

MEMORANDUM

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

DATE: March 21, 2012
TO: Board of Adjustment
FROM: Nicole Jones, Planner
Community Development Department

FILE NO.: VAR2012 0003

PROPOSAL: A Variance request to reduce the street side yard setback from 13 feet to 7 feet for a new single family dwelling on a vacant lot.

GENERAL INFORMATION

Applicant: Kent F. Crabtree
Property Owner: Kent F. Crabtree
Property Address: 1st Street
Legal Description: Douglas Townsite Block 5 Lot 8
Parcel Code Number: 2-D04-0-T05-007-0
Site Size: 2,607 square feet
Zoning: D-18
Utilities: Public Water & Public Sewer
Access: 1st Street and Bradley Street
Existing Land Use: Vacant
Surrounding Land Use: North - D-18; Duplex
South - Light Commercial; single family residential
East - Waterfront Industrial; vacant then 1st Street right-of-way
West - Light Commercial; multi-family

ATTACHMENTS

- Attachment A Vicinity Map & Photo of site
- Attachment B Letter to previous property owner from CDD dated January 12, 1994
- Attachment C Applicant's submittals
- Attachment D E-mail from applicant regarding alternate scenario dated March 21, 2012

PROJECT DESCRIPTION

The applicant is requesting a setback reduction to the street side yard setback for the construction of a new three story single family dwelling on a vacant lot. The request is a reduction from 13 feet to 7 feet for the property line adjacent to Bradley Street.

BACKGROUND

This parcel was platted in the early 1900s, prior to current zoning. This parcel is significantly substandard for current D-18 zoning district's dimensional standards. Current zoning requires a D-18 lot to be a minimum of 5,000 square feet in lot area; this parcel is 2,607 square feet. Furthermore, lot depth should be 80 feet and lot width 50 feet. This lot is approximately 58 feet by 54 feet: the 58 foot measurement was an average of the north and south property lines and the 54 foot measurement was an average of the east and west property lines). This lot is bordered by 1st Street and Bradley Street which further reduces the buildable area due to the front and street side setback requirements (see attachment A). The street side yard setback in a D-18 zoning district is 13 feet.

In 1993 the previous owner applied for a variance to the 20 foot front yard setback. During the review of the variance the previous owner supplied information that showed the three adjacent parcels had structures within the front yard setback. This property qualifies for a front yard setback reduction per CBJ §49.25.430(4)(K) Existing Substandard Setbacks

*A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback shall be used to calculate the average...**In no instance shall the required setback be less than half that required by this chapter or ten feet, whichever is greater.** (Emphasis added)*

Based on previous research, this property qualifies for a front yard setback reduction administratively from 20 feet to 10 feet (see Attachment B). This property also qualifies for a rear yard setback reduction due to the lot depth not meeting current zoning requirements. The rear yard setback is reduced from 10 feet to 7.2 feet per CBJ §49.25.430(4)(J) Substandard lots:

If the lot width, lot depth, or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to

the zoning district requirements, except that in no case shall the side and rear yard setbacks be less than half those required by this chapter, or five feet, whichever is greater.

In this case the lot depth is an average of the northeast and south property lines (59.10 feet and 56.65 feet) which results in a lot depth of 57.88 feet.

To calculate the rear yard setback:
 $(57.88 \text{ feet} / 80 \text{ feet}) \times 10 = 7.24 \text{ feet}$

A reduction to the street side yard setback was inadvertently left out of CBJ §49.25.430(4)(J). A street side yard setback reduction has not been thoroughly vetted or pursued to be included in the setback reduction section.

Other than the substandard size of this parcel, the lot is not otherwise encumbered by any habitat restrictions. There are no known wetlands, eagle trees, anadromous streams, or floodplains associated with this parcel.

The applicant states that this parcel has been an eye sore in the neighborhood due to littering. In 1987 an enforcement case was started to deal with an accumulation of litter and rubbish located on the lot. There were several cars on the lot that were given a notice of "Intent to Impound". The case was closed a year later when all the junk vehicles had been removed.

ANALYSIS

Staff solicited comments from Community Development Building Department, CBJ Streets, General Engineering, and the CBJ Fire Department.

Comments Received:

Ron King, Chief Regulatory Surveyor, CBJ General Engineering

A reduction of the side yard setback to 7' should not impair sight distances. Traffic must stop at the First Street intersection resolving site distance issues along First Street. General Engineering has no issues with this request.

Charlie Ford, Building Codes Official, Community Development Department

The Building Department has no issues with this request.

Ed Foster, Streets Superintendent, CBJ Streets

This plat doesn't show me much (this is in reference to the 1937 Douglas Townsite Plat), but after visiting the site I think we'll be ok with the variance. However, there is a fire hydrant at the corner of Bradley and First Street. Not sure how this hydrant will be affected, but should be considered.

Dan Jager, Fire Marshall, CBJ Fire Department

I do not see any fire department issues with this request. Thanks.

Ed Foster, CBJ Streets Superintendent pointed out a fire hydrant near the corner of Bradley Street and 1st Street and expressed that the applicant should take the location of the hydrant into consideration as they further their development plans. Further clarification was provided by General Engineering regarding the fire hydrant: the applicant will need to identify the location of the fire hydrant on the proposed building plans and maintain a minimum of a 5 foot radius clear around the fire hydrant including structures and parking.

As a result of the review of this proposal staff recommends the following conditions:

1. Prior to Certificate of Occupancy an As-Built Survey shall be submitted showing the new single family dwelling no closer than 7 feet to the Bradley Street property line and eaves no closer than 4 feet 8 inches to the Bradley Street property line. The As-Built Survey shall show that all other setbacks are met as required.
2. Prior to approval of the Foundation Setback Verification form a surveyor's statement of compliance shall include that the building's foundation is not closer than 5 feet to the fire hydrant in addition to all other setbacks being met.

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 to reduce the street side yard setback for the construction of a single family dwelling will give substantial relief to the owner of the property involved. It will allow the applicant to construct a home that meets the needs of their family. Many structures are within the required setbacks in this neighborhood if not right up to the property line. As discussed above, the proposed location of the structure does not harm nearby neighbors or sight distances as drivers maneuver on Bradley Street.

The applicant is requesting a structure that is three-stories in height. Most of the neighboring properties are one and two stories in height. While there are taller structures with heights that exceed two stories, they appear to meet setback requirements. A structure of this height and bulk within the street side yard setback is not consistent with justice to other property owners.

No. Staff finds that criterion 1 is not 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

The applicant states that the intent of the Land Use Code, specifically open space for light and air will be met. The applicant also states that many properties within this neighborhood encroach in to the setbacks. This variance application exceeds the encroachment that the neighborhood currently experiences. Most of the dwellings in this neighborhood are one or two stories in height. Increasing the height of the building to three stories is not meeting the intent of Title 49, specifically open space for light and air.

No. Staff finds that criterion 2 is not met.

