



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 18-01
Proposal: Request for short-term rental at 1960 Halibut Point Road
Applicant: Richard Wichman
Owner: Marie and Richard Wichman
Location: 1960 Halibut Point Road
Legal: Lot 3 Chapman Subdivision
Zone: R-1 MH single-family, duplex and manufactured home residential district
Size: 10,725 square feet
Parcel ID: 2-5100-003
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Halibut Point Road to private drive

KEY POINTS AND CONCERNS:

- Rental unit is a 3 bedroom 1 bath attached apartment with owner occupying primary unit
- Private drive that serves three lots is developed to allow only one lane of traffic at the intersection with Halibut Point Road
- Carport encroaches across property line, but neighbor has provided authorization letter
- Aside from one-car garage, parking occurs in cul-de-sac
- Property has variances for primary structure due to steep rear topography – 8 foot front and 4 foot side
- Short-term rentals offer economic opportunity for homeowners
- Renter information guide was not included in the application, and will be required as a condition of approval
- Burden is on the applicant to prove that the proposal will not negatively impact the neighborhood

RECOMMENDATION:

Staff recommends that the Planning Commission consider the pros and cons of approving the conditional use permit application for a short-term rental at 1960 Halibut Point Road.

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Zoning Map
Attachment D: Flood Zone Map
Attachment E: Subdivision Plat

Attachment F: Site Plan
Attachment G: Floor Plan
Attachment H: Parcel Pictures
Attachment I: Application
Attachment J: Correspondence

BACKGROUND/PROJECT DESCRIPTION

The request is for the short-term rental of one unit of a duplex at 1960 Halibut Point Road. The primary structure includes a one-car garage and apartment on the first floor and the owner's residence on the second unit. The apartment is currently housing a family member who will be vacating the unit in the upcoming year. The unit has three bedrooms and one bathroom.

Applicant provided an outline of operations. The rental will be professionally managed and procedures will be shared with renters. Renters are not to remove garbage from the unit. Applicant states that activity will primarily occur between 8 AM and 5 PM. Applicant proposes no signage, and will include explicit contract language regarding noise.

Applicant indicates that there are 6 parking spaces, exceeding the requirement for 4 parking spaces. Staff responds that, aside from the one space in the garage, remaining parking occurs in the platted private drive. Upon completion of two site visits, staff believes that parking of 3 vehicles in front of the house (side-by-side, not tandem) does not impede regular day-to-day access for neighboring properties.

In addition to parking concerns, access is by an unmarked and narrowly developed private drive. Renters may have difficulty finding the property, so directions should be clearly delineated in the rental overview provided to tenants. Rare occasions may result in one car attempting to enter while another is trying to exit, which could result in one car backing out toward Halibut Point Road. As the drive serves only three lots, this should be an extremely rare scenario.

A carport encroaches across the side property line onto 1952 Halibut Point Road. The owner of that property has provided a signed statement authorizing the location of that structure and including provisions for removal if required. The applicant has stated that he is willing to comply with removal if and when the neighbor requires it. A condition of approval requires removal of the structure upon neighbor's request or upon sale of either property.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: The short-term rental would not create more traffic than the current use as a long-term residence. Private drive is unmarked and may be difficult for short-term renters to find. The drive is developed narrowly near Halibut Point Road which may cause difficulty on the rare occasion in which a car wishes to enter while another is exiting.

b. Amount of noise to be generated and its impacts on surrounding land use: The short-term rental is unlikely to result in significant increased noise beyond that of a long-term rental, although some vacationers can create noise. This property's setbacks are reduced, resulting in a reduced sound buffer area. Owners live on-site and can monitor for concerns.

c. Odors to be generated by the use and their impacts: No additional odors anticipated. Operation plan states that short-term renters will be directed to leave garbage in the unit for management to handle, resulting in reduced external garbage odor and bear concerns.

d. Hours of operation: Applicant indicates primary activity between 8 AM and 5 PM. Residents can be expected to be in the units throughout the day and night, same as long-term residents.

e. Location along a major or collector street: Halibut Point Road to private drive. The drive is unmarked and narrowly developed, although it only serves three lots.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: No cut through scenarios, although the unmarked drive may result in renters turning down incorrect driveways.

g. Effects on vehicular and pedestrian safety: Lost renters could create some vehicular/pedestrian safety concerns as they try to find the unit. Detailed directions in the rental overview are required in the conditions of approval.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Same as for a long-term rental unit. Parking in the drive could potentially result in difficulty accessing properties, although this is already occurring.

i. Logic of the internal traffic layout: Three properties utilize a private drive from Halibut Point Road.

¹ § 22.24.010.E

j. Effects of signage on nearby uses: No proposed signage at this time. Any future signage must comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Foliage provides buffers on two sides and mutual storage provides buffering on the third side. Because of the reduced setback and since the rental unit is located on the northwesterly side of the property, foliage or fence buffering along the property line with 1972 Halibut Point Road shall be conditioned to remain in place for the duration of the conditional use permit.

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 Section 2.6.2(K) which supports the development of short-term housing that does not negatively impact residential neighborhoods by permitting a new short-term rental with on-site owners who can monitor for concerns.

m. Other criteria that surface through public comments or planning commission review:

Bears have been a concern in this neighborhood. Conditions of approval require adherence to city code regarding garbage management and that the owners inform renters of proper procedure.

Short-term rentals can result in an increase in long-term rental rates.

RECOMMENDATION

It is recommended that the Planning Commission consider the pros and cons of approving the conditional use permit application for a short-term rental at 1960 Halibut Point Road.

.....

Motions in favor of approval:

1) I move to find that:

1. ...The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare *specifically, that access, traffic, and bear concerns shall be mitigated through provision of a detailed rental overview;*
 - b. Adversely affect the established character of the surrounding vicinity *specifically, that the unit is already operational as a long-term rental unit, and on-site owners can monitor for noise concerns;* 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, *specifically, that the property is required to comply with requirements for utilities and parking.*

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, conforms to Comprehensive Plan Section 2.6.2(K) which supports the development of short-term housing that does not negatively impact residential neighborhoods by permitting a new short-term rental with on-site owners who can monitor for concerns;*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically, that a rental overview will outline proper procedures for renters at the outset of the trip, and the Planning Commission shall review the permit upon receipt of meritorious complaint.*²

2) I move to approve the conditional use permit application for a short-term rental at 1960 Halibut Point Road subject to the attached conditions of approval. The property is also known as Lot 3 Chapman Subdivision. The request is filed by Richard Wichman. The owners of record are Marie and Richard Wichman.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. 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 been rented over the twelve month period starting with the date the facility has begun operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed

² § 22.30.160.C – Required Findings for Conditional Use Permits

on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.

8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.

