



# 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 18-06  
Proposal: Request for reduction in the side setback from 15 feet to 9.5 feet for conversion of a deck to a sunroom  
Applicant: Pete Weiland  
Owner: Mary Anne Maxon Revocable Trust  
Location: 2206 Sawmill Creek Road  
Legal: Lot 3 Keith Bartow Subdivision  
Zone: R-1 LDMH  
Size: 81,457 square feet  
Parcel ID: 3-1300-001  
Existing Use: Residential  
Adjacent Use: Residential  
Utilities: Existing  
Access: Sawmill Creek Road

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

- Proposal is to convert the existing deck to a sunroom on the same footprint
  - Variance triggered because the proposal would add 2 foot eaves, encroaching further on the setback
- Neighborhood harmony:
  - Sitka General Code requires a 15 foot side setback
- Existing constraints:
  - Primary structure is already developed

### **RECOMMENDATION:**

Approve the variance request for the reduction in the side setback from 15 feet to 9.5 feet for the conversion of a deck to a sunroom at 2206 Sawmill Creek Road.

## **ATTACHMENTS**

Attachment A: Applicant Attachments

Attachment B: Staff Attachments

## **BACKGROUND**

The existing lot at 2206 Sawmill Creek Road was created in 2004 through the Keith Bartow Subdivision. According to municipal records, the existing structure was built in 1987. Existing second story deck is approximately 11.5 feet from the side property line. No variances currently exist on the property.

## **PROJECT DESCRIPTION**

The proposal is for the reduction in the side setback from 15 feet to 9.5 feet for the conversion of a second story deck to a sunroom on the same footprint. Sitka General Code requires 15 foot side setbacks in the R-1 LDMH zone.<sup>1</sup> The proposed eaves result in an additional encroachment beyond the footprint of the existing deck structure. The expansion of a non-conforming structure triggers a reevaluation of development standards.<sup>2</sup>

A portion of the existing deck would remain a deck. The portion of the deck proposed to be converted to a sunroom is 26 feet by 10 feet and is situated toward the oceanfront. The additional setback encroachment proposed would be 10 feet by 2 feet, for a total of 20 square feet additional encroachment.

## **ANALYSIS**

**Project / Site:** The lot is 81,457 square feet, exceeding the R-1 LDMH minimum square footage of 15,000 square feet. The oceanfront lot is accessed via easements. The lot was legally platted in 2004. The majority of the lot is forested and undeveloped with the exception of the oceanfront building site. Foliage and a drainage ditch buffer the house from the house on the adjacent lot.

**Zone: R-1 LDMH:** Intent. This zone is intended to provide for primarily for single-family and duplex residences at low densities.<sup>3</sup>

**Traffic:** Proposed structure is situated away from the access easement and would not increase traffic to the property.

**Parking:** Proposal does not increase parking requirements nor does it remove existing parking

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<sup>1</sup> SGC Table 22.20-1

<sup>2</sup> SGC 22.24.050(E)2

<sup>3</sup> Section 22.16.035—R-1 LDMH District

spaces. No concerns.

**Noise:** Reduced setbacks have the potential to increase noise by decreasing the buffer between structures. In this case, the enclosure of a portion of the existing deck into a sunroom could reduce noise heard by neighbors.

**Public Health or Safety:** Proposal will not substantially reduce the neighbor's access to light and air. No concerns.

**Habitat:** No identified wetlands in the project area. Construction will occur on existing foundation. No concerns.

**Property Value or Neighborhood Harmony:** Variances are a deviation from code, and result in an inconsistency between this property and nearby properties. The addition of a sunroom could improve property values.

**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 2206 Sawmill Creek Road in the R-1 LDMH district. The request is for the reduction in the side setback from 15 feet to 9.5 feet for the construction of a sunroom. The property is also known as Lot 3 Keith Bartow Subdivision. The request is filed by Pete Weiland. The owner of record is Mary Anne Maxon Revocable Trust.

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>4</sup>

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, *here, the primary structure and decks are already constructed;*
- 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 an enclosed sunroom on the footprint of an existing deck;*
- 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, *here, foliage and a drainage ditch provide buffering from the adjacent parcel;*
- 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 an enclosed sunroom on the footprint of an existing deck while not negatively impacting the neighboring property's access to light and air.

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<sup>4</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

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

### APPLICATION FOR:

☒ VARIANCE☐ CONDITIONAL USE☐ ZONING AMENDMENT☐ PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Project consists of enclosing an existing Deck to make sunroom. If possible an additional 2' overhang. Asking for a 9'6" setback to accommodate overhangs.

### PROPERTY INFORMATION:

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

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

### APPLICANT INFORMATION:

PROPERTY OWNER: Dave & Lisa Moore

PROPERTY OWNER ADDRESS: 2206 SMC RD

STREET ADDRESS OF PROPERTY: \_\_\_\_\_

APPLICANT'S NAME: Peter Weiland

MAILING ADDRESS: 625 Degroff St.

EMAIL ADDRESS: Weiland Construction @ GCI.NET DAYTIME PHONE: 907-966-3315

### PROPERTY LEGAL DESCRIPTION:

TAX ID: \_\_\_\_\_ LOT: 3 BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: Kramer US SURVEY: \_\_\_\_\_

Moore  
Last Name

3/18/18  
Date Submitted

2206 SMC RD  
Project Address



## REQUIRED INFORMATION:

### For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☐ Proof of filing fee payment

### For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## 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

Owner

Date

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

Last Name

Date Submitted

Project Address



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM VARIANCE

### APPLICATION FOR

- ☒ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
- ☐ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
- ☐ PLATTING VARIANCE – WHEN SUBDIVIDING

**RATIONALE** - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

The foot print of the existing building will not change. The existing deck built with the house in 1987 will be enclosed.

### POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- TRAFFIC None
- PARKING None
- NOISE None
- PUBLIC HEALTH AND SAFETY None
- HABITAT None
- PROPERTY VALUE/NEIGHBORHOOD HARMONY Potential increase in value
- COMPREHENSIVE PLAN None

Moore

Last Name

4/18/2018

Date Submitted

2206 SMC Rd.

Project Address



**REQUIRED FINDINGS (Choose ONE applicable type and explain how your project meets these criterion):**

**Major Zoning Variance** (Sitka General Code 22.30.160(D)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. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner, specifically, \_\_\_\_\_

Footprint already exists. Deck was built at  
time of house

b. The variance is necessary for the preservation and enjoyment of a substantial *property right* or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity, specifically, \_\_\_\_\_

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, Deck

already exists and is simply being Enclosed.  
It is hardly visible from other Properties

d. That the granting of such a variance will not adversely affect the comprehensive plan, specifically, (cite section and explain) Normal setbacks of 15' would be  
9'6" and is hardly visible from next door  
property

**Minor Zoning Variance** (Sitka General Code 22.30.160(D)2)

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions, specifically, the project  
consists of enclosing an existing deck to make a sun room. The existing deck was built with the house in 1987.

b. The granting of the variance is not injurious to nearby properties or improvements One side of the  
sunroom will be facing the ocean with no affects of nearby property. Neighbors to the other side are 50 yards with no structures in between.

c. The granting of the variance furthers an appropriate use of the property, specifically, \_\_\_\_\_

**Platting Variance** (Sitka General Code 21.48.010)

A variance from the requirements of this title may be granted only if the planning commission finds that:

- A. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property, specifically, \_\_\_\_\_  
\_\_\_\_\_.
- B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property, specifically, \_\_\_\_\_  
\_\_\_\_\_.

**ANY ADDITIONAL COMMENTS** The request is for an 8ft. set back on the side  
of the property to accommodate for roofing overhangs.  
\_\_\_\_\_  
\_\_\_\_\_

Peter Weiland

Applicant

4/18/2018

Date

Moore

Last Name

4/18/18

Date Submitted

2206 SMC Rd.

Project Address



























David & Lisa Moore Property: 2206 SMC Rd.





**CERTIFICATE OF OWNERSHIP AND REDUCTION**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT WE HEREBY CERTIFY THAT THIS PLAN IS SUBMITTED WITH OUR FREE CONSENT AND REDUCTION OF ALL INTERESTS, ALIENS, MORTGAGES, AND OTHER CLAIMS, TO PUBLIC OR PRIVATE USE AS NOTED:

DATE: 4-7-04  
OWNER: *James Conway*  
DATE: 4-12-04  
OWNER: *David W Moore*  
DATE: 4-12-04  
OWNER: *Edward J. Conway*  
DATE: 4-13-04  
OWNER: *James B. Conway*  
DATE: 4/13/04  
OWNER: *David W Moore*  
DATE: 4/14/04  
OWNER: *David W Moore*

**NOTARY'S ACKNOWLEDGMENT**

LC OF ALASKA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 13th day of April, 2004, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared *James Conway, David W Moore, Edward J. Conway, James B. Conway, David W Moore, and David W Moore*, known to me to be the individuals mentioned and who executed the within plat in presence of me, the undersigned, signed the same freely and voluntarily for the uses and purposes therein specified.

WITNESS MY HAND AND NOTARY SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

*David W Moore*  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
MY COMMISSION EXPIRES 4-15-07

**CERTIFICATE STATE OF ALASKA (STATE OF ALASKA) (FIRST JUDICIAL DISTRICT)**

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSED FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CORRECT ON THE TAX RECORDS IN THE NAME OF *James Conway and David W Moore, James Conway, David W Moore, Edward J. Conway, James B. Conway, David W Moore, and David W Moore*, known to me to be the individuals mentioned and who executed the within plat in presence of me, the undersigned, signed the same freely and voluntarily for the uses and purposes therein specified.

DATE: 13th day of April, 2004  
SITKA, ALASKA  
CITY & BOROUGH OF SITKA

**CERTIFICATE OF APPROVAL BY THE BOARD**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT THIS PLAN HAS BEEN APPROVED BY THE BOARD BY PLAT RECORDED NO. 30440-01-00, DATED: 4-15-04, AND THAT THE PLAN SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX-OFFICIO RECORDER SITKA, ALASKA.

DATE: 4-15-04  
SITKA, ALASKA  
CITY & BOROUGH OF SITKA

**CERTIFICATE OF APPROVAL BY THE ASSEMBLY**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY, AS APPROVED BY RESOLUTION NO. 100521, DATED: 4-15-04, AND THAT THE PLAN SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX-OFFICIO RECORDER SITKA, ALASKA.

DATE: 4-15-04  
SITKA, ALASKA  
CITY & BOROUGH OF SITKA

**CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT**

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CORRECT ON THE RECORDS IN THE NAME OF *James Conway and David W Moore, James Conway, David W Moore, Edward J. Conway, James B. Conway, David W Moore, and David W Moore*, known to me to be the individuals mentioned and who executed the within plat in presence of me, the undersigned, signed the same freely and voluntarily for the uses and purposes therein specified.

DATE: 13th day of April, 2004  
SITKA, ALASKA  
CITY & BOROUGH OF SITKA



**VICINITY MAP**  
SCALE 1"=1,000'

**HIGHWAY & CURVE DATA**

STATION	CHORD BEARING	CHORD LENGTH
0+00.00	S 54°00'00" E	400.00
0+40.00	S 54°00'00" E	400.00
0+80.00	S 54°00'00" E	400.00
1+20.00	S 54°00'00" E	400.00
1+60.00	S 54°00'00" E	400.00
2+00.00	S 54°00'00" E	400.00
2+40.00	S 54°00'00" E	400.00
2+80.00	S 54°00'00" E	400.00
3+20.00	S 54°00'00" E	400.00
3+60.00	S 54°00'00" E	400.00
4+00.00	S 54°00'00" E	400.00
4+40.00	S 54°00'00" E	400.00
4+80.00	S 54°00'00" E	400.00
5+20.00	S 54°00'00" E	400.00
5+60.00	S 54°00'00" E	400.00
6+00.00	S 54°00'00" E	400.00
6+40.00	S 54°00'00" E	400.00
6+80.00	S 54°00'00" E	400.00
7+20.00	S 54°00'00" E	400.00
7+60.00	S 54°00'00" E	400.00
8+00.00	S 54°00'00" E	400.00



New Sunroom

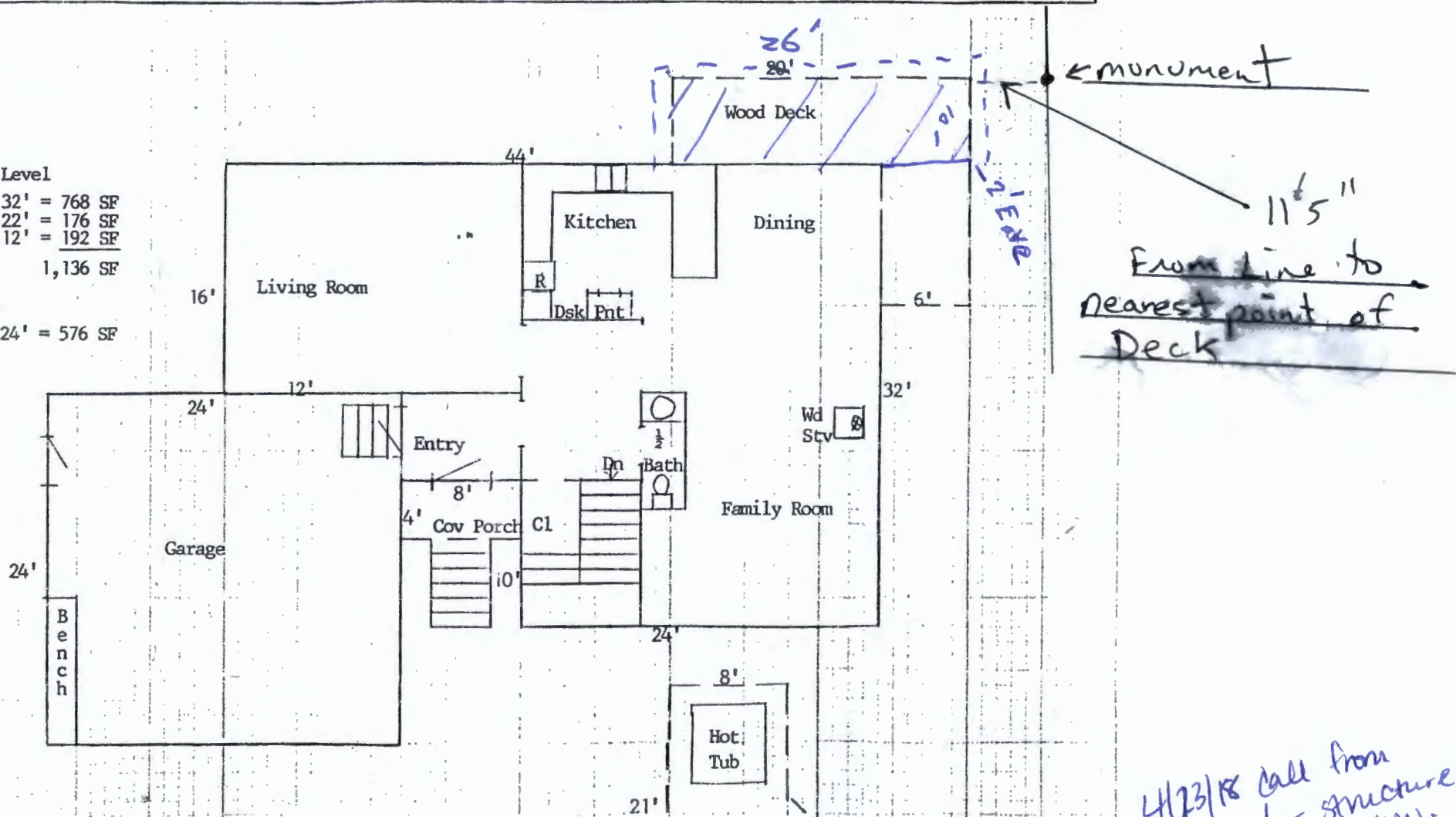


# SKETCH ADDENDUM

Borrower/Client				
Property Address 2204 Sawmill Creek Road				
City Sitka	County	Code 220	State Alaska	Zip Code 99835
Lender				

Upper Level  
 24' x 32' = 768 SF  
 8' x 22' = 176 SF  
 16' x 12' = 192 SF  
 1,136 SF

Garage  
 24' x 24' = 576 SF



← monument  
 11' 5" From line to nearest point of Deck

4/23/18 call from Weiland - structure is 43' from MHW. *sp*

# Attachment B

## Staff Materials

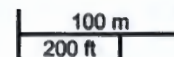




## City & Borough of Sitka, Alaska

Selected Parcel: 2206 Sawmill Creek Rd ID: 31300001

Printed 5/3/2018 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.

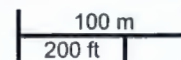




## City & Borough of Sitka, Alaska

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