


MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: May 16, 2012

TO: Board of Adjustment

FROM: Nicole Jones, Planner 
Community Development Department

FILE NO.: VAR2012 0009

PROPOSAL: A Variance Request to reduce the rear yard setback from 15' to 14.3' to allow for a minor subdivision.

GENERAL INFORMATION

Applicant: Anh Lam

Property Owners: Anh & Marie Lam

Property Address: 3465 Tongass Boulevard

Legal Description: Evergreen Park Subdivision Lot 13

Parcel Code Number: 5-B21-0-151-007-0

Site Size: 22,382 square feet

Zoning: D-15

Utilities: Public Water & Public Sewer

Access: Tongass Boulevard

Existing Land Use: Multi-family Residential

Surrounding Land Use: North - D-15; Multi-Family Residential
South - D-15; Trinity Drive, then Condo property
East - D-15; Tongass Blvd, then Glacier Valley Elementary
West - D-15; Church



CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

ATTACHMENTS

| | |
|--------------|------------------------|
| Attachment A | Vicinity Map |
| Attachment B | As-Built Survey |
| Attachment C | Proposed Subdivision |
| Attachment D | CBJ Assessor Photo |
| Attachment E | Inquiry Letter |
| Attachment F | Applicant's Submittals |

PROJECT DESCRIPTION

The applicant is requesting a variance to the rear yard setback to allow a minor subdivision. The property is zoned D-15 and is located on the corner of Trinity Drive and Tongass Boulevard (See Attachment A). The property owner has a four-plex on the property that currently meets the zoning district setback standards; however, a subdivision is not allowed unless the setbacks are reduced (See Attachment B & C). The applicant plans to construct and sell a four-plex on the property created by the subdivision.

BACKGROUND

This property was platted in 1961, prior to current zoning regulations, and meets all current zoning district dimensional standards for D-15. This property is a large corner lot with a well established four-plex located on it. According to the CBJ Assessor's Database, the four-plex was constructed in 1965. The four-plex has approximately 8 unmarked back out parking spaces which back out on to Tongass Boulevard (See CBJ Assessor photo in Attachment D).

In 1974, a Conditional Use permit was approved for one doctor office in Apartment # 4 (CU-6-74). According to the minutes of the Planning Commission meeting on April 8, 1974 when the Conditional Use permit was approved, the use of the space for the doctor's office was intended to be temporary/short term. Staff has been unable to find evidence as to whether the doctor's office actually operated out of Apartment # 4. One of the conditions of approval for the doctor's office was the requirement that parking be move to the rear of the building. The required changes were never made and the Conditional Use permit expired. The back out parking can continue as a legally non-conforming situation.

This property is bordered by two rights-of-way: Tongass Boulevard and Trinity Drive.

Per CBJ §49.25.430(3) Multiple Frontage lots, on undeveloped corner lots or corner lots on which existing buildings conform to required setbacks, the owner may establish the rear yard opposite either right-of-way frontage. The remaining yard(s) not fronting on a street right-of-way will be considered a side yard(s).

In this case, Tongass Boulevard and Trinity Drive both meet the front yard setback requirement of 20 feet; therefore, either property line opposite of these could be considered the rear yard setback. The property owner is requesting that the North property line be considered the rear yard setback and the West property line be considered the side yard setback. The variance request is for 0.7 feet, this is a smaller request than if the rear yard setback was from the West property line. If the West is considered the rear, then the variance would be from 15 feet to 5.7 feet, a variance request of 9.3 feet.

The requested encroachment of 0.7 feet into the rear yard setback is substantially less than if the West property line were considered the rear yard setback. This variance request, while minimal does not meet the criteria of a De minimis variance as outlined in CBJ § 49.20.250(a) because this request is a deliberate effort to evade the dimensional requirements.

In 2008, the previous owner inquired about the feasibility of developing another four-plex on the property (INQ2008-00054). The inquiry letter, dated November 26, 2008, determined that another four-plex was permissible without subdividing (See Attachment E). The inquiry letter also stated that if the property was to be subdivided a variance to setbacks would be necessary. While a second four-plex could be constructed on the property, the property owner prefers to subdivide the property so that the second four-plex could be sold to another property owner. Also, financing is challenging when two structures are on one property. The applicant states that financing is more available to properties with a single building on a single lot (See Attachment F).

ANALYSIS

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

Comments Received:

Ron King, Chief Regulatory Surveyor, CBJ General Engineering
General Engineering has no issues with this request.

Jay Srader, Chief Building Inspector

The building dept has no issues so long as the final As-Built Survey shows a minimum 5ft from the existing structure to the new property line and no less than 2 ft from the eaves or other projections to the new property line. Dan Jager should also be asked for comment since this involves more than 2 dwellings. They have access issues for high density lots.

Dan Jager, Fire Marshall

I don't see any fire department issues with this.

