

MEMORANDUM

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

DATE: April 18, 2013

TO: Board of Adjustment

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

FILE NO.: VAR2013 0008
VAR2013 0009

PROPOSAL: Variance to reduce side yard setback from 10 feet to 5 feet.

GENERAL INFORMATION

Applicant: R&S Construction

Property Owner: R&S Construction

Property Address: Jordan Avenue

Legal Description: Valley Professional Center Lot 2
Valley Professional Center Lot 3

Parcel Code Number: 5-B15-0-111-004-0
5-B15-0-111-005-0

Site Size: 22,401 Square feet or 0.514 acres
22,275 square feet

**Comprehensive Plan Future
Land Use Designation:** General Commercial (Map G)

Zoning: Light Commercial

Utilities: City water & sewer

Access: Jordan Avenue

Existing Land Use: Vacant

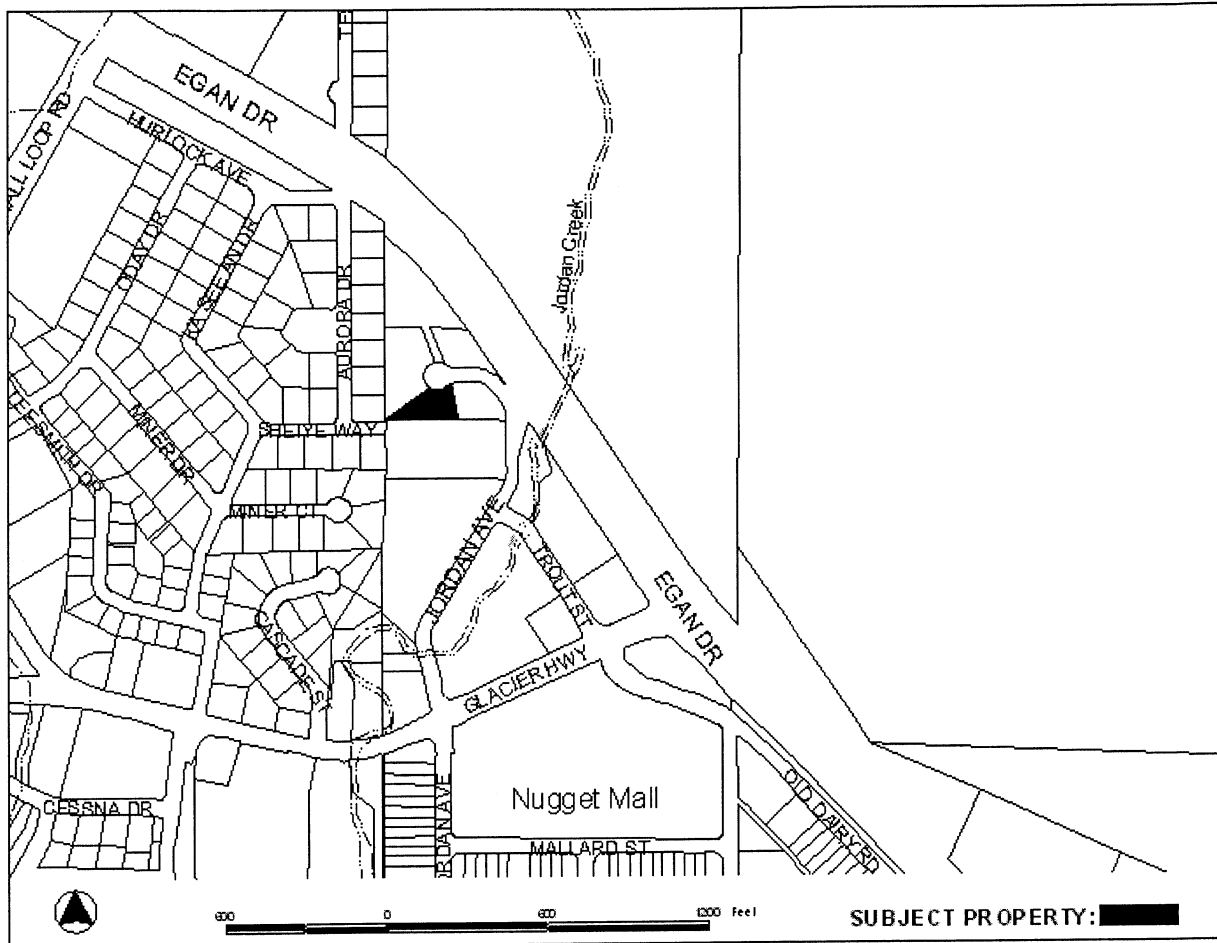
Surrounding Land Use:

Northeast	-	Egan Drive
South	-	LI – commercial/professional
East	-	Egan Drive
West	-	D5 residential



CITY/BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

VICINITY MAP



PROJECT DESCRIPTION

The applicant is seeking 2 variances to reduce the 10 foot side yard setback to 5 feet for two new two story, 13 unit multi-family buildings. The applicant has requested Conditional Use permits for this project (USE2013 0007 and USE2013 0008). The proposal has been designed as a single development. However, the buildings will be located on separate lots. For this reason staff has recommended two permits so that each parcel and each development will have its own case number, conditions, finding and decision. The applicant intends to sell the units as condominium units. In the event they have difficulty selling, the applicant may choose to operate one or both buildings as rental units.

ANALYSIS

The site is zoned Light Commercial and is currently vacant. The lots were platted in 2007 and none of the plat notes apply to lots 2 and 3. Lot 2 is 22,401 square feet and Lot 3 is 22,275 square feet. The total area of the project is 44,676 square feet. The Light Commercial zoning district requires a 25 foot front yard setback, 10 foot side and rear yard setbacks and a 17 foot side street setback.

Both lots are irregular in shape, which makes siting buildings, parking and other improvements challenging. If the lots were consolidated into one large lot the buildings could be built in their proposed locations. The applicant does not want to consolidate the property for several reasons. If the lots are combined into one lot CBJ Public Works will require one water line to the property. The applicants want to have a separate water line to each structure. The applicant intends to sell the units as condominiums but also wants to preserve the opportunity to rent one or both the buildings. Maintaining two lots is important in the event that one building is sold as condominiums and the other building is managed as a rental. The applicant indicates that having the buildings located closer to the common property line allows space for snow storage and a play area.

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.***

Granting these two variances would provide relief to the property owner in that they would be able to build two 13 unit multi-family buildings and provide the required parking, circulation and vegetative cover. This relaxation is consistent with justice to other property owners as a variance to the side yard setback was approved for a deck at the neighboring residential boat condominium. Additionally, the two variances being requested are adjacent on a common lot line. The applicant is the only property owner impacted by the reduced side yard setback.

Criterion 1 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.

By locating each of the two buildings five feet from the common property line the applicant is able to move the structures farther from the adjacent road and adjacent neighbor. Doing so has also allowed sufficient room for traffic circulation and for fire trucks to access the rear of the buildings. It also allowed space for snow storage and a play area. If the variance is approved and the buildings are located 10 feet apart the building code will preserve public safety.

Criterion 2 is met.

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

In this case the applicant is the property owner most impacted by reduced setback. By locating the buildings closer together the buildings are farther from neighboring development and the street. No evidence has been presented that the granting of the requested variances will injure nearby property.

Criterion 3 is met.

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

The proposed use is multi-family residential. The use is allowed within this district, per CBJ§49.25.300 *Table of Permissible Uses*, section 1.300.

Criterion 4 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 applicant could develop the site for a wide variety of uses allowed in the Light Commercial zoning district. The number of units in this proposed development could be reduced, which would reduce the building footprint, as well as the required parking

spaces which would, in turn, allow for the buildings to be moved away from the common lot line to be in compliance with the 10 foot setback.

