

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

November 10, 2020
Virtual Meeting Only
7:00 PM

This virtual meeting will be by video and telephonic participation only. To join the webinar, paste this URL into your browser: <https://juneau.zoom.us/j/98274621108>. To participate telephonically, call: 1-346-248-7799 or 1-669-900-6833 or 1-253-215-8782 or 1-312-626-6799 or 1-929-436-2866 or 1-301-715-8592 and enter Webinar ID: 982 7462 1108.

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. October 13, 2020 Draft Minutes, Regular Planning Commission - APPROVED

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

A. SNC2016 0001: Street Name Change of Third Street in the Mendenhall Valley - APPROVED
AS RECOMMENDED

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

A. VAR2020 0002: Variance to minimum lot depth from 85 to 60 feet for purposes of subdivision -
DENIED

XI. OTHER BUSINESS

A. 2021 Proposed Meeting Dates

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 Packet for November 10, 2020 Planning Commission Meeting

XIX. ADJOURNMENT

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

October 13, 2020 Draft Minutes, Regular Planning Commission - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
▣	October 13, 2020 Draft Minutes, Regular Planning Commission	10/28/2020	Minutes

Agenda
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
 October 13, 2020

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:04 p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Travis Arndt, Assistant Clerk; Ken Alper; Dan Hickok; Weston Eiler; Josh Winchell; Erik Pedersen

Commissioners absent: Paul Voelckers, Clerk

Staff present: Jill Maclean, CDD Director; Irene Gallion, Planner; Emily Wright, LAW; Alex Pierce, Planner;

Assembly members: None

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Mr. LeVine added the draft Letter of Commission priorities to the Assembly as an OTHER BUSINESS item.

III. APPROVAL OF MINUTES

A. September 8, 2020 Draft Minutes –Planning Commission Regular Meeting

MOTION: *by Mr. Dye to approve the Committee of the Whole Planning Commission September 8, 2020 minutes.*

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Mr. LeVine explained briefly guidelines for public participation via Zoom meetings

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

VI. ITEMS FOR RECONSIDERATION – None

VII. CONSENT AGENDA – None

VIII. UNFINISHED BUSINESS – None

IX. REGULAR AGENDA

Prior to Staff Presentation

Mr. Hickok declared a potential conflict as he is co-employed with a co-applicant (Gary Schoenberger) on the property and the co-applicant is also the listing agent realtor on his business that is currently for sale. Mr. Hickok has read the packet and feels he can be impartial.

Mr. Arndt disclosed he has worked with the owner of the property, Alaska Legacy Partners in the past but has no involvement with this project and feels he can be impartial.

Both remained on the Commission without objection.

USE2020 0020: Conditional Use Permit for a youth emergency housing shelter and rapid rehousing

Applicant: Tlingit & Haida Regional Housing Authority

Location: 9290 Hurlock Avenue

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit with conditions. The permit would allow the development of youth emergency housing shelter and rapid rehousing.

The approval is subject to the following conditions:

1. Demolish the trail abeam the east corner of the single-family accessory structure to the lot line (approximately 25 feet).
2. A sight-obscuring fence at least six feet tall shall be installed along the east property line, and 20 feet from the east property line along the south property line. Note: Fences over six feet tall require a building permit prior to construction. No sight obscuring fence more than four feet tall may be constructed closer than 20' from the edge of a traveled way; on corner lots, sight obscuring fences are limited to three feet in height within 20' of intersecting traveled ways [CBJ §49.25.430(4)(L)].

3. Prior to the issuance of a building permit for the proposed project, a plan for appropriate parking lot vehicle control signs and pavement markings must be submitted for review to the CDD and be found to meet all applicable CBJ ordinances and CDD regulations.
4. Prior to the issuance of a Temporary Certificate of Occupancy, wheel stops or striping shall be placed in the parking lot to define the location of parking spaces.
5. Prior to the issuance of a Temporary Certificate of Occupancy, CBJ-approved signage shall be posted for the accessible parking space.
6. Prior to the issuance of a Temporary Certificate of Occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan shall be applied to the parking and circulation area as shown on the site plan in a medium designed for such purposes.
7. Prior to the issuance of a Temporary Certificate of Occupancy, one or more covered bicycle racks providing spaces for at least four bicycles shall be provided. The rack(s) shall be permanently affixed to the ground, building, or other permanent fixture, and shall be located so that parked bicycles do not encroach into a pedestrian walkway or vehicle area. Covered bicycle racks shall, at a minimum, be designed in accordance with the standards listed in the Juneau Non-Motorized Transportation Plan. Improvements can be bonded if weather precludes marking.
8. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. All new exterior lighting fixtures shall be of a "full cutoff" design. Approval of the plan shall be at the discretion of the Community Development Department, according to the requirements of CBJ 49.40.230(d).
9. Prior to issuance of a building permit, the developer shall submit to the CBJ Engineering and Public Works Department a detailed drainage plan that includes provisions for managing storm water run-off during construction and details the drainage facilities to be included as part of the development. No building permit shall be issued until such plans are deemed adequate and approved by the CBJ Engineering and Public Works Department.
10. Prior to the issuance of a building permit, the applicant shall submit a revised site plan showing snow storage location(s).

STAFF PRESENTATION – Ms. Gallion presented USE2020 0020

QUESTIONS FOR STAFF – Mr. Dye asked why they need a new Conditional Use Permit (CUP) if this location was already used for the same purpose. Ms. Gallion explained that use had stopped and there was another use permit in its place 2017-2020 for a senior services facility. To return to the prior USE, they need a new one. Mr. LeVine clarified the interceding CUP invalidated the earlier one. Mr. Arndt asked where it is in code that a new permit would invalidate an already existing permit as it was his understanding that permits run with the property. He asked if they couldn't have two permits on the property. Ms. Maclean explained her interpretation of the code is that the original CUP for the youth shelter is superseded by the

permit for the senior facility. To go back to a youth shelter, they would need a new permit. Ms. Wright agreed with the Director.

Mr. LeVine asked for clarification on the number of beds. Ms. Gallion said her recommendation would be to approve the application as is. However, she anticipates there may be public comment concerns that perhaps could be addressed by proportioning or limiting the number of beds.

Mr. Dye asked for more background on the fence noting it only goes down one side and part of another side but not contiguously all the way around the property. Ms. Gallion explained neighbors had concerns with trespass especially because there is a path along the back side that leads to another private property. The sight obscuring fence was considered a good way to delineate the property line and provide privacy for both sides.

Mr. Pederson asked about the youth services that had previously been provided at this location and were moved to a facility in the Montana Creek/Back Loop area. Ms. Gallion explained that the Back Loop location ceased providing the runaway youth sheltering services in 2019.

APPLICANT PRESENTATION– Jacqueline Pata, President and CEO of Tlingit Haida Regional Housing Authority (THRHA), explained the services THRHA provides throughout Juneau. THRHA will be the property manager and provide the property management services.

Maximus Wheat, Southeast Representative for the Youth Advisory Board, explained youth are homeless due to diverse reasons, parents, drugs, etc. They need someplace safe, especially in time of pandemic.

Jorden Nigro spoke on behalf of Zach Gordon Youth Center (ZGYC). Since June 1st, they have worked with 25 youth under the age of 20 whereas last year at the same time, that number was 4. The sharp increase is contributable to COVID-19 and the loss of summer tourism job opportunities. Most homeless teens survive by couch surfing, now with COVID, that is not as safe and fewer homes are willing to allow them in anyway.

They are proposing a six-bed shelter facility with two beds for overflow for youth aged ten to eighteen and a four-bedroom apartment for rapid rehousing for youth ages eighteen to twenty. One big difference between this and the previous youth shelter is this will be for runaway and homeless youth but will not be a placement facility for children in the custody of OCS or Department of Juvenile Justice.

QUESTIONS FOR APPLICANT – Mr. Eiler asked if there was anything in the Staff recommendations, findings or conditions that they have issue with? Ms. Pata said they are in agreement with Staff and have no objections to them.

Mr. Arndt, asked about the two-week limit on stays. He asked what happens after the two-weeks are up. Ms. Nigro answered this is considered best practices and is the requirement for federal basic center grants. The facility is to be for emergency placement and the plan is to provide support to help find safe alternatives for housing.

Mr. Dye asked about the age limit. Ms. Nigro explained that ZGYC and THRHA have worked together on a rapid rehousing grant for youths ages eighteen to twenty-four years old. The proposed facility would house eighteen to twenty-year-old youths on location and housing for those twenty to twenty-four years old will be housed in other private locations in cooperation with landlords.

Mr. Arndt asked about the plan to address drug issues. Ms. Nigro answered that drug abuse is not actually as huge an issue as people might think but the availability of drugs among adults is one of the reasons this is so important. The shelter would provide some protection from at-risk adults.

PUBLIC TESTIMONY –

Kevin Ritchie - 3184 Pioneer Ave – Chair, Friends of ZGYC, testified in support saying the public benefit from this project is HUGE. It literally can save lives and will save money by getting kids on the right track in a short amount of time.

Eileen Hosey – Juneau, spoke in support of the project saying she lives in the neighborhood and feels it is very important we provide these services.

President Richard Peterson – Valley - President, Tlingit Haida Central Council spoke in support of the project saying it fills a vital need for our community.

Gus Marx, 4470 Columbia Blvd, Co-Chair of Juneau Coalition on Housing and Homelessness, spoke to say that piece of property was given to CBJ by the Civil Air Patrol for use to provide services to kids and spoke in support of the project saying this is the right location and a perfect building for this project. He added that they have secured a grant and are pursuing more but if they don't move quickly then the grant money could be lost.

Laura Hosey, spoke in support saying this is an appropriate use of the site and added being homeless is not a crime. She lived in the area nearby growing up and said there were no problems arising from the shelter. Everyone deserves a home and everyone deserves a neighborhood.

Kristin Garot – Valley – Principal, Yaakoosge Daakahidi High School, spoke in support saying many of her students qualify as students in transition who meet the federal guideline for homelessness and in the last year there has been no emergency shelter for teens on their own.

Elizabeth Leban - North Douglas, spoke in support. She coordinates the Juneau Teen Health Centers and is familiar with teens in need of safe housing options. This is a critical need.

Aaron Surma - North Douglas - Executive Director, NAMI Juneau, spoke in support saying youth use the shelter because their alternatives are worse. Providing a safe place for young people keeps them from living in a situation where they would be potential victims of violence.

Hazel LeCount - Co-Chair Juneau Homeless Coalition, spoke in support saying there is currently no option for homeless or runaway youth, they have been sheltering in adult shelters and need more options.

Meryl Chew - downtown Juneau - Prevention Manager, AWARE, spoke in support saying an emergency youth shelter has an immediate and important impact on the youth who need it. It is also a preventative measure for the community by giving the youth a shot at a future where they are safe and well.

Mandy Cole - Valley, spoke in support saying, as a mother of teenagers, there are times that all families struggle.

Christina Love - Downtown, Vice President of Haven House, Senior Specialist Alaska Network on Domestic Violence and Sexual Assault, spoke in support saying having this in the community is absolutely necessary.

Justine Bishop - Juneau resident, spoke in opposition to the project saying she lives nearby the property and does not feel this is good for the neighborhood.

Mr. Dye asked what conditions might be added to make it harmonious with the neighborhood. Ms. Bishop said fencing and assurance that there would not be negative activity would help. She had the understanding it would be a senior facility on the property when she bought in to the neighborhood and feels blindsided by the change.

Mr. Winchell asked if she saw a market increase in the property values when the Legacy Project Senior center was approved and was there a decrease in values when it was changed to the proposed youth facility. Ms. Bishop answered that she felt this project is out of harmony with a residential neighborhood.

Gretchen Kriegmont – Valley, spoke in support of the project saying she lives in the area and finds that neighborhoods are much safer when all of the properties are occupied. Having an empty building encourages transients and squatting.

Mariya Lovishchuk – Douglas - Glory Hall Executive Director, spoke in support saying this is a badly needed service.

Mr. Winchell asked if Ms. Lovishchuk sees an increase in the potential of youth sex trafficking without this project. Ms. Lovishchuk answered this is not a 'potential' it is a reality already.

Natalie Watson - Valley, spoke in support saying what is more important than protecting our vulnerable youth. She sees an urgent need for safe housing in Juneau. If we fail to provide these services now, we will pay for it in the future when they grow up

Dave Ringle - 2215 Meadow Lane – General Manager of St. Vincent DePaul, spoke in support saying he is a former youth counselor with Juneau Youth Services. A youth shelter is needed to break the poverty.

Kristi West, former ZGYC manager, spoke in support saying not having a safe place to sleep when needed forces youth into unsafe situations.

APPLICANT CLOSING STATEMENT – Ms. Pata, thanked the public for their testimony. Ms. Pata briefly described the funding for the project stating the current grants are available through June 2021 and there are other grant applications in process that will be used for necessary repairs and maintenance on the building.

Ms. Nigro clarified the ages that will be served by the facility and said the grounds will be kept up and will look much improved with trimmed grass, flowers, etc. Ms. Nigro said they have been awarded \$690,000 so far and another \$100,000 should be approved soon. This will fund the first 3 years.

Ms. Pata reiterated that they are in agreement with the conditions on the permit.

COMMISSION QUESTIONS FOR APPLICANT – Mr. Arndt asked if there is a plan or rules in place regarding the use of drugs or alcohol or crime committed on the property and asked if they foresee safety issues for the youth in the neighborhood due to this shelter opening. Ms. Pata stated the use of drugs or alcohol would not be permitted and she does not foresee an increase in crime or decrease in area safety due to this project.

At Ease 9:00p.m. – 9:12p.m.

ADDITIONAL QUESTIONS FOR STAFF – Mr. Dye asked for more information on why there was a need for a new permit if there was a permit for this use in the past. It has been his understanding that CUPs run with the land and there can be multiple CUPs on the same lot. Ms. Maclean answered that she is not aware of any properties with multiple CUPs running concurrently and having two in place at the same time could be incompatible as one permit could conflict with the other. She added there have been several changes to the land use code since the passage of the original CUP on this property in 1966. Mr. Dye asked for code citation

showing that if you apply for a new CUP your old CUP is gone. Ms. Maclean said she did not know of a particular code where this is described.

Mr. LeVine asked Ms. Wright for clarification on the terminology regarding what happens to the old CUP. Does the old CUP 'lapse', 'expire', 'go away', 'become void'? Ms. Wright said she would use the term 'abandoned' and explained the concept is one CUP ends because of the actions or inaction of the owner of a property. The original CUP is no longer valid due to the original owners closing and selling the land and the subsequent owners (Alaska Legacy Partners) applying for and obtaining a new CUP for a different activity in that location. That subsequent CUP expired due to inaction on the part of Alaska Legacy.

Mr. Pedersen asked does the Code language specifying that the senior assisted living CUP became void after the eighteen months play into any decision making as to whether or not the senior assisted living facility CUP replaced the youth housing CUP? Ms. Maclean clarified Alaska Legacy Partners allowed their permit to lapse and that took the place of the prior USE permit meaning there is currently no permit on that property for any use.

Mr. Arndt noted 'abandonment' is part of 49.30 (Nonconforming situations) but he does not see it in the section in question.

Ms. Maclean explained that a word can be used in one section of code and still apply in another section. In her interpretation of the USE permit,

a conditional use is a use that may or may not be appropriate in a particular zoning district according to the character or intensity or size of that or surrounding uses. The procedure is intended to afford the Commission the flexibility necessary to make determinations appropriate to individual sites.

Ms. Maclean continued to explain the site from 1966 has changed and no longer exists. The property has been vacated and sold and a new USE permit was applied for and that permit has lapsed. In her opinion and interpretation of the Conditional Use Permit and Land Use Code there is no existing USE permit for this property today.

Mr. Winchell asked Ms. Wright for her decision as counsel what allows them to make this decision. Ms. Wright said her argument in court if their decision was questioned would be 1966 permit was abandoned when the facility was closed and the property sold to Alaska Legacy Partners.

Mr. Arndt referenced Ms. Bishop's public testimony in which she said they received the Staff report only 24 hours prior to the meeting and asked if that was what had happened. Ms. Maclean answered that abutter notifications and the staff report were posted in accordance with CDD rules. The Staff report was posted to the CBJ website at least 2 weeks prior to the meeting this evening. Ms. Gallion said the Staff report was posted on Novus on October 2.

Mr. Arndt quoted a section of the staff report stating *“The City conveyed the property to the Juneau Borough in 1968, with the condition that, “...the premises herein described shall be used for Receiving Home purposes, and related, allied purposes only”* and asked if this is an ordinance, does it supersede all of what they are trying to do tonight. Ms. Maclean explained that even with an ordinance, there may be still be need for a USE permit on a property. Ms. Wright added that this is just one step in the process and if it is approved and moves forward and the assembly determines that is an ordinance in place, there will be time for review and update to that.

Mr. LeVine asked if there is a significant public policy interest in having the Planning Commission go through the CUP process, even if there is an Ordinance that restricts the use in place, in order to put conditions on the Ordinance that otherwise would be impossible. Ms. Maclean agreed

MOTION: *by Mr. Eiler to accept staff’s findings, analysis and recommendations and approve USE2020 0020.*

Mr. Dye spoke in support but expressed concerns regarding the issues of the process that have been brought up at this meeting. Mr. LeVine agreed with Mr. Dye and Mr. Arndt’s concerns about this process added that. However, there is a benefit to the community to update a permit that is over 50 years old so he supports this. Mr. Winchell agreed and added that with the changes in the property over the years, he agrees there is value in reviewing the permit. Mr. Arndt and Mr. Pedersen spoke in support of the motion and they also had concerns regarding the process.

Mr. Dye and Mr. Arndt had questions regarding the number of beds they are approving. Ms. Gallion clarified it was a total of twelve beds. Commissioners are voting on a facility with a total of twelve beds.

The motion passed with no objection.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS**

A. AME2019 0015: South Douglas – West Juneau Area Plan Steering Committee Assignments

Applicant: City & Borough of Juneau

Location: South Douglas – West Juneau

Staff Recommendation

Staff recommends the Planning Commission appoint Matt Catterson to the vacant Steering Committee seat.

MOTION: *by Mr. Dye to appoint Matt Catterson to the vacant Steering Committee seat.*

The motion passed with no objection.

B. Letter to the Assembly describing Commission priorities

Mr. LeVine asked for members to review the letter and provide feedback directly to him. If he doesn't hear from them within the week, then he will send it to the Assembly. If there are significant questions or concerns, then they will bring it back to the Commission for discussion before sending it on.

XII. STAFF REPORTS

Ms. Maclean reported:

- Title 49 met last week and will meet again October 29, at noon, via Zoom
- CDD has a new Planner I. Ms. Maclean introduced Joseph Myers to the Commission.

XIII. COMMITTEE REPORTS

- Mr. Dye reported Title 49 met and discussion included parking as well as vegetative cover and landscape
- Mr. Pedersen reported at the last JCOS meeting there was discussion about making recommendations on the CIP budget.
- Mr. LeVine added Mr. Eiler to the CIP Committee

XIV. LIAISON REPORTS – None

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS –

Mr. Levine thanked the commission and staff for yet another long meeting.

XVII. EXECUTIVE SESSION - None

XVIII. ADJOURNMENT – 10:07 pm

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

SNC2016 0001: Street Name Change of Third Street in the Mendenhall Valley - APPROVED AS
RECOMMENDED

AGENDA ITEM:

Case No.: SNC2016 0001
Applicant: City & Borough of Juneau
Location: Third Street in the Mendenhall Valley
Proposal: Street Name Change of Third Street in the Mendenhall Valley

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and APPROVE the requested street name change of Third Street in the Mendenhall Valley to Whale Tail Court.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for SNC2016 0001	10/26/2020	Staff Report
☐ Presentation for SNC2016 0001	11/6/2020	Presentation
☐ Notice of Decision for SNC2016 0001	4/2/2021	Notice of Decision



PLANNING COMMISSION STAFF REPORT
STREET NAME CHANGE SNC2016 0001
HEARING DATE: NOVEMBER 10, 2020

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

DATE: October 26, 2020
TO: Michael LeVine, Chair, Planning Commission
BY: Laurel Christian, Planner II *Laurel Christian*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: The proposed Street Name Change would change the name of Third Street in the Mendenhall Valley to Whale Tail Court.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- Third Street is an undeveloped CBJ right-of-way providing access to three properties.
- Currently, there is 3rd Street in Douglas, Third Street in downtown Juneau, and Third Street in the Valley.
- The majority of property owners who have access onto Third Street support the name change.
- The proposed name "Whale Tail Court" is unique to the borough.

GENERAL INFORMATION	
Applicant	Community Development Department
Initiated By	City and Borough of Juneau
Property Affected	5B1601130011; 5B1601110181; 5B1601130020
Existing Street Name	Third Street
Proposed Street Name	Whale Tail Court

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed street name change.
2. **Deny:** deny the permit and adopt new findings for items 1-2 below that support the denial.
3. **Continue:** continue the hearing to a later 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:
 - o 49.35.220

The Commission shall hear and decide the case per 49.35.220 (b) Existing Streets. The commission shall approve applications to change the name of any existing public street or right-of-way.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (LC)	Residential
South (LC)	Mixed Use
East	Glacier Highway
West (D5)	Residential

SITE FEATURES	
Anadromous	None
Flood Zone	None
Hazard	None
Hillside	None
Wetlands	None
Parking District	None
Historic District	None
Overlay Districts	None

SITE PHOTO



PROCEDURE

CBJ 49.35.220(b) establishes a procedure for changing the names of existing streets and platted rights-of-way:

(b) Existing streets. The commission shall approve applications to change the name of any existing public street or right-of-way.

(1) Application. The application must be on a form provided by the department and accompanied by:

(A) The application fee.

(B) Signed letters of approval from a majority of property owners whose properties have access to the public street proposed for the name change.

(2) Procedure. After public hearing, the commission shall review the proposed street name change for consistency with this section, and, upon a finding that the change is consistent with this section and that the majority of property owners whose properties have access to the public street proposed for the name change approve of the change, shall approve the application.

(3) Sign replacement. If the name change is approved, the applicant shall be responsible for replacing all existing street name signs as specified by the department.

DISCUSSION

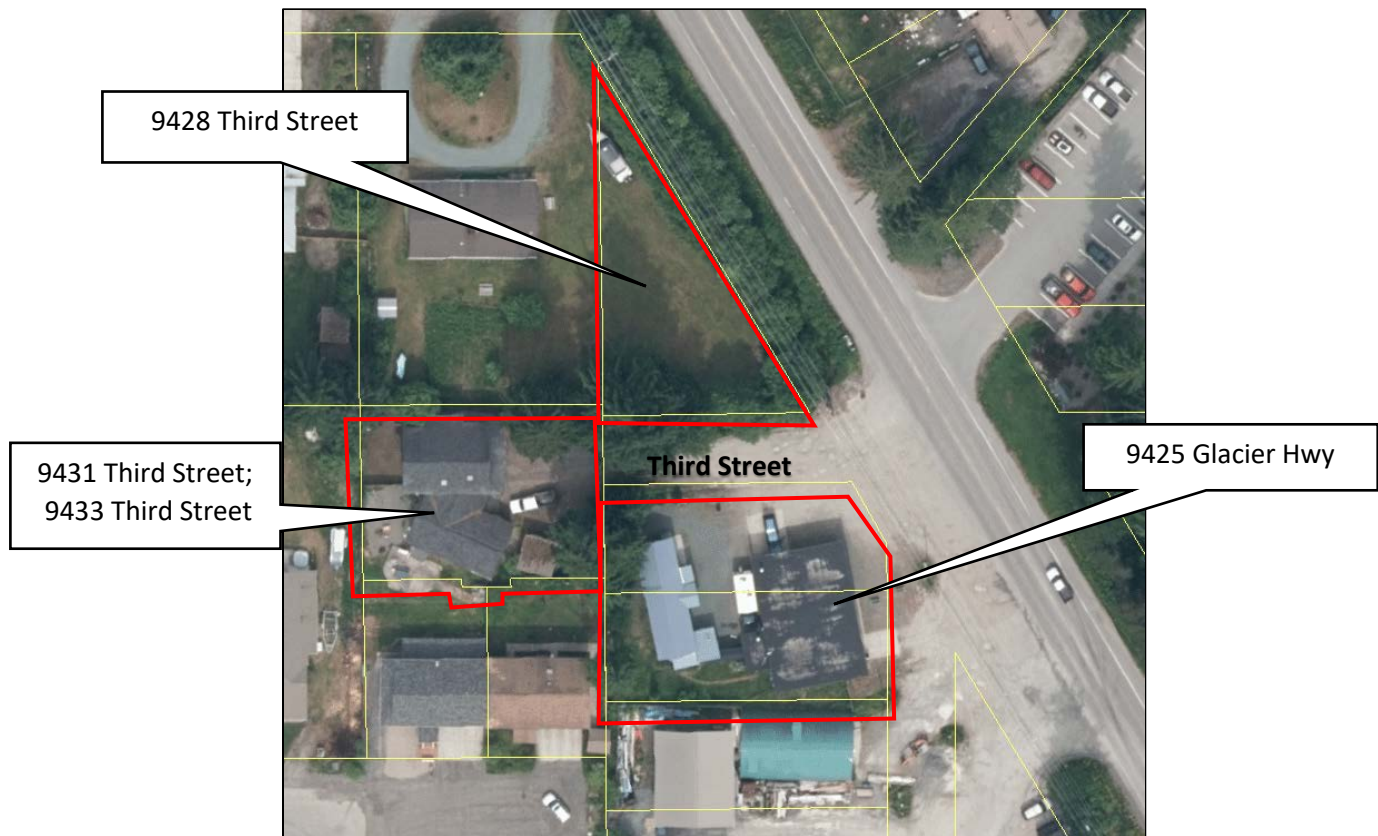
Background – The Third Street right-of-way (ROW) was platted in 1950 through the J.W. McKinley Property Plat, recorded in a Deed Book at the Juneau Recording District. Within the Borough, there are three Third Streets: one downtown, one on Douglas, and one in the Mendenhall Valley. The primary driver for this request is to provide addresses that ensure prompt E911 response in the case of an emergency. Unique street names help lessen confusion when police or fire are responding to requests for emergency services. When naming new streets, staff requires that the street name be unique for this purpose. Because each of the existing Third (or 3rd) Streets were all platted prior to zoning requirements, there were no controls on naming.

This case was originally created in 2016; at that time staff attempted to contact the three property owners who use Third Street for Access. Responses were not received. The original request was to eliminate the name of this street altogether. Staff sent letters to the three property owners again in July of 2020 and received responses from all three property owners. Two of the three property owners agreed to the name change and one requested the name not be changed (Attachment C).

One of the property owners recommended the name be changed to Whale Tail Court. This name is unique, and staff recommends moving forward with this name.

Property Affected – The Third Street ROW is an undeveloped CBJ ROW that provides access to three properties. Two of the three properties also have frontage on Glacier Highway. This portion of Glacier Highway is classified as a minor arterial, so direct access should be avoided. Two of the three properties with access to Third Street have site addresses assigned to Third Street. One property has a site address assigned to Glacier Highway. The two property owners with Third Street addresses both submitted letters in support of the name change; the property owner whose site address is assigned Glacier Highway requested the name not be changed (Attachment C). Although Glacier Highway addresses would have been acceptable for the properties abutting the Third St ROW, there was not a Glacier Highway number available in sequence to assign to the lot owned by the Bydlons.

(9428 Third Street). Assigning non-sequential address numbers may not ensure prompt E911 response in the case of an emergency.



AGENCY REVIEW

CDD conducted an agency review comment period between September 18, 2020 and October 2, 2020. No issues were raised through this review. Capital City Fire & Rescue, Juneau Police Department, and the CBJ Lands Division all agreed that changing the name would lessen confusion during E911 responses.

PUBLIC COMMENTS

Public notice was mailed to property owners within 500 feet of the ROW (Attachment B); a public notice sign was posted on-site two weeks prior to the scheduled hearing; and newspaper ads were placed in the Juneau Empire. Additionally, as required by 49.35.220(b)(1)(B), staff sent letters to the three property owners who have direct access onto Third Street. Public comments can be found in Attachment C.

Name	Summary
Nathan and Ann Smith (9431/9433 Third Street)	Submitted a signed letter supporting the name change from Third Street to Whale Tail Court.
Chris and Jayleen Bydlon (9428 Third Street)	Submitted a signed letter supporting the name change from Third Street to Whale Tail Court. Also submitted additional comments in support of the name change, stating there is difficulty and confusion in receiving deliveries and finding their location; this creates a dangerous situation for emergency service responses.
Daryl W. Stevens (9425 Glacier Highway)	Requested the name not be changed.

FINDINGS

1. Is the application for the requested street name change complete?

Analysis: No additional analysis needed.

Finding: Yes. The application contains the necessary information to conduct a full review of the proposed street name change. The application, substantially conforms to the requirements of CBJ 49.35.220(b)(1).

2. Have the majority of property owners whose properties have access to the public street proposed for the name change approved of the change?

Analysis: There are three lots that have direct access onto Third Street. Staff received letters from two property owners supporting the name change and one property owner in opposition of the name change.