9. Any signs must comply with Sitka General Code 22.20.090.

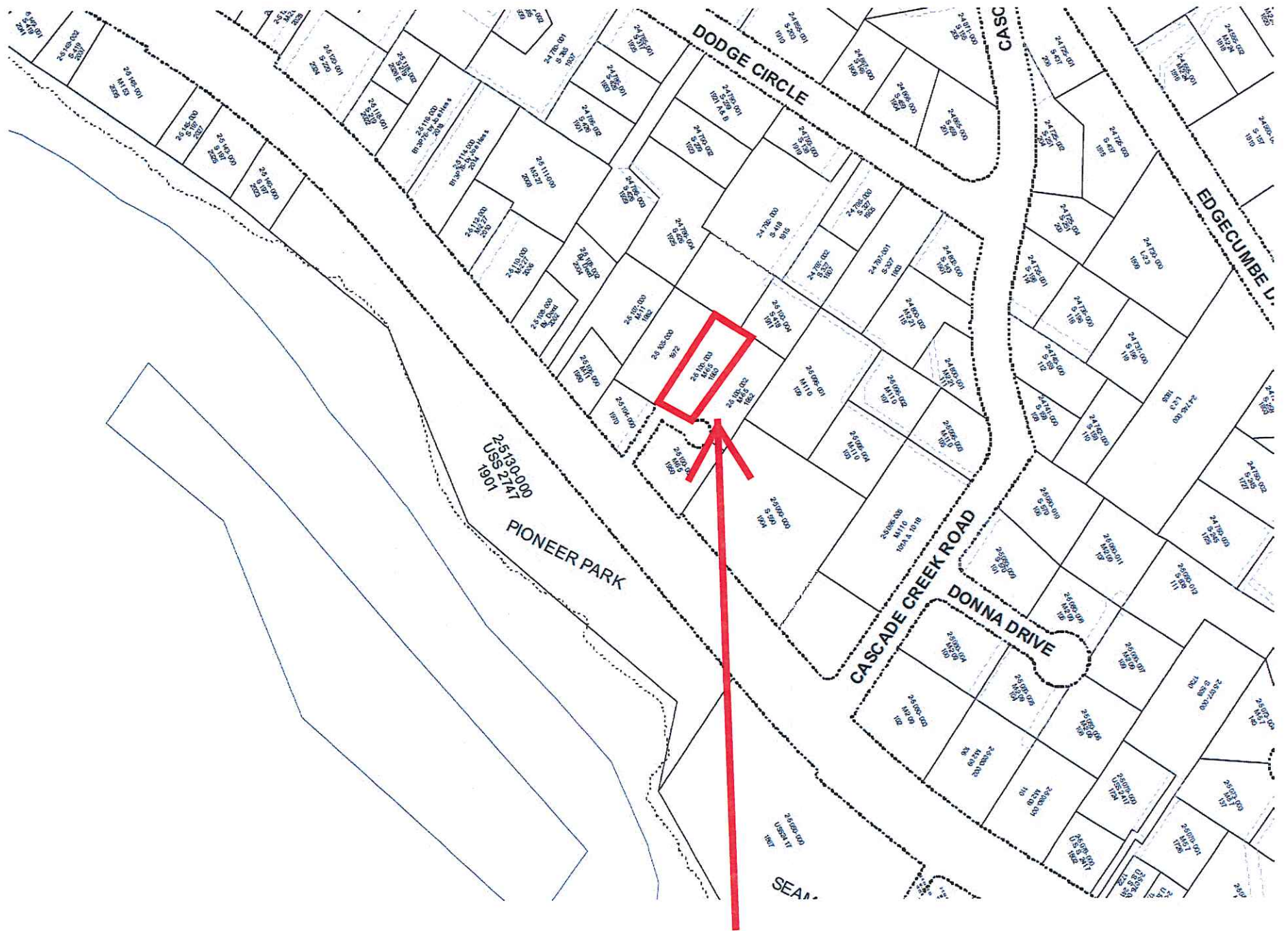
10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.

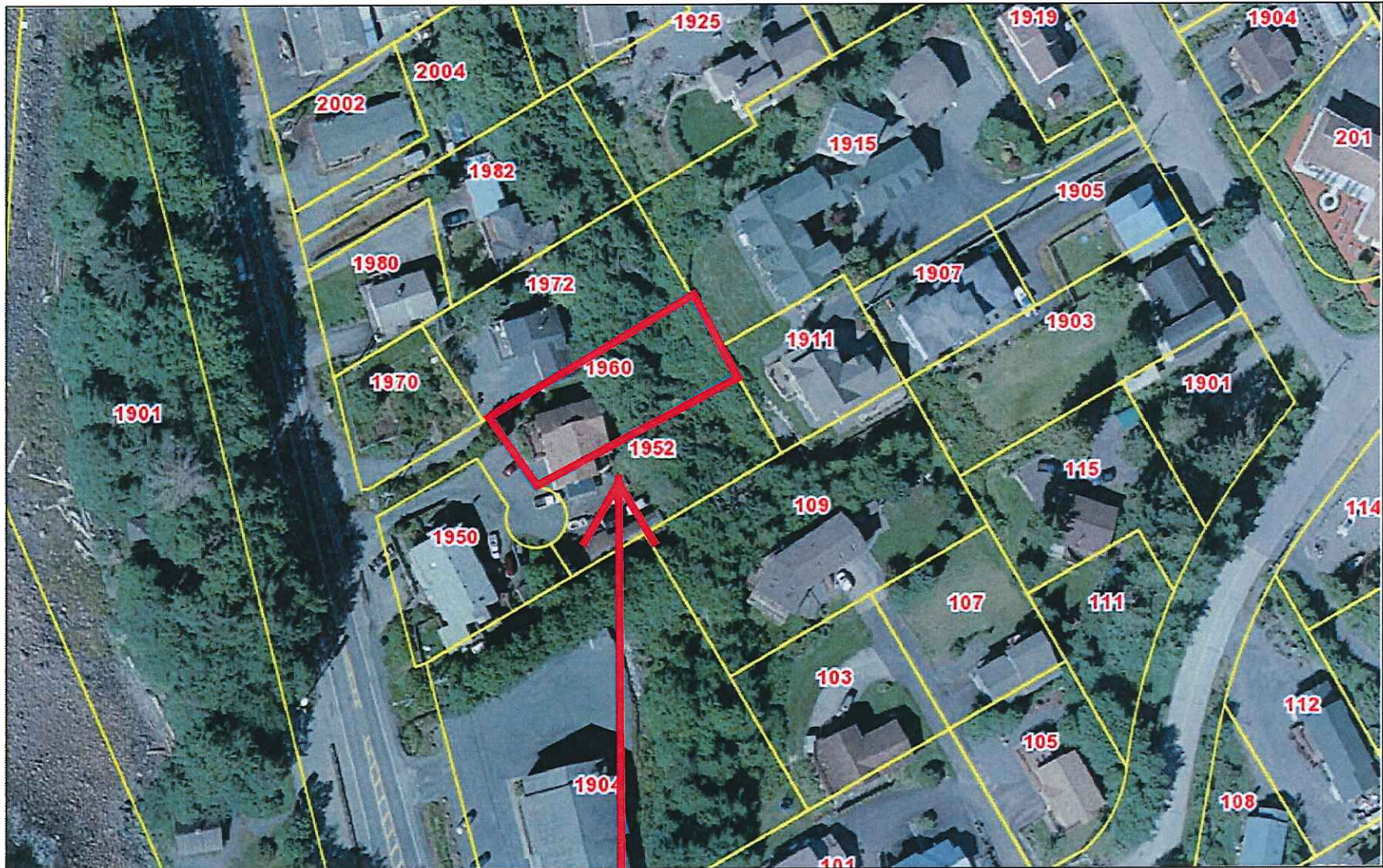
11. Because of the reduced setback and since the rental unit is located on the northwesterly side of the property, foliage or fence buffering along the property line with 1972 Halibut Point Road shall remain in place for the duration of the conditional use permit.

12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.

13. The carport encroaching on 1952 Halibut Point Road shall be removed upon the request of the owner of 1952 HPR or upon sale of either property. Costs will be borne by the owner of 1960 HPR.

13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

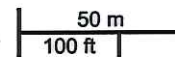




City & Borough of Sitka, Alaska

Selected Parcel: 1960 Halibut Point Rd ID: 25100003

Printed 12/22/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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.



