


MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: September 19, 2012

TO: Board of Adjustment

FROM: Nicole Jones, Planner 
Community Development Department

FILE NO.: VAR2012 0014

PROPOSAL: A Variance request to allow a minor subdivision creating two lots on a portion of Auke Street that is undeveloped.

GENERAL INFORMATION

Applicant: Alaska Pacific Capital Co.

Property Owner: Alaska Pacific Capital Co.

Property Address: 11670 Auke Street

Legal Description: USS 2392 Track A Lot DD & Track E

Parcel Code Number: 4-B27-0-108-001-1

Site Size: 7.38 Acres

Zoning: D3

Utilities: None

Access: Auke Street

Existing Land Use: Vacant

Surrounding Land Use: North - D3, CBJ Owned vacant land
South - D3, Single Family Residential
East - D3, Single Family Residential
West - D3, Single Family Residential



CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

ATTACHMENTS

| | |
|----------------|--|
| Attachment A | Applicant's Submittals |
| Attachment A-1 | Original US Survey 2392 |
| Attachment A-2 | As-Built associated with Subdivision Waiver Plat for 1983 |
| Attachment A-3 | Drawing of Existing/Proposed lot configuration in 1983 |
| Attachment A-4 | Windfall Subdivision Plat #628 |
| Attachment B | Wetlands map—Juneau Wetlands Management Plan |
| Attachment C | Lake 2 Creek Upper Extent Addition—ADF&G remapping of Lake 2 Creek |
| Attachment D | Photos of the Auke Street dead end |
| Attachment E | Proposed Subdivision |
| Attachment F | Applicant's response to Internal CBJ Review comments |
| Attachment G | Abutter's Notices |

PROJECT DESCRIPTION

The applicant is proposing a minor subdivision with two resulting lots out of a 7.38 acre lot that is located off of Auke Street (See Applicant's Submittals—Attachment A). The proposed subdivision requires a variance because the proposed lots will have frontage on a portion of Auke Street that is undeveloped. Per CBJ §49.15.460(4)(A)(i)(c) each resulting lot shall have direct and practical access to a street maintained by an agency of government.

BACKGROUND

Project Site

This site is located in the D3 zoning district with a minimum lot area of 12,000 square feet; this lot exceeds the minimum lot area substantially at 321,429 square feet. According to the applicant, this property was sold as part of a land sale making more land available for housing. In the early 80s, the current owner applied for a major subdivision, Little Auke Creek Subdivision. The preliminary plat was approved; however, the major subdivision approval expired before the applicant could move forward with the project. When the applicant was ready to re-apply for the major subdivision it was hindered due to considerable environmental limitations. This lot is encumbered with Category A wetlands as identified in the Juneau Wetlands Management Plan (See Attachment B—Juneau Wetlands Management Plan). In addition to wetlands on the site, an anadromous stream, Lake 2 Creek (aka Little Auke Creek), runs near this property.

The CBJ regulates setbacks from anadromous streams based on the Alaska Department of Fish & Game Catalog Number as adopted in the CBJ Comprehensive Plan. Lake 2 Creek is a catalogued anadromous fish stream and has been adopted in the CBJ Comprehensive Plan (#111-50-10420-2008). The Department of Fish & Game maps the streams and the Community Development

Department uses those maps to regulate the streamside setback. Recently the Alaska Department of Fish & Game remapped Lake 2 Creek. The information gathered during that field work was overlaid onto the CBJ GIS layers with an aerial photography background (See Attachment C—ADF&G anadromous stream mapping). The current CBJ Anadromous Stream Maps identify Lake 2 Creek running through the center of this lot; however, the map is inaccurate as determined by field work conducted by ADF&G and Lake 2 Creek is just west of the parcel as shown in Attachment B.

Platting History

In 1939 this property was known as US Survey 2392 Lots DD and K (See Applicant's Submittals—Attachment A-1). Lot K was then subdivided into Tracts A-C (See Applicant's Submittals—A-2).

Through a plat waiver in 1983, a new lot line was platted to create Tract D. Because the creation of Tract D resulted in a portion of Tract K being landlocked, the vacation of the common property line between Tract DD and Fraction of Tract K was required (See Applicant's Submittals A-3). The applicant believes this lot line vacation to have been done as a last minute requirement and that the vacation was not intended and not desirable by the property owners at that time.

The vacation of the common property line was completed and recorded in 1983 so the lot would have access from Auke Street. The CBJ Assessor's Division and CBJ Community Development Department did not update the parcel code numbers or remove the property line in any of the zoning maps. Additionally, the property owner has been paying taxes on two parcels from 1983 until this year. Because of the numerous platting procedures for this property, the property owner was unaware that the lot line vacation occurred. Recently, the owner of USS 2392 Lot EE applied for a minor subdivision and during the review of that plat, it was discovered that the CBJ maps and parcel code numbers needed to be updated to reflect the plat waiver that occurred which created Tract D and vacated the common property line between Tract DD and Fraction of K.

During the Windfall Subdivision, which is located immediately west of this property, a temporary "T" style turnaround was dedicated on the plat (See Applicant's Submittals—Attachment A-4). Based on recent site visits and comparing field observations with recent GPS mapping of Lake 2 Creek, it appears that the "T" style turnaround was not constructed within the dedicated portion as identified on plat #628 (Attachment A-4). According to the applicant the "T" turnaround, it was constructed on the West side of Lake 2 Creek, but has not been maintained. If the "T" turnaround was indeed constructed it was done so on private property and is in poor maintenance (See Photos of Auke Street dead end—Attachment D).

Code Section regarding Variance Request

The applicant is proposing a subdivision of the larger lot into two lots with a property line located at the center line of Auke Street (See Proposed plat—Attachment E). This lot line would be approximately 25 feet north from the previous lot line that split Tract DD and Fraction of Tract K. Because the proposed lot line would have frontage on a portion of Auke Street that is undeveloped,

the applicant is requesting a variance to that design standard as required in CBJ §49.15.460(4)(A)(i)(c):

(4)*Lots.*

(A)*Generally.*

(i) Subdivision lots shall meet the minimum dimensional standards established by chapter 49.25, article IV, provided that in cases of difficult topography or other circumstances rendering compliance impracticable, the director may approve other configurations if the lot:

(a) Meets the minimum lot size requirement;

(b) As drawn, is capable of containing a rectangle having two sides equal in length to the minimum lot width requirement and two sides equal in length to the minimum lot depth requirement;

(c) Has direct and practical access to a street maintained by an agency of government; and

(d) Has at least one practical building location.

The Board of Adjustment has the authority to vary design standards. The code section cited above is a design standard per CBJ §49.20.250(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:

Installing water/sewer utilities is considered a construction standard; therefore, if the variance is approved the applicant will not need to install the remainder of Auke Street but water and sewer utilities will need to be installed or bonded for prior to the recording of any subdivision.

ANALYSIS

Staff solicited comments from Community Development Building Department, General Engineering, Fire Department, CBJ Assessor's Division, CBJ Lands and Resources, CBJ Streets Division, CBJ Parks and Recreation, and the United States Army Corps of Engineers for the request of this variance proposal.

Comments Received:

John Sahnaw, Appraiser III, CBJ Assessor's Division

"I have reviewed the documents. The Assessor's department does not have any issues with this variance proposal."

Ron King, Chief Regulatory Surveyor, CBJ General Engineering

"I can see the reasoning for the request. Should have a restriction relating to development. No subdivision of the new lots unless a cul-de-sac or hammerhead is built."

Additional Comments:

A temporary hammerhead does not dedicate right of way. It allows for construction of a temp turnaround which would satisfy IFC/CDD with the original subdivision. Fact of the matter, it was not constructed and Streets has a hard time plowing. However, I don't have an issue with the variance except any and all development of the lots should require an IFC regulation fire access to be constructed."

Dan Jager, Fire Marshall, CBJ Fire Department

"I agree with Ron, this will have to fulfill the IFC requirements for adequate turn around for any road that is greater than 150 feet in length, regardless of whether or not it is a true city street or if it serves three or more structures on the same stretch of road."

Heather Marlow, Lands & Resources Manager, CBJ Lands and Resources

"Jo Anne Way has been identified for extension through the middle of the property immediately north, on the subdivision plat for 4B2701080090. It may make sense to plan for Auke Street to connect to JoAnne Way, avoiding a cul de sac and/or long, dead end street."

Brent Fisher, Director, CBJ Parks and Recreation

"P&R has no concerns with this project."

Hazel Reynolds, Street Maintenance Supervisor, CBJ Public Works

"Auke Street is a gravel road that we maintain. Most of the drainage runs along the edge of the road. I don't think there are any culverts back there; maybe the first and or second house on the right from Windfall may have pipes. There is no turn around, and often times we are forced to back down that street twice to plow our way out. Snow is piled at the end of the road."

Randy Vigil, United States Army Corps of Engineers, Juneau Field Office

"Thanks for the information. Yes, the Corps of Engineers is interested in this proposed project. Based on the information you provided and available to us, preliminarily it appears that extending Auke Street would impact waters of the United States, including wetlands, which would require prior authorization."

The applicant was provided many of the comments early in the review process and responded to each of them in an e-mail. The e-mail can be found in Attachment F.

Potential Alternative

The applicant stated in the written narrative that one potential long range plan for the southern lot (proposed lot E-1) would be to sell land to extend the rear lot lines of Tracts A-D (Tracts A-D front on Mendenhall Loop Road). If this configuration is the goal of the future property owner it could be done with a Lot Line Adjustment. Lot Line Adjustments do not create new lots; therefore, Auke Street would not need to be extended nor would a turn around be required to be re-installed or maintained.

If the applicants were to apply for a Lot Line Adjustment, a variance would not be required. Improvements are only required when new lots are created and because a lot line adjustment does not create new lots a variance would not longer be appropriate.

This information was discussed with the current and prospective property owner. At the time of the meeting, they expressed that this option would not meet their needs and preferred to continue with the variance application.

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.***

A variance allowing the property owner to subdivide their property on a portion of undeveloped right-of-way would give the property owner substantial relief because they would not be required to improve Auke Street. Auke Street, as it is currently developed, dead ends just short of a catalogued anadromous fish stream. While this property is not landlocked, and it does have frontage on a platted right-of-way, it is an undeveloped right-of-way; therefore, the parcel functions as a landlocked parcel.

