

**CITY AND BOROUGH OF SITKA  
PLANNING AND ZONING COMMISSION  
Minutes  
November 18, 2002**

**PRESENT:** All Commissioners - Chair Mike Reif, Vice Chair Kevin Creek, Pat Hughes, Bob Goss, Don Alexander; Planning Director Wells Williams, Municipal Engineer Rich Riggs, Public Works Director Hugh Bevan, Assembly Liaison Doris Bailey, Secretary Libby DeArman.

**PUBLIC:** Bill McNally, Jerry Tisher, Fred Knowles, Laurie Adams, Arlene Discher, Kim Hansen, Mike and Kelly White, Tim Eddy, Sitka Sentinel Reporter Christine Lesh.

The meeting was called to order by Chair Reif at 7:00 p.m. The minutes of November 4, 2002, were approved as written.

**OLD BUSINESS:** None.

**NEW BUSINESS**

Variance

612 Sawmill Creek Road

Jerry Tisher

Following a contentious public process, a variance was previously granted for Tisher to build a shed. A covered storage area was added to the shed that was not shown on plans so the Planning Department sent Tisher an enforcement letter, and Tisher applied for variances to include this covered storage area, a covered hot tub, and an increase in lot coverage to 40%.

Staff recalled that this property was before the Commission in the past, so the Commission is fairly familiar with it. He did describe the property again, using the overhead projector to display the changes to the property. Harbor Hair is operated out of the property facing Sawmill Creek Road, and expansion has been toward the rear of the property, with variances being granted for a reduction in the rear setback in the past. A covered area (a carport-type structure) was added to the shed which follows the same line as the shed. The Planning Department sent an enforcement letter to Tisher stating that this did not conform to the conditions of the variance approved because all variances are binding on site plans submitted with the packet.

Reif expressed surprise that Tisher added something to the shed, which was approved after much dissension with neighbors. Tisher stated he had followed bad advice and did not think this would be a problem. He said the purpose of the covered shelter is to protect four-wheelers.

Creek asked about the height of the shelter, and Tisher said it follows the roof line of the shed down, and is about two feet down from the peak.

It was asked if the hot tub could be moved to the rear of the house, and Tisher said this would not work, as both of their cars are parked in the rear. He said he just got the hot tub in and wants to put a cover over it. The hot tub is 33 inches tall, and will be just above the fence line. He will not extend the covered area more than a foot or so around the hot tub. If the variance is denied, he said it would be easy to bring this into compliance with grade. He added that the hot tub needs a cover to keep debris out of it, and if he cannot put a cover over it he will have to cut down at least one tree, which he does not want to do, as there are few good-sized trees in the neighborhood.

McNally (who lives at 608 Sawmill Creek Road) said he cannot see the shed from his home. He said his concern was that the structure would go up another story. Since that is not the case, he has no objections.

Knowles shares a property corner with Tisher (611 Biorka Street). He was involved in the last variance process, his concern being the height of the shed affecting the view plane. His major concern with Tisher's request was that during the last variance process, his concern had been whether further structures and variances would be coming on

## PLANNING & ZONING COMMISSION

November 18, 2002

Page 2

the heels of that one. His understanding was that no more construction was planned. He said that in principal he has no objections to owners improving their lots, but was surprised that more is planned after the last variance process was completed. He asked, if people first put in structures and then apply for variances, whether this sets a precedent so that this essentially becomes the de facto way of doing business. Reif asked whether, if Tisher had gone through the standard variance process before putting up the shed, Knowles would have an objection to the variance being granted, and Knowles answered that, again, he had assumed that a precedent was set with the last variance process, when everyone took their time to "hash this out." He said that the process had been pretty clear, that everyone affected would be consulted and considered, and that future actions would be taken in the same manner. So, the current scenario to him is backwards from how it should have been, and said he would like to understand how things work. Reif said that in the old code, there was a section where a person would ask for "forgiveness" rather than "permission," but that has since been taken out of the code. Reif said that Knowles does understand the process, and the Board frowns upon requests such as Tisher's, as it is backward. Goss asked again whether, if the correct process had been followed, Knowles would have objected to approval of this, and Knowles said he did not object.

Staff added that the philosophical questions raised by Knowles come up from time to time, and the Planning Department does not attempt to guide the Commission on this, as this is a policy issue for the Commission. Staff provided possible motions with findings in concordance with the code in the packet for a ruling to approve or, if that failed, to deny the variances.

**MOTION** by Hughes to grant three variance requests filed by Jerry Tisher to: 1) Reduce the rear setback to six (6) feet for an open covered storage area, 2) Reduce the side setback to four (4) feet for a hot tub cover, and 3) Increase the lot coverage to 40% at 612 Sawmill Creek Road. The property is also known as Lot 5, Block 22, Sitka Townsite, USS 1474. **APPROVAL** is with the findings that: 1) There are special circumstances applicable to the property that do not apply generally to the other property in the same vicinity or zone such as the small size of the lot; 2) The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone but which because of special circumstances is denied to the property in question; 3) The granting of such variance will not be materially detrimental to the public welfare of injurious to the property or improvement in such vicinity and zone in which the subject property is located; 4) The granting of such variance will not adversely affect the Comprehensive Plan. General Comprehensive Plan policy 2.4.1 applies that encourages the efficient use of land that maintains a small town atmosphere. **PASSED 4-1, with Reif opposed.**

Minor Subdivision Concept  
2017/2101 Sawmill Creek Road  
Tim Eddy

Eddy is proposing a five lot minor subdivision across from Shotgun Alley on upland side of Sawmill Creek Road.

Staff described the property, which is currently wooded. It is across Sawmill Creek Road from the LDS Church and Shotgun Alley. He described the drainage, and added that additional culverts may need to be put in, but nothing out of the ordinary. About the only way to get to Lot 1 is off the highway, so the lot cannot be served off the access until there is an easement. The grade is fairly gentle, a little over 7% according to the surveyor. There is plenty of room to spare for access easements. This property is zoned R-1 Low Density and Mobile Home. Staff said that this is a fairly straightforward subdivision. Staff state that this is the first subdivision to be planned since the new zoning code was approved that involves lot area requirements being net of access easements.

Eddy clarified that some marks on the map represent boulders, not structures. He clarified the drainage plans to get drainage to the ditch on the side of the road, so that it does not "meander" through the lots. The access begins 35 feet wide and narrows to 20 feet. There will be a 20 foot road and a 15 feet separation between the road and the property lines, as well as separating neighboring property lines.

