Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau
Ben Haight, Chair

May 9, 2017
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

III. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

A. Additional Materials for 5/9/17 Meeting

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. PLANNING COMMISSION LIAISON REPORT

VI. RECONSIDERATION OF THE FOLLOWING ITEMS

VII. CONSENT AGENDA

VIII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

IX. UNFINISHED BUSINESS

A. **PLACEHOLDER** Discussion of VAR2017 0001 and VAR2017 0002

X. REGULAR AGENDA

XI. BOARD OF ADJUSTMENT

A. VAR2017 0004: A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway

XII. OTHER BUSINESS

XIII. DIRECTOR'S REPORT

XIV. REPORT OF REGULAR AND SPECIAL COMMITTEES

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVI. ADJOURNMENT

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: May 9, 2017

---

1. **VAR2017 0004:**
    a. Letter of support from Dave Hanna

2. **Excerpted Minutes from the 4/25/2017 Planning Commission Meeting.**

Bhagavati Braun

From: Dave Hanna <alaskaconcretecasting@gci.net>
Sent: Tuesday, May 09, 2017 4:06 PM
To: PC_Comments
Subject: Tyler Rental Variance

I am writing in regards to the variance proposal . I fully support their request for eliminating the set back requirements on Short or Stark Street. With the dearth of available industrial property and virtually none in their neighborhood I feel that the city is more than justified in granting the variance. I would actually, be a strong advocate for vacating the property to them and getting it on the tax roles. Tyler Rental provides much needed services in this town in support of the mining and construction industries and anything we can do to ensure their viability is in the cities best interest.
Thank you,
Dave Hanna

their comments.

Mr. Frisby asked if there was enough room for diagonal parking.

Mr. Miller said he thought there was enough room for diagonal parking.

Ms. McKibben said diagonal parking is allowed but that there are certain dimensions which must be adhered to as well as a specified width. She said she did not know if this would make any difference in the number of spaces which could be accommodated.

Mr. Haight asked about the current parking situation at the Rock Dump when it was in operation.

Mr. Johnson said he did not know, but that there were more parking spaces available at his business than were available at the Rock Dump.

Mr. Voelckers said he was uncomfortable progressing to a four-fold increase in parking requirements to other similar facilities in the past. He said he felt perhaps one space for every two participants would be adequate and still double the parking requirements for similar uses in the past such as yoga studios. He said he felt five spots would be adequate for one condo and if it expanded into the adjacent condo that a total of 10 parking spaces would be adequate.

Ms. Shelton-Walker said that she agreed completely with the comments of Mr. Voelckers and that she had come up with the same numbers as he.

MOTION: *by Mr. Voelckers, to approve USE2017 0001 with staff's findings and analysis with the exception of two modifications:*

1. *The statement be added under condition one that parking would be calculated roughly on a one parking spot per two participant basis of use creating a minimum of five parking spots at current capacity and 10 parking spots with an expanded capacity with one van ADA space per code.*

2. *And that a sentence be added at the end of condition two stating that a Conditional Use Permit is tied to an ongoing parking agreement.*

The motion passed with no objection.

Chairman Haight recessed the Planning Commission and reconvened the body as the Board of Adjustment.

Commission members Mr. LeVine and Mr. Miller recused themselves from participating in VAR2017 0001 and VAR2017 0002 due to potential conflicts. Mr. Miller said he may be the contractor for the house construction and Mr. LeVine said he had counseled the property owners.

DRAFT

Mr. Miller: "Yes Mr. Chair I would like to announce that I have a conflict of interest."

Chairman Haight: "And your conflict of interest is?"

Mr. Miller: "I am the potential contractor."

Chairman Haight: "With no objection you may sit at the back."

Mr. LeVine: "I would request permission to join Mr. Miler at the back as I, too, am conflicted here."

Chairman Haight: "And your reasoning?"

Mr. LeVine: "I have been advising the applicant about this project."

X. BOARD OF ADJUSTMENT

The two related variance requests were discussed as one item and would subsequently be voted on as separate items.

a. **VAR2017 0001:** Request for variance to street side yard setback for new garage.
Applicant: Erica Roguska
Location: 335 West Twelfth Street

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2017 0001.

If the Commission elects to amend the finding and approve the requested variance, the variance permit would allow the 10 foot street side yard setback bordering the alley right-of-way to be reduced to 5.8 feet for the finished face of a new two car garage in a D-18 zoning district.

The following condition of approval is recommended to ensure that the appearance of the side of West Twelfth Street of the subject lot and existing site distance at the intersection of West Twelfth Street and 'A' Street is maintained as a result of allowing this variance.

i) The finished face of the building, including arctic entries, porches and other structures subject to setback exceptions in the CBJ Land Use Code, is no closer than 13.5 feet to the West Twelfth Street property line.

b. **VAR2017 0002:** Request for variance to front yard setback for new dwelling.
Applicant: Erica Roguska
Location: 335 West Twelfth Street

DRAFT

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2017 0002.

If the Commission elects to amend the finding and approve the requested variance, the variance permit would allow the 10 foot front side yard setback bordering the 'A' Street right-of-way to be reduced to 6.8 feet for the finished face of a new dwelling in a D-18 zoning district.

Mr. Felstead said the subject parcel is located on 12th Street in the Casey Shattuck (the Flats) subdivision. Most of the subdivision is zoned D-5 but this particular lot is zoned D-18, said Mr. Felstead.

Since the surrounding properties have smaller setbacks, the setbacks on the existing property can be reduced, noted Mr. Felstead. This is an average based upon the three adjacent properties, he added. In this case all right-of-way setbacks on West 12th Street, A Street and the alley can be reduced to 10 feet, explained Mr. Felstead. The side yard setback cannot be reduced any more than five feet, he added. And where there are lots surrounded by three rights-of-way a rear setback is not required, he said.

The alley provides access to the rear of five properties, said Mr. Felstead. That is not a through right-of-way, he said; it ends at Gold Creek. The house plans for the new dwelling do not make use of the maximum space of 50 percent coverage of the lot nor does it take advantage of the full height allowance, said Mr. Felstead.

The existing house is a nonconforming structure. However, if the reconstruction cost of a nonconforming structure is greater than 75 percent of the cost to rebuild the house from scratch with new material, then the house has to be reconstructed according to the requirements of the Land Use Code, said Mr. Felstead. A single calamitous event such as a fire would be an exception to this rule, he said. That situation, however, is not relevant to this case as the applicant's plan is a totally new construction and they will demolish the existing house, said Mr. Felstead.

The applicant had been misinformed by CDD about the setback which would apply to West 12th Street, said Mr. Felstead. In the analysis of this variance the setback has been revised to reduce it to 10 feet, he said. With a 10 foot setback and exceptions which can be applied to arctic entries and porches, potentially the applicant could slide the desired footprint closer to West 12th Street resulting in the arctic entry and porch being five feet away from the property line on West 12th Street, said Mr. Felstead. This has potential impacts on sight distances, and it would be worth preserving the sight distance on West 12th Street at the intersection of A Street over preserving the sight distance for the alley, he said.

DRAFT

The proposed building line on A Street would be further back than the footprint of the existing house, said Mr. Felstead. The applicant intends for vehicles to enter and exit via A Street. The CDD Director has to determine whether back-out parking is allowed, he said. Based upon the existing footprint the Director finds that back-out parking would be acceptable given the level of traffic that travels down a street, said Mr. Felstead. One of the reasons for the reduction based upon substandard setbacks surrounding buildings is to contribute to the neighborhood form, he said. Moving the applicant's proposed building footprint closer to W. 12th Street would mean extending the building further toward the street than most of the other dwellings on that street, said Mr. Felstead.

Mr. Felstead showed the Commission all the lots in the area which have been granted set back variances in the past. These are based upon the post 1987 version of the Land Use Code, he said. However, the recent Olmo case has changed the way variance criteria have been addressed, said Mr. Felstead. There is now an overarching requirement to address whether a hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting the parcel is present, he explained. In this situation about 25 percent of the lots within this subdivision are bordered by three rights-of-way, he said. On West 12th Street on the side of the applicant's property there are eight similar lots out of 24 that are bordered by three rights-of-way, said Mr. Felstead.

The Olmo decision requires that the Board of Adjustment make the first determination before assessing the standard six criteria that were commonly examined in the past, said Mr. Felstead.

(VAR2017 0001 garage)
Mr. Felstead said the applicant has not shown either hardship or practical difficulties resulting from an extraordinary situation or a unique physical feature affecting only this parcel. In addition, he said, criterion one is not met, criterion two, three, four and five are met, and criterion six is met if a recommended condition is applied. That condition is that the building be constructed to the existing face and on West 12th Street, said Mr. Felstead. That would allow the site distance to be maintained and the appearance of West 12th Street to be maintained, he said.

(VAR2017 0002 dwelling)
Mr. Felstead said the application is complete, and the staff does not find the grounds for granting the variance for the same reasons as above. In addition, he said, criterion one and six are not met, and that criterion two through five are met.

Board Comments and Questions
Mr. Voelckers asked why Mr. Felstead distinguished between condition six on the two variance requests. He said in both cases both the garage and the house are substantially different and substantially relieved along A Street relevant to the current structure. He said he did not see why there was a distinction drawn between the two.

DRAFT

Mr. Felstead said it is possible to slide the footprint forward and move the garage out to the setbacks. The applicant could create extra living space by building into the garage space and trying to find other parking solutions, he said.

Mr. Voelckers clarified by stating that it was a benefit to the neighborhood by holding the garage closer to the back alley.

Mr. Felstead concurred. He added that for the dwelling setbacks for A Street the staff could not find that there would be more benefits than detriments to the neighborhood if the variance was granted because it did not impact the W.12th Street sight distance in the same way.

Mr. Voelckers asked if the applicant was inclined to move the house forward to a 10 foot setback on 12th Street or if it the applicant was satisfied with 13 ½ feet.

Mr. Felstead said when he spoke with the applicants they had indicated that they preferred to keep the appearance of the neighborhood, and were also wary of taking light away from other neighboring properties.

Applicant
Don Roguska said they purchased the home a little over six months ago with the original intention of doing an extensive remodel of the existing building. They found there was too much damage to the existing structure to remodel it, he said. He said they felt that due to the surrounding properties that a three foot encroachment of the garage into the alley-way should be granted. He showed examples of other homes which were built along the property line in the area. They plan on reducing the footprint of the former garage quite a bit, he said. The former garage had been deemed unsafe, he said. The overall encroachment of the existing structure was 999 square feet, and the encroachment of the proposed structure would be less than 187 square feet, he said.

They have reduced their initial home size plans to minimize the footprint and to fit in better with the neighborhood, said Mr. Roguska. Encroachment on the A Street side would have no negative impact on neighboring properties, he said. They have introduced themselves to their neighbors and have since created a blog so that neighbors could post any comments or concerns they may have, said Mr. Roguska. So far the neighborhood has been very helpful and supportive, he said.

Board Comments and Questions
Ms. Shelton-Walker said she appreciated what the couple is doing for the neighborhood. She asked why the couple has not considered constructing living space above the garage.

DRAFT

Ms. Erica Roguska said she had initially not wanted to construct above the garage due to possible vehicle emissions.

Ms. Shelton-Walker asked if it could be a possibility if necessary.

It could be a consideration, said Ms. Roguska.

Mr. Roguska said he was also concerned about that option because they have a neighbor directly behind them who parks behind where the garage would be. He said he felt if they built too high over the garage they would be casting shadows over the neighbor.

Mr. Voelckers said it appeared they had a basement in the house plans.

The applicants said they have a basement in the house plans no longer, so they could reduce the elevation of the dwelling.

Mr. Voelckers asked if any neighbors have expressed concerns over the project.

Mr. Roguska said they had one neighbor who had expressed the desire to preserve the existing structure. He added that the current structure could not be rebuilt. Under questioning from Mr. Voelckers, Mr. Roguska said there have been no concerns from the neighbors about any setbacks with the proposal.

Mr. Dye asked the applicant if they had any supporting arguments they could give regarding undue hardships with the project; if there was an extraordinary situation or unique physical feature about the lot.

Ms. Roguska it was a difficult situation because the lot is surrounded on three sides by right-of-ways. This feature affects the setbacks required for the project, she added.

Mr. Greene asked what the square footage of the proposed house is.

The previous house was a total of 3,000 square feet, said Ms. Roguska. The proposed home would be about 2,000 square feet, said Mr. Roguska.

Mr. Hickok asked if this would be brand new construction, rather than a remodel.

The applicants said that it was. They were not able to preserve the existing foundation, said Mr. Roguska.

Mr. Hickok asked the applicants if they had expected this complete of a house construction.

DRAFT

Mr. Roguska said they did not expect a total rebuild. They had hoped to remodel the existing structure.

Mr. Hickok commented that this must be somewhat of a financial hardship for the applicants, since they cannot remodel the existing structure but must undertake a total new home construction.

Ms. Roguska said they had hoped to use generic house plans but instead had custom house plans drawn up to better integrate the proposed home with the existing neighborhood.

Mr. Frisby said it had been brought up earlier that the applicants had been misinformed about certain aspects of the project. He asked what this misinformation entailed.

Mr. Roguska said they had initially been told the arctic entryway had to conform to the setback.

Mr. Frisby asked if the existing foundation had been usable if the footprint would then have remained the same. Mr. Frisby said he was confused because it appeared that new lines appeared with the new home configuration.

Mr. Felstead said if the original foundation were kept it would still exceed the 75 percent threshold. The 75 percent threshold does not include the foundation, said Mr. Felstead. It only pertains to construction above the foundation, he added.

Mr. Greene asked if the applicants had initially tried to work within the current standards. He clarified that he meant the new conforming standards.

Ms. Roguska said that the original plan was to retain as much of the existing house as possible. Mr. Roguska said they kept scaling back the size of the house in an attempt to meet the setback requirements.

Public Comment

Mr. Carl Brodersen, who said he is building a house around the corner from the applicants, said he was in favor of the variances. He said the final result would be more in alignment with the other residences on the street. He said the project would be in the public interest since it was taking down an old and dangerous structure and erecting a new home in its place. He said he felt the applicants were making a reasonable request and encouraged the Board of Adjustment to vote in the applicant's favor.

Board Comments and Questions

Mr. Voelckers said they had before them a very nice project that is consistent with equivalent projects in the past that have made the Flats one of the most desirable parts of town in which to live. He said on the surface the project is terrific. He said the reason the variances are before

DRAFT

the Board of Adjustment is because of the City's strategic process to develop a more defensible and accurate process and how variances are determined. Mr. Voelckers said what worries him this evening is the result from the Olmo decision stating that a unique hardship must be evident to justify a variance. He said he does understand that the City is working on improved language to dictate the interpretation of variances so that the language would be clearer. Noting that there have been a number of variances issued within the neighborhood since 1987, Mr. Voelckers said he also felt they should be concerned with fairness in process to the applicants. He felt the City should demonstrate some of the equivalent findings for this applicant that is reflective of the variances granted in the past.

The portion of the variance chapter regarding the unique and practical hardships has just been addressed within the past few months, said Mr. Voelckers. The issue regarding the necessity of hardship and practical difficulties is almost lost in the text in the material that the City hands out to applicants, he said. Highlighted in bold print for the applicants are the six criteria, said Mr. Voelckers. That is where the focus has been until just recently, said Mr. Voelckers. He said he felt they should hold these applicants to the same standards they have held other applicants to.

Considering this, said Mr. Voelckers, the only issue which has not been granted a "yes" by the staff's own analysis, is item one. Mr. Voelckers read that criterion:

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.

Mr. Voelckers said it seemed patently clear to him that were the Board to grant the variance it would most definitely be providing justice for both the applicant and to other property owners in the neighborhood. This would be in keeping with what the City has done in the past with other, similar properties in the neighborhood, said Mr. Voelckers. It would be very easy for him to provide amendments to garner the Board's approval for these variances, said Mr. Voelckers.

Mr. Dye noted that within his short time on the Planning Commission there has been a lot of focus on the unique physical aspects of the property since the map indicating variances in the neighborhood showing variances from 1987. He said he felt it was important for the Board to keep in mind that it was to address those unique physical characteristics for many reasons to ensure that future problems are not created. He said this particular situation indicating the high number of variances within the neighborhood was an indication that rezoning should take place sooner rather than later. That might make a project such as this more feasible and put the Board in a more tenable position, he said.

Ms. Shelton-Walker commented that the Board did consider a variance request not long ago which was based upon design preferences and was denied, even though the applicants had

DRAFT

noted that economic hardship was an element of their variance request. Ms. Shelton-Walker said to be just she wanted to make sure that the Board was being consistent as it moved forward in its deliberations.

Chairman Haight pointed out that this variance request while not unique to the neighborhood is unique to the zoning. This is a small lot within D-18 zoning, said Chairman Haight. He asked if this element would not contribute to a unique condition of the property when considered against a qualified D-18 property. He asked if this would place the variance request into a hardship situation.

In response to a question posed by Mr. Hickok, Mr. Felstead replied that the applicant would have the same setback requirements were the property zoned D-5.

In support of Chairman Haight's remarks, Mr. Voelckers stated that the original, underlying neighborhood configuration does not comport with D-18 zoning. He said judging by the number of variances which have been granted in the past within this immediate neighborhood, that there has been the sense that it is unique enough to allow some relief in these types of circumstances. He said as they move forward that perhaps the underlying issue is a change in the zoning for the area. He said he felt that at this time, they should use roughly the same interpretive criteria that have been given to other properties in the neighborhood which were granted variances.

Mr. Hickok asked if past variances which were granted were for setbacks reduced as much as this variance request.

