



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 18-11
Proposal: Request for bed and breakfast at 424 Andrews Street
Applicant: Sheila Finkenbinder
Owner: Sheila Finkenbinder
Location: 424 Andrews Street
Legal: Lot 12 and Portion of Lot 11 Block 26 Spruce Glen Subdivision
Zone: R-1 single-family and duplex residential district
Size: 8576 square feet
Parcel ID: 13635000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Andrews Street

KEY POINTS AND CONCERNS:

- Rental unit is a hide-a-bed in an owner-occupied accessory dwelling unit (ADU)
- In addition to ADU, duplex exists on lot
- ADU and duplex access from different streets
- Sufficient parking on-site
- Access from public street – Andrews Street
- No other known vacation rentals in the neighborhood
 - One unit of the duplex previously had a hide-a-bed B&B which has been abandoned
- Property is approximately 500 square feet above the minimum lot square footage for the zone
- Multi-family housing is nearby in the neighborhood
- Vacation rentals offer economic opportunity for homeowners but may impact long-term rental rates
- Burden is on the applicant to prove that the proposal will not have negative impacts

RECOMMENDATION:

Staff recommends that the Planning Commission approve the conditional use permit request for a bed and breakfast at 424 Andrews Street.

ATTACHMENTS

Attachment A: Applicant Materials

Attachment B: Staff Materials

BACKGROUND/PROJECT DESCRIPTION

The request is for a bed and breakfast rental of an owner-occupied ADU at 424 Andrews Street. The property also has a duplex fronting DeArmond Street. The applicant previously operated a B&B in the owner occupied portion of the duplex, but has now abandoned that permit.

The unit will have a hide-a-bed available for “one female guest at a time.” Upon reviewing Sitka General Code’s Title 24 Nondiscrimination, staff believe that the proposal complies these local regulations, as she is renting out a portion of the home that she occupies. A code section is pasted below for reference. Nevertheless, a condition of approval requires the applicant to comply with all local, state, and federal laws regarding nondiscrimination, and staff recommend that the applicant consult.

24.05.060 Lawful practices.

B. The provisions of Section 24.05.040(A)(3) shall not apply to rental of a room or rooms in a dwelling unit actually occupied by the owner or lessee as the owner’s or lessee’s residence, or actually occupied by a member of the owner’s or lessee’s immediate family as the family member’s residence. For purposes of this section, “immediate family member” means the owner’s or lessee’s spouse, minor child, dependent, or a regular member of the owner’s or lessee’s household; provided, that the owner or lessee rents not more than three rooms within the residence.

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:

Property is currently developed as a duplex with ADU. The addition of a short-term renter could increase traffic to the ADU; however, the location is very walkable so renters may not bring vehicles.

b. Amount of noise to be generated and its impacts on surrounding land use: Short-term renters may create noise. The owner occupies the unit, so she has an interest in keeping the property quiet. No concerns for this proposal.

c. Odors to be generated by the use and their impacts: Owner is on-site to ensure that garbage is managed in accordance with Sitka General Code.

¹ § 22.24.010.E

d. Hours of operation: Year-round bed and breakfast.

e. Location along a major or collector street: Access from Andrews Street.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: The neighborhood is often cut through by motorists. Proposal is not likely to increase this. Owner/manager should provide detailed directions to renters.

g. Effects on vehicular and pedestrian safety: Vehicles are likely to back onto Andrews Street, but the speed limit is low. No concerns.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Additional short-term resident does not impact emergency response.

i. Logic of the internal traffic layout: Four required parking spaces are provided for the unit, although only three are required. Four parking spaces for the duplex are located on the DeArmond Street frontage. A condition of approval requires all parking to be located on-site.

j. Effects of signage on nearby uses: None proposed. Any signage must comply with Sitka General Code requirements.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Solid fencing provides a buffer to adjacent properties.

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 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating an owner-occupied bed and breakfast with requirements to mitigate concerns for traffic, odors, and noise.

m. Other criteria that surface through public comments or planning commission review: Short-term rentals may cause the increase of long-term rental rates. In this case, the unit is being occupied long-term by the owner, so the rental is not causing the unit to be removed from the market.

RECOMMENDATION

It is recommended that the Planning Commission approve the conditional use permit application for a bed and breakfast at 424 Andrews Street.

.....

Motions in favor of approval:

1) I move to approve the conditional use permit request for a bed and breakfast at 424 Andrews Street in the R-1 single family and duplex residential district subject to conditions of approval. The property is also known as Lot 12 and Portion of Lot 11 Block 26 Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.

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, 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 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.

