# **MEMORANDUM**

## CITY/BOROUGH OF JUNEAU 155 South Seward Street, Juneau, Alaska 99801

DATE:

June 6, 2011

TO:

Board of Adjustment

FROM:

Nicole Jones, Planner

Community Development Department

FILE NO.:

VAR2011-0013

**PROPOSAL:** 

Variance request to reduce the side yard setback from 5' to 3' for an

addition.

### **GENERAL INFORMATION**

Applicant:

Gerald Gotschall

Property Owner:

Gerald Gotschall

Property Address:

419 West Twelfth Street

Legal Description:

Casey Shattuck Block 207 Lot 3

Parcel Code Number:

1-C03-0-C07-003-0

Site Size:

3,600 square feet

Zoning:

D5

Utilities:

Public Water and Public Sewer

Access:

West Twelfth, and alley between West Twelfth and West Eleventh

Existing Land Use:

Single Family Dwelling

Surrounding Land Use:

Northwest

- West Twelfth, D5, Single Family Residential

Southeast

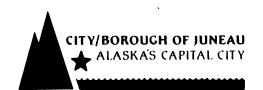
- Alley, D5 Church

Northeast

- D5, Single Family Residential

Southwest

- D5, Single Family Residential



Board of Adjustment File No.: VAR20110013 June 6, 2011 Page 2 of 7

# **ATTACHMENTS**

Attachment A Photos

### **PROJECT DESCRIPTION**

The applicant is requesting a reduction to the side yard setback from 5' to 3' for the construction of an addition to an existing house. Eaves are planned to project 12 inches from the wall of the structure.

### **BACKGROUND**

The property is zoned D5 with a minimum lot area of 7,000 square feet. The property is legally non-conforming because the property was platted in 1913 prior to current zoning with a lot area of 3,600 square feet. According to the CBJ Assessor's Database the house was built in 1925 with a basement, first story and attic.

Currently the house sits 3.57 feet from the property line, as shown on an as-built dated January 28, 2011 (see applicant's submittals). The plans show that the proposed addition will project from the existing footprint towards the rear of the property keeping the 3.57 foot setback from the side yard property line. Requesting a 3 foot setback allows the applicant a few inches to allow for margin of error. The minimum lot width for a D5 zoning district is 70 feet. The lot is substandard in lot width at 40 feet. The exception which reduces the side yard setback for substandard lots CBJ §49.25.430(4)(J) does not apply because in no case can the setback be reduced to less than 5 feet.

The variance request is for the southwest side yard setback; all other setbacks will be met or are already legally non-conforming. The building permit record suggests that this structure conforms with its original footprint. The only permits that have been issued were to rebuild the plumbing vents (BLD-0924801), rehabilitate the entire electric system (BLD-0922201), a demo permit in preparation of this variance approval (DMO20110016), and a building permit for the addition which is in waiting status pending outcome of this variance request (BLD20110254).

### **ANALYSIS**

The property in question is within the Casey-Shattuck neighborhood where many structures are legally non-conforming and are built within the required yard setbacks. On West Twelfth Street there are twelve approved variances, ten of those were to the required yard setback. A new zoning district has been created modeling the growth that has occurred in this neighborhood. The zoning district is D10SF (D10 Single Family), where side yard setbacks are reduced to 3 feet and a minimum lot area of 3,600 square feet. Although the Casey-Shattuck neighborhood has been established in a pattern similar to a D10SF zoning district, the neighborhood contains few if any vacant lots, so there is little incentive to change the zoning. While many of the lots in this

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neighborhood resemble the D10SF zoning district, they remain D5 with many legal non-conformities.

Staff solicited comments from General Engineering, Chief Building Official, Fire Department, CBJ Streets, and CBJ Public Works.

#### Comments Received:

### Ron King, General Engineering

Continuing the line of the existing structure within the setback is concerning to General Engineering in reference to storm water runoff and snow from the roof. All storm water runoff from the structure must be collected and routed to an approved drain way.

There is one other item I need to mention. The as built does not meet any survey standards of practice. Just to mention a few items: No Basis of Bearing or controlling monuments. A complete as built that meets survey standards is required.

### Charlie Ford, Chief Building Official

The addition walls will be required to be 1 hour fire rated on both sides and the eaves will need to be 1 hour fire rated on the underside and they can be no closer than 2' to the property line. Also, openings or penetrations (doors, windows, eave vents etc.) are limited to 25% of the wall area.

Staff recommends two conditions with the approval of this proposal:

- 1. Prior to issuance of a building permit the developer shall submit to the CBJ Engineering Department, a detailed drainage plan which includes provisions for managing stormwater run-off during construction and which details the drainage facilities to be included as part of the development. No building permit shall be issued until such plans are deemed adequate and approved by the CBJ Engineering Department.
- 2. An as-built survey showing the addition is no closer than 3 feet to the side property line with eaves no closer than 2 feet to the side property line shall be submitted before Certificate of Occupancy is issued.

### Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot

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coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Many lots on West Twelfth Street are substandard making complying with the standards either very difficult or impossible. Because of the non-conforming conditions of these properties, there are 12 approved variances for properties located on West Twelfth. The relaxation that the applicant is requesting would allow the applicant to construct an addition providing them room for additional living space. The requested relaxation would give the applicant substantial relief and be more consistent with justice to other property owners.

Yes. Staff finds that criterion 1 is met.

2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.

