MEMORANDUM

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

| DATE: | March 6, 2012 |
|-----------|---|
| TO: | Board of Adjustment |
| FROM: | Nicole Jones, Planner OV Community Development Department |
| FILE NO.: | VAR2012 0002 |
| PROPOSAL: | A Variance request to reduce the street side yard setback from 17 feet to 8.5 feet for an addition. |

GENERAL INFORMATION

| Applicant: | Resurrection Lutheran Church | | | | |
|---------------------|--|--|--|--|--|
| Property Owner: | Resurrection Lutheran Church | | | | |
| Property Address: | 740 West Tenth Street | | | | |
| Legal Description: | Casey Shattuck Block 226 Lots 6, 7, and 8 | | | | |
| Parcel Code Number: | 1-C06-0-C26-006-0 | | | | |
| Site Size: | 10,800 square feet | | | | |
| Zoning: | Light Commercial (LC) | | | | |
| Utilities: | Public Water & Public Sewer | | | | |
| Access: | Glacier Avenue and West Tenth Street | | | | |
| Existing Land Use: | Church | | | | |
| No | thwest - Light Commercial, alley then Single Family Dwelling Light Commercial, Glacier Avenue then University of Alaska Light Commercial, Church owned Single Family Dwelling Light Commercial, West Tenth Street then Single Family Dwelling Dwelling | | | | |

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ATTACHMENTS

Attachment AApplicant's submittalsAttachment BVicinity MapAttachment CCBJ Road construction drawings

PROJECT DESCRIPTION

The applicant is requesting a variance to reduce the street side yard setback for an addition. The proposed addition if approved will be constructed under the existing roof line flush with the existing structure and will be used for storage space (See Attachment A). The applicant is requesting a street side yard setback reduction from 17 feet to 8.5 feet.

BACKGROUND

There are 5 parcels owned by the church. The main church building spans three of the five parcels which are identified by one parcel code number. The minimum lot area of a Light Commercial zoning district lot is 2,000 square feet the three lots together total 10,800 square feet. These lots meet the Light Commercial zoning district for lot area. For the purpose of this staff report the three parcels will be discussed as one parcel.

The original church building was constructed in 1975. The church is located at the corner of Glacier Avenue and West Tenth Street (See Attachment B). There is a driveway to the church parking lot from both Glacier Avenue and West Tenth Street. This lot is well developed and there is no indication that there are wetlands on this property. Additionally, there are no eagle trees, anadromous streams, or floodplains that are mapped on this property. This addition will not result in non-conforming vegetative cover as shown on the applicant's submittals (See Attachment A).

The church has parking agreements with the University of Alaska Southeast Bill Ray Center and the Sealaska Corporation. In 1997, the church added on to the northwest portion of the building. The addition was comprised of a bathroom, storage space, and a prolift.

ANALYSIS

The lot is bordered by two public rights-of-way and an alley (See Attachment B). The lot line that borders Glacier Avenue is considered the front yard setback and the lot line that borders West Tenth Street is considered the street side yard setback. This was determined because the lot line that borders Glacier Avenue most closely meets the front setback requirement. The front yard setback in Light Commercial is 25 feet. The structure is 15 feet from the property line on the Glacier Avenue lot line and is approximately 10 feet from the West Tenth Street lot line. Per CBJ §49.25.430(3) the

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West Tenth Street lot line is considered a street side yard and is subject to the 17 feet street side yard setback.

CBJ §49.25.430(3) (emphasis added):

Multiple Frontage lots. Buildings on lots bordered by two or more rights-of-way must meet the front yard setback from one lot line adjoining the rights-of-way. Setbacks from the remaining lot lines adjoining rights-of-way will be considered street side yards...On lots with existing buildings that have nonconforming setbacks, setbacks for yards shall be established based on the yard that most closely meets the respective setback requirement...

Title 49 does not provide a method to reduce street side yard setbacks; in certain circumstances the Land Use Code provides reduced front setbacks: "Existing substandard setbacks" established in CBJ §49.25.430(4)(K) applies to front yard setbacks only.

