


# MEMORANDUM

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

**DATE:** August 18, 2011

**TO:** Board of Adjustment

**FROM:** Laura A. Boyce, AICP, Planner  
Community Development Department 

**FILE NO.:** VAR20110014

**PROPOSAL:** A Variance request to allow playground areas less than 2,500 square feet in size

## GENERAL INFORMATION

**Applicant:** Coogan General, LLC.

**Property Owner:** Coogan General, LLC.

**Property Address:** 9551 Stephen Richards Memorial Drive

**Legal Description:** USS 1564 Tract A & B & USS 2100 FR

**Parcel Code Number:** 5-B21-0-131-000-0

**Site Size:** 19.59 acres

**Zoning:** D-15

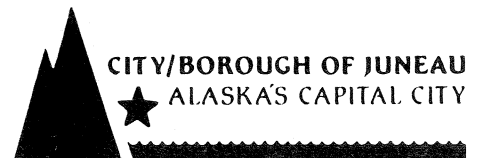
**Future Land Use:** MDR (Medium Density Residential)

**Utilities:** Public Sewer and Water

**Access:** Stephen Richards Memorial Drive

**Existing Land Use:** Mobile Home Park, Alderwood Apartments, Convenience Store

**Surrounding Land Uses:** North – D-15; Stephen Richards Memorial Drive, Glacier View MHP  
South – D-15; Gross Alaska Cinema, Aldersgate United Methodist Church  
East – D-15; Mendenhall Loop Road  
West – D-15; Park Place Subdivision



## **PROJECT DESCRIPTION**

The applicant requests a variance to the following Mobile Home Park development standard CBJ §49.65.310 (b)(3) *Recreation; playgrounds* which states that “*no playground area shall contain less than 2,500 square feet*”. The applicant is proposing to provide three infill pocket parks within Sprucewood Mobile Home Park in addition to a larger playground area adjacent to Duck Creek. Two of the proposed pocket parks are less than 2,500 square feet, at 1,844 square feet and 1,500 square feet respectively. A concurrent Conditional Use case (MHF20110001) is being sought for three additional mobile home spaces as well as relocating the playground from its currently approved location.

## **BACKGROUND**

Sprucewood Mobile Home Park was originally approved in 1971. Providing a playground was a requirement of the original mobile home park. However, since that time, the mobile home park has not provided the playground as required. The current owners inherited this situation when they purchased the property. As discussed in detail in the concurrent Conditional Use permit staff report (MFH2011 0001), the currently designated playground area is being used as tenant boat storage. This approximate 22,500 square foot area is located on the west side and behind the Alderwood Apartments. In fact, although this area was designated as the playground area since 1982, it has never been used as such and has been used for tenant boat storage, even prior to the current owner’s purchasing of the property. Despite this, there is an informal playground area that exists along the west side of Duck Creek near Alderwood Apartments (see Attachment A). The currently designated playground location (i.e., the boat storage area) is a central location within Sprucewood Mobile Home Park that is accessible by both park residents and the apartments. However, the applicant desires to keep the boat storage in its current location as it’s an important amenity to the park residents.

As part of the concurrent Conditional Use permit request, MHF2011 0001, the applicant proposes a larger park area along Duck Creek which is at the eastern edge of the 19± acre property. This proposed location is not easily accessible to smaller children because in order to access the park they would traverse along Stephen Richards Memorial Drive for a portion of the way. To offset this, the applicant is proposing three smaller pocket parks within the park itself that will be accessible to smaller children. These pocket parks are located at the end of two of the cul-de-sacs. The larger playground areas along Duck Creek are proposed for older children and their families. Two of the proposed pocket parks do not meet the minimum size requirement for playgrounds and thus, require a variance for approval.

