

# MEMORANDUM

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

**DATE:** March 7, 2013

**TO:** Planning Commission

**FROM:** Jonathan Lange, Planner *JL*  
Community Development Department

**FILE NO.:** AAP2013 0004

**PROPOSAL:** A conditional use permit to allow an accessory apartment.

## GENERAL INFORMATION

**Applicant:** Gerald O Butler

**Property Owner:** Gerald and Pamela Butler

**Property Address:** 5167 North Douglas Highway

**Legal Description:** USS 2960 Lot 12A

**Parcel Code Number:** 6-D07-0-101-007-0

**Site Size:** 54,989 square feet

**Comprehensive Plan Future Land Use Designation:** RDR (T) ULDR – Rural Dispersed Residential (Transition Zone) Urban Low Density Residential

**Zoning:** D-1 (T) D-3

**Utilities:** Public water and sewer

**Access:** North Douglas Highway

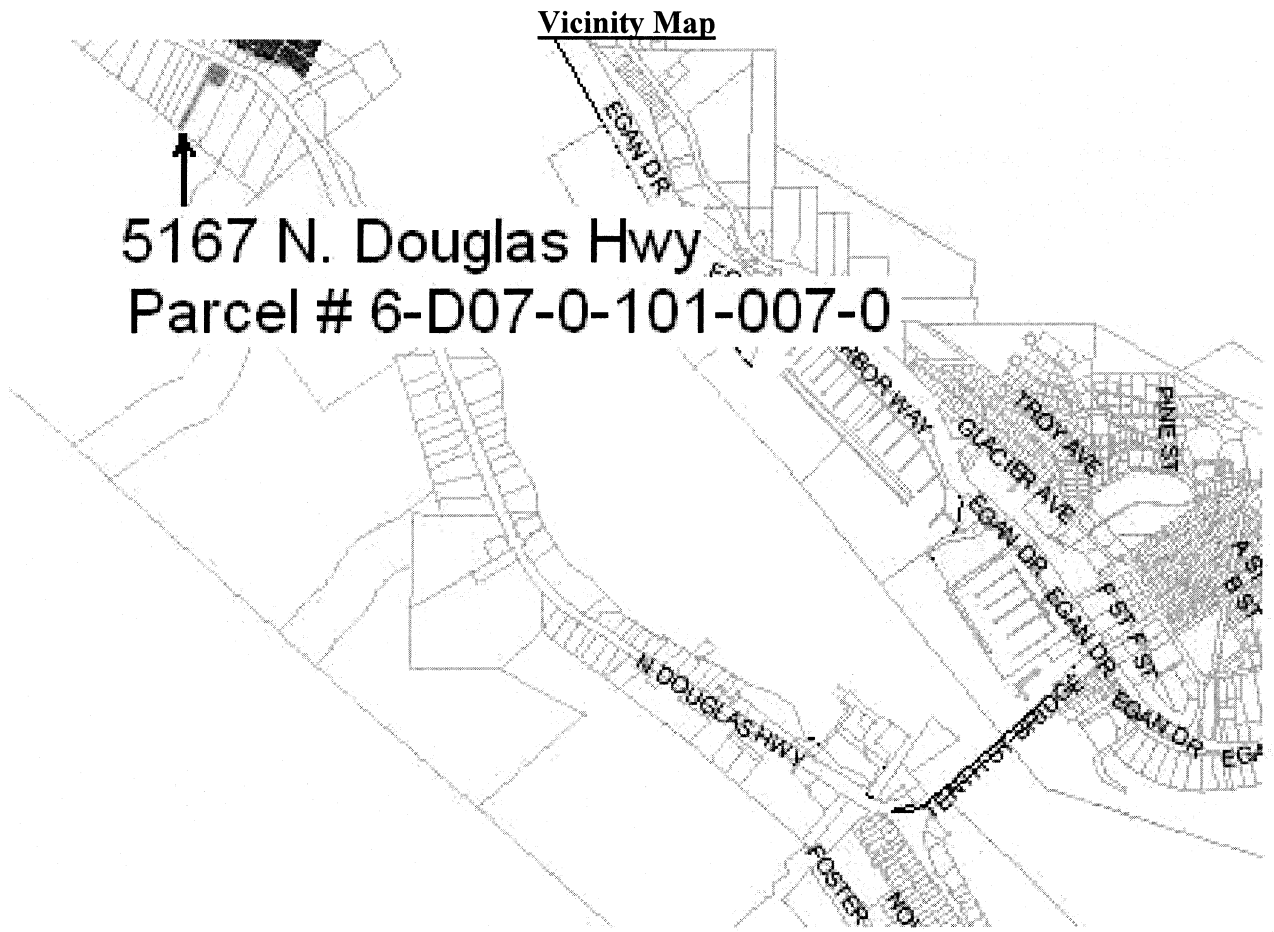
**Existing Land Use:** Two single-family dwellings