CBJ §49.25.430(4)(K) (emphasis added):

Existing substandard setbacks. <u>A new building may have a front yard setback</u> <u>equal to the average front yard setback of the three closest adjacent buildings.</u> The average calculation shall be made using one building per lot...

Staff solicited comments from Community Development Building Department, CBJ Streets, General Engineering, Fire Department, US Fish and Wildlife Service, CBJ Assessor's Office, and CBJ Public Works.

Comments Received:

Ron King, Chief Regulatory Surveyor, CBJ General Engineering

Variance OK, concerns below:

Access ramp must be designed to meet Accessibility Standards with handrails that do not extend beyond back of sidewalk toward the curb. Note: A landing is required when drop exceeds 30", this ramp is over 42" per the step count.

Charlie Ford, Building Codes Official, CBJ Building Department

There were no building code concerns with this application. The following comments are in response to Ron King's comments:

The accessibility issues come into play during the Building Permitting process.

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John Sahnow, Appraiser II, CBJ Assessor's Office

The Assessor's Division does not have any significant concerns regarding this proposal.

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 requested relaxation would allow the construction of an addition to allow for storage space within the street side yard setback. If the Variance is not granted, the addition could not be built. The existing structure is approximately 10 feet from the West Tenth Street property line. As shown on the CBJ street reconstruction drawings, many properties within this neighborhood have encroaching structures (See Attachment C).

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 purpose and intent of Title 49 is established in CBJ §49.05.100 Purpose and Intent. If approved this variance would meet the intent of the Land Use Code, specifically CBJ §49.05.100(2), CBJ §49.05.100(3), and CBJ §49.05.100(5).

CBJ §49.05.100
The several purposes of this title are:
(2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;
(3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts.
(5) To provide adequate open space for light and air

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The public health and welfare will be preserved as the proposed addition will be located so as to not impact sight visibility and will maintain the existing character of the neighborhood.

Yes. Staff finds that criterion 2 is met.

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

The requested variance will not affect nearby properties or the character of the neighborhood, since the existing structure and other structures in the area currently exist as close to or closer to the lot line than the proposed addition. The proposed addition will not pose any obstructions to the nearby right-of-way (West Tenth Street). Furthermore, there is an existing roof line where the addition will be constructed beneath.

Yes. Staff finds that criterion 3 is met.

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

The use of storage space is accessory to the church use which is an allowed use in the Light Commercial zoning district. This use is authorized per CBJ §49.25.300 Table of Permissible Uses, section 5.200.

Yes. Staff finds that 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;

This property is currently developed as a church. The church spans three parcels and covers a substantial amount of the three parcels. Storage space is accessory to the church use; therefore, denying this variance would not prevent the church from using the property for a permissible principal use which is currently a church. The church could remodel an interior portion of the church to create storage space or increase the height of the building to allow for more storage space.

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;

The Casey Shattuck neighborhood has been very densely developed which has resulted in many non-conformities. As evidence by the CBJ road construction survey (See

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Attachment C) many of the structures on West Tenth Street encroach into the setbacks or across the property into the right-of-way. The construction proposed by the applicant is to enclose storage space beneath an existing roof. Denying the variance would unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearances or features, with existing development in the neighborhood.

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

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

This is a flat lot and does not have any unique physical features that would make complying with the standards unreasonable expensive.

No. Staff finds that sub-criterion 5C 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 church was built in 1975. When the area was zoned Light Commercial it be came non-conforming in that it doesn't meet the front and street side yard setbacks. Constructing an addition that is flush with the existing church (which is legally non-conforming with a distance of approximately 10 feet from West Tenth Street) would result in a net decrease in overall compliance with the Land Use Code.

No. Staff finds that sub-criterion 5 D is not met.

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

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

The applicant states that Resurrection Lutheran church is the only downtown location for the food bank and that the proposed encroaching addition would add benefits to the community because it would allow more space for food storage prior to dispersing to the community. The applicant also states that the construction project will include upgrading the ramp and stairway that leads to the entrance to the church. The upgrade of the ramp and stairways leading to the church entrance are not part of this variance application.

