MEMORANDUM

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

DATE:

October 17, 2012

TO:

Board of Adjustment

FROM:

Crystal Hitchings, Planner () J+

Community Development Department

FILE NO:

VAR2012 0020

PROPOSAL:

A variance request to reduce the front yard setback from 25' to 5' for a

new 13'x32' boat port, to be attached to a proposed garage.

GENERAL INFORMATION

Applicant:

Dennis and Sharon Early

Property Owner:

Dennis and Sharon Early

Property Address:

17009 Towers Road

Legal Description:

Lena Point 2 Lot 8

Parcel Code Number:

8-B33-0-101-008-0

Site Size:

28,699 Square Feet or 0.66 Acres

Zoning:

D3, Single-Family Dwelling

Comprehensive Plan Future

Land Use Designation:

RLDR, Rural Low Density Residential

Utilities:

public water, private sewer

Access:

Towers Road

Existing Land Use:

single-family residential

Surrounding Land Use:

North -

D3, utility helicopter landing and satellite dishes

South -

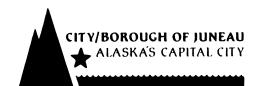
Favorite Channel

East -

D3, residential

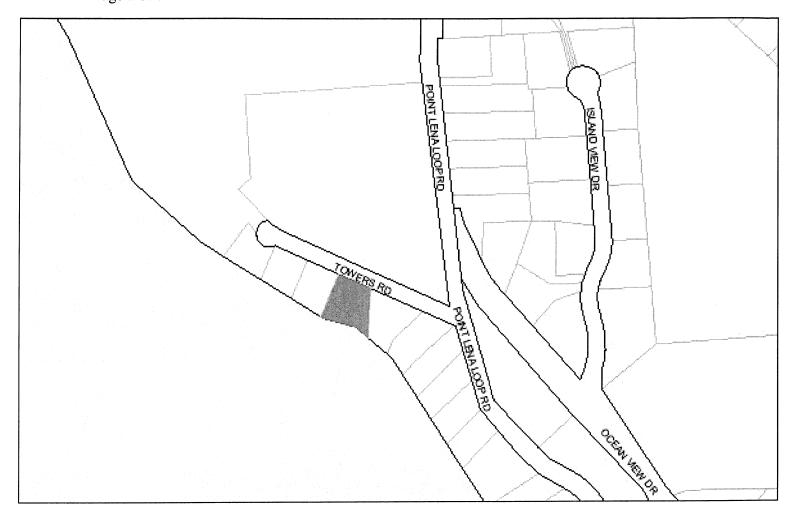
West -

Favorite Channel



Board of Adjustment File No: VAR2012 0020

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ATTACHMENTS

Attachment A: Variance and Development Permit application forms

Attachment B: Applicant's narrative

Attachment C: Site Plan Attachment D: Elevations

Attachment E: Emailed statement of support from Elaine Loopstra, September 27, 2012

Attachment F: Emailed statement of support from Peter Jurasz, October 8, 2012 Attachment G: Emailed statement of support from Gary Hayden, October 9, 2012 Attachment H: Emailed statement of support from Bob Piorkowski, October 15, 2012

Attachment I: Notice of Public Hearing

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PROJECT DESCRIPTION

The applicants are requesting a variance to grant a front yard setback reduction from 25 feet to 5 feet in order to construct a new boatport/garage attached to a garage. The proposed structure is 13 feet wide, and is 32 feet deep at its deepest point. The overall area will be 416 square feet and the height will be 17 feet. Since submitting their initial construction plans, the applicants have indicated that they would like to add a bay door to the boatport/garage to create a completely enclosed garage. This staff report considers the current proposal with the potential addition of a bay door. (Associated with BLD2012 0574)

BACKGROUND

The applicant submitted an application for a building permit on September 24, 2012 (BLD20120574). The original documents showed the proposed garage and boatport/garage, but during intake of the permit application the applicant learned that the entire structure was too large to meet the garage/carport exception set forth by CBJ49.25.430(4)(H), as follows:

- (H) 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.

