

# MEMORANDUM

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

**DATE:** October 15, 2013

**TO:** Planning Commission

**FROM:** Jonathan Lange, Planner *JL*  
Community Development Department

**FILE NO.:** AAP2013 0018

**PROPOSAL:** A Conditional Use permit for an accessory apartment on a lot not served by public sewer.

## GENERAL INFORMATION

Applicant: Edwin Haney

Property Owner: Edwin Haney and Catalina Haney

Property Address: 8438 North Douglas Highway

Legal Description: Wilcox Lot 1A

Parcel Code Number: 6-D09-0-106-010-1

Site Size: 0.86 Acres or 37,461 Square Feet

Comprehensive Plan Future Land Use Designation: RDR – Rural Dispersed Residential

Zoning: D-1

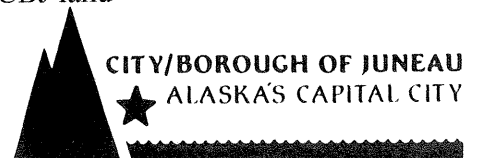
Utilities: Public Water and On-site Wastewater Disposal System

Access: North Douglas Highway

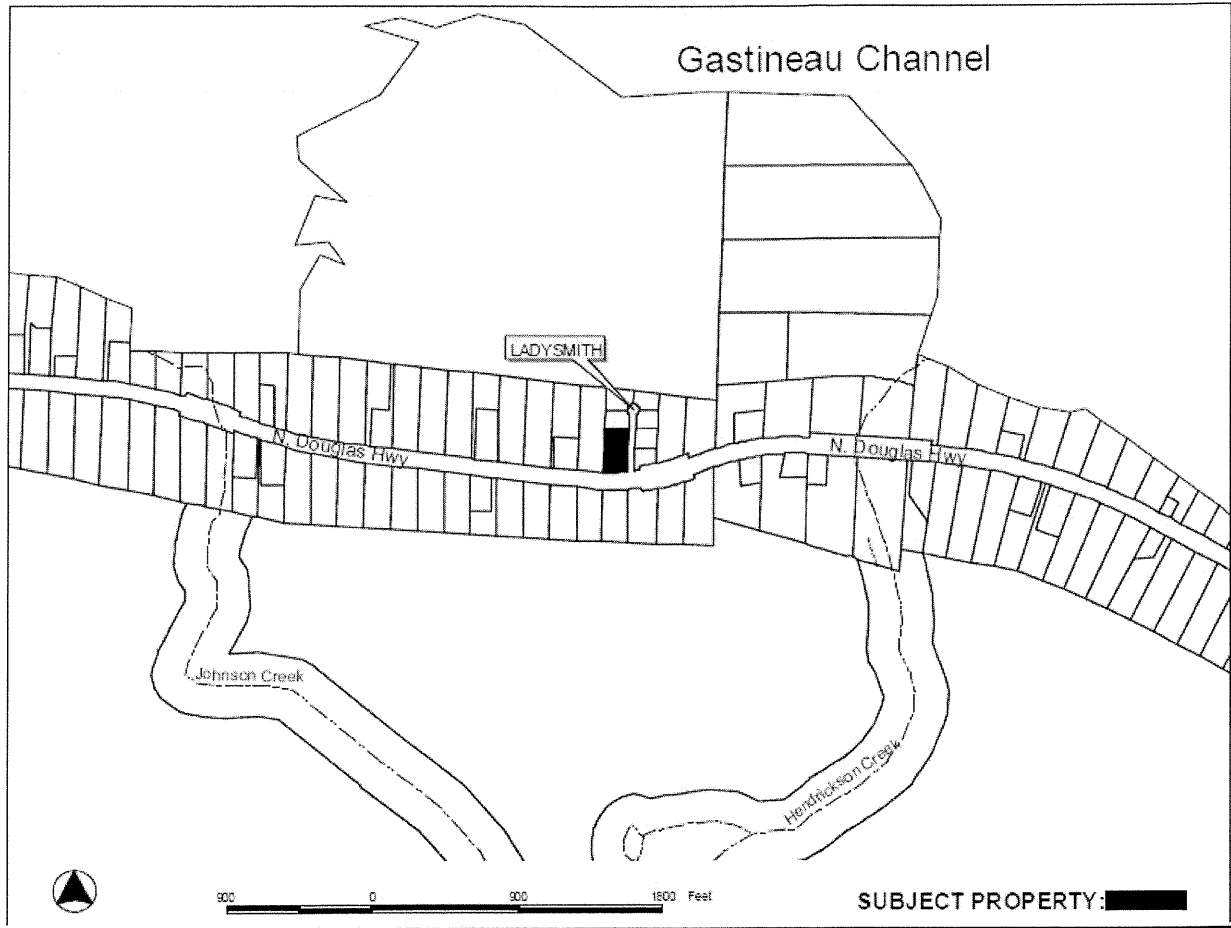
Existing Land Use: Single-family Residential

Surrounding Land Use:

North	-	D-1; Vacant
South	-	D-1; Manufactured home on lot
East	-	D-1; Vacant
West	-	D-1; Vacant CBJ land



VICINITY MAP



## ATTACHMENTS

Attachment A – Notice of Public Hearing  
Attachment B – Development Permit Application and Accessory Apartment Application  
Attachment C – Site Plan and Proposed Building Plan  
Attachment D – Permit for On-site Wastewater Disposal System from ADEC  
Attachment E – Photos of Existing Home and Site

## PROJECT DESCRIPTION

The applicant requests an Accessory Apartment permit for the development of a 403 square foot accessory apartment to be constructed within the main dwelling unit on the ground floor at 8438 North Douglas Highway (see Attachment C).