Mr. Felstead responded that there have been variances granted in the past equal to or smaller than the requested setbacks for this variance.

MOTION: *by Mr. Voelckers, to approve VAR2017 0001 and accept staff's findings and analysis with the exception of item 1.*

He said to get to approval on item 1 the Board needed to find that this variance gives substantial relief to the owner of the property involved and is more consistent with justice to other property owners.

Speaking in support of his motion, Mr. Voelckers said they could make the statement that based upon staff's findings and analysis the Board believes the solution recommended is consistent with justice to other property owners and gives substantial relief to the owner of the property.

Ms. McKibben said the Board would also need to amend finding three:

DRAFT

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

The staff had determined that the applicant had not presented an argument that justifies the grounds for the variance. The staff found the applicant had not shown hardship and practical difficulties resulting from an extraordinary situation or unique physical features affecting only a specific parcel property.

Mr. Voelckers said the grounds which have typically been identified are the six criteria and with this amendment criteria one through six are met.

Ms. McKibben said the sentence stating that the "applicant has not shown hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property" must be amended in order for the conclusion to be supported.

Mr. Voelckers said he suggests that finding number three be amended to state, "yes" instead of "no", and that the six criteria have been met.

Speaking against the motion, Mr. Dye said that a not dissimilar variance request had been denied by the Board some months ago. He said there is a way for the footprint of the house to be reduced without a variance being granted. He said he would find granting this variance to be inconsistent with the Board's action since he has been on the Board of Adjustment.

Roll Call Vote on the Motion: *by Mr. Voelckers, to approve VAR2017 0001 and accept staff's findings and analysis with the exception of item one and finding three. The Board finds that this variance gives substantial relief to the owner of the property involved and is more consistent with justice to other property owners, thus meeting the six criteria, and the Board finds that the variance, as requested, does meet the criteria of Section 49.20.250, Grounds for Variances.*

Yeas: Voelckers, Haight

Nays: Greene, Hickok, Dye, Shelton-Walker, Frisby

The motion failed.

MOTION: *by Mr. Dye, to* deny *VAR2017 0001 and accept the staff's findings, analysis and recommendations.*

Roll Call Vote:

Yeas: Frisby, Dye, Shelton-Walker, Greene, Hickok,

DRAFT

Nays: Voelckers, Haight

The motion passed.

MOTION: *by Mr. Dye, to accept staff's findings, analysis and recommendations for VAR2017 0002 and deny the variance request.*

Speaking in explanation of his motion Mr. Dye said that the Board should be looking at a rezone of this area sooner rather than later. He said he would like to see this process expedited and executed in a very timely manner.

Roll Call Vote:

Yeas: Shelton-Walker Hickok, Greene, Dye, Frisby

Nays: Voelckers, Haight

The motion passed.

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

X. OTHER BUSINESS

Quoting Title 49.75.410 (a) Mr. Dye read:
Commission initiated. The Commission shall initiate an amendment to this title by holding a public hearing to consider whether it should recommend such amendment to the Assembly. The Director shall provide at least 10 days public notice of the hearing.

Mr. Dye also read Title 49.75.110:
A rezoning may be initiated by the Director, the Commission, or the Assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the Director to inform the public that a rezoning has been initiated.

MOTION: *by Mr. Dye, to form an ad hoc committee of the Planning Commission to draft and present a text amendment to Title 49 for the purpose of creating a zoning district that would enhance and preserve the historic nature and neighborhood characteristics of the historic downtown and surrounding areas.*

Mr. LeVine said he is in full support of Mr. Dye's motion, especially in light of the variance just denied by the Planning Commission. If the Commission is going to be more stringent in its award of variances, then in order to retain the equity for its citizens who want to construct

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

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

DATE: May 5, 2017

TO: Board of Adjustment

FROM: Jill Maclean, AICP Senior Planner
Community Development Department

FILE NO.: VAR2017 0004

PROPOSAL: A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

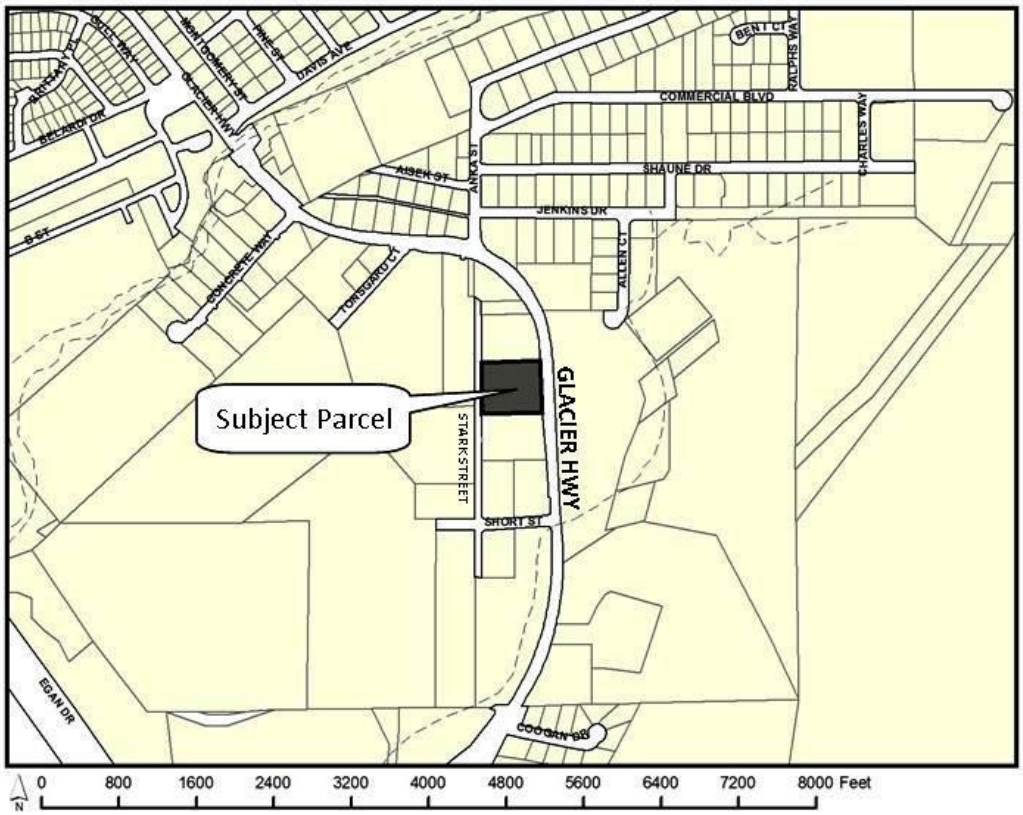
GENERAL INFORMATION

Applicant:	NorthWind Architects, LLC
Property Owner:	Tyler Rental Inc.
Property Address:	5295 Glacier Highway
Legal Description:	Midway Subdivision, Tract D
Parcel Code Number:	5-B12-0-100-007-0
Site Size:	81,366 sq. ft.
Comprehensive Plan Future Land Use Designation:	Heavy Industrial (HI)
Zoning:	I (Industrial)
Utilities:	City Sewer / Water
Access:	Glacier Highway
Existing Land Use:	Tyler Rental Inc.

SURROUNDING LAND USE

North - Juneau and Douglas Telephone Company / Industrial
South - Residential property (across Glacier Highway) / General Commercial
East - Tyler Rental / Heritage Coffee / Industrial
West - Harri Plumbing & Heating / Industrial

VICINITY MAP



ATTACHMENTS

Attachment A – Application
Attachment B – Public Notification
Attachment C – Variance 2014-27 Staff Report and Notice of Decision
Attachment D – Site Photos
Attachment E – Map of Vacant 4-Acres+ Industrially Zoned Property

PROJECT DESCRIPTION

The applicant is seeking a reduction of the 10 foot required street side yard setback from 10

feet to zero along the undeveloped Stark Street right-of-way. (Note: The application and narrative incorrectly identify the setback as a "rear yard" setback.)

BACKGROUND

The parcel was subdivided in October 1961 as Tract D Midway Subdivision. The property is zoned Industrial with the following dimensional requirements: setbacks - front 10 ft., street side yard 10 ft., side yard 10 ft.; minimum lot size is 2,000 sq. ft.; and maximum lot coverage is none. The site is currently owned and used by Tyler Rental for repair and rental of industrial and construction equipment.

The applicant received a variance on January 28, 2015 (VAR2014-0027) for a reduction to street side yard setback from 10 ft. to 9 ft. along the undeveloped Stark Street right-of-way (see Attachment C). However due to uncertainty with the economy at the time, the applicant chose not to construct the building. The variance expired on July 27, 2016, prior to the applicant receiving adequate contracts to support the construction.

The applicant has received a contract to service local mining equipment, which historically has been exported to Washington and Nevada. The applicant is proposing to construct a new building on their lot at 5295 Glacier Highway for additional repair space and the associated land needed to accommodate the turning traffic circulation for the delivery vehicles (see Attachment A).

In order to perform the maintenance and transport the equipment to and from the site, a new 80 ft. x 100 ft. maintenance building is needed with a 12 ft. wide travel way between the existing building and the proposed building to accommodate truck circulation and turning. Taking into account the size of the proposed building, the location of the existing building, and the travel way, the applicant has determined that they cannot meet the required street side yard setback of 10 ft.

The applicant has maximized the site and also leases land to the east behind the Heritage Coffee stand for additional workspace and storage. Without relief to the street side yard setback, the applicant would be forced to have the trucks back out onto Glacier Highway, impeding traffic in both directions and creating potentially unsafe situations for their drivers, other vehicles, and pedestrians and bicyclists (see Attachment A).

Alaska Department of Transportation and Public Facilities (DOT&PF) stated that they have no comment regarding CBJ approving the encroachment into the setback, but they do not support any lot development that requires any vehicles to back up or turn around on Glacier Highway, including the shoulders, regardless if it is the proposed plan or a smaller building design. DOT&PF also stated that the parking of any equipment is not allowed within the right-of-way and cannot obstruct sight distance from their driveways.

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. Threshold determination

Per the Assembly's Decision on Appeal in *Olmo, LLC v. Board of Adjustment*, the applicant must first show hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property prior to determining if a proposal meets the six criterion for granting a variance. Importantly, the *Olmo* decision stated:

> Peculiarities of the specific property sufficient to warrant a grant of a variance must arise from the physical conditions of the land itself which distinguish it from other land in the general area. The assertion that the ordinance merely deprives the landowner of a more profitable operation where the premises have substantially the same value for permitted uses as other property within the zoning classification argues, in effect, for the grant of a special privilege to the selected landowner. We do not believe that the variance provision in the instant ordinance is intended to achieve such an inequitable result. Rather, where the ordinance equally affects all property in the same zoning classification, relief from the general conditions of the governing law properly must come from the assembly through an amendment to the zoning code.[1]

The applicant has not demonstrated any hardship and practical difficulty resulting from an extraordinary situation or unique physical feature affecting only their specific parcel of property or the structures lawfully existing thereon. The subject parcel is appropriately zoned as Industrial for their use, which is classified as Medium Manufacturing. The site is approximately 1.8 acres of flat land and does not contain any peculiarities or unique physical features that distinguish it from other properties. At 1.8 acres (81,366 sq. ft.), it is over 40 times the minimum lot size (2,000 sq. ft.) for an industrial zone district. There is nothing extraordinary about the applicant's desire to construct a new building to generate more money, and there is nothing unique with this property. Thus, the applicant has not satisfied the threshold

[1] *Olmo, LLC v. CBJ Board of Adjustment*, VAR2015-0030, at 5 (CBJ Assembly, Feb. 14, 2017) (citing to *City & Borough of Juneau v. Thibodeau*, 595 P.2d 626, 634-636 (Alaska 1979).

determination to even consider the remaining variance criterion.

B. Variance criteria

Should the Board of Adjustment find that a hardship and practical difficulties resulting from an extraordinary situation or unique physical feature threshold is met, then 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.***

A portion of the Stark Street right-of-way (directly across from Anka Street) was vacated in the past, allowing two properties to benefit from increased lot sizes. Further, aerial photography shows that the property at 5441 Glacier Highway is constructed up to and possibly within the Stark Street undeveloped right-of-way, and it uses the undeveloped right-of-way for their operations (no permits could be found related to these uses). The applicant also uses the undeveloped right-of-way for storage and has secured the area with fencing (see Attachment D – Site Photos). Therefore, the granting of the variance would be more consistent with the relief that neighboring properties have benefitted from.

Yes. The criterion is met.

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

The purpose and intent of Title 49 is defined in CBJ 49.05.100:

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

No evidence has been presented indicating that the requested variance will have a negative impact on public safety and welfare. The requested encroachment will preserve safety for the traveling public on Glacier Highway, use industrially zoned land as it is intended, and support the sustainability of a local business while minimizing the negative impacts to the neighboring properties.

Yes. The criterion is met.

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

No evidence has been presented to suggest that the authorization of this variance would injure nearby property as the reduction in setback is along a 40 ft. wide undeveloped right-of-way. Further, as a portion of Stark Street was vacated to the east of this property and no longer has an outlet, the likelihood of Stark Street being constructed is negligible. CBJ Building Division and Capital City Fire and Rescue have no issues with the proposal. CBJ General Engineering stated that the undeveloped Stark Street right-of-way is used for utilities, storm drainage and local access and that Stark Street dead ends approximately 280 ft from Glacier Hwy and may not be extended. CBJ General Engineering does not have concerns with diminishing the setback to Stark Street right-of-way.

The requested variance would allow an encroachment that is less than the encroachment of nearby properties.

Yes. The criterion is met.

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

A construction and industrial equipment repair and rental business in an Industrial zoning district is a permitted use, per CBJ 49.25.300 Table of Permissible Uses, section 4.070 Medium manufacturing with department approval.

Yes. The criterion is met.

5. That compliance with the existing standards would:

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

Compliance with the existing standards would not prevent the lot being used as a construction and industrial equipment repair and rental business.

No. The sub-criterion is not met.

(B) Unreasonably prevent the owner from using the property in a manner which is

consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

The scale and type of the existing and proposed structures is consistent with other uses in the industrial area. The proposed building is a 96' x 81' two-story structure; the existing building is a 124.5' x 60.2' two-story structure. As stated above, a portion of the Stark Street right-of-way (directly across from Anka Street) was vacated in the past, allowing two properties to benefit from increased lot sizes. Further, the property at 5441 Glacier Highway has developed up to the Stark Street undeveloped right-of-way and uses the undeveloped right-of-way for their operations, as does the applicant. The granting of the variance would be more consistent with the existing development in the neighborhood.

Yes. The criterion is met.

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

The subject lot is approximately 1.8 acres in size, flat, and zoned industrial. The applicant has stated that the lot is limited in depth and constrained between Glacier Highway and the undeveloped Stark Street right-of-way. The use of this site requires the maneuvering, maintenance, and storage of heavy industrial and construction equipment. The applicant further states that there are minimal lots available in a central location of adequate size to support their needs, provide frontage and access, and which are zoned for this type of use. Much of the industrially zoned land in this area has been permitted for commercial uses, thus limiting growth and expansion opportunities for industrial businesses in this zoning district (see Attachment E).

No. The sub-criterion is not 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.

No preexisting nonconforming conditions exist on the subject parcel.

No. The sub-criterion is not met.

As sub-criterions 5B is met, criterion 5 is met.

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

The granting of the variance allows an existing business to expand operations and attract work currently being exported from the borough. The proposed expansion allows the business to

sustain and continue to support other development throughout the borough and the greater region. The granting of the variance ensures that the traffic circulation is addressed on-site, and does not back out onto Glacier Highway, thus reducing risks to other vehicular traffic and pedestrians/bicyclists. Further, DOT&PF has stated that they do not support any lot development that requires any vehicles to back up or turn around on Glacier Highway, including the shoulders. The granting of the variance does not negatively impact neighboring properties, as the proposed expansion abuts an undeveloped right-of-way with only one property located on the other side of the undeveloped right-of-way (Juneau Douglas Telephone Company).

Yes. The criterion is met.

FINDINGS

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

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

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

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

Not applicable.

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

No. Based on the analysis above, staff has determined that the applicant has not presented an argument that justifies the grounds for this variance. The applicant demonstrated that their proposal meets Variance Criterion 1 through 6; however, the applicant fails to meet the threshold for hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2017 0004.

If the Board elects to amend the findings and approve the requested variance, the Variance Permit would allow the 10 feet street side yard setback bordering the undeveloped Stark Street right-of-way to be reduced from 10 feet to zero feet in an Industrial zoning district.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 4/7/17
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description

Variance Application for encroachment into rear-yard setback

PROPERTY LOCATION

Street Address	City/Zip
5295 Glacier Highway	Juneau Alaska 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): Tract D, Midway Subdivision, Juneau AK

Assessor's Parcel Number(s): 5B1201000070

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Tyler Rental, Inc.	James Bibb	586-6150
Mailing Address	**Home Phone:**	**Fax Number:**
5295 Glacier Highway		
E-mail Address	**Other Contact Phone Number(s):**	
james@northwindarch.com		

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

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

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X [signature] For Tyler Rental, Inc. — Landowner/Lessee Signature — Date: 4/7/17

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:
North Wind Architects, LLC	James Bibb	586-6150
Mailing Address	**Home Phone:**	**Fax Number:**
126 Seward Street	586-6150	
E-mail Address	**Other Contact Phone Number(s):**	
james@northwindarch.com		

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)			
X	Variance Case (De Minimis and all other Variance case types)			VAR20170004
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials: LAB

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

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		VAR20170004	4/7/17

TO BE COMPLETED BY THE APPLICANT

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:
Rear Yard Encroachment of 10' into a 10' setback

Previous Variance Applications? ■ YES ☐ NO Date of Filing: December ,2015

Previous Case Number(s):

Was the Variance Granted? ■ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):
Per attached memo dated 4-7.17

UTILITIES AVAILABLE: WATER: ■ Public ☐ On Site SEWER: ■ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
Yes

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
Per attached Memo dated 4-7-17

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.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 400.00			
Adjustment	$			
Total Fee	$ 400.00			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Attachment A - Application

NorthWind
Architects, LLC

Memo

April 7, 2017

CBJ Community Development Department
230 South Franklin Street
Juneau, Alaska 99801

Re: Variance Criteria Response

This variance request is for a 10' rear-yard easement encroachment to accommodate a new maintenance building for Tyler Rentals Inc. located at 5295 Glacier Highway.