**Surrounding Land Use:**

- North - D-1(T)D-3 Residential; single-family dwelling
- South - RR – vacant rural reserve; and D-1 (T) D-3 Residential; single-family residence under construction
- East - D-1(T)D-3 Residential; single-family dwelling
- West - D-1(T)D-3 Residential; mobile home on lot



CITY/BOROUGH OF JUNEAU  
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### **ATTACHMENTS**

- Attachment A – Notice of Public Hearing
- Attachment B – Conditional Use Permit Application and Development Permit Application
- Attachment C – Existing Site Plan
- Attachment D – Photos of existing buildings on site

### **PROJECT DESCRIPTION**

The outcome of this case is dependent on the Board of Adjustments decision related to Text/Map Interpretation Case# TMI2013 0001.

The applicant requests an Accessory Apartment permit for an existing 524 square foot accessory

apartment. A Conditional Use permit is also required because the lot is smaller than the minimum lot size for Permissible Uses listed in the Table of Dimensional Standards, CBJ§ 49.25.200.

*CBJ§ 49.25.510(d)(2)*

*(G) The Accessory Apartment shall be reviewed through the Conditional Use Permit process at CBJ 49.15.330 if the lot upon which the accessory apartment is proposed is:*

*(i) smaller than the Minimum Lot Size for Permissible Uses listed in the Table of Dimensional Standards, CBJ 49.25.200; or ....*

## **ANALYSIS**

### **Project Site and Design**

The site is located in a D-1 Transition to D-3 residential zoning district on North Douglas Highway. The lot has not transitioned to D-3 and is currently zoned D-1. The lot is of substandard size for two single-family dwelling units in a D-1 zoned lot. The current lot size is 54,989 square feet. The minimum lot size in the D-1 zone is 36,000 square feet. The lot would need to be at least 72,000 square feet to allow for the two single-family homes and accessory apartment.

The two single-family homes, one with the existing accessory apartment, were built in 1966 before the current Land Use Code. Please see Attachment C for site plan.

### **Traffic, Parking, and Circulation**

The proposed project has adequate space for parking and meets the parking requirements for a single-family home and accessory apartment. The parking requirements for this property are five parking spaces; two for each of the single-family homes and one for the accessory apartment. Please see Attachment C for existing parking.

The property is accessed off of North Douglas Highway by a shared driveway and a horseshoe driveway that connects with the shared driveway. Please see Attachment D for photos of the existing site and parking.

### **Noise**

There is no evidence that suggests that the existing development has generated noise in the past.

### **Public Health or Safety**

Staff is unaware of any public health or safety issues associated with the existing development or

proposed permit.

### **Habitat**

There are no habitat issues associated with the existing site.

### **Property Value or Neighborhood Harmony**

No evidence indicated that the existing site has or will have any negative impact on property value or neighborhood harmony. The existing homes are in harmony with the neighborhood.

### **Conformity with Adopted Plans**

The project substantially conforms to the 2008 Juneau Comprehensive Plan Policy 4.1 as follows:

*Policy 4.1 It is the policy of the CBJ to facilitate the provision and maintenance of safe, sanitary, and affordable housing for its residents.*

The proposed development meets the intent of this policy by maintaining safe, sanitary and affordable housing for the residents of Juneau.

### **FINDINGS**

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;  
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;  
or,

3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

***1. Is the application for the requested Accessory Apartment permit 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.