The intent of Title 49 is established in Section CBJ §49.05.100 Purpose and Intent. If approved this variance will meet the intent of the Land Use Code, specifically CBJ §49.05.100(5) "to provide adequate open space for light and air." And in part CBJ § 49.05.100(4) "to ensure that future growth is of the appropriate type, design and location..."

As discussed above in comments received from Charlie Ford, Building Code Official, the addition meets fire separation. The public health and welfare will be preserved as the addition will be located so as to not impact sight visibility and will maintain the existing character of the neighborhood.

Yes. Staff finds that criterion 2 is met.

3. That the authorization of the Variance will not injure nearby property.

As discussed above in comments received from Ron King, Chief Regulatory Surveyor, a drainage plan will be required as part of the building permit process to plan for water drainage as a result from the new addition.

Staff recommended condition:

Prior to issuance of a building permit the developer shall submit to the CBJ
Engineering Department, a detailed drainage plan which includes provisions for
managing stormwater run-off during construction and which details the drainage
facilities to be included as part of the development. No building permit shall be

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issued until such plans are deemed adequate and approved by the CBJ Engineering Department.

As of the date of this memorandum staff has not received any public comment regarding this variance proposal.

4. That the Variance does not authorize uses not allowed in the district involved.

The current use is a single family home and an addition providing additional living space is associated with this class of use. The use is allowed within this district, per CBJ § 49.25.300 Table of Permissible Uses, section 1.110.

Yes. Staff finds that criterion 4 is met.

- 5. That compliance with the existing standards would:
  - (A) Unreasonably prevent the owner from using the property for a permissible principal use;

The permissible principal use of this property is a single family dwelling. The property is currently being used as a single family dwelling. Denying the variance would not prevent the applicant from using the property for a permissible principal use.

No. Staff finds that sub-criterion 5A is not met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

The neighborhood which this property is part of was developed before current zoning was adopted in Juneau; therefore, many structures do not comply with current setbacks. This lot is substandard in lot area along with many other properties within the neighborhood which has resulted in many approved variances which is consistent to other properties in the area. Additionally the scale, appearance, and amenities are consistent with development and character of the neighborhood.

Yes. Staff finds that this sub-criterion 5B is met.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

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There are no unique physical features on this property that make complying with the standards unreasonably expensive.

No. Staff finds that sub-criterion 5 C is not met.

or

(D) Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.

Since the house already has a legal non-conforming 3 foot side yard setback, granting the variance would not further decrease compliance.

Yes. Staff finds that sub-criterion 5 D is met.

Since sub-criteria 5B and 5D are met, criterion 5 is met.

6. That a grant of the Variance would result in more benefits than detriments to the neighborhood.

There have been no detriments identified that would result if this variance were approved. There is a weak benefit identified by the applicant that retaining the addition along the existing building would preserve and improve the existing character of the house. The proposed addition is keeping with the existing neighborhood character. Granting the variance would result in more benefits than detriments to the neighborhood.

Yes. Staff finds that criterion 6 is met.

### 49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS

N/A. Proposal will not affect wetlands or sensitive habitat.

# ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)

Not applicable. This project does not require a state-coordinated ACMP review.

### **FINDINGS**

1. Is the application for the requested Variance complete?

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Yes. The variance application is complete.

2. Will the proposed development comply with the Alaska Coastal Management Program?

Yes. As noted in the Alaska Coastal Management Program section of the staff report, the ACMP does not apply to this variance request.

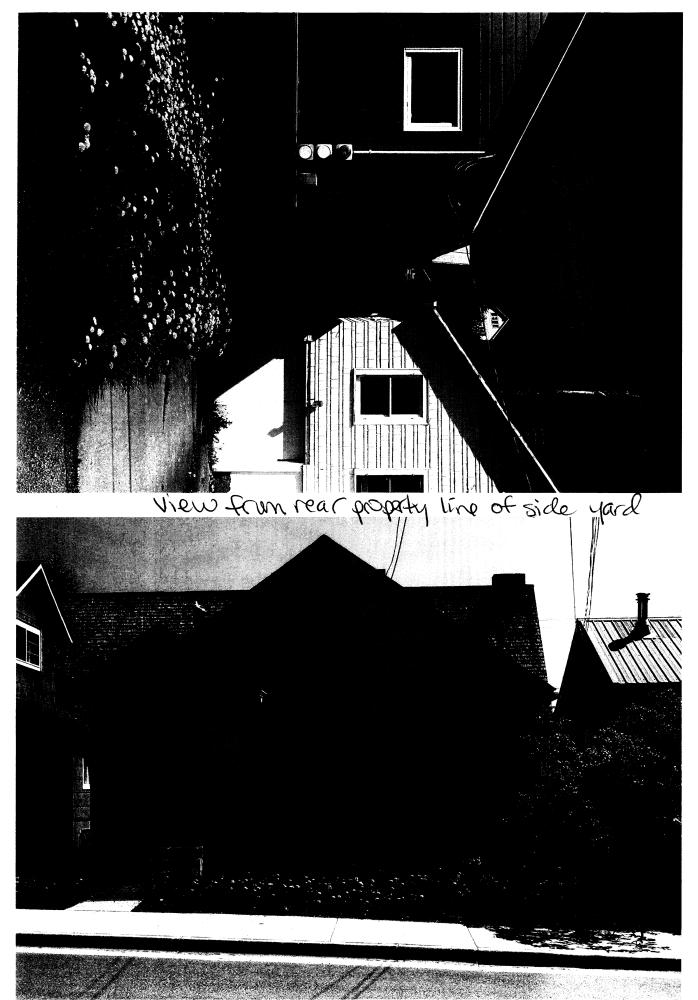
3. Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?

