MEMORANDUM

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

DATE:

November 21, 2012

TO:

Board of Adjustment

FROM:

Crystal Hitchings, Planner

Community Development Department

FILE NO.:

VAR2012 0024

PROPOSAL:

Variance to allow a common driveway rather than an interior access

street for a new two-lot subdivision on an arterial highway.

GENERAL INFORMATION

Applicant:

Alice Francis Jones / Warren Van Sickle

Property Owner:

Alice Francis Jones

Property Address:

12411 Glacier Hwy

Legal Description:

Wadleigh Tracts, Tract 2

Parcel Code Number:

4-B23-0-107-009-0

Site Size:

66,211 sq. ft. or 1.52 acres

Comprehensive Plan Future

Land Use Designation:

RLDR, Rural Low Density Residential

Zoning:

D3, Single-family and duplex residential

Utilities:

Public water, private sewer

Access:

Glacier Highway

Existing Land Use:

Residential

Surrounding Land Use:

North

- Glacier Highway; D1(T)D3 & D10(T)D15 residential

South

Auke Bay

East

- D3 residential

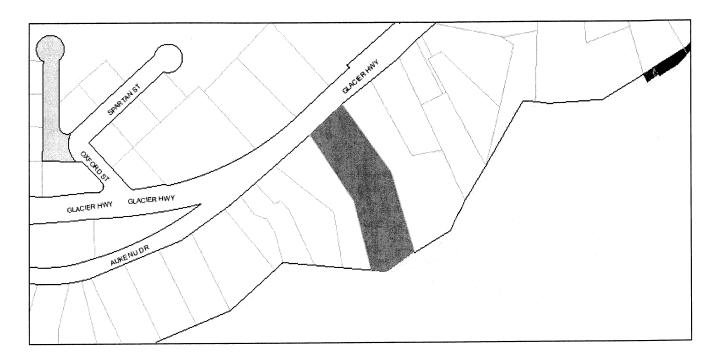
West

– D3 residential



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ATTACHMENTS

Attachment A: Variance and Development Permit Applications

Attachment B: Applicant's Statement

Attachment C: Site Plan

Attachment D: Comments from DOT, Sheila Good, emailed November 20, 2012

Attachment E: Public Notice

PROJECT DESCRIPTION

The applicant is requesting a variance to CBJ §49.40.130(a)(2), which requires that, for new subdivisions involving frontage on an arterial highway, access shall be provided onto an interior access street. The applicant proposes a new, two-lot panhandle subdivision with access provided onto a common driveway.

BACKGROUND

An existing, paved, 12 foot wide driveway currently cuts through proposed Lot 2 and serves proposed Lot 1. The applicant proposes a 30 foot wide common access easement through the panhandle of proposed Lot 1. Per CBJ §49.35.210(e)(3), the minimum width for a residential street is 60 feet. There is no minimum width for driveways.

The proposed subdivision meets the requirements for subdivisions with frontage on a minor arterial

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The proposed subdivision meets the requirements for subdivisions with frontage on a <u>minor</u> arterial (except for minimum lot size) and for panhandle subdivisions. However, Glacier Highway in this location is classified as an arterial highway.

49.40.130 - Arterial streets.

- (a) Except as provided in subsection (b) of this section, if a new subdivision involves frontage along an arterial street:
 - (1) The plat shall note that no lots shall access directly onto the arterial; and
 - (2) Access shall be provided onto an interior access street or a separate frontage made.

Because this property is over 66,000 square feet in size, and the minimum lot size for standard lots is 12,000 square feet, the property has the potential to be divided into many more than the proposed 2 lots, and could be developed with as many as ten dwelling units (*see discussion under Criterion 2, below*). This degree of development would warrant the public safety measure of requiring the construction of an interior access street, but would also require a variance to reduce the minimum required lot widths.

To insure public safety is maintained while allowing the proposed subdivision, staff recommends the following conditions of approval:

- 1. This variance approves the subdivision of Wadleigh Tract 2 into two lots;
- 2. A note shall be added to the plat indicating that no further subdivision is permitted unless a separate frontage street is constructed or the Land Use Code is modified to permit it;
- 3. A single common access point to Glacier Highway shall be established on the plat;
- 4. Prior to plat recording, a parking area of sufficient size to provide a minimum parking and maneuvering area to prevent back-out parking must be constructed;
- 5. A driveway maintenance agreement must be recorded concurrently with the plat.