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

The applicant states that the encroachment will not injure nearby properties because it is adjacent to the Bradley Street right-of-way and the proposed encroachment will not be adjacent to existing structures. As of the date of this memorandum, there has not been any public comments received that suggests this street side yard setback encroachment will injure nearby property.

Yes. Staff finds that criterion 3 is met.

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

A single family dwelling is an allowed use in the D-18 zoning district. This use is authorized per CBJ §49.25.300 Table of Permissible Uses, section 1.110.

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;

The proposed single family dwelling footprint is just less than 1,487 square feet including the garage (see attachment C). The footprint would be reduced to just less than 1,300 square feet if the street side yard setback was observed. This lot is substandard in size by nearly one half and complying with the standards may have contributed to the lot remaining vacant since it was platted in the early 1900s. Due to the extent that this lot is substandard the existing standards unreasonably prevent the owner from using the property for a permissible principal use that is consistent to scale with the neighborhood. The applicant is requesting a variance to be granted to allow a three-story single family residence. With a footprint (meeting setback requirements) of 1,300 square feet, the applicant could construct a home that is over 3,000 square feet (including the garage). Complying with the standards would not unreasonably prevent the owner from using the lot for a principal use.

No. Staff finds that sub-criterion 5(A) 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;

Downtown Douglas was platted prior to current zoning; therefore many parcels are substandard. Additionally, most of the construction that has occurred in Downtown Douglas was done prior to current zoning as well and many structures in this neighborhood encroach into setbacks. Most of the single family and duplex structures in this neighborhood are one and two stories high. The scale of construction that the applicant is suggesting is more intense than other developments in the area. The height of this structure within the setback exceeds the scale of development within the Downtown Douglas neighborhood. Denying this variance would not unreasonably prevent the owner from using the property in a manner that is consistent to scale, amenities, appearances or features with the existing development in the neighborhood.

No. Staff finds that sub-criterion 5(B) is not met.

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

This lot is located on the corner of 1st Street and Bradley Street and has a very gentle slope. The parcel is almost square, but has a slight angle to the north property line. This property is unique due to its limited lot area, but otherwise there are no unique physical features of the property that render compliance with the standards to be unreasonably expensive.

No. Staff finds that sub-criterion 5(C) 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 only preexisting nonconformity is the lot width, lot depth, and lot area. A grant of this variance would not result in a net decrease of the preexisting nonconformities with relation to the Land Use Code, or the building code. This lot is currently vacant therefore, this sub-criterion is not applicable.

N/A. Staff finds that this sub-criterion 5(D) is not applicable.

No. Staff finds that criterion 5 is not met because sub-criterion 5(A), 5(B), 5(C), and 5(D) have not been met.

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

Granting a variance to the street side yard setback would allow the property owner to construct a dwelling unit on the lot. A benefit that would result from a dwelling on the lot is that the lot would no longer be an eye sore in the neighborhood attracting debris and overgrown vegetation. Granting 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 Program?*

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?*

No. Based on the analysis above, staff finds that the Variance application does not meet the criteria of CBJ §49.20.250 specifically because criteria 1, 2, and 5 are not met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2012 0003. The Variance permit would allow for a new single family dwelling to be constructed within the 13 foot street side yard setback. Specifically, the variance request is for the structure to be up to 7 feet from the property line with eaves no more than 4 feet 8 inches from the property line.

CDD staff is not recommending in favor of this application, however, if additional information becomes available at the hearing and the Board of Adjustment makes positive findings for criteria 1, 2, and 5 for the case, staff recommends the following conditions:

1. Prior to Certificate of Occupancy an As-Built Survey shall be submitted showing the new single family dwelling no closer than 7 feet to the Bradley Street property line and eaves no closer than 4 feet 8 inches to the Bradley Street property line. The As-Built Survey shall show that all other setbacks are met as required.
2. Prior to approval of the Foundation Setback Verification form a surveyor's statement of compliance shall include that the building's foundation is not closer than 5 feet to the fire hydrant in addition to all other setbacks being met.

ALTERNATE SCENARIO

After discussing the proposal with the applicant, an alternate scenario was proposed. The applicant would still prefer a setback reduction from 13 feet to 7 feet from Bradley Street for the construction of a new three-story home; however, if the Board of Adjustment did not find the application favorable the applicant would be agreeable to an alternate (see attachment D). The alternate plan would be that the first floor of the dwelling could be built up to 7 feet from the Bradley Street property line, but the 2nd and 3rd stories would need to meet the same setback as the front yard setback of 10 feet. This reduction in street side yard setback encroachment would lessen the impact to the neighborhood while still meeting the needs of the applicant.

Variance Requirements not previously met:

- 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 in the alternate scenario would provide substantial relief to the property owner involved. The applicant would be able to construct a home that meets the needs of their family. The proposed three story house is not consistent with justice to other property owners because most of the homes in this neighborhood are one and two story homes. Increasing the setback on Bradley Street to 10 feet for the second and third stories would be more consistent with justice to other property owners because the setback from both 1st Street and Bradley Street would be the same for the upper two stories.

Yes. Staff finds that criterion 1 for the Alternate Scenario 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.***

In the alternate scenario, the intent of Title 49 would be met because the second and third story of the structure would meet the reduced 10 foot front yard setback and would therefore meet the intent of open space for light and air.

Yes. Staff finds that criterion 2 for the Alternate Scenario is met.

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

(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;

As mentioned above, many parcels in Downtown Douglas are substandard with homes built prior to current zoning standards and encroaching into setbacks. This parcel has a front yard setback that has been reduced to ten feet due to neighboring properties encroaching. It is unreasonable to require that the applicant have a greater street side yard setback than a front yard setback. Allowing the applicant to construct a second and third story structure that is setback the same distance as the front yard setback is more consistent to the scale, amenities, and appearance of the existing neighborhood.

