

## Amy Ainslie

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**From:** Caprice Pratt <capriceonline@hotmail.com>  
**Sent:** Wednesday, February 26, 2020 9:08 PM  
**To:** Planning Department  
**Cc:** oceanfront@gci.net; Paul Haavig; Jennifer@livingsitka.com; Steven D. Atkinson; Robert Hunter; cpmorgan1@gmail.com; dolandbuilt@yahoo.com; Lynne McGowan-Brandon; gracie48@gmail.com; Travis Hudson; Ron Pratt  
**Subject:** Alice Loop Variance Request - March 4th Meeting  
**Attachments:** 746 Alice Loop Variance Request.pdf

Dear Planning Department,

We are in receipt of a Notice of Application and Public Hearing V 20-04 (attached) regarding a request for a variance for Lot 2 Charlie Joseph Subdivision, USS 3926 with the street address of 746 Alice Loop.

Unfortunately we will be out of town travelling to meet on first grandchild during the scheduled meeting and will not be present. However, we would like to go on record as being against this request. Although we sympathize with the owner, Jay Stevens, there are several reasons we would like to see the City and Borough of Sitka adhere to the existing minimum lot size of 6,000 sq. ft. in a Waterfront District.

The resident's of Alice Loop voiced some of their concerns at the April 12, 2018 Planning Commission meeting. At that meeting we were instructed on the law and the minimum lot size of 6,000 sq. ft. Since that request was within the legal requirements, we were told there was nothing that could be done.

With this request, however, the proposed lot sizes of 5,034 and 4,438 are significantly below the minimum lot size. Additionally, Alice Loop's roadway does not have any on-road parking associated with these center lots - i.e. the street meets the property directly at the curb with no parking lane, bike lane or sidewalks. It is also important to point out that with this winter's heavy snowfall, the passable driving area became significantly restricted because there already isn't anywhere for the city crews to push the snow out of the way and several of the lots do not yet have homes built. How much more constricted are the traffic lanes going to become when the lots are filled? Cramming one more building lot onto a street with limited parking is not going to help.

Thank you for the opportunity to comment.

Sincerely,

Ron and Caprice Pratt  
753 Alice Loop Road  
Sitka, AK 99835  
907-738-7473

Attn: Planning Commission

Re: VAR 20-04, Lot 2 Charlie Joseph Subdivision

I am a fellow property owner in the Charlie Joseph Subdivision. I oppose the requested platting variance, as it directly conflicts with and violates several stated purposes, rules, and regulations that have been set forth in the Sitka General Code. These rules and regulations have been adopted by the City of Sitka to set a standard for orderly development, and the variance in question does not meet the standard. People look to the standards that have been established in the SGC and make land ownership decisions accordingly. Lowering the zoning standards after the fact, for a newly developed subdivision, would be the equivalent of pulling the rug out from under the surrounding neighbors who have purchased property there.

For many, choosing a place to make a home is one of the largest financial and personal decisions they will make in their lifetime. Careful consideration is given when deciding a suitable location to live, and the regulations in place play a major part in the decision making process. This is particularly so when buying a lot to build on in a newly developed subdivision. We look to our local government to establish and implement a set of standards that we can count on to be applied in a fair and equitable manner. The Sitka General Code provides for that. This commission is tasked with the implementation of the rules and regulations as they are currently written, and I ask that you inform your decision accordingly. To allow sub-standard development not only conflicts with the SGC but places a disproportionate burden on the surrounding residents. The proposed variance would create overcrowding, increase street congestion, and set a negative precedent. Being the largest landmass city-borough in the United States, there is no reason to create sub-standard crowded residential development in Sitka.

As is a clearly stated purpose for subdivision of land, per SGC **21.04.020**, *“Subdivision of land becomes a public responsibility in that properly constructed roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important aspects. It is therefore in the interest of the public, developers and the owners that subdivisions be conceived, designed, and constructed in accordance with sound rules and proper standards.”* In short, the community is best served when development follows the rules and standards.

The first stated purpose of the SGC zoning regulation **22.04.020 A** is to *“Provide for orderly development;”* The variance requested does not follow an orderly plan for development, which has already been established by zoning and platting when the Charlie Joseph Subdivision was created.

Doubling the density, as is proposed, creates population congestion. This would contradict the intention set in the subdivision code per SGC **21.04.020 H** *“To avoid population congestion;”*

The infrastructure and zoning standards for the subdivision have already been planned out and put in place for Alice Loop. On-street parking is minimal. By creating a higher density

development than is the regulation for this district, potentially doubling the population and number of vehicles in the subdivision, the variance would increase street congestion and cause unnecessary overcrowding. This conflicts with two stated purposes of the zoning ordinance per SGC **22.04.020 B** and **E** to “*Lessen street congestion;*” and “*Prevent overcrowding...*”.

