MEMORANDUM

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

DATE: October 15, 2013

TO: Board of Adjustment

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: VAR2013 0017

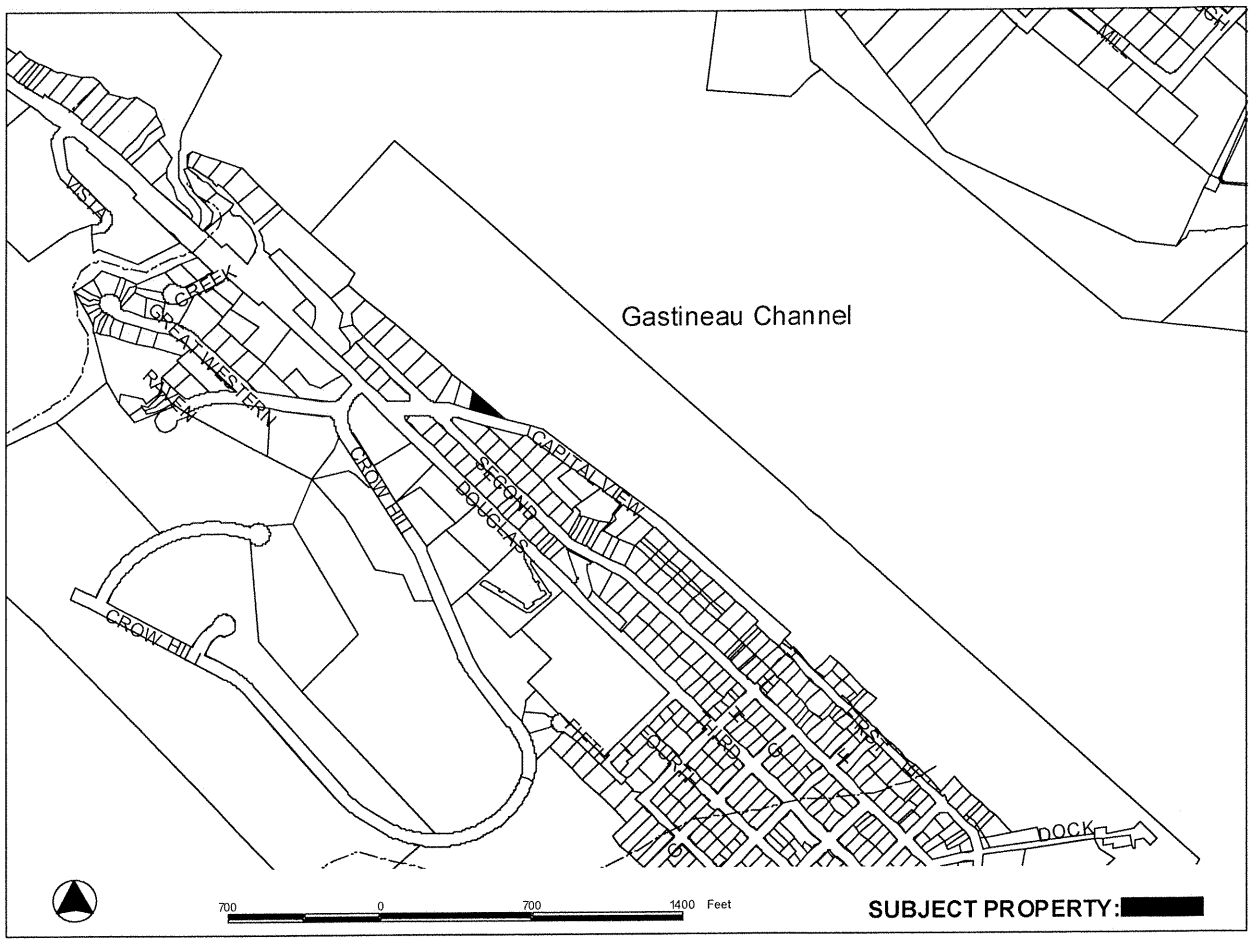
PROPOSAL: A Variance Request to reduce the 20-foot front yard setback to 1 foot for construction of a duplex

GENERAL INFORMATION

Applicant:	Bern Savikko and Wendy Marriott
Property Owner:	Bern Savikko and Wendy Marriott
Property Address:	0 First Street, Capital View Court
Legal Description:	Capital View Block E Lot 1
Parcel Code Number:	2-D04-0-20E-001-0
Site Size:	7,861 Square Feet
Comprehensive Plan Land Use Designation:	Medium Density Residential
Zoning:	D-18
Utilities:	CBJ Water and Sewer
Access:	Capital View Court
Existing Land Use:	Vacant Residential Lot
Surrounding Land Use:	North - Gastineau Channel South - Capital View Court; D-18 Residential East - Gastineau Channel; D-18 Residential West - D-18 Residential

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

VICINITY MAP



ATTACHMENTS

Attachment 1	Development Permit Application
Attachment 2	Variance Application
Attachment 3	Project Narrative
Attachment 4	Proposed site plan with Variance
Attachment 5	Site plan with standard setbacks
Attachment 6	Proposed house elevations with Variance
Attachment 7	House elevations with standard setbacks
Attachment 8	House floor plan
Attachment 9	Letter in support from adjacent neighbor
Attachment 10	Parcel map enlargement
Attachment 11	Site location photo

PROJECT DESCRIPTION

The applicant requests a Variance to reduce the 20-foot front-yard setback to one foot for construction of a duplex (a single-family dwelling with a 720 square foot apartment) and two-car garage. The property is located on a very steep, triangular-shaped lot on the Douglas waterfront. The applicant plans to install a Timberland modular home on concrete footings and piling. The lot size allows for three units in the D-18 zoning district. The applicant has proposed two units to reduce impacts.