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

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

14. The applicant shall comply with all local, state, and federal laws regarding nondiscrimination.

2) I move to find that:²

1. ...The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare *specifically, on-site parking is provided;*
 - b. Adversely affect the established character of the surrounding vicinity *specifically, the neighborhood is already established with higher density and temporary housing;* 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, the property is accessed directly from a public street and has public utilities.*
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 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports "development of facilities to accommodate visitors" that do not negatively impact surrounding residential neighborhoods, by operating an owner-occupied bed and breakfast with requirements to mitigate concerns for traffic, odors, and noise.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically that the owner lives on-site and can monitor for infractions and take action as warranted.*

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

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: I would like to host one female
guest at a time in my new bungalow (800 sqft.)
The guest will sleep on a hide-a-bed in my great room.

PROPERTY INFORMATION:CURRENT ZONING: R1 PROPOSED ZONING (if applicable): n/aCURRENT LAND USE(S): Residential PROPOSED LAND USES (if changing): n/a**APPLICANT INFORMATION:**PROPERTY OWNER: Sheila FinkenbinderPROPERTY OWNER ADDRESS: 415 DeArmond St. (mailing)STREET ADDRESS OF PROPERTY: 424 Andrews St.APPLICANT'S NAME: Sheila FinkenbinderMAILING ADDRESS: 415 DeArmond St.EMAIL ADDRESS: sitka-sheila@gmail.com DAYTIME PHONE: 907-738-3098**PROPERTY LEGAL DESCRIPTION:**TAX ID: 13635000 LOT: 12/portland II BLOCK: - TRACT: -SUBDIVISION: Spruce Glen 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
- ☒ Deed
- ☒ Copy of current plat
- ☐ Proof of filing fee payment

For Conditional Use Permit:

- ☒ Parking Plan
- ☒ Interior Layout

For Plat/Subdivision:

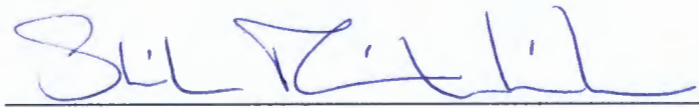
- ☐ Three (3) copies of concept plat
- ☐ Topographic information
- ☐ Proof of Flagging
- ☐ Plat Certificate from a title company

If Pertinent to Application:

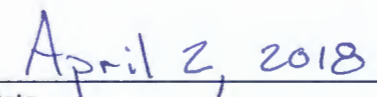
- ☐ Drainage and Utility Plan
- ☐ Landscape Plan

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 understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. 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

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

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

March 3, 1934

Date

Witnessed by

John D. Ballard

Witness

Chas. Thompson

Witness

O-500

CERTIFICATE OF REGISTERED ENGINEER OR SURVEYOR

I hereby certify that I am a registered professional civil engineer/land surveyor and that this Plan represents the survey made by me or under my direct supervision, and the and the monuments shown thereat actually exist as located, and that all dimensional and other details are correct.

March 3, 1934

Date

Registered Engineer or Surveyor

SEAL

CERTIFICATION OF APPROVAL BY THE BOARD

I hereby certify that the Subdivision Plan shown hereon has been found to comply with the Subdivision Regulations of the City of Sitka, and that said Plan has been approved by the Board by Resolution No. *1166*, dated *March 21, 1934*, and that the Plan shown hereon has been approved for recording in the office of the United States Commissioner, Ex-Officio Recorder, Sitka, Alaska.

March 3, 1934

Date

Chairman, Plotting Board

ATTEST:

James E. Liden

Secretary

SEAL

CERTIFICATION OF APPROVAL BY THE COUNCIL

I hereby certify that the Subdivision Plan shown hereon has been found to comply with the Subdivision Regulations of the City of Sitka, and that said Plan has been approved by the Common Council as recorded in *Minutes Book*, page *1166*, dated *March 21, 1934*, and that the Plan shown hereon has been approved for recording in the office of the United States Commissioner, ex-officio Recorder, Sitka, Alaska.

