Agenda

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

April 25, 2017
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

A. March 28, 2017 Draft Minutes - Regular Planning Commission Meeting

III. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

A. Additional Materials for April 25, 2017

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. PLANNING COMMISSION LIAISON REPORT

VI. RECONSIDERATION OF THE FOLLOWING ITEMS

VII. CONSENT AGENDA

A. USE2017 0005: A Conditional Use Permit for the Construction of 7 Single-Family Dwellings on Lot 3 on Jackie Street

B. CSP2017 0005: Seasonal Use of a Portion of People's Wharf for Temporary Food Services.

VIII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

IX. UNFINISHED BUSINESS

X. REGULAR AGENDA

A. USE2017 0001 A Conditional Use Permit to allow an indoor exercise facility in an Industrial zone.

XI. BOARD OF ADJUSTMENT

A. VAR2017 0001: Request for variance to street side yard setback for new garage.

B. VAR2017 0002: Request for variance to front yard setback for new dwelling.

XII. OTHER BUSINESS

XIII. DIRECTOR'S REPORT

XIV. REPORT OF REGULAR AND SPECIAL COMMITTEES

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVI. ADJOURNMENT

Agenda
Planning Commission
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
March 28, 2017

A. ROLL CALL

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

Commissioners present: Ben Haight, Chairman; Michael LeVine, Nathaniel Dye, Percy Frisby, Dan Hickok, Dan Miller

Commissioners absent: Paul Voelckers, Vice Chairman; Kirsten Shelton-Walker, Carl Greene

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Chrissy Steadman, Planner II, Allison Eddins, Planner I; Roger Healy, Director, Engineering and Public Works

Assembly members: Debbie White

B. APPROVAL OF MINUTES

a. February 28, 2017 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the minutes from the February 28, 2017, Planning Commission regular meeting with any minor alterations by staff or Commission member.*

The motion passed with no objection.

C. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

D. PLANNING COMMISSION LIASON REPORT

Assembly Liaison to the Planning Commission Debbie White reported that on March 20, (2017), The Assembly held a Committee of the Whole (COW) meeting during which they met with the Hospital board. The City Manager introduced what he referred to as a wellness strategy. There was a presentation by Recycle Works and of interest to the Planning Commission was a

discussion of essential public facilities, said Ms. White. This would allow the City (Assembly) to override zoning and put uses in particular districts under certain circumstances, explained Ms. White. An example would be the winter-time campground which would go up behind the tram. They could not put a winter-time campground in that location because it was not zoned for that use, said Ms. White. That item will be coming before the Commission for its review, she said. On April 5, (2017) the budget will be introduced going initially to the Finance Committee. On April 10, (2017) there will be a Lands and Committee of the Whole meeting. Agendas are not currently available for those meetings, said Ms. White. The Finance Committee will also be meeting on April 12, and April 19, added Ms. White.

E. RECONSIDERATION OF THE FOLLOWING ITEMS – None

F. CONSENT AGENDA

A. **CSP2017 0001:** Review of City project to replace the water system along Douglas Highway from the Juneau-Douglas roundabout to David Street.
Applicant: City & Borough of Juneau
Location: Douglas Highway

Staff Recommendation
Staff recommends that the Planning Commission find CSP2017 0001 to be consistent with adopted local plans and polices, as required by CBJ 49.10.170(c), CBJ 49.15.580 and AS 35.30.010 and forward to the Assembly a recommendation for approval to allow for the replacement of the water system along Douglas Highway from the Juneau-Douglas roundabout to David Street.

B. **USE2017 0002:** A Conditional Use permit for a Marijuana Cultivation facility in an Industrial zone
Applicant: Green Elephant LLC
Location: 8420 Airport Blvd

Staff Recommendation
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a 6,000 square foot marijuana cultivation facility in the Industrial zoning district.

The approval is subject to the following conditions:

1. All waste material containing marijuana products shall be stored in a secured enclosure until transport to the CBJ landfill.

C. **USE2017 0003:** A Conditional Use Permit to operate a food truck in the Industrial zoning district.
Applicant: Peterson's Pretzels LLC
Location: 5321 Commercial Blvd

Staff Recommendation
Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a food trailer at 5321 Commercial Boulevard, located in the Industrial zone.

MOTION: *by Mr. LeVine, to approve the Consent Agenda as read.*

The motion passed with no objection.

G. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

H. UNFINISHED BUSINESS - None

I. REGULAR AGENDA

A. CSP2017 003: Planning Commission Review of Fiscal year 2018 Capital Improvement Program.
Applicant: City & Borough of Juneau
Location: Borough Wide

Staff Recommendation
It is recommended that the Planning Commission report to the Assembly that the CIP projects recommended for funding in FY2018 conform to the policies of the Juneau Comprehensive Plan.

Ms. McKibben explained to the Commission that the only projects in the FY 2018 to FY 2023 Capital Improvement Projects (CIP) are those that are recommended for funding in the FY 2018 budget. The CIP guides investments with public funds and is presented to the Assembly in February. Title 49 requires the Planning Commission to review the CIP for consistency with the Comprehensive Plan, said Ms. McKibben. The purpose of the CIP is to allocate the expenditure of public funds on capital improvement projects, to provide additional public services and to plan for future capital projects, noted Ms. McKibben.

This fall in its review of the capital improvement projects the Planning Commission conducted a work session, met with the Borough Manager and ultimately submitted a memorandum regarding its review to the Public Works and Facilities Committee, said Ms. McKibben. The memorandum addressed:

- ✓ Housing
- ✓ Community Vitality
- ✓ Transportation
- ✓ Sustainability

Ms. McKibben said she matched each of the CIP projects with one of the above categories using her best estimation. The categories could certainly be adjusted, she noted. Ultimately the Comprehensive Plan is the guiding document, said Ms. McKibben, with each of the projects ideally implementing the Plan, she said.

The majority of the CIP is allocated towards maintenance, said Ms. McKibben, such as reconstruction of the infrastructure and water and sewer maintenance. It does not include a lot of new projects, she noted.

The Manager's projects are submitted to the Public Works and Facilities Committee in January, said Ms. McKibben. The Assembly Finance Committee review takes place between February and April, she said. At this stage the CIP is before the Commission for its assertion that the Plan is in conformance with the Comprehensive Plan, she said. The Borough Manager must submit the CIP to the Assembly by April 5, she added. This will be used when the Assembly adopts its budget by July 1, she noted.

The Planning Commission's recommendations for the CIP are:

Housing

- ✓ Initiate a new mass wasting study across the downtown area
- ✓ Develop specific incentive programs to promote housing development
- ✓ Identify priority projects and propose public/private partnerships to develop new housing inventory

Community Vitality

- ✓ Focus on a solution for the Willoughby District parking deficit
- ✓ Identify parcels for CBJ acquisition through the Land Management Plan, and prioritize parcels relative to CBJ needs, including housing and recreation
- ✓ Emphasize general public improvements in the Lemon Creek area

Transportation

- ✓ Facilitate a study of marine shipping in and out of Juneau
- ✓ Develop and implement a seasonal downtown circulator, with simple on and off transit nodes that link primary pedestrian areas

DRAFT

Sustainability

- ✓ Prioritize implementation of recommendations and provisions from the Climate Action and Implementation Plan and the Juneau Commission on Sustainability annual report
- ✓ Prioritize landfill diversion strategies

Commission Comments and Questions

Regarding Pederson Hill on the CIP list for FY 19, Mr. Miller said he recalled a meeting where the Commission recommended approval of the Pederson Hill Subdivision with Mr. Chaney stating they felt that lots would be available in 2018. He asked if there are funds to complete the design and construction of the subdivision beginning in the fall of this year or early spring of 2018, said Mr. Miller.

Mr. Healy said he is aware that the design contract is moving forward on Pederson Hill. He said he believed there was currently about $4.6 million allocated for the project, with the majority of those funds being used for construction. Mr. Healy added there is an additional infusion of $450,000 for FY 19.

Mr. Frisby asked if all of the projects for FY 18 were fully funded.

Ms. McKibben explained the projects are proposed for funding, but that they are not funded until the Assembly adopts the budget.

Mr. LeVine asked from the City's perspective, how exactly were the comments from the Planning Commission considered. He asked if there was continued value in having the Planning Commission continue its process of review of the CIP.

Mr. Healy said the CIP provides an outline of the expenditure of capital funds. He said the hospital and airport also have what is called unscheduled funding. There is value in the Planning Commission's review of the CIP, said Mr. Healy. He said he thought there was a priority in the Manager's office to address the mass wasting study in future years which may get moved up the schedule. He said each item on the Planning Commission's list was addressed in the CIP either directly or indirectly.

To help address the Commission's recommendation to develop specific incentive programs to promote housing development, there is now a housing manager whose full-time job is to assist with housing development in Juneau. Pederson Hill is underway to match the Commission's priority of identifying priority projects with public and private partnerships, said Mr. Healy. They are actively working on reducing the Willoughby District parking deficit, he said, with the assistance of a state grant for about $1.5 million. Those funds will be used to begin to move that item forward, he said. In addition, said Mr. Healy, the Lemon Creek plan is currently underway. Public improvements will be identified for that area, he said.

A study of marine shipping in and out of Juneau is not identified in the CIP, said Mr. Healy, because that falls under the purview of the private sector.

Mr. LeVine said his broader point is that the Commission has a review and recommendation authority. He said it has never been explained to the Commission how it's choices are considered for the list. If the Commission is going to continue to spend a lot of time thinking about priorities and projects and deciding if the CIP comports with the Comprehensive Plan, then there should be back and forth communication between the Planning Commission and the City.

In answer to a question posed by Mr. Haight, Mr. Steedle said he did not recall seeing the study of marine shipping in and out of Juneau on the CIP plan before, but that he did know it was a recommendation within the Juneau Economic and Development plan. He said Mayor Sanford then presented this item to the Chamber of Commerce as an item that it could focus on. This is actually private enterprise, said Mr. Steedle, adding that the City was not in a position to regulate that. He said he did not see how this fell under the purview of the Planning Commission, except that the Commission cares about the overall economic well-being of the community.

Mr. Haight noted that transportation is addressed in the Comprehensive Plan. He said he was not sure how the Commission was to interpret its role regarding that aspect. Mr. Healy said the Commission's role would come into play if for example certain public land was to be identified for a terminal, for example, but that the actual business of transport was within the realm of the private sector.

Regarding the Commission's recommendation of a seasonal downtown circulator, the City does not want to compete with a private enterprise, said Mr. Healy. Mr. Healy said it is his understanding that a private business will be running a downtown circulator this summer.

Mr. Healy said there are a lot of recommendations in the Juneau Commission on Sustainability annual report. The primary emphasis of the CIP is the long term or deferred maintenance and capital improvement of failing infrastructure, whether that might be roads, water, or sewer, for example, said Mr. Healy.

The prioritization of landfill diversion strategies is an ongoing process within the City, said Mr. Healy. He said Michelle Elfers is working on the presentation of long-term strategies for landfill diversion.

Mr. Hickok asked what the role of the Planning Commission was in this process.

Ms. McKibben explained that the role of the Planning Commission is mandated through Title 49 and it is to review the CIP for consistency with the Comprehensive Plan.

In the fall, said Ms. McKibben, the Planning Commission had the opportunity to offer projects to be included in the CIP. But at this step in the process the role of the Planning Commission is to approve the CIP, ascertaining that it is in conformance with the Comprehensive Plan.

Mr. Healy commented and clarified that the City does appreciate the comments and the memorandum from the Planning Commission on the CIP. He added that money comes from different sources for the CIP such as the enterprise fund for water, sewer, the airport and docks and harbors where money is generated from the enterprise itself and spent accordingly. He added that within the 3% sales tax initiative 1% called the street sales tax is allocated for the majority of the street projects. There is $1 million of general sales tax allocated every year for a variety of projects such as software updates for City administration, Eaglecrest deferred maintenance and also various Parks and Recreation maintenance projects, explained Mr. Healy.

Mr. Steedle pointed out that Ms. McKibben has identified how each CIP project is supported by the Comprehensive Plan. It would be a rare year in which a proposed project does not comport with the Comprehensive Plan, he added.

Chairman Haight said in its review of the CIP this fall the Commission reviewed last year's CIP which outlines how the plan fits within the six-year process.

Mr. LeVine clarified that the sole authority of the Planning Commission in this process is its recommendation to the Assembly.

The staff confirmed this.

MOTION: *by Mr. LeVine, that the Planning Commission recommend to the Assembly that the FY 18 Capital Improvement Program is consistent with the Comprehensive Plan and that this plan follows the staff's findings in the report.*

The motion passed with no objection.

J. BOARD OF ADJUSTMENT

WITHDRAWN FROM THE AGENDA

A. ~~**VAR2016 0011:** Variance request to reduce the side yard setback requirement from 15 feet to 5 feet for the construction of additional living space and storage~~
~~**Applicant:** Fred Hiltner~~
~~**Location:** 9601 N. Douglas Hwy~~

Staff Recommendation

The requested variance does not meet the variance criteria; therefore, staff recommends the Board of Adjustment adopt the Director's analysis and findings and DENY the requested variance permit, VAR2016 0011.

If approved, the variance would allow the 15-foot side yard setback to be reduced to 5 feet for the construction of a detached guestroom with a covered deck for storage.

K. <u>OTHER BUSINESS</u> - None

L. <u>DIRECTOR'S REPORT</u>

Bergman Hotel Update
Mr. Steedle explained to the Planning Commission that the CBJ has unfortunately had a long, ongoing history with that facility. The most recent chain of events began in October, 2016, said Mr. Steedle. Upon inspection of the facility, the Fire Marshall found that there were a number of disturbing deficiencies within the hotel. The Fire Marshall gave the hotel owners until November 18, 2016, to comply. Included in these deficiencies was a broken skylight which is located at the top of a central staircase. There are numerous other deficiencies such as missing smoke and carbon monoxide detectors, inoperable egress windows, and emergency doors which would not fully open or close.

These are serious violations, said Mr. Steedle, and in the past the City's goal for the facility was to keep it open as it housed many individuals who had nowhere else to live. Therefore they have attempted to work with the owners over the years to keep the facility open and habitable, said Mr. Steedle. The owners were given until mid-November to comply with the necessary repairs to the facility. They corrected some problems but stated that they needed more time to complete the repairs, said Mr. Steedle. They were then given until the end of January to complete the repairs. Subsequent visits by the Fire Marshall noted that work was not progressing.

In early March a scheduled inspection revealed that the boilers were not functioning properly, said Mr. Steedle. Residents were complaining of no heat and no hot water, he added. The boiler was cycling and dumping water on the floor since it was not operating at its designed pressure, said Mr. Steedle. Subsequently, the occupants were running electric space heaters to keep warm which added to the danger inherent within the challenged facility, said Mr. Steedle. The open stairwell with the broken skylight at the top created essentially a chimney endangering the residents should a fire be ignited, he said.

On March 8, (2017) the Fire Marshall discovered that one of the sprinkler pipes was broken, likely due to freezing, said Mr. Steedle. At that point the City administration made the decision that the deficiencies had to be corrected immediately, said Mr. Steedle, or the residents would have to vacate the premises. They had 24 hours to correct the deficiencies, said Mr. Steedle.

On the subsequent visit on March 9, (2017) by the Fire Marshall and the building official they discovered that none of the work been accomplished. Social service agencies had been alerted that 24 people would be displaced from that building, said Mr. Steedle. Individuals lost their lives in a fire in Oakland in the fall due to a similar situation, said Mr. Steedle. They were acting to prevent a similar occurrence in Juneau, he said.

The property owner has control of the hotel and they state that they are working to get the building into compliance, said Mr. Steedle. Meanwhile, the City is monitoring the situation, he said.

Commission Comments and Questions
Mr. Frisby asked how long it would take the hotel management to bring the hotel into compliance.

There is no target date, said Mr. Steedle. The owners say they are working on it, he added. Hotel residents were placed within various short-term housing options within the community, said Mr. Steedle. One family had children, said Mr. Steedle.

Mr. Hickok commented that this building has been around for a long time, and he wondered why it was just this past fall that the City noticed the hotel was out of compliance.

This is not an isolated incident, replied Mr. Steedle. This is merely the latest chapter in the ongoing transgressions by the owners of the hotel, he said, which has resulted in its closing. Mr. Steedle commented that inspections have been taking place over the years and that compliance has been cyclic.

Chairman Haight commented that the location of the hotel would make any form of rescue by the Fire Department very difficult. Frozen hoses create a very ugly scenario, he added.

Lemon Creek Steering Committee
The lemon Creek Steering Committee meets on Thursday night, (March 30, 2017) at Gruening Park at 6:00 p.m., said Mr. Steedle.

M. REPORT OF REGULAR AND SPECIAL COMMITTEES

A. Wetland Review Board 2016 Annual Report

B. Title 49 Committee Minutes, 3/8/2017

Mr. Miller commented that there was a Title 49 committee meeting and that the minutes were in the packet for the Commission.

Commission on Sustainability
Mr. Levine said he attended a meeting of the Juneau Commission on Sustainability and that Michelle Elfers presented her recycle works and energy plan.

Mr. LeVine said he thinks the Commission has done a lot of good work to participate and contribute in the CIP process and that he would like to encourage the City to find a process so that it can be further improved by next year, so the Commission can have fruitful dialogue with the City.

N. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. LeVine noted the planning Department is down two planners. He asked if the City was going to replace those two positions and if this was having an effect on the progress of the work within the Planning Department.

Mr. Steedle said this will cause a slow-down on work within the department but that they will not be filling those positions immediately. He said they will see what the budget looks like before hiring employees to replace those two vacant positions.

Mr. Miller asked if in light of the department being down two planners if they would still be processing applications in a timely manner.

Mr. Steedle said they attend to current planning as quickly as they can. He said they do not want to hold up people with money and projects to contribute to the community. He said it will be more the long range planning which will be delayed.

Chairman Haight asked how they will approach the essential public facilities.

Mr. Steedle responded that they would be working on a draft notice which had been introduced to the Assembly and that it would then make its rounds through the committee's beginning with the Title 49 committee. He said he felt there would be enough interest in the ordinance to hold a Planning Commission COW meeting.

Mr. Hickok asked about the progress on the shared easement ordinance.

The Assembly will be taking that up at their next regular meeting, said Mr. Steedle.

O. ADJOURNMENT

The meeting was adjourned at 8:02 p.m.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: April 25, 2017

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1. **USE2017 0005:**
    a. Staff Memo from Jill Maclean re: Minor Typo.

2. **VAR2017 0001 & 0002:**
    a. Staff Memo from Tim Felstead re: application of reconstruction section of code.

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

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April 24, 2017

TO: Planning Commission

FROM: Jill Maclean, AICP, Senior Planner
Community Development Department

CASE NO.: USE2017 0005

PROJECT PROPOSAL: A Conditional Use Permit for the Construction of 7 Single-Family Dwellings on Lot 3 on Jackie Street.

RE: MINOR TYPO

Please note that the project proposal on the staff report dated April 14, 2017 mistakenly referred to the lot in question as "Lot 2" Jackie Street instead of "Lot 3"Jackie Street. The public notification correctly identified the project proposal as Lot 3 Jackie Street. This does not change the content, findings or recommendations. I apologize for the error.

CITY AND BOROUGH OF JUNEAU
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April 21, 2017

MEMO

From: Tim Felstead, Planner II

To: Board of Adjustment

Parcel No.: 1-C03-0-C05-003-0

Legal Description: Casey Shattuck, Block 205, Lot 3

Case Numbers: VAR2017 0001 & VAR2017 0002

RE: **What is a nonconformity?**

The Land Use code provides definition on nonconforming situations. (CBJ 9.80.120)

> *Non-conforming situation means a nonconforming lot, use or structure, or any combination thereof.*
>
> *Non-conforming lot means a lot, the area, dimensions or locations of which was lawful prior to the adoption, revision, or amendment of this Code, but which fails by reason of such adoption, revision or amendment to conform to present requirements.*
>
> *Non-conforming structure means a structure, the size, dimensions or location of which was lawful prior to the adoption, revision, or amendment of this Code, but which fails by reason of such adoption, revision, or amendment to conform to present requirements.*
>
> *Non-conforming use means a use or activity which was lawful prior to the adoption, revision, or amendment of this Code, but which fails by reason of such adoption, revision, or amendment to conform to present requirements of the zoning district.*

Background

335 West Twelfth Street is a non-conforming lot, in that the lot is smaller than the minimum lot size required by current zoning and the lot does not meet the current lot width requirements.

335 West Twelfth Street is also a non-conforming structure because the structure does not meet the setbacks that are currently required for the zoning district.

The use of 335 West Twelfth Street is conforming, and will continue to be conforming.

The use of a single family dwelling is permitted. The lot is non-conforming, but the size does not prevent the lot from being used for a single family dwelling. Further, 49.25.430(4) (J) and (K) provide for reductions in required setbacks for substandard (non-conforming or undersized) lots to have reduced setbacks and reductions in required setbacks when there are existing substandard setbacks in the immediate area.

Application of 49.30.500 Reconstruction of non-conforming buildings to 335 335 West Twelfth Street

CBJ 49.30.400 speaks to the aggravation of a non-conforming situation. In summary, this section of code says that the total amount of space for a non-conforming use cannot be expanded. An existing non-conforming structure cannot have additions or remodels that increase the encroachment; for example a new room cannot be added that extends in the setback more than the existing structure.

The reconstruction of buildings is more specifically addressed in CBJ 49.30.500 'Reconstruction'; an extract of parts a) and b) of this code section are attached.

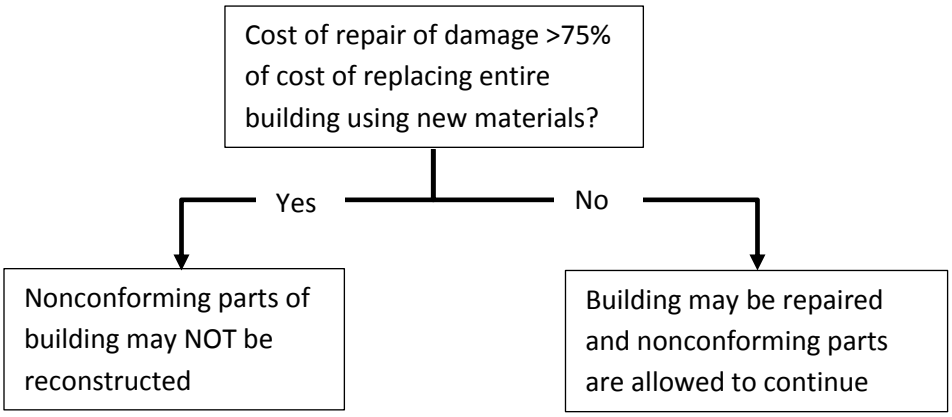
The Land Use Code (49.80.120) defines a building as:

> *…any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, processes, equipment, goods or materials.*

49.30.500(a) refers to all buildings that are 'damaged by any change'. This includes changes made deliberately by the owner or are due to lack of maintenance. It requires an assessment to be made by the Building Official whether the cost of repairing the damage would be greater than 75% of the cost of rebuilding the entire building with new materials. The cost of the foundation is not included in this cost comparison. When the cost of the repairs exceeds this 75% threshold then the building has to be rebuilt according to the current requirements of the Land Use Code.

For example, if a section of exterior wall were rotten and required replacement this would likely fall below the 75% threshold. The threshold allows for running repairs and maintenance of the building without losing its nonconformity.

In the case of the subject property, the applicant proposes to demolish the existing house entirely (100%). The damage being caused by this 'change' requires the cost of repairing the damage (replacing the entire existing building) to be compared to the cost of building a brand new similar building. The reuse of existing materials to reduce 'repair' costs is very limited. Because the plans call for the complete demolition of the building, the cost to 'repair' is equal and the 75% threshold is exceeded.



49.30.500(b) has more specific provisions for residential buildings in a residential zoning district. These provisions provide allowances for nonconforming parts of buildings to be replaced even if the 75% threshold is exceeded. The provisions can only be applied when the nonconforming building is damaged due to an involuntary change. It provides examples of involuntary changes including fire, flood, landslide, earthquake; these are all single catastrophic events not brought about by lack of maintenance or neglect. Non-conforming buildings that are damaged by a catastrophic event, such as a fire, can be rebuilt in the existing footprint (not in compliance with current setbacks) when relocating to the setback requirements, or reducing the non-conformity is found to be not reasonably feasible.

History of the 75% threshold

Provisions for reconstruction of nonconforming buildings in previous Land Use Codes for the City of Douglas, City of Juneau, the Borough of Juneau and the post 1969 unified City and Borough of Juneau are summarized below.

City of Douglas Zoning Ordinance (circa 1961) – This contained provisions for 'wear and tear improvements: alteration of unsafe structures' which included a similar 75% threshold that is used in the current Land Use Code but this compared the cost of repair to the assessed property value and not the cost of replacement of the whole building with new materials.

City of Juneau Zoning Ordinance (circa 1956-1966) - This had stricter provisions for reconstruction of nonconforming structures. Such buildings were not allowed to be reconstructed or structurally altered if repair or addition cost more than 50% of the assessed value of the building.

Greater Borough of Juneau Zoning Ordinance (circa 1964) – This had very similar language to CBJ 49.30.500(a) of the current reconstruction provisions and used the 75% threshold.

City and Borough of Juneau Planning and Zoning code (pre-1987) - This had very similar language to CBJ 49.30.500(a) of the current reconstruction provisions and had a 75% threshold.

The Land Use Code underwent a comprehensive rewrite in 1987. The original non-conforming section of the adopted 1987 Code did not include the provisions that exist in the current Land Use Code for damage by catastrophic, one-time events (CBJ 49.30.500(b)). The current language was added in 1989 in response to concerns that homeowners would not be able to rebuild properties on existing nonconforming footprints if they were destroyed through a fire or other calamity.

49.30.500 - Reconstruction.

(a) *Except as provided in subsections (b) and (c) of this section, if a building is damaged by any change so that the cost of renewal of the damaged parts exceeds 75 percent of the cost of the replacement of the entire building, exclusive of foundations, using new materials, then such building shall not be rebuilt, unless the building and its intended use comply with this title. The determination of whether a building is destroyed to the extent described shall be made by the building official.*

(b) *If a single-family dwelling, duplex, or multifamily dwelling in a residential district is damaged by any involuntary change, including fire, flood, landslide, avalanche, or earthquake, so that the cost of renewal of the damaged parts exceeds 75 percent of the cost of the replacement of the entire building, exclusive of foundations, using new materials, then such building may be replaced or reconstructed to the same footprint on the original location with the exception of encroachments*

into public rights-of-way or adjacent property; provided, the intended use of the building is the same as, or less intensive than, the prior use and is a permissible use in the district. The determination of whether a building is destroyed to the extent described shall be made by the building official. If the building official determines that the foundation of the building is not reusable due to damage or substantial noncompliance with Title 19, the building regulations code, then the building may be replaced or reconstructed to the same footprint and the footprint shall be relocated on the lot so as to reduce, to the extent reasonably feasible, the occurrence or severity of any nonconforming setbacks, taking into consideration topography, shape, and size of the lot, and all other relevant factors. However, if such relocation is not reasonably feasible, the building may be replaced or reconstructed to the same footprint on the original location. Projections beyond the footprint including architectural features, roof eaves, foundation footings, porches, decks, terraces, patios, unenclosed stairways, and fire escapes, and attached structures, may also be replaced or reconstructed as they existed on the original building, with the exception of encroachments into public rights-of-way or adjacent property. An as-built survey or other proof of the footprint and location of the original building and projections beyond the footprint is to be provided to the City and Borough at the time the building is to be replaced or reconstructed. A building may be replaced or reconstructed under this subsection with the same number of off-street parking spaces as were provided for the original building. Nothing in this subsection constitutes an approval or waiver of an encroachment of the building or its footprint or projections beyond the footprint into a public right-of-way or adjacent property, nor does it authorize the building or projections beyond the footprint of the building to be replaced or reconstructed so as to encroach into a public right-of-way or adjacent property. Nothing in this subsection waives any other applicable laws or regulations including Title 19, the building regulations code, and this title.

(c) *The commission, through the conditional use permit process, may allow the replacement or reconstruction of a multifamily dwelling in any multifamily residential, general commercial, light commercial, mixed use, or waterfront commercial district when the dwelling is damaged by any involuntary change, including fire, flood, landslide, avalanche, or earthquake, and the cost of renewal of the damaged pans exceeds 75 percent of the cost of the replacement of the entire building, exclusive of foundations, using new materials, provided the intended use of the building is the same as, or less intensive than, the prior use. The determination of whether a building is destroyed to the extent described shall be made by the building official. A building may be replaced or reconstructed under this subsection with the same number of off-street parking spaces as were provided for the original building unless additional spaces are required under the Federal Americans with Disabilities Act. Nothing in this subsection constitutes an approval or waiver of an encroachment of the building or its footprint or projections beyond the footprint into a required yard, nor does it authorize the building or projections beyond the footprint of the building to be replaced or reconstructed so as to encroach into a required yard, except as provided in subsection 49.25.430(5). Nothing in this subsection waives any other applicable laws or regulations, including title 19, the building regulations code; and title 49, the land use code.*

(d) *The director may allow a building in the MU zoning district which has been converted from residential to nonresidential use to revert to residential use at the original density and parking requirement, if the reversion results in no additional floor space.*

(Serial No. 87-49, § 2, 1987; Serial No. 89-05, § 3, 1989; Serial No. 89-33, §§ 3, 4, 1989; Serial No. 91-46, § 2, 1991; Serial No. 2001-02, § 2, 4-2-2001; Serial No. 2006-15, § 7, 6-5-2006; Serial No. 2012-36, § 4, 9-17-2012)

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: April 14, 2017

TO: Planning Commission

FROM: Jill Maclean, Senior Planner AICP
Community Development Department

FILE NO.: USE2017 0005

PROPOSAL: A Conditional Use Permit for the Construction of 7 Single-Family Dwellings on Lot 2 on Jackie Street.

GENERAL INFORMATION

Applicant:	Juneau Housing Trust
Property Owner:	City and Borough of Juneau
Property Address:	Jackie Street
Legal Description:	Renninger Lot 3
Parcel Code Number:	5-B14-0-100-020-0
Site Size:	50,683 sq. ft. (1.16 acres)
Comprehensive Plan Future Land Use Designation:	Medium Density Residential (MDR - urban residential lands for multifamily dwelling units at densities ranging from 5 - 20 units/acre)
Zoning:	D15
Utilities:	CBJ water/sewer
Access:	Renninger Street/Jackie Street
Existing Land Use:	Undeveloped land

Surrounding Land Use:	North	-	D15 / vacant lot, D-Z Middle School
	South	-	D15 / vacant lot
	East	-	D15 / vacant lot, Eaglewood Apartments
	West	-	D15 / vacant lot

VICINITY MAP

ATTACHMENTS

Attachment A: Application (includes narrative, site plan, topo survey, wetlands delineation, Renninger Subdivision final plat, samples of housing design)

Attachment B: Public Notice

PROJECT DESCRIPTION

House Build Project, in partnership with Juneau Housing Trust, University of Alaska Southeast, and the CBJ School District, seek a Conditional Use Permit for seven (7) affordable home ownership dwelling units using the House Build Project Model, in a D15 Zoning District.

BACKGROUND

Renninger Subdivision was platted in 2015 creating eight (8) lots on Jackie Street, accessed via Renninger Street. On November 28, 2016, the Assembly adopted Ordinance (2016-35), approving the sale of Lot 3 to the House Build Project.

The proposed use is permitted as a conditional use in the D15 zoning district. In a D15 zoning district, up to 15 units per acre are allowed. A residential development consisting of 8 or fewer dwelling units is typically considered a minor development if sited in a multi-family residential district. In this case, the applicant states that the project will be phased over approximately 5 to 7 years, thus a conditional use permit is required per the Director's finding - CBJ 49.15.220 (1).

DEPARTMENT REVIEW

Building Division - *No issues at this time*.

Capital City Fire & Rescue - *The fire lane cannot be used for parking and must be signed as such. No other issues at this time.*

Engineering -

- Water

  A central meter is required. Suggestions for enclosure of the meter could be inside or an addition to one of the first houses or a hot box.
  Example: http://www.hubbellpowersystems.com/about/hotbox/

  PUD's (Planned Unit Development) and condos require a central meter. With communal requirements of a shared driveway, water, sewer, drainage, snowplowing, and landscaping activities, a homeowners association or some other entity through the lease agreement should be established. The distribution of water bills between homeowners based on the division of one water billing does not appear to be onerous. The city's obligations regarding the water system would end at the Right Of Way (ROW) line.

- Wastewater

  The wastewater system will have a single connection to the main with cleanouts installed at the ROW, every one hundred feet, at the terminus of the "joint use" main and at each dwelling within 5 feet of the foundation. The city's obligations regarding the wastewater system would end at the ROW line.

  Stormwater system to be determined shall be collected in the CBJ's roadside ditches. The city's obligations regarding the stormwater drainage will end at the ROW line.

A homeowner's association must be established and include provisions for maintenance of utilities and utility payment for water/wastewater. The city will send one bill to the association for water/sewer.

ANALYSIS

Project Site – The project site is a 50,683 square feet parcel located on Jackie Street in the D15 zoning district. The minimum lot size in the D15 zoning district is 5,000 square feet. Setbacks in the D15 zoning district are 20 feet in the front, 15 in the rear and 5 feet on the side yards (see Attachment A - Site Plan for more details). The site abuts Eaglewood Apartments and vacant undeveloped lots. Dzantik'i Heeni Middle School is nearby.

Project Design – The applicant proposes seven single-family dwellings constructed through the House Build Project on a single lot. According to the site plan provided with the application, the dwellings will each have individual driveways with the potential for garages and will share a driveway from Jackie Street for the main access into the development. As shown on the site plan, the development meets the maximum lot coverage allowed (maximum allowed is 50%; proposed is 16%) and the vegetative coverage allowed (minimum required is 30%; proposed is 64%).

Per CBJ Engineering's review, the project must have a central water meter. The wastewater system will have a single connection to the main with cleanouts installed at the ROW, every one hundred feet, at the terminus of the "joint use" main and at each dwelling within 5 feet of the foundation – per CBJ 49.35.130 (a) and (b).

In order to address CBJ Engineering's requirements, the Juneau Housing Trust (JHT) will provide copies of the lease agreement and covenant with each homeowner that will include provisions for the maintenance of utilities and utility payments for water and wastewater. JHT, as the property owner, will be the party responsible for paying the utility bills; the city will not bill or collect from individual homeowners. JHT must provide evidence that they are responsible for snow removal and joint access maintenance, otherwise a homeowner's association will be required.

Traffic – This development is considered single-family residential in the Trip Generation Manual Institute of Transportation Engineers, 9th Edition. There is an average of 9.57 trips per dwelling during the weekday, 10.10 trips per dwelling on Saturdays, and 8.78 trips per dwelling on Sundays. Analysis is not required by Title 49 when less than 250 trips are generated per day - CBJ 49.40.300(a)(2).

Parking and Circulation – According to CBJ 49.40.210, the proposed development requires two parking spaces per dwelling unit. The site plan shows two parking spaces per unit. The shared driveway is 22 feet in width and meets Capital City Fire & Rescue standards for adequate turnaround and accessibility. Per Capital City Fire & Rescue's review, an emergency access must be signed as such with a "No Parking – Fire Lane" sign.

Noise – The development is not expected to generate noise beyond that of uses allowed outright in the D15 zoning district.

Lighting - The site design does not depict lighting. The applicant has stated that lighting will be provided on the individual dwellings and light posts at the end of the individual driveways. No streetlight is required at the junction of the shared drive and Jackie Street.

Public Health or Safety – No evidence indicates that there are any public health or safety impacts from the proposed development. The structures meet all requirements for setbacks and height and will meet all building and fire code requirements with the recommended conditions found in the Staff Recommendation.

Wetlands – There are wetlands within the Renninger Subdivision that were affected by the new road and future development. The CBJ Division of Lands & Resources worked with the US Army Corps of Engineers (COE) to allow the filling of wetlands for the subdivision. One condition of COE approval is a wetland preservation lot (Lot 8). This lot is located in the eastern area of the subdivision. The final plat with the required Preservation Lot for the Renninger Subdivision was approved by the Planning Commission on October 16, 2015, and was recorded on November 5, 2015. This proposed project does not require further review by the COE.

Habitat – Other than the wetlands, there is no other mapped habitat located in the proposed subdivision that is regulated by Title 49.

Property Value or Neighborhood Harmony – The development is surrounded by D15 zoned land consisting of undeveloped parcels, apartment buildings, and Dzantik'i Heeni Middle School. Available evidence indicates that property values will not be affected, and the proposed development is in harmony with the surrounding neighborhood.

<u>Conformity with Adopted Plans</u> –

Comprehensive Plan 2013 – **Yes.**

- Complies with future land use map designations (MDR).
- Complies with Chapter 4 – Housing Element.
- Complies with Chapter 10 – Land Use.

Housing Action Plan 2016 – **Yes.**

- Complies with recommendations to grow the supply and diversity of housing aiming at specific numerical targets through new construction and preservation.

Juneau Economic Development Plan 2015 – **Yes.**

- Complies with the initiative to promote housing affordability and availability.

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. *Is the application for the requested conditional use permit 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.

2. *Is the proposed use appropriate according to the Table of Permissible Uses?*

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.300 for the D15 zoning district.

3. *Will the proposed development comply with the other requirements of this chapter?*
Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 14, 2017 and April 24, 2017 issues of the Juneau Empire's "Your Municipality" section and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. *Will the proposed development materially endanger the public health or safety?*
No. As discussed in the above analysis, the proposal is located in a multi-family zoning district on over an acre and a half of land with adequate room for parking and circulation. No evidence indicates that the proposed development will materially endanger public health or safety.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*
No. As discussed in the above analysis, the proposal is located in a D15 zoning district and is surrounded by vacant parcels and other multi-family uses. No evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area.

6. *Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*
Yes. The development is in general conformity with Title 49, the 2013 Comprehensive Plan, the Housing Action Plan, and the Juneau Economic Development Plan.

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

7. *Will the proposed development comply with the Juneau Coastal Management Program?*
N/A.

RECOMMENDATION
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of seven single-family dwelling units with a shared driveway, with the land to be held in trust by the Juneau Housing Trust. The approval is subject to the following conditions:

1. Emergency Access must be signed as such with a “No Parking – Fire Lane” sign.

2. Provide lighting on the individual dwellings and light posts at the end of the individual driveways.

3. A central water meter is required.

4. The wastewater system will have a single connection to the main with cleanouts installed at the ROW, every one hundred feet, at the terminus of the “joint use” main and at each dwelling within 5 feet of the foundation.

5. JHT must provide copies of the leases/covenants that provide for maintenance of utilities and utility payment for water/wastewater, snow removal, and joint access maintenance.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:

Project Name
(City Staff to Assign Name)

PROJECT / APPLICANT INFORMATION

Project Description
House Build Project, with partnership of Juneau Housing Trust, University of Alaska Southeast, and the Juneau School District. The construction of seven (7) affordable home ownership units using the House Build program model.

PROPERTY LOCATION

Street Address	City/Zip
Lot #3 Jackie Street, Renninger Subdivision	99801

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

Assessor's Parcel Number(s)
~~unknown~~ 5-B14-0-100-020-0

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Attn: Greg @CBJ Lands / Juneau Housing Trust (purchasing)	Tamara Rowcroft	907-780-4500
Mailing Address	**Home Phone:**	**Fax Number:**
P.O. Box 32045 Juneau, AK. 99803	907-321-4696	907-780-4533
E-mail Address	**Other Contact Phone Number(s):**	
ahdc@ptialaska.net	Justin Fantasia 907-957-2860	

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 _____ Date

X Greg Chaney _____ March 17 2017 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:
House Build Partner ship/ Juneau Housing Trust Developer	Tamara or Justin	907-780-4500
Mailing Address	**Home Phone:**	**Fax Number:**
P.O. Box 32045 Juneau, AK. 99803	907-321-4696	907-780-4533
E-mail Address	**Other Contact Phone Number(s):**	
ahdc@ptialaska or jfantasia@alaska.edu	Justin 907-957-2860	

X [signature], Vice President SHT — Applicant's Signature — 3/16/2017 Date of Application

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS

✓	Permit Type	Plan	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee in Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (if more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)			
	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

DEVELOPMENT PERMIT APPLICATION

Project Number USE 20170005	CITY and BOROUGH of JUNEAU	Date Received: 3/16/17
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description
House Build Project, with partnership of Juneau Housing Trust, University of Alaska Southeast, and the Juneau School District. The construction of seven (7) affordable home ownership units using the House Build program model.

PROPERTY LOCATION

Street Address	City/Zip
Lot #3 Jackie Street, Renninger Subdivision	99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
same Renninger Lot 3

Assessor's Parcel Number(s)
unknown 5-B14-0-100-020-0

PROJECT / APPLICANT

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Attn: Greg @CBJ Lands / Juneau Housing Trust (purchasing)	Tamara Rowcroft	907-780-4500
Mailing Address	**Home Phone:**	**Fax Number:**
P.O. Box 32045 Juneau, AK. 99803	907-321-4696	907-780-4533
E-mail Address	**Other Contact Phone Number(s):**	
ahdc@ptialaska.net	Justin Fantasia 907-957-2860	

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

X _____ Landowner/Lessee Signature _____ Date

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

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E-mail Address	**Other Contact Phone Number(s):**	
ahdc@ptialaska or jfantasia@alaska.edu	Justin 907-957-2860	

X [signature], Vice President JHT — Applicant's Signature — 3/16/2017 Date of Application

----------OFFICE USE ONLY BELOW THIS LINE----------

STAFF APPROVALS

✔	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
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	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)			USE 20170005
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments:

Permit Intake Initials: JM

Attachment A: Application

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

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
	House Build program	PAC20160055	

TO BE COMPLETED BY THE APPLICANT

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)

☑ Use Listed in §49.25.300 (Table of Permissible Uses) (USE)

Please list the Table of Permissible Uses Category: Multi-family residential district

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

construction of up to seven single family dwellings with common property ownership (land trust).

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☑ NO ☐ YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S): vacant

PROPOSED USE OF LAND OR BUILDING(S): single family dwellings

UTILITIES PROPOSED: WATER: ☑ Public ☐ On Site SEWER: ☑ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 50,683 square feet Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) 8,064 square feet

EXTERNAL LIGHTING:

Existing to remain ☐ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed ☑ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- ☑ Site Plan
- ☑ Floor Plan of proposed buildings
- ☑ Elevation view of existing and proposed buildings
- ☑ Proposed Vegetative Cover
- ☑ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
- ☑ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)

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.

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 506.00			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$			
Pub. Not. Sign Deposit	$			
Total Fee	$			

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

Conditional Use Permit

Narrative

The project described herein is for a proposed development of 6-8 single family homes on Lot 3 of the Renninger subdivision. The proposed homes will be built for the Juneau Housing Trust as affordable housing and as an educational house build project through the Juneau School District and the University of Alaska Southeast Construction programs.

The zoning for the lot is D15 which allows for up to 15 units per acre. The density of the proposed development will be less than the allowance due to limitations associated with the lot slope, drainage and soil conditions. In order to maintain a construction budget which allows the homes to be affordable limited, minimizing site development costs will be necessary. Any development of slopes, unstable soils or extremely wet areas will not be affordable and will be avoided by careful placement of the buildings and infrastructure.

The design of the lot will allow a minimum of 10 feet between each unit and maintain the appropriate zoning setbacks from the property boundaries. Parking for each home will either be provided by a garage or parking space adjacent to the building. Additional parking for guests may be provided in a common area on the property if it is necessary.

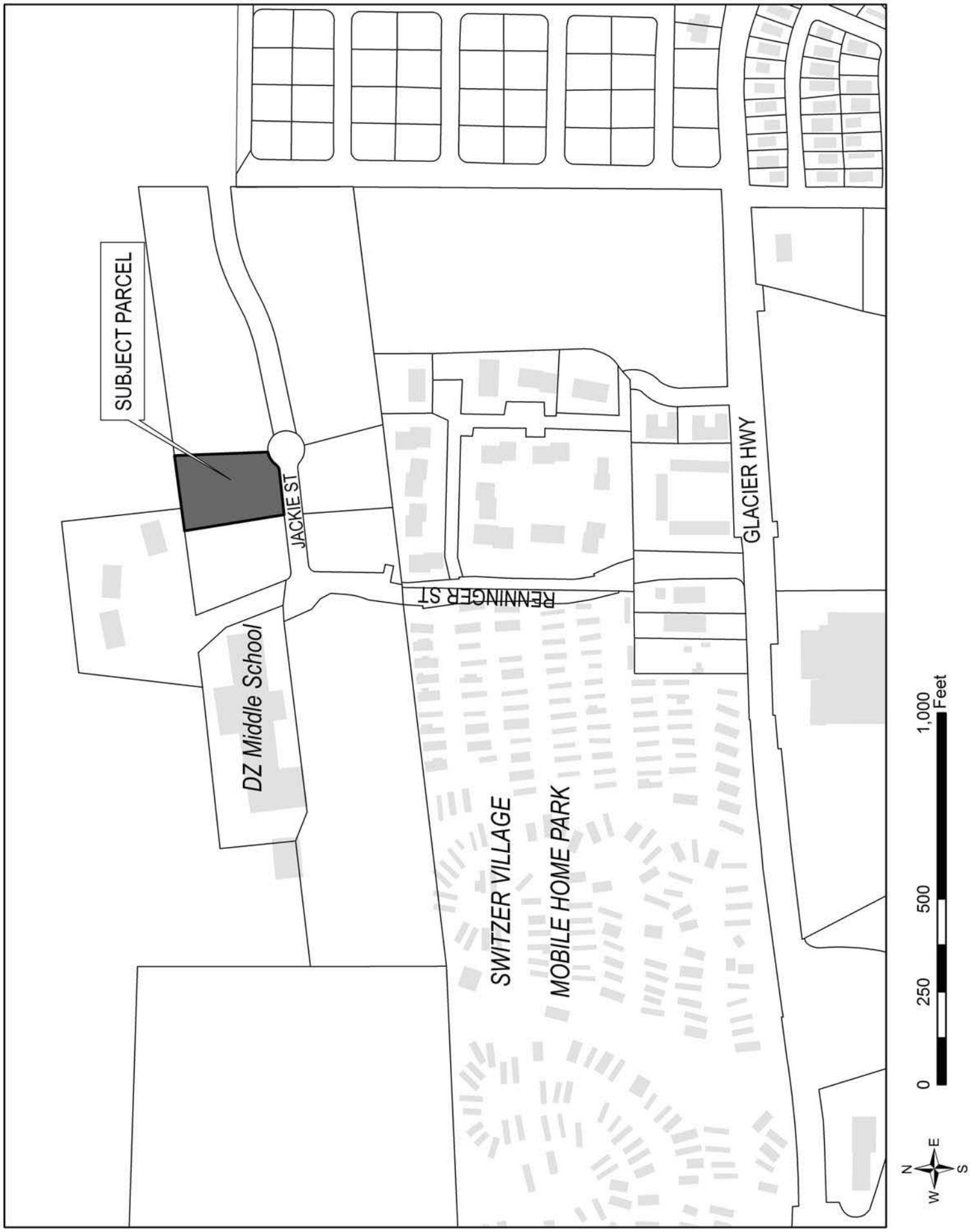
Any lighting provided on the property for the homes and parking will be in compliance with zoning regulations such as the use of down lighting at the homes and parking which prevent off site glare.

As much of the natural vegetation as possible will be preserved at the edges of the lot in order to create landscape buffers with the neighboring properties.

All of the homes will be built as either 2 or 3 bedroom dwellings with single or two story maximum height. The units will be from approximately 800 square feet for the single story dwellings to 1600 square feet for the two story dwellings. The structures will be built using advanced cold climate construction techniques to maximize the energy efficiency, extend durability and create healthy indoor air quality for the occupants. Reducing heating costs and creating a durable building will help maintain affordability for the homeowner long after the initial purchase of the home.

Each of the homes will have unique characteristics of either color, exterior cladding materials or varying heights so that the units do not all appear the same.

Having the completed project in a land trust will also provide long term affordability for these homes by taking the cost of owning the land out of the cost of the sale of the dwelling for the initial purchaser as well as future owners. Juneau Land Trust will maintain a lease agreement with the purchaser for maintenance of the site and payment of city property taxes. Juneau Housing Trust works with the homeowner in the event of a sale to assure homes are returned to the market as affordable housing.


SUBJECT PARCEL
JACKIE ST
DZ Middle School
RENNINGER ST
GLACIER HWY
SWITZER VILLAGE
MOBILE HOME PARK
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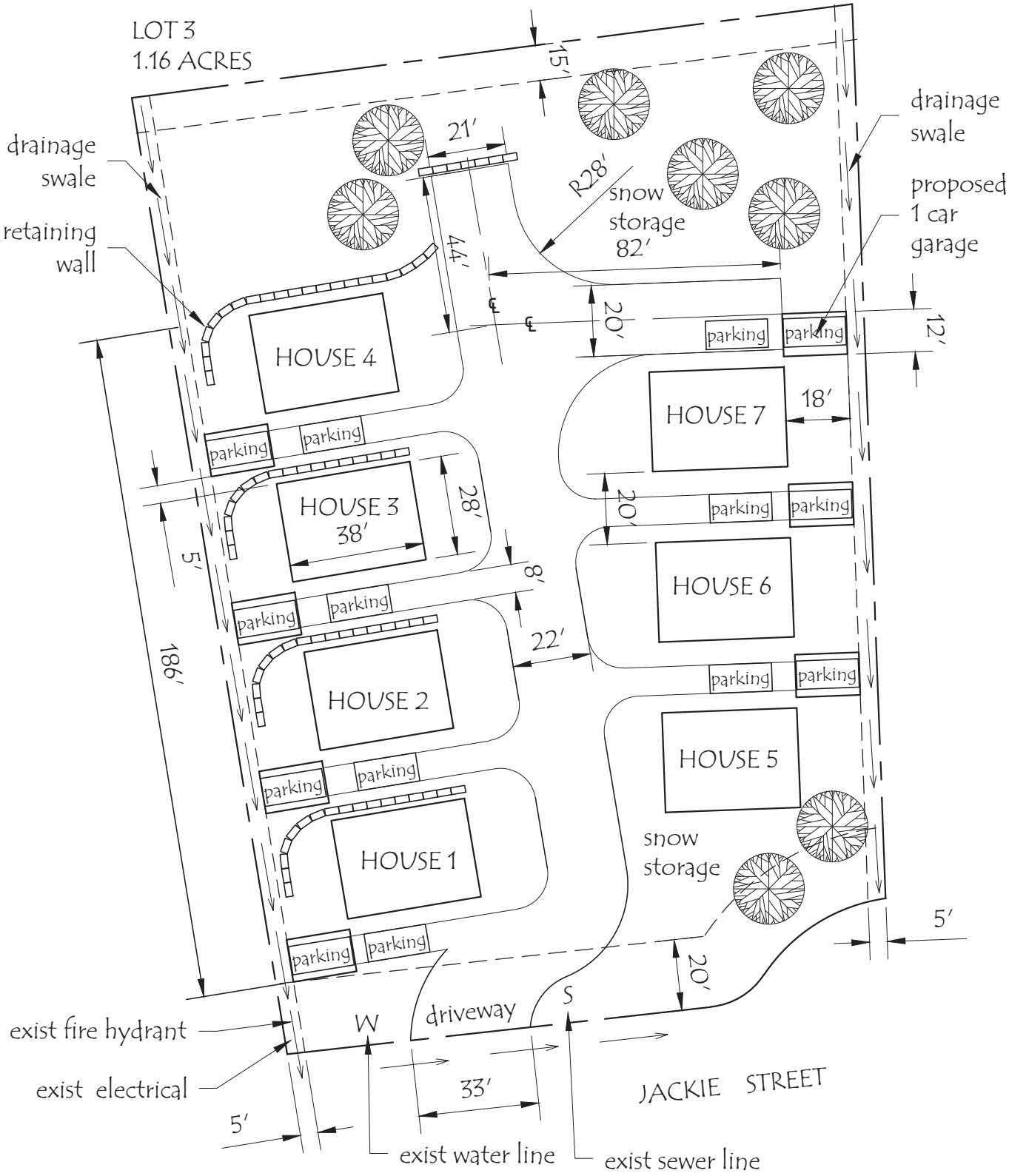


SITE PLAN

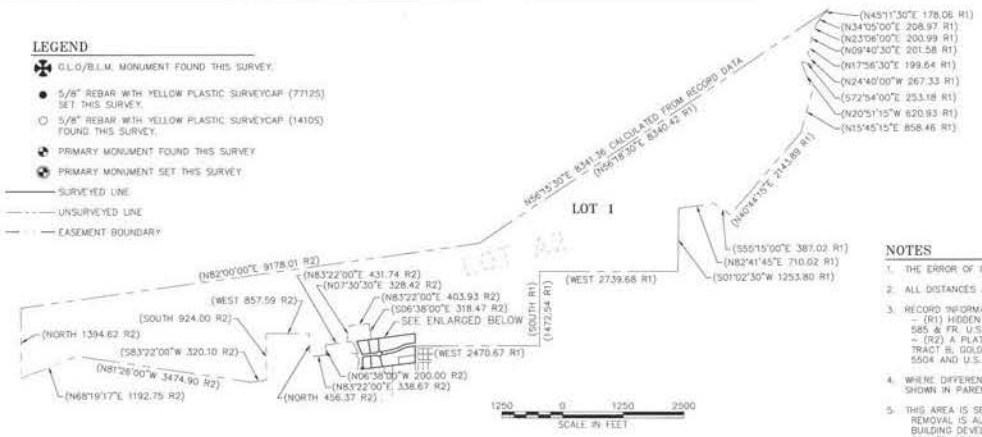
SC: 1″ = 40′

Lot coverage:
8,064 sq. ft. (16%)
Vegetative coverage:
32, 325 sq. ft. (64%)
Parking:
2- 8.5 x 17′ per dwelling

revised: 3/22/17

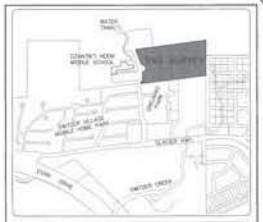
LEGEND

- G.L.O./B.L.M. MONUMENT FOUND THIS SURVEY.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (77125) SET THIS SURVEY.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (14105) FOUND THIS SURVEY.
- PRIMARY MONUMENT FOUND THIS SURVEY
- PRIMARY MONUMENT SET THIS SURVEY
- SURVEYED LINE
- UNSURVEYED LINE
- EASEMENT BOUNDARY



3.25" ALUMINUM CAP
TYPICAL PRIMARY MONUMENT DETAIL
N.T.S.

5/8"x36" REBAR WITH YELLOW PLASTIC CAP
TYPICAL PRIMARY MONUMENT DETAIL
N.T.S.



