



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

### VARIANCES

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### WHAT?

A variance is a waiver of development standards as outlined by municipal code. Variances may be sought for standards such as building setbacks, structure height, building lot coverage, and lot size. Variances may be granted only when unique circumstances outside an owner's control exist, such as steep topography or immovable boulders, that restrict the ability to reasonably develop a property.

### HOW?

Variance applications may be submitted to the Planning Department by 5 PM at least THREE WEEKS before the next scheduled Planning Commission hearing. Applicants may contact 747-1814 or [planning@cityofsitka.org](mailto:planning@cityofsitka.org) with questions.

### WHO?

Property owners or their approved representatives (with signed approval from the owner) may submit applications.

**An owner or authorized representative must attend all Planning Commission hearings.**

## PROCEDURES AT A GLANCE

### STEPS TAKEN BY APPLICANT

#### PREPARATION:

- ✓ Meet with Staff.
- ✓ Fill out application forms and prepare drawings.
- ✓ Talk to adjacent land owners.

#### APPLICATION:

- ✓ Turn in complete forms, drawings, letter and pay fee by 5 PM on Tuesday THREE weeks prior to the Planning Commission meeting, which is held the third Tuesday of each month.
- ✓ Applicant checks with staff the Friday before the meeting to see if there are any questions or needs to be addressed.

#### PUBLIC HEARING:

- ✓ Applicant attends meetings to answer any questions. Commission will make a decision at the first or second meetings.

#### WRAP-UP:

- ✓ If denied, the applicant can file a written appeal to the Assembly.

### STEPS TAKEN BY CITY AND BOROUGH

#### PREPARATION:

- ✓ Staff provides application materials.

#### APPLICATION:

- ✓ Staff reviews submitted materials.
- ✓ If deemed complete, staff includes the request on next agenda and prepares staff report for the Planning Commission.
- ✓ Notices are mailed to applicant and property owners in the area before the meeting. The agenda appears in the newspaper.

#### PUBLIC HEARING:

- ✓ Planning Commission talks to the applicant and takes testimony.
- ✓ Planning Commission will usually make a decision at the first or second meeting.

#### WRAP-UP:

- ✓ Staff writes a letter to the applicant explaining the outcome.

**NOTE: Extra care needs to be taken in preparing the documents. Staff can only schedule applications for Planning Commission review after all materials are submitted with the appropriate detail and deemed complete.**

## DEFINITIONS

### **22.08.850 Variance.**

“Variance” means the relaxation of the strict application of the terms of this title to a proposed development to be constructed in the future. This definition shall not be construed to permit any use in any district in which that use is prohibited by the district regulations. (Ord. 02-1683 § 4 (part), 2002.)

### **22.08.130 Building area/site coverage.**

“Building area/site coverage” means the total areas taken on a horizontal plane on its largest level of the principal building and all accessory building including decks, porches, steps and eave overhangs.

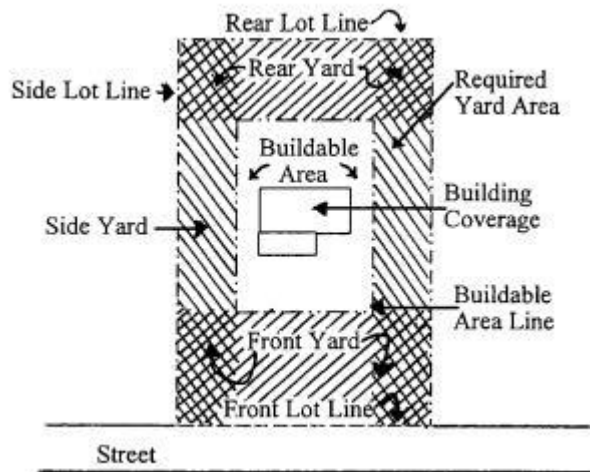
### **22.08.140 Building height.**

“Building height” means the vertical distance from the average elevation of the finished grade to the highest point of the coping of a flat roof, to the highest point of a mansard roof, or to the highest point of the highest gable of a pitched or hip roof. (Ord. 02-1683 § 4 (part), 2002.)

### **22.08.370 Fence height.**

“Fence height” means the vertical distance between the ground, either natural or filled, directly under the fence and the highest point of the fence. No fence shall exceed eight feet in height without a variance. Fences in the public and industrial zones may be no higher than twenty feet. (Ord. 02-1683 § 4 (part), 2002.)

**Figure 22.08.535, 22.08.540, 22.08.550  
Lot Lines**



(Ord. 02-1683 § 4 (part), 2002.)

### **22.08.730 Setback.**

“Setback” means the distance between the lot line and the building line. The building line shall include eaves, open porches and other such projections beyond the foundation. (Ord. 02-1683 § 4 (part), 2002.)

