


MEMORANDUM

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

DATE: December 7, 2011

TO: Planning Commission

FROM: Eric Feldt, Planner, CFM 
Community Development

FILE NO.: AAP2011-0014

PROPOSAL: A Conditional Use permit for an accessory apartment in the Mendenhall Peninsula on a lot not served by public sewer.

GENERAL INFORMATION

Applicant: Michael Saltzman

Property Owner: Michael Saltzman

Property Address: 1685 Fritz Cove Rd

Legal Description: Lot E1 Olmsted Heights

Parcel Code Number: 4-B18-0-104-002-6

Site Size: 1.43 acres

Zoning: D-1

Utilities: City Water; On-site Waste Water Treatment System

Access: Fritz Cove Road

Existing Land Use: Single-Family Dwelling

Surrounding Land Use:

North	D-1; Vacant Private Land; Fritz Cove Road
South	D-1; Single-family Dwelling; Fritz Cove Road
East	RR; Vacant City Land; Fritz Cove Rd/ Mend. Pen. Rd.
West	D-1; Single-family Dwelling; Fritz Cove Road

ATTACHMENTS

Attachment A	Vicinity Map
Attachment B	As-Built Survey
Attachment C	Project Drawings

PROJECT DESCRIPTION

The applicant wants to build an accessory apartment on a lot near Engineer's Cut-Off along Fritz Cove Road. Since the property is not served by city sewer, and instead by an on-site waste water treatment system, the Land Use Code requires the applicant to obtain an approved Conditional Use permit.

The apartment will be created by converting an existing detached carport. This structure is pictured in Figure 1 below. The apartment would have one bedroom and be 382 square feet in size.

BACKGROUND

In 2003 the applicant constructed a single family house and a detached carport on the subject lot. Half of the carport is enclosed for utility purposes while the open half is used for parking.



Figure 1: The applicant wishes to convert the carport shown in the photograph above into an apartment. Picture taken by staff on 11-21-11.

Section CBJ § 49.25.510(d)(2) of the Land Use Code permits accessory apartments in all residentially-zoned districts, including lots that have reached maximum density. The latter scenario is allowed as a special density consideration. All accessory apartments are restricted to a size of 600 square feet of net floor area and one bedroom. With these restrictions, accessory apartments primarily accommodate single dwellers, and therefore, do not have the same impacts as a typical residence such as traffic volume, parking demand, etc. For these reasons, the code permits accessory apartment as a special density consideration.

Most properties on the Mendenhall Peninsula (except along Glacier Highway) do not have access to city sewer, and instead have private on-site waste water treatment systems (OWTDS) or marine outfalls. Due to challenging topography and low housing density in the area, city sewer is not likely to be extended to the peninsula in the near future.

Due to Juneau's cold climate and ill-suited soil-types for OWTDS, these systems often need frequent maintenance. Many systems are not maintained regularly and have failed. To ensure proper system capacity, the City Regulatory Engineering Department requires systems to be approved by the Alaska Department of Conservation (DEC) prior to permitting a new or expanded dwelling unit. After installation of an OWTDS, the responsibility of maintaining it lies with the property owner.

ANALYSIS

Project Site:

The property is located along the up hill side of Fritz Cove Road near Engineers Cut-off. See Figure 2 below. There is a single-family dwelling and accessory structures on the property.



Figure 2: The driveway shown in the picture above leads to the existing dwelling and carport, as well as an adjacent property. There is a small, non-conforming driveway located behind the mailbox likely within the right-of-way. At the date of this memorandum, snow covers both driveways. Picture provided by Google Earth and used for visibility of driveways.

Proje

The north side of the panhandle-shaped lot is developed with a single-family dwelling and a small detached carport and shop building. The rest of the property is undeveloped and contains thick brush and tall spruce trees. The ascending driveway shown in Figure 2 is shared by the subject lot and an adjacent lot that lies closer to Fritz Cove Road.

Traffic:

The subject property is accessed from Fritz Cove Road. With the restriction of a single-bedroom apartment, the dwellers of the apartment will likely have only one vehicle. The proposed apartment will not increase traffic volume beyond what currently exists.