Our request for this variance is driven by an urgent need to provide additional repair shop space for new business volume, which has heretofore gone to the lower 48 States. This expansion requires, a larger repair shop and the area to maneuver delivery transport on-site.

Our request intends to address in the best manner possible, the Variance Approval Criteria as stipulated by the variance application.

Background and History
Tyler Rental Inc. is an equipment rental sales and service business located at 5395 Glacier Highway in Juneau. Tyler Rental opened its doors in Juneau in 1997 and has occupied the current site since 2006. Its business is expanding to service local mine equipment in Juneau which is work that has been exported to Washington State and Nevada In order to perform this additional work in Juneau a new 80' x 100' maintenance building is to be constructed on the existing Tyler Rental Inc. site.

The building is in line with, but detached from the existing shop building. After exhaustive consideration of different building locations and orientations the current arrangement was selected. Although the volume of new work demanded a larger building (80' x 125') we were forced to compromise to the current size to fit within the property lines and to allow the necessary maneuvering of delivery transports.

Our initial design connected the new shop to the existing building; this proved to be infeasible for two reasons: the risk of destabilizing the existing building due to poor subsurface soils, and the loss of the ability to pass delivery transports from the north to south driveways. There is insufficient room to turn the large transports around on the site and they must enter from Glacier Highway on one driveway and exit back onto Glacier Highway from the other.
The proposed site configuration provides minimally viable new shop space and on-site traffic patterns that prevents hazardous incursions off-of and on-to Glacier Highway.

To allow the minimum clearance between buildings for the passage of trucks, the new addition must be placed at the westerly property line, within the ten-foot rear yard setback.
This, the only feasible configuration of this shop expansion is forcing us to request an encroachment into our rear-yard setback of 10' in order to maintain the essential truck travel-way between buildings. We ask this relaxation of standards as we have exhausted all other viable options and ask for your review and approval.

Sean M Boily AIA
Principal Architect

James Bibb
Principal Architect

David Hurley AIA
Principal Architect

126 Seward Street
Juneau, AK 99801

p.907.586.6150
f.907.586.6181

NørthWind
Architects, LLC

We have mitigated the effect of the site constraints as much as possible, we have :

- Shrunk the new facility to minimum viable size
- Consolidated and restricted on-site operations to minimize the area required for truck maneuvering including the removal of an otherwise useful building

These steps have been taken prior to considering a variance however based on to-scale site traffic diagrams, we realize that we simply cannot navigate equipment on-site without more room. We have attached three diagrams depicting our studies;

a) Site diagram building within the setback requirements, (Not feasible)
b) Site diagram with the building with a requested 10' variance into the rear-yard setback (Feasible)
c) Site diagram with option of backing out onto Glacier Highway, (Feasible but not recommended)

Further constraints that will impact our site is the plan by the State of Alaska DOT to expand Glacier Highway for better and safer traffic flow to meet the increasing traffic through this area. Options to consider maneuvering onto Glacier Highway as an option will be further challenged because of this plan.

The impact of our variance request:
The rear yard property line of which we propose a rear-yard encroachment fronts an under-developed right of way. The current character of the right of way is a wetlands drainage swale that borders our community's landfill and other industrial zoned properties use primarily for industrial storage. This variance will not impact existing neighbor's light or air and therefore will have minimal impact on any adjacent property.

Regarding the Variance Approval Criteria, we offer the following statements for your review:

Criteria No. 1: Regarding a "relaxation applied for": would give substantial relief to the owner: By allowing this variance, the owner is allowed to accommodate the need to expand their business and the Juneau economy. Denying this variance doesn't prevent us from using our site as intended but it does prevent us from using our site to its maximum value.

Criteria No. 2: Regarding a public safety and welfare: Not granting this variance considers the option to use Glacier Highway to back onto the current site a more hazardous traffic pattern with adverse impact on the pedestrian, bicycle, and vehicle traffic on Glacier Highway. We consider a rear-yard setback encroachment fronting a underdeveloped right of way as a means to positively effect public safety and welfare as the proposed encroachment of 10' will have no impact on current or planned public safety and welfare. Allowing this variance will help to insure proper site circulation maneuvering over-sized heavy equipment and should be seen in support of public safety offering proper and necessary area for safe vehicle movement on, and off-site

Criteria No. 3: Injury to nearby property: The easement is along an underdeveloped public right-of-way that will have no impact on adjacent shared private property. The encroachment will offer no injury to nearby property. The potential for development of the public right-of-way is negligible as the right-of-way terminates just beyond the Tyler Rental property.

Criteria No. 4: The variance will not authorize use not allowed in the district: The use is consistent with the allowable use.

Criteria No. 5: Compliance with the existing standards would:

A. *"Unreasonably prevent the owner from using the property for permissible Use"*: **Yes.**
B. *"Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or*

126 Seward Street
Juneau, AK 99801

p.907.586.6150
f.907.586.6181

NørthWind
Architects, LLC

features, with existing development in the neighborhood of the subject property": **Yes as this allowable industrial use faces the burden of site constraints,**

C. *"Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive":* **The Property's site is limited in depth between a state highway and a rear-yard right of way. The use of this site requires the movement, maintenance, and storage of heavy equipment. There are minimal lots available, central to our community that allows both this main street frontage and allowable use for this type of business operation.**

D. *Because of preexisting nonconforming conditions on the subject parcel, the grant of the variance would not result in a net decrease in overall compliance with the land use code, title 49, or the building code, title 19, or both; and":* **This will not result in a net decrease in the over-all compliance of the land use code, title 49 and…**

Criteria No. 6: In granting this variance, the variance contributes to more benefits than detriments, as it will allow an existing business to expand current operations to meet economic growth for the Company and the Juneau economy. This district in the Lemon Creek area has evolved into a recognized local for this community that houses and supports support industrial uses such as this business. Strengthening this use will allow for the continued success of this business, therefore contributing this community overall. Contrary, not supporting this expansion will hamper further growth potential. Business such as this in our community provides direct and meaningful support to our region-wide construction industry. It's location, it's asset to our community as a desired business and it continued success is important to our community's development, which is a direct general benefit.

Thank you,

James Bibb
NorthWind Architects LLC

126 Seward Street
Juneau, AK 99801

p.907.586.6150
f.907.586.6181

PDC ENGINEERS
PLAN • DESIGN • CONSTRUCT
9205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC005

NorthWind Architects LLC
126 Seward St
Juneau, AK 99801
Ph #907.586.6150
FX #907.586.6181
www.northwindarch.com
© NorthWind Architects, LLC

IF THIS ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING HAS BEEN REDUCED, ENLARGED OR REDUCED, AFFECTING ALL SCALED DATA

Tyler Rental Shop Addition 2017

5295-5401 Glacier Hwy
Juneau, Alaska

SHEET TITLE:

DATE:
REVISION:
CHECKED BY: BPP
DRAWN: BPP
SHEET #
PLOT DATE: March 30, 2017

RECEIVED
APR 07 2017
PERMIT CENTER/CDD

I:\2016\160072\N - 161301\Drawing\Combined TR-JT CIVIL 2017.dwg PLOT: March 30, 2017 @: 4:23pm

PDC ENGINEERS
PLAN • DESIGN • CONSTRUCT
6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC605

NorthWind Architects LLC
126 Seward St
Juneau, AK 99801
Ph #907.586.6150
Fx #907.586.6181
www.northwindarch.com

© NorthWind Architects, LLC

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING HAS BEEN REDUCED, ENLARGED OR REDUCED, AFFECTING ALL SCALED DISTANCES

Tyler Rental Shop Addition 2017

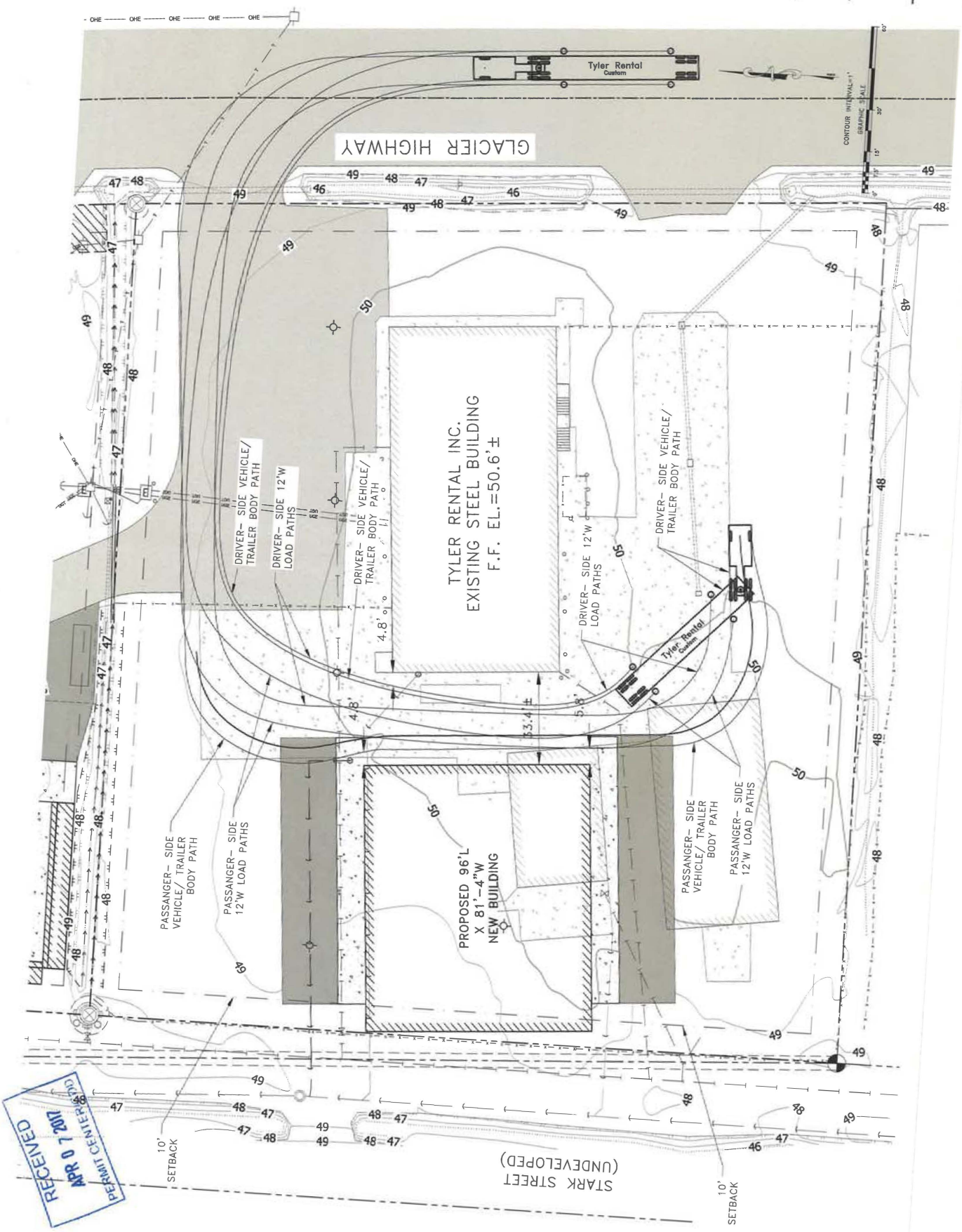
5295-5401 Glacier Hwy
Juneau, Alaska

SHEET TITLE:

DATE:
REVISION:
CHECKED BY: BPP
DRAWN: BPP

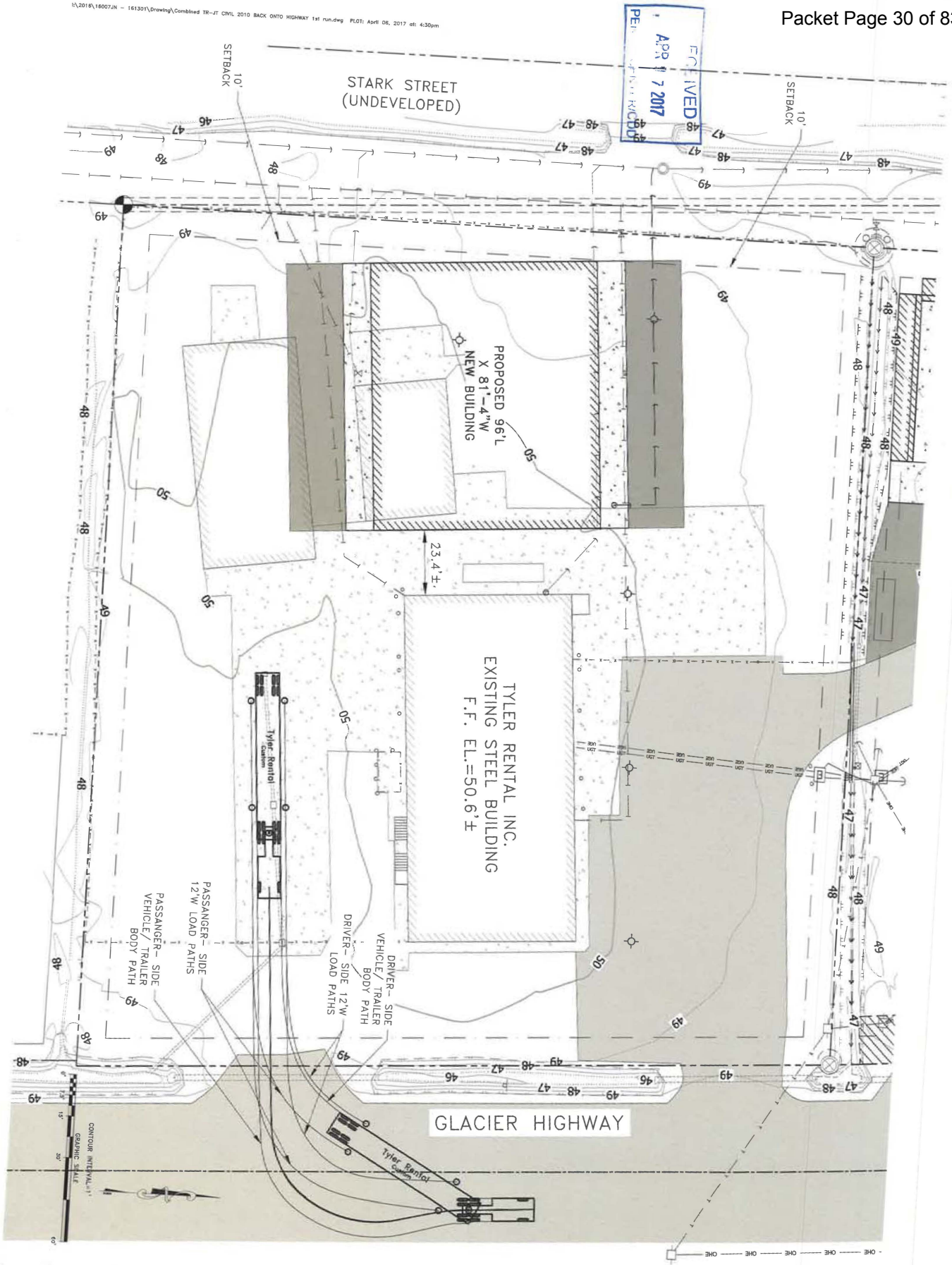
SHEET #

PLOT DATE: March 30, 2017



RECEIVED
APR 07 2017
PERMIT CENTER

RECEIVED
APR 17 2017
PERMIT CENTER



PLOT DATE: April 06, 2017

DATE:
REVISION:
CHECKED BY: BPP
DRAWN: BPP
SHEET #

SHEET TITLE:

Tyler Rental Shop Addition 2017

5295-5401 Glacier Hwy

Juneau, Alaska

IF THIS BAR DOES NOT MEASURE ONE INCH (1") EXACTLY THIS DRAWING HAS BEEN ENLARGED OR REDUCED. ADJUST ALL LABELED SCALES ACCORDINGLY

NorthWind Architects LLC
126 Seward St
Juneau, AK 99801
Ph #907.586.6150
Fx #907.586.6161
www.northwindarch.com

© NorthWind Architects, LLC

PDC ENGINEERS
PLAN • DESIGN • CONSTRUCT
8240 Glacier Hwy, Suite A Juneau, Alaska 99801
907.780.6060 | AECC006

PDC ENGINEERS
PLAN • DESIGN • CONSTRUCT
6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC605

NorthWind Architects LLC
126 Seward St
Juneau, AK 99801
Ph #907.586.6150
Fx #907.586.6181
www.northwindarch.com

© NorthWind Architects, LLC

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING IS NOT TO BE REPRINTED, ENLARGED OR REDUCED. AFFECTING ALL LABELED SCALES

