MEMORANDUM

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

DATE: March 14, 2014

TO: Board of Adjustment

FROM: Chrissy McNally, Planner
Community Development Department

FILE NO.: VAR2014 0002

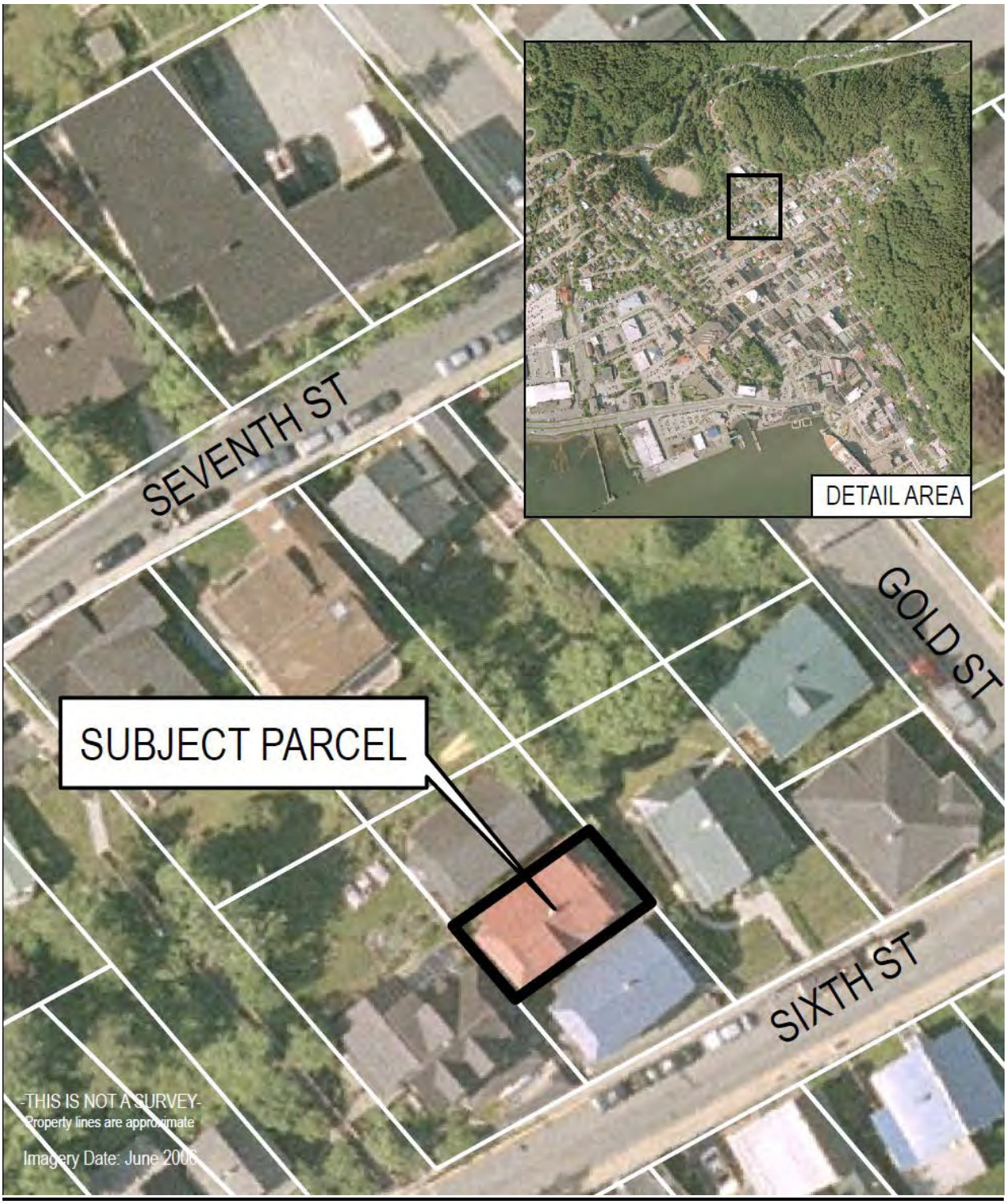
PROPOSAL: Variance request to replace and extend existing deck to property line.

GENERAL INFORMATION

Applicant:	John & Melinda Lamb
Property Owner:	John & Melinda Lamb
Property Address:	312A Sixth Street
Legal Description:	Juneau Townsite Block 27 Lot 2 FR
Parcel Code Number:	1-C04-0-A27-003-0
Site Size:	1,506 square feet
Comprehensive Plan Future Land Use Designation:	Medium Density Residential
Zoning:	D18
Utilities:	public water & sewer
Access:	Sixth Street
Existing Land Use:	Single family residence
Surrounding Land Use:	North - D18/ Single family residence South - D18/ Single family residence East - D18/ Single family residence West - D18/ Single family residence

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

VICINITY MAP



ATTACHMENTS

Attachment A: Variance application
Attachment B: As-built
Attachment C: Plat Lot 2 Block 27
Attachment D: Photos western side of lot
Attachment E: Public comment
Attachment F: Supplemental material from applicant
Attachment G: Public notice

PROJECT DESCRIPTION

The applicant requests a Variance to reduce the side yard setback from 5 feet to 0 feet and the rear yard setback from 6 feet to 1.1 feet in order to construct a 149 square foot deck, replacing a 107 square foot deck. The new deck would have a roof that is 3.2 feet from the property line.

BACKGROUND

The subject lot is 1,506 square feet; 48.94 feet wide and 30.79 feet deep. The lot is a fraction of the original Lot 2 Block 27 of the Juneau Townsite. The lot is bordered on all sides by single family residences, with no direct street access. Access to the house is from a stairway on the west side of the lot. There is a 4 foot wide access easement on the east side of the lot (see Attachment C). The length of this easement along Tracts I, II, and III is undeveloped.

The lot is zoned D18. The minimum lot size in the D18 zoning district is 5,000 square feet with a minimum lot width of 50 feet and depth of 80 feet. Because the lot has a substandard depth it is eligible for a reduction in the rear yard setback of 10 feet to 6 feet based on CBJ 49.25.430(4)(J);

> *"if the lot width, lot depth, or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage…"*

The property at 312A Sixth Street contains a 1,356 square foot home built in 1912. The house encroaches into both the front and rear yard setbacks. Both the lot and house are considered legally non-conforming based on CBJ 49.30.100; nonconforming situations that predated the adoption of current zoning standards may continue.

There is no record of when the original deck was built. According to the parcel file, in 1984 the owner of the property had demolished and replaced the deck without obtaining a building permit. The CBJ Community Development Department conducted enforcement on the project requiring the owner to obtain a building permit and apply for a Variance to the side yard setback. VR-62-84 was denied by the Planning Commission however the most recent survey conducted indicates the deck sat

within the required setback. The 1998 As-built shows the deck within 2.1 feet of the side property line and 1.1 feet from the rear property line (see Attachment B). Therefore, the deck remained in place illegally after code enforcement had been conducted and a Variance request denied.

In September of 2013 the current owner was given a Building Permit Reminder from the CBJ Building Department for window replacement and deck reconstruction as the result of a code enforcement complaint. The applicant received a building permit to replace the windows and worked with staff to develop this variance application. Completion of the proposed deck is pending Planning Commission approval of this Variance request. Should the request be denied, the applicant will have to remove the portion of the deck that does not meet setback requirements.

The applicant proposes to build a roof over the deck. This roof, according to CBJ 49.25.430(4)(A) *Architectural features*; can be closer to the property line. It specifically says:

> *"Architectural features and roof eaves may project into a required yard four inches for each foot of yard setback required but no closer than two feet to the side and rear lot lines."*

Therefore, the roof eave of the deck may extend 1 foot 8 inches into the side yard setback even if the Variance is denied.

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 relaxation applied for would give substantial relief to the owner of the property because the deck has already been built. Also, the subject parcel steeply slopes where the deck sits, so a deck provides a level dry surface for maximum use of this portion of the property. A denial would cause the owner to incur the cost of removing that portion of the deck that encroaches into the required setbacks.

Stairs and a deck provide for safer mobility along a portion of the easement that was previously undeveloped. However, there is sufficient access provided by the easement to the west, which is developed with stairs the length of the easement.

Four adjacent neighbors commented that they support the Variance request for the deck (see Attachment E). However, the neighbor to the east has stated they will be negatively affected by the approval of the Variance. The property to the east is affected by the height of the deck in relation to their fence. The fence slopes with the topography and the deck remains level, privacy for the property to the east is affected. Presumably, a fence is constructed for sight obstruction and privacy, but the height of the deck affects this intent. Therefore, the granting of the Variance would not be more consistent with justice to other property owners.

NO. This criterion is not 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.

In general, the intent of the CBJ Land Use Code is to ensure that growth and development is in accord with the values of its residents, to identify and secure beneficial impacts of growth while minimizing the negative impacts, ensure that growth is of the appropriate type, design and location, to provide open space for light and air, and to recognize the economic value of land and encourage its proper and beneficial use.

The stairs and deck will provide a safer access for that section between the three tracts of Lot 2 as well as allow the property owners to utilize their lot to its maximum potential. In that way, public safety and welfare is preserved. However, while there are positive impacts from the deck, the eastern neighbor's privacy is affected by the height of the deck.

The requested relief supports the intent of this title in that the majority of comments from the surrounding neighbors support the deck, indicating this development is in accord with the values of some residents. However, the impact to the property to the east indicates that this development is not wholly in accord with the value of the residents in the neighborhood. Setback requirements help to ensure appropriate location of development to protect privacy and provide for adequate open space for light and air. The design of the deck does not take these factors into account. While the owner has a right to utilize their entire property, a more appropriate design which took into account the height and slope of the fence would have mitigated the eastern neighbor's privacy concern.

NO. This criterion is not met.

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

Staff met with the neighbor to the east who is concerned about privacy, snow shed from the proposed roof, fire jumping between the structures and access to public utilities that may be under the deck.

The neighbor's privacy will likely be impacted by the height of the deck in relation to the six foot fence along the property line. If the roof were to extend to the property line as well, snow shed and rain runoff would be a legitimate concern. However, the applicant's proposal has the roof eave 33 inches from the property line.

Staff contacted CBJ Wastewater and Water Utilities to verify whether the deck would impede on maintenance of public utilities should a problem arise. CBJ Wastewater and Water could not confirm whether essential pipes are in that area. During a site visit, Mark Mowe of CBJ Wastewater stated there was no way to confirm that utility pipes are under the deck. He further stated that it is unlikely given the location of the water and sewer service access on the sidewalk (see Attachment F). Both departments stated they had no concerns with the proposed deck placement in terms of utility access.

Staff also contacted Dan Jager, CBJ Fire Marshall to confirm whether or not the deck in its proposed location would pose an increased risk for fire safety. Mr. Jager stated that the Fire Department had no concerns with the deck built to the property line along the fence and its impact to fire protection services in the area.

YES. This criterion is met.

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

Accessory structures in the D18 zoning district are a permissible use per CBJ §49.25.300(a)(4).

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;

The property owner could build a deck that meets the setback requirements fulfilling the requirements of Title 49 the Land Use Code. A patio made of different materials than a wood deck could also be constructed to level the desired area.

NO. This 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 slope of the property is significant. Because of the steep slope, open space and access to the eastern side of the property is limited. The access easement on the western side of the property is developed with a stairway along the entirety of Lot 2 with no space between neighboring properties. See photos at Attachment D. Therefore, allowing the deck to remain in its location along the property line is consistent with other development in the neighborhood.

YES. This criterion is met.

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

As previously stated, the lot is steeply sloped. However, meeting the setback requirements would not increase the cost of building the deck.

NO. This 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 lot and the house have preexisting nonconforming conditions based on the dimensions of the lot and location of the house within current setback requirements. The original deck was built within the required setbacks even though a Variance for that location was denied. Therefore, this structure was illegal. If the deck were to further extend into the setbacks it would result in an overall net decrease in compliance with the Title 49, Land Use Code.

NO. This criterion is not met.

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

The benefit to the neighborhood is improved access along a portion of the easement on the eastern side of Lot 2. However, this improvement is only for the middle portion of the easement. It would also be consistent with development in the area as the western side of the

property is developed with stairs between tightly clustered homes. The property owner now and in the future would be able to maximize the use of their property with a flat deck. One clear detriment is the increased impact on privacy for the property directly to the east.

YES. This criterion is met.

FINDINGS

1. Is the application for the requested Variance complete?

Yes. 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?

No. The grounds for a Variance are not met for a reduction in the side and rear yard setback. Specifically, criteria 1, 3 5A, and 5B have not been met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance to allow the replacement and extension of an existing deck to the property line, VAR2014 0002.

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
VAR2014-0002			01/21/14

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)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
Replaced existing failing deck (documented as built across setback on documents on record at CDD including 1998 as-built, dating back to 1984) with new expanded deck and staircase within setback to property line to utilize space on a tiny, non-conforming lot and improve egress through the back of the lot to my neighbors similar to shared staircase egress/easement at lot front

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): This structure built between 1942-1945 is sited on a steep hill requiring decking platforms to achieve any level usable surfaces. The entire lot has setbacks less than the 5' required.

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
Future owners would also seek to maximize usable space of property as well as maintain a safe, through access corridor on the back of the house.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
modification and/or removal of a significant portion of the deck likely to include removal of 2 poured concreted footings set 36" below grade and supporting two 4"x6" posts intended to support future/proposed deck roof. Also denial of variance would deprive future/current owners maximized use of substandard property/lot.

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			
Adjustment	$			
Total Fee	$ 400.00	025420	CDD-1707	01/21/14

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

Variance Application Instructions

Application: An application for a Variance will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

Forms: A completed Variance Application and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: The fee for a Variance Application is $400.00. If the application is in conjunction with a major development permit a separate fee shall not be required. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

Project Description: A detailed letter or narrative describing the hardship and/or practical difficulties that is the result of an extraordinary situation or unique physical feature affecting a specific parcel of land or structure. **Also include how the proposed project meets the variance criteria listed on the attached sheet.**

Plans: A site plan, drawn to scale, is required for all Variance Applications. The site plan should include the following information:

A. The location of existing and proposed structures (i.e. buildings, fences, signs, parking areas, etc.); and
B. The location of existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.).

Document Format: All information that is submitted as part of an application shall be submitted in either of the following formats:

A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

Please consult with the Community Development Department to discuss whether additional information may be required for your application. The "Planner-On-Call" can be reached by contacting the Permit Center at 586-0770 or via e-mail at Permits@ci.juneau.ak.us.

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the Variance Application request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Variance Applications must be reviewed by the Board of Adjustment. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: As part of the Variance process, all requests must be given proper public notice, which consists of the following:

Community Development Department: Will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site. A "Public Notice Sign" is not required to be posted on the site.

PLEASE NOTE: As provided by CBJ Land Use code section on Variances (CBJ§49.20.200), a Variance may vary any requirement or regulation of this title 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.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
VAR 20140002		01/21/14

Project Name
(City Staff to Assign Name)

PROJECT / APPLICANT INFORMATION

Project Description: Replace existing deck within required setbacks

PROPERTY LOCATION

Street Address	City/Zip
312A 6th St.	Juneau 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)

Assessor's Parcel Number(s)

LANDOWNER/LESSEE

Property Owner's Name	Contact Person:	~~Work Phone:~~
John + Melinda Lamb		209-553
Mailing Address: 312A 6th St.	Home Phone:	Fax Number:
E-mail Address: jonaslamb@gmail.com	Other Contact Phone Number(s):	

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: 1/21/14

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 If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name	Contact Person:	Work Phone:
Melinda + John Lamb		
Mailing Address: 312A 6th St.	Home Phone:	Fax Number:
E-mail Address: jonaslamb@gmail.com	Other Contact Phone Number(s):	

X _____ Applicant's Signature — Date of Application

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

STAFF APPROVALS

	Permit Type	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)	1/21/14	VAR20140002
	Wetlands Permits		
	Zone Change Application		
	Other (Describe)		

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

Comments:

Permit Intake Initials: RSL

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

To: CBJ Planning Commission/Board of Adjustment
From: John and Melinda Lamb, owners
RE: CBJ Variance Request for 312A 6th Street, Juneau
Date: January 21, 2014

How proposed project meets Variance Approval Criteria:

1. The new deck is an asset constructed to address and improve access to the back portion of our property as well as our neighbor's property, similarly to theexisting neighborhood covenant/shared easement for the staircase on the front of the lot. It adds value to the property by creating an additional level, usable outdoor space on our tiny lot and produces no adverse impacts on our neighbors.

2. The intent of title will be observed with no issues of safety or public welfare arising and is open for inspection by CBJ planners.

3. The authorization of this variance will not injure or impact nearby property or owners. Because of the slope of the lot, access to adjacent uphill property is improved. There may be a minor visual impact to neighbors to the east (fence owners), however due to the slope of the lot, the vast majority of our house and deck is already visible above the height of their fence.

4. There are no proposed uses that are not already authorized in the district, with no commercial activities or additions to zoning density.

5. Compliance with existing standards:

    a. Without a variance, significant portions of the deck and poured concrete footings would need to be removed and/or rebuilt at considerable expense and effort.

    b. Removal of expanded deck and staircase would prevent current owners from use of the property in a manner that is consistent to the scale, features of the substandard, steeply sloped lot and existing development of the neighborhood.

    c. To remove the deck structure for setback requirements would be unnecessarily burdensome because the unique physical features, ie the lot size with 3 sides of the structure encroaching within the required 5' setbacks. Enforcement of the 5' setback on 1 of 4 sides of the lot would be inconsistent.

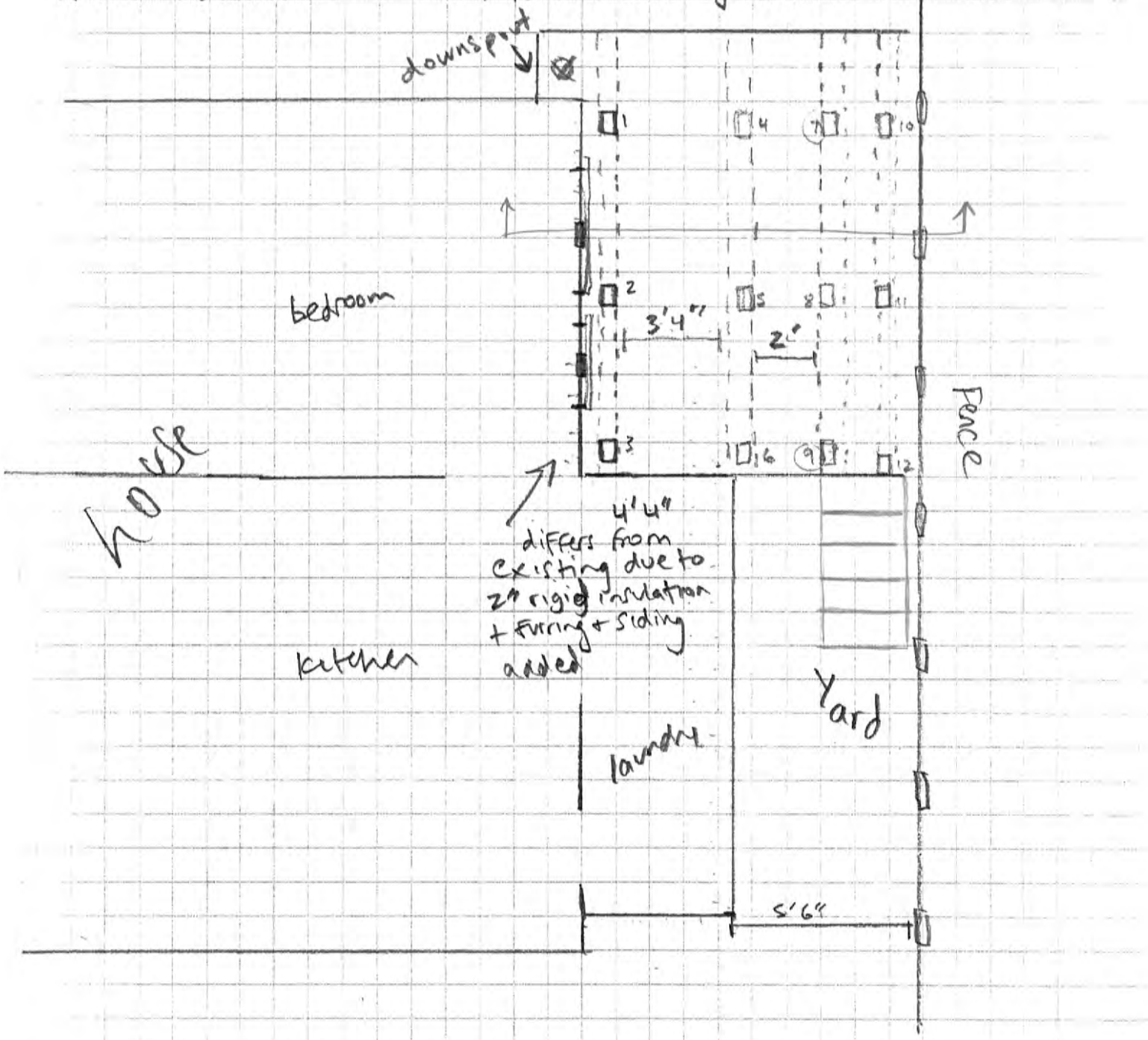
    d. Due to several pre-existing, non-conforming conditions present on the lot relative to setbacks, shared easements, etc, granting this variance would not result in a net decrease in overall compliance with the land use code, Title 49, or the building code, Title 19, or both; and,

6. Granting these variances willresult in no detriments to the neighborhood. This new deck structure and staircase will be well maintained and benefit the safety of adjacent properties with improved through access.

Lamb
312A 6th Street
Juneau AK

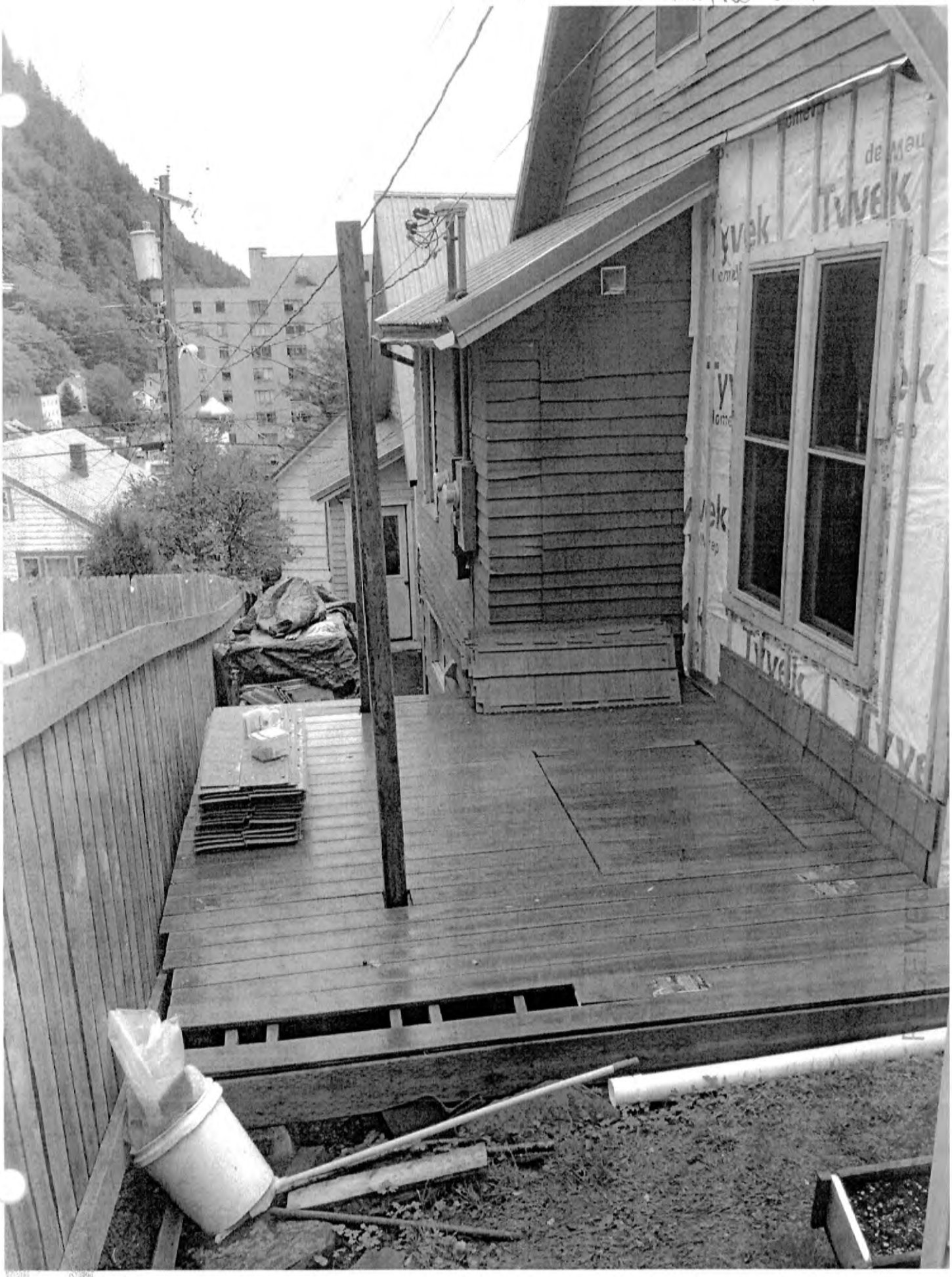
'13 Deck replacement and roof addition

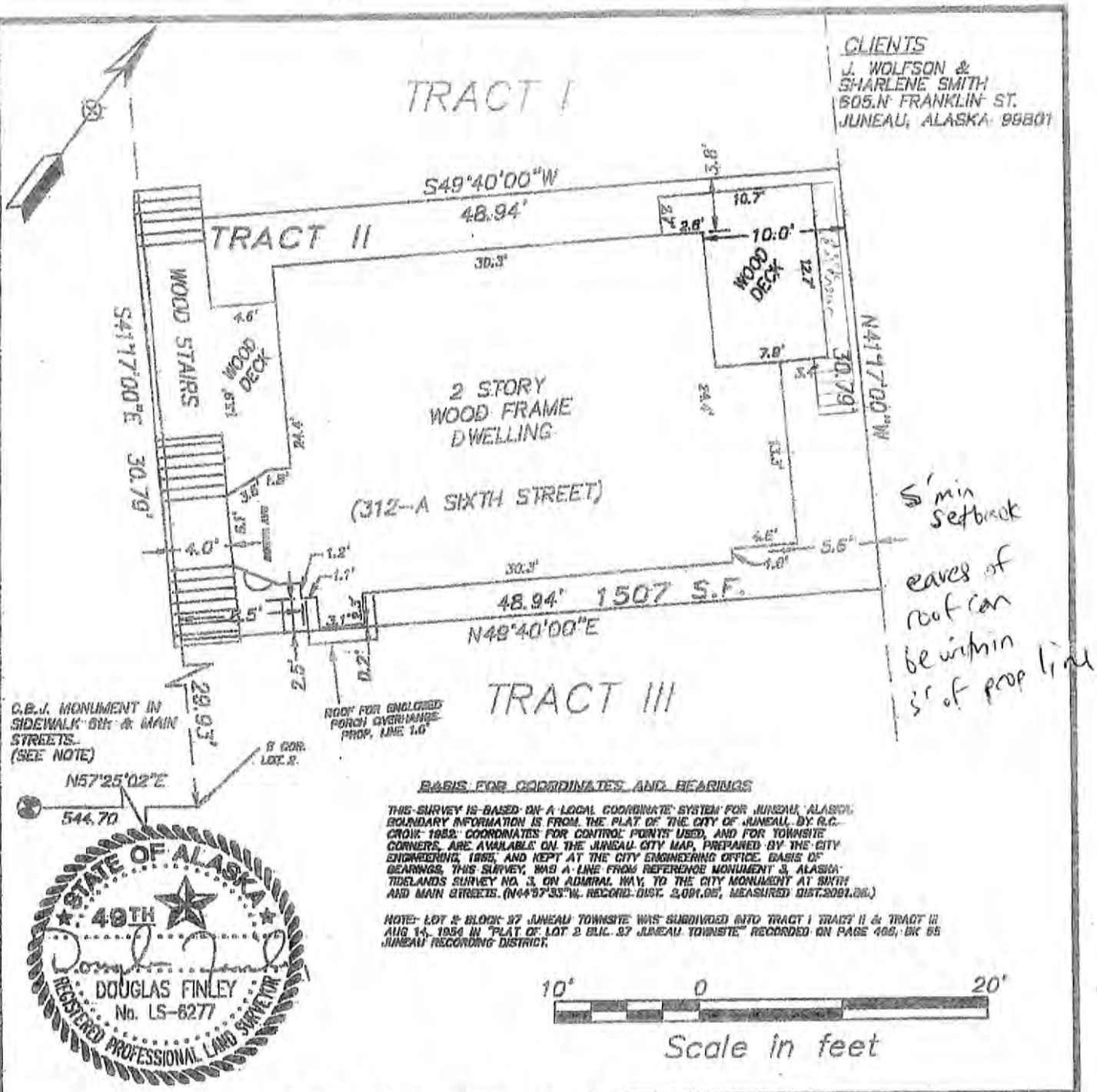
This structure is free standing planed roof supported by 12 4x6 posts on cement piers. Posts #7 & 9 which extend through deck to support roof are on piers set to 36" below grade.



Parts removed
RECEIVED
JAN 2 1 2015

New construction / new deck





STATE OF ALASKA
49TH
DOUGLAS FINLEY
No. LS-6277
REGISTERED PROFESSIONAL LAND SURVEYOR

BASIS FOR COORDINATES AND BEARINGS

THIS SURVEY IS BASED ON A LOCAL COORDINATE SYSTEM FOR JUNEAU, ALASKA. BOUNDARY INFORMATION IS FROM THE PLAT OF THE CITY OF JUNEAU, BY R.C. CROIX 1952. COORDINATES FOR CONTROL POINTS USED, AND FOR TOWNSITE CORNERS, ARE AVAILABLE ON THE JUNEAU CITY MAP, PREPARED BY THE CITY ENGINEERING, 1955, AND KEPT AT THE CITY ENGINEERING OFFICE. BASIS OF BEARINGS, THIS SURVEY, WAS A LINE FROM REFERENCE MONUMENT 3, ALASKA TIDELANDS SURVEY NO. 3, ON ADMIRAL WAY, TO THE CITY MONUMENT AT SIXTH AND MAIN STREETS. (N44°57'33"W, RECORD DIST. 2,091.05', MEASURED DIST. 2091.26')

NOTE: LOT 2 BLOCK 27 JUNEAU TOWNSITE WAS SUBDIVIDED INTO TRACT I TRACT II & TRACT III AUG 14, 1956 IN "PLAT OF LOT 2 BLK. 27 JUNEAU TOWNSITE" RECORDED ON PAGE 466, BK 55 JUNEAU RECORDING DISTRICT.

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME, ON THE GROUND, TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN SOUTHEAST ALASKA AND THAT, ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF, IMPROVEMENTS AND ENCROACHMENTS ON THE PROPERTY DEPICTED HEREON ARE AS SHOWN.

DOUGLAS FINLEY LS-6277 — DATE 7-27-98

SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

"AS-BUILT" SURVEY
TRACT II, FRACTION OF LOT 2, BLOCK 27, JUNEAU, ALASKA TOWNSITE, US SURVEY NO. 7
IN THE CITY & BOROUGH OF JUNEAU, ALASKA
DATE: 7/23/98 #98-252-A3 SCALE: 1"=10'

DOUGLAS FINLEY LAND SURVEYING JUNEAU, ALASKA

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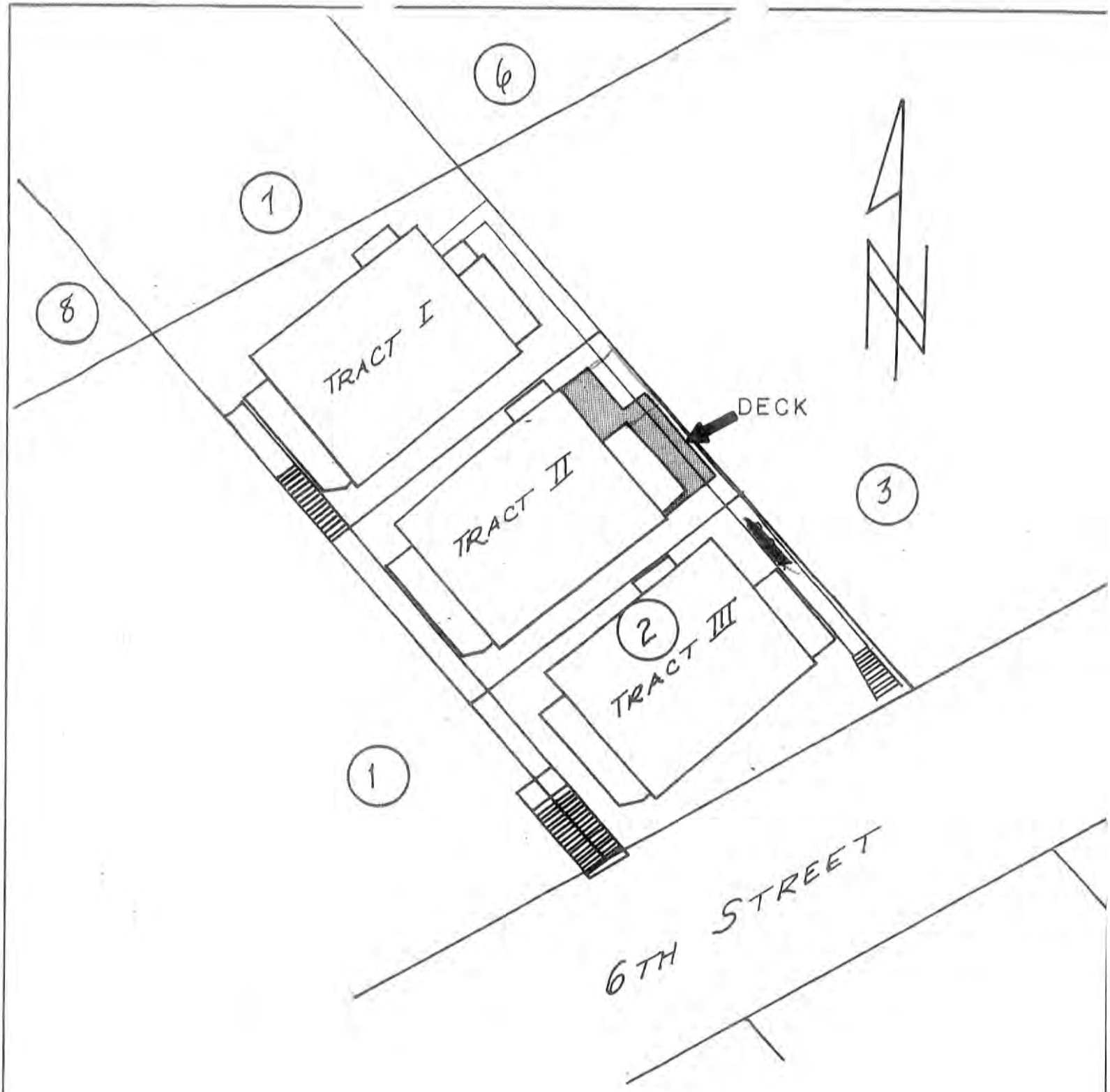
Attachment B



VR-62-84 SMITH

PLAT OF
LOT 2, BLOCK 27
JUNEAU TOWNSITE, AAA.
SCALE: 1" = 20'

ATTACHMENT C

ATTACHMENT D

March 5, 2014

re: Variance 2014 0002

Steven Pfister
Hans Chester
326 Sixth St.
Juneau, Ak. 99801

We are the next door neighbors to the property in question and our home sits on a 4,893 sq. ft. lot. This variance for the home in question is on the adjacent lot and is the middle home of three homes sitting on the 4,890 square foot lot. The home itself sits on 1,500 square feet of property and is actually a 2 unit dwelling even though the Assessors lists it as a 1 unit dwelling. There is a rental unit in the lower portion of the home with a separate entrance. There is a 5 foot setback and a 4 foot egress, the 4 foot egress is listed on every deed for that property. All three home owners are aware of the set back and 4 foot egress. The home owner had already ripped out the previous deck and built the new deck to the property line and against our fence late last summer, including new windows and siding to the home all without a permit. This new, bigger deck is built in a place where nothing has been built, or allowed to have been built in the last 100 years. The current property owners were aware of the egress and ingress of the property and the limitations that went along with it when they purchased the home. Because of this egress and set back we knew that nothing would be built up against our fence on our side yard, where the adjacent three homes share the lot, and that we would have reasonable privacy on this side of our home. We spent over $4,000 replacing the old rotten fence in 2010, built on our side of the property line – none of the 3 homeowners on the other side offered to help build the fence. We went to the Permit Center, waited in line and paid for our building permit and followed all the rules, so that we would have more privacy with our new fence. We enjoy the privacy we have on this side of our property and have spent thousands of dollars putting in new windows, landscaping, decking, grill area etc. to enjoy this area

We now have a neighbor who built a deck right up to and possibly over the property line, up against our fence, across the 4 foot egress and 5 foot setback, including drainage, new windows and siding all without a building permit. To make matters worse the deck sits half way up our six foot fence so now people on the deck, who are 15 feet away from our home and bedroom windows, can stand there and look into our yard, our windows, and our house. (See pics Height of Deck & Height of Deck 2) The drainage is another very serious issue. The home owner has dug out and around the back part of his home and redirected surface and gutter water from his home, and the home above his, routing it underneath the deck he built. Then, he dug out a dirt channel so the water directly flowed onto our property, creating a river of water and mud that now drains down onto our sidewalk, runs out to the front of our home, down our lawn and down into the planting areas, filling them with water. It has become such a mess that on Saturday, (March 8) I phoned the home owner and asked him to please redirect the river of water and mud that was coming down onto our property from underneath his deck. He came out to the back

ATTACHMENT E

of his home and did the best he could to redirect some of the water but to no avail. (See pics Drainage Issues).

Another serious concern we have with the property in question is the undocumented basement apartment in their house, it has a separate entrance. Will this deck become the new party, smoking and congregation area for the renters and home owners? How many renters will be living in the house in total, especially once the owners move onto their next investment property and rent out both units? A deck is a great selling point to potential renters. Again the deck is 15 feet away from our home and windows, and is in mid-height of our fence. This is causing us much grief and will ruin all the hard work and money we put into our home to enjoy this part of our property.

In Conclusion:
The home owner mentions the expense associated with removing the illegal deck and drainage they built, this is the cost of doing the wrong thing and could have been avoided had they gone to the Planning/Building Department initially. If you grant this variance to the homeowner, rewarding him for doing the wrong thing, then it will ruin what we have worked so hard to achieve with our home. We would have to spend time, resources, money, pay to get a building permit to build a new, higher fence and tear down sections of our fence to rebuild, in order to try and gain back some of our privacy. There are also costs associated with the current problem of water and mud flowing through our yard from underneath their deck. The variance could also affect our property value especially with a 2 unit dwelling on a 1,500 sq. ft. lot sharing a deck 15 feet from our home and bedroom windows. The property owners were aware of the limitations to this property before they purchased it; three homes on a 4,890 sq. ft. lot. There is no difficult or unreasonable burden for the adjacent property owner if not allowed to build a new deck. There is no hardship or practical difficulty for the property owner because there is no extraordinary situation or unique physical feature affecting only his property. To make matters worse the other two homes on the property could be granted the same variance and build up to the property line. The variance will authorize uses not allowed and will injure nearby property owners. The current compliance does not unreasonably prevent the owner from using the property for a permissible principal use and does not unreasonably prevent the owner from using the property consistent with existing development in the neighborhood. The property owner could build egress stairs and still be almost three feet from the property line. Downtown is a unique and congested area and if all home owners were allowed to build up to their property lines it would forever change the landscape for the worse. If the variance is granted it would result in more detriments than benefits to the neighborhood and our property.

Thank you,
Steven Pfister
Hans Chester

Drainage Concerns

Drainage Concerns

Height Concerns

march 4, 2014

Chrissy McNally
Community Development Dept.

RE: Property PCN:
1-C04-0-A27-003-0
John & Melinda Lamb

I have no problem to John and Melinda's request to replace and extend existing deck to property line.

Lillian Pardubn
312 6th St
Juneau, AK 99801

Phone: 586-9731

March 7, 2014
Planning Commission
City of Juneau

file VAR2014 0002
JONAS & MELINDA LAMB
312 6th St, Unit A

Carol Race & Tim Arness
312B 6th St.
timarness@yahoo.com
907-209-2589

Commissioners,

We support Lamb's variance request for the deck next to their house. It will greatly improve our emergency exit path on that side our our properties. We are their neighbors on their up hill side.

Thank you very much.

Carol Race, Tm Arness

Holly Kveum

From: Sonia Nagorski <s_nagorski@yahoo.com>
Sent: Thursday, March 06, 2014 9:57 PM
To: Christine McNally
Cc: Eran Hood
Subject: letter in support of a deck at the Lamb residence

Follow Up Flag: Follow up
Flag Status: Flagged

To the Juneau Planning Commission,

We are writing in support of our immediate neighbors (Jonas and Melinda Lamb) wanting to finish the deck they have been building on the east side of their house. It is disconcerting to us that the city may be asking them to conform to a 5 foot setback, when our tightly clustered community of century-old houses already do not conform to this setback in many, if not most, locations. The Lambs have simply been improving the usefulness of their tiny lot by replacing the rotten deck off their backdoor. Although the deck is very small, it is certainly going to be an asset to them, as they have basically no yard associated with their house. Their design of putting in a few steps to allow for easier passage between their house and the neighbors is consistent with (although smaller than) the design along the front of their house, where there is a set of stairs separating their house from ours (with no setback). The level ground provided by the deck and the addition of stairs also improve the safety of their lot, which I appreciate given both of our families have young children. I can't imagine that 18 inches could create any difference in terms of noise or other negative impact to the other neighbors.

Jonas, Melinda, and their two young boys are wonderful, friendly, responsible, respectful, neat and tidy neighbors. We know they have put in a tremendous amount of effort already into rebuilding their modest deck, and I hope that they can continue towards completion without impediment.

Thank you your consideration.
Sonia Nagorski and Eran Hood
605 N. Franklin St.
Juneau, AK 99801

Holly Kveum

From: Kathy Ward <ktward@gci.net>
Sent: Monday, March 10, 2014 4:01 PM
To: Christine McNally
Subject: Letter of support re: 312A Sixth Street

Follow Up Flag: Follow up
Flag Status: Flagged

To: CBJ Planning Commission/Board of Adjustment
From: Kathy Ward, owner of 128 Sixth Street, Juneau
RE: CBJ Variance Request for 312A 6th Street, Juneau
Date: March 10, 2014

I'm writing in support of the variance request by Jonas and Melinda Lamb for their property at 312A 6th Street in Juneau.
My husband and I own a house in the downtown area and are well-aware of the occasional accomodations necessary to maintain good neighborly relationships when attempting to use our often-cramped lots to their fullest and best extent. Though we have been fortunate to not yet need to ask for easements or variances on our own behalf, our home is bounded on three sides by other houses, all of which come right to our property line. Three of the four houses have easements onto our property, one of which was in place before our purchase of the house. The other two each came about in different ways. The Carpenetis, who live above us, asked for our permission when they began planning a small greenhouse that would extend out onto our property by a few feet, permission that we quickly and easily gave. The second occurred when the Holmes/Putman family, whose home is on our west side, built a room above their garage, not realizing that they were extending onto our property by a bit. When the city required our permission for an easement, again, it was easily given.

The variance requested by the Lambs doesn't infringe upon any other homeowners' properties. They are only asking that they be allowed to build up to their property line, not over. Allowing their deck to extend to the existing fence on their property line creates not only a more usable, but also a safer area for the family to work and enjoy themselves. Adding a staircase on that side of the houses adds a second, safe means of accessibility for that small neighborhood of houses. Further, the deck is 90% complete, and to have to dismantle a structure built in good faith, especially on a difficult uphill site such as the Lambs have, is not only a financial burden, but is also a discouragement to further home improvements that may maintain and increase the property values of the house and the neighborhood.

Feel free to contact me with any questions at 586-2089 or at this email.

Sincerely,

Kathy Ward

--
"There are many horrible sights in the multiverse. Somehow, though, to a soul attuned to the subtle rhythms of a library, there are few worse sights than a hole where a book ought to be." - Terry Pratchett

To: CBJ Planning Commission/Board of Adjustment
From: John and Melinda Lamb, owners
RE: CBJ Variance Request for 312A 6th Street, Juneau
Date: March 10, 2014

Comprehensive Report: Lamb

In an effort to collect the many pieces of this project gone awry I would like to submit this comprehensive report in support of our application for a variance to reduce our property's rear setback. I would like to make it known that the reason that building permits weren't sought prior to beginning this project was that I was under the impression the scope of the project was exempt from requiring a permit for the following reasons; the deck would be freestanding (not attached to the house), not more than 30" above grade and replacing an existing structure. However I realize now that consulting the CBJ Building Permit Exemptions document (http://www.juneau.org/cddftp/documents/PermitExemptions_000.pdf #6. Platforms, walks, decks, stairs and driveways not more than 30 inches above grade; not over a basement or story below; not part of an accessible route; and not including a roof;) would have informed me that my plan was in conflict on two points, the height above grade (ended up being 36" on one of 3 sides of the deck) and my plan includes a roof. This process has brought to my attention that the original deck (that was replaced) was problematic to begin with as it also was built into the setback. The previous deck (shown on 1998 as-built) terminated between 12-18" from the property line and fence creating a steep, muddy, unusable space through which to travel. I would also like to note that to my knowledge the neighbor (Mr. Pfister) had no complaints about privacy, safety or otherwise with the existing (rotting and failing) deck on my property. Likely he was glad that in it's condition, it was seldom enjoyed or utilized by my family.

I would also like it to be known that upon the issuance of the notice to stop construction by CDD, all work was ceased, I spend 5+ hours at the CDD office getting different responses each time from the planner on call on how to proceed. Eventually I was able to receive a building permit to complete the window and siding replacement portion of the project before winter set in.

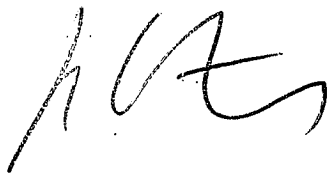
As you can see from your information packet, I have the support from owners of 3 of the 4 adjacent properties and believe I have equal homeowners rights to enjoy outdoor space as does the one neighbor who is protesting the variance request on the grounds that the project will impact the privacy of his property and therefore decrease the value of it. I have had civil conversations with this neighbor and believe the approval of the variance would not have a significant impact on the harmony of the neighborhood and that accommodations could be made to the subsequent building plans that will be required to proceed after the variance matter is settled.

ATTACHMENT F

Our property is microscopic and my house does not meet the minimum 5' setback requirement on 3 sides of the lot, enforcement of the minimum setback on the 4th side of the lot would be inconsistent.

Thank you for your time and dedication to reasonable and responsible land use in Juneau.

John (Jonas) Lamb



Supporting Documents:

Decisions arguably setting precedence for reduction of setback:

1. **VAR2013 0015. 6th Street Juneau Townsite, after the fact variance approved to reduce setback from 5' to 0'.** http://www.juneau.org/plancom/pdfs/20131025121309.pdf Decision included in packet p.9
   http://www.juneau.org/plancom/pdfs/20131015023918.pdf Documents online

   a. This instance is similar to the situation on our property due to the following factors: Unique characteristics of the land or building is the steepness of our lot ~30-35 degrees. Access/travel on such a steep slope is difficult and unsafe without the addition of stairs.

2. **VAR2011 0015. Choate House 8th Street Juneau Townsite, reduce setbacks from 3'6" to 0"**
   http://www.juneau.org/plancom/pdfs/20110714021512.pdf decision included in packet p.11
   http://www.juneau.org/plancom/pdfs/20110706024238.pdf Documents online

   a. I refer to the section in the decision "Revised Findings #6" "That a grant of the variance would result in more benefits than detriments to the neighborhood". IN this case it was determined that granting a variance will eliminate a small unusable space between the proposed garage and the stairway structure on the neighboring property. IN the case of my request, not granting a variance would preserve a small unusable space. The letters of support from my neighbors illustrate the benefits the proposed deck and stairs to the property line would provide to the neighborhood are greater than the detriment (negative impact to outdoor privacy for my neighbor in an area of extremely high density housing where such expectations of privacy are a bit unrealistic).

3. **VAR2010 0037. Reduction of side yard setback from 3' to 0' for existing deck**
   http://www.juneau.org/plancom/pdfs/20110512092925.pdf Decision included in packet p.13
   http://www.juneau.org/plancom/pdfs/20110505113235.pdf documents online

   a. I refer to item #5 "Compliance with existing standards would: B) Unreasonable prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearances or features, with existing development in the neighborhood" Other properties in this neighborhood and similar neighborhoods (flats and highlands) have grade level decks near or up to the property line. My deck is grade level on the uphill side and 36" on the high side. Structures on my street have setbacks of less than 5' as this neighborhood was built 100 years ago.

4. **VAR2013 0002. Douglas Decision citing "Existing Substandard Setbacks (§49.25.430(4)(K))" and historical district precedence of homes built prior to zoning and setback. Setback reduced from 10 to 3.5**
   http://www.juneau.org/plancom/pdfs/20130912105608.pdf decision included in packet p.16
   http://www.juneau.org/plancom/pdfs/20130308093452.pdf Documents online

5. **VAR2012 0030Reduction of setback to 4' with roof eave projections to either 2' or .5'(not clear) of property line.**
http://www.juneau.org/plancom/pdfs/20130206121101.pdf decision included in packet p. 18
http://www.juneau.org/plancom/pdfs/20130118085458.pdf docs

   a. This is included as we intend to submit construction plans for roof projection as well, should it be added to this application considering the roof is part of the deck construction docs which we were advised not to submit until after the variance was approved? Would we need to then get another variance if the 0' setback is approved in order to have the roof project to

within 3' of the property line as planned? This picture above is not from the property referred to in VAR2012 0030 but is from a home in the flats illustrating a roof structure terminating at a fence on the property line of the side lot. I don't propose extending the deck roof to the fence but into the setback, yes.

6. **VAR2010 0038. Reduction of setback to 2' and 7"** p.
http://www.juneau.org/plancom/documents/NOD_VAR10-38.pdf Decision included in packet p. 20

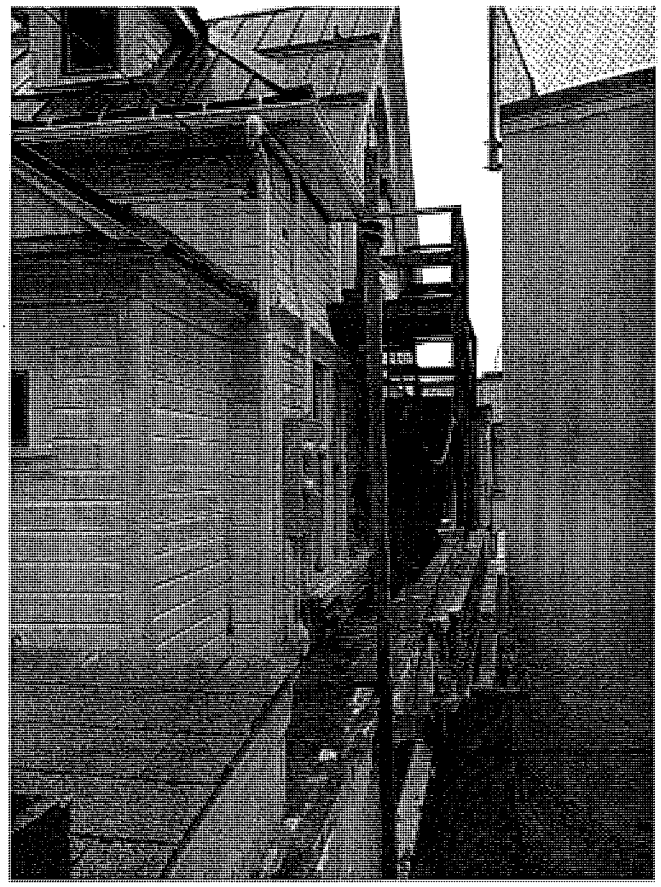
7. **VAR2010 0036. Reduction of setback from1.5' to 0'**
http://www.juneau.org/plancom/documents/NOD_VAR10-36.pdf Decision included in packet p. 22

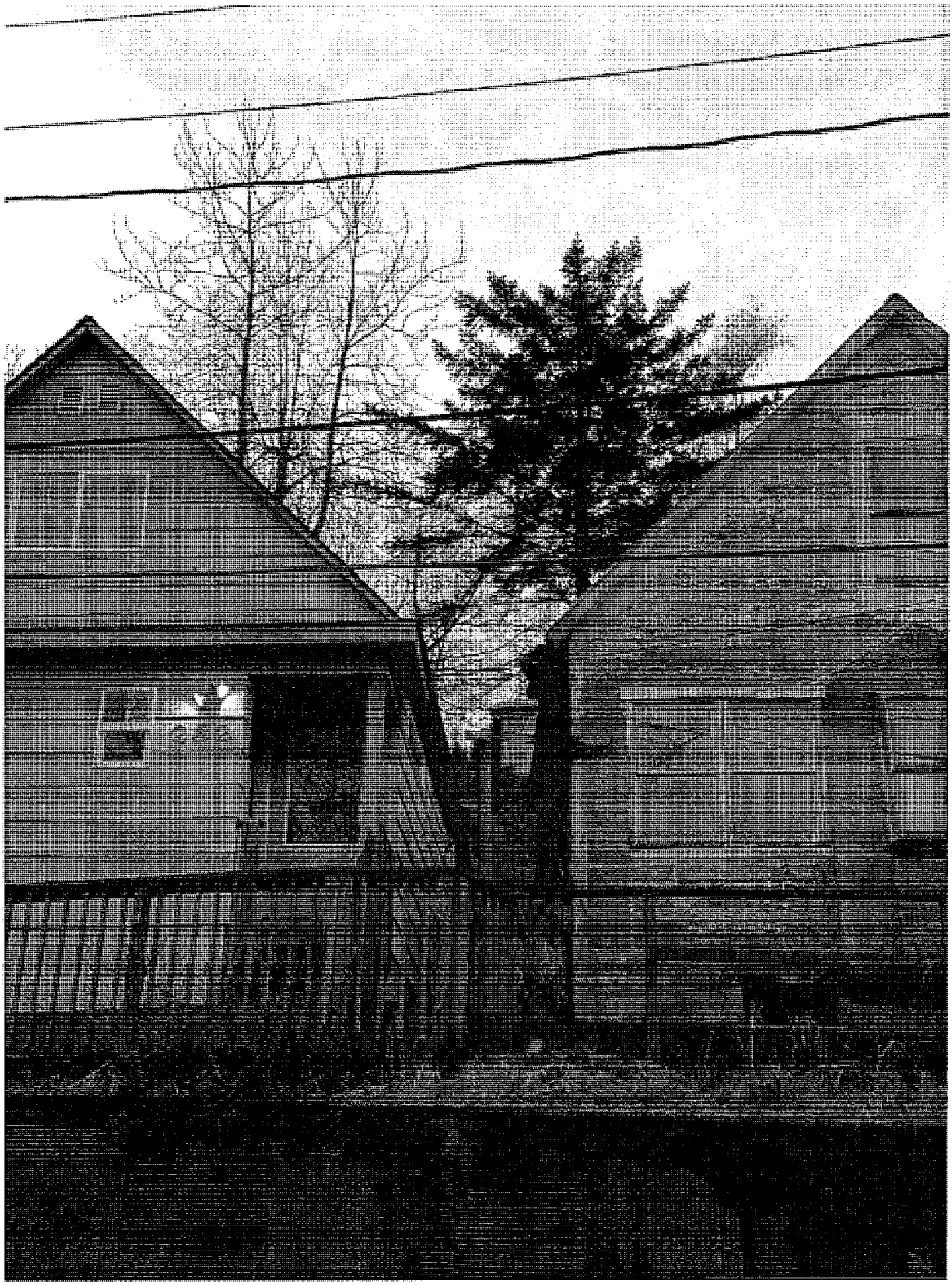
8. **VAR2010 007. Replace existing with new stairs into setback to 2.5' of lot line**
http://www.juneau.org/plancom/NOD_VAR10-07.pdf.pdf Decision included in packet p. 26

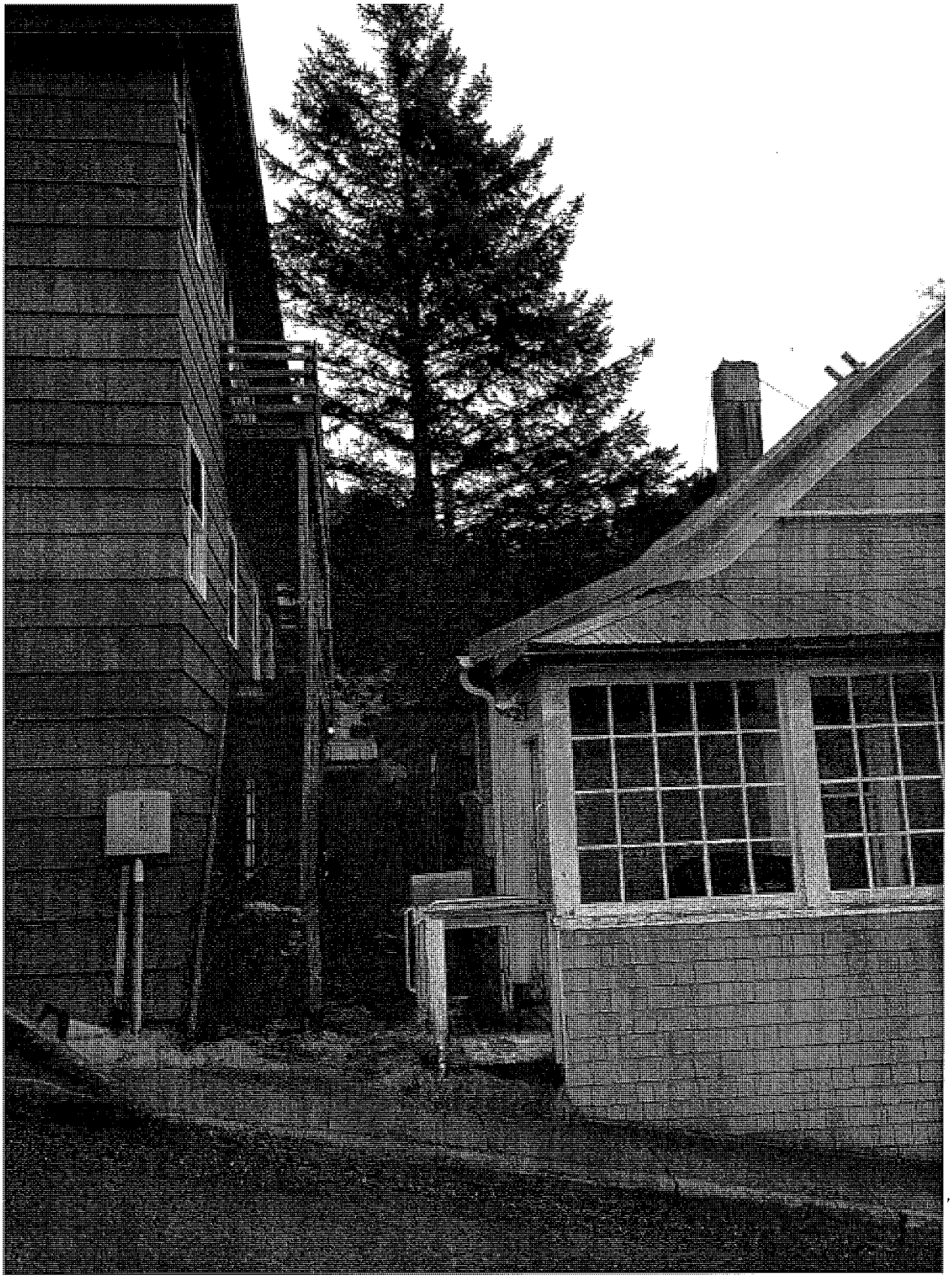
9. **VAR2009 0029. Garage built within 2" and 0' of lot line**
http://www.juneau.org/plancom/documents/NOD_VAR09-29.pdf decision included in packet p. 24

Pictures:

The following pictures illustrate the close proximity of structures and in many cases substandard setbacks of properties located in the neighborhood of 6th and Franklin streets downtown Juneau.







CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: February 6, 2013
File No.: VAR2013 0015

Vance F Putman
PO Box 20473
Juneau, AK 99802

Application For:	An after-the-fact Variance to reduce the side-yard and rear-yard setbacks to zero for construction of a sauna.
Legal Description:	Juneau Townsite Block 29 Lot 2
Property Address:	114 Sixth Street
Parcel Code No.:	1-C06-0-A29-003-0
Hearing Date:	October 22, 2013

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 15, 2013, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: October 15, 2013 memorandum from Teri Camery, Community Development, to the CBJ Board of Adjustment regarding VAR2013 0015

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date:	The permit is effective upon approval by the Board, October 22, 2013
Expiration Date:	The permit will expire 18 months after the effective date, or April 22, 2015 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

Teri Camery, Senior Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Filed With City Clerk

10/25/13
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: July 13, 2011
File No.: VAR20110015

Dave Hurley
126 Seward St.
Juneau, AK 99801

Application For:	A Variance request to reduce the side yard setback from 3' 4" to 0' and a reduction in the front yard setback from 10' to 2.64'.
Legal Description:	Juneau Townsite Block 43 Lot 1 2 Fraction
Property Address:	230 West 8th Street
Parcel Code No.:	1-C06-0-A43-001-0
Hearing Date:	July 12, 2011

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings 1, 3, 4 and 5 listed in the attached memorandum dated July 6, 2011. Additional information submitted by the applicant on July 11th and 12th was provided at the public hearing.

Based on these and other factors presented at the meeting, the Board of Adjustment voted to adopt the following revised findings and approved the Variance as proposed in the application with the following condition:

1. Prior to Certificate of Occupancy an As-built survey be submitted showing the garage at 0' for the north side yard and no closer than 2.64' from the west front property line.

Revised findings:

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.***

Based photographs provided by the applicant showing the scaffolding in the location of the proposed garage and a vehicle backing out, there will not be significant impact to sight visibility. Because the sight visibility will not be significantly impacted public safety and welfare will be preserved.

Yes, the Board of Adjustment finds that this criterion is met.

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

Granting the side yard variance will eliminate a small unusable space between the proposed garage and the stairway structure on the neighboring property, provides support to the neighboring stairway structure on the property line, and would create a fully usable 2 car garage.

Yes, the Board of Adjustment finds that this criterion is met.

Attachments: July 12, 2011, memorandum from Nicole Jones, Community Development, to the CBJ Board of Adjustment regarding VAR20110015. Blue Folder items presented at the hearing including photographs and an As-Built Survey dated 7/9/2011.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, July 12, 2011.

Expiration Date: The permit will expire 18 months after the effective date, or January 12, 2013, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

Nicole Jones, Planner
Community Development Department

Maria Gladziszewski, Chair
Planning Commission

Filed With City Clerk

7/14/11
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
May 11, 2011
File No.: VAR2010 0037

Miriha D. Scalf
2806 Peters Lane
Juneau, AK 99801

Application For:	A Variance request to reduce the side yard setback from 3' to 0' for an existing deck.
Legal Description:	Treadwell Townhouse Lot 1
Property Address:	2806 Peters Lane
Parcel Code No.:	1-D05-0-L15-001-0
Hearing Date:	May 10, 2011

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings 2, 3 and 4 listed in the attached memorandum dated May 3, 2011. Additional information submitted by the applicant on May 10, 2011 was provided at the public hearing.

Based on these and other factors presented at the meeting, the Board of Adjustment voted to adopt the following revised findings:

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 Treadwell Townhouse Subdivision unit 6 has a deck structure in the same character as the deck at 2806 Peters Lane. Treadwell Townhouse Subdivision units 5, 4, 3, and 2 each have ground level decks that extend to their property lines; each of the ground level decks are at different elevations.

The other Treadwell Townhouse owners all have access to outdoor deck space to recreate. Granting the request for a variance and allowing the existing grade level deck to remain without modification is consistent with other justice to other property owners.

Yes, the Board of Adjustment finds that this criterion is met.

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

(B) Unreasonable 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;

Other property owners in this neighborhood have similar grade level decks near the property line or up to the property line. This grade level deck is consistent with existing development in the neighborhood.

~~Therefore, 5B sub-criterion is met.~~

Yes, the Board of Adjustment finds that criterion 5 is met because sub-criterion 5B is met.

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

If the variance is denied it would require the applicant to remove the portion of the deck that is within the 3' setback which would disturb the ground beneath the deck. This would result in increased soil erosion which is what the adjacent neighbor is most concerned about. Leaving the deck in the location would prevent further impacts to soil below and would result in a benefit to the neighborhood.

Yes, the Board of Adjustment finds that this criterion is met.

Attachment: May 3, 2011, memorandum from Nicole Jones, Community Development, to the CBJ Board of Adjustment regarding VAR2010 0037.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, May 10, 2011.

Expiration Date: The permit will expire 18 months after the effective date, or November 10, 2012 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: _____ _____

Nicole Jones, Planner
Community Development Department

Maria Gladziszewski, Chair
Planning Commission

_____ 5/11/11

Filed With City Clerk

Date

cc: Plan Review
Enforcement Case ENF2010 0031

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

** REVISED **
BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: March 13, 2013
File No.: VAR2013 0002

Joseph Jacobson
1408 2nd Street
Douglas, AK 99801

Application For:	Variance request to reduce front setback from 10 ft. to 3.5 ft. for reconstruction of an existing arctic entry and construction of a covered deck.
Legal Description:	Douglas Townsite Block 41 Lot 2 FR
Property Address:	1408 2nd Street
Parcel Code No.:	2-D04-0T4-1-002-0
Hearing Date:	March 12, 2013

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 12, 2013, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Foundation setback verification approved by a licensed surveyor shall be required.

2. An As-Built Survey shall be required prior to issuance of a Certificate of Occupancy.

Attachment: March 7, 2013, memorandum from Jonathan Lange, Community Development, to the CBJ Board of Adjustment regarding VAR2013 0002

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, March 12, 2013.

Expiration Date: The permit will expire 18 months after the effective date, or September 12, 2014, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: Jonathan Lange
Jonathan Lange, Planner
Community Development Department

Dennis Watson / Michael Satre
Michael Satre, Chair
Planning Commission

Filed With City Clerk Deputy Clerk Date 9/11/2013

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: January 25, 2013
File No.: VAR2012 0030

Ken Huse
9700 N. Douglas Hwy
Juneau, AK 99801

Application For:	Kevin Huse
Legal Description:	USS 2903 Lot 30 Tract B2
Property Address:	995 Mendenhall Peninsula Road
Parcel Code No.:	4-B19-0-103-002-2
Hearing Date:	January 22, 2013

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 22, 2013, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application, the variance permit would allow for the front yard setback to be reduced to 4 feet and eaves to project to 2 feet from the front property line at 995 Mendenhall Peninsula Road for the remodel and expansion of an accessory building and with the following conditions:

1. Prior to issuance of a building permit, the applicant shall modify the building plans so that the eaves are no closer than 2 feet to the front property line.

2. Prior to issuance of a Certificate of Occupancy, setbacks of the structure and eaves shall be verified by a licensed surveyor.

Attachment: January 17, 2012, memorandum from Jonathan Lange, Community Development, to the CBJ Board of Adjustment regarding VAR2012 0030

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, January 22, 2013

Expiration Date: The permit will expire 18 months after the effective date, or June 22, 2014, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: Jonathan Lange

Jonathan Lange, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Filed With City Clerk

1/29/2013
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: December 29, 2010
File No.: VAR2010 0038

Stronghold Construction
Attn.: Sam Parks
PO Box 24052
Juneau, AK 99803

Application For:	A Variance to reconstruct a garage in the side and rear yard setbacks.
Legal Description:	Lot 2 Block 217 Casey Shattuck
Property Address:	603 West Eleventh Street
Parcel Code No.:	1-C06-0-C17-001-0
Hearing Date:	December 28, 2010

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 21, 2010, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and, with the following conditions:

1. Prior to foundation setback verification, a surveyor shall verify that the foundation forms are not closer than 2 feet from the rear lot line and .7 feet (8.4 inches) from the western side lot line.
2. Prior to framing inspection, the applicant shall either submit an As-Built Survey to the Community Development Department or confirm by a surveyor that the framing will not be any closer than 2 feet from the southeastern rear lot line and 8.4 inches away from the western side lot line.
3. Prior to issuance of a Certificate of Occupancy, the applicant shall submit an As-Built Survey to the Community Development Department showing how the new garage complies with the distances stated in Condition 1.

Attachment: December 21, 2010, memorandum from Eric Feldt, Community Development, to the CBJ Board of Adjustment regarding VAR2010 0038.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, December 28, 2010.

Expiration Date: The permit will expire 18 months after the effective date, or June 28, 2012, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: _____ _____

Eric Feldt, Planner
Community Development Department

Maria Gladziszewski, Chair
Planning Commission

_____ 12/29/10

Filed With City Clerk Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: December 29, 2010
File No.: VAR2010 0036

Jacek Maselko
16695 Pt. Lena Loop Rd.
Juneau, AK 99801

Application For:	A Variance Request to reduce the front yard setback from 1.5' to 0'and side yard setback from 10' to 7.26' for an existing structure.
Legal Description:	USS 3053 LT B
Property Address:	16695 Pt. Lena Loop Rd.
Parcel Code No.:	8-B33-0-100-019-0
Hearing Date:	December 28, 2010

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 9, 2010, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Have existing structure inspected by CBJ inspectors and get Certificate of Occupancy for BLD-15277.
2. Complete building permit (BLD2007-00085) to convert the understory of the garage into living space.

Attachment: December 9, 2010, memorandum from Nicole Jones, Community Development, to the CBJ Board of Adjustment regarding VAR2010 0036.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, December 28, 2010

Expiration Date: The permit will expire 18 months after the effective date, or June 28, 2012, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: _____
Nicole Jones, Planner
Community Development Department

_____
Maria Gladziszewski, Chair
Planning Commission

_____ 12/29/10
Filed With City Clerk Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: October 14, 2009
File No.: VAR2009-00029

William Glude
PO Box 22316
Juneau, AK 99802

Application For:	A Variance Request to allow a garage to be built 2" from side lot line and 6 inches from the rear lot line.
Legal Description:	CASEY SHATTUCK BL 206 LT 3
Parcel Code No.:	1-C03-0-C06-006-0
Hearing Date:	October 13, 2009

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 7, 2009, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to authorization to pour concrete for the foundation, verification from a licensed surveyor will be required showing the forms will comply with the setbacks approved by this variance. The surveyor must review approved plans to take into account all exterior building materials and projects.

2. Provide an as-built survey, prior to issuance of a certificate of occupancy, to confirm the 2 inch side yard setback and the 6 inch rear yard setback. The as-built will also verify that the eaves do not extend beyond what is permitted with the encroachment easement and do not encroach into the right-of-way.

Attachment: October 7, 2009, memorandum from Beth McKibben, Community Development, to the CBJ Board of Adjustment regarding VAR2009-00029.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, October 13, 2009.

Expiration Date: The permit will expire 18 months after the effective date, or April 13, 2011, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: _____
Beth McKibben, Planner
Community Development Department

_____
Maria Gladziszewski, Chair
Planning Commission

_____ 10/15/09
Filed With City Clerk Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: April 14, 2010
File No.: VAR2010007

Kirk & Paula McMeen
PO Box 35085
Juneau, AK 99803

Application For:	A Variance request for the replacement of concrete stairs and landing with a new deck that would be located 2.5 feet from the side lot line and new stairs.
Legal Description:	Highlands Subdivision Block G, Lot 2
Parcel Code No.:	1-C03-0-J07-002-0
Hearing Date:	April 13, 2010

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 1, 2010, and approved the Variance request for the replacement of concrete stairs and landing with a new deck that would be located 2.5 feet from the side lot line and new stairs, to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

1. An as-built survey is required prior to final inspection approval.

Attachment: April 1, 2010, memorandum from Jennifer Wilson, Community Development, to the CBJ Board of Adjustment regarding VAR20100007.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date:	The permit is effective upon approval by the Board of Adjustment, April 13, 2010.
Expiration Date:	The permit will expire 18 months after the effective date, or September 13, 2011, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: _____
Daniel J. Sexton, Planner
Community Development Department

_____
Maria Gladziszewski, Chair
Planning Commission

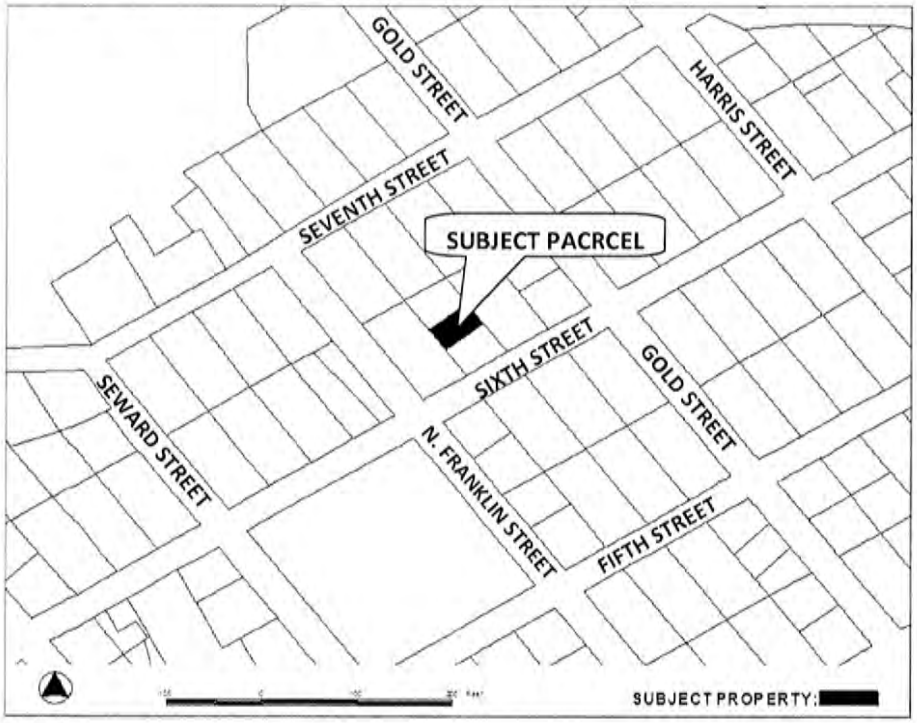
_____
Filed With City Clerk

4/14/2010
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: Variance request to replace and extend existing deck to property line.

File No:	VAR2014 0002	Applicant:	John & Melinda Lamb
To:	Adjacent Property Owners	Property PCN:	1-C04-0-A27-003-0
Hearing Date:	March 25, 2014	Owner:	John & Melinda Lamb
Hearing Time:	7:00 PM	Size:	1,506 Square Feet
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	312 Sixth Street Unit A
	155 South Seward Street	Accessed Via:	Sixth Street
	Juneau, Alaska 99801		

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 14 days prior to 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 Chrissy McNally at christine_mcnally@ci.juneau.ak.us or at 586-0761.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Attachment G

Date notice was printed: February 19, 2014