Since Fritz Cove Road is maintained by the State Department of Transportation (DOT) staff solicited comments from DOT on the proposal. The DOT did not have any concerns with this project so long as the parking is not in the right-of-way (ROW). There is a small, two track driveway immediately adjacent to the road, as seen in Figure 2 above. This driveway is likely within the ROW and is not permitted to be used for parking. DOT indicates that a future repaving project for Fritz Cove Road will likely affect this driveway.

Parking and Circulation:

Two off-street parking spaces are required for the existing single-family dwelling, which was met during the construction of the dwelling. One parking space is required for the apartment, making a total of three spaces. There are adequate parking areas in front of and next to the existing carport for all vehicles to park and navigate into and out of the driveway. Though the single parking space within the existing carport may have been used to meet the parking requirement for the dwelling, adequate parking will still exist if converted.



Noise:

Figure 3: The picture above shows where the 3 required parking spaces would be located. The carport in question is to the left of the picture and the driveway is to the right. Picture taken by staff on 11-21-11.

Noise:

Adding a single-bedroom apartment to the site can be comparable to adding an additional bedroom to the existing house. Increased noise levels with the accessory apartment are expected to be low to none. Additional traffic from the apartment is also likely to be negligible with existing traffic noise levels.

Public Health or Safety:

Adding a single-bedroom apartment at the site will not increase traffic volume or congestion. During Building permit review DEC approval of the OWTDS will be required. Therefore, the health and safety of the public will be preserved with the apartment.

Habitat:

An eagle's nest was mapped near the subject property. The Land Use Code restricts development near eagle nests, however, it could not been located by staff. Therefore, this setback does not apply. There are no wetlands, anadromous streams or other habitats regulated by the Land Use Code that could be affected with this project.

Property Value or Neighborhood Harmony:

The carport is located up hill from the roadside and cannot be seen by drivers on Fritz Cove Road, as shown in Figure 2. There are several accessory apartments throughout the Mendenhall Peninsula that have been in operation for many years with little to no disruption to the harmony of the neighborhood. There has been no evidence presented suggesting that accessory apartment have a detrimental effect to property value.

Conformity with Adopted Plans

The property in question is in a D-1 zoning district, which is intended to accommodate primarily single-family and duplex residential development in areas outside of the urban service boundary at a density of 1 dwelling unit per acre. The urban service boundary marks an area within the borough that has city water and sewer. The subject property lies outside of this area. As indicated on the first page of this memorandum, the lot size is 1.43 acres. With restrictions to floor size and number of bedrooms there is adequate space on the lot for a single-family and accessory apartment. Sufficient space exists for parking spaces and maneuvering. Overall, the size of the lot can accommodate the functions of two dwelling units. The project meets the definition of the D-1 district and complies with the Land Use Code.

2008 Comprehensive Plan

The Comprehensive Plan categorizes this area of the Mendenhall Peninsula as Rural/Low Density Residential (RLDR), "Defined as rural residential land at densities of one to three dwelling units per acre, based on existing platting and capability of the land to accommodate onsite septic systems and wells or whether the land is served by municipal water and sewer service."

The density of the subject neighborhood meets the density indicated in the RLDR. Prior to construction of the apartment, the CBJ will ensure that the OWTDS complies with DEC regulations.

The Comprehensive Plan indicates that there is a housing shortage in Juneau and there are limited choices in housing size, location and price, as well as a very low housing vacancy rate. Creating a new rental unit will help add more housing choices.

The following policies of the Comprehensive Plan are germane to the proposal:

POLICY 4.1. IT IS THE POLICY OF THE CBJ TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR ITS RESIDENTS.

POLICY 10.3 IT IS THE POLICY OF THE CBJ TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS

POLICY 10.6 IT IS THE POLICY OF THE CBJ TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY.

As stated earlier, the proposed accessory apartment will be created by converting an existing carport and increase the use of the land without removing vegetation. The apartment will not be seen by vehicles along Fritz Cove Road. The new dwelling will not reduce or effect the movement of light, air, or surface drainage. The OWTDS will be capable of accommodating a second dwelling unit on the site. Therefore, staff finds the project consistent with the applicable recommendations and policies of the 2008 Comprehensive Plan.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according CBJ §49.25.510 (d)(2)(G).

