


# MEMORANDUM

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

**DATE:** February 9, 2012

**TO:** Planning Commission

**FROM:** Eric Feldt, Planner, CFM   
Community Development Department

**FILE NO.:** AAP2012-0001

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

## GENERAL INFORMATION

**Applicant:** Brad Cure

**Property Owner:** Brad Cure

**Property Address:** 7348 North Douglas Hwy

**Legal Description:** Lot 75 USS 3272

**Parcel Code Number:** 6-D09-0-100-002-0

**Site Size:** 1.18 acres

**Zoning:** D-1

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

**Access:** North Douglas Hwy

**Existing Land Use:** Residential

**Surrounding Land Use:**

North	- Mendenhall State Game Refuge
South	- D-1; Single-family Dwelling; N. Douglas Hwy
East	- D-1; Single-family Dwelling; N. Douglas Hwy
West	- D-1; Private Vacant Land; N. Douglas Hwy



CITY/BOROUGH OF JUNEAU  
★ ALASKA'S CAPITAL CITY

## **ATTACHMENTS**

Attachment	A	Vicinity Map
Attachment	B	Floor Plans
Attachment	C	Site Plan
Attachment	D	P.E. Sewer Letter

## **PROJECT DESCRIPTION**

The applicant proposes an accessory apartment within an existing single-family residence in North Douglas (see vicinity map). Since public sewer does not reach this property, the applicant is required to file a Conditional Use permit per section 49.25.310 (d)(2)(G)(ii) *Special Density Considerations* of the Land Use Code.



Figure 1: Photograph of residence. Proposed accessory apartment is on ground floor at same level of garage door on left side. Picture provided by applicant; date unknown.

## **BACKGROUND**

The owner is currently remodeling the ground level of the 2-bedroom residence into additional living space (Building permit BLD2011-692). This area had two garage bays and one bathroom. Construction includes: 1) Remove 1 of 2 garage bays to create small rooms; 2) Install drywall and electrical fixtures throughout rooms; and 3) Add new utility sink in new kitchen. The existing bathroom and one garage bay were retained.

The applicant recently revised the Building permit to add new kitchen fixtures instead of the utility sink. One of the rooms would be made into a bedroom. See Attachment B for layout. The new kitchen prompted staff to inform the applicant that this constitutes a second dwelling and could only be permitted as an accessory apartment through section CBJ § 49.25.310 (d)(2)(G)(ii) of the Land Use Code.

According to the this code, accessory apartments are limited to 1 bedroom and a maximum of 600 square feet of net floor area. Because of these limitations, accessory apartments typically do not create substantial increases in noise, light, parking demand or other obtrusive elements of development. Accessory apartments have been built in many residential neighborhoods throughout the borough with little to no complaints.

## **ANALYSIS**

### **Project Site**

The lot is located on the waterside of North Douglas Highway in a single-family dwelling neighborhood. Conifer trees at varying heights are located throughout the site. At over 1 acre in size, this lot is comparable to others in the neighborhood. An existing driveway off of the highway provides access to the house. Attachment C shows where the house sits on the property.

### **Project Design**

A floor plan of the residence is shown on Attachment B. The proposed apartment is on the ground level and consists of one bedroom, one bathroom, and an open kitchen leading into a living room. The apartment space forms around a garage. According to the applicant, the apartment consist of 590 square feet of net floor area.

### **Traffic**

Since North Douglas Highway is the only road in the neighborhood, everyone who lives in the area travels on it to reach other parts of the borough. The accessory apartment will likely have only one to two occupants. This will result in one to two additional cars at the property. This nominal increase of traffic will not have a negative impact on existing traffic capacity.

### **Parking and Circulation**

There is a single-car garage bay attached to the house and several exterior parking spaces on the driveway next the house. The parking requirement for an accessory apartment is one space, and two spaces for a single family dwelling. Therefore, a total of three spaces are required to be provided on the site. One space inside the garage and two spaces outside will be used to meet the parking requirement.

### **Noise**

As stated earlier, the site is over an acre in size and contains many trees. Additional noise levels from the proposed apartment are expected to be low, similar to a small single-family residence.

**Public Health or Safety**

As mentioned above, traffic demand and volume on North Douglas Highway will not be negatively affected with the addition of a single-bedroom apartment.

Public sewer is not available in the neighborhood and will likely not be in the near future. The existing on-site waste water treatment system (OSWWTS) was installed during the construction of the house a few years ago and will continue to be used. The Professional Engineer (PE) who constructed the OSWWTS submitted a letter indicating the system can accommodate the proposed apartment. See Attachment D to read the letter.

