



City and Borough of Sitka

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Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 21-02
Proposal: Reduce front setback from 10' to 1'
Reduce rear setback from 8' to 3'
Applicant: David and Connie Oen
Owner: David and Connie Oen
Location: 4305 Halibut Point Road
Legal: Lot 2 of Myron Oen lot line adjustment
Zone: C-2 General Commercial and Mobile Home District
Size: 8,408 square feet
Parcel ID: 2-5750-002
Existing Use: Residential
Adjacent Use: Single-family and duplex housing
Utilities: Existing
Access: Halibut Point Road via an easement through 4307 Halibut Point Road

KEY POINTS AND CONCERNS

- Lot is slightly above standards for minimum lot size in the zoning district, but is challenging to build on given the lack of depth on the lot and the triangular shape
- Rationale for setbacks may not be applicable to property lines abutting tidelands
- Steep embankment serves as a substantive buffer from the right-of-way
- The threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions, as it is for a small, greenhouse structure

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance for the front and rear setback reductions.

BACKGROUND/PROJECT DESCRIPTION

Project location is on an 8,408 square foot lot in a developed, residential neighborhood. The proposal is to allow for placement of a greenhouse structure on the southern corner of the property. Currently, there is a single-family home placed on the lot. Due to the direction of sunlight on the

property, the site location was considered ideal for placement of a greenhouse. However, as the property narrows to a point, there is insufficient depth for such a structure to be placed without a setback variance. It is for this reason that front and rear setback reductions are requested. Though the proposal will be 1 foot from the front property line, the elevation difference between the right-of-way and the project site provides a buffer. The property has no adjacent neighbor to the south, further serving to mitigate effects of setback reduction.

Setbacks to tidelands are treated differently in certain zoning districts per 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 GPIP zones. However, the rationale behind it would seem to apply in this case. Setbacks are in place to ensure open space, distance/buffer from neighboring properties, and fire separation. These factors are not as applicable when applied to property lines abutting tidelands in this case.

ANALYSIS

Setback requirements

The Sitka General Code requires 14 foot front setbacks, 5/9 foot side setbacks, 8 foot rear setbacks in the C-2 zone¹. However, footnote 8 of table 22.20-1 Development Standards reads front setbacks are reduced to 10 feet where the property abuts a right-of-way greater than or equal to 80 feet, as is the case in this proposal.

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 minor structures or expansions in the Sitka General Code is “the granting of the variance is not injurious to nearby properties or improvements”. In this case, the topography of the lot and location in relation to tidelands mitigate any potential impact and can therefore be viewed as justifications for granting a variance.

Potential Impacts

The granting of the variance does not increase traffic, density, or other impacts beyond the residential use that was intended for the lot. There is no adjacent property owner to be impacted by building up to a property line abutting tideland. Therefore, staff believes potential adverse impacts

¹ SGC Table 22.20-1

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 land use and future growth actions in the Sitka Comprehensive Plan 2030; LU7.8 “Review zoning code to explore changes to allow urban horticultural and agricultural uses more broadly in existing zoning districts”.

RECOMMENDATION

Staff recommends approval of the rear 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 also recommends approval of the front setback reduction. This structure placement is common for the area and still maintains substantial distance between the drivable surface of the road and the front of the structure. Given that the property is accessed via an easement to the north, and there is a significant slope between the road and the front property line, there is little potential for visual or traffic impacts.

ATTACHMENTS

- Attachment A: Aerial
- Attachment C: As-built and Site Plan
- Attachment D: Exterior Sketch
- Attachment E: Current Plat
- Attachment I: Photos
- Attachment J: Applicant Materials

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) I move to approve the zoning variance for reductions in the front and rear setbacks at 4305 Halibut Point Road in the C-2 general commercial and mobile home district subject to the attached conditions of approval. The property is also known as Lot 2 of the Myron Oen lot line adjustment. The request is filed by David and Connie Oen. The owners of record are David and Connie Oen.**

Conditions of Approval:

- a. The front (east) setback will be decreased from 10 feet to no less than 1 foot.
 - b. The rear (west) setback will be decreased from 8 feet to 3 feet.
 - c. 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.
 - d. 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 minor expansions, small structures, fences, and signs as listed in the staff report.**

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