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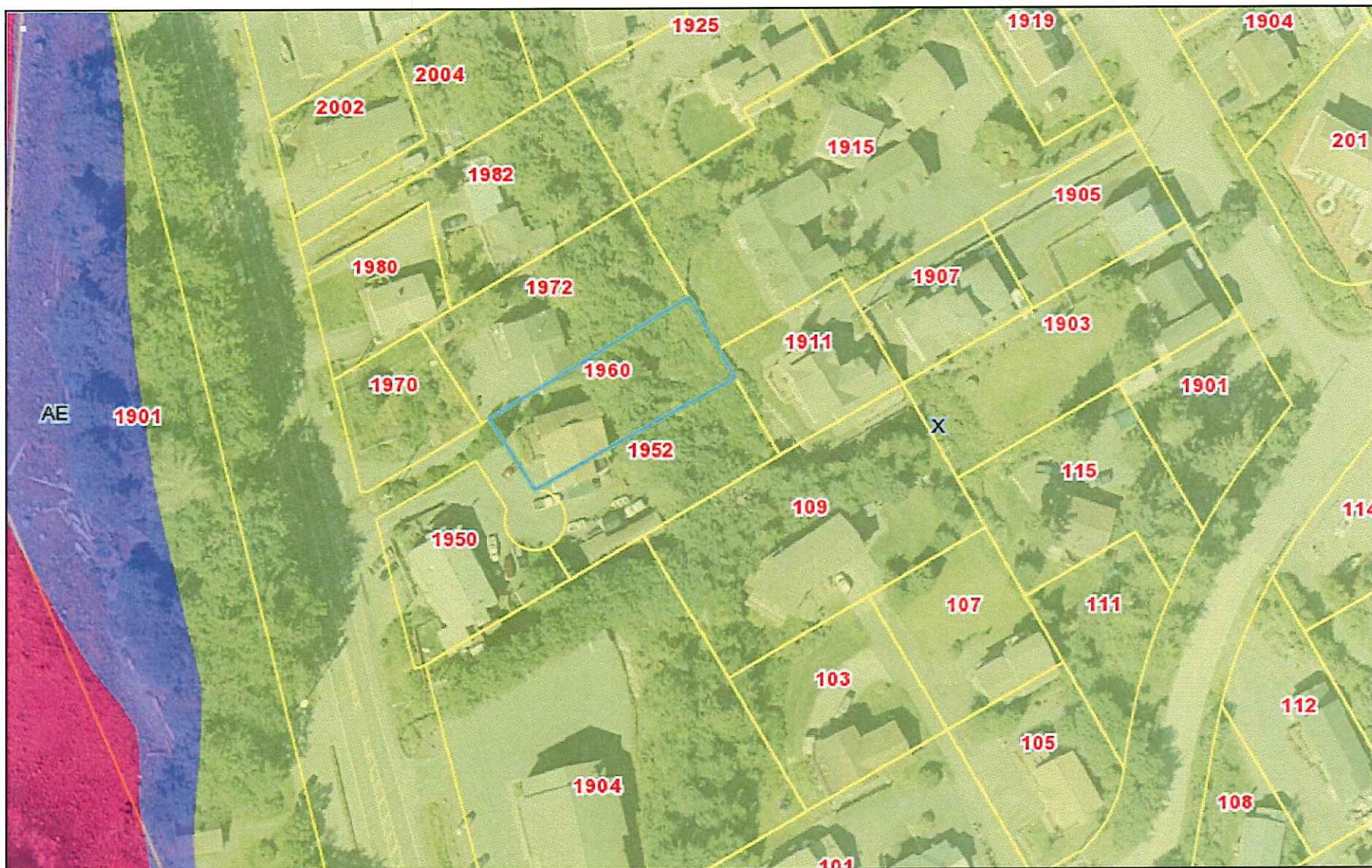
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50 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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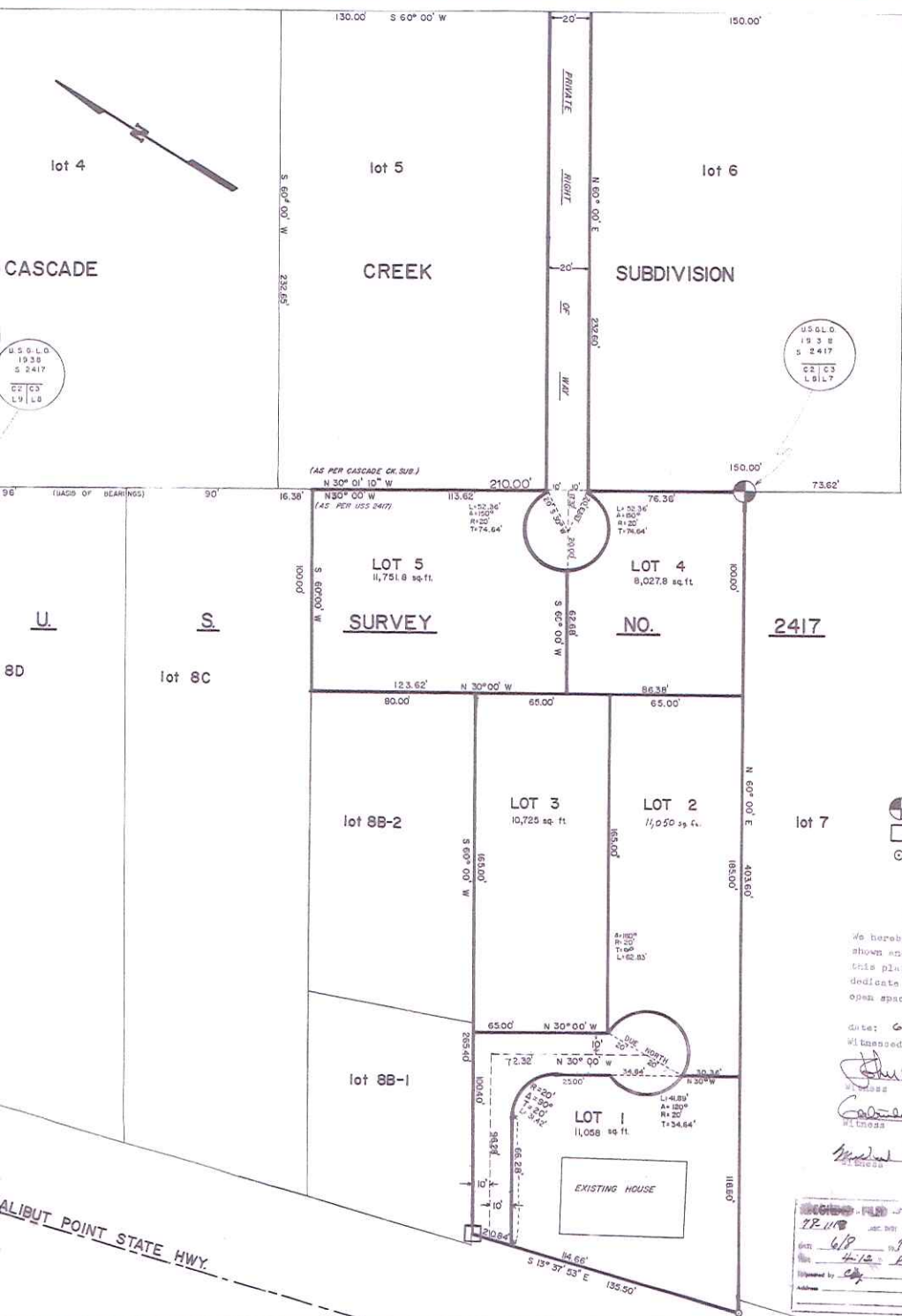
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50 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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NOTARY'S ACKNOWLEDGMENT

STATE OF ALASKA
ss:
First Judicial District

This is to certify that on this 8 day of June
1978, before me the undersigned notary public
in and for the state of Alaska duly commissioned
and sworn as such appeared GEORGE R. CHAPMAN
NANCY C. MCGRAW & CHARLES MCGRAW

to me known to be the persons who executed the
foregoing certificate and acknowledged to me that
they executed said certificate freely and volunt-
arily for the purposes herein mentioned.