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Additional storage for the food bank and improved accessibility are benefits to the church and the community. The addition does not appear to result in detriments to the neighborhood. A grant of this variance would result in more benefits than detriments to the neighborhood.

Yes. Staff finds that criterion 6 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 operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

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

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

N/A. As discussed in the staff report above, this variance request is not related to the Juneau Coastal Management Program.

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

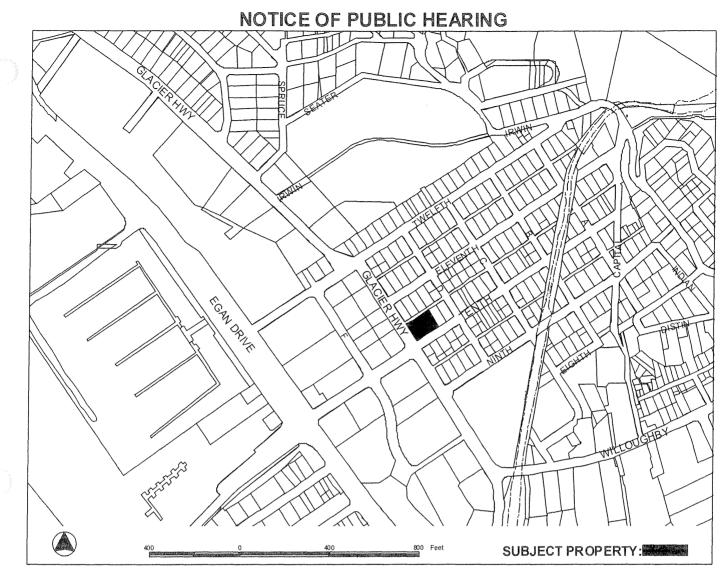
Yes. Based on the analysis above, staff finds that the Variance application does meets the criteria of CBJ §49.20.250.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2012 0002. The Variance permit would allow for an addition within the street side setback, specifically the street side setback would be reduced from 17 feet to 8.5 feet.

Staff recommends the following condition:

1. Prior to Certificate of Occupancy an As-Built Survey shall be submitted showing the addition no closer than 8.5 feet to the West Tenth property line and eaves no closer than 5.5 feet to the West Tenth property line.



PROPOSAL: A Variance request to reduce the street side yard setback from 17 feet to 8.5 feet.

| FILE NO: | VAR2012 0002 | APPLICANT: | RESURRECTION LUTHERAN CHURCH |
|------------------------------|--|---------------|------------------------------|
| TO: | Adjacent Property Owners | Property PCN: | 1-C06-0-C26-006-0 |
| HEARING DATE: March 13, 2012 | | Owner(s): | RESURRECTION LUTHERAN CHURCH |
| HEARING TIME: | 7:00 PM | Size: | 10,800 sqft |
| PLACE: | ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801 | Zoned: | Light Commercial |
| | | Site Address: | 740 W TENTH ST |
| | | Accessed via: | W TENTH ST |

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 907-586-0218 or e-mail nicole_jones@ci.juneau.ak.us

