


MEMORANDUM

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

DATE: April 9, 2014

TO: Board of Adjustment

FROM: Jonathan Lange, Planner 
Community Development Department

FILE NO.: VAR2014 0006

PROPOSAL: A Variance request to reduce the side yard setback from 5 feet to 2.5 feet to allow a carport, and a reduction of the required setback for an eave for the carport from 2 feet to 1.5 feet.

GENERAL INFORMATION

Applicant: Chris Douglas

Property Owner: Chris Douglas

Property Address: 4361 Manor Avenue

Legal Description: Erin Manor Block B Lot 9

Parcel Code Number: 5-B24-0-148-011-0

Site Size: 9,945 Square Feet or 0.23 Acres

Comprehensive Plan Future
Land Use Designation: ULDR – Urban Low Density Residential

Zoning: D-5

Utilities: Public Water and Sewer

Access: Manor Avenue

Existing Land Use: Single-family Dwelling

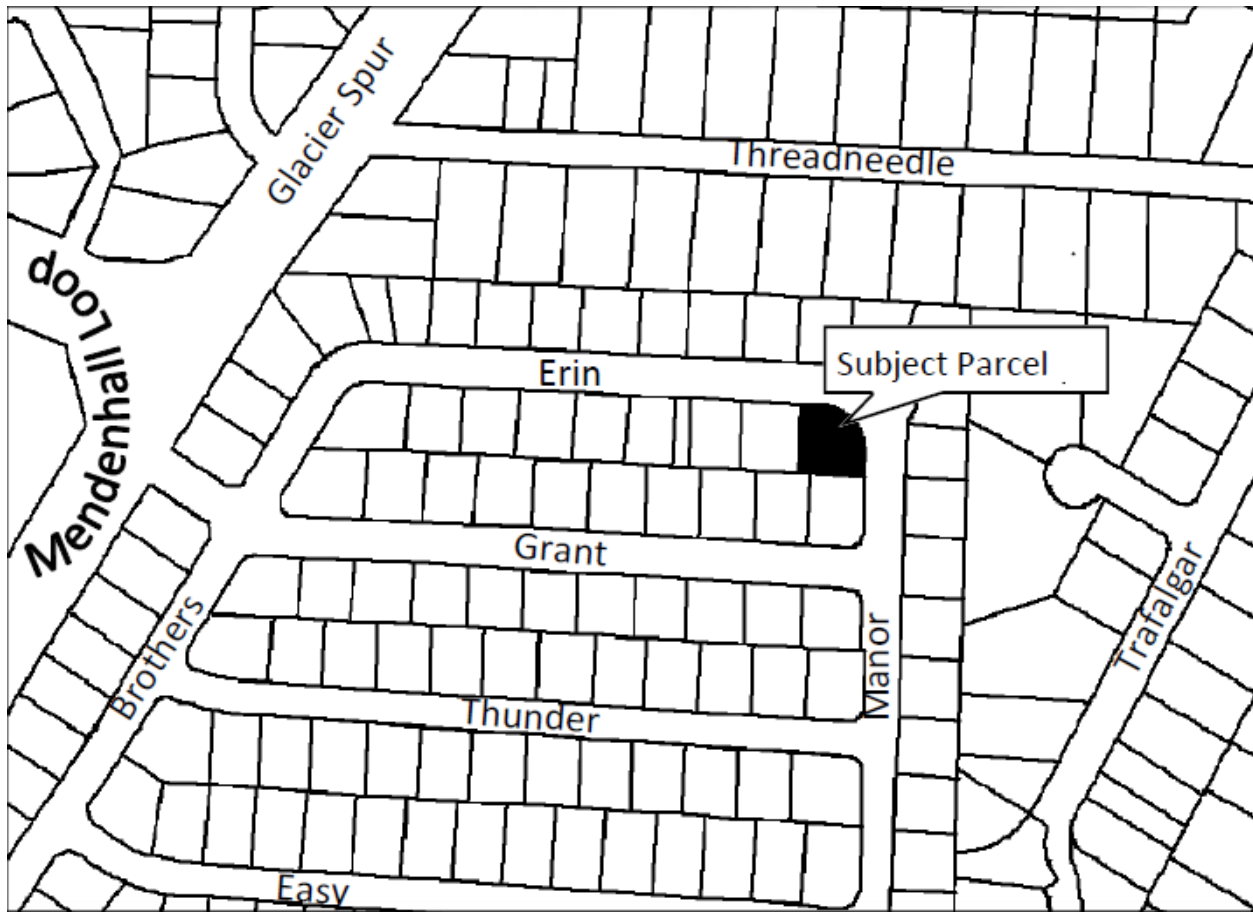
Surrounding Land Use:

North	D-5 – Single-family Dwelling
South	D-5 – Single-family Dwelling
East	D-5 – Single-family Dwelling
West	D-5 – Single-family Dwelling



CITY/BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

VICINITY MAP



ATTACHMENTS

- Attachment A – Variance and Development Permit Application and Project Narrative
- Attachment B – Proposed Site Plan and Building Plans
- Attachment C – Pictures of Site and Surrounding Area
- Attachment D – Public Notice
- Attachment E – CBJ Review Comments

PROJECT DESCRIPTION

The applicant would like to build a carport, with the internal width of 12 feet, on the south side of their home located at 4361 Manor Avenue. To do so the applicant is asking for a variance to reduce the side yard setback from 5 feet to 2.5 feet for the carport wall and footing, and a reduction of the required setback for the carport eave from 2 feet to 1.5 feet.

BACKGROUND

The applicant asked for a 2 foot variance for the carport in their application; asking to reduce the side yard setback from 5 feet to 3 feet. As staff reviewed the application and building permit upon submittal, staff noticed that the applicant had measured the internal width of the carport. Setbacks are measured from the external material of the building to the property line. Staff contacted the applicant and discussed that the variance description being asked for in the applicants building plans was different from the description in the narrative. With permission from the applicant staff changed the variance description to a variance of 2.5 feet (two and a half feet) for the carport. Staff and the applicant also discussed the need for a variance to the eave setback for the proposed carport eave.

ANALYSIS

The subject parcel is located in a D-5 zoning district. The setbacks in the D-5 zone are as follows: 20 feet for the front and rear yards; 13 feet for the street side yard setback; and 5 feet for the side yard setback. The applicant is asking to reduce their side yard setback to 2.5 feet for a carport.

Architectural features of buildings are allowed to project into required yard setbacks, per the City and Borough of Juneau's Land Use Code Title 49. 25.430(4)(A):

(4)Projections into required yards.

(A)Architectural features. 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.

Though eaves are allowed to project into required yard setbacks, per the above citation, the eave shall be no closer than two feet to a side property line.

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 applicant could build a carport and meet the side yard setback, but by granting the requested variance relief would be given to the owner of the property in that he would be able to build a carport big enough to store his boat and or utility trailer.

The relaxation applied for would be consistent with other properties in the neighborhood that have carports that appear to be within side yard setbacks (see Attachment C).

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

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

There is no evidence to suggest that the construction of a carport would impact public safety and welfare.

Yes. The criterion is met.

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

City and Borough of Juneau, General Engineering Staff, have concerns with drainage for the proposed carport (see Attachment E). The concern is that the carport roof is proposed to slant towards the side property line. General Engineering Staff has stated that drainage would have to be addressed prior to construction of the proposed carport, either through a gutter and down spout system or through grading of the ground to avoid stormwater runoff onto the neighboring property. Stormwater and drainage will be addressed through a Grading and Drainage Permit through the Community Development Department as a condition of approval for the proposed carport.

Yes. This criterion can be met by addressing grading and drainage around the proposed carport.

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

The primary use of the property is a single-family home. The variance would allow for a carport for the owner to park their boat and or trailer; the carport is considered accessory to the residential use.

Yes. The 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 variance is for the construction of the carport which is an accessory use for a permissible use.

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 proposed carport is consistent in the scale, amenities, appearance and features of existing development in the neighborhood.

Yes. This criterion is met.

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

The proposed project is not unique to the neighborhood. If the variance was not granted the property owner could construct a smaller carport and meet the required setback.

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 granting of the variance would result in a net decrease in the overall compliance with the Land Use Code, as the granting of the reduced side yard setback, and would extend 2.5 feet beyond the required setback.

No. The criterion is not met.

Since sub criteria 5B is met, criterion 5 is met.

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

No detriments have been identified to the neighborhood if the variance was granted.

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 49.25.250, Grounds of Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2014 0006. The Variance permit would allow for a reduction to the side yard setback from 5 feet to 2.5 feet to allow a carport, and a reduction of the required setback for an eave for the carport from 2 feet to 1.5 feet.

With the following condition:

1. Prior to construction the applicant shall address site grading and drainage through a Grading and Drainage Permit; or add a gutter and down spout system to the carport roof that complies with the roof eave setback of 1.5 feet.

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number VAR 20140006	Date Received 3/11/14
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TYPE OF VARIANCE REQUESTED:

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

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

The support post for carport 12' of house instead of 10' for more room and ease of parking boat and/or snow machine trailer

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): _____

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

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

Ease of parking boat trailer or a wide utility trailer

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

Very tight parking, damage to house could happen while backing trailer in

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>	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Total Fee	\$ <u>400</u>	<u>Cash</u>	<u>CDD4863</u>	<u>3/11/14</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

Project Number VAR20140006	CITY and BOROUGH of JUNEAU	Date Received: 3-11-14
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description Side yard set back variance for carport		
PROPERTY LOCATION		
Street Address 4361 Manor Ave	City/Zip Juneau AK 99801	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Eria Manor BL B CT 9		
Assessor's Parcel Number(s) 5B2401480110		
LANDOWNER/LESSEE		
Property Owner's Name Chris Douglas	Contact Person:	Work Phone: 209-0951
Mailing Address 4361 Manor Ave	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	

PROJECT / APPLICANT

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.		
<input checked="" type="checkbox"/>	Chris Douglas Landowner/Lessee Signature	3-11-14 Date
<input checked="" type="checkbox"/>	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 as owner	Contact Person:	Work Phone:
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	
<input checked="" type="checkbox"/>	Applicant's Signature	Date of Application

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

STAFF APPROVALS

Y	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)		
<input checked="" type="checkbox"/>	Variance Case (De Minimis and all other Variance case types)	3/11/2014	VAR20140006
	Wetlands Permits		
	Zone Change Application		
	Other (Describe)		

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

Comments:	Permit Intake Initials
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Variance Approval Criteria

A variance may be granted after the prescribed hearing and after the Board of Adjustment has determined the following criteria are met. Include in your project narrative a detailed description about how your proposal meets each of the criteria listed below:

- (1) 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;
- (2) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved;
- (3) The authorization of the variance will not injure nearby property;
- (4) The variance does not authorize uses not allowed in the district involved;
- (5) Compliance with the existing standards would:
 - (A) Unreasonably prevent the owner from using the property for a permissible principal use;
 - (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;
 - (C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; 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, title 49, or the building code, title 19, or both; and
- (6) A grant of the variance would result in more benefits than detriments to the neighborhood.

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.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

ATTACHMENT A

To whom it may concern

This variance application is to encroach two feet within the five foot setback. The relaxation of the set back would allow property owner to utilize at ease parking of a boat and or wide utility trailer. Many of my neighbors have large carports for boat storage and or car storage.

This variance will not impact neighbors views or access of their or my property. The foot print of the roof will be the same no matter if the posts are 10' off house or 12' off house as I purpose.

RECEIVED

MAR 11 2014

RECEIVED

MAR 11 2014

PERMIT CENTER / CDD

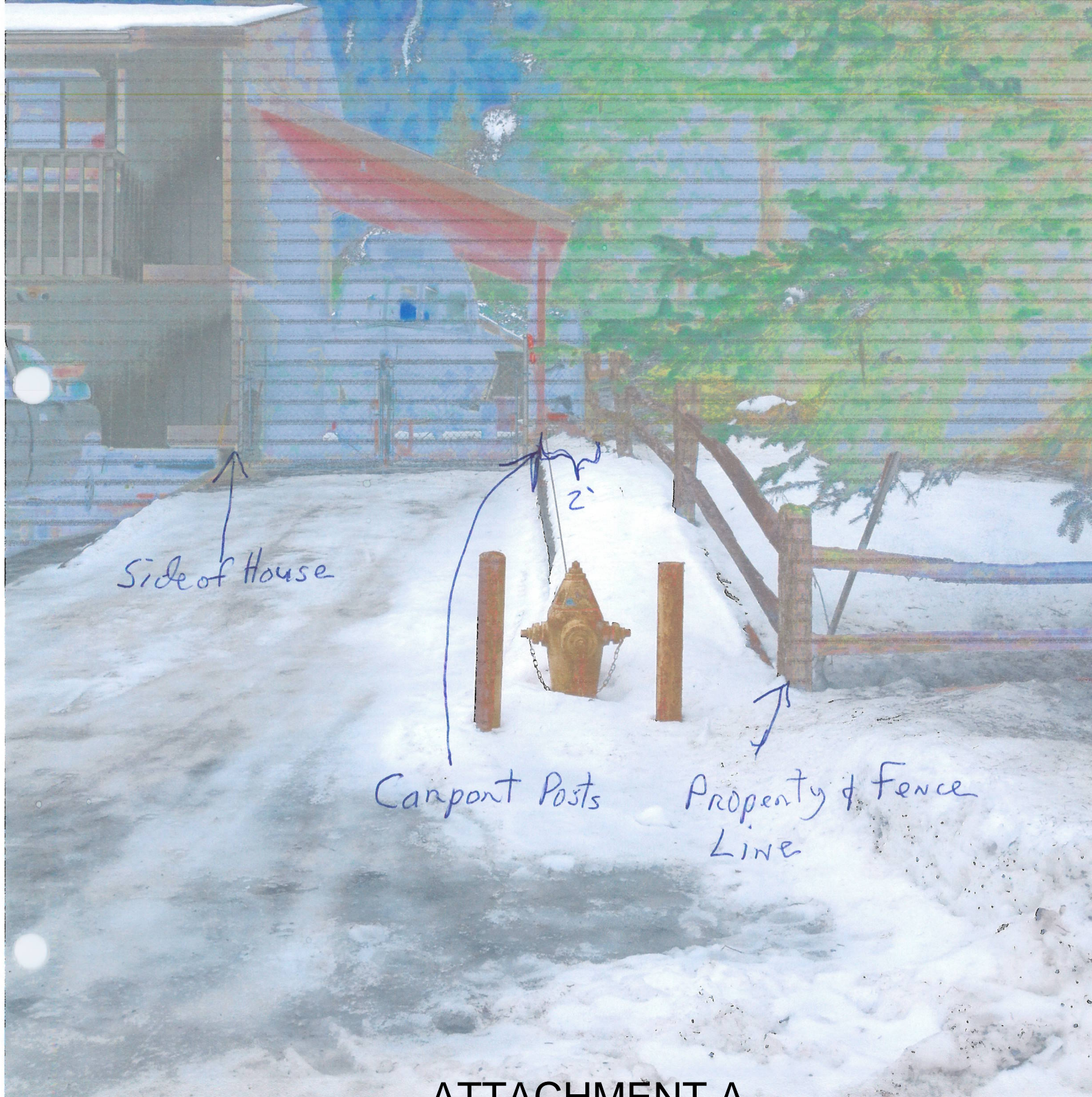
ATTACHMENT A

4356 Manor

RECEIVED

MAR 11 2014

STAFF CENTER / CDD

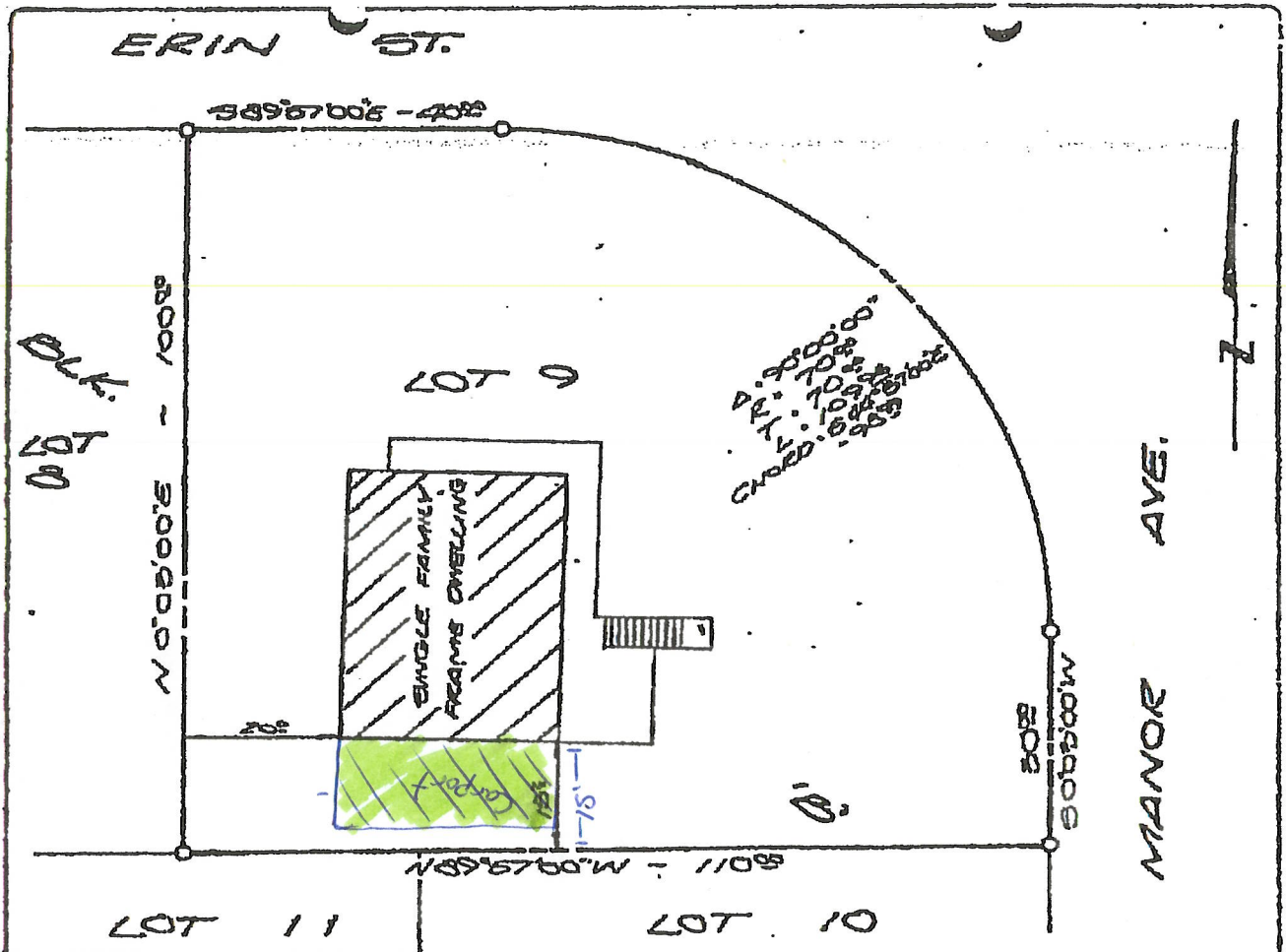


ATTACHMENT A

RECEIVED

MAR 11 2014

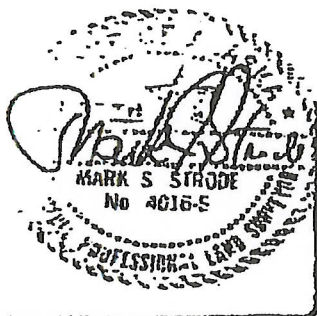
ERMIT CENTER / CDD



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY LICENSED AND REGISTERED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS IS A TRUE AND CORRECT DRAFTING, THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS ON THE LAND ARE AS SHOWN AND THAT THERE ARE NO ENCROACHMENTS OR OVERLAPS, EXCEPT AS SHOWN, TO THE BEST OF MY KNOWLEDGE.

DATE 11-1-79



		A TOPOGRAPHIC PLAT OF IMPROVEMENTS ON LOT 9, BLOCK 'B', ERIN MANOR SUBD.	
ALASKA TECHNICAL SERVICES LAND SURVEYORS		CITY & BOROUGH OF JUNEAU, ALASKA	
SEAL 2000 JUNEAU 763-0555	99005	DATE 10-21-79	DRAWN M.S. SCALE 1"=20' PROJECT 1104-03

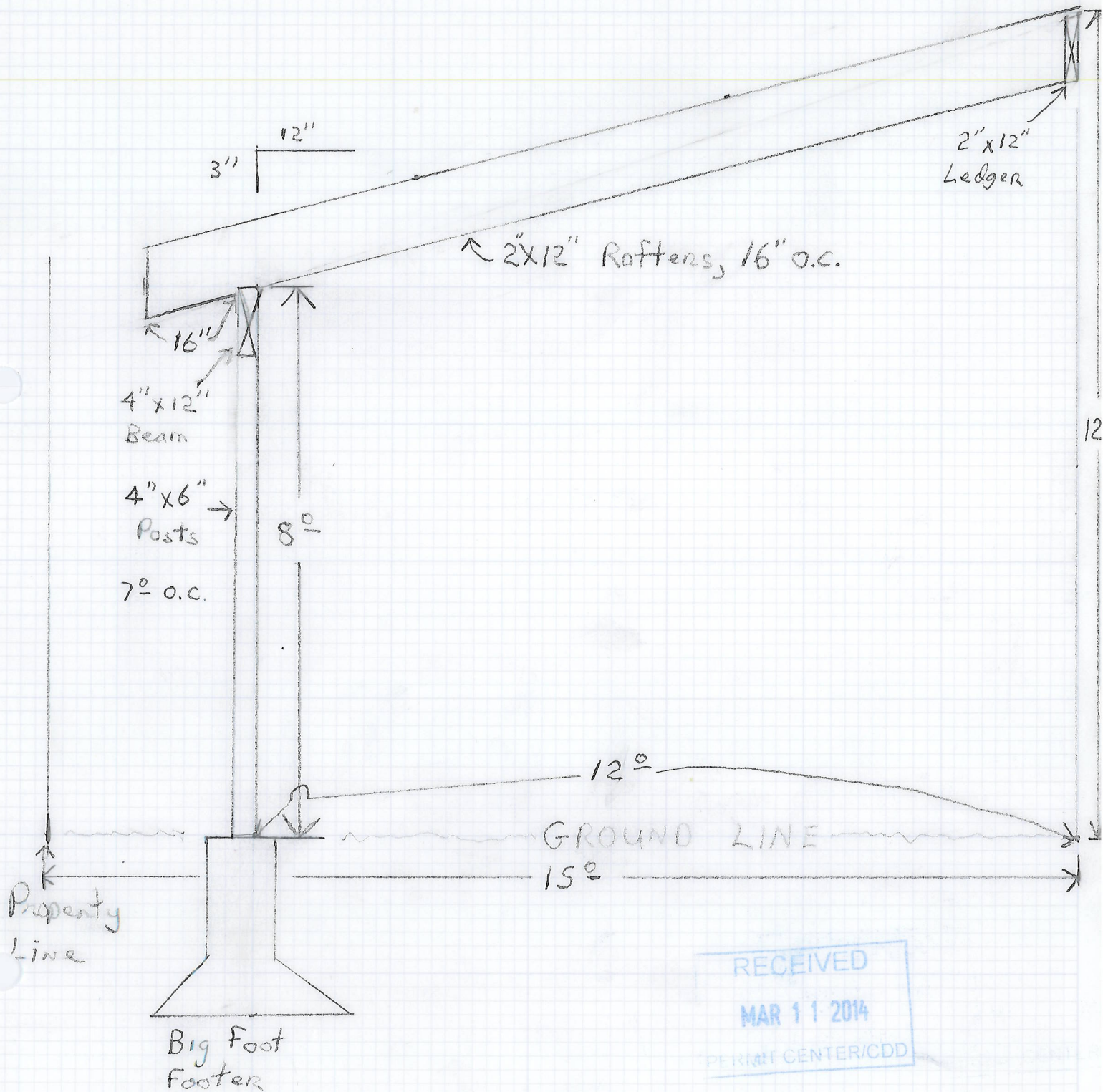
RECEIVED

MAR 11 2014

PERMIT CENTER / CDD

Scale 1" = 2'

Side of House →



RECEIVED

MAR 11 2014

PERMIT CENTER / CDD

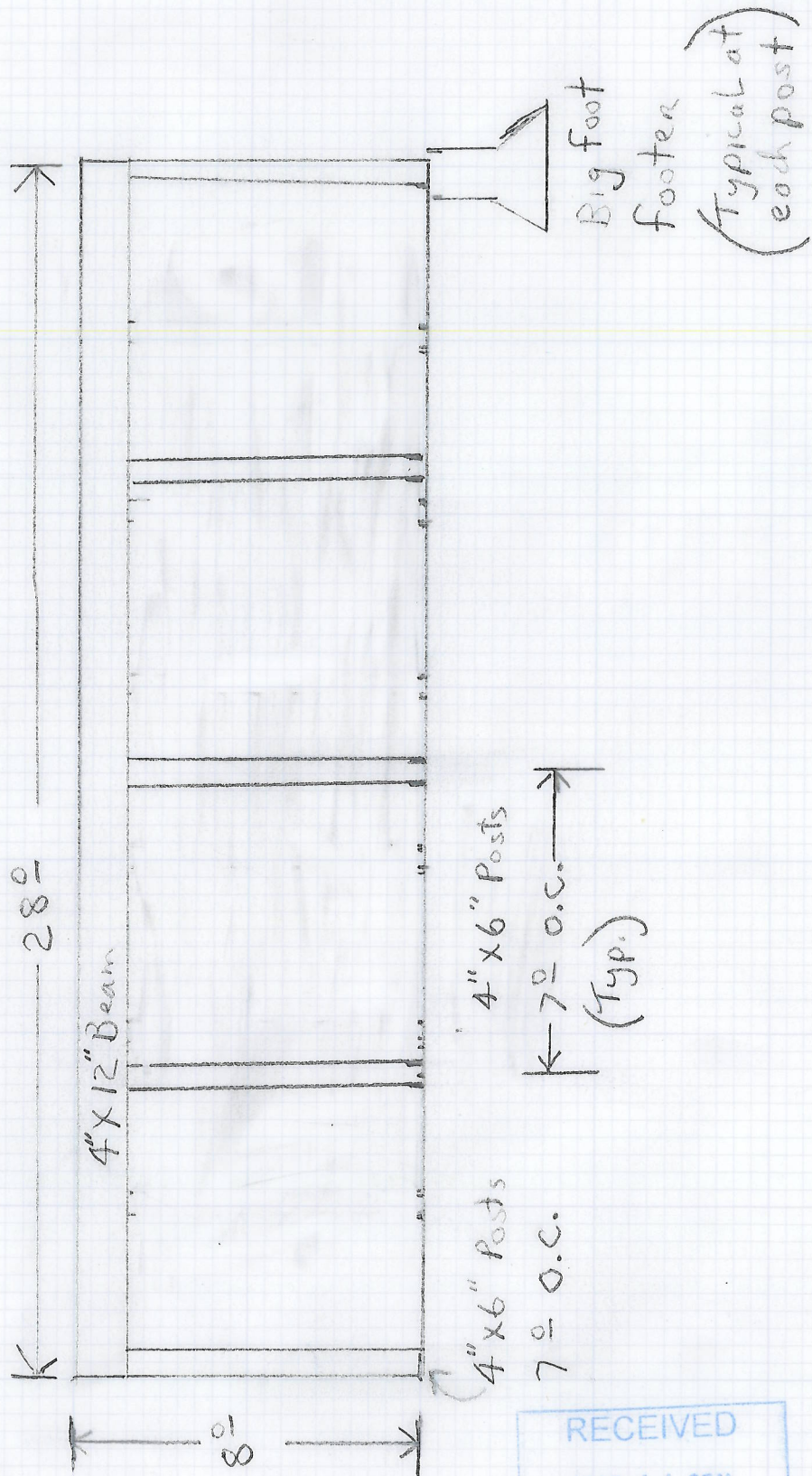
ATTACHMENT B

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PERMIT CENTER / CDD

Side View of Outside Wall



RECEIVED

MAR 11 2014

PERMIT CENTER / CDD

ATTACHMENT B

Outside Wall

1. 4 x 6 posts set on Big Foot Footers, 7 ft. on center.
2. 4 x 12 beam set on posts, attached with Simpson hangers.
3. Hurricane ties on every roof rafter to outside wall beam.

Roof

1. 2 x 12 rafters, 16" on center.
2. 5/8" plywood roof with Malarkey 35 year shingles.
3. Gutter to drain into ditch.

Attachment to existing house

1. 2 x 12 ledger board anchored every 4 ft. with two ½" x 6" lags
2. Joist hangers on every rafter to ledger board.

RECEIVED

MAR 11 2014

EXHIBIT CENTER / CDD



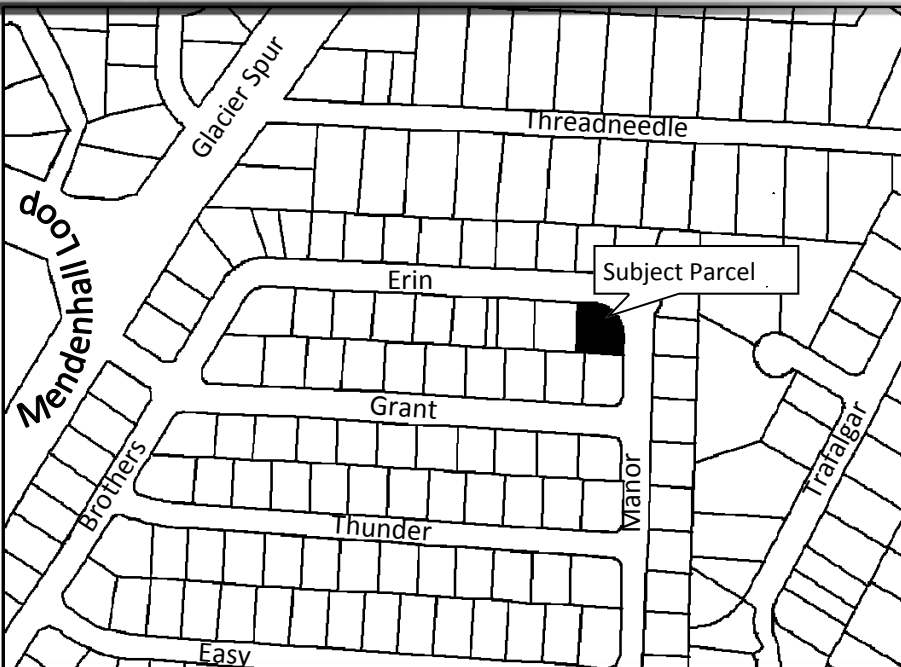
ATTACHMENT C



ATTACHMENT C



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Variance request to reduce the side yard setback from 5 feet to 2.5 feet to allow a carport, and a reduction of the required setback for an eave for the carport from 2 feet to 1.5 feet.

File No:	VAR2014 0006	Applicant:	Christopher Douglas
To:	Adjacent Property Owners	Property PCN:	5-B24-0-148-011-0
Hearing Date:	April 22, 2014	Owner:	Christopher Douglas
Hearing Time:	7:00 PM	Size:	9,945 square feet
Place:	Assembly Chambers	Zoned:	D5
	Municipal Building	Site Address:	4361 Manor Avenue
	155 South Seward Street	Accessed Via:	Manor Avenue
	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 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: March 21, 2014

ATTACHMENT D

Jonathan Lange

From: Charlie Ford
Sent: Tuesday, March 18, 2014 1:30 PM
To: Jonathan Lange; Ron King; Dan Jager
Subject: RE: VAR2014 0006 - Variance

The Building Department has no issues with this variance request.

Charlie Ford, Building Official
Community Development Dept.
City and Borough of Juneau
Tel (907)586-0767 Fax(907)586-3365
email charlie_ford@ci.juneau.ak.us
Web page www.juneau.org/permits

From: Jonathan Lange
Sent: Tuesday, March 18, 2014 12:38 PM
To: Charlie Ford; Ron King; Dan Jager
Subject: VAR2014 0006 - Variance

Subject: Please review attached documents related to the Variance Request for 4361 Manor Ave.
File: VAR2014 0006
Parcel: 5-B24-0-148-011-0

The request is for a Variance to reduce the side yard setback from 5 feet to 2.5 feet to allow a carport, and a reduction of the required setback for an eave for the carport from 2 feet to 1.5 feet.

Please see the attached application, with narrative, building plans, and a site plan highlighting the carport and setback; and the attached zoning map with the subject parcel in red.

I look forward to receiving your comments. Please send any comments for this proposal by March 26th, 2014.

Let me know if you require any additional information for this Variance request or have any questions.

Jonathan Lange, Planner I
Community Development Department
City & Borough of Juneau, Alaska
Ph: (907) 586-0218
Fax: (907) 586-3365
Email: jonathan_lange@ci.juneau.ak.us

Jonathan Lange

From: Ron King
Sent: Tuesday, March 18, 2014 1:31 PM
To: Jonathan Lange; Charlie Ford; Dan Jager
Subject: RE: VAR2014 0006 - Variance

The roof slants towards the adjacent dwelling. Applicant will have to install a gutter and connect down spout to storm drain or grade ground to avoid stormwater runoff onto the neighboring lot.

RON KING, PLS
GENERAL ENGINEERING
CITY AND BOROUGH OF JUNEAU
907-586-0881

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Sent: Tuesday, March 18, 2014 12:38 PM
To: Charlie Ford; Ron King; Dan Jager
Subject: VAR2014 0006 - Variance

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Jonathan Lange, Planner I
Community Development Department
City & Borough of Juneau, Alaska
Ph: (907) 586-0218
Fax: (907) 586-3365
Email: jonathan_lange@ci.juneau.ak.us