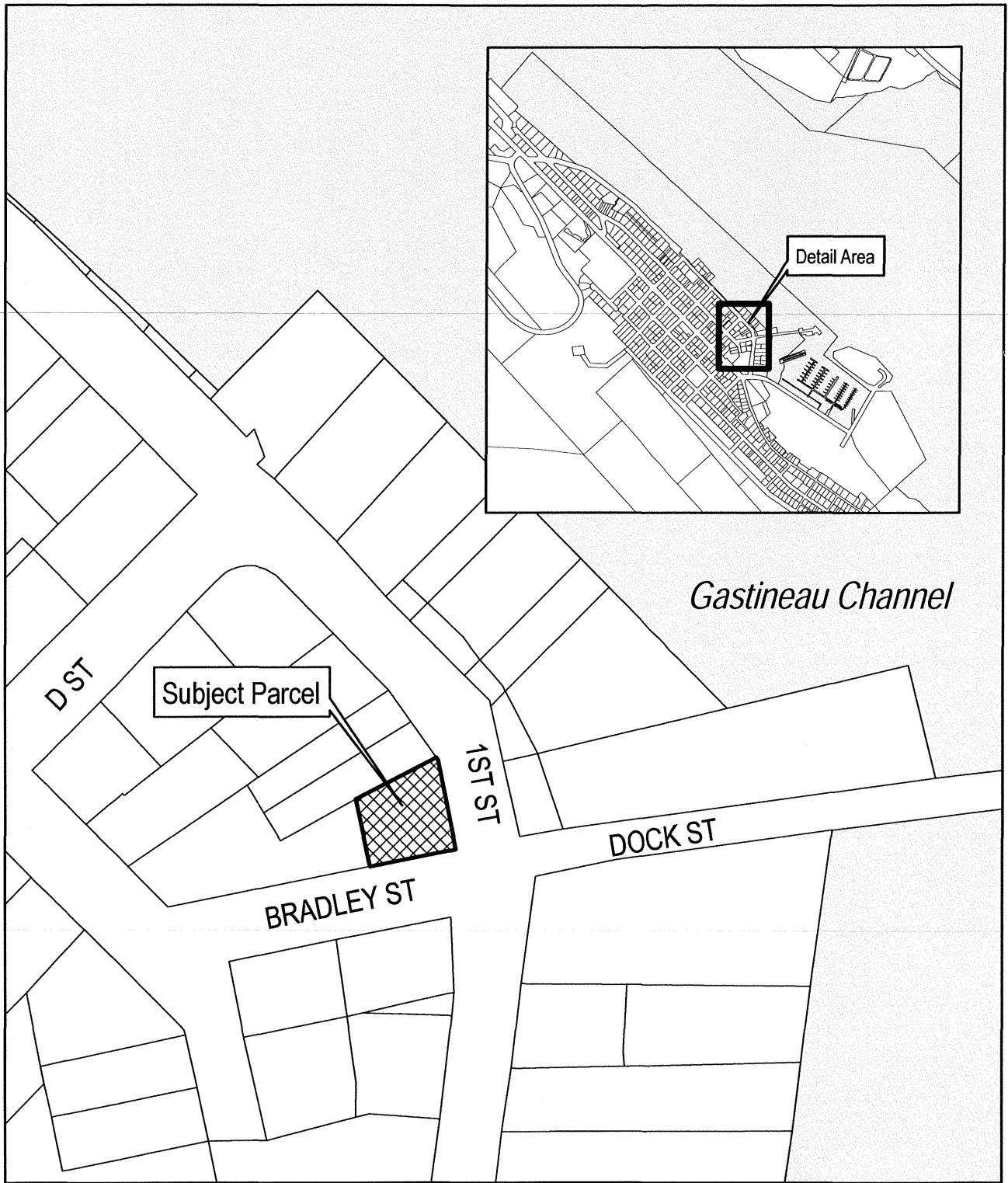
Yes. Staff finds that sub-criterion 5 B is met; therefore, criterion 5 is met.

ALTERNATE RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Alternate Scenario Variance, VAR2012 0003. The Variance permit would allow for a new single family dwelling to be constructed within the 13 foot street side yard setback. Specifically, the Alternate Scenario would allow the ground level of the structure to be up to 7 feet from the Bradley Street property line with eaves no closer than 4 feet 8 inches from the Bradley Street property line and the second and third stories be up to 10 feet from the Bradley Street property line with eaves no closer than 6 feet 8 inches to the Bradley Street property line.

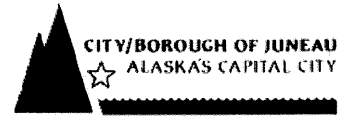
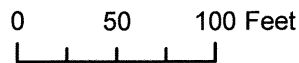
The following conditions are recommended if the Board of Adjustment approves the Alternate Scenario:

1. Prior to Certificate of Occupancy an As-Built Survey shall be submitted showing the ground floor of the new single family dwelling no closer than 7 feet to the Bradley Street property line and eaves no closer than 4 feet 8 inches feet to the Bradley Street property line and the second and third floors of the new single family dwelling no closer than 10 feet to the Bradley Street property line and eaves no closer than 6 feet 8 inches to the Bradley Street property line. The As-Built Survey shall show that all other setbacks are met as required.
2. Prior to approval of the Foundation Setback Verification form a surveyor's statement of compliance shall include that the building's foundation is not closer than 5 feet to the fire hydrant in addition to all other setbacks being met.



