

# MEMORANDUM

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

**DATE:** January 4, 2013

**TO:** Board of Adjustment

**FROM:** Beth McKibben, Planner *Bm*  
Community Development Department

**FILE NO.:** VAR2012 0032

**PROPOSAL:** Variance request to reduce required parking spaces from 2 to 0 for a single family dwelling.

## GENERAL INFORMATION

**Applicant:** Colin S Shanley

**Property Owner:** Colin S Shanley

**Property Address:** 415 East Street

**Legal Description:** Juneau Townsite Block 114 Lot 2

**Parcel Code Number:** 1-C04-0-A14-002-0

**Site Size:** 4,893 square feet

**Comprehensive Plan Future Land Use Designation:** MDR-SF

**Zoning:** D5

**Utilities:** City water & sewer

**Access:** East Street

**Existing Land Use:** Single Family Dwelling

**Surrounding Land Use:**

North	- D5 residential
South	- D5 residential
East	- D5 residential
West	- D5 residential





## **BACKGROUND**

The applicant applied for and received a building permit (BLD2011 1068) for the construction of a single family dwelling. The site plans submitted with the building permit showed the 2 required on-site parking spaces. The lot has frontage on East Street. When the building permit was issued physical access to the site was blocked by a CBJ staircase, CBJ above ground storm drain and an AELP power pole. The applicant anticipated working with CBJ and AELP to move the infrastructure in such a way as to allow physical access to install the required parking.

The applicant was successful in working with AELP to relocate the power pole. However, excavation for the intended driveway uncovered shallow bedrock where the storm drain was to be buried. The cost of burying the storm drain became cost prohibitive for the applicant. In order to finalize the construction loan and transition to a mortgage loan, the applicant requires a Final Certificate of Occupancy. The Final Certificate of Occupancy cannot be issued without the required 2 on-site parking spaces. Therefore, the applicant is seeking a variance and is proposing not to install any parking spaces.

The applicant included correspondence with CBJ Engineering in the variance application which indicates he received reimbursement for the cost of bringing City utilities to the property line. Ordinarily utilities such as water and sewer reach the edge of private property, but in this case the utility lines did not extend to the property line and the applicant paid this cost. The correspondence indicates the reimbursement from CBJ was also intended to cover a portion of the cost of burying the storm drain. According to the information provided by the applicant the cost for extending the water and sewer was \$11,017.00. The quote for moving the city culvert alone was \$10,615.00. The applicant has indicated that when the shallow bedrock was uncovered the \$10,615.00 quote was no longer valid and the cost has risen. The applicant received \$10,000.00 from CBJ towards the \$21,632 which was the estimated cost to install utilities as well as burying the culvert.

## **ANALYSIS**

The lot is 4,893 square feet in area. It is non-conforming in that it is less than the currently required 7,000 square feet minimum lot size in the D-5 zoning district. The lot receives a reduced front yard setback of 10 feet from the required 20 feet per CBJ 49.25.430(4)(F) & (K). The lot is sloping – according to the topographic site plan provided by the applicant, it has more than a 25% slope. While the site is small and sloping, two on-site parking spaces could be provided if the utility infrastructure did not prohibit access.

In consideration of the expense of moving the CBJ infrastructure that is blocking access to this property, the Planning Commission could recommend a CIP project to remove structures that block access to the site. Since adoption of a CIP project is a legislative process and the outcome is not predictable, approval of this variance request cannot be a condition of approval for this variance request.

## **Variance Requirements**

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

The relaxation requested, for the reduction of required parking spaces, would give substantial relief to the owner of the property involved. The cost of relocating the existing public infrastructure has become more expensive than anticipated. Some of the properties in the vicinity meet minimum parking requirements, however, most on steep lots do not. On-site parking in this neighborhood is challenging. Staff did not find any variances to parking in the neighborhood that have been granted in the past 40 years. However, most homes were built prior to zoning and many do not provide the required 2 spaces per dwelling unit and many do not provide any on-site parking at all.

Therefore granting the variance to parking is consistent to justice to other property owners as many other property owners historically were not required to provide on-site parking.

**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 to ensure that growth and development is in accord with the values of Juneau residents; to identify and secure the beneficial impacts of growth while minimizing negative impacts; to ensure that future growth is of appropriate type, design, and location; to provide adequate open space for light and air; and to recognize the economic value of land and encourage its proper and beneficial use. On-site parking is required in order to minimize off site impacts of parking demand created by a new single family dwelling. However, it has been a long standing goal of the CBJ to provide compact development in the historic neighborhoods on the edge of the urban core near downtown Juneau. This site is within walking distance of goods, services, transit and employment therefore reducing the reliance on single car ownership. Granting this variance will allow for another dwelling unit to be developed in a manner that is

customary for this neighborhood.

No evidence has been presented indicating that the requested variance will have a negative impact on public safety and welfare.

**Yes. This criterion is met.**

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

A primary function of minimum parking standards is to prevent overflow parking from impacting adjacent property owners. If the variance is granted, the applicant will have to park off site. On street parking is offered in this neighborhood, but does not address the existing need and is always in demand. In this neighborhood demand for parking will be met on street which is historically appropriate for this area.

**Yes. This criterion is met.**

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

The proposed use is appropriate according to the Table of Permissible Uses. Single family dwelling is listed at CBJ §49.25.300 section 1.110 for the D5 zoning district.

