MEMORANDUM

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

DATE: January 17, 2013

TO: Board of Adjustment

FROM: Jonathan Lange, Planner
Community Development Department

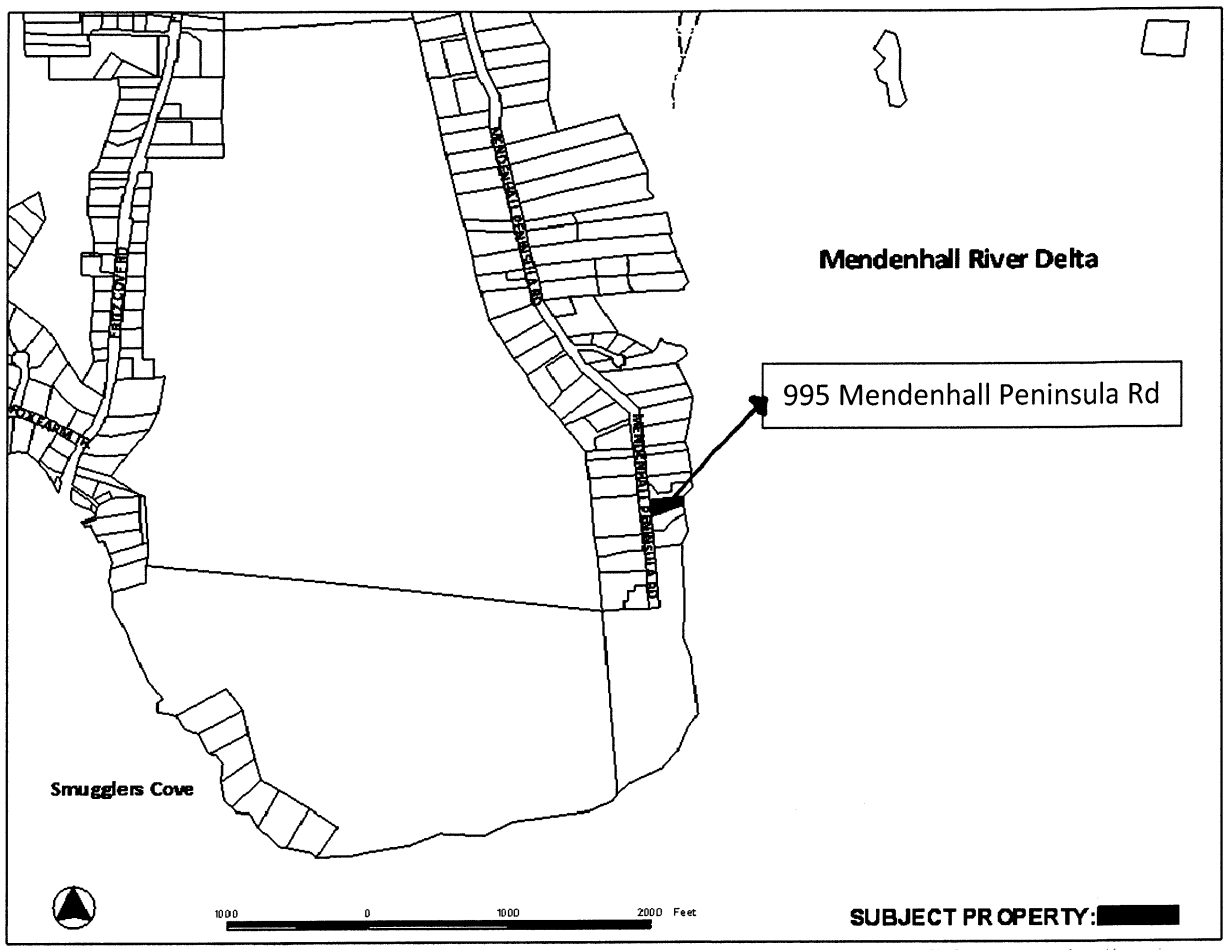
FILE NO.: VAR2012 0030

PROPOSAL: Variance request to setbacks to allow partial reconstruction and expansion of existing structure.