Sub-criterion 5A 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;*

Surrounding development is a mix of uses, including residential boat condominiums, the Jordan Creek professional complex and Super 8. One of the boat condominiums received a reduced side yard setback for a deck. The project is adjacent to a D-5 zoning district which has a 5 foot side yard requirement. The proposed development is consistent with the scale, amenities, appearance and features of existing development.

Sub-criterion 5B is met.

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

Both lots are irregular in shape, which makes siting buildings, parking and other improvements challenging. This is not unique to these two lots.

Sub-criterion 5C is not 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.*

There are no preexisting nonconforming conditions on this property.

Sub-criterion 5D is not applicable.

Criterion 5 is met because sub-criterion 5B is met.

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

No evidence has been presented that allowing the two structures to be located 5 feet from the common lot line will have a detrimental effect on the neighborhood. Benefits to the neighborhood are that by locating the buildings 5 feet from the common property line the building on lot 3 is located farther from adjacent D5 development. The building on lot 2 is located farther from the street, providing better visibility.

Criterion 6 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. No aspect of this project is regulated by the Juneau Coastal Management Program.

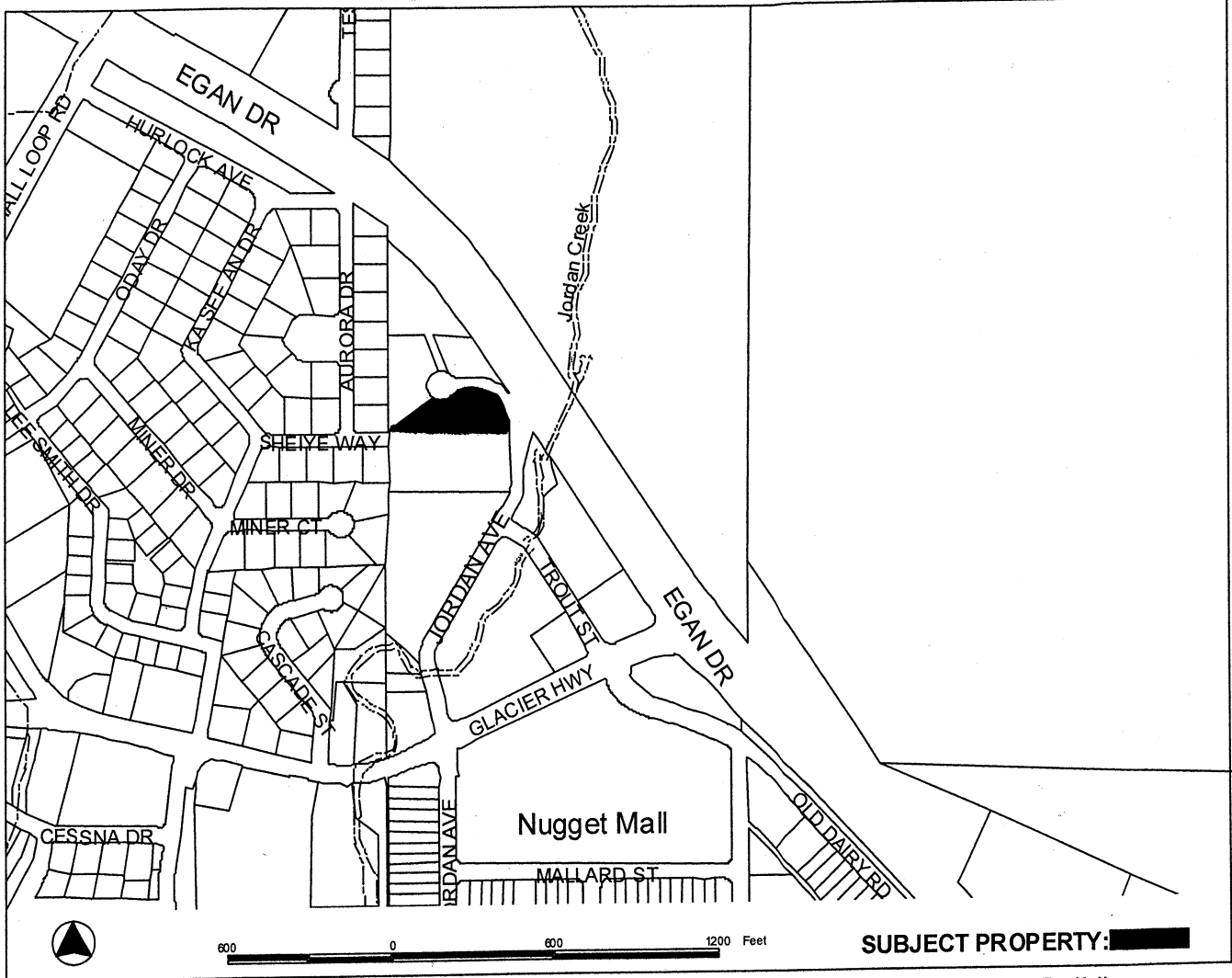
3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

Yes. Criteria 1, 2, 3, 4, 5 and 6 are met. Based on the analysis above, staff finds that the Variance meets the criteria of CBJ §49.20.250, Grounds for Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variances, VAR2013 0008 and VAR2013 0009. The Variance permits would allow the reduction of the 10 foot side yards to 5 feet for two new two story, 13 unit multi-family buildings.

NOTICE OF PUBLIC HEARING



PROPOSALS: USE2013 0007: Conditional Use Permit for a 13 Unit Multi Family Building.
USE2013 0008: Conditional Use Permit for a 13 Unit Multi Family Building.
VAR2013 0008: Reduce sideyard setback from 10 feet to 5 feet.
VAR2013 0009: Reduce sideyard setback from 10 feet to 5 feet.

FILE NO: USE2013 0007; USE2013 0008 VAR2013 0008; VAR2013 0009	APPLICANT: R&S Construction LLC
TO: Adjacent Property Owners	Property PCN: 5-B15-0-111-004-0 5-B15-0-111-005-0
HEARING DATE: April 23, 2013	Owner: R&S Construction LLC
HEARING TIME: 7:00 PM	Size: 1.052 acres total
PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	Zoned: Light Commercial
	Site Address: Jordan Ave
	Accessed via: Jordan Ave

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 or at 586-0465.

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

Date notice was printed: April 11, 2013

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>var 13-008</u>	Date Received <u>3/12/13</u>
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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 type="checkbox"/> Variance to Parking Requirements (VPK)
<input checked="" type="checkbox"/> Variance to Setback Requirements (VSB)	

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
the proposed structures of (2) 13 unit residential condo buildings between lot 2 and 3 on Jordan Avenue would have a 5' ~~reside~~yard setback to each building leaving 10' between the 2 structures.

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): This project is in conjunction with 2 separate lots and one of the lots has an irregular pie shape which is not useable for parking so ~~the~~ allowing a 5' setback between the 2 lots would help make traffic flow safer and allow more ~~parking~~ useable parking spaces.

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
A variance would be required on lot 2 as a combination to lot 3 to help with traffic flow and parking due to irregular shaped lot.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
if not granted a variance it would make it more unsafe for vehicle flow and would reduce parking on irregular north end of lot 3.

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	\$ _____	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Total Fee	\$ <u>320</u>	<u>015780</u>	<u>cd13370</u>	<u>3/12/13</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		var 13-009	3/12

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 type="checkbox"/> Variance to Parking Requirements (VPK)
<input checked="" type="checkbox"/> Variance to Setback Requirements (VSB)	

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

the proposed structures of (2) 13 unit residential condo bldgs between lot 2 and 3 on Jordan Avenue would have a 5' sideyard setback to each bldg leaving 10' between the 2 structures

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):

Lot 3 Block C Valley professional center has an irregular shaped lot making it difficult to make useable, safe parking at the end of building, in corner of 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?

