


MEMORANDUM

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

DATE: May 8, 2013

TO: Board of Adjustment

FROM: Eric Feldt, Planner 
Community Development Department

FILE NO.: VAR2013 0005

PROPOSAL: A variance request to reduce the side yard setback from 10 to 8 feet and reduce the minimum lot width from 60 to 41 feet for a future common-wall subdivision from an existing duplex.

GENERAL INFORMATION

Applicant: Soapy Lingle

Property Owner: Soapy & Jill Lingle

Property Address: 9135 & 9137 Parkwood Drive

Legal Description: Riverwood Block A Lot 43

Parcel Code Number: 5-B21-0-116-013-0

Site Size: 16,100 Square Feet

Comprehensive Plan Future Land Use Designation: Urban/Low Density Residential (ULDR)

Zoning: D-5

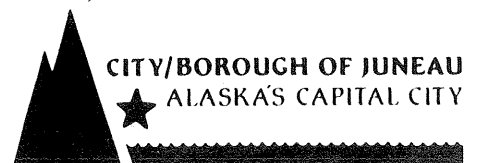
Utilities: CBJ Water & Utilities

Access: Parkwood Drive

Existing Land Use: Duplex

Surrounding Land Use:

North	- D-15; Multi-Family (Chinook Apt); Chinook Loop
South	- D-5; Single Family Home; Glacierwood Drive
East	- D-5; Single Family Home; Glacierwood Drive
West	- D-5; Single Family Home; Parkwood Drive



VICINITY MAP



ATTACHMENTS

Attachment	A	Proposed Common-Wall Design
Attachment	B	Applicant's Findings No.s 5 & 6
Attachment	C	Neighborhood Signed Letter

PROJECT DESCRIPTION

The applicant wishes to convert an existing duplex to a common-wall development by subdividing the land in half and creating two fee-simple lots. The design of the common-wall is provided under Attachment A. Due to the different lot dimensions and yard setbacks required under a common-wall development from those requires for a duplex, two variances are needed: 1) Reduce one side yard setback from 10 feet to 8 feet, and 2) Reduce the minimum lot width from 60 feet to 41 feet. Since both variances must be approved for the project to be approved, both variances are addressed in the subject memorandum.

If this proposal is approved, the applicant will apply for a Minor Subdivision to have the duplex replatted as a common-wall subdivision. However, if the variances are denied, the duplex will continue on one lot.

BACKGROUND

According to the CBJ Assessor's records, the subject property was platted in 1977 in the central part of the Valley. A duplex was built three years later in 1980. A current picture of the duplex is shown in Figure 1. At the time of construction, the property was zoned R-7 which permitted common-wall subdivisions. Though some development standards at that time were more flexible than current zoning, a variance would still be needed under R-7 standards. The minimum lot width under R-7 was 45 feet, compared to 60 feet in the current D-5 zoning; and the minimum side yard setback of 10 feet for common-wall lots is the same in R-7 and D-5. Therefore, the proposal with a lot width of 41 feet and an 8 foot side yard setback would not comply with the R-7 standards.

The standards for common-walls became less flexible following a construction rush of new common-wall homes in the Valley during the 1980s, which resulted in the Assembly deciding to require additional spacing between homes. Minimum lot widths became larger and spacing of side yard setbacks between dwelling units increased. Common-wall homes are attached on one side and have a larger setback of 10 feet instead of 5 feet to make up for the loss of open space between the two units. Therefore, the side yard setback for common-walls in the D-5 district is 10 feet, not the usual 5 feet for regular detached homes in the same district.

The intent of establishing minimum lot widths and side yard setbacks is to ensure adequate spacing of buildings and open space for the movement of air, light, surface drainage, and fire separation. As mentioned above, the side yard setbacks for a common-wall is larger than a single family because of the need for larger open space between the building and non-common wall side lot line.

ANALYSIS

The property is located at the corner of Parkwood Drive and Glacierwood Drive and is adjacent to single family homes; several multi-family buildings lie to the north. The property is 16,100 square feet in size and is larger than most lots in the neighborhood. Most properties in the neighborhood were developed with detached single family homes; only a few duplexes exist. No common-walls currently exist in the neighborhood. CDD's records do not contain any site plans or as-built surveys of adjacent lots to determine how close those homes are to their corresponding lot lines.

As shown in Attachment A, the duplex is located near the back middle of the lot which provides a large front yard and a small back yard. There is a long driveway that leads to two single-car garages, one for each unit.

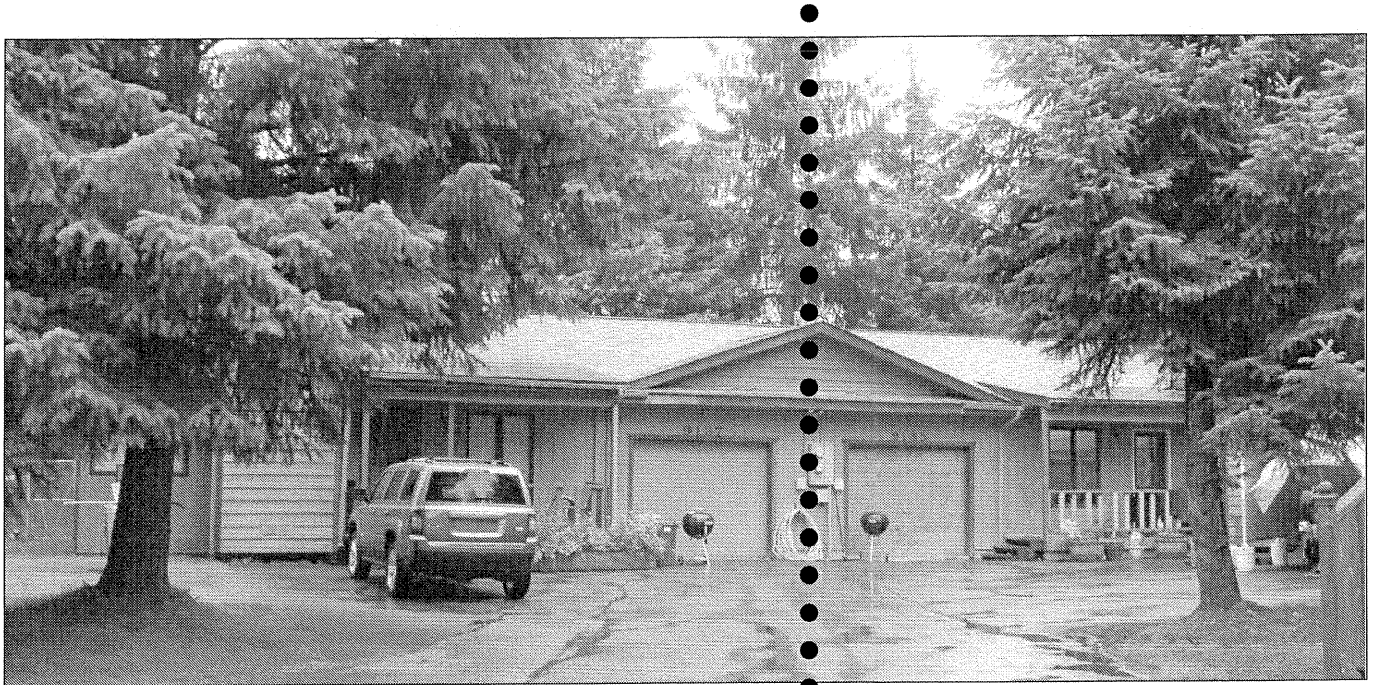


Figure 1: Picture of duplex showing each home's single car garage. The dotted black line is the proposed common-wall property line that would halve the duplex.

The applicant's proposed common-wall subdivision design is provided under Attachment A. This design shows the proposed lot line running along the driveway and then turning at an angle to run between the garages. See Figure 1. This slight angle turn would allow the applicant to split the front yard in half and create two equally wide properties of 41 feet. Staff notes that this width is measured 20 feet back from the front lot line. The future lot line would continue through the building and straight through the back yard ending at the back lot line. According to the applicant, there is currently no divider wall and a new one would be constructed if the variance is approved.

Converting a duplex into a common-wall is not a rare situation as it can be a way to make housing more affordable by creating smaller fee-simple lots with attached single-family homes instead of a large two-dwelling unit with a higher price. To allow this conversion, the duplex must comply with all Zoning, Building, and General Engineering requirements prior to recording the subdivision plat to divide the duplex into common-wall units. In addition to building and occupant safety and utility demands of the common-wall, the established zoning regulations ensure development will not be too close to other homes or too dense for the existing neighborhood. As stated under Background, the Assembly decided that common-wall homes need to be spaced farther away from regular, detached homes and have wide lot widths to lessen the 'compact feel' of buildings. The exterior look of the duplex will not change if converted into a common-wall.

In summary, if the variance is approved each resulting lot will have a non-conforming minimum lot width by nearly 20 feet, and one lot would have a non-conforming side yard setback by two feet. The exterior look and feel of the structure will not change. A new divider wall will be constructed. Traffic volume and noise levels will not likely increase as the number of dwelling units would stay the same. Public safety will not likely change. Staff notes that each variance case is reviewed on a case-by-case basis and may be denied based on resulting negative effects to local neighborhoods.

If the variance is denied, the duplex will continue to exist on one lot and comply with current zoning regulations. Each unit could be used as a rental or made into a condominium and be owner-occupied.; or one unit can be owner occupied and one can be a rental.

Staff received a letter from the applicant with many signatures of property owners in the neighborhood in support of converting the duplex to a zero lot line (common-wall). Attachment C.

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.***

The relaxation of the minimum lot width and side yard setback for a common-wall will allow the applicant to subdivide the lot, which gives the applicant (same as owner) substantial relief.

As stated earlier, records do not contain site plans or as-built surveys of adjacent lots to ascertain their respective yard setbacks. However, adjacent homes are single families and are on lots that comply with the minimum lot width of the district.

The majority of the development in the neighborhood consists of single family homes with a few duplexes. There are no common-walls in the neighborhood. However, there are multi-family units behind the subject site that are located in a D-15 zoning district.

This criterion is **not 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.*

As stated earlier, the intent of establishing minimum lot widths and side yard setbacks is to ensure adequate spacing and open space for the movement of air, light, surface drainage, and fire separation. As mentioned above, the side yard setbacks for a common-wall are larger than a detached single family to provide greater open space between units.

Converting the duplex into a common-wall will not decrease public safety or welfare, since the use is not increased in intensity.

This criterion is **met**.

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

As mentioned above, converting the duplex into a common-wall will not injure nearby property.

This criterion is **met**.

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

The variance is to reduce the minimum lot width and side yard setback, not a use.

This 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;*

As stated earlier, there is an existing duplex on the site. The variance is needed to allow the owner to subdivide the lot. Therefore, denying the variance would not prevent the owner from using the property for a permissible principle use.

Therefore, this criterion 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;*

As mentioned under above, the neighborhood primarily consists of detached single family homes. There are a few duplexes in the area. If approved, the duplex would be subdivided into a common-wall development whereby two homes are attached by a shared wall. Though there are no common-wall homes in the neighborhood, there are multi-family dwelling units behind the site but in a different neighborhood in a different zoning district.

Therefore, this criterion is **not met**.

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

The property is flat and does not contain any wetlands, waterways, or rock features that would render compliance with the minimum lot width and side yard setback standards unreasonably expensive.

Therefore, this criterion 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.*

Staff is not aware of any pre-existing nonconforming conditions of the subject site that would be further decreased with the subject variance.

Therefore, this criterion is **not met**.

Sub-criteria A-D are not met; therefore, Criterion 5 is **not met**.

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

As indicated above, if the variance is approved the look and feel of the common-wall would not be any different than the existing duplex. Further, the use of each dwelling unit will not likely change, thus the result would have a neutral effect to the neighborhood. Therefore no benefits to the neighborhood have been identified.

This criterion is **not 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?*

Not Applicable. There aren't any environmental features of the site that could be germane to the Juneau Coastal Management Program.

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

No. Since criterion 1, 5 and 6 are not met the variance does not meet Section CBJ §49.20.250.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2012 0005.

VARIANCE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name	Case Number 2013 VAR20130005	Hearing Date	Date Received 2/14/13
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VARIANCE TYPE: Setback Height Bulk Other (Describe) **Side width**

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE: **VDS**
Subdivision of one site with Duplex into two zero lot line properties. proposed sites are narrower at the front of improvements than 60' and side yard setback is only 8' when 10' is required

PREVIOUS VARIANCE APPLICATIONS: Yes No
 Date of Filing: _____
 Variance from which standards: Setback Height Bulk Other (Describe) _____
 Was variance granted? Yes No

EXISTING USE OF LAND OR BUILDING(S):
Duplex

PROPOSED USE OF LAND OR BUILDING(S):
two zero lots

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

PROPOSED SETBACKS (If variance changes setbacks):
 Front _____ ft. Rear _____ ft. Side _____ ft. Other _____ ft.

UNIQUE CHARACTERISTICS OF LAND OR BUILDING (Difference from other properties in the area):
located on corner with a physical feature of limited frontage

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
lot will not meet dimensional requirements for front lot width

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
a great in variance would result in two affordable housing units.

REVIEW APPROVALS		VARIANCE FEES				
	INITIALS	DATE	1,000	CHECK NO.	ISSUED	DATE
Buildings	_____	_____	\$	_____	_____	_____
Engineering	_____	_____	\$	_____	_____	_____
Planning	_____	_____	\$	_____	_____	_____
			Total Fee	\$400.00	CD03307	2/14/13

DEVELOPMENT PERMIT APPLICATION

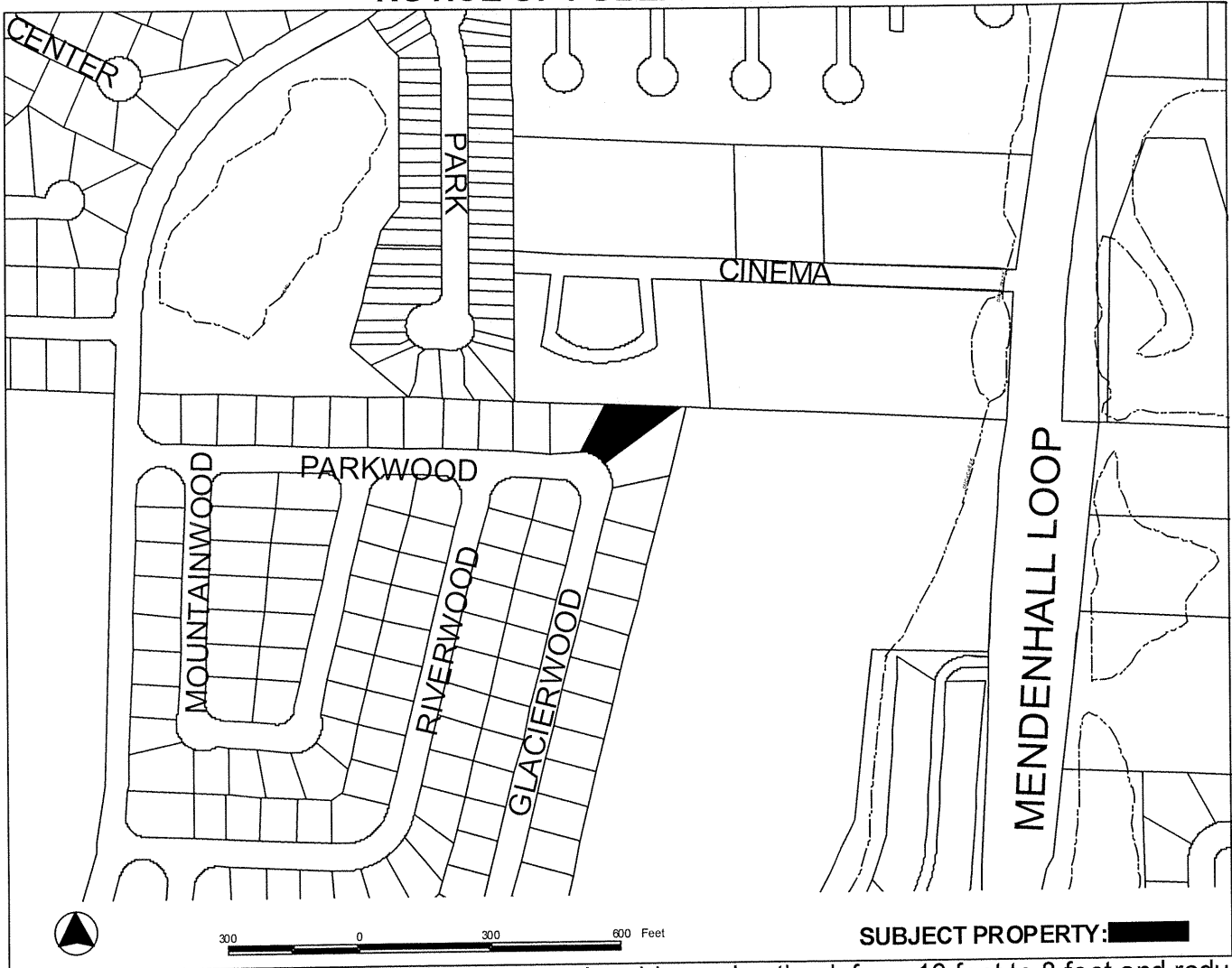
Project Number VAR20130005	CITY and BOROUGH of JUNEAU	Date Received: 2/14/13
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description <i>Side by Side Duplex, propose to split into two zero lot homes</i>		
	PROPERTY LOCATION		
	Street Address <i>9135-7 Parkwood Dr</i>	City/Zip <i>Juneau 99801</i>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Riverwood Bl A Lot 43</i>		
	Assessor's Parcel Number(s) <i>5B 210160130</i>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <i>Scott & Jill Lingle</i>	Contact Person: <i>Scott</i>	Work Phone: <i>723-4121</i>
	Mailing Address <i>Po Box 35026</i>	Home Phone: <i>789-2838</i>	Fax Number:
	E-mail Address <i>csma@sable.net</i>	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. <input checked="" type="checkbox"/> <i>Scott Lingle</i> Landowner/Lessee Signature Date <i>2/13/13</i> <input checked="" type="checkbox"/> <i>Jill Lingle</i> Landowner/Lessee Signature Date <i>2-13-13</i>			
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 <i>Scott Lingle</i>	Contact Person: <i>Scott</i>	Work Phone: <i>723-4121</i>	
Mailing Address <i>Po Box 35026</i>	Home Phone:	Fax Number:	
E-mail Address <i>csma@sable.net</i>	Other Contact Phone Number(s):		
<input checked="" type="checkbox"/> <i>Scott Lingle</i> Applicant's Signature	Date of Application <i>2/13/13</i>		

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	<input checked="" type="checkbox"/>	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)			
	<input checked="" type="checkbox"/>	Variance Case (De Minimis and all other Variance case types)		<i>2/14/13</i>	<i>VAR20130005</i>
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials	
				<i>JKL</i>	

NOTICE OF PUBLIC HEARING



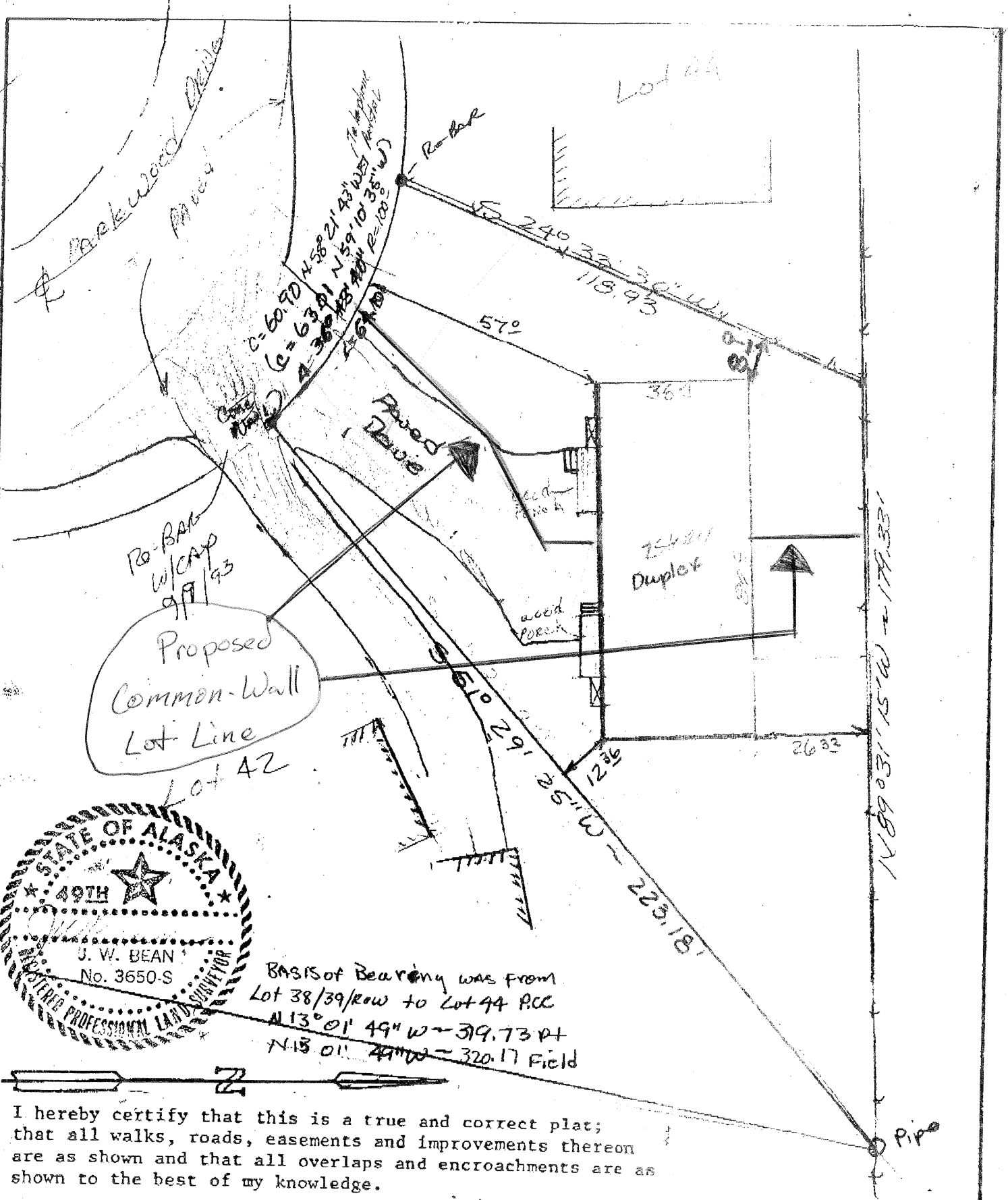
PROPOSAL: A variance request to reduce the side yard setback from 10 feet to 8 feet and reduce the minimum lot width from 60 feet to 41 feet to allow a common-wall subdivision from an existing duplex.

<p>FILE NO: VAR2013 0005</p> <p>TO: Adjacent Property Owners</p> <p>HEARING DATE: May 14, 2013</p> <p>HEARING TIME: 7:00pm</p> <p>PLACE: Assembly Chambers Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p>APPLICANT: Jill Lingle; Soapy J Lingle</p> <p>Property PCN: 5-B21-0-116-013-0</p> <p>Owner(s): Jill Lingle & Soapy J Lingle</p> <p>Size: 16,100 square feet</p> <p>Zoned: D5</p> <p>Site Address: 9135 Parkwood Drive</p> <p>Accessed via: Parkwood Drive</p>
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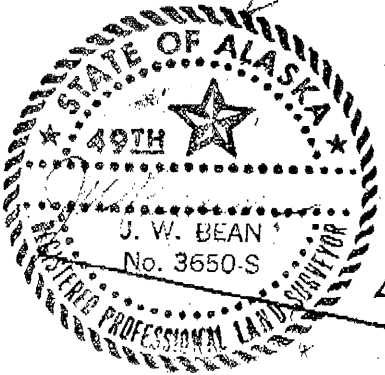
PROPERTY OWNERS PLEASE NOTE:

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 Eric Feldt at Eric_Feldt@ci.juneau.ak.us or at 586-0764.



Proposed
Common-Wall
Lot Line



BASIS of Bearing was from
Lot 38/39/row to Lot 44 PCC
N 13° 01' 49" W ~ 319.73 ft
N 13° 01' 49" W ~ 320.17 Field

I hereby certify that this is a true and correct plat;
that all walks, roads, easements and improvements thereon
are as shown and that all overlaps and encroachments are as
shown to the best of my knowledge.

Revised Curve Data

DES.	SCALE 1" = 30'
CHK.	DATE 4-8-92
F.B.	

J.W. BEAN
ENGINEERS PLANNERS SURVEYORS

AS-built Survey of:
Lot 43, Block A, Riverwood Sub.
within U.S. 1280

Attachment A

Eric Feldt

From: Soapy Lingle [csoapysales@gci.net]
Sent: Monday, May 06, 2013 12:14 PM
To: Eric Feldt
Subject: RE: Variance Findings

Eric,

5. A. This site is more than large enough for ZLL and all other requirements can be met. The site is unique because it is located on a curve in the road and this has the effect of making lot frontage narrower than it otherwise would be and narrower than that of other lots in the neighborhood.

B. The configuration of the site , located on a curve and platted without enough original width but with plenty of overall area, unreasonably prevents owner from converting this duplex to a pair of Zero lot line homes.

c. As said above, there is a unique physical feature of the lot on a curve in the roadway and awkward platting that makes compliance with zoning standards outright impossible without variance.

6. The benefit enables the availability of two relatively low cost single family homes into a very restricted residential market. The neighborhood will benefit from occupancy by owner families. No detriments can be sited. AFFORDABLE HOUSING.

Soapy Lingle
723 4121
csoapysales@gci.net

From: Eric Feldt [mailto:Eric_Feldt@ci.juneau.ak.us]
Sent: Monday, May 06, 2013 11:22 AM
To: 'csoapysales@gci.net'
Subject: Variance Findings

Soapy,

I am nearly done writing the staff report for your variance. Two of the six variance findings have not been met and our department will not recommend in support of the variance unless you believe that these two findings can be met. The two findings are shown below.

5. *That compliance with the existing standards would:*

- (A) *Unreasonably prevent the owner from using the property for a permissible principal 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;*
- (C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;*

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.*

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

Sincerely,

Eric Feldt, Planner II, C.F.M.
Community Development Dept.
155 South Seward Street
City & Borough of Juneau, Alaska
Ph: (907) 586-0764
Fax: (907) 586-3365



Please consider the environment before printing this email.

The Truth will set you free.

Eric Feldt

From: Soapy Lingle [csoapysales@gci.net]
Sent: Monday, May 06, 2013 5:16 PM
To: Eric Feldt
Subject: additonal comments

Eric,

5.

- A. Common wall development is a permissible use within D-5 zoning district, not allowing for variations within dimensional standards in situations that would not create any impacts would be unreasonable restriction on private development rights.
- B. Per the previous statement, denial of this variance would unreasonably prevent owner from subdividing this parcel in a manner which would be consistent with scale, amenities, appearance and existing pattern of the neighborhood.
- C. Due to the geometry of the subject parcel, compliance with the standards is not achievable without a variance. While this lot has more than enough area, and setbacks could be met if it was not cost prohibitive, it does not have adequate width to accommodate a common wall sub without a variance.

There is already a legally conforming two unit structure occupying this space, it is hard to imagine any potential impacts that would develop as a result of a change in land ownership.

Please consider above comments.

Soapy Lingle
CB Race Realty
csoapysales@gci.net
723 4121 cell
789 8460 fax

Eric Feldt

From: Soapy Lingle [csoapysales@gci.net]
Sent: Tuesday, May 07, 2013 3:58 PM
To: Eric Feldt
Subject: RE: Variance report

Eric,

On your attachment under variance requirements you have number 2. that a grant of the variance would result in more benefits than detriments to the neighborhood. I think this is number 6. Please include following in your report. When ownership is changed from one to two owners, the maintenance obligation is also transferred. Having two owners caring for a structure and the grounds increases the likelihood that they will be maintained in a appropriate fashion. Having owners in the second unit increases the number of people who have a vested interest in the neighborhood issues.

Soapy

From: Eric Feldt [mailto:Eric_Feldt@ci.juneau.ak.us]
Sent: Tuesday, May 07, 2013 2:30 PM
To: 'Soapy Lingle'
Subject: Variance report

Soapy,

I have attached my draft report in this email. Findings 1, 5 & 6 are not met and, thus, I cannot recommend in favor of this variance I have included your emailed comments as attachments to this report. Please let me know if you have any additional comments or letters from the neighbors.

Thanks.


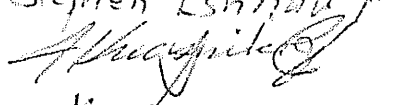
Eric Feldt, Planner II, C.F.M.
Community Development Dept.
155 South Seward Street
City & Borough of Juneau, Alaska
Ph: (907) 586-0764
Fax: (907) 586-3365

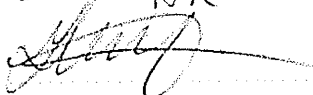


Please consider the environment before printing this email.

The Truth will set you free.

I am your neighbor living at 9135 Parkwood Dr. I am in the process of converting my present home from a duplex to two zero lot single family homes. If you are not in opposition of this change, please sign below. Thank you. Soapy Lingle

Date	address	name
5/7/13	9137 parkwood dr. Juneau, AK	Stephanie Price
"	9147 PARKWOOD DR	Jon Gates 
5/7/13	9151 Parkwood Pr.	Tara Mendoza
5/7/13	9159 Parkwood Dr	Will & Shonda Bellenap
5/7/13	9160 Parkwood R	Y. Wain
5/7/13	9155 Parkwood Dr	David Jones
5-7-13	9163 PARKWOOD DR.	Mike Cook
5-7-13	9175 Parkwood Dr	Stephen Eschman
5-7-13	9183 PARKWOOD DR.	
5-7-13	9170 Parkwood Dr	Jim King
5-7-13	9158 Parkwood Dr.	Anne Waste
5-7-13	3101 RIVERWOOD OVER →	Paul Swanson

- 5-7-15 9144 Parkwood Dr Juneau
Alyssa Houston
- 5-7-13 3110 Glacierwood Dr Juneau
Cadey Shick
- 3-7-13 3090 Glacierwood Dr.
Juneau, AK
- 5-7-13 3080 Glacierwood Dr
Juneau AK

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