

MEMORANDUM

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

DATE: July 1, 2014

TO: Board of Adjustment

FROM: Jonathan Lange, Planner *Jonathan Lange*
Community Development Department

FILE NO.: VAR2014 0012 & VAR2014 0013

PROPOSAL: A Variance to reduce the rear yard setback from 20 feet to 15 feet for a two-story garage and apartment addition; and A Variance to reduce the street side yard setback from 13 feet to 11 feet for a two-story garage and apartment addition.

GENERAL INFORMATION

Applicant: Michael & Sheryll Ewing

Property Owner: Michael & Sheryll Ewing

Property Address: 1800 Davis Avenue

Legal Description: Pinewood Park 2 Block N Lot 4

Parcel Code Number: 5-B12-0-115-004-0

Site Size: 15,525 Square Feet or 0.36 Acres

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

Zoning: D-5

Utilities: City water and sewer

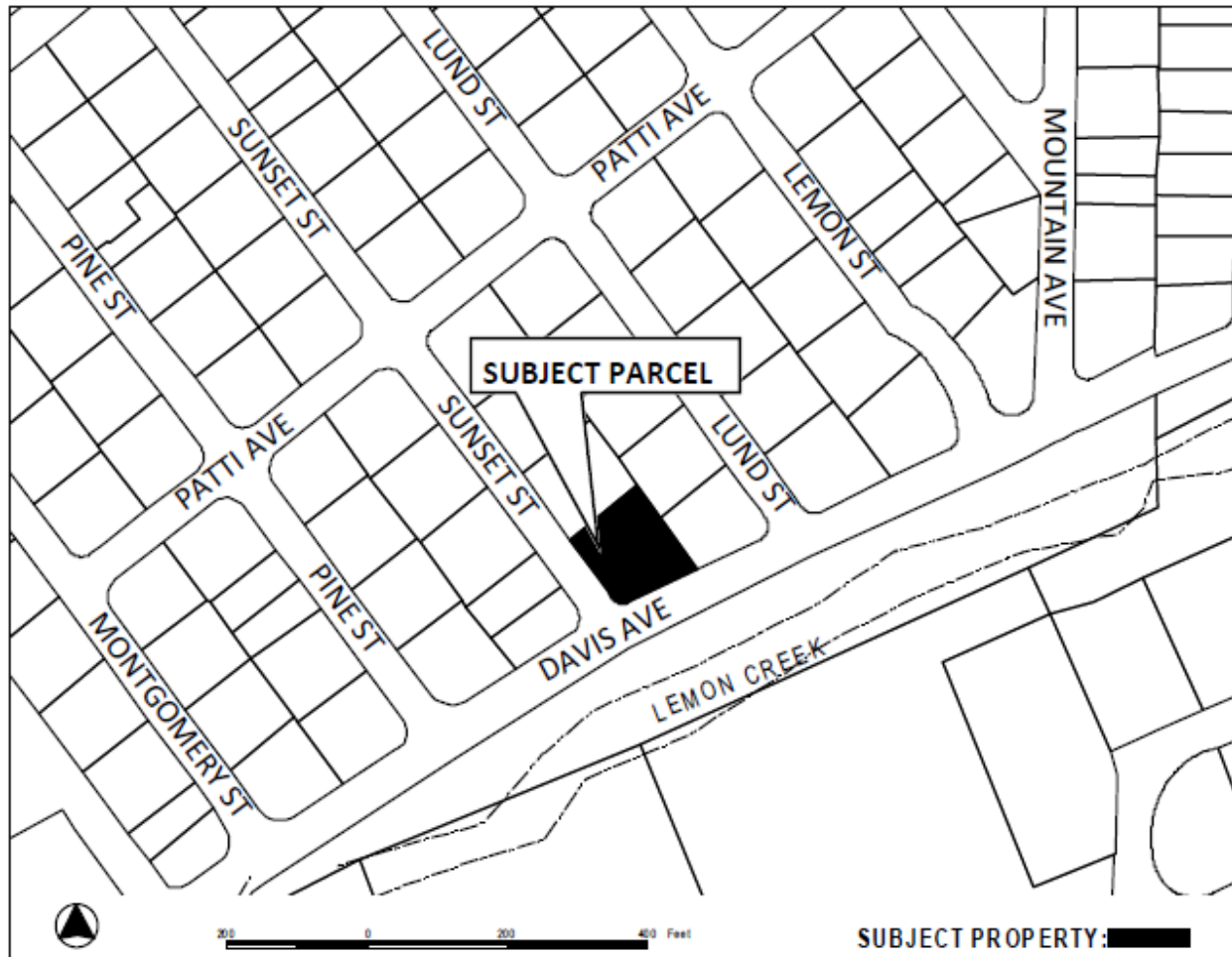
Access: Davis Avenue

Existing Land Use: Single-family Residence

Surrounding Land Use:

North	D-5 – Single-family Residence
South	RR - Vacant
East	D-5 – Single-family Residence
West	D-5 – Common Wall Development

VICINITY MAP



ATTACHMENTS

Attachment A – Development Permit and Variance Applications
Attachment B – Project Narrative and Site Plan
Attachment C – Public Notice
Attachment D – City Review Comments

PROJECT DESCRIPTION

The applicant would like to build a two-story addition on the west side of their home located at 1800 Davis Avenue. The addition would consist of a 28 foot wide and 25 foot long garage with an apartment on the second floor. The applicant is asking for two Variances, one (VAR2014 0012) to reduce the rear yard setback for the northwest property line from 20 feet to 15 feet, and the second (VAR2014 0013) to reduce the street side yard setback on Sunset Street, from 13 feet to 11 feet.

BACKGROUND

The subject parcel is at the northeast corner of Davis Avenue and Sunset Street. The 15,525 square foot parcel currently has a one-story single-family residence with a carport on the east portion of the parcel. Current access to the home is from Davis Avenue. A second access would be made from Sunset Street to the proposed addition.

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 yard setbacks; 13 feet for the street side yard setback; and 5 feet for the side yard setback. The applicant is asking to reduce their rear yard setback by 5 feet, from 20 to 15; and their street side yard setback by 2 feet, from 13 to 11. The subject parcel is a corner lot, thus requiring a greater side yard setback for the property line along Sunset Street, than that of a lot with no street side yard. If the parcel did not have a street side yard, the side yard setback would be 5 feet and the proposed development would not require a variance to the side yard setback. The subject project is proposed for the northwest corner of the parcel. The purpose of the street side yard setback is to allow for adequate sight distance for vehicular traffic at an intersection. The proposed project would not affect sight distance.