**Habitat**

This project only consists of interior construction. No habitat listed or otherwise protected in the Land Use Code will be affected.

**Property Value or Neighborhood Harmony**

Adjacent properties are developed with single-family dwellings. Those properties have the same ability to construct accessory apartments as the subject proposal. Constructing a one-bedroom apartment attached to single-family residence will not result in a substantial increase in noise, lights, high parking demand and traffic volume as a duplex. Many accessory apartments have been built in single-family neighborhoods without resulting in measurable reductions in adjacent property values. Therefore, having a single-family dwelling and a single-bedroom apartment at the site will not negatively impact adjacent property value or neighborhood harmony.

**Conformity with Adopted Plans**

The 2008 Comprehensive Plan designates the neighborhood as Rural Dispersed Residential (RDR). These are lands characterized of having very low density of 1 dwelling unit per acre or larger based on land capability for accommodating waste water systems, and typically not having public water or sewer. There is public water and an OSWWTS on the subject site that can accommodate the proposed apartment. As stated earlier, the site is over 1 acre in size and the accessory apartments have less impact than a standard single-family home.

Staff finds the project to be consistent with the land designation of the 2008 Comprehensive Plan.

**Title 49, Land Use Code**

The proposal meets the parking requirement, preserves neighborhood harmony and property value, and does not significantly alter existing traffic capacities. The existing OSWWTS can accommodate the proposed apartment. Therefore, the proposal complies with Title 49.

## **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 Accessory Apartment 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 to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.130 for the D-1 zoning district. An approved Conditional Use permit is required per section CBJ § 49.25.510(d)(2)(G)(ii).

***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 February 10<sup>th</sup> and 13<sup>th</sup> 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 stated in this memorandum, the existing traffic capacity on North Douglas Highway will be preserved, and the existing OSWWTS can accommodate the proposed 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 earlier, with the large lot size, existing tree buffers, and nominal to no increase in existing noise levels of the neighborhood, staff finds this proposal will not decrease the value of or be out of harmony with property in the neighboring area.

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

**Yes.** With the recommended condition, the project complies with the Land Use Code and is consistent with the 2008 Comprehensive Plan.

**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?***

**Not applicable.** This project does not require a Juneau Coastal Management Program review.

**RECOMMENDATION**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Accessory Apartment permit. The permit would allow the development of an accessory apartment within an existing residence.

# ACCESSORY APARTMENT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP 20120001	Date Received 1/11/12
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**DESCRIBE THE ACCESSORY APARTMENT:**  
APT ATTACHED TO AN EXISTING GARAGE  
BELOW A SINGLE FAMILY DWELING

**TYPE OF ACCESSORY APARTMENT**  
☒ Attached to or Within a Single-Family Dwelling    ☐ Associated With a Detached Garage  
☐ Within a Two-Unit Common-Wall Dwelling    ☐ Not Affiliated with Another Structure (Stand alone)

**AREA OF APARTMENT**  
Total Area 7600 square feet  
(Maximum of 600 square feet allowed. Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.)

**PARKING**  
Existing Spaces 10    Proposed Total Spaces \_\_\_\_\_  
(Parking dimensions must be a minimum of 8.5' X 17', and each parking space must be drawn to scale on the site plan.)

**SITE INFORMATION**  
ZONING DISTRICT D-1  
MINIMUM LOT SIZE (\$49.25.400) ~~54,000~~ 36,000  
ACTUAL LOT SIZE\*\*\*\* 51,400  

**UTILITIES AVAILABLE**  
WATER: ☒ Public    ☒ On Site  
SEWER: ☐ Public    ☒ On Site\*\*\*\*

\*\*\*\*Applicants please note that if the parcel utilizes an on site septic system OR the Actual Lot Size is less than the Minimum Lot Size required, the Accessory Apartment must be reviewed through the Conditional Use Permitting Process.

**Permitting Process:**    ☐ Departmental Review    ☒ Planning Commission Approval

Fees (Departmental Approval)	Fees	Check No.	Receipt No.	Date
Application Fees	See Building Permit			
<b>Fees (Conditional Use Permit)</b>				
Application Fee	\$ <u>350.00</u>			
Public Notice Sign Fee	\$ <u>50.00</u>			
Public Notice Sign Deposit	\$ <u>100.00</u>			
<b>Total</b>	\$ <u>500.00</u>	<u>05562B</u>	<u>082370</u>	<u>1/11/12</u>

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.

