## **MEMORANDUM**

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

DATE:

June 8, 2011

TO:

Board of Adjustment

FROM:

Kelly Keenan, Planner

Community Development Department

FILE NO.:

VAR20110012

**PROPOSAL:** 

A variance request to reduce the front yard setback from 20 feet to 17 feet

to accommodate construction of a single-family dwelling.

#### **GENERAL INFORMATION**

Applicant:

Paul D. and Susan K. Douglas

Property Owner:

Paul D. and Susan K. Douglas

Property Address:

Foster Avenue

Legal Description:

Channel Heights II Block C Lot 3

Parcel Code Number:

1-D05-0-L29-012-0

Site Size:

8764 square feet

Zoning:

D-5

Utilities:

CBJ Water and Sewer

Access:

Foster Avenue

Existing Land Use:

Vacant Lot

Surrounding Land Use:

Northwest

D-5; single-family dwelling

Southwest

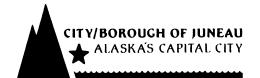
D-5; Foster Avenue, single-family dwellings

Southeast

D-5; single-family dwelling

Northeast

D-5; single-family dwellings



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#### **ATTACHMENTS**

Attachment A – Vicinity Map

Attachment B – Site Plan

Attachment C – Front Elevation

Attachment D - Site Plan Detail

Attachment E – Letters of Support

#### PROJECT DESCRIPTION

The applicant is seeking a variance to reduce the front yard setback from 20 feet to 17 feet in a D-5 zone. The purpose of this variance request is to better accommodate construction of a single-family residence on a vacant lot with a steep slope from front to back and a deep hollow in its center. Complying with the required 20 foot front yard setback would result in significant incremental engineering and construction costs associated with the site topography.

#### **BACKGROUND**

The subject lot is located on Foster Avenue, southeast of the Foster/Fairbanks intersection (see Attachment A). The area is zoned D-5, with minimum setbacks being 20 feet for the front and rear yards and five feet for the side yards. The lot is covered in dense vegetation and contains several piles of debris. The lot meets all dimensional standards for D-5 zones and is similar in size to other lots in the surrounding neighborhood, having an area of 8,764 square feet.

The site topography is characterized by a slope that drops roughly 40 feet from the high point at the front of the lot to the low point at the rear. The most challenging topography exists in the center of the lot, where the slope ranges from 30-50 percent, creating a deep bowl (see Attachment B).

The applicant is proposing to construct a dwelling with an attached garage, similar in scale to the other homes on Foster Avenue (see Attachment C). If the requested setback reduction is approved, the applicant would be able to construct a portion of the dwelling slightly forward of the bowl, which would significantly reduce the associated engineering and construction costs. The applicant has indicated that only a portion (less than 50 percent) of the frontage of the planned dwelling will be located between 20 and 17 feet from the front lot line (see Attachment D). All other parts of the dwelling will comply with required D-5 setbacks. According to CBJ§49.25.430 (4) (A), architectural features and roof eaves may project into a required yard four inches for each foot of yard setback required. Given the required 20 foot front yard setback at the property in question, the roof eaves on the proposed dwelling could be no less than 13.4 feet from the front property line.

Prior to submitting this variance application, the applicant provided the owners of the property adjacent to the subject site with the preliminary building plans, the site topography, and the setback reduction requested. The applicant has provided signed statements in support of the variance request from those property owners (see Attachment E).

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#### **ANALYSIS**

Yard setbacks serve a variety of functions including the preservation of space for the movement of light and air, privacy, and fire separation. In addition to these functions, front yard setbacks provide for maintenance of travel way safety and adequate site distance.

As mentioned above, the applicant has indicated that only a portion of the proposed dwelling frontage (less than 50 percent) will be located between 20 and 17 feet from the front property line. Based on this proposal, staff has determined that the requested variance would have very minimal impact on the movement of light and air.

In reference to safety and site distance, staff received the following comment from Ron King with CBJ General Engineering (GE):

Foster Ave is a straight street with no real issues of sight distance, however any vehicle parked in the driveway shall not block the sidewalk. Twenty feet from back of sidewalk would be sufficient for that purpose. If the layout meets that criteria, GE would have no objections.