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

DEVELOPMENT PERMIT APPLICATION

Project Number

CITY and BOROUGH of JUNEAU

| Project (City Stat | Name f to Assign Name) | | | | | | | |
|-----------------------|---|-------------------------|--------------|--------------------------------|-----------------------------|--------------------------------|--|--|
| | Project Description A reconfiguration of Resurrection Lutheran Church's building entrance | to addres | s access | ibility and stor | rage issues as we | ll as addressing the joing and | | |
| | A reconfiguration of Resurrection Lutheran Church's building entrance to address accessibility and storage issues as well as addressing the icing and deteriorating concrete issues of the front entrance steps | | | | | | | |
| | PROPERTY LOCATION | | | | | | | |
| N O | Street Address 740 W 10th Street | | | City/Zip Juneau, | 99801 | | | |
| Ξ | Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) lots 6,7, 8 of block 226 of Casey-Shattuck Addition | | | | | | | |
| ORMATI | Assessor's Parcel Number(s) | | | | | | | |
| R | LANDOWNER/ LESSEE | | | | | | | |
| NFO | Property Owner's Name Resurrection Lutheran Church | | | | son: sch | Work Phone: 586-7114 | | |
| Z | Mailing Address 740 W 10th Street, Juneau, Alaska 99801 | | | Home Phon 586-3367 | e: | Fax Number: 686-7109 | | |
| | E-mail Address | | | Other Contact Phone Number(s): | | | | |
| | LANDOWNER/ LESSEE CONSENT ****Required for Pla | nning Per | mits, not | needed on Bu | ilding/ Engineerin | g Permits**** | | |
| ⊨ | I am (we are) the owner(s)or lessee(s) of the property subject to this applied A. This application for a land use or activity review for developme | nt on my (| (our) prop | perty is made v | vith my complete | | | |
| Z | B. I (we) grant permission for officials and employees of the City a application. | and Borou | igh of Jur | neau to inspec | my property as r | needed for purposes of this | | |
| PPLICAN | X Kew Keelsch | | - | | Feb | February 8, 2012 | | |
| Ъ Г | X State | | | | Dale | V | | |
| ЧЧ | Landowner/Lessee Signature | | | | Date | | | |
| | NOTICE: The City and Borough of Juneau staff may need access to the su landowner in addition to the formal consent given above. Further, member | | | | | | | |
| ECT | hearing date. APPLICANT If the same as OWNER, write "SAME" a | and sign a | nd data : | at X below | | | | |
| OJE | APPLICANT If the same as OWNER, write "SAME" and sign and date a Applicant's Name SAME | | | | Contact Person: Work Phone: | | | |
| Ř | Mailing Address | Home Phone: Fax Number: | | | | | | |
| ር | E-mail Address | | | Other Contact Phone Number(s): | | | | |
| | | | | | ` | | | |
| | Applicant's Signature | | | | Date of | Application | | |
| | OFFICE USE ONLY E | BELOW | THIS LI I | NE | | | | |
| | Permit Type Building/Grading | ***SIGN | Date | Received | Ар | plication Number(s) | | |
| | City/State Project Review and City Land Action | | <u> </u> | | ······ | | | |
| S | Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed) | | | | | | | |
| ΑL | Mining Case (Small, Large, Rural, Extraction, Exploration) | | | | | | | |
| >0 | Sign Approval (If more than one, fill in all applicable permit #'s) | | | | | | | |
| PPROVALS | Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change) | | ļ | | | | | |
| đ | Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment) Variance Case | 1 | | 5 | | | | |
| РA | (De Minimis and all other Variance case types) Wetlands | | 2/8 | :/12 | UARZ | 5000510 | | |
| AFI | Permits Zone Change | | <u> </u> | | | | | |
| F | Application Other | | | | | | | |
| S | (Describe) ****Public Notice Sign | Form fil | led out | and in the fil | l e | | | |
| | Comments: | | | | | Permit Intake Initials | | |
| | | | | | | | | |
| | | | | | | | | |

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS I:\FORMS\2010 Applications **Revised November 2009**

ATTACHMENT A

VARIANCE APPLICATION

| Project Number | Project Name (15 | characters) | | Case Number VAFZ012 | 0002 | Date Received | | |
|--|-----------------------------------|---|---|---------------------------------|---------|---------------|--|--|
| TYPE OF VARIANCE REQUESTED: | | | | | | | | |
| Variance to the Sign Standard | | (VSG) | | ance to Dimensio tandards | nal | (VDS) | | |
| Variance to Habitat Setbacks | | (VHB) | | ance to Parking Requirements | | (VPK) | | |
| ✓ Variance to Requirer | | (VSB) | | | | | | |
| DESCRIPTION OF The construction of (from 17 feet to state | f a reconfigura | • | | | a setba | ck variance | | |
| Previous Variance Previous Case Number Was the Variance Grant | (s): | \$?YES | √ NO | Date of Filing: _ | | | | |
| UNIQUE CHARAC house of worship community center food bank for the d | | · | | | | | | |
| UTILITIES AVAILA | ABLE: w | ATER: Public | On Site | SEWER: | Public | On Site | | |
| WHY WOULD A V OWNER? set back variance f | | | THIS PROPER | TY REGARDL | ESS OF | THE | | |
| | | | | | | | | |
| WHAT HARDSHIP accessibility and sa storage issues for f | afety issues wo | uld not be prope | erly addressed | | | | | |
| PLEASE SEE ATT | ACHED | | | | | | | |
| For more information permitting process and required for a compl please see the reverse | d the submittals ete application, | VARIANCE FEES Application Fees Adjustment | Fees <u>\$ 400. ⁽¹)</u> \$ | Check No. | Receipt | Date | | |
| If you need any assis this form, please con Center at 586-0770. | | Total Fee | s <u>400-⁰⁰</u> | V04571L | 2412 | 2/03/n | | |

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Resurrection Lutheran Church is apply for variances for set back of the front and street side yard for several reasons: to change its building entrance to remedy the icing problems and deteriorating issues with the concrete steps in the present entrance, to add storage space to accommodate the food needed on site to supply downtown food bank applicants, and to address accessibility to the church for those with special needs.

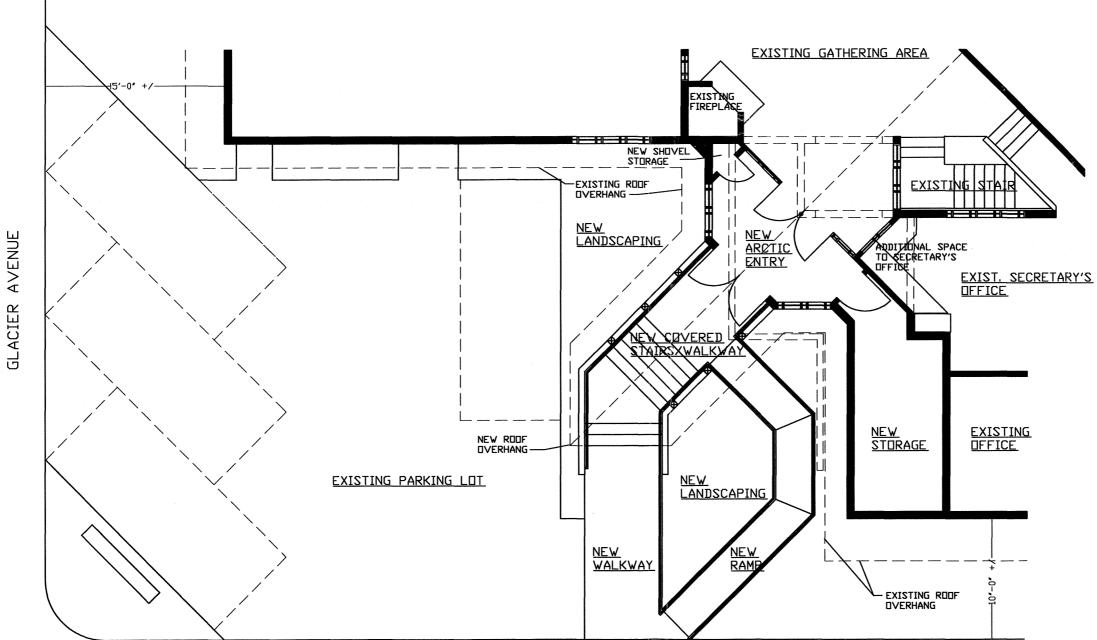
The present set back of the building and the proposed design of a new entrance do not fall within the updated set back requirements of the CBJ. The present set back and proposed set back of the building does; however, conform to the neighboring properties. The building entrance project for the church will be consistent with the scale and appearance of the present church building and will add to the appearance of the neighborhood

Resurrection Lutheran Church is only downtown location for the food bank and several hundred applicants a year go through its facility. In addition, the church is used for a variety of community events and meetings from Alcoholics Anonymous to a Buddy Tabor concert.

RECEIVED

FEB 0 8 2012

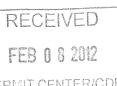
PERMIT CENTER/CDD

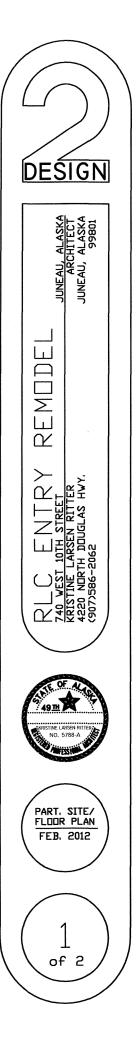


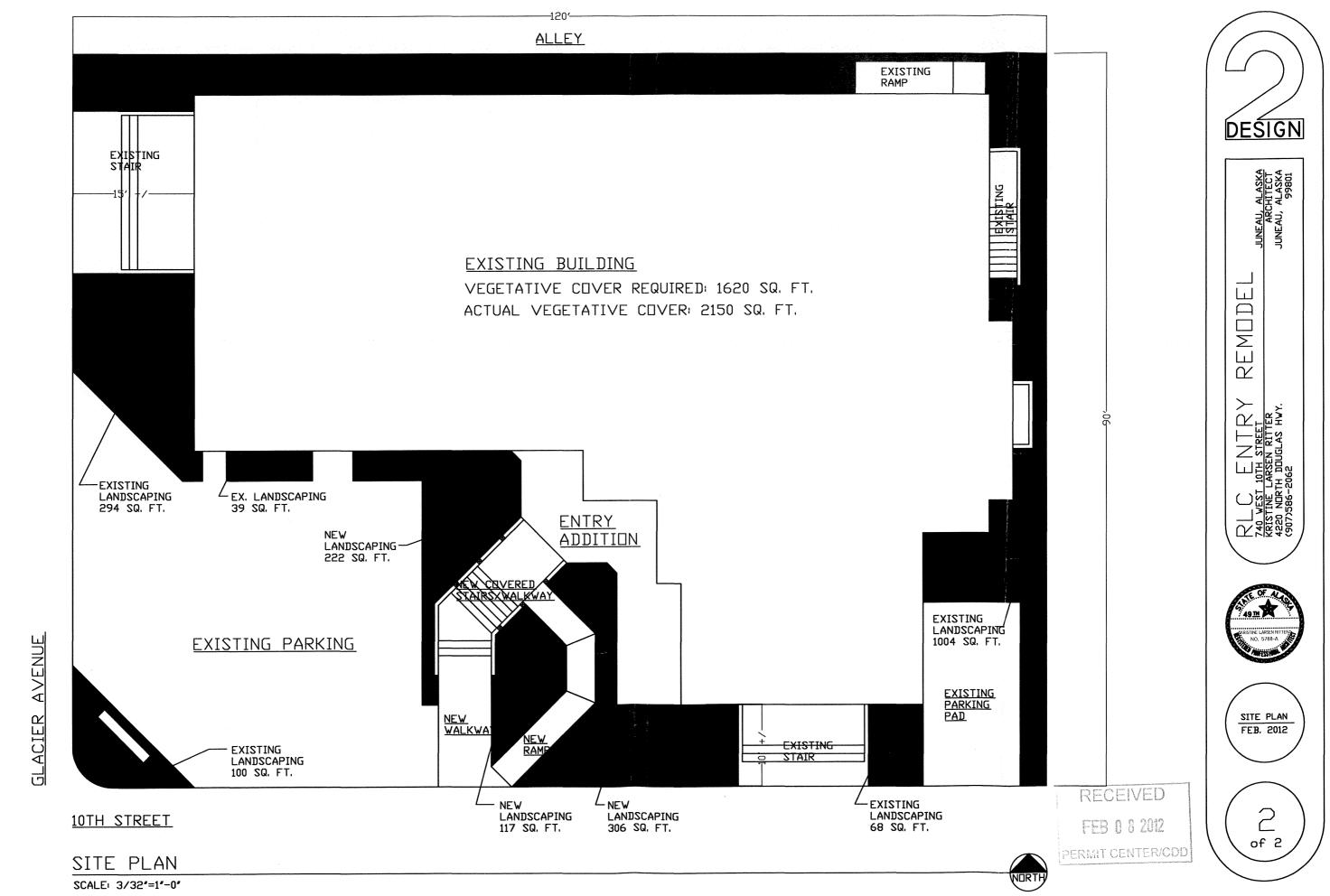