VICINITY MAP
SCALE: N.T.S.
SOURCE: CBJ BASEMAP SERIES

NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.
2. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
3. RECORD INFORMATION DERIVED FROM:
   - (R1) HIDDEN VALLEY SUBDIVISION, JUNEAU PLAT 99-35, WITHIN TRACT A, M.S. 585 & FR. U.S. SURVEY 5504.
   - (R2) A PLAT OF A RESUBDIVISION OF TRACT A1-A U.S. SURVEY 5504 AND TRACT B, GOLDEN HEIGHTS SUBDIVISION, WITHIN PORTIONS OF LOT 3 U.S. SURVEY 5504 AND U.S. SURVEY 3801, JUNEAU PLAT No. 98-27.
4. WHERE DIFFERENT FROM MEASURED OR CALCULATED, RECORDED DIMENSIONS ARE SHOWN IN PARENTHESES.
5. THIS AREA IS SET ASIDE FOR HABITAT PRESERVATION PURPOSES. NO VEGETATION REMOVAL IS ALLOWED EXCEPT FOR REMOVAL OF INVASIVE SPECIES. NO FILL OR BUILDING DEVELOPMENT IS PERMITTED. BUILDING DEVELOPMENT MEANS CONSTRUCTION OF ANY STRUCTURE HAVING A ROOF SUPPORTED BY COLUMNS OR WALLS AND INTENDED FOR THE SHELTER, HOUSING, OR ENCLOSURE OF PERSONS, ANIMALS, EQUIPMENT, MATERIALS, OR ANY SITE WORK IN PREPARATION OR ANTICIPATION OF SUCH CONSTRUCTION. TRAIL CONSTRUCTION THAT DOES NOT REQUIRE FILL IS PERMITTED. INSTALLATION OF A FENCE ALONG THE OUTER PERIMETER OF THE EASEMENT IS PERMITTED USING TECHNIQUES THAT MINIMIZE SOIL AND VEGETATION DISTURBANCE.
6. LOTS 2-7 ARE PART OF LOT A-2
7. SEE SHEET 2 FOR EASEMENT DETAILS.

OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT CITY AND BOROUGH OF JUNEAU, AK IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS LANDS MANAGER, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE: Nov 3 2015, 2015

Greg P. Chaney
GREG CHANEY
CBJ LANDS MANAGER

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } SS.

NOTARY ACKNOWLEDGMENT

THIS IS TO CERTIFY THAT ON THE 3 DAY OF November, 2015, BEFORE THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED GREG CHANEY TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON HE REPRESENTS HIMSELF TO BE AND THE LANDS MANAGER FOR THE CITY & BOROUGH OF JUNEAU, WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF THE SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED, BEING FULLY AUTHORIZED TO DO SO.

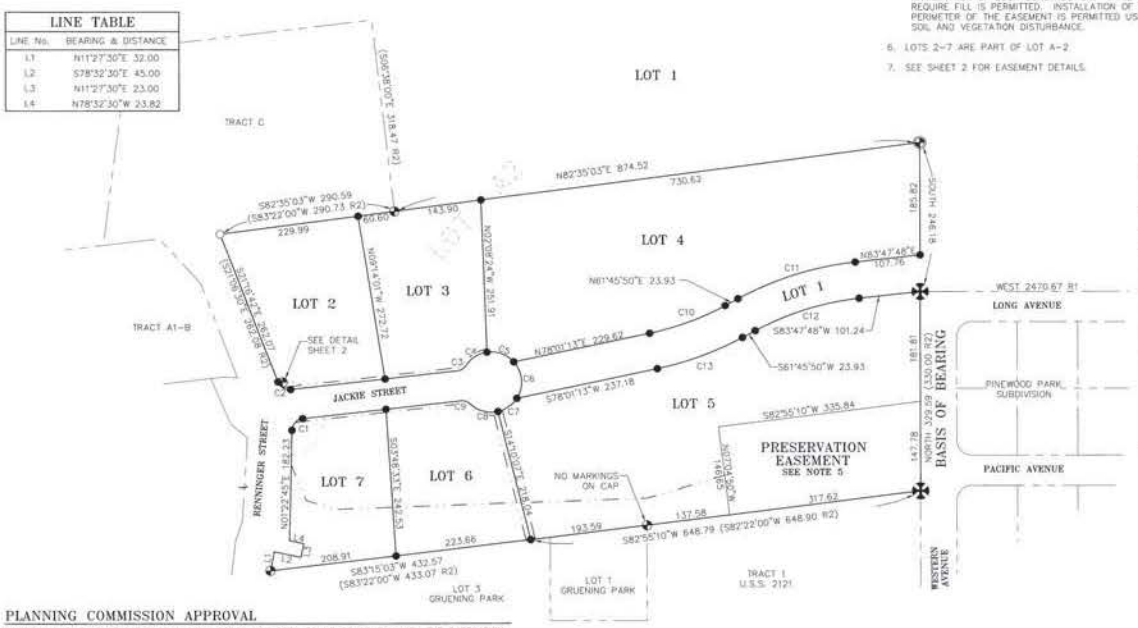
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 7/15/19

STATE OF ALASKA
OFFICIAL SEAL
Ed Quinto
NOTARY PUBLIC
My Commission Expires 07/15/2019

LINE TABLE

LINE No.	BEARING & DISTANCE
L1	N11°27'30"E 32.00
L2	S78°32'30"E 45.00
L3	N11°27'30"E 23.00
L4	N78°32'30"W 23.82



BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH BETWEEN FOUND PRIMARY MONUMENTS NOTED.

CURVE TABLE

CURVE	LENGTH	DELTA	RADIUS	CHORD
C1	28.72	82°16'53"	20.00	S42°31'11"W 26.32
C2	26.20	75°03'40"	20.00	N58°48'32"W 24.37
C3	17.45	49°59'41"	20.00	S58°39'47"W 16.90
C4	42.30	48°28'05"	50.00	S57°53'59"W 41.05
C5	48.74	55°51'16"	50.00	N69°56'20"W 46.84
C6	64.94	74°25'13"	50.00	S04°48'06"E 60.47
C7	39.13	44°50'08"	50.00	N54°49'35"E 38.14
C8	49.23	56°24'40"	50.00	S74°33'01"E 47.26
C9	17.45	49°59'41"	20.00	N71°20'32"W 16.90
C10	133.35	16°15'23"	470.00	N69°53'32"E 132.91
C11	203.81	22°01'59"	530.00	N72°46'49"E 202.58
C12	180.74	22°01'59"	470.00	S72°46'49"W 179.63
C13	150.38	16°15'23"	530.00	S69°53'32"W 149.87

PLANNING COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION No. SMF2015-0007 DATED _____, 2015, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

DATED 11/4, 2015.

CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:
CLERK
CITY AND BOROUGH OF JUNEAU

CITY & BOROUGH OF JUNEAU
CHARTERED AUG 1, 1970

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: NOVEMBER, 2015

STATE OF ALASKA
49th
William T. Pence
No. 7712-S
11/2/15
REGISTERED PROFESSIONAL LAND SURVEYOR

Juneau 2015-47

PLAT OF

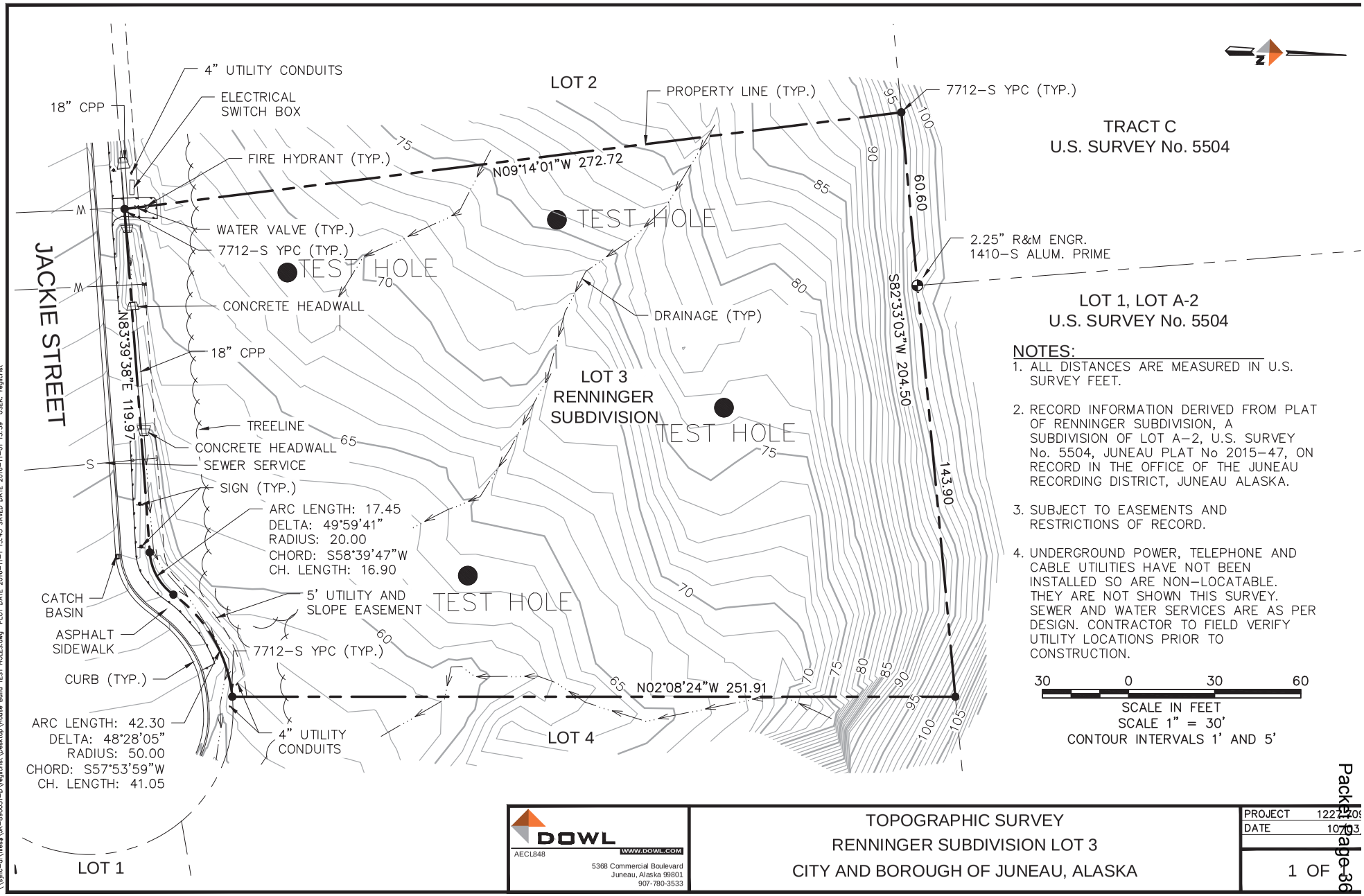
RENNINGER SUBDIVISION

A SUBDIVISION OF
LOT A-2, U.S. SURVEY No. 5504
WITHIN THE CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

DOWL
CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-780-3533

OWNER
CITY AND BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

SCALE:	DATE:	PROJECT NO:	FILE NO:	SHEET NO:
1"= 100'	AUG 2015	J70725		1 OF



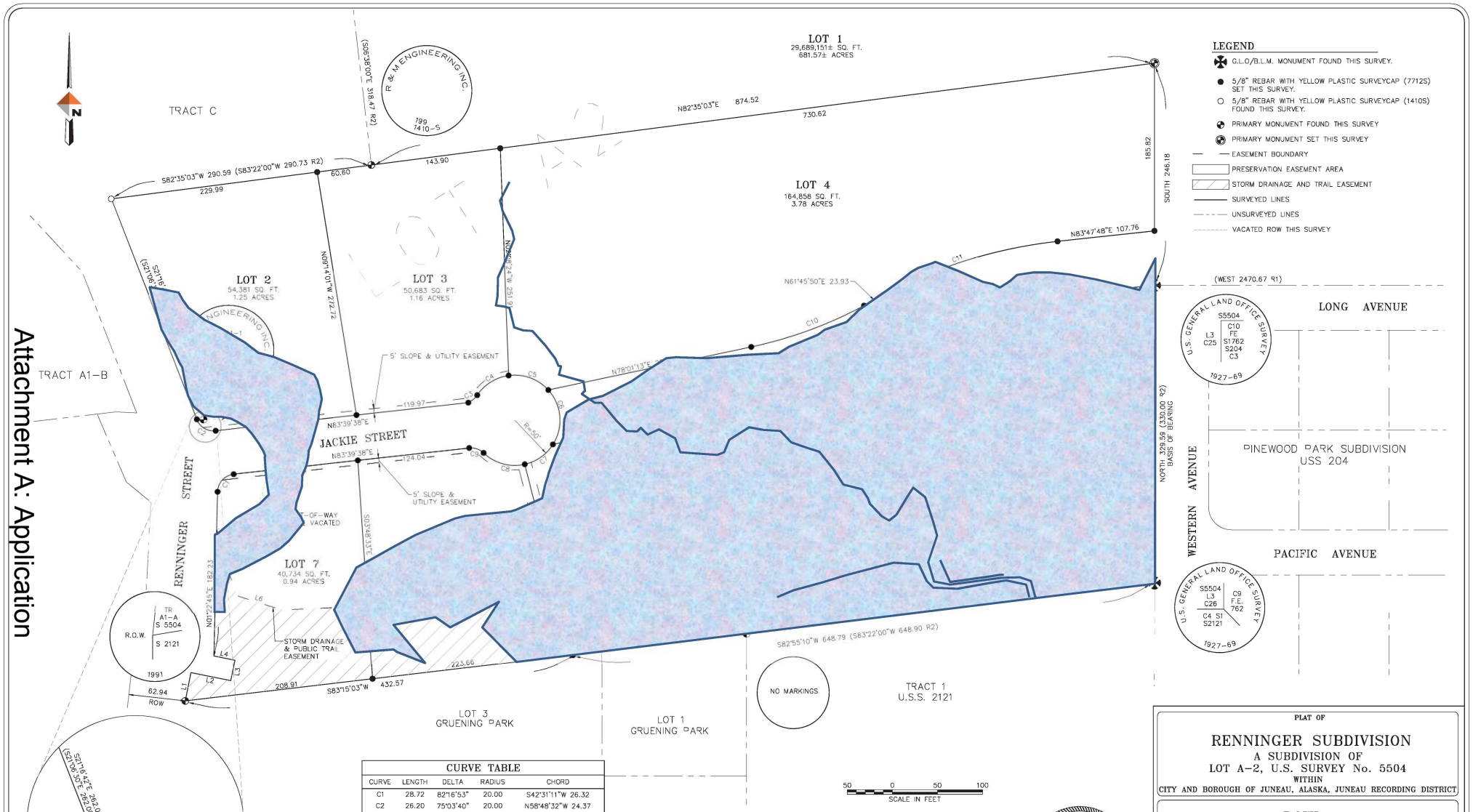
DOWL
AECL848
WWW.DOWL.COM
5368 Commercial Boulevard
Juneau, Alaska 99801
907-780-3533

TOPOGRAPHIC SURVEY
RENNINGER SUBDIVISION LOT 3
CITY AND BOROUGH OF JUNEAU, ALASKA

PROJECT	1227-009
DATE	10-03-
	1 OF

\\sync-ak\files$\JR-890031-D\reglicrist\Desktop\House Build TEST HOLES.dwg PLOT DATE 2016-11-1 15:43 SAVED DATE 2016-11-01 15:39 USER: reglicrist

Attachment A: Application



LEGEND

- G.L.O./B.L.M. MONUMENT FOUND THIS SURVEY.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (7712S) SET THIS SURVEY.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (1410S) FOUND THIS SURVEY.
- PRIMARY MONUMENT FOUND THIS SURVEY
- PRIMARY MONUMENT SET THIS SURVEY
- EASEMENT BOUNDARY
- PRESERVATION EASEMENT AREA
- STORM DRAINAGE AND TRAIL EASEMENT
- SURVEYED LINES
- UNSURVEYED LINES
- VACATED ROW THIS SURVEY

CURVE TABLE				
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L6	S72°27'13"E 49.94

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: AUGUST, 2015

STATE OF ALASKA 49th
William T. Pence No. 7712-S
REGISTERED PROFESSIONAL LAND SURVEYOR

PLAT OF

RENNINGER SUBDIVISION

A SUBDIVISION OF
LOT A-2, U.S. SURVEY No. 5504
WITHIN
CITY AND BOROUGH OF JUNEAU, ALASKA, JUNEAU RECORDING DISTRICT

DOWL
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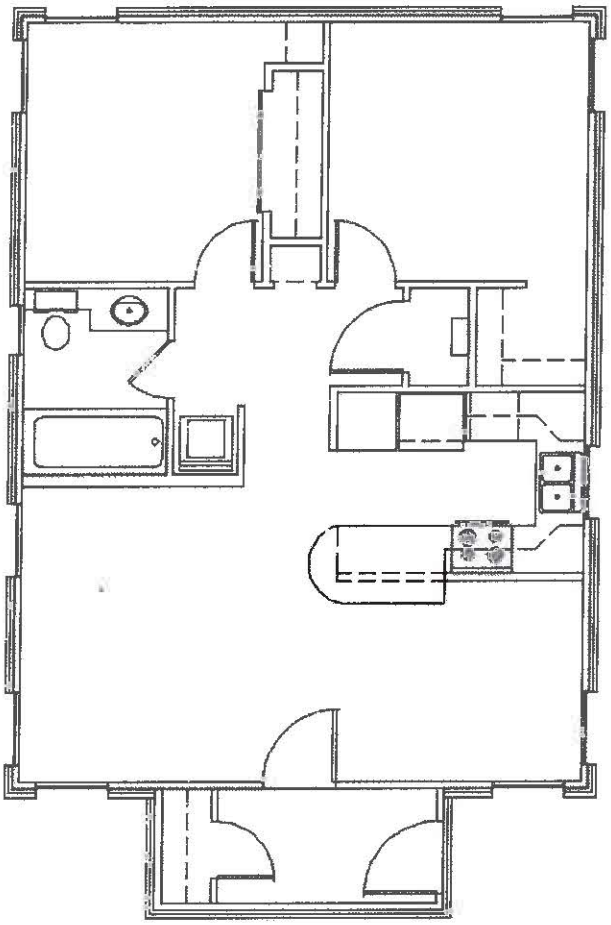
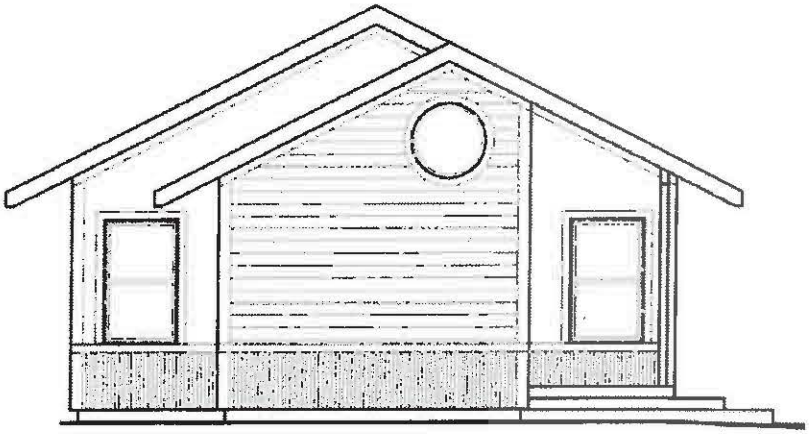
OWNER
CITY AND BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

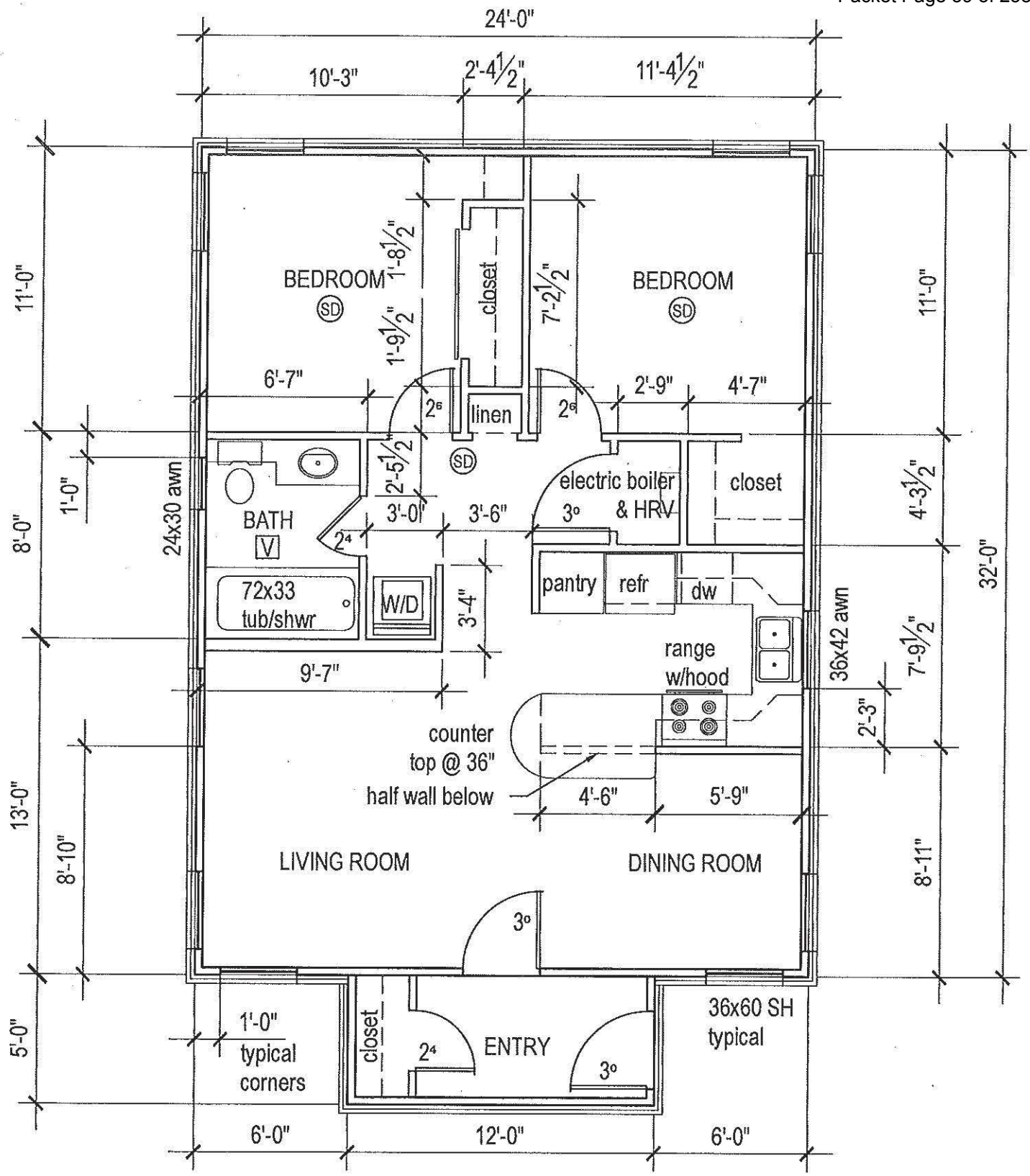
SCALE:	DATE:	PROJECT NO:	FILE NO:	SHEET NO:
1"= 50'	AUG 2015	J70725		2 of 2

Draft floor plan and elevation concept - 24'x32'

Two bedrooms & one bath







SD smoke detector

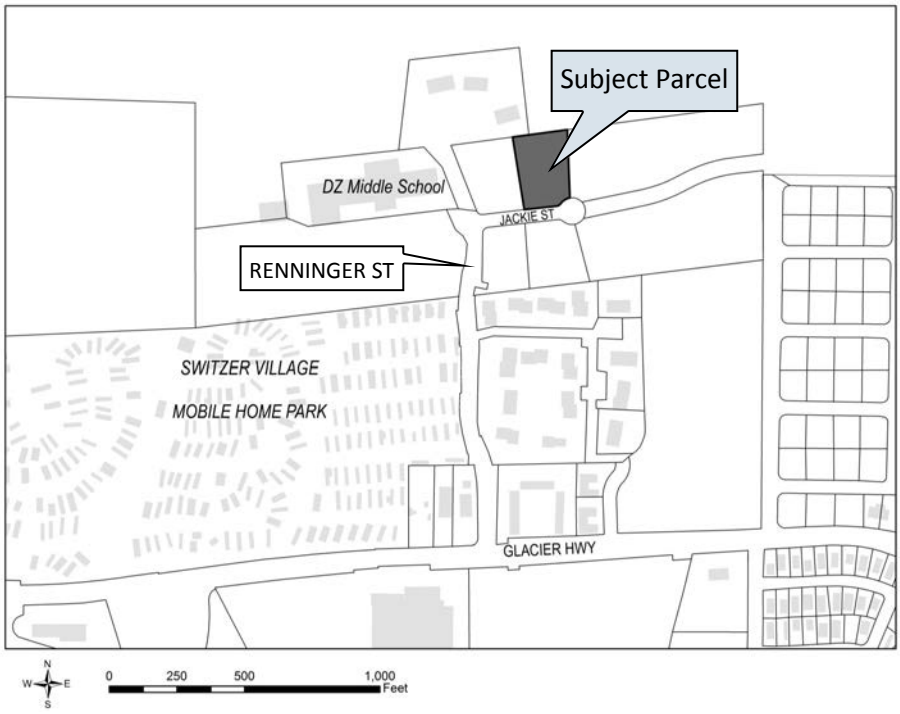
V bathroom exhaust
minimum 50 cfm

Kitchen exhaust
min. 100 cfm

FLOOR PLAN

SC: $\frac{3}{16}$"=1'-0" 828 sq.ft.

NOTICE OF PUBLIC HEARING



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

SHIP TO:

PROPOSAL: A Conditional Use Permit for the Construction of 7 Single-Family Dwellings on Lot 3 on Jackie Street

File No:	USE2017 0005	Applicant:	Juneau Housing Trust
To:	Adjacent Property Owners	Property PCN:	5-B14-0-100-020-0
Hearing Date:	April 25, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	50,683 sq. ft.
Place:	Assembly Chambers	Zoned:	D15
	Municipal Building	Site Address:	Jackie Street
	155 South Seward Street	Accessed Via:	Renninger Street
	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.

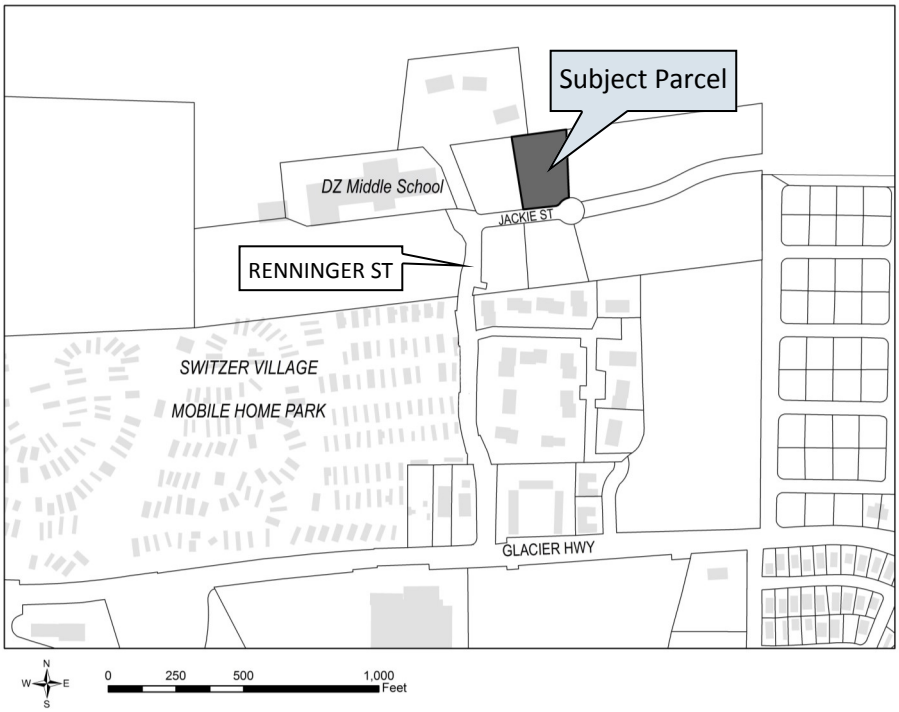
If you have questions, please contact Jill Maclean at jill.maclean@juneau.org or (907) 586-0756.

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

Attachment B: Public Notice

Date notice was printed: March 23, 2017

NOTICE OF PUBLIC HEARING



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

SHIP TO:

PROPOSAL: A Conditional Use Permit for the Construction of 7 Single-Family Dwellings on Lot 3 on Jackie Street

File No:	USE2017 0005	Applicant:	Juneau Housing Trust
To:	Adjacent Property Owners	Property PCN:	5-B14-0-100-020-0
Hearing Date:	April 25, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	50,683 sq. ft.
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D15
		Site Address:	Jackie Street
		Accessed Via:	Renninger Street

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.

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

Date notice was printed: March 23, 2017

USE2017 0005
A Conditional Use Permit for the Construction of 7 Single-Family Dwellings on Lot 3 on Jackie Street

Regular Planning Commission Hearing

April 25, 2107

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

CSP2016 0004

Applicant: Juneau Housing Trust

Property Owner: City and Borough of Juneau

Property Address: Jackie Street

Site Size: 50,683 sq. ft. (1.16 acres)

Comprehensive Plan Future
Land Use Designation: Medium Density Residential (MDR - urban residential lands for multifamily dwelling units at densities ranging from 5 - 20 units/acre)

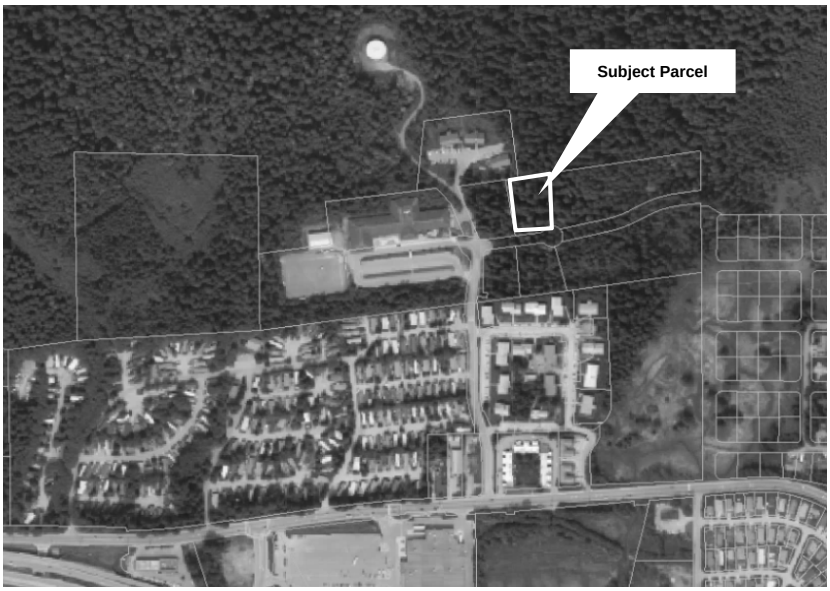
Zoning: D15

Utilities: CBJ water/sewer

Access: Renninger Street/Jackie Street

Existing Land Use: Undeveloped land

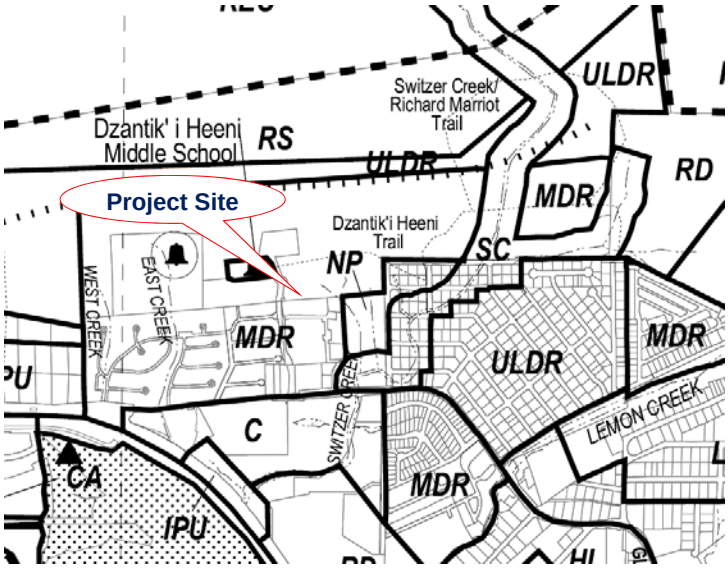
Aerial Photo



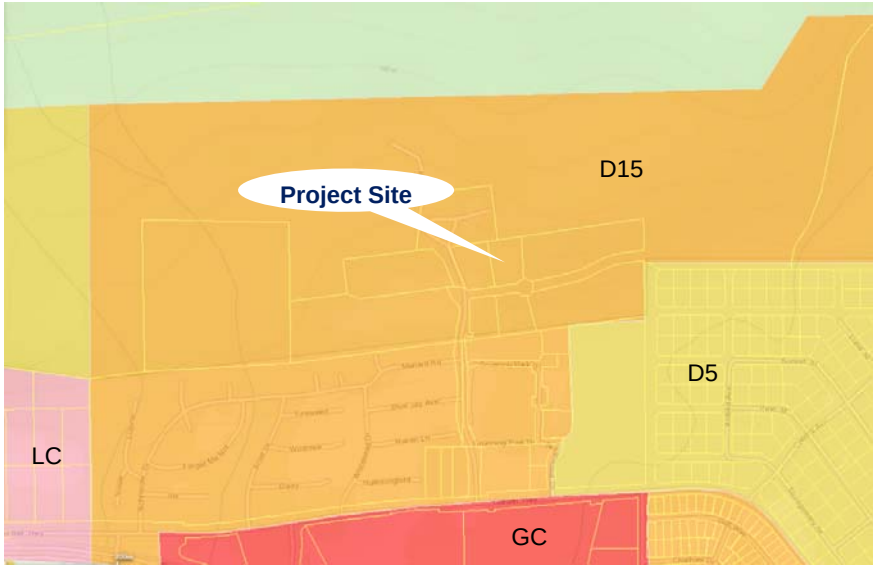
Site Plan

Comp Plan

CSP2017 0005



Area Zoning



Recommendation

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of seven single-family dwelling units with a shared driveway, with the land to be held in trust by the Juneau Housing Trust. The approval is subject to the following conditions:

1. Emergency Access must be signed as such with a “No Parking – Fire Lane” sign.
2. Provide lighting on the individual dwellings and light posts at the end of the individual driveways.
3. A central water meter is required.
4. The wastewater system will have a single connection to the main with cleanouts installed at the ROW, every one hundred feet, at the terminus of the “joint use” main and at each dwelling within 5 feet of the foundation.
5. JHT must provide copies of the leases/covenants that provide for maintenance of utilities and utility payment for water/wastewater, snow removal, and joint access maintenance.

USE2017 0005

A Conditional Use Permit for the Construction of 7 Single-Family Dwellings on Lot 3 on Jackie Street

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

PLANNING COMMISSION
NOTICE OF DECISION

Date: April 26, 2017
File No.: USE2017 0005

House Build Partnership / Juneau Housing Trust
P.O. Box 32045
Juneau, AK 99803

Proposal: A Conditional Use Permit for the Construction of 7 Single-Family Dwellings on Lot 3 on Jackie Street.

Property Address: Lot 3 Jackie Street

Legal Description: Renninger Lot 3

Parcel Code No.: 5-B14-0-100-020-0

Hearing Date: April 25, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 14, 2017, and approved the construction of 7 single-family dwellings on Lot 3 on Jackie Street to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Emergency Access must be signed as such with a “No Parking – Fire Lane” sign.

2. Provide lighting on the individual dwellings and light posts at the end of the individual driveways.

3. A central water meter is required.

4. The wastewater system will have a single connection to the main with cleanouts installed at the ROW, every one hundred feet, at the terminus of the “joint use” main and at each dwelling within 5 feet of the foundation.

5. Juneau Housing Trust must provide copies of the leases/covenants that provide for maintenance of utilities and utility payment for water/wastewater, snow removal, and joint access maintenance.

Attachments: April 14, 2017, memorandum from Jill Maclean, AICP, Senior Planner, Community Development, to the CBJ Planning Commission regarding USE2017 0005.

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

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

Effective Date: The permit is effective upon approval by the Commission, April 25, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or October 25, 2017, 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

Filed With City Clerk

April 28, 2017
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.

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: April 13, 2017

TO: Planning Commission

FROM: Jill Maclean, Senior Planner AICP
Community Development Department

FILE NO.: CSP2017 0005

PROPOSAL: Review of Use Permit for Docks & Harbor to permit the use of CBJ property located at People's Wharf for a small addition and siting of propane tanks for Tracy's Crab Shack.

GENERAL INFORMATION

Applicant:	CBJ Docks & Harbor; William Heuman
Property Owner:	The City & Borough of Juneau
Property Address:	470 South Franklin Street
Legal Description:	Lot 13C, Block 83, Tidelands Addition
Parcel Code No.:	1-C10-0-K83-001-2
Site Size:	1.8023 Acres
Comprehensive Plan Future Land Use Designation:	Marine Commercial (MC)
Zoning:	Waterfront Commercial (WC)
Utilities:	CBJ Water and Sewer
Access:	South Franklin Street
Existing Land Use:	Dock/Wharf

Surrounding Land Use:	North	-	commercial building
	South	-	dock/parking lot
	East	-	commercial building
	West	-	dock

ATTACHMENTS
Attachment A: Application
Attachment B: Public Notice

PROJECT DESCRIPTION
Review of a Use Permit for Docks & Harbor to permit the use of CBJ property located at People's Wharf for a small addition and siting of propane tanks for Tracy's Crab Shack. This application is not a lease, nor is it a Conditional Use Permit. Use permits are regulated by CBJ 53.09.310 and issued by CBJ Docks & Harbor for use of lands under their management (CBJ 85.02.060(5)(C)(ii)).

The proposed Use Permit is for the 2017 tourist season, and will expire on November 1, 2017. Propane tanks, signage, and the addition for the crab shack must be removed from the site by November 1, 2017. Any future use(s) of the site extending beyond November 1, 2017 may require a lease from CBJ Docks & Harbor.

DEPARTMENT REVIEW
Docks & Harbors: The project represents what was presented to the Docks & Harbor Board. No attachment to the concrete or the wood deck shall be allowed. The permit should include a

termination date after the tourist season, such as November 1, 2017, which allows the applicant time after the season is complete to remove the items authorized with this permit. The applicant shall post a cash bond ($5,000) for removal of the propane tanks and screening; and the crab shack at the corner of the building. The bond will only be used if the applicant fails to remove the items by November 1, 2017 and the CBJ is forced to remove the items. Any signs planned shall receive a sign permit prior to installation.

Building Division: No issues at this time.

Capital City Fire & Rescue: Propane tanks shall not be located within three (3) feet of any opening, such as windows or doors. No other issues at this time.

General Engineering: No concerns in reference to Title 19.120.

ANALYSIS

Project Site – The project site is a 78,510 square foot parcel located in the Waterfront Commercial (WC) zoning district. The site currently accommodates the visitor's center, public dock, public rights-of-way (People's Wharf and Martin Way), cruise ship berths, and parking. The property is not located within the Historic District, but given the public spaces and uses surrounding this area, the propane tanks must be enclosed and disguised in a manner that blends with the existing building.

Habitat – No known habitats that are protected by the Land Use Code exist on the site. The site is partially located within a Flood Zone VE at elevation twenty (25) feet. VE Zones are areas subject to inundation by the 1-percent-annual-chance flood event with additional hazards due to storm-induced velocity wave action. The development would need to comply with flood regulations, which may require additional elevating standards.

Conformity with Adopted Plans

Comprehensive Plan 2013 – **Yes**

- Complies with future land use map designations (Marine Commercial).
- Complies with Chapter 5 – Economic Development.
    - *Policy 5.6 To encourage tourism, convention and other visitor-related activities through the development of appropriate facilities and services, while protecting Juneau's natural, cultural, and economic attractions for local residents and visitors alike, and to participate in the accommodation of the future growth of tourism in a manner that addresses both community and industry concerns.*
- Complies with Chapter 10 – Land Use.
    - *Policy 10.12 To designate and reserve waterfront land with adequate services and in appropriate locations for water-dependent recreation, public access, and*

commercial/industrial activities while protecting important fish and wildlife habitat and other coastal resources.

Long Range Waterfront Plan – **Yes**

- Complies with Chapter 3 Long Range Waterfront Plan.
  - *3.1 Long Range Plan Overview - Greater Cultural Venues for Residents and Visitors. A greater size and variety of cultural and historic venues, inclusive of expansion to the State Museum and Centennial Hall and introduction of a new Aviation and Waterfront History Center is proposed under the Plan. Redevelopment of the AEL&P building as a mixed-use cultural, educational, and commercial venue is also envisioned.*

Title 49 – ***Yes***

- Complies with CBJ 49.25.300(a)(4) Accessory Uses.

Title 53 – **Yes**

- Complies with CBJ 53.09.310 Use Permits.

FINDINGS

A review of adopted plans and codes indicates that the proposed use of CBJ-owned land for Tracy's Crab Shack located adjacent to People's Wharf complies with the Comprehensive Plan, 2004 Long Range Waterfront Plan, Title 49, and Title 53. A building permit is required to install the propane tanks.

RECOMMENDATION

The Director recommends that the Planning Commission adopt the findings, analysis, and recommends that if the Docks & Harbor Department approves the Use Permit, it should include the following conditions, per CBJ 53.09.310:

1. Use Permit shall expire on November 1, 2017. Propane tanks, signage, and the addition for the crab shack must be removed from the site by November 1, 2017.
2. The applicant shall post a cash bond ($5,000) for removal of the propane tanks and screening, and the crab shack at the corner of the building.
3. Propane tanks must be enclosed and disguised from view and must meet Fire Code standards.
4. Any signs planned shall receive a sign permit prior to installation.

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		CSP 20170005	3/6/17

TYPE OF PROJECT REVIEW:

☒ City Project Review ☐ City Land Acquisition /Disposal ☐ State Project Review

DESCRIPTION OF PROJECT Use permit for a portion of people's wharf

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S): pedestrian way

PROPOSED USE OF LAND OR BUILDING(S): food service

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☒ No ☐ Yes Case No.: _____

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: $_____

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.

CITY/STATE PROJECT FEES

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

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

&

EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT

TO BE COMPLETED BY THE APPLICANT

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

USE PERMIT APPLICATION FOR PROPERTY OWNED AND MANAGED BY THE CITY AND BOROUGH OF JUNEAU

Application No. [ ]
Staff only

Assesor's No. LC07K8302 72'
Assessor's number available using the CBJ Assessor's Database: http://www.juneau.org/assessordata/sqlassessor.php

Legal name of applicant(s) William Heuman

Mailing address 6000 Thane Road, Juneau, AK 99801

1. Legal description of property where the use permit is to be located (attach map)

PEOPLE'S WHARF - 108

Tidelands Addition Bl 83 Lt 13

2. Existing parcel size
Square feet: 4747 Acres: [ ]
Parcel (lot) size available using the CBJ Assessor's Database: http://www.juneau.org/assessordata/sqlassessor.php

3. Existing utilities
Water: On Site [✓] Public [ ] None [ ]
Sewer: On Site [✓] Public [ ] None [ ]
Utilities information available using the CBJ Assessor's Database: http://www.juneau.org/assessordata/sqlassessor.php

4. Access ROADED

5. Provide a brief description of your proposal:

SEE ATTACHED. Proposed use is for two 30' diameter propane tanks and "crab shack" at SW corner of Bldg.

Application for a Use Permit on City and Borough of Juneau Property – Land & Resources Code

- **53.09.310 - Use permits.**

(a) *Purposes.* Permits for less than one year for the use of City and Borough owned land may be granted by the manager after review and an opportunity to comment by the planning commission for nonconsumptive uses which do not cause or require significant damage to the property when it is certain that the use can be completed within one year or when an application is pending for an easement, sale or lease of the parcel to the permit applicant. Permits shall be nonexclusive unless otherwise provided in the permit.

(b) *Application and fee.* An application for a use permit shall be filed with the manager and shall be accompanied by plans, reports, a narrative and other material sufficient to permit evaluation of the proposed activities of the applicant in the permit area. The application shall be accompanied by a base fee of $15.00 plus an amount determined by the manager to be sufficient to cover the cost of an appraisal of the permit right requested.

(c) *Departmental and commission comment.* The completed application shall immediately be referred to the planning commission, the engineering department, the planning department and such other departments as the manager determines may have an interest in the land or proposed activities. Unless the manager determines that the issuance of the permit would be contrary to the public interest, the manager, upon full consideration of the departmental and commission comments, may issue a permit to the applicant with such restrictions and conditions as appropriate. If any department or the commission has submitted a written objection to the issuance of the permit, or has submitted a requested restriction which the manager's designee does not propose to include in the permit, the manager's designee shall deliver written notice of the decision to the director of that department or the planning commission, as appropriate, at least three working days before the permit is issued. The commission or the director of such department may appeal the matter to the manager.

(d) *Permit fee.* The permit fee shall be the appraised value of the permit. Prior to issuance of the permit, the applicant shall pay to the City and Borough an amount equal to the value of any materials, timber, or other resources which will be damaged cut, or removed from the permit area. The manager shall determine the value of resources of any marketable materials, timber or other resources within the easement area which will be destroyed, cut or removed. If the manager determines that a survey of the permit area should be made, the permittee shall provide such a survey prior to making any use of the permit.

(e) *Improvements and changes.* No improvements or changes to improvements may be made in a permit area unless first approved by the manager.

(f) *As-built plans.* Upon the construction of any improvements in the permit area, the permittee shall immediately provide the manager with complete, accurate, and legible as-built drawings of the improvement. Upon making any changes or additions to such improvements, the permittee shall provide the manager with as-built drawings showing such changes or additions.

(g) *Revocability.* Use permits issued under this section are revocable at the sole discretion of the manager. Upon issuing a notice of revocation to the permit holder, the manager may also require the permit holder to remove any improvements placed within the permit area and to restore the permit area to its original condition or such lesser condition as the manager may authorize. The City and Borough shall not be liable to the permit holder or any other person for any costs, losses or damage arising out of the revocation or order to remove improvements and restore the permit area.

(h) *Security for restoration.* The manager may require such security for restoration as appropriate.

PEOPLE'S WHARF PERMIT APPLICATION

Narrative March 3, 2017

On February, 23, 2017 the Docks and Harbors Board agreed to initiate the process of a Use Permit for lands under their jurisdiction adjoining People's Wharf located at 108 People's Wharf. The applicant is applying for this Permit on behalf of its' tenant, Tracy's Crabshack. The proposed use is to provide for two 30" diameter propane tanks enclosed by a shelter and to accommodate a "crabshack" at the southwest corner of the building. The total area of the use permit is .

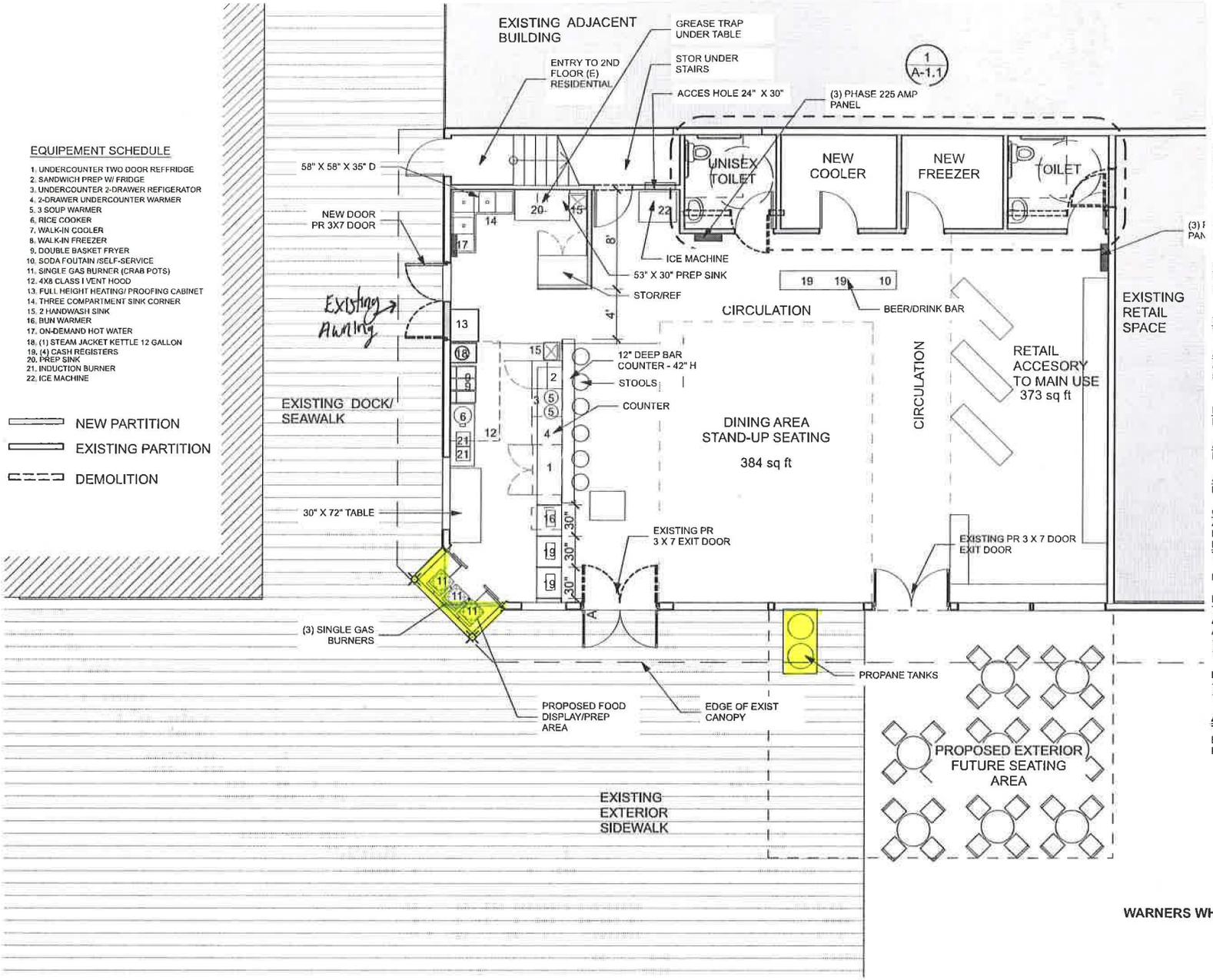
The applicant has consulted with the Fire Marshall who agreed that the proposed location propane tanks is in accordance with the Fire Code. Amerigas was consulted and it was determined that it is possible to fill the tanks while parking the propane truck in the loading zone located alongside People's Wharf. The tanks will be enclosed by a shed-like structure. Signage will be placed there to identify the propane tanks.

The "crab shack" will be developed in the "crab shack style" for which Tracy's Crabshack is so well known. Inside the crabshack will be three propane-fired cauldrons for cooking king crab. It is worth noting that the crab is precooked and flash frozen in the winter during king crab season. Therefore, the cooking is essentially reheating. Most of the odor of cooking crab is associated with the precooking done elsewhere during crab season.

The window at the location of the crabshack will be replaced with a door. The crab will be brought to the crabshack area from the interior of the building and cooked. The cooked crab will then be taken back into the restaurant through the door. Food will not be served from the crabshack. It will be possible patrons to observe the cooking process.

A condition of approval by the Docks and Harbors Board is that there be no attachments to the concrete under the propane tanks or the wood under the crabshack. The Use Permit will be for the 2017 tourist season and is temporary. The condition of the permit areas is to be the same after the removal of the improvements as it was before.

Changes to CBJ Ordinance to authorize the City Manager to approve a permit to allow this applicant to make use of a 20' x 20' area in the right-of-way known as People's Wharf will have been acted upon by the CBJ Assembly prior to the Planning Commission meeting. This concept has been reviewed by the Lands Committee, the City Manager's Office, Lands and Resources, Engineering, and Streets. Applicant anticipates the changes to the ordinances will have been approved and that the Manager's Office will issue a permit. The 20' x20' area adjoining the People's Wharf Building will be used as outside seating for the restaurant.



EQUIPEMENT SCHEDULE

1. UNDERCOUNTER TWO DOOR REFFRIDGE
2. SANDWICH PREP W/ FRIDGE
3. UNDERCOUNTER 2-DRAWER REFIGERATOR
4. 2-DRAWER UNDERCOUNTER WARMER
5. 3 SOUP WARMER
6. RICE COOKER
7. WALK-IN COOLER
8. WALK-IN FREEZER
9. DOUBLE BASKET FRYER
10. SODA FOUTAIN /SELF-SERVICE
11. SINGLE GAS BURNER (CRAB POTS)
12. 4X8 CLASS I VENT HOOD
13. FULL HEIGHT HEATING/ PROOFING CABINET
14. THREE COMPARTMENT SINK CORNER
15. 2 HANDWASH SINK
16. BUN WARMER
17. ON-DEMAND HOT WATER
18. (1) STEAM JACKET KETTLE 12 GALLON
19. (4) CASH REGISTERS
20. PREP SINK
21. INDUCTION BURNER
22. ICE MACHINE

NEW PARTITION
EXISTING PARTITION
DEMOLITION

LEGAL DESCRIPTION

432 SOUTH FRANKLIN STREET
ZONING - WC
PROPOSED USE -
CONVERT EXISTING MERCANTILE (M) TO ASSEMBLY A-2 TYPE USE.

INTERNATIONAL BUILDING CODE 2009 EDITION (I.B.C.)