According to the site plan and preliminary building elevations provided by the applicant, the garage attached to the dwelling will be located 23 feet from the front property line, thereby satisfying the above layout criterion requested by General Engineering (see Attachment D).

To ensure that the proposed development does not encroach beyond the requested three foot variance and that it provides for unobstructed pedestrian travel, staff recommends the following condition of variance approval:

1. Prior to issuance of a Certificate of Occupancy, the applicant shall submit to the Community Development Department an as-built survey showing the location of the structure with a minimum setback of 17 feet from the front property line and with roof eaves no less than 13.4 feet from the front property line. Additionally, the as-built survey shall show that the door of the garage is located at least 20 feet from the sidewalk.

As of the date of this memorandum, staff has received no additional concerns regarding this variance request from other CBJ Departments or from members of the public.

#### 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.

Reducing the front yard setback from 20 feet to 17 feet would provide the property owner with substantial relief from the significant engineering and construction costs associated with building the entire dwelling within the steep bowl in the center of the subject lot. Further, the relaxation would allow the property owner to more feasibly build a dwelling in a similar fashion, and of similar scale, to other homes on Foster.

Therefore, 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 Purpose and Intent of Title 49 is provided in CBJ§49.05.100 as follows:

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;
- (2) To ensure that future growth is and development in the City and Borough is in accord with the values of its residents;
- (3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;
- (4) To ensure the future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health safety and general welfare;
- (5) To provide adequate open space for light and air; and
- (6) To recognize the economic value of land encourage its proper and beneficial use.

In accordance with purposes (3) and (5), staff has determined that a relaxation of three feet applied to the front yard setback will not negatively impact current and future neighborhood residents, or significantly impact the movement of light and air, provided that the recommended condition of approval is adopted.

Therefore, criterion 2 is met.

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

As discussed previously, the applicant has provided signed statements from adjacent property owners in support of the requested variance. No evidence has been presented indicating that the three foot

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variance would injure nearby property in any way.

Therefore, criterion 3 is **met**.

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

Single-family dwellings are permitted in D-5 zones. Therefore, the variance does not authorize a use not allowed in the district involved.

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;

Compliance with the existing standards would not prevent the property owner from constructing a single-family dwelling, which is a permissible principal use in D-5 zones.

Therefore, this sub-criterion 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;

Compliance with the existing standards would not necessarily prevent the property owner from constructing a dwelling similar in scale to the existing development on Foster Avenue.

Therefore, this sub-criterion is not met.

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

Complying with the existing 20 foot front yard setback would result in significant cost increases associated with engineering and constructing the dwelling to be located entirely within the steep bowl at the center of the lot. This physical feature is unique to the property in question.

Therefore, this sub-criterion is met.

or

(D) Because of preexisting nonconforming conditions on the subject parcel the grant of

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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.

No preexisting nonconforming conditions exist on the subject lot. Therefore, this sub-criterion is **not** applicable.

Because sub-criterion C is met, criterion 5 is met.

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

The grant of the variance will result in the conversion of a vacant lot containing piles of construction debris to a landscaped home, providing the neighborhood with an aesthetic benefit.

Therefore, criterion 6 is met.

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

Not applicable. No sensitive habitat is present on the property.

#### 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?

Yes. We find that the application contains information necessary to conduct a complete review of the proposed development. The applicant submittal, including the appropriate fees, substantially conforms to the requirement of CBJ§49.15.

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

Not applicable. Staff finds that no provisions of the Alaska Coastal Management Program apply to the proposed development.

