

# MEMORANDUM

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

**DATE:** November 10, 2014

**TO:** Board of Adjustment

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

**FILE NO.:** VAR2014 0021

**PROPOSAL:** A request for a Variance to the parking requirement for an accessory apartment 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

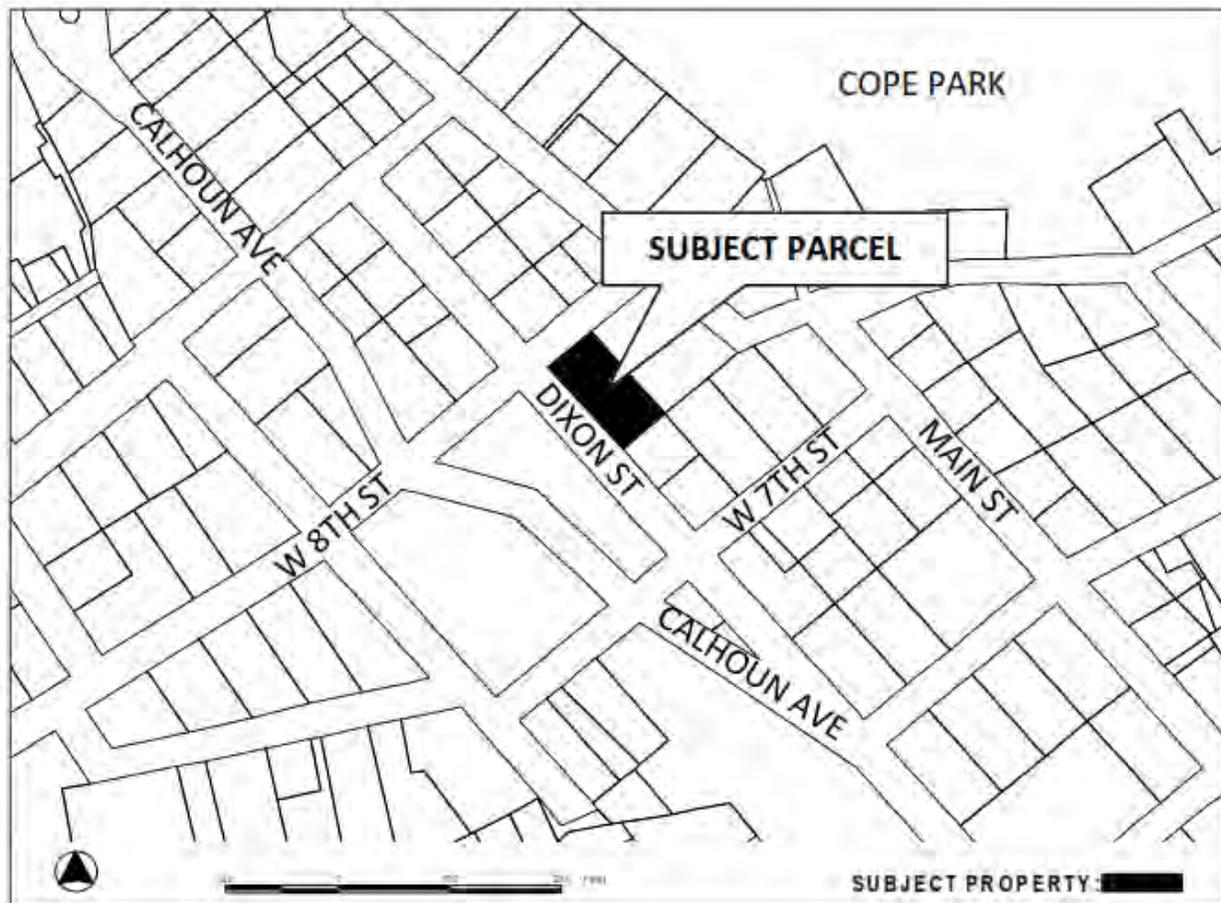
**Existing Land Use:** Single-family residence

**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 is requesting a variance from the parking requirement to allow for the reduction of required parking spaces from 3 spaces to 2 spaces for a single-family home with an accessory apartment. The subject parcel is located at 725 Dixon Street.

This variance proposal is in conjunction with the Accessory Apartment Conditional Use Permit, AAP2014 0015.

## **BACKGROUND**

The applicant is requesting a permit for an existing 580 square foot accessory apartment within their home, located at 725 Dixon Street. The applicant is coming before the Planning Commission and Board of Adjustment at this time to permit the accessory apartment so that they may sell the property in the near future.

The applicant's home is located at the southwestern portion of their lot, with Dixon Street sloping to the southeast below the current 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.

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. The remaining space of the applicant's yard is not big enough to create a third parking space for the accessory apartment (please see Attachment B for the site plan and Attachment D for a photo of the lot). Therefore, the applicant has applied for a variance to the parking requirement of one additional parking space for the accessory apartment.

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

## **ANALYSIS**

Parking requirements as found in CBJ 49.40.210, Table (a) Table of minimum parking standards, a single-family dwelling unit requires 2 on-site parking spaces and an accessory apartment requires 1 on-site space.

## **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 requested, for the reduction of the required parking space for the accessory apartment, would give substantial relief to the owner of the property involved. A few of the properties in the vicinity meet minimum parking requirements; however, many do not due to their position on steep slopes. On-site parking in this neighborhood is challenging, as many of the homes are accessed only by stairways. Staff found that there are three single-family homes with accessory apartments in the very near vicinity, both with zero on-site parking. One is accessed off of the stairway in the 8<sup>th</sup> Street right-of-way, and the other two are accessed by stairs off of Dixon Street. Currently there is year-round on-street parking on the southwest side of Dixon Street.

Granting of the variance to the accessory apartment required parking standard is consistent to justice to other property owners in the vicinity.

**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.

The provision for compact development in the historic neighborhoods on the edge of the urban core

near downtown Juneau has been a goal of the City and Borough of Juneau. The site is within walking distance of employment opportunities, shopping, services, and transit within downtown Juneau and the Willoughby area.

There is no evidence to suggest that the permitting of the accessory apartment 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 approval of an accessory apartment permit and variance to the parking requirement for the apartment would injure nearby property. The accessory apartment would be within the existing dwelling unit; no additions would be made to the home. The neighborhood has sufficient year-round on-street parking on the southwest side of Dixon Street.

**Yes. The criterion is met.**

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

The Variance application and the Accessory Apartment application associated with this property are to permit an accessory apartment at 725 Dixon Street. An accessory apartment is an allowed use in the D-10 multi-family zoning district.

**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;***

Compliance with the existing standards would not prevent the owner from using the property for a permissible principle use as a single-family residence. But compliance with the existing standard would not allow the owner to sell their property as a single-family home with an accessory apartment.

**No. This 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 surrounding neighborhood consists of single-family dwellings, and single-family homes with accessory apartments. Permitting the accessory apartment is consistent with existing development in the neighborhood. The subject site currently contains two parking spaces, which is more on-site parking than most of the parcels in the neighborhood. Therefore, compliance with the existing standards would unreasonably prevent the applicant from using their property in a manner consistent with existing development in the neighborhood.

**Yes. The criterion is met.**

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

The buildable area of the subject lot is at the bottom of a steep slope and is adjacent to Dixon Street that slopes steeply away from the subject home. The area adjacent to the current on-site parking is not large enough for the parking space required for the accessory apartment. The subject lot is burdened by the steepness of the terrain in the neighborhood.

**Yes. The 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.*

The subject lot is non-conforming in that it is smaller than the required minimum lot size for the D-10 zoning district. The requested variance is not for the small lot size, but for a required parking space for an accessory apartment. Granting of the variance would result in a net decrease in overall compliance with CBJ Title 49.

**No. This criterion is not met.**

**Since sub criteria 5B and 5C are met, criterion 5 is met.**

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

Granting of the requested variance may place one more car on the street in a neighborhood where on-street parking is limited. However, the applicant's lot does contain more on-site parking than most of the parcels along Dixon Street and Gold Street to the north. If the Variance was granted, the Variance would allow for an addition dwelling unit which would be a benefit for the property owner, the neighborhood, and the community.

**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 analysis above, staff has determined that the applicant has presented an argument that justifies the grounds for this Variance.

Criterion 1, 2, 3, 4, 5 and 6 are met.

## **RECOMMENDATION**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2014 0021. The Variance permit would allow for the reduction of the parking requirement from one space to zero spaces for an accessory apartment at 725 Dixon Street in Downtown Juneau.

# VARIANCE APPLICATION

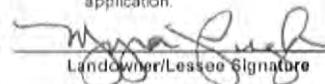
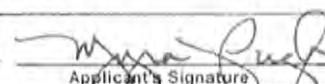
Project Number	Project Name (15 characters)	Case Number <b>VAR20140021</b>	Date Received <b>9/25/14</b>																				
<b>TYPE OF VARIANCE REQUESTED:</b>																							
<input type="checkbox"/> Variance to the Sign Standard (VSG)	<input type="checkbox"/> Variance to Dimensional Standards (VDS)																						
<input type="checkbox"/> Variance to Habitat Setbacks (VHB)	<input checked="" type="checkbox"/> Variance to Parking Requirements (VPK)																						
<input type="checkbox"/> Variance to Setback Requirements (VSB)																							
<b>DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:</b>																							
A separate accessory apartment application is also submitted. This application is seeking approval for a parking variance as on 2 parking spots exists and no additional are being proposed.																							
<b>Previous Variance Applications?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO    Date of Filing: _____																							
Previous Case Number(s): _____																							
Was the Variance Granted? <input type="checkbox"/> YES <input type="checkbox"/> NO																							
<b>UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):</b> _____																							
This property is located in downtown Juneau and is subpar in terms of size. The location is desirable as it is within walking distance to many office buildings, grocery store, restaurants, and community buildings.																							
<b>UTILITIES AVAILABLE:</b> WATER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site    SEWER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site																							
<b>WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?</b>																							
The accessory was built in 2008 but not properly permitted/approved by the city.																							
<b>WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?</b>																							
The current owner desires to comply with city requirements and apologies for not doing so before hand (please see project descriptions for both this application and the accessory apartment application). If this request is not approved this not-approved-accessory-apartment would remain not in compliance and a desired downtown residence removed from an already tight rental market.																							
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.	<b>VARIANCE FEES</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%;">Fees</th> <th style="width: 15%;">Check No.</th> <th style="width: 15%;">Receipt</th> <th style="width: 15%;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <u>400</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td><b>Total Fee</b></td> <td>\$ <u>400</u></td> <td style="text-align: center;">-</td> <td><u>CDD5789</u></td> <td><u>9/25/14</u></td> </tr> </tbody> </table>				Fees	Check No.	Receipt	Date	Application Fees	\$ <u>400</u>	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	<b>Total Fee</b>	\$ <u>400</u>	-	<u>CDD5789</u>	<u>9/25/14</u>
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Adjustment	\$ _____	_____	_____	_____																			
<b>Total Fee</b>	\$ <u>400</u>	-	<u>CDD5789</u>	<u>9/25/14</u>																			

TO BE COMPLETED BY THE APPLICANT

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

# DEVELOPMENT PERMIT APPLICATION

<b>Project Number</b> VAR20140021	<b>CITY and BOROUGH of JUNEAU</b>	<b>Date Received:</b> 9/25/14
<b>Project Name</b> (City Staff to Assign Name)		

INFORMATION	<b>Project Description</b> Accessory apartment approval and parking variance.		
	<b>PROPERTY LOCATION</b>		
	<b>Street Address</b> 725 Dixon Street		<b>City/Zip</b> Juneau, AK 99801
	<b>Legal Description(s) of Parcel(s)</b> (Subdivision, Survey, Block, Tract, Lot) Juneau Townsite BL 33 LTS		
	<b>Assessor's Parcel Number(s)</b> 1C060A330060		
	<b>LANDOWNER/ LESSEE</b>		
	<b>Property Owner's Name</b> Myra Pugh		<b>Contact Person:</b> Myra Pugh
	<b>Mailing Address</b> 725 Dixon Street; Juneau, AK 99801		<b>Work Phone:</b> 97-465-3469
	<b>E-mail Address</b> myrapugh@hotmail.com		<b>Home Phone:</b> 907-209-7844
			<b>Fax Number:</b> NA
<b>LANDOWNER/ LESSEE CONSENT</b> <span style="float: right;">***Required for Planning Permits, not needed on Building/ Engineering Permits***</span>			
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.			
<b>APPLICANT</b> <span style="float: right;">If the same as OWNER, write "SAME" and sign and date at X below</span>			
<b>Applicant's Name</b> SAME		<b>Contact Person:</b>	
<b>Mailing Address</b>		<b>Work Phone:</b>	
<b>E-mail Address</b>		<b>Home Phone:</b>	
		<b>Fax Number:</b>	
		<b>Other Contact Phone Number(s):</b>	
X	 Applicant's Signature	Date of Application 9/25/14	

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

STAFF APPROVALS	<input checked="" type="checkbox"/>	<b>Permit Type</b>	***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)			
	X	Variance Case (De Minimis and all other Variance case types)		9/25/14	VAR20140021
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
<b>Comments:</b>				<b>Permit Intake Initials</b>	
				HW/CM	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS  
 I:\FORMS\2010 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

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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

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**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):

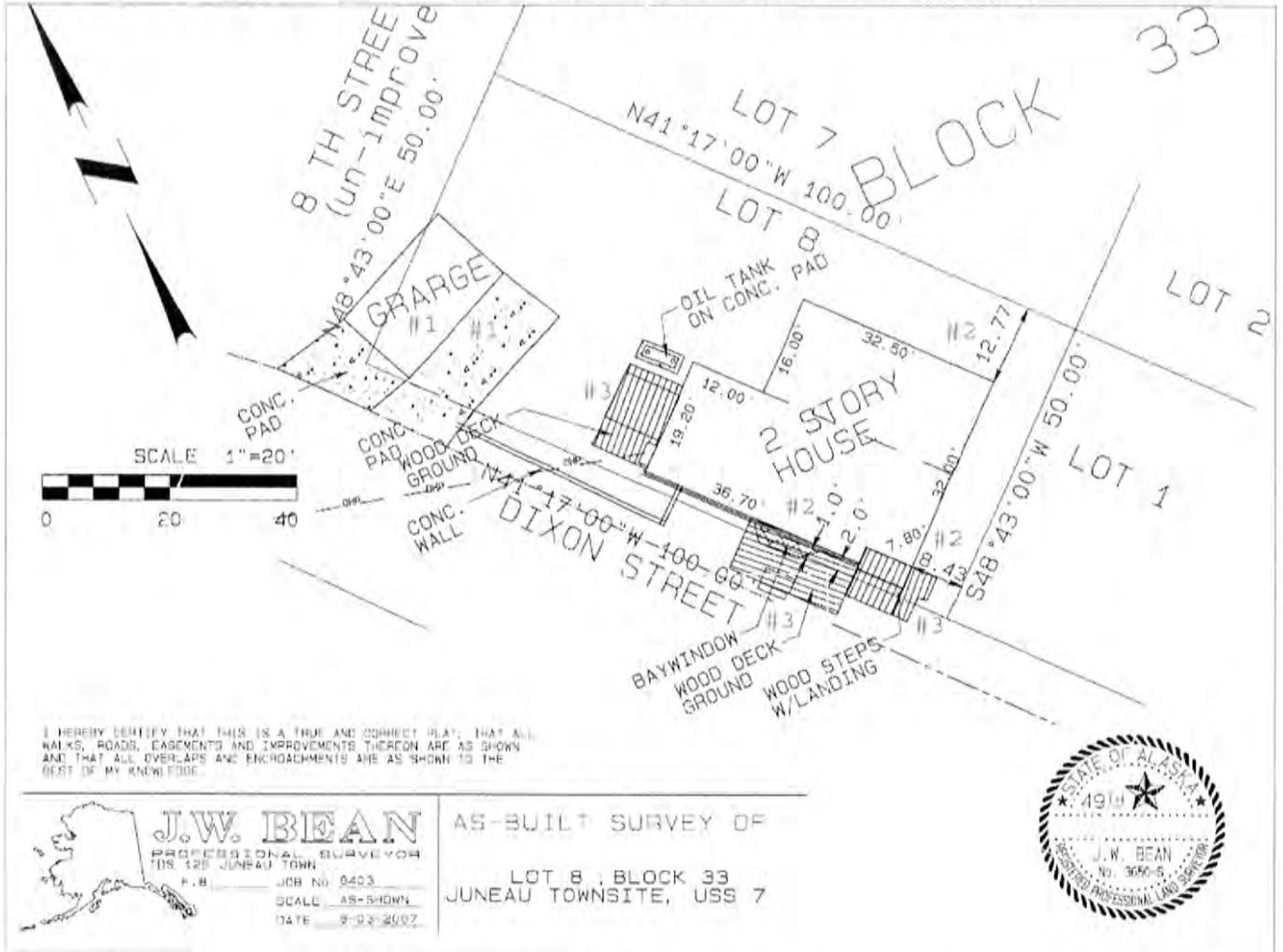
Accessory apartment requirements:

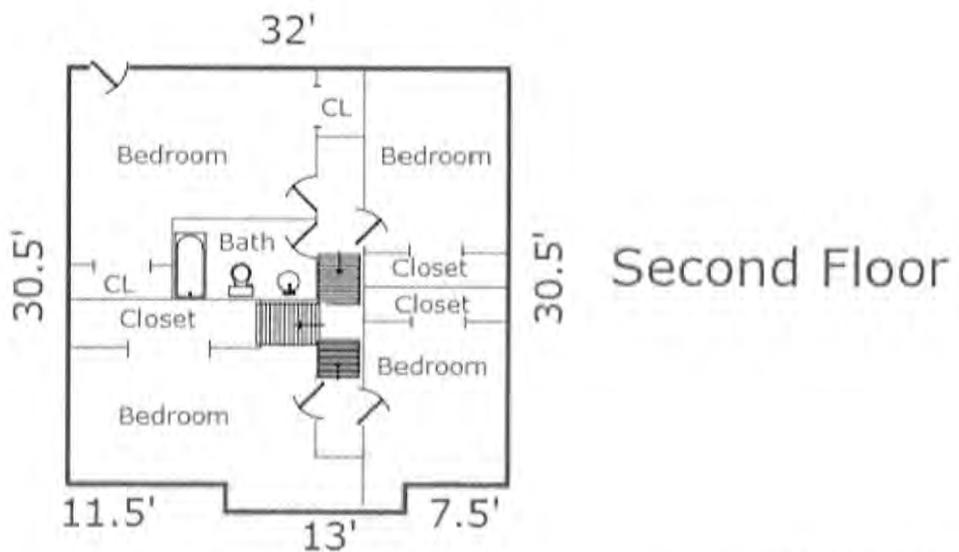
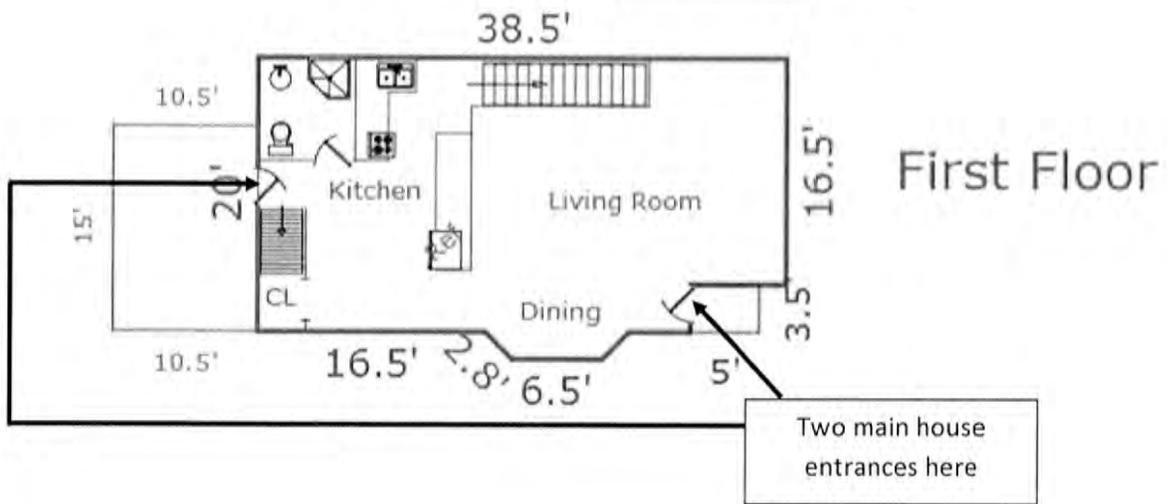
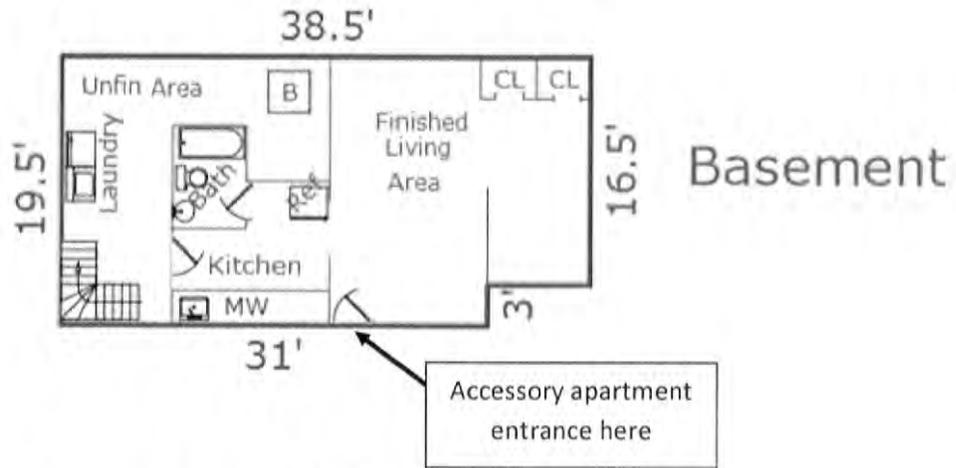
1. Dimensioned indicating all required parking (49.40.210 – Minimum space and dimensional standards for parking and off-street loading)
  - a. Single-family and duplex – 2 per each dwelling unit
  - b. Accessory apartments – 1 (*Property does not meet this, hence the parking variance application.*)
2. 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.





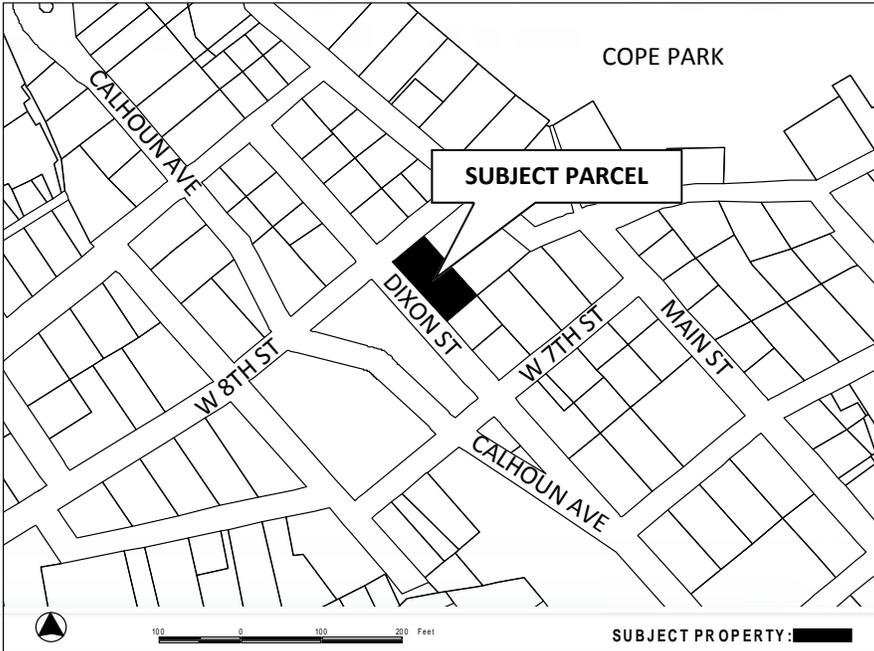
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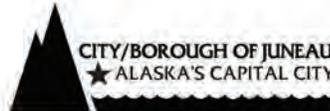


# NOTICE OF PUBLIC HEARING



**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.

<b>File No:</b>	<b>AAP2014 0015 &amp; VAR2014 0021</b>	<b>Applicant:</b>	<b>Myra Pugh</b>
<b>To:</b>	<b>Adjacent Property Owners</b>	<b>Property PCN:</b>	<b>1-C06-0-A33-006-0</b>
<b>Hearing Date:</b>	<b>November 25, 2014</b>	<b>Owner:</b>	<b>Myra Pugh</b>
<b>Hearing Time:</b>	<b>7:00 PM</b>	<b>Size:</b>	<b>5,000 Square Feet</b>
<b>Place:</b>	<b>Assembly Chambers</b>	<b>Zoned:</b>	<b>D-10</b>
	<b>Municipal Building</b>	<b>Site Address:</b>	<b>725 Dixon Street</b>
	<b>155 South Seward Street</b>	<b>Accessed Via:</b>	<b>Dixon Street</b>
	<b>Juneau, Alaska 99801</b>		

### 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](mailto:jonathan.lange@juneau.org) or at 586-0218.*



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plancomm](http://www.juneau.org/plancomm).

**ATTACHMENT C**

*Date notice was printed: October 22, 2014*



ATTACHMENT D



ATTACHMENT D





ATTACHMENT D



ATTACHMENT D



ATTACHMENT D

## Jonathan Lange

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**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

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**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

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**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

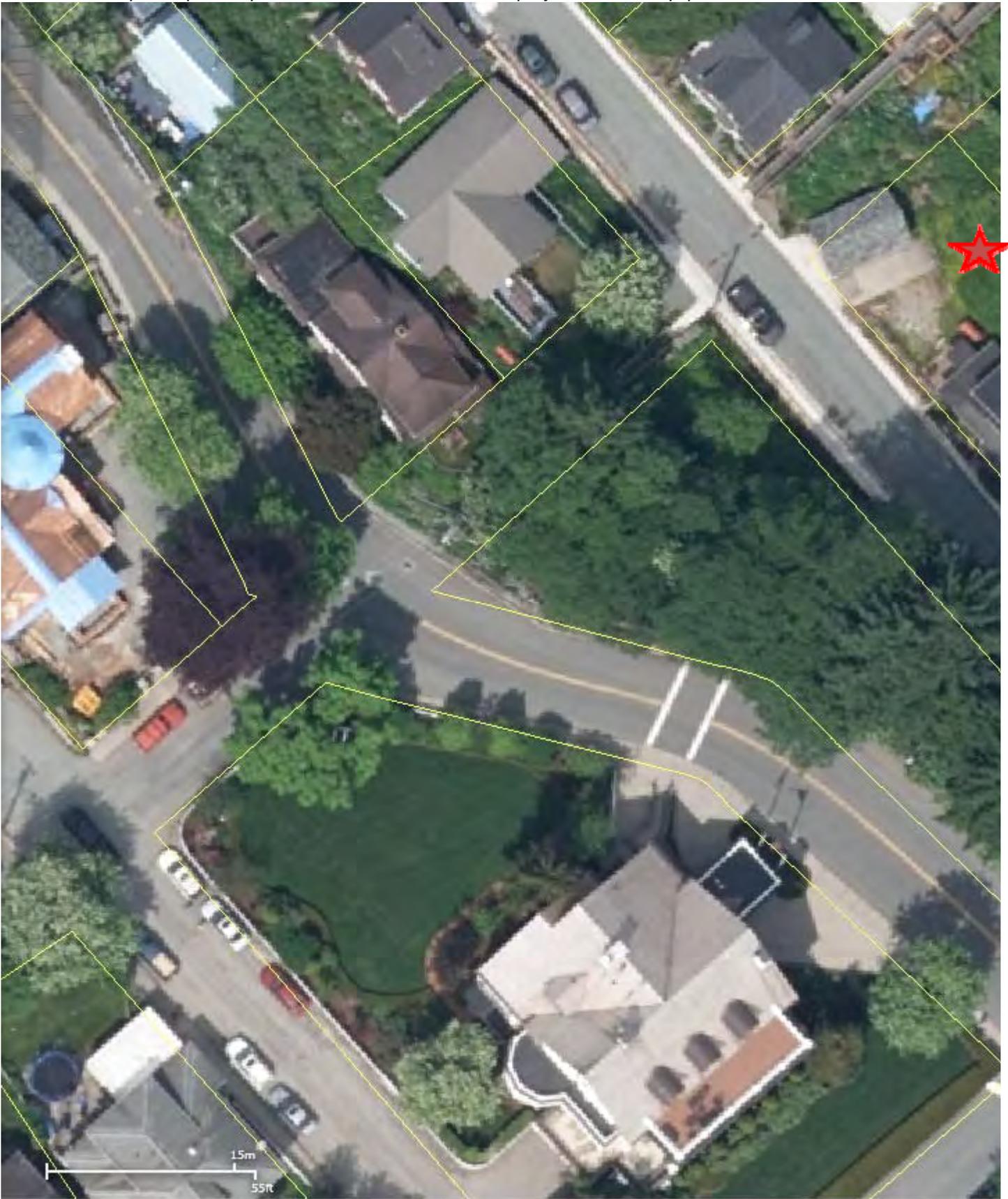
**Parcel:** 1-C06-0-A33-006-0

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

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**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](mailto: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](mailto: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

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**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](mailto: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

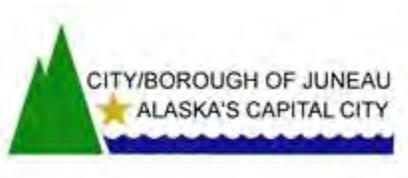
Community Development Department

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](mailto:Jonathan.Lange@juneau.org)**



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

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Berta Gardner

Thank you in advance.

Sincerely,  
Dee Longenbrough  
(Dee Longenbrough)

338 Dixon Street  
Juneau, Alaska  
October 14th, 2014

To: Planning Commission  
City & Borough of Juneau

Re: Myra Pugh's Request

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

and a warm and friendly little dog. The house and yard are large and well maintained. The street is a large street. The rezoning of her apartment will enhance the neighborhood.