MEMORANDUM

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

DATE: August 5, 2013

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: APL2013 0003

PROPOSAL: Initial Hearing to determine whether the Planning Commission will hear the Appeal of the director's determination to issue BLD2013 0302, a building permit to construct a detached garage with living space

GENERAL INFORMATION

Applicant:	Eric Twelker
Property Owner:	Keith Comstock
Property Address:	10471 Dock Street
Legal Description:	USS 1155 Tract A Lot 2
Parcel Code No.:	4-B18-0-103-001-2
Site Size:	36,035 Square Feet
Zoning:	D-1 Residential
Comprehensive Plan Land Use Designation:	Rural Low Density Residential
Utilities:	CBJ Water; Private Septic
Access:	Dock Street Right-of-Way
Existing Land Use:	Single Family Dwelling
Surrounding Land Use:	North - D-1 Residential South - D-1 Residential East - D-1 Residential West - Auke Bay

PARTIES REFERRED TO

Eric Twelker, Applicant and Appellant, Owner of property adjacent to subject property
Keith Comstock, Owner of the subject property
Hal Hart, CBJ Community Development Department Director

ATTACHMENTS

Attachment 1 Appeal Application
Attachment 2 Building Permit
Attachment 3 Plat # 2006-37
Attachment 4 VAR2006 00018 staff report and Notice of Decision

BACKGROUND

The applicant and appellant, Mr. Twelker, is appealing the director's issuance of BLD2013 0302. The issuance of BLD2013 0302 authorized construction of a garage with living space at 10471 Dock Street, the subject property shown as Lot Two of Plat #2006-0037, Attachment 3.

The appellant is appealing the issuance of BLD2013 0302 because of the distance from the proposed garage (which is now under construction) to the appellant's property line. The appellant disputes the approved distance for two reasons: 1) The appellant disagrees with CDD's setback determination for the subject property and believes that the east yard of the subject property should be subject to the D-1 standard of a minimum 25-foot front yard setback; and 2) The appellant believes the setback determination is based on a flawed minor subdivision process that does not meet the requirements of the preceding variance (VAR2006 0018) that authorized the subdivision. These disagreements are described in the appeal application, Attachment 1.

BLD2013 0302 approved the garage for construction 13 feet from the east property line of the subject property, as shown in the building permit drawings, Attachment 2. The appellant's property is the adjacent Lot 17, and has access from Dock Street via a right-of-way easement on Lot 16, as shown on the final plat in Attachment 3.

Staff notes that the building permit drawings in Attachment 2 did not use the lot configuration approved in Plat #2006-37, Attachment 3. The building permit plans show an earlier Dock Street right-of-way configuration that was not approved in the plat, and the plans do not show the "jog" in the center of the property. However this error in the plans does not negate the legitimate approval of the building permit, as described below.

CDD determined that the east property line of the subject property is subject to side yard setback requirements. The D-1 Zoning side yard setback is 15 feet. CDD reduced the side yard setback by 50 percent to 7.5 feet due to substandard lot width, according to the code definitions described in a later section of this report. The garage was built 13 feet from the property line, 5.5 feet farther away than the setback required, as approved in BLD2013 0302.

The subject property, 10471 Dock Street, received an approved Variance, (VAR2006 00018) to subdivide this lot and the adjacent lot into two lots; Lot 2, the subject property, would have substandard width. The VAR2006 00018 staff report describes the complicated history associated with this parcel. The parcel was originally formed under SUB2004 00014, which consolidated Lots 1 and 2 into a single parcel. VAR2006 00018 allowed a subsequent minor subdivision, SUB2006 00017, to split the lot back into two parcels. The approval of SUB2006 00017 resulted in the final plat, Plat #2006-37.

The VAR2006 00018 staff report states, in the Project Description, that the lot cannot be subdivided as a panhandle subdivision due to the location of the existing residences. This is important to note, because in panhandle subdivisions, the lot width is determined by a different standard, noted in CBJ Code 49.15.420(h)(a). Because it was specifically noted in the Variance approval that this is not a Panhandle Subdivision, lot width is conclusively determined by CBJ Code 49.25.410(a) Lot Dimensions. This is a significant distinction, because it means that the lot width for the subject parcel is determined at the narrowest part of the lot, which ultimately leads to a 50 percent reduction in the side yard setbacks as described below.

Minor subdivisions do not require public notice, and the appeal periods for the 1996 variance and subdivision have passed. The appellant's appeal request refers to issuance of the building permit, specifically the setback placement of the garage. CDD's setback determination is therefore most relevant to the proposed appeal.

Setback determination. In a detailed analysis conducted in September 2012, CDD determined that the 25-foot front setback for the subject property would be at the north property line of the subject property, adjacent to the Dock Street right-of-way in the narrow "handle" (handle is in quotations because this is not a Panhandle Subdivision as described in CBJ Code) of the lot. The Dock Street right-of-way has been formally established in Plat #2006-37. This front setback determination is in accordance with the following code section:

> *Lot line, front, means the property line separating the lot from a street right-of-way, other than an alley.* (CBJ 49.80.120, Definitions)

CDD determined that the rear setback for the property would be the west property line, adjacent to Auke Bay at tidewater. Tidewater lot lines have zero setbacks. This determination is in

accordance with the following code sections:

> *Lot line, rear, means the property line opposite and most distant from a front lot line, except in the case of a corner lot.* (CBJ 49.80.120, Definitions)
>
> *Shoreline properties. In any zoning, yard setbacks are not required for tidewater lot lines.* (CBJ 49.25.430(4)(G), Yard Setbacks)

CDD determined that the side yard setbacks for the property would be the two northwest property lines, the east property line, and the south property line, in accordance with the following code section:

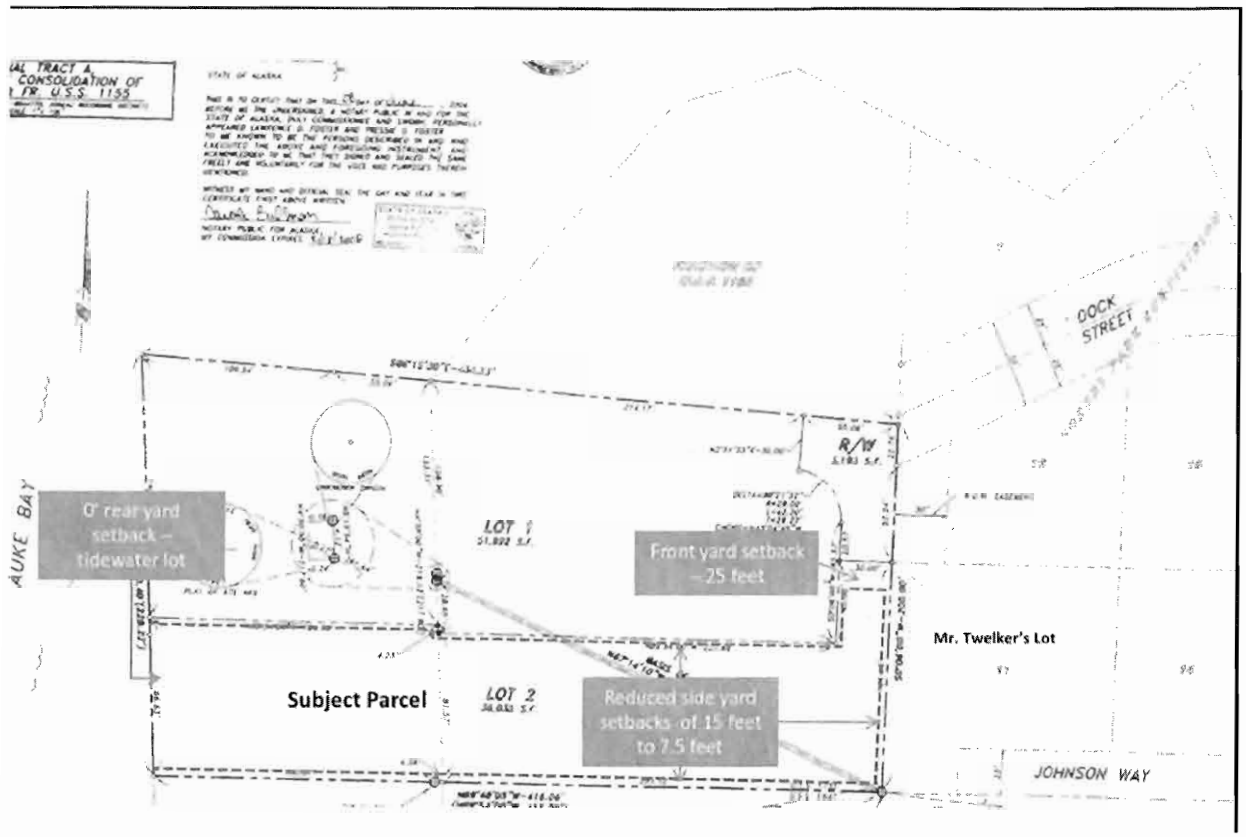
> *Lot line, side, means any property boundary line not a front or rear lot line.* (49.80.120, Definitions)

CDD made a final determination that the side yard setbacks could be reduced by fifty percent from the D-1 Zoning District standard of 15 feet to 7.5 feet, because the lot width is measured at the front yard setback, which is only 30 feet wide at the "handle" of the lot toward the Dock Street right-of-way. This determination is in accordance with the following code sections:

> *(J) Substandard lots. 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 this chapter, or five feet, whichever is greater.* (CBJ 49.25.430(4)(J), Yard Setbacks)

(a) *Lot width means, the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.* (CBJ 49.25.410(a) Lot Dimensions)

The following sketch illustrates the setbacks:



The minimum lot width standard in the D-1 Zoning District is 150 feet. Because the lot width of this parcel is determined at the front yard setback, where the lot is only 30 feet wide, the side yard setbacks may be reduced by the maximum amount of fifty percent, from 15 feet to 7.5 feet. This determination is consistent with CDD's setback determinations on other properties throughout the borough.

This determination allowed construction of a building 7.5 feet from the east property line of the subject property, and therefore 7.5 feet from the appellant's west property line. The approval of BLD2013 0302 authorized construction of a garage 13 feet from the east property line of the subject property. This location provides an additional buffer of 5.5 feet above the minimum required distance.

Staff notes that if the original right-of-way configuration proposed in VAR2006 00018 was used, instead of the final Dock Street right-of-way that the appellant objects to, the east property line of the subject property would still be a side yard setback. The only difference is that it would not be subject to the 50 percent reduction in side yard setbacks, because the lot with would be measured at the front yard setback which would, in that case, be 160 feet wide instead of 30 feet wide. Therefore the side yard setback would have been 15 feet, instead of 7.5 feet with the reduction.

The building permit approval has authorized placement of the garage at 13 feet. In summary, if the original right-of-way configuration from the variance had been used, the garage would be constructed two feet farther away from the property line from its present location where it is under construction.

APPEAL PROCEDURE

Appeals to the Planning Commission are regulated under CBJ 49.20.110:

49.20.110 Appeals to the planning commission.

(a) Review by the commission of a decision of the director, may be requested by filing a notice of appeal stating with particularity the grounds therefore with the department within 20 days of the date of the decision appealed. The notice shall be considered by the commission at a regular scheduled meeting. The department and any aggrieved person, including the developer, may appear at that meeting and explain to the commission why it should hear the appeal. The appeal shall be heard unless it presents only minor or routine issues and is clear from the notice of appeal and any evidence offered at the consideration thereof, that the decision appealed was supported by substantial evidence and involved no policy error or abuse of discretion.

The applicant filed the appeal on June 26, 3013, 12 days after the Building Permit was issued on June 14, 2013. Therefore, the appeal has been filed within the required time period. Staff believes that the decision under appeal is supported by substantial evidence and involves no policy error or abuse of discretion. The building permit was issued in accordance with code setbacks, and is consistent with standard department interpretations of code setback definitions.

(b) If the commission decides to hear the appeal, it shall announce whether it intends to review the entire decision, or merely a portion thereof and whether review shall be de novo or on the record. If the commission decides to hear the appeal, it shall give public notice thereof in a newspaper of general circulation in the municipality. The department shall prepare the record on appeal, which shall consist of the original application and supporting materials, written public comment thereon, and all notes, memoranda, minutes and other department material in relation thereto. The burden of proof in the appeal shall be on the party challenging the decision of the director. In a hearing de novo, proof shall be established by a preponderance of the evidence. If the appeal is heard on the record, argument may be heard, but no evidence outside the record shall be admitted and the decision of the department shall be upheld if there is substantial evidence in support thereof and no policy error or abuse or discretion therein. The commission may confirm, reverse, or modify the director's decision, or change the conditions which the director placed on approval. The commission shall support its action with written findings.

RECOMMENDATION

While the appeal was filed in a timely manner, staff recommends that the Planning Commission not hear the appeal, as it presents only minor or routine issues. If the Commission decides to hear the appeal, it must choose whether to hear the appeal as de novo or on the record. Staff recommends a de novo hearing if the appeal is heard.

NOTICE OF APPEAL OF DIRECTOR'S DETERMINATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		APL 20130003	06/26/13

APPELLANT'S CONTACT INFORMATION:

Eric & Janeann Twelker
Appellant's Name

twelker.eric@gmail.com
E-mail Address

789-3742
Fax Number

789-6800
Home Phone

789-6800
Work Phone

10430 Dock Street
Mailing Address

Juneau
City

Alaska
State

99801
Zip

X Eric Twelker Janeann Twelker
Appellant's Signature

DECISION THAT IS BEING APPEALED

Director's approval of BLD20130302

Date of Director's Determination June 14, 2013

*****Attach a copy of the Director's Decision (E-mail, Notice of Decision, Letter, etc.)*****

GROUNDS FOR APPEAL

Approval of BLD20130302 violates CBJ § 49.25.400 and is invalid under CBJ § 19.01.105.4. The approval violates other code provisions as noted in the attached submission. Grounds for appeal are detailed in the attached submission.

SPECIFIC QUESTIONS YOU WOULD LIKE THE PLANNING COMMISSION TO ADDRESS

See attached submission.

TO BE COMPLETED BY THE APPELLANT

APPEAL SPECIFICS (please fill in all that apply):

Parcel Number Lot 2, Tract A, USS 1155 **Zoning District** D-1

Case Number _____ **Code Section** CBJ § 49.25.400 and as noted.

Current Use of Land or Buildings Residential

Proposed Use of Land or Buildings Residential

Other _____

For more information regarding the process and the submittals required, please see the reverse side.

APPEAL FEE

	Fees	Check No.	Receipt	Date
Notice Fees	$200			
Refund (Yes/No)	$			
Total Fee	$200	005558	CDD3911	06/26/13

Please attach a cover letter to fully explain the appeal if there is not adequate space on this form.

ATTACHMENT 1

ERIC TWELKER

Telephone:
(907) 789-6800

10430 Dock Street
Juneau, Alaska 99801

Fax: (907) 789-3742
E-mail: ~~twelker@alaska.net~~ twelker.eric@gmail.com

June 26, 2013

Mr. Hal Hart, Director
City and Borough of Juneau
Community Development Department
155 So. Seward Street
Juneau, AK 99801

Re: Appeal of BLD20130302

Dear Mr. Hart:

Pleased find attached the appeal of Eric and Janeann Twelker to BLD20130302. I have included a CD with these documents and those referenced in the attachment that details our appeal. We will be traveling from June 30 through July 9. I will be available by phone or email during that time and after we return on the 10th.

Sincerely,

Eric Twelker

City & Borough of Juneau
Alaska's Capital City

BUILDING PERMIT

Permit No.
BLD20130302

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any of said ordinances.

The granting of this permit does not authorize the violation of any federal, state or local law regulating construction for the violation of the terms of any deed or covenent or any zoning or other regulation.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress and before final inspection.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within one year or if work or construction is suspended or abandoned for a period of one year at any time after work has commenced.

Note: City Ordinances REQUIRE a Final Inspection be approved for every Building Permit.

Inspections

Inspections can be arranged by telephoning **586-1703** or by written or faxed notification.
The Online Building Inspection Request Form is at: **www.juneau.org/permits/inspect_request.php.**
Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required.
Call before 7:30 AM for same day inspections.
Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: **10471 DOCK ST**
Permit Number: **BLD20130302**
Project Description: New detached garage with additional living space.

Issued Date : **06/14/2013**
Parcel No: **4B1801030012**

Parcel Information : USS 1155 TR A LT 2

Setbacks: Zone: D1: Flood Elevation: 22.00 Firm Zone: A
Front: 25.00 Ft. N Side 1: 7.50 Ft. S
Rear: 0.00 W Side 2: 7.50 Ft. E
Street Side:

Comments: TSC and GPC reviewed setbacks on 8-30-12. Front setback has been determined to be the 30' lot line adjacent to the Dock Street cul-de-sac that is the established right-of-way according to Plat #2006-37. The rear setback is the most opposite, which is the tidewater zero setback. The other three setbacks are side yard setbacks of 7.5 feet. The side yard setback has been reduced by 50 percent from 15.0 to 7.5 feet in accordance with CBJ Code 49.25.430(4)(J). This is because the lot width is established at the front yard setback, which is only 30 feet wide, and therefore the side setback may be reducec by the maximum of 50 percent.

Owner :
KEITH COMSTOCK
SHARON COMSTOCK
10471 DOCK ST
JUNEAU AK 99801

Applicant :
KEITH COMSTOCK
SHARON COMSTOCK
10471 DOCK ST
JUNEAU AK 99801

Fee Type	Date	Receipt	Amount Paid
BLD- Bldg Permit Fee	06/14/2013	03849	$1,326.48
BLD- Res Plan Review	05/24/2013	03735	$663.24
	Total Fees Paid:		$1,989.72

Valuation for Permit Fee Calculations:

S.F.	Type	Rate	Amount
718	Residential-Single Family R	116.96	83,977.28
1,764	Utl & Misc-Private Garage	63.64	112,260.96
	Total Valuation:		$196,238.25

Project Conditions and Holds:

Asbuilt Survey Required - Asbuilt Survey Required before final inspection approval.

Foundation Setback Verification - Foundation Setback Verification (yellow form) must be on site when pour inspection or placement of other foundation systems occurs.

Approved Plans On Site - CBJ approved plans must be on site and available to the inspector. Inspections will not be performed and additional fees may apply if approved plans are not available to the inspectors.

Crawl Space Vapor Barrier - Under floor spaces and crawlspaces shall have a vapor retarder that is a minimum of 6 mil thick (0.15 mm) polyethylene film installed such that all edges are lapped a minimum of 6 inches (152 mm) and sealed with a permanent compatible sealing compound or adhesive. Such vapor retarder shall extend vertically up the foundation wall a minimum of 6 inches (152 mm) and be attached and sealed with a permanent compatible sealing compound or adhesive to the foundation wall. Vapor retarder shall not be attached to wood other than pressure preservative treated wood.

Garage Floor Drains - Garage floor drains must have approved separator device as approved by CBJ Gen Eng department. Maintenance schedule required for these devices prior to TCO or CO.

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspect ion, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Ice Shield Required - Residential - Ice Shield Underlayment required for residential roofs. Call for inspection of Ice Shield Underlayment installation. Alternately a licensed contractor or owner-builder may provide written confirmation stating Ice Shield Underlayment installation has been installed in accordance with section 905.2.7.1 of the 2006 IRC as modified by CBJ Title 19.

Shower Anti-scald Valve - All shower valves and combination tub/shower valves shall provide scauld and thermal shock protection by means of an approved valve that conforms to ASSE 1016 or ASME A112.18.1 / CSA B125.1. The maximum water temperature supplied to these fixtures shall be 120 degrees farenheit per 2009 UPC section 418.

Seismic Strap Water Heater - Residential - Residential water heaters shall be strapped within the upper 1/3 of its vertical dimension per 2009 UPC section 508.2.

Smoke and CO Detectors - Smoke and Carbon Monoxide detectors as required by applicable code must be operational prior to temporary occupancy and/ or final inspection approval, whichever is requested first.

STAMPED TRUSS DRAWINGS - Provide stamped truss detail at site.

UFER Ground - An approved UFER ground conductor must be installed and inspected per the 2008 National Electrical Code.

Inspections Required: Call for inspection before covering or concealing any of the work described below. Inspections may be combined.

B-Setback Verification	B-Foundation, Forms and Reinforcing Steel	B-Temporary Power
B-Framing	B-Rough Electrical	B-Yellow Tag Electrical
B-Under Slab Utilities	B-Rough Plumbing	B-Appliance/Chimney
B-Insulation/Vapor Barrier	B-Oil & Gas Piping/Tanks	B-Vents (Bath, Dryer, Kitchen, etc.)
B-Smoke /Carbon Monoxide Detectors	B-Cross Connection Control	B-Building Final
E-Grading/Drainage	E-Water Final	E-General Engineering Final

ERIC & JANEANN TWELKER

Telephone: (907) 789-6800
10430 Dock Street Juneau, Alaska 99801
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June 26, 2013

Appeal of Eric & Janeann Twelker
Decision appealed: Approval of BLD20130302
Decision by: Community Development Director, Hal Hart
Date of Decision: June 14, 2013
Date of Appeal: June 26, 2013

I. Introduction and Summary

Eric and Janeann Twelker are owners of Lot 17 in the Forest Park subdivision, a lot directly east of the subject property of BLD20130302. The building permit approves a second residence and boat storage building 13 feet from our western property line. Borough staff state that the setback for this line is 7.5 feet. The Staff determination is based solely on a small panhandle section that was added to Lot 2 of Tract A, USS 1155, after Board of Adjustment approval of a VAR2006-00018 approving lot dimensions. In this appeal, we raise the following issues:

1. Where a variance's "finding of no injury" to adjoining property is based on an attached plat, can the Department substitute a substantively different plat after approval and use the new plat to interpret setbacks for a building permit so as to injure an adjoining property?

2. Can the Department pick and choose words in definitions to determine setbacks in a building permit without considering physical and legal context?

3. Can a variance approval based on intentional misrepresentation and modified contrary to the approval of the Board of Adjustment be the basis of setback determinations?

We argue that the answer to all of these questions is no. Each issue presents an independent reason why BLD20130302 should be modified or revoked. The unapproved plat modifications are void and the setback based on a proper reading of the code is 25 feet.