**Yes.** As described in the variance criterion above, this variance as requested meets the criteria of Section 49.20.250 Grounds for Variances.

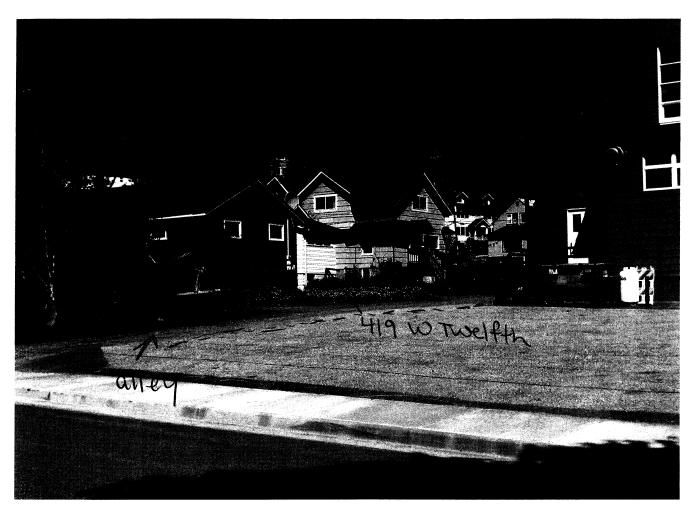
### **RECOMMENDATION**

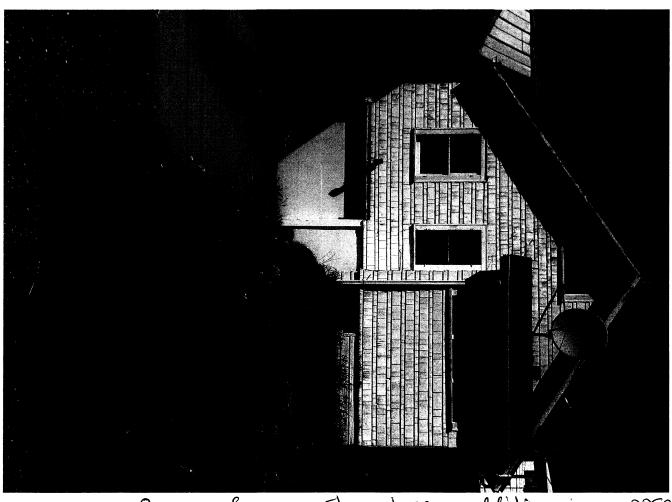
It is recommended that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2011 0013. The Variance permit would allow for an addition into the side yard setback up to 3 feet from the property line with eaves no closer than 2 feet from the property line.

- 1. Prior to issuance of a building permit the developer shall submit to the CBJ Engineering Department, a detailed drainage plan which includes provisions for managing stormwater run-off during construction and which details the drainage facilities to be included as part of the development. No building permit shall be issued until such plans are deemed adequate and approved by the CBJ Engineering Department.
- 2. An as-built survey showing the addition is no closer than 3 feet to the side property line with eaves no closer than 2 feet to the side property line shall be submitted before Certificate of Occupancy is issued.



Front of House.





Rear of property where addition is proposed.

