


MEMORANDUM

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

DATE: March 6, 2013

TO: Planning Commission

FROM: Jonathan Lange, Planner 
Community Development Department

FILE NO.: USE2013 0004

PROPOSAL: Conditional Use Permit to construct a detached accessory apartment to tie into replacement on-site septic system.

GENERAL INFORMATION

Applicant: David Spargo

Property Owner: David and Windy Spargo

Property Address: 15305 Glacier Hwy

Legal Description: U.S. Survey 3052 Lot 16

Parcel Code Number: 4-B32-0-100-009-0

Site Size: 16,117 square feet

Comprehensive Plan Future Land Use Designation: RLDR – Rural Low Density Residential

Zoning: D3

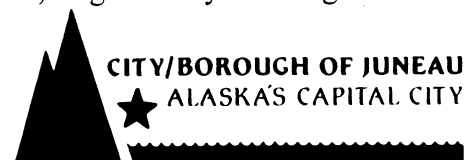
Utilities: Public water, on-site septic

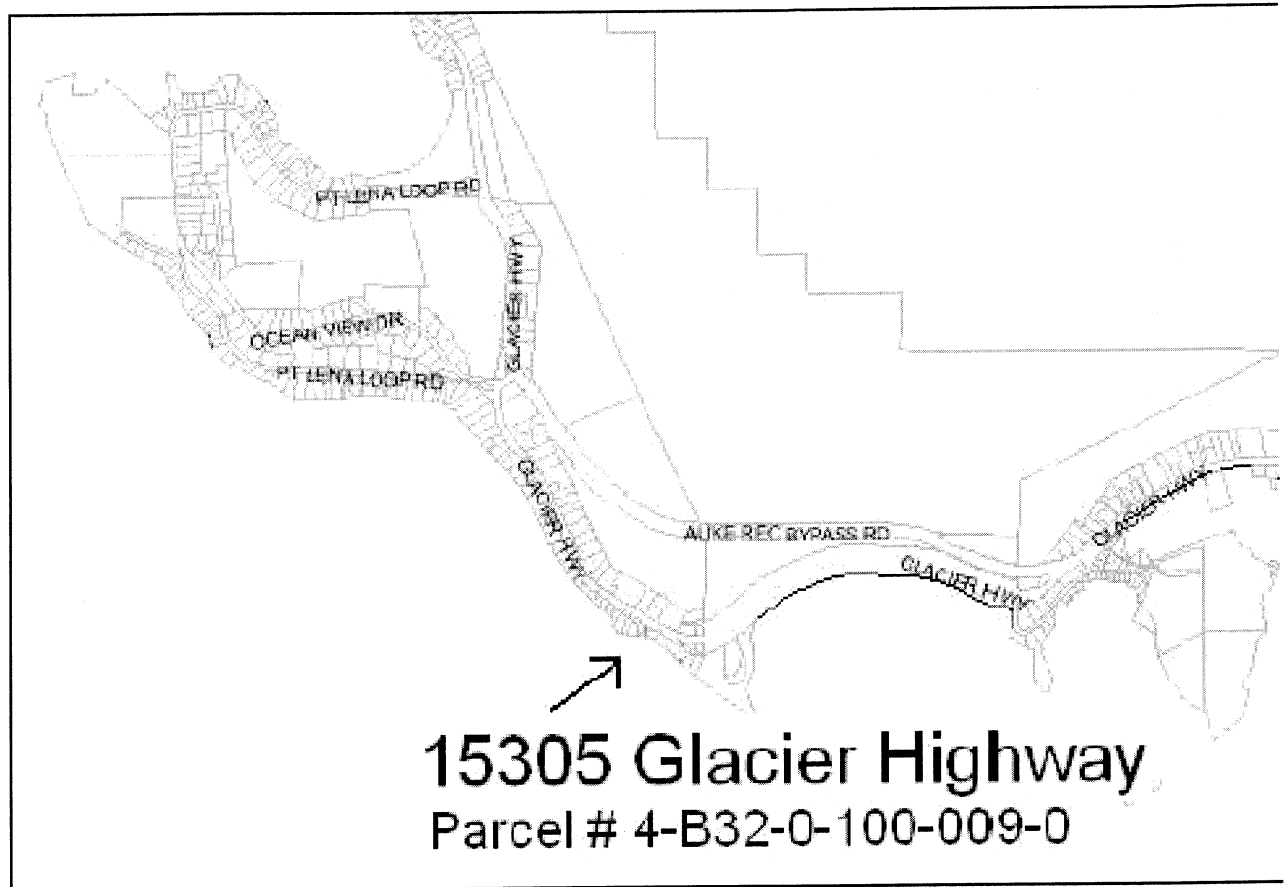
Access: Access road off of Glacier Highway

