


MEMORANDUM

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

DATE: October 15, 2013

TO: Planning Commission

FROM: Teri Camery, Senior Planner 
Community Development Department

FILE NO.: USE2013 0016

PROPOSAL: An after-the-fact Conditional Use Permit for a greenhouse constructed over a garage that encroaches 3 inches into the 10-foot front yard setback and 3 inches into the 5-foot side yard setback.

GENERAL INFORMATION

Applicant: Vance F Putman

Property Owner: Vance F Putman

Property Address: 114 Sixth Street

Legal Description: Juneau Townsite Block 29 Lot 2

Parcel Code Number: 1-C06-0-A29-003-0

Site Size: 4,893 square feet

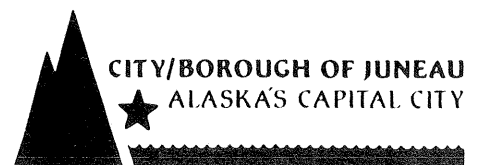
**Comprehensive Plan
Land Use Designation:** Medium Density Residential

Zoning: D-18

Utilities: CBJ Water and Sewer

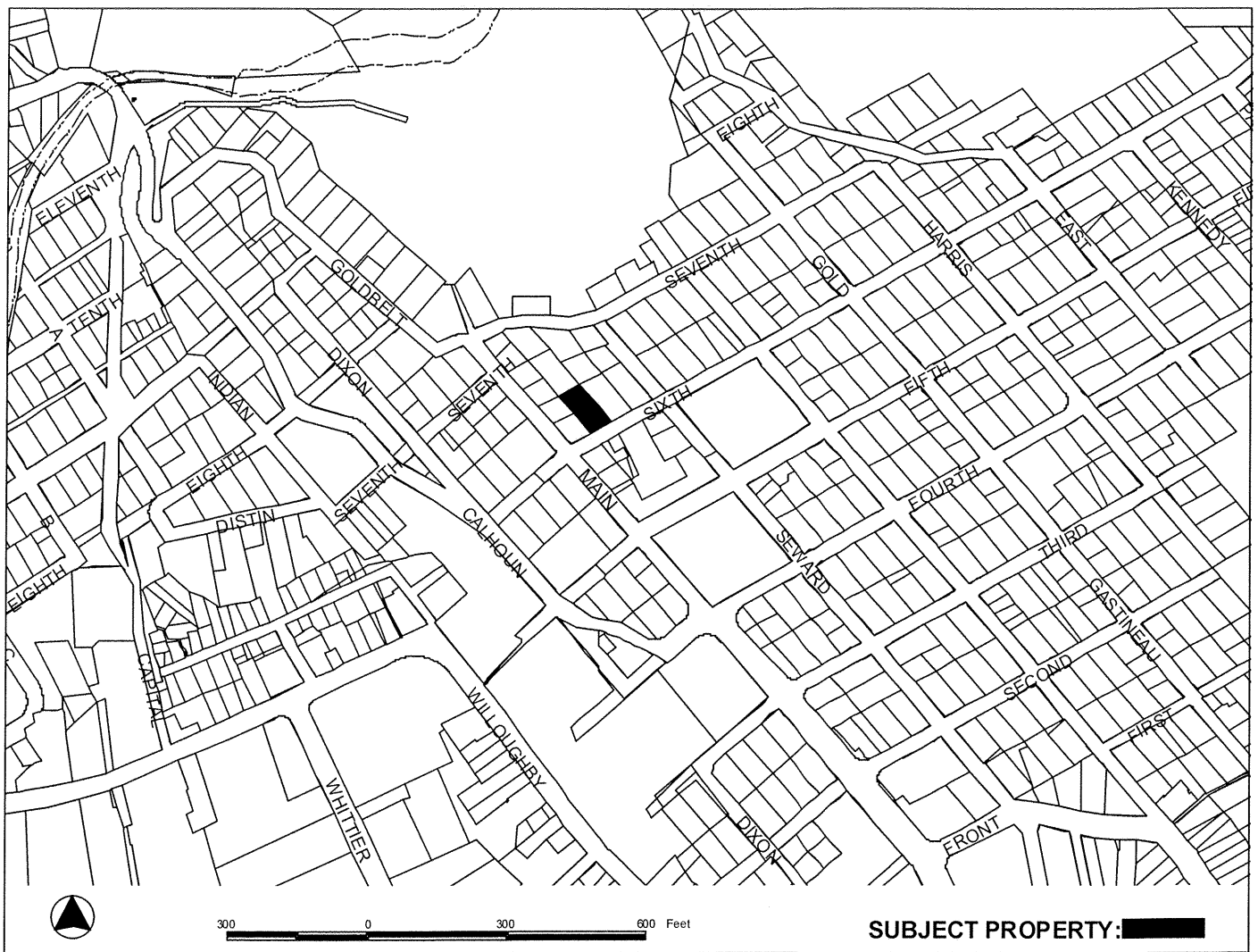
Access: Sixth Street

Existing Land Use: single-family dwelling



Surrounding Land Use:	North	-	D-18 Residential
	South	-	Sixth Street; D-18 Residential
	East	-	D-18 Residential
	West	-	D-18 Residential

Vicinity Map



ATTACHMENTS

- Attachment 1 Development Permit Application
- Attachment 2 Conditional Use Permit Application
- Attachment 3 Project Narrative
- Attachment 4 Survey
- Attachment 5 Building Permit plans
- Attachment 6 Applicant photos
- Attachment 7 Project elevation

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for after-the-fact construction of a 10' x 20' greenhouse on top of a garage. The greenhouse encroaches three inches into the 10-foot front-yard setback in the southwest corner of the structure, and three inches into the five-foot side-yard setback in the northeast corner of the structure, due the slight angle of the garage. Setback encroachments that occur at the second story elevation or higher are reviewed through the Conditional Use Permit process instead of the Variance process, per CBJ Code 49.25.430(4)(M). The structure does not qualify under code sections that allow encroachments for minor issues both because it is heated and because it is on the second floor.

The greenhouse was constructed on top of a garage that was built in the 1950s at the zero foot-setback line. The garage is a legally non-conforming structure. The greenhouse encompasses approximately half the width of the garage, very close to the 10-foot front yard setback line. The three inch encroachment at the opposite corners of the greenhouse was discovered when the as-built survey was completed (Attachment 4). In both the southwest and northeast corners of the greenhouse, the structure encroaches three inches over a linear distance of approximately two feet. Due to the angle, the three inch encroachment does not extend the full length of either side of the greenhouse.

BACKGROUND

The lot has a legally non-conforming lot size and legally non-conforming front and side-yard setbacks. Assessor's Office records indicate that the home was built in 1914. In addition to the Conditional Use Permit, the applicant has also applied for an after-the-fact Variance for construction of a sauna in the northeast corner of the lot. Both encroachments were discovered only after the as-built survey was completed.

ANALYSIS

Project Site and Design -

The project is located on D-18 residential lot with a substandard lot size and substandard setbacks. The lot has a 35 degree slope. Building plans for the greenhouse have been included in Attachment 5, while elevations are included in Attachment 7. Photos are included in Attachment 6. The structure has been designed to blend well with both the garage and the single-family home.

Public Health or Safety –

No evidence indicates that the proposed development will negatively impact public health or safety.

Property Value or Neighborhood Harmony -

Due to the 35 degree slope of the property as well as the very minor three inch encroachment, no evidence indicates that the development will negatively impact views, light and air, property value, or neighborhood harmony.

Conformity with Adopted Plans -

The project substantially conforms with the 2013 Juneau Comprehensive Plan, specifically Policy 10.3 and 10.4, which state:

***Policy 10.3** [It is the policy of the CBJ] to facilitate residential developments of various types and densities that are appropriately located in relation to site conditions, surrounding land uses, and capacity of public facilities and transportation systems.*

***Policy 10.4** [It is the policy of the CBJ] to minimize conflicts between residential areas and nearby recreational, commercial, or industrial uses that would generate adverse impacts to existing residential areas through appropriate land use locational decisions and regulatory measures.*

The project conforms with these measures by constructing the greenhouse on top of an existing structure in a way that blends in with other structures on the lot and has minimal visual impact on the neighborhood.

FINDINGS

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

1. Whether the application is complete;

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

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

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

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

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

1. Is the application for the requested conditional use permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 49.25.300.1.110 for the D-18 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 18, 2013 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Based on the preceding analysis, no available evidence indicates that the proposed development will materially endanger the public health or safety.

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

No. Based on the preceding analysis, no available evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area. The setback encroachment is minor and does not block views due to the steep slope in the 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 complies with the 2013 Juneau Comprehensive Plan, specifically policies 10.3 and 10.4 regarding residential development.

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

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a greenhouse on top of an existing garage which would encroach three inches into the front and side yard setbacks.

(Conditional Use)
DEVELOPMENT PERMIT APPLICATION

Project Number _____
 Project Name: **CITY and BOROUGH of JUNEAU** Date Received: **5/2/13**
 (City Staff to Assign Name)

INFORMATION

Project Description
 AS-built survey of new structure discovered
 3" encroachment into CBJ sidewalk setback

PROPERTY LOCATION
 Street Address: **114 E 6th Street** City/Zip: **JUNEAU 99801**
 Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot):
USS7 JUNEAU TOWNSHIP Block 29 Lot 2
 Assessor's Parcel Number(s): **1 CO6A2900300**

LANDOWNER/ LESSEE
 Property Owner's Name: **V. Fate Putman and Kimberly Homme**
 Mailing Address: **Box 20473 JUNEAU 99802**
 E-mail Address: **fateputman@gmail.com**
 Contact Person: **F. Putman** Work Phone: **321-0773**
 Home Phone: **321-0773** Fax Number:
 Other Contact Phone Number(s): **463-4975 (m)**

PROJECT / APPLICANT

LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****
 I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:
 A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
 B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X *V. Fate Putman* Landowner/Lessee Signature Date: 4/29/2013
 X *Kimberly Homme* Landowner/Lessee Signature Date: 4/29/2013

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below
 Applicant's Name: **SAME** Contact Person: _____ Work Phone: _____
 Mailing Address: **SAME** Home Phone: _____ Fax Number: _____
 E-mail Address: **SAME** Other Contact Phone Number(s): _____
 X *V. Fate Putman* Applicant's Signature Date of Application: 4/29/2013

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

STAFF APPROVALS

Permit Type	Sign	Date Received	Application Number(s)
Building/Grading Permit			
City/State Project Review and City Land Action			
Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
Mining Case (Small, Large, Rural, Extraction, Exploration)			
Sign Approval (If more than one, fill in all applicable permit #'s)			
Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		5/2/13	4213-016
Variance Case (De Minimis and all other Variance case types)			
Wetlands Permits			
Zone Change Application			
Other (Describe)			

Comments: _____
 ***Public Notice Sign Form filled out and in the file.
 Attachment 1 _____
 Permit Intake Initials: **ESF**

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>19-016</i>	Date Received <i>5/21/13</i>
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TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- Accessory Apartment*** (AAP) Driveway in Right-of-Way (ADW)
 Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: _____

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

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

As-built survey discovered 3" encroachment into CBT sidewalk setback. Greenhouse constructed 9' 9" back on one corner rather than 10'.

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

CURRENT USE OF LAND OR BUILDING(S): *New structure is a recreation room, built on top of 1950 poured concrete garage. Rec. room is 9' above sidewalk and 9' 9" back.*

PROPOSED USE OF LAND OR BUILDING(S): *recreation room and garage.*

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

SITE AND BUILDING SPECIFICS:

Total Area of Lot *5000* square feet Total Area of Existing Structure(s) _____ square feet
 Total Area of Proposed Structure(s) *200* square feet

EXTERNAL LIGHTING: *see attached*

- Existing to remain No Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed No Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

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

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

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

ALLOWABLE/CONDITIONAL USE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <i>350.00</i>	_____	_____	_____
Admin. of Guarantee	\$ _____	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Pub. Not. Sign Fee	\$ <i>50.00</i>	_____	_____	_____
Pub. Not. Sign Deposit	\$ <i>100.00</i>	_____	_____	_____
Total Fee	\$ <i>500.00</i>	<i>219</i>	<i>cd3604</i>	<i>5/21/13</i>

NOTE: MUST BE ACCOMPANIED

Attachment 2

RMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

Conditional Use Permit application – Narrative and Attachments

Putman/Homme 114 E. 6th Street : CU Application Addendum

A 10'X 20' greenhouse structure was built on top of an existing concrete garage. (Bld. Permit # 2009-00103) The preexisting garage was constructed in approximately 1950. The concrete garage was constructed to the edge of the sidewalk on 6th Street and has been a grandfathered structure for the past 60 years.

The new greenhouse structure was built on back half of the 20'X20' garage roof. The greenhouse used the same footprint as the garage, which is slightly out of square. A subsequent as-built survey found that one corner of the new structure was not the full 10 feet back from the sidewalk edge. The SW corner of the roof eave encroaches 3 inches into the 10 foot setback. This is an overhanging eave and not part of the interior of the greenhouse building. The remainder of the greenhouse structure is behind the 10 foot setback. However, because of the overhanging eave, the SW corner of the greenhouse is 9'9" from the CBJ sidewalk.

A Conditional Use permit is required for the 3"encroachment into the 10 foot setback requirement. It is my request that this CU permit be granted to permit this encroachment. There is no impact on the public sidewalk below or any utility conflicts.

NE Corner of greenhouse

In addition to the overhanging eave, the As-built Survey determined that the Northeast corner of the garage/greenhouse encroaches into setback requirements with the adjoining lot. The NE corner of the garage footprint (circa 1950) extends into the side yard setback approximately 3 inches.

This encroachment occurs on the NE corner of both the garage and greenhouse structures. The remaining portion of the east side of the garage and greenhouse Structure does not protrude into the 5 foot setback. In this 20 foot span only the last five feet of the structures protrude into the setback. That is because the garage is square to the street but not square to the property line thus causing a side yard setback issue.

Property Values and Neighborhood Harmony

The addition and slight CBJ encroachment will not decrease the value of surrounding properties. The greenhouse was designed by Northwind Architects LLC, to have the same architectural style as the main home and preexisting Garage on the property. This blend of colors and building design allows the Greenhouse to complement the existing buildings and as a result, blends well with the neighborhood. The structure does

not affect any neighbor's light, air or views. (Note that the Lot 3 eastside neighbor has provided an Easement Agreement for the Variance application.)

- A. As-Built Survey, Site Plan, Elevation View, 3-page Floor Plan – attached Easement Agreement by east neighbor, also for related variance, attached
- B. There are No Parking issues with this application.
- C. There are No Traffic issues with this application.
- D. There is Lighting on the exterior of the structure. This exterior lighting is recessed up under the eaves so there is no light pollution from the structure.

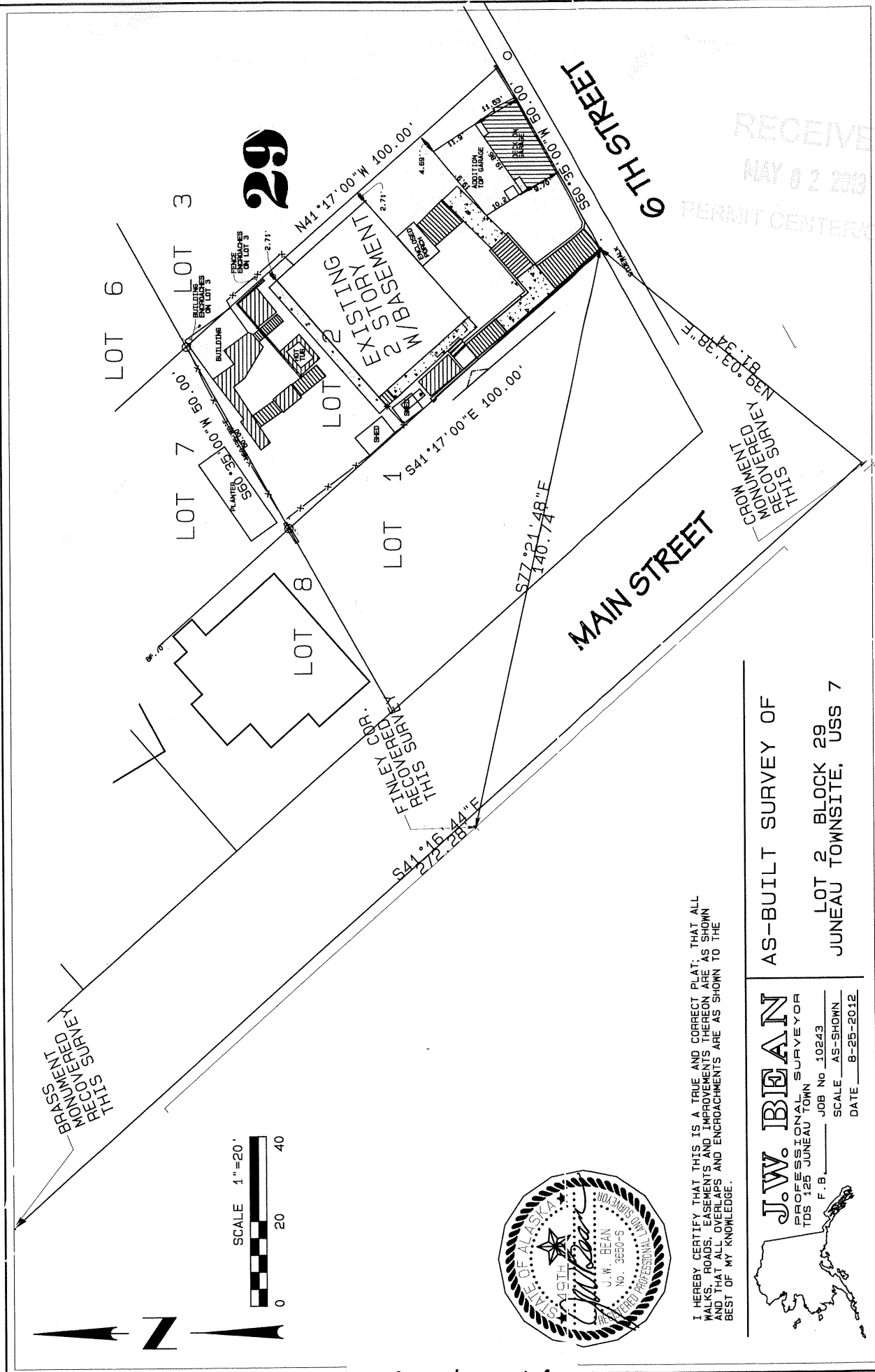
Exterior Lighting: Two exterior lights were incorporated into the greenhouse structure. One light is located on the alcove ceiling above the west facing entrance. This main entrance has a single door recessed into the structure 3 feet. This door setback is to both protect the door and match the garage architecture below. Above this door on the ceiling is an entrance light, placed there to both protect the light and minimize light intrusion outside. This door entry light has achieved those desired results.

A second exterior light is on the south side of the greenhouse, under the overhanging front eave. This also protects the fixture from the weather and minimizes light intrusion. Light is confined to the front deck of the garage roof and does not shed light on 6th Street or the sidewalk below. This exterior light has achieved the desired results of both protection and light shading.

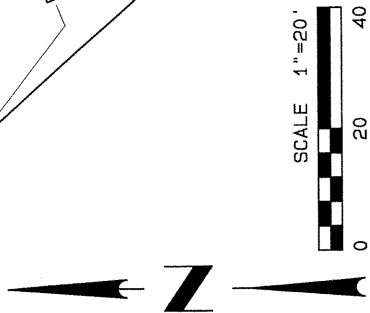
E. Natural vegetation remains between Lot 2 and Lot 3; lilacs, Sitka Rose bushes and Hawthorn trees separate the two. This set of trees and shrubs creates a visual screen between properties and between the greenhouse and the neighbor's home on Lot 3. On the west side of the structure there is large flower garden.

F. The property is a Steep Hillside. That presents some challenges to development of the lot. However, the steep terrain has no impact on the greenhouse structure because it was built atop the existing poured concrete garage, as the foundation.

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MAY 02 2013
PERMIT CENTER/ODD



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 MAY 02 2013
 PERMIT CENTER/CDD



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT, THAT ALL
 ALIENS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN
 AND THAT ALL ENCROACHMENTS AND ENCROACHMENTS ARE AS SHOWN TO THE
 BEST OF MY KNOWLEDGE.



J.W. BEAN
 PROFESSIONAL SURVEYOR
 105 125 JUNEAU TOWN
 F.B. JOB No 10243
 SCALE AS-SHOWN
 DATE 8-25-2012

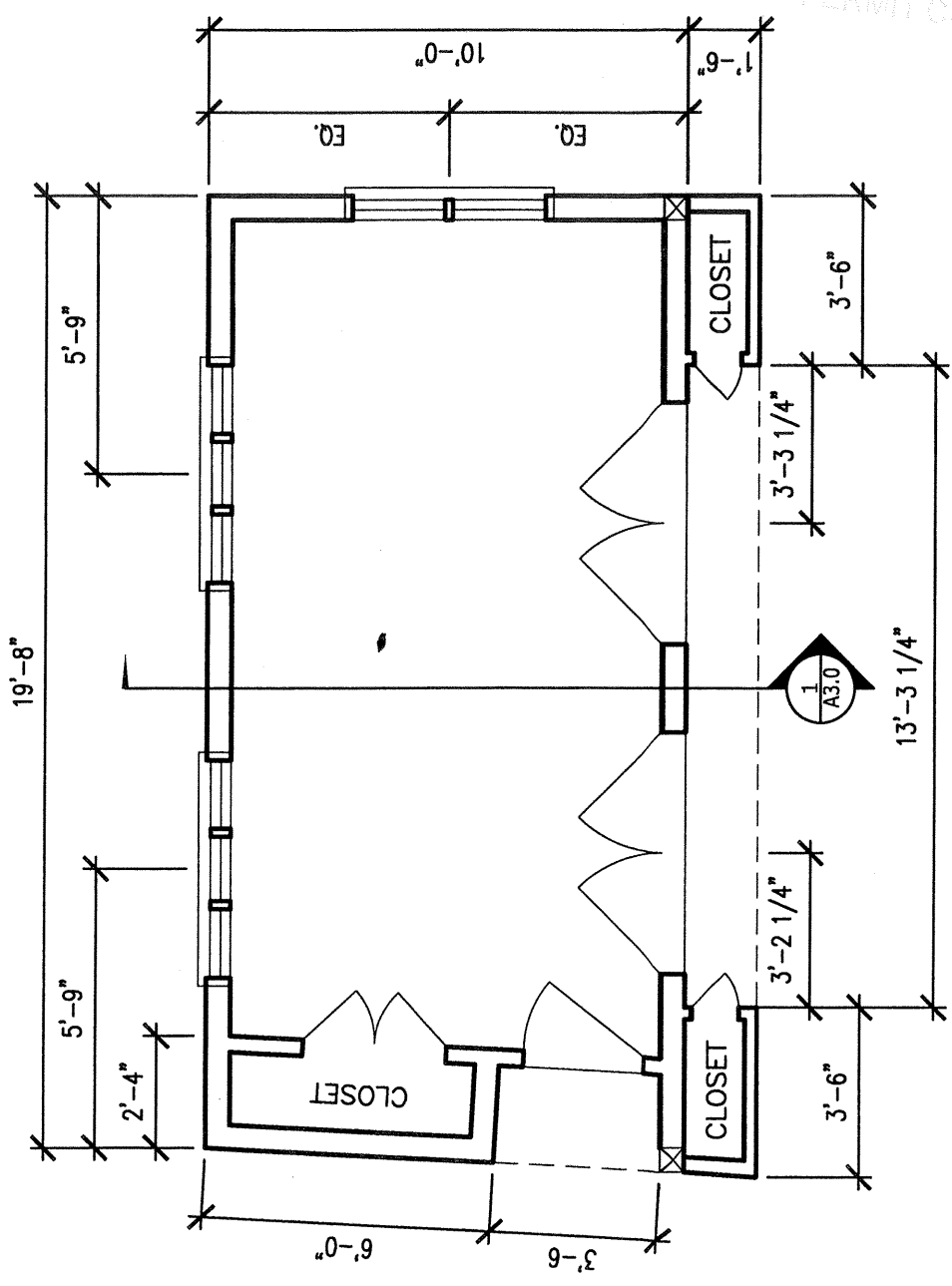
AS-BUILT SURVEY OF
LOT 2, BLOCK 29
JUNEAU TOWNSITE, USS 7

PUTMAN GREENHOUSE
 114 SIXTH STREET
 JUNEAU, ALASKA 99801

SHEET TITLE: PLANS

DATE: 3-12-10
 REVISION: ...
 CHECKED BY: SMB
 DRAWN: FKD
 SHEET #

A1.0



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 MAY 02 2010
 PERMIT CENTER/ODD



1 FLOOR PLAN
 1/4" = 1'

PUTMAN GREENHOUSE

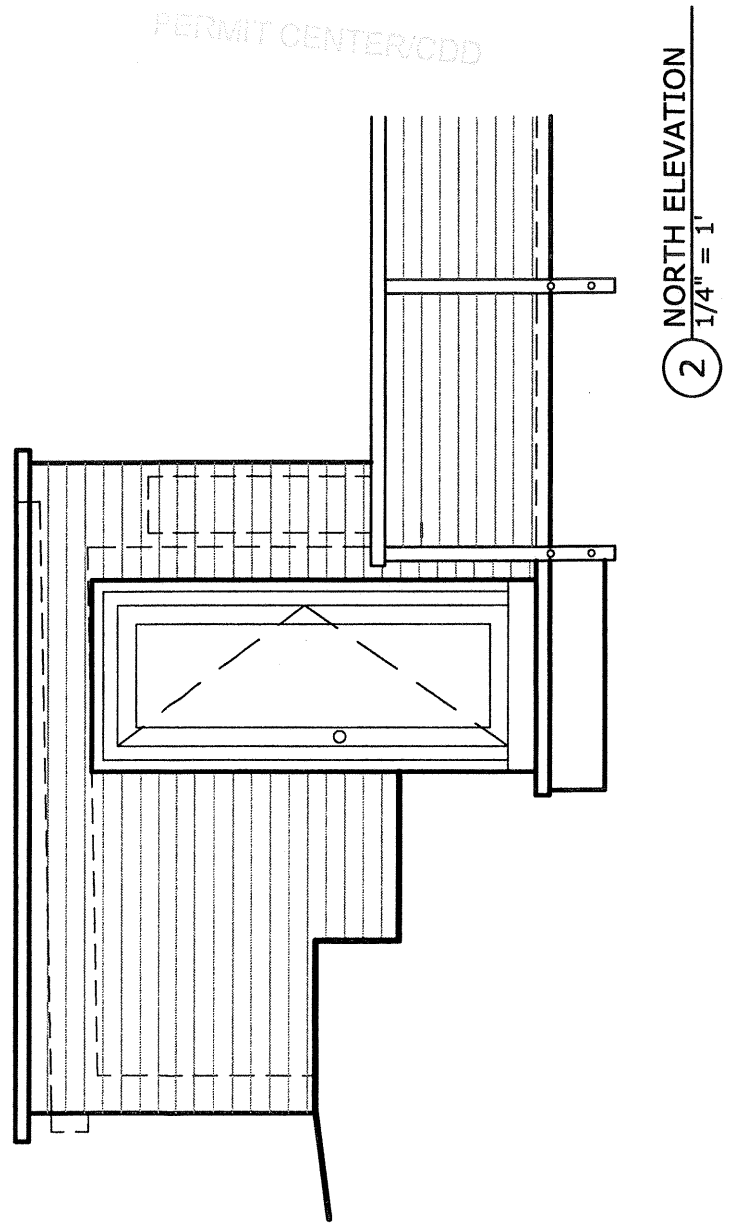
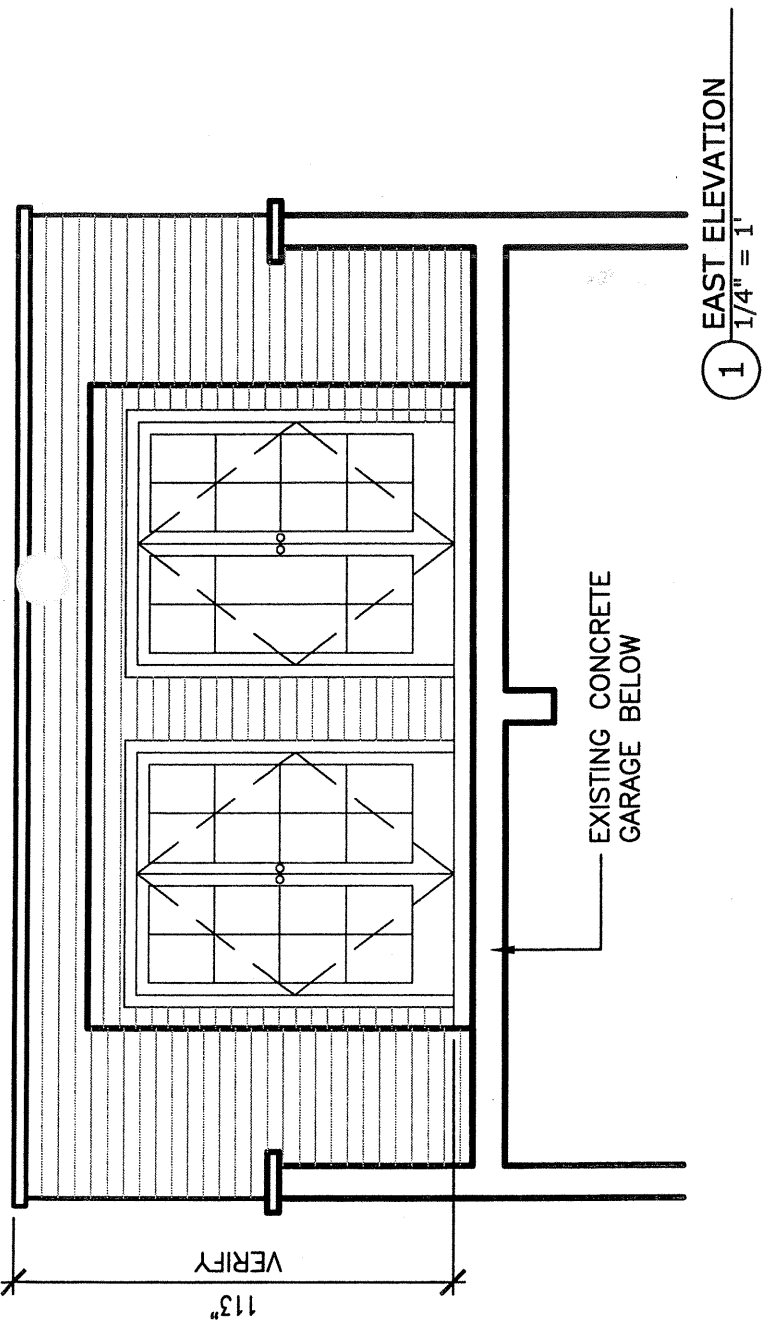
114 SIXTH STREET
 JUNEAU, ALASKA 99801

SHEET TITLE:
ELEVATIONS

DATE: 3-12-10
 REVISION:
 CHECKED BY: SMB
 DRAWN: FKD

SHEET #
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NORTH
 2
 NORTH ELEVATION
 1/4" = 1"

PUTMAN GREENHOUSE

114 SIXTH STREET
 JUNEAU, ALASKA 99801

SHEET TITLE
 SECTION

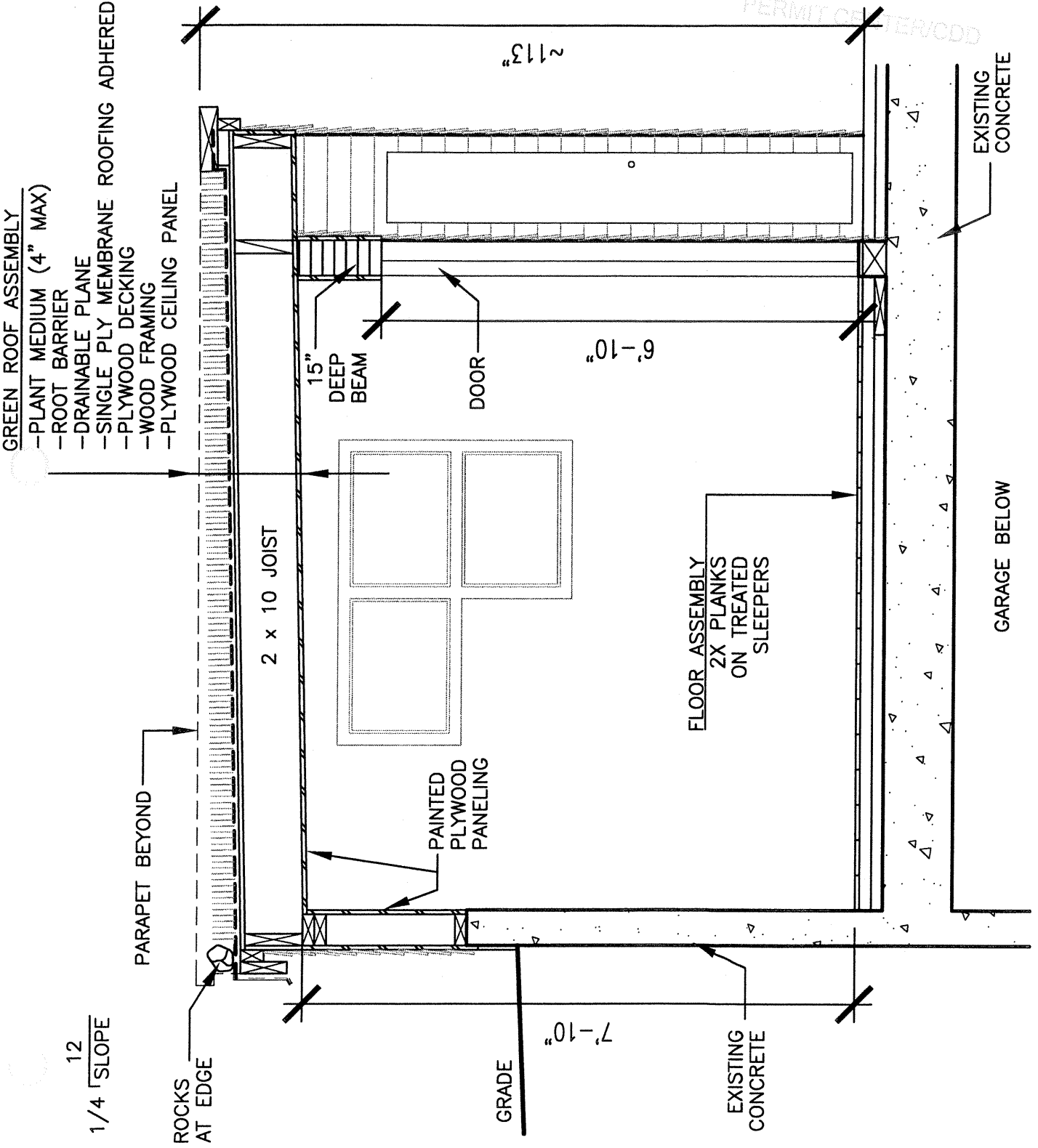
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1 SECTION
 1/2" = 1'





Attachment 6



Attachment 6

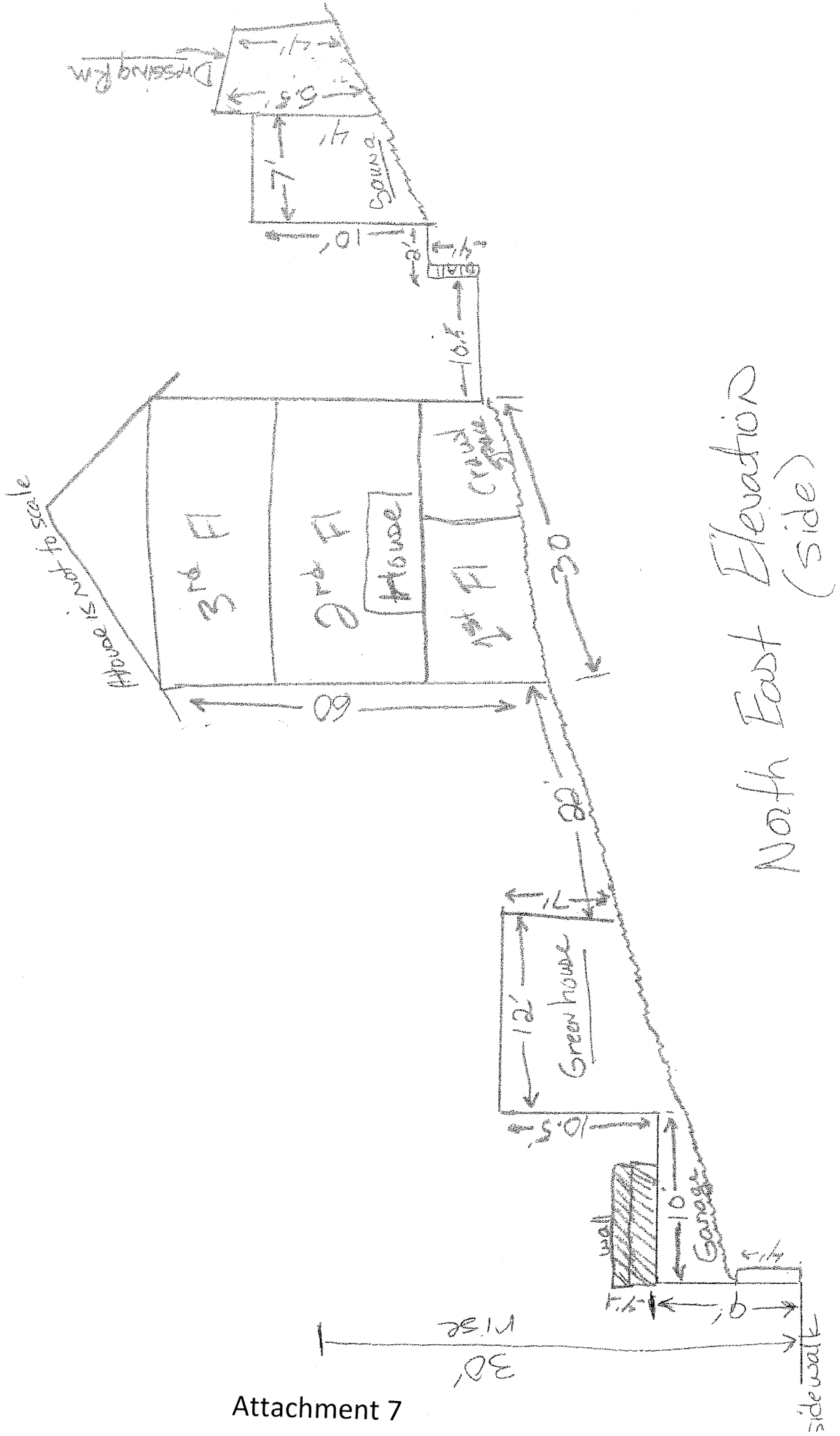


Attachment 6



Attachment 6

Putman Greens House / Sawa
 (CBI Building Permit # BLD 0009-004153)



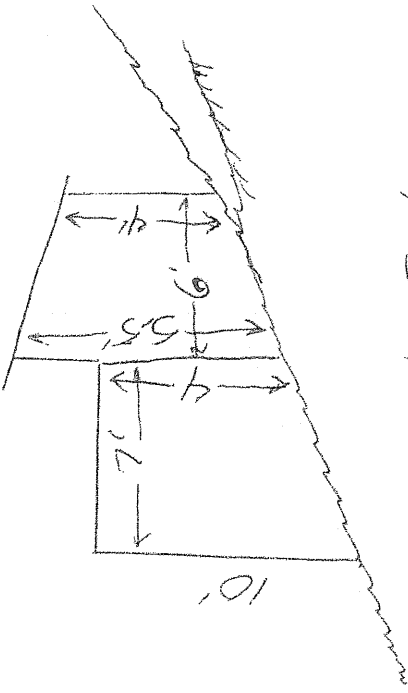
North East Elevation
 (side)

Attachment 7

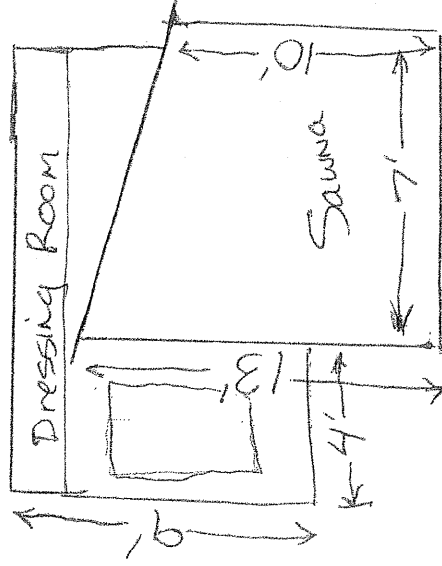
Received 11-8-12
 via email

Putman Greenhouse/Sauna
 (CBS Permit # BLD 2008-04197)

Northeast Elevation



South East Elevation



South east (Front) Elevation

