



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

---

Wednesday, September 2, 2020

7:00 PM

Harrigan Centennial Hall

---

#### I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Darrell Windsor, Randy Hughey, Stacy Mudry  
Absent: Kevin Mosher (Assembly Liaison)  
Staff: Amy Ainslie (Planning Director), Ben Mejia (Planner I)  
Public: Todd White, Julie White, Ariadne Will (Sitka Sentinel)

**Chair Spivey called the meeting to order at 7:00 pm**

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

A [PM 20-14](#) Approve the August 5, 2020 minutes.

**Attachments:** [13-August 5 2020 DRAFT](#)

**M-Windsor/S-Mudry moved to approve the August 5, 2020 minutes. Motion passed 4-0 by voice vote.**

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Ainslie briefed the Commission on her site visit to Baranof Warm Springs and found it helpful to contextualize the area.

Ainslie informed the Commission that the Request for Information (RFI) for 4951 Halibut Point Road, identified in the No Name Mountain master plan as Harbor Point, closed on August 21st and responses would go before the Assembly for review and direction on September 8th.

Ainslie reported that the Planning Commission vacancy continued to be advertised but no applicants had submitted at this time. Ainslie informed the Commission of Department Head changes at City Hall. Jay Sweeney had moved on from his position as Chief Finance and Administrative Officer and was succeeded by Melissa Haley. Don Kluting had retired from his position as Harrigan Centennial Hall Manager and was succeeded by Tony Rosas. Ainslie reminded the Commission that City Hall would be closed on Monday, September 7th in observance of Labor Day.

Windsor asked how many RFI responses had been submitted for Harbor Point. Ainslie responded that there had been three submissions.

**VI. REPORTS**

**VII. THE EVENING BUSINESS**

**B [CUP 20-13](#)**

Public hearing and consideration of a conditional use permit for an accessory dwelling unit at 3407 Halibut Point Road in the R-1 MH single-family, duplex, and manufactured home district. The property is also known as Lot 10, Subdivision of Lot 1A, USS 2752. The request is filed by Todd and Julie White. The owners of record are Todd and Julie White.

- Attachments:**
- [CUP 20-13 White 3407 HPR ADU Staff Report](#)
  - [CUP 20-13 White 3407 HPR ADU Aerial](#)
  - [CUP 20-13 White 3407 HPR ADU Site & Parking Plan](#)
  - [CUP 20-13 White 3407 HPR ADU ADU Elevation & Floor Plan](#)
  - [CUP 20-13 White 3407 HPR ADU Primary Home Elevation & Floor Plan](#)
  - [CUP 20-13 White 3407 HPR ADU Current Plat](#)
  - [CUP 20-13 White 3407 HPR ADU Proposed BLA Plat](#)
  - [CUP 20-13 White 3407 HPR ADU ROW Survey](#)
  - [CUP 20-13 White 3407 HPR ADU Photos](#)
  - [CUP 20-13 White 3407 HPR ADU Applicant Materials](#)

Ainslie informed the Commission that the two items on the agenda were related to a single request that required two steps. Ainslie noted factors for the Commission to consider, whether this was a suitable use and location for an Accessory Dwelling Unit (ADU) and whether a variance request would be acceptable.

Ainslie described the site as approximately 7,200 square feet, situated in the R-1MH zone in which ADU's require a conditional use permit. The site had an existing structure that would be demolished and a single family home and ADU would be built. Ainslie informed the Commission that the lot was oddly shaped, approximately 190' wide with varying depths of about 48' at its northern end to about 28' at its southern end. Ainslie noted that there was a difference between how Halibut Point Road was platted and where it was built. Ainslie informed the Commission that the lot had a pending Boundary Line Adjustment (BLA) and its recording was a condition of approval.

Ainslie told the Commission that ADU's have 14 conditions/requirements however the Code was written such that if those conditions were not met, a Conditional Use Permit (CUP) was needed, rather than an outright denial for proposed ADUs that did not meet all 14 conditions. Ainslie listed the factors that met the conditions. Ainslie noted that the property was accessed via a state Right of Way (ROW). The ADU was not intended for short term rental. The ADU was on the same parcel as a Single Family Home (SFH). Only one ADU was proposed on the lot. An ADU was not permitted to be a Mobile home, travel trailer, or recreational vehicle. An ADU could only be considered with a SFH. The appearance of the ADU would mirror the main property. The conditions

of stair placement on the side or rear yard did not apply as no stairs were proposed. The proposal included two off street parking spots excluding garage.

Ainslie then noted the conditions that were not met in the proposal. While the proposal met the zoning & development standards for height and lot coverage, it did not meet the setback requirement which was why a variance was requested. The proposal placed the entrance in the front of the ADU though conditions stipulate that the entrance should be placed at the side or rear of the property.

