



# 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 20-02  
Proposal: Increase in maximum lot coverage from 50% to 70%  
Reduce front setback from 14' to 8'  
Reduce side setback from 5' to 3'  
Reduce rear setback from 8' to 0'  
Applicant: Larry Trani and Ann Walter  
Owner: Larry Trani and Ann Walter  
Location: 3603 Halibut Point Road  
Legal: Lot 2 Yannikos Subdivision  
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**

- Lot is slightly below standards for minimum lot size in the zoning district – minimum is 6,000 square feet, the lot is 5,719 square feet.
- Applicant previously received setback reductions on front and side in order to utilize existing foundation on site.
- Rationale for setbacks may not be applicable to property lines abutting tidelands
- Adjacent property appears to exceed maximum lot coverage

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the zoning variance for the rear and side setback reductions and maintains a neutral position the front setback reduction and exceeding lot coverage.

## **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; the applicants received a front and side setback reduction in order to utilize this foundation for a garage. The applicant plans to build a new house on the remainder of the lot.

In designing the home, the applicant would like to contain all living space to a single story, which has presented a challenge when designing to the 50% maximum lot coverage. SGC 22.08.240 defines coverage as *“the percentage of total lot area allowed to be covered by buildings or structures exceeding thirty inches in height. Customary yard accessories, ornaments, and furniture are not included in this definition of coverage.”* When including foundation, overhangs/eaves, and deck, the applicant’s proposal would result in 70% lot coverage, with the foundation footprint accounting for 52%.

The applicant wishes to keep the front and side of the structure essentially in line with the garage, which would require a side and front setback. Though already granted for the garage, variances are specific to the proposal/site plan presented at the time of acquiring the variance – not a reduction in the setback across a lot line entirely. On the front setback, it’s notable that there are approximately 30 feet between the edge of the asphalt on Halibut Point Road and the property line, meaning that the front of the house would be approximately 40 feet back from the road. This ensures ample space for ingress and egress from the lot. On the north side of the property the applicant has requested a reduction down to 3’ to align the side of the new house structure to the current garage foundation. This would be simpler to construct and result in a more uniform appearance on the north side of the lot.

Setbacks to tidelands are a grey area of the zoning code. Though there is a footnote to table 22.20-1 Development Standards, footnote 12, that states *“No setbacks are required from property lines of adjacent filled, intertidal, or submerged tidelands,”* this footnote is only referenced in the WD and GPIIP zones. However, the rationale behind it would seem to apply in any zone. Setbacks are in place to ensure open space, distance/buffer from neighboring properties, and fire separation. These factors are not as applicable/appropriate when applied to property lines abutting tidelands.

## **ANALYSIS**

### *Setback requirements*

The Sitka General Code requires 14 foot front setbacks, 5/9 foot side setbacks, 8 foot rear setbacks, and maximum of 50% lot coverage in the R-1 MH zone<sup>1</sup>.

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<sup>1</sup> SGC Table 22.20-1

## **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.**

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". In this case, the placement of existing structures, undersized lot, need for single level living, and location in relation to tidelands can be viewed as justifications for granting a variance.

### *Potential Impacts*

The construction of the 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 cars could enter and exit the property with sufficient visibility. Staff has requested as a condition of approval, a parking plan for the property prior to Planning Department sign-off on the foundation permit. The north side of the property would appear more uniform if the side setback reduction were granted, and the house was built in-line with the current garage foundation. The exceedance of lot coverage is similar to that of the lot next door, which the applicant calculated to have approximately 62% lot coverage. There is no adjacent property owner to be impacted by building up to a property line abutting tidelands. 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 an existing residential lot within the developed roads and utility system of the city, makes use of a foundation in place, and allows the applicant to build a fit-for-purpose home. 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.

## **RECOMMENDATION**

As the north side of the property is already impacted by the placement of the existing garage foundation, the incremental impact associated with the reduction in the side setback for the rest of the structure is minimal to moderate, and would be more aesthetically appealing. Staff recommends

approval of the side setback reduction. The rationale for setbacks (open space, buffering to neighbors, and fire separation), is not as appropriate or compelling for property lines abutting tidelands; staff recommends approval of the rear setback reduction. As for the matters of the front setback reduction and the exceedance of maximum lot coverage, staff maintains a neutral position, and will defer to the Commission's judgement regarding the applicant's need/hardship in requesting these particular variances.

## **ATTACHMENTS**

Attachment A: Aerial

Attachment B: Site & Floor Plans

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 reductions in the front, side, and rear setbacks, and for exceedance of maximum lot coverage 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. The rear (west) setback will be decreased from 8 feet to 0 feet.
- d. The lot coverage will be increased from 50% to 70%, with the foundation of the home (living space and garage) not to exceed 52% lot coverage.
- e. The applicants will provide the Planning Department with an acceptable parking plan prior to Planning Department sign-off on the foundation permit.
- f. 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 shown<sup>2</sup>:
- 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.

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<sup>2</sup> Section 22.30.160(D)(1)—Required Findings for Major Variances