



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 19-02
Proposal: Reduce west front setback from 14' to 8'
Reduce south front setback from 14' to 2'
Reduce east side setback from 5' to 0'
Applicant: Zack and Jacquie Foss
Owner: Zack and Jacquie Foss
Location: 200 Park Street
Legal: A portion of Lot 24, Block 14, Sitka Townsite
Zone: R-1 single-family and duplex residential district
Size: 4,499
Parcel ID: 1-1960-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Park Street

KEY POINTS AND CONCERNS

- The existing foundation placement and irregular shape/size of the lot requires a variance for reconstruction; foundation and/or eaves already encroach into setbacks.
- Sewer/utility easement on the northeast corner of the lot, restricting development on the north end of the lot
- Property is a corner lot, meaning it has two front setbacks of 14 feet. It also has two side setbacks of 5 feet (as lots that are less than 60 feet wide have a side setback of 5 feet rather than the standard split side setback of 5/9 feet).
- Potential negative impacts to public health and safety, neighborhood harmony, and property values are mitigated, as the house is currently in “tear down” condition – renovation plans should improve neighborhood aesthetic. Parking plan in place to minimize disturbances to neighbors and traffic.
- Lot coverage variance not needed – proposal results in 32.4% lot coverage.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance.

BACKGROUND/PROJECT DESCRIPTION

The property is located in a densely populated, residential area. Many of the lots in the neighborhood do not meet dimensional standards due to the age and development history of the area. The property in question is undersized at 4,499 square feet, and with a maximum width of approximately 56 feet. The lot is a corner lot, meaning it has two front setbacks (one on Park Street and one on Etolin Street). There is also a sewer/utility easement on the northeast corner of the lot, restricting development on the north side of the lot.

The structure currently on the lot was built in 1940. The home must be demolished, but the property owners intend to keep the foundation and rebuild from it. The foundation on the south side of the property has a basement, and the foundation on the north side does not, meaning that the structure has different levels, lending itself to a multi-family structure. Were the requested variances granted, the owners intend to build a home with an apartment.

There are three setback variances requested, one for the front setback on Park Street (the west side of the property), one on the Etolin front setback (south side of property), and one for the side setback on the east side of the property. On the west side, the front corner of the foundation is 14.6 feet back from the property line. Given standard construction practice in Sitka, there would be an additional 2 foot overhang from eaves, meaning the structure already encroaches into the setback (reducing it from the required 14 feet to 12.6 feet). The owners would like to add a stemwall to support the second story in-line with the existing porch. The foundation will be 10 feet from the property line, preserving parking parallel to Park Street.

The proposal includes an addition on the east side of the home with foundation 2 feet from the property line (a 0 foot setback with eaves), and build a garage on the property, tearing down an existing shed and attaching the garage to the home. Staff is supportive of this proposal because the building of a garage is, per the zoning code, a “normal enjoyment” of property, and a garage takes advantage of vertical space, providing for storage/parking while also allowing for additional living space to be built above. This is further advantageous as the construction of this garage will necessitate tearing down a 280 square foot shed that is placed on the property line.

The existing home was built close to the south property line, already encroaching into the setback. An arctic entry was built 4.3 feet from the front property line, the foundation of the house is 9.3 feet from the front property line. To rebuild the arctic entry with overhang and stairs, the south front setback would have to be reduced to 2 feet. Staff recommends adding a condition of this approval that the variance allows only for the reconstruction/repair of the home on the existing foundation footprint – no additional foundation encroaching into the front, south setback may be constructed. Additionally, the stairs to the entryway of the home will run along the house as opposed to coming up from Etolin Street (also added as a condition of approval).

The proposal makes best use of existing foundation on the site, preserves open space on the north side of the lot, and makes better use of vertical building space while still providing for parking.

Given these factors, and the challenges of the lot's dimensions, Staff recommends approval of the variance request.

ANALYSIS

Setback requirements

The Sitka General Code requires 14 foot front setbacks and 5 foot side setbacks in the R-1 zone¹.

22.20.040 Yards and setbacks.

A. Projections into Required Yards. Where yards are required as setbacks, they shall be open and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward.

Per the code, no structures over 30" may be located within the side setback. The home, constructed in 1940, predates the zoning code. Further, the lot is irregularly shaped and undersized. Requiring the reconstruction/remodeling and additional development to abide by the development standards is inconsistent with the lot's characteristics and is counterproductive to orderly development.

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code echoes this statement by stating that there must be "...special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, 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". The shape of the parcel, dimensions, and placement/orientation of the existing structure all present special circumstances that qualify the request for a variance.

Potential Impacts

The reconstruction and remodeling of the structure would be an improvement to the property and the neighborhood, as it is currently in tear down condition. There is some concern about the increasing density of the residence, and traffic/parking concerns. However, the area is currently a densely populated residential area, parking has been properly accounted for in the parking plan, and open space on the north side of the property is preserved. The applicant has placed the garage door on the north side of the lot to maintain safe visibility when vehicles enter and exit the garage. Therefore, staff believes potential adverse impacts to neighborhood harmony and public health and safety are properly addressed/mitigated, and the proposal is consistent with the character of the neighborhood.

Comprehensive Plan Guidance

This proposal is consistent with two of the housing actions in the Sitka Comprehensive Plan 2030; H1.1e "encourage higher density development" and H2.4 "encourage housing stock rehabilitation".

¹ SGC Table 22.20-1

The proposal makes sensible use of the space available given the dimensional and easement challenges of the lot, preserves parking, and affords two dwelling units. Further, the lot in its current condition offers no use or utility – rehabilitating the home is a good use of existing, buildable land in a residential neighborhood.

Conclusion

Overall, the neighborhood would be minimally affected, if not improved, by this proposal as long as the home is reconstructed/developed in accordance with the application materials provided for the variance request.

RECOMMENDATION

It is recommended that the Planning Commission move to approve the zoning variance subject to the attached conditions of approval.

ATTACHMENTS

Attachment A: Aerial Photos
Attachment B: As-Built
Attachment C: Site Plan
Attachment D: Photos
Attachment E: Applicant Materials

.....

Motions to Approve the Zoning Variance

- 1) I move to approve the zoning variance to request for the reconstruction and further development of the structure at 200 Park Street. The property is also known as Lot 24, Block 14, Sitka Townsite. The request is filed by Zack and Jacquie Foss. The owners of record are Zack and Jacquie Foss.

Conditions of Approval:

- a. The front, west setback will be decreased from 14 feet to no less than 5 feet.
- b. The side, east setback will be decreased from 5 feet to no less than 3 feet.
- c. The front, south setback will be decreased from 14 feet to no less than 2 feet solely for the reconstruction on the existing footprint; no additional encroaching foundation may be added on the south end of the structure without additional Planning Commission review. Any stairs built will be along (parallel) to the structure.
- d. Building plans shall remain consistent with the narrative and plans provided by the applicant for this request. Any major changes (as determined by staff) to the plan will require additional Planning Commission review.

- 2) I move to adopt and approve the required findings for variances involving major structures of expansions. Before any variance is granted, it shall be shown²:
- 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, 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;
 - 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;
 - 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
 - d. That the granting of such a variance will not adversely affect the comprehensive plan.

² Section 22.30.160(D)(1)—Required Findings for Major Variances