10TH STREET



PERMIT CENTER/CDD











RESSURRECTION LUTHERAN CHURCH VICINITY

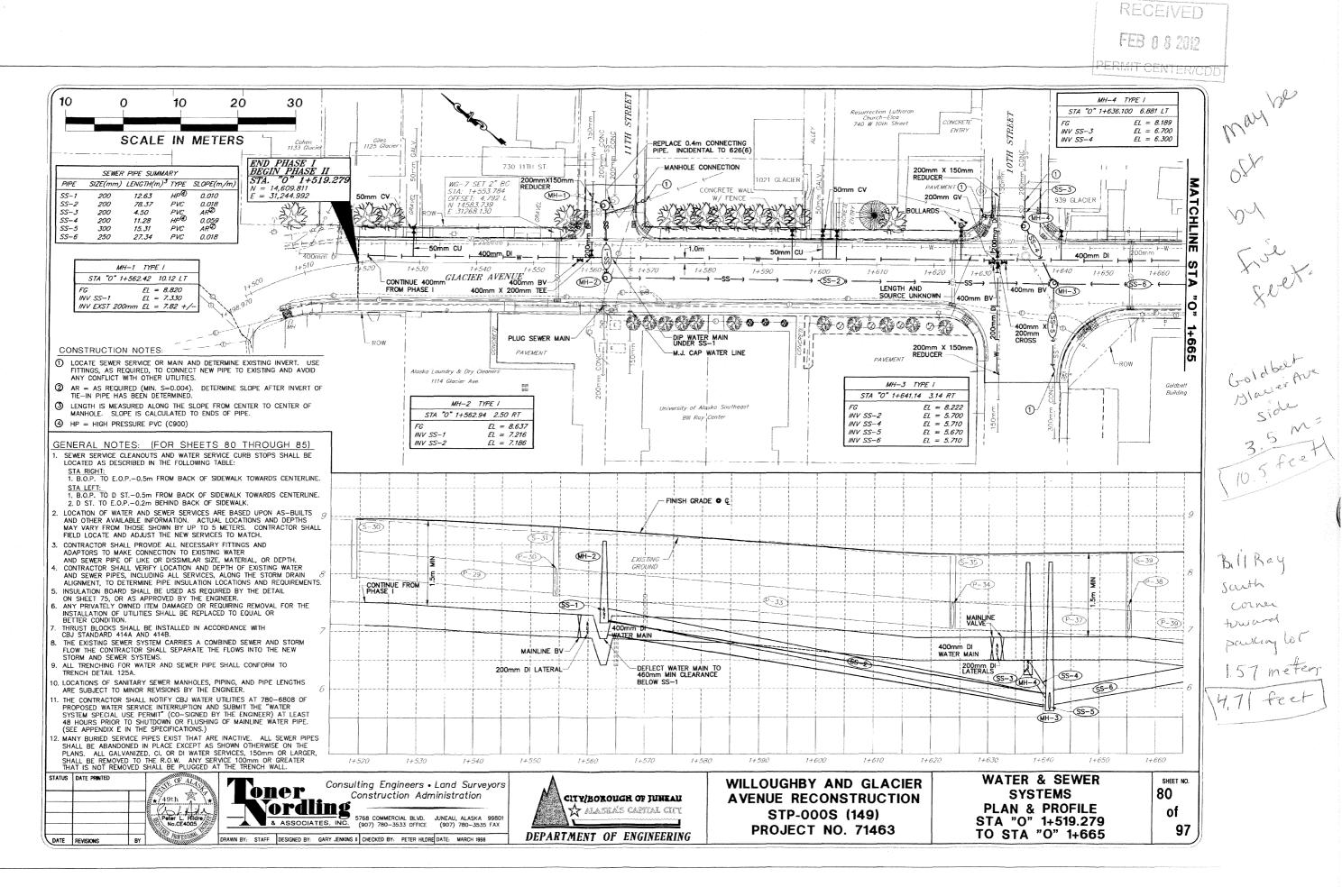
-NOT A SURVEY-Property lines are approximate

