Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau

August 9, 2022
Virtual & In Person
7:00 PM

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/81368361116 and use the Webinar ID: 813 6836 1116, or join by telephone, calling: 1-253-215-8782 and enter the Webinar ID. You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, AK

I. LAND ACKNOWLEDGEMENT

II. ROLL CALL

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- **A.** June 14, 2022 Draft Minutes, Regular Planning Commission - APPROVED
- **B.** June 28, 2022 Draft Minutes, Regular Planning Commission - APPROVED

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. ITEMS FOR RECONSIDERATION

VIII. CONSENT AGENDA

IX. UNFINISHED BUSINESS

X. REGULAR AGENDA

- **A.** VAR2022 0003: A proposed Variance to reduce a front yard setback from 20 feet to 10 feet - FAILED TO APPROVE

XI. OTHER BUSINESS

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

XIV. LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. SUPPLEMENTAL MATERIALS

A. Additional Materials for August 9, 2022 Planning Commission

XIX. ADJOURNMENT

PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA

June 14, 2022 Draft Minutes, Regular Planning Commission - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
🗋	June 14, 2022 Draft Minutes, Regular Planning Commission	7/14/2022	Minutes

DRAFT MINUTES

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
June 14, 2022

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Cole.

II. ROLL CALL

Michael LeVine, Chairman, 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 7:00 p.m.

Commissioners present: In Chambers – Michael LeVine, Chairman, Paul Voelckers, Clerk; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

Via Zoom – None

Commissioners absent: Travis Arndt, Deputy Clerk; Ken Alper

Staff present: Jill Maclean, CDD Director; Joseph Meyers, Planner II**;** Breckan Hendricks, CDD Administrative Officer; Chelsea Wallace, CDD Administrative Assistant II

Via Zoom – Sherri Layne, Law Assistant Municipal Attorney

Assembly members: Not in attendance due to Assembly Human Resource Committee meeting

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – Due to lack of quorum, Chair LeVine announced the agenda item under *Unfinished Business* would be removed from the agenda and will be heard at a later date.

IV. APPROVAL OF MINUTES – None

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Chair LeVine explained the process for participating in person or via Zoom.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

VII. ITEMS FOR RECONSIDERATION – None

VIII. CONSENT AGENDA

~~**USE2022 0006:** A Conditional Use Permit for a 45,000 square foot Medical Office Building~~
~~**Applicant:** Southeast Alaska Regional Health Consortium~~
~~**Location:** Vintage Boulevard~~

~~**Staff Recommendation**~~

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the requested Conditional Use Permit. The permit would allow the development of a 45,000 square foot medical office building.~~

~~The approval is subject to the following conditions:~~

~~1. Install perimeter sidewalks on site to connect to the existing sidewalk network.~~

~~2. Install covered or enclosed bike racks.~~

~~**AME2022 0004:** Amendment to Seawalk~~
~~**Applicant:** City & Borough of Juneau~~
~~**Location:** Seawalk~~

~~**Staff Recommendation**~~

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment and definition amendment providing for Seawalk infrastructure in the downtown area.~~

IX. UNFINISHED BUSINESS Removed from agenda due to lack of quorum

~~A. APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD~~

X. REGULAR AGENDA – (All items moved from Consent Agenda)

USE2022 0006: A Conditional Use Permit for a 45,000 square foot Medical Office Building
Applicant: Southeast Alaska Regional Health Consortium
Location: Vintage Boulevard

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the requested Conditional Use Permit. The permit would allow the development of a 45,000 square foot medical office building.

The approval is subject to the following conditions:

1. Install perimeter sidewalks on site to connect to the existing sidewalk network.
2. Install covered or enclosed bike racks.

STAFF PRESENTATION – Director Maclean gave a very brief description of the project.

APPLICANT PRESENTATION

Tyler Bradshaw, PND Engineering, presented the project stating it will be a 45,000 square foot three-story outpatient medical facility in the Vintage Park area.

QUESTIONS FOR APPLICANT

Commissioner Winchell asked if the facility would be available to serve the Native population only or the general population and whether it was possible that the facility would be open 24 hours. Ed Zernia, SEARHC Director of Construction said it will be open to the population and 24-hour service would be possible.

Mr. Voelckers asked where the drop off for emergency services would be. Mr. Bradshaw answered it would not be an emergency facility. In the rear of the building there will be a spot designated for patient ambulance transportation and they would transport patients from this facility to Bartlett Regional Hospital in the event they needed emergency care.

Ms. Cole asked whether the condition for sidewalks or bike racks would be a problem. Mr. Bradshaw said they are acceptable conditions.

Mr. Voelckers asked what was planned regarding sustainability, energy efficiency, heat pumps, and EV charging stations. The applicants said it will follow best practices for energy efficiency. They currently do not have any EV planned but they are willing to consider them.

Ms. Cole asked if the applicant was aware of any neighborhood concerns. Mr. Zernia said he had only heard positive support so far.

Mr. Winchell asked if there are any concerns with traffic flow considering this is so close to Safeway. Mr. Bradshaw said they have attempted to mitigate traffic flow problems with curbs and landscape features.

MOTION: *by Mr. Winchell to accept staff's findings, analysis, and recommendations, and approve USE2022 0006.*

The motion passed with no objection.

AME2022 0004:	Amendment to Seawalk
Applicant:	City & Borough of Juneau
Location:	Seawalk

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment and definition amendment providing for Seawalk infrastructure in the downtown area.

Prior to presentation Mr. Voelckers disclosed a conflict as his firm is working on a project that includes Seawalks and recused himself.

Prior to presentation Mr. LeVine disclosed he had spoken with Director Maclean and let her know he had some questions regarding the language in the staff report and that, in general, it is his preference to hear ordinances on the regular rather than the consent agenda.

STAFF PRESENTATION – Director Maclean explained this is an amendment moving the Seawalk section from Title 49 to Title 35.

QUESTIONS FOR STAFF

Ms. Cole noted the verbiage states the width of the Seawalk was limited to 16 feet but at some points it is wider than that. Ms. Cole asked if it would be worthwhile to change the language from "16 feet" to "a minimum of 16 feet." Ms. Maclean agreed this would be acceptable and would clarify it could be 16 feet or wider.

MOTION: *by Ms. Cole to accept staff's findings, analysis, and recommendations, and approve AME2022 0004 consistent with staff recommendations, including adding a change from "16-feet" to "a minimum of 16-feet", and correcting the typo of double "Seawalk" in the definition.*

The motion passed with no objection.

XI. OTHER BUSINESS – None

XII. STAFF REPORTS

Ms. Maclean reported:

- Title 49 meeting this Thursday at Noon via Zoom format
- Stream Ordinance has moved from committee to Law
- ADOD was introduced to the Assembly last night and will go for public comment soon
- The Joint Meeting is still in the works for August
- CDD is working on obtaining a new permit software program
- Two Senior Planner positions have been posted and she is hoping for good candidates
- June 6 Assembly COW discussed housing and short-term rentals and whether CDD should regulate short-term rentals

Mr. Voelckers asked the status of the CIP process. Ms. Maclean said that conversation has already started and Commissioner Arndt is heading it.

Mr. Pedersen asked if CBJ is the first Alaska community to regulate short-term rentals. Ms. Maclean said there are several other communities working on it as well.

Mr. LeVine asked about funding for the Comprehensive Plan review. Ms. Maclean said since COVID she is not certain what to expect. The intent is for it to be a two-year process and she believes it was funded for two years but she would need to confirm that.

XIII. COMMITTEE REPORTS

Ms. Cole reported:

- Lands, Housing, and Economic Development Committee meeting held June 6. Items of interest included
  - approval of extending the Hidden Valley easement from 30-year to in perpetuity
  - the proposed acquisition of Mayflower Island was approved
  - Lemon Creek gravel pricing increase was approved.
- Assembly COW met June 6. She learned there is no clear definition for "short-term" rental in the Land Code

XIV. LIAISON REPORTS – None

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Winchell said he works closely with groups interested in bringing in refugee families from Ukraine and if anybody has any questions or wants information, please ask him.

Mr. LeVine said at the next meeting they will address appointing a new Vice Chairman as Mr. Dye is no longer on the Commission

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 7:47 p.m.

Next meeting June 28, 2022 7:00 p.m.

PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA

June 28, 2022 Draft Minutes, Regular Planning Commission - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
🗋	June 28, 2022 Draft Minutes, Regular Planning Commission	7/14/2022	Minutes

DRAFT MINUTES

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
June 28, 2022

I. LAND ACKNOWLEDGEMENT – Read by Chairman LeVine.

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

Michael LeVine, Chairman, 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 7:02 p.m.

Commissioners present:	Commissioners present in Chambers– Michael LeVine, Chairman; Travis Arndt, Deputy Clerk; Dan Hickok; Mandy Cole; Joshua Winchell; Erik Pedersen Commissioners present via video conferencing – Paul Voelckers, Clerk
Commissioners absent:	Ken Alper
Staff present:	Jill Maclean, CDD Director; Adrienne Scott, Planner I; Chelsea Wallace, CDD Administrative Assistant II; Ryan Roguska, CDD Administrative Assistant I; Sherri Layne, Law Assistant Municipal Attorney
Assembly members:	None

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Chair LeVine moved APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD – Continued from the May 24, 2022 Planning Commission Meeting from Unfinished Business to Executive Session

IV. APPROVAL OF MINUTES

A. May 10, 2022 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Hickok to approve the May 10, 2022 Planning Commission Regular Meeting minutes.*

B. May 24, 2022 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Hickok to approve the May 24, 2022 Planning Commission Regular Meeting minutes.*

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Mr. LeVine explained the process for hearing and participating in the meeting.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

VII. ITEMS FOR RECONSIDERATION – None

VIII. CONSENT AGENDA USE2022 0008 moved to Regular Agenda by Commissioner Voelckers.

~~**USE2022 0008:** A proposed Conditional Use Permit for a 33-unit apartment building~~
~~**Applicant:** Alaska State Legislature~~
~~**Location:** 211 Fourth Street~~

~~**Staff Recommendation**~~

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 33-unit apartment building.~~

IX. UNFINISHED BUSINESS – Moved to Executive Session.

~~**A.** APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD – Continued from the May 24, 2022 Planning Commission Meeting~~

X. REGULAR AGENDA

USE2022 0008: A proposed Conditional Use Permit for a 33-unit apartment building
Applicant: Alaska State Legislature
Location: 211 Fourth Street

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 33-unit apartment building.

STAFF PRESENTATION – Director Maclean gave a brief overview of the proposed project.

APPLICANT PRESENTATION – Wayne Jensen from Jensen Yorba Wall Architects, representing the Alaska State Legislature, presented the project. They are proposing to restore the Assembly Building from an office building to an apartment building to provide housing for legislators and legislative staff.

QUESTIONS FOR APPLICANT
Mr. Voelckers asked the applicant to expand on the possibility of using the building for other housing outside of session. Mr. Yorba said that would be up to the legislative council in charge of the building management.

MOTION: *by Mr. Winchell to accept staff's findings, analysis, and recommendations, and approve USE2022 0008.*

The motion passed with no objection.

Prior to hearing USE2022 0007 Mr. Winchell recused himself due to a conflict.

USE2022 0007: A Conditional Use Permit for a marijuana retail store
Applicant: Kent & Deborah Hart
Location: 824 Front Street

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and

APPROVE WITH CONDITIONS the requested Special Use Permit. The permit would allow the development of a Marijuana Retail Facility.

The approval is subject to the following condition:

1. Prior to operation, the applicant must receive the required State and CBJ Licenses. By approval of this Special Use Permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the State License, including if the facility is within 500 feet of a school.

STAFF PRESENTATION – Ms. Maclean explained this is a proposal for new construction for a Marijuana retail establishment.

APPLICANT PRESENTATION – Julie Hamilton explained this is for new construction for a retail marijuana establishment in Douglas. Ms. Hamilton said there is a demand for retail marijuana in the area as there is currently none on Douglas Island. The new construction would be a small storefront on property owned by the applicants.

QUESTIONS FOR APPLICANT

Mr. Arndt asked who lives in the home on the property. Ms. Hamilton explained it is currently used as an Airbnb and is expected to remain as such.

Mr. LeVine asked if the location was more than 500 feet from the Montessori School. Ms. Hamilton said Kent Hart had measured it personally to confirm it is beyond the 500-foot mark before they started the permit process.

PUBLIC COMMENT

Rachel Hightower, 106 Dock Street – Ms. Hightower spoke to say she is a direct neighbor to the proposed location. She has no issue with marijuana, in general. However, she said she does have concerns about the shop being located so close to where small children congregate. Children live nearby, there is a school, a school bus stop and the beach all in the near area.

Ms. Cole acknowledged that the proximity to small children was an issue for Ms. Hightower and asked if the problem was the marijuana or the increase in traffic. Ms. Hightower said the problem was the increase in traffic.

Betsy Longenbaugh – Ms. Longenbaugh testified against the permit. She felt there were issues with the many children in the area and the possibility for increased intoxicated drivers. She also felt there was not much public notice.

Mr. LeVine explained this lot was rezoned from Waterfront Industrial to Light Commercial and asked what Ms. Longenbaugh would consider a good commercial use of this lot. She said a shop providing boating equipment or a small grocery store would make sense.

Ben Burns, 106 Dock Street – Mr. Burns lives across from the proposed location and has a 5-year-old daughter. He testified that marijuana should not be sold where small children go to school, live, and play.

Ed Schoenfeld – Mr. Schoenfeld said the public notice sign was not located prominently where it could have been seen.

Jerry Roe – Ms. Roe lives at the Fire Pump next door. She said Front Street is a foot path in a neighborhood of kids. Considering what alternative light commercial uses would make sense, she suggested a coffee and sandwich shop to cater to boaters and fishermen.

Joshua Winchell – Mr. Winchell spoke saying this is a high trafficked area with many small children. He agrees with the other commenters.

ADDITIONAL APPLICANT COMMENTS

Ken Hart spoke to say that this is zoned light commercial and if they opened another type of business, they would have the same increase in traffic. He does not foresee problems with intoxication as he believes people will make their purchases and take them home.

Ms. Hamilton said she did not expect there to be a problem with large increases in traffic and pointed out that the marijuana shops in town are not usually busy. She pointed out public consumption of marijuana is already illegal. The view of the storefront will be obstructed by vegetation and the windows will be covered. Loitering will be prohibited and employees will receive training regarding marijuana laws.

Ms. Hamilton explained planned store hours will be something like 10:00 or 11:00 a.m. to 7:00 p.m. This would provide employment for 4 to 8 persons. Mr. Hart added that the proposed location is about equidistant to the distance between Montessori and Louie's bar.

COMMISSIONER QUESTIONS

Mr. Voelckers asked how the lighting and signage would work without creating an attractive nuisance. Ms. Hamilton explained lighting and signage are dictated by State Law and they would follow that. Mr. Hart added CBJ requires lighting to be 'down lighting' and they would abide by that as well.

Mr. Pedersen asked if there are any road improvements planned as part of the construction. Mr. Hart said it is not included in their plans.

COMMISSIONER DISCUSSION

Mr. Arndt asked staff if the department followed Title 49 public notice and signage rules. Ms. Maclean said they followed all requirements in accordance with the Land Use code. Required legal ads were posted in the newspaper, a red public notice sign was posted, abutter notifications were mailed to all abutters within 500 feet, and they notified neighborhood associations registered with the City Clerk.

Mr. LeVine asked if the condition is written to explain the PC stance that they do not consider the 500-foot rule as that is a state rule and not one under the purview of PC.

MOTION: *by Ms. Cole to accept staff's findings, analysis, and recommendations, and approve USE2022 0007.*

Ms. Cole spoke to her motion saying she appreciates the input of the public. However, the area is zoned light commercial and this is a light commercial use and she will support the use.

Mr. Voelckers spoke to say he agrees with Ms. Cole's statements. He understands the neighborhood concerns with a marijuana establishment in their area but added cannabis has been legal for about 5 years now and there have been no major issues thus far.

Mr. Pedersen spoke in support of the motion saying he could envision a 'more appropriate' use but it is not up to the PC to tell property owners how to use their property if it is within zoning. He added this is a side effect of changing the zoning from waterfront industrial to light commercial.

Mr. LeVine said he would also be in support.

The motion passed with no objection on Roll Call Vote.

Mr. Winchell returned to the panel.

XI. OTHER BUSINESS – None

XII. STAFF REPORTS

Ms. Maclean reported CDD is working on the Comprehensive Plan Scope of Services.

XIII. COMMITTEE REPORTS

Mr. Arndt said the CIP Committee could begin meeting but he does not know what is currently expected. Mr. LeVine explained that at the last meeting the Director suggested consulting with Scott Ciambor.

Mr. Arndt reported Title 49 did not meet. He asked if Committee members would be interested in switching from every third Thursday to the third Thursday of the month each month. Members agreed and they will make that change. The next Title 49 meeting will be July 21. Ms. Maclean will not be in town for that meeting and asked that members please contact her ahead of time with any questions or requests.

Ms. Cole reported the Lands Housing and Economic Development Committee met yesterday and they discussed:

- A no-cost lease of CBJ property to Harris Technologies for some safety equipment for the FAA. The Committee voted to forward that to the Assembly. However, Lands and Resource Department Manager, Dan Bleidorn, has emailed to say the Ordinance they were using does not apply, so that may be changing.
- Lease cost increases for JACC and Centennial Hall.
- CBJ naming policy – considering naming streets, parks, and other areas using indigenous names

XIV. LIAISON REPORTS – None

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Due to Mr. Dye's absence, the current officers will move up. Mr. Voelckers is the Vice Chairman, Mr. Arndt is now the Clerk, and Mr. Hickok is the Deputy Clerk.

The Assembly has extended the recruitment period to fill the seat vacated by Mr. Dye's departure.

XVII. EXECUTIVE SESSION

A. APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD, if needed

Commissioners LeVine and Cole did not participate in the original hearing and are not eligible to participate in Executive Session hearing the appeal and were recused.

MOTION: *by Mr. Pedersen to enter Executive Session to discuss APL2021 0006*

The motion passed with no objection

Executive Session from 8:23 p.m. until 9:50 p.m.

MOTION: *by Mr. Winchell stating The Planning Commission finds that the Director erred in her interpretations of CBJ 49.70.300(a)(3) and remands APL2021 0006 to CDD to work with The Glory Hall to initiate the Conditional Use Permit.*

The motion passed with no objection on Roll Call Vote.

XVIII. ADJOURNMENT – 9:54 p.m.

Next meeting July 26, 2022 7:00 p.m.

PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA

VAR2022 0003: A proposed Variance to reduce a front yard setback from 20 feet to 10 feet - FAILED TO APPROVE

AGENDA ITEM:

Case No.: VAR2022 0003
Applicant: Joshua Simonson
Location: Greenwood Avenue, Block C Lot 3A
Proposal: A proposed Variance to reduce a front yard setback from 20 feet to 10 feet

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Non-Administrative Variance with the following condition. The Non-Administrative Variance would reduce a front yard setback from 20 feet to 10 feet.

Condition: Prior to being issued a Building Permit, the applicant shall provide a parking plan showing how off-street parking requirements are being met.

DIRECTOR'S REPORT

The applicant requests a Non-Administrative Variance to CBJ 49.25.400 to reduce a front yard setback from 20 feet to 10 feet. The property is located on Greenwood Ave, and zoned D5. The lot is currently vacant, and the applicant is proposing a single-family dwelling with an attached accessory apartment. Enforcement of the ordinance creates an undue hardship resulting from special conditions of the property. The natural gradient of the lot from rear to front is approximately 25%, with slopes on the rear of the lot exceeding 50%.

Staff recommends the Planning Commission adopt the Director's analysis and findings and grant the requested Non-Administrative Variance.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Staff Report for VAR2022 0003	8/1/2022	Staff Report
🗋	Notice of Decision for VAR2022 0003	8/15/2022	Notice of Decision

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

PLANNING COMMISSION STAFF REPORT
VARIANCE VAR2022 0003
HEARING DATE: AUGUST 09, 2022

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

DATE: August 1, 2022

TO: Michael LeVine, Chair, Planning Commission

BY: Adrienne Scott, Planner I

THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Non-Administrative Variance to CBJ 49.25.400 to reduce a front yard setback from 20 feet to 10 feet.

STAFF RECOMMENDATION: Approval with condition.

KEY CONSIDERATIONS FOR REVIEW:

- Enforcement of the ordinance creates an undue hardship resulting from special conditions of the property.
- The natural gradient of the lot from rear to front is approximately 25%, with slopes on the rear of the lot exceeding 50%.
- CBJ 49.40.210 requires three (3) off-street parking spaces for a single-family dwelling with an accessory apartment.
- Per CBJ 49.25.300.1.110, the applicant has the right to construct a single-family dwelling, regardless of the Variance being granted, if setbacks are met.

GENERAL INFORMATION	
Property Owner	Joshua Simonson
Applicant	Joshua Simonson
Property Address	Greenwood Avenue (vacant lot - no address)
Legal Description	Greenwood Block C Lot 3A
Parcel Number	7B1001020031
Zoning	D5
Lot Size	13,371 Square Feet
Water/Sewer	Public
Access	Greenwood Ave
Existing Land Use	Vacant
Associated Applications	N/A

ALTERNATIVE ACTIONS:

1. **Deny:** Deny the permit and adopt new findings for items 1-2 below that support the denial.
2. **Continue:** To a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - CBJ 49.20.240
  - CBJ 49.20.250(b)
  - CBJ 49.25.400
  - CBJ 49.80

The Commission shall hear and decide the case per CBJ 49.20.240. *The Planning Commission shall hear all Variance requests except Administrative Variances, and shall either approve, conditionally approve, modify, or deny the request based on the criteria in section CBJ 49.20.250(b).*

SITE FEATURES AND ZONING

SURROUNDING ZONING AND LAND USES	
North (Right-of-Way)	Greenwood Avenue
South (D5)	Residential
East (Zone)	Residential
West (D5)	Vacant

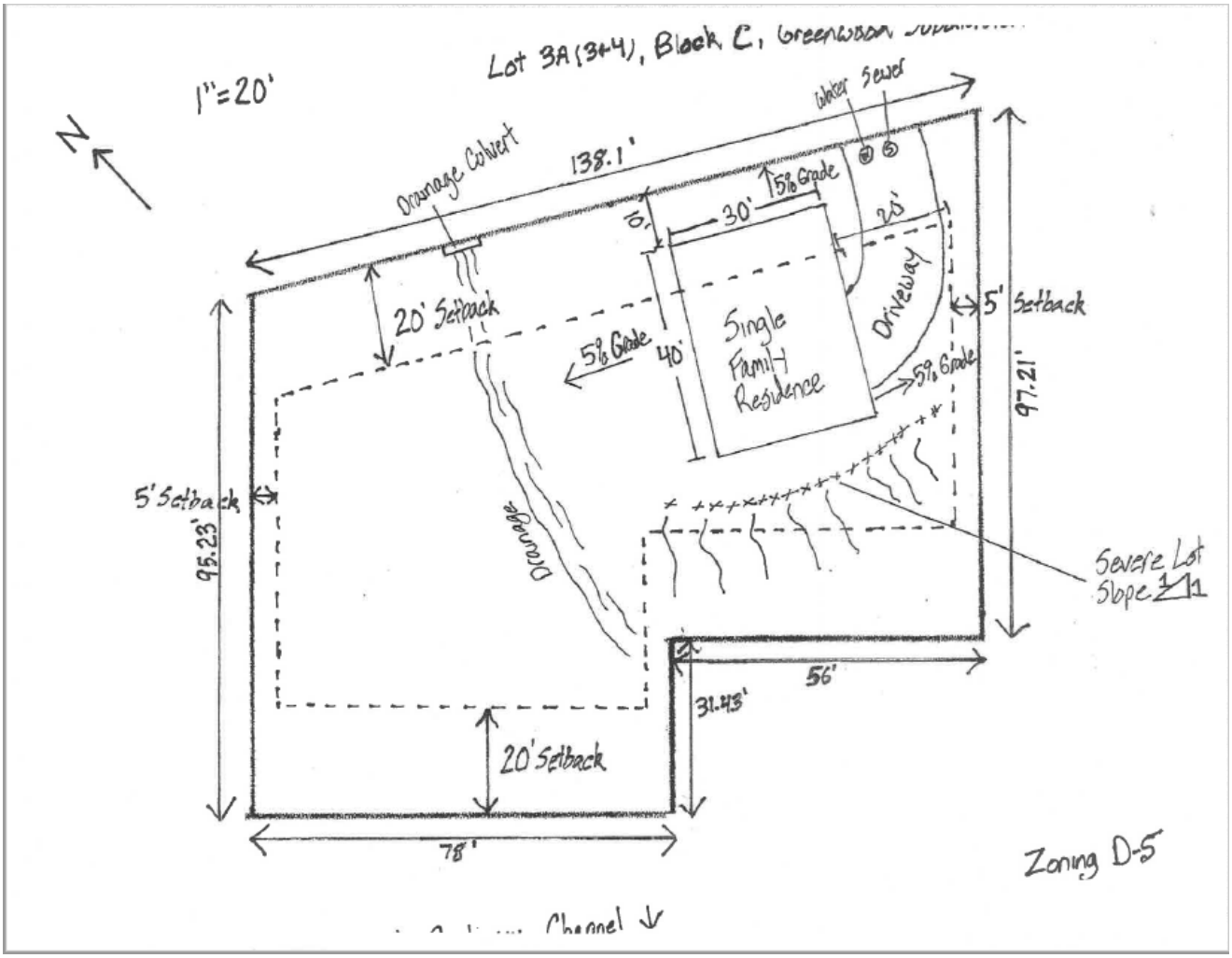
SITE FEATURES	
Anadromous	None
Flood Zone	Zone X
Hazard	None
Hillside	Yes, slopes >18%
Wetlands	N/A
Parking District	None
Historic District	None
Overlay Districts	None

BACKGROUND INFORMATION

Project Description – The applicant proposes a new single-family dwelling with an attached accessory apartment. The proposed single-family residence would have a footprint of 30 feet by 40 feet, or 1,200 square feet. The applicant requests a Variance for a front yard setback reduction from 20 feet to 10 feet. Other setback requirements would be met.

The applicant has provided a preliminary parking plan **(Attachment F)** showing four (4) parking spaces.

SITE PLAN



Background – The table below summarizes relevant history for the lot and proposed development.

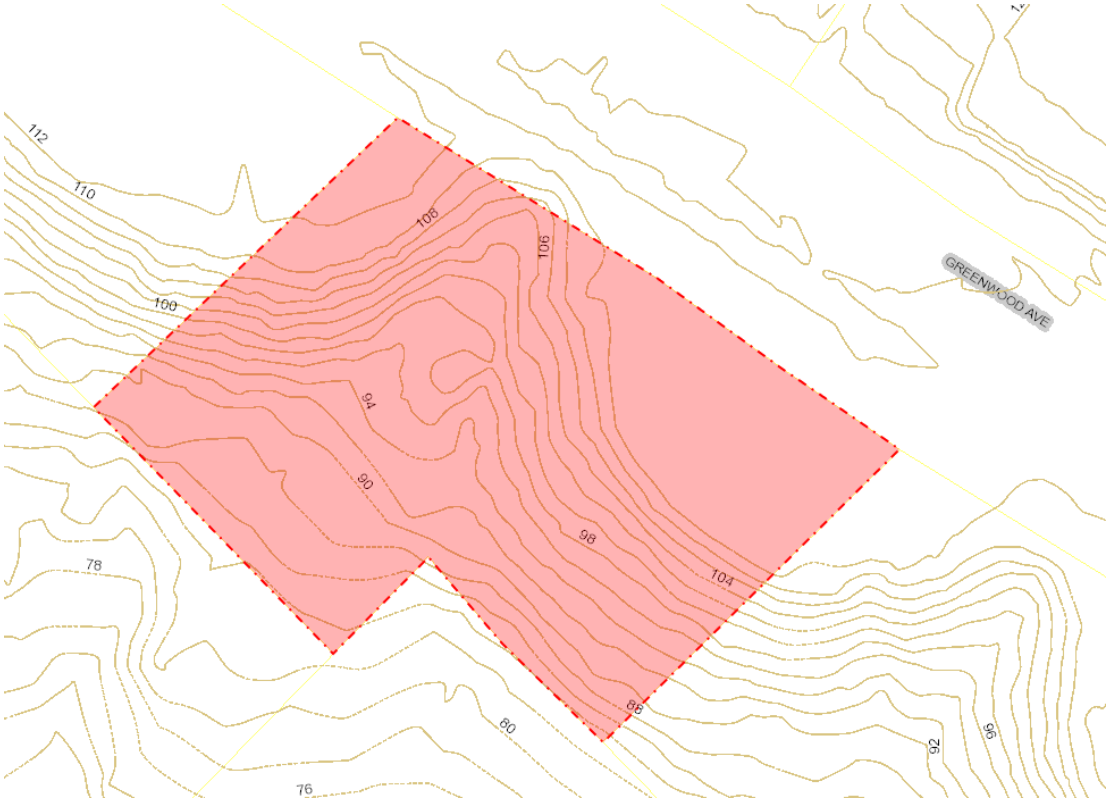
Item	Summary
Building Permit	BLD2022 0465 is a Grading Permit for site prep for a future single-family dwelling.
Lot Consolidation	SUB2005-00011 created a new lot, Lot 3A, from former Lots 3 and 4.

ANALYSIS

Project Site – The lot is 13,371 square feet and exceeds the minimum dimensional standards for the D5 zoning district. Lots 3 and 4 were consolidated in 2005, and created the new Lot 3A. The lot is currently vacant. The applicant is proposing to build a new single-family dwelling with an accessory apartment. The applicant previously received a Grading Permit for site preparation **(Attachment E)**.

As shown on the provided site plan, and in the images below, there is a drainage swale, which cuts across from the front to the rear of the lot, along the northwest side, limiting buildable area.

In addition, the natural gradient of the lot from rear to front is approximately 25%, with slopes on the rear of the lot exceeding 50%. The image below shows the topography of the area with two-foot contours from 2013 Light Detection and Ranging data:



CBJ 49.40.210 requires three (3) off-street parking spaces for a single-family dwelling with an accessory apartment. The applicant has provided a parking plan indicating four (4) parking spaces, however the spaces are not clearly delineated on the plan.

> **Condition**: **Prior to being issued a Building Permit, the applicant shall provide a parking plan showing how off-street parking requirements are being met.**

Setback Requirements – The applicant requests a Non-Administrative Variance to reduce the front yard setback from 20 feet to 10 feet.

Standard		**Requirement**	**Requested**	**Code Reference**
Setbacks	Front	20 feet	10 feet	CBJ 49.25.400

VARIANCE STANDARDS

Pursuant to CBJ 49.20.200, a Non-Administrative Variance may be granted to provide an applicant relief from the requirements of Title 49, the Land Use Code. A Variance is prohibited from varying any requirement or regulation of Title 49 concerning the use of land or structures, housing density, lot area, requirements in CBJ Chapter 49.35 (Public and Private Improvements), or requirements in CBJ Chapter 49.65 (Specified Use Provisions).

Per CBJ 49.20.250(b), a Non-Administrative Variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the Planning Commission has determined that:

A. Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property.

Analysis: The natural gradient (topography) of the lot creates an undue hardship. The unusual or special conditions on the property include limited buildable area restricted by steep terrain and a drainage swale that cuts across the lot. The terrain significantly restricts buildable area of the lot, and would necessitate engineered reinforcement of unstable soil in order to construct a single-family dwelling.

Finding: This criterion has been met.

B. The unusual or special conditions of the property are not caused by the person seeking the Variance.

Analysis: As stated above, the special conditions of the lot are naturally occurring, or dependent on naturally-occurring features.

Finding: This criterion has been met.

C. The grant of the Variance is not detrimental to public health, safety, or welfare.

Analysis: The Building Official, General Engineering, the Fire Marshall, and the Streets and Fleet Superintendent, have all stated that they have no concerns with the project. The applicant will need to provide off-street parking required by CBJ 49.40.210. A single-family dwelling with an accessory apartment will require three (3) off-street parking spaces of at least 8.5 feet by 17 feet.

Condition: **Prior to being issued a Building Permit, the applicant shall provide a parking plan showing how off-street parking requirements are being met.**

Finding: With the recommended condition, this criterion has been met.

D. The grant of the Variance is narrowly tailored to relieve the hardship.

Analysis: The applicant is requesting a setback reduction of 10 feet in order to accommodate a 1,200 square foot single-family dwelling and an accessory apartment. The 10 feet would provide for construction of a single-family dwelling on the lot within the buildable area. Other setback requirements would be met.

Finding: This criterion has been met.

Pursuant to CBJ 49.20.260, the Planning Commission may attach to a Non-Administrative Variance conditions regarding the location, character, and other features of the proposed structures or uses as it finds necessary to carry out the intent of this title and to protect the public interest.

AGENCY REVIEW

CDD conducted an agency review comment period between July 11, 2022, and July 25, 2022. Agency review comments can be found in **Attachment C**.

Agency	Summary
Capital City Fire & Rescue	No Fire Code or Fire Department concerns.
General Engineering	No concerns.
Streets	No concerns.
Building	No concerns.

PUBLIC COMMENTS

In accordance with CBJ 49.20.230(b), public notice was mailed to property owners within 500 feet of the lot. A public notice sign was posted on site two weeks prior to the hearing, and ads were placed in the Juneau Empire. Public comments received at time of writing this staff report can be found in **Attachment D** and are summarized below.

Name	Summary
Raymond Bernhardt	Opposes the Variance, concerns about street parking.
Paula Kalbrener	Opposes the Variance, concerns about street parking.
Vicky McLaughlin	Opposes the Variance, concerns about street parking and snow plowing.
Todd Miller	Opposes the Variance, concerns about parking, believes Variance is unnecessary.
Jim Scholl and Kathleen Donohoe	Opposes the Variance, concerns about safety of sidewalk, street, along with snow storage and removal.
Tom Waldo	Opposes the Variance, concerns about parking and aesthetics.
Anitra Waldo	Opposes the Variance, concerns about parking and aesthetics.
Charlotte Truitt	Opposes the Variance, concerns about street parking and accessory apartment.
Robyn Ramos	Opposes the Variance, believes it is not necessary. Concerns about street parking, garbage pickup, and snow clearance.

FINDINGS

1. ***Is the application for the requested Variance complete?***

   Analysis: No additional analysis required.

   Finding: Yes. The application for the required Variance is complete.

2. ***Does the Variance as requested meet the criteria of CBJ Section 49.20.250(b)(1), Non-Administrative Variances?***

   Analysis: As discussed above, all criteria have been met.

   Finding: Yes. Based on the analysis above, staff has determined that the requested Variance meets the criteria of CBJ Section 49.20.250(b)(1), Non-Administrative Variances.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Non-Administrative Variance with the following condition. The Non-Administrative Variance would reduce a front yard setback from 20 feet to 10 feet.

Condition: Prior to being issued a Building Permit, the applicant shall provide a parking plan showing how off-street parking requirements are being met.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice
Attachment C	Agency Comments
Attachment D	Public Comments
Attachment E	Grading Permit
Attachment F	Parking Plan

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant

PROPERTY LOCATION

Physical Address: 0 Greenwood Avenue

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): Lot 3A, Block C, Greenwood Subdivision

Parcel Number(s): 3A (3 and 4) 7 B1C 0 102 003 /

☐ This property located in the downtown historic district

☐ This property located in a mapped hazard area, if so, which _____

LANDOWNER/ LESSEE

Property Owner	Contact Person
Joshua Simonson	Joshua Simonson
Mailing Address	**Phone Number(s)**
10638 Horizon Drive	602 481 1112
E-mail Address	
49statebuilders@gmail.com	

LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits

I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ 6/22/22
Landowner/Lessee Signature — Date

X _____ _____
Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME"

Applicant	Contact Person
SAME	
Mailing Address	**Phone Number(s)**
E-mail Address	

X _____ 6/22/22
Applicant's Signature — Date of Application

----------DEPARTMENT USE ONLY BELOW THIS LINE----------

Intake Initials	
AS	
Case Number	Date Received
VAR 22-003	6/24/22

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

VARIANCE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.
Not to be used for Administrative Variances

To be completed by Applicant

PROJECT SUMMARY

Single Family New Construction Home w/ Apartment

VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to)

Requesting 15' Front Yard Setback instead of 20' Front Yard Setback

Previous Variance Applications? YES (NO) Date of Filing: _____

Previous Case Number(s): N/A

Was the Variance Granted? YES NO

Building Permit related to this variance? YES (NO)

UTILITIES AVAILABLE: **WATER** (Public) (On Site) **SEWER:** (Public) (On Site)

ALL REQUIRED MATERIALS ATTACHED

Complete application per CBJ 49.65.210

Narrative including:

Any characteristics of land or building(s) or extraordinary situations that are unusual to this property or structure

Why a variance would be needed for this property regardless of the owner

What hardship would result if the variance is not granted

Site Plan

DEPARTMENT USE ONLY BELOW THIS LINE

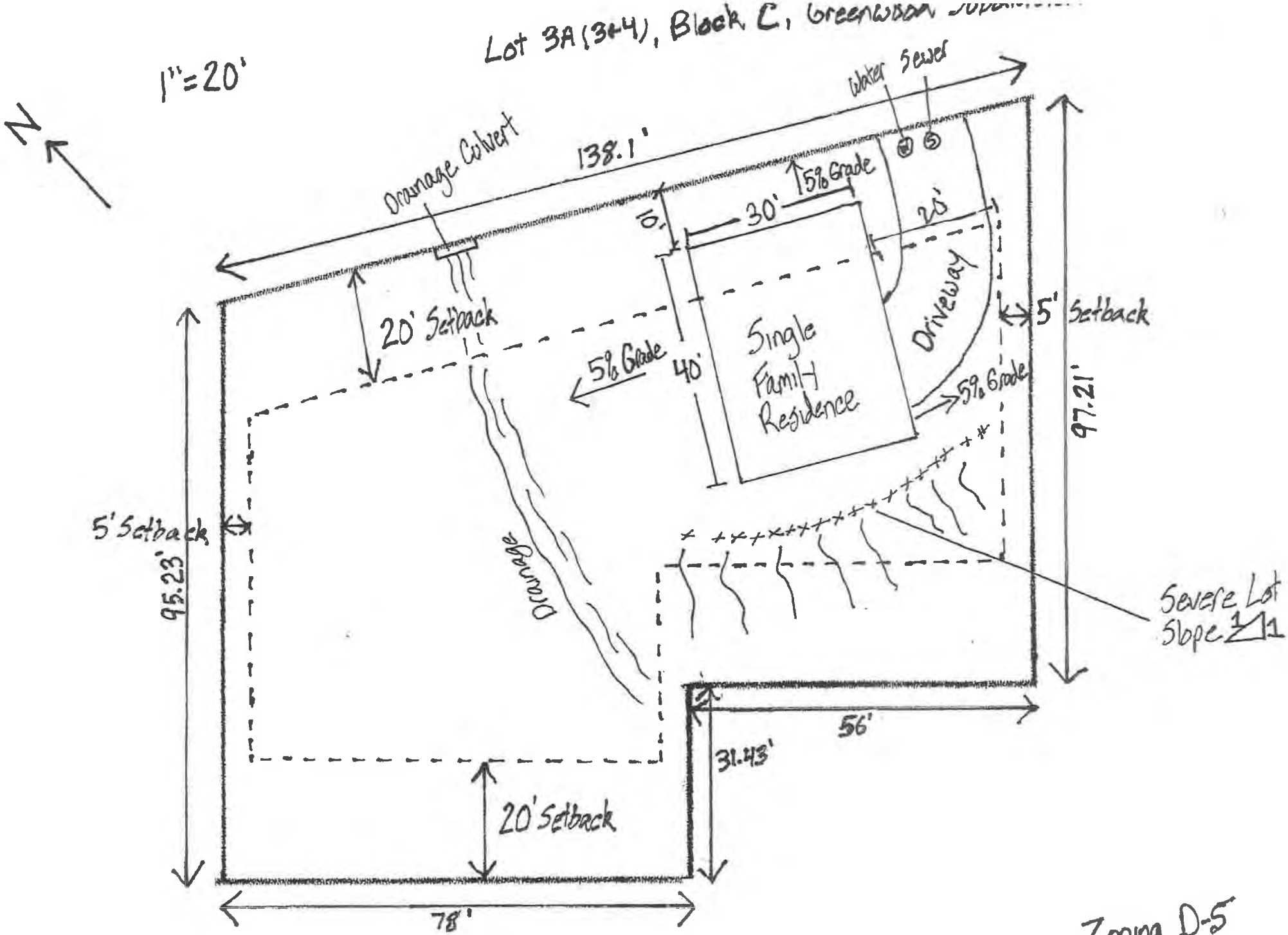
VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	$400	sign fee: 50		
Adjustment	$	sign deposit: 100		
Total Fee	$550			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
VAR 22-003	6/24/22


Lot 3A(3+4), Block C, Greenwood
1"=20'
N
Water
Sewer
Drainage Culvert
138.1'
10'
30'
5% Grade
20'
Driveway
5' Setback
20' Setback
5% Grade
40'
Single Family Residence
5% Grade
97.21'
5' Setback
95.23'
Drainage
Severe Lot Slope 1:1
56'
31.43'
20' Setback
78'
Zoning D-5
Channel

To: CBJ ZONING

From: JOSHUA SIMONSON – OWNER

Re: Lot 3A (Lot 3 and 4), Block C, Greenwood Subdivision Variance Request

Date: June 22, 2022

Dear CBJ Zoning –

Please find attached a variance permit to reduce the front yard setback on lot 3A from 20' to 10'. Due to the severe slope on the back of lot 3A, it will make it both financially difficult and challenging to maintain a stable pad to build on this lot without a variance to reduce the front yard setback.

Lot 3 and 4 were combined some time ago as there is also a drainage way that feeds right down the middle of this lot which forces me to move the footprint of the new residential new build to the side of the lot that has a much shallower depth than the rest of the lot due to the layout of the lot and the kickback on the SE side vs the NW side.

The amount of fill we'd need to bring in while also maintaining a stable rear slope will make this lot a financial challenge to build on.

I kindly ask that you consider granting a variance for this lot to reduce the front yard setback to 10'. The building footprint for the proposed new home is already a somewhat small footprint compared to the rest of the houses on Greenwood Avenue and the sheer size of the lot still allows for a large amount of spacing as to not seem like the new build will crowd the lot.

Your consideration is greatly appreciated,

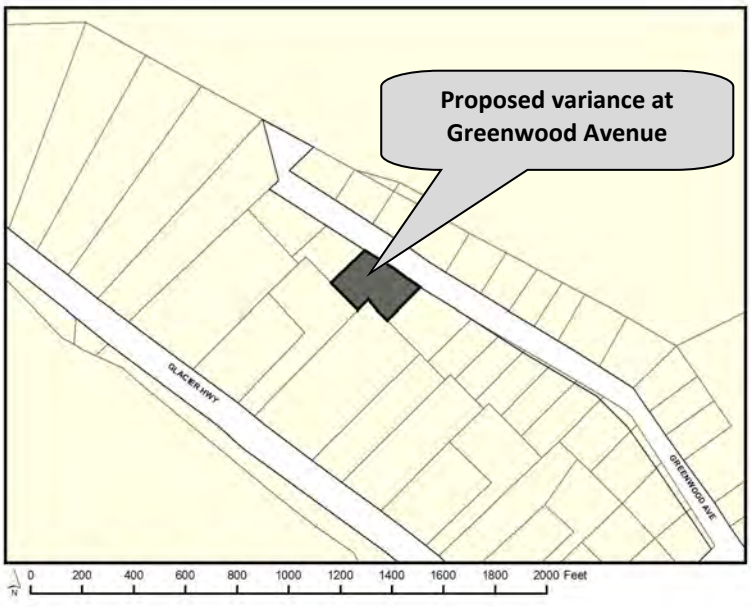
Sincerely

Joshua Simonson

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for **a proposed variance to reduce a front yard setback from 20 feet to 10 feet** at **Greenwood Avenue, Block C, Lot 3A** in a **D5 zone.**

TIMELINE

Staff Report expected to be posted **August 1, 2022,** at **https://juneau.org/community-development/planning-commission**
Find hearing results, meeting minutes and more here as well.

Now through July 18

Comments received during this period will be sent to the Planner, **Adrienne Scott,** to be included as an attachment in the staff report.

July 19 noon, Aug. 5

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 7:00 pm, Aug. 9 2022

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/81368361116 and use the Webinar ID: 813 6836 1116 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.

Aug. 10

The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: **(907)586-0715 ext. 4208◆**
Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed July 8, 2022

Case No.: VAR2022 0003
Parcel No.: 7B1001020031
CBJ Parcel Viewer: http://epv.juneau.org

Attachment B - Abutters Notice

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Buildings

STAFF PERSON/TITLE: Charlie Ford

DATE: 7/20/2022

APPLICANT: Joshua Simonson

TYPE OF APPLICATION: Variance

PROJECT DESCRIPTION:

Variance to reduce a front yard setback from 20 feet to 10 feet

LEGAL DESCRIPTION: Greenwood BL C LT 3A

PARCEL NUMBER(S): 7B1001020031

PHYSICAL ADDRESS: Greenwood Ave

SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

Buildings has no issues at this time.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Fire

STAFF PERSON/TITLE: Daniel Jager, Fire Marshal

DATE: July 11, 2022

APPLICANT: Joshua Simonson

TYPE OF APPLICATION: Variance

PROJECT DESCRIPTION:

Variance to reduce a front yard setback from 20 feet to 10 feet

LEGAL DESCRIPTION: Greenwood BL C LT 3A

PARCEL NUMBER(S): 7B1001020031

PHYSICAL ADDRESS: Greenwood Ave

SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

No fire code or fire department concerns.

Adrienne Scott

From: John Bohan
Sent: Wednesday, July 13, 2022 1:34 PM
To: Adrienne Scott; Mark Millay; Eric Vogel
Subject: RE: Variance Application - Greenwood Ave
Attachments: APP_VAR22-03.pdf; Agency Comments Form.pdf

Thanks Adrienne,

I don't have any issues.

Mark, Eric - do you see any issues you know of with reducing the front yard setback from 20' to 10'?

Thanks
John Bohan, PE
CBJ Chief CIP Engineer
155 S. Seward St
Juneau AK 99801
(907)586-0800 x-4188
fax 463-2606

From: Greg Smith
Sent: Wednesday, July 13, 2022 1:24 PM
To: Adrienne Scott ; John Bohan
Subject: RE: Variance Application

We do not have any issues with the request.

Greg Smith
CBJ Streets and Fleet Superintendent
155 So. Seward St.
Juneau, AK 99801
907.586.5256 ext. 4240

From: Adrienne Scott <Adrienne.Scott@juneau.org>
Sent: Wednesday, July 13, 2022 1:12 PM
To: John Bohan <John.Bohan@juneau.org>; Greg Smith <Greg.Smith@juneau.org>
Subject: RE: Variance Application

Hi, thanks for passing this along.

I took a look through our records and neither of those properties received variances. The applicant had asked me about these properties as well, since they didn't appear to meet the 20 foot setback. We have as-builts on file for both of them that show a 20 foot setback from the property line.

Thanks,

Adrienne Scott (she/her/hers) **| Planner I**
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4208

Fostering excellence in development for this generation and the next.

From: John Bohan <John.Bohan@juneau.org>
Sent: Wednesday, July 13, 2022 12:45 PM
To: Greg Smith <Greg.Smith@juneau.org>; Adrienne Scott <Adrienne.Scott@juneau.org>
Subject: FW: Variance Application

Greg, does Streets have any issues with reducing front yard setback on Greenwood Avenue? It appears to be a 50' ROW, and the subject parcel is on the downhill side, with sidewalk on that side of the road.

Adrienne, Can you tell us if the adjacent buildings on the downhill side of Greenwood have been given variances for front yard setbacks? 3611 and 3571 look substantially closer than 25' from back of sidewalk, which is in the ROW and about 10' from the property lines (from surveyed reconstruction drawings).

Thanks

Thanks
John Bohan, PE
CBJ Chief CIP Engineer
155 S. Seward St
Juneau AK 99801
(907)586-0800 x-4188
fax 463-2606

From: Adrienne Scott <Adrienne.Scott@juneau.org>
Sent: Monday, July 11, 2022 3:28 PM
To: Charlie Ford <Charlie.Ford@juneau.org>; General Engineering <General_Engineering@juneau.org>; Dan Jager <Dan.Jager@juneau.org>
Subject: Variance Application

Good afternoon,

Please see attached application for a variance to a front yard setback and let me know if you have any questions or comments by July 25 please.

Thanks,

Adrienne Scott (she/her/hers) **| Planner I**
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4208

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CBJ Chief CIP Engineer
155 S. Seward St
Juneau AK 99801
(907)586-0800 x-4188
fax 463-2606

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Subject: Variance Application

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Thanks,

Adrienne Scott (she/her/hers) **| Planner I**
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4208

Fostering excellence in development for this generation and the next.

From: Raymond Bernhardt
To: PC_Comments
Subject: Case No. VAR2022 0003
Date: Friday, July 15, 2022 3:39:47 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Afternoon,
I am writing in regards to the notice received at my address (3630 Greenwood Ave.) about a proposed variance to reduce a front yard setback from 20 ft. to 10 ft. This is for Greenwood Ave., Block C, Lot 3A in a D5 zone.

I do not agree with this proposal, and my concerns match my neighbors, but I also have a concern about vehicles littered among our streets. The road is already a tight fit, and often you have to weave through the streets, often due to houses with multiple occupants, such as duplexes. We purchased our house due to the area on the street being quiet and with little traffic.

If this proposal were to be approved, now we would have cars littered on our streets, literally right across from our house. We moved out away from the city to get away from this compactness. This neighborhood is nicely spread out, but now we have developers cramming houses onto tiny plots.

Seems a poor choice to make the people of Greenwood pay for the poor planning of the developer. I could understand if this was a public service/utility, but it is just a company trying to cram as much as they can onto as little land as possible.

I hope this proposal is not approved, and do plan on attending the hearing that is scheduled on August 9th. If you have any questions please feel free to contact me on this email or my office or cell respectively: 907-463-1680/206-427-6044.

--
Best,

Raymond Bernhardt

From: Paula Kalbrener
To: PC_Comments
Subject: Joshua Simonson variance request
Date: Friday, July 15, 2022 7:41:45 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To the Planning Commission Members: Ken Alper, Travis Arendt, Mandy Cole, Daniel Hickok Micheal LeVine, Erik Peterson, Paul Voelckers, and Josh Winchell,

Hello,
We live at 135 Wire St and Greenwood Ave (corner lot)

We believe the variance request VAR2022 0003 made by Joshua Simonson should be denied
Our family uses Greenwood Avenue daily. Our grandsons ride their bikes and we stroller our granddaughter. We walk our dogs on the sidewalk and visit neighbors at driveway ends.

Ten feet is not enough to park cars off the street; this street has a lot of large vehicle traffic: trash and recycle trucks, snow graders (that need lots of room to clear and push snow) and fuel delivery. There are already several new houses on the street and people with boats and more than 2 cars are having a tough time keeping the road clear for big trucks.

There is a reason to have a 20 foot setback and allowing a waiver for 10 feet will set a precedent that will make navigating Greenwood almost impossible for cars and trucks.

Thank you for your time.
Sincerely,
Bill and Paula Kalbrener

--
Kalbrener
Juneau, Alaska

From: mclaughlinv56@gci.net
Sent: Friday, July 15, 2022 8:05 AM
To: PC_Comments
Subject: response to variance request VAR2022 0003

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Planning Commissioners Micheal LeVine, Paul Voelckers, Travis Arndt, Ken Alper, Mandy Cole, Danile Hickok, Erik Pederson and Josh Winchell,

My name is Vicky McLaughlin and I reside at 116 Wood Street (platted - but does not exist) - I am at the end of Enos Street which is off of Wire Street. I am directly below Greenwood Avenue.

I am writing in response to the variance request VAR2022 0003 made by Joshua Simonson. The request is about Lot 3A (lot 3 and 4) Block C in the Greenwood Division. The plans are for a home with an apartment and the request is to reduce the house placement from 20 feet from the curb to 10 feet.

I am opposed to the request. I will list my concerns.

Residents have cars. For a single unit dwelling and an apartment, there could be at least 3 cars or more at this residence. Also, as common in this neighborhood, there will most likely be a boat on a trailer.
Where will they park? Because parking is an issue especially during the winter.

The DOT grader plows snow in this area all winter. When it creates a berm - will it be piling snow next to the residence? Next to vehicles? How will the grader turn around if there are cars parked in the cul de sac?

The CBJ has plows that clear the area as well and check the creek situations coming off of Blackerby Ridge. They check the creek down at the end of the cul de sac.

The garbage truck does make it up the hill and picks up. It needs the area clear to make turns.

Fuel trucks, delivery trucks and the mail truck make trips to Greenwood to service the area.

Will all these vehicles be required to reverse out?

I walk my dog up on Greenwood on a daily basis. I ride my bike up on the hill as well. I am able to stop and visit with the neighbors. I am concerned about the number of new vehicles will have a negative impact.
My interest is in the Planning Commission denying this request.

Sincerely,

Vicky McLaughlin
mclaughlinv56@gci.net
907-780-6558

From: Todd Miller
To: PC_Comments
Subject: Comment on proposed variance on Greenwood Ave
Date: Monday, July 18, 2022 7:07:32 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

TO: Planning Commission
FROM: Todd and Jenny Miller, residing at 3580 Greenwood Ave, Juneau AK 99801

I am writing in response to the variance request VAR2022 0003. The plans are for a home with an apartment and the request is to reduce the house placement from 20 feet from the curb to 10 feet.

I am against the proposed variance for the following reasons:

1) The proposed variance is unnecessary given that the applicant can simply not have a side/curved driveway, which takes well over 20 feet of buildable land (at no significant extra cost, or loss of home square footage). No house on the slope side of the street of Greenwood has a curved side driveway, and they abide by the 20ft variance. Thus beyond the desire to have a certain type of driveway, there's no justification for changing the variance from 20 to 10 feet.

2) With the proposed change in variance, off street parking may be an issue given it will be a single family home with an apartment. Maintaining the 20ft variance would allow for more parking out front, as what is done with all other homes/rentals on that side of the street.

Thank you,
Todd Miller
toddomiller@gmail.com
907-500-5606

~~~~~~~~~~~~~~~~~~~~~~~~
Todd W. Miller, Ph.D.
~~~~~~~~~~~~~~~~~~~~~~~~

From: Robyn Ramos
To: PC_Comments
Subject: Greenwood variance
Date: Monday, July 18, 2022 4:15:18 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Not needed. Property seems big enough if house were turned 90 degrees and garage facing street. In winter there is no parking on that side of the street because of plowing. Where would the renter park? Probably where they're not supposed to. Then the plow makes a meandering path around that car reducing street to one lane. This has happened before and created too small a space that garbage pickup was cancelled. Also, the plow for sidewalk can't clear snow forcing kids and pets to have to us road.

Ramos
3550 Greenwood Ave

Sent from my iPhone

From: Jim Scholl
To: PC_Comments
Subject: Case VAR2022 0003 Parcel 7B1001020031 Att. Adrienne Scott
Date: Saturday, July 16, 2022 3:51:13 PM
Attachments: publickey - ak_zorro@protonmail.com - 0xC2603DB3.asc
signature.asc

Dear Ms. Scott, We live on Greenwood Ave at the address below. We have lived here since 1999.

We have met all the new owners and welcome them to our neighborhood. We always expected someone to build on the vacant lots on Greenwood. However we oppose the proposed variance since it would impair the safety of the sidewalk and roadway for all Greenwood residents.

The lot in question has a sidewalk in front of it. When the street was improved CBJ accepted the roadway and sidewalk for maintenance. CBJ code does not require a sidewalk but, at the time street improvements were proposed, the residents urged CBJ (at public meetings and in writing) to include a sidewalk. Several of us had school kids and wanted them to be able to safely walk on the sidewalk, especially in the Winter, to the school bus stop (at least along Greenwood). We wanted to walk our dogs, have small kids ride bicycles, persons with mobility disabilities, and have a safe place for new parents to walk with strollers all year long.

Most years we have difficulty finding snow storage on our small steep lots so our cars are parked straight in the driveway. A standard pickup is 16 ft. long which makes it stick out in the sidewalk at least 4 ft. if the setback is reduced to 10 ft. It will block sidewalk snow removal and creates only one plowed lane (since the sidewalk plow has to dump snow in the street as it dodges the encroachment) forcing pedestrians into that single lane. Every year people park with portions of their cars in the street hampering snow removal. The proposed variance would just create another pinch point to hinder snow removal and force pedestrians to walk in the street. We all use the sidewalk. People from the other end walk their dogs, kids from the other end walk or ride bikes, people just walk because it is nice and there is a safe sidewalk.

I might add CBJ and the property owners agreed to pay more money than necessary for the sidewalk under a LID. We paid ours off a few years ago and we still want what we paid for - a safe place for pedestrians. There is nothing unusual about the subject lot except the Contractor has already placed a large quantity of fill. We all built our houses in compliance dealing with high costs of site conditions due to small lots and steep topography. Safety is much more important than reducing the cost of construction.

The subject lot is one lot away from the end of the road. The property owners agreed with a proposed hammerhead configuration at the end of the road for a place for emergency vehicles to turn around, snow storage in the winter, and overflow parking for the Blackerby trailhead on Greenwood. In the winter ice climbers park their cars in the hammerhead because they access frozen waterfalls across the street (with our permission to cross our land). Encroachments into the the sidewalk and probably the road would further hamper snow removal by creating one more thing that plows have to weave around leaving another pinch point that has to be unnecessarily used by vehicles and pedestrians.

Reducing the front setback would impair safety by increasing the propensity to block the sidewalk all year. Reducing the setback would all but guarantee CBJ's snow removal would be impaired by encroachments into the sidewalk and road. We urge you not to grant this variance.

We are pro-development and welcome new neighbors. We just oppose this one variance because

it will compromise safety for the residents of Greenwood Ave.

Jim Scholl and Kathleen Donohoe
3540 Greenwood Ave.
Juneau, AK

907 957-1951

Sent with Proton Mail secure email.

From: Charlotte Truitt
To: PC_Comments
Subject: Comment on proposed variance on Greenwood Ave.
Date: Monday, July 18, 2022 11:00:57 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi,

I'm writing in response to VAR2022 0003: A proposed Variance to reduce a front yard setback from 20 feet to 10 feet.

I am opposed to the request due to the challenges we face with access on our narrow street and the issue of snow removal. Currently parking is not allowed on that side of the street from Nov - April and a house closer to the road will only allow for street parking which is already prohibited 6 months of the year. Also, if the dwelling has an apartment, that will create the need for even more parking space which represents a further impediment for car traffic and emergency access, trash removal etc.

Thank you for the opportunity to comment.

Charlotte Truitt
3610 Greenwood Ave.
Juneau, Alaska 99801

From: Tom Waldo
To: PC_Comments
Subject: Proposed Variance Greenwood Ave., Block C, Lot 3A
Date: Friday, July 15, 2022 1:29:55 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Ms. Scott,

Following are comments on the application for a variance to reduce the front setback for Block C, Lot 3A, on Greenwood Avenue.

I live at 3620 Greenwood Ave., across the street and one house over from the proposed variance. I see the lot clearly from my front and side windows.

I object to the proposed variance for two reasons.

First, there will not be enough parking. Greenwood Ave. is extremely narrow already, and parking is prohibited six months of the year to allow snow removal. The proposed house on lot 3A would have two households and therefore probably multiple vehicles. With no street parking half the year, they will have to park in their garage, driveway, or front yard. With just a ten-foot setback, that will not be enough.

An example of this is the house at 3611 Greenwood, which is across the street from me in the other direction. Like the proposed house on lot 3A, the house at 3611 has two units. They regularly have five cars parked in front. Because street parking is so limited and they use the garage for storage, they are forced to use the entire front yard for parking. When the yard is covered in snow, they sometimes overflow to the street despite the “no parking” signs, which in turn obstructs city snow removal.

With a variance, the proposed house on lot 3A will have twice the problem. With a ten foot setback, they will have only half the space in the front yard. There is no additional space for parking on that lot. It is a guaranteed problem for parking and snow removal, exacerbating a significant existing problem on Greenwood.

Second, a house just ten feet from the street would be unsightly. Every other house on the street appears to comply with the setback requirement, with the result that all of the houses have their front wall on a common line. This is true on both sides of the street. The proposed house at lot 3A would therefore jut forward conspicuously and out of character for the street. This would be unsightly and also unfair to everyone who has built in compliance with code, often at considerable expense in site preparation, since the lots are on a steep hill.

For these reasons, I request that the variance be denied. If the variance is allowed, it should be on the condition that adequate parking is available elsewhere on the site for multiple vehicles.

Thank you for considering these comments.

Tom Waldo
3620 Greenwood Ave.

From: Anitra
To: PC_Comments; PC_Comments
Subject: objection to proposed variance to reduce setback at Greenwood Avenue, Block C, Lot 3A
Date: Monday, July 18, 2022 7:38:33 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To: CBJ Planning Commission,
This is in regards to the proposed variance to reduce a front yard setback to 10 feet at Greenwood Avenue, Block C, Lot 3A.

I object to the setback being reduced for this property. There have been no changes in code or circumstances since the new owners recently bought this property, knowing full well that the property was small and had limitations and code restrictions. The new owners need to respect the area as they purchased it.

A shorter setback will impact both the safety and property values on the street. The street is already more narrow than current street specifications and already has parking restricted on one side for half the year, due to difficulties with snow removal and garbage pickup. There is already a parking problem on the street which would only be increased by allowing this property to place a new building closer to the street and limiting its own driveway parking. These all impact the safety on the street.

The shorter setback will also decrease the other property values on the street due to the reduced aesthetics of this new house being out of line with the other houses and too close to the curb and sidewalk. Other houses have had to pay extra costs in order to comply with the 20 foot setback and create the appeal and safety of the neighborhood. This property should not be given special consideration at the expense of other properties.

I urge you to reject this application.

Thank you,
Anitra Waldo
Property owner
3620 Greenwood Ave, Juneau AK

BUILDING PERMIT

Permit No. BLD20220465

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any of said ordinances.

The granting of this permit does not authorize the violation of any federal, state or local law regulating construction for the violation of the terms of any deed or covenent or any zoning or other regulation.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress and before final inspection.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within one year or if work or construction is suspended or abandoned for a period of one year at any time after work has commenced.

Note: City Ordinances REQUIRE a Final Inspection be approved for every Building Permit.

Inspections

Inspections can be arranged by telephoning **586-1703** or by written or by online form or Email.
The Online Building Inspection Request Form is at: **www.juneau.org/community-development/cdd-inspection-request.**
Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required.
All inspections must be requested before noon the business day prior. Same day inspections must be requested by calling 586-0770
Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: **GREENWOOD AVE**
Permit Number: **BLD20220465**
Project Description: Site preparation for a future single family dwelling.

Issued Date : **07/13/2022**
Parcel No: **7B1001020031**

Parcel Information : GREENWOOD BL C LT 3A

Setbacks: Zone: D5:
Front: 20.00 Ft. NE
Rear: 20.00 Ft. SW
Street Side: 13.00 Ft.
Side 1: 5.00 Ft. NW
Side 2: 5.00 Ft. SE
Firm Zone: X
Comments:

Owner :
JOSHUA M SIMONSON
CHRISTINA E SIMONSON
10638 HORIZON DR
JUNEAU AK 99801

Applicant :
JOSHUA M SIMONSON
10638 HORIZON
JUNEAU AK 99801

Fee Type	Date	Receipt	Amount Paid
BLD- Grading Plan Review	06/28/2022	63939	$40.57
BLD- Grading Permit Fee	06/28/2022	63939	$124.00
		Total Fees Paid:	$164.57

Valuation for Permit Fee Calculations:

S.F.	Type	Rate	Amount
		Total Valuation:	$0.00

Project Conditions and Holds:
None.

Inspections Required: Call for inspection before covering or concealing any of the work described below. Inspections may be combined.
E-Grading/Drainage

Attachment E - Grading Permit

City & Borough of Juneau
Alaska's Capital City

Grading Permit Checklist

JUNEAU PERMIT CENTER, 4TH FLOOR MARINE VIEW CENTER, (907) 586-0770

All grading must conform with CBJ Title 19.12, Excavation and Grading.

Section I: **Case Number:** BLD20220465

Applicant's Name Joshua Simpson
Mailing Address 10638 Horizon Dr.
Phone Number 602 491 1112
Project Address "D" Greenwood, Ave
Project Parcel Number Lot 3A, Block C, Greenwood Subdivision

Section II:

GRADING PLAN REQUIREMENTS

Grading permit applications must be accompanied by a drawing which graphically shows the grading site and the proposed grading changes. The plan shall show the following features:

- [X] A. Name, address and phone number of applicant
- [X] B. Lot number, legal description, and street address of grading site
- [X] C. Lot boundary lines
- [X] D. Buildings (existing and proposed)
- [X] E. All easements affecting lot
- [X] F. Location of driveway, including width and size of culvert – No Culvert
- [X] G. Streams, ditches, swales and all other drainage features including locations where drainage leaves the grading site. (PLAN SHALL SHOW ALL DRAINAGE FLOWING INTO AN APPROVED DRAINAGE WAY)
- [X] H. Location of underground utilities (water, sewer, phone, power, tv)
- [X] I. Limits of all proposed cuts and fills
- [X] J. Elevations and dimensions of proposed grading and buildings
- [X] K. All structures within 15 feet of the boundaries of the site
- [X] L. Survey of existing terrain shown with, elevations, cross sections or contours

The Building Official may require a more detailed plan and/or survey by licensed professionals for grading on sites with steep slopes, large excavations or fills (greater than 5,000 cubic yards), or for structural fills.

Section III:

Will there be excavation activity? ☒ YES ☐ NO

How many cubic yards? 10 Cubic Yards

What type of material will be excavated? Organics / Trees

Will excavated material be removed from the site? ☒ YES ☐ NO

How many cubic yards of material will be removed? 10 Cubic Yards

What is the location of the disposal site? Stump Dump / Montana Creek

Has a permit been obtained for the disposal site? ☐ YES ☒ NO

Will fill be brought on to site? ☒ YES ☐ NO

How many cubic yards? 500 Cubic Yards

What type of material? Pit Run / Rock Granular / Shot Rock

From where will the material be obtained? Agg Pro

Will stumps need to be removed? ☐ YES ☒ NO

Describe method of disposal: _____

Will erosion protection be required? ☒ YES ☐ NO

Describe method: Shotrock / Armor Rock

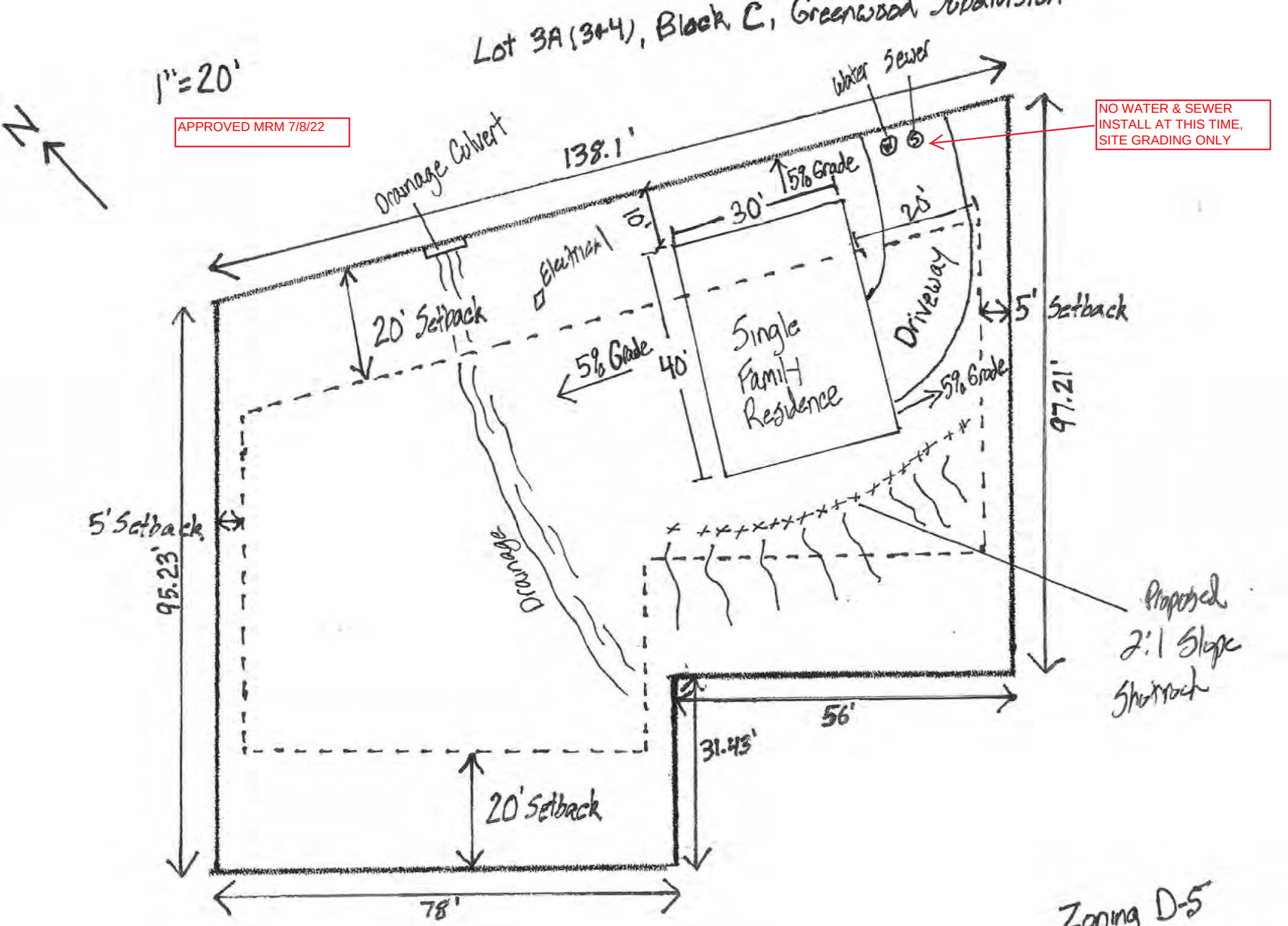
Will a retaining wall be required to hold the cut or fill? ☐ YES ☒ NO

(Note: Walls four feet or greater in height must be designed by a professional engineer licensed in the State of Alaska.)

Section IIII:

Has a grading plan been stapled to this checklist? (Note: See Grading Plan Requirements on the back of this page.)	YES	NO
If a driveway is to be constructed to a State of Alaska Department of Transportation right-of-way, attach a copy of the ADOT driveway permit. (Note: Glacier Highway, Mendenhall Loop Road, and other major arterial roads in the CBJ are ADOT rights-of-way.) Are ADOT permits required and attached to this checklist?	YES	NO N/A
If grading project will require a well or on-site sanitary sewer disposal, permits from the State of Alaska Department of Environmental Conservation are required. Are ADEC permits required and attached to this checklist?	YES	NO N/A
CBJ Land Use Code may require a Conditional Use Permit be issued by the Planning Commission for Sand and Gravel Extraction. Please respond to the following questions in order to determine if the extraction is exempt from a planning permit.		N/A
Is the extraction a necessary incident to work authorized under a valid building permit for a proposed permitted use?	YES	NO N/A
Has a building permit been issued for the proposed permitted use?	YES	NO
Is the extraction a necessary incident to improvements which are part of an approved subdivision plat?	YES	NO N/A
If associated with subdivision improvement, will the material excavated remain entirely on the property or original tract or parcel subdivided?	YES	NO N/A
Is the extraction less than two feet in depth and not creating a slope greater than five feet in height or steeper than one and one-half horizontal to one vertical?	YES	NO N/A
Does the extraction involve the removal of less than two hundred cubic yards from the lot?	YES	NO → Just Trees overburden
Is the extraction a necessary incident to the location or placement of work located primarily in the public way which is exempt from the building code?	YES	NO
Is the extraction for cemetery graves, excavations for wells or tunnels, utilities or exploratory excavation totaling less than two hundred cubic yards?	YES	NO

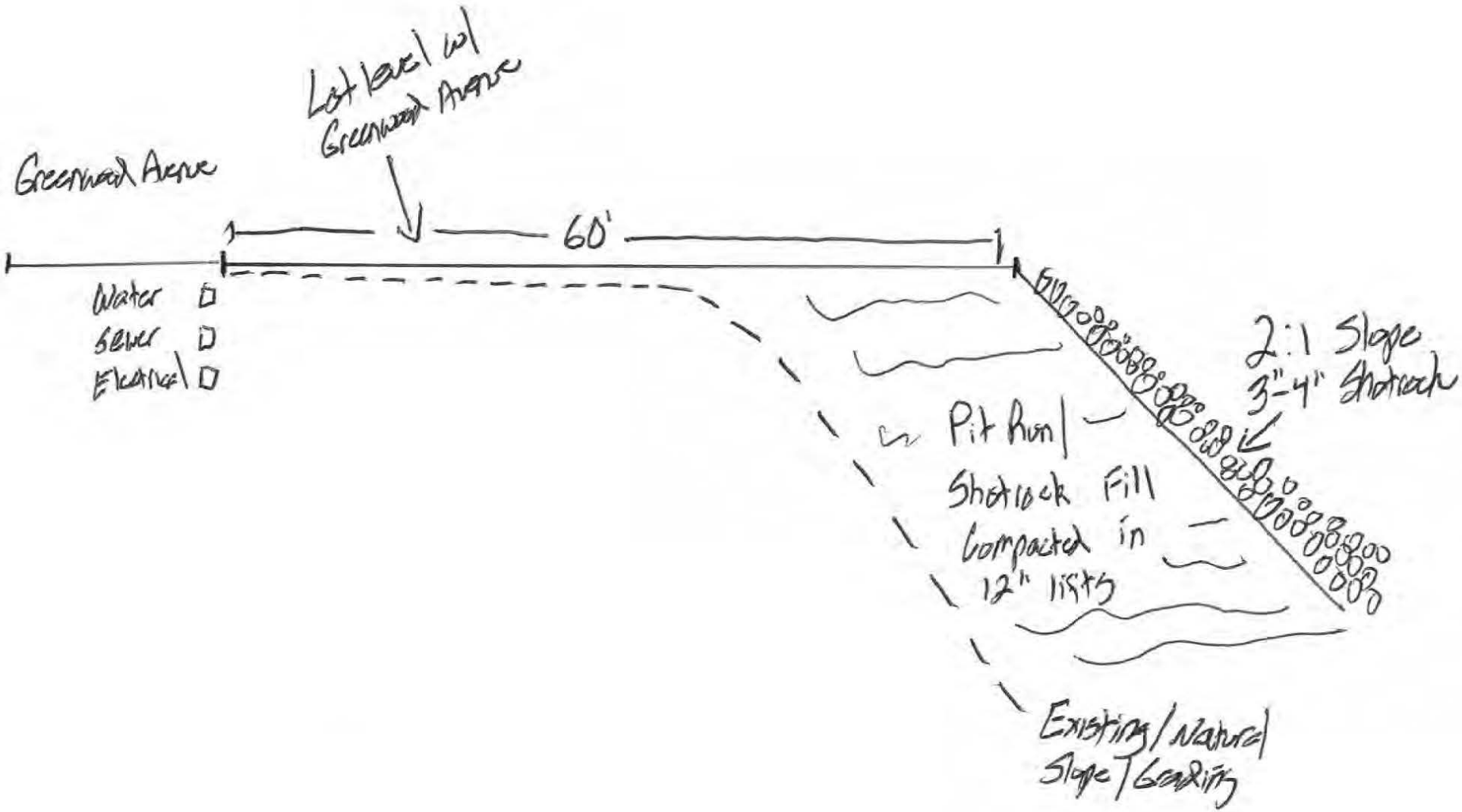
A NO answer to one or more of the questions A through H above may indicate that a Conditional Use Permit is required.

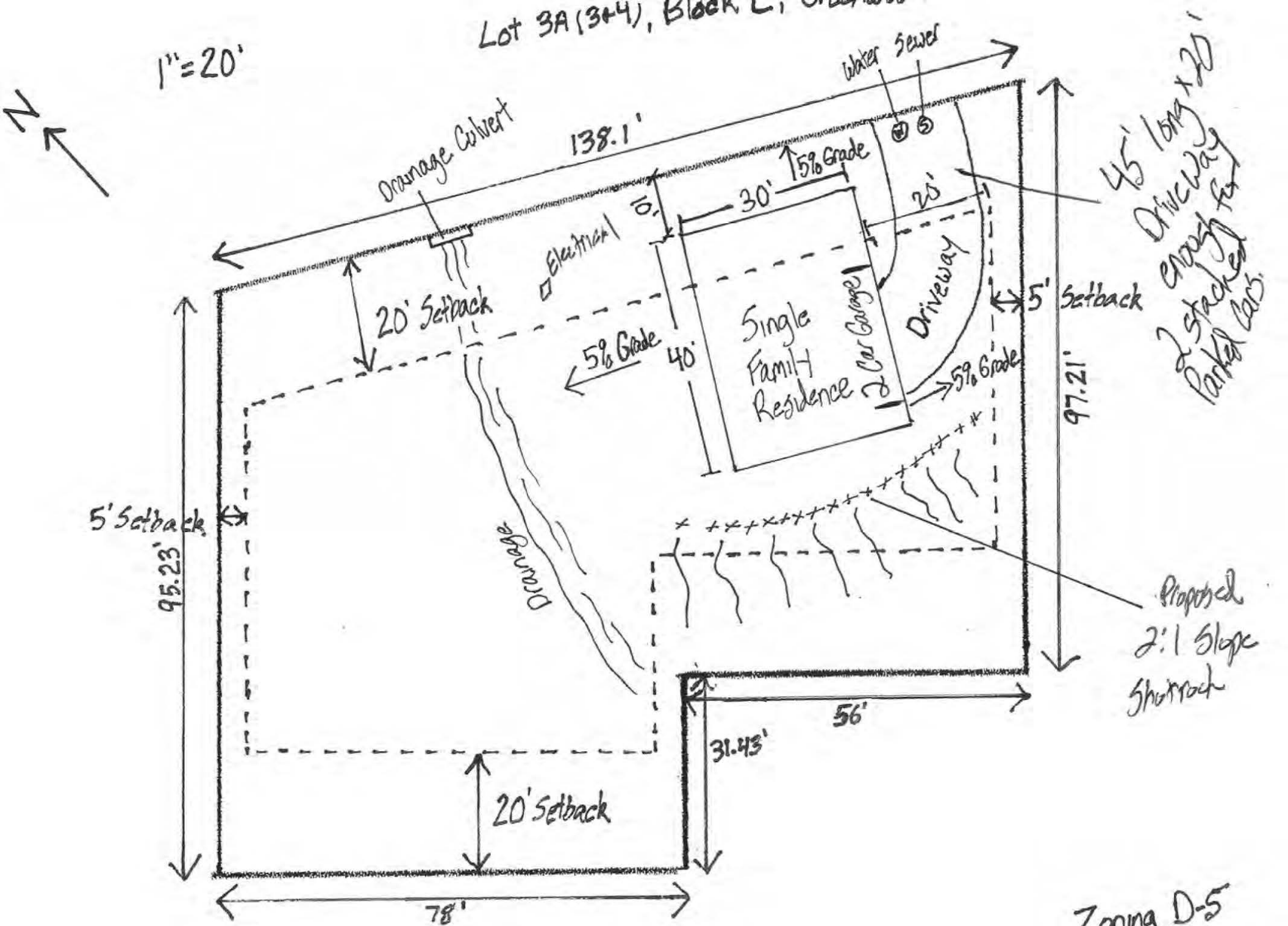


Attachment E - Grading Permit

Lot 3A, Block C, Greenwood Subdivision

No Mailing Address Assigned





Attachment F - Parking Plan

Planning Commission
(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/community-development/planning-commission
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION
NOTICE OF DECISION
Date: August 11, 2022
File No.: VAR2022 0003

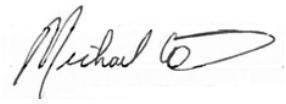
Joshua Simonson
10638 Horizon Drive
Juneau, AK 99801

Proposal:	A Non-Administrative Variance to CBJ 49.25.400 to reduce a front yard setback from 20 feet to 10 feet.
Property Address:	Greenwood Avenue (vacant lot – no address)
Legal Description:	Greenwood Block C Lot 3A
Parcel Code No.:	7B1001020031
Hearing Date:	August 9, 2022

The Planning Commission, at its regular public meeting, did not adopt the analysis and findings listed in the attached memorandum dated August 1, 2022 and failed to grant the requested Variance.

Attachment: August 1, 2022 memorandum from Adrienne Scott, Community Development, to the CBJ Planning Commission regarding VAR2022 0003.

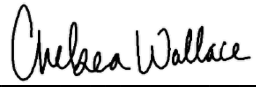
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 p.m. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).



August 14, 2022

Michael LeVine, Chair
Planning Commission

Date



August 15, 2022

Filed With City Clerk

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA

Additional Materials for August 9, 2022 Planning Commission

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Additional Materials for August 9, 2022 Planning Commission	8/5/2022	Miscellaneous

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00 p.m.
Meeting Date: August 9, 2022

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1. **VAR2022 0003:**
   a. Public Comment – Jeanna Wittwer, received 8-1-22 (page 2)

From: Keetsake
To: PC_Comments
Subject: Reducing front yard setback requirements
Date: Monday, August 1, 2022 7:11:17 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear city of Juneau,

I am opposed to reducing the front yard set back requirements for single family homes, single family homes with an apartment, attached homes, and duplexes.

This is a quality of life issue. 10 feet is not enough room to enjoy an outside space. Children need a outside space to play. Pets need an place to run off leash.
Adults want space to entertain or just relax, deck or patio, have a garden… this list goes on.

I request that the city add the following requirements for their high density developments.
- A playground for kids in each neighborhood (neighborhoods need to be a walkable size for kids so they can actually get to the playgrounds)

- I court yard, developed park, area for residents to socialize.
- parking for 2 vehicles per unit. (At least)

Thank you for the opportunity to send in my written comments.

Jeanna Wittwer
(907)957-6851

Sent from my iPhone