



City and Borough of Sitka

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Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 21-03
Proposal: Reduce front setbacks to Katlian Avenue and Kaagwaantaan Street from 14' to 10'
Applicant: Adam Chinalski
Owner: Adam and Kris Chinalski
Location: 424 Katlian Avenue
Legal: Lot 50, Block 1, U.S. Survey 2542 A&B
Zone: WD Waterfront District
Size: 1,538 square feet
Parcel ID: 1-6230-000
Existing Use: Vacant
Adjacent Use: Single-family and duplex housing, industrial
Utilities: Existing
Access: Katlian Avenue

KEY POINTS AND CONCERNS

- Lot is small, well below the minimum lot size in the zoning district.
- The proposal is to facilitate the relocation and placement of an existing small 364 square foot home.
- Steep embankment serves as a substantive buffer from the right-of-way of Kaagwaantaan Street.

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 a 1,538 square foot lot in a developed, residential neighborhood. The proposal is to allow for placement of an pre-existing small home on the property. Photos of the structure are provided in attachments. The structure will be placed on a permanent foundation if variance request is granted.

Currently, the lot is vacant. The proposed site plan requests the minimum reduction to setbacks as is practical to place the structure. Because the lot has two fronts, both Katlian Avenue and Kaagwaantaan Street, and is significantly below standard lot size, the available building area is greatly impacted. The applicant feels that these conditions warrant special circumstances that warrant consideration of variances.

Though the property has frontage on Kaagwaantaan, vehicular access is impracticable due to the slope and grade change between the building area of the lot and Kaagwaantaan Street. Further, a steep rock retaining wall provides a buffer on this northern boundary that serves as a mitigation to potential impacts of a setback reduction.

ANALYSIS

Setback requirements

The Sitka General Code requires 14-foot front setbacks, 5/9 foot side setbacks, 5 foot rear setbacks in the WD zone¹. However, similar reduced setbacks are not uncommon in this neighborhood.

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 dimensions of the lot, primarily the lack of buildable area, can be viewed as justifications for granting a variance.

Potential Impacts

The granting of the variance does not significantly increase traffic, density, or other impacts beyond what is already expected on the right-of-way. Therefore, staff believes potential adverse impacts to

¹ SGC Table 22.20-1

neighborhood harmony and public health and safety are minimal, and the proposal is consistent with the character of the neighborhood, as many structures on Katlian have minimal to no setback separation to the street in many cases.

Comprehensive Plan Guidance

This proposal is consistent with one of the land use and future growth actions in the Sitka Comprehensive Plan 2030; LU 8.2 “Amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate.”.

RECOMMENDATION

Staff recommends approval of both front setback reductions. 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 proposal is for a small one-bedroom home on a lot with a significant slope between the road and the northern front property line and reduced setbacks are common within the neighborhood, there is little potential for visual or traffic impacts.

ATTACHMENTS

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Current Plat
- Attachment D: Photos
- Attachment E: Applicant Materials

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) I move to approve the zoning variance for reductions in the front setbacks at 424 Katlian Avenue in the WD waterfront district subject to the attached conditions of approval. The property is also known as Lot 50, Block 1, U.S. Survey 2542 A&B. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.**

Conditions of Approval:

- a. The front setbacks (north and south) will be decreased from 14 feet to no less than 10 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 or expansions as listed in the staff report.

Before any variance is granted, it shall be shown²:

- 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.

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