



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 21-09
Proposal: Reduce front setback from 14' to 6'
Applicant: Raymond and Judy Wampler
Owner: Raymond Wampler
Location: 5318 Halibut Point Road
Legal: Lot 1, Tract B-1, U.S. Survey 3670
Zone: R-1 Single-Family and Duplex Residential District
Size: 21,862 square feet
Parcel ID: 2-6040-000
Existing Use: Vacant/Under Development
Adjacent Use: Residential, Commercial, State Park
Utilities: Existing
Access: Halibut Point Road

KEY POINTS AND CONCERNS

- Lot is large at 21,862 square feet, but is challenging to build on given the severe grade change from the roadside to the upland portion of the property
- The proposal is for the placement of a small single-family home
- Vegetation and topography serve as substantial buffer to adjacent property uses

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance for the front setback reduction.

BACKGROUND/PROJECT DESCRIPTION

Project location is on an 21,862 square foot lot in an under-developed area along Halibut Point Road between the ferry terminal and Old Sitka boat launch auxiliary parking. The proposal is to allow for placement of a small single-family home. Currently, there is a structure to house the applicant's dogs placed on the lot as the applicant continues to develop the property. Due to the substantial grade change from the roadside to the upland portion of the property, the buildable area is greatly reduced without significant earthwork. However, the applicant has identified a portion of the lot where it would be feasible to place a small home. It is for this reason that a front setback reduction from 14' to 6' is requested. The garage for car storage is located on the east side of the building such that there is adequate room for ingress/egress on the property (i.e. cars will not have to back out on to the right-of-way). The property is buffered by vegetation and topography, serving to mitigate effects of setback reduction.

ANALYSIS

Setback requirements

The Sitka General Code requires 14-foot front setbacks in the R-1 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 is "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". In this case, the topography of the lot can 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. 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.

¹ SGC Table 22.20-1

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 front setback reduction. This proposal opens up possibility for development of a small residential structure on an underutilized lot. Vegetation and topography mitigate potential for visual or traffic impacts.

ATTACHMENTS

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Elevation
- Attachment D: Floor Plan
- Attachment E: 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 setback at 5318 Halibut Point Road in the R-1 Single-Family and Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot 1, Tract B-1, U.S. Survey 3670. The request is filed by Raymond and Judy Wampler. The owners of record are Raymond Wampler.**

Conditions of Approval:

- a. The front (north) setback will be decreased from 14 feet to no less than 6 foot.
- 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, 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;
- 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)(1)—Required Findings for Major Variances