**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 primary principal use of the property is a single family dwelling. The building permit showed the required 2 on-site parking spaces. It is reasonable to expect compliance as indicated in the building permit. The applicant reports that he cannot receive his final certificate of occupancy without providing 2 on-site parking spaces. He indicates that he has exhausted his financial means to provide the required onsite parking.

**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;***

The neighborhood is primarily composed of single family dwellings, and some single family dwellings that have been converted to multi-family dwellings. The scale and appearance of the new single family dwelling is consistent with existing development in

the neighborhood. However, the applicant is not able to physically access his property and provide the required on-site parking.

**Yes. This sub-criterion is met.**

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

The lot is steeply sloped and according to the applicant has a layer of shallow bedrock which has prevented him from burying the CBJ storm drain because the shallow bedrock increases the cost beyond his current means. Burying the storm drain will allow access to the on-site parking spaces.

**Yes. This sub-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.*

The lot is non-conforming in that it does not meet the minimum lot size requirements for the D5 zoning district. However, the small lot size is not the reason the applicant is seeking the variance to the required onsite parking. The single family dwelling meets the required setbacks.

**N/A. This sub-criterion is not relevant to providing parking on the lot.**

**Criterion 5 is met.**

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

The granting of the variance will create more demand for the already limited on street parking. However, the applicant is not physically able to access the right-of-way adjacent to his property because the CBJ storm drain is not buried in this location. Without the required 2 on-site parking spaces the applicant states he cannot receive his final certificate of occupancy and receive a mortgage. This could potentially leave the building vacant which could be a detriment to the neighborhood. If this variance is granted, it would allow him to receive a certificate of occupancy.

**Yes. This criterion is met.**

**FINDINGS**

***1. Is the application for the requested Variance complete?***

**Yes.** We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

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

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

N/A. According to the previous analysis, the JCMP does not apply to the development.

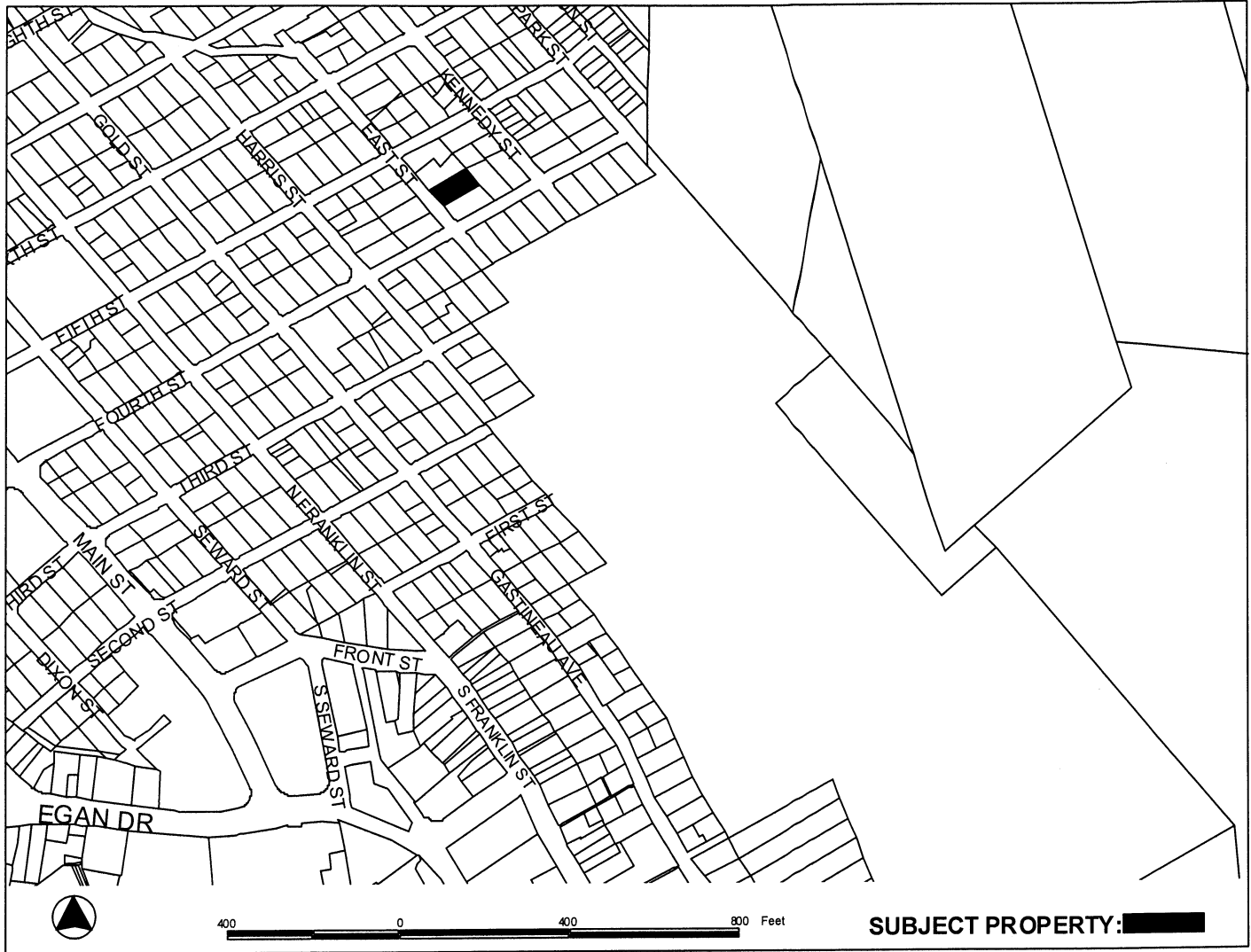
***3. Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?***

Based on the analysis above, staff has determined, the applicant has presented an argument that justifies the grounds for this variance.

