



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 18-05
Proposal: Request for reduction in the front setback from 20 to 16 feet and side from 5 feet to 4 feet
Applicant: Alexander Weissberg and Jennifer Klejka
Owner: Alexander Weissberg and Jennifer Klejka
Location: 311 Cascade Street
Legal: Lot 38 Block B Moore Memorial Addition
Zone: R-1 single family and duplex residential district
Size: 11,504 square feet
Parcel ID: 14398000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Cascade Street

KEY POINTS AND CONCERNS:

- Neighborhood harmony:
 - Sitka General Code requires a 20 foot front setback and 5 foot side setback (with the 60' width)
 - Decreased setbacks are common in the neighborhood
- Existing constraints:
 - Drainage issues and sloping rear of lot makes rear construction more difficult
 - Primary structure is already developed
- Reduced setback beyond 5 feet may result in additional building code requirements for fire separation

RECOMMENDATION:

Approve the variance request for the reduction in the front setback from 20 feet to 16 feet and the side setback from 5 feet to 4 feet for the construction of an attached garage with second dwelling unit at 311 Cascade Street.

ATTACHMENTS

Attachment A: Applicant Attachments

Attachment B: Staff Attachments

BACKGROUND

The existing lot at 311 Cascade Street was created in 1959 with the recording of the Amended Plat of Moore Memorial Addition. According to municipal records, the existing structure was built in 1959. The existing structure is a single-family house. The property does not currently have a garage.

PROJECT DESCRIPTION

The proposal is for the reduction in the front setback from 20 feet to 16 feet and the side setback from 5 feet to 4 feet for the construction of an attached garage with second dwelling unit on the second story. The new structure would be attached to the existing structure.

ANALYSIS

Project / Site: The lot is 11,504 square feet. The lot is substandard according to current Sitka General Code requirements, as the lot is 60 feet wide and the current R-1 minimum width is 80 feet. The lot was legally platted in 1959. According to Sitka General Code Table 22.20-1, the side setback is automatically reduced from 8 feet to 5 feet as a result of the 60 foot width.

The front portion of the lot is largely flat, but the rear slopes steeply downward. Applicants report drainage problems in the rear in the past, guiding their proposal to expand the house toward the front. The existing house is situated at a slight angle, which shifts the proposed addition toward the side property line.

The proposal would require four parking spaces, two per each unit. The site plan does not include four parking spaces. Staff and applicants have discussed options for providing the required parking, including grading the front yard or securing an easement to provide access for rear parking. The easement route would require a replat to be approved by the Planning Commission. A condition of approval requires that the required parking is provided prior to construction.

Other setback variances granted in the neighborhood include front setbacks to 2', 5', 10', 12', and 15'; side setbacks to 3' and 4'; and rear setbacks to 7'. An aerial study of the neighborhood suggests that the proposal is in line with the character of the neighborhood. The requested front setback reduction is in line with proposed development standard amendments discussed by the

Planning Commission and the Comprehensive Plan update process. The requested side setback reduction could be approved administratively.

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

Traffic: In this situation, the setback reductions are unlikely to impact motorist visibility. The addition of a dwelling unit will add traffic, but the zone is intended to allow duplexes.

Parking: Four spaces are required but not currently developed. Options include grading the front yard or securing an easement to provide access for rear parking. A condition of approval requires that the required parking is provided prior to construction.

Noise: Reduced setbacks have the potential to increase noise by decreasing the buffer between structures. In this case, expansion is toward the neighbor's garage. Impacts should be minimal.

Public Health or Safety: Setbacks below 5 feet may trigger additional building code requirements to ensure proper fire separation. This will be addressed in the building permit process.

Habitat: Location of the addition to the front of the property helps to avoid development in the swampy rear. No concerns.

