



# 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 18-03  
Proposal: Request for reduction in the front setback from 20 to 10 feet for single-family house  
Applicant: Amy Zanuzoski  
Owner: Brian Obereutter and Amy Zanuzoski  
Location: 1940 Dodge Circle  
Legal: Lot 4 McCoy Subdivision  
Zone: R-1 single family and duplex residential district  
Size: 8321 square feet  
Parcel ID: 2-4835-004  
Existing Use: Undeveloped  
Adjacent Use: Residential  
Utilities: Existing  
Access: Dodge Circle

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

- Neighborhood harmony:
  - Sitka General Code requires a 20 foot front setback
  - Variances for front setback reductions are rare in this neighborhood
- Existing constraints:
  - Steep rear topography
  - Easement on one side
- Potential for future development of electric system along Dodge Circle

### **RECOMMENDATION:**

Consider the pros and cons of the variance request for reduction in the front setback from 20 feet to 10 feet. Staff recommend a modified variance for the reduction in the front setback from 20 feet to 15 feet for the construction of a single-family house at 1940 Dodge Circle.

## **ATTACHMENTS**

Attachment A: Applicant Attachments

Attachment B: Staff Attachments

## **BACKGROUND**

The existing lot at 1940 Dodge Circle resulted from McCoy Subdivision in 1990. Adjacent lots are residential in use. Significant grading has occurred but there are no current structures on the lot. A grading permit was approved in April 2017 with a note stating that future structures must comply with setback requirements of 20 foot front, 10 foot rear, and 8 foot sides. The proposed structure shown on the grading permit was a 50 foot by 24 foot structure with a 6 foot front deck with an approximately 19 foot front setback.

## **PROJECT DESCRIPTION**

The proposal is to build a single-family house on an undeveloped parcel. The lot is 8321 square feet. Substantial grading has occurred to create the existing building pad. The proposed structure would be a 3 bedroom 2 bath home on the second story with a garage and shop on the first story. Proposed dimensions for the house are 64 feet by 32 feet with 6 foot covered decks extending off the front and rear of the house, for a total of 76 feet by 36 feet with eaves. Total square footage of the house itself would be 4608 square feet. Total building footprint would be 2736 square feet, constituting 32.8% lot coverage. While the plans do not address building height, the maximum height in this zone is 35 feet. A two story structure should easily be able to meet this requirement.

The request is for the reduction in the front setback from 20 feet to 10 feet. The applicant states that they would like to have a maximum retaining wall height of 12 feet, and that it would be cost-prohibitive to dig further back on the lot. Proposed northerly side setback would be 16.62 feet (8 of which is required setback), southerly side setback would be 25 feet (20 of which is easement), and 18-25 foot rear setback (rear setback is on a diagonal).

**UPDATE:** This item was postponed at the February 22, 2018 meeting, as the Planning Commission ran out of time. Immediately prior to that meeting, CBS Electric Department reached out to the Planning Department with concerns for the proximity of the proposed structure to existing electrical infrastructure. The structure could not be located within ten feet of the existing infrastructure. The applicant worked with the Electric Department and the applicants determined that the power pole is located four feet outside the front property line. The Electric Department was not able to confirm this measurement. While the proposed structure location would not

necessarily interfere with existing infrastructure, the department plans a possible upgrade in the near future, and this proposal would likely interfere with those plans. Three phase power requires at least 15 feet between infrastructure and structures. Electric Department staff have communicated that a front setback of 15 feet would be acceptable to their plans. In consideration of future development and infrastructure upgrades, staff do not recommend that the Planning Commission grant the requested 10 foot front setback variance.

The applicant should also note that because of the R-1 zoning, the garage and shop encompassing the first floor could only be used for personal residential purposes.

### **ANALYSIS**

**Project / Site:** The lot is undeveloped. The lot has been recently graded to provide a flat building pad. Lot previously had steep topography, and this steepness remains around the boundaries of the building pad. The lot accesses directly from Dodge Circle with a 20 foot access and utility easement located along one side and serving 1938 Dodge Circle.