OCCUPANCY CLASSIFICATION(S):
GROUND FLOOR: A-2 (PROPOSED)
2nd FLOOR: R-2 (EXISTING)

TYPE OF CONSTRUCTION:
TYPE VB, SPRINKLERED

ALLOWABLE FLOOR AREA, TABLE 503:
A-2 11,500 FOR TYPE V-A (2,062 sf PROPOSED)
R-2 12,000 FOR TYPE V-A (2,062 sf PROPOSED)

NEW CONSTRUCTION FLOOR AREA:
NONE

ALLOWABLE STORIES:
NONE APPLICABLE, NO STORIES ADDED

ACTUAL STORIES AND HEIGHT:
EXISTING BUILDING IS 2-STORY

OCCUPANT LOAD
A-2 384 SF/ 5 SF = 76
KITCHEN 343 SF / 200 SF = 2
RETAIL 392 SF / 30 SF = 13
TOTAL 91

R-2 2,062 SF / 200 SF = 10

NUMBER OF FIXTURES
TABLE 2902.1
A-2
ADA WATER CLOSET EXISTING
1 MALE
1 FEMALE

LAVATORIES EXISTING
1 MALE
1 FEMALE

AREA SEPARATIONS
TABLE 508.3.3
Between A and R OCCUPANCIES, SPRINKLERED IS 1 HOUR,

GROUND FLOOR LIMITED TENANT IMPROVEMENT PLAN

SCALE: 1/8" = 1'-0"

PERMIT SET - 02/14/17

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

1" ACTUAL

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

TRACY'S CRAB SHACK

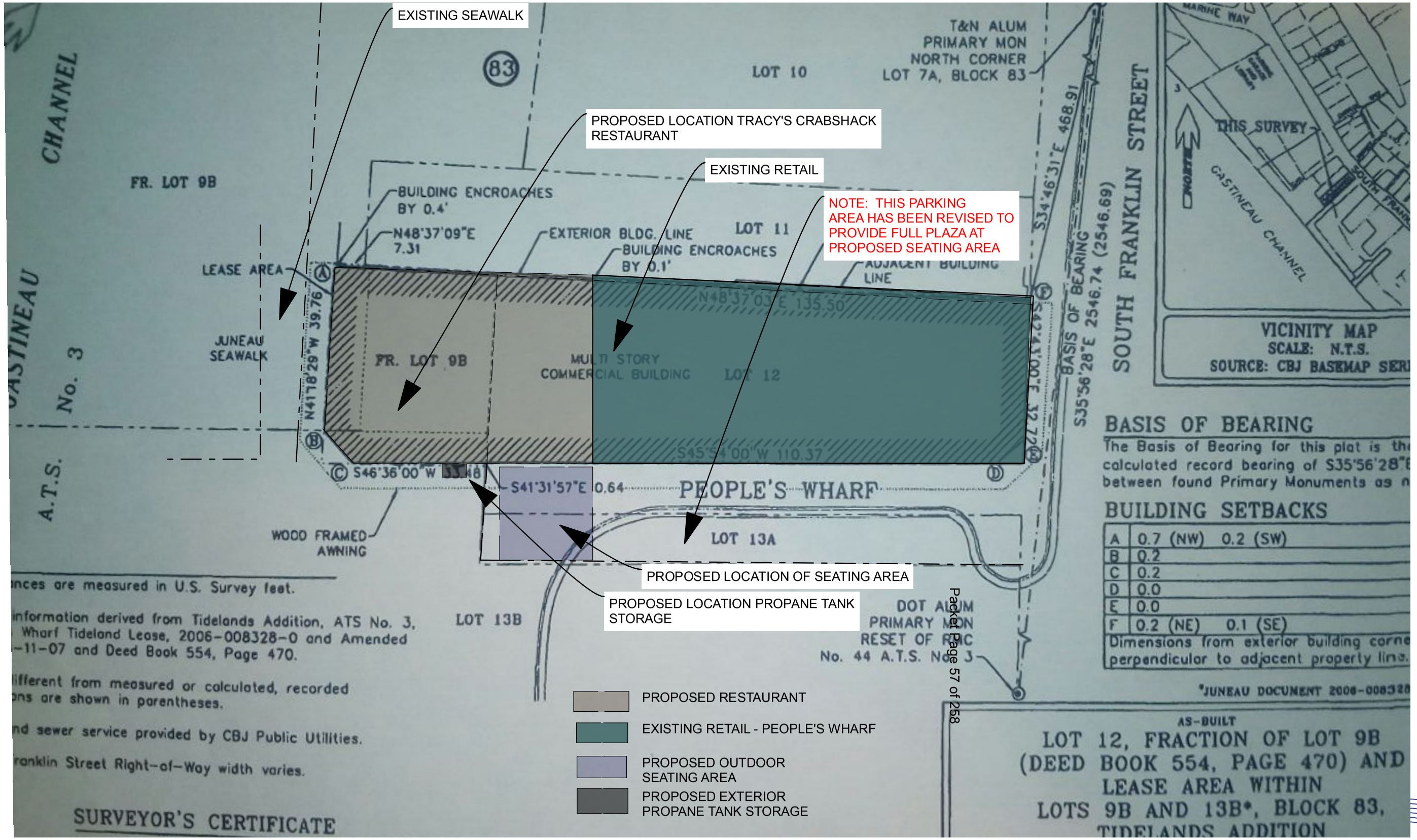
NWA-1651
Juneau, AK 99801

SHEET TITLE:
FLOOR PLAN / CODE REVIEW

CHECKED DH
DRAWN RE

SHEET #
A-001

PLOT DATE 3/14/17
ISSUE DATE 02/09/2017



1 SITE USE DIAGRAM

SCALE: 1" = 20'

NorthWind Architects, LLC

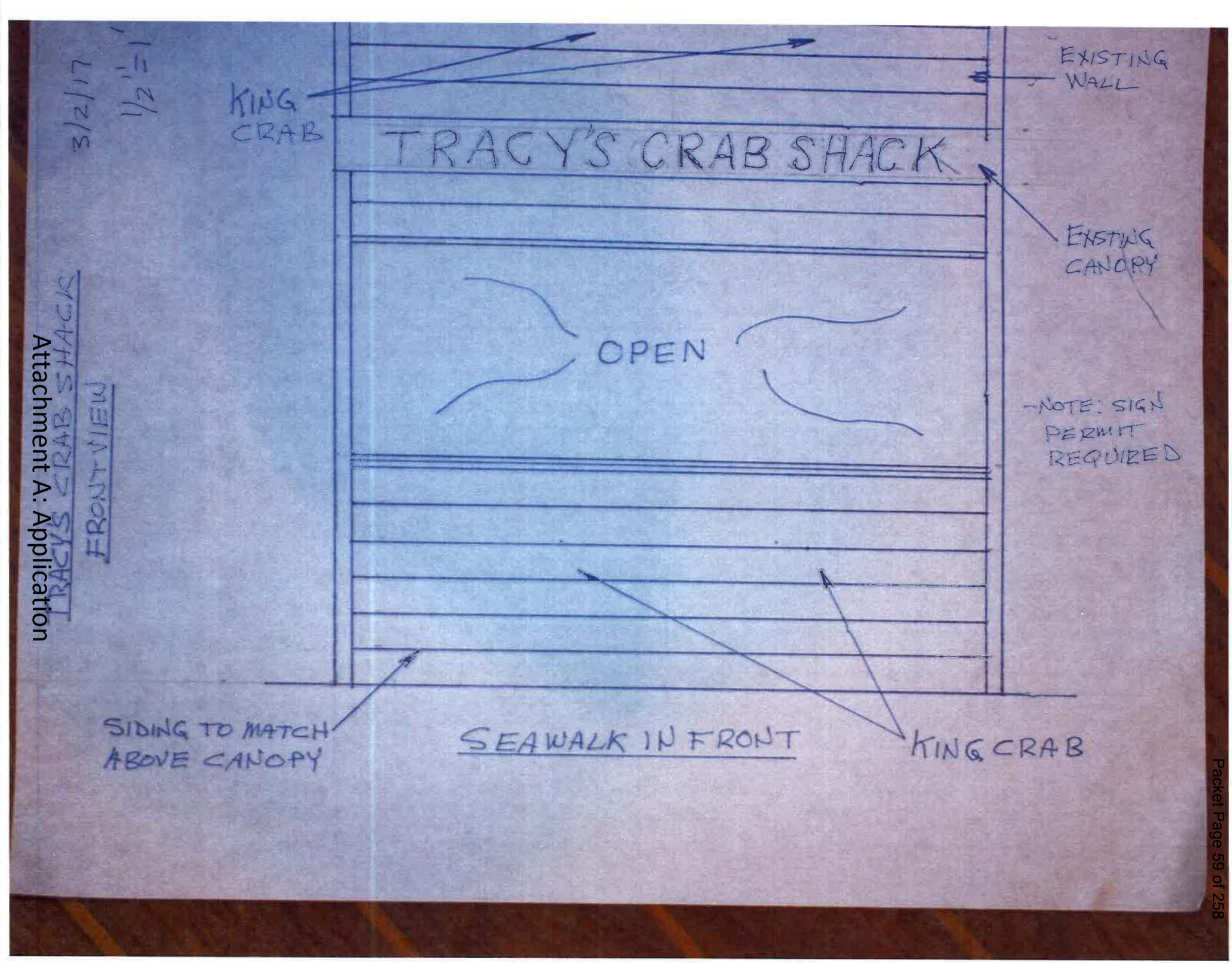
Parcel #	Street Address	Legal Description 1
1C070K830~~070~~ 12	PEOPLE'S WHARF 108	TIDELANDS ADDITION BL 83 LTS ~~9 FR &~~ 13 ~~12~~

Owner's Name and Address

WILLIAM C HEUMANN
6000 THANE RD
JUNEAU AK
99801

Previous Owner	Site Value	Building PV	Total PV
	$ 1708900.00	$ 1361100.00	$ 3070000.00
Use Code	**Exempt**	**Zoning**	**Tax Year**
Commercial Misc	No Data	Waterfront - Commercial	2016
Number of Units	**Year Built**		**Gross Living Area**
003	2006		N/A
Garage	**Garage Area**	**Lot Size**	**Last Trans**
No	N/A	4747.00 sq. ft.	0000
City Water Available	**City Sewer Available**		
Yes	Yes		
Exempt Land	**Exempt Building**	**Exempt Total**	**Road/No Road**
N/A	N/A	N/A	Roaded

Back

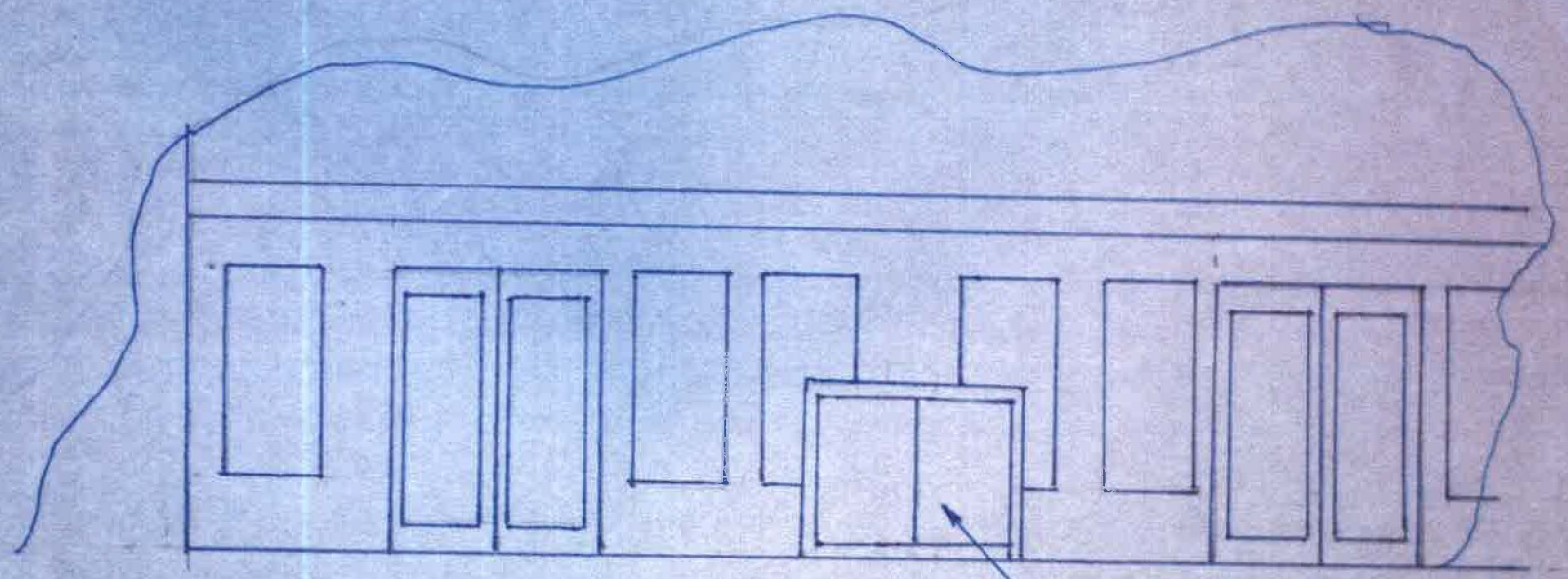

3/2/17
1/2" = 1'
TRACY'S CRAB SHACK
FRONT VIEW
KING CRAB
EXISTING WALL
TRACY'S CRAB SHACK
EXISTING CANOPY
OPEN
NOTE: SIGN PERMIT REQUIRED
SIDING TO MATCH ABOVE CANOPY
SEAWALK IN FRONT
KING CRAB

3/16 = 1"

FRONT ELEVATION

DEPICTING PROPANE SHELTER "PEOPLE'S WHARF"

PEOPLE'S WHARF
USE PERMIT
APPLICATION



PROPANE SHELTER
CONTAINING 2 - 30" X 54"
124 GAL VERTICAL TANKS

PROHIBITION:
NO IMPROVEMENTS ALLOWED BY THIS USE PERMIT TO BE CONNECTED TO THE DOCK OR SIDEWALK (NO ANCHOR BOLTS).

NOTES: · SHELTER TO BE WOOD FRAME CONSTRUCTION WITH SIDING & PAINT TO MATCH EXISTING BUILDING.

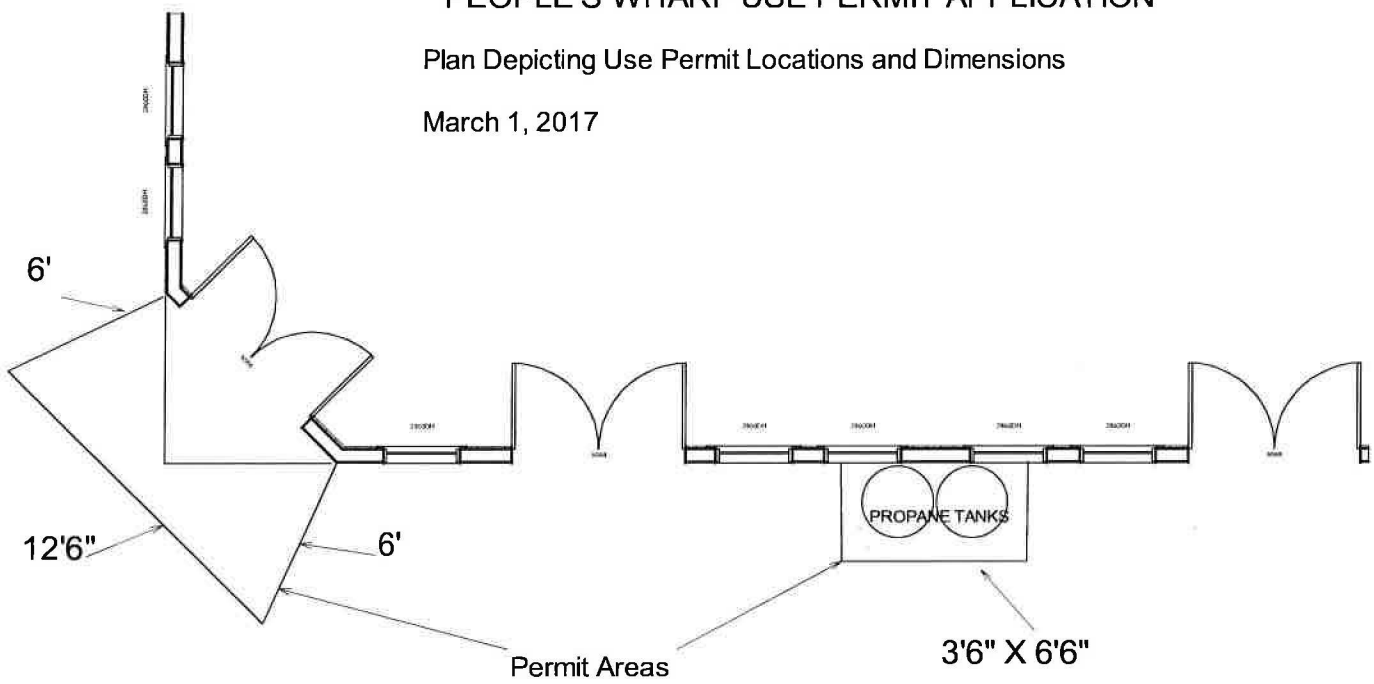
SHELTER TO BE TEMPORARY AND ANCHORED TO BUILDING.

3/1/2017

PEOPLE'S WHARF USE PERMIT APPLICATION

Plan Depicting Use Permit Locations and Dimensions

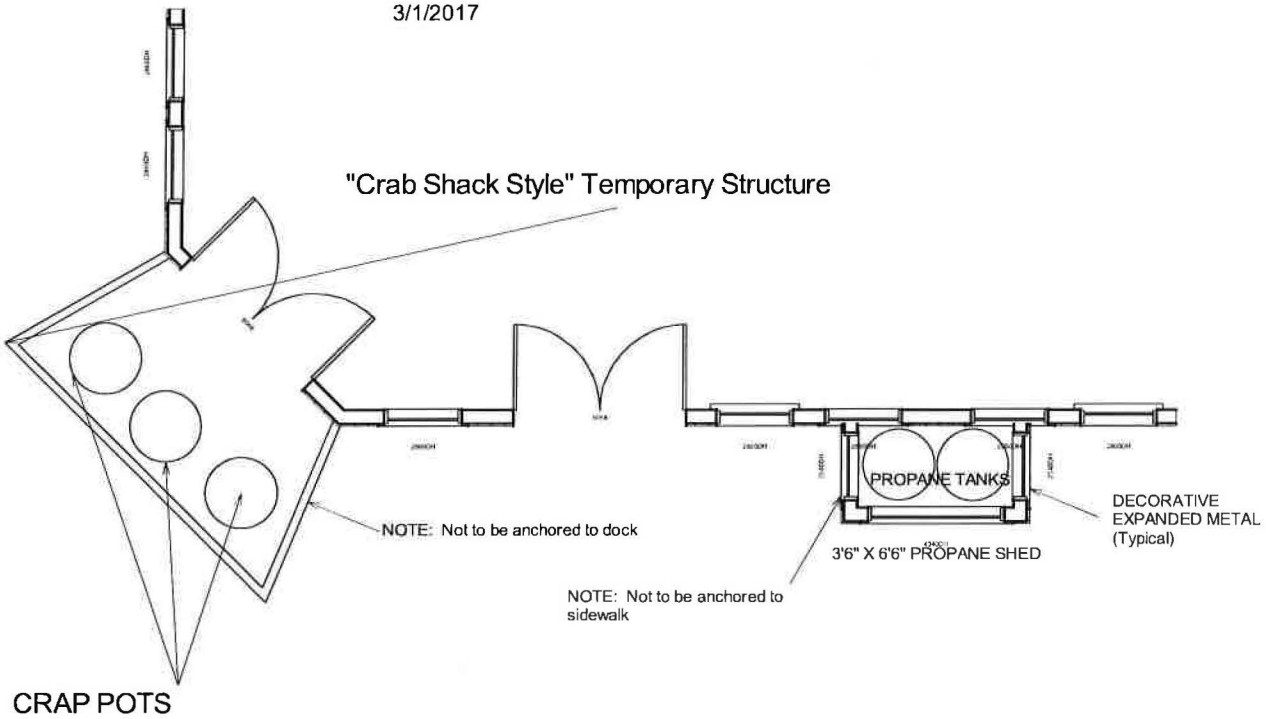
March 1, 2017

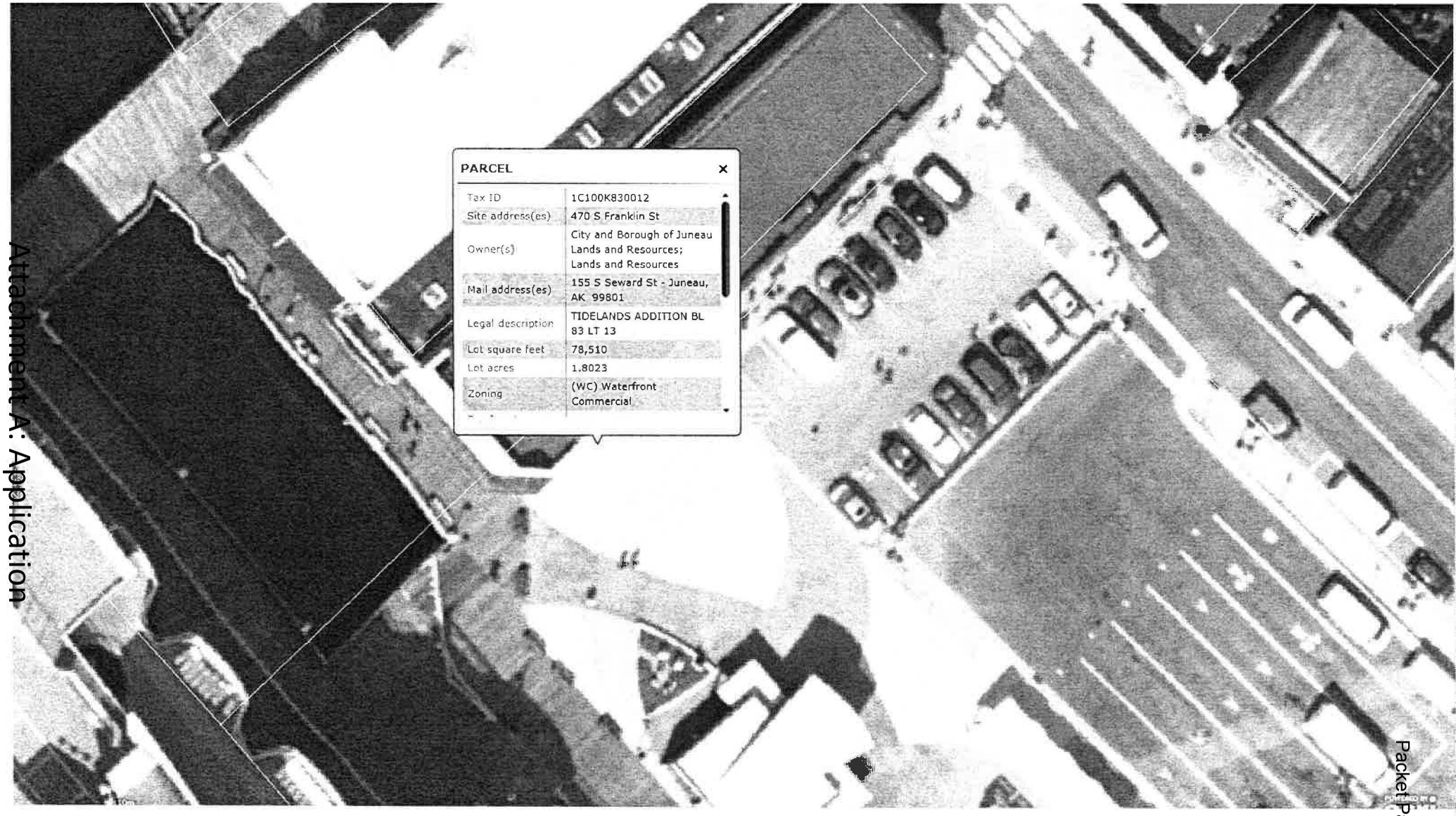


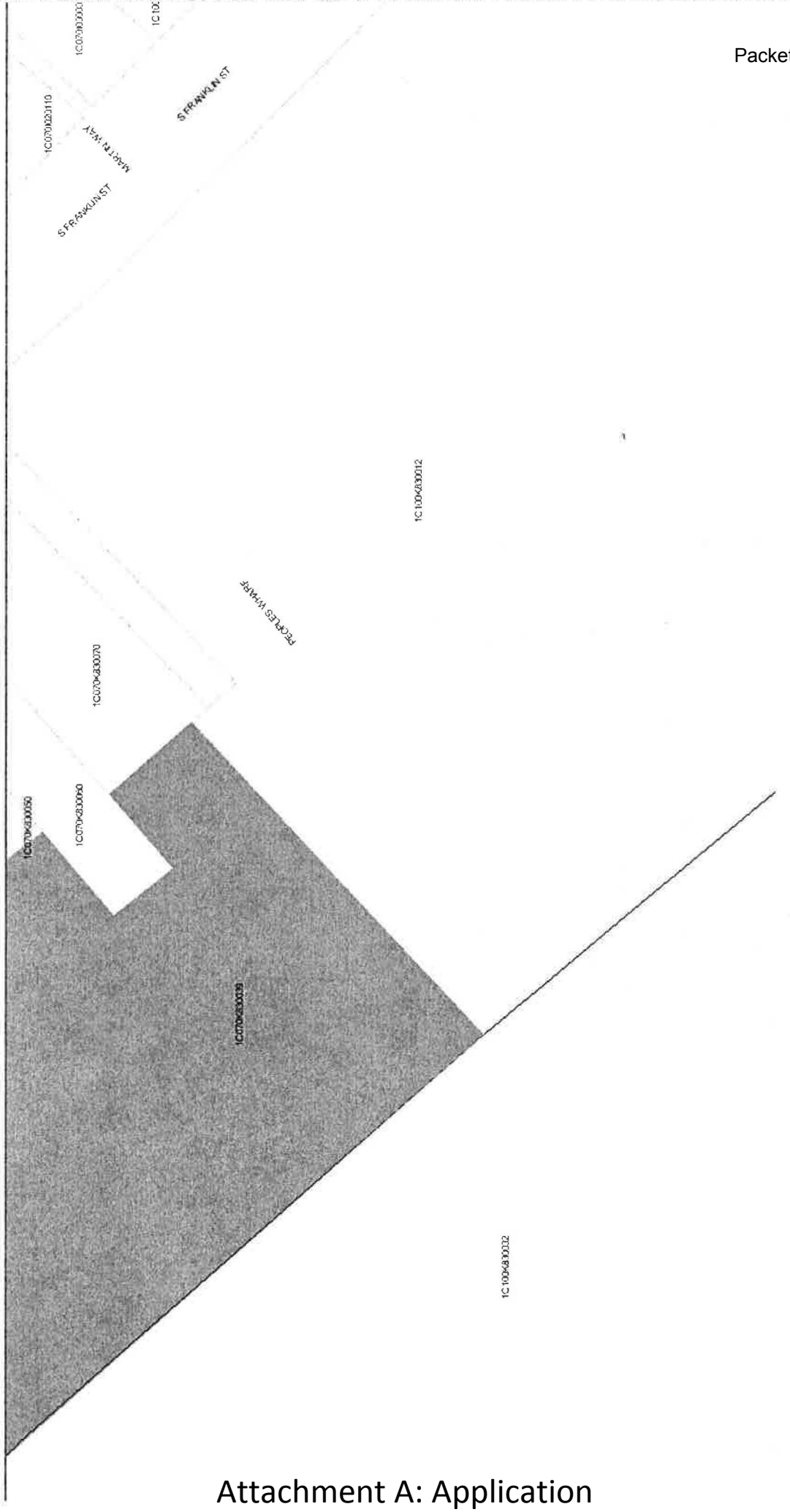
PEOPLE'S WHARF USE PERMIT APPLICATION

PLAN DEPICITING IMPROVEMENTS

3/1/2017

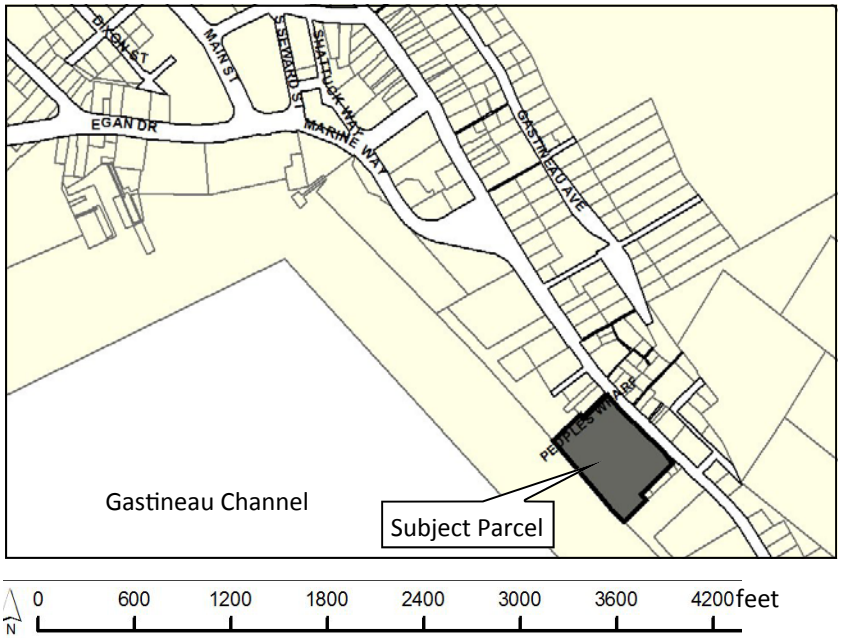



PARCEL
Tax ID 1C100K830012
Site address(es) 470 S Franklin St
Owner(s) City and Borough of Juneau Lands and Resources; Lands and Resources
Mail address(es) 155 S Seward St - Juneau, AK 99801
Legal description TIDELANDS ADDITION BL 83 LT 13
Lot square feet 78,510
Lot acres 1.8023
Zoning (WC) Waterfront Commercial



Attachment A: Application

NOTICE OF PUBLIC HEARING



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

SHIP TO:

PROPOSAL: Seasonal use of a portion of People's Wharf for temporary food services.

File No:	**CSP2017 0005**	**Applicant:**	**William C Heuman & Marjorie J Menzi**
To:	**Adjacent Property Owners**	**Property PCN:**	**1-C10-0-K83-001-2**
Hearing Date:	**April 25, 2017**	**Owner:**	**City & Borough of Juneau**
Hearing Time:	**7:00 PM**	**Lot Size:**	**1.8023 Acres**
Place:	**Assembly Chambers**	**Zoned:**	**WC**
	Municipal Building	**Site Address:**	**470 S Franklin Street**
	155 South Seward Street	**Accessed Via:**	**Franklin Street**
	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.

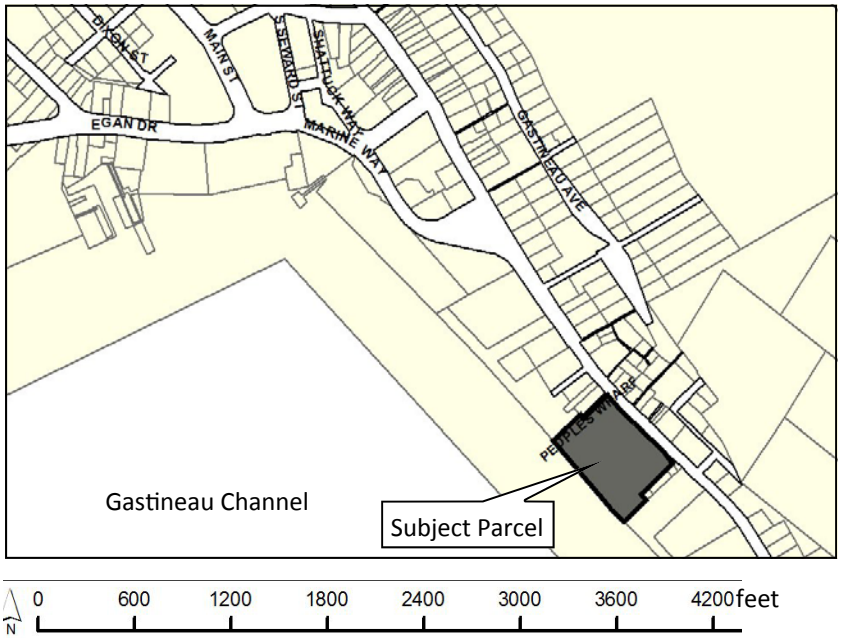
If you have questions, please contact Jill Maclean at Jill.Maclean@juneau.org or (907) 586-0756.

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

Date notice was printed: March 22, 2017

Attachment B: Public Notice

NOTICE OF PUBLIC HEARING



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

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CSP2017 0005

A City Project Review for the

Use Permit for Docks & Harbor to permit the use of CBJ property located at People's Wharf for a small addition and siting of propane tanks for Tracy's Crab Shack.

Regular Planning Commission Hearing

April 25, 2107

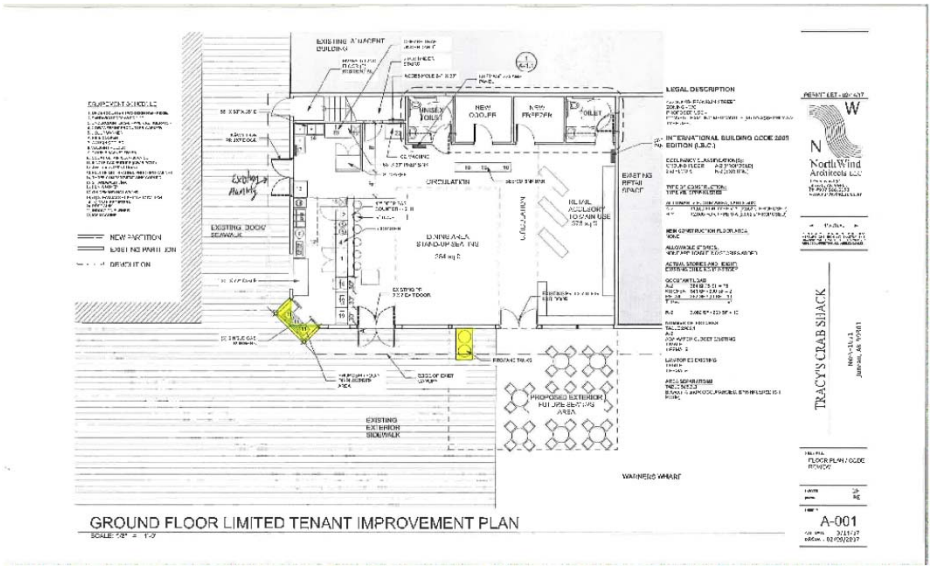
CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

CSP2016 0004

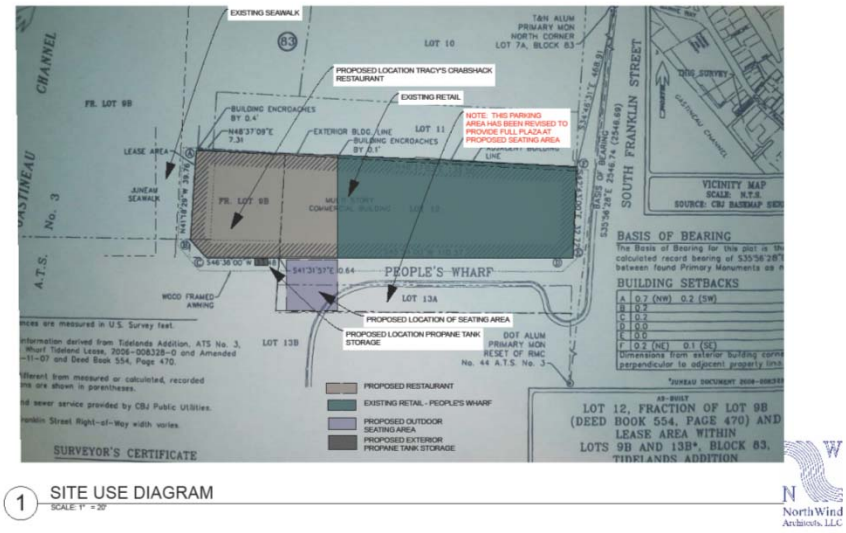
Applicant:	CBJ Docks & Harbor / William Heuman
Property Owner:	CBJ
Property Address:	470 South Franklin Street (People's Wharf)
Site Size:	1.8023 Acres
Zoning:	Waterfront Commercial
Utilities:	CBJ Water & Sewer
Access:	South Franklin Street
Existing Land Use:	Waterfront / Dock

Aerial Photo

Site Plan



Site Diagram



1 SITE USE DIAGRAM
SCALE 1" = 20'

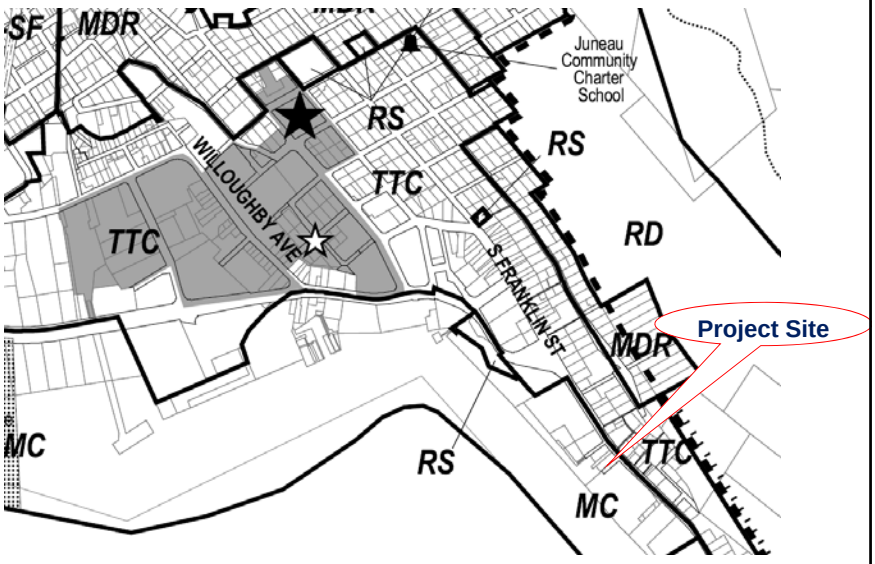
NorthWind Architects, LLC

Site Photo

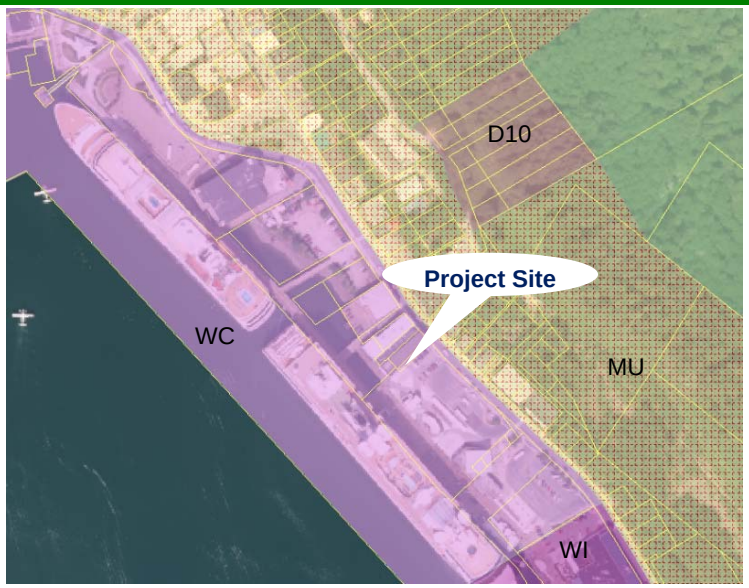
Site Plan

Comp Plan

CSP2017 0005



Area Zoning



Findings

FINDINGS

A review of adopted plans and codes indicates that the proposed use of CBJ-owned land for Tracy's Crab Shack located adjacent to People's Wharf complies with the Comprehensive Plan, 2004 Long Range Waterfront Plan, Title 49, and Title 53. A building permit is required to install the propane tanks.

Recommendation

RECOMMENDATION

The Director recommends that the Planning Commission adopt the findings, analysis, and recommends that if the Docks & Harbor Department approves the Use Permit, it should include the following conditions, per CBJ 53.09.310:

- Use Permit shall expire on November 1, 2017. Propane tanks, signage, and the addition for the crab shack must be removed from the site by November 1, 2017.
- The applicant shall post a cash bond ($5,000) for removal of the propane tanks and screening, and the crab shack at the corner of the building.
- Propane tanks must be enclosed and disguised from view and must meet Fire Code standards.
- Any signs planned shall receive a sign permit prior to installation.

CSP2017 0005

A City Project Review for the

Use Permit for Docks & Harbor to permit the use of CBJ property located at People's Wharf for a small addition and siting of propane tanks for Tracy's Crab Shack.

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

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: April 26, 2017
File No.: CSP2017 0005

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal:	Planning Commission Recommendation to the City and Borough Assembly regarding a Use Permit for Docks & Harbor to permit the use of CBJ property located at People's Wharf for a small addition and siting of propane tanks for Tracy's Crab Shack.
Property Address:	470 South Franklin Street
Legal Description:	Lot 13C, Block 83, Tidelands Addition
Parcel Code No.:	1-C10-0-K83-001-2
Hearing Date:	April 25, 2017

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 13, 2017, and recommended that if the Docks & Harbor Department approves the Use Permit, it should include the following conditions, per CBJ 53.09.310:

1. Use Permit shall expire on November 1, 2017. Propane tanks, signage, and the addition for the crab shack must be removed from the site by November 1, 2017.
2. The applicant shall post a cash bond ($5,000) for removal of the propane tanks and screening, and the crab shack at the corner of the building.
3. Propane tanks must be enclosed and disguised from view and must meet Fire Code standards.
4. Any signs planned shall receive a sign permit prior to installation.

Attachments: April 13, 2017 memorandum from Jill Maclean, AICP, Senior Planner, Community Development, to the CBJ Planning Commission regarding CSP2017 0005.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

Project Planner: _____
Jill Maclean, AICP, Senior Planner
Community Development Department

_____
Benjamin Haight, Chair
Planning Commission

_____
Filed With City Clerk

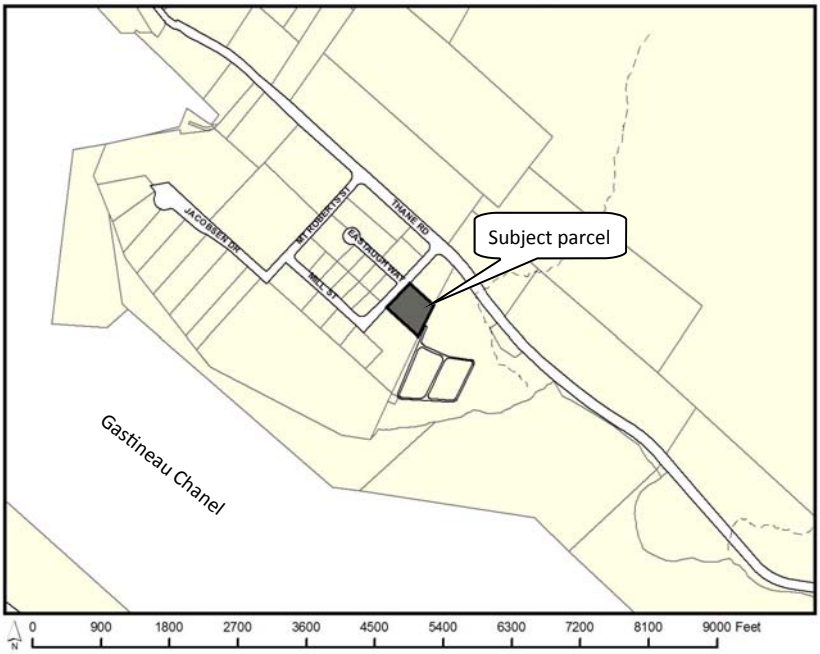
April 28, 2017
_____
Date

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. The CBJ and project 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.

NOTICE OF PUBLIC HEARING

NOTE: *You are being sent this notice again because the case has been rescheduled and will be heard by the Planning Commission on April 25, 2017.*



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

SHIP TO:

PROPOSAL: Conditional Use Permit to allow an indoor exercise facility in an Industrial zone.

File No:	**USE2017 0001**	**Applicant:**	**Tongass Crossfit**
To:	**Adjacent Property Owners**	**Property PCN:**	**1-C11-0-K15-000-1**
Rescheduled Hearing Date:	**April 25, 2017**	**Owner:**	**Thane Condominium Association Inc.**
Hearing Time:	**7:00 PM**	**Lot Size:**	**1.3946 Acres**
Place:	**Assembly Chambers**	**Zoned:**	**Industrial**
	CBJ Municipal Building	**Site Address:**	**125 Mill Street**
	155 South Seward Street	**Accessed Via:**	**Mill Street**
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Allison Eddins at Allison.Eddins@juneau.org or (907) 586-0758.

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

Date notice was printed: April 3, 2017

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: April 14, 2017

TO: Planning Commission

FROM: Allison Eddins, Planner
Community Development Department

FILE NO.: USE2017 0001

PROPOSAL: Conditional Use Permit to allow an indoor exercise facility in an Industrial zone.

GENERAL INFORMATION

Applicant:	Tongass Crossfit
Property Owner:	Thane Condominium Association Inc.
Property Address:	125 Mill Street, Unit 14
Legal Description:	Alaska Juneau IV-II, Block A, Lot 2
Parcel Code Number:	1-C11-0-K15-000-1
Lot Size:	60,747 square feet
Comprehensive Plan Future Land Use Designation:	Heavy Industrial (HI)
Zoning:	Industrial (I)
Utilities:	Public Water and Sewer
Access:	Mill Street
Existing Land Use:	Boat Storage Unit
Surrounding Land Use:	North - Industrial/ Marijuana Cultivation and Retail Facility South - Industrial/ Princess Tours bus storage East - Industrial/CBJ Wastewater Treatment Facility West - Industrial/Storage Facilities

VICINITY MAP

ATTACHMENTS

Attachment A – Permit Application
Attachment B – Project Narrative
Attachment C – Site Plan
Attachment D – On-site Parking & Circulation Plan
Attachment E – Public Comment
Attachment F – Public Notice

PROJECT DESCRIPTION

Tongass Crossfit, a 1,033 square foot indoor exercise facility, is currently operating without a Conditional Use Permit inside Unit 14 of the Thane Boat Condominium. Ryan Johnson, the owner of Tongass Crossfit, is also leasing Unit 13 and has plans to expand the business into both

units in the near future. The expansion would create a 2,208 square foot facility. This staff report evaluates a 2,208 square foot exercise facility.

Tongass Crossfit is a "members-only" exercise facility that currently has 40 members. It is expected that expanding the facility as planned will attract additional members. The facility is open Monday through Friday, 6:00am to 7:30pm, and Saturday, 8:00am until 3:30pm, and offers personal training, group classes and open gym time. The group classes tend to be the largest. Currently the facility has a maximum capacity of eight students with one instructor. When the facility expands into Unit 13, the group class size capacity will increase to 16 students with one instructor (Attachment B – Project Narrative).

BACKGROUND

Tongass Crossfit has been operating in the Thane Boat Condominium since 2015 without an approved Conditional Use Permit. The owner of Tongass Crossfit, Mr. Johnson, had a pre-application conference in December 2015 with staff from CBJ Community Development, General Engineering, and Fire, but no application was submitted. An enforcement letter was sent in December 2016 with a deadline of January 2, 2017 to submit a Conditional Use Permit Application. The application was submitted on January 3, 2017, and no enforcement action was taken.

The subject lot was platted in 1999 (plat 99-01) as Lot 2 of the Alaska Juneau Subdivision. The Thane Boat Condominium was constructed in 2014. The Condominium received a variance to reduce the front yard setback from 10 feet to 4 feet (VAR2014-0011). There are 22 storage units and one caretaker unit on the property.

ANALYSIS

Boat condominiums are classified in the Table of Permissible Uses as 10.000: *Storage, Parking, Moorage,* subcategory 10.210: *All storage within completely enclosed structures*. This use does not require a Conditional Use Permit in the Industrial zone.

The Crossfit facility is classified in the Table of Permissible Uses as 6.000 *Recreation, Amusement, Entertainment,* subcategory 6.120: *Tennis, racquet ball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges.* These facilities do require a Conditional Use Permit in the Industrial zone.

CBJ 49.15.330 Conditional use permit

(a) Purpose. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, size of that or the surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determination appropriate to the individual site. The commission may

attach to the permit those conditions listed in subsection (g) of 49.15.330 as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

Project Site – The Thane Boat Condominiums is a warehouse/storage development that received a Certificate of Occupancy in 2014. The lot is held in common ownership under the Thane Condominium Association. The lot is 60,747 square feet and is zoned Industrial. Industrial zoning districts require a ten foot setback for front and rear yards and a zero foot setback for side yards. As mentioned earlier, this development received a Variance to reduce the front yard setback to four feet. The units are individually owned. One of the units has a mezzanine level caretaker apartment. The 22 units that make up the Thane Boat Condominiums are split between two steel buildings; one building facing northeast with twelve units and the second building facing southwest has ten units and one caretaker unit (Attachment C – Site Plan). The lot is accessed by a 30 foot wide ingress/egress driveway off of Mill Street. Mill Street is owned and maintained by CBJ. The project site is surrounded by industrial and commercial uses which include a CBJ wastewater treatment facility, marijuana cultivation and retail facility, Princess Tours bus storage, Alaska Marine Lines loading dock, and various warehouses.

Project Design – The applicant is currently operating Tongass Crossfit inside Unit 14, which is 1,033 square feet. Unit 14 has an ADA compliant restroom and water fountain. If the Conditional Use Permit is approved for the continued use and expansion, the facility will continue to operate inside Unit 14 and will expand into Unit 13, which is 1,075 square feet. The front of each unit has a boat garage door with a smaller person door to the left. The applicant has plans to connect the two units either by removing the separating wall or by constructing a wide doorway. The CBJ Building Division did note that a building permit and a change of use permit will be needed for the continued operation of an exercise facility inside a boat condominium.

Traffic – The Institute of Transportation Engineers' Traffic Generation Manual 9th Edition provides average daily trip (ADT) estimates for health and athletic clubs. Estimates are given for weekdays and weekends. The estimates are based on 1,000 square feet of gross floor area.

	ADT for Tongass Crossfit at current size	ADT for Tongass Crossfit with expansion
Weekday	33 trips	66 trips
Saturday	21 trips	42 trips

CBJ 49.40.300 (a) requires a traffic impact analysis to be conducted when a development is expected to generate 500 or more ADT. Even with the proposed expansion this use will **not** generate sufficient traffic to require a traffic impact study. Traffic accesses the site via Mill Street, and CBJ Streets Department had no concerns with this project.

Parking and Circulation – As mentioned earlier, the Thane Boat Condominiums are categorized as warehouse/storage. The parking requirement for warehouse/storage is 1 space for every 1,000 square feet of gross floor area, thus making the parking requirement one space for each unit. However, the Thane Condominium Association has assigned each unit two parking spaces that are located directly in front of each unit's garage door and corner units are assigned one additional parking space. Unit 13 is a corner unit. Therefore there are five on-site parking spaces for Crossfit clients (Attachment D - Parking and Circulation Plan).

Minimum parking requirements are calculated according to the uses listed in CBJ 49.40.210. However, indoor exercise facilities are not listed. Title 49 provides direction for this type of circumstance.

CBJ 49.40.200 (3) Uses not specified. In the case of uses not listed, the requirements for off-street parking shall be based on the requirements for the most comparable use specified.

Indoor exercise facilities have been previously categorized similarly to a swimming pool. Most recently this was applied to USE2014-0001 for a yoga studio in an industrial zone. The minimum parking requirement for a swimming pool is one space for every four people based on pool capacity. This indoor exercise facility currently has a maximum capacity of eight students plus the instructor, making the minimum parking requirement three spaces. With the proposed expansion, the facilitie's capacity will increase to 16 students plus the instructor thus increasing the minimum parking requirement to five. As mentioned earlier, the applicant is currently providing five on-site parking spaces.

Minimum Parking Required by Code

Use	Maximum capacity currently / with expansion	Parking Requirement currently / with expansion
Indoor exercise facility (1 space for every 4 people based on capacity)	**9** (8 students + 1 instructor) / **17** (16 students + 1 instructor)	**3** spaces / **5** spaces

CBJ 49.40.210 (b) (3) requires one of the spaces to be ADA compliant, and no loading space is required.

According to the applicant, the majority of customers drive solo and a 4:1 carpooling ratio is unrealistic. Additionally, staff received public comment from condominium owners who cited parking as a major concern (Attachment E - Public Comment). Staff recommends that additional parking beyond the minimum required by Title 49 be provided. Recommending more parking spaces than the code requires is not unprecedented. It was most recently done in 2008 with a dance studio located in a residential district (USE2008-00019). The dance studio had 20 students and the Code required a minimum of five parking spaces. Since most of the dance

students were couples and arrived at the studio together, the Planning Commission determined that ten parking spaces should be provided for the students. For Tongass Crossfit these additional spaces will have to be located off-site since there is no additional parking available on-site. These additional spaces must be within 500 feet of the facility, as required by CBJ49.40.200 (4) (D). Within this distance, staff found two properties that have excess parking that the applicant may be able to lease. The applicant has received verbal confirmation from one of the neighboring property owners that he has eight parking spaces that would be available for lease by Tongass Crossfit. A formal lease agreement will not take place until after approval of the conditional use permit. Staff recommends that a copy of this formalized agreement showing that Tongass Crossfit will have satisfied the parking requirement below be provided to CDD.

Staff's Recommended Parking

Use	Recommended Parking current capacity / with expansion
Indoor exercise facility	9 spaces / 17 spaces

Per CBJ 49.40.210 (b) (3), Tongass Crossfit will still have to provide one ADA accessible space.

As a condition of approval, staff recommends that a minimum of nine parking spaces at current capacity be provided and 17 spaces be provided when the facility expands. Currently the applicant has 5 on-site spaces and the ability to lease 8 off-site spaces. To meet the recommended number of parking spaces, the applicant will need to find 4 additional off-site spaces to lease. Any parking agreement that Tongass Crossfit enters into will include a maintenance agreement for snow removal and will be notarized and a copy of the agreement will be provided to the Community Development Department. The applicant will have 30 days from the date of approval of the Conditional Use Permit to have an approved parking plan and to submit copies of any parking agreement(s) to the Community Development Department. When the applicant applies for a building permit for the expansion, staff will require that the applicant provide a revised parking plan and parking agreement(s). Staff further recommends as a condition of approval that the parking plan be approved and copies of parking and maintenance agreements submitted prior to issuance of the Temporary Certificate of Occupancy for the planned expansion.

Staff also recommends as a condition of approval that the facility's five on-site parking spaces are demarcated with Tongass Crossfit parking signs. Staff will also advise the applicant that all customers should be made aware that on-site parking is only allowed in front of the Tongass Crossfit parking signs. Students will not be allowed to park in front of other units.

Noise – The majority of the activities associated with Tongass Crossfit will take place indoors. The facility has been operating inside Unit 14 for almost a year without any noise complaints from neighbors. As mentioned above, the surrounding uses are industrial and commercial in nature. Even with the proposed expansion, noise from the exercise facility is not expected to be

greater than expected from surrounding land uses.

Public Health or Safety –No evidence has been presented showing that this Conditional Use Permit would endanger public health and safety. Providing an indoor exercise facility has a positive effect on the health of the community.

Habitat – There are no habitat issues associated with this project.

Vegetative Cover – CBJ 49.50.300 requires that five percent of the site be maintained with live vegetative cover. For this site that means 3,023 square feet of vegetative cover is required. Using aerial images and a site visit by staff, it was determined that the vegetative cover requirement for this site is being met. No changes to existing vegetative cover are proposed by Tongass Crossfit.

Lighting – Each unit has one exterior light located directly above the entry door that projects light down toward the doorway. The existing light fixtures were approved during the Thane Boat Condominiums building review process. The applicant is not proposing to add or change exterior lighting to the building.

Property Value or Neighborhood Harmony – There is no evidence to suggest that the operation of Tongass Crossfit within the Thane Boat Condominiums will have a negative impact on property values. The applicant is not proposing any changes to the unit(s) exterior. The interior changes that the applicant is proposing (i.e. a new doorway) would be required to meet current building code standards.

The increased parking demand that this use is generating is impacting neighborhood harmony. The applicant has stated that he is aware of this. If an appropriate number of parking spaces are provided for Crossfit clients and parking is managed responsibly, the impacts to neighborhood harmony should be minimal. With the recommended condition, external impacts of the proposed use will be mitigated.

Conformity with Adopted Plans – The 2013 Comprehensive Plan Land Use Maps designate this area as HI (Heavy Industrial). Heavy Industrial is defined in the Comprehensive Plan as:

> *Land to be developed for heavy industrial uses such as large scale food production and/or processing; large-scale or industrial-related repair activities; metal fabrication; wholesale trade; manufacturing processes; warehousing; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites; aircraft facilities; and other similar large-scale or noisy and/or noxious industrial activities. Some recreational uses should be permitted, including sport vehicle, All Terrain Vehicle (ATV) or snowmobile*

> *motor-course facilities, shooting ranges, and other similar noise-generating uses. Residential, office, retail, and personal service uses are not to be allowed, except that residential caretaker facilities should be permitted.* (Emphasis added)

In Chapter 10 of the 2013 Comprehensive Plan recognizes the potential for conflicts between industrial uses and encroaching retail or residential development. In order to protect the scarce resource of industrial lands from encroachment by incompatible uses, the plan includes the following policy and implementing actions:

POLICY 10.7 TO DESIGNATE ON LAND USE AND ZONING MAPS, AND TO PROVIDE SERVICES TO, SUFFICIENT VACANT LAND WITHIN THE URBAN SERVICE AREA APPROPRIATELY LOCATED TO ACCOMMODATE FUTURE COMMERCIAL AND INDUSTRIAL USES.

10.7 - IA1 Maintain and improve design review procedures to ensure that proposals for commercial (retail, office and institutional) development are evaluated with regard to site design, building placement, parking, landscaping, exterior lighting, screening and buffers, signage and other factors related to surrounding properties, land uses and public facilities.

10.7 - IA2 Identify and protect from land use conflicts potential sites for light industrial and heavy industrial uses.

Staff also reviewed Chapter 5 of the 2013 Comprehensive Plan for policies that are relevant to economic development.

POLICY 5.1 TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS

POLICY 5.10 TO ENCOURAGE RESIDENTS AND BUSINESSES TO “LOOK LOCAL FIRST” FOR PURCHASES OF GOODS AND SERVICES

POLICY 5.18 TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA

The 2004 Long Range Waterfront Master Plan identifies this area as Area E: AJ Rock Dump. The Plan calls for the area to continue to be an important economic engine and logistics point for the community by preserving and encouraging a continuation of waterfront dependent and industrial uses.

The Tongass Crossfit is a relatively new business in Juneau and is owned and operated by a local resident. The exercise facility is not consistent with the future land use designation identified in the Comprehensive Plan or the Long Range Waterfront Master Plan. It is however, consistent with policies contained in the Economic Chapter of the Comprehensive Plan. Title 49 currently

allows an indoor exercise facility to obtain a Conditional Use Permit to operate in the Industrial zone.

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit 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.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 6.120 for the Industrial zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 14, 2017 and April 24, 2017 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. No evidence has been presented showing that this Conditional Use Permit would endanger public health and safety. Providing an indoor exercise facility has a positive effect on the health of the community.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. There is no evidence to suggest that the proposed development would decrease the value of surrounding properties. With the recommended parking conditions, the impacts to neighborhood harmony will be minimal.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The proposed development is in conformity with the land use plan, Title 49, and the development of a private business in Juneau is supported by the Comprehensive Plan.

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

7. Will the proposed development comply with the Juneau Coastal Management Program?
N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **approve** the requested Conditional Use Permit for the continued operation and eventual expansion of an indoor exercise facility in an industrial zone.

The approval is subject to the following conditions:

1. A minimum of 9 parking spaces at current capacity and 17 spaces with expanded capacity will be provided. One ADA space is required by Code.

2. Any parking agreement that Tongass Crossfit enters into will include a maintenance agreement for snow removal and will be notarized and a copy of the agreement will be provided to the Community Development Department.

3. The applicant will have 30 days from the date of approval of this Conditional Use Permit to have an approved parking plan and provide copies of any parking and maintenance agreement(s).

4. When the applicant applies for a building permit for the expansion, the applicant will also provide a revised parking plan and a revised parking and maintenance agreement(s). The parking plan for the expanded facility must be approved and copies of parking and maintenance agreements submitted prior to issuance of the Temporary Certificate of Occupancy.

5. The facility's five on-site parking spaces shall be demarcated with Tongass Crossfit parking signs. Customers shall be made aware that on-site parking is only allowed in front of the Tongass Crossfit parking signs.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
USE20170001		1-3-17

Project Name (City Staff to Assign Name): TONGA'S CROSSFIT

PROJECT / APPLICANT INFORMATION

Project Description
CONDITIONAL USE PERMIT TO ALLOW AN INDOOR EXERCISE FACILITY IN AN INDUSTRIAL ZONE

PROPERTY LOCATION

Street Address	City/Zip
125 MILL ST.	JUNEAU AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
ALASKA JUNEAU IV-11 BLK A LOT 2

Assessor's Parcel Number(s)
1C110K150001

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
STEVE BOX	STEVE	
Mailing Address	Home Phone: 907.321.0596	Fax Number:
E-mail Address	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: 1/3/17

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:
GEORGE "RYAN" JOHNSON	RYAN	
Mailing Address 5989 SUNSET ST. JUNEAU AK 99801	Home Phone: 907.723.9845	Fax Number:
E-mail Address tongasscrossfit@gmail.com	Other Contact Phone Number(s):	

X _____ Applicant's Signature — Date of Application: 1/3/17

---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)	☑	1-3-17	USE20170001
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe) _____			

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

Comments:

Permit Intake Initials: AJF

Attachment A - Permit Application

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

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
	TONGASS CROSSFIT	USE20170001	1/3/17

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)

☒ Use Listed in §49.25.300 (Table of Permissible Uses) (USE)

Please list the Table of Permissible Uses Category: 6.120

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

INDOOR CROSSFIT GYM, COACHED FITNESS CLASSES

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S): INDUSTRIAL STORAGE

PROPOSED USE OF LAND OR BUILDING(S): COACHED FITNESS

UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot _____ square feet Total Area of Existing Structure(s) 1000 square feet

Total Area of Proposed Structure(s) 0 square feet

EXTERNAL LIGHTING:

Existing to remain ☐ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed ☐ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☑ Site Plan
☑ Floor Plan of proposed buildings
☐ Elevation view of existing and proposed buildings
☐ Proposed Vegetative Cover
☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)

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.

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$500.00	1051	88663	
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$50	1052	88663	
Pub. Not. Sign Deposit	$100	1052	88663	
Total Fee	$650			1-3-17

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

TO BE COMPLETED BY THE APPLICANT

Bhagavati Braun

From: Ryan Johnson <akicebum@gmail.com>
Sent: Thursday, March 30, 2017 3:01 PM
To: Allison Eddins
Subject: Tongass CrossFit

What We Are/What We Do:

We offer coached strength and conditioning classes as well as open gym hours for our members to lift under supervision. In unit 14 we currently try to keep class sizes to a maximum of 8 per session. Occasionally, have some overflow and have had as many as 11 people at one time. When we expand into unit 13 our desired class size will be a maximum of 12 with the ability to (on rare occasions)accommodate 16 if necessary.

Currently we operate:
M, W, F: 6-7am, 12-1pm, open gym 230-430, 430-530, 530-630
T, TH: personal training 6-7am, 12-1pm, open gym 230-430, 430-530, 530-630,
on ramp 630-730
Saturday: 8-9 personal training, 930-330 open gym

Near Future Plans:

In 2017 we are building a small, unroped, climbing area. With that we intend to expand our hours of operation M-F from 630-9pm and Saturday and Sunday from 12-8 (this will be in flux while our membership grows. These are the max hours we hope to be open. In addition, we hope to expand our personal training. Personal training sessions can take place during our closed daytime hours and open gym.

Periodically, we will be hosting specific classes and programs. These will take place during daytime hours not listed above. These will include kids courses, competitions as well as yoga and cycling.

Things to Note:

With all of this we do have a maximum number of people we can accommodate on these premises (thinking 16, but plan for 12). We also view this space as temporary and are looking to expanding to a second location in the next 2-3 years. In general there will only be one employee working during any of these time slots listed above.

I am aware that this is more than we've discussed previously, but I am trying to be optimistic about our growth potential.

Regards,
Ryan Johnson, Tongass CrossFit

LEGEND

- SECONDARY MONUMENT RECOVERED THIS SURVEY REBAR & CAP, R&M ENGINEERING
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN

SURVEYED
UNSURVEYED
CENTERLINE
EASEMENT
SETBACK LINE
WATER LINE
SEWER LINE
ELECTRIC
STORM DRAIN
FENCE

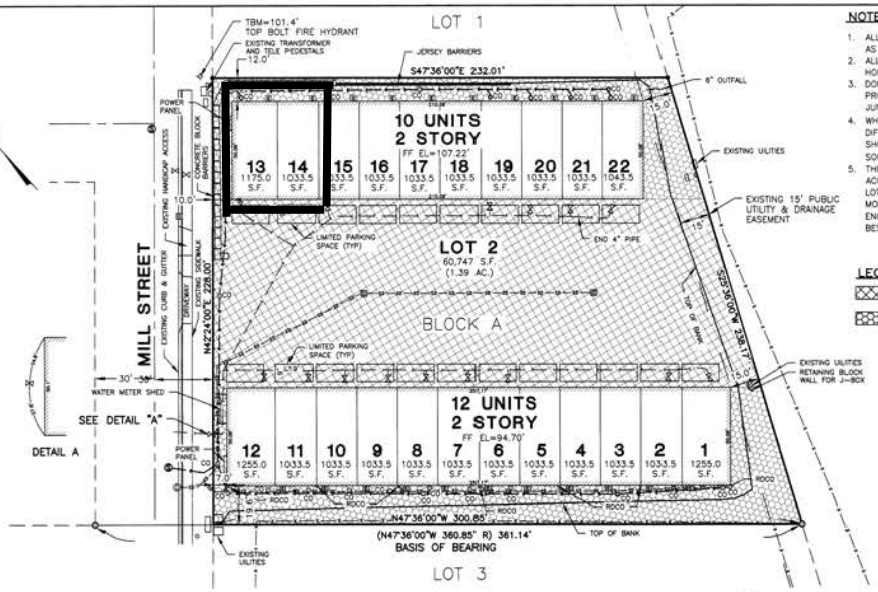
TYPICAL SECONDARY MON. 2" ALUMINUM 5/8" REBAR, 36" LONG

SANITARY MANHOLE
CLEANOUT
WATER VALVE
CATCH BASIN
STORM DRAIN MANHOLE
FIRE HYDRANT
RDCO (ROOF DRAIN CLEANOUT)
ELECTRIC

(R) = AS PER PLAT NO. 99-1

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF N47°37'40"W FROM A FOUND REBAR & CAP BEING THE SOUTHEAST CORNER OF LOT 2, BLOCK A, TO A FOUND REBAR & CAP BEING THE SOUTHWEST CORNER OF LOT 2, BLOCK A, AS SHOWN ON RECORD PLAT NO. 99-1.

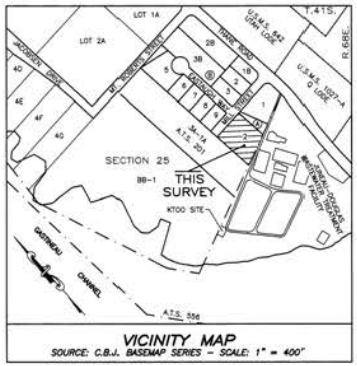


NOTES

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES
4. WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD. THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
5. THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.

LEGEND

COMMON ELEMENT
LIMITED COMMON ELEMENT



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

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT JAMES G. WILLIAMS, PRESIDENT, NORTH PACIFIC ERECTORS, INC. OWNER IN FEE SIMPLE OF THE PROPERTY HEREBY PLATTED, HEREBY DECLARES THIS PLAT AND DEDICATES THE SAME FOR CONDOMINIUM PURPOSES. NOTHING IS DEDICATED TO THE PUBLIC GENERALLY BUT ARE SPECIFICALLY DEDICATED FOR THE EXCLUSIVE USE AND BENEFIT OF THE BUSINESS UNIT OWNERS AS COMMON AREAS ACCORDING TO THE DECLARATION. THIS PLAT OR ANY PORTION THEREON SHALL BE RESTRICTED BY TERMS OF THE DECLARATION FILED UNDER BOOK _____, PAGES _____ OFFICE OF THE RECORDER, JUNEAU, ALASKA.

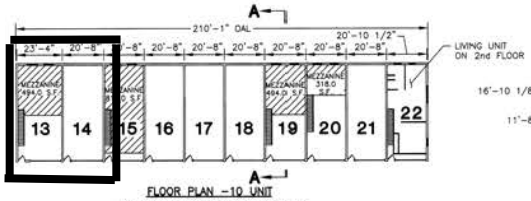
NOTARY'S ACKNOWLEDGMENTS:

STATE OF ALASKA
ON THIS 4th DAY June, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, PERSONALLY APPEARED Jim Williams

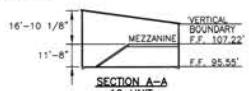
KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE FOREGOING CERTIFICATE, TO ME THAT THEY EXECUTED SAID CERTIFICATE FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.
IN WITNESS WHEREOF, I HAVE HEREUNTO AFFIXED MY SIGNATURE AND OFFICIAL SEAL THE DAY, MONTH AND YEAR IN THIS CERTIFICATE FIRST ABOVE AND THEREIN MENTIONED.

Notary Public for Alaska Janie Schenker
My Commission Expires 4/20/19

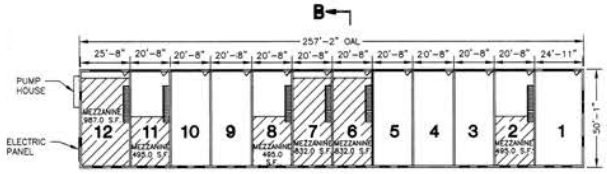
STATE OF ALASKA OFFICIAL SEAL Janie Schenker NOTARY PUBLIC My Commission Expires 04/20/2019



FLOOR PLAN –10 UNIT
2nd FLOOR MEZZANINE AS SHOWN
SCALE: 1"=30'

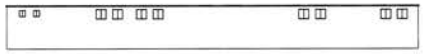


SECTION A–A
10 UNIT
N.T.S.

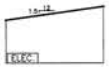


FLOOR PLAN –12 UNIT
2nd FLOOR MEZZANINE AS SHOWN
SCALE: 1"=30'

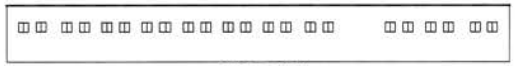
SECTION B–B
12 UNIT
N.T.S.



REAR ELEVATION
10 UNIT
SCALE: 1"=30'

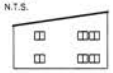


LEFT ELEVATION
10 UNIT
SCALE: 1"=30'



REAR ELEVATION
12 UNIT
SCALE: 1"=30'

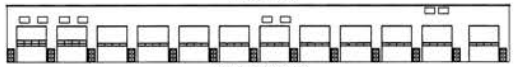
RIGHT ELEVATION
12 UNIT
SCALE: 1"=30'



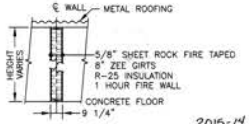
LEFT ELEVATION
12 UNIT
SCALE: 1"=30'

FRONT ELEVATION
10 UNIT
SCALE: 1"=30'

RIGHT ELEVATION
10 UNIT
SCALE: 1"=30'



FRONT ELEVATION
12 UNIT
SCALE: 1"=30'



INTERIOR COMMON WALL DETAIL
GARCO BUILDING
NOTE: WALL BETWEEN UNITS 21 & 22 IS A 2 HOUR FIRE WALL
N.T.S.

2015-14
Juneau
BY
DATE 6/16/2015
11:59 A.M.
TIME

STATE OF ALASKA 49TH J.W. BEAN No. 3650-S PROFESSIONAL LAND SURVEYOR

J.W. BEAN INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU – ALASKA
(907) 789-0590
SURVEYOR – PLANNER
PROJ: 12924-THANE-CONDOS-LOT2

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

Date 6-2-15

THANE CONDO ASSOCIATION INC., LOT 2, BLOCK A,

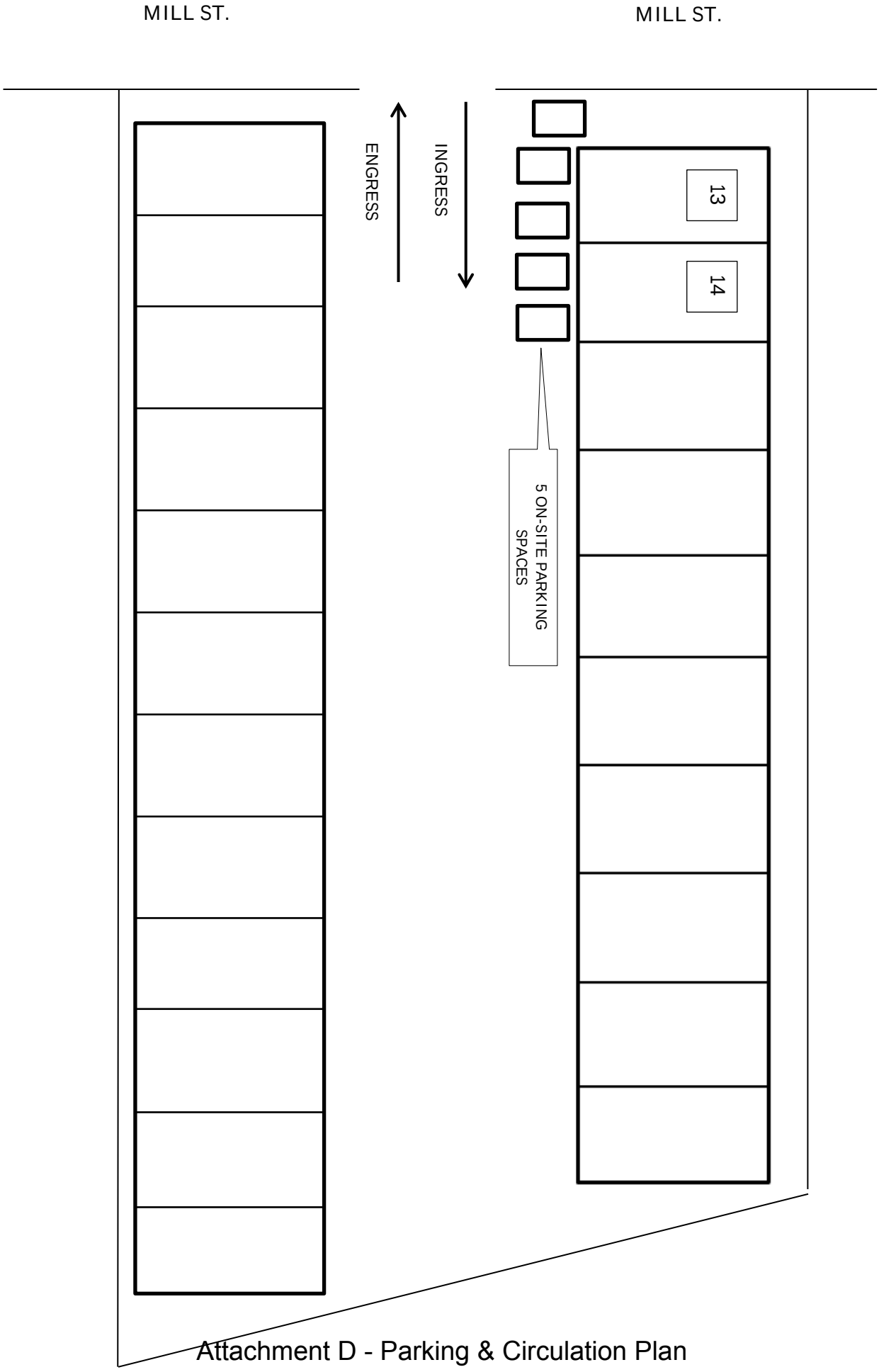
ALASKA JUNEAU SUBDIVISION IV - II,
BLOCK A, LOT 2 AS DESIGNATED ACCORDING TO PLAT NO. 99-1, JUNEAU RECORDING DISTRICT, FIRST JUDICIAL DISTRICT, STATE OF ALASKA.

OWNER:
NORTH PACIFIC ERECTORS, INC.
5719 CONCRETE WAY
JUNEAU, ALASKA 99801

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801

DATE: 6-01-2015 SCALE: 1"=30' SHEET 1 OF 1

E:\GDM\BEAN\12924-THANE\12924-THANE-CONDOS-LOT2.DWG 6/01/2015 12:26:08 PM AST



Attachment D - Parking & Circulation Plan

DATE: March 27, 2017

TO: Planning Commission
City and Borough of Juneau

RE: Conditional Use Permit
File No USE2017 0001
Applicant: Tongass Crossfit

Dear Commission Members:

We are owners of a boat condo that is on the other side of the parking lot from the unit that is has been used as an unpermited indoor exercise facility for the last year and a half. We strongly oppose the application for the Conditional Use Permit that is just now before you for consideration.

This is a business whose success relies on numbers of customers being on the premise all at the same time, using the equipment, taking classes. Parking at this property—two spaces in front of each unit--is not adequate to accommodate this high traffic business. The Thane Condominium Association's governing rules state "All parking associated with any unit is ***strictly limited to the space in front of that unit***. Any owner or lessee, renter or assignee of an individual unit seeking to use their unit as part of a business that may involve retail customers and present issues related to parking ***must confine all associated parking activity to the two spaces in front of that unit."***

As you can see by the enclosed photos, taken at different times after the application was filed, that the business has not been able to comply with the rules of the owner's association. This creates a hardship for the owners like us. We have been forced to knock on doors of other units looking for the owners of vehicles blocking access to our condo. There have been times when parked vehicles were stacked two deep encroaching on the public area between the two buildings and limiting the required turning radius needed to pull out or put back our boat.

We ask that the conditional use permit be denied. This high traffic retail business is not compatible with the intended use and the governing rules of the property.

Thank you for your consideration.

Sincerely,

Iola Young
Thomas Aberle
Unit 8
Thane Boat Condominiums
125 Mill St.

(907)321-2747

Bhagavati Braun

From: Ryan Johnson <akicebum@gmail.com>
Sent: Monday, April 10, 2017 1:43 PM
To: Allison Eddins
Subject: Fwd: Unit 13/14 proposal

---------- Forwarded message ---------
From: Sean Boily <sean@northwindarch.com>
Date: Fri, Apr 7, 2017 at 1:12 PM
Subject: RE: Unit 13/14 proposal
To: Ryan Johnson <akicebum@gmail.com>

Hi Ryan - was there an attachment file, or is you proposal simply what is in the text below?

Because it is a concern of the association members, we need a statement from you addressing parking and site use. Like how many spaces you are providing and anticipate needed.

Duration of member visits may affect your parking need - if every one is not there all the time, or simultaneously, you parking need may be somewhat mitigated. That may be a discussion point with the City should they give you difficulty regarding parking.

For business you have 3 paces in front of 13 and two spaces in front of 14. You may be able to double-park an employee space next to 13 - not sure how much room there is next to the building. You will need to be directing your patrons to park on the street if those spaces are full.

Sean Boily

From: Ryan Johnson [mailto:akicebum@gmail.com]
Sent: Friday, April 07, 2017 10:36 AM
To: Sean Boily <sean@northwindarch.com>
Subject: Unit 13/14 proposal

Good morning Sean,

I spoke with Allison Eddins at CBJ this morning. I've included the proposal that I sent to CBJ for the conditional use permit. There are four conditions I must meet in order for the permit to be approved and they are all centered around parking. I am reaching out to neighboring businesses to see if I can lease space for member parking. It will be the only way that CBJ will allow us to continue to do business at our current location. Though we have not solved the problem, it is something we are addressing presently.

Aside from Frontier Storage LLC and Steve Box, the only other people directly involved in the management of our business are:

Ryan Johnson (me) 907-723-9845

Logan Lott 907-957-7170

We love our location and have done our best to be good and respectful neighbors. I appreciate your kind words on our behalf. If there is ever anything you need or want to discuss please don't hesitate to ask. In addition if you'd like to come by and talk in person and walk through and discuss our plans I'd be happy to do that as well.

What We Are/What We Do:

We offer coached strength and conditioning classes as well as open gym hours for our members to lift under supervision. In unit 14 we currently try to keep class sizes to a maximum of 8 per session. Occasionally, have some overflow and have had as many as 11 people at one time. When we expand into unit 13 our desired class size will be a maximum of 12 with the ability to (on rare occasions)accommodate 16 if necessary.

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Things to Note:

With all of this we do have a maximum number of people we can accommodate on these premises (thinking 16, but plan for 12). We also view this space as temporary and are looking to expanding to a second location in the next 2-3 years. In general there will only be one employee working during any of these time slots listed above.

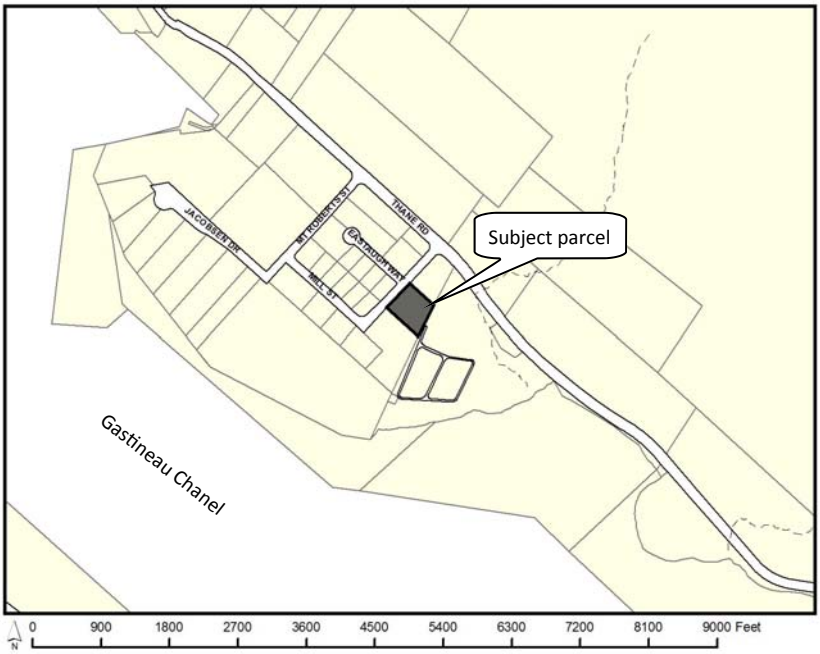
I am aware that this is more than we've discussed previously, but I am trying to be optimistic about our growth potential.

Regards,

Ryan Johnson, Tongass CrossFit

NOTICE OF PUBLIC HEARING

NOTE: *You are being sent this notice again because the case has been rescheduled and will be heard by the Planning Commission on April 25, 2017.*



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

SHIP TO:

PROPOSAL: Conditional Use Permit to allow an indoor exercise facility in an Industrial zone.

File No:	USE2017 0001	Applicant:	Tongass Crossfit
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K15-000-1
Rescheduled Hearing Date:	April 25, 2017	Owner:	Thane Condominium Association Inc.
Hearing Time:	7:00 PM	Lot Size:	1.3946 Acres
Place:	Assembly Chambers	Zoned:	Industrial
	CBJ Municipal Building	Site Address:	125 Mill Street
	155 South Seward Street	Accessed Via:	Mill Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Allison Eddins at Allison.Eddins@juneau.org or (907) 586-0758.

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

Attachment F - Public Notice

Date notice was printed: April 3, 2017

USE2017 0001
A Conditional Use Permit for an indoor exercise facility in an Industrial Zone

Regular Planning Commission Hearing
April 25, 2107

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

USE2017 0001

Applicant: Ryan Johnson dba Tongass Crossfit

Property Address: 125 Mill Street

Comprehensive Plan Future
Land Use Designation: Heavy Industrial

Zoning: Industrial

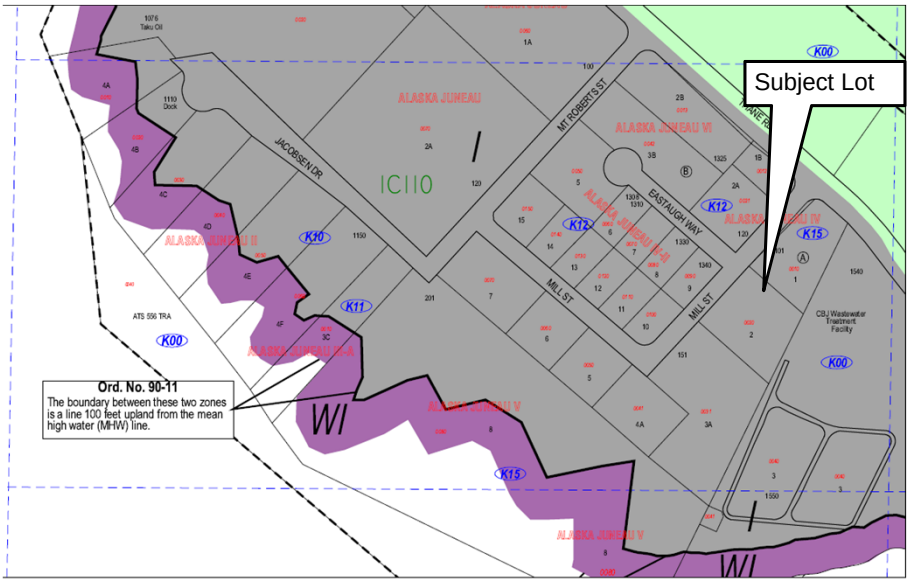
Utilities: CBJ water/sewer

Access: Mill Street

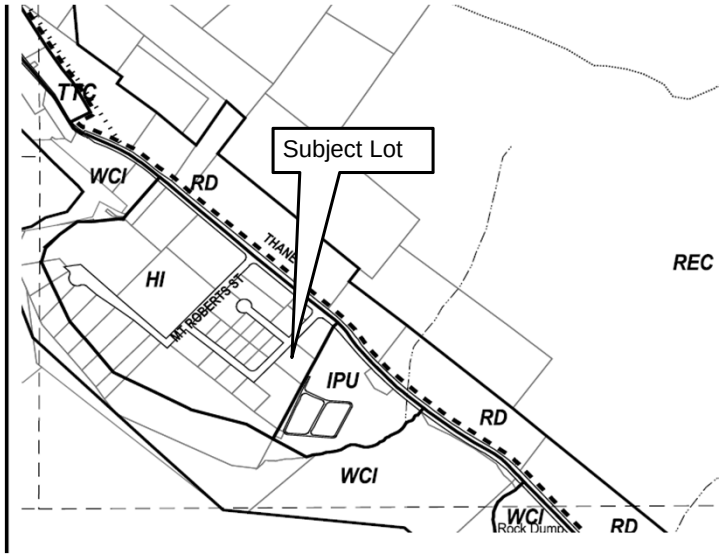
Existing Land Use: Boat Condo

USE2017 0001 — Aerial Photo

USE2017 0001 — Zoning Map



USE2017 0001 Land Use Designation



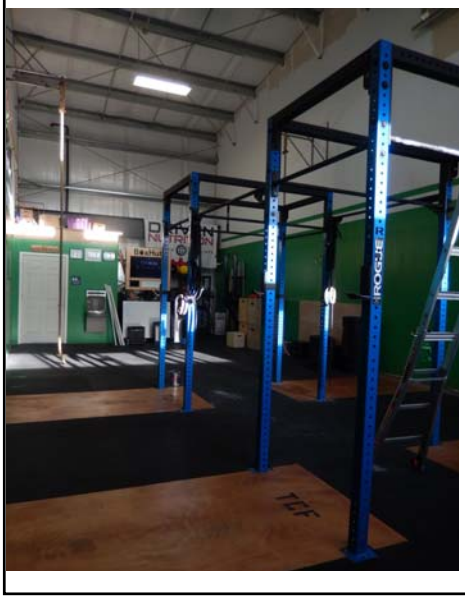
USE2017 0001 Tongass Crossfit

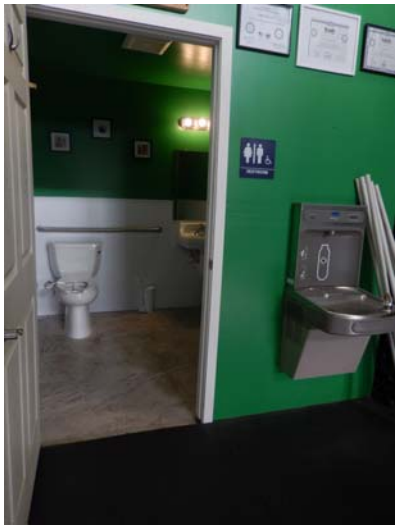
- Business Hours: Monday – Friday 6:00 am to 7:30pm
  Saturday 8:00am to 3:30pm

- Currently operating inside Unit 14 of the Thane Boat Condos
- Would like to expand into Unit 13

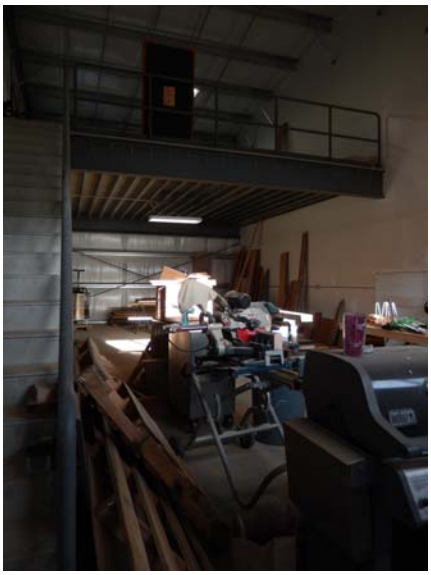
- Current capacity is 9 people (8 students, 1 instructor)
- Expanded capacity would be 17 people (16 students, 1 instructor)

USE2017 0001 Unit 14





USE2017 0001 Unit 13



USE2017 0001 — Available On-site Parking

USE2017 0001 — Minimum Parking Requirement

CBJ49.40.200 (3) Uses not specified. In the case of uses not listed, the requirements for off-street parking shall be based on the requirements for the most comparable use specified.

Use	Maximum capacity currently / with expansion	Parking Requirement currently / with expansion
Indoor exercise facility (1 space for every 4 people based on capacity)	**9** (8 students + 1 instructor) / **17** (16 students + 1 instructor)	**3** spaces / **5** spaces

USE2017 0001 Recommended Parking Requirement

Use	Recommended Parking current capacity with expansion
Indoor exercise facility	9 spaces / 17 spaces

USE2017 0001 Further Analysis

No Issues with:

- Traffic
- Noise
- Lighting
- Vegetative Cover
- Public Health and Safety
- Habitat
- Property Values

Neighborhood Harmony: If parking is managed responsibly this project should not have a negative impact of neighborhood harmony.

USE2017 0001 — Findings

1. The application is complete.
2. The use is appropriate according to the Table of Permissible Uses.
3. Complies with public notice requirements.
4. Does not materially endanger the public health or safety.
5. With conditions will not substantially decrease the value of or be out of harmony with property in the area.
6. Is in general conformity with the land use plan.

USE2017 0001 — Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **approve** the requested Conditional Use Permit for the continued operation and eventual expansion of an indoor exercise facility in an industrial zone.

USE2017 0001 Conditions

1. A minimum of 9 parking spaces at current capacity and 17 spaces with expanded capacity will be provided. One ADA space is required by Code.

2. Any parking agreement that Tongass Crossfit enters into will include a maintenance agreement for snow removal and will be notarized and a copy of the agreement will be provided to the Community Development Department.

3. The applicant will have 30 days from the date of approval of this Conditional Use Permit to have an approved parking plan and provide copies of any parking and maintenance agreement(s).

USE2017 0001 Conditions

4. When the applicant applies for a building permit for the expansion, the applicant will also provide a revised parking plan and a revised parking and maintenance agreement(s). The parking plan for the expanded facility must be approved and copies of parking and maintenance agreements submitted prior to issuance of the Temporary Certificate of Occupancy.

5. The facility's five on-site parking spaces shall be demarcated with Tongass Crossfit parking signs. Customers shall be made aware that on-site parking is only allowed in front of the Tongass Crossfit parking signs.

USE2017 0001

A Conditional Use Permit for an indoor exercise facility in an Industrial Zone

QUESTIONS?

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

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

PLANNING COMMISSION
NOTICE OF DECISION

Date: April 28, 2017
File No.: USE2017 0001

George Johnson
5989 Sunset Street
Juneau, AK 99801

Proposal: Conditional Use Permit to allow an indoor exercise facility in an Industrial zone

Property Address: 125 Mill Street

Legal Description: Alaska Juneau IV-II Block A Lot 2

Parcel Code No.: 1-C11-0-K15-000-1

Hearing Date: April 25, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum, dated April 14, 2017, and approved the Conditional Use Permit to allow the continued operation and eventual expansion of an indoor exercise facility in an industrial zone, to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. A minimum of five (5) parking spaces at current capacity and ten (10) parking spaces for the expanded facility shall be provided. One ADA space as required by Code.

2. Any parking agreement that Tongass Crossfit enters into will include a maintenance agreement for snow removal and will be notarized and a copy of the agreement will be provided to the Community Development Department. Tongass Crossfit shall maintain a parking agreement for the minimum number of parking spaces required for the duration of their lease at the Thane Boat Condominiums.

3. The applicant will have 30 days from the date of approval of this Conditional Use Permit to have an approved parking plan and provide copies of any parking and maintenance agreement(s).

4. When the applicant applies for a building permit for the expansion, the applicant will also provide a revised parking plan and a revised parking and maintenance agreement(s). The parking plan for the

expanded facility must be approved and copies of parking and maintenance agreements submitted prior to issuance of the Temporary Certificate of Occupancy.

5. The facility's five on-site parking spaces shall be demarcated with Tongass Crossfit parking signs. Customers shall be made aware that on-site parking is only allowed in front of the Tongass Crossfit parking signs.

Attachments: April 14, 2017 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2017 0001.

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

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

Effective Date: The permit is effective upon approval by the Commission, April 25, 2017.

Expiration Date: The permit will expire 18 months after the effective date, October 25, 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: A. Eddins

Allison Eddins, Planner
Community Development Department

Benjamin C. Haight

Benjamin Haight, Chair
Planning Commission

Laurie J. Sica

Filed With City Clerk

April 28, 2017

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.

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: April 13, 2017

TO: Board of Adjustment

FROM: Tim Felstead, Planner II,
Community Development Department

FILE NO.: VAR2017 0001

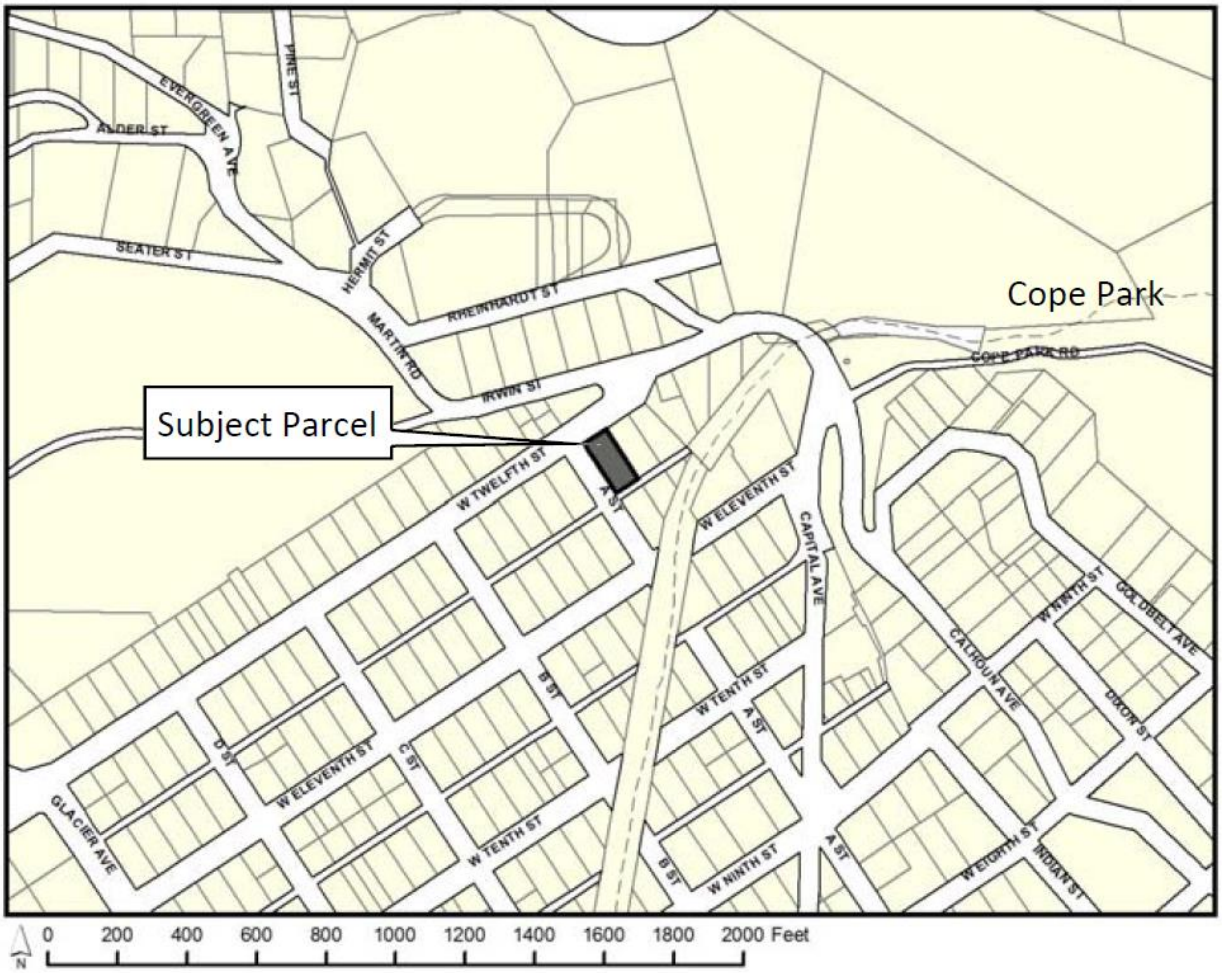
PROPOSAL: Request for variance to street side yard setback for new garage.

GENERAL INFORMATION

Applicant:	Erica and Don Andrew Roguska
Property Owner:	Erica and Don Andrew Roguska
Property Address:	335 West Twelfth Street
Legal Description:	Casey Shattuck, Block 205, Lot 3
Parcel Code Number:	1-C03-0-C05-003-0
Site Size:	3600 Square Feet
Comprehensive Plan Future Land Use Designation:	Medium density residential (MDR - urban residential lands for multifamily dwelling units at densities ranging from 5 - 20 units/acre)
Zoning:	D18
Utilities:	CBJ Water & Sewer
Access:	Proposed for 'A' Street;
Existing Land Use:	Vacant Residential Property

Surrounding Land Use:	Northwest	- W. Twelfth St.; Multifamily dwelling
	Southeast	- Alley; Single family residential
	Northeast	- Single Family residential
	Southwest	- 'A' St.; Private playground

VICINITY MAP



ATTACHMENTS

Attachment A	Variance application, including narrative, site plans, proposed elevation drawings and floor plans, and letter of support
Attachment B	Photos of site
Attachment C	Public notice
Attachment D	Letter from CBJ addressing dilapidated garage

PROJECT DESCRIPTION

The applicants seek two variances to yard setbacks along street rights-of-way. The applicants' proposed plans for the size of the new dwelling in addition to an attached two car garage result in encroachments into the street side yard setback along the Alley and into the front yard setback along 'A' Street.

This staff report addresses the request for a variance to the street side yard setback bordering an Alley right-of-way for construction of a new garage associated with the new dwelling. The required setback is 10 feet. The applicants wish to reduce the setback to 5.8 feet.

VAR2017-0002 addresses the variance request to allow a portion of the living area of the house to encroach into the street side yard setback along 'A' Street.

BACKGROUND

According to the Assessor's database, the existing house was built in 1914. Later, a garage addition was constructed, which appears in aerial photography of the area circa 1959. The Casey-Shattuck subdivision was platted nearly 100 years ago. The subject lot is 3,600 square feet in area and was and is now legally non-conforming because D18 zoning establishes a minimum lot size of 5,000 square feet. The lot is adjacent to three rights-of-way: West Twelfth Street, A Street, and an Alley between West Twelfth Street and West Eleventh Street

The applicants hoped to renovate the existing house and had an approved building permit to do so (BLD2016-0252). The applicants have stated that following inspection by architects and engineers, they discovered how expensive it would be to bring the building up to a safe construction standard. It would be more cost effective to rebuild including putting in a new foundation. A Building Permit for demolition of the house has been issued (DMO2016-0019). The garage was in a dilapidated state, and at the request of CBJ (ENF2015-0016), it was demolished (see **Attachment D**). The demolition was approved under Building Permit DMO2016-0004.

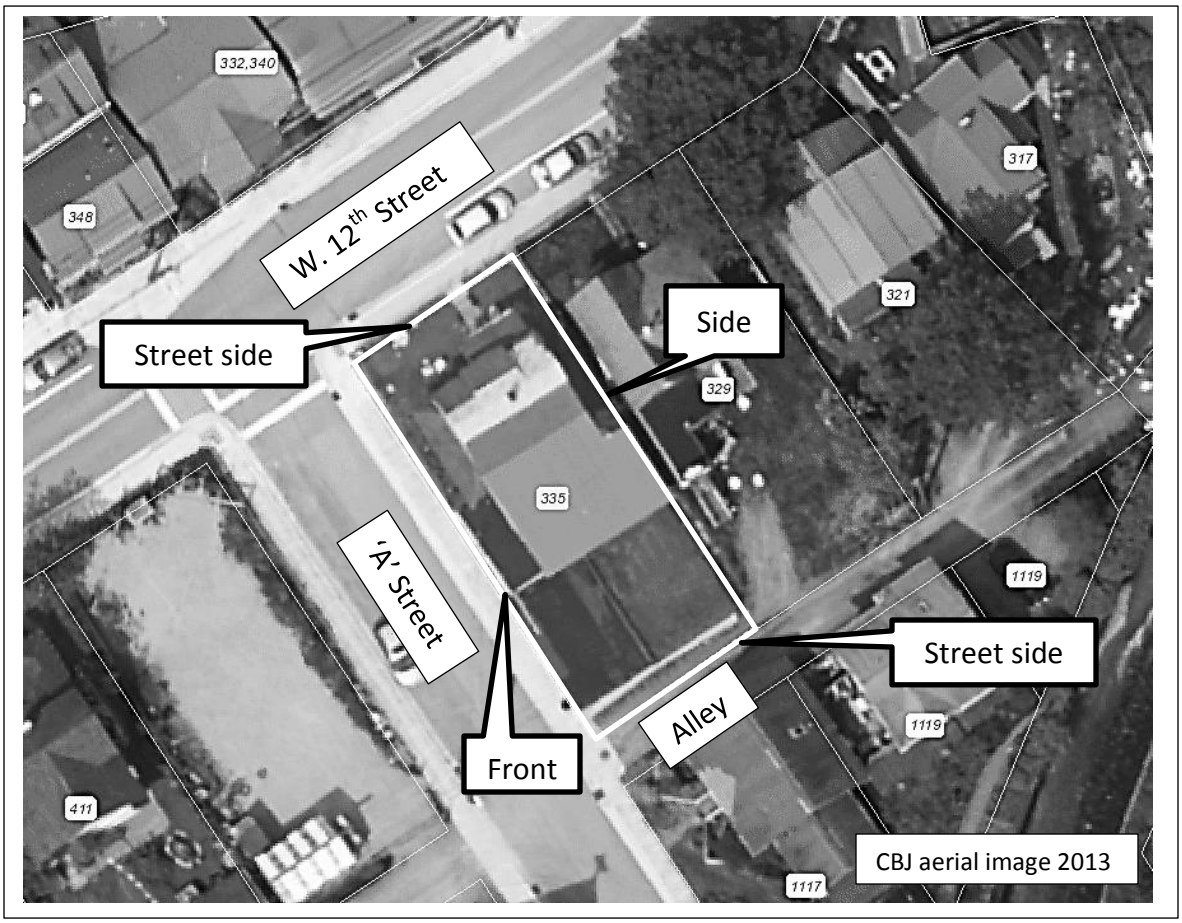
The existing house and the garage (that until recently occupied the lot) had a combined footprint larger than the one being proposed for the new house and garage. The buildings do or did encroach into the setbacks to a greater extent than is being requested by this variance. The garage encroached into the 'A' Street right-of-way and was built up to the Alley property line. Parts of the combined house and garage were made nonconforming by adoption of the current Land Use Code.

Attachment A (iii) provides the pre-existing site plan together with the footprint of the proposed dwelling. Elevations drawings can be found in **Attachment A (iv)** and floor plans for

the new dwelling are included in **Attachment A (v)**.

ANALYSIS

The subject lot is bordered by three rights-of-way; W. Twelfth Street, 'A' Street and an Alley. The Land Use Code allows lots which are bordered by three or more rights-of-way to not provide a rear yard setback. The remaining lot lines are designated as side lot lines, which are generally subject to the smallest setbacks for a zoning district; in this case it is 5 feet (CBJ 49.25.430(3)). The designation of front, street side and side yards are shown below.



Many buildings in the neighborhood have nonconforming setbacks and the Land Use Code provides relief for new buildings when other buildings in the immediate vicinity also have nonconforming setbacks. CBJ 49.25.430(4)(K) allows the distance from the right-of-way property line of the nearest three conforming or legally nonconforming buildings to be used to calculate the required setback for a new building. The exception requires only one building per lot to be used and allows for an existing building on the subject lot to be used for the calculation. The setback can be reduced up to half of the distance required for the zoning

district or 10 feet, whichever is greater. Due to the surrounding buildings on the three rights-of-way encroaching into the required setbacks, the subject lots' setbacks are reduced by the maximum amount possible; 10 feet for the front and side street setbacks and five feet for the side yard setback.

The applicants had been working based on reduced setbacks as previously provided by the Community Development Department. During the review for this, staff reported it was determined that the setback on W. Twelfth Street could be reduced further than those shown on the applicants' site plans, to 10 feet instead.

The substandard setback exception helps ensure that the standards accepted for other property owners are also provided to neighboring lots, to a limited extent. It also assists in maintaining the appearance and character of a neighborhood when new buildings are constructed. The standard and reduced setbacks are provided in the table below.

Yard	Standard setback	Setback after exceptions
W. Twelfth Street (Front yard)	20 feet	10 feet
'A' Street (Street side yard)	13 feet	10 feet
Alley (Street side yard)	13 feet	10 feet
Side yard	5 feet	
NB/ A rear yard setback of 20 feet is not required because the lot is bordered by three rights-of-way.		

The lot is required to provide two on-site parking spaces for a single family residence (CBJ49.40.210(a)). According to the proposed plans, this requirement will be satisfied in the garage, if the variance is approved. The Land Use Code assumes that garage spaces will always be available to provide required off-street parking. The proposed off-street driveway is only 10 feet deep and cannot provide off-street parking in the event that the garage was, for some reason, unavailable for use.

Part of the purpose of the setbacks along rights-of-way is to provide for sight distances for vehicles exiting the lot into a street. The applicants do not propose to exit the lot from the Alley setback subject to this variance request and instead vehicles will exit via 'A' Street. Until last year, a nonconforming garage encroached further into the subject setback than is requested for this variance. This garage's dilapidated state meant it had to be demolished (see **Attachment B (i and ii)**).

The sight distance for traffic using the Alley will be reduced if the variance is approved compared to building up to the required setbacks. However the significance of the sight distance on the Alley is less important than that of West Twelfth Street and 'A' Street as it only serves as an access driveway for 6 dwellings and is not a through road or pedestrian walkway. The narrow width of the Alley and close proximity of buildings on the opposite side of the Alley to the right-of-way edge means any vehicles leaving lots from the affected side of the Alley will

be travelling at low speeds. It should also be noted that approval of the variance would be an improvement on the previous nonconforming situation caused by the now demolished garage.

Based on the reduced setback allowable on West Twelfth Street, it would be possible to shift the proposed building toward the West Twelfth Street property line. This would mean the double garage could be constructed outside of the required Alley street side setback. The proposed arctic entry and covered porch that front West Twelfth Street would be able to be up to 5 feet from the property line under specific exceptions in the Land Use Code for such structures (CBJ49.25.430(4)(C)(i) and CBJ49.25.430(4)(E)). However, this would reduce the existing sight distance for vehicles leaving 'A' Street onto West Twelfth Street (see **Attachment B (vii)**), and visibility at this intersection merits greater safety consideration than maintaining the Alley setback.

Even with approval of both variances, the maximum lot coverage will not be exceeded based on the proposed plans. The combined lot coverage for the proposed house and garage is approximately 1,750 square feet. In the D18 zoning district, the maximum lot coverage for all structures is 50% of the lot size. For this lot, any dwelling and accessory buildings with roofs are limited to a combined 1,800 square footprint. The lot is just over two-thirds the minimum lot size for the zoning district, and this constrains the size of new single family dwellings.

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.

There are no unique physical features on the subject lot. While lots having three rights-of-way as borders are not typical in the Casey-Shattuck subdivision, a typical block of 10 lots would have 6 lots with only a street at the front and an alley at the rear while 4 lots would have three bordering rights-of-way. In the Casey Shattuck subdivision bounded by West Twelfth Street, Glacier Avenue, West Ninth Street, and Capital Avenue approximately 25% of properties which are or could potentially be developed with residential properties are bordered by three rights-of-way. Therefore, the configuration of the lot is not determined to be an extraordinary situation.

The lot is well below the minimum lot size for the zone district. But this is not a feature unique to this lot and is mitigated, to some extent, by setback reductions provided in CBJ 49.25.430(4)(K).

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.***

Approving the variance would allow the applicants to construct a two vehicle garage while maintaining their desired first floor footprint of the main dwelling. There are many dwellings in the vicinity that comply with the maximum lot coverage requirement, but there are also some that exceed the limit. There are also a number of houses that encroach beyond the setbacks that are applicable to the subject lot.

As noted above, the Land Use Code provides some relief in neighborhoods where surrounding buildings also have non-conforming setbacks. The setback exception helps ensure that setbacks accepted for other properties in the immediate vicinity are applied, to a limited extent, to new developments. It also assists in maintaining the appearance and character of a neighborhood when new buildings are constructed.

The lot is required to have two off-street parking spaces. While the applicants wish to have a two car garage and at the same time not reduce the size of their first floor living area, having only a single car garage does not prevent a second vehicle being accommodated outside of a garage. A garage has obvious benefits to the applicant.

Alternatively, the footprint of the proposed building could be shifted towards West Twelfth Street to accommodate the desired floor plan. The implications of this on traffic sight distance and appearance of the neighborhood are discussed under Criterion 2, below.

A degree of relief has already been granted by the Land Use Code, and a single family dwelling can be constructed on the property without approving this variance. The ability to meet the off-street parking requirement is not prevented.

No. The criterion is not 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 applicant has presented letters and a petition from the neighborhood showing support for the project. The requested encroachment will preserve safety for the traveling public.

Part of the purpose of the setbacks along rights-of-way is to provide for sight distances for vehicles exiting the lot into a street. The applicants do not propose to exit the lot from the setback subject to this variance request and instead vehicles will exit via 'A' Street. In particular, visibility at the intersection of 'A' Street on to West Twelfth merits greater safety consideration then maintaining the Alley setback. A condition is recommended as part of any approval of this variance that holds the applicants to maintaining the existing front yard setback.

Another use of setbacks along rights-of-way is to preserve the character and appearance of the neighborhood including the sense of light and air in a street. Given that many other buildings in the immediate vicinity of the Alley encroach into the setbacks, approving this variance will not diminish the character and appearance of the neighborhood. Approval of the variance would allow the applicants to move the house further from the West Twelfth Street right-of-way which would be more in keeping with the neighboring properties on that side of the street.

Yes, with the recommended condition 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 owners. There have been no concerns raised by any of the neighbors and the applicant has received a number of letters of support and received a number of signatures from neighbors on a petition in support of the variance. They have not been able to contact the immediate neighbors to canvas their support (see **Attachment A(vi)**).

CBJ Building Division, CBJ General Engineering Division and Capital City Fire and Rescue have no issues with the proposal. The requested variance would allow an encroachment that is less than the encroachment of the previous garage.

Yes. The criterion is met.

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

A single family dwelling in a D18 zoning district may be approved with a building permit, per CBJ 49.25.300 Table of Permissible Uses, section 1.110. A garage is an accepted accessory use for all residential developments.

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 single family residence while still meeting the off-street parking requirements.

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 development would be in keeping with the appearance and features of surrounding developments of the neighborhood. However, because many nonconforming buildings in the area encroach into their setbacks and adjacent rights-of-way, some relief has already been granted by the Land Use Code. This relief will allow a new building to also be in keeping with the appearance of the neighborhood.

No. The sub-criterion is not met.

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

There are no unique physical features on the subject lot.

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.

Until recently a garage occupied the lot. This garage encroached into the subject street side

yard setbacks more than is being proposed by this variance. Part of the building also encroached into the right-of-way. Granting the variance would be a net increase in overall compliance compared to the previously existing garage that has now been demolished at the request of CBJ. The previous garage was a local eyesore and in a level of disrepair to the extent that it was necessary to demolish it.

Yes. The sub-criterion is met.

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

The biggest benefit to the neighborhood would come from replacement of the existing derelict building with a new building while providing the required number of off-street parking spaces. A new single family home can still be constructed on the lot and two off-street parking spaces provided without variances, due to the reduced setbacks provided by CBJ 49.25.430(4)(K).

Many neighbors have shown support for the variance and are keen for the new building to be constructed even if it encroaches into the setbacks.

As described under Criterion 2 above, the desired building footprint could be shifted further away from the West Twelfth Street property line. Based on the Land Use Code exceptions, the arctic entry and porch of the proposed house could be 5 feet from West Twelfth Street. Allowing the variance would preserve the sight distance for drivers at the intersection of 'A' Street and West Twelfth Street and be more in keeping with the setbacks of properties next door on the West Twelfth Street property line. If this variance is approved on this basis, then it is recommended that there be a condition added that holds the applicants to their proposed distance from West Twelfth Street.

Yes. The criterion is met <u>if the recommended condition is applied</u>.

<u>FINDINGS</u>

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 has not shown hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property.

Criterion 1 is not met. Criterion 2, 3, 4 and 5 are met. Criterion 6 is met if the recommended condition is applied.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2016 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 D18 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 sight 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 artic 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.

DEVELOPMENT PERMIT APPLICATION

Project Number VAR 20170001	CITY and BOROUGH of JUNEAU	Date Received: 2/16/17
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description: Demolition of old house, build new house

PROPERTY LOCATION

Street Address: 335 W. 12TH Street
City/Zip: Juneau, AK 99801
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): Casey Spatuck Lot #3, Block 205
Assessor's Parcel Number(s): 1-C03-0-C05-003-0

PROJECT / APPLICANT

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Erica + Don Andrew Roguska	957-2228	
Mailing Address: 9873 lone wolf dr.	Home Phone: 723-7710	Fax Number:
E-mail Address: ericaroguska@gmail.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: 2-16-17

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:
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)			
✓	Variance Case (De Minimis and all other Variance case types)			VAR20170001, VAR17-002
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments:

Permit Intake Initials: CAS

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
		VAR 17-001	

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:

Garage setback variance at 335 West 12th Street

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): Surrounded on 3/4 sides by right of ways on a very small lot, rendering it a difficult lot to build on.

* no utilities are currently hooked up, public water and sewer are available at site *

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

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

Anyone trying to build on this lot would be confronted with difficutly complying with current set backs due to CBJ right of ways that surround this home/lot on all but one side.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

Less efficient house that would not "fit in" with the neighboring properties and historical neighborhood. A much smaller house with a lower property value. If we chose to keep enough of the house to use the existing footprint we would have a less safe home. Alternetively we could forgo building and sell the house and lot as is, which would extend the hazard to the neighborhood.

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			
Adjustment	$			
Total Fee	$			

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

Variance Application Instructions

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

Forms: A completed Variance Application and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: The fee for a Variance Application is $400.00. If the application is in conjunction with a major development permit, the Variance fee will be reduced by 20 percent. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

Project Description: A detailed letter or narrative describing the hardship and/or practical difficulties that is the result of an extraordinary situation or unique physical feature affecting a specific parcel of land or structure. **Also include how the proposed project meets the variance criteria listed on the attached sheet.**

Plans: A site plan, drawn to scale, is required for all Variance Applications. The site plan should include the following information:

A. The location of existing and proposed structures (i.e. buildings, fences, signs, parking areas, etc.); and
B. The location of existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.).

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

A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

Please consult with the Community Development Department to discuss whether additional information may be required for your application. The "Planner-On-Call" can be reached by contacting the Permit Center at 586-0770 or via e-mail at Permits@juneau.org.

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

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the Variance Application request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Variance Applications must be reviewed by the Board of Adjustment. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: As part of the Variance process, all requests must be given proper public notice, which consists of the following:

Community Development Department: Will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site. A "Public Notice Sign" is not required to be posted on the site.

PLEASE NOTE: As provided by CBJ Land Use code section on Variances (CBJ§49.20.200), a Variance may vary any requirement or regulation of this title 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.

Variance Approval Criteria

A variance may be granted after the prescribed hearing and after the Board of Adjustment has determined the following criteria are met. Include in your project narrative a detailed description about how your proposal meets each of the criteria listed below:

(1) 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;

(2) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved;

(3) The authorization of the variance will not injure nearby property;

(4) The variance does not authorize uses not allowed in the district involved;

(5) Compliance with the existing standards would:

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

(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;

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; 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, title 49, or the building code, title 19, or both; and

(6) A grant of the variance would result in more benefits than detriments to the neighborhood.

PLEASE NOTE: As provided by CBJ Land Use code section on Variances (CBJ§49.20.200), a Variance may vary any requirement or regulation of this title 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.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Don Andrew and Erica Roguska
9873 Lone Wolf Drive
Juneau, AK 99801
907-723-7710 / 907-957-2228
donandrewroguska@gmail.com / ericaroguska@gmail.com

March 18, 2017

City and Borough of Juneau Community Development Department
230 South Franklin Street #4
Juneau, AK 99801
907-586-0715

To the City and Borough of Juneau, Community Development Department:

Below you will find our narrative for a variance application for 335 West 12th street, Juneau, AK 99801.

Per a CBJ building official, the setbacks we would be using without a variance are as follows:
5 feet from neighboring home property line
15 feet from West 12th street
10 feet from A street
10 feet from the alley

We are requesting a variance against the alley, for a garage. There was a garage in this location previously, and the garage we are requesting will be farther away from the property line neighboring the alley than the previous garage had been.

We have carefully considered every aspect of this home, and those considerations have lead us to believe that applying for variances in order to rebuild this house is the best, safest, and soundest way to proceed.

Please contact us for any reason at the information above.

Number one, *"The relaxation applied for 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."* Our original plan when purchasing this home was to keep as much of the existing house as possible, so as to keep the neighborhood and home's history. After speaking with an experienced contractor, a home designer, and a structural engineer, it came to our attention that the safest and most logical way to construct this home was to forego keeping the walls and foundation. While this is not what we originally set out to do, providing our family and young children with a safe home is our top priority. Because we have already had a home designer draw plans using the existing structure and foundation, we would like to continue with those plans using the footprint of the existing house, and rebuilding a garage where one was located previously. Although our garage would not be 10 feet away from the alley, it should be well known that many, perhaps most, of the structures on that and other Casey-Shattuck alleys are not 10 feet away either. Many of these structures are actually on or extremely close (inches to a foot) to the property lines neighboring the alley/s. While our garage is not planned to be 10 feet away, it would not be on the property line, as the previous garage had been (and many existing structures still are). We feel that because this garage has recently existed, and because of the real setbacks of neighboring properties, it

would be fair and reasonable for our home to continue with the footprint it has been standing on for years. There is currently an exterior stairwell existing for basement access that lets out directly onto the sidewalk of A street. That would be removed as is reflected in our plans.

Number two, *"Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved."* We firmly believe that by rebuilding this house anew will be far better for the public health and safety. The home as it stands seems an extreme burden on the neighborhood, and we believe it poses a public health and safety hazard as it currently stands. That being said, as the home stands currently, and previously with a garage, adequate light and air is preserved. There is space between our home and the neighboring home to allow sight lines and adequate ventilation. We have carefully considered traffic sight lines, as is reflected in the construction of the arctic entry way in regards to the stop sign on the corner of West 12th and A streets. We are confident that having a new structure in this location will be better for public safety in regards to environmental impact, energy efficiency, and building safety. With our proposed designs, light saturation, ventilation, and sight lines should not be impacted, and the structural safety and efficiency will be largely improved.

Number three, *"The authorization of the variance will not injure nearby property."* The home as it stands is a disservice to the Casey-Shattuck neighborhood, and every time a stiff wind comes through I worry about the old windows breaking, or a rotten board flying off. Not only will our variance not injure nearby property, but our goal is that it will enhance the neighborhood, and be quite a welcome change to what the neighboring property owners are living next to currently. The home as is is far more likely to injure nearby property than rebuilding it will be.

Number four, *"The variance does not authorize uses not allowed in the district involved."* The Casey-Shattuck district is largely a residential neighborhood. We are asking for setback variances to add value and function to what we hope to have as our "forever" home and main residence. Though this lot is zoned for more than one place of residence, we are asking for a single family home only at this time. In regards to the garage: in light of a recent upturn of crime in the casey shattuck neighborhood, we feel that having a garage would help secure personal property and discourage undesirable activity. As noted below, the garage we are requesting is vastly smaller and more reasonably setback from property lines than the previous garage had been.

Number five b, *"Compliance with the existing standards would: 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 or the subject property."* Complying with modern setbacks would render us an awkwardly tall, skinny, box of a house. One of our favorite parts about the Casey-Shattuck area of Juneau, are the older historical homes. This house is part of the neighborhood, and our hope in building this home, is to be true to the neighborhood and the timeframe of the other homes that are there. This is why we are requesting to continue with the existing footprint of the home and garage, by building it with slight modifications but largely similar size and shape, we will be more consistent to the neighborhood and original design. Consideration of how this home will compare with the neighboring properties and neighborhood in general has been carefully thought out.

Number five c, *"Compliance with the existing standards would; be unnecessarily burdensome because unique physical features of the property redner compliance with the standards unreasonably expensive."* While conforming with the modern setbacks may not affect the cost of our project significantly, there are significant challenges in regards to permitting a house on this lot. The hurdle we are finding quite challenging are the larger required setbacks on three sides, due to the home being surrounded on 3 of 4 sides by right of ways. (West 12th street, A street, and the alleyway). We feel that having our garage closer than 10 feet to the alleyway would not affect the neighboring property owners negatively in any way. We have been extremely open with the residents of the area about our plans, and have yet to hear any concerns or negative comments about our project from anyone directly surrounding this property.

Number five d, *"Compliance with the existing standards would; 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."* Because this old home does not conform to modern setbacks, and our desire is to use the existing footprint of the home, and a lesser footprint for the garage, building a new house within those footprints will not be "nonconforming" anymore than it already is. In fact, the original house and garage had setback encroachments of 999 sqft as measured by a licensed surveyor. With the granting of our requested variances the setback is reduced to only 187 square feet, a whopping 81% reduction in total setback encroachment. Additionally, with the removal of an existing stairwell that lets out directly onto the A street sidewalk the setback compliance will truly be even better than this 81% improvement.

Number six, *"A grant of the variance would result in more benefits than detriments to the neighborhood."* I *love* this statement. As previously stated, we want this to be our "forever" home. We adore this neighborhood, and are invested in making it a joyful and character filled place to live. We are not requesting variances for this home so that we can strip and flip this house for a profit. We want to live in this neighborhood, for decades. We bought this pitiful, falling apart house because it needed fixing, or more accurately, rebuilding. We have, and have made, friends in the Casey-Shattuck area. Our children go to school nearby, they play at the park, they walk serenely through the cemetery. We want to build this house for our family, but we have carefully considered how this home would impact this neighborhood as well, and can't come up with many negatives. Going from having a house that is literally falling apart, to a new home that is occupied can only bring up the property values of the surrounding area, and improve the safety of the neighborhood by removing a hazardous structure. Having a safe home for our children to grow up in is our absolute top priority, however we have thoroughly considered the neighborhood impact as well, and have taken every possible step to ensure that this project will be for the betterment of the area.

We thank you for your consideration of our application for this variance for our house (and garage) at 335 West 12th street. We hope you will find our request reasonable and help us make our home a reality, and the Casey-Shattuck neighborhood an even more delightful place to live.

Sincerely,
Erica and Don Andrew Roguska

Eric Feldt

m: Erica Roguska <ericaroguska@gmail.com>
Sent: Wednesday, February 22, 2017 12:34 PM
To: Eric Feldt
Subject: Re: Variance for New House

Wow, that is great news, thank you!

Email is great for me, but feel free to call with anything urgent/time sensitive.

We can definitely schedule a time for you to come and look at the place, I have lots of pictures as well if you would like me to send them to you. (though you likely want specifics).

My husband and I both work full time, but I'm sure we could make something work.

Thanks again!

Cheers

Erica

On Wed, Feb 22, 2017 at 11:57 AM, Eric Feldt <Eric.Feldt@juneau.org> wrote:

Hi Erica,

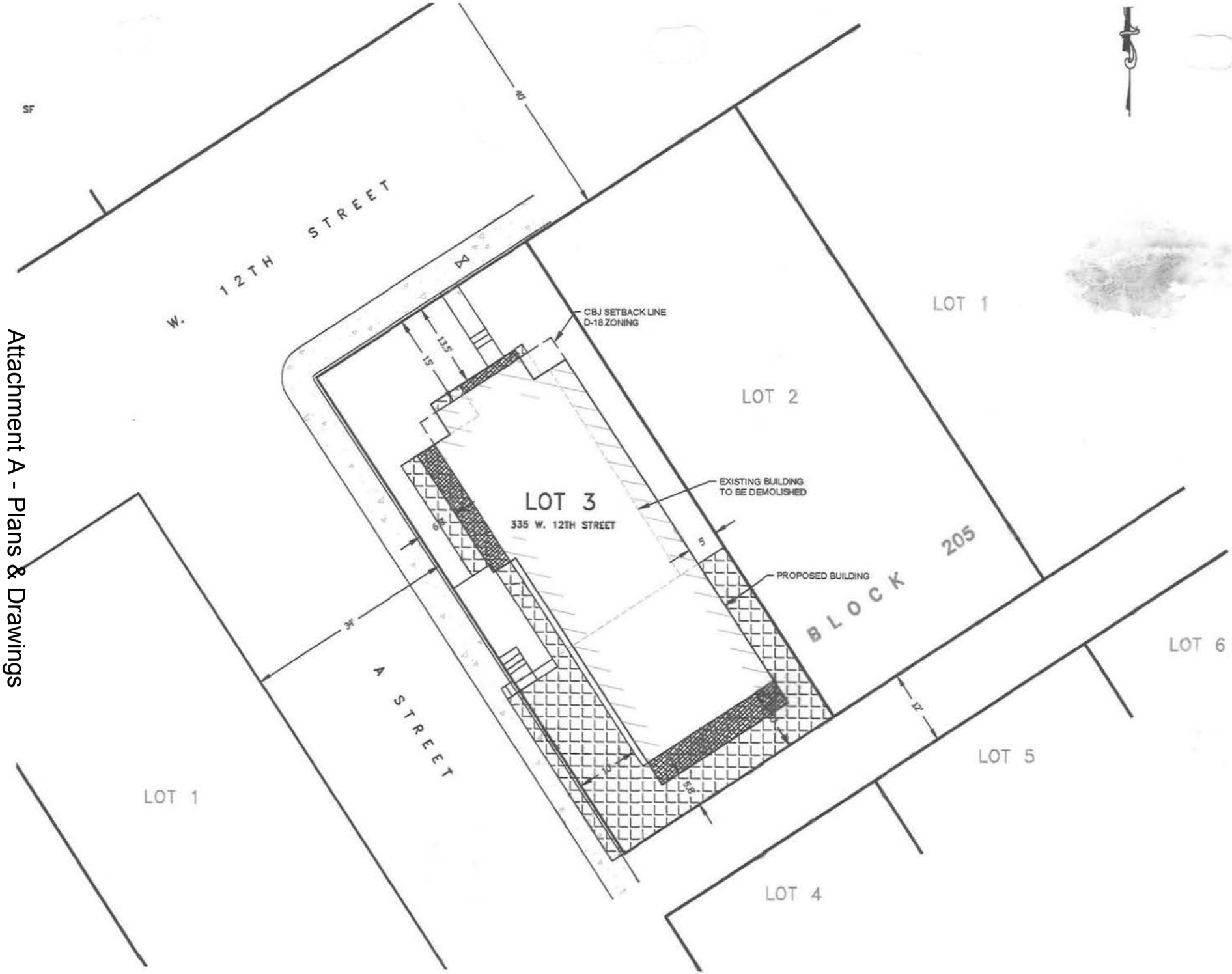
My name is Eric Feldt, CBJ Planner, and I have been assigned to review your Variance application. I am familiar with this area of town and I am glad that someone is reinvesting in this property.

Looking at your application and analyzing the Land Use Code, your variance is needed to reduce only 2 yard setbacks, instead of 3. This is good. See my analysis below.

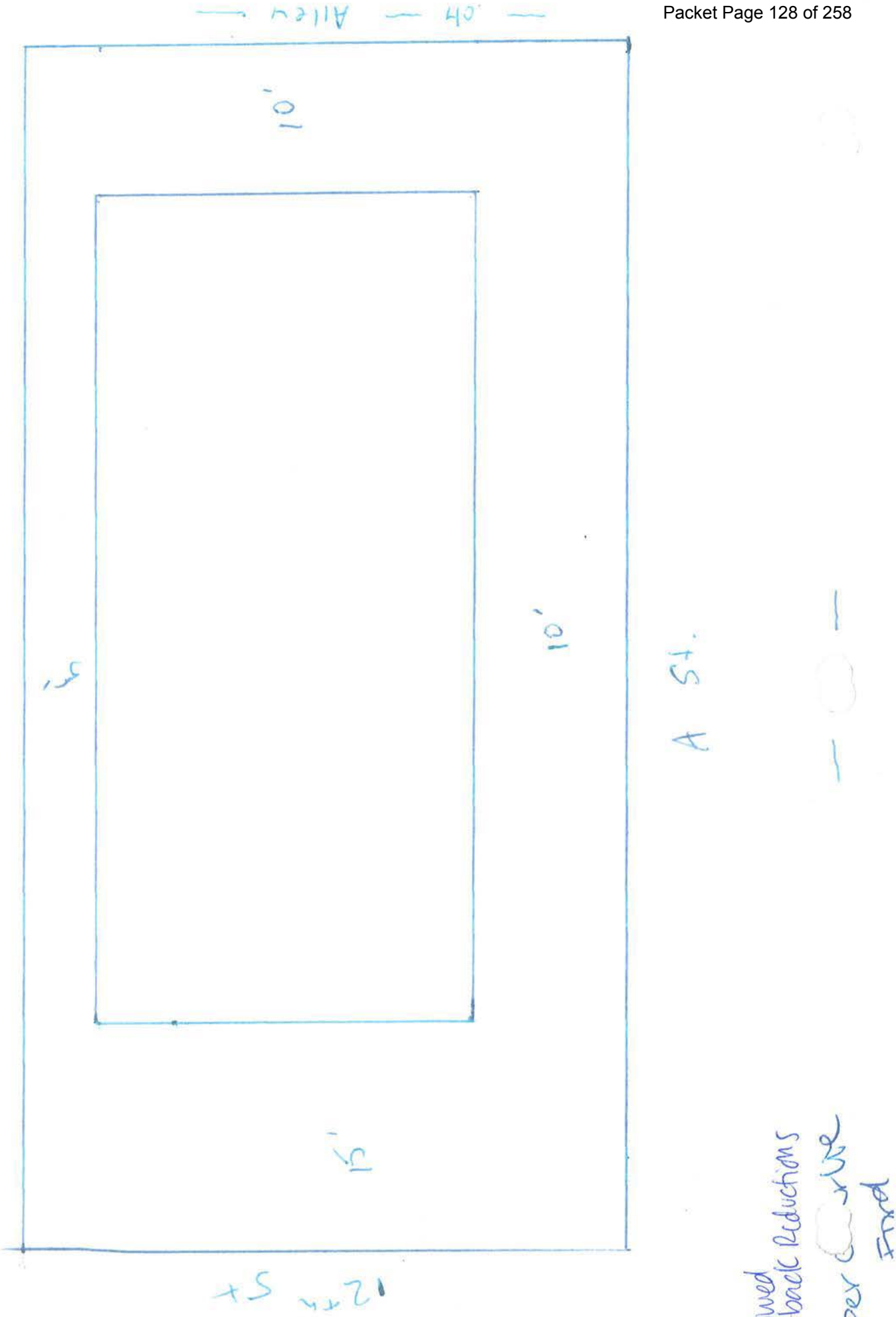
- **Front Setback (W. 12t Street): Your submitted paper work will reduce this setback from 15 feet to 13.5 for a new artic entry and porch**
    - If the artic entry is not heated, it does not need a variance because it meets 49.25.430(4)(C)(ii).
    - The covered porch also does not need a variance because it meets 49.25.430(4)(E).

Variance needed to reduce the following 2 yard setbacks:

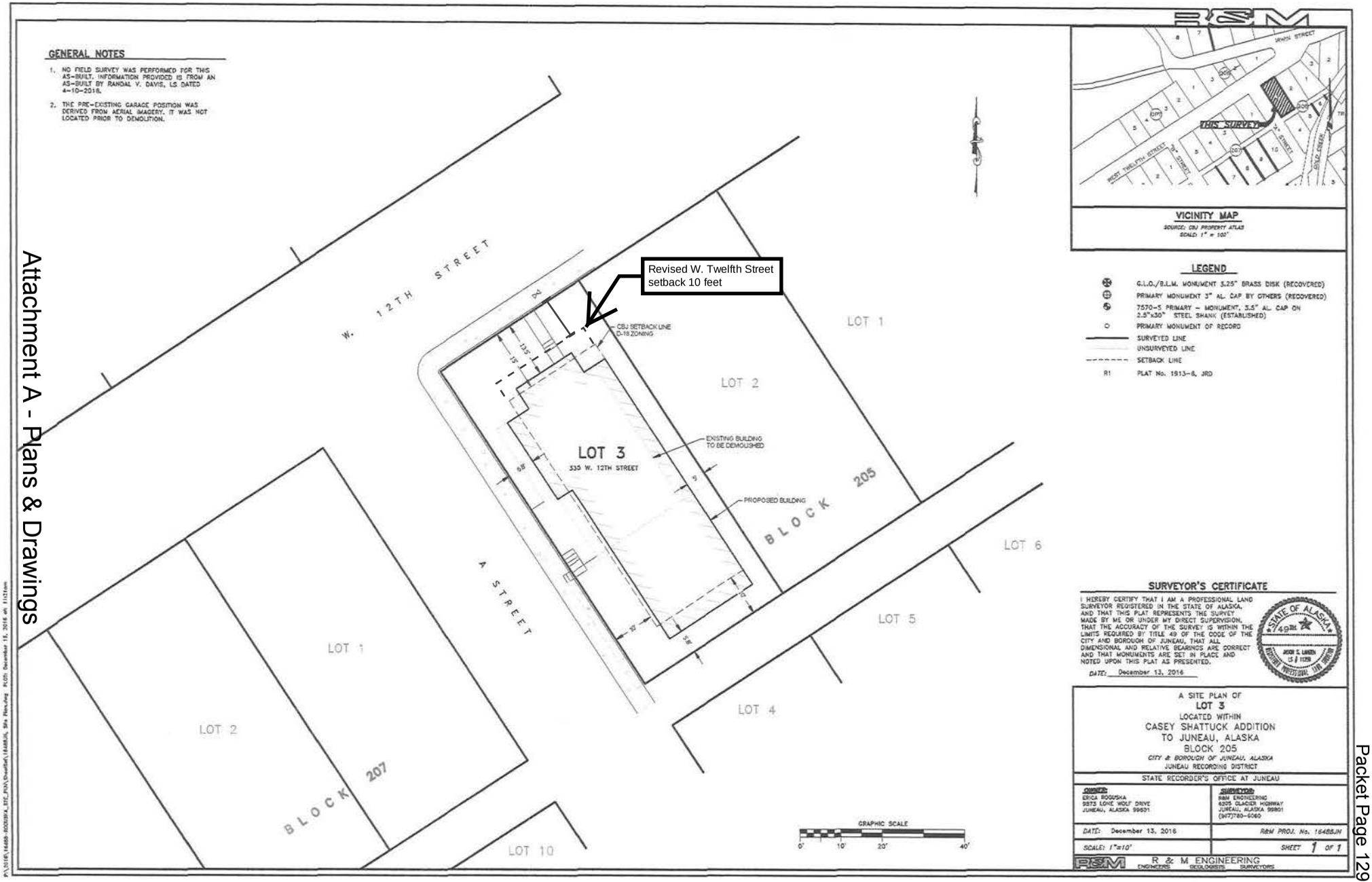
1. **Street Side setback (A Street): From 10 feet to 6.8 feet for the living room bump out**
2. **Rear setback (alley): From 10 feet to 5.8 feet for a new 2-car garage**



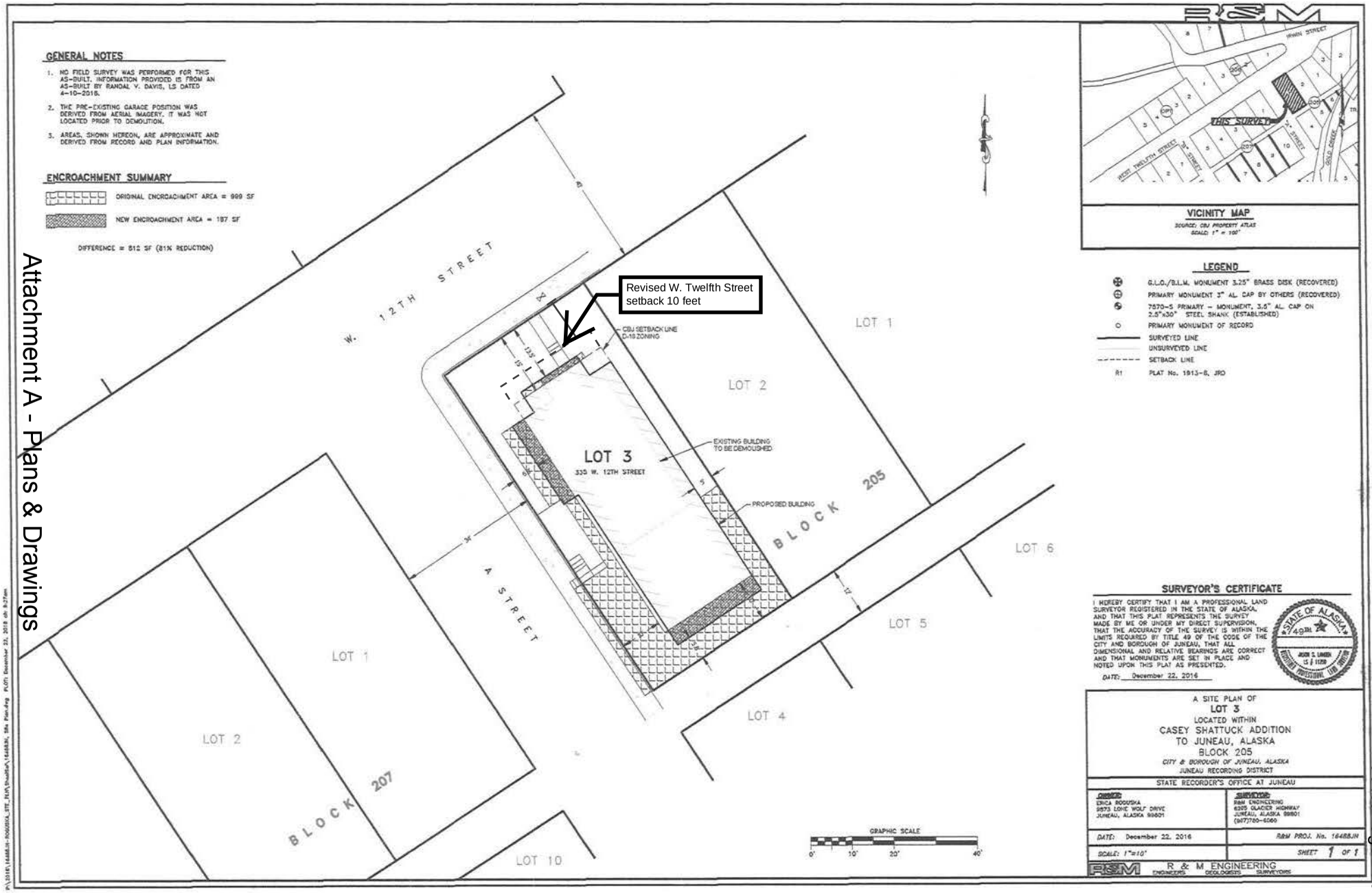
Attachment A - Plans & Drawings



*Allowed Setback Reductions
*Per Code
Final

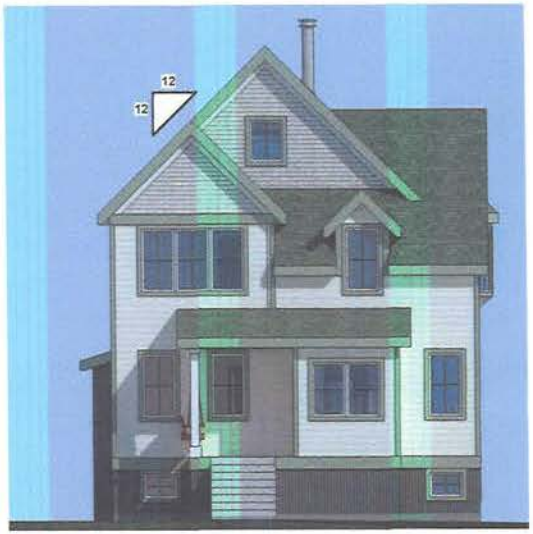


(ii) Proposed site plan of new dwelling including required setbacks



(iii) Preexisting footprint and footprint of proposed new dwelling

WEST ELEVATION
SCALE: 3/16" = 1'-0"



NORTH ELEVATION
SCALE: 3/16" = 1'-0"

SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

EAST ELEVATION
SCALE: 3/16" = 1'-0"

(vi) Elevation drawings of proposed new dwelling

These plans and specifications are to b
nsidered only a guide, and they do n
port to depict every componen
cessary for the completion of the proje
construction shall conform to the 200
ternational Residential Code and oth
codes & regulations adopted by the City
Borough of Juneau. All engineere
components, systems, and oth
manufactured items and equipment sha
be installed according to th
manufacturer's specifications.

Before construction begins, a buildin
permit is applied for, or materials ar
ordered, the building contractor, a
designated by the owner, shall review th
plans with the designer. The designer
liability due to errors or omission
contained within these drawings shall b
limited to the redrawing or redesigning
the plan to address the situation.

The designer grants the client a license t
build only one structure from the plans, an
the plans cannot be resold unless b
express written authorization of Ric
Thibodeau dba DesignWorks.

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not be copied, reproduced, modifie
distributed or used in any other way witho
the specific written consent of Ric
Thibodeau dba DesignWorks, the copyrig
owner.

Roguska Residence
335 W. 12th Street
CONCEPTUAL DESIGN

DesignWorks
© 2016 ALL RIGHTS RESERVED
Rick Thibodeau

SHEET TITLE:
ELEVATIONS

DRAWN BY:
RICK THIBODEAU
907.789.28

DATE: OCT 5, 2016

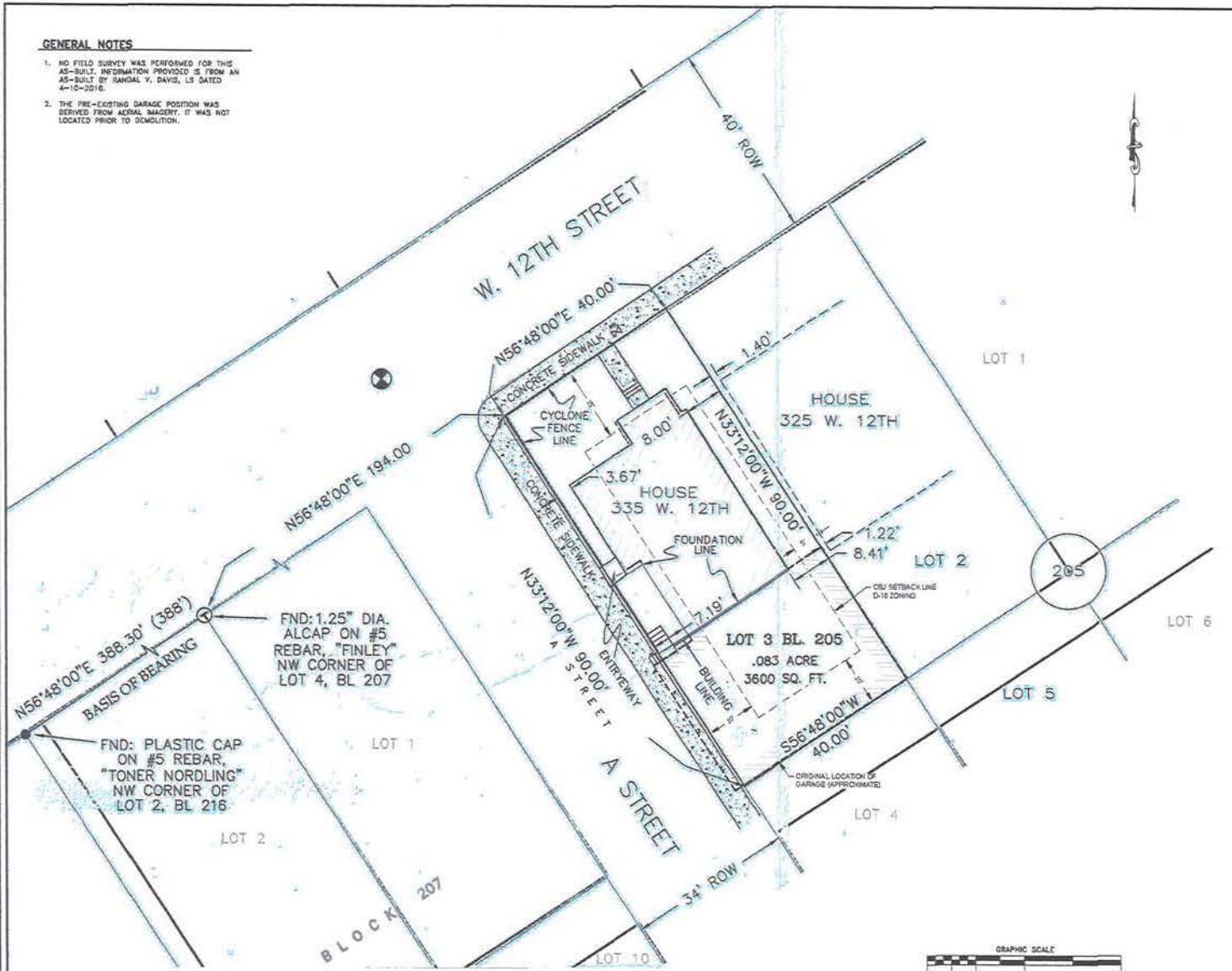
DesignWorks
© 2016 ALL RIGHTS RESERVED

SHEET 0 OF

Attachment A - Plans & Drawings

GENERAL NOTES

1. NO FIELD SURVEY WAS PERFORMED FOR THIS AS-BUILT. INFORMATION PROVIDED IS FROM AN AS-BUILT BY RANDAL V. DAVIS, LS DATED 4-10-2016.
2. THE PRE-EXISTING GARAGE POSITION WAS DERIVED FROM AERIAL IMAGERY. IT WAS NOT LOCATED PRIOR TO DEMOLITION.



VICINITY MAP

SOURCE: CBJ PROPERTY ATLAS
SCALE: 1" = 100'

LEGEND

- G.L.O./B.L.M. MONUMENT 3.25" BRASS DISK (RECOVERED)
- PRIMARY MONUMENT 3" AL. CAP BY OTHERS (RECOVERED)
- 7570-S PRIMARY – MONUMENT, 3.5" AL. CAP ON 2.5"x30" STEEL SHANK (ESTABLISHED)
- PRIMARY MONUMENT OF RECORD
- SURVEYED LINE
- UNSURVEYED LINE
- SETBACK LINE
- R1 PLAT No. 1813-6, JRO

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE: December 13, 2016

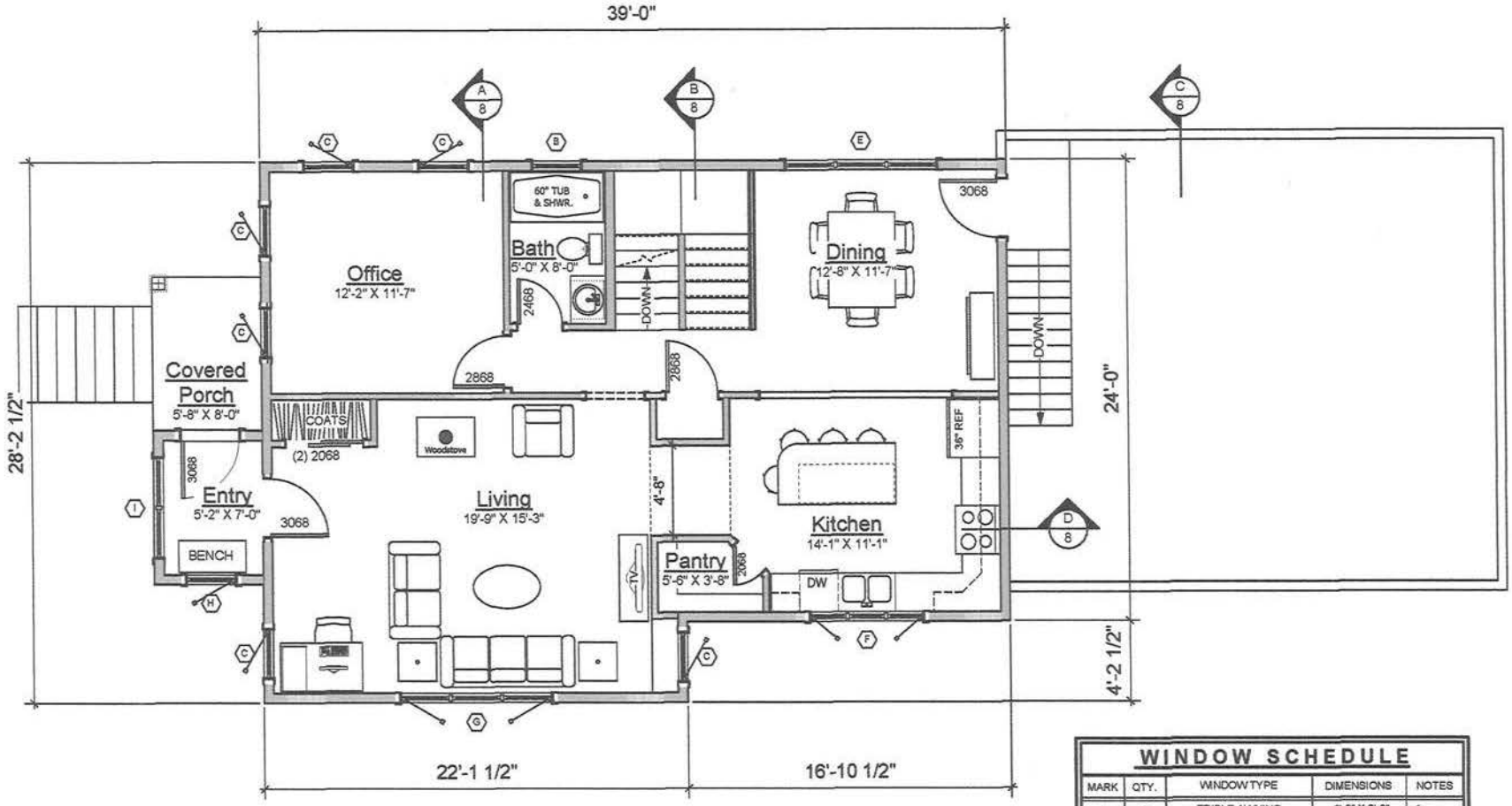
STATE OF ALASKA 49TH JASON S. UNDEN LS # 11278 REGISTERED LAND SURVEYOR

AN AS-BUILT SKETCH OF
LOT 3
LOCATED WITHIN
CASEY SHATTUCK ADDITION
TO JUNEAU, ALASKA
BLOCK 205
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

STATE RECORDER'S OFFICE AT JUNEAU

OWNER:	SURVEYOR:
ERICA ROGUSKA 9873 LONE WOLF DRIVE JUNEAU, ALASKA 99801	R&M ENGINEERING 8205 GLACIER HIGHWAY JUNEAU, ALASKA 99801 (907)780-6060
DATE: December 13, 2016	R&M PROJ. No. 164808JN
SCALE: 1"=10'	SHEET 1 OF 1

R & M ENGINEERING
ENGINEERS GEOLOGISTS SURVEYORS



N PLAN

1ST FLOOR PLAN

1016 SQ. FT.

WINDOW SCHEDULE

MARK	QTY.	WINDOW TYPE	DIMENSIONS	NOTES
A	2	TRIPLE AWNING	8'-0" X 2'-0"	1
B	6	AWNING	2'-8" X 2'-0"	1
C	10	CASEMENT	2'-8" X 5'-0"	1, 2
D	1	FIXED	2'-8" X 3'-4"	1
E	2	TRIPLE AWNING	8'-0" X 2'-6"	1
F	1	TRIPLE CASEMENT	6'-0" X 4'-6"	1
G	2	TRIPLE CASEMENT	8'-0" X 4'-6"	1
H	3	CASEMENT	2'-8" X 4'-4"	1
I	1	DOUBLE FIXED	4'-8" X 4'-4"	1
J	1	BAY WINDOW	7'-0" X 5'-0"	1
K	1	CASEMENT	2'-8" X 3'-4"	1, 3

1. (1) VERTICAL & (1) HORIZONTAL MUNTIN
2. EGRESS WINDOW
3. ATTIC WINDOW

(v) Floorplans of proposed new dwelling

These plans and specifications a considered only a guide, and the purport to depict every co necessary for the completion of th All construction shall conform to International Residential Code a codes & regulations adopted by t Borough of Juneau. All ele components, systems, and manufactured items and equipm be installed according t manufacturer's specifications.

Before construction begins, a permit is applied for, or mate ordered, the building contra designated by the owner, shall re plans with the designer. The d liability due to errors or c contained within these drawings limited to the redrawing or redes the plan to address the situation.

The designer grants the client a l build only one structure from the p the plans cannot be resold u express written authorization Thibodeau dba DesignWorks.

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Roguska Residence
335 W. 12th Street

CONCEPTUAL DESIGN

DesignWork
Rick Thibodeau

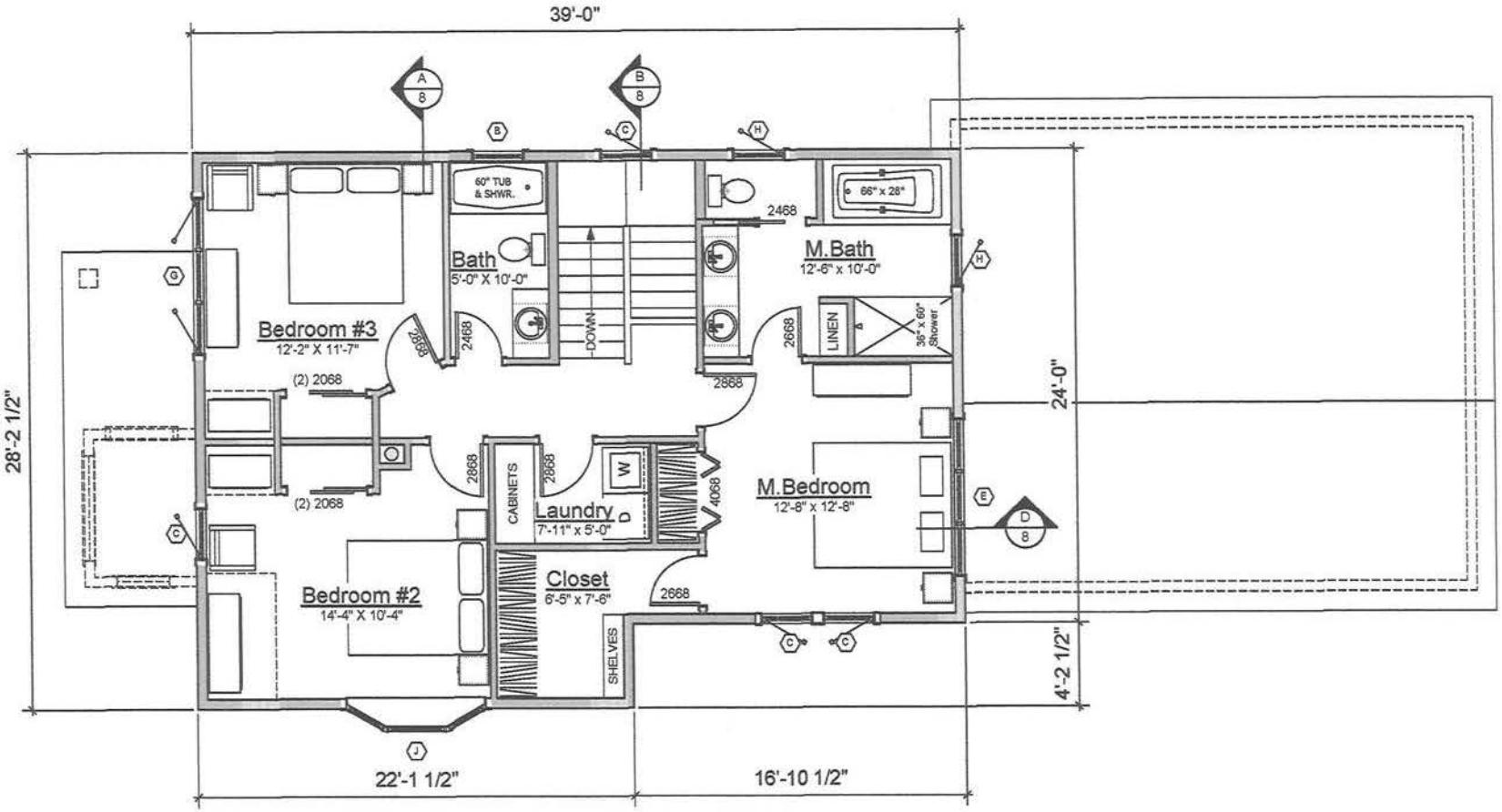
SHEET TITLE:
FIRST FLOO
PLAN

DRAWN BY:
RICK THIBODEA
907.789.2897

DATE: OCT. 5, 2

DesignWor

SHEET 3



N PLAN

2ND FLOOR PLAN

966 SQ. FT.

WINDOW SCHEDULE

MARK	QTY.	WINDOW TYPE	DIMENSIONS	NOTES
A	2	TRIPLE AWNING	8'-0" X 2'-0"	1
B	6	AWNING	2'-8" X 2'-0"	1
C	10	CASEMENT	2'-8" X 5'-0"	1, 2
D	1	FIXED	2'-8" X 3'-4"	1
E	2	TRIPLE AWNING	8'-0" X 2'-6"	1
F	1	TRIPLE CASEMENT	6'-0" X 4'-6"	1
G	2	TRIPLE CASEMENT	8'-0" X 4'-6"	1
H	3	CASEMENT	2'-8" X 4'-4"	1
I	1	DOUBLE FIXED	4'-8" X 4'-4"	1
J	1	BAY WINDOW	7'-0" X 5'-0"	1
K	1	CASEMENT	2'-8" X 3'-4"	1, 3

1. (1) VERTICAL & (1) HORIZONTAL MUNTIN
2. EGRESS WINDOW
3. ATTIC WINDOW

(v) Floorplans of proposed new dwelling

These plans and specifications a considered only a guide, and the purport to depict every co necessary for the completion of th All construction shall conform to International Residential Code a codes & regulations adopted by t Borough of Juneau. All ar components, systems, and manufactured items and equipm be installed according t manufacturer's specifications.

Before construction begins, a permit is applied for, or mate ordered, the building contra designated by the owner, shall re plans with the designer. The d liability due to errors or c contained within these drawings limited to the redrawing or redes the plan to address the situation.

The designer grants the client a l build only one structure from the p the plans cannot be reused u express written authorization Thibodeau dba DesignWorks.

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Roguska Residence
335 W. 12th Street

CONFIDENTIAL DESIGN

DesignWorks
Rick Thibodeau

SHEET TITLE:
SECOND FLOOR PLAN

DRAWN BY:
RICK THIBODEA
907.789.2897

DATE: OCT. 5, 2

SHEET 4

December 27, 2016

Dear Juneau Planning Commission:

We write in support of Don Andrew and Erica Roguska's variance requests to develop their home on 12th Street. I have three kids, and my wife and I have lived at 836 Calhoun Ave since 2007. We walk our kids to and from school every day along 12th Street and are extremely familiar with the neighborhood. We have reviewed their development plans and believe allowing them to complete their home according to those plans would greatly benefit the neighborhood.

We would like to emphasize:

1. Granting the Roguska's variance requests will not interfere with anyone else's property.

2. The current property should be torn down and rebuilt. It's a small blight on the neighborhood. Thus, in making the permitting/variance process shorter and efficient, the Commission will help to abate the current, hazardous conditions at that property.

3. In light of the status of the house that existed 12-18 months ago, the Roguska's plans will greatly reduce the overall nonconformity of this property.

4. Removing existing house would be safest for the neighborhood.

5. Building a new house will bring economic and social benefits to nearby property owners and the neighborhood generally.

6. Granting the variance requests will not authorize any use of the property that is otherwise not allowed.

Thank you for your time and consideration.

Sincerely,

Demian A. Schane Emily Ferry

Demian A. Schane and Emily C. Ferry
836 Calhoun Ave
Juneau, AK 99801-1619

RECEIVED
FEB 16 2017
PERMIT CENTER/CDD

JAN 4, 2017

Name Lindsey Cassidy Email lcassidy9@gmail.com

Comment

January 4th, 2017 To Whom it May Concern: As a resident of "The Flats," I am in full support of a variance for the Roguska Family's new construction on Twelfth and A. I also live on Twelfth street, and I walk past this home in its current condition multiple times a day as I commute by foot to the local grocery store, dog park, and downtown businesses. The home, before remodeling, was falling into obvious disrepair. Since the initial stages of remodeling, the building is an eyesore. The Roguska Family have great plans for this space and are a welcome addition to our neighborhood. The expedient removal of the house in its current state would be most advantageous for the neighborhood. Allowing them a variance at the first meeting and allowing them to move forward with their renovations, as nothing in their plans will negatively impact any neighbors, would be most appreciated. These variances appear reasonable and the overall impact on the neighborhood will be positive.

Sincerely, Lindsey Cassidy

RECEIVED
FEB 16 2017
PERMIT CENTER/CDD

January 7, 2017

Shayna Rohwer
Kevin Maier
1025 D Street
Juneau, AK 99801

Dear Juneau Planning Commission:

Please accept this letter in support of Don Andrew and Erica Roguska's variance requests to develop their home on 12th Street. We live at 1025 D Street, just a few blocks down, and have watched the house at 335 W 12th become increasingly dilapidated and uninhabitable over the last few years. The Roguskas have been communicative and transparent with the neighborhood about their hopes and plans for the house. They have publicly shared their plans for the new structure, and been open to feedback and dialogue from neighbors. We have reviewed their plans and feel that allowing them to build a new structure according to those plans would be a wonderful addition to the neighborhood. Indeed, removal of the current structure will both increase property values and mitigate a dangerous unoccupied space. Granting the Roguska's variance requests will not interfere with anyone else's property. We are excited to welcome this new family to the flats!

Please don't hesitate to contact us with any questions or concerns vie e-mail shaynarohwer@gmail.com, kevinkmaier@gmail.com or phone (907) 209-7722.

Sincerely,

Shayna Rohwer
Kevin Maier

RECEIVED
FEB 16 2017
PERMIT CENTER/CDD

Rosanne Schmitz
612 10th Street
Juneau, Alaska
99801

CBJ Planning Dept

Re: Variance
Don and Erica Rogusta

To whom it may concern,

My name is Rosanne Schmitz and I am currently a resident of the Casey-Shattuck Flats and have lived in my home for 22 years.

When I first moved to Juneau in 1989 I made a point of exploring the different neighborhood in the downtown area. At the time the Flats was nothing to write home about. It was run down and just felt like all the life was oozing out of it.

In 1994 when I was in the market for a house I looked once again at the Flats and saw that many of the homes were being purchased by young families and all of them had plans to or had already begun working on improving their new home.

That's all Don and Erica are trying to do. You've seen the plans, it's a beautiful home that they plan on building. They will be getting rid of a long time eyesore and improve the neighborhood. The variance that they are asking for is not going to bother anyone!

They have done an AMAZING job in letting the neighborhood know what they are proposing. They have gone above and beyond what any other neighbor has ever done when requesting a variance.

They have my approval 100%.

Respectfully,

Rosanne Schmitz

Rosanne Schmitz

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FEB 16 2017
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By signing below I agree that CBJ should grant the setback variance requests for the proposed house at 335 W. 12th street.