## **Tisher Variances – Act II**

November 18<sup>th</sup>, 2002

As board members will recall, Jerry Tisher was issued a variance for a shed for his property at 612 Sawmill Creek Road last February. This variance approval followed a lengthy, and contentious, public and private consensus building process involving Mr. Tisher and two sets of neighbors. An agreement was ultimately reached and the shed was built.

In addition to building the shed, a covered storage area was added onto the structure. This storage area was not shown on the plans submitted with the variance, was not approved during the variance process, and, violated the rear setbacks. Last month, an enforcement letter was sent to Mr. Tisher informing him that the covered storage area violated the conditions of the variance approval.

While the enforcement letter was not well received, Mr. Tisher apparently decided to apply for another variance to cover the added storage area. The variance request also covers the planned placement of a covered hot tub, and, an increase in the lot coverage.

The public process will indicate how the adjoining property owners feel about the requests. One adjoining property owner will likely not comment since she has long since tired of the neighborhood conflict. It is unclear how the most affected property owner will react who shares the common rear lot line.

In any case, the Planning will need to consider a motion approving the variance requests.

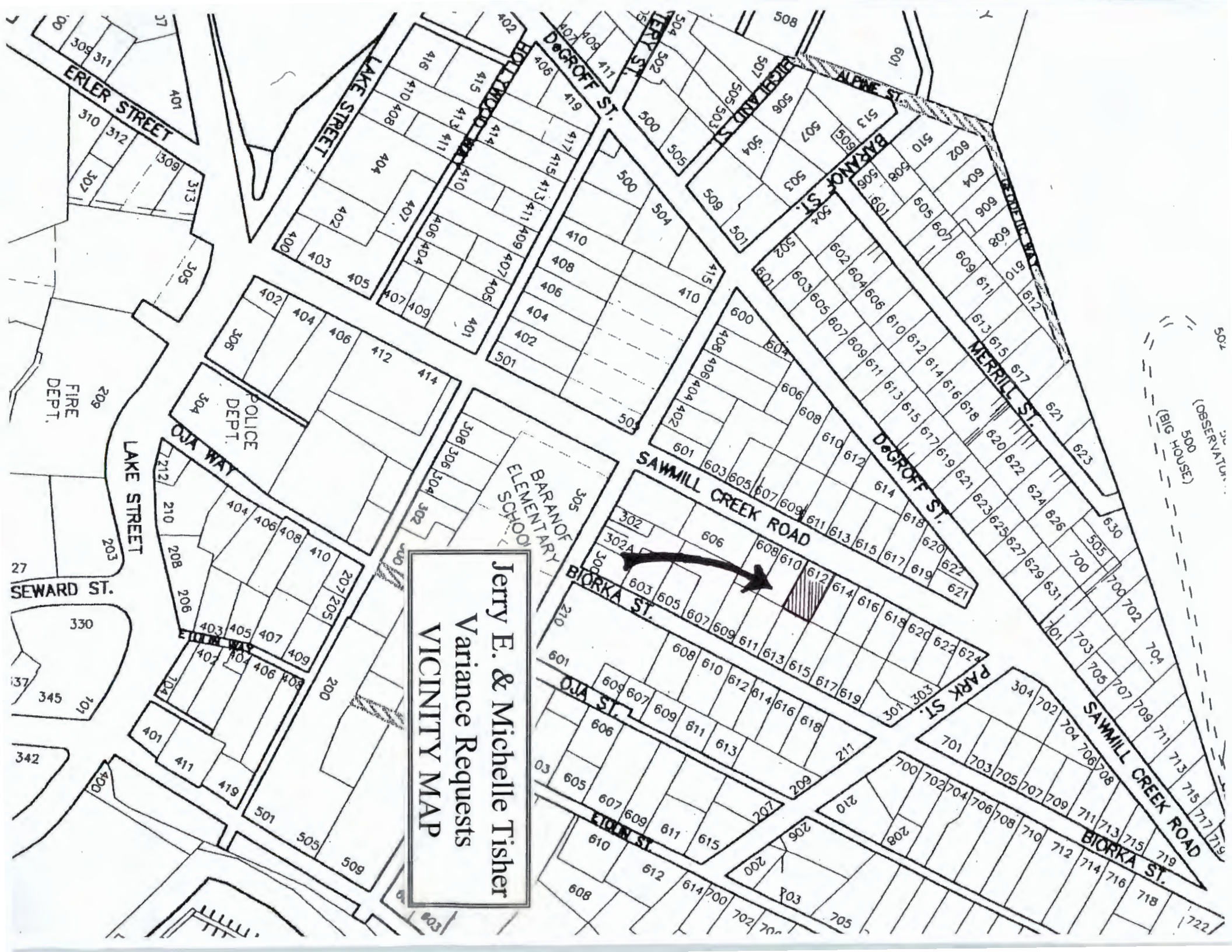
If the motion passes, a separate motion approving supporting findings would need to be made. Those findings are:

1. There are special circumstances applicable to the property that do not apply generally to the other property in the same vicinity zone such as the small size of the lot;
2. The variance is necessary for the preservation and enjoyment a substantial property right possessed by other property in the same zone but which because of special circumstances is denied to the property in question;
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;
4. The granting of such variance will not adversely affect the Comprehensive Plan. General comprehensive plan policy 2.4.1 applies that encourages the efficient use of land that maintains a small town atmosphere.