Finding: Yes. The majority of property owners whose properties have access to the public street have approved the name change.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and APPROVE the requested street name change of Third Street in the Mendenhall Valley to Whale Tail Court.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	Letters from Property Owners

STREET NAME CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number SNC 16-001	Date Received 6/17/16																																			
IS THIS ASSOCIATED WITH A MAJOR OR MINOR SUBDIVISION? ☒ NO ☐ YES																																						
If yes, this process will be handled through the Major or Minor Subdivision Process and an additional application is not necessary.																																						
ADDITIONAL INFORMATION: Existing Street Name: <u>Third St (Mendenhall Valley)</u> Proposed Street Name: <u>None</u> ☒ City ROW ☐ State ROW ☐ Private ROW The name change will affect: ☐ a Portion of the Street ☒ the Entire Street Total distance of ROW affected by the proposed Street Name Change <u>100 ft 250 ft</u>																																						
REASON(S) FOR CHANGING THE STREET NAME: <u>There is currently a 3rd St in Douglas and a Third St downtown. Eliminating the "Third St" name from the ROW in the Mendenhall Valley will reduce potential confusion with regards to 911 dispatch and emergency response.</u>																																						
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5">STREET NAME CHANGE APPLICATION FEES</th> </tr> <tr> <th></th> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ 400</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ 50</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ 100</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ 550</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>			STREET NAME CHANGE APPLICATION FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ 400	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Pub. Not. Sign Fee	\$ 50	_____	_____	_____	Pub. Not. Sign Deposit	\$ 100	_____	_____	_____	Total Fee	\$ 550	_____	_____	_____
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **street name change** of Third Street in the Mendenhall Valley.

TIMELINE

Staff Report expected to be posted **Monday, November 2, 2020** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through Oct. 19

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

Oct. 20 — noon, Nov. 9

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

HEARING DATE & TIME: 7:00 pm, Nov. 10, 2020

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/98274621108>. The Webinar ID is: 982 7462 1108. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

November 11

The results of the hearing will be posted online.

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

Printed October 8, 2020

Case No.: SNC2016 0001

Parcel No.: 0

CBJ Parcel Viewer: <http://epv.juneau.org>

Laurel Christian

From: Laurel Christian
Sent: Monday, October 26, 2020 9:09 AM
To: Laurel Christian
Subject: SNC20160001 sign
Attachments: IMG_7530.jpg; ATT00001.txt





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

Address: 9431 & 9433 Third St, Juneau

Parcel Number: 5B1601110181

Legal Description: GLOVER TR B LT 1A

Re: Renaming of Third Street, Off Glacier Highway

To Nathan and Ann Smith,

As owner of GLOVER TR B LT 1A, accessed via Third Street which is a City and Borough of Juneau (CBJ) unmaintained Right of Way in the J W MCKINLEY Subdivision, I approve the change in name for this street to the proposed name "Whale Tail Court" or other name designated by CBJ. I understand this street name change will affect my existing addresses of 9431 & 9433 Third St.

Signed

Signed

Print name

Print name

Please return to:

Quinn Tracy
Community Development Department
City and Borough of Juneau
155 S. Seward Street
Juneau, AK 99801

FAX: 907-586-4529

Email: quinn.tracy@juneau.org



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

Address: No Address Number, Third Street (valley), Juneau

Parcel Number: 5B1601130011

Legal Description: J W MCKINLEY BLOCK 32 LOTS 1A

Re: Renaming of Third Street, Off Glacier Highway

To Chris & Jayleen Bydlon,

As owners of J W MCKINLEY BLOCK 32 LOT 1A, accessed via Third Street which is a City and Borough of Juneau (CBJ) unmaintained Right of Way in the J W MCKINLEY Subdivision, I approve the change in name for this street to the proposed name "Whale Tail Court" or other name designated by CBJ. We understand that CBJ will assign a future address using the proposed street name, but if the street name change is not approved, a Glacier Highway address may be assigned.

Signed 

Print name Chris Bydlon

Please return to:

Quinn Tracy
Community Development Department
City and Borough of Juneau
155 S. Seward Street
Juneau, AK 99801

FAX: 907-586-4529

Email: quinn.tracy@juneau.org

Laurel Christian

From: Chris Bydlon <chrisbydlon@yahoo.com>
Sent: Tuesday, October 13, 2020 8:37 PM
To: Laurel Christian
Cc: Quinn Tracy
Subject: Renaming Third Street - Case #SNC2016 0001

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

Hello Laurel,

I'm writing to voice my support of the proposal to rename the "Third Street" in the valley. I have communicated much of this to Quinn already, but I just wanted to make sure that it gets officially recorded as part of the case for the planning commission. At the time I obtained a building permit for my property, which CBJ has required me to access from "Third Street", Quinn logically assigned my property an address off of Third Street. It quickly became apparent that this was causing confusion with multiple contractors and delivery drivers ending up calling me from downtown Juneau trying to find our property. There was generally frustration when I informed people that there was a duplicate street name in the valley. Fed Ex, Alaska Waste, and others also have also had confusion finding our street. It is clear that the name "Third Street" serves no useful purpose in identifying or locating this street. As CBJ has acknowledged, this is also a safety issue. A delivery driver not being able to locate a street/address is an inconvenience; police or fire response not being able to locate a street/address during an emergency could be a much more serious situation.

I also wanted to address a concern that I had about the "Development Permit Application" listed on the planning commission website. I assume it is simply outdated, as it is dated 6/17/16, but the application lists the "Proposed Street Name" as "None". It also mentions "Eliminating" the Third Street name, but never mentions assigning it a new name. The form that CBJ sent to me and the other property owners along Third Street for approval signatures stated that the street will be renamed to "Whale Tail Court". Both I and the other property owner that take primary access from this street signed our approval of this name change. It seems that it would be ideal to have the application on the planning commission's website accurately reflect this information, but at a minimum I'd like to request that you confirm this in writing.

I've CC'ed Quinn on this email, as he has been very helpful in addressing some of the issues regarding this street.

Thank you for your time.

-Chris Bydlon



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

Address: 9425 Glacier Highway, Juneau,

Parcel Number: 5B1601130020

Legal Description: J W MCKINLEY BLOCK 32 LOTS 3 & 4

Re: Renaming of Third Street, Off Glacier Highway

To Mr. Stevens,

As owner of J W MCKINLEY BLOCK 32 LOTS 3 & 4, accessed via Third Street which is a City and Borough of Juneau (CBJ) unmaintained Right of Way in the J W MCKINLEY Subdivision, I approve the change in name for this street to the proposed name "Whale Tail Court" or other name designated by CBJ. I understand this street name change will not affect my existing address of 9425 Glacier Highway.

Signed _____

*Don't Change
Name DWS*

Print name _____

Please return to:

Quinn Tracy
Community Development Department
City and Borough of Juneau
155 S. Seward Street
Juneau, AK 99801

FAX: 907-586-4529

Email: quinn.tracy@juneau.org

SNC20160001

The proposed Street Name Change would change the name of Third Street in the Mendenhall Valley to Whale Tail Court.

PC Presentation – November 10, 2020

Background Information

- Third Street ROW was platted in 1950
- Within the Borough, there are three Third Streets: one downtown, one on Douglas, and one in the Mendenhall Valley
- The primary driver for this request is to provide addresses that ensure prompt E911 response in the case of an emergency

Vicinity Map



Property Affected



49.35.220(b)(1)(B)

- Code requires consent from the majority of property owners whose property have access to the street.

Name	Summary
Nathan and Ann Smith (9431/9433 Third Street)	Submitted a signed letter supporting the name change from Third Street to Whale Tail Court. Also submitted comments in support of the name change, found in the additional materials packet.
Chris and Jayleen Bydlon (9428 Third Street)	Submitted a signed letter supporting the name change from Third Street to Whale Tail Court. Also submitted additional comments in support of the name change, stating there is difficulty and confusion in receiving deliveries and finding their location; this creates a dangerous situation for emergency service responses.
Daryl W. Stevens (9425 Glacier Highway)	Requested the name not be changed.

Agency Review & Public Comments

- Capital City Fire & Rescue, Juneau Police Department, and the CBJ Lands Division all agreed that changing the name would lessen confusion during E911 responses.
- No additional public comments were received.



Findings

1. Is the application for the requested street name change complete?

Finding: Yes. The application contains the necessary information to conduct a full review of the proposed street name change. The application, substantially conforms to the requirements of CBJ 49.35.220(b)(1).

1. Have the majority of property owners whose properties have access to the public street proposed for the name change approved of the change?

Finding: Yes. The majority of property owners whose properties have access to the public street have approved the name change.

Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and **APPROVE** the requested street name change of Third Street in the Mendenhall Valley to Whale Tail Court.

Questions?



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: November 12, 2020
Case No.: SNC20160001

Community Development Department
155 S Seward Street
Juneau, Alaska 99801

Proposal: Street Name Change to change the name of Third Street in the Mendenhall Valley to Whale Tail Court.

Property Address: Third Street (Valley)

Legal Description: Not Assigned

Parcel Code No.: Not Assigned

Hearing Date: November 10, 2020

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 26, 2020 and APPROVED the requested street name change of Third Street in the Mendenhall Valley to Whale Tail Court.

Attachments: October 26, 2020, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding SNC20160001.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

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).

Community Development Department
Case No.:SNC20160001
November 12, 2020
Page 2 of 2

Effective Date: The permit is effective upon approval by the Commission, November 11, 2020.



Michael Levine, Chair
Planning Commission

Nathaniel Dye, Vice Chair

11/19/2020
Date



Filed With Municipal Clerk

11/20/20
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**

VAR2020 0002: Variance to minimum lot depth from 85 to 60 feet for purposes of subdivision - DENIED

AGENDA ITEM:

Case No.: VAR2020 0002

Applicant: Rand E. Thatcher

Location: 8497 Mendenhall Loop Road

Proposal: Variance to minimum lot depth from 85 to 60 feet for purposes of subdivision

RECOMMENDATION:

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY the requested non-administrative variance.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for VAR2020 0002	11/3/2020	Staff Report
☐ Presentation for VAR2020 0002	11/6/2020	Presentation
☐ Notice of Decision for VAR2020 0002	4/2/2021	Notice of Decision



BOARD OF ADJUSTMENT STAFF REPORT
VARIANCE VAR2020 0002
HEARING DATE: NOVEMBER 10, 2020

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

DATE: November 3, 2020
TO: Michael LeVine, Chair, Board of Adjustment
BY: Irene Gallion, Senior Planner 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Non-administrative Variance to minimum lot depth from 85 to 60 feet for the purposes of subdivision.

STAFF RECOMMENDATION: Denial

KEY CONSIDERATIONS FOR REVIEW:

- Variance would allow subdivision creating two lots with substandard depth. Lots would be considered compliant, if variance is approved.
- Lot has a single-family structure. Intended use has not been denied.
- Natural conditions of the lot do not create an undue hardship.
- Similarly-situated properties have the same constraints to subdivision and development.

GENERAL INFORMATION	
Property Owner	Kathy Thatcher; Rand Thatcher
Applicant	Rand Thatcher
Property Address	8497 Mendenhall Loop Road
Legal Description	North Loop 1 Lot 1
Parcel Number	5B2401240010
Zoning	D5
Lot Size	22,090 square feet
Water/Sewer	CBJ
Access	Mendenhall Loop Road
Existing Land Use	Residential
Associated Applications	NCC20200068

ALTERNATIVE ACTIONS:

1. **Approve:** approve the permit and adopt new findings for items 1-2 below that support the approval. Approval may require conditions.
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:
 - o 49.15.420
 - o 49.20.230(b)
 - o 49.20.240
 - o 49.20.250(b)
 - o 49.20.260
 - o 49.25.400
 - o 49.80

The Board of Adjustment shall hear and decide the case per 49.20.240. The board of adjustment 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 49.20.250(b).

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North	Mendenhall Loop Rd.
South (D5)	Residential
East (D5)	Residential
West (D5)	Residential

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	No
Hillside	No
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	No

BACKGROUND INFORMATION

Project Description – The applicant requests a variance to reduce D5 minimum lot depth for the purposes of subdivision (**Attachment A**).

A variance changes the standards and regulations that apply to a lot. If the Board of Adjustment grants this variance, the resulting lots will be considered compliant, despite the less-than-required lot depth.

In order to grant a variance, the Board of Adjustment must determine that [CBJ 49.20.250(b)]:

- (A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;
- (B) The unusual or special conditions of the property are not caused by the person seeking the variance;
- (C) The grant of the variance is not detrimental to public health, safety, or welfare; and
- (D) The grant of the variance is narrowly tailored to relieve the hardship.

The need for the variance must be based on a naturally-occurring peculiarity of the lot. A variance provides a “safety valve” for a land owner who would suffer undue hardship from literal application of zoning rules.

During staff review it became evident that in order for a variance to be heard there had to be a formal proposal to vary. A pre-application conference was scheduled for Wednesday, 11/4/2020, to formally review the subdivision proposal and clarify the need for a variance to lot depth.

November 3, 2020
VAR2020 0002
Page 3 of 8

Background – The background information below is divided into sections: platting, lot dimensional standards, yard setbacks, and history.

Platting

If the board grants this variance, the owner could subdivide the existing into two lots with less-than-required lot depth. Resulting lots would be considered compliant for lot depth. A subdivision application has not yet been received or reviewed; all applicable platting standards would apply. This variance approval is separate from a minor subdivision approval.

Lot Dimensional Standards

If the board grants this variance, the owner could subdivide the existing into two lots with less-than-required lot depth. Lot 1A would have a depth of approximately 60 feet. Lot 1B would have a depth of approximately 81 feet (rounding down).

To summarize the impacts of this proposal [CBJ 49.15.420]:

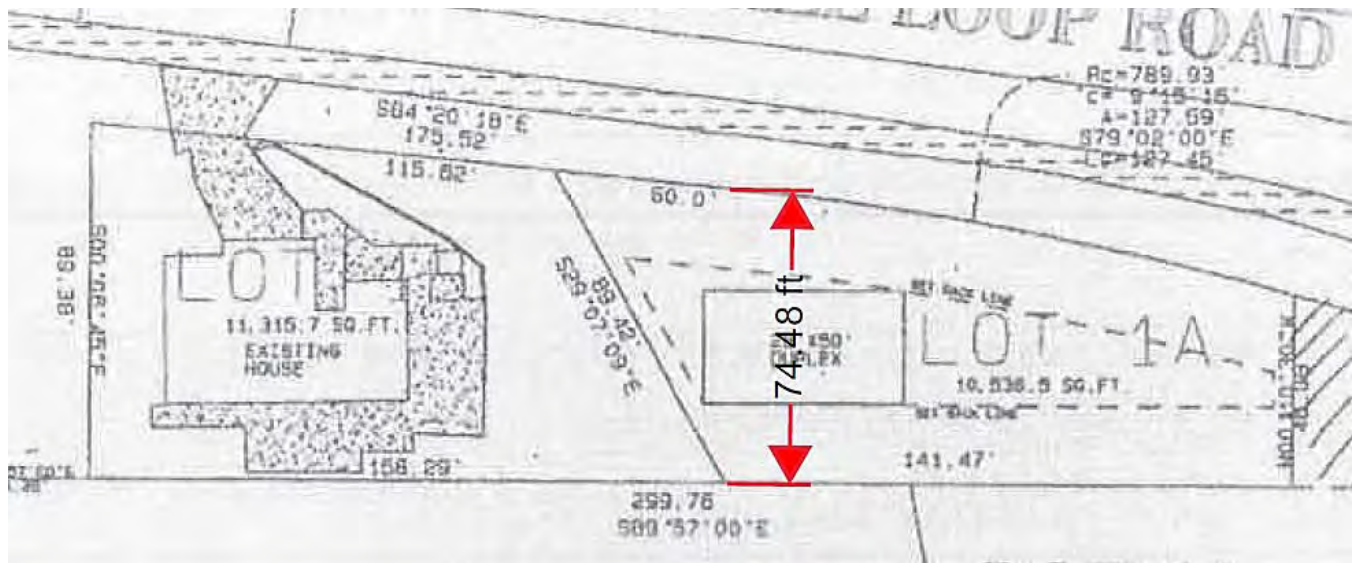
	Required	Existing	Proposed Lot 1A	Proposed Lot 1B
Lot depth (linear feet)	85	68.73	~60	~81
Rear yard setback (linear feet)	20	19 ^A	20	19 ^A

A: Existing nonconforming structure (**Attachment B, page 35**)

“Lot depth” means the average distance measured from the front lot line to the rear lot line [CBJ 49.80]. Lot depth can be determined by adding the lot depth at one end to lot depth at the other, and dividing by two. Using this method, the lot’s current nonconforming depth is 68.73 linear feet.

The applicant proposed two subdivision scenarios (**Attachment A, page 3**). The limitations of Lot 1A inform this variance request, though both lots would have substandard lot depth. The calculations below use scaling to estimate the depth of the lot at the proposed new lot lines. East and west lot lines have been surveyed.

1st Choice:

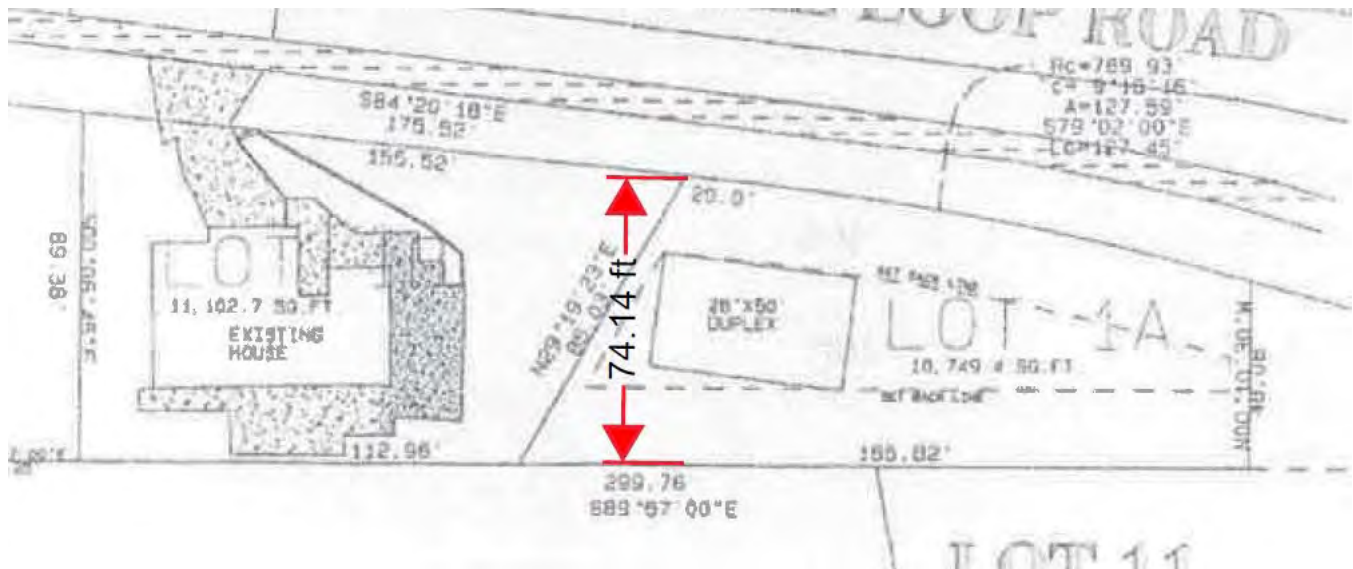


Proposed Lot 1A depth $(74.48 + 48.08) / 2 = 61.28$ linear feet

Proposed Lot 1B depth $(89.38 + 74.48) / 2 = 81.93$ linear feet

November 3, 2020
VAR2020 0002
Page 4 of 8

2nd Choice:



Proposed Lot 1A depth $(74.14 + 48.08) / 2 = 61.11$ linear feet

Proposed Lot 1B depth $(89.38 + 74.14) / 2 = 81.76$ linear feet

Setbacks

Subdivided lots resultant from approval of this variance would have less-than-required lot depth, and would be considered compliant with a new lot depth specialized for this situation. They would not qualify for setback reductions for substandard lots.

The existing single-family structure is nonconforming for rear yard setback; the owner has received a Nonconforming Certification (**Attachment B, page 1**). The single-family structure is 19 feet from the rear lot line (**Attachment B, page 35**). The minimum setback for D5 zoning is 20 feet.

Subdividing the lot will not aggravate the nonconforming situation. Only one resultant lot will have nonconforming structures (eventual Lot 1B). Eventual Lot 1A does not currently have permanent structures constructed. The duplex shown on Lot 1A above is one proposal for the lot, and is shown as illustration. New structures would be required to meet the required minimum setbacks for the zoning district.

History

The existing lot was platted in 1977 with less than required lot depth through a Planning and Zoning Commission Platting Board variance. The merits of the variance were not recorded (**Attachment B, page 28**). The existing lot is considered compliant.

The applicant applied for and received a variance to lot depth at the April 15, 2016 regular Board of Adjustment meeting (VAR2016 0003, **Attachment C**). The variance expired on October 26, 2017 without a development permit issued or submittal of a subdivision platting application.

Current variance regulations became effective on June 14, 2018.

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

Item	Summary
NCC20200068	A nonconforming certification review for structure setbacks.
Nonconforming Ordinance (AME20190037)	Amending the Land Use Code relating to nonconforming development to current standards.
Variance Ordinance (AME20180004)	Amending the Land Use Code relating to variances to current standards.
VAR20160003	Variance to lot depth requirements for purposes of subdivision. Variance was granted under previous regulatory code. The variance expired on October 26, 2017.
Zoning Code (current)	1987, D5 minimum lot depth was 85 feet. Rear yard setback is 20 feet.
Building Permit 13874	1981, construction of a single-family structure with 19-foot rear yard setback.
Plat 77-69	1977, subdivision creating the lot.
Meeting Minutes	1977, Planning and Zoning Commission, Platting Board: final plat and lot depth variance approval.
Meeting Minutes	1976, Planning and Zoning Commission, Platting Board: preliminary plat discussion. Acknowledgement of substandard lot depth.
Zoning code	1969, R7 minimum lot depth was 85 feet. Rear yard setback was 15 feet.

ANALYSIS

Project Site – Mendenhall Loop Road is classified a collector [CBJ 49.35.230, Ordinance 2013-9]. A subdivision may directly access a major collector if the parcel (*sic*) has less than 500 feet of frontage or less than 350 feet of depth [CBJ 49.35.210(c)]. This lot would qualify for the exemption.

Properties to the east in this subdivision have lot depths in excess of 89 feet. Lot widths vary from 80-102 feet. Minimum lot width for D5 is 70 linear feet.

Lot Dimensional Standards – The applicant requests a non-administrative variance to reduce the D5 lot depth requirement from 85 linear feet to 60 linear feet.

Standard	Requirement	Existing	Requested		Code Reference
			<i>Lot 1A</i>	<i>Lot 1B</i>	
Lot Size, square feet	7,000	22,090	10,537	11,316	49.25.400
Lot Width, linear feet	75	300	141+	115+	49.25.400
Lot Depth, linear feet	85	68.73	~60	~82	49.25.400

VARIANCE STANDARDS

Pursuant to CBJ 49.20.200, a variance may be granted to provide an applicant relief from the requirements of this Title 49, the Land Use Code. A variance cannot vary requirements or regulations of Title 49 concerning the use of land or structures, housing density, lot size, requirements in chapter 49.35 (Public and Private Improvements), or requirements in 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 Board of Adjustment 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 applicant must establish that adhering to the code creates hardship that is distinct from similarly situated properties. Hardship must be due to peculiarities of the land.

“Hardship” means that the land cannot be used as intended. Pecuniary difficulties cannot be considered hardship.

The lot was platted and zoned in a district intended for single-family and duplex development. The lot has a single-family structure on it. Reasonable use of the property has occurred.

The other lots in the original North Loop Subdivision No. 1 (**Attachment B, page 31**) could be considered “similarly situated.” Those lots are unable to subdivide into two standard lots. The five subdivision lots to the east of this one (8501, 8505, 8509, 8513, and 8517 Mendenhall Loop Road) are unable to subdivide due to minimum lot size requirements. The two lots further east that are part of the original subdivision (8521 and 8525 Mendenhall Loop Road) have lot size sufficient to subdivide into a regular lot and bungalow lot without granting of a variance.

Lots to the south in the Forest Estates subdivision could subdivide based on lot size, but may have challenges with other lot dimensions due to the irregular shape of the lots.

The existence of a single-family structure on the land demonstrates the land does not have peculiarities that deny use. There are no mapped anadromous streams and no mapped wetlands on the lot. The lot is not in a FEMA mapped flood zone. The lot has a slope of less than two percent both across the width and depth.

Finding: This criterion **has not** been met.

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

Analysis: No unusual conditions of the property exist, caused by the applicant or otherwise.

The owner’s desire to subdivide the land creates the need for a variance, so the need for the variance is “self-created.” The need for a variance is not due to a natural condition of the land.

Finding: This criterion **has not** been met.

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

Analysis: ADOT&PF says Lot 1A would have adequate sight distances for a driveway.

Finding: This criterion **has** been met.

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

Analysis: This variance cannot be considered narrowly-tailored.

- There is no proven hardship to which to tailor the variance.
- The subdivision would self-create a hardship.

The proposed subdivision would result in two lots with varied depth. Resultant Lot 1A depth would be about 61 feet deep. Resultant Lot 1B would be about 81 feet deep. This variance request is based on the most restrictive lot depth required for the proposed subdivisions. The request has been rounded down to 60 feet.

Finding: This criterion **has not** been met.

Pursuant to CBJ 49.20.260, the Board 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 September 24, 2020 and October 2, 2020. One comment was received and can be found in **Attachment D**.

Agency	Summary
Alaska Department of Transportation and Public Facilities	Proposed Lot 1A would have adequate sight distances for a driveway and would be approved. ADOT&PF has concerns about the current use of the bike path to access the current lot.

PUBLIC COMMENTS

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

Name	Summary
Tim Polaski	Does not support. Concerns with compounding reductions and the issue of hardship.

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 Section 49.20.250(b)(1), Non-Administrative Variances?

Analysis: The Applicant has not established that:

- A peculiarity of the land causes hardship.
- The land cannot be used as intended.

- The lot is different than similarly-situated properties.
- A natural condition creates hardship.

Finding: No. The requested variance does not meet all of the criteria of Section 49.20.250(b)(1), Non-administrative Variances.

