


MEMORANDUM

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

DATE: August 6, 2013

TO: Planning Commission

FROM: Jonathan Lange, Planner 
Community Development Department

FILE NO.: USE2013 0026

PROPOSAL: A Conditional Use Permit to allow a garage in the rear yard setback of a parcel that adjoins publicly owned land. The setback would be reduced from 25 feet to 10 feet.

GENERAL INFORMATION

Applicant: Bruce Griggs

Property Owners: Bruce and Mary Griggs

Property Address: 13948 Glacier Highway

Legal Description: Auke Nu View Lot A5A

Parcel Code Number: 4-B31-0-100-012-2

Site Size: 1.3247 Acres or 57,703 Square Feet

Comprehensive Plan Future Land Use Designation: RLDR – Rural Low Density Residential

Zoning: D-3(T)D-5

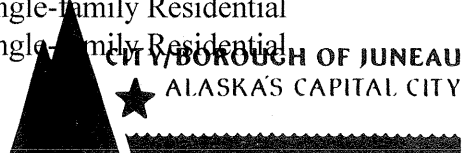
Utilities: City water and On-site wastewater disposal system

Access: Glacier Highway

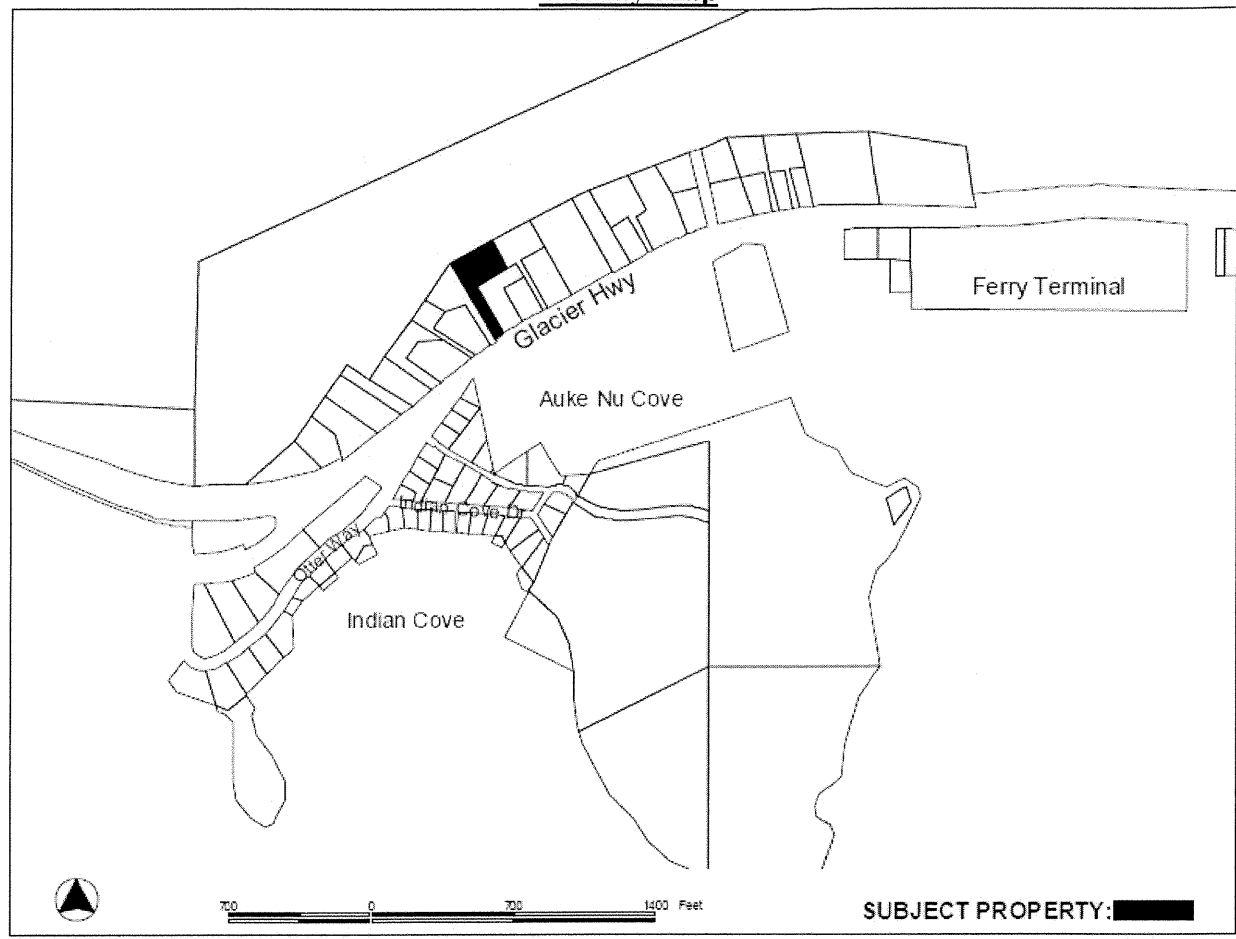
Existing Land Use: Single-family Residential – Two dwelling units on lot

Surrounding Land Use:

North	-	RR; CBJ Land – Vacant/Gravel quarry
South	-	D3(T)D5; Single-family Residential
East	-	D3(T)D5; Single-family Residential
West	-	D3(T)D5; Single-family Residential



Vicinity Map



ATTACHMENTS

- Attachment A – Notice of Public Hearing
- Attachment B – Conditional Use Permit and Development Permit Application
- Attachment C – Site Plan
- Attachment D – Pictures of Existing Site and Buildings

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the proposed development of a 1,200 square foot detached garage. Through the Conditional Use permit process the garage may be allowed in the required rear yard setback because the lot adjoins publicly owned land, in accordance with the City and Borough of Juneau's Land Use Code Title 49.25.430(4)(N)

Parcels adjoining publicly owned land. The commission, through the conditional use permit process, may allow structural projections into required side or rear yard setbacks if the affected yard adjoins publicly owned land which has been placed in a park, open space, or similarly restrictive land management classification; provided such projections are minimized and are necessary to prevent substantial hardship to the applicant. The commission may deny such requests if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.

ANALYSIS

Project Site and Design – The site is located in a D-3(T)D-5 residential zoning district past Auke Bay, just north of Indian Cove, and is accessible off of Glacier Highway. The lot has two detached single-family homes and is 57,703 square feet which exceeds the 24,000 square foot minimum lot size for two single-family detached homes on one lot in the D-3 zoning district.

As mentioned above the applicant has proposed a 1,200 square foot detached garage that will be used for boat and gear storage (Attachment C). The project meets all other requirements of an accessory use of a garage in the City and Borough of Juneau's Land Use Code Table of Dimensional Standards. The project meets the 25 foot front yard setback and 10 foot side yard setbacks; the 25 foot maximum height standard; and 35% maximum lot coverage standard for the zone.

The City and Borough of Juneau's Land and Resources Manager, Greg Chaney, commented that he has no objection to the proposal for the garage to be 10 feet from the rear yard lot line. Where the garage is proposed to be, Mr. Chaney says, "the (publicly owned) site is very steep and it would not be practical to construct another structure close to the property line."

Traffic, Parking, and Circulation – The parking requirement for this property is four parking spaces; two parking spaces for each single-family home. The proposed detached garage does not require additional parking. The garage will use the existing paved driveway of the lot. The proposed project will not generate additional traffic.

Noise – The proposed development will not generate additional or significant noise.

Public Health or Safety – Staff is unaware of any 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 available evidence indicates that the proposed development will have a negative impact on property value or neighborhood harmony.

Conformity with Adopted Plans – Chapter 3 of the 2008 Comprehensive Plan speaks to rural area development. Policy 3.3 (page 23) states,

Outside of the Urban Service Area, it is the policy of the CBJ to permit appropriate low-intensity, low-impact development that provides an overall public benefit in rural areas, while assuring the protection of natural resources, fish and wildlife habitat, watersheds, scenic corridors, public access to the shoreline and inland water bodies, and recreational opportunities.

It is staff's recommendation that the proposed development of a garage in the rear yard setback is appropriate "low-intensity, low-impact development."

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 1.120 for the D-3 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 August 16, 2013 and August 26, 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 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. As described in the preceding analysis, no available 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 is in general conformity with the land use plan.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

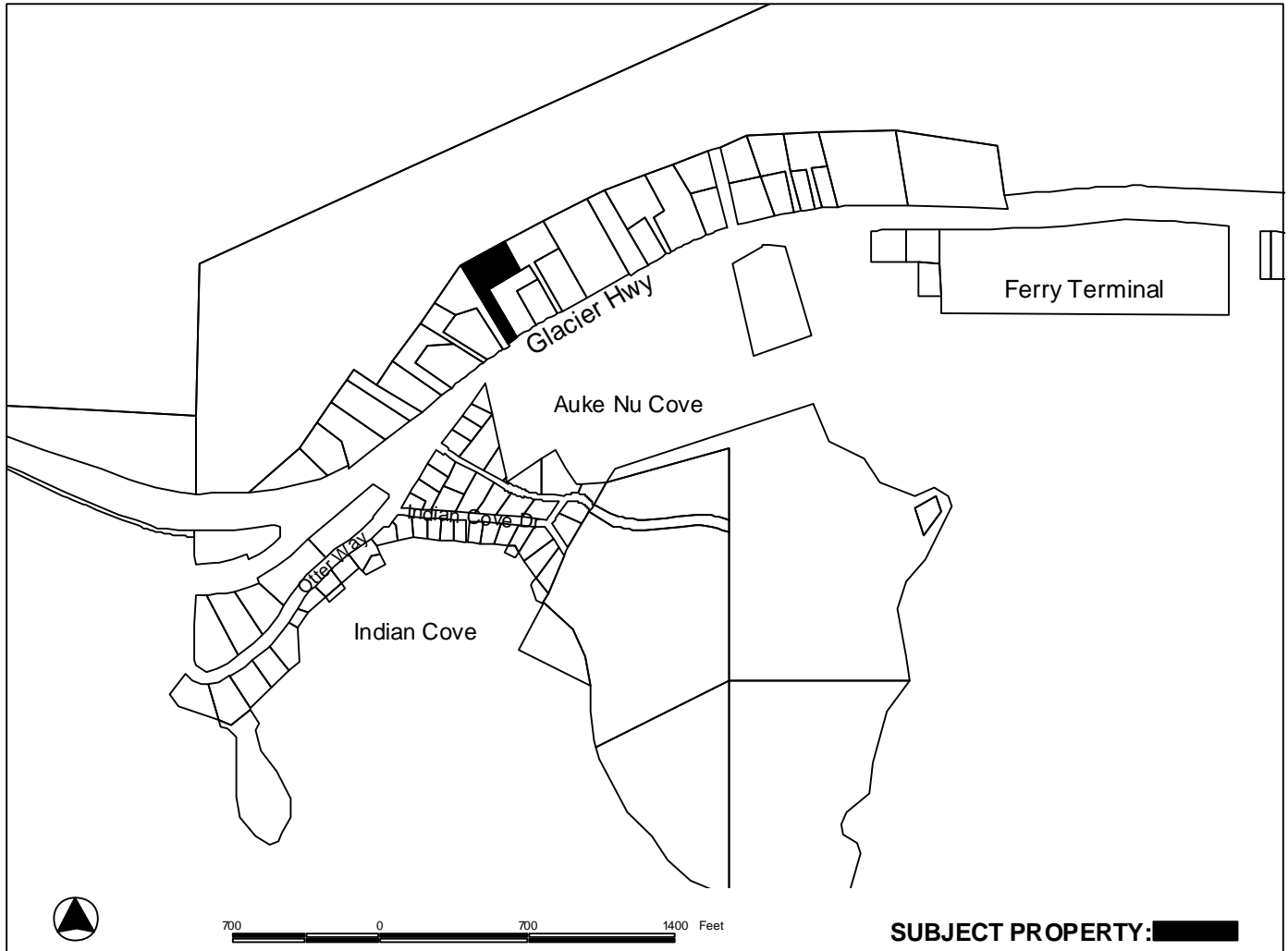
7. Will the proposed development comply with the Juneau Coastal Management Program?

Not applicable. The development proposal does not include elements relevant to the Juneau Coastal Management Program.

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 for a reduction of the rear yard setback requirement to publicly owned land for a proposed garage. The rear yard setback is reduced from 25 feet to 10 feet.

NOTICE OF PUBLIC HEARING



PROPOSAL: A Conditional Use Permit to allow a garage in the rear yard setback of a parcel that adjoins publicly owned land. The setback would be reduced from 25 feet to 10 feet.

FILE NO: USE2013 0026	APPLICANT: Bruce Griggs
TO: Adjacent Property Owners	Property PCN: 4-B31-0-100-012-2
HEARING DATE: August 13, 2013	Owner: Bruce Griggs
HEARING TIME: 7:00 PM	Size: 1.3247 acres
PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	Zoned: D3(T) D5
	Site Address: 13948 Glacier Hwy
	Accessed via: Glacier Hwy

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 or at 586-0218.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: July 30, 2013

ATTACHMENT A

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number USE20130026	Project Name (15 characters)	Case Number	Date Received 07/11/13
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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: _____

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

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

Build a detached garage 10' from a property line that has a 25' setback. Land owner/neighbor is CBJ land parcel 4B3001020070. CBJ code 49.25.430 (N) applies to this situation.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☐ NO
 ☐ YES - Case # _____

CURRENT USE OF LAND OR BUILDING(S): 2 dwellings existing on D-3 zoned land.

PROPOSED USE OF LAND OR BUILDING(S): proposed detached garage will be used for boat storage, and gear.

UTILITIES PROPOSED:

WATER: ☐ Public ☐ On Site

SEWER: ☐ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 44,150 square feet

Total Area of Existing Structure(s) 5100 square feet

Total Area of Proposed Structure(s) 1200 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 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 checked="" 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>	_____	_____	_____
Admin. of Guarantee \$ _____	_____	_____	_____
Adjustment \$ _____	_____	_____	_____
Pub. Not. Sign Fee \$ <u>50</u>	_____	_____	_____
Pub. Not. Sign Deposit \$ <u>100</u>	_____	_____	_____
Total Fee \$ <u>500</u>	<u>055367</u>	<u>CD53987</u>	<u>07/11/13</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

Project Number USE20130026	CITY and BOROUGH of JUNEAU	Date Received: 07/11/13
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

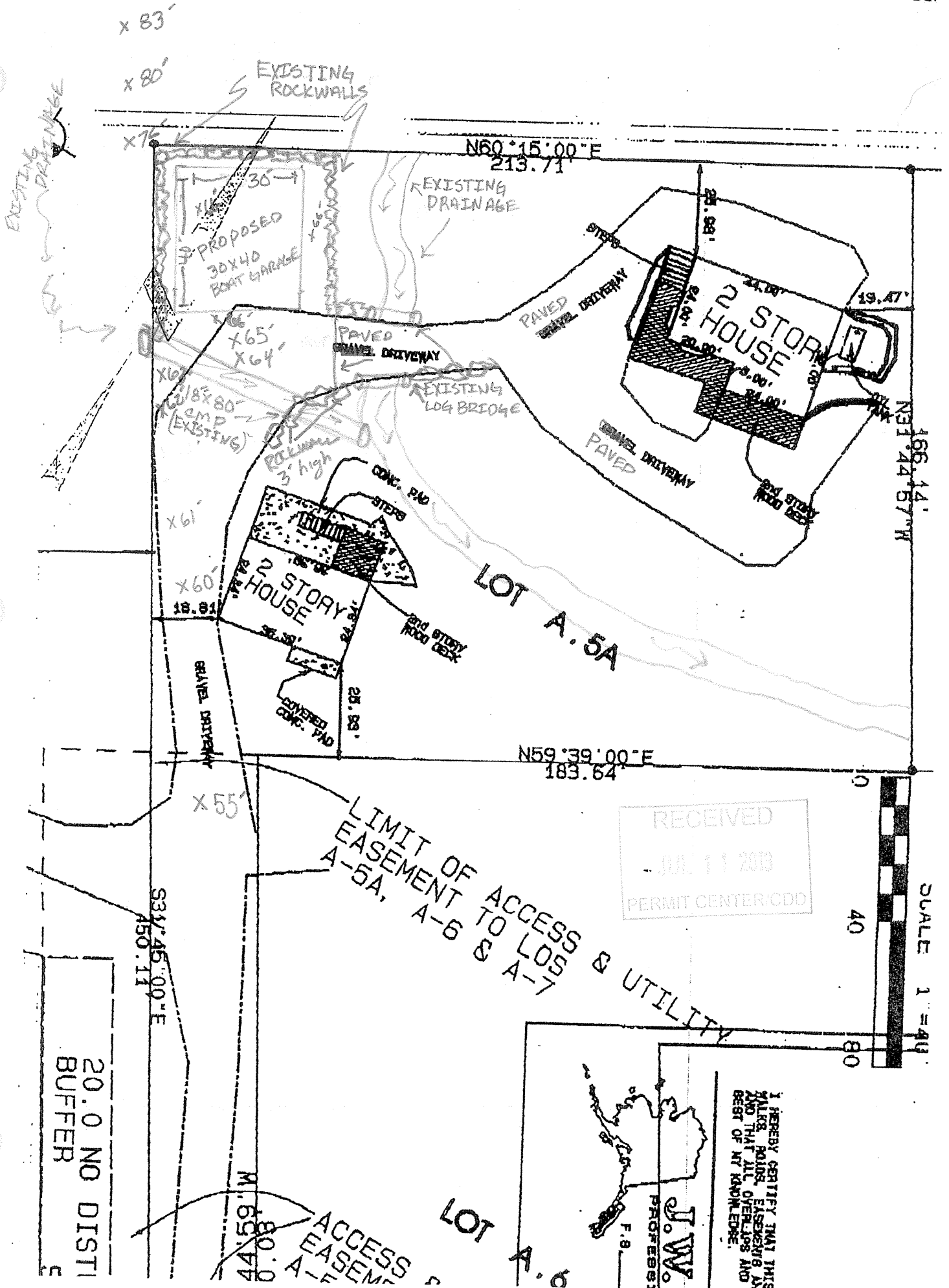
Project Description Detached Garage		
PROPERTY LOCATION		
Street Address 13948 Glacier Hwy.	City/Zip Juneau, AK. 99801	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) LOT A. SA Black diamond subdivision / Auks nuview L		
Assessor's Parcel Number(s) 4B3101000122		
LANDOWNER/ LESSEE		
Property Owner's Name Bruce Griggs	Contact Person: Same	Work Phone: (907) 723-7851
Mailing Address P.O. Box 32076 Juneau, AK. 99803	Home Phone: 723-7851	Fax Number:
E-mail Address brucegriggs@hotmail.com	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 LB Griggs	07/11/13	Date
Landowner/Lessee Signature		
X		Date
Landowner/Lessee Signature		
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 SAME	Contact Person:	Work Phone:
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	
X [Signature]		Date of Application

OFFICE USE ONLY BELOW THIS LINE

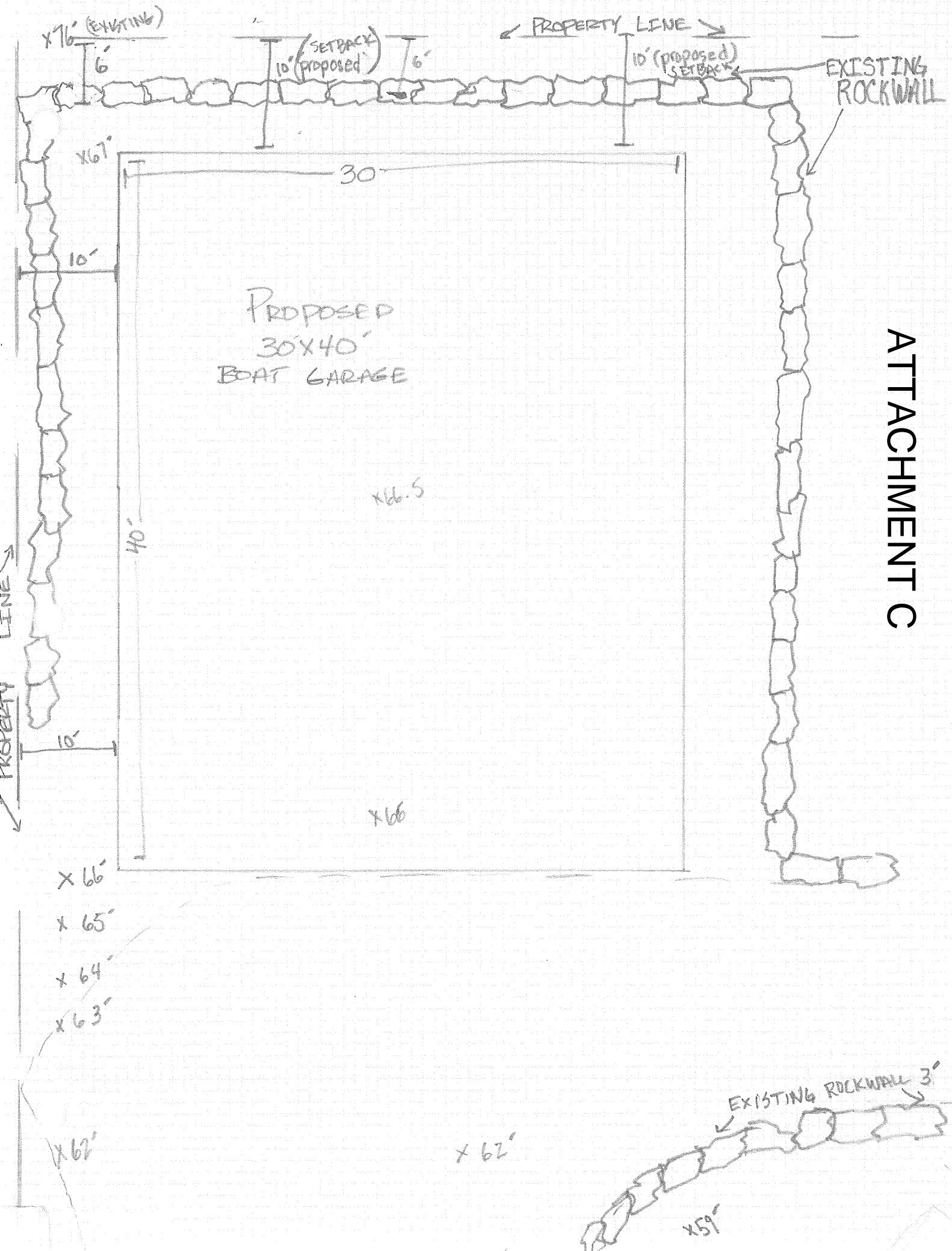
STAFF APPROVALS

✓	Permit Type	**SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
✓	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		07/11/13	USE20130026
	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:				Permit Intake Initials JKL

ATTACHMENT C

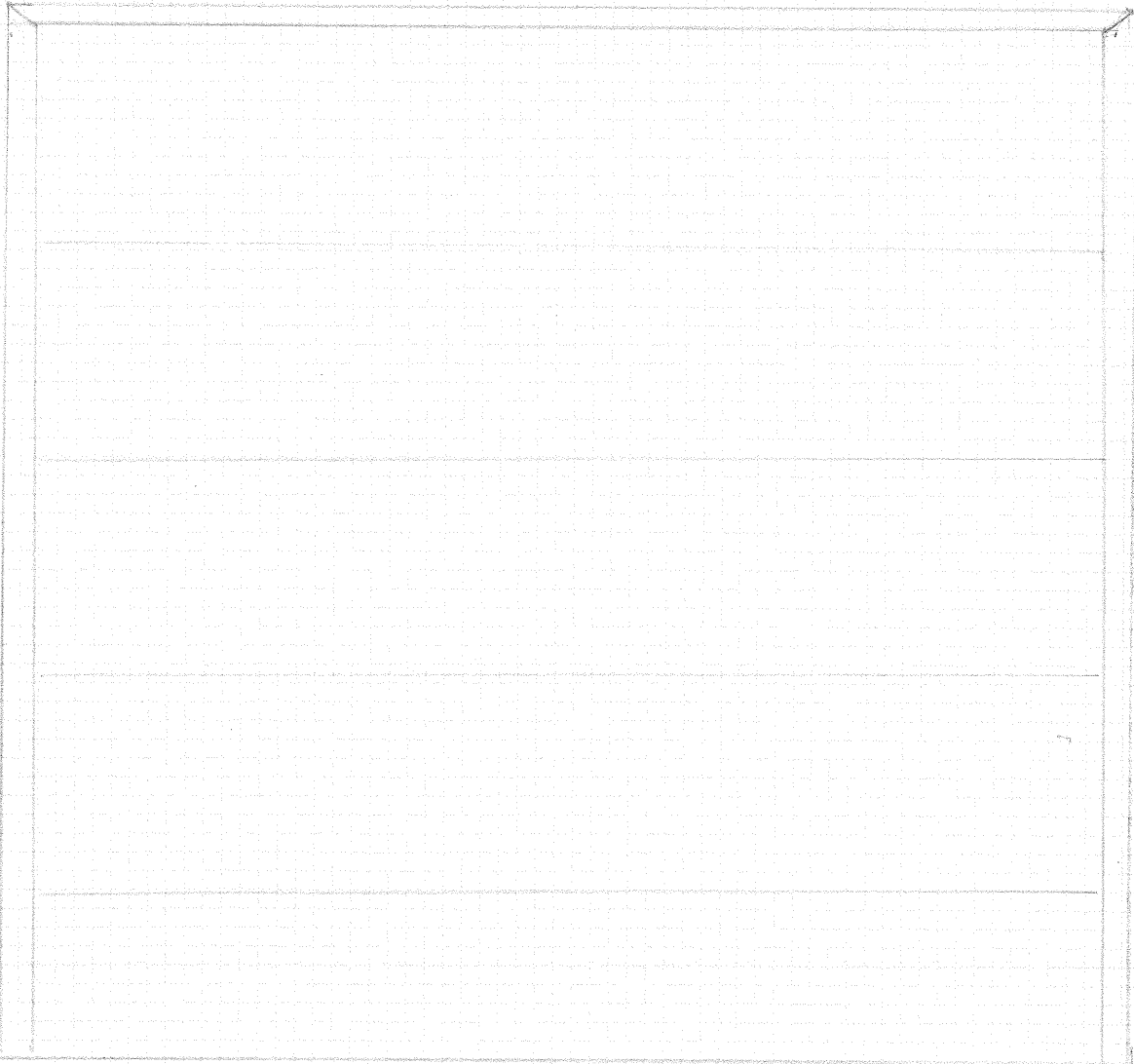


ATTACHMENT C



FRONT ELEVATION
SOUTH SIDE

4/12 →
↓



30'

ATTACHMENT C



40'

EAST SIDE ELEVATION

23'

ATTACHMENT C





ATTACHMENT D

2012/09/10