



# 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 17-14  
Proposal: Request for reduction of rear setback from 10 feet to 5 feet and the increase in lot coverage from 35% to 45% for house expansion with garage  
Applicant: Zach Porter  
Owner: Michael Sibayan  
Location: 612 Sawmill Creek Road  
Legal: Lot 5 Block 22 US Survey 1474  
Zone: R-1 single family and duplex residential district  
Size: 4648 square feet  
Parcel ID: 1-3180-000  
Existing Use: Residential  
Adjacent Use: Residential  
Utilities: Existing  
Access: Sawmill Creek Road

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

- 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
  - The reduction in setback requirements and other development standards has been discussed throughout the comprehensive
  - Current lot is 58% of the minimum lot size, reducing options for reasonable expansion within setbacks.

### **RECOMMENDATION:**

Move to approve a **modified** variance request for the reduction in the rear setback from 10 feet to 8 feet and the increase in lot coverage from 35% to 45% for the construction of a house expansion with garage on a 4648 square foot lot at 612 Sawmill Creek Road.

## **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**

The existing lot at 612 Sawmill Creek Road resulted from US Survey 1474 in 1924. The property is currently developed with a single family structure. Adjacent lots are residential in use.

In 2002, a variance was granted for the reduction in the side setback from 8 feet to 2 feet and the rear setback from 10 feet to 2 feet for a shed, storage, and a hot tub cover. These structures currently exist. If this proposal is approved, the shed and tarp storage will be removed.

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

## **PROJECT DESCRIPTION**

The variance request is for the reduction in the rear setback from 10 feet to 5 feet and the increase in lot coverage from 35% to 45% for the construction of a 26 foot by 27 foot house expansion with garage on a 4648 square foot lot. The property currently has a single-family house, shed, awning, and tarp carport. The owner reports that his growing family necessitates additional bedrooms.

The largest hypothetical structure of that could be built on this lot within setbacks would constitute a 56% lot coverage.

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.<sup>1</sup> The side setback requirement for this lot is 5 feet, as the lot is less than 60 feet wide. Setbacks are measured from property lines to eaves, gutters, and drip lines.

Staff recommend a **modified** variance request for the reduction in the rear setback from 10 feet to 8 feet and the increase in lot coverage from 35% to 45% for the construction of a house expansion

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<sup>1</sup> Table 22.20-11—Development Standards

with garage. The reduction of the rear setback from 10 feet to 8 feet could be approved administratively.

### **ANALYSIS**

**Project / Site:** The project area is primarily flat. The lot is 4648 square feet, approximately 58% of the 8000 square foot minimum requirement currently found in code.

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

**Traffic:** An expanded single-family house would not result in an increase in traffic. Proposed expansion 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:** Garage is proposed to provide enclosed parking, possibly reducing vehicular noise.

**Public Health or Safety:** Fire concern increases as proximity to the property line increases. Building code requirements to mitigate possible risk will be addressed during the building permit process. Setbacks are intended to protect privacy and access to light and air.

**Habitat:** None.

**Property Value or Neighborhood Harmony:** A variance from required development standards could create neighborhood disharmony. Lots in this neighborhood are substandard size, and the majority of nearby properties do not conform to development standards. A house expansion could increase the value of this property.

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

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<sup>2</sup> Section 22.16.040—R-1 District



**Comprehensive Plan:** The **modified** variance for the reduction in the rear setback from 10 feet to 8 feet and the increase in lot coverage from 35% to 45% for the construction of a house expansion with 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 expansion of a home on a residential lot.

