

MEMORANDUM

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

DATE: April 30, 2014

TO: Board of Adjustment

FROM: Chrissy McNally, Planner *Chrissy McNally*
Community Development Department

FILE NO.: VAR2014 0010

PROPOSAL: Variance request to reduce rear setback from 20' to 19' to make energy efficiency improvements to existing residence.

GENERAL INFORMATION

Applicant: Norman Landvik

Property Owner: Norman Landvik

Property Address: 8213 Poplar

Legal Description: Mendenhaven Lot 122

Parcel Code Number: 5-B25-0-177-003-0

Site Size: 7,000 square feet

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

Zoning: D5

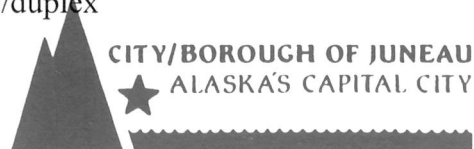
Utilities: City water & sewer

Access: Poplar Avenue

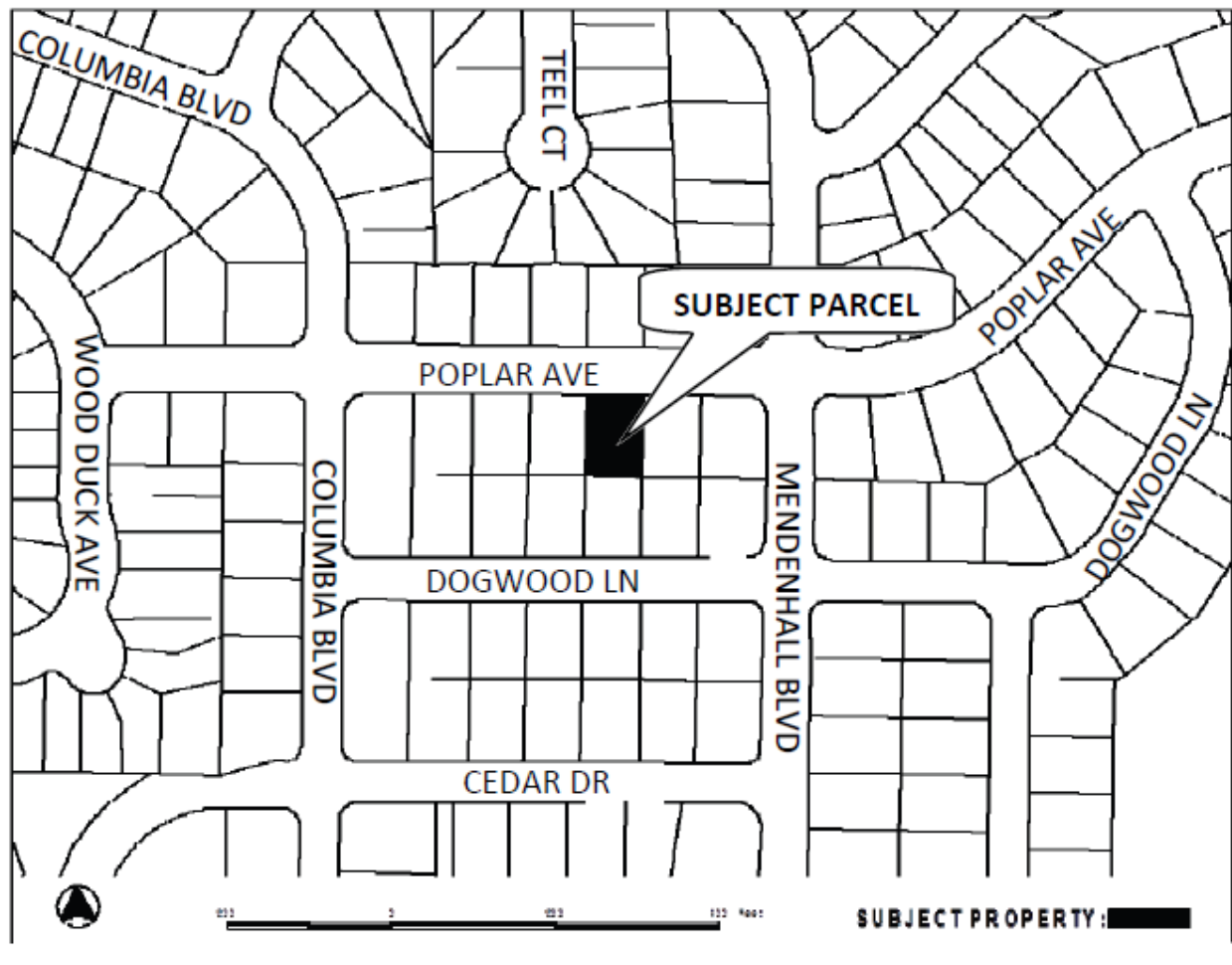
Existing Land Use: Single family residence