SGC **21.40.040 A** and **B 1** provide for the necessary standard of development that has been defined in the zoning requirements: “*...lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated consistent with minimum lot sizes defined in Title 22, Zoning,*” and “*Lot dimensions shall not be less than the requirements of the zoning ordinance.*” Effectively, lot size shall not be less than the minimum requirement.

Furthermore, section **22.040.030** of the SGC clearly states that conformity with regulations is **required**. Per **22.040.030 A** and **F** respectively, “*No building, structure, land or water area shall hereinafter be used or occupied, and no building, structure, or part thereof shall hereinafter be erected, constructed, reconstructed, moved, repaired or structurally altered except in conformity with the regulations specified in this title for the district in which it is located.*”, “*No yard, open space, space between portions of buildings or structure, or lot existing at the time of the passage of the ordinance codified in this title shall be reduced in dimension or area below the minimum requirements set forth in this title.*” The minimum lot size requirement is 6,000 square feet for the waterfront district in which this proposed variance is located. Neither of the two lots created from this proposal would meet the **required** minimum size.

With respect to the applicant, the requirements for platting variances set forth in the SGC have not been met. Section **21.48.010** requirements for platting variances reads: “*A variance from the requirements of this title may be granted only if the planning commission finds that: A. The granting of a 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.*”

Granting the platting variance would be injurious to adjacent property owners for previously noted reasons: increased street congestion, overcrowding, and violation of the zoning regulation for minimum lot size of 6,000 square feet in the waterfront district.

The tract in question is not an unusual size or shape, it is in line with the norm for the neighborhood as the subdivision was established. Every person investing in property on Alice Loop had the right to investigate the rules set forth in city code for this district prior to buying a lot here. Additionally, the purchase agreement created by Shee Atika expressly encouraged individuals to do a thorough investigation of the rules for these lots, as they come with additional covenants and a history on the land. The zoning requirements for this district are clear, 6,000 sq

ft lot size minimum. Therefore no undue or substantial hardship to the property owner would result from adhering to the SGC.

The examples given in the staff report of sub-standard lot sizes that have previously existed around town, are not relevant to the Sitka General Code as is currently adopted. While these examples may sound pleasing anecdotally, they do not represent the waterfront district zoning standards that apply to the Charlie Joseph Subdivision, and importantly, they do not direct the law that is currently adopted by the City of Sitka. Moreover, residents who choose to live in an area with sub-standard lots would generally be aware of what they are buying into if the subdivision or district in which it is located had been planned out in that manner. Changing the standard of a newly developed subdivision, after people have purchased the lots according to the layout as it was designed, does not implement orderly development.

The variance request in this case places the desire and benefit of an individual above the rules and regulation set forth in city code. Approval of this variance would be a harmful action to the surrounding neighbors, who have abided by the rules and regulation of the SGC, building their homes accordingly. It would also be damaging to the community as a whole, as it would undermine the rule of law established in the SGC. It is expected that the rules which have been put in place and adopted by the City of Sitka will be followed and implemented in a consistent manner. This commission has the opportunity to strengthen the morale and confidence of Sitkans in their local government. I urge you to serve the people in a fair and equitable way by maintaining the orderly zoning standards established by the Sitka General Code. Please vote no on Platting Variance VAR 20-04. Thank you for your time, and your service to the community.

Wendy Dougan  
102 Toivo Circle  
Sitka, AK 99835  
971.341.7265

**From:** [Lynne McGowan-Brandon](#)  
**To:** [Planning Department](#)  
**Subject:** Alice Loop Platting Variance Request VAR 20-04, March 4, 2020 Meeting  
**Date:** Wednesday, March 4, 2020 3:07:07 PM

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Dear Planning Commission Members:

I apologize for the lateness of my letter regarding the variance for Alice Loop property but have been out of town for the last two weeks.

I am in agreement with the letter from Wendy Dougan. I understand the benefit of small lots for small homes but it is important to follow the established zoning ordinance for minimum lot size, in particular, for those of us who purchased our properties with the established, legal lot size for waterfront property. We reluctantly agreed to the conditions and platted lot sizes Shee Attika proposed two years ago for the inside of the loop but maintained concerns about the lack of adequate parking and increased traffic and other impacts to neighborhood. None of us agreed to a plat with thirteen lots.