Property Value or Neighborhood Harmony: Variances are a deviation from code, and result in an inconsistency between this property and nearby properties. In this case, an aerial review of the neighborhood and perusal of the variance permit log suggests that the proposal is consistent with other 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 variance request for 311 Cascade Street in the R-1 single family and duplex residential district with the condition that the code-required parking spaces be provided prior to construction. The request is for the reduction in the front setback from 20 feet to 16 feet and the side setback from 5 feet to 4 feet for the construction of an attached garage with second dwelling unit. The property is also known as Lot 38 Block B Moore Memorial Addition. The request is filed by Alexander Weissberg and Jennifer Klejka. The owners of record are Alexander Weissberg and Jennifer Klejka.

¹ Section 22.16.040—R-1 District

2) I move to adopt and approve the required findings for major structures or expansions. Before any variance is granted, it shall be shown:²

- 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 garage with second dwelling unit on an R-1 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 the request is consistent with development of other parcels in the neighborhood*;
- 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 garage with second dwelling unit in the R-1 zone while avoiding development in potential wetlands.

² 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 are requesting a variance to change the front setback from 20 ft to 16 feet and the east side setback from 5 ft to 4 ft.

PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): N/A

CURRENT LAND USE(S): SFR PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Alex Weissberg and Jennifer Klejka

PROPERTY OWNER ADDRESS: 311 Cascade St.

STREET ADDRESS OF PROPERTY: 311 Cascade St.

APPLICANT'S NAME: Alex Weissberg

MAILING ADDRESS: 311 Cascade St.

EMAIL ADDRESS: Alexanderweissberg@gmail.com DAYTIME PHONE: 907-623-7485

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: _____ BLOCK: _____ TRACT: _____

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
- ☐ 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.

Alex Wessberg
Owner

4/5/18
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

To Whom It May Concern,

This proposal letter is to request and substantiate a variance for the residence at 311 Cascade. We are asking for two variances to build an attached garage/apartment in front of our home. The first variance would be a reduced setback on the car port side our property. The car port is currently 5 feet from the property line and we would like to build to 4 feet from the property line. Additionally, our house is built at an angle to the property line and is four feet closer to the street on the west side of the house. For this reason, we would like a second variance to change the front setback from 20 feet to 16 feet on the west corner of the proposed garage.

As a commercial fisherman, I'm constantly working on projects that require a substantial amount of enclosed space. We would also like to the make the garage large enough to build an adequate apartment on the second floor. Although we have property in the backyard, it inaccessible and next to a steep embankment that would require a cost prohibitive retaining wall. Furthermore, we don't have enough room to build a garage that would allow us to back a trailer in.

We currently have 13 feet between the eaves of our house and the eaves our neighbors 313 Cascade house. Reducing the distance by a foot would still leave plenty of room between the two houses. I also don't believe this proposed garage would create any unsafe conditions for pedestrians or drivers because it is a straight, slow traffic street in front of our house. There is also another 4 feet of space from the front of our property line to the sidewalk, and so our building would still be 20 feet away from the sidewalk leaving plenty of distance from the road and a clear line of sight for drivers.

Thank you for your time,

Alex Weissberg

11
10/16/59

Plats
SITKA DISTRICT RECORDER A. H. SHAW

CERTIFICATE OF APPROVAL BY THE COUNCIL

I hereby certify the Amended Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the City of Sitka, and that said Amended Plat has been approved by the Common Council as recorded in Minutes Book 5, page 225, dated 10-13-59, and that the Amended Plat shown hereon has been approved for recording in the office of the United States Commissioner, ex-officio Recorder, Sitka, Alaska

Date 10-13-59
Attest: [Signature] Mayor
[Signature] City Clerk
SEAL

United States of America
State of Washington

This is to Certify that on this 15th day of September 1959, before me, the undersigned, Notary Public in and for the State of Washington, duly commissioned and sworn as such, personally came Edgar Zukerman, President, and Daniel J. Dorrell, Secretary of The Sitka Housing Development Co., and they acknowledge, severally, that they have authority to sign for said Company.

Witness my hand and notarial seal the day and year last above written.

[Signature]
Notary Public in and for State of Washington.