CBJ 49.65.310 (b)(3) requires a minimum of 200 square feet of playground area be provided per each mobile home within a mobile home park. With the addition of three spaces to the park, Sprucewood Mobile Home Park will be required to provide 22,400 square feet of playground area. The applicant is proposing five playground areas as follows (please refer to Attachment A):

1. 13,721 square feet along the east side of Duck Creek (see Duck Creek Play Area East);
2. 17,170 square feet along the west side of Duck Creek (see Duck Creek Play Area West);
3. A 2,973 square foot pocket park adjacent to spaces 18 and 19 (see PA 18-19);
4. A 1,844 square foot picket park adjacent to spaces 16 and 17 (see PA 17-18); and
5. A 1,500 square foot pocket park adjacent to spaces 4 and 5 (see PA 4-5).

Although the applicant is proposing to provide a total of 37,208 square feet of land designated for recreation and playground, which is 14,808 square feet more than the minimum required, the code is clear that no playground areas can be less than 2,500 square feet in size. Thus, this variance is being sought by the applicant.

## ANALYSIS

### **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.***

In the concurrent Conditional Use permit case (MFH20110001), the applicant requests three additional mobile home spaces as well as moving the required playground location, which is currently designated in a central location within the park, to other locations within the park. In order to provide accessible playground areas for park residents, the applicant proposes three small pocket parks designed for younger children. The idea for these pocket parks is that they are located close to resident's homes so that smaller children can walk a short distance from home to use these parks. Relaxation from the 2,500 square foot minimum playground size requirement would allow the park owner to provide these additional amenities, and a choice of playground areas, to its residents.

While the code does not specify where playground areas are to be located, nor what features the playgrounds should contain at a minimum, it does require that playground areas not be less than 2,500 square feet in size. Compliance with the code requirement in this case would be that the two pocket parks would not be provided and thus the mobile home park's children would travel a greater distance to the larger playground area proposed along Duck Creek.

Other parks nearby are not complying with the playground area requirement of this code; what the applicant is proposing is equal to or more than what other nearby mobile home parks are currently providing. The variance provides relief and is consistent with justice to other property owners.

**This criterion has been 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 applicant is proposing to provide more than the minimum playground area requirement. Approximately 37,208 square feet of park area is being proposed by the applicant while only 22,400 square feet is required. The alternative is that the applicant not provide these two smaller park areas within the park as amenities for its residents. Children would then have to travel a greater distance within the park, and along Stephen Richards Memorial Drive, a collector road, in order to access the playground area. Smaller infill parks would be closer to homes and would thereby be a more accessible and safer option for smaller children.

According to the 2000 Census, mobile home parks in Juneau have a higher percentage of children than Juneau overall as noted below:

	Juneau Borough	Sprucewood Mobile Home Park
Total Population	30,711 (100%)	948 (100%)
Under five years	6.51%	7.17%
Age 5 – 9	7.62%	10.13%
Age 10 – 14	8.27%	10.34%
Age 15 – 17	4.99%	5.06%

The smaller pocket parks are aimed at age group nine and below, those that are less likely to travel to the larger playground area along Duck Creek without a parent. Staff is recommending a condition that each approved pocket park install an amenity that is geared toward this age group. Additionally, another condition is recommended to ensure the ongoing maintenance of playground equipment to ensure safety.

**This criterion has been met.**

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

If this variance were to be approved, the addition of two pocket parks will not injure nearby properties. The property is owned by the applicant and the proposed pocket parks are not adjacent to other neighboring subdivisions. There is no evidence to suggest that the approval of this variance would injure nearby property.

**This criterion has been met.**

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

Mobile home parks are permitted in the D-15 zone district with Conditional Use approval. The park was approved for this use in 1971 and has been amended over time.

**This criterion has been 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 not prevent the owner from using the property as a mobile home park or from providing playground areas, a requirement for mobile home parks to provide its residents.

**This 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;***

Providing small playgrounds throughout the park is more than what other nearby mobile home parks are currently providing to their residents. They are proposing to provide more than what their neighbors are providing its residents.

**This criterion is met.**

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

The property is relatively flat and developed with mobile homes, a 30-unit apartment complex, and a convenience store. Duck Creek, an anadromous stream, is located along the eastern portion of the property. There are no unique physical features that render compliance with the standards unreasonably expensive.

**This 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.***

There are no preexisting nonconforming conditions on the subject parcel.

**This criterion is not met.**

**Since sub-criterion B is met, criterion 5 is met.**

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

As evidenced throughout this staff report, these proposed pocket parks, although they are less than 2,500 square feet, aim to address the recreation needs of younger children within the park. Even though the parks individually are less than the required size, they are more conveniently located than the large play area which complies with the minimum lot size. Collectively, the pocket parks are larger than the 2,500 square feet minimum size requirement. Although these infill playgrounds will not be able to provide more playground equipment due to their smaller size, they will still address the playground needs of younger children within the park. The alternative option – to not provide the smaller playgrounds – would be more of a detriment because there will be less recreation options for the resident's younger children.

**This criterion is met.**

## **FINDINGS**

**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 pocket parks. 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.**

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

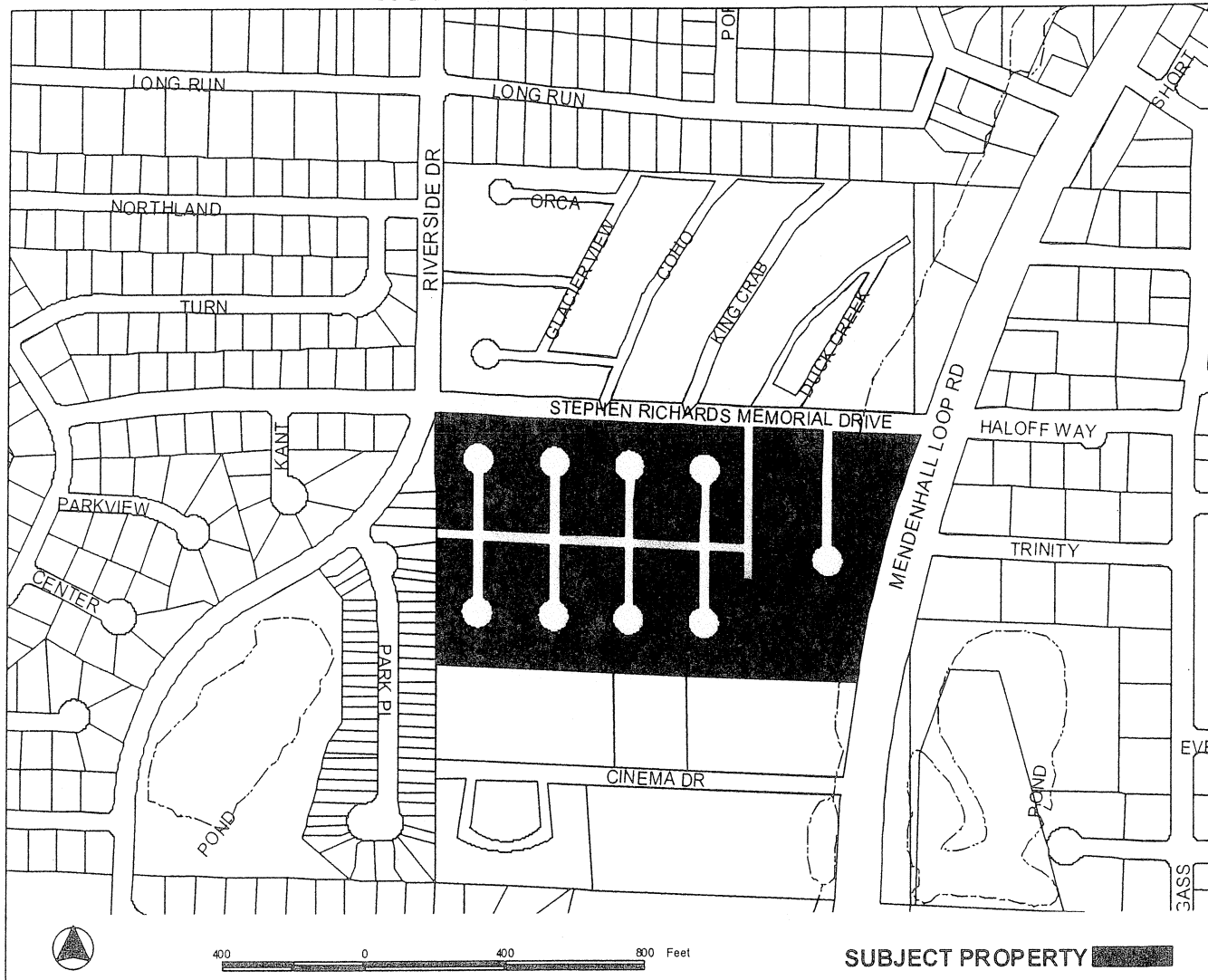
**Yes.** Based on the analysis provided above, staff finds that the proposal does meet the criteria of CBJ §49.20.250, *Grounds for Variance*.

**RECOMMENDATION**

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance (VAR20110014) for two smaller pocket parks less than 2,500 square feet in size in the Sprucewood Mobile Home Park, with the following conditions:

1. Prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any new mobile home, a picnic table and at least one of the following playground improvements listed below are to be in place in both approved pocket parks less than 2,500 square feet in size:
  - Wooden stepping timbers or tires placed at varying heights;
  - Sand box using natural landscape timbers as boundaries;
  - Swing set;
  - Slide; or
  - A series of balance beams placed 6" above the ground at alternating angles.
2. It shall be the obligation of the park owner to install and maintain playground improvements in working condition.

# NOTICE OF PUBLIC HEARING



VAR20110014: A Variance Request to allow playground areas less than 2,500 square feet in size.

**PROPOSAL:** MHF20110001: A Mobile Home Final permit for the addition of two new spaces within Sprucewood Mobile Home Park.

<p><b>FILE NO:</b> VAR20110014 MHF20110001</p> <p><b>TO:</b> Adjacent Property Owners</p> <p><b>HEARING DATE:</b> August 09, 2011</p> <p><b>HEARING TIME:</b> 7:00 PM</p> <p><b>PLACE:</b> <b>ASSEMBLY CHAMBERS</b> Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p><b>APPLICANT:</b> COOGAN GENERAL LLC</p> <p><b>Property PCN:</b> 5-B21-0-131-000-0</p> <p><b>Owner(s):</b> COOGAN GENERAL LLC</p> <p><b>Size:</b> 19.59 acres</p> <p><b>Zoned:</b> D-15</p> <p><b>Site Address:</b> 9951 STEPHEN RICHARDS MEMORIAL DR</p> <p><b>Accessed via:</b> STEPHEN RICHARDS MEMORIAL DR</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 Laura Boyce at (907)-586-0753 or e-mail [laura\\_boyce@ci.juneau.ak.us](mailto:laura_boyce@ci.juneau.ak.us)

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plancomm](http://www.juneau.org/plancomm).



Parcel Code: 5B 2101310000

# VARIANCE APPLICATION related to USE 2010-0027

Project Number	Project Name (15 characters)	Case Number	Date Received
		VAR20110014	5/25/11

### TYPE OF VARIANCE REQUESTED:

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

### DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

USE OPEN SPACE AS PARK AREAS OF LESS THAN 2500 SQ. FT. (POCKET PARKS)

### Previous Variance Applications?

YES  NO

Date of Filing: \_\_\_\_\_

Previous Case Number(s): N/A

Was the Variance Granted?  YES  NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): MOBILE HOMES ARE LOCATED IN SUCH A WAY THAT CREATES SMALLER OPEN PARK AREAS THROUGHOUT THE PARK.

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

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

YES

### WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

POSSIBLY

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>6234</u>	<u>Edw 029</u>	<u>5/26/11</u>

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

TO BE COMPLETED BY THE APPLICANT

# DEVELOPMENT PERMIT APPLICATION

Project Number.	<b>CITY and BOROUGH of JUNEAU</b>	Date Received: <span style="font-size: 1.2em;">9/22/10</span>
Project Name (City Staff to Assign Name) <span style="font-size: 1.2em;">three spaces</span>		

INFORMATION

**Project Description**  
Add one mobile home space to Sprucewood Park. The new space results from the removal of the mobile home on Space-52. This space was over-sized and can be easily divided to create two spaces instead of one. Space 52 would become 52A and 52B. Approval of this application will result in a total of 111 mobile home rental spaces. 112 spaces total.

PROJECT / APPLICANT

**Street Address**  
9951 Stephen Richards

**City/Zip**  
Juneau AK 99801

**Legal Description(s) of Parcel(s)** (Subdivision, Survey, Block, Tract, Lot)

**Assessor's Parcel Number(s)**  
5B 2101310000

<b>Property Owner's Name</b> Coogan General LLC	<b>Contact Person:</b> Wayne Coogan	<b>Work Phone:</b> 907-780-6000
<b>Mailing Address</b> PO 34499 Juneau AK 99803	<b>Home Phone:</b> 907-723-7634	<b>Fax Number:</b> 907-780-6001
<b>E-mail Address</b> mail@cooganalaska.com	<b>Other Contact Phone Number(s):</b> 907-723-7631	

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 2010-SEP-09  
Date

X \_\_\_\_\_  
Landowner/Lessee Signature Date

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.

<b>Applicant's Name</b> Same	<b>Contact Person:</b>	<b>Work Phone:</b>
<b>Mailing Address</b>	<b>Home Phone:</b>	<b>Fax Number:</b>
<b>E-mail Address</b>	<b>Other Contact Phone Number(s):</b>	

X 2010-SEP-09  
Date of Application

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS

<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)		
<input checked="" type="checkbox"/> Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	<span style="font-size: 1.2em;">9-22-10</span>	<span style="font-size: 1.2em;">USE 20700027 CONDITIONAL USE</span>
Variance Case (De Minimis and all other Variance case types)		
Wetlands Permits		
Zone Change Application		
Other (Describe)		

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

Comments:

AND FOR THE FUTURE - REPLACE SPACE 64 WITH 64A & B  
 ALSO REPLACE SPACE 89 WITH SPACES 89A & 89B

## Proposed Playground for Sprucewood Park

We propose to add a Natural Playground to the Sprucewood Park. This playground would consist of the following:

### Larger Play Area

1. Slide set on a sloping, grass covered hill
2. Wooden stepping timbers placed at varying heights, the tallest being 12" high to promote balance in younger children
3. A series of 3 balance beams placed 6" above the ground at alternating angles to promote balance and development of large motor skills in children
4. Large sand box using natural landscape timbers as boundaries
5. Picnic tables to encourage family play outings in the play area
6. Construct a short sided boat with seats and 2 steering wheels to promote creative and imaginative play

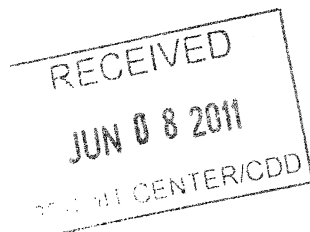
### Smaller Play Area

1. Use one or more of the items above as space allows

The larger area that borders Duck Creek will be left as an open space with no fencing. We can post signs noticing people that the creek and the fish therein are not to be disturbed.

The smaller "pocket parks" will not have additional fencing at this time. The park perimeter fence along Steven Richards Drive will keep children inside the park area.

Approval of the variance request to use the smaller pocket parks as part of the playground area requirement as specified in the Municipal Code Article III, 49.65.310 will allow us to maximize the amount of affordable housing spaces in Sprucewood Park and meet the spirit of the code requirement. The tenants we spoke with liked the idea of a small area with a play item or two and picnic tables.



ATTACHMENT A

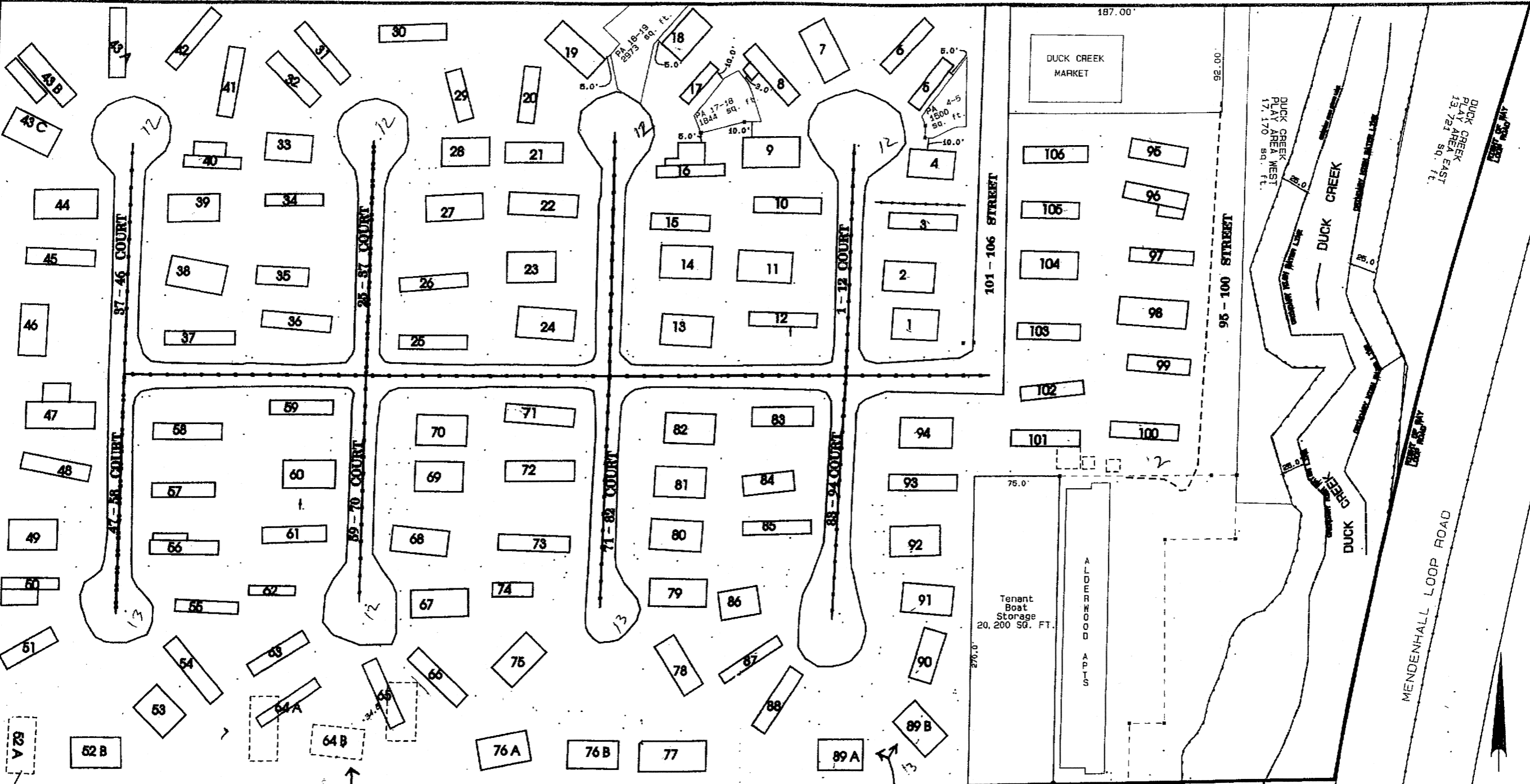
STEPHEN RICHARDS MEMORIAL DRIVE

EAST - 1320.00'

RIVERSIDE DRIVE

PARK PLACE  
U.S.S. 4598

NO. 31, 42'E  
678.11'



PROPOSED Development Allow by this Permit

PROPOSED FUTURE Development, ALLOW UNDER THIS APPLICATION WHEN EXISTING HOMES (64A & 65) ARE REPLACED PER CBJ REGS.

WEST 1182.56'

SPACE 89 REPLACED WITH SPACE 89A & 89B

SPRUCEWOOD

SCALE 1"=90'