In witness thereof, I have hereunto set my hand
and official seal the day, month and year first
above mentioned.

Paul S. Holman
NOTARY PUBLIC FOR ALASKA

My commission expires: 10/11/79

CERTIFICATE

STATE OF ALASKA
ss:
First Judicial District

I, the undersigned, being duly appointed and qualified
and an acting assessor for the City and Borough of
Sitka do hereby certify that according to the records
in my possession, the following described property is
carried on the tax records of the City and Borough of
Sitka as:

DESCRIPTION:

Lot 8-A and Lot 8-B-3
U.S.S. 2417

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: that
current taxes for the year 1977 are paid in full.

Dated this 25 day of MAY, 1978

John C. Stein
Assessor, City and Borough of Sitka

CERTIFICATION OF APPROVAL BY THE BOARD

I hereby certify that the subdivision plat shown hereon
has been found to comply with the subdivision regulations
of the City and Borough of Sitka Planning Board, and
that said plat has been approved by the Board by Plat
Resolution No. 77-12 dated DEC 26, 1976 and the
plat shown hereon has been approved for recording in
the office of the District Magistrate, EX-OFFICIO
RECORDER, Sitka, Alaska.

dated 24 MAY, 1978

attest

Robert Olmsted
Chairman, Planning Board

Edmund O. Donnell
Secretary

LEGEND

- ☒ U.S. General Land Office U.S. Monument
- ☐ State of Alaska, Dept of Highways r/w Mon.
- ☒ B.C. MON. set this survey

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are owners of the property
shown and described hereon and that we hereby adopt
this plat of subdivision with our free consent, and
dedicate all streets, alleys, walks, parks, and other
open spaces to private or public use as noted

date: 6 JUNE 1978

Witnessed by:

John C. Stein
Charles McGraw
Nancy C. McGraw
George R. Chapman

Charles McGraw
Nancy C. McGraw
George R. Chapman

RECORDED - FILED
JUN 11 1978
DATE: 6/11/78
BY: PLM
WITNESSED BY: PLM
ADDRESS:

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I hereby certify that the subdivision plat shown
hereon has been shown to comply with the subdivi-
sion regulations of the City and Borough of
Sitka, and that said plat has been approved by
the assembly as recorded in the minutes book 4,
page 1, dated MARCH 8, 1977 and that the
plat shown hereon has been approved for recording
in the office of the District Magistrate, EX-
OFFICIO RECORDER, Sitka, Alaska.

Date: 3/11/77

attest

John C. Stein
City & Borough Clerk

2/19/77
Date

SURVEYOR'S CERTIFICATE

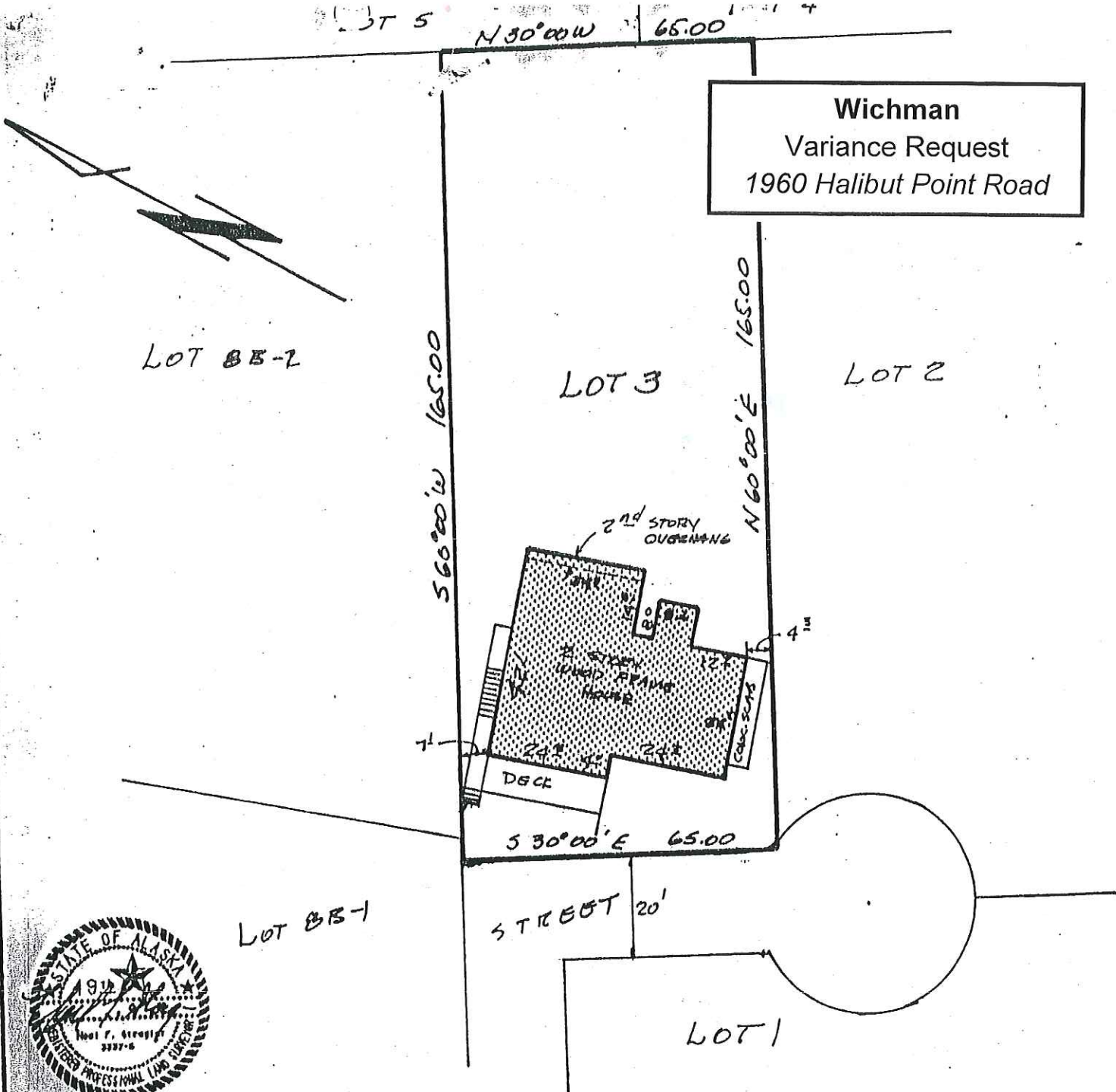
I HEREBY CERTIFY THAT I AM A REGISTERED
AND THAT THIS PLAT REPRESENTS THE
OR UNDER MY DIRECT SUPERVISION AND
SHOWN HEREON ACTUALLY EXIST AS SHOWN
ALL DIMENSIONS AND OTHER DETAILS