Existing Land Use: Single-family residential

Surrounding Land Use:

North	-	D-3 Residential; single-family dwelling
South	-	Stephens Passage
East	-	D-3 Residential; single-family dwelling
West	-	D-3 Residential; single-family dwelling





ATTACHMENTS

- Attachment A – Notice of Public Hearing
- Attachment B – Conditional Use Permit Application and Development Permit Application
- Attachment C – Site Plan and Proposed Apartment
- Attachment D – Photos of Existing Buildings on Site
- Attachment E – ADEC Letter of Approval for Septic System

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 599 square foot detached accessory apartment. A Conditional Use Permit is required because the lot is not served by public sewer, in accordance with City and Borough of Juneau Land Use Code, CBJ §49.25.510(d)(2)(G)(ii).

The lot currently has a one story, three bedroom single-family home with a detached garage. The applicant has provided a letter of approval from the Alaska Department of Environmental Conservation (ADEC) for a replacement septic system that will be sufficient to serve a three bedroom house and a one bedroom “cottage” or apartment.

ANALYSIS

Project Site and Design

The site is located in a D-3 residential zoning district on a waterfront lot next to Stephens Passage accessible by an access road off of Glacier Highway. The lot size is 16,117 square feet which exceeds the 12,000 square foot minimum lot size for the D-3 zoning district.

The applicant has proposed a 599 square foot accessory apartment (Attachment C). The project meets all other requirements of the Accessory Apartment Ordinance, in the City and Borough of Juneau’s Land Use Code, CBJ §49.25.510(d)(2). The applicant has supplied a letter of approval from ADEC regarding replacement of current septic system with a septic system adequate for the three bedroom existing home and the proposed one bedroom accessory apartment (Attachment E).

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 three parking spaces; two for the single-family home and one for the accessory apartment. Please see Attachment C for proposed parking.

The property is served by an access road off of Glacier Highway. This access road serves as the primary traffic for a number of homes to the west of the subject property. The site is also accessed by a couple flights of stairs to Glacier Highway above the home. Please see Attachment D for photos of existing site.

Noise

The proposed development will not generate significant noise. The lot meets density requirements to accommodate an accessory apartment.

Public Health or Safety

ADEC has approved the proposed replacement septic system for the development, which has the capacity to support a three bedroom home and a one bedroom apartment. Public health and safety concerns from a private septic system have been addressed. Staff is unaware of any other public health or safety issues associated with the proposed development. Staff recommends the following condition to assure that the replacement septic system is installed:

1. Prior to issuance of a Certificate of Occupancy for the accessory apartment, the applicant must provide documentation from the Alaska Department of Environmental Conservation, stating that an on-site wastewater disposal system, with the appropriate rated capacity, has been installed.

Habitat

There are no habitat issues associated with this development.

Property Value or Neighborhood Harmony

No evidence indicates that the proposed development will have a negative impact on property value or neighborhood harmony. The development meets all requirements for accessory apartments, and the 16,117 square foot lot is larger than the 12,000 square foot minimum lot size in the D-3 zoning district.

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 providing an accessory apartment on a lot with an approved private septic system.

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 conditional use 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 1.130 for the D-3 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, available evidence indicates that the proposed development will not materially endanger the public health or safety. The proposed septic system has been approved by the Alaska Department of Environmental Conservation. To ensure the proposed development does not endanger the public health or safety a condition of approval has been recommended by staff that prior to issuance of a Certificate of Occupancy for the accessory apartment, the applicant must provide documentation from the Alaska Department of Environmental Conservation stating that an on-site wastewater disposal system, with the appropriate rated capacity, has been installed.

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 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 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.