RECOMMENDATION

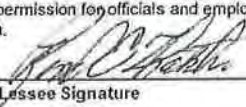
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY the requested non-administrative variance.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Nonconforming Certification for Structures
Attachment C	VAR2016 0003
Attachment D	Agency Comment
Attachment E	Abutters Notice
Attachment F	Sign photo
Attachment G	Public Comments
Attachment H	Pre-application conference notes - <i>PENDING</i>

DEVELOPMENT PERMIT APPLICATION

Project Number VAR2010002	CITY and BOROUGH of JUNEAU	Date Received: 8/26/20
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description VARIANCE APP. FOR N LOOP SUB NO 1, TRAC A LOT 1 USS NO. 3758		
	PROPERTY LOCATION		
	Street Address 8497 MEND LOOP RD.	City/Zip JNU, AK	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) NORTH LOOP 1 LT 1		
	Assessor's Parcel Number(s) 5B2461240010		
	LANDOWNER/ LESSEE		
	Property Owner's Name RAND E. THATCHER	Contact Person: 602 923-7521	Work Phone:
	Mailing Address P.O. 210145 AUR BAY, AK 99821	Home Phone: (907) 989-1557	Fax Number:
	E-mail Address RT THATCHER @ GCI . NET	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ***Required for Planning Permits; not needed on Building/ Engineering Permits***	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		Landowner/Lessee Signature 	Date 3/2/16
X		Landowner/Lessee Signature	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name		Contact Person:	Work Phone:
Mailing Address SAME		Home Phone:	Fax Number:
E-mail Address		Other Contact Phone Number(s):	
X		Applicant's Signature	Date of Application

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type Building/Grading Permit	Date Received	Application Number(s)
		City/State Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
	☒	Variance Case (De Minimis and all other Variance case types)	8/24/20	
		Wetlands Permits		
	Zone Change Application			
	Other (Describe)			
Comments:				
***Public Notice Sign Form filled out and in the file.			Permit Intake Initials ANE	



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 8497 mendenhall Loop Rd, Request to reduce lot depth requirement. Please see attached narrative.							
	VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to) 49.25.400							
	Previous Variance Applications? YES ☒ NO ☐		Date of Filing: 4/15/2016					
	Previous Case Number(s): VAR2016 0003		Building Permit related to this variance? YES ☐ NO ☒					
	Was the Variance Granted? YES ☒ NO ☐							
UTILITIES AVAILABLE: <table border="0"> <tr> <td>WATER</td> <td>Public ☐ On Site ☐</td> <td>SEWER:</td> <td>Public ☐ On Site ☐</td> </tr> </table>					WATER	Public ☐ On Site ☐	SEWER:	Public ☐ On Site ☐
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-----

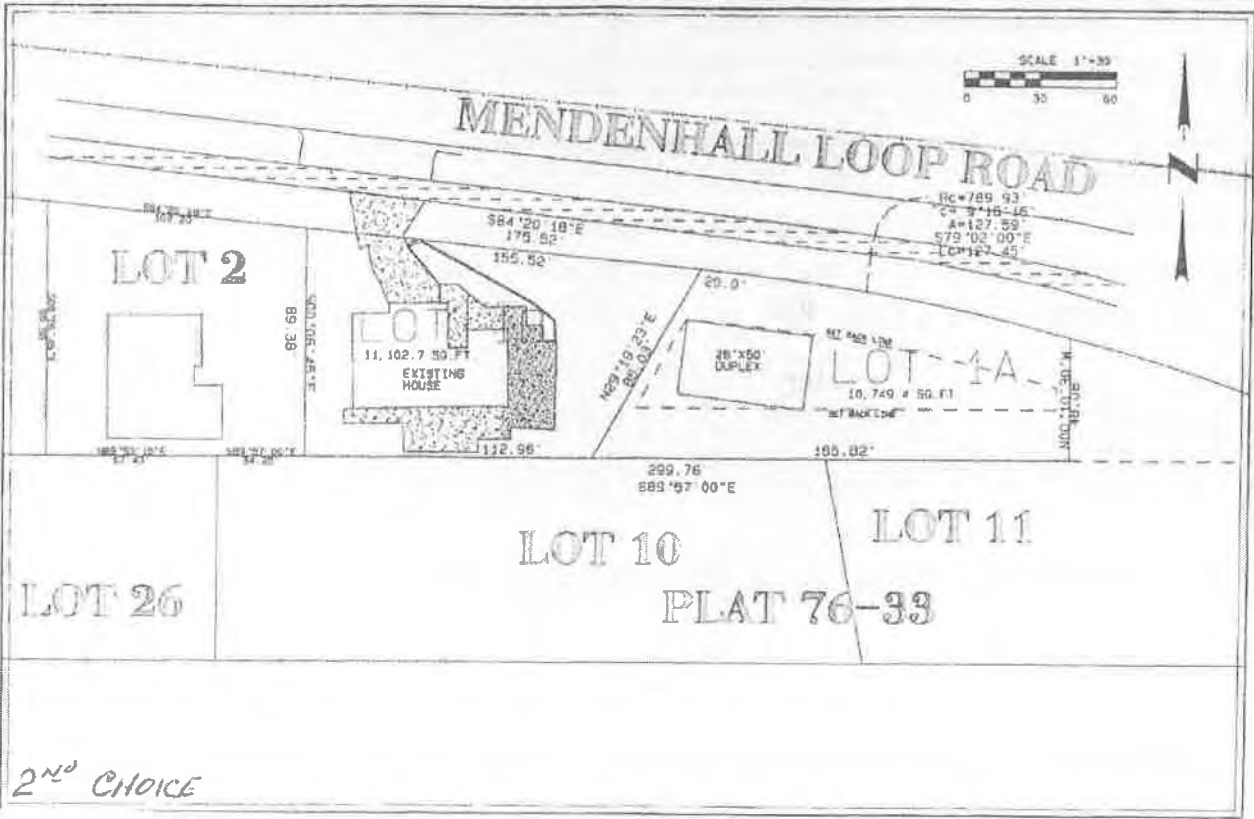
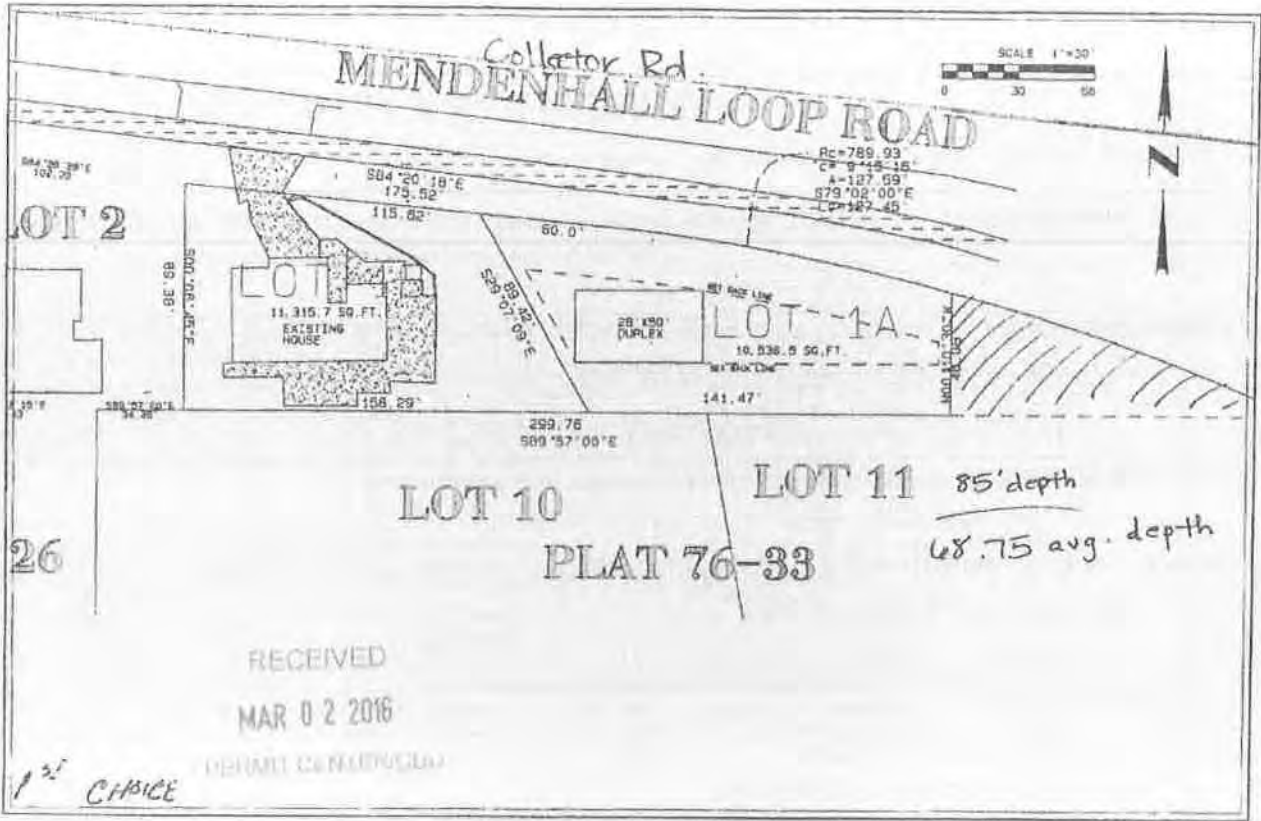
VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ 400			
Adjustment	\$			
Total Fee	\$ 400			

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 20200002	8/26/20



Attachment B

Date: August 15, 2020

Project Summary: Rand E. and Kathy L. Thatcher wishes to subdivide 8497 Mendenhall Loop Rd., Assessors Parcel # 5B2401240010 into two lots. Lot is zoned D-5 and existing lot is .5 acres/22,090 square feet.

Variance Requested: Variance request to reduce the lot depth requirement from 85 feet to 68.75 feet to allow a two lot subdivision.

Previous Variance Applications? Yes -- filed April 15, 2016 and approved by assembly

Utilities Available: Public Water and Public Sewer

Project Description: Our property is located at 8497 Mendenhall Loop Road and is 22,090 square feet in size. Our intention is to subdivide the lot (Lot 1) into two lots: Lot 1A and Lot 1B. See attached proposed subdivision layout. Lot 1 has an unusual shape with narrows from 89.38 feet on the western side to 48.08 feet on the eastern side. The average of these two distances gives the lot a depth of 68.73 feet. Lot 1 was created in 1977 as part of the North Loop Subdivision No. 1 (Plat 77-69). A variance was approved by the Planning Commission in 1976 to reduce the R7 lot depth requirement from 85 feet to 68.73 feet to the then owners of the North Loop Subdivision.

We have owned the property since 1994. In April of 2016 we applied for a dimensional project variance and the variance was reviewed and approved by the City. The variance approval had a time limit completion date that we did not become aware of until after the time to complete had expired. We did not proceed with this project at the time of variance approved due to funding constraints and time delays we experienced in working through another subdivision project we were involved working through with the city in the Lena area. At the time, the City had just modified the Code and there was confusion between the engineering firm preparing the subdivision application, the city planners, and us as the applicants, as to what was allowed by the code. The Lena subdivision project took years to complete and cost us several times our design initial bids with the engineering firm.

With the completion of the Lena subdivision, we are now looking to move forward with the previously planned project to subdivide the 8497 Mendenhall Loop Rd. This lot fronts the Back Loop Road and is close to schools, the bus line, and shopping. It is a flat parcel and would be easily developed. If the variance is not extended for this project, we will suffer a financial hardship based on our ability not to benefit from the sale of the parceled lot. Additionally, the City will lose the opportunity to provide additional housing in an area that is easily developed and near existing infrastructure.

Project Meets Variance Criteria:

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

When Lot 1 was initially developed, the developers received a variance which allowed for the unusually long and narrow portion of the lot. Given the lot is zoned D-5 and is 22,090 square feet, the current ordinance does not allow the lot to achieve its greater potential. Enforcement of the

ordinance would create an undue hardship to us who 1) who made future plans based on an already received a variance for the dimension requirements, but lost due to an arbitrary project completion date; 2) not allow us to benefit financially through the sale or development of the proposed parceled lot; and 3) not allow this prime location to be further developed or sold to provide needed housing for sale to the public.

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

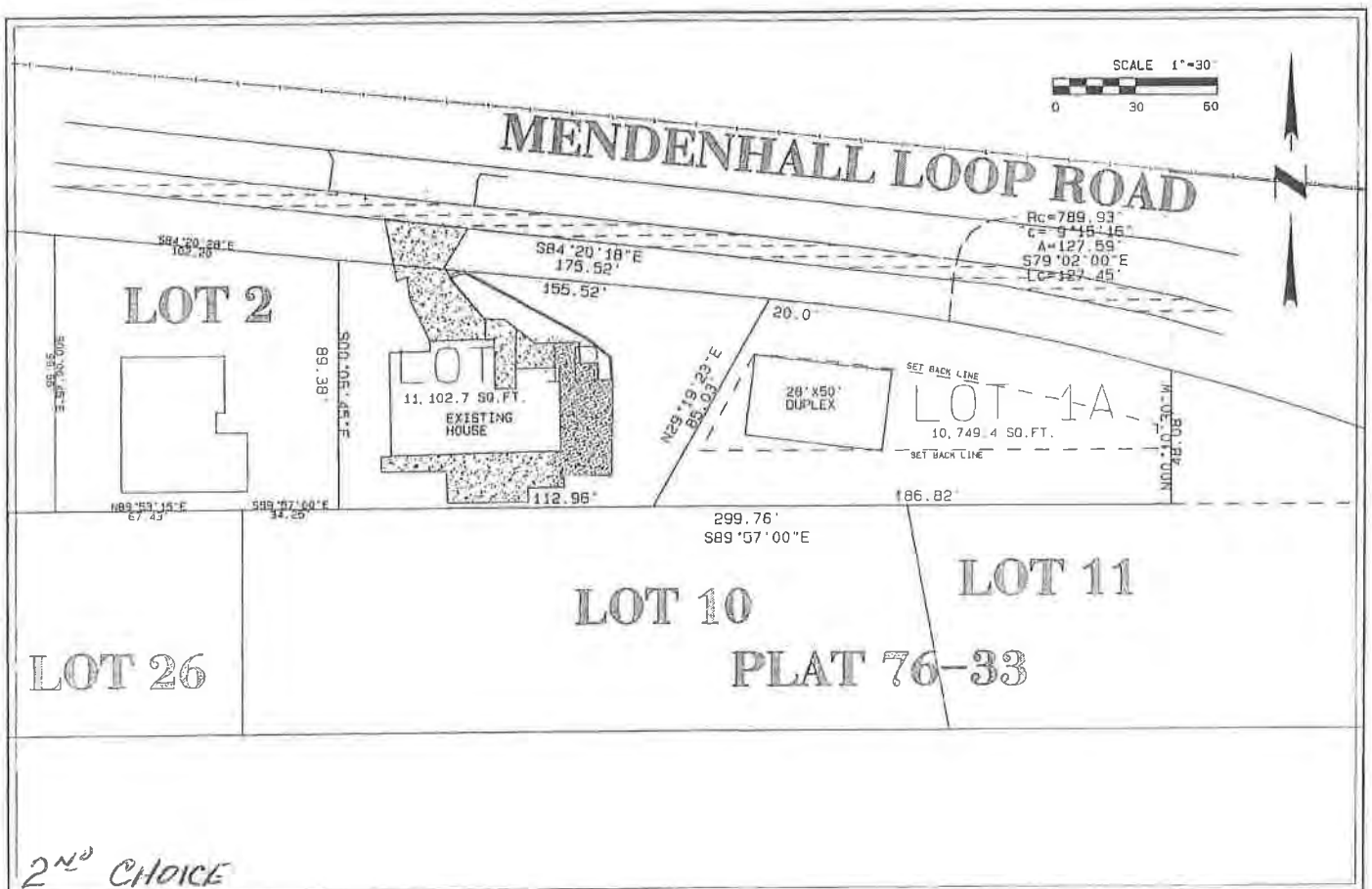
This condition is met as the unusual lot dimensions were established by variance prior to our taking ownership to the property.

(C) The grant of the variance is not detrimental to public health, safety, or welfare;

The neighborhood has city water and sewer. A utility permit and right-of-way permit would be required to connect the proposed lot to the existing city utilities. We will have to obtain a driveway permit from AKDOT&PF, but in the previous variance process, we and the CDD staff discussed the driveway with AKDOT&PF Right-of-way Permitting Agent who had no initial concerns with granting permission for a new driveway that will access Mendenhall Loop Road. The proposed lot would have a maximum density of two dwelling units. The proposed development is minor and the impacts on existing traffic patterns will be minimal.

(d) The grant of the variance is narrowly tailored to relieve the hardship.

The variance would allow us to subdivide the existing lot. As mentioned in the Project Description portion of this application, the existing lot received a Variance to lot depth in 1976. The proposed subdivision would allow the existing lot to come into compliance with Title 49, while creating a new lot that will not be in compliance. Therefore, the requested variance is narrowly tailored to relieve the hardship as the two lots cancel each other out and result in a net decrease in overall compliance.



From: [Kathy Thatcher](#)
To: [Allison Eddins](#)
Subject: Re: Subdivision of 8497 Mendenhall Loop Rd.
Date: Friday, August 21, 2020 2:16:42 PM
Attachments: [Variance application Text.pdf](#)
[Variance Appliation Mendenhall Loop Rd.pdf](#)

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

Hi Allison,
Thanks for helping us through this process -- again!
Attached are two files: 1) the application document and diagrams; and 2) the narrative to go along with the application.

On Fri, Aug 21, 2020 at 11:22 AM Kathy Thatcher <thatcher.kathy@gmail.com> wrote:
Hi Tim and Allison,
I was pretty overwhelmed to hear that we have to reapply for the variance on the lot size requirements for 8497 Mendenhall Loop Rd. But, I think I'm now ready to tackle going forward with another variance request. I think I have the variance application substantially completed. Shall I work with Allison? I can send what I have put together.

Regards,
Kathy Thatcher

On Tue, Jan 14, 2020 at 6:37 PM Tim Felstead <Tim.Felstead@juneau.org> wrote:

Hi Kathy,

I have included Allison Eddins who was the planner that worked on the variance with Rand.

You are correct that the permit has expired. There is no opportunity to extend this approval now and the only solution is to reapply for the variance. The variance criteria has changed from the last time that the Planning Commission (sitting as the Board of Adjustment) approved this variance.

The request will be reassessed against the new variance criteria.

You can find the new variance language [here](#).

https://library.municode.com/ak/juneau/codes/code_of_ordinances?nodeId=PTIICOOR_TIT49LAUS_CH49.20APVAIN_ARTIIVA

You can find the variance applications here:

Application - https://beta.juneau.org/index.php?gf-download=2019%2F12%2FVAR-Variance_Application.pdf&form-id=22&field-id=11&hash=f478611ce8d52971b5899722e20a5c8be0187ce3e29ec7b74dcd169ce96f5ce8

Handout- https://beta.juneau.org/index.php?gf-download=2019%2F12%2FVariance-Handout_12062018.pdf&form-id=22&field-id=11&hash=350fe48ac384a6a54d8e4fd29b0f1ea58e8c0c7cce67472e83e707b5e299e94b

Sorry I didn't have better news.

Best regards

Tim

From: Kathy Thatcher <thatcher.kathy@gmail.com>

Sent: Tuesday, January 14, 2020 2:10 PM

To: Tim Felstead <Tim.Felstead@juneau.org>

Subject: Subdivision of 8497 Mendenhall Loop Rd.

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

Hi Tim,

I'm reaching out to you on another subdivision project that sort of fell by the wayside while we struggled to get that Lena parcel divided.

In April of 2016, my spouse, Rand Thatcher, worked with Community Development to get a variance in place that allowed the lot dimension of the property identified above reduce. The planning commission approved that variance at a meeting.

We are not in the position to move forward with the subdivision of the lot, but upon review of the paperwork it appears that there may been an expiration date to the permit that we did not realize.

Perhaps you could help me work through this issue? Hopefully, we can just get the permit revalidated.

Thanks,

Kathy Thatcher



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

NONCONFORMING CERTIFICATE

Date: October 30, 2020
File No.: NCC2020 0068

Kathy and Rand Thatcher
PO Box 210145
Auke Bay, AK 99821

Proposal: A Nonconforming Certification Review for structures
Property Address: 8497 Mendenhall Loop Road
Property Legal Description: North Loop 1 Lot 1
Property Parcel Code No.: 5B2401240010

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated October 30, 2020, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Structures (49.30.250):
 - Rear yard setback of 19 feet

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 PM on the day twenty days from the date the decision is filed.

If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

Project Planner:


Irene Gallion, Senior Planner
Community Development Department


Jill Maclean, Director, AICP
Community Development Department

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.



**DIRECTOR'S REVIEW STAFF REPORT
NONCONFORMING CERTIFICATION
NCC2020 0068**

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

DATE: October 30, 2020

TO: Jill Maclean, Director, AICP

BY: Irene Gallion, Senior Planner

PROPOSAL: A Nonconforming Certification Review for structures.

KEY CONSIDERATIONS FOR REVIEW:

- The lot complies due to a Platting Board variance.
- The single-family structure conformed to code when built, and became nonconforming with the 1987 rezoning.

GENERAL INFORMATION

Property Owner	Kathy Thatcher, Rand Thatcher
Applicant	Kathy Thatcher, Rand Thatcher
Property Address	8497 Mendenhall Loop Road
Legal Description	North Loop 1 Lot 1
Parcel Number	5B2401240010
Zoning	D5
Lot Size	22,090 square feet, 0.5071 acres
Water/Sewer	CBJ
Access	Mendenhall Loop Road
Existing Land Use	Residential
Associated Applications	VAR2020 0002

STAFF RECOMMENDATION:

Staff recommends the following situations receive Nonconforming Certification:

- Nonconforming Structures (49.30.250)

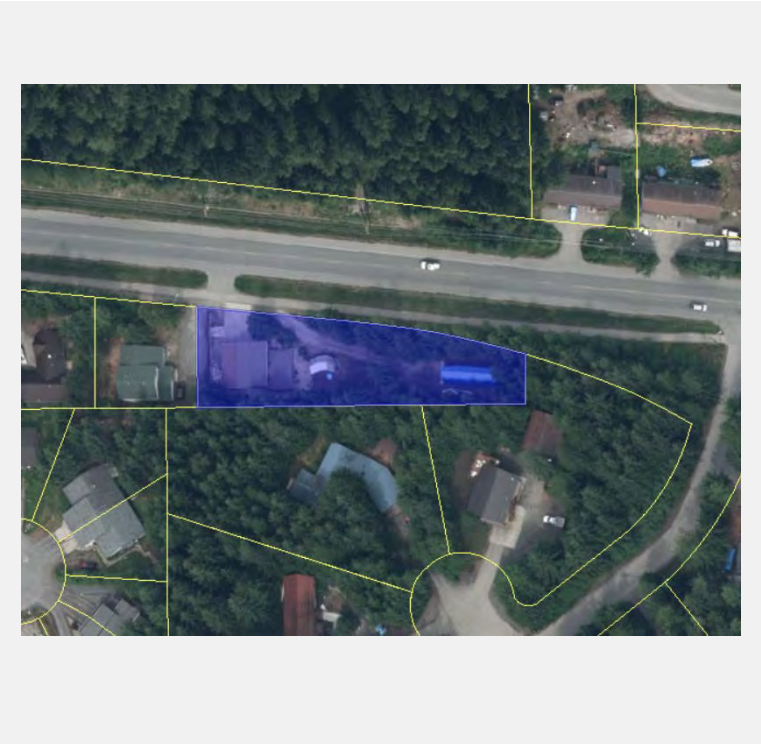
ABANDONMENT:

If a nonconforming situation is deemed to be abandoned by the Director, the decision may be reconsidered in accordance with CBJ 49.30.220. After reconsideration is reviewed, an appeal may be filed in accordance with CBJ 49.20.110.

NONCOMPLIANCE:

If a situation fails to be certified as nonconforming, an appeal of this decision may be filed in accordance with CBJ 49.20.110.

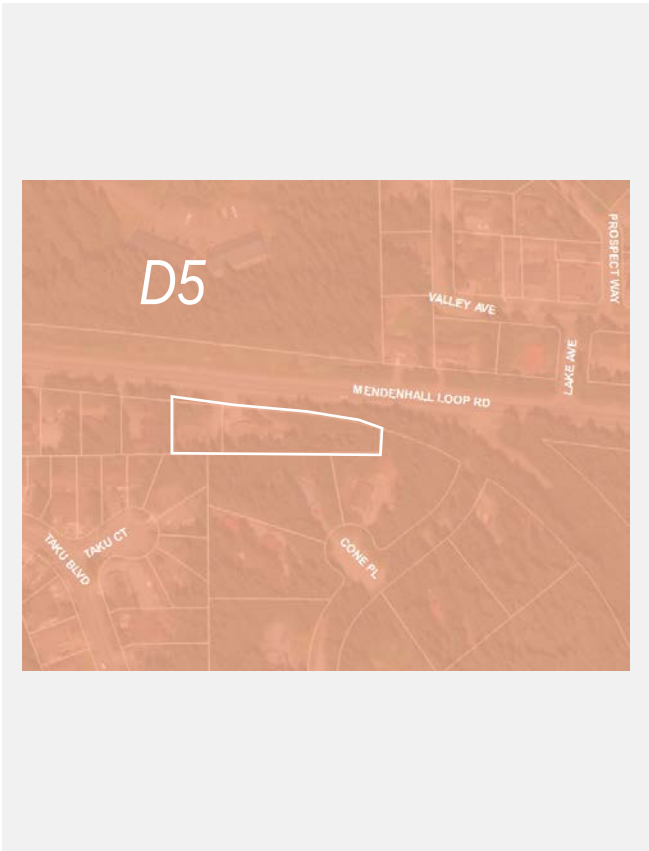
SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North	Mendenhall Loop Road
South (D5)	Residential
East (D5)	Residential
West (D5)	Residential

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	No
Hillside	No
Wetlands	No mapped wetlands
Parking District	No
Historic District	No
Overlay Districts	No

CURRENT ZONING MAP



ZONING IN 1981



ZONING HISTORY

Year	Zoning District	Summary
1969	R7 Residential	The lot was platted in 1977. The minimum lot size was 7,000 square feet, minimum lot width was 70 linear feet, and minimum lot depth was 80 linear feet. <i>The lot complies for depth due to a Platting Board variance.</i> The single-family structure was built in 1981. Required setbacks were 20 linear feet front yard setback, 15 linear foot rear yard setback, and five foot side yard setback. <i>The structure was conforming for setbacks.</i>
1987	D5 Residential	Minimum lot size is 7,000 square feet, minimum lot width is 70 linear feet, and minimum lot width is 85 linear feet. <i>The lot complies for depth due to a Platting Board variance.</i> The front yard setback is 20 linear feet. The rear yard setback is 20 feet. Side yard setback is five feet. <i>The lot is nonconforming for rear yard setback.</i>

BACKGROUND INFORMATION

The applicant requests a Nonconforming Certification for lot size (**Attachment A**). While lot size was found compliant, structures were found nonconforming.

When reviewing the preliminary plat in 1976, the Planning and Zoning Commission noted substandard lot width as a “problem area,” but were unable to approve the variance for a preliminary plat (**Attachment B**). At a 1977 meeting on the final plat, meeting as the Platting Board, they approved a variance for lot depth (**Attachment C**). The merits of the variance are not recorded. The lot was platted in 1977 (**Attachment D**).

The four-bedroom single-family structure was constructed in 1981 (**Attachment E**). A 1981 JW Bean survey shows distance from the single-family structure to the rear lot line is 19 feet (**Attachment F**). The as-built survey shows a back deck absent in the original building permit application.

A boat storage carport was added to the single-family structure in 1994 (**Attachment G**). An as-built survey was not done, but the building permit states front and back setbacks of 20 feet, and side yard setbacks of five feet. The building permit refers to the addition as an “open air carport.” A sketch of the proposed carport is drawn on the 1981 JW Bean survey (**Attachment F**). Today there is a boat storage tent on the lot, in addition to the carport-turned-garage that was originally intended for boat storage.

Assessor’s photos indicate the carport has been enclosed (**Attachment H**). No building permit for enclosure of the carport has been found. Assessor’s notes indicate the carport was enclosed when they did a site visit in 2003. A 2016 Cost Report map indicates a 1,665 square foot slab patio that extended around the side and back of the single-family structure (**Attachment I**). No rear deck currently exists.

In 2016 a variance to lot width, for the purposes of subdividing the lot, was approved. No development application was received by the permit's expiration date of October 26, 2017. A new variance zoning ordinance was adopted in 2018 (CBJ 49.20 Article II).

INFORMATION REVIEWED

Year	Type	Summary
1976	Meeting Minutes	Planning and Zoning Commission, Platting Board: preliminary plat discussion.
1977	Meeting Minutes	Planning and Zoning Commission, Platting Board: final plat and lot depth variance approval.
1977	Plat 77-69	Subdivision that created the lot.
1981	Building Permit	13847: Construction of a single-family structure. Of note, no back deck shown on associated sketch.
1981	As-built survey	JW Bean. Shows back deck, and hand-drawn proposed carport.
1994	Building Permit	10041.01: "Open-air Carport."
2016	Assessor photo	Shows enclosed carport.
2016	Assessor information	• Copy of notes from the file, indicating that carport was enclosed when inspected in 2003. • Residential cost report showing structure, deck and slab patio.
2020	Parcel Viewer	Assessor's database information, and imagery used for scaling.
2020	Site Visit	16:30 on 10/23/2020, to confirm rear yard conditions.

ANALYSIS

Zoning District Comparison Table – The table below lists the required standards for the D5 zoning district compared to the lot. Items bolded do not meet current requirements.

Standard		Requirement	Existing	Code Reference
Lot	Size, square feet	7,000	22,090	49.25.400
	Width, linear feet	70	333.96	49.25.400
	Depth, linear feet	85	68.73 ^A	49.25.400
Setbacks	Front (North)	20	22	49.25.400
	Rear (South)	20	19^B	49.25.400
	Side (East)	5	28^C	49.25.400
	Side (West)	5	30	49.25.400
Lot Coverage		50%	17%	49.25.400
Height	Permissible, feet	35		49.25.400
	Accessory, feet	25		49.25.400
Maximum Dwelling Units		1	1	49.25.500
Use		Residential	Residential	49.25.300
Vegetative Cover		20%	43%	49.50.300
Parking		2	2+	49.40.210(a)

A: Lot received a variance in 1977, so is considered compliant for lot depth, although current standards are not met.

B: To single-family structure, Bean Survey (Attachment F).

C: Scaled Parcel Viewer, distance to boat storage tent.

Minimum Lot Requirements – When a lot receives a variance the lot is considered compliant. The record indicates that this lot received a variance for lot depth when originally platted.

Finding: Staff finds the lot conforming for lot size and lot width; and compliant for lot depth.

Minimum Setback Requirements – A variance may change the standards for a lot, in this situation creating a different standard for lot depth. The lot is still required to meet prevailing yard setbacks and other dimensional standards.

The single-family structure has a 19-foot rear yard setback. When the single-family structure was originally constructed, it conformed to the 15-foot rear yard setback. The change of zoning in 1987 increased the minimum rear yard setback to 20 feet. The single-family structure became nonconforming for rear yard setback.

Records indicate no building permit for the garage enclosure, but the carport structure was outside of setbacks.



The 1981 survey shows a side yard setback of 30 feet. The carport proposed under the 1994 building permit is 12.5 feet wide. The carport was subsequently enclosed. Setback to the enclosed carport would be 17.5 feet.

The picture to the left shows a poured patio in the rear of the single-family structure. According to Assessor's data, the poured patio extends 18 feet from the single-family structure, coming within one foot of the rear property line. The patio in its current state is not considered a structure per the land use or building codes, and is not subject to yard setbacks.

The small shed pictured is acceptable under CBJ 49.25.430(4)(C)(iii). The shed is less than 12 feet high and less than 120 square feet.

The owner is recommended to apply for an after-the-fact building permit for the garage enclosure and have the structure inspected.

Finding: Staff finds the structure nonconforming for setbacks.

Lot Coverage – Scaled Parcel Viewer imagery indicates 3,670 square feet of roofed structures, or 17% lot coverage (Attachment J).

Finding: Staff finds the lot conforming for lot coverage.

Structure Height – The single-family structure is two stories in height.

Finding: Staff finds the structure conforming for height.

Residential Density – One residential unit was built on the lot.

Finding: Staff finds the lot conforming for residential density.

Use – The lot is used residentially.

Finding: Staff finds the lot conforming for use.

Vegetative Cover – Scaling Parcel Viewer shows 9,475 square feet of vegetative cover, or 43 percent (**Attachment K**).