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

Yes. Based on the analysis above, staff finds that the proposal does meet the CBJ\\$49.20.250,

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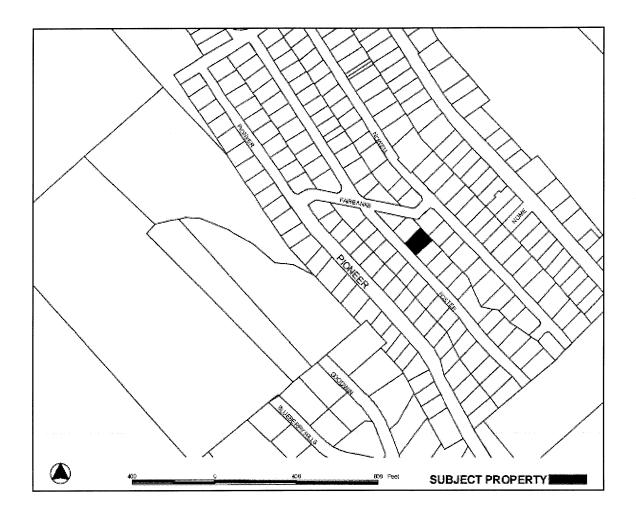
Grounds for Variance.

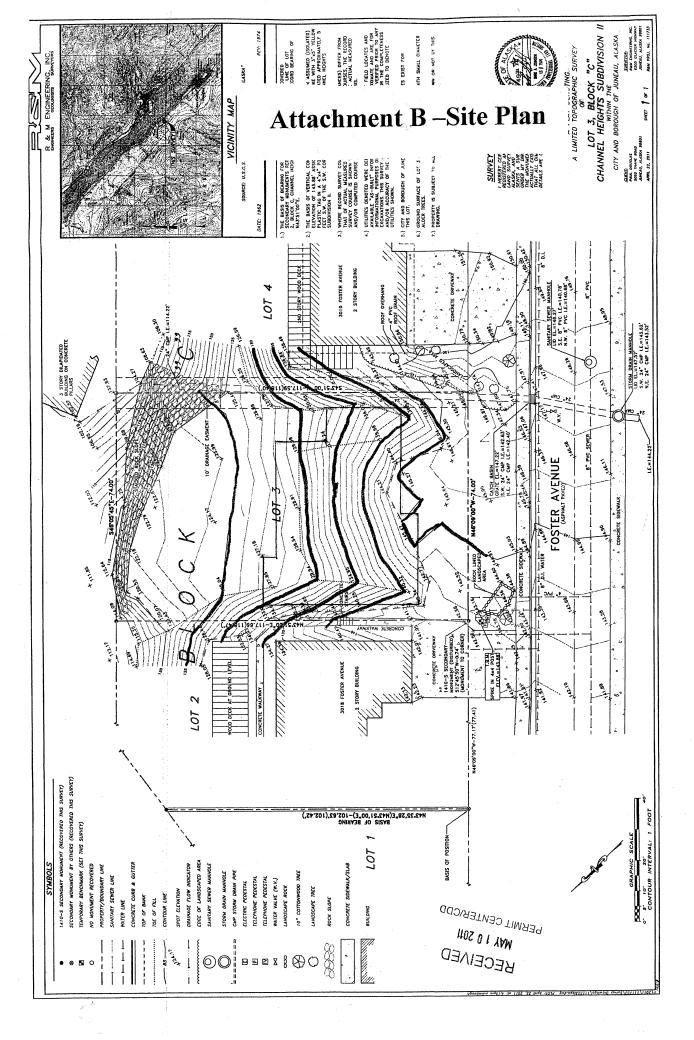
#### **RECOMMENDATION**

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR20110012. The Variance permit would reduce the front yard setback on the subject site from 20 feet to 17 feet with the following condition:

1. Prior to issuance of a Certificate of Occupancy, the applicant shall submit to the Community Development Department an as-built survey showing the location of the structure with a minimum setback of 17 feet from the front property line and with roof eaves no less than 13.4 feet from the front property line. Additionally, the as-built survey shall show that the door of the garage is located at least 20 feet from the sidewalk.