5295-5401 Glacier Hwy
Juneau, Alaska

Tyler Rental Shop Addition 2017

SHEET TITLE: REVERSE TRUCK/ TRAILER TURN MOVEMENT FROM HIGHWAY INTO SOUTH DRIVEWAY
DATE: 4/7/2017
REVISION:
CHECKED BY: BPP
DRAWN: BPP
SHEET #
PLOT DATE: April 07, 20

GLACIER HIGHWAY

Tyler Rental Custom

TYLER RENTAL INC.
EXISTING STEEL BUILDING
F.F. EL.=50.6'±

PASSANGER- SIDE VEHICLE/ TRAILER BODY PATH

DRIVER- SIDE VEHICLE/ TRAILER BODY PATH

DRIVER- SIDE 12'W LOAD PATHS

PASSANGER- SIDE 12'W LOAD PATHS

23.4'±

PROPOSED 96'L X 81'-4"W NEW BUILDING

10' SETBACK

10' SETBACK

STARK STREET (UNDEVELOPED)

CONTOUR INTERVAL=1'
GRAPHIC SCALE 0' 15' 30' 60'

NorthWind Architects LLC
126 Seward St
Juneau, AK 99801
Ph #907.586.6150
Fx #907.586.6181
www.northwindarch.com
© NorthWind Architects, LLC
1" ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING HAS BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.
Tyler Rental Mechanical Bays Addition
NWA-1422
Juneau, Alaska
SHEET TITLE: FLOOR PLANS
DATE: 3-30-17
REVISIONS:
CHECKED BY:
DRAWN:
SHEET # A0.1
PLOT DATE: 3/28/17
N
OLD GLACIER HIGHWAY
PARKING
PARKING
EXISTING TYLER RENTAL
NEW MAINTENANCE SHOP
1 GROUND FLOOR PLAN SHOWING ADDITION
SCALE: 1/32" = 1'-0"
0 16' 32' 64'
NWA-1422 Tyler Rental Mechanical Bays Addition

NorthWind Architects LLC
126 Seward St
Juneau, AK 99801
Ph. #907.586.6160
Fx. #907.586.6181
www.northwindarch.com

© NorthWind Architects, LLC

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL BE INCORRECTLY ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

Tyler Rental Mechanical Bays Addition

NWA-1422
5295 Glacier Hwy
Juneau, Alaska

SHEET TITLE: ELEVATIONS

DATE: 4.7.2015
REVISIONS: May 8, 2015; May 25, 2015; June 10, 2015
DRAWN BY:
CHECKED BY:
SHEET # A06
PLOT DATE: 3/28/17

1 TYLER RENTAL JUNEAU - MAINTENANCE BUILDING ADDITION

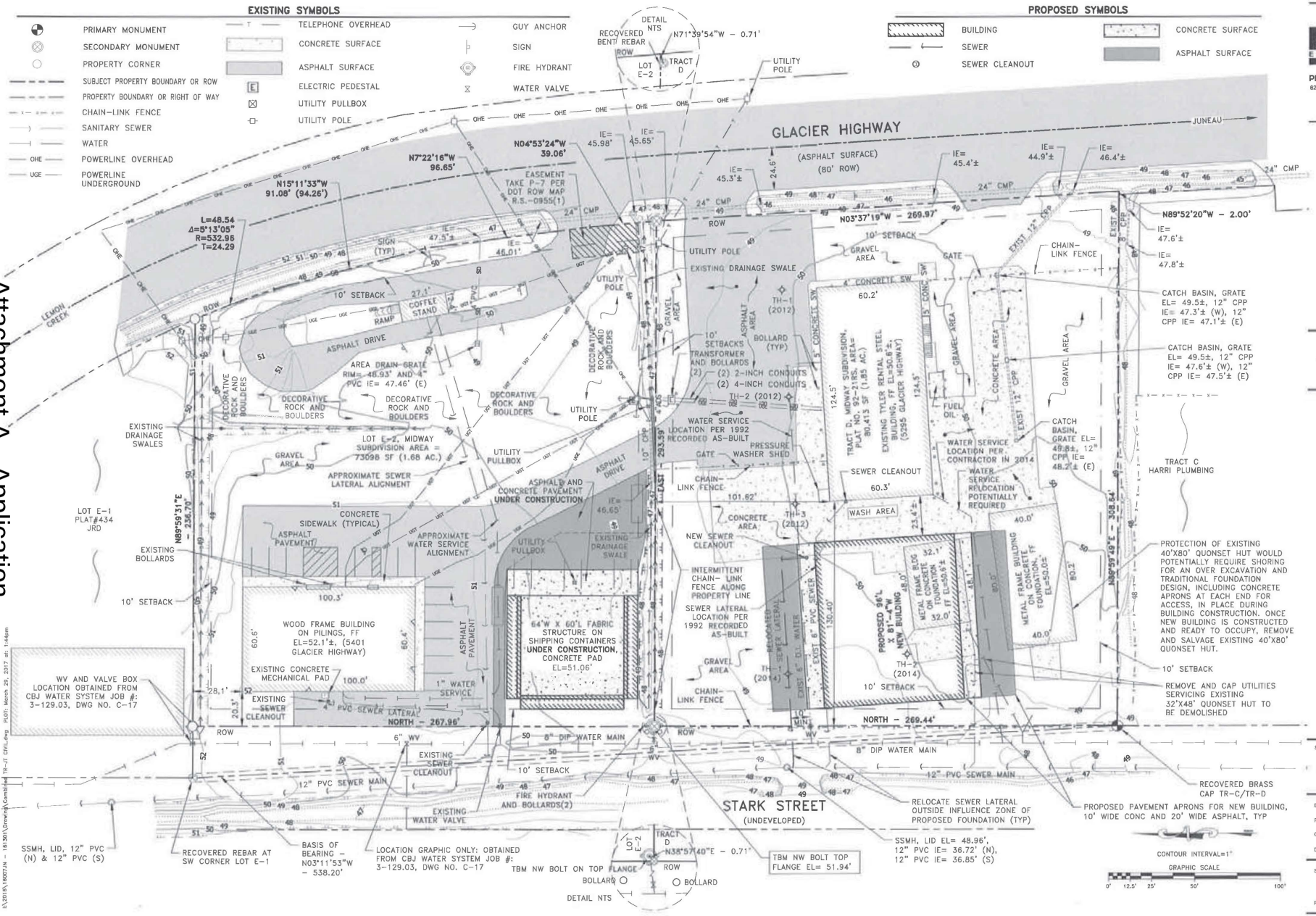
W
N

NWA-1422 Tyler Rental Mechanical Bays Addition

3-D RENDERING REVISED CONCEPT

Juneau, Alaska

PLOT DATE: 3/28/17



PDC ENGINEERS
PLAN • DESIGN • CONSTRUCT
6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC805

NorthWind Architects LLC
126 Seward St
Juneau, AK 99801
Ph #907.586.6150
Fx #907.586.6181
www.northwindarch.com
© NorthWind Architects, LLC

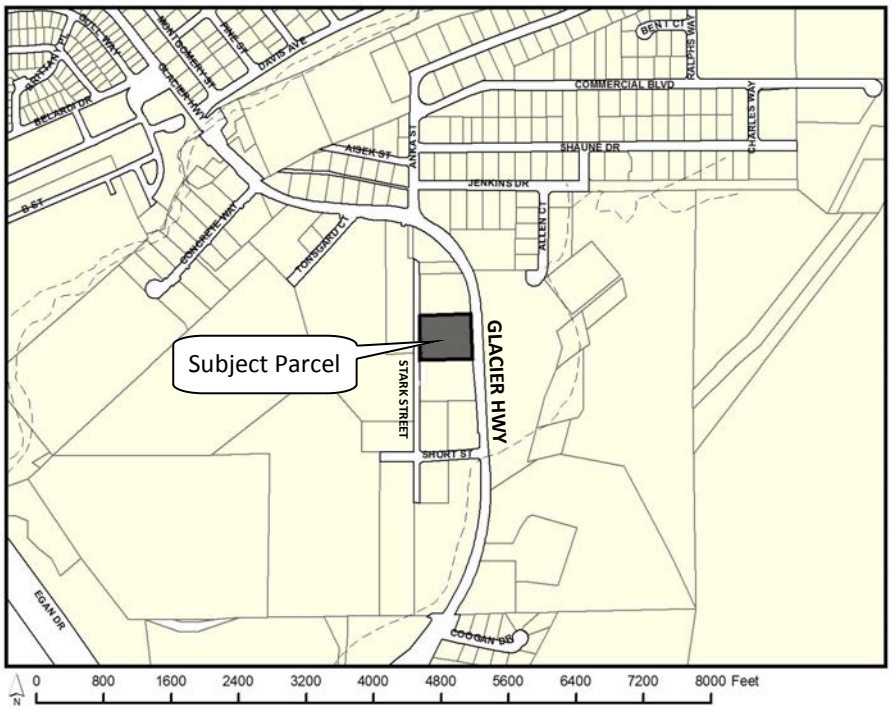
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

Tyler Rental Shop Addition 2017
5295-5401 Glacier Hwy
Juneau, Alaska

SHEET TITLE: EXISTING TOPOGRAPHIC CONDITIONS AND COMBINED SITE PLAN
DATE: 3/29/2017
REVISION:
CHECKED BY: BPP AND JL
DRAWN: BPP
SHEET #
PLOT DATE: March 29, 2017

I:\2016\16007JN - 161301\Drawing\Combined TR-17 CIVIL.dwg PLOT: March 29, 2017 at: 1:44pm

NOTICE OF PUBLIC HEARING



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

SHIP TO:

PROPOSAL: A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

File No:	VAR2017 0004	Applicant:	Northwind Architects
To:	Adjacent Property Owners	Property PCN:	5-B12-0-100-007-0
Hearing Date:	May 9, 2017	Owner:	Tyler Rental Inc.
Hearing Time:	7:00 PM	Lot Size:	81,366 Square Feet
Place:	Assembly Chambers	Zoned:	I (Industrial)
	Municipal Building	Site Address:	5275 Glacier Hwy
	155 South Seward Street	Accessed Via:	Glacier Hwy
	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 Jill Maclean at Jill.Maclean@juneau.org or (907) 586-0756.

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

Date notice was printed: April 20, 2017

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: January 28, 2015
File No.: VAR2014 0027

Tyler Rental, Inc.
5295 Glacier Highway
Juneau, Alaska 99801

Application For:	A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.
Legal Description:	Midway Tract D
Property Address:	5275 Glacier Highway
Parcel Code No.:	5-B12-0-100-007-0
Hearing Date:	January 27, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 12, 2015, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: January 12, 2014, memorandum from Jonathan Lange, Community Development, to the CBJ Board of Adjustment regarding VAR2014 0027.

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, January 27, 2015.
Expiration Date:	The permit will expire 18 months after the effective date, or July 27, 2016, if no Building Permit has been issued and substantial construction 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.

155 So. Seward Street, Juneau, Alaska 99801-1397

Project Planner: Jonathan Lange

Jonathan Lange, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Filed With City Clerk

1/30/15
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: January 12, 2015

TO: Board of Adjustment

FROM: Jonathan Lange, Planner
Community Development Department

FILE NO.: VAR2014 0027

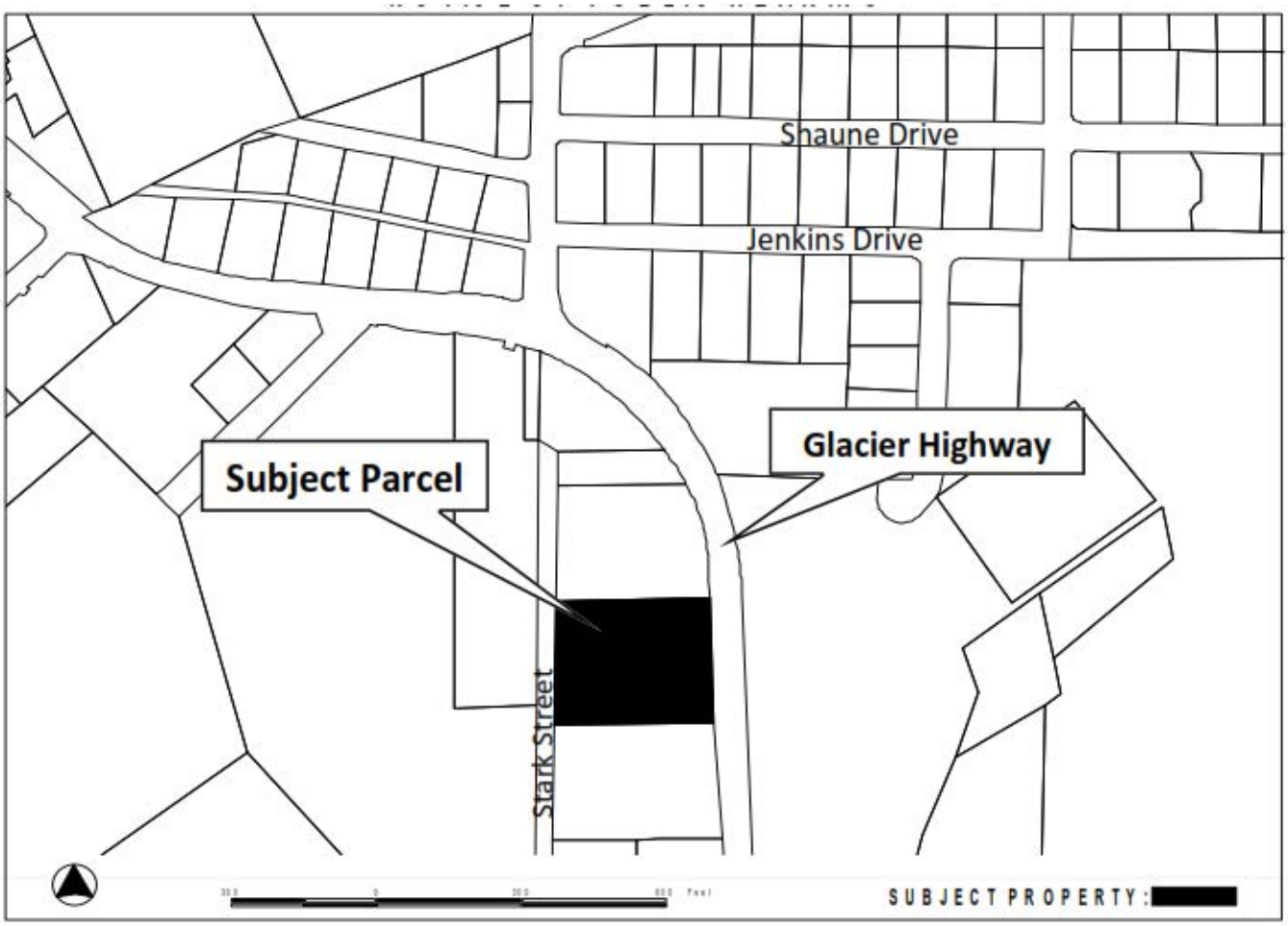
PROPOSAL: A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

GENERAL INFORMATION

Applicant:	Tyler Rental, Inc.
Property Owner:	Tyler Rental, Inc.
Property Address:	5275 Glacier Highway
Legal Description:	Midway Tract D
Parcel Code Number:	5-B12-0-100-007-0
Site Size:	81,366 square feet or 1.87 acres
Comprehensive Plan Future Land Use Designation:	HI – Heavy Industrial (Map H)
Zoning:	Industrial
Utilities:	City water and sewer
Access:	Glacier Highway
Existing Land Use:	Commercial Miscellaneous – Tyler Rental, Inc.

Surrounding Land Use: North I – Heritage Coffee Stand and storage
South I – Harri Plumbing and Heating
East GC/D-18 – Single-family Residence
West I – J. D. Phone Co.

Vicinity Map



ATTACHMENTS

Attachment A – Variance and Development Permit Applications
Attachment B – Site and Building Plans
Attachment C – Narrative
Attachment D - Notice of Public Hearing
Attachment E – Photos
Attachment F - Comments

PROJECT DESCRIPTION

The applicant seeks a variance to reduce the street-side yard setback from the required 10 feet to 9 feet along the undeveloped right-of-way of Stark Street. The applicant proposes to build a new 9,840 square foot mechanical bay addition to the Tyler Rental, Inc. business. The mechanical bay addition will include a repair bay, a fabrication bay, a hydraulic repair bay, and a wash bay (please see Attachment B for building plans). This building will be attached at the west of the existing Tyler Rental, Inc. building located at 5275 Glacier Highway. A 6 square foot portion of the northwest corner of the proposed addition would encroach into the 10 foot street-side yard setback.

BACKGROUND

The subject parcel is west of Glacier Highway, east of the undeveloped right-of-way of Stark Street, north of Short Street, and south of the Anka Street and Glacier Highway intersection in the Lemon Creek area. The 81,366 square foot parcel contains the current Tyler Rental building, built in 1992, two Quonset huts, and storage of Tyler Rental equipment. Access to the parcel is from Glacier Highway.

ANALYSIS

The subject parcel is located in an I - Industrial zoning district. The setbacks in the Industrial zone are as follows: 10 feet for the front and rear yard setbacks; 10 feet for the street-side yard setback; and 0 feet for the side yard setback. The applicant is asking to reduce their street-side yard setback by 1 foot, from 10 feet to 9 feet. The subject parcel is a lot with two frontages, one on Glacier and one on the undeveloped right-of-way of Stark Street. The subject addition is proposed for the west side of the parcel and existing building. The purpose of the street-side yard setback is to allow for adequate sight distance for vehicular traffic at an intersection. The proposed project would not affect sight distance, as Stark Street is undeveloped.

The subject parcel exceeds the minimum lot size for permissible uses in the Industrial zoning district. The proposed addition would meet the requirement for minor development in the Land Use Code, as the proposed addition is less than 15,000 square feet of “non-residential building” – CBJ Title 49. 25.300(c)(3).