# **DEVELOPMENT PERMIT APPLICATION**

| Project                                     | Number  | CITY and BOROUGH of JUNEAU  Date Received: 5-//-/         |              |                                |               |                     |  |  |  |  |
|---|---|---|--------------|--------------------------------|---------------|---------------------|--|--|--|--|
| Project Name<br>(City Staff to Assign Name) |   |   |              |                                |               |                     |  |  |  |  |
|   | Project Description ADDITION AND RemoDEL TO EXISTING 3BR HOUSE  |   |              |                                |               |                     |  |  |  |  |
| INFORMATION                                 | PROPERTY LOCATION  Street Address 419 WEST 12th Street Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)   |   |              |                                |               |                     |  |  |  |  |
|   | Assessor's Parcel Number(s) P#: 1 C 0 3 0 C 0 7 00 3 0  |   |              |                                |               |                     |  |  |  |  |
|   | LANDOWNER/ LESSEE Property Owner's Name   Contact Person:   Work Phone:   |   |              |                                |               |                     |  |  |  |  |
|   | GERALD GOTSC  Mailing Address  8300 N. Douglas  | Home Phone  | Gotschall    | Fax Number:                    |               |                     |  |  |  |  |
|   | E-mail Address<br>9 evald @ N   | orthwind Arch.com   |              | 907                            |               | .8257               |  |  |  |  |
| <br> -<br> -                                | LANDOWNER/ LESSEE CONSENT  ****Required for Planning Permits, not needed on Building/ Engineering Permits****  I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:  A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.  B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this |   |              |                                |               |                     |  |  |  |  |
| APPLICAN                                    | X Landowner/Lessee Sig  | 5.5.2011<br>Date  |              |                                |               |                     |  |  |  |  |
| APPI  | X   |   |              |                                |               |                     |  |  |  |  |
| \ <u>\</u>                                  | NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.  |   |              |                                |               |                     |  |  |  |  |
| EC  |   | the same as OWNER, write "SAME" and s                     | ign and date | at X below                     | on:           | Work Phone:         |  |  |  |  |
| 50  | Applicant's Name  GERATO GOTSCHALL  |   |              | Home Phone:                    |               | Fax Number:         |  |  |  |  |
| PR  | Mailing Address<br>らかしと   |   |              | Other Contact Phone Number(s): |               |                     |  |  |  |  |
|   | E-mail Address  |   |              |                                | 901. 723-8257 |                     |  |  |  |  |
|   | $\mathbf{x} = \mathbf{x} = \mathbf{x}$  |   |              |                                |               |                     |  |  |  |  |
| L   | Applicant's Signature   | OFFICE USE ONLY BELO                                      | OW THIS LI   | NE                             | Date of       | Application         |  |  |  |  |
|   | <b>✓</b> Permit Type  |   |              | Received                       | Api           | plication Number(s) |  |  |  |  |
|   | Building/Grading Permit   |   |              |                                |               |                     |  |  |  |  |
|   | City/State Project Review and C   | City Land Action  |              |                                |               |                     |  |  |  |  |
| S   | Inquiry Case<br>(Fee In Lieu, Letter o  |   |              |                                |               |                     |  |  |  |  |
| A L   | Mining Case   | Extraction, Exploration)                                  |              |                                |               |                     |  |  |  |  |
| F APPROVAL                                  | Sign Approval   | in all applicable permit #'s)                             |              |                                |               |                     |  |  |  |  |
|   | Subdivision   | St. Vacation, St. Name Change)                            |              |                                |               |                     |  |  |  |  |
|   | Use Approval (Allowat   | le, Conditional, Cottage Housing,<br>Accessory Apartment) |              |                                |               |                     |  |  |  |  |
|   | Variance Case   | ther Variance case types)                                 | 51           | /11/11                         | Var           | 11-18               |  |  |  |  |
|   | Wetlands<br>Permits   |   |              |                                |               |                     |  |  |  |  |
| AF  | Zone Change<br>Application  |   |              |                                |               |                     |  |  |  |  |
| ST  | Other (Describe)  |   |              |                                |               |                     |  |  |  |  |
| 1   |   | ***Public Notice Sign For                                 | m tilled out | and in the file                | е.            |                     |  |  |  |  |

Permit Intake Initials

# **VARIANCE APPLICATION**

|                     | Project Number  | Project Name (15 o                 | Project Name (15 characters)    |               |                                  | Date Received |  |  |  |  |  |
|---------------------|---|------------------------------------|---------------------------------|---------------|----------------------------------|---------------|--|--|--|--|--|
|                     |   |                                    |                                 |               | Var 11-13                        | 5-11-11       |  |  |  |  |  |
|                     | TYPE OF VARIANCE REQUESTED:   |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     | Variance to the Sign Standard  Variance to Habitat Setbacks   |                                    | (VSG)                           | Vari          | (VDS)                            |               |  |  |  |  |  |
|                     |   |                                    | (VHB)                           |               | Variance to Parking Requirements |               |  |  |  |  |  |
|                     | Variance to Setback (VSB) Requirements  |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     | DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:  ADDITION to Existing 1925 House ON Sub-Standard Lot.  Previous Variance Applications?  Previous Case Number(s):  Was the Variance Granted?  YES  NO  (Verify)  UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): Sub Standard Cot  (In Chizey-Shatuck Sub Division) Zowed D-5; |                                    |                                 |               |                                  |               |  |  |  |  |  |
| _                   |   |                                    |                                 |               |                                  |               |  |  |  |  |  |
| ED BY THE APPLICANT |   |                                    |                                 |               |                                  |               |  |  |  |  |  |
| E AP                |   |                                    |                                 |               |                                  |               |  |  |  |  |  |
| Ξ                   |   |                                    |                                 |               |                                  |               |  |  |  |  |  |
| 8                   |   |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     | (SEE AttachED LETTER.)  |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     |   |                                    |                                 |               |                                  |               |  |  |  |  |  |
| BE COMPLET          |   |                                    |                                 |               |                                  |               |  |  |  |  |  |
| 잍                   | UTILITIES AVAILABLE:       WATER:          ☐ Public ☐ On Site           ☐ SEWER: ☐ Public ☐ On Site           ☐ Public ☐ On Site          WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE  |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     |   |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     | OWNER?  | a of Au                            | Lots in                         | Neishbor      | how are                          | Typical       |  |  |  |  |  |
|                     | OF "D-105F" Rather Than current "D-5", Making ALL Lots  |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     | Sub-standard.   |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     |   |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     | WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?  |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     | be in Chamacter with the Existing historic Buicoing   |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     | or The Historic Neighbor hood. Site and Building one very   |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     | Small if there was Another Direction to totand, we would go there   |                                    |                                 |               |                                  |               |  |  |  |  |  |
|                     | For more information permitting process an required for a comp please see the reverse   | d the submittals lete application, | VARIANCE FEES  Application Fees | Fees<br>s_400 | Check No. Receip                 | Date          |  |  |  |  |  |
|                     | •   |                                    | Adjustment                      | 4100          | 00157C CAAN                      | cy 5/11/11    |  |  |  |  |  |
|                     | If you need any assist this form, please cor Center at 586-0770.  |                                    | Total Fee                       | s ru (        | COTTIC CONT                      | 271717        |  |  |  |  |  |

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

To:

CBJ Community Development Dept.

