



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: V 18-09 (Platting Variance) and P 18-12 (Minor Subdivision)
Proposal: Request to divide a single lot into two lots though it does not meet existing standards
Applicant: Sheila Finkenbinder
Owner: Sheila Finkenbinder
Location: 415 DeArmond Street & 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 (proposed lot size 4371 and 4022 sf)
Parcel ID: 13635000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Andrews and DeArmond Street

KEY POINTS AND CONCERNS:

- Past approval of ADU and STR of ADU (CUP 17-06 and CUP 18-11).
- ADU and duplex access from different streets
- Proposal is in line with proposed code changes regarding development standards that the Planning Commission recommended approval on regarding (see comparable compatibility section)
- Multi-family housing is nearby in the neighborhood, which supports higher density housing (e.g. smaller lots size per dwelling unit).
- Key negative concern: proposal has too little of a setback between existing eaves of DeArmond home (duplex) and rear ADU on Andrews. Recommended condition of approval is that the distance be at least 5 feet from property line to eaves or any built structure. This is due to safety, privacy, noise, building code, etc.
- Staff report for platting variance and minor subdivision are combined since they are essentially the same information and conditions.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the platting variance and a minor subdivision subject to the attached conditions of approval.

ATTACHMENTS

Attachment A: Applicant Materials

Attachment B: Staff Materials

BACKGROUND/PROJECT DESCRIPTION

The lot in question was approved to have an accessory dwelling unit (ADU) on it via Conditional Use Permit (CUP) 17-06. This ADU was then approved to be short-term rental (STR) via CUP 18-11.

This proposal is to split a single lot into two lots: 1) Lot 12A, approximately 4,371 sf, and 2) Lot12B, approximately 4022 sf. The proposed setback distance between Lot12A's rear property line and the existing duplex is only 3 feet. The proposed subdivision plat also shows the existing eaves of the houses and shed.

Please note that an address of 424 Andrews was assigned to the ADU. The historically known address is 415 DeArmond Street.

Current code requires 8,000 sf per lot and setbacks of 20, 10, and 8 for front, rear, and side setbacks respectively. Proposed lot sizes for new code are 6,000 sf and 10, 8, 5/9 for front, rear, and side.

ANALYSIS

21.48.010 Requirements for platting variances.

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, in this case that the "*comparable compatibility*" with surrounding neighborhood of similar lot sizes and density are present.

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, that adjacent blocks have all subdivided a comparable lot size, though this lot can't under existing code.

Proposed and Planning Commission Endorsed Code Changes to Development Standards

The following are proposed development code changes that the Planning Commission supported and that would support this subdivisions and platting variance:

Additional Recommended Exceptions for unique case-by-case basis:

1. Minimum lot size, Substandard Lots, and **Subdivision**. Where a legally subdivided, platted, and recorded lot existed prior to the date of this code amendment and it does not meet existing minimum lot standards, it may be subdivided into two lots if other lots on the block, on the same street, or within the same subdivision or neighborhood have been subdivided to an equivalent, comparable sized lot(s). The burden of proving that other comparable subdivisions are compatible with a proposed lot subdivision is upon the applicant; and such a finding of **comparable compatibility** shall be made by motion or finding of the platting authority.
2. Substandard Lots and Setbacks. Where a legally subdivided, platted, and recorded lot existed prior to the date of this code amendment and it does not meet existing minimum lot standards, such as lot maybe developed for a single principal and/or conditional use so long as it meets the following setbacks.
 - a. Front Setback: 10% of lot depth, but no less than five (5) feet from the front property line(s).
 - b. Side Setback: 12% of lot width, but no less than five (5) feet from the side-property line(s).
 - c. Rear Setback: 8% of lot depth, but no less than five (5) feet from the front property line(s).

Requirements for a Minor Subdivision

A minor subdivision, even for a lot split must comply will all applicable provisions of Title 21, specifically 21.12 and 21.40. These sections will be part of the conditions of approval. Flagging and monumentation shall comply with 21.40 prior to approval of the final plat and recording, respectively.

Comprehensive Plan Guidance

The Comprehensive Plan 2030 goals, objectives, and action items within the housing chapter support higher density, smaller lots, and expanding the range of housing options as well as providing more affordable housing. This proposal would be higher density, smaller lots, and those things would work in tandem to help make housing more affordable.

Conclusion of analysis: here the proposal is in line with proffered and pending code changes. The neighborhood would not be impacted by this proposal as the neighborhood has developed in a pattern similar to what the proposal seeks.

RECOMMENDATION

It is recommended that the Planning Commission approve the platting variance and approve the minor subdivision subject to the attached conditions of approval.

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Motions to approve to Platting Variance

- 1) I move to approve the platting variance to split a single lot into two lots at 415 DeArmond (AKA 424 Andrews St.) in the R-1 single family and duplex residential district subject to conditions of approval. The property is 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.
 - a. Conditions of Approval
 - i. That the rear setback be modified to allow for at least 5 feet from all existing structures and proposed property lines
 - ii. That all other subdivision code, specifically sections 21.12 and 21.40 be followed.
 - iii. That all structures be moved 5 feet from all property lines.

- 2) I move to adopt the findings as found in the staff report:

21.48.010 Requirements for platting variances.

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A. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property. Specifically, in this case that the “*comparable compatibility*” with surrounding neighborhood of similar lot sizes and density are present.

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, that adjacent blocks have all subdivided a comparable lot size, though this lot can't under existing code.

Motions to Approve Preliminary Plat

- 3) I move to approve the preliminary plat for a minor subdivision that would subdivide a single lot

into two lots at 415 DeArmond (AKA 424 Andrews St.) in the R-1 single family and duplex residential district subject to conditions of approval. The property is 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.

a. Conditions of Approval

- i. That the rear setback be modified to allow for at least 5 feet from all existing structures and proposed property lines
- ii. That all other subdivision code, specifically sections 21.12 and 21.40 be followed.
- iii. That all structures be moved 5 feet from all property lines.

- 4)** I move to find that that proposed minor subdivision would not be injurious to the public's health, safety and welfare and that it comports with the goals, objectives, and actions of the Comprehensive Plan.