CHAPMAN SUBDIVISION
A SUBDIVISION OF LOTS 8A AND 8B-3 OF
SITKA, ALASKA

JOB NO. 54-76	NOTE
DATE: 1/30/77	SCALE
PREPARED FOR GEORGE R. CHAPMAN BOX 151A SITKA, ALASKA	
PREPARED BY N. P. MIHALOW BOX 1613 SITKA, ALASKA	
SURVEYED BY: N.P. MIHALOW	DRAWN
TRACED BY:	CHECKED

plat 78-16



I hereby certify that I have inspected the following described property: LOT 3
CHAPMAN SUBDIVISION, Sitka Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property adjacent thereto, that no improvements on the property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or other visible easements on said 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 establishing boundary or fence lines. Dated at Sitka, Alaska this 20TH day of NOV 1991.
Clark F. Stragier, Surveyor

AS-BUILT PLOT PLAN

LOT 3
 CHAPMAN SUB D



STRAGIER
 ENGINEERING SERVICES, INC.
 504 DeGroot St.
 SITKA, ALASKA 99035
 (907) 747-5833

AS-BUILT PLOT PLAN

Scale 1"=30'
 Job No. _____
 Date 11.20.91
 Field Book _____

PREPARED FOR:
 CITY MORTGAGE CORP./RUSSELL
 121 W. FIRSWOOD, SUITE 120
 ANCHORAGE, AK
 99503

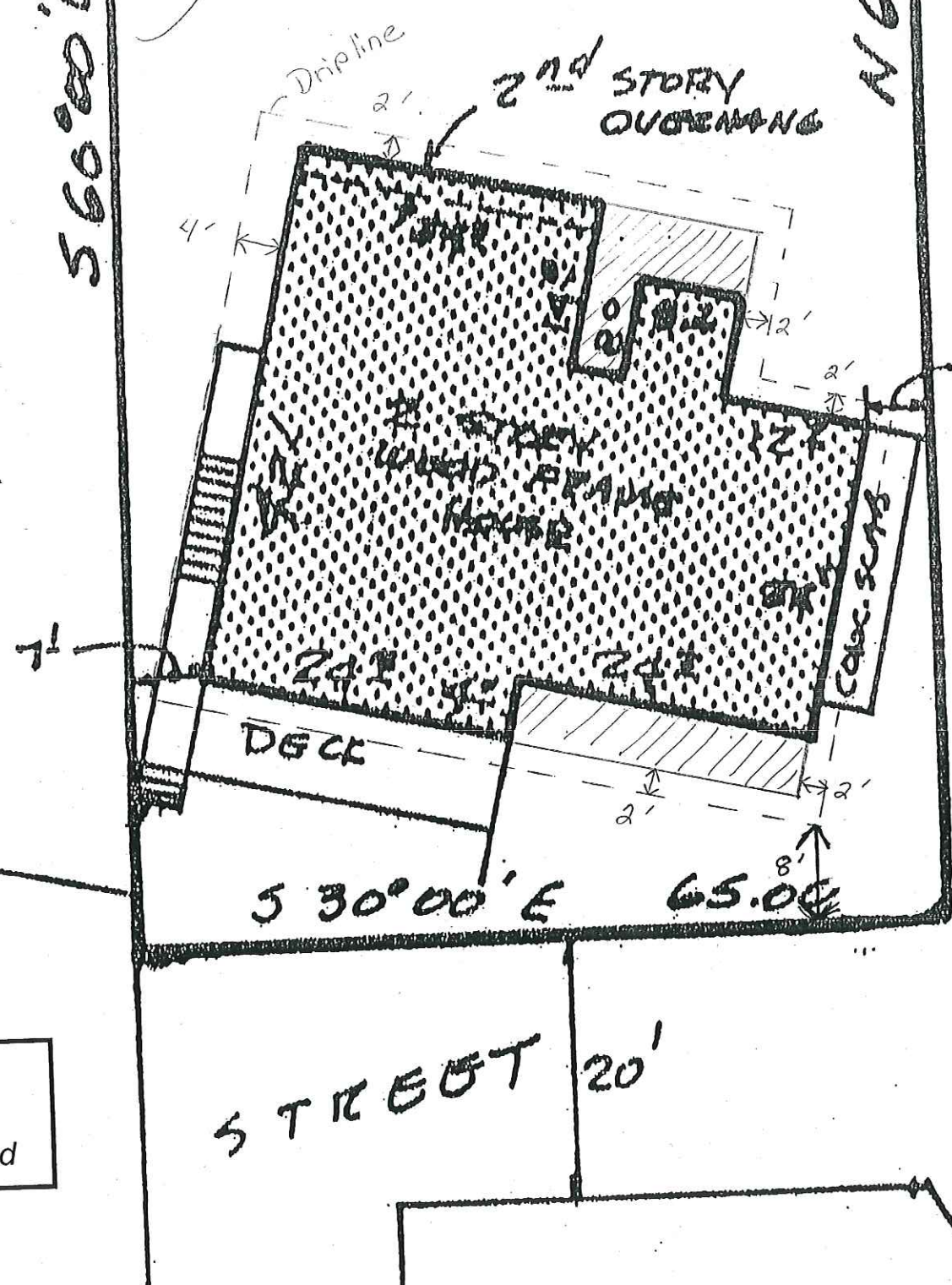
5-2

560'00" W 165'00"