Finding: Staff finds the lot conforming for vegetative cover.

Parking – CBJ 49.40.210 requires two off-street parking spaces. Back-out parking may be allowed for single-family dwellings in residential zoning districts per 49.40.230(b)(7)(A). The single-family structure has three garage spaces in addition to parking available in the driveway.

Finding: Staff finds the use conforming for number and type of off-street parking spaces.

NONCOMPLIANT SITUATIONS

*49.30.310(j) **Failure of a situation to qualify for nonconforming certification.** If a situation does not qualify for or is denied nonconforming certification, it is noncompliant and the property is subject to enforcement actions consistent with this title.*

No information suggests noncompliant situations exist on the lot.

ABANDONMENT

***49.30.220(b) Abandonment of a nonconforming situation.** A nonconforming situation is abandoned if any of the following events occur:*

- (1) The owner indicates in writing that the nonconforming situation is being permanently discontinued;*
- (2) The nonconforming situation is damaged, destroyed, removed or demolished intentionally by the owner or intentionally by an authorized agent of the owner;*
- (3) The nonconforming structure is moved;*
- (4) The owner takes action consistent with an intent to abandon the nonconforming situation;*
- (5) The structure(s) associated with the nonconforming situation has been vacant for 365 consecutive days;*
- (6) Except for a structure with a nonconforming residential density, the nonconforming use has ceased and not substantially resumed for 365 consecutive days; or*
- (7) A structure with a nonconforming residential density has been unoccupied for 1095 consecutive days.*

No information has been submitted to suggest the nonconforming situations on the lot have been abandoned.

FINDINGS**1. Was the nonconforming situation allowed, or not prohibited by law, when it was established?**

Analysis: The rear yard setback conformed to code when the single-family structure was built.

Finding: Yes. The nonconforming situation was allowed when established.

2. Has the nonconforming situation been abandoned?

Analysis: The single-family structure has been continually occupied since construction.

Finding: No. The nonconforming situation has continued since established.

RECOMMENDATION

Staff recommends that Director adopt the analysis and findings, and find the following situations on the lot to be NONCONFORMING to the Title 49 Land Use Code and issue a Nonconforming Certification for the following situations:

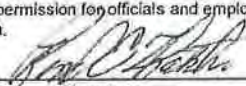
- Nonconforming Structures (49.30.250):
 - Rear yard setback of 19 feet

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Planning and Zoning Commission, Platting Board Minutes: August 23, 1976
Attachment C	Planning and Zoning Commission, Platting Board Minutes: January 10 1977
Attachment D	1977 Plat
Attachment E	1981 Building Permit 13874, single-family structure
Attachment F	1981 As-built survey, JW Bean
Attachment G	1994 Building Permit 10041.01, carport
Attachment H	2016 Assessor Photo, enclosed carport
Attachment I	Assessor Information, file notes and 2016 Cost Report
Attachment J	Lot coverage, scaled Parcel Viewer
Attachment K	Vegetative cover, scaled Parcel Viewer

DEVELOPMENT PERMIT APPLICATION

Project Number VAR 20100002	CITY and BOROUGH of JUNEAU	Date Received: 8/26/20
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description VARIANCE APP. FOR N LOOP SUB NO 1, TRAC A LOT 1 USS NO. 3758		
	PROPERTY LOCATION		
	Street Address 8497 MEND LOOP RD.	City/Zip JNU, AK	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) NORTH LOOP 1 LT 1		
	Assessor's Parcel Number(s) 5B2461240010		
	LANDOWNER/ LESSEE		
	Property Owner's Name RAND E. THATCHER	Contact Person: 907 923-7521	Work Phone:
	Mailing Address P.O. 210145 AUR BAY, AK 99821	Home Phone: (907) 923-7557	Fax Number:
	E-mail Address RT THATCHER @ GCI.NET	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ***Required for Planning Permits; not needed on Building/ Engineering Permits***	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		Landowner/Lessee Signature 	Date 3/2/16
X		Landowner/Lessee Signature	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name		Contact Person:	Work Phone:
Mailing Address SAME		Home Phone:	Fax Number:
E-mail Address		Other Contact Phone Number(s):	
X		Applicant's Signature	Date of Application

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE		
	☒	Permit Type Building/Grading Permit	Date Received
		City/State Project Review and City Land Action	Application Number(s)
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)	
		Mining Case (Small, Large, Rural, Extraction, Exploration)	
		Sign Approval (If more than one, fill in all applicable permit #'s)	
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)	
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	
	☒	Variance Case (De Minimis and all other Variance case types)	8/24/20
		Wetlands Permits	
	Zone Change Application		
	Other (Describe)		
Comments:			Permit Intake Initials ANE



APPLICATION FOR A NONCONFORMING CERTIFICATION REVIEW

Packet Page 66 of 157

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.

TYPE OF NONCONFORMING SITUATION (CHECK ALL THAT MAY APPLY)

☐ USE ☐ STRUCTURE ☐ DENSITY ☐ PARKING ☒ LOT

Have you submitted a narrative that fully explains the above listed nonconforming situations? YES ☒ NO ☐

The narrative should explain the nature of the nonconforming situation(s). Be specific, state past and present uses of the building, property, etc. See VAR20-02, pending.

List all relevant information being submitted. Include this material and an as-built or site plan with the application.

Relevant information to show that the **situation was allowed when established** may include: building or land use permits, recorded plats, zoning codes or maps, dated photographs.

Situation	Type of Documentation
Nonconforming lot dimensions	Plat, with VAR20-02 documents

Relevant information to show that the **situation was maintained over time** may include: business licenses, dated photographs, insurance records and maps, utility bills, property tax records, business license, telephone listing, advertisement in dated publications, leases.

Maintained Situation	Type of Documentation

NOTE: If an as-built survey is not submitted, the Community Development Department may not be able to issue a Nonconforming Certificate for setbacks. As-built surveys should show the property in its current condition.

ALL REQUIRED MATERIALS ATTACHED

☒ Complete Application (Per CBJ 49.30.310)

☒ Narrative VAR20-20

☒ As-built survey or similar document

☒ Documentation

☐ Fees FEES WAIVED

NONCONFORMING CERTIFICATION REVIEW FEES:

	Fees	Check No.	Receipt	Date
Application Fees	\$ _____			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ _____			

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
907-586-0770.

VAR2020 0002 ATTACHMENT B Page 10

Case Number	Date Received
NCC20200068	10/12/20

Nonconforming Situations is outlined in CBJ 49.30.310

Pre-Application Conference: A pre-application conference is **NOT** required prior to submitting an application. It is highly recommended that applicants meet with a planner to discuss the nonconforming situation(s) and necessary or appropriate documentation for submittal. Staff may have access to documentation that the applicant does not. Please contact the Permit Center at 907-586-0770 or via e-mail at permits@juneau.org.

Application: An application for a Nonconforming Certificate will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed application for Nonconforming Certificate and Development Permit Application forms.
2. **Fees:** Fee is \$150. If submitted in conjunction with a development permit, the fee is waived. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the nonconforming situation(s).

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process, the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes. Depending on the details of the permit request, the application may require review by other City & Borough of Juneau departments. Applicants may be required to provide additional information and clarification.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



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 8497 mendenhall Loop Rd, Request to reduce lot depth requirement. Please see attached narrative.			
	VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to) 49.25.400			
	Previous Variance Applications? YES ☒ NO ☐		Date of Filing: 4/15/2016	
	Previous Case Number(s): VAR2016 0003		Building Permit related to this variance? YES ☐ NO ☒	
	Was the Variance Granted? 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

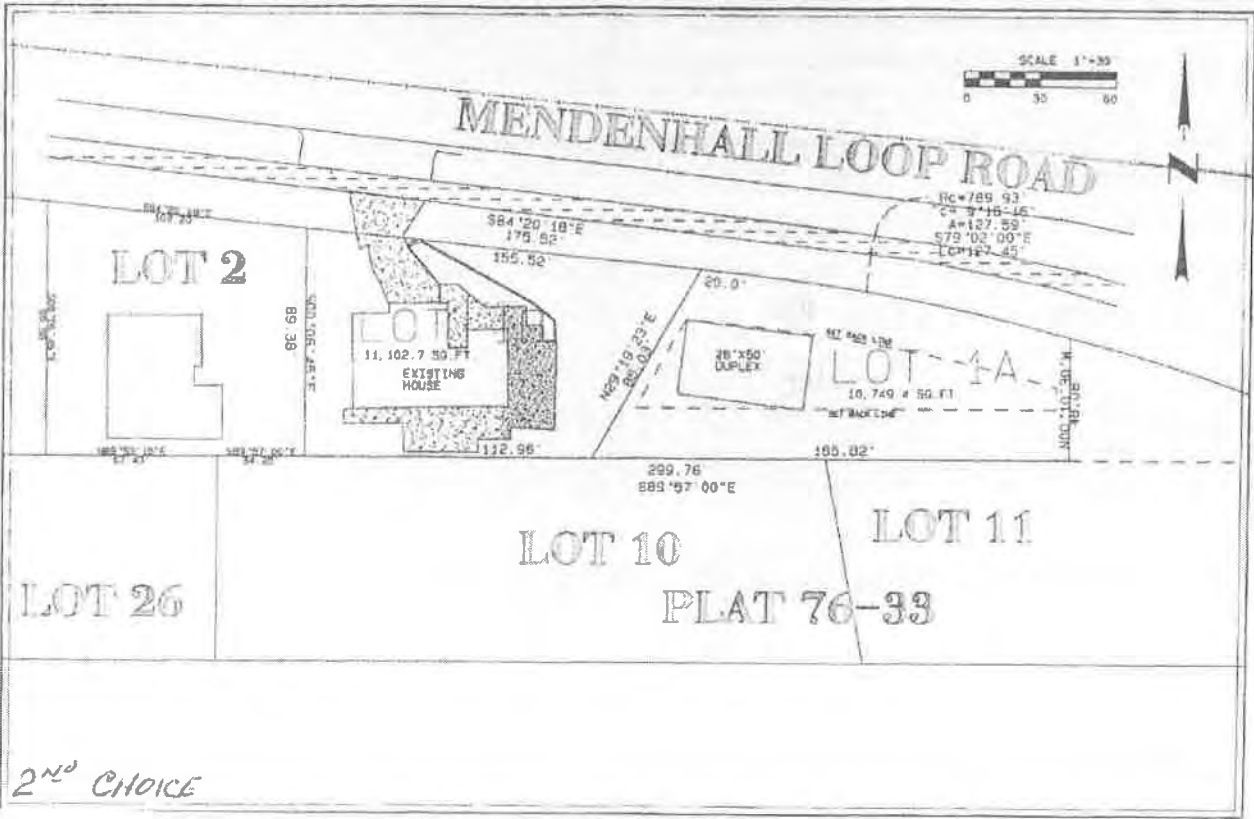
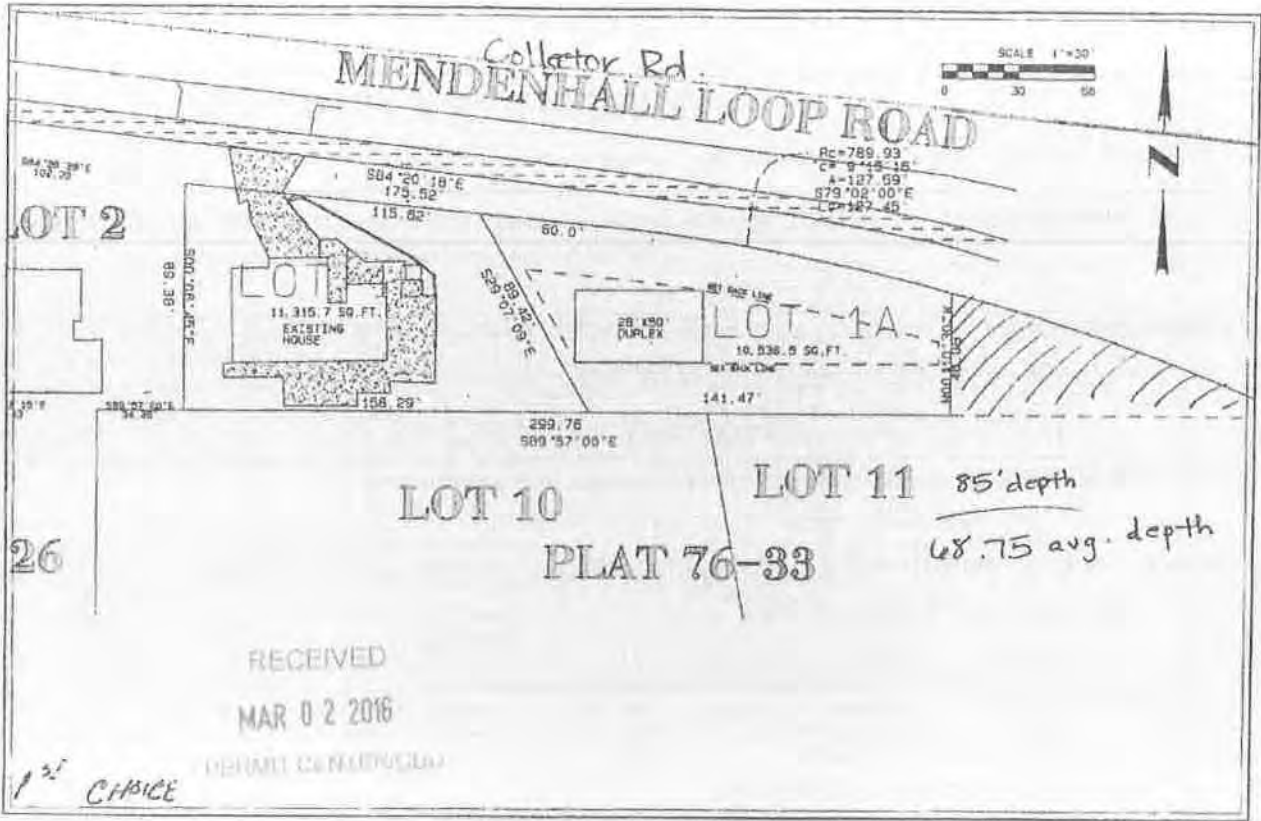
VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ 400			
Adjustment	\$			
Total Fee	\$ 400			

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 20200002	8/26/20



Attachment B

Date: August 15, 2020

Project Summary: Rand E. and Kathy L. Thatcher wishes to subdivide 8497 Mendenhall Loop Rd., Assessors Parcel # 5B2401240010 into two lots. Lot is zoned D-5 and existing lot is .5 acres/22,090 square feet.

Variance Requested: Variance request to reduce the lot depth requirement from 85 feet to 68.75 feet to allow a two lot subdivision.

Previous Variance Applications? Yes -- filed April 15, 2016 and approved by assembly

Utilities Available: Public Water and Public Sewer

Project Description: Our property is located at 8497 Mendenhall Loop Road and is 22,090 square feet in size. Our intention is to subdivide the lot (Lot 1) into two lots: Lot 1A and Lot 1B. See attached proposed subdivision layout. Lot 1 has an unusual shape with narrows from 89.38 feet on the western side to 48.08 feet on the eastern side. The average of these two distances gives the lot a depth of 68.73 feet. Lot 1 was created in 1977 as part of the North Loop Subdivision No. 1 (Plat 77-69). A variance was approved by the Planning Commission in 1976 to reduce the R7 lot depth requirement from 85 feet to 68.73 feet to the then owners of the North Loop Subdivision.

We have owned the property since 1994. In April of 2016 we applied for a dimensional project variance and the variance was reviewed and approved by the City. The variance approval had a time limit completion date that we did not become aware of until after the time to complete had expired. We did not proceed with this project at the time of variance approved due to funding constraints and time delays we experienced in working through another subdivision project we were involved working through with the city in the Lena area. At the time, the City had just modified the Code and there was confusion between the engineering firm preparing the subdivision application, the city planners, and us as the applicants, as to what was allowed by the code. The Lena subdivision project took years to complete and cost us several times our design initial bids with the engineering firm.

With the completion of the Lena subdivision, we are now looking to move forward with the previously planned project to subdivide the 8497 Mendenhall Loop Rd. This lot fronts the Back Loop Road and is close to schools, the bus line, and shopping. It is a flat parcel and would be easily developed. If the variance is not extended for this project, we will suffer a financial hardship based on our ability not to benefit from the sale of the parceled lot. Additionally, the City will lose the opportunity to provide additional housing in an area that is easily developed and near existing infrastructure.

Project Meets Variance Criteria:

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

When Lot 1 was initially developed, the developers received a variance which allowed for the unusually long and narrow portion of the lot. Given the lot is zoned D-5 and is 22,090 square feet, the current ordinance does not allow the lot to achieve its greater potential. Enforcement of the

ordinance would create an undue hardship to us who 1) who made future plans based on an already received a variance for the dimension requirements, but lost due to an arbitrary project completion date; 2) not allow us to benefit financially through the sale or development of the proposed parceled lot; and 3) not allow this prime location to be further developed or sold to provide needed housing for sale to the public.

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

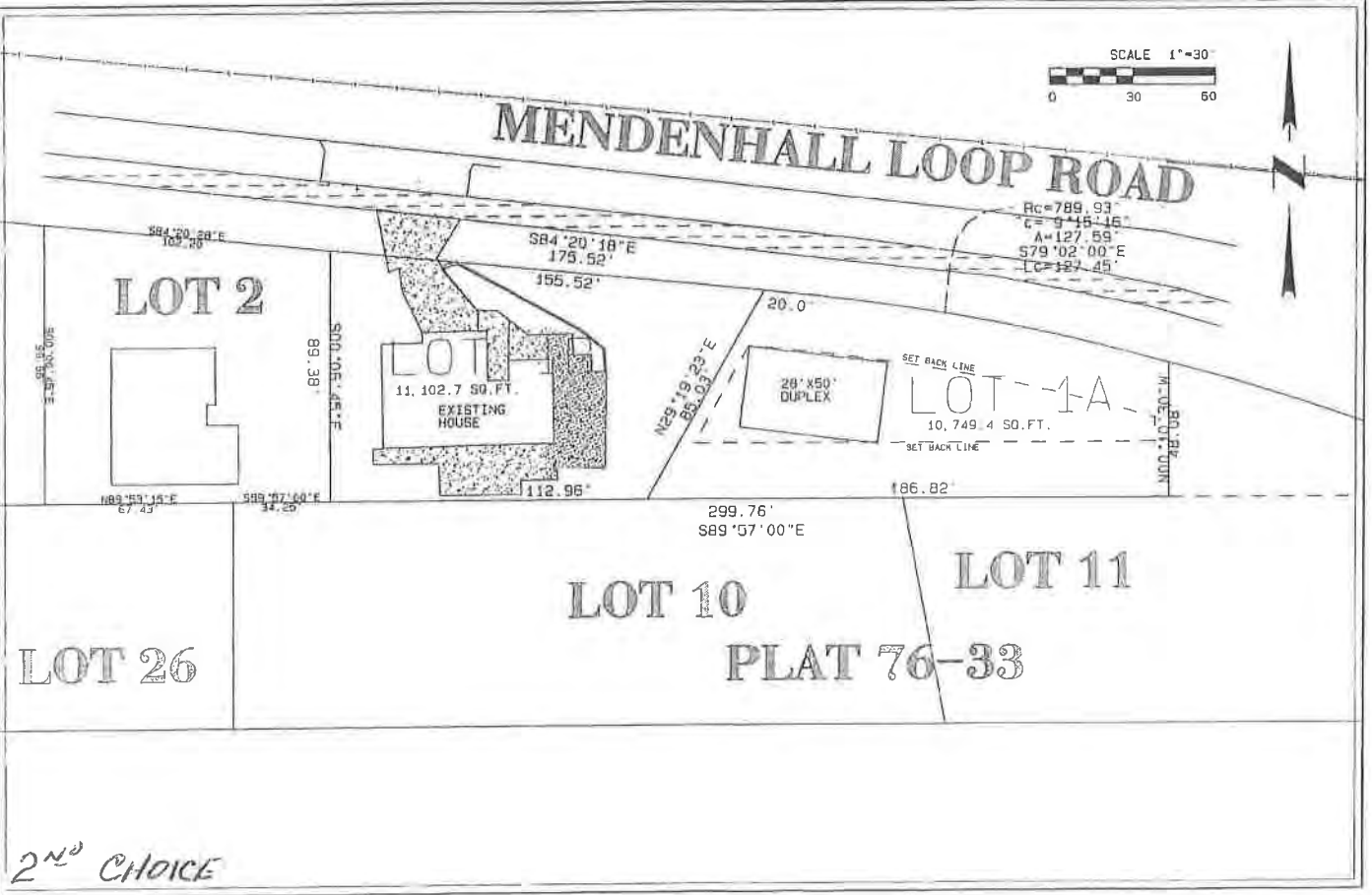
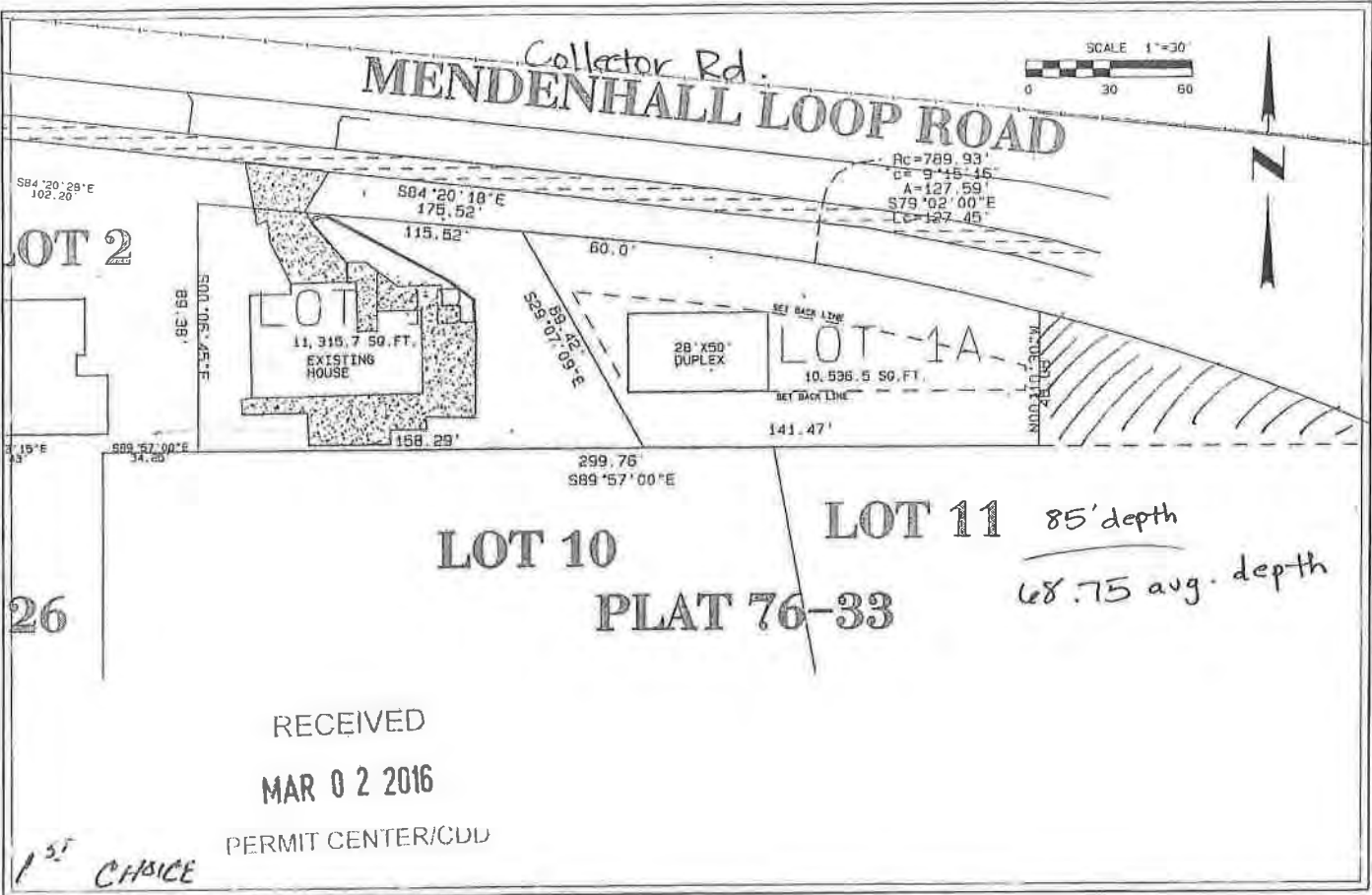
This condition is met as the unusual lot dimensions were established by variance prior to our taking ownership to the property.

(C) The grant of the variance is not detrimental to public health, safety, or welfare;

The neighborhood has city water and sewer. A utility permit and right-of-way permit would be required to connect the proposed lot to the existing city utilities. We will have to obtain a driveway permit from AKDOT&PF, but in the previous variance process, we and the CDD staff discussed the driveway with AKDOT&PF Right-of-way Permitting Agent who had no initial concerns with granting permission for a new driveway that will access Mendenhall Loop Road. The proposed lot would have a maximum density of two dwelling units. The proposed development is minor and the impacts on existing traffic patterns will be minimal.

(d) The grant of the variance is narrowly tailored to relieve the hardship.

The variance would allow us to subdivide the existing lot. As mentioned in the Project Description portion of this application, the existing lot received a Variance to lot depth in 1976. The proposed subdivision would allow the existing lot to come into compliance with Title 49, while creating a new lot that will not be in compliance. Therefore, the requested variance is narrowly tailored to relieve the hardship as the two lots cancel each other out and result in a net decrease in overall compliance.



From: [Kathy Thatcher](#)
To: [Allison Eddins](#)
Subject: Re: Subdivision of 8497 Mendenhall Loop Rd.
Date: Friday, August 21, 2020 2:16:42 PM
Attachments: [Variance application Text.pdf](#)
[Variance Appliation Mendenhall Loop Rd.pdf](#)

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

Hi Allison,
Thanks for helping us through this process -- again!
Attached are two files: 1) the application document and diagrams; and 2) the narrative to go along with the application.

On Fri, Aug 21, 2020 at 11:22 AM Kathy Thatcher <thatcher.kathy@gmail.com> wrote:
Hi Tim and Allison,
I was pretty overwhelmed to hear that we have to reapply for the variance on the lot size requirements for 8497 Mendenhall Loop Rd. But, I think I'm now ready to tackle going forward with another variance request. I think I have the variance application substantially completed. Shall I work with Allison? I can send what I have put together.

Regards,
Kathy Thatcher

On Tue, Jan 14, 2020 at 6:37 PM Tim Felstead <Tim.Felstead@juneau.org> wrote:

Hi Kathy,

I have included Allison Eddins who was the planner that worked on the variance with Rand.

You are correct that the permit has expired. There is no opportunity to extend this approval now and the only solution is to reapply for the variance. The variance criteria has changed from the last time that the Planning Commission (sitting as the Board of Adjustment) approved this variance.

The request will be reassessed against the new variance criteria.

You can find the new variance language [here](#).

https://library.municode.com/ak/juneau/codes/code_of_ordinances?nodeId=PTIICOOR_TIT49LAUS_CH49.20APVAIN_ARTIIVA

You can find the variance applications here:

Application - https://beta.juneau.org/index.php?gf-download=2019%2F12%2FVAR-Variance_Application.pdf&form-id=22&field-id=11&hash=f478611ce8d52971b5899722e20a5c8be0187ce3e29ec7b74dcd169ce96f5ce8

Handout- https://beta.juneau.org/index.php?gf-download=2019%2F12%2FVariance-Handout_12062018.pdf&form-id=22&field-id=11&hash=350fe48ac384a6a54d8e4fd29b0f1ea58e8c0c7cce67472e83e707b5e299e94b

Sorry I didn't have better news.

Best regards

Tim

From: Kathy Thatcher <thatcher.kathy@gmail.com>

Sent: Tuesday, January 14, 2020 2:10 PM

To: Tim Felstead <Tim.Felstead@juneau.org>

Subject: Subdivision of 8497 Mendenhall Loop Rd.

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

Hi Tim,

I'm reaching out to you on another subdivision project that sort of fell by the wayside while we struggled to get that Lena parcel divided.

In April of 2016, my spouse, Rand Thatcher, worked with Community Development to get a variance in place that allowed the lot dimension of the property identified above reduce. The planning commission approved that variance at a meeting.

We are not in the position to move forward with the subdivision of the lot, but upon review of the paperwork it appears that there may been an expiration date to the permit that we did not realize.

Perhaps you could help me work through this issue? Hopefully, we can just get the permit revalidated.

Thanks,

Kathy Thatcher

Planning and Zoning Commission
August 23, 1976
Regular Meeting

The Regular Meeting of August 23, 1976 of the Planning and Zoning Commission was called to order by Chairman Steve Forrest with the following roll noted:

Present: Triplette, Menzies, Beadle, Grant, Shelley, & Forrest
Excused: Diebels and Austin
Absent: Caudle

Staff Present: Ron Bolton, Zoning Administrator; Tim Maguire, Planner; and Terry Brenner, Land Surveyor, Engineering Division

APPROVAL OF MINUTES

July 26, 1976. Mr. Beadle moved for approval of the minutes as presented. Mr. Shelley seconded the motion. There were no objections and the minutes were unanimously approved.