**RECOMMENDATION**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2012 0032.

# NOTICE OF PUBLIC HEARING



**SUBJECT PROPERTY:** [Black square]

**PROPOSAL:** Variance to reduce on-site parking from 2 to 0 for a new single family dwelling.

<p><b>FILE NO:</b> VAR2012 0032</p> <p><b>TO:</b> Adjacent Property Owners</p> <p><b>HEARING DATE:</b> Jan 08, 2013</p> <p><b>HEARING TIME:</b> 7:00 PM</p> <p><b>PLACE:</b> <b>ASSEMBLY CHAMBERS</b> Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p><b>APPLICANT:</b> COLIN S SHANLEY</p> <p><b>Property PCN:</b> 1-C04-0-A14-002-0</p> <p><b>Zoned:</b> D5</p> <p><b>Size:</b> 4893 sqft</p> <p><b>Owner:</b> COLIN S SHANLEY</p> <p><b>Site Address:</b> 415 EAST ST</p> <p><b>Accessed via:</b> EAST ST</p>
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**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 Beth McKibben at [beth\\_mckibben@ci.juneau.ak.us](mailto:beth_mckibben@ci.juneau.ak.us) or at 586-0465.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plancomm](http://www.juneau.org/plancomm).



# DEVELOPMENT PERMIT APPLICATION

Project Number	<b>CITY and BOROUGH of JUNEAU</b>	Date Received: <u>12/17/12</u>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	<b>Project Description</b> Variance to residential parking requirement of two spaces on-site.		
	<b>PROPERTY LOCATION</b>		
	Street Address 415 East Street	City/Zip Juneau, 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Juneau Townsite Block 114 Lot 2		
	Assessor's Parcel Number(s) 1C040A140020		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner's Name Colin Shanley	Contact Person: Colin Shanley	Work Phone:
	Mailing Address P.O. Box 210676, Auke Bay, Alaska 99821	Home Phone: 518-669-5505	Fax Number:
	E-mail Address colin.shanley@yahoo.com	Other Contact Phone Number(s):	
	<b>LANDOWNER/ LESSEE CONSENT</b> <span style="float: right;">****Required for Planning Permits, not needed on Building/ Engineering Permits****</span>		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		<u>12/17/12</u>	
	Landowner/Lessee Signature	Date	
X	_____	_____	
	Landowner/Lessee Signature	Date	
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.			
<b>APPLICANT</b> <span style="float: right;">If the same as OWNER, write "SAME" and sign and date at X below</span>			
Applicant's Name SAME	Contact Person:	Work Phone:	
Mailing Address	Home Phone:	Fax Number:	
E-mail Address	Other Contact Phone Number(s):		
X		<u>12/17/12</u>	
	Applicant's Signature	Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	<input checked="" type="checkbox"/>	<b>Permit Type</b>	***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)			
	X	Variance Case (De Minimis and all other Variance case types)		<u>12/17/12</u>	<u>12-032</u>
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:					Permit Intake Initials
_____					
_____					

# VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>var 12-032</i>	Date Received <i>12/17/12</i>
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**TYPE OF VARIANCE REQUESTED:**

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

**DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:**

A new residential home construction with no on-site parking.

**Previous Variance Applications?**     YES     NO    Date of Filing: \_\_\_\_\_

Previous Case Number(s): \_\_\_\_\_

Was the Variance Granted?     YES     NO

**UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):** \_\_\_\_\_

The lot is substandard size (4,893 sf), qualifies as a steep sloping lot (>25% slope), and is composed of shallow bedrock. A C.B.I above ground storm drain pipe also blocks of access to the lot

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

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

This property would not be developable within reasonable financial means if a parking variance was not granted.

**WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?**

If a parking variance was not granted, the home owner would not receive a certificate of occupancy that is required to close out the construction loan, obtain a mortgage, and not be able to live in the house.

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	\$ <u>400<sup>00</sup></u>	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Total Fee	\$ <u>400<sup>00</sup></u>	<u>1132</u>	<u>CD 3278</u>	<u>12/17/12</u>

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

TO BE COMPLETED BY THE APPLICANT

## Variance Approval Criteria

A variance may be granted after the prescribed hearing and after the Board of Adjustment has determined the following criteria are met. Include in your project narrative a detailed description about how your proposal meets each of the criteria listed below:

- (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;*
- (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;*
- (3) *The authorization of the variance will not injure nearby property;*
- (4) *The variance does not authorize uses not allowed in the district involved;*
- (5) *Compliance with the existing standards would:*
  - (A) *Unreasonably prevent the owner from using the property for a permissible principal use;*
  - (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;*
  - (C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; 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, title 49, or the building code, title 19, or both; and*
- (6) *A grant of the variance would result in more benefits than detriments to the neighborhood.*

**PLEASE NOTE:** As provided by CBJ Land Use code section on Variances (CBJ§49.20.200), 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.

