



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Debra Pohlman
Randy Hughey
Richard Parmelee

Tuesday, March 21, 2017

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Chair Chris Spivey called the meeting to order at 7:00 PM.

Present: Spivey, Windsor, Pohlman, Parmelee
Absent: Hughey (excused), Knox (Assembly Liaison)

II. CONSIDERATION OF THE AGENDA

Parmelee/Spivey moved to TABLE items III.A and III.B to the end of the meeting.

Motion PASSED 4-0.

III. CONSIDERATION OF THE MINUTES

A Approval of the February 27, 2017 meeting minutes.

B Approval of the March 7, 2017 meeting minutes.

IV. PUBLIC BUSINESS FROM THE FLOOR

No public business.

V. PLANNING DIRECTOR'S REPORT

Senior Planner Scarcelli reminded commissioners to submit their financial disclosures to the Municipal Clerk. Scarcelli stated that staff have a call with Smart Growth America on Friday and reported that Shee Atika's subdivision was approved by the Assembly. Scarcelli stated that the early May meeting will be moved to Wednesday, May 10 and will be a Comprehensive Plan capstone event. Scarcelli reported that staff are working on updating staff reports.

VI. REPORTS

C Planning Regulations and Procedures.

D Quarterly short-term rental report.

Chair Spivey asked about enforcement of rentals without required conditional use permits, and Senior Planner Scarcelli stated that staff are working with the property owners to bring them into conformance. Commissioner Windsor asked if staff have been able to gather information on long-term rentals. Scarcelli shared data from Alaska Department of Labor and Workforce Development and prior comprehensive plan meetings. Scarcelli stated that vacancy rates are key in understanding housing supply and demand. March 2016 rental vacancy rates were 8% according to ADOLWD. Scarcelli stated that staff will continue to develop the analysis and prepare quarterly reports.

VII. THE EVENING BUSINESS**E** Discussion and direction regarding a Critical Areas Ordinance.

Scarcelli gave an overview of the development of the draft critical areas ordinance. Scarcelli recapped the questions raised by commissioners at the last hearing.

Spivey stated that a local insurance agent stated that they will not insure properties in high landslide risk zones. Spivey stated that homeowner's insurance forced placed through the bank is much higher than through an insurance agency. Spivey stated that potential flood and landslide concerns could result in some people not qualifying for lending. Scarcelli stated that the risk mapping will move forward regardless of this ordinance's progression. Spivey stated that if a customer opted out of the municipal requirements, they would not qualify for homeowner's insurance. Commissioner Pohlman stated that she spoke with an insurance representative who used a 5 mile radius from a known slide as determining potential risk. Spivey stated that he only spoke with one insurance company, although they often use similar methodologies. Windsor stated concern for homeowners who are barely making it by and are then required to pay more for insurance. Scarcelli gave the commission their options and recommended that they move forward with a motion. Pohlman stated that it doesn't appear that insurance companies have adapted since the Kramer landslide in 2015. Spivey stated that large insurance companies often operate from broad rules and don't consider unique circumstances.

Terry Friske spoke on behalf of his son Andrew Friske, and asked if any progress has been made on the pressure relief valve waiver as discussed in the last meeting. Spivey stated that we're still trying to figure this out via this discussion. Friske asked if the insurance company is not willing to work with property owners, then where does that leave homeowners? Scarcelli stated that the waiver would be the pressure relief valve. Friske asked if people would need to go through insurance first, and Spivey said no and that the commission just wanted to get more information. Windsor stated that this ordinance is for new construction. Paralegal Reuben Yerkes stated that the waiver is intended toward new construction, but it could impact individuals such as Friske who have permits pending. Friske asked about the process and Scarcelli explained that the Assembly would hear the item once the Planning Commission makes a recommendation.

Spivey asked if staff have determined anything about impacts on downhill

owners. Scarcelli stated that the building department currently requires studies and mitigation when they deem necessary. Scarcelli stated that the draft ordinance doesn't give 100% protection to anyone. Spivey asked if there would be any notice given to adjacent owners and Scarcelli stated no. Yerkes stated that staff had lengthy discussion about notice. Yerkes stated that the waiver is between the city and the signing property owner. The waiver is not the ideal vehicle for harnessing concerns of nearby properties. Yerkes stated that existing code addresses impacts on downhill properties in regard to such concerns as drainage. Pohlman stated that drainage issues do exist in Sitka, and equations are used to determine appropriate drainage. Pohlman questioned whether these equations have been shown to be appropriate for Alaska. Yerkes stated that this ordinance is simply enabling language to give property owners a path toward development.

Windsor stated that he can't see anything to add or subtract from the ordinance. Parmelee stated that more information would be helpful but was overall supportive of the ordinance. Pohlman stated that there's nothing in this ordinance that precludes the city from helping the small handful of homeowners who were impacted by the 2015 landslides. Commissioner Parmelee asked if staff could work with property owners prior to the passage of the ordinance. Yerkes stated that code does provide for appropriate geotechnical analysis requirements, and some homeowners would be stopped without a waiver. Parmelee stated that the commission should move forward with this if staff is comfortable with it. Scarcelli stated that each staff member would have a range of views and concerns, but this ordinance is a middle of the road approach and could be one tool among many. Yerkes stated that the city has to balance laissez faire government with interventionist government. Scarcelli encouraged commissioners to raise questions. Pohlman stated that information on insurance accessibility is necessary. Windsor asked what would happen if the ordinance doesn't go through. Yerkes stated that the city must use the municipal code, but it is hard to make a determination on hypothetical scenarios. Scarcelli stated that the building department currently requires geotechnical analysis when they determine it to be necessary. There are pros and cons to each option. Spivey stated that he would like to get more information but understands the need to get something on the books. Spivey wants to know more about the impacts of waivers on property owners who receive them. Yerkes stated that the city does not make insurance decisions. Spivey asked that if this ordinance passes the city could do some homework to find insurance companies to be willing to provide coverage with waivers. Scarcelli stated that he is willing to do what he can to gather information. Yerkes questioned the helpfulness of surveying insurance companies with hypothetical scenarios. Pohlman asked if any staff have called any insurance companies. Windsor asked what the difference is going to be – if a property is high risk, the insurance company will not insure it with or without a waiver. Windsor stated that property owners should have options. Spivey stated that he is fine moving forward but he would like for further inquiry to occur into insurability.

Windsor/Parmelee moved to direct city staff to research and report on the potential impact the waiver would have on potential insurability and finance-ability.

Motion PASSED 4-0.

F

Public hearing and consideration of a preliminary plat for a planned unit

development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust. The property is also known as Lot 1A of Little Critter Subdivision. The request is filed by Sitka Community Land Trust. The owner of record is the Sitka Community Development Corporation.

Scarcelli stated that the property was sold to Sitka Community Land Trust for the development of affordable housing. This is the preliminary approval hearing for the planned unit development. The plat shows maximum building footprint. The zone allows 24 units per acre, and the proposal is for 5 units per acre. Some of the lot is not buildable. DOT has requested that SCLT work with them as soon as possible on driveway and drainage permits. Parking would be provided at the rate of 1.5 spaces per dwelling unit. Staff recommend approval subject to conditions of approval.

Mim McConnell represented SCLT and introduced architect Ben Kraft. Windsor stated that he sees 9 parking spaces instead of 11, and Scarcelli clarified that Windsor was referencing a previous proposal. Parmelee asked about the area behind the proposed lots, and McConnell stated that most of it is rock wall. Parmelee stated concern for setback reductions. Scarcelli outlined setback requirements. McConnell stated that they may not build houses out to the maximum footprint. Spivey asked if SCLT is aiming for "tiny homes." McConnell stated that the homes will be small but will not be actual tiny homes. Spivey stated that he's not sure if he's comfortable with 5 and 10 foot setbacks. Parmelee stated support for small lots. Windsor called point of order.

No public comment.

Parmelee stated that he thinks small lots, reductions in setbacks, and loosening of building lot coverage percentages make sense for Sitka. Spivey stated concern with 5 and 10 foot setbacks. Parmelee stated that smaller lots can make housing more affordable.