GENERAL INFORMATION

Applicant:	Ken Huse
Property Owner:	Joseph Roth, Brenda Taylor
Property Address:	995 Mendenhall Peninsula Road
Legal Description:	USS 2903 Lot 30 Tract B2
Parcel Code Number:	4-B19-0-103-002-2
Site Size:	22,243 square feet or 0.5106 acres
Comprehensive Plan Future Land Use Designation:	RLDR – Rural Low Density Residential
Zoning:	D-1
Utilities:	City Water
Access:	Mendenhall Peninsula Road
Existing Land Use:	Single-family Residential
Surrounding Land Use:	North-- D-1, Residential South-- D-1, Residential East-- Mendenhall Wetlands State Game Refuge West-- D-1, Mendenhall Peninsula Rd, Residential

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY


Mendenhall River Delta
995 Mendenhall Peninsula Rd
Smugglers Cove
1000
0
1000
2000 Feet
SUBJECT PROPERTY:

ATTACHMENTS

Attachment A: Variance and Development Permit Application
Attachment B: Site Plan
Attachment C: Applicant's narrative
Attachment D: Photos of accessory building

PROJECT DESCRIPTION

The applicant would like to remodel and expand an existing accessory building with a legal nonconforming front yard setback of 4', with an eave projection of 2' from the property line. The building is located at 995 Mendenhall Peninsula Road in a D1 zoning district. The front yard setback in the D1 zone is 25'.

> CBJ §49.25.430(4)(K) *Existing substandard setbacks.* A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback shall be used to calculate the average.....

It has been determined by Planning Staff that due to the existing substandard setbacks in the neighborhood that the front yard setback for this parcel has been reduced to 14.6'. The variance would be for a reduction of 10.6' to the determined 14.6' front yard setback so that the new building would be 4' from the front property line, and the applicant is proposing to expand a portion of the eave projection to within 0.5' from the property line.

BACKGROUND

The existing accessory building was built before 1987. It has served as a wood working and craft shop at the street level with storage in the refurbished basement. Due to the topography of the lot, the building was built 4 feet from the front yard setback.

Attached to the application the applicant gives a description of the activity which would require a variance. The applicant states, the activity which requires a variance is a *"Partial rebuilding of existing structure which was built many years ago outside current setback requirements; and reconstructing a section of the foundation. In our proposal part of this foundation would be outside the original footprint but will be largely below grade."* This would be *"...Expanding the current footprint 224 sq. ft. over this footprint."*

The existing eave projection for the building is to 2 feet from the property line. The applicant's plan shows a portion of the eave, under new construction, coming to a half a foot (0.5') from the property line.

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 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.***

Under the applicant's plan, a portion of the eave would be 0.5 feet from the front property line. Staff recommends that the eave project no further than 2 feet from the property line. Staff determined 2 feet to be required due to CBJ Land Use code referring to *Projections Into Required Yards* CBJ§49.25.430(4)(A). In this section roof eaves are restricted in how close they can be to lot lines. This restriction speaks to issue of the intent of Title 49 is established in Section CBJ § 49.05.100(5) Purpose and Intent "to provide adequate open space for light and air" to pass between the building and the adjacent road. Keeping the eaves back to 2 feet from the right of way improves public safety by reducing chance of the eaves being struck by maintenance vehicles and large trucks. Upon talking with the applicant he agrees to keep the eave projection at 2 feet from the property line. Staff recommends the following two conditions to assure that the eaves do not project further than 2 feet from the property line:

1. Prior to issuance of a building permit, the applicant shall modify the building plans so that the eaves are no closer than 2 feet to the front property line;

2. Prior to issuance of a Certificate of Occupancy, setbacks of the structure and eaves shall be verified by a licensed surveyor.

The applicant has agreed that the lesser relaxation recommended by staff would provide substantial relief for the property owner.

