



# 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, Director, Planning and Community Development  
**Subject:** **Zoning Determination of Potential Lot Merger**  
**Date:** July 31, 2020

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Before the Commission tonight is a lot merger of two properties, 207 Shotgun Alley and 2116 Sawmill Creek Road. The properties have separate owners (Barth Hamberg is the owner of 207 Shotgun Alley and Frances Brann/Krystina Scheller are the owners of 2116 Sawmill Creek Road), and are in separate zoning districts.

### **Background**

**Information on 207 Shotgun Alley:** 207 Shotgun Alley is part of the Cedars Subdivision which was created in 2017. It remains undeveloped. The access and development of Lot 4 is challenging due to the topography of the area (there is a creek running through a ravine) in the middle of 205 Shotgun Alley (Lot 3 Cedars Subdivision). Currently, access comes from an access easement granted by 205 Shotgun, spanning over 300 feet between the ROW and the lot. Buildable area of the lot is primarily on the east side of the lot, which, if developed, would have a high impact on buffer/vegetation for 2116 SMC (and potentially 215 Shotgun Alley).

**Information on 2116 Sawmill Creek Road:** 2116 SMC is a developed residential lot. It has 2 dwelling units on it, and an active conditional use permit for short-term rentals. It is located proximate to the Kramer Subdivision and Keith Bartow Subdivision, which share complex access and utility easements.

**Sale of the property:** Both parties would like the sale of 207 Shotgun Alley to Brann/Scheller to take place. Hamberg (in a later action) would like to vacate the access easement to 207 Shotgun in order to alleviate the impact the easement has on buildable space for 205 Shotgun. Given that the easements for the USS 3302/Kramer/Keith Bartow Subdivisions already serve a multitude of lots (which some residents feel are over utilized/burdened as is), staff does not recommend approval of adding access to 207 Shotgun via Sawmill Creek Road through this area. As Brann/Scheller are primarily interested in 207 Shotgun in order to conserve it, a lot merger is the best way to accommodate both the buyer's and seller's desired outcomes from the transaction. The property will need to be transferred to Brann/Scheller, and then the lot merger can be recorded.

## **Need for Zoning Map Interpretation/Determination**

As the two lots are in different zoning districts, a determination needs to be made on the zoning of the resulting lot if the lot merger is approved. SGC 22.12.0050 provides for interpretation of district boundaries where uncertainty exists. 22.12.050(B) states that boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines in effect at the time the zoning district was approved. Section (I) states that the Planning Commission shall interpret the district boundaries when there is variance between physical or cultural features on the ground versus the zoning map, or in other circumstances where there is uncertainty. The removal of the lot line in this case creates uncertainty, and therefore an interpretation will be needed by the Commission.

The result of the interpretation/determination by the Commission will impact the applicants desire to move forward with the lot merger. Therefore, Staff determined that the zoning interpretation/determination should be discussed and considered prior to the lot merger.

## **Analysis**

The stated intents of the SFLD and R-1 LDMH districts are listed below. In summary, the hallmark of SF/SFLD zoning is that only single-family homes are allowed – second dwelling units in any form (duplexes, mother-in-law apartments, accessory dwelling units, or any other multi-family development) are prohibited. Short-term rentals are also prohibited in these zones. R-1 LDMH allows up to two dwelling units per lot, with multifamily homes and short-term rentals both being conditional uses.

### **SFLD**

22.16.030(A) Intent:

- 1. The SF/SFLD districts are intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.*
- 2. The SF/SFLD districts are very restrictive districts and may also be utilized as holding districts for lands which are located within the urban area but are not presently served by access or utilities until such time as a full-scale development plan can be adopted to allow a more permanent zoning district designation.*
- 3. For the SFLD, all provisions of the SF district shall apply except that the minimum lot size shall be fifteen thousand square feet.*
- 4. This district is intended for areas where the lack of utilities or topography makes increased density undesirable.*

*22.16.030(B): Prohibited Uses. Short-term rentals are prohibited in SF and SFLD districts.*

### **R-1 LDMH**

SGC 22.16.035(A) Intent:

- 1. All provisions of the R-1 or R-1 MH district shall apply except that the minimum lot size shall be fifteen thousand square feet.*

### *R-1MH*

*SGC 22.16.045(A) Intent: See the intent statement for the R-1 district. The R-1 MH district is intended primarily for single-family, single-family manufactured homes or duplex dwellings, tiny houses or tiny houses on chassis at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 MH district.*

When considering which zoning designation is more appropriate for a lot resulting from a merger of these two properties, staff found four factors that should be taken into/are helpful for consideration:

1. Existing Uses and Developments/Creation of Non-Conformity: Existing uses/developments on the properties should be taken into account, and the zoning match the existing uses as much as possible. As 207 Shotgun is undeveloped, it does not have uses that needs to be accommodated. 2116 SMC is developed in conformance with R-1 LDMH zoning, with two dwelling units and an active short-term rental. Zoning the lot resulting from a merger of these two properties as SFLD would result in non-conformity, whereas a zoning determination of R-1 LDMH would not.
2. Size of lots/scale of change: The size of the two lots relative to each other is another factor to consider. 2116 SMC is approximately six times larger than 207 Shotgun, and therefore the scale of change moving 207 Shotgun into the zoning of 2116 is a smaller magnitude of change.
3. Potential for disturbance to surrounding neighbors: Weighing the potential impacts to surrounding neighbors is an important consideration to make. In this case, staff anticipates very little impact to neighbors in either scenario. If the new lot had SFLD zoning, no further density could be added/developed. If the new lot had R-1 LDMH zoning, no further density could be added or developed just by virtue of the lot merger. However, R-1 LDMH zoning does open the possibility to higher density development through the conditional use permit process.
4. Potential for cascading zoning changes: The movement of a boundary for a zoning district, while not directly enabling, could spark interest in more widespread rezoning. The Commission may have to consider future requests for rezoning given that the boundaries are less distinct/definitive.
5. Comprehensive Plan: While the Comprehensive Plan does not favor one zoning district over the other, it does have stated objectives to increase housing density. While this lot merger in and of itself does not create more density than otherwise allowed, R-1 LDMH zoning does leave open more flexibility in the future for development while SFLD zoning would restrict development and density to current levels.

### **Staff Recommendation**

Overall, staff finds that zoning the lot resulting from the lot merger of 207 Shotgun Alley and 2116 Sawmill Creek Road is preferable as it preserves the rights/uses of the current property owners, it is a smaller scale of change, it would not result in non-conformity, and it enables future development while preserving public process and input on that development.

### **Recommended Motion:**

**“I move to recommend that a lot resulting from a lot merger between 207 Shotgun Alley and 2116 Sawmill Creek Road should be zoned as R-1 LDMH.”**