***2. Is the proposed use appropriate according to the Table of Permissible Uses?***

**Yes.** The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.135 for the D-1 zoning district.

***3. Will the proposed development comply with the other requirements of this chapter?***

**Yes.** The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the March 1, 2013 and March 11, 2013 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

***4. Will the proposed development materially endanger the public health or safety?***

**No.** As described in the preceding analysis, no evidence indicates that the existing development will materially endanger the public health or safety.

***5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?***

**No.** As described in the preceding analysis, no evidence indicates that the existing development will substantially decrease the value of or be out of harmony with the property in the neighboring area.

***6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?***

**Yes.** The proposed development meets the intent of the 2008 Juneau Comprehensive Plan, specifically Policy 4.1 regarding provision and maintenance of affordable housing.

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

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

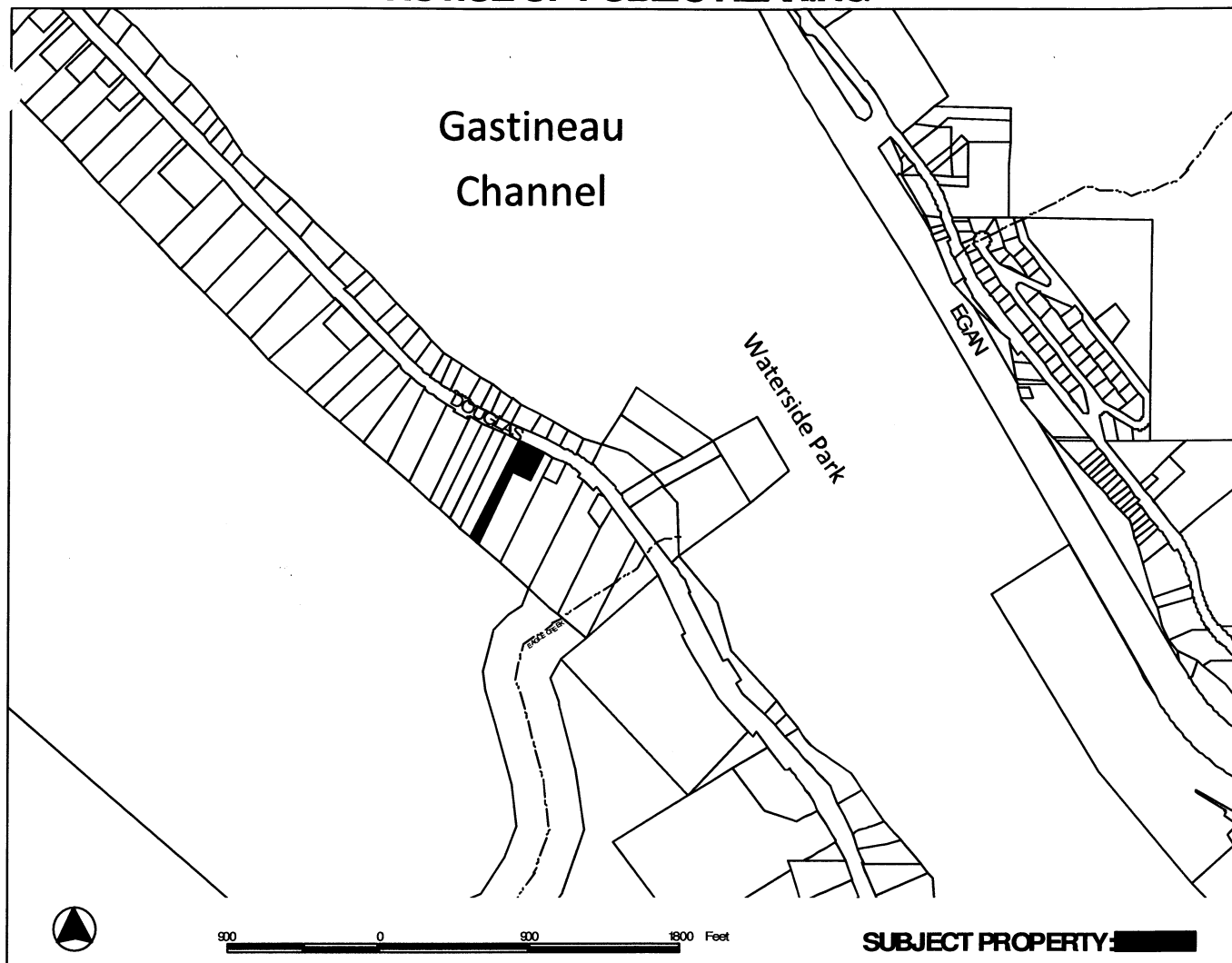
Not applicable.

