



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 18-12
Proposal: Request for short-term rental at 105 Wolff Drive
Applicant: Florence Benton
Owner: Bobby & Florence Benton
Location: 105 Wolff Drive
Legal: Lot 2 Block 3 Amended Resubdivision of Lots 1, 2, 3, 4 of Block 3 and Pt of Wolff Drive, Ted Wolff Subdivision
Zone: R-1 single-family and duplex residential district
Size: 7427 square feet
Parcel ID: 30672002
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Wolff Drive

KEY POINTS AND CONCERNS:

- Rental unit is an efficiency unit of a duplex
- Sufficient parking on-site
- Access from public street, Wolff Drive
- No other known rentals in the neighborhood
- Owner lives in other unit of the duplex
- Property is approximately 500 square feet below the minimum lot square footage for the zone
- Short-term 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 negatively impact the neighborhood

RECOMMENDATION:

Staff recommends that the Planning Commission approve the conditional use permit request for a short-term rental at 105 Wolff Drive.

ATTACHMENTS

Attachment A: Applicant Materials

Attachment B: Staff Materials

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a short-term rental of one unit of a duplex at 105 Wolff Drive. The house was constructed in 1977. The rental unit is located toward the front of the property with the owner-occupied unit toward the rear. The rental unit is an efficiency unit with kitchen, living area, bed, bathroom, and laundry facilities.

The rental will be owner managed with policies and procedures in place to manage guests. Applicant addressed noise, odors, garbage, and safety in the application. Applicant states that eviction may occur if violations necessitate.

Access to this lot is from Wolff Drive, a public street. This property is toward the beginning of the street, which should minimize traffic to the majority of the neighborhood. No approved short-term rentals are in the neighborhood.

Renovations are currently underway to update the external access for the unit. All construction must comply with building code requirements and Sitka General Code development standards. Safety of the structures will be addressed during the life safety inspection, which is a condition of approval.

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. Short-term renters will likely generate less traffic than long-term renters. Property is located toward the beginning of Wolff Drive. No concerns.

b. Amount of noise to be generated and its impacts on surrounding land use: Short-term renters may create noise. The rental unit is accessed toward the front of the property, near the street. The owner lives on-site and can monitor for noise. Residents of this neighborhood have lodged complaints of the commercial noise from loading large trucks on commercial properties adjacent to this subdivision. No concerns for this proposal.

c. Odors to be generated by the use and their impacts: Applicant states that Wolff Drive does not have a bear problem, but states that garbage will be kept in sealed containers and rolled out to the curb in accordance to Sitka General Code.

¹ § 22.24.010.E

d. Hours of operation: Year-round short-term rental.

e. Location along a major or collector street: Access from Sawmill Creek Road to Wolff Drive.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: No cut-through scenarios. Renters may have difficulty locating the correct house, resulting in roaming motorists. Owner/manager should provide detailed directions to renters.

g. Effects on vehicular and pedestrian safety: Wolff Drive does not have sidewalks. Renters will be unlikely to walk from the property to destinations. Applicant proposes to install a code-compliant sign to help renters find the property.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Same as if the unit had a long-term inhabitant.

i. Logic of the internal traffic layout: The four required parking spaces are provided at the front of the property. A condition of approval requires all parking to be located on-site.

j. Effects of signage on nearby uses: Applicant proposes a small code-compliant sign to help renters find the property.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Currently there is not a buffer between the property and the neighboring property, but applicant has considered it. Acknowledging that there must be two entrances as required by building code, staff recommend that the applicant encourages primary use of the entrance furthest away from the neighboring property for regular non-emergency use.

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 a short-term rental 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.

RECOMMENDATION

It is recommended that the Planning Commission approve the conditional use permit application for a short-term rental at 105 Wolff Drive.

.....

Motions in favor of approval:

1) I move to approve the conditional use permit for a short-term rental at 105 Wolff Drive in the R-1 single family and duplex residential district subject to conditions of approval. The property is also known as Lot 2 Block 3 Amended Resubdivision of Lots 1, 2, 3, 4 of Block 3 and Pt of Wolff Drive, Ted Wolff Subdivision. The request is filed by Florence Benton. The owners of record are Bobby and Florence Benton.