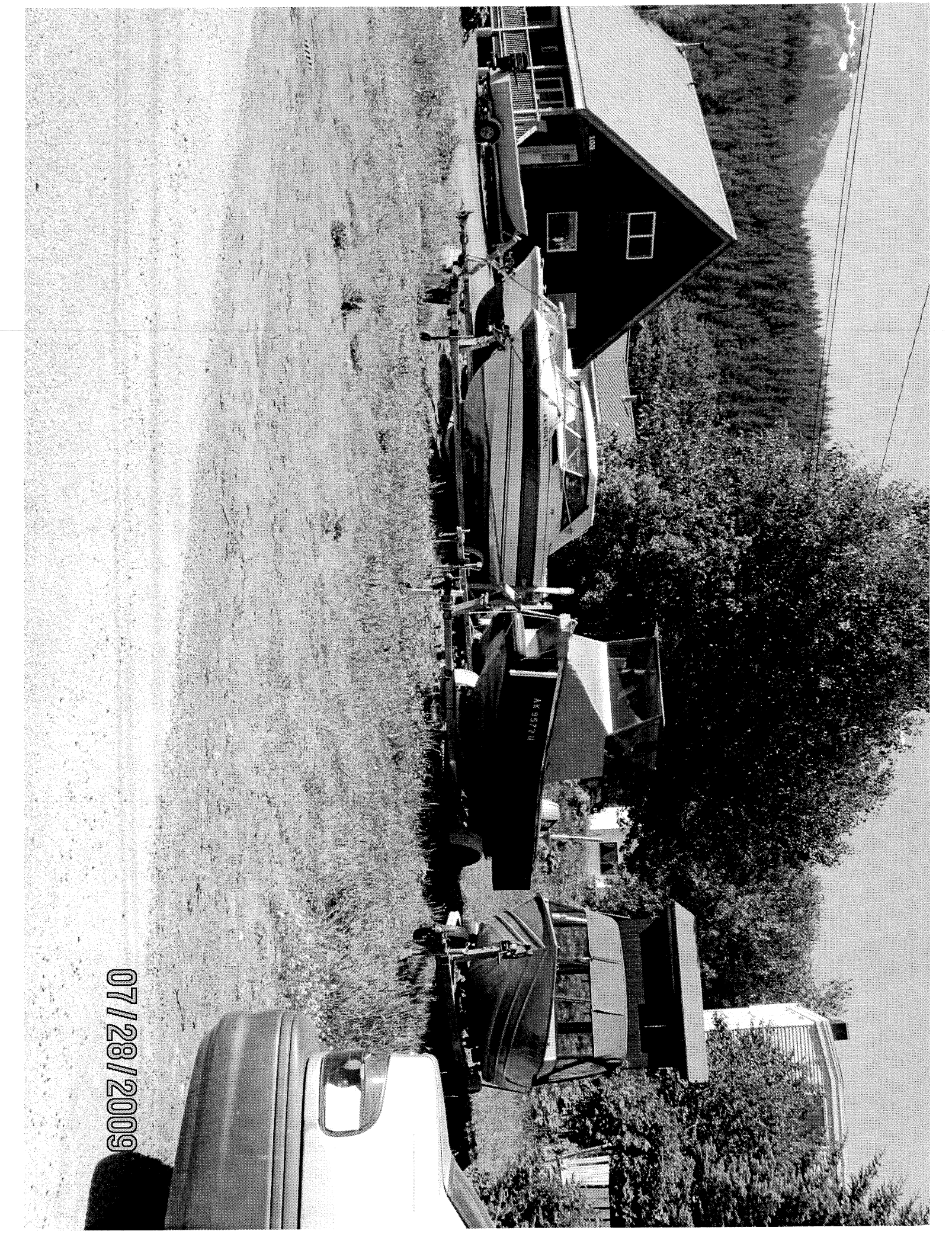
1ST ST (DOUGLAS)
VICINITY

-NOT A SURVEY-
Property lines are approximate



Map created: 3/13/ 2012

ATTACHMENT A



07/28/2009



155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

January 12, 1994

File No.: VR-38-93
2-D04-0-T05-007-0

William D. & Janet E. League
P. O. Box 240329
Douglas, Alaska 99824

Dear William & Janet:

The information you submitted, together with other information available, indicates that the three closest adjacent buildings are ten feet or less from their respective front property lines. Therefore, under section 49.25.430(4)(J) of the city and borough code, the required front setback for a proposed dwelling on Lot 8, Block 5, Douglas Townsite would be not less than 10 feet. No variance from the front setback requirement would be needed, provided the building met this dimensional standard.

As you know, other land use and building code requirements would apply.

I hope this information is helpful. Please let me know if we may answer any additional questions.

Sincerely,

Tom Korosei, Planner
Community Development
586-5230

cc: Debbie Purvis
Building File



ATTACHMENT B

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2/22/12
Project Name <small>(City Staff to Assign Name)</small>		

INFORMATION

PROJECT / APPLICANT

Project Description variance to reduce streetside yard setback to 7 feet for new residence		
PROPERTY LOCATION		
Street Address 0 1ST Street	City/Zip Douglas 99824	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lot 8 Block 5 Douglas townsite		
Assessor's Parcel Number(s) 2-D04-0-P05-007-0		
LANDOWNER/LESSEE		
Property Owner's Name KENT F. CRABTREE	Contact Person:	Work Phone:
Mailing Address P.O. BOX 241014 DOUGLAS 99824	Home Phone: 907 723 1747	Fax Number:
E-mail Address Kent.crabtree@alaska.gov	Other Contact Phone Number(s):	
LANDOWNER/LESSEE CONSENT <small>***Required for Planning Permits, not needed on Building/Engineering Permits***</small>		
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	Kent F. Crabtree Landowner/Lessee Signature	FEB 21, 2012 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.		
APPLICANT <small>If the same as OWNER, write "SAME" and sign and date at X below</small>		
Applicant's Name SAME	Contact Person:	Work Phone:
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	
X	Kent F. Crabtree Applicant's Signature	FEB 21, 2012 Date of Application

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

STAFF APPROVALS

	Permit Type	Sign	Date Received	Application Number(s)
<input checked="" type="checkbox"/>	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee in Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (if more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)		2/22/12	var 20120003
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments:	Permit Intake Initials KMC
-----------	--

ATTACHMENT C

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>var12-003</i>	Date Received <i>2-22-12</i>
----------------	------------------------------	---------------------------------	---------------------------------

TYPE OF VARIANCE REQUESTED:

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

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

Construct new residence - side street setback is 13 feet - request variance to 7 feet.

Previous Variance Applications?

YES NO

Date of Filing: *7-26-1993*

Previous Case Number(s): *VAR-VR93-38*

Was the Variance Granted? YES NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

see attached

UTILITIES AVAILABLE:

WATER: Public On Site

SEWER: Public On Site

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

see attached

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

see attached

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

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

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <i>400</i>			<i>2/22/12</i>
Adjustment	\$			
Total Fee	\$ <i>400</i>	<i>025093</i>	<i>ed d244</i>	<i>2/22/12</i>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

Variance Application

Description of activity which requires a variance:

Build a residence with a footprint that would only be allowed if some relief were granted from the standard side street setback requirement of 13 feet. I request that the side street set back be relaxed to 7 feet which would be in keeping with the intent of the code (side street set back = 2/3 of front set back) and would fit the neighborhood which was mostly developed prior to the concept of standards. In this area lots sizes are variable and setbacks are frequently relaxed. As recently as 1994 the previous owner of the subject lot, under a prior iteration of the land use code had drawn plans for a residence that was 10 feet from the side street property line. The set back was apparently determined to be 10 feet or less by the rules at that time.

Unique characteristics of land or building(s):

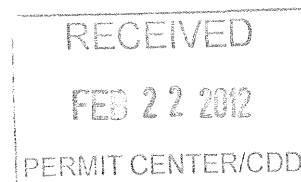
The subject lot is of substandard size and irregular shape. The lot is less than 57' deep where a standard minimum lot depth is 80'. Due to an angled side the lot is only 45' wide at the rear.

Why would variance be needed for this property regardless of the owner?

The lot size and the confining side street set back requirement will remain the same regardless of the owner. The previous owner also pursued adjustments to the set backs and though he finally received a determination that according to neighborhood standards his front set back could be reduced to 10 feet and apparently his side street set back also was 10 feet or less, he abandoned his plan to build when he concluded that he could only meet his needs on the available footprint by building three stories high which he decided against.

What hardship would result if the variance were not granted?

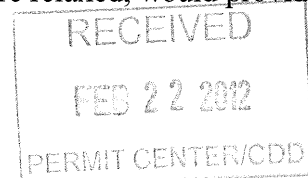
If the variance is granted I will proceed to pursue construction of a residence that will meet the needs of my family. If the variance is not granted I will have to conclude that this lot is not a viable location for this particular vision. I am not interested in spending time and money building a structure that does not meet our needs. I may need to sell the lot to someone that can make use of the limited building footprint.



Variance Approval Criteria

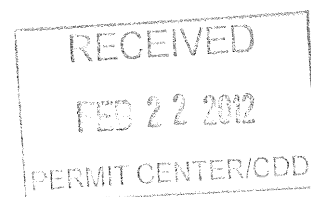
- (1) The relaxation applied for or a lesser relaxation specified by the board of adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;
- (2) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved;
- (3) The authorization of the variance will not injure nearby property;
- (4) The variance does not authorize uses not allowed in the district involved;
- (5) Compliance with the existing standards would:
 - a. Unreasonably prevent the owner from using the property for a permissible principle use;
 - 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;
 - c. Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;
 - 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, title 49, or the building code, title 19, or both; and
- (6) A grant of the variance would result in more benefits than detriments to the neighborhood.