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 applicants could build an addition to their business and meet the required setbacks, but by granting the requested Variance substantial relief would be given to the owners of the property in that they would be able to build an addition that would meet the specific size of building required for the maintenance and wash bays and for the equipment that they operate and maintain. A smaller building would not be able to service their equipment. The actual encroachment of the proposed addition would only constitute 6 square feet of the concrete stem wall and siding of the northwest corner of the proposed addition (please see Attachment B).

Yes. The criterion is met.

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

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

2) To ensure that future growth and development in the city and borough is in accord with the values of its residents;
3) To identify and secure, for present and future residences, the beneficial impacts of growth while minimizing the negative impacts;
4) To ensure that future growth is of the appropriate type, design, and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;
5) To provide adequate open space for light and air; and
6) To recognize the economic value of land and encourage its proper and beneficial use.

There is no evidence to suggest that the construction of the mechanical bays addition would impact public safety and welfare.

Yes. The criterion is met.

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

Staff finds no evidence that the projection into the required street-side yard setback will injure nearby properties, as the projection would be into a street-side yard setback to the undeveloped right-of-way of Stark Street.

Yes. The criterion is met.

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

The primary use of the property is an industrial and commercial business. The Variance would allow for an addition to the existing business.

Yes. The criterion is met.

5. That compliance with the existing standards would:

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

The Variance is for the construction of mechanical bays as an addition to the existing Tyler Rental business, which is a permitted use in the Industrial district. Denial of the Variance would not prevent the owners from using their property for a permissible principle use.

No. The sub-criterion is not met.

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

The proposed mechanical bays addition is consistent in the scale, amenities, appearance and features of existing development in the neighborhood.

Yes. The sub-criterion is met.

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

The subject lot is flat and does not have any unique physical features that would make

complying with the standards unreasonably expensive. The applicant in their narrative (see Attachment C) states that "the property is limited in depth related to the type of heavy machinery" that is maintained at their business, that would require the specific proposed building and building length.

No. The sub-criterion is not 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.

Staff finds there to be no preexisting nonconforming conditions on the subject parcel. The granting of the Variance would result in a net decrease in the overall compliance with the Land Use Code, as the granting of the reduced street-side yard setback would put the proposed addition into the street-side yard setback.

No. The sub-criterion is not met.

Since sub-criterion 5B is met, criterion 5 is met.

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

No detriments have been identified to the neighborhood if the Variance was granted. If the Variance was granted, the Variance would allow for an addition to the existing business, which would help support the growth of a local business and thereby be a benefit for the property owner and the neighborhood and community.

Yes. The criterion is met.

FINDINGS

1. Is the application for the requested Variance complete?

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

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal

Management Program consistency determination:

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

Not Applicable.

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

Yes. Based on the evaluation above, the variance, as requested, meets the criteria of Section 49.25.250, Grounds of Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2014 0027. The Variance permit would allow for a reduction to the street-side yard setback from 10 feet to 9 feet for an addition to the Tyler Rental, Inc. business in the Lemon Creek area.

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		VAR20140027	12/11/14

TO BE COMPLETED BY THE APPLICANT

TYPE OF VARIANCE REQUESTED:

- ☐ Variance to the Sign Standard (VSG)
- ☐ Variance to Dimensional Standards (VDS)
- ☐ Variance to Habitat Setbacks (VHB)
- ☐ Variance to Parking Requirements (VPK)
- ☑ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

~~10' Rearyard setback reduction by .43' to allow for the angle of a corner, (less that 6 Sf of area.)~~

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):

~~Rear-yard setback faces an undeveloped city right of way. The business expansion which is pushing this variance has dimensional challenges based on their proposed operations that requires this slight encroachment.~~

UTILITIES AVAILABLE: *WATER:* ☑ Public ☐ On Site *SEWER:* ☑ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

~~The area is part of a select zone which allows for industrial development, i.e. flat land that has an existing industrial application. Accommodation for this type of use to function seems important to the continued operation of business in our community.~~

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

~~This is a specific growth for the current business. The size of maintenance bays is specific. The encroachment is determined by the minimal dimensional requirements for this business to operate and meet their successful business plan.~~

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.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 400.00			
Adjustment	$			
Total Fee	$ 400.00	CDD6036	–	12/11/14

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

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 12/11/14
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
102' x 82" Maintenance Warehouse expansion to an existing Business

PROPERTY LOCATION

Street Address	City/Zip
5295 Glacier Highway	Juneau, AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)

Assessor's Parcel Number(s)

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Tyler Rental, Inc.	Steve Kikendahl	907-780-2210
Mailing Address: 5295 Glacier Hwy	Home Phone: 321-5532	Fax Number: 907-780-2216
E-mail Address: SteveK@tylerrental.com	Other Contact Phone Number(s):	

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: 12/11/14

X _____ Landowner/Lessee Signature — Date

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

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name	Contact Person:	Work Phone:
Same		
Mailing Address	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)			
X	Variance Case (De Minimis and all other Variance case types)		12/11/14	VAR2014 0027
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials

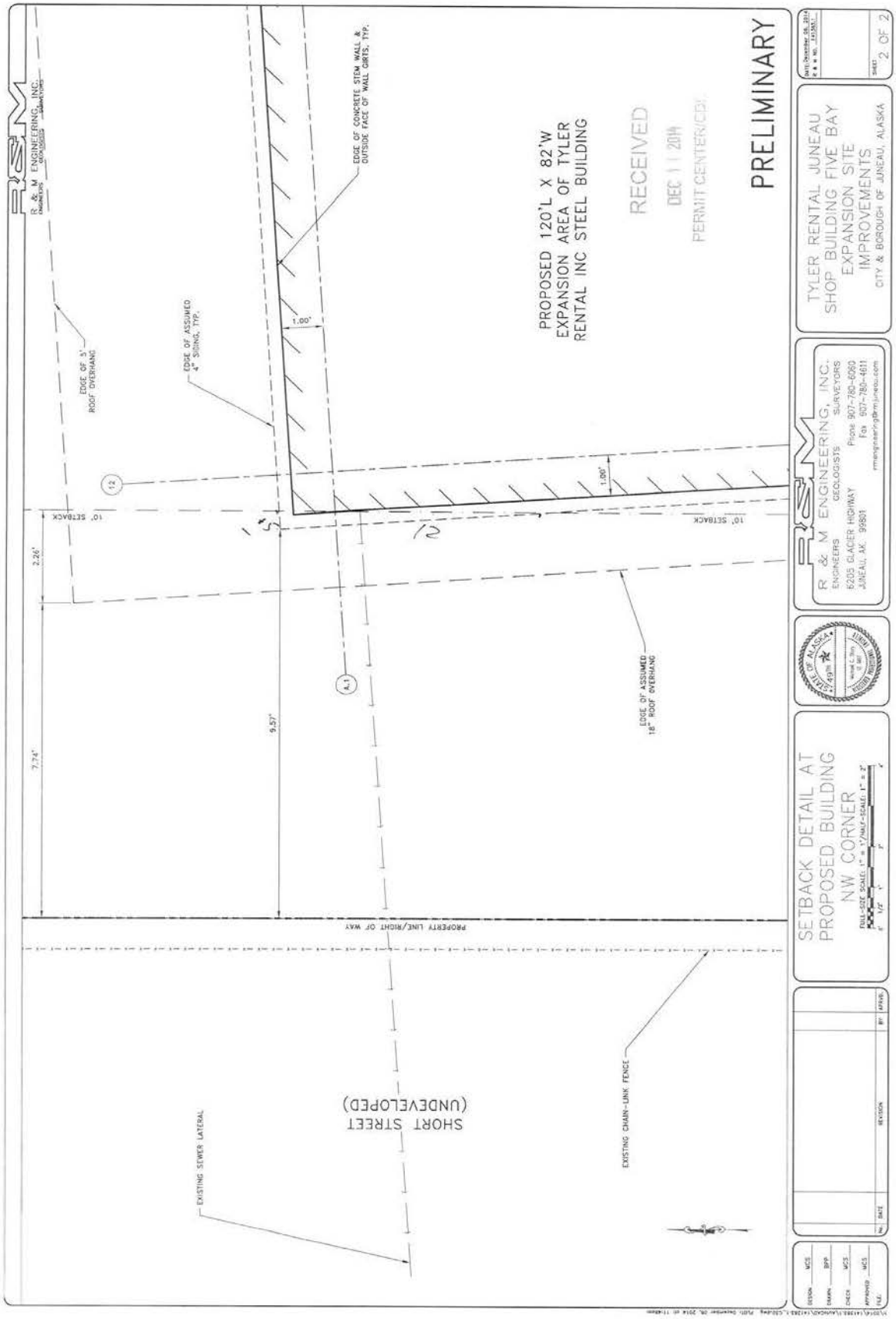
NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

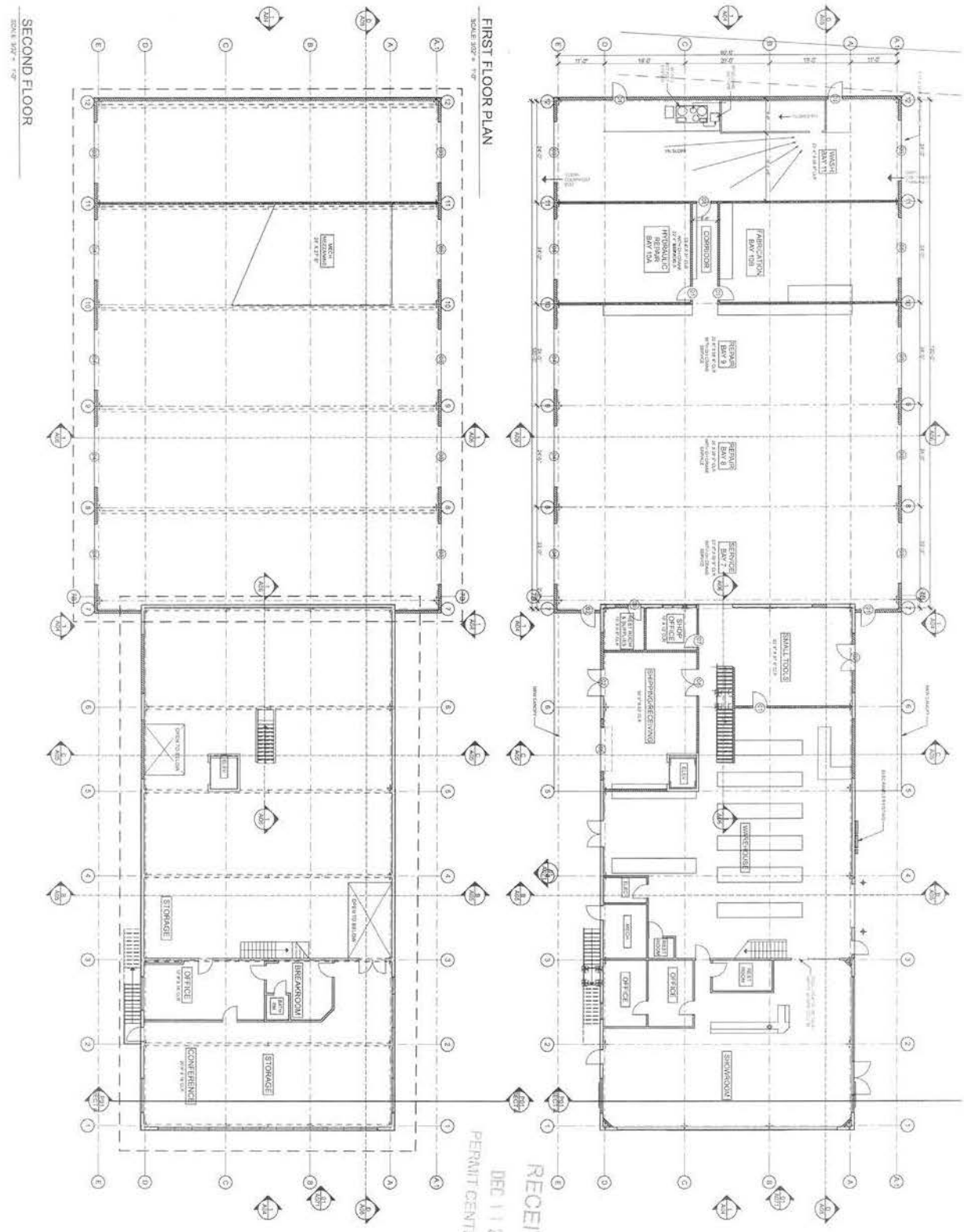
I:\FORMS\2010 Applications — Revised November 2009

Attachment C - VAR2014 0027

Board of Adjustment
File No.: VAR2014 0027

Attachment A


PRELIMINARY
RECEIVED
DEC 11 2014
PERMIT CENTER/CDD
PROPOSED 120'L X 82'W
EXPANSION AREA OF TYLER
RENTAL INC STEEL BUILDING
EDGE OF CONCRETE STEM WALL &
OUTSIDE FACE OF WALL GIRTS, TYP.
EDGE OF ASSUMED
4" SIDING, TYP.
EDGE OF 5'
ROOF OVERHANG
1.00'
10' SETBACK
2.26'
7.74'
9.57'
EDGE OF ASSUMED
18" ROOF OVERHANG
PROPERTY LINE/RIGHT OF WAY
SHORT STREET
(UNDEVELOPED)
EXISTING SEWER LATERAL
EXISTING CHAIN-LINK FENCE
R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY
JUNEAU, AK 99801
Phone 907-780-6060
Fax 907-780-4611
TYLER RENTAL JUNEAU
SHOP BUILDING FIVE BAY
EXPANSION SITE
IMPROVEMENTS
CITY & BOROUGH OF JUNEAU, ALASKA
SETBACK DETAIL AT
PROPOSED BUILDING
NW CORNER
SHEET 2 OF 2



RECEIVED
DEC 11 2014
PERMIT CENTER/CDD

Tyler Rental Mechanical Bays Addition

NWA-1422
5295 Glacier Hwy
Juneau, Alaska

NEW FLOOR PLANS

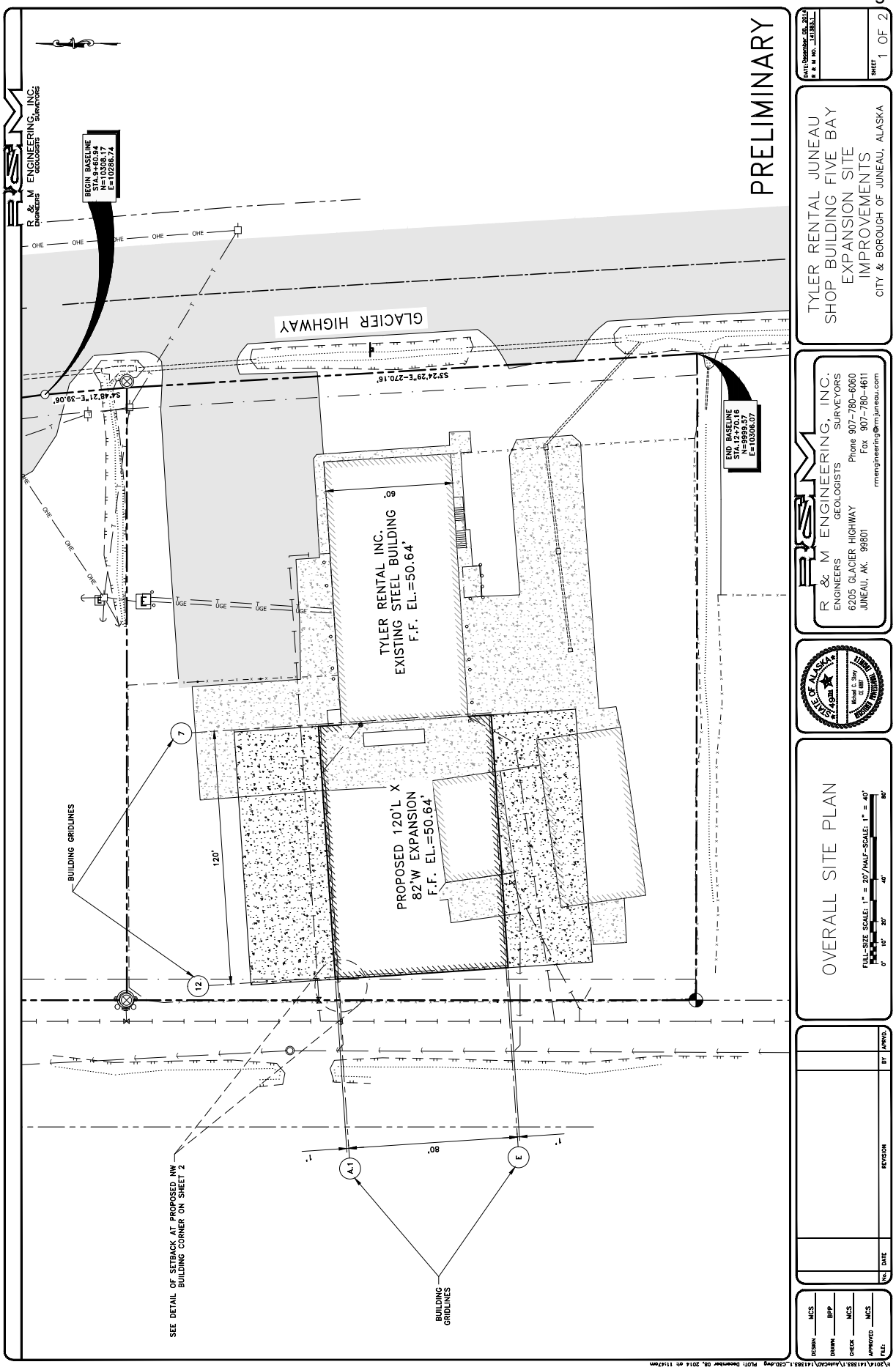
A03
12/11/14

"INSERT DATE"

NorthWind Architects LLC
125 Gruening St.
Juneau, AK 99801
Ph #907.586.6150
FX #907.586.6181
www.northwindarch.com

© NorthWind Architects, LLC

NorthWind Architects LLC
126 Seward St
Juneau, AK 99801
Ph: #907.586.6120
Fx: #907.586.6181
www.northwindarch.com
© NorthWind Architects, LLC
Tyler Rental Mechanical Bays Addition
NWA-1422
5295 Glacier Hwy
Juneau, Alaska
ELEVATIONS
A04
12/11/14
RECEIVED
DEC 11 2014
PERMIT CENTER/ODL
SOUTH ELEVATION
WEST ELEVATION
EAST ELEVATION
NORTH ELEVATION
TYLER RENTAL
STAIR
ELECTRICAL PANEL



Attachment C - VAR2014 0027

Board of Adjustment
File No.: VAR2014 0027

Attachment B-2

NorthWind
Architects, LLC

RECEIVED
DEC 15 2014
PERMIT CENTER/CDD

Memo

December 15, 2014

Eric Feldt, Planner
CBJ Community Development Department
230 South Franklin Street
Juneau, Alaska 99801

Re: Variance Criteria Response

Erik,

The request of variance for a .43' rear-yard easement encroachment, which in it size in actual area is limited to under 6 sf of surface area is request to allow for operational expansion of Tyler Rentals Maintenance warehouse allowing for continued growth and expansion to meet the needs of a vital local business.