As Wendy summarizes:

"The variance request in this case places the desire and benefit of **an individual** above the rules and regulation set forth in city code. Approval of this variance would be a harmful action to the surrounding neighbors, who have abided by the rules and regulation of the SGC, building their homes accordingly. It would also be damaging to the community as a whole, as it would undermine the rule of law established in the SGC. It is expected that the rules which have been put in place and adopted by the City of Sitka will be followed and implemented in a consistent manner. This commission has the opportunity to strengthen the morale and confidence of Sitkans in their local government. I urge you to serve the people in a fair and equitable way by maintaining the **orderly** zoning standards established by the Sitka General Code. Please vote no on Platting Variance VAR 20-04."

Thank you for your service and consideration of input from the neighbors.

Best,  
Lynne Brandon

## Amy Ainslie

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**From:** Rich Doland <dolandbuilt@yahoo.com>  
**Sent:** Monday, March 30, 2020 8:53 AM  
**To:** Planning Department; Chris Spivey; d Windsor@gci.net; Randy Hughey; Victor Weaver; Stacy Mudry; Kevin Mosher (Assembly); Kevin Knox (Assembly)  
**Subject:** Pre Written Testimony V20-04

Dear Planning Director, and Planning Commission Board Members, City and Borough of Sitka,

My name is Richard Doland. My wife, Debbie and I own 709 Alice Loop. We would like to make some comments on variance request V20-04.

Alice Loop is arguably the nicest developed subdivision in Sitka. All the homes on the outside of the loop are upscale. There is real pride in the neighborhood, covenants are in place to protect each property owners interest. Now, a new plan is developing. Buy existing lots, which are nicely developed, sub divide them, sell each lot for almost as much as the whole lot costs originally, and walk away with a pile of money. Great for investor, horrible for neighborhood. Chris McGraw did this exact thing a couple years back, against the wishes of most everyone in the neighborhood. I testified at that meeting that this action would lower the standard for lots, and drive up the price per square foot. Thats exactly what happened.

The planning commission has already reduced the minimum lot size from 8,000 to 6,000 square feet. Why would anyone want to reduce lot size further? The variance request V20-04 does not meet minimum lot size. A single family home, duplex, or zero lot line structure can be built with the lot just as it is (full size, not divided.) There is access from both sides of the lot. The owner of the lot was well notified of what he was buying. No secrets, all was obvious, and stated. There is no on street parking with this lot, further creating a reason to not allow this variance.

We are 100% apposed to this variance. It's one thing to create a planned development, at the wishes of the citizens of the town, it's an entirely different thing to buy into an existing, upscale neighborhood, and chop up lots with the sole purpose to make a pile of money. This creates friction and congestion that none of us need.

Please vote against this variance!

Richard and Debbie Doland  
709 Alice Loop  
Sitka 747-7567

**Amy Ainslie**

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**From:** haavig@gci.net  
**Sent:** Wednesday, April 01, 2020 10:09 AM  
**To:** Planning Department  
**Cc:** Paul Haavig  
**Subject:** Variance Request V20-04

Hello, my name is Paul Haavig and resident of 745 Alice Loop Road. I'm out of town and can't travel back due to COVID-19. I do want to be on record however in opposition of the variance request V20-04. I know you have heard from many other residents of Alice Loop with opposition so I won't restate all the good reasons already given. The infrastructure in the area where these requests are being applied for do not support these lot sizes. We are already seeing cars parking in the street at a residence that has a seasonal efficiency apartment in it. This will only get worse by allowing these variances to continue. Please turn down this request and keep our neighborhood safe and congestion free.

Respectfully,  
Paul Haavig

## Amy Ainslie

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**From:** Charlie Morgan <cpmorgan51@gmail.com>  
**Sent:** Tuesday, March 31, 2020 3:00 PM  
**To:** Amy Ainslie  
**Subject:** Alice Loop variance

To the Sitka Planning Commission,

I am a resident of Alice Loop. I am writing to express my opposition to the request to subdivide a lot in our neighborhood coming before the commission on April 15. Initially, I was open to the request thinking more density may lower the cost of buying land; however this does not seem to be the case. When lots have been divided the cost per square foot has increased.

Subdividing the lot will create congestion and result in significant parking problems which has been raised by other residents.

As a resident of several years in this neighborhood I have seen the erosion of what seemed to be one of the initial selling points of living there, which was to be in a space protected by a covenant. The planning commission has allowed that stated intention to become an illusion and if this request is granted continue to allow that erosion to worsen.

Charles P. Morgan, Ph.D.