My Commission Expires Oct. 13 1959



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown revised 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.

Date: Sept. 15, 1959
SITKA HOUSING DEVELOPMENT CO.
311 AMERICAN BUILDING, SEATTLE 4, WASH.
Owners

Witnessed by: [Signature] President
Witnessed by: [Signature] Secretary
Witness



Sheet 1 of 2 Sheets

CERTIFICATE OF REGISTERED ENGINEER

I hereby certify that I am a registered Professional Civil Engineer and that this Amended Plat represents the revised lot survey made by me or under my direct supervision, and the monuments shown thereon actually exist as located, and that all dimensional details are correct.

Date: Sept. 15, 1959
[Signature]
Harold H. Waller
Registered Engineer No. 62E



AMENDED PLAT MOORE MEMORIAL ADDITION SITKA, ALASKA

THIS PLAT COVERS REVISED LOTS 11, 12, 13, 14, 15, 16, 18, 29, 30, 31, 32, 33, 34, 35, 36, & 37, BLOCK B ALSO REVISED LOTS 1A-B-C, 2, 3, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, BLOCK C All owned by Sitka Housing Development Co.

Dated: SEPT. 15, 1959 Scale: 1" = 100'
Prepared by: **HUBBELL & WALLER ENGINEERING CORP.**
416 QUEEN ANNE AVENUE
SEATTLE 9, WASHINGTON
Surveyed by: K. R. B. Traced by: E. C. P. 9-15-59
Field Book No. 58-3 Checked by: K. R. B. 59
Drawn by: K. R. B. Approved by: H. H. W. 59

Draw #1 No. 11

NOTE:

- 3" Iron Pipe Monument
- U.S.G.L. Monument
- Sanitary Sewer Easement Lot 6, Block D
- Domestic Water Line Easement Lot 6, Block D
- Sewer Pipe Line
- Sewer Manhole
- Water Pipe Line

CERTIFICATE OF APPROVAL BY THE BOARD

I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the Sitka Platting Board, and that said Plat has been approved by the Board by Plat Resolution No. Oct. 15, 1959, and that the Plat shown hereon has been approved for recording in the office of the United States Commissioner, Ex-officio Recorder, Sitka