Staff suggest that the proposal could be reconfigured to meet the needs of the applicant while reducing the setback encroachment, such as extending the width of the house and reducing the depth. Staff recommend an amended variance for the front setback from 20 feet to 15 feet for the construction of a single-family house at 1940 Dodge Circle.

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

**Traffic:** A reduced front setback could minimally impact motorist visibility. Parking directly in front of the house could cause concerns for vehicles pulling directly onto the roadway, although this is a common arrangement.

**Parking:** Two spaces are required. Two spaces are designated in the front and two in the rear. Additionally, the first floor is a garage/shop which could provide some parking.

**Noise:** Reduced setbacks have the potential to increase noise by decreasing the buffer between structures. In this case, noise increase should be minimal, as the reduced setback would abut the street.

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



**Public Health or Safety:** Possible future upgrade of electric system could result in need for additional space between structure and electric infrastructure. Current pole is located 4 feet outside of front property line.

**Habitat:** No concerns.

**Property Value or Neighborhood Harmony:** Variances are a deviation from code, and result in an inconsistency between this property and nearby properties.

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

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

- 1) I move to approve the ***modified variance request for the reduction of the front setback from 20 feet to 15 feet*** for the construction of a single-family house at 1940 Dodge Circle. The property is also known as Lot 4 McCoy Subdivision. The request is filed by Amy Zanuzoski. The owners of record are Brian Obereutter and Amy Zanuzoski.
- 2) I move to adopt and approve the required findings for major structures or expansions. Before any variance is granted, it shall be shown:<sup>2</sup>
  - a) That there are special circumstances to the intended use that do not apply generally to the other properties, *here the steep rear topography*;
  - 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 economical development of a single-family structure on an undeveloped lot*;
  - 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 sufficient parking is provided on-site and the modified variance would protect future development of electric infrastructure*;
  - 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 cost-effective development of a single-family structure in the R-1 zone while protecting municipal infrastructure.*

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<sup>2</sup> Section 22.30.160(D)(1)—Required Findings for Major Variances

# Attachment A

## Applicant Materials



# 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:

We request a variance of the front set back of the property from 20 ft. to 10 ft.

From property line to asphalt is 23 ft.

We request the front set back variance, because we want to adhere to the original plan of the 12 ft. or less retaining wall. Also it is cost prohibitive to dig further back in the property. And it would make us go over the 12 ft. retaining wall.

### PROPERTY INFORMATION:

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

CURRENT LAND USE(S): empty lot PROPOSED LAND USES (if changing): Residential Property  
Single Family home

### APPLICANT INFORMATION:

PROPERTY OWNER: Brian Oberreuter / Amy Zanozski

PROPERTY OWNER ADDRESS: 1938 Dodge cir

STREET ADDRESS OF PROPERTY: 1940 Dodge cir

APPLICANT'S NAME: Amy Zanozski

MAILING ADDRESS: 1938 Dodge cir Sitka, AK 99835

EMAIL ADDRESS: Amyzan112@gmail.com DAYTIME PHONE: 805 390 4194

### PROPERTY LEGAL DESCRIPTION:

TAX ID: \_\_\_\_\_ LOT: 4 BLOCK: 5 TRACT: Cascade Creek Sub

SUBDIVISION: McCoy US SURVEY: \_\_\_\_\_

### 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



Date

1/31/18

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



Since the property has been un-developed in a very long established neighborhood, the special circumstance that generally do not apply to other properties of the McCoy sub division in which 1940 Dodge Circle has a steep grade towards the back of the excavated property. The property topography of the lot and the house plan do not coincide at the moment with the 20ft. front set back. Which is why we are requesting 10ft. set back variance. The design of the building won't currently fit on the property with the land elevation.

We request a variance of the front set back of the property from 20 ft. to 10 ft. this is necessary for the preservation and enjoyment of a substantial property right, which other owners in the area possess.