**RECOMMENDATION**

As mentioned in the above project description the outcome of this case is dependent on the Board of Adjustments decision related to Text/Map Interpretation Case# TMI2013 0001.

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Accessory Apartment permit and associated Conditional Use permit. The permit would allow an existing accessory apartment on a substandard sized lot with two single-family dwellings.

## NOTICE OF PUBLIC HEARING



**PROPOSAL:** A conditional use permit to allow an accessory apartment.

<b>FILE NO:</b> AAP2013 0004	<b>APPLICANT:</b> Gerald O Butler
<b>TO:</b> Adjacent Property Owners	<b>Property PCN:</b> 6-D07-0-101-007-0
<b>HEARING DATE:</b> March 12, 2013	<b>Size:</b> 1.26 acres
<b>HEARING TIME:</b> 7:00pm	<b>Zoned:</b> D1
<b>PLACE:</b> <b>ASSEMBLY CHAMBERS</b> Municipal Building 155 South Seward St Juneau, Alaska 99801	<b>Owner(s):</b> Gerald O Butler
	<b>Site Address:</b> 5167 North Douglas Highway
	<b>Accessed via:</b> North Douglas Highway

### 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 Jonathan Lange at 586-0218 or at [jonathan\\_lange@ci.juneau.ak.us](mailto:jonathan_lange@ci.juneau.ak.us)

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

Date notice was printed: February 26, 2013

# ATTACHMENT A

# ACCESSORY APARTMENT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP20130004	Date Received 02/13/13
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## DESCRIBE THE ACCESSORY APARTMENT:

SMALL ONE bedroom Accessory  
Apartment THAT EXISTS in the basement of the north most  
Structure (Home) of the property, one full bath, one bedroom  
and living/dining area with a small office/den area - see floor  
plan

## TYPE OF ACCESSORY APARTMENT

- ☒ Attached to or Within a Single-Family Dwelling
 ☐ Associated With a Detached Garage  
☐ Within a Two-Unit Common-Wall Dwelling
 ☐ Not Affiliated with Another Structure (Stand alone)

## AREA OF APARTMENT

Total Area 524 square feet

(Maximum of 600 square feet allowed. Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.)

## PARKING

Existing Spaces 10

Proposed Total Spaces 10

(Parking dimensions must be a minimum of 8.5' X 17', and each parking space must be drawn to scale on the site plan.)

## SITE INFORMATION

ZONING DISTRICT \_\_\_\_\_

### UTILITIES AVAILABLE

MINIMUM LOT SIZE (\$49.25.400) \_\_\_\_\_

WATER: ☒ Public ☐ On Site

ACTUAL LOT SIZE\*\*\*\* \_\_\_\_\_

SEWER: ☒ Public ☐ On Site\*\*\*\*

\*\*\*\*Applicants please note that if the parcel utilizes an on site septic system OR the Actual Lot Size is less than the Minimum Lot Size required, the Accessory Apartment must be reviewed through the Conditional Use Permitting Process.

## Permitting Process:

☐ Departmental Review

☒ Planning Commission Approval

## Fees (Departmental Approval)

Application Fees

Fees	Check No.	Receipt No.	Date
See Building Permit			

## Fees (Conditional Use Permit)

Application Fee

\$ \_\_\_\_\_

Public Notice Sign Fee

\$ \_\_\_\_\_

Public Notice Sign Deposit

\$ \_\_\_\_\_

Total

\$ \_\_\_\_\_

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.

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



# ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP20130004	Date Received 02/13/13
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## TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☒ Accessory Apartment\*\*\* (AAP) 
 ☐ Driveway in Right-of-Way (ADW)
- ☐ Use Listed in §49.25.300 (USE)  
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: 1, 130

\*\*\*An Accessory Apartment Application will also be required.

## DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

Existing Accessory (mother-in-law) apt., Property has Three separate parking area existing on property

## IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☐ NO 
 ☐ YES - Case # \_\_\_\_\_

CURRENT USE OF LAND OR BUILDING(S): Duplex

PROPOSED USE OF LAND OR BUILDING(S): Duplex w/ Accessory Apt.

## UTILITIES PROPOSED:

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

## SITE AND BUILDING SPECIFICS:

Total Area of Lot 54999 square feet

Total Area of Existing Structure(s) \_\_\_\_\_ square feet

Total Area of Proposed Structure(s) 524 square feet

## EXTERNAL LIGHTING:

Existing to remain ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures  
 Proposed ☐ No ☐ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures

## PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Site Plan<br><input checked="" type="checkbox"/> Floor Plan of proposed buildings<br><input type="checkbox"/> Elevation view of existing and proposed buildings<br><input type="checkbox"/> Proposed Vegetative Cover | <input type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation<br><input type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) |
|---|---|

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.

## ALLOWABLE/CONDITIONAL USE FEES

Fees	Check No.	Receipt	Date
Application Fees			
Admin. of Guarantee			
Adjustment			
Pub. Not. Sign Fee			
Pub. Not. Sign Deposit			
Total Fee	R59512	CDD 3324	02/13/13

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

# DEVELOPMENT PERMIT APPLICATION

Project Number <b>AAP 2013 0004</b>	CITY and BOROUGH of JUNEAU	Date Received: <b>02/13/13</b>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description <b>Conditional use permit for existing accessory apt.</b>		
	STREET ADDRESS <b>5167 N. Douglas Hwy - B</b>		
	City/Zip <b>Juneau 99801</b>		
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
	Assessor's Parcel Number(s)		
	LANDOWNER/LESSEE		
	Property Owner's Name <b>Gerald and Pamela Butler</b>	Contact Person: <b>Gerald Butler</b>	Work Phone: <b>907-723-1350</b>
	Mailing Address <b>5167 N. Douglas Hwy, Juneau 99801</b>	Home Phone: <b>907-957-0868</b>	Fax Number:
	E-mail Address <b>gerald.butler@alaska.gov</b>	Other Contact Phone Number(s): <b>907-228-6824</b>	
	<p>I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.</p> <p>X <u><b>Pamela J. Butler</b></u> <b>2/13/13</b> Landowner/Lessee Signature Date</p> <p>X _____ Landowner/Lessee Signature Date</p> <p>NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.</p>		
<p>Applicant's Name <b>Gerald Butler</b></p> <p>Mailing Address <b>5167 N. Douglas Hwy</b></p> <p>E-mail Address <b>gerald.butler@alaska.gov</b></p> <p>X <u><b>Gerald O. Butler</b></u> <b>2/13/13</b> Applicant's Signature Date of Application</p>			