**Table 22.20-1  
Development Standards<sup>(2)</sup>**

ZONES	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS <sup>(19)</sup>		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
	Width	Area <sup>(1, 18)</sup>	Front <sup>(3)</sup>	Rear	Side	Principal Structures	Accessory Structures		
P	<sup>(4)</sup>	<sup>(4)</sup>	20 ft.	15 ft.	10 ft.	40 ft.	16 ft.	35%	
SF <sup>(16)</sup>	80 ft.	8,000 s.f.	20 ft. <sup>(8)</sup>	10 ft. <sup>(9)</sup>	8 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
SFLD	80 ft.	15,000 s.f.	20 ft. <sup>(8)</sup>	20 ft. <sup>(9)</sup>	15 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
R-1 <sup>(6, 16)</sup>	80 ft.	8,000 s.f.	20 ft. <sup>(8)</sup>	10 ft. <sup>(9)</sup>	8 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
R-1 MH <sup>(6, 16)</sup>	80 ft.	8,000 s.f.	20 ft. <sup>(8)</sup>	10 ft. <sup>(9)</sup>	8 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
R-1 LD/ LDMH	80 ft.	15,000 s.f. <sup>(5)</sup>	20 ft. <sup>(8)</sup>	20 ft. <sup>(9)</sup>	15 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
R-2 <sup>(6, 16)</sup>	80 ft.	8,000 s.f. for the first two units and 1,000 s.f. for each additional unit	20 ft. <sup>(8)</sup>	10 ft. <sup>(9)</sup>	8 ft.	40 ft.	16 ft.	50%	Maximum density = 24 DU/A
R-2 MHP <sup>(6)</sup>	80 ft.	Same as R-2	20 ft. <sup>(8)</sup>	10 ft. <sup>(9)</sup>	8 ft.	40 ft.	16 ft.	50%	Same as R-2
CBD <sup>(17)</sup>	None	None <sup>(7)</sup>	<sup>(11)</sup>	<sup>(11)</sup>	<sup>(11)</sup>	50 ft.	16 ft.	None	
C-1 <sup>(6)</sup>	60 ft.	6,000 s.f. <sup>(7)</sup>	20 ft. <sup>(8)</sup>	10 ft.	5 ft.	40 ft.	16 ft.	None, except for setback areas	
C-2 <sup>(6)</sup>	60 ft.	6,000 s.f. <sup>(7)</sup>	20 ft. <sup>(8)</sup>	10 ft.	5 ft.	40 ft.	16 ft.	Same as C-1	
WD <sup>(6)</sup>	60 ft.	6,000 s.f. <sup>(7)</sup>	20 ft. <sup>(8, 12)</sup>	5 ft. <sup>(12)</sup>	10 ft. <sup>(12)</sup>	40 ft.	16 ft.	Same as C-1	
GP	50 ft.	5,000 s.f.	10 ft.	5 ft. <sup>(12)</sup>	10 ft. <sup>(12)</sup>	50 ft.	50 ft.	Same as C-1	
I	100 ft.	15,000 s.f.	20 ft. <sup>(8)</sup>	10 ft.	5 ft.	40 ft.	16 ft.	50% <sup>(13)</sup>	
LI	None	1 acre <sup>(14)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	35 ft.	35 ft.	25%	
GI	None	1 acre	None <sup>(15)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	35 ft.	35 ft.	None	
R	<sup>(16)</sup>	<sup>(16)</sup>	20 ft.	10 ft.	5 ft.	35 ft.	20 ft.	50%	
OS	None	1 acre	None <sup>(15)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	35 ft.	35 ft.	None <sup>(15)</sup>	

**22.20.035 Notes to Table 22.20-1.**

1. Minimum lot area net of access easements.
2. All developed lots and parcels shall have access to a public street and circulation within the development to ensure adequate vehicular circulation for parking, freight, and emergency vehicles. Where lots or parcels do not front on and have direct access to streets, a minimum twenty-foot improved driveway with a minimum of a twelve-foot wide developed driveable surface on a legal easement shall provide access between the subject development and the street.
3. Front setbacks apply to all lot lines adjacent a public street. Corner lots have two front setbacks.
4. As determined by the specific use and its parking and loading requirements.
5. Duplex shall have a minimum of twelve thousand square feet of lot area per unit.
6. Zero lot line lots shall be a minimum of seven thousand five hundred feet in area.

Additional Note: The minimum square footages for each unit of a zero lot line shall be as follows:

R-1 and R-1 MH 4,000 sq. ft.

R-1 LD and R-1 LDMH 7,500 sq. ft.

R-2 and R-2 MHP 4,000 sq. ft.

C-1, C-2 and WD 3,000 sq. ft.

Zero lot lines may be allowed on existing lots of record in the R-1 and R-1 MH zones with square footages less than above if the planning commission finds that there is adequate density and parking.

7. Minimum lot area per dwelling unit shall be six thousand square feet for one and two-family dwellings with an additional one thousand square feet for each additional dwelling unit.
8. Front yard setback shall be ten feet when lots abutting street rights-of-way are equal to or greater than eighty feet.
9. Residential docks are exempt from rear yard setback.
10. Except as exempted by Section 22.20.050.
11. Subject to site plan approval.
12. No setbacks are required from property lines of adjacent filled, intertidal, or submerged tidelands.
13. Additional building coverage may be permitted subject to site plan approval.
14. Unless the subject use occupies the entire island.
15. Where island lots share common property lines, the minimum setback shall be fifteen feet.
16. The minimum site setback on lots in zones SF, R-1, R-1 MH, and R-2 shall be five feet for lots that are sixty feet wide or narrower; in all other cases in those zones, the minimum side setback shall be eight feet.

17. A five-foot setback shall be along any property line abutting a public street, alley, or deed access easement. The purpose of this setback shall be to assure that sidewalks, curb and gutter, power pole locations, or other public necessities can be accommodated.

18. Lot size variances may be allowed for subdivisions that include sidewalks or pathways.

19. Accessory dwelling units in residential zones shall be limited to a maximum height of twenty-five feet or the height of the existing principal dwelling unit on the property whichever is less.

**22.30.160 Planning commission review and decision.**

D. Required Findings for Variances.

1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

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. Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions;

b. The granting of the variance is not injurious to nearby properties or improvements;

c. The granting of the variance furthers an appropriate use of the property.