August 2, 1976. Mr. Forrest noted that the spelling of Mr. Maier's name on Pages 4 and 5, should be changed from "Meyer" to Maier. Mr. Beadle moved for approval of the minutes with these corrections made. There were no objections and the motion carried.

August 9, 1976. The following corrections were made. Page 2: third new paragraph, Line 3, insert the words "intent of the" between the last two words ("the conditional"). Fourth new paragraph, line three, change to "should" to "could" and in the fourth line insert "by us" after "time".

Page 8, Fourth paragraph, after line four, add the following sentence:

Mr. Menzies now feels he has no conflict which would require him to abstain and asked the Commission's approval for his voting on this issue. Mr. Forrest requested this approval from the Commission, and Mr. Menzies was allowed to vote on this action.

PUBLIC PARTICIPATION ON NONAGENDA ITEMS

Mr. Fred Paine spoke on the subject of a plat submitted by Mr. Harold Shakespeare for property in the Lemon Creek area, and asked if this plat couldn't be approved. The plat is not on the agenda.

Mr. Maguire noted this is a resubdivision of the property. It will be brought before the Commission, but would have to be advertised for a period of three weeks. The very earliest it could be heard would be September 13.

Planning and Zoning Commission
August 23, 1976
Page 11

Mr. Bolton noted that the intent of the staff was not to prohibit any future subdivision. The point came up that since these could be further subdivided, the Commission might analyze having a re-development plan before approving this. The applicant seems to be getting ready for development.

Mr. Shelley wondered if a note couldn't be placed on approval of this preliminary plat that now would be the appropriate time to subdivide further, if that is what the applicant is planning on doing. Mr. Forrest noted this is a preliminary plan. It would be appropriate, if this were approved now, that the discussion of the Commission be passed on to the applicant.

Mr. Menzies moved for approval of the preliminary plat. Mr. Shelley seconded the motion. There were no objections and the motion unanimously carried.

PRELIMINARY PLAT, TRACT A, LOT 1, USS 3758, MENDENHALL VALLEY

Mr. Menzies vacated his position on the Planning Commission and took a chair in the audience.

The staff recommended continuance of this plat until three problem areas are resolved. (1) Sewer plans need to be submitted. (2) Lots 1 and 2 are less than the minimum depth for residential lots. (3) The type of ownership, management, and maintenance of the common space needs to be identified. Additionally, the staff suggested that there are no unusual circumstances which would necessitate a departure from the 60 foot right of way requirement and the standard should be adhered to.

The staff had discussed with the applicant the idea of developing lots 11 through 17 as single family lots and then developing the remainder of the area as one lot. Lots 11 through 17 would be connected to the City/Borough sewer system. The ordinance requires that the lots be 100 feet deep. The staff felt that if the lots compensated in length for the shortage in depth, then maybe it could be approved if it meets the zoning requirements.

Mr. Hoey, the applicant, noted his understanding that the lots would be useless, and he made this statement several months ago.

Mr. Beadle asked if, by approving this plat, a variance on these two lots would also be approved. Mr. Forrest noted that since this plat is preliminary, the Commission would not be able to approve a variance at this time.

Mr. Maguire stated that the Commission has been notified and they could act on this variance at this time. Lot 17 is the island lot. The staff is asking the applicant to spell out the ownership of

Planning and Zoning Commission
August 23, 1976
Page 12

this lot. This lot would be too small as far as placing any building on it. The size proposed for the lot could be approved if it is to be used for open space.

Mr. Maguire also noted that the extra 10 feet to bring the road up to standard would probably be taken out of Lot 17. The Commission could give concept approval for the development of Lots 11 through 17 and the remainder be left as one large lot.

Mr. Menzies, employed by the applicant, noted that the remaining lots in the cluster area are intended to be used for multi-family dwellings and Lot 17 used for parking. One of the reasons for requesting a 50' right of way instead of 60' is that at many times he questions a width like this for a frontage road. You can build the required 22 to 24 foot wide road without needing that much right-of-way on each side. There is plenty of room for snow removal. In this area he didn't think the 60' requirement is as applicable as in other areas.

Mr. Maguire noted that the sewage treatment proposal still has to be worked out with the Sanitarian.

Mr. Grant moved for preliminary approval for development of Lots 11 through 17 with Lot 17 to be used for parking, and grant approval for the 50' right-of-way. Mr. Beadle seconded the motion.

Mr. Forrest appreciated what Mr. Menzies said. The Commission does need to be very careful to change as different circumstances arise. The Commission is not obligated to any other subdividor by what it has done with this one.

There were no objections to the motion and it was unanimously carried with Mr. Menzies abstaining.

SKETCH PLAT, PORTION OF USS 1361, NORTH DOUGLAS.

Mr. Maguire noted that the road appears to be at a twelve per cent grade which is above City/Borough standards. The applicant is showing roads to other properties to accommodate subdivision of other lots adjacent to this area. The staff has talked with him about the idea of making the proposed subdivision self-supporting, not being dependent on future subdivision of neighboring properties.

Mr. Howard Lockwood located the property on his display map. The owner is part owner with another person for the property to the rear of this area. This sketch plat gives consideration to giving access to the back area, giving consideration of the present property ownership, and also considers the existing zoning. This general outline has been used to get comments from the Platting Board. The present road into the area is at an eight per cent grade, which is within the City/Borough standards.

Mr. Forrest didn't see any problem if the grades as stated are adequate to serve the access into the area. A plan to get into the back lots is appropriate.

Mr. Menzies asked if the road going easterly would block off any further subdivision or if that area would be left as one large lot.

Mr. Lockwood said that particular parcel was part of an estate. The applicants are willing to work with the staff regarding a cul-de-sac in that general vicinity. He felt that the large parcel is completely separate from this proposal. The applicant is also willing to work with the staff to determine whether this should be a straight road or a cul-de-sac.

Mr. Forrest noted that the applicant should be assured that the grades are going to serve the property to the best advantage.

STREET NAMES

MENDENHALL WAY RENAMING, LEMON CREEK AREA

The staff had no specific recommendation except not to name this street Davis Avenue. Suggestions were Lemon Way, Davis Way, Freedom Way, St. Jail Road, Lemon Creek Road, and Correction Way.

Mr. Forrest moved for approval of Lemon Creek Road. Mr. Grant seconded the motion. There were no objections and the motion unanimously carried.

UNNAMED ALLEY RUNNING BETWEEN AND PARALLEL TO ELEVENTH AND TENTH STREETS, JUNEAU.

The staff recommended Casey Place be chosen for this alley.

Other suggestions were Casey Way, Church Way, Falta Lane, Overstreet Drive, Sourdough Lane, Cheechoko Drive, and Ad-A-Lane.

Mr. Forrest moved to approve "Casey Place" as the name for this alley. Mr. Menzies seconded the motion. There were no objections and the motion unanimously carried.

GRAHAM WAY RENAMING, VINCENT ACRES SUBDIVISION, LENA COVE AREA

The staff recommendation for this renaming is Christine Avenue.

Mr. Shelley moved for approval of Christine Avenue. Mr. Beadle seconded the motion. There were no objections, and the motion unanimously carried.

PLANNING DIRECTOR'S REPORT
MERCHANT'S WHARF PARKING VARIANCE

Mr. Bolton noted that the variance application will be up for consideration by the Planning Commission on September 13. He read an August 11, 1976 letter from Mr. Hutchinson, representing Mr. Camerot. There is some fill being put in the area. This fill would be subject to all applicable codes and the Corps of Engineers. Mr. Bolton also noted the memorandum to Mr. Hartenberger from the Assistant City/Borough Attorney regarding enforcement of the zoning ordinance for this parking requirement.

Mr. Bolton also circulated information from the Southeast District, Alaska Department of Highways regarding reconstruction of a Gastineau Channel Bridge.

Mr. Forrest, at this time, noted he received a call from Mr. Parsons, Parks and Recreation Director, concerning the material made available to the Commission on the Parks and Recreation Master Plan. Mr. Parsons would like comments from the Commissioners if they have any.

NEW BUSINESS

PRELIMINARY REVIEW OF PROPOSED MOBILE HOME PARK LOCATED WITHIN USS
204 AND 609, MILE 6, GLACIER HIGHWAY

Mr. Bolton mentioned that a public hearing will be set at tonight's meeting for September 13, 1976 meeting. The schematic of the proposed park, showing 154 spaces plus the original 8, was displayed. A green belt is shown on the periphery of the park. This is zoned a multi-family district and a mobile home park is considered as a conditional use. If this is approved under the conditional use procedure, then it would have to be reviewed as a mobile home park.

The Conditional Use Hearing was set for September 13, 1976.

Mr. Charlie Schneider noted that the frontage road which is proposed to run parallel to the old Glacier Highway would give good traffic flow in and out of the park. These two points were felt to be the best for access purposes.

ECONOMIC DIVERSIFICATION COMMITTEE - APPOINTMENT OF MEMBER TO REPRESENT PLANNING AND ZONING COMMISSION

Mr. Shelley agreed to serve on the Economic Diversification Committee.

SET PUBLIC HEARING FOR CONDITIONAL USE APPLICATION TO EXPAND LIVINGSTON
COPTERS

This public hearing was set for September 13, 1976.

COMMISSION COMMENTS AND QUESTIONS

Mr. Beadle asked the status of the Port Committee's recommendation, if any, on a harbor at the end of Fritz Cove Road. The staff will research this out and report back to the Commission.

Mr. Triplette asked how the staff goes about securing a bond in instances such as Mr. Bo and the Merchant's Wharf situations. Mr. Bolton noted the penalty as stated by the Attorney is used, as per the Ordinance.

Mr. Forrest asked what could be done if Mr. Bo applies for his permit and doesn't supply the bond. Mr. Triplette noted that the Commission could require a bond to assure compliance with the ordinance on the after-the-fact situations, but what assurance does the Commission have that the bond will be supplied. Mr. Forrest noted that a stipulation could be made as to a date by which the bond needs to be secured.

Before adjournment, Mr. Beadle moved to excuse Mr. Caudle from the meeting.

ADJOURNMENT There was no further business to come before the Commission and the meeting adjourned at 11 p.m.

The January 10, 1976 Planning and Zoning Commission meeting was called to order by Chairman Kay Diebels at 7:30 p.m. in the Assembly Chambers with the following roll recorded:

Present: Triplette, Minch, Beadle, Sagalkin, Shelley, Grant,
Caudle, and Diebels
Excused: Menzies

Staff Present: Ron Bolton, Zoning Administrator; Tim Maguire, Planner; and Terry Brenner, City/Borough Land Surveyor

APPROVAL OF MINUTES - December 27, 1976

Mr. Triplette corrected Page 5, Paragraph 6, first sentence to read: "Mr. Triplette felt that the general location of the clinic seems to be ideal for this use."

Mr. Caudle made a correction on Page 6 as follows: Paragraph 8, change to read as follows:

"Mr. Caudle stated that the applicants have put the Commission in a precarious position. To have something like this "rammed" on us and told that it is very necessary to Juneau is subject to our approval based on your not being able to get your financing after the year's end is not fair to us. I know at some time we have to consider that. I would like nothing more than to see a medical center at this location, but I will vote no on the motion simply because it is just too soon. It has just been thrown at us and we haven't had a chance, although we have been told things options to be used and other possible locations. I feel we are un a tremendous amount of pressure to approve this but at the same time I am not going to vote on something that is in effect being rammed on us."

Mrs. Sagalkin moved for approval as corrected. Mr. Beadle seconded the motion. There were no objections and the minutes were approved as corrected.

PUBLIC PARTICIPATION ON NONAGENDA ITEMS - None

UNFINISHED BUSINESS

PUBLIC HEARING ON APPLICATION REQUESTING CHANGE FROM R-7 RESIDENTIAL DISTRICT TO RML MULTI-FAMILY RESIDENTIAL DISTRICT FOR TWO (2) LOTS ON JAMES BOULEVARD NEAR GREEN ACRES SUBDIVISION

Mr. Bolton pointed out the location of the property on both the land use and zoning maps. The staff offered no objection to the rezoning; however, with the increased subdivision and building development occurring in this area, the tentative location of the primary collec-

Planning and Zoning Commission
January 10, 1977
Page 4

The staff recommends approval on the following conditions:

1. A note be placed on the plat which restricts access to Lots 2 and 6 to Alder Avenue and Lot 1 to Radcliff Road,
2. The proposed roadway be given conditional acceptance,
3. A brass cap monument be set at the northwest corner of the subdivision.
4. The lengths and bearings of chords for lots abutting the cul-de-sac be shown
5. Manhole cover for Manhole #1 be reinstalled.
6. Alder Circle be constructed or a construction performance bond be submitted.
7. Sewer connection laterals be shown on the sewer as-built drawings, and
8. A one-year warranty bond for the sewer be submitted. The sewer has been constructed and approved by the City/Borough; however, a bond for 5% of construction cost must be submitted to insure repairs on the line for one year. The amount of the warranty bond would be \$450.00

Regarding Condition #2, Mr. Maguire noted that when the road is approved, it has a one year warranty condition and any deficiencies that need to be corrected in the first year would have to be taken care of.

Mr. Caudle moved for approval of the application contingent upon meeting conditions as recommended by the staff. Mr. Shelley seconded the motion.

The proposed subdivision was located on the large Valley zoning map.

There were no objections and the plat was conditionally approved.

FINAL PLAT, NORTH LOOP SUBDIVISION #1, TRACT A, LOT 1, USS 3758, MENDENHALL VALLEY

Staff recommends approval on the conditions that:

1. The sewer system be accepted or that bonding be provided for its construction, and
2. A sewer assessment lien be filed with the plat.

Access to all of the lots would be directly onto the Loop Road. The Department of Highways did not object to this access, but stated that the applicant would have to receive access permits from the Department.

Mr. Beadle noted that the Commission has in the past limited access to arterials and now has a proposal before it to grant 13 driveways in a distance of about 1,000 feet on a road that is or shortly will be an arterial. He noted a possibility of having one driveway for each two lots.

Mr. Maguire noted that the right-of-way for this stretch is 100 feet. A variance was approved for the depth of Lot 1, which meets the zoning requirements, but not the platting requirements.

The ownership of the property behind this proposed subdivision was discussed.

Mr. Triplette felt it might be sensible to require a road behind these lots and limit access to that road. That would limit the number of access points onto the highway. He was not sure, though, if the Commission could require the other property owner to provide this road. It would be worthwhile to check this out.

Mr. Maguire reviewed what was approved previously. The basis for not approving these lots was basically that no public sewer was proposed for them.

Mr. Grant's concern would be that of access to the property behind this proposed subdivision. It would seem reasonable that the owner of that property would also be concerned about this.

Mr. Bolton noted that the staff could get together with that owner and the subdivider. It might have a mutual advantage.

Mr. Triplette moved to postpone action on this, and have the staff inform the applicants of the Commission's concern regarding access and the Commission's desire that the applicant and the adjoining property owner get together to try to work out a solution. Mr. Shelley seconded the motion. There were no objections and the motion carried unanimously.

PLANNING DIRECTOR'S REPORT

SET HEARING ON CONDITIONAL USE APPLICATION TO PLACE A MOBILE HOME ON A PRIVATE LOT.

The public hearing on this application is scheduled for the regular meeting of January 24, 1977.

NEW BUSINESS

REVIEW OF CAPITAL IMPROVEMENT PROJECT SUMMARY

Mrs. Sagalkin did not feel there was enough in the CIP for trails. The Trail Plan provided by Parks and Recreation provides for many more. She also noticed a lack of reference to the Beach Park Proposal by Parks and Recreation. She also felt that there should be something about green belts in the Program. She would also like to see bus waiting areas to include bike parking areas also, especially at the Auke Bay Campus and Mendenhaven; also, the Gastineau Meadow Cross-Country trail and a whale observing point at the Auke Bay Ferry Terminal.

Mrs. Diebels felt the Borough should make plans to buy the green belt areas or stop putting them on the maps. She didn't think there were any except at Salmon Creek.

Green belt areas were discussed at length, together with an incentive program for tax relief. The staff will check into the possibility of tax incentives for such purposes.

Other subjects touched on were the Airport Master Plan, Street paving, Bus Shelters (again), a rifle range under Parks and Recreation Department, small boat harbors, and the central police station.

Mrs. Sagalkin suggested a recommendation to the Assembly that they not fund any additional projects for the Airport until the Master Plan is done. This recommendation was agreed to by the entire Commission. The Commission also felt that the Master Plan should be open for public hearing.

Regarding Docks and Harbors section of the CIP, the Commission recommended that an Auke Bay Harbor Plan be done, including a waterfront plan for that area and analysis of the need for boat stalls in that area. The plan should probably include the land up to the road and not just between the low and high tide areas.

The remaining sections of the CIP summary will be scheduled for the January 24, 1977 meeting for Commission review.

COMMISSION COMMENTS AND QUESTIONS

Mrs. Diebels asked about the expansion possibilities of the hospital in relation to the new Medical Clinic. Mr. Bolton informed the Commission that the hospital can expand, but there will have to be a four-hour fire wall constructed. It has been recommended that any additional cost for this construction be absorbed by the public. The final lease for the Medical Center site was briefly discussed.

Planning and Zoning Commission
January 10, 1977
Page 7

On the matter of the Lynn Canal Fire Station, Mr. Bolton noted that this came up approximately a year ago. There wasn't enough interest at that time now more interest has been expressed. It will be brought up before the general public for a bond issue. Mr. Bolton will have the pertinent information for the next meeting.

A subcommittee of the Commission for the purpose of subdivision review was established. Members are Bob Minch, Hugh Grant, Mal Menzies, Monda Sagalkin, and Stan Beadle. The subcommittee meetings will be open to the public and anyone is invited to attend, especially neighboring property owners. The committee will review those subdivisions which the staff feels necessary for it to review.

It was noted by Mr. Bolton that the staff has not had time to work further on the proposed mobile home park ordinance changes.

The Staff will find out before the next meeting the status of the Merchant's Wharf parking situation, which has been submitted to the Attorney's office for their action.

ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 10:25 p.m.

CITY AND BOROUGH OF JUNEAU, ALASKA

PLANNING COMMISSION

Platting Resolution, Serial No. 517

WHEREAS, Thomas Hoey

(Applicant(s))

has applied to the City and Borough Planning Commission in proper form for approval of the following described subdivision

North Loop Subdivision No. 1

WHEREAS, the Commission finds that the proposed subdivision complies with the subdivision regulations of the City and Borough of Juneau, Alaska,

BE IT RESOLVED BY THE CITY AND BOROUGH PLATTING COMMISSION AS THE PLATTING AUTHORITY FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA:

That the said application for a subdivision plat of the above described property is hereby granted.

77-6485

Dated March 29, 1977

RECORDED	FILED 300
JUNEAU	REC. DIST.
DATE 11/21/77	19 77
TIME 4:26	P M
Requested by TOM HOEY	
Address	

CITY & BOROUGH OF JUNEAU, ALASKA
PLANNING COMMISSION

By

Kathleen H. Smith
Chairman

Attest:

Mark Neuzil
Clerk

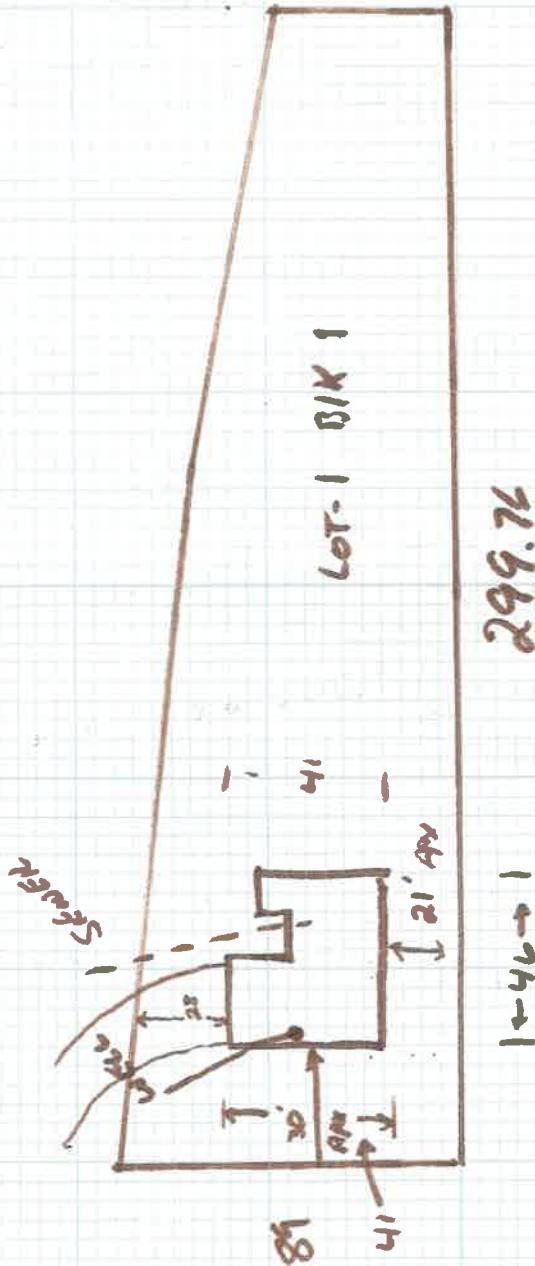


PLEASE DO NOT FILL IN THE SHADED AREAS

PERMIT PROCESS NO.		CITY and BOROUGH of JUNEAU, ALASKA				PERMIT NO. <u>13847</u>	
PERMIT FOR: BUILDING ☐ GRADING ☐ WATER ☐ SEWER ☐ OTHER ☐					DATE RECEIVED:		OWNER JOB ADDRESS FILE NO
Please quote the file number in all future correspondence.							
FILE NUMBER <u>5-3-611-001-001-3872</u>							
LEGAL DESCRIPTION	LOT NO. <u>1</u>	BLOCK <u>1</u>	TRACT/SUBDIVISION <u>NORTH Loop Sub.</u>	U.S. SURVEY <u>3758</u>			
JOB ADDRESS <u>8497 Mendenhall Loop Road</u>					ASSIGNED TO:		
OWNER (PLEASE PRINT OR TYPE) <u>BRUCE LOCKWOOD</u>		MAIL ADDRESS <u>PO Box 784 JUNEAU</u>		ZIP <u>99802</u>	CONTACT PHONE <u>789-2345</u>	HOME PHONE	
CONTRACTOR <u>"</u>		MAIL ADDRESS <u>"</u>		ZIP <u>"</u>	PHONE	LICENSE NO. <u>In File</u>	
ARCHITECT OR ENGINEER		MAIL ADDRESS		ZIP	PHONE	LICENSE NO.	
USE OF BUILDING	Packet Page 89 of 157						
CLASS OF WORK	☒ NEW ☐ REMOVE ☐ MOVE ☐ DEMOLITION ☐ ADDITION ☐ ALTERATION ☐ REPAIR ☐ OTHER						
TYPE OF BUILDING	☒ RESIDENTIAL ☐ COMMERCIAL ☐ INDUSTRIAL ☐ OTHER						
IS THE PROPOSED WORK TO BE DONE ON LAND WHICH HAS BEEN PREVIOUSLY FILLED OR IS PROPOSED TO BE FILLED? YES ☐ NO ☐							
APPLICANTS REMARKS:							
REHABILITATION WORK IS THERE A SEPARATE APPLICATION FOR REAL PROPERTY TAX EXEMPTION YES ☐ NO ☐ YES ☐ NO ☐							
NOTE: If the work is on a landfill, in water, wetlands, or an intertidal area, a corps of engineers or other permits may be required							
THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 120 DAYS, OR IF WORK OR CONSTRUCTION IS SUSPENDED OR ABANDONED FOR A PERIOD OF 120 DAYS AT ANY TIME AFTER WORK IS COMMENCED							
I HEREBY CERTIFY THAT I HAVE EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT AND THAT THE WORK WILL COMPLY WITH ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WHETHER SPECIFIED HEREIN OR NOT.							
THE GRANTING OF THIS PERMIT DOES NOT AUTHORIZE THE VIOLATION OF THE PROVISIONS OF ANY FEDERAL, STATE OR LOCAL LAW REGULATING CONSTRUCTION NOR THE VIOLATION OF THE TERMS OF ANY DEED, OR COVENANT, OR ANY ZONING OR OTHER REGULATIONS.							
SIGNATURE OF OWNER, CONTRACTOR, OR AUTHORIZED AGENT <u>Bruce Lockwood</u>					DATE <u>5-6-81</u>		
NEW BUILDING/ RESIDENCE ADDRESS <u>8497 Mendenhall Loop Road</u>							
ESTIMATED VALUE FOR WORK DESCRIBED		TYPE OF CONSTRUCTION <u>UN</u>		FIRE ZONE <u>3</u>		NO. OF LIVING UNITS <u>1</u>	
ESTIMATED PLAN CHECK FEE		NO. OF BEDROOMS <u>4</u>		HOUSING DATA CODE <u>SIF</u>		NO. OF STORIES <u>2</u>	
ESTIMATED PERMIT FEE		OTHER APPROVALS		REQ		APPROVED	
ACTUAL VALUE FOR THE WORK DESCRIBED <u>5-6-81</u> <u>96,500.8K</u>		ZONING		T.M.		ZONING CLASS <u>R-7</u> DATE <u>5/6/81</u>	
ACTUAL PLAN CHECK FEE <u>212</u>		HEALTH OFFICER					
ACTUAL PERMIT FEE <u>424</u>		FIRE MARSHAL					
PLANS RECHECKED		FIRE CHIEF					
DATE	UNITS	SANITARIAN					
		PUBLIC WORKS		<u>✓ ELK</u>		<u>5/6/81</u>	
		OTHER (SPECIFY)					
		APPROVAL REMARKS					
SEWER FEE <u>1 unit</u>							
WATER FEE							
STRUCTURE FEE DOUBLED		YES ☐ NO ☐					
OTHER CHARGES							
TOTAL FEE IN DOLLARS						<u>651.00</u>	
OCCUPANCY	R-3	M					
AREA IN SQ. FT.	<u>1951</u>	<u>506</u>					
VOLUME IN CUBIC FT.							
PLANS CHECKED BY <u>SL</u>		DATE <u>5-7-81</u>		APPROVED FOR ISSUANCE BY <u>SL</u>		DATE <u>5-7-81</u>	
BUILDING OFFICIAL REMARKS							
This permit must be kept at the work site with the approved plans. A separate Inspection Record Card will be issued with the permit. The Inspection Record Card must be posted on the front of the premises.							
PLAN CHECK FEE VALIDATION		RECEIPT NO.		TOTAL PERMIT FEE VALIDATION <u>651.00</u>		RECEIPT NO.	

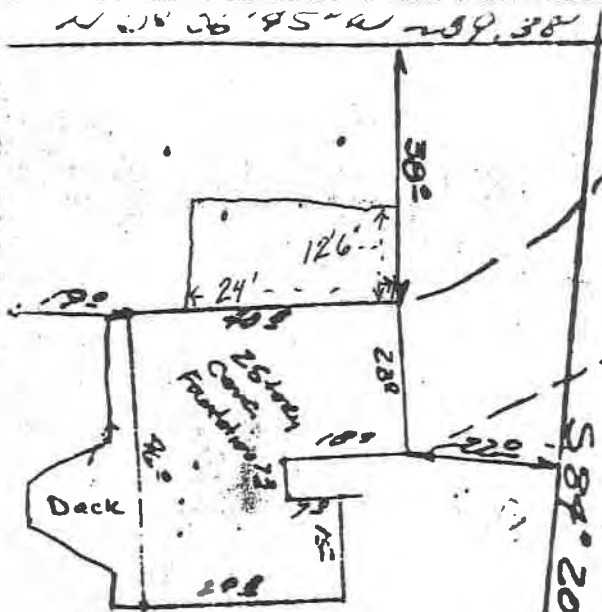
↑ NORTH

SURVEY # 3757
NEWM COOP SUB.



BUILDING OFFICIAL REMARKS			
This permit must be kept at the work site with the approved plans. A separate Inspection Record Card will be issued with the permit. The Inspection Record Card must be posted on the front of the premises.			
PLAN CHECK FEE VALIDATION	RECEIPT NO.	TOTAL PERMIT FEE VALIDATION \$651.00	RECEIPT NO.
		340 MAY 7	65100 D30

"See reverse side for special attention"



Packet Page 91 of 157

Lot 1

S 84° 20' 30" E - 175.62

A = 90° 37' 15"

C = 127.60 E = 108.73

N 10° 10' 30" W
70.08'

RECEIVED
ON
AUG - 9 1994

CITY OF JUNEAU
BUILDING DIVISION



I certify that this is a true and correct plat;
walks, roads, easements and improvements thereon
and that all overlaps and encroachments are as
the best of my knowledge.

updated 10-12-83 TIA

SCALE 1" = 30'
DATE 9/3/81
BY JWB

J.W. BEAN

AS-Built Survey of:
Lot 1, North Camp Sub. No. 1
within C.S.S. 375B.
FOR: BRUCE COCKWARD



BUILDING PERMIT

COMPLETED

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 provisions of said ordinances.

The granting of this permit does not authorize the violation of any federal, state, or local law regulating construction nor the violation of the terms of any deed or covenant or any zoning or other regulations.

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.

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 180 days or if work or construction is suspended or abandoned for a period of 180 days at any time after work is commenced.

Packet Page 92 of 157

Inspection can be arranged by telephoning 586-1703 or by written notification. Work shall not proceed until the inspector has approved the various stages of construction.