4<sup>th</sup> Floor Marine View 155 S. Seward Street Juneau, AK 99801

From:

Gerald R Gotschall, AIA - Architect & Owner

8300 N Douglas Hwy Juneau, AK 99801

Re:

Considerations for Granting Variance of Setback

Property:

419 West 12th Street

Casey-Shattuck Addition, Lot 3, Blk 207, USS 7

## CDD Staff & Members of the Board of Adjustment:

• Existing Lot is 3,600.sf, zoning is D-5. (Min. Lot size for D-5 is 7,000.sf.)

If it were zoned "D-10 SF" then it would qualify as a standard lot (3,600.sf min for D-10) and the setback requirement would be to 3'. So the whole neighborhood is *actually* a D-10 SF configuration, but it was never changed to reflect the *actual* situation.

Somehow the fact that on paper, calling the project area a D-5 versus a D-10 SF makes the houses suddenly more dangerous. Through the means of construction, by installing non-flammable materials into a rated exterior wall assembly, we can improve & protect the building walls against the spread of fire. The majority of the lots in the neighborhood are this same size and configuration with minimal setbacks in various configurations (ie: very close to the alley or close to adjacent houses).

It should be noted that this house has been in this location and in this current proximity to the neighbor house since it was constructed in 1925 with no adverse effect.

**Ultimately,** my intent is to improve the overall building architecturally by making it safer, healthier, and renovate it into a comparable, quality, contributing member of the neighborhood.

To make it safer, we are proposing the following measures:

- The south wall, facing the closest neighbor, will be improved to have a 1-hour rated exterior wall construction with 5/8" type X exterior wall sheathing and cement board lap siding.
- Interior wall & ceiling sheathing will be upgraded from a flammable wood fiber board to gypsum wall board in all areas. Type X gypsum sheathing & wallboard can be used on the exterior wall (inside & out) to reduce the spread of fire between houses (full 1-hour rated assembly on South wall.)

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- The number/area of windows that are currently on the south face will remain the same, but be reconfigured in new locations. Windows can be fixed & inoperable if needed on that façade, they are not required to be egress windows in the locations shown.
- The type of insulation in the walls and roof will allow for there to be no roof eave vents to draw flames into the building envelope. This would be a concern in the event of fire on the adjacent property.
- By having a conditioned basement level, there are no crawlspace vent openings on the south side. An HRV will be installed to provide conditioned air into the house, so operability is not as critical at all window occurrences.
- All bedroom windows will be improved to meet current egress opening requirements, and will be located on the street & alley ends of the house, not on the south side wall facing the neighbors.
- The stairways will be reconstructed to meet current code requirements for width, rise & run, headroom, and handrails between the three levels.
- Exterior doors will be enlarged to 36" wide from the existing 30-32".
- The concrete foundation, which is currently heavily deteriorated and lacks any type of reinforcement, will be replaced to current codes. An interim CMU foundation wall was installed by the previous owner to support the floor framing at either side, but was not installed at the front or back walls.

The building will be improved to make it more energy efficient. Currently there is only minimal rock wool insulation in the 2x4 roof joist cavities and no insulation in the walls or floors.

The roof joists will be changed from the existing 2x4's to 9 ½" I-joists with glulam ridge beams to upgrade the roof structurally and to accommodate the installation of polyurethane spray foam insulation to a minimum of 6" or R36 in the roof.

If we are not able to expand the foot print in this renovation, we will not be able to justify these improvements.

Currently, the building is one of the smaller houses in the neighborhood and in poor condition; not because of lack of maintenance but due to how it was originally constructed in the 1920's.

The house is located 3.57' from the property line. This property has been in this configuration since 1925. There are other houses along 12<sup>th</sup> Street that are even closer together, and others that are closer to the alley and well into the rear yard setback. This house has adequate setbacks on the front, north side and rear yards.

Practical Difficulties: The house is small with substandard stairs, doors, windows, living areas, bedrooms, and bath areas. The site - along with almost all other sites in this neighborhood - is substandard for the zoning district. The house and the neighboring houses have existed in this configuration since 1925 with no recorded adverse effects. The house cannot be moved. The current zoning may be inappropriate to the way the neighborhood is actually laid out and utilized.

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### Addressing the Variance Approval Criteria:

The house will be improved and will be upgraded in this highly desirable **(1)** neighborhood. If the variance cannot be granted, the building remains the same and will remain locked in its current configuration and be a detriment to the neighborhood with no code upgrades for stairs, windows, foundation, etc. If we can't make it slightly bigger, we can't justify the cost to renovate a small house, and we can't make it useful. The next obvious alternative is to turn it into an expensive parking lot.

The lot on the corner had the house removed because it would have required extensive repairs beyond what the owner was able to do. To construct a new house under the current zoning, it would require a series of variances to be reconstructed in this neighborhood, or construct a very small house that would not be worth the cost to build it. Meanwhile, it remains a flat parking lot & playground for the adjacent Church; useful, but not a contributing member of the neighborhood.

(2) Public safety & welfare preserved: The exterior wall can be improved toward a 1hour rating. This would improve with existing exterior wall and improve the section of new wall such that it is not more dangerous in the proposed configuration.

