

MEMORANDUM

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

DATE: November 10, 2014

TO: Planning Commission

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

FILE NO.: AAP2014 0015

PROPOSAL: A Conditional Use Permit for an accessory apartment on a substandard sized lot on Dixon Street in Downtown Juneau.

GENERAL INFORMATION

Applicant: Myra Pugh

Property Owner: Myra Pugh

Property Address: 725 Dixon Street

Legal Description: Juneau Townsite Block 33 Lot 8

Parcel Code Number: 1-C06-0-A33-006-0

Site Size: 5,000 square feet or 0.11 acres

Comprehensive Plan Future Land Use Designation: MDR – Medium Density Residential

Zoning: D-10

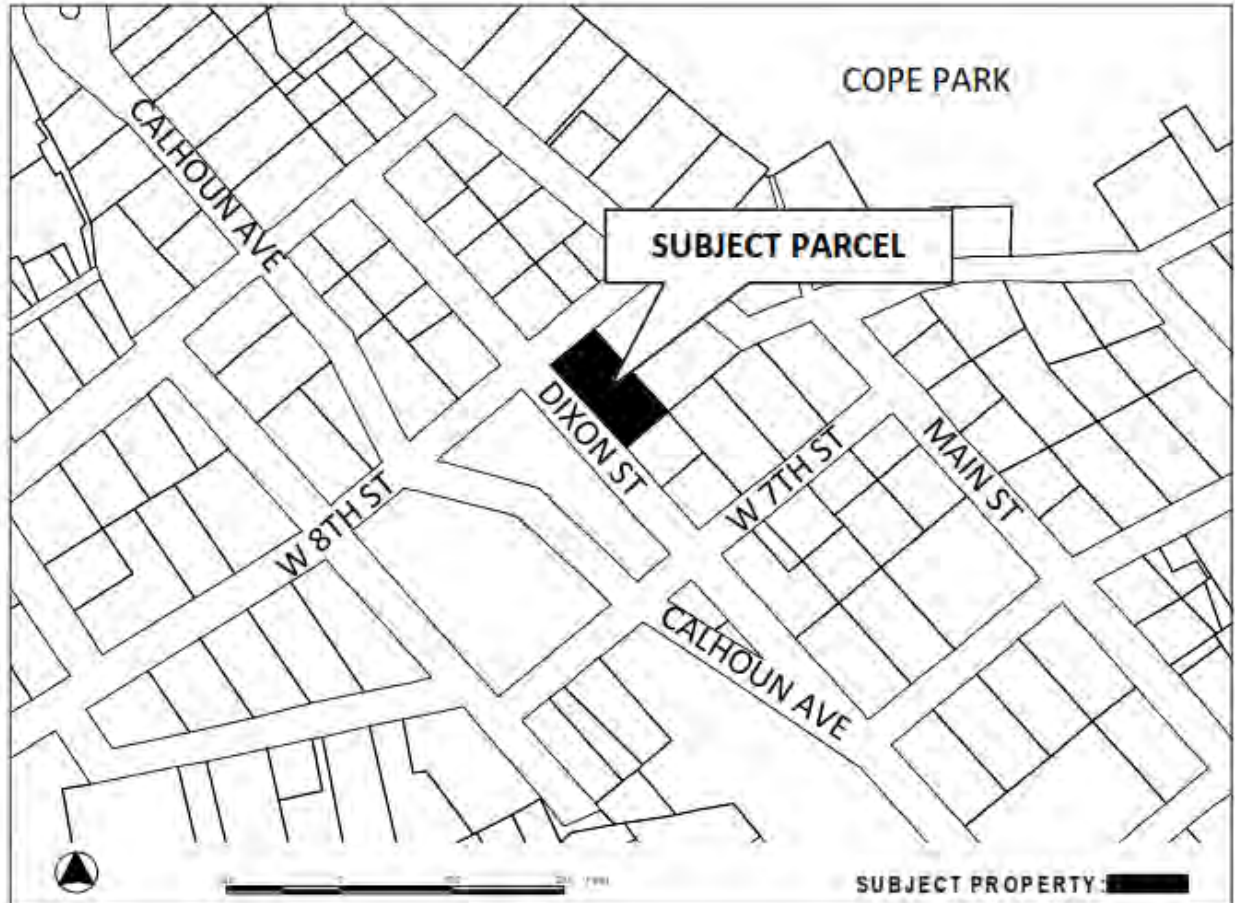
Utilities: Public water and sewer

Access: Dixon Street

Existing Land Use: Single-family residence

Surrounding Land Use: North D-10 – Single-family with Accessory Apartment
South D-10 – Vacant CBJ hillside
East D-10 – Single-family residences
West D-10 – Single-family residences

VICINITY MAP



ATTACHMENTS

- Attachment A – Accessory apartment and Variance Applications, and Narratives
- Attachment B – Site and Floor Plans
- Attachment C – Notice of Public Hearing
- Attachment D – Photos
- Attachment E – Comments

PROJECT DESCRIPTION

The applicant requests an Accessory Apartment permit for an existing 580 square foot accessory apartment to be permitted in the basement of a three-story home at 725 Dixon Street (see Attachment B). The applicant will be required to receive a Building Permit and Certificate of Occupancy for the accessory apartment space. Once permitted, the applicant plans to sell their property as a single-family home with an accessory apartment.

The applicant is also seeking a variance to the parking requirement for an accessory apartment; please see staff report VAR2014 0021 that addresses this request.

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)(i), the Accessory Apartment permit requires Planning Commission approval under the Conditional Use Permit process due to the lot not meeting the Minimum Lot Size for parcels zoned D-10. The minimum lot size for D-10 zoned lots is 6,000 square feet. The applicant's lot is 5,000 square feet.

The applicant's home is located at the southwestern portion of their lot, with Dixon Street sloping to the southeast below the home. The lot is on a steep hillside which only allowed for building near Dixon Street (see photos in Attachment D). The applicant's home is within a built-out and established neighborhood, with small lots that do not meet the minimum lot size standards of the current land use code.

Traffic, Parking and Circulation – The applicant's lot contains a one-car garage and an additional paved area for one car to park (see Attachment D for photos of the site and parking). The two current parking spaces meet the parking requirement for a single-family home. Accessory apartments require one additional on-site parking space. The remaining space of the applicant's yard is not big enough to create a third parking space. The applicant has applied for a variance to the parking requirement of one additional parking space for the accessory apartment. Please see the staff report VAR2014 0021 for the parking variance request.

Currently there is year-round on-street parking on the southwest side of Dixon Street.

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 has been used as a single-family home with a rental room or unpermitted accessory apartment in the past. There will be no construction on the lot at this time, as the apartment has already been constructed. The neighborhood contains properties with accessory apartments on substandard lots with no on-site parking. The permitting of the subject accessory apartment will not further the demand for on-street parking in that the unpermitted apartment has already been using the on-street parking in the neighborhood. Staff finds no evidence that 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 additional housing in the community and within the downtown Juneau area.

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-10 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 November 14, 2014 and November 24, 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, with the following conditions of approval.

Conditions of approval:

- One additional on-site parking space shall be provided prior to Certificate of Occupancy, if the corresponding Variance Permit VAR2014 0021 is not approved.

ACCESSORY APARTMENT APPLICATION

TO BE COMPLETED BY THE APPLICANT

Project Number	Project Name (15 characters)	Case Number AAP20140015	Date Received 9/25/14
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DESCRIBE THE ACCESSORY APARTMENT:

The accessory apartment is located on the basement level of a single family home. It is a studio style apartment with 1 bath, kitchen, dining, and living areas. It has it's own entrance but no additional designated parking. A parking variance application is also being submitted.

TYPE OF ACCESSORY APARTMENT

- | | |
|--|--|
| <input checked="" type="checkbox"/> Attached to or Within a Single-Family Dwelling | <input type="checkbox"/> Associated With a Detached Garage |
| <input type="checkbox"/> Within a Two-Unit Common-Wall Dwelling | <input type="checkbox"/> Not Affiliated with Another Structure (Stand alone) |

AREA OF APARTMENT

Total Area 580 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 2

Proposed Total Spaces 2

(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-10

MINIMUM LOT SIZE (\$49.25.400) 6,000

ACTUAL LOT SIZE**** 5,000

UTILITIES AVAILABLE

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On 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 ☐ Planning Commission Approval

Fees (Departmental Approval)

Application Fees

Fees	Check No.	Receipt No.	Date
See Building Permit			

Fees (Conditional Use Permit)

Application Fee

\$ 350

Public Notice Sign Fee

\$ 50

Public Notice Sign Deposit

\$ 100

Total

\$ 500

CODS 789 9/25/14

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

DEVELOPMENT PERMIT APPLICATION

Project Number AAP20140015	CITY and BOROUGH of JUNEAU	Date Received: 9/25/14
Project Name (City Staff to Assign Name)		

INFORMATION PROJECT / APPLICANT	Project Description Accessory apartment approval and parking variance.		
	PROPERTY LOCATION		
	Street Address 725 Dixon Street		City/Zip Juneau, AK 99801
	Legal Description(s) of Parcel(s). (Subdivision, Survey, Block, Tract, Lot) Juneau Townsite BL 33 LT8		
	Assessor's Parcel Number(s) 1C060A330060		
	LANDOWNER/ LESSEE		
	Property Owner's Name Myra Pugh		Contact Person: Myra Pugh
	Mailing Address 725 Dixon Street, Juneau, AK 99801		Work Phone: 97-465-3469
	E-mail Address myrapugh@hotmail.com		Home Phone: 907-209-7844
			Fax Number: NA
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 9/25/14	
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 SAME		Contact Person:	
Mailing Address		Home Phone:	
E-mail Address		Fax Number:	
		Other Contact Phone Number(s):	
X  Applicant's Signature		Date of Application 9/25/14	

OFFICE USE ONLY BELOW THIS LINE						
STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type Building/Grading Permit	***SIGN	Date Received	Application Number(s)	
		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)				
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		9/25/14	AAP20140015	
		Variance Case (De Minimis and all other Variance case types)				
		Wetlands Permits				
		Zone Change Application				
		Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments:					Permit Intake Initials HW / CM

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

FORMS 12010 Applications Revised November 2009

Myra Pugh
725 Dixon Street
Juneau, AK 99801
Phone: (907) 209-7844
Email: myrapugh@hotmail.com

September 25, 2014

Community Development Department
City and Borough of Juneau
115 South Seward Street
Juneau, AK 99801

Re: Accessory apartment and parking variance applications

Dear Community Development Department and Planning Commission:

This letter serves as the **Project Description** for the both an accessory apartment and parking variance application at 725 Dixon Street. The accessory apartment was actually built in 2008 but not properly permitted. Please accept my apologies for seeking approval after-the-fact from the Community Development Department and Planning Commission.

This apartment exists on the basement level of a three story single family home in downtown Juneau. This house was built in 1958; a time where I believe was long before the efforts of zoning by the city. According to CBJ 49.25.300 Table of Permissible Uses, my D-10 zoned home allows for accessory apartments with "(1) Department approval requires the department of community development approval only; and (3) Conditional use permit requires planning commission approval; and (X) Special requirements apply to accessory apartment applications. See CBJ 49.25.510(d)(2)". My home does not meet 49.25.510 Special density considerations (2)(C)(ii) or (iv). The first with regard to being a subpar lot size 5,000 square feet and not the required 6,000 per CBJ 49.25.400, and the second with regard to parking standards. For these reason I am required to seek review and approval by the Planning Commission.

The apartment is approximately 580 square feet and has a designated entrance separate from the main dwelling. It is studio-style with a full bath, stackable washer and dryer, and living, dining, kitchen areas. When I purchased the house in 2007 the bedroom, living, and dining areas already existed. I added the kitchen and bath as well as fire and sound barriers. While the additional work was not permitted it was completed by professionals with building codes as standard including electrical, plumbing, fire and sound barriers, sheet rock, egress, smoke and CO detectors, and safety glass. While the city did not complete an inspection specific to this build, it did inspect on 6/24/2008 as described in the following paragraph.

The original intent of this space was to exchange the use of the space to my child care provider as the lease on her prior location ended. The closure of this child care provider would have left 8 families in a desperate situation. The city is well aware of the child care shortage in Juneau still existent if not more prevalent today. In that desperation I made the conscious decision to forgo the potentially long bureaucratic process with the city but keep in mind all of the requirements necessary to seek approval

RECEIVED

after-the-fact. The city did come and do a complete inspection on 6/24/2008, permit number BLD2008-00387.

Those 8 families' children are now in the public school system and the space was quickly occupied by a desperate family member who moved to Juneau and not able to find affordable housing. He has since moved on but the space is now occupied by a friend of a friend who was in the same predicament.

It is my hope the Planning Commission accepts my apology for not seeking the proper prior approvals and grants approval. I site two pieces of information in 2008, which is the same year this accessory apartment was built, to further make my case for approval:

- 1) The JEDC's "The Current Status of Child Care in Juneau, Working Paper February 3, 2009, page 2 The Juneau Economic Development Council estimate that in 2008, there were 1,540 Juneau children in need of care."
- 2) The Comprehensive Plan of the City and Borough of Juneau adopted 10-20-08, ordinance 2008-30, Chapter 4:
 - a. Housing Element, Conservation and Development, "Like many residents across the country, CBJ residents are suffering from a housing crisis: There is an inadequate supply of housing to provide residents adequate choice in housing size, location and price, resulting in residents paying more than 30% of their income on housing;" and
 - b. Housing Need, "Therefore, a variety of dwelling unit types and sizes need to be provided throughout the CBJ, but particularly within the roaded area. Due to the cost of land and construction, small unit sizes and high density developments located within the area served by sewers are needed in order to achieve affordability.

Over the last six years it has been my intent to get this accessory apartment properly permitted. Periodically over those years I called and received helpful information from folks in your department. I am hopeful my request for approval results ultimately in success. Each planner on call helped me understand more and more to confidently navigate through this process assuring me I had all of the right pieces for my application. I am eternally grateful for their help. I hope all of the necessary information is included in my application. Should it not be please feel free to contact me using the information provided above. Thank you.

Please see page 3 and 4 for how this proposal meets the Variance Approval Criteria and pages 5, 6, 7 for the site plan.

Sincerely,



Myra Pugh

Enclosures

Variance Approval Criteria are listed below italics and my description how my proposal meets each:

- (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;*

As explained in the application form and project description, this accessory apartment without the proper parking compliance already exists. The current owner involved would realize substantial relief knowing the property is in compliance with the city. While I am not certain official applications for accessory apartments have been requested by neighbors I am aware of several homes that have apartments in them. Additionally, the immediate adjacent street has an apartment building at 214 West Eighth Avenue.

- (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;*

As explained in the project description approval of this accessory apartment and parking variance is in alignment with the Comprehensive Plan of the City and Borough of Juneau adopted 10-20-08, ordinance 2008-30, helping relieve the ongoing housing crisis.

- (3) *The authorization of the variance will not injure nearby property;*

This accessory apartment is contained within the existing footprint of the main dwelling and will not affect nearby property. While an additional parking spot is not being added along with this accessory apartment a majority of the homes near this dwelling do not have any off-street parking.

- (4) *The variance does not authorize uses not allowed in the district involved;*

This request complies with the allowances provided in the codes, laws, and regulations cited in the project description.

- (5) *Compliance with the existing standards would:*

A. *Unreasonably prevent the owner from using the property for a permissible principal use;*

I believe the relevant city codes, laws, and regulations allows for this request because many neighborhoods were created well before the city codes, laws, and regulations were. Existing dwellings may be grandfathered in but any reasonable modifications need a fair process to be heard for approval.

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;*

This accessory apartment is contained within the existing footprint of the main dwelling and will not affect nearby property.

C. *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; or*

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SEP 25 2014

PERMIT CENTER/CDD

I believe the relevant city codes, laws, and regulations allows for this request because many neighborhoods were created well before the city codes, laws, and regulations were. Existing dwellings may be grandfathered in but any *reasonable* modifications need a fair process for approval. If my lot was not subpar at 5,000 square feet instead of the required 6,000 I would not have needed this request reviewed and approved by the Planning Commission and I most probably would have been able to include an additional parking space.

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

The land use code title 49 is quite extensive but it begins with 49.05.100 – Establishment, Article 1 – General Provisions, Purpose and intent. I believe this proposal would actually result in a net increase based on the listed six (6) purposes.

The building code title 19 is also quite extensive but I know while this accessory apartment was undergoing construction compliance with this title 19 was followed.

(6) A grant of the variance would result in more benefits than detriments to the neighborhood.

The benefit of a properly approved accessory apartment would not only benefit the current owner but the neighborhood as a whole. Additionally, approving this variance is in alignment with the Comprehensive Plan of the City and Borough of Juneau adopted 10-20-08, ordinance 2008-30, helping relieve the ongoing housing crisis.

Site plan drawn to scale (Note: The as-built survey is on page 6. The numbers indicated on page 6 correspond to the requirements listed for the site plans on both the accessory apartment use and parking variance application instructions):

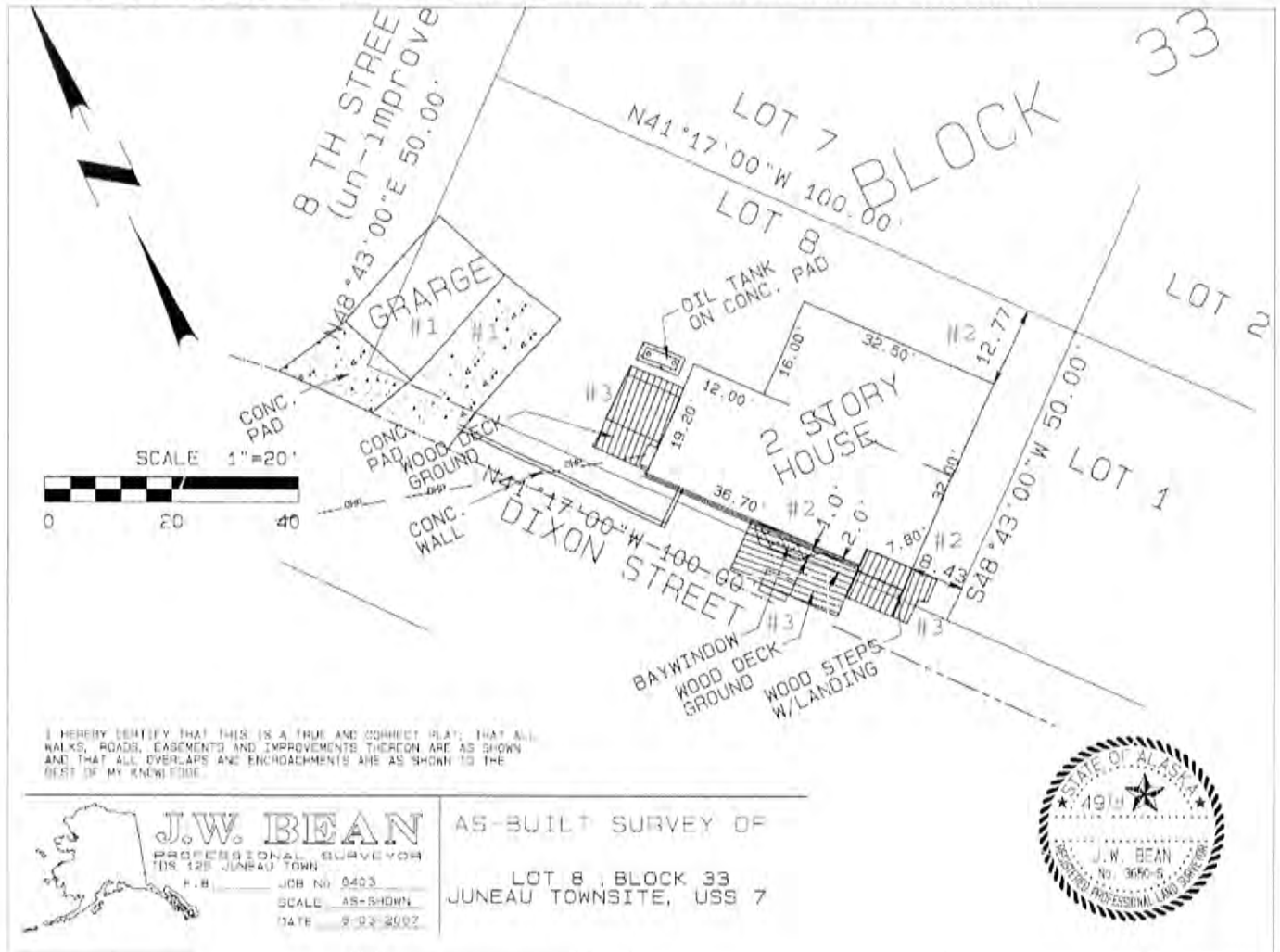
Accessory apartment requirements:

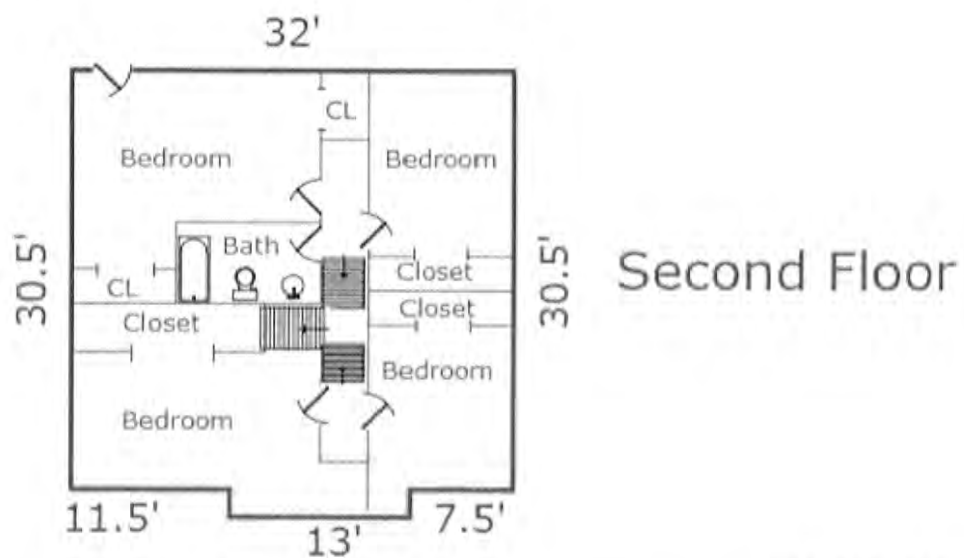
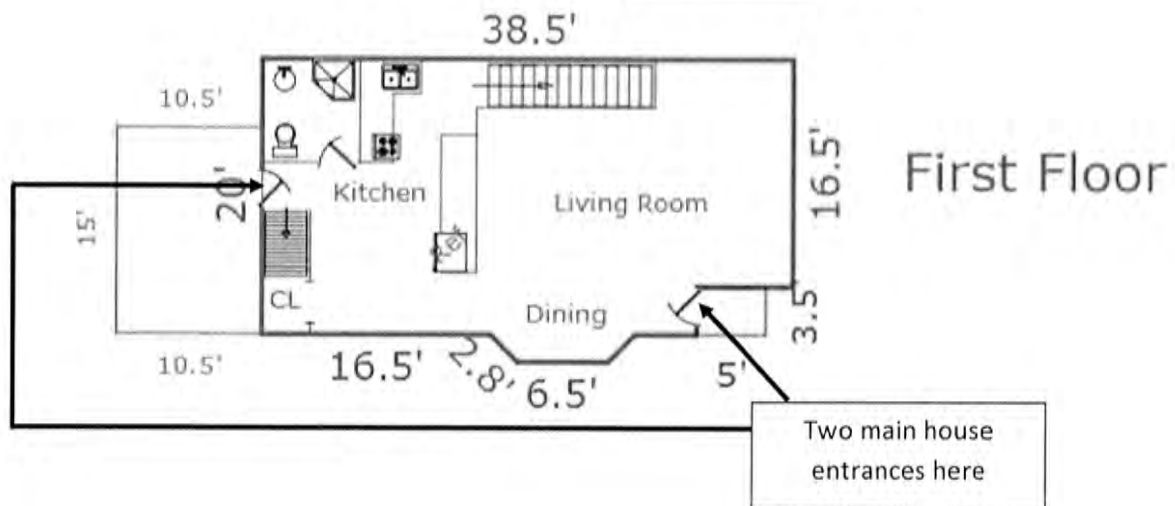
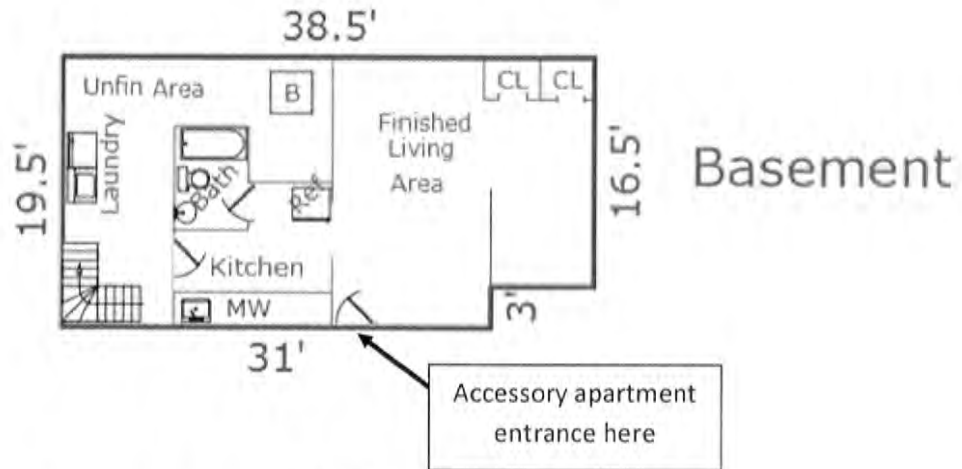
1. Dimensioned indicating all required parking (49.40.210 – Minimum space and dimensional standards for parking and off-street loading)
 - a. Single-family and duplex – 2 per each dwelling unit
 - b. Accessory apartments – 1 (*Property does not meet this, hence the parking variance application.*)
2. Minimum setbacks (Table 49.25.400 Table of Dimensional Standards) (*Property only meets the side yard setback but is grandfathered in. No external changes were made in creating this accessory apartment.*)
 - a. Minimum front yard setback – 20'
 - b. Minimum rear yard setback – 20'
 - c. Minimum side yard setback – 5'
3. Entrances for both dwellings (*The entrances are NOT all on the same side of the house.*)
4. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.) (*Clearly shown by the submitted as-built survey.*)

Parking variance requirements:

5. Location of existing and proposed structures (i.e. buildings, fences, signs, parking areas, etc.) (*Clearly shown by the submitted as-built survey.*)
6. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.) (*Clearly shown by the submitted as-built survey.*)

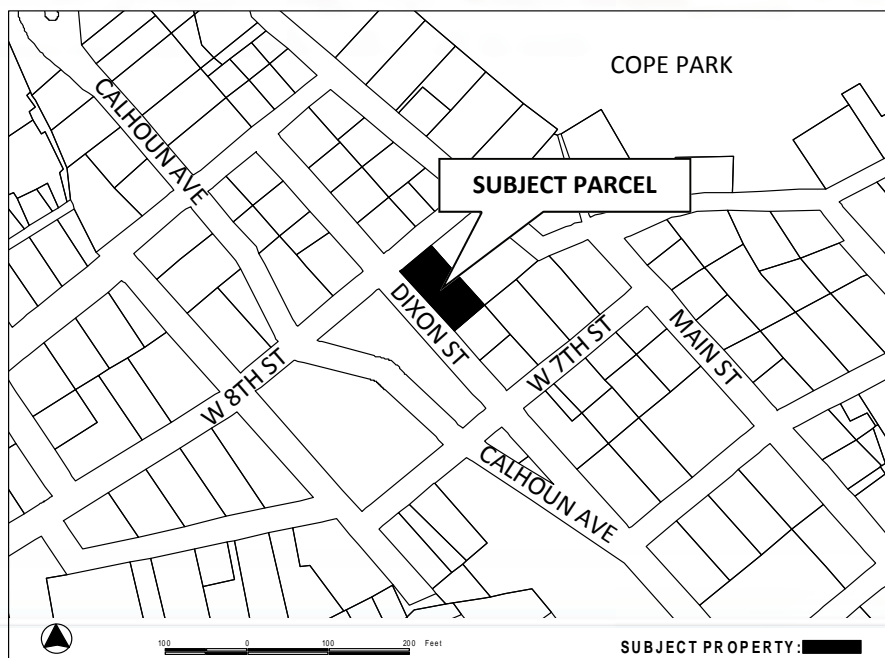
Requirements #4-6 on indicated on page 5 are shown on this submitted as-built survey.







NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: AAP2014 0015: A Conditional Use Permit for an accessory apartment on a substandard sized lot on Dixon Street in Downtown Juneau.
VAR2014 0021: A request for a Variance to the parking requirement for an accessory apartment on Dixon Street in Downtown Juneau.

File No:	AAP2014 0015 & VAR2014 0021		Applicant:	Myra Pugh
To:	Adjacent Property Owners		Property PCN:	1-C06-0-A33-006-0
Hearing Date:	November 25, 2014		Owner:	Myra Pugh
Hearing Time:	7:00 PM		Size:	5,000 Square Feet
Place:	Assembly Chambers		Zoned:	D-10
	Municipal Building		Site Address:	725 Dixon Street
	155 South Seward Street		Accessed Via:	Dixon 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 week 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@juneau.org 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: October 22, 2014



ATTACHMENT D



ATTACHMENT D







ATTACHMENT D

Jonathan Lange

From: Autumn Sapp
Sent: Thursday, October 02, 2014 3:57 PM
To: Jonathan Lange
Cc: Ron King; Mark Millay
Subject: RE: AAP14 15 and VAR14 21 - A Conditional Use Permit for an accessory apartment and a Variance Permit for the parking requirement at 725 Dixon Street

Jonathan,

General Engineering has no issues with this proposal. If the CU is approved, the applicant will need to obtain a utility permit which will verify the capacity of the existing ¾" water line and allow for the issuance of a meter for the second dwelling unit.

Thanks,
Autumn

From: Ron King
Sent: Tuesday, September 30, 2014 3:35 PM
To: Autumn Sapp; Mark Millay
Cc: Jonathan Lange
Subject: FW: AAP14 15 and VAR14 21 - A Conditional Use Permit for an accessory apartment and a Variance Permit for the parking requirement at 725 Dixon Street

I will excuse myself from comment as I know the applicant Myra Pugh personally. Please respond to the request for comments

Thanks

Ron King PLS

General Engineering
907-586-0881

From: Jonathan Lange
Sent: Tuesday, September 30, 2014 2:40 PM
To: Ron King; Charlie Ford; Dan Jager; Ed Foster; Ed Mercer
Subject: AAP14 15 and VAR14 21 - A Conditional Use Permit for an accessory apartment and a Variance Permit for the parking requirement at 725 Dixon Street

Subject: Please review the attached documents related to a conditional use permit for an accessory apartment on a substandard sized lot and a request for a variance permit to the parking standards for an accessory apartment at 725 Dixon Street in downtown Juneau.

File: AAP2014 0015 and VAR2014 0021

Parcel: 1-C06-0-A33-006-0

Please see the attached applications and project narratives. The attachments include an as-built survey, and building floor layouts.

The applicant has stated that this is an after the fact accessory apartment permit. The accessory apartment is in the basement of the home at 725 Dixon Street. The applicant is also asking for a variance to the parking standards for a single-family home and an accessory apartment, a variance from the required 3 spaces to 2 spaces.

Please send me comments by October 20, 2014 or as soon as possible.

I look forward to receiving your comments.

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





Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529

Jonathan Lange

From: Jonathan Lange
Sent: Thursday, November 06, 2014 11:26 AM
To: 'Roman Motyka'
Subject: RE: Files AAP2014 0015 & VAR2014 0021

You are welcome.
Thank you for your email.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

-----Original Message-----

From: Roman Motyka [<mailto:rjmotyka@uas.alaska.edu>]
Sent: Thursday, November 06, 2014 10:46 AM
To: Jonathan Lange
Subject: Re: Files AAP2014 0015 & VAR2014 0021

OK, thanks for the clarification. In light of CBJ's code, I will withdraw my objection.

Sincerely,
Roman Motyka

On 11/6/2014 10:38 AM, Jonathan Lange wrote:

> Hello Roman,
> Thank you for your comment and concern. Your comment will be included in my staff report that will go to the Planning Commission.
> Unfortunately, even with the two parking spaces available on the applicant's parcel, which is more than most of the parcels on Dixon Street, a third space is required. The City and Borough of Juneau's Land Use Code Title 49 minimum parking spaces require 2 on-site parking spaces for single-family homes, and 1 additional on-site parking space for accessory apartments. To permit an accessory apartment on the subject site the owner must apply for a variance to the parking requirement.
> Thank you again for your email and I hope I have answered your question.
> Have a good day and please let me know if you have any further questions.
>
> Jonathan Lange, Planner II
> Community Development Department
> City & Borough of Juneau, Alaska
> 155 S. Seward St. Juneau, AK 99801
> Ph (907)586-0218 F (907)586-4529
> PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

>
>
> -----Original Message-----
> From: Roman Motyka [<mailto:rjmotyka@uas.alaska.edu>]
> Sent: Thursday, November 06, 2014 10:28 AM
> To: Jonathan Lange
> Subject: Files AAP2014 0015 & VAR2014 0021
>
> Dear Jonathon:
> My main concern with this variance is that finding parking on Dixon Street is already extremely difficult. The property in question has one off-street driveway parking spot plus a garage, so the owners can already accommodate two off-street slots. So why the need for additional on-street variance?
>
> I do not wish to obstruct their rental of the apartment but I do hope it can be accommodated without further impacting the already severe parking situation on Dixon.
>
> Sincerely,
> Roman Motyka
> 835 Dixon ST.

Jonathan Lange

From: Berta Gardner <berta.gardner@gmail.com>
Sent: Tuesday, October 28, 2014 12:36 PM
To: Jonathan Lange
Subject: Re: File No. AAP2014 0015 & VAR2014 0021

Thank you, Jonathan. I much appreciate your efficient response.

Berta

On Mon, Oct 27, 2014 at 9:58 AM, Jonathan Lange <Jonathan.Lange@juneau.org> wrote:

Good Morning Berta,

Thank you for your email. I have attached the application for the Conditional Use Permit and Variance Applications. These contain a very good narrative from the applicant explaining their proposal.

The applicant is applying for a Conditional Use Permit to allow an accessory apartment to be permitted on their property. The accessory apartment is contained within the existing home. The permit is required because the lot is smaller than the required minimum lot size for the zoning district in which it is located. We consider the lot to be legally non-conforming lot, in that it was created prior to the newest zoning code. When a lot is smaller than the minimum required lot size, to get a permit for an extra dwelling unit (i.e. the accessory apartment) this requires Planning Commission approval.

The applicant is also requesting a Variance permit so that they would not be required to have an off-street parking space for the accessory apartment. A single-family home is required to have 2 off-street parking spaces; and an accessory apartment requires one off-street parking space. The lot currently has two parking spaces. The applicant has gone over the below 6 variance criteria in their narrative.

For Community Development Department Staff to recommend approval for the Variance to the Planning Commission the proposal must meet the below criteria.

- (b)

Variances other than de minimis. 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 this title, the board of adjustment may grant a variance in harmony with the general purpose and intent of this title. 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. A variance may be granted after the prescribed hearing and after the board of adjustment has determined that:

- (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.

I hope this describes the proposal.

Please let me know if you have any questions or concerns.

Have a good day.

Jonathan Lange, Planner II

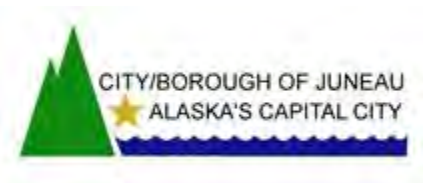
Community Development Department

City & Borough of Juneau, Alaska

155 S. Seward St. Juneau, AK 99801

Ph [\(907\)586-0218](tel:9075860218) F [\(907\)586-4529](tel:9075864529)

PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org



From: Berta Gardner [mailto:berta.gardner@gmail.com]

Sent: Saturday, October 25, 2014 12:06 PM

To: Jonathan Lange

Subject: File No. AAP2014 0015 & VAR2014 0021

My husband and I are owners of 900 Goldbelt and received your notice of a hearing for the above mentioned variance requests.

Can you please tell me the standard requirement for the uses and provide a brief description of the variance requested?

We will be unable to attend the hearing but might want to comment by mail.

Thank you,

--

Berta Gardner

--

Berta Gardner

Thank you in advance.

Sincerely,

Dee Longenbough
(Dee Longenbough)

238 Dixon Street

Tuneau, Alaska

October Thirtieth, 2014

To: Planning Commission
City & Borough of Tuneau

Re: Myra Pugh's Request

I strongly support Mr. Pugh's request for re-zoning. She is a wonderful neighbor. A fine gardener, a pleasant woman; she has a charming young daughter

and a warm and friendly little dog.

Her house and yard are large enough that noise is never a problem & across the street is a large vacant lot.

I am sure her apartment will enhance the neighborhood.

ATTACHMENT E