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

# ACCESSORY APARTMENT USE APPLICATION INSTRUCTIONS

**Application:** An application for an Accessory Apartment Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

**Forms:** A completed Accessory Apartment Use Permit Application and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

**Fees:** All Accessory Apartment Use Application's must pay building permit fees. If it is determined that the apartment needs to be reviewed under the Conditional Use process, additional fees will apply. Any development, work or use done without an issued permit will be subject to double fees.

**Project Description:** A detailed letter or narrative describing the project.

**Plans:** All plans are to be drawn to scale and must clearly show the items listed below:

- A. Site plan, drawn to scale and dimensioned indicating all required parking, minimum setbacks and entrances for both dwelling units.
- B. A floor plan drawn to scale and dimensioned indicating both dwelling units including each room labeled as to use.
- C. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.).

**Document Format:** All information that is submitted as part of an application shall be submitted in either of the following formats:

- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
- B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

**Please consult with the Community Development Department to discuss whether additional information may be required for your application. During business hours the "Planner-On-Call" can be reached by contacting the Permit Center at 586-0770 or via e-mail at [Permits@ci.juneau.ak.us](mailto:Permits@ci.juneau.ak.us).**

**Staff Review:** If the property meets or exceeds the minimum lot size required in the Table of Dimensional Standards and is served by public sewer, the application will be reviewed by Community Development Department Staff.

**Conditional Use Process:** An Accessory Apartment Use Permit may be required to be reviewed through the Conditional Use permitting process if the lot upon which the accessory apartment is proposed is:

1. Smaller than the Minimum Lot Size for Permissible Uses listed in the Table of Dimensional Standards, CBJ 49.25.400; or
2. Not served by public sewer.

**(If this is the case, a Conditional Use permit review fee will be required in addition to building permit fees.)**

**Variance Process:** Aspects of an application which do not meet all requirements of the Land Use Code shall be heard through the Variance Process.

**Application Review Procedure:** Once the application is determined to be complete, the Community Development Department will initiate the review of the application. This process includes:

**Review:** As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the Accessory Apartment Use Application request, the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

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**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



