

MEMORANDUM

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

DATE: December 4, 2013

TO: Planning Commission

FROM: Chrissy McNally, Planner
Community Development Department

FILE NO.: USE2013 0036

PROPOSAL: Conditional Use to add a second story to an existing residence which projects into the required side yard setback.

GENERAL INFORMATION

Applicant: Greta Wade & Laurent Dick

Property Owner: Greta Wade & Laurent Dick

Property Address: 1401 Martin Road

Legal Description: IRWIN ADDITION Block 3 Lot 10A

Parcel Code Number: 1-C03-0-E03-004-0

Site Size: 3,690 Square Feet

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

Zoning: D5

Utilities: City Water & Sewer

Access: Hermit Street

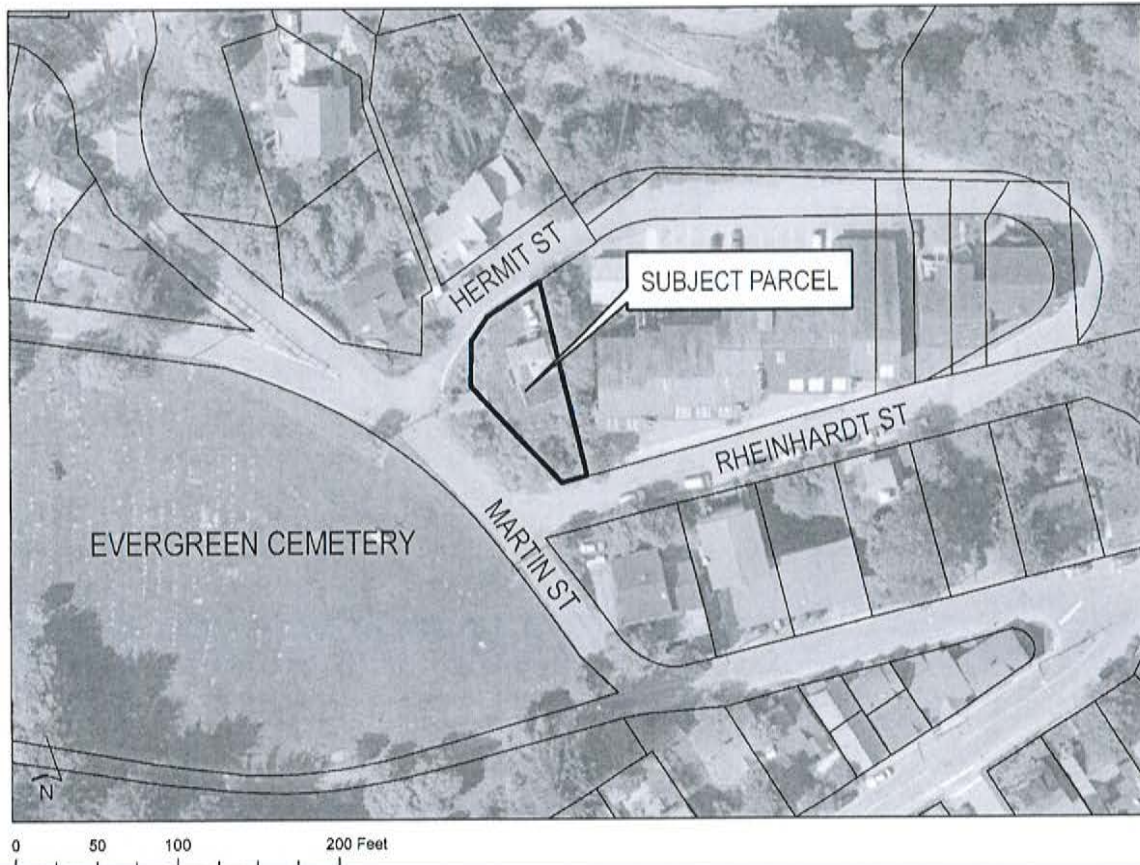
Existing Land Use: Single Family Residence

Surrounding Land Use:

North	-	D5 - Single Family Residences
South	-	D18 - Single Family Residence
East	-	D18 - Westridge Condominiums
West	-	D5 - Evergreen Cemetery



VICINITY MAP



ATTACHMENTS

- Attachment A: Development Permit Application
- Attachment B: As-built
- Attachment C: Front of original dwelling
- Attachment D: Street side view of dwelling
- Attachment E: View between Westridge Condominium complex and dwelling
- Attachment F: Email correspondence from applicants to neighbors

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the addition of a second story to a single family home which sits within the required side yard setback of the D5 zoning district. The northeast corner of the structure is 4.73 feet from the property line and the southeast corner is 1.08 feet from the property line (see Attachment B). The structure is 21.09 feet from the front lot line, 52 feet from the rear lot line, and 15.55 feet from the street side lot line. These distances

meet the required front, rear, and street side yard setbacks.

A Conditional Use permit is required per CBJ 49.25.430(4)(M) Additional Stories;

the Commission, through the conditional use permit process, may allow the addition of a second or third story atop or below an existing enclosed structure which projects into a required yard setback if the structure is either lawfully nonconforming or if a variance was previously granted for the structure. The commission may deny such request if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.

The existing structure has a second story on the north end of the house. The applicant proposes to extend the second story over the south end. The overall footprint of the structure will not change.

BACKGROUND

The dwelling was built in 1932 and predates adopted zoning regulations in the city. The dwelling is located in the current required side yard setback in the D5 zoning district. Therefore, it is considered lawfully non-conforming. According to the CBJ Assessor's file, the dwelling is 1,420 square feet with 3 bedrooms 1 bathroom. The north end of the residence is two stories with a gabled roof with dormer. The south end of the residence has a single story used as a living room and dining room (see Attachments D & E).

The subject parcel was surveyed in July 2013 and platted in 1982 (see Attachment B).

ANALYSIS

Project Site – The subject site is on the corner of Martin Street and Hermit Street directly east of Evergreen Cemetery (see Vicinity Map). The lot is 3,690 square feet and lies within the D5 zoning district. The minimum lot size in the D5 zoning district is 7,000 square feet. Therefore, the lot is legally non-conforming.

The lot is bordered on the north and south by single family residences, to the east by an 18-unit condominium complex and to the west by Evergreen Cemetery. The east and south property lines are bordered by the D18 zoning district.

The lot contains a single family home which sits within the required 5 foot side yard setback of the D5 zoning district. The northeast corner of the structure is 4.73 feet from the property line and the southeast corner is 1.08 feet from the property line. The structure is 21.09 feet from the front lot line, 52 feet from the rear lot line, and 15.55 feet from the street side lot line. These distances meet the required front, rear, and street side yard setbacks.

Project Design – The proposed remodel makes substantial changes to the current design. The building permit for the remodel will be phased to allow portions of the remodel that do not require a Conditional Use to proceed (BLD2013 0713). The addition of the second story on the south end of the structure will be considered under a separate building permit upon the approval of the Conditional Use. The second story addition will add 570 square feet of square footage to the dwelling.

The north side of the roof will be remodeled from a gabled roof with dormer to include a clerestory (see figure 1). The north side of the house faces Hermit Street and a single family residence. The view from the residence to the north will not change.

The south end of the house is currently one level (see Attachment D). A second story will be added to this portion of the dwelling (see figure 2). The addition of the second story will affect the western view of the condominium owners to the east. However, a large tree previously obstructed the western view of these condominiums. The applicants removed the tree due to debris accumulation and for construction purposes.

The rear of the subject dwelling is setback several feet from the front of the condominium complex. Therefore, their channel view will not be disrupted by the second story addition (see Vicinity Map & Attachment E).

The western side of the subject dwelling faces Martin Street and Evergreen Cemetery (see figure 4). The dwelling is set back 47 feet from the paved right-of-way and does not obstruct sight distances for traffic.

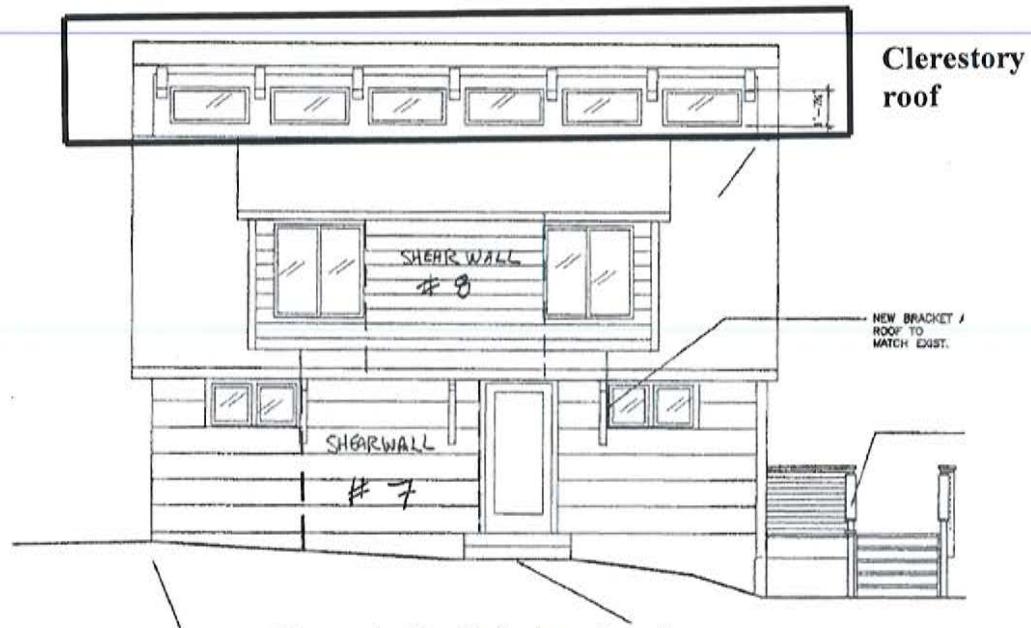


Figure 1: North facing elevation

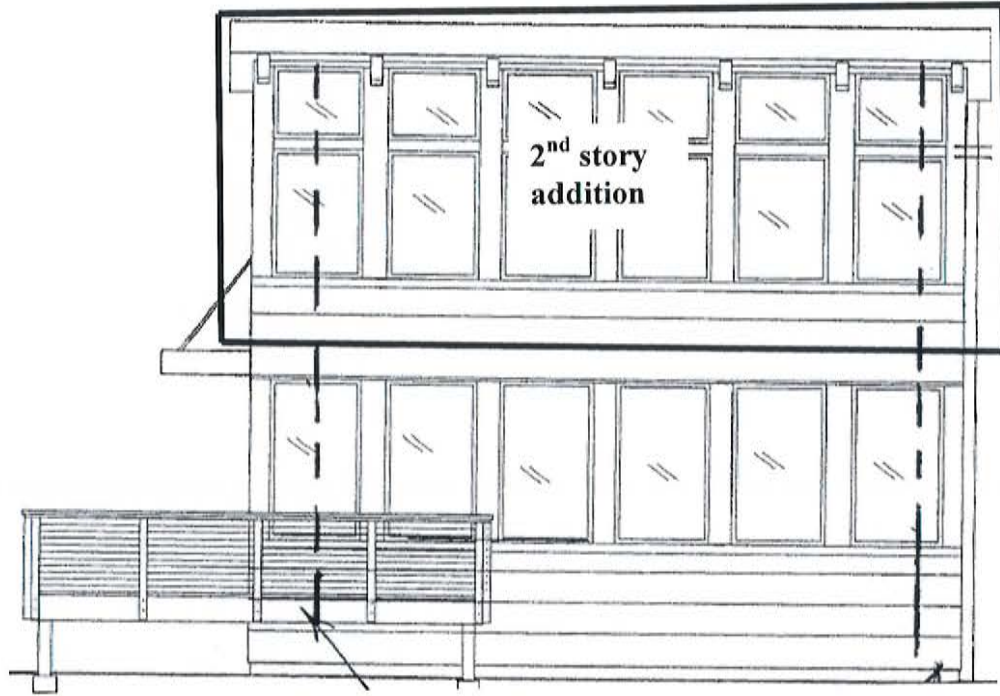


Figure 2: South facing elevation

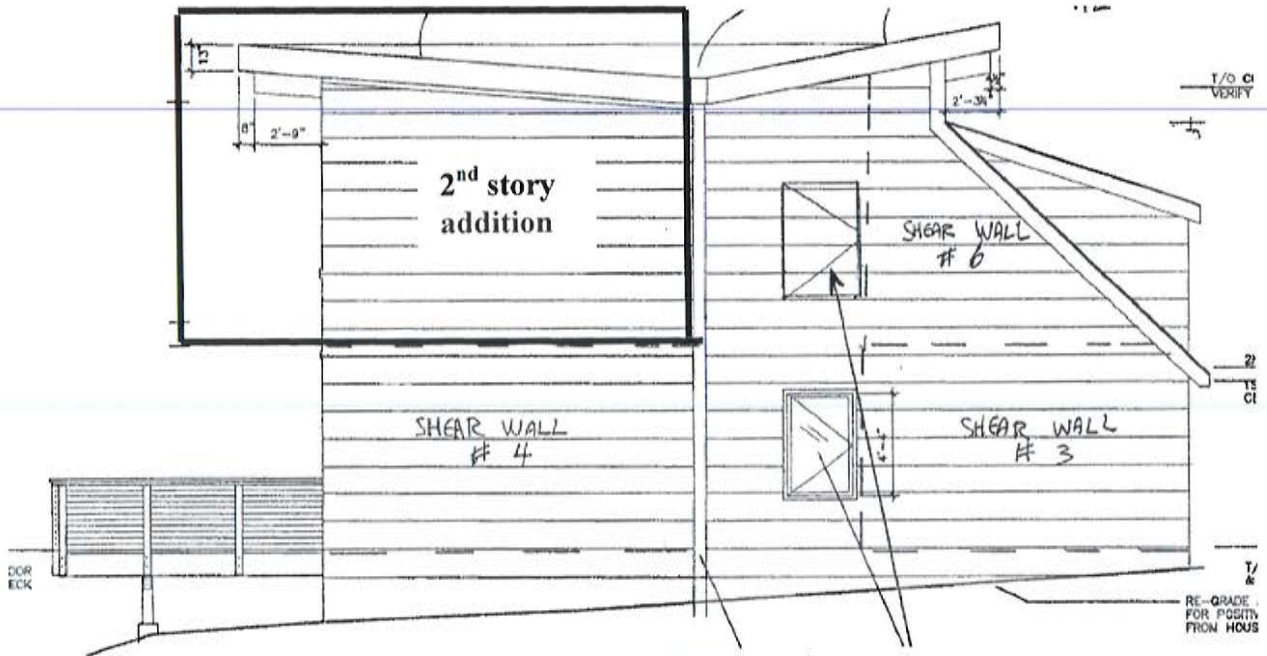


Figure 3: East facing elevation

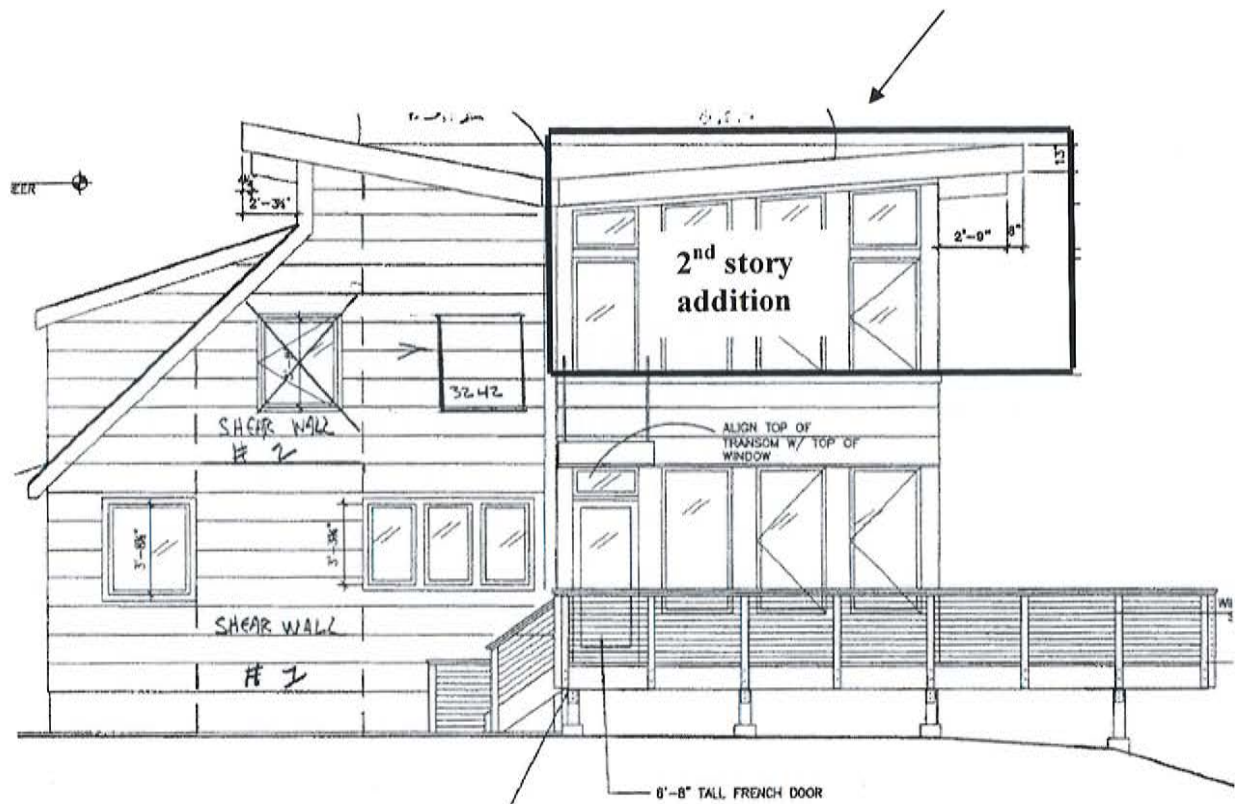


Figure 4: West facing elevation

Traffic – The proposal is adding additional habitable space within a single family dwelling and not adding density to the site. Therefore, traffic volume and trip generation will be similar with other single family dwellings in the area.

Parking and Circulation – A single family residence requires two off-street parking spaces. The parking dimensions established by Title 49 are 8.5 x 17 feet. The site plan identifies an 18 foot wide by 26 foot long driveway satisfying the parking requirement. Circulation will remain unchanged with vehicles entering and exiting the property from Hermit Street.

Noise – No increase in noise will likely occur beyond that expected from a single family residence except temporarily created during construction.

Public Health or Safety – The dwelling was in a derelict state when the applicants purchased the home in August. The dwelling was not eligible for bank financing because of its condition. The applicants are bringing the home into compliance with current building standards to preserve the health and safety of the occupants. The additional square footage created by the extended second story will not lower the health or safety within the neighborhood.

Habitat – The site is in a developed area of downtown. The site is already developed with a single family residence. Moreover, no eagle nests, anadromous fish streams, wetlands, or other sensitive areas are known to exist on the subject site.

Property Value or Neighborhood Harmony – The remodel and additional square footage will add value to the subject parcel. The proposal complies with all zoning and building regulations and will not decrease property values in the neighborhood.

Of the surrounding residences, one view is affected by the addition of the second story. The second story will be visible from the western facing windows of the third story Westridge Condominium to the east of the subject dwelling. The condominiums have south facing balconies that will not be obstructed by the second story addition.

The applicants have contacted neighboring property owners regarding the remodel (see Attachment F). No comments have been received from the neighboring property owners. The applicants plan to attend the Westridge Condominium Association meeting on December 5th to introduce themselves and present their architectural plans.

Conformity with Adopted Plans – This proposal complies with CBJ Title 49, the Land Use Code and Title 19, The Building Code. The Comprehensive Plan designates this area as Urban Low Density Residential (ULDR), at densities of one to six dwellings per acre. The western lot line abuts an area designated Medium Density Residential (MDR) at densities of five to twenty dwellings per acre. While the lot is under the minimum suggested by the ULDR designation the proposal does not add density to the site or increase the current structure's footprint. The lot and single family residence comply with the adjacent MDR designation.

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. 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 in CBJ 49.25.430(M) in the D-5 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 29th and December 9th 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 previously stated, there is no evidence to suggest the public health or safety will be endangered.

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

No. As stated previously, the approval of this project will not decrease the value or be out of harmony with 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. As indicated under 'Conformity with Adopted Plans', the proposal complies with Title 49, Title 19, and is consistent with the Comprehensive Plan.

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


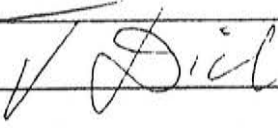
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the addition of a second story to an existing residence which projects into the required side yard setback.

DEVELOPMENT PERMIT APPLICATION

Project Number USE20130036	CITY and BOROUGH of JUNEAU	Date Received: 11/19/13
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

Project Description 2nd floor addition within required setback		
PROPERTY LOCATION		
Street Address 1401 Martin Rd.	City/Zip Juneau, AK 99801	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Irwin Addition Block 3 Lot 10A		
Assessor's Parcel Number(s) 1C03DE030040		
LANDOWNER/LESSEE		
Property Owner's Name Greta Wade & Laurent Dick	Contact Person: Greta Wade	Work Phone: 907 723 7105
Mailing Address 115 D St	Home Phone: SAME	Fax Number:
E-mail Address gretamariewade@yahoo.com	Other Contact Phone Number(s): Laurent 907 378 4466	
LANDOWNER/LESSEE CONSENT		
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		11-19-13
	Landowner/Lessee Signature	Date
X		11/19/13
	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.		
APPLICANT		
Applicant's Name	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

APPLICANT

	Permit Type	Date Received	Application Number
	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)	11/19/13	USE20130036
	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:

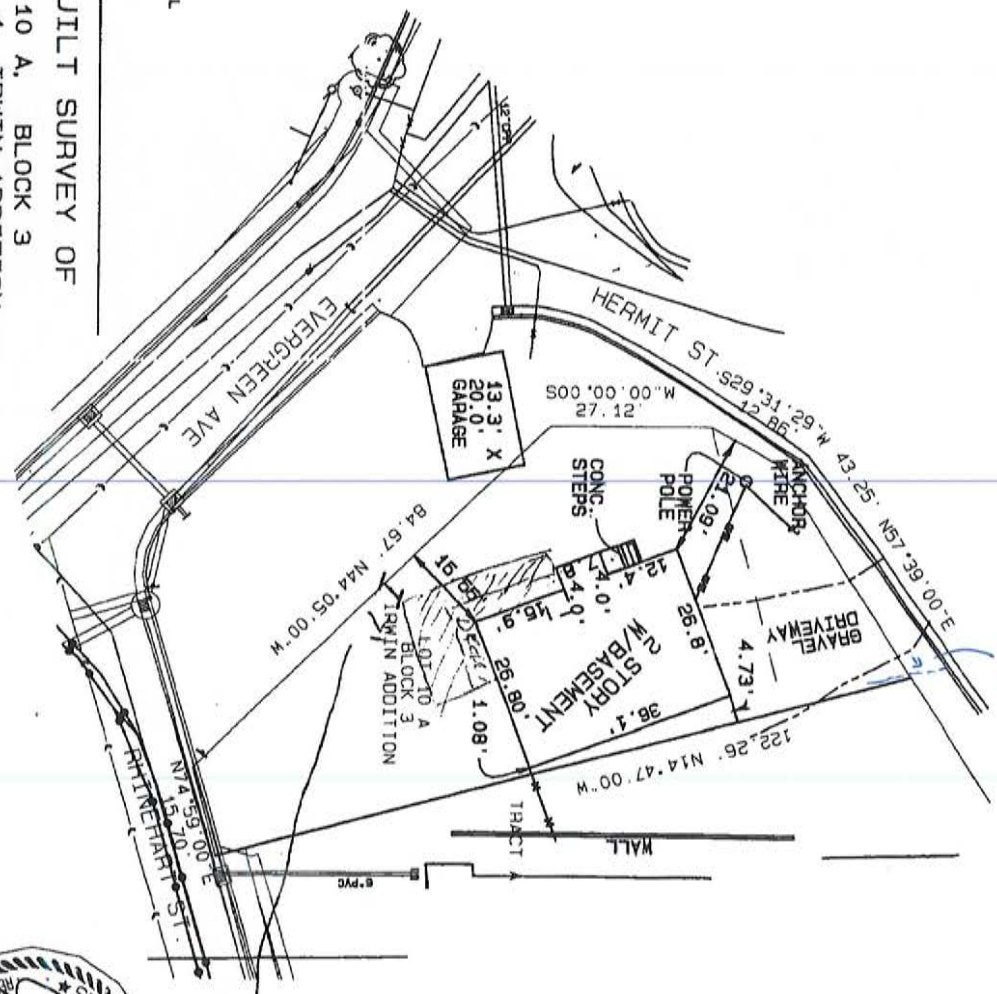
RECEIVED
 NOV 12 2013
 PERMIT CENTER/CDD



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL
 MARKS, POLES, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN
 AND THAT ALL ALIEN INTERESTS AND ENCROACHMENTS ARE AS SHOWN TO THE
 BEST OF MY KNOWLEDGE.

J.W. BRIAN
 PROFESSIONAL SURVEYOR
 FOR THE JUNEAU TOWN
 F.B. _____ JOB No. 13246
 SCALE AS SHOWN
 DATE 7-23-2013

AS-BUILT SURVEY OF
 LOT 10 A, BLOCK 3
 TRACT 4, IRWIN ADDITION
 JUNEAU TOWNSITE, USS 7



*Deck may come
 to within 7'
 of street side
 yard setback
 for C87 4/9/2013
 JWB*



Attachment C



03/06/2013

Attachment D



Attachment E

Christine McNally

From: Greta Wade <gretamariewade@yahoo.com>
Sent: Monday, November 25, 2013 4:53 PM
To: Christine McNally
Subject: Fw: neighbor to neighbor
Attachments: WEST.pdf; EAST.pdf; NORTH.pdf; SOUTH.pdf; REVISED 2ND.pdf

Chrissy,

Below is the letter to Linda Anderson, the neighbor whose window view will be effected.

Greta

----- Forwarded Message -----

From: Greta Wade <gretamariewade@yahoo.com>
To: "lindaa@gci.net" <lindaa@gci.net>
Sent: Monday, November 25, 2013 7:17 AM
Subject: neighbor to neighbor

Linda,

Thank you for taking the time during your family dinner to talk with me. Attached you will find the drawings to give you a good idea of what we are proposing to build. There is no way to sugarcoat the fact that our proposal puts a serious crimp on your view and reduces exposure to natural lighting on the side facing the Southwest end of the Channel. Although I hope you will agree with me that, if the project moves ahead, it will be an improvement to the neighborhood overall.

We have built two other houses, although one was just a simple loft cabin, and we had the luxury of 5 acres in the Interior with no neighbors in sight. Unfortunately, with this home, we have no such luxury--everything in Juneau, as you know, is elbow-to-elbow. It makes it challenging to start things off right with one's neighbors.

When asking something from someone, it is generally good to, in turn, offer something back. I guess this is the basis for negotiation. In that spirit, I am wondering if committing to no external lighting on the south end of our house in addition to no deck on the second floor would help our case? If this interests you or if you have other contingencies you would like us to consider, please let us know and we can work to get an agreement in writing.

The Planning Commission will be notifying you of the upcoming meeting on December 10. This will be your opportunity to comment on the design we are hoping to build. If you plan on coming down to Juneau to attend the meeting, we would embrace the chance to get together and imagine how the project would effect your view. Please let me know if this is a possibility.

Attachment F

Also, we would like to introduce ourselves at the next Westridge Condo Association meeting--any suggestions about how we could arrange this? I haven't been able to find a way to contact Jack Chenowith as his phone # is hard to find on the internet.

Thank you, Linda--for reading this novel-like email and for being gracious during our conversation last night. I dreaded making that call and your graciousness made it better than I had anticipated.

Looking forward to hearing from you,
Greta

Christine McNally

From: Greta Wade <gretamariewade@yahoo.com>
Sent: Wednesday, November 27, 2013 10:50 AM
To: Christine McNally
Subject: Fw: Introduction

Laurent and our son, Florian, plan to attend the Dec 5 meeting.

----- Forwarded Message -----

From: Greta Wade <gretamariewade@yahoo.com>
To: "jackchenoweth44@gmail.com" <jackchenoweth44@gmail.com>
Cc: Laurent Dick <polarphotos@gmail.com>; "lindaa@gci.net" <lindaa@gci.net>
Sent: Wednesday, November 27, 2013 7:46 AM
Subject: Introduction

Mr. Chenoweth,

Thank you for allowing Bruce to forward me your email address. As you have learned, we are the family who purchased Dean Williams' house several months ago. We currently own and live in a home nearby in the Flats. Originally we planned on turning the Williams home into a rental however after spending time up there working on it, we fell in love with the view and the cozy neighborhood tucked into the mountainside and decided to make it our future home.

The decision to make the property our home, instead of turning it into a rental property, hinged on a design plan that would add additional square footage. The house in it's current design will not be big enough for us. My husband, Laurent, is self-employed and requires office space and the total available space of 1200 square feet is less space than needed to make it a comfortable fit.

Unfortunately, our plans to build an addition interfere with Mrs. Anderson's side view. This is concerning to us because we value good neighbors and we want to get off on the right footing. It is a challenge to begin a relationship in such a way. On the other hand, we hope we will be an addition to the neighborhood overall. We are conscientious neighbors and we look forward to contributing to our micro-community--- creating a lovely garden, helping out where possible, and lending another set of eyes(in fact, 3 sets) to maintain a safe environment.

We would appreciate an opportunity to introduce ourselves to your members at the Dec 5 condo association meeting. Please let me know if this would be possible.

Looking forward to hearing from you!

Thank you,

Greta