Due to the topography of the Mendenhall Peninsula, the site where the accessory building was built

is the most buildable area on the lot for access and parking of a car. Allowing the variance would be consistent with the justice to other property owners on Mendenhall Peninsula Road. The neighbors' home to the north of the property in consideration is within the front yard setback; as well as other properties on the road. Therefore granting the variance would be consistent with justice to other property owners.

Yes. The 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.***

With the project modification accepted by the applicant, there is no evidence to suggest that public safety and welfare is impacted with the remodel and expansion of the building.

Yes. The criterion is met.

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

The addition of 224 sq. ft. to the footprint of the building would not impact neighboring properties. The addition does not encroach into the front yard setback any further than the existing accessory structure.

Yes. The criterion is met.

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

The variance would allow a garage for car maintenance and storage; a shop for woodworking and arts and crafts; and space for exercise; which are considered accessory to the residential use.

Yes. The 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;

No. The variance for the proposed remodel and expansion for this building is an accessory 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;

The proposed expansion of the accessory building is consistent with the scale, amenities,

appearance and features in the neighborhood. As mentioned above the lot is on a steep slope. Surrounding lots in the neighborhood are situated in the same way as this lot; with garages next to the road so as to not have to drive on the steep slopes.

Yes. The criterion is met.

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

The steepness of the site is a unique physical feature that would render compliance with the standards unreasonably expensive.

Yes. The 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 granting of the variance would result in a net decrease in the overall compliance with the Land Use Code, as the granting of the reduced front yard setback is adding to the preexisting nonconforming setback of the accessory building.

No. The criterion is not met.

Since sub criteria 5B and 5C are met, criterion 5 is met.

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

The applicant states that the remodel and expansion of the building would benefit the neighborhood by fixing the ailing building. No detriments to reducing the setback have been identified.

Yes. The 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 structure. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ§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?

Not Applicable.

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

Yes. Based on the evaluation above, the variance, as requested, meets the criteria of Section 49.20.250, Grounds of Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2012 0030. The Variance permit would allow for the front yard setback to be reduced to 4 feet and eaves to project to 2 feet from front property line at 995 Mendenhall Peninsula Road for the remodel and expansion of an accessory building.

With the following recommended conditions:

1. Prior to issuance of a building permit, the applicant shall modify the building plans so that the eaves are no closer than 2 feet to the front property line.

2. Prior to issuance of a Certificate of Occupancy, setbacks of the structure and eaves shall be verified by a licensed surveyor.

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
VAR12-30			12/13/12

TYPE OF VARIANCE REQUESTED:

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

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE: see ATTACHED

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): see attached

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

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

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED? see attached

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

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 400			
Adjustment	$ —			
Total Fee	$ 400		21222	12/13/12

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

ATTACHMENT A

DEVELOPMENT PERMIT APPLICATION

Project Number: VAR20120030 — CITY and BOROUGH of JUNEAU — Date Received: 12/13/12

Project Name (City Staff to Assign Name):

PROJECT / APPLICANT INFORMATION

Project Description: Remodel of existing shop

PROPERTY LOCATION

Street Address: 995 Meadowbell Peninsula Rd — City: Juneau 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): LOT 30B-2 U.S.S. 2903

Assessor's Parcel Number(s): 4B19010300 22

LANDOWNER/LESSEE

Property Owner's Name: Joseph Burk, Brenda Taylor — Contact Person: — Work Phone:

Mailing Address: 995 Meadowbell Peninsula Rd — Home Phone: — Fax Number:

E-mail Address: — Other Contact Phone Number(s):

LANDOWNER/LESSEE CONSENT ***Required for Planning Permits, not needed on Building/ Engineering Permits***

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 _____ Landowner/Lessee Signature — Date: 12/10/12

X _____ Landowner/Lessee Signature — Date: 12/10/12

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name: Ken Hunt — Contact Person: Ken Hunt — Work Phone: 735-9803

Mailing Address: 9200 N Douglas Hwy. — Home Phone: 523-9075 — Fax Number: 821-7756

E-mail Address: Ken.Hunt@gmail.com — Other Contact Phone Number(s):

