

# MEMORANDUM

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

**DATE:** May 22, 2013

**TO:** Planning Commission

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

**FILE NO.:** AAP2013 0010

**PROPOSAL:** A Conditional Use permit for an accessory apartment on a substandard sized lot with an on-site wastewater disposal system.

## GENERAL INFORMATION

**Applicant:** Rudolph E. Belardi

**Property Owner:** Rudolph E. Belardi

**Property Address:** 18215 Point Stephens Road

**Legal Description:** U.S. Survey 3058 Lot 6

**Parcel Code Number:** 8-B36-0-100-005-0

**Site Size:** 22,215 Square Feet or 0.51 Acres

**Comprehensive Plan Future Land Use Designation:** RDR – Rural Dispersed Residential

**Zoning:** D1

**Utilities:** City Water and On-site Wastewater Disposal System

**Access:** Point Stephens Road

**Existing Land Use:** Single-family Residential

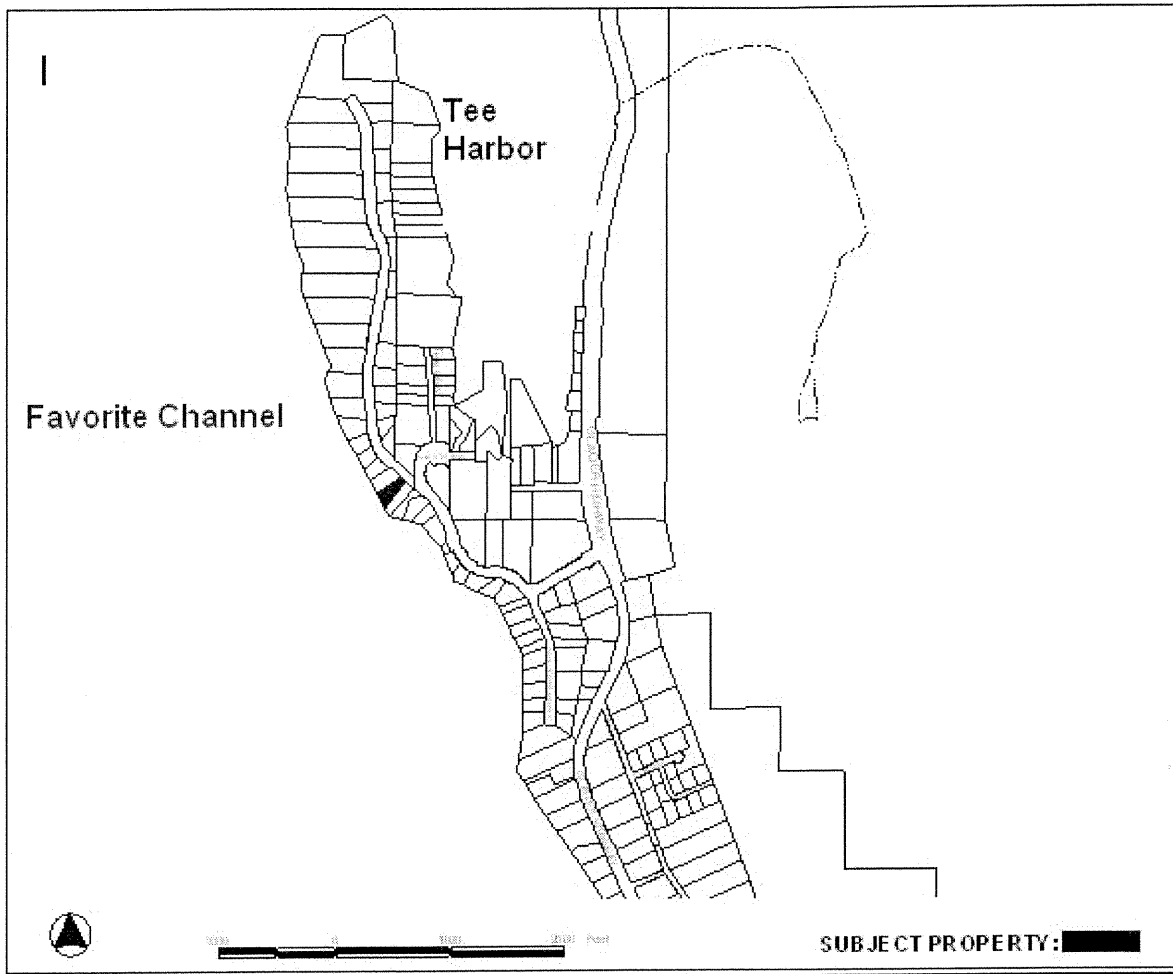
**Surrounding Land Use:**

North	-	Single-family Residence Under Construction
South	-	D-1; Single-family Residence
East	-	WC Across Point Stephens Road, Vacant CBJ Dirt Lot; and D-1, Single-family Residence
West	-	Favorite Channel



CITY/BOROUGH OF JUNEAU  
★ ALASKA'S CAPITAL CITY

**VICINITY MAP**



**ATTACHMENTS**

- Attachment A – Notice of Public Hearing
- Attachment B – Development Permit Application and Accessory Apartment Application
- Attachment C – Site Plan and Proposed Building Plan
- Attachment D – Photos of Existing Home and Garage

## **PROJECT DESCRIPTION**

The applicant requests an Accessory Apartment permit for the development of a 598 square foot accessory apartment to be attached to an existing detached garage. According to the City and Borough of Juneau's Land Use Code Title 49 section CBJ §49.25.510 (d)(2)(G)(i and ii), the Accessory Apartment permit requires Planning Commission approval under the Conditional Use Permit process due to the substandard lot size of the parcel and the lot not being served by public sewer.

