


# MEMORANDUM

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

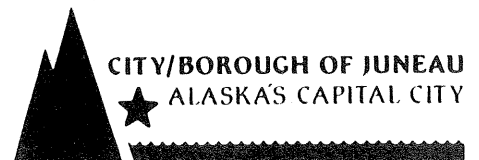
**DATE:** May 23, 2013  
**TO:** Board of Adjustment  
**FROM:** Eric Feldt, Planner   
Community Development Department

**FILE NO.:** VAR2013 0005

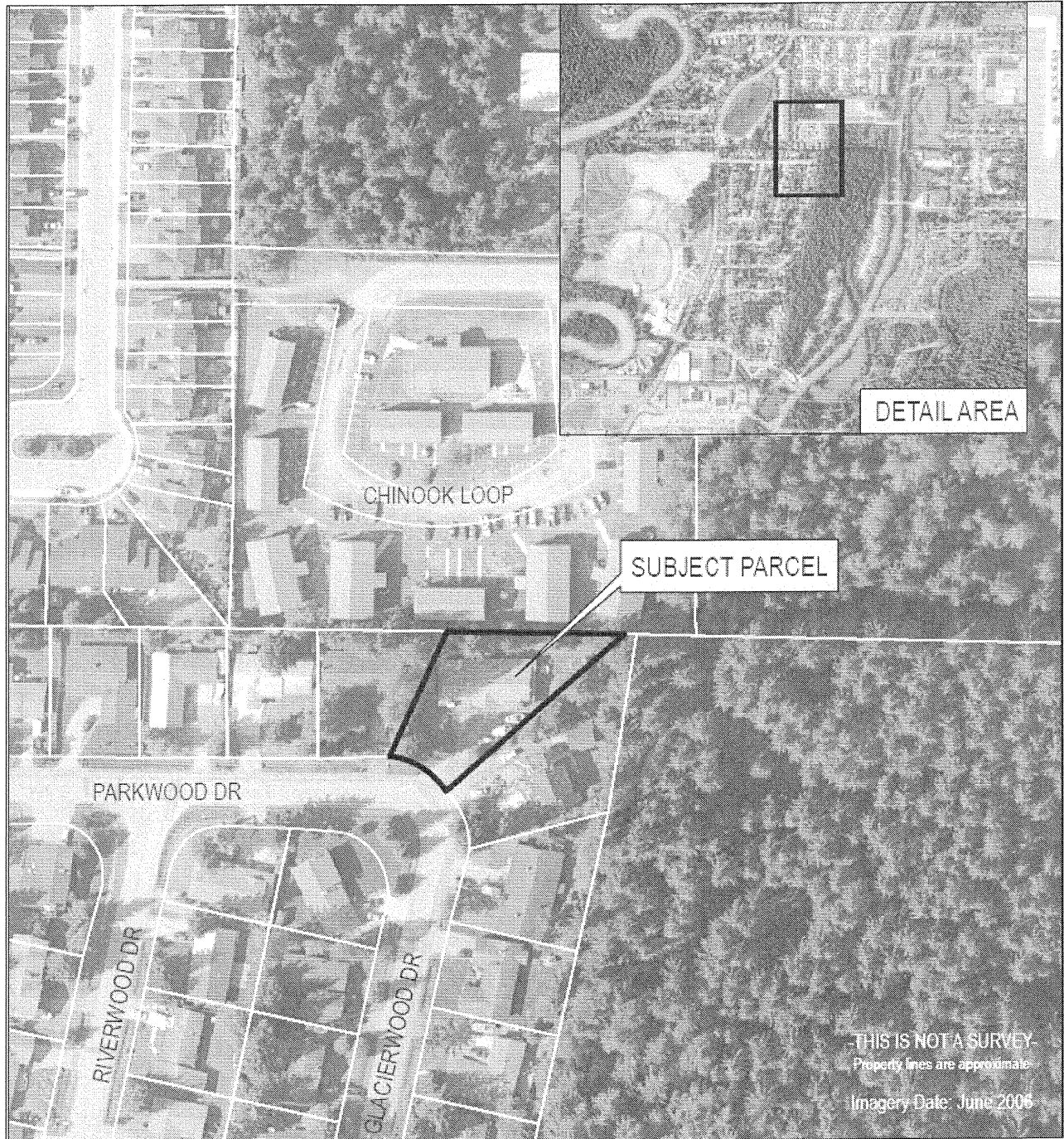
**PROPOSAL:** A variance request to reduce the side yard setback from 10 to 8 feet and reduce the minimum lot width from 60 to 41 feet for a future common-wall subdivision from an existing duplex.

## 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
Attachment	D	Site Pictures/ Plans by Applicant

## **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 required 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. According to staff's records, the house to the east (right) of the site is over 30 feet away from the corner of the duplex. CDD's records do not contain any site plans or as-built surveys of adjacent lot to the west to know how close it is to the duplex. The applicant submitted recent pictures of the duplex and adjacent homes. These pictures and an as-built survey of one of the adjacent homes and the duplex are provided under Attachment D.

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.

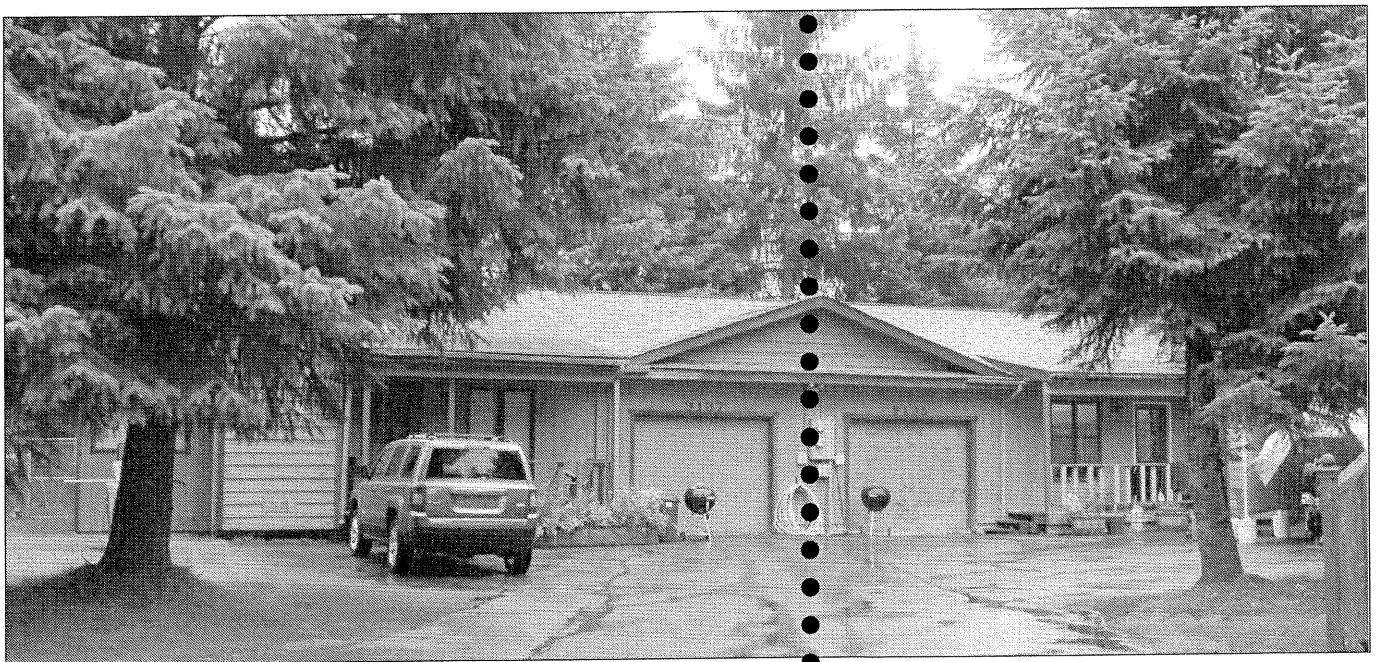


Figure 1: Picture of duplex showing each home's single car garage. The dotted black line is the proposed common-wall property line that would halve the duplex.

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, the house to the east of the property meets the minimum lot width and side yard setback of the underlying district. Staff does not have site plans or as-built records of the property to the west of the site to know how far it is from its corresponding yard setbacks.

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 multifamily 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.