John Sahnaw, CBJ Appraiser II

The Assessor's Division does not have any significant concerns regarding this request for variance.

Ed Foster, CBJ Streets Superintendent

I did go out and look at the subject property, and I don't see Streets having a problem with this request.

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 relaxation applied for would give substantial relief to the property owner by allowing a subdivision of their land without having to remove a portion of the existing four-plex in order to meet the setback requirements. In this neighborhood there are many infill projects that have created higher density residential development. There are no known setback variances that have been approved for this neighborhood; however, there may be existing non-conforming situations which have not required variance approval.

The proposed subdivision (See Attachment C) meets all other Land Use Code requirements. Granting the variance would give substantial relief to the property owner and be more consistent with justice to other property owners.

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

The amount of setback encroachment is minimal and the location of the structure has been in existence since 1965. All other setback requirements will be retained. The construction of a second multi-family dwelling is consistent with future growth and development for the Borough.

Yes. Staff finds that criterion 2 is 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 has been in existence since its original construction in 1961. As of the date of this memorandum, there has not been any public comment received that suggests that this 0.7 foot rear yard setback encroachment will injury 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 multi-family dwelling is an allowed use in the D-15 zoning district. This use is authorized per CBJ §49.25.300 Table of Permissible Uses, section 1.300.

Yes. Staff finds that criterion 4 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, as is, allows up to 8 dwelling units (See Attachment E). The property owner could construct the same amount of dwelling units without the subdivision. Additionally, this property currently has a permissible principal use which is the four-plex.

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;*

This property is zoned to allow multi-family residential housing, much of Juneau's multi-family housing is of a small scale and dispersed throughout the community. Very few property owners have the means to own and operate a large scale apartment complex. Many of the properties in this neighborhood have multi-family dwellings on the lots which are the same size as this lot or smaller.

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;*

There are no unique physical features on this property that render compliance with the standards unreasonably 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 current use on this property has a legally non-conforming back out parking situation. The approval of this variance request will not result in a net decrease or increase in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.

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

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

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

A grant of this variance would allow for additional infill in a neighborhood that allows higher density. Additionally, this location is near Glacier Valley Elementary School and will likely offer affordable housing in a neighborhood that would enable children to walk to school. 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 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 0009. The Variance permit would allow for the rear yard setback to be reduced from 15 feet to 14.3 feet to facilitate the approval of a minor subdivision.



EVERGREEN PARK
SUBDIVISION
VICINITY

-NOT A SURVEY-
Property lines are approximate

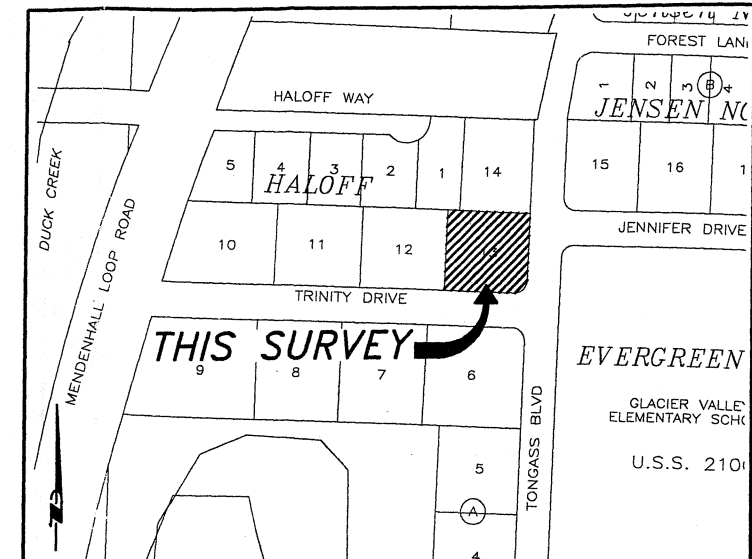
0 50 100 200 Feet



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Map created: 5/7/ 2012

ATTACHMENT A



VICINITY MAP

SOURCE: C.B.J. BOROUGH ATLAS
NOT TO SCALE

GENERAL NOTES

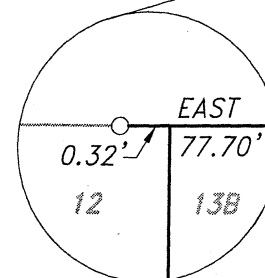
1. THE BASIS OF BEARING FOR THIS SURVEY WAS THE LINE OF SIGHT BETWEEN RECOVERED SECONDARY MONUMENTS FOR THE NORTH LINE OF LOT 13, EVERGREEN PARK SUBDIVISION, AS DELINEATED ON PLAT 299, HAVING A RECORD BEARING OF EAST.
2. RECORD INFORMATION DENOTED BY THIS PLAT WAS DERIVED FROM PLAT 299, EVERGREEN PARK SUBDIVISION AND PLAT 510 HALOFF SUBDIVISION, ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.
3. WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES THE RECORD SURVEY COURSE IS SHOWN WITHIN PARENTHESIS WHILE THE ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSE IS SHOWN WITHOUT PARENTHESIS.
4. WATER AND SANITARY SERVICES ARE PROVIDED BY THE CITY & BOROUGH OF JUNEAU PUBLIC UTILITIES.
5. PROPERTY SUBJECT TO EASEMENTS OF RECORD DENOTED BY THIS SURVEY OR NOT.

HALOFF SUBDIVISION

LOT 2 PLAT #510

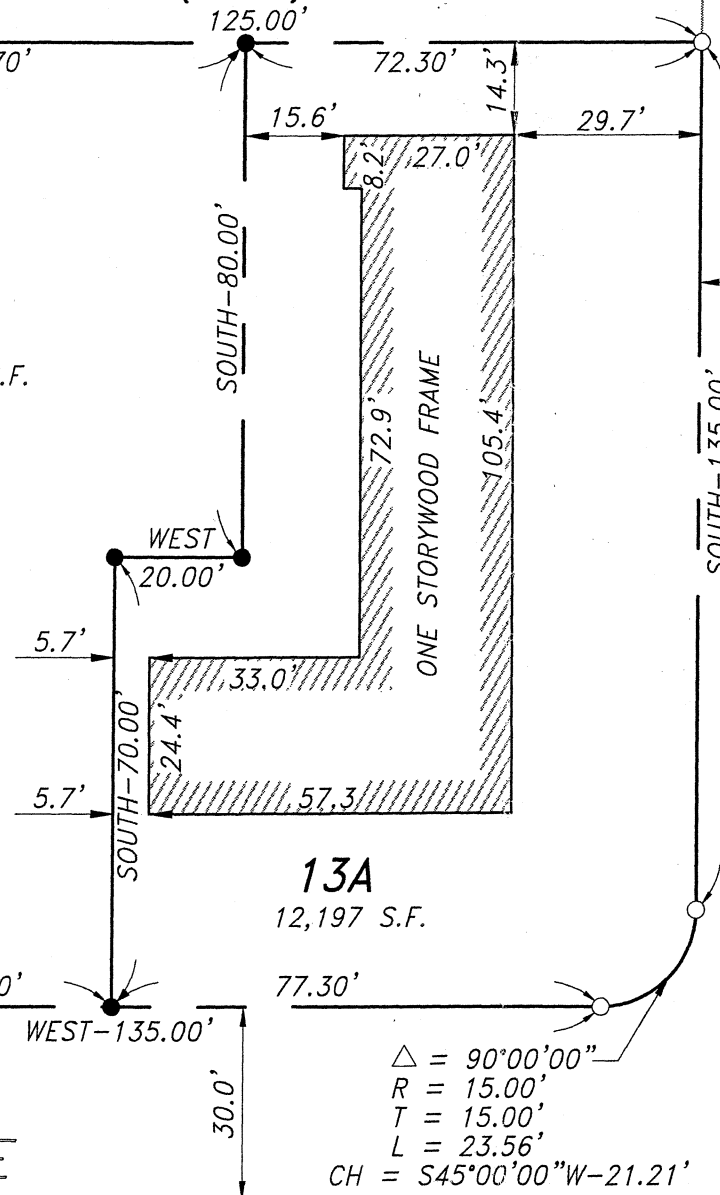
LOT 1

BASIS OF BEARING
EAST-150.32' (150.00')



13B
10,255 S.F.

NORTH-150.00'



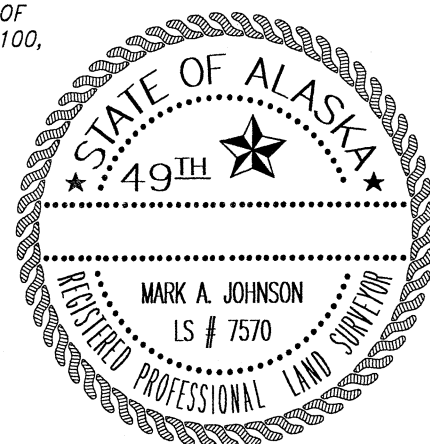
TONGASS BLVD

TRINITY DRIVE

$\Delta = 90^{\circ}00'00''$
 $R = 15.00'$
 $T = 15.00'$
 $L = 23.56'$
 $CH = S45^{\circ}00'00''W-21.21'$

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT OF LOT 13, EVERGREEN PARK SUBDIVISION OF U.S. SURVEY NO. 2100, AND THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS APPEARING ON THE LAND ARE AS SHOWN, AND THERE ARE NO ENCROACHMENTS OR OVERLAPS OF IMPROVEMENTS THEREON.



NOTE:

UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR FOR ESTABLISHING BOUNDARY OR FENCE LINES.



A LIMITED AS-BUILT SURVEY
OF

LOT 13

EVERGREEN PARK SUBDIVISION
WITHIN U.S. SURVEY 2100
CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNER:

DR. ANH LAM
7691 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

SURVEYOR:

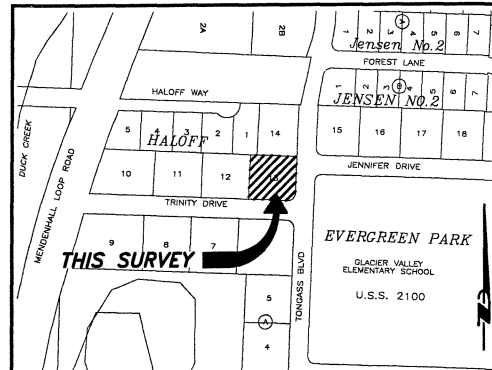
MARK A. JOHNSON, L.S.
R & M ENGINEERING, INC.
6205 GLACIER HIGHWAY

SCALE: 1"=30'

DATE: APRIL 17, 2012

SHEET 1

ATTACHMENT B



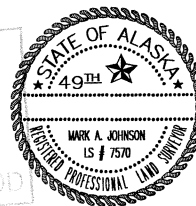
VICINITY MAP
SOURCE: CBJ PROPERTY ATLAS
SCALE: 1"=300 ±

GENERAL NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY WAS THE LINE OF SIGHT BETWEEN RECOVERED SECONDARY MONUMENTS FOR THE NORTH LINE OF LOT 13, EVERGREEN PARK SUBDIVISION, AS DELINEATED ON PLAT 299, HAVING A RECORD BEARING OF EAST.
2. RECORD INFORMATION DENOTED BY THIS PLAT WAS DERIVED FROM PLAT 299, EVERGREEN PARK SUBDIVISION AND PLAT 510 HALOFF SUBDIVISION, ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.
3. WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES THE RECORD SURVEY COURSE IS SHOWN WITHIN PARENTHESIS WHILE THE ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSE IS SHOWN WITHOUT PARENTHESIS.
4. ALL BEARINGS SHOWN ARE WITH REFERENCE TO THE BASIS OF BEARING. ALL DISTANCES DENOTED HAVE BEEN REDUCED TO HORIZONTAL DISTANCES.
5. THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3000 SERIES TOTAL STATION AND STANDARD PRISM RANGING METHODS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.



DATE: _____

PLAT OF
LOT 13
CREATING LOTS
LOT 13A AND LOT 13B
EVERGREEN PARK SUBDIVISION
WITHIN U.S. SURVEY 2100
CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNER:
DR. ANH LAM
7691 GLACIER HIGHWAY
JUNEAU,

SURVEYOR:
MARK A. JOHNSON, L.S.
R & M ENGINEERING, INC.

DATE: AI

ATTACHMENT C

SYMBOLS

- ⊗ PRIMARY MONUMENT BY OTHERS (RECOVERED THIS SURVEY)
- SECONDARY MONUMENT BY OTHERS (RECOVERED THIS SURVEY)
- SECONDARY MONUMENT (ESTABLISHED THIS SURVEY)
- BOUNDARY / PROPERTY LINE

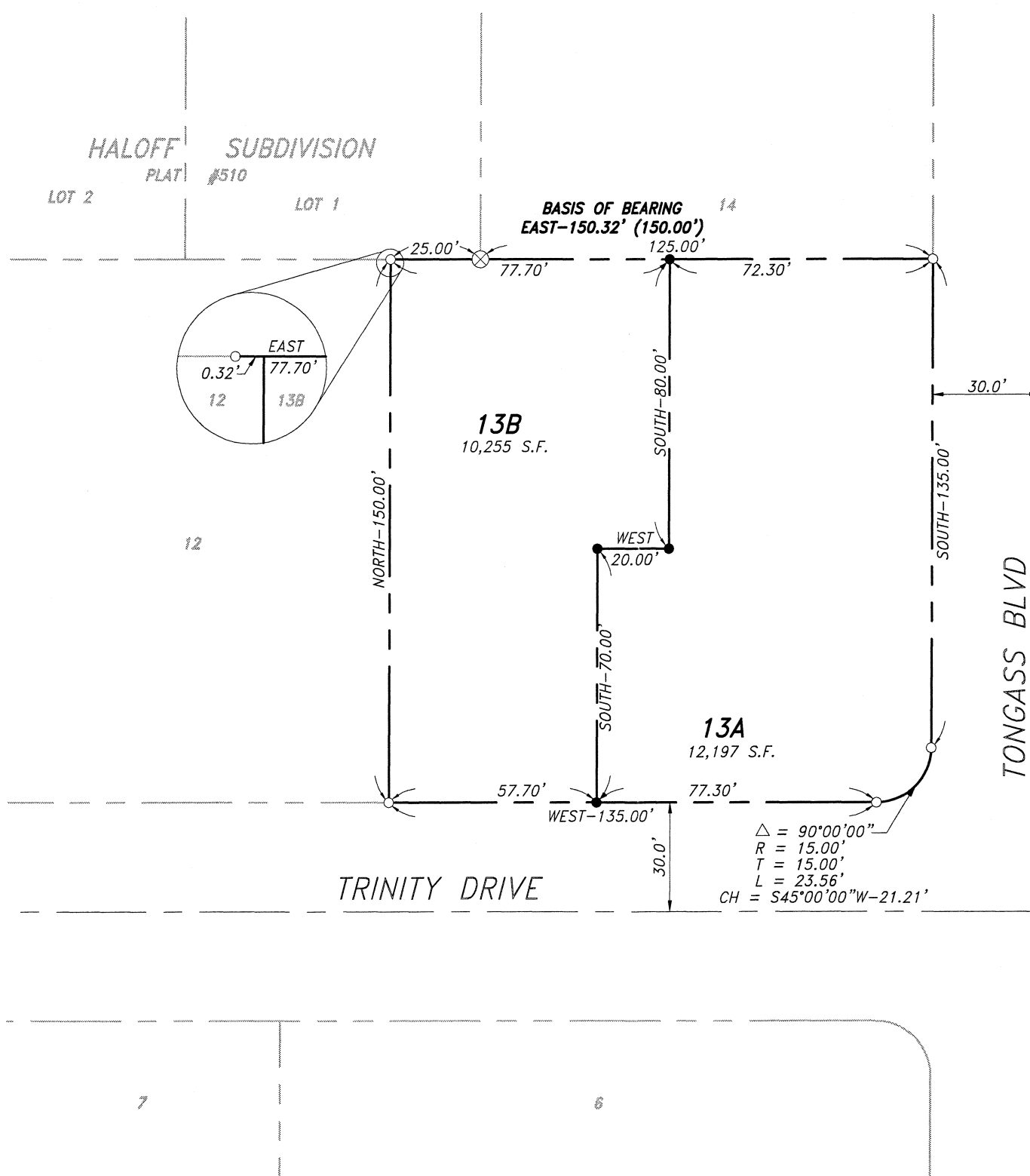
TYPICAL MONUMENT

(ESTABLISHED THIS SURVEY)

JOHNSON
7570-S

SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASTIC SURV-CAP
ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE: _____, 2012

OWNER: ANH LAM

OWNER: MARIE T. LAM

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA)
STATE OF ALASKA)ss.

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2012, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED ANH LAM AND MARIE T. LAM, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

CERTIFICATE OF PLAT APPROVAL

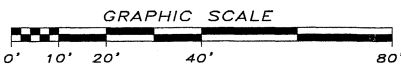
I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: _____, 2012

ACTING DIRECTOR
CITY AND BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST:

CLERK,
CITY AND BOROUGH OF JUNEAU





KONGASSO
BLVD

10.04.2011



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

November 26, 2008

Parcel: 5-B21-0-151-007-0

Samuel D. Pleasant
PO Box 034263
Juneau, AK 99803

Re: Subdividing Lot 13 of the Evergreen Park Subdivision

Dear Mr. Pleasant,

Lot 13 of the Evergreen Park Subdivision is 22,382 square feet and located in a D15 zone with a 4-unit apartment complex.

Your inquiry was concerning how many additional dwelling units could be placed on the lot. The D15 zone is a multifamily residential district allowing 15 units per acre. Based on the area of the lot, a total of 8 dwelling units are allowed; see below calculation.

$$22,382 \text{ ft}^2 \div 2,904 \text{ ft}^2/\text{dwelling unit} = 7.7 \text{ dwelling units}$$

Per §49.25.510(a) fractions of dwelling units are rounded to the nearest whole number

7.7 rounds to a maximum of 8 units allowed

Multifamily dwellings in the Table of Permissible Uses, 49.25.300(1.300), states that in the D15 zone, more than 4 dwelling units requires an Allowable Use permit. Therefore, another apartment building with a maximum of 4 dwelling units is possible with an Allowable Use permit.

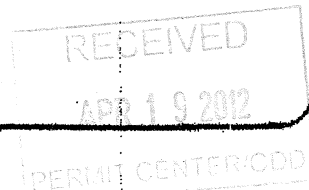
You also asked if a subdivision was possible to create two lots that could have 4 dwelling units on each lot. A subdivision of Lot 13 into two lots may be feasible if a variance is granted. For each lot to be able to accommodate a maximum of 4 dwelling units, a minimum lot area of 10,193 square feet is required; see below calculation.

$$10,193 \text{ ft}^2 \div 2,904 \text{ ft}^2/\text{dwelling unit} = 3.51 \text{ dwelling units}$$

3.51 rounds to a maximum of 4 units allowed

Each lot also has to have a minimum lot width of 50 feet and a minimum lot depth of 80 feet. For your convenience, a rough outline for a subdivision is attached to this document.

155 So. Seward Street, Juneau, Alaska 99801-1397



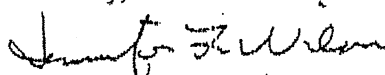
ATTACHMENT E

Samuel D. Pleasant
Parcel: 5-B21-0-151-007-0
December 2, 2008
Page 2 of 2

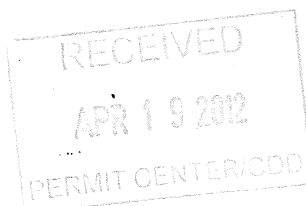
If subdividing this lot with 4 dwelling units on each lot is what you decide, a Variance is required. One possible Variance would be reducing the rear yard setback from 15 feet to 5 feet (see attached).

Please feel free to contact me if you have any comments, questions or concerns.

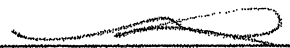

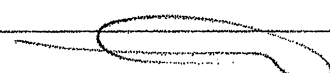
Sincerely,



Jennifer Wilson, Planner I
Community Development Department
(907) 586-0781 tel (907) 586-3365 fax
Jennifer.Wilson@ci.juneau.ak.us



DEVELOPMENT PERMIT APPLICATION

| | | | |
|---|---|--------------------------------|--------------------------|
| Project Number | CITY and BOROUGH of JUNEAU | | Date Received: 4/19/2012 |
| Project Name (City Staff to Assign Name) | | | |
| Project Description Lot 13, Evergreen Park split into Lot 13A and 13B Rear yard setback reduction from 15' to 14.3' | | | |
| PROPERTY LOCATION | | | |
| Street Address 3461 Tongass Blvd. | | City/Zip Juneau 99801 | |
| Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lot 13, Evergreen Park Subdivision | | | |
| Assessor's Parcel Number(s) 5B2101510070 | | | |
| LANDOWNER/LESSEE | | | |
| Property Owner's Name Anh T Lam | | Contact Person: An Lam | Work Phone: 789-5518 |
| Mailing Address 7621 Glacier Highway | | Home Phone: 790-3358 | Fax Number: 523-6991 |
| E-mail Address sefoot@hotmail.com | | Other Contact Phone Number(s): | |
| LANDOWNER/LESSEE CONSENT | | | |
| <p>I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>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.</p> | | | |
| X |  Landowner/Lessee Signature | | Date 4/16/12 |
| X |  Landowner/Lessee Signature | | Date April 16, 2012 |
| 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 | | | |
| If the same as OWNER, write SAME and sign and date as below. | | | |
| Applicant's Name | | Contact Person: | Work Phone: |
| Mailing Address Same | | Home Phone: | Fax Number: |
| E-mail Address | | Other Contact Phone Number(s): | |
| X |  Applicant's Signature | | Date of Application |

---OFFICE USE ONLY BELOW THIS LINE

| STAFF APPROVALS | Y | Permit Type | Fee | 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) | | | | |
| | Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment) | | | | |
| ✓ | Variance Case (De Minimis and all other Variance case types) | | 4/19/12 | VAR20120009 | |
| | Wetlands Permits | | | | |
| | Zone Change Application | | | | |
| | Other (Describe) | | | | |
| ***Public Notice Sign Form filled out and in the file. | | | | | |
| Comments: Associate w/ SMP2012 0004 | | | | | Permit Intake Initials AKT |

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

ATTACHMENT F

VARIANCE APPLICATION

| | | | |
|----------------|------------------------------|-------------------------------------|-----------------------------------|
| Project Number | Project Name (15 characters) | Case Number <u>VAR 2012 0009</u> | Date Received <u>4/19/2012</u> |
|----------------|------------------------------|-------------------------------------|-----------------------------------|

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:
Subdivide Lot 13, Evergreen Park Subdivision creating 2 lots for multi-family development

Previous Variance Applications? ☐ YES ☒ NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? ☐ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): _____
The property is zoned D-15, with lot split additional multi-family housing is possible

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
To obtain the square footage required the new property line will result in a rear setback infraction of the existing building.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
Without the variance the new lot will not have the required square footage as required by code.

| <p>For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.</p> <p>If you need any assistance filling out this form, please contact the Permit Center at 586-0770.</p> | <table style="width:100%;"> <tr> <th colspan="5" style="text-align: left;">VARIANCE FEES</th> </tr> <tr> <th></th> <th style="text-align: center;">Fees</th> <th style="text-align: center;">Check No.</th> <th style="text-align: center;">Receipt</th> <th style="text-align: center;">Date</th> </tr> <tr> <td>Application Fees</td> <td style="text-align: right;">\$ <u>400.00</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td style="text-align: right;">\$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td style="text-align: right;">\$ <u>400.00</u></td> <td style="text-align: center;"><u>7252</u></td> <td style="text-align: center;"><u>2603</u></td> <td style="text-align: center;"><u>4/19/12</u></td> </tr> </table> | VARIANCE FEES | | | | | | Fees | Check No. | Receipt | Date | Application Fees | \$ <u>400.00</u> | | | | Adjustment | \$ _____ | | | | Total Fee | \$ <u>400.00</u> | <u>7252</u> | <u>2603</u> | <u>4/19/12</u> |
|--|--|---------------|-------------|----------------|--|--|--|------|-----------|---------|------|------------------|------------------|--|--|--|------------|----------|--|--|--|-----------|------------------|-------------|-------------|----------------|
| VARIANCE FEES | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Fees | Check No. | Receipt | Date | | | | | | | | | | | | | | | | | | | | | | |
| Application Fees | \$ <u>400.00</u> | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adjustment | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Fee | \$ <u>400.00</u> | <u>7252</u> | <u>2603</u> | <u>4/19/12</u> | | | | | | | | | | | | | | | | | | | | | | |

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

S. SURVEY NO. 2377

Inspection Fee
\$1000
\$1000
\$1000
Bond FEE
\$1000

TRINITY DRIVE

LOT 12

NORTH 150.00'

PROPOSED LOT 13B

10,355 sq ft

A Variance
will be required

PROPOSED LOT 13A

12,127 sq ft

ONE STORY
WOOD FRAME
DWELLING

SOUTH 138.00'

TONGASS BOULEVARD

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R = 15.00'
L = 23.56'
A = 50.00'00"
C = 21.21'
S45.00'00"W

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Walsh Planning & Development Services
Murray R. Walsh
2974 Foster Ave.
Juneau, AK 99801
Voice and Fax 907-586-4083
murray@acsalaska.net

May 9, 2012

Ms. Nicole Jones
CBJ Community Development Department
155 South Seward Street
Juneau, AK 99801

RE: Lam Variance For Lot 13, Evergreen Park

Dear Ms. Jones;

This letter is offered on behalf of Dr. Lam to support his variance request for the property at the corner of Trinity Drive and Tongass Blvd. The variance is needed, in summary, to enable subdivision of the lot into two parcels. There is an existing four-plex on half the property now and the subdivision will enable development of a second four-plex on the newly-created lot.

CDD staff has advised that the applicant must obtain a variance in order to subdivide the property as desired. This is a corner lot and has no "rear yard" in the traditional sense. Rather, it has two front yards, one on Trinity Drive and another on Tongass Blvd., and two side yards. CDD has determined that the side yard on the Tongass Blvd. side must be called a rear yard for code compliance purposes. The code requires that rear yards be 15 feet deep. The distance between the north side of the building and the north property line is 14.3 feet so the variance request is to reduce the rear yard requirement by 0.7 feet.

The CBJ's grounds for granting variances, found at 49.20.250(b), are reprinted below along with commentary to show how this application meets those grounds.

(b) *Variances other than de minimis.* 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 this title, the board of adjustment may grant a variance in harmony with the general purpose and intent of this title. A variance may vary any requirement or

regulation of this title 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 that:

- (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;

The request will indeed provide substantial relief to the owner. The zoning of the property is D-15 and the area of the lot would allow an eight-unit residential structure, but the neighborhood consists of four-plexes on smaller lots and there is special financing for four-plexes that is not available for larger structures. There are other financial reasons why it is necessary to have two separate residential structures on two separate lots rather than two structures on one lot.

- (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;

There are no public safety and welfare issues associated with this request. The true back yard of the existing building will more than meet the code and provide outdoor play and landscaping space.

- (3) The authorization of the variance will not injure nearby property;

There will be no effects at all on nearby property.

- (4) The variance does not authorize uses not allowed in the district involved;

The request is for the benefit of existing and proposed residential uses in a residential zone. There is no danger of unauthorized uses.

- (5) Compliance with the existing standards would:

- (A) Unreasonably prevent the owner from using the property for a permissible principal use;

As noted above, the property is large enough, legally, to support eight dwellings and the owner should not be arbitrarily prevented from developing the property to its maximum potential. Juneau's chronic housing shortage problem will be slightly abated by this development.

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(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 said above, this is a neighborhood of similar multi-family structures and the request would enable more of the same.

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

This is a corner lot which has two front yard requirements. If the lot fronted *only* on Trinity, then the existing structure could have been located closer to the eastern property line and the reassignment of the rear yard designation would not be necessary to split the lot.

(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

This standard is not relevant to the application

(6) A grant of the variance would result in more benefits than detriments to the neighborhood.

The primary benefit is to add to the housing stock in the area and one likely additional benefit is more enrollment at the nearby elementary school. No detriments of any sort can be seen. Please call if you have questions. Thank you for your attention and consideration.

Sincerely,

Murray R. Walsh

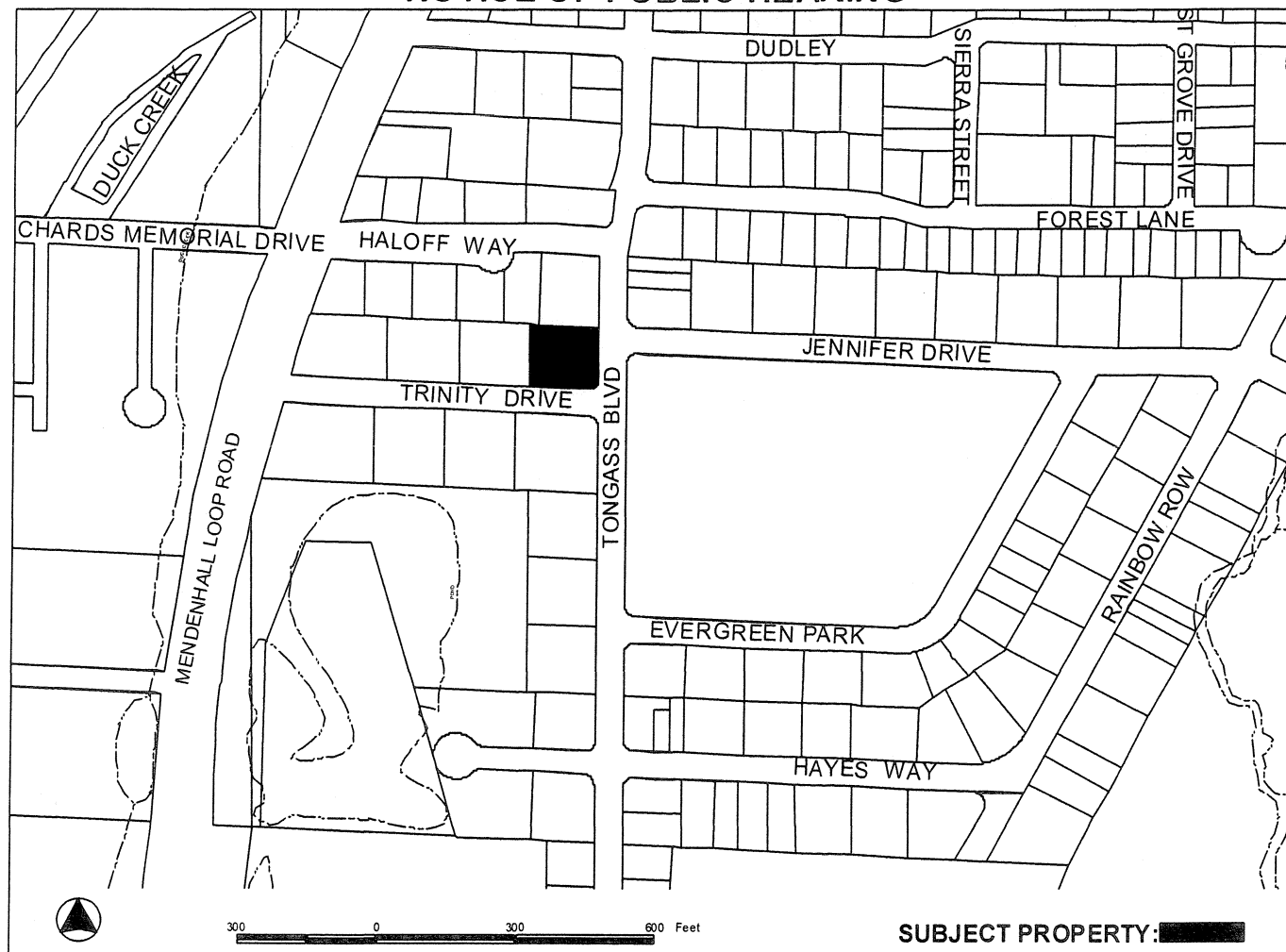
Murray R. Walsh, WPDS
For: Dr. Ahn T. Lam

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NOTICE OF PUBLIC HEARING



SUBJECT PROPERTY: [Black Rectangle]

PROPOSAL: A Variance Request to reduce the rear yard setback from 15' to 14.3' to allow for a minor subdivision.

| | | | |
|----------------------|---|----------------------|-------------------------|
| FILE NO: | VAR2012 0009 | APPLICANT: | ANH T LAM; MARIE T LAM |
| TO: | Adjacent Property Owners | Owner(s): | ANH T LAM & MARIE T LAM |
| HEARING DATE: | May 22, 2012 | Size: | 22382 sqft |
| HEARING TIME: | 7:00 PM | Zoned: | D15 |
| PLACE: | ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801 | Property PCN: | 5B2101510070 |
| | | Site Address: | 3465 TONGASS BLVD |
| | | Accessed via: | TONGASS BLVD |

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 by email at Nicole_Jones@ci.juneau.ak.us.

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

Date notice was printed: May 9, 2012