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the December 9, 2011 and December 19, 2011 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. As indicated earlier, the OWTDS will be capable of accommodating a second dwelling unit on the site. Traffic volume in the neighborhood is expected to be preserved with the additional apartment.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. As stated in this memorandum, many accessory apartments exist in the Mendenhall Peninsula area without disrupting the harmony of the neighborhood, and no evidence suggests a decrease in adjacent property value with the accessory apartment.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. As indicated earlier, the accessory apartment will comply with the Land Use Code. The CBJ will ensure that the existing OWDTs will be capable of accommodating another dwelling unit. Adding another dwelling unit in a neighborhood where other accessory apartments exist will result in negligible impacts to the neighborhood. Further, the new dwelling would add additional housing stock where a housing shortage and choice currently exist.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

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

N/A. None of the JCMP regulations are germane to the proposal.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an accessory apartment.

NOTICE OF PUBLIC HEARING



PROPOSAL: A Conditional Use permit for an accessory apartment on a lot not served by city sewer.

FILE NO.:	AAP2011-0014	APPLICANT:	Michael Saltzman
TO:	All Adjacent Property Owners	PROPERTY OWNERS:	Michael Saltzman
HEARING DATE:	December 20, 2011	PROPERTY ADDRESS:	1685 Fritz Cove Road
HEARING TIME:	7:00 PM	SITE SIZE:	1.43 acres
PLACE:	ASSEMBLY CHAMBERS Municipal Building 155 South Seward Street Juneau, Alaska 99801	ACCESS:	Fritz Cove Road
		ZONING:	D-1

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 at (907) 586-0764, or e-mail: eric_feldt@ci.juneau.ak.us



FRITZ COVE RD
VICINITY

-NOT A SURVEY-
Property lines are approximate

Map created: 11/21/ 2011



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

0 125 250
Feet

Approved for Zoning 3/9/2010

BLD 2003-00479

PC# 4-B18-0-104-002-6

LOT D
U.S.S. 2390

N88°27'05"E 306.01'

C3 LFE

68.71'
S88°27'05"W

N57°30'31"W 87.50'

LEGEND● B.L.M. PRIMARY
MONUMENT RECOVERED● 5/8" REBAR W/ CAP
SET THIS SURVEY
D FINLEY LS 6277Subject Carport
(Existing Dwelling not shown
in survey)

LOT E-1

SHOP

OPEN
CARPORTGARDEN
SHED

GREENHOUSE

LOT E-2

NORTH 249.98'

118.2'

WEST 174.83'

333.59'

BASIS OF BEARING
S01°33'01"E 650.55' REC
650.22' FD

U.S.S. 3816

WC 68.92'

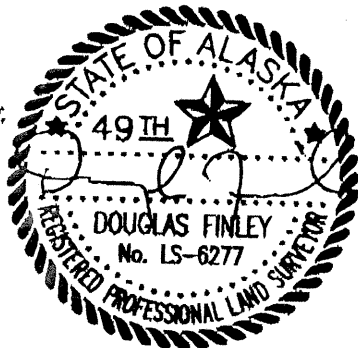
RECEIVED

FEB 19 2010

PERMIT CENTER / CDI

50' 0 50'
Scale in feetCERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM REGISTERED
AND LICENSED TO PRACTICE LAND
SURVEYING IN THE STATE OF ALASKA, AND
THAT THIS SURVEY PRESENTS A SURVEY
MADE BY ME OR UNDER MY CLOSE PERSONAL
SUPERVISION AND IN ACCORDANCE WITH THE
NORMAL STANDARD OF CARE OF
PROFESSIONAL LAND SURVEYORS
PRACTICING IN SOUTHEAST ALASKA, AND THAT,
ON THE BASIS OF MY KNOWLEDGE,
INFORMATION AND BELIEF, DETAILS
SHOWN HEREON INCLUDING DESCRIPTIONS
OF MONUMENTS FOUND AND SET, ARE
TRUE AND CORRECT.