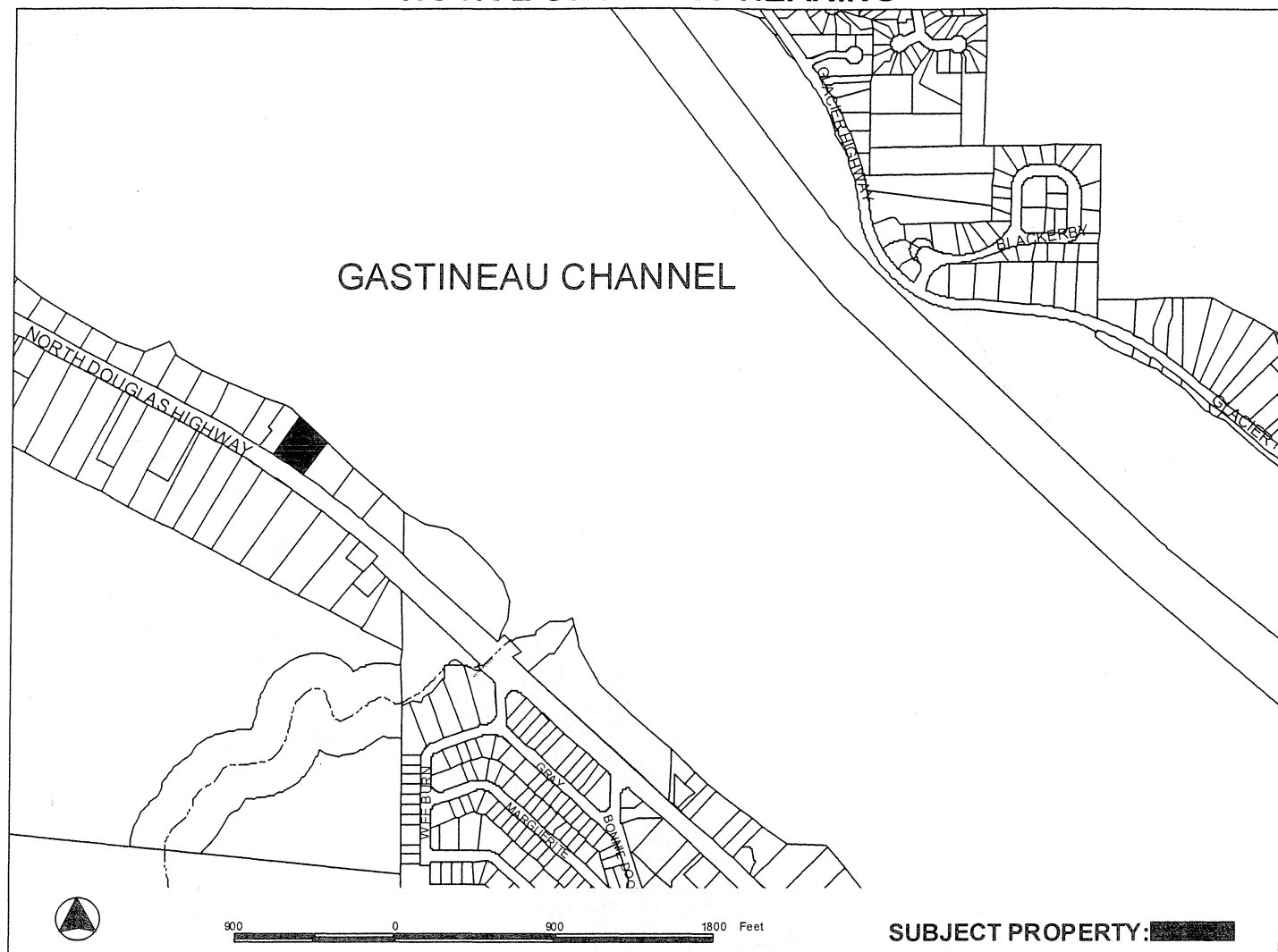
# DEVELOPMENT PERMIT APPLICATION

Project Number	<b>CITY and BOROUGH of JUNEAU</b>	Date Received: <u>1/11/12</u>
Project Name (City Staff to Assign Name)		

<b>PROJECT / APPLICANT INFORMATION</b>	Project Description <u>ACCESSORY APT</u>		
	<b>PROPERTY LOCATION</b>		
	Street Address <u>7348 N. DOUGLAS</u>		City/Zip
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>USS 3212 4 75</u>		
	Assessor's Parcel Number(s) <u>6D09-C-100-C02-0</u>		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner's Name <u>BRAD CURE</u>		Contact Person: <u>209-1980</u>
	Mailing Address <u>434 WILLOUGHBY AVE</u>		Home Phone: <u>209-1980</u>
	E-mail Address <u>PROUD CRAFTSMAN @ GMAIL.COM</u>		Other Contact Phone Number(s):
	<b>LANDOWNER/ LESSEE CONSENT</b> ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>[Signature]</u> Landowner/Lessee Signature		<u>1-12-12</u> 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</b> If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name <u>BRAD CURE</u>		Contact Person: <u>209-1980</u>	
Mailing Address <u>SAME</u>		Home Phone: <u>209-1980</u>	
E-mail Address <u>SAME</u>		Other Contact Phone Number(s):	
X <u>[Signature]</u> Applicant's Signature		_____ Date of Application	

<b>STAFF APPROVALS</b>	<input checked="" type="checkbox"/>	Permit Type	Revision	Date Received	Application Number(s)	
		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)				
	Y	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<u>1/11/12</u>	<u>RAP 20120001</u>	
		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:					Permit Intake Initials <u>LIS</u>

## NOTICE OF PUBLIC HEARING



**PROPOSAL:** A Conditional Use permit for an Accessory Apartment on a lot not served by City sewer.

<b>FILE NO:</b> AAP2012-0001	<b>APPLICANT:</b> BRADLEY D CURE'
<b>TO:</b> Adjacent Property Owners	<b>Property PCN:</b> 6D0901000020
<b>HEARING DATE:</b> Feb 14, 2012	<b>Owner:</b> BRADLEY D CURE'
<b>HEARING TIME:</b> 7:00 PM	<b>Size:</b> 1.18 acres
<b>PLACE:</b> ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	<b>Zoned:</b> D1
	<b>Site Address:</b> 7348 N DOUGLAS HWY
	<b>Accessed via:</b> N DOUGLAS HWY

