

**City and Borough of Sitka
Planning and Zoning Commission
Minutes of Meeting
November 15, 2011**

Present: Jeremy Twaddle (Acting Chair), Richard Parmelee (Member), Darrell Windsor (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner)

Members of the Public: Stephen Weatherman (Municipal Engineer), Doug Hardcastle, Karen Lucas, Robert Reid, Bill Anderson, Brandon Marx, Tess Heyburn, Craig Giammona (Daily Sitka Sentinel)

Chairman Twaddle called the meeting to order at 7:00 p.m.

Consideration of the Minutes from the November 1, 2011 meeting:

MOTION: M/S PARMELEE/WINDSOR moved to approve the meeting minutes for November 1, 2011.

ACTION: Motion **PASSED unanimously** on a voice vote.

This evening's business:

**ZONING MAP AMENDMENT
242 KATLIAN AVENUE
KAREN (LUCAS) JOHNSON**

Public hearing and consideration of zoning map amendment at 242 Katlian Avenue to change the zoning from R-1 single-family and duplex residential district to CBD central business district. The request is filed by Karen (Lucas) Johnson. The property is also known as Lot 21 Block 1 Sitka Indian Village US Survey 2542 A&B.

Planning Director Williams reviewed this request. No comment has come in since last meeting. Currently the zone is R-1. The owner would like to request to change it to CBD. This property fronts both Katlian Avenue to Kaagwaantaan Street. Public comment that was received at the last meeting was not clear, and Staff is hoping to get clarification. Mr. Didrickson was opposed; however Ms. Heyburn's comments were unclear. The concern seems to be of commercial activity coming off of Kaagwaantaan Street and the off-street parking spaces since CBD does not require off-street parking spaces. Staff recommends against the request if there is opposition, however recommends in the affirmative if there isn't opposition from neighbors.

Commission agreed that there was neutral position from Ms. Heyburn.

Applicant: Ms. Lucas came forward. She also agrees that Kaagwaantaan Street should remain residential. She would like to propose a zoning that allows the Kaagwaantaan Street side be kept residential. Perhaps splitting the lot with the two different zoning with CBD along Katlian Avenue and Kaagwaantaan Street residential might work. Her plans for the property would be something like a coffee stand or open market. Regardless of what it is – it will be on a small scale with no large buildings. Ms. Lucas clarified on the trail going through the property is an indemnification agreement where Sitka Tribe of Alaska has agreed to supply legal representation and defense in regards to this trail if someone were to try and claim grandfather

rights to it. Although it is there as a worn trail, it is still Ms. Lucas' property. There are no easements on this property with regards to the trail.

Planning Director Williams clarified thoughts and questions that were raised from Commissioners: the SF zoning district along Observatory Street is a type of zoning that is common and that no residential uses could be allowed on the first floor of building in the CBD district.

Public Comment: Bill Anderson came forward. He is a resident of Kaagwaantaan Street. He is against this request due to the one way and 12 foot width of this street and if traffic increases, it would be a hazard.

Commissioners discussed options of this request. A possible scenario is that only the half fronting Katlian Avenue be changed to CBD, but the back half facing Kaagwaantaan Street be kept as residential. The zoning lines do not need to follow property lines. The applicant was in agreement with this and will meet with the Planning Office in order to draw in that line.

This request will come back to the Planning Commission on December 6th for another public hearing to see if there are further comments.

**VARIANCE REQUEST
615 ETOLIN STREET
BRANDON MARX**

Public hearing and consideration of a variance request at 615 Etolin Street filed by Brandon Marx. The request is for a reduction in the rear setback opposite Park Street to 4 feet for a house addition. The property is also known as Lot 7 Block 15 US Survey 1474 Sitka Townsite.

Ms. Henshaw provided a review of this request. The property is 6,960 square feet with a rhombus like shape with two front setbacks and two rear setbacks. The house is currently 850 square feet. The house addition will be adding a total of 1,000 square feet. Currently the house is set to one foot in the rear and this addition would come away from the rear property line 4 feet instead of continuing that line at one foot. In 2005 the one foot setback was approved and a 9 foot setback along park Street for a porch. In 2008 an approved variance took place for a garden/storage shed.

Applicant: Mr. Marx came forward. He stated that adding an addition child into their home and living in that small of a house has been stressful. With the way that the house is situated on the lot, it is the only logical way to build and to be able to keep the historic look of the house. He has talked with his neighbors and although one has found that it will obscure the view, no matter how the applicant would build, it would obscure the view.

Public Comment: There was none.

MOTION: M/S PARMELEE/WINDSOR moved to approve the variance request at 615 Etolin Street filed by Brandon Marx. The request is for a reduction in the rear setback opposite Park Street to 4 feet for a house addition. The property is also known as lot 7 Block 15 Us Survey 1474 Sitka Townsite.

ACTION: Motion **PASSED 3-0** on a voice vote.

Staff recommended findings in support of the approved variance.