Date

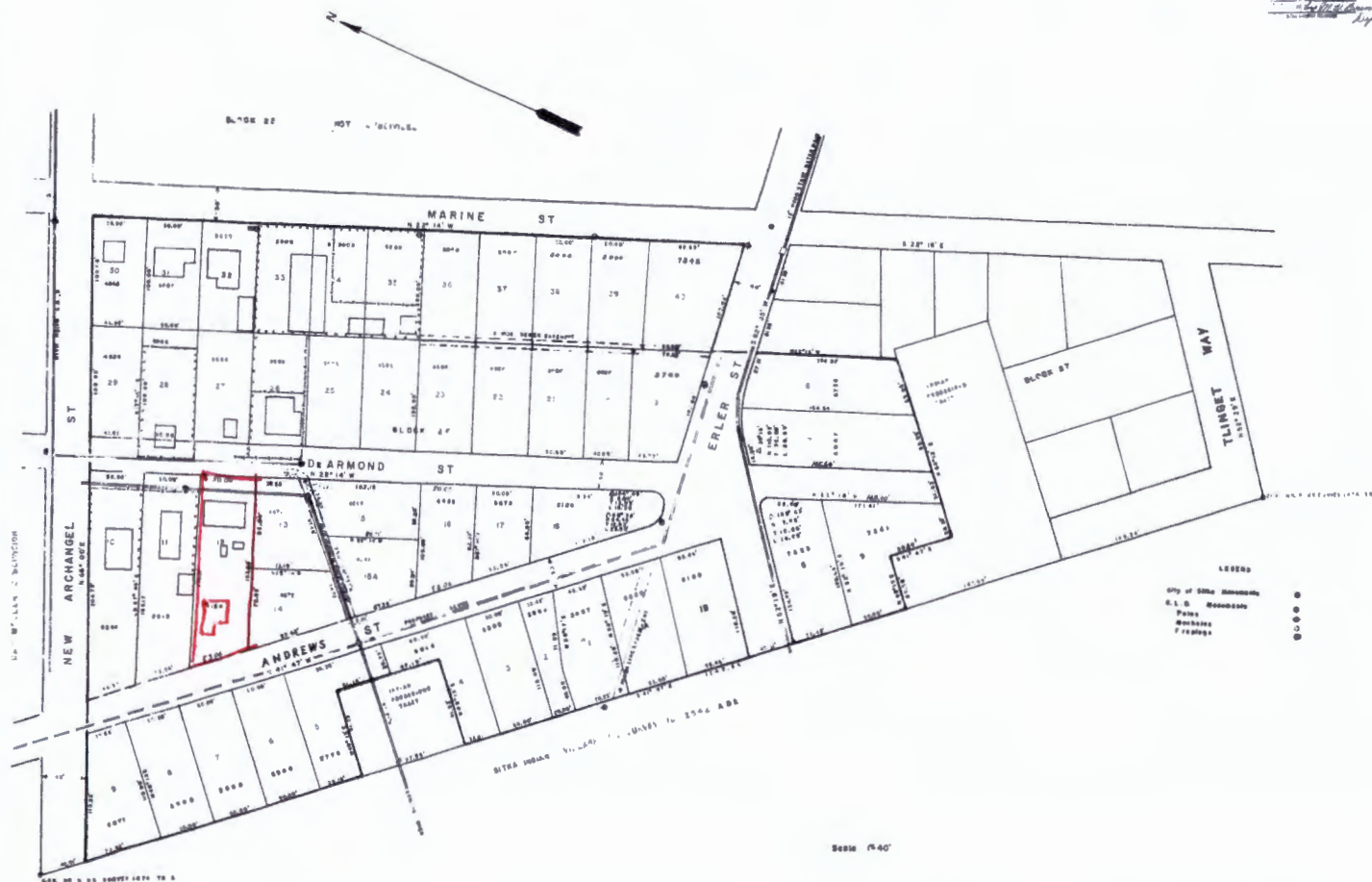
Mayer

ATTEST:

James E. Liden

City Clerk

SEAL



SPRUCE GLEN SUBDIVISION

Block 26 and part of Block 27, U.S. Survey 1474 T4 N
Owner *Land A. Beadlin*
Surveyed by *John C. Fox and John D. Ballard*
Showing Survey Easements and Relocation of Erler Street

James E. Liden
Survey No. #2

SPRUCE GLEN SUBDIVISION
 PORTION LOT 10
 BASIS OF BEARINGS
 N 67°46'E 189.55' (R) 189.62' (M)
 PORTION LOT 10

BRIGHT ZERO LOT LINE SUB.

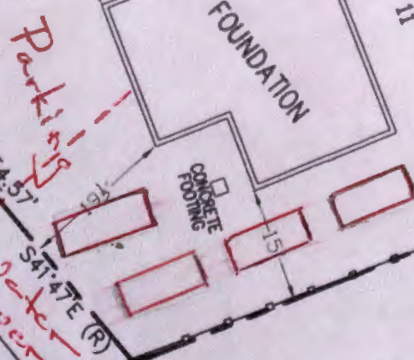
DEARMOND STREET
 N22°14'W (R)
 30.00
 51.42'
 R.O.W.