ANALYSIS

The applicant has provided a detailed project narrative and a series of drawings which show the proposed home with the proposed one-foot setback and the standard 20-foot setback with the site elevations (Attachments 3-7). Because of the elevation, construction of the home with the standard setbacks would push construction closer to the adjacent residence to the west, and would also require removal of three large spruce trees that provide a visual buffer. Attachments 4 and 5 indicate that with the Variance, two trees will need to be removed. Without the Variance, six trees will need to be removed.

Maintaining the 20-foot setback would require construction of the home in the steepest part of the lot, requiring more and taller pilings instead of concrete footings for the foundation, which would significantly increase the cost. The applicant also notes that without the setback Variance, placement of modular home would not be possible, because the structure must be built close enough to the street to be accessible by a crane.

The applicant has spoken with all three adjacent neighbors. In response to these conversations, significant modifications have been made to the original proposal to address parking and snow

removal issues, to provide maximum distance from existing structures, and to ensure that the home blends well with the neighborhood. For example, the applicant specifically reduced the length of the home from 80 feet to 70 feet in response to concerns from the neighbor to the east.

The adjacent neighbor to the west has submitted a letter in support of the project, and states, in part,

> "The plan proposed achieves a workable balance between their private development goals and neighborhood protections....If the variance is not granted, the resulting development options would likely be worse on several fronts. First, the only buildable location for the house would slide it much closer to our house, both in relation to side-yard width, and front-lien location. This location would also require removal of most of the wind-firm spruce trees that now create a critical visual buffer between the properties. Finally, the new structure would need to be supported on a complex pile structure which may provide economically infeasible, given its substantial height above the grade plane." (Attachment 9)

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 Variance would give substantial relief to the property owner by allowing construction of the dwelling in a manner that best utilizes the limited building space in this very steep, unusually-shaped lot, and would allow preservation of three trees that are critical for slope stabilization and for a visual buffer. Reducing the setback encroachment to lesser distance of, for example, 10 feet, would provide minimal benefit, because it would force construction into a steeper area of the lot and still require additional tree cutting. Similarly, reducing the size of the home would not eliminate the need for the proposed Variance or a lesser relaxation of the standard, because regardless of the size, the home need be built at least partially in the most level part of the lot, before the steep drop off, as shown in Attachments 6 and 7.

Staff finds this criterion to be met.

2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.

The intent of Title 49 is established in Section 49.05.100 Purpose and Intent. Those sections, which are applicable to the requested variance, are as follows:

1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and the coastal management program;
2) To ensure that future growth and development in the city and borough is in accord with the values of its residents;
3) To identify and secure, for present and future residences, the beneficial impacts of growth while minimizing the negative impacts;
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, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;
5) To provide adequate open space for light and air; and
6) To recognize the economic value of land and encourage its proper and beneficial use.

The proposed Variance meets the intent of Title 49 by allowing construction in a location that best utilizes the shape and slope of this very steep lot, while minimizing impacts to surrounding neighbors by preserving buffers. This specifically addresses intent numbers 2, 3, 4, and 5.

Staff finds this criterion to be met.

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

No evidence indicates that authorization of the Variance will injure nearby property. The applicant has spoken with all adjacent neighbors and has adjusted the design and length of the building to minimize impacts. The nearest adjacent property owner to the west has submitted a letter in support of the Variance, stating the Variance will protect a "critical" visual buffer (Attachment 9).

Staff finds this criterion to be met.

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

A duplex is an authorized use in the D-18 zoning district, and the applicant meets lot size requirements, therefore the Variance does not authorize uses not allowed in the district involved.

Staff finds this criterion to be met.

5. That compliance with the existing standards would:

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

Compliance with existing standards would require the owner to construct the home in the steepest part of the lot, which would require more pilings and taller pilings instead of concrete footings. Compliance with existing standards would also require cutting six spruce trees, at significant expense and with the risk of potential destabilization of the slope. Even if the home was substantially reduced in size, compliance with standards would force construction in the steepest section of the lot and could be prohibitively expensive.

Staff finds this sub-criterion to be met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

Compliance with standards would mandate development in the steepest part of the slope, which could be prohibitively expensive regardless of the size of the home. The proposed dwelling is consistent with the scale, amenities, and features of existing development in this waterfront neighborhood.

Staff finds this sub-criterion to be met.

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

Compliance with standards would be unnecessarily burdensome because of the very steep slope on this triangular lot, and because construction would be unreasonably expensive.

Staff finds this sub-criterion to be 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.

No. The lot does not have any pre-existing non-conforming conditions.

This sub-criterion is not met.

Because staff finds sub-criteria 5A, 5B, and 5C have been met, staff finds that criterion five has been met.

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

Yes. A grant of the Variance would allow construction of the proposed duplex in a location that utilizes the small, relatively level portion of the lot, maximizes existing visual buffers, and provides the greatest possible distance between neighboring residences.

Staff finds this criterion to be met.

FINDINGS

1. Is the application for the requested Variance complete?

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

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

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

Not applicable.

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

Yes. Staff finds that the Variance meets criteria 1, 2, 3, 4, 5 and 6.

RECOMMENDATION

Based on the proposed plan (identified in Attachments 1-8), and the findings and conclusions stated above, the Community Development Department Director recommends that the Board of Adjustment approve the Variance request.

DEVELOPMENT PERMIT APPLICATION

Project Number VAR20130017	CITY and BOROUGH of JUNEAU	Date Received: 8/14/13
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
Construction of a 3445 square dwelling, which includes a two-car garage and a 720 square foot apartment.

PROPERTY LOCATION

Street Address	City/Zip
0 First St. Capital View Court	Douglas, AK 99824

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Lot 1, Block E, Capital View, Subdivision 1

Assessor's Parcel Number(s)
2 D 04020 E 0010

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Bern Savikko and Wendy Marriott	Bern Savikko	(907)209-1945
Mailing Address	**Home Phone:**	**Fax Number:**
P.O. Box 240417, Douglas, AK 99824		
E-mail Address	**Other Contact Phone Number(s):**	
Dsavikko@gmail.com, wsmarriott@gmail.com	Wendy Marriott (907)209-0723	

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 _____ Landowner/Lessee Signature — Date 8/6/13

X Wendy S. Marriott Landowner/Lessee Signature — Date 8/6/13

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	Contact Person:	Work Phone:
Same		
Mailing Address	**Home Phone:**	**Fax Number:**
E-mail Address	**Other Contact Phone Number(s):**	

X _____ Wendy Marriott Applicant's Signature — Date of Application 8/6/13

---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)			
✓	Variance Case (De Minimis and all other Variance case types)		8/14/13	VAR20130017
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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PERMIT CENTER/CDD

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials: [illegible]

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

Attachment 1

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		VAR20130017	8/14/13

TYPE OF VARIANCE REQUESTED:

- ☐ Variance to the Sign Standard (VSG)
- ☐ Variance to Dimensional Standards (VDS)
- ☐ Variance to Habitat Setbacks (VHB)
- ☐ Variance to Parking Requirements (VPK)
- ☒ Variance to Setback Requirements (VSB)

Bern Savikko and Wendy Marriott
Lot 1, Block E, Capital View Subdivision 1

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
We are requesting a one-foot front yard setback variance. We are planning to construct a 3445 square foot dwelling, which includes a two-car garage and approximately 720 square-foot apartment.

Previous Variance Applications? ☐ YES ☒ NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? ☐ YES ☐ NO N/A

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): The property is 7861 square feet, zoned D-1B, on a very steep, triangular shaped lot which is further restricted by a drainage culvert on the narrow end of the triangle. The property is located along the waterfront of Douglas near the end of Capital View Court. The unusually-shaped lot provides limited options for construction.

UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
Construction options for building a home is limited due to the triangle shape and steep grade of the property. We are trying to minimize a complicated and expensive structural design for earthquake forces by using concrete footings and minimal piling.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
Without a variance, construction could be cost prohibitive. It would force our home closer to the neighbors, require removal of more trees that serve as a buffer, and force construction to the steepest part of the lot. This would require more and taller pilings, complicating structural design.

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.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 400	CC	CDD4157	8/14/13
Adjustment	$			
Total Fee	$ 400.00			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

RECEIVED
AUG 14 2013
PERMIT CENTER/CDD

TO BE COMPLETED BY THE APPLICANT

Attachment 2

VAR20130017

August 4, 2013

Re: Lot Development at Block E, Lot 1, Capital View Ct.
Parcel No. 2D04020E0010, Owners: Bern Savikko and Wendy Marriott

Dear Staff of the CBJ Planning and Engineering Department:

We are writing and submitting applications for your consideration of a Variance to a Setback Requirement and a Grading Permit. We are including site plans with and without contour lines and other supporting documentation.

The property is 7861 square feet, zoned D-18, on a very steep, triangle-shaped lot which is further restricted by a drainage culvert on the narrow end of the triangle. The property is located along the waterfront in Douglas near the end of Capital View Court. We hope to secure permitting this year, construct the foundation in the spring of 2014, and plan to install a Timberline modular home on a site-built foundation by the fall of 2014. The daylight basement will consist of an approximately 720 sq. ft., single bedroom, single bathroom apartment.

A one foot front yard setback (to the roofline) is being requested to assist with the development of our unusually shaped property which is very steep and has limited options for construction. We have addressed the six criteria set forth in the zoning code as follows:

1. Grant of our variance would substantially relieve hardship in trying to fit a moderately sized home on a small and difficult piece of property. Providing us with a one foot setback as opposed to a 20-foot setback would provide substantial financial relief for developing our home with no adverse impacts to the existing neighborhood.
2. Allowance for our requested setback could make a difference on whether we can build or not while maintaining public safety, preservation of existing utility lines, and preservation of several large trees, as are the wishes of the neighbors. Without a variance, construction could be cost-prohibitive. A setback variance would allow for modular construction which requires the structure to be built within the limited reach of a crane.
3. Authorization of the variance will not injure, harm, or negatively impact nearby properties. One reason for a setback requirement is to keep houses from being placed too close together. Our property is triangular in shape and meeting the required front yard setback would cause us to locate the home closer to our adjacent neighbor. This defeats the purpose of the setback requirement. By allowing a variance to the required front yard setback we will be able to locate the house further from the existing neighbor and provide a more symmetrical setting on the lot. The variance would help minimize removal of existing trees, which currently act as a buffer between the properties.
4. Our requested variance is reasonable and is not requesting otherwise unauthorized uses. The required 60 foot right-of-way and existing utilities will be maintained. CBJ maintenance has requested a minimum setback of 10' from the existing sewer line which runs parallel to our front lot line. We have met that requirement with the proposed layout.
5. Without a variance, we cannot reasonably develop the lot for its principal use. To develop the lot with a standard setback distance would cause an unnecessary construction and financial burden. Refusal of a variance would mean forcing the dwelling to be of a substandard size,

locating it closer to the neighbor on the steepest part of the property and removal of additional trees. Construction on the steeper portion of the lot would require more and taller piling instead of concrete footings for the foundation which would significantly and unreasonably drive up the cost to build. The higher structure elevation would also complicate structural design for earthquake forces.

6. This variance would provide more benefits to the neighborhood in terms of property values, parking, grading, and aesthetics. The property is zoned D-18, which allows for development of up to three units. We are reducing the impact on the neighborhood by proposing a single family home with attached apartment. This will lower the impact of high density development on the neighborhood while also addressing Juneau's housing "crisis" by providing for a single apartment.

Presently, access to the three existing dwellings and our proposed home is provided by an 18 to 20 foot wide, unimproved driveway. This driveway is built within a platted 60' wide right of way originally planned for the extension of First Street. The plans for a First street extension have been abandoned and there are no plans to bring this access up to present CBJ standards, so a need for such a wide right of way in this particular area is questionable. There is presently a distance of 27' to 32' from the edge of the existing road to the ROW line, which means the distance from the edge of the existing road to the edge of the proposed house (with the requested setback variance) would be approximately 28' to 33'. Compare this distance with homes in the adjacent Beach Road development which have as little as 3 feet from edge of road to the house structure. For details of layouts and distances, please refer to attached drawing for details.

A grading permit is requested to provide additional parking. Because the apartment is larger than 600 sq. ft., two parking spaces are required per CBJ code. The two car garage will accommodate one renter's vehicle and one owner's vehicle. A graded space adjacent to the garage will accommodate the other vehicles. The graded area and two car garage will improve congestion in the neighborhood by providing for off-street parking that does not presently exist. This should help improve overall parking, snow removal, and existing traffic flow issues in the area. A similar existing graded parking area presently exists adjacent to our property.

We have two adjacent neighbors to the property and another across the street. They include Paul Voelckers and Mary Pat Wyatt, Corey and Emily Wall, and James and Dawn Skrzynski. We have been in personal contact with each of them and have informed them of our timelines and development plans. They have expressed a desire to minimize tree removal in the neighborhood and to provide maximum distance from existing structures. Our proposed layout assists with accomplishing those goals.

Thank you for your consideration of our request. Should you require further information, please do not hesitate to contact us.

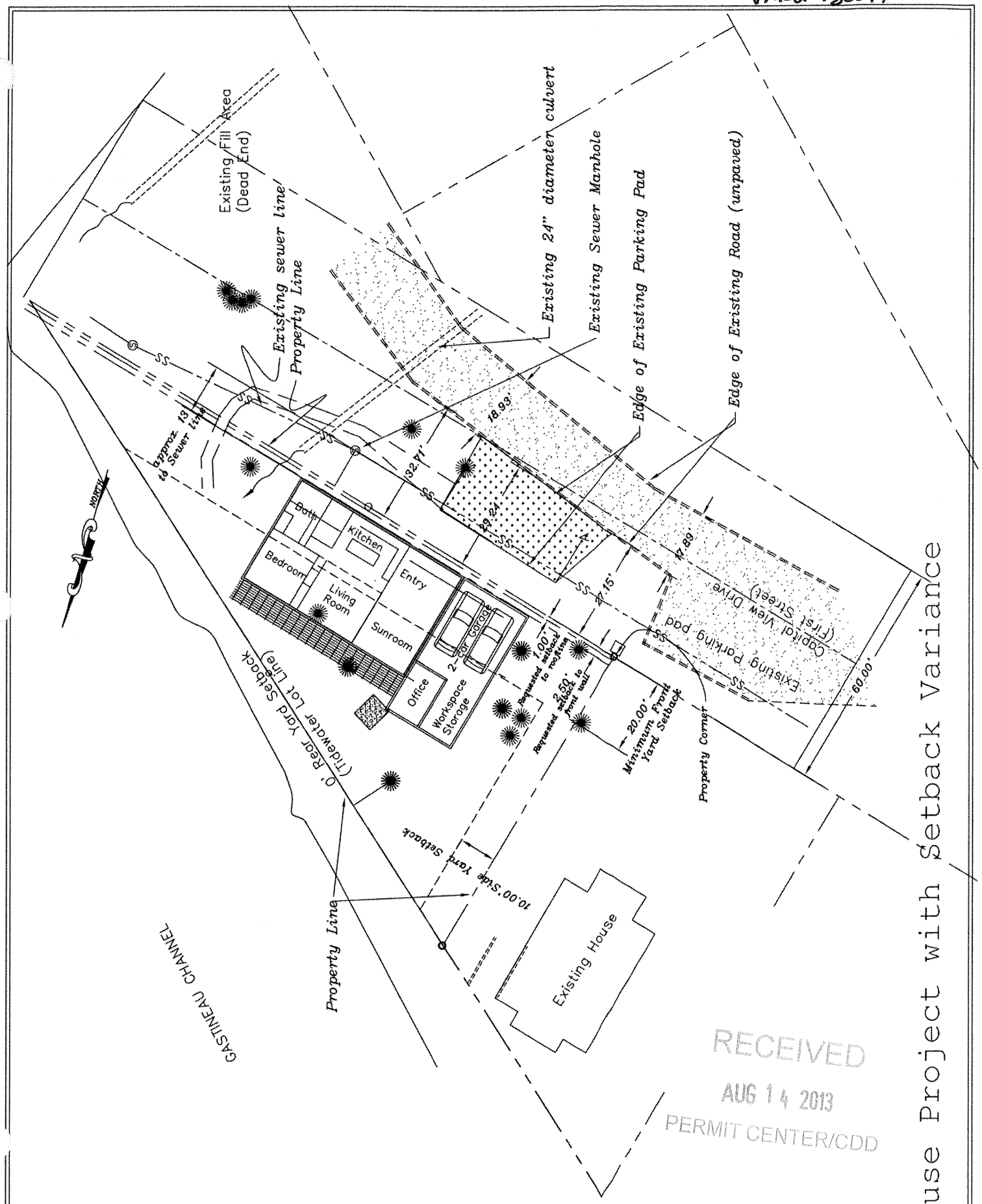
Sincerely,

Bern Savikko
PO Box 2440417
Douglas, AK 99824
(907) 209-1945
bsavikko@gmail.com

Wendy Marriott

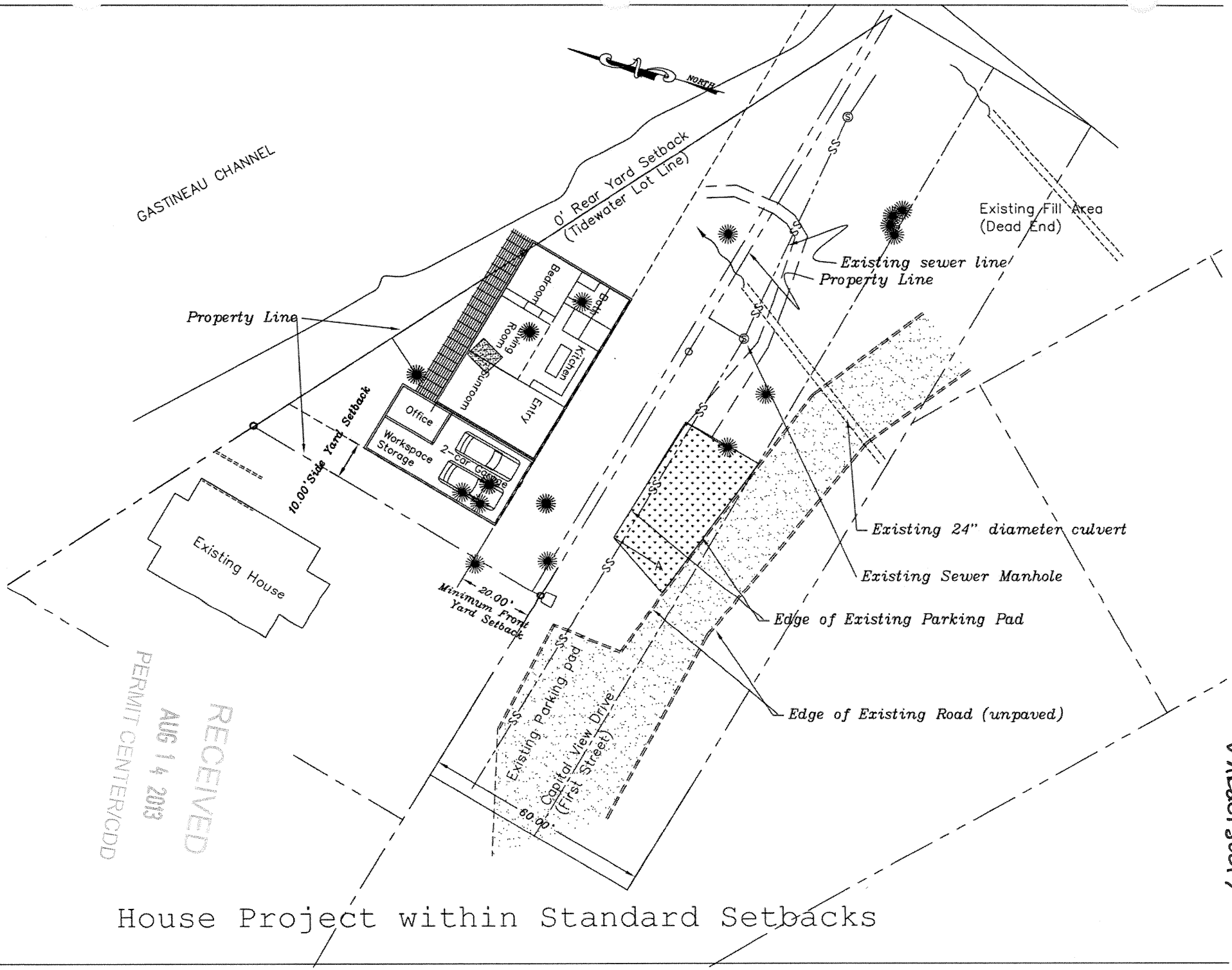
Wendy Marriott
608 5th St.
Douglas, AK 99824
(907) 209-0723
wsmarriott@gmail.com

VAR20130017



Attachment 4

Attachment 5



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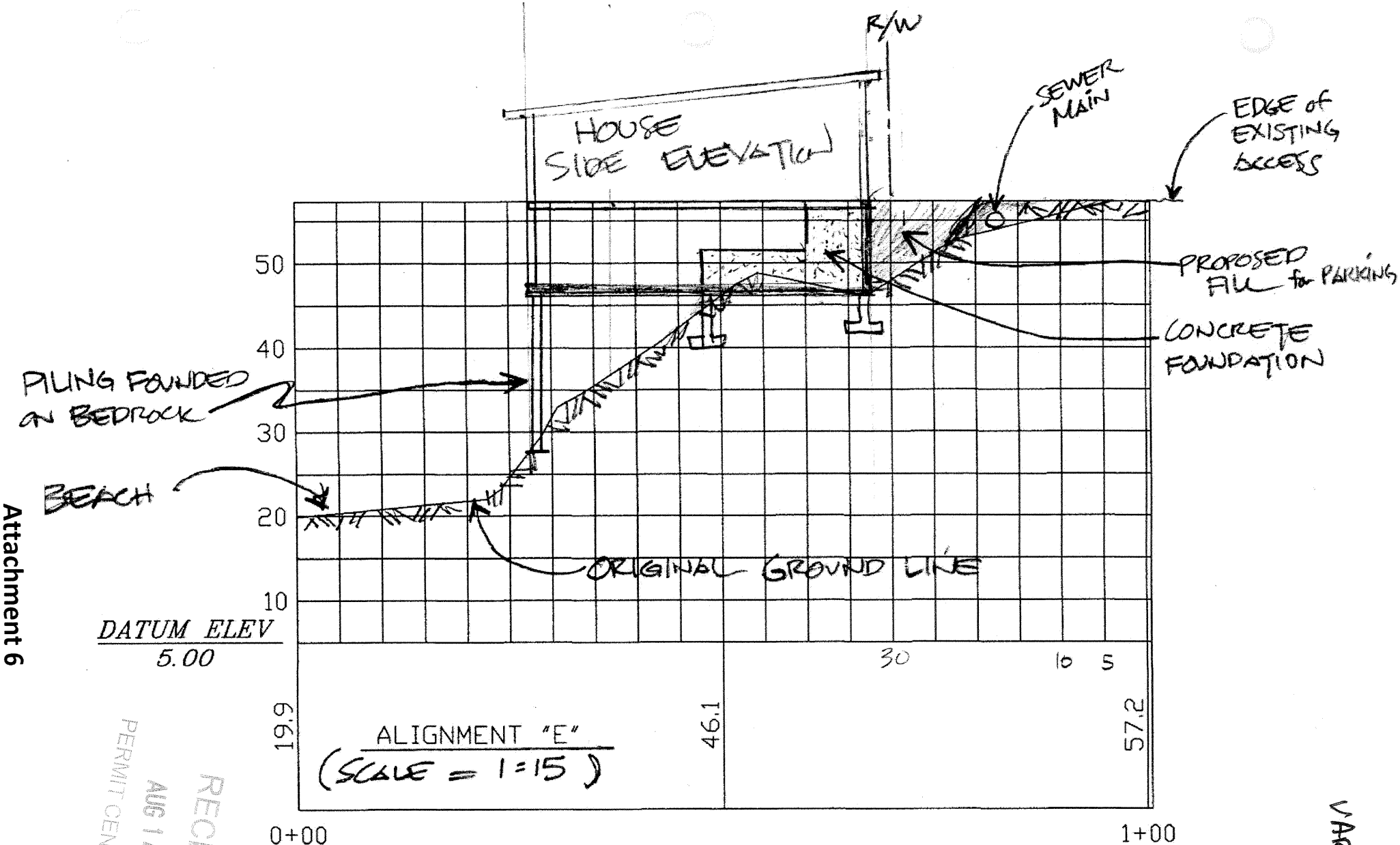
House Project within Standard Setbacks

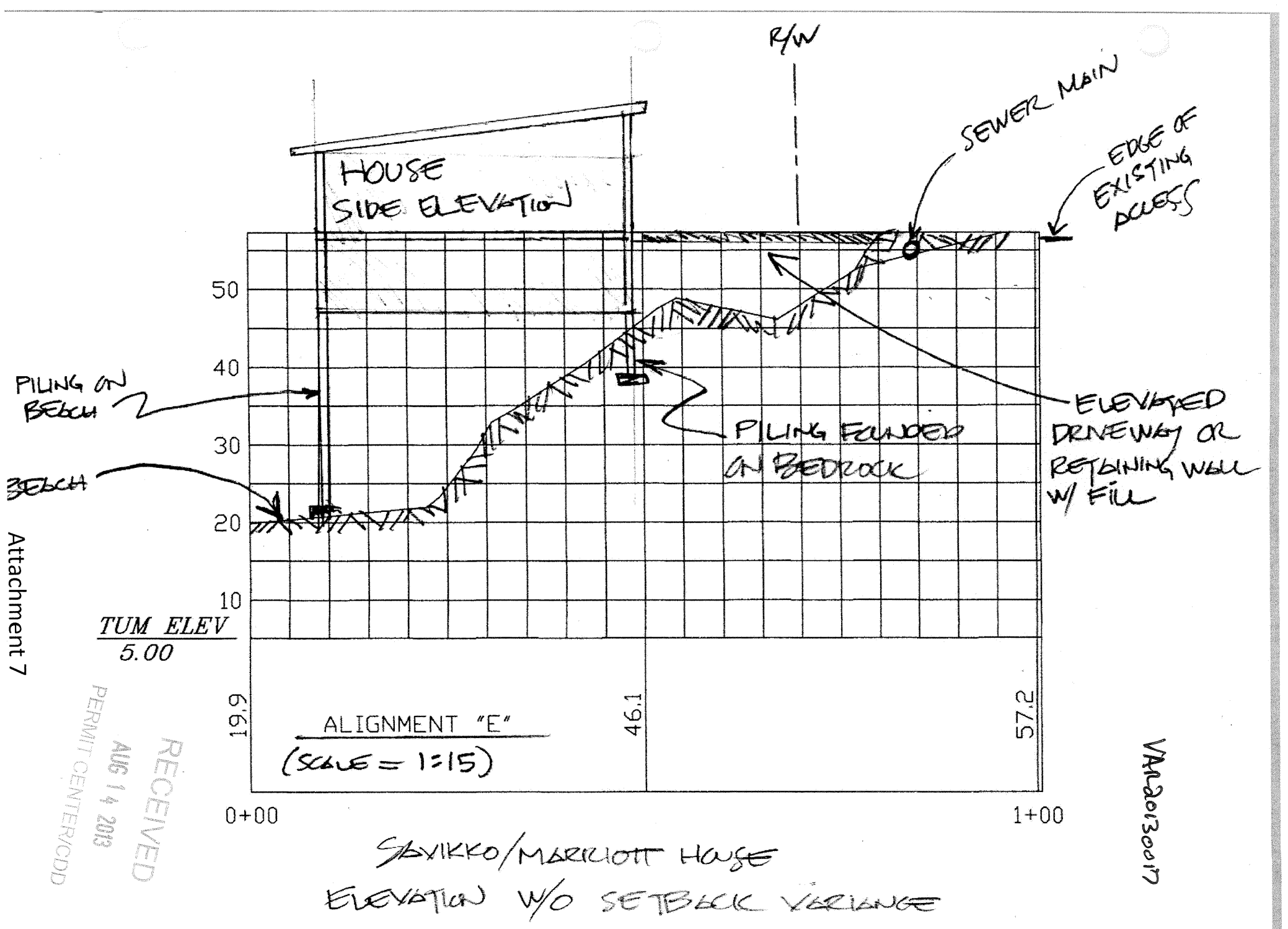
VAR20130017



SAVIKKO / MARRIOTT HOUSE
ELEVATION W/ SETBACK VARIANCE

VAR20130017

BRC
7-31-13



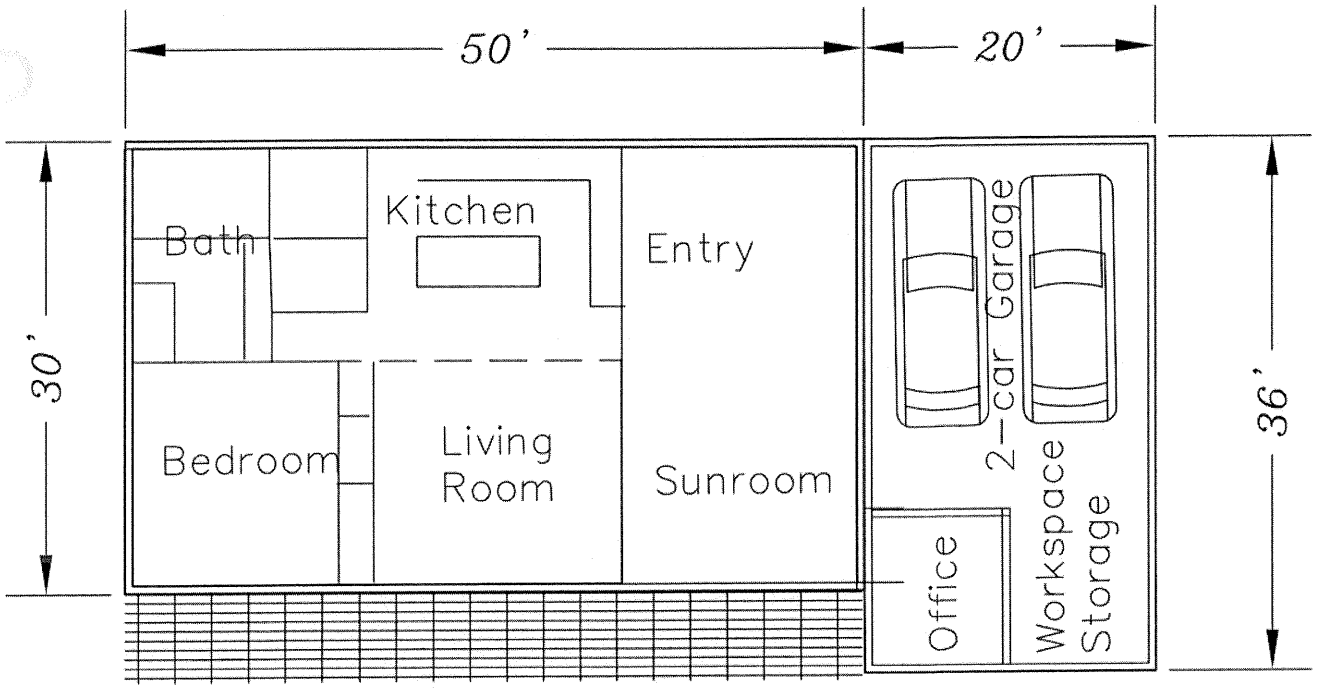
SAVIKKO/MARRIOTT HOUSE

ELEVATION W/O SETBACK VARIANCE

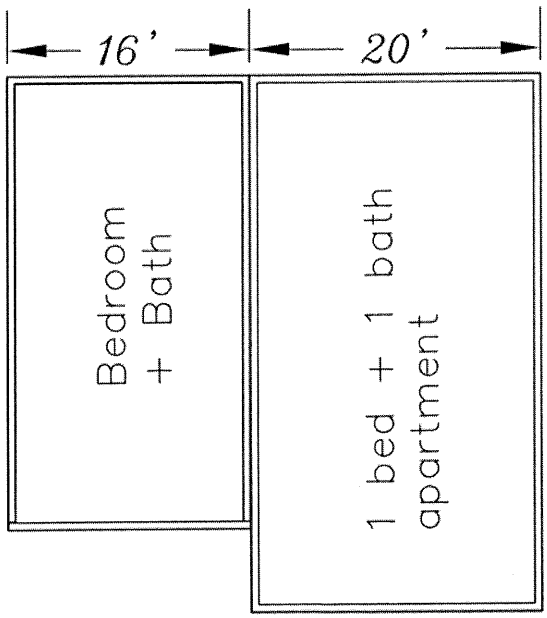
VAR20130017

Attachment 7

VAR20130017



Top Floor Layout
(2245 SF including garage)



Lower Floor Layout
(1200 SF)

CONCEPTUAL LAYOUT

August 4, 2013
1760 Capital View Court
Douglas, AK 99824

VAR20130017

Re: Savikko/Marriot Variance Request for setback relaxation

To the Planning Commission, City and Borough of Juneau,

We have been approached by Bern Savikko and Wendy Marriot concerning their plans for developing property adjoining ours in Douglas. We support the most current option proposed, based on a 1' street frontage set-back relaxation of the standard 20' set-back. The plan proposed achieves a workable balance between their private development goals and neighborhood protections.

The lot in question is difficult to develop, given the thin triangular aspect, and the very steeply sloping terrain. The 1' setback requested is logical, given the local details of the site and adjoining neighborhood development. The existing gravel access road within the 60' street ROW (formerly platted as 1st Street) is set relatively close to the upper ROW boundary. The water-side parking pad, in place for years, sits completely within the ROW. The front of the proposed structure only adjoins this pad at the 2-bay garage portion, then the house front angles away from the existing pad as the ground plane falls away.

The layout of the house and garage has been thoughtfully proposed to retain as many trees as practical, including a stand of trees in the shared frontage toward our house, and trees that will be protected in the ROW on the Southeasterly frontage portions. This will tend to visually buffer the house from adjoining properties quite effectively.

The layout as proposed, utilizing a 1' setback, is also quite important to allow the entry to be accessible without stairs, and keep construction costs feasible. This setback does not compromise CBJ access to buried utilities within the ROW.

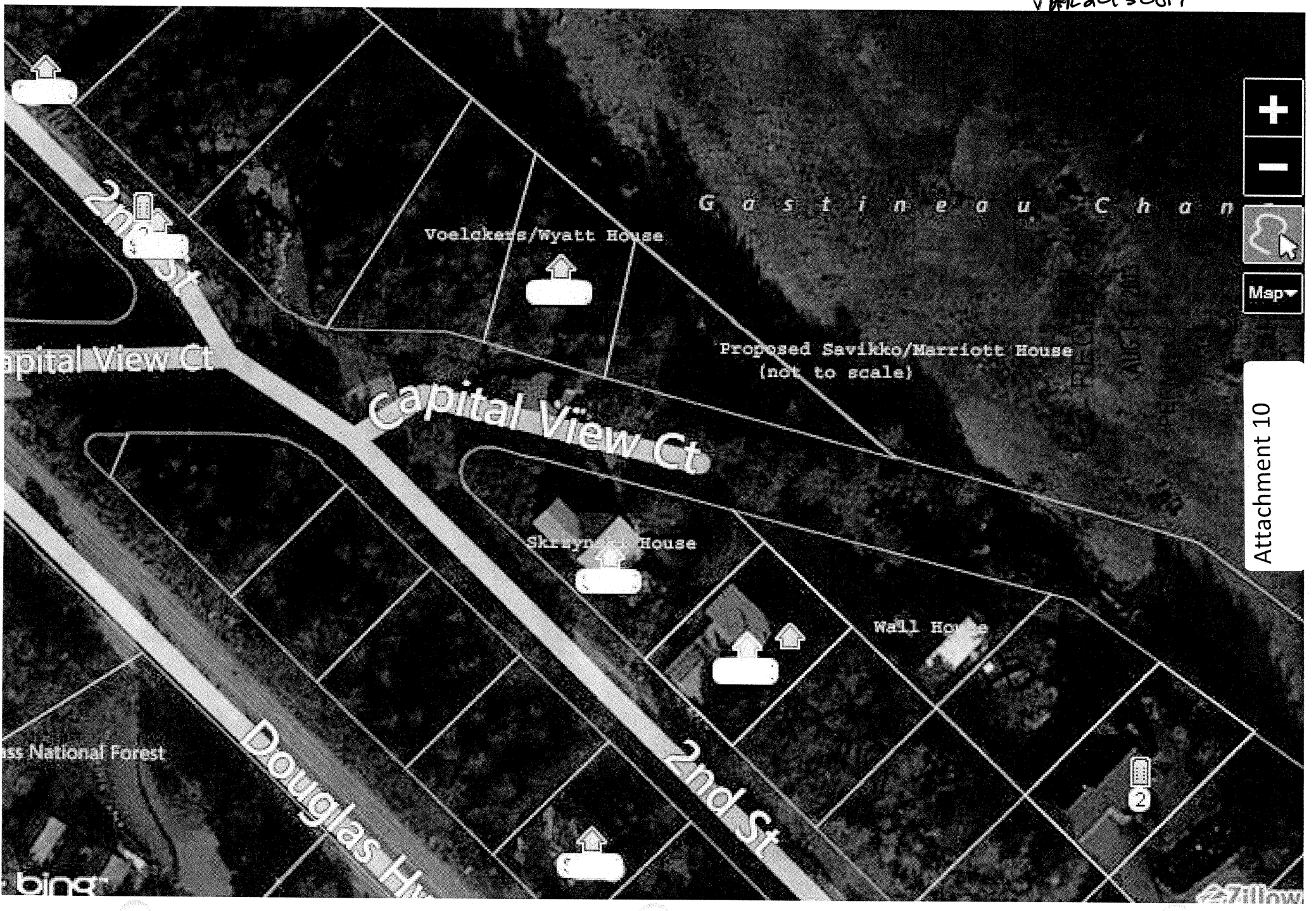
If the variance is not granted, the resulting development options would likely be worse on several fronts. First, the only buildable location for the house would slide it much closer to our house, both in relation to side yard width, and front line location. This location would also require removal of most of the wind-firm spruce trees that now create a critical visual buffer between the properties. Finally, the new structure would need to be supported on a complex pile structure which may prove economically infeasible, given its substantial height above the grade plane.

For these reasons, we enthusiastically support the variance as requested, and believe this project will be a very positive addition to the neighborhood. Please contact me with any questions.

Sincerely,

Paul Voelckers and Mary Pat Wyatt

VAR20130017



Attachment 11

VAR2013-0017