A variance would be required on the irregular shaped lot to allow for safer vehicle flow around front corner of building and gives more useable parking on lot 3.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

if not granted a variance it would make it more unsafe for vehicle flow and would reduce parking on irregular north end of lot 3.

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.

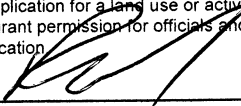
VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 320			
Adjustment	\$			
Total Fee	\$ 320	015280	0143368	3/12/13

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

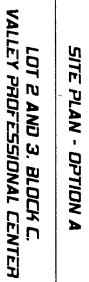
Project Number VAR13-08	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

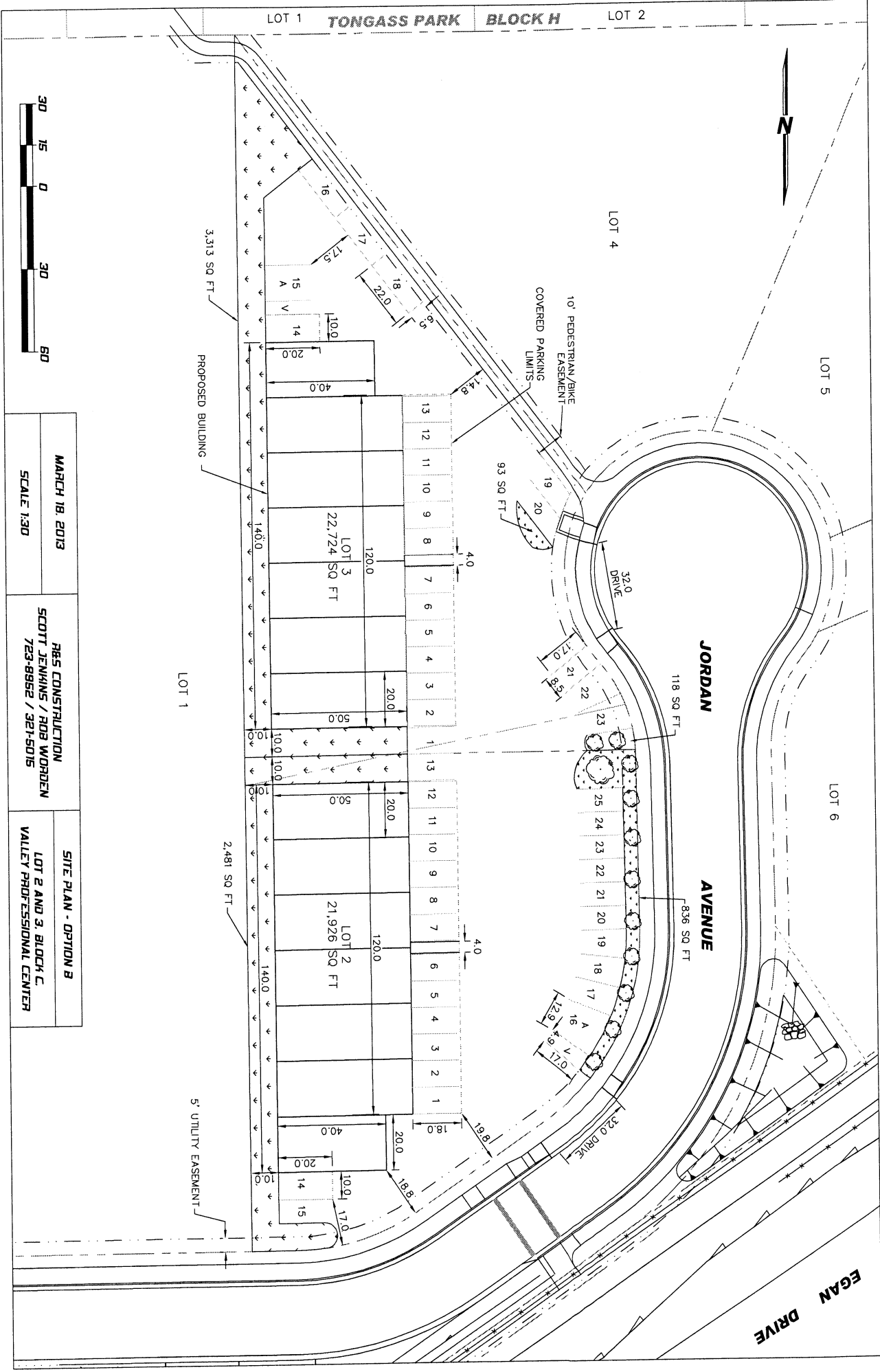
INFORMATION PROJECT / APPLICANT	Project Description New construction 13 unit condo project		
	PROPERTY LOCATION		
	Street Address		City/Zip Juneau 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lot 2 Block C Valley Professional center.		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name IKES Construction.. LLC.		Contact Person: Rob or Scott.
	Mailing Address Po Box 21094 Auke bay		Work Phone: 321-5015 723-8152
	E-mail Address roblisa@ak.net		Home Phone: 780-5186
	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		03/12/13. 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		Contact Person:	
Mailing Address		Home Phone:	
E-mail Address		Work Phone:	
		Fax Number:	
		Other Contact Phone Number(s):	
X _____ Applicant's Signature		_____ Date of Application	