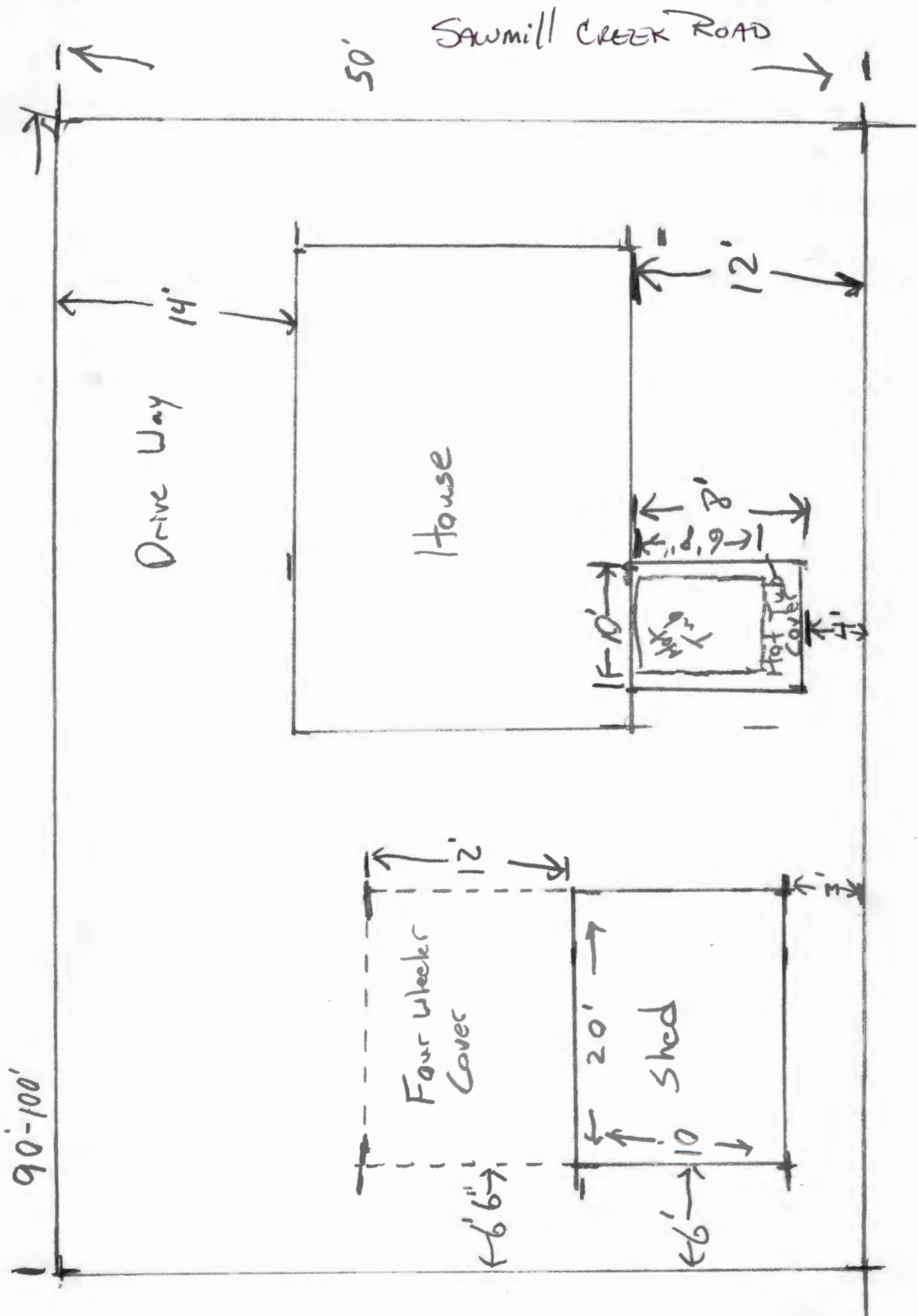
If the motion does not pass, a motion approving a different set of findings will need to be made that supports the denial of the variance. Those findings can include 1) the determination that the findings required by the zoning ordinance cannot be met, and, 2) there is evidence that the granting of the variance will be detrimental to adjacent properties.

*Note – As is always the case, the Planning Office has learned from this situation. Mr. Tisher argued that the Planning Office does not have authority to enter his property to inspect the structures. Language has subsequently been added to the variance and conditional use applications that, by signing the applications, the owners give permission to municipal staff to enter the property to make inspections. This language, added in consultation with the Municipal Attorney, was included even though we did not go onto the Tisher property during the course of the enforcement effort.*





Jerry E. & Michelle Tisher  
Variance Requests  
VICINITY MAP





10-24-02

To Whom it may concern?

I Jerry Tisher and My wife Michele T. Request a variance for an after the fact four wheeler awning that I have already built. I have recieved a letter to respond within 30 days from the city. I talked to Wells and I was not very friendly which I apologize for. The variance is for a 12' x 20' cover attached to a shed I have previously built. I built it without permission thinking it would be ok. Now I no better and I would like to leave it standing if possible. It helps me to protect an investment which I dont want to be out in the Rain and Weather if possible.

Also I have another problem we bought a hottub and would like to put a cover over it. the cover would be 8' x 10' and 4' from property line. I will put a gutter on the end so it doesnt drain into Nancy Rickets Yard

Thank You  
Jerry E Tisher  
J E T

CITY AND BOROUGH OF SITKA  
PLANNING DEPARTMENT  
VARIANCE APPLICATION

VARIANCE FEE \$75.00

Plus current city sales tax

APPLICANT'S NAME:

Jerry E Tisker

PHONE NUMBER:

(907) 747-0593

MAILING ADDRESS:

612 SMC

OWNER'S NAME:

(If different from applicant)

PHONE NUMBER:

MAILING ADDRESS:

PROJECT ADDRESS:

612 SMC

LEGAL DESCRIPTION:

Lot:

5

Block:

Subdivision:

U.S. Survey:

Zoning Classification:

SPECIFIC REQUEST:

(e.g. Reduction of front setback to 15' for a porch)

Variance For Awning and Hot tub Cover

REASON REQUEST IS BEING SUBMITTED:

(e.g. Existing porch is too small to provide adequate access)

not want fit in House and  
don't want to take up parking

DIMENSIONS of NEW CONSTRUCTION:

(Width, Length, Height above grade)

8' x 10' 12' x 20'

REASON PROJECT CANNOT BE BUILT WITHIN EXISTING SETBACKS:

(List alternatives that would comply with setbacks and why they are unworkable)

Not enough room

lot is only 90' x 50' very small

UNUSUAL CHARACTERISTICS of the PARCEL:

(e.g. Lot Shape, Topography, Streams)

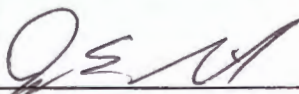
Small

HARDSHIPS that will be caused if the request is not granted:

For protection of 4 wheeler and  
Hot tub

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning & Zoning Commission's review for the purposes of inspecting the proposed and/or approved structures.