Per the 2006 IRC, Table R302.1, it is allowable to construct a 1-hour rated wall (for exposure on both sides) between 0-5 feet distance to the fire separation line (assumed here to be the property line). For projections, between 2-5 feet no rated construction is required. (Eaves on the house would project to a maximum 2.5' and is out of the rated projection requirement zone). Openings would be greater than 3' from the line, and between 3-5 feet, the requirement would be 25% maximum of wall area. (Current proposed window area is: 5.4% of wall area.)

(3) Not injure nearby property: With a 1-hour exterior wall, the separation meets the code as noted above. By minimizing operable openings on the south side, we are reducing the potential cross connection in a fire.

A water drainage system will be included in the project to collect rain gutters and channel water away from the neighbor property; this connection can be coordinated with the neighbor so that their gutters are installed correctly and drain into the new storm drain at the street.

(4) This variance would not authorize uses not allowed in the district involved. This is a residence and is proposed to remain a residence; it remains an allowable use in this district. This is not a change in use or request for a change in use; nor is it a request for conditional use.

### (5) Compliance with the existing standards would:

(A) Prevent Principal use: Without this variance, the building would need to be jogged at the point of the addition by  $\sim$ 2'-6", and on 3 levels. Because the house is already narrow, the bedroom in the main level would be reduce to 10' wide; resulting in a long, narrow room that is less desirable, and less valuable, less usable as a main floor bedroom in an already minimal residence. The additional storage area off the Kitchen/Dining area

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would be lost making the storage in the kitchen minimal and not a great improvement over what is currently there.

**(B)** Consistent in scale, appearance with neighborhood: This is a historic neighborhood; great effort in the design of this renovation has been made to continue the simple historic cottage/bungalow style of this house and ensure that it continues to fit into the neighborhood. If there were to be an odd jog in the wall and roof along the south side – one that will be clearly visible from 12<sup>th</sup> Street – then it will not fit with the neighborhood style and will in fact detract from it as an inconsistent style & form change to the building.

There are other examples along 12<sup>th</sup> Street where a completely inconsistent design was built where it will never fit into the scale and character of the neighborhood, even if it did meet zoning requirements, it will forever detract from the character and value of the neighborhood.

We are consciously and purposefully designing this project to fit with the scale and character of the neighborhood.

- **(C) Overly Expensive:** Certainly installing a jog in the building foundation would increase the cost that would not be recuperated in the eventual sale of the property because it would adversely affect the usability as well as esthetic value of the house.
- **(D) Preexisting non-conforming conditions:** The existing exterior wall is 3.57' from the property line. We are proposing to extend at this same line and no closer. At the same time, we are proposing to improve both the new and existing wall planes with a 1-hour rating with minimal window openings. Again, the area & quantity of the existing windows would be maintained, only rearrange along the south exterior wall. Eave ventilation & foundation ventilation openings would be removed as we change to a different insulation & exterior wall system. Overall we feel that we are improving the building and not decreasing, but in fact are meeting the intent of the International Residential Code for exterior wall location as noted above.
- (6) More benefits than detriments to the neighborhood: With this variance, we will be able to construct a consciously designed and architecturally appropriate, contributing member of the neighborhood. We are willingly taking a 70 year old, worn out house and improving it for the next 50 years.
  - We are preserving and improving the character of the house, adding styleappropriate details, windows, doors and other energy upgrades that will not reduce its value in the neighborhood. (No cheap vinyl windows or PVC siding will be utilized in this project.)
  - The house will be designed and constructed under the guidelines set forth under LEED for Homes criteria (potential certification level of LEED-Silver).
  - Eaves and overhangs, traditional gutters & siding will be duplicated and reproduced in the process.
  - The exterior fire rating improvements between the two adjacent houses is proposed in a good faith effort to improve the separation and show that it can be done without detriment to the exterior character & style of the houses in the district.

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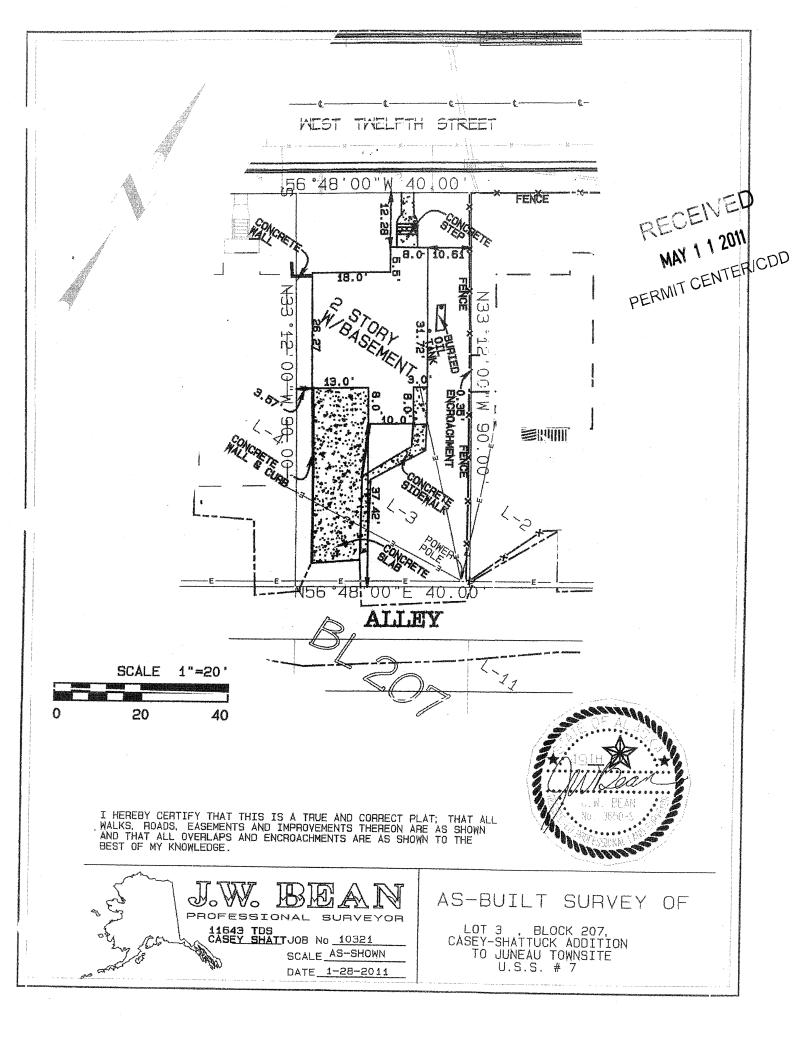
- We are also improving the insulation value and energy efficiency of the house without affecting outside character.
- We intend to use low-VOC, non-toxic, sustainable materials throughout the house as an example of what can be done in an older house without sacrificing character.