From the property line to street asphalt is 23 ft. not including the 20ft. front set back. We request the front set back variance, because we want to adhere to the original plan of the 12 ft. or less retaining wall. Also it is cost prohibitive to dig further back in the property along with keeping the soundness of the above property in which we currently live.

If we were granted the variance it will not be materially detrimental to the public welfare or injurious to nearby parcels, since there is plenty of room on the street as the street is a dead-end with very limited traffic. There will be 2 parking spots in the front of the property and the in the back on top of elevated unused part of the property there will be 2 parking spots.

We are planning on a 3 bed/2 bath single family structure with a garage/shop on the first level and living space on the top level.

Our property lot size 8321' and the proposed building area is 2736' which is 32.8% of the lot, less than the 35% max coverage for a structure.



# CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND WE HAVE ADEQUATELY SHOWN THIS PLAN OF SURVEY TO THE CITY OF SITKA, ALASKA, FOR THE PURPOSES OF RECORDING AND DEDICATION.

2-23-90 *Shirley & Maloy*  
2-23-90 *Bernard N. McCoy, Sr.*  
By: *Shirley & Maloy* P.O. # *Shirley & Maloy*  
NOTARY'S ACKNOWLEDGEMENT

DATE OF ACKNOWLEDGEMENT  
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 23rd day of Feb., 1990, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared *Shirley & Maloy* or *Bernard N. McCoy, Sr.* to me known to be the identical person(s) mentioned and who executed the within plat and acknowledged to me that he/she signed the same freely and voluntarily for the uses and purposes therein stated.

WITNESS MY HAND AND NOTARIAL SEAL THIS 23rd day of Feb., 1990.  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
MY COMMISSION EXPIRES 7-1-91

## CERTIFICATE STATE OF ALASKA FIRST JUDICIAL DISTRICT) 155

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOREGOING DESCRIBED PROPERTY IS CHARGED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF SITKA IN THE NAME OF *Bernard & Shirley McCoy* AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LAND ARE IN FULL IN THE CITY AND BOROUGH OF SITKA AND PAID IN FULL IN THE CURRENT TAXES FOR THE YEAR 1990. I HEREBY CERTIFY THAT DATED THIS 23rd day of Feb., 1990.

*B. J. Johnson*  
ASSESSOR, CITY AND BOROUGH OF SITKA

## CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT HEREIN 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. 90-1 DATED 19\_\_\_\_, AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO PLANNING, SITKA, ALASKA.

