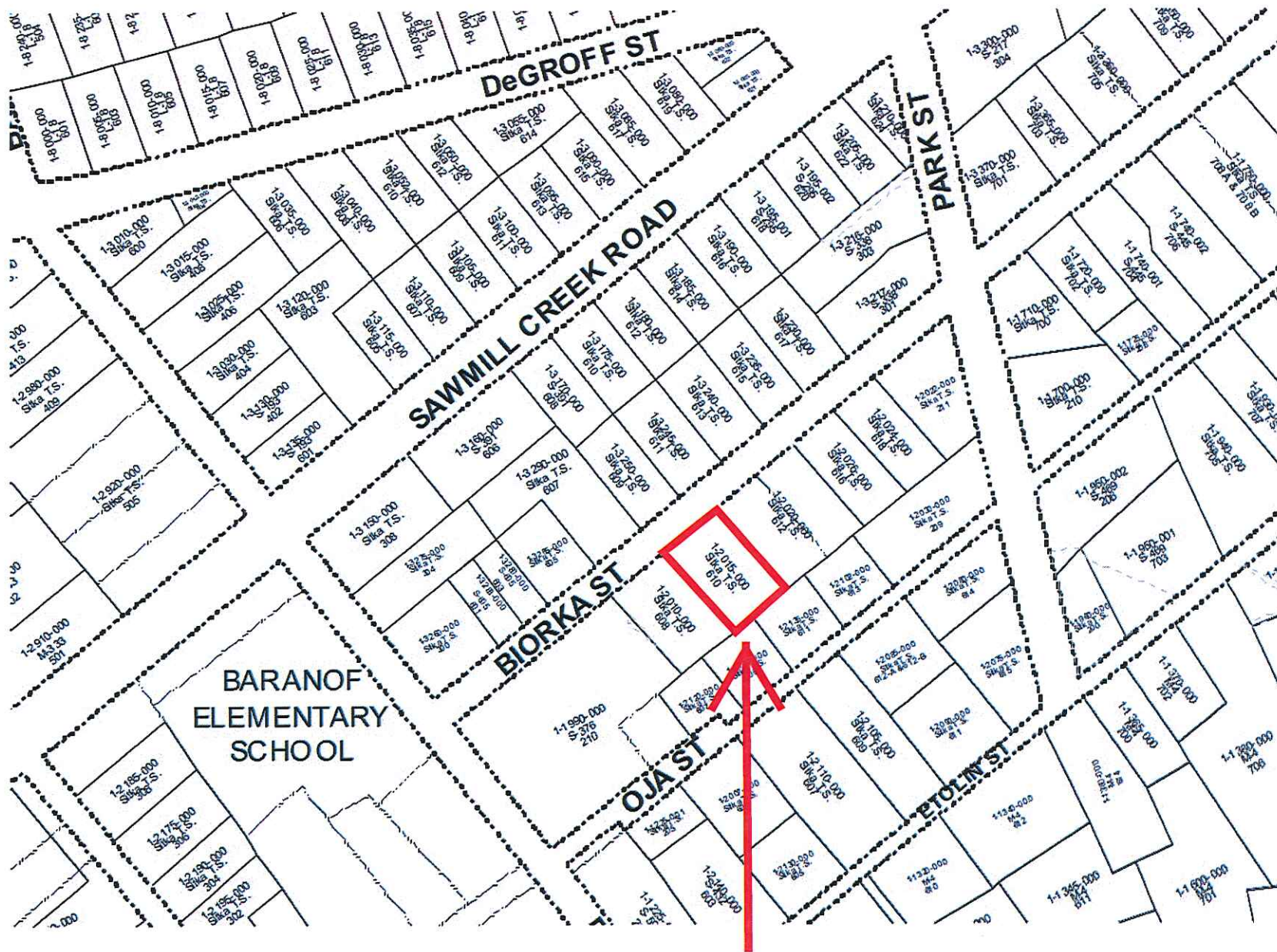
**Recommended Motions:** (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permits for accessory dwelling units as discussed in the staff report.
- 2) I move to approve a conditional use permit request for 610 Biorka Street, subject to condition of approval. The request is for the reduction in the rear setback from 10 feet to 5 feet for the construction of an accessory dwelling unit. The property is also known as Portion of Lot 2 Block 15 US Survey 1474. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.