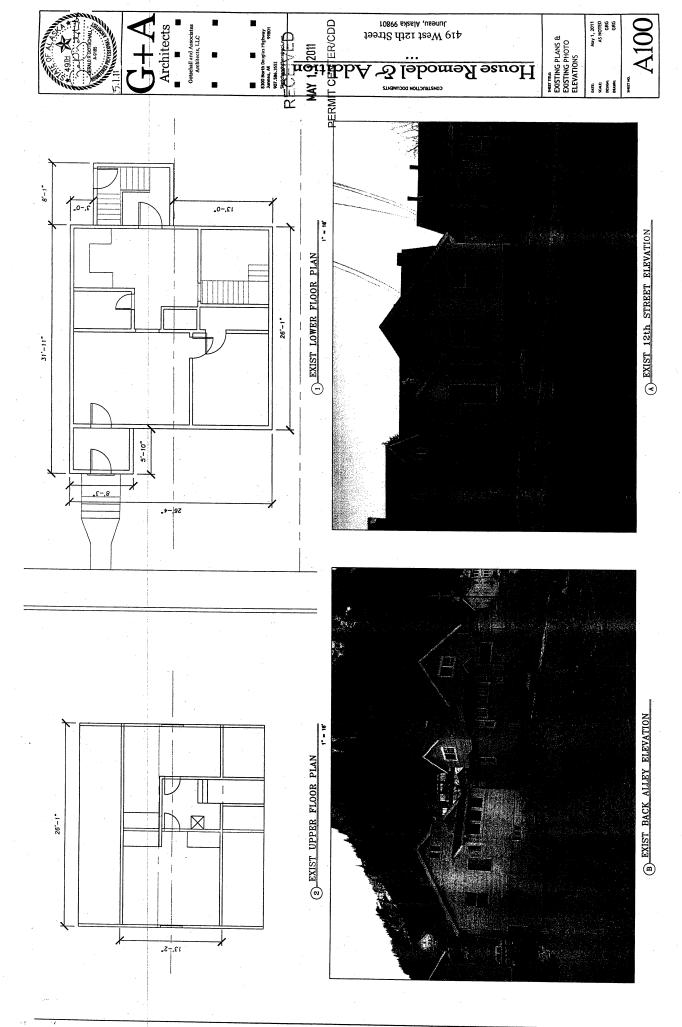
I thank you for your careful consideration of this request. Should you have questions or wish to discuss this proposal, please give me a call, I will be happy to talk more about it at any time. I feel very strongly about the potential for appropriate, quality design in this community and feel that this is a reasonable request that will benefit the neighborhood far more that it will endanger it.