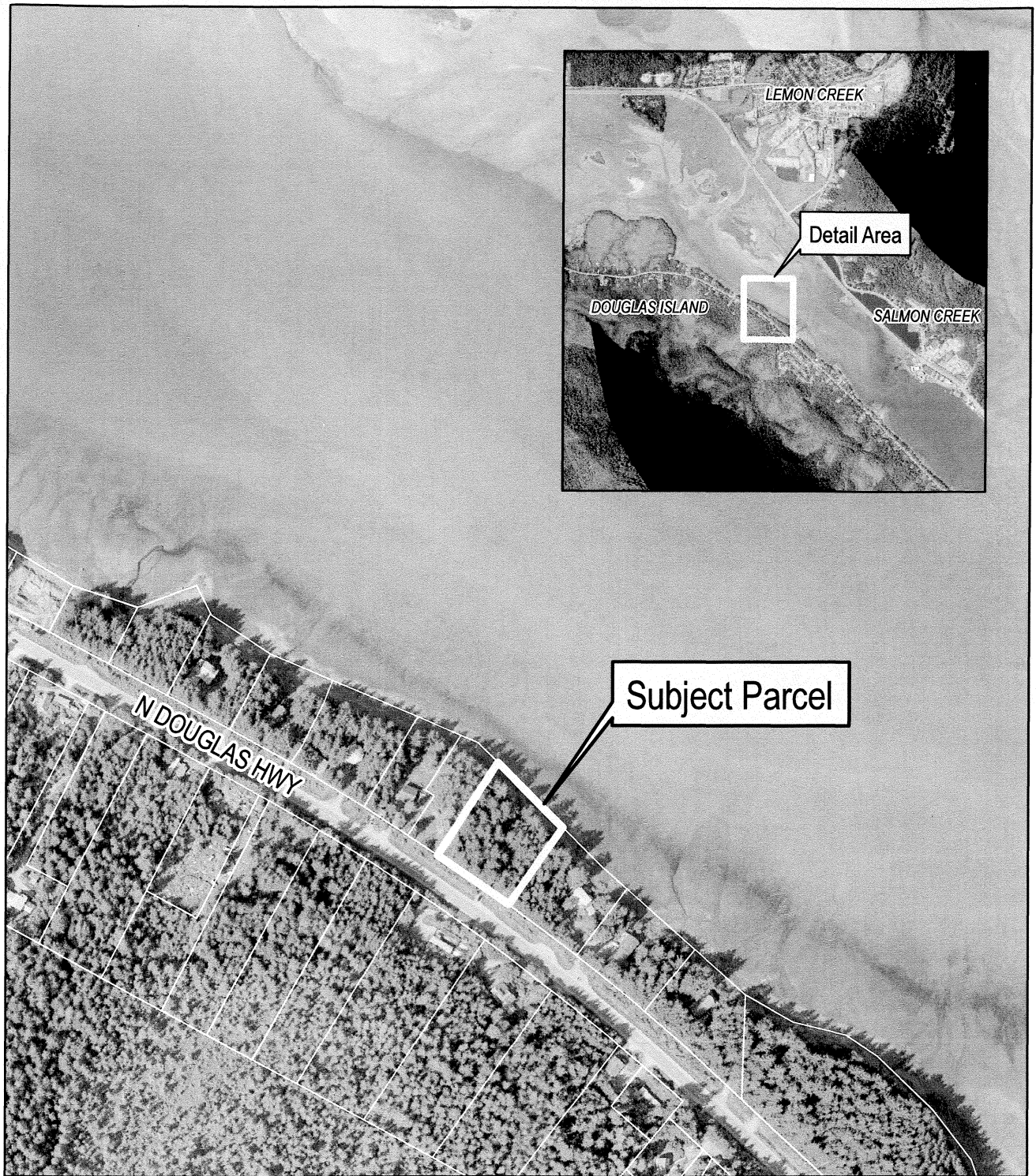
### PROPERTY OWNERS PLEASE NOTE:

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](mailto:eric_feldt@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).