A. Background

The facts of this matter have their roots with prior owners of the property, Larry and Tessie Foster. Foster purchased the property at what is now 10471 Dock Street and 10475 Dock Street and offshore submerged lands. He then consolidated the lots using a "minor lot consolidation" with the apparent goal of subdividing the

property in the future.[1] Foster then constructed a second house on the now-larger lot. Shortly thereafter, he sought a subdivision but, because the new lot was not "wide" enough, he sought and received a variance—VAR2006-00018—for a substandard lot width.

A public process was initiated requesting a variance relaxing the 150 foot width requirement of CBJ § 49.25.400 to eighty feet for the lot in question here. A plat showing a rectangular lot with a width of 80 feet and a depth of 251 feet accompanied the submission. (STF_VAR06-18) A portion of that plat is shown here.

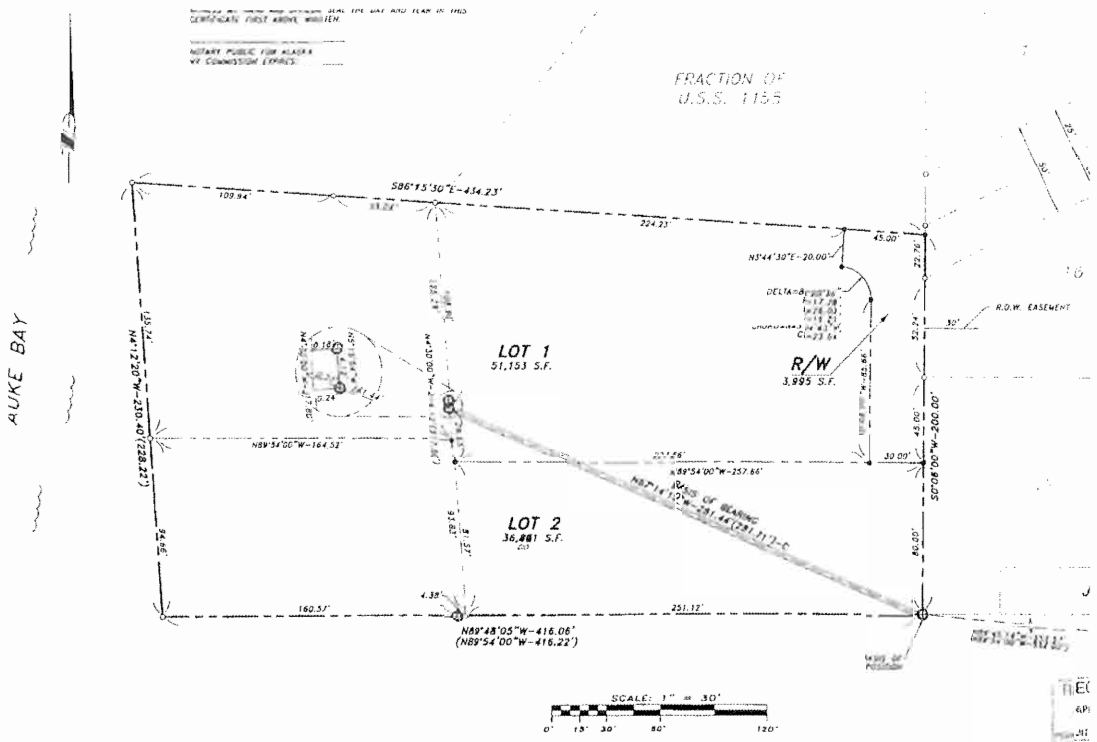

Figure 1 (STF_VAR06-18) .

The plat also showed a right of way ("R/W") described in the text as a "fire engine turnaround" of which 45 feet abutted Lot 17. An April 19, 2006, staff report to the Board of Adjustment discussed the "width" and "depth" of lot 2 and made findings based on the plat and those dimensions that the "authorization of the variance would not injure nearby property." (STF_VAR06-18)

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[1] This had the apparent effect of increasing the developable footprint of Lot 2 under D-1 zoning by 61% or from 10% to 16% total lot coverage. CBJ gave no notice to adjoining property owners of this consolidation. In fact, the records reviewed here suggest that the Staff did not know the difference between upland and submerged lands and the various kinds of state land surveys. The BLD20130302 brings developed upland coverage of lot 2 to 15.5%. With the determination on setbacks in BLD20130302 it now also has the smallest setbacks as well as the greatest coverage.

The hearing on VAR2006-00018 was held on April 19, 2006, and the Board approved the variance with two conditions:

1) Construction drawings for the new right-of-way must be submitted to and approved by the CBJ prior to plat approval.

2) The new right-of-way, configured as approved by Capital City Fire/Rescue and by the CBJ Streets Division, must be dedicated, constructed, and accepted for maintenance by the CBJ prior to recording the subdivision plat. At the applicant's option, submitting a bond for the required construction prior to completing the construction shall satisfy this requirement.

The board ordered correction of a staff mistake in the report reporting submerged lands as uplands and attached the staff report to the Notice of Decision. In its resolution approving the variance, the Board restricted plat changes to "modifications required by CBJ staff during the subdivision plat review process." (PlanningComnMinutes)

Sometime between April 6 and April 12, 2006, unbeknown to the Board of Adjustment or the public, the Staff had received a request from the applicant to modify the plat to be considered in the variance hearing. No mention of the request was made at the hearing. The applicant had asked staff to modify the plat to add the panhandle section on the northeast part of the property. Staff apparently accepted the modification without question and submitted it to the fire and engineering departments for review. (See letter to reviewers dated 4/12/06 SUB2006-00017) The plat considered in the public process was never submitted to engineering or fire authorities. (SUB2006-00017, SUB2006-00017(4)) There is no indication in the record that staff believed that this addition changed any aspect of the variance or injured other property. Indeed the record is devoid of any indication that they thought about it at all.

Next, applicant's engineer and CBJ planning staff, without consultation with any neighbors designed a most objectionable "fire turnaround" and submitted the drawing pursuant to the condition.[2] The applicant paid the CBJ $5,500 and recorded

[2] This turnaround, which was described as a "benefit" to adjoining lots was in fact vehemently opposed as a serious injury to the neighborhood once the details of the proposal were available. No notice or information by the Staff provided any way for residents to judge the location and scope of the turnaround prior to the hearing without hiring a surveyor. Once staked after approval, Staff recognized that it was likely to draw a fight from the neighbors—most likely a legal fight as it seemed to be based on a faulty description of the easement to Lot 17. In an incredible outrage, the design took a portion of Forest Park Lot 16 as a public right of way—which it is not—and claimed use of Borough power to deny that lot the benefit of vacation of

the plat as modified by the applicant—a different plat than was presented to the Board of Adjustment. A portion of that plat is shown below:

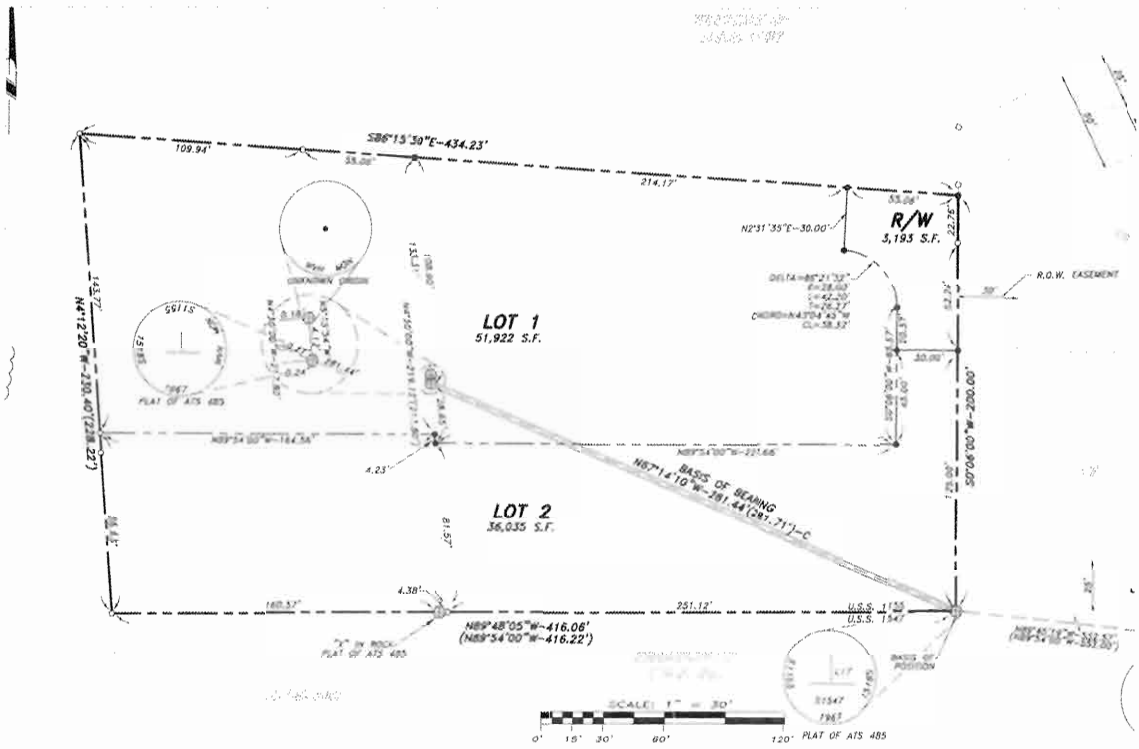

Figure 2 (SUB2006-00017(4))

The record for VAR2006-00018 and SUB2006-00017 includes no reasons for the plat changes other than the request of the applicant.

Not surprisingly considering the mess that staff had made of this situation, nothing further was done on the right of way. The applicant defaulted on the construction and the permit expired. With nothing ever done, CBJ never inspected or accepted the right of way and has never maintained it. In fact, maintenance has always stopped at the end of Dock Street. The property remains the same as it was in 2006 and 2004 when the driveway to Lot 2 was constructed. The applicant simply paid the CBJ $5,500 to go away—much to the great relief of everyone on Dock Street.

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the easement included on the Forest Park Plat and deed . (SUB2006-00017, SUB2006-00017(3)) All this so Foster could have his subdivision.

Figure 3. A current photo.

B. Actions of the Staff in This Matter

I met with Staff on September 19, 2012, to determine how they arrived at a 7.5 foot setback. The following is their explanation.

1. The unconstructed, defaulted "Fire Truck Turnaround" right of way was considered to be the "street" for purposes of the definition of Lot Line Front in CBJ § 49.80.120.
2. They measured to the building setback line (25'), a point in the panhandle section of the lot, and measured the "width" pursuant to the "Lot width" definition of CBJ § 49.80.120. This width was 30 feet.
3. They then determined the setback, pursuant to CBJ § 49.430(4)(J). The "sideline" set back was determined to be 7.5 feet.
4. They determined the "lot line rear" to be the boundary in the submerged land by ignoring the "opposite" requirement of the definition and saying it was farthest away. (They may have inferred that it was farther away on average, but the farthest point of the south line is just as far away as the farthest point of the submerged line.)

5. This 7.5 foot setback based on the 30 foot panhandle width was applied to all "side lines" on the property which include the lines that are 80 feet apart and those that are 400 feet apart.

The following diagram explains:

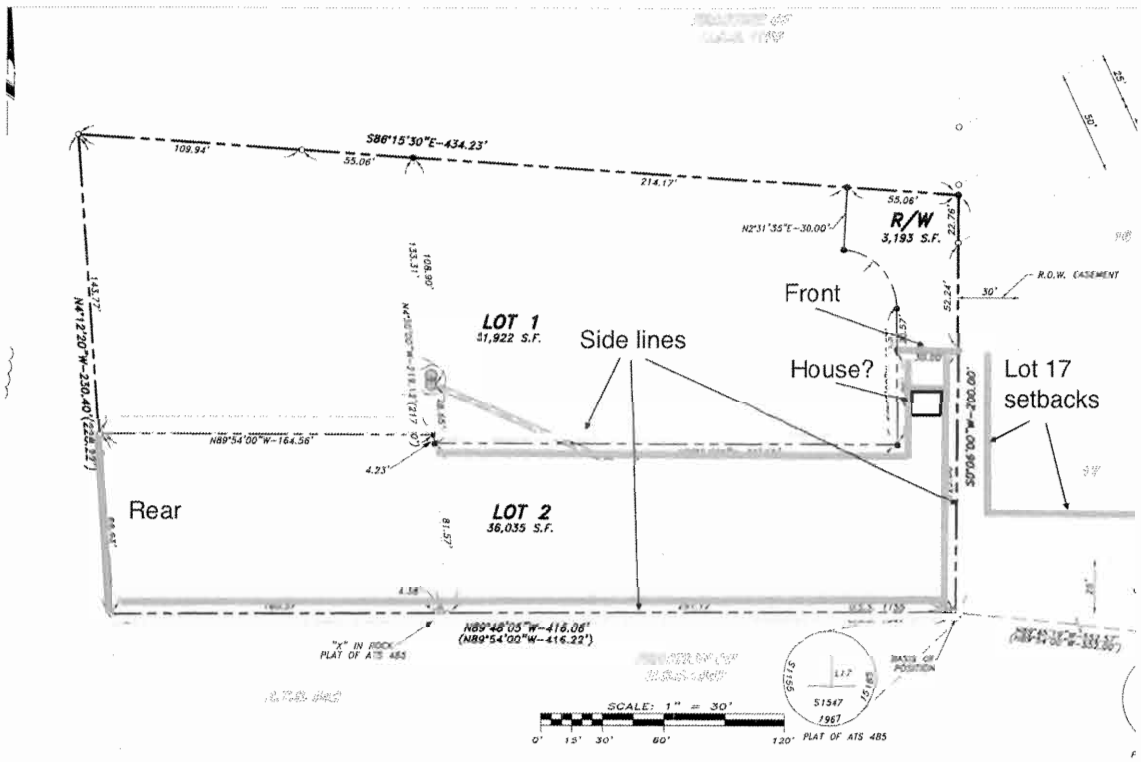


Figure 4. Staff Setback Interpretation. "House?" indicates a hypothetical structure that is the basis of the Staff determination. Blue lines are staff determined setbacks on Lot 2.

II. Points of Appeal

A. Where a variance's "finding of no injury" to adjoining property is based on an attached plat, can the Department substitute a substantively different plat after approval and use the new plat to interpret setbacks for a building permit so as to injure an adjoining property?

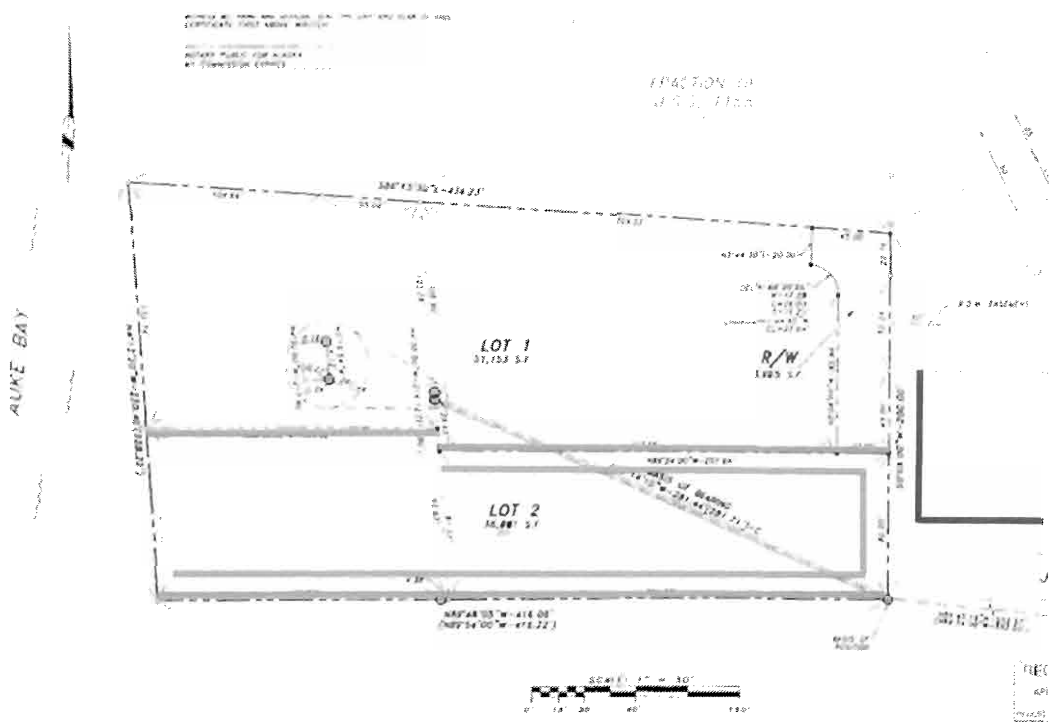
To ask this question is to answer it—at least if the Borough land use process is to have any integrity. A building permit is not valid if its terms violate the CBJ code or other law. It cannot rely on earlier illegal acts. CBJ § 19.01.105.4. The matter here is determination of the setbacks as applied in BLD20130302. That determination cannot rest on a prior illegal act or even a mistake. Here both of these are legion and a correction is required.

The essential facts here are contained in April 19, 2006, staff report to the Board of Adjustment that was attached to the Board's Notice of Decision in VAR2006-00018. (NOD_VAR06-18, STF_VAR06-18) That report discusses an attached plat (shown in part above in Figure 1.) The plat shows Lot 2 as a (more or less) simple rectangle. The report discusses an 80 foot "width" and that the rectangular lot exceed the code's "depth" requirements. Under CBJ § 49.80.120

> *"Lot width* means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
>
> *Lot depth* means the average distance measured from the front lot line to the rear lot line."

Given the rectangular shape of Lot 2 on the plat and the constraints of state law there is only one way to interpret "width" and "depth" as they are used in the staff report.[3] Width is the distance between the north and south property lines and depth is the distance between the east and west property lines. This makes the east

[3] Below is a diagram similar to the Staff interpretation in Figure 4 above and using the same rules applied by staff here, but applying them to the plat considered by the Board. The color scheme is the same. This interpretation would violate AS 29.40.40(b) in the variance process, thus it was not considered.



and west property lines the front and back for purposes of CBJ § 49.25.400 and the setback would be 25 feet on the east property line.

On this basis, apparently, the staff concluded that "authorization of the variance would not injure nearby property." (STF_VAR06-18) In fact, the setback on the pre-subdivision lot under CBJ § 49.25.400 for the property was indisputably 25 feet and there seemed to be no change, thus there was no injury.

Staff purported to change all that with the post variance modification of the plat. The Staff report contained the stipulation that "exact lot line locations and/or other plat details" could be changed by staff prior to approval of the subdivision. Apparently they thought that the unconsidered addition of the panhandle at the request of the applicant was a "detail." As can be seen above, they now base the setbacks entirely on the added land. This is not a "plat detail.," this is a major change—and one that is outside the approving resolution. (PlanningComnMinutes) Changing the setback from 25 feet to 7.5 feet vitiates the public variance process.[4] Staff would have it be a meaningless waste of time—say one thing in public, do another once the public is gone. Staff cannot say, 'oops we made a mistake, so you are out of luck.' They need to honor the commitments of the Planning Commission and the Department.

Setbacks less than those analyzed in VAR2006-00018, violate CBJ § 49.25.400 and cannot be used in the approval of BLD20130302. BLD20130302 is invalid in this respect. CBJ § 19.01.105.4.

B. Can the Department pick and choose words in definitions to determine setbacks in a building permit without considering physical and legal context?

The staff's interpretation of the setbacks purports to strictly rely on the definitions of lot boundaries in CBJ § 49.80.120. Their reliance is neither strict nor correct. In fact, to reach the conclusions they do, they ignore or misinterpret numerous parts of the code.

To begin with, the definitions section they purport to rely on begins with the words "The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, *except where the context clearly indicates a different meaning*." CBJ § 49.80.120 (emphasis added). The context of

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[4] The change also eliminated a very valuable aspect of the subdivision to Forest Park Lot 16 and 17. Currently, Lot 17 has no dedicated constructed access to Dock Street. Access is by private easement across Lot 16 (the notion that this is a public right of way is erroneous). In many ways this change was as bad as the alleged setback change.

this matter clearly indicates that the Staff's application is faulty. The Staff may not ignore this provision of the code.

The an overarching aspect of context is the existence of VAR2006-00018 finding "no injury" and considering a rectangular lot with an 80 foot width. When application of their "strict" application results in a 30 foot width, staff should have a clue that something is wrong. A lot is wrong.

They base their entire analysis on the idea that the defaulted fire turnaround is a "street right of way" for the definitions. It is not. Under CBJ § 49.15.460 a street must be a minimum of 50 feet wide. In fact, none of the documentation in the record of the Variance or on the Plat refers to the fire truck turnaround as a street. The reality is that the turnaround isn't a turnaround. It is and always has been simply a driveway. The CBJ has never inspected or accepted it and, to my knowledge, no planner has ever looked at it prior to approval of VAR2006-00018. It cannot be the basis for determining the "lot line front" as defined in CBJ § 49.80.120.

With the notion that the driveway is a street in hand, the staff proceeds to assume that setbacks should be based on construction of a house within the driveway as shown in Figure 4 above. This is clearly contrary to any reasonable context.

Staff interpretation relies on the location of the rear lot line which is defined as the line the line "opposite and most distant" from the "front." Staff reads out the word "opposite" and reads "most distant" to mean most distant on average. Given the context—that a basically rectangular lot has no front—this is not reasonable.

The physical context of the neighborhood needs to be considered too. All houses along this shore face the water and have ample setback along the opposite side. To the extent that light and air are a goal of setbacks, it makes no sense to put a 7.5 foot setback adjacent to greater setbacks, especially on a larger lot.

Given the physical context, consideration of reasonable building locations, and the physical context, the staff's interpretation is clearly erroneous and cannot be used in BLD20130302.

C. Can a variance approval based on intentional misrepresentation and modified contrary to the approval of the Board of Adjustment be the basis of setback determinations?

This may well seem like a harsh claim, but it is not. Staff is welcome to deny it, but there is nothing in the record to suggest otherwise. At the time the staff submitted the variance information to the public—indeed, perhaps as early as when the variance application was submitted—staff had in hand the alternate panhandle plat that staff now interpret to reduce setbacks from 25 to 7.5 feet. Yet a plat

showing a rectangular lot was analyzed in the staff memo presented to the public and the Board of Adjustment to claim a finding of no injury. Once the public process was done, the panhandle plat, which was then already under review, was substituted. (SUB2006-00017)

The rectangular plat was the basis for public review and a finding of "no injury" to adjacent property. (STF_VAR06-18) It is inconceivable that an analysis of the panhandle plat, which according to current staff interpretation, reduces a setback from 25 to 7.5 feet could not be considered injury—unless of course the current staff position is wrong.

The record reflects no reason why the panhandle lot was not analyzed in the variance process and no reason why the rectangular lot was not submitted for technical review. One can only assume that the reason was ease of approval. This is a betrayal of the public process.

A variance that is based on this kind of misrepresentation is not valid. If it were, a pushy applicant could get an employee to do an illegal act and keep the benefit. The pushy applicant has to realized that he gets nothing in this situation. For the Planning Commission to have any authority, it must give no recognition to illegal amendments of its actions by the Staff. As a result, a building permit based on an invalid variance is invalid, itself.

In addition, the change in the plat from a rectangle to a panhandle is unauthorized and must be considered void as to approval by the CBJ. The Board of Adjustment only approved plat "modifications required by CBJ staff during the subdivision plat review process." (PlanningComnMinutes) The record for SUB2006-00017 states only that the applicant requested the change. (There is no indication that CBJ staff requested a change. (SUB2006-00017) Staff is not free to substantively change the approvals of the Board and any substantive changes they do make must be considered void and the approval redone or remedied prior to issuance of a building permit.[5]

III. Request for Relief

Either BLD20130302 must be modified to reflect a 25 foot setback on the boundary between Lot 2 and Lot 17 or it must be set aside. Borough approval for Plat 2006-37 should be withdrawn and appropriate notice recorded with the State.

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[5] Because the land has been transferred from Foster to the current owner of Lot 2, a bona fide purchaser for value, the voiding of the approval would not void title. It would only void CBJ approval. If only the panhandle approval was voided, then the approved parcel would be isolated from the fire truck turnaround by an unapproved parcel.

IV. Request for Hearing De Novo

To consider this appeal it is necessary to consider the records of the variance and subdivision on which it is based, VAR2006-00018 and SUB2006-00017. Those records, as stated above, indicate that the department Staff intentionally withheld information from the public and the Planning Commission. While we do not currently intend to rely on extra-record materials apart from these cases, it may be useful for the Planning Commission to hear more than is in the record. In particular, an explanation by staff may be enlightening.

V. Conclusion

The staff and the Board of Adjustment have a commitment to the public to uphold the law. The rules are fixed and actions should be open and above-board. CBJ cannot say one thing in public and do another in private. That is what we are faced with here. BLD20130302 relies on a faulty analysis of a major modification to the result of a public process done after the process and out of the public's eye. BLD20130302 must be modified to reflect the law and reasonable considerations of fairness.[6]

Respectfully submitted,

Eric Twelker

Janeann Twelker

[6] This is not a hardship to the applicant either. There is 120 feet between his house and the property line. He needn't cram his second residence/boat garage up against the property line.

City & Borough of Juneau
Alaska's Capital City

BUILDING PERMIT

Permit No.
BLD20130302

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any of said ordinances.

The granting of this permit does not authorize the violation of any federal, state or local law regulating construction for the violation of the terms of any deed or covenent or any zoning or other regulation.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress and before final inspection.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within one year or if work or construction is suspended or abandoned for a period of one year at any time after work has commenced.

Note: City Ordinances REQUIRE a Final Inspection be approved for every Building Permit.

Inspections

Inspections can be arranged by telephoning **586-1703** or by written or faxed notification.
The Online Building Inspection Request Form is at: **www.juneau.org/permits/inspect_request.php.**
Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required.
Call before 7:30 AM for same day inspections.
Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: **10471 DOCK ST**
Permit Number: **BLD20130302**
Project Description: New detached garage with additional living space.

Issued Date : **06/14/2013**
Parcel No: **4B1801030012**

Parcel Information : USS 1155 TR A LT 2

Setbacks: Zone: D1:
Front: 25.00 Ft. N
Rear: 0.00 W
Street Side:

Flood Elevation: 22.00
Side 1: 7.50 Ft. S
Side 2: 7.50 Ft. E

Firm Zone: A

Comments: TSC and GPC reviewed setbacks on 8-30-12. Front setback has been determined to be the 30' lot line adjacent to the Dock Street cul-de-sac that is the established right-of-way according to Plat #2006-37. The rear setback is the most opposite, which is the tidewater zero setback. The other three setbacks are side yard setbacks of 7.5 feet. The side yard setback has been reduced by 50 percent from 15.0 to 7.5 feet in accordance with CBJ Code 49.25.430(4)(J). This is because the lot width is established at the front yard setback, which is only 30 feet wide, and therefore the side setback may be reducec by the maximum of 50 percent.

Owner :
KEITH COMSTOCK
SHARON COMSTOCK
10471 DOCK ST
JUNEAU AK 99801

Applicant :
KEITH COMSTOCK
SHARON COMSTOCK
10471 DOCK ST
JUNEAU AK 99801

Fee Type	Date	Receipt	Amount Paid
BLD- Bldg Permit Fee	06/14/2013	03849	$1,326.48
BLD- Res Plan Review	05/24/2013	03735	$663.24
	Total Fees Paid:		$1,989.72

Valuation for Permit Fee Calculations:

S.F.	Type	Rate	Amount
718	Residential-Single Family R	116.96	83,977.28
1,764	Utl & Misc-Private Garage	63.64	112,260.96
	Total Valuation:		$196,238.25

Project Conditions and Holds:

Asbuilt Survey Required - Asbuilt Survey Required before final inspection approval.

Foundation Setback Verification - Foundation Setback Verification (yellow form) must be on site when pour inspection or placement of other foundation systems occurs.

Approved Plans On Site - CBJ approved plans must be on site and available to the inspector. Inspections will not be performed and additional fees may apply if approved plans are not available to the inspectors.

Crawl Space Vapor Barrier - Under floor spaces and crawlspaces shall have a vapor retarder that is a minimum of 6 mil thick (0.15 mm) polyethylene film installed such that all edges are lapped a minimum of 6 inches (152 mm) and sealed with a permanent compatible sealing compound or adhesive. Such vapor retarder shall extend vertically up the foundation wall a minimum of 6 inches (152 mm) and be attached and sealed with a permanent compatible sealing compound or adhesive to the foundation wall. Vapor retarder shall not be attached to wood other than pressure preservative treated wood.

Garage Floor Drains - Garage floor drains must have approved separator device as approved by CBJ Gen Eng department. Maintenance schedule required for these devices prior to TCO or CO.

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspect ion, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Ice Shield Required - Residential - Ice Shield Underlayment required for residential roofs. Call for inspection of Ice Shield Underlayment installation. Alternately a licensed contractor or owner-builder may provide written confirmation stating Ice Shield Underlayment installation has been installed in accordance with section 905.2.7.1 of the 2006 IRC as modified by CBJ Title 19.

Shower Anti-scald Valve - All shower valves and combination tub/shower valves shall provide scauld and thermal shock protection by means of an approved valve that conforms to ASSE 1016 or ASME A112.18.1 / CSA B125.1. The maximum water temperature supplied to these fixtures shall be 120 degrees farenheit per 2009 UPC section 418.

Seismic Strap Water Heater - Residential - Residential water heaters shall be strapped within the upper 1/3 of its vertical dimension per 2009 UPC section 508.2.

Smoke and CO Detectors - Smoke and Carbon Monoxide detectors as required by applicable code must be operational prior to temporary occupancy and/ or final inspection approval, whichever is requested first.

STAMPED TRUSS DRAWINGS - Provide stamped truss detail at site.

UFER Ground - An approved UFER ground conductor must be installed and inspected per the 2008 National Electrical Code.

Inspections Required: Call for inspection before covering or concealing any of the work described below. Inspections may be combined.

B-Setback Verification	B-Foundation, Forms and Reinforcing Steel	B-Temporary Power
B-Framing	B-Rough Electrical	B-Yellow Tag Electrical
B-Under Slab Utilities	B-Rough Plumbing	B-Appliance/Chimney
B-Insulation/Vapor Barrier	B-Oil & Gas Piping/Tanks	B-Vents (Bath, Dryer, Kitchen, etc.)
B-Smoke /Carbon Monoxide Detectors	B-Cross Connection Control	B-Building Final
E-Grading/Drainage	E-Water Final	E-General Engineering Final

Staff Review Sheet

Permit Intake Initials: [illegible]

FIRE ZONE ENG WAT SEW ARCH STRUC PLUM MECH ELEC ACCESS SPEC/INSP

5/24/2013

Case No: **BLD20130302**

Site Address: 10471 DOCK ST

Parcel No: 4B1801030012

Desc: New Detached Garage with Additional Living Space.

Residential ADD

New Dwelling Units: 0

FCC Code: 437

Existing Dwelling Units: 1

Type of Construction: VB

Occupancy Class: U-1

Sprinkler Substitute for Type A Construction: YES NO

Sprinkler System: FULL PARTIAL NONE Required: YES NO

Alarm System: FULL PARTIAL NONE Required: YES NO

Code Edition: 2006 IRC Code Review by: MFJ Date: 6-6-13

Valuation for Permit Fee Calculations:

S.F.	Type	Rate	Amount
718	Residential-Single Family Resi	116.96	83,977.28
1,764	Utl & Misc-Private Garage	63.64	112,260.96
	Total Valuation:		$196,238.25

LAND USE

ZONE/UNITS D1 / 1

WETLAND [illegible]

FLOOD ELEV 22.00

FIRM ZONE A4

FIRM MAP [illegible]

LOT SIZE 36,035 SF

0.8 ACRES

SETBACKS

Front 25 [illegible]

Rear 25 [illegible]

Side 15 [illegible]

Other

PARKING 2

ANADROMOUS [illegible]

EAGLES NEST [illegible]

ADR Case #:

LAND USE PERMITS

ENGINEERING/PUB WORKS

Dwelling Units: [illegible]

CITY WATER:

Permit #: UTL13-084

Use: [illegible]

Assessment: [illegible]

Service Size:

Line Size:

Meter Size:

CITY SEWER:

Permit #:

Use:

Assessment:

Fixture Units:

WATER CONNECTION PERMITS

I hereby acknowledge receipt of a _____ inch meter yoke.

X _____

Date _____

PLAN REVIEW APPROVALS

	Initials	Date
Fire		
Zoning	[illegible]	[illegible]
Engineering	[illegible]	[illegible]
Water	[illegible]	[illegible]
Sewer	[illegible]	[illegible]
Architectural	[illegible]	[illegible]
Structural	[illegible]	[illegible]
Plumbing		
Mechanical	N/A	
Electrical	N/A	
Access		
Spcl Insp Form		

APPROVED FOR ISSUANCE

[signature]

Signature

6-18-13

Date

PERMIT ISSUANCE FEES

Grading Plan Review Fee	$
Adjusted Plan Review Fee	$
Fast Track Fee	$
Early Start Fee	$
Building Permit Fee	$ 1,326.48
Water Assessment Fee	$
Sewer Assessment Fee	$
Sewer Inspection Fee	$
Grading Permit Fee	$
Driveway Permit Fee	$
Bond for	$
Other [illegible]	$ [illegible]
Total Issuance Fees	$

PERMIT ISSUANCE PAYMENTS

Date	Receipt	Check	Amount
			$
			$
			$

Parcel Tags:

JLM 2/3/2004 - The shoreline of this lot is in a mapped A-4 flood zone. Base flood elevation is 22 MLLW per FIRM 0890B dated 2/4/81. Certificate of elevation received 10/21/2004 in association with BLD2004-00870.

CONDITIONS AND HOLDS ON PERMIT: (Continued on back of sheet)

Asbuilt survey required.

Foundation Setback Verification required.

TYPES OF INSPECTIONS

The Work Codes below contain standard inspections for the permit type. Circle additional inspections if required.

Work Codes -
B-Building Safety Inspection
B-Commercial Addition
B-Demolition
B-Grading
B-Manufactured Home Placement
B-Oil/Gas Piping
B-Porches/Decks/Carports
B-Reroof
B-Residential Electrical Service
B-Single Family Dwelling
E-ROW- Water & Sewer Service
E-ROW- Water Main
E-ROW-Driveway
E-ROW-Fire Line
E-ROW-Sewer Main
E-ROW-Sewer Main & Service
E-ROW-Sewer Service
E-ROW-Water Main & Service
E-ROW-Water Main & Sewer Main
E-ROW-Water Service
E-UTL- Sewer Main
E-UTL-Fire Line
E-UTL-Fire Line & Water Line
E-UTL-Fire Line & Water Main
E-UTL-OWTDS
E-UTL-Sewer Line
E-UTL-Water Line
E-UTL-Water Main

Building-
B-Appliance/Chimney
B-Bonding
B-Building Final
B-Building Service
B-Combustion Air
B-Commercial Hoods
B-Conduit & Raceway Systems
B-Cross Connection Control
B-Demo Electric Safed Off
B-Demo Excavation Filled
B-Demo Sewer/Water Capped
B-Demolition Final
B-Devices and Equipment
B-Fire Dampers/Sprinklers
B-Fire Separation/Rated Assemb
B-Foundation, Forms & Reinf Steel
B-Framing
B-Grounding
B-Heat Piping
B-Insulation/Vapor Barrier
B-Masonry
B-Meter Yoke
B-Meter Yoke with Meter
B-MH Foundation
B-MH Utilities
B-Mobile Home Final
B-Oil & Gas Piping/Tanks
B-Rough Electrical
B-Rough Plumbing
B-Service/Panel
B-Setback Verification
B-Smoke/Carbon Monoxide Detec
B-Special Inspection
B-Specialty Piping
B-Temporary Power
B-Under Slab Utilities
B-Ventilation/Plenums & Ducts
B-Vents (Bath, Dryer, Kitchen, etc.)
B-Yellow Tag Electrical
B-Zoning Final

Enforcement -
ENF - Enforcement Status Check

Miscellaneous -
M-Site Visit

Fire -
F-Address and Required Signage
F-Alarm Panel/Transmitter
F-Alarm Zones
F-Blasting on Individual Lot
F-Childcare/Daycare Inspection
F-Commercial Dev Land Clearing
F-Courtesy Inspection
F-Emergency Lighting Test
F-Events in Mall Hallways
F-Explosives Shipment-Unest Loc
F-FDC Location
F-Fire Extinguishers
F-Fire Final
F-Fire Hydrant Placement
F-Fire Related Inspection
F-Fixed Welding Inspection
F-Flammable/Combustible Material
F-Hazardous Material Storage
F-Kitchen Hood Suppression Test
F-Liquor License Renewal
F-Open Burning Inspection
F-Paint Booth Inspection
F-Proper Sprinkler System Bracing
F-Roof/Tar Kettle Inspection
F-Special Event Structure
F-Sprinkler Head Placement
F-Sprinkler Hydrostatic Test
F-Subdivision Land Clearing
F-Subdivision/Road Blasting
F-System Acceptance Test
F-Temporary Welding Inspection
F-Underground Fire Line Flush

Engineering -
E-Access to Curb Stop Valve
E-ADEC on-site Sewer Final
E-ADEC on-site Water Main Final
E-Asbuilt Survey Required
E-Bacteriological Test
E-Bedding / Backfill
E-Billing Authorization
E-Bore Flush
E-CBJ Waste Water Department
E-CBJ Water Department
E-Chlorination Test
E-Cleanouts
E-Continuity
E-Cross Connection Control
E-Culvert
E-Curb Box
E-Curb Cut Final
E-Curb Cut Reinforcement
E-Curb Stop
E-Depth
E-Electrical Utility
E-Final
E-Fire Hydrants
E-Fire Line Final
E-General Engineering Final
E-Grade
E-Grading/Drainage
E-Headwalls
E-Installation of Access & Ports
E-Installation of Insulation
E-Location
E-Manhole Tap
E-Manholes - Sewer Main
E-Material
E-OWTDS Inspection
E-Pressure Test
E-Residual / Free Chlorine
E-Retaining Walls
E-ROW - Final
E-ROW Restoration
E-Sewer Connection
E-Sewer Disconnect
E-Sewer Final
E-Sewer Main Final
E-Sewer Service Tap
E-Sewer System
E-Sidewalk Final
E-Sidewalk Reinforcement
E-Size
E-Soil
E-State D.O.T. Approval
E-Storm Drains
E-Street Patch
E-Streets
E-Telephone Utility
E-Thaw Waiver
E-Thaw Wire
E-Thrust Blocks
E-Turn Water OFF
E-Turn Water ON
E-TV Cable
E-Utility Ribbon
E-Utility Trench
E-Water Final
E-Water Meter Required
E-Water Meter/Yoke
E-Water Service Tap
E-Water System
E-Water Tap
E-Width

ADDITIONAL CONDITIONS AND HOLDS (STAFF)

City & Borough of Juneau
Alaska's Capital City

Application Date: May 24, 2013

BUILDING PERMIT APPLICATION

NOTE: THIS IS NOT A BUILDING PERMIT

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspections, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Case No: BLD20130302

Case Description: New Detached Garage with Additional Living Space.

Site Address: **10471 DOCK ST**

Parcel No: 4B1801030012

Legal Description: USS 1155 TR A LT 2

Check No. of Existing Dwelling Units: 1

No. of New Dwelling Units: 0

No. of Removed Dwelling Units: 0

Applicant : KEITH COMSTOCK
SHARON COMSTOCK
10471 DOCK ST
JUNEAU AK 99801

907-523-9700

Owner: KEITH COMSTOCK
SHARON COMSTOCK
10471 DOCK ST
JUNEAU AK 99801

PH: _____ FAX _____

Contractor: TO BE BID

Valuation for Permit Fee Calculations:

S.F.	Type	Rate	Amount
718	Residential-Single Family Resi	116.96	83,977.28
1,764	Utl & Misc-Private Garage	63.64	112,260.96
	Total Valuation:		$196,238.25

Associated Cases:

None.

Parcel Tags:

JLM 2/3/2004 - The shoreline of this lot is in a mapped A-4 flood zone. Base flood elevation is 22 MLLW per FIRM map 0890B dated 2/4/81. Certificate of elevation received 10/21/2004 in association with BLD2004-00870.

Notes and Conditions:

Keith Comstock

Applicant's Signature
(Owner, Contractor or Authorized Agent)

5/24/13

Date

AEL, BM, JH

Staff Acceptance

I hereby certify that I have read and examined this application and know the same to be true and correct. I further certify that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

Juneau Permit Center

Foundation Setback Verification

Permit Number:	BLD20130302
Project Address:	10471 DOCK ST
Assessor's Parcel No:	4B1801030012
Applicant's Name:	KEITH COMSTOCK

Zoning Setbacks Required for Finished Building:

Planner: JKL

Front: 25.00 N
Rear : 0.00 W
Street Side:

Side1 : 7.50 S
Side2 : 7.50 E

Date: 5/28/2013

Comments: TSC and GPC reviewed setbacks on 8-30-12. Front setback has been determined to be the 30' lot line adjacent to the Dock Street cul-de-sac that is the established right-of-way according to Plat #2006-37. The rear setback is the most opposite, which is the tidewater zero setback.

In accordance with CBJ 19.01.109.6.2.1, building setback lines are to be verified before inspectors can approve forms for concrete pour or placement of other foundation systems. Setbacks are measured from exterior finish materials of closest building component to property line.

Notice: DO NOT POUR CONCRETE OR PLACE OTHER FOUNDATION SYSTEMS

UNTIL INSPECTOR APPROVES SETBACKS BY ONE OF THE FOLLOWING CHECKED OPTIONS:

☐ **A. Surveyor's monument(s)** / string line clearly visible at the site. If the foundation and all other building elements are clearly behind the setback line, the inspector may approve the setbacks outright or at owner/contractor's risk. If there is any question, the inspector may require that no pour or foundation placement be permitted without one of the following methods of verification. (Also see "Note" below.) **OR**

☐ **B. Surveyor's Statement of Setback Compliance.** (Surveyor must sign and stamp the bottom portion of this form). No pour or foundation placement is allowed until the statement is received by CBJ, regardless of risk assumed by owner or contractor. Upon receipt of statement, pour or foundation placement may be approved outright or at owner/contractor risk. (See "Note" below.) **OR**

☐ **C. Stamped Surveyor's As-built Survey of Adjacent Building or Structure** if setback can be verified measuring from adjacent structure. (See "Note" below. May only be used when structure is parallel with property line.) **OR**

☐ **D. Stamped Surveyor's As-built Survey of Foundation** or Formwork indicating setbacks, easments and other relevant information. (See "Note" below.) **OR**

☐ **E. Other** _____

INSPECTOR'S APPROVAL & COMMENTS:

_____

_____

_____

_____
Inspector's Initials

_____
Date

Note: An as-built survey may still be required prior to issuance of a Certificate of Occupancy if setbacks are close enough to the building to make setback verification questionable. Example: Where the structure is less than 3' to the setback line on steep slopes or forested terrain. The purpose of the monuments and string line, surveyor's statement or foundation as-built is to give the inspector the information necessary to allow a pour or placement based on a surveyor's work, as required by CBJ ordinance and not to cause scheduling delays for the contractor. In some situations, a final as-built may be required before frame or final approval where the distance to the setback line of some element of the structure must be more exactly determined. Inspectors may require this additional as-built based on their observations in the field.

SURVEYOR'S STATEMENT OF SETBACK COMPLIANCE

I hereby certify that I am a surveyor registered to practice in the State of Alaska, and that on _____, I personally verified that the forms or foundation systems on site at: _____, Permit No: _____ are placed so that the finished building, if built to the plans as approved by CBJ, will meet the required setbacks shown above. I have reviewed the plans and zoning requirements as approved by CBJ and have accounted for all exterior finish materials, decks, cantilevers and/or other proposed building projections on the approved plans. To the best of my ability, I staked the property so that the contractor can meet all CBJ zoning requirements per CBJ Titles 19 and 49.

I heretofore affix my professional stamp, this date of _____.