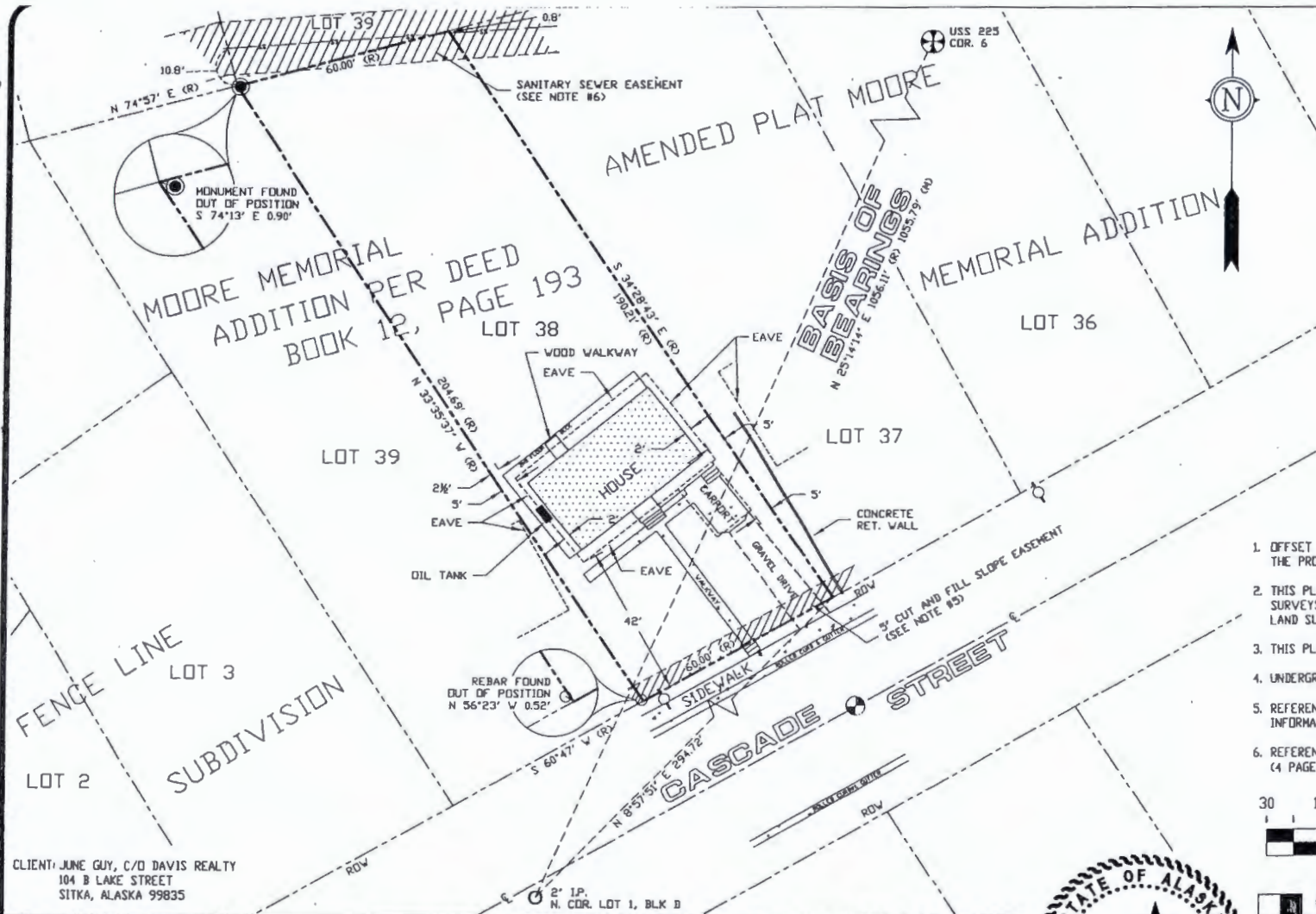
Date Oct. 15, 1959
Attest: [Signature] Chairman, Platting Board

Secretary
SEAL




U.S. SURVEY NO. 225
U.S. SURVEY NO. 61A
CORNER NO. 1

N

S



LEGEND

-  GLOB/BLM BRASS CAP (RECOVERED)
 PRIMARY BRASS CAP (RECOVERED)
 REBAR AND ALUMINUM CAP (RECOVERED)
(R) RECORD DATA
(C) COMPUTED DATA
(M) 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. (A.S.P.L.S.)
3. THIS PLAT IS NOT TO BE SCALED FROM, USE GIVEN DIMENSIONS ONLY.
4. UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN ON THIS PLAT.
5. REFERENCE BOOK 37, PAGE 478, SITKA RECORDING DISTRICT FOR EASEMENT INFORMATION.
6. REFERENCE SITKA RECORDING DISTRICT SERIAL NO. 2006-000239-0 (4 PAGES) FOR EASEMENT INFORMATION.



SCALE IN FEET

O'NEILL

SURVEYING AND ENGINEERING

P.O. BOX 1849 SITKA, ALASKA 99835

AS-BUILT SURVEY

LOT 38 - REVISED LOTS 33 THRU 44, MOORE
MEMORIAL ADDITION PER DEED BOOK
12, PAGE 193 (SITKA RECORDING DISTRICT)