2-23-90 *Jamie Johnson*  
DATE CHAIRMAN, PLANNING BOARD

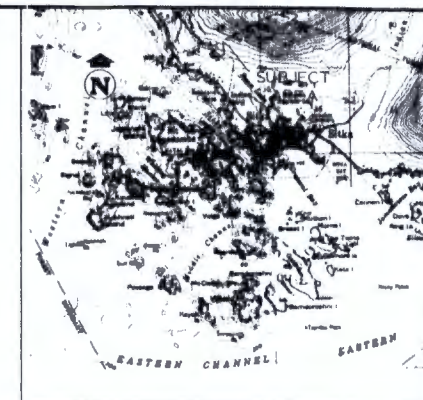
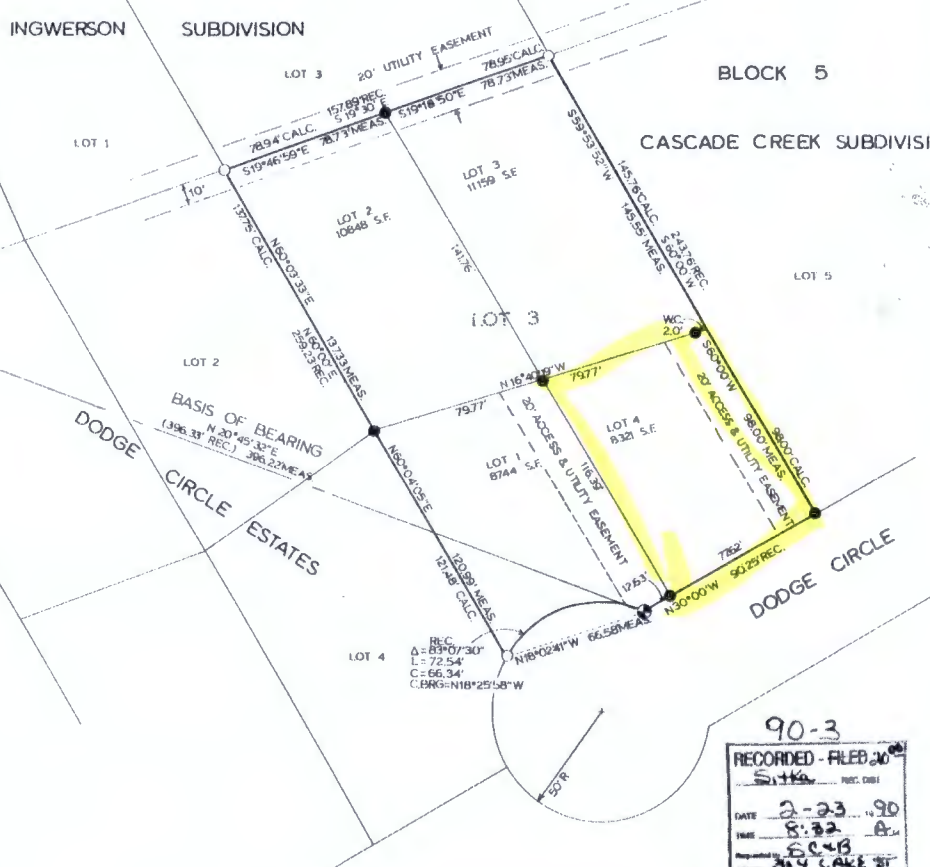
*Neil Redman*  
SECRETARY

## CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ DATED 19\_\_\_\_, AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDING, SITKA, ALASKA.

2-24-90 *John ...*  
DATE MAYOR (D-6)

*Helinda ...*  
CITY AND BOROUGH CLERK



VICINITY MAP  
SCALE 1" = 1 MILE

### LEGEND

- ⊙ TONER & NORDING BRASS CAP (RECOVERED)
- 5/8" BAR AND CAP (RECOVERED)
- 5/8" BAR AND PLASTIC CAP (SET THIS SURVEY)

### NOTES

- 1) PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE COST AND MAINTENANCE OF UTILITY SERVICES AND ROAD ACCESS TO LOTS 2 AND 3.
- 2) INADEQUATE WATER PRESSURE MAY EXIST AT HIGHER ELEVATIONS IN LOTS 2 AND 3. PRESSURE AUGMENTATION MAY BE REQUIRED BY INDIVIDUAL HOME OWNERS.

90-3  
RECORDED - FILED  
SITKA  
DATE 2-23-90  
TIME 8:32 A.  
Represented by  
SITKA AK 99835

### SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered Surveyor, licensed in the State of Alaska, and that in JANUARY 1990 a survey of the herein described lands was conducted under my direct supervision and that this plat is a true and accurate representation of the field notes of said survey, and that all dimensions and other details are correct according to said field notes.

