



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Memorandum

**To:** Chair Spivey and Planning Commission  
**From:** Amy Ainslie, Planner I, Planning and Community Development  
**Subject:** **Platting Variance for Platting Action 19-01**  
**Date:** October 11, 2019

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P 19-01 is a platting action to create a minor subdivision resulting in two lots at 123 Anna Drive. The Commission previously considered the conceptual proposal and plat for this action at its March 6, 2019 meeting (minutes attached). At this time, it was unclear whether or not the newly created lot would tie into the public, or private utility system. If it were utilize the private utility system, a platting variance would be needed, as SGC 21.40.030B states "...No more than four lots shall be served by private utility easements", and the addition of the newly created lot would result in five lots being served by private utility easements.

As the project has developed, it has become clearer that there are significant barriers to tying into the public utility system such as the distance between the newly created property and the public utilities, the angle of the connection, and the disturbance to adjacent property owners this connection would create. Therefore, the applicant wishes to tie the new property into the private utility system and requires a platting variance.

### **SGC 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 the platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property.
- 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.

Tying into the private utility system rather than the public utility system avoids the need for extensive trenching (the extent of which would be over 300 linear feet) which is not only costly, but also presents a significant disturbance to surrounding property owners who need to utilize Anna Drive for access to their properties. Further, the trenching and tie-in work required could adversely affect existing city utilities.

Due to these considerations, staff finds that the granting of this platting variance will not be detrimental to public safety, welfare, or be injurious to adjacent property owners and in fact better protects adjacent properties owners. Staff also finds that the historic development of the area, as well as the steep topography warrant special consideration and that strict application of the limitations for connections to private utilities would result in an undue burden. The request is also consistent with Comprehensive Plan Housing goal H1.1e “Encourage higher density development.”

The applicant has worked to develop an access easement and utility maintenance agreement which did not previously exist for the neighborhood. The agreement has been agreed to, signed by all property owners, and recorded with the State of Alaska. The newly created lot would be a party to this agreement to ensure equitable share in utility maintenance. A copy of the agreement is attached for the Commission’s review.

**Attachments:**

Attachment A: Minutes

Attachment B: Access Easement and Utility Maintenance Agreement

Attachment C: Preliminary Plat

**Recommended Motions:**

1. “I move to approve the platting variance to connect more than four properties to a private utility system at 123 Anna Drive in the R-2 multifamily residential district. The property is also known as Lot 3, Miller Subdivision. The applicant is Daniel Falvey. The owners of record are Daniel Falvey and Kathleen O’Gara.”
2. “I move to adopt the required findings for platting variances.”
  - A. The granting of the platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property.
  - 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.