The apartment will be a remodel of two bedrooms from a five bedroom bed and breakfast that was operated in the past. The lot also has an on-site wastewater disposal system. The applicant has supplied a letter of approval from ADEC regarding the capacity of the existing wastewater disposal system for the existing five bedroom single-family home. The proposed accessory apartment will be reducing the bedrooms from five to four.

## ANALYSIS

**Project Site and Design** - According to the City and Borough of Juneau's Land Use Code Title 49 section CBJ §49.25.510 (d)(2)(G)(ii), the Accessory Apartment permit requires Planning Commission approval under the Conditional Use Permit process due to the lot not being served by public sewer.

The lot size is 37,461 square feet which exceeds the 36,000 square foot minimum lot size for a lot in the D-1 zone, per the Table of Dimensional Standards, CBJ §49.25.400.

**Traffic, Parking, and Circulation** - The proposed project has adequate space for parking and meets the parking requirements for a single-family home and accessory apartment. The parking requirements for this property are three parking spaces; two for the single-family home and one for the accessory apartment. Please see Attachment C for proposed parking. The property is served by North Douglas Highway.

**Noise** - The proposed development will not generate significant noise.

**Public Health or Safety** - The applicant has provided a Letter of Approval for the on-site wastewater disposal system from the Alaska Department of Environmental Conservation. Staff is unaware of any other public health or safety issues associated with the proposed development.

**Habitat** – The project site is located within a mapped wetlands area per the Juneau Wetlands Management Plan. The proposed accessory apartment is an interior remodel of the existing dwelling. The proposed development will not affect onsite habitat.

**Property Value or Neighborhood Harmony** - No evidence indicates that the proposed development will have a negative impact on property value or neighborhood harmony.

**Conformity with Adopted Plans** - The project substantially conforms with the 2008 Juneau Comprehensive Plan Policy 4.1 as follows:

*Policy 4.1 It is the policy of the CBJ to facilitate the provision and maintenance of safe, sanitary, and affordable housing for its residents.*

The proposed development meets the intent of this policy by providing an accessory apartment on a lot with an approved on-site wastewater disposal system.

## **FINDINGS**

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;  
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;  
or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

**Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:**

***1. Is the application for the requested Accessory Apartment permit complete?***

**Yes.** Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

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

**Yes.** The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.130 for the D-1 zoning district.

***3. Will the proposed development comply with the other requirements of this chapter?***

**Yes.** The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the October 11, 2013 and October 21, 2013 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

**No.** As described in the preceding analysis, available evidence indicates that the proposed development will not materially endanger the public health or safety. The on-site wastewater disposal system has been approved by the Alaska Department of Environmental Conservation.

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

**No.** As described in the preceding analysis, no evidence indicates that the development will substantially decrease the value of or be out of harmony with the property in the neighboring area.

***6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?***

**Yes.** The proposed development meets the intent of the 2008 Juneau Comprehensive Plan, specifically Policy 4.1, regarding provision of affordable housing.

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

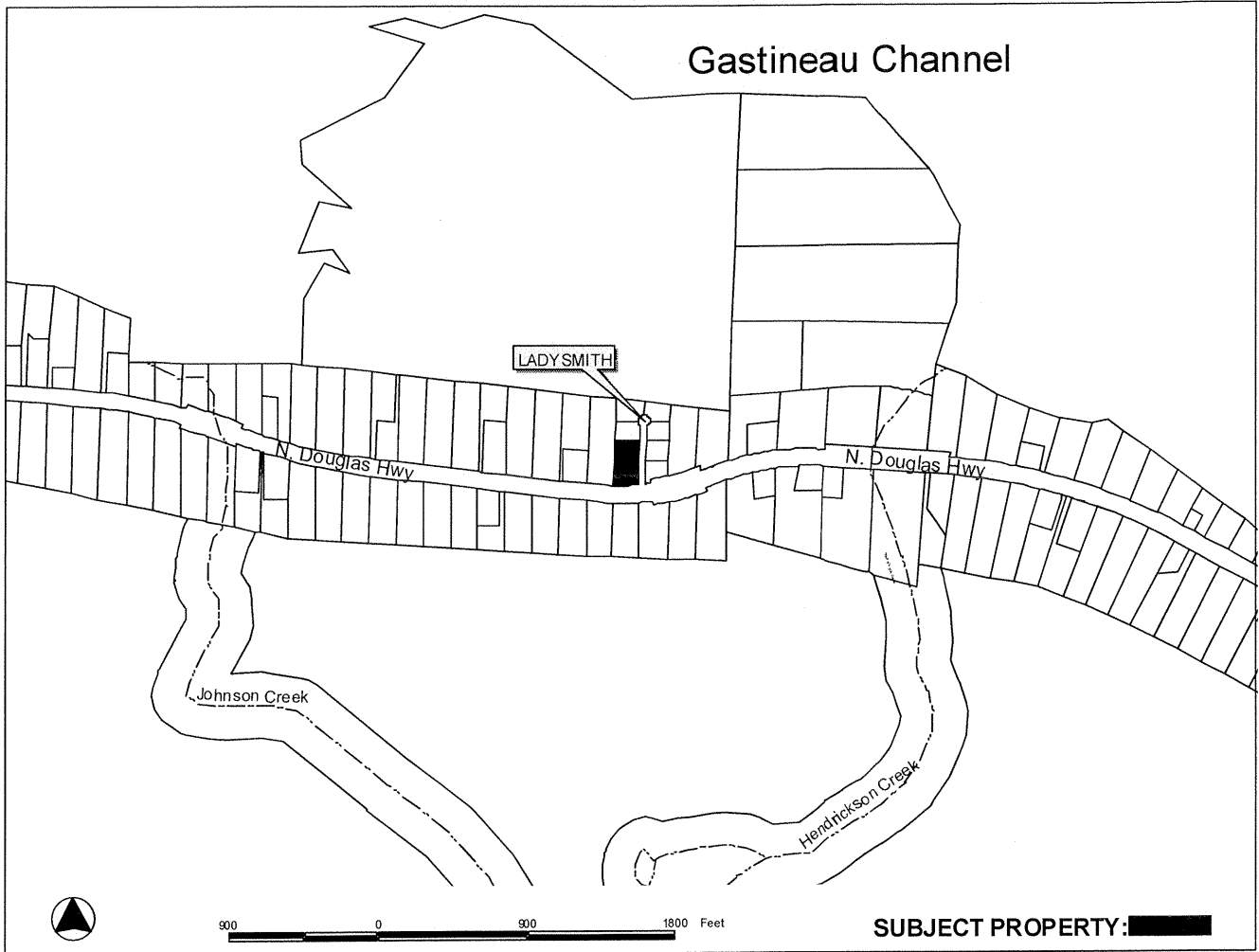
***7. Will the proposed development comply with the Juneau Coastal Management Program?***

Not applicable.

**RECOMMENDATION**

Based upon the proposed plan (identified as Attachments B, C, and D), and the findings and conclusions stated above, the Community Development Department Director **RECOMMENDS** the Planning Commission **APPROVE** the request.

# NOTICE OF PUBLIC HEARING



**PROPOSAL:** A Conditional Use permit for an accessory apartment on a lot not served by public sewer

<p><b>FILE NO:</b> AAP2013 0018</p> <p><b>TO:</b> Adjacent Property Owners</p> <p><b>HEARING DATE:</b> Oct 22, 2013</p> <p><b>HEARING TIME:</b> 7:00 PM</p> <p><b>PLACE:</b> <b>ASSEMBLY CHAMBERS</b> Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p><b>APPLICANT:</b> EDWIN R HANEY JR; CATALINA HANEY</p> <p><b>Property PCN:</b> 6D0901060101</p> <p><b>Owners:</b> EDWIN R HANEY JR &amp; CATALINA HANEY</p> <p><b>Size:</b> 37461 sqft</p> <p><b>Zoned:</b> D1</p> <p><b>Site Address:</b> 8438 N DOUGLAS HWY</p> <p><b>Accessed via:</b> N DOUGLAS HWY</p>
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**PROPERTY OWNERS PLEASE NOTE:**

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jonathan Lange at [jonathan\\_lange@ci.juneau.ak.us](mailto:jonathan_lange@ci.juneau.ak.us) or at 586-0218.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plancomm](http://www.juneau.org/plancomm).

Date notice was printed: October 8, 2013

# ATTACHMENT A

# DEVELOPMENT PERMIT APPLICATION

Project Number <b>AAP20130018</b>	CITY and BOROUGH of JUNEAU	Date Received: <b>09/23/13</b>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <b>Convert one B+B Room into a Kitchen/Living Room Bath Room becomes the Kitchen area.</b>		
	<b>PROPERTY LOCATION</b>		
	Street Address <b>8438 N Douglas Hwy</b>	City/Zip <b>Juneau 99801</b>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <b>Wilcox lot 1A</b>		
	Assessor's Parcel Number(s) <b>6D 0901060101</b>		
	<b>LANDOWNER/LESSEE</b>		
	Property Owner's Name <b>EDWIN HANEY</b>	Contact Person: <b>Edwin Haney</b>	Work Phone: <b>790-1800</b>
	Mailing Address <b>8438 N Douglas Hwy</b>	Home Phone: <b>789-3224</b>	Fax Number:
	E-mail Address <b>ed@luckydogadventures.com</b>	Other Contact Phone Number(s): <b>Cell 321-4252</b>	
	<b>LANDOWNER/LESSEE CONSENT</b> <small>Required for Planning Permits, not needed on Building/Engineering Permits</small>		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X	<u>Edwin Haney</u> Landowner/Lessee Signature	<u>9/23/2013</u> Date	
X	_____ Landowner/Lessee Signature	_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
<b>APPLICANT</b> <small>If the same as OWNER, write "SAME" and sign and date at X below</small>			
Applicant's Name <b>SAME</b>	Contact Person:	Work Phone:	
Mailing Address	Home Phone:	Fax Number:	
E-mail Address	Other Contact Phone Number(s):		
X	_____ Applicant's Signature	_____ Date of Application	

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

STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type	Date Received	Application Number(s)
		Building/Grading Permit		
		City/State Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	<input checked="" type="checkbox"/>	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	<b>09/23/13</b>	<b>AAP20130018</b>
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
	Zone Change Application			
	Other (Describe)			
***Public Notice Sign Form filled out and in the file.				
Comments:				<b>Permit Intake Initials</b>
_____ _____ _____				

## ATTACHMENT B



# ACCESSORY APARTMENT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP 20130018	Date Received 09/23/13
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### DESCRIBE THE ACCESSORY APARTMENT:

1 Bedroom (12x12) with closet (3.25x3.25) and a 3/4 Bathroom (5.5x6)  
with an open concept living room/kitchen (177 sqft)

### TYPE OF ACCESSORY APARTMENT

- Attached to or Within a Single-Family Dwelling       Associated With a Detached Garage  
 Within a Two-Unit Common-Wall Dwelling       Not Affiliated with Another Structure (Stand alone)

### AREA OF APARTMENT

Total Area 403 square feet

(Maximum of 600 square feet allowed. Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.)

### PARKING

Existing Spaces 5 Proposed Total Spaces \_\_\_\_\_

(Parking dimensions must be a minimum of 8.5' X 17', and each parking space must be drawn to scale on the site plan.)

### SITE INFORMATION

ZONING DISTRICT D1

### UTILITIES AVAILABLE

MINIMUM LOT SIZE (\$49.25.400) 36,000

WATER:  Public       On Site

ACTUAL LOT SIZE\*\*\*\* 37,461

SEWER:  Public       On Site\*\*\*\*

\*\*\*\* Applicants please note that if the parcel utilizes an on site septic system OR the Actual Lot Size is less than the Minimum Lot Size required, the Accessory Apartment must be reviewed through the Conditional Use Permitting Process.

### Permitting Process:

- Departmental Review       Planning Commission Approval

### Fees (Departmental Approval)

Fees	Check No.	Receipt No.	Date
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Application Fees      See Building Permit

### Fees (Conditional Use Permit)

Application Fee      \$ 350

Public Notice Sign Fee      \$ 50

Public Notice Sign Deposit      \$ 100

Total      \$ 500      092313      CSD 4314      09/23/13

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

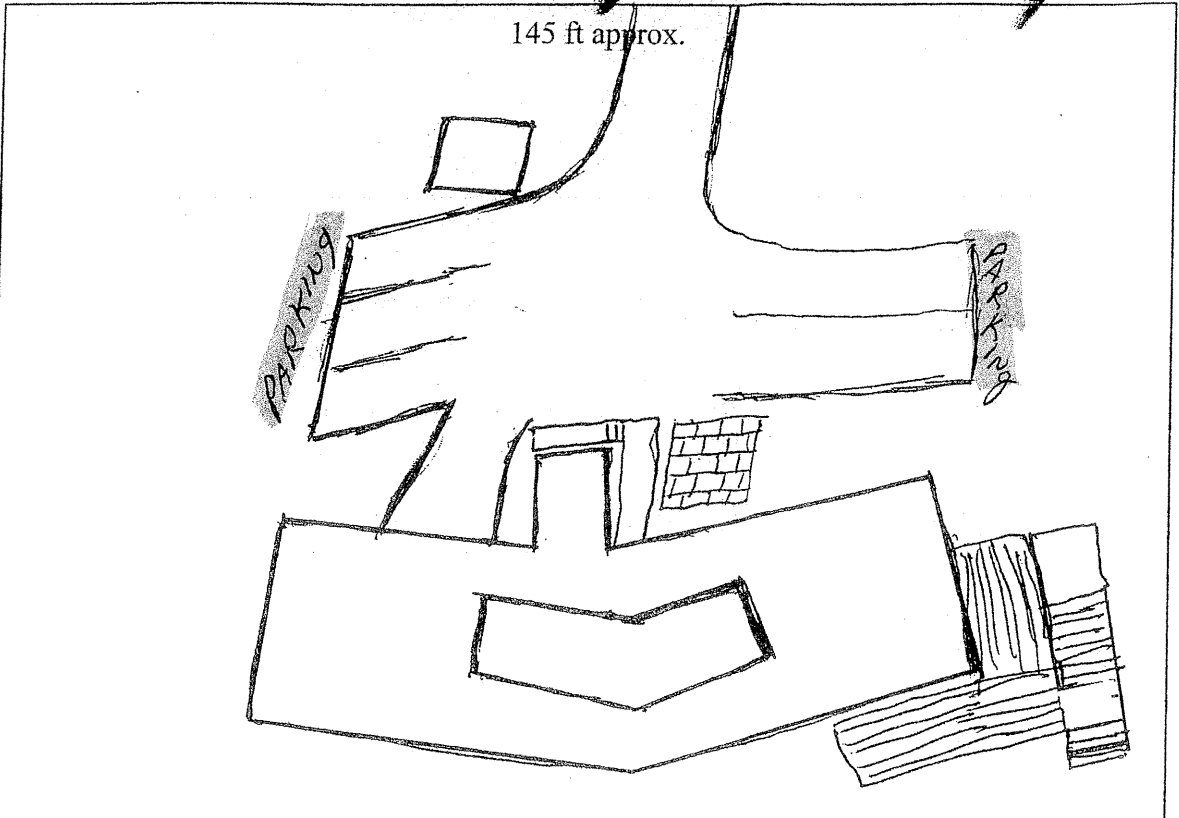
If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

## ATTACHMENT B

TO BE COMPLETED BY THE APPLICANT

# N. Douglas Hwy



145 ft approx.

266 ft approx

## ATTACHMENT C

RECEIVED  
SEP 23 2006  
PERMIT CENTER/CDD

RECEIVED

MAR 13 2007

PERMIT CENTER / CDD

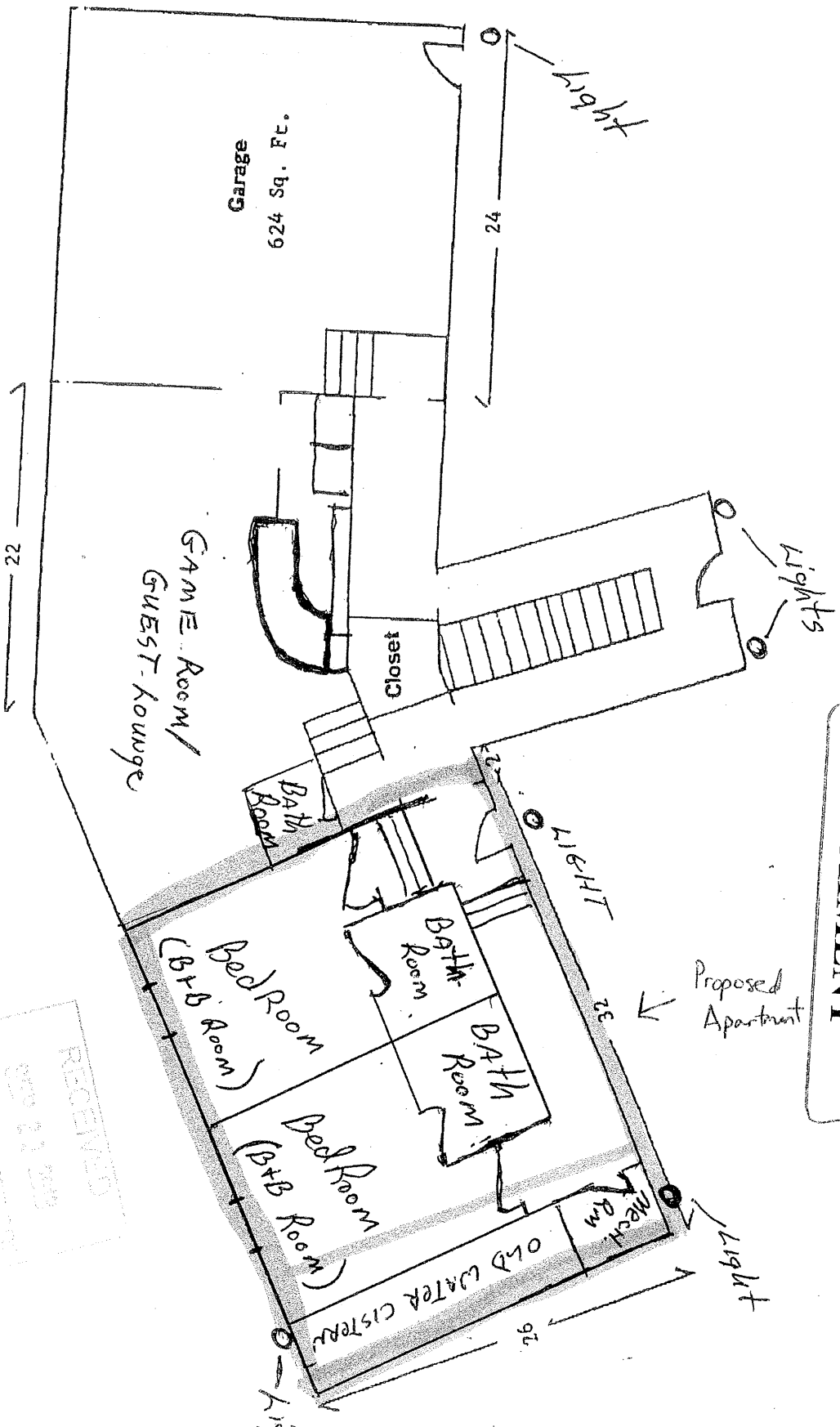
GROUND Floor

PERMIT CENTER / CDD

MAR 13 2007

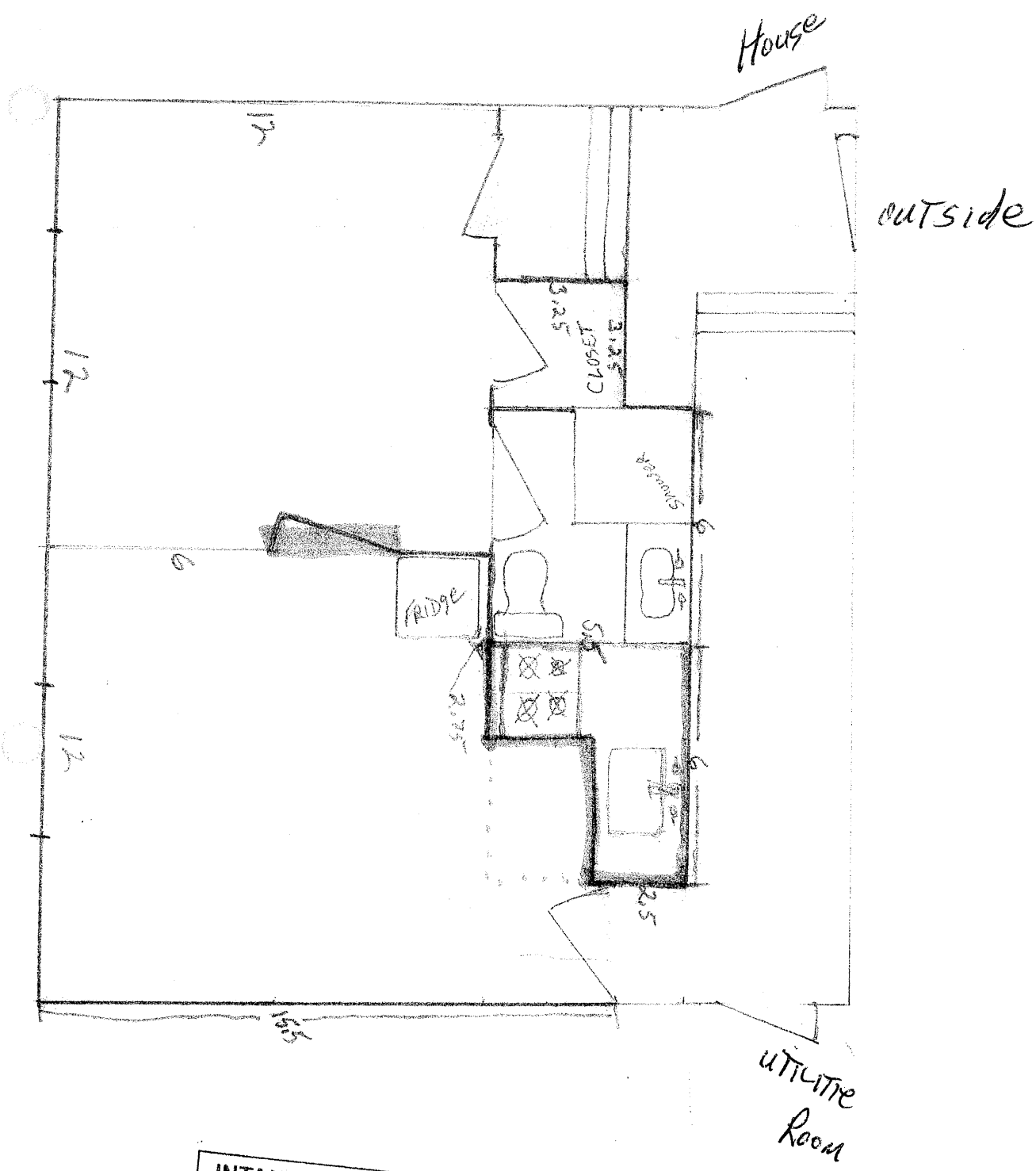
RECEIVED

26	x	26	=	572	Sq. Ft.
26	x	26	=	52	
12	x	6	=	60	
2	x	3	=	9	
12	x	12	=	186	
22	x	5	=	110	
12	x	6	=	72	
22	x	12	=	264	
31	x	5	=	155	
<hr/>					
750					



ATTACHMENT C

RECEIVED  
MAR 13 2007  
PERMIT CENTER / CDD



INTAKE REVIEW  
 Gen Eng. \_\_\_\_\_  
 POC JL  
 IOC CF  
 Tech. JH

RECEIVED  
 SEP 21 2005  
 FBI CENTER/CDD

ATTACHMENT C

# STATE OF ALASKA

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
WASTEWATER DISCHARGE PERMIT PROGRAM**

**SARAH PALIN, GOVERNOR**  
410 Willoughby Avenue, Suite 303  
P.O. Box 111800  
Juneau, Alaska 99811-1800  
PHONE: (907) 465-5300  
FAX: (907) 465-5274  
<http://www.state.ak.us/DEC/>

September 12, 2008

Ed and Catalina Haney  
8438 North Douglas Hwy.  
Juneau, AK 99801

Re: **Final Approval to Operate an Alternate Onsite Wastewater Treatment and Disposal System:  
Wilcox Subdivision, Lot 1 (8438 North Douglas Highway) in Juneau, AK.  
ADEC Plan Tracking Number: 6376.**

Dear Mr. and Mrs. Haney,

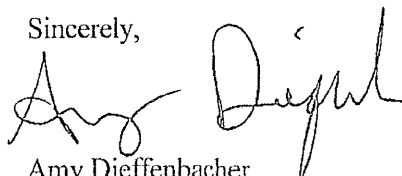
The Department has reviewed the Certification of Construction form and asbuilt information submitted for the domestic wastewater system consisting of a Jet Aeration secondary treatment unit followed by a leachfield of unknown dimension. The treatment and disposal system serves a single-family, five-bedroom home that is used seasonally as a bed and breakfast.

In accordance with 18 AAC 72.240(b) and a maintenance agreement submitted by the property owner on September 11, 2008, **final approval to operate is hereby issued**. The completed construction and operation certificates are attached.

To ensure proper treatment and system operation, the wastewater treatment plant must be maintained according to the manufacturer's recommendations for the life of the system. This may be accomplished by maintaining a service contract with a licensed and manufacturer-approved maintenance provider, or by regular inspections and maintenance performed by other qualified person(s). According to information submitted, the homeowner has committed to performing the needed inspections and will contact local maintenance providers in the event that the system is not functioning properly. The home owner must keep records of all inspections and maintenance on their system.

Please call me at (907) 465-5306 if you have comments or questions.

Sincerely,



Amy Dieffenbacher  
Environmental Program Specialist II

Attachments:

(1) *Construction and Operation Certificate* with signed Approval to Operate.

cc: John D. Cooper, P.E., Cooper Consulting Engineers, email copy

## ATTACHMENT D



STATE OF ALASKA  
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
**CONSTRUCTION AND OPERATION CERTIFICATE**  
 FOR  
**DOMESTIC WASTEWATER DISPOSAL SYSTEMS**

ADEC PTN#: 6376

**A. APPROVAL TO CONSTRUCT**

Plans for the construction or modification of the following domestic wastewater disposal system:

Jet Aeration secondary treatment plant + leachfield

located at Wilcox Subdivision, Lot 1 or 8438 N. Douglas Hwy Juneau, Alaska,

submitted in accordance with 18 AAC 72.210 by Ron Hansen, P.E. have been reviewed and are

- approved.
- conditionally approved (see attached conditions).

BY \_\_\_\_\_ TITLE \_\_\_\_\_ DATE 5-10-84

If construction has not started within two years of the approval date, this certificate is void and new plans and specifications must be submitted for review and approval before construction.

**B. APPROVED CHANGE ORDERS**

Change (contract order number or descriptive reference)	Approved by:	Date:
_____	_____	_____
_____	_____	_____
_____	_____	_____

**C. APPROVAL TO OPERATE**

The "APPROVAL TO OPERATE" section must be completed and signed by the Department before this system is made available for use.

The construction of the above domestic wastewater disposal system was completed

on \_\_\_\_\_ (date). The system is hereby granted **interim** approval to operate for 90 days following the completion date.

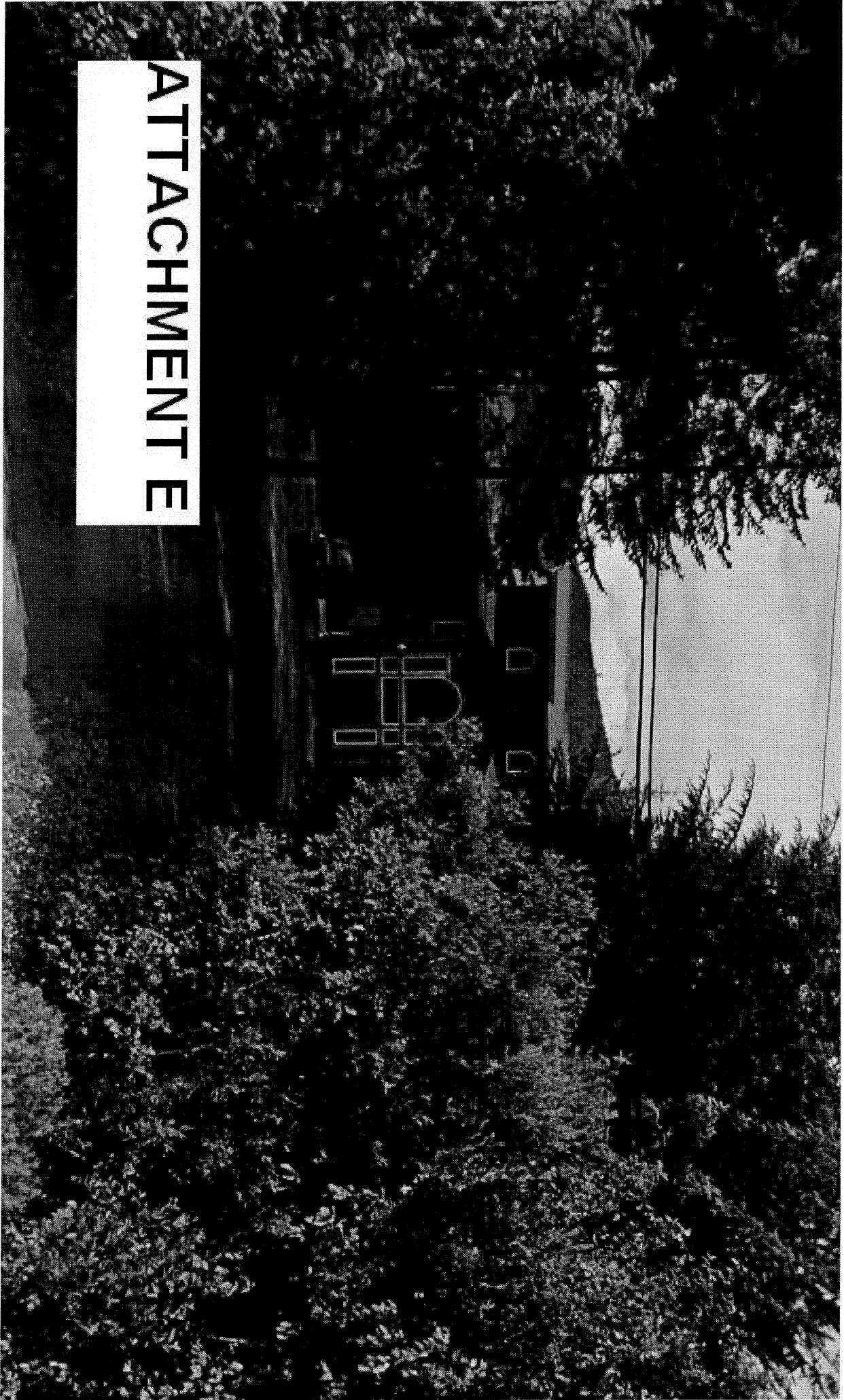
BY \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

As-built/record drawings, submitted to the Department, or an inspection by the Department, has confirmed that the domestic wastewater disposal system was constructed in substantial conformance with the approved plans. **The system is hereby granted final approval to operate.**

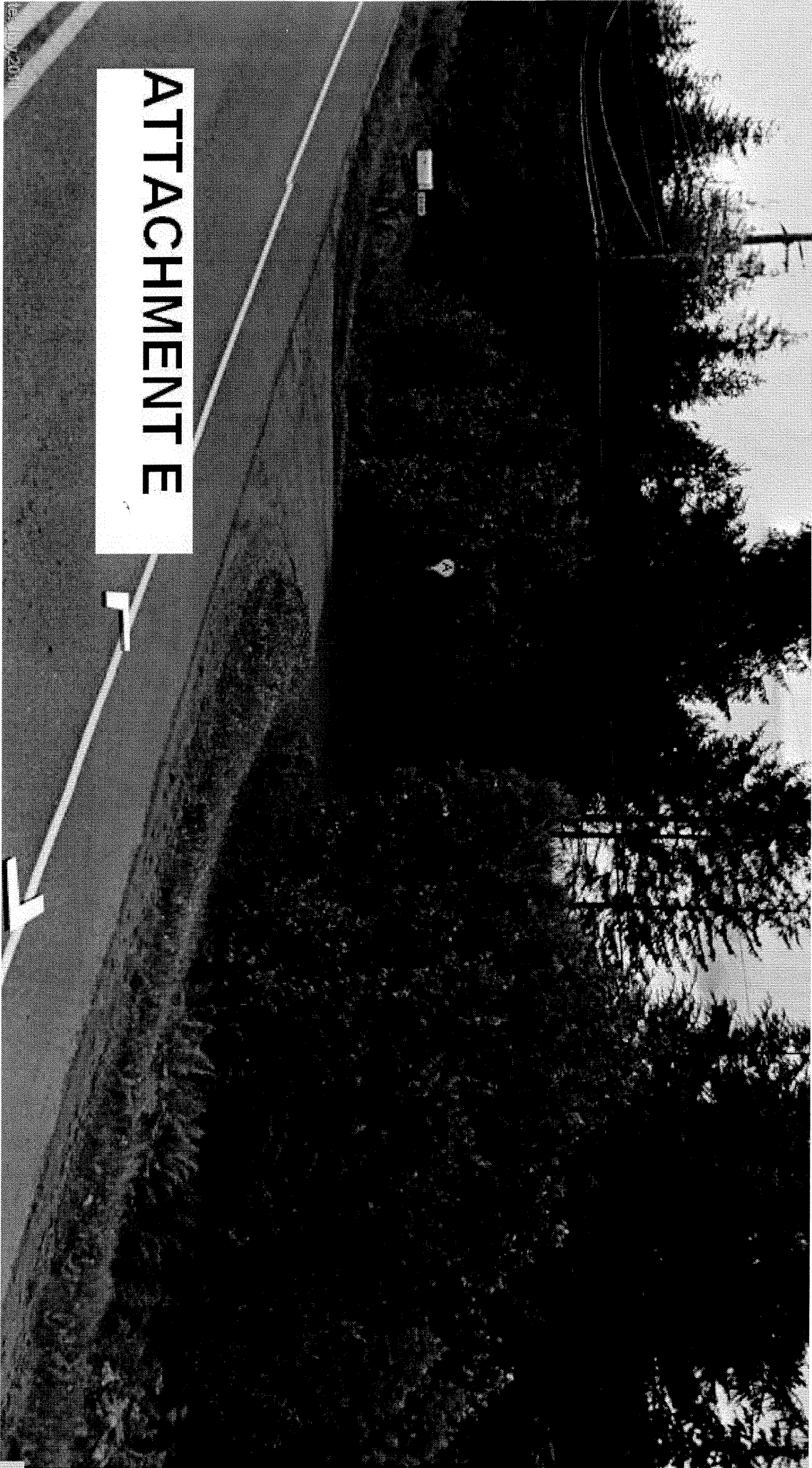
BY Amy Dieffenbacher TITLE Environmental Program Specialist DATE 9-8-08

Amy Dieffenbacher Distribution: 

1. Retain original for project file
2. Make copies for distribution



# ATTACHMENT E



**ATTACHMENT E**

15-11201