Signature of APPLICANT:



DATE:

10-29-02

Signature of OWNER:

(If different from Applicant)

DATE:



# SKETCH/AREA TABLE ADDENDUM

Case No 771

File No 13180000

Property Address 612 SMC

City Sitka

County Sitka

State Alaska

Zip

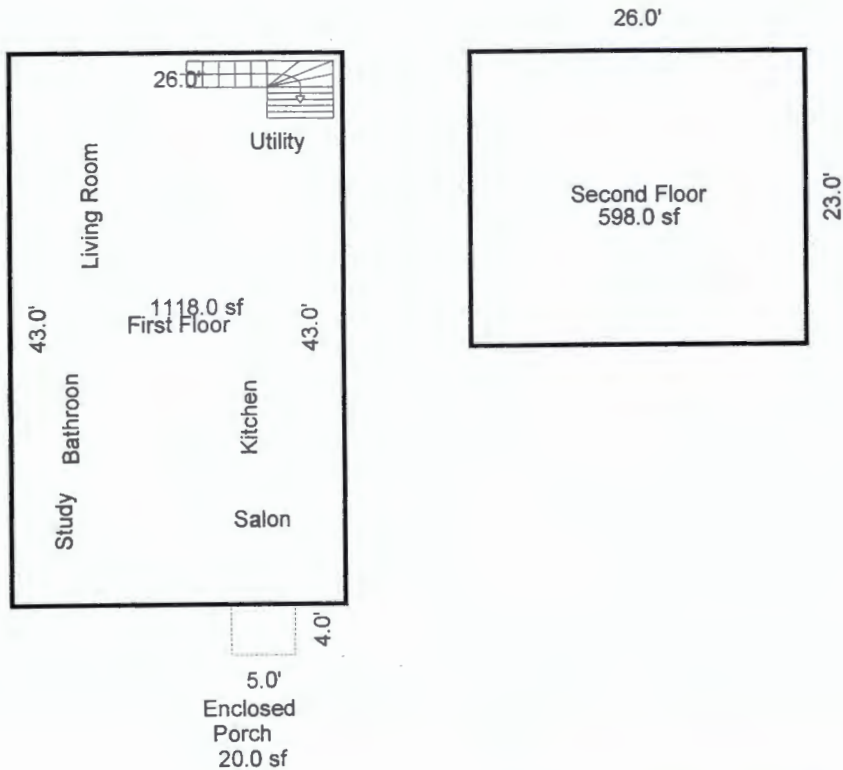
Borrower

Lender/Client

Appraiser Name

SUBJECT

IMPROVEMENT'S SKETCH



Scale: 1 = 15

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY					
Code	Description	Factor	Size	Perimeter	Totals
GLA1	First Floor	1.00	1118.00	138.0	1118.00
GLA2	Second Floor	1.00	598.00	98.0	598.00
P/P	Porch	1.00	20.00	18.0	20.00
TOTAL LIVABLE (rounded)					1716

LIVING AREA BREAKDOWN			Subtotals
Breakdown			
First Floor			
26.0	x	43.0	1118.00
Second Floor			
23.0	x	26.0	598.00
2 Areas Total (rounded)			1716



Planning & Zoning Commission November 18, 2002 Jerry E. Tisher Variance	Jerry E./Michelle Tisher 612 Sawmill Creek Road Sitka AK 99835	Jennie Muehberger Box 6003 Sitka AK 99835	1-3180	1-3080
Rogelio/Tilda Carbillon Box 2274 Sitka AK 99835	Jerry/Peggy Martens Box 1826 Sitka AK 99835	Bud/Evelia Rauscher Box 379 Skagway AK 99840	1-3085	1-3090
Janet Sparks 611 Sawmill Creek Road Sitka AK 99835	Joseph Liddle 609 Sawmill Creek Road Sitka AK 99835	Don Smith 135 NE 59 <sup>th</sup> Street Seattle WA 98105	1-3100	1-3105
Timothy Holder & Sandra Dull 606 Sawmill Creek Road Sitka AK 99835	William/Mary Jo McNally 608 Sawmill Creek Road Sitka AK 99835	Jerry N./Susan Tisher Box 1634 Sitka AK 99835	1-3160	1-3170
Nancy Ricketts 615 Biorka Street Sitka AK 99835	Edward/Mildred Fredrickson 616 Sawmill Creek Road Sitka AK 99835	Gordon/Irene Larson 618 Sawmill Creek Road Sitka AK 99835	1-3185 & 3235	1-3190
Kurt Korthals Box 2494 Sitka AK 99835	Ronald/Elizabeth Mosher 617 Biorka Street Sitka AK 99835	Howard Pitts 106 Sand Dollar Drive Sitka AK 99835	1-3216	1-3230
Fredrick Knowles Box 6626 Sitka AK 99835	Maria Gonzales 609 Biorka Street Sitka AK 99835	Robert Harris & L.Kronsperger 607 Biorka Street Sitka AK 99835	1-3245	1-3250
				1-3290



# City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

October 9, 2002

Jerry E. and Michelle Tisher  
Box 1634  
Sitka Alaska 99835

CERTIFIED MAIL  
RETURN RECEIPT #  
7001 1940 0001 5142 0348

Noticed of Violation: Variance approved February 4, 2002  
612 Sawmill Creek Road

Dear Mr. and Mrs. Tisher:

In conformance with Sitka General Code Section 22.37.010 Violation of restrictions or conditions, you are herewith notified that the Planning Office considers 612 Sawmill Creek Road to be in violation of the variance that was approved for a shed on February 4, 2002.

The approval was for a 10' by 20' shed and the approval included the requirement that the project must be in general conformance with the plans that were submitted. A carport has been added onto the shed that did not appear on the plans that were included in the January 7<sup>th</sup>, 2002 variance application.

Pursuant the code section above, you have up to thirty (30) days following the receipt of this letter to file a report stating what measures have been and are being taken, or are proposed to be taken, to correct this violation of the variance approval.

A copy of SGC Section 22.37.010 is enclosed along with the variance approval letter.

Sincerely,

Wells Williams  
Planning Director

c: Cliff Groh, Municipal Attorney  
A.E. Zimmer, Municipal Administrator

Tisher violatioe





# City and Borough of Sitka

PLANNING DEPARTMENT  
100 LINCOLN STREET • SITKA, ALASKA 99835  
PHONE (907) 747-1804 FAX (907) 747-3158

---

February 11, 2002

Jerry E. and Michelle Tisher  
Box 1634  
Sitka AK 99835

Dear Jerry and Michelle:

This letter is to officially inform you that the Sitka Planning Commission has **approved** your variance request for Lot 5, Block 22, Sitka Townsite, USS 1474 at 612 Sawmill Creek Road. This approval was given February 4, 2002 and it takes effect at the end of the appeal period on February 14, 2002.

The variance allows for the reduction of the side setback to three (3) feet and the rear setback to six (6) feet for a 10' x 20' shed with the conditions the shed shall not exceed thirteen (13) in height and the peak of the roof line will run parallel with the narrow part of the lot for roof drainage towards the back and front yards. All work on the project must be in general conformance with the plans submitted and must be substantially completed within one year.

Thank you for working with us on this request. Your cooperation was appreciated.