OFFICE USE ONLY BELOW THIS LINE

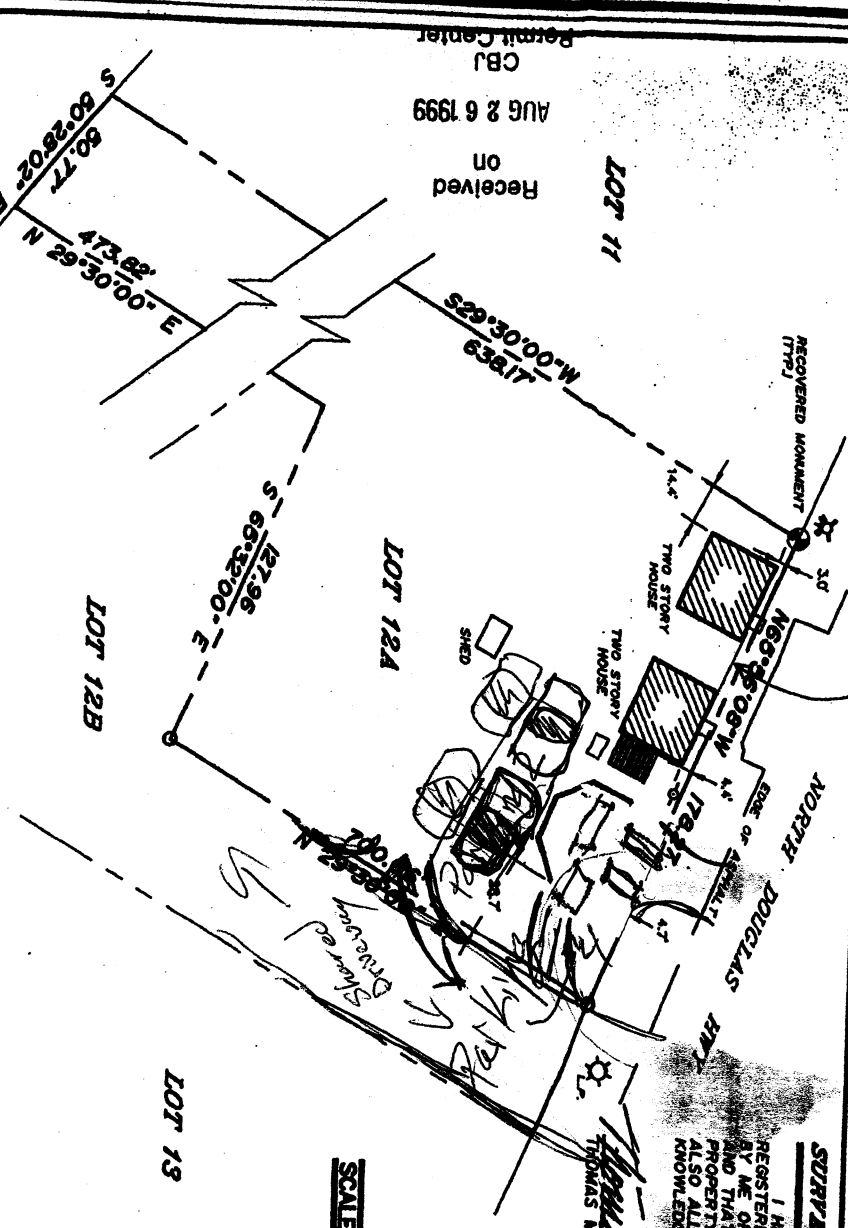
STAFF APPROVALS	<input checked="" type="checkbox"/>	Building/Grading Permit			
	<input type="checkbox"/>	City/State Project Review and City Land Action			
	<input type="checkbox"/>	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	<input type="checkbox"/>	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	<input type="checkbox"/>	Sign Approval (If more than one, fill in all applicable permit #'s)			
	<input type="checkbox"/>	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	<input checked="" type="checkbox"/>	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	<b>02/13/13</b>	<b>AAP 2013 0004</b>	
	<input type="checkbox"/>	Variance Case (De Minimis and all other Variance case types)			
	<input type="checkbox"/>	Wetlands			
	<input type="checkbox"/>	Permits			
	<input type="checkbox"/>	Zone Change			
	<input type="checkbox"/>	Application			
	<input type="checkbox"/>	Other (Describe)			
	<p>***Public Notice Sign Form filled out and in the file.</p> <p>Comments:</p>				

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS  
 I:\FORMS\2010 Applications Revised November 2008

## ATTACHMENT B

# ATTACHMENT C

FRONT SETBACK FOR DECK RECONSTRUCTION



## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA AND THAT A SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION OF THE PARCEL SHOWN HEREON AND THAT THE SURFACE IMPROVEMENTS SITUATED AS-BUILT ARE WITHIN THE PROPERTY LINES AND DO NOT ENDOACH ON THE ADJACENT PROPERTY. ALSO ALL LOT, ROAD, AND EASEMENTS ARE TO THE BEST OF MY KNOWLEDGE SHOWN HEREON.