The applicant chose to remove the boatport/garage from the building plans in order to move forward with the construction of the garage. The garage is 23' x 26', for a total floor area of 598 square feet, and is 17 feet in height. The garage is structurally independent of the boatport/garage and therefore can be constructed at 5 feet from the front property line if it meets all the requirements of CBJ49.25.430(4)(H).

ANALYSIS

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

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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 subject property is impeded by severely steep slopes that render the southern half essentially unbuildable or significantly difficult to build on. The contractor verbally stated that the boatport/garage would require steel beams in order to set it back 25 feet from the property line. The greater neighborhood generally shares this same steep topography. Variances to the front setback have been approved for homes and garages on eight properties along this area of Point Lena Loop Road.

Granting this variance would be consistent with justice to other property owners in the neighborhood and would provide substantial relief to construction costs.

YES. This criterion 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 intent of Title 49 is established in Section CBJ § 49.05.100 Purpose and Intent. The intent of Title 49 is to: implement the policies of the Comprehensive Plan; ensure that growth and development is in accord with the values of its residents; secure the benefits of growth while minimizing the negative impact; ensure that future growth is of the appropriate type; design, and location; promote public health, safety, and general welfare; provide adequate open space for light and air, and ensure proper and beneficial use of land.

The proposed boatport/garage addition to the garage is designed to be architecturally compatible with the proposed garage and the existing home. A boatport/garage is an accessory use to a single family residence consistent with the existing residential neighborhood. The boatport/garage is adjacent to mature trees between the applicant's property and the adjacent neighbor to the east, and is the same height as the garage. The boatport/garage will be tied into the garage and will be in the same location that is currently used for boat parking. The boatport/garage will not add significant bulk to the proposed garage because of its minimal width and because the design provides variation in height and depth. The intent of Title 49 will be met if the variance is granted.

The subject site is near the end of Towers Road, which is has a clear line of vision in this location and receives minimal neighborhood traffic. The proposed boat port will not create any public health or safety issues.

To ensure the structure meets the reduced 5 foot setback requirements, staff recommends the following condition of approval:

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1. Prior to final inspection, an As-Built survey will be required to document that the boatport/garage meets the required 5 foot front yard setback.

YES. This criterion is met.

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

The applicants have personally contacted property owners in the surrounding neighborhood. Several statements of support for the project have been received by the Community Development Department (Attachments E-H). The proposed boatport/garage is screened and separated from the adjacent property to the east and there are no structures across Towers Road to the north of the site. The proposed boatport/garage will not cause any injury to nearby properties.

YES. This criterion is met.

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

The variance would allow a garage used to store a boat, which is accessory to the residential use.

YES. This criterion is met.

- 5. That compliance with the existing standards would:
 - (A) Unreasonably prevent the owner from using the property for a permissible principal use;

The proposed building is an accessory use.

NO. This criterion 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;

Seven other properties in the nearby neighborhood have already been granted variances to the front yard setback in order to construct homes and garages not meeting the exception. The reason for this is the steep topography of the neighborhood. As discussed under Criterion 2 above, the proposed scale and appearance are consistent with existing development.

YES. This criterion is met.

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

The neighborhood is generally extremely steeply sloped down from the street to the water. The subject site is already developed with a single-family home. The lot does not have enough room to the west of the home to construct a boatport/garage due to the location of the septic system. The eastern portion is the only area to reasonably locate the boatport/garage. If the boatport/garage were moved 20 feet back on the lot, construction would be significantly more expensive.

YES. This criterion 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.

There are no preexisting nonconforming conditions on the subject parcel.

N/A. This criterion is not applicable.

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

A grant of the variance would remove a boat from the street and allow it to be located inside of a structure that is attractive and consistent with development in the neighborhood. The applicants have cited bear break-ins as a safety issue, and suggest that constructing an enclosed boat garage could minimize instances of bear encounters. No information has been submitted to show that the proposed boatport/garage would result in any detriments to the neighborhood.