ANALYSIS

Department of Transportation staff Sheila Good submitted comments regarding this variance request. The DOT did not have any concerns about sight distance or public safety other than in relation to the location of the driveway. Ms. Good stated:

"DOT considers the existing driveway the preferred access to Glacier Highway from these lots. We would request a plat note stating that no access from the 30' wide common access easement be allowed. The proposed 30' easement would Board of Adjustment File No: VAR2012 0024 November 21, 2012 Page 4 of 8

locate a potential driveway too close to the neighboring property to the south. The applicant might consider relocating the 30' easement to the opposite side of the lot that way retaining the current access to Glacier Highway within the easement."

Based on these comments, and the proposed conditions of approval, the applicant has decided to locate the panhandle of the proposed subdivision on the opposite side of the lot (west as opposed to east), so that it will encompass the existing access point and provide greater flexibility for future development of an interior access street, should this ever become necessary.

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 subject site is 138.2 feet in width along Glacier Highway. If a private interior access street were constructed, the width of proposed Lot 2 would be reduced to 78.2 feet. Minimum lot width in the D3 zone is 100 feet. Therefore, to meet the requirement for creating a private street with a 60-foot width and also subdivide the lot to meet the minimum lot size is not possible. Additionally, the cost of constructing a private street is not financially justified in a subdivision that creates only one new lot. Many other lots in the neighborhood are as narrow as or narrower than the subject site, and would experience a similar difficulty if required to construct a private street for a new minor subdivision. Most of these lots would also require either a variance to the internal access street requirement or a variance to the minimum lot dimensions.

Prior to current regulations, several similar lots in the nearby neighborhood were subdivided without constructing interior streets. Prior to current zoning regulations, 12180 Glacier Highway was subdivided into a panhandle lot in 1997 with a common driveway, prior to current street designations. An unaddressed parcel approximately 6 lots to the west of the subject site, and two previously existing adjacent parcels, were created in 1983 with water access for one lot and direct street frontage for the other two lots. 11975, 85, and 95 Glacier Highway received a variance to CBJ §49.40.130(a)(2), VAR2002-00047, to allow a 3-lot subdivision with a shared driveway rather than an interior street.

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The proposed variance would allow the applicant to subdivide their property and would be consistent with justice given to nearby property owners.

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 prime reason for requiring interior access streets on subdivisions fronting <u>arterial</u> highways is to increase public safety by minimizing the number of potential points of conflict on highly traveled streets. Common driveways are required for subdivisions fronting <u>minor</u> arterial streets. The code provision requiring interior access streets for subdivisions fronting on arterial highways was primarily designed for major subdivisions creating larger traffic volumes. For a minor subdivision such as this, a combined driveway can serve the same public safety purpose while at the same time making a smaller subdivision feasible for the landowners and providing for further development and growth adjacent to a developed area.

Further division of this property to its maximum current potential could result in as many as 10 new dwelling units (for example, 4 standard lots with single family dwellings plus accessory apartments, and 2 bungalow lots, or two double lots with 2 single family dwellings and 2 accessory apartments on each, plus a duplex lot). This degree of development would warrant the public safety measure of requiring the construction of an interior access street, but would also require a variance to reduce the minimum required lot widths.

To insure public safety is maintained at its current proposed degree, conditions of approval should require that:

- 1. This variance approves the subdivision of Wadleigh Tract 2 into two lots;
- 2. A note shall be added to the plat indicating that no further subdivision is permitted unless a separate frontage street is constructed or the Land Use Code is modified to permit it;
- 3. A single common access point to Glacier Highway shall be established on the plat;
- 4. Prior to plat recording, a parking area of sufficient size to provide a minimum parking and

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maneuvering area to prevent back-out parking must be constructed; and

5. A driveway maintenance agreement must be recorded concurrently with the plat.

Yes. With these conditions of approval, this criterion is met.

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

The proposed minimum lot size is more than twice the minimum required lot size for this zone. No direct negative affects to nearby properties are anticipated to occur with a grant of this variance.

Yes. This criterion is met.

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

The variance will allow the subdivision of one lot into two lots; it does not authorize any uses.