**D. Required Findings for Variances.** <sup>3</sup>

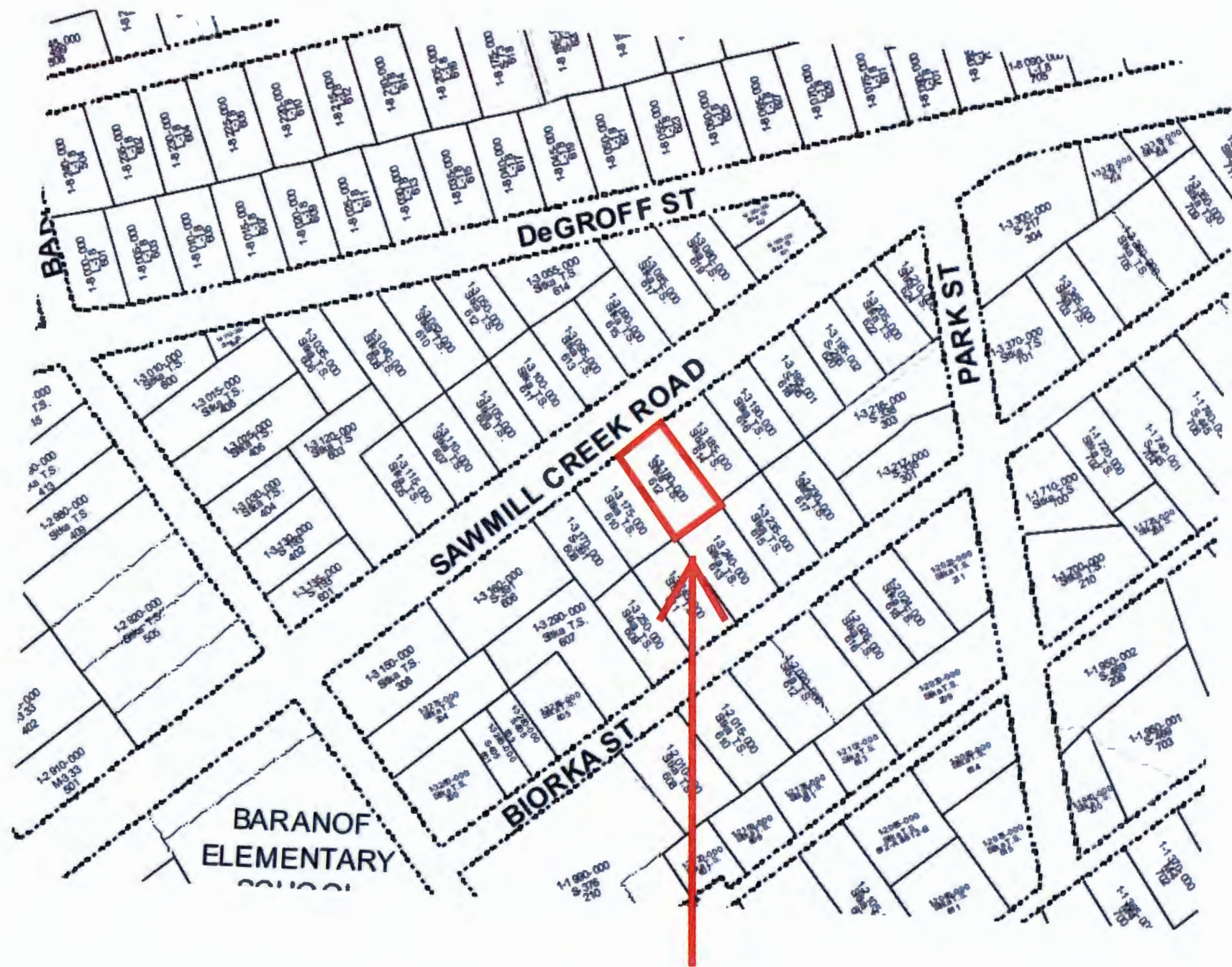
1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:
  - a) That there are special circumstances to the intended use that do not apply generally to the other properties, *here, that the house is pre-existing and the substandard lot size limits development of a house expansion;*
  - 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 additional bedrooms and 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 expansion of a home 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 the **modified** variance request for 612 Sawmill Creek Road. The request is for the reduction in the rear setback from 10 feet to 8 feet and the increase in lot coverage from 35% to 45% for the construction of a house expansion with garage on a 4648 square foot lot. The property is also known as Lot 5 Block 22 US Survey 1474. The request is filed by Zach Porter. The owner of record is Michael Sibayan.

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<sup>3</sup> Section 22.30.160(D)(1)—Required Findings for Major Variances







## City & Borough of Sitka, Alaska

**Selected Parcel:** 612 Sawmill Creek Rd ID: 13180000

Printed 10/30/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



**MainStreetGIS**  
MainStreetGIS, LLC  
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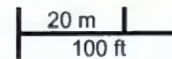