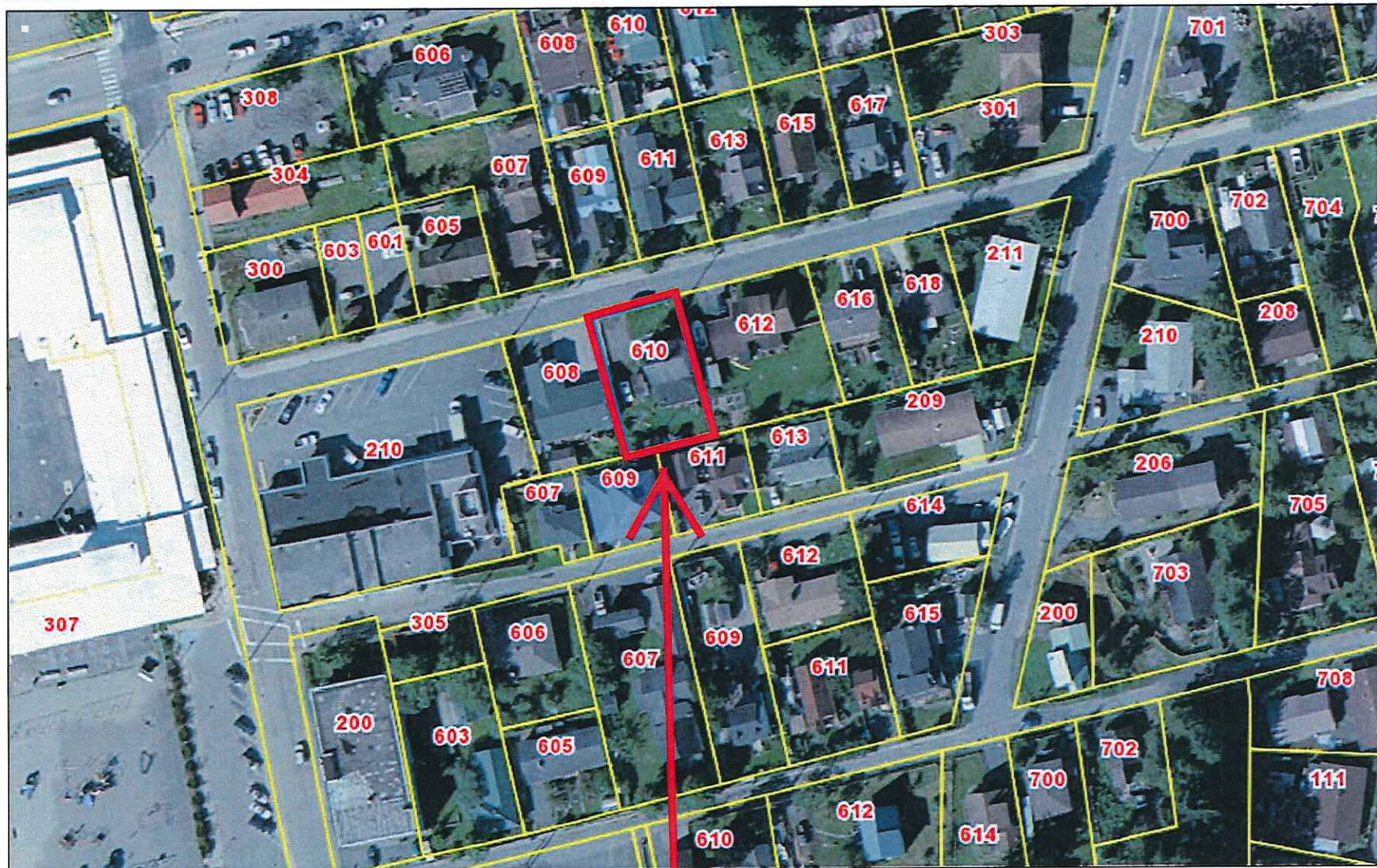
Condition of Approval:

1. All structures shall be guttered and routed toward the street and/or storm drains. The property shall also establish and maintain at least 100 square feet of landscaping to help capture rain water.









## City & Borough of Sitka, Alaska

Selected Parcel: 610 Biorka St ID: 12015000

Printed 11/28/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

20 m  
100 ft



**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

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## City & Borough of Sitka, Alaska

