



City of Valdez

**ALASKA**

Community Development Department

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## Valdez Senior Housing Associates, LLC – Proposed Findings

**Ord. 24-01 VMC 17.04.070(A)** Purpose. The variance and administrative adjustments procedures are established to allow applicants to seek deviations and modifications from certain requirements of VMC Title 17 to overcome unique site impediments and area conditions. Deviations or waivers to the City's development standards may be specifically necessary to accommodate infill projects, adaptive use activities, and redevelopment projects in established areas of the City where existing site and area conditions may limit an applicant's ability to fully comply with City requirements. Variances are intended to allow applicants to seek regulatory relief through a public hearing process, whereas administrative adjustments are intended to allow applicants to seek minor regulatory relief through an administrative process.

Date: July 10, 2024

File: Variance 24-01

To: Planning & Zoning Commission

From: Nicole Chase, Planner

### General Information

Property Owner: Valdez Senior Housing Associates, LLC

Street Address: 104 E Hanagita Street

Legal Description: Lot 3, Medical Park Subdivision Senior Addition (plat 2022-2)

Zoning District: High Density Residential

Existing Land Use: Multi-unit dwelling (senior housing)

Access: Hanagita Street

Property Size: 83,758 square feet (plat 2022-2)

Adjacent Land Use: Vacant, Residential, & Hospital

### Description

The Valdez Senior Housing Associates, LLC is the owner of 104 E Hanagita Street, Lot 3, Medical Park Subdivision Senior Addition (plat 2022-2) and Orion Construction, Inc. has applied for a variance on their behalf to construct a 207' x 20' roof structure for covered parking that would encroach 6.7' within the required 15-foot side yard setback along Hanagita Street in front of the Valdez Senior Housing Apartments. The request is for a 6.7' encroachment into the side yard setback for this covered parking structure.

Ord. 24-01 VMC 17.04.070 contains four provisions that must be met in order for the Commission to grant approval of a variance. In reviewing the application, staff determined all criteria were met.

**Ord. 24-01 VMC 17.04.070 (I)**

The Planning and Zoning Commission shall conduct a public hearing to review the variance application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and take action on the application. The Commission may approve, approve with conditions, or deny the application.

Findings

**1. Procedure.**

- a) On June 21, 2024, the Community Development Department received the variance application for the subject property.
- b) Community Development staff reviewed the application and accompanying information against the application requirements of (Ord. 24-01) 17.04.070(E) and determined that the application was complete.
- c) A public hearing was scheduled to consider this application for July 10, 2024.
- d) Notice of the meeting was published in the Copper River Record on June 27, 2024, in accordance with (Ord. 24-01) VMC 17.04.180.
- e) Notice of the hearing was also published in KVAK’s e-blast newspaper on June 24, 2024, and July 1, 2024, in accordance with (Ord. 24-01) VMC 17.04.180.
- f) Notice of the meeting was also posted on the City of Valdez website on June 24, 2024, in accordance with (Ord. 24-01) 17.04.180.
- g) Notice of the hearing was mailed on June 26, 2024, to the 21 property owners within 300 feet of the subject property, in accordance with (Ord. 24-01) VMC 17.04.180.

**2. Ord. 24-01 VMC 17.04.070 (D)(1) – Criterion 1: There are exceptional physical characteristics or conditions pertaining to the property which may affect intended land use or development thereon which do not generally apply to other properties in the same zoning district.**

The subject property is located within the High-Density Residential district (R2). The applicant has stated that *“Lot 3, on which the apartments have been built, is a very narrow lot. We have less than an inch of wiggle room for the new covered parking structure and also a required minimum distance from the building to avoid the need of installing a sprinkler system.”* The covered parking structure cannot be placed in an alternative location on the lot. The opposite side of the Senior Housing Apartment building has overhead power lines, and the area adjacent to the Senior Housing Apartments along the front property line on Meals Avenue is too short to accommodate the covered parking structure dimensions of 207’ x 20’. While there are conditions relating to the property that prevent the proposed covered parking structure from being able to be placed in another location on the lot, the restrictions are due to the placement of the existing primary structure on the lot, and the presence of the overhead powerlines, not due to an inherent physical characteristics of the property that do not generally apply to other properties in the same zoning district.

**3. Ord. 24-01 17.04.070 (D)(2) - Criterion 2: The strict application of the provisions of VMC Title 17 would result in practical difficulties or unnecessary hardship to the applicant.**

The applicant has applied for a variance on their behalf to construct a 207' x 20' roof structure for covered parking that would encroach 6.7' within the required 15-foot side yard setback along Hanagita Street in front of the Valdez Senior Housing Apartments. The request is for a 6.7' encroachment into the side yard setback for this covered parking structure. At the time Valdez Senior Housing Associates, LLC purchased the covered parking structure, the zoning ordinance only required a 10' setback from the side property line. Under the new zoning ordinance adopted February 7, 2024 (Ord. 24-01.) VMC 17.08.050 (B)(4)(c). *"On corner lots, the minimum front setback requirement in a) shall be met along each street frontage"* and Ord. 24-01 VMC Table 17.06.070.a requires a minimum front setback of 15' for multi-unit dwellings containing four or more units in the High-Density Residential district (R2). The strict application of the provisions of this title would result in practical difficulties and unnecessary hardship because the Valdez Senior Housing Associates would be unable to provide a covered parking area for residents because there is no other suitable area on the lot that meets the dimensions of the structure they have already purchased. There is not enough room on the lot with the size and placement of the existing primary structure to accommodate the covered roof structure in a different location.

**4. Ord. 24-01 17.04.070 (D)(3)- Criterion 3: The granting of the variance or administrative adjustment will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety, or welfare.**

There is no evidence in the record to indicate that the granting of the variance will be detrimental to the public health, safety, or welfare or result in material damage to other properties in the vicinity. Staff had concerns that the roof structure would shed snow towards the sidewalk on Hanagita Street since the roof is designed to shed in that direction however, the applicant has stated, *"the covered parking structure was specifically designed with measures to direct snow and rain into the drainage swale along Hanagita road. This design approach is common in areas where snow and rain are frequent, ensuring that runoff is managed effectively without posing a danger to pedestrians on the sidewalk. The projects design team worked with the City as well as Public Works to ensure that sidewalk is plowed with Hanagita Street at every snowfall helping to mitigate the accumulation of snow that will accumulate from shedding. The fact that the structure will be approximately 14 feet from the sidewalk suggests that there should be ample distance to prevent any direct impact or danger to pedestrians from shedding snow. This separation is designed to allow for safe clearance and to minimize any risk of falling snow or ice reaching pedestrian areas."*

**5. 4. Ord. 24-01 17.04.070 (D)(4) – Criterion 4: The variance or the exception will not be contrary to the objectives of the comprehensive plan.**

In reviewing the objectives of the comprehensive plan, staff has not found that granting this variance will be contrary to the objectives of the plan. This development is compatible with the Plan Valdez Goal 2.3 to promote, protect, and build quality housing. The proposed development is an accessory covered parking structure to the newly constructed Valdez Senior Housing Apartments which

provides low-income housing to senior residents. Without this structure, residents would not have covered parking for their vehicles, which is especially important in winter during heavy snowfalls.

**Staff Recommendation**

Staff recommends that Variance 24-01 be approved by the Planning & Zoning Commission because the strict application of the code regarding side yard setback requirements would result in unnecessary hardship to the applicant. There are exceptional physical characteristics of the property due to the placement of the existing structure on the lot, and the presence of overhead powerlines adjacent to the existing primary structure that would prevent the applicant from locating this covered parking structure in an alternative location on the property.