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**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

December 17, 2012

Colin Shanley  
P.O. Box 210676  
Auke Bay, Alaska 99821

Dear Community Development Department,

I would like to apply for a parking variance for a new residential home construction that requires two on-site parking spaces. The home is nearing completion and despite my best efforts to build a driveway and provide two on-site parking spaces, several physical impediments have made it financially unfeasible. I appreciate your time and effort in reviewing my application and look forward to answering any of your questions.

The small and challenging building site is located downtown at 415 East Street (Permit #: BLD20110638). The lot is considered substandard size (4,893 sf) and qualifies as a steep sloping lot (>25% slope). At the time of construction, the lot right-of-way was essentially blocked off by: (1) a CBJ staircase, (2) a CBJ aboveground storm drain pipe, and (3) a AEL&P power pole (see attached plat map). The intent of the original building permit was to move the power pole eight feet, bury the storm drain pipe below grade, and build two on-site parking spaces below the staircase (see attached site plan). A significant investment was made to successfully move the power pole earlier this summer. However, the driveway excavation process uncovered shallow bedrock in the area the storm drain pipe was to be buried (see attached photo). Excavating several feet of bedrock and redirecting the storm drain pipe to meet grade requirements has effectively rendered the driveway altogether cost prohibitive.

A request was made to the CBJ Engineering Department to cover the costs of burying the city storm drain pipe and to recuperate an inequity with the utility services that were not provided to the lot (see attached letter to CBJ Engineering). While I appreciated a reimbursement that covered most of the utilities work (see attached response from CBJ Engineering), adequate funds were not provided to bury the storm drain pipe and gain access to the lot.

As much as I would have liked to have on-site parking, it is within the character of the historic Starr Hill neighborhood not to have on-site parking. In fact, most residences do not have on-site parking. Fortunately, the small dead end in which the lot is located has three residences with on-site parking for seven vehicles, and eight additional public parking spaces are within 100 feet of the lot.

To address CBJ variance concerns with regard to affecting neighborhood property values, a new well-built energy efficient home will to-the-best-of-my-knowledge only improve property values. With regard to the hardships I would incur should a variance not be granted, I would not be able to receive a certificate of occupancy—this would prevent me from closing out the construction loan, acquiring a mortgage, and I would ultimately be unable to live in the house.

Thanks again for your time and effort to review my application. Feel free to contact me if you have any further questions.