Creating an additional lot on a portion of Auke Street that is undeveloped 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:

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;*
- (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;*
- (4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- (5) To provide adequate open space for light and air; and*
- (6) To recognize the economic value of land and encourage its proper and beneficial use.*

With the approval of this variance request, the newly created lot will not have direct access from a right-of-way maintained by an agency of government. Additionally, if the variance is approved, a proper turn around will not be constructed at the end of Auke Street. The need for a turn around was expressed in the comments received from General Engineering, Fire Department, and Public Works. Many of the Purposes of Title 49 are met with this variance application; however, Purpose #4 will not be met. The public health, safety, and general welfare will not be promoted with the recording of the proposed subdivision.

No. Staff finds that criterion 2 is not met.

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

Based on comments received from CBJ General Engineering, CBJ Streets Division, and the CBJ Fire Department, the installation and maintenance of an adequate turnaround is necessary. As of the date of this memorandum, there have not been any comments received from the public with concerns regarding this variance request; however, many neighbors expressed interest and presented questions to staff.

The lack of adequate turn around creates a safety concern for fire apparatuses leaving Auke Street and creates difficulty in snow plowing. This situation currently exists in the neighborhood and this variance request would be to allow another property with frontage on an unmaintained right-of-way. Allowing one more property at the dead end of Auke Street will not injure nearby property in this case, because Auke Street would not be used for access to the properties at this time.

Yes. Staff finds that criterion 3 is met.

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

Uses are determined by the Table of Permissible Uses, CBJ§49.25.300. The grant of this variance and approval of the associated subdivision would not have any influence on uses allowed on the subject property. The properties are zoned for single-family residential.

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;*

The current lot does not have an established permissible principle use on it, it is vacant. Disallowing the property owner to subdivide the property on a portion of Auke Street that is undeveloped does not unreasonably prevent the 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;*

As noted above, this lot is significantly larger than surrounding neighborhood. If developed to its full potential—regardless of other property features—the lot could be subdivided into more than twenty individual lots.

The Windfall Subdivision took into consideration the Auke Street dead end and platted a temporary turn around at the end of Auke Street. The turn around is to be dedicated until such a time when Auke Street is extended to meet Jo Anne Way, as described by Heather Marlow, CBJ Lands & Resources Manager and stated on Plat #628 (See Windfall Subdivision—Attachment A-4). At this time, the current property owner is not seeking to extend Auke Street or install the remainder of Auke Street.

This lot is substantially larger than any of the adjacent lots. The applicant has the ability to complete a Lot Line Adjustment—minor subdivision case—that would not result in additional lots. Therefore, extending Auke Street or installing utilities would not be required. At this time, the applicant does not wish to complete a Lot Line Adjustment, but wishes to seek a variance to create an additional lot on an undeveloped right-of-way. Most of the adjacent lots in this area have frontage on a maintained right-of-way. Denying the variance would not prevent the owner from using the lot in a manner consistent as to scale, amenities, appearance or features, with existing development in the neighborhood because they could ultimately subdivide the lots as they have planned without the need for a variance.

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

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

This property is bordered by Lake 2 Creek—a catalogued anadromous fish stream. Also, according to the Juneau Wetlands Management Plan, this property has Category A wetlands (See JWMP map in Attachment B). Extending Auke Street across Lake 2 Creek and installing a cul-de-sac potentially within wetlands is a unique physical feature that would be unreasonably expensive to meet the maintained right-of-way requirement as outlined in CBJ §49.15.460(5)(A)(i).

Due to the complexities with the stream and wetlands bordering this lot, compliance with the standards become unreasonably expensive.

Yes. Staff finds that sub-criterion 5C is 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.*

No preexisting nonconforming conditions exist on the subject parcel.

N/A. Staff finds that 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.*

This lot is uncharacteristically large for this neighborhood. Another minor subdivision is underway on the lot adjacent to this lot on the west side. The property owner of that lot, currently USS 2392 Track A Lot EE, wishes to buy both resulting lots (once a variance is approved and minor subdivision complete) and may provide access through Lot EE off of Jo Anne Way. This could eliminate the need to impact Lake 2 Creek with the development of a bridge or bottomless culvert.

The current owner has been operating with the understanding that two lots still existed at this site. The CBJ Assessor's Department has been assessing taxes for two separate parcels, and all the CBJ Community Development Department's maps, until the request of this variance, showed a property line to the south of the proposed property line. If this lot line had not been vacated, moving the lot line to the north would provide frontage on a right-of-way and would be permissible since it would be decreasing non-conformity. These things are a benefit to the property owner; there is no clear benefit to the neighborhood with this proposal.

Based on the above analysis the variance requested would not result in more benefits than detriments to the neighborhood.

No. Staff finds that criterion 6 is not 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?

Yes. This proposal complies with the Juneau Coastal Management Program; however, any further development of the lot will need to be evaluated against the Juneau Coastal Management Program regulations.

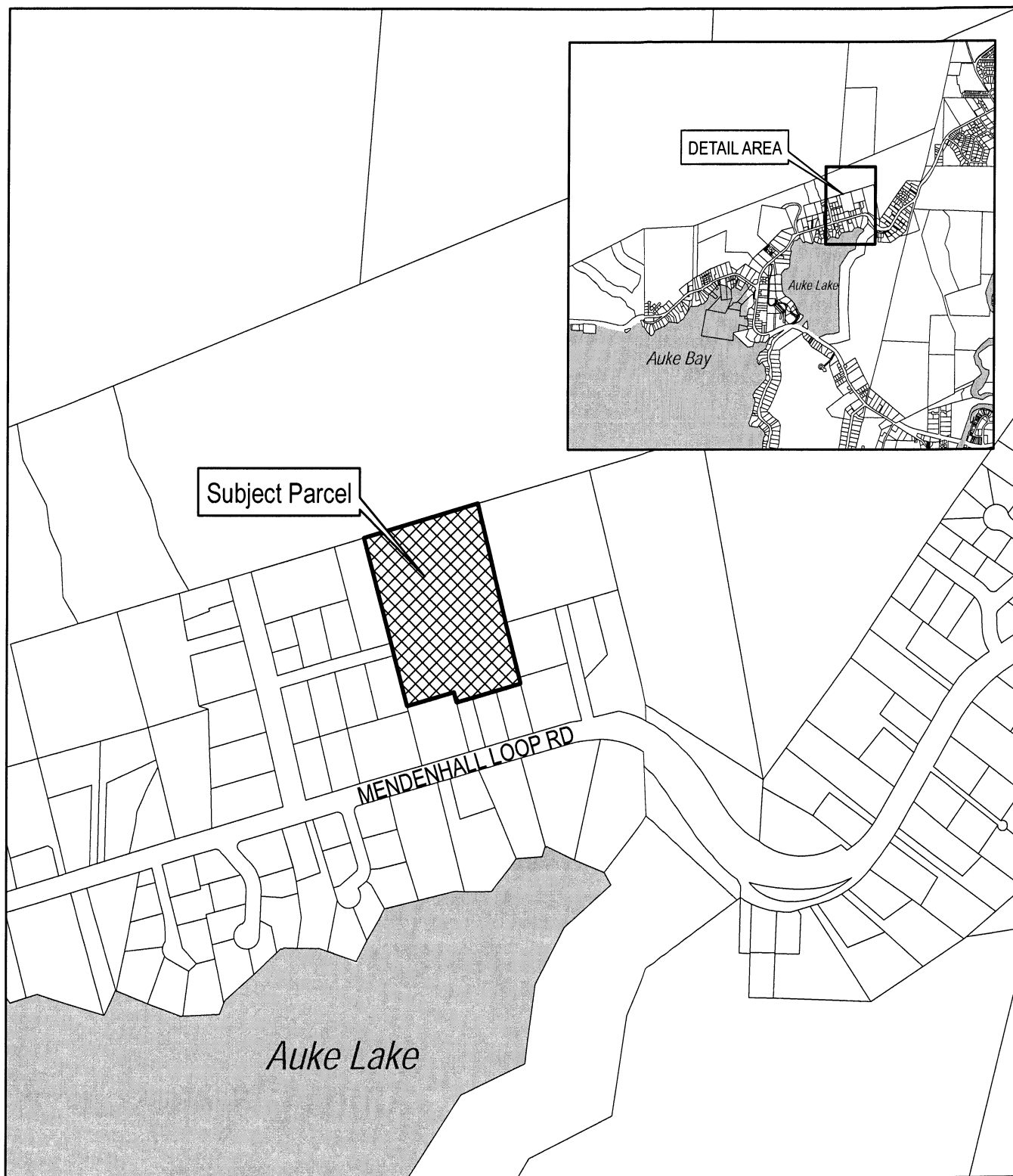
3. Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?

Yes. Based on the above analysis, this proposal as presented does not meet the Grounds for

Variance. Specifically, criteria 1, 2, and 6 are not met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2012 0014. The Variance permit, if approved, would allow for a minor subdivision on a portion of Auke Street that is undeveloped.



USS 2392 TR A LT DD
& LT K TR E
VICINITY

-NOT A SURVEY-
Property lines are approximate

0 250 500 1,000 Feet



DEVELOPMENT PERMIT APPLICATION

| | | | | | |
|---|--|----------------------------|--|------------------------|--|
| Project Number | | CITY and BOROUGH of JUNEAU | | Date Received: 7/13/12 | |
| Project Name (City Staff to Assign Name) | | | | | |

INFORMATION

| | | | |
|---|--|--|-------------------------------|
| Project Description <i>To Re-establish the boundary between Lot DD & Lot K U.S. Survey 2392</i> | | | |
| PROPERTY LOCATION | | | |
| Street Address <i>None 11670 Anke St</i> | | City/Zip <i>99801</i> | |
| Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Lot E, U.S.S. # 2392</i> | | | |
| Assessor's Parcel Number(s) <i>4B 270108001</i> | | | |
| LANDOWNER/ LESSEE | | | |
| Property Owner's Name <i>ALASKA PACIFIC CAPITAL CO.</i> | | Contact Person <i>M. MENZIES</i> | Work Phone <i>789 9025</i> |
| Mailing Address <i>1600 SCENIC WBY- Anch.</i> | | Home Phone <i>789 9025</i> | Fax Number <i>None</i> |
| E-mail Address <i>mmenzies@pci.net</i> | | Other Contact Phone Number(s) <i>321 0628</i> | |
| LANDOWNER/ LESSEE CONSENT | | | |
| <p>****Required for Planning Permits, not needed on Building/ Engineering Permits****</p> <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 <i>M. Menzies</i> Landowner/Lessee Signature | | 7.13.2012 Date | |
| X _____ Landowner/Lessee Signature | | _____ Date | |
| <p>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.</p> | | | |
| APPLICANT | | | |
| If the same as OWNER, write "SAME" and sign and date at X below | | | |
| Applicant's Name <i>SAME</i> | | Contact Person <i>M. MENZIES</i> | Work Phone <i>SAME</i> |
| Mailing Address <i>76 14005 Glacier Hwy Juneau</i> | | Home Phone <i>SAME</i> | Fax Number <i>"</i> |
| E-mail Address <i>mmenzies@pci.net</i> | | Other Contact Phone Number(s) <i>"</i> | |
| X <i>M. Menzies</i> Applicant's Signature | | _____ 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) | | | |
| <input checked="" type="checkbox"/> | Variance Case (De Minimis and all other Variance case types) | | 7/13/12 | VAR 2012 0014 |
| | Wetlands Permits | | | |
| | Zone Change Application | | | |
| | Other (Describe) | | | |