YES. This criterion is met.

FINDINGS

1. Is the application for the requested Variance complete?

YES. 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

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Coastal Management Program consistency determination:

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

N/A. This project is not located within an area affected by the Coastal Management Program standards.

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

YES. Criterion 1 through 6 are all found to be met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and APPROVE the requested Variance, VAR2012 0020, for a front setback reduction from 20 feet to 5 feet in order to construct a new 2-car garage and boatport/garage, with or without a bay door, subject to the following conditions:

2. Prior to final inspection, an As-Built survey will be required to document that the boatport/garage meets the required 5 foot front yard setback.

DEVELOPMENT PERMIT APPLICATION

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۵	Landowner/Lessee Signature Date										
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NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

VARIANCE APPLICATION

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Variance to Habitat Setbacks	(VHB)	□ va	riance to Parking Requirements	(VPK)
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Sharon & Dennis Early 17009 Towers Rd Juneau, AK 99801 907-321-4009

Project narrative:

We submitted plans September 24, 2012, (BLD2012-0574) for a less than 600 square foot garage. A 5 ft setback is allowed due to the steep grade to the beach and size of the garage without a variance (for the garage portion alone). We would like to include a garage/carport for our boat less than 420 square feet at the 5 foot setback. We would prefer to attach this structure, as opposed to building a second structure. It is our understanding that this variance request is, by necessity, for the garage and added boat garage together since the buildings are attached. However, this narrative will focus on the addition of the 420 square feet attached for the boat garage since we will, in fact, be able to proceed with building the less than 600 square foot garage at the 5 foot setback without the need for a variance.

Lot 8 on Towers road sits at the top of a steep bank-as do all six homes on Towers Rd. At the junctions of Lot 7 (West) and Lot 8 is a "gully" where the approximate top of the bank comes closer to Towers Road moving out again slowly as it passes Lots 7 and 6. Our house is setback 29 ft from north, street-side, property line and 15 feet from the east property line. The remaining 50 foot portion is the only buildable land on the lot—and is where we currently park our cars & boat.

A garage for our boat would provide safety for parking most boats up to about 22 ft (or other accessory equipment); prevent problems while covering the boat with temporary frames and tarps for winter; provide safer and more visually appealing storage for the boat and gear year round. Garages and boat storage units are common in the area. Adding a boat port to a garage where both are consistent with the architecture of our home would increase property value and provide safe access to ours or a future owner's boat year-round. Bears do consistently use this section as access to the beach from neighboring AT&T and this would provide a safer, consistent, corridor for the bears. Together with the garage our vehicles, motorboat, kayaks, and refuse containers would be protected and out of site.

The garage and boat garage together are designed as a single unit and in such a way that, from the street, they will look not only consistent with the architecture of the house, but to minimize appearance of size. The roof slopes toward the street so the side presented to the roadway is not the taller, solid wall view. In addition the boat garage will be two feet lower than the car garage section, further minimizing this effect. The entire structure complies with the slab to average roof height of less than 17 feet required for the yard setback for Garages exceptions due to topography.

A garage instead of a carport (i.e. adding a door, or 4th wall, and cement slab)

would be significantly better--We do not know if there's any reason a garage port would be considered any more relaxation than a three-sided boat port, however it would be a significant difference. This area has a built in "drainage" between our lot and Lot 7 next to the garage, where various communication cables have been buried throughout the years in a valley or gully to the beach ~100 ft below. In addition, due to the nature of development where the former rock dump/NOAA and the AT&T open area for helicopter landing and satellite dishes, we have some significant snow drifts and wind "tunnel" effects through this section making a door on the boat port a significant improvement.

Obviously, enclosing a boat in bear country is alway a plus. The Lena area has had incidences of bears entering vehicles (and even sleeping in one). We had not known that they actually will enter an open and clean boat without knowledge of the owner until my daughter-in-law happened to look out the window this summer and see a bear leaving our boat! The only evidence he was there was a cracked plastic bin on a shelf in such a narrow spot there is no way we'd have attributed it to a bear.