The subject parcel exceeds both the minimum lot sizes for permissible uses (single-family homes), and duplexes. The proposed addition would meet the zoning density for the D-5 zone.

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 applicants could build an addition to their home and meet the required setbacks, but by granting the requested Variances relief would be given to the owners of the property in that they would be able to build an additional dwelling unit on the property, which would be consistent with duplexes and common wall development in the neighborhood.

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 the two-story proposed addition would impact public safety and welfare.

Yes. The criterion is met.

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

Staff finds no evidence that the projection into the required rear and street side yard setbacks will injure nearby properties. There is vegetation and approximately 50 or more feet between proposed addition and the home on the parcel adjacent to the rear yard.

Yes. The criterion is met.

- 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 an additional dwelling unit and garage. The lot exceeds the minimum lot size for a duplex, therefore is an allowed use on the parcel. The garage would be an accessory use 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 an additional dwelling unit and garage. Denial of the Variance would not prevent the owners from using their property for a permissible principle 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 two-story addition 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 addition and meet the required setbacks.

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.***

Staff finds there to be no preexisting nonconforming conditions on the subject parcel. 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 rear yard and street side yard setbacks would put the proposed addition into the rear and street side yard setbacks.

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. If the Variance was granted, the Variance would allow for an addition dwelling unit which would be a benefit for the property owner and the neighborhood.

Yes. The criterion is met.

FINDINGS

1. *Is the application for the requested Variance complete?*

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

Not Applicable.

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

Yes. Based on the evaluation above, the variance, as requested, meets the criteria of Section 49.25.250, Grounds of Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variances, VAR2014 0012 and VAR2014 0013. The Variance permits would allow for a reduction to the rear yard setback from 20 feet to 15 feet, and a reduction to the street side yard setback from 13 feet to 11 feet for a two-story garage and apartment addition.

DEVELOPMENT PERMIT APPLICATION

Project Number VAR 14-12;13	CITY and BOROUGH of JUNEAU	Date Received: 6/16/14
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description
2 story Garage/Apartment addition to existing home.

PROPERTY LOCATION

Street Address: **1800 Davis Ave.** City/Zip: **Juneau 99801**

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Pinewood Park #2, Block N, Lot 4

Assessor's Parcel Number(s)
5B1201150040

LANDOWNER/LESSEE

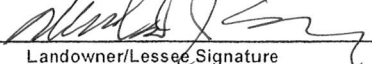
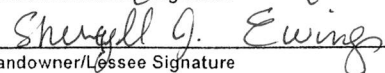
Property Owner's Name Michael J. Ewing & Sheryll J. Ewing	Contact Person: Michael (mick)	Work Phone:
Mailing Address PO Box 21017 Juneau AK 99802	Home Phone: 780-6567	Fax Number:
E-mail Address micke@ak.net	Other Contact Phone Number(s): cell 723-9512	

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.

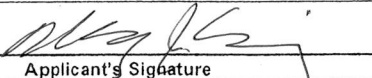
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X <u></u> Landowner/Lessee Signature	Date <u>06/16/14</u>
X <u></u> Landowner/Lessee Signature	Date <u>06/16/14</u>

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 <u></u> Applicant's Signature	Date of Application <u>06/16/14</u>
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-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS

✓	Permit Type	Region	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)			
X	Variance Case (De Minimis and all other Variance case types)			var 14-012, var 14-013
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

Comments:	Permit Intake Initials
	

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>169/14-012401</i>	Date Received
----------------	------------------------------	-------------------------------------	---------------

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:

Building an attached addition to our house, which consists of a garage with an apartment above.

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):

Since our lot is a corner lot, the setbacks are more restrictive than non-corner lots. Our existing older house sits at an angle, rather than square, to the property lines where the addition will be built.

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

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

Because of the angle of the house, two corners of the addition will cross over the setback lines.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

To work within the existing setbacks would render the addition too costly for such a small apartment that would not meet our planned needs. We would probably not build this addition without the variance.

<p>For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.</p> <p>If you need any assistance filling out this form, please contact the Permit Center at 586-0770.</p>	<table style="width: 100%;"> <tr> <th style="text-align: left;">VARIANCE FEES</th> <th style="text-align: center;">Fees</th> <th style="text-align: center;">Check No.</th> <th style="text-align: center;">Receipt</th> <th style="text-align: center;">Date</th> </tr> <tr> <td>Application Fees</td> <td style="text-align: right;">\$ <u>800</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td style="text-align: right;">\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td style="text-align: right;">\$ <u>800</u></td> <td style="text-align: center;"><i>2916/2917</i></td> <td style="text-align: center;"><i>add 5352</i> <i>add 5353</i></td> <td style="text-align: center;"><i>6/16/14</i></td> </tr> </table>	VARIANCE FEES	Fees	Check No.	Receipt	Date	Application Fees	\$ <u>800</u>	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Total Fee	\$ <u>800</u>	<i>2916/2917</i>	<i>add 5352</i> <i>add 5353</i>	<i>6/16/14</i>
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Total Fee	\$ <u>800</u>	<i>2916/2917</i>	<i>add 5352</i> <i>add 5353</i>	<i>6/16/14</i>																	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Variance Request
Ewing addition – 1800 Davis Ave
Project Description

1. Our desire is to build an addition to our existing home. This addition would be a garage with a small apartment above.
2. Our lot is 15,525 sq ft and zoned D-5. Directly across Sunset Street from us are two story Zero Lot homes and the lot next to them is a Duplex. The home on the lot next to us is a two story home. There seems to be a wide variety of setbacks and possible variances in our neighborhood.
3. When our house was built in 1961, it was built squared to Davis Ave, which left it off square to our back and side 90 degree property corners.
4. To build a small apartment attached to our house on the best workable end would be prohibitive due to current setbacks and the positioning of our existing home. As we consider different possibilities, we find that to build within the restrictive area of the current setbacks would be too costly for the smaller size structure that would fit. To build a somewhat larger, more cost effective structure that would better meet our needs would mean putting two corners of the structure across the current setbacks. (see site plan)
5. Since our lot is a corner lot, the setbacks appear more restrictive having 2 - 20 foot, 1 - 13 foot and 1 - 5 foot setback versus 1 - 20 foot, 1 - 13 foot and 2 - 5 foot setbacks of a standard lot in our subdivision.
6. The proposed project meets the variance criteria in that:


It would give relief to us, as the owner, by allowing us to build a more useable size apartment that would meet our living needs.