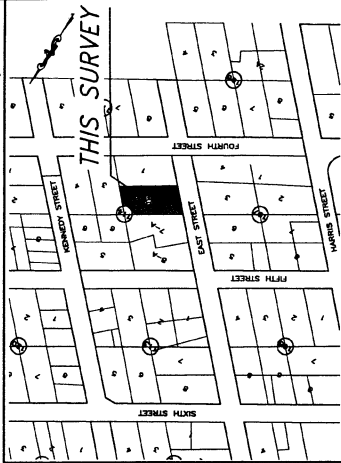
Sincerely,



Colin Shanley

COMMUNITY DEVELOPMENT DEPARTMENT  
2012-12-17 10:13:07 AM  
2012-12-17 10:13:07 AM

**R & M ENGINEERING, INC.**



**VICINITY MAP**  
SOURCE: C.B.J. BOROUGH ATLAS  
NOT TO SCALE

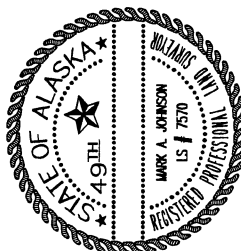
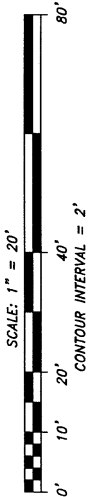
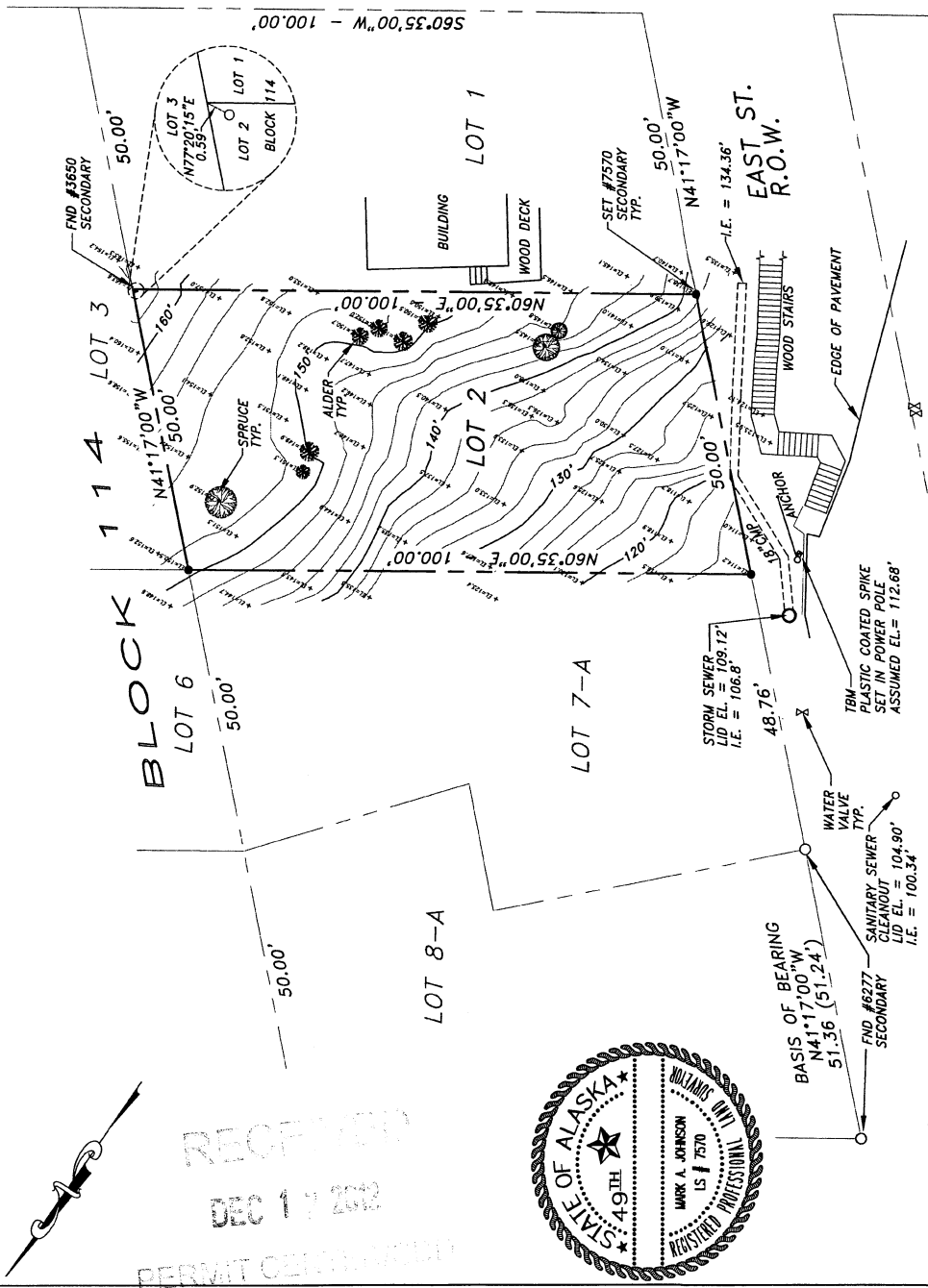
**GENERAL NOTES**

- 1.) THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN RECOVERED SECONDARY MONUMENTS FOR THE SOUTHEAST AND SOUTHWEST CORNERS OF LOT 8-A, BLOCK 114, HAVING A RECORD BEARING OF N41°17'00"W. THE BASIS OF ELEVATION IS ASSUMED.
- 2.) THE SOURCE DOCUMENTS UTILIZED TO PRODUCE THIS PLAN WERE THE JUNEAU TOWNSITE PLAT AND PLAT #82-142, LOT 7-A AND LOT 8-A, FILED AT THE JUNEAU RECORDING DISTRICT.
- 3.) WATER AND SANITARY SERVICES ARE PROVIDED BY THE CITY & BOROUGH OF JUNEAU PUBLIC UTILITIES.
- 4.) PROPERTY SUBJECT TO EASEMENTS OF RECORD.
- 5.) WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM FIELD MEASURED SURVEY COURSES BY THIS SURVEY, THE RECORD SURVEY COURSE IS SHOWN WITHIN PARENTHESES. FIELD MEASURED COURSE IS SHOWN WITHOUT PARENTHESES.
- 6.) THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS REQUIRED BY A.S. 40.1 90(2).

**RECORD OF SURVEY**  
A BOUNDARY AND  
LIMITED TOPOGRAPHIC SURVEY OF  
**LOT 2, BLOCK 114, JUNEAU TOWNSITE**  
WITHIN  
**U.S. SURVEY 7**  
CITY & BOROUGH OF JUNEAU, ALASKA  
JUNEAU RECORDING DISTRICT

