



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 19-03
Proposal: Reduce front setback from 14' to 8'
Reduce side setback from 5' to 3'
Applicant: Larry Trani and Ann Walter
Owner: Larry Trani and Ann Walter
Location: 3603 Halibut Point Road
Legal: Lot 2 Yannikos Subdivison
Zone: R-1 MH Single-family, duplex, and manufactured home zoning district
Size: 5,719
Parcel ID: 2-5599-000
Existing Use: Vacant
Adjacent Use: Residential
Utilities: Existing
Access: Halibut Point Road

KEY POINTS AND CONCERNS

- The existing foundation placement for the garage requires a variance for reconstruction; foundation of garage already encroach into setbacks.
- New home to be built on lot will not require variances.
- Potential negative impacts to public health and safety, neighborhood harmony, and property values are minimal, foundation is existing in place and lot is otherwise vacant.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance.

BACKGROUND/PROJECT DESCRIPTION

The property is located on the highway at 3603 Halibut Point Road on the ocean-side of the highway. The lot is currently vacant with the exception of a 22 by 32 foot foundation already in place. Due to the good condition of the foundation, the owners would like to make use of it by erecting a garage. A house will be built on the lot as well; any new foundation or structures built will be built within the setbacks.

There are approximately 30 feet between the edge of the asphalt on Halibut Point Road and the property line, meaning that the garage door would be approximately 40 feet back from the road. This ensures ample space for entering and exiting the garage and suitable visibility while doing so.

The proposal makes best use of existing foundation on the site, allowing for orderly development of the lot while preserving a safe buffer between the structure and the road. 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 MH 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 foundation for the home, which staff estimates was built around 1986, did not abide by the setbacks at the time. Requiring the construction of the garage to abide by the development standards is counterproductive to orderly development.

Note: There is a footnote (8) to the Development Standards table that states, “Front yard setback shall be ten feet when lots abutting street rights-of-way are equal to or greater than eighty feet”². The interpretation of this note is unclear, as arguments could be made that the eighty foot or greater requirement applies to the size of the lot width, the lot’s right-of-way frontage, or right-of-way itself. If it were interpreted to mean lot width and/or the lot’s right-of-way frontage, that would mean that the required front setback for this lot is 10 feet rather than 14 feet. In either case, the construction of the garage would require a variance, but the requested 8 feet would be a smaller variance if the former interpretation were made.

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial

¹ SGC Table 22.20-1

² SGC Table 22.20-1, Footnote 8

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”. In this case, the placement of existing structures is the justification for granting a variance.

Potential Impacts

The construction of the garage and home structure would be an improvement to the property and the neighborhood, as it is currently in a vacant/unused state. The granting of the variance does not increase traffic, density, or other impacts beyond the residential use that was intended for the lot. Further, there is an adequate distance between the property line and Halibut Point Road such that a car could exit the garage with sufficient visibility. Therefore, staff believes potential adverse impacts to neighborhood harmony and public health and safety are minimal, and the proposal is consistent with the character of the neighborhood.

Comprehensive Plan Guidance

This proposal is consistent with one of the housing actions in the Sitka Comprehensive Plan 2030; H2.4 “encourage housing stock rehabilitation”. The proposal makes practical use of the foundation in place while preserving buildable area for a home within the setbacks. The lot in its current use/state offers little use or utility – construction on the lot is a good use of existing, buildable land in a residential zone.

Conclusion

Overall, the neighborhood would be minimally affected, if not improved, by this proposal as long as the garage and home are constructed 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 Photo
Attachment B: Site Plan
Attachment C: Plat
Attachment D: Photos
Attachment E: Applicant Materials

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Motions to Approve the Zoning Variance

- 1) I move to approve the zoning variance for front and side setbacks at 3603 Halibut Point Road in the R-1 MH single-family, duplex, and manufactured home zoning district subject to the conditions of approval. The lot is also known as Lot 2 Yannikos Subdivision. The request is filed by Larry Trani and Ann Walter. The owners of record are Larry Trani and Ann Walter.

Conditions of Approval:

- a. The front (east) setback will be decreased from 14 feet to no less than 8 feet.
 - b. The side (north) setback will be decreased from 5 feet to no less than 3 feet.
 - c. 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.
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- 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 shown³:
 - 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.

³ Section 22.30.160(D)(1)—Required Findings for Major Variances