Surrounding Land Use:

North	- D5 - Single family/duplex
South	- D5- Single family/duplex
East	- D5 - Single family/duplex
West	- D5 – Single family/duplex



Vicinity Map



ATTACHMENTS

Attachment A: Variance application
Attachment B: As-built
Attachment C: Proposed site plan

PROJECT DESCRIPTION

The applicant requests a Variance to reduce the rear yard setback from 20 feet to 19 feet for the purpose of making energy efficiency improvements to his home. A 100 square foot addition will be added to the eastern side of the residence (see Attachment C). The addition would align with the rear wall of the residence and therefore also extend 1 foot into the required rear yard setback.

BACKGROUND

The subject lot is 7,000 square feet; 70 feet wide and 100 feet deep. The lot was first platted in 1960 as part of the Mendenhaven Subdivision. The lot fronts on Poplar Avenue and is in the D5 zoning district. The minimum lot size in the D5 zoning district is 7,000 square feet with a minimum lot width of 70 feet and depth of 85 feet. Therefore, this lot meets all the dimensional requirements for the zoning district.

The property at 8213 Poplar Avenue contains a 1,534 square foot home built in 1975 (see Attachment B). The setback requirements for the D5 zoning district are 20 feet in the front and rear yards and 5 feet for the side yards. The residence currently meets all the required setbacks for the D5 zoning district.

The applicant plans to install 2 inch Rigid Foam Insulation to the rear wall of the residence to increase the home's energy efficiency. Since the rear wall of the residence is exactly 20 feet from the rear lot line, any extension of the rear wall requires a variance to the rear yard setback.

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 of the rear yard setback from 20 feet to 19 feet would give substantial relief to the homeowner in that they could make an energy efficiency upgrade to their home which would result in lower household energy costs. The rear yard setback is adjacent to another parcel that contains a single family residence which also has a 20 foot rear yard setback. The minor projection into the rear yard setback for a home improvement will have a nearly unnoticeable impact on the adjacent properties.

YES. This 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.***

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 requested relief supports the intent of this title as it minimizes the negative impacts of development by allowing for a modern home improvement measure. The energy efficiency standards that exist today were not developed or common practice when the residence was built to the required setback. In order to bring the house up to modern standards requires relief from the setback requirement.

The relaxation also provides for legitimate design and location and ensures space for light and air by attempting to maintain the same scale. The requested relief recognizes the value of properly utilized land and development by improving the quality of the residence. The public safety and welfare is anticipated to be preserved through a more efficient structure with minimal visual changes.

YES. This criterion is met.

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

The projection into the required rear yard setback no more than one foot will not injure nearby properties. The side yard setbacks, those closest to other residences, will not be affected. There is vegetation and a fence between the rear yards of the subject parcel and that parcel adjacent to the rear yard. These screening mechanisms should serve to protect the neighboring property.

YES. This criterion is met.

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

Single family residences are allowed in all zoning districts.

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;

Compliance with the existing standard would not allow the homeowner to upgrade his home. While the installation of insulation is beneficial, the cause for the setback reduction request is not technically a permissible use within Title 49. The permissible principle use is that of a single family residence, which currently exists and will remain if the variance request is denied.

NO. This criterion is 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 applicant is not changing the overall appearance or features of the residence. This residence is similar in size and appearance of neighboring residences which were platted and developed in the 1970's. Given the need to improve the home's energy efficiency, the applicant is not proposing any significant changes to the appearance or scale of the residence.

YES. This criterion is met.

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

There are no unique physical features of the property that would render compliance with the standards unreasonably expensive. However, the rear of the residence is exactly 20 feet from the property line. The only way to insulate this portion of the house is to extend the rear wall into the required setback.

NO. This criterion is 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.***

There are no preexisting nonconforming conditions on the subject parcel.

NO. This criterion is not met.

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

Upgrading homes that do not meet modern standards is a benefit to the neighborhood. The installation of insulation into the rear wall of the residence, resulting in a minor projection into the rear yard setback is not anticipated to create any detriments to the neighborhood.

YES. This 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 analysis above, staff finds that the proposal does meet the criteria of CBJ 49.0.250, Grounds for Variances. Specifically, the Variance meets criteria 1, 2, 3, 4, 5B, and 6.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2012 0010. The Variance permit would allow for the reduction in the rear yard setback from 20 feet to 19 feet to make energy efficiency improvements to an existing residence.

VARIANCE APPLICATION

Project Number <u>11220140010</u>	Project Name (15 characters) <u>Landvik Add.</u>	Case Number	Date Received <u>03/21/14</u>
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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:

Insulation upgrades and addition
requesting 1' reduction rear setback to
19'

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):

Pre existing non conforming that requires
variance to perform energy upgrades

UTILITIES AVAILABLE:

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

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

Variance for setback to 19' would
be required for any owner to make
energy upgrades.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

would not be able to make energy
upgrades.

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 Officer at 586-0770.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>400</u>	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Total Fee	\$ <u>400</u>	<u>022777</u>	<u>CDD4901</u>	<u>03/21/14</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

Project Number VAR 20140010	CITY and BOROUGH of JUNEAU	Date Received: 03/21/14
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

Project Description: **Addition and energy improvements**

PROPERTY LOCATION

Street Address: **8213 Poplar** City/Zip: **Juneau, AK 99801**
 Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): **Mendenhallway Lot 122**
 Assessor's Parcel Number(s): **5B2501770030**

LANDOWNER/LESSEE

Property Owner's Name: **Norman S. Landvik** Contact Person: **Steve** Work Phone: **360 461 6439**
 Mailing Address: **8213 Poplar** Home Phone: **360 461 6439** Fax Number:
 E-mail Address: **steve16olyper.com** Other Contact Phone Number(s):

LANDOWNER/LESSEE CONSENT

I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:
 A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
 B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X **[Signature]** Date: **3/21/14**
 Landowner/Lessee Signature

X _____ Date: _____
 Landowner/Lessee Signature

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: **Same** Contact Person: Work Phone:
 Mailing Address: Home Phone: Fax Number:
 E-mail Address: Other Contact Phone Number(s):

X _____ Date of Application: _____
 Applicant's Signature

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

STAFF APPROVALS

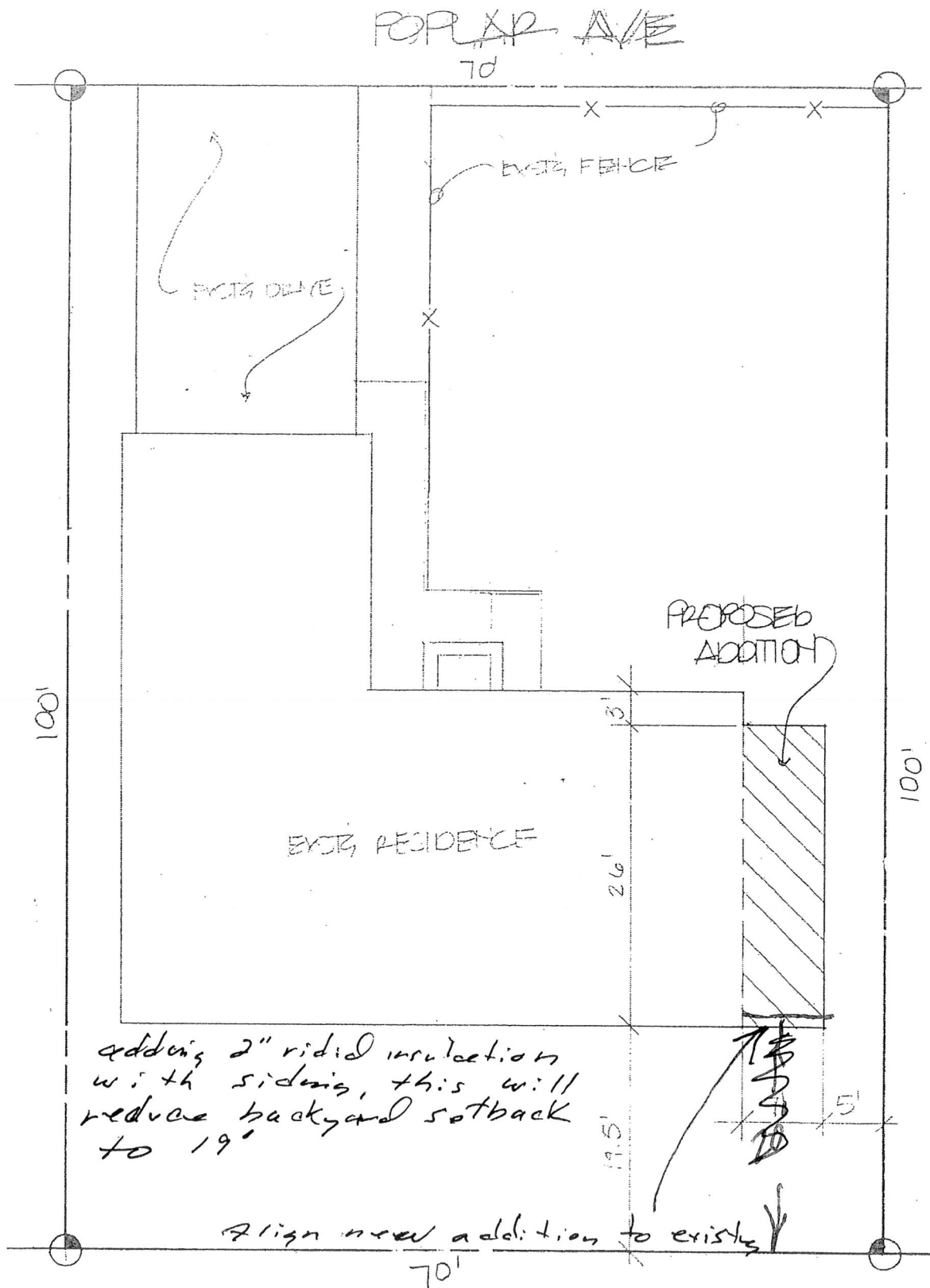
✓	Permit Type	Sign	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
✓	Variance Case (De Minimis and all other Variance case types)		03/21/14	VAR 20140010
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

Comments:

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

Permit Intake Initials

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



RECEIVED
MAR 21 2014
RMIT CENTER

SITE PLAN
1"=10.0'



STEVE LANDYK
8213 POPLAR AVE
JULIEAU, AL 99801
5B 2501770030 HENDENHAYEN L 122