LOT F
U.S.S. 2390

SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

AS-BUILT SURVEY OF OUTBUILDINGS ON

LOT E-1

OLMSTEAD HEIGHTS SUBDIVISION

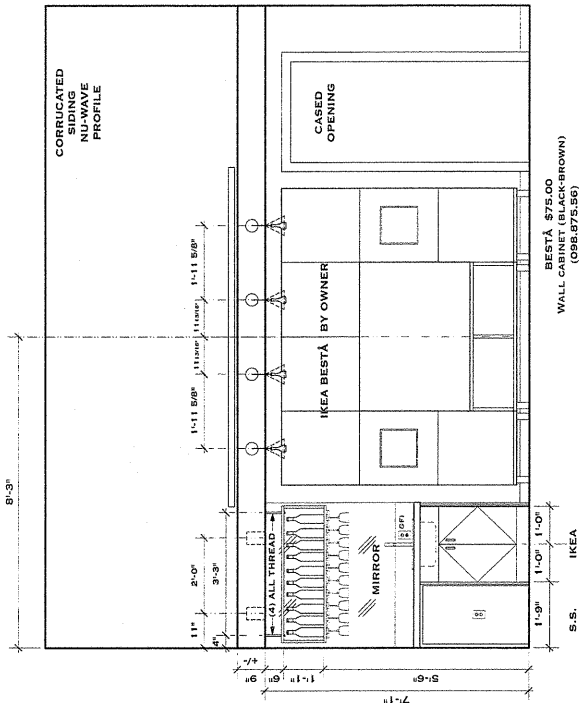
U.S. SURVEY NO. 2390

DATE: 2/15/10 #03-408-A1 SCALE: 1"=50'

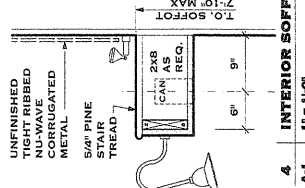
DOUGLAS FINLEY LAND SURVEYING - JUNEAU, ALASKA

NOT A COMPLETE AS BUILT SURVEY OF SUBJECT PROPERTY.
OTHER EASEMENTS EXIST ON THIS LOT WHICH ARE NOT SHOWN HEREON.