Date notice was printed: January 31, 2012



7348 N DOUGLAS HWY  
VICINITY

0 125 250 500  
Feet

-NOT A SURVEY-  
Property lines are approximate

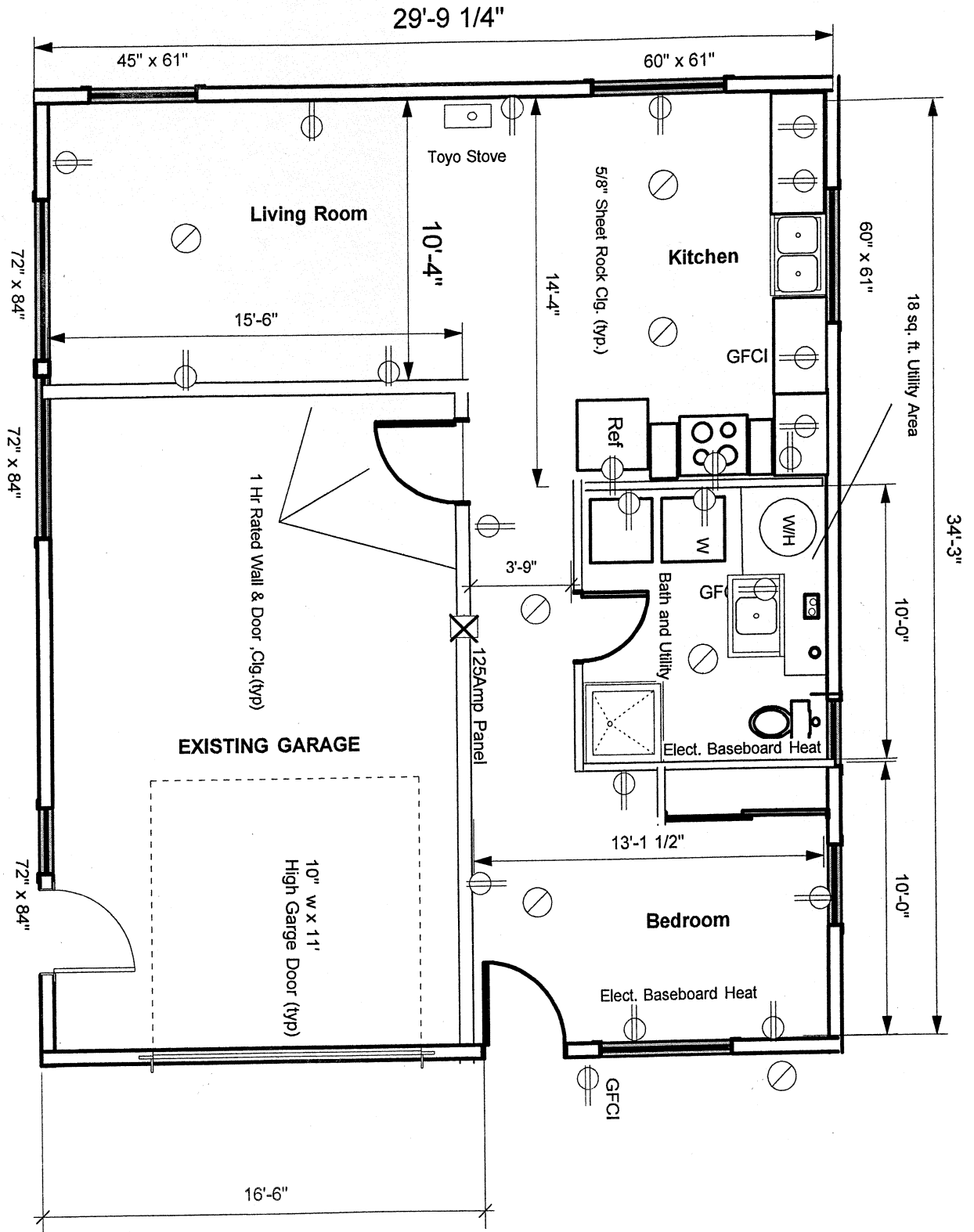


CITY/BOROUGH OF JUNEAU  
ALASKA'S CAPITAL CITY

Map created: 1/31/2012

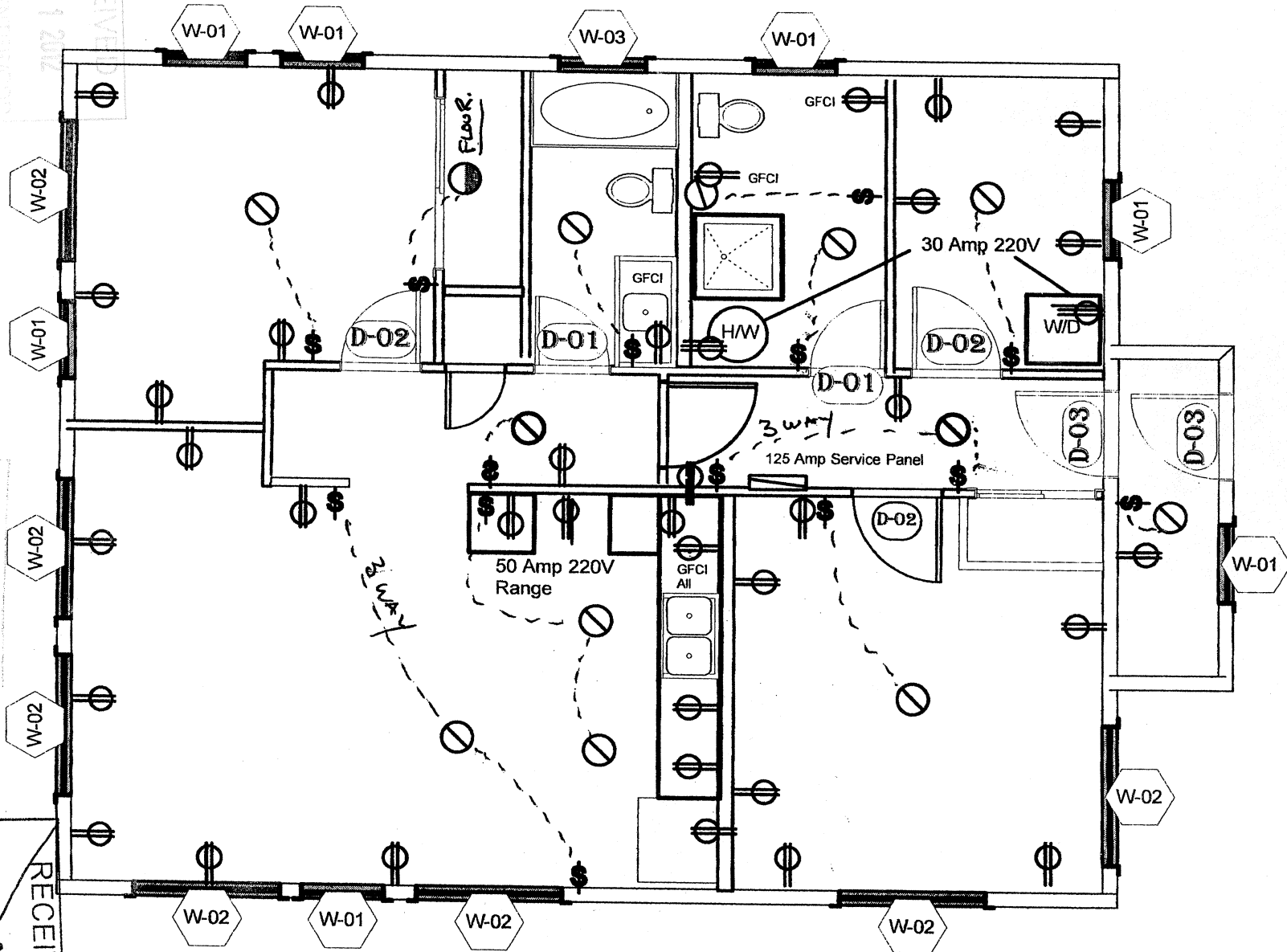
**ATTACHMENT A**

# Proposed Net 590 Sq. Ft Apartment



1	First Floor	Brad Cure - 7348 N Douglas
A-1	Scale: 3/16" = 1'-0"	11-19-11

# 2ND FLOOR PLAN NO WORK PROPOSED



1	Second Floor
E-2	Scale: 3/16" = 1'-0"

RECEIVED  
JUL 30 2008  
PERMIT CENTER/CSD

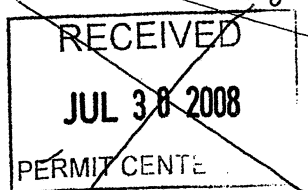
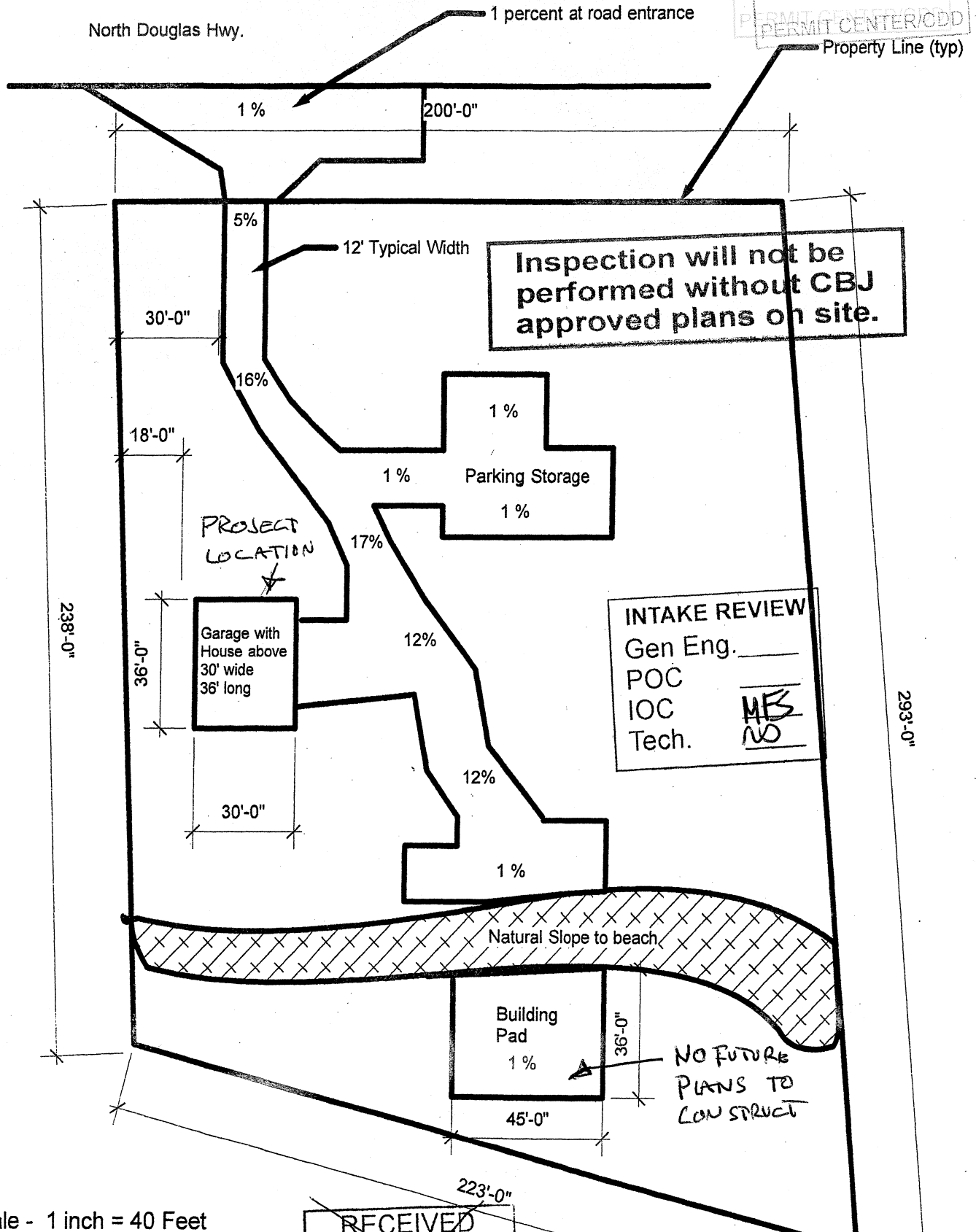
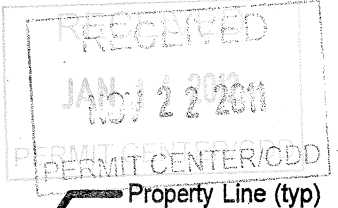
RECEIVED  
JUL 22 2008  
PERMIT CENTER/CSD

RECEIVED  
JAN 11 2007  
PERMIT CENTER/CSD

Brad Cure  
7348 North Douglas Hwy.

7-29-08