STAFF APPROVALS	-----OFFICE USE ONLY BELOW THIS LINE-----				
	✓	Permit Type	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)		3/12/13	use 13 QB 7
	✓	Variance Case (De Minimis and all other Variance case types)		3/12/13	var 13 008
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				Permit Intake Initials JKL
	Comments:				

Variance Criteria

- 1- In the Juneau area there are other zonings such as the multi family zoning which allow a 5-foot setback to property line. This is allowed without requiring special fire rated walls, which we would be providing. This space on the north end of the property would provide for a much needed snow storage area as well as a larger amount of land that could be dedicated as a play area for kids. The extra 10 ft would allow for much better traffic flow around the corner of the covered parking area and give a safer buffer to the walking path. (See attached option A versus option B site plans)
- 2- Safety and welfare are both very important in regards to the play area being on this end of the property. Creating additional room and safer traffic flow is the goal. It would be wasted space to leave the area between the buildings. Code requires us to fire rate the walls parallel to the property line that this variance refers to so safety is also accomplished by this requirement.
- 3- The nearby neighbors would not have any negative impact from this variance. Both adjacent properties are commercial type construction, one being storage units and the other being large mix use shop spaces with residences above. On the adjacent property, which has the mixed-use building there has already been a variance granted for a side yard setback for a deck to encroach. Ultimately the impacted property owner will be ourselves. It is typical that we are concerned with who or what would be on the adjacent property but in this case we know and if there is a negative impact it is only to this project.
- 4- The variance would not authorize a use, which is not already allowed.
- 5- B or C- The shape of lot 3 has a very radical angle on the north property line. In comparison with standard building shapes it creates a very inefficient situation. It would be costly and unsightly to match the building with the shape of the property in this situation.
- 6- This variance granted would result in more benefits than detriments by creating an efficient use of space that would other wise be wasted if the variance was denied. The traffic flow, snow storage and a larger play area are all benefits from this variance.





MARCH 18, 2013		RBS CONSTRUCTION		SITE PLAN - OPTION B	
SCALE 1/320		SCOTT JENNINGS / ROB WORDEN 723-8952 / 321-5015		LOT 2 AND 3, BLOCK H, VALLEY PROFESSIONAL CENTER	