X _____ Applicant's Signature — Date of Application

STAFF APPROVALS

OFFICE USE ONLY BELOW THIS LINE

✔	Permit Type	Fee	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, 6b, Vacation, 6b, Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
✓	Variance Case (Bd. Minerals and all other Variance case types)		12/13/12	VAR20120030
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments:

Permit Intake Initials: CMH

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

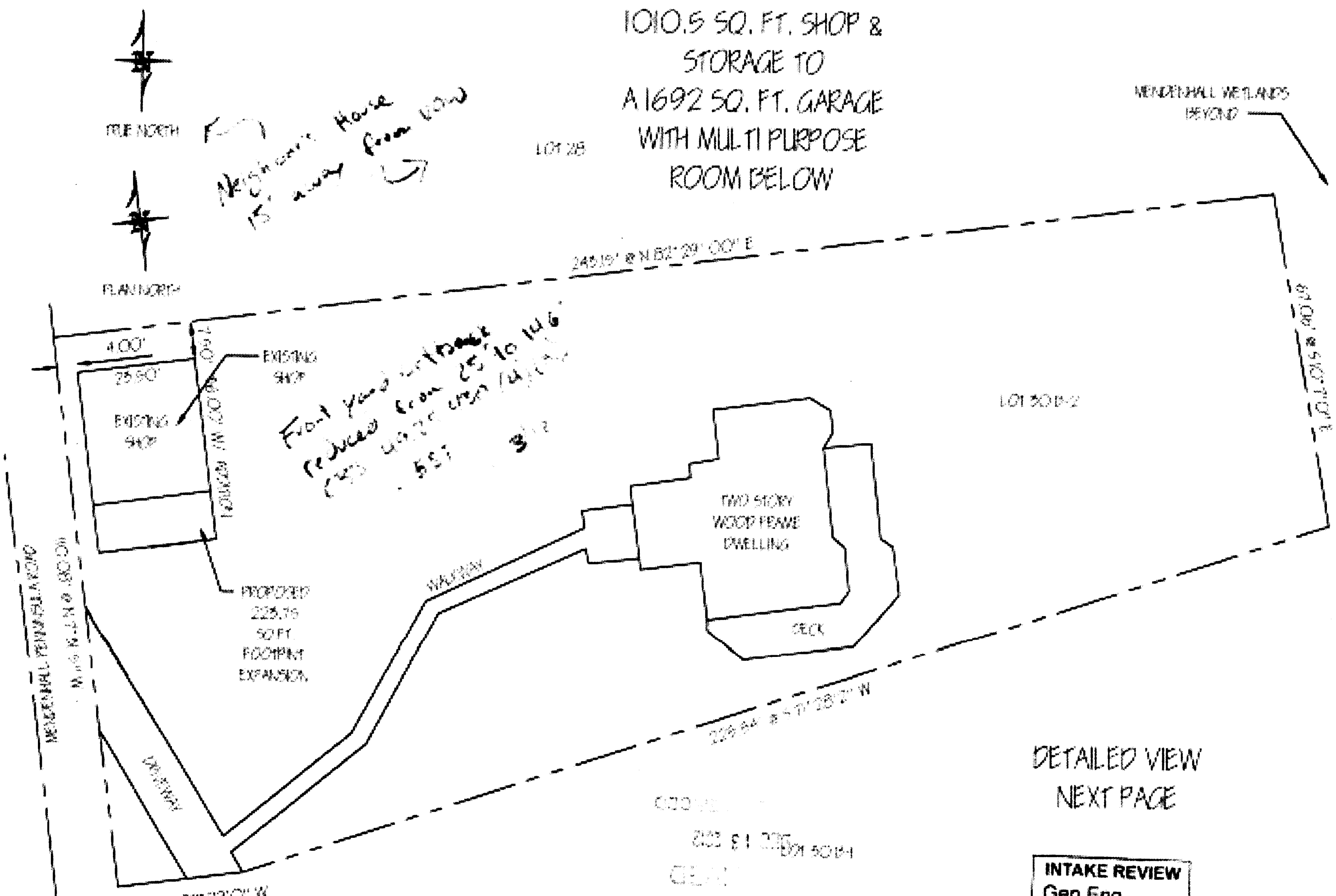
L:\FORMS\2010 Applications

Revised November 2009

ATTACHMENT A

VAR20120030

PROPOSED REMODEL OF
1010.5 SQ. FT. SHOP &
STORAGE TO
A 1692 SQ. FT. GARAGE
WITH MULTI PURPOSE
ROOM BELOW



MRS. BRENDA TAYLORE AND
DR. JOSEPH ROTH
995 MENDENHALL
PENINSULA RD.
JUNEAU, ALASKA 99801
723-9013
parcel # 4B1901050022
LOT 30 B-2
USS 2903

DETAILED VIEW
NEXT PAGE

LOT DRAWING 1	1
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DEMOLITION ELEVATIONS	3
DEMOLITION FLOOR PLAN	4
BASEMENT	5
MAIN FLOOR	6
WEST ELEVATION	7
SOUTH ELEVATION	8
EAST ELEVATION	9
NORTH ELEVATION	10
FOUNDATION	11