Selected Parcel: 610 Biorka St ID: 12015000

Printed 11/27/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

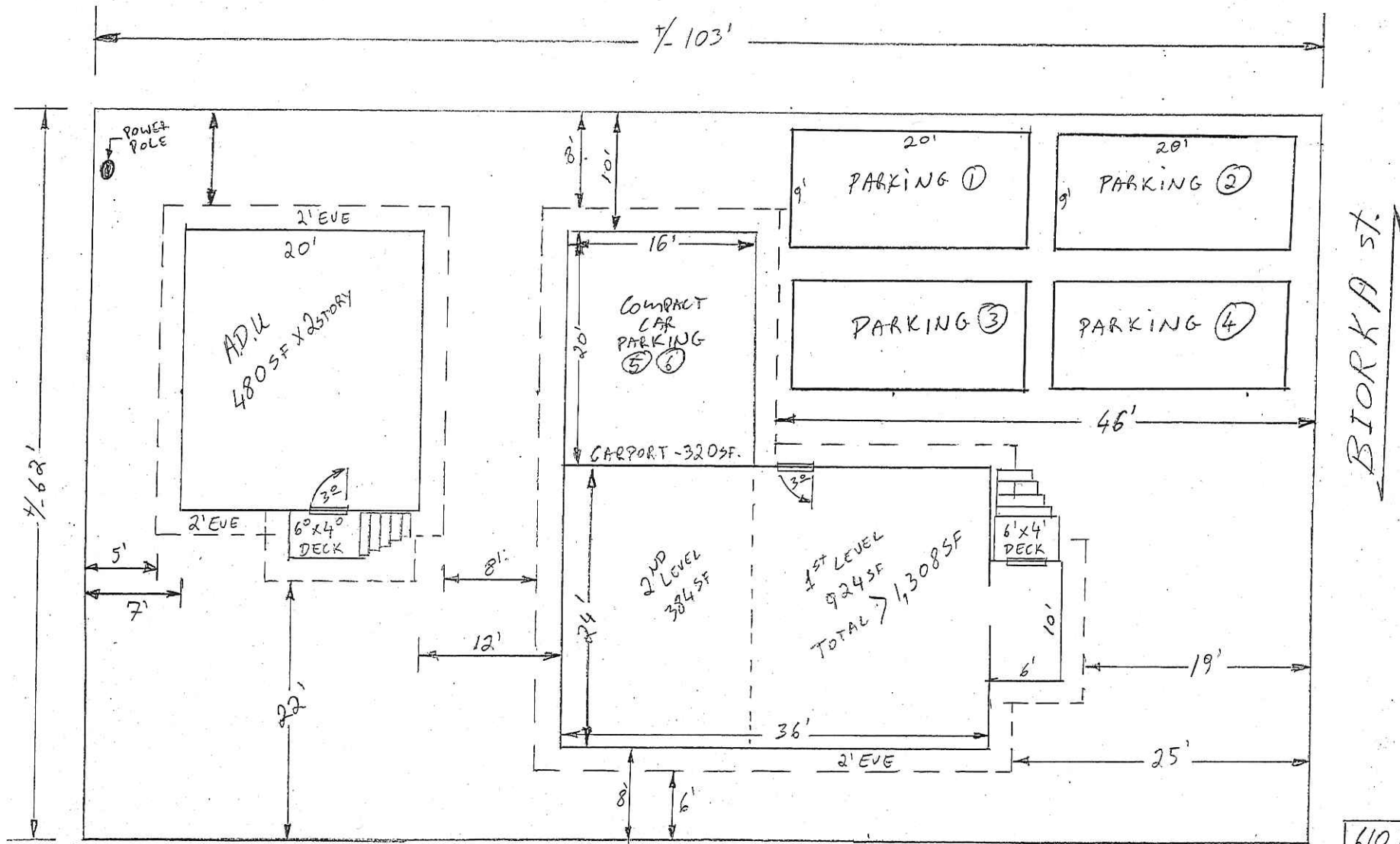
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**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

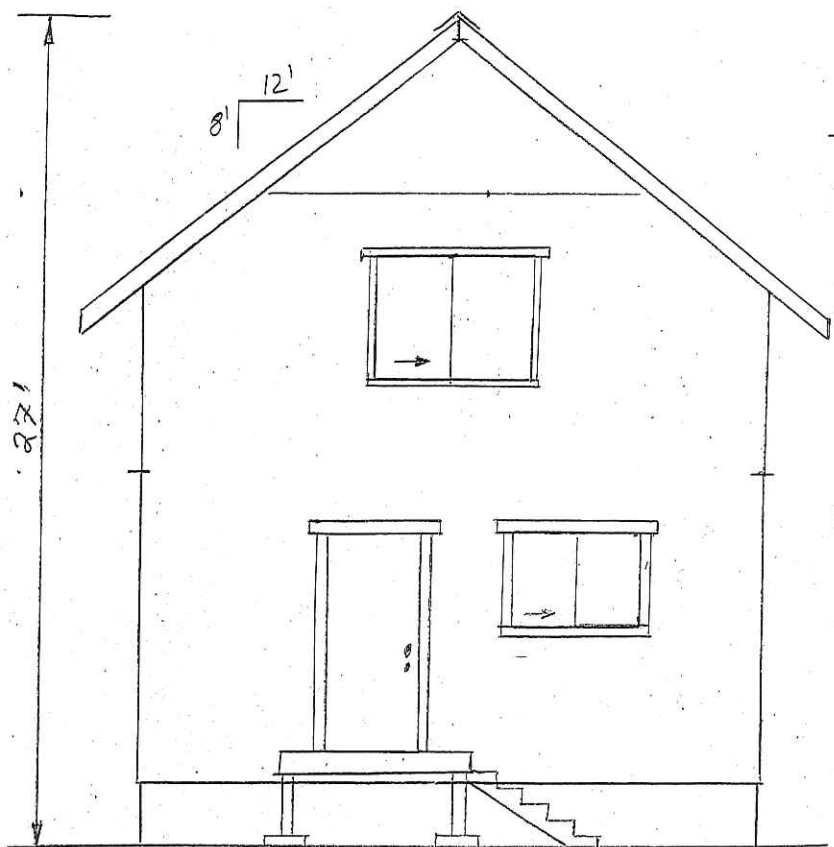
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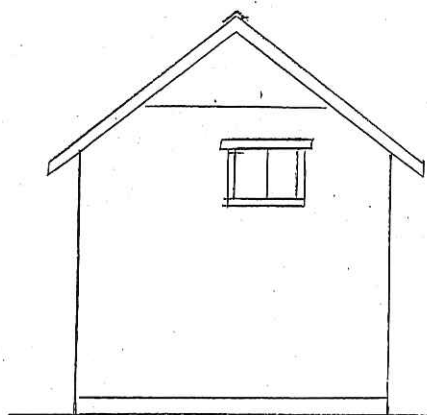


SITE PLAN

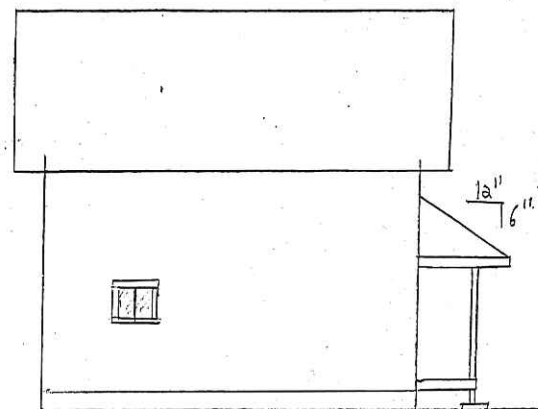
610 BIORKA ST. SITKA  
CHINALSKI, ADAM  
cel - 360.652.9092  
SCALE 1" = 2 FT Jan/11/



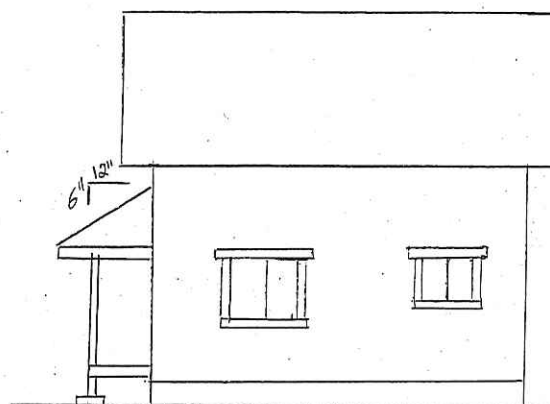
EAST ELEVATION  
SCALE  $\frac{1}{4}" = 1'0"$