date *2-23-90*

### McCoy SUBDIVISION

SUBDIVISION OF LOT 3, BLOCK 5  
CASCADE CREEK SUBDIVISION

CLIENT: BERNARD McCoy  
1938 DODGE CIRCLE  
SITKA, ALASKA 99835

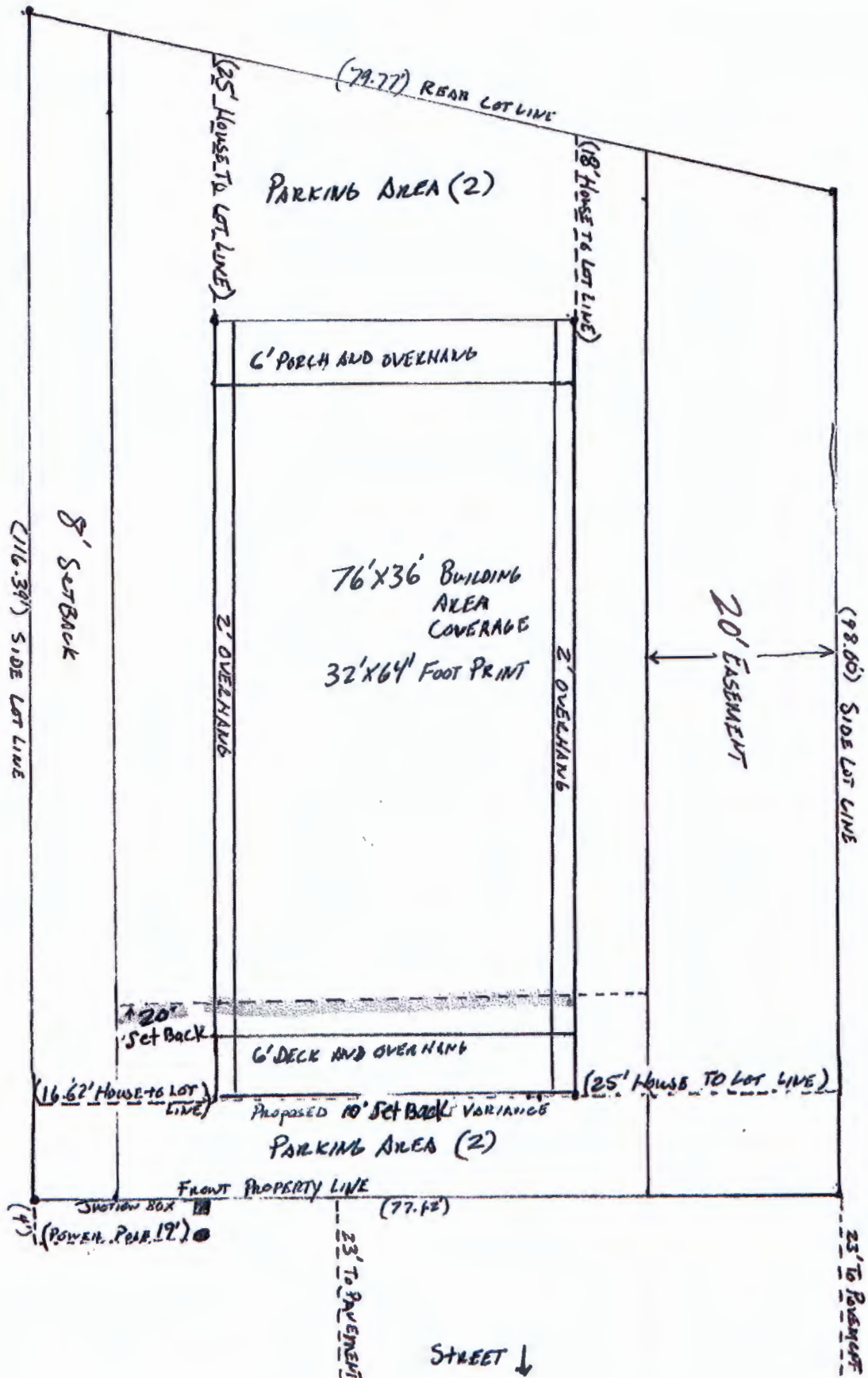
GREG SCHEFF & ASSOCIATES  
LAND SURVEYORS  
BOX 1849  
SITKA, AK. 99835

DATE JAN. 4, 1990  
SCALE 1" = 40'  
NAME OF SURVEYOR GREG SCHEFF & ASSOC.  
DRAWN BY RR  
PROJECT NUMBER

SITKA PLAT 90-3

1940 DODGE CIRCLE  
LOT SIZE 8,321 sq. ft.  
BUILDING SIZE 2,736 sq. ft. (32.8%)

RECEIVED  
MAY 05 2018



# Attachment B

## Staff Materials

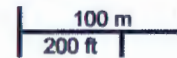




## City & Borough of Sitka, Alaska

Selected Parcel: 1940 Dodge Cir ID: 24835004

Printed 2/5/2018 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.