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 site is already developed with a single family home. A second single-family dwelling could be built on the lot without a subdivision.

No. This sub-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;

Compliance with the existing standards could prevent the applicant from being able to subdivide the subject site because the lot width would be reduced by almost half in order to create an interior access road with a 60 foot ROW. Many other properties in the neighborhood are smaller than the subject site. If a subdivision is rendered unfeasible due to inadequate lot width, the owner would be prevented from dividing the subject site into lots that are consistent with minimum lot sizes for the D3 zone and that are consistent with other existing lots in the neighborhood.

Yes. This sub-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 requirement to create a private street with a 60-foot ROW would reduce the available lot width to an amount that is below the minimum required lot width. Under current regulations, this lot cannot be subdivided without a variance. However, this is a feature that many other lots in the neighborhood also carry, and is not unique to this lot.

No. This sub-criterion 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.

There are no preexisting nonconforming conditions on the subject parcel.

No. This sub-criterion is not met.

Yes. Sub-criterion B is met, therefore this criterion is met.

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

A grant of this variance would allow a relatively large lot to be subdivided into two lots, providing for new development in a centrally located, developed area while not increasing the number of existing access points on Glacier Highway.

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 Coastal Management Program consistency determination:

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

N/A. The proposed variance is not relevant to any issues that are subject to the Juneau Coastal Management Program.

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

Yes. All criterions have been met. Staff has determined that the application has presented an argument that justifies allowing a new two-lot subdivision on an arterial with a common driveway rather than an interior street.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2012 0024, to allow for a new two-lot subdivision on an arterial highway with access provided by a common driveway rather than an interior street, with the following conditions of approval:

- 1. This variance approves the subdivision of Wadleigh Tract 2 into two lots;
- 2. A note shall be added to the plat indicating that no further subdivision is permitted unless a separate frontage street is constructed or the Land Use Code is modified to permit it;
- 3. A single common access point to Glacier Highway shall be established on the plat;
- 4. Prior to plat recording, a parking area of sufficient size to provide a minimum parking and maneuvering area to prevent back-out parking must be constructed;
- 5. A driveway maintenance agreement must be recorded concurrently with the plat.

VARIANCE APPLICATION

[Project Number	Project Name (1	5 characters)		Case Number	Date Received			
					VAR 12-024	10/25/12			
	TYPE OF VARIAN	CE REQUES	STED:						
	Variance to Standard	_	(VSG)		ance to Dimensional tandards	(VDS)			
	Variance to Setbacks		(VHB)		ance to Parking equirements	(VPK)			
	Variance to Setback (VSB) Requirements								
	DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE: Variance very cest to 49.40.130(a) seeking relief from the require to construct an interior access street on a major arterial								
<u> </u>	Previous Variance Previous Case Number(s	• •	s? YES	√ NO	Date of Filing:				
	Was the Variance Grante	ed? YES	NO						
× 1	UNIQUE CHARAC	ACTERISTICS OF LAND OR BUILDING(S):							
2	TILITIES AVAILABLE: WATER: Public On Site SEWER: Public On Site								
000000	NHY WOULD A VA DWNER?	WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE ER? See attached							
-									
l.	WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?								
-	See attached								
-									
F			VARIANCE FEES						
p re	or more information ermitting process and equired for a complet lease see the reverse s	the submittals e application,	Application Fees Adjustment	Fees D	Check No. Receipt	Date			
th	you need any assista is form, please conta enter at 586-0770.		Total Fee	3400°	5292 Q13170	1025/12			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