WEST ELEV.  
SCALE  $\frac{1}{8}" = 1'0"$



South ELEV.  
(OGA ST.)  
SCALE  $\frac{1}{8}" = 1'0"$

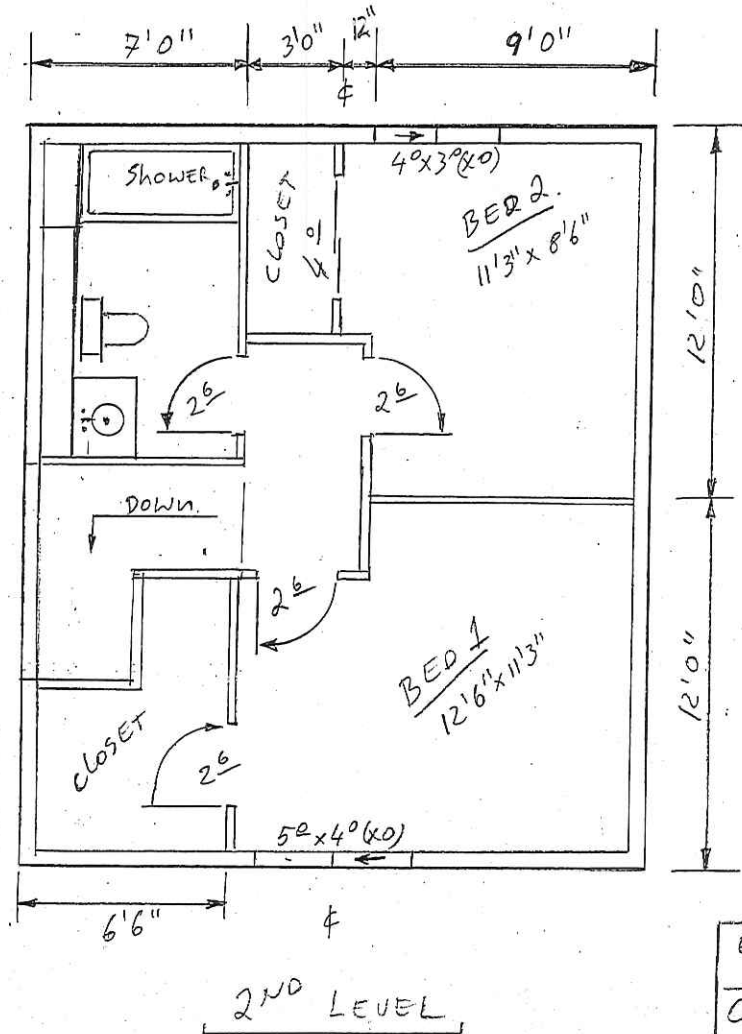
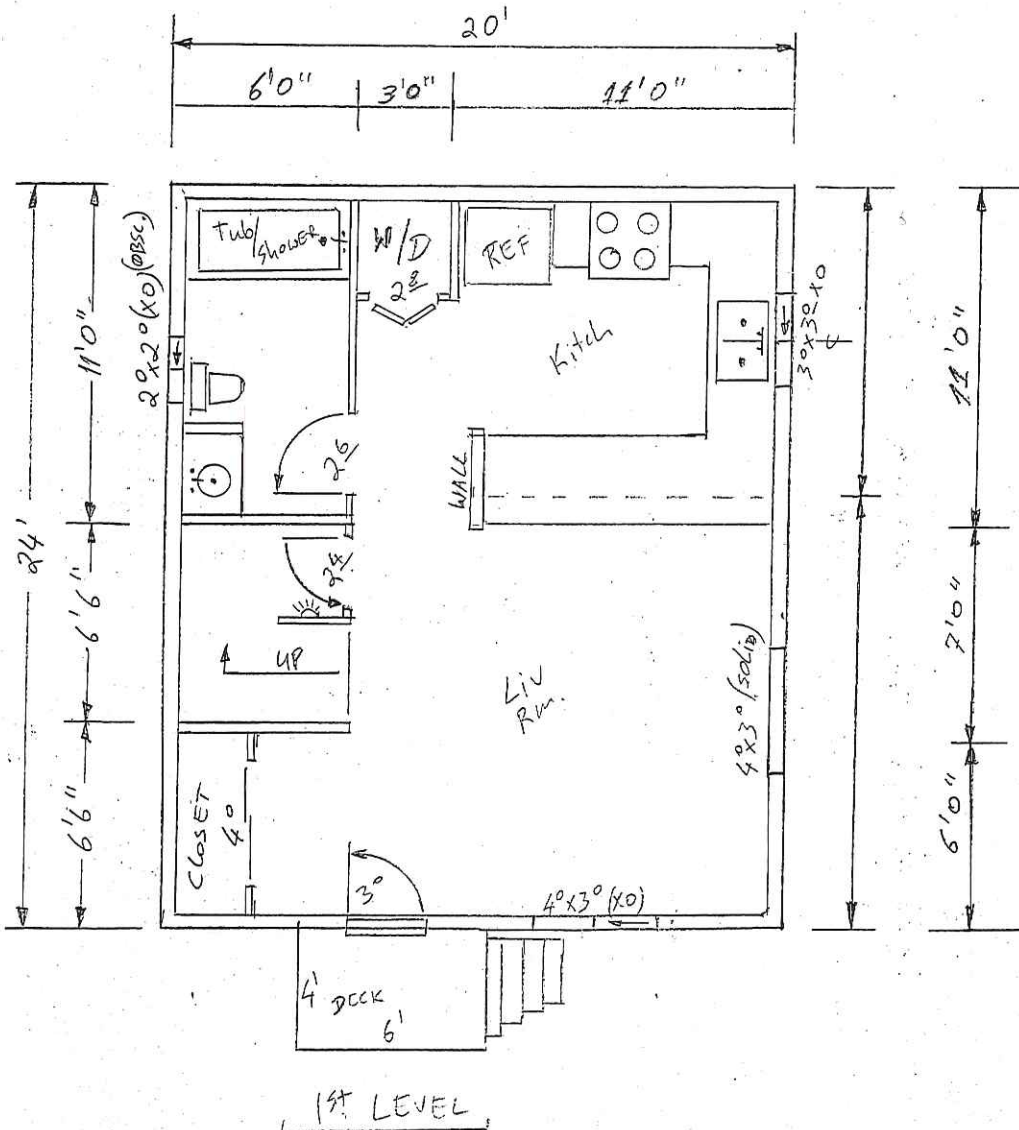