The addition would not affect public safety or welfare and does not impose on any nearby property. (Our closest neighbor on the 20 foot setback side has stated that he has no objection to our variance request). It would authorize us to build a structure that would be within code allowed in Juneau.

Compliance with the existing setback standards would prevent us from building an addition that would be used for our planned future needs.

Granting of this variance would result in an increased value to our home which would be beneficial to the neighborhood as a whole. It would also provide additional needed rental property in our community.

Thank you for considering our request.

 6/16/14

RECEIVED
JUN 16 2014
PERMIT CENTER

ATTACHMENT B

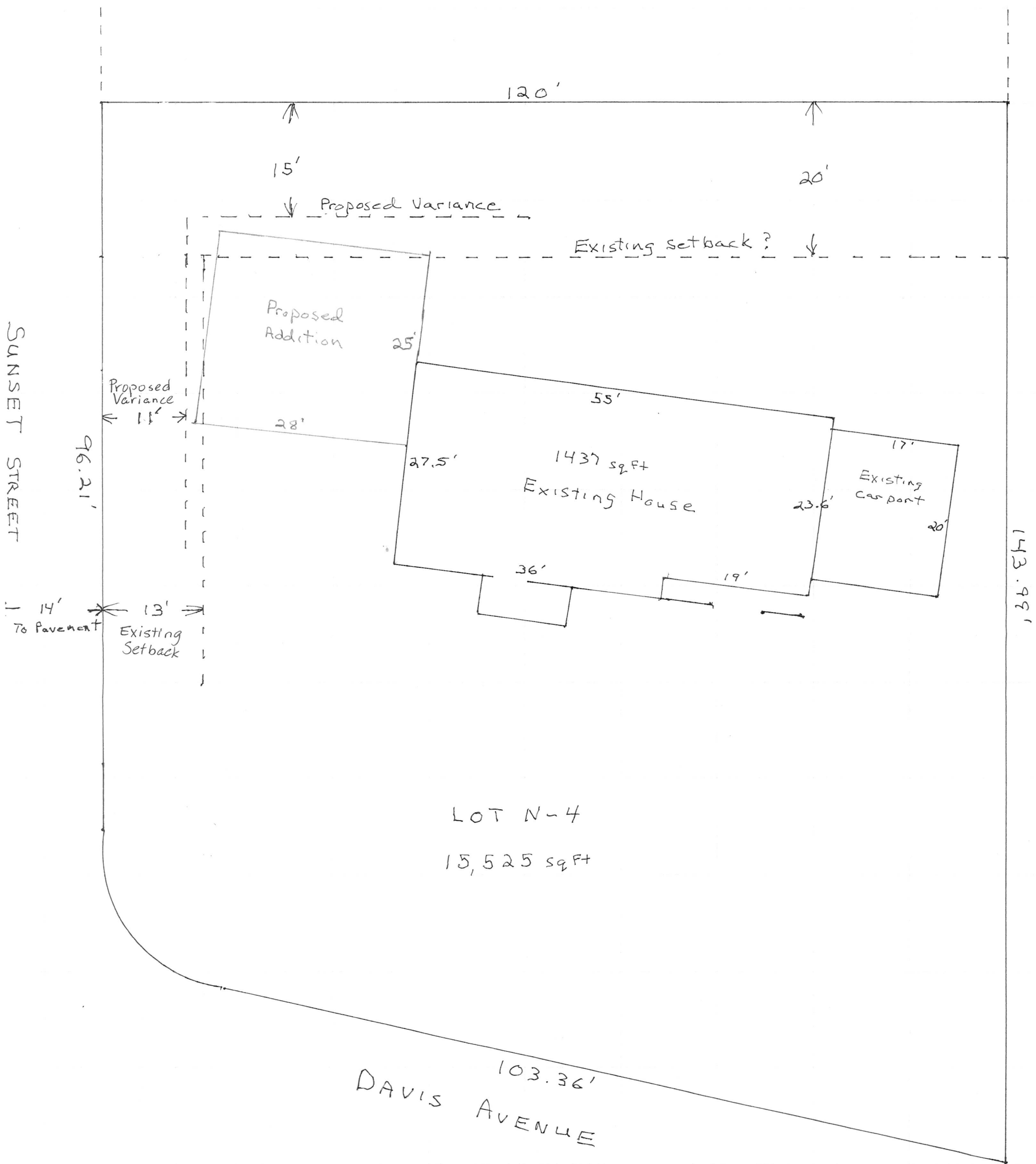
EWING ADDITION

SITE PLAN

LOT N-4

1800 DAVIS AVE

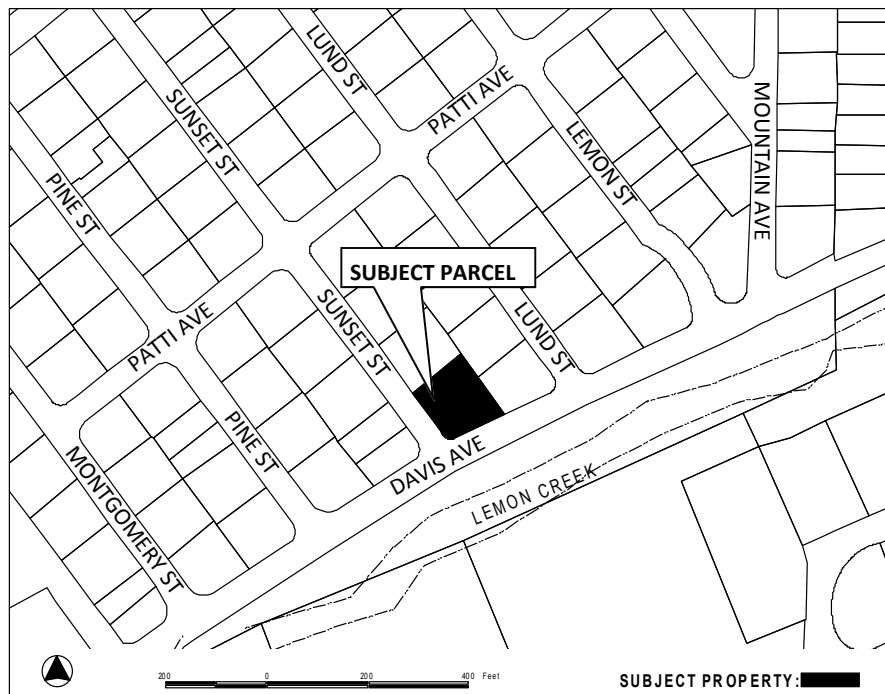
LEMON CREEK



RECEIVED
JUN 16 2014
PERMIT CENTER/CDD



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSALS: **VAR2014 0012:** A Variance to reduce the rear yard setback from 20 feet to 15 feet for a two-story garage and apartment addition.
VAR2014 0013: A Variance to reduce the street side yard setback from 13 feet to 11 feet for a two-story garage and apartment addition.

File No:	VAR2014 0012 & VAR2014 0013	Applicant:	Michael & Sheryll Ewing
To:	Adjacent Property Owners	Property PCN:	5-B12-0-115-004-0
Hearing Date:	July 22, 2014	Owner:	Michael & Sheryll Ewing
Hearing Time:	7:00 PM	Size:	15,525 Square Feet
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	1800 Davis Avenue
	155 South Seward Street	Accessed Via:	Davis Avenue & Sunset 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
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.

ATTACHMENT C

Date notice was printed: June 17, 2014

Jonathan Lange

From: Charlie Ford
Sent: Wednesday, June 18, 2014 10:03 AM
To: Jonathan Lange; Ron King; Ed Foster; Dan Jager
Subject: RE: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

The Building Department has no issues with this project at this time.

