

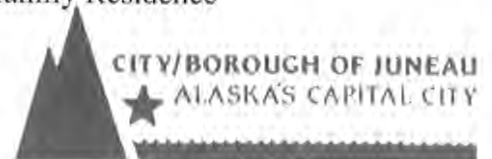
# MEMORANDUM

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

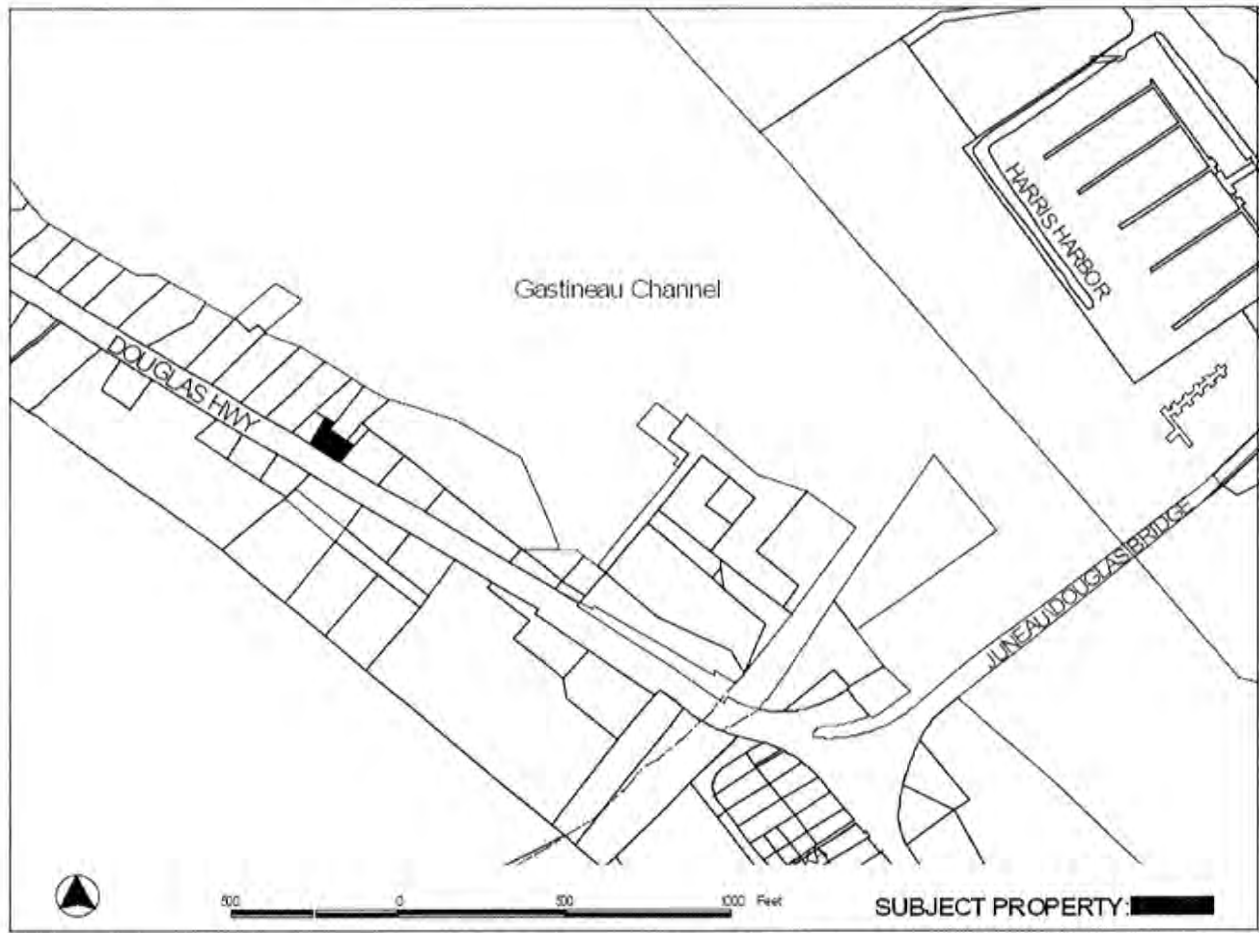
**DATE:** November 18, 2013  
**TO:** Planning Commission  
**FROM:** Jonathan Lange, Planner *JL*  
Community Development Department  
**FILE NO.:** AAP2013 0019  
**PROPOSAL:** A Conditional Use Permit for an accessory apartment on a substandard sized lot.