Project Number CITY and BOROUGH of JUNEAU Date Received:			ceived:			
Project N (City Staff t	ame o Assign Name) Alice	Jones panhandle	e subdivision			
	Project Description NAPLIANCE TERRES TERVITEMENT TO MN A MATOR	TO 49.40.1301	a) GETKING TO	ELIER FROM THE		
	PROPERTY LOCATION					
FORMATION	Street Address 12411 Cala Ci e Legal Description(s) of Parcel(s) (Subdivis	FHWY sion, Survey Block, Tract, Lot) 2301070090	City/Zip Auke	Bay 99821		
M	Assessor's Parcel Number(s) Wadleigh Trac	+ ¬				
2	LANDOWNER/ LESSEE					
NFO	Property Owner's Name Franci	Jones	Contact Person: Roger Port Home Phone:	Work Phone: 790:3948 Fax Number: 40		
=	Mailing Address 3 0 × 2/6 4	08	321.7120 Other Contact Phone Nu	789 7 797		
	LANDOWNER/ LESSEE CONSENT		not preded on Building/ Engine	ering Permite****		
				orng i ornio		
⊢ Z	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.					
ICA.	X Clice Gones Landowner/Lessee Signature	by Karon W	Date	1-15-72		
APPLICANT	XLandowner/Lessee Signature	Aftorney in -	hct Date	3		
Τ /	NOTICE: The City and Borough of Juneau sta landowner in addition to the formal consent g hearing date.	aff may need access to the subject property iven above. Further, members of the Planr	during regular business hours a ning Commission may visit the pr	nd will attempt to contact the operty before the scheduled public		
S	APPLICANT If the same	e as OWNER, write "SAME" and sign and o	date at X below			
PROJEC	Applicant's Name Oarren Mailing Address	Van Sichle	Contact Person: Same Home Phone:	Work Phone: 78 9 - 73 52 Fax Number: 7 3 5 2		
P	17030 Is E-mail Address Wivansick		789.0171 Other Contact Phone Nu 321.56	789,7386 mber(s):		
	Wyvansicki	ie er ggi. negi	02130	2 - 5 /-		
	X Applicant's Signature	- Kuf		of Application		
		OFFICE USE ONLY BELOW THI	S LINE			
	Permit Type Building/Grading Permit	##SIGN	Date Received	Application Number(s)		
40	City/State Project Review and City Land	d Action				

4	Permit Type	***SIGN	Date Received	Application Number(s)			
	Building/Grading Permit						
	City/State Project Review and City Land Action						
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)						
	Mining Case (Small, Large, Rural, Extraction, Exploration)						
	Sign Approval (If more than one, fill in all applicable permit #'s)						
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)						
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)						
α	Variance Case (De Minimis and all other Variance case types)		10125/12	var 12-024			
	Wetlands Permits						
	Zone Change Application						
	Other (Describe)						
	***Public Notice Sign Form filled out and in the file.						
Comme	ents:			Permit Intake Initi			

Warren Van Sickle 17030 Island View Drive Juneau, AK 99801 (907) 789-0171

RECEIVED

OCT 2 5 2012

PERMIT CENTER/CDD

October 25, 2012

City and Borough of Juneau Community Development, Marine View Center – 4th Floor 155 S. Seward St. Juneau, AK 99801

To Whom It May Concern:

On behalf of Alice Jones, attached is an application for a development permit and variance for review of a minor subdivision. The lot is zoned D-3, parcel number 4B2301070090. The subdivision meets the lot size and all the required setbacks. The only issue is the lot is located on Glacier Highway, an arterial street, subject to 49.40.130, which requires the construction of an interior access street. Construction of an interior road is both physically and financially unfeasible. An interior road could consume nearly the entire lot.

The lot is located at 12411 Glacier Hwy., west of Wadleigh Creek on the waterside of the road and is currently used as a residence. The lot has a driveway at the east end of the lot and a total area of approximately 138.5 feet of street front.

To address the concerns of access for this minor subdivision, no driveways would be added to Glacier Hwy.; the north and south lots would use the existing driveway. Because no additional driveways would be added to the arterial road, this would negate the need for an interior road and justifies the request for a variance.

The current make-up of my neighbors and their access to Glacier Hwy. is to the west, on the waterside, a D-3 lot used as a residence; to the east, two lots, one which has two homes and the other that has one home and they all share a single driveway. All the surrounding neighbors have driveways onto Glacier Hwy. and all have cars accessing the arterial road but none of them have an interior road to access Glacier Hwy. The expectation of building an interior road to enter Glacier Hwy is unreasonable and unrealistic. The variance requested would actually limit the traffic entering the arterial by virtue of the limited size of the residents that could built with the setbacks on the two smaller lots of the proposed minor subdivision.

Thank you for your time and consideration in this matter.

Sincerely.