## City & Borough of Sitka, Alaska

Selected Parcel: 612 Sawmill Creek Rd ID: 13180000

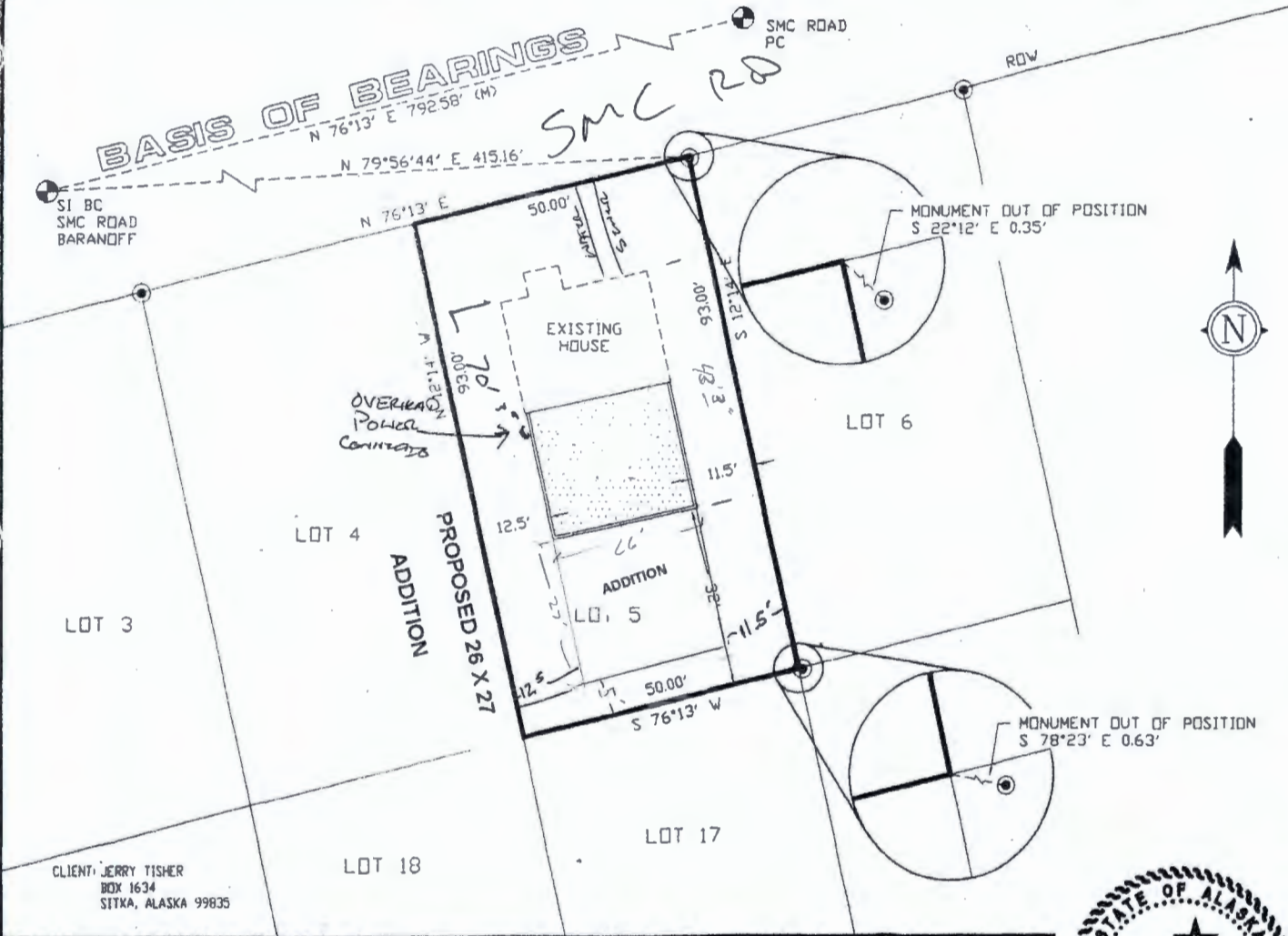
Printed 10/30/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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30' APR 16, 2001 11:11:32

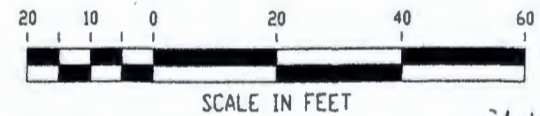


**LEGEND**

- PRIMARY BRASS CAP (RECOVERED)
- REBAR AND ALUMINUM CAP (RECOVERED)
- RECORD DATA
- COMPUTED DATA
- MEASURED DATA

**PLAT NOTES**

1. OFFSET DISTANCES ARE SHOWN TO THE NEAREST ONE HALF FOOT FROM THE PROPERTY LINE TO THE IMPROVEMENT.
2. THIS PLAT DOES NOT MEET MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AS SET FORTH BY THE ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS (ASPLS)
3. THIS PLAT IS NOT TO BE SCALED FROM. USE GIVEN DIMENSIONS ONLY.
4. UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN ON THIS PLAT.



DRAWN BY: GDS/ACAD  
CHECKED BY: PKO  
DATE PLATTED: 4-16-01  
DATE SURVEYED: 4-9-01  
SCALE: 1"=20'  
SURVEYOR: PATRICK K. O'NEILL  
PROJ. NO.: 30283-01-00

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ON THIS PLAT. I DECLARE THAT IMPROVEMENTS AND VISIBLE ENCROACHMENTS HAVE BEEN ESTABLISHED TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. THIS SURVEY IS FOR THE USE OF LENDING INSTITUTIONS SPECIFICALLY TO SHOW ANY CONFLICTS BETWEEN EXISTING STRUCTURES AND PLATTED LOT LINES OR EASEMENTS. UNDER NO CIRCUMSTANCES SHOULD THE DATA HEREON BE USED FOR POSITIONING ADDITIONAL STRUCTURES, BUILDING FENCES, OR LOCATING BOUNDARY LINES. IT IS THE RESPONSIBILITY OF THE OWNER TO VERIFY THAT IMPROVEMENTS SITUATED ON THIS PARCEL MEET ALL SUBDIVISION COVENANTS AND ZONING ORDINANCES. © CORP. SET.