JOB ADDRESS	RECEIPT #	DATE	PROJECT #
8497 KENDENHALL LOOP RD	12398	08/26/94	10041.01
USE OF PERMIT			
ADD OPEN-AIR CARPORT			

OWNER		
RANDY THATCHER		
ADDRESS		
4034 DEBORAH DR		
CITY	ST	ZIP
JUNEAU	AK	99801 0000
APPLICANT		
RANDY THATCHER		
CONTRACTOR		
Owner-Builder		
ADDRESS		
CITY	ST	ZIP
PH	STATE LIC.	
ARCH/ENGINEER		
ADDRESS		
CITY	ST	ZIP

TRACT #	LOT #	APN		
	1	5-B24-0-124-001-0		
TRACT NAME		MODULE #	CENSUS TRACT	
NORTH LOOP 1				
ZONE	SETBACKS FRONT	LEFT	RIGHT	REAR
Plan Review		110300203	48.60	
1 thru 4 Family Res.		0000000515	97.20	
Other Fees			48.60	
COUNTER APPROVAL		PAYMENT FORM	TOTAL FEE	
			58888194.40	

PROJECT PERMIT

Estimated Construction Valuations

Permit Type	Rate	Sq Feet	Valuation
1 thru 4 Family Res.	17.30	300	5190.00

OTHER Fees

Courtesy Permit Fee	48.60	(000000510)
Total	48.60	

PROJECT CONDITIONS/HOLDS

Conditional	Permit to build open-air carport addition.
Conditional	SUP Zone D5, setbacks: front & rear 20, left & right 5.
Conditional	SUP Verify smoke detection per 1991 UBC.
Conditional	SUP

BUILDING PERMIT APPLICATION
(FILL IN GRAYED AREAS AS A MINIMUM)

Received: 8/9/94

Date Issued: 8/19/94

Process No: 1004.01

CITY and BOROUGH of JUNEAU, ALASKA

Permit No. 10046

Project Address / Building Name: 8497 7484 MENDELHALL LOOP		City / Zip: JUNO	
Subdivision / USS (If known): NORTH LOOP SUB. USS 3758		Block / Tract (If known): NORTH Loop Sub.	Lot (If known): 1
Assessor's Process Number (If known): 5B 24 0124 0010		Dwelling Units:	Number of Buildings:
Applicant's Name: RANDY THAYER		Contact Person:	
Mailing Address: 4034 DEBORAH DR		Home Phone No.: 789-1557	Work Phone No.: 780-1227
Property Owner: SAME		Contact Person:	
Mailing Address:		Home Phone No.:	Work Phone No.:
Contractor (If known):		Contact Person:	
Mailing Address:		Phone No.:	License No.:
Architect (If known):		Contact Person:	
Mailing Address:		Phone No.:	License No.:
Engineer (If known):		Contact Person:	
Mailing Address:		Phone No.:	License No.:

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CLASS OF WORK ☐ New ☒ Addition ☐ Remodel / Repair ☐ Demolition ☐ Woodstove ☐ Water ☐ Grading ☐ Other

BUILDING TYPE ☒ Residential ☐ Commercial ☐ Other

REPAIR AND REHABILITATION PROJECT: Is there a separate Property Tax Exemption Application? ☐ Yes ☒ No

FLOOD PLAIN: Is the land classified as a flood plain area? ☐ Yes ☒ No

LANDFILL: Has the land been previously filled? ☒ Yes ☐ No ☐ Do Not Know

DESCRIPTION OF WORK: (If Remodeling / Repair, include contractual cost of materials and labor, even if you plan to do the work yourself.)

12'6" x 24' CARPORT (DRY BOAT STORAGE)

NOTE: If the work is on a landfill, in water, wetlands or an intertidal area, a Corps of Engineers or other permits may be required.

New Sq. Ft. 1500.00
and/or
Remod. \$

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state, federal or local law regulating construction or the performance of construction.

Signature of Owner, Contractor or Authorized Agent: [Signature] Date: 8/9/94

BUILDINGS (OFFICE USE ONLY BELOW THIS LINE)

Occupancy Class: M-1 (B-2, R-3, etc) Type of Construction: II-N (V-1 HR, etc)

FCC Code: (101, 434, etc) Permit Classification: SF (SF, BU, etc)

Occupancy / Type	Square Feet	@ Rate	= Valuation
Carport	300	17.30	5,190.

Number of Stories: Number of Bedrooms:

BUILDING PERMIT FEES

Est. Plan Review \$ 48.50
Est. Zoning Rev. \$ 50.00
Check No. Receipt No.

Building Permit Fee \$ 97.20
Actual Plan Review \$
Fast Track Fee \$
Early Start Fee \$
Double Fee \$

Total Building Permit Fee \$ 194.40
Act. Zoning Rev. \$

ENGINEERING FEES

Water Assessment \$
Water Inspection Fee \$
Sewer Assessment \$
Sewer Inspection Fee \$
Grading/Drainage Permit Fee \$
Driveway Permit Fee \$
Bond \$

Total Engineering Fees \$

Permit Issuance Fees Received \$ 194.40
Check No. 1016 Receipt No.

LAND USE D-5
ZONE 2-
PARKING
FLOOD PLAN: N/A
Elevation
SETBACKS: Front 20 Rear 20
Left 5 Right 5

LAND USE PERMITS:

Number	Date
Number	Date

COMMENTS:

ENGINEERING / PUBLIC WORKS

CITY WATER: Service - Size Fire Line - Size Metered ☐ Yes ☐ No Yoke Rec'd ☐ Yes ☐ No

CITY SEWER: Units

DRIVEWAY BOND: Number Date

ADEC APPROVALS:

On-site Water Number Date

On-site Sewer Number Date

PLAN REVIEW APPROVALS

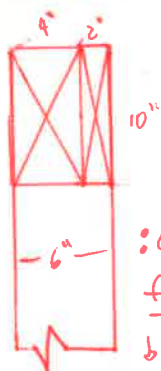
Initials	Date
Architectural DCF	8/11/94
Structural DCF	8/11/94
Electrical	
Mech / Plumb	
Fire	
Zoning PDP 8/15/94	
Engineering ACF 8-19	
Disabled Access	
Other	

APPROVED FOR ISSUANCE

Signature: [Signature]
Date: 8/19/94

CONDITIONS AND HOLDS ON PERMIT: Permit to build open-air carport
Verify smoke detection per UBC 1991

detail

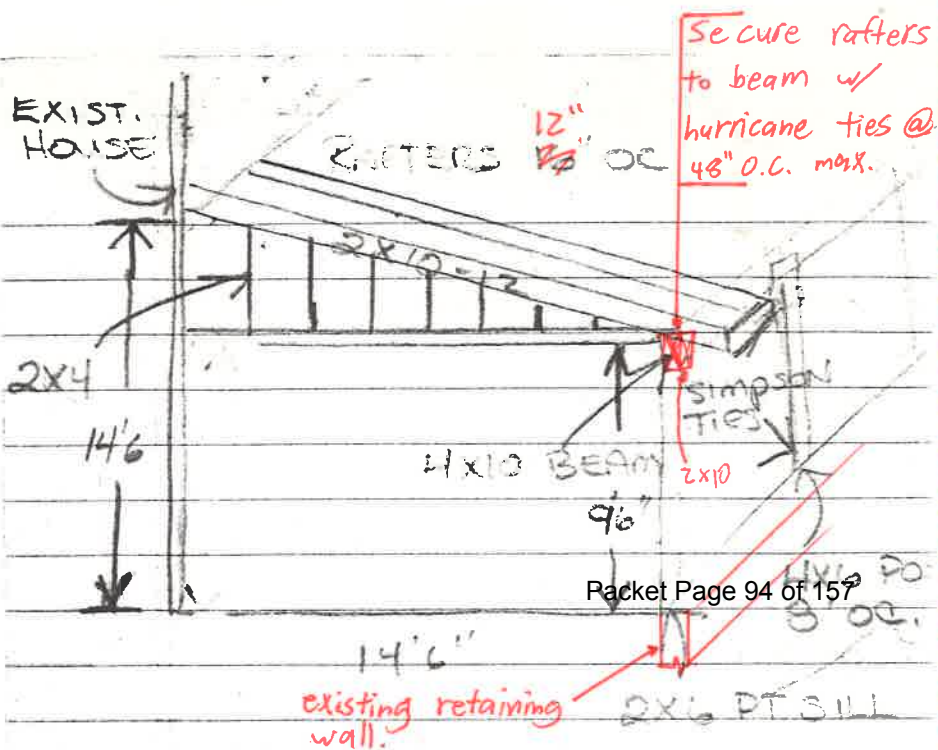


orient post so as to fully support built-up beam.

RECEIVED
ON

AUG - 9 1994

CITY AND BOROUGH OF JUNEAU
BUILDING DIVISION



2x4 2x6 PT

4ea 4x6 com. Posts

18 ea 2x10-12x13' com

2 Rolls 15lb Felt

14ea 4x8 Shts 3/4" Ply.

4ea 2x4x16 com.

2ea 2x12x14 com (SUB FACIA)

18ea 2x12 Joist Hangers

18ea Simpson Rafter Ties

SIL SEAL

City and Borough of Juneau, Alaska
Department of Engineering - Building Division
155 South Seward Street
Juneau, Alaska 99801 #10041.01

FILE NO. 5-824-0-124-921-9

☒ APPROVED AS CORRECTED:

☐ REVISE AND RESUBMIT:

DATE: 8.19.94

This is not a building permit and does not serve as any type of warranty or guarantee of adequate design or construction. This plan check is only for the purpose of reviewing plan compliance with the applicable provisions of building, electrical, plumbing and mechanical codes under Title 19 of the code of the City and Borough of Juneau. Plan approved is not a bar to the enforcement by the City and Borough of any of its ordinances and regulations as they may exist from time to time, nor is it authority or approval to violate any provisions of Title 19 of the code of the City and Borough of Juneau or any applicable federal, state or local laws and requirements, including the provisions of the zoning and fire codes, whether or not the violation is shown and approved on these plans.

PROJECT CONDITIONS/HOLDS

Conditional	Permit to build open-air carport addition.
Conditional	Zone D5, setbacks: front & rear 20, left & right 5.
Conditional	Verify smoke detection per 1991 UBC.



Parcel
5B2401240010
8497 MENDENHALL LOOP RD
Block
LOT 1
Sub
SD: N LOOP # 1
U.S. --- 3-36

REMARKS: 9-2-80 Vacant TP

4/12/81 - New House - call back for interior sh

12/2/81 - NOH - interior sh

9/13/82 NOH - sh

10-3-83 NOH sh

7-31-85 sh NC sh

8-19-86 painted TP

6-22-87 sh sh

1-17-89 sh TP

11/12/94 ^{RTTP} New Carpet & Bathroom Addition (estimated)

6/18/95 No apparent changes sh > GO

05/06/03 - NHLC - CARPORT NOW GARAGE, AVG. C UND. FOR AGE, EFF. 10,

AV. DECK & CONCRETE PATIOS & VERY NICE GREENHOUSE (~12x24) ~~NO~~

11/10/08 BP install new fence west side of property

appears complete, Photo sh.

2-22-13 - FT per canvas, update file, sketch, photo & cost data sh

7/15/16 Canvas sh

Cost Report - Residential

10346		Record	1
Parcel Code Number	5B2401240010	Building Type	R- Single-family Residence
Owner Name	THATCHER KATHY	Quality	3
Parcel Address	8497 MENDENHALL LOOP RD	Construction	Stud Frame
Effective Year Built	2006	Total Livable	2093
Year Built	1981	Style	Two Story

Improvement	Description	Quantity	Unit Cost	Percent	+/-	Total
Base						
Exterior	Frame, Siding, Wood		71.48	100%		
Roof	Composition Shingle		1.22	100%		
Heating	Baseboard, Hot Water		1.93	100%		
Adjusted Base Cost		2,093	74.63			156,201

Exterior Improvement(s)						
Other Garage	Attached Garage (SF)	474	23.38			11,082
Other Garage	Built-in Garage (SF)	506	21.57			10,914
Other Garage	Garage Finish, Attached (SF)	474	5.43			2,574
Other Garage	Garage Finish, Built-in (SF)	506	1.83			926
Porch	Wood Deck (SF)	252	11.84			2,984
Porch	Wood Deck (SF) with Roof	70	38.25			2,678
Porch	Open Slab Porch (SF)	1,665	5.75			9,574
Total						40,731

Additional Feature(s)						
Feature	Fixture	12				15,780
Total						15,780

Sub Total						212,712
------------------	--	--	--	--	--	----------------

Condition	Average					
Local Multiplier			1.30	[X]		276,525
Current Multiplier			1.05	[X]		290,351
Quality Adjustment				[X]		290,351
Neighborhood Multiplier				[X]		290,351
Depreciation - Physical		1.00 [X]	9.00	[-]		26,132
Depreciation - Functional				[-]		0
Depreciation - Economic				[-]		0
Percent Complete			100.00	[-]		264,219
Cost to Cure						
Neighborhood Adjustment						

Replacement Cost less Depreciation						264,219
---	--	--	--	--	--	----------------

LOT 1

02/22/13 - F/I per area canvas, updated file, sketch, photo & cost data. dw

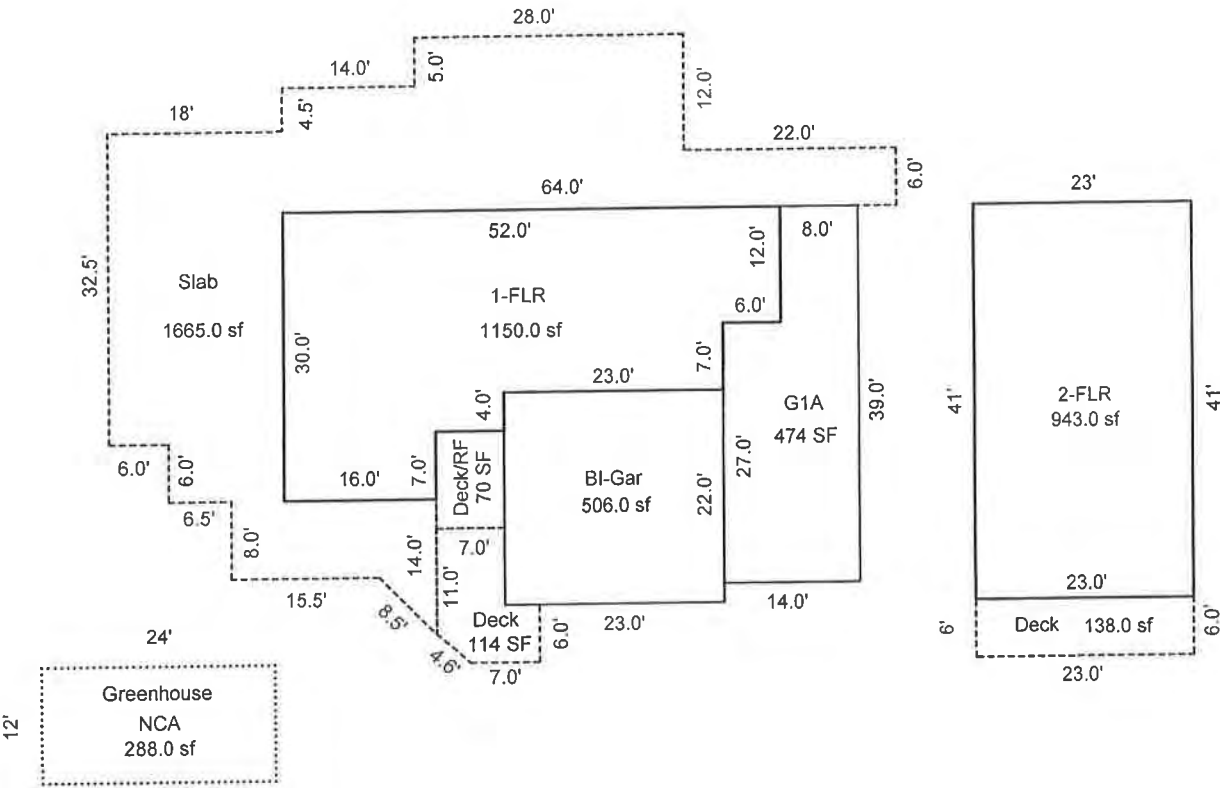
Canvas, removed OV's.

Dora_Prince - 7/15/2016 2:52:38 PM

Miscellaneous Improvements

Miscellaneous Improvement	Greenhouse, revalued			[+]		1,000
Solid Fuel Heater				[+]		2,000
Total Miscellaneous Improvements						3,000

Total Improvement Value				[Rounded]		\$267,200
--------------------------------	--	--	--	------------------	--	------------------



Comments: 5B2401240010

AREA CALCULATIONS SUMMARY					LIVING AREA BREAKDOWN			
Code	Description	Factor	Net Size	Perimeter	Net	Breakdown		Subtotals
GLA1	1-FLR	1.00	1150.00	164.0	1150.00			1150.00
GLA2	2-FLR	1.00	943.00	128.0	943.00	7.0 x	16.0	112.00
GAR1	G1A	1.00	474.00	106.0	474.00	12.0 x	52.0	624.00
GAR7	BI-Gar	1.00	506.00	90.0	506.00	7.0 x	46.0	322.00
P/P1	Deck	1.00	138.00	58.0	138.00	4.0 x	23.0	92.00
P/P1	Deck	1.00	113.75	47.1	2-FLR 75.75			
P/P2	Deck/RF	1.00	70.00	34.0	70.00	23.0 x	41.0	943.00
P/P4	Slab	1.00	1665.00	316.5	1665.00			
Net LIVABLE Area (rounded w/ factors)					5 Items 2093	(rounded w/o factors)		2093



LOT COVERAGE

Single-family Structure: 2560 square feet

Greenhouse: 280 square feet

Carport/boat storage: 830 square feet



VEGETATIVE COVER

A ~ 7,373 square feet

B ~ 1,250 square feet

C ~ 852 square feet

TOTAL ~ 9,475 square feet, 43%



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

BOARD OF ADJUSTMENT NOTICE OF DECISION

Date: May 2, 2016
File No.: VAR2016 0003

Rand E Thatcher
PO Box 210145
Auke Bay, AK 99821

Application For: Variance request to reduce the lot depth requirement from 85 feet to 68.75 feet to allow a two lot subdivision.

Legal Description: North Loop 1 LT 1
Property Address: 8479 Mendenhall Loop Road
Parcel Code No.: 5-B24-0-124-001-0
Hearing Date: April 26, 2016

The Board of Adjustment, at its regular public meeting, adopted the analysis listed in the attached memorandum dated April 15, 2016 and based on additional information provided at the hearing modified criterion 1 as shown below:

CBJ 49.20.250 Grounds for Variance

1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - A motion was made and passed to remove last sentence of staff's findings "Staff does not find enough evidence that this variance would be more consistent with justice to other property owners" and to change staff's findings to "Yes. This criterion has been met".
- The motion included the request to remove the following application description: "Variance request to reduce the lot depth requirement from 85 feet to 68.75 feet to allow for a two lot subdivision". The application description was changed to: "Variance request to reduce the lot depth requirement from 85 feet to allow for a two lot subdivision."

Rand E. Thatcher
File No: VAR2016 0003
May 2, 2016
Page 2 of 2

Attachment: April 15, 2016, memorandum from Allison Eddins, Community Development, to the CBJ Board of Adjustment regarding VAR2016 0003.

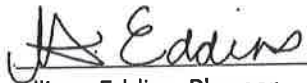
This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, April 26, 2016

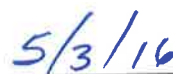
Expiration Date: The permit will expire 18 months after the effective date, or October 26, 2017, if no Subdivision Permit has been issued and substantial progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Allison Eddins, Planner
Community Development Department


Paul Voelckers, Vice Chair
Planning Commission


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.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 15, 2016

TO: Board of Adjustment

FROM: Allison Eddins, Planner *A Eddins*
Community Development Department

FILE NO.: VAR2016 0003

PROPOSAL: Variance request to reduce the lot depth requirement from 85 feet to 68.75 feet to allow a two lot subdivision.

GENERAL INFORMATION

Applicant: Rand E. Thatcher

Property Owner: Rand E. Thatcher

Property Address: 8479 Mendenhall Loop Road

Legal Description: NORTH LOOP 1 Lot 1

Parcel Code Number: 5-B24-0-124-001-0

Site Size: 0.5 acres/22,090 square feet

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential (ULDR)

Zoning: (D5) Single family/duplex

Utilities: City water and sewer

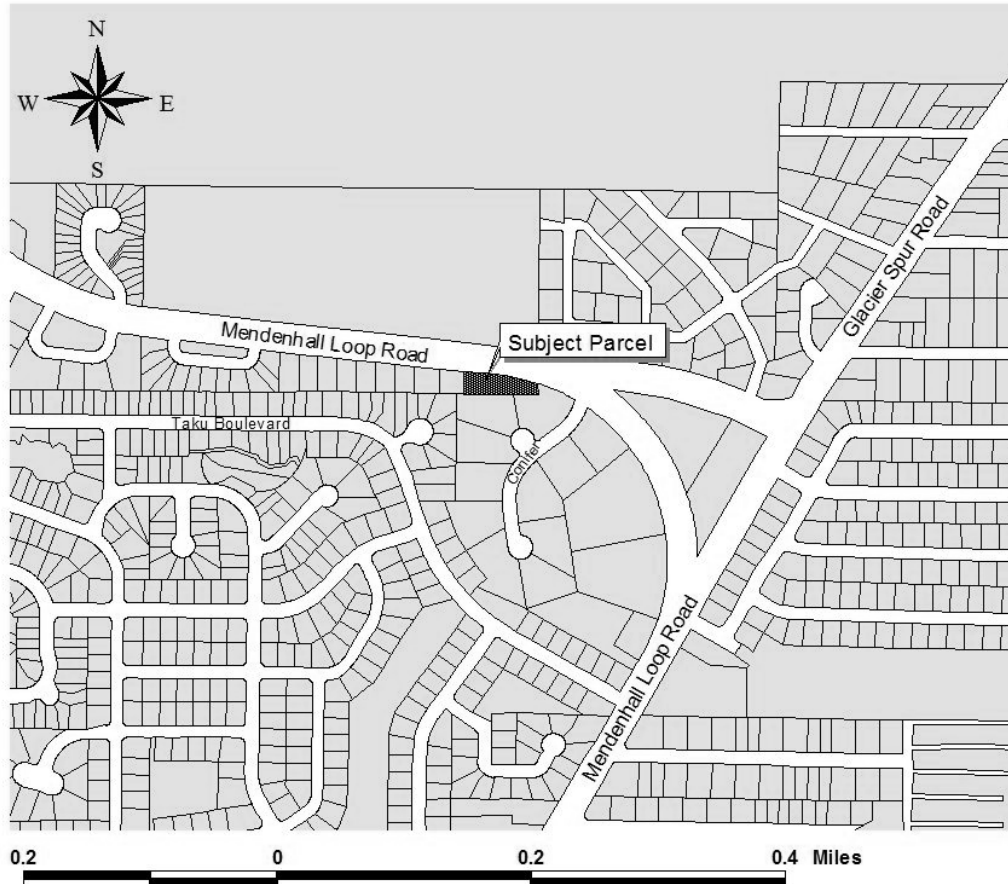
Access: Mendenhall Loop Road

Existing Land Use: Single Family/Residential

Board of Adjustment
File No.: VAR2016 0003
April 15, 2016
Page 2 of 8

Surrounding Land Use:	North	- (D5) Single family/duplex; National Forest Service
	South	- (D5) Single family/duplex
	East	- (D5) Single family/duplex
	West	- (D5) Single family/duplex

Insert Vicinity Map Here



ATTACHMENTS

Attachment A – Permit Application
Attachment B – Proposed Subdivision
Attachment C – Project Narrative
Attachment D – Ordinance 72-33 and Pre- 1987 Platting Variance requirements
Attachment E – Public Notice

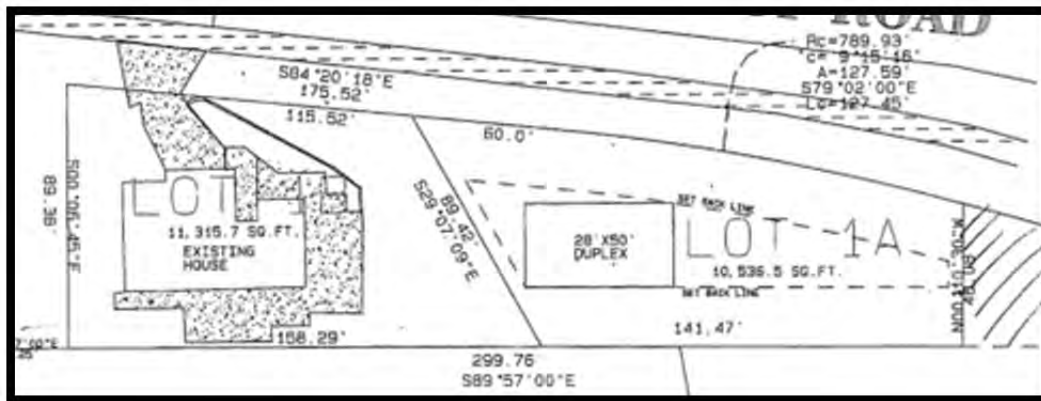
PROJECT DESCRIPTION

The property is located at 8497 Mendenhall Loop Road and is 22,090 square feet in size. The applicant wishes to subdivide the lot (Lot 1) into two lots; Lot 1A and Lot 1B. The applicant is

Board of Adjustment
 File No.: VAR2016 0003
 April 15, 2016
 Page 3 of 8

seeking a variance to the D5 lot depth requirement for Lot 1A. CBJ 49.25.400 requires a minimum lot depth of 85 feet for lots in a D5 zoning district. Lot 1A would have an average depth of 68.75 feet, as shown below. This would be a reduction of 17.25 feet (See Attachment B).

Proposed Subdivision Layout



BACKGROUND

Lot 1 was created in 1977 as part of North Loop Subdivision No. 1 (Plat 77-69). The North Loop Subdivision was subdivided in phases. The first phase was recorded in 1977 and the second phase recorded in 1981. Prior to the subdivision, the legal description of the land was USS 3758 Tract A, Lot 1. The owner of USS 3758 Tract A, Lot 1 submitted a preliminary plat for eight lots to the Platting Board on August 23, 1976. The final plat was approved on January 10, 1977.

At the time the lot was zoned R7; a zoning district that required a minimum lot depth of 85 feet. In 1976, CBJ 49.35.340 defined lot depth as the average distance from the street right-of-way to the rear lot line, which is the most distant from said street right-of-way. Lot 1 did not meet the dimensional standards for lot depth. The unusual shape of the lot causes it to narrow from 89.38 feet on the western side to 48.08 feet on eastern side. The average of these two distances gives the lot a depth of 68.73 feet.

The City and Borough of Juneau first established platting regulations in 1973 with the adoption of Ordinance 72-33. This ordinance created separate requirements and application procedures for variances that were requested in conjunction with a proposed subdivision (See Attachment D). The regulations allowed the Platting Board to consider the lot's shape and size when deciding platting variance cases. Platting Variances were repealed when the new Land Use Code was adopted in 1987. Since 1987, all Variance requests are required to meet the criteria of CBJ 49.20.250 *Grounds for Variance*.

Unfortunately, staff was not able to find much information on this platting variance request. At

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the time, a full analysis of the impacts of a Platting Variance was not required. According to the Planning Commission minutes from August 23, 1976, a variance to reduce the R7 lot depth requirement from 85 feet to 68.73 feet was granted to the owner of North Loop Subdivision. No objections to the Variance were noted in the meeting minutes.

ANALYSIS

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

The subject lot has sufficient area but could not be subdivided without a variance to the current lot width standards. The relaxation applied for would give relief to the property owner by allowing the existing lot to be subdivided. The owner could then sell the lot, or retain ownership and develop a single family residence or duplex on the lot. If the lot cannot be subdivided, an accessory apartment could be built on the property. The parcel is eligible for increased accessory apartment size of up to 50 percent of the net floor area of the primary dwelling unit because the lot is more than 125 percent of the minimum lot size for the zoning district.

The surrounding D5 lots that front onto Mendenhall Loop Road and Conifer Lane to the east meet the dimensional standards for lot depth. There are a few common wall lots to the south that front on Taku Boulevard that do not meet the dimensional standards. These lots were developed in the 1980s and received platting waivers to the dimensional standards. Staff does not find enough evidence that this variance would be more consistent with justice to other property owners.

No. This criterion has not been met.

- 2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

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The intent of Title 49 is established in Section 49.05.100 Purpose and intent. Those sections which are applicable to the requested variance are as follows:

- 1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and the coastal management plan;
- 2) To ensure that growth and development is in accord with the values of Juneau's residents;
- 3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;
- 4) To ensure that future growth is of appropriate type, design, and location, and is served by a proper grange of public services and facilities such as water, sewer and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and welfare;
- 5) To provide adequate open space for light and air; and
- 6) To recognize the economic value of land and encourage its proper and beneficial use.

The neighborhood is categorized Urban Low Density Residential (ULDR) in the 2013 Comprehensive Plan. These land use designations are meant to guide future development. ULDR is characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, common-wall dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. The applicant is proposing to develop a duplex on the new lot. This type of use is appropriate for the neighborhood and would be similar in character to the surrounding development. The area is served by city water and sewer and other public amenities nearby, including Mendenhall River Elementary School and Mendenhall Glacier Visitor Center. While lot dimension and lot size requirements ensure that the character and density of a neighborhood are maintained, the setback and lot coverage requirements serve as a way to ensure that adequate open space for light and air are provided. The applicant provided an as-built survey that shows required setbacks and lot coverage requirements can be met with the proposed reduction in lot depth (See Attachment B). Granting the Variance would allow the applicant to subdivide the lot as shown in Attachment B. The subdivision would encourage the development of housing on the new lot.

