

MEMORANDUM

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

DATE: April 16, 2013

TO: Planning Commission

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

FILE NO.: USE2013 0010

PROPOSAL: Accessory Apartment to tie into existing on-site wastewater disposal system.

GENERAL INFORMATION

Applicant: Jeffrey F. Sauer

Property Owners: Jeffrey F. Sauer and Theresa J. Svancara

Property Address: 15965 Glacier Hwy

Legal Description: USS 3054 Lot 23

Parcel Code Number: 4-B33-0-102-014-0

Site Size: 43,995 square feet or 1.01 acres

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

Zoning: D-3

Utilities: Public water, on-site waste water disposal.

Access: Old Glacier Highway or Point Louisa Road

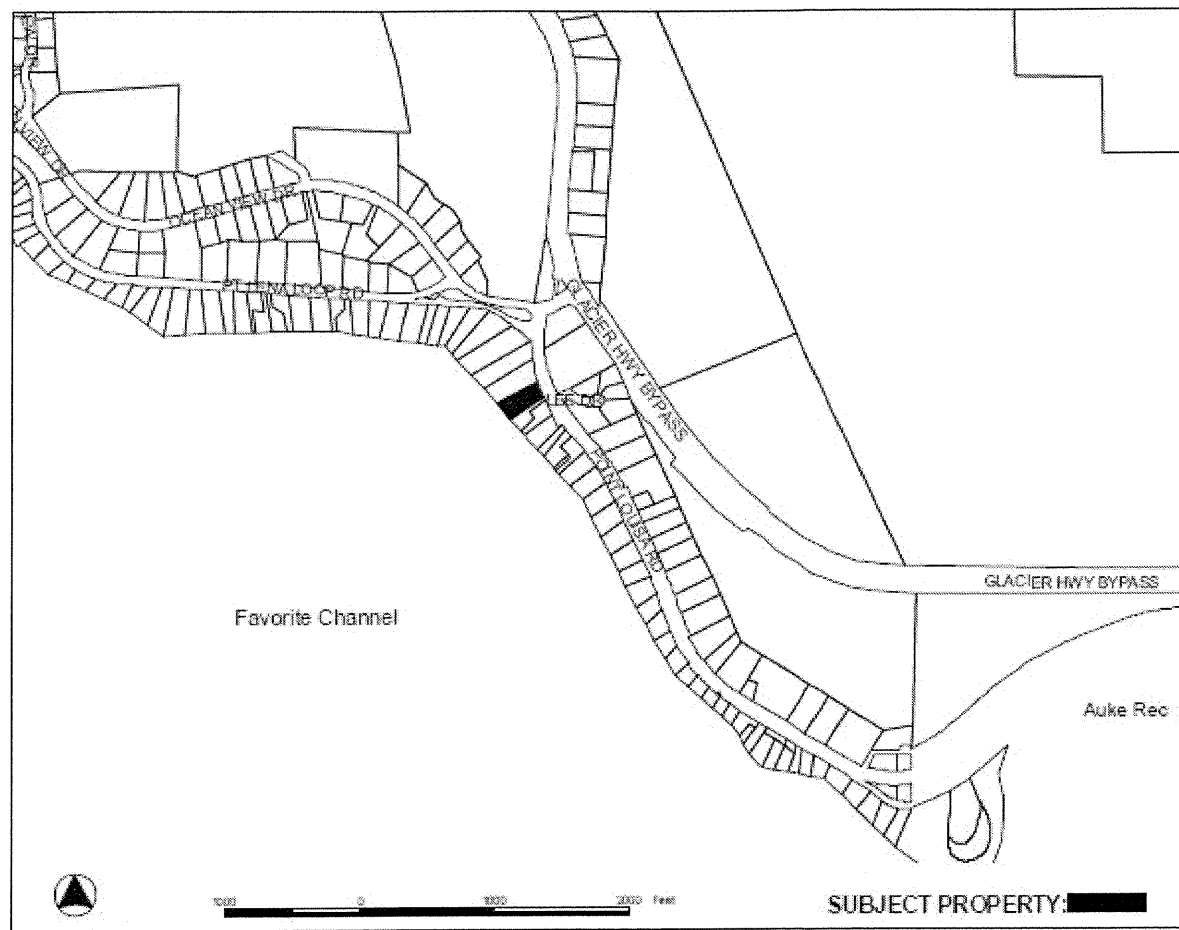
Existing Land Use: Single-family dwelling

