


MEMORANDUM

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

DATE: January 2, 2014

TO: Board of Adjustment

FROM: Jonathan Lange, Planner 
Community Development Department

FILE NO.: VAR2013 0022

PROPOSAL: A Variance request to reduce the lot depth dimensional standard for a bungalow lot from 80 feet to 64 feet in a D-18 zone.

GENERAL INFORMATION

Applicant: Kris Barnum

Property Owner: Kris Barnum

Property Address: 112 D Street

Legal Description: Douglas Townsite Block 6 Lot 1, 7, & 2 FR

Parcel Code Number: 2-D04-0-T06-001-0

Site Size: 11,000 Square Feet or 0.25 Acres

Comprehensive Plan Future
Land Use Designation: MDR – Medium Density Residential

Zoning: D-18 Proposed Bungalow Lot; LC Current Dwelling

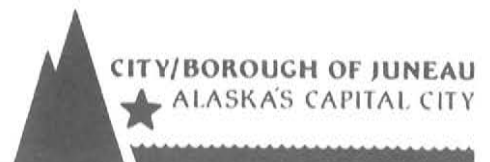
Utilities: City Water & Sewer

Access: Current 2nd Street; Proposed 1st Street

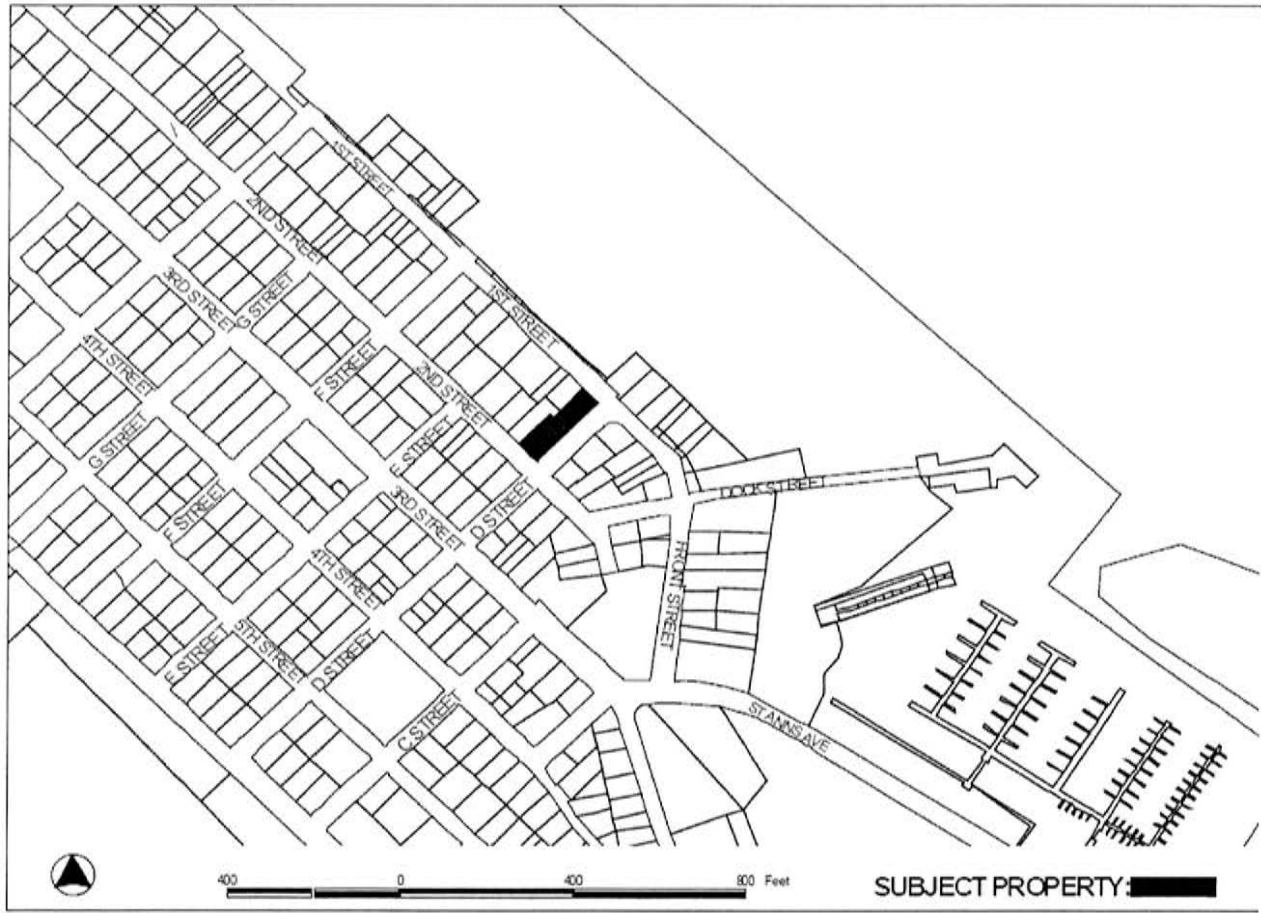
Existing Land Use: Single-family Residential

Surrounding Land Use:

North	- D-18; Single-family w/ apartment
South	- D-18; Duplex
East	- D-18; Triplex
West	- LC; Fourplex



VICINITY MAP



ATTACHMENTS

Attachment A – Abutters Notice

Attachment B – Variance/Development Permit Application with narrative and proposed subdivision

Attachment C – Photos of existing property and single-family residence

Attachment D – Rescheduled Abutters Notice

PROJECT DESCRIPTION

The applicant would like to subdivide their lot at 112 D Street in Douglas into one regular sized lot and one bungalow lot. To do so the applicant is asking for a Variance to the minimum lot depth. The subject lot is in the Light Commercial and D-18 zoning districts, with the proposed bungalow lot in the D-18 zone. In the D-18 zone the minimum lot depth is 80 feet. Both resulting lots would meet the minimum lot area requirements. The applicants proposed lot depth for the bungalow lot

would be 66 feet on the Southeast side and 64 feet on the Northwest side property lines; this would be a reduction of 16 feet from the required 80 foot minimum lot depth in the D-18 zone.

BACKGROUND

The subject parcel currently consists of lots 1, 7, and a fraction of 2 of Block 6 of Douglas Townsite. The parcel has a single-family home on it that crosses the property lines of lots 1, 7, and a fraction of 2 that make up the subject parcel. The proposed subdivision would vacate lot lines as shown in the proposed plat, and would create a 7,860 square foot lot containing the existing single-family home and a 3,250 square foot bungalow lot.

The current site is a sloping lot, which slopes from 2nd Street down to 1st Street. The single-family home accesses from 2nd Street. The lot contains a rock retaining wall that creates a natural break in the parcel. The proposed bungalow lot would access off of 1st Street.

ANALYSIS

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 subject property has sufficient area, but could not be subdivided under the current dimensional standards at CBJ 49.25.400 without a variance. Granting the requested Variance would facilitate the subdivision of the property, which would give substantial relief to the owner of the property because it allows full utilization of the property.

The existing parcel is 11,000 square feet in area, and the minimum lot size for a single-family home in a LC zone is 2,000 square feet and in a D-18 zone is 5,000 square feet and 2,500 square feet for a bungalow lot. The proposed bungalow lot would be 3,250 square feet, the proposed lot, therefore, exceeds the minimum lot size for both zoning districts.

Yes. The criterion is 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 requested Variance will reduce the minimum lot depth for one of the proposed lots, but will not modify the minimum setbacks, lot area, or other dimensional standards of Title 49, the City and Borough of Juneau's Land Use Code. The public safety and welfare will be preserved by requiring any future development, such as a bungalow home, to meet all other dimensional standards of Title 49 and all building code requirements of Title 19, the Building Code.

Yes. The criterion is met.

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

Prior to subdivision storm water runoff will need to be addressed for the proposed subdivision. Storm water runoff will be addressed through a drainage plan. Staff finds that there is no evidence that the proposed Variance would injure nearby property.

Yes. The criterion is met.

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

The proposed Variance will facilitate a subdivision in the D-18 zoning district will not create lots smaller than the minimum lot size. The proposed subdivision will have a standard lot and a bungalow lot subject to CBJ 49.65.600, for bungalow lots and structures. The standard sized lot already contains single-family residence.

Yes. This criterion is met.

5. *That compliance with the existing standards would:*

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

If the Variance is not granted this would not unreasonably prevent the owner from using their property for the permissible use as a single-family residence or would not prevent them from adding dwelling units to the parcel to comply with the maximum density for their lot and the D-18 zone.

No. The criterion is not 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;

The future subdivision is in scale to existing development in the neighborhood. The surrounding neighborhood has homes built on small lots, including a four-plex just south of the proposed development. If the variance was denied it would unreasonably prevent the owner from using the property in a manner which is consistent to existing development in the neighborhood.

Yes. The criterion is met.

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

The applicant has stated in her application that the proposed rear lot line for the proposed bungalow lot is at a natural break in the slope of the site; and that allowing for the Variance would provide for the bungalow unit without compromising the value, privacy and appeal of the existing structure on the larger lot. No other unique physical features of the property render compliance with the standards unreasonably expensive.

No. The criterion is not 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.*

The existing lot has a nonconforming lot depth. Per CBJ Title 49.25.430(3) "*On lots with existing buildings that have nonconforming setbacks, setbacks for yards shall be established based on the yard that most closely meets the respective setback requirement.*" The setback off of D Street to the single-family home is the closest distance that complies with the current front yard setback; therefore the lot depth is substandard. This preexisting nonconforming condition on the parcel does not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49.

Yes. The criterion is met.

Yes. Because criterion 5B and 5D are met, criterion 5 is met.

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

The granting of the Variance would create a buildable lot for a bungalow home and will create a fee simple lot for the housing market. The applicant has stated in her application that the proposed bungalow lot would add "a valuable residential unit to our tight housing market." Therefore the granting of the Variance would result in more benefits than detriments to the neighborhood.

Yes. The criterion is met.

FINDINGS

1. *Is the application for the requested Variance 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.

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 Programs?*

Not Applicable.

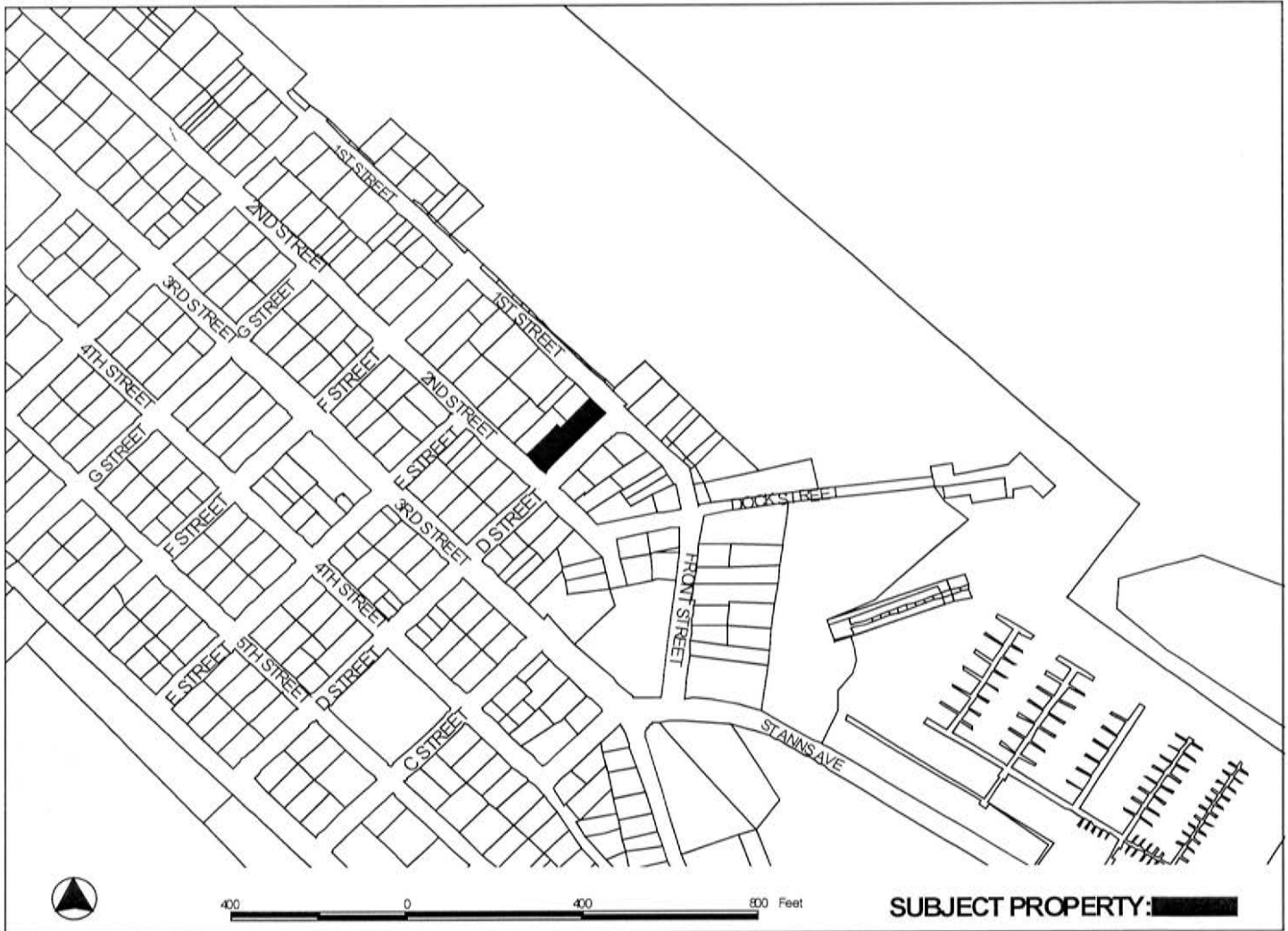
3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

Yes. Based on the evaluation above, the variance, as requested, meets the criteria of Section 49.20.250, Grounds of Variances.

RECOMMENDATION

Based upon the proposed plan (identified as Attachments), 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 Variance request to reduce the lot depth dimensional standard for a bungalow lot from 80 feet to 66 feet in a D-18 zone.

<p>FILE NO: VAR2013 0022</p> <p>TO: Adjacent Property Owners</p> <p>HEARING DATE: Dec 10, 2013</p> <p>HEARING TIME: 7:00 PM</p> <p>PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p>APPLICANT: KRIS L BARNUM</p> <p>Property PCN: 2-D04-0-T06-001-0</p> <p>Owner(s): KRIS L BARNUM</p> <p>Size: 11,000 SQ FT</p> <p>Zoned: D-18</p> <p>Site Address: 112 D ST</p> <p>Accessed via: D ST</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 or at 586-0218.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm

Date notice was printed: November 21, 2013

ATTACHMENT A

VAR20130022

Bungalow Subdivision Application Addendum (Barnum)

Douglas Townsite, Block 6, Lots 1, 7 and 2 FR

Variance Application

Development Permit Application

RECEIVED

NOV 08 2013

PERMIT CENTER/CDD

ATTACHMENT B

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>VAL20130022</u>	Date Received <u>11/8/13</u>
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TYPE OF VARIANCE REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> Variance to the Sign Standard (VSG) | <input checked="" type="checkbox"/> Variance to Dimensional Standards (VDS) |
| <input type="checkbox"/> Variance to Habitat Setbacks (VHB) | <input type="checkbox"/> Variance to Parking Requirements (VPK) |
| <input type="checkbox"/> Variance to Setback Requirements (VSB) | |

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

Requesting a variance to dimensional standards to allow for a bungalow subdivision of the site at the point that is most topographically practical given the slope of the site and natural rock retaining wall buffer that is already in place, as well as to preserve the privacy for the existing structure on the lot.

Previous Variance Applications?

YES NO

Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? YES NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

The site has unique topography which provides a natural retaining wall and privacy buffer between the two proposed lots resulting from the subdivision. While the resulting depth would exceed the standard, the width would be double the required minimum and the overall lot size 750 SF more than required.

UTILITIES AVAILABLE:

WATER: Public On Site

SEWER: Public On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

The proposed lot depth under the variance is the most financially, topographically and aesthetically practical given the natural break in the slope of the site, as well as the retaining walls already in place. Additionally, dividing the parcel without the variance to dimensional standard would compromise the privacy of the existing structure on the larger portion of the site.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

Without the variance to dimensional standards, the property could not be developed to its full potential, prohibiting the owner from adding a valuable residential unit to our tight housing market. The variance would allow the owner to provide this unit without compromising the value, privacy and/or appeal of the existing structure on the larger remaining lot as well.

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	\$ <u>400</u>	<u>4413</u>	<u>0004540</u>	<u>11/8/13</u>
Adjustment	\$ _____	_____	_____	_____
Total Fee	\$ _____	_____	_____	_____

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

DEVELOPMENT PERMIT APPLICATION

Project Number <i>VAR20130022</i>	CITY and BOROUGH of JUNEAU	Date Received: <i>11/8/2013</i>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Bungalow subdivision of the lower portion of an existing parcel for the development of a conforming residential "bungalow" housing unit.		
	PROPERTY LOCATION		
	Street Address 112 D Street	City/Zip Douglas, AK 99824	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Douglas Townsite Block 6, Lots 1, 7 and 2 FR		
	Assessor's Parcel Number(s) 2D040T060010		
	LANDOWNER/ LESSEE		
	Property Owner's Name Kris L. Barnum	Contact Person: Kris or Heidi	Work Phone: 789-3166
	Mailing Address 112 D Street Douglas, AK 99824	Home Phone: 321-3329 Kris cell	Fax Number:
	E-mail Address barnumtfc@yahoo.com, kbarnum@baxterbrucelaw.com	Other Contact Phone Number(s): Heidi cell - 723-8910	
	LANDOWNER/ LESSEE CONSENT <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	 Landowner/Lessee Signature	<u>11/07/13</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.			
APPLICANT <small>If the same as OWNER, write "SAME" and sign and date at X below</small>			
Applicant's Name SAME	Contact Person:	Work Phone:	
Mailing Address	Home Phone:	Fax Number:	
E-mail Address	Other Contact Phone Number(s):		
X	 Applicant's Signature	<u>11/07/13</u> Date of Application	

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

STAFF APPROVALS	<input checked="" type="checkbox"/>	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)			
	P	Variance Case (De Minimis and all other Variance case types)		<u>11/8/13</u>	<u>VAR20130022</u>
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
<small>***Public Notice Sign Form filled out and in the file.</small>					
Comments:				Permit Intake Initials	
_____ _____ _____					

ATTACHMENT B

Bungalow Subdivision Application Addendum (Barnum)

Douglas Townsite, Block 6, Lots 1, 7 and 2 FR

Plats/Surveys of Site and

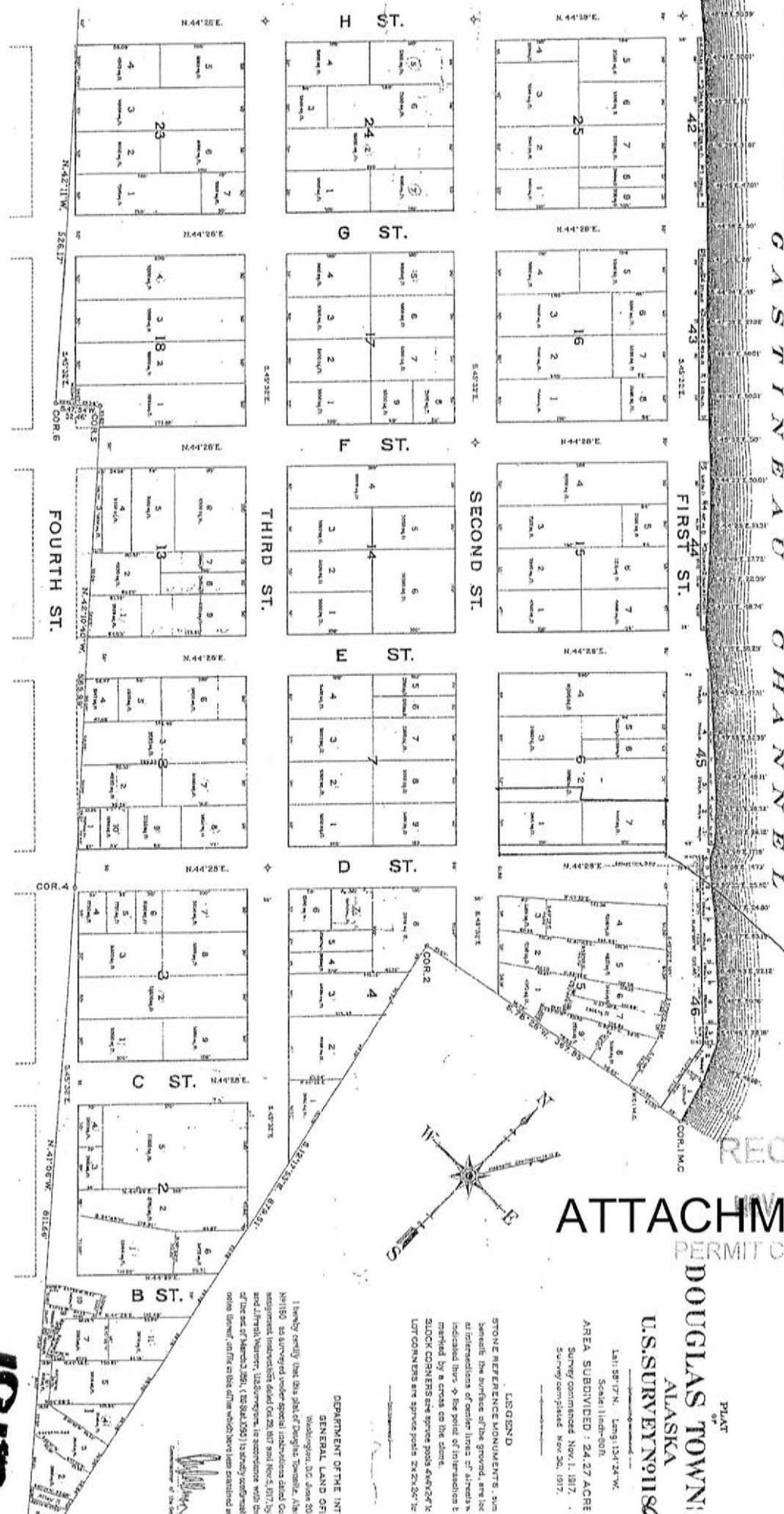
Douglas Townsite

ATTACHMENT B

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NOV 08 2013

PERMIT CENTER/CDL



GASTINEAU CHANNEL

FIRST ST.

SECOND ST.

THIRD ST.

FOURTH ST.

RECEIVED
NOV 14 1917
PERMIT CENT. W.C.D.D.

PLAT
OF
DOUGLAS TOWN
ALASKA
U.S. SURVEY NO. 1180

Lat: 58°17'N. Long: 134°24'W.
Scale: 1 inch = 500 ft.
AREA SUBDIVIDED: 24.27 ACRE
Survey completed Nov. 1, 1917.
Survey completed Nov. 20, 1917.

LEGEND

STONE REFERENCE MONUMENTS, shown beneath the surface of the ground, are located at intersections of corner lines of surveys indicated here by the point of intersection marked by a cross on the stone.

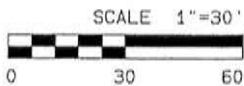
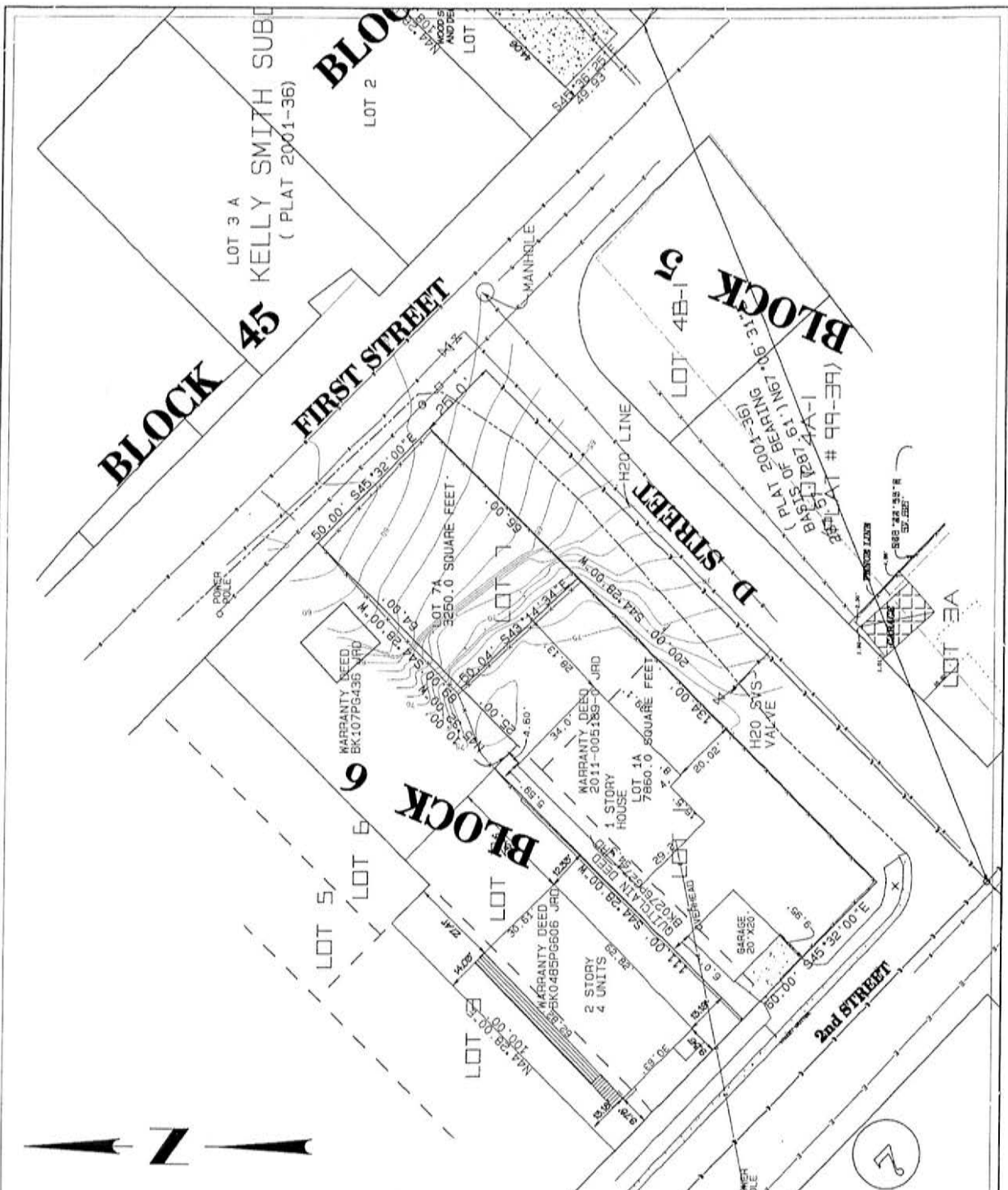
BLOCK CORNERS are shown by dots.

LOT CORNERS are shown by dots.

DEPARTMENT OF THE INT.
GENERAL LAND OFFICE
Washington, D.C. June 20
1918. Its survey and under special instructions dated for acquisition, indicated shall be on the 20th and Nov. 5, 1917, by and through Warren, U.S. Surveyor, in accordance with the act of March 3, 1891, (26 Stat. 1051) is hereby confirmed and approved, and in the office which have been mentioned in

1917-1

Subject

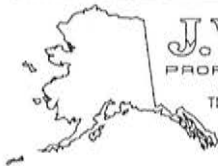


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NOV 08 2013

PERMIT CENTER/CDD

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



J.W. BEAN
PROFESSIONAL SURVEYOR

TDS -5 th-0 JOB No. 8073
SCALE AS-SHOWN
DATE 10-24-2013

TOPO SURVEY OF

PROPOSED LOT 7A
BLOCK 6
DOUGLAS TOWNSITE



ATTACHMENT B

Bungalow Subdivision Application Addendum (Barnum)

Douglas Townsite, Block 6, Lots 1, 7 and 2 FR

Project Description

The proposed project encompasses the subdivision of an oversized lot in downtown Douglas to incorporate a small, bungalow style home in keeping with the size and character of many of the original structures in the immediate neighborhood. The home itself is to be approximately 1,000 square feet +/- in livable area, in a 1.5 or 2 story design with two bedrooms and efficient living space, as well as small outdoor porch areas and a possible attached carport. Access to the home would be via 1st street, and utilities are already available to the lot. The goal is to minimize the footprint and impact on the site while providing a desirable living unit aligned in size and character with downtown Douglas, as well as to preserve the views and privacy of the home in place on the upper portion of the original site. In achieving this goal, the owner hopes to secure a variance to dimensional standards of the lot in order to place the structure on the site in the most topographically and financially practical location, also affording the greatest amount of privacy to both the proposed residential unit and the already existing structure on the larger portion of the present site.

The current zoning of the site and immediate area is D-18, allowing for density of up to 18 units per acre. There are many multiple unit structures currently proposed or in development nearby, including a new three townhouse project on 1st Street on a similar overall site size and a proposed four unit townhouse project directly across the street on 1st and D Streets. Additionally, there is in-progress construction of a three story residential structure on a smaller corner lot one block from the subject property for which variances clearly were granted. It appears that the bungalow subdivision of this oversized lot to create another residential unit is in keeping with the highest and best use of both the site and the neighborhood. The area encompasses both commercial and mixed use residential structures, including condominiums, duplex units, multi-unit apartment structures, single family homes, restaurants, a gas station, library and other support services, and the addition of another small residential living unit is in keeping with the higher density character of the downtown Douglas core.

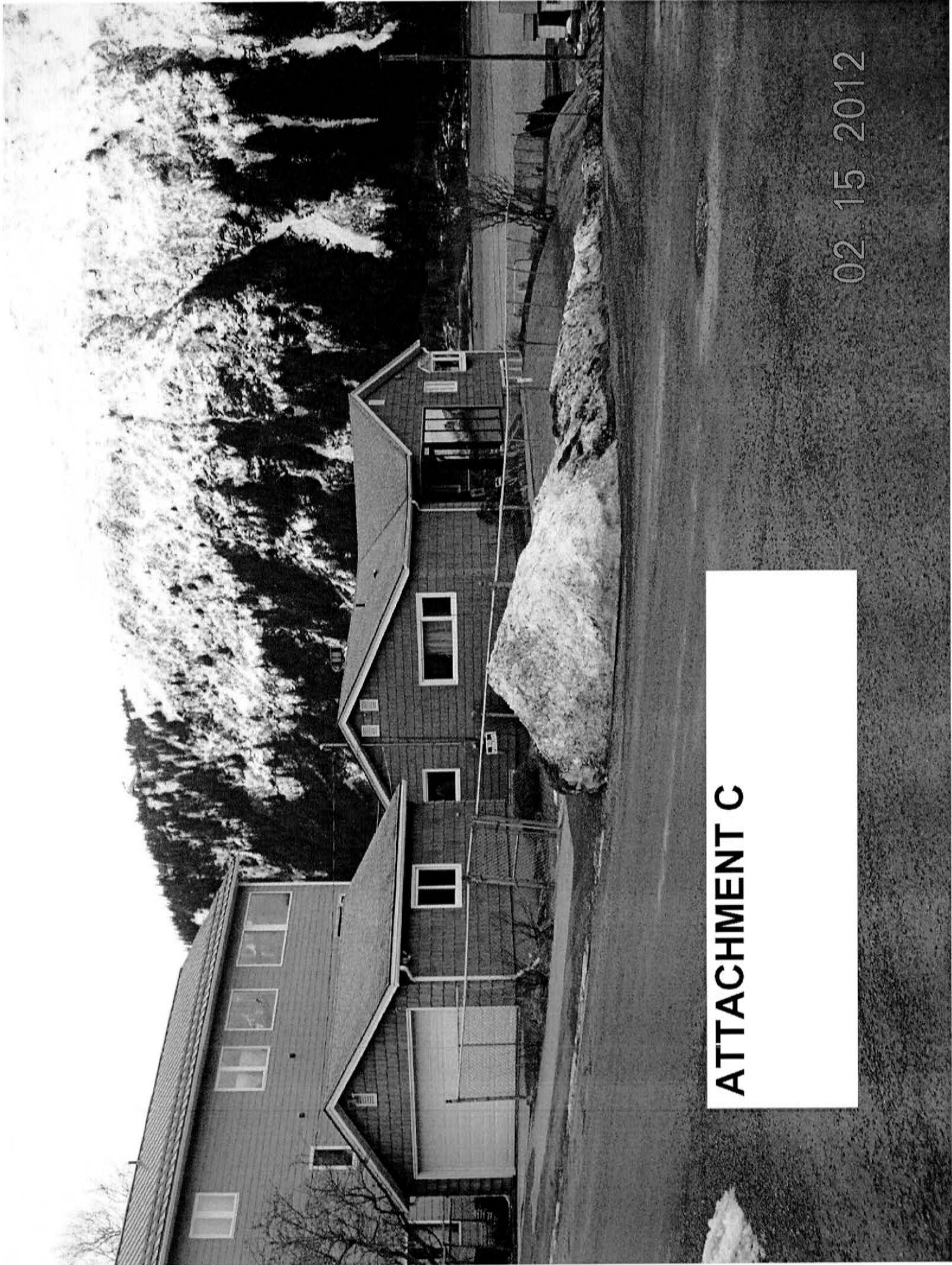
Thank you for your consideration of this project. I am happy to answer any questions the committee may have relative to the project as part of the review process.

RECEIVED

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PERMIT CENTER/CDD

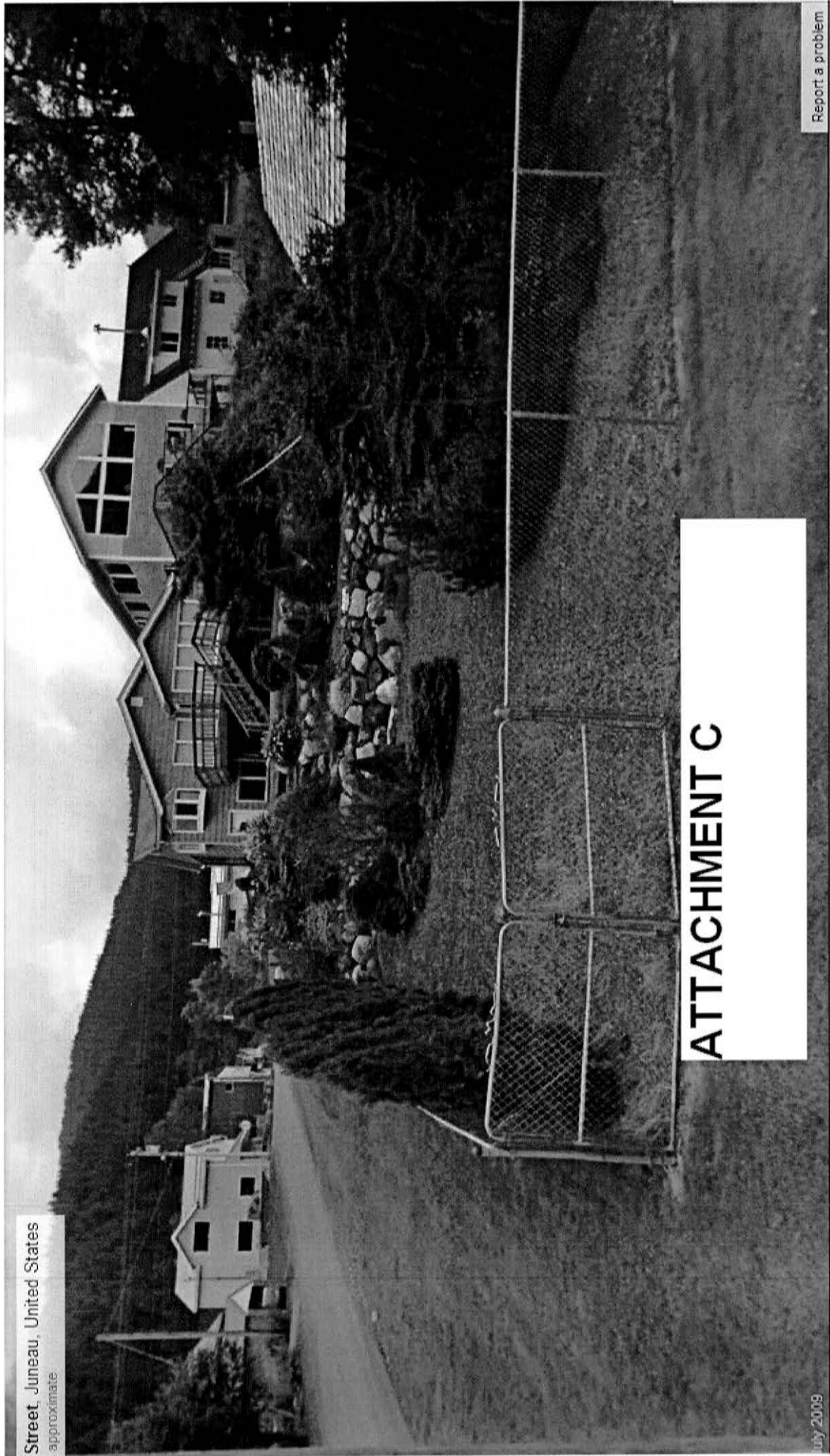
ATTACHMENT B



ATTACHMENT C

02 15 2012

Street, Juneau, United States
: approximate

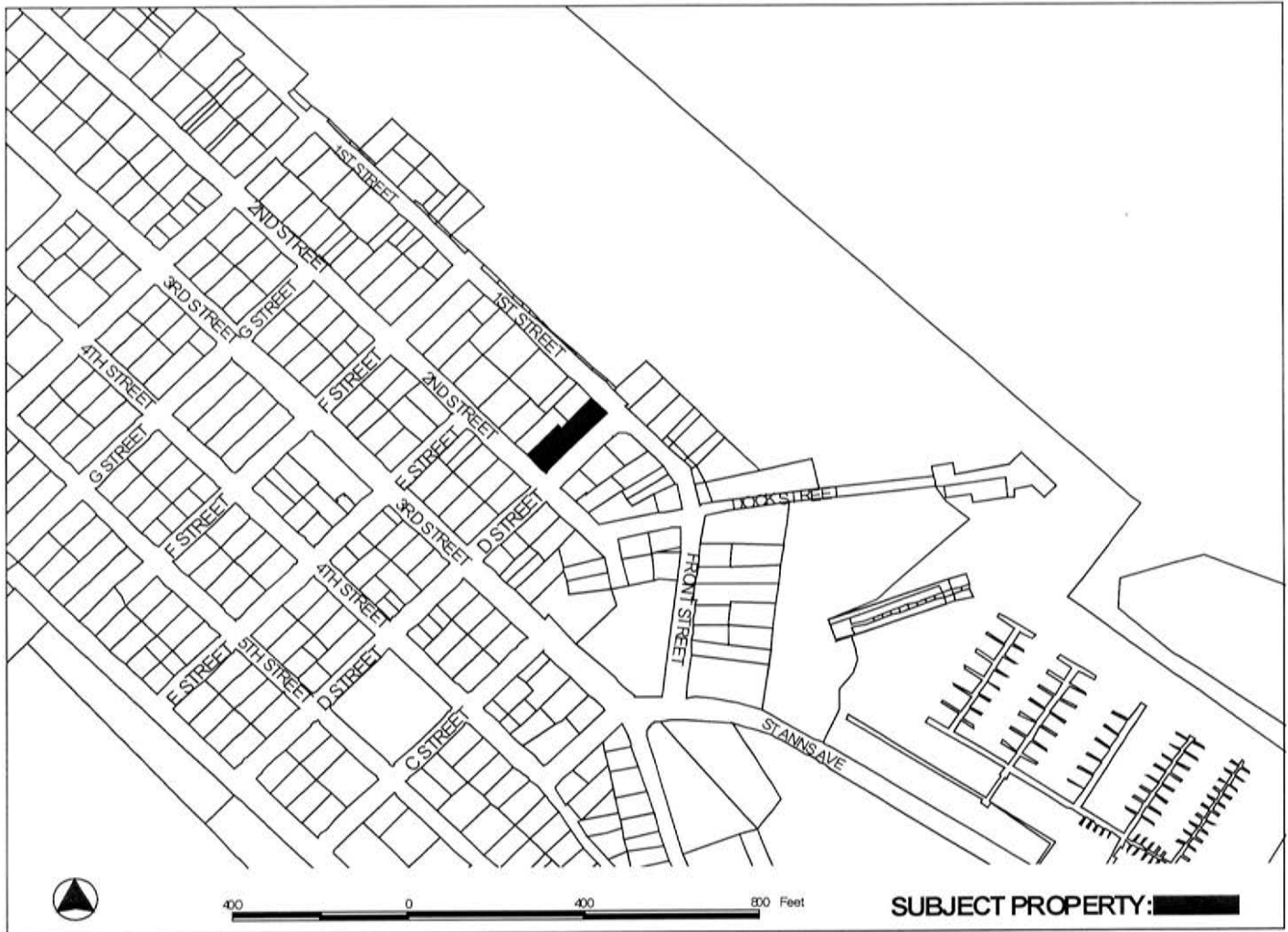


ATTACHMENT C

NOTICE OF PUBLIC HEARING

****RESCHEDULED FROM DECEMBER 10, 2013**

REGULAR PLANNING COMMISSION MEETING**



PROPOSAL: A Variance request to reduce the lot depth dimensional standard for a bungalow lot from 80 feet to 64 feet in a D-18 zone.

FILE NO: VAR2013 0022	APPLICANT: KRIS L BARNUM
TO: Adjacent Property Owners	Property PCN: 2-D04-0-T06-001-0
HEARING DATE: January 14, 2014	Owner(s): KRIS L BARNUM
HEARING TIME: 7:00 PM	Size: 11,000 SQ FT
PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	Zoned: D-18
	Site Address: 112 D ST
	Accessed via: D ST

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ATTACHMENT D

Date printed: December 9, 2013