



# 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 20-07  
Proposal: Reduce rear setback from 5 feet to 1.5 feet  
Applicant: City and Borough of Sitka Public Works Department  
Owner: City and Borough of Sitka  
Location: 4658 Sawmill Creek Road  
Legal: Lot 17, Sawmill Cove Industrial Park Resubdivision No. 1  
Zone: Gary Paxton Special District  
Size: 16,897 square feet  
Parcel ID: 6-6400-200  
Existing Use: Vacant  
Adjacent Use: Vacant, Industrial  
Utilities: Existing  
Access: Sawmill Creek Road, Access Easement

### **KEY POINTS AND CONCERNS**

- The property is located in the GP zone – rear setback in zone is 5 feet.
- Rear of lot abuts Sawmill Creek Road. Platted ROW substantially wider than developed road. Rear of lot building is anticipated to be approximately 50 feet from asphalt.
- Potential negative impacts to public health and safety, neighborhood harmony, and property values are minimal as fits industrial nature of the area and will still be substantial distance away from the drivable surface of the road.

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the zoning variance.

## **BACKGROUND/PROJECT DESCRIPTION**

The property is located at 4658 Sawmill Creek Road. The Public Works Department is beginning preliminary planning for a Filter Building to be constructed for the Critical Secondary Water Supply project. This lot is currently vacant, and is next to the existing UV Building.

The State of Alaska has offered Public Works an encroachment permit that would allow use of the undeveloped ROW for the express purposes of the following: a chain-link fence, storage of materials, maintenance for access around the building (to be constructed outside the State Right of Way), and no other purpose. Public Works is waiting to receive a determination on this variance (which will firm up plans for building placement) before agreeing to the specific terms with the State. However, there is every indication at this point from the State that they are willing to provide the encroachment permit which would facilitate access and buffering (i.e. the fence) for the back of the building. See Attachment C: Potential Encroachment Permit Area for a depiction.

Ideally, the building would be accessed from the east side of the lot. Allowing the building to be placed closer to the rear property line on the north of the property preserves forklift access around the south of the building within the fenced area.

The northwest corner of the building will have approximately 1.9' of clearance between the eave the property line – 1.5' was put in the request by PCDD staff in order to provide cushion for slight variation. With the exception of this corner, the rest of the eave on the rear of the building should be 6 feet from the rear property line.

## **ANALYSIS**

### *Setback requirements*

The Sitka General Code requires 5 foot rear setbacks in the Gary Paxton Special District (GP).

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 need to maneuver heavy equipment around all sides of the industrial property is the stated need/justification from the applicant as well as the platting of the right-of-way.

### *Potential Impacts*

The construction of the building closer to the right-of-way than would otherwise be allowed by the zoning code has very minimal impact on those utilizing the right-of-way. The neighboring property to the west has a rear property line that extends approximately 25 feet closer to the right-of-way without any known impact/detriment to the area. 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 economic development actions in the Sitka Comprehensive Plan 2030; ED 5.3 “Maintain well-functioning infrastructure upon which commerce and economic activity depend” by moving the Critical Secondary Water Supply project forward.

### *Conclusion*

Overall, the area would be minimally affected by this proposal as there is ample space and (future) fencing between the rear of the building and the developed right-of-way such that impacts are anticipated to be minimal.

## **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: Site Plan  
Attachment C: Potential Encroachment Permit Area  
Attachment D: Plat  
Attachment E: Applicant Materials

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## **Motions to Approve the Zoning Variance**

- 1) **I move to approve the zoning variance to reduce the rear setback from 5 feet to 1.5 feet at 4658 Sawmill Creek Road in the Gary Paxton Special District subject to the conditions of approval. The property is also known as Lot 17, Sawmill Cove Industrial Park Resubdivision No. 1. The request is filed by the City and Borough of Sitka Public Works Department. The owner of record is the City and Borough of Sitka.**

### **Conditions of Approval:**

- a. The rear (north) setback will be decreased from 5 feet to no less than 1.5 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.

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