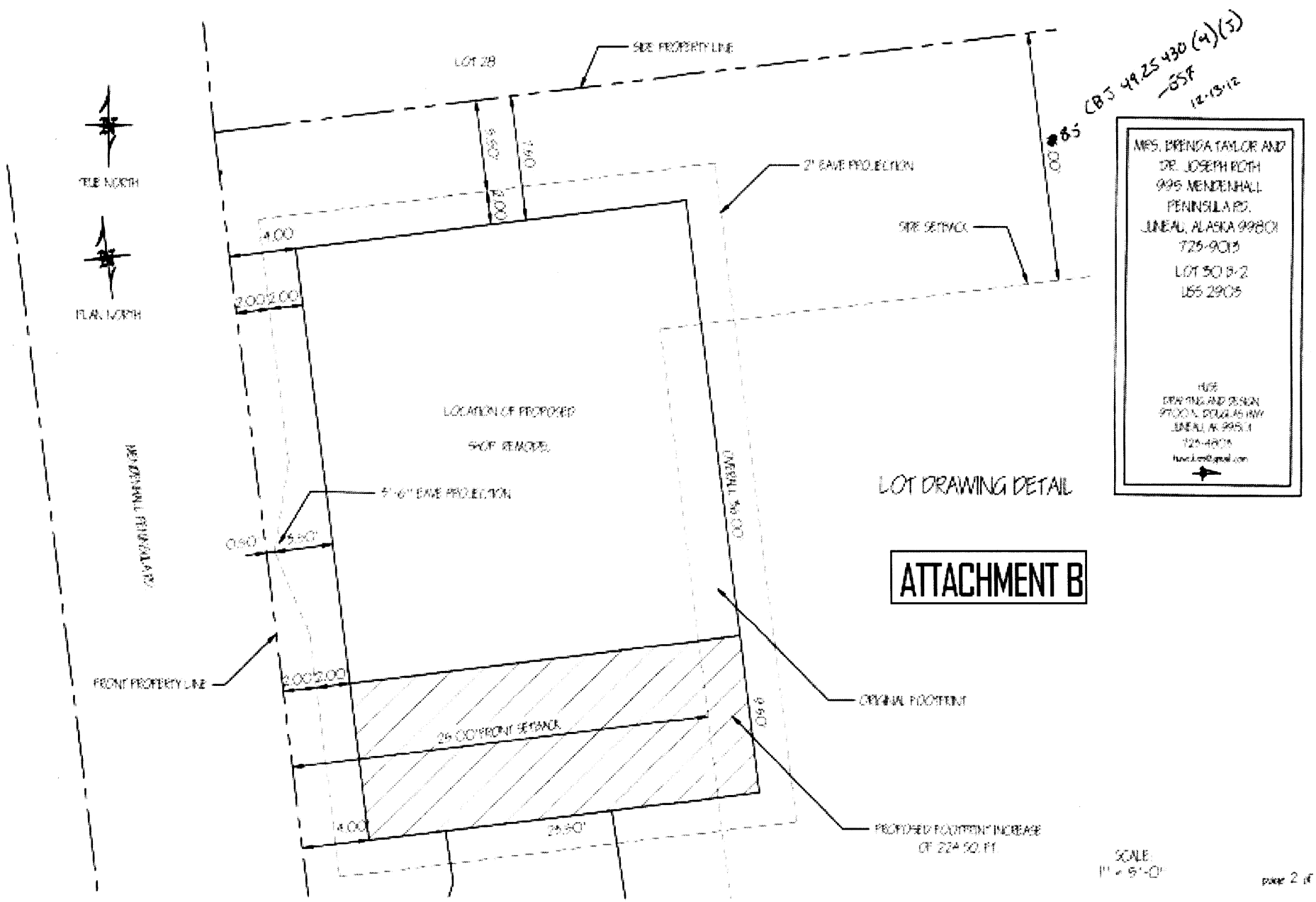
DECEMBER 2012

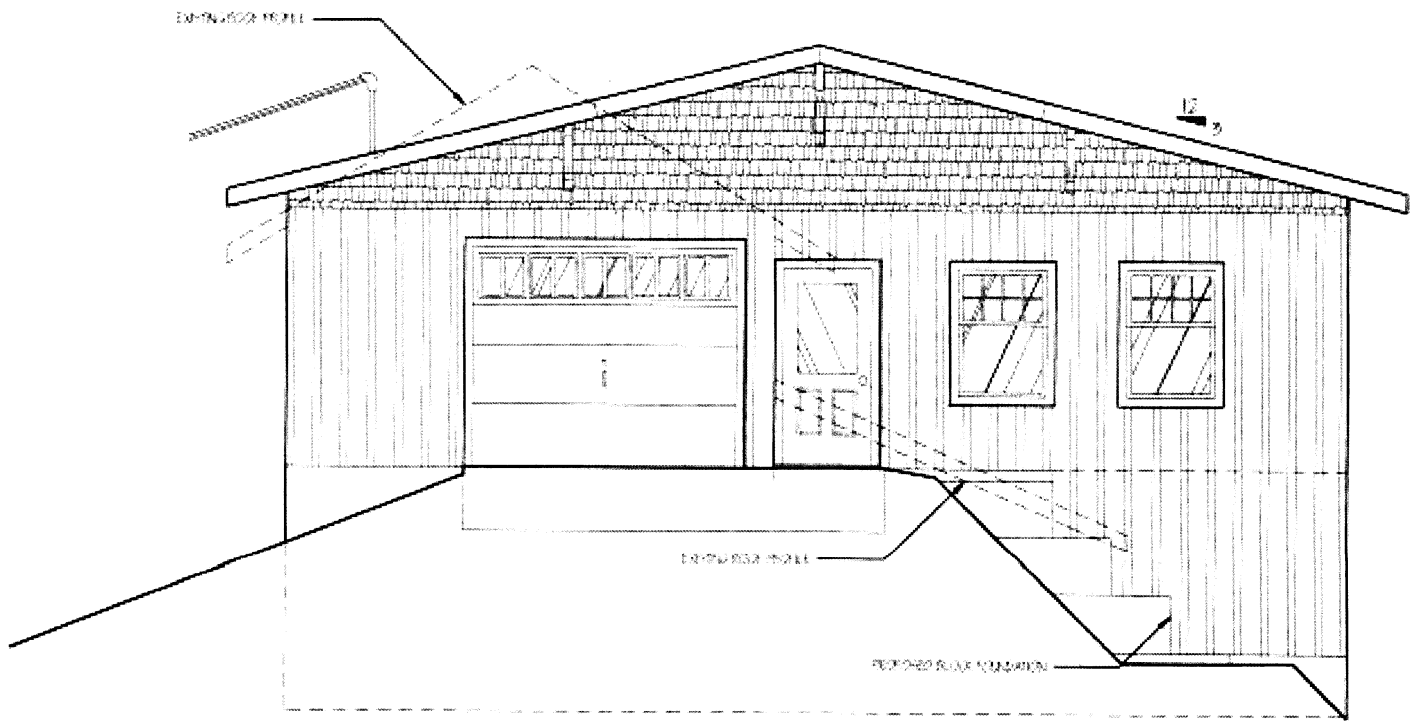
INTAKE REVIEW
Gen Eng.
POC CNM
IOC
Tech

ATTACHMENT B

LOT DRAWING BASED ON DOUGLAS FINLEY LAND SURVEY OF 9/18/01

LOT DRAWING SCALE: 1" = 20'-0" page 1 of 11


LOT 28
SIDE PROPERTY LINE
CBJ 49.25.430 (4)(5)
-05F
12-13-12
85.00
TRUE NORTH
PLAT NORTH
2" EAVE PROJECTION
SIDE SETBACK
4.00
2.00
2.00
2.00
0.50
5.00
5'-6" EAVE PROJECTION
LOCATION OF PROPOSED
SHOP REMODEL
OVERALL 44.00
MENDENHALL PENINSULA RD.
FRONT PROPERTY LINE
2.00
2.00
25.00' FRONT SETBACK
4.00
24.50'
9.50
ORIGINAL FOOTPRINT
PROPOSED FOOTPRINT INCREASE
OF 224.50 FT.
MRS. BRENDA TAYLOR AND
DR. JOSEPH ROTH
995 MENDENHALL
PENINSULA RD.
JUNEAU, ALASKA 99801
725-9019
LOT 5D B-2
US 2905
LOT DRAWING DETAIL
ATTACHMENT B
SCALE
1" = 5'-0"



ATTACHMENT B

WEST ELEVATION

SCALE:
1/4" = 1'-0"

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995 Mendenhall Peninsula Rd variance application

Lot 30-B, USS 2903, parcel # 4B1901030022 12/6/12

Description of activity which requires a variance:

Partial rebuilding of existing structure which was built many years ago outside current setback requirements. 2. Reconstructing a section of the foundation. In our proposal part of this foundation would be outside the original footprint but will be largely below grade. 3. Expanding the current footprint 224 sq. ft. over this footprint