Ben Kraft stated that the setbacks are based on cottage developments in other communities, and the planned unit development allows flexibility. Kraft stated that there will be 12-13 feet between most houses.

Parmelee/Windsor moved to **APPROVE** the preliminary plat for a planned unit development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust subject to the attached conditions of approval. The property is also known as Lot 1A of Little Critter Subdivision. The request is filed by Sitka Community Land Trust. The owner of record is Sitka Community Development Corporation.

Conditions of Approval:

1. A complete as-built survey will be required to capture all existing utilities on the parcel (including drainage, prospective French drain, etc.).
2. Plat notes and development shall ensure no encroachment on city assets or existing utility easements.
3. Parking shall be provided on-site, off-street, in the amount of 1.5 spaces per dwelling unit.
4. The boundary of the building footprints are the maximum size of buildings allowed within each lot and shall act as setbacks. No variances shall be granted for deviations from plat setbacks as shown on the final plat. Note: Setbacks are measured from lot lines to drip lines/eaves.
5. Any grading or geotechnical work performed or required on the property

shall obtain any applicable permit(s) and be completed by an appropriate professional. It should be noted that there could be additional development costs associated with slope stabilization.

6. Installation of water and sewer mains would require engineered plans and approvals via Alaska Department of Environmental Conservation. In addition, CBS would require a clear understanding of the ownership of new utility lines, easements, and perhaps shared user agreements.

7. Alaska Department of Transportation is the jurisdiction for approving driveway permits along Halibut Point Road. Applicant should consult with the DOT regarding traffic and driveway plans. All applicable DOT approvals shall be received prior to use of any driveways, parking lots, or access points.

Motion PASSED 3-1.

Parmelee/Windsor moved to APPROVE findings that:

- a. That the proposed planned unit development complies with the comprehensive plan by providing for the enhancement of the quality of life in Sitka through the development of affordable housing options; and
- b. That the PUD would not be injurious to public health, safety, and welfare as conditioned.
- c. That the proposal complies with procedures outlined in Titles 21 and 22 of Sitka General Code.

Motion PASSED 4-0.

G

Public hearing and consideration of a conditional use permit request for a short-term rental at 1820 Edgecumbe Drive. The property is also known as Lot 12C Standerwick Subdivision. The request is filed by Zachary and Jacqueline Foss. The owners of record are Zachary and Jacqueline Foss.

Pierson described the request. The unit is on the second story of an attached garage and is inhabited by a long-term renter. The owners live in the attached primary unit. The applicants request to rent the apartment while the long-term renter is out of town. Access is from an easement and the lot is greater than the minimum square footage. No comments have been received. Staff recommend approval.

Jacqueline Foss stated that the staff report was accurate.

No public comment.

Spivey stated appreciation that this wouldn't take a unit away from the long-term rental pool.

Pohlman/Windsor moved to APPROVE findings that:

1. ...The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, specifically, the short-term rental will operate periodically while the long-term renter travels.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, specifically, conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to

accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, through the provision of a rental overview.

Motion PASSED 4-0.

Pohlman/Windsor moved to **APPROVE** the conditional use permit application for a short term rental at 1820 Edgecumbe Drive subject to the attached conditions of approval. The property is also known as Lot 12C Standerwick Subdivision. The request is filed by Zachary and Jacqueline Foss. The owners of record are Zachary and Jacqueline Foss.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. Owners shall provide renters with a brief rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.
9. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion PASSED 4-0.

H

Public hearing and consideration of a conditional use permit request for a short-term rental at 112 Toivo Circle. The property is also known as Lot 7 Fleming Subdivision. The request is filed by John and Alison Dunlap. The owners of record are John and Alison Dunlap.

Pierson described the request. The house is listed for sale and the owners seek to rent the unit short-term until the house is sold. The unit is a 3 bedroom 3 bathroom single-family structure. Access is from a city street and parking is sufficient. Staff recommend approval. Scarcelli clarified that the permit would carry over to the new owner but would expire if the permit was not used. Scarcelli stated that conditional use permits run with the land.