## **ANALYSIS**

**Project Site and Design** - The site is located in a D-1 zoning district on a waterfront lot next to Favorite Channel accessible by Point Stephens Road. The lot size is 22,215 square feet which is approximately 16% smaller than the 36,000 square foot minimum lot size for a lot in the D-1 zone, per the Table of Dimensional Standards, CBJ §49.25.400.

The applicant has proposed a 598 square foot accessory apartment (Attachment C). The apartment is proposed to be attached to an existing detached garage on the lot. The lot also has an on-site wastewater disposal system. The applicant has supplied a letter of approval from ADEC regarding the capacity of the existing wastewater disposal system for the existing single-family home. An addition letter of approval shall be required prior to a Certificate of Occupancy approving the existing on-site wastewater disposal system as adequate capacity for an additional room for the accessory apartment.

**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 Point Stephens Road and shares a portion of their driveway with the property to the south.

**Noise** - The proposed development will not generate significant noise.

**Public Health or Safety** – Prior to Certificate of Occupancy, the applicants must provide a Letter of Approval for the on-site wastewater disposal system. 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 evidence indicates that the proposed development will have a negative impact on property value or neighborhood harmony.

**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 with an approved on-site wastewater disposal 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 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 1.130 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 May 17, 2013 and May 27, 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 on-site wastewater disposal system has been approved by the Alaska Department of Environmental Conservation.

***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.

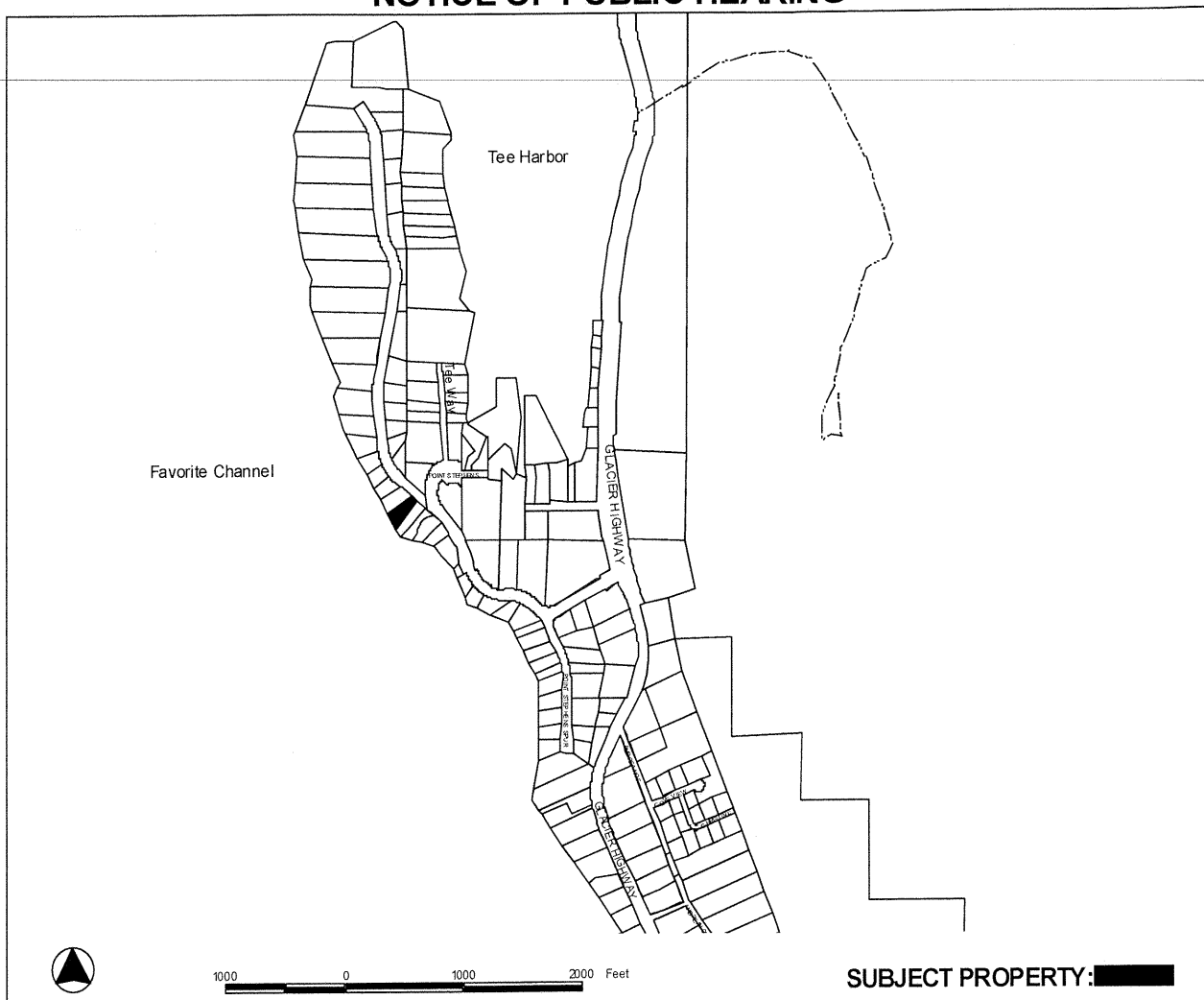
**RECOMMENDATION**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Accessory Apartment permit. The permit would allow the development of a 598 square foot detached accessory apartment on a substandard sized 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 approved.

# NOTICE OF PUBLIC HEARING



**SUBJECT PROPERTY:** [Redacted]

**PROPOSAL:** A Conditional Use permit for an accessory apartment on a substandard sized lot with an on-site wastewater disposal system.

<p><b>FILE NO:</b> AAP2013 0010</p> <p><b>TO:</b> Adjacent Property Owners</p> <p><b>HEARING DATE:</b> May 28, 2013</p> <p><b>HEARING TIME:</b> 7:00 PM</p> <p><b>PLACE:</b> <b>ASSEMBLY CHAMBERS</b> Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p><b>APPLICANT:</b> RUDOLPH E BELARDI</p> <p><b>Property PCN:</b> 8-B36-0-100-005-0</p> <p><b>Owner:</b> RUDOLPH E BELARDI</p> <p><b>Size:</b> 22,215 Sq. Ft.</p> <p><b>Zoned:</b> D1</p> <p><b>Site Address:</b> 18215 PT STEPHENS RD</p> <p><b>Accessed via:</b> PT STEPHENS RD</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 Jonathan Lange at [jonathan\\_lange@ci.juneau.ak.us](mailto:jonathan_lange@ci.juneau.ak.us) or 586-0218

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: May 15, 2013

# ATTACHMENT A

# DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>5/6/13</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>598 sq ft accessory apt attached to existing garage</u>		
	<b>PROPERTY LOCATION</b>		
	Street Address	<u>18215 Pt Stephens Rd</u>	City/Zip <u>Juneau, AK 99801</u>
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>USS 3058 LOT 4</u>		
	Assessor's Parcel Number(s) <u>81336001000050</u>		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner's Name	<u>Rudolph &amp; Lois Belardi</u>	Contact Person: <u>Call</u> Work Phone:
	Mailing Address	<u>PO Box 210207, Auke Bay, AK</u>	Home Phone: <u>789-1055</u> Fax Number:
	E-mail Address	<u>belardile@gmail.com</u>	Other Contact Phone Number(s): <u>967</u>
	PROJECT / APPLICANT	<b>LANDOWNER/ LESSEE CONSENT</b> ***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		<u>Lois C. Belardi</u> Landowner/Lessee Signature	<u>5/5/12</u> 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.			
<b>APPLICANT</b> If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name		<u>Same</u>	Contact Person: _____ Work Phone: _____
Mailing Address		_____	Home Phone: _____ Fax Number: _____
E-mail Address	_____	Other Contact Phone Number(s): _____	
X	<u>Lois C. Belardi</u> Applicant's Signature	_____ Date of Application	

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

STAFF APPROVALS	<input checked="" type="checkbox"/>	<b>Permit Type</b>	<b>**SIGN</b>	<b>Date Received</b>	<b>Application Number(s)</b>
		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)			
	<input checked="" type="checkbox"/>	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<u>5/6/13</u>	<u>APP13-010</u>
		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: <u>CU required - no sewer D1</u> <u>a lot below main lot size for district</u>				Permit Intake Initials <u>BMC</u>	

## ATTACHMENT B



# ACCESSORY APARTMENT APPLICATION

TO BE COMPLETED BY THE APPLICANT

Project Number	Project Name (15 characters)	Case Number AAP	Date Received 5/6/13
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**DESCRIBE THE ACCESSORY APARTMENT:**

598 sq ft accessory apt attached to existing garage

**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 598 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 3+      Proposed Total Spaces 3+

(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 D-1

**UTILITIES AVAILABLE**

MINIMUM LOT SIZE (\$49,25,400) 36,000

WATER:  Public       On Site

ACTUAL LOT SIZE\*\*\*\* 22,215

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

<b>Fees</b> (Departmental Approval)	<u>Fees</u>	<u>Check No.</u>	<u>Receipt No.</u>	<u>Date</u>
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Application Fees      See Building Permit

**Fees** (Conditional Use Permit)

Application Fee      \$ 350<sup>00</sup>

Public Notice Sign Fee      \$ 50<sup>00</sup>

Public Notice Sign Deposit      \$ 100<sup>00</sup>

Total      \$ 500

015311 0013615 3615 5/6/13

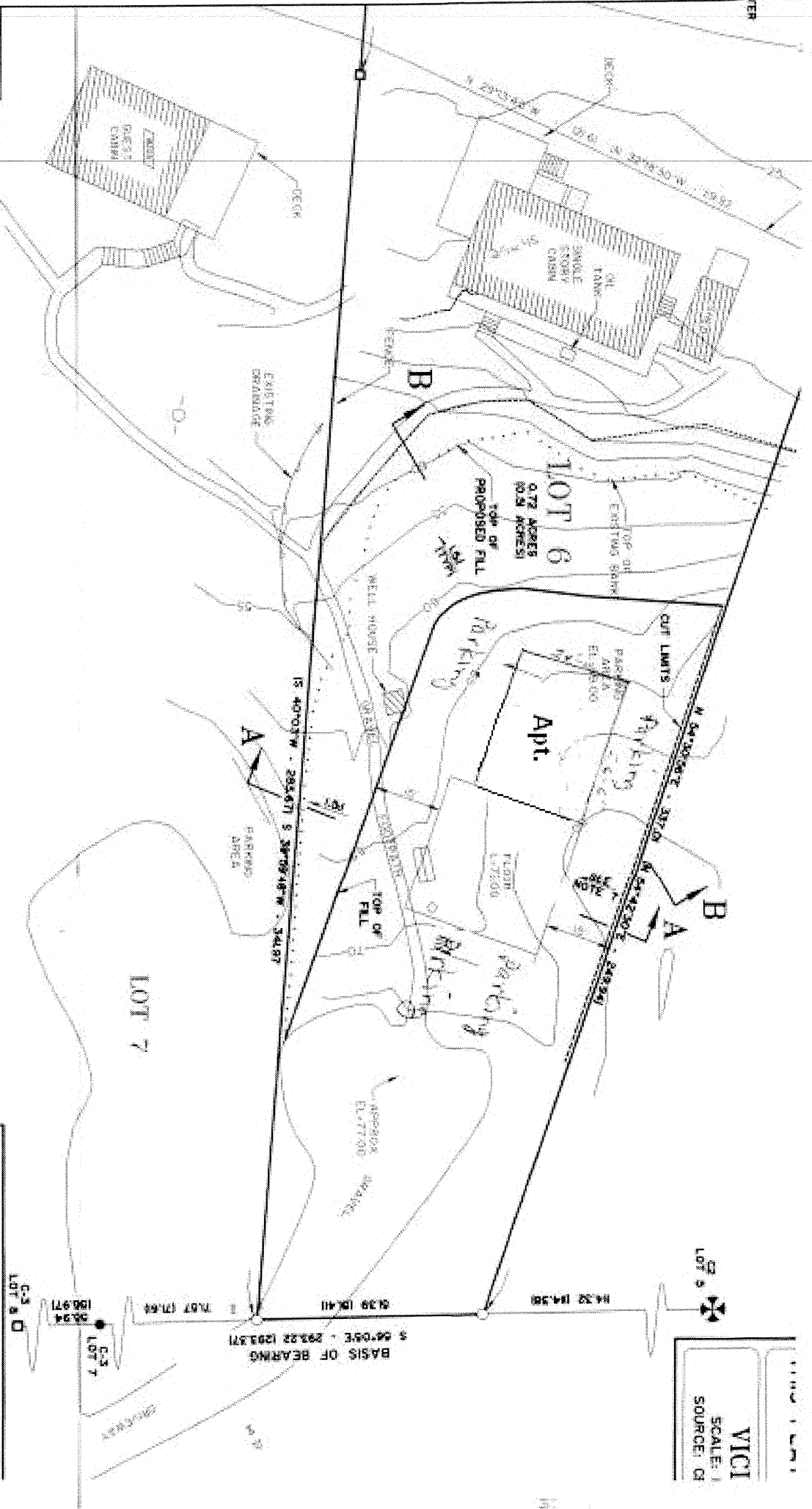
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

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**

## ATTACHMENT B

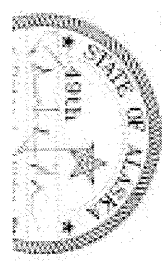
VICI  
SCALE: 1  
SOURCE: CR



# ATTACHMENT C

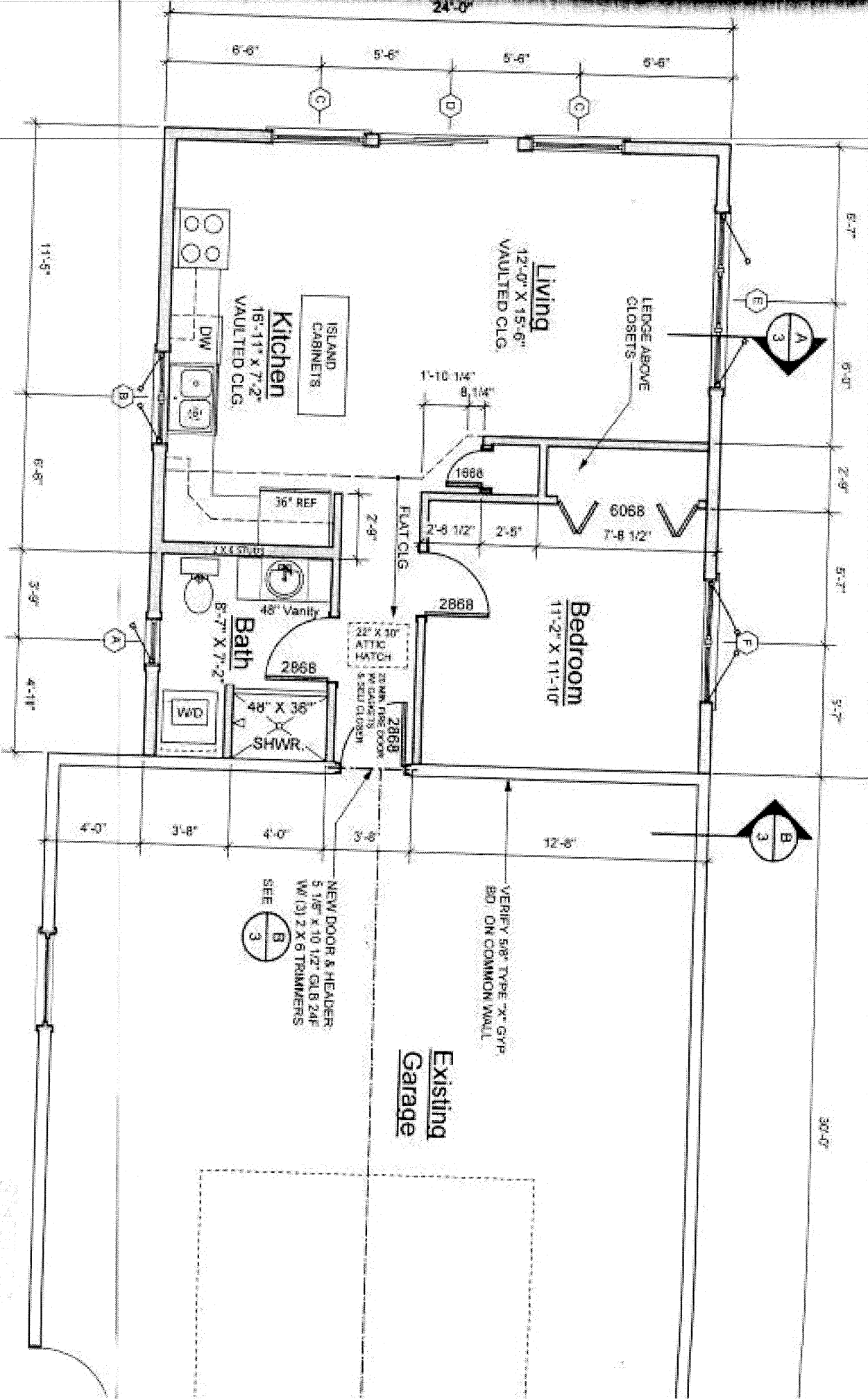
1 FT. CONTOUR INTERVAL

measured by U.S. Survey team  
 calculated bearings and distances differ from  
 station is shown in parenthesis  
 derived from the official spot and field notes  
 3058, dated August 2, 1952, on file at the  
 date January, 1952  
 and restrictions of record  
 used by CBU public plates  
 that observations referred to the NGS



TOPOGRAPHIC PLAT OF  
**LOT 6**  
 U.S. SURVEY 1  
 GENERAL RECORDING DISTRICT - 41

**TONER-NORDLING & AS**  
 CIVIL ENGINEERING-LAND SURVEYING-CORP  
 2221 NORTH JORDAN AV  
 ANCHORAGE, ALASKA 99503



**FLOOR PLAN**  
 Scale: 1/4" = 1'-0"  
 598 NET SQ. FT.

- EXISTING WALLS
- NEW WALLS

# ATTACHMENT C

DATE: 11-11-13  
 DRAWN BY: [Signature]



2013/01/31

ATTACHMENT D



**ATTACHMENT D**

**2013/01/31**