## **Attachment A -Vicinity Map**



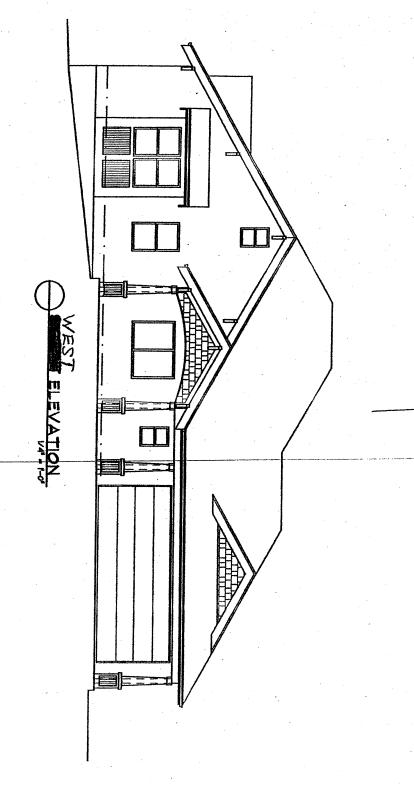


# Attachment C – Front Elevation

RECEIVED

MAY 10 2011

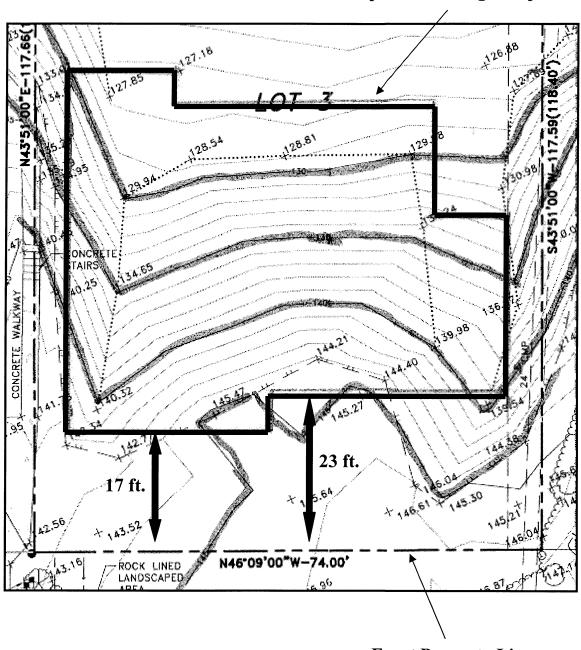
PERMIT CENTERICOD



RECEIVED MAY 10 2011 PERMIT CENTER/CDD

## Attachment D -Site Plan Detail





**Front Property Line** 

## Attachment E – Letters of Support

May 6, 2011

**CBJ Planning Commission** 

Dear Commissioners:

I had the opportunity to share with Sioux and Paul Douglas their plans to construct a new home on the lot adjacent to the south of my property. They shared a topographic map of their lot with the outline of the foundation, including the requested three-foot variance, super-imposed; and floor plans of the planned residence were also reviewed.

I find no issues with the Douglas' building plans, including the requested variance. The requested variance seems to address the known steep drop off at the center of the lot with no impact to my adjoining property, and I therefore support their proposal..

Peter Argenti

3018 Foster Avenue

Juneau, AK 99801

REGULT CENTERICOD MAN 10 2011 RECEIVED

#### **CBJ Planning Commission**

#### Dear Commissioners:

Please be advised that Sioux and Paul Douglas have shared with me their plans for their new home on Foster Avenue on the lot adjacent to the north of mine. They reviewed with me a topographic map of their lot with the outline of the foundation super-imposed, including the three-foot variance they have requested. We also reviewed the basic floor plan of their new home.

After discussion of all aspects of the Douglas' planned residence, I believe the requested variance is warranted and will pose no issues with me.

Pam Johansen

3010 Foster Avenue

Juneau, AK 99801

PERMIT CENTER/CDD

MAY 1 0 2011

RECEIVED

**NOTICE OF PUBLIC HEARING** 



**PROPOSAL:**A variance to reduce the front yard setback from 20 feet to 17 feet to better accommodate construction of a single-family dwelling.

