



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Case No: V 18-11  
Proposal: To reduce front yard setbacks to 12 feet for new accessory structure (garage/shop)  
Applicant: Don Seesz  
Owner: Don Seesz and Jane Marie Seesz, husband and wife  
Location: 114 Harbor Mountain Road  
Legal Desc.: Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive (metes and bounds)  
Zone: R1-MH  
Size: Existing Lot 13: approx. 13,000 square feet  
Includes recently added portion of right-of-way: approx. 1850 sf (ask surveyor)  
Parcel ID: 25571004  
Existing Use: Residential  
Adjacent Use: Residential, Mfg. Home Park  
Utilities: Existing  
Access: Harbor Mountain Drive and Easement through adjacent property

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

- Existing right-of-way (ROW) is unlikely to be used as a ROW due to topography, actual development of area, and current lack of use.
- Proposed development standards already adopted by the Planning Commission support this request (proposed front yard would be 10 feet back, and request is for 12 feet back whereas current code requires 20 feet back, hence the need for this request until new standards are adopted).

**RECOMMENDATION:** Approve the variance.

## **ATTACHMENTS**

- A. ATTACHMENT A – APPLICANT MATERIALS
- B. ATTACHMENT B – STAFF MATERIALS

## **BACKGROUND/PROJECT DESCRIPTION:**

Proposal is to build a shop/garage 12 feet from the front property line. E. Schuler Drive is a platted ROW, which the applicant recently completed a vacation of a portion of it (gaining more of the ROW). The applicant now wishes to develop closer to the front property line than current code allows. Though the proposed code changes would negate the need for this variance request, that code is still pending adoption by the City Assembly.

### **Title 22:**

Development standards require 20 feet for a front yard setback. Proposed code requires 10 feet.

### **Project Analysis**

**Site:** The platted right-of-way is largely unusable as a right-of-way and has been developed by adjacent property owners.

**Utilities:** Utilities are available and existing.

**Access, Roads, Transportation, and Mobility:** The property is accessed through an adjacent subdivision via a platted easement.

**Public, Health, Safety and Welfare:** Development shall be required to comply with all Building and Engineering standards regarding construction and design. Any encroachments into other properties shall be corrected or receive permission to encroach. This proposal matches what is existing. Only positive impacts.

**Rec, Light, Air:** Proposal is really a legal technicality and will not change anything on the ground due to nature of current development in the area.

**Orderly and Efficient Layout and Development:** The proposal is in line with the intent of the prior approvals by the Planning Commission and recently endorsed code proposal.

### **Comprehensive Plan**

The proposed variance is in line with the promotion of lesser development standards including setbacks.

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt the staff analysis and findings and move to approve the variance.

- 1) Move to approve the variance request to reduce the front yard setbacks to 12 feet from the property line to the eaves of a proposed accessory structure (Shop/garage). The property is also known as Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive. The request is filed by Don Seesz. The owners of record are Donovan and Jane Seesz.
- 2) Move to adopt and approve the required findings for major structures or expansions:

Before any variance is granted, it shall be shown: <sup>1</sup>

- a) that there are special circumstances to the intended use that do not apply generally to the other properties, *here the front yards are neither surrounded by typical development nor have a need for separation from undeveloped right-of-way and that the proposed code changes also support this request;*
- 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 accessory structure on an existing lot with existing development constraints;*
- 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 setbacks are used to mitigate noise, privacy, light, safety, and odor impacts, which are not present in this case in the direction of the setback at hand;*
- d) that the granting of such will not adversely affect the Comprehensive Plan: *specifically, the variance is in line with the Comprehensive Plan chapter on housing to reduce development standards in line with this request.*

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<sup>1</sup> Section 22.30.160(D)(1)—Required Findings for Major Variances