The site in which this request is offered is located that have minimal impact to the local neighborhood and is located along an existing CBJ right of way. The request is minimal in terms of dimensional distance and impact area.

This request supports a current successful business where growth is desired to expand current operations.

I offer the following statements towards the Variance Approval Criteria for your review:

Criteria No. 1: Regarding a "relaxation applied for": would give substantial relief to the owner allowing the owner to expand current successful operations to meet a proposed growth in this business sector. This proposed expansion is program specific, meaning that the required expansion are reflect specific maintenance bays, sized specifically to work with proposed operations.

Criteria No. 2: Regarding a public safety and welfare: the setback encroachment is located at the rear-yard setback away from any "public-use" portion of the site. The easement is along a non-used public right-of-way which fronts the back or side portions of other industrial use properties. The encroachment of no more that .43' and/or 3 sf of area will have no public safety impact.

Criteria No. 3: Injury to nearby property: The easement is along a non-used public right-of-way and does not front an adjacent shared private property line. The encroachment will offer no injury to nearby property.

Criteria No. 4: The variance will not authorize use not allowed in the district: The use is consistent with the allowable use.

Criteria No. 5: Compliance with the existing standards would:

A. *"Unreasonably prevent the owner from using the property for permissible Use"*: **No.**
B. *"Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or*

Sean M Boily AIA
Principal Architect

Evelyn F Rousso AIA LEED
Principal Architect

Gerald R Gotschall AIA
Principal Architect

James Bibb AIA
Principal Architect

David Hurley AIA
Principal Architect

126 Seward Street
Juneau, AK 99801

p.907.586.6150
f.907.586.6181

NørthWind
Architects, LLC

features, with existing development in the neighborhood of the subject property": **Yes as this allowable industrial use faces the burden of limited local flat land, centrally located with this exposure.**

C. *"Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive":* **The Property is limited in depth related to the type of heavy machinery maintenance size requirements to move, maintain, and store machinery. There are only so many lots available, central to our community that allows both this main street frontage and allowable use for this type of business operation.**

D. *Because of preexisting nonconforming conditions on the subject parcel, the grant of the variance would not result in a net decrease in overall compliance with the land use code, title 49, or the building code, title 19, or both; and":* **This will not result in a net decrease in the over-all compliance of the land use code, title 49 and…**

Criteria No. 6: In granting this variance, the variance contribute to more benefits than detriments as it will allow an existing business to expand current operations to meet proposed growth. This district in the Lemon Creek area has evolved into a recognized local for this community that houses and supports support industrial uses such as this business. Strengthening this use will allow for the continued success of this business, therefore contributing this community overall. Contrary, not supporting this expansion will hamper further growth potential. Business such as this in our community provides direct and meaningful support to our region-wide construction industry. It's location, it's asset to our community as a desired business and it continued success is important to our communities development which is a direct general benefit.

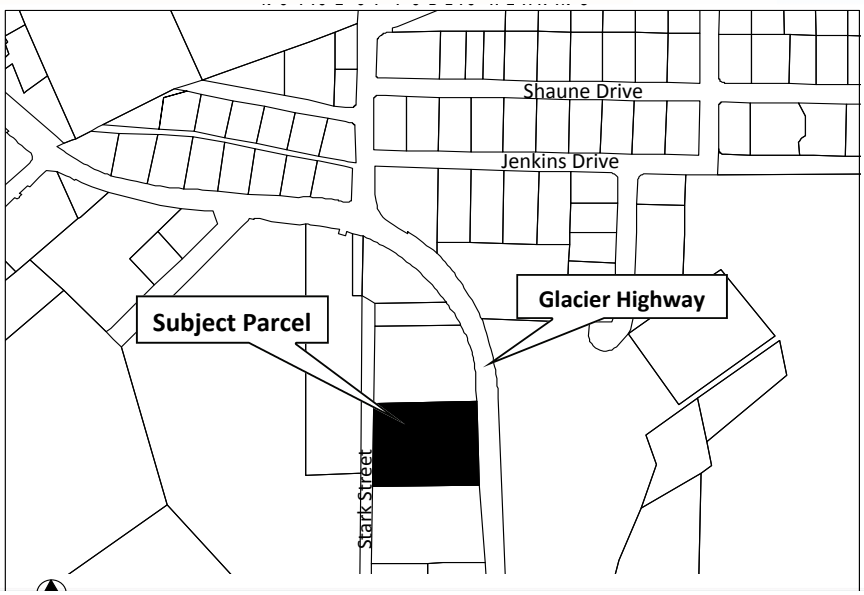
Thank you,

James Bibb
NorthWind Architects LLC

126 Seward Street
Juneau, AK 99801

p.907.586.6150
f.907.586.6181

NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

** A Variance request could include the elimination of all dimensional standards.

File No:	**VAR2014 0027**	**Applicant:**	**Tyler Rental, Inc.**
To:	**Adjacent Property Owners**	**Property PCN:**	**5-B12-0-100-007-0**
Hearing Date:	**January 27, 2015**	**Owner:**	**Tyler Rental, Inc.**
Hearing Time:	**7:00 PM**	**Size:**	**1.87 Acres**
Place:	**Assembly Chambers**	**Zoned:**	**Industrial**
	Municipal Building	**Site Address:**	**5275 Glacier Highway**
	155 South Seward Street	**Accessed Via:**	**Glacier Highway**
	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.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

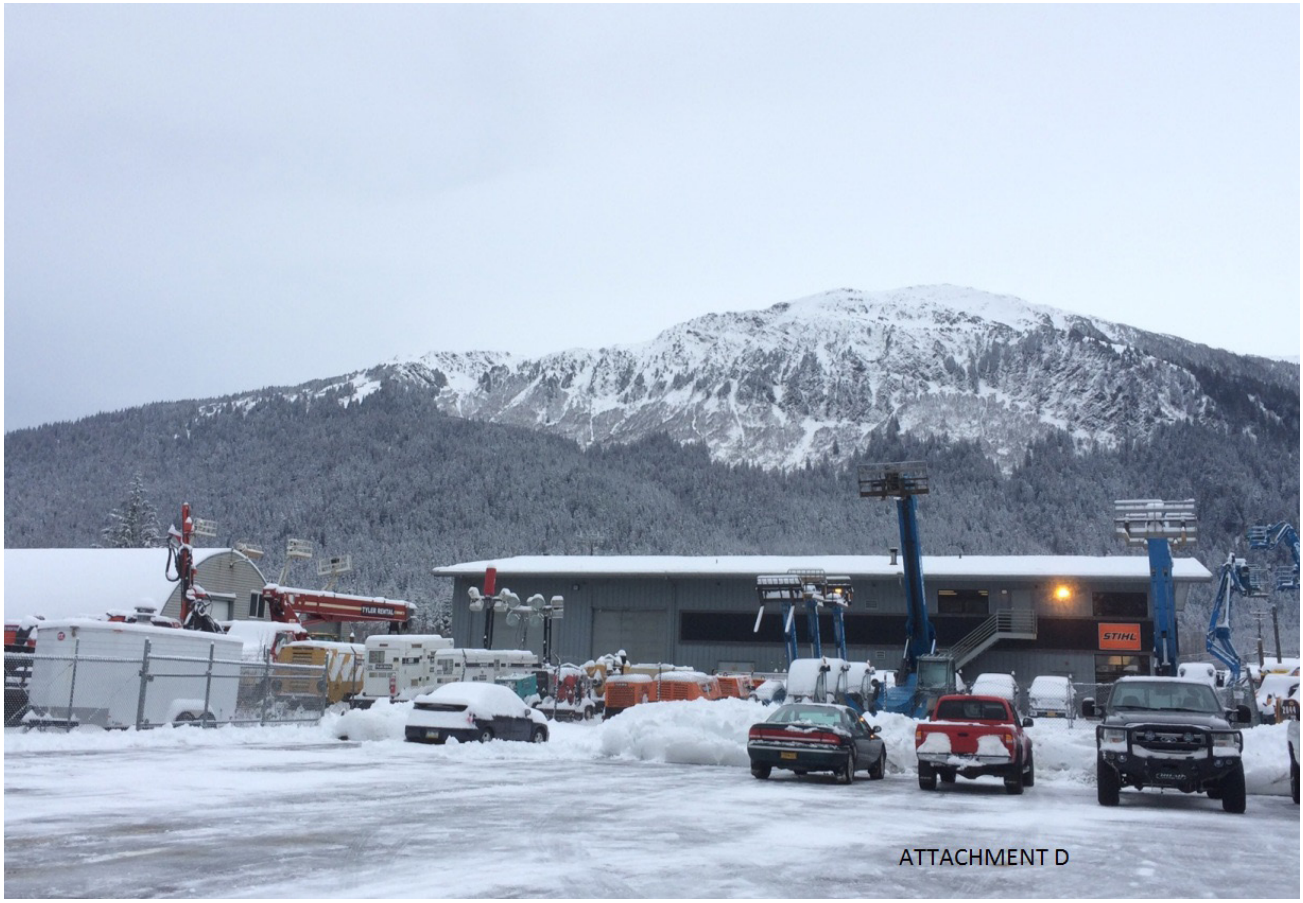
If you have questions, please contact Jonathan Lange at jonathan.lange@juneau.org or at 586-0218.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 22, 2014

Board of Adjustment
File No.: VAR2014 0027

Attachment E-1



Board of Adjustment
File No.: VAR2014 0027

Attachment E-3

Board of Adjustment
File No.: VAR2014 0027

Attachment C - VAR2014 0027

Attachment E-4

Jonathan Lange

From: Ed Mercer
Sent: Monday, December 29, 2014 9:32 AM
To: Jonathan Lange
Cc: Bryce Johnson
Subject: RE: Review Comments - VAR20140027 Tyler Rental setback variance

Hi Jonathan,

JPD does not have any issues with this request.

Thanks, Ed

From: Jonathan Lange
Sent: Friday, December 19, 2014 2:14 PM
To: Charlie Ford; Ron King; Ed Foster; Ed Mercer; Dan Jager
Subject: Review Comments - VAR20140027 Tyler Rental setback variance

Subject: Please review attached documents related to the Variance requests for 5275 Glacier Highway
File: VAR2014 0027
Parcel: 5-B12-0-100-007-0

The request is for a Variance to reduce the street side yard setback from the undeveloped CBJ right-of-way of Stark Street from 10 feet to 9 feet for the construction of a new building at 5275 Glacier Highway. The subject parcel is located in the Lemon Creek area, on the west side of Glacier Highway and to the north of Short Street. The application states 0.43' reduction, but the applicant has asked for 1'.

Please see the attached application, and a site plan showing the proposed addition and setbacks; and the attached aerial photo of the subject parcel with a red star; and the attached narrative.

I look forward to receiving your comments. Please send any comments for this proposal by January 2nd, 2015.

Let me know if you require any additional information for the Variance requests or have any questions.

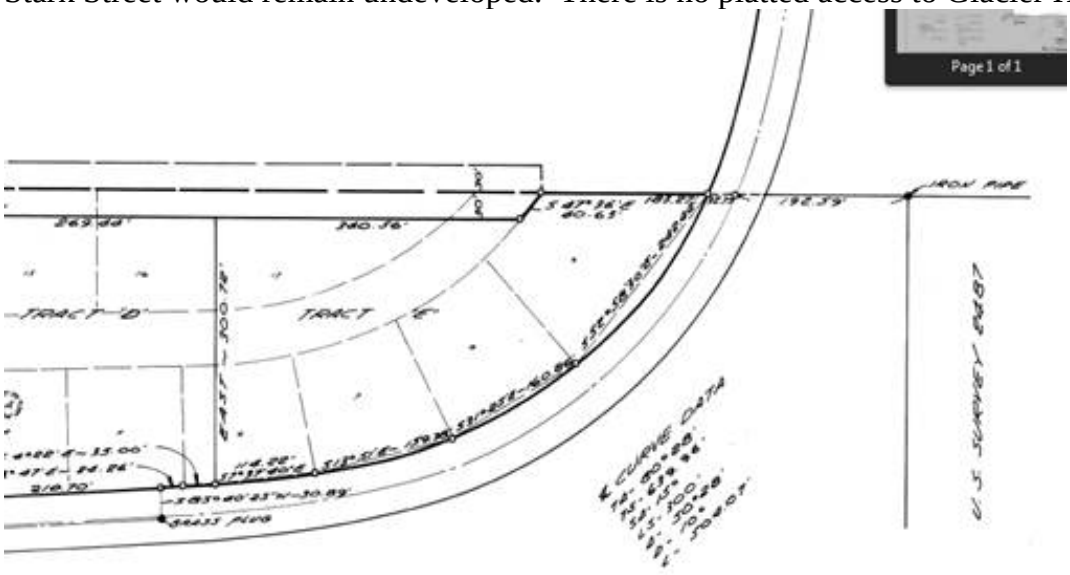
Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

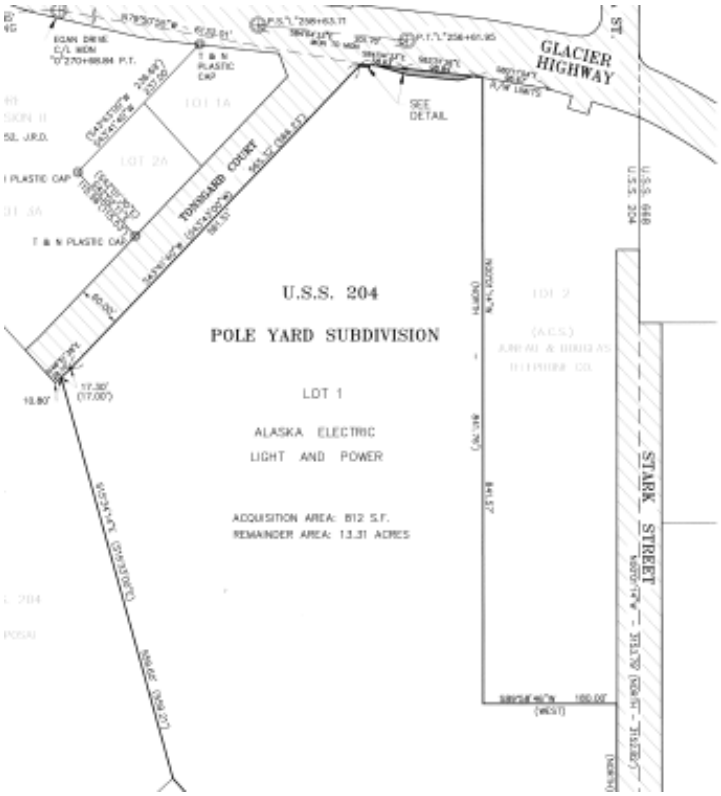
CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

From: Ron King
Sent: Monday, January 05, 2015 1:15 PM
To: Jonathan Lange; Ed Foster
Subject: RE: Review Comments - VAR20140027 Tyler Rental setback variance

Stark Street would remain undeveloped. There is no platted access to Glacier Hwy. .





Ron King PLS
General Engineering
907-586-0881

From: Jonathan Lange
Sent: Monday, January 05, 2015 12:49 PM
To: Ed Foster; Ron King
Subject: FW: Review Comments - VAR20140027 Tyler Rental setback variance

Hello,
I'm just doing a follow up on the request for comments for the proposed Tyler Rental variance to the street-side yard setback from 10 feet to 9 feet from the undeveloped right-of-way of Stark Street.
I just checking in and seeing if you have any comments. Are there any plans for developing Stark Street in the future?
Thanks for your help.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

From: Jonathan Lange
Sent: Friday, December 19, 2014 2:14 PM
To: Charlie Ford; Ron King; Ed Foster; Ed Mercer; Dan Jager
Subject: Review Comments - VAR20140027 Tyler Rental setback variance

Subject: Please review attached documents related to the Variance requests for 5275 Glacier Highway
File: VAR2014 0027
Parcel: 5-B12-0-100-007-0

The request is for a Variance to reduce the street side yard setback from the undeveloped CBJ right-of-way of Stark Street from 10 feet to 9 feet for the construction of a new building at 5275 Glacier Highway. The subject parcel is located in the Lemon Creek area, on the west side of Glacier Highway and to the north of Short Street. The application states 0.43' reduction, but the applicant has asked for 1'.