Surrounding Land Use: North East – D-3 Lena Loop Park
North West – D-3 Single-family dwelling with apartment
South East – D-3 Single-family dwelling
South West – Stevens Passage



CITY/BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

Vicinity Map



ATTACHMENTS

- Attachment A – Notice of Public Hearing
- Attachment B – Conditional Use Permit and Development Permit Application
- Attachment C – ADEC Construction and Operation Certificate for Domestic Wastewater Disposal systems.
- Attachment D – Site Plan and Interior Plan
- Attachment E – Pictures of Existing Site and Buildings

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 400 square foot accessory apartment attached to a proposed detached garage. A Conditional Use Permit is required because the lot is not served by public sewer, in accordance with the City and Borough of Juneau's Land Use Code, CBJ 49.25.510(d)(2)(G)(ii).

The lot currently has a two story single-family home with a detached garage under construction. The applicant has provided a letter of approval from the Alaska Department of Environmental Conservation (ADEC). The letter verifies that the proposed apartment will be sufficiently served by the existing on-site waste water disposal system.

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 off of Point Louisa Road. The lot size is 43,995 square feet which far exceeds the 12,000 square foot minimum lot size for the D-3 zoning district.

The applicant has proposed a 400 square foot accessory apartment (Attachment D). 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 approval of the on-site waste water disposal system and its capacity to serve the home and the proposed accessory apartment (Attachment C).

Traffic, Parking, and Circulation – The parking requirements for this property are three parking spaces; two for the single-family home and one for the accessory apartment. The proposed project has adequate space for parking and meets the parking requirements for a single-family home and accessory apartment. The property is served by Point Louisa Road. 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 existing on-site septic system for capability of serving the existing home and the proposed accessory apartment. Public health and safety concerns for the private waste water disposal system have been addressed. Staff is unaware of any other public health or safety issues associated with the proposed development.

Habitat - There are no habitat issues associated with this development.

Property Value or Neighborhood Harmony - No available 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 43,995 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 with 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 not served by public sewer.

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 April 12, 2013 and April 22, 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 endanger the public health or safety. The existing on-site waste water disposal system has been approved by the Alaska Department of Environmental Conservation to adequately support the existing home and the proposed accessory apartment.

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 available 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:

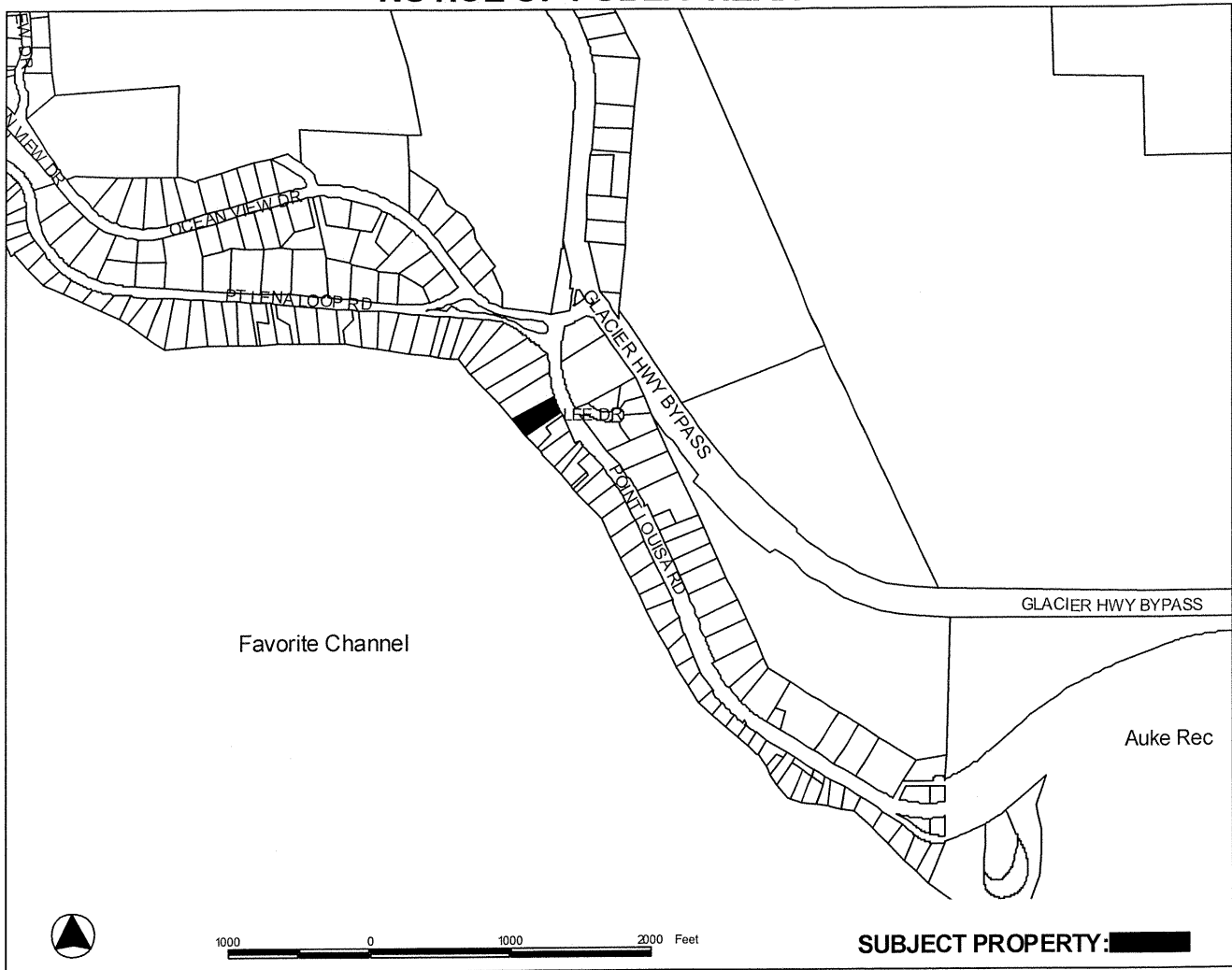
7. Will the proposed development comply with the Juneau Coastal Management Program?

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 400 square foot accessory apartment to be adjacent to a detached garage, on a lot that is not served by public sewer.

NOTICE OF PUBLIC HEARING



PROPOSAL: Conditional use permit for an accessory apartment to tie into existing on-site septic system.

FILE NO: USE2013 0010	APPLICANT: JEFFREY F SAUER; THERESA J SVANCARA
TO: Adjacent Property Owners	Property PCN: 4-B33-0-102-014-0
HEARING DATE: Apr 23, 2013	Owners: JEFFREY F SAUER & THERESA J SVANCARA
HEARING TIME: 7:00 PM	Size: 43,995 sqft
PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	Zoned: D3
	Site Address: 15965 GLACIER HWY
	Accessed via: GLACIER HWY

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact 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: April 11, 2013

ATTACHMENT A

DEVELOPMENT PERMIT APPLICATION

Project Number USE20130010	CITY and BOROUGH of JUNEAU	Date Received: 3/26/13
Project Name (City Staff to Assign Name)		

INFORMATION PROJECT / APPLICANT	Project Description ASSESSORY APARTMENT		
	PROPERTY LOCATION		
	Street Address 15965 GLACIER HWY	City/Zip JUNEAU	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 3054 LT 23		
	Assessor's Parcel Number(s) 4B3301020140		
	LANDOWNER/ LESSEE		
	Property Owner's Name JEFFREY F SAUER	Contact Person: SAME	Work Phone: 586 6678
	Mailing Address SAME	Home Phone: 364-2577	Fax Number:
	E-mail Address JEFFREYSAUER@HOTMAIL.COM	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		3-26-13 _____ 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.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name SAME		Contact Person:	
Mailing Address		Home Phone:	
E-mail Address		Fax Number:	
		Other Contact Phone Number(s):	
X _____ Applicant's Signature		3-26-13 _____ Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	✓	Permit Type	**SIGN	Date Received
		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)		3/26/13 USE20130010
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
		Zone Change Application		
		Other (Describe)		
	***Public Notice Sign Form filled out and in the file.			
	Comments:			Permit Intake Initials JKL

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

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number: USE 20130010	Date Received 3/26/13
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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.

Garage Shop Apartment

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☐ NO

☒ YES - Case #

20120519

CURRENT USE OF LAND OR BUILDING(S): EXISTING SINGLE FAMILY HOUSE

PROPOSED USE OF LAND OR BUILDING(S): 20120519 permit FOR GARAGE / SHOP - TO ADD ACCESSORY APARTMENT IN PLACE OF SHOP 20 FT X 20 FT

DECERTIFICATE ATTACHED

UTILITIES PROPOSED:

WATER: ☒ Public ☐ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 43,995 square feet

EXISTING HOME 2076 SQ FT
DETACHED GARAGE 500

Total Area of Existing Structure(s) _____ square feet
Total Area of Proposed Structure(s) 400 square feet FOR ACCESSORY APT 20 X 20

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

NEW LIGHTING FOR ACCESSORY APT

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- ☒ Site Plan ☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
☒ Floor Plan of proposed buildings ☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)
☒ Elevation view of existing and proposed buildings
☒ Proposed Vegetative Cover 75% EXISTS entire lot is vegetated except for bldg + driveway/parking

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.

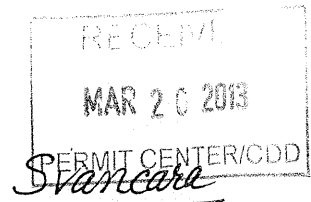
ALLOWABLE/CONDITIONAL USE FEES

Fees	Check No.	Receipt	Date
Application Fees \$ <u>350</u>	_____	_____	_____
Admin. of Guarantee \$ _____	_____	_____	_____
Adjustment \$ _____	_____	_____	_____
Pub. Not. Sign Fee \$ <u>0</u>	_____	_____	_____
Pub. Not. Sign Deposit \$ <u>100</u>	_____	_____	_____
Total Fee <u>450</u>	_____	<u>CDCB-104</u>	<u>3/26/13</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



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



A. APPROVAL TO CONSTRUCT

Theresa Svancara
Plans for the construction or modification of Lot-23, USS-3054/15965 Glacier
Whitewater + UV + Marine outfall
- 4 MLLW/3 bedrooms/≤500 GPD domestic wastewater disposal system
located in Juneau + 2 bedroom apt. DSK, Alaska, submitted in accordance with 18 AAC 72.210
by GARY HAYDEN, PE have been reviewed and are

☒ approved.

☐ conditionally approved (see attached conditions).

BY David Khan, PE
DAVID KHAN/907.465.5317

Civil Engineer
TITLE CE-9985

4.29.03
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 above domestic wastewater disposal system was completed
on 11/03 (date). The system is hereby granted **interim** approval to operate for 90 days following the completion date.

BY David Khan, PE

CE
TITLE

11.18.03
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 David Khan, PE
DAVID KHAN

CE
TITLE CE-9985

11.18.03
DATE

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

State of Alaska
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



CERTIFICATION OF CONSTRUCTION
OF
DOMESTIC WASTEWATER SYSTEMS

Instructions:

1. Within 30 days after the construction, installation, or modification of a project is completed, the owner, the contractor(s) responsible for constructing the project, and a registered engineer responsible for construction inspection, complete and sign this form declaring that the project was constructed in accordance with the most recent Department-approved plans, or in accordance with the attached as-built drawings.
2. If a project is being completed in phased construction, a map shall be attached showing that portion of the project being declared completed on the date stated in the Owner's section. Completion of each phase of a project must be declared as it is completed. Additional Certification of Construction forms are available from any Department of Environmental Conservation office.

Please type or print, except for signature

SECTION A - OWNER'S SECTION

Name and brief description of project USS 3054 LOT 23

Name of Owner THELMA SVANCANA ADEC Project No. N/A

Address 15965 GUARDIAN HWY

INVERMOUNT, AK

99801 Date Project Completed 11-10-03

City State Zip

I certify that I am the owner of the above-referenced project. I further certify that this project was constructed in accordance with the latest plans submitted to and approved by the Alaska Department of Environmental Conservation (ADEC), or in accordance with the attached as-built drawings. I understand that I may be required to take remedial measures to correct any construction which was completed without prior ADEC approval, which departs from the approved plans, and which is found to be inconsistent with the applicable requirements of ADEC wastewater disposal regulations (18 AAC 72).

Thelma Svancana
Signature of Owner (please sign in ink)

11-10-03
Date

(Certification of Construction for Domestic Wastewater Systems, continued)

SECTION B - CONTRACTOR'S SECTION

I certify that I (or an individual under my direct supervision) have conducted an inspection of the project reference in Section A, or portions of the project which I had the responsibility for constructing, and that, to the best of my knowledge and information, the project, or those portions, was or were constructed in accordance with the latest plans submitted to and approved by the Alaska Department of Environmental Conservation, or in accordance with the attached as-built drawings.

Theresa Swanson Theresa Swanson 11-10-03
Typed or Printed Name of Contractor Signature of Contractor (please sign in ink) Date

For multiple contractors, if applicable

N/A
Typed or Printed Name of Contractor Signature of Contractor (please sign in ink) Date

Typed or Printed Name of Contractor Signature of Contractor (please sign in ink) Date

Typed or Printed Name of Contractor Signature of Contractor (please sign in ink) Date

SECTION C - ENGINEER'S SECTION

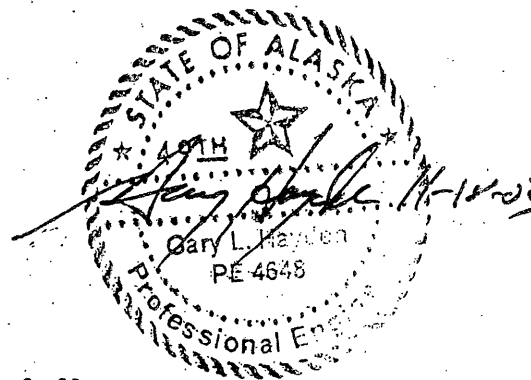
I certify that I (or an individual under my direct supervision) have conducted an inspection of the above referenced project, and that, to the best of my knowledge and information, the project was constructed in accordance with (check one of the following):

☒ the latest plans submitted to and approved by the Alaska Department of Environmental Conservation or

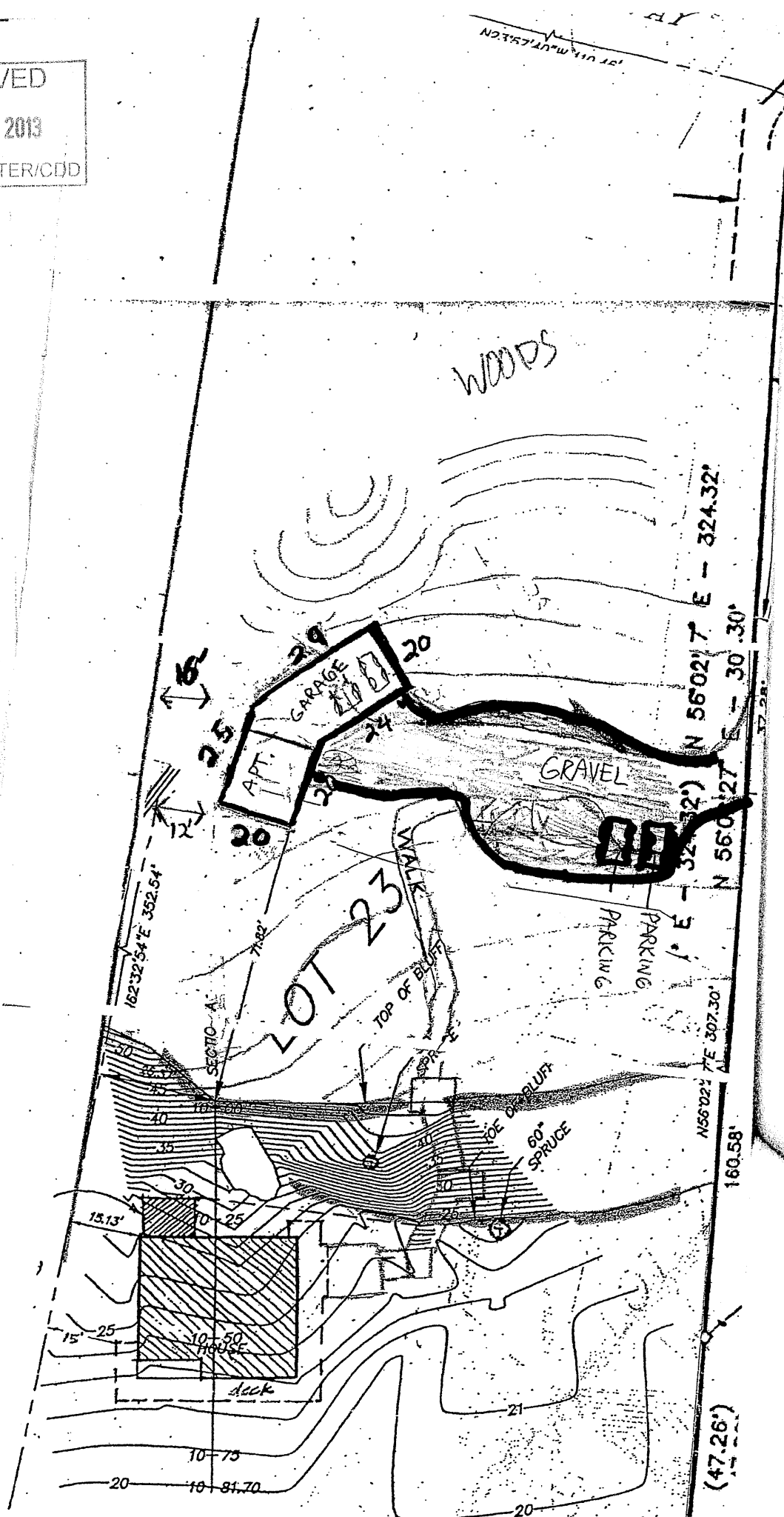
☐ in accordance with the attached as-built drawings.

Gary L. Hayden #4648 11-18-03
Signature of Professional Engineer State of Alaska Professional Engineer Date
Responsible for Construction Inspection Registration Number
(Please sign in ink)