DATE: 10/8/2010  
SCALE: AS NOTED  
DRAWN BY: CRC  
CHECKED BY: MAJ  
PROJECT NO.: 101769  
DRAWING NO.: 1-1

FIELD SURVEY DATE: 9/30/2010

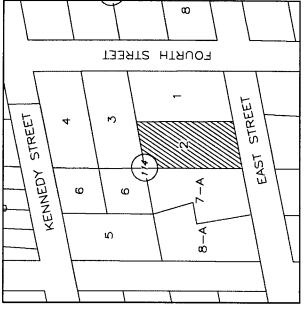


**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND DETAILS ARE CORRECT.

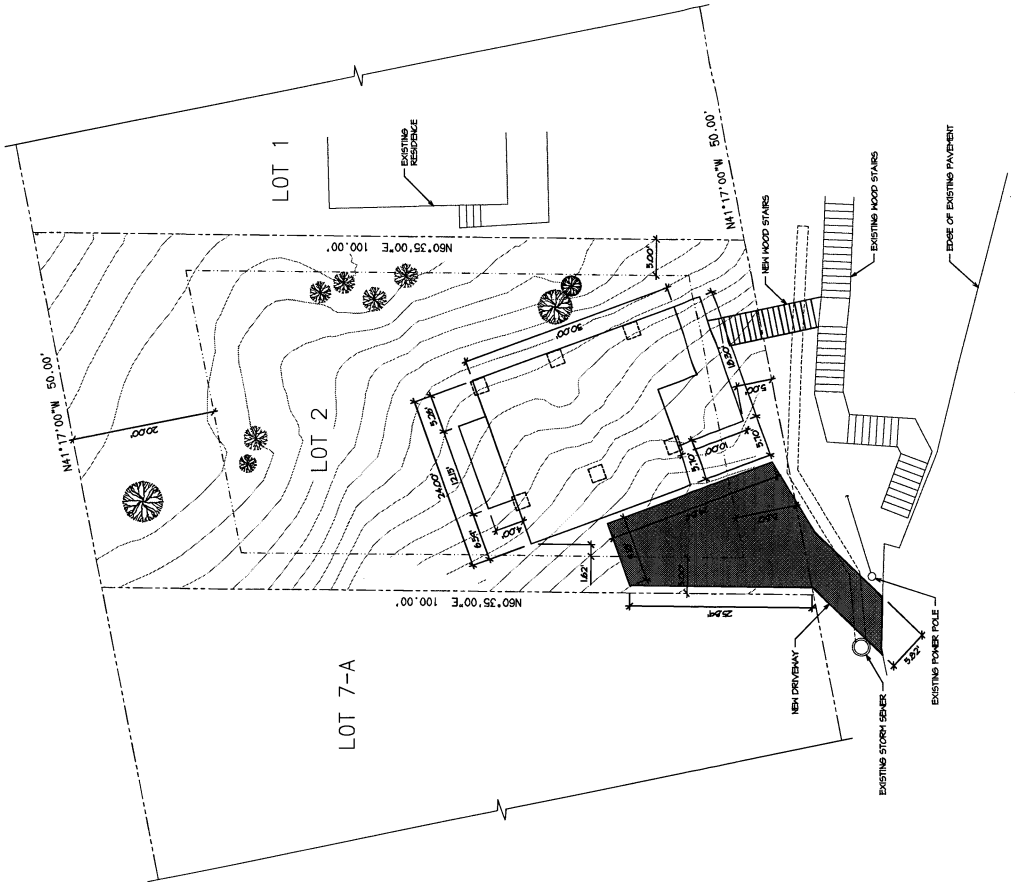
REC'D  
DEC 17 2010  
PERMIT CENTER



REV.	REVISION DESCRIPTION	DATE



1 VICINITY MAP  
 SCALE: N.T.S.



2 SITE PLAN  
 SCALE: 1" = 100'-0"

RECEIVED  
 DEC 17 2012  
 PERMIT CENTER

October 2, 2012

Colin Shanley  
P.O. Box 210676  
Auke Bay, Alaska 99821  
(518) 669-5505  
cshanley@tnc.org

Dear Rorie Watt,

Thank you for your time and interest in my building project at 415 East Street (Permit #: BLD20110638). It is my hope that we can work together to find an equitable solution to providing city water and sewer to the property, obtaining access to the property for off-street parking, and generally satisfying my building permit.

I have been living and working as an active citizen of Juneau for approximately the past seven years. I think it is a great city and I hope it continues to grow and prosper. I purchased the lot at 415 East Street in 2008 and set about designing a house that fits the character of the historic Starr Hill neighborhood. Providing water and sewer to the house and putting in a driveway appears to be the last major hurdle for the successful completion of the project.

I really appreciate that you are considering my case for the city covering some or all of the costs associated with bringing utilities to the property, and burying the city storm pipe to put in a driveway. Covering the cost of the utilities work would essentially bring it in line with the neighborhood standard and taxed value. Covering the cost of burying the storm drain would simply allow reasonable access to the property, and add parking to a neighborhood with limited parking opportunities.

Please see the attached cost breakdown for the utilities work completed (\$11,017) and a cost estimate for burying the storm drain (\$10,615), that brings the total costs for your consideration to \$21,632. Feel free to contact me or the contractor if you have questions about anything.

I will look forward to your response with great interest. It feels like winter is in the air and I'm hoping to finish the excavation work before snowfall.

Sincerely,

Colin Shanley

RECEIVED  
OCT 17 2012  
CITY OF JUNEAU

Corban Construction  
P.O. Box 33052  
Juneau, Alaska  
(907) 723-9049  
jeff@corbancc.com

Shanley Water and Sewer

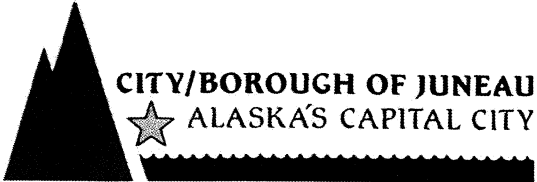
Excavator	23hrs @ \$150	\$3,450
Trucking	4hrs @ \$110	\$440
Move in/out	2hrs @ 125	\$250
Labor	6hrs @ 80	\$480
Labor	23hrs @ \$50	\$1,150
Sewer Pipe and Fittings		\$360
Waterline Tap Materials		\$677
D1		\$440
Waste Material	2 loads	\$120
Asphalt Paving		\$2,650
Profit and Overhead	10%	\$1,000
Subtotal		\$11,017

Shanley Quote for Moving 18" City culvert

Chipper	2 days @ 1800	\$3,600
Operator w/truck & excavator	3 days @1200	\$3,600
18" culvert + 2 45 degree bends		\$1,250
Labor	24hrs @ \$50	\$1,200
Profit and Overhead	10%	\$965
Subtotal		\$10,615

**Total Cost** **\$21,632**





October 16, 2012

Colin Shanley  
P.O. Box 210676  
Auke Bay, Alaska 99821

Dear Mr. Shanley:

Thank you for your October 2, 2012, letter explaining the costs associated with bringing City utilities from the main lines within the East Street right-of-way to your property line. As we have discussed, it is generally the City's obligation to have public utilities stubbed to property lines, especially when the right-of-way has had a fairly recent improvement. Unfortunately this did not happen with your lot, so you had to perform the work yourself, which included modifying the storm drain at the same time.