4/17/01

PATRICK K. O'NEILL L.S. 6304



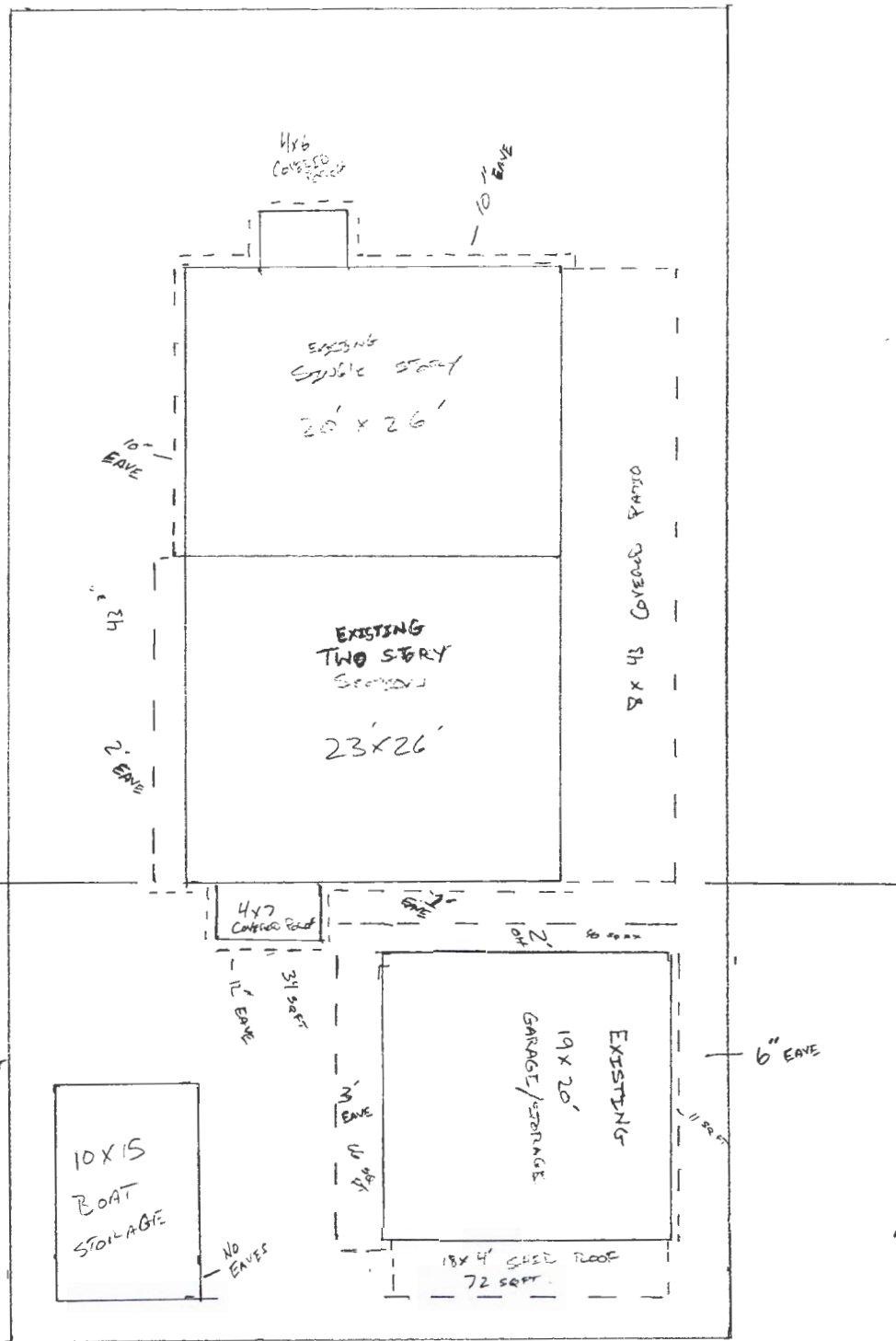
**O'NEILL**

**SURVEYING AND ENGINEERING**

P.O. BOX 1849 SITKA, ALASKA 99835

**ADDITION ONLY FOUNDATION  
AS-BUILT SURVEY  
LOT 5, BLOCK 22, UBS 1474**





NOTE:

ALL BUILDINGS, EAVES  
SHEDS SOUTH  
OF EXISTING FOUNDATION  
TO BE DEMOLISHED

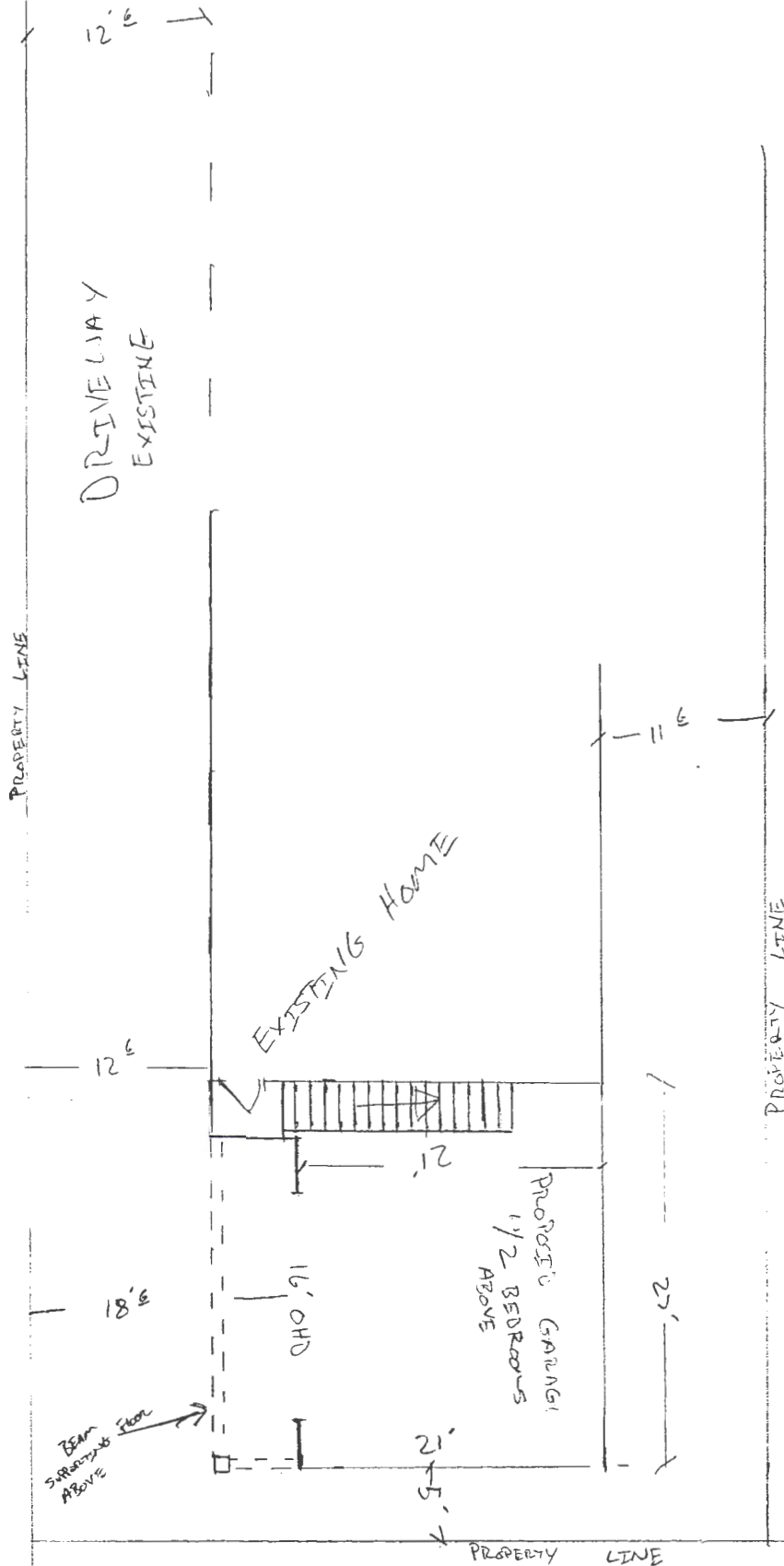
31 SQ FT OF PERMANENT  
STRUCTURE TO BE  
DEMOLISHED

30 SQ FT  
BOAT STORAGE  
REMOVE

$$\frac{1}{8} = 1'$$

S.M.C RD

612 SW

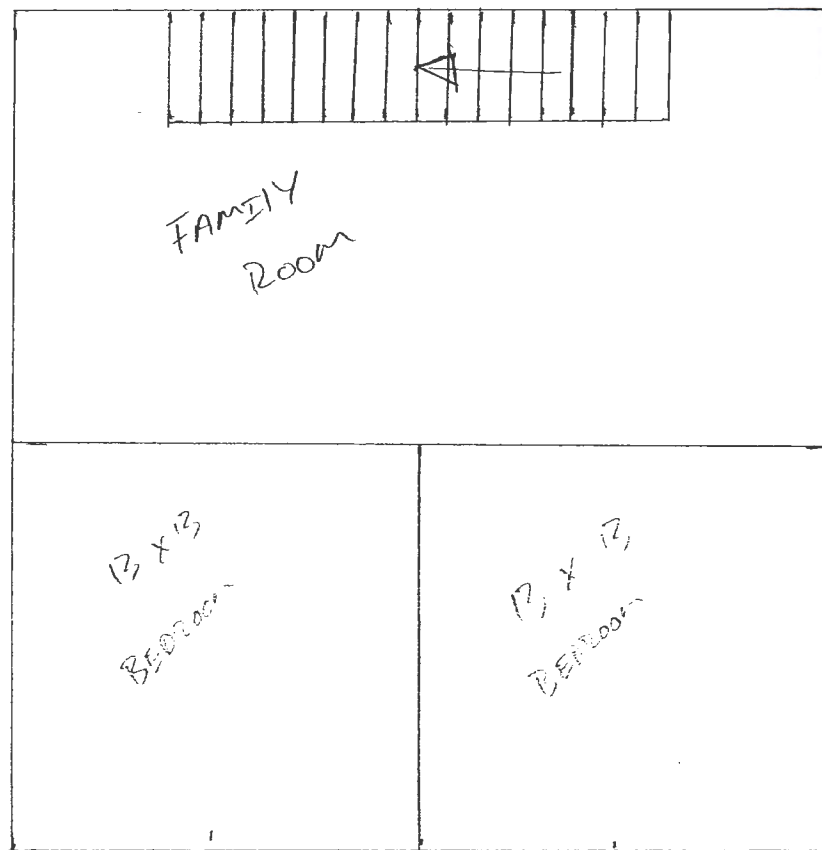


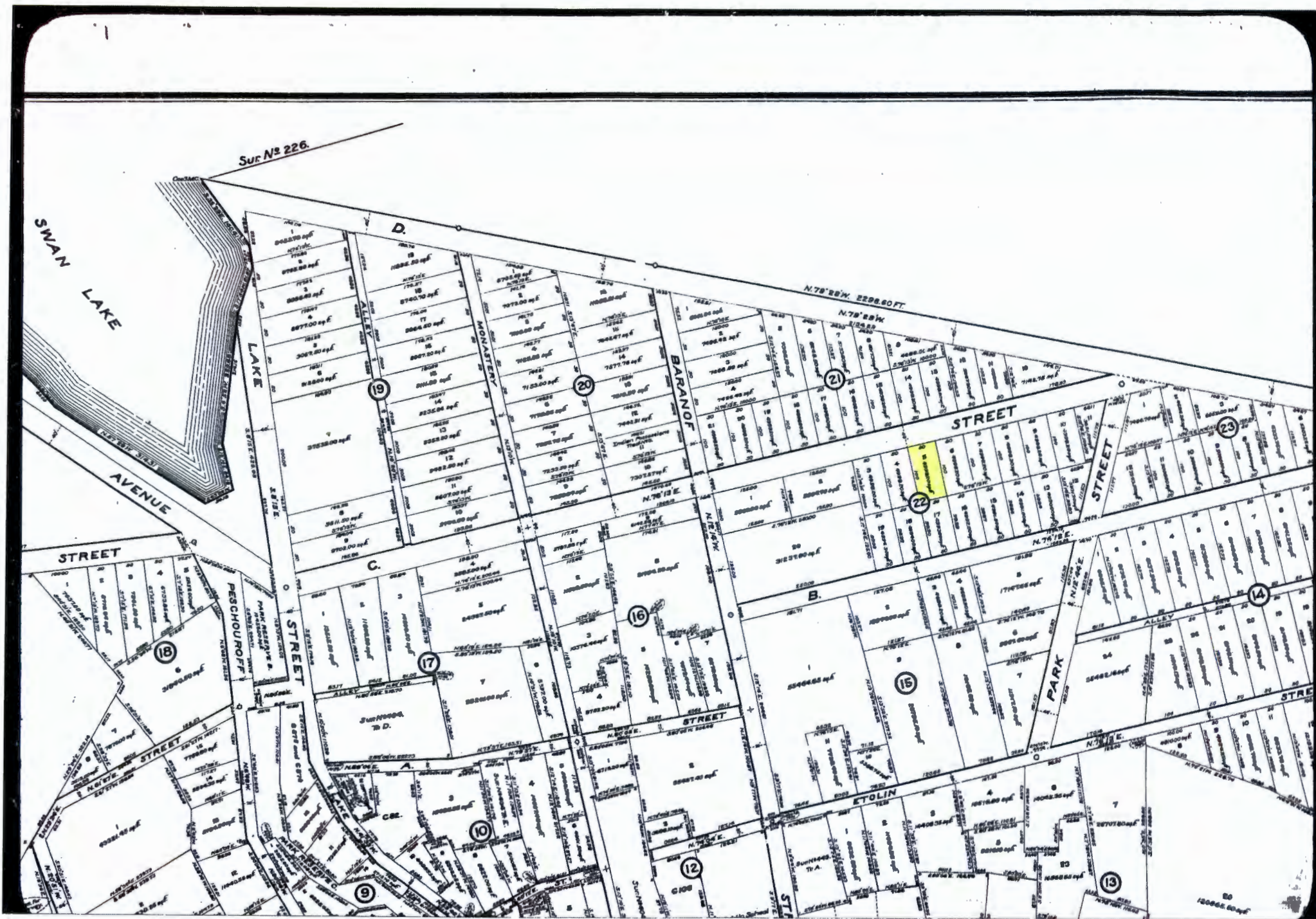
$$\frac{1}{8}'' = 1'$$



612 SMC RD

$\frac{1}{4}$ " SCALE



































































# 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:** ATTACHED

### PROPERTY INFORMATION:

CURRENT ZONING: \_\_\_\_\_ PROPOSED ZONING (if applicable): \_\_\_\_\_

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

### APPLICANT INFORMATION:

PROPERTY OWNER: MICHAEL SIBAYAN

PROPERTY OWNER ADDRESS: 612 SAWMILL CREEK RD

STREET ADDRESS OF PROPERTY: SAME

APPLICANT'S NAME: ZACH PORTER PORTERHOUSE CONST INC

MAILING ADDRESS: PO BOX 342 SITKA

EMAIL ADDRESS: ZPORTERSITKA@GMAIL.COM DAYTIME PHONE: 907-752-7006

### PROPERTY LEGAL DESCRIPTION:

TAX ID: \_\_\_\_\_ LOT: 5 BLOCK: 22 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

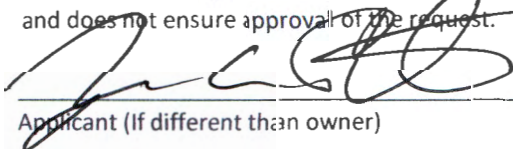
## CERTIFICATION:

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

10-30-17  
Date

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

  
Applicant (If different than owner)

10/30/2017  
Date