NORTH ELEV.  
(BIORKAST)  
SCALE  $\frac{1}{8}" = 1'0"$

610 BIORKAST SITKA,
CHINALSKI ADAM
360.652.9092
11.1.2010

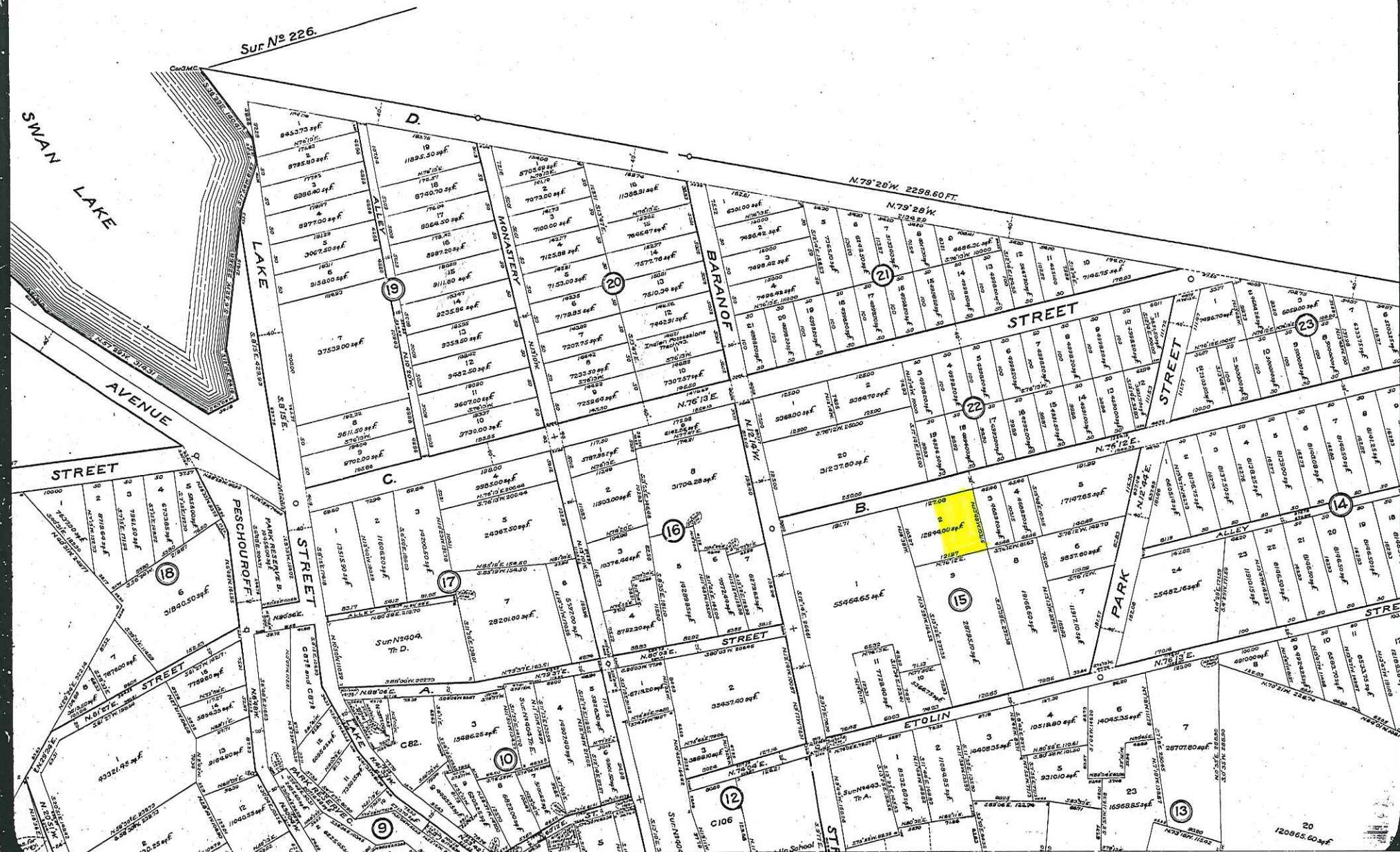


# INT. LAY. OUT



BIORKA ST.

