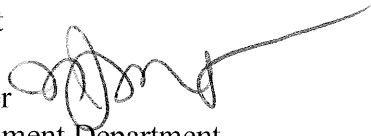


MEMORANDUM

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

DATE: July 6, 2011

TO: Board of Adjustment

FROM: Nicole Jones, Planner 
Community Development Department

FILE NO.: VAR2011 0015

PROPOSAL: A Variance request to reduce the side yard setback from 3' 4" to 0' and to reduce the front yard setback from 10' to 3' 6" for the construction of a garage.

GENERAL INFORMATION

Applicant: Dave Hurley

Property Owners: Sun & Mark Choate

Property Address: 230 West 8th Street

Legal Description: Juneau Townsite Block 43 Lot 1 2 Fraction

Parcel Code Number: 1-C06-0-A43-001-0

Site Size: 7,500 square feet

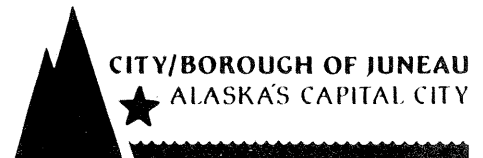
Zoning: D18

Utilities: Public water & Public sewer

Access: Indian Street

Existing Land Use: Single Family Residential

Surrounding Land Use: North - D-10; Triplex; West Eighth Street
South - D-18; Duplex; West Eighth Street
East - D-10; Governor's House; Calhoun Avenue
West - D-18; Nine-plex; Calhoun Avenue



ATTACHMENTS

Attachment 1	Memorandum to the Board of Adjustment dated April 18, 2011 from Planner Eric Feldt and Notice of Decision for VAR2011 0008
Attachment 2	As-built Survey
Attachment 3	Current site plan/building plans
Attachment 4	Photos of site
Attachment 5	E-mail regarding site visibility from applicant dated July 3, 2011 and July 5, 2011
Attachment 6	Letter of support

PROJECT DESCRIPTION

The applicant is requesting a variance to reduce the side and front yard setbacks for the construction of a partially sub-grade two car garage supporting two stories of living space. The request is to reduce the side yard setback from 3' 4" to 0' and the front yard setback from 10' to 3' 6". The two stories of living space will meet the 5' side yard setback and 10' front yard setback. The setback reduction, if approved, would only apply to the garage.

BACKGROUND

A previous variance was granted for this same project on April 26, 2011; the original request was to reduce the side yard setback and front yard setback. Staff worked with the applicant to create an alternate where the front yard setback was not reduced. The Board of Adjustment approved the "Alternate Scenario" as described in Memorandum dated April 18, 2011, from Eric Feldt to reduce the side yard setback from 5' to 3' 4" (VAR20110008, see attachment 1).

The applicant is now requesting a further encroachment because there is concern that there will not be enough room to adequately park two cars in the garage. With the approval of VAR20110008 the applicant has approximately 20' of width for the construction of the garage. Parking space requirement is 8.5' x 17' per CBJ 49.40.210(b)(1).

(b) Parking space dimensions. (1) Subject to subsections (b)(2) and (3) of this section, each standard parking space shall consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

This property currently has a one car garage and a carport meeting the parking requirement for a single family dwelling. Currently there is access to the property off of Calhoun with opportunity for on-site parking. If the front yard setback is reduced and the garage is built flush with the house there

will not be space to park outside of the garage. The property owners are specifically asking to reduce the front yard setback to prohibit parking outside of the garage. The applicant states that there have been instances in the past where people in the neighborhood have parked in the owner's carport without permission.

The width approved with VAR20110008 would allow enough space for two cars in the garage; however the amount of space between cars depending on make and model could be minimal resulting in a garage that holds only one car. If this variance request is approved it would give the applicant approximately 24 feet of space to construct the garage.

According to the CBJ Assessor's Database this home was constructed in 1914 prior to current zoning regulations; therefore, the portions of the house that do not meet setback requirements are legally non-conforming. This property, along with many other properties in this neighborhood, was built prior to current zoning and many legal non-conforming situations exist.

The portion of the house that fronts Indian Street does not meet front yard setback requirements (see the As-Built Survey in attachment 2). Because of existing substandard setbacks in the vicinity of this property the front yard setback can be reduced to 10' per CBJ 49.25.430(4)(K).

Existing substandard setbacks. A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback shall be used to calculate the average.

An existing building located on the subject lot may be used as one of the three buildings to calculate the setback determination.

*For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows and temporary buildings allowed to project into setbacks cannot be used for averaging. **In no instance shall the required setback be less than half that required by this chapter or ten feet, whichever is greater.***

The garage may be built up to 10' from the front property line without a variance. The previous variance sought to reduce both the side and front yard and was approved with an "Alternate Scenario". The Board of Adjustments adopted the Director's Analysis and Findings and approved the variance for the side yard setback only. The Board of Adjustment found that there were sight distance issues with building encroaching into the front yard setback.

ANALYSIS

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

Comments Received:

Charlie Ford, Building Codes Official

The portion of the building with the 0' setback will have to be 1 hour fire protected from both sides with no openings (doors or windows or eave vents) and no projections (eaves).

Ed Foster, CBJ Streets Superintendent

As long as the garage doesn't extend out past the front of the existing house, it should be okay.

CBJ Assessor's Office

Donna Walker and Jeff Hurt of the Assessor's Office confirmed that a garage door with a width of 16' and a garage bay of 19' would be considered a 2-car garage. This configuration is the current plan based on approved variance case VAR20110008 (see attachment 3). This information was received during a telephone call on July 5, 2011.

Ron King, Chief Regulatory Engineer

I am concerned about site distances while entering the street. In addition the application stipulates errors in location of the existing structure between the original survey and the contractor's survey. A certified as built by a profession surveyor should be the basis of the application. I am not confident that the property lines are shown correctly.

The as-built survey conducted by Mark A. Johnson is provided (see attachment 2). The other as-built conducted by the contractor's surveyor is not available, but after talking with the applicant the discrepancy amounts to approximately one inch. This amount of discrepancy does not have a significant impact in retaining sight distance for cars on Indian Street. Photos of the property show that the encroachment into the front yard will hinder the ability of a driver to see traffic traveling southbound on Indian Street (see attachment 4).

The current configuration of the garage meets CBJ parking space area for 2 vehicles and meets CBJ Assessor's criteria for a 2-car garage.

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 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.***

As discussed in VAR20110008, allowing the property owners to construct a garage that allows two cars would give the property owners substantial relief. The owners would not be burdened with constructing a garage on another portion of the property. Additionally, many legal non-conforming situations exist in this neighborhood. Allowing the property owner to build up to the side lot line and into the front yard setback would 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 not 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....”

The applicant responded to concerns of site visibility in an e-mail dated July 3, 2011 (see attachment 5). The applicant states that site visibility will only slightly be impacted for the driver exiting the garage seeing traffic coming up the hill on Indian. The applicant states that this is not an issue because the driver coming up the hill will be on the opposite side of the street.

The public health and welfare will not be preserved as the garage will be located in such a way that will impact sight visibility. The location of this garage will impact the property owners and the immediate adjacent neighbors (see photos in attachment 4). Backing out of this property onto Indian Street will be more hazardous than what currently exists. While the uphill side of Indian Street visibility will not be further impacted than it already is, the downhill side will be impacted forcing the driver to pull out in to Indian Street before they can see if traffic is coming up Indian Street. This street is more hazardous than others due to the sharp bend at the bottom of the hill just past this property. Further impacting this street with encroachments will not meet the intent of the Land Use Code.

As discussed above in comments received from Charlie Ford, Building Code Official, the garage will meet fire separation.

No. Staff finds that criterion 2 is not met.

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

There is no evidence to suggest that the construction of this partially sub-grade garage will injure nearby property.

Staff has received one letter of support from a property owner on Dixon Street (see attachment 6).

Yes. Staff finds that criterion 3 is met.

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

The current use is a single family home and the addition of a garage providing on-site parking spaces 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 will 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;*

Many dwellings in this neighborhood were built prior to zoning standards and now encroach into present-day yard setbacks. Some garages in the neighborhood do encroach into the front yard setback. Additionally, this property's character would change dramatically if the property owner provided parking in an alternate location on the property. Therefore, denying the variance would prevent the owner from using the property in a manner similar to existing development in the neighborhood.

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

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

The property owners are choosing to construct a garage on the more sloping section of the lot. The portion of the property that fronts on Calhoun is flat and it appears there could be room to construct a garage. There are no unique physical features of the property that render compliance with the standards unreasonably expensive.

No. Staff finds that this sub-criterion 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.*

This property has preexisting non-conforming conditions with the front yard setback and an approved variance to the side yard. Granting this variance would further encroach into both the front yard and side yard setbacks resulting in a net decrease in overall compliance of the Land Use Code.

No. Staff finds that this sub-criterion is not met.

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

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

Currently this property has a carport and a one car garage which provide 2 off-street parking spaces for the property owners. The existing one car garage is not safe for a driver to enter and exit and has not been used as a garage for some time. Providing a new 2-car garage would result in a benefit for the neighborhood because it would lessen the on-street parking demand. However, this variance would allow 2 off-street parking spaces which reduce sight distance and would result in a detriment to the neighborhood. The approved variance VAR20110008 allows a small 2 car garage while maintaining the existing sight distance.

No. Staff finds that this criterion is not met.

49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS

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. 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?

No. As discussed above, this variance does not meet the criteria of Section 49.20.250, Grounds for Variances because criteria 2 and 6 are not met.

RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR20110015. The Variance permit would allow for a garage to be built up to the side property line and up to 3' 6" from the front property line.

CDD staff is not recommending in favor of this application, however, if additional information becomes available at the hearing and the Board of Adjustment makes positive findings for criteria 2 and 6, staff recommends the following condition:

1. Prior to Certificate of Occupancy an As-built survey be submitted showing the garage at 0' for the north side yard and 3'6" for the west front property line.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>6/15/11</u>
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description
REMODEL AND ADDITION TO EXISTING HOME

PROPERTY LOCATION

Street Address: 230 W. 8TH City/Zip: JUNEAU, AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot):
LOT 1 & A PR. OF LOT 2, BLOCK 43

Assessor's Parcel Number(s):
1C060A430010

LANDOWNER/LESSEE

Property Owner's Name: SUH E MARK CHOATE Contact Person: SUH CHOATE Work Phone: 907.209.8026

Mailing Address: 230 W 8TH JUNEAU AK 99801 Home Phone: N/A Fax Number:

E-mail Address: SUH.CHOATE@EMAIL.COM Other Contact Phone Number(s): N/A

PROJECT / APPLICANT

LANDOWNER/LESSEE CONSENT

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 application.

X [Signature] Landowner/Lessee Signature Date: 3/25/2011

X [Signature] Landowner/Lessee Signature Date: 3/25/2011

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.