Applicant was not present.

Susanne Shaye stated concern for precedent of granting the rental on the small street with no secondary way out, dust on the dirt road, and bears. Bruce White of 105 Toivo Circle stated concern for a lack of information in the notice. White stated that the road is tight and there is no on-street parking. White questioned if the permit would be a way to sweeten the pot for potential owners. White stated concern for changing the atmosphere of the neighborhood. Sheila Finkenbinder stated she has owned a home that is rented long term and listed for sale at the same time, and it is difficult.

Pohlman/Parmelee moved to POSTPONE to the third Tuesday of April.

Motion PASSED 4-0.

BREAK 8:50 - 9:00

I

Public hearing and consideration of a conditional use permit for an accessory dwelling unit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11 Block 26 Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.

Pierson described the request. The request for an accessory dwelling unit requires a conditional use permit because the lot has a variance, the units would access from separate streets, and the unit would be in addition to a duplex. The property is bounded on one side by multi-family housing and on the other by a zero-lot line that accesses from both DeArmond and Andrews Streets. The applicant has spoken with Public Works about new utilities and access. The owner occupies one unit and has a conditional use permit for a bed and breakfast in that unit. Conditions of approval would be that fencing would remain in place except where necessary to be removed for access, that the owner would occupy one unit, and that operations would be in line with plans submitted. Staff recommend approval.

Finkenbinder stated that she's okay with the conditions of approval but has some concern about the fencing as she is the only property in the neighborhood with fencing.

Windsor stated that he thinks it's a perfect idea. Spivey stated that it's a unique situation and he's for it.

Windsor/Pohlman moved to APPROVE findings that:

1. ...The proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity, specifically, that the neighborhood is currently developed with single family and multifamily properties; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, specifically, that the required parking is provided, fencing provides screening, and utilities will be installed consistent with Public Works requirements.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, specifically, request conforms to Comprehensive Plan Section 2.2.16 which states, "Improve the

availability of affordable housing, both long-term and short-term, to accommodate working families, seasonal workers, and students” by creating an additional dwelling unit.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, one unit shall be inhabited by the owner to ensure that operations maintain neighborhood harmony and fencing shall be maintained for the life of the ADU to maintain the appearance of a single-family property.

Motion PASSED 4-0.

Windsor/Parmelee moved to APPROVE the conditional use permit application for an accessory dwelling unit at 415 DeArmond Street subject to the attached conditions of approval. The property is also known as Lot 12 and Portion of Lot 11 Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owners of record are Sheila Finkenbinder.

Conditions of Approval:

1. The facility shall be operated consistent with the application, plans, and narrative that were submitted with the request.
2. One unit shall be inhabited by the owner to ensure that operations maintain neighborhood harmony.
3. With the exception of the necessary access point from Andrews Street, fencing shall remain throughout the life of the ADU to maintain the appearance of a single-family property.

Motion PASSED 4-0.

J

Public hearing and consideration of a conditional use permit for a marijuana cultivation operation at 1210 Beardslee Way. The property is also known as Lot 1B Mick's Resubdivision. The request is filed by Justin Brown for AKO Farms LLC. The owner of record is Martin Enterprises, Inc.

Scarcelli explained the location. The building would be built to submitted plans if the permit was approved. This permit is only for cultivation, although the applicant plans to eventually apply for other permits. Scarcelli stated that the submitted state application addresses such concerns as diversion, odor control, and security. Staff recommends approval.

Justin Brown stated that the state application packet is comprehensive, and Spivey agreed that the application was thorough.

No public comment.

Spivey stated appreciation for submission of the state application with the city application.

Pohlman/Windsor moved to APPROVE findings that that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval

Motion PASSED 4-0.