Thomas M. Kitchner  
DATE 12 May 99



SCALE: 1" = 50'

LOT 13

LOT 12A

LOT 12B

LOT 11

Received on  
AUG 26 1999

Permit Center  
CBJ

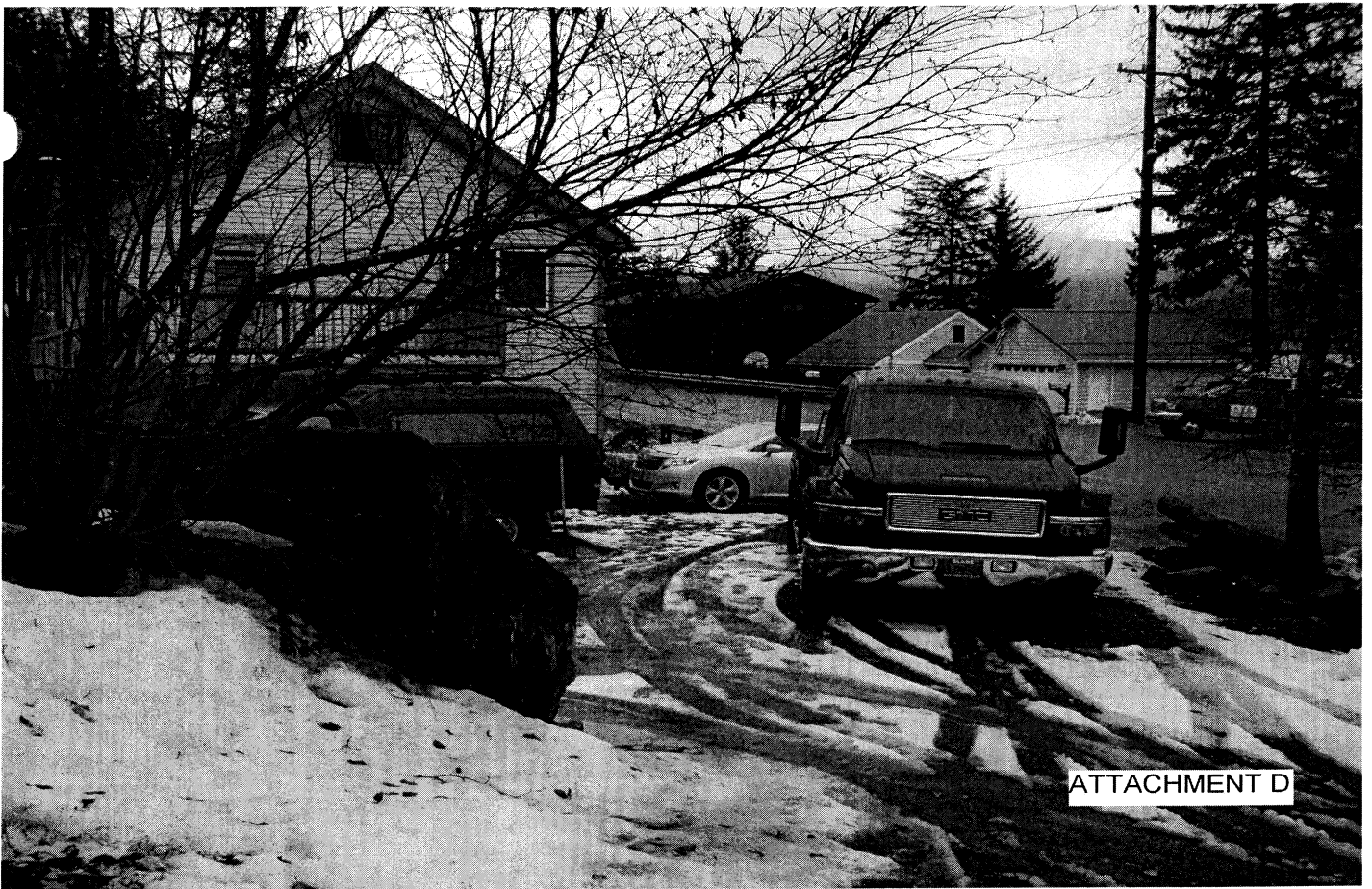
DRAWING: 450-BUILT DRAWING LOT 12A, AS-BUILT TOWN

ALASKA LAND SURVEYING CO.