Comments:

Permit Intake Initials

NKJ

VARIANCE APPLICATION

| | | | |
|----------------|------------------------------|-------------|---------------|
| Project Number | Project Name (15 characters) | Case Number | Date Received |
| | | MAR 20 2004 | 7/13/12 |

TYPE OF VARIANCE REQUESTED:

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

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

To Re-establish the property line between Lot DD & Lot K, U.S.S. # 2392

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):

LARGE PARCELS

UTILITIES AVAILABLE:

WATER: ☐ Public ☐ On Site

SEWER: ☐ Public ☐ On Site

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

A Roadway is Not Needed on the property but to the property a R/W is Needed

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

Cannot sell the Land

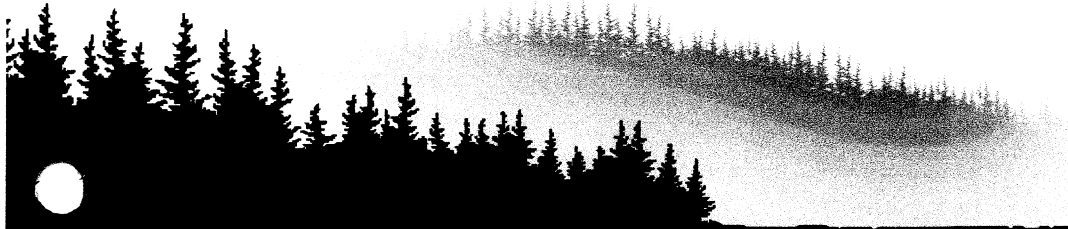
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

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 | \$ | | | |
| Total Fee | \$ 400.00 | 8542 | EDW257 | 7/13/12 |

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



Malcolm A. Menzies
Civil Engineer / Land Surveyor
U.S. Mineral Surveyor

Office: 6205 Glacier Hwy. Mail: 19005 Glacier Hwy. Juneau, Alaska 99801 Office Phone: (907) 789-9025 Cell Phone: (907) 321-0628 e-mail: mmenzies@gci.net

August 23, 2012

The City and Borough of Juneau, Alaska
Community Development Department
Platting Board
155 Seward Street
Juneau, Alaska
99801

Attention; Ms. Nicole Jones
Planner

Re.: Re-plat, Lot E and DD,
U. S. Survey No. 2392

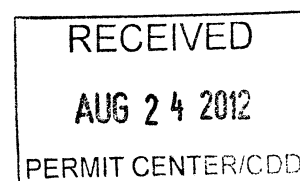
Ladies and Gentlemen;

Please accept this letter as part of the subdivision request; the subdivision variance request and the response to the Variance Approval Criteria. As many land action's , this one comes with much confusion. I will try to explain.

In or around 1980-82, CBJ's Assembly desired to sell land to the public to spur the need for additional housing (very similar to today's desire). Lot DD and a Fraction of Lot K were some of the lands offered to the public. A local firm (Classic Homes Development, Inc) purchased this land and other parcels from CBJ. The writer, dba R & M ENGINEERING, INC., was retained as Classic Homes surveyor and civil engineer. We began to prepare a subdivision of this land (Little Auke Creek---a preliminary plat submitted and later approved in June, 1983). Apparently, a residence had been build on an undeveloped fraction of Lot K, USS 2392. Land adjacent this property had been subdivided into three lots and previously recorded. The three lots were designated Lots A, B and C (see attached plat 83-85W). The plat that was prepared to "as-built" and subdivide this residence also re-plated the remainder of Lot K into Lot D and E and vacated lot DD.

I cannot find any records in R & M's project file as to why this subdivision was done in this manner, nor at this writing, can CBJ's-CDD find any record in their files as to why this was platted in this manner. It is interesting to note that CBJ continued to tax the land owners (Alaska Pacific Capital Co. for which I am a partner) for two parcels.

Classic Homes Development Inc over extended themselves and went bankrupt. They offered their assets to their debtors as payment. R & M ENGINEERING, INC. accepted their offer and then sold the asset to the founders of R & M whom held other land and property as the firm Alaska Pacific Capital Co. (APCC). The intent of APCC was to complete the subdivision and sell the lots. The 1980's were a "busy" time for land development in Juneau. R & M was very busy working on other developers subdivision's and put the approved preliminary plat for Little Auke Creek's to one side.



Time passed and when APCC was "ready" to continue the development of "Little Auke Creek" subdivision, the preliminary plat had expired. A new application was submitted, but the "no-net loss" of wetlands was enforced, literally stopping the development as its central road went thru a muskeg meadow. Other development concepts were explored such as cottage housing. The central lying muskeg deterred most subdivision concepts even thou some agency representatives encouraged me to try for new permits.

The property owners on both sides of this land had made offers to purchase at varies times. All thinking this was still two parcels or tracts of land. One adjacent land owner became interested enough in purchasing that we came to a verbal contract agreement. Once a sale was agreed upon, title work was viewed and to both our surprise, the "as-built" and subdivision waiver plat, 83-85W surfaced. The proposed buyers preferred two tracts. The logic of having two parcels rather than one was;

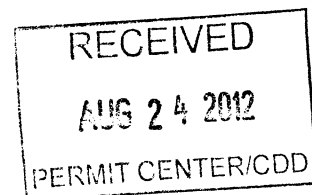
- They will keep the upper original 4.97 Ac. lot DD as their residence with the three options of;
- Also keeping the lower remaining 2.408 Ac. Fraction of original lot K for themselves, or
- Selling that lot, "in its entirety" with driveway access from Auke street, or
- Subdividing the land into four lots as extensions to the below lots A, B, C and Tr. D, all a fraction of original Lot K, U. S. S. 2392.

Subdividing "back" to the original lot dividing line between Lots DD and K seems as it should be a relatively "simple" thing. It is not. CBJ planners first stated road access and a cul-da-sac developed rather than allowing a "dead end" at the property limits. CBJ also felt that the original common property line between original Lots DD and K would have to be moved northerly so as to be centered in the middle of projected Auke Street. This is a good thing and the re-plat of this property was prepared in this manner.

In re-plating this parcel back to its near original property lines when CBJ's Assembly authorized the land sale, a plat had to be prepared, an application made, a fee paid and a variance application made. The variance application must meet certain approval criteria which the writer feels it does. That criterion is;

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 slight northerly adjustment of the original property dividing line will center the land with the ROW of Auke Street. It will allow the future owners in managing their property. A "T" type turn-around was provided with the subdivision of Windfall Subdivision. Although in a state of rather poor maintenance, it still exists and is usable. Finally, the 50' ROW of Auke street allows both parcels separate and divided access, if needed.



2. *Relief can be granted in such a fashion that the intent of the title will be observed and the public safety and welfare preserved.*

The property lines that existed prior to 1983 will be re-established. A slight adjustment in the tax records made. The public safety and welfare will be preserved.

3. *The authorization of the variance will not injure nearby property.*

The neighborhood will not see any changes. There will be no injure to adjacent or other property.

4. *The variance does not authorized uses not allowed in the district involved.*

The properties uses remain the same as presently exist.

5. *Compliance with the existing standards would:*

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

The property will now be used by the proposed purchasers per the original 1940 government developed subdivision that is one residence on a large secluded land parcel.

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

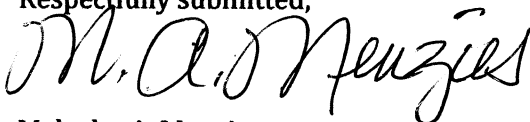
Windfall Subdivisions development of Auke Street and its "T" turn-around and the presently planned uses of this land make it un-necessary to develop a further road system or cul-da-sac at this time. Since the presently proposed purchasers own the land to the east, they have the option of accessing this land from both the east and west. The "T" turn-around at the terminus of Auke street allows for an additional driveway or two, with common or separation access due to its width of 50'.

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

As explained throughout this letter, the subdivision will not be a burden to the neighborhood. It will restore (near) original property lines dating back to 1940.

Should there be questions, I will gladly respond.

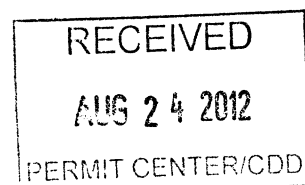
Respectfully submitted;



Malcolm A. Menzies

Attachments;

Copy of original U. S. Survey plat No. 2392



Copy of Windfall Subdivision

Copy of 1983 "as-built" & Subdivision wavier plat

Copy of deeds for above subdivision (note separate parcel descriptions).

Aerial view of property (note muskeg meadow in center of land parcel)

Variance Application

Development Permit Application (previously submitted)

Subdivision plat (previously submitted)

Application Fee (previously submitted).



Filed for Record at Request of

Name LITTLE AUKE CREEK PARTNERSHIP

Address 1335 FRITZ COVE ROAD

City and State JUNEAU, ALASKA 99801

Quit Claim Deed

THE GRANTOR LITTLE AUKE CREEK PARTNERSHIP, AN ALASKAN PARTNERSHIP, WHOSE ADDRESS IS 1335 FRITZ COVE ROAD, JUNEAU, ALASKA 99801

for and in consideration of THE SUM OF TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION

conveys and quit claims to ALASKA PACIFIC CAPITAL COMPANY, AN ALASKAN PARTNERSHIP, WHOSE ADDRESS IS P.O. BOX 1786, JUNEAU, ALASKA 99802

the following described real estate situated in the JUNEAU Recording District FIRST

Judicial District, State of Alaska, together with all after acquired title of the grantor(s) therein:

LOT DD OF TRACT A, CONTAINING 4.97 ACRES, ACCORDING TO U.S. SURVEY NO. 2392, ALASKA, AUKE LAKE GROUP OF HOMESITES, TRACT A, ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE IN WASHINGTON, D.C., ON MARCH 20, 1940.