Please see the attached application, and a site plan showing the proposed addition and setbacks; and the attached aerial photo of the subject parcel with a red star; and the attached narrative.

I look forward to receiving your comments. Please send any comments for this proposal by January 2nd, 2015.

Let me know if you require any additional information for the Variance requests or have any questions.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801

Jonathan Lange

From: Ron King
Sent: Monday, January 05, 2015 1:20 PM
To: Jonathan Lange
Cc: Ed Foster
Subject: RE: Review Comments - VAR20140027 Tyler Rental setback variance

General Engineering has no issues. Road is a dead-end. No reason to keep off the tax-roles, I say VACATE cause we are never going to build a CBJ road.

Ron King PLS
General Engineering
907-586-0881

From: Jonathan Lange
Sent: Monday, January 05, 2015 12:49 PM
To: Ed Foster; Ron King
Subject: FW: Review Comments - VAR20140027 Tyler Rental setback variance

Hello,
I'm just doing a follow up on the request for comments for the proposed Tyler Rental variance to the street-side yard setback from 10 feet to 9 feet from the undeveloped right-of-way of Stark Street.
I just checking in and seeing if you have any comments. Are there any plans for developing Stark Street in the future?
Thanks for your help.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

From: Jonathan Lange
Sent: Friday, December 19, 2014 2:14 PM
To: Charlie Ford; Ron King; Ed Foster; Ed Mercer; Dan Jager
Subject: Review Comments - VAR20140027 Tyler Rental setback variance

Subject: Please review attached documents related to the Variance requests for 5275 Glacier Highway
File: VAR2014 0027
Parcel: 5-B12-0-100-007-0

The request is for a Variance to reduce the street side yard setback from the undeveloped CBJ right-of-way of Stark Street from 10 feet to 9 feet for the construction of a new building at 5275 Glacier Highway. The subject parcel is

Jonathan Lange

From: Ed Foster
Sent: Monday, January 05, 2015 2:19 PM
To: Jonathan Lange; Ron King
Subject: RE: Review Comments - VAR20140027 Tyler Rental setback variance

Jonathan,
Streets and Fleet Maintenance Division has no issues with this request.
Ed

From: Jonathan Lange
Sent: Monday, January 05, 2015 12:49 PM
To: Ed Foster; Ron King
Subject: FW: Review Comments - VAR20140027 Tyler Rental setback variance

Hello,
I'm just doing a follow up on the request for comments for the proposed Tyler Rental variance to the street-side yard setback from 10 feet to 9 feet from the undeveloped right-of-way of Stark Street.
I just checking in and seeing if you have any comments. Are there any plans for developing Stark Street in the future?
Thanks for your help.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

From: Jonathan Lange
Sent: Friday, December 19, 2014 2:14 PM
To: Charlie Ford; Ron King; Ed Foster; Ed Mercer; Dan Jager
Subject: Review Comments - VAR20140027 Tyler Rental setback variance

Subject: Please review attached documents related to the Variance requests for 5275 Glacier Highway
File: VAR2014 0027
Parcel: 5-B12-0-100-007-0

The request is for a Variance to reduce the street side yard setback from the undeveloped CBJ right-of-way of Stark Street from 10 feet to 9 feet for the construction of a new building at 5275 Glacier Highway. The subject parcel is located in the Lemon Creek area, on the west side of Glacier Highway and to the north of Short Street. The application states 0.43' reduction, but the applicant has asked for 1'.

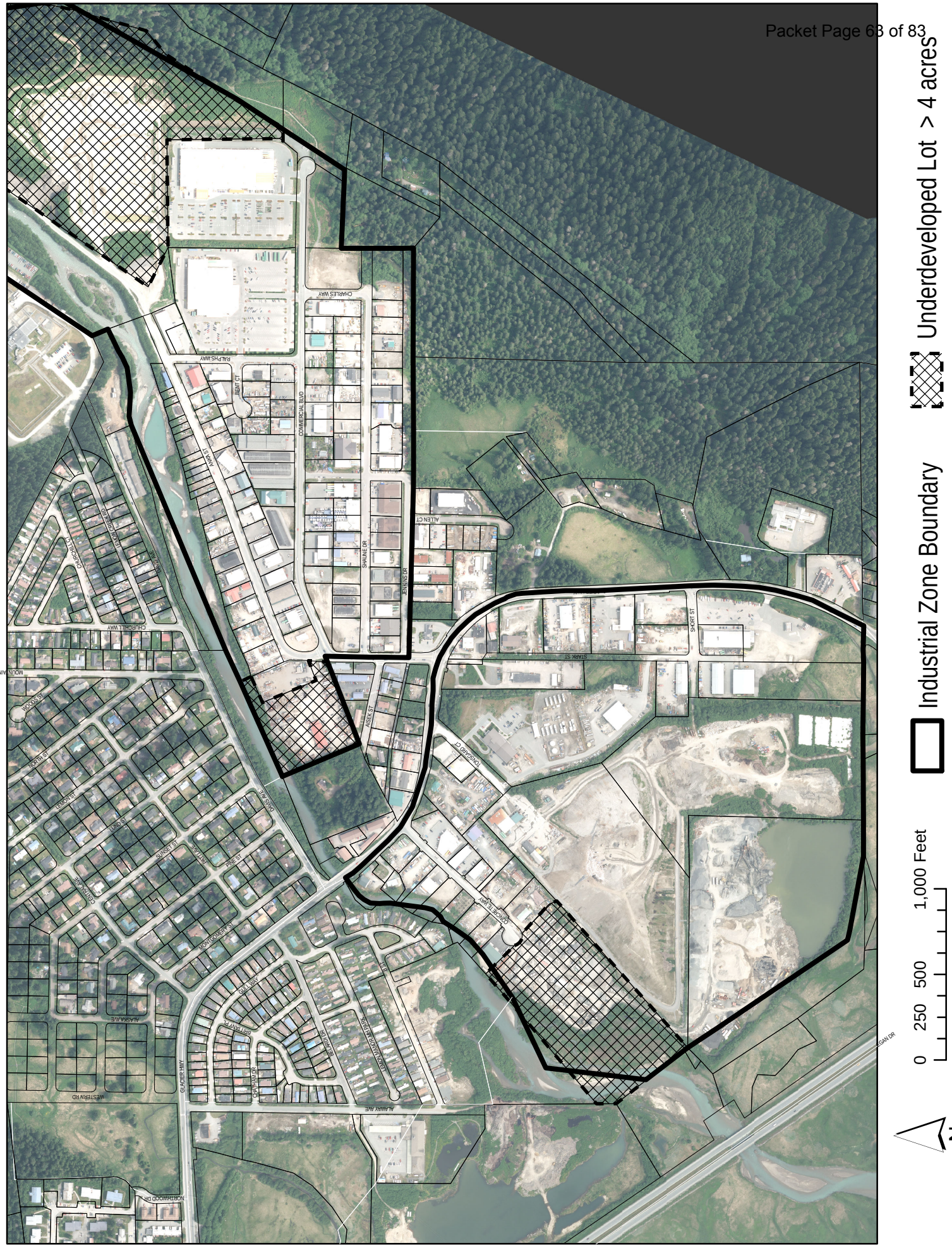
Please see the attached application, and a site plan showing the proposed addition and setbacks; and the attached aerial photo of the subject parcel with a red star; and the attached narrative.

Tyler Rental 4/26/17

Tyler Rental Containers/Fencing 4/26/17

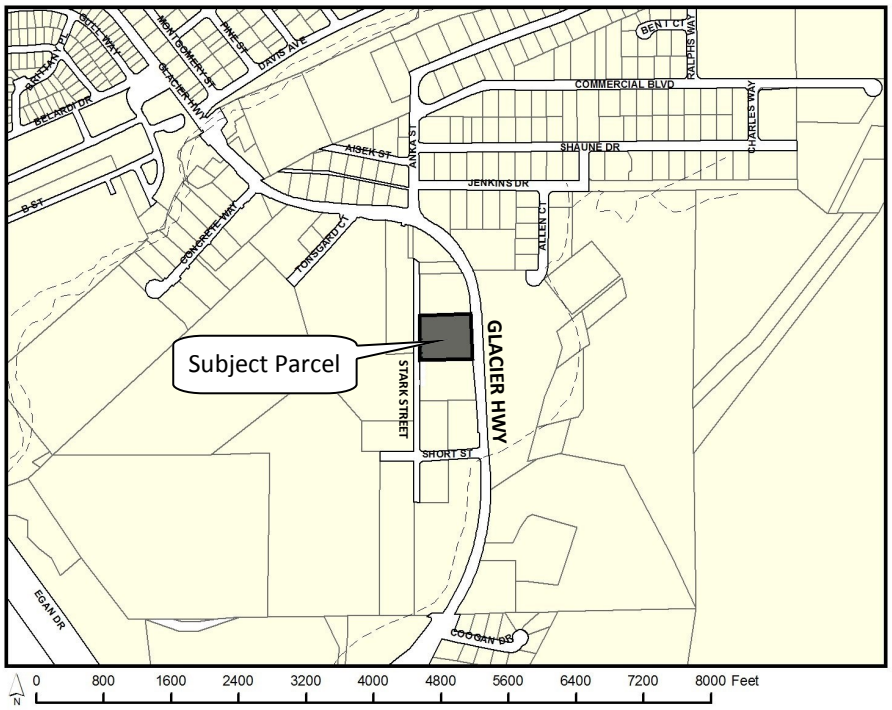
Stark Street Undeveloped ROW 4/26/17

Stark Street Undeveloped ROW 4/26/17



Attachment E - Map

NOTICE OF PUBLIC HEARING



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

SHIP TO:

PROPOSAL: A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

File No:	VAR2017 0004	Applicant:	Northwind Architects
To:	Adjacent Property Owners	Property PCN:	5-B12-0-100-007-0
Hearing Date:	May 9, 2017	Owner:	Tyler Rental Inc.
Hearing Time:	7:00 PM	Lot Size:	81,366 Square Feet
Place:	Assembly Chambers	Zoned:	I (Industrial)
	Municipal Building	Site Address:	5275 Glacier Hwy
	155 South Seward Street	Accessed Via:	Glacier Hwy
	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 Jill Maclean at Jill.Maclean@juneau.org or (907) 586-0756.

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

Date notice was printed: April 20, 2017

VAR2017 0004

A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

Board of Adjustment Hearing

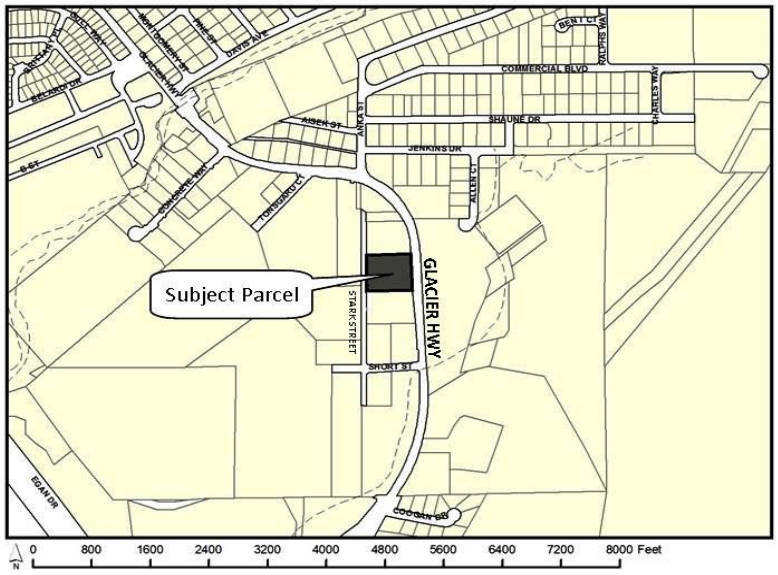
May 9, 2107

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

VAR2017 0004

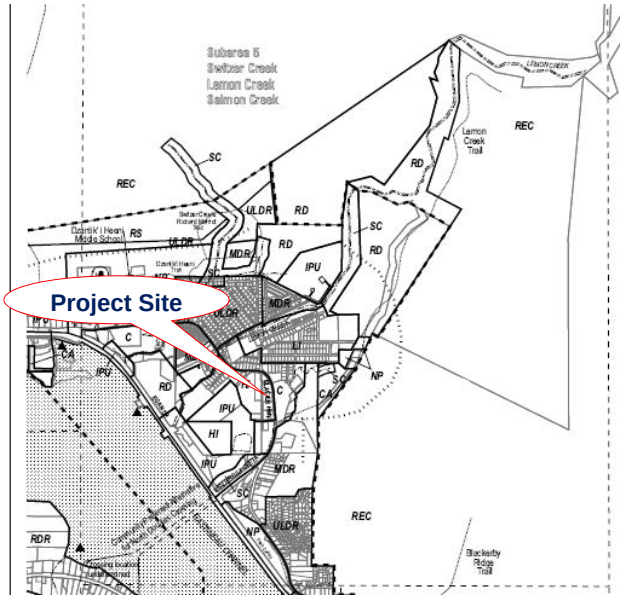
- Applicant: NorthWind Architects, LLC
- Property Owner: Tyler Rental Inc.
- Property Address: 5295 Glacier Highway
- Site Size: 81,366 sq. ft. / 1.87 acres approx.
- Comprehensive Plan Future Land Use Designation:
  Heavy Industrial (HI)
- Zoning: I (Industrial)
- Utilities: City Sewer / Water
- Access: Glacier Highway
- Existing Land Use: Tyler Rental Inc.

Aerial Photo

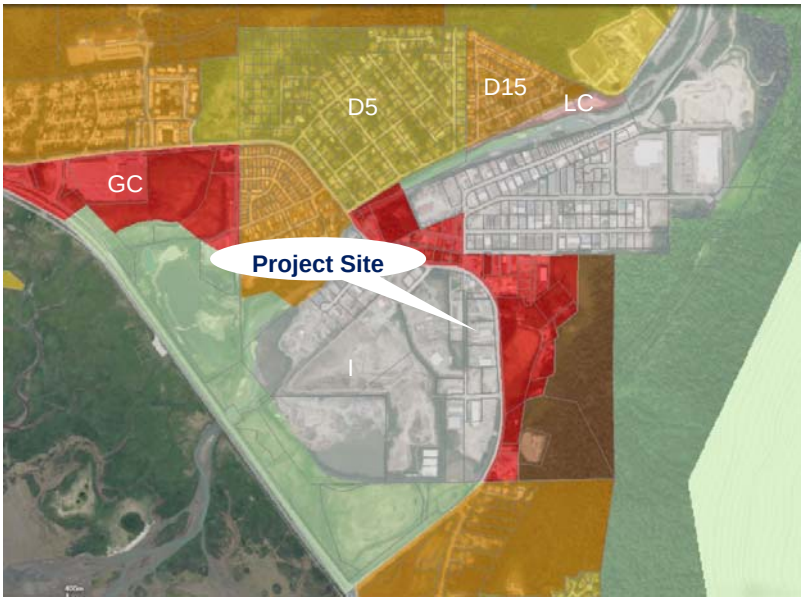


Comp Plan

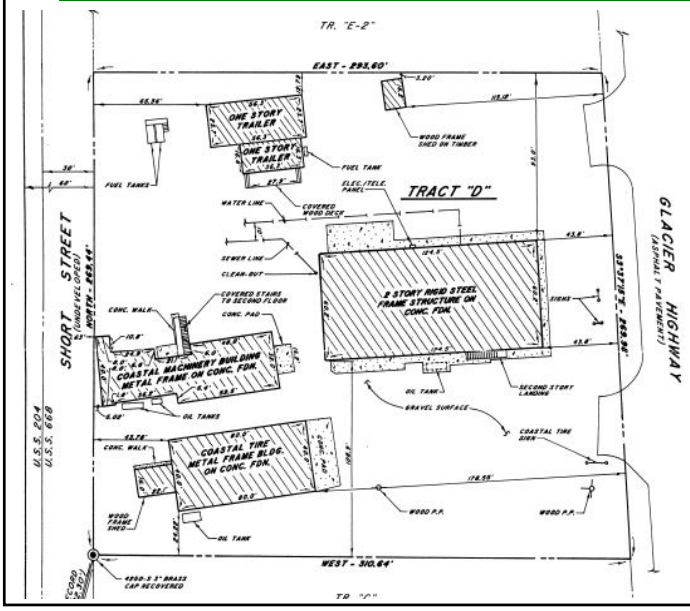
VAR2017 0004



Area Zoning



Site Plan



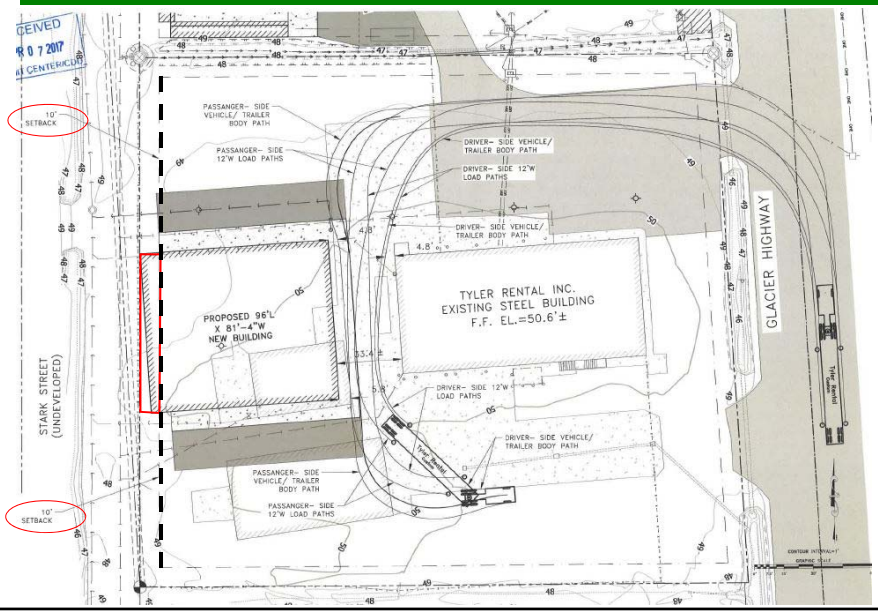
Prior Decisions

Approved Variance:

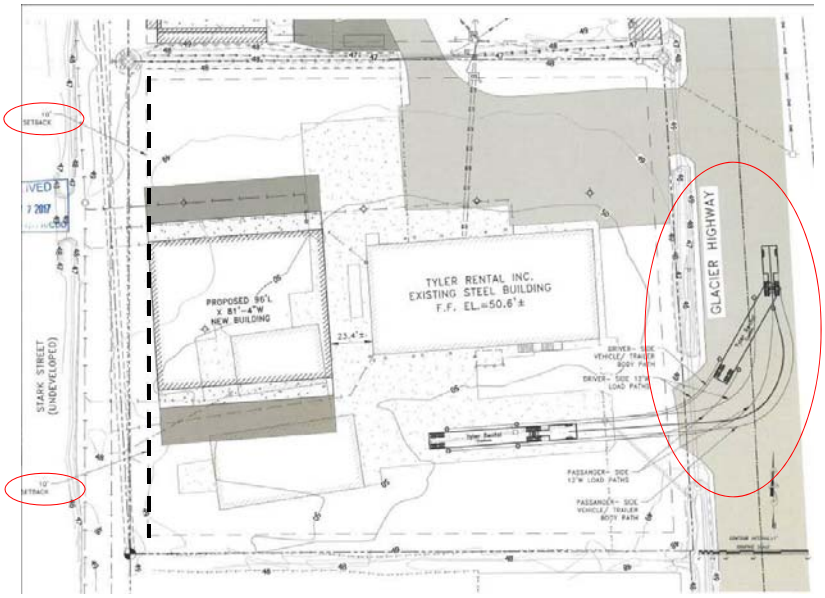
Variance granted on January, 28 2015 for reduction in street side yard setback to Stark Street undeveloped ROW from **10 ft. to 9 ft.**

The applicant did not act on this decision and the approval expired on July 27, 2016.

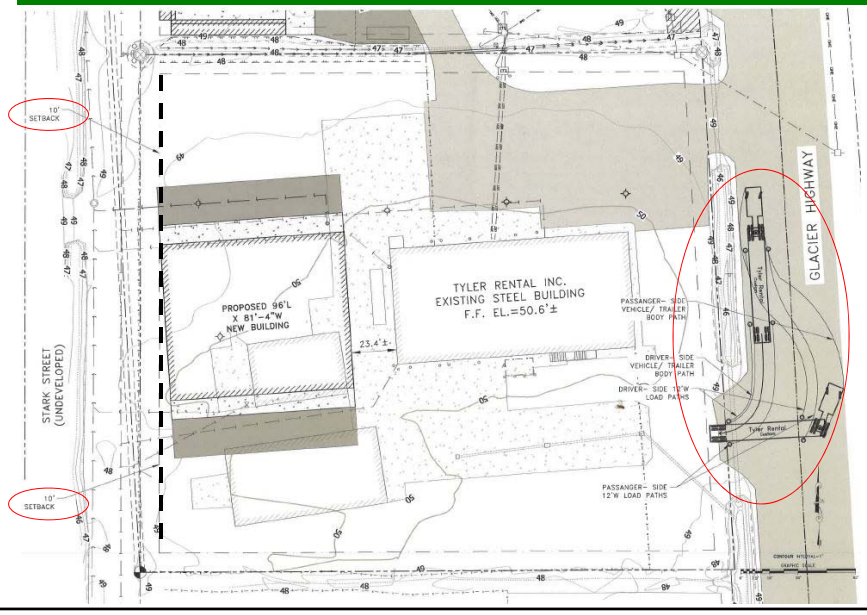
Proposed Plan



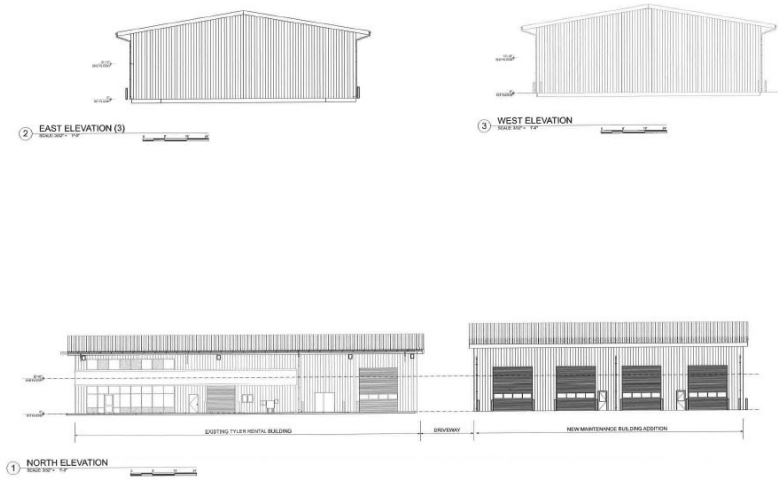
Circulation – Backing onto Glacier Hwy



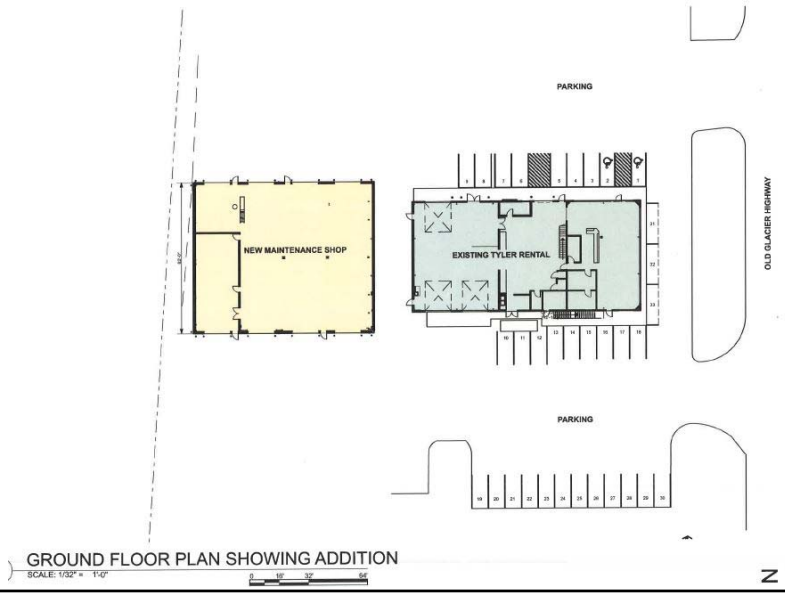
Circulation – Backing onto Glacier Hwy



Elevations



Ground Floor Plan



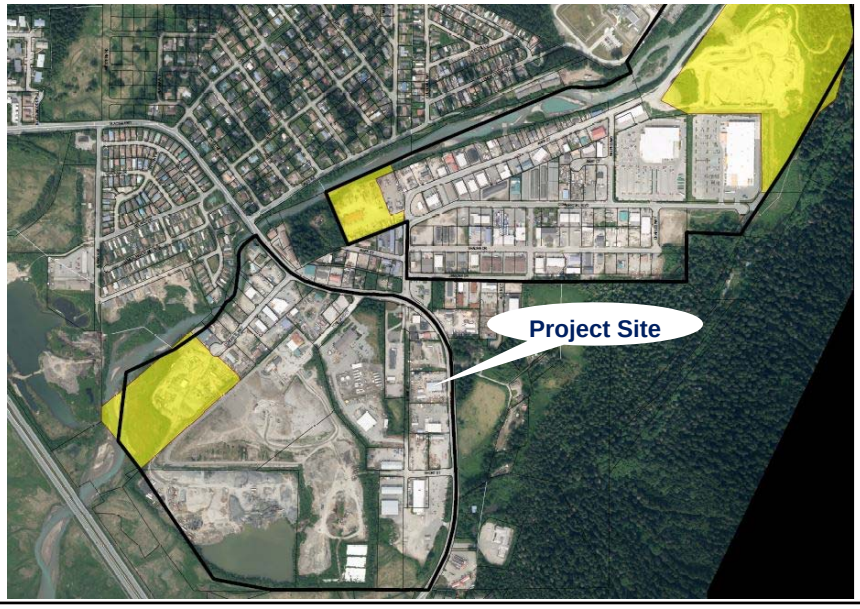
Rendering

1 TYLER RENTAL JUNEAU - MAINTENANCE BUILDING ADDITION

Site Photos

Site Photos

Underdeveloped Industrially Zoned 4+ Acres



Analysis

Threshold determination

Per the Assembly's Decision on Appeal in *Olmo, LLC v. Board of Adjustment*, the applicant must first show hardship and practical difficulties resulting from ***an extraordinary situation*** or ***unique physical feature affecting only a specific parcel of property*** prior to determining if a proposal meets the six criterion for granting a variance.

Importantly, the *Olmo* decision stated:

Analysis

Threshold determination

Peculiarities of the specific property sufficient to warrant a grant of a variance must arise from the physical conditions of the land itself which distinguish it from other land in the general area. The assertion that the ordinance merely deprives the landowner of a more profitable operation where the premises have substantially the same value for permitted uses as other property within the zoning classification argues, in effect, for the grant of a special privilege to the selected landowner. We do not believe that the variance provision in the instant ordinance is intended to achieve such an inequitable result. Rather, where the ordinance equally affects all property in the same zoning classification, relief from the general conditions of the governing law properly must come from the assembly through an amendment to the zoning code.

Olmo, LLC v. CBJ Board of Adjustment, VAR2015-0030, at 5 (CBJ Assembly, Feb. 14, 2017) (citing to *City & Borough of Juneau v. Thibodeau*, 595 P.2d 626, 634-636 (Alaska 1979).

Analysis

The applicant has not demonstrated any hardship and practical difficulty resulting from an extraordinary situation or unique physical feature affecting only their specific parcel of property or the structures lawfully existing thereon:

- The subject parcel is appropriately zoned as Industrial for their use, which is classified as Medium Manufacturing.
- The site is approximately 1.8 acres of flat land and does not contain any peculiarities or unique physical features that distinguish it from other properties.
- At 1.8 acres (81,366 sq. ft.), it is over 40 times the minimum lot size (2,000 sq. ft.) for a lot in an industrial zoning district.
- There is nothing extraordinary about the applicant's desire to construct a new building to generate more money.
- There is nothing unique with this property.

Thus, the applicant has not satisfied the threshold determination to even consider the remaining variance criterion.

Variance Criteria

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 portion of the Stark Street right-of-way (directly across from Anka Street) was vacated in the past, allowing two properties to benefit from increased lot sizes.
- Aerial photography shows that the property at 5441 Glacier Highway is constructed up to and possibly within the Stark Street undeveloped right-of-way, and it uses the undeveloped right-of-way for their operations (no permits could be found related to these uses).
- The applicant also uses the undeveloped right-of-way for storage and has secured the area with fencing (see Attachment D – Site Photos).

Therefore, the granting of the variance would be more consistent with the relief that neighboring properties have benefitted from.

Yes. The criterion is met.

Variance Criteria

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.

No evidence has been presented indicating that the requested variance will have a negative impact on public safety and welfare. The requested encroachment will preserve safety for the traveling public on Glacier Highway, use industrially zoned land as it is intended, and support the sustainability of a local business while minimizing the negative impacts to the neighboring properties.

Yes. The criterion is met.

Variance Criteria

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

- No evidence has been presented to suggest that the authorization of this variance would injure nearby property as the reduction in setback is along a 40 ft. wide undeveloped right-of-way.
- A portion of Stark Street was vacated to the east of this property and no longer has an outlet, the likelihood of Stark Street being constructed is negligible.
- CBJ Building Division and Capital City Fire and Rescue have no issues with the proposal.
- CBJ General Engineering stated that the undeveloped Stark Street right-of-way is used for utilities, storm drainage and local access and that Stark Street dead ends approximately 280 ft. from Glacier Hwy and may not be extended. CBJ General Engineering does not have concerns with diminishing the setback to Stark Street right-of-way.

The requested variance would allow an encroachment that is less than the encroachment of nearby properties.

Yes. The criterion is met.

Variance Criteria

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

A construction and industrial equipment repair and rental business in an Industrial zoning district is a permitted use, per CBJ 49.25.300 Table of Permissible Uses, section 4.070 Medium manufacturing with department approval.

Yes. The criterion is met.

Variance Criteria

5. That compliance with the existing standards would:

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

Compliance with the existing standards would not prevent the lot being used as a construction and industrial equipment repair and rental business.

No. The sub-criterion is not met.

Variance Criteria

5. (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 scale and type of the existing and proposed structures is consistent with other uses in the industrial area. The proposed building is a 96' x 81' two-story structure; the existing building is a 124.5' x 60.2' two-story structure.
- As stated above, a portion of the Stark Street right-of-way (directly across from Anka Street) was vacated in the past, allowing two properties to benefit from increased lot sizes.
- The property at 5441 Glacier Highway has developed up to the Stark Street undeveloped right-of-way and uses the undeveloped right-of-way for their operations, as does the applicant.

The granting of the variance would be more consistent with the existing development in the neighborhood.

Yes. The criterion is met.

Variance Criteria

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

- The subject lot is approximately 1.8 acres in size, flat, and zoned industrial.
- The applicant has stated that the lot is limited in depth and constrained between Glacier Highway and the undeveloped Stark Street right-of-way. The use of this site requires the maneuvering, maintenance, and storage of heavy industrial and construction equipment.
- The applicant further states that there are minimal lots available in a central location of adequate size to support their needs, provide frontage and access, and which are zoned for this type of use.
- Much of the industrially zoned land in this area has been permitted for commercial uses, thus limiting growth and expansion opportunities for industrial businesses in this zoning district.

No. The sub-criterion is not met.

or

Variance Criteria

5. (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.

No preexisting nonconforming conditions exist on the subject parcel.

No. The sub-criterion is not met.

As sub-criterion 5B is met, criterion 5 is met.

Variance Criteria

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

- The granting of the variance allows an existing business to expand operations and attract work currently being exported from the borough.
- The proposed expansion allows the business to sustain and continue to support other development throughout the borough and the greater region.
- The granting of the variance ensures that the traffic circulation is addressed on-site, and does not back out onto Glacier Highway, thus reducing risks to other vehicular traffic and pedestrians/bicyclists. Further, DOT&PF has stated that they do not support any lot development that requires any vehicles to back up or turn around on Glacier Highway, including the shoulders.
- The granting of the variance does not negatively impact neighboring properties, as the proposed expansion abuts an undeveloped right-of-way with only one property located on the other side of the undeveloped right-of-way (Juneau Douglas Telephone Company).

Yes. The criterion is met.

Findings

1. Is the application for the requested Variance complete?

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

Findings

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.

Findings

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

No. Based on the analysis above, staff has determined that the applicant has not presented an argument that justifies the grounds for this variance. The applicant demonstrated that their proposal meets variance criterion 1 through 6, however, the applicant fails to meet the threshold for hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property.

Recommendation

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY the requested Variance, VAR2017 0004.

If the Board elects to amend the findings and approve the requested variance, the Variance Permit would allow the 10 feet street side yard setback bordering the undeveloped Stark Street right-of-way to be reduced from 10 feet to zero feet in an Industrial zoning district.

VAR2017 0004

A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

QUESTIONS?

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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: May 12, 2017
File No.: VAR2017 0004

NorthWind Architects, LLC
126 Seward Street
Juneau, AK 99801

Proposal:	A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.
Property Address:	5295 Glacier Highway
Legal Description:	Tract D, Midway Subdivision
Parcel Code No.:	5-B12-0-100-007-0
Hearing Date:	May 9, 2017

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings one and two listed in the attached memorandum dated May 9, 2017, and amended finding number three (see below) to approve the Variance to be conducted as described in the project description and project drawings submitted.

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

Yes. Based on the analysis, the Board of Adjustment has determined that the applicant has presented an argument that justifies the grounds for this variance. The applicant demonstrated that their proposal meets variance criterion 1 through 6, and the applicant demonstrated that the application meets the threshold for hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property, specifically:

1. The lack of available industrial zoned land in the area is an extraordinary situation resulting in a hardship for the applicant;
2. The allowance of neighboring properties to use the setbacks is an unfair burden to the applicant;

3. The opposition stated by the Alaska Department of Transportation and Public Facilities of the applicant using Glacier Highway for traffic circulation due to public safety concerns is a hardship for the applicant.

Attachment: May 5, 2017, memorandum from Jill Maclean, AICP, Senior Planner, Community Development, to the CBJ Board of Adjustment regarding VAR2017 0004.

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, May 9, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or November 9, 2018, if no Building Permit has been issued and substantial construction 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: _____ _____

Jill Maclean, AICP Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ May 12, 2017

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.