16
N 60'00" E 16

Proposed Addition over Garage
2nd Floor
LOT 3

steep hillside in back of house

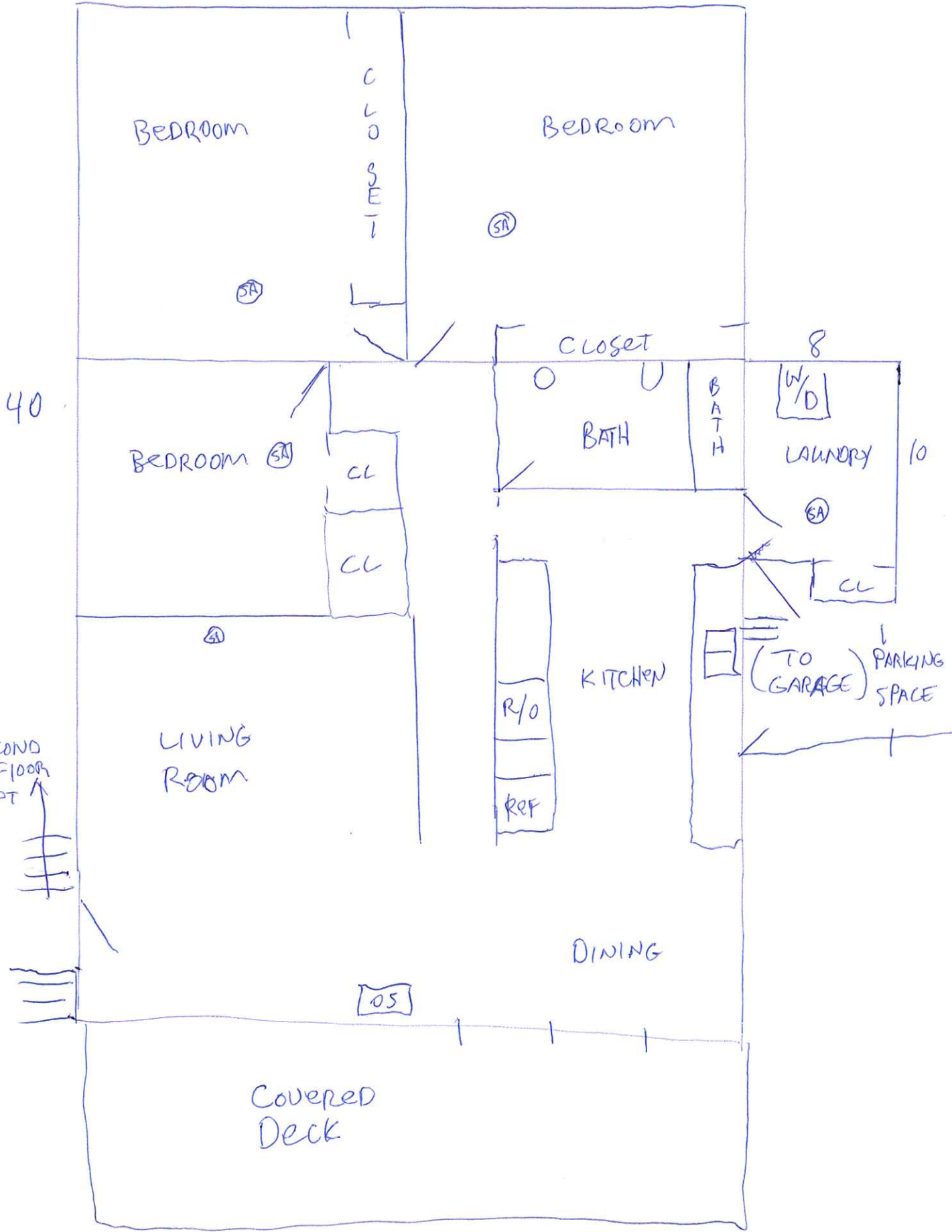


Wichman
Variance Request
1960 Halibut Point Road

24

40

SECOND FLOOR
APT



6 PARKING SPACES





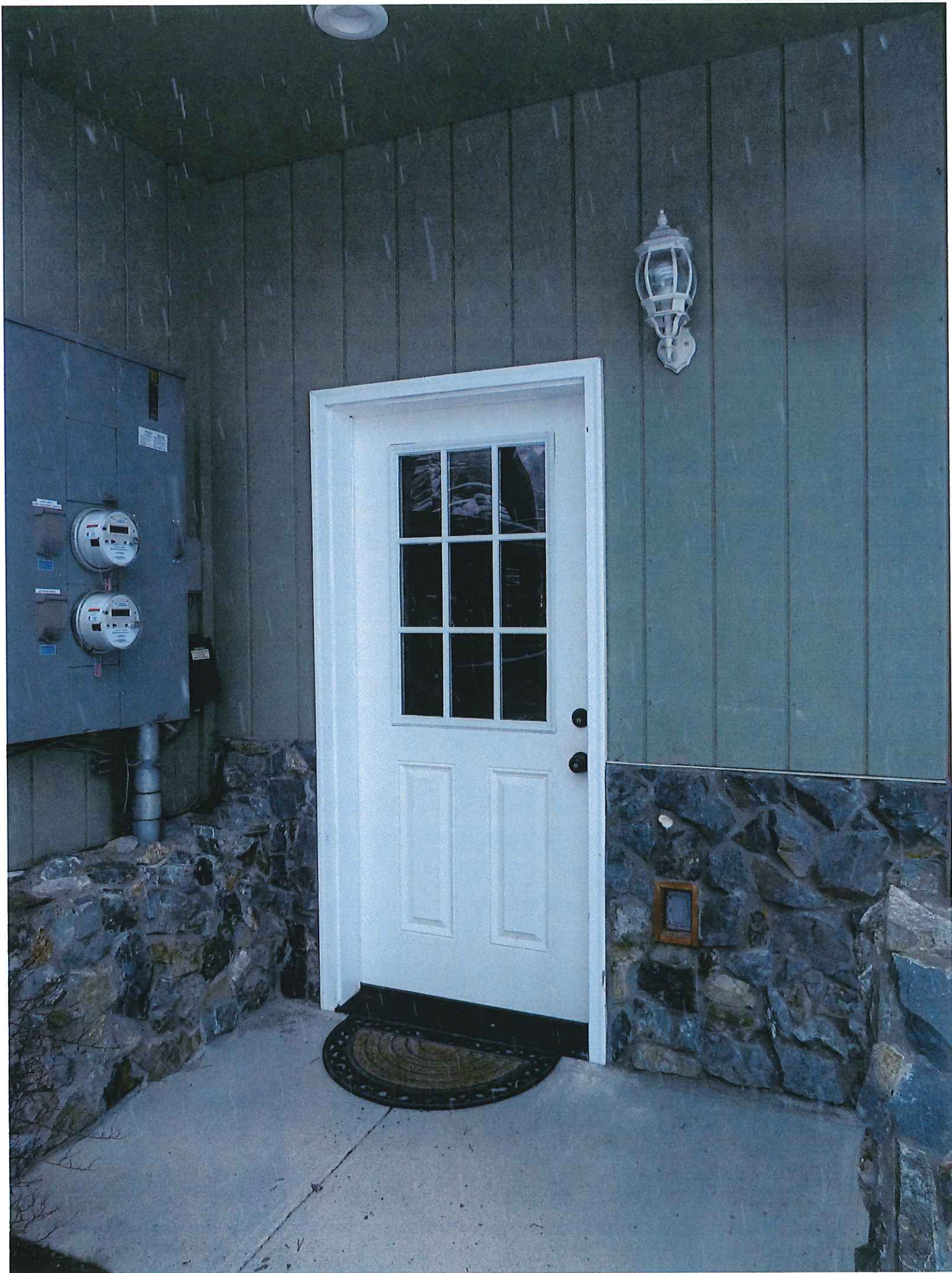




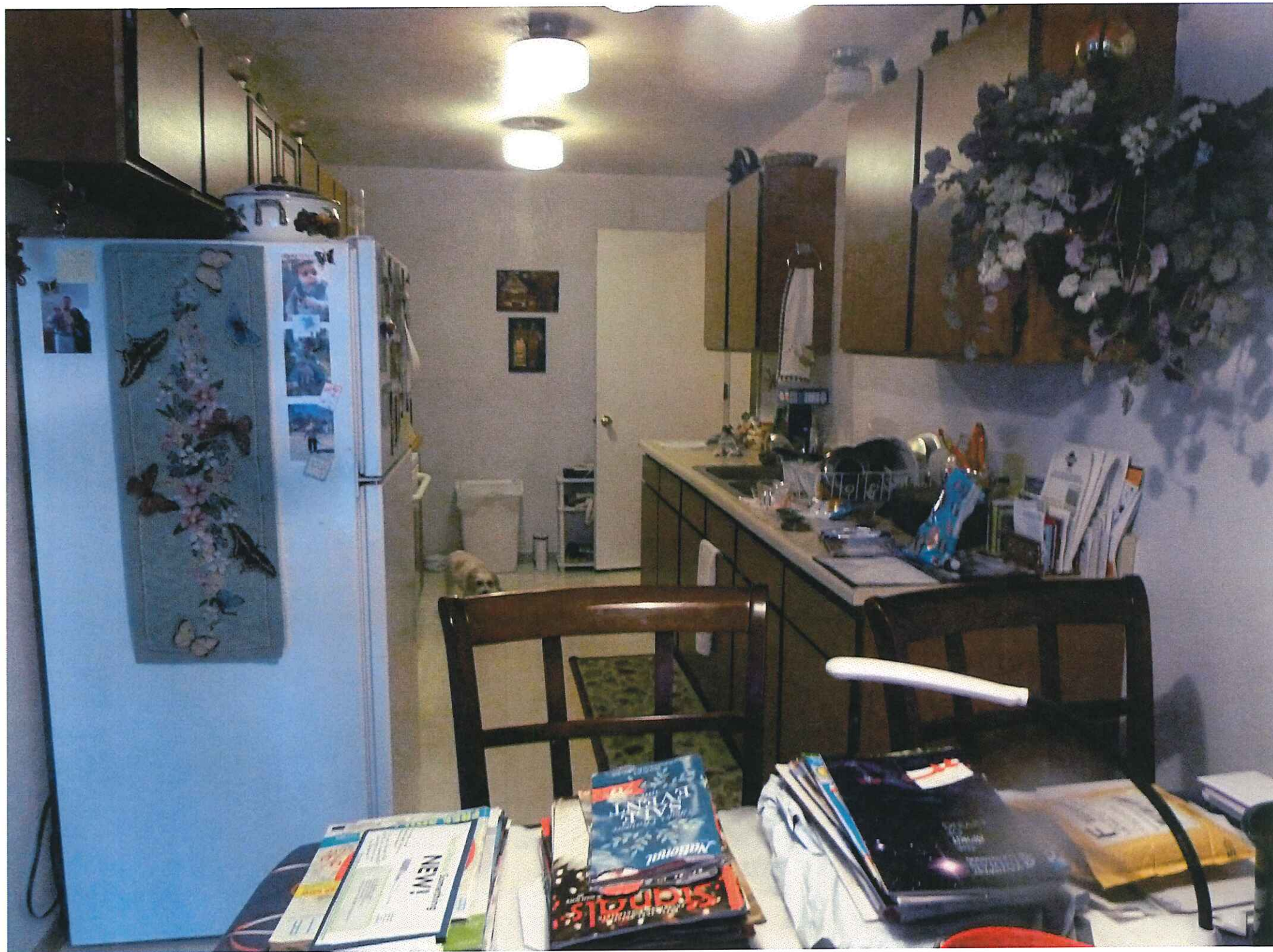


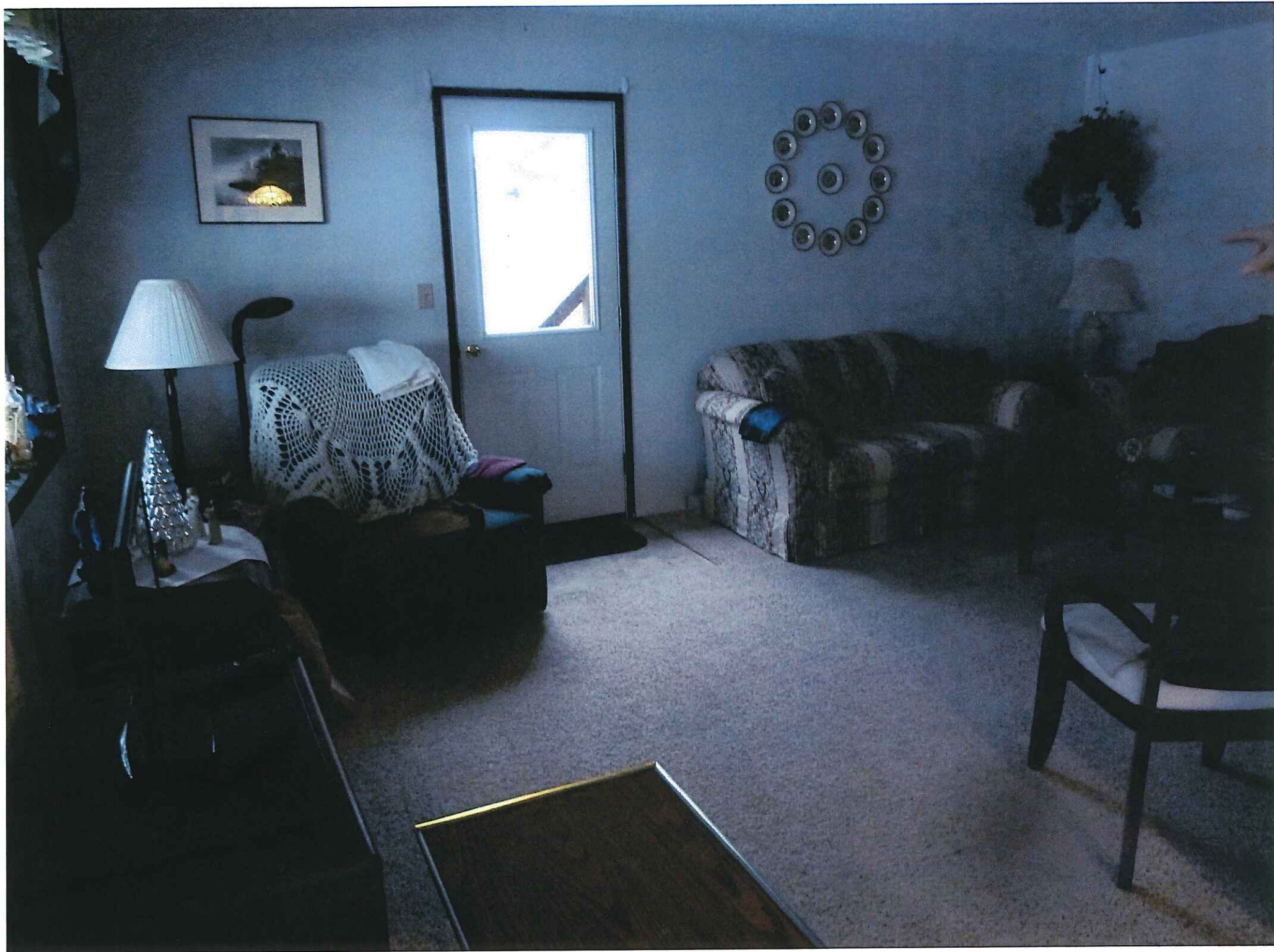


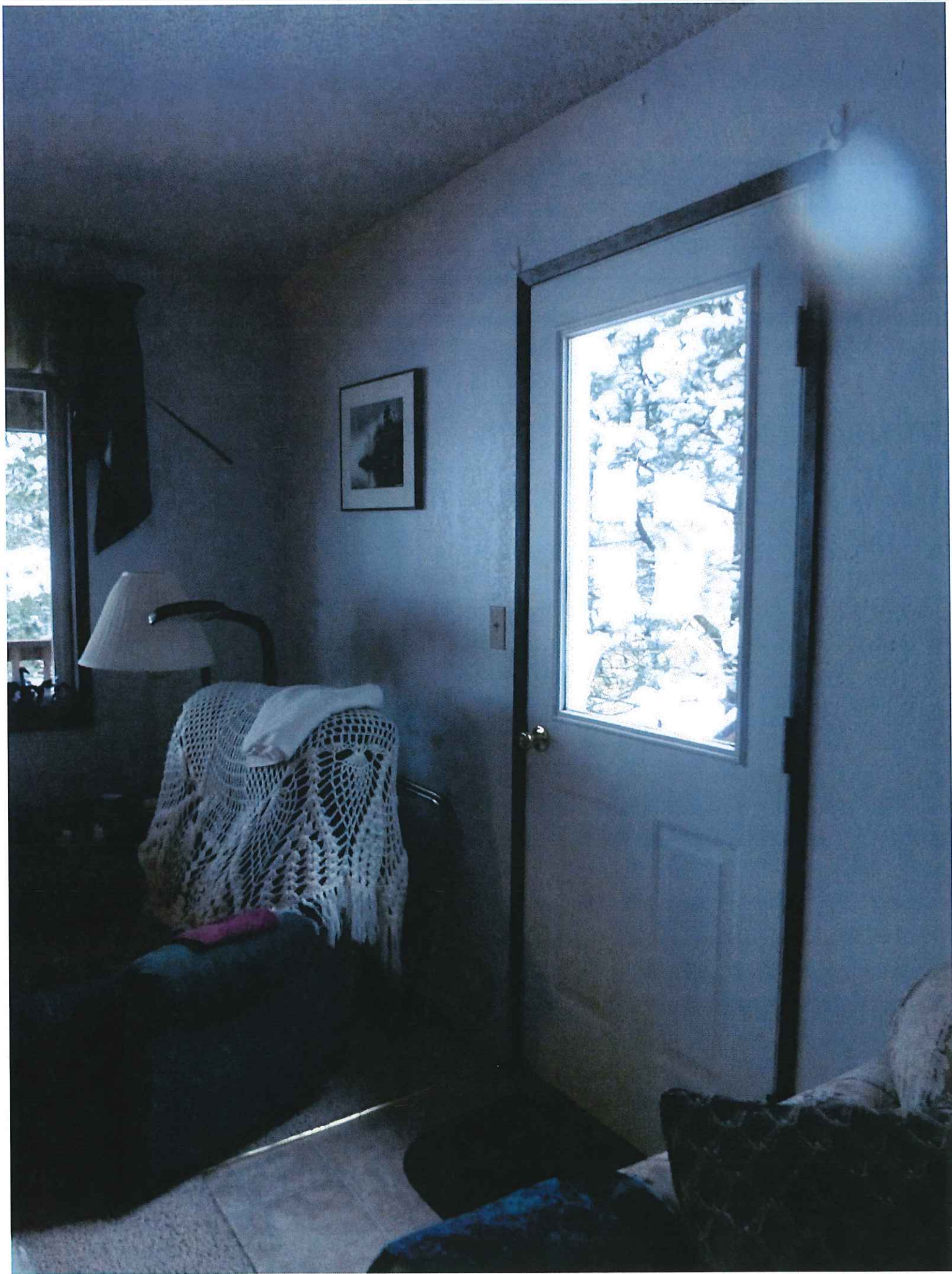






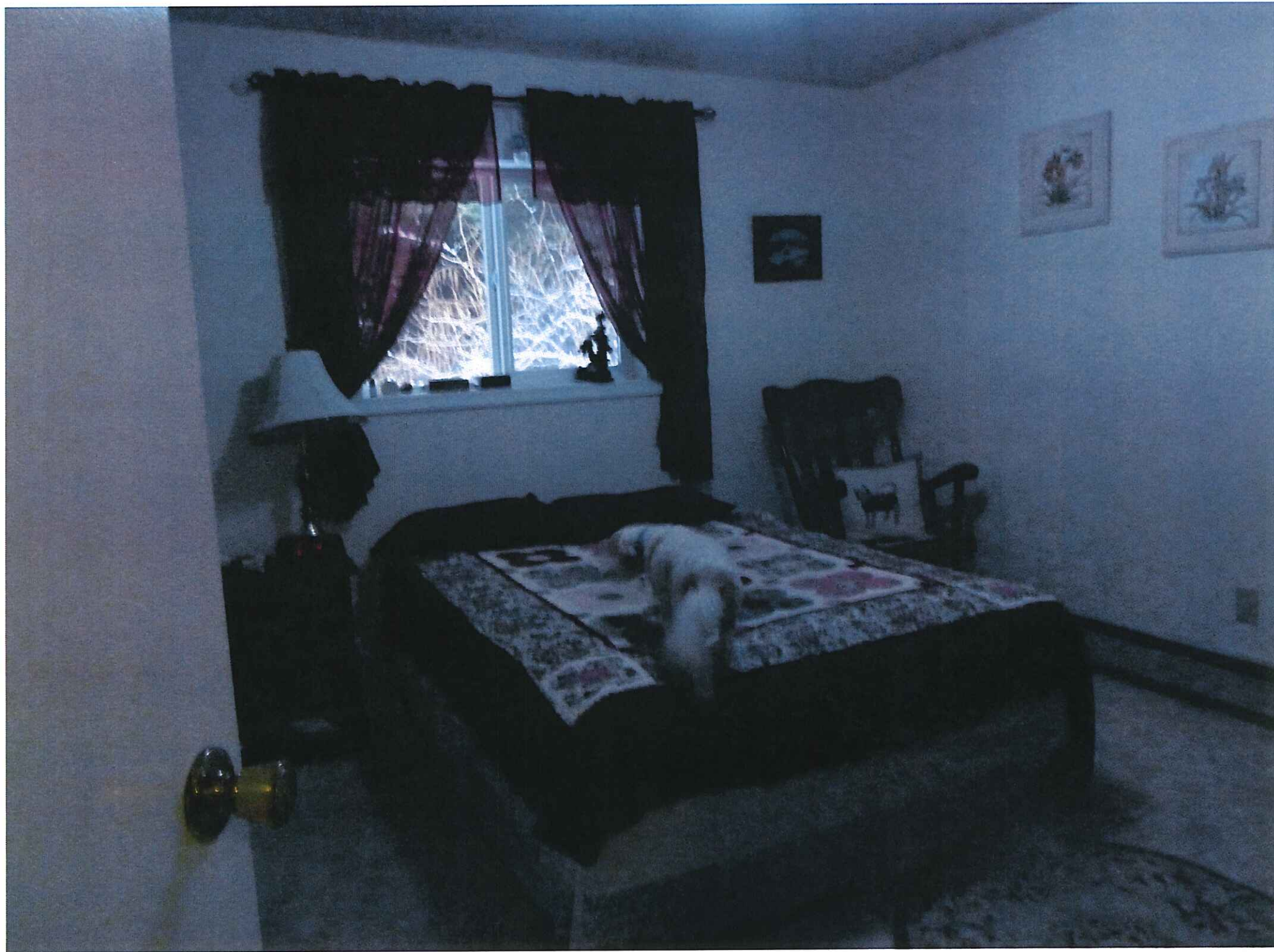


















CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

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: SHORT TERM RENTAL

PROPERTY INFORMATION:

CURRENT ZONING: R-1MH PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): RESIDENTIAL PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: WICHMAN, RICHARD

PROPERTY OWNER ADDRESS: 1960B HALIBUT POINT RD, SITKA AK 99835