610 BIORKA ST.  
SITKA  
CHINALSKI, ADAM  
360.652.9092  
Scale 1/12" Jan/11/2018



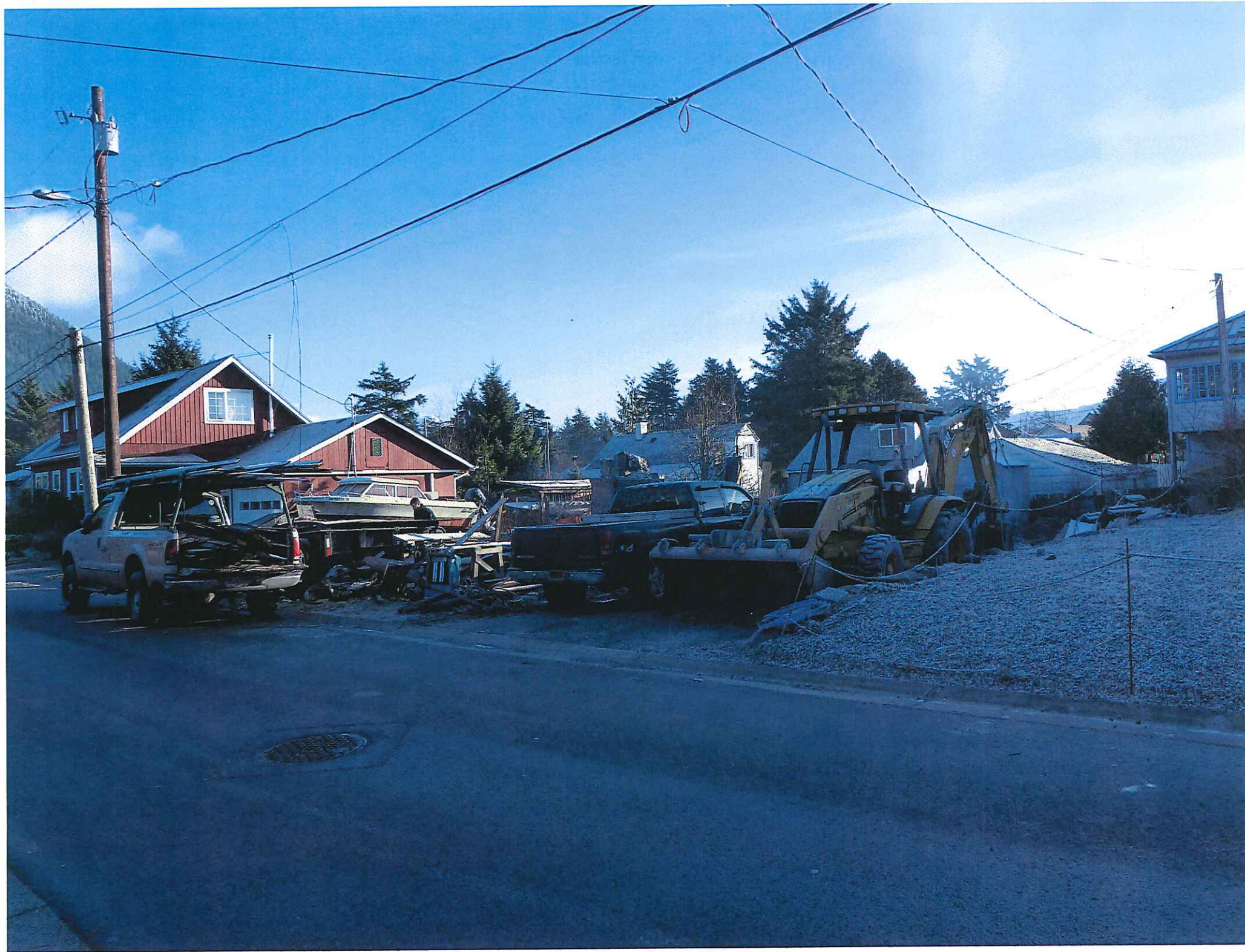
















# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

RECEIVED NOV 17 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:** Build garage (624sf) with Accessory  
Dwelling Unit (624sf) Above it.  
Setback Reduction for STAIRCASE & EYES.

### PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): residential PROPOSED LAND USES (if changing): \_\_\_\_\_

### APPLICANT INFORMATION:

PROPERTY OWNER: ADAM CHINALSKI

PROPERTY OWNER ADDRESS: 2174 HPR SITKA.

STREET ADDRESS OF PROPERTY: 610 BIORKA ST

APPLICANT'S NAME: ADAM CHINALSKI

MAILING ADDRESS: 2174 HPR. SITKA

EMAIL ADDRESS: hmrrepair guy@gmail.com DAYTIME PHONE: cel. 360. 652. 9092

### PROPERTY LEGAL DESCRIPTION:

TAX ID: 12015000 LOT: Pt 2 BLOCK: 15 TRACT: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_ US SURVEY: 1474

### 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.

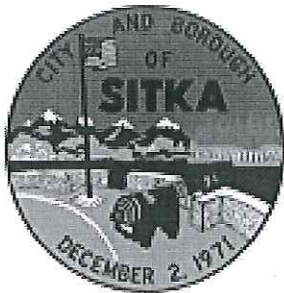
\_\_\_\_\_  
Owner

Nov 17 / 2017  
\_\_\_\_\_  
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.

\_\_\_\_\_  
Applicant (If different than owner)

\_\_\_\_\_  
Date



# City and Borough of Sitka

## Electric Department

105 Jarvis Street, Sitka, Alaska 99835

(907) 747-4000, FAX (907) 747-3208

[www.cityofsitka.com](http://www.cityofsitka.com)

Anthony M. Bird, T&D System Manager (907) 747-4008

December 26<sup>th</sup>, 2017

CBS Planning Department

Re: 610 Biorka Street variance

To: Michael Scarcelli / Samantha Pierson

Michael and Samantha,

610 Biorka Street has a back lot line powerline currently serving this lot and the three residences on two sides of the property.

Mr. Chinalski has agree to a modification to his existing site plan for accommodating CBS Electric Department infrastructure for service and maintenance.

In order for CBS Electric to modify our infrastructure to accommodate the previous variance request CBS Electric would have considerable time and money invested. This would require modification of neighboring homes, service entrances and pole line access not currently granted. CBS Electric is satisfied we can maintain the existing facilities with the newly proposed variance.