Name	Address	Phone #	Email
[illegible]	2271 Irwin	500 322	
Grant Ficek	225 Irwin	3207612557	
L Lynette Ensor	236 Irwin St	907-364-2554	
Cynthia L. Smith	314 Irwin	9074633350	
Edie Seslar	340 W 12th St	419-4564	
Sammy McBrien	404 W 12th St	321-8866	
Andy Klink	420 W 12th St	3218541	
Molly Crenshaw	428 W. 12th	586-1796	
Ron Crenshaw	428 W 12th	586-1796	
CASEY WALSH	426 W 12TH	321-2503	
Sarah Ginter	426 W 12th	209-7106	
Rachel Salassi	526 W 12th	723-1016	
Julie Scheurer	529 W. 12th	541-867-3191	
Colleen Goldrich	513 W 12th	723.9422	
Clint J. Farr	924 D ST	723-5272	
Maz Wheeler	427 W 9th St	586-1819	
Dustin Carroll	1925 Randall Rd	723-9789	

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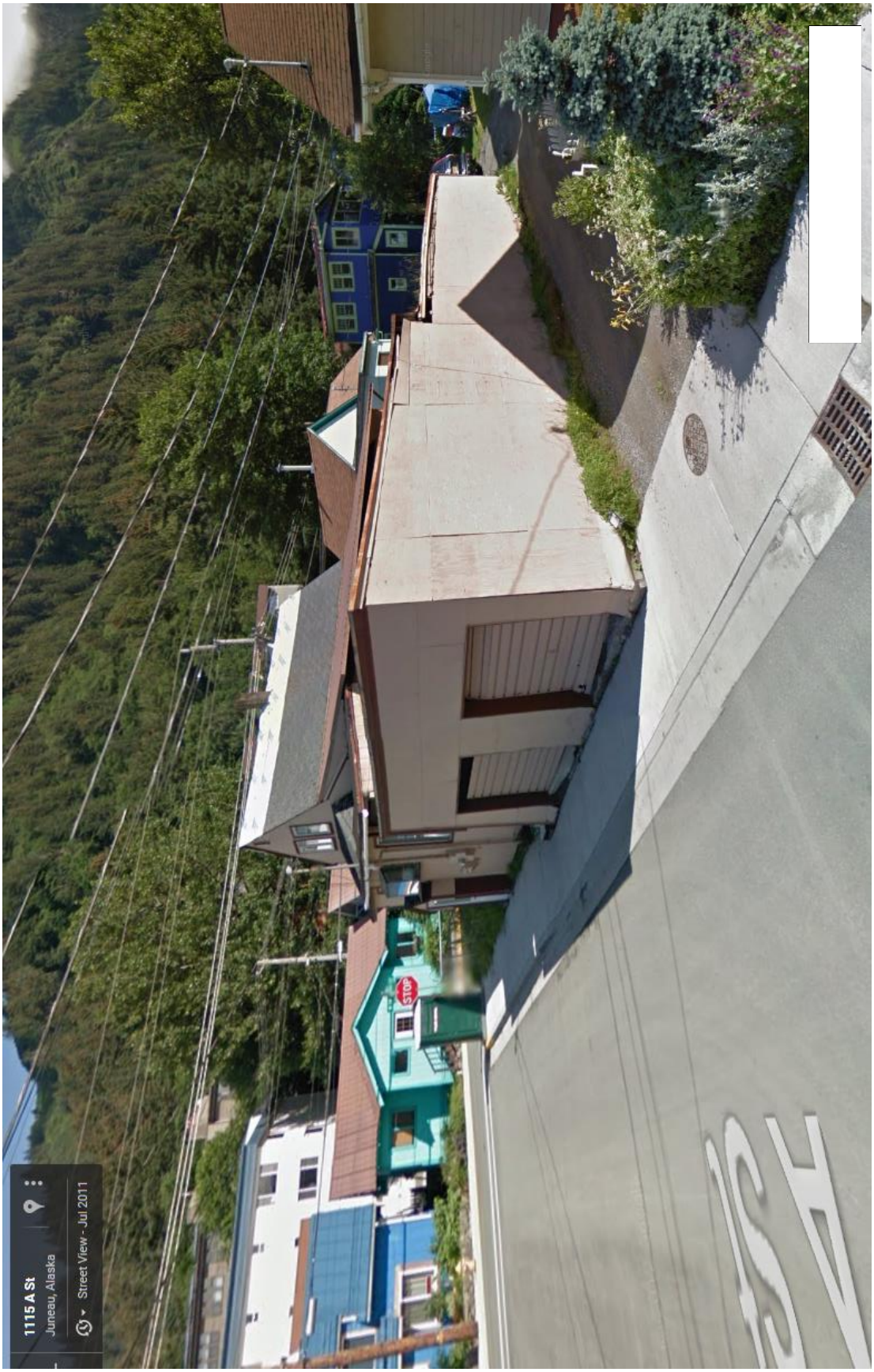
By signing below I agree that CBJ should grant the setback variance requests for the proposed house at 335 W. 12th street.

Name	Address	Phone #	Email
SHAYNA ROHWER	1025 D. St. Juneau AK 99801	907-209-7722	shaynarohwer@gmail.com

Table 1

Date Submitted	Should CBJ grant the requested setback variances for the proposed house at 335 W 12th st?	Are you 18 years of age or older?	What area of Juneau do you reside in?	Please sign your name and leave contact information if possible!
01/14/2017 07:00am	Yes	Yes	Casey Shattuck/Federal Flats	Larry Johansen
01/14/2017 10:18pm	Yes	Yes	Casey Shattuck/Federal Flats	Meilani Schijvens 610 W 11th st
01/15/2017 06:51am	Yes	Yes	Casey Shattuck/Federal Flats	Cassidy Jones 528 W. 11th st. 907-229-4465. Welcome!!!
01/27/2017 11:25am	Yes	Yes	Mendenhall Valley	Kathryn Rabung
01/27/2017 11:33am	Yes	Yes	Douglas	Dawn Jouppi djouppi2@hotmail.com
01/27/2017 11:45am	Yes	Yes	Douglas	Marjorie bagoyo-John 907-223-8930
01/27/2017 11:54am	Yes	Yes	Not a Juneau Resident	Elizabeth "Liz" Clement (former and future Juneau resident currently living in Anchorage, 907.957.2721)
01/27/2017 12:05pm	Yes	Yes	Auke Bay	
01/27/2017 12:23pm	Yes	Yes	Twin lakes/Lemon Creek	Katie Thornton, 907-723-3463
01/27/2017 03:52pm	Yes	Yes	Casey Shattuck/Federal Flats	Bridget LaPenter, bridget.lapenter@gmail.com, 500-4170
01/27/2017 05:51pm	Yes	Yes	Downtown Highlands	Marci Driver, marcibellagh@gmail.com
01/27/2017 06:24pm	Yes	Yes	Casey Shattuck/Federal Flats	Patrick Minick (723 West 10th) 463-4262
01/27/2017 09:22pm	Yes	Yes	Downtown Other	Callie Conerton 723-1233
01/28/2017 02:21pm	Yes	Yes	Mendenhall Valley	Rachelle Smith 907.209.7993
01/28/2017 11:38pm	Yes	Yes	Casey Shattuck/Federal Flats	Rosanne Schmitz 621 10th St Juneau 99801. 907-321-9507
01/29/2017 12:52am	Yes	Yes	Downtown Highlands	Bauer/Clifton Interiors
01/29/2017 10:06am	Yes	Yes	Douglas	Gwenna Corvez (957-4998)
01/29/2017 10:14am	Yes	Yes	Casey Shattuck/Federal Flats	Lynn Barnes, 416 W 9th, 463-3964
02/01/2017 04:24pm	Yes	Yes	Casey Shattuck/Federal Flats	Brooks Horan
02/01/2017 10:27pm	Yes	Yes	Casey Shattuck/Federal Flats	Micaela Fowler
02/09/2017 05:19pm	Yes	Yes	Downtown Other	John "Jonas" Lamb, 638 Gold Street
02/11/2017 11:49pm	Yes	Yes	Casey Shattuck/Federal Flats	Hali Denton

RECEIVED
FEB 16 2017
PERMIT CENTER/CDD

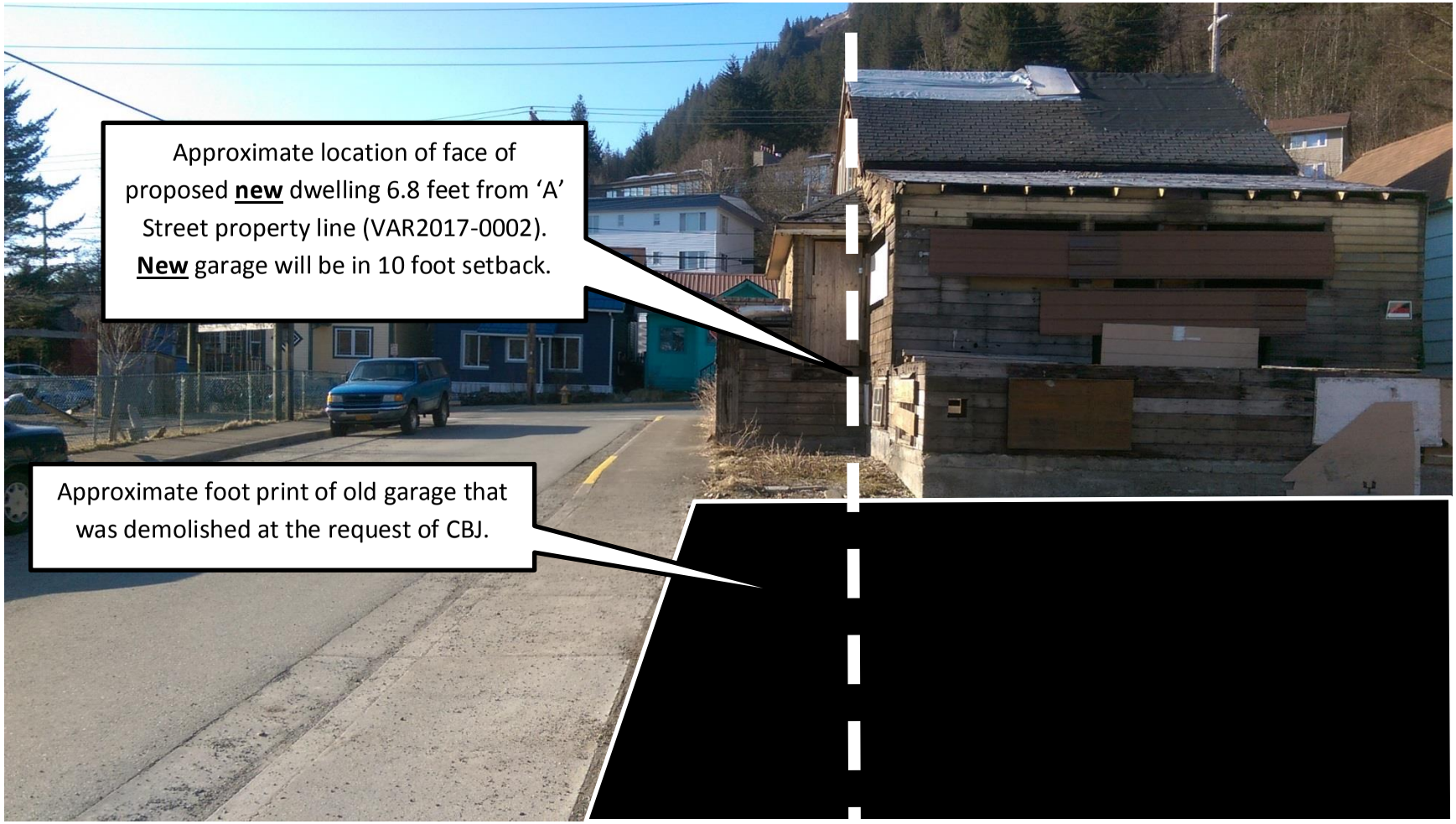


(i) Photograph of now demolished garage on corner of 'A' Street and the Alley.

(ii) Recent photograph of the lot area formerly occupied by the garage on the corner of 'A' Street and the Alley.

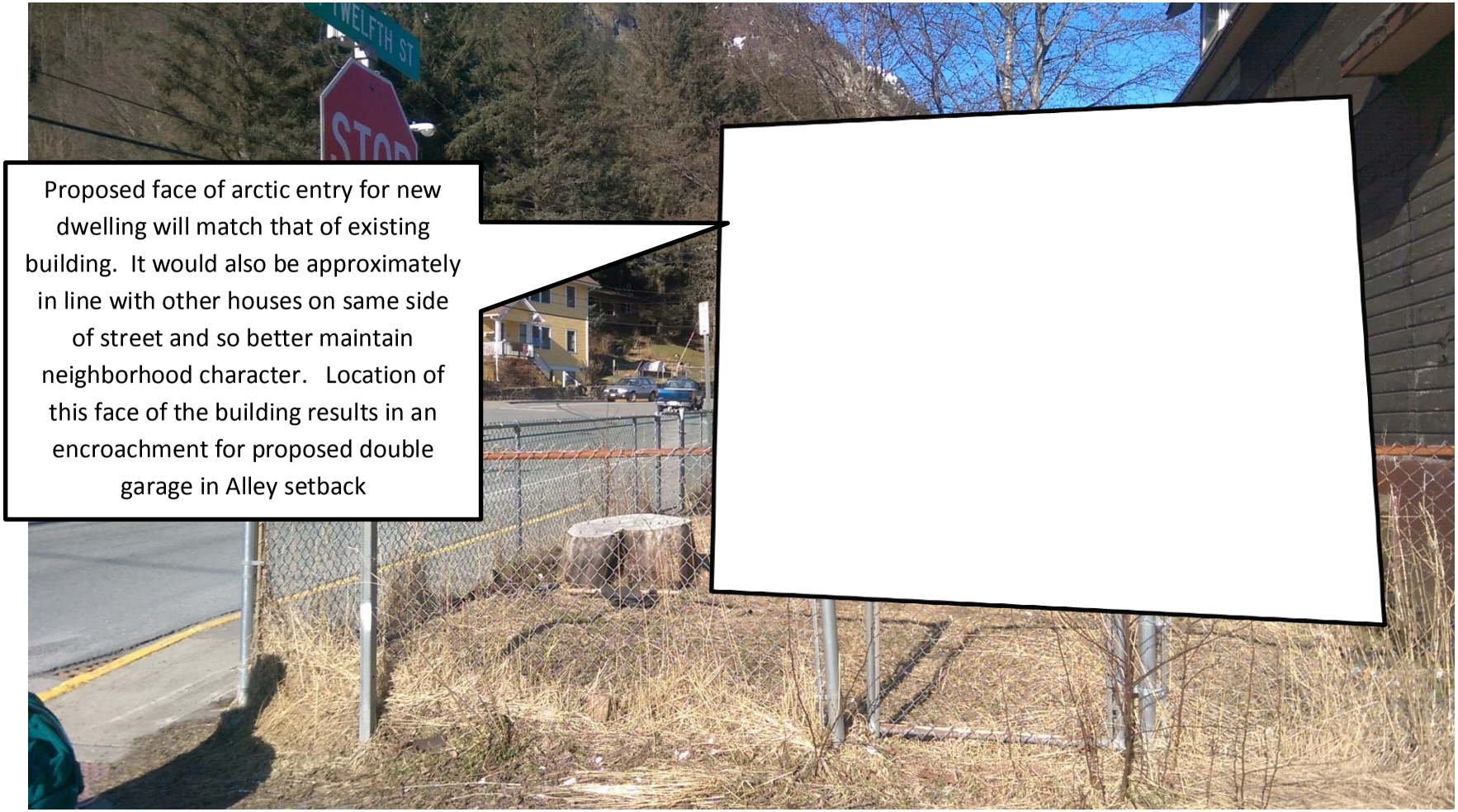
(iii) Recent photograph of the lot area formerly occupied by the garage on the corner of 'A' Street and the Alley. Shown is the approximate location of the face of new garage 5.8 feet from property line.

(iv) Recent photograph of the lot area formerly occupied by the garage on the corner of 'A' Street and the Alley. Approximate location of face of new garage 5.8 feet from property line is shown.



(v) Recent photograph of the lot area formerly occupied by the garage on the corner of 'A' Street and the Alley. House still exists. Approximate location of face of proposed new dwelling 6.8 feet from property line is shown.

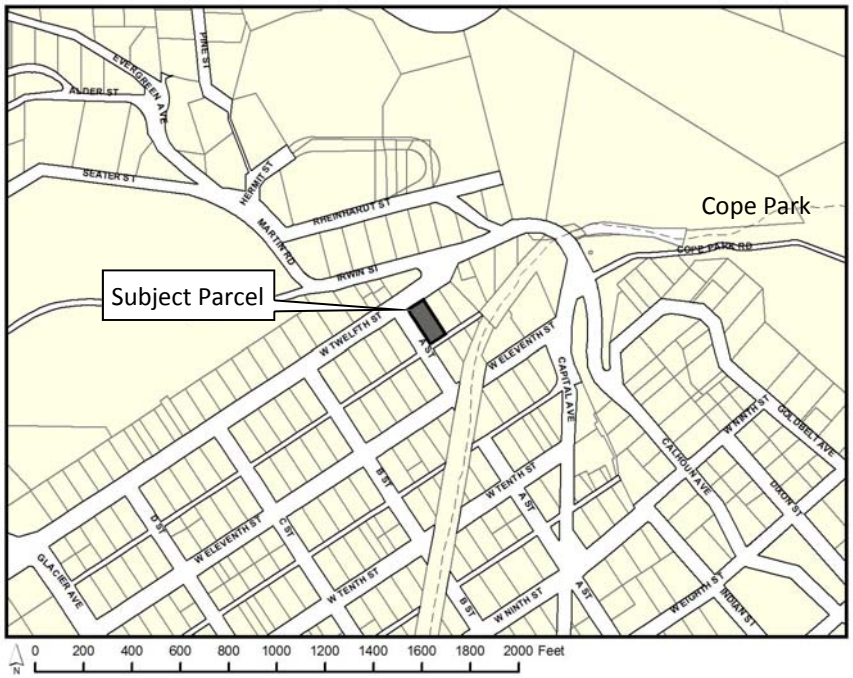
(vi) Recent photograph of the area of the existing house on corner of 'A' Street and West Twelfth Street. House still exists. Face of arctic entry of proposed new dwelling will match existing face.



(vii) Recent photograph of the area of the existing house on corner of 'A' Street and West Twelfth Street. House still exists. Photograph taken from approximate location of driver if exiting 'A' Street. Blanked area shows potential extent of arctic entry if 10 foot setback from West Twelfth Street is used. This would reduce sight distances for cars approaching intersection and be closer to West Twelfth Street sidewalk than other houses on same side of

(viii) Recent photograph of the area of the existing house on corner of 'A' Street and West Twelfth Street. House still exists.

NOTICE OF PUBLIC HEARING



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

SHIP TO:

PROPOSAL: VAR2017 0001: Request for variance to street side yard setback for new garage
VAR2017 0002: Request for variance to front yard setback for new dwelling

File No:	VAR2017 0001, VAR2017 0002	Applicant:	Erica Roguska
To:	Adjacent Property Owners	Property PCN:	1-C03-0-C05-003-0
Hearing Date:	April 25, 2017	Owner:	Don Andrew Roguska
Hearing Time:	7:00 PM	Lot Size:	3600 Square Feet
Place:	Assembly Chambers	Zoned:	D18
	Municipal Building	Site Address:	335 W Twelfth Street
	155 South Seward Street	Accessed Via:	A Street
	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 Tim Felstead at Tim.Felstead@juneau.org or (907) 586-0466.

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

Attachment C - Public Notice

Date notice was printed: March 23, 2017

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

December 3, 2015

Building Parcel File:
1C030C050030
ENF2015 0016

Certified Return Receipt Number:
7010 2780 0000 7478 0432

Rosalie Y. Prado
C/O Grace Lumba
P.O. Box 33563
Juneau, Alaska 99803

Subject: **NOTICE AND ORDER OF DANGEROUS BUILDING**
335 W. Twelfth Street
Legal: Lot 3, Block 205, Casey Shattuck Subdivision

Dear Ms. Prado:

I. FINDINGS AND NOTICE OF VIOLATIONS

Your garage on your property located at 335 W. Twelfth Street, has started to collapse into the City right-of-way. This creates a very dangerous situation.

According to the 2009 International Property Maintenance Code ("IPMC"), section 108 and subsection 108.1.1, adopted at CBJ §19.11.010, the Building Official deems the garage to be an Unsafe Structure:

> **SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT**
> **108.1 General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
>
> **108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Your garage also violates the following:

SECTION 304 EXTERIOR STRUCTURE
304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:
1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

Exceptions:
1. When substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

II. ORDER

The garage has been posted as a DANGEROUS BUILDING. **You are hereby notified and ordered by the Building Official to rectify the above conditions by the following actions:**

1. By January 8, 2016, contact us to discuss your plan for repair or demolition of the building.

2. By January 29, 2016, apply for a building permit to either repair the building to a level to satisfy the 2009 International Property Maintenance Code or apply for a permit to demolish the building.

3. By March 15, 2016 complete demolition or obtain a building permit to correct all violations noted above and secure site until corrections are completed.

   These dates may be adjusted in writing by agreement with the Building Official for just cause.

III. DECLARATION OF ACCEPTANCE OR REJECTION

Pursuant to CBJ 19.01.115.3, you must declare to the Building Official your acceptance or rejection of the terms of this order within five business days of the date of service of this order. Should you fail to do the ordered work or should you reject this order, that failure or rejection shall be cause and consent for the CBJ to proceed with demolition at your expense.

IV. FAILURE TO COMPLY

If the required repair or demolition work is not commenced by the required dates as stated above, you will be in violation of this order and the Building Official may initiate legal action.

Additionally, should you fail to complete the demolition by March 15, 2016, or should you fail to meet any of the deadlines identified above, the City and Borough of Juneau may exercise its authority under CBJ 19.01.115.3 and IPMC Section 110.3 (as adopted by CBJ 19.11.010) to do the work and demolish the building at your expense. Notice of the CBJ's intention to begin the work, if any, will be provided to you at the addresses listed above, unless you provide a different address to the City and Borough in writing. The notice shall specify the date the CBJ intends to begin the work, which shall not be less than seven days from the date of notice.

Also, if at any time before March 15, 2016, or after, the garage becomes an imminent danger as described by IPMC 109, you are hereby on notice that the Building Official may undertake emergency repairs—including demolition—and you will be liable for all costs.

V. APPEAL

Any person having record title or legal interest in the building may appeal this order within 20 days of service of this order, by filing a written notice of appeal with the Municipal Clerk, indicating the basis for the appeal. CBJ 19.02.010.3 provides that an appeal shall be based on a claim that:

a. The true intent of the building codes or rules have been incorrectly interpreted;
b. The provisions of the Building Regulations Code (CBJ 19) do not fully apply; or
c. There is an equally good or better form of construction (or repair) proposed by you.

Failure to appeal will constitute waiver of all rights to an administrative hearing and determination of the matter.

Also, be advised that pursuant to CBJ 19.11.107.6 (IPMC 107.6 "Transfer of Ownership") the following applies:

> It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order, or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

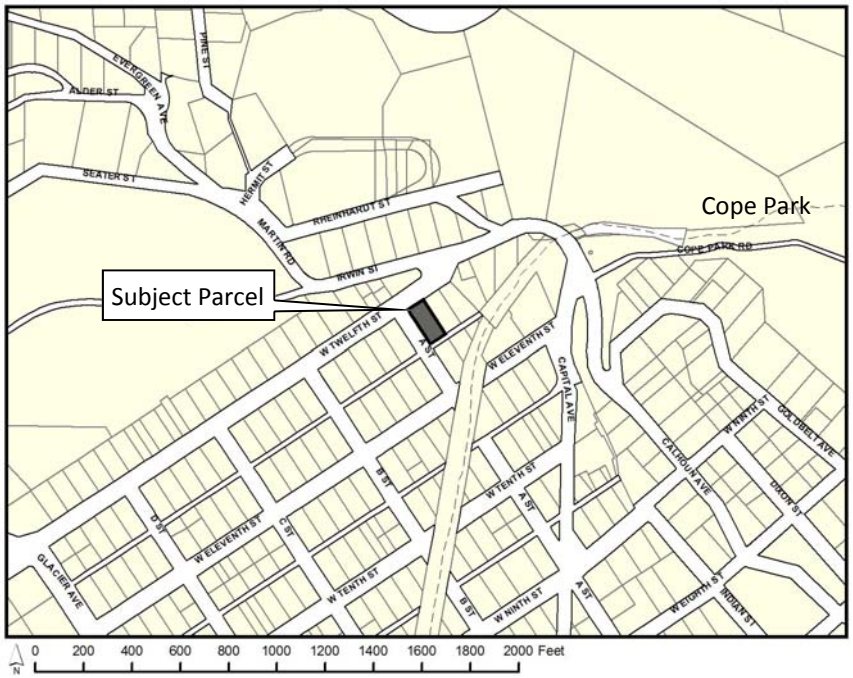
Permit Applications are available at and shall be submitted to the Permit Center, located on the 4th floor of the Marine View Building at 230 South Franklin Street. Permit applications are accepted from 8:00 a.m. to 4:00 p.m., Monday through Friday. You may also mail permit applications to Community Development Department, CBJ, 155 S. Seward St., Juneau, AK 99801. If you have any questions with respect to this Notice and Order please contact me or Guy Gleason at (907) 586-0707 or via email at Guy.Gleason@Juneau.org.

Sincerely,

Charlie Ford, Building Code Official
Community Development Department
Tel: (907) 586-0767 Fax: (907) 586-4529
Email: Charlie.Ford@Juneau.org
Web Page: www.juneau.org/permits

cc: Kim Kiefer, City Manager
Rob Steedle, Assistant City Manager
Amy Mead, City Attorney
Dan Jager, Fire Marshal
Guy Gleason, Chief Building Inspector

NOTICE OF PUBLIC HEARING



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

SHIP TO:

PROPOSAL: VAR2017 0001: Request for variance to street side yard setback for new garage
VAR2017 0002: Request for variance to front yard setback for new dwelling

File No:	VAR2017 0001, VAR2017 0002	Applicant:	Erica Roguska
To:	Adjacent Property Owners	Property PCN:	1-C03-0-C05-003-0
Hearing Date:	April 25, 2017	Owner:	Don Andrew Roguska
Hearing Time:	7:00 PM	Lot Size:	3600 Square Feet
Place:	Assembly Chambers	Zoned:	D18
	Municipal Building	Site Address:	335 W Twelfth Street
	155 South Seward Street	Accessed Via:	A Street
	Juneau, Alaska 99801		

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Date notice was printed: March 23, 2017

VAR2017 0001 and 0002
Variance request for a reduction of the front yard setback and street side yard setback for a new dwelling and attached garage.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

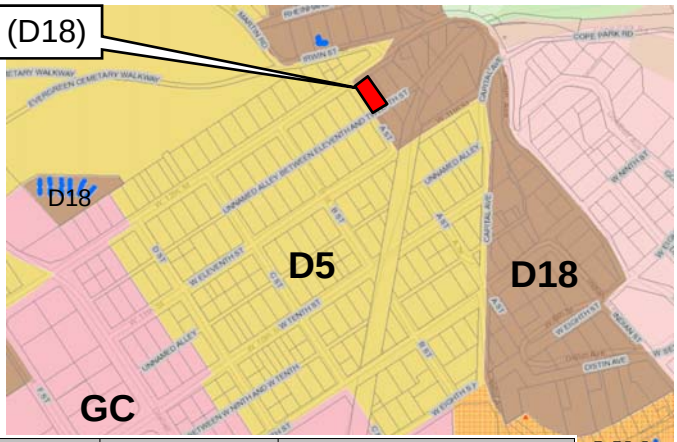
VAR17-01
VAR17-02

Project Proposal

- VAR 17-01 Reduction in 10 foot street side yard setback along an alley to 5.8 feet to allow for new attached garage
- VAR 17-02 Reduction in 10 foot front yard setback along 'A' Street to 6.8 feet for a new dwelling

VAR17-01
VAR17-02

Location



Yard	Standard setback	Setback after exceptions
W. Twelfth Street (Street yard)	20 feet	10 feet
'A' Street (Front yard)	13 feet	10 feet
Alley (Street side yard)	13 feet	10 feet
Side yard	5 feet	
NB/ A rear yard setback of 20 feet is not required because the lot is bordered by three rights-of-way.		

VAR17-01
VAR17-02

Aerial

VAR17-01 VAR17-02 Site Photo – View of demolished garage from 'A' St

Attachment B (i): Photograph of now demolished garage on corner of 'A' Street and the Alley.

VAR17-01 VAR17-02 Site Photo – View of demolished garage from 'A' St

Attachment B (ii): Recent photograph of area garage occupied on lot on corner of 'A' Street and the Alley.

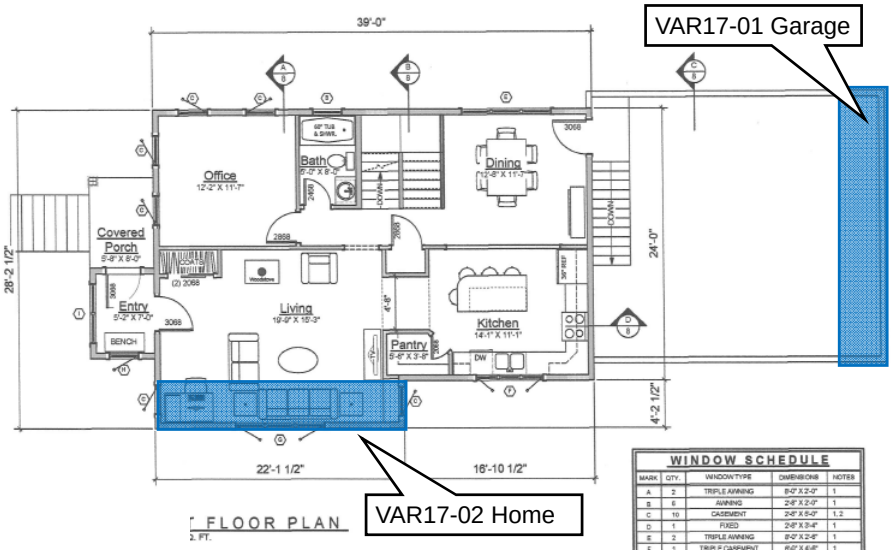
VAR17-01
VAR17-02

Site Photo – Existing house from W. Twelfth St

Attachment B (viii): Recent photograph of area existing house on corner of 'A' Street and W. Twelfth Street. House still exists.

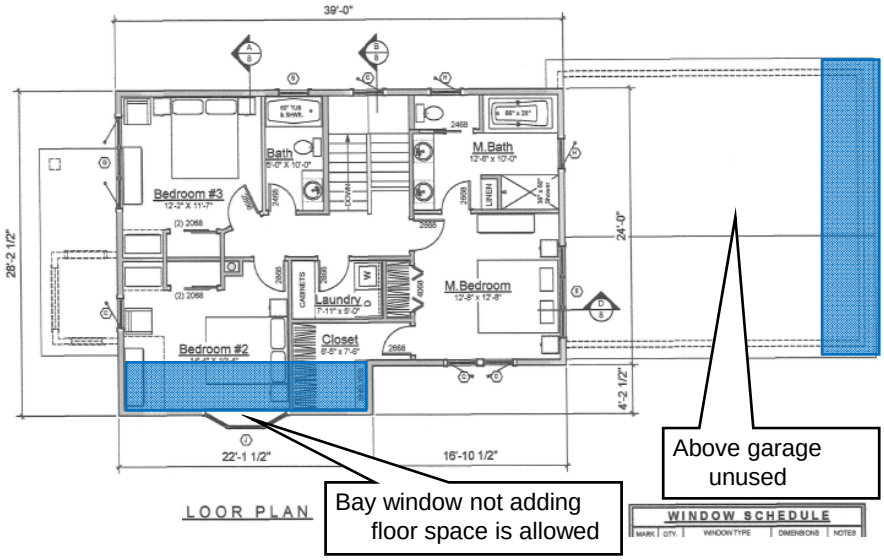
VAR17-01
VAR17-02

Proposed floor plan (1st floor)



VAR17-01
VAR17-02

Proposed floor plan (2nd floor)

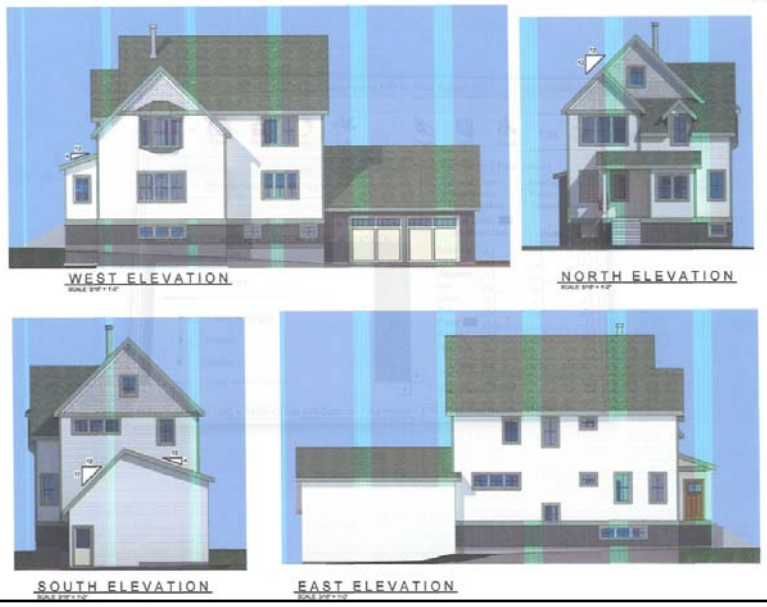


Bay window not adding floor space is allowed

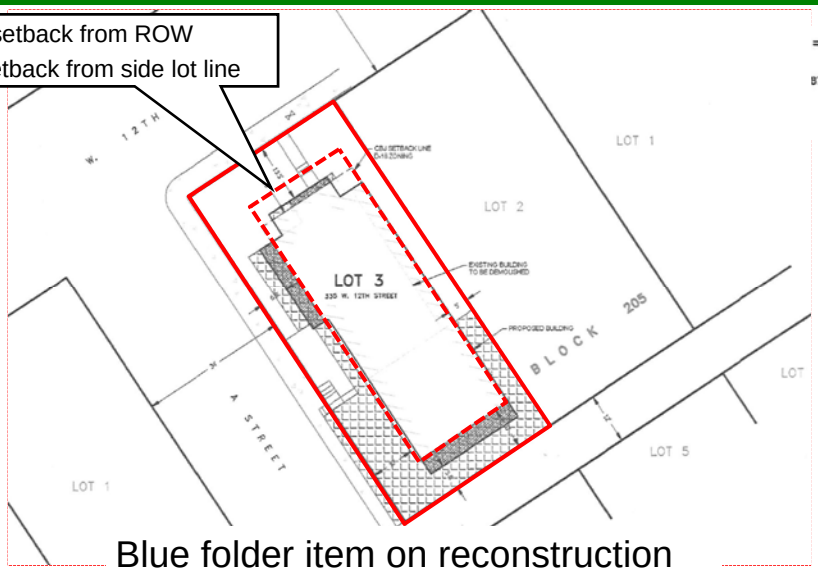
Above garage unused

VAR17-01
VAR17-02

Proposed elevation drawings

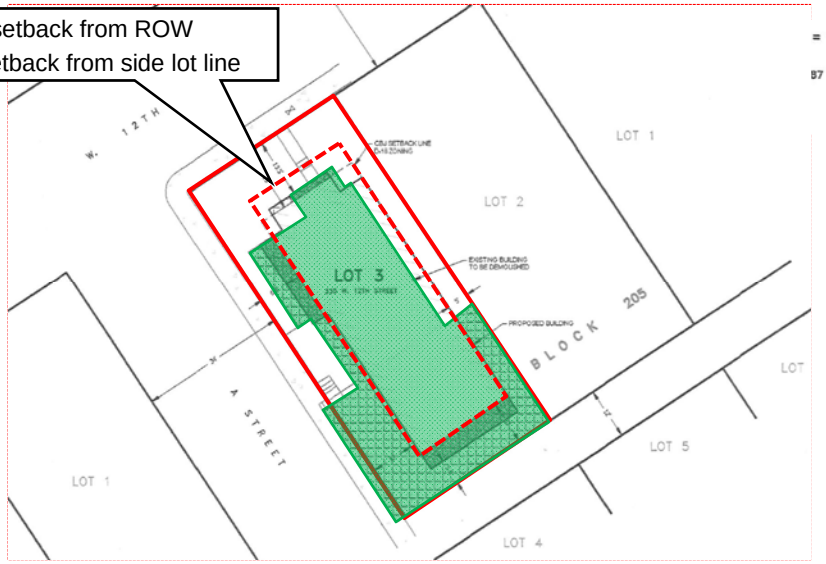


VAR17-01
VAR17-02
Site Plan (Setbacks)

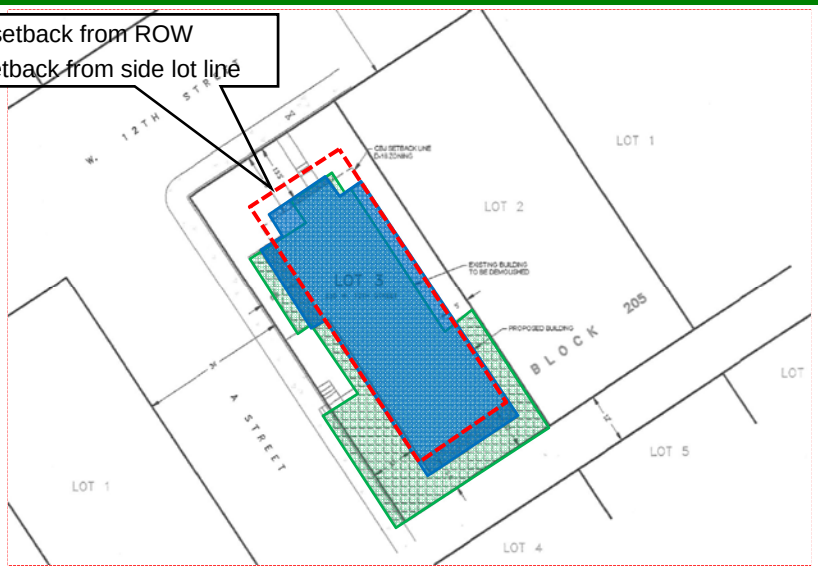


Blue folder item on reconstruction

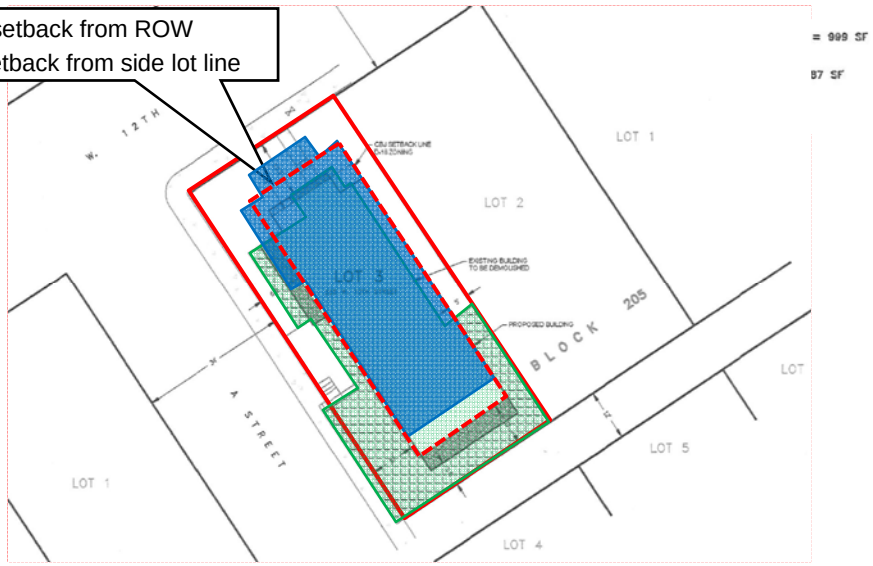
VAR17-01
VAR17-02
Site Plan (Existing house/demolished garage)



VAR17-01
VAR17-02
Site Plan (Proposed new house and garage)



VAR17-01
VAR17-02
Site Plan (Possible location - exceptions)



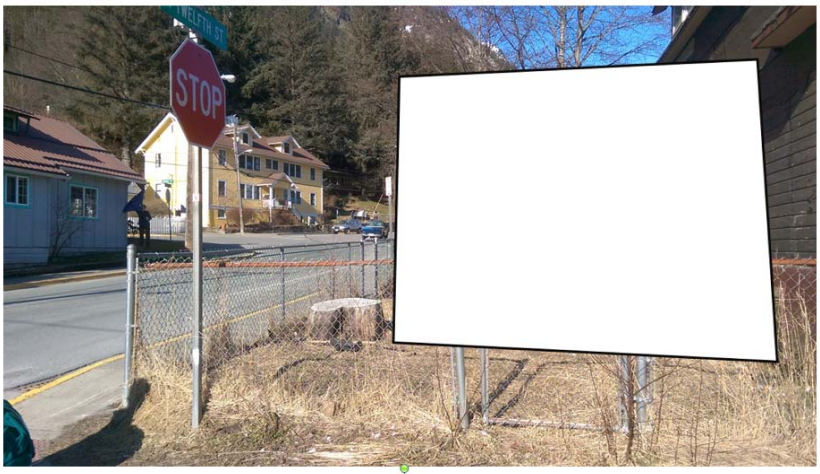
VAR17-01
VAR17-02

Site Photo –

Attachment B (vii): Recent photograph of area existing house on corner of 'A' Street and W. Twelfth Street. House still exists. Photograph taken from approximate location of driver if existing 'A' Street.

VAR17-01
VAR17-02

Site Photo –



Attachment B (vii): Recent photograph of area existing house on corner of 'A' Street and W. Twelfth Street. House still exists. Photograph taken from approximate location of driver if existing 'A' Street.

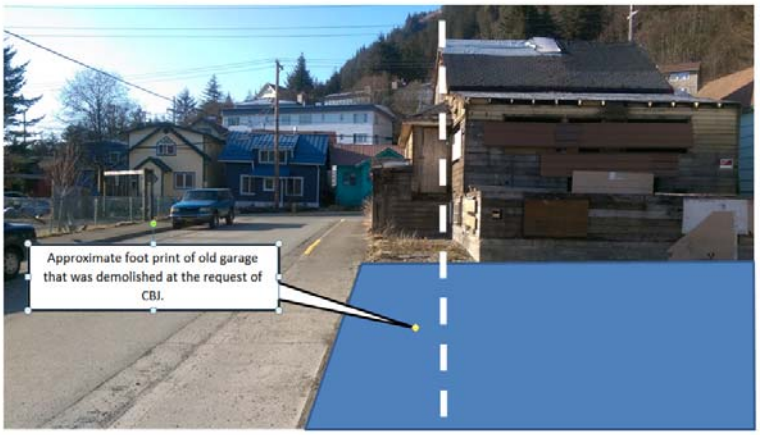
VAR17-01
VAR17-02

Site Photo – Alley to 'A' St

Attachment B (iv): Recent photograph of area garage occupied on lot on corner of 'A' Street and the Alley. Approximate location of face of new garage 5.8 feet from property line is shown.

VAR17-01
VAR17-02

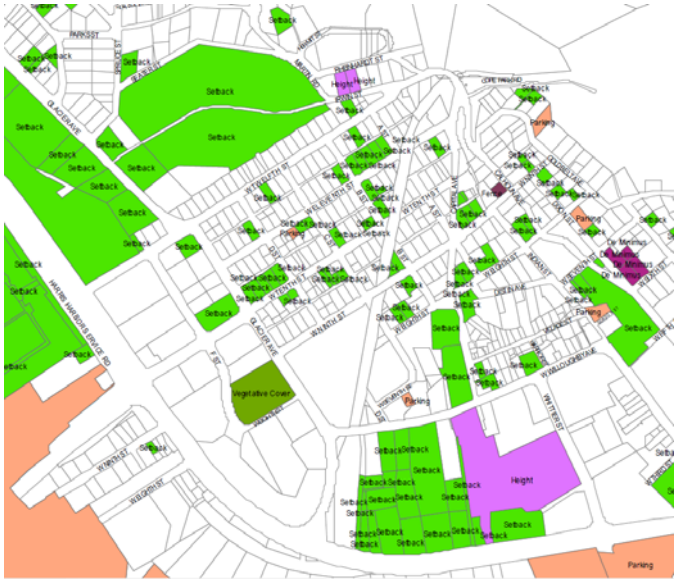
Site Photo – Proposed extent of new home towards 'A' St



Attachment B (v): Recent photograph of area garage occupied on lot on corner of 'A' Street and the Alley. House still exists. Approximate location of face of proposed new dwelling 6.8 feet from property line is shown.

VAR17-01 VAR17-02 Aerial view Building line of other buildings

VAR17-01 VAR17-02 Approved setback variances in the neighborhood - Post 1987



VAR17-01
VAR17-02

"First, an applicant must show that "hardship and practical difficulties result[ing] from an extraordinary situation or unique physical feature" make difficult for the owner to comply with the provisions of Title 49. Once the Board determines applicant has made a sufficient showing that this threshold has been met, a variance may be granted if the Board determines that.." six criteria

Decision on Appeal

Olmo, LLC v. Board of Adjustment

VAR17-01
VAR17-02

Findings – VAR17-01

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.

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

N/A

VAR17-01
VAR17-02

Findings – VAR17-01

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 has not shown hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property.

- **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.**
- **Criterion 1 is not met. Criterion 2, 3, 4 and 5 are met. Criterion 6 is met if the recommended condition is applied.**

VAR17-01
VAR17-02

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, **VAR2016 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 D18 zoning district.

The following condition of approval is recommended:

1.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 rty line.

VAR17-01
VAR17-02

Findings – VAR17-02

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.

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

N/A

VAR17-01
VAR17-02

Findings – VAR17-02

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 has not shown hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property.

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.

Criterion 1 and 6 are not met. Criterion 2, 3, 4 and 5 are met

VAR17-01
VAR17-02

Staff Recommendation – VAR17-02

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2016 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 D18 zoning district.

VAR17-01
VAR17-02

END

VAR17-01

Criterion 1

•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.

- *Parking can be provided without garage*
- *Many nonconforming setbacks immediate area but some relief is already granted*
- *Lot size is undersized*
- *Desired footprint can be shifted toward W. 12th St though may impact sight distances from 'A' St and affect appearance of W 12th*

No. The criterion is not met.

VAR17-01

Criterion 2

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.

- *Meets with intent of title as given in CBJ49.05100*
- *No evidence of adverse impacts*
- *CBJ Building, CCFR and CBJ General Engineering have no issues with the proposal*
- *Maintaining existing W. 12th St sight distance more important than maintaining 'A' St sight distance.*

Yes. The criterion is met with recommended condition.

VAR17-01

Criterion 3

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

- *Some support from local residents provided but not from immediate neighbors. Applicant has struggled to contact them.*
- *There have been no concerns raised by neighbors following public notice.*
- *CBJ Building, CCFR and CBJ General Engineering have no issues with the proposal*

Yes. The criterion is met.

VAR17-01

Criterion 4

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

•The current use is single-family residential. The use is allowed within the D5 district, per CBJ 49.25.300 Table of Permissible Uses, section 1.110.

Yes. The criterion is met.

VAR17-01

Criterion 5a

•***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 single family residence while still meeting the off-street parking requirements.

•**No. The sub-criterion is not met.**

VAR17-01

Criterion 5b

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

(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;

- *Current situation is consistent with the surrounding neighborhood,*
- *Some relief already granted based on other nonconforming buildings*

No. The sub-criterion is not met.

VAR17-01

Criterion 5c

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

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

•There are no unique physical features on the subject lot.

No. The sub-criterion is not met.

VAR17-01

Criterion 5d

(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.

•*Pre-existing garage encroached further into setbacks. Variance would be for a lesser encroachment. CBJ required garage to be demolished*

•**Yes. The sub-criterion is met.**

VAR17-01

Criterion 6

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

•*Granting variance would allow existing sight distance and appearance on W 12th St to be retained and still allow applicant proposed building design*

•**Yes. The criterion is met <u>if the recommended condition is applied</u>.**

VAR17-02

Criterion 1

•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.

- *Space above the garage not being built above.*
- *Many nonconforming setbacks immediate area but some relief is already granted*
- *Lot size is undersized*
- *Desired footprint can be shifted toward W. 12th St though may impact sight distances from 'A' St and affect appearance of W 12th*
-

No. The criterion is not met.

VAR17-02 Criterion 2

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.

- *Meets with intent of title as given in CBJ49.05100*
- *No evidence of adverse impacts*
- *CBJ Building, CCFR and CBJ General Engineering have no issues with the proposal*
- *Encroaching into setback would not be out of keeping with neighboring properties*
- *Back out parking would be allowed based on existing house setback. Reduced setback would help.*

Yes. The criterion is met.

VAR17-02 Criterion 3

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

- *Some support from local residents provided but not from immediate neighbors. Applicant has struggled to contact them.*
- *There have been no concerns raised by neighbors following public notice.*
- *CBJ Building, CCFR and CBJ General Engineering have no issues with the proposal*

Yes. The criterion is met.

VAR17-02 Criterion 4

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

•*The current use is single-family residential. The use is allowed within the D5 district, per CBJ 49.25.300 Table of Permissible Uses, section 1.110.*

Yes. The criterion is met.

VAR17-02 Criterion 5a

•***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 single family residence

•**No. The sub-criterion is not met.**

VAR17-02 Criterion 5b

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

(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;

- *Some relief already granted based on other nonconforming buildings but granting variance would also be in keeping with neighborhood appearance due to other surrounding nonconforming buildings*

No. The sub-criterion is not met.

VAR17-02 Criterion 5c

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

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

•*There are no unique physical features on the subject lot.*

No. The sub-criterion is not met.

VAR17-02 Criterion 5d

(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.

•Pre-existing home encroaches further into setbacks. Variance would be for a lesser encroachment.

•Yes. The sub-criterion is met.

VAR17-02 Criterion 6

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

•The relief already provided allows the appearance of the house to be in keeping with the neighborhood.

•A single family home can be built without a variance to replace the dilapidated structure albeit with a narrower footprint.

•No. The criterion is NOT met.

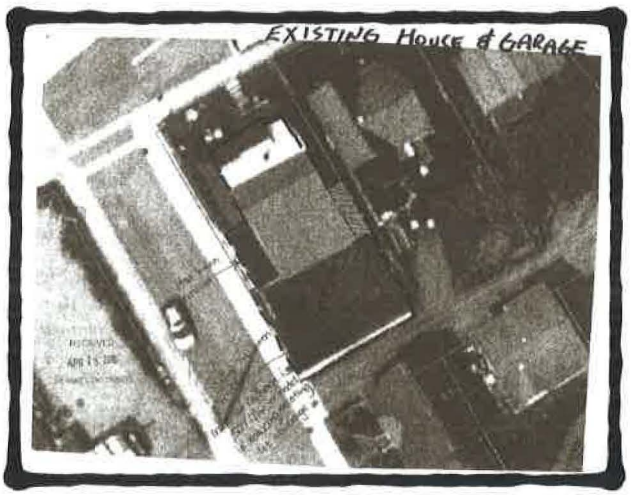
April 2017

"The Cinderella House"

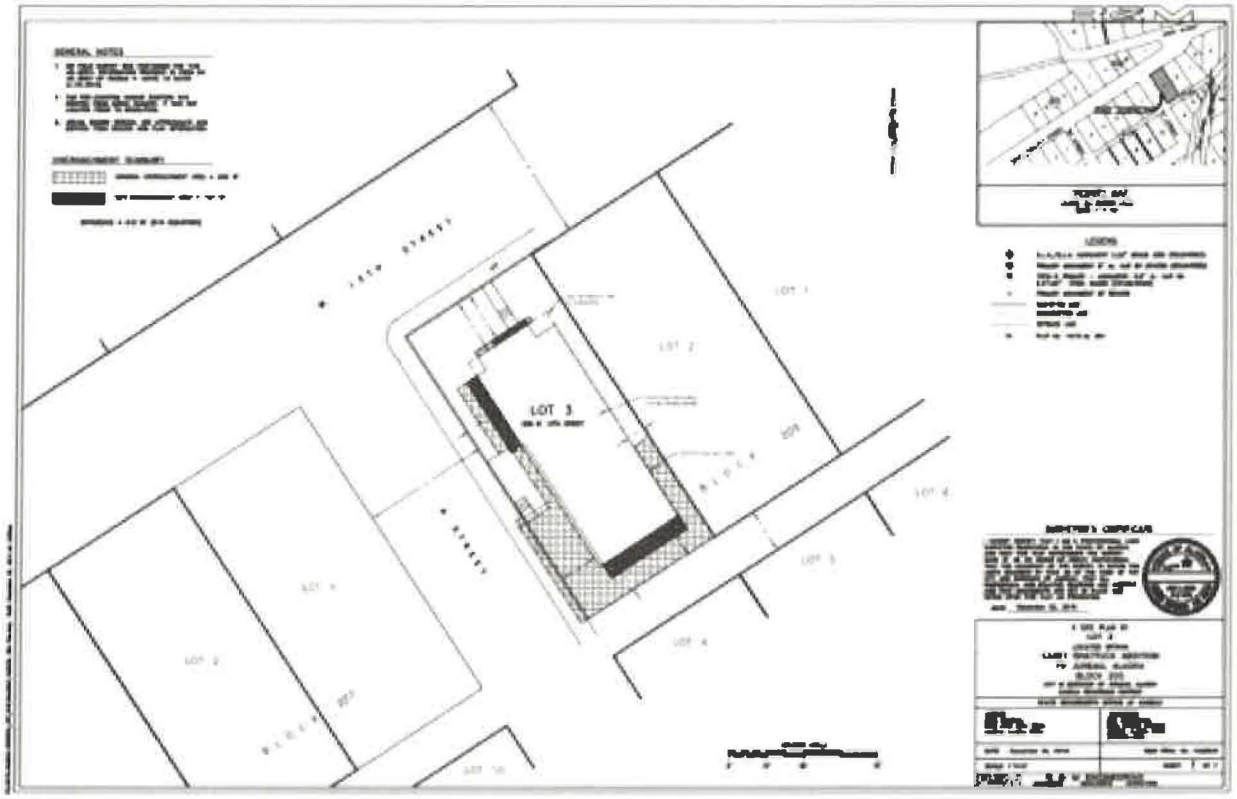
Variance requests for 335 West 12th Street.
Future home to Don Andrew, Erica, Bailey, and Asher Roguska.

Fast Facts about our Project:

- The original house, known as the Morris house, was built in 1914.
- The original house and garage (pictured right) had setback encroachments of 999 square feet. (as measured by a licensed surveyor)
- Our proposed setback encroachments will be less than 187 square feet.
- **Our proposed encroachments are a reduction of over 81%**



An arial photo of the house and garage.
Notice the placement of the garage relative the the alley, and the house relative to A Street.



A site plan that shows the previous encroachments (shown in light grey), and our proposed encroachments (shown in dark grey).

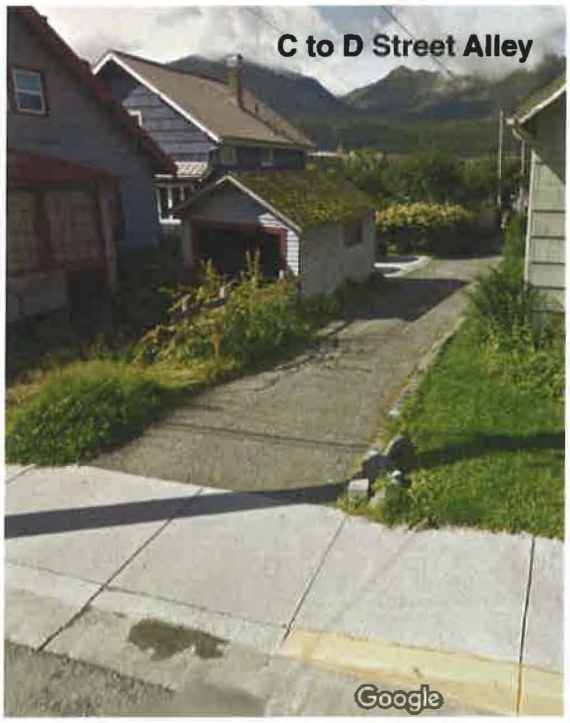
Note that a variance for the West 12th Street side is not needed for an unheated arctic entryway.

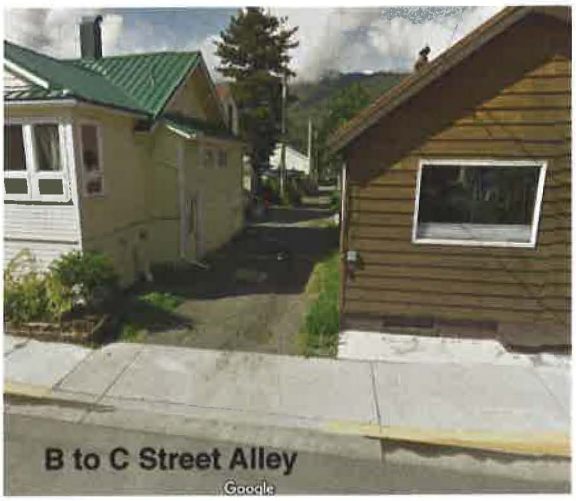
Extensive damage we assume was caused by carpenter ants.