Warren Van Sickle

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 requirement to build a "street" for two houses is an unnecessary burden on the developer and on the City and Borough of Juneau. The expense of constructing a street with curb and gutters, sidewalks underground utilities, drainage, etc. would be greater than the value of the property it would serve. The expense to the Borough to maintain this street would never be recovered by the property tax revenue earned. The owner is an 85 year old woman who lived on the property since 1985. The property is a major asset for her existence. Granting this variance will provide a means for the applicant to develop this property without necessitating the considerable expense, environment and visual impact of building a street. This variance will allow for the continuation of existing access patterns established in the neighborhood, thereby maintaining consistency with justice to other property owners.

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

This project has been designed with a shared access (as required and verbally approved by the Alaska Department of Transportation) for the safety of those using the Highway and the property. This shared driveway would accomplish the same purpose as a street without the expense to the Borough and the property owner. This driveway is on a strait stretch of Glacier with an unobstructed view in both directions. DOT has plans to reduce the highway speed to 35 and add sidewalks to this area in the near future as they develop their plan for Auke Bay. Title 49 found in Section 49.05.100, considers the values of the resident, both current and future. This variance will allow for further development and growth in Auke Bay while at the same time maintaining public safety.

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

Nearby properties would be unaffected. The new lot would be near 39,000sq ft., well over the 24,000sq ft. minimum required for D-3 zoning. No direct impacts on nearby properties are anticipated.

4. The variance does not authorize uses not allowed in the district involved;

The properties will both remain in compliance with D-3 zoning. The variance will allow the subdivision of one lot into two; it does not authorize any uses.

 Compliance with the existing standards would: (c) Be unreasonably burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

This is a sloping lot for two homes;, construction of a street that meets city standards would be unreasonably expensive and render this subdivision unfeasible.

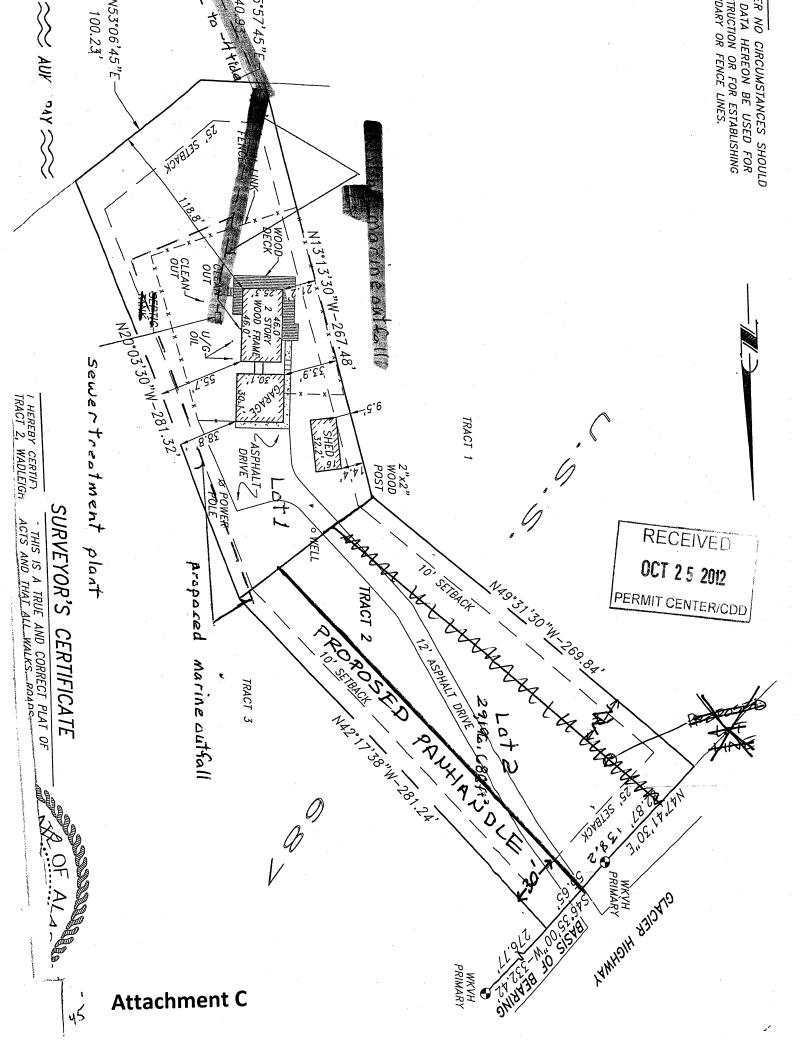
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PERMIT CENTURY 1215

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

Auke Bay is an area with little available land. This project would provide approximately ¾ of an acre, with a beautiful view of the water providing availability and significant property tax revenue. Granting this variance, with the suggested conditions, will provide additional housing in the Auke Bay area and will provide an equal or greater level of safety than currently exists on the site.





