

MEMORANDUM

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

DATE: July 16, 2013

TO: Board of Adjustment

FROM: Chrissy A. McNally, Planner ^{CM}
Community Development Department

FILE NO.: VAR2013 0016

PROPOSAL: A Variance request to reduce the required 20 foot rear yard setback to 8 feet for a garage.

GENERAL INFORMATION

Applicant: James C. Laurent

Property Owner: James C. Laurent

Property Address: 510 Summers Street

Legal Description: TYEE ADDITION DOUGLAS TOWNSITE Block 38 Lots 2 & 3

Parcel Code Number: 2-D04-0-T38-001-0

Site Size: 8570 square feet

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

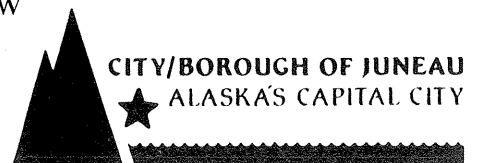
Zoning: D5

Utilities: City water and sewer

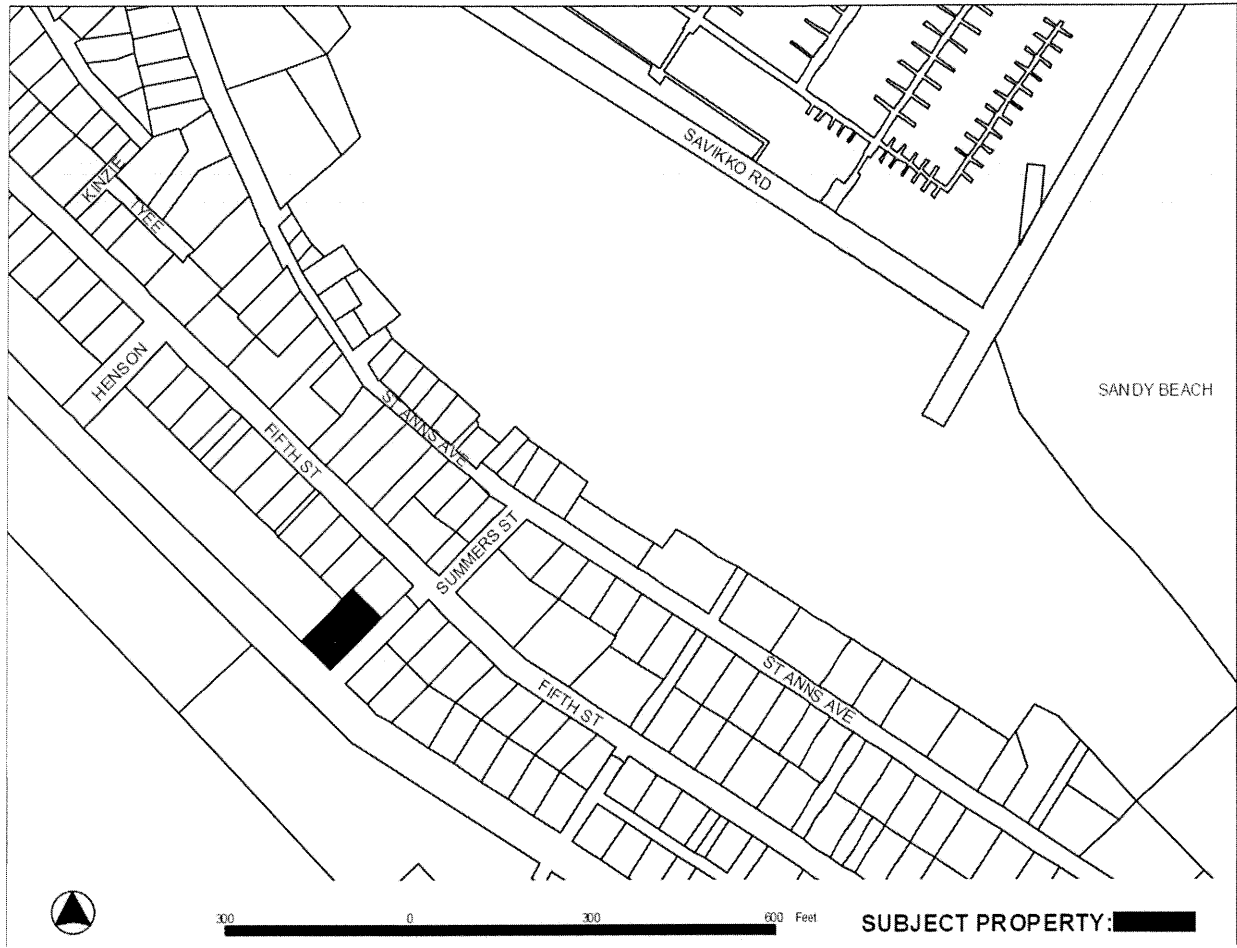
Access: Summers Street

Existing Land Use: Residential

Surrounding Land Use: Northwest - D5 – Undeveloped CBJ Land
Southeast - D5 – Summers Street ROW
Northeast - D5 – Single Family Dwelling
Southwest - D5 – 6th Street ROW



Vicinity Map



ATTACHMENTS

- Attachment A: Letter from applicant
- Attachment B: Site plan
- Attachment C: Zoning map
- Attachment D: Aerial of site

PROJECT DESCRIPTION

The applicant is seeking a variance to reduce the rear yard setback of 20 feet to 8 feet for the purpose of building a garage. The proposed garage is 24' x 30'.

BACKGROUND

The site is located on Summers Street. Between the intersection of Fifth Street and Summers Street up to the undeveloped Sixth Street Right-of-Way, Summers Street is an unmaintained gravel lane which extends along the southeast side of the parcel. The project site is the only parcel on the right-of-way (see Attachment C). The site is comprised of two lots with the same parcel identification number. Lot 3, where the primary residence is located is 5,070 square feet. According to the assessor's file the single family residence was built in 1974. Lot 2, the lot for which the variance is sought, is 3,500 square feet. The two lots have a total of 8,570 square feet. The site is steeply sloping. A rockery wall was installed in 2006 to level the lower lot for building (see Figure 1).

Both lots are 70 feet in depth. Lot 2 is 75 feet wide and Lot 3, 50 feet wide. Individually the lots do not meet the dimensional requirements for the D5 zoning district which is 7,000 square feet for permissible uses with a minimum lot depth of 85 feet. The rear lot line partially abuts undeveloped CBJ land and partially abuts a single family dwelling at 609 5th Street (see Amendment C). The lots were platted in 1936 and are considered non-conforming.

The applicant initially requested a variance from 20 feet to 5 feet. The toe of the rockery wall runs along the 5 foot setback. Staff suggested the applicant adjust the variance request in order to avoid removing any part of the rockery wall. An 8 foot setback will not interfere with the rockery wall and will still allow sufficient area for the proposed garage and required parking.

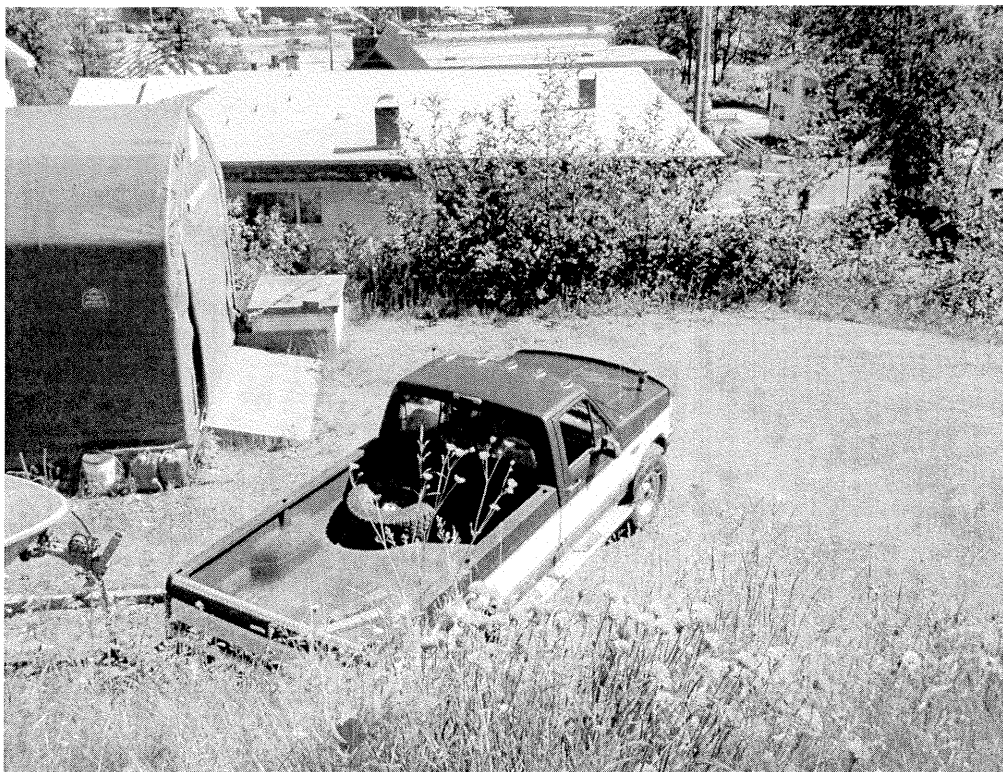


Figure 1: Looking down at Lot 2 from Lot 3

ANALYSIS

The site is located in a D5 zoning district. According to Title 49.25.400 *Table of Dimensional Standards* the minimum lot depth in the D5 zoning district is 85 feet. The lot depth is 70 feet. According to Title 49.25.430(4)(J), the lot is eligible for a reduced rear yard setback,

“if the lot width, lot depth or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in no case shall the side and rear yard setbacks be less than half those required by the is chapter, or five feet, whichever is greater.”

Based on this criteria, this lot would have a minimum rear setback of 16.4 feet ($70/85 = .82$ and $20 * .82 = 16.4$). The proposed 24' x 30' foot garage built with a 16.4 foot setback would leave 26.5 feet between the front of the garage and the Summers Street Right-of-Way. The front yard setback is 20 feet. The area between the rockery wall and the eastern property line is 32 feet. The applicant's reasoning for a variance is to provide more parking. According to CBJ § 49.40.210(b)(1) a parking space must be at least 8.5 feet wide and 17 feet long. Based on these criteria allocating the garage in compliance with the 16.4 foot setback would provide parking for up to three standard vehicles in front of the proposed garage. The requested variance of 8 feet would leave 34.4 feet between the front of the garage and the right-of-way and still be 32 feet across. Based on the parking dimension requirements cited above these dimensions provide parking for four standard vehicles in front of the garage. Additional parking will be available in the proposed garage. The single family dwelling requires 2 off street parking spaces. If the second story of the garage were converted to an accessory apartment at some time in the future one more off street parking space would be required, for a total of three.

Carports and garages are allowed within five feet of any property line in all residential districts under CBJ § 49.25.430(H) if the following conditions can be met:

- i. The topography of the lot makes construction a hardship
- ii. The garage has a maximum height of 17 feet from the finished floor level and maximum square floor area of 600 square feet.
- iii. Sight distance is approved by the Director
- iv. Enclosed space under the garage is subject to the setback exception and no additional stories are allowed over the garage.

The proposed garage has 720 square feet of floor area and is higher than 17 feet above the finished floor level. Therefore the proposed garage does not qualify for the reduced setback.

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 requested variance would not give substantial relief to the applicant. Without the requested variance the parking area in front of the garage is 848 square feet. This is more than the required parking area for the primary residence. There will be additional parking and storage within the 720 square feet of the first floor of the garage. Based on the requirements of CBJ § 49.40.210(a) CBJ § 49.40.210(b)(1) providing an additional nearly 270 square feet of parking space is not grounds for a variance.

This relaxation is not consistent with justice to other property owners in that the majority of property owners in the area do not have secondary structures this large. The site already allows for off street parking, therefore a variance would not provide further parking relief to the neighborhood.

No. Staff finds that criterion 1 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.***

CBJ §49.05.100(4) states one purpose of Title 49 is to “ensure that future growth is of the appropriate type, design and location...” The setback requirements found in CBJ § 49.25.430 are one method of ensuring this statement is upheld. No evidence has been presented indicating that the requested variance will have a net negative or positive impact on public safety and welfare. However, the approval of the variance request would violate CBJ § 49.25.430, the yard setback section of Title 49; therefore, the intent of this title would not be observed.

No. Staff finds that criterion 2 is not met.

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

More than half of the rear lot line of Lot 2 abuts undeveloped CBJ property. The other portion of the rear lot line abuts a parcel with a single family residence that is forward of the area where the garage would be built. This property is the farthest uphill of properties in the area and would therefore not create any visual obstructions for neighbors. No evidence has been presented to indicate the variance will injure nearby property.

Yes. Staff finds that criterion 3 is met.

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

The current use is single-family residential and garages are normally associated with this class of use. The use is allowed within this district, per CBJ § 49.25.300 *Table of Permissible Uses*, section 1.110.

Yes. Staff finds that criterion 4 is met.

5. That compliance with the existing standards would:

(A) Unreasonably prevent the owner from using the property for a permissible principal use;

Compliance with the existing standards would not unreasonably prevent the owner from using the property for a permissible use. The property is currently developed with a single family residential building, which complies with the front building line.

No. Staff finds that sub-criterion 5(A) 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;

A site visit showed that while several of the nearby properties have garages none appear to be detached or of the size proposed. The garage would not be of a scale and appearance consistent with other existing development in the neighborhood.

No. Staff finds that sub-criterion 5(B) is not met.

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

The lot is steep, but the building site has been leveled. The lot is nonconforming in that it does not meet the current dimensional requirements. This allows for reduced setbacks. The proposed garage can be built within the reduced rear yard setback and the required front and side yard setbacks.

No. Staff finds that sub-criterion 5(C) 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.

The pre-existing nonconformity is the size of the lot, in that it does not meet dimensional requirements of the current D5 zoning. However, the pre-existing nonconformity does not prohibit conformity with reduced setback requirements.

No. Staff find that sub-criterion (D) is not met.

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

No evidence has been presented that indicates allowing the garage to be built with an 8 foot rear yard setback will have any impact on the neighborhood. The site already allows for sufficient off-street parking. The difference between the required setback of 16.4 feet and the requested variance of 8 feet does not create any more additional parking than what currently exists. No benefits to the neighborhood have been identified.

No. Staff finds criterion 6 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. Based on the preceding staff analysis, it is found that no provisions of the Juneau Coastal Management Program apply to the proposed development.

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

Yes. Based on the analysis above, staff finds that the Variance does not meet the criteria of CBJ §49.20.250, *Grounds for Variances*.

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Criterion 1, 2, 5 and 6 are not met.

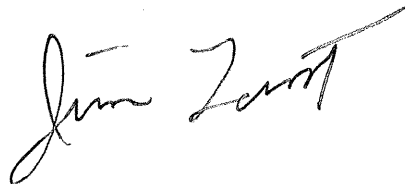
RECOMMENDATION

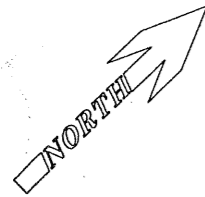
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2013 0016.

1) I am applying for a variance to the twenty foot rear setback on lot 2 located at 510 Summers Street in Douglas. The primary reason I am applying is to maintain off street parking for my vehicles after I have built a garage. My property is accessed by the Summers Street right-of-way, a steep and unmaintained one lane path. If there is no parking on my property I compete with my neighbors down on 5th Street where parking is already limited due to the Summers Street intersection, this is complicated even further in the winter when the snow piles up. Not only would the granting of this variance allow me to park close to my residence but it would free up parking space for the neighbors near their dwellings.

I would also like to point out that the a joining lots (605 and 609 5th Street) are oriented 90 degrees different than mine as they are fronted on 5th street and I am fronted on the Summers Street right-of-way. The lot at 605 5th street's rear property line is my lots side property line. This means that he has a twenty foot setback from the same line that I am required to only have a five foot setback. I would also like to mention that that house is built much closer than the required twenty foot setback. To further convolute things: the lot at 609 5th Street has different dimensions and extends past the corner with 605 and part way along the rear edge of my lot. So now we have the inverse of the other situation—I have a twenty foot setback (for which I am trying to get a variance) from the same line that my neighbor is only required to be set back five feet.

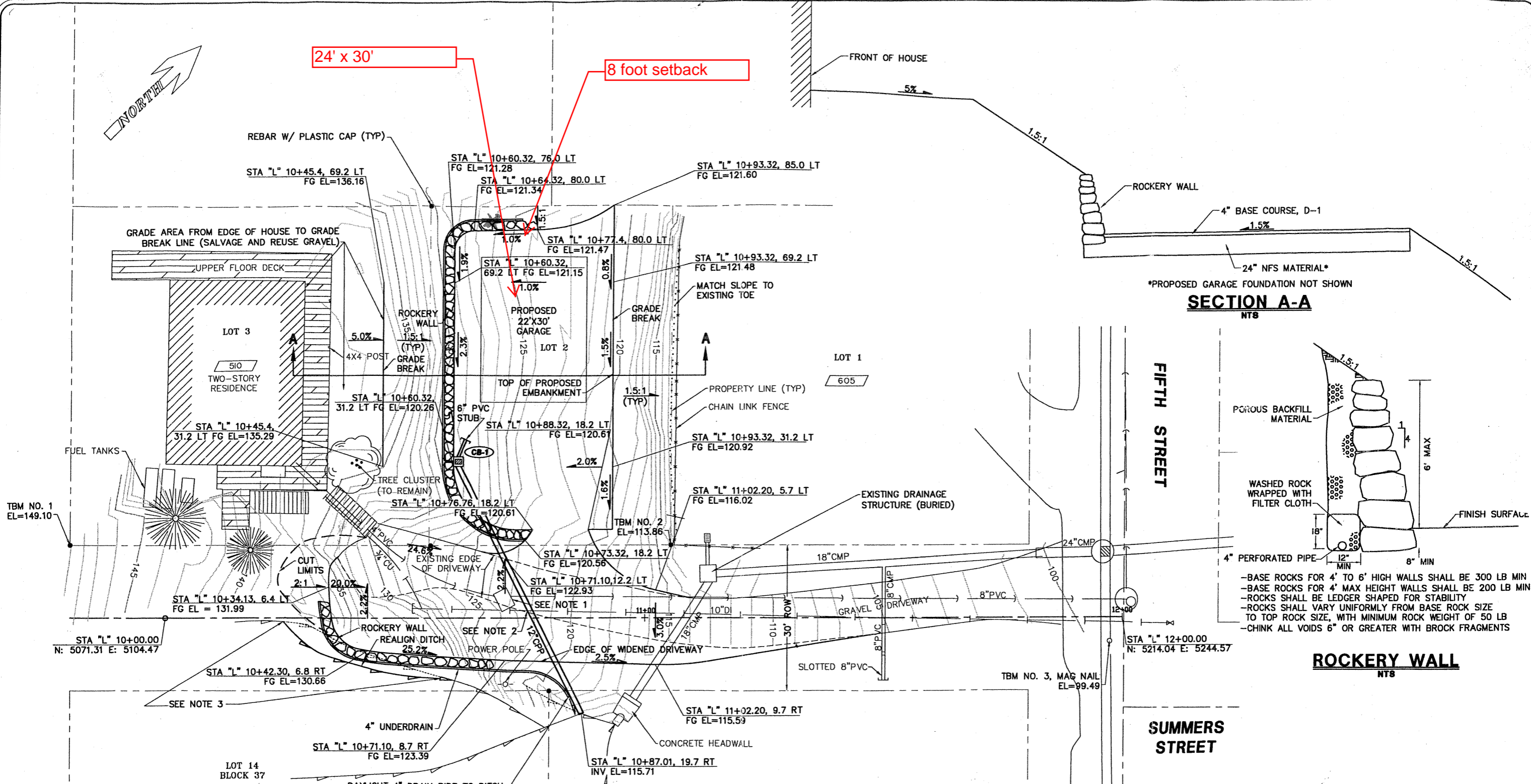
- 2) Public safety and welfare will be preserved—in fact they will be enhanced—through less parking congestion on 5th Street and clear access of the Summers Street right-of-way.
- 3) I see no potential detriment or injury to adjacent or nearby properties. The other side of the affected property line is split between undeveloped non-accessible public land and a private lot whose set back is already at the 5-foot minimum I am asking for.
- 4) A private garage does not constitute authorization of uses which are not permitted in this district.
- 5) This lot is of a smaller than normal size and is located on a steep hillside with limited access. Compliance with the existing twenty foot setback severely limits the usefulness of this property. If I were to build a garage that complies with the rear setback requirement of twenty feet it would render almost 30% of an already limited area useless. Additionally it would cut the usable parking area in the front by 50%.
- 6) The granting of this variance would generate no detriments to the neighborhood while there are numerous benefits which I have listed above.





24' x 30'

8 foot setback



SECTION A-A
NTS

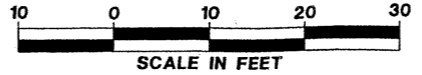
ROCKERY WALL
NTS

- BASE ROCKS FOR 4' TO 6' HIGH WALLS SHALL BE 300 LB MIN
- BASE ROCKS FOR 4' MAX HEIGHT WALLS SHALL BE 200 LB MIN
- ROCKS SHALL BE LEDGER SHAPED FOR STABILITY
- ROCKS SHALL VARY UNIFORMLY FROM BASE ROCK SIZE TO TOP ROCK SIZE, WITH MINIMUM ROCK WEIGHT OF 50 LB
- CHINK ALL VOIDS 6" OR GREATER WITH BROCK FRAGMENTS

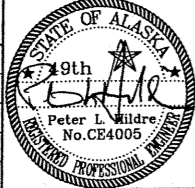
NOTES:

- 1) EXISTING SEWER STRUCTURE LOCATION IS APPROXIMATE ONLY. CONTRACTOR SHALL LOCATE SEWER STRUCTURE AND ADJUST 12"CPP DRAIN PIPE AS REQUIRED TO AVOID CONFLICT WITH STRUCTURE AND SEWER PIPE.
- 2) WATER PIPE LOCATION IS APPROXIMATE ONLY. 12"CPP DRAIN PIPE SHALL BE ADJUSTED IF NECESSARY TO AVOID CONFLICT WITH WATER PIPE.
- 3) REALIGN DITCH. CONSTRUCT BERM (TO 3' ABOVE DITCH BOTTOM) ALONG DRIVEWAY SIDE OF DITCH.

CB-18 TYPE IV	
STA "L" 10+61.3, 32.2 LT *	
FG	EL = 120.26
INV 12"CPP	EL = 117.76
INV 6" PVC	EL = 117.84
INV 4" UD	EL = 117.84
SUMP 16" MIN	
*CENTER OF 24"X24" GRATE	



STATUS	DATE PRINTED	
DATE	REVISIONS	BY



Toner Nordling Consulting Engineers • Land Surveyors
Construction Administration

5368 COMMERCIAL BLVD. JUNEAU, ALASKA 99801
(907) 780-3533 OFFICE (907) 780-3535 FAX

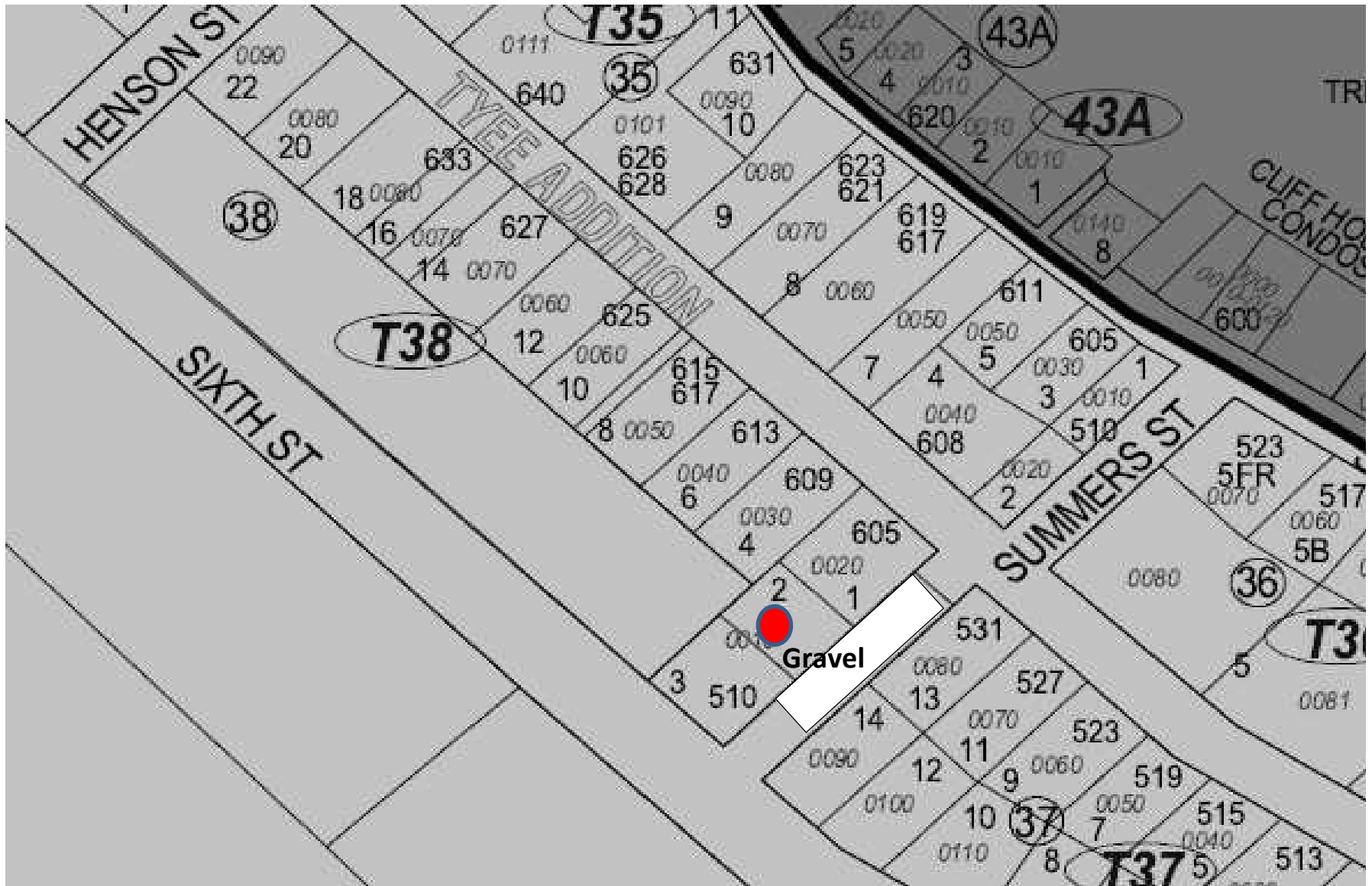
TN NO: 05-4069 DRAWN BY: STAFF DESIGNED BY: P. HILDRE CHECKED BY: STAFF DATE: JUNE 2005

JIM LAURENT

DRIVEWAY, LOT GRADING AND DRAINAGE IMPROVEMENTS FOR TYEE ADDITION, DOUGLAS TOWNSITE, BLOCK 38, LOTS 2 AND 3

PLAN AND DETAILS

SHEET NO. **1** of **1**



Zoning map of proposed variance site



Attachment D