Unique characteristics of land or buildings:

Old shop above with storage in refurbished basement.

Why would a variance be needed for this property regardless of the owner?

To make the structure useful as a place to work on cars, do woodwork, arts, crafts and to exercise

What hardship would result if the variance were not granted?

The structure would in the not too distant future fail. In addition to this the owner would continue to have no covered parking on his property.

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:*** If the owner is not granted a variance, he will continue his hobbies in a substandard structure, which is ailing at present. Additionally he will have to continue doing vehicle maintenance in the out of doors. The neighborhood will benefit by having an attractive, sound building near the road and other residences. This will add to the appeal of the neighborhood. The nearby neighbor will have a view which will be considerably enhanced.

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:*** Public safety and welfare will be advanced by removing the substandard portions of the structure and replacing them with components honoring local building codes. The new structure should prevent any harm, whereas the existing might fail and cause damage to the neighbor's property.

ATTACHMENT C

3. ***The authorization of the variance will not injure nearby property:*** Because the proposed garage shop is away from the view plane, it will not impact the neighbors view Additionally, it will present a much more attractive structure than the one that is there.

4. ***The variance does not authorize uses not allowed in the district involved:*** The uses for the structure are as mentioned, car maintenance, woodworking, arts, crafts, and exercise, none of which are commercial ventures.

5. ***Compliance with the existing standards would: 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 would prevent the structure from being improved and brought up to IBC standards.

6. ***A grant of the variance would result in more benefits than detriments to the neighborhood.*** A grant of the variance would benefit the neighborhood by upgrading the roadside structure's appearance. I can think of no detriments to fixing the problems of this ailing structure.

ATTACHMENT C


2012/11/08
ATTACHMENT D

ATTACHMENT D