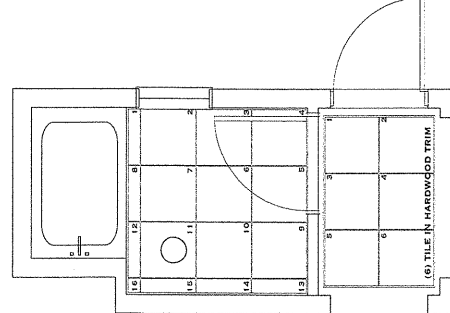
ATTACHMENT B



2 INTERIOR ELEVATION
A-1 1/2" = 1'-0"

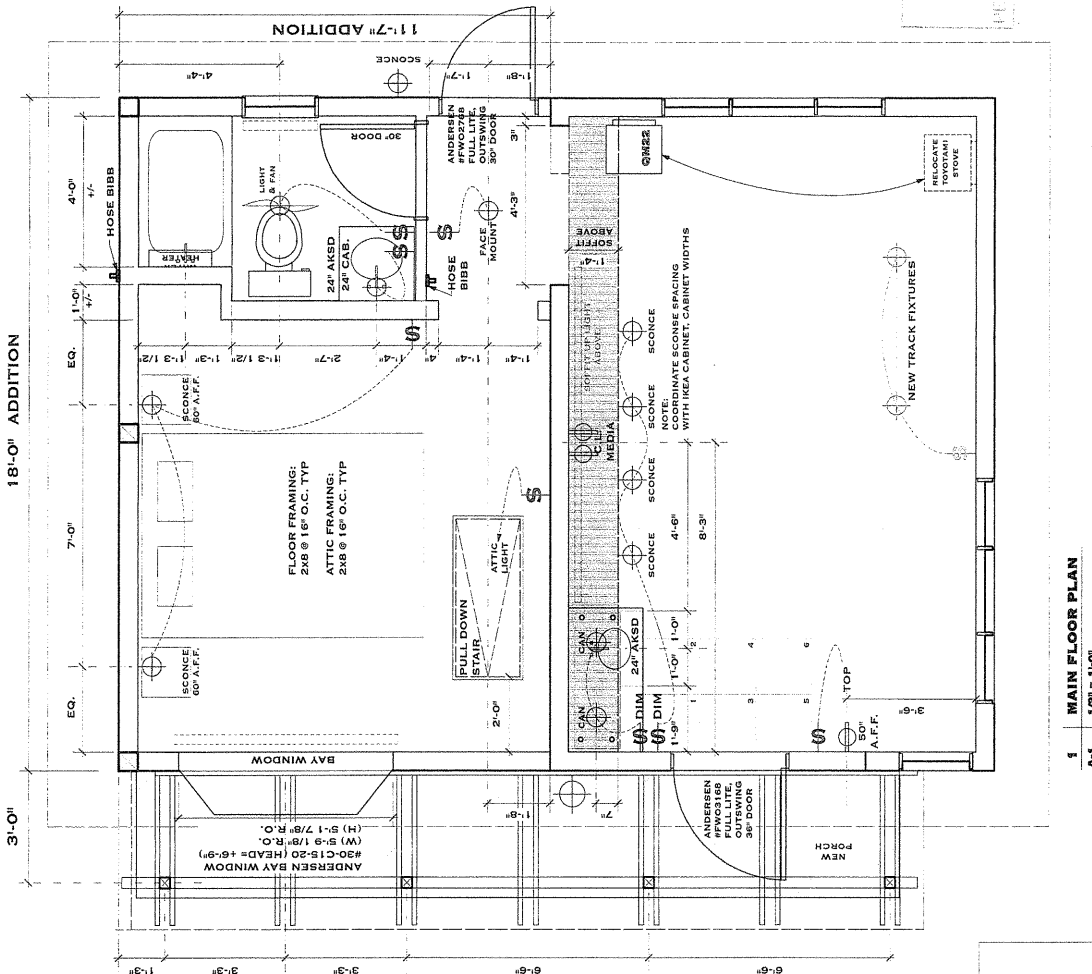


4 INTERIOR SOFFIT
A-1 1" = 1'-0"



3 TILE PLAN
A-1 1/2" = 1'-0"

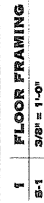
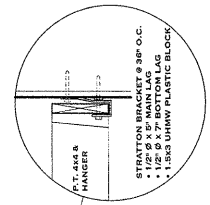
BATHROOM FINISHES:
 CEILING PAINT:
 • COLOR - "WHIP" (WITH PEARL FINISH)
 WALL PAINT:
 • COLOR - "CLUSTARD" (WITH PEARL FINISH)
 18" x 18" FLOOR TILE:
 • COLOR - "CLUSTARD" (WITH PEARL FINISH)
 HOME DEPOT (#C691-984) (#C691-984) (#C691-984) BOX
 (GROUT - #132 MUSHROOM) HOME DEPOT
 FLOOR TILE GROUT:
 (GROUT - #132 MUSHROOM) HOME DEPOT
 WALL TILE:
 US CERAMIC - "ACADIA LAVA"
 HOME DEPOT (#C691-984) (#C691-984) BOX
 WALL TILE #2 (TRIM):
 HOME DEPOT (#C691-984) (#C691-984) BOX
 HOME DEPOT (#C691-984) (#C691-984) BOX
 WALL TILE GROUT:
 (GROUT - #132 NEW TAUPE) HOME DEPOT



1 MAIN FLOOR PLAN
A-1 1/2" = 1'-0"

REVISION TO PERMIT #BLD 2011-0310

richconneen Architects LLC 7081 N. Douglas Hwy. Joplin, MO 64601 T: (807) 584-3180 F: (807) 584-3181 E: info@richconneen.com		MIKE SALTZMAN CABIN 1000 WEST LAVA RD. JOPLIN, MO 64601 938-3173	PLANS DATE: 1/10/11 SCALE: A-1 AS NOTED
SCOPE OF PROJECT: 1. NEW 70 S.F. PORCH 2. NEW 208 S.F. ADDITION 3. REMODEL OF 187 S.F. 4. REMODEL OF 187 S.F. - EXIST. PERMIT EXISTS.			



REVISION TO PERMIT #BLD 2011-0310



richconneen
Architects LLC
7081 N. Douglas Hwy.
Juneau, AK 99801
T: (907) 586-3180
F: (907) 586-3182
E: rich@richconneen.com

PLANS

**MIKE
SALTZMAN
CABIN**

DATE: 11/3/11

SCALE: AS NOTED

1676 FRITZ COVE RD.
JUNEAU ALASKA
999-3173

11/3/11
SCALE: