DATE: September 10, 2014

TO: Planning Commission

FROM: Jonathan Lange, Planner  
Community Development Department

FILE NO.: AAP2014 0013

PROPOSAL: A Conditional Use Permit for an accessory apartment on a lot not served by city sewer.

GENERAL INFORMATION

Applicant: Richard Hofmann and Paula Terrel
Property Owner: Richard Hofmann and Paula Terrel
Property Address: 4970 Thane Road
Legal Description: Hagerup Lot 3
Parcel Code Number: 1-B03-0-100-004-3
Site Size: 44,243 square feet or 1.02 acres

Comprehensive Plan Future Land Use Designation: RDR – Rural Dispersed Residential
Zoning: D-1
Utilities: On-site water and sewer
Access: Thane Road

Existing Land Use: Single-family residence under construction
Surrounding Land Use:
- North D-1 – Three housing units
- Northeast D-1 - Vacant
- Southwest - Gastineau Channel
- Southeast D-1 – Single-family residence
- West D-1 - Vacant
ATTACHMENTS
Attachment A – Accessory Apartment and Development Permit Applications
Attachment B – Engineers and DEC Letter for On-Site Wastewater Disposal System
Attachment C – Floor and Site Plans
Attachment D – Notice of Public Hearing
Attachment E – Photos of Building under Construction and Site
Attachment F – Comments
PROJECT DESCRIPTION

The applicant requests an Accessory Apartment permit for the development of a 587 square foot accessory apartment to be constructed in the downstairs of a two-story home at 4970 Thane Road (see Attachment C).

The single-family home is currently under construction (see Attachment E). The applicant is building their home, and will be required to modify their building permit to include the accessory apartment kitchen if the accessory apartment permit is approved.

ANALYSIS

Project Site and Design - According to the City and Borough of Juneau’s Land Use Code Title 49 section CBJ §49.25.510 (d)(2)(G)(ii), the Accessory Apartment permit requires Planning Commission approval under the Conditional Use Permit process due to the lot not being served by public sewer.

The applicant has proposed to use 587 square feet of the downstairs of their single-family residence which is now under construction for the accessory apartment (see Attachment C and E). The applicant has supplied a letter of approval from the Alaska Department of Environmental Conservation (ADEC) regarding the capacity of the wastewater disposal system for three bedrooms of the single-family residence and proposed accessory apartment (sees Attachment B).

Traffic, Parking and Circulation - The proposed project has adequate space for parking and meets the parking requirements for a single-family home and accessory apartment. The parking requirements for this property are three parking spaces; two for the single-family home and one for the accessory apartment. Please see Attachment C for the floor plans and site plan. The property is served by Thane Road.

Noise - The proposed development will generate normal residential noise levels.

Public Health or Safety - Staff is unaware of any public health or safety issues associated with the proposed development. However, the improvement will require a Building Permit which should ensure structural safety and health issues are addressed.

Habitat - No sensitive areas, eagle nests, anadromous fish streams, or wetlands are known to exist on the subject site.

Property Value or Neighborhood Harmony – The property was vacant prior to construction of the single-family residence. No evidence indicates that the proposed development will have a negative impact on property value or neighborhood harmony.
Conformity with Adopted Plans - The project substantially conforms to the 2013 Juneau Comprehensive Plan Policy 4.1 as follows:

Policy 4.1 To facilitate the provision and maintenance of safe, sanitary, and affordable housing for its residents.

The proposed development meets the intent of this policy by providing a new single-family residence with an accessory apartment on an existing lot.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission’s Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Accessory Apartment permit 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.
2. **Is the proposed use appropriate according to the Table of Permissible Uses?**

   **Yes.** The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.130 for the D-1 zoning district.

3. **Will the proposed development comply with the other requirements of this chapter?**

   **Yes.** The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the September 12, 2014 and September 22, 2014 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. **Will the proposed development materially endanger the public health or safety?**

   **No.** As described in the preceding analysis, Building Permits will help ensure that the proposed development will not materially endanger the public health or safety.

5. **Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?**

   **No.** As described in the preceding analysis, no evidence indicates that the development will substantially decrease the value of, or be out of harmony with the property in the neighboring area.

6. **Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?**

   **Yes.** The proposed development meets the intent of the 2013 Juneau Comprehensive Plan, specifically Policy 4.1, regarding provision of affordable housing.

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

7. **Will the proposed development comply with the Juneau Coastal Management Program?**

   Not applicable.

**RECOMMENDATION**

Based upon the proposed plan (identified as Attachments A, B, and C), and the findings and conclusions stated above, the Community Development Department Director recommends the Planning Commission **APPROVE** the request.
**ACCESSORY APARTMENT APPLICATION**

**DESCRIBE THE ACCESSORY APARTMENT:**

BATH, LAUNDRY & KITCHEN

**TYPE OF ACCESSORY APARTMENT**

- [ ] Attached to or Within a Single-Family Dwelling
- [ ] Within a Two-Unit Common-Wall Dwelling
- [ ] Associated With a Detached Garage
- [ ] Not Affiliated with Another Structure (Stand alone)

**AREA OF APARTMENT**

Total Area 587 square feet

(Maximum of 600 square feet allowed. Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.)

**PARKING**

Existing Spaces

Proposed Total Spaces 3

(Parking dimensions must be a minimum of 8.5' X 17', and each parking space must be drawn to scale on the site plan.)

**SITE INFORMATION**

**ZONING DISTRICT** D-1

**MINIMUM LOT SIZE ($49,254.00)** 36,000

**ACTUAL LOT SIZE**

Minimum Lot Size

Actual Lot Size

- [ ] On Site
- [ ] Off Site

***Applicants please note that if the parcel utilizes an on site septic system OR the Actual Lot Size is less than the Minimum Lot Size required, the Accessory Apartment must be reviewed through the Conditional Use Permitting Process.

**Permitting Process:**

- [ ] Departmental Review
- [x] Planning Commission Approval

**Fees**

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<th>Fees (Departmental Approval)</th>
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<th>Check No.</th>
<th>Receipt No.</th>
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**Fees** (Conditional Use Permit)

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<th>Application Fee</th>
<th>Public Notice Sign Fee</th>
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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.

**NOTE:** MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

ATTACHMENT A
DEVELOPMENT PERMIT APPLICATION

PROJECT / APPLICANT

Project Name: AAP20140013
CITY and BOROUGH of JUNEAU
Date Received: 8/13/17

PROPERTY LOCATION

Street Address: 4970 Thane Rd.
City/Zip: Juneau 99801
Legal Description(s) of Parcel(s): (Subdivision, Survey, Block, Tract, Lot)

Assessor's Parcel Number(s): 180301000043

LANDOWNER/LESSEE

Property Owner's Name: Richard D. Helfman, Jr., Paula Terrel
Mailing Address: 5110 Thane Rd.
E-mail Address: PTerrel@GCI.net

Contact Person: Work Phone: 207-285-3411
Home Phone: 788-7417
Fax Number:
Other Contact Phone Number(s):

LANDOWNER/LESSEE CONSENT

I am (we are) the owner(s)/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.

Landowner/Lessee Signature: Date: 7-28-14

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

Applicant's Name: Same
Mailing Address: Same
E-mail Address: Same

Applicant's Signature: Date of Application:

OFFICE USE ONLY BELOW THIS LINE:

STAFF APPROVALS

A. Building/Grading Permit
B. City/State Review and City Land Action
C. Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)
D. Mining Case (Small, Large, Rural, Extraction, Exploration)
E. Sign Approval (If more than one, fill in all applicable permit #s)
F. Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)
G. Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)
H. Variance Case (De Minimis and all other Variance case types)
I. Wetlands Permits
J. Zone Change Application
K. Other

Comments:

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

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

ATTACHMENT A
Public Notice Sign Lease Agreement
Community Development Department

Case # AAR20140013    Sign #    Hearing Date: ________________
Assessor's Parcel #  1B0301000043    Check # —    Receipt # CDD5603
Applicant: Richard Hoffman
(phone print)    Phone #: 209-2285
Application Received by: HW    Date: 8/13/14
(CDD staff initials/name)

I, ________ , in cooperation with the Community Development Department (CDD), have leased a Public Notice Sign and agree to the terms listed below:

CHARGE: $50 Preparation Fee
$100 Refundable Deposit

RETURN TIME: The sign MUST be returned to the Community Development Department by 4:30 p.m. on the Monday following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, $50.00 may be refunded.

PENALTIES: The sign MUST be returned to the Permit Center Staff in the same condition it was taken: clean, undamaged, and with no attachments. If a sign is not returned on time, or has been damaged, the $100 deposit fee will be forfeited.

POSTING REQUIREMENTS:
➢ The sign must be posted by the applicant/developer on the site at least 14 days prior to the hearing date.
➢ The sign must be clearly visible and readable from a public Right-of-Way.

_________________________________________    ______________________________________
(Applicant Signature)    (Date)

Sign Received by: ___________________________   Date: _______    Staff Initials: _______

Sign Returned by: ___________________________   Date: _______    Staff Initials: _______

REFUND INFORMATION: Receipt Number: __________
Amount Refunded: _______    Method: _______    Date: _______    Staff Initials: _______
Refund Received by: __________/mailed to: _______
Ms. Rob Kimble  
Engineering Associate  
Division of Water – Wastewater Engineering Support and Plan Review  
Alaska Department of Environmental Conservation  
410 Willoughby Avenue Suite 303  
Juneau, Alaska 99801-7195  

    Subject: Alex Wertheimer  
    On-lot Wastewater System  
    Lot 3, Hagerup Subdivision USS 2690  
    4900 Thane Road  
    Juneau, Alaska  

Enclosed is an application package for the Terrel-Hoffman on-site wastewater treatment and disposal permit and separation distance waiver request.

This submission includes the following items:
- Project Fact Sheet
- Layout and detail drawings
- ADEC ownership and separation distance forms

The review fees of $570 will be paid directly to ADEC by the owners.

The proposed installation of this on-lot secondary wastewater treatment system will serve a proposed two bedroom home. The system has been designed for a 3 bedroom sructure. The disposal is proposed to be through a marine outfall line. This installation is scheduled for construction in the early spring of 2014. The owner expects to apply for a CBJ building permit in early 2014.

If you would like to make a site visit please let me know and we will schedule a time. If you have questions please e-mail me and I will respond to your review comments.

Sincerely,

Gary Hayden, PE
January 16, 2014

Gary Hayden, P.E.
Post Office Box 210076
Auke Bay, Alaska 99821

Re: Approval to Construct Authorization
USS 2690, Hagerup Subdivision, Lot 3, Juneau, Alaska
ADEC Plan Tracking Number 9663

Dear Mr. Hayden:

Thank you for the revised onsite wastewater treatment system application filed with the Department on December 12. The Department reviewed the engineering plans and supporting documentation submitted for this wastewater treatment system serving a three bedroom single family residence. In accordance with 18 AAC 72.225, Approval to Construct the proposed onsite domestic wastewater treatment system is hereby granted. A Construction and Operation Certificate is enclosed for your records. The proposed wastewater system was designed to treat 450 gallons per day of domestic wastewater. Main system components are as follows:

- Secondary Treatment: A Singulair Green Model 960-500 package plant manufactured by Norweco, Inc.
- Disposal: Ultimate effluent disposal will be via a marine outfall terminating at an elevation of -4 feet referenced to MLLW.

Included with your engineering plans was a request to waive the minimum separation distances required under 18 AAC 72.020 between the proposed onsite wastewater treatment system and both the mean annual high water level of an on-property stream and the mean higher high water level of coastal waters. The Department has reviewed the engineering information you provided and based on the proposed use, grants a waiver to a reduced separation distance.

Advisories and Recommendations:

1. The following recommendations are offered in accordance with 18 AAC 72.220(d). It is recommended the treatment system be maintained according to the manufacturer’s guidelines. It is also recommended that the owner contemplate entering into a service contract with a qualified service provider for system maintenance. Facility owners are encouraged to keep records of all inspections and maintenance on their system, and make these records available to the Department upon request. An inspection schedule and other important information may be found in the operation and maintenance manual for your specific treatment system.
2. This construction approval is valid for two years. If the project is not constructed within two years, new plans and associated fees must be submitted to ADEC for review and approval.

3. This approval is contingent upon compliance with the conditions of Wastewater Disposal Regulations, 18 AAC 72.235, Construction Certification. The noted section of the regulations requires that a "Certification of Construction" be completed and submitted to the Department within ninety (90) days of completion of construction. Record drawings, submitted by your engineer, must indicate any changes or deviations from the approved plans to facilitate final review. A "Certification of Construction" form is enclosed for your use.

4. This approval is contingent upon your receipt of any other state, federal or local authorizations which are required for your project. You are required to obtain all other necessary authorizations before proceeding with your project.

5. You are advised that if this development will require placing fill in wetlands or working in a stream, river, or lake, permits from the U.S. Army Corps of Engineers and the Alaska Department of Fish and Game may be required. A Coastal Projects Questionnaire will help you identify other permits and approvals that may be required for your project.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director, 555 Cordova Street, Anchorage, Alaska 99501, within 15 days of receipt of the plan review decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days of the decision. If a hearing is not requested within 30 days, the right to appeal is waived.

Please call me at 907-465-5167 if you have comments or questions.

Sincerely,

[Signature]

Robert E. Kimble
Engineering Associate I

Enclosure: Construction and Operation Certificate
Certification of Construction for Domestic Wastewater Systems

cc: Richard HofMann and Paula Terrel, Owners, w/o enclosure
PROPOSAL: A Conditional Use Permit for an accessory apartment on a lot not served by city sewer.

File No: AAP2014 0013

To: Adjacent Property Owners
Hearing Date: September 23, 2014
Hearing Time: 7:00 PM
Place: Assembly Chambers
Municipal Building
155 South Seward Street
Juneau, Alaska 99801

Applicant: Richard Hofmann and Paula Terrel
Property PCN: 1-B03-0-100-004-3
Owner: Richard Hofmann and Paula Terrel
Size: 1.02 Acres
Zoned: D-1
Site Address: 4970 Thane Road
Accessed Via: Thane Road

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: August 20, 2014

ATTACHMENT D