Crystal Hitchings

From:

Murphy, Robert B (DOT) <rob.murphy@alaska.gov>

Sent:

Tuesday, November 20, 2012 12:47 PM

To: Cc: Crystal Hitchings Good, Sheila D (DOT)

Subject:

FW: project review for new subdivision on Glacier Highway in Auk Bay, Juneau

Crystal,

Sheila summarizes our concerns in our email below.

Thanks,

-Rob

From: Good, Sheila D (DOT)

Sent: Tuesday, November 20, 2012 9:48 AM

To: Murphy, Robert B (DOT)

Subject: RE: project review for new subdivision on Glacier Highway in Auk Bay, Juneau

Crystal,

Thank you for the opportunity to comment. DOT considers the existing driveway the preferred access to Glacier Highway from these lots. We would request a plat note stating that no access from the 30' wide common access easement be allowed. The proposed 30' easement would locate a potential driveway too close to the neighboring property to the south. The applicant might consider relocating the 30' easement to the opposite side of the lot that way retaining the current access to Glacier Highway within the easement.

From: Murphy, Robert B (DOT)

Sent: Monday, November 19, 2012 10:44 AM

To: Good, Sheila D (DOT)

Subject: FW: project review for new subdivision on Glacier Highway in Auk Bay, Juneau

Sheila,

Can you check this out – i.e. is the existing driveway in an acceptable location, etc.

Thanks.

-Rob

From: Crystal Hitchings [mailto:Crystal Hitchings@ci.juneau.ak.us]

Sent: Friday, November 16, 2012 3:21 PM

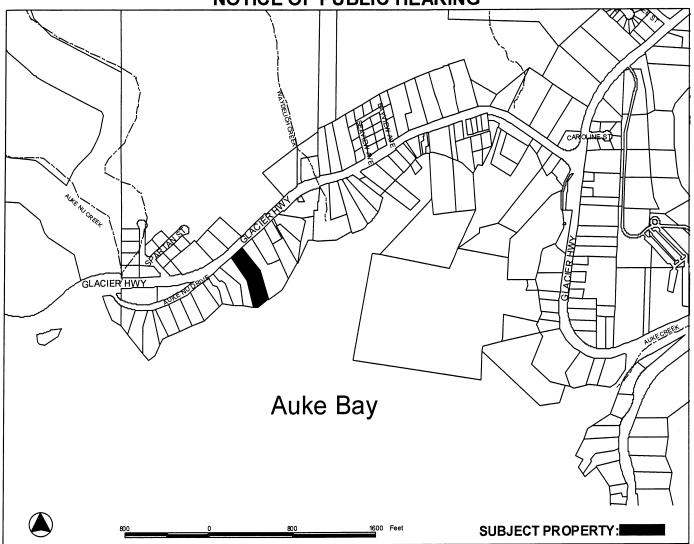
To: Murphy, Robert B (DOT)

Subject: RE: project review for new subdivision on Glacier Highway in Auk Bay, Juneau

Hello Robert;

I am submitting the attached document for your review, as this land use proposal is located on a DOT street.

NOTICE OF PUBLIC HEARING



PROPOSAL: Variance to allow a common driveway rather than an interior access street for a new two-lot subdivision on a major arterial.

FILE NO:

VAR2012 0024

TO:

Adjacent Property Owners

HEARING DATE: Nov 27, 2012

HEARING TIME: 7:00 PM

PLACE:

ASSEMBLY CHAMBERS

Municipal Building 155 South Seward St Juneau, Alaska 99801 **APPLICANT: WARREN VAN SICKLE**

Property PCN:4-B23-0-107-009-0

Size:

1.52 acres

Zoned:

D3

Owner:

ALICE FRANCES JONES

Site Address: 12411 GLACIER HWY

Accessed via: GLACIER 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 Crystal Hitchings at crystal_hitchings@ci.juneau.ak.us or at 586-0756.

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