SUBJECT TO VALID EXISTING TRAILS, ROADS, AND EASEMENTS.

84-002943

8.00
RECORDED-FILED
JUNEAU REC.
DISTRICT

APR 2 10 25 AM '84

REQUESTED BY Alaska Pacific
ADDRESS Capital Company
PO Box 1786
Juneau AK 99802

Dated this 29TH day of MARCH, 19 84

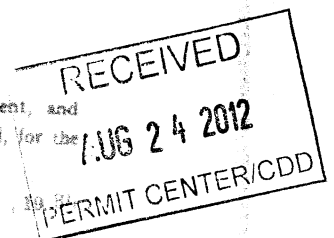
Malcolm A. Menzies
MALCOLM A. MENZIES, PARTNER (SEAL)

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

On this day personally appeared before me MALCOLM A. MENZIES to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that HE signed the same as HIS free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 29TH day of MARCH



84-002944

8.00

RECORDED-FILED
JUNEAU REC.
DISTRICT

APR 2 10 27 AM '84

REQUESTED BY Alaska Pacific
ADDRESS Capital Company
P.O. Box 1786
Juneau, AK 99802

Filed for Record at Request of

Name LITTLE AUKE CREEK PARTNERSHIP

Address 1335 FRITZ COVE ROAD

City and State JUNEAU, ALASKA 99801

Quit Claim Deed

THE GRANTOR LITTLE AUKE CREEK PARTNERSHIP, AN ALASKAN PARTNERSHIP, WHOSE ADDRESS IS 1335 FRITZ COVE ROAD, JUNEAU, ALASKA 99801

for and in consideration of THE SUM OF TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION

conveys and quit claims to ALASKA PACIFIC CAPITAL COMPANY, AN ALASKAN PARTNERSHIP, WHOSE ADDRESS IS P.O. BOX 1786, JUNEAU, ALASKA 99802

the following described real estate situated in the JUNEAU Recording District, FIRST

Judicial District, State of Alaska, together with all after acquired title of the grantor(s) therein:

THAT PORTION OF LOT K, U.S. SURVEY NO. 2392, DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 1 OF SAID LOT K, THENCE NORTH 16°40'30" WEST, A DISTANCE OF 208.12 FEET TO A POINT ON THE EASTERLY BORDER OF SAID LOT, THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 16°40'30" WEST, A DISTANCE OF 247.96 FEET TO A POINT; THENCE SOUTH 73°00'15" WEST, 462.18 FEET TO A POINT ON THE WESTERLY BORDER OF SAID LOT; THENCE SOUTH 16°43'45" EAST, 199.47' TO A POINT ON THE WESTERLY BORDER OF SAID LOT; THENCE NORTH 72°58'30" EAST, 193.94 FEET TO A POINT; THENCE SOUTH 16°27'15" EAST, 47.37 FEET TO A POINT; THENCE NORTH 72°56'00" EAST, 68.27 FEET TO A POINT; THENCE NORTH 73°08'00" EAST, 100.35 FEET TO A POINT; THENCE NORTH 73°37'15" EAST, 99.60 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING 2.408 ACRES, MORE OR LESS, SAID LAND BEING ENCOMPASSED WITHIN THAT CERTAIN SUBDIVISION WAIVER PLAT, RECORDED AS PLAT NO. 83-85 W, IN THE JUNEAU RECORDING DISTRICT, FIRST JUDICIAL DISTRICT, STATE OF ALASKA.

Dated this 29TH

day of MARCH

1984

Malcolm A. Menzies
MALCOLM A. MENZIES, PARTNER (SEAL)

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

On this day personally appeared before me MALCOLM A. MENZIES

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that HE signed the same as HIS free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 29TH

day of MARCH

1984

RECEIVED
1/06 2 4 2012
PERMIT CENTER/CDD

TIATITLE
INSURANCE
AGENCY201 N. Franklin St.
Juneau, Alaska 99801
(907) 586-6445 or 586-1730

THIS SPACE RESERVED FOR THE ORDER'S USE

83-008237

8.00

RECEIVED FILED
JUNEAU REC.
DISTRICT

SEP 2 2 06 PM '83

REQUESTED BY CLASSIC HOMES

ADDRESS + DEVELOPMENT, INC.

P.O. Box 2671

JUNEAU, AK. 99803



Little Auke Creek Lands

Filed for Record at Request of

Name Classic Homes and Development, Inc.Address P.O. Box 2671City and State Juneau, Alaska 99803**Quit Claim Deed**THE GRANTOR CLASSIC HOMES DEVELOPMENT, INC., an Alaskan corporation,
whose address is P.O. Box 2671, Juneau, Alaska, 99803for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable
considerationconveys and quit claims to Little Auke Creek Partnership, an Alaskan partnership, whose
address is 1335 Fritz Cove Road, Juneau, Alaska 99801the following described real estate situated in the Juneau Recording District First

Judicial District, State of Alaska, together with all after acquired title of the grantor(s) therein:

That portion of Lot K, U.S. Survey No. 2392, described as follows:

Beginning at Corner No. 1 of said lot K, thence North 16°40'40" West, a distance
of 208.12 feet to a point on the easterly border of said Lot, the true point of
beginning; thence continuing North 16°40'30" West, a distance of 247.96 feet to
a point; thence South 73°00'15" West, 462.18 feet to a point on the westerly
border of said Lot; thence South 16°43'45" East, 199.47' to a point on the
westerly border of said Lot; thence North 72°58'30" East, 193.94 feet to a point;
thence South 16°27'15" East, 47.37 feet to a point; thence North 72°56'00" East,
68.27 feet to a point; thence North 73°08'00" East, 100.35 feet to a point;
thence North 73°37'15" East, 99.60 feet to the true point of beginning;
containing 2.406 acres, more or less, said land being encompassed within that
certain subdivision waiver plat, recorded as Plat No. 83-85 W, in the Juneau
Recording District, First Judicial District, State of Alaska.Dated this and day of September, 1983
Daniel T. Leachman (SEAL)

J. Leachman (SEAL)

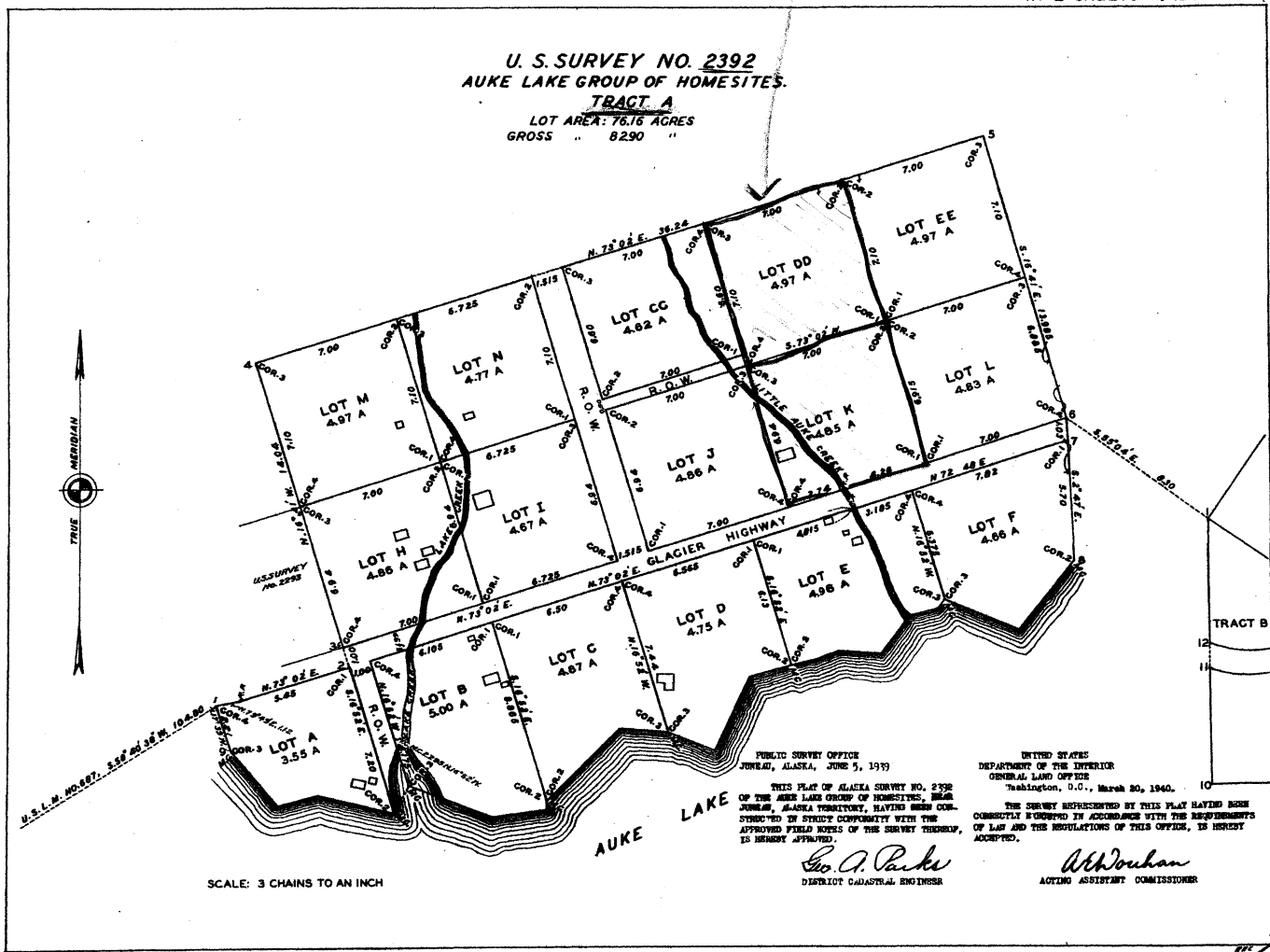
STATE OF ALASKA

FIRST JUDICIAL DISTRICT

On this day personally appeared before me Daniel T. Leachman and J. Leachman
Vice President and President, respectively of Classic Homes Development, Inc.
to me known to be the individual(s) described in and who executed the within and foregoing instruments and
acknowledged that they signed the same as their free and voluntary act and deed, for the
uses and purposes therein mentioned.GIVEN under my hand and official seal this and day of September, 1983**RECEIVED**
AUG 24 2012
PERMIT CENTER/CDD

USS 2392
TRACT A
LOT DD & LOT K

ORIGINAL
IN 2 SHEETS - SHEET 1.