Conditions of Approval:

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

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

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, conditions of approval require responsible garbage management and noise monitoring;*
- b. Adversely affect the established character of the surrounding vicinity *specifically, signage will help the renters find the property;* 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, access is from a public street and on-site parking is provided.*

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 a short-term rental 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:

Request to start a
VRBO (vacation rental by owner) at
105 Wolff Drive A.

PROPERTY INFORMATION:

CURRENT ZONING: R1 PROPOSED ZONING (if applicable): N/A

CURRENT LAND USE(S): Residential PROPOSED LAND USES (if changing): same

APPLICANT INFORMATION:

PROPERTY OWNER: Florence Benton

PROPERTY OWNER ADDRESS: 105 Wolff Drive

STREET ADDRESS OF PROPERTY: 105 Wolff Drive

APPLICANT'S NAME: Florence Benton

MAILING ADDRESS: PO Box 1635, Sitka, AK 99835

EMAIL ADDRESS: Floey21@hotmail.com DAYTIME PHONE: 907-752-8549

PROPERTY LEGAL DESCRIPTION:

TAX ID: 30672002 LOT: 2 BLOCK: 3 TRACT: _____

SUBDIVISION: Ted Wolff Subdivision 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.

Florence E. Benton

Owner

4/2/18

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



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM CONDITIONAL USE PERMIT

APPLICATION FOR

☐ MARIJUANA ENTERPRISE

☒ SHORT-TERM RENTAL OR BED AND BREAKFAST

☐ OTHER: _____

CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:

The amount of traffic will only be increased minutely. Generated traffic is expected to be similar to other properties surrounding unit.

- Amount of noise to be generated and its impacts on surrounding land use: I'm not expecting negative noise; the guests will enter rental unit through a front door by parking lot. Should they violate rules on noise it could result in eviction if necessary. Front access more private.
- Odors to be generated by the use and their impacts:

There shouldn't be odor problems, and we don't have a been problem on Wolff drive; garbage is in sealed garbage containers until 4am on garbage pick up days when it is rolled out to curb.

- Hours of operation:

This is a year-round short term rental.

- Location along a major or collector street: N/A

- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: N/A

- Effects on vehicular and pedestrian safety: I don't foresee any ^{traffic or pedestrian} safety hazards.

There will be a sign signifying the VRBO's name (Wolff Den) so it will be easy to find.

Benton
Last Name

4/5/18
Date Submitted

105 Wolff Drive
Project Address

- Ability of the police, fire, and EMT personnel to respond to emergency calls on the site: Same as if the unit had a long-term rental.
- Logic of the internal traffic layout: We have at least 4 parking spaces if not more on-site. (40'w by 35'l) We will have appropriate gravel where needed in parking area.
- Effects of signage on nearby uses: I will have signage to help identify the unit. "Wolff Den".
- Presence of existing or proposed buffers on the site or immediately adjacent the site: Presently there are no buffers facing other dwellings. A foliage buffer between dwellings at private entrance is a possibility.
- Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan (CITE SPECIFIC SECTION AND EXPLAIN): The objective for this VRBO is to launch a small business to participate in tourism industry that develops facilities to accommodate visitors and does not negatively impact surrounding neighbors with traffic, odor or noise concerns.
- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.): We don't have bear problems but are cognizant of keeping garbage in a safe container until garbage pick-up day.

REQUIRED FINDINGS (SGC 22 J.160(C):

1. ...The granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare because we will keep
garbage safely contained; we supply smoke detectors and fire extinguishers
- b. Adversely affect the established character of the surrounding vicinity, because we have
sufficient parking on-site; 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, because, access is developed and
managed

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 states supporting
economic development activities which contribute to a
long-term local economic base.
because the proposal allows local home owners to launch a small

business and participate in the tourism industry that don't
negatively impact neighbors by operating a short-term rental with

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and

enforced, because provision of a detailed rental overview can address
potential concerns as soon as tenant arrives to property and note
that any violations may be grounds for eviction

ANY ADDITIONAL COMMENTS The rental unit is a self contained
efficiency apt. with a floor plan to accommodate 4
people comfortably including: queen bed; hide a bed (full size)
1 bath unit; washer & dryer; full kitchen w/ stove, refrigerator
and microwave. The entrance will have an exterior locking
French door with decking down to parking lot. 634 sq. feet.

Florence E. Benton
Applicant

4/5/18
Date

Benton
Last Name

4/5/18
Date Submitted

105 Wolff Drive
Project Address

me & instruments to mitigate concerns for
traffic, odors and noise.