Sincerely,

Wells Williams  
Planning Director

**CITY AND BOROUGH OF SITKA  
PLANNING AND ZONING COMMISSION  
Minutes  
February 4, 2002**

**PRESENT:** Chair Mike Reif; Patrick Hughes; Bob Goss; Wells Williams, Planning Director; Doris Bailey, Assembly Liaison; City Administrator Tony Zimmer; Secretary Libby DeArman.

**ABSENT:** Ed Lahmeyer (E), Kevin Creek (E).

**PUBLIC:** Nancy Ricketts, Fred Knowles, Jerry Tisher, Chris Yarbrough, Teresa Jacobsson, Tom Akelkok, Irene Jimmy, Duck Didrickson, Ginny Olney, Ray Nielsen, Jr., Terry Littlefield, Gus Adams, Brad Shaffer, Bob Loiselle, Sitka Sentinel Reporter Shannon Haugland.

The meeting was called to order by Chair Reif at 7 p.m. The minutes of January 21, 2002, were approved as written. The discussion of a Mt. Edgecumbe Preschool Board request to add "preschool" as a permitted use or conditional use to the CBD Central Business District zone was pulled from the agenda at the request of the Mt. Edgecumbe Preschool Board.

**OLD BUSINESS**

**Variance request  
612 Sawmill Creek Road  
Jerry E. Tisher**

After discussion at the last meeting it was deferred to this meeting to allow time for Tisher and neighboring property owners Knowles and Hughes to try to reach an agreement as to the placement and height of the shed.

The purpose of this requested variance was originally to reduce the side and rear setbacks to 2 feet for the placement of a 10 x 20 foot shed. Tisher stated that he and Knowles/Hughes were able to agree to a 6 foot rear setback and a 3 foot side setback instead. Knowles confirmed this agreement and stated he is fairly well satisfied that the current configuration will not be a problem.

Tisher requested that the maximum height permitted be raised to 13 feet rather than the 12 feet which was discussed at the last meeting. This request was to allow Tisher a measure of grace in case the height was a little more than 12 feet. Knowles stated he was informed of this and has no objection.

Mrs. Ricketts reiterated her concern about the direction of drainage from the shed, as Tisher's property is higher than hers and her yard does not have shot rock for drainage. Tisher explained his plan that the peak of the shed's roof will be centered on the long axis (20 feet). The drainage will go half toward the front and half to the rear of his property. Tisher plans to gutter the shed eventually. The property has 2 feet of shot rock, which should prevent drainage from going onto Rickett's property. Reif and Goss stated that with the shot rock, drainage into Ricketts' yard most likely will not be a problem. Ricketts stated she does not object if everyone felt certain the drainage would not be a problem.

Ricketts also mentioned the finish on the shed. Tisher plans to finish the shed the same way his house was done, and Ricketts said she has no objection to that, as Tisher did a good job on his house.

**Motion** by Goss to approve a variance request filed by Jerry E. Tisher to reduce the side setback to 3 feet and the rear setback to 6 feet for the placement of a 10 x 20 foot shed at 612 Sawmill Creek Road with the conditions 1) the shed shall not exceed 13 feet in height, and 2) the peak of the roof line will run parallel with the narrow part of the lot so it will drain towards the back and front yards. The property also known as Lot 5, Block 22, Sitka Townsite, USS 1474. The motion is made with the findings that there are exceptional characteristics due to the narrowness of the lot; granting the variance will not result in practical difficulties; granting the variance will not adversely affect adjacent properties or be determined detrimental to public health, safety, or welfare; and granting the variance will not be contrary to the objectives of the Comprehensive Plan.

Hughes seconded the motion. PASSED 3-0.



### **Tisher Shed Variance**

February 4th, 2002

The Tisher shed is back on the agenda after being deferred at the last meeting.

Over the past couple of weeks, there has been a series of interactions between the Hughes/Knowles family, Jerry Tisher, and staff. The parties have tried extremely hard to be cordial to each other and work out a solution.

Our latest report suggests that a compromise has been worked out that would place the shed six feet from the rear property line. Those details, including the angle of the roof and the height of the structure, would need to be a part of any motion.

Nancy Ricketts continues to be concerned about drainage implications. Revisiting that issue would, therefore, be appropriate. It's hard to gauge any potential impacts at this time, so the only thing the board can do is take its best shot at making a judgment call.

If there is a compromise presented, a motion to approve, with conditions, would be in order.

### **Tisher Shed Variance**

January 21<sup>st</sup>, 2002

Jerry Tisher and his wife own a house at 612 Sawmill Creek Road. The house is on a fairly small 50 foot by 93 foot lot. The property is best known for Michelle Tisher's beauty salon that has drawn the ire of Mary Jo McNally who feels the salon is not in conformance with the zoning code. In the current case, Mr. Tisher has applied for a variance for a temporary shed for the back right corner of the lot.