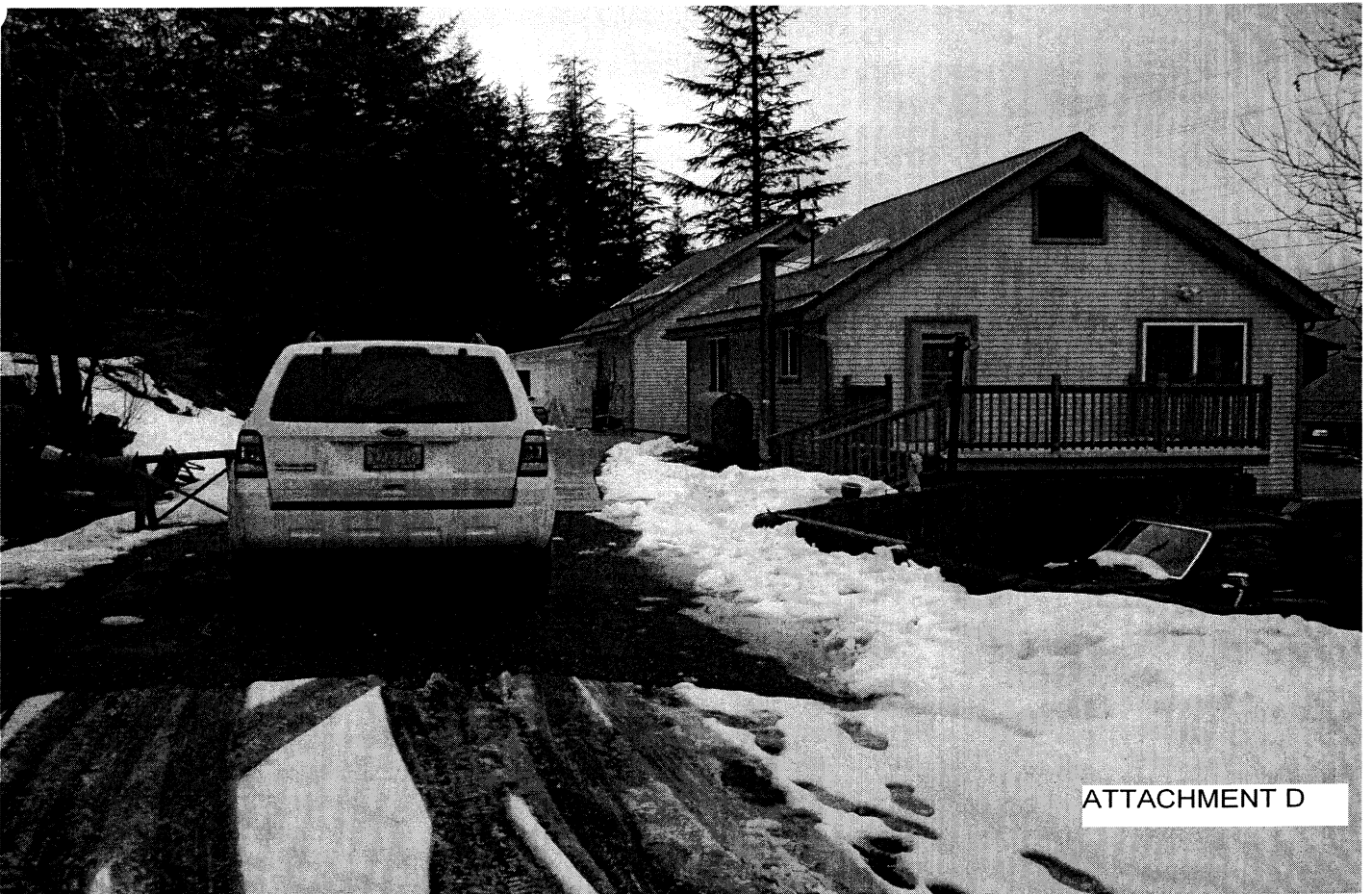
AS-BUILT DRAWING  
LOT 12A  
U.S. SURVEY 2960  
JUNEAU, ALASKA

DATE: 12 MAY 1999

PROJ: 9944.02 / 450



ATTACHMENT D



ATTACHMENT D



ATTACHMENT D