MOTION: M/S PARMELEE/WINDSOR moved to approve the following findings in support of the approved variance:

1. There are special circumstances to the intended use that do not apply generally to other properties; these special circumstances include the unusual shape of the lot and the two front and two rear setbacks and the orientation and placement of existing structures;
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;
3. 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; due to the terrain of the parcel, it is not expected to adversely affect the visibility at the intersection;
4. The granting of such a variance will not adversely affect the Comprehensive Plan.

ACTION: Motion **PASSED 3-0** on a voice vote.

**VARIANCE REQUEST
213 GAVAN STREET
DOUG/GRACIA HARDCASTLE**

Public hearing and consideration of a variance request filed by Doug and Gracia Hardcastle at 213 Gavan Street. The request is for a reduction in the front setback along Gavan Street to 10 feet for an addition of a garage and apartment. The property is also known as Lot 1 Block D Moore Memorial Addition.

Ms. Henshaw provided a review of this request. The applicant is asking for a reduction in the front setback along Gavan Street to 10 feet for a garage and mother-in-law apartment. The apartment would be for an elderly parent of the owner. The existing house was placed to avoid the worst of the water laden soil. Ms. Henshaw also clarified that this property consists of two front setbacks and a rear.

Applicant: Mr. Hardcastle came forward. They have saved up the money to now add the garage and apartment, which was always part of the plan. The apartment will be so that his parents can be close but also have privacy and not have to live in the house. The location of the house has good soils and there is an existing pad where the addition is to go.

Public Comment: There was none.

MOTION: M/S PARMELEE/WINDSOR moved to approve the variance request filed by Doug and Gracia Hardcastle at 213 Gavan Street. The request is for a reduction in the front setback along Gavan Street to 10 feet for an addition of a garage and apartment. The property is also known as Lot 1 Block D Moore Memorial Addition.

ACTION: Motion **PASSED 3-0** on a voice vote.

Staff recommended findings in support of the approved variance.

MOTION: M/S WINDSOR/PARMELEE moved to approve the following findings in support of the approved variance:

1. That there are special circumstances that do not apply generally to other properties specifically the two front setbacks and rear setback and the orientation and placement of existing structures;
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;
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. The granting of such a variance will not adversely affect the Comprehensive Plan.

ACTION: Motion **PASSED 3-0** on a voice vote.

**VARIANCE REQUEST
506 O'CAIN STREET
ROBERT REID/CLARICE JOHNSON**

Public hearing and consideration of a variance request at 506 O'Cain Street filed by Robert Reid and Clarice Johnson. The request is for a reduction in the front setback on Osprey Street to 9 feet and a reduction in the front setback on O'Cain Street to 10 feet for stairs. The property is also known as Lot 4 Block 4 Dan Moller Subdivision Replat.

Ms. Henshaw provided a review of this request. There was a request before the board in May of 2011 at this location for a new home construction. At that time the applicant asked and was granted a setback along O'Cain Street to 12 feet and a front setback on Osprey Street to 11 feet and a rear setback opposite Osprey Street to 5 feet. The old house has been torn down and the new one is framed, closed in and roofed. The applicant would like to make an adjustment to these setbacks in order to incorporate stairs. The first being along Osprey Street a set of stairs coming from the second story deck beside the house, and a recognizing that the O'Cain Street setback needs 10 feet due to the height of the front porch that requires 5 stairs to access it.

Clarification of the width of the stairs along Osprey Street was made for Commissioners.

Applicant: Mr. Reid came forward. He clarified that the stairs will be minimum width (in accordance with the Building Department) on the Osprey Street side and the stairs along the O'Cain Street side will be 4.5 foot wide.

Public Comment: There was a neighboring property in support of this variance that came in via email.

Mr. Weatherman, Municipal Engineer came forward stating that there are no sight visibility issues.

MOTION: M/S PARMELEE/WINDSOR moved to approve the variance request at 506 O'Cain Street filed by Robert Reid and Clarice Johnson. The request is for a reduction in the front setback on Osprey Street to 9 feet and a reduction in the front setback on O'Cain Street to 10 feet for stairs.

ACTION: Motion **PASSED 3-0** on a voice vote.

Staff recommended findings in support of the approved variance.

MOTION: M/S WINDSOR/PARMELEE moved to approve the following findings in support of the approved variance:

1. That there are special circumstances that do not apply generally to other properties specifically the two front setbacks, two rear setbacks and the square footage of the property;
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;
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. The granting of such a variance will not adversely affect the Comprehensive Plan.

ACTION: Motion **PASSED 3-0** on a voice vote.

OVERVIEW ZONING AND SUBDIVISION CODE CHANGES

This item was postponed

MOTION: M/S WINDSOR/PARMELEE moved to differ item E. to the next regularly scheduled Planning Commission meeting.

ACTION: Motion **PASSED 3-0** on a voice vote.

PLANNING DIRECTOR'S REPORT

None.

PUBLIC BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

MOTION: M/S PARMELEE/WINDSOR moved to adjourn at 7:58 p.m.

ACTION: Motion **PASSED 3-0** on a voice vote.

Jeremy Twaddle, Acting Chair

Melissa Henshaw, Secretary