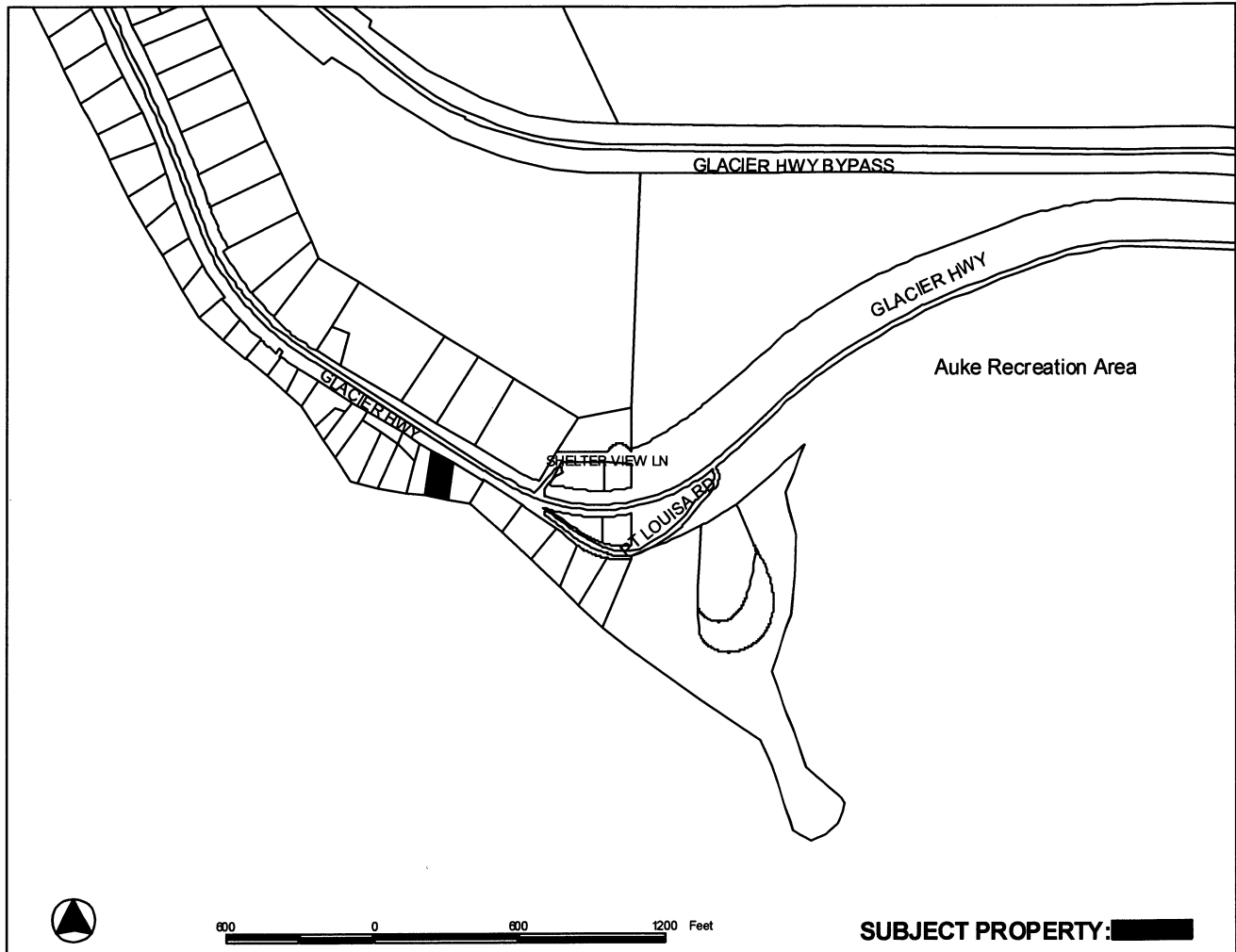
RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a 599 square foot detached accessory apartment on a lot that is not served by public sewer.

With the following condition:

1. Prior to issuance of a Certificate of Occupancy for the accessory apartment, the applicant must provide documentation from the Alaska Department of Environmental Conservation stating that an on-site wastewater disposal system, with the appropriate rated capacity, has been installed.

NOTICE OF PUBLIC HEARING



PROPOSAL: Conditional use permit to construct an accessory apartment to tie into existing septic system.

FILE NO:	USE2013 0004	APPLICANT:	David R Spargo
TO:	Adjacent Property Owners	Property PCN:	4-B23-0-100-009-0
HEARING DATE:	March 12, 2013	Owner:	David R Spargo
HEARING TIME:	7:00 PM	Size:	16,117 sq ft
PLACE:	ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	Zoned:	D3
		Site Address:	15305 Glacier Hwy
		Accessed via:	Point Louisa Rd

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jonathan Lange at jonathan_lange@ci.juneau.ak.us or at 586-0218.

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

Date notice was printed: February 28, 2013

ATTACHMENT A

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number USE20130004	Date Received 01/29/13
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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: _____

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

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

We will be constructing an accessory apartment and we need to tie this in with the septic system.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☒ NO ☐ YES - Case # _____

CURRENT USE OF LAND OR BUILDING(S): Residential

PROPOSED USE OF LAND OR BUILDING(S): new accessory apartment being made

UTILITIES PROPOSED:

WATER: ☒ Public ☐ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 16,117 square feet

Total Area of Existing Structure(s) 2,085 square feet

Total Area of Proposed Structure(s) 600 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:

- ☒ Site Plan
- ☒ Floor Plan of proposed buildings
- ☒ Elevation view of existing and proposed buildings
- ☒ Proposed Vegetative Cover 20%

- ☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
- ☒ 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 \$350 ⁰⁰			
Admin. of Guarantee \$			
Adjustment \$			
Pub. Not. Sign Fee \$50 ⁰⁰			
Pub. Not. Sign Deposit \$100 ⁰⁰			
Total Fee \$500 ⁰⁰	005786	ELI 260	01/29/13

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

OCEAN

91'-0" PL

Retaining wall - approx. 9' tall

Stairs to beach

Existing House

31'-3" x 50'-0"
1503 sq. ft.

Proposed
Accessory Apartment

26'-11" x 24'-5"
599 sq. ft.

17'
x
8.5'

17' x 8.5'

17' x 8.5'

Parking Area: 1,161 sq. ft.

Driveway

Garage

26'-5" x 22'-2"
585 sq. ft.

Approximately 30' from back of
garage to north property line

Stairs / walkway
to Glacier Hwy.

Parking area
(approx. 375 sq. ft.)

10'-0" PL

SITE PLAN
Dave & Windy Spargo
15305 Glacier Hwy.