APPLICANT (If the same as OWNER, write SAME and sign and date as X below)

Applicant's Name: DAVE HURLEY Contact Person: SAME Work Phone: 907.321.4495

Mailing Address: 126 SEWARD ST JUNEAU, AK 99801 Home Phone: Fax Number: 907.586.6191

E-mail Address: DAVE@HORTHWITHDARCH.COM Other Contact Phone Number(s): N/A

X [Signature] Applicant's Signature Date of Application: 24 MAR 11

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS

	Permit Type	Date Received	Application Number(s)
<input checked="" type="checkbox"/>	Building/Grading Permit		
	City/State Project Review and City Land Action		
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
	Mining Case (Small, Large, Rural, Extraction, Exploration)		
	Sign Approval (If more than one, fill in all applicable permit #'s)		
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
<input checked="" type="checkbox"/>	Variance Case (De Minimis and all other Variance case types)	<u>6/15/11</u>	<u>var 20110015</u>
	Wetlands Permits		
	Zone Change Application		
	Other (Describe)		

***Public Notice Sign Form filled out and in the file.

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>VAR 2011 0015</i>	Date Received <i>6/15/11</i>
----------------	------------------------------	-------------------------------------	---------------------------------

TYPE OF VARIANCE REQUESTED:

- | | |
|--|--|
| <input type="checkbox"/> Variance to the Sign Standard (VSG) | <input type="checkbox"/> Variance to Dimensional Standards (VDS) |
| <input type="checkbox"/> Variance to Habitat Setbacks (VHB) | <input type="checkbox"/> Variance to Parking Requirements (VPK) |
| <input checked="" type="checkbox"/> Variance to Setback Requirements (VSB) | |

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

CONSTRUCTION OF PARTIAL SUBGRADE 2 CAR GARAGE UP TO THE ADJACENT PROPERTY LINES

Previous Variance Applications? YES NO

Date of Filing: 27 APR 2011

Previous Case Number(s): VAR 2011-0008

Was the Variance Granted? YES NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): PLEASE SEE ATTACHED

UTILITIES AVAILABLE:

WATER: Public On Site

SEWER: Public On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
PLEASE SEE ATTACHED

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
PLEASE SEE ATTACHED

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

VARIANCE FEES

Fees	Check No.	Receipt	Date
Application Fees \$ <u>400.00</u>			
Adjustment \$ _____			
Total Fee \$ <u>400.00</u>	<u>2047</u>	<u>cdh 1597</u>	<u>6/15/11</u>

ESF

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Variance Application Continuation Sheet for the

Choate Residential Remodel and Addition Project

230 West 8th Street, Juneau, AK

14 June 2011

The information provided in the Continuation sheet below was submitted attendant with a Variance Application in March of this year. The Variance was granted. Since that time, construction documents have been developed, a foundation permit submittal has been made, and site work has begun. Upon the Contractor's surveyor's location of the property line on the ground and plotting of the building on grade for the excavator's use, the Owner indicated that the extent of construction allowed by the variance will not be adequate to mitigate the hardships the Variance as granted is intended to address. The inadequate extent of construction involves two conditions:

North property line setback

The garage width possible under the given variance is the minimum for two cars. In addition, unforeseen site conditions (the original survey shows the existing structure further from the north property line than the current survey, conducted by the contractor, does), may force this minimum width to shrink. The Owner is very concerned that this width will, practically speaking, limit the garage to the accommodation of one car, which will not alleviate the Owner's hardship, or lessen the area's on-street parking burden, which was an apparent benefit of the original Variance.

The Owner is also very concerned about the way in which the neighboring property adversely affects their own. The neighboring property is a rental and its renters have a history of abusing the Owner's land, using the space between structures to deposit garbage, and in some cases co-opting it as their own for recreational purposes. This poses a liability for the Owner. Eliminating space between properties which is otherwise impossible to monitor relieves this hardship.

Please note that because of the subterranean condition of the majority of the garage, the impact of its mass on the adjacent property is significantly less than if it were an above grade structure. This should help address concerns of access to light and air which are a primary purpose of setbacks. The other purpose is fire safety. Please also note that all walls along the north property line are of non-combustible (concrete) construction, and the garage wall in question has no openings, exceeding the min 1hr each side requirement when building to a property line. In addition, the building will be fully sprinkled.

West property line setback

The existing house and retaining wall are within the 10' setback required along Indian Street. The Owner originally wished to build the outside face of their new garage flush with the existing structure, which was reflected in the original Variance Application. However, it was considered prudent to move the face of the new garage back in respect of the setback to limit the extent of the original variance to the single north property line issue. The primary reason for this 10' setback is to allow for better lines of site during vehicle egress from the garage onto Indian Street. If the garage is built flush with the face of the existing structure, it will be almost exactly 10' from the edge of pavement.

The contractor's surveyor has located the Indian Street property line and found that it is further away from the edge of pavement than an older survey indicated. This additional space, though not on the Owner's property, does provide very reasonable lines of site for vehicle egress. In addition, the existing garage, which has its door within only a couple of feet of the property line, will be modified, moving the door back in line with the existing house. This is actually for aesthetic reasons, but will affect a positive net change on safety along Indian Street.

The information below is the same as presented for the original variance with the following exception: The extent of the encroachment into the setback is 5' rather than 1'-8". This will be in bold type. The issues described, are otherwise the same.

DESCRIPTION OF ACTIVITY WHICH REQUIRES VARIANCE

The property owner wishes to enclose and expand their existing, partially sub-grade carport, turning it into a garage. The existing carport is against the property's north property line, and faces Indian Street (See figures A and B and attached site plan). Converted to a garage, it would accommodate two cars, and provide a wider and flatter approach. **However, it will encroach approximately 5'-0" into the required set-back along the property's north boundary.** This is because expansion of the carport *south* is limited by the existing, north most bearing wall of the house. Measuring north from this wall towards the property line the min dimension required to accommodate two cars places the north wall of the new enclosure in the setback.

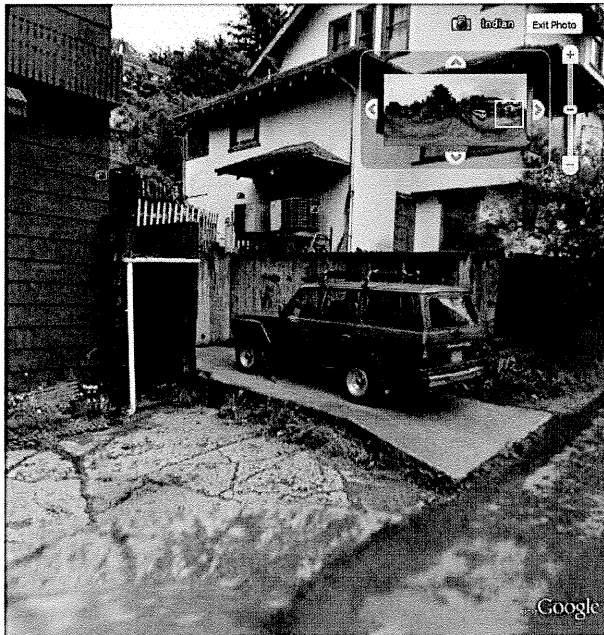


Fig. A



Fig. B

An option being considered for the conversion is the installation of a vegetated roof on that portion not located directly below the house above. (See figure C below) This would emphasize the subterranean aspect of the structure and have potentially less visual impact on the adjacent neighbor than a more

traditional sided and roofed structure would. The green roof is not favored by the Owner, however the structure is built into the hill side. (See figure D below) Much of its impact is limited to that portion of roof structure extending above the existing grade line.

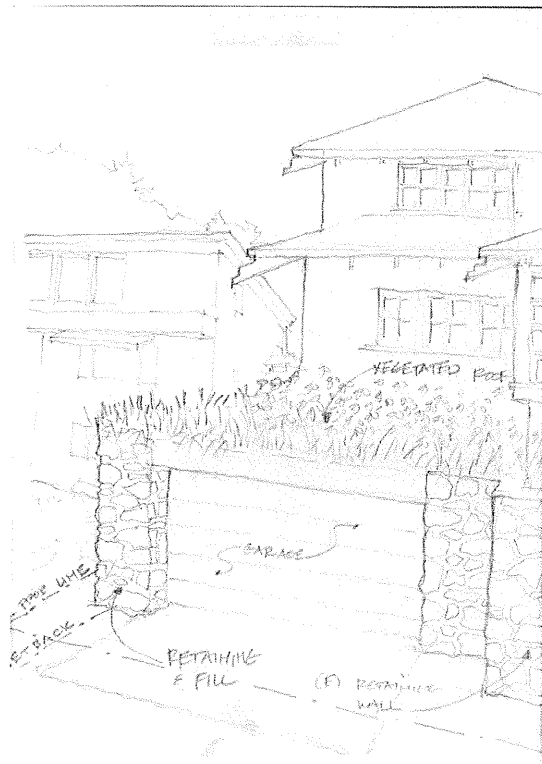


Fig. C

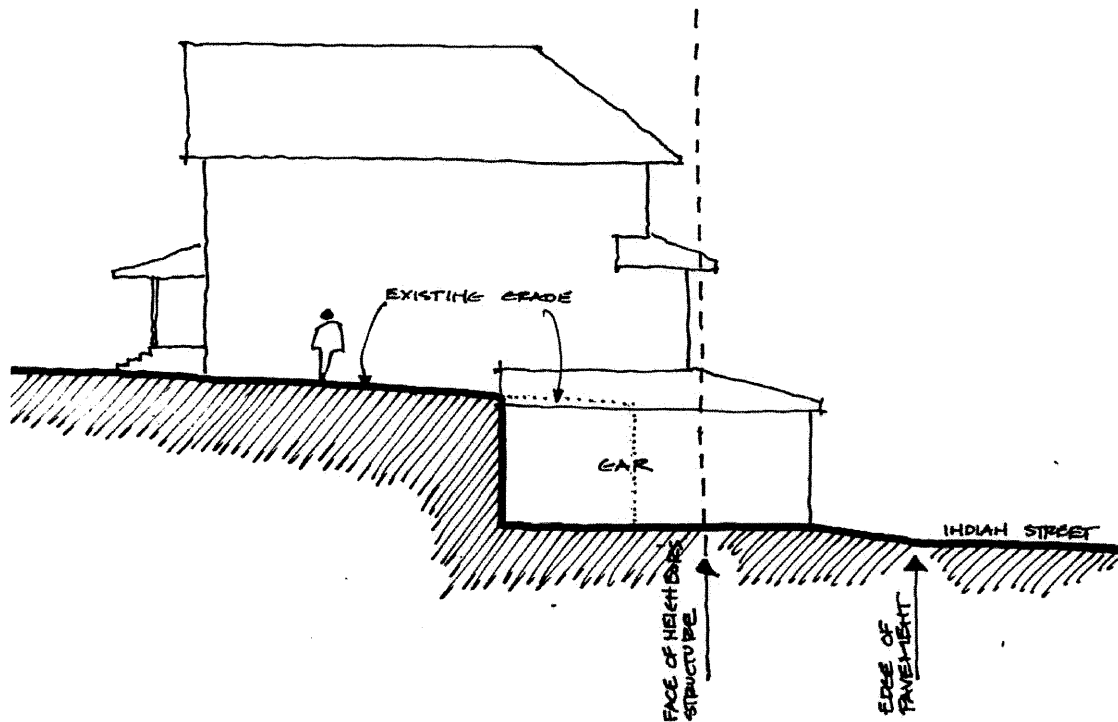


Fig. D The back half of the proposed garage is below grade having less impact on the neighboring property

UNIQUE CHARACTERISTICS OF LAND OR BUILDINGS

The property has street frontage on three sides. This condition, by development code, places significantly greater building limitations stemming from set-back requirements on the property than on a typical residential lot. As a result, the planning department has indicated that the north boundary, which would otherwise be subject to rear lot setback requirements, would be subject to alternative requirements at the discretion of planning staff. The required setback of 5' was determined at a meeting with planning staff.

The existing parking accommodations on the property are inadequate and unsafe. In addition to the carport, the property has a single car garage further up Indian Street. Both are dangerous to turn into during inclement weather. The wider driveway offered by the carport to garage conversion will provide the ability to manipulate grade allowing a flatter and therefore safer transition from the street. Further, the close proximity of the existing structure to the edge of pavement severely limits the length of the property's driveways. A wider driveway will help make up for that by increasing the overall maneuvering area, allowing the driver more space to safely negotiate straightening the vehicle to park. This is particularly critical during icy conditions.

There is very little availability of on-street parking in the vicinity of the Governor's mansion. The residence is directly across the street from the mansion and often times, the owner cannot park on-street in their own neighborhood. The only on-street spots adjacent to the property are two spots on

8th street, also adjacent to the Governor's mansion. These spots are often used by visitors to the mansion, or are taken by vehicles providing service there. There is no on-street parking available on Calhoun or on Indian Street. Like many residents, the owner is a two car family and like many, must often find alternative parking for their second vehicle. Generally, residents and their visitors are forced to park in the twelfth street neighborhood, if they can find parking there, and walk up. It is assumed that this dilemma faces visitors to the Governor's mansion as well. Provision of additional off-street parking will allow the owner to park their vehicles on their own property, and will relieve some of the pressure on the few on-street spots available.

The only other option to improve the site's parking accommodation would be to construct a garage facing Calhoun, if in fact that is allowable. However, this solution would force the owner to back-out onto Calhoun which is not safe, and would consume the only buildable area on the property.

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

Any owner of the property, given the growing pressure on the local on-street parking system, the limitation of the property's existing accommodation for parking, and the sometimes unsafe approach to those accommodations, will find the need to provide a better, safer parking condition.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

Were the variance not granted, the current parking condition would remain unchanged. The owner and the owner's visitors would continue to park in the adjacent neighborhood when local on-street spots are full, and otherwise continue to negotiate the hazardous turns into their existing garage and carport during inclement weather. In addition, the neighborhood would not benefit from the lessened pressure on the on-street parking system.

