



City and Borough of Sitka

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Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 21-04
Proposal: Reduce side setback from 15' to 8'
Increase maximum height from 16' to 24'
Applicant: Josh Arnold
Owner: Josh and Dayna Arnold
Location: 106 Shotgun Alley
Legal: Lot 1, Tom Williamson Subdivision
Zone: R-1 LDMH Single-Family/Manufactured Home Low Density District
Size: 34,100 square feet
Parcel ID: 3-1046-001
Existing Use: Residential
Adjacent Use: Single-family, church
Utilities: Existing
Access: Easement from Shotgun Alley

KEY POINTS AND CONCERNS

- While the lot is large, the steep grade change and topography of the lot restrict the buildable area.
- The proposal is to facilitate the placement of a detached two-car garage with second story for storage.
- The height of the proposed garage would not exceed the height of the home.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance for the side setback reduction and increase in maximum height for accessory structures.

BACKGROUND/PROJECT DESCRIPTION

Project location is on a 34,100 square foot lot in a developed, residential neighborhood. The proposal is to allow for placement of a detached two-car garage with a second story intended for additional storage space.

The proposed site plan requests the minimum reduction to setbacks as is practical to place the structure. Though the lot is above minimum lot requirements, the steep grade change of the lot greatly reduces the available building area. The applicant feels that these conditions warrant special circumstances that warrant consideration of variances.

The property is buffered from neighboring properties by steep grade changes and wooded areas along all boundaries. These buffers serve as a mitigation to potential impacts of a setback reduction and increase in height.

ANALYSIS

Setback requirements

The Sitka General Code requires 20-foot front setbacks, 15-foot side setbacks, 20-foot rear setbacks, and 16-foot maximum height of accessory structures in the R-1 LDMH 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.

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". Further, the Sitka General Code determines the granting of a variance appropriate as it allows 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". In this case, the topography of the lot, as it restricts buildable area for an appropriate and common use, can be viewed as justifications for granting a variance.

¹ SGC Table 22.20-1

Potential Impacts

The granting of the variance does not increase traffic, density, or other impacts beyond what is already in place. 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 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 the side setback reduction. The topography of the lot restricts the placement of the structure without a setback reduction. The wooded area and grade change between the site and adjacent properties serves as a substantial buffer to mitigate potential visual impacts. As for the matter of the exceedance of maximum height for accessory structures, staff maintains a neutral position and will defer to the Commission’s judgement regarding the applicant’s need/hardship in requesting this particular variance.

ATTACHMENTS

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Floor Plans
- Attachment D: Current Plat
- Attachment E: Elevation Sketch
- Attachment F: Photos
- Attachment G: Applicant Materials

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) I move to approve the zoning variance at 106 Shotgun Alley in the R-1 LDMH Single-Family/Manufactured Home Low Density District subject to the attached conditions of approval. The property is also known as Lot 1, Tom Williamson Subdivision. The request is filed by Josh Arnold. The owners of record are Josh and Dayna Arnold.**

Conditions of Approval:

- a. The side setback (north) will be decreased from 15 feet to no less than 8 feet.
- b. The height of the accessory structure will not exceed 24 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 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