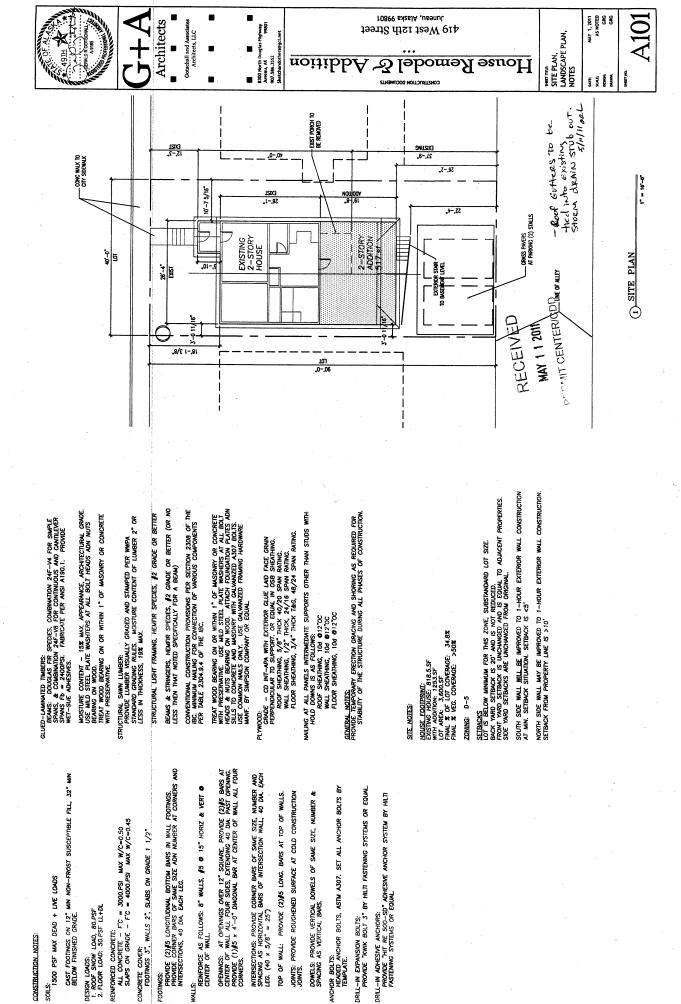
Sincerely,

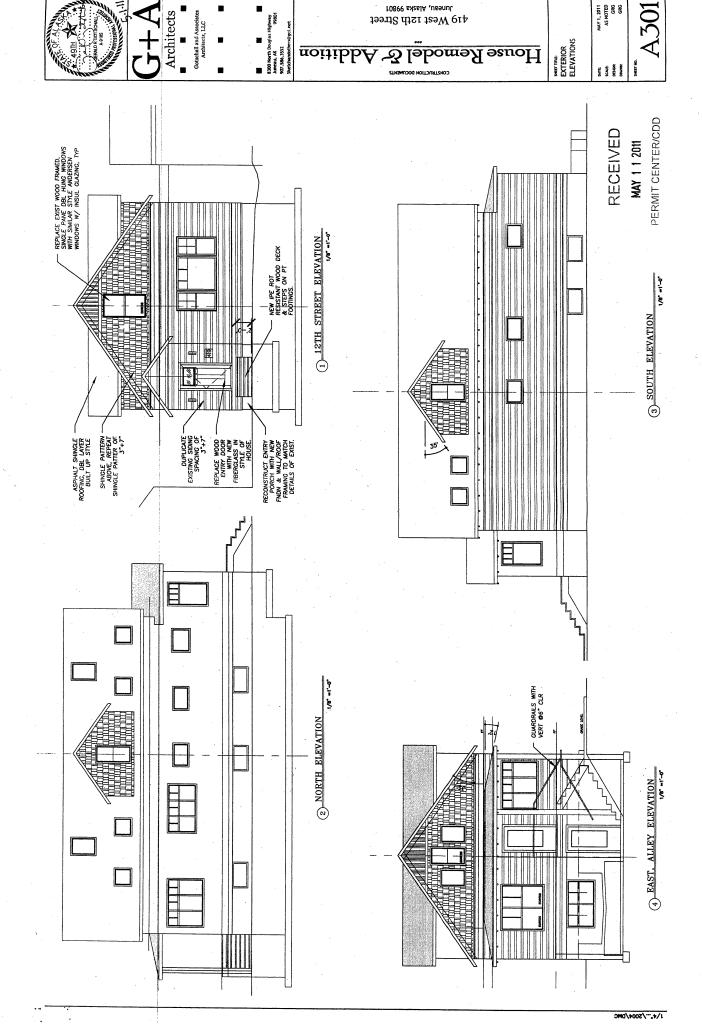
Gerald R Gotschall, AIA

Registered Professional Architect

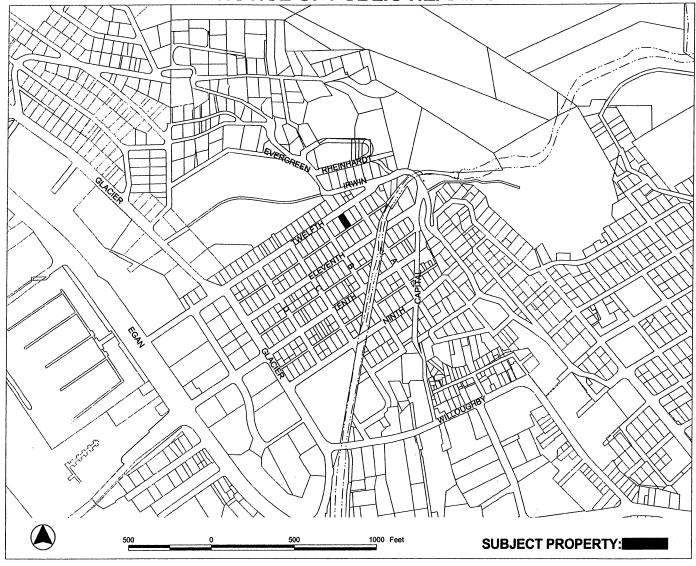








## NOTICE OF PUBLIC HEARING



**PROPOSAL:** Variance request to reduce the side yard setback from 5' to 3' for an addition.

**FILE NO:** VAR20110013

TO: Adjacent Property Owners

**HEARING DATE:** Jun 14, 2011

**HEARING TIME: 7:00 PM** 

PLACE: ASSEMBLY CHAMBERS

Municipal Building 155 South Seward St Juneau, Alaska 99801 **APPLICANT: GERALD R GOTSCHALL** 

**Property PCN: 1C030C070030** 

Owner(s): GERALD R GOTSCHALL

Size: 3600 sqft

Zoned: D5

Site Address: 419 W TWELFTH ST

Accessed via: W TWELFTH ST

#### PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact NICOLE JONES at 586-0218 or NICOLE JONES@CI.JUNEAU.AK.US

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

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