The intent of the subdivision regulations in Title 49 are established in Section 49.15.400. Those sections that are applicable to the requested Variance are as follows:

- 1) Establish a process that facilitates the fair and predictable division of land;
- 2) Encourage the efficient and cost-effective provision of public services;
- 3) Address traffic and circulation to reduce congestion;
- 4) Provide for flexibility in the division and establishment of residential and commercial lots;
- 5) Establish procedures for subdividing land to accommodate a variety of housing types; and

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- 6) Accomplish uniform monumentation for land subdivision and facilitate accurate legal descriptions for land conveyance

Granting of the variance would allow the existing lot to be subdivided. The neighborhood has city water and sewer. A utility permit and right-of-way permit would be required to connect the proposed lot to the existing city utilities. Although the applicant has not obtained a driveway permit from AKDOT&PF, the applicant and CDD staff have been in-touch with an AKDOT&PF Right-of-way Permitting Agent who has no initial concerns with granting permission for a new driveway that will access Mendenhall Loop Road. The proposed lot would have a maximum density of two dwelling units. The proposed development is minor and the impacts on existing traffic patterns will be minimal.

CBJ 49.20.250 Grounds for variances allows for the flexibility in dimensional standards that the applicant is requesting. Should the Variance be granted, the applicant must follow the proper procedures for subdividing the existing lot in order to accommodate a single family home or duplex, which will be in harmony with the character and density of the surrounding development.

Yes. This criterion is met.

3. *That the authorization of the Variance will not injure nearby property.*

The proposed residential development is consistent with the surrounding neighborhood. If the Variance to lot width is granted any development on the new lot would still be required to meet all applicable setback and other dimensional requirements. The applicant will be required to obtain a right-of-way permit from AKDOT&PF prior to plat recording. As part of the driveway permitting process, AKDOT&PF will evaluate the safety and impacts of the new driveway location. There is no evidence that the Variance will injure nearby property owners.

Yes. This criterion is met.

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

The proposed use is single-family residential or duplex and is allowed in the D5 zoning district.

Yes. This criterion is met.

5. *That compliance with the existing standards would:*

- (A) *Unreasonably prevent the owner from using the property for a permissible principal use;***

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The existing lot is being used as a single-family residence with accessory storage units. Without the variance the owner can continue to use the lot in this manner.

No. This criterion has not been met.

(B) *Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;*

The proposed lot is consistent with Title 49 requirements for minimum lot size, road frontage, direct and practical access and public improvements. The proposed use on the lot is consistent with Title 49 Table of Permissible Uses and is consistent with the surrounding uses.

Yes. This criterion is met.

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

The unique situation that makes compliance with the standards difficult is the shape of the lot. However, lot lines are not physical features of a property. There are no unique physical features of the property that render compliance with the standards unreasonably expensive.

No. This criterion has not been met.

or

(D) *Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.*

The variance would allow the applicant to subdivide the existing lot. As mentioned in the background portion of this report, the existing lot received a Variance to lot depth in 1976. The proposed subdivision would allow the existing lot to come into compliance with Title 49, while creating a new lot that will not be in compliance. The two lots cancel each other out and therefore the variance request will not result in a net decrease in overall compliance.

Yes. This criterion is met.

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 April 15, 2016
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Since sub-criteria 5(B) and 5(D) are met, criterion 5 is met.

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

The variance would allow the applicant to create a new lot that would have an average depth of 68.75 feet. The required front and rear setbacks are 20 feet. This creates a small buildable area that will significantly constrain any future addition to a residential development. The proposed lot would have a maximum density of two dwelling units. This small increase in the number of housing units in the neighborhood will have a minimal impact. Staff does not find evidence that granting this variance would negatively impact the neighborhood.

Yes. This criterion is met.

FINDINGS

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

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

Not applicable.

3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

No. Since criterion 1 is not met the variance does not meet the criteria of Section 49.20.500, Grounds for Variance.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings, and **DENY** the requested Variance, VAR2016 0003.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU		Date Received: 3/2/16
Project Name (City Staff to Assign Name)			
INFORMATION	Project Description: <u>VARIANCE APP. FOR N. Loop Sub. NO. 1, TRAC A Lot 1</u> <u>USS NO. 3758</u>		
	PROPERTY LOCATION		
	Street Address: <u>8497 MEND LOOP RD.</u>	City/Zip: <u>JNU, AK</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
	Assessor's Parcel Number(s): <u>5132401240010</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name: <u>RAND L. THATCHER</u>	Contact Person: <u>(907) 923-7571</u>	Work Phone:
	Mailing Address: <u>210145 ALEK BAY, AK 99831</u>	Home Phone: <u>(907) 789-7557</u>	Fax Number:
	E-mail Address: <u>CK THATCHER @ GCI . NET</u>	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT *****Required for Planning Permits, not needed on Building/ Engineering Permits*****		
PROJECT / APPLICANT	I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:		
	A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.		
	B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		
	X	Landowner/Lessee Signature: <u>[Signature]</u>	Date: <u>3/2/16</u>
	X	Landowner/Lessee Signature	Date
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
	APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
	Applicant's Name	Contact Person:	Work Phone:
	Mailing Address: <u>SAME</u>	Home Phone:	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
X	Applicant's Signature	Date of Application	

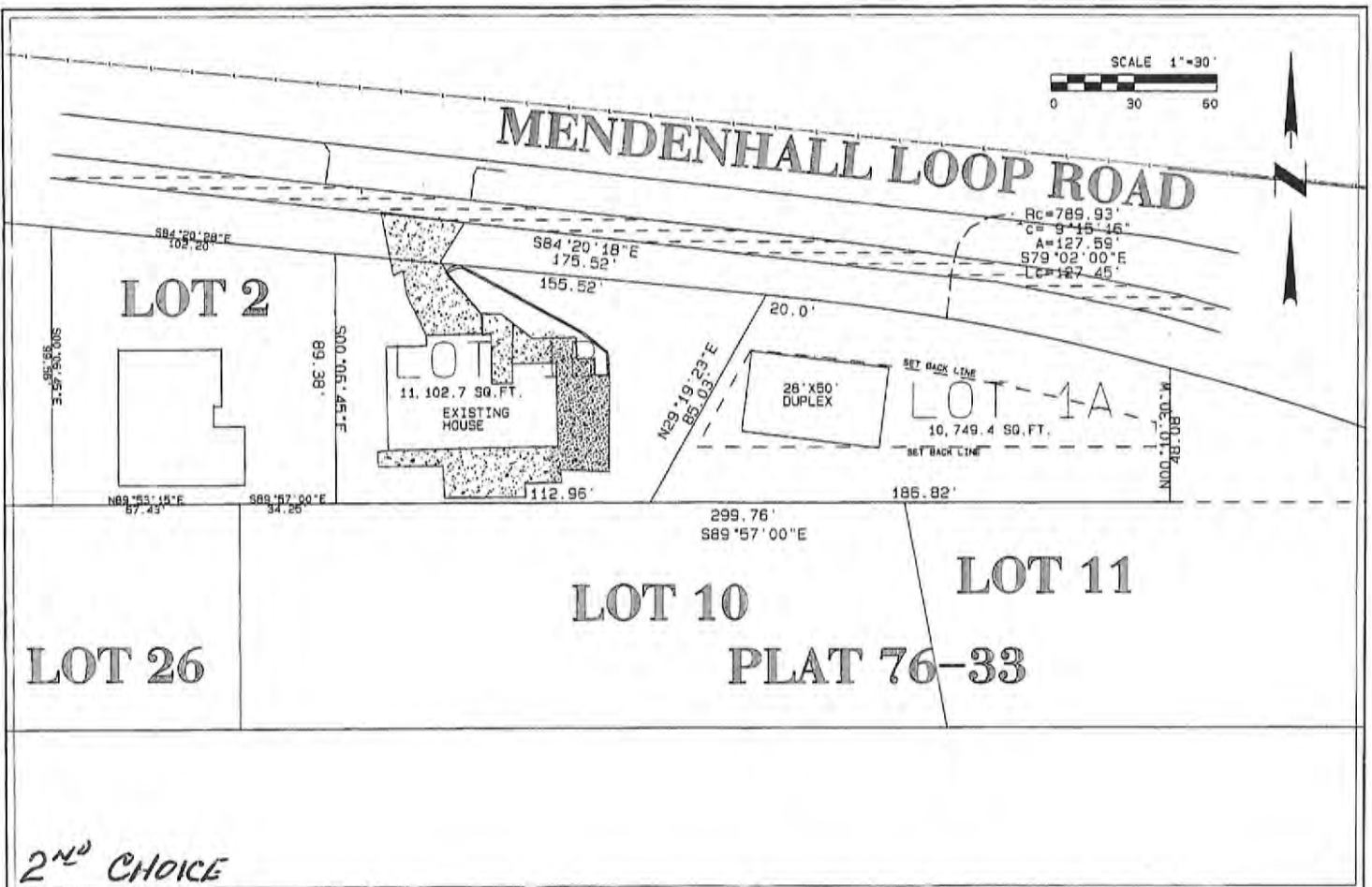
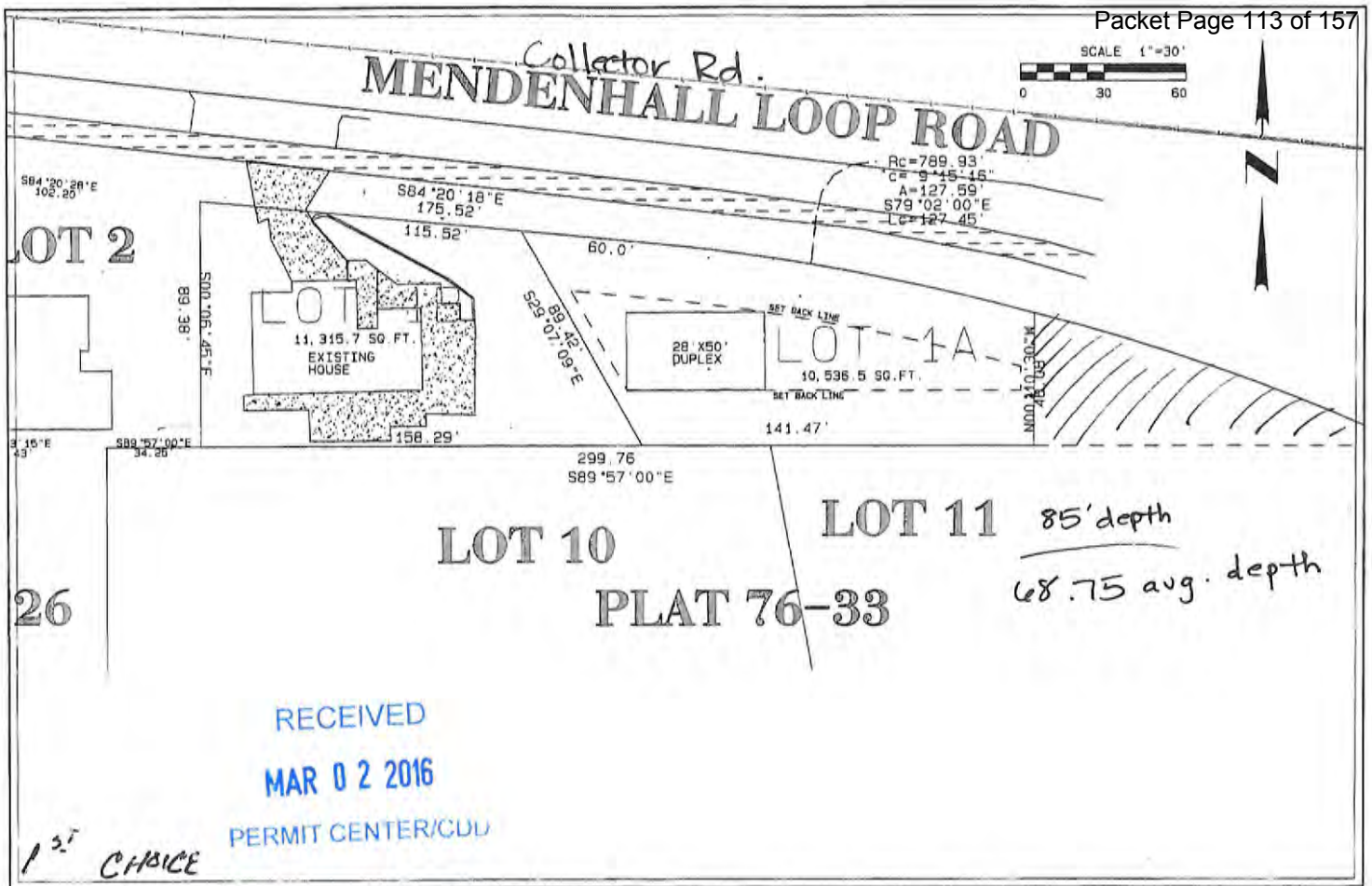
OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	☒	Variance Case (De Minimis and all other Variance case types)		3/2/16	VAR 20160023
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials <u>CKL</u>

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number VAR20160003	Date Received 3/2/16																				
TYPE OF VARIANCE REQUESTED: ☐ Variance to the Sign Standard (VSG) ☒ Variance to Dimensional Standards (VDS) ☐ Variance to Setback Requirements (VSB)																							
DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE: <i>NEW CONSTRUCTION</i> <i>DWELLING</i> <i>LOT DEPTH APPROVAL FOR PROPOSED SUB DIVISION</i>																							
Previous Variance Applications? ☐ YES ☒ NO Date of Filing: _____ Previous Case Number(s): _____ Was the Variance Granted? ☐ YES ☐ NO																							
UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): <i>END LOT: PLAT 76-33 - IS A LOT THAT ENDS N. LOOP SUBDIVISION. THIS LOT SIZE IS TYPICALLY NARROW; DWELLING PROPOSED IS LIMITED IN SIZE TO CONFORM TO ALL SET BACKS, EVEN THOUGH LOT MIN. SQ. FT. IS EASILY OBTAINED.</i>																							
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																							
WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER? <i>TO ASSURE PROPOSED NEW DWELLING IS POSITIONED IN A FASHION THAT MEETS CBS REQUIREMENTS</i>																							
WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED? <i>LAND WOULD REMAIN AS VEHICLE STORAGE, PARKING INSTEAD OF HOUSING. IN A PRIME LOCATION CENTRALLY LOCATED WITH SCHOOLS AND SERVICES IN CLOSE PROXIMITY.</i>																							
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;">VARIANCE FEES</th> <th style="width:15%;">Fees</th> <th style="width:15%;">Check No.</th> <th style="width:15%;">Receipt</th> <th style="width:15%;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <i>400</i></td> <td><i>197</i></td> <td><i>CDD7705</i></td> <td><i>3/2/16</i></td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ <i>400</i></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>			VARIANCE FEES	Fees	Check No.	Receipt	Date	Application Fees	\$ <i>400</i>	<i>197</i>	<i>CDD7705</i>	<i>3/2/16</i>	Adjustment	\$ _____	_____	_____	_____	Total Fee	\$ <i>400</i>	_____	_____	_____
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Adjustment	\$ _____	_____	_____	_____																			
Total Fee	\$ <i>400</i>	_____	_____	_____																			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



PROPOSED LOT 1A

ALASKA ELECTRIC LIGHT & POWER
WILL BE ABLE TO SUPPLY POWER TO
PROPOSED DWELLING



WATER & SEWER ARE EASILY OBTAINED
FOR THIS LOT.

APPLICATION FOR UTILITY PERMIT ON STATE RIGHTS-
OF-WAY TO BE ADDRESSED.

USS NO 3758
NORTH LOOP SUBDIVISION NO. 1
LOT #1
PROPOSED #1A

THIS LOT CURRENTLY HAS A COVERED DRY STORAGE TENT (COVER IT), IT HAS BEEN UP AND LOCATED TOWARDS EAST PORTION OF PROPOSED LOT 1A.

THIS DRY STORAGE STRUCTURE HAS BEEN UP AND IN PLACE SINCE "2007." IT MEASURES 18' X 62' WITH THE FABRIC LID BEING SLIGHTLY MORE BECAUSE OF PITCH. NO ISSUE OF DRAINAGE HAS EVER BEEN NOTICED, ATTRIBUTED TO THE GLACIERAL MURINE, AND THE ABILITY TO LEACH.

J. BEAN SURVEY IS CURRENTLY ON BOARD WITH THIS PROPOSED PROJECT. AS THIS PROCESS MOVES FORWARD I WILL RELY ON EXPERIENCE TO HELP WORK THROUGH MY LOT OBSTACLE NEEDS SUCH AS SURVEY, ~~APPROACH~~ APPROACH RADIOS, APPROPRIATE DRAINAGE, ETC.

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 72-33

AN ORDINANCE ESTABLISHING PLATTING REGULATIONS FOR THE CITY AND BOROUGH OF JUNEAU, REPEALING AND RE-ENACTING CBJ 49.35 (PLATTING REGULATIONS).

Sec. 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough Code.

Sec. 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Sec. 3. Chapter Repealed. Chapter 35 of Title 49 of the Code of the City and Borough of Juneau, Alaska is hereby repealed. Nothing contained herein shall be construed as abating an action now pending under or by virtue of any ordinances or parts of ordinances herein repealed, or as discontinuing, abating, modifying or altering any penalties accrued or to accrue or abating any offense committed against such ordinances or parts of ordinances.

Sec. 4. Adoption of Sections. The following annexed sections, Sec. 49.35.010 through Sec. 49.35.340, all inclusive, are hereby adopted as a part of this ordinance and Title 49 of the Code of Ordinances of the City and Borough of Juneau, Alaska.

Adopted April 19, 1973.


Mayor

Attest:


Clerk

Dick Britt
Dept. of Environment,
Conservation

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 162

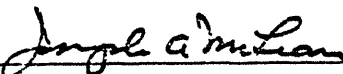
A RESOLUTION ESTABLISHING A FEE SCHEDULE
FOR THE SUBMISSION OF PLATS OR SUBDIVISIONS
TO THE CITY AND BOROUGH OF JUNEAU FOR
APPROVAL.

WHEREAS, it is necessary that a fee schedule for the submission
of plats or subdivisions be established.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY
OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

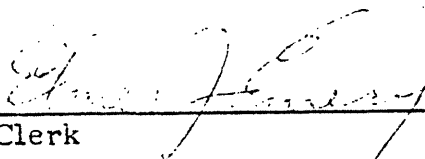
1. The filing fee for plats shall be five dollars (\$5.00) per lot
for the first ten lots, and one dollar (\$1.00) per lot for each lot in
excess of ten, provided that the minimum fee shall be fifty dollars (\$50.00).
2. The filing fee for resubdivisions and street vacations shall
be fifty dollars (\$50.00).
3. The filing fee for a platting variance shall be twenty-five
dollars (\$25.00).
4. The filing fee for waivers shall be twenty-five dollars (\$25.00).
5. Filing fees are not refundable regardless of the disposition
of the application.

Adopted April 19, 1973.



Mayor

Attest:



Clerk

CHAPTER X - PLATTING VARIANCE

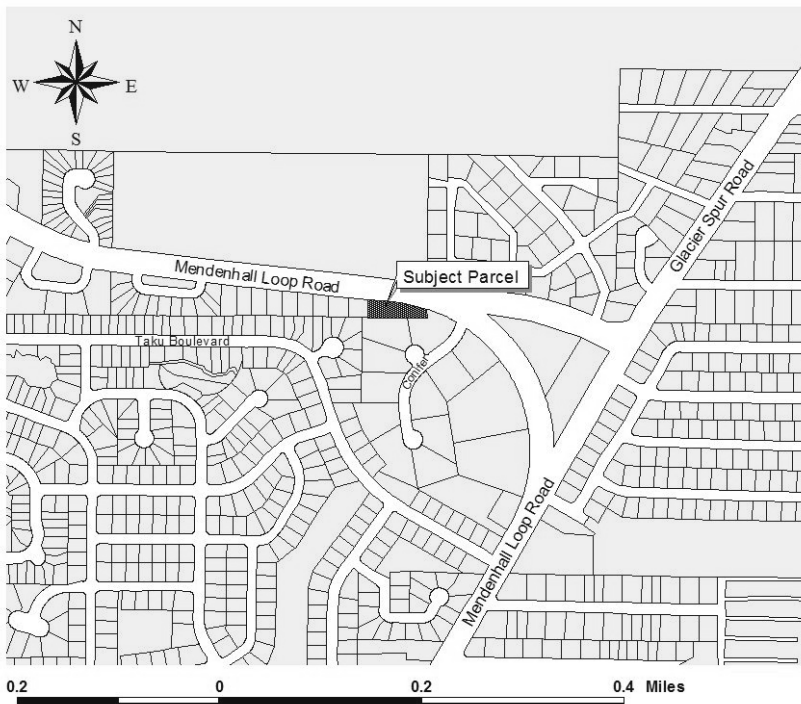
49.35.310. Platting Variances. Whenever the tract, parcel, or other land division to be subdivided is of such unusual size or shape or topography or is surrounded by such development or conditions that the strict application of the provisions of these regulations shall result in substantial undue hardships, the Board may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety.

(a) Requirements:

1. All requests for a platting variance must be made in writing to the Board, stating the reasons applicable to the variance request at least fourteen (14) days prior to the meeting at which the subdivider wishes his variance to be heard, stating which requirement the variance is requested from.
2. Such written request shall be accompanied with additional data sufficient for the Board to determine the applicable facts. Examples of data, but not limited to, are: engineering studies, maps showing unusual land shape, soils study or other data pertinent to the request.
3. Where applicable, a plat or map of the affected area shall also accompany the variance request.



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: Variance Request to the D-5 zoning district lot depth requirement.

File No:	VAR2016 0003	Applicant:	Rand E. Thatcher
To:	Adjacent Property Owners	Property PCN:	5-B24-0-124-001-0
Hearing Date:	April 26, 2016	Owner:	Rand E. Thatcher
Hearing Time:	7:00 PM	Size:	0.5071 Acres
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	8497 Mendenhall Loop Road
	155 South Seward Street	Accessed Via:	Mendenhall Loop Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Allison Eddins at Allison.Eddins@juneau.org or 586-0785.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>.

Date notice was printed: March 28, 2016

MINUTES
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 April 26, 2016

ROLL CALL

Paul Voelckers, Vice Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Paul Voelckers, Vice Chairman; Bill Peters, Michael LeVine, Percy Frisby, (telephonically) Nathaniel Dye, Matthew Bell, Carl Greene

Commissioners absent: Ben Haight

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Teri Camery, Senior Planner; Jill Maclean, Senior Planner; Eric Feldt, Planner II; Jonathan Lange, Planner II; Allison Eddins, Planner I; Tim Felstead, Planner II; Robert Palmer, Assistant Municipal Attorney II; Trinidad Contreras, Assistant Municipal Attorney

Assembly members: Loren Jones, Jerry Nankervis, Jesse Kiehl

- I. **APPROVAL OF MINUTES**- None
- III. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** - None
- IV. **PLANNING COMMISSION LIAISON REPORT** - None
- V. **RECONSIDERATION OF THE FOLLOWING ITEMS** - None
- VI. **CONSENT AGENDA**

CSP2016 0005: A State Project Review for extension and replacement of the sidewalk on the uphill side of Douglas Highway from Lawson Creek Road to Gastineau Elementary School.

Applicant: State of Alaska

Location: Douglas Highway from Lawson Creek to I Street

Ms. Eddins concurred.

Mr. Voelckers said the eave from the rear shed should not be an issue since it does not hang over the side lot line.

Ms. Eddins said this is correct.

Mr. Voelckers offered some additional language for the motion of Mr. Peters on the floor. He said the first criterion was satisfied because relaxation would provide considerable relief to the property owner, and should not create any dissonance in the neighborhood.

Criterion 2 was met because aside from some possible work on the drainage issue, there were no substantive issues of public safety and that they were addressing an anomalous condition that was inherited by an owner who purchased the property in good faith, said Mr. Voelckers. Mr. Voelckers said that he felt that item (C) within Criterion 5 would be met as if not granted it would be, "...unnecessarily burdensome because the unique physical features of the property would render compliance with the standards unreasonably expensive". Staff notes that given the history of the property the applicant has inherited a condition they are trying to remedy.

Criterion 6 stipulates that a granting of the variance would result in more benefits than detriments to the neighborhood. Mr. Voelckers said that could be answered with a "yes". The benefit would be harmony, and a reasonable compromise, he said.

Mr. Peters accepted the criteria adjustments of Mr. Voelckers for his motion on the floor.

Ms. McKibben clarified this is for VAR2016 0002 for the rear yard setback.

FINAL MOTION: *by Mr. Peters, with revised findings by Mr. Voelckers, that VAR2016 0002 be approved, and VAR2016 0005 be denied, and that the motion reflects the revised findings as outlined by Mr. Voelckers.*

Roll Call Vote:

Yeas: Frisby, Bell, Dye, Peters, Greene, Voelckers

Nays: LeVine

The motion passed.

VAR2016 0003:	Variance request to reduce the lot depth requirement from 85 feet to 68.75 feet to allow a two lot subdivision.
Applicant:	Rand E. Thatcher
Location:	8479 Mendenhall Loop Road

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings, and **DENY** the requested Variance, VAR2016 0003.

The parcel is within a D-5 zone, said Ms. Eddins. The lot is located on a little over one half acre, she said, and is currently zoned as a single family home. The home is located near Mendenhall River School, said Ms. Eddins. The staff finds that sub Criterion 5A is not met, said Ms. Eddins, which would "unreasonably prevent the owner from using the property for a permissible principle use". Sub Criterion 5B was met, as the proposed lot and the requested variance does meet the minimum lot size requirements in Title 49 as well as the road frontage requirements, said Ms. Eddins. The staff finds that sub Criteria 5(C) has not been met, said Ms. Eddins. There are not unique physical features of the lot, she added. Sub Criterion 5(D) has been met, as analyzed by the staff, said Ms. Eddins. The maximum density in the area allows two dwelling units on a lot this size, said Ms. Eddins. They do not foresee much impact on the surrounding neighborhood, she said. Criterion 6 is met, said Ms. Eddins, due to the favorable location of the lot near a school, bus lines and sidewalks.

Due to not meeting Criterion one, specifically, the staff found that this variance request does not meet all the criteria for a variance, said Ms. Eddins. They recommend denial of the variance, she said.

Applicant

Applicant Kathy Thatcher said they are requesting the lot depth be reduced so they can subdivide their land into two separate lots. Ms. Thatcher said she did not agree with not meeting Criterion 1. She said she felt the analysis was weak on that item and that it is very subjective. Other property owners in the area had been granted variances, said Ms. Thatcher, not putting their request out of line with other property in the area.

Granting a variance for this property would be providing additional housing and relief to the community, said Ms. Thatcher. The property had already been granted a lot variance in 1976, said Ms. Thatcher.

MOTION: *by Mr. LeVine, to approve VAR2016 0003 and accept staff's findings with the exceptions of deleting the last line of the staff report under finding number 1 and change it to read "Yes, this criterion had been met", and that the variance not stipulate the lot depth requirement but state that it be "reduced from 85 feet to allow this subdivision".*

In support of his motion Mr. LeVine said the one other exception he has with the variance is that he would like the variance not to be to reduce the lot depth requirement from 85 feet to 68.75 feet but simply to allow the variance to reduce the lot depth requirement from 85 feet to allow this subdivision.

Speaking in favor of his motion, Mr. LeVine said that the staff has done an excellent job on its report, but that given the fact that there are similar subdivisions that do not meet the depth requirement in the vicinity, and that the applicant had purchased a lot that already had this

depth reduced, coupled with the fact that the subdivision will actually result in a new lot that meets the requirements, makes him in favor of changing that first criterion to a “yes”.

The motion was unanimously approved.

The Board of Adjustment adjourned and was reconvened as the Planning Commission.

XI. OTHER BUSINESS - None

XII. DIRECTOR’S REPORT

New City Assistant Attorney

Mr. Palmer introduced new Assistant City Attorney Trinidad Contreras.

Landscape Alaska Appeal, Haven House Appeal, Yankee Appeal

Mr. Palmer added that about two weeks ago the final brief was submitted to the Alaska Supreme Court regarding the Landscape Alaska appeal. Oral argument has now transpired on the Haven House appeal at Superior Court. The judge has roughly five months to decide that case, said Mr. Palmer. The Yankee appeal regarding a fence on land off the Back Loop Road has now gone to the Alaska Supreme court, said Mr. Palmer.

Subdivision Review Committee Meetings

Mr. Steedle said Ms. Boyce requested Subdivision Review Committee meetings in May, as she has several subdivisions waiting.

The Commission members on that committee are Mr. Voelckers, Mr. Peters and Mr. Dye, with Mr. LeVine as an alternate, said Mr. Steedle.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting was adjourned at 10:26 p.m.