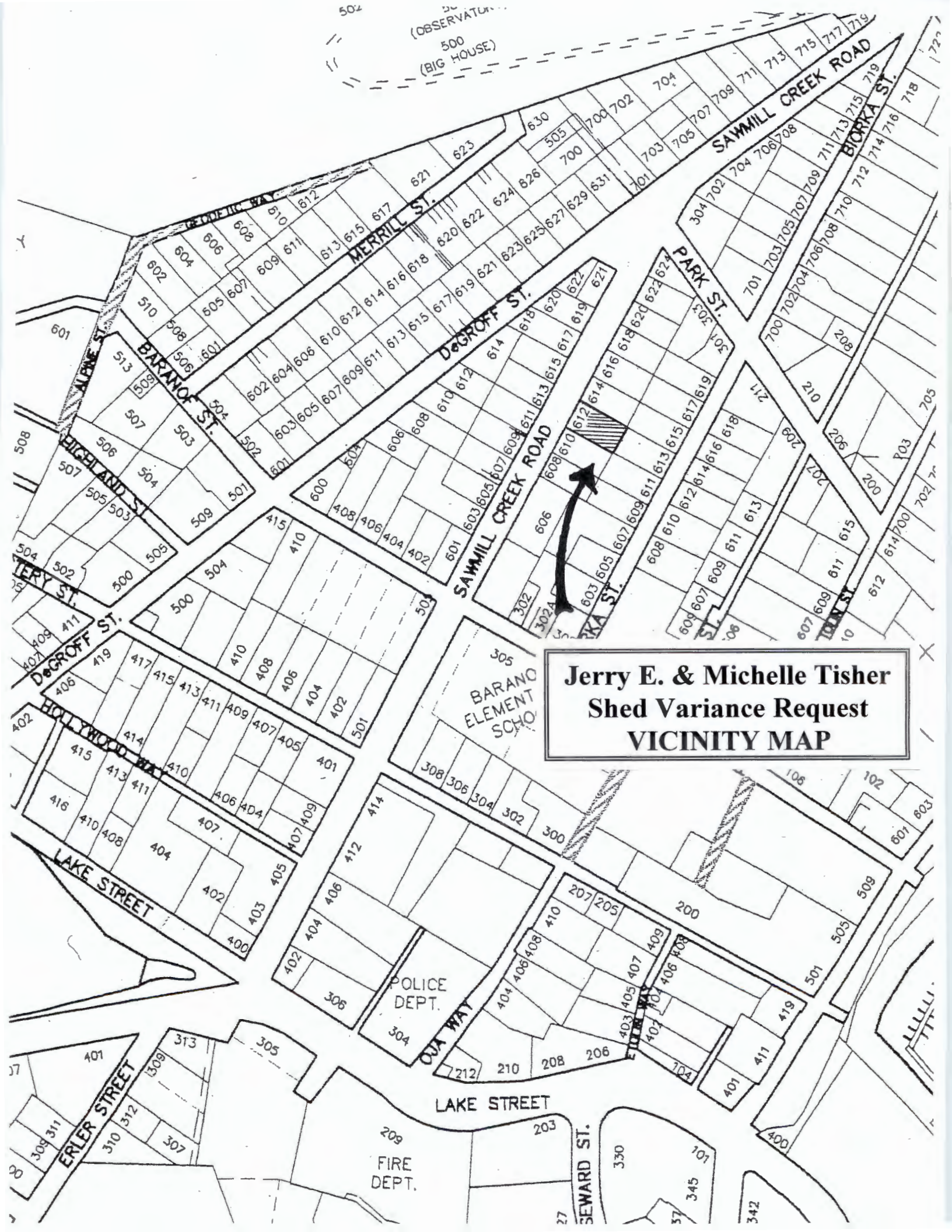
The property is similar to most of the lots in the Sitka Townsite. A number of variances have been granted for sheds and house expansions due to the narrow nature of the properties.

The zoning code, for all the right reasons, does not recognize temporary structures. Small sheds and membrane buildings that are placed on lots for limited duration tend to become permanent. Their usefulness for storage is quickly appreciated and property owners seldom remove them.

The public process will determine the impacts of the proposed shed on adjacent properties.

If there is not opposition, the Planning Commission can consider approving the request with the findings that 1) there are exceptional physical characteristics due to the narrowness of the lot, 2) the granting of the variance will result in practical difficulties, 3) the granting of the variance will not adversely affect adjacent properties or be detrimental to public health, safety, or welfare, and, 4) the granting of the variance will not be contrary to the objectives of the comprehensive plan.





**Jerry E. & Michelle Tisher**  
**Shed Variance Request**  
**VICINITY MAP**



# OF BEARINGS

N 76°13' E 792.58' (M)

SMC ROAD  
PC

N 79°56'44" E 415.16'

SAWMILL CREEK ROAD

N 76°13' E

50.00'

N 12°14' W

93.00'

EXISTING HOUSE

FOUNDATION  
ONLY  
ADDITION

12.5'

93.00'

S 12°14' E

LOT 6

LOT 5  
PARKING

10'

32'

20'

50.00'

S 76°13' W

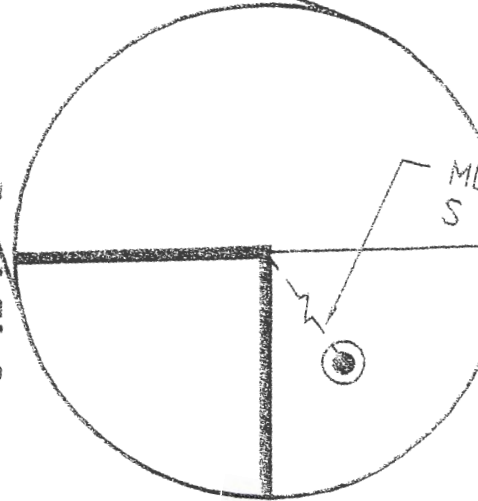
2 feet

PROPOSED  
SHED

LOT 17

LOT 4

LOT 10



CITY AND BOROUGH OF SITKA  
PLANNING DEPARTMENT  
VARIANCE APPLICATION

VARIANCE FEE \$75.00

Plus current city sales tax

APPLICANT'S NAME: Jerry E Tisher

PHONE NUMBER: 747-0593

MAILING ADDRESS: 612 SMC

OWNER'S NAME:  
(If different from applicant)

SAME

PHONE NUMBER:

MAILING ADDRESS:

PROJECT ADDRESS:

LEGAL DESCRIPTION:

Lot: 5

Block: 22

Subdivision:

U.S. Survey: 1474

Zoning Classification: R-1

SPECIFIC REQUEST:

(e.g. Reduction of front setback to 15' for a porch)

Set backs for Temporarily structure on Back on from 10'-2'  
and on Side from 8'-2'

REASON REQUEST IS BEING SUBMITTED:

(e.g. Existing porch is too small to provide adequate access)

To move ~~shed~~ Build a shed next to property lines

DIMENSIONS of NEW CONSTRUCTION:

(Width, Length, Height above grade) 10'x20'

REASON PROJECT CANNOT BE BUILT WITHIN EXISTING SETBACKS:

(List alternatives that would comply with setbacks and why they are unworkable)

It would make it very difficult to turn around in the Back  
I am trying to keep my yard with the most usable space on such  
a small lot

UNUSUAL CHARACTERISTICS of the PARCEL:

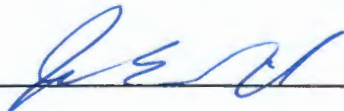
(e.g. Lot Shape, Topography, Streams)

Narrow lot 30' wide

HARDSHIPS that will be caused if the request is not granted:

It will make a small lot even  
smaller and it wouldn't be feasible to build and I really  
need the storage

Signature of APPLICANT:



DATE: 1-7-02

Signature of OWNER:

(If different from Applicant)

DATE:



January 21, 2002

Sitka Planning Commission  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, AK 99835  
Tel: 747-1814/1824

**RE: Written Testimony in the matter of the Public Hearing and consideration of a variance request by Jerry E. Tisher** to reduce the rear and side setbacks to two (2) feet for the placement of a 10' x 20' shed at 612 Sawmill Creek Road. The property is also known as Lot 5, Block 22, Sitka Townsite, USS 1474.

