

APPROVED MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Mandy Cole, Chair

May 13, 2025

I. LAND ACKNOWLEDGEMENT – Read by Mr. Epstein.

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

II. ROLL CALL

Mandy Cole, Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7 p.m.

Commissioners present: Commissioners present in Chambers – Mandy Cole, Chair; Erik Pedersen, Vice Chair; Adam Brown; Nina Keller; David Epstein, Jessalynn Rintala, Lacey Derr, Douglas Salik

Commissioners present via video conferencing – None

Commissioners absent: Matthew Bell

Staff present: Irene Gallion, Senior Planner; Madeline Carse, CDD Administrative Assistant; Sherri Layne, Attorney III; Ilsa Lund, Planner I; Brandon Robinson, Planner II

Assembly members: None

Chair Cole announced that Mr. Bell's resignation from the Commission, and said it is likely that they will open another seat.

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

A. April 8, 2025 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Pedersen to approve the April 8, 2025, Planning Commission Regular Meeting minutes subject to any minor Commission or Staff revisions. The motion passed.*

V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION-** by Chair Cole.

VI. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS-** None.

VII. **ITEMS FOR RECONSIDERATION** - None.

VIII. **CONSENT AGENDA** - None.

IX. **UNFINISHED BUSINESS**

X. **REGULAR AGENDA**

Case Number: VAR2025 0001
Applicant: Diane Barrans
Location: 12275 Glacier Highway

Director's Report

The applicant requests a Non-Administrative Variance for the reduction of the required front yard setback by ten (10) feet for the purpose of constructing a two-car garage and workshop with an office and storage on the second story. Approximately 40% of this lot is encompassed by the anadromous waterbody setback from Waydelich Creek, or slopes between 63-80% grade.

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Non-Administrative Variance to allow for a reduction in the front yard setback by ten (10) feet.

Ms. Gallion noted a correction to the third bullet item on the front page of the staff report. The bullet says the neighboring property got a variance for a front yard setback for a parking structure. The statement was corrected to say that the neighboring property got a variance to side yard setbacks for a primary structure. Ms. Cole asked Ms. Gallion or Ms. Layne to give the Commission an overview of the items to keep in consideration when thinking about a variance, as they have particular language that allows them to make variances.

Ms. Layne pointed out the staff report section called "Variance Standards," she said case laws clarifies financial constraints are not hardships, which is the biggest issue that trips up a lot of

variances. She encouraged the Commission to go through the summary of each standard and think about those standards when looking at this proposal and the issues with this property.

Chair Cole added to keep in mind that these are not necessarily about if the project is a good idea. The Commission must review the analysis in the variance report and discuss disagreements.

Diane Barrans, applicant, explained that she and her husband, Kelly Kirkpatrick, have owned the property since 1991. The variance allows them to optimize use of the property within the context of the constraints of geography and other limitations, including the 50-foot setback from the anadromous stream. She stated that even if they proposed building to the west side of the property, the geography prevents it, but the 50-foot setback from the stream is in close alignment with the creek bank. She noted that another limitation they had in putting the structure on the property was there is no leeway for moving the entry point of the driveway. She said they would like up to a 10-foot variance but understand that it probably will not be quite a 10-foot variance; however, they wanted to have a little bit of room for when they come to work on foundation.

Ms. Rintala brought up the public comment about line of sight when turning out of the neighbor's driveway. She shared that she looked at it on Google Maps and it did not look like it would raise a line of sight concern, but she asked the applicant to speak to that.

Ms. Barrans responded that the line of sight could be slightly improved. She voiced that one of the reasons they are placing the structure where they are is because there is a natural break in the trees. She did not believe those exiting out of the condominium parking lot would not be able to see the garage, except for maybe the height.

Mr. Pedersen pointed out that the size of the structure looks to be set up as 32 x 26. He asked if they are solid on that size, as he would be more adverse to granting a variance without knowing the size of the structure.

Ms. Barrans answered that the original thought was 28 x 32, but they do not want it to encroach furthest east of the property, so they reduced the footprint by 2 feet, which is the side that runs parallel to their existing home. She added that will allow enough space to be able to fit their two vehicles and still have a workshop area.

Chair Cole explained that generally when they get variances for setback reductions, it is often for the primary residence, and the topography of the land does not allow for a primary residence to be situated cleanly within the setbacks. She asked why this is a necessary addition to their home, as they are not planning to live in the structure.

Ms. Barrans responded they did not want to pave the area outside next to the house in order to allow them to come with a plan for gardening and the garage. She expressed they have manually managed the snow load each year, but they are getting older and planning to age in place, so this will allow them to extend their living area and give her husband a place to do his winter activities. She added that the upstairs will also be an office.

Chair Cole asked for public testimony. There were none.

Chair Cole asked for questions or considerations for staff.

Ms. Derr asked if staff saw any concerns with destabilization and eroding, as she does not want to put a structure where it could potentially fall into the creek with someone in it.

Ms. Gallion answered that the geotech information would be evaluated during the building permit process. Before the building permit can be considered, they need to get permission from this commission to move forward, then have CBJ's General Engineering team look at it.

Chair Cole asked for any discussion, questions, or a motion.

MOTION: by *Mr. Pedersen to accept staff's findings, analysis, and recommendations, and approve VAR2025 0001. The non-administrative variance would allow for a reduction in the front yard setback by up to 10 feet and allow for placement of a 26 by 32-foot structure.*

Chair Cole had some reservations, because when variances like this came before them in the past for a non-primary structure that involves unique features of the land, topography, and things like that, they have denied them based on the fact that the property owner was still able to use their property for the primary purpose. She agreed that in this case, topography makes placing the structure anywhere else nearly impossible, but she questioned if granting a variance is necessary.

Mr. Pedersen noted that in the past, the variance criteria B is what they have run into problems with, which is the unusual special conditions of the property that are not caused by the person seeking the variance. He said that is a hard burden to get past, and does not really agree with how that has been interpreted in the past.

Mr. Brown asked if there was anything in code that distinguishing a garage from not being part of a primary residency?

Chair Cole shook her head no.

Mr. Brown added that he did not know why they would distinguish it in this situation then, as most typical single family houses have a garage, and he did not think that should limit this.

Ms. Rintala added that this case fairly meets the four variance standards laid out, including that the hardship is due to the unusual or special conditions of the property that are not caused by the person seeking the variance.

Ms. Keller agreed with Ms. Rintala's comment, and shared that between the topography and the anadromous stream to keep the buffer required, it checks all the boxes.

Mr. Salik commented establishing that auxiliary structures need to be somehow attached to the primary residence will bring some unusual and ridiculous requests, and going down that path is worse than issuing a variance to let a homeowner have a garage and workspace.

Chair Cole noted that CBJ does not want to be in a place where the ordinance says someone has a piece of property but cannot use it because of unusual conditions and the way the ordinance is written. She said the variance ordinance was created because CBJ was issuing variances for a lot of different things. Her understanding of tightening the variance language was to prevent from granting a variance just because it is a good idea, but rather a variance so someone can use their property. She noted that Ms. Barrans made an argument for a reason they might use their property, but that argument has not always been accepted by this body in the past.

Mr. Pedersen said another reason the requirements were tailored was because consistently issuing variances indicates that the code is not proper, but they are redoing it right now.

Chair Cole voiced she has always been uncomfortable with how narrow the variance language was and is an advocate of expanding it. She asked Ms. Layne if her understanding of the variance language and the reasons for it is correct, and if she foresees any issue with granting this variance.

Ms. Layne stated that Chair Cole did a great job summarizing the reasons why, as variances were being given for everything and the code was very broad, so they rewrote the code to make it much more narrow, which may have been too narrow. She pointed out that it is in line with state and case law; however, the Commission has discretion to loosen that up and provide their own opinion and grant variances if they want, as long as they articulate the reasons. She agreed something like this would have probably been denied from Commission and the Department in this past, but this time it was a yes from the Department.

Chair Cole noted this variance is different from those in the past, because there really is no choice in terms of placement.

Mr. Pedersen said reading through the variance criteria, he felt staff did a good job summarizing why this would fit the criteria, so he did not have edits to say why they would grant the variance.

Mr. Rintala agreed that staff wrote this thoroughly, as it enumerates how the requestor did not create the conditions that are making the variance appropriate. She voiced that the building was constructed before current zoning, so they did not create the situation that has necessitated getting a variance. She added that she also personally has a lot of respect for keeping a safe distance from salmon streams and likes to see construction honoring that.

The motion passed with no objection.

XI. OTHER BUSINESS - None.

XII. STAFF REPORTS

Ms. Gallion reported that the Downtown Douglas West Juneau Area Plan draft is available for public commit through May 31st. They had an open house last week with about 60 people in attendance, with the most robust turnout she has seen from the Steering Committee. She stated that staff will look at the comments and hope to have it before

the Commission before the second meeting in July. She commented that there is an online survey on the Comp Plan open through May 31st to get initial ideas, and the Advisory Committee will meet in June to review comments and work out the division statement.

XIII. COMMITTEE REPORTS

Ms. Derr attended the Lands, Housing, & Economic Development Committee Meeting on May 5th, where they discussed short term rentals and going from a \$25 a day for not complying to a flat \$100 a day, more clear reporting requirements for listing the rental and monthly reports from the rental platforms, privatizing Eaglecrest, and there was a recommendation for a land purchase at 2nd and Franklin, the little parking lot next to the Baranof, for a potential 15-story building that essentially has no limitations on it. She noted that the Bureau of Land Management and Mayflower Island discussion is in process to potentially give Mayflower Island back, and the Committee granted \$1 million to Tlingit and Haida for the Floyd Dryden Building for childcare. She noted that the discomfort in granting two certificates of occupancies for the same property was valid, as the Lands, Housing, & Economic Development Committee had already moved forward with some things on March 17th, so in the future they may ask more questions if anything could be in conflict and make sure all the committees are communicating.

Mr. Pedersen reported on the Short Term Rental Task Force Meeting, where they are working out details and trying to figure out different levels of regulations and what could be triggering them. He said they will probably have one to two more meetings before they are comfortable doing a public meeting.

XIV. LIAISON REPORTS- None.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS- None.

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Chair Cole commented that she has been receiving a lot of requests about the Goldbelt dock development on the back side of Douglas and being asked what role the Planning Commission's has in that. She asked the Department if there was any information on that.

Ms. Gallion responded that they have not had any plans come their way nor any permits applied for at this time. She said Goldbelt has an environmental consultant working with them, and they have been talking with staff. She added that our compliance officer has been keeping an eye on what is going on there.

Chair Cole reassured that there will be multiple permits involved with a project like this that will have to come before this body.

Ms. Gallion added multiple permits with multiple agencies.

Chair Cole reminded the public there will be an open seat on the Commission soon and asked the public to talk the position up to people, as it is good to get additional viewpoints and experience on the Commission.

XVII. EXECUTIVE SESSION- None.

XVIII. SUPPLEMENTAL MATERIALS

XIX. ADJOURNMENT

The May 13, 2025, Planning Commission Meeting was adjourned at 7:41 p.m.