- 1) Many attempts to design floor plans for a residence to fit this lot that will meet the needs of a growing family have proved futile. The design process has repeatedly been hampered by the limitation of the footprint that is available due to the side street setback requirement. Since this is a small substandard lot the footprint of the building will be determined by the setbacks. Designing to meet our needs within these confines has proved impossible. The land use code makes provision for adjusting the front, the rear, and the side set backs, however the particular case of a side street fails to be addressed. There is no relief specified in the case of a side street so the standard setback of 13 feet stands. Since relief is provided for all set backs except this one alone the peculiar circumstance results that I have a front setback of 10 feet and a greater set back of 13 feet for the side street. As explained to me, the intention of the code was that a side street setback ought to be about $\frac{2}{3}$ of the front set back, thus for a standard front set back of 20 feet a side street set back is determined to be 13 feet, roughly $\frac{2}{3}$ of 20 feet. Abiding by the *intent* of the code, by this rule of thumb, the side street set back for this lot ought to be $\frac{2}{3}$ of 10 feet which, with rounding up, is 7 feet. Relaxation of the side street set back from that of a standard size lot, as other set backs are relaxed, would provide



significant relief in the development of a satisfactory residential design. Non-standard, reduced setbacks are more the norm than the exception in this area so the granting of this variance would be both fair and fitting for the neighborhood.

- 2) Since relief is sought concerning only the side street setback it will have no consequence to neighboring properties. The resulting residence would be a few feet closer to the street but would not be closer to adjacent buildings. All the requirements for space and air and light and fire separation to neighboring properties would remain intact. Granting relief in this case would honor the intent of this title which is that a side street setback be 2/3 of the front setback. The relaxed setback would be ordinary to other properties in the area which also fail to adhere to the standard setback requirements.
- 3) Relief is sought concerning the side street setback and it will have no consequence to the space between the proposed residence and the adjacent neighboring properties. The reduced set backs will be in keeping with the standards of other set backs in the neighborhood. Authorization of this variance will not injure nearby properties.
- 4) The variance will not authorize any prohibited use; it will merely enlarge the buildable footprint towards the sidestreet in keeping with neighborhood standards. The granting of a variance will encourage the development of the lot into a residential property which is more fitting of its residential zone designation than is remaining vacant.
- 5) (A) This property is in a residential D-18 zone. The construction of a residence is a permissible principle use that is discouraged due to the difficulty imposed by the 13 foot side street set back requirement.
(B) The intended residence is entirely in keeping with the standards of surrounding neighborhoods with regard to scale, amenities, appearance and features. The desired residential design will require a slightly larger foot print and cannot be built without some relief to the side street setback.
(C) Not applicable.
(D) The substandard lot size is the preexisting nonconforming condition that results in this hardship. Standard lot depth is 80 feet; this lot is only 56 feet deep. If a provision were included in the code for side street set back as it is for every other lot side then there would be no need for a variance in this instance. Granting this variance would be fitting to the overall intention of the land use code and in fact the failure of the code to specifically address the case of how to adjust the side street set back for a substandard lot is deficiency that creates a situation where side street set backs are required to be greater than the front street set back which is non-intuitive and contrary to the intent of the code. This appears to be an oversight in the code that requires me to exercise this variance process, it unnecessarily costs me \$400, it expends my time, your time and the time of others involved in the process, and it delays progress on this project by many weeks to await a resolution. The code needs a simple adjustment to address this situation. The code could simply state that for a substandard lot the side street setback will be 2/3 of the front setback.
- (6) Granting this variance will be a benefit to the neighborhood and to the city. This lot has sat fallow for decades, growing tall grass and weeds, collecting litter and



dog feces. The previous owner also pursued plans to build but became discouraged by the restrictive setback requirements. If this variance is granted this empty lot may be transformed into a new, taxable, inhabited residence. While certain structures in this area are literally collapsing from disuse and rot, this project could signal that dereliction is not the rule for every property in this old Douglas neighborhood.

RECEIVED
FEB 22 2012
PERMIT CENTER/CDD

1 SQUARE = 2 FEET

PROPOSED BUILDING FOOTPRINT

BUILDING AREA
 $(39.5 \times 34) + (18 \times 8) = 1,487 \text{ ft}^2$

$\frac{\text{BLD AREA}}{\text{LOT AREA}} (100) = \frac{1487 \times 100}{3068} = 48\%$
 45.11 FT.