0 50 100 Feet

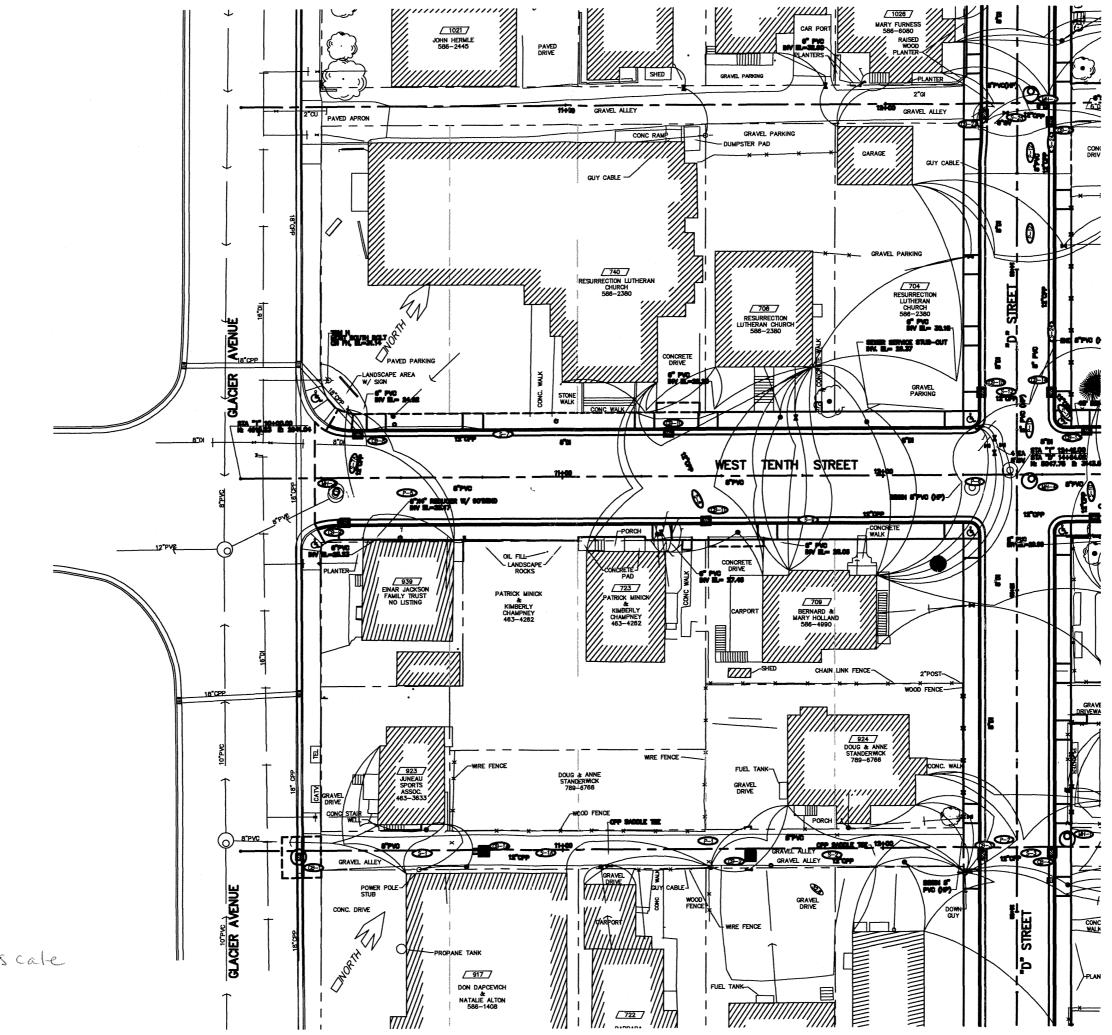


ATTACHMENT B

Map created: 2/23/ 2012



ATTACHMENT C



30 scale

\$ 9.47 as measured on the computer by CBF Engineering

· 576' over the property line Einar Jackson Family Trush