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE
PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE
HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE
CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS,
PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE
USE AS NOTED.

NOTARY'S ACKNOWLEDGEMENT
STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) 1988

AND TO ME KNOWN AND KNOWN TO ME TO BE THE PERSONS NAMED IN THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION AND THAT THEY INDIVIDUALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE NAMED FIRST ABOVE.

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION,
ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR
OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL; THAT
CURRENT TAXES FOR THE YEAR 1980 WILL BE DUE ON OR
BEFORE JULY 31, 1980

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN
HEREON HAS BEEN FOUND TO COMPLY WITH THE SUB-
DIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA
PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED
BY THE BOARD BY PLAT RESOLUTION NO.
DATED 10, AND THAT THE PLAT SHOWN HEREON
HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF
THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER SITKA,
ALASKA.

CERTIFICATE OF APPROVAL
BY THE ASSEMBLY

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

29

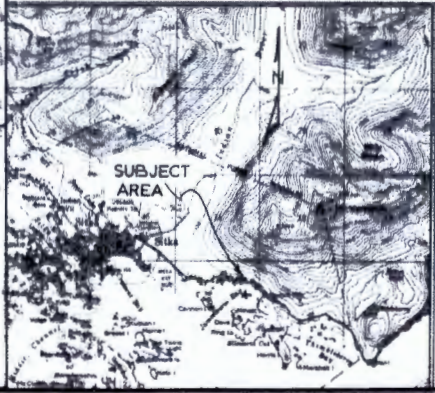
CURVE DATA

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R = 200.00
L = 103.386
C = 102.238
T = 52.875
- ② $\Delta = 56^{\circ}12'10''$
R = 100.00
L = 96.121
C = 94.232
T = 53.417
- ③ $\Delta = 13^{\circ}38'57''$
R = 200.00
L = 47.644
C = 47.532
C BAG. = N83°05'04"W
- ④ $\Delta = 5^{\circ}59'10''$
R = 200.00
L = 20.895
C = 20.866
C BAG. = S73°16'00"E
- ⑤ $\Delta = 9^{\circ}58'57''$
R = 200.00
L = 34.864
C = 34.802
C BAG. = S89°16'57"E
- ⑥ $\Delta = 16^{\circ}32'12''$
R = 100.00
L = 26.862
C = 26.762
C BAG. = S52°01'22"E
- ⑦ $\Delta = 39^{\circ}40'58''$
R = 100.00
L = 69.260
C = 67.884
C BAG. = S23°54'47"E

BRASS CAP MON. (FOUND)

The Easements are for specific public improvements. See instrument to each property owner from Municipality to be filed in the State Records office.

SCALE 1" = 1 MILE



SAWMILL CREEK HIGHWAY

SERIAL NO. 79-930
PLAT NO 79-38
FILED — SITKA RECORDING DISTRICT
DATE: 11-15-79 TIME 11:09 AM
By: CITY AND BOROUGH OF SITKA
BOX 78
SITKA, ALASKA 99835

I hereby certify that I am a registered Surveyor,
licensed in the State of Alaska, and that in
a survey of the herein
described lands was conducted under my direct
supervision and that this plot 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.