BUILDING COVERAGE OF LOT AREA

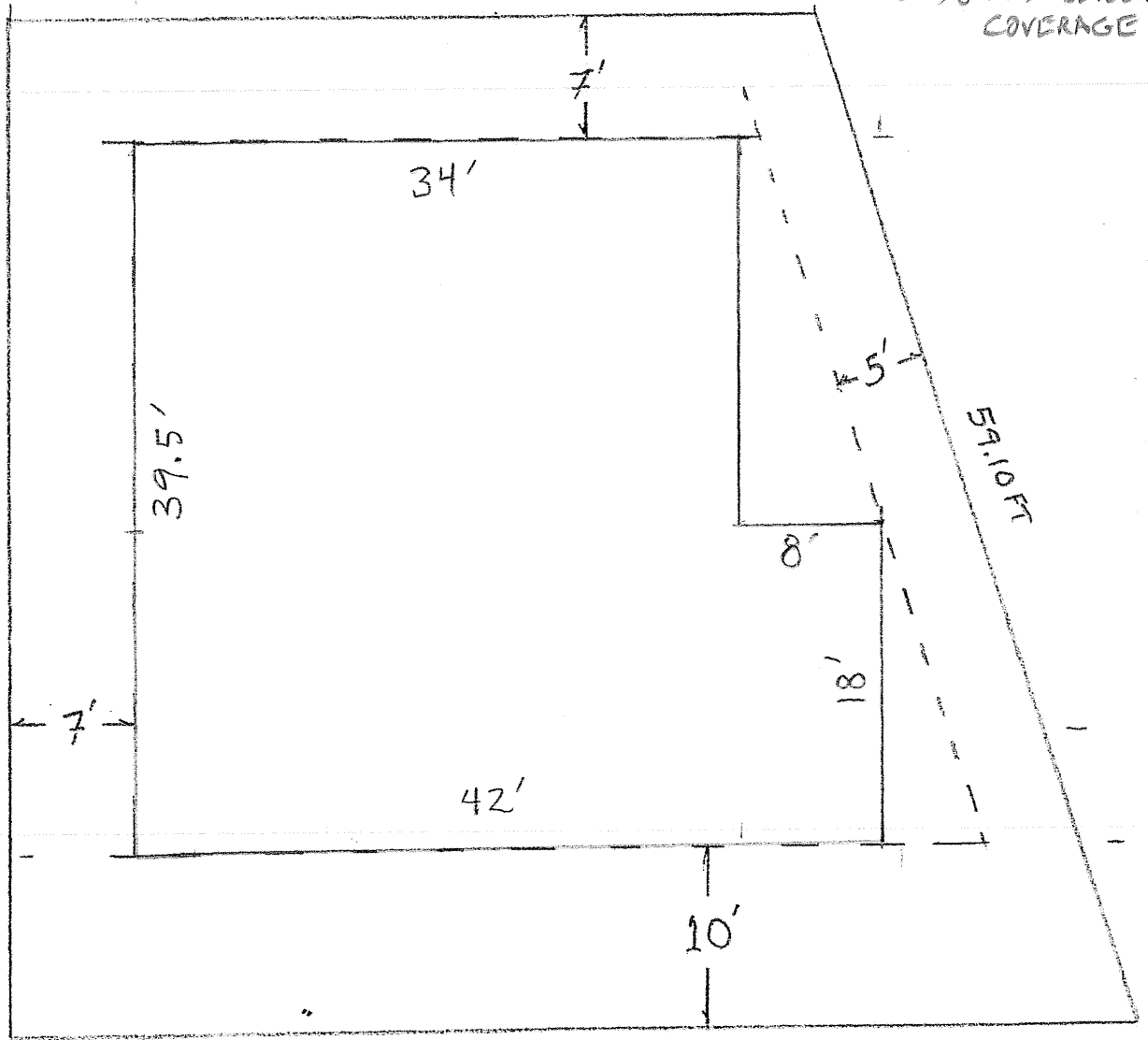
50% MAX BUILDING COVERAGE

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



BRADLEY STREET

56.65'



63.20'

FIRST STREET

RECEIVED
 FEB 22 2012
 PERMIT CENTER/CDD

1 SQUARE = 2 FEET

LOT AREA

$$A = 56.65 \times 45.11 = 2555.48 \text{ ft}^2$$

$$B = \frac{1}{2} [56.65 \times 18.09] = 512.4 \text{ ft}^2$$

$$2555.48 + 512.4 = \boxed{3,067.88} \text{ SQUARE FEET OF LOT}$$

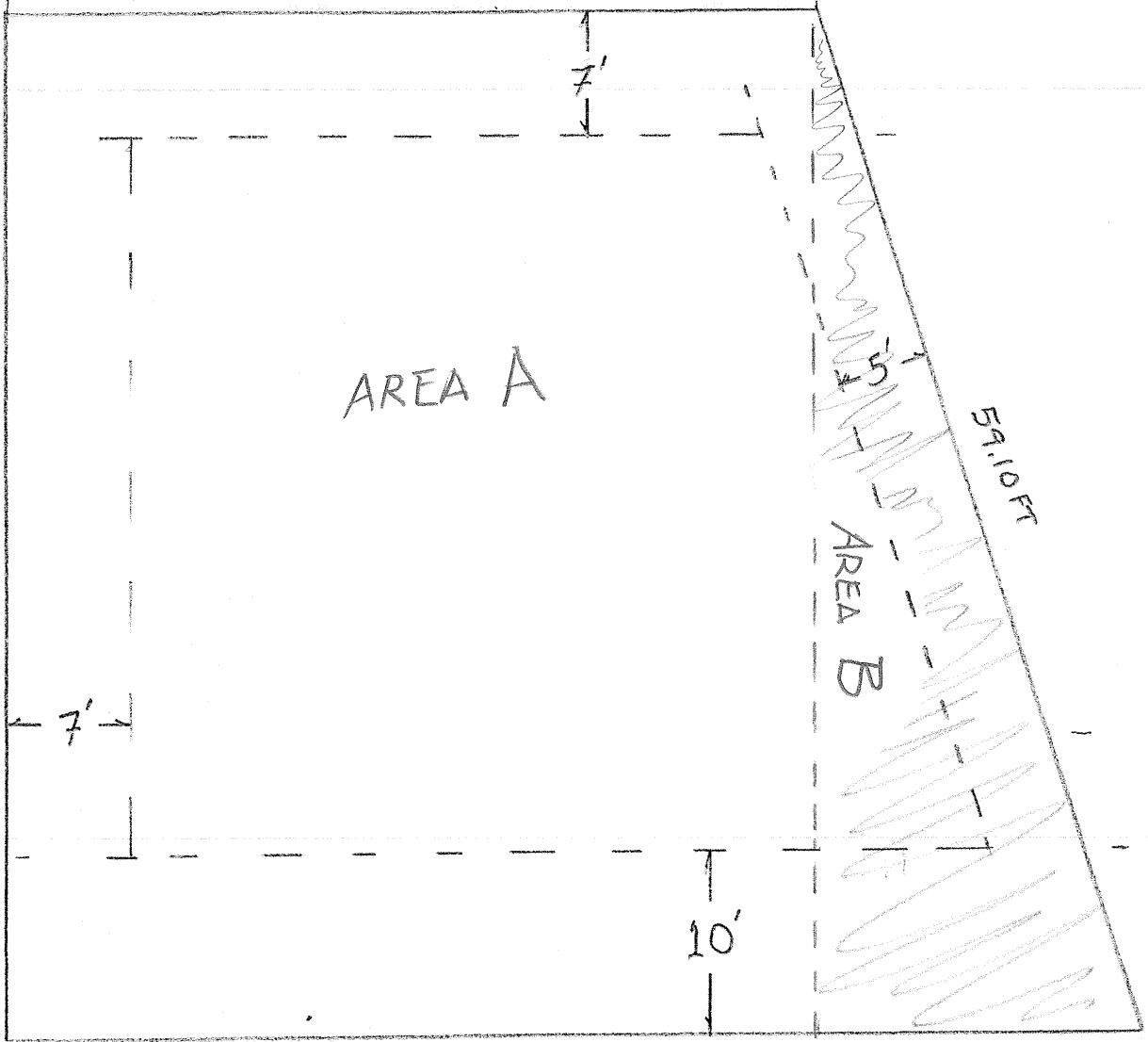
45.11 FT.