Dear Commissioners,

Per the Agenda for the Sitka Planning Commission for January 21, 2002, under "New Business", Item B:

Auriella Hughes and Fred Knowles, owners of the property of 611 Biorka Street, do hereby state the following:

1. Our property shares a common corner with the aforementioned property of Jerry Tisher. The common corner is the SW corner of Mr. Tisher's property, and the NE corner of our property.
2. The request for variance does not specify a maximum or proposed height for the 200 square foot shed. We respectfully request the Commission to discover the intent of Mr. Tisher in this regard, and then to defer a decision until such time as those affected by this variance request can assess the attendant impacts.
3. The request for variance does not indicate if the shed is permanent. We respectfully request the Commission to discover the intent of Mr. Tisher in this regard, and then to defer a decision until such time as those affected by this variance request can assess the attendant impacts.
4. The request for variance does not indicate if the intended variance is for the shed structure only, or if the intent is to create a variance precedent for any future construction on the Tisher's lot. We respectfully request the Commission to discover the intent of Mr. Tisher in this regard, and then to defer a decision until such time as those affected by this variance request can assess the attendant impacts.

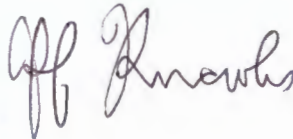
**Page 2 of 2: Written Testimony by A. Hughes and F. Knowles in the matter of the Public Hearing and consideration of a variance request by Jerry E. Tisher to reduce the rear and side setbacks to two (2) feet for the placement of a 10' x 20' shed at 612 Sawmill Creek Road. The property is also known as Lot 5, Block 22, Sitka Townsite, USS 1474.6.**

5. The location of the shed within the setback at the proposed location will directly interfere with the view-plane of the mountains from the four living area windows in our house that have an unobstructed view of the mountains. This includes the only windows in our B and B rooms, an important consideration affecting our business. The recently completed two-story addition on Mr. Tisher's house has already impacted the mountain view from our home.
6. The Tisher's, as fellow neighborhood business owners, will surely understand the impact on our business of compromising the visual experience by our clients of the incredible local landscape.
7. We respectfully suggest that the Tishers consider placing the shed at the SW corner of their property and observe a maximal height of 8 vertical feet from grade to the highest point on the roof.

Respectfully,



Auriella Hughes and Fred Knowles





615 Biorka Street  
Sitka AK 99835  
January 14, 2002

CITY AND BOROUGH OF SITKA  
PLANNING DEPARTMENT  
100 Lincoln Street  
Sitka AK 99835

CITY AND BOROUGH OF SITKA PLANNING COMMISSION  
for consideration at your meeting on Monday, January 21, 2002

re: NEW BUSINESS – public hearing and consideration of variance request filed by Jerry E. Tisher to reduce the rear and side setbacks...for placement of a...shed....

I will be unable to attend this meeting, but as my property adjoins that of Tisher in two places, I felt the need to present my position.

I have lived at 615 Biorka Street for more than 27 years, and within the past few years purchased the lot that backs mine on Sawmill Creek Road (lot 16 on Biorka and lot 6 on SMC). Lot 6 is an extended back yard.

I have no objection to Mr. Tisher's shed at the corner of his property, but have the following concerns:

1. The building will be 10x20 ft. but how tall? If windows look out on my property and into my house, I would be concerned.
2. Would drainage from his property affect my yard, especially if a shed-type roof was built with the slope toward my property? I don't know what the ordinance calls for here, but there must have been some reason it was set at that figure, and I'm wondering if the reason was drainage?
3. Would the building be finished outside? The rest of the Tisher property looks great, but would this too?

I wish to continue to get along well with Mr. Tisher and hope he is able to build his shed. If he does the same good job on this building that he did on his other one and it would not affect my property adversely, I have no objection whatever.

Thanks for your consideration



Ms. Nancy J. Ricketts  
615 Biorka St.  
Sitka, AK 99835

Planning & Zoning Commission February 4, 2002 Jerry E. Tisher Shed Variance	Jerry E./Michelle Tisher Box 1634 Sitka AK 99835	1-3180	Jennie Muehberger Box 6003 Sitka AK 99835	1-3080	
Rogelio/Tilda Carbillon Box 2274 Sitka AK 99835	1-3085	Jerry/Peggy Martens Box 1826 Sitka AK 99835	1-3090	Bud/Evelia Rauscher Box 379 Skagway AK 99840	1-3095
Janet Sparks 611 Sawmill Creek Road Sitka AK 99835	1-3100	Mark Gorman & Nancy Knapp 137 Riggs Road Sitka AK 99835	1-3105	Don Smith 135 NE 59 <sup>th</sup> Street Seattle WA 98105	1-3110
Timothy Holder & Sandra Dull 606 Sawmill Creek Road Sitka AK 99835	1-3160	William/Mary Jo McNally 608 Sawmill Creek Road Sitka AK 99835	1-3170	Jerry N./Susan Tisher Box 1634 Sitka AK 99835	1-3175
Nancy Ricketts 615 Biorka Street Sitka AK 99835	1-3185 & 3235	Edward/Mildred Fredrickson 616 Sawmill Creek Road Sitka AK 99835	1-3190	Gordon/Irene Larson Box 2927 Sitka AK 99835	1-3195 1
Kurt Korthals Box 2494 Sitka AK 99835	1-3216	Ronald/Elizabeth Mosher 617 Biorka Street Sitka AK 99835	1-3230	Howard Pitts 106 Sand Dollar Drive Sitka AK 99835	1-3240
Fredrick Knowles Box 6626 Sitka AK 99835	1-3245	Maria Gonzales 609 Biorka Street Sitka AK 99835	1-3250	Robert Harris & L.Kronsperger 607 Biorka Street Sitka AK 99835	1-3290



## PLANNING & ZONING COMMISSION

January 21, 2002

Page 2

MOTION by Creek to approve the request for a variance filed by Mike Finn to enclose three quarters of the front porch area for more retail space and for an elevator at the Lahmeyer Building located at 303 Lincoln Street, the property is also known as Lot A of the Amended Lahmeyer Subdivision, with the finding that there are exceptional physical characteristics in the central business district location which would result in practical difficulties if the variance is not granted, and that the variance would not interfere with public utilities or public access. Granting this request will not be detrimental to nearby properties, and the request is consistent with the policies in Section 2.6 of the comprehensive plan that covers commercial and industrial land uses.

Motion was seconded by Goss. PASSED 4-0.

Variance request  
612 Sawmill Creek Road  
Jerry Tisher

The purpose of this requested variance is to reduce the side and rear setbacks to 2 feet for the placement of a 10 x 20 foot shed.

The property is similar to most of the lots in the Sitka Townsite for which a number of variances have been granted for sheds and house expansions due to the narrow nature of the properties. Although the proposed building is described as temporary, the zoning code does not recognize temporary structures due to the tendency for temporary structures to become permanent.

In presenting this request, staff read a letter from neighboring property owner Nancy Ricketts, who could not attend the meeting. Her property adjoins the Tisher property on two sides (Lot 16 on Biorka Street and Lot 6 on Sawmill Creek Road). Ms. Ricketts questions and concerns included:

- 1) The height of the proposed shed and whether any windows would be included that may look out onto her property;
- 2) Whether drainage from the shed would affect her property;
- 3) Whether the completed building would be finished on the outside, the concern being the aesthetic effect of the building in relation to the rest of the buildings on Tisher's property, which she wrote looks "great."

Ms. Ricketts' letter stated that if Tisher does the same type of good work on this shed that he did on his house and it does not affect her property adversely, she has no objection to the shed being built.

The height of the shed was discussed throughout consideration of the variance. The maximum height in the code is 16 feet. Tisher initially stated the planned height as 15 feet, with 8 foot walls, but later agreed to a maximum of 12 feet in height.

Tisher described the proposed shed as follows: 6 x 6 foot frame bolted together with 4 x 4s, with a post and beam roof. He will probably gutter it. The floor will be inside the framework, 6 inches off the ground. T1 finish is planned, the same as on his house. If a window is included, it will face the Tisher house. The yard and has been dug and shot rock put in, and drainage will be into Tisher's yard. There should be no water puddling underneath. He described the planned drainage as similar to his parents' house, which drains under Sawmill Creek Road and remains dried out underneath the home. Tisher said he plans to move the shed when he has completed building his new house, and the proposed location of the construction is with the intended move in mind. The corner location is requested to ease moving the shed later, as this location provides enough room for the moving equipment to operate on his property. Tisher did express willingness to move it back somewhat from the property line.

Another letter was received regarding the variance request, and was passed to the Commissioners and staff during the meeting. This letter was from Auriella Hughes and Fred Knowles, whose property is at 611 Biorka Street. Their concerns were as follows:

## PLANNING & ZONING COMMISSION

January 21, 2002

Page 3

- 1) The variance request does not specify a maximum height for the shed. The concern is for the impact on the view from the Knowles/Hughes property if the shed is up to 16 feet high.
- 2) The request for variance does not indicate if the shed is permanent.
- 3) Would this variance, if granted, would create a precedent for future variances?
- 4) Knowles and Hughes requested that these questions be answered and the variance request deferred until they can assess the impact this would have on their property and their business, a Bed and Breakfast.

The following was discussed:

1. The proposed height of the shed was again discussed, along with the trees on the Lot 6 property owned by Ricketts. The trees are actually quite a bit taller (by 10-15 feet) than the proposed shed would be. A.Hughes acknowledged this, though stated that the view varies summer to winter.
2. Tisher already has a building permit to build the shed within the property. He felt it would be more a hindrance to A.Hughes' view if the shed is built within the property where he already has a permit. A.Hughes stated that she was not sure that would be the case, as the angle of the property would make a difference. She was not sure how either location would affect the view from her property.
3. Chair Reif was asked if Tisher would be willing to hold up the wood to the planned height while Knowles/Hughes watch from the window to ascertain how much impact the shed will have on the property's view.
4. Tisher also mentioned that the shed will block the noise for another neighbor, Amy Rowe, and offer Ricketts more privacy, as well.
5. A condition can be placed on the variance to limit the height to 12 feet to address the concerns of both Hughes/Knowles and Ricketts.
6. In regard to the concern that the variance may set a precedent for future construction variances, staff and the Commission told Hughes that this variance would be for only this one shed. Any future requests would have to go through the variance process again, and each request would be considered on its own merits.
7. If the shed is moved off the lot and is not there for a year, the variance is negated.

Staff stated that there is language in the code that the granting of the variance cannot prejudice adjacent property owners. An affirmative finding would need to be made that granting the variance will not adversely affect adjacent property owners.

Chair Reif asked if Tisher would be willing to defer a decision until the next meeting in two weeks. Tisher strongly objected to waiting another two weeks for an answer, as he wants to get the shed completed. He initially stated that as he has a permit to build the shed deeper in his property, he would simply do that and try for a variance to move the shed later. The Chair stated that the Board would rather the issues be resolved between the parties, rather than the Board dictating the response.

Chair Reif asked the Commissioners how many would prefer to decide the issue immediately as opposed to deferring it to the next meeting in order to give the property owners a chance to work out their differences. Staff stated that should the issue be decided at this meeting, an appeal process would be set up that may drag on for a lengthy period of time and become more adversarial.

The Commissioners, when questioned as to their preference, agreed 3-1 to defer the request until the next meeting, with Creek dissenting.

At the end of the discussion, Tisher reluctantly agreed to wait until the next meeting in two weeks for a decision, although expressed that he felt it may not be possible to resolve the dispute in the meantime.



## **Tisher Shed Variance**

January 21<sup>st</sup>, 2002

Jerry Tisher and his wife own a house at 612 Sawmill Creek Road. The house is on a fairly small 50 foot by 93 foot lot. The property is best known for Michelle Tisher's beauty salon that has drawn the ire of Mary Jo McNally who feels the salon is not in conformance with the zoning code. In the current case, Mr. Tisher has applied for a variance for a temporary shed for the back right corner of the lot.

The property is similar to most of the lots in the Sitka Townsite. A number of variances have been granted for sheds and house expansions due to the narrow nature of the properties.

The zoning code, for all the right reasons, does not recognize temporary structures. Small sheds and membrane buildings that are placed on lots for limited duration tend to become permanent. Their usefulness for storage is quickly appreciated and property owners seldom remove them.

The public process will determine the impacts of the proposed shed on adjacent properties.

If there is not opposition, the Planning Commission can consider approving the request with the findings that 1) there are exceptional physical characteristics due to the narrowness of the lot, 2) the granting of the variance will result in practical difficulties, 3) the granting of the variance will not adversely affect adjacent properties or be detrimental to public health, safety, or welfare, and, 4) the granting of the variance will not be contrary to the objectives of the comprehensive plan.