

# MEMORANDUM

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

**DATE:** July 17, 2013

**TO:** Planning Commission

**FROM:** Chrissy A. McNally, Planner *cm*  
Community Development Department

**FILE NO.:** USE2013 0024

**PROPOSAL:** Conditional Use permit to continue operation of existing bed and breakfast.

## GENERAL INFORMATION

**Applicant:** Susan Ashton

**Property Owner:** Susan Ashton

**Property Address:** 3120 Douglas Highway

**Legal Description:** USMS 173 FR

**Parcel Code Number:** 1-D05-0-L02-007-0

**Site Size:** 7,000 Square Feet or 0.16 Acres

**Comprehensive Plan Future Land Use Designation:** Urban Low Density Residential

**Zoning:** D5

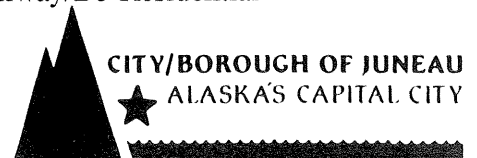
**Utilities:** City Water & Sewer

**Access:** Douglas Highway

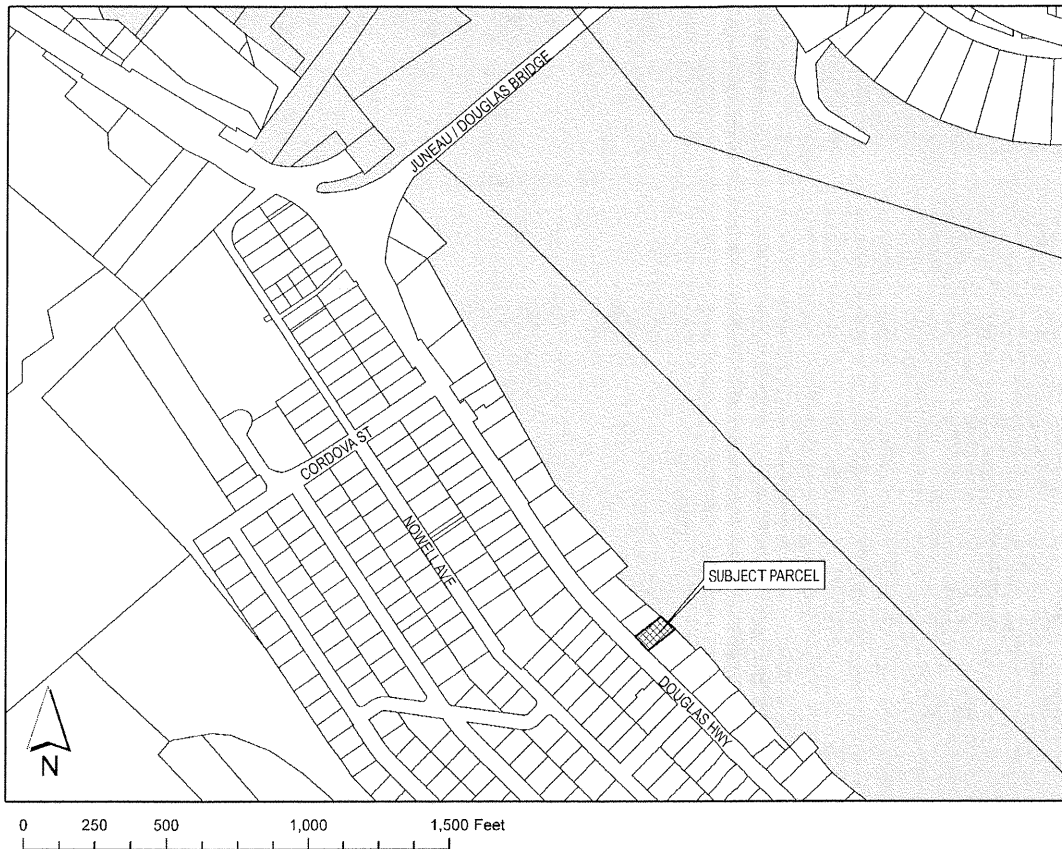
**Existing Land Use:** Bed & Breakfast

**Surrounding Land Use:**

|       |   |                                |
|-------|---|--------------------------------|
| North | - | D5 - Residential               |
| South | - | D5 - Residential               |
| East  | - | Gastineau Channel              |
| West  | - | Douglas Highway/D5 Residential |



**VICINITY MAP**



**ATTACHMENTS**

- Attachment A: Conditional Use Permit Notice of Decision & Staff Report for previous owners
- Attachment B: Aerial of site
- Attachment C: As-built
- Attachment D: AKDOT Driveway Permit 3/3/95
- Attachment E: Waterside picture of residence

## **PROJECT DESCRIPTION**

The applicant requests a Conditional Use permit for the operation of a five bedroom bed and breakfast. There is an accessory apartment that functions as the owner's residence for the bed and breakfast.

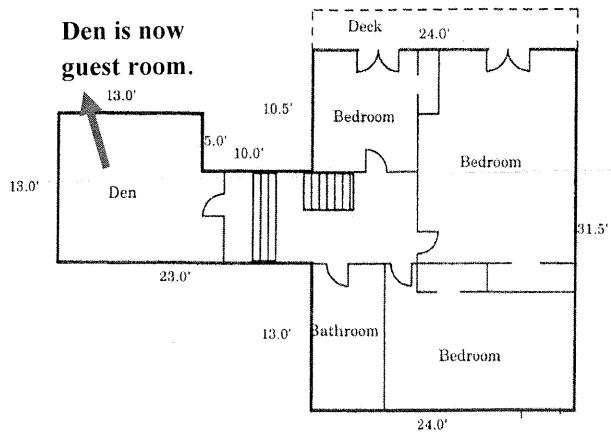
## **BACKGROUND**

The previous owners of the Beachside Villa Bed and Breakfast received a Conditional Use permit (USE1998 00048) in 1999 to operate a three bedroom bed and breakfast. The permit expired with the transfer of ownership in 2004 per condition #2 of the permit (see Attachment A). The current owner was unaware of the expiration or need for a conditional use permit until approaching the permitting center on a separate matter. She is now seeking a Conditional Use permit to continue operation of the bed and breakfast.

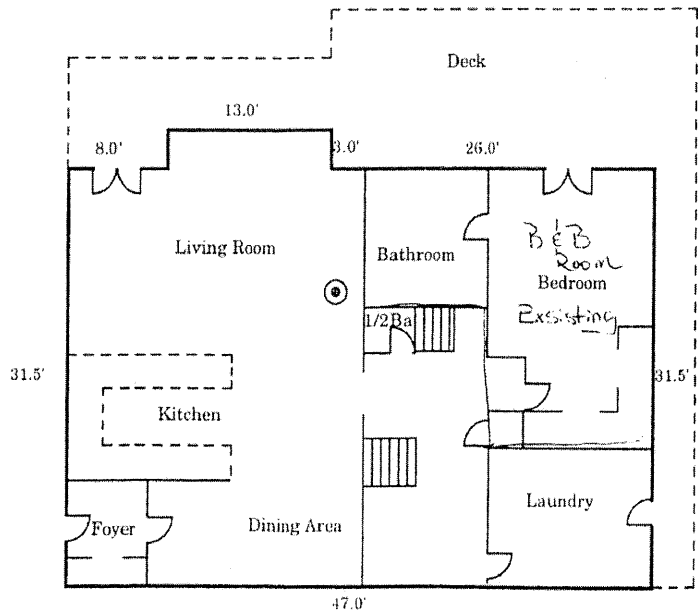
## **ANALYSIS**

**Project Site** – CBJ § 49.80.120 defines a bed and breakfast as, “a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site”. The site is located in a D5 zoning district approximately 1/3 of a mile south of the Douglas Bridge. The residence at 3120 Douglas Highway is a 3,824 square foot home on a 7,000 square foot parcel. The lot is bordered on both the north and south by single family residences, on the east by Gastineau Channel and the west by Douglas Highway and single family residences. According to CBJ § 49.25.300 *Table of Permissible Uses* bed and breakfasts are allowed in the D5 zoning district with a Conditional Use permit.

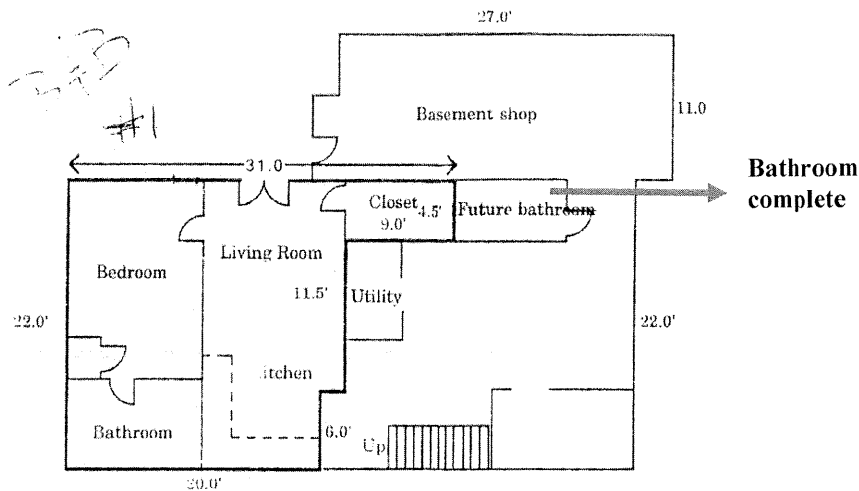
**Project Design** – According to the applicant, no changes have been made to the interior or exterior of the residence since the transfer of ownership in 2004. The applicant purchased the residence to continue the operation of the bed and breakfast established by the previous owners. When the original Conditional Use permit was issued, the structure was a four-bedroom house with an accessory apartment. According to the applicant, the previous owner converted the “den” into another guest bedroom on an indeterminable date. There are now four bedrooms on the top floor and one on the second floor for guest rental (see Figures 2 and 3). The owner resides in the accessory apartment located in the basement (see Figure 4).



**Figure 2: Top floor with four guest rooms**



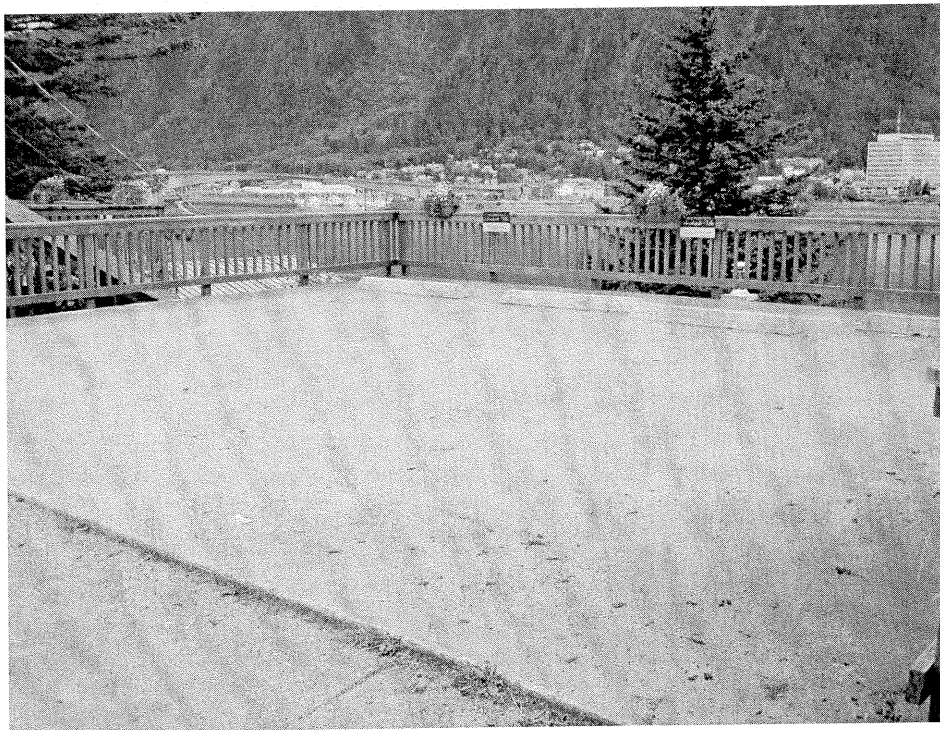
**Figure 3: Second story with common area and guest room**



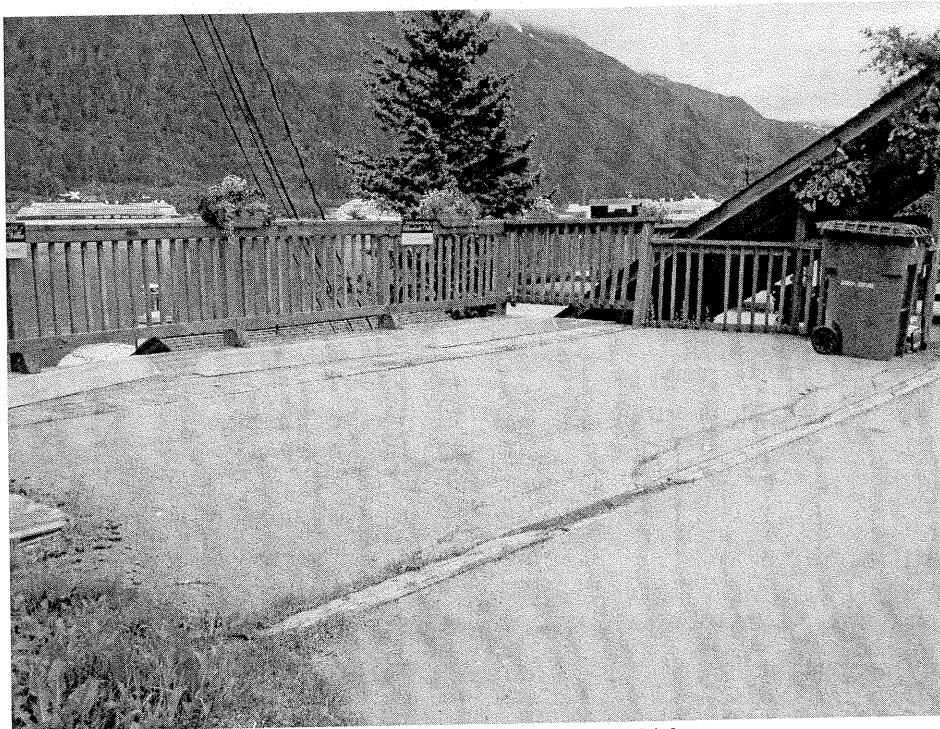
**Figure 4: Basement with accessory apartment (owner's residence)**

**Traffic** – This bed and breakfast has been in operation since 1999. There is no evidence that the business has caused traffic problems. According to the Alaska Department of Transportation’s 2011 Southeast Region Traffic Maps, the section of road where this bed and breakfast is located on Douglas Highway has approximately 8,076 trips per day. This number increases by more than 4,000 along the 1/3 mile between the site and the Juneau-Douglas Bridge. The addition of guests coming to or from the bed and breakfast that may or may not travel with a vehicle has minimal impact on the overall daily traffic.

**Parking and Circulation** – The parking requirement for a bed and breakfast is one space per two bedrooms and one space for an accessory apartment (CBJ § 49.20.210). A total of 4 parking spaces is the requirement for this development. The site has two parking pads that can accommodate five standard vehicles based on the parking space requirements in CBJ § 49.40.210(b)(1) which require a parking space to at least 8.5 feet wide and 17 feet long. According to the Alaska Department of Transportation driveway permit, issued on March 3, 1995, backing into the driveway is required so that vehicles can leave the site without backing onto Douglas Highway (see Attachment C).



**Figure 5: Parking pad for three vehicles**



**Figure 6: Parking Pad for two vehicles**

**Noise** – Noise is not expected to be a concern with the continued operation of the bed and breakfast. Notice of the Conditional Use permit request was issued to the neighboring properties and at the time of the writing of the staff report no comments were received.

**Public Health or Safety** – There is no evidence to suggest that the proposed operation would endanger public health or safety. The bed and breakfast has been in operation for many years without incident.

**Habitat** – Not applicable. The bed and breakfast has been established for over 14 years and is in a dense residential neighborhood. This permit is needed to continue the operation of a pre-existing bed and breakfast and no additional structures are being built that would affect wetlands or eagles' nests or anadromous streams.

**Property Value or Neighborhood Harmony** – The surrounding area is primarily single family residential and accessory apartments. There are also apartment complexes in the vicinity. The previous review of the bed and breakfast expected no effect on property values.

**Conformity with Adopted Plans** – Issuance of a Conditional Use permit for a five bedroom bed and breakfast is allowable based on CBJ §49.25.300 *Table of Permissible Uses*. The Comprehensive Plan identifies the need to promote independent and over-night travelers and promote “development that supports year-round visitor services and activities”. Further, Policy 5.4 in the Comprehensive Plan states:

“It is the policy of the CBJ to encourage tourism, convention and other visitor-related activities through the development of appropriate facilities and services, while protecting Juneau’s natural,

cultural and economic attractions for local residents and visitors alike, and to participate in the accommodation of the future growth of tourism in a manner that addresses both community and industry concerns.”

A small locally owned and operated bed and breakfast fits in with this vision set forth in the Comprehensive Plan.

## **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 1.610 for the D5 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 July 13 and July 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.** Based on the preceding staff analysis, no evidence is found to indicate that the proposed use will materially endanger the public health or safety.

**5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?***

**No.** Based on the preceding staff analysis, no evidence is found to indicate that the proposed use will substantially decrease the value of or be out of harmony with 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.** Based on the preceding staff analysis, it is found that the proposed development is in general conformity with the Comprehensive Plan of the City and Borough of Juneau.

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 continued operation of a five guestroom bed and breakfast in the residence at 3120 Douglas Highway.



# ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

|                |                              |                                   |                                 |
|----------------|------------------------------|-----------------------------------|---------------------------------|
| Project Number | Project Name (15 characters) | Case Number<br><u>USE20130024</u> | Date Received<br><u>6/17/13</u> |
|----------------|------------------------------|-----------------------------------|---------------------------------|

## 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: 1.600

\*\*\*An Accessory Apartment Application will also be required.

## DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

For Bld + Breakfast since 1999. Need new one as the old one expired with the old owner

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?     NO     YES - Case # \_\_\_\_\_

CURRENT USE OF LAND OR BUILDING(S): B + B

PROPOSED USE OF LAND OR BUILDING(S): same

UTILITIES PROPOSED:    WATER:     Public     On Site    SEWER:     Public     On Site

## SITE AND BUILDING SPECIFICS:

Total Area of Lot 7000 square feet    Total Area of Existing Structure(s) 3824.5 square feet  
 Total Area of Proposed Structure(s) same square feet

## 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

## PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Site Plan                              | <input checked="" type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| <input checked="" type="checkbox"/> Floor Plan of proposed buildings       | <input type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)                         |
| <input type="checkbox"/> Elevation view of existing and proposed buildings |   |
| <input type="checkbox"/> Proposed Vegetative Cover                         |   |

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>       | <u>00</u>     |             |                |
| Admin. of Guarantee    \$ _____         |               |             |                |
| Adjustment    \$ _____                  |               |             |                |
| Pub. Not. Sign Fee    \$ <u>50</u>      |               |             |                |
| Pub. Not. Sign Deposit    \$ <u>100</u> |               |             |                |
| <b>Total Fee    \$ <u>500</u></b>       | <u>000628</u> | <u>3851</u> | <u>6/17/13</u> |

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

# DEVELOPMENT PERMIT APPLICATION

|                |                                   |                               |
|----------------|-----------------------------------|-------------------------------|
| Project Number | <b>CITY and BOROUGH of JUNEAU</b> | Date Received: <u>6/17/13</u> |
|----------------|-----------------------------------|-------------------------------|

Project Name (City Staff to Assign Name)

Project Description Bed + breakfast

**PROPERTY LOCATION**

Street Address 3120 Douglas highway City/Zip Juneau 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)

Assessor's Parcel Number(s) 1D 050402070

**LANDOWNER/ LESSEE**

|  |                                 |                                |
|--|---------------------------------|--------------------------------|
| Property Owner's Name<br><u>Susan A. Ashton</u>        | Contact Person:<br><u>Susan</u> | Work Phone:<br><u>321-2220</u> |
| Mailing Address<br><u>PO Box 240855 Douglas 99824</u>  | Home Phone:<br><u>463-5531</u>  | Fax Number:<br><u>463-5541</u> |
| E-mail Address<br><u>Innkeepers@beachsidevilla.com</u> | 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 [Signature] Landowner/Lessee Signature 6/17/2013 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<br><u>Susan Ashton</u>            | Contact Person:<br><u>Susan</u> | Work Phone:<br><u>321-2220</u> |
| Mailing Address<br><u>PO Box 240855 Douglas AK</u> | Home Phone:<br><u>463-5531</u>  | Fax Number:<br><u>463-5541</u> |
| E-mail Address                                     | Other Contact Phone Number(s):  |                                |

X [Signature] Applicant's Signature \_\_\_\_\_ Date of Application \_\_\_\_\_

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

|                                     | Permit Type  | ***SIGN | Date Received  | Application Number(s) |
|-------------------------------------|--|---------|----------------|-----------------------|
| <input checked="" type="checkbox"/> | 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>6/17/13</u> | <u>USE 200130024</u>  |
|                                     | Variance Case (De Minimis and all other Variance case types)                                   |         |                |                       |
|                                     | Wetlands Permits   |         |                |                       |
|                                     | Zone Change Application  |         |                |                       |
|                                     | Other (Describe)   |         |                |                       |

Comments: \_\_\_\_\_

Permit Intake Initials

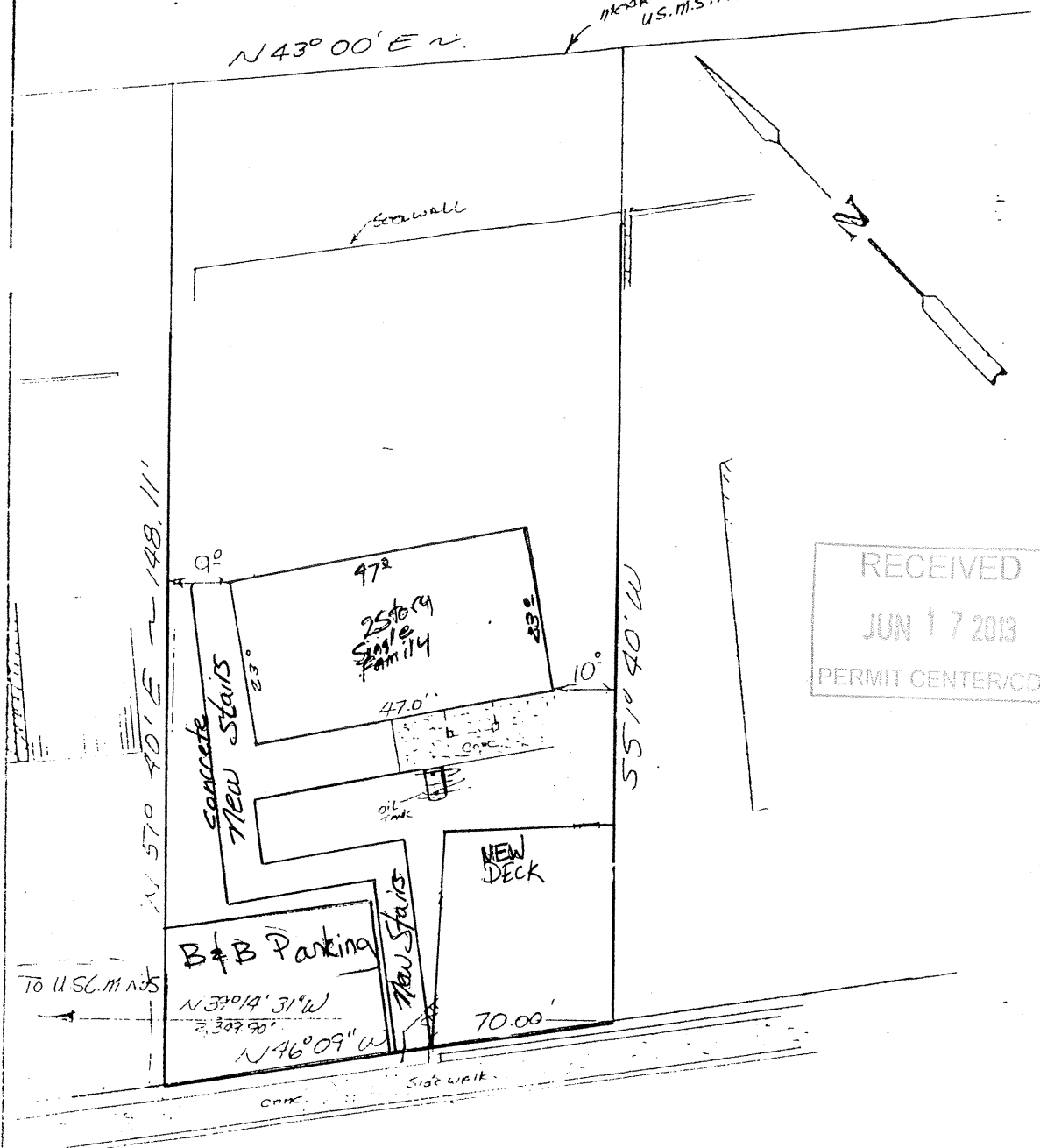
EAST 1/2

meander line  
U.S.M.S. 173

N 43° 00' E

seawall

RECEIVED  
JUN 17 2013  
PERMIT CENTER/CDD



DOUGLAS Highway  
(PAVED)

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.



**J.W. BEAN**  
 PROFESSIONAL SURVEYOR  
 2665 MENDENALL LOOP RD B2  
 JUNEAU, ALASKA  
 907-783-0380

AS-built Survey of:  
 A Fraction of Land  
 within U.S.M.S. 173

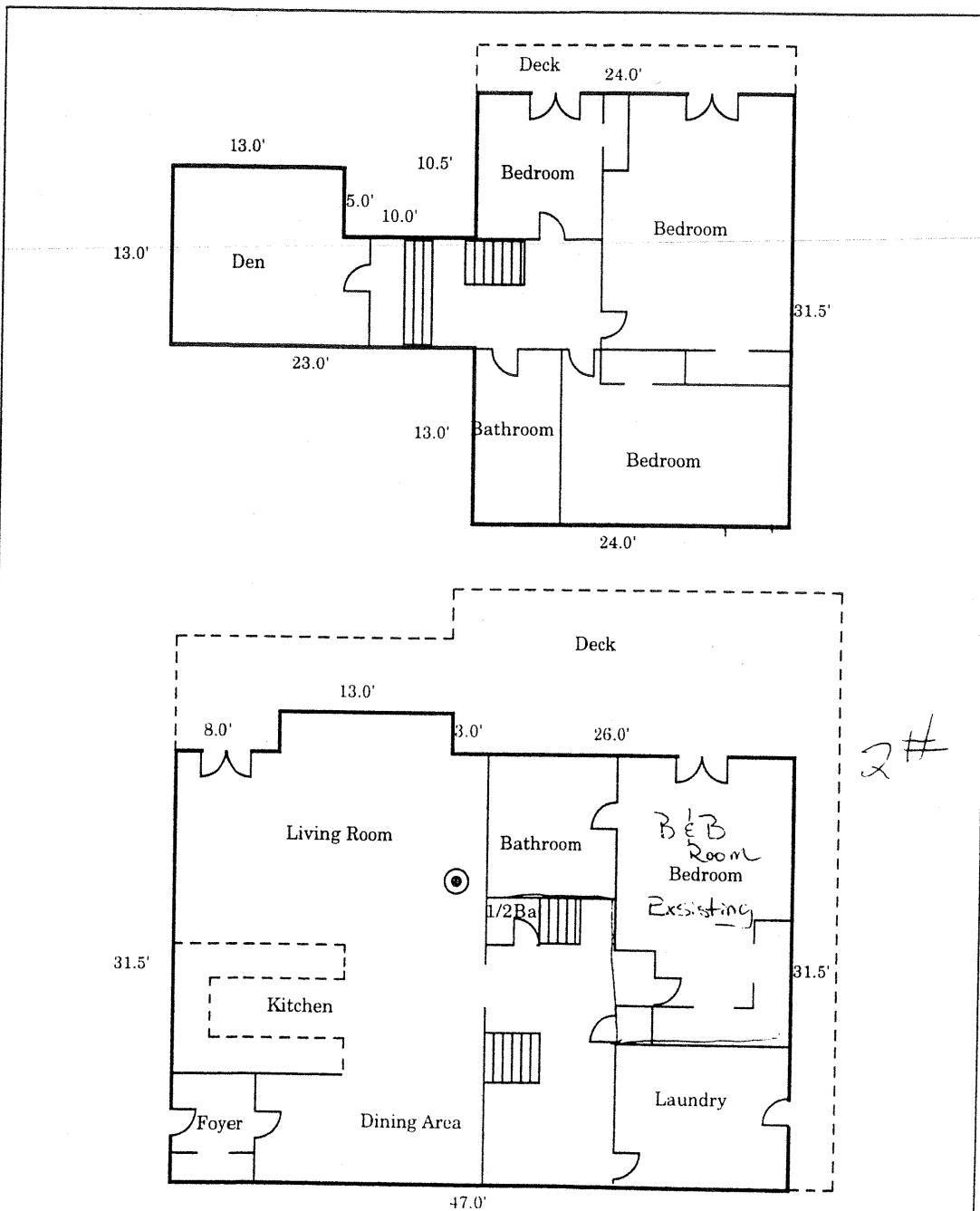
JOB NO. 10014 SCALE 1" = 40'

SKETCH ADDENDUM

File No. \_\_\_\_\_

Borrower Grunow  
 Property Address 3120 Douglas Highway  
 City Juneau County Juneau Borough State Alaska Zip Code 99801  
 Lender/Client Ak. St. Emp. Fed. Credit Union Address 240 Main Street, Juneau, Alaska 99801

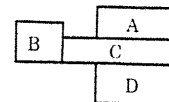
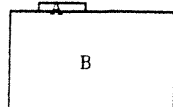
RECEIVED  
 JUN 17 2013  
 PERMIT CENTER/CDD



Sketch Calculations

| Location  | Dimensions    | Area   |
|-----------|---------------|--------|
| A         | 3.0' x 13.0'  | 39.0   |
| B         | 47.0' x 31.5' | 1480.5 |
| 1st Floor |               | 1519.5 |

| Location  | Dimensions    | Area   |
|-----------|---------------|--------|
| A         | 10.5' x 24.0' | 252.0  |
| B         | 13.0' x 13.0' | 169.0  |
| C         | 8.0' x 34.0'  | 272.0  |
| D         | 13.0' x 24.0' | 312.0  |
| 2nd Floor |               | 1005.0 |



Main unit = 2,524.5 Sq.Ft.      Apartment = 512.5 Sq.Ft.      Basement = 787.5

SKETCH ADDENDUM

File No. \_\_\_\_\_

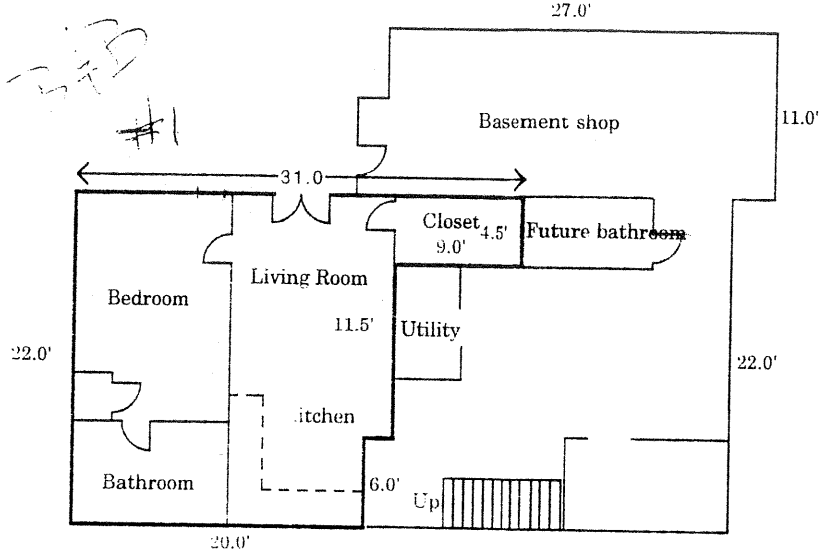
Borrower Grunow

Property Address 3120 Douglas Highway

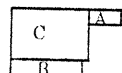
City Juneau County Juneau Borough State Alaska Zip Code 99801

Lender/Client Ak. St. Emp. Fed. Credit Union Address 240 Main Street, Juneau, Alaska 99801

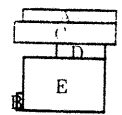
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JUN 17 2013  
PERMIT CENTER/CDD



Sketch Calculations



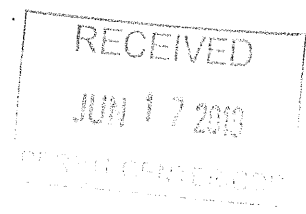
| Location    | Dimensions    | Area  |
|-------------|---------------|-------|
| A           | 4.5' x 9.0'   | 40.5  |
| B           | 6.0' x 20.0'  | 120.0 |
| C           | 16.0' x 22.0' | 352.0 |
| Apartment = |               | 512.5 |



| Location   | Dimensions    | Area  |
|------------|---------------|-------|
| A          | 4.5' x 27.0'  | 121.5 |
| B          | 6.0' x 2.0'   | 12.0  |
| C          | 6.5' x 29.0'  | 188.5 |
| D          | 4.5' x 14.0'  | 63.0  |
| E          | 23.0' x 17.5' | 402.5 |
| Basement = |               | 787.5 |



**CITY/BOROUGH OF JUNEAU**  
**ALASKA'S CAPITAL CITY**



**PLANNING COMMISSION**  
**NOTICE OF DECISION**

Date: April 15, 1999

File No.: USE98-00048

Suzi & R.W. Grunow  
3120 Douglas Highway  
Juneau, Alaska 99801

Application For: Conditional Use Permit

Legal Description: Fraction of USMS 173

Parcel Code No.: 1-D05-0-L02-007-0

Hearing Date: March 23, 1999

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 17, 1999 and approved the seasonal operation of a bed and breakfast accommodating no more than five people as described in the project description and site plan submitted with the application and with the following conditions:

1. The applicant shall request, within 21 days of the effective day of this permit, a Courtesy Inspection of the dwelling from the Community Development Department to identify any major health or safety issues that may exist. If such issues are identified, the applicant shall conform to the requirements as specified by the CBJ Building Official.
2. The permit shall expire when property ownership transfers from the current owner(s) to another owner(s).

Attachment: March 17, 1999 memorandum from Heather Marlow, Community Development to the CBJ Planning Commission regarding USE98-00048.

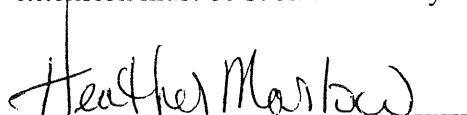
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c).

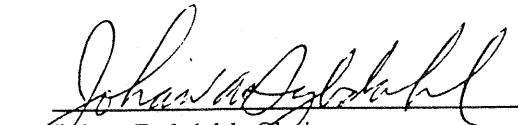
Effective Date: The permit is effective upon approval by the Commission.  
March 23, 1999

Suzi & R.W. Grunow  
File No: USE98-00048  
April 15, 1998  
Page 2

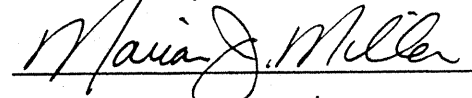
Expiration Date: The permit will expire 18 months after the effective date or September 23, 2000, if the operation has not commenced in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days before the permit expires.

Project Planner:

  
Heather R. Marlow, Planner

  
Johan Dybdahl, Chairman  
Planning Commission

Filed With City Clerk

  
04/20/99

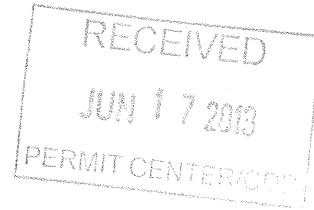
cc: Plan Review

**NOTE:** The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice - 202-272-5434, or fax 202-272-5447, NW Disability Business Technical Center - 1-800-949-4232, or fax 360-438-3208.

# MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801



DATE: March 17, 1999

TO: Planning Commission

FROM: Heather Marlow, Planner  
Community Development Department

FILE NO.: USE98-00048 - Conditional Use

PROPOSAL: A conditional use permit to expand a bed and breakfast operation to accommodate five people.

## GENERAL INFORMATION

Applicant: Suzi & R.W. Grunow

Property Owner: Suzi & R.W. Grunow

Property Address: 3120 Douglas Highway

Legal Description: Fraction of USMS 173

Parcel Code Number: 1-D05-0-L02-007-0

Site Size: 7,000 Square Feet

Zoning: D-5, Single-Family/Duplex Residential

Utilities: CBJ Water & Sewer Services

Access: Douglas Highway

Existing Land Use: Single-Family Residence

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Surrounding Land Use: North - D-5 Residential  
South - D-5 Residential  
East - Gastineau Channel  
West - Douglas Highway/D-5 Residential



## **PROJECT DESCRIPTION**

The applicant requests a conditional use permit for the operation of a three-room bed and breakfast. The approval of this request will allow for expansion of the existing bed and breakfast. The maximum occupancy will be five guests. The applicant proposes to operate with more than three guests six months of the year. The site offers five off-street parking spaces.

## **ANALYSIS**

The site is located in a D-5 zoning district. The CBJ Land Use Code designates a bed and breakfast operation as a rooming or boarding house. If lodging is to be provided to more than three persons in a D-5 zone, then a conditional use permit is required. The applicant intends to exceed the three-person limit and thus needs a conditional use permit.

**Project Design** - The applicant intends to utilize three bedrooms within the residence. No exterior changes are anticipated at this time.

**Parking and Circulation** - The parking requirement for the operation and residence is four spaces. The bed and breakfast operation is required to provide two spaces and the residential use requires two spaces. The applicant has constructed parking decks to accommodate the parking requirement.

A copy of the State of Alaska, DOTPF, Driveway Permit #1328, has been submitted with the application. A condition of that permit states that backing out onto Douglas Highway is not permitted from this site.

**Signs** - A separate permit process per CBJ §49.45, Signs, requires that all signs proposed by the development be submitted to CDD staff for review and approval.

**Public Health or Safety** - CDD has been incorporating the courtesy inspection provided by the Building Division into B&B permit review to ensure that these dwellings meet minimum life/safety standards established by the CBJ Building Code.

**Property Value or Neighborhood Harmony** - The current uses in this area are single-family and accessory apartment residential. A three-person B&B operates at 3260 Douglas Highway. A CBJ Appraiser, Tom Pitts, has commented that he has no evidence to indicate that the presence of a bed and breakfast in a neighborhood has affected property values.

**Conformity With Adopted Plans** - The development, as proposed, is residential and properly located in a D-5 zoning district. The development conforms with other adopted plans including the CBJ Comprehensive Plan.

**Juneau Coastal Management Program** - We find that no provisions of the JCMP apply to this request.

### **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; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
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 §49.15.300 (e)(1)(A thru C), Review of Director'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 a full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conform to the requirements of CBJ code Chapters 49.15.

2. *Is the proposed use appropriate according to the Table of Permissible Uses?*

**Yes.** The proposed use is appropriate according to the Table of Permissible Uses. The use is listed at CBJ §49.25.300, Section 1.610 for the D-5 zone.

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.

Per CBJ §49.15.330 (d)(5)(A thru C), Director's Review Procedure, the director makes the following additional findings:

4. *Will the proposed development materially endanger the public health or safety?*

**No.** Based on the preceding staff analysis, no evidence is found to indicate that the proposed development will materially endanger the public health or safety. These concerns are primarily addressed by the State driveway permit and the building inspection required by condition of this permit.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

**No.** Based on the preceding staff analysis, no evidence is found to indicate that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area. Based on the comment from a CBJ Appraiser, the development is anticipated to have no effect on property values. Another bed and breakfast is present and operating harmoniously in the neighborhood.

6. *Will the proposed development not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

**Yes.** Based on the preceding staff analysis, it is found that the proposed development is properly sited and in general conformity with the land use plan, thoroughfare plan, and the comprehensive plan.

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

**Not Applicable.** No provisions of the Juneau Coastal Management Program apply to the proposed development.

### **RECOMMENDATION**

We recommend that the Planning Commission adopt the director's findings and grant the requested conditional use permit. The permit would allow the operation of a five-person bed and breakfast within the existing dwelling at 3120 Douglas Highway. The operator may provide lodging to more than three persons six months of the year. The approval is subject to the following conditions:

1. The applicant shall request, within 21 days of the effective day of this permit, a Courtesy Inspection of the dwelling from the Community Development Department to identify any major health or safety issues that may exist. If such issues are identified, the applicant shall conform to the requirements as specified by the CBJ Building Official.
2. The permit shall expire when property ownership transfers from the current owner(s) to another owner(s).



Aerial of 3120 Douglas Highway

ATTACHMENT B



STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
APPLICATION & PERMIT TO CONSTRUCT AND MAINTAIN DRIVEWAY ON PUBLIC RIGHT OF WAY

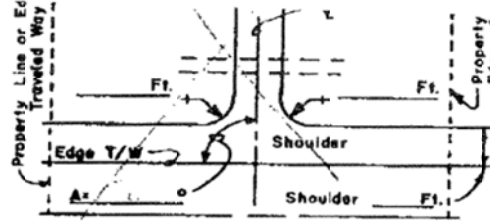
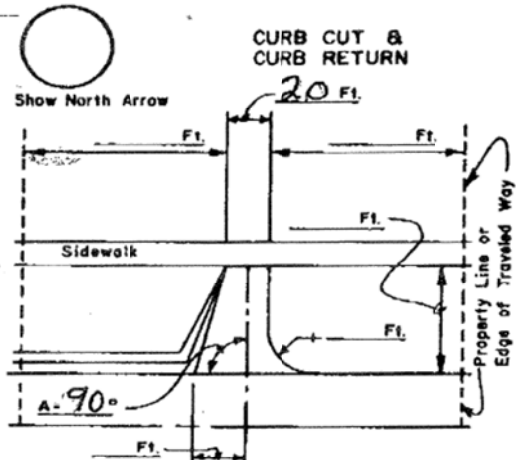
Permittee's Name: Wayne Grunow Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PERMIT NO.: 1328

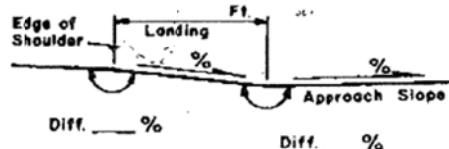
Work to be completed by 7/1/95 in accordance with the below sketch and/or attached plans.  
The permit will be void if no work is accomplished by this date. Any installation without a valid permit will be treated as an encroachment.

|                   |                 |         |              |            |   |
|-------------------|-----------------|---------|--------------|------------|---|
| Post-it® Fax Note | 7671            | Date    | 8/7/98       | # of pages | 1 |
| To                | Gretchen Kaiser | From    | Wendy Bishop |            |   |
| Co./Dept.         | CBS             | Co.     | D.O.T        |            |   |
| Phone #           |                 | Phone # | 465-1782     |            |   |
| Fax #             | 586-3365        | Fax #   | 465-2021     |            |   |



Driveway Pavement Type \_\_\_\_\_  
Shoulder Type \_\_\_\_\_

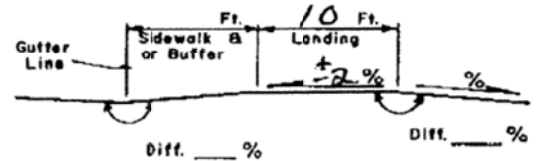
**PLAN DATA**



**PROFILE DATA**

Driveway Pavement Type \_\_\_\_\_

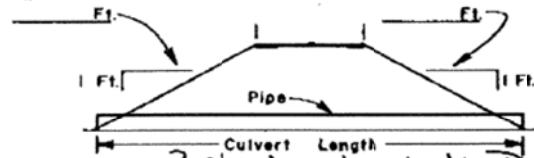
**PLAN DATA**



**PROFILE DATA**

**DRAINAGE**

Culvert Length \_\_\_\_\_ Ft.  
Size (Inside Dia.) \_\_\_\_\_ In.  
Culvert Type \_\_\_\_\_  
Ditch Depth \_\_\_\_\_ Ft.



The Permittee certifies that he/she is the (circle one) owner, lessee, or authorized agent of the property, that the conditions, restrictions and regulations of the Department will be complied with and that he/she will maintain the driveway in accordance with the provisions of this permit.

- Plat Plan attached.
- Construction Plan attached.
- Special Provisions attached.

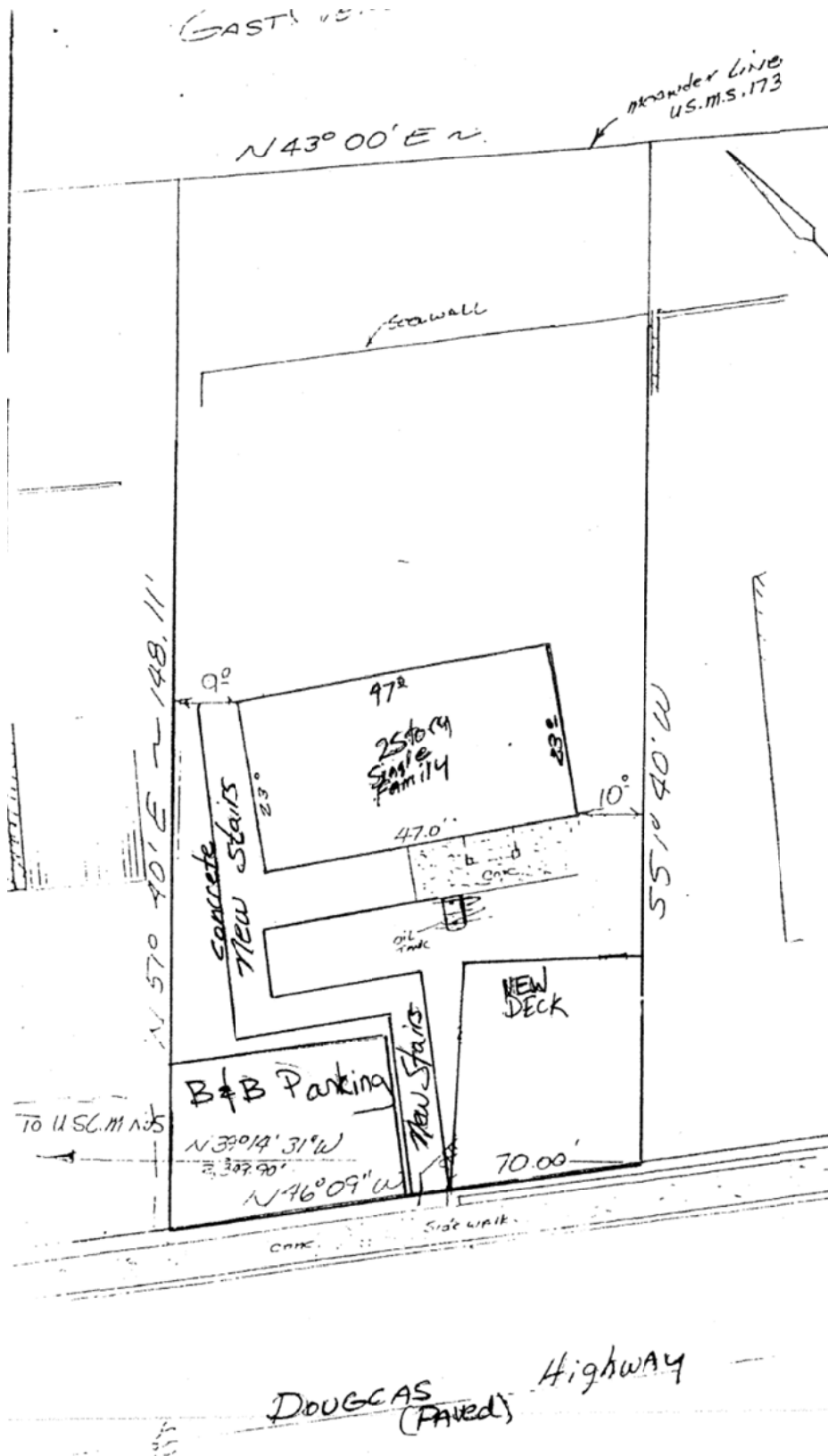
Permittee: Wayne Grunow  
Application Date: \_\_\_\_\_

PERMIT GRANTED: 3/3/95 DATE BY: Hinda Keikkala

SIGHT DISTANCE: \_\_\_\_\_ TITLE: \_\_\_\_\_

**INITIAL APPROVAL**

|                     |             |                      |             |
|---------------------|-------------|----------------------|-------------|
| Design: _____       | Date: _____ | Const. Auth.: _____  | Date: _____ |
| Maintenance: _____  | Date: _____ | Final Insp.: _____   | Date: _____ |
| Traffic: _____      | Date: _____ | Surety Bond: _____   | Date: _____ |
| Construction: _____ | Date: _____ | Bond Released: _____ | Date: _____ |
| Right of Way: _____ | Date: _____ |                      |             |



**ATTACHMENT C**  
**As-built for property**



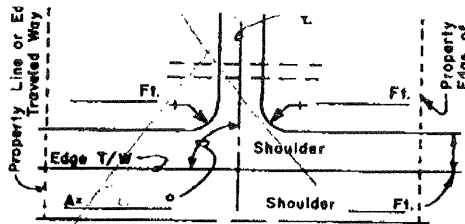
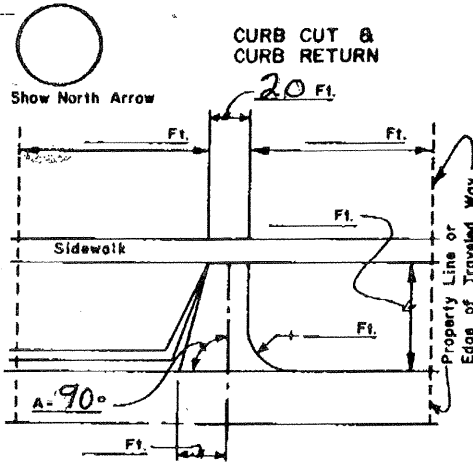
STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION AND PUBLIC UTILITIES  
 APPLICATION & PERMIT TO CONSTRUCT AND MAINTAIN DRIVEWAY ON PUBLIC RIGHT OF WAY

Permittee's Name: Wayne Grunow Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_

Location: \_\_\_\_\_ PERMIT NO.: 1328

Work to be completed by 7/1/95 in accordance with the below sketch and/or attached plans.  
 The permit will be void if no work is accomplished by this date. Any installation without a valid permit will be treated as an encroachment.

|                   |                 |         |              |            |   |
|-------------------|-----------------|---------|--------------|------------|---|
| Post-it® Fax Note | 7671            | Date    | 8/1/98       | # of pages | 1 |
| To                | Gretchen Kaiser | From    | Wendy Bishop |            |   |
| Co./Dept.         | CBS             | Co.     | D.O.T        |            |   |
| Phone #           |                 | Phone # | 465-1782     |            |   |
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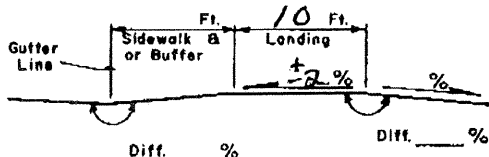
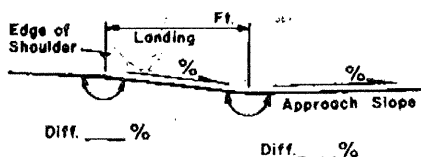


Driveway Pavement Type \_\_\_\_\_  
 Shoulder Type \_\_\_\_\_

Driveway Pavement Type \_\_\_\_\_

**PLAN DATA**

**PLAN DATA**

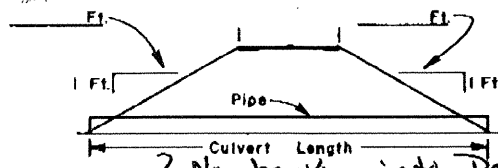


**PROFILE DATA**

**PROFILE DATA**

**DRAINAGE**

Culvert Length \_\_\_\_\_ Ft.  
 Size (Inside Dia.) \_\_\_\_\_ In.  
 Culvert Type \_\_\_\_\_  
 Ditch Depth \_\_\_\_\_ Ft.



*No backing onto Douglas Highway permitted from this site*

The Permittee certifies that he/she is the (circle one) owner, leasee, or authorized agent of the property, that the conditions, restrictions and regulations of the Department will be complied with and that he/she will maintain the driveway in accordance with the provisions of this permit.

- Plat Plan attached.
- Construction Plan attached.
- Special Provisions attached.

Permittee: Wayne Grunow  
 Application Date: \_\_\_\_\_

PERMIT GRANTED: 3/3/95 DATE BY: \_\_\_\_\_

SIGHT DISTANCE: \_\_\_\_\_ TITLE: \_\_\_\_\_

**INITIAL APPROVAL**

Design: \_\_\_\_\_ Date: \_\_\_\_\_ Const. Auth.: \_\_\_\_\_ Date: \_\_\_\_\_  
 Maintenance: \_\_\_\_\_ Date: \_\_\_\_\_ Final Insp.: \_\_\_\_\_ Date: \_\_\_\_\_  
 Traffic: \_\_\_\_\_ Date: \_\_\_\_\_ Surety Bond: \_\_\_\_\_ Date: \_\_\_\_\_  
 Construction: \_\_\_\_\_ Date: \_\_\_\_\_ Bond Released: \_\_\_\_\_ Date: \_\_\_\_\_  
 Right of Way: \_\_\_\_\_ Date: \_\_\_\_\_

25M-095 (R2/92)

ATTACHMENT D



ATTACHMENT E