Pohlman/Parmelee moved to APPROVE the conditional use permit request filed by Justin Brown for AKO Farms, LLC marijuana cultivation at 1210 Beardslee

Way, in the Industrial zoning district subject to the 12 attached conditions of approval. The property is also known as Lot 1B Mick's Resubdivision. The owner of record is Martin Enterprises, Inc.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved Conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit
8. Applicant shall provide a Parking and traffic circulation plan.
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.
11. The permittee shall report, annually, to the planning commission on gross sales, sales tax amounts, complaints, police or other law or regulation enforcement activity, and summary of operations.
12. The permit is subject to review should there be a meritorious complaint, impact to public health safety or welfare, or violation of a condition of approval. The review may occur at the discretion of the Planning Director or by motion of the Planning Commission to address meritorious issues or complaints that may arise. During this review, based on the evidence provided, existing code and conditions of approval, the permit may be amended or revoked to address impacts to public health, safety, and welfare.

Motion PASSED 4-0.

K

Public hearing and consideration of a preliminary plat of a minor subdivision at 180 Price Street. The property is also known as Tract 1B Mountain View Phase II Subdivision. The request is filed by Jeremy Twaddle for Mountain View Estates. The owner of record is Mountain View Estates, LLC.

Spivey stated that he has a business relationship with the applicant but believed that he could participate fairly. The commission allowed him to

participate.

Scarcelli described the property, previous subdivisions of the land, and this minor subdivision request. Three lots would access via an easement to Molly Lane and one would continue to access from Price Street. The applicant proposes height restrictions for resulting lots 1-3 to protect views of houses on Molly Lane. Other city staff have raised concerns for development constraints of a small net size on lot 1, but the applicant intends this lot for a small house. Molly Lane is substandard, so additional access from this street should be considered. Overall, staff recommends approval subject to conditions of approval. Windsor asked if a future owner could get a variance for the proposed height restrictions. Scarcelli stated no, that these restrictions are a private agreement and could only be changed by all involved parties agreeing to a plat modification. Scarcelli stated that if the commission wished, a plat note could be included to state that no variances shall occur. Pohlman stated concerns for setback reduction variances.

Jeremy Twaddle came forward. Spivey asked if Twaddle plans on a guardrail for safety on the narrow access easement. Twaddle stated that they have not, but they would address that at the construction phase as opposed to the platting phase. Twaddle stated that lots 7, 8, and 9 stair step up the hill. Twaddle stated that he met with the owners of those lots and determined maximum heights for development on the new lots that would be acceptable to the owners. Scarcelli pointed out that Twaddle is voluntarily making the height limitations. Twaddle asked for clarification on proposed condition of approval 3. Scarcelli discussed the applicant's options regarding referenced agreements and the inclusion of mobile home park lines on the plat. In regard to condition of approval 4, Twaddle stated he had no problems putting dashed lines on the plat but didn't want to restrict himself or give away property rights.

No public comment.

Pohlman stated interest in adding a condition of approval that no variances be granted. Scarcelli gave some options. Pohlman stated that she does not find a basis for future variances.

Twaddle stated that understands but considers the condition of approval regarding variances to be nitpicky and onerous. Pohlman stated that there have been variances on nearby properties and she would not like to see that continue. Twaddle stated that he understands if this condition will be placed on all future subdivisions. Windsor stated that the commission has been discussing reducing variances.

Pohlman/Parmelee moved to APPROVE findings:

- a. That the proposed minor subdivision preliminary plat complies with the comprehensive plan by providing for the development of additional developable property with suitable access and utilities;
- b. That the proposed minor subdivision preliminary plat complies with the Subdivision Code as conditioned; and
- c. That the minor subdivision preliminary plat would not be injurious to the public health, safety, and welfare and further that the proposed Plat Notes and Conditions of Approval protect the harmony of use and the public's health, safety and welfare.

Motion PASSED 4-0.

Pohlman/Windsor moved to **APPROVE** the minor subdivision preliminary plat of Mountain View Phase III Subdivision. This approval is subject to the attached conditions of approval. The request is filed by Jeremy Twaddle, Managing Partner for Mountain View Estates, LLC. The owner of record is Mountain View Estates, LLC.

Conditions of Approval:

1. All applicable subdivision regulations, including but not limited to 21.12.010, 21.12.030, 21.32.160, and 21.40, be followed and any deviations from code be corrected prior to recording of the final plat (e.g. flagging, easements, easement area details, any note language requiring minor amendment, and monumentation).
2. That the agreements regarding easements, maintenance, and building restrictions be referenced by a plat notation, and also recorded.
3. That the owners of adjacent Lot 9 and 10, who have a subservient property interest in the existing access and utility easements, agree and be a party to all future agreements regarding those existing access and utility easements.
4. All existing trailer site lines shall be detailed on the revised plat for the project or some form of site plan or agreement shall be recorded to secure and clarify existing tenants' property rights as they relate to trailer sites on Lot 4.
- 5) The commission currently finds no factual basis for future setback variances.

Motion PASSED 4-0.**L**

Public hearing and consideration of a platting variance for substandard lot dimensions at 422 and 430 Kogwanton Street. The properties are also known as Lots 47A and 113 of Baranof Island Housing Authority Subdivision No. 1 and Portion of Lot 47 Block 2 US Survey 2542. The request is filed by Baranof Island Housing Authority. The owners of record are Baranof Island Housing Authority and William Anderson.

Pierson described the request. The intent is to clear up an encroachment so 430 Kogwanton can be sold. Three legal lots exist but act as two lots. One lot is 53 square feet and unbuildable. The variance is required because the resulting lots will be less than required development standards. Two houses are constructed on the lots and are under separate ownership. The proposal would move lots toward conformance by clearing up an encroachment and dissolving a small unbuildable lot. At the time of the demolition and reconstruction of 422 Kogwanton in 2010, the State Historic Preservation Office gave the project a designation of "No Historic Properties Affected." Scarcelli clarified that a small encroachment would still exist on an adjacent lot owned by Mr. Anderson. Scarcelli stated that the owners have done a fair job of clearing up encroachments but a small encroachment would still exist. This is the opportunity to get things cleaned up.

Cliff Richter represented Baranof Island Housing Authority. Don Anderson represented 430 Kogwanton Street. Richter stated that the purpose of the replat is to be able to sell 422 Kogwanton. Richter stated that it would be a significant cost difference to include the additional lot in the replat.

No public comment.

Spivey stated that it's a significant extra cost to correct an encroachment on one's own property.

Pohlman/Parmelee moved to APPROVE findings:

- 1) That the proposed replat complies with the Comprehensive Plan and Sitka General Code Titles 21 and 22 by moving the property toward code conformance;
- 2) The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property, specifically, that existing lots are 53, 3058, and 2726 square feet in a zone with a minimum square footage of 8000 square feet; and
- 3) That the replat would not be detrimental to the public safety, or welfare, or injurious to adjacent property.

Motion PASSED 4-0.

Pohlman/Parmelee moved to APPROVE the platting variance request for 422 and 430 Kogwanton Street. The replat would merge three lots into two lots. The properties are also known as Lots 47A and 113 of Baranof Island Housing Authority Subdivision No. 1, Portion of Lot 47 Block 2 US Survey 2542. The request is filed by Baranof Island Housing Authority. The owners of record are Baranof Island Housing Authority and William Anderson.

Motion PASSED 4-0.

M

Public hearing and consideration of a subdivision replat at 422 and 430 Kogwanton Street. The properties are also known as Lots 47A and 113 of Baranof Island Housing Authority Subdivision No. 1 and Portion of Lot 47 Block 2 US Survey 2542. The request is filed by Baranof Island Housing Authority. The owners of record are Baranof Island Housing Authority and William Anderson.

Pierson described the request. The intent is to clear up an encroachment so 430 Kogwanton can be sold. Three legal lots exist but act as two lots. The approved variance is required because the resulting lots will be less than required development standards. Two houses are constructed on the lots and are under separate ownership. The proposal would move lots toward conformance by clearing up an encroachment and dissolving a small unbuildable lot. At the time of the demolition and reconstruction of 422 Kogwanton in 2010, the State Historic Preservation Office gave the project a designation of "No Historic Properties Affected." Staff recommended approval.

Cliff Richter represented BIHA and Don Anderson represented 430 Back (Kogwanton) Street.

No public comment.

Pohlman/Windsor moved to APPROVE findings:

- 1) That the proposed replat complies with the Comprehensive Plan and Sitka General Code Titles 21 and 22 by moving the property toward code conformance;
- 2) That the existing lots are substandard sized with existing encroachments

and the proposed replat moves the properties toward code conformity; and
3) That the replat would not be injurious to public health, safety, and welfare.

Motion PASSED 4-0.

Pohlman/Parmelee moved to **APPROVE** the replat request for 422 and 430 Kogwanton Street. The replat would merge three lots into two lots. The properties are also known as Lots 47A and 113 of Baranof Island Housing Authority Subdivision No. 1, Portion of Lot 47 Block 2 US Survey 2542. The request is filed by Baranof Island Housing Authority. The owners of record are Baranof Island Housing Authority and William Anderson.

Motion PASSED 4-0.

N

Public hearing and consideration of a variance request for 205 Crabapple Drive. The request is for the reduction of the front setback from 20 feet to 10 feet for the construction of a carport. The property is also known as Lot 23 Lakeview Heights Subdivision. The request is filed by Aaron and Emily Routon. The owners of record are Aaron and Emily Routon.

Pierson described the request. The applicant previously received a variance for a reduction in the front setback from 20 to 16 feet and the side from 8 to 6 feet. After the approval, the applicant determined that he had to modify his plans and is now requesting a front setback reduction from 20 feet to 10 feet. Pierson stated that alternative configurations are possible, the lot is relatively flat, and staff recommend denial. Scarcelli explained that in previous jurisdictions where he worked, zero variances were granted. The fair thing to do is not to grant variances but to change development standards across the board. Scarcelli clarified that plans state an 8 foot setback but written communication says 10 feet.

Aaron Routon clarified that the request is for 10 feet. Spivey noted that there is also a carport and asked why he doesn't build toward the back. Routon stated that the soil is poor and costs were higher than budgeted. Routon stated that he did not want to block his neighbor's view of Mt. Edgecumbe. Routon read signed statements of support from neighbors. Routon stated that approximately six feet is undeveloped between the pavement and his property line. Pohlman asked if there were any neighbors who did not support the project and Routon said no. Routon stated that Comprehensive Plan Section 2.4.1 supports his proposal. Routon stated that 7 of the 9 houses on the road have carports. Routon said the carport would be see-through.

Cliff Richter stated that BIHA interacts a lot with families who move to town and can't find housing. Families sometimes that they need to move up and can't find affordable housing for the next step.

Pohlman asked if 207 Crabapple has a variance. Pierson explained that it is possible that the structure predates setback requirements. Windsor asked why be strict on this application as compared with others. Scarcelli stated that he has made it clear that he is against variances, and the fair thing to do is change development standards. Scarcelli stated that the commission denied a 12 foot front setback for Clyde Bright. Level of community support is not a legal basis to support a variance. Pohlman stated concern for the neighbor's existing carport near the property line, and the applicant is trying to be a good neighbor by protecting the neighbor's view. Pohlman stated that Kogwanton has a lot of

nonconformities. Spivey stated that he's nearly always against front setback reductions because there is usually another way. Spivey stated support for changing development standards across the board. Parmelee stated that the rear of the lot is unbuildable. Pierson reminded commissioners that the prepared findings are in favor of denial of the request. Scarcelli requested that the applicant provide staff with soil analysis information and stated that staff would prepare findings for approval at the next meeting.

Parmelee/Windsor moved to APPROVE the variance request for 205 Crabapple Drive with the conditions that the carport not be enclosed in the future and that the applicant will provide soil information to staff. The variance is for the reduction of the front setback from 20 feet to 10 feet for the expansion of a house and construction of a carport. The property is also known as Lot 23 Lakeview Heights Subdivision. The request is filed by Aaron and Emily Routon. The owners of record are Aaron and Emily Routon.

Motion PASSED 3-1.

VIII. ADJOURNMENT

Spivey adjourned at 10:36 PM.

ATTEST: _____
Samantha Pierson, Planner I