A picture of the house in (approximately) the 1970's.

An elevation picture of our proposed house.

From C Street, looking down the alley towards B Street.





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 11, 2017
File No.: VAR2017 0001

Erica and Don Andrew Roguska
9873 Lone Wolf Drive
Juneau, AK 99801

Proposal:	Request for variance to street side yard setback for new garage.
Property Address:	335 West Twelfth Street
Legal Description:	Lot 3, Block 205, Casey Shattuck
Parcel Code No.:	1-C03-0-C05-003-0
Hearing Date:	April 25 2017

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandums dated April 13 2017 and April 21 2017, and **DENIED** the Variance.

Attachments:

i. April 13, 2017, memorandum from Tim Felstead, Community Development, to the CBJ Board of Adjustment regarding VAR2017 0001.
ii. April 21, 2017, memorandum from Tim Felstead, Community Development, to the CBJ Board of Adjustment regarding VAR2017 0001 and VAR2017 0002.

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).

Project Planner: _____ _____

Tim Felstead, Planner
Community Development Department

Ben Haight, Chair
Planning Commission

_____ May 12, 2017

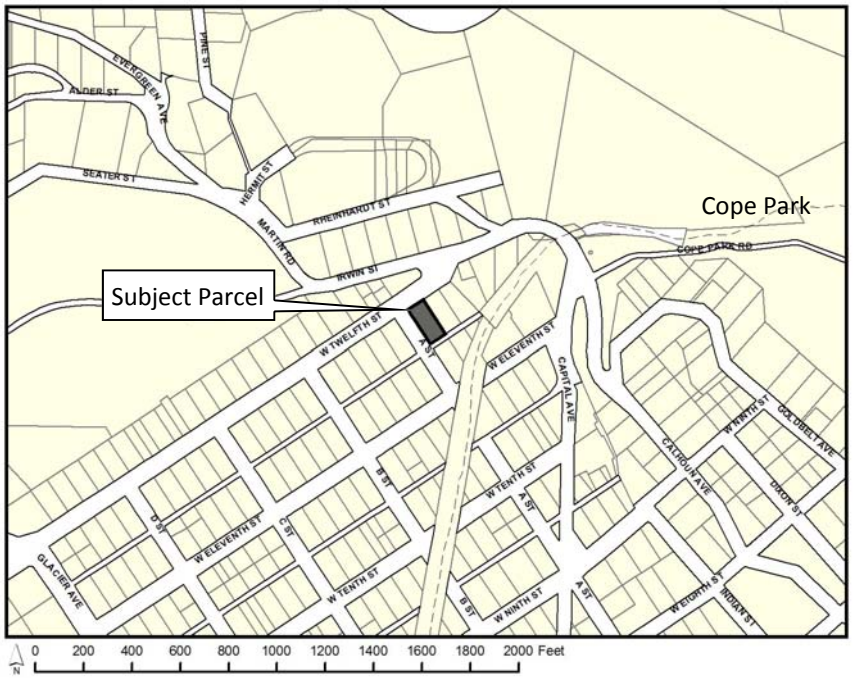
Filed With City Clerk

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.

NOTICE OF PUBLIC HEARING



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

SHIP TO:

PROPOSAL: VAR2017 0001: Request for variance to street side yard setback for new garage
VAR2017 0002: Request for variance to front yard setback for new dwelling

File No:	VAR2017 0001, VAR2017 0002	Applicant:	Erica Roguska
To:	Adjacent Property Owners	Property PCN:	1-C03-0-C05-003-0
Hearing Date:	April 25, 2017	Owner:	Don Andrew Roguska
Hearing Time:	7:00 PM	Lot Size:	3600 Square Feet
Place:	Assembly Chambers	Zoned:	D18
	Municipal Building	Site Address:	335 W Twelfth Street
	155 South Seward Street	Accessed Via:	A Street
	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 Tim Felstead at Tim.Felstead@juneau.org or (907) 586-0466.

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

Date notice was printed: March 23, 2017

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: April 13, 2017

TO: Board of Adjustment

FROM: Tim Felstead, Planner II,
Community Development Department

FILE NO.: VAR2017 0002

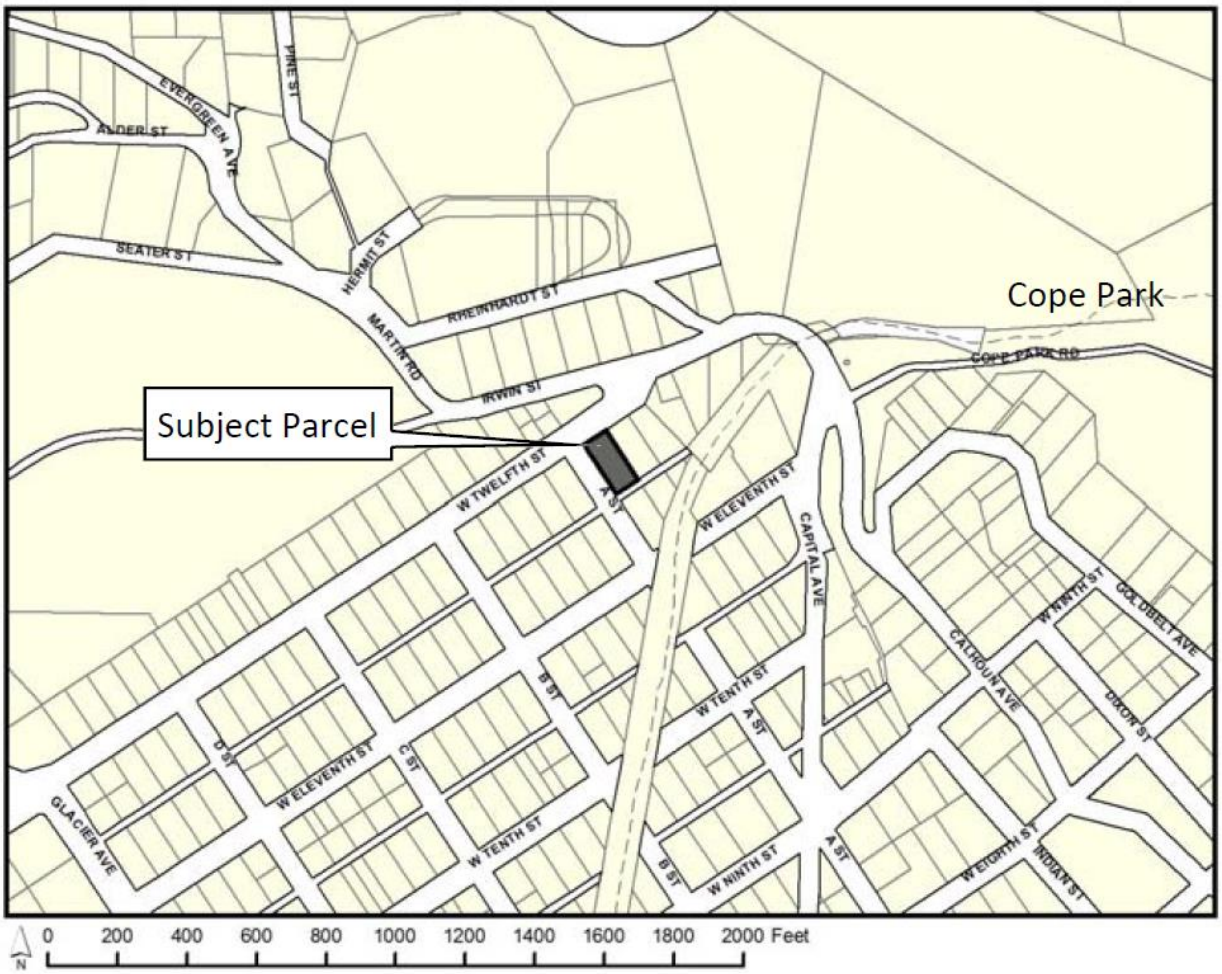
PROPOSAL: Request for variance to front yard setback for new dwelling.

GENERAL INFORMATION

Applicant:	Erica and Don Andrew Roguska
Property Owner:	Erica and Don Andrew Roguska
Property Address:	335 West Twelfth Street
Legal Description:	Casey Shattuck, Block 205, Lot 3
Parcel Code Number:	1-C03-0-C05-003-0
Site Size:	3600 Square Feet
Comprehensive Plan Future Land Use Designation:	Medium density residential (MDR - urban residential lands for multifamily dwelling units at densities ranging from 5 - 20 units/acre)
Zoning:	D-18
Utilities:	CBJ Water & Sewer
Access:	Proposed for 'A' Street
Existing Land Use:	Vacant Residential Property

Surrounding Land Use:	Northwest	- West Twelfth St.; Multifamily dwelling
	Southeast	- Alley; Single family residential
	Northeast	- Single Family residential
	Southwest	- 'A' St.; Private playground

VICINITY MAP



ATTACHMENTS

Attachment A	Variance Application, including narrative, site plans, proposed elevation drawings and floor plans, and letters of support
Attachment B	Photos of site
Attachment C	Public notice
Attachment D	Letter from CBJ addressing dilapidated garage

PROJECT DESCRIPTION

The applicants seek two variances to yard setbacks along street rights-of-way. The applicants' proposed plans for the size of a new dwelling in addition to an attached two car garage result in encroachments into the street side yard setback along the Alley and into the front yard setback along 'A' Street.

This staff report addresses the request for a variance to the front yard setback bordering the 'A' Street right-of-way for construction of a new dwelling. The required setback is 10 feet. The applicants wish to reduce the setback to 6.8 feet.

VAR2017-0001 addresses a variance request to allow a portion of the garage to encroach into the street side yard setback along the Alley.

BACKGROUND

According to the Assessor's database, the existing house was built in 1914. A garage addition was constructed, which appears in aerial photography of the area circa 1959. The Casey-Shattuck subdivision was platted nearly 100 years ago. The subject lot is 3,600 square feet in area and was and is now legally non-conforming because D18 zoning establishes a minimum lot size of 5,000 square feet.

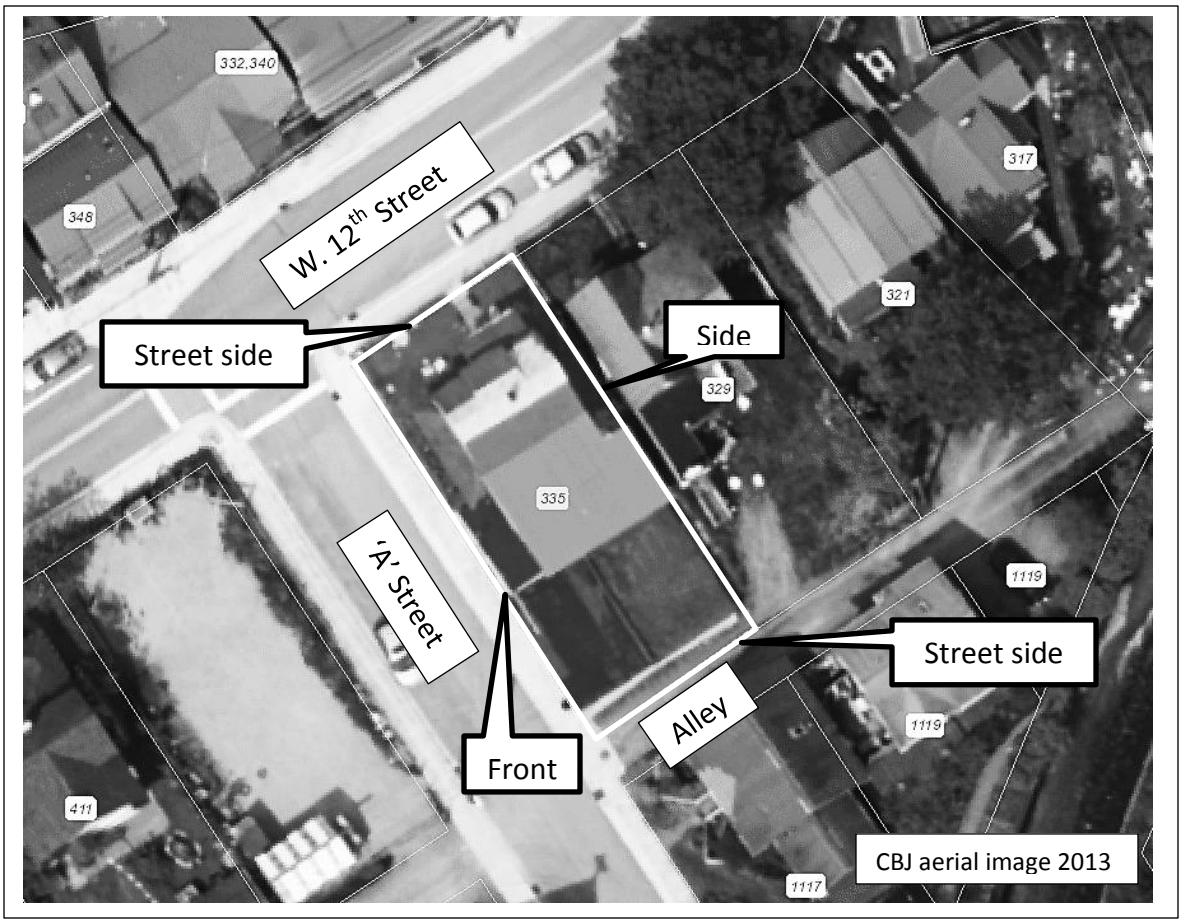
The applicants hoped to renovate the existing house and had an approved building permit to do so (BLD2016-0252). The applicants have stated that following inspection by architects and engineers, they discovered how expensive it would be to bring the building up to a safe construction standard. It would be more cost effective to rebuild including putting in a new foundation. A Building Permit for demolition of the house has been issued (DMO2016-0019). The garage was in a dilapidated state, and at the request of CBJ (ENF2015-0016), it was demolished (see **Attachment D**). The demolition was approved under Building Permit DMO2016-0004.

The existing house and the garage (that until recently occupied the lot) had a combined footprint larger than the one being proposed for the new house and garage. The buildings do or did encroach into the setbacks to a greater extent than is being requested by this variance. The garage encroached into the 'A' Street right of way and was built up to the Alley property line. Parts of the combined house and garage were made nonconforming by adoption of the current Land Use Code.

Attachment A (iii) provides the pre-existing site plan together with the footprint of the proposed dwelling. Elevations drawings can be found in **Attachment A (iv)** and floor plans for the new dwelling are included in **Attachment A (v)**.

ANALYSIS

The subject lot is bordered by three rights-of-way: West Twelfth Street, 'A' Street and an Alley. The Land Use Code allows lots which are bordered by three or more rights-of-way to not provide a rear yard setback. The remaining lot lines are designated as side lot lines which are generally subject to the smallest setbacks for a zoning district; in this case it is 5 feet. (CBJ 49.25.430(3)).



Many buildings in the neighborhood have nonconforming setbacks, and the Land Use Code provides relief for new buildings when other buildings in the immediate vicinity also have nonconforming setbacks. CBJ 49.25.430(4)(K) allows the distance from the right-of-way property line of the nearest three conforming or legally nonconforming buildings to be used to calculate the required setback for a new building. The exception requires only one building per lot to be used and allows for an existing building on the subject lot to be used for the calculation. The setback can be reduced up to half of the distance required for the zoning district or 10 feet, whichever is greater. Due to the surrounding buildings on the three rights-of-way encroaching into the required setbacks, the subject lot's setbacks are reduced by the

maximum amount possible; 10 feet for the front and side street setbacks and five feet for the side yard setback.

The applicants had been working based on reduced setbacks as previously provided by the Community Development Department. During the review for this staff report it was determined that the setbacks on West Twelfth Street could be reduced further than those shown on the applicant's site plans, to 10 feet instead.

The substandard setback exception helps ensure that the standards accepted for other property owners are also provided to neighboring lots, to a limited extent. It also assists in maintaining the appearance and character of a neighborhood when new buildings are constructed. The standard and reduced setbacks are provided in the table below.

Yard	Standard setback	Setback after exceptions
W. Twelfth Street (Front yard)	20 feet	10 feet
'A' Street (Street side yard)	13 feet	10 feet
Alley (Street side yard)	13 feet	10 feet
Side yard	5 feet	
NB/ A rear yard setback of 20 feet is not required because the lot is bordered by three rights of way		

The lot is required to provide two parking spaces for a single family residence. According to the proposed plans, this requirement will be satisfied in the proposed two car garage. Vehicles backing out of the garage would have a 10 foot deep driveway in front of the garage. Part of the purpose of the setbacks along rights-of-way is to provide for sight distances for vehicles exiting from a lot into a street. The applicants propose backing out of the lot from a garage onto 'A' Street. An encroachment into the setbacks for the proposed new dwelling would have some impact on this sight distance (see **Attachment B (v)**). Vehicles leaving the Alley may also be impacted, but the distance between the Alley and the requested encroachment is approximately 50 feet and so the impact would be negligible.

Back-out parking is allowed in residential zoning districts for single family and duplex dwellings provided the Director can determine that it '*does not unreasonably interfere with public health and safety of the area*'. The existing house encroaches further into the setbacks than the proposed new structure. Based on the existing setbacks and level of traffic 'A' Street experiences, the Director has determined that back-out parking with the existing setback would be acceptable.

Even with approval of both variances, the maximum lot coverage will not be exceeded based on the proposed plans. The combined lot coverage for the proposed house and garage is approximately 1,750 square feet. In the D18 zoning district, the maximum lot coverage for all structures is 50% of the lot size. For this lot any dwelling and accessory buildings with roofs are limited to a combined 1,800 square footprint. The lot is just over two thirds the minimum lot

size for the zoning district, and this constrains the size of new single family dwellings. The proposed structure could be redesigned to provide additional living space in a second story or above the proposed garage. The height limit for the zoning district is 35 feet and this is not being fully utilized. Adding additional stories to the building may be more expensive.

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.

There are no unique physical features on the subject lot. While lots having three rights-of-way as borders are not typical in the Casey-Shattuck subdivision, a typical block of 10 lots would have 6 lots with only a street at the front and an alley at the rear while 4 lots would have three bordering rights-of-way. In the Casey Shattuck subdivision bounded by West Twelfth Street, Glacier Avenue, West Ninth Street, and Capital Avenue, approximately 25% of properties which are or could potentially be developed with residential properties are bordered by three rights-of-way. The configuration of the lot is not determined to be an extraordinary situation.

The lot is well below the minimum lot size for the zone district. But this is not a feature unique to this lot and is mitigated, to some extent, by setback reductions provided in CBJ 49.25.430(4)(K).

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.***

Approving the variance would allow the applicants to maintain their desired footprint of the main dwelling. There are many dwellings in the vicinity that comply with the maximum lot coverage requirement, but there are also some that exceed the limit. There are also a number of houses that encroach beyond the setbacks that are applicable to the subject lot.

As noted above, the Land Use Code provides some relief in neighborhoods where surrounding buildings also have non-conforming setbacks.

The lot is required to have two off-street parking spaces. While the applicants wish to have a two car garage and at the same time not reduce the size of their first floor living area, a garage

is not a requirement. Not having a garage could allow the footprint of the house to be expanded and so provide living area on the first floor that does not encroach into the setbacks. However, a garage has obvious benefits to the applicant.

Alternatively, the floor plan could be modified and additional area added toward West Twelfth Street without encroaching into the reduced setback. This would reduce the existing sight distance at the intersection of 'A' and West Twelfth Street (see **Attachment B(vii)**).

Furthermore, the design of the house could be modified to provide additional living space in upper stories. The maximum building height in the D18 zoning district for primary structures is 35 feet.

A degree of relief has already been granted by the Land Use Code, and a single family dwelling can be constructed on the property without this variance. Additional options exist that allow the applicant to add additional living space without the need to encroach into the already reduced setbacks.

No. The criterion is not 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 applicant has presented letters and a petition showing support from the neighborhood for the project.

Part of the purpose of the setbacks along rights-of-way is to provide for sight distances for vehicles exiting a lot into a street. The applicants propose backing out of the lot from a garage onto 'A' Street. Based on the existing building setbacks and level of traffic 'A' Street experiences, the Director has determined the back-out parking with the existing setback would be acceptable. Approving this requested variance would not affect this decision.

Another use of setbacks along rights-of-way is to preserve the character and appearance of the neighborhood including the sense of light and air in a street. Given that many other buildings in the immediate vicinity of 'A' Street encroach into the setbacks, approving this variance will not diminish the character and appearance of the neighborhood. However, the lot is already granted reduced setbacks which allow new construction to maintain the character of the neighborhood.

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 owners. There have been no concerns raised by any of the neighbors, and the applicant has received a number of letters of support and received a number of signatures from neighbors on a petition in support of the variance. They have not been able to contact the immediate neighbors to canvas their support (see **Attachment A(vi)**).

CBJ Building division, CBJ General Engineering division and Capital City Fire and Rescue have no issues with the proposal.

Yes. The criterion is met.

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

A single family dwelling in a D18 zoning district may be approved with a building permit, per CBJ 49.25.300 Table of Permissible Uses, section 1.110. A garage is an accepted accessory use for all residential developments.

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 for a single family

residence.

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;***

Compliance with the existing regulations would not prevent the owner from using the property in a manner consistent with the existing development in the neighborhood. Because many nonconforming buildings in the area encroach into required setbacks and adjacent rights-of-way, some relief has already been granted by the Land Use Code. This relief will allow a new building to also be in keeping with the appearance of the neighborhood.

No. The sub-criterion is not met.

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

There are no unique physical features on the subject lot.

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.***

The lot is non-conforming in size. The existing dwelling encroaches into the subject street side yard setbacks more than is being proposed by this variance. The existing structure is so dilapidated that it needs to be demolished. The proposed structure with the requested variance would result in a net increase in compliance with Title 49. However, the floor plans could be modified and a new structure could be built in compliance with the reduced setbacks.

Yes. The sub-criterion is met.

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

The biggest benefit to the neighborhood would come from the replacement of the existing derelict building with a new building while providing the required number of off-street parking spaces. A new single family home can still be constructed on the lot and two off-street parking spaces provided without variances, due to the reduced setbacks provided by CBJ 49.25.430(4)(K).

Many neighbors have shown support for the variance and are keen for the new building to be constructed even if it encroaches into the setbacks.

However, a new single family home can still be constructed on the lot and two off-street parking spaces provided without the need to encroach into the reduced setbacks

No. The criterion is not 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 has not shown hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property.

Criterion 1 and 6 are not met. Criterion 2, 3, 4 and 5 are met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2016 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 D18 zoning district.

DEVELOPMENT PERMIT APPLICATION

Project Number VAR 20170002	CITY and BOROUGH of JUNEAU	Date Received: 2/16/17
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description: Demolition of old house, build new house

PROPERTY LOCATION

Street Address	City/Zip
3355 W. 12TH Street	Juneau, AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): Casey Spatuck Lot 13, Block 205

Assessor's Parcel Number(s): 1-C03-0-C05-003-0

PROJECT / APPLICANT

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Erica + Don Andrew Roguska	957-2228	
Mailing Address	**Home Phone:**	**Fax Number:**
4873 lone wolf dr	723-7710	
E-mail Address	**Other Contact Phone Number(s):**	
ericaroguska@gmail.com		

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

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

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

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

X _____ Landowner/Lessee Signature — Date: 2-16-17

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:
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)			
✓	Variance Case (De Minimis and all other Variance case types)			VAR20170001, VAR17-002
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments:

Permit Intake Initials: CAS

Attachment A (i) - Application & Narrative

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
		VAR 17-002	3/20/17

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:

Setback variance against A st. at 335 West 12th st.

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): Surrounded on 3/4 sides by right of ways on a very small lot, rendering it a difficult lot to build on.

* no utilities are currently hooked up, public water and sewer are available at site *

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

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

Anyone trying to build on this lot would be confronted with difficutly complying with current set backs due to CBJ right of ways that surround this home/lot on all but one side.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

Less efficient house that would not "fit in" with the neighboring properties and historical neighborhood. A much smaller house with a lower property value. If we chose to keep enough of the house to use the existing footprint we would have a less safe home. Alternetively we could forgo building and sell the house and lot as is, which would extend the hazard to the neighborhood.

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	$ 320			
Adjustment	$			
Total Fee	$			

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

Variance Application Instructions

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

Forms: A completed Variance Application and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: The fee for a Variance Application is $400.00. If the application is in conjunction with a major development permit, the Variance fee will be reduced by 20 percent. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

Project Description: A detailed letter or narrative describing the hardship and/or practical difficulties that is the result of an extraordinary situation or unique physical feature affecting a specific parcel of land or structure. **Also include how the proposed project meets the variance criteria listed on the attached sheet.**

Plans: A site plan, drawn to scale, is required for all Variance Applications. The site plan should include the following information:

A. The location of existing and proposed structures (i.e. buildings, fences, signs, parking areas, etc.); and
B. The location of existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.).

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

A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

Please consult with the Community Development Department to discuss whether additional information may be required for your application. The "Planner-On-Call" can be reached by contacting the Permit Center at 586-0770 or via e-mail at Permits@juneau.org.

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

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the Variance Application request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Variance Applications must be reviewed by the Board of Adjustment. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: As part of the Variance process, all requests must be given proper public notice, which consists of the following:

Community Development Department: Will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site. A "Public Notice Sign" is not required to be posted on the site.

PLEASE NOTE: As provided by CBJ Land Use code section on Variances (CBJ§49.20.200), a Variance may vary any requirement or regulation of this title 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.

Variance Approval Criteria

A variance may be granted after the prescribed hearing and after the Board of Adjustment has determined the following criteria are met. Include in your project narrative a detailed description about how your proposal meets each of the criteria listed below:

(1) 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;

(2) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved;

(3) The authorization of the variance will not injure nearby property;

(4) The variance does not authorize uses not allowed in the district involved;

(5) Compliance with the existing standards would:

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

(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;

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; 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, title 49, or the building code, title 19, or both; and

(6) A grant of the variance would result in more benefits than detriments to the neighborhood.

PLEASE NOTE: As provided by CBJ Land Use code section on Variances (CBJ§49.20.200), a Variance may vary any requirement or regulation of this title 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.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Don Andrew and Erica Roguska
9873 Lone Wolf Drive
Juneau, AK 99801
907-723-7710 / 907-957-2228
donandrewroguska@gmail.com / ericaroguska@gmail.com

March 18, 2017

City and Borough of Juneau Community Development Department
230 South Franklin Street #4
Juneau, AK 99801
907-586-0715

To the City and Borough of Juneau, Community Development Department:

Below you will find our narrative for a variance application for 335 West 12th street, Juneau, AK 99801.

Per a CBJ building official, the setbacks we would be using without a variance are as follows:
5 feet from neighboring home property line
15 feet from West 12th street
10 feet from A street
10 feet from the alley

This variance to the above setbacks is requested on the A street side for a section of the house that will jut out approximately 3 feet over the setback.

We have carefully considered every aspect of this home, and those considerations have lead us to believe that applying for variances in order to rebuild this house is the best, safest, and soundest way to proceed.

Please contact us for any reason at the information above.

Number one, *"The relaxation applied for 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."* Our original plan when purchasing this home was to keep as much of the existing house as possible, so as to keep the neighborhood and home's history. After speaking with an experienced contractor, a home designer, and a structural engineer, it came to our attention that the safest and most logical way to construct this home was to forego keeping the walls and foundation. While this is not what we originally set out to do, providing our family and young children with a safe home is our top priority. Because we have already had a home designer draw plans using the existing structure and foundation, we would like to continue with those plans using the footprint of the existing house, and rebuilding a garage where one was located previously. We feel that because this home has stood for over 100 years as it is, and because of the real setbacks of neighboring properties, it would be fair and reasonable for our home to continue with the footprint it is and has been standing on. There is currently an exterior stairwell existing for basement access that lets out directly onto the sidewalk of A street. That would be removed as is reflected in our plans.

Number two, *"Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved."* We firmly believe that by rebuilding this house anew will be far better for the public health and safety. The home as it stands seems an

extreme burden on the neighborhood, and we believe it poses a public health and safety hazard as it currently stands. That being said, as the home stands currently, and previously with a garage, adequate light and air is preserved. There is space between our home and the neighboring home to allow sight lines and adequate ventilation. We have carefully considered traffic sight lines, as is reflected in the construction of the arctic entry way in regards to the stop sign on the corner of West 12th and A streets. We are confident that having a new structure in this location will be better for public safety in regards to environmental impact, energy efficiency, and building safety. With our proposed designs, light saturation, ventilation, and sight lines should not be impacted, and the structural safety and efficiency will be largely improved.

Number three, *"The authorization of the variance will not injure nearby property."* The home as it stands is a disservice to the Casey-Shattuck neighborhood, and every time a stiff wind comes through I worry about the old windows breaking, or a rotten board flying off. Not only will our variance not injure nearby property, but our goal is that it will enhance the neighborhood, and be quite a welcome change to what the neighboring property owners are living next to currently. The home as is is far more likely to injure nearby property than rebuilding it will be.

Number four, *"The variance does not authorize uses not allowed in the district involved."* The Casey-Shattuck district is largely a residential neighborhood. We are asking for setback variances to add value and function to what we hope to have as our "forever" home and main residence. Though this lot is zoned for more than one place of residence, we are asking for a single family home only at this time.

Number five b, *"Compliance with the existing standards would: 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 or the subject property."* Complying with modern setbacks would render us an awkwardly tall, skinny, box of a house. One of our favorite parts about the Casey-Shattuck area of Juneau, are the older historical homes. This house is part of the neighborhood, and our hope in building this home, is to be true to the neighborhood and the timeframe of the other homes that are there. This is why we are requesting to continue with the existing footprint of the home, by building it with slight modifications but largely similar size, shape, and style we will be more consistent to the neighborhood and original design. Consideration of how this home will compare with the neighboring properties and neighborhood in general has been carefully thought out.

Number five c, *"Compliance with the existing standards would; be unnecessarily burdensome because unique physical features of the property redner compliance with the standards unreasonably expensive."* While conforming with the modern setbacks may not affect the cost of our project significantly, there are significant challenges in regards to permitting a house on this lot. The hurdle we are finding quite challenging are the larger required setbacks on three sides, due to the home being surrounded on 3 of 4 sides by right of ways. (West 12th street, A street, and the alleyway).The 3 foot section on A street would not have a negative impact, however would render more functional home.

Number five d, *"Compliance with the existing standards would; 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." Because this old home does not conform to modern setbacks, and our desire is to use the existing footprint of the home, and a lesser footprint for the garage, building a new house within those footprints will not be "nonconforming" anymore than it already is. In fact, the original house and garage had setback encroachments of 999 sqft as measured by a licensed surveyor. With the granting of our requested variances the setback is reduced to only 187 square feet, a whopping 81% reduction in total setback encroachment. Additionally, with the removal of an existing stairwell that lets out directly onto the A street sidewalk the setback compliance will truly be even better than this 81% improvement.

Number six, *"A grant of the variance would result in more benefits than detriments to the neighborhood."* I *love* this statement. As previously stated, we want this to be our "forever" home. We adore this neighborhood, and are invested in making it a joyful and character filled place to live. We are not requesting variances for this home so that we can strip and flip this house for a profit. We want to live in this neighborhood, for decades. We bought this pitiful, falling apart house because it needed fixing, or more accurately, rebuilding. We have, and have made, friends in the Casey-Shattuck area. Our children go to school nearby, they play at the park, they walk serenely through the cemetery. We want to build this house for our family, but we have carefully considered how this home would impact this neighborhood as well, and can't come up with many negatives. Going from having a house that is literally falling apart due to rot and insect damage, with broken windows, and a crumbling foundation, to a new home that is occupied can only bring up the property values of the surrounding area. That equates to better home value for neighbors, more property tax dollars for the city, and the removal of the hazardous structure that exists there today. Having a safe home for our children to grow up in is our absolute top priority, but we have thoroughly considered the neighborhood impact as well, and have taken every possible step to ensure that this project will be for the betterment of the area.

We thank you for your consideration of our application for this variance for our house at 335 West 12th street. We hope you will find our request reasonable and help us make our home a reality, and the Casey-Shattuck neighborhood an even more delightful place to live.

Sincerely,

Erica and Don Andrew Roguska

Eric Feldt

From: Erica Roguska <ericaroguska@gmail.com>
Sent: Wednesday, February 22, 2017 12:34 PM
To: Eric Feldt
Subject: Re: Variance for New House

Wow, that is great news, thank you!

Email is great for me, but feel free to call with anything urgent/time sensitive.

We can definitely schedule a time for you to come and look at the place, I have lots of pictures as well if you would like me to send them to you. (though you likely want specifics).

My husband and I both work full time, but I'm sure we could make something work.

Thanks again!

Cheers

Erica

On Wed, Feb 22, 2017 at 11:57 AM, Eric Feldt <Eric.Feldt@juneau.org> wrote:

Hi Erica,

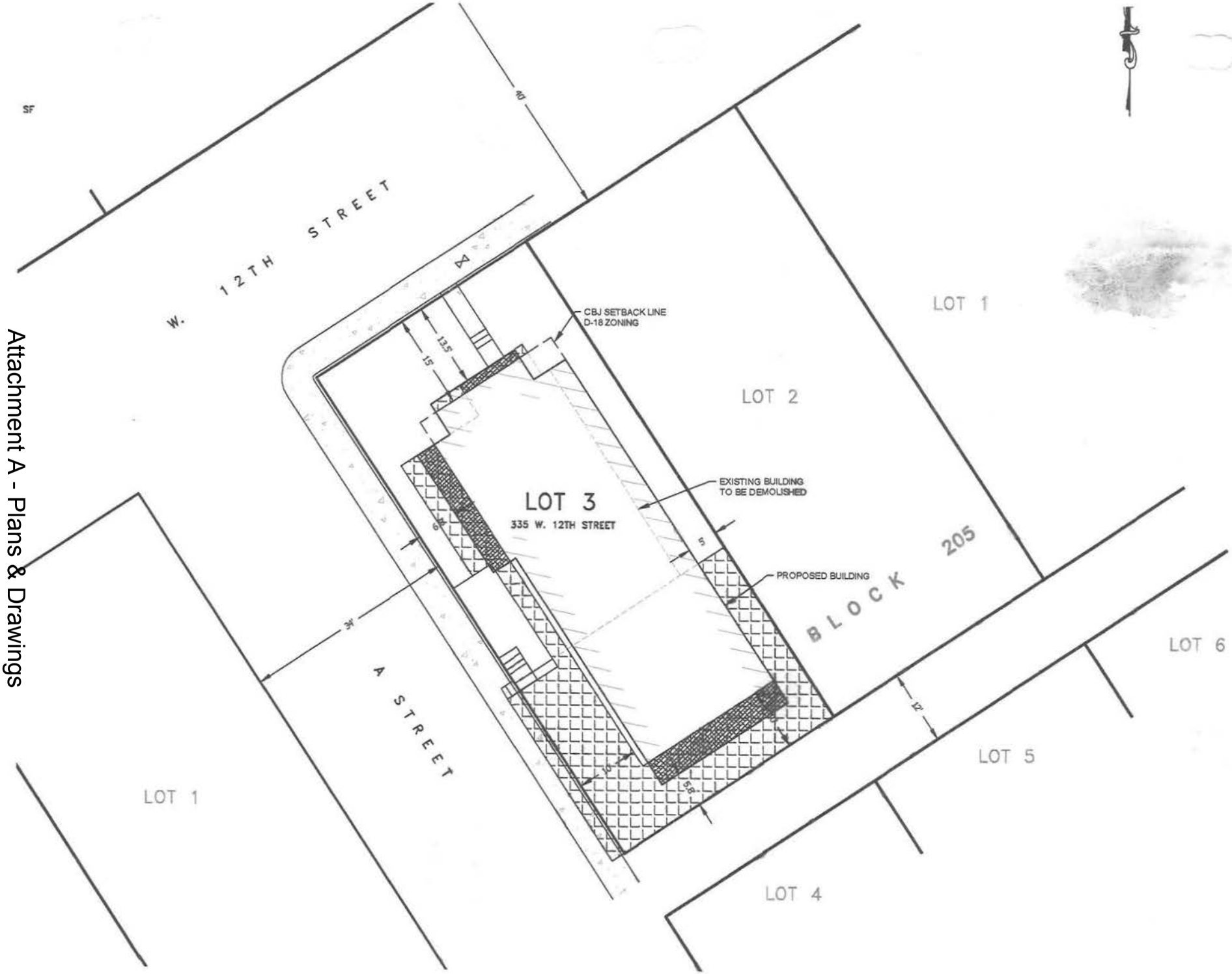
My name is Eric Feldt, CBJ Planner, and I have been assigned to review your Variance application. I am familiar with this area of town and I am glad that someone is reinvesting in this property.

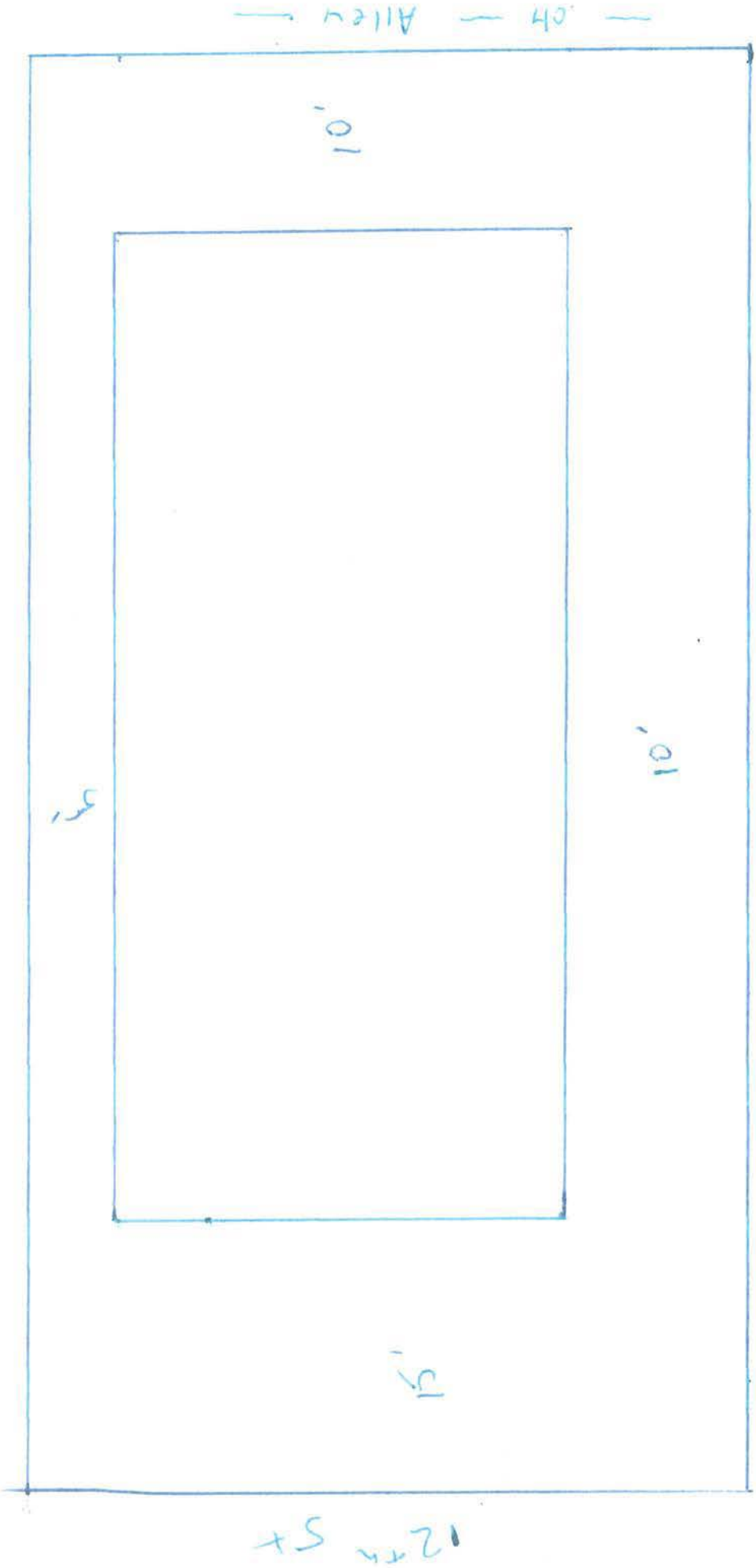
Looking at your application and analyzing the Land Use Code, your variance is needed to reduce only 2 yard setbacks, instead of 3. This is good. See my analysis below.

- **Front Setback (W. 12t Street): Your submitted paper work will reduce this setback from 15 feet to 13.5 for a new artic entry and porch**
    - If the artic entry is not heated, it does not need a variance because it meets 49.25.430(4)(C)(ii).
    - The covered porch also does not need a variance because it meets 49.25.430(4)(E).

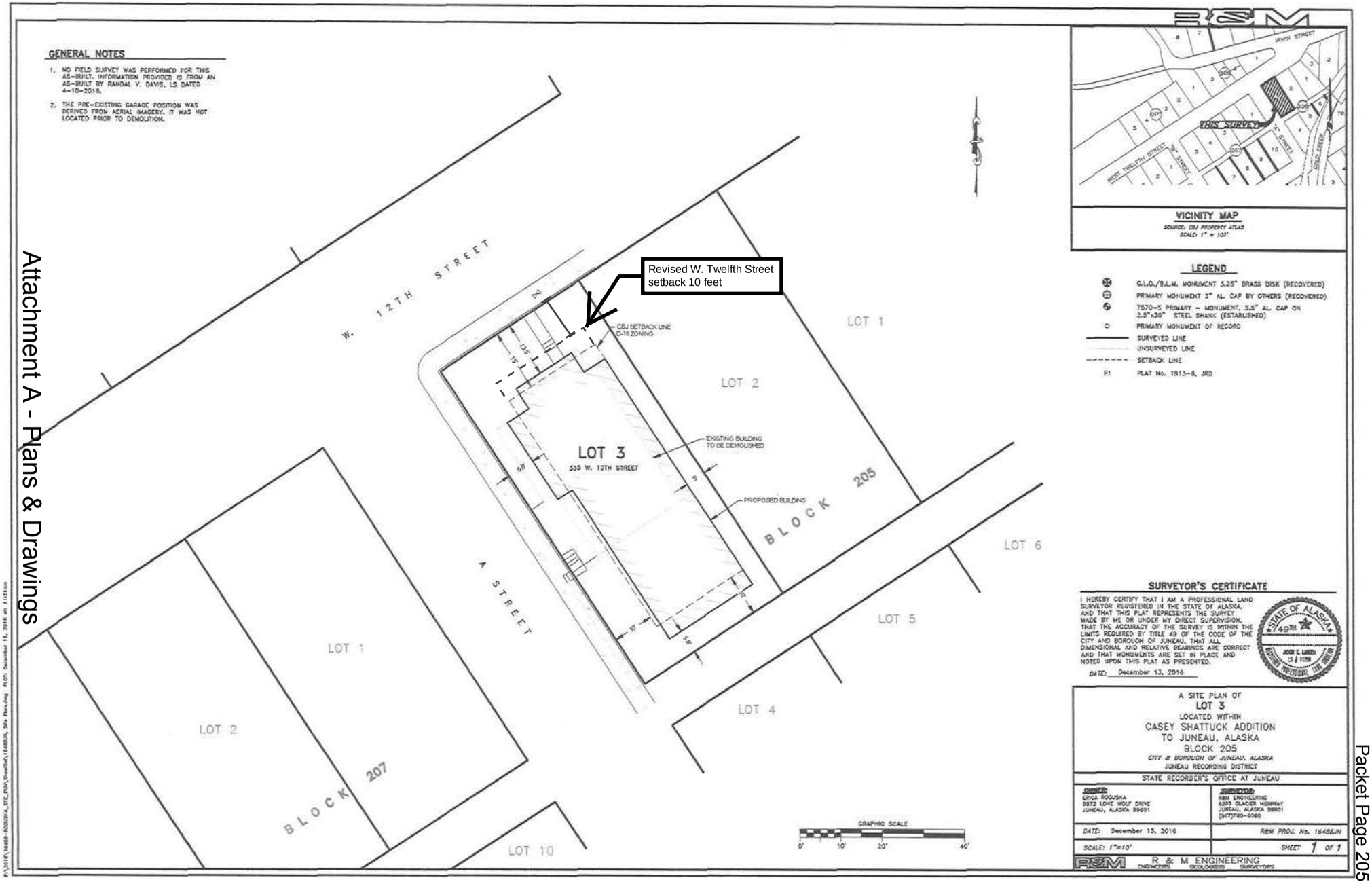
Variance needed to reduce the following 2 yard setbacks:

1. **Street Side setback (A Street): From 10 feet to 6.8 feet for the living room bump out**
2. **Rear setback (alley): From 10 feet to 5.8 feet for a new 2-car garage**

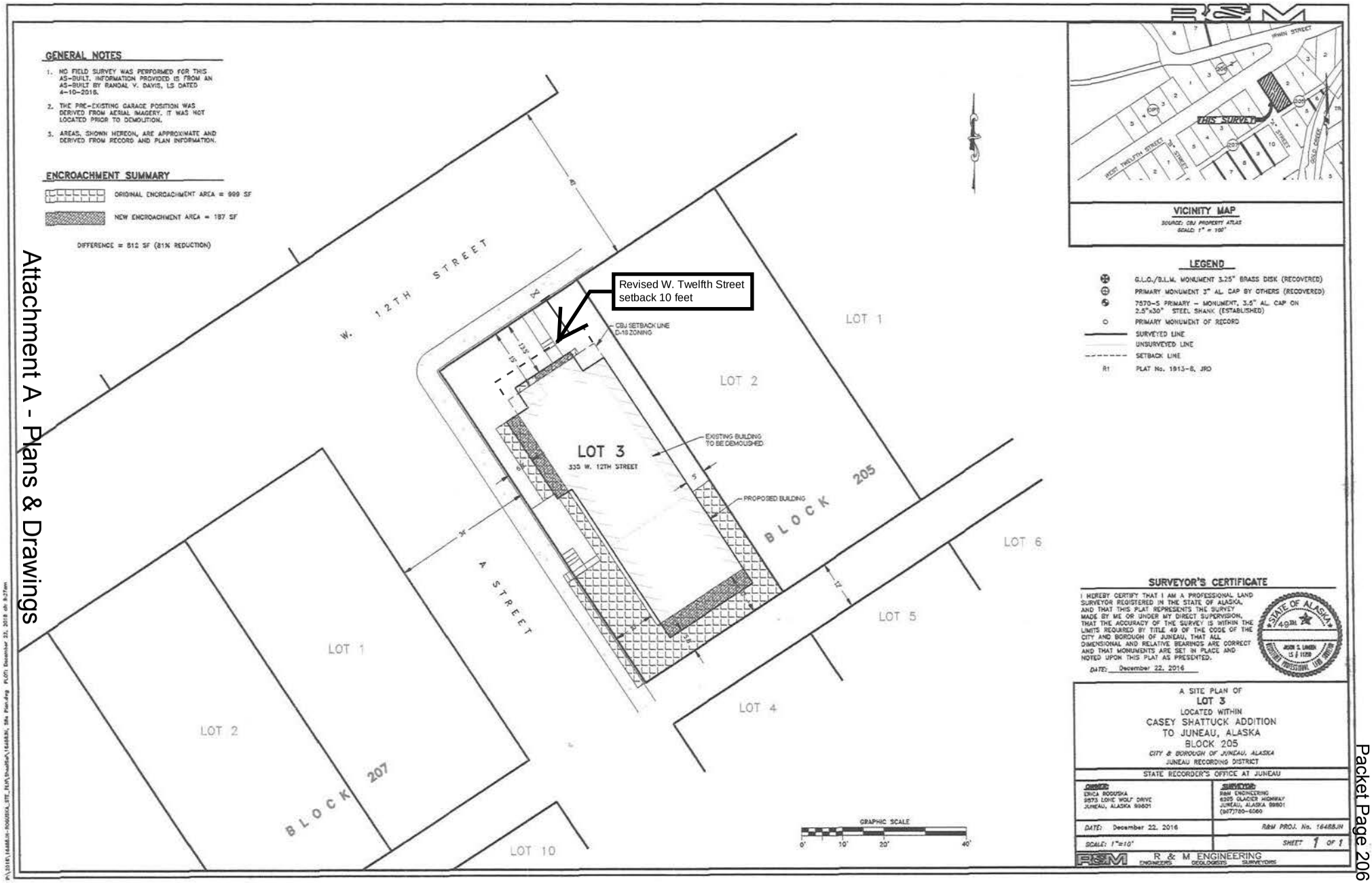

W. 12TH STREET
A STREET
LOT 1
LOT 2
LOT 3
335 W. 12TH STREET
LOT 4
LOT 5
LOT 6
BLOCK 205
CBJ SETBACK LINE
D-18 ZONING
EXISTING BUILDING
TO BE DEMOLISHED
PROPOSED BUILDING
40'
34'
15'
13.5'
5'
12'
5.5'
SF



*Allowed Setback Reductions
*Per Code
Final

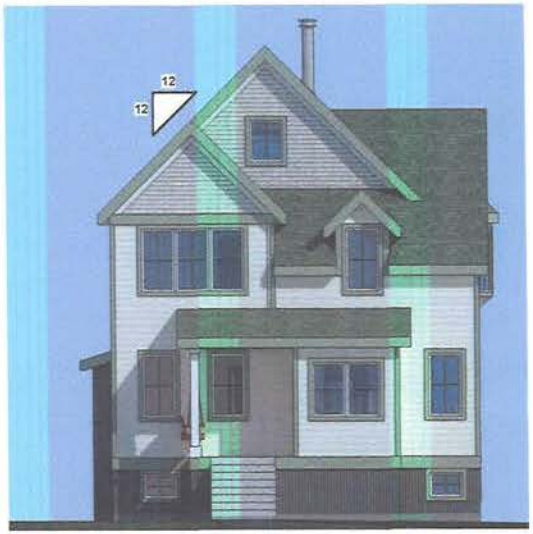


(ii) Proposed site plan of new dwelling including required setbacks



(iii) Preexisting footprint and footprint of proposed new dwelling

WEST ELEVATION
SCALE: 3/16" = 1'-0"



NORTH ELEVATION
SCALE: 3/16" = 1'-0"

SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

EAST ELEVATION
SCALE: 3/16" = 1'-0"

These plans and specifications are to b
nsidered only a guide, and they do n
port to depict every componer
cessary for the completion of the projec
construction shall conform to the 200
International Residential Code and oth
codes & regulations adopted by the City
Borough of Juneau. All engineere
components, systems, and oth
manufactured items and equipment sha
be installed according to th
manufacturer's specifications.

Before construction begins, a buildin
permit is applied for, or materials ar
ordered, the building contractor, a
designated by the owner, shall review th
plans with the designer. The designer
liability due to errors or omission
contained within these drawings shall b
limited to the redrawing or redesigning
the plan to address the situation.

The designer grants the client a license t
build only one structure from the plans, an
the plans cannot be resold unless b
express written authorization of Ric
Thibodeau dba DesignWorks.

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the specific written consent of Ric
Thibodeau dba DesignWorks, the copyrig
owner.

Roguska Residence
335 W. 12th Street
CONCEPTUAL DESIGN

DesignWorks
© 2016 ALL RIGHTS RESERVED
Rick Thibodeau

SHEET TITLE:
ELEVATIONS

DRAWN BY:
RICK THIBODEAU
907.789.28

DATE: OCT 5, 2016

DesignWorks
© 2016 ALL RIGHTS RESERVED

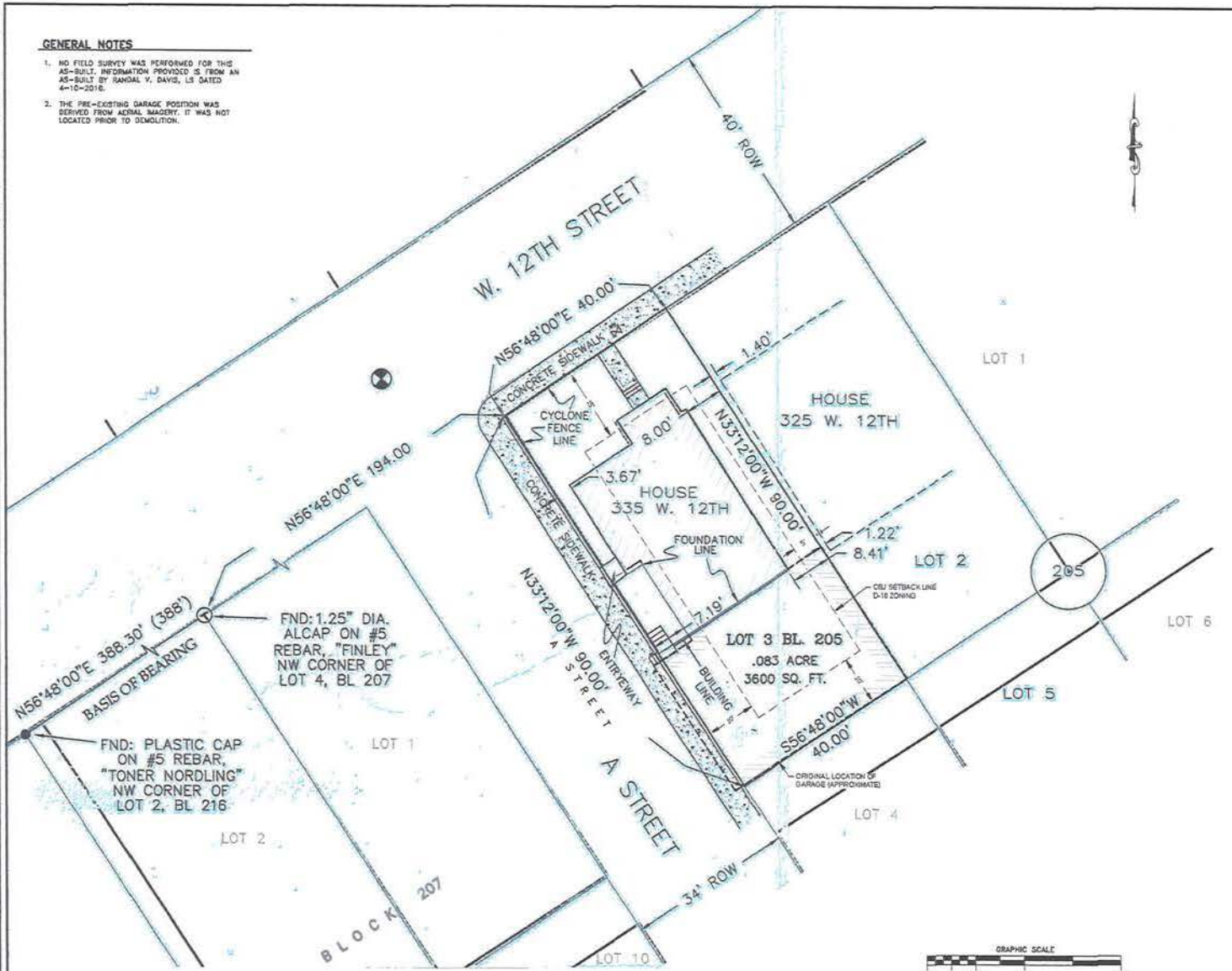
SHEET 00 OF

(vi) Elevation drawings of proposed new dwelling

Attachment A - Plans & Drawings

GENERAL NOTES

1. NO FIELD SURVEY WAS PERFORMED FOR THIS AS-BUILT. INFORMATION PROVIDED IS FROM AN AS-BUILT BY RANDAL V. DAVIS, LS DATED 4-10-2016.
2. THE PRE-EXISTING GARAGE POSITION WAS DERIVED FROM AERIAL IMAGERY. IT WAS NOT LOCATED PRIOR TO DEMOLITION.