Cone at front property line





Cone 10' inside front property line





Cone 20' inside front property line







































# CITY AND BOROUGH OF SITKA (CBS) BUILDING PERMIT

(PERMIT NOT VALID UNTIL STAMPED "APPROVED" BELOW)

PLEASE VISIT [WWW.CITYOFSITKA.COM](http://WWW.CITYOFSITKA.COM) FOR MORE INFORMATION.

PERMIT NO. 17070

## APPLICATION INFORMATION: PLEASE FILL OUT ALL THAT APPLY.

OWNER BRIAN OBERREUTER PHONE NUMBER 738-1656  
PROJECT ADDRESS 1940 DODGE CIRCLE MAILING ADDRESS 1938 DODGE CIRCLE  
CONTRACTORS: GENERAL Sean Gillette PLUMBING \_\_\_\_\_ ELECTRICAL \_\_\_\_\_  
PROJECT TO INCLUDE: ☐ BUILDING ☐ ELECTRICAL ☐ PLUMBING ☐ DEMOLITION ☒ GRADING  
TOTAL SQUARE FOOTAGE \_\_\_\_\_ PROJECT VALUE \$ \_\_\_\_\_

WHEN APPLICABLE, OWNER/APPLICANT IS RESPONSIBLE FOR THE FOLLOWING ITEMS:

- CBS UTILITIES CONNECTION / DRIVEWAY CULVERT PERMIT
- AS BUILT SURVEY PRIOR TO FRAMING
- CORPS OF ENGINEERS PERMIT FOR ALL CONSTRUCTION ON TIDELANDS OR WETLANDS
- STATE OF ALASKA DEC SANITARY WASTE DISPOSAL PERMIT
- STATE OF ALASKA DOT HIGHWAY DRIVEWAY PERMIT
- 2 SETS OF PLANS SUBMITTED WITH BUILDING PERMIT APPLICATION (ONE SET WILL BE RETURNED WITH PERMIT, ONE SET WILL BE KEPT AT CBS FOR DURATION OF PROJECT)

IMPORTANT: ALL WORK MUST BE INSPECTED PRIOR TO CONCEALMENT. THE BUILDING CODE REQUIRES A MINIMUM OF ONE WORKING DAY'S NOTICE PRIOR TO ALL INSPECTIONS.

PROJECT DESCRIPTION: REPLACE EXISTING CULVERT WITH LONGER PERF CULVERT.  
EXCAVATE AND FILL 40'x80' INSTALL ECORD BLOCK WALL ON  
TWO SIDES (SOUTH + WEST) FOR FUTURE HOME SITE.

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION, STATE THE ABOVE IS CORRECT, AND AGREE TO COMPLY WITH ALL STATE LAWS, AND CODES AND ORDINANCES OF THE CITY AND BOROUGH OF SITKA.

BRIAN OBERREUTER  
APPLICANT'S NAME (PRINTED)

[Signature]  
APPLICANT'S SIGNATURE

4/24/17  
DATE

***FOR OFFICE USE ONLY***			
ZONING <u>R1</u>	OCCUPANCY _____	FLOOD ZONE <u>N/A</u>	PROPERTY TAX ID NO. _____
PLANNING <u>AP</u>	PUBLIC WORKS (W/WW) _____	ELECTRIC _____	ADMINISTRATOR _____
COMMENTS: <input type="checkbox"/> AS BUILT TO ASSESSING <input type="checkbox"/> UTILITIES PERMIT APPLICATION SUBMITTED			
<u>Future structures must comply with setback requirements 20' front, 10' rear, 8' sides.</u>			
<u>Please call for inspection of bottom of the hole and final</u>			
APPROVED FOR GRADING			<u>4/28/17</u>
BUILDING OFFICIAL			

APPROVED FOR GRADING

BUILDING OFFICIAL

4/20/17

Cross Section

A-10'-1" rise  
run

B-10'-3" rise  
run

C-25'-3" rise  
run

shot rock  
and gravel D1