According to the information you have given us, you hired a contractor to perform water, sewer and storm drain improvements, the work has been completed and accepted by the City, and you have spent \$21,632. The City agrees to reimburse you for a portion of your expenses, in the amount of \$10,000. Once paid, no additional funds will be offered for this work, and it will be considered a closed matter.

If you are agreeable to this amount, please sign below and return to my attention.

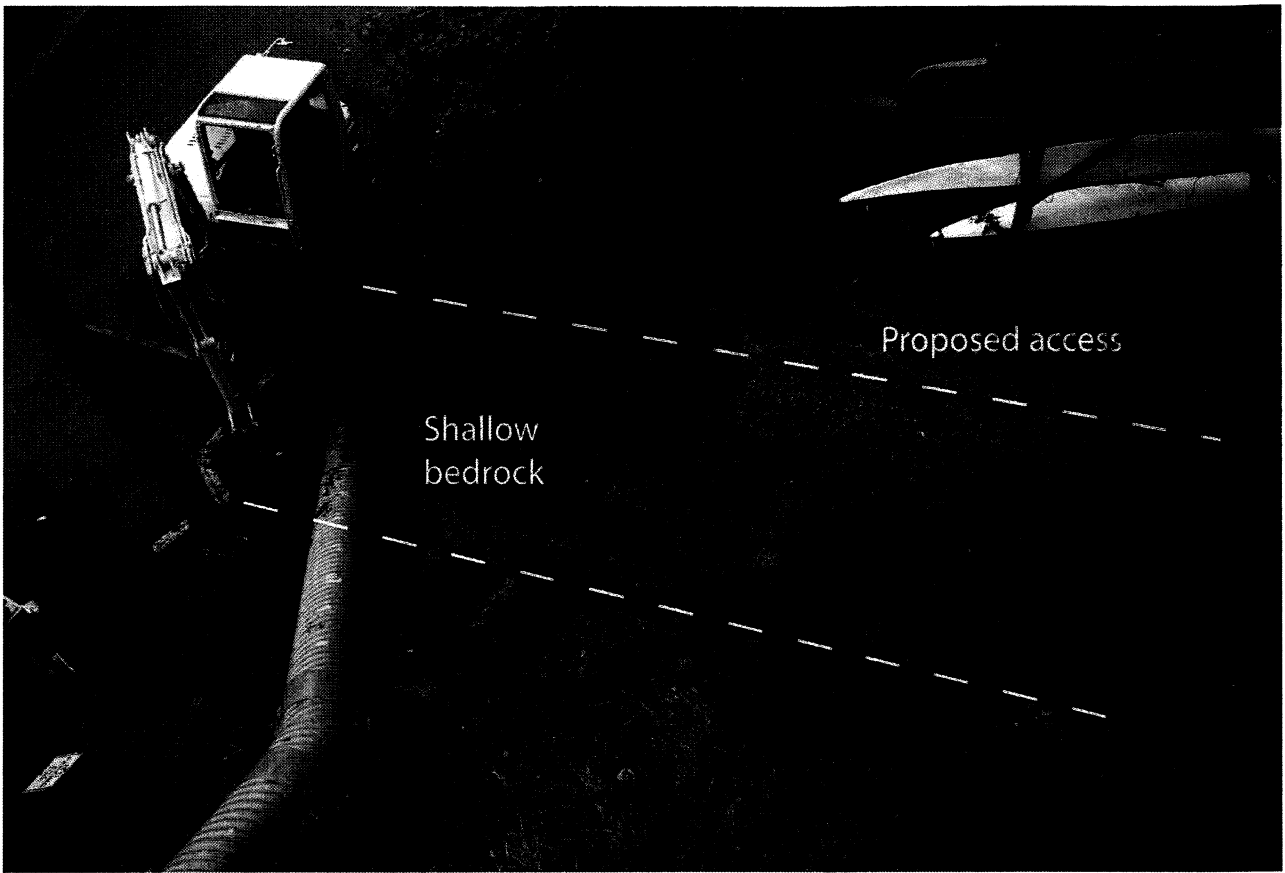
Sincerely,

Ron King, Chief Regulatory Surveyor  
General Engineering Department  
City and Borough of Juneau

I agree to receive \$10,000 as reimbursement for the expenses described above and acknowledge that no additional compensation will be offered for any additional work.

Colin Shanley

RECEIVED  
OCT 17 2012  
1:37



Photograph showing the originally proposed driveway access, a CBJ storm drain pipe, and the location of shallow bedrock preventing on-site parking development.

## Beth McKibben

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**From:** Gene Smith <smithwood68@yahoo.com>  
**Sent:** Thursday, January 03, 2013 1:24 PM  
**To:** Beth McKibben  
**Cc:** Mayor  
**Subject:** File No: VAR2012 0032

January 3, 2013

Dear Ms. McKibben:

Thank you for the opportunity to meet with you on January 2 to review and better understand the background and issues leading to the referenced Variance Application by applicant Colin S. Shanley. I received a written notice of Public Hearing by U.S. Postal Mail on Saturday, December 29, 2012.

I am a long-standing resident of Juneau (since 1968) and Starr Hill Property Owner (since 1971) of two residential structures located on East Street, between Fifth Street and the "dead end" of the street delineated by the right of way boundary where fourth street would traverse. Pursuant to the invitation to adjacent Property Owners, and based on credible advice I have received, I hereby submit the following written testimony for consideration by the Planning Commission during its deliberations concerning this matter, as scheduled for Public Hearing Jan 08, 2013. My comments will be as succinct as possible:

1. I unequivocally oppose the granting of the requested Variance to reduce on-site parking from 2 to 0 as is currently required for occupancy of the newly constructed residential structure at 415 East Street. I firmly believe the granting of this variance would set a dangerous, undesirable and untenable precedent. Furthermore, I have carefully reviewed all six of the Variance Approval Criteria stated on the Variance Application, and I am of the opinion that the referenced Variance Request does not meet any of the stated criteria.

Conversely, based on the circumstances that have evolved in this case, it is implicit that this parcel of land (PCN:1-CO4-0-A14-002-0) should not have been zoned for residential construction use. Nonetheless, the CBJ Community Development Department (in it's WISDOM) granted Permit #BLD20110638 encouraging and allowing construction of the "unique" structure that now exists in "bird house fashion" atop the steep, rocky parcel at issue,

Consequently the Community Development Department shares a high degree of culpability in the seemingly untenable situation that has become the result. It seems obvious that inadequate attention and analysis was given to the realities of the off-street parking requirement before the Building Permit was approved, encouraging construction of what now appears to be an expensive residential structure than cannot legally be occupied.

Although I am not a construction engineer, I am not without experience in the construction, management, maintenance and repair of large and complex residential structures in this area, as well as pre-existing structures dating back to initial development of the Starr Hill area (circa 1905). Accordingly, I will indulge in some random comments generated from reading Mr. Shanley's October 2, 2012 letter to Mr. Rorie Watt.: 1. The character of the Starr Hill neighborhood is indeed "historic", reflecting the typical nature of housing constructed to support the Gold Mining activity that was prevalent here in the very early 1900s. 2. The unique structure which has been allowed to be

constructed atop the steep slopes of 415 East Street can hardly be described as "fitting the character" of a historic Gold Mining area. 3. Any positive impact on property values in this immediate area alluded to by Mr. Shanley would most certainly be offset by the reality of various members of an additional household competing for use of the limited public parking spaces currently available in the 400 Block of East Street.

The reality is that a seemingly untenable situation has resulted from the official Building Permit authorization of a structure that cannot, in its present form, be legally occupied. I suggest that an innovative compromise solution be considered (as it should have been before the Building Permit was approved) and developed before an occupancy permit is granted. Perhaps it may require relocation and/or reconstruction of the stairway access that now traverses the Fourth Street right of way delineation between East and Kennedy Streets. Costs of such revisions should be allocated between CBJ and the property owner, based on an objective determination of the impact on valuation of the parcel vs. the "beautification" of the area (i.e. burial or removal of the unsightly storm drain culvert that was "temporarily" installed sometime during the past decade). If the off-street accomodation of two vehicles seems to be an impossibility, perhaps a compromise requirement of parking for a single vehicle should be considered.

Please accept the above comments as my formal response to the Notice of Public Hearing on this matter to be held on January 08, 2013 at 7:00 PM. In closing, I wist to reiterate that granting the requested variance is NOT an acceptable solution to this dilemma.

Respectfully submitted,

Eugene A. Smith  
P. O. Box 32233 - Juneau, AK 99803-2233  
907-789-7207 (home/office land line-fax-voice mail)  
907-321-0011 (mobile I-phone with voice mail)

## Beth McKibben

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**From:** Joe Giefer <joegiefer@gmail.com>  
**Sent:** Friday, January 04, 2013 7:21 AM  
**To:** Beth McKibben  
**Cc:** colin.shanley@yahoo.com  
**Subject:** Parking Variance 415 East Street

January 1, 2013

Beth McKibben  
City and Borough of Juneau  
155 So Seward Street  
Juneau, AK 99801

Dear Ms. McKibben:

We are writing to support the parking variance request at 415 East Street. We have lived across the street at 400 East Street for 15 years and believe it makes sense to grant the parking variance. The site is very steep and rocky and a city drain culvert transects the front of the lot, blocking access to the street. When the city put this culvert in some years ago, the engineers opted to run in above ground because it was too difficult and expensive to bury in the bedrock.

We have watched the construction of the new house with interest because the lot presents so many challenges. Despite this, Mr. Shanley always indicated his intent to provide parking. As part of that process, he had AEL&P relocate a power pole that blocked access. Nevertheless, the bedrock as stalled the process.

Thank you for considering our letter of support.

Sincerely,  
Joe Giefer and Karey Cooperrider  
400 East Street  
Juneau, AK 99801