



City and Borough of Sitka

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Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 21-07
Proposal: Reduce side setback from 10' to 0'
Applicant: Northern Southeast Regional Aquaculture Association
Owner: City and Borough of Sitka
Legal: Lot 3, Block 4, Sawmill Cove Industrial Park Resubdivision No. 1
Zone: GP Gary Paxton Special District
Size: 17,150 square feet
Parcel ID: 6-6400-500
Existing Use: Industrial
Adjacent Use: Industrial
Utilities: Existing
Access: Easement from Sawmill Creek Road

KEY POINTS AND CONCERNS

- The property is located in the GP zone – front and side setbacks in zone are 10 feet, rear setback is 5 feet.
- The request is to reduce the front, side, and rear setbacks to 0 feet.
- The proposal is to facilitate the placement and expansion of hatchery operations in the property adjacent to existing NSRAA operations.
- Potential negative impacts to public health and safety, neighborhood harmony, and property values are minimal as fits industrial nature of the area and will not impact the use or access of the easement.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance for a front, side, and rear setback reduction.

BACKGROUND/PROJECT DESCRIPTION

Project location is on a 17,150 square foot lot at Lot 3, Block 4 of Lot 3, Block 4, Sawmill Cove Industrial Park Resubdivision No. 1 in the Gary Paxton Industrial Park. The request is to allow for the expansion of the existing NSRAA hatchery facility and operations at the adjacent property 4680 Sawmill Creek Road.

The proposed site plan is intended to minimize impact to the existing setbacks; however, encroachment of setbacks occurs at the northwestern and southeastern point of the lot as well as the entirety of the southeastern boundary. Due to a cul-de-sac style turn-around point in the access easement, the northwestern corner of the lot has a concave radial boundary line that reduces the appropriate buildable area of the site. Situating the 150' x 75' structure in this manner preserves as much of the setback on the front property line as possible, allowing for a 21' setback along the majority of the frontage. This will help to preserve parking and access. The rear of the property backs up to a tract of land preserved for Sawmill Creek flow, referred to as "Sawmill Creek Channel Tract" on the plat.

ANALYSIS

Setback requirements

The Sitka General Code requires 10-foot front and side setbacks, and 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 orientation and placement of the existing structure can be viewed as justifications for granting a variance, as it restricts use of the lot.

Potential Impacts

The granting of the variance does not increase traffic, density, or other impacts beyond what is already expected in 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 6.3 “Develop a Marine Center at Gary Paxton Industrial Park to support Sitka’s fishing and marine transportation fleets and businesses”.

RECOMMENDATION

Staff recommends approval of the front, side, and rear setback reduction. The proposal would not restrict or impact the utilization of the 30’ easement or turn-around.

ATTACHMENTS

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

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) I move to approve the zoning variance at Lot 3, Block 4 Sawmill Cove Industrial Park Resubdivision No. 1 in the GP Gary Paxton Special District subject to the attached conditions of approval. The request is filed by Northern Southeast Regional Aquaculture Association. The owner of record is City and Borough of Sitka.**

Conditions of Approval:

1. The front setback (west) will be decreased from 10 feet to no less than 0 feet.
2. The side setback (south) will be decreased from 10 feet to no less than 0 feet
3. The rear setback (east) will be decreased from 5 feet to no less than 0 feet.
4. 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.
5. 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 shown¹:

1. 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, the 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;
2. 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;
3. 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;
4. That the granting of such a variance will not adversely affect the comprehensive plan.

¹ Section 22.30.160(D)(1)—Required Findings for Major Variances