Parcel 69 6D0901000020 **Site Plan for Garage and Home**  
51,400 sq. ft.



**ATTACHMENT C**



February 9, 2012

Mr. Eric Feldt  
City & Borough of Juneau  
Community Development  
155 S. Seward Street  
Juneau, AK 99801

**Subject: Capacity of Existing Onsite Wastewater System-Curé: USS 3272 Lot 75**

Dear Eric,

Based on our phone conversation this morning, you are seeking assurance that the existing onsite wastewater system installed on the subject property is capable to accept the increased domestic wastewater flows anticipated with construction of an additional apartment.

I am the designer of record for the existing system which I designed, supervised the construction, and followed-up during the operational period. The system on the lot consists of an Advantex AX-20 unit configured with a subsurface dispersal system consisting of Quick4 equalizer units by Infiltrator Systems. The designed system is rated for an average of 500 gallons per day (gpd) and is capable of processing peak loading up to 1,000 gpd for limited durations.

Using a conservative approach, the estimated flow is less than 400 gpd average. This includes peaking factors where the apartment can generate flows simultaneously with the main living areas. Considering the conservative approach taken, there is additional safety factor that will more than cover the proposed apartment addition.

Therefore, it is my professional engineering opinion that the system described above will be able to operate in accordance with all requirements of 18 AAC 72 and serve the proposed additional apartment with capacity to spare.

If you have any questions, please feel free to contact me at any time.

Sincerely,



Carl M. Ferlauto, PE