VICINITY MAP

SOURCE: CBJ PROPERTY ATLAS
SCALE: 1" = 100'

LEGEND

- G.L.O./B.L.M. MONUMENT 3.25" BRASS DISK (RECOVERED)
- PRIMARY MONUMENT 3" AL. CAP BY OTHERS (RECOVERED)
- 7570-S PRIMARY – MONUMENT, 3.5" AL. CAP ON 2.5"x30" STEEL SHANK (ESTABLISHED)
- PRIMARY MONUMENT OF RECORD
- SURVEYED LINE
- UNSURVEYED LINE
- SETBACK LINE
- R1 PLAT No. 1813-6, JRO

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE: December 13, 2016

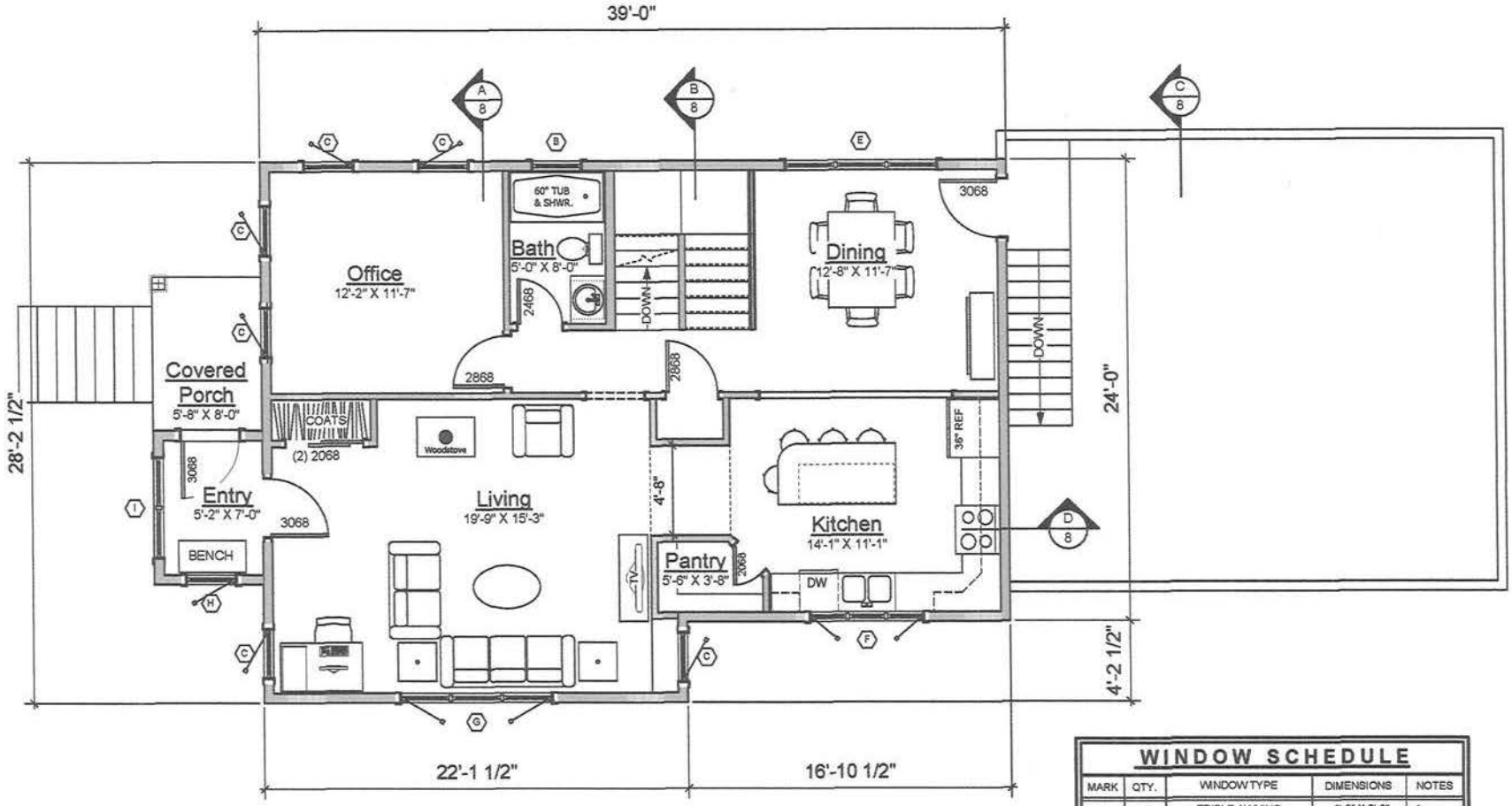
STATE OF ALASKA 49TH JASON S. UNDEN LS # 11278 REGISTERED LAND SURVEYOR

AN AS-BUILT SKETCH OF
LOT 3
LOCATED WITHIN
CASEY SHATTUCK ADDITION
TO JUNEAU, ALASKA
BLOCK 205
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

STATE RECORDER'S OFFICE AT JUNEAU

OWNER:	SURVEYOR:
ERICA RODUSKA 9873 LONE WOLF DRIVE JUNEAU, ALASKA 99801	R&M ENGINEERING 8205 GLACIER HIGHWAY JUNEAU, ALASKA 99801 (907)780-6060
DATE: December 13, 2016	R&M PROJ. No. 164808JN
SCALE: 1"=10'	SHEET 1 OF 1

R & M ENGINEERING
ENGINEERS GEOLOGISTS SURVEYORS



N PLAN

1ST FLOOR PLAN

1016 SQ. FT.

WINDOW SCHEDULE

MARK	QTY.	WINDOW TYPE	DIMENSIONS	NOTES
A	2	TRIPLE AWNING	8'-0" X 2'-0"	1
B	6	AWNING	2'-8" X 2'-0"	1
C	10	CASEMENT	2'-8" X 5'-0"	1, 2
D	1	FIXED	2'-8" X 3'-4"	1
E	2	TRIPLE AWNING	8'-0" X 2'-6"	1
F	1	TRIPLE CASEMENT	6'-0" X 4'-6"	1
G	2	TRIPLE CASEMENT	8'-0" X 4'-6"	1
H	3	CASEMENT	2'-8" X 4'-4"	1
I	1	DOUBLE FIXED	4'-8" X 4'-4"	1
J	1	BAY WINDOW	7'-0" X 5'-0"	1
K	1	CASEMENT	2'-8" X 3'-4"	1, 3

1. (1) VERTICAL & (1) HORIZONTAL MUNTIN
2. EGRESS WINDOW
3. ATTIC WINDOW

(v) Floorplans of proposed new dwelling

These plans and specifications a considered only a guide, and the purport to depict every co necessary for the completion of th All construction shall conform to International Residential Code a codes & regulations adopted by t Borough of Juneau. All ele components, systems, and manufactured items and equipm be installed according t manufacturer's specifications.

Before construction begins, a permit is applied for, or mate ordered, the building contra designated by the owner, shall re plans with the designer. The d liability due to errors or c contained within these drawings limited to the redrawing or redes the plan to address the situation.

The designer grants the client a l build only one structure from the p the plans cannot be resold u express written authorization Thibodeau dba DesignWorks.

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Roguska Residence
335 W. 12th Street

CONCEPTUAL DESIGN

DesignWork
Rick Thibodeau

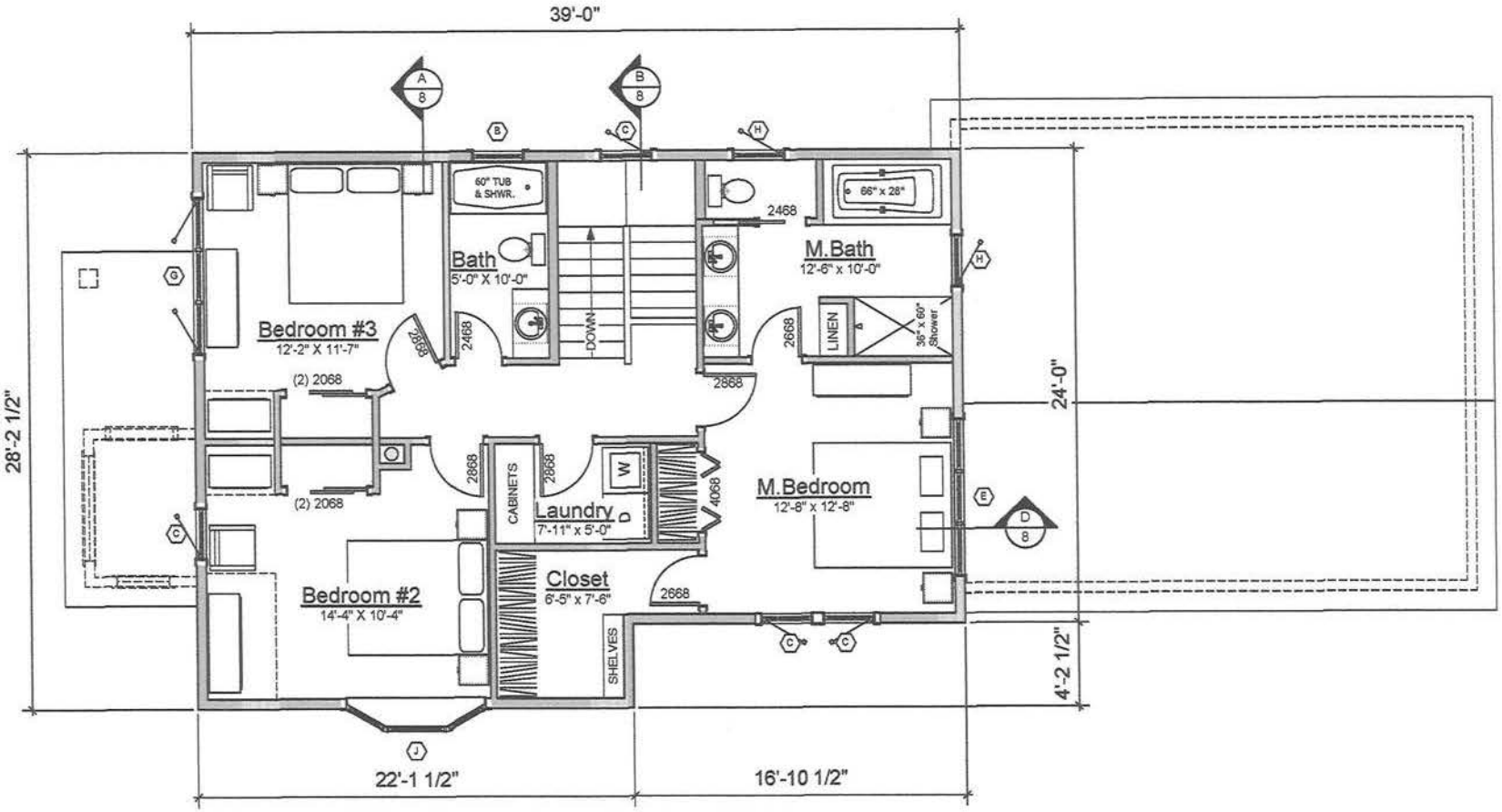
SHEET TITLE:
FIRST FLOO
PLAN

DRAWN BY:
RICK THIBODEA
907.789.2897

DATE: OCT. 5, 2

DesignWor

SHEET 3



N PLAN 2ND FLOOR PLAN
966 SQ. FT.

WINDOW SCHEDULE

MARK	QTY.	WINDOW TYPE	DIMENSIONS	NOTES
A	2	TRIPLE AWNING	8'-0" X 2'-0"	1
B	6	AWNING	2'-8" X 2'-0"	1
C	10	CASEMENT	2'-8" X 5'-0"	1, 2
D	1	FIXED	2'-8" X 3'-4"	1
E	2	TRIPLE AWNING	8'-0" X 2'-6"	1
F	1	TRIPLE CASEMENT	6'-0" X 4'-6"	1
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K	1	CASEMENT	2'-8" X 3'-4"	1, 3

1. (1) VERTICAL & (1) HORIZONTAL MUNTIN
2. EGRESS WINDOW
3. ATTIC WINDOW

(v) Floorplans of proposed new dwelling

These plans and specifications a
considered only a guide, and the
purport to depict every co
necessary for the completion of th
All construction shall conform to
International Residential Code a
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be installed according t
manufacturer's specifications.

Before construction begins, a
permit is applied for, or mate
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designated by the owner, shall re
plans with the designer. The d
liability due to errors or c
contained within these drawings
limited to the redrawing or redes
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The designer grants the client a l
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Thibodeau dba DesignWorks, the
owner.

Roguska Residence
335 W. 12th Street
CONFIDENTIAL DESIGN

DesignWorks
Rick Thibodeau

SHEET TITLE:
SECOND FLOOR PLAN

DRAWN BY:
RICK THIBODEAU
907.789.2897

DATE: OCT. 5, 2

SHEET 4

December 27, 2016

Dear Juneau Planning Commission:

We write in support of Don Andrew and Erica Roguska's variance requests to develop their home on 12th Street. I have three kids, and my wife and I have lived at 836 Calhoun Ave since 2007. We walk our kids to and from school every day along 12th Street and are extremely familiar with the neighborhood. We have reviewed their development plans and believe allowing them to complete their home according to those plans would greatly benefit the neighborhood.

We would like to emphasize:

1. Granting the Roguska's variance requests will not interfere with anyone else's property.

2. The current property should be torn down and rebuilt. It's a small blight on the neighborhood. Thus, in making the permitting/variance process shorter and efficient, the Commission will help to abate the current, hazardous conditions at that property.

3. In light of the status of the house that existed 12-18 months ago, the Roguska's plans will greatly reduce the overall nonconformity of this property.

4. Removing existing house would be safest for the neighborhood.

5. Building a new house will bring economic and social benefits to nearby property owners and the neighborhood generally.

6. Granting the variance requests will not authorize any use of the property that is otherwise not allowed.

Thank you for your time and consideration.

Sincerely,

Demian A. Schane Emily Ferry

Demian A. Schane and Emily C. Ferry
836 Calhoun Ave
Juneau, AK 99801-1619

RECEIVED
FEB 16 2017
PERMIT CENTER/CDD

JAN 4, 2017

Name Lindsey Cassidy Email lcassidy9@gmail.com

Comment

January 4th, 2017 To Whom it May Concern: As a resident of "The Flats," I am in full support of a variance for the Roguska Family's new construction on Twelfth and A. I also live on Twelfth street, and I walk past this home in its current condition multiple times a day as I commute by foot to the local grocery store, dog park, and downtown businesses. The home, before remodeling, was falling into obvious disrepair. Since the initial stages of remodeling, the building is an eyesore. The Roguska Family have great plans for this space and are a welcome addition to our neighborhood. The expedient removal of the house in its current state would be most advantageous for the neighborhood. Allowing them a variance at the first meeting and allowing them to move forward with their renovations, as nothing in their plans will negatively impact any neighbors, would be most appreciated. These variances appear reasonable and the overall impact on the neighborhood will be positive.

Sincerely, Lindsey Cassidy

RECEIVED
FEB 16 2017
PERMIT CENTER/CDD

January 7, 2017

Shayna Rohwer
Kevin Maier
1025 D Street
Juneau, AK 99801

Dear Juneau Planning Commission:

Please accept this letter in support of Don Andrew and Erica Roguska's variance requests to develop their home on 12th Street. We live at 1025 D Street, just a few blocks down, and have watched the house at 335 W 12th become increasingly dilapidated and uninhabitable over the last few years. The Roguskas have been communicative and transparent with the neighborhood about their hopes and plans for the house. They have publicly shared their plans for the new structure, and been open to feedback and dialogue from neighbors. We have reviewed their plans and feel that allowing them to build a new structure according to those plans would be a wonderful addition to the neighborhood. Indeed, removal of the current structure will both increase property values and mitigate a dangerous unoccupied space. Granting the Roguska's variance requests will not interfere with anyone else's property. We are excited to welcome this new family to the flats!

Please don't hesitate to contact us with any questions or concerns vie e-mail shaynarohwer@gmail.com, kevinkmaier@gmail.com or phone (907) 209-7722.

Sincerely,

Shayna Rohwer
Kevin Maier

RECEIVED
FEB 16 2017
PERMIT CENTER/CDD

Rosanne Schmitz
612 10th Street
Juneau, Alaska
99801

CBJ Planning Dept

Re: Variance
Don and Erica Rogusta

To whom it may concern,

My name is Rosanne Schmitz and I am currently a resident of the Casey-Shattuck Flats and have lived in my home for 22 years.

When I first moved to Juneau in 1989 I made a point of exploring the different neighborhood in the downtown area. At the time the Flats was nothing to write home about. It was run down and just felt like all the life was oozing out of it.

In 1994 when I was in the market for a house I looked once again at the Flats and saw that many of the homes were being purchased by young families and all of them had plans to or had already begun working on improving their new home.

That's all Don and Erica are trying to do. You've seen the plans, it's a beautiful home that they plan on building. They will be getting rid of a long time eyesore and improve the neighborhood. The variance that they are asking for is not going to bother anyone!

They have done an AMAZING job in letting the neighborhood know what they are proposing. They have gone above and beyond what any other neighbor has ever done when requesting a variance.

They have my approval 100%.

Respectfully,

Rosanne Schmitz

Rosanne Schmitz

RECEIVED
FEB 16 2017
PERMIT CENTER/CDD

By signing below I agree that CBJ should grant the setback variance requests for the proposed house at 335 W. 12th street.

Name	Address	Phone #	Email
[illegible]	2271 Irwin	500 322	
Grant Ficek	225 Irwin	3207612557	
L Lynette Ensor	236 Irwin St	907-364-2554	
Cynthia L. Smith	314 Irwin	9074633350	
Edie Seslar	340 W 12th St	419-4564	
Sammy McBrien	404 W 12th St	321-8866	
Andy Klink	420 W 12th St	3218541	
Molly Crenshaw	428 W. 12th	586-1796	
Ron Crenshaw	428 W 12th	586-1796	
CASEY WALSH	426 W 12TH	321-2503	
Sarah Ginter	426 W 12th	209-7106	
Rachel Salassi	526 W 12th	723-1016	
Julie Scheurer	529 W. 12th	541-867-3191	
Colleen Goldrich	513 W 12th	723.9422	
Clint J. Farr	924 D ST	723-5272	
Maz Wheeler	427 W 9th St	586-1819	
Dustin Carroll	1925 Randall Rd	723-9789	

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FEB 16 2017
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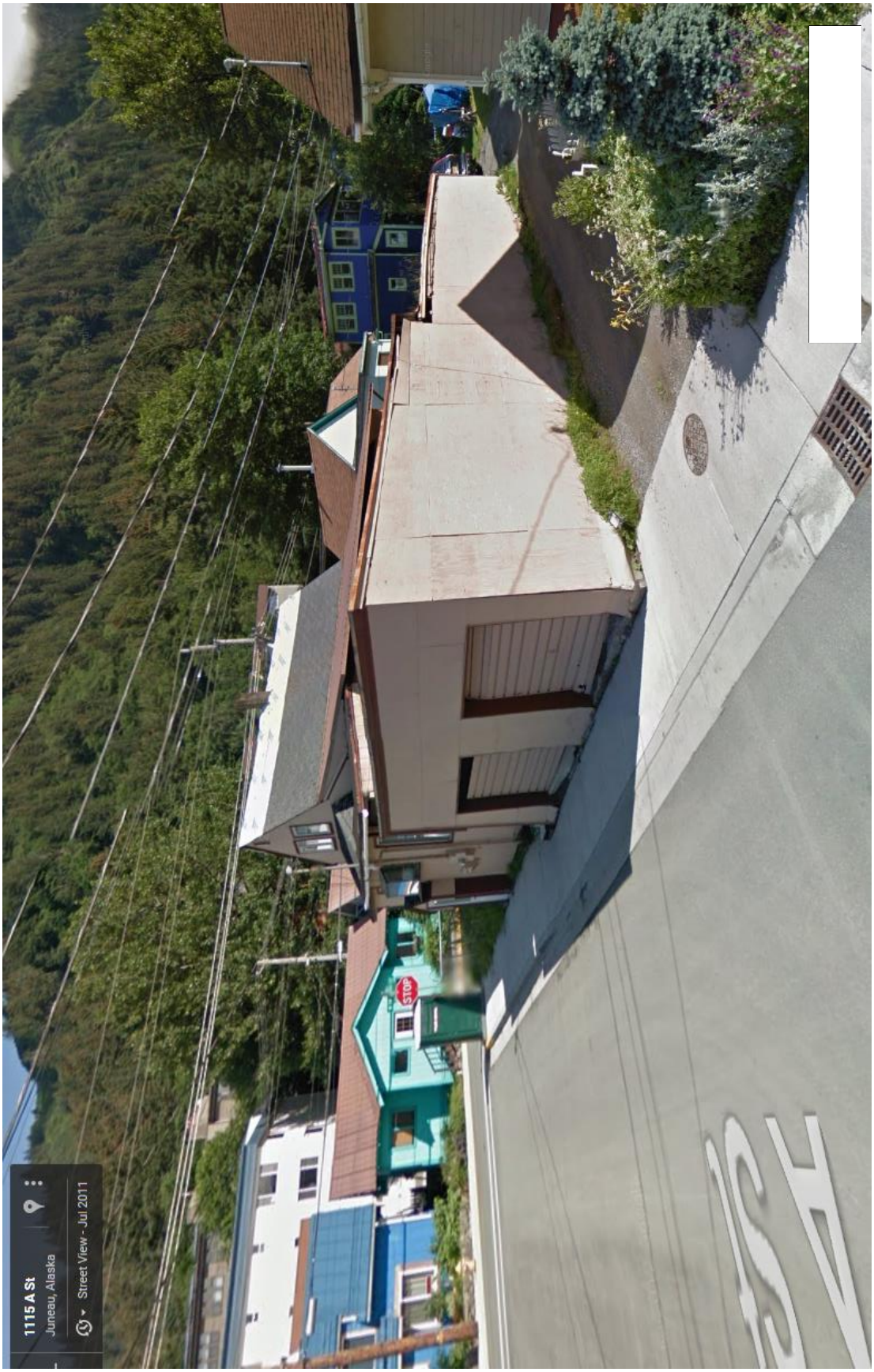
By signing below I agree that CBJ should grant the setback variance requests for the proposed house at 335 W. 12th street.

Name	Address	Phone #	Email
SHAYNA ROHWER	1025 D. St. Juneau AK 99801	907-209-7722	shaynarohwer@gmail.com

Table 1

Date Submitted	Should CBJ grant the requested setback variances for the proposed house at 335 W 12th st?	Are you 18 years of age or older?	What area of Juneau do you reside in?	Please sign your name and leave contact information if possible!
01/14/2017 07:00am	Yes	Yes	Casey Shattuck/Federal Flats	Larry Johansen
01/14/2017 10:18pm	Yes	Yes	Casey Shattuck/Federal Flats	Meilani Schijvens 610 W 11th st
01/15/2017 06:51am	Yes	Yes	Casey Shattuck/Federal Flats	Cassidy Jones 528 W. 11th st. 907-229-4465. Welcome!!!
01/27/2017 11:25am	Yes	Yes	Mendenhall Valley	Kathryn Rabung
01/27/2017 11:33am	Yes	Yes	Douglas	Dawn Jouppi djouppi2@hotmail.com
01/27/2017 11:45am	Yes	Yes	Douglas	Marjorie bagoyo-John 907-223-8930
01/27/2017 11:54am	Yes	Yes	Not a Juneau Resident	Elizabeth "Liz" Clement (former and future Juneau resident currently living in Anchorage, 907.957.2721)
01/27/2017 12:05pm	Yes	Yes	Auke Bay	
01/27/2017 12:23pm	Yes	Yes	Twin lakes/Lemon Creek	Katie Thornton, 907-723-3463
01/27/2017 03:52pm	Yes	Yes	Casey Shattuck/Federal Flats	Bridget LaPenter, bridget.lapenter@gmail.com, 500-4170
01/27/2017 05:51pm	Yes	Yes	Downtown Highlands	Marci Driver, marcibellagh@gmail.com
01/27/2017 06:24pm	Yes	Yes	Casey Shattuck/Federal Flats	Patrick Minick (723 West 10th) 463-4262
01/27/2017 09:22pm	Yes	Yes	Downtown Other	Callie Conerton 723-1233
01/28/2017 02:21pm	Yes	Yes	Mendenhall Valley	Rachelle Smith 907.209.7993
01/28/2017 11:38pm	Yes	Yes	Casey Shattuck/Federal Flats	Rosanne Schmitz 621 10th St Juneau 99801. 907-321-9507
01/29/2017 12:52am	Yes	Yes	Downtown Highlands	Bauer/Clifton Interiors
01/29/2017 10:06am	Yes	Yes	Douglas	Gwenna Corvez (957-4998)
01/29/2017 10:14am	Yes	Yes	Casey Shattuck/Federal Flats	Lynn Barnes, 416 W 9th, 463-3964
02/01/2017 04:24pm	Yes	Yes	Casey Shattuck/Federal Flats	Brooks Horan
02/01/2017 10:27pm	Yes	Yes	Casey Shattuck/Federal Flats	Micaela Fowler
02/09/2017 05:19pm	Yes	Yes	Downtown Other	John "Jonas" Lamb, 638 Gold Street
02/11/2017 11:49pm	Yes	Yes	Casey Shattuck/Federal Flats	Hali Denton

RECEIVED
FEB 16 2017
PERMIT CENTER/CDD

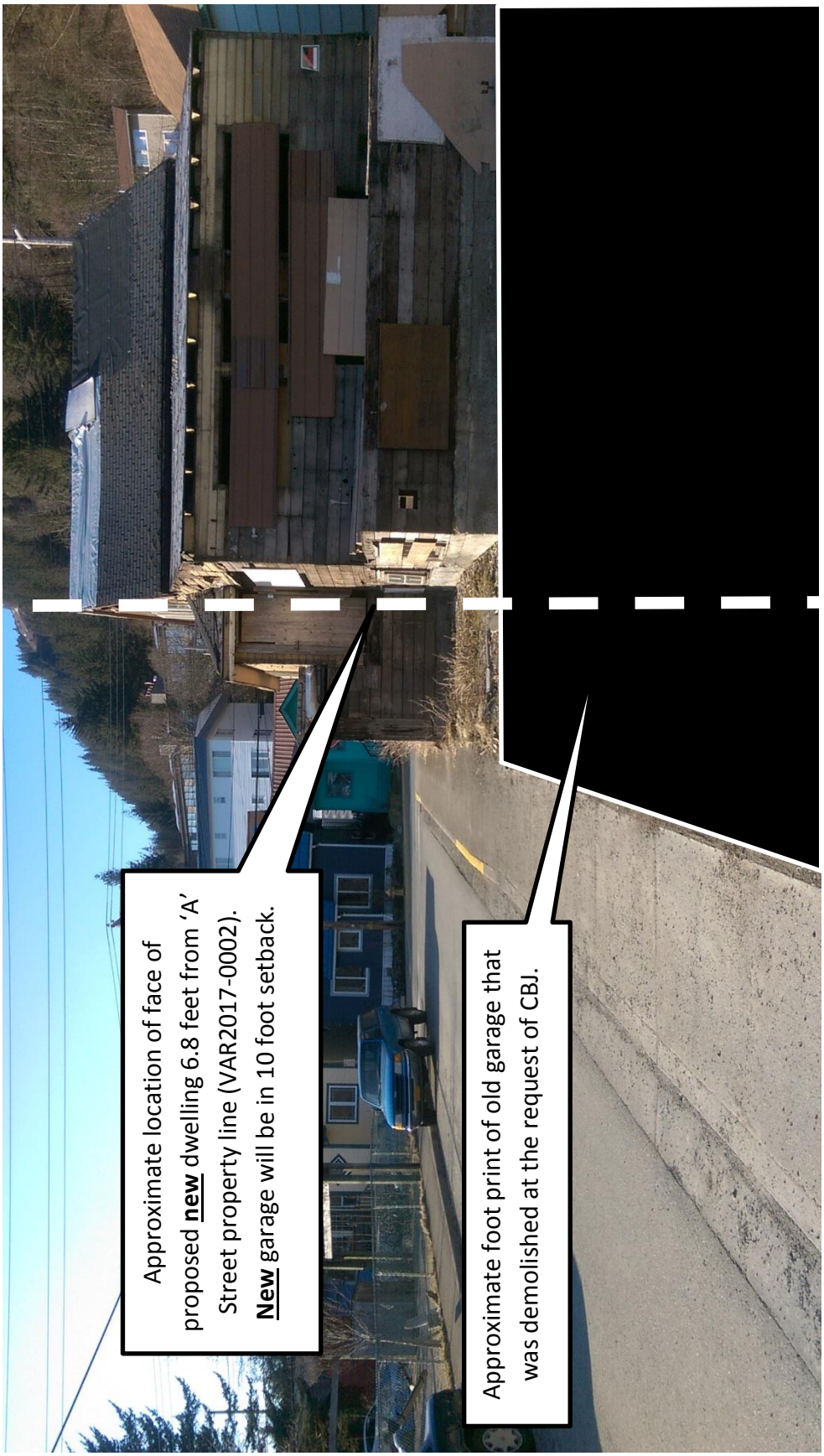


(i) Photograph of now demolished garage on corner of 'A' Street and the Alley.

(ii) Recent photograph of the lot area formerly occupied by the garage on the corner of 'A' Street and the Alley.

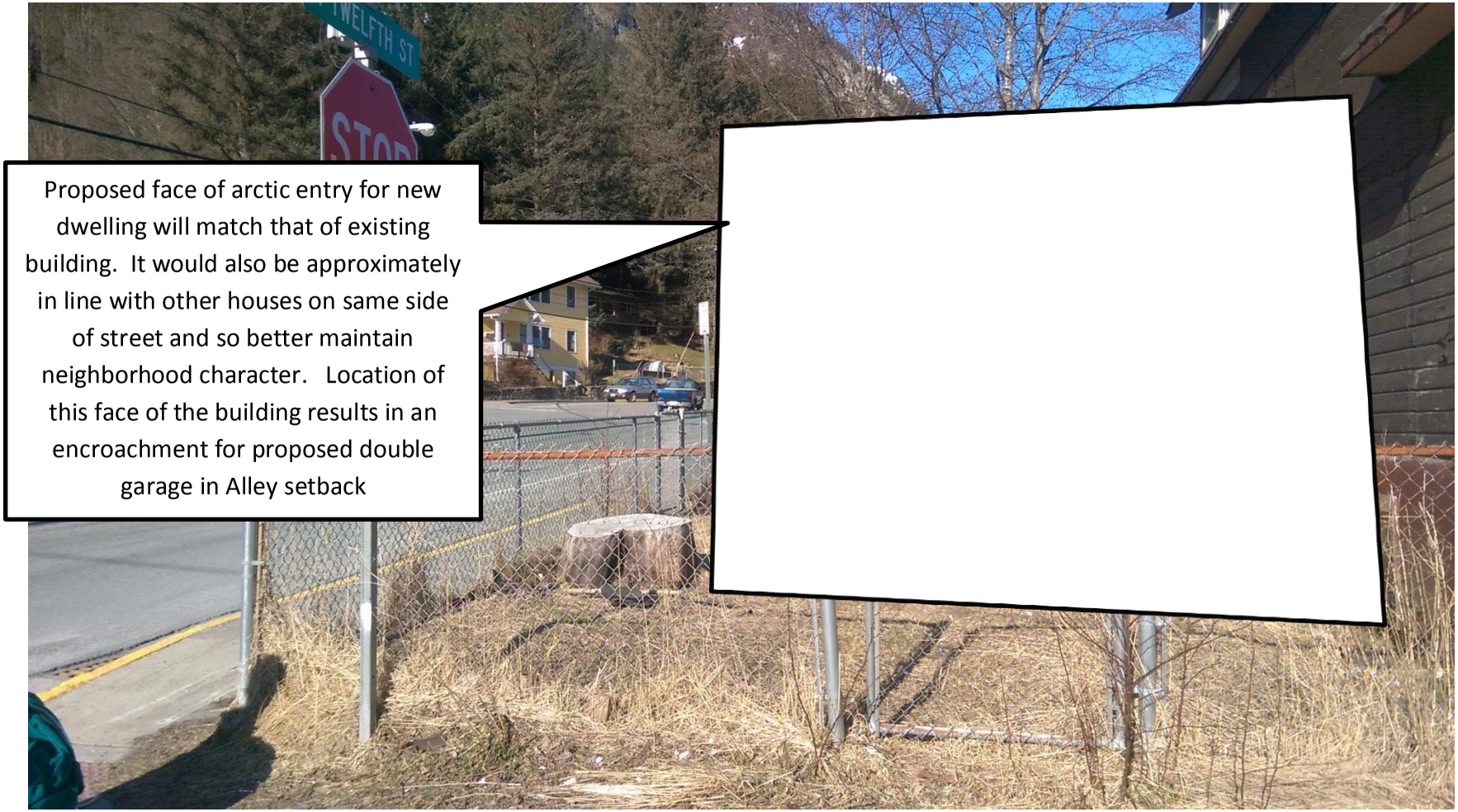
(iii) Recent photograph of the lot area formerly occupied by the garage on the corner of 'A' Street and the Alley. Shown is the approximate location of the face of new garage 5.8 feet from property line.

(iv) Recent photograph of the lot area formerly occupied by the garage on the corner of 'A' Street and the Alley. Approximate location of face of new garage 5.8 feet from property line is shown.



(v) Recent photograph of the lot area formerly occupied by the garage on the corner of 'A' Street and the Alley. House still exists. Approximate location of face of proposed new dwelling 6.8 feet from property line is shown.

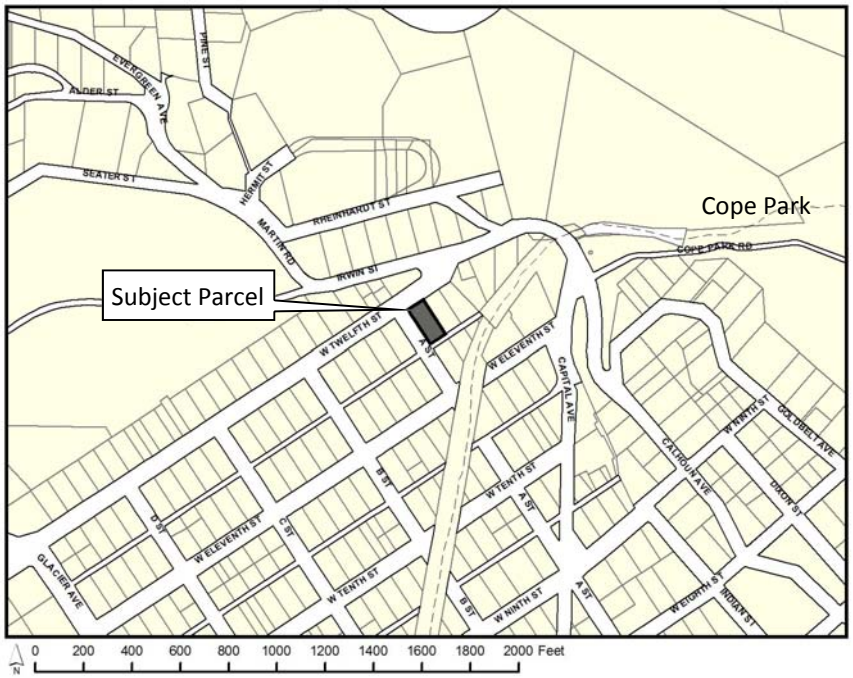
(vi) Recent photograph of the area of the existing house on corner of 'A' Street and West Twelfth Street. House still exists. Face of arctic entry of proposed new dwelling will match existing face.



(vii) Recent photograph of the area of the existing house on corner of 'A' Street and West Twelfth Street. House still exists. Photograph taken from approximate location of driver if exiting 'A' Street. Blanked area shows potential extent of arctic entry if 10 foot setback from West Twelfth Street is used. This would reduce sight distances for cars approaching intersection and be closer to West Twelfth Street sidewalk than other houses on same side of

(viii) Recent photograph of the area of the existing house on corner of 'A' Street and West Twelfth Street. House still exists.

NOTICE OF PUBLIC HEARING



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

SHIP TO:

PROPOSAL: VAR2017 0001: Request for variance to street side yard setback for new garage
VAR2017 0002: Request for variance to front yard setback for new dwelling

File No:	VAR2017 0001, VAR2017 0002	Applicant:	Erica Roguska
To:	Adjacent Property Owners	Property PCN:	1-C03-0-C05-003-0
Hearing Date:	April 25, 2017	Owner:	Don Andrew Roguska
Hearing Time:	7:00 PM	Lot Size:	3600 Square Feet
Place:	Assembly Chambers	Zoned:	D18
	Municipal Building	Site Address:	335 W Twelfth Street
	155 South Seward Street	Accessed Via:	A Street
	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 Tim Felstead at Tim.Felstead@juneau.org or (907) 586-0466.

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

Attachment C - Public Notice

Date notice was printed: March 23, 2017

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

December 3, 2015

Building Parcel File:
1C030C050030
ENF2015 0016

Certified Return Receipt Number:
7010 2780 0000 7478 0432

Rosalie Y. Prado
C/O Grace Lumba
P.O. Box 33563
Juneau, Alaska 99803

Subject: **NOTICE AND ORDER OF DANGEROUS BUILDING**
335 W. Twelfth Street
Legal: Lot 3, Block 205, Casey Shattuck Subdivision

Dear Ms. Prado:

I. FINDINGS AND NOTICE OF VIOLATIONS

Your garage on your property located at 335 W. Twelfth Street, has started to collapse into the City right-of-way. This creates a very dangerous situation.

According to the 2009 International Property Maintenance Code ("IPMC"), section 108 and subsection 108.1.1, adopted at CBJ §19.11.010, the Building Official deems the garage to be an Unsafe Structure:

> **SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT**
> **108.1 General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
>
> **108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Your garage also violates the following:

SECTION 304 EXTERIOR STRUCTURE
304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:
1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

Exceptions:
1. When substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

II. ORDER

The garage has been posted as a DANGEROUS BUILDING. **You are hereby notified and ordered by the Building Official to rectify the above conditions by the following actions:**

1. By January 8, 2016, contact us to discuss your plan for repair or demolition of the building.

2. By January 29, 2016, apply for a building permit to either repair the building to a level to satisfy the 2009 International Property Maintenance Code or apply for a permit to demolish the building.

3. By March 15, 2016 complete demolition or obtain a building permit to correct all violations noted above and secure site until corrections are completed.

   These dates may be adjusted in writing by agreement with the Building Official for just cause.

III. DECLARATION OF ACCEPTANCE OR REJECTION

Pursuant to CBJ 19.01.115.3, you must declare to the Building Official your acceptance or rejection of the terms of this order within five business days of the date of service of this order. Should you fail to do the ordered work or should you reject this order, that failure or rejection shall be cause and consent for the CBJ to proceed with demolition at your expense.

IV. FAILURE TO COMPLY

If the required repair or demolition work is not commenced by the required dates as stated above, you will be in violation of this order and the Building Official may initiate legal action.

Additionally, should you fail to complete the demolition by March 15, 2016, or should you fail to meet any of the deadlines identified above, the City and Borough of Juneau may exercise its authority under CBJ 19.01.115.3 and IPMC Section 110.3 (as adopted by CBJ 19.11.010) to do the work and demolish the building at your expense. Notice of the CBJ's intention to begin the work, if any, will be provided to you at the addresses listed above, unless you provide a different address to the City and Borough in writing. The notice shall specify the date the CBJ intends to begin the work, which shall not be less than seven days from the date of notice.

Also, if at any time before March 15, 2016, or after, the garage becomes an imminent danger as described by IPMC 109, you are hereby on notice that the Building Official may undertake emergency repairs—including demolition—and you will be liable for all costs.

V. APPEAL

Any person having record title or legal interest in the building may appeal this order within 20 days of service of this order, by filing a written notice of appeal with the Municipal Clerk, indicating the basis for the appeal. CBJ 19.02.010.3 provides that an appeal shall be based on a claim that:

a. The true intent of the building codes or rules have been incorrectly interpreted;
b. The provisions of the Building Regulations Code (CBJ 19) do not fully apply; or
c. There is an equally good or better form of construction (or repair) proposed by you.

Failure to appeal will constitute waiver of all rights to an administrative hearing and determination of the matter.

Also, be advised that pursuant to CBJ 19.11.107.6 (IPMC 107.6 "Transfer of Ownership") the following applies:

> It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order, or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Permit Applications are available at and shall be submitted to the Permit Center, located on the 4th floor of the Marine View Building at 230 South Franklin Street. Permit applications are accepted from 8:00 a.m. to 4:00 p.m., Monday through Friday. You may also mail permit applications to Community Development Department, CBJ, 155 S. Seward St., Juneau, AK 99801. If you have any questions with respect to this Notice and Order please contact me or Guy Gleason at (907) 586-0707 or via email at Guy.Gleason@Juneau.org.

Sincerely,

Charlie Ford, Building Code Official
Community Development Department
Tel: (907) 586-0767 Fax: (907) 586-4529
Email: Charlie.Ford@Juneau.org
Web Page: www.juneau.org/permits

cc: Kim Kiefer, City Manager
Rob Steedle, Assistant City Manager
Amy Mead, City Attorney
Dan Jager, Fire Marshal
Guy Gleason, Chief Building Inspector

VAR2017 0001 and 0002
Variance request for a reduction of the front yard setback and street side yard setback for a new dwelling and attached garage.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

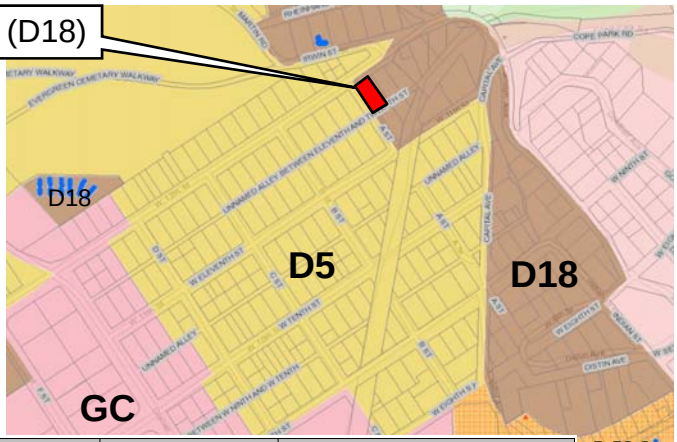
VAR17-01
VAR17-02

Project Proposal

- VAR 17-01 Reduction in 10 foot street side yard setback along an alley to 5.8 feet to allow for new attached garage
- VAR 17-02 Reduction in 10 foot front yard setback along 'A' Street to 6.8 feet for a new dwelling

VAR17-01
VAR17-02

Location



Yard	Standard setback	Setback after exceptions
W. Twelfth Street (Street yard)	20 feet	10 feet
'A' Street (Front yard)	13 feet	10 feet
Alley (Street side yard)	13 feet	10 feet
Side yard	5 feet	
NB/ A rear yard setback of 20 feet is not required because the lot is bordered by three rights-of-way.		

VAR17-01
VAR17-02

Aerial

VAR17-01 VAR17-02 Site Photo – View of demolished garage from 'A' St

Attachment B (i): Photograph of now demolished garage on corner of 'A' Street and the Alley.

VAR17-01 VAR17-02 Site Photo – View of demolished garage from 'A' St

Attachment B (ii): Recent photograph of area garage occupied on lot on corner of 'A' Street and the Alley.

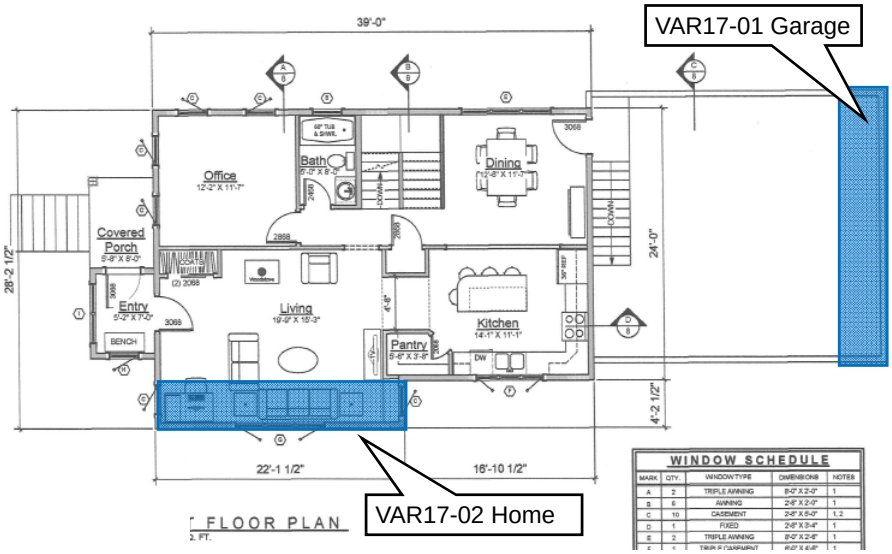
VAR17-01
VAR17-02

Site Photo – Existing house from W. Twelfth St

Attachment B (viii): Recent photograph of area existing house on corner of 'A' Street and W. Twelfth Street. House still exists.

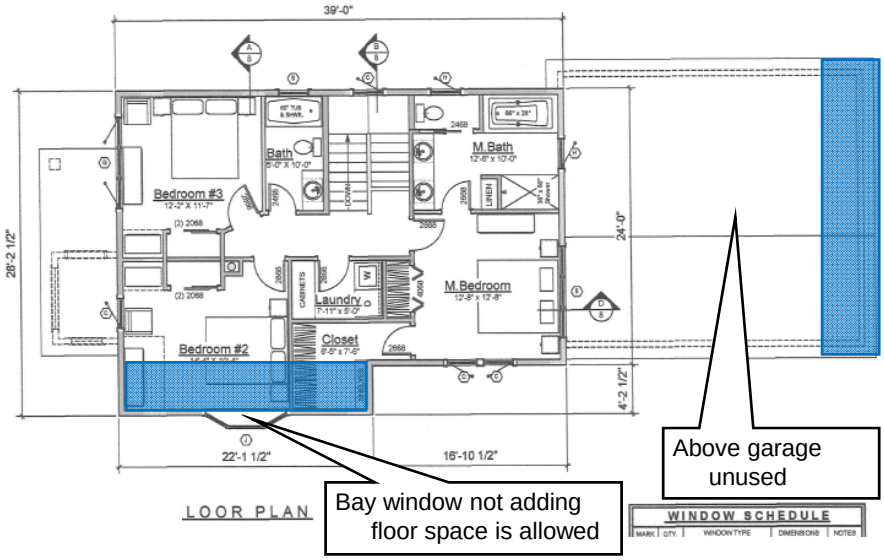
VAR17-01
VAR17-02

Proposed floor plan (1st floor)



VAR17-01
VAR17-02

Proposed floor plan (2nd floor)

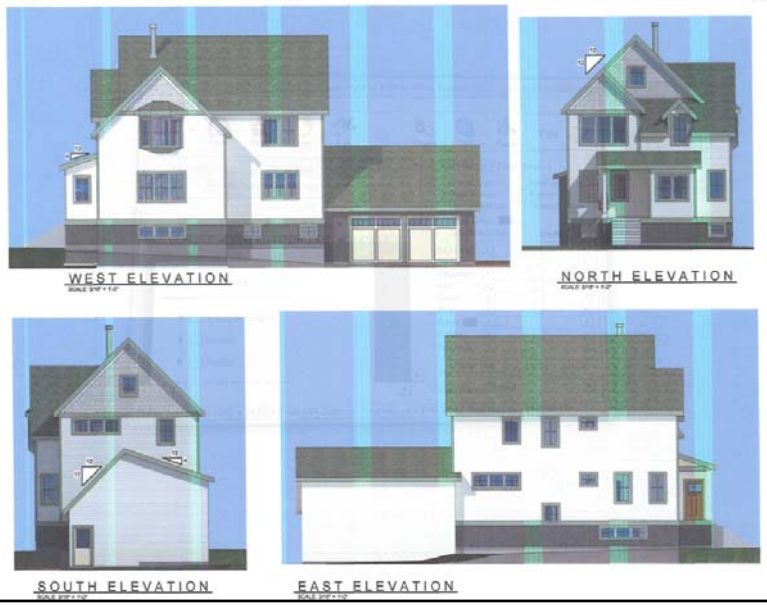


Bay window not adding floor space is allowed

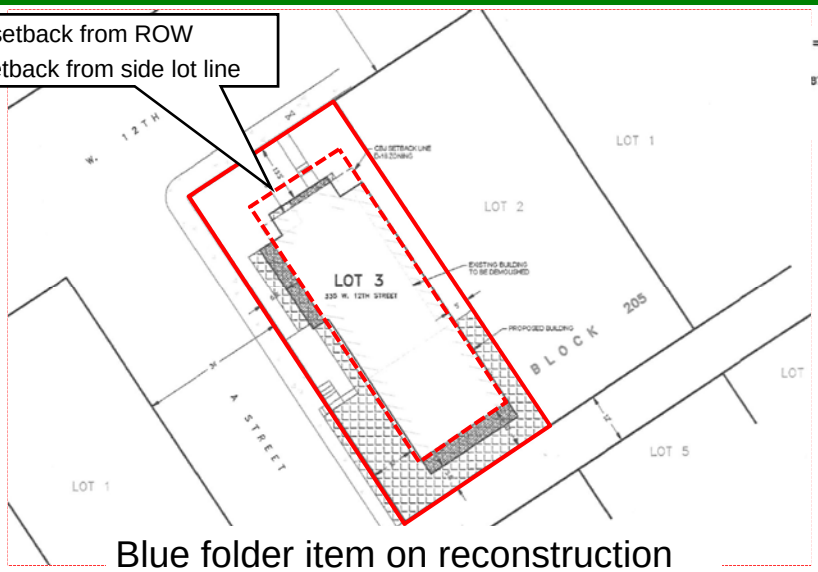
Above garage unused

VAR17-01
VAR17-02

Proposed elevation drawings

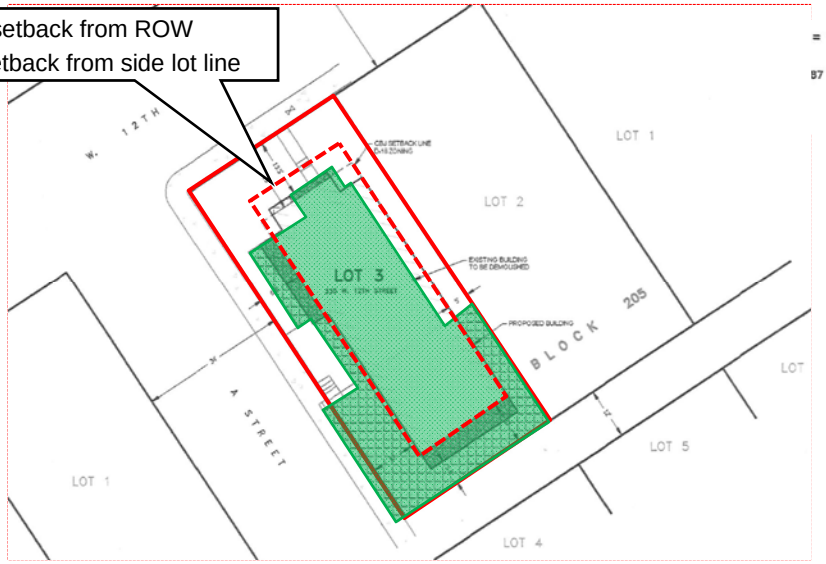


VAR17-01
VAR17-02
Site Plan (Setbacks)

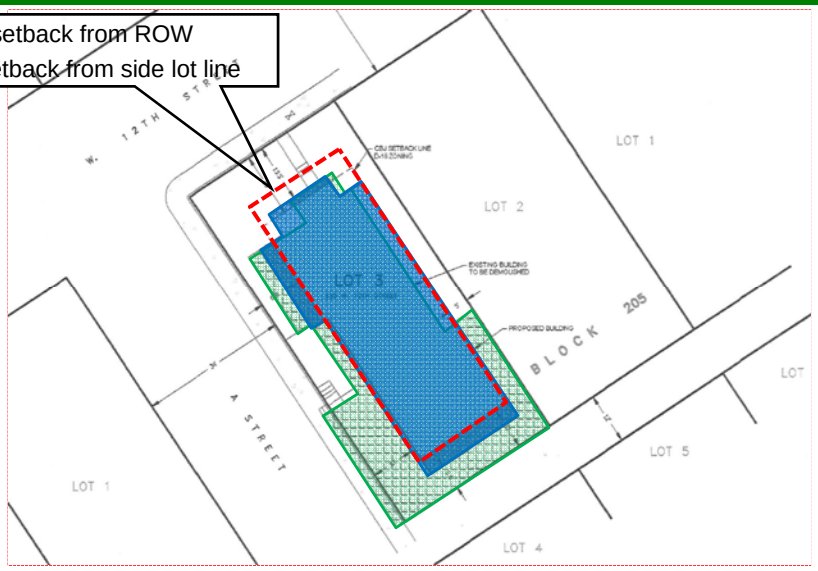


Blue folder item on reconstruction

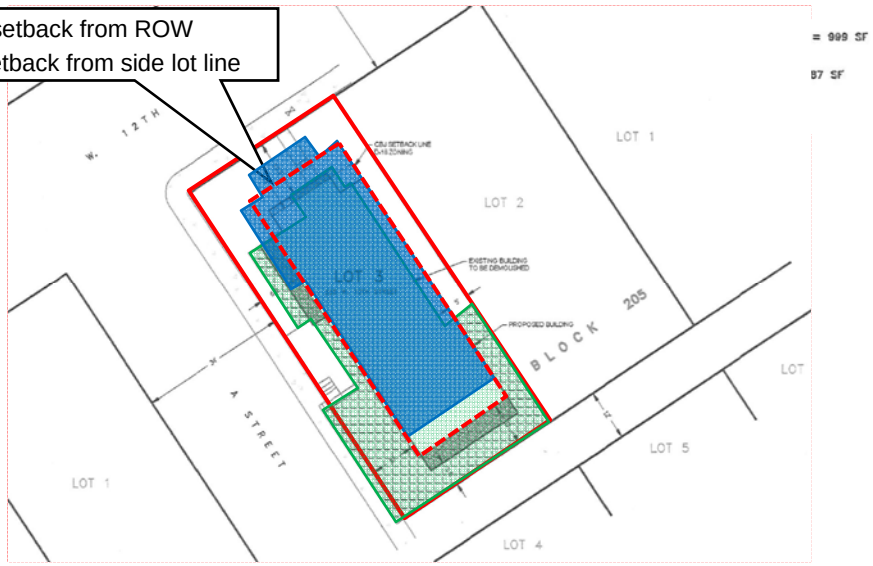
VAR17-01
VAR17-02
Site Plan (Existing house/demolished garage)



VAR17-01
VAR17-02
Site Plan (Proposed new house and garage)



VAR17-01
VAR17-02
Site Plan (Possible location - exceptions)