## GENERAL INFORMATION

Applicant: Noah Jenkins  
Property Owner: Halibut House, LLC. C/O Noah T. Jenkins  
Property Address: 3820 North Douglas Highway  
Legal Description: USS 1361 Lot 5A  
Parcel Code Number: 6-D06-0-106-001-0  
Site Size: 0.16 Acres or 7,119 Square Feet  
Comprehensive Plan Future Land Use Designation: ULDR – Urban Low Density Residential  
Zoning: D-3  
Utilities: Public Water and Sewer  
Access: North Douglas Highway  
Existing Land Use: Single-family Residential  
Surrounding Land Use:  
North - D-3; Single-family Residence  
South - D-18; Single-family Residence  
East - D-18; two dwelling units  
West - D-3; Single-family Residence



**VICINITY MAP**



**ATTACHMENTS**

- Attachment A – Notice of Public Hearing
- Attachment B – Development Permit Application, Accessory Apartment Application, and Narrative
- Attachment C – Site Plan and Proposed Building Plan
- Attachment D – Photos of Existing Home and Site

## **PROJECT DESCRIPTION**

The applicant requests an Accessory Apartment permit for the development of a 600 square foot accessory apartment to be constructed within the main dwelling unit in the lower level at 3820 North Douglas Highway (see Attachment C). The apartment will be a remodel of the basement of the existing home.

## **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)(i), the Accessory Apartment permit requires Planning Commission approval under the Conditional Use Permit process due to the lot being smaller than the Minimum Lot Size for Permissible Uses listed in the Table of Dimensional Standards, CBJ 49.25.400.

The lot size is 7,119 square feet which is below the 12,000 square foot minimum lot size for a lot in the D-3 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 anything greater or other than regular residential noise.

**Public Health or Safety** - Staff is unaware of any public health or safety issues associated with the proposed development. However, the improvement will require a Building Permit which should ensure structural safety and health issues are addressed.

**Habitat** - The proposed accessory apartment is an interior remodel of the existing dwelling. No sensitive areas, eagle's nests, anadromous fish streams, or wetlands are known to exist on the subject site.

**Property Value or Neighborhood Harmony** – Minimal external changes will be made to the structure, so there should be no change to the perceived use of the property. 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 an existing substandard lot.

## **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 found 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-3 zoning district.

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

**Yes.** The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the November 15, 2013 and November 25, 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, Building Permits will help ensure that the proposed development will not 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.** 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?***

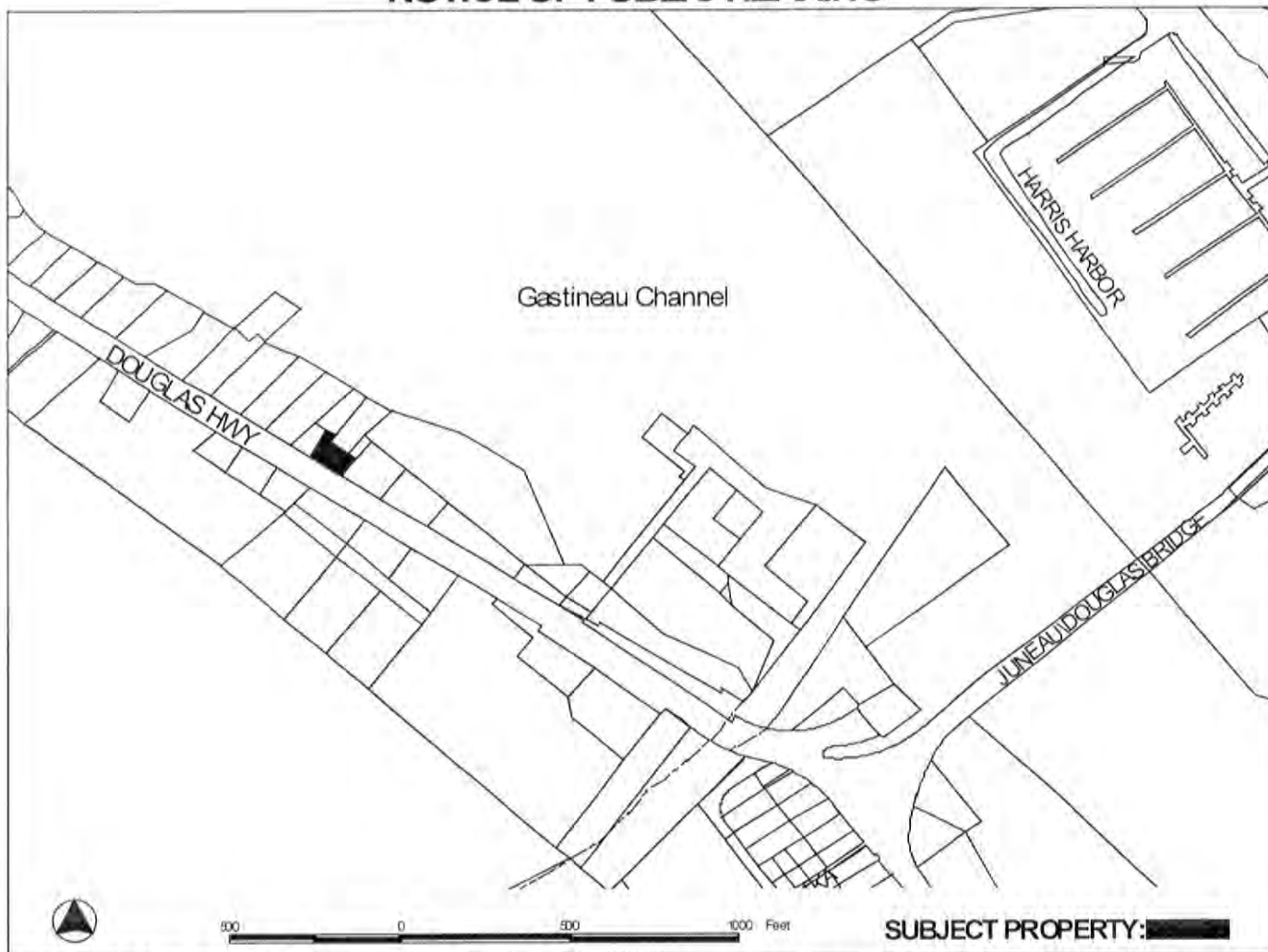
Not applicable.

**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 substandard sized lot.

<p><b>FILE NO:</b> AAP2013 0019</p> <p><b>TO:</b> Adjacent Property Owners</p> <p><b>HEARING DATE:</b> Nov 26, 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> HALIBUT HOUSE PROPERTIES LLC</p> <p><b>Property PCN:</b> 6-D06-0-106-001-0</p> <p><b>Owner(s):</b> HALIBUT HOUSE PROPERTIES LLC &amp; C/O NOAH T JENKINS</p> <p><b>Size:</b> 7119 sqft</p> <p><b>Zoned:</b> D3</p> <p><b>Site Address:</b> 3820 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: November 12, 2013

# ATTACHMENT A

# ACCESSORY APARTMENT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP 20130019	Date Received 10/3/2013
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**DESCRIBE THE ACCESSORY APARTMENT:**

See Attached

**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 600 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 3      Proposed Total Spaces 3

(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 D-3

UTILITIES AVAILABLE

MINIMUM LOT SIZE (\$49.25.400) 12,000

WATER:  Public       On Site

ACTUAL LOT SIZE\*\*\*\* 7,119

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
Application Fees	<u>See Building Permit</u>			
<b>Fees (Conditional Use Permit)</b>				
Application Fee	<u>\$ 350</u>			
Public Notice Sign Fee	<u>\$ 50</u>			
Public Notice Sign Deposit	<u>\$ 100</u>			
Total	<u>\$ 500</u>		<u>CDD4377</u>	<u>10/3/2013</u>

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

# DEVELOPMENT PERMIT APPLICATION

Project Number <b>AAP20130019</b>	CITY and BOROUGH of JUNEAU	Date Received: <b>10/3/2013</b>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT

INFORMATION

Project Description <b>See Attached</b>		
<b>PROPERTY LOCATION</b>		
Street Address <b>3820 N. Douglas Hwy</b>	City/Zip <b>Juneau 99801</b>	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <b>10001 1/2 1/2 USS 130 L 5A</b>		
Assessor's Parcel Number(s) <b>6D0601060010</b>		
<b>LANDOWNER/LESSEE</b>		
Property Owner's Name <b>Halibut House LLC</b>	Contact Person: <b>Noah Jenkins</b>	Work Phone:
Mailing Address <b>15295 Glacier Hwy Juneau 99801</b>	Home Phone: <b>209-4722</b>	Fax Number:
E-mail Address <b>Noah_Jenkins@Ci. Juneau. AK. US</b>		Other Contact Phone Number(s):
<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><b>Noah Jenkins</b></u> Landowner/Lessee Signature	<u><b>10/3/13</b></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>Noah Jenkins</b>	Contact Person: <b>SAME</b>	Work Phone:
Mailing Address <b>15295 Glacier Hwy</b>	Home Phone: <b>SAME</b>	Fax Number:
E-mail Address <b>Noah_Jenkins@Ci. Juneau. AK. US</b>		Other Contact Phone Number(s):
X	<u><b>Noah Jenkins</b></u> Applicant's Signature	<u><b>10/3/13</b></u> Date of Application

STAFF APPROVALS

	Permit Type	Date Received	Application Number(s)
<input type="checkbox"/>	Building/Grading Permit		
<input type="checkbox"/>	City/State Project Review and City Land Action		
<input type="checkbox"/>	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
<input type="checkbox"/>	Mining Case (Small, Large, Rural, Extraction, Exploration)		
<input type="checkbox"/>	Sign Approval (If more than one, fill in all applicable permit #'s)		
<input type="checkbox"/>	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>10/3/2013</b>	<b>AAP20130019</b>
<input type="checkbox"/>	Variance Case (De Minimis and all other Variance case types)		
<input type="checkbox"/>	Wetlands Permits		
<input type="checkbox"/>	Zone Change Application		
<input type="checkbox"/>	Other (Describe)		

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

Comments:	Permit/Make Initials

## ATTACHMENT B



## Jeffrey Hedges

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**From:** Noah Jenkins <noah.jenkins.iaff@gmail.com>  
**Sent:** Thursday, October 03, 2013 12:03 PM  
**To:** Permits  
**Subject:** 3820

To whom it may concern,

This application is for your consideration to allow an accessory apartment in a home that I am remodeling. The home is located at 3820 N Douglas Hwy. It is one of five homes that were built by the Kohlase Family in the "Kohlase Subdivision." This home was built in 1944. On the main floor it has 2 bedrooms, one bathroom, one kitchen and a living living room. The attack has 2 bedrooms. The basement was a separate unit that consisted of a living room, kitchen, bathroom and 2 bedrooms.

The house and basement apartments have been vacant for some time and has been an eye sore along North Douglas Hwy. It was used to store fishing gear by Mr. Kohlase. My father-in-law, Otis Chivers purchased it in 2005 from the Kohlase estate with the idea that I would re-build it at sometime. In 2008, he sold the house to Shon Megurian. Shon quit making payments on the property and signed the house back to Otis Chivers. Otis Chivers, myself, and James Heckler created an LLC and Otis Chivers signed the house to the LLC.

I was under the impression that the house was zoned as a duplex because that what is how it was built. During the permitting process I was informed the city only considers the house a single family home. I am hoping that we will be able to create an attractive rental home with a 3 bedroom 1 1/2 bath unit on the main floor and attic space with a 600 square foot apartment in the daylight basemen (Both units will have nice views of the channel and Mount. Juneau). The lot is smaller than required by current planning code, but there is plenty of off street parking including a two car car-port and parking on the town side and on the water side.

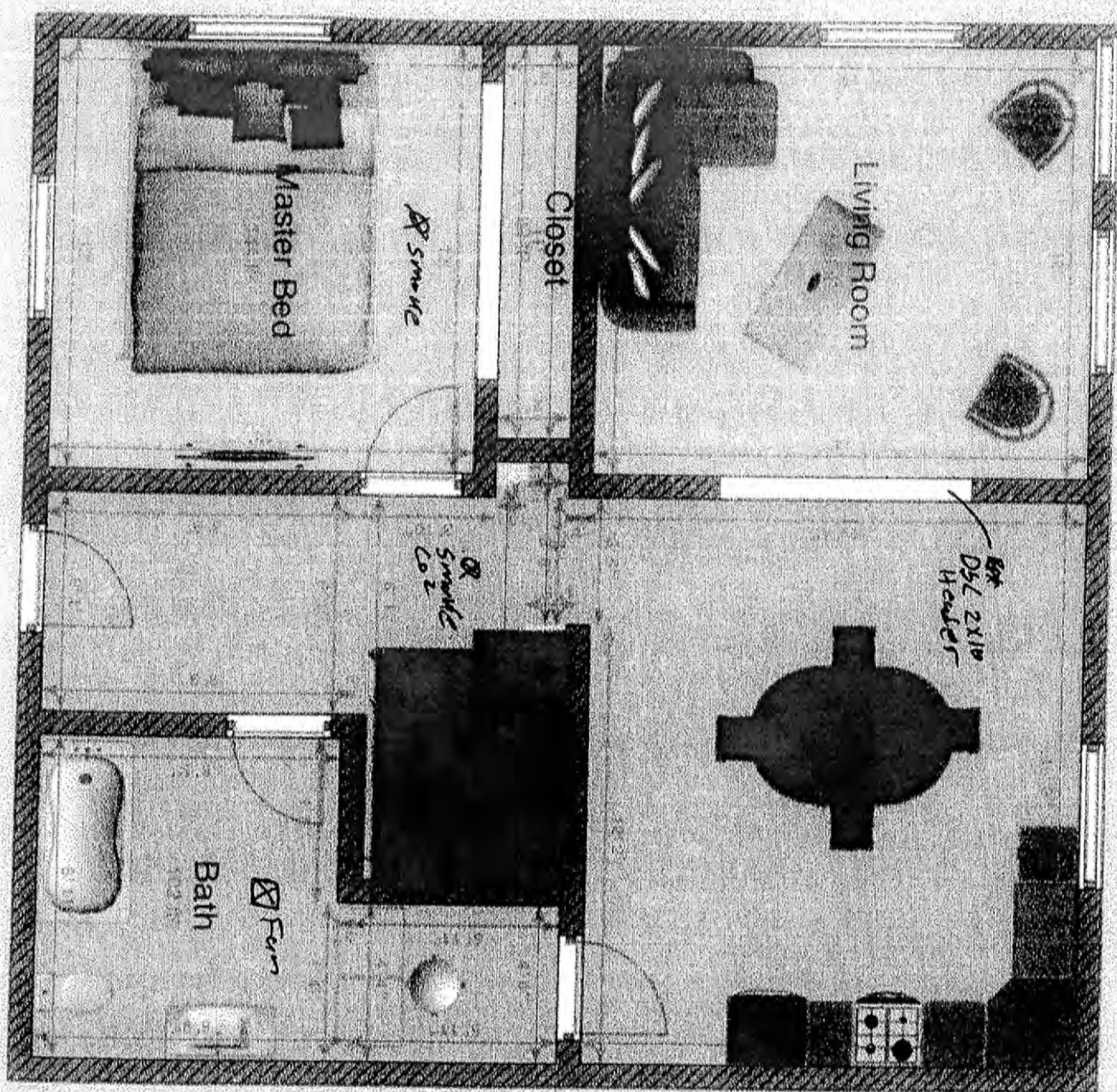
Thank you for your consideration,

Noah Jenkins  
907-2009-4722  
[Noah\\_jenkins@ci.juneau.ak.us](mailto:Noah_jenkins@ci.juneau.ak.us)  
or  
[Noah.jenkins.iaff@gmail.com](mailto:Noah.jenkins.iaff@gmail.com)

ATTACHMENT B

Noah Jenkins  
Habitat House LLC  
3820 N. Douglas Hwy

Main Floor Plan

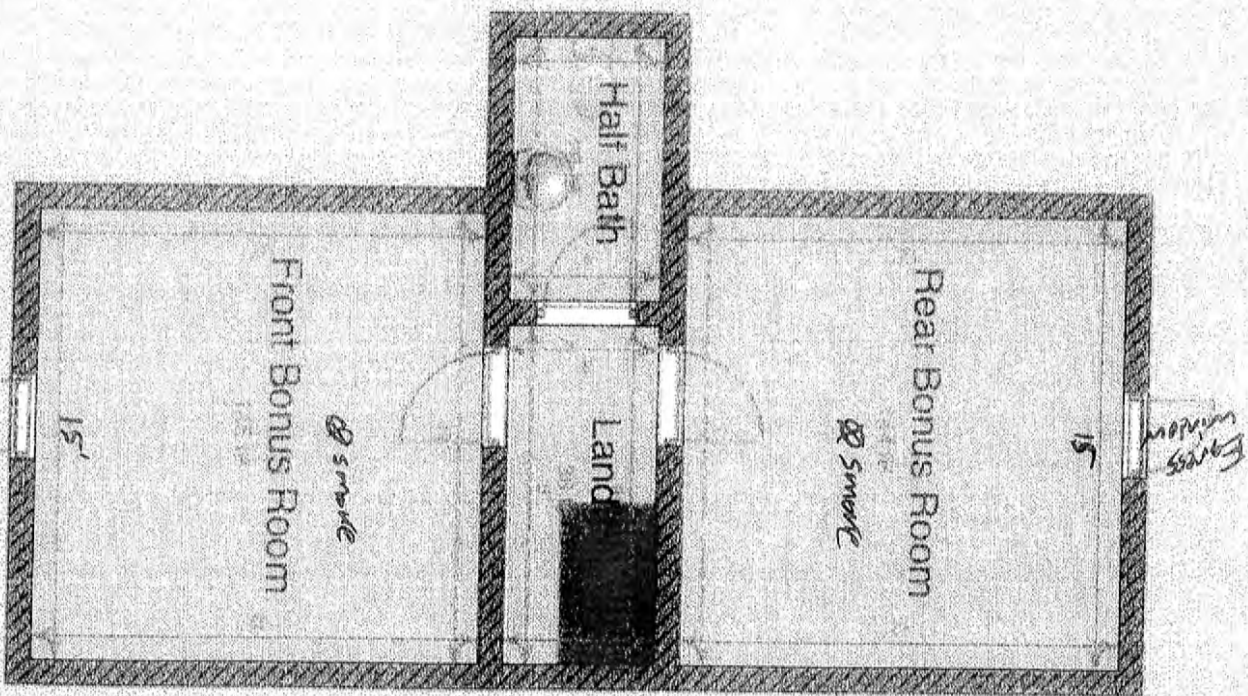


ATTACHMENT C

12-2021

Noah Jenkins  
Habitat House LLC  
3820 N. Douglas Hwy

Bonus Room 708 Floor Plan



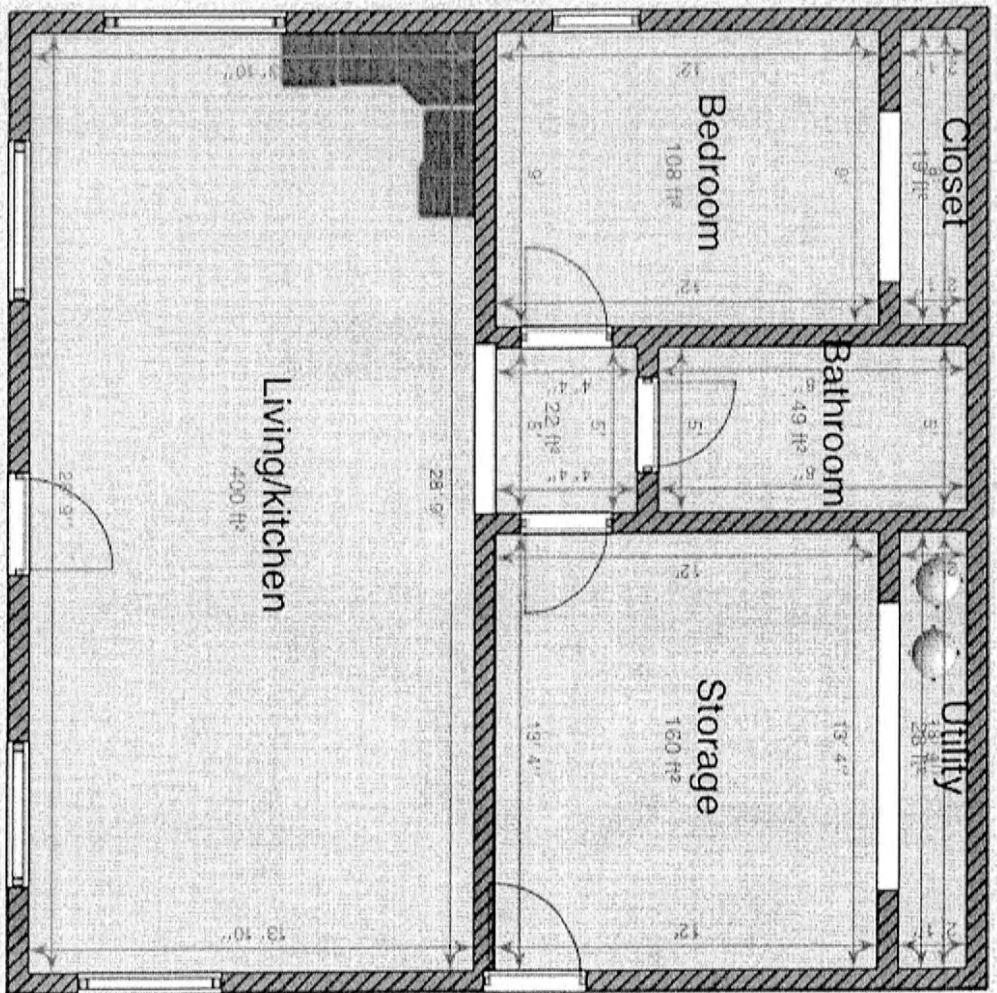
# ATTACHMENT C

11/10/11



Apartment

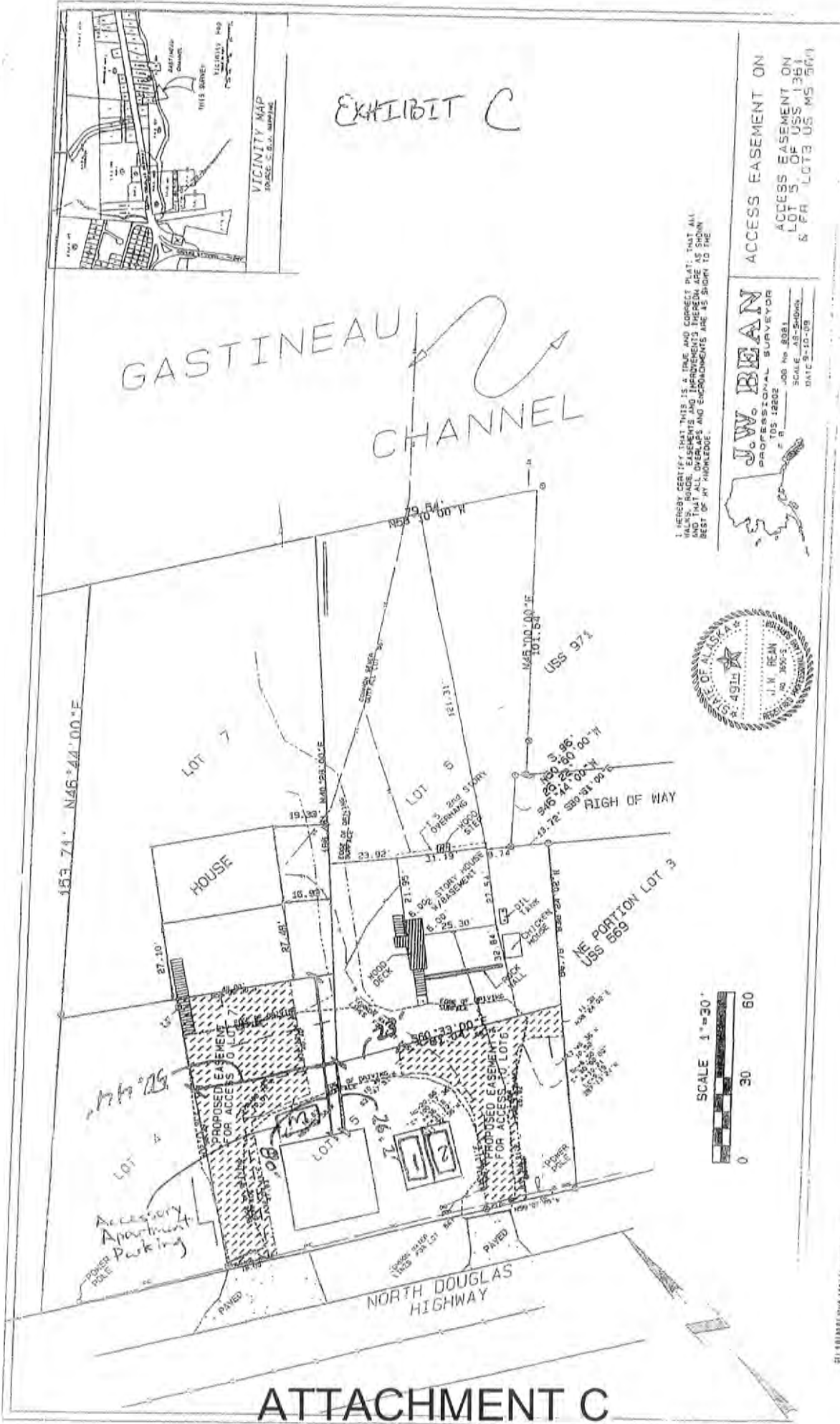
Basement Floor Plan



ATTACHMENT C

# EXHIBIT C

## GASTINEAU CHANNEL



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAN, THAT ALL THE DIMENSIONS AND IMPROVEMENTS THEREON ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

**J.W. BEAN**  
 PROFESSIONAL SURVEYOR  
 JOB No. 8081  
 TOS: 12202  
 SCALE: AS SHOWN  
 DATE: 9-10-09

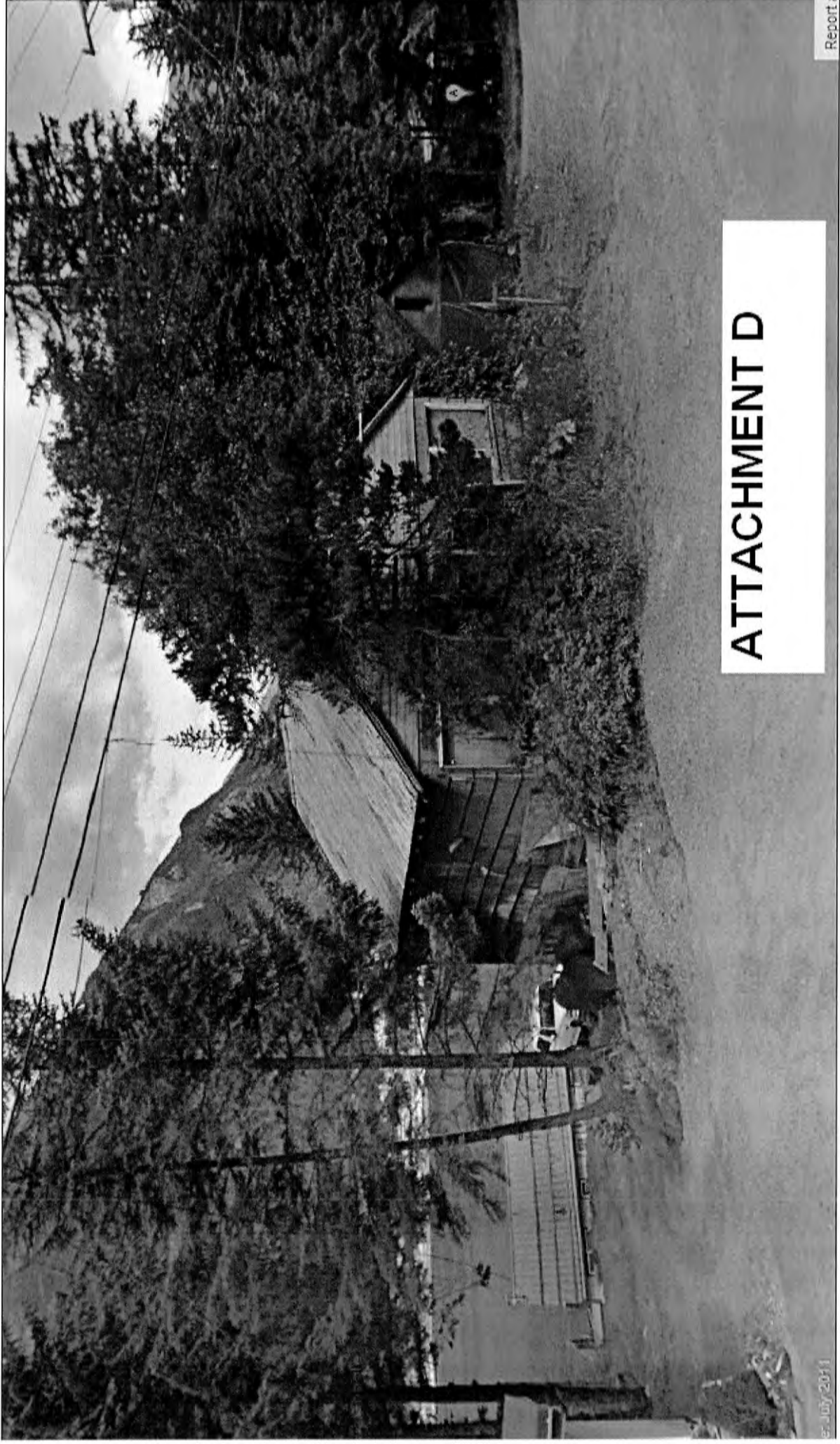


ACCESS EASEMENT ON  
 ACCESS EASEMENT ON  
 LOT 5, OF USS 1361  
 & PR. LOTS US MS 5671

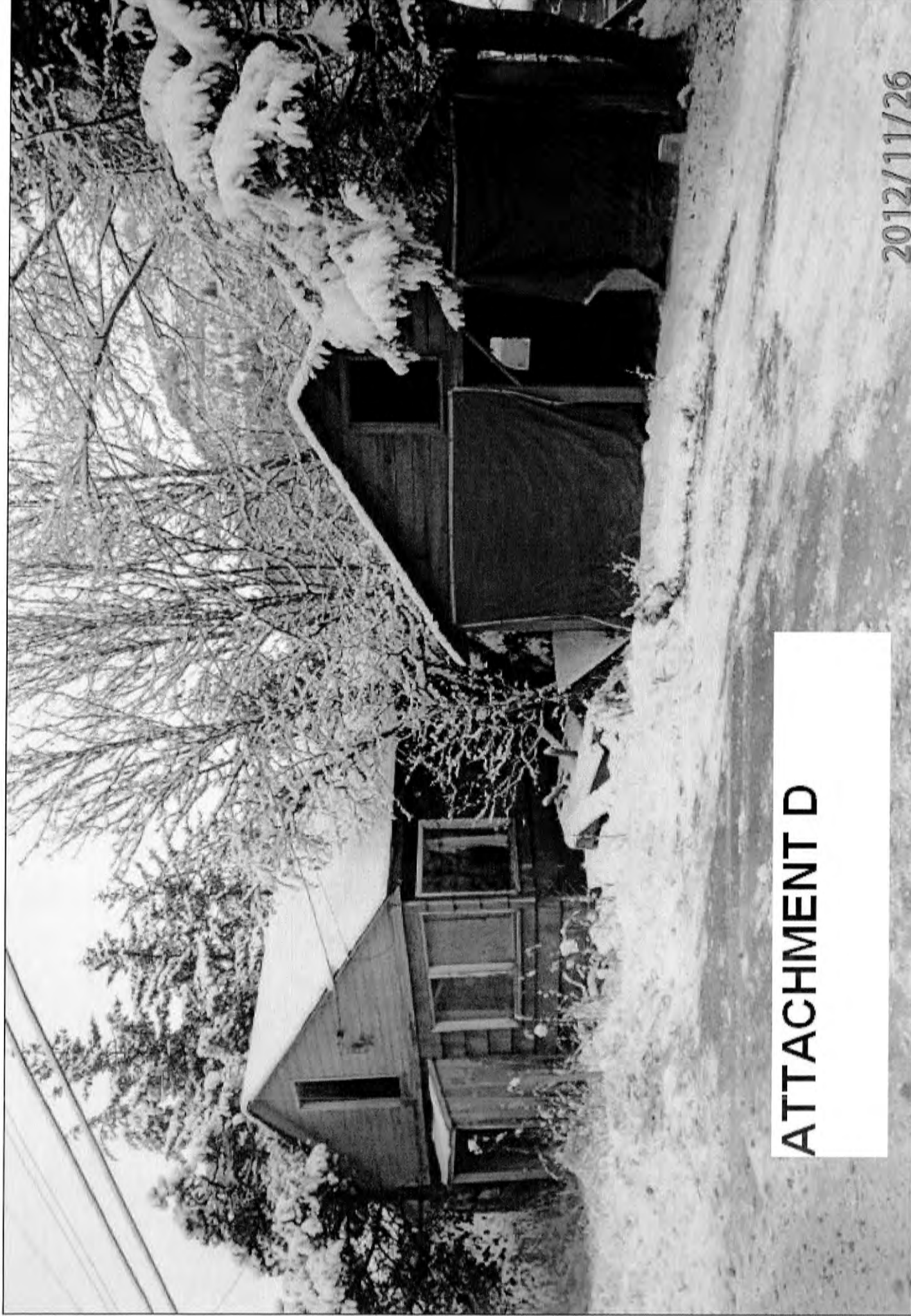
# ATTACHMENT C







**ATTACHMENT D**



**ATTACHMENT D**

2012/11/26