SURVEYOR'S CERTIFICATE

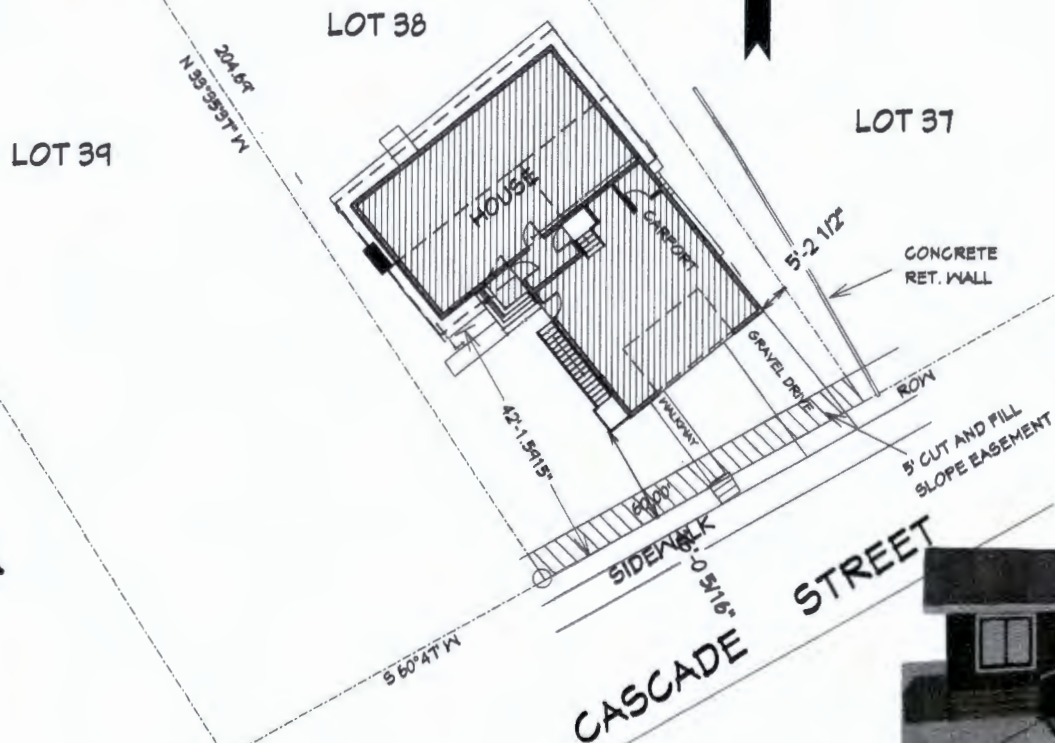
I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ON THIS PLAT. I DECLARE THAT IMPROVEMENTS AND VISIBLE ENCROACHMENTS HAVE BEEN ESTABLISHED TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. THIS SURVEY IS FOR THE USE OF LENDING INSTITUTIONS SPECIFICALLY TO SHOW ANY CONFLICTS BETWEEN EXISTING 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. 0 CORRS. SET.