10-16-79
date



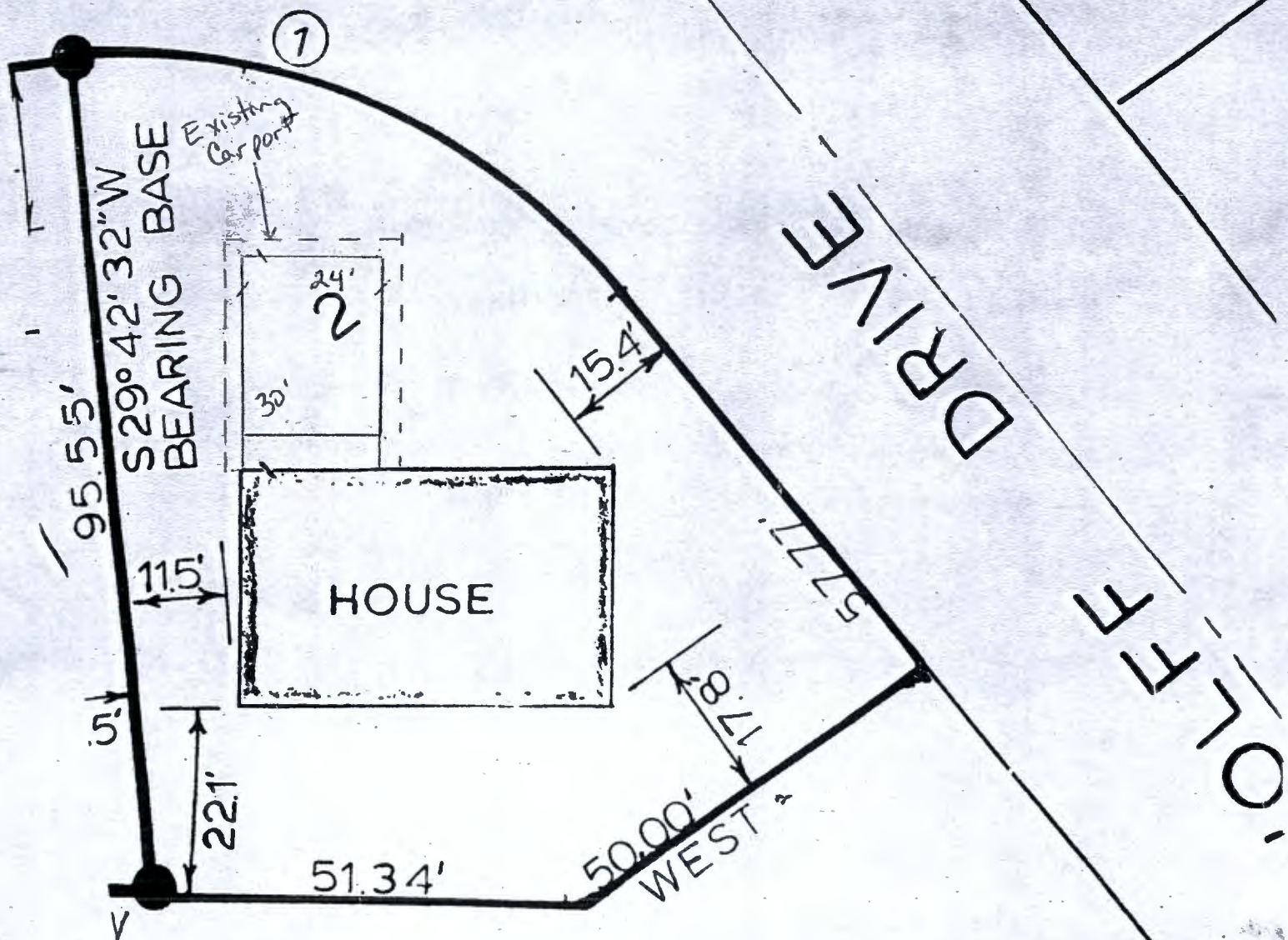
LOTS 123&4 BLK 3 & POR. WOLFF DR.
TED WOLFF SUBDIVISION

FOR: VIRGLE HENKE
BOX 472
SITKA ALASKA

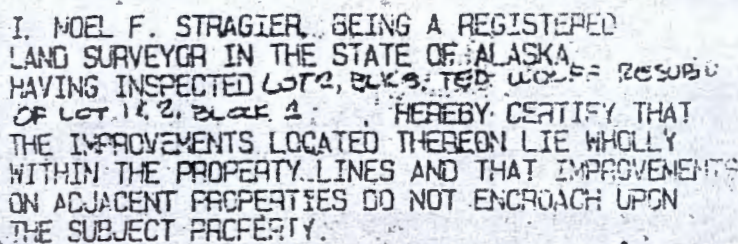
DAVIS & ASSOCIATES
LAND SURVEYORS
BOX 1849
SITKA, ALASKA 99835

DATE 06.1.1979	NAME OF SURVEYOR PHIL DAVIS	PROJ NO 20218-01-00
SCALE 1:480	DRAWN BY B.D.	