283
Vol. 1162 p. 99

RECEIVED
AUG 24 2012
PERMIT CENTER/CDD

83-85W



PLANNING DEPARTMENT
CITY AND BOROUGH OF JUNEAU

PLATTING RESOLUTION NO. W-26-83

WHEREAS, Classic Homes, has applied to the City and Borough of Juneau Planning Commission in proper form for a waiver of platting requirements of the subdivision of the following described real property:

Lot K, a fraction of U.S.S. 2392 into Tract D and Tract E (Tract E becomes a portion of Lot DD by this action)

according to the attached plat, sketch, or diagram.

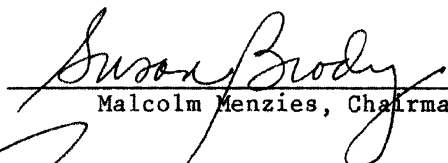
WHEREAS, the Commission finds that the proposed conveyance:
(a) is not being made for the purpose of or in connection with a present or projected subdivision development; (b) is an isolated transaction which does not fall within the general intent of Title 40, Chapter 15, Alaska Statutes; and, (c) does not involve or require any dedication of a street, alley thoroughfare, park, or other public area.

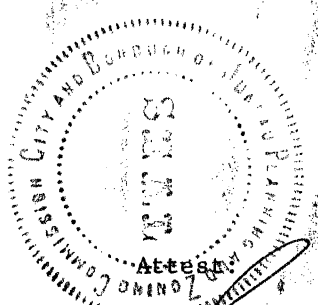
BE IT RESOLVED BY THE CITY AND BOROUGH OF JUNEAU PLANNING COMMISSION AS THE PLATTING AUTHORITY FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA:

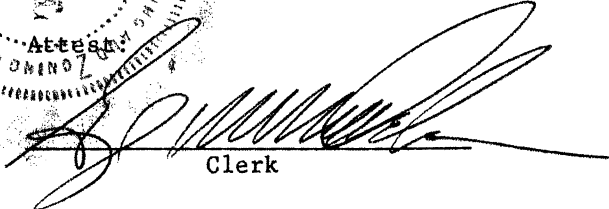
The said application for a statutory waiver of plat and recording requirements to a proposed conveyance of the above-described property is hereby granted.

DATED: May 16, 1983

CITY AND BOROUGH OF JUNEAU, ALASKA
PLANNING COMMISSION


Malcolm Menzies, Chairman

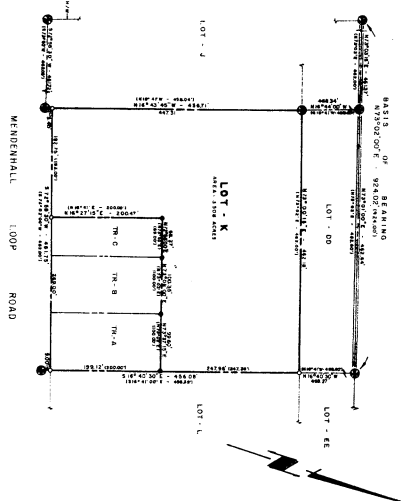



Clerk

83-004375

RECORDED-FILED
JUNEAU REC.
DISTRICT

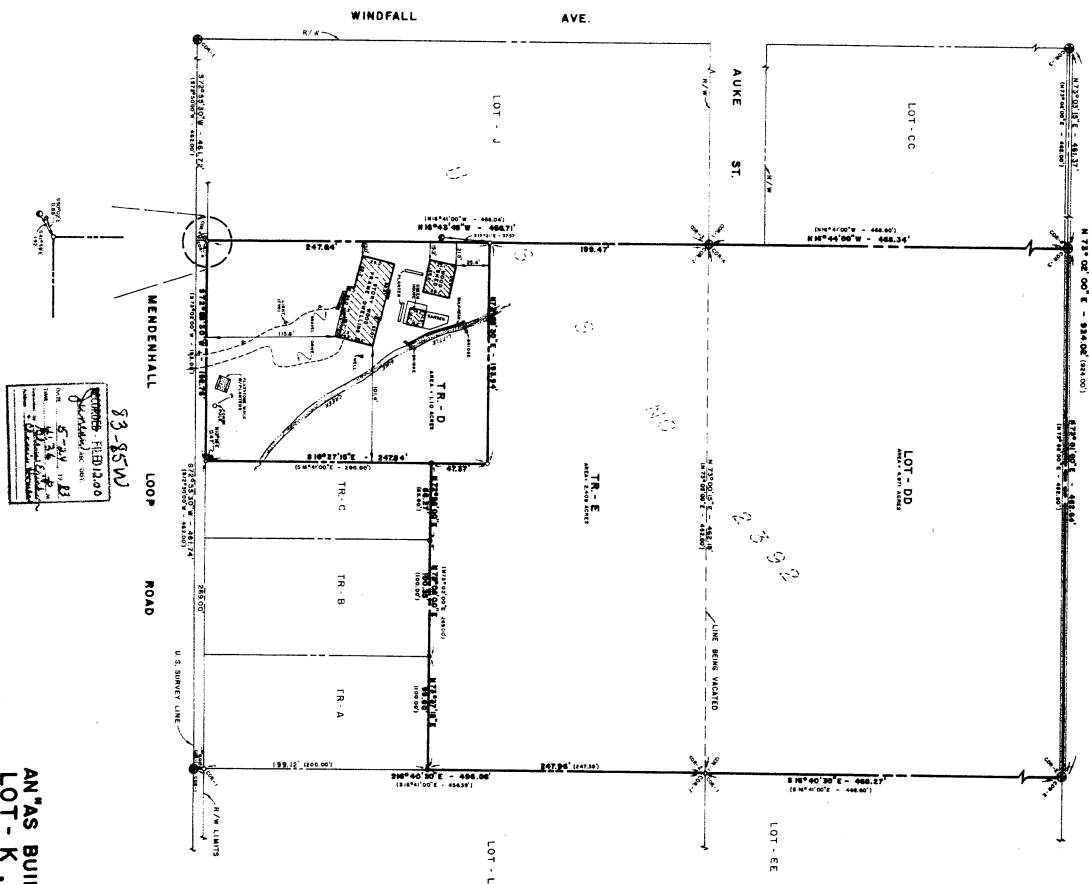
MAY 24 4 36 PM '83
REQUESTED BY Glenn Erickson
ADDRESS _____



ORIGINAL BOUNDARY
LOT - K, A FR. OF U. S. S. No. 2392

GENERAL NOTES.

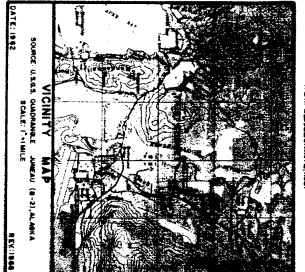
1. THE BASIS OF RECORD UTILIZED FOR THIS SURVEY WAS BETWEEN THE HIGH-LEVEL SURVEY OF THE U.S. SURVEY NO. 2392, HAVING AN ACCEPTED BEARING OF N 23°00'00" E, 070°15' OF ARC.
2. ALL BEARINGS REPORTED ON THIS PLAT HAVE BEEN REDUCED TO THE HIGHEST 070°15' OF ARC.
3. WHERE RECORD SURVEY CORNERS (BEARING AND/OR DISTANCES) DIFFER FROM THE BEARING AND/OR DISTANCES OF THE RECORD SURVEY CORNERS FROM THE U.S. SURVEY NO. 2392, THE BEARING AND/OR DISTANCES OF THE U.S. SURVEY NO. 2392, N 23°00'15" E - 461.347' (N 23°02' E - 462.007') - 500.00' CORNERS, THUSLY, N 23°00'15" E - 461.347' (N 23°02' E - 462.007') - 500.00' CORNERS.
4. RECOVERED BOUNDARY MONUMENTS AND/OR BEARING OBJECTS WERE HELD AS RECOVERED POSITIONS. ALL RECORD LINES BEING PROPORTIONED FROM THE MONUMENT RECORD POSITIONS.



83-85W
53-84-13
53-84-14
53-84-15
53-84-16
53-84-17
53-84-18
53-84-19
53-84-20
53-84-21
53-84-22
53-84-23
53-84-24
53-84-25
53-84-26
53-84-27
53-84-28
53-84-29
53-84-30
53-84-31
53-84-32
53-84-33
53-84-34
53-84-35
53-84-36
53-84-37
53-84-38
53-84-39
53-84-40
53-84-41
53-84-42
53-84-43
53-84-44
53-84-45
53-84-46
53-84-47
53-84-48
53-84-49
53-84-50
53-84-51
53-84-52
53-84-53
53-84-54
53-84-55
53-84-56
53-84-57
53-84-58
53-84-59
53-84-60
53-84-61
53-84-62
53-84-63
53-84-64
53-84-65
53-84-66
53-84-67
53-84-68
53-84-69
53-84-70
53-84-71
53-84-72
53-84-73
53-84-74
53-84-75
53-84-76
53-84-77
53-84-78
53-84-79
53-84-80
53-84-81
53-84-82
53-84-83
53-84-84
53-84-85
53-84-86
53-84-87
53-84-88
53-84-89
53-84-90
53-84-91
53-84-92
53-84-93
53-84-94
53-84-95
53-84-96
53-84-97
53-84-98
53-84-99
53-84-100

AN'S BUILT" & SUBDIVISION WAIVER PLAT OF
LOT-K, A FR. OF U.S. SURVEY No. 2392
INTO
TR-D & TR-E, A FR. OF U. S. S. No. 2392
CITY & BOROUGH OF JUNEAU, ALASKA

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM PROPERLY LICENSED AND I HAVE
CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE ALASKA
SURVEYING ACT AND THE RULES AND REGULATIONS OF THE
ALASKA SURVEYING BOARD. I HAVE BEEN DULY SWORN IN
AND MY COMMISSION IS CURRENT. I HAVE BEEN DULY
SWORN IN AND MY COMMISSION IS CURRENT. I HAVE BEEN
DULY SWORN IN AND MY COMMISSION IS CURRENT.