8/22/11
DATE

PATRICK K O'NEILL LS 6304



MOORE MEMORIAL
ADDITION PER DEED
BOOK 12, PAGE 193



Plot Plan 1 in = 20 ft



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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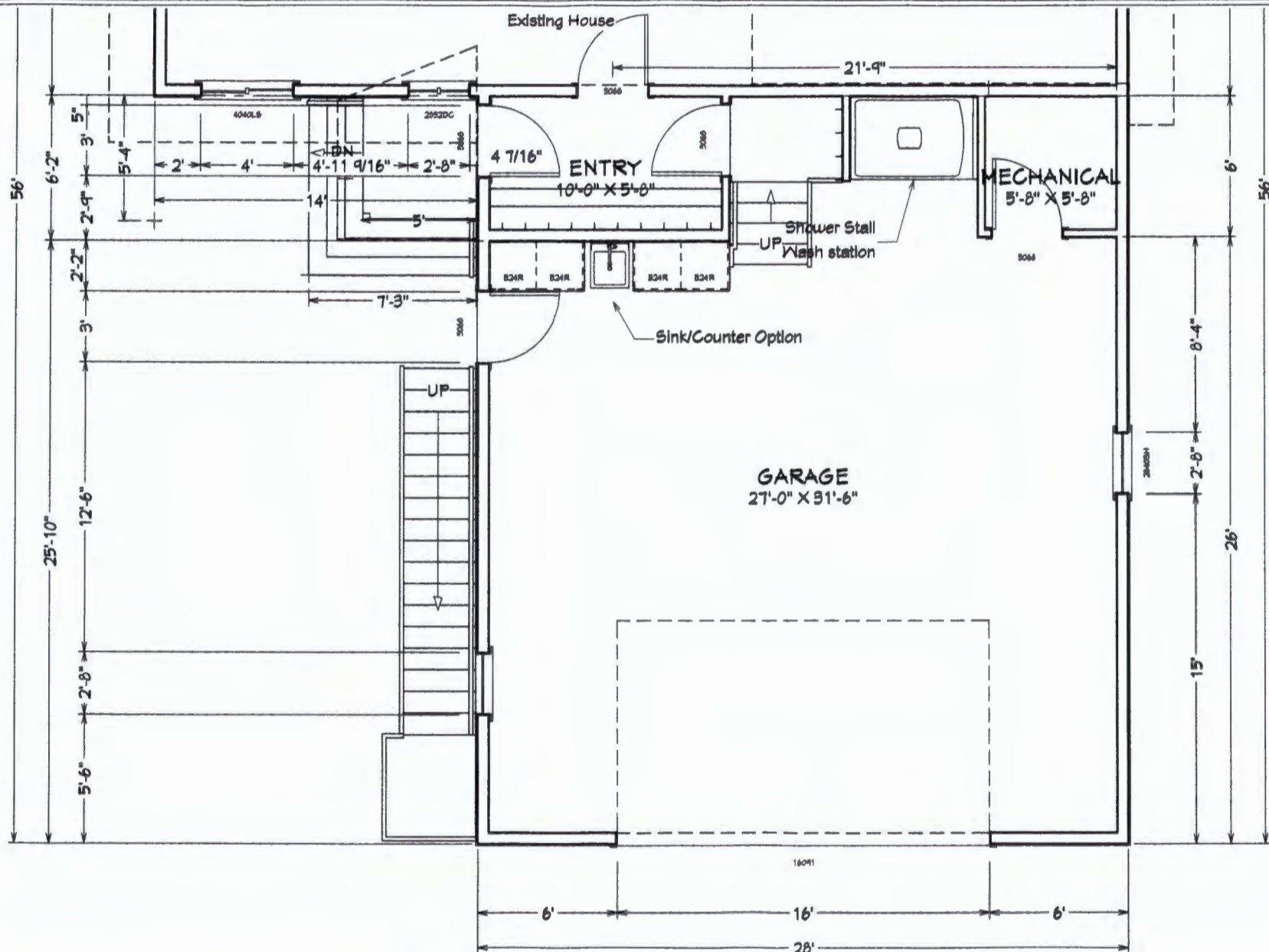
DRAWINGS PROVIDED BY:

DATE:

3/7/18

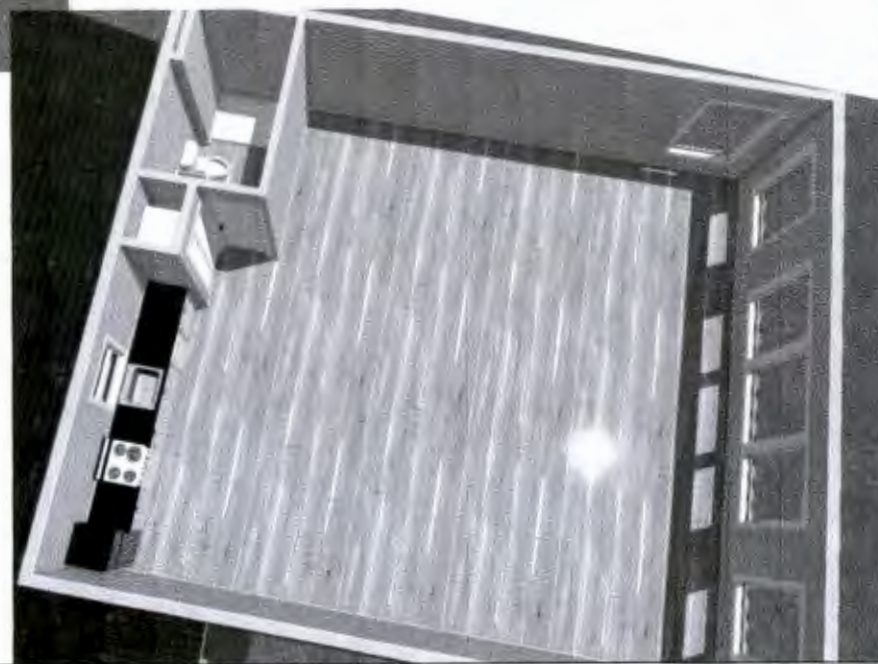
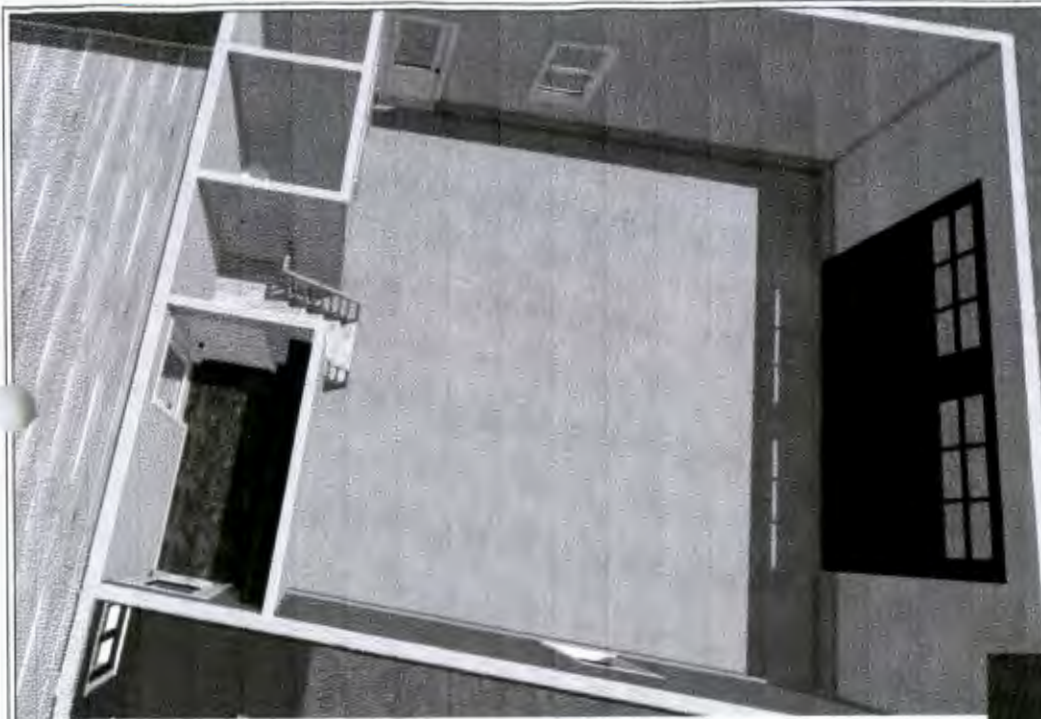
SCALE:

SHEET:



Garage/Entry Addition 1/4 in = 1 ft

DRAWING SCALE 1" = 10'-0"	
DATE:	3/7/18
SCALE:	
SHEET:	P-1



REVISION	DATE	BY	DESCRIPTION

DESIGNER'S PROVIDED BY:

DATE:

3/7/18

SCALE:

SHEET:

Attachment B

Staff Materials



City & Borough of Sitka, Alaska

Selected Parcel: 311 Cascade St ID: 14398000

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

50 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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