FILE NO:

VAR2011-12

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: PAUL D DOUGLAS** 

**Property PCN:** 1D050L290120 **Size:** 8764 sq ft **Zoned:** D5

Owner(s): PAUL D DOUGLAS &

SUSAN K DOUGLAS

Site Address: FOSTER AVE
Accessed via: FOSTER AVE

#### 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

**KELLY KEENAN** 

586-0756

KELLY\_KEENAN@CI.JUNEAU.AK.US

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

Date notice was printed: May 31, 2011

## **VARIANCE APPLICATION**

Project Number	Project Name (15 characters)			Case Number	Date Received				
TYPE OF VARIANCE REQUESTED:									
Variance to the Sign Standard		(VSG)	Variance to Dimensional Standards		(VDS)				
Variance to Habitat Setbacks		(VHB)		ance to Parking Requirements	(VPK)				
✓ Variance to Require		(VSB)							
DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:  A 3-foot variance to the front 20 foot setback to better accommodate the building structure on the lot which has a significant gradient drop from front to back									
Previous Variance Applications? ☐ YES ✓ NO Date of Filing:									
UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):  The topography of the land includes a deep hollow or bowl in the center part of the lot. I ocating the building structure slightly forward on the lot reduces the need for additional structural adaptations to deal with the hollow/bowl on the lot.									
UTILITIES AVAIL	ABLE: WA	ATER:   Public	On Site	SEWER: V Public	c On Site				
WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?  A variance is needed to reasonably design and construct a dwelling consistent with the surrounding neighborhood homes while accommodating the very steep drop off in the topography of the lot.									
WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED? Significant incremental costs would be required to engineer and construct the building's foundation and support structures to address the deep hollow/bowl in the center of the lot.									
For more information permitting process at required for a complease see the reversulf you need any assethis form, please concepter at 586-0770.	nd the submittals plete application, e side. istance filling out	VARIANCE FEES  Application Fees  Adjustment  Total Fee	Fees  \$ \$ \$ \$	Check No. Receipt					

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

## **DEVELOPMENT PERMIT APPLICATION**

		DEVEL	PRINCIPL		AFFLI	CAIN	<i>)</i>  \				
Project Number CITY and BOROUGH of JUNEAU Date Received: 5/10/11											
Project N (City Staff t		ame)	The state of the s		***************************************		. /				
	Project Description Request for setback variance										
FORMATION	PROPERTY LOCATION  Street Address Foster Avenue  Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Channel Heights Subdivision II, Block C, Lot 3  Assessor's Parcel Number(s) 1-L-130-00C-003-0000—    DOSOL290120										
~	LANDOWNER/LESSEE										
0	Proper	ty Owner's Name	log.		Contact Pen Paul Doug		Work Phone: N.A.				
Z	Paul D. and Susan K. Douglas  Mailing Address 5050 Thane Road, Juneau, AK 99801					Home Phone: Fa					
	E-mail Address pddoug@gci.net				Other Contact Phone Number(s): 209-3706 (Cell)						
						not needed on Building/ Engineering Permits****					
PROJECT / APPLICANT	A. This application for a land use or activity review for development on my (our) B. I (we) grant permission for officials and employees of the City and Borough of application.  X. Landowner/Lessee Signature  X. Landowner/Lessee Signature  NOTICE: The City and Borough of Juneau staff may need access to the subject property landowner in addition to the formal consent given above. Further, members of the Planni hearing date.  APPLICANT  If the same as OWNER, write "SAME" and sign and data policant's Name  Same  Same  Mailing Address  E-mail Address  X. Applicant's Signature				of Juneau to inspect my property as needed for purposes of this  CS/CE/// Date  Date  ty during regular business hours and will attempt to contact the uning Commission may visit the property before the scheduled public						
APPROVALS	<b>4</b>	Sign Approval (If more than one, fill in Subdivision (Minor, Major, PUD, St Use Approval Mobile Home Parks, A Variance Case	zC, Use Not Listed)  xtraction, Exploration)  n all applicable permit #'s)  . Vacation, St. Name Change) c, Conditional, Cottage Housing ccessory Apartment)	***SKGN	Date Received		olication Number(s)				
AFF		Wetlands Permits Zone Change Application	ner Variance case types)			VIIIC					
ST		Other (Describe)									
-	Commo		***Public Notice S	ign Form filled	out and in the file						
	Comme	100 Variance					Permit Intake Initi	ais			