

# Agenda

**Planning Commission - Subdivision Review Committee  
City and Borough of Juneau  
Paul Voelckers, Chairman**

July 14, 2015

Marine View Buidling 230 S. Franklin Street, 4th Floor Conference Room

5:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **AGENDA TOPICS**
  - A. Reiswig Summary
  - B. Silverbay Park PUD Summary
  - C. 4411 Windfall Summary
  - D. 9227 Long Run Drive
- IV. **COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- V. **ADJOURNMENT**

Subdivision Review Committee Meeting - Tuesday May 19<sup>th</sup> 2015

Property Owner: Jon A. Reiswig

Legal Description: Tract D of US Survey 1369

Parcel Code No.: 6-D12-0-109-004-0

Site Size: 506,603 square feet (11.63 acres)

Zoning: RR, Rural Reserve

Access: North Douglas Hwy.

Existing Land Use: Garage/Barn building

Surrounding Land Use: North – RR, Rural Reserve; CBJ Fish Creek Park  
 South – RR, Rural Reserve; Single-Family Dwellings  
 East – RR, Rural Reserve; Undeveloped CBJ & Private Land  
 West – Water Body, Fritz Cove

Background

The property owners wish to subdivide their property to create a parcel on the Southern shoreline of the lot. The subject parcel is located in a Rural Reserve zone with following minimum lot size requirements.

Minimum Lot size: 36,000 sq ft  
 Minimum Lot width: 150 ft  
 Minimum Lot depth: 150 ft

The history of the lot is explained in the attached staff report reviewing an earlier proposed variance on this property (VAR2009-00019).

The subject lot (from now Lot A) surrounds a smaller lot (from now Lot B). The smaller lot has no road frontage onto the Right of Way. Both lots are owned by the same owner and this renders the easement along the driveway access to Lot B redundant as a property owner can not have an easement agreement with themselves. This lack of road frontage would have to be corrected as part of any future subdivision to return it to a conforming situation.

Lot A currently has just over 300ft frontage on to a Right of Way so two conforming, albeit very large lots, could be created with the minimum required width of 150ft. Access easements would be required if the current driveway were used for both lots.





Following recent discussion with Staff, the Realtor acting on behalf of the property owner has provided the subdivision proposals below:

- 1) **The creation of two lots that don't meet minimum front lot line width requirements that may require a variance.** The requirement of a variance would depend on the application of the Director's discretion. The application of this Director's discretion depends on the judgement as to whether there is difficult topography or other circumstances that render compliance impracticable.

49.15.460

(4) Lots Generally.

*(i) Subdivision lots shall meet the minimum dimensional standards established by chapter 49.25, article IV, provided that in cases of difficult topography or other circumstances rendering compliance impracticable, the director may approve other configurations if the lot:*

- (a) Meets the minimum lot size requirement;*
- (b) As drawn, is capable of containing a rectangle having two sides equal in length to the minimum lot width requirement and two sides equal in length to the minimum lot depth requirement;*
- (c) Has direct and practical access to a street maintained by an agency of government; and*
- (d) Has at least one practical building location.*



- 2) **A dedicated Right of Way and the creation of two additional lots on the southerly portion of the property.** As this is outside the Urban Service Boundary, and the Annual Daily Trips would be expected to be below 250, the roadway would be required to be a 24ft wide gravel surface road with 60ft Right of Way dedicated to the City. This could run along the current drive way alignment. This would allow the possibility of more lots having road frontage in future and would not require a variance. Feedback from DOT would be necessary.



In both proposals presented, the existing, isolated Lot B would be expanded to include the accessory improvements currently situated on Lot A. Depending on the use this may be unnecessary since Storage in a Garage/Barn would be allowed as a use in its own right in a Rural Reserve zone according to the Table of Permissible Uses) if the storage is less than 10,000sq ft.

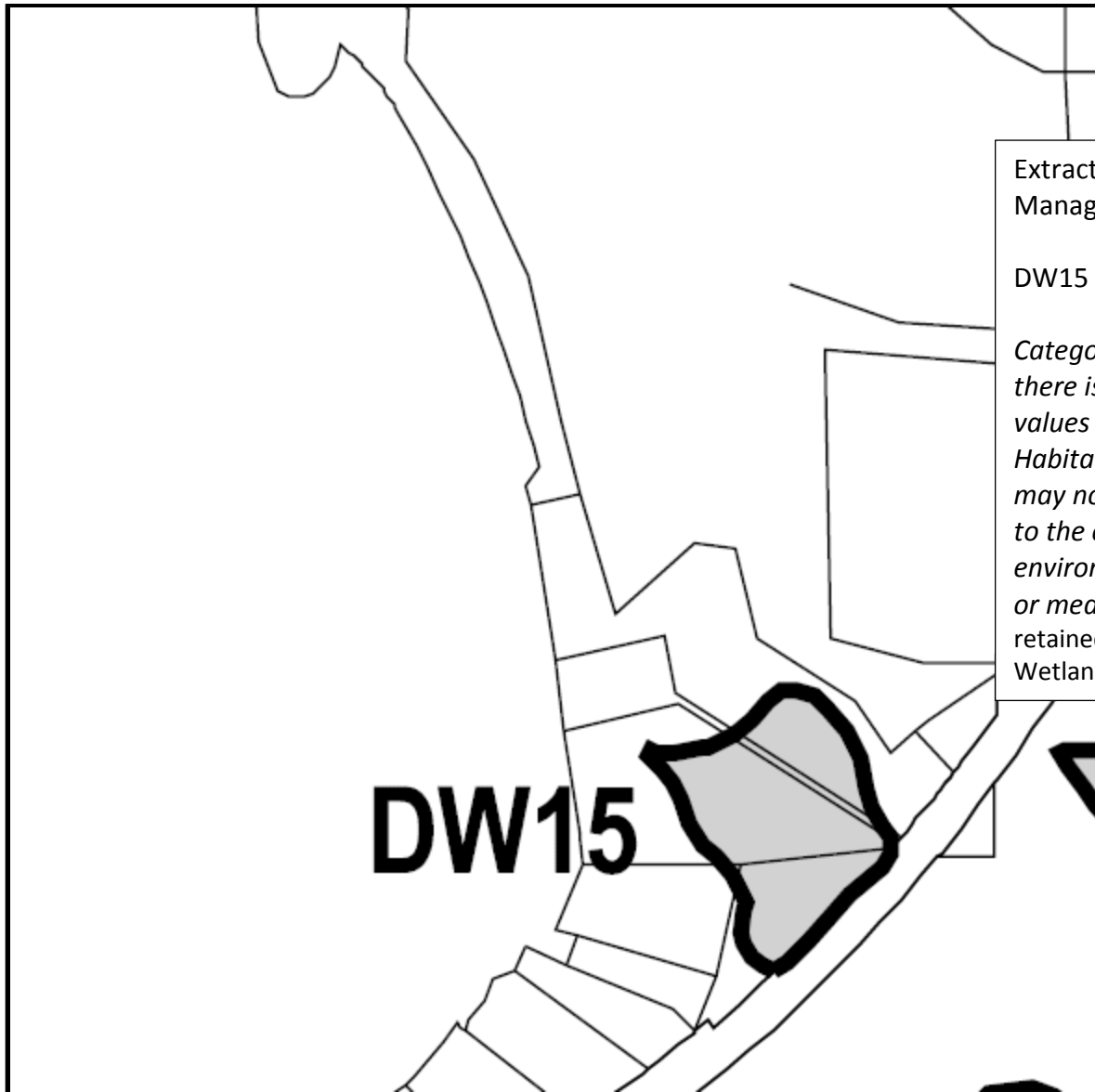
All proposed lots would provide a minimum 150-foot square within the lot boundaries. The Realtor has indicated that in the long term, the a road would be required to develop the large remainder parcel to the north because of the ratio of available land to available road frontage. However, at present, the owners preference would be for approval for the new lot along the southerly border without the expense of improving the current driveway i.e. they would wish for Proposal 1. Fire regulations may require some upgrade of this driveway.

The Realtor has suggested that the extensive wetlands in the area at southeast corner of Lot A would likely be too expensive to sensibly develop that lot shown on Proposal 2. The owners are not overly concerned about losing the opportunity to create this additional lot. Staff also advises against creating a lot that is exclusively wetlands.

#### Areas for consideration

Staff has identified the following issues to be addressed as part of any proposal:

- **150ft of road frontage** would be required for lots in Rural Reserve (measured at the 25ft setback) for no variance or Director's discretion to be required.
- All lots are required to have **30ft of road frontage** or a variance is required.
- **Variances and easements** may be required depending on the number of lots being created as this affects the location of driveways and any lot width.
- **Existing Wetlands** (see attached Wetlands Map) could make it difficult to construct on parts of the current Lot A. Understanding the scale of this cost and wetland management implications would aid a decision as to whether the Director's discretion is applied or provide a supporting case for a variance. Staff recommends that not lots are created that are entirely wetlands. A wetlands delineation may be required to determine the actual location and extent of any wetlands.
- The **driveway configuration** for both proposals should be described. Access to all lots via one driveway or Right Of Way on to N. Douglas Hwy is probably required by DOT. In both proposals access driveways may require fill permits unless the access proposal in the VAR20090019 is implemented.
- For a variance to the minimum lot width to be unnecessary, the Director's discretion, 'minimum rectangle' approach would have to apply. There should be a case presented that highlights 'topographical or exceptional circumstances' that prevents subdivision using a conforming configuration.
- Depending on the existing **uses** on Lot B the owners may need to expand Lot B to encompass the barn and other accessory buildings as part of the subdivision? Storage in a building of less than 10,000sq ft is allowed on a lot in its own right in a Rural Reserve zone.



Extract from 2009 Juneau Coastal Management Plan

DW15 is Category B wetlands.

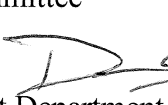
*Category B wetlands may be developed if there is no net loss of aggregate functional values in the Designated Important Wetland Habitat unit. One environmental function may not be substituted for another. However, to the extent practicable, individual environmental functions that are rated high or medium high in Appendix II-F will be retained within the Designated Important Wetland Habitat unit.*

**MEMORANDUM**

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

**DATE:** July 13, 2009

**TO:** Subdivision Review Committee

**FROM:** Daniel J. Sexton, Planner   
Community Development Department

**FILE NO.:** VAR2009-00019

**PROPOSAL:** A Variance application to allow the subdivision of Tract D of U.S.S. 1369 into two lots, one of the new lots would not have frontage on a Right-of-Way.

**GENERAL INFORMATION**

**Applicant:** Jon A. Reiswig

**Property Owner:** Jon A. Reiswig

**Legal Description:** Tract D of US Survey 1369

**Parcel Code No.:** 6-D12-0-109-004-0

**Site Size:** 506,603 square feet (11.63 acres)

**Zoning:** RR, Rural Reserve

**Access:** North Douglas Hwy.

**Existing Land Use:** Vacant

**Surrounding Land Use:** North – RR, Rural Reserve; CBJ Fish Creek Park  
South – RR, Rural Reserve; Single-Family Dwellings  
East – RR, Rural Reserve; Undeveloped CBJ & Private Land  
West – Water Body, Fritz Cove

Subdivision Review Committee  
File No.: VAR2009-00019  
July 13, 2009  
Page 2 of 5

### **PROJECT DESCRIPTION**

The applicant is requesting a Variance to allow the creation of a lot without 30-feet of frontage on a dedicated Right-of-Way (ROW) (Attachment A). The property is a Rural Reserve zoning district on the north end of Douglas Island. The Rural Reserve zoning district is intended primarily for lands in public ownership to be used for conservation and development of natural resources and/or as future community growth; however, recreational cabins, lodges, and small seasonal recreation facilities may be allowed. This parcel is not identified as a remote parcel, per the 2006 Zoning Maps, *Remote Subdivision Area – Map E* (Attachment B). According to the applicant, there are physical features of the property that limit the design and layout of future lots, such as wetlands, a creek and gully. If this Variance application is approved, the lot without frontage on a ROW that is proposed to be created would be approximately 1.5 acres in size.

### **BACKGROUND**

In 1971, during the North Douglas Highway Project, U.S.S. 1369 was bisected by the North Douglas Highway routing. The bisection created two lots that were identified as Fractions of U.S.S. 1369.

The larger Fraction of U.S.S. 1369 was then further subdivided in 1976 with the creation of Tract A (SUB-W76-428). Tract A, a 1-acre tract of land was connected to North Douglas Hwy. by a 20-foot wide, 700-foot long tract of land. This created an early form of a panhandle subdivision. The platting of this lot was done with a subdivision waiver that had a condition for future subdivision activities, which stated:

*3. That these lots not be subdivided further without the resubdivision of the total parcel. This requirement is based on the ordinance requirement that this waiver cannot be part of a future subdivision.*

In 1982, another subdivision application was submitted for the larger Fraction of U.S.S. 1369. During the review of that application (FP-5-82), a sketch plat was submitted showing a conceptual plan for a 20 lot subdivision created from the remaining portion of the Fraction of U.S.S. 1369; thus complying with condition #3 of SUB-W76-428 (Attachment C). This subdivision proposal only resulted in the creation of Tract B and C, but modified the 20-foot wide by 700-foot long tract of land that connected Tract A to North Douglas Hwy. into a 10-foot easement (Attachment D).

### **ANALYSIS**

During the review of this variance application request, staff identified that aspects of this proposal and the associated subdivision would affect CBJ Land. Thus staff solicited comments from the CBJ Land & Resources Dept. and the General Engineering Dept. regarding the proposed application. In an e-mail dated June 22, 2009, Ms. Marlow, CBJ Land & Resource Manager, requested that this application be heard by the Subdivision Review Committee prior to proceeding to the Planning Commission (Attachment E). In an e-mail dated July 9, 2009, Mr. King, Chief Regulatory Engineer, also provided some

Subdivision Review Committee  
 File No.: VAR2009-00019  
 July 13, 2009  
 Page 3 of 5

comments regarding the affect this application would have on access and surrounding wetlands (Attachment F).

In accordance with the Land Use code all subdivision are required to comply with the following design standards, per CBJ§49.15.460 *Design*:

(3) *Topography. Consideration shall be given to design limitations imposed and opportunities presented by slope, waterways, and other topographic features. Scenic areas, sensitive areas and locations with important historical interest shall be taken into consideration during subdivision layout.*

(4) *Lot.*

(A) *Generally.*

(i) *Subdivision lots shall meet the minimum dimensional standards established by chapter CBJ§49.29, article IV, providing that in cases of difficult topography of other circumstances rendering compliance impracticable, the director may approve other configurations in the lot:*

(a) *Meets the minimum Lot size requirements;*

(b) *As drawn, is capable of containing a rectangle having two sides equal in length to the minimum lot width requirement and two sides equal in length to the minimum lot depth requirement;*

(c) *Has direct and practical access to a street maintained by an agency of government;*

(d) *Has at least one practical building location.*

(5) *Rights-of-Way*

(A) *All lots shall have at least 30 feet of frontage on a dedicated right-of-way, except that a lot located within a subdivision designated as a remote subdivision pursuant to section CBJ§49.70.1110 shall be exempt from this requirement, upon a finding by the director or the commission, as appropriate, that...*

### **ISSUES:**

Based on the information above and the contents of the application, staff identified the following issues this Variance request may have on the newly created lots and future subdivisions of this and adjacent properties. Therefore, staff is requesting guidance from the Subdivision Review Committee concerning the following items:

1. **Access & Utility Service** – If the creation of a lot is allowed to happen without meeting the subdivision design standard of frontage on a dedicated right-of-way, then access and utilities will need to be routed to the property by other means (i.e. an easement). According to the applicant, access and utilities could potentially be run through an existing access easement on Lot 2 of U.S.S. 3559, owned by the City & Borough of Juneau (Attachment A), and a proposed easement through Lot 1A of U.S.S. 3281, privately owned. The authorization/development of those

Subdivision Review Committee

File No.: VAR2009-00019

July 13, 2009

Page 4 of 5

easements would require a number of steps, such as: (1) getting authorization from the Lands Committee and the Assembly; and (2) getting authorization from the owner of Lot 1A of U.S.S. 3281. At this time, the details for these easements are merely in the conceptual stage of development.

Allowing properties to be accessed through privately maintained easements could result in limitations or problems for emergency personal to access said properties. Beach Drive in Downtown Douglas is a prime example of properties that are accessed and serviced through an easement. Those properties have encountered a number of issues over the years, such as: parking, building, drainage, snow removal and maintenance to name a few.

2. **Future Development** – The creation of a lot without frontage on a dedicated right-of-way as proposed has the potential to cause problems in the future for the further development of Tract D and for adjacent properties that may be affected by the proposed easements. The lot that could potentially be created, as a result of this Variance application, is a deviation from the conceptual plan for final build out of Tract D that was reviewed in 1982. According to the 2008 Comprehensive Plan, lands adjacent to this property are designated as RLDR, Rural Low Density Residential. With the recent installation of municipal sewer to the Bayview Subdivision, sewer service may become available to Tract D in the future. This Variance proposal will cause conflicts as this property is further developed. At this time, the applicant has stated there is no intention of subdividing Tract D any further. However, when this property is eventually sold, future owners may wish to develop the parcel to its legal density.

### **SUGGESTION:**

Based on the information above, staff has identified an alternative that would generally conform to the Subdivision Design Standards in the Land Use code. If the applicant chooses to pursue the use of an alternative access easement, a Variance would be required. Tract D could be subdivided in accordance with CBJ§49.15.420(h) *Panhandle Lots* (See diagram below).

However, if the applicant wished to still use the easement as the primary access point for the new lot, a Variance would have to be granted varying the design standards of CBJ§49.15.420(h)(1)(C), which states:

*“Only one access to the public right-of-way may be permitted for the two lots. Such access shall be designated on the plat.”*

Or, the applicant could move forward with the original final build out plans that were discussed back in 1982. Due to changes in the Land Use code, certain aspects of the 1982 sketch plat would have to be modified to meet current requirements.

In conclusion, staff would ask that the Subdivision Review Committee provide a recommendation to the applicant, regarding this Variance application and any other subdivision options that may be discussed at the meeting.



# DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number <b>VAR09-019</b>	<b>CITY and BOROUGH of JUNEAU</b>	Date Received: <b>6/8/09</b>
Project Name (City Staff to assign name) <b>Reiswig Variance</b>		

PROJECT / APPLICANT INFORMATION	Project Description <i>subdivide one beach frontage lot - to sell &amp; build single family home</i>																
	<b>PROPERTY LOCATION</b>																
	Street Address <b>11260 No. DOUGLAS HWY</b>		City / Zip <b>JUNEAU 99801</b>														
	Subdivision (if known) <b>FOTO</b>	Survey (if known) <b>TRACT D USS 1369</b>	Block / Tract (if known)	Lot (if known)													
	Assessor's Parcel Number (if known) <b>CD1201090040</b>																
	<b>LANDOWNER/LESSEE</b>																
	Property Owner's Name <b>JOHN &amp; SUSANNE REISWIG</b>		Contact Person <b>JOHN</b>	Work Phone No.													
	Mailing Address <b>11260 No. DOUGLAS HWY. JUNEAU, AK. 99801</b>		Home Phone No. <b>586 3821</b>	FAX No. <b>463 2642</b>													
	<b>LANDOWNER/LESSEE CONSENT</b> (Required for Planning permits not needed on Building/Engineer permits)		<b>INITIAL ALL THAT MAY APPLY</b>														
	I am (we are) the owner(s) or Lessee 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. <input checked="" type="checkbox"/> <i>John C. Reiswig</i> <u>6/4/09</u> Landowner/Lessee Signature Date <input checked="" type="checkbox"/> <i>Susanne C. Reiswig</i> <u>6.4.09</u> 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 and may do so during the weekend before the scheduled public hearing date.		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">APPLICATION TYPE</th> <th style="width: 30%;">OWNER'S INITIALS</th> </tr> </thead> <tbody> <tr> <td>ALLOWABLE USE</td> <td></td> </tr> <tr> <td>CONDITIONAL USE</td> <td></td> </tr> <tr> <td>VARIANCE</td> <td style="text-align: center;"><i>JR</i></td> </tr> <tr> <td>DESIGN REVIEW</td> <td></td> </tr> <tr> <td>SUBDIVISION</td> <td></td> </tr> <tr> <td>OTHER:</td> <td></td> </tr> </tbody> </table>		APPLICATION TYPE	OWNER'S INITIALS	ALLOWABLE USE		CONDITIONAL USE		VARIANCE	<i>JR</i>	DESIGN REVIEW		SUBDIVISION		OTHER:
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OTHER:																	
<b>APPLICANT</b> (If same as OWNER, write "SAME" and sign and date at X below)																	
Applicant's Name <b>SAME</b>		Contact Person	Work Phone No.														
Mailing Address <b>SAME</b>		Home Phone No. <b>586 3821</b>	FAX No. <b>463 2642</b>														
<input checked="" type="checkbox"/> <i>John C. Reiswig</i> Applicant's Signature		<input checked="" type="checkbox"/> <i>Susanne C. Reiswig</i> Date of Application <u>6/4/09</u>															

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C K	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.	
		ALLOWABLE USE APPROVAL					WATER PERMIT			
		CONDITIONAL USE APPROVAL					SEWER PERMIT			
		<input checked="" type="checkbox"/> VARIANCE		<b>6/8/09</b>	<b>VAR09-019</b>		GRADING PERMIT			
		DESIGN REVIEW APPROVAL	MINOR				DRIVEWAY PERMIT			
			MAJOR							
		SUBDIVISION	MINOR				RIGHT-OF-WAY PERMIT			
			MAJOR							
			PUD							
		STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT			
	SIGN APPROVAL	LOCATED IN HISTORIC DISTRICT? <input type="checkbox"/> YES <input type="checkbox"/> NO				OTHER - (Describe)				
	BUILDING PERMIT					Permit Intake Initials	<b>JSS</b>			
Zone		Total Lot Area		Required Setbacks						
				Front		Back		Side		Other
COMMENTS:										

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

# VARIANCE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name	Case Number <b>VAR09-019</b>	Hearing Date	Date Received <b>6/8/09</b>																
<b>VARIANCE TYPE:</b> <input type="checkbox"/> Setback <input type="checkbox"/> Height <input type="checkbox"/> Bulk <input checked="" type="checkbox"/> Other (Describe) <i>Construction Standard</i>																				
<b>DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:</b> <i>variance request to subdivide tract D          USS 1369 without meeting the dedicated          30 ft of frontage on highway</i>																				
<b>PREVIOUS VARIANCE APPLICATIONS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date of Filing: _____ Variance from which standards: <input type="checkbox"/> Setback <input type="checkbox"/> Height <input type="checkbox"/> Bulk <input checked="" type="checkbox"/> Other (Describe) <i>Construction Standard</i> Was variance granted? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No																				
<b>EXISTING USE OF LAND OR BUILDING(S):</b> <i>vacant</i>																				
<b>PROPOSED USE OF LAND OR BUILDING(S):</b> <i>single family home</i>																				
<b>UTILITIES AVAILABLE</b> WATER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site    SEWER: <input type="checkbox"/> Public <input type="checkbox"/> On Site																				
<b>PROPOSED SETBACKS (If variance changes setbacks):</b> Front _____ ft.    Rear _____ ft.    Side _____ ft.    Other _____ ft.																				
<b>UNIQUE CHARACTERISTICS OF LAND OR BUILDING</b> (Difference from other properties in the area): <i>most of property for access is wetlands          creek &amp; topography making hardships</i>																				
<b>WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?</b> <i>same as above</i>																				
<b>WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?</b> <i>I would not be able to subdivide the land          as presently proposed or in future</i>																				
<b>REVIEW APPROVALS</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%; text-align: center;"><b>DATE</b></td> </tr> <tr> <td>Buildings</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>Engineering</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>Planning</td> <td style="text-align: center;">_____</td> </tr> </table>			<b>DATE</b>	Buildings	_____	Engineering	_____	Planning	_____	<b>VARIANCE FEES</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%; text-align: center;"><b>DATE</b></td> </tr> <tr> <td>Application Fees</td> <td style="text-align: center;">\$ <u>350.00</u></td> </tr> <tr> <td>Adjustment</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td>Total Fee</td> <td style="text-align: center;">\$ <u>350.00</u></td> </tr> </table>				<b>DATE</b>	Application Fees	\$ <u>350.00</u>	Adjustment	\$ _____	Total Fee	\$ <u>350.00</u>
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**V02580C 27784 6/8/09**

May 8, 2009

To: CBJ Dept of Planning:  
From: Jon A. Reiswig  
Re: Subdivision

Dear Sirs:

I am requesting a variance to subdivide a lot off of my property; tract D US Survey 1369, parcel #6D1201090040, address 11260 N. Douglas Hwy. This is located at approximately 8.5 mile N. Douglas Hwy. The lot to be created would have about a 90 ft. to 130 ft. beach frontage and be about 1.5 acres. Per code, I would have to create a long rectangular or panhandle lot to access 30 feet on N. Douglas Hwy. This would have to cross a wetlands area and one creek.

The variance I am requesting would provide a much shorter access from the adjacent property to the south owned by Mr. Dirk Lovig, lot 1 USS 3281, parcel #601201120010 at 11326 N. Douglas Hwy.

Reasons for this variance:

- 1) To provide normal access from my property to the road (N. Douglas Hwy) requires an unusually long driveway as it has to come at an angle from beach to the highway, i.e., in excess of 700 ft. This is due to the fact that a parcel of land, triangular in shape, lies between the proposed lot and the highway. This triangular lot is parcel #1421, fraction lot 2, beachside USS 3599.
- 2) To provide normal access on my existing property requires crossing a wetlands area and a creek - requiring, of course, a bridge.
- 3) The 30 ft. wide segment of the lot would have to cross my existing driveway at the highway requiring removal of my existing lighting and signage.
- 4) Immediately to the south crossing of both the city parcel and Mr. Lovig's parcel is a right-of-way, ADL #32871 of March 31, 1972, taken out by the previous owner Mary Maki. This access is listed as public access and is 120 feet in width.
- 5) By using the existing access to the proposed lot, the driveway would be a fraction of the normal required length and would not cross wetlands or creek.
- 6) Permission for easement across Mr. Lovig's property has been given orally to the proposed buyer, Gordon Bozarth.

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JUN 08 2009


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May 8, 2009

To: CBJ Dept of Planning  
From: Jon A. Reiswig  
Re: Subdivision (cont'd)  
Page 2

- 7) Optionally, an access could come across the city parcel direct to the piece I want to sell, but again, this requires crossing wetlands and a portion of the city parcel is a deep gully where it fronts on the highway

Thank you for your consideration.



Jon A. Reiswig  
11260 N. Douglas Hwy  
Juneau, AK 99801

Ph: 907-586-3821  
Fax: 907-463-2642  
Email: [entrancept@gci.net](mailto:entrancept@gci.net)

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Form No. DL 72  
(Revised Dec. 1967)

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF LANDS

RECEIVED  
MAY 08 2009  
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ADL No. 32871

RIGHT-OF-WAY PERMIT

THIS AGREEMENT made and entered into this 31st day of March, 19 72, by and between the STATE OF ALASKA, acting by and through the Department of Natural Resources, Division of Lands, hereinafter referred to as the grantor and MARY MAKI hereinafter referred to as the permittee.

WITNESSETH, that in accordance with the provisions of Sec. 38.05.330, A.S. and the rules and regulations promulgated thereunder, the permittee having filed an application for a right-of-way for: Public access

with the Division of Lands together with a map showing the definite location thereon of the line of right-of-way which the permittee has adopted and agrees to be the specific and definite location of the aforesaid right-of-way, and

WHEREAS, it is understood and agreed by the permittee herein that, as a condition to the granting of the right-of-way applied for, the land covered by said right-of-way shall be used for no purpose other than the location, construction, operation and maintenance of the said right-of-way over and across the following described State lands, to wit:

See Page 4

running 124 (median) feet in length and/or containing 0.34 acres, more or less and shall extend a width of 120.0 feet.

TO HAVE AND TO HOLD the same until the above described land shall no longer be used for the above-mentioned purpose and subject to conditions and reservations elsewhere set forth herein.

The sketch map revealing the right-of-way granted herein shall be attached hereto and made a part hereof.

In the event that the right-of-way herein granted shall in any manner conflict with or overlap a previously granted right-of-way the permittee herein shall use this right-of-way in such a manner as not to interfere with the peaceful use and enjoyment of the previously issued right-of-way and no improvements shall be constructed by the permittee herein upon the overlapping area unless the consent therefor has first been obtained from the permittee under the pre-existing right-of-way.

The permittee in the exercise of the rights and privileges granted by this

*4-21-72*  
*del*  
*4-24-72*  
*del*

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C.R.I MANAGERS OFFICE

indenture shall comply with all regulations now in effect or as hereafter established by the Division of Lands and all other Federal, State or municipal laws, regulations or ordinances applicable to the area herein granted.

Upon abandonment, termination, revocation or cancellation of this indenture, the permittee shall within 90 days remove all structures and improvements from the area herein granted, except those owned by the grantor, and shall restore the area to the same or similar condition as the same was upon the issuance of this permit. Should the permittee fail or refuse to remove said structures or improvements, within the time allotted, they shall revert to and become the property of the grantor. However, the permittee shall not be relieved of the cost of the removal of the structures, improvements and/or the cost of restoring the area. Provided further, however, that the grantor, in his discretion, may alter or modify the requirements contained in this provision if it is to the best interest of Alaska to do so.

The permittee shall utilize the lands herein granted consistent with the purposes of the proposed use, as revealed by the application therefor, and shall maintain the premises in a neat and orderly manner and shall adopt and apply such safety measures as shall be necessary, proper and prudent with respect to the use to which the land is subjected.

The permittee shall take all reasonable precaution to prevent and suppress brush and forest fires. No material shall be disposed of by burning in open fire during the closed season unless a permit therefor has first been obtained from the agency empowered by law to issue such permits.

Prior to any construction or development that will use, divert, obstruct, pollute or utilize any of the waters of the State, the permittee shall first obtain approval therefor from the Commissioner of the Department of Fish and Game and file an image copy thereof with the grantor.

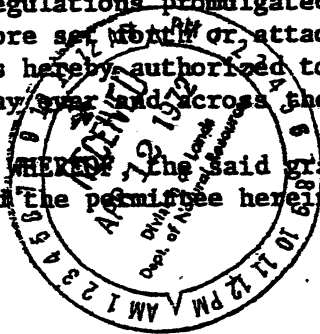
Any lands included in this permit which are sold under a contract to purchase shall be subject to this permit. Upon issuance of title to the purchaser, this permit shall remain in effect until its date of expiration.

In case the necessity for the right-of-way shall no longer exist, or the permittee should abandon or fail to use the same, then this permit shall terminate.

The State of Alaska shall be forever wholly absolved from any liability for damages which might result to the permittee herein on account of this permit having been cancelled, forfeited, or terminated prior to the expiration of the full time for which it was issued.

NOW THEREFOR, in accordance with the provisions of Sec. 38.05.330, A.S. and the rules and regulations promulgated thereunder and in accordance with the conditions heretofore set forth or attached hereto and made a part hereof, the permittee herein is hereby authorized to locate, construct, operate and maintain said right-of-way over and across the lands herein described.

IN WITNESS WHEREOF The said grantor has caused these presents to be signed in duplicate and the permittee herein has hereunto affixed his signature on the



day and year first above written.

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES

By: Kenneth H. Hallback  
Lands Officer, Division of Lands

Mary Maki

\_\_\_\_\_  
Permittee

UNITED STATES OF AMERICA )  
State of Alaska ) ss.

This is to certify that on the 18<sup>th</sup> day of April, 19 72, before me, the undersigned Notary Public, personally appeared KENNETH H. HALLBACK known to me and known by me to be the Chief, Lands Section of the Division of Lands of the Department of Natural Resources, and acknowledged to me that he executed the foregoing instrument for and on behalf of said State, freely and voluntarily for the use and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Kenneth H. Hallback  
Notary Public in and for the State  
of Alaska  
My commission expires 8-7-75

UNITED STATES OF AMERICA )  
State of Alaska ) ss.

This is to certify that on this 7<sup>th</sup> day of APRIL, 19 72, before me, the undersigned Notary Public, personally appeared MARY MAKI to me personally known to be one of the persons described in and who executed the within instrument and the said MARY MAKI acknowledged to me that he signed and executed the same freely and voluntarily for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

H. P. Parker  
Notary Public in and for the State  
of Alaska  
My commission expires 12-16-73

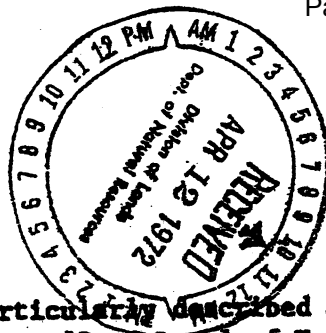
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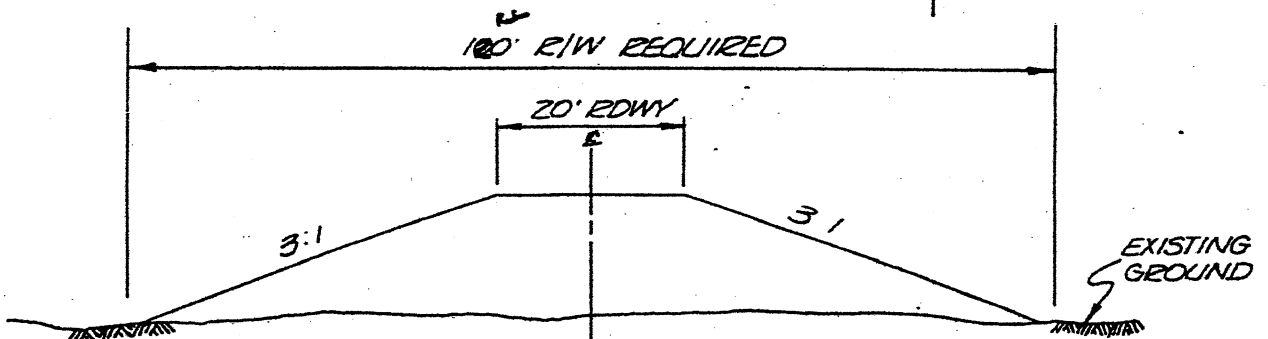
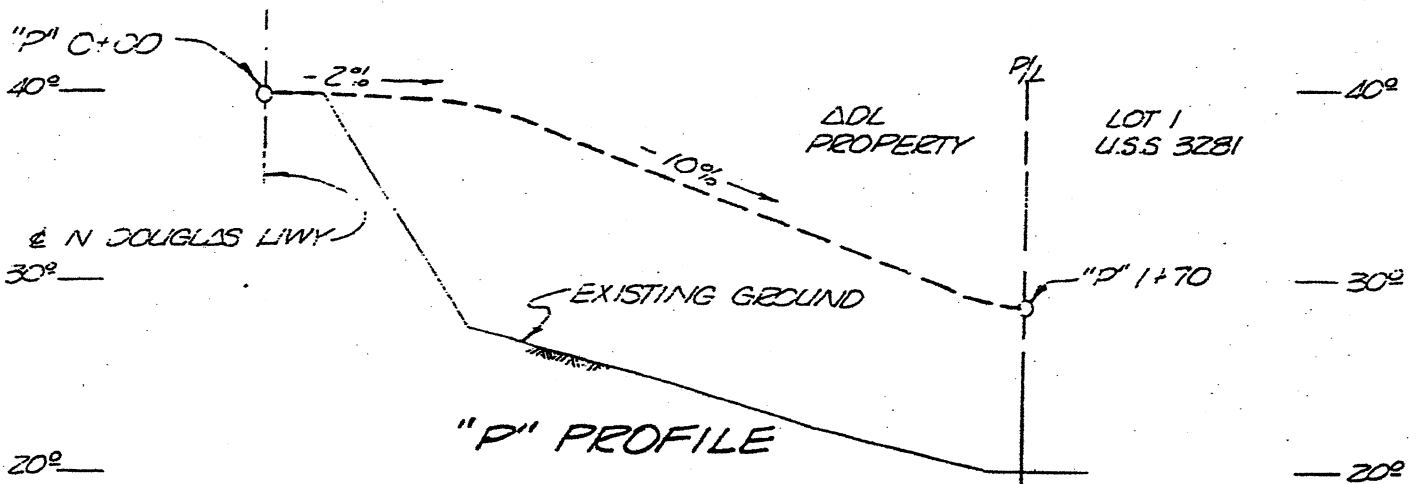
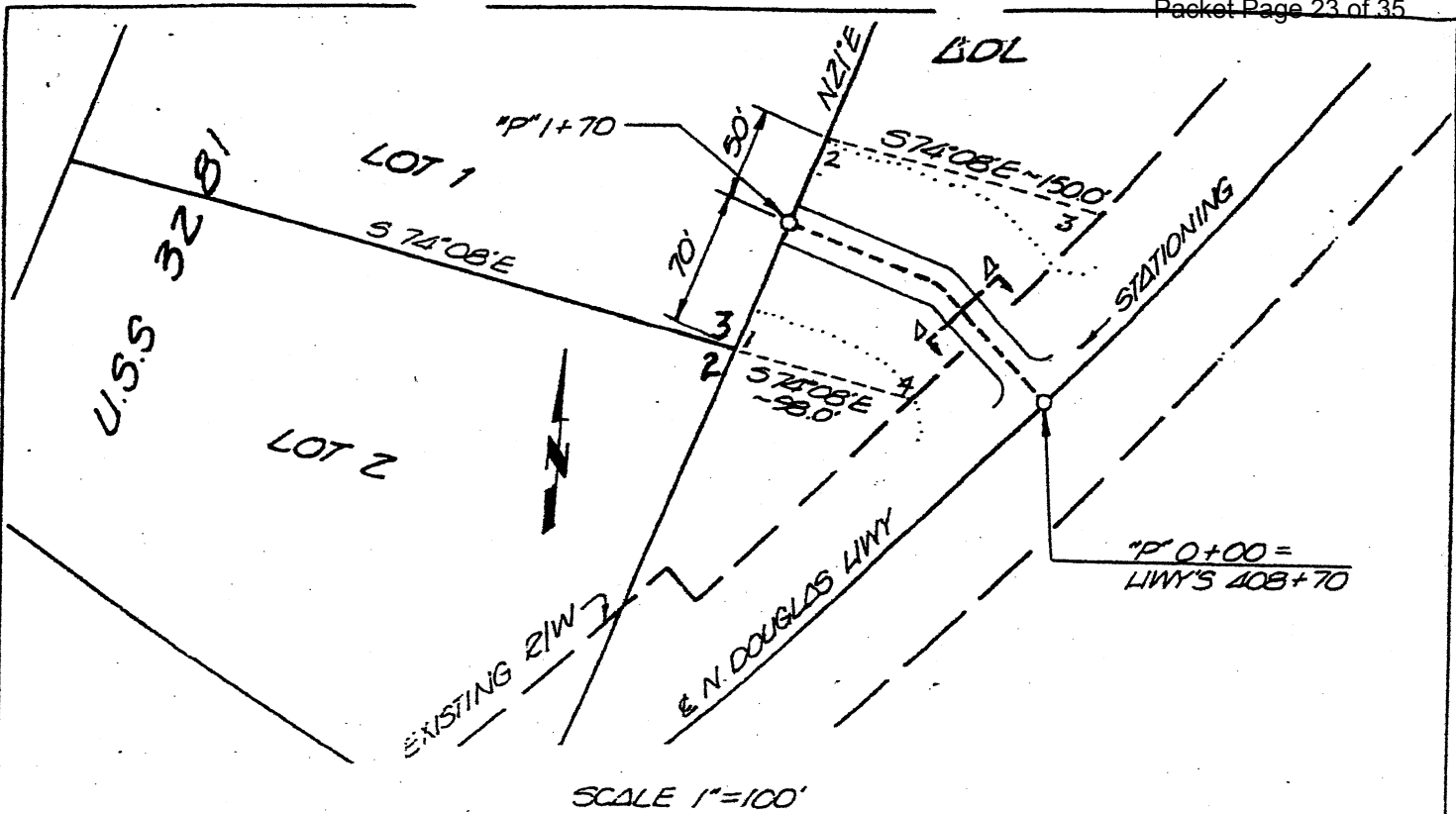
PERMIT CENTER / CDD

Page 4

**LEGAL DESCRIPTION:**

A parcel within Lot 2 of U. S. Survey 3559, more particularly described as follows: Beginning at Corner #1 identical with Corner #3 of Lot 1 of U. S. Survey 3281, thence N21°00'E 120 feet to Corner #2; thence S74°08'E 150 feet more or less to Corner #3, a point on the North Douglas Highway Right-of-Way; thence southeasterly along said Right-of-Way 145 feet more or less to Corner #4; to a point from which Corner #1 the P.O.B. bears N74°08'W; thence N74°08'W 98 feet more or less to Corner #1, the point of beginning; comprising 0.34 acres more or less





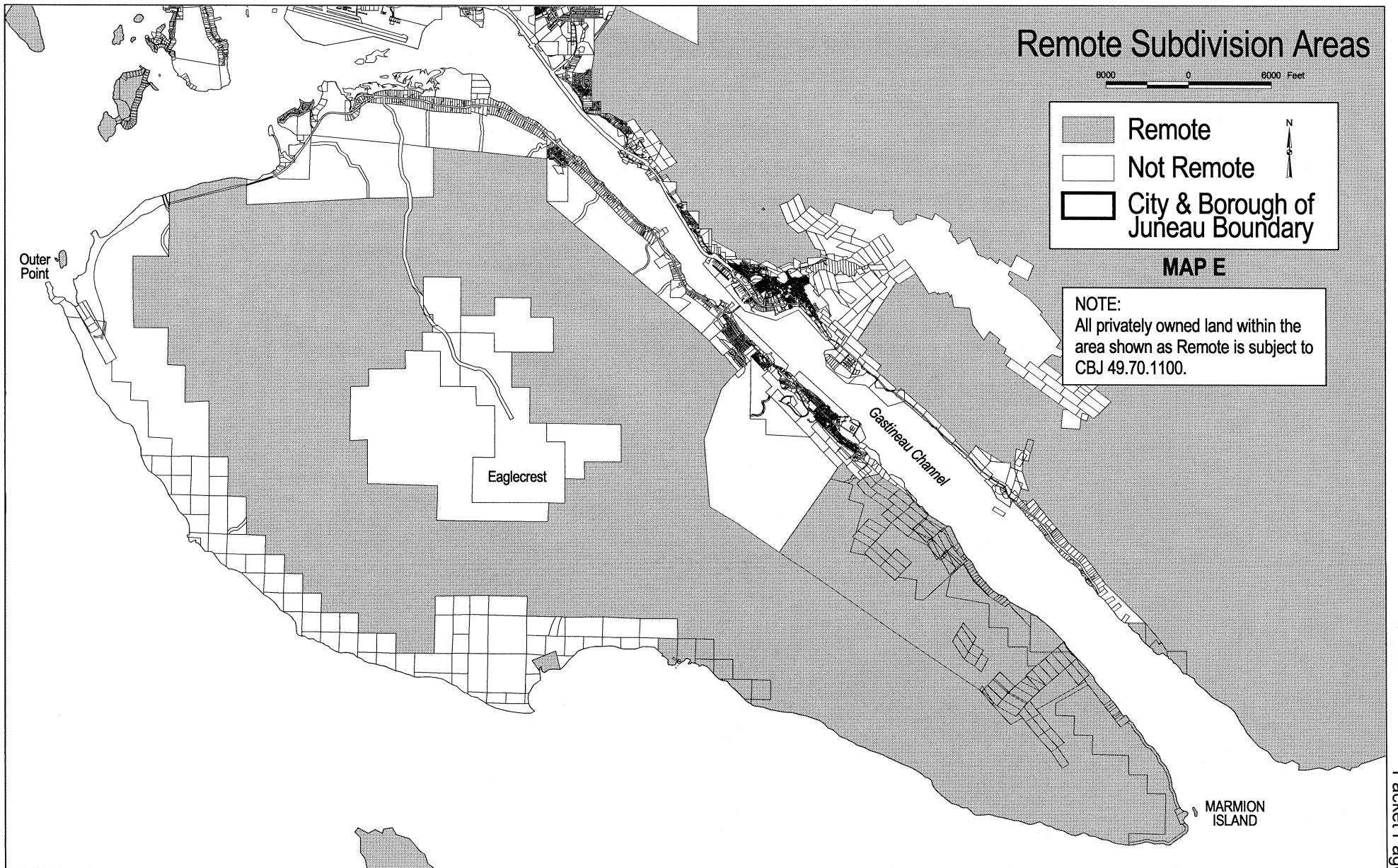
SECTION A-A  
**PROPOSED ACCESS ROAD  
 TO LOT 1 U.S.S. 3281**

Engineering & Geological Consultants  
 ANCHORAGE FAIRBANKS ALASKA JUNEAU

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DATE 3-23-72	SCALE AS NOTED	DWN BY JR	CHKD BY JR	PROJ. NO. 13359	DWG NO. 1 OF 2
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**Remote Subdivision Areas**

6000 0 6000 Feet

Remote  
 Not Remote  
 City & Borough of Juneau Boundary



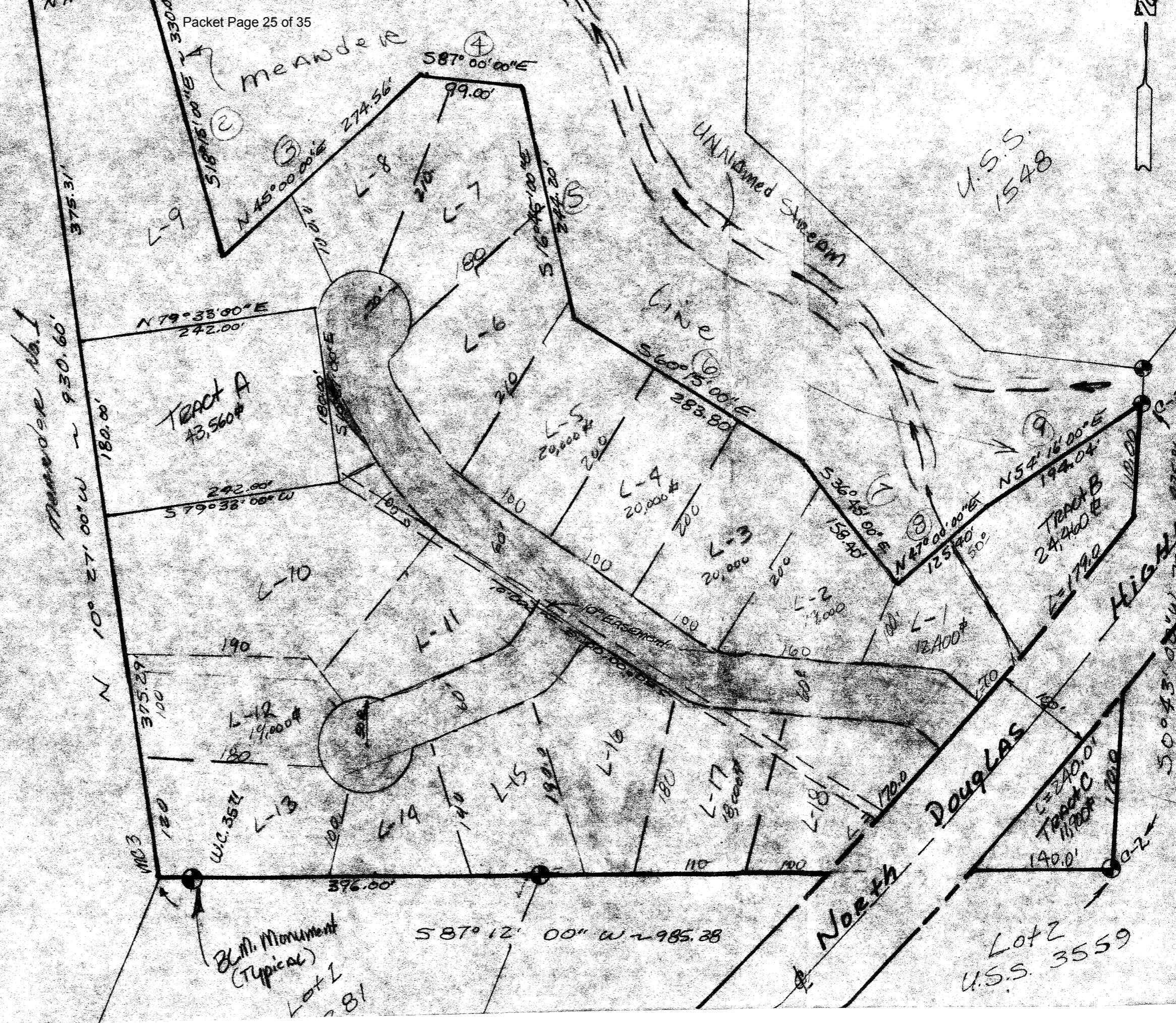
**MAP E**

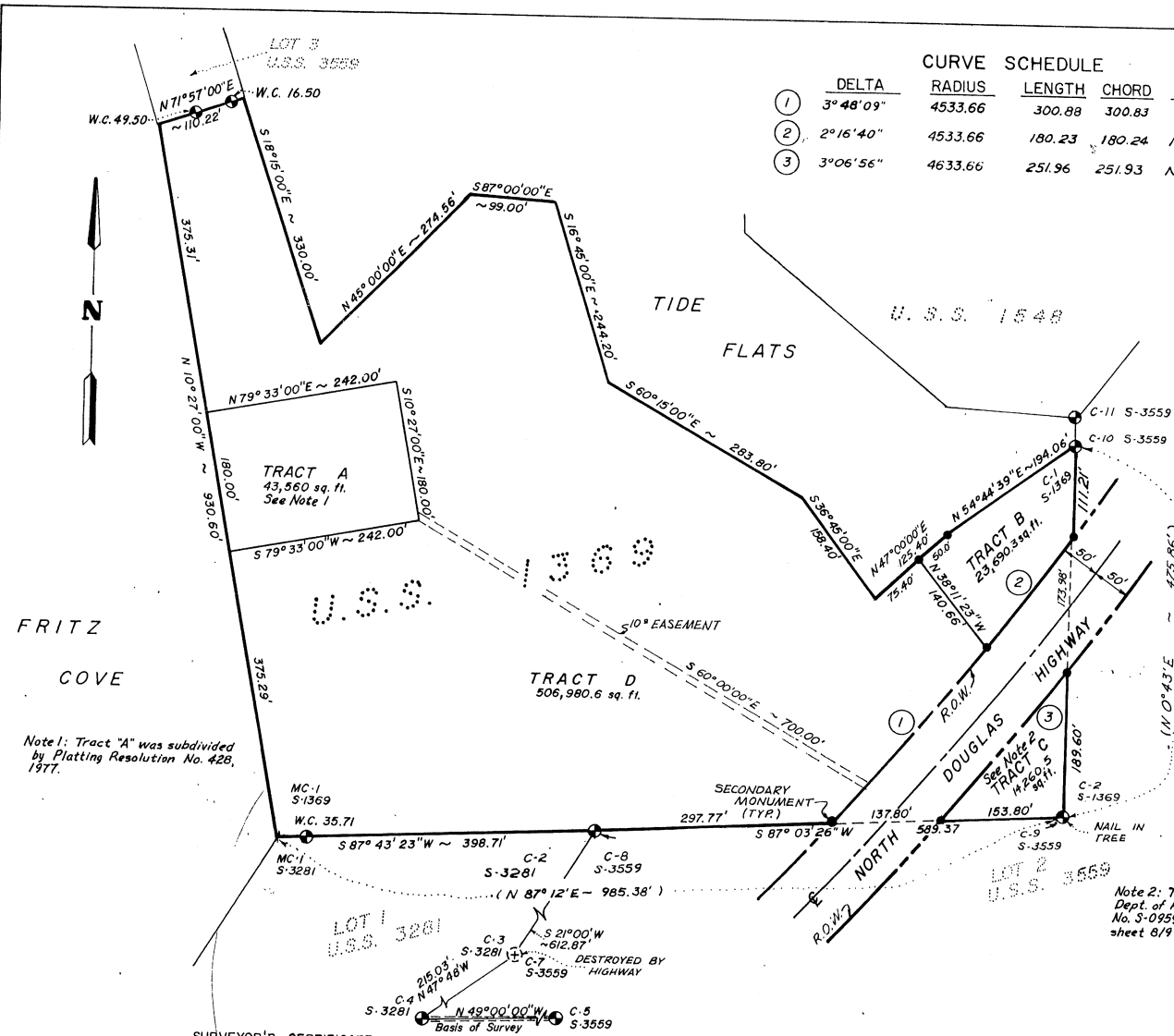
**NOTE:**  
 All privately owned land within the area shown as Remote is subject to CBJ 49.70.1100.

**Ordinance No. 2006-15 Adopted**

**ATTACHMENT B**

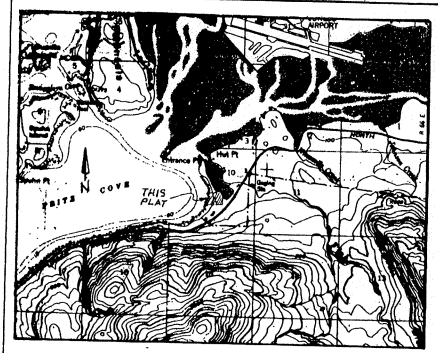
# Freitz Cove





**CURVE SCHEDULE**

	DELTA	RADIUS	LENGTH	CHORD	BEARING
①	3° 48' 09"	4533.66	300.88	300.83	N 39° 13' 35" E
②	2° 16' 40"	4533.66	180.23	180.24	N 36° 11' 07" E
③	3° 06' 56"	4633.66	251.96	251.93	N 38° 23' 06" E



**STATEMENT OF OWNERSHIP**

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent and dedicate all streets, alleys, walks, parks and other open spaces public or private use as noted.

Date July 14, 1982

Owner Jane A. Leving Witness Jill Bean  
 Owner Shirley Ann Leving Witness Steve Bean

**NOTARY'S ACKNOWLEDGEMENT**

On this 14 day of July, 1982, before me, the undersigned, a notary public in and for the State of Alaska, residing at Seward, personally Jane A. Leving known to me to be the person who executed the foregoing certificate and acknowledged to me that he executed said certificate freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof, I have hereunto affixed my signature and official seal the day, month, and year in this certificate first above and therein mentioned.

Shirley A. Bean  
 Notary Public for the State of Alaska.  
 My commission expires: July 11, 1985

Note 1: Tract "A" was subdivided by Platting Resolution No. 426, 1977.

Note 2: Tract "C" was created by Dept. of Highway, Alaska Project No. S-0959 (4) North Douglas, sheet 6/9, Oct. 13, 1971.

**SURVEYOR'S CERTIFICATE**

I hereby certify that I am a professional Land Surveyor registered in the State of Alaska, and that this plat represents the Survey made by me or under my direct supervision, that all dimensional and relative bearings are correct and that corner monuments are set in place and noted upon this plat as present.

**LEGEND**

- B.L.M. Monument located this survey
- Secondary Monument set this survey 3/4" Rebar with Plastic Cap.

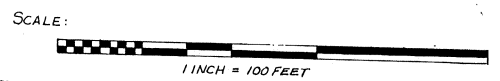
**CERTIFICATE OF APPROVAL BY THE BOARD**

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City and Borough of Juneau, Alaska, and that said plat shown hereon has been approved by the Platting Board by Plat Resolution No. FP-5-P2 dated July 8, 1982, and that the plat shown hereon has been approved for recording in the office of the District Recording Office, Juneau, Alaska.

Dated July 20, 1982.

Kathleen M. Nichols  
 Chairman, Platting Board  
 City and Borough of Juneau, Alaska

Attest: Don Wenzel



A PLAT OF:

**ENTRANCE POINT SUBDIVISION**

RESUBDIVISION OF U.S. SURVEY No. 1369 INTO TRACTS A, B, C AND D.

<p><b>J.W. BEAN</b>          PROFESSIONAL SURVEYOR          9212 GLACIER HWY.          JUNEAU, ALASKA          908-799-0080          SURVEYOR - PLANNER</p>	DATE OF SURVEY	July 1, 1982
	BOOK	41 PAGE 57
	JOB No.	7977
	DRAWN BY:	LS SPAN & 782 OF 1



## Daniel Sexton

---

**From:** Heather Marlow  
**Sent:** Monday, June 22, 2009 3:53 PM  
**To:** Daniel Sexton  
**Subject:** RE: John Reiswig 11260 N. Douglas Hwy.  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dan,

As we discussed, it seems like there are options that allow for the subdivision and follow the code. I reviewed the statement covering the reasons for the variance request and am not sure that they will be sufficient to move the request forward. Accessing CBJ property will require an easement from the Lands Committee and the Assembly. Prior to scheduling those meetings it seems beneficial to send this to the Subdivision Review Committee for consideration. Having some detail on wetlands/forested wetland areas would also be beneficial for the review.

Thanks,  
Heather

---

**From:** Daniel Sexton  
**Sent:** Monday, June 22, 2009 3:02 PM  
**To:** Heather Marlow  
**Subject:** John Reiswig 11260 N. Douglas Hwy.

Afternoon Heather,

Recently, Mr. Reiswig submitted a Variance application requesting that a lot be allowed to be subdivided without having:

1. Direct and Practical access to a street maintained by an agency of government (CBJ49.15.460(4)(c)); and
2. Does not have at least 30-feet of frontage on a dedicated right-of-way (CBJ49.15.460(5)(A)).

Now as we discussed about a month ago, Mr. Reiswig is proposing to allow access to the newly created lot through an established easement on the USS 3559 Lot 2 Fraction Beachside, which is owned by the CBJ. Is this something that would be amenable to the CBJ to grant access for another lot through this easement? I've included copy of the application and original easement document for reference.

Let me know if you have any questions.

Thanks,

Daniel J. Sexton, Planner II  
CBJ Community Development Dept.  
155 South Seward Street  
Juneau, AK 99801  
Ph: (907) 586-0771  
Fax: (907) 586-3365  
E-mail: daniel\_sexton@ci.juneau.ak.us

## Daniel Sexton

---

**From:** Ron King  
**Sent:** Thursday, July 09, 2009 10:05 AM  
**To:** Daniel Sexton  
**Subject:** RE: Whoops!

There are several unanswered questions and other possible solutions for this case. I would be in favor of the CBJ disposing of the property and developing a minor subdivision plat, with all property owners involved, that dedicates legal access. Wetland determination and the need for a protective stream corridor for the creek also questions. My concern would be that this plat would open the door for other substandard subdivisions.

---

**From:** Daniel Sexton  
**Sent:** Thursday, July 09, 2009 9:04 AM  
**To:** Ron King  
**Subject:** Whoops!

Forgot to attach the information. Try number two.

Daniel J. Sexton, Planner II  
CBJ Community Development Dept.  
155 South Seward Street  
Juneau, AK 99801  
Ph: (907) 586-0771  
Fax: (907) 586-3365  
E-mail: daniel\_sexton@ci.juneau.ak.us

P.O. Box 34076  
Juneau, AK 99803  
907-789-1424 907-789-3640 fax

**Silverbay Park llc**

# Memo

**To:** Laura Boyce AICP Senior Planner CBJ  
**From:** Scott Jensen Managing Member  
**Date:** 7/8/2015  
**Re:** Silverbay Park llc shared driveway application

---

Dear Laura

The purpose for the change to our PUD is to create individual lot descriptions under the existing buildings and build a house. This will allow us to refinance them at the currently low residential rates. The lower rates will save money which will allow us to improve the quality and engery efficiency of the buildings. In addition it will allow us to remodel the buildings into 4 plex's which will provide Juneau with 6 new housing units.

In order to achieve this, we need formalize the shared driveway that has been used for the last 38 years. Attached is the suggested plat. Please let me know if you need any additional information.

Sincerely,

Scott Jensen

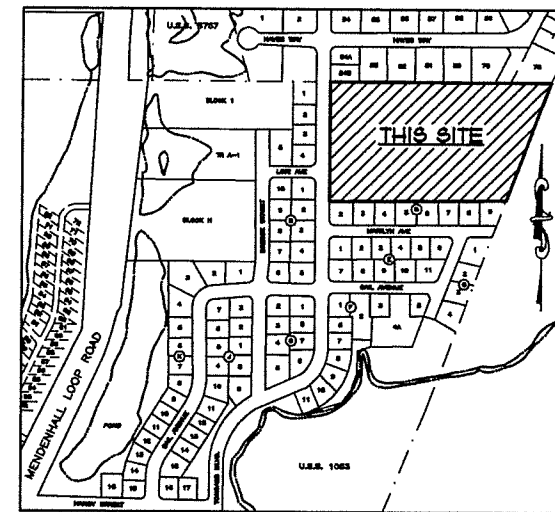
Managing member

Silverbay Park llc

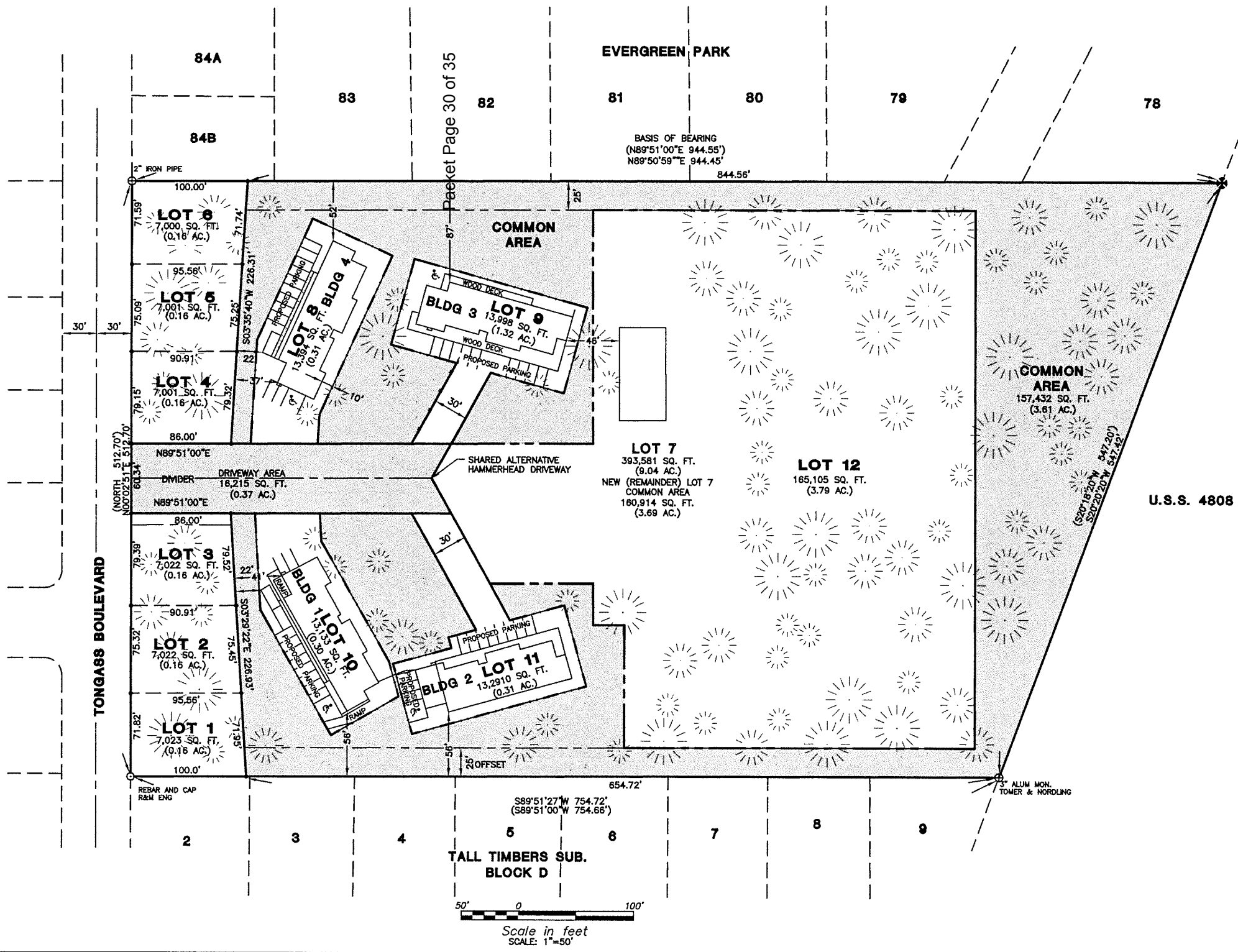
**LEGEND**

- ⊗ G.L.O. 3" IRON PIPE RECOVERED THIS SURVEY
- ⊕ PRIMARY MONUMENT SET THIS SURVEY
- ⊖ PRIMARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY BY J.W. BEAN
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- ◊ SECONDARY MONUMENT RECOVERED THIS SURVEY

- LOT 7 LOT LINE
- - - - - BUFFER LINE
- x - x - FENCE LINE
- COMMON AREAS



**VICINITY MAP**  
SOURCE: C.B.J. BASEMAP SERIES - SCALE: 1" = 400'



PLAT OF  
**SILVER BAY PARK**  
VERSION 15  
A RESUBDIVISION OF  
LOT 1, BLOCK D,  
TALL TIMBERS SUBDIVISION NO. 1  
WITHIN U.S. SURVEY NO. 1063, TRACT B  
CITY & BOROUGH OF JUNEAU, ALASKA  
JUNEAU RECORDING DISTRICT

**OWNER:**  
SILVER BAY PARK, INC.  
PO BOX 34076  
JUNEAU, ALASKA 99803



## **MEMORANDUM**

To: Subdivision Review Committee

From: Allison Eddins, Planner I  
Community Development Department

Date: July 14, 2015

RE: Proposed Subdivision at 4411 Windfall Avenue (USS 2392, Tract A, Lot 6)

---

The property at 4411 Windfall Avenue is in a D-3 zoning district. The lot is 118,860 square feet and was platted in 1994. The lot looks very similar to a panhandle lot but was never recorded as such, and there is no note on the plat to indicate that the lot was ever recorded as a panhandle. Would a subdivision of this lot violate Title 49?

*Title 49.15.420 (h) (2) Neither lot resulting from a panhandle subdivision may be subject to further panhandle subdivisions.*

- The property owner would like to subdivide and has two possible scenarios; Plan “A” and Plan “B”. Plan A would subdivide the lot to create two panhandle lots and two standard size lots, and would see the 60 foot-wide panhandle portion of the existing lot converted into a shared right-of-way. Plan B was subdivide the lot to create two panhandle lots.

*Title 49.15.420 (h) (1) The subdivision of a parcel with a panhandle lot may be allowed in order to facilitate the subdivision of large parcels which are insufficiently wide but otherwise meet all other requirements.*

- 4411 Windfall Avenue is 468 feet wide and the minimum lot width in a D3 district is 100 feet.

*Title 49.15.420 (h) (1) (B) The minimum lot size for each lot for each lot shall be 20,000 square feet for lots serviced by a community sewer system, public sewer system or a marine outfall and 40,000 square feet for lots not serviced.*

- The lot is 118,860 square feet and is large enough to create four lots that are at least 20,000 square feet each. When the property was originally platted City sewer was not available; however, City utilities are now available.

**MEMORANDUM**

**TO:** Subdivision Review Committee

**FROM:** Chrissy McNally, Planner II  
Community Development Department, City and Borough of Juneau

**DATE:** July 9, 2015

**RE:** Two lot subdivision of 9227 Long Run Drive

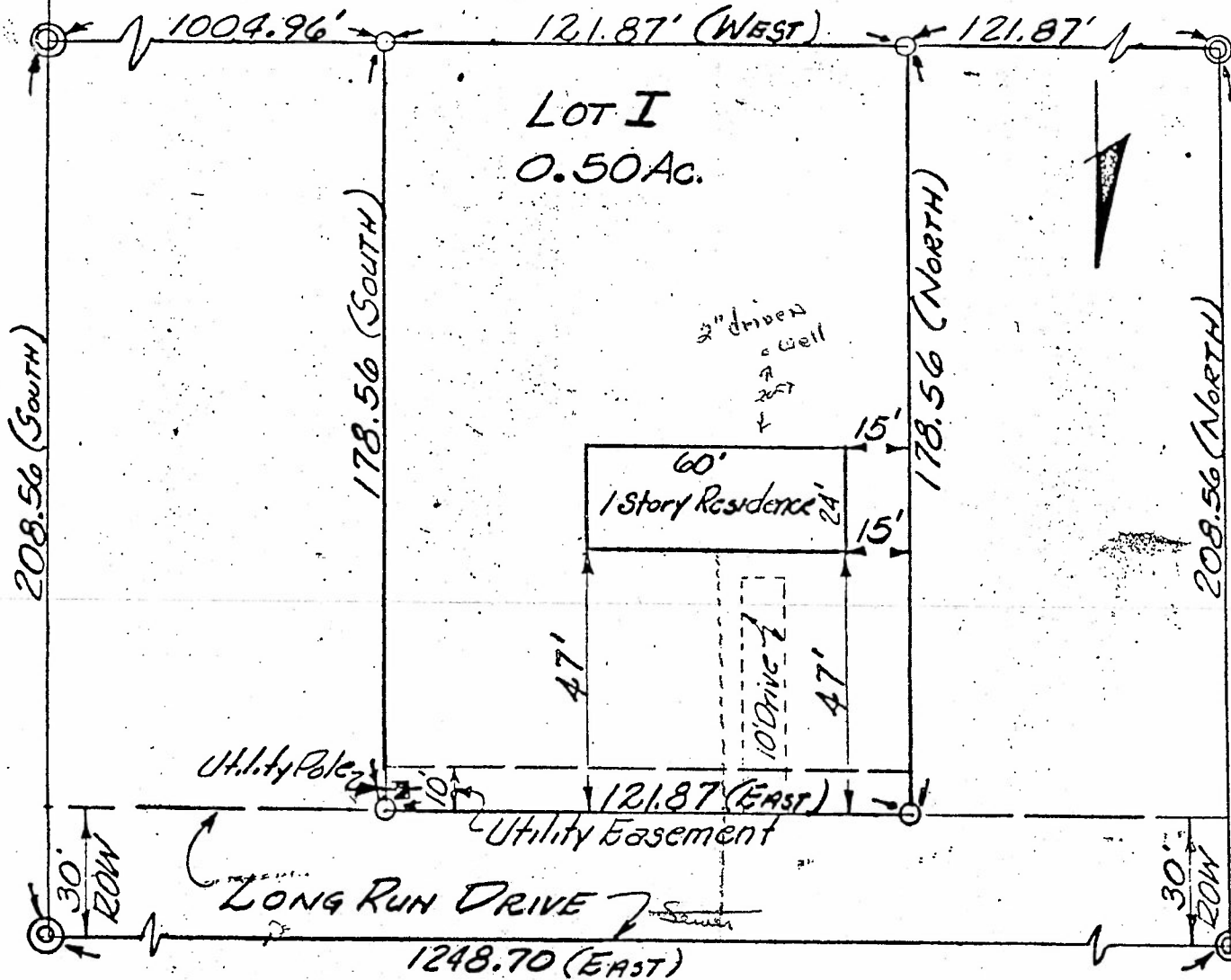
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The property owner would like to subdivide the property located at 9227 Long Run Drive. The lot is in the D-5 zoning district and is 21,780 square feet. The current structure sits 46.26 feet from the front lot line, 17.48 feet from the western lot line and approximately 19 feet from the eastern property line. The minimum side yard setback in the D-5 zoning district is 5 feet.

According to CBJ 49.15.460(5) all lots must have at least 30 feet of frontage on a dedicated right-of-way. The lot could be subdivided into a standard D-5 lot and bungalow lot. However, the house would have to be rotated 90 degrees to the north. The lot also qualifies for the minimum rectangle provision found in CBJ 49.15.460(4)(A)(i). In order to create this subdivision the house would still need to be rotated.

The property owner has stated moving the current structure is too cost prohibitive and would like to apply for a Variance to the 30 foot road frontage requirement in order to apply the minimum rectangle provision.

WCC 1,  
20.46



I hereby certify that this is a true and correct plat of Lot I, Block 1, Lengthy Acres Subdivision; that all walks, roads, easements and improvements are as shown hereon.

*James L. Kelley*  
Land Surveyor #3097-S