We are currently working to upgrade the existing powerlines in this neighborhood and plan to address these facilities as part of this process.

Thank You for your consideration,

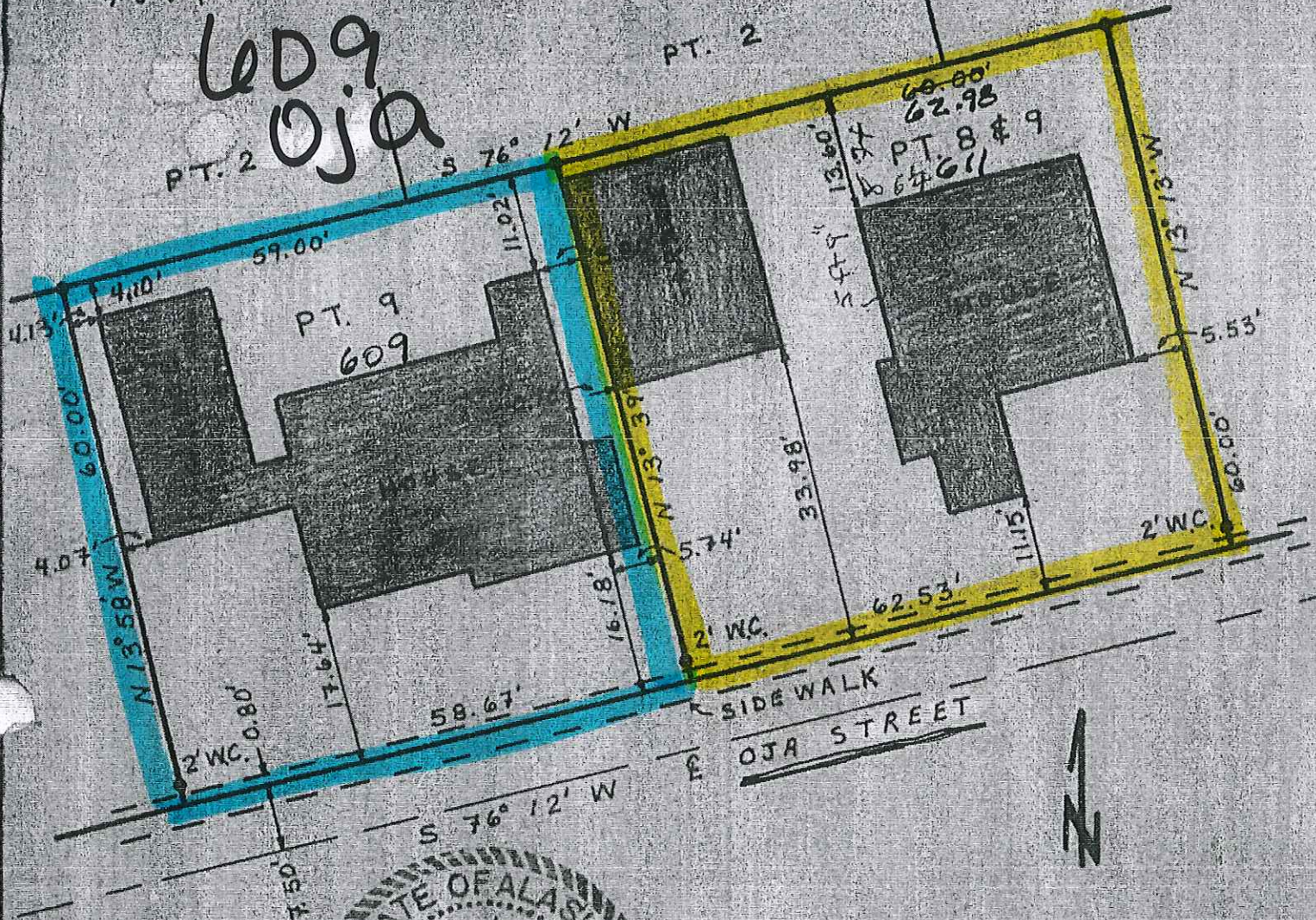
Tony Bird  
T&D System Manager



48' + 21"  
 48' + 24 1/4"  
 48' + 48"

611 Oja

609 Oja



I, NOEL F. STRAGIER, being a Registered Land Surveyor in the State of Alaska, having inspected PT. LOTS 8 & 9, BLOCK 15, USS 1474-A, hereby certify that the improvements located thereon lie wholly within the property lines and that improvements on adjacent properties do not encroach upon the subject property.

- 5/8" REBAR WITH SURV-KAP SET THIS SURVEY

AS-BUILT PLOT PLAN	
PT. LOTS 8 & 9 BLOCK 15, USS 1474-A	
PREPARED FOR: MRS. FRANKLIN BOX 759 SITKA, AK 99835	
PREPARED BY: STRAGIER ENGINEERING SERVICES	
DATE: 3/83	PO. Box 4055 Sitka, Alaska 99835 (907) 747-3833