DATE: MAY 1983
DRAWN BY: J. J. JENSEN
CHECKED BY: J. J. JENSEN
APPROVED BY: J. J. JENSEN
DATE: MAY 1983
DRAWN BY: J. J. JENSEN
CHECKED BY: J. J. JENSEN
APPROVED BY: J. J. JENSEN
DATE: MAY 1983
DRAWN BY: J. J. JENSEN
CHECKED BY: J. J. JENSEN
APPROVED BY: J. J. JENSEN

Lot DD

Auke Street

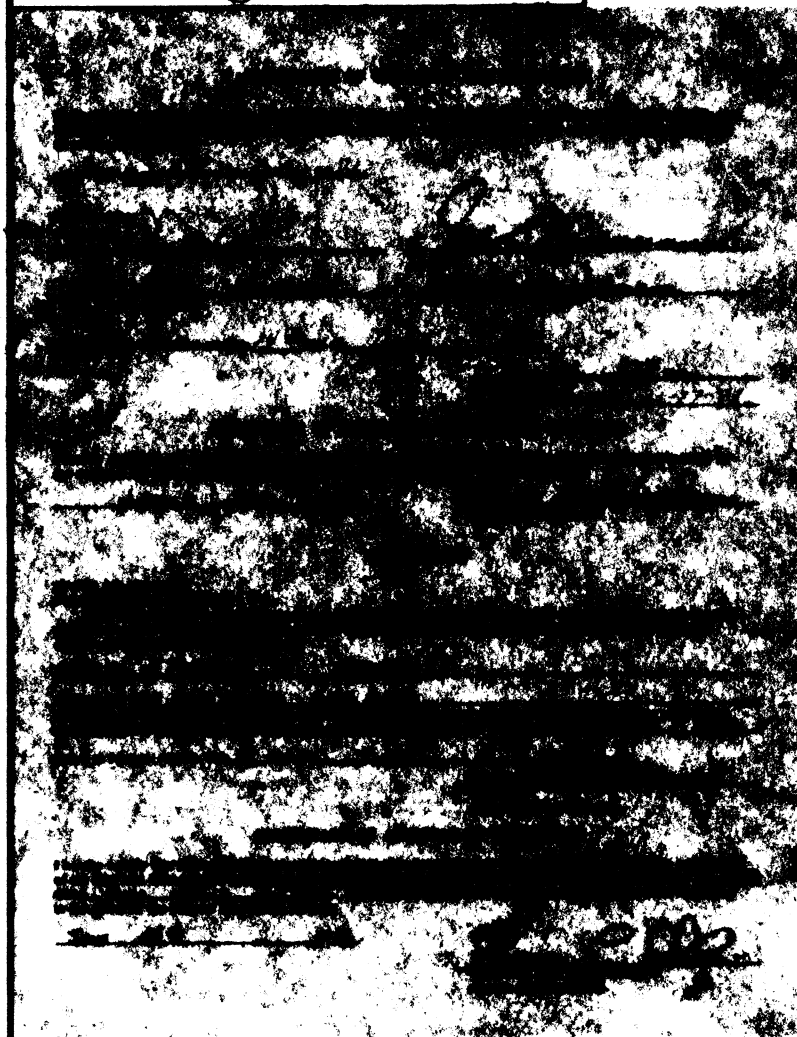
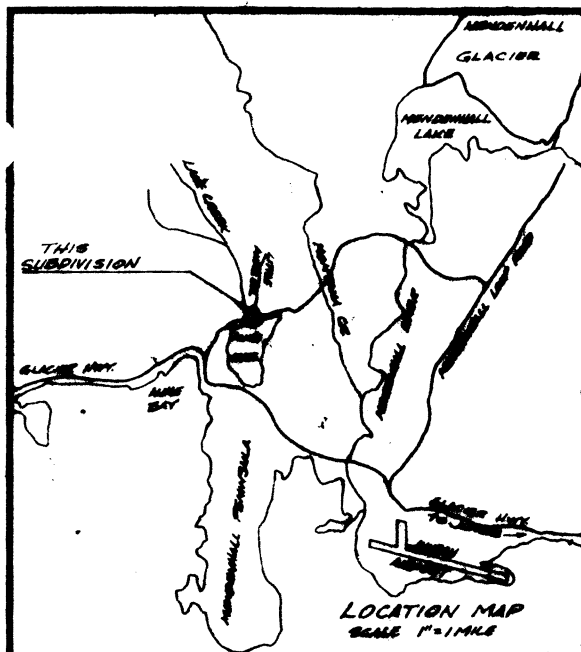
Existing Lot Line

Lake 2 Creek Proposed Lot Line

Lot K

LOOP

ROAD

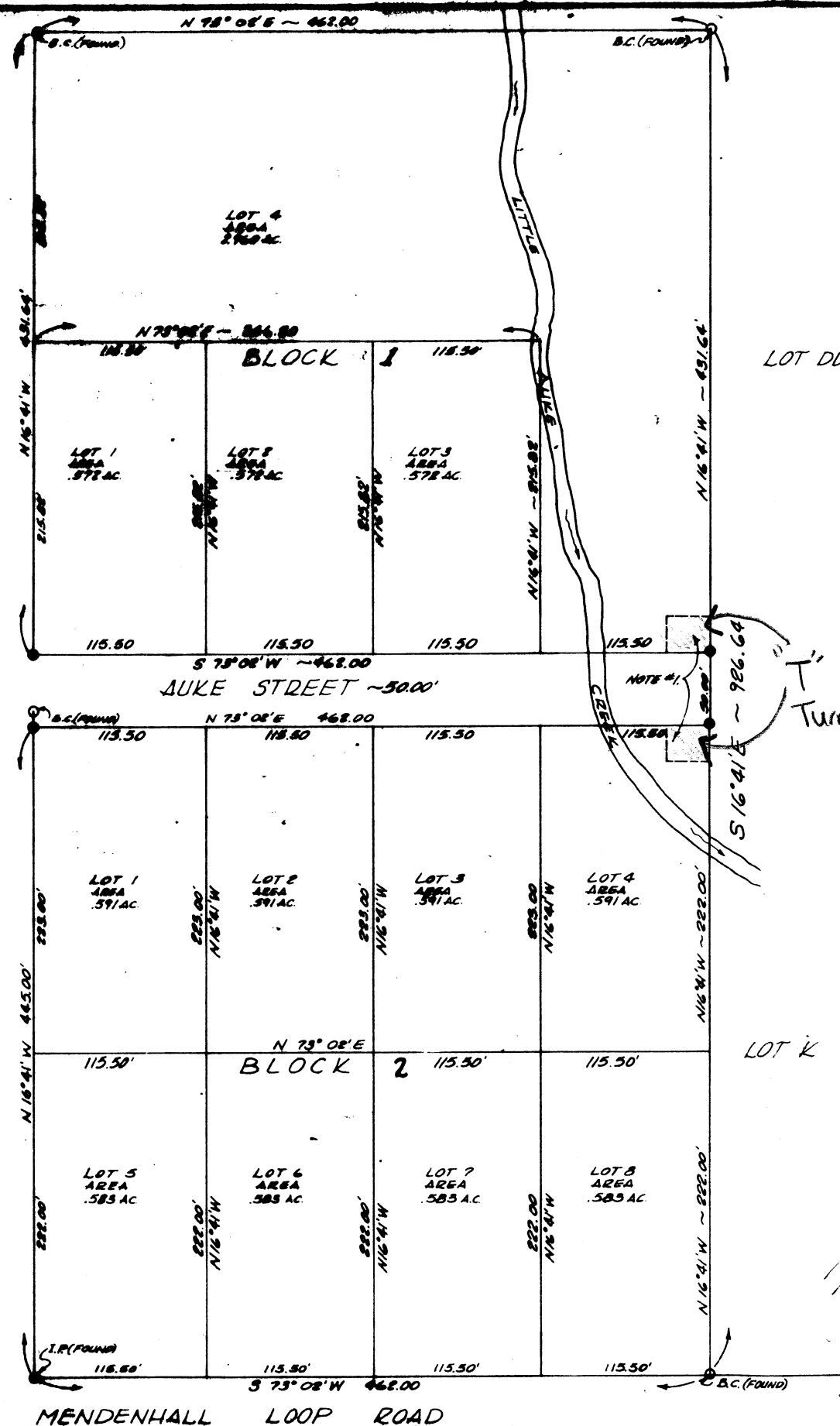


LOT N

LOT I

AVENUE - EXIST. 100.00' R.O.W.

WINDFALL



LOT DD

LOT K

COVENANTS

The following covenants apply to Block 1, Lot 1 and Block 2, Lots 4, 5, 6. The covenants shall remain in effect unless an alternate system is approved by the State of Alaska or the Director of the Department of Health, said alternate system shall provide at least equal protection of the public health. The covenants are as follows:

- Each Lot as listed above shall provide individual home treatment of sewage by use of an individual home treatment plant employing the percolation process and capable of providing secondary treatment of the sewage.
- The effluent from the subject plant shall be dispersed through a disposal field constructed of gravel fill.
- The disposal field shall be located not closer than 100 ft. from the following:

- A. Little Anke Creek
- B. Anke Street
- C. Mendenhall Loop Road

KEY

- O.B.C. BRASS CAP
- ⊙ I.P. IRON PIN
- BRASS CAP TO BE SET

NOTE #1:
TEMPORARY TURN-AROUND TO REVERT TO LOT 4, BLOCK 1, AND LOT 4, BLOCK 2 AUTOMATICALLY WHEN ROAD IS EXTENDED

#628

| | |
|-------------|-------------|
| DES. G.W.D. | APP. |
| DWN. 12/24 | |
| CHK. | DATE 6-8-71 |

| |
|-----------|
| REVISIONS |
| |
| |

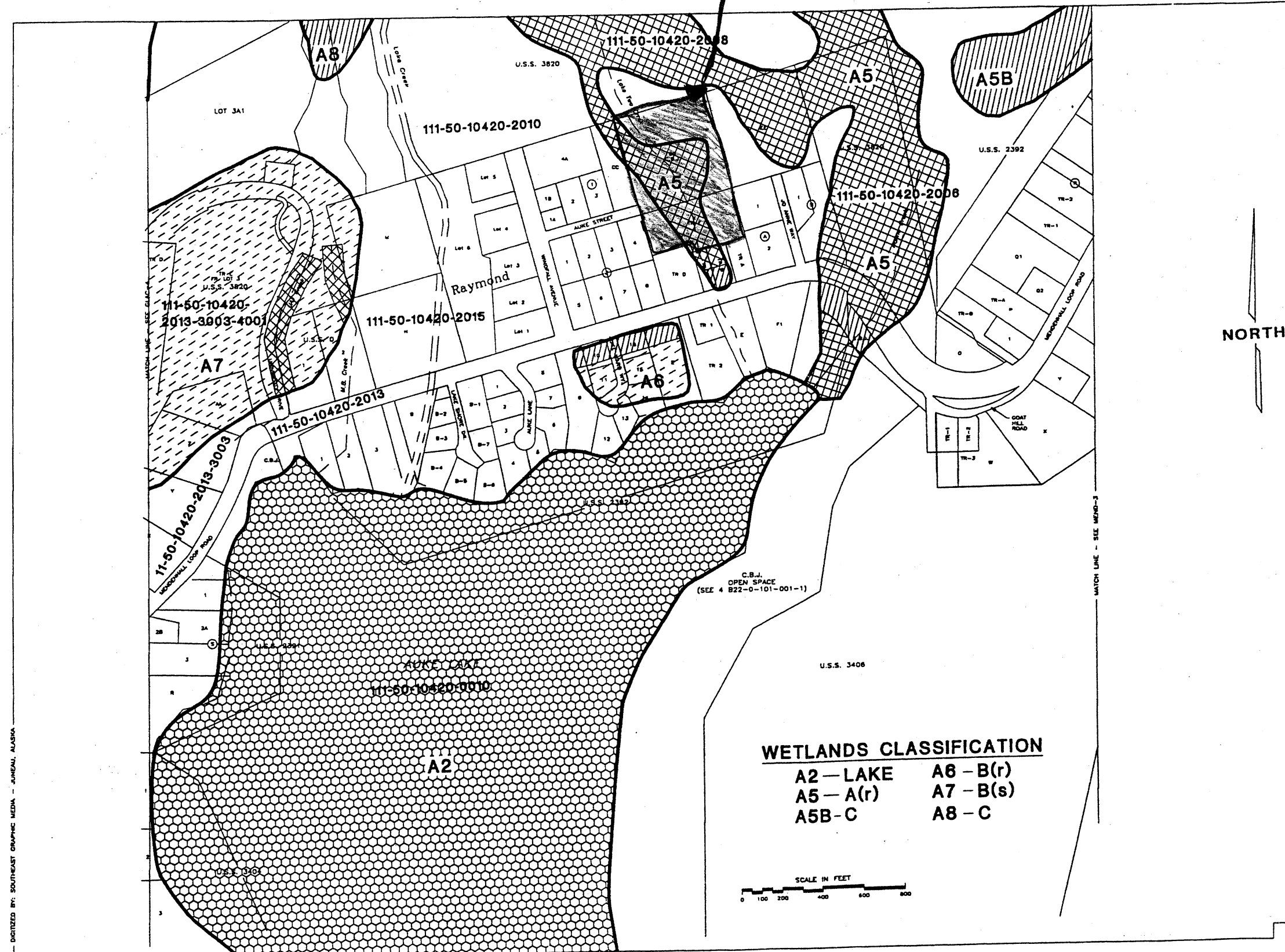
WINDFALL
PREPARED BY: TED LADMAN

PLAT OF
SUBDIVISION

ANKE BAY, ALASKA

DWS. NO.
1
JOB NO.

subject parcel



4-B27-0



unmaintained turnaround



End of
Aulke Street

Lake 2 Creek Upper Extent Addition

Legend

- Lake Creek Waypoints
- Stream Station, 2010
- Action**
- 2010 Addition
- 2010 Future Investigation
- 2010 Road Correction
- 2010 Cataloged Abandoned Streams

Figure 32: Lake 2 Creek Upper Extent Addition.



RECEIVED
AUG 24 2012
PERMIT CENTER/CDD

Nicole Jones

From: mmenzies@gci.net on behalf of Mal Menzies [mmenzies@gci.net]

Sent: Tuesday, September 04, 2012 7:32 AM

To: Nicole Jones

Cc: Erin Howell

Subject: Re: Comments for variance

Nicole,

Please see below after each comment my response.

Mal

Sent from my iPad

On Sep 1, 2012, at 4:29 PM, Nicole Jones <Nicole_Jones@ci.juneau.ak.us> wrote:

Hi Mal,

Below are the comments that I have received thus far for the Auke Street variance. I also received a call from one of the neighbors with questions. I will be meeting with him Tuesday afternoon to look at the proposal together. I am unsure if he is concerned about this variance request. If I receive any written comment it will be forwarded to you.

I still plan to have a draft staff report for you to review on Wednesday. Please let me know if you have any questions.

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:

John Salway, Appraiser III, CBJ Assessor's Division

I have reviewed the documents. The Assessor's department does not have any issues with this variance proposal.

No response.

Paul King, City Engineer, CBJ General Engineering

I can see the reasoning for the request. Should have a restriction relating to development. No subdivision of the new lots unless a cul-de-sac or hammerhead is built.

A "Tee type cul-de-sac" was dedicated and built with the subdivision and dedication of Auke Street as the record shows. The additional driveway and waterline construction and lack of proper maintenance has reduced the original shape, but in fact it still exists. This requested subdivision is merely replacing a land line that was vacated for unknown reasons.

Additional Comments:

A temporary hammerhead does not dedicate right of way. It allows for construction of a temp turnaround which would satisfy IFC/CDD with the original subdivision. Fact of the matter, it was not constructed and Streets has a hard time plowing. However, I don't have an issue with the variance except any and all development of the lots should require an IFC regulation fire access to be constructed.

I respectfully disagree with Mr. King in that I believe city staff inspected the gravel street construction of Auke Street and the turn-around. As I have stated, time, driveway and waterline installation as well as the lack of maintenance has reduced the original construction.

At this time neither I or the proposed buyer are planning to use this access due to Little Auke Creek and that they may enter this property from the west.

~~Don Jacques~~ Fire Marshall, CBJ Fire Department

I agree with Ron, this will have to fulfill the IFC requirements for adequate turn around for any road that is greater than 150 feet in length, regardless of whether or not it is a true city street or if it serves three or more structures on the same stretch of road.

My response above applies to the fire Marshall's comment. In addition, I must ask why CBJ-DPW has allowed the turn-around to be reduced and has the CCF&R had a problem serving this area for the last 10 to 30 years?

~~Jo Anne Way~~ Lands & Resources Manager, CBJ Lands and Resources

Jo Anne Way has been identified for extension through the middle of the property immediately north, on the subdivision plat for 4B2701080090. It may make sense to plan for Auke Street to connect to JoAnne Way, avoiding a cul de sac and/or long, dead end street.

The present owners and present purchasers have no plans to connect the two streets.

~~Paul Fisher~~ Director, CBJ Parks and Recreation

P&R has no concerns with this project.

no response.

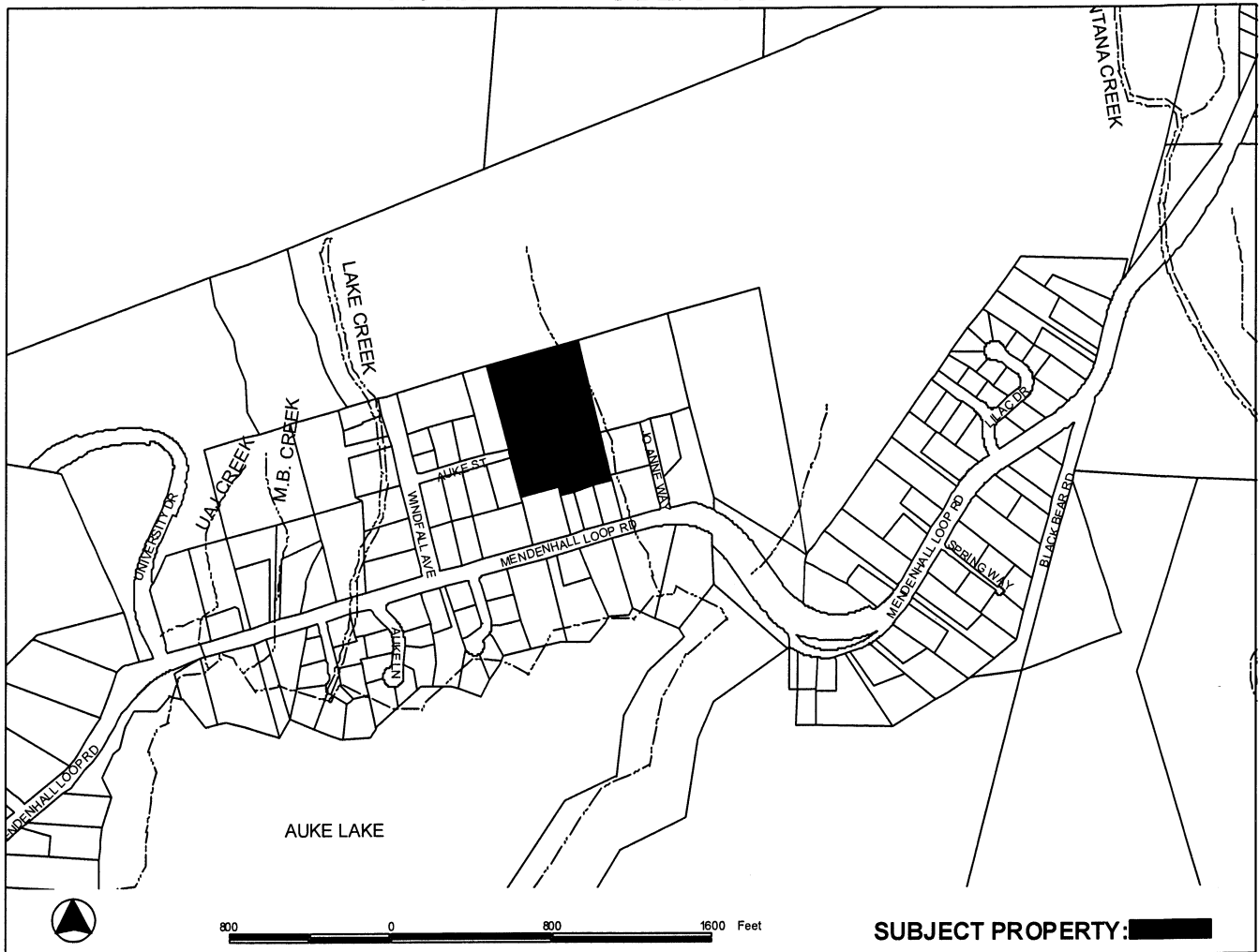
~~Harold Reynolds~~ Street Maintenance Supervisor, CBJ Public Works

Auke Street is a gravel road that we maintain. Most of the drainage runs along the edge of the road. I don't think there are any culverts back there; maybe the first and or second house on the right from Windfall may have pipes. There is no turn around, and often times we are forced to back down that street twice to plow our way out. Snow is piled at the end of the road.

See my above response's asking why the original cul-de-sac was allowed to be reduced by CBJ watermain construction as well as neighborhood driveway construction.

Again, we are simply re-establishing an original land line that was vacated for an in-known reason. To require the construction or re-construction of a cul-de-sac that was allowed to be, in-part, reduced due to other developments by both private land owners as well as local government seems as to much of a penalty.