Surveyor's Signed Seal Required

McLean Steadman

From: Bruce R Berryhill <brb@gci.net>
Sent: Wednesday, June 12, 2013 11:35 AM
To: McLean Steadman
Cc: 'Rick Thibodeau'
Subject: Comstock Tall Walls BLD 20130302
Attachments: BLD 20130302 Tall Stud Calcs.pdf

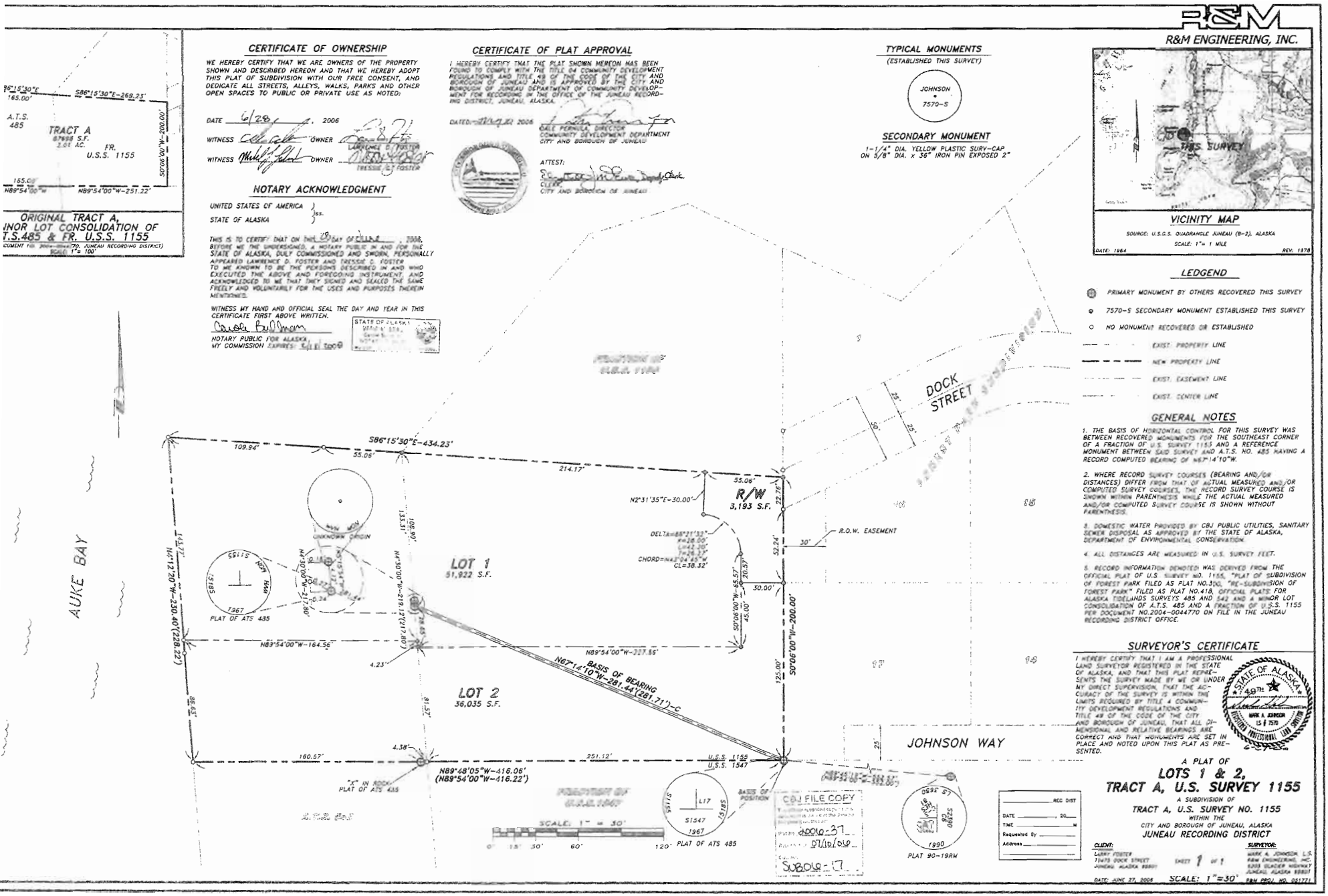
Mclean,

You requested that an engineer verify the tall stud heights at the Comstock Garage. Please see the attached calculations. In summary:

1. 2x6 HF#2 studs at 16" o.c. at the 14' garage wall.
2. 1.5x7.25 Timberstrand LSL 1.5E studs at 12" o.c. at the 19' stairwell wall.

I examined only these tall studs; I was not hired to review other aspects of the building.

Bruce R Berryhill, PE
B2 Engineering, Inc.
PO Box 32478
Juneau, Alaska 99803-2478
907-586-1011


S86°15'30"E-269.23'
165.00'
A.T.S. 485
TRACT A
87698 S.F.
2.01 AC.
FR. U.S.S. 1155
S03°00'00"W-202.00'
165.00'
N89°54'00"W
N89°54'00"W-251.22'
ORIGINAL TRACT A, MINOR LOT CONSOLIDATION OF A.T.S.485 & FR. U.S.S. 1155
SCALE: 1" = 100'
CERTIFICATE OF OWNERSHIP
WE HEREBY CERTIFY THAT WE ARE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:
DATE 6/28/, 2006
WITNESS OWNER
WITNESS OWNER
LAWRENCE D. FOSTER
TRESSIE C. FOSTER
NOTARY ACKNOWLEDGMENT
UNITED STATES OF AMERICA)
STATE OF ALASKA) ss.
THIS IS TO CERTIFY THAT ON THIS 28TH DAY OF JUNE 2006, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED LAWRENCE D. FOSTER AND TRESSIE C. FOSTER TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 5/11/2009
STATE OF ALASKA
CERTIFICATE OF PLAT APPROVAL
I HEREBY CERTIFY THAT THIS PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 49 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.
DATED: JUNE 28, 2006
DALE PERNULA, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY AND BOROUGH OF JUNEAU
ATTEST:
CLERK
CITY AND BOROUGH OF JUNEAU
TYPICAL MONUMENTS
(ESTABLISHED THIS SURVEY)
JOHNSON 7570-S
SECONDARY MONUMENT
1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"
R&M ENGINEERING, INC.
THIS SURVEY
VICINITY MAP
SOURCE: U.S.G.S. QUADRANGLE JUNEAU (B-2), ALASKA
SCALE: 1" = 1 MILE
DATE: 1964 REV: 1978
LEDGEND
PRIMARY MONUMENT BY OTHERS RECOVERED THIS SURVEY
7570-S SECONDARY MONUMENT ESTABLISHED THIS SURVEY
NO MONUMENT RECOVERED OR ESTABLISHED
EXIST. PROPERTY LINE
NEW PROPERTY LINE
EXIST. EASEMENT LINE
EXIST. CENTER LINE
GENERAL NOTES
1. THE BASIS OF HORIZONTAL CONTROL FOR THIS SURVEY WAS BETWEEN RECOVERED MONUMENTS FOR THE SOUTHEAST CORNER OF A FRACTION OF U.S. SURVEY 1155 AND A REFERENCE MONUMENT BETWEEN SAID SURVEY AND A.T.S. NO. 485 HAVING A RECORD COMPUTED BEARING OF N67°14'10"W.
2. WHERE RECORD SURVEY COURSES (BEARING AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES, THE RECORD SURVEY COURSE IS SHOWN WITHIN PARENTHESIS WHILE THE ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSE IS SHOWN WITHOUT PARENTHESIS.
3. DOMESTIC WATER PROVIDED BY CBJ PUBLIC UTILITIES, SANITARY SEWER DISPOSAL AS APPROVED BY THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
4. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
5. RECORD INFORMATION DENOTED WAS DERIVED FROM THE OFFICIAL PLAT OF U.S. SURVEY NO. 1155, "PLAT OF SUBDIVISION OF FOREST PARK FILED AS PLAT NO.330, "RE-SUBDIVISION OF FOREST PARK" FILED AS PLAT NO.418, OFFICIAL PLATS FOR ALASKA TIDELANDS SURVEYS 485 AND 542 AND A MINOR LOT CONSOLIDATION OF A.T.S. 485 AND A FRACTION OF U.S. 1155 PER DOCUMENT NO.2004-0044770 ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.
STATE OF ALASKA
MARK A. JOHNSON
LS # 7570
AUKE BAY
S86°15'30"E-434.23'
109.94'
55.06'
214.17'
55.06'
R/W 3,193 S.F.
N2°31'35"E-30.00'
DELTA=88°21'33"
R=28.00'
L=43.20'
T=26.73'
CHORD=N43°04'45"W
CL=38.32'
22.78'
52.24'
30'
R.O.W. EASEMENT
30.00'
30.57'
S0°06'00"W-65.57'
45.00'
S0°06'00"W-200.00'
125.00'
DOCK STREET
LOT 1
51,922 S.F.
LOT 2
36,035 S.F.
UNKNOWN ORIGIN
S1155
1967
PLAT OF ATS 485
N44°30'00"W-219.17'(217.80')
143.72'
N11°20'00"W-230.40'(228.22')
N89°54'00"W-164.56'
N89°54'00"W-227.85'
4.23'
N67°14'10"W-281.44'(281.71')-C
BASIS OF BEARING
98.63'
81.57'
4.38'
160.57'
251.12'
N89°48'05"W-416.06'
(N89°54'00"W-416.22')
"X" IN ROCK
PLAT OF ATS 485
U.S.S. 1155
U.S.S. 1547
JOHNSON WAY
25'
L17
S1547
1967
PLAT OF ATS 485
BASIS OF POSITION
SCALE: 1" = 30'
0' 15' 30' 60' 120'
CBJ FILE COPY
2006-37
07/10/06
SUB06-17
S2590
1990
PLAT 90-19RM
REC DIST
DATE 20
TIME M
Requested By
Address
A PLAT OF
LOTS 1 & 2, TRACT A, U.S. SURVEY 1155
A SUBDIVISION OF
TRACT A, U.S. SURVEY NO. 1155
WITHIN THE
CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT
CLIENT:
LARRY FOSTER
11475 DOCK STREET
JUNEAU, ALASKA 99801
SURVEYOR:
MARK A. JOHNSON, L.S.
R&M ENGINEERING, INC.
6303 GLACIER HIGHWAY
JUNEAU, ALASKA 99801
SHEET 1 OF 1
DATE: JUNE 27, 2006
SCALE: 1"=30'
R&M PROJ. NO. 051771

BeamChek v2012 licensed to: B2 Engineering, Inc. Reg # 2308-64465

Comstock Tall Studs | Garage Studs AT GARAGE | Prepared by: | Date: 6/12/13

Combined Axial and Bending on Wind Loaded Solid Sawn Dimensional Wood Stud Wall

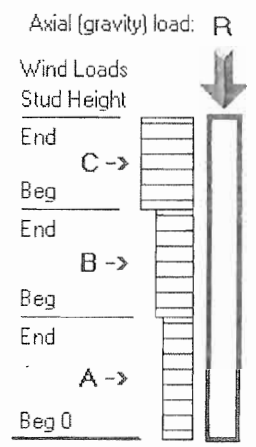
Selection **2x 6 Hem-Fir #2 @ 16 in. o.c.** *Status: Adequate*

Conditions NDS 2005, Repetitive Use, Wind Duration of Load = 1.6, Axial Duration of Load = 1.15
Assumed full lateral bracing of narrow dimension (breadth) by sheathing or blocking.

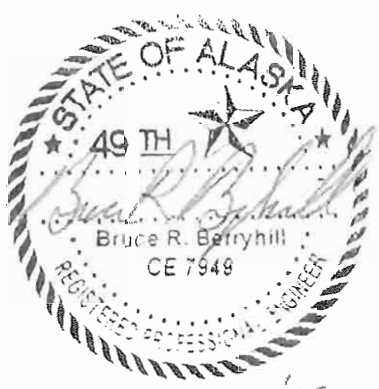
Data		*Loads*					*Load per Stud*		*Factors*
Stud wall Ht =	14.08 ft	Axial Load: Uniform		715	PLF		953	Lbs	Ke = 1.000
Unbraced D =	169 In.	Axial Load: Point		0	LBS		0	Lbs	c = 0.800
Eff. Length Le =	169 In.					R=	953	Lbs	Rb = 20.32
Stud Area =	8.25 In ²	Distance upward:		Beg	End				Kce = 0.300
Sec Modulus =	7.56 In ³	Wind A Unif	20 PSF	0	14.08	A=	26.7	PLF	Kbe = N/A
Wind Moment =	661 ft/lbs	Wind B Unif	-- PSF	--	--	B=	--	PLF	Fce = 414
		Wind C Unif	-- PSF	--	--	C=	--	PLF	Fbe = 1380

Attributes	Le/d	Axial psi	Bend psi	Interaction
Actual	31	116	1049	0.80
Critical	50	339	1380	1.00
Status	Ok	Ok	Ok	Ok
Ratio	62 %	34 %	76 %	80 %

Values	Fb psi	Fc ⊥ psi	E psi x mil
Base Values	850	1300	1.3
Base Adjusted	2033	389	1.3
Size Factor CF	1.3	1.1	--
Duration Cd	1.60	1.15	--
Stability CL, Cp	1.0	0.237	--
Repetitive Cr	1.15	--	--



Loads B and C are optional.



12 JUNE 13

City & Borough of Juneau
Alaska's Capital City

UTILITY PERMIT

Permit No.
UTL20130094

* NOTE: "Utility Permit" is a generic term which includes Water Connection Permits, Sewer Connection Permits, Water Inspections and Sewer Inspections.

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any of said ordinances.

The granting of this permit does not authorize the violation of any federal, state or local law regulating construction for the violation of the terms of any deed or covenent or any zoning or other regulation.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress and before final inspection.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within one year or if work or construction is suspended or abandoned for a period of one year at any time after work has commenced.

Inspections can be arranged by telephoning **586-1703** or by written or faxed notification.
The Online Building Inspection Request Form is at: **www.juneau.ak.us/cdd/insp_req.htm**.
Work shall not proceed until the inspector has approved the various stages of construction.

Call before 7:30 AM for same day inspections.

Job Address: **10471 DOCK ST**
Permit Number: **UTL20130094**
Project Description: Extend customer line from residence to detached garage

Issued Date : **06/14/2013**
Parcel No: **4B1801030012**
UTO Date: **06/14/2014**

Parcel Informati USS 1155 TR A LT 2

Owner :	Applicant :
KEITH COMSTOCK	KEITH COMSTOCK
SHARON COMSTOCK	SHARON COMSTOCK
10471 DOCK ST	10471 DOCK ST
JUNEAU AK 99801	JUNEAU AK 99801

Fee Type	Date	Receipt	Amount Paid
ENG- Water Inspection Fee	06/14/2013	00003	$60.00
	Total Fees Paid:		$60.00

Project Conditions and Holds:

Utility Locates - Call the Utility Locate Council (586-1333) before digging.

Water Connection Inspection - Call for inspection of the water connection prior to backfilling. The CBJ Inspection Request Line is 586-1703.

Inspections Required: Call for inspection before covering or concealing any of the work described below. Inspections may be combined.

E-Size	E-Depth	E-Curb Box
E-Curb Stop	E-Access to Curb Stop V	E-Thaw Wire
E-Pressure Test	E-Water Meter/Yoke	E-Cross Connection Cont
E-Thaw Waiver	E-Billing Authorization	E-ROW Restoration
E-Water Final		

City & Borough of Juneau
Alaska's Capital City

Community Development & Engineering Departments
Mail: 155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0770 FAX: 586-3365

JUNEAU PERMIT CENTER, 4TH FLOOR MARINE VIEW CENTER, 230 South Franklin Street

Water Line Information

To be provided for any new building, addition, or remodel with added plumbing fixtures

1. **NEW FIXTURES:** List the number of each type of fixture that is new to this building. (Where no fixtures were before—this does not include fixtures being replaced.)

WFU	No. of Fixtures		WFU	No. of Fixtures	
___	___	Bathtub (w/ or w/o showerhead)	___	___	Dishwasher
___	___	Bathtub with ¾" valve	___	___	Clotheswasher hook-up
___	___	Bidet	___	___	Bar Sink
1.0	1	Lavatory (bathroom sink)	___	___	Kitchen Sink
2.0	1	Shower	___	___	Laundry Sink
2.5	1	Toilet	2.5	1	Hose Bibb (for hose connection)
___	___	Urinal			

STAFF USE Total Additional WFU:	8.0

2. **EXISTING FIXTURES:** List the number of each type of existing fixture in the building. (Fixtures to be left unchanged or replaced.)

WFU	No. of Fixtures		WFU	No. of Fixtures	
4.0	3	Bathtub (w/ or w/o showerhead)	1.5	1	Dishwasher
___	___	Bathtub with ¾" valve	4.0	1	Clotheswasher hook-up
___	___	Bidet	___	___	Bar Sink
4.0	4	Lavatory (bathroom sink)	___	___	Kitchen Sink
2.0	1	Shower	1.5	1	Laundry Sink
7.5	3	Toilet	3.5	2	Hose Bibb (for hose connection)
___	___	Urinal			

STAFF USE Total Existing WFU:	28.0
STAFF USE Grand Total WFU:	36.0

3. What is the **size** of the incoming water street service line? (pipe size from city main to curb-stop at property line.) 1 Inches

4. What is the **size** of the building service line? (pipe size from curb-stop entering the building.) ___ Inches

5. What is the **distance** from the water shutoff box at the property line or well pump to the farthest plumbing fixture fed by this water service? 315 Feet

6. If known, what is the water **pressure** at the house, or low water pressure setting on the well pump? ___ PSI

7. What is the **height** measured vertically (above + or below -) of the highest fixture (new or existing) measured from the street level at the water shutoff box or well pump? 12 Feet

STAFF USE PSI Adjustment:	70
STAFF USE Hydrant Pressure (PSI):	60
STAFF USE Total PSI:	55

TABLE 6-6
Fixture Unit Table for Determining Water Pipe and Meter Sizes

Inch	mm
1/2	15
3/4	20
1	25
1-1/4	32
1-1/2	40
2	50
2-1/2	65

Pressure Range – 30 to 45 psi (207 to 310 kPa)**

Meter and Street Service, Inches	Building Supply and Branches, Inches	Maximum Allowable Length in Feet (meters)														
		40 (12)	60 (18)	80 (24)	100 (30)	150 (46)	200 (61)	250 (76)	300 (91)	400 (122)	500 (152)	600 (183)	700 (213)	800 (244)	900 (274)	1000 (305)
3/4	1/2***	6	5	4	3	2	1	1	1	0	0	0	0	0	0	0
3/4	3/4	16	16	14	12	9	6	5	5	4	4	3	2	2	2	1
3/4	1	29	25	23	21	17	15	13	12	10	8	6	6	6	6	6
1	1	36	31	27	25	20	17	15	13	12	10	8	6	6	6	6
3/4	1-1/4	36	33	31	28	24	23	21	19	17	16	13	12	12	11	11
1	1-1/4	54	47	42	38	32	28	25	23	19	17	14	12	12	11	11
1-1/2	1-1/4	78	68	57	48	38	32	28	25	21	18	15	12	12	11	11
1	1-1/2	85	84	79	65	56	48	43	38	32	28	26	22	21	20	20
1-1/2	1-1/2	150	124	105	91	70	57	49	45	36	31	26	23	21	20	20
2	1-1/2	151	129	129	110	80	64	53	46	38	32	27	23	21	20	20
1	2	85	85	85	85	85	85	82	80	66	61	57	52	49	46	43
1-1/2	2	220	205	190	176	155	138	127	120	104	85	70	61	57	54	51
2	2	370	327	292	265	217	185	164	147	124	96	70	61	57	54	51
2	2-1/2	445	418	390	370	330	300	280	265	240	220	198	175	158	143	133

Pressure Range – 46 to 60 psi (317 to 414 kPa)**

3/4	1/2***	7	7	6	5	4	3	2	2	1	1	1	0	0	0	0
3/4	3/4	20	20	19	17	14	11	9	8	6	5	4	4	3	3	3
3/4	1	39	39	36	33	28	23	21	19	17	14	12	10	9	8	8
1	1	39	39	39	36	30	25	23	20	18	15	12	10	9	8	8
3/4	1-1/4	39	39	39	39	39	39	34	32	27	25	22	19	19	17	16
1	1-1/4	78	78	76	67	52	44	39	36	30	27	24	20	19	17	16
1-1/2	1-1/4	78	78	78	78	66	52	44	39	33	29	24	20	19	17	16
1	1-1/2	85	85	85	85	85	85	80	67	55	49	41	37	34	32	30
1-1/2	1-1/2	151	151	151	151	128	105	90	78	62	52	42	38	35	32	30
2	1-1/2	151	151	151	151	150	117	98	84	67	55	42	38	35	32	30
1	2	85	85	85	85	85	85	85	85	85	85	85	85	85	83	80
1-1/2	2	370	370	340	318	272	240	220	198	170	150	135	123	110	102	94
2	2	370	370	370	370	368	318	280	250	205	165	142	123	110	102	94
2	2-1/2	654	640	610	580	535	500	470	440	400	365	335	315	285	267	250

Pressure Range – Over 60 psi (414 kPa)**

3/4	1/2***	7	7	7	6	5	4	3	3	2	1	1	1	1	1	0
3/4	3/4	20	20	20	20	17	13	11	10	8	7	6	6	5	4	4
3/4	1	39	39	39	39	35	30	27	24	21	17	14	13	12	12	11
1	1	39	39	39	39	38	32	29	26	22	18	14	13	12	12	11
3/4	1-1/4	39	39	39	39	39	39	39	39	34	28	26	25	23	22	21
1	1-1/4	78	78	78	78	74	62	53	47	39	31	26	25	23	22	21
1-1/2	1- 1/4	78	78	78	78	78	74	65	54	43	34	26	25	23	22	21
1	1-1/2	85	85	85	85	85	85	85	85	81	64	51	48	46	43	40
1-1/2	1-1/2	151	151	151	151	151	151	130	113	88	73	51	51	46	43	40
2	1-1/2	151	151	151	151	151	151	142	122	98	82	64	51	46	43	40
1	2	85	85	85	85	85	85	85	85	85	85	85	85	85	85	85
1-1/2	2	370	370	370	370	360	335	305	282	244	212	187	172	153	141	129
2	2	370	370	370	370	370	370	370	340	288	245	204	172	153	141	129
2	2-1/2	654	654	654	654	654	650	610	570	510	460	430	404	380	356	329

**Available static pressure after head loss.

***Building supply, three-quarter (3/4) inch (20 mm) nominal size minimum.

Garage For
Keith & Sharon Comstock
10471 Dock St.
Juneau Alaska

Plans approved as noted
Inspections will not be performed without CBJ approved plans on site.
MFS 6-12-13

BLD20130302

DesignWorks
RESIDENTIAL DESIGN

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PREPARED BY RICK THIBODEAU 4432 TEEL COURT JUNEAU AK 99801

IMPORTANT:
The designer grants the client a licen[illegible] to build only one structure from the plans, and the plans cannot be resold unless by express written authorization of Rick Thibodeau dba DesignWorks.

These designs and drawings are protected by the Federal Copyright Laws and may not be copied, reproduced, modified, distributed or used in any other way without the specific written consent of Rick Thibodeau dba DesignWorks, the copyright owner.

CONSTRUCTION NOTES:

Garage Separation: The garage shall be separated from the residence and its attic by not less than 5/8" Type "X" gyp. bd. applied to the garage side. All joints and penetrations shall be sealed by methods approved for one hour fire resistant construction. 2009 International Residential Code Sec. R309.2 & CBJ Title 19.

Garage Doors: Door from house to garage to be minimum 1 3/8" solid core wood, 1 3/8 solid or honeycomb core steel doors, or 20 minute rated per 2009 International Residential Code Sec. R309.1.

Under Stair Spaces: Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with 1/2" gypsum board. IRC Sec. R311.2.2

Stairs, Handrails, & Guardrails: To comply with 2009 IRC R311.5 .
Max. stair rise 7 3/4"; min. stair tread 10".
Provide tread nosing min. 3/4", max. 1 1/4"
Handrail height to be min. 34", max. 38" above sloped plane @ nosing.
Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above lowest riser of the flight.
Handrail ends shall return to walls or shall terminate in newell posts or safety terminals.
Provide 1 1/2' space between wall and handrail.
Handrails with a circular cross section shall have an outside diameter of at least 1 1/4" and not greater than 2". See IRC Sec. R311.5.6.3 #2 for non-circular handrails.
Required guards on open sides of stairway shall have intermediate rails or ornamental closures which do not allow the passage of a sphere 4" or more in diameter.

Toilet Clearances: Minimum 24" in front and 30" wide space.

Egress Windows Per 2009 IRC Sec. 310: Basements in dwelling units and every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard, or exit court. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be 24 inches. The minimum net clear openable width dimension shall be 20 inches. When windows are provided as a means of escape or rescue they shall have a finished sill height of not more than 44 inches above the floor.

Safety Glass: Safety glazing is required in doors, storm doors, railings, within 24" of a door, or when panes are over 9 square feet and within 18 inches of the floor. (See 2009 IRC Sec. R308.4)

Safety glazing is required in any part of a building wall enclosing compartments for hot tubs, whirlpools, saunas, steam rooms, bathtubs,and showers, where the bottom exposed edge of the glazing is less than 60 inches above any standing or walking surface.

Access Doors: Attic access to be provided with minimum 22" x 30" opening with a 30" min. unobstructed headroom in the attic per R807.1, and crawl space access provided with minimum 18" x 24" opening per R408.3 of the 2009 International Residential Code.

Protection Against Decay: All wood structural members and their fasteners and connections shall conform to Section R319 of the 2009 International Residential Code as modified by the CBJ Title 19.

Smoke Alarms: Smoke alarms shall be installed in the following locations:
1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling.
4. In any habitable room equal to or greater than 70 square feet, and not used for cooking, eating, living room or other dedicated, non-sleeping uses. See IRC R313.1 amended by Title 19.04R313.1.

CO Detectors: Required on each floor including basement, in halls outside sleeping rooms, and inside efficiency apartments.

Ventilation: Kitchens, Bathrooms and Laundry Rooms. All bathrooms, water closet compartments, laundry rooms with more than one clothes washer and one clothes dryer and similar rooms shall be provided with a mechanical exhaust system connected directly to the outside with a minimum rated exhaust capacity of 50 cubic feet per minute and 100 cubic feet per minute for kitchens. Continuous ventilation from intermittent increased capacity whole-house or heat-recovery ventilation systems may be used with reduced exhaust capacity as long as an exhaust intake is located in such rooms.

Woodstoves, Oil & Gas Appliances and Chimneys: To be installed per manufacturer's requirements per UMC 504 and Tables 5A, B & C. Firestops to be installed at all floor/ceiling chimney penetrations.

Fuel Burning Appliances in Garage: Will be installed with spark/flame minimum 18" above floor and protected from traffic per UPC 1310 and UMC 508.

Electrical Panels: Minimum clearance space 30" wide by 36" in front by 6'-6" tall access space per NEC 110-16. Panel will not be in clothes closet, along stair run or in bathrooms per NEC 240-24.

Electrical Outlet Placement per 2008 NEC Sec. 210.52:
One on every wall section 2' or longer, and no point along wall can be more than 6' from outlet.
Kitchens: One at every 12" countertop and no more than 48" apart.
One req'd in garage which shall be at least 18" above floor if boiler or spark producing equipment present.
One req'd in each bathroom within 3' of the outside edge of each basin.
At exterior: one in front of building and one at rear.

Ground fault Circuit Interrupters: To comply with NIC Section 210-8 and CBJ Handout. To be provided at kitchens, baths, outside grade level, crawl spaces, al garage outlets not specifically designated for a particular piece of equipment, and Jacuzzis.

Arc-Fault Circuit-Interrupter Protection: Required in all habitable rooms per 2008 NEC Sec. 210.12 .

Unfinished Rooms: Electrical receptacles every 6' with light, smoke detector, insulation and vapor barrier per NEC 210-52 and Title 19.10.010. If room is over 70 sq. ft. and served by stairs, natural light and ventilation and egress per 2009 IRC SEC. R303 & R3:1.

GENERAL:
THESE PLANS ARE ONLY A GUIDE AND DO NOT PURPORT TO SHOW EVERY ASPECT OF THE WORK REQUIRED FOR COMPLETION. IT SHALL BE THE BUILDER'S SOLE RESPONSIBILITY TO:
1) VERIFY ALL DIMENSIONS AND FIELD CONDITIONS BEFORE PROCEEDING.
2) NOTIFY DESIGNER OF ANY DISCREPANCIES. OBTAIN APPROVAL FROM DESIGNER OR ENGINEER FOR PROPOSED FIELD CHANGES PRIOR TO CONSTRUCTION OF MODIFICATION.
3) NOTIFY THE LOCAL BUILDING OFFICIAL AT CONSTRUCTION STAGES REQUIRING INSPECTION AND OBTAIN NECESSARY APPROVAL PRIOR TO COMMENCEMENT/ CONTINUATION OF THE WORK.
4) PERFORM ALL CONSTRUCTION WITH MATERIALS, METHODS, AND WORKMANSHIP ACCEPTED AS GOOD PRACTICE BY THE CONSTRUCTION INDUSTRY.
5) PROVIDE ADEQUATE SHORING, BRACING, AND FORMWORK, ETC., AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION.
6) FOLLOW MANUFACTURERS' RECOMMENDATIONS.
7) MAKE ALL PRECAUTION TO INSURE JOBSITE SAFETY.

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THERMAL REQUIREMENTS:
Insulation, vapor retarder and glazing to conform with Title 19.10.010 and CBJ Handout.

Ceiling Insulation: As shown on plans or min. R-38. Sidewalls of skylight wells to have min. wall insulation levels of R-19. Skylight areas shall be averaged with ceiling sections to equal overall U-value of 0.033 or less.

Wall Insulation: As shown on plans or min. R-19. Insulate behind studs at wall corners and intersections.

Floor Insulation: As shown on plans or min. R-19. Floors over crawl spaces may be uninsulated if crawl space walls are insulated to R-19 at least 24" below grade. Rim joist in all cases insulated to R-19 min. Any rim joists in crawl spaces must be P.T. wood or equivalent unless covered by min. 2" foam inside or out, or unless the rim joist is at least 12" above grade.
Floor areas that are exposed directly to outside air are to be insulated to R-38.

Glazing: To be double glazed, R-1.5 minimum. Double glazed windows and sliding glass doors shall be limited to 16% of the exterior wall surface. Exterior wall area includes all vertical surfaces exposed to the weather, and includes rim joist, garage wall area, and below grade warm wall areas.
Triple glazed windows and sliding glass doors, when used, are limited to 24% of the exterior wall surface.

Heating and Domestic Hot Water Pipes: To be insulated to R-4 min. when outside conditioned areas.

Air Handling Ducts: In areas without a positive heat supply such as attics and crawl spaces, insulate to a min. of R-4.

Vapor Retarders with a perm rating of 1 or less shall be provided on the warm side of wall and ceiling insulation.

INTAKE REVIEW
Gen Eng. AM
DOT
IOC 4DT
Tech. JH

COMSTOCK GARAGE
2/14/2013

FRACTION OF
U.S.S. 1155

1

DELTA=86°21'30"
R=17.28'
L=26.04'
T=16.21'
CHORD=N43°04'45"W
CL=23.64'

S86°15'30"E-434.23'

25'-6"

N3°44'30"E-20.00'

GATE POST (TYP.)

DOCK STREET

16

LOT 1
24,198 S.F.

3 STORY
BUILDING ON
CONCRETE
FOUNDATION

GRAVEL DRIVE

S0°00'00"W-90.66'

GRAVEL DRIVE

S0°00'00"W-200.00'

236'-8 1/2"

SEPTIC LIDS

102'-4 1/2"

N41°12'20"W-228.22'

W.C.

22'-10"

BLUE 2X4 POSTS

N89°54'00"W-421.86'

17

LOT 2
12,360 S.F.

CLEANOUT

UV DISINFECTOR

SEPTIC LIDS

2ND STORY DECK

WOOD STAIRS

2 STORY WOOD
FRAME ON
CONC. FOUND.

24'-3 1/2"

MIN. 1'
NOTICE
LINE

18'
14'
36'
28'
PROPOSED
GARAGE
42'
13.0'
54'
8.0'

119'-3"

236'-9 1/2"

JOHNSON WAY

ELECTRIC METER

N89°54'00"W-416.22'

14'-4 1/2"

- GRADE AWAY FROM STRUCTURE AT A MIN. OF 2% FOR A MIN. OF 5'.
- NO GRADING OR EXCAVATION ACTIVITY WITHIN 2' OF PROPERTY LINE.
- GRADE TOWARDS APPROVED DRAINAGE WAY.

Approved
6/19/13
AKL

N
NW
NE
W
E
SW
SE
S
SCALE
1" = 30'

See Set govern
Setback determination
comments

LOTS 1 & 2
TRACT A, U.S. SURVEY 1155
WITHIN THE
CITY & BOROUGH OF JUNEAU, ALASKA

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MAY 2 [illegible]
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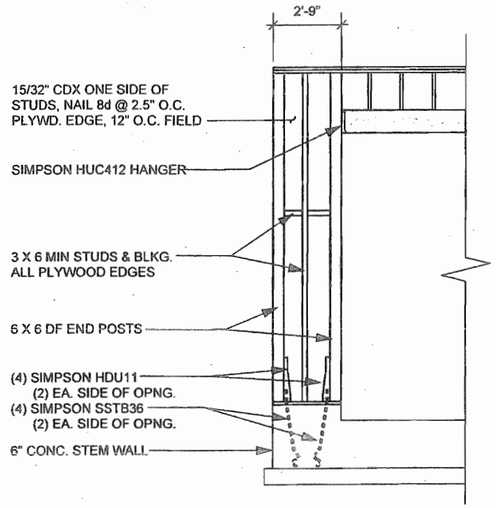
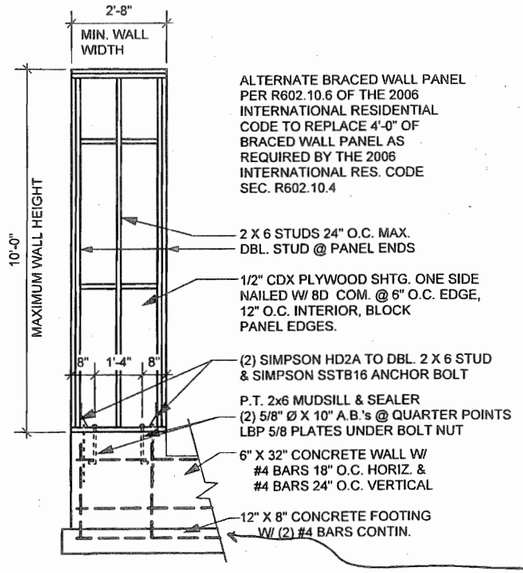
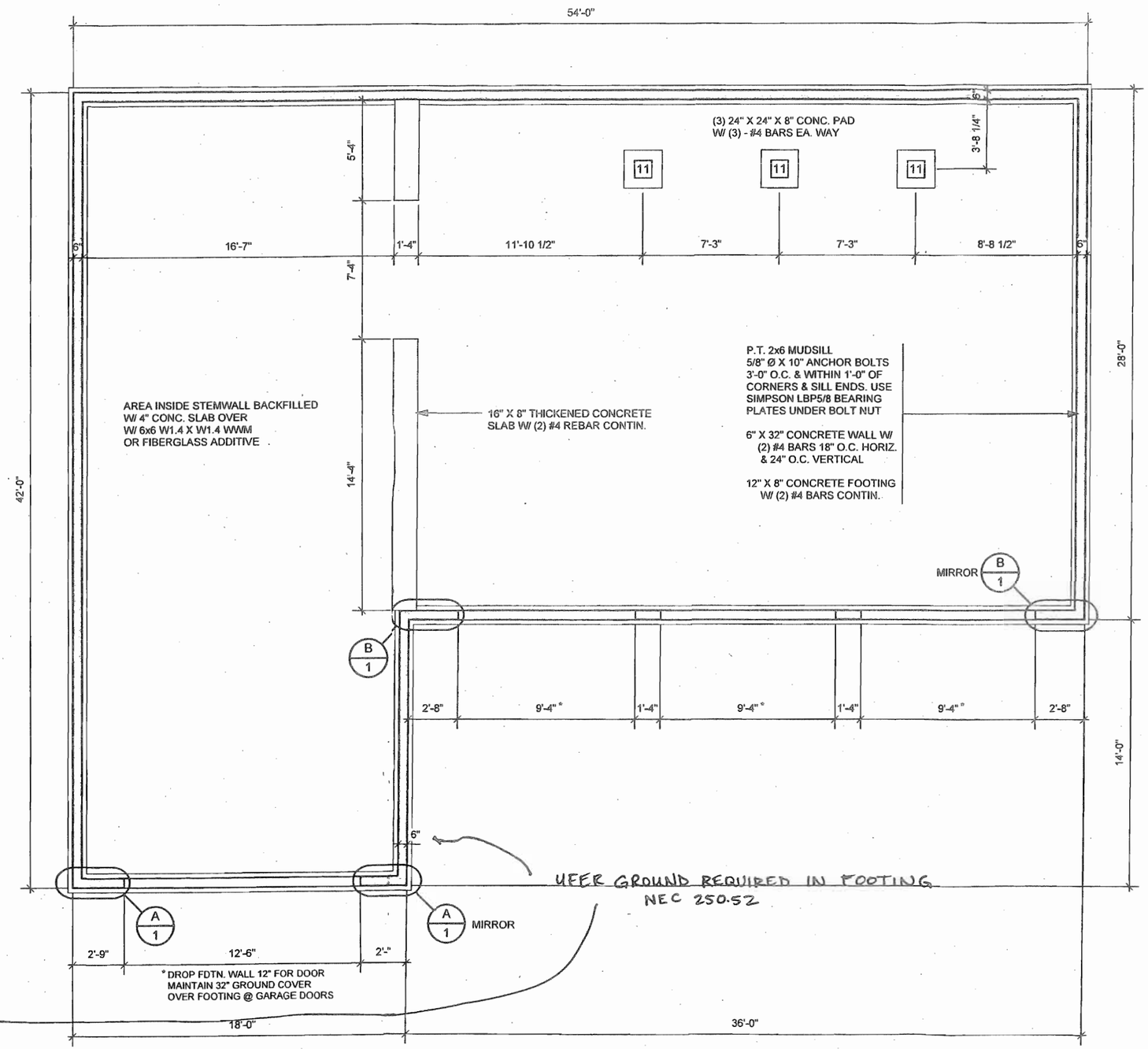


A/1 SHEAR WALL
Scale: 1/4" = 1'-0"



B/1 BRACED WALL
Scale: 3/8" = 1'-0"



N

FOUNDATION PLAN
Scale: 1/4" = 1'-0"

11	STAIR EAM FOOTINGS	LL	DL
	FLOOR DAD	4360#	1635#
	TOTAL DAD: 5995#		
	24" X 24" X 8" FTG. = 8000# @ 2000 PSF SOIL		

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SHEET 1 OF 8

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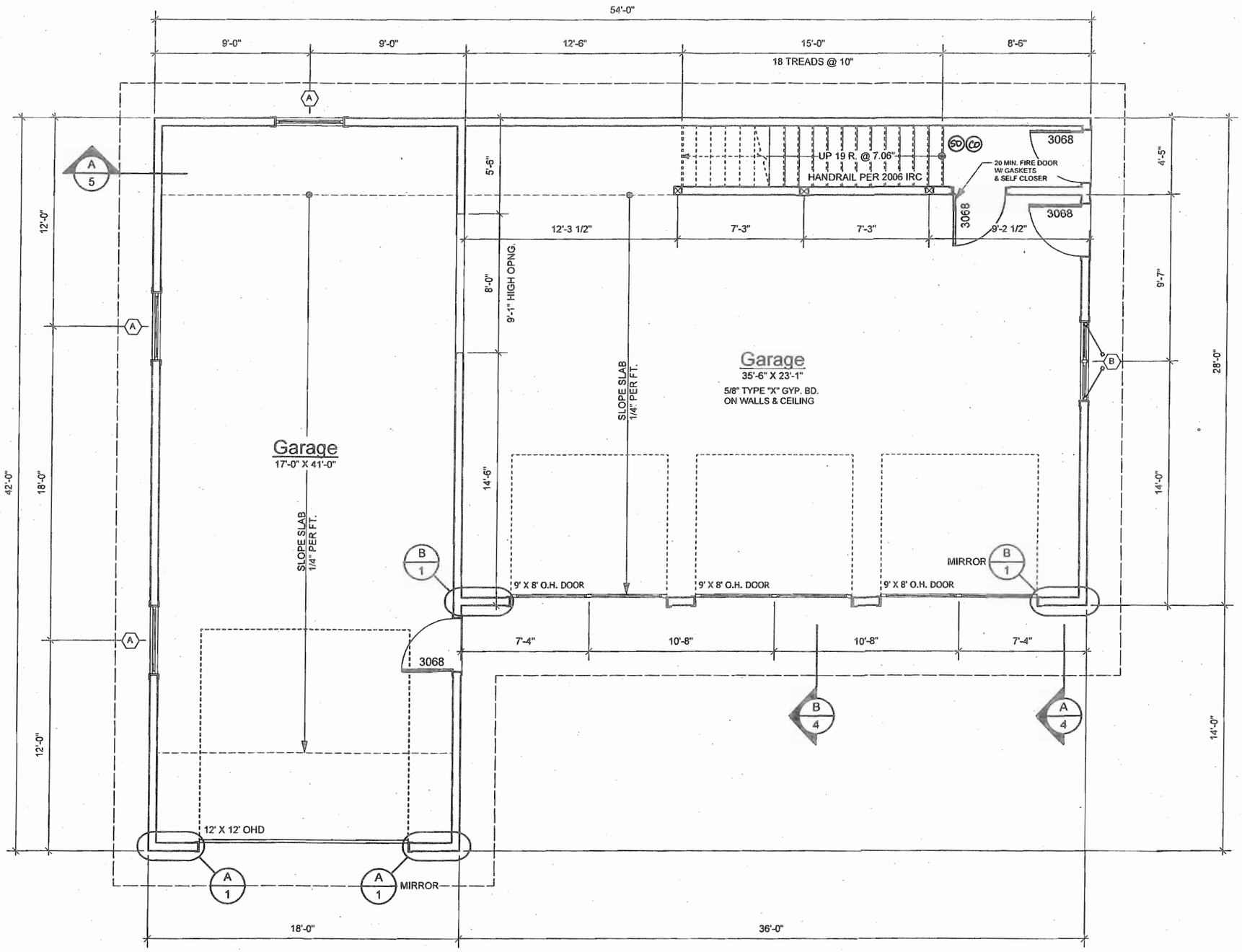
DRAWN BY: Rick Thibodeau
PHONE: 907.789.2897

10471 Dock St.

Comstock Garage

"For I know the plans I have for you", declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future." - Jeremiah 29:11



FIRST FLOOR PLAN

1764 SQ. FT.

DIMENSIONS ARE TO FACE OF STUD

GRAPHIC SCALE

0' 4' 8' 12'

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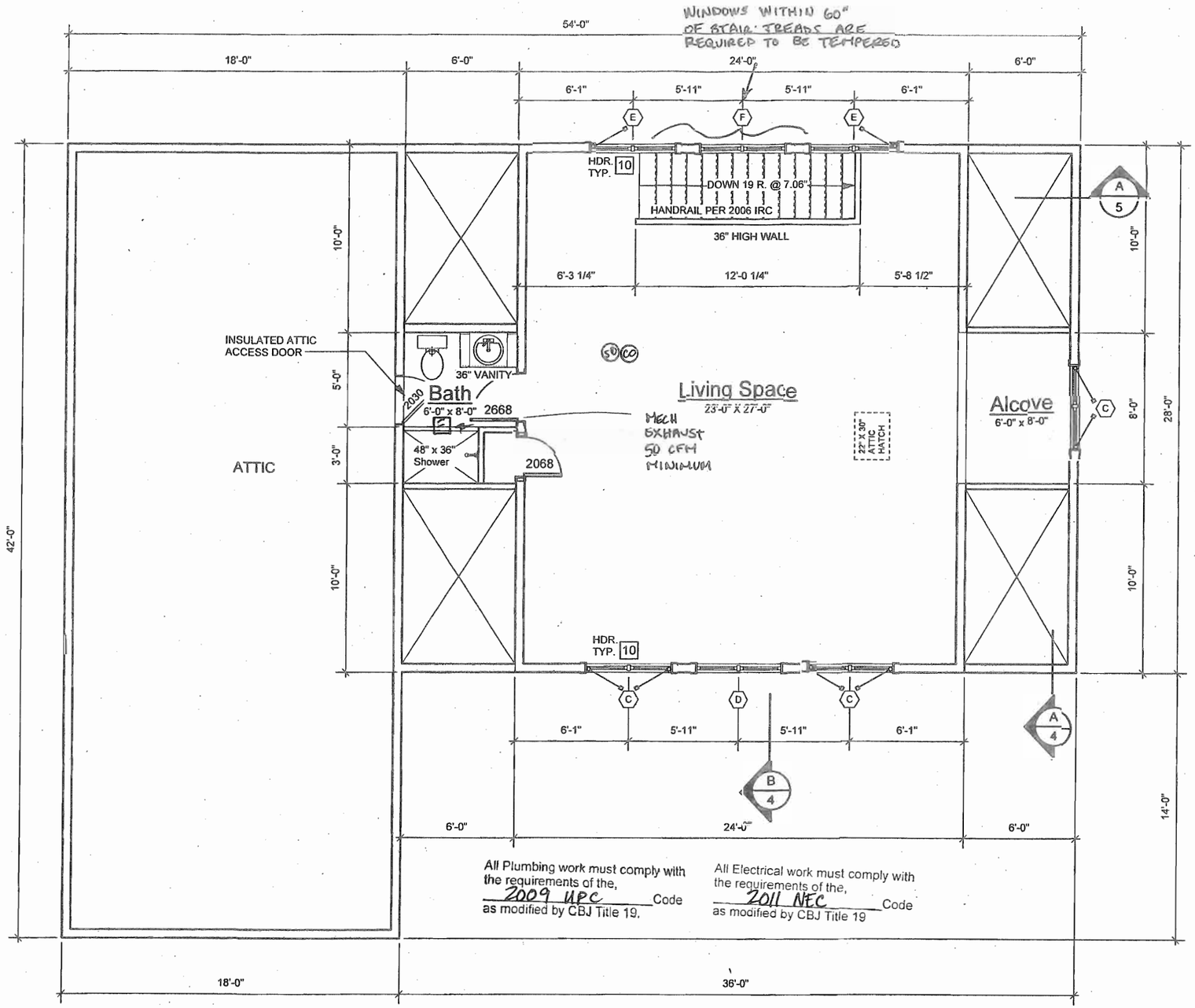

All Plumbing work must comply with the requirements of the, 2009 UPC Code as modified by CBJ Title 19.

All Electrical work must comply with the requirements of the, 2011 NEC Code as modified by CBJ Title 19

SECOND FLOOR PLAN

718 SQ. FT.

DIMENSIONS ARE TO FACE OF STUD

GRAPHIC SCALE

0' 4' 8' 12'

		LL	DL
10	2ND FLOOR WINDOWS ROOF LOAD 4'-8" SPAN: 4 X 10 HF #2 BEAM	800 PLF	200 PLF

WINDOW SCHEDULE

MARK	QTY.	WINDOW TYPE	DIMENSIONS
A	3	FIXED	4'-0" X 2'-0"
B	1	DOUBLE CASEMENT	4'-8" X 5'-0"
C	3	DOUBLE CASEMENT	4'-8" X 4'-0"
D	1	DOUBLE FIXED	4'-8" X 4'-0"
E	2	CASEMENT	4'-8" X 3'-6"
F	1	DOUBLE FIXED	4'-8" X 3'-6"

1. EGRESS WINDOW

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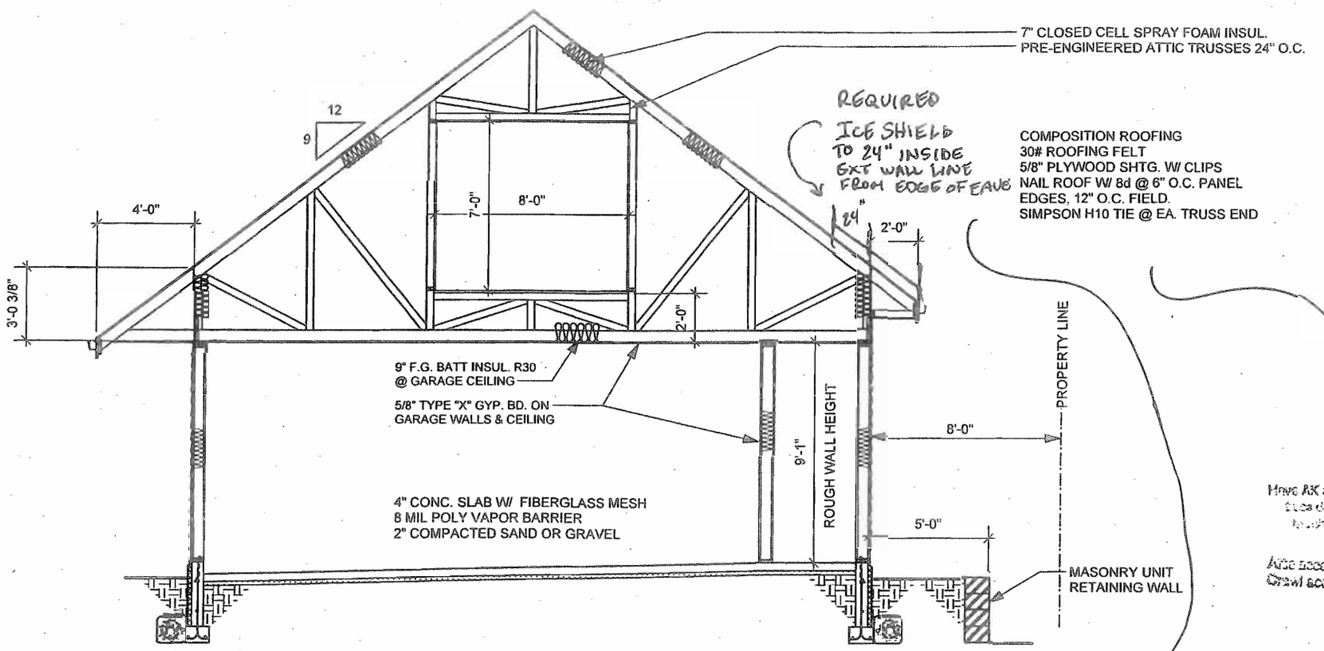


A/4 BUILDING SECTION
Scale: 1/4" = 1'-0"

1 X 10 CEDAR FACIA
2 X 8 SUBFACIA
GUTTER & DOWNSPOUT
VENTED VINYL SOFFIT

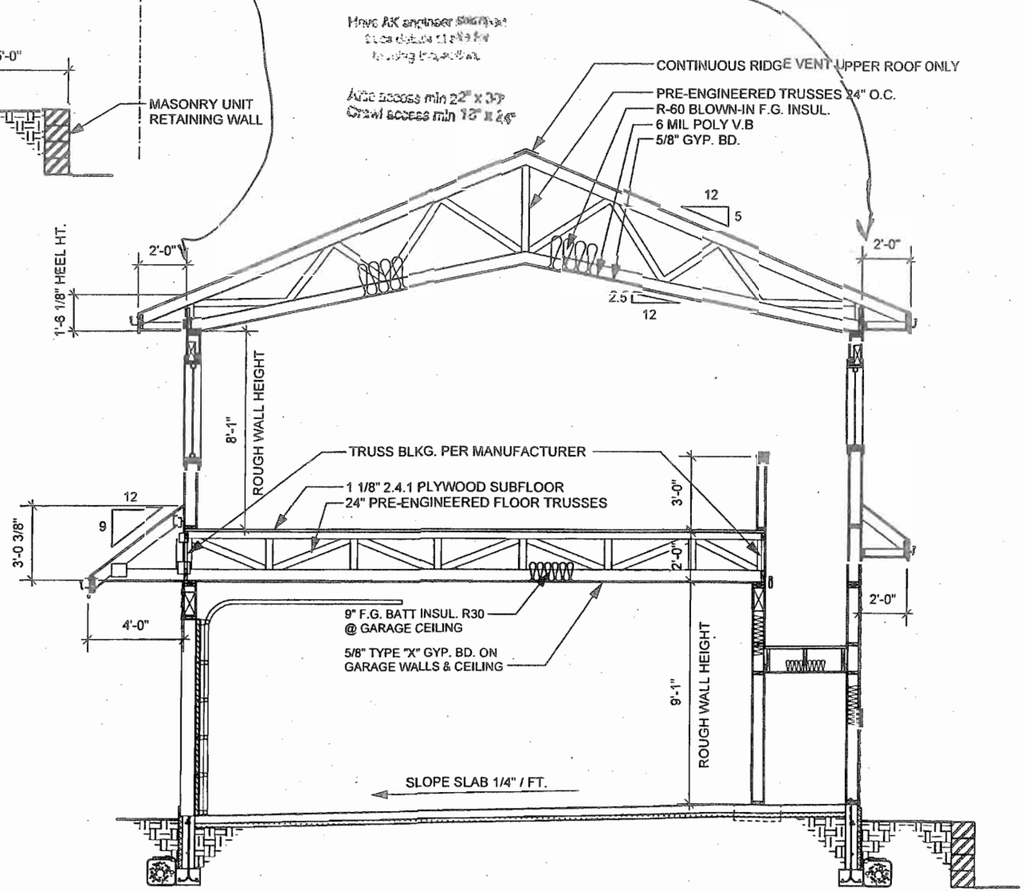
WALL CONSTRUCTION :
2 X 6 STUDS 16" O.C.
5.5" R-21 F.G. INSUL.
LAMINATED POLY VAPOR
BARRIER-SEAL ALL JOINTS
1/2" GYP. BD. UNLESS NOTED
15/32" CDX PLYWD. SHTG.
NAIL W/ 8d @ 6" O.C. EDGE,
12" O.C. FIELD
BLOCK PANEL EDGES.
RAIN SCREEN WALL WRAP
LAP SIDING

P.T. 2x6 MUDSILL
5/8" Ø X 10" ANCHOR BOLTS
3'-0" O.C. & WITHIN 1'-0" OF
CORNERS & SILL ENDS. USE
SIMPSON LBP5/8 BEARING
PLATES UNDER BOLT NUT

6" X 32" CONCRETE WALL W/
(2) #4 BARS 18" O.C. HORIZ.
& 24" O.C. VERTICAL

12" X 8" CONCRETE FOOTING
W/ (2) #4 BARS CONTIN.

2" XPS FOAM INSULATION
-PROTECT INSUL. ABOVE GRADE
W/ CEMENT BOARD AND/OR METAL FLASHING



B/4 BUILDING SECTION
Scale: 1/4" = 1'-0"

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"For I know the plans I have for you", declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future." - Jeremiah 29 : 11

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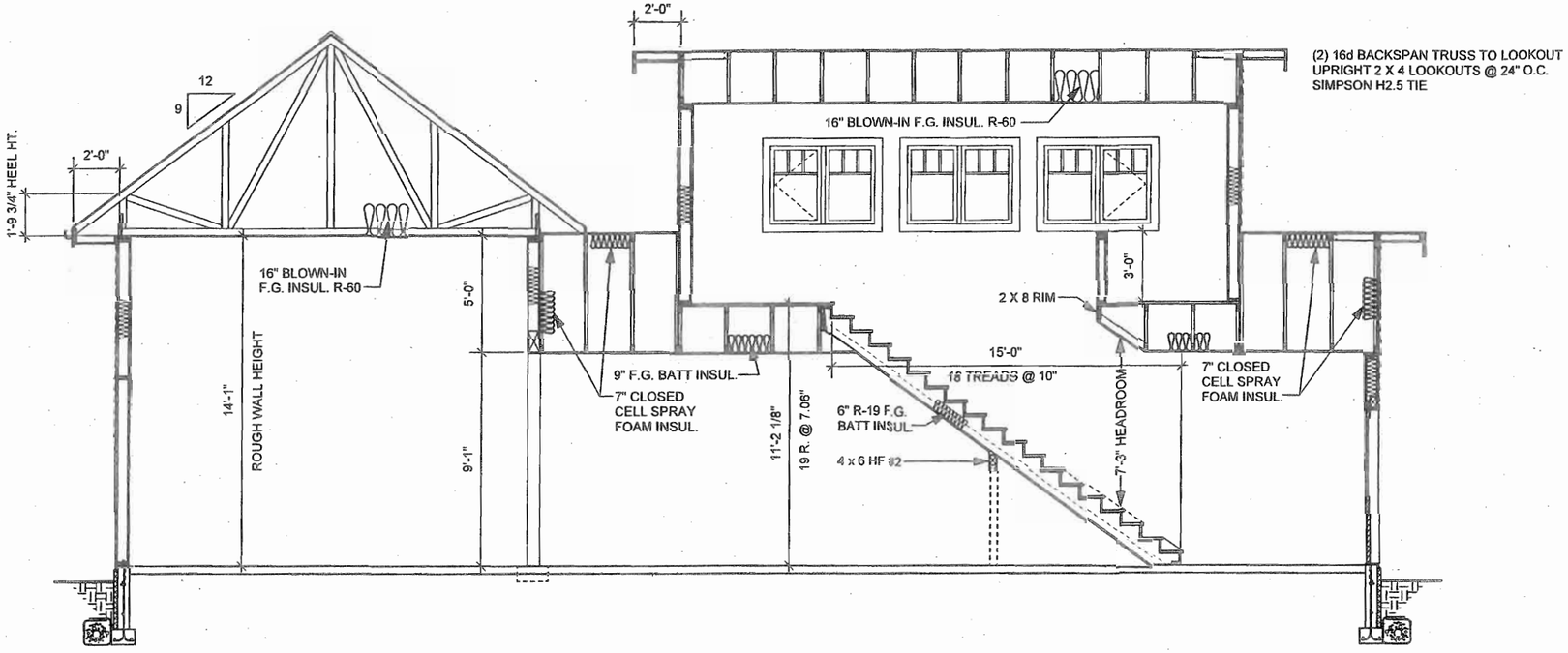
Comstock Garage



A/5 BUILDING SECTION
Scale: 1/4" = 1'-0"

STAIR CONSTRUCTION NOTES:

Under Stair Spaces: Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with 1/2" gypsum board. IRC Sec. R311.2.2

Stairs, Handrails, & Guardrails: To comply with 2006 IRC R311.5 .
Max. stair rise 7 3/4"; min. stair tread 10".
Provide tread nosing min. 3/4", max. 1 1/4"
Handrail height to be min. 34", max. 38" above sloped plane @ nosing.
Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above lowest riser of the flight.
Handrail ends shall return to walls or shall terminate in newell posts or safety terminals.
Provide 1 1/2" space between wall and handrail.
Handrails with a circular cross section shall have an outside diameter of at least 1 1/4" and not greater than 2". See IRC Sec. R311.5.6.3 #2 for non-circular handrails.
Required guards on open sides of stairway shall have intermediate rails or ornamental closures which do not allow the passage of a sphere 4" or more in diameter.

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Comstock Garage

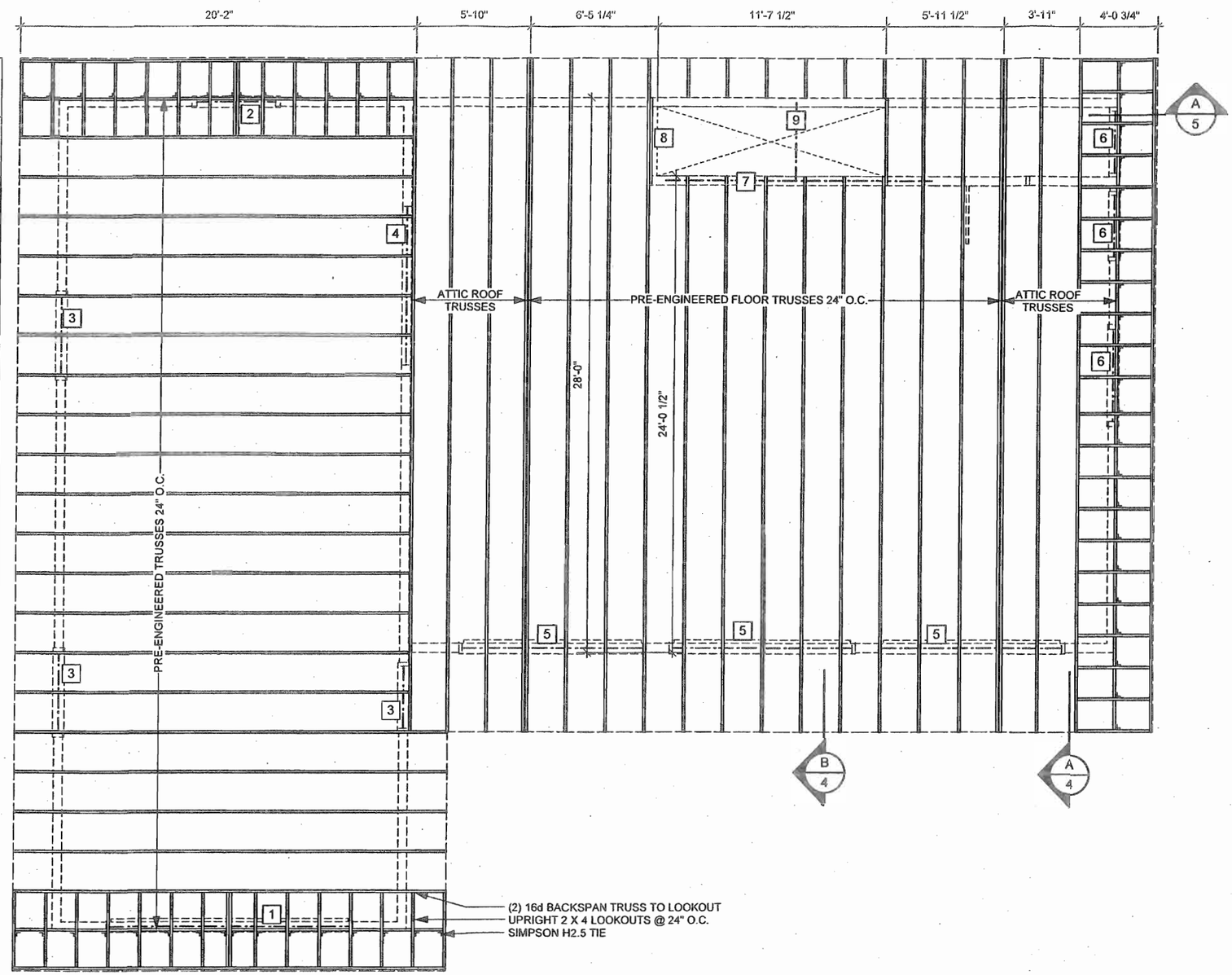
10471 Dock St.

		LL	DL
1	RV OHD HDR ROOF LOAD 12'-0" SPAN: 4 X 12 HF #2	150 PLF	38 PLF
2	WDW HDR ROOF LOAD 4'-0" SPAN: 2 X 6 HF #2	150 PLF	38 PLF
3	WDW HDR ROOF LOAD 4'-0" SPAN: 4 X 8 HF #2	550 PLF	138 PLF
4	OPNG. HDR ROOF LOAD 8'-0" SPAN: 4 X 12 DF-L #1	450 PLF	113 PLF
5	GARAGE DOOR HDR	LL	DL
	2ND ROOF LOAD	800 PLF	200 PLF
	WALL LOAD	-	160 PLF
	CANOPY ROOF LOAD	200 PLF	50 PLF
	FLOOR LOAD	560 PLF	187 PLF
	TOTAL LOAD	**1560 PLF**	**597 PLF**
	9'-4" SPAN: 5 1/4" X 11 7/8" PSL		
6	WDW HDR	LL	DL
	ROOF LOAD	150 PLF	38 PLF
	FLOOR LOAD	40 PLF	13 PLF
	TOTAL LOAD	**190 PLF**	**51 PLF**
	4'-8" SPAN: 4 X 6 HF #2 3'-4" SPAN: 4 X 6 HF #2		
7	FLOOR BEAM @ STAIRS FLOOR LOAD 7'-3" SPAN: 6 X 12 HF #2 BEAM	LL 480 PLF	DL 160 PLF
8	STAIR HEADER FLOOR LOAD 4'-0" SPAN: 2 X 10 HF #2 BEAM	LL 300 PLF	DL 100 PLF
9	STAIR MID-SPAN BEAM FLOOR LOAD 4'-0" SPAN: 4 X 6 HF #2 BEAM	LL 280 PLF	DL 94 PLF

UNLESS NOTED, ALL POST & BEAM CONNECTIONS TO HAVE SIMPSON AC, PC, OR CCQ CAPS OR MST STRAPS OR HD2A OR BOLTED ANGLES.

COLUMNS TO HAVE FULL VERTICAL CRUSH BLOCKING @ FLOOR FRAMING TO CONCRETE. TYPICAL.

TRUSSES TO BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS, WITH ALL BRACING, CONNECTIONS, & FASTENING AS SPECIFIED.



1ST ROOF & 2ND FLOOR FRAMING PLAN

Scale: 1/4" = 1'-0"

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10471 Dock St.

Comstock Garage

"For I know the plans I have for you", declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future." - Jeremiah 29:11

NORTH ELEVATION

Scale: 1/4" = 1'-0"

WEST ELEVATION

Scale: 1/4" = 1'-0"

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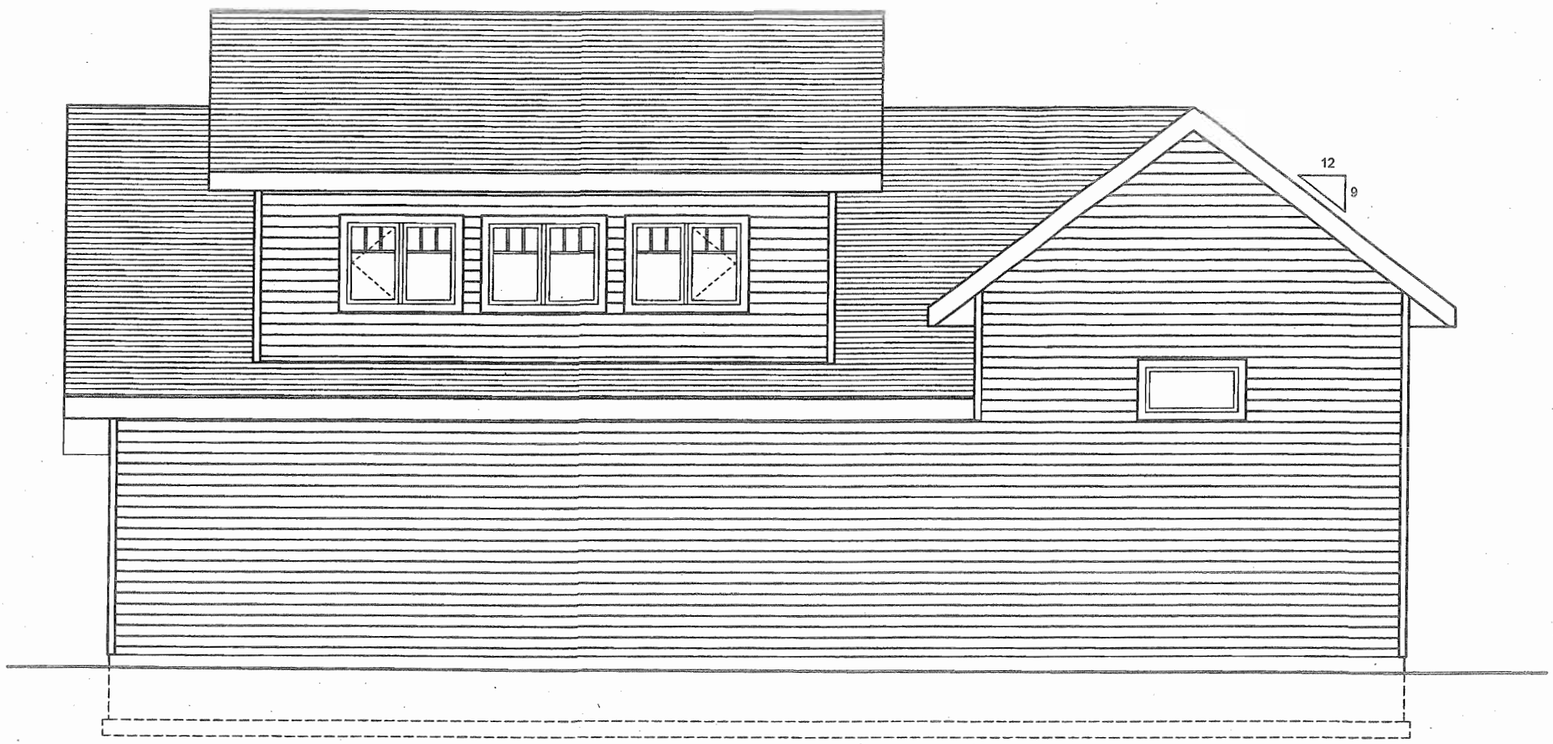
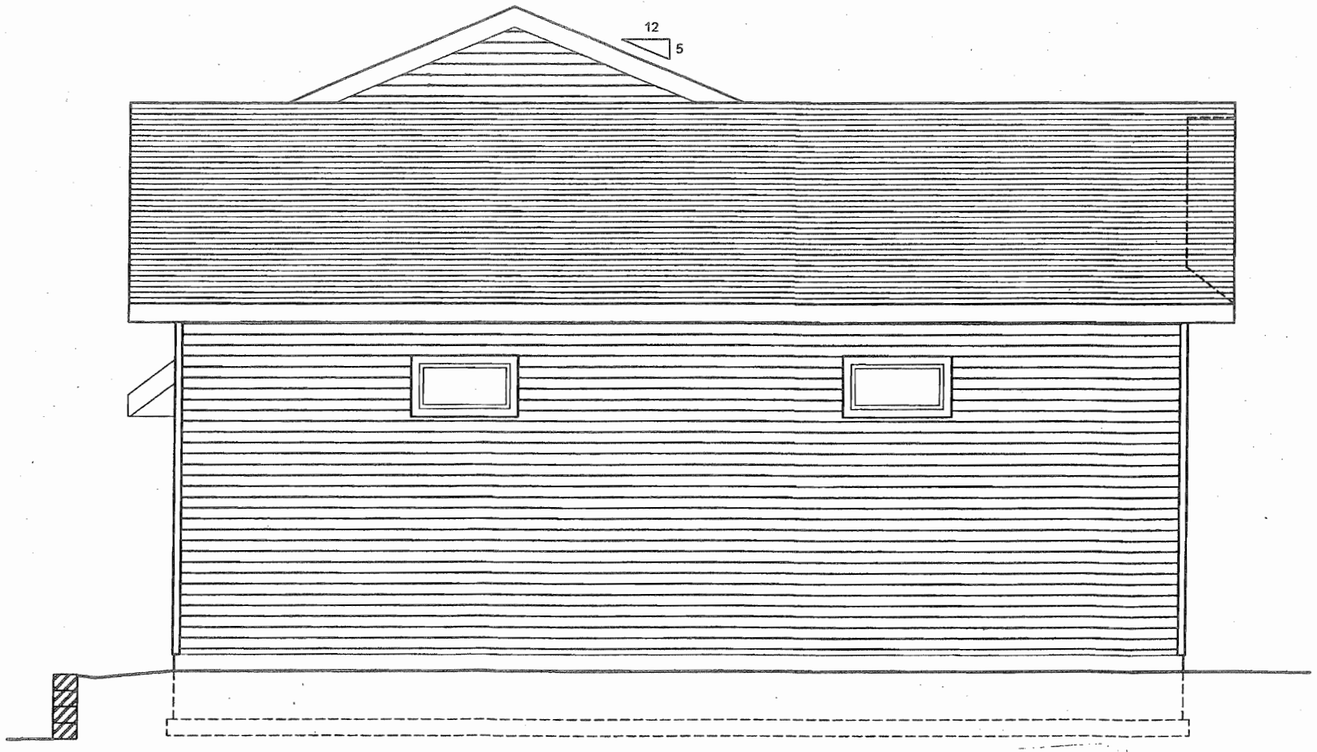
"For I know the plans I have for you", declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future." - *Jeremiah 29 : 11*



SOUTH ELEVATION

Scale: 1/4" = 1'-0"



EAST ELEVATION

Scale: 1/4" = 1'-0"

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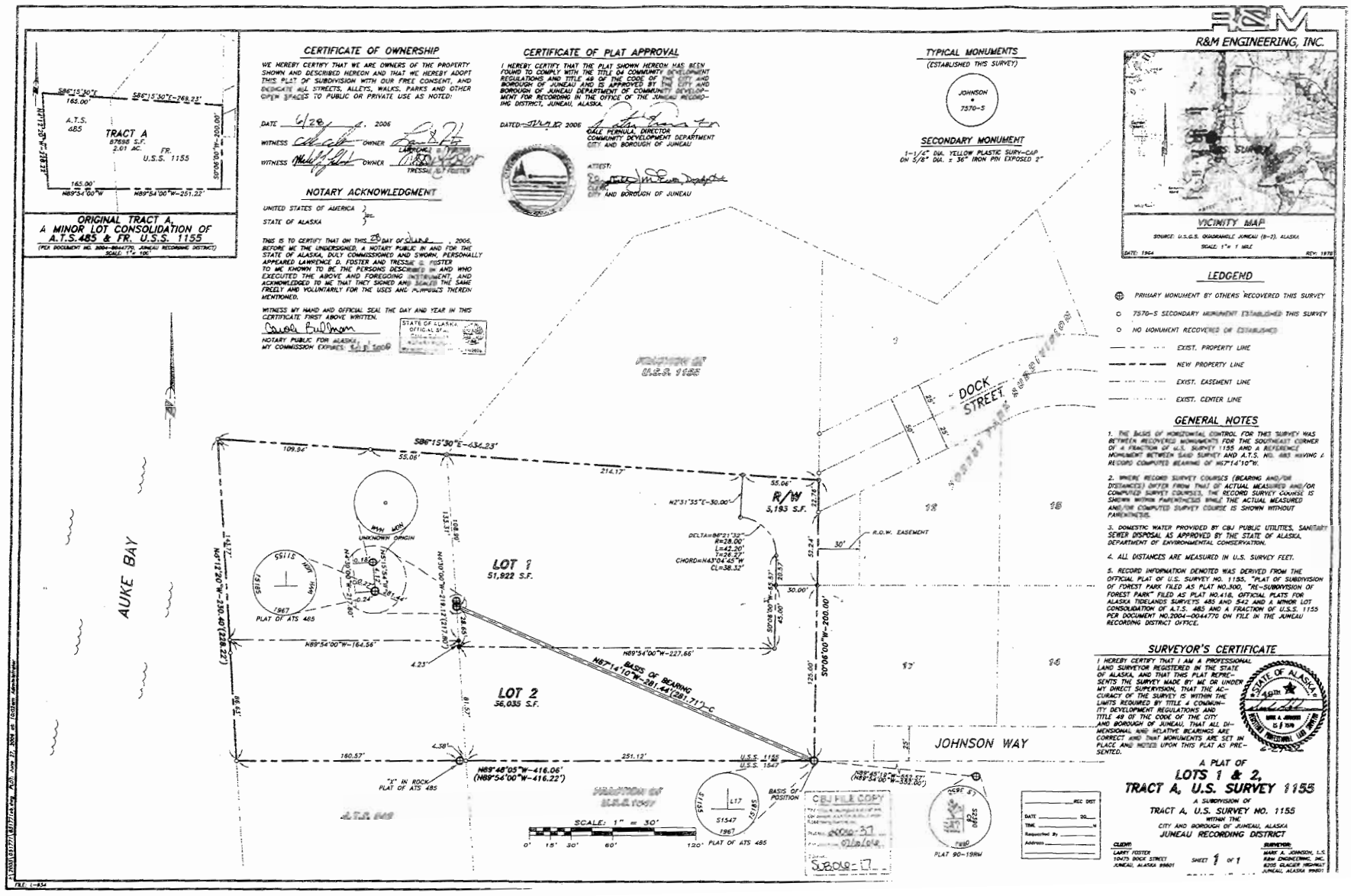
10471 Dock St.

Comstock Garage

ATTACHMENT 3



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: April 26, 2006

File No.: VAR2006-00018

Lawrence Foster
10475 Dock Street
Juneau, AK 99801

Application For: A Variance request for subdividing USS 1155 TR A into two lots of substandard width.

Legal Description: USS 1155 TR A

Parcel Code No.: 4-B18-0-103-001-0

Hearing Date: April 25, 2006

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 19, 2006 with the amendment listed in the memorandum dated April 25, 2006 and approved the Variance to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1) Construction drawings for the new right-of-way must be submitted to and approved by the CBJ prior to plat approval.

2) The new right-of-way, configured as approved by Capital City Fire/Rescue and by the CBJ Streets Division, must be dedicated, constructed, and accepted for maintenance by the CBJ prior to recording the subdivision plat. At the applicant's option, submitting a bond for the required construction prior to completing the construction shall satisfy this requirement.

Attachment: April 19 and April 26, 2006 memoranda from Ben Lyman, Community Development to the CBJ Board of Adjustment regarding VAR2006-00018.

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). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ Sec. 49.20.120).

ATTACHMENT 4

This Notice of Decision does not authorize any construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

Effective Date: The permit is effective upon approval by the Commission, April 25, 2006.

Expiration Date: The permit will expire 18 months after the effective date or October 25, 2007, if no Building Permit has been issued and substantial construction progress has not been made 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:

Ben Lyman, Planner

J. Mark Pusich

J. Mark Pusich, Chairman
Planning Commission

Filed With City Clerk

April 28, 2006

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: April 19, 2006

TO: Board of Adjustment

FROM: Ben Lyman, Planner
Community Development Department

FILE NO.: VAR2006-00018

PROPOSAL: Variance to allow subdivision of USS 1155 TR A into two lots of substandard width.

GENERAL INFORMATION

Applicant:	Lawrence Foster
Property Owner:	Lawrence & Tressie Foster
Property Address:	10475 Dock Street
Legal Description:	USS 1155 TR A
Parcel Code Number:	4-B18-0-103-001-0
Site Size:	90,561 square feet (2.079 acres)
Zoning:	D-1 Residential
Utilities:	Public Water, On-Site Sewer
Access:	Dock Street
Existing Land Use:	Residential
Surrounding Land Use:	North - (D-1) Residential South - (D-1) Residential East - (D-1) Residential West - Auke Bay

ATTACHMENTS

Attachment 1	Proposed Subdivision Plat
Attachment 2	INQ2005-00011 response letter

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

The applicant proposes to subdivide his existing parcel into two lots of substandard width. The subject property has only 22.76' of frontage on a publicly-maintained Right-of-Way (Dock Street) where 30' of frontage is required at §49.15.460(5)(A). Attachment 1 is the proposed subdivision plat, currently being reviewed under SUB2006-00017. As proposed, the lots resulting from this subdivision would be 120' (Lot 1) and 80' (Lot 2) wide. The applicant will dedicate the new Right-of-Way to extend Dock St. and to help create a fire turnaround where none currently exists, which would provide the lots with 136' (Lot 1) and 30' (Lot 2) of frontage on a dedicated Right-of-Way. The exact lot line locations and/or other plat details may be required to be revised by staff of the Community Development Department, General Engineering Division, Streets Division, and/or Capital City Fire/Rescue during the subdivision plat review process, but the Variance discussed in this memorandum must be granted in order for the subdivision to be approved regardless of any other changes to the plat that may be required.

The subject lot cannot be subdivided as a panhandle subdivision due to the location of the existing residences, which would each be on their own lot after the completion of the subdivision.

BACKGROUND

The proposed subdivision was brought before the Subdivision Review Committee (SRC) as INQ2005-00011 on September 16, 2005. The response to this inquiry case, including discussion of the SRC's comments, is included as Attachment 2 to this memorandum. Staff has determined since drafting Attachment 2 that only one Variance to lot width is required, not two Variances as stated on page 3 of Attachment 2.

The subject parcel was formed under SUB2004-00014, which consolidated USS 1155 FR and ATS 485 into a single lot, USS 1155 Tract A. ATS 485 is a tidelands accretion survey, and an undetermined portion of the lot is subject to tidal inundation. The subject parcel is substantially larger than required in the zoning district, and is also larger than nearly every lot in the neighborhood.

ANALYSIS

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 applied for would give substantial relief to the owner of the property involved, as it would allow him to sell one of the resulting lots while maintaining his residence on the other lot. Additional relief would be provided to the owner of the property involved as the overall value of the existing residences and land would increase if the land were subdivided.

The relaxation applied for would be consistent with justice to other property owners, as the neighboring lots in the Forest Park Subdivision are lawfully nonconforming lots of sub-standard size. The applicant proposes to dedicate additional Right-of-Way (ROW) to the Dock Street ROW in order to provide an approved fire turnaround, which will be to the advantage of other property owners.

The new ROW will also provide frontage for the new parcel on a street maintained by an agency of government. Many of the lots in the Forest Park Subdivision lack such frontage, as they are adjacent to Johnson Way, an unbuilt ROW, and are accessed from Dock Street via private access easements across neighboring properties.

Yes. Criterion 1 is met. The relaxation applied for would give substantial relief to the owner of the property involved and would be consistent with justice to other property owners.

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.***

The neighborhood of the subject property is almost entirely composed of lots of sub-standard dimensions, including width, depth, and area. The general dimensions of lots in the adjacent Forest Park Subdivision are 105' by 100', although some lots in Forest Park Subdivision are much larger and some much smaller than this. Many of the neighboring lots also lack the required frontage on a ROW maintained by an agency of government. The requested variance would allow the existing lot to be subdivided into two lots which would both meet or exceed the minimum lot area of 36,000 square feet, but would be of sub-standard width (120' and 80'), which would be in keeping with existing development in the vicinity.

Granting the requested relief will meet the intent of this title as described in §49.05.100, especially the purposes at:

(3) *To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts*, as ROW' will be dedicated to create a fire turnaround;

(4) *To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewerage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and welfare*, as the project site is served by all public services listed with the exception of public sewerage, and the project will create a new fire turnaround where none exists;

(5) *To provide adequate open space for light and air*, as all required setbacks will be met; *and*

(6) *To recognize the economic value of land and encourage its proper and beneficial use*, as the proposed subdivision will allow separate ownership of each existing residence on the subject property, which will allow one more family to own their residence.

The requested relief will actually facilitate the public safety and welfare, as a fire turnaround would be dedicated where none currently exists.

Yes. Criterion 2 is met. The 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.

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

Nearly all nearby properties of substandard width, depth, and/or area (Forest Park Subdivision lots are typically 105' by 100', although some are larger and some are smaller than these dimensions). The proposed lots will meet or exceed the minimum area and depth requirements, but will be similar in width (120' and 80') to the width of nearby properties. There is no evidence that the authorization of the variance will injure nearby property.

Yes. Criterion 3 is met. The authorization of the variance will not injure nearby property.

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

The variance is to a dimensional standard, not to a use. No change of use is proposed for the subject property.

Yes. Criterion 4 is met. The variance does not authorize uses not allowed in the district allowed.

5. ***That compliance with the existing standards would:***

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

The subject parcel is currently used for two detached single-family residences, which are permissible principal uses.

No. Sub-criterion 5(A) is not met. Compliance with the existing standards would not unreasonably prevent the owner from using the property for a permissible principal use.

(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;

Existing development in the neighborhood of the subject property is almost entirely on lots of sub-standard width, depth, and/or area. The subject property is currently wider, deeper, and larger in area than nearly all neighboring properties. The requested Variance would allow the subdivision of the subject parcel into two lots meeting or exceeding the minimum lot depth and area requirements, but which would be of a substandard width consistent as to scale and appearance with existing development in the neighborhood of the subject property.

Yes. Sub-criterion 5(B) is met. Compliance with the existing standards would unreasonably prevent the owner from using the property in a manner which is consistent as to scale and appearance with existing development in the neighborhood of the subject property.

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

The property does not have unique physical features.

No. 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 subject property has only 22.76' of frontage on a publicly-maintained Right-of-Way (Dock Street) where 30' of frontage is required at §49.15.460(5)(A). The proposed subdivision would involve dedication of additional Right-of-Way to create a fire turnaround at the end of Dock Street where none currently exists. The additional Right-of-Way would also provide the lots created in the subdivision with at least 30' of frontage on a Right-of-Way maintained by an agency of government as required §49.15.460(5)(A).

Although the existing lot meets the minimum lot width requirement and the grant of the Variance would allow for the creation of two lots of nonconforming width, the dedication of new Right-of-Way would allow the new lots to meet the requirement that each lot will have at least 30' of frontage on a dedicated Right-of Way.

Yes. Sub-criterion 5(D) is met. Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would result in new lots which would comply with the requirement at §49.15.460(5)(A) that each lot have at least 30' of frontage on a dedicated Right-of-Way.

Yes. Criterion 5 is met in sub-criteria 5(B) and 5(D).

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

Additional Right-of-Way will be dedicated to create a fire turnaround where none presently exists at the end of Dock Street. This will facilitate emergency access to the neighborhood for Capital City Fire/Rescue as well as snow removal by the CBJ Streets Division. This is a benefit to the neighborhood.

CDD staff is not aware of any detriment of the requested Variance to the neighborhood.

Yes. A grant of the Variance would result in more benefits than detriments to the neighborhood.

JUNEAU COASTAL MANAGEMENT PROGRAM

The requested Variance and the related subdivision are not related to the Juneau Coastal Management Program or its enforceable policies.

FINDINGS

1. Is the application for the requested variance complete?

Yes. The application for the requested Variance is complete.

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

N/A. The proposed development is not related to the Juneau Coastal Management Program.

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

Yes. Based on the analysis above, the Variance as requested meets the criteria of §49.20.250, *Grounds for Variances.*

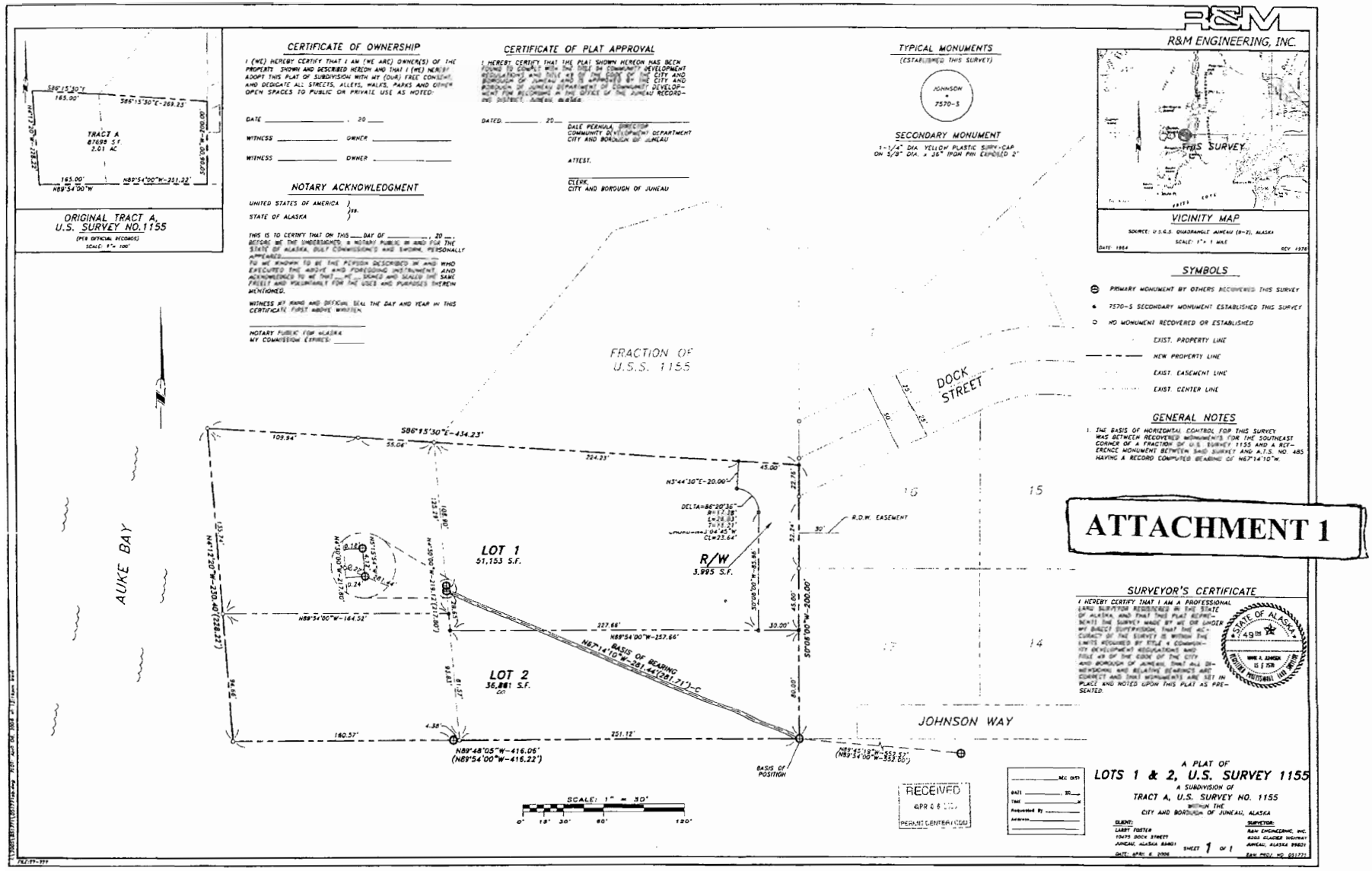
RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings on the requested Variance, VAR2006-00018. The Variance permit would allow for subdividing USS 1155 TR A into two lots of substandard width as proposed in the application materials, with any modifications required by CBJ staff during the subdivision plat review process for SUB2006-00017.

Staff recommends that the following conditions of approval be placed on this variance:

1) Construction drawings for the new Right-of-Way must be submitted to and approved by the CBJ prior to plat approval.

2) The new Right-of-Way, configured as approved by Capital City Fire/Rescue and by the CBJ Streets Division, must be dedicated, constructed, and accepted for maintenance by the CBJ prior to recording the subdivision plat. At the applicant's option, submitting a bond for the required construction prior to completing the construction shall satisfy this requirement.



ATTACHMENT 1

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

November 18, 2005

File No.: INQ2005-00011
APN: 4-B18-0-103-001-0

Larry and Tressie Foster
10475 Dock Street
Juneau, AK 99801

ATTACHMENT 2

Subject: Inquiry into subdividing USS 1155 TR A into two lots

Mr. & Mrs. Foster:

The City and Borough of Juneau (CBJ) Community Development Department has completed its review of your inquiry regarding the possibility of subdividing your lot on Dock Street into two lots. This letter describes the review process for this inquiry case, and describes what you will need to do in order to complete the proposed subdivision.

This review included discussion at the Subdivision Review Committee (SRC) meeting on September 16, 2005, which Mr. Foster attended. The SRC was supportive of the proposed subdivision with two caveats.

(i) Since variances to lot width would be required for the proposed subdivision to be approvable, the SRC was concerned about the ability of the required variances to meet the variance criteria at 49.20.250(b):

> *Variances other than de minimis.* 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 this title, the board of adjustment may grant a variance in harmony with the general purpose and intent of this title. A variance may vary any requirement or regulation of this title 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 that:
>
> (1) 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;
>
> (2) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved;
>
> (3) The authorization of the variance will not injure nearby property;
>
> (4) The variance does not authorize uses not allowed in the district involved;

(5) Compliance with the existing standards would:

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

(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;

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; 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, title 49, or the building code, title 19, or both; and

(6) A grant of the variance would result in more benefits than detriments to the neighborhood.

If you choose to apply for the required variances to lot width, please submit a narrative describing how the proposed project meets the requirements listed above with your application.

(ii) Additional right-of-way (ROW) will have to be dedicated in order to provide the minimum of 30' of required frontage on a ROW for each proposed lot.

After the SRC meeting, Mr. Foster and I discussed how the required ROW could be configured in order to meet the minimum frontage requirements while also providing a turnaround that would allow fire trucks and snow removal vehicles to turn around at the end of Dock St., where no turnaround is currently provided. Based on the discussion that I had with Mr. Foster, I drew up the attached design for new ROW that would provide an approved fire turnaround and provide the required frontage on a ROW for both proposed lots (Attachment A).

I subsequently forwarded the attached drawing (Attachment A) to both the CBJ Streets Division and Capital City Fire/Rescue (CCF/R). Both the Valley Street Maintenance Supervisor (Scott Gray) and the Fire Marshal (Rich Etheridge) are supportive of the proposed dedication of the ROW shown in the attached drawing, although Mr. Gray indicated that additional modifications to the design may be required in order to provide space for snow storage.

After receiving comments from the CBJ Streets Division and CCF/R, I discussed the project with John Bowman, the CBJ's Chief Regulatory Engineer, to determine what standard the new ROW would need to be constructed to in order for the CBJ to accept it for maintenance (49.15.460(4)(A)(i)(c) requires that lots have "direct and practical access to a street maintained by an agency of government").

Mr. Bowman stated that the new ROW would need to be constructed to the same standard as the remainder of Dock St.—that is, the standard requirement of a paved road with curb, gutter, and sidewalk would not be applied to this project, which could be constructed as a dirt road with an open ditch for drainage. The specific design requirements would be reviewed and approved by the General Engineering Division prior to approval of the subdivision, and the improvements would need to be made or bonded for prior to subdivision approval.

Mr. Bowman also brought another important fact to my attention during our discussion. Attachment B is a detail of the plat that created the lots located between Dock St. and Johnson Way. As you can see, a 30' wide ROW easement providing access across Lot 16 to Lot 17 is included in the plat. This is a public ROW easement, and is not exclusive to Lot 17. This means that this ROW could theoretically be utilized in designing the turnaround at the end of Dock St., one possible version of which is shown in Attachment A. The only problem with using the ROW easement on Lot 16 as part of the design of the turnaround is that a plat note on the subdivision plat (not shown in Attachment B) states that this easement shall be vacated upon construction of Johnson Way. Therefore, if Johnson Way were ever constructed, this easement would be vacated, and the ROW would no longer meet CBJ requirements if it utilized this space for part of the turnaround. It should be noted that the CBJ does not plan on ever constructing Johnson Way. The only foreseeable way that Johnson Way would ever be constructed would be if owners of the lots adjacent to Johnson Way decided to construct the road themselves, which is unlikely given the cost of road construction.

In order to assess the situation, I recommend that you discuss the use of the easement on Lot 16 with the owners of Lot 16. If they are amenable to using this easement as part of a permanent turnaround at the end of Dock Street, the plat creating the new ROW and subdividing your lot could also show the dedication of this easement as permanent ROW.

If you would like to move forward with the proposed project, you will need to apply for two variances to lot width (one for each proposed lot) and one minor subdivision, which will include the dedication of the new ROW. The variances must both be approved by the Board of Adjustment before the subdivision can be approved by CDD staff.

For your applications for the required variances, please submit a copy of the proposed subdivision plat, showing the lot widths, areas in square feet, distances from structures to proposed property lines, and the ROW that would be dedicated in the subdivision. Please also submit the narrative describing how the requested variances meet the variance criteria listed above with your applications for the variances. The fee for each variance is $350.00.

Please feel free to call me at the telephone number below if you have any questions about anything in this letter.

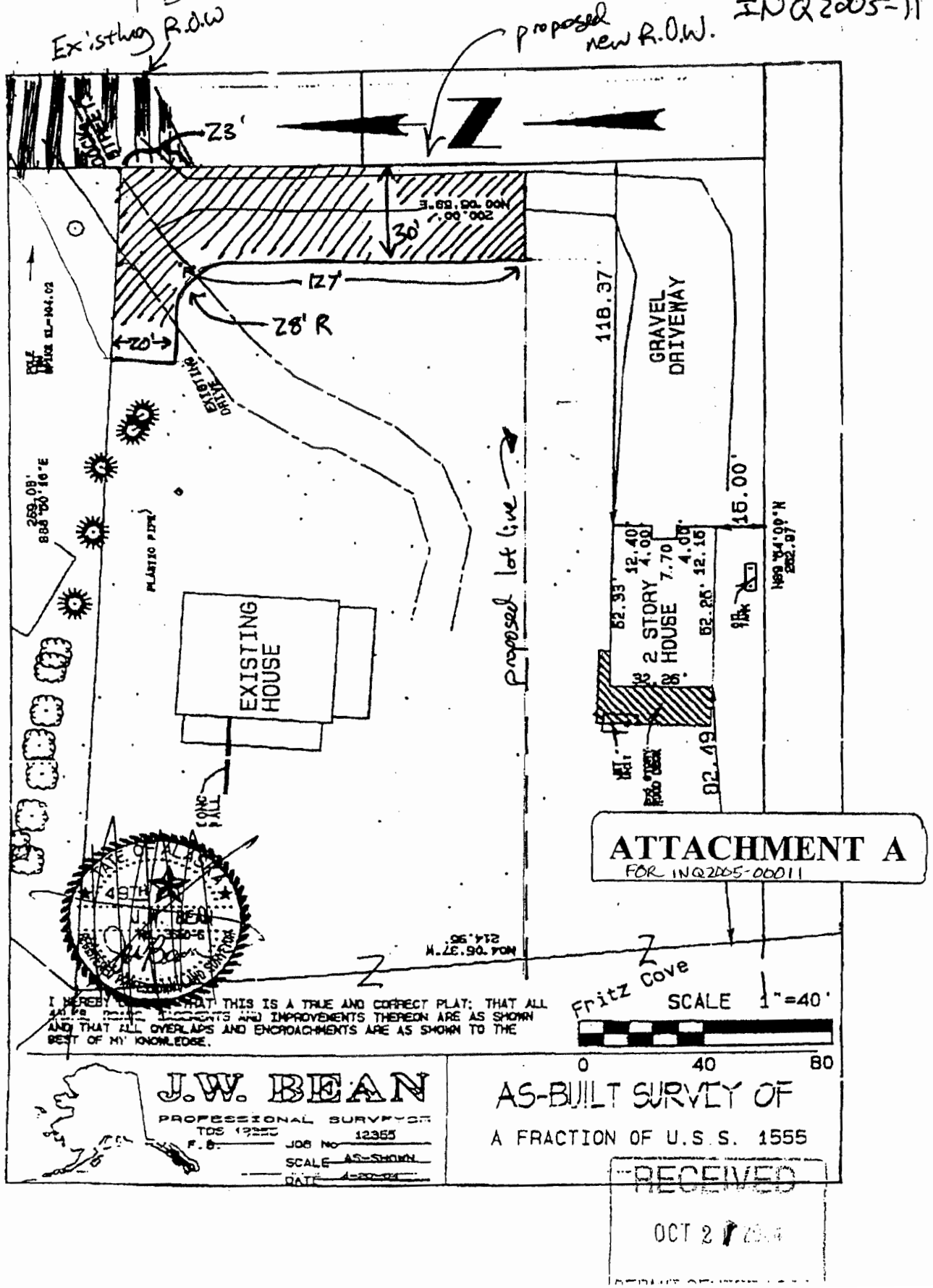
Sincerely,

Ben Lyman, Planner
Community Development Department
(907) 586-0758
E-mail: Benjamin_Lyman@ci.juneau.ak.us

CC: John Bowman, Chief Regulatory Engineer

4-B180103 0010

~~BLD2004-00890~~ INQ2005-11



ATTACHMENT A
FOR INQ2005-00011

RECEIVED
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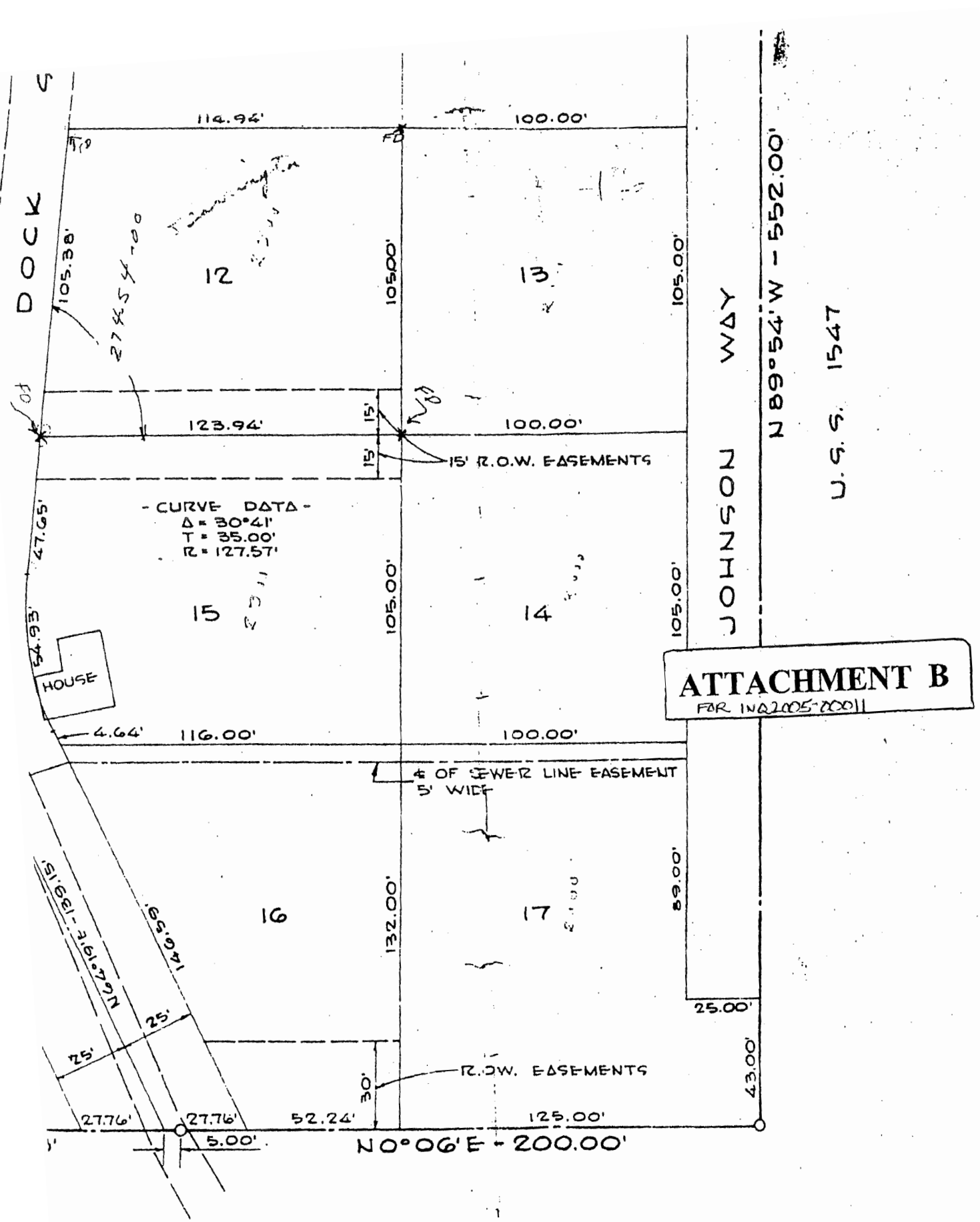


ATTACHMENT B
FOR INQ2005-20011

AREA OF LOTS 1 THRU 5 = 1.85 ACRES

R&M ENGINEERING, INC.

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____, 20___

WITNESS _____ OWNER _____

WITNESS _____ OWNER _____

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

THIS IS TO CERTIFY THAT ON THIS ___ DAY OF _____, 20___, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED
TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT ___HE___ SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

_____
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: _____, 20___

_____
DALE PERNULA, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY AND BOROUGH OF JUNEAU

ATTEST:

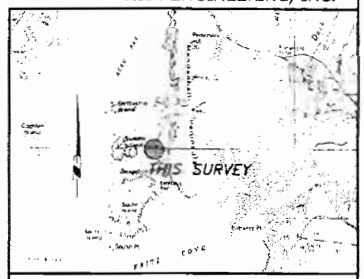
_____
CLERK,
CITY AND BOROUGH OF JUNEAU

TYPICAL MONUMENTS
(ESTABLISHED THIS SURVEY)

JOHNSON
•
7570-S

SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"



VICINITY MAP

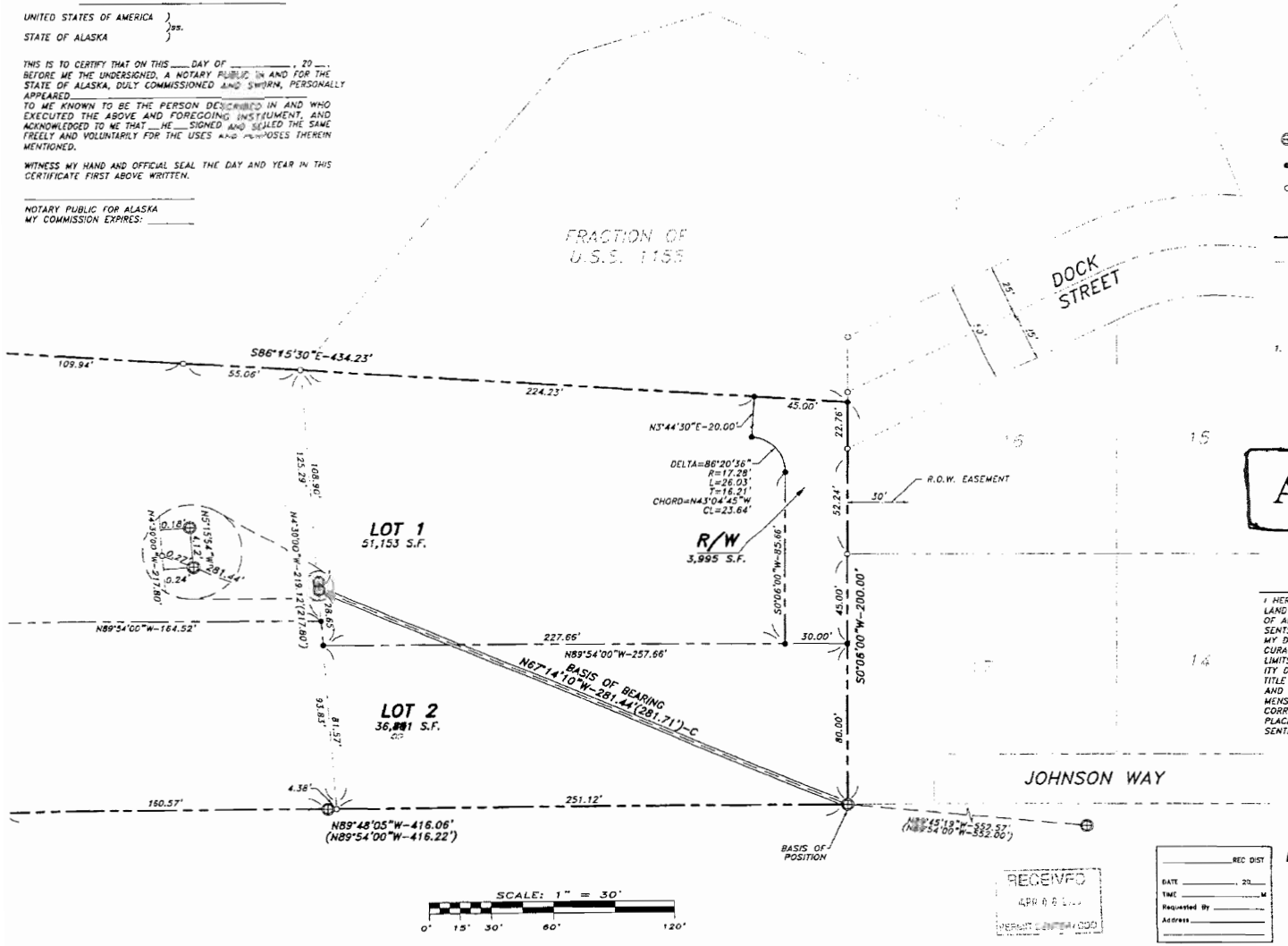
SOURCE: U.S.G.S. QUADRANGLE JUNEAU (B-2), ALASKA
SCALE: 1" = 1 MILE
DATE: 1964 REV: 1978

SYMBOLS

- PRIMARY MONUMENT BY OTHERS RECOVERED THIS SURVEY
- 7570-S SECONDARY MONUMENT ESTABLISHED THIS SURVEY
- NO MONUMENT RECOVERED OR ESTABLISHED
- EXIST. PROPERTY LINE
- NEW PROPERTY LINE
- EXIST. EASEMENT LINE
- EXIST. CENTER LINE

GENERAL NOTES

1. THE BASIS OF HORIZONTAL CONTROL FOR THIS SURVEY WAS BETWEEN RECOVERED MONUMENTS FOR THE SOUTHEAST CORNER OF A FRACTION OF U.S. SURVEY 1155 AND A REFERENCE MONUMENT BETWEEN SAID SURVEY AND A.T.S. NO. 485 HAVING A RECORD COMPUTED BEARING OF N67°14'10"W.



SCALE: 1" = 30'
0' 15' 30' 60' 120'

ATTACHMENT 1

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

STATE OF ALASKA
49TH
MARK A. JOHNSON
LS 7570
REGISTERED PROFESSIONAL LAND SURVEYOR

RECEIVED
APR 0 6 2006
PERMIT CENTER (CDD)

_____ REC DIST
DATE _____, 20___
TIME _____ M
Requested By _____
Address _____

A PLAT OF
LOTS 1 & 2, U.S. SURVEY 1155
A SUBDIVISION OF
TRACT A, U.S. SURVEY NO. 1155
WITHIN THE
CITY AND BOROUGH OF JUNEAU, ALASKA

CLIENT:
LARRY FOSTER
10473 DOCK STREET
JUNEAU, ALASKA 99801

SURVEYOR:
R&M ENGINEERING, INC.
8205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

DATE: APRIL 6, 2006
SHEET 1 OF 1
R&M PROJ. NO. 051771