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: Wednesday, June 18, 2014 9:44 AM
To: Charlie Ford; Ron King; Ed Foster; Dan Jager
Subject: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

Subject: Please review attached documents related to the Variance requests for 1800 Davis Ave.
File: VAR2014 0012; 0013
Parcel: 5-B12-0-115-004-0

The request is for a Variance to reduce the rear yard setback from 20 feet to 15 feet and the street side yard setback from 13 feet to 11 feet for a two-story garage and apartment addition to the home at 1800 Davis Ave. The subject parcel is located in the Lemon Creek area, at the northeast corner of Sunset St. and Davis Ave.

Please see the attached application, with narrative, and a site plan showing the proposed addition and setbacks; 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 June 25, 2014.

Let me know if you require any additional information for the Variance requests or have any questions.

Jonathan Lange, Planner I
Community Development Department
City & Borough of Juneau, Alaska
Ph: (907) 586-0218
Fax: (907) 586-4529
Email: jonathan_lange@ci.juneau.ak.us

ATTACHMENT D

Jonathan Lange

From: Ron King
Sent: Wednesday, June 18, 2014 12:30 PM
To: Jonathan Lange; Charlie Ford; Ed Foster; Dan Jager
Subject: RE: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

Thanks GE has no issues, 2nd access to be reviewed.

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

From: Jonathan Lange
Sent: Wednesday, June 18, 2014 12:10 PM
To: Ron King; Charlie Ford; Ed Foster; Dan Jager
Subject: RE: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

The applicant would like to add a driveway on Sunset St. to access the proposed garage.

Jonathan Lange, Planner I
Community Development Department
City & Borough of Juneau, Alaska
Ph: (907) 586-0218
Fax: (907) 586-4529
Email: jonathan_lange@ci.juneau.ak.us

From: Ron King
Sent: Wednesday, June 18, 2014 11:54 AM
To: Jonathan Lange; Charlie Ford; Ed Foster; Dan Jager
Subject: RE: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

I do not see a second driveway. The garage is on the Sunset. Two driveways?

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

From: Jonathan Lange
Sent: Wednesday, June 18, 2014 9:44 AM
To: Charlie Ford; Ron King; Ed Foster; Dan Jager
Subject: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

Subject: Please review attached documents related to the Variance requests for 1800 Davis Ave.
File: VAR2014 0012; 0013
Parcel: 5-B12-0-115-004-0