Ainslie noted that while the Code states that an ADU should have a maximum size of 800 square feet, the wording was such that it was unclear whether the square footage is for the living space or if it is to include the area of a garage. The proposed ADU has a living space below the maximum at 792 square feet but a 275 square foot garage was also proposed. Ainslie informed the Commission that what should be included in the square footage cap was at the Commission's discretion. Ainslie noted that the Code also states that an ADU should be built without a variance, though a variance was requested to reduce setbacks. Staff recommended approval.

The applicants, Todd and Julie White, were present telephonically. Windsor noted from the site photos that the string line property line was over the sea wall. Mr. Todd responded that he had originally thought there was no setback for the rear of the property because it was tideland but Ainslie had informed him there was 8' rear setback. Windsor clarified his question and asked if they were adding rock to the shoreline. Windsor asked if that would be allowed by the State. Mr. White responded that he had spoken with the Army Corps of Engineers, and they did not express concern.

Having no further questions, the applicants were excused. The Commission voiced their support of the proposal.

**M-Mudry/S-Windsor moved to approve the conditional use permit for an accessory dwelling unit at 3407 Halibut Point Road in the R-1MH single-family, duplex, and manufactured home district subject to the attached conditions of approval. The property was also known as Lot 10, Subdivision of Lot 1A, USS 2752. The request was filed by Todd and Julie White. The owners of record were Todd and Julie White. Motion passed 4-0 by voice vote.**

**M-Mudry/S-Windsor moved to adopt the findings as listed in the staff report.. Motion passed 4-0 by voice vote.**

**C**     [VAR 20-09](#)

Public hearing and consideration of a variance to reduce the front setback from 14 feet to 1 foot and the rear setback from 8 feet to 0 feet at 3407 Halibut Point Road in the R-1 MH single-family, duplex, and manufactured home district. The property is also known as Lot 10, Subdivision of Lot 1A, USS 2752. The request is filed by Todd and Julie White. The owners of record are Todd and Julie White.

**Attachments:** [V 20-09 White 3407 HPR Variance Staff Report](#)  
[V 20-09 White 3407 HPR Variance Aerial](#)  
[V 20-09 White 3407 HPR Variance Site and Parking Plan](#)  
[V 20-09 White 3407 HPR Variance ADU Elevation & Floor Plan](#)  
[V 20-09 White 3407 HPR Variance Primary Home Elevation & Floor Plan](#)  
[V 20-09 White 3407 HPR Variance Current Plat](#)  
[V 20-09 White 3407 HPR Variance Proposed BLA Plat](#)  
[V 20-09 White 3407 HPR Variance ROW Survey](#)  
[V 20-09 White 3407 HPR Variance As-builts](#)  
[V 20-09 White 3407 HPR Variance Photos](#)  
[V 20-09 White 3407 HPR Variance Applicant Materials](#)

Ainslie informed the Commission that the request was for a variance to reduce the front setback from 14' to 1' and the rear setback from 8' to 0'. Ainslie described the site as approximately 7,200 square feet, situated in the R-1MH zone in which ADUs require a conditional use permit. The site had an existing structure that would be demolished and a single family home and ADU would be built. Ainslie informed the Commission that the lot was oddly shaped, approximately 190' wide with varying depths of about 48' at its northern end to about 28' at its southern end. Ainslie noted that there was a difference between how Halibut Point Road was platted and where it was built, and stated the distance of the property line to the edge of the asphalt as approximately 28'. Ainslie informed the Commission that the lot had a pending Boundary Line Adjustment (BLA) and its recording was a condition of approval.

Ainslie explained that the applicants requested a front setback reduction from to keep as close to the front as possible in order to leave space behind the structures and enable access to the sea wall with equipment for maintenance. Ainslie indicated that it was not uncommon for properties on Halibut Point Road to have structures within their front setback due to the lack of depth of the lots. Ainslie noted that the proposal met the off-street parking requirements.

Ainslie explained that due to the property abutting the tidelands at their property line, the typical reasons for a rear setback such as for ingress and egress, creating a buffer between properties, and providing fire separation did not apply. Ainslie also noted that the request for the 0' rear setback reduction was primarily to allow for decks and structures themselves would be farther in from the rear property line. Staff recommended approval.

The applicants, Todd and Julie White, were present. Having no further questions from the Commission, the applicants were dismissed. The Commission discussed the similarity of this item to previous variance requests and saw no issue with its approval.

**M-Windsor/S-Mudry moved to approve the zoning variance for reductions in the front and rear setbacks at 3407 Halibut Point Road in the R-1MH single-family, duplex, and manufactured home district subject to the attached conditions of approval. The property was also known as Lot 10, Subdivision of Lot 1A, USS 2752. The request was filed by Todd and Julie White. The owners of record were Todd and Julie White. Motion passed 4-0 by voice vote.**

**M-Windsor/S-Mudry moved to adopt the findings as listed in the staff report.**

Motion passed 4-0 by voice vote.

**VIII. ADJOURNMENT**

Seeing no objections, Chair Spivey adjourned at 7:25 PM.