COMPLIANCE WITH VARIANCE CRITERIA

1 The variance will give substantial relief to the owner and be more consistent with justice to other property owners:

A variance will result in a wider driveway, which given the minimal length of driveway available, will overall, provide maneuvering area more equivalent to that of a typical property.

2 Relief can be granted such that public safety and welfare are preserved:

The result of a variance will be to move the existing parking accommodation away from the property line, and introduce fill and planting in the remaining void. This will increase fire separation between the adjacent properties. It will also increase the owner's safety, particularly in regard to parking under inclement weather conditions.

3 The authorization of the variance will not injure nearby property:

Construction of the new garage wall will require that shoring be provided for the adjacent structure, because the neighboring structure s built directly against the property line. The new wall will provide greater structural stability for the adjacent structure's footing, and will provide better fire separation between structures than currently exists.

4 The variance does not authorize uses not allowed in the district:

This variance will not authorize any use not allowed in the district.

5 Compliance with the existing standards...:

Because of preexisting, non-conforming conditions, the grant of this variance will not result in a net decrease in overall compliance with the land use code, and in fact, will increase compliance by moving existing parking accommodations further away from the property line than they currently are.

6 A grant of the variance would result in more benefits than detriments to the neighborhood:

A grant of the variance will result in no detriments, but will benefit the neighborhood by reducing pressure on the on-street parking system, and by increasing fire safety separation between this property and the neighbor immediately adjacent to the north.

INDIAN STREET

EDGE OF PAVEMENT

(H) DRIVE

6'-4" 5'-6"

(N) GARAGE

1 1/2" WALL, NO PENETRATIONS

COVERED, OUTDOOR STAIR

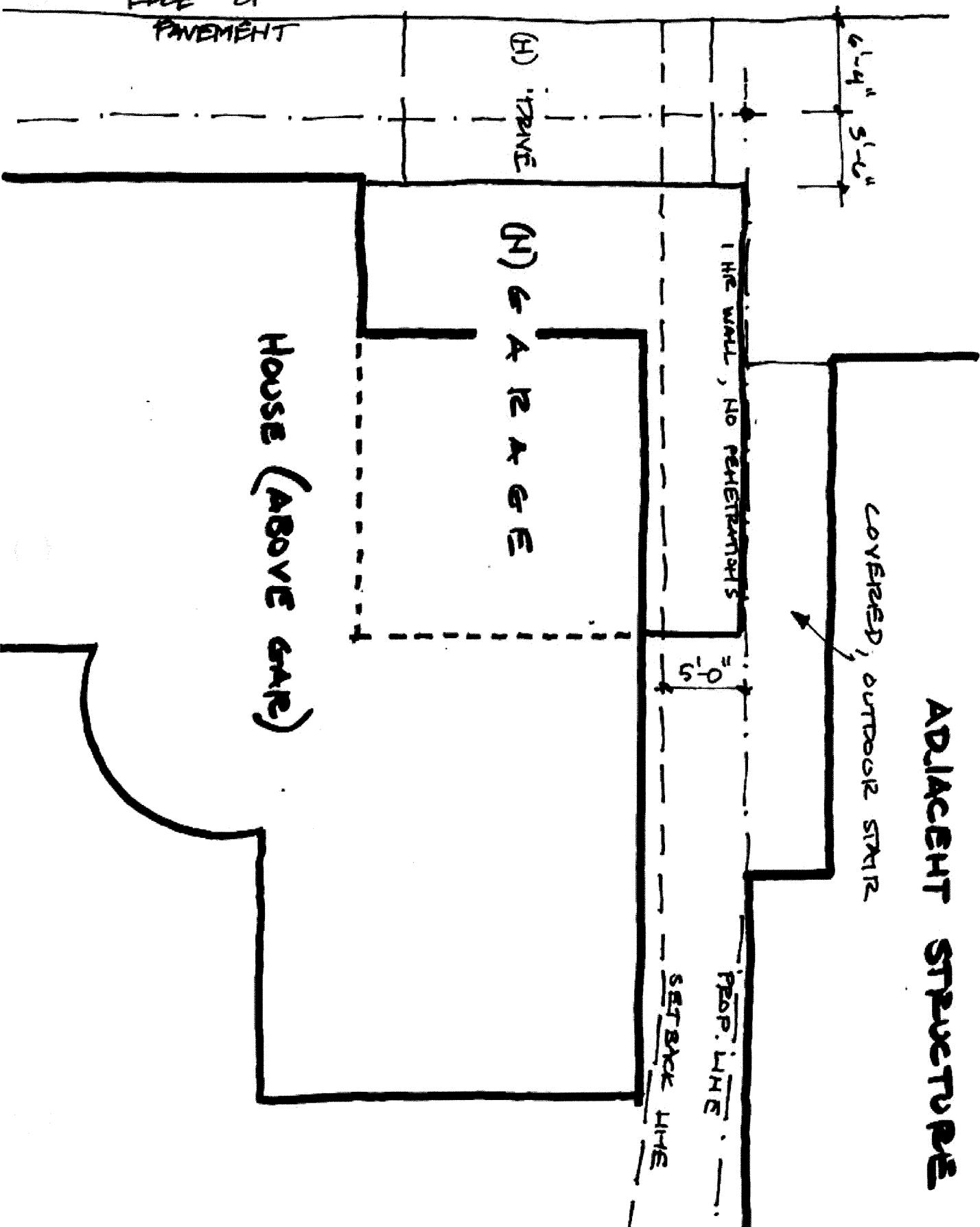
ADJACENT STRUCTURE

HOUSE (ABOVE GAR)

3'-0" 5'

PROP. LINE

SETBACK LINE



NOTICE OF PUBLIC HEARING



PROPOSAL: Variance request to reduce the side yard setback from 3' 4" to 0' and to reduce the front yard setback from 10' to 3' 6" for the construction of a garage.

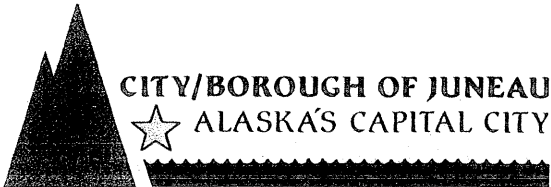
<p>FILE NO: VAR2011-0015</p> <p>TO: Adjacent Property Owners</p> <p>HEARING DATE: July 12, 2011</p> <p>HEARING TIME: 7:00 PM</p> <p>PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p>APPLICANT: NORTHWIND ARCHITECTS</p> <p>Property PCN: 1-C06-0-A43-001-0</p> <p>Owner(s): MARK C CHOATE & SUN HEE CHOATE</p> <p>Size: 7500 sqft</p> <p>Zoned: D18</p> <p>Site Address: 230 W EIGHTH ST</p> <p>Accessed via: W EIGHTH ST</p>
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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.



**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: April 27, 2011

File No.: VAR2011-0008

Dave Hurley
126 Seward St
Juneau, AK 99801

Application For: A Variance request to reduce the front and side yard setbacks for a new garage.

Legal Description: Fraction of Lot 2 & Lot 1 Block 43 Juneau Townsite

Property Address: 230 West 8th Eighth St

Parcel Code No.: 1-C06-0-A43-001-0

Hearing Date: April 26th, 2011

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings described as the 'Alternative' scenario in the attached memorandum dated April 18th, 2011, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

1. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an as-built survey to the CBJ Community Development Department showing the garage meeting the setback reduction.

Attachment: April 18th, 2011, memorandum from Eric Feldt, Community Development, to the CBJ Board of Adjustment regarding VAR2011-0008.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

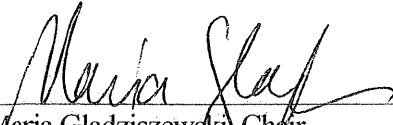
This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

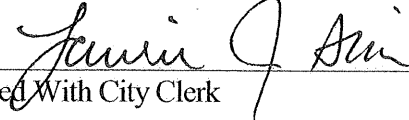
Effective Date: The permit is effective upon approval by the Board, April 26, 2011.

Expiration Date: The permit will expire 18 months after the effective date, or October 26, 2012, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Eric Feldt, Planner
Community Development Department


Maria Gladziszewski, Chair
Planning Commission


Filed With City Clerk

4/27/11
Date

cc: Plan Review


NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

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

DATE: April 18, 2011

TO: Board of Adjustment

FROM: Eric Feldt, Planner II 
Community Development Department

FILE NO.: VAR2011-0008

PROPOSAL: A Variance request to reduce the front and side yard setbacks for a new garage.

GENERAL INFORMATION

Applicant: Dave Hurley

Property Owner: Suh & Mark Choate

Property Address: 230 West 8th Street

Legal Description: Fraction of Lot 2 & Lot 1 Block 43 Juneau Townsite

Parcel Code Number: 1-C06-0-A43-001-0

Site Size: 7,500 SQ FT

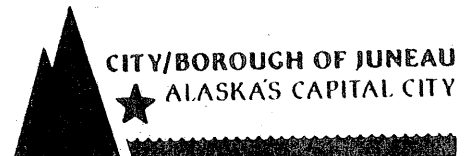
Zoning: D-18

Utilities: Public Water & Sewer

Access: Indian Street

Existing Land Use: Residential

Surrounding Land Use: North - D-10; Triplex; West Eighth Street
South - D-18; Duplex; West Eighth Street
East - D-10; Governor's House; Calhoun Avenue
West - D-18; Nine-plex; Calhoun Avenue



ATTACHMENTS

Attachment	A	Vicinity Map
Attachment	B	Project Narrative
Attachment	C	Site Plan
Attachment	D	Alternative Site Plan

PROJECT DESCRIPTION

The applicant wishes to reduce the 10-foot front yard setback and 5-foot side yard setback to 5 feet 10.5 inches and 3 feet 4 inches respectively for the construction of a new two-car garage along Indian Street in the downtown area. To create this garage in such a small space, part of it will be built beneath the corner of the dwelling.

BACKGROUND

According to CBJ Assessor's data, the single family dwelling was constructed in 1914, and is similar age as other houses in the neighborhood. This property is surrounded by three rights-of-way; West Eight Street, Calhoun Avenue, and Indian Street and is enclosed by a perimeter stone wall varying in height. This lot is one of the few in the neighborhood that contains a large flat lawn, relatively free of obstructions. Access is provided by a driveway at the northern end of the lot. There is also a small, attached one-car garage near the driveway. These two parking areas are very close to the downhill curve of Indian Street.



Figure 1: This is a picture of the northwest corner of the lot where the proposed garage would be built, as taken from Indian Street. Arrow represents approx. side lot line.

The dwelling diagonally encroaches into the 10-foot front yard setback and is less than 2 feet at its closest point. Since zoning standards were not adopted at the time of construction this encroachment is legally non-conforming. Any additional encroachment within the setback requires an approved variance. The neighboring dwelling to the north was built prior to zoning standards and also encroaches into yard setbacks, and touches the common property line.

Currently, the driveway and the small garage can only accommodate one car. The applicant states that the garage is not used due to the steeply descending and curving grade of Indian Street creating safety hazards. The applicant stated that both parking areas are difficult to safely maneuver in and out of, especially during icy conditions. These challenges force the owners to park their second car on the street. Most residences in this neighborhood have little to no on-site parking and also park on street. Only a few owners have garages. This in turn makes finding on-street parking very difficult and increases the value of having on-site parking.

ANALYSIS

The applicant wants to construct a two-car garage in the area of the driveway. This location will utilize an existing parking area and preserve the relatively open front lawn for future expansions of the house. As measured on the site plan, the garage is approximately 20 feet wide by 27 feet deep. As stated earlier, part of this garage would be built beneath the northern end of the house. See Figure 2 below. The applicant designed the garage wall to be flush with the existing wall of the dwelling. The dwelling limits the garage from moving southward. Therefore, the front and side yard setbacks would be encroached 4 feet 1.5 inches and 1 foot 8 inches, leaving a distance of 5 feet 10.5 inches to the front lot line and 3 feet 4 inches to the side lot line. The applicant states that the garage could be redesigned eastward to meet the front yard setback. This is discussed further under 'Alternative'.

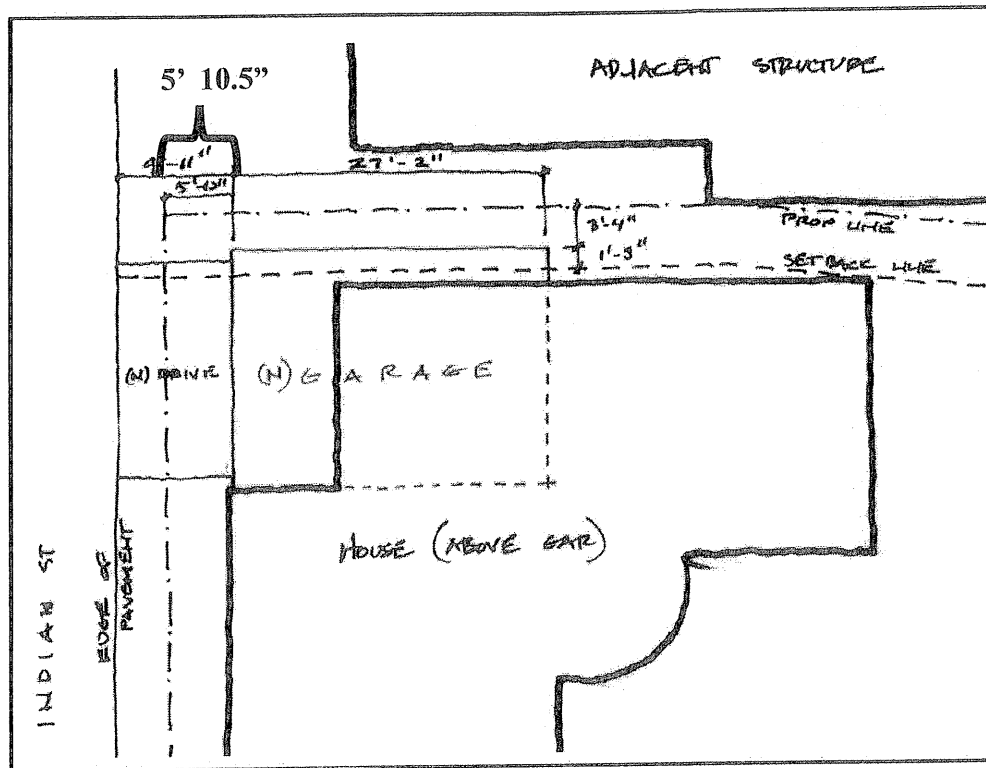


Figure 2: The above site plan illustrates the proposed garage with a solid and dashed line. The dashed line indicates that portion of the garage beneath the house.

The northeast corner of the property is the only area this garage could meet all yard setbacks. This would require removing the stone wall and constructing a new driveway off of Calhoun Avenue or West Eighth Street. The first option is not recommended by the Engineering Department due to the tightness of the road and safety of other vehicles; and the second option would require substantial grading and foundation work to convert a large portion of the front lawn to a driveway. This may require a substantial investment. The applicant's proposal would keep the stone wall and front lawn intact.

To reduce some of the current challenges of entering and exiting the driveway, the applicant designed the entrance of the garage several feet back from the street to improve line-of-sight distance, as illustrated in Figure 2. Also, the applicant states that the slope of the driveway apron will be flattened not curved with the grade of Indian Street, to ease the ability of turning into and out of the garage. Overall, the applicant's design of the new garage is aimed at increasing maneuverability and safety.

Since the garage would be located less than five feet from a property line, the northern wall would need to contain fire retardant material, according to the CBJ Building Department. The applicant states that this requirement will be met. To comply with the CBJ Engineering Department drainage regulations, the roof water would need to be captured, contained, and connected to an approved drainage system. The applicant's vegetative roof design will guide roof top water into a downspout that leads to another drainage tile guiding water toward the Indian Street drainage system. If the applicant chooses to construct a more traditional roof, the same type of drainage system will be used but with a six inch wide roof eave. Since this roof eave will encroach beyond the maximum allowance into the side yard setback it shall be included in the subject variance. At six inches, the roof eave would be 3 feet 10 inches away from the property line.

Alternative

As stated earlier, the applicant is willing to design the new garage to meet the front yard setback by either moving the whole garage eastward or only the western wall while still accommodating two vehicles. This is illustrated in Figure 3 below. The encroachment into the side yard setback would still exist. Moving the garage 4.5 feet eastward will create more open space for additional line-of-sight along Indian Street. Traffic on this street would be able to see cars exiting the garage sooner as compared to the main proposal. Therefore, this alternative is more likely to be safer.

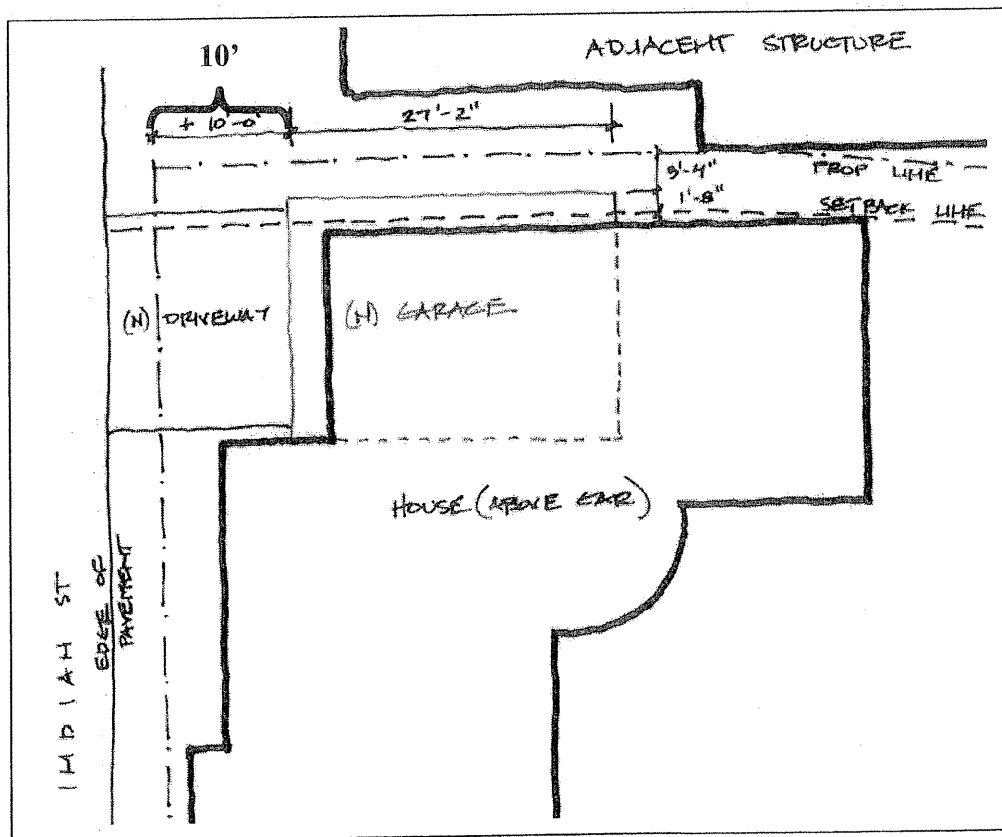


Figure 3: Under the Alternative plan, shown above, the garage will comply with the 10-foot Front yard setback but still encroach into the side yard setback.

One step further from the alternative would be to move the northern wall of the new garage southward to comply with the side yard setback while reducing the width of the garage will make it too narrow for two cars. Therefore, this is not a feasible alternative. Moving the entire garage southward, however, may be severely limited by the foundation of the house and soil composition. Therefore, this scenario may also not be feasible.

If the variance is approved, staff recommends a condition of approval requiring the submittal of an as-built survey to the CBJ Community Development Department showing that the requested encroachments are consistent with this variance.

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 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.***

The proposal would give substantial relief to the owner by allowing a two-car garage to encroach into the front and side yard setbacks instead of creating a new driveway and entranceway else where on the property.

Many dwellings and a few garages in the neighborhood were built prior to zoning standards and encroach into their front and side yard setbacks. Therefore, allowing the proposed garage encroach in the above yard setbacks would be consistent with justice to other property owners in the neighborhood.

This criterion 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 yard setbacks is to preserve open space between buildings for the movement of light, air, and water run-off. In addition to those items, a front yard setback preserves open space for drivers' line-of-sight. This setback is presently reduced by the dwelling. With the

nearby steep, curved hill on Indian Street, traffic cannot see on-coming cars until the last minute. Thereby, enlarging any line-of-sight around the driveway would increase safety on this road and users of the driveway. By having the new garage comply with the 10-foot front yard setback (see Alternative scenario), a greater distance will exist between the garage door and the street, as compared to the main proposal. This would allow traffic to see cars exiting the garage at an earlier time. Therefore, the main proposal is not as effective in meeting the intent of front yard setback as the alternative scenario. Only the Alternative scenario meets this criterion.

The proposed garage will encroach 1.25 feet into the side yard setback; thus, leaving 3.75 feet of distance to the side property line. This encroachment will slightly reduce the amount of open space along this property line. With the sloping gradient toward Indian Street, the single-story garage will be largely beneath the house and sloping with the grade. Figure 1 on page 2 of this memorandum depicts this slope. This would most likely result in an unsubstantial reduction of the movement of light and air in the setback.

The drainage in this area will not be changed with the garage, as it will continue to flow toward Indian Street. The roof top water will also be directed toward the street through the use of roof gutters and/ or down spouts and underground drainage.

Therefore, this criterion is met.

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

The proposed garage will be designed with fire retardant material and a proper drainage system that will protect adjacent property.

This criterion is met.

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

This variance is for a new garage. This is an accessory use to a dwelling in the D-18 zoning district.

Therefore, this criterion is met

5. ***That compliance with the existing standards would:***

(A) ***Unreasonably prevent the owner from using the property for a permissible principal use;***

Denying the variance would prevent the placement of a two-car garage in the front and side yard setbacks. The property could continue parking one car on-site and one

on street. As stated in finding number four above, the variance is for an accessory use.

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;***

Many dwellings in this neighborhood were built prior to zoning standards and now encroach into present-day yard setbacks. Some garages in the neighborhood do encroach into the front yard setback. Therefore, denying the variance would prevent the owner from using the property in a manner similar to amenity and feature with existing development in the neighborhood.

This sub-criterion is met.

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

The applicant has chosen to develop on more challenging, sloping part of the lot. This does limit how far back from the street the applicant wishes to build. However, the dwelling creates a greater limitation to development on the site. Therefore, the dwelling is a greater limitation to development than the topography.

This sub-criterion 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.***

The dwelling currently encroaches into the front yard setback several feet. Approving this variance would also allow a new garage to encroach into the front yard setback to a lesser distance than the dwelling. Building the garage closer to the side property line than the house would result in a decrease in compliance. Therefore, the proposed garage result in a net decrease in overall compliance with adopted codes.

This sub-criterion is not met.

Since sub-criteria 5 (B) is met, criterion 5 is met.

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

Approving the variance will allow the property owners to park both cars on site and free up on-street parking. Therefore, this results in more benefits than detriments to the neighborhood.

This criterion is met.

49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS

These sections of the Land Use Code are not applicable to this project.

ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)

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

FINDINGS

1. 1. *Is the application for the requested variance complete?*

Yes. We find the application contains the information necessary to conduct full review of the proposed renovation. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.20

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

Not Applicable. Based on the preceding staff analysis, it is found that no provisions of the Juneau 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 applicant's alternative proposal does meet the criteria of CBJ §49.20.250, *Grounds for Variance*.

RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and approve the alternative scenario and modifications on the requested Variance, VAR2011-0008. The Variance permit would allow for a new garage to encroach 1 foot 8 inches into the side yard setback, leaving 3 feet 4 inches remaining. The roof eaves would be 2 feet 2 inches away from the same lot line.

Condition

Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an as-built survey to the CBJ Community Development Department showing the garage meeting the setback reduction.

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>Var 11-008</u>	Date Received <u>4/5/11</u>
----------------	------------------------------	----------------------------------	--------------------------------

TYPE OF VARIANCE REQUESTED:

- | | |
|--|--|
| <input type="checkbox"/> Variance to the Sign Standard (VSG) | <input type="checkbox"/> Variance to Dimensional Standards (VDS) |
| <input type="checkbox"/> Variance to Habitat Setbacks (VHB) | <input type="checkbox"/> Variance to Parking Requirements (VPK) |
| <input checked="" type="checkbox"/> Variance to Setback Requirements (VSB) | |

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
CONSTRUCTION OF PARTIAL SUBGRADE 2 CAR GARAGE
APPROX 1.75' BEYOND PROVISIONAL SETBACK

Previous Variance Applications? YES NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? YES NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): PLEASE SEE ATTACHED

UTILITIES AVAILABLE: WATER: Public On Site SEWER: Public On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
PLEASE SEE ATTACHED

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
PLEASE SEE ATTACHED

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit	VARIANCE FEES	Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>400.00</u>	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Total Fee	\$ <u>400.00</u>	<u>083782</u>	<u>cd 11774/5711</u>	<u>4/5/11</u>

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 4/5/11
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Project Name
(City Staff to Assign Name)

Project Description
REMODEL AND ADDITION TO EXISTING HOME

PROPERTY LOCATION

Street Address 230 W 8th	City/Zip JUNEAU, AK 99801
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) LOT 1 & A PT. OF LOT 2, BLOCK 4B	
Assessor's Parcel Number(s) 1C060A450010	

CONTACT INFORMATION

Property Owner's Name SUH E MARK CHOATE	Contact Person: SUH CHOATE	Work Phone: 907.209.8026
Mailing Address 230 W 8th JUNEAU AK 99801	Home Phone: NA	Fax Number:
E-mail Address SUH.CHOATE@GMAIL.COM	Other Contact Phone Number(s): N/A	

LANDOWNER/LESSEE CONSENT

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 application.

X *[Signature]* _____ Date 3/25/2011
Landowner/Lessee Signature

X *[Signature]* _____ Date 3/25/2011
Landowner/Lessee Signature

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.

APPLICANT

Applicant's Name DAVE HURLEY	Contact Person: SAME	Work Phone: 907.321.4495
Mailing Address 126 SEWARD ST JUNEAU, AK 99801	Home Phone:	Fax Number: 907.586.6631
E-mail Address DAVE@HURLEYWILHDARCH.COM	Other Contact Phone Number(s): N/A	

X *[Signature]* _____ Date of Application 24 MAR 11
Applicant's Signature

-----OFFICE USE ONLY BELOW THIS LINE-----

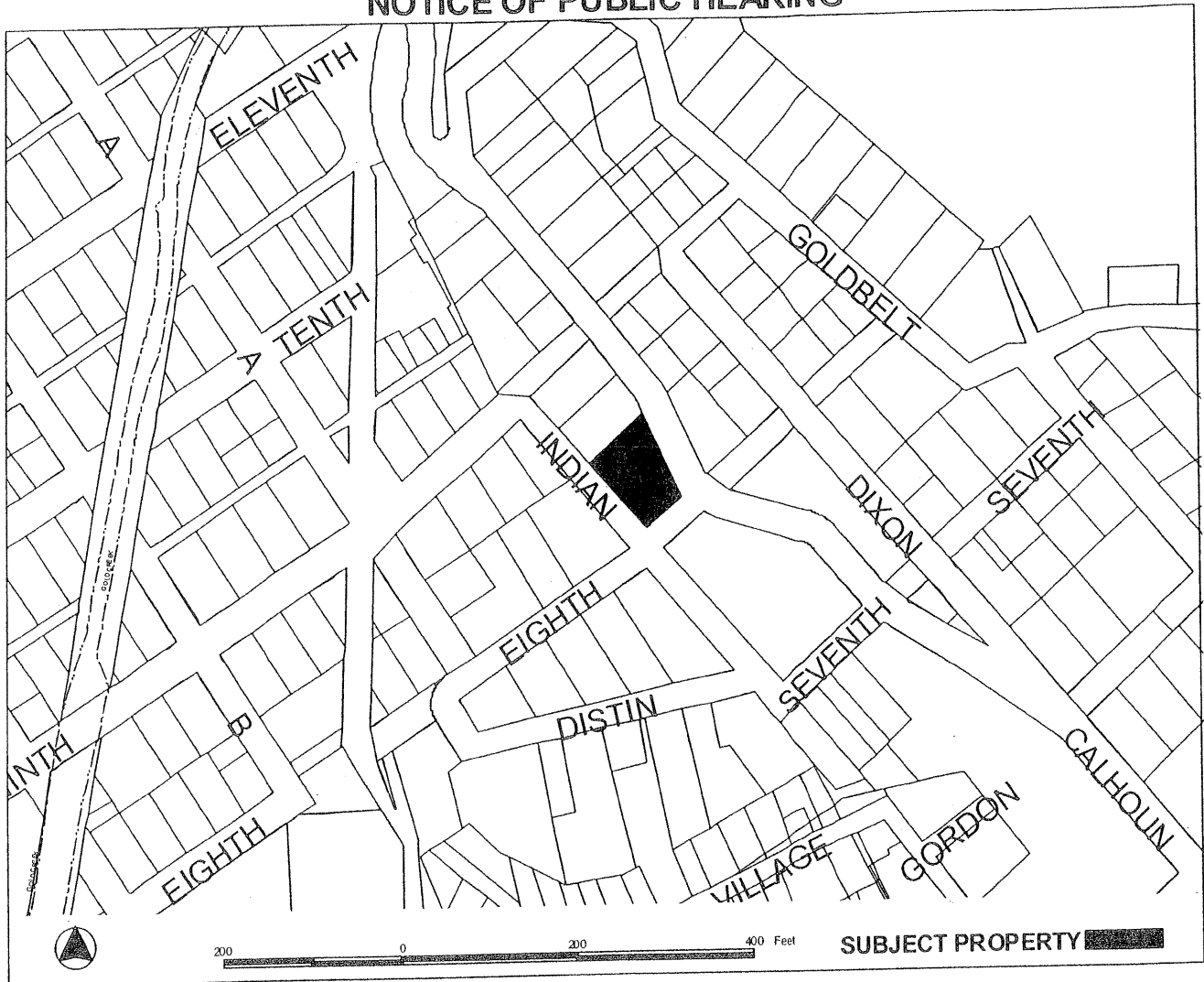
STAFF APPROVALS

	Permit Type	Date	Applicant Number
<input checked="" type="checkbox"/>	Building/Grading Permit		
	City/State Project Review and City Land Action		
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
	Mining Case (Small, Large, Rural, Extraction, Exploration)		
	Sign Approval (If more than one, fill in all applicable permit #'s)		
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
<input checked="" type="checkbox"/>	Variance Case (De Minimis and all other Variance case types)	4/5/11	var 240008
	Wellands Permits		
	Zone Change Application		
	Other (Describe)		

**Public Notice Sign Form filled out and in the file

NKJ

NOTICE OF PUBLIC HEARING



PROPOSAL: A variance request to reduce the front and side yard setbacks for a new garage

<p>FILE NO: VAR2011-0008</p> <p>TO: Adjacent Property Owners</p> <p>HEARING DATE: Apr 26, 2011</p> <p>HEARING TIME: 7:00 PM</p> <p>PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p>APPLICANT: DAVID HURLEY</p> <p>Property PCN: 1-C06-0-A43-001-0</p> <p>Owner(s): MARK C CHOATE & SUN HEE CHOATE</p> <p>Zoned: D18</p> <p>Size: 7500 sq ft</p> <p>Site Address: 230 W EIGHTH ST</p> <p>Accessed via Indian Street</p>
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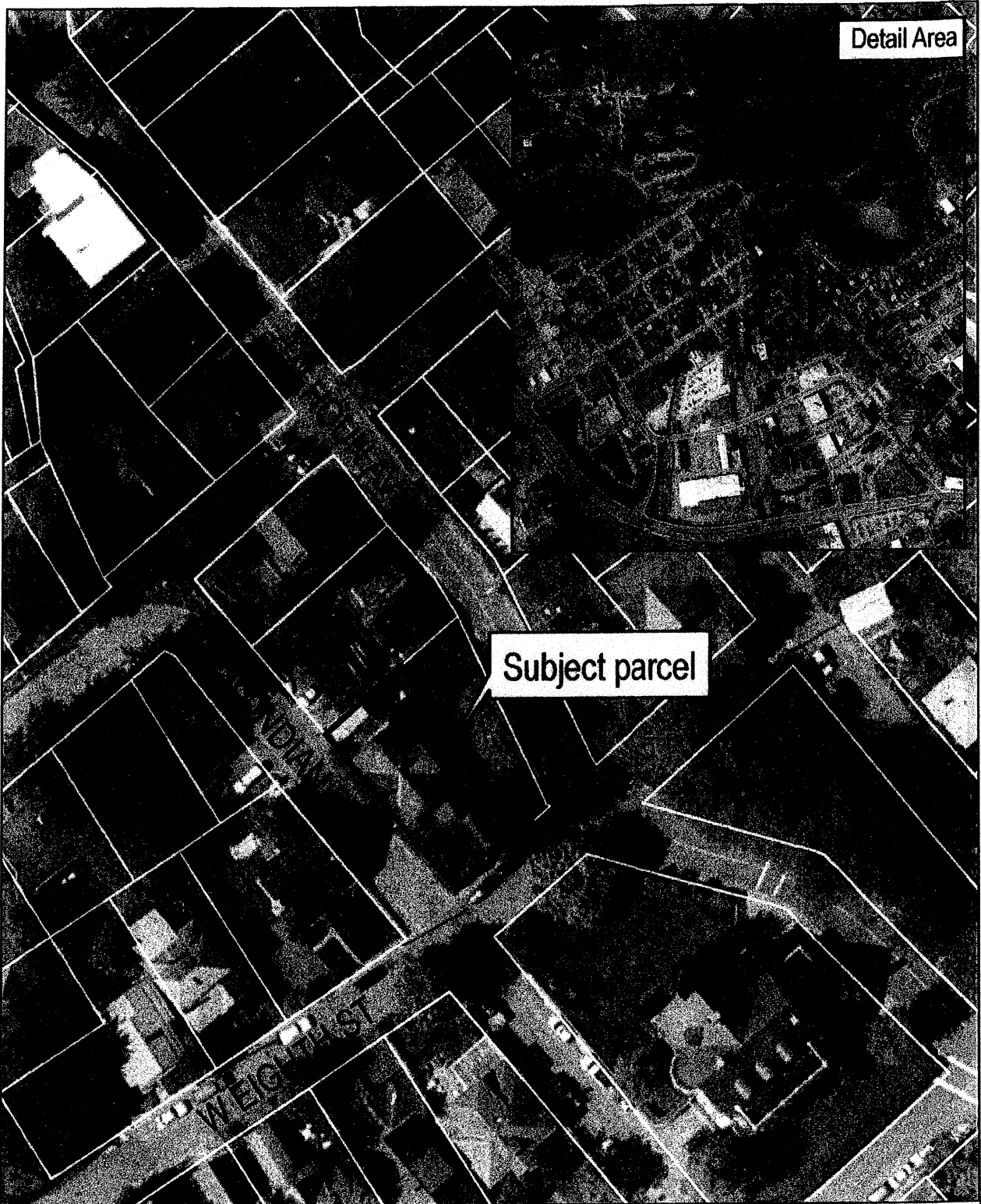
PROPERTY OWNERS PLEASE NOTE:

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

ERIC FELDT 586-0764 ERIC_FELDT@CI.JUNEAU.AK.US

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

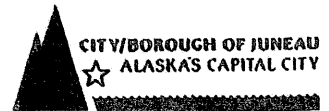
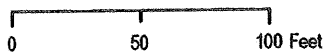


Detail Area

Subject parcel

W Eighth St Vicinity

Map created: April 14th, 2011



Variance Application Continuation Sheet for the

Choate Residential Remodel and Addition Project

230 West 8th Street, Juneau, AK

30 Mar 2011

DESCRIPTION OF ACTIVITY WHICH REQUIRES VARIANCE

The property owner wishes to enclose and expand their existing, partially sub-grade carport, turning it into a garage. The existing carport is against the property's north property line, and faces Indian Street (See figures A and B and attached site plan). Converted to a garage, it would accommodate two cars, provide a wider and flatter approach, and would move away from the north property line. **However, it will still encroach approximately 1'-8" into the required set-back along the property's north boundary.** This is because expansion of the carport *south* is limited by the existing, north most bearing wall of the house. Measuring north from this wall towards the property line the min dimension required to accommodate two cars places the north wall of the new enclosure in the setback.

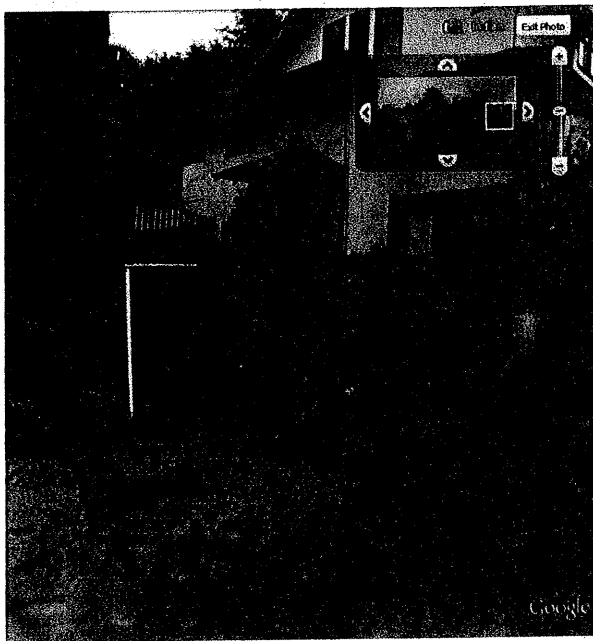


Fig. A

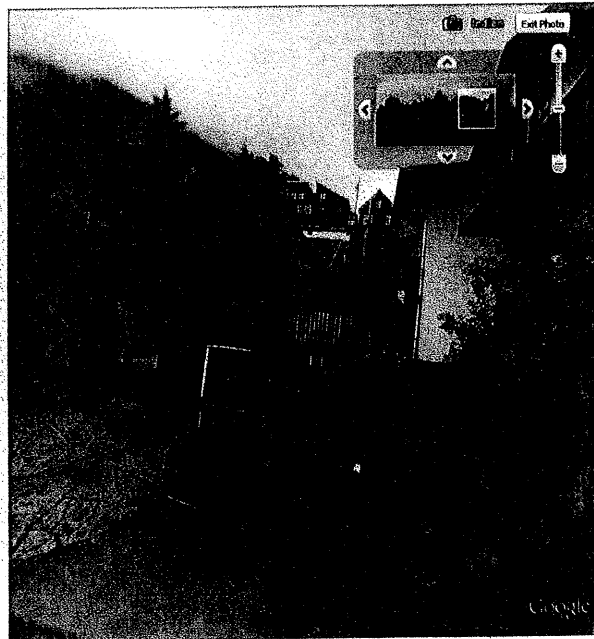


Fig. B

This change to the existing carport will move the parking area away from the property line allowing for the residual space to be retained, filled and planted. This will be an improvement. However, it's understood that the resulting condition requires a variance and therefore possible mitigating measures.

An option being considered for the conversion is the installation of a vegetated roof on that portion not located directly below the house above. This would give the new enclosure the appearance of being built into the existing hillside, and thus have less visual impact on the adjacent neighbor than a more traditional sided and roofed structure would. (See figure C) As mentioned above, the remaining 3'-4" between the converted carport and property line would be retained, and backfilled to the roof level of the new enclosure. This will address aesthetic as well as fire safety concerns, however, if fire danger due to proximity to the property line remains a concern, note that the expanded structure will be sprinkled.

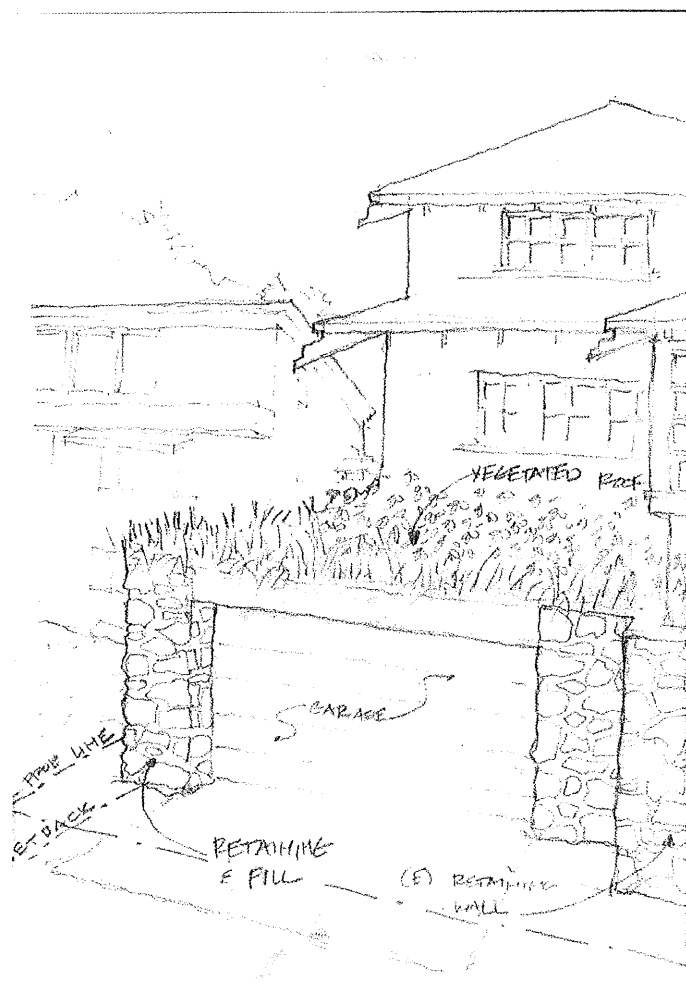


Fig. C

UNIQUE CHARACTERISTICS OF LAND OR BUILDINGS

The property has street frontage on three sides. This condition, by development code, places significantly greater building limitations stemming from set-back requirements on the property than on a typical residential lot. As a result, the planning department has indicated that the north boundary, which would otherwise be subject to rear lot setback requirements, would be subject to alternative

requirements at the discretion of planning staff. The required setback of 5' was determined at a meeting with planning staff.

The existing parking accommodations on the property are inadequate and unsafe. In addition to the carport, the property has a single car garage further up Indian Street. Both are dangerous to turn into during inclement weather. The wider driveway offered by the carport to garage conversion will provide the ability to manipulate grade allowing a flatter and therefore safer transition from the street. Further, the close proximity of the existing structure to the edge of pavement severely limits the length of the property's driveways. A wider driveway will help make up for that by increasing the overall maneuvering area, allowing the driver more space to safely negotiate straightening the vehicle to park. This is particularly critical during icy conditions.

There is very little availability of on-street parking in the vicinity of the Governor's mansion. The residence is directly across the street from the mansion and often times, the owner cannot park on-street in their own neighborhood. The only on-street spots adjacent to the property are two spots on 8th street, also adjacent to the Governor's mansion. These spots are often used by visitors to the mansion, or are taken by vehicles providing service there. There is no on-street parking available on Calhoun or on Indian Street. Like many residents, the owner is a two car family and like many, must often find alternative parking for their second vehicle. Generally, residents and their visitors are forced to park in the twelfth street neighborhood, if they can find parking there, and walk up. It is assumed that this dilemma faces visitors to the Governor's mansion as well. Provision of additional off-street parking will allow the owner to park their vehicles on their own property, and will relieve some of the pressure on the few on-street spots available.

The only other option to improve the site's parking accommodation would be to construct a garage facing Calhoun, if in fact that is allowable. However, this solution would force the owner to back-out onto Calhoun which is not safe, and would consume the only buildable area on the property.

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

Any owner of the property, given the growing pressure on the local on-street parking system, the limitation of the property's existing accommodation for parking, and the sometimes unsafe approach to those accommodations, will find the need to provide a better, safer parking condition.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

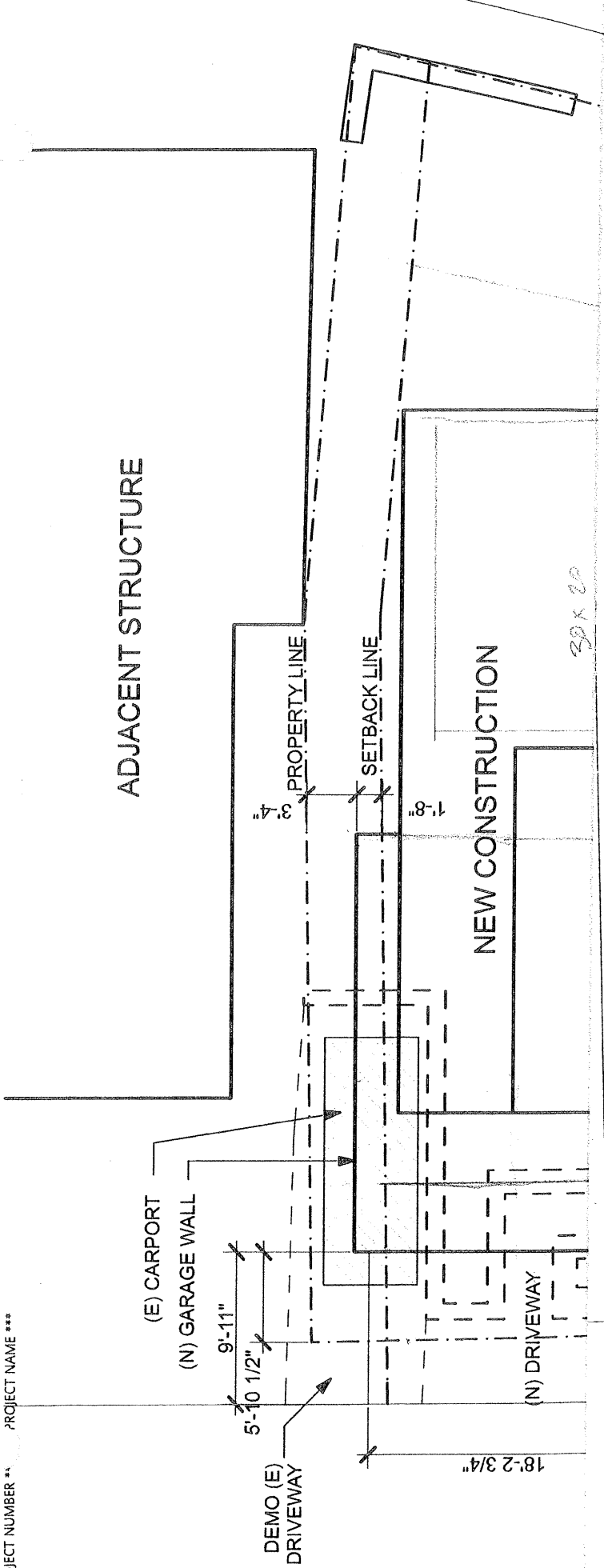
Were the variance not granted, the current parking condition would remain unchanged. The owner and the owner's visitors would continue to park in the adjacent neighborhood when local on-street spots are full, and otherwise continue to negotiate the hazardous turns into their existing garage and carport during inclement weather. In addition, the neighborhood would not benefit from the lessened pressure on the on-street parking system.

COMPLIANCE WITH VARIANCE CRITERIA

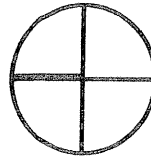
- 1 The variance will give substantial relief to the owner and be more consistent with justice to other property owners:**
A variance will result in a wider driveway, which given the minimal length of driveway available, will overall, provide maneuvering area more equivalent to that of a typical property.
- 2 Relief can be granted such that public safety and welfare are preserved:**
The result of a variance will be to move the existing parking accommodation away from the property line, and introduce fill and planting in the remaining void. This will increase fire separation between the adjacent properties. It will also increase the owner's safety, particularly in regard to parking under inclement weather conditions.
- 3 The authorization of the variance will not injure nearby property:**
Construction of the new garage wall will require that shoring be provided for the adjacent structure, because the neighboring structure s built directly against the property line. The new wall will provide greater structural stability for the adjacent structure's footing, and will provide better fire separation between structures than currently exists.
- 4 The variance does not authorize uses not allowed in the district:**
This variance will not authorize any use not allowed in the district.
- 5 Compliance with the existing standards...:**
Because of preexisting, non-conforming conditions, the grant of this variance will not result in a net decrease in overall compliance with the land use code, and in fact, will increase compliance by moving existing parking accommodations further away from the property line than they currently are.
- 6 A grant of the variance would result in more benefits than detriments to the neighborhood:**
A grant of the variance will result in no detriments, but will benefit the neighborhood by reducing pressure on the on-street parking system, and by increasing fire safety separation between this property and the neighbor immediately adjacent to the north.

*** PROJECT NUMBER **

PROJECT NAME ***



N



1 SITE PLAN

SCALE: 1" = 10'

CHOATE RESIDENTIAL REMODEL AND ADDITION

230 W 8th Street,
Juneau, AK 99801

DATE: _____
 REVISIONS: _____

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

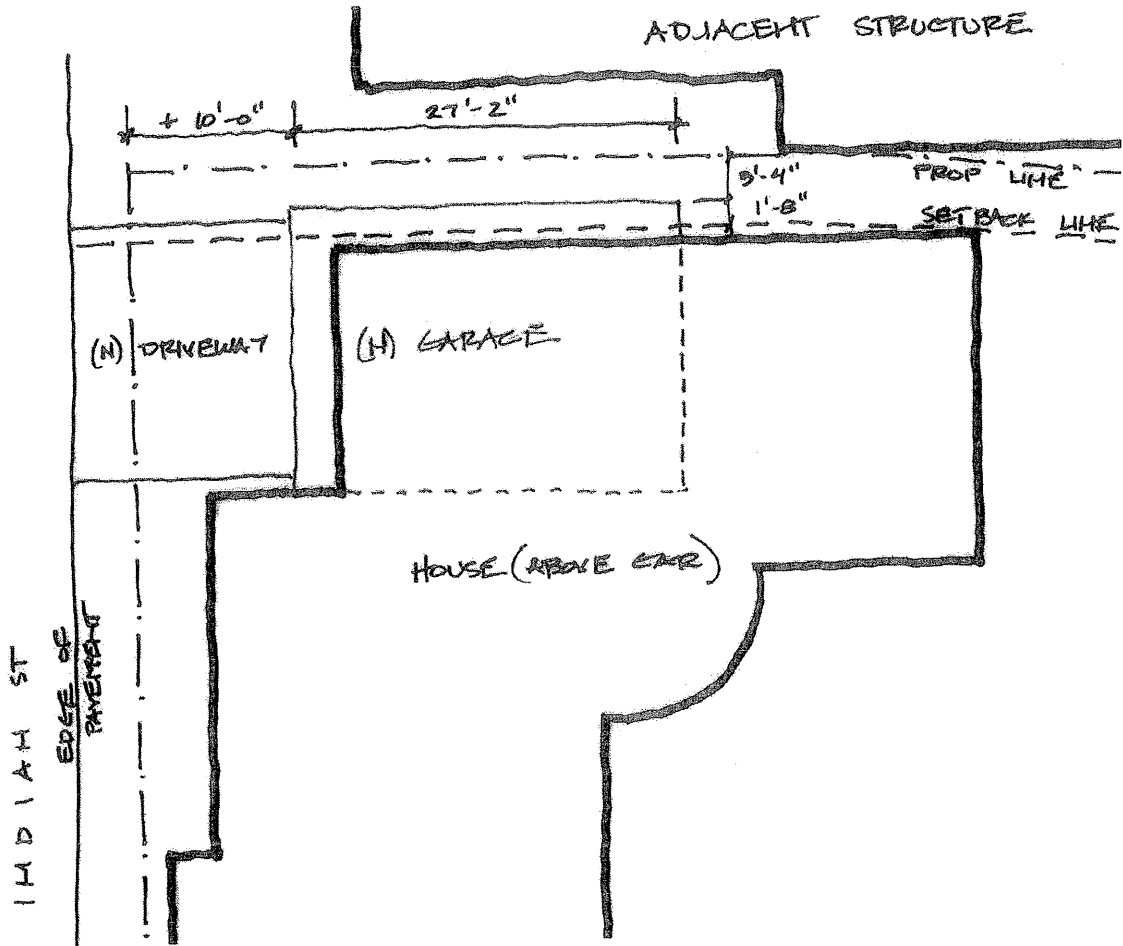


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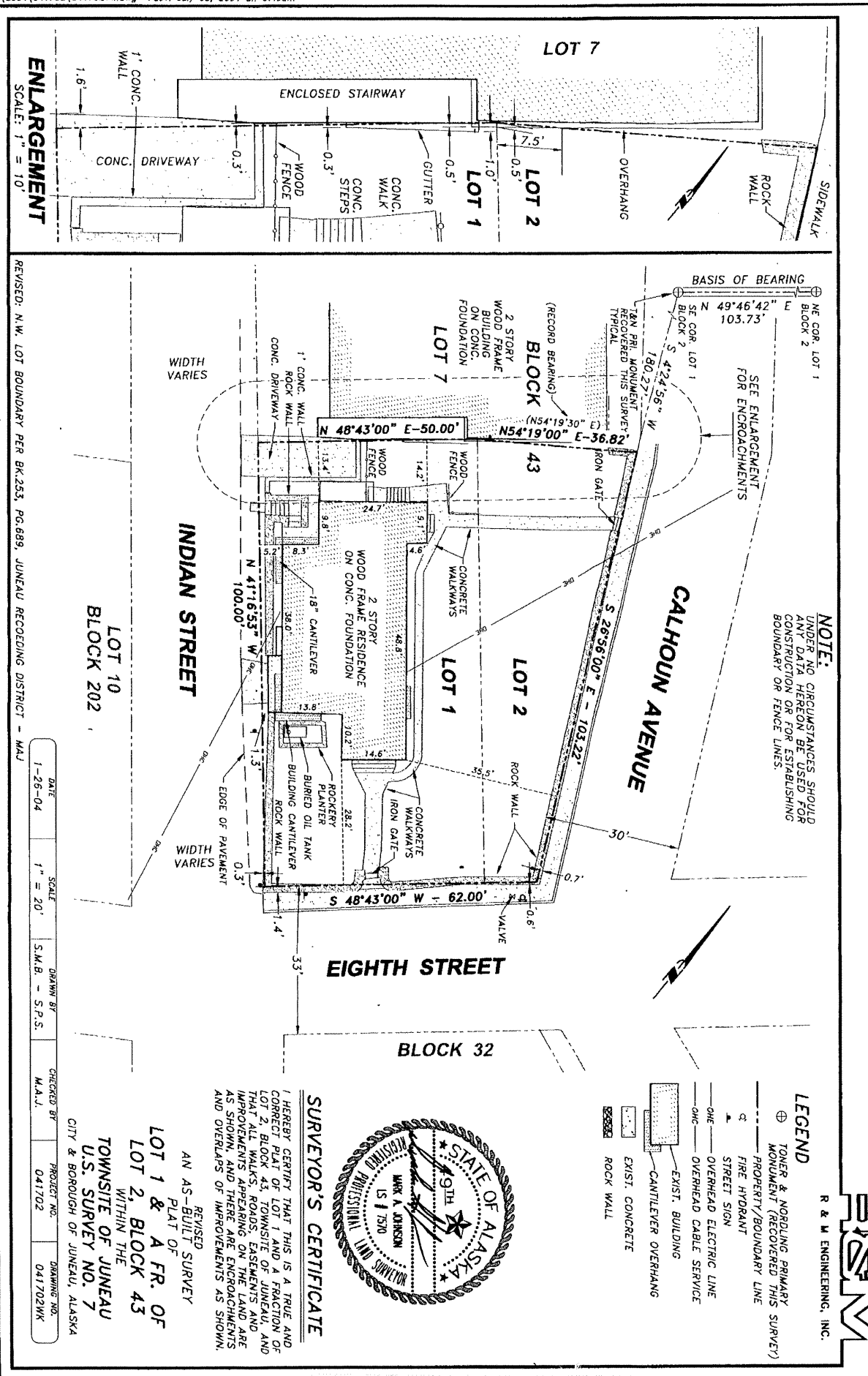
SITE PLAN

ATTACHMENT C

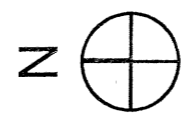
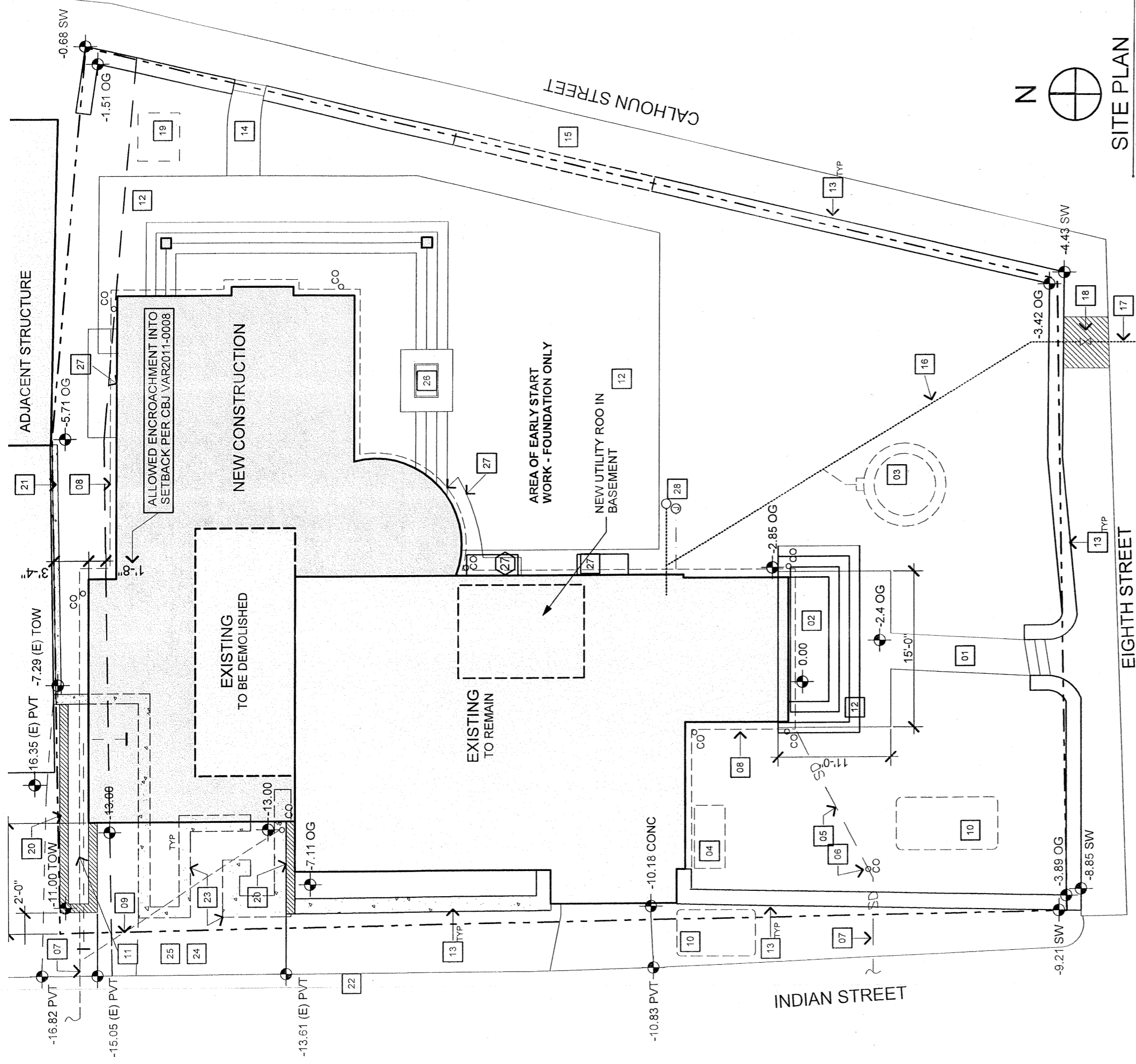
Alternative Proposal



ATTACHMENT D



RECEIVED
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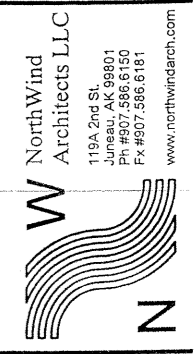
SITE PLAN
SCALE: 1" = 10'

SITE PLAN KEYNOTES

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> 01 NEW PATH WITH THERMO ELEC HEAT TRACE 02 NEW CONCRETE PORCH & STEPS W/ THERMO ELEC HEAT TRACE 03 REMOVE FOUNTAIN 04 REMOVE (E) PLANTER & OIL TANK (FIELD VERIFY SIZE AND EXACT LOCATION) 05 (N) 6" PVC STORM PIPE 06 (N) 6" PVC CLEAN-OUT & DROP STRUCTURE 07 (N) 6" PVC STORM PIPE. CONNECT TO (E) INDIAN STREET SANITARY SEWER LINE OR (N) INDIAN STREET STORM LINE IF INSTALLED 08 (N) 4" HDPE FOUNDATION DRAIN LINE AND (N) 4" SOLID WALL PVC ROOF RAIN LINE ABOVE 09 (N) 4" SOLID WALL PVC ROOF DRAIN LINE 10 LOCATE AND DECOMMISSION (E) OIL TANK | <ul style="list-style-type: none"> 11 (N) 6" SEWER LINE 12 (N) PATIO 13 (E) STONE VENEER, CONC GARDEN/RETAINING WALL 14 (N) PATH 15 DEMOLISH 20' SECTION OF STONE GARDEN WALL FOR CONSTRUCTION ACCESS. REBUILD TO MATCH (E) AT PROJECT COMPLETION 16 (E) 2" WATER LINE 17 REPLACE (E) 1" CONNECTION FROM VALVE TO CITY WATER MAIN W/ 2" 18 REPLACE SIDEWALK 19 (N) 120 GALLON BURIED PROPANE TANK W/ YARD PIPE TO UTILITY ROOM. PROVIDE STUBS TO OUTDOOR FIREPLACE AND KITCHEN 20 (N) STONE VENEER 6" CONC RET/PLANTER WALL | <ul style="list-style-type: none"> 21 (E) CONC RETAINING WALL TO REMAIN 22 (E) EDGE OF PAVEMENT 23 DEMO (E) RETAINING WALLS 24 (N) DRIVEWAY WITH THERMO-ELECTRIC HEAT TRACE 25 DEMO (E) DRIVEWAY 26 (N) OUTDOOR FIREPIT 27 (E) WINDOW WELL 28 BELOW GRADE ELECTRIC AND WATER STUB PROVIDE BELOW GRADE RATED J BOX AND 3/4" WATER LINE & TERMINAL FOR FUTURE CONNECTION & USAGE |
|--|---|--|

LEGEND

- PROPERTY LINE
- SETBACK



North Wind Architects LLC
119A, 2nd St
Juneau, AK 99801
PH #907.586.6150
FX #907.586.6181
www.northwindarch.com

CHOATE RESIDENTIAL REMODEL AND ADDITION

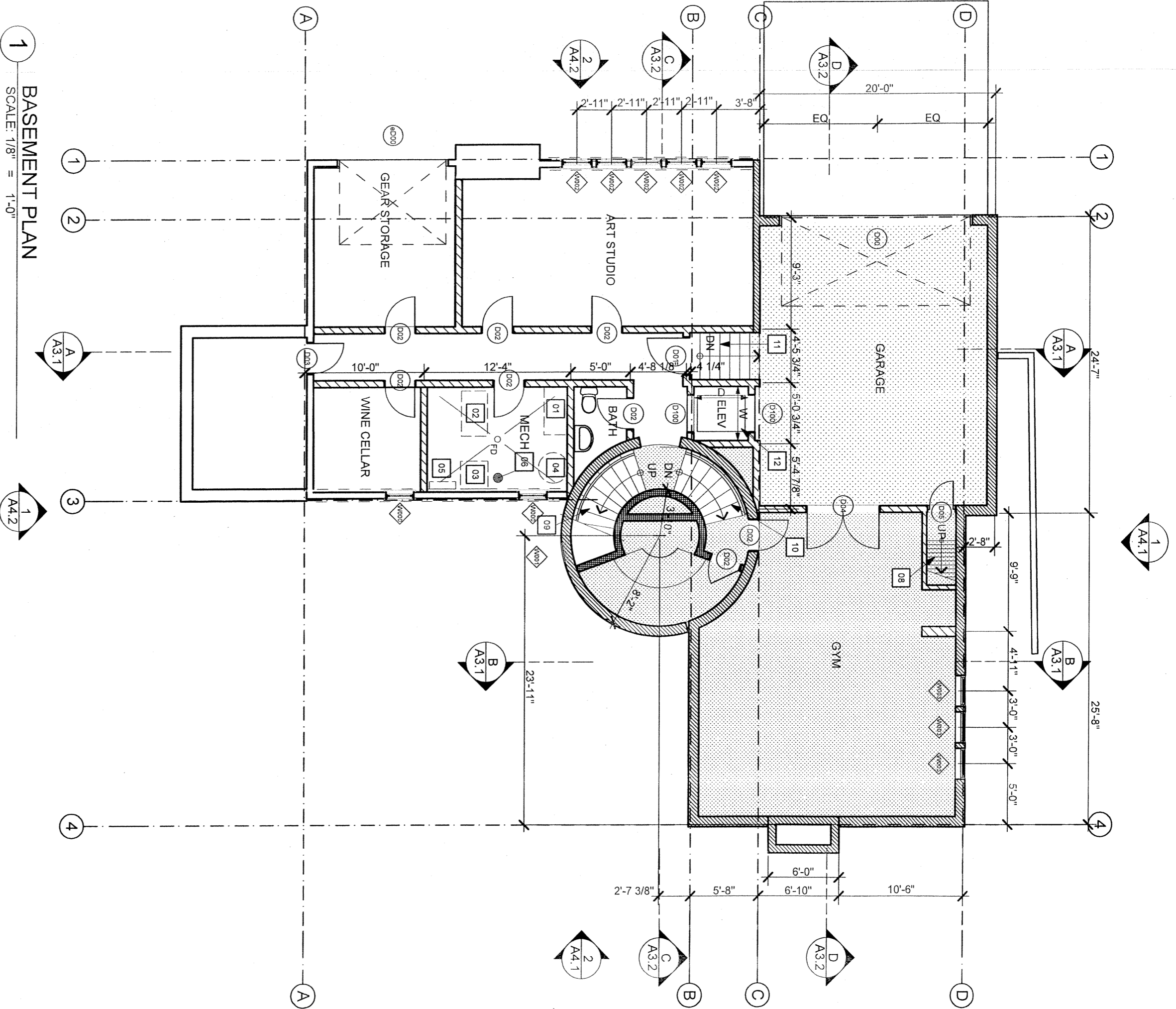
230 W 8th Street,
Juneau, AK 99801

DATE: _____

REVISIONS:



IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.



1 BASEMENT PLAN
SCALE: 1/8" = 1'-0"

- BASEMENT PLAN KEYNOTES**
- 01 NEW ELEVATOR EQUIPMENT
 - 02 NEW PROPANE FIRED GENERATOR
 - 03 NEW ELECTRIC BOILER
 - 04 NEW ELECTRIC HOT WATER HEATER
 - 05 NEW ELECTRIC PANEL
 - 06 NEW RESIDENTIAL SPRINKLER RISER
 - 07 COORDINATE HEADER HEIGHT 6'-8" ABOVE RELATIVE STAIR TREAD
 - 08 LADDER STAIR - 16R @ 6.75" 15 T @ 5"

- 09 CONCRETE STAIRS 16 R @ 6.75" 15 T MIN 7.5" AT 12" FROM THE NARROWER EDGE, WITH 36" HIGH HANDRAIL
- 10 CONCRETE STAIRS 7 R @ 6.85" 6 T MIN 7.5" AT 12" FROM THE NARROWER EDGE, WITH 36" HIGH HANDRAIL
- 11 CONCRETE STAIRS 7 R @ 6.85" 6 T @ 10", WITH 36" HIGH HANDRAIL
- 12 NEW ELEVATOR 54"W x 54 1/2"D CLEAR HOISTWAY DIMENSIONS AS SHOWN

LEGEND

	EXISTING WALL WITH NEW FINISH AND/OR CLADDING		EXISTING SLAB ON GRADE
	NEW IFC WALL		NEW NON-HEATED SLAB ON GRADE
	NEW WOOD FRAMED WALL		NEW HEATED SLAB ON GRADE
	NEW CMU WALL		



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CHOATE RESIDENTIAL REMODEL AND ADDITION

230 W 8th Street,
Juneau, AK 99801

DATE: _____

REVISIONS:

1" ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED AFFECTING ALL LABELLED SCALES.

Nicole Jones

From: Dave Hurley, Northwind Architects [dave@northwindarch.com]
Sent: Sunday, July 03, 2011 12:35 PM
To: Nicole Jones
Cc: sun@choatelawfirm.com; 'Mark Choate'
Subject: 230 W 8th variance - comments regarding visibility as requested

Hi Nicole,

Regarding the affect on visibility and safety resulting from location of the garage door flush with the existing Indian side façade of the home:

- 1) The greatest concern for visibility is for a vehicle exiting the garage in relation to downhill traffic on Indian street - that is, the exiting driver's ability to see traffic traveling down the right side of Indian Street, closest to the drive way. **Note that there is no reduction in visibility caused by moving the proposed garage door from a line set further back from Indian Street to a line flush with the existing wall of the house.** The existing wall of the house is the limiting factor. The point at which an exiting driver can finally see up Indian Street is the same whether the impediment to sight is the jamb of the new garage door, or the corner of the existing house, if the two are in the same plane.
- 2) As long as the new garage door is located at or behind the plane of the existing wall of the house, the new condition will represent a net improvement in overall safety. This is because the door to existing garage (further up hill) is located beyond the plane of the main Indian Street wall, closer to the street itself. At some point, that garage was extended out towards the street. We propose to remove this extension, pulling the door for the existing garage back in plane with the main house.
- 3) Visibility for an exiting driver down Indian Street is less of an issue as oncoming traffic from that direction is on the far side of the street. However, an exiting driver's ability to see down the street will be slightly reduced from its current condition where no garage exists. Note that the proposed garage door placement is in plane with the existing house, not at the property line or edge of pavement. Driveway length from garage door to pavement edge will be 10', which is adequate to allow and exiting driver to see down Indian prior to entering the street.

I hope that these comments help Nicole. Please feel free to call with any questions.

Thank you,

Dave

NorthWind Architects, LLC

David Hurley, AIA

Principal

119A 2nd Street
 Juneau, AK 99801

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c.907.321.4495

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Nicole Jones

From: Dave Hurley, Northwind Architects [dave@northwindarch.com]
Sent: Tuesday, July 05, 2011 4:47 PM
To: Nicole Jones
Subject: RE: dimensions of garage

Hi Nicole,

The garage width would be about 24', outside width (about 22.5' inside – our exterior wall is thick), and about 28' deep if built out flush with the existing face of the house. The current design and variance produce a garage with an inside width of about 19.5'. This is minimal, which the Owner is very concerned with.

Regarding the front yard encroachment - The Owner's have found that, despite placement of signs, and threats of towing, neighbors park in their existing "car port". This has been a problem for years. They are concerned that with the longer length driveway created with the garage wall further away from Indian Street, they are essentially creating an inviting looking parking space which, if used by uninvited guests, will block their garage door and leave the uninvited car hanging out onto the street, causing a safety issue. (the scheme with the garage wall in its previous position leaves a driveway, though longer, still too short for a full length car).

Thank you-

Dave

From: Nicole Jones [mailto:Nicole_Jones@ci.juneau.ak.us]
Sent: Tuesday, July 05, 2011 10:41 AM
To: dave@northwindarch.com
Subject: dimensions of garage

Hi Dave,

I may have overlooked the dimensions of the garage, but I can't seem to find anything in the application that states the total width and length that would result if the variance were to be granted.

Also, could you elaborate on the need for the front yard encroachment? Why do the property owners want the garage flush with the house?

Thanks so much!

Nicole Jones, Planner 1
CBJ Community Development Department
155 S. Seward St.
Juneau, AK 99801
Ph: 907.586.0218
Fax: 907.586.3365

7/6/2011



Photo taken 4/2011
During review of
VAR20110008



Photo taken 7/5/2011 - After demo and site prep for foundation
began.

ATTACHMENT 5

Nicole Jones

From: Dee Longenbaugh [deelong@alaska.com]

Sent: Thursday, June 30, 2011 10:25 AM

To: Nicole Jones

Subject: RE: Choate variance request

Dear Nicole,

Just to repeat my non-objection to the Choate request for more reduction of their front and side yard setbacks in order to build a new garage and housing space above it.

They are good neighbors and nice people and I foresee no problems to their immediate neighbors.

Also, I want to thank you and your department for your professional and personal pleasantness.

Best Wishes,

Dee Longenbaugh

Dee Longenbaugh
The Observatory, ABAA
299 North Franklin Street
Juneau, Alaska, 99801
www.observatorybooks.com
deelong@alaska.com
Since 1977
Alaska specialists

Lichen on the rock ignores a nearby lightning strike, and so it is with cartographers.

B.E.W. Allen