Variance Approval Criteria

1. The relaxation applied for or a lesser relaxation specified by the board of adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;

Relaxation of the 25 foot setback for addition of a garage or 3-sided carport to house our boat would allow us to provide a permanent cover for our boat on our property; there is no other available land on this large, but mostly steep lot.

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

The boat garage would not impact public view, access, safety, or any other condition in any negative way and is consistent with the zoning and neighborhood use.

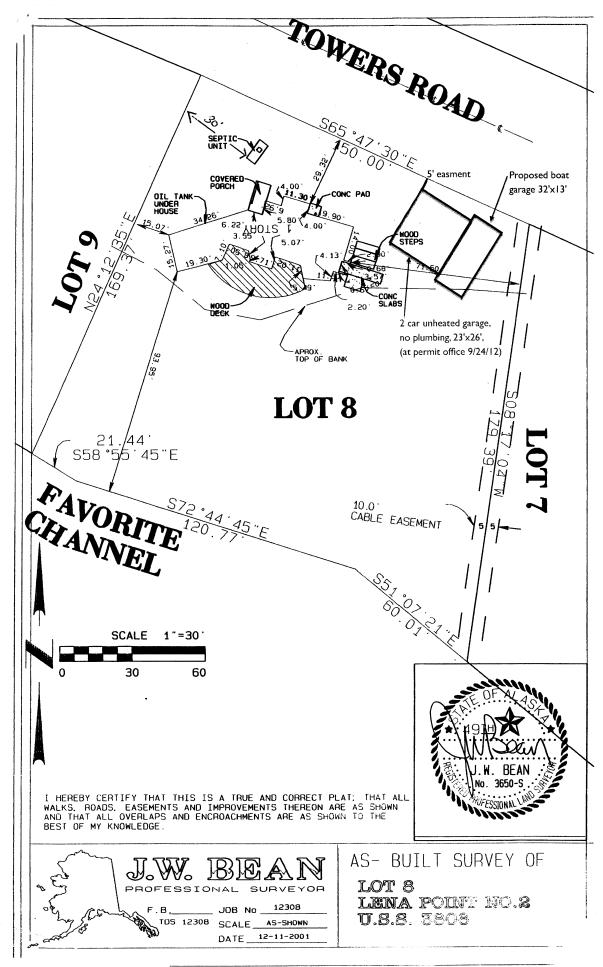
- 3. The authorization of the variance will not injure nearby property.

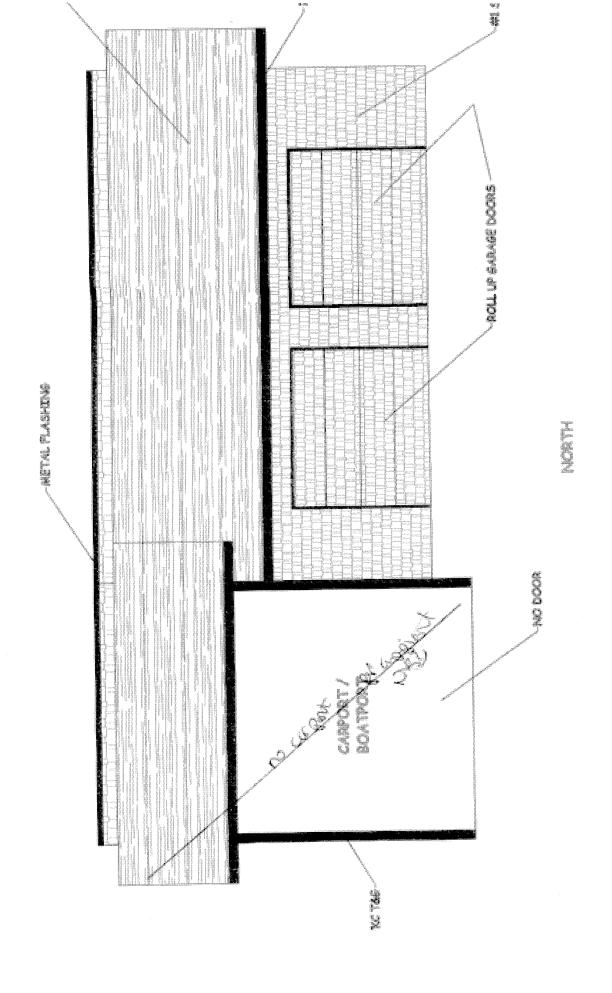
 Nearby property would be unaffected. This is a wooded street—a spur road off of South Lena Loop—with six houses (D-3), including ours, on the South side; AT&T complex to the North; the NOAA facility located to the West.
- 4. The variance does not authorize uses not allowed in the district involved;
 A garage and boat garage or other accessories storage buildings are consistent uses in the area.
- 5. Compliance the existing standards would:

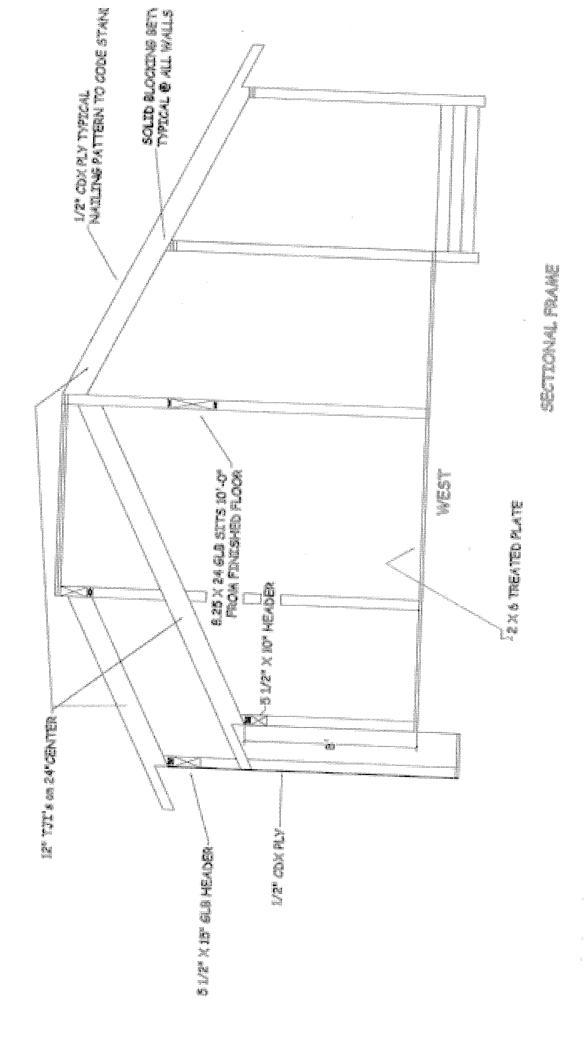
 Primarily applies to (C) as the unique physical nature of our property renders compliance with the 25 ft setback requirement impossible.

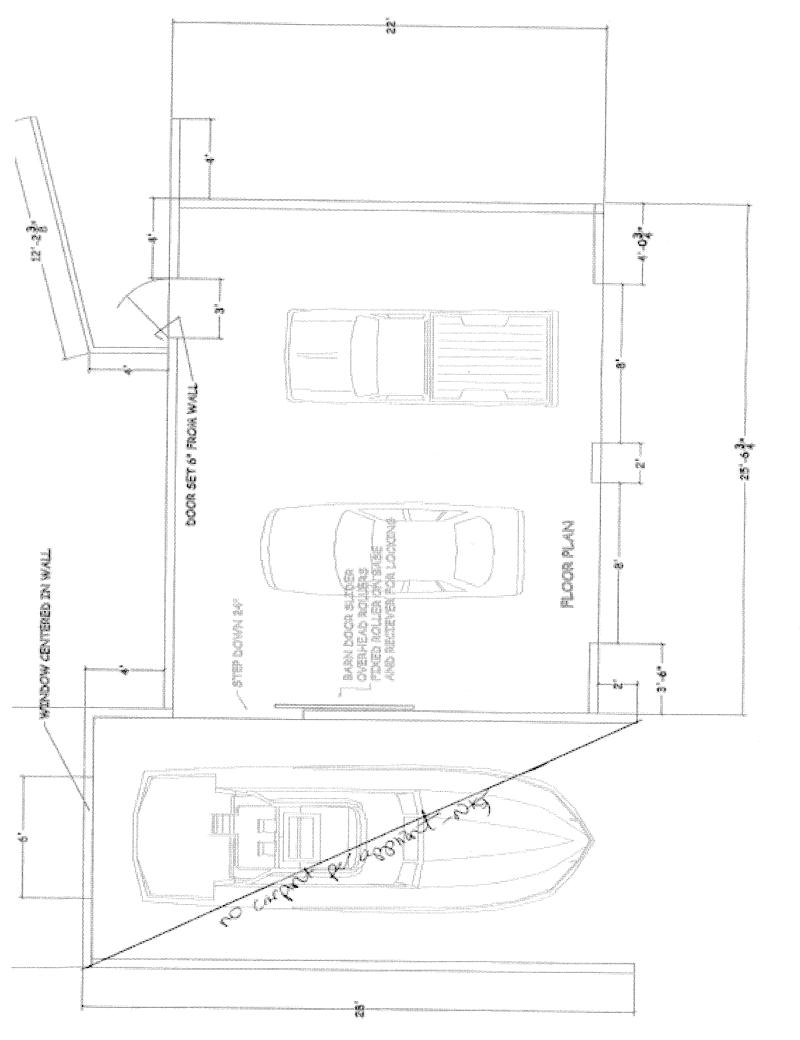
6. A grant of the variance would result in more benefits than detriments to the neighborhood.

Providing an enclosure for a boat rather than frame & tarps is a clear benefit to the neighborhood as well as for the safety and use of future owners; this and its consistency with the architecture of the existing house would increase the property value as well. There are no neighbors that use any portion of this area as a site-line for light or view in any way.









From: Sharon Early [sharonearly@me.com]

Sent: Friday, October 05, 2012 12:32 PM

To: Crystal Hitchings

Subject: Fwd: Garage building....

Here's the email response I received from the closest neighbors.

Begin forwarded message:

From: Elaine Logostra <u>se logostra@vahoo.com></u> Subject: Re: Garage building.c. Date: Seplember 27, 2012 8/57:24 PM PDT

To: Sharon Early < sharonearly@me.com>

Reply-To: Elaine Loopstra < e loopstra@yahoo.com >

Greetings from Vermont, where fall is turning the leaves a little redder every day.

We have no objections to your garage and boatport. Good luck with the permit!

See you after the 6th.

Elaine and Jim

From: Jurasz, Peter M - JUNEAU AK [peter jurasz@ml.com]

Sent: Monday, October 08, 2012 11:04 AM

To: sharonearly@me.com

Cc: Crystal Hitchings

Subject: Garage building on Towers Road

Good morning Sharon,

I do not have an issue with garage design and the need for the variance. No objections from 17025 Towers road residence!

Regards

Peter Jurasz

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V.P. Senior Financial Advisor

Merrill Lynch Global Wealth Management

JSL Group

NMLS #775051

801 W 10th Street | Suite 300 | Juneau, AK | 99801 Phone: 907-586-4103 Toll Free: 800-770-7293

Fax: 866-356-8716

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Crystal Hitchings

To: Cc:

Sharon Early Variance & D2012-9574

We have reviewed the variance request for the Early project and have no objection to the smaller set-back. If you have questions please let me know.

Gary Hayden 17001 Towers Road.

Juneau

To: Crystal Hitchings
SHoject: Fwd. Garage Variance on Towers Road

I have no objections to a variance being granted to the Early family for the below described work.

thanks and cheers,

bob

16883 lena loop

----- Forwarded message ------

From: **Sharon & Dennis Early** <earlyfamilyak@me.com>

Date: Wed, Oct 10, 2012 at 4:27 PM

Subject: Garage Variance on Towers Road

To: Bob & Kris Wright < wright@alaska.net >, BobPiorkowski < bobpiorkowski@gmail.com >, Sylvia Kidd

<sylviamkidd@gmail.com>, Meridith Boman <meridithboman@gmail.com>, Chad & Joey Ausel

<giantjoey@hotmail.com>

Howdy to:

Bob & Kris Wright, Bob Piorkowski & Sylvia Kidd, Meridith & Andrew Bowman, and Chad & Joey Ausel;

I found your emails on the Lena Neighborhood association email I just received :-)!

Dennis and I want to build a garage for our cars & add a garage for the boat as well.

The city allows us to build a building less than 600 square feet & less than 17 feet from slab to average roof height at 5 feet from the property line for cases like ours where topography prevents us from building in the 25 foot setback.

We have started on the garage section, but would also like to add a portion for our boat. Apparently we *could* build another, smaller than 600 square foot, building--but it makes more sense, in our case, to attach it to the garage. For that we will need a variance.

All property owners within 500 feet of our property line will receive a specific notice in the mail from CBJ. I think all of you might be within 500 feet of one of our property lines. We've already talked with everyone on Towers Road, of course.

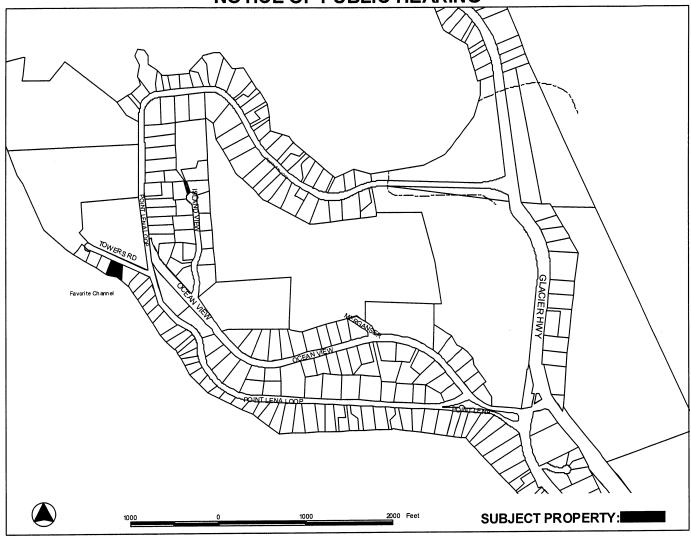
I've attached my variance narrative if you'd like to look it over--and a photo of an early, rough, mock-up of the boat garage and car garage together.

Please let me know if you have any questions and especially if you have an objections!

If you have no objections it would be great if you'd email the planner assigned and/or me & I'll forward it to her. Crystal_Hitchings@ci.juneau.ak.us

Thank you!

NOTICE OF PUBLIC HEARING



PROPOSAL: A variance request to reduce the front yard setback from 25' to 5' for a boat port.

FILE NO: VAR2012 0020

TO: Adjacent Property Owners

HEARING DATE: Oct 23, 2012

HEARING TIME: 7:00 PM

PLACE: ASSEMBLY CHAMBERS

Municipal Building 155 South Seward St Juneau, Alaska 99801 APPLICANT: DENNIS J EARLY; SHARON C EARLY

Property PCN: 8-B33-0-101-008-0

Size: 28,699 sqft

Zoned: D3

Owners: DENNIS & SHARON EARLY

Site Address: 17009 TOWERS RD

Accessed via: TOWERS RD

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 Crystal Hitchings' at crystal_hitchings@ci.junuea.ak.us or at 586-0756.

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

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