STREET ADDRESS OF PROPERTY: 1960-A HALIBUT POINT RD, SITKA AK 99835

APPLICANT'S NAME: WICHMAN, RICHARD

MAILING ADDRESS: 1960B HALIBUT POINT RD, SITKA AK 99835

EMAIL ADDRESS: FROGFEET2@GMAIL.COM DAYTIME PHONE: 907-738-7862

PROPERTY LEGAL DESCRIPTION:

TAX ID: 25100003 LOT: 3 BLOCK: _____ TRACT: (PLAT 78-16)

SUBDIVISION: CHAPMAN (SUB OF LOTS 8A & 8B-3) US SURVEY: 2417

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

12-18-2017

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

Management:

The property will be professionally managed by Sitka Sound Vacation Rentals, as an onsite-owner short-term rental property. Policies and procedures will be implemented to manage guests with as little impact to the surroundings as possible.

Odors/Bears:

Particular measures to deter bear attraction will be taken, such as garbage storage within the rental until it can be removed by the manager or owner no earlier than 4am on designated garbage days, and garbage management instructions that will be included in the rental contract and onsite instructions.

Parking:

All parking for all uses (residential or short-term rental) shall be limited to on-site parking, as there are 6 spaces to accommodate such uses.

Hours of Operation:

8am-5pm

Signage:

No proposed signage.

Noise:

Noise will be mitigated through eviction if necessary and explicit contract language addressing the issue.

1/09/2018

I have given Richard Wichman permission to use approximately 8 - 12 feet of my property to store his boat with a temporary boat port. The boat port will be disassembled and removed by Mr Wichman at my request, the cost will be incurred by him. The property will remain mine regardless of the time he has occupied it.

Frank Kimball
1952 Halibut Point Rd
Sitka, Alaska 99835