ANDREWS STREET
 51.39' (R)
 R.O.W.
 30'
 EDGE OF ASPHALT
 MALDRIES
 54.57'
 54°47'E (R)
 15'

LOT 11A

PORTION OF LOT 11

LOT 12 + SOUTHERLY 1.50' LOT 11



0.36' WC
 S67°46'W

172.36' (R)

EXISTING SHED EAVES
 COVERED WALKWAY
 EXISTING HOUSE EAVES

N67°46'E 154.10' (R)

FENCE ENCROACHES 0.4'



- REB
- (R) REC
- (C) COM
- (M) MEI

1. OFFSET DISTANCE THE PROPERTY LI
2. THIS PLAT DOES SURVEYS, AS SET LAND SURVEYORS
3. THIS PLAT IS NE
4. UNDERGROUND UT

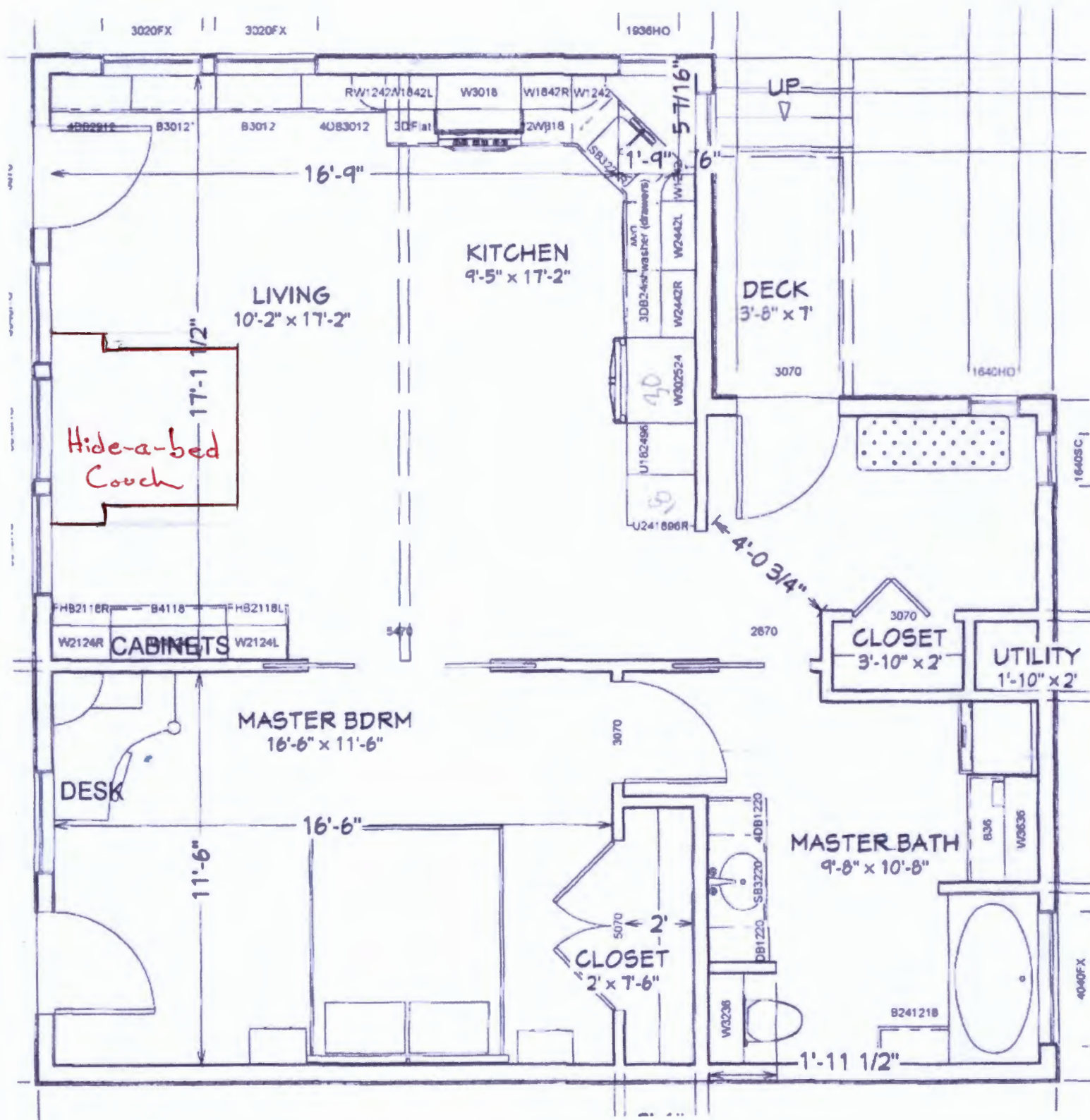
CLIENT: KEITH CUSTOM CONSTRUCTION
 KEITHCUSTOMEROUTLOOK.COM

NORTH 57*
LAND SURVEYING

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, IF ANY, SET.



PL







Attachment B

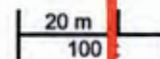
Staff Materials



City & Borough of Sitka, Alaska

Selected Parcel: 415 DeArmond St ID: 13635000

Printed 4/12/2018 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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