



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 20-05
Proposal: Reduce front setback from 14' to 7'
Applicant: Travis Vaughn
Owner: Mandie Smith
Location: 1904 Cascade Creek Road
Legal: Lot 8B Shoemaker Subdivision
Zone: R-1 single-family and duplex residential district
Size: 17,306
Parcel ID: 2-4535-000
Existing Use: Duplex
Adjacent Use: Residential
Utilities: Existing
Access: Cascade Creek Road

KEY POINTS AND CONCERNS

- The existing placement for the house foundation and deck encroaches into the front setback. This variance would increase that encroachment.
- Platted size of Cascade Creek Road is significantly wider than actual developed roadway.
- Potential negative impacts to public health and safety, neighborhood harmony, and property values are minimal: parking spaces are unimpacted and the existing encroachment has not been problematic.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance.

BACKGROUND/PROJECT DESCRIPTION

The property is located on a city right-of-way at 1904 Cascade Creek Road on the east (uphill) side of the street. The lot is developed with a duplex that was built in 1977. The as-built for the property shows that the original foundation was placed 13' from the front property line. This means that the foundation itself encroaches 1' into the setback.

Due to the foundation type and door placement, a front deck is necessary for entry into the structure. Building code requires the deck to be at least 3' wide for safe ingress and egress from the building. With the placement of the foundation and this deck size requirement, a building code compliant deck on this structure would result in the need for a front setback reduction from 14' to 10'. Therefore, in practice, the applicant is asking for 3 additional feet of setback reduction than would be needed to be building code compliant. The applicant recalls that the original deck they've since replaced was 4' wide. The applicant wishes to finish a 6' wide deck and match this deck width on the upper story. The applicant feels this would allow tenants to more easily move furniture in and out of the unit.

Cascade Creek Road was platted to be approximately 60' wide. The developed surface of this road is significantly smaller (approximately 20' – 30'). The impacts of encroaching in the front setback are minimal in terms of functional use of parking and vehicular ingress/egress from the lot. However, parking area utilized is partially in the right-of-way and not entirely on the property, and therefore does not provide for off-street parking technically speaking.

ANALYSIS

Setback requirements

The Sitka General Code requires 14 foot front 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. However, the foundation of the house which was built in 1977 placed the foundation closer to the front property line than would otherwise be allowed under the current zoning code. With foundation 13' from the front property and the need for a 3' deck per the building code, a reduction in the front setback from 14' to 10' is not optional, and therefore should be considered a hardship and/or special circumstance. The additional 3' of deck proposed (that would result in the total front setback reduction from 14' to 7') does make ingress/egress from the house more convenient and arguably safer, but is not required to meet the building code.

¹ SGC Table 22.20-1

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 is the justification for granting a variance.

Potential Impacts

The construction of the decks on the structure would be an improvement to the property and the neighborhood, as it is currently in a rehab/construction 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 the drivable surface of Cascade Creek Road such that cars can both park and ingress/egress safely from the lot. 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 decks on the structure needed to be rebuilt and the first story deck is necessary to access the unit.

Conclusion

Overall, the neighborhood would be minimally affected, if not improved, by this proposal as long as the decks 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
Attachment B: As-Built
Attachment C: Site Plan
Attachment D: Plat
Attachment E: Photos
Attachment F: Applicant Materials

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Motions to Approve the Zoning Variance

- 1) **I move to approve the zoning variance for a front setback reduction from 14' to 7' at 1904 Cascade Creek Road in the R-1 single family and duplex residential district subject to the conditions of approval. The lot is also known as Lot 8B Shoemaker Subdivision. The request is filed by Travis Vaughn. The owner of record is Mandie Smith.**

Conditions of Approval:

- a. The front (west) setback will be decreased from 14 feet to no less than 7 feet.
 - b. 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.
 - c. Substantial construction progress must be made on the project within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the Planning Director if a request is filed within eleven months of the initial approval.
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- 2) **I move to adopt and approve the required findings for variances involving minor expansions, small structures, fences, and signs.**

Before any variance is granted, it shall be shown²:

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions;
- b. The granting of the variance is not injurious to nearby properties or improvements;
- c. The granting of the variance furthers an appropriate use of the property.

² Section 22.30.160(D)(2)—Required Findings for Minor Variances