TRAT 79-38 DRAWER 11



00-2107



AS-BUILT PLOT PLAN

LOT 2, BLOCK 3 TED
WOLFF, AMENDED RESUBDIVISION
OF LOT 1 & 2, BLOCK 1
TED WOLFF SUBDIVISION

PREPARED FOR: ALASKA FEDERAL S & L
Box 1610
SITKA, ALASKA

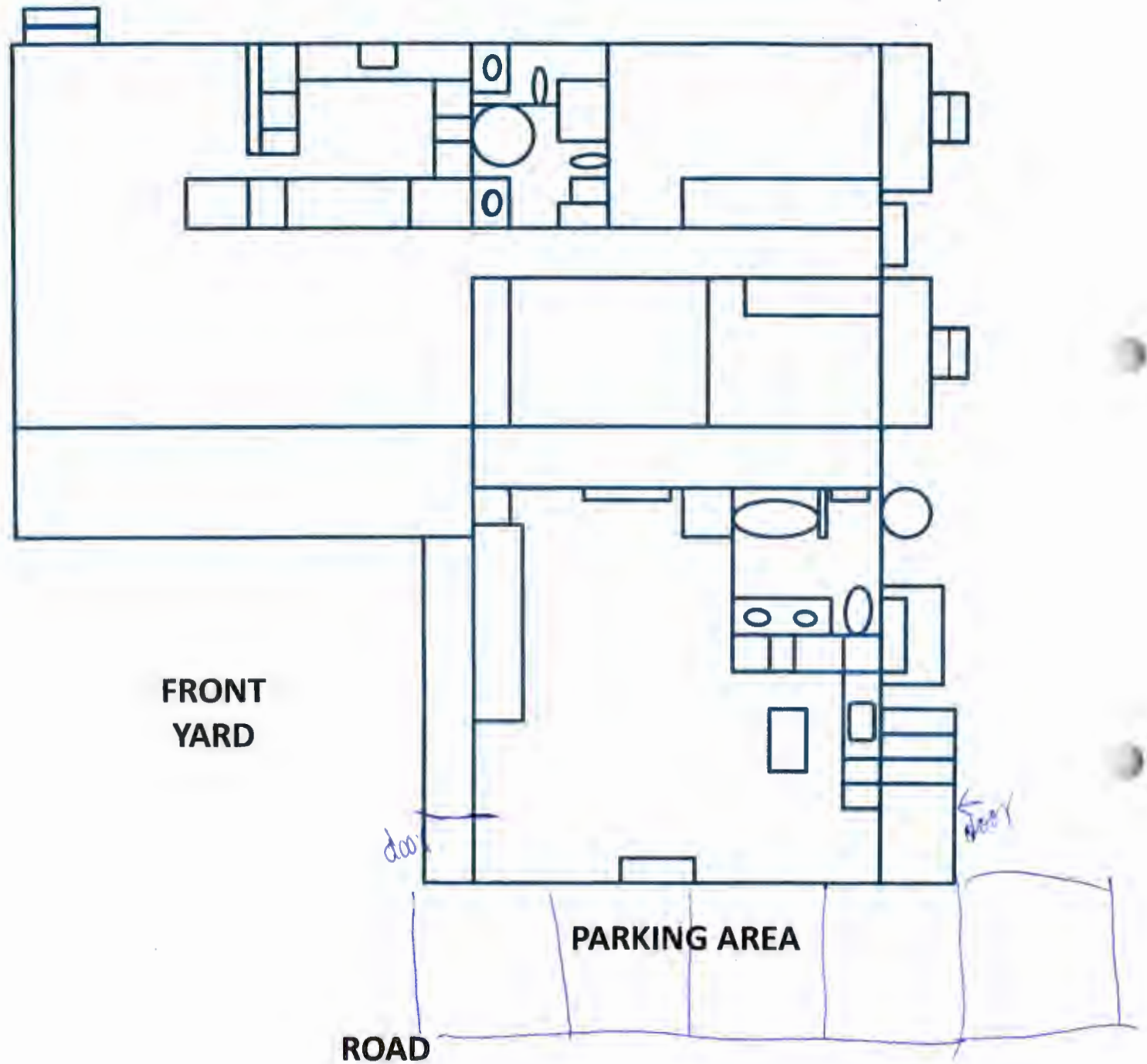
PREPARED BY:

STRAGIER
ENGINEERING SERVICES

DATE:

20X 4558 SITKA, AK-99835
(907) 747-5833

JUNE '84



Attachment B

Staff Materials



City & Borough of Sitka, Alaska

Selected Parcel: 105 Wolff Dr ID: 30672002

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

20 m |
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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