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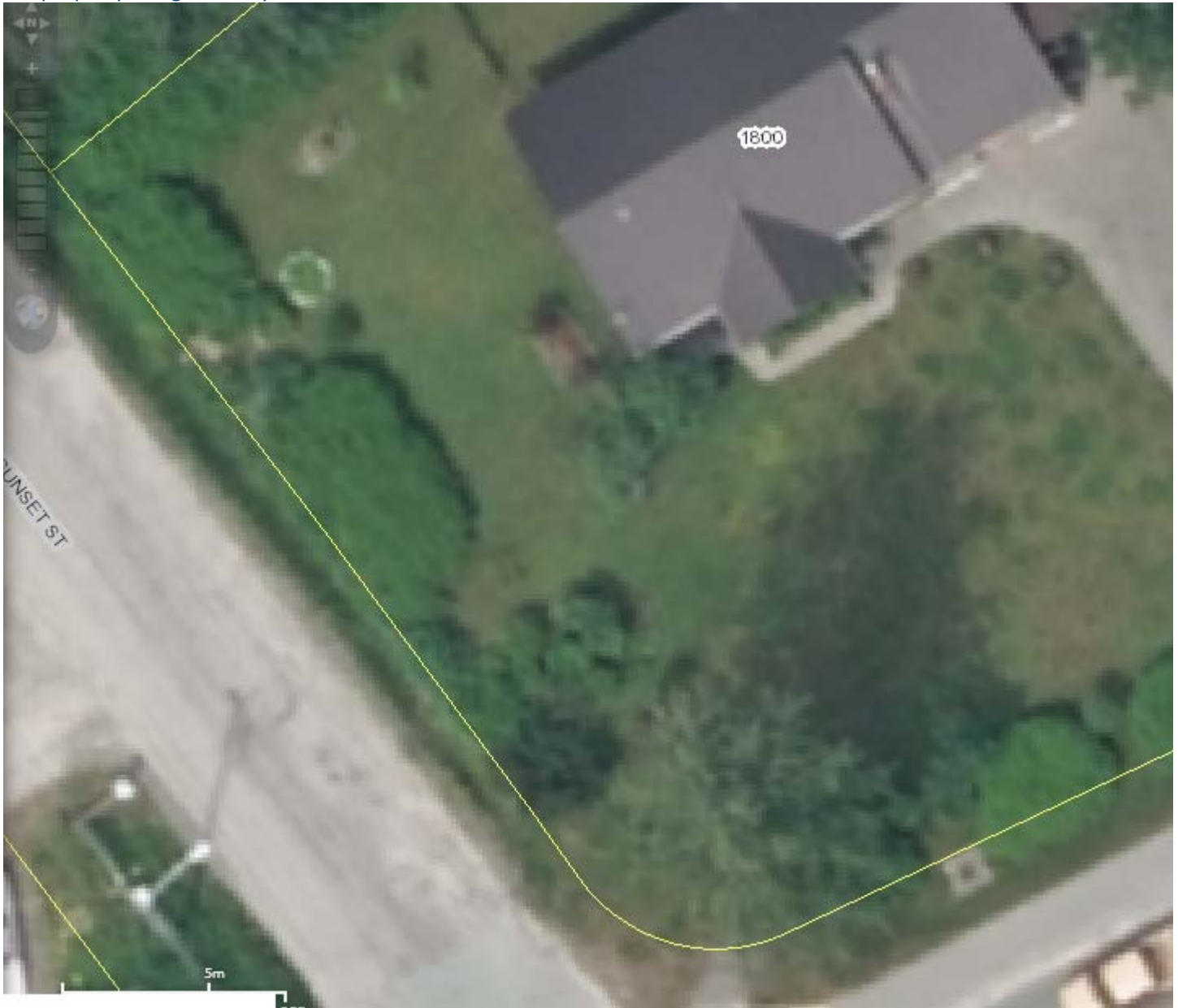
Jonathan Lange, Planner I
Community Development Department
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Ph: (907) 586-0218
Fax: (907) 586-4529
Email: jonathan_lange@ci.juneau.ak.us

Jonathan Lange

From: Jonathan Lange
Sent: Wednesday, June 18, 2014 12:08 PM
To: Ed Foster
Subject: RE: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

Ed,

The setback requirements are from the property line. The applicant was able to find the corner pin along Sunset St. and understands that there is ROW between the edge of the asphalt and his property line. I added a screen shot below of the property using our GIS system.



Jonathan Lange, Planner I
Community Development Department
City & Borough of Juneau, Alaska
Ph: (907) 586-0218
Fax: (907) 586-4529

Email: jonathan_lange@ci.juneau.ak.us

From: Ed Foster
Sent: Wednesday, June 18, 2014 11:40 AM
To: Jonathan Lange
Subject: RE: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

Johnathan,

Are the set back requirements from the ROW? It looks like they are showing the set back on Sunset St from the edge of asphalt. The ROW would be in a different place, which would reduce the amount of space they have to work with.

Ed

From: Jonathan Lange
Sent: Wednesday, June 18, 2014 9:44 AM
To: Charlie Ford; Ron King; Ed Foster; Dan Jager
Subject: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

Subject: Please review attached documents related to the Variance requests for 1800 Davis Ave.
File: VAR2014 0012; 0013
Parcel: 5-B12-0-115-004-0

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Ph: (907) 586-0218
Fax: (907) 586-4529
Email: jonathan_lange@ci.juneau.ak.us

Jonathan Lange

From: Ed Foster
Sent: Wednesday, June 18, 2014 7:08 PM
To: Jonathan Lange; Charlie Ford; Ron King; Dan Jager
Subject: RE: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

Johnathan,
Streets and Fleet Division does not have any issues with this request. Will watch for the driveway plans.

Ed

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Subject: VAR2014 0012; 0013 - Variance request to the rear and street side yard setbacks at 1800 Davis Ave.

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