#### DESCRIPTION OF REQUEST

Requesting a reduction in the rear set back from 10' to 5', and the lot coverage from 35% to 45%.

This is to accommodate a 26' x 27' garage with space for 2 future bedrooms above. The reason for this request is the Sibayan Family has been growing, and Michael and his wife are now both caring for their aging parents who are living with them, and now that they are expecting another child more space has become a necessity.

The proposed addition will be the same width and height as the existing structure, and the roof line will match the existing structure as well.

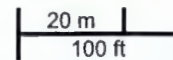




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Parcel ID: 1-2015-000  
**Chinalski, Adam**  
**Chinalski, Kris**  
2176 Halibut Point Rd  
Sitka AK 99835

Parcel ID: 1-2020-000  
**Holmgren, Elizabeth, B**  
**Holmgren, Eric, G**  
612 Biorka St  
Sitka AK 99835

Parcel ID: 1-2024-000  
**Miller, Clinton, O**  
**Miller, Marina**  
P.O. Box 1124  
Sitka AK 99835-1124

Parcel ID: 1-2026-000  
**Kirkness, Jacob, O**  
**OToole, Kerri, L**  
616 Biorka St  
Sitka AK 99835

Parcel ID: 1-3050-000  
**Barruga, Jeremy, M**  
612 Degroff St  
Sitka AK 99835

Parcel ID: 1-3055-000  
**Davis, Ronald, E**  
P.O. Box 11  
Sitka AK 99835-0011

Parcel ID: 1-3080-000  
**Rieta, Pedro**  
**Rieta, Shirley**  
619 Sawmill Creek Rd  
Sitka AK 99835