NOTICE OF PUBLIC HEARING



PROPOSAL: A Variance request to reduce the required frontage on a right-of-way from 30' to 25'.

| | | | |
|----------------------|---------------------------------|----------------------|-----------------------------------|
| FILE NO: | VAR2012 0014 | APPLICANT: | Alaska Pacific Capital Co. |
| TO: | Adjacent Property Owners | Property PCN: | 4-B27-0-108-001-1 |
| HEARING DATE: | Sep 11, 2012 | Zoned: | D3 |
| HEARING TIME: | 7:00 PM | Size: | 7.38 acres |
| PLACE: | ASSEMBLY CHAMBERS | Owner: | ALASKA PACIFIC CAPITAL CO |
| | Municipal Building | Site Address: | 11670 AUKE ST |
| | 155 South Seward St | Accessed via: | AUKE ST |
| | Juneau, Alaska 99801 | | |

PROPERTY OWNERS PLEASE NOTE:

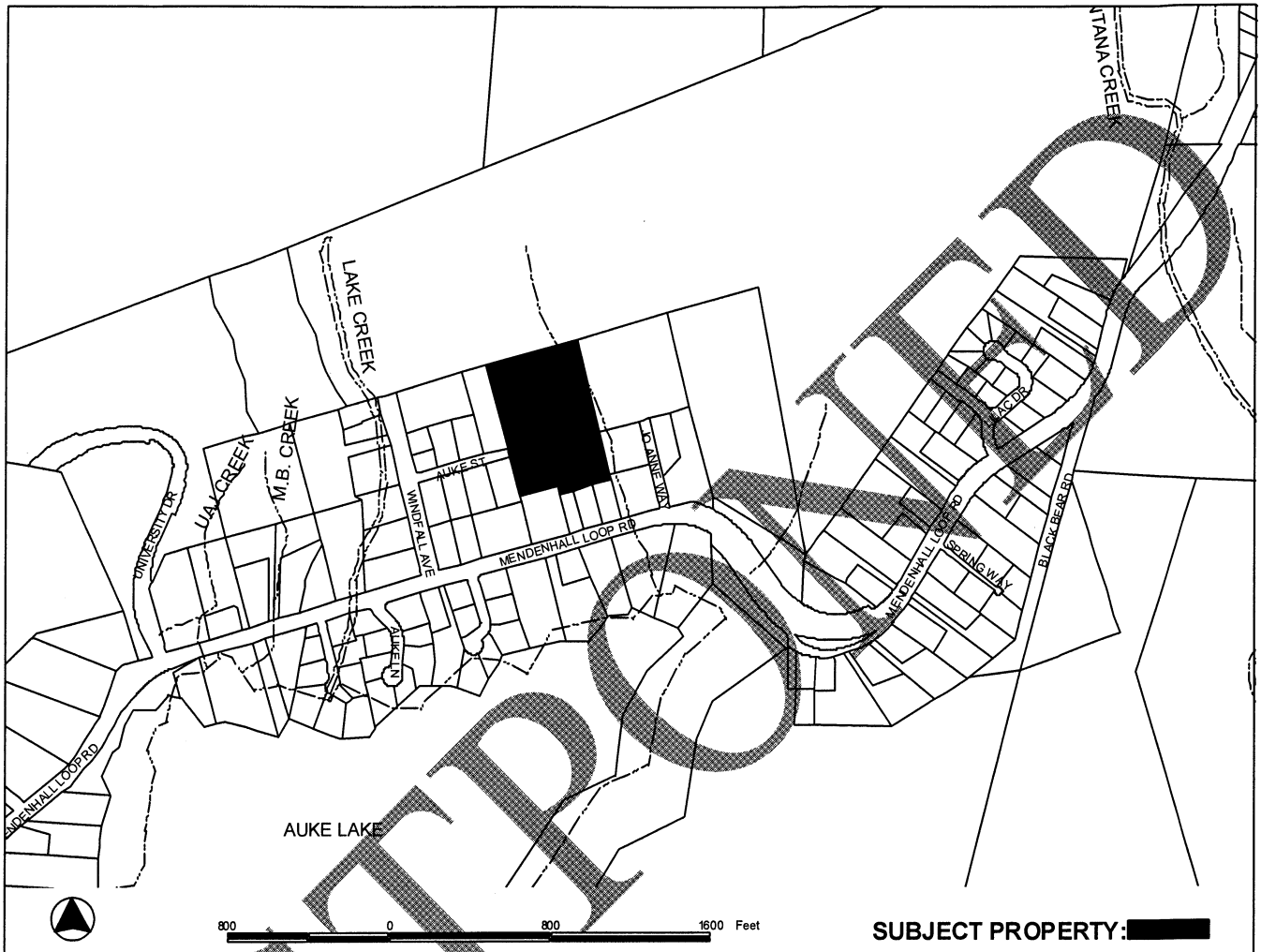
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials 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 nicole_jones@ci.juneau.ak.us or at 586-0218.

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

Date notice was printed: August 29, 2012

NOTICE OF PUBLIC HEARING



PROPOSAL: A Variance request to reduce the required frontage on a right-of-way from 30' to 25'.

| | |
|--|--|
| FILE NO: VAR2012 0014 | APPLICANT: Alaska Pacific Capital Co. |
| TO: Adjacent Property Owners | Property PCN: 4-B27-0-108-001-1 |
| HEARING DATE: Sep 11, 2012 | Zoned: D3 |
| HEARING TIME: 7:00 PM | Size: 7.38 acres |
| PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801 | Owner: ALASKA PACIFIC CAPITAL CO |
| | Site Address: 11670 AUKE ST |
| | Accessed via: AUKE ST |

PROPERTY OWNERS PLEASE NOTE:

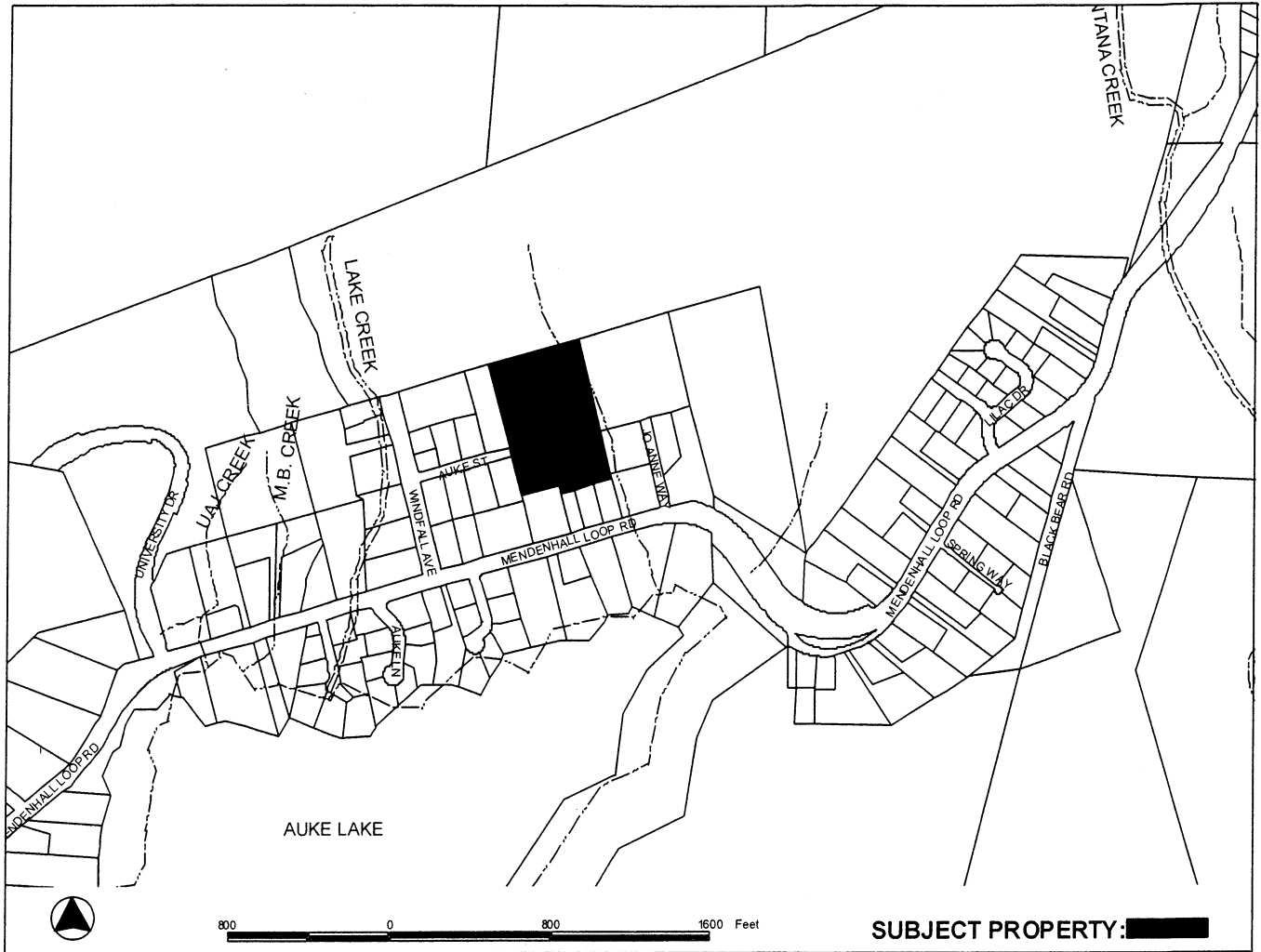
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials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

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

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

Date notice was printed: August 29, 2012

NOTICE OF PUBLIC HEARING



SUBJECT PROPERTY: [REDACTED]

PROPOSAL:

A Variance request to allow a minor subdivision creating two lots on a portion of Auke Street that is undeveloped.

FILE NO: VAR2012 0014
TO: Adjacent Property Owners
HEARING DATE: September 25, 2012
HEARING TIME: 7:00 PM
PLACE: ASSEMBLY CHAMBERS
Municipal Building
155 South Seward St
Juneau, Alaska 99801

APPLICANT: Alaska Pacific Capital Co.
Property PCN: 4-B27-0-108-001-1
Zoned: D3
Size: 7.38 acres
Owner: ALASKA PACIFIC CAPITAL CO
Site Address: 11670 AUKE ST
Accessed via: AUKE ST

PROPERTY OWNERS PLEASE NOTE:

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

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

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

Date notice was printed: September 12, 2012