



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

### **AGENDA ITEM:**

Case No: Variance 18-08  
Proposal: Request for variance from required parking spaces and on-site location  
Applicant: Timothy W. Riley  
Owner: Timothy W. Riley  
Location: 409 Halibut Point Road  
Legal: Lot 19, Block 24, Tract A, Tower Heights, US Survey 1474  
Zone: R-2  
Size: Approx. 7,427 square feet  
Parcel ID: 13480000  
Existing Use: Residential  
Adjacent Use: Residential/Commercial/Recreational  
Utilities: Existing  
Access: Halibut Point Road

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

- Code requires 4 parking spaces for a duplex (2 per unit)
- Code requires all parking spaces for residential family use to be provided on-site, not off-site
- Property is located next to a very busy section of Halibut Point Road
- Parking arrangement in regards to traffic ingress and egress is not ideal and could create negative safety impacts to vehicles and pedestrians
- Property is already subject to other variances
- Property has topography and was subdivided in a manner that makes development of parking and any structure difficult

**RECOMMENDATION:** Deny or postpone consideration of this request.

## **ATTACHMENTS**

Attachment A: Applicant Attachments

Attachment B: Staff Attachments

## **BACKGROUND/PROJECT DESCRIPTION**

The applicant is requesting a variance from parking standards in regards to number and location (4 required on site, 1 provided on site and 1 provided off-site). And has an existing variance for the deck to be setback 8 feet from front property line (V 96-9). There is another variance 88-13, but that is unclear what the details of that are.

Applicant is also proposing converting one of the units of a long standing, existing duplex, with one on-site parking space and one off-site parking space, to a short-term rental (STR). Currently, the duplex is utilized to house family on one side and has been rented as a long-term rental (LTR) on the other side. The lot and parking are substandard compared to existing code. However, this property was developed long before existing code and it is not certain what code requirements were in place at the time of development.

## **ANALYSIS**

**Project / Site: (see above and below)**

**Zone: R-2:** Intent. The R-2 [residential](#) district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with the full range of public utilities, including sewers, water, electricity, and storm drains or are intended to be provided with such utilities in the near future. This district is intended primarily for single-family and multiple-family residences at moderately high population [densities](#). [Structures](#) required to serve governmental, educational, recreational, religious and limited professional [office](#) needs are allowed subject to permitted or [conditional use](#) restrictions intended to preserve and protect the [residential](#) character of the R-2 district.

Here, the infrastructure was not developed to serve the duplex and the subdivision of this lot, was not well suited by its topography to do so.

**Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** This variance request is to support and STR request. While STR tend to have lower vehicle demands, especially near central downtown, staff suggest conditions of approval that would mitigate traffic demands through required rental contract terms that do not allow car rentals or renters to have motor vehicles. Instead the owner could provide bike racks, bicycles, taxi or shuttle service, or other arrangement to negate additional motor vehicle use on-site. That aside the variance specifically would create substandard off-site parking, substandard number of parking spots, and the ingress and egress of vehicles is poor and could create impacts to vehicular and pedestrian safety.

**Location along a major or collector street:** Access from Halibut Point Road.

**g. Effects on vehicular and pedestrian safety:** Due to limited parking on-site, orientation of on-site and off-site parking arrangements and access (including the back-up egress), and vicinity of sidewalk and high-traffic area, there is a distinct potential for negative impacts of vehicles to vehicular and pedestrian safety.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Location is very close to police and fire (less than 800 feet) and hospitals within a half-mile and mile.

**i. Logic of the internal traffic layout:** It is not logical as compared to code requirements for parking; and to best means of ingress and egress. 4 spaces are required on site. 1 is provided on site in compliance with code, though it may create back-out problems. 1 is provided off-site, but it may create back-out problems. And 2 required spaces are not provided. The current and proposed arrangement is a safety impact. Further, due to parking being provided through agreements with the state and adjacent property, this could be lost through revocation, change in ownership, or lot development of adjacent lot or state right-of-way.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Topography and vegetation provide a decent buffer.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** It is questionable whether Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods due to substandard parking (number and location) and traffic layout of ingress and egress.

**Habitat:** No known wetlands on the property.

**Property Value or Neighborhood Harmony:** Variances are a deviation from code, and result in an inconsistency between this property and nearby properties. The variance would support the STR request, which has both positive and negative impacts economic impacts. Overall, staff feel the negative impacts to safety far outweigh any economic impact.

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

1) I move to **deny** the variance request for a parking variance at 409 Halibut Point Road in the R-2 multifamily residential district. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley. (In the alternative, staff would suggest postpone to allow the applicant and staff to work on modification and unification of staff reports, conditions, and findings).

2) Note: Staff have provided both sets of potential findings for variance as it could be argued either way that a reduction of parking, off-site parking, and the proposed traffic layout are minor or major expansions. Staff defer to the planning commission on this decision. Facts to support the

decisions must be filled in. Pick D.1 or D.2 and fill in the facts and rationale that support the decision.

I move to adopt and approve the required findings pursuant to Sitka General Code 22.30.160.D. Before any variance is granted, it shall be shown:

D. Required Findings for [Variances](#).

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; in this case that \_\_\_\_\_.

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; in this case that \_\_\_\_\_.

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; in this case that \_\_\_\_\_.

d. That the granting of such a [variance](#) will not adversely affect the [comprehensive plan](#); in this case that \_\_\_\_\_.

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; in this case that \_\_\_\_\_.

b. The granting of the [variance](#) is not injurious to nearby properties or improvements; in this case that \_\_\_\_\_.

c. The granting of the [variance](#) furthers an appropriate use of the property; in this case that \_\_\_\_\_.