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



BRADLEY STREET

56.65'



AREA A

AREA B

57.10 FT

63.20'

FIRST STREET

$$63.2 - 45.11 = 18.09$$

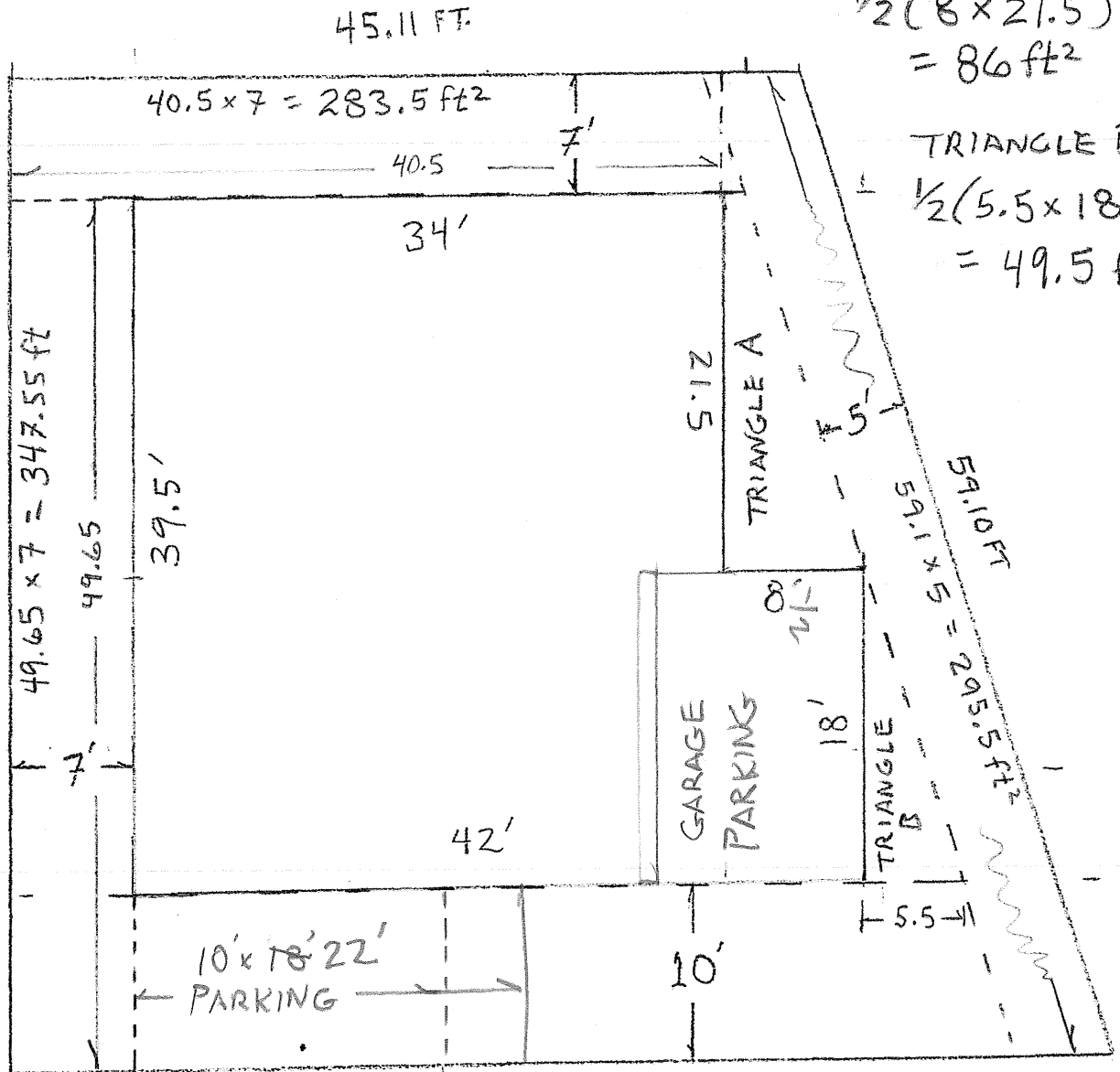
RECEIVED
FEB 22 2012
PERMIT CENTER/CDD

1 SQUARE = 2 FEET

PARKING AND VEGETATIVE COVER PROPOSED BUILDING FOOTPRINT

TRIANGLE A
 $\frac{1}{2}(8 \times 21.5)$
 $= 86 \text{ ft}^2$

TRIANGLE B
 $\frac{1}{2}(5.5 \times 18)$
 $= 49.5 \text{ ft}^2$



347.55 ft²
 283.5
 295.5
 86
 + 49.5

1062.05 ft²

VEGETATED AREA

$\frac{\text{VEG AREA}}{\text{LOT AREA}} (100) = \frac{1062}{3068} (100) = 35\%$ VEGETATIVE COVERAGE

30% MIN REQUIRED

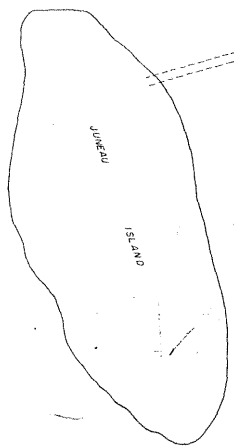
RECEIVED
 FEB 22 2012
 PERMIT CENTER/CDD

50 SHEETS
 100 SHEETS
 200 SHEETS

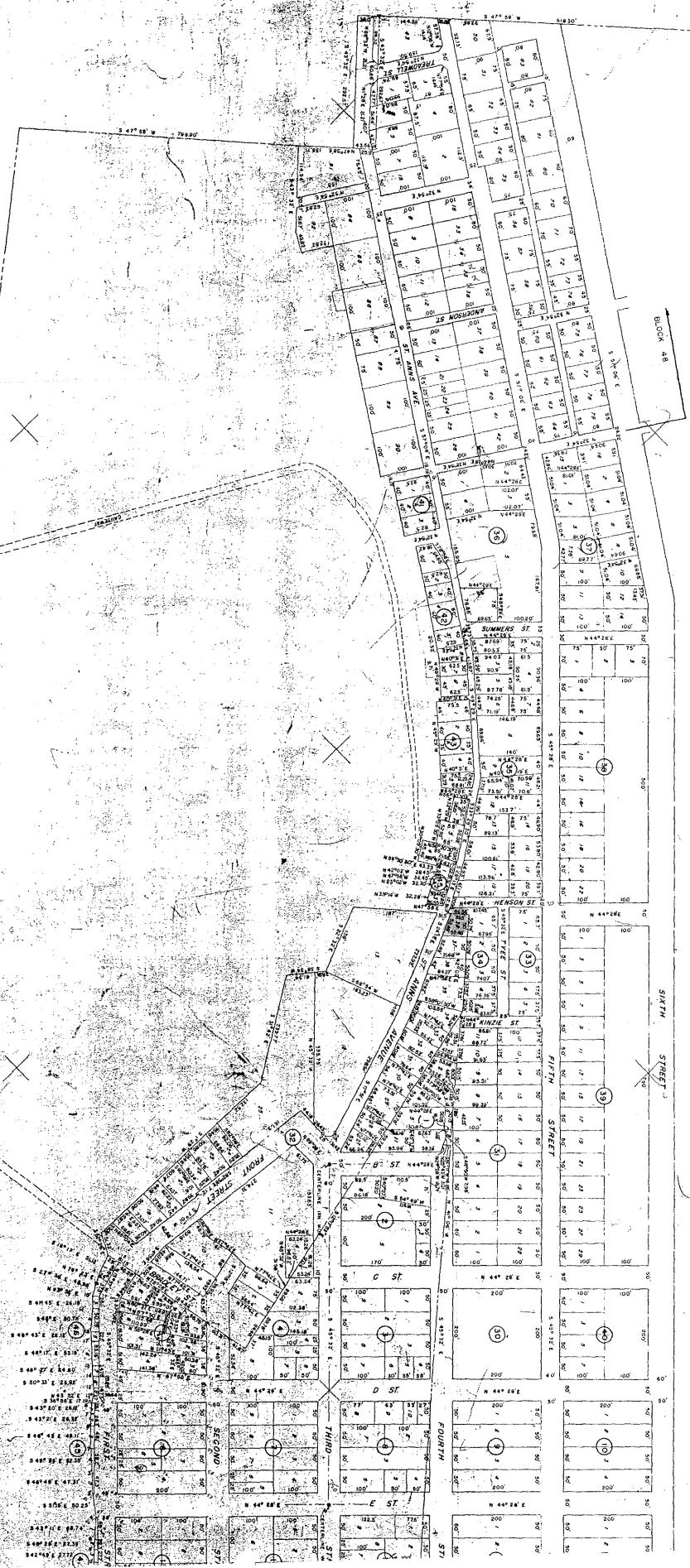


BRADLEY STREET

City of Douglas, 1988



RECEIVED
FEB 22 2002
PERMIT CENTER/CDD



Nicole Jones

From: Crabtree, Kent F (DFG) [kent.crabtree@alaska.gov]

Sent: Wednesday, March 21, 2012 6:28 PM

To: Nicole Jones

Subject: RE: 2nd draft

Attachment D

Concerns have been expressed by the CCD regarding the potential for a three story height residence in the area of the reduced setback. To address this concern the following adjustment to the variance request is proposed as a second-choice alternative.

The initial variance request seeks to change the side street set-back from 13 feet to 7 feet.

Alternative Variance request: In any case it seems illogical to require a setback to be greater on a sidestreet than on the front street. I suggest that a setback of 10 feet (the required front street setback) be applied as the sidestreet setback for only the second and third stories, and concerning only the first story reduce the side street setback from 13 feet to 7 feet.

From: Nicole Jones [mailto:Nicole_Jones@ci.juneau.ak.us]

Sent: Wednesday, March 21, 2012 2:25 PM

To: Crabtree, Kent F (DFG)

Subject: 2nd draft

Hi Kent,

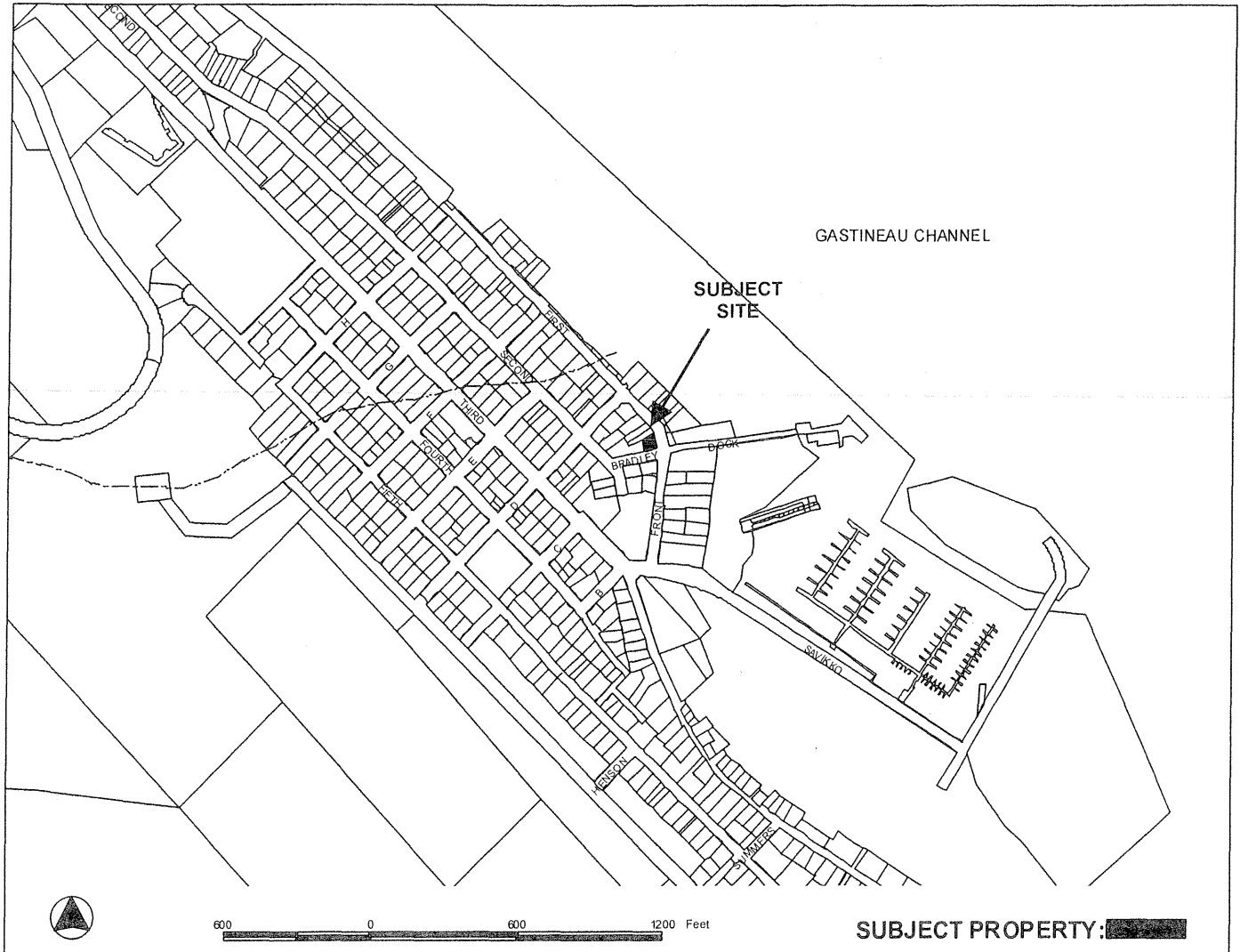
You will notice that I referenced an Attachment D towards the end of the staff report, this will be the e-mail that I have not yet received from you; I will add it tomorrow. I don't expect many changes to this other than minor edits.

Thank you for your patience with this variance process.

Kind Regards,

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

NOTICE OF PUBLIC HEARING



PROPOSAL: A Variance request to reduce the street side yard setback from 13 feet to 7 feet for a new single family dwelling on a vacant lot.

<p>FILE NO: VAR2012 0003</p> <p>TO: Adjacent Property Owners</p> <p>HEARING DATE: Mar 27, 2012</p> <p>HEARING TIME: 7:00 PM</p> <p>PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p>APPLICANT: KENTON F CRABTREE</p> <hr/> <p>Property PCN: 2-D04-0-T05-007-0</p> <p>Owner(s): WILLIAM D LEAGUE</p> <p>Size: 2607 sqft</p> <p>Zoned: D18</p> <p>Site Address: 1ST ST</p> <p>Accessed via: 1ST ST</p>
---	--

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Nicole Jones at 586-0218 or e-mail nicole_jones@ci.juneau.ak.us.

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