GARY L. Hayden
Typed or Printed Name of Professional Engineer



ATTACHMENT D

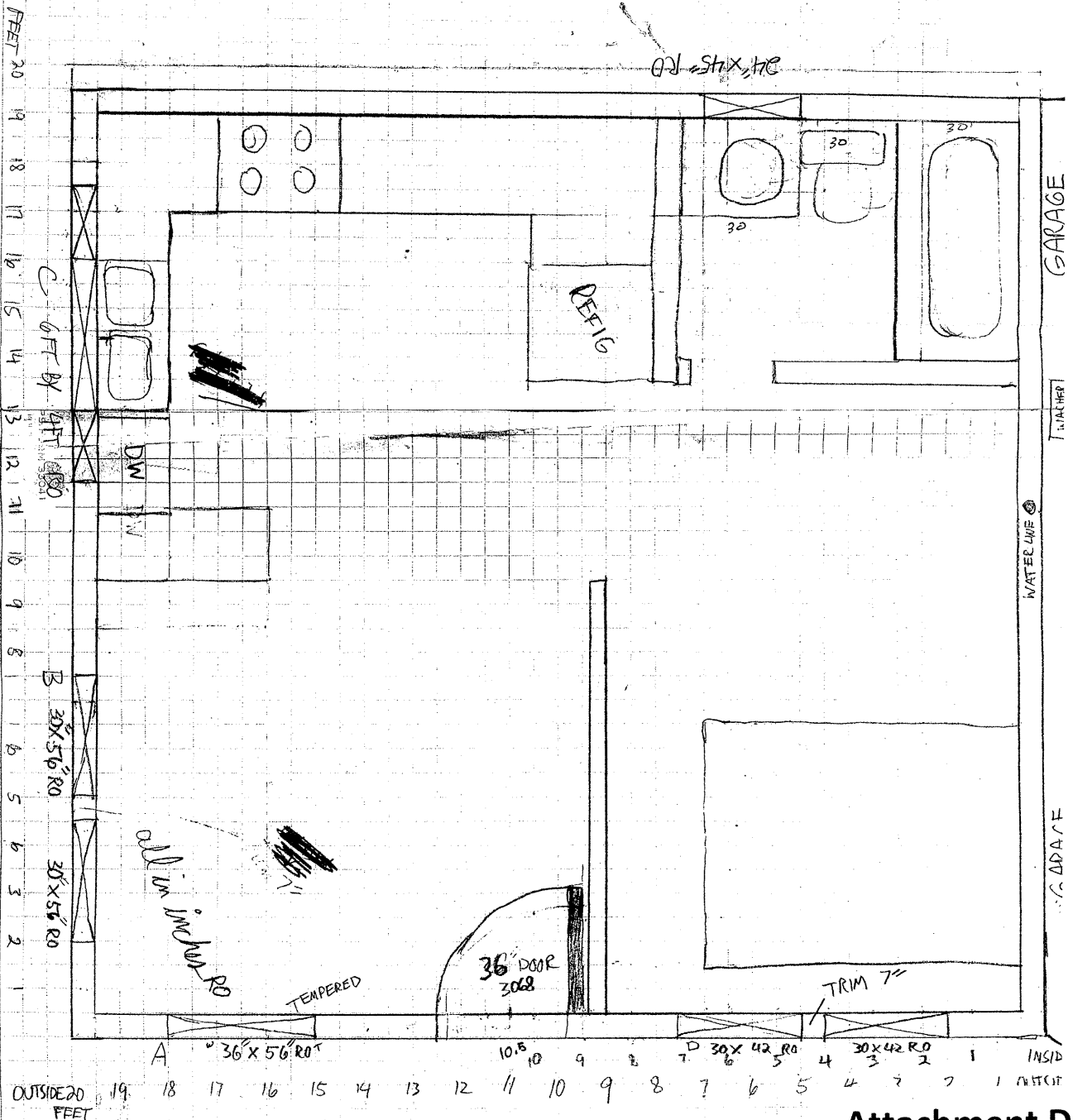


ATTACHMENT D

Shirley:
Malabar Lodge
Antique Room

INTAKE REVIEW	
Gen Eng.	NA
POC	AL
IOC	KY
Tech.	EE

RECEIVED
 MAR 26 2013
 PERMIT CENTER/CDD



2 BLOCK = 1 FT 1 BLOCK = 1/2 FT 1/2 BLOCK = 1/4 FT (3")



ATTACHMENT E

2012/10/08