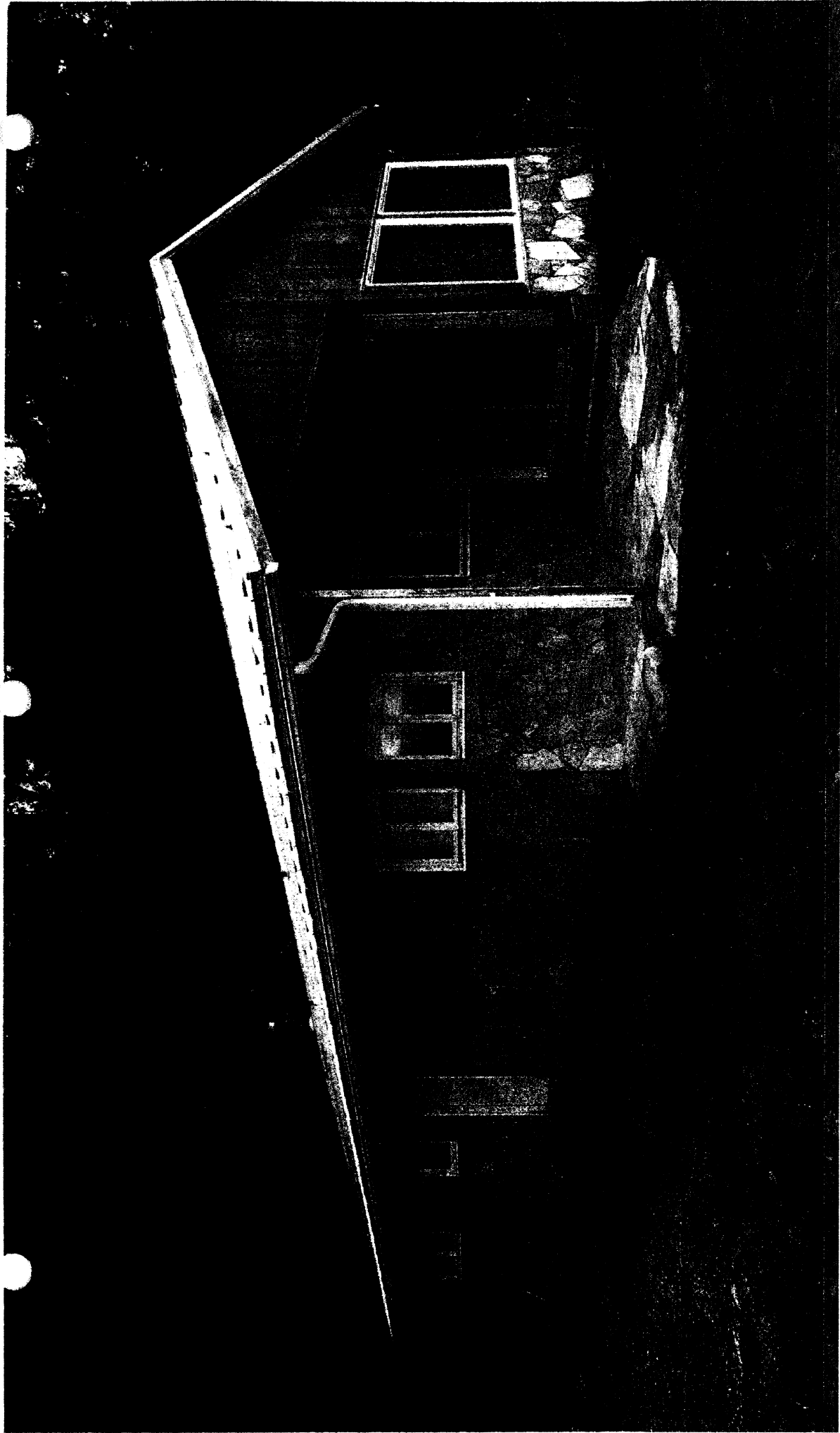
RECEIVED

JAN 29 2013

PERMIT CENTER/ODD

Glacier Highway

ATTACHMENT C



ATTACHMENT D

RECEIVED

JAN 20 2011

COMMUNICATIONS



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Environmental
Conservation

DIVISION OF WATER
Wastewater Discharge Permit Program

410 Willoughby Avenue, Suite 303
P.O. Box 111800
Juneau, Alaska 99811-1800
Phone: 907.465.5300
Fax: 907.465.5274
www.dec.alaska.gov/water

December 14, 2012

Gary Hayden, P.E.
EA^2 Engineering Analysis -- Applications
P.O. Box 210076
Auke Bay, AK 99821

Re: Approval to Construct Authorization. Advanced Onsite Treatment System with Absorption Field: USS
3052, Lot 16, Juneau, Alaska. ADEC Plan Tracking Number **9257**.

Dear Mr. Hayden:

The department has reviewed the engineering plans submitted for the referenced project. Conditional approval is hereby given to construct the proposed engineered system on the referenced property. The existing septic system will be replaced with a 600 GPD, Naydic M-1050A (or like Jet) secondary treatment plant followed by an existing marine outfall at minus 4' (verification of proper piping to submitted to ADEC for FATO approval), as per the latest design plans submitted ADEC. The system serves a three (3) bedroom house and a one bedroom cottage. The system has an estimated maximum wastewater generation of 600 gallons per day.

Included with your engineering plans is a request to waive the minimum separation distance required under 18 AAC 72.020. The Department has reviewed the engineered plans and hereby grants a waiver to allow for a reduced separation of approximately 40' between the MHHW line and the treatment system.

Advisories and Recommendations:

1. This construction approval is valid for two years. If the project is not constructed within two years, new plans and associated fees must be submitted to ADEC for review and approval.
2. This approval is contingent upon compliance with the conditions of Wastewater Disposal Regulations, 18 AAC 72.235, *Construction Certification*. The noted section of the regulations requires that a "*Certification of Construction*" be completed and submitted to the Department within ninety (90) days of completion of construction. Record drawings, submitted by your engineer, must indicate any changes or deviations from the approved plans to facilitate final review. A "*Certification of Construction*" form is enclosed for your use.
3. This approval is contingent upon your receipt of any other state, federal or local authorizations which are required for your project. You are required to obtain all other necessary authorizations before proceeding with your project.

RECEIVED

JAN 20 2013

ATTACHMENT E



STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CONSTRUCTION AND OPERATION CERTIFICATE
FOR
DOMESTIC WASTEWATER DISPOSAL SYSTEMS

ADEC PTN#: 9257

A. APPROVAL TO CONSTRUCT

Plans for the construction or modification of the following domestic wastewater disposal system:

600 GPD, Naydic M-1050A (or like Jet) secondary treatment plant followed by an existing marine outfall

located at USS 3052, Lot 16, Juneau, Alaska,

submitted in accordance with 18 AAC 72.210 by Gary Hayden, P.E. have been reviewed and are

☐ approved.

☒ conditionally approved (see attached conditions).

Joran Freeman
BY Joran Freeman

Environmental Engineer Associate
TITLE

12/14/2012
DATE

If construction has not started within two years of the approval date, this certificate is void and new plans and specifications must be submitted for review and approval before construction.

B. APPROVED CHANGE ORDERS

Change (contract order number or descriptive reference)

Approved by:

Date:

C. APPROVAL TO OPERATE

The "APPROVAL TO OPERATE" section must be completed and signed by the Department before this system is made available for use.

The construction of the _____ domestic wastewater disposal system was completed

on _____ (date). The system is hereby granted **interim** approval to operate for 90 days following the completion date.

BY

Environmental Engineer Associate
TITLE

DATE

As-built/record drawings, submitted to the Department, or an inspection by the Department, has confirmed that the domestic wastewater disposal system was constructed in substantial conformance with the approved plans. **The system is hereby granted final approval to operate.**

BY

TITLE

DATE

Distribution:

1. Retain original for project file
2. Make copies for distribution