Irene Gallion

From: Schuler, Michael K (DOT) <michael.schuler@alaska.gov>
Sent: Monday, October 5, 2020 2:39 PM
To: Irene Gallion
Subject: RE: Proposed subdivision, 8497 Mendenhall Loop Road

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

Hi Irene,

Looking at the site as it is, now, we do have some concerns. First, the existing paved, shared use driveway is the only permitted access into the subject lot. The "access" to the blue-roofed building is unpermitted and as such is viewed as an illegal encroachment subject to removal. It is unclear from the plat in your email(76-33) if the property owner intends to keep that as a secondary access post subdivision, but either way that access will need to be put to "bed". The flip-side of that is that Lot 1A, if created, does appear to have sufficient sight lines and would likely be approved for a new driveway to that parcel. It is the property owners responsibility to obtain the permit application and go through the necessary steps to work through the permitting process.

Let me know if you have any other questions!

Michael K. Schuler

Property Management Officer
 Dept. of Transportation and Public Facilities
 Southcoast Region Right of Way Section
 P.O. Box 112506
 Juneau AK. 99811

(907) 465-4499 office

From: Irene Gallion <Irene.Gallion@juneau.org>
Sent: Monday, October 5, 2020 2:16 PM
To: Schuler, Michael K (DOT) <michael.schuler@alaska.gov>
Subject: Proposed subdivision, 8497 Mendenhall Loop Road

Hi Mike,

The attached variance is to lot depth, so the owner at this address can subdivide his lot. This would require another driveway onto Back Loop Road. Is ADOT&PF ok with this? He had an approved variance in 2016 that DOT signed off on, but it expired so he has to redo it.

One neighbor mentioned concerns that the driveway activities for this lot impact the bike path. Apparently CBJ had some concerns about use of the bike path for maneuvering in 2006. Do you guys have any concerns?



<http://epv.juneau.org/> parcel # 5B2401240010

Thanks!

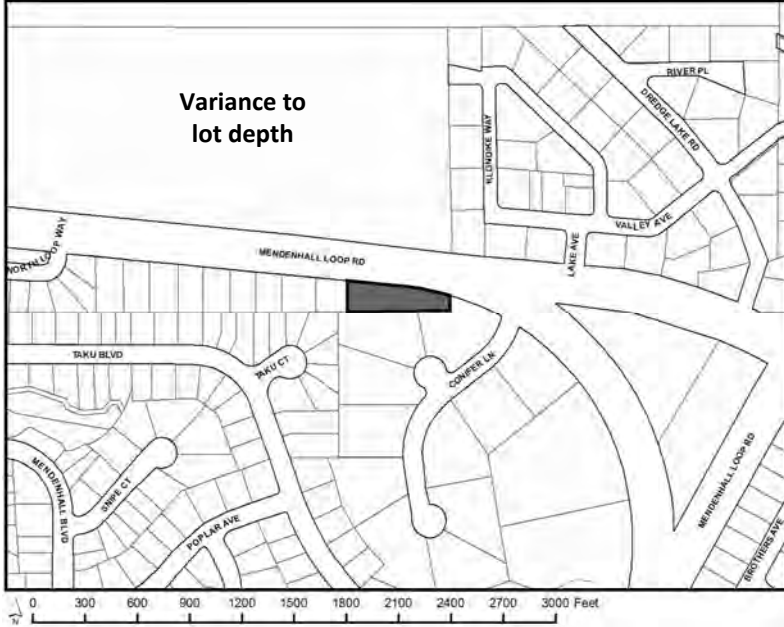
Irene M. Gallion
City and Borough of Juneau
Senior Planner
(907) 586-0753

COVID PLANNING COMMISSION RULES OF PROCEDURE: <https://juneau.org/community-development/planning-commission>

- Join meeting within 5 minutes to comment on non-agenda items
- Submit case materials electronically no later than Thursday before a meeting
- Public comment must be received by noon the day prior to the meeting

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **variance to minimum lot depth from 85 to 60 feet for purposes of subdivision** located at **8497 Mendenhall Loop Road** in a **D5 zone**.

TIMELINE

Staff Report expected to be posted **Monday, October 19, 2020** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through October 5

Oct. 6 — noon, Oct. 26

HEARING DATE & TIME: 7:00 pm, Oct. 27, 2020

Oct. 28

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

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

This virtual meeting will be by video and telephonic participation only. To join the webinar, visit: <https://juneau.zoom.us/j/94270847058>. The Webinar ID is: 942 7084 7058. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

The results of the hearing will be posted online.

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

Case No.: VAR2020 0002
Parcel No.: 5B2401240010
CBJ Parcel Viewer: <http://epv.juneau.org>

Irene Gallion

From: Kathy Thatcher <thatcher.kathy@gmail.com>
Sent: Monday, October 26, 2020 5:50 PM
To: Irene Gallion
Subject: Public notice sign
Attachments: IMG_7325.JPG; ATT00001.txt

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



From: [Irene Gallion](#)
To: [Irene Gallion](#); [PC Comments](#)
Subject: VAR20-02: Public Comment from Tim Polaski
Date: Monday, October 5, 2020 1:36:31 PM

I talked to Tim at approximately 1315 today.

Tim is the neighbor to the south, at 4326 Cone Place. His main concerns are the claim of hardship, and further reductions to an already narrow lot.

He is dubious of the claim of financial hardship, and thinks both eventual lots will be sold for slightly more than the current lot could be sold for.

He notes that the lot was substandard when it was platted, and thinks further, compounding reductions are inappropriate.

He said the reduction to lot depth is significant, at 30%.

In 1983 Back Loop Road was improved, widening the road and building a bike path. Operations on the lot have spilled into the DOT ROW. When a truck is parked on the lot it is close to the bike path. He is concerned that Lot 1A, with its smaller footprint, will have development challenges due to the proximity of Back Loop Road and the bike path. Mr. Polaski does not want to see a substandard lot where setbacks can't be met.

Irene M. Gallion
 City and Borough of Juneau
 Senior Planner
 (907) 586-0753

COVID PLANNING COMMISSION RULES OF PROCEDURE: <https://juneau.org/community-development/planning-commission>

- Join meeting within 5 minutes to comment on non-agenda items
- Submit case materials electronically no later than Thursday before a meeting
- Public comment must be received by noon the day prior to the meeting

VAR2020 0002

Recommend **DENIAL** of a variance to minimum lot depth from 85 to 60 feet for purposes of a subdivision.

8497 Mendenhall Loop Road, D5

Variance standards 49.20.250(b)

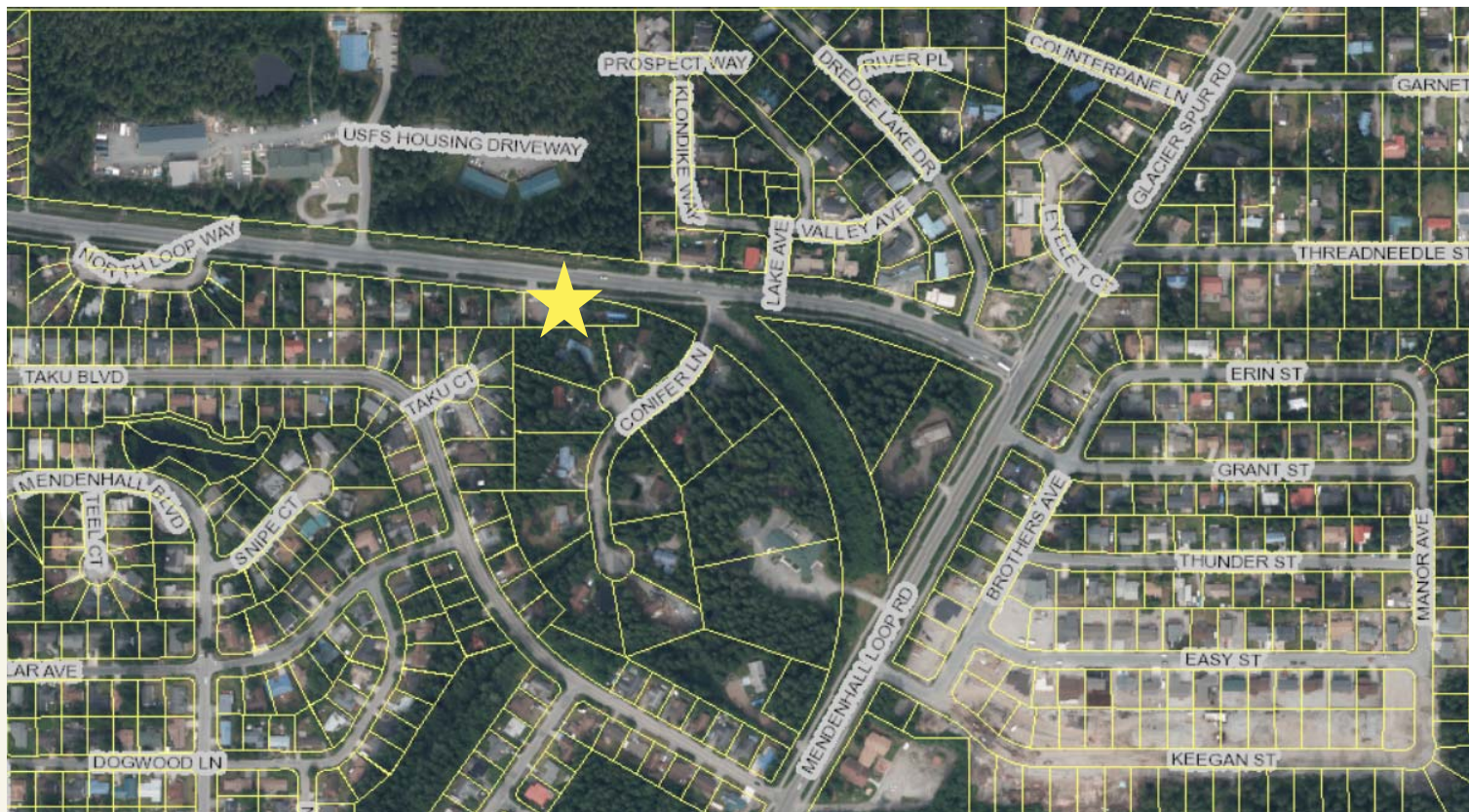
- Undue hardship caused by unusual conditions of the property
- Unusual conditions not caused by person seeking the variance
- No detriment to public health, safety and welfare
- Narrowly tailored

Agenda

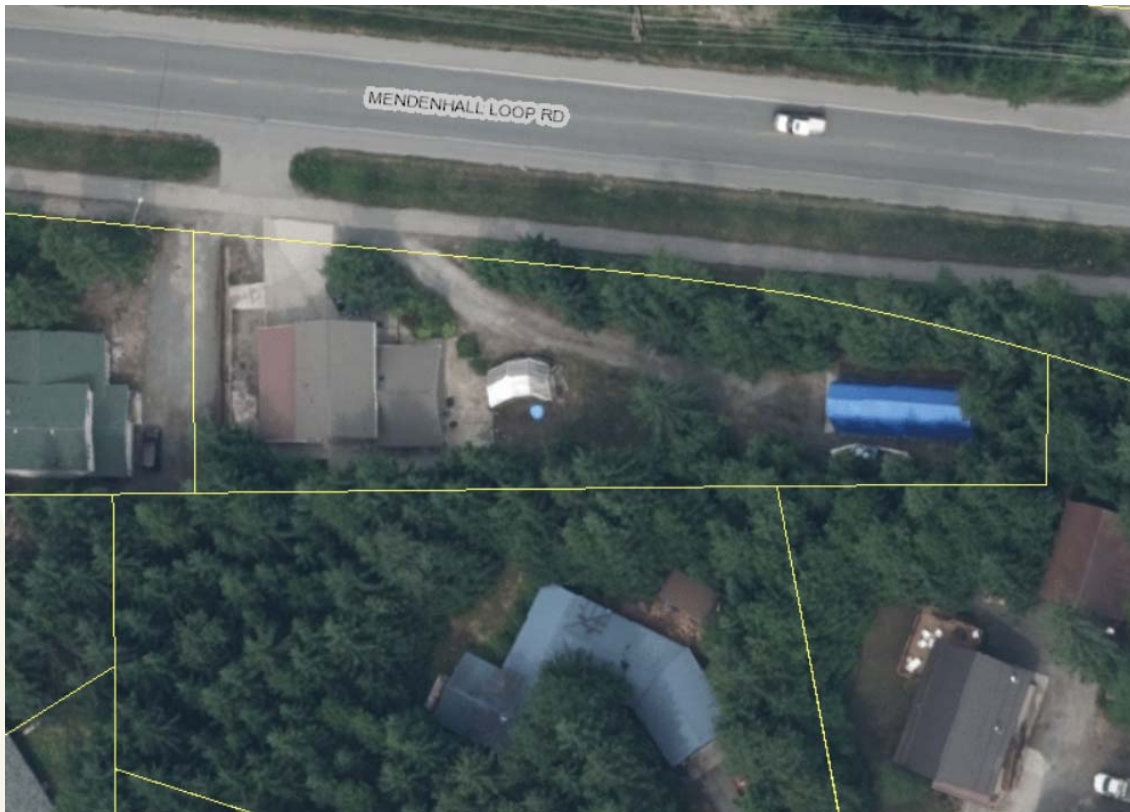
- General orientation and overview
- Proposed subdivision
- Variance standards

Background is in your packet, let me know if you have any questions.

Orientation and Overview

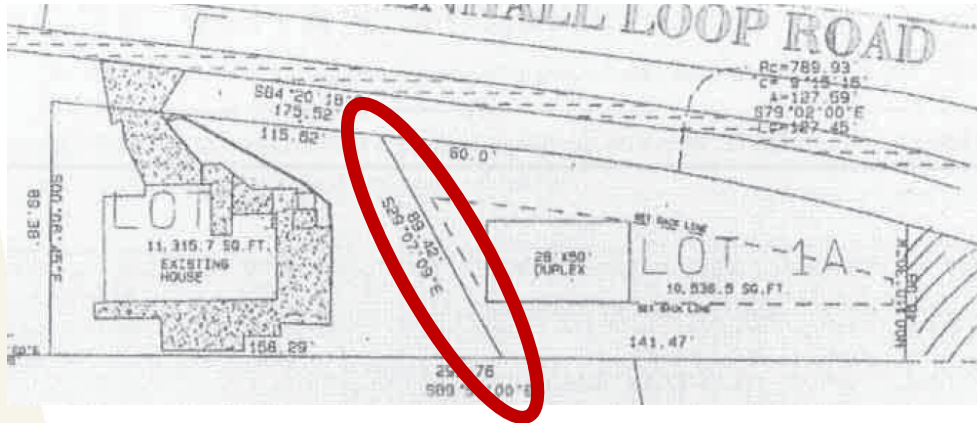


Orientation and Overview



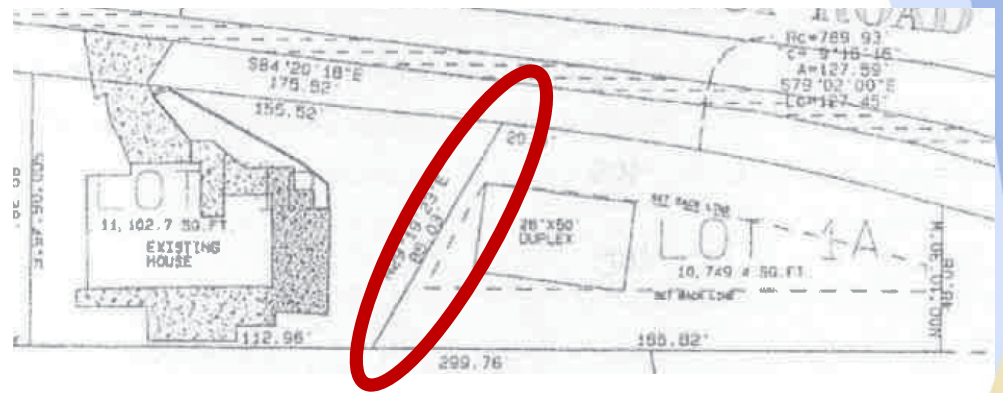
Proposed subdivision

1st Choice



2nd Choice

Page 30 of your packet

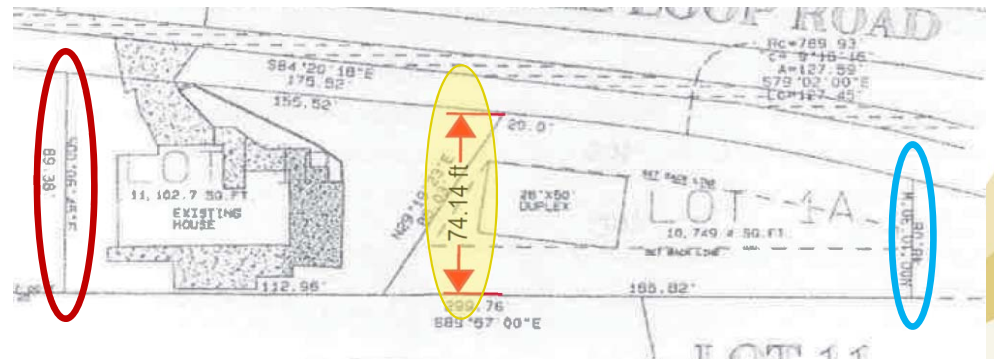
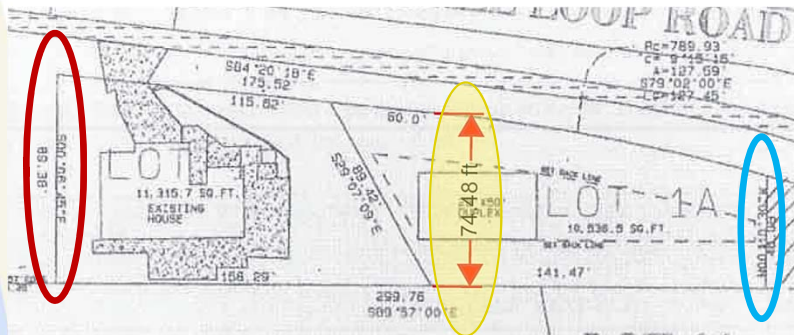


		Proposed 1 st Choice		Proposed 2 nd Choice	
Dimension	Standard	Lot 1A	Lot 1B	Lot1A	Lot 1B
Lot size, square feet	7,000	~10,503	~11,587	~10,929	~11,161
Lot width, linear feet	70	~174	~128	~158	~147
Lot depth, linear feet	85	~61.28	~81.93	~61.11	~81.76

How lot depth determined

Lot depth means the average distance measured from the front lot line to the rear lot line.

$(\text{East lot line depth} + \text{west lot line depth}) / 2 = \text{lot depth}$



Variance Standards

- Undue hardship caused by unusual conditions of the property
- Unusual conditions not caused by person seeking the variance
- No detriment to public health, safety and welfare
- Narrowly tailored

Undue hardship

- Keeps the lot from being used as intended
- Distinct from similarly situated properties

- Zoned D5
- Single family structure on the lot
- Subdivision not an entitlement of code

Undue hardship – similarly situated



Variance Standards

- Undue hardship caused by unusual conditions of the property
- Unusual conditions not caused by person seeking the variance
- No detriment to public health, safety and welfare
- Narrowly tailored

Unusual conditions of property

No unusual conditions of the property

- 2% slope (flat)
- No wetlands or streams
- Not in a flood zone



Need for variance is created by the desire to subdivide.

Variance Standards

- Undue hardship caused by unusual conditions of the property
- Unusual conditions not caused by person seeking the variance
- No detriment to public health, safety and welfare
- Narrowly tailored

Narrowly tailored

- No hardship to tailor it to
- The desire to subdivide self-creates hardship
- Two lots with varied depth
- Variance request is based on the most restrictive

Variance Standards

- Undue hardship caused by unusual conditions of the property
- Unusual conditions not caused by person seeking the variance
- No detriment to public health, safety and welfare
- Narrowly tailored

Recommend DENIAL

- Variance standards not met.

Thank You



Community Development

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

BOARD OF ADJUSTMENT NOTICE OF DECISION

Date: November 18, 2020
File No.: VAR2020 0002

Rand E. Thatcher
P.O. Box 210145
Auke Bay, AK 99821

Proposal: Variance to D5 lot depth from 85 to 60 feet for the purposes of subdivision.

Property Address: 8497 Mendenhall Loop Road

Legal Description: North Loop 1 Lot 1

Parcel Code No.: 5B2401240010

Hearing Date: November 10, 2020

The Board of Adjustment, at its regular public meeting, did not adopt the analysis and findings listed in the attached memorandum dated November 3, 2020, and failed to grant the requested variance to D5 lot depth from 85 feet to 60 feet for the purposes of subdivision.

Attachment: November 3, 2020, memorandum from Irene Gallion, Community Development, to the CBJ Board of Adjustment regarding VAR2020 0002.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Rand E. Thatcher
File No: VAR2020 0002
November 18, 2020
Page 2 of 2


Michael Levine, Chair
Planning Commission
Nathanial Dye, Vice Chair

11/19/2020

Date



Filed With City Clerk

11/20/2020

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**

2021 Proposed Meeting Dates

ATTACHMENTS:

Description	Upload Date	Type
☐ 2021 Proposed Meeting Dates	11/3/2020	Miscellaneous

Planning Commission Meetings 2021 2 nd & 4 th Tuesdays/month 7:00 pm, Assembly Chambers/Zoom Webinar	
January 12	
January 26	
February 9	
February 23	
March 9	
March 23	
April 13	
April 27	
May 11	
May 25	
June 8	
June 22	
July 13	
July 27	
August 10	
August 24	
September 14	
September 28	
October 12	
October 26	
November 9	
November 23	
December 14	
December 28	
January 11, 2022	

Commented [CW1]: Yom Kippur is 9/15-9/16

Commented [CW2]: Sukkot is 9/21-9/27, Shemini Atzeret is 9/27-9/28, and Simchat Torah is 9/29

Commented [CW3]: Thanksgiving is 11/26

Commented [CW4]: Should we provide an alternate date before Christmas?

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Additional Materials Packet for November 10, 2020 Planning Commission Meeting

ATTACHMENTS:

Description	Upload Date	Type
Additional Materials Packet for November 10, 2020 Planning Commission Meeting	11/9/2020	Miscellaneous

Additional Materials

Regular Planning Commission Meeting

Virtual Meeting Only

7:00pm

Meeting Date: November 10, 2020

1. SNC2016 0001:

- a. Public Comment – Nathan Smith, received 11.6.20

2. VAR2020 0002:

- a. Attachment H – Pre-application conference notes

From: Nate Smith <505parts@gmail.com>
Sent: Friday, November 06, 2020 9:26 AM
To: PC_Comments
Subject: Regarding the name change of Third street to Whale Tail Ct.

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

Hello as a resident of Third Street in the valley I am in favor of the proposed name change. Having a street sign at the junction of Glacier Hwy and Third St. will make it so much easier for guests to find our home, we have had visitors over the years arrive in various states of confusion stating that finding Third Street was a very difficult task.

We hope that the proposed name change will also allow us to receive our parcel packages in a timely manner. Our house number is 9341 Glacier Hwy and the FAA district office is 9431 Glacier Hwy we have had numerous packages delivered to the FAA and many of their packages delivered to us which in their case could be a serious issue if it is sensitive paperwork and we are not in town to catch it and run it over to their place. A name change would alleviate that component of confusion and help in the smooth functioning of our delivery services.

We also trust that the City will consider helping us with plowing and road maintenance that we have been taking care of to date.

Thank you for your kind attention to this matter.

Best Regards

Nathan Smith



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

Mendenhall Loop Minor Subdivision

Case Number: PAC2020 0063

Applicant: Rand and Kathy Thatcher

Property Owner: Kathy Thatcher; Rand Thatcher

Property Address: 8497 Mendenhall Loop Road

Parcel Code Number: 5B2401240010

Site Size: 22,090 Square Feet

Zoning: D5

Existing Land Use: Residential

Conference Date: November 4, 2020

Report Issued: November 6, 2020

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Rand and Kathy Thatcher	Applicant	Rand Thatcher <rkthatcher@gci.net> Kathy Thatcher <thatcher.kathy@gmail.com>
Irene Gallion	Planning	Irene.Gallion@juneau.org
Not Applicable	Building	
Autumn Sapp	General Engineering	Autumn.Sapp@juneau.org

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Thatchers have two proposed scenarios for subdividing their lot, called "1st Choice" and "2nd Choice."

Planning Division

1. **Zoning** – D5
2. **Setbacks** –
 - a. **Front (north)**: 20 feet
 - b. **Rear (South)**: 19* feet
 - c. **Side (East/West)**: 5 feet

* Property has NCC20-68, nonconforming rear yard setback. This condition can not be aggravated.
3. **Height** –
 - a. **Permissible**: 35 feet
 - b. **Accessory**: 25 feet
4. **Lot features**:

		Proposed 1st Choice		Proposed 2nd Choice	
Dimension	Standard	Lot 1A	Lot 1B	Lot1A	Lot 1B
Lot size, square feet	7,000	~10,503	~11,587	~10,929	~11,161
Lot width, linear feet	70	~174	~128	~158	~147
Lot depth, linear feet	85	~61.28	~81.93	~61.11	~81.76

Proposed lot dimensions scaled off of graphic provided.

Lot depth would be less than required for all proposed lots. **A variance to lot depth would be required in order to record this subdivision.**

5. **Access** – Mendenhall Loop Road
6. **Parking & Circulation**– 2 required and provided
7. **Lot Coverage** – 50% maximum, current conditions 17%
8. **Vegetative Coverage** – 20% required, 43%+ current conditions
9. **Lighting** – Not applicable.
10. **Noise** – Not applicable.
11. **Flood** – Not in a flood plain.
12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – Not applicable.
13. **Wetlands** – No mapped wetlands.

14. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area before commencing any construction. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.

15. **Plat or Covenant Restrictions** – None.

16. **Traffic** – A traffic study is not required for this proposed subdivision.

Construction of a duplex on the new Lot 1B (as proposed) would result in an estimated 10 additional trips a day (Institute of Traffic Engineers Trip Generation Manual, page 296). Traffic studies are not triggered until estimated traffic is 250 trips a day [CBJ 49.40.300(a)(2)].

17. **Nonconforming situations** – The property has a nonconforming rear setback of 19 feet (NCC2020 0068). “Nonconforming” means the feature was legal when built.

When the existing lot was subdivided it received a variance to lot width, so the existing lot is “compliant.”

Building Division

18. **Building** – not applicable.

General Engineering/Public Works

19. **Engineering** –

- a. **Easements:** Site plan (plat) shall include all existing (and proposed) easements for drainage, utility lines including plumbing lines, access, snow storage, trash (dumpster) storage, or any other shared use that requires crossing the property line. For plats include the width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary.

20. **Drainage** – Submit a drainage plan indicating how drainage from the proposed subdivision will join an established drainage channel or structures. Easements must be provided on the plat for all established drainage ways or any proposed drainage ways that cross any current or future abutting property lines.

21. **Utilities** – (water, power, sewer, etc.) A minimum of 1” water service and 4” sewer service will need to be installed to the property line of each newly created lot within one-year of recording of the plat. At the time of preliminary plat submittal, please submit a construction plan for the new utilities. The submittals must meet current CBJ Standards and Specifications. The plan needs to include pipe locations, type, sizing, for both water and sewer and grades for sewer to indicate appropriate fall will be achieved. The construction plan can be shown on an existing as-built drawing that also includes existing features such as structures and other existing utilities.

The following permits will need to be obtained to provide utilities to the property line of the newly created lot:

- i. **Alaska Department of Transportation (ADOT) utility permit-** This permit is obtained directly from ADOT by contacting Martin Peters, (907) 465-4544. **The permit will need to be issued in the developer’s name (you or your contractor) as well as CBJ.** This permit allows for excavation within the ADOT owned Mendenhall Loop Road.
- ii. **CBJ right-of-way (ROW) permit-** Once the construction plan for the utilities is approved, CBJ will create the ROW permit. The permit will allow the tapping of the water and sewer mains, water and sewer service installation, and road restoration within the right-of-way. Inspection fees, refundable bond amount, and conditions will be determined after review of the proposed construction plan. The extension of the utilities within the property will require further permitting and fee assessments. This process is done separately from the subdivision and typically in conjunction with the building permit application.

Fire Marshal

22. **Not applicable.**

Other Applicable Agency Review

23. DOT&PF: Staff confirmed that a driveway from proposed Lot 1A would be allowed. They have an existing concern about use of the bike path for vehicle maneuvering and access to the boat tent on the east end of the lot.

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application – RECEIVED
2. Nonconforming Certification Application – RECEIVED and completed, NCC2020 0068
3. Variance Application – RECEIVED
4. Subdivision Checklist for Preliminary Plat – please have your surveyor complete this when you move forward with the subdivision application.
5. Subdivision Application – Complete for the subdivision application. Requires a variance to move forward, pending VAR20-02.
6. When applying for a subdivision, include a copy of these notes.

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. Please assure that the draft plat conforms to the preliminary plat checklist. Shortcomings from the checklist will result in delays.

Exceptions to Submittal Requirements

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. Topographic information is not required.

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Variance – in progress
2. Nonconforming Certification – no fee.
3. Subdivision application - \$450
4. ROW Permit (work within the ROW):
 - a. \$10 permit fee

- b. Inspection fees - \$60 per inspection trip or hour, will be determined at time of construction plan review
- c. Refundable bond – will be determined at time of construction plan review. Can be paid in the form of cash, check, surety, or conveyance.
- d. Bond fee – dependent on type of bond payment.

5. ADOT permit fees, please contact ADOT for a fee estimate.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your Completed Application

You must submit your application(s) in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd