MEMORANDUM

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

DATE: July 3, 2012

TO: Board of Adjustment

FROM: Nicole Jones, Planner
Community Development Department

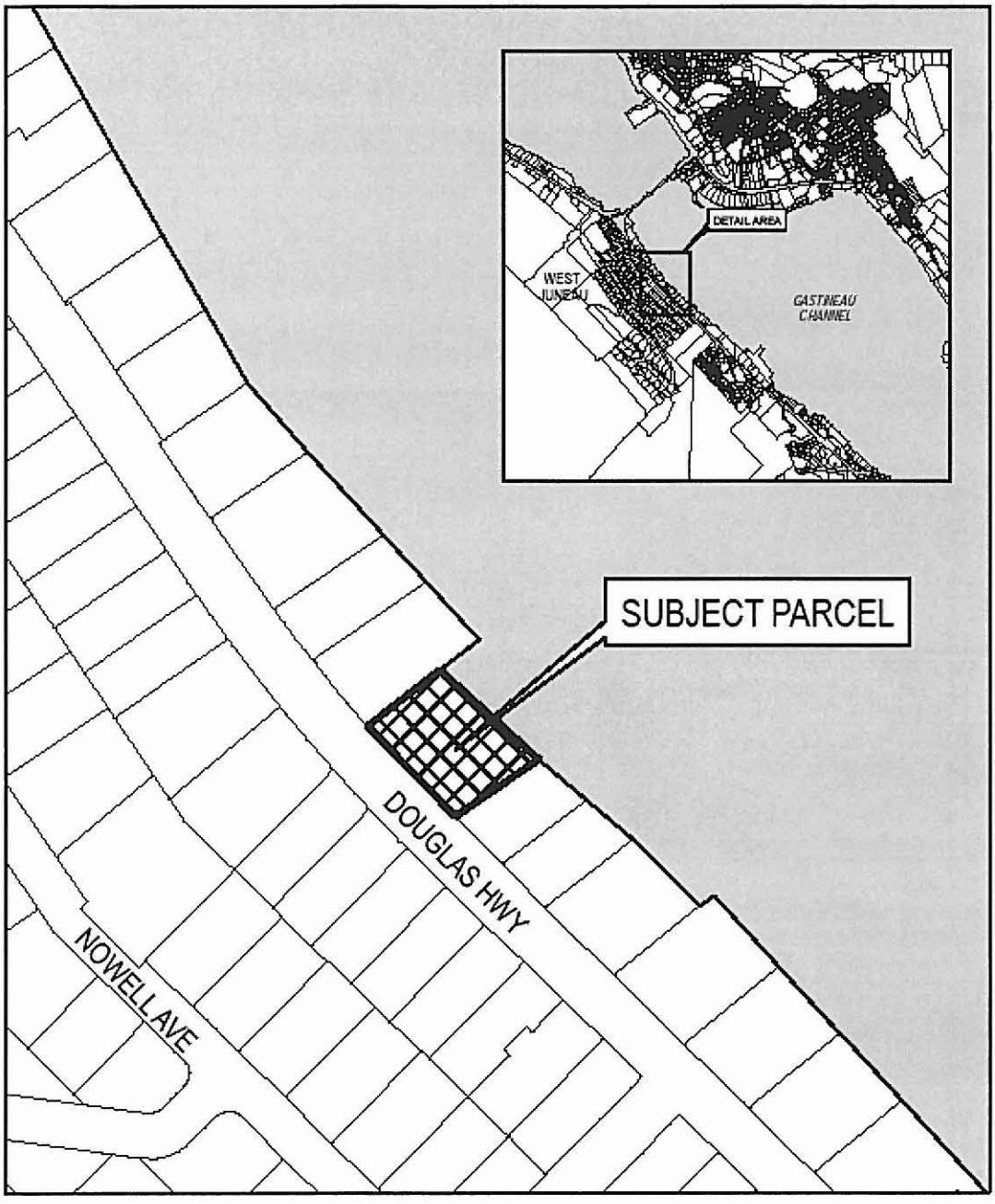
FILE NO.: VAR2012 0012

PROPOSAL: A Variance request to reduce the front yard setback from 20 feet to 16.43 feet for an existing garage.

GENERAL INFORMATION

Applicants:	Joe and Carol Carlson
Property Owners:	Joe and Carol Carlson
Property Address:	3140 Douglas Highway, Juneau, Alaska 99801
Legal Description:	USMS 173 Fraction
Parcel Code Number:	1-D05-0-L02-005-0
Site Size:	10,837 square feet
Zoning:	D5
Utilities:	Public Water & Public Sewer
Access:	Douglas Highway
Existing Land Use:	Single Family Residence
Surrounding Land Use:	Northeast - Gastineau Channel Southeast - D5, single family residential Southwest - Douglas Highway; then D5 Northwest - D5, single family residential

Vicinity Map



3140 DOUGLAS HWY
VICINITY

0 50 100 200 300 Feet

N

ATTACHMENTS

Attachment	A	E-mail from Jay Srader, Building Inspector IV
Attachment	B	As-Built Survey
Attachment	C	De Minimis Variance Staff Report Dated June 18, 2012
Attachment	D	E-mail from Sheila Good, Right of Way Agent DOT/PF
Attachment	E	Public Comment received
Attachment	F	Applicant's Submittals

PROJECT DESCRIPTION

The applicant is requesting a variance to reduce the front yard setback from 20 feet to 16.43 feet for an existing garage located on Douglas Highway (See Vicinity map).

BACKGROUND

The property owner applied for a building permit to construct a new 28 foot by 28 foot detached garage. The garage as proposed met all CBJ zoning and building codes. On May 4, 2011 the applicant modified the building permit (BLD2010 0632) to add an exterior elevator shaft. The permit was issued on May 17, 2011.

The project was constructed with a foundation inspection but without a completed Foundation Setback Verification. See e-mail from Jay Srader (See Attachment A). It was not until the As-Built survey was received that it became clear that the newly constructed structure did not comply with the setback requirements (See Attachment B for As-Built Survey). The applicant then applied for a De Minimis Variance (VDM2011 0005) and it was determined that the project did not comply with criterion one of the De Minimis Variance criteria (See Attachment C). The applicant was notified that the project did not meet the De Minimis Variance criteria and that they would need to apply for an after-the-fact variance.

There are some situations where garages and carports may be constructed up to five feet from a property line. This reduction can be done administratively and not need a variance process; however, this project did not qualify for the setback reduction. The garage would need to meet CBJ §49.25.430(4)(H) Carports and Garages.

> *Carports and garages. A minimum setback of five feet from any property line shall apply to carports and garages in any residential zoning district if:*
>
> *(i)The topography of the lot makes construction a hardship;*
> *(ii)The carport or garage has a maximum height of 17 feet measured from the finished garage floor level, instead of from the datum established in 49.25.420(b), and a maximum gross floor area of 600 square feet;*

(iii)Sight distance is approved by the director; and
(iv)Enclosed space directly under the garage shall be subject to the above setback exception, and no additional stories are allowed on top of the garage.

In this case, the garage does not meet the criteria to allow a reduced setback because it exceeds the 600 square foot gross floor area maximum and sight distance may also be an issue at this site. DOT/PF required that the applicant retain a setback of 20 feet as part of their driveway permit so as to ensure enough room on-site to maneuver vehicles; eliminating vehicles backing out onto Douglas Highway.

DOT/PF was notified for comments during the De Minimis variance review and they requested further information. DOT/PF found that the applicant met all the requirements of the DOT/PF right-of-way permit. The applicant demonstrated to DOT/PF that vehicles will be able to maneuver on the site and will not be backing out onto Douglas Highway. DOT/PF has finaled the driveway permit and has no concerns with traffic safety at this site.

ANALYSIS

Staff solicited comments from Community Development Building Department, General Engineering, Fire Department, CBJ Assessor's Division, and Alaska Department of Transportation & Public Facilities for the request of the De Minimis Variance and the regular variance. The comments were generally the same for both the De Minimis Review and the regular variance review.

Comments Received:

Jay Srader, Chief Building Inspector

VDM2011 0005:	See attachment A.
VAR2012 0012:	No change in comments from De Minimis Variance review

John Sahnow, CBJ Appraiser

VAR2012 0012:	*The Assessor's Division does not have any significant concerns regarding this request for variance.* Comments Received 6-12-2012

Ron King, Chief Regulatory Engineer

VDM2011 0005:	*"I do not see any site issues or traffic problems based on the 3.57' shortened setback. Douglas Highway has a wide right of way and limited speeds. Should not be a problem."*
VAR2012 0012:	No additional comments received 6-12-2012

Sheila Good, Right of Way Agent III, Alaska Department of Transportation

VDM2011 0005:	*We are working with the contractor & property owner regarding the driveway permit.*
VAR2012 0012:	*DOT & PF has no comments regarding the variance request.* DOT/PF issued a final approval of the driveway; see e-mail from Sheila Good dated 6-6-2012 (Attachment D)

Dan Jager, Fire Marshall

VDM2011 0005:	*I do not see any fire dept. issues with this. Thanks for the chance to review and comment.*
VAR2012 0012:	*There still does not appear to be any fire dept. issues.* Comments received 6-12-2012

Habitat

A portion of this property is in a velocity flood zone with a base flood elevation of 23 feet. The detached garage is outside of this Special Flood Hazard Area. There are no mapped eagle nests, or anadromous fish streams on or near this property. This property is not part of the Adamus Study; therefore there are no mapped wetlands for this parcel. Based on the above information, there are no habitat concerns for this parcel.

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 an existing garage to remain 3.57 feet into the front yard setback. If the variance were denied the property owner would need to reconfigure their garage to eliminate the encroachment. Along Douglas Highway there are many properties that have encroaching garages and parking decks to allow off-street parking. Many of the structures are legally non-conforming and if rebuilt would need to either seek a variance approval or reconstruct to meet current

zoning standards.

This project substantially conforms to the setback requirements, with only a 3.57 foot or an 18% encroachment. Additionally, the property owner has demonstrated that off-street parked cars can turn around on the site and not back out onto Douglas highway. The relaxation applied for would give the property owner substantial relief 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 public safety and welfare will be preserved as the proposed garage will be located so as to not impact sight visibility and will maintain the existing character of the neighborhood. As discussed above, DOT/PF has approved the driveway as constructed because the applicant has demonstrated that vehicles exiting this property will not need to back out onto Douglas Highway.

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. As of the date of this memorandum, there has not been any public comment received that suggests that this 3.57 foot front yard setback encroachment will injury nearby property. One public comment has been submitted supporting this variance request (See Attachment E). Furthermore, this project is similar in character to other encroaching garages and the public safety will be preserved with approved DOT/PF driveway permit.

Yes. Staff finds that criterion 3 is met.

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

A detached garage with elevator is an allowed accessory use in the D-5 zoning district. This use is authorized per CBJ §49.25.300 Table of Permissible Uses, section 1.110.

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;

Currently, this property's use is a single family residence. Denying the requested variance would not unreasonable prevent the property owner from using the property for a permissible principal use.

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;

Many properties along Douglas Highway have garages and parking decks located within the front yard setback. This particular structure is located further from the right-of-way than other garages and parking decks in the vicinity. The appearance and scale of this project, while slightly larger than those existing in the neighborhood, is still consistent with scale, amenities, appearance or features within the neighborhood of this property.

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 property has some topographical challenges; however, the applicant was able to demonstrate during the review of the project that the garage and elevator could be constructed on the property and meet the 20 foot setback without being 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.***

This parcel does not have any preexisting nonconforming conditions that would result in a net decrease of overall compliance as a result of this variance being approved.

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 the variance would allow the property owner to continue to use the garage and elevator as constructed. There is an increased level of safety provided because this construction allows two additional vehicles to be safely located on-site without the need to back out onto Douglas Highway. There is a sidewalk and bike lane on the same side of the road as this garage which this improvement will aid in keeping pedestrians and bikers safer near this location. A grant of this variance request will 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. This variance request complies with 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 0012. The Variance permit would allow for the newly constructed garage to remain as it was constructed 16.43 feet and with eaves no closer than 14.43 feet from the front property line.

Nicole Jones

From: Jay Srader
Sent: Tuesday, June 12, 2012 10:09 AM
To: Nicole Jones
Cc: Charlie Ford; Ron King; Dan Jager; John Sahnow
Subject: RE: 3140 Douglas Highway Garage Variance

Nothings changed on my end.

Jay Srader
Building Inspector IV
Community Development
Phone: 586-0768 Fax: 586-3365
E-mail: jay_srader@ci.juneau.ak.us
"How you handle mistakes is a much better judgment of character than any award or citation"

From: Nicole Jones
Sent: Tuesday, June 12, 2012 10:06 AM
To: Charlie Ford; Ron King; Dan Jager; John Sahnow
Cc: Jay Srader
Subject: 3140 Douglas Highway Garage Variance

Hello Everyone,

Approximately six months ago I requested comments for a De Minimus Variance for 3140 Douglas Highway garage encroachment into the front yard setback (associated with BLD2010 0632). It was determined that the De Minimus Variance criteria could not be met. Because the De Minimus variance criteria could not be met, the applicant has applied for a regular variance which requires Board of Adjustment review. The comments you submitted for the De Minimus Variance are pasted below, if your comments have not changed please let me know. I have also received comments from ADOT/PF and they have approved the applicant's driveway permit.

I have attached the regular variance application materials to this e-mail (additional photos available upon request) and I have copied and pasted your comments from the De Minimus Variance review below. Please let me know if you have any questions, comments, or concerns. This case is tentatively scheduled for July 10th.

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

Comments Received during De Minimus Variance review:

Jay Srader, Chief Building Inspector

After reviewing the original Building permit and the variance request, there are no Building code issues to resolve or comment on. Our records show that footings for the project were poured without the required CBJ inspection and setback verification see inspection by JRP on 12/03/10. The approve plans at that time (stamped 12/3/10) were

ATTACHMENT A

for garage only and show adequate distances from existing house to meet the 20ft setback for the garage. A later Inspection by me on 4/29/11 discovered the elevator was being installed without any approved plans or modified permit. The permit was then modified to add the elevator shaft to the already constructed garage, based on this information and the statement of

...already constructed garage, based on this information and the statement

Situation Requiring the Variance: Due to location of Existing House. Elevator and Garage could not be built to 20' setback

Required Setback: 20' Proposed Setback: 16.43'

The garage foundation was placed within the setbacks from the start of the project. The contractor was asked for a stamped setback form on several occasions, to my knowledge we never received one. Any burden or inconvenience for resolution should solely bear on the applicant. Let me know if you have any questions.

Ron King, Chief Regulatory Engineer

I do not see any site issues or traffic problems based on the 3.57' shortened setback. Douglas Highway has a wide right of way and limited speeds. Should not be a problem.

Sheila Good, Right of Way Agent III, Alaska Department of Transportation

*DOT & PF has no comments regarding the variance request. We are working with the contractor & property owner regarding the driveway permit.***(updated 6/6/2012 with driveway permit approval)**

Dan Jager, Fire Marshall

I do not see any fire dept. issues with this. Thanks for the chance to review and comment.

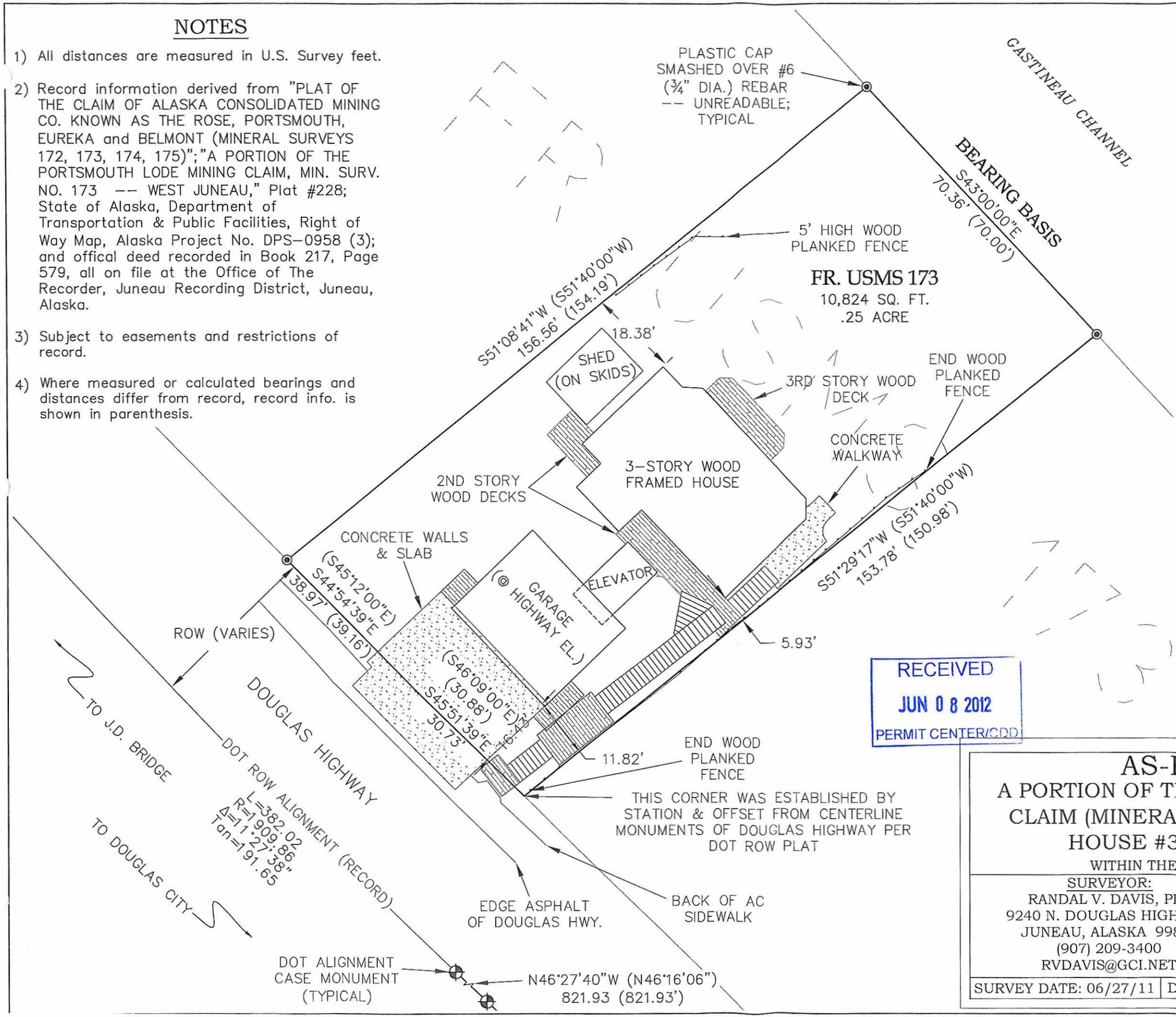
NOTES

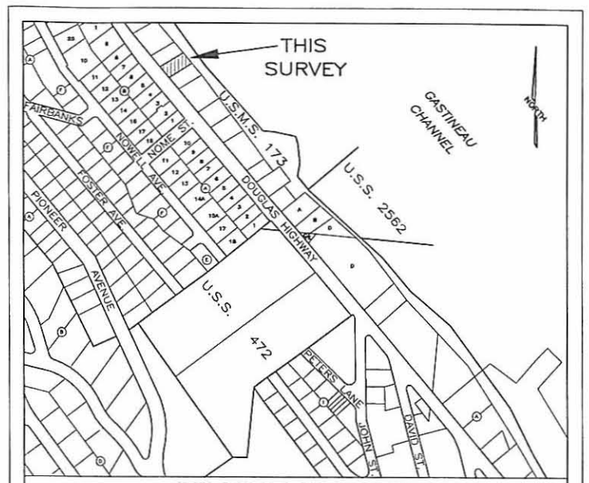
1) All distances are measured in U.S. Survey feet.

2) Record information derived from "PLAT OF THE CLAIM OF ALASKA CONSOLIDATED MINING CO. KNOWN AS THE ROSE, PORTSMOUTH, EUREKA and BELMONT (MINERAL SURVEYS 172, 173, 174, 175)";"A PORTION OF THE PORTSMOUTH LODE MINING CLAIM, MIN. SURV. NO. 173 -- WEST JUNEAU," Plat #228; State of Alaska, Department of Transportation & Public Facilities, Right of Way Map, Alaska Project No. DPS-0958 (3); and offical deed recorded in Book 217, Page 579, all on file at the Office of The Recorder, Juneau Recording District, Juneau, Alaska.

3) Subject to easements and restrictions of record.

4) Where measured or calculated bearings and distances differ from record, record info. is shown in parenthesis.





VICINITY MAP
NOT TO SCALE; DATE: 1991
SOURCE: CBJ SERIES BASEMAPS

STATE OF ALASKA
49th
Randal V. Davis
No. 10611-S
REGISTERED PROFESSIONAL LAND SURVEYOR

SURVEYOR'S CERTIFICATE

I hereby certify I am a Registered Land Surveyor licensed to practice land surveying in the State of Alaska, and this As Built represents a survey made by me or under my direct supervision, and all walks, roads, improvements, encroachments and overlaps are shown correctly to the best of my knowledge.
Date: May 17, 2010

RECEIVED
JUN 0 8 2012
PERMIT CENTER/CDD

AS-BUILT SURVEY

A PORTION OF THE PORTSMOUTH LODE MINING CLAIM (MINERAL SURVEY NO. 173), LISTED AS HOUSE #3140 DOUGLAS HIGHWAY,

WITHIN THE CITY & BOROUGH OF JUNEAU, AK

SURVEYOR:	OWNERS:
RANDAL V. DAVIS, PLS 9240 N. DOUGLAS HIGHWAY JUNEAU, ALASKA 99801 (907) 209-3400 RVDAVIS@GCI.NET	JOSEPH P. & CAROL A. CARLSON 3140 DOUGLAS HIGHWAY JUNEAU, ALASKA 99801

SURVEY DATE: 06/27/11 | DRAWING SCALE: 1"=20' | SHEET 1 OF 1

ATTACHMENT B

MEMORANDUM

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

DATE: June 18, 2012

TO: File

THROUGH: Greg Chaney, Interim Director
Community Development Department

FROM: Nicole Jones, Planner
Community Development Department

FILE NO.: VDM2011 0005

PROPOSAL: A De Minimus variance request to reduce the front yard setback from 20' to 16.43'.

GENERAL INFORMATION

Applicant:	Alaska Commercial Contractors, Inc.
Property Owners:	Joe & Carol Carlson
Property Address:	3140 Douglas Highway
Legal Description:	USMS 173 Fraction
Parcel Code No.:	1-D05-0-L02-005-0
Site Size:	10,837 square feet
Zoning:	D5
Utilities:	Public Water & Public Sewer
Access:	Douglas Highway
Existing Land Use:	Single Family Residential
Surrounding Land Use:	Northwest - D5, Single Family Residential Southeast - D5, Single Family Residential Northeast - Gastineau Channel Southwest - Douglas Highway, D5 Single Family Residential

CITY & BOROUGH OF JUNEAU

ATTACHMENT C

ATTACHMENTS

Attachment	A	E-mail from Jay Srader, Building Inspector IV
Attachment	B	As-Built Survey
Attachment	C	Notice of De Minimis Variance Request

BACKGROUND

The property owner applied for a building permit to construct a new 28' by 28' detached garage. The garage as proposed met all CBJ zoning and building codes. On May 4, 2011 the applicant modified the building permit (BLD2010 0632) to add an exterior elevator shaft. The permit was issued on May 17, 2011.

The project was constructed without a completed Foundation Setback Verification. It was not until the As-Built survey was received that it became clear that the newly constructed structure did not comply with setbacks. See e-mail from Jay Srader (attachment A)

Staff solicited comments from Community Development Building Department, General Engineering, Fire Department, and Alaska Department of Transportation for the request for a De Minimus Variance.

Comments Received:

Jay Srader, Chief Building Inspector
See attachment A.

Ron King, Chief Regulatory Engineer
I do not see any site issues or traffic problems based on the 3.57' shortened setback. Douglas Highway has a wide right of way and limited speeds. Should not be a problem.

Sheila Good, Right of Way Agent III, Alaska Department of Transportation
DOT & PF has no comments regarding the variance request. We are working with the contractor & property owner regarding the driveway permit.

Dan Jager, Fire Marshall
I do not see any fire dept. issues with this. Thanks for the chance to review and comment.

HABITAT

A portion of this property is in a velocity flood zone with a base flood elevation of 23 feet. The detached garage is outside of this Special Flood Hazard Area. There are no eagle nests, or anadromous streams on or near this property. This property is not part of the Adamus Study, therefore there are no mapped wetlands for this parcel. Based on the above information, there are

no habitat concerns for this parcel.

ANALYSIS AND FINDINGS

The CBJ Land Use Code, Title 49, allows a de minimis variance to be granted if the request and application meet certain conditions.

49.20.250 GROUNDS FOR VARIANCES. (a) De Minimis Variances.

The director may grant the de minimis variance if the application meets the following criteria:

(1) Where a minor setback infraction could be corrected only by unreasonable expense or inconvenience the director may, after taking into account the views of the owners of adjoining property, and upon finding that the infraction was not the result of a deliberate effort to evade the dimensional requirement, grant a de minimis variance in harmony with the general purpose and intent of this title. A de minimis variance may be granted after it is shown that all the following conditions have been met.

The property owner applied for a building permit with a site plan showing that the detached garage would meet the 20' setback from the front property line. The permit was issued on May 17, 2011. The applicant did not comply with the Foundation Setback Verification Form condition requiring a surveyor to sign a statement of compliance verifying the foundation forms met the 20' setback requirement. The applicant did however complete an As-Built Survey after the structure was completed.

Based on information from the building file and information supplied in the application, this request does not meet criterion one. A Foundation Setback Verification form completed by a licensed surveyor was a mandatory condition on the building permit; this form was requested at the foundation inspection and was not provided by the contractor or property owner. Additionally, the Notice of De Minimus Variance Request states, "Due to location of existing house, elevator and garage could not be built to 20' setback." The building permit was modified to include the elevator; during that modification neither the property owner nor contractor modified the location of the garage. It was not until the contractor requested a Certificate of Occupancy that it became clear that the garage did not meet the setback requirements. Based on these pieces of information we cannot make a finding that the infraction was not the result of a deliberate effort to evade the dimensional requirement and therefore can not be processed as a De Minimus Variance.

No. Staff finds that criterion 1 is met.

(A) the variance is for one or more projections into yard setbacks, none of which extend beyond twenty-five percent of required distance; and

The required setback is 20 feet and the as-built shows the garage 16.43' from the front property line. This results in an 18% encroachment into the front yard setback (see attachment B). The detached garage that was permitted under building permit number BLD2010 0632 does not encroach more than 25%.

Yes. Staff finds that criterion 1A is met.

(B) the de minimis variance would not aggravate an infraction previously granted a variance; and

In 2010, the property owner requested a variance to reduce the front yard setback from 20' to 10', but later withdrew the application. There are no previously granted variances for this property.

Yes. Staff finds that criterion 1B is met.

(C) the applicant submits on forms provided by the Department written statements from owners of adjoining property, each acknowledging that the owner has been notified of the application. In lieu of statements provided by the applicant, the Department will provide at least five days notice by mail to each such owner; and

The applicant submitted forms signed by the adjacent property owners to the northwest and the southeast (see attachment C).

Yes. Staff finds that criterion 1C is met.

(D) the applicant submits a certified as-built survey to scale showing all lot line locations, building dimensions, orientations, setbacks, and other distances and features relevant to the requested relief.

The applicant has submitted a certified As-Built Survey showing all features relevant to the requested relief. The As-Built Survey was conducted by surveyor Randal V. Davis dated June 27, 2011 (see attachment B).

Yes. Staff finds that criterion 1D is met.

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

(E) the de minimis variance will comply with the Juneau Coastal Management Program.

N/A. This variance request complies with the Juneau Coastal Management Program.

DECISION

Based on the analysis above, staff finds that reducing the front yard setback at the subject site from 20 feet to 16.43 feet does not meet requirements of CBJ§49.20.250 (a), De Minimis Variances. Staff recommends that the requested De Minimis Variance be denied and that the property owner apply for a regular variance.

Nicole Jones

From: Good, Sheila D (DOT) [sheila.good@alaska.gov]
Sent: Wednesday, June 06, 2012 10:41 AM
To: Nicole Jones; Charlie Ford
Cc: jason@akcci.com
Subject: RE: DW 21331

Nicole,

The email I sent should be considered the final approval of the driveway permit. The only outstanding item the contractor needed to provide for approval was the demonstration of vehicle movement.

Sincerely,
Sheila Good
Right of Way Agent
DOT & PF SE Region
465-2838
Sheila.good@alaska.gov

From: Nicole Jones [mailto:Nicole_Jones@ci.juneau.ak.us]
Sent: Wednesday, June 06, 2012 10:37 AM
To: Good, Sheila D (DOT); Charlie Ford
Cc: jason@akcci.com
Subject: RE: DW 21331

Sheila,

Thank you for keeping us up-to-date on your review of the DOT driveway permit. Prior to the CBJ issuing a Certificate of Occupancy for the project, the property owner will need to apply for and get a variance approved for the encroachment of the garage into the front yard setback. Your comments will be important for the review of the variance. If you could forward a copy of the final approval of the driveway permit we could add that information to the variance case once it is applied for.

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

From: Good, Sheila D (DOT) [mailto:sheila.good@alaska.gov]
Sent: Wednesday, June 06, 2012 9:54 AM
To: Charlie Ford; Nicole Jones
Cc: jason@akcci.com
Subject: DW 21331

Hi Charlie and Nicole,

ATTACHMENT D

Jason from Alaska Commercial Contractors has demonstrated that the vehicles accessing the Garage/landing at 3140 N. Douglas Highway can do so by not backing into or off of the highway and in doing so will receive final approval on their driveway permit 21331. Please let me know if you have any questions or need additional information.

Regards,

Sheila Good
Right of Way Agent
DOT & PF SE Region
465-2838
Sheila.good@alaska.gov

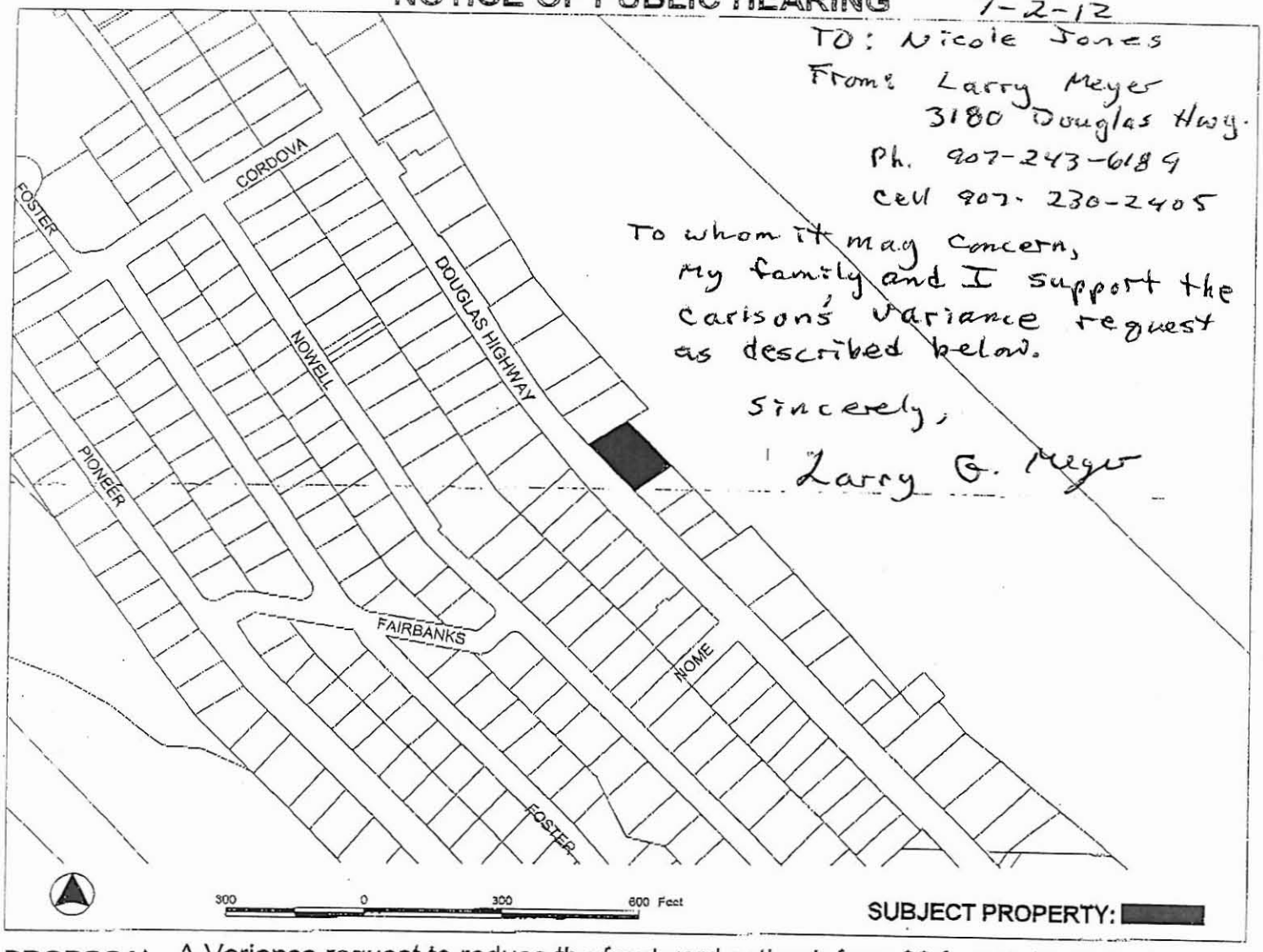
NOTICE OF PUBLIC HEARING

7-2-12

TO: Nicole Jones
From: Larry Meyer
3180 Douglas Hwy.
Ph. 907-243-6189
Cell 907-230-2405

To whom it may concern,
My family and I support the Carlsons' variance request as described below.

Sincerely,
Larry G. Meyer



PROPOSAL: A Variance request to reduce the front yard setback from 20 feet to 16.43 feet for an existing garage.

FILE NO:	VAR2012 0012
TO:	**Adjacent Property Owners**
HEARING DATE:	July 10, 2012
HEARING TIME:	7:00 PM
PLACE:	**ASSEMBLY CHAMBERS** Municipal Building 155 South Seward St Juneau, Alaska 99801

APPLICANT:	JOSEPH P. CARLSON
Property PCN:	1-D05-0-L02-005-0
Owner(s):	JOSEPH P & CAROL A CARLSON
Size:	10,837 sqft
Zoned:	D5
Site Address:	3140 DOUGLAS HWY
Accessed via:	DOUGLAS HWY

PROPERTY OWNERS PLEASE NOTE:

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

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

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at

ATTACHMENT E

Date notice was printed: June 26, 2012

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description: VAR Case request to reduce the front yard setback from 20' to 10.43'

Street Address: 3140 Douglas Highway | City/Zip: JUNEAU 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): USMS 173 FR

Assessor's Parcel Number(s): 1D050L02.0050

Property Owner's Name	Contact Person:	Work Phone:
JOE & CAROL CARLSON	JOE	
Mailing Address	**Home Phone:**	**Fax Number:**
3140 DOUGLAS HWY., JUNEAU, AK.	586-6786	SAME
E-mail Address	**Other Contact Phone Number(s):**	
JCCARLSON @ GCI.NET		

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 Joseph P. Carlson — Landowner/Lessee Signature — Date: 6/07/12

X Carol A. Carlson — Landowner/Lessee Signature — Date: 6/07/12

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's Name	Contact Person:	Work Phone:
JOE & CAROL CARLSON	JOE	
Mailing Address	**Home Phone:**	**Fax Number:**
3140 DOUGLAS HWY., JUNEAU, AK	586-6786	SAME
E-mail Address	**Other Contact Phone Number(s):**	
JCCARLSON @ GCI.NET		

X Joseph P. Carlson — Applicant's Signature — Date of Application: 6/07/12

STAFF APPROVALS

OFFICE USE ONLY BELOW THIS LINE

✓				
	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)		6-8-12	VAR20120012
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments: Associated w/ BLD 2010 0632

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY

I:\FORMS\2010 Applications

ATTACHMENT F

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		VAR20120012	6/8/12

TYPE OF VARIANCE REQUESTED:

- ☐ Variance to the Sign Standard (VSG)
- ☐ Variance to Dimensional Standards (VDS)
- ☐ Variance to Habitat Setbacks (VHB)
- ☐ Variance to Parking Requirements (VPK)
- ☒ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
WE HAVE RECENTLY BUILT A GARAGE WITH AN ELEVATOR ATTACHED TO IT. WE NOW REALIZE THAT WE ARE SETBACK 16.43' INSTEAD OF THE 20' REQUIRED.

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

Previous Case Number(s): VDM 2011 0005 did not meet de minimus variance

Was the Variance Granted? ☐ YES ☒ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): THE EXISTING HOUSE IS 50 STEPS DOWN FROM THE DOUGLAS HWY. THE ELEVATOR WAS ADDED TO MAKE THE HOUSE HANDICAPPED ACCESSIBLE. THE ADDED DEPTH OF THE ELEVATOR MADE IT DIFFICULT TO BUILD ON THIS LOT.

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
THE DISTANCE FROM THE DOUGLAS HIGHWAY TO THE EXISTING HOUSE WOULD NOT ALLOW FOR A FULL 20' SETBACK REGARDLESS OF WHO BUILT THE STRUCTURES.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
THE CONCRETE PAD, GARAGE AND ELEVATOR HAVE BEEN BUILT IN PLACE AND CANNOT BE MOVED TO COMPLY WITH THE 20' SETBACK REQUIREMENT. WE REALLY NEED THE VARIANCE!

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	$ 400.00			
Adjustment	$ 400.00			
Total Fee	$ 800.00	6675	COP2789	6/8/12

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Variance application

3140 Douglas Hwy.

Juneau, Ak.99801

Project narrative

(1) We are asking the board of adjustments to reduce the front yard setback from 20' to 16.4 feet for our garage. This variance of 3.57 feet will allow the garage to remain in place.

(2) The garage/elevator was built to all of the CBJ's building codes and safety standards by using professional engineers and contractors. The public safety has been preserved as we have demonstrated to the D.O.T. that our vehicles can safely turn around on the garage pad and enter the Douglas Highway facing the traffic.

(3) The properties on either side have been protected by following the required side yard setback regulations in place.

(4) Granting this variance does not in any way allow for prohibited uses that are not allowed in this district.

(5) If we are to comply with the existing 20' front yard setback the garage/elevator structure could not have

been built without expensive changes to the existing house structure.

(6) If this variance is granted we will certainly enjoy the use of our garage for many years to come. Our neighbors have all been supportive of the project and seem pleased to see that it's finally completed.

Joe Carlson

Carol Carlson

From: "Jason Murdoch" <jason@akcci.com>
To: jccarlson@gci.net
Date: 06/06/2012 10:02:39 AKDT
Subject: **FW: DW 21331**

From: Good, Sheila D (DOT) [mailto:sheila.good@alaska.gov]
Sent: Wednesday, June 06, 2012 9:54 AM
To: Charlie Ford; Nicole Jones
Cc: Jason Murdoch
Subject: DW 21331

Hi Charlie and Nicole,

Jason from Alaska Commercial Contractors has demonstrated that the vehicles accessing the Garage/landing at 3140 N. Douglas Highway can do so by not backing into or off of the highway and in doing so will receive final approval on their driveway permit 21331. Please let me know if you have any questions or need additional information.

Regards,

Sheila Good

Right of Way Agent

DOT & PF SE Region

465-2838

Sheila.good@alaska.gov

Nicole Jones

From: Jason Murdoch [jason@akcci.com]
Sent: Saturday, June 09, 2012 10:03 AM
To: Nicole Jones
Subject: Douglas Garage Setback

Attachments: photo.JPG

photo.JPG (665 KB)

Mrs. Jones, thank you for taking the time to meet with Joe Carlson and myself regarding the Douglas highway property. Below is a response to your question regarding why the Garage structure was not built within the required setback:

When we started the planning process of the project we met with DOT right-aways and created drawings to meet all of the setback requirements. From then we finalized the drawings, submitted to the city for permitting, and were issued a Building Permit. Due to the extreme slope of the property, we used the existing house as our control point for the garage foundation. We then started excavation. The Carlsons had previously considered building an elevator on their property to make their home ADA accessible. After excavation began, it was apparent that once the garage structure was built, it would be an extremely difficult task to install an elevator in the future due to the new garage structure blocking the ability to use excavation equipment for the elevator foundation. At this time we decided to install the Elevator foundation while we were installing the garage foundation. When we measured it out we thought we had an extra 6' of room from the setback, which was enough room to install the elevator structure. Throughout the construction process we were always using the existing house as a control point and always figured we had plenty of room. This was checked several times during construction and we measured 20'8 from the garage structure to the sidewalk on the left side and 20'3 on the right side.
During construction we always thought that we had 3" of extra room.
Basically we thought that the 20' setback was to the edge of the sidewalk and not to the right of way line. It is unfortunate that we do not meet the 20' setback.

The completion of the project has however tremendously increased the safety of the nearby property owners, the traffic on Douglas Highway, the pedestrians on Douglas Highway, the Carlsons snow plowing contractor, and the State maintenance crews. Below are some details of the increased safety:

1) The garage and elevator structure now allows the Carlson's to enter and exit their property safely by being able to turn their vehicle around on the driveway structure without backing across a busy sidewalk and onto Douglas highway.

2) The Snowplow contractor now has a place to wait for traffic to go by while removing snow instead of working from the busy street and sidewalk.

3) The Carlsons personal vehicle is now in a garage instead of on the street which reduces congestion on the highway.

4) The garage structure has exterior lighting which tremendously brightens the previous poorly lit highway and sidewalk.

5) Deliveries such as mail, ups, newspaper etc. all benefit from the new driveway structure.

6) With the Carlsons vehicle in the garage, the State maintenance crew can now dump the snow over the adjacent railing without driving loaders down the sidewalk while dodging pedestrians.

7) Prior to this project the Carlsons and their visitors had to use 3 flights of stairs to access the home. The home is now ADA accessible.

Thank You

Jason Murdoch
Alaska Commercial Contractor's, Inc.
P.O. Box 32878 Juneau, Ak 99803
(907) 500-9993 Office
(907) 500-9994 Fax
www.akcci.com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