Parcel ID: 1-3085-000  
**Carbillon, Rogelio and Tilda**  
**Carbillon Revocable Trust**  
617 Sawmill Creek Rd  
Sitka AK 99835

Parcel ID: 1-3090-000  
**Rofkar, Graig**  
**Jones, Peter and Linda**  
615-A Sawmill Creek Rd  
Sitka AK 99835

Parcel ID: 1-3095-000  
**Rauscher, Bud, W**  
**Rauscher, Evelia, M**  
P.O. Box 379  
Skagway AK 99840

Parcel ID: 1-3100-000  
**Sparks Rev Trust, Janet**  
611 Sawmill Creek Rd  
Sitka AK 99835

Parcel ID: 1-3105-000  
**Welch, Bridget, L**  
P.O. Box 6613  
Sitka AK 99835-6613

Parcel ID: 1-3110-000  
**Smith, Donald, H**  
135 NE 59th St  
Seattle WA 98105

Parcel ID: 1-3160-000  
**McConnell, Mildred, L**  
**McConnell, Michael, D**  
606 Sawmill Creek Rd  
Sitka AK 99835

Parcel ID: 1-3170-000  
**McNally Revocable Trust**  
**McNally, William and Mary (Trustees)**  
608 Sawmill Creek Rd  
Sitka AK 99835

Parcel ID: 1-3175-000  
**Tisher, Jerry, N**  
**Tisher, Susan, N**  
P.O. Box 1634  
Sitka AK 99835-1634

Parcel ID: 1-3180-000  
**Sibayan, Michael, F**  
612 Sawmill Creek Rd  
Sitka AK 99835

Parcel ID: 1-3185-000  
**Danielson, Mark**  
**Danielson, Amy, R**  
P.O. Box 782  
Sitka AK 99835-0782

Parcel ID: 1-3190-000  
**Cranford, Breezy, H**  
**Cranford, Gary**  
616 Sawmill Creek Rd  
Sitka AK 99835

Parcel ID: 1-3195-001  
**US Dept of Agriculture, RD**  
P.O. Box 790170  
St Louis MO 63179-0170

Parcel ID: 1-3216-000  
**Dunn, Gregory**  
**Dunn, Jamie**  
303 Park St  
Sitka AK 99835

Parcel ID: 1-3217-000  
**Warren, Craig**  
**Warren, Lesley**  
301 Park St  
Sitka AK 99835

Parcel ID: 1-3230-000  
**Mosher, Elizabeth, L**  
**Mosher, Ronald, F**  
617 Biorka St  
Sitka AK 99835

Parcel ID: 1-3235-000  
**Danielson, Mark**  
**Danielson, Amy, R**  
P.O. Box 782  
Sitka AK 99835-0782

Parcel ID: 1-3240-000  
**Pitts, Howard**  
106 Sand Dollar St  
Sitka AK 99835

Parcel ID: 1-3245-000  
**Knowles, Fredrick, B**  
P.O. Box 6626  
Sitka AK 99835-6626

Parcel ID: 1-3250-000  
**Martin, Maria, W**  
609 Biorka St  
Sitka AK 99835

Parcel ID: 1-3290-000  
**Nasseri, Dalila**  
607 Biorka St  
Sitka AK 99835

**P&Z Mailing**  
**December 8, 2017**

**PAID**  
**OCT 30 2017**  
CITY & BOROUGH OF SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 10/30/17

To: Zach Porter

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.....	3.75
TOTAL.....	78.75

Thank you



CC

A  
L  
A  
S  
K  
A

**2011-001091-0**

Recording Dist: 103 - Sitka

9/9/2011 10:34 AM Pages: 1 of 2



File for Record at Request of:

AFTER RECORDING MAIL TO:

Name: Michael Sibayan

Address: 612 Sawmill Creek Rd

Sitka, AK 99835

File No.: 2C-018

### QUIT CLAIM DEED

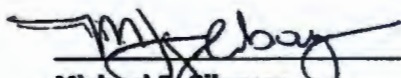
THE GRANTOR, Michael F. Sibayan, a single person and Rufa Mylene S. Famini, whose address is 612 Sawmill Creek Rd, Sitka, AK 99835, for and in consideration of \$10.00, conveys and quit claims to Michael F. Sibayan, a single person, whose address is 612 Sawmill Creek Rd., Sitka, AK 99835, the following described real estate, situated in the Recording District of Sitka, First Judicial District, State of Alaska:

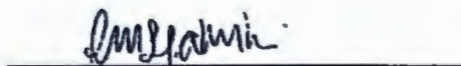
Lot 5, Block 22, according to U.S. SURVEY NO. 1474, TRACT A, the Subdivision of the Townsite of Sitka, Alaska, Records of the Sitka REcording District, First Judicial District, State of Alaska.

EXCEPTING THEREFROM the northerly 7 feet as conveyed to the City of Sitka by deed recorded December 12, 1958 in Book 13 at Page 204.

together with all after acquired title of the Grantor(s) therein.

Dated: 9-02-11, 2011.

  
Michael F. Sibayan

  
Rufa Mylene S. Famini

STATE OF Alaska )  
 ) ss.  
First Judicial District )

THIS IS TO CERTIFY that on this 9-2-11, before me the undersigned Notary Public, personally appeared **Michael F. Sibayan and Rufa Mylene S. Famini**, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

Janet Norman  
Notary Public in and for Alaska  
My commission expires 7-31-14



This instrument is being recorded by  
FIRST AMERICAN TITLE INSURANCE  
COMPANY OF ALASKA INC. as an  
accommodation only. It has not been  
examined as to its effect, if any on the  
title of the estate herein.





Recording Dist: 103 - Sitka  
5/24/2007 8:50 AM Pages: 1 of 1

ALASKA

**File No.: 0241-1046306 (JRN)**



cc-

## Samantha Pierson

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**From:** Amy Rowe <amyrowed@gmail.com>  
**Sent:** Wednesday, December 13, 2017 5:09 PM  
**To:** Planning Department  
**Subject:** Fwd: 612 SMC

Hi,

I am aware that 612 SMC has applied for a variance to build an addition and will be discussed tonight at the Historical Preservation meeting. I wanted to voice concerns regarding the building set back, height and over lot coverage in character of the neighborhood. The lots in this neighborhood are small and are made for smaller homes so light, air and safety can be offered for all the lots and homes. When a structure is bigger and larger it blocks all of those things from the surrounding neighbors. Having a large, tall addition will alter light and air and impact other homes that are not built all the way to the edge of the lot. It is possible to build within the set backs which has been shown on the newer home on Degroff street on a very small lot. (3500 sq feet) Also, there are several outbuildings already that cover a major portion of the remainder of the lot. It appears some will be torn down but that is not shown in the drawing as well as the portion that parallels the Home and lot of 614 SMC. That structure covers most of the property between the two lots.

Please consider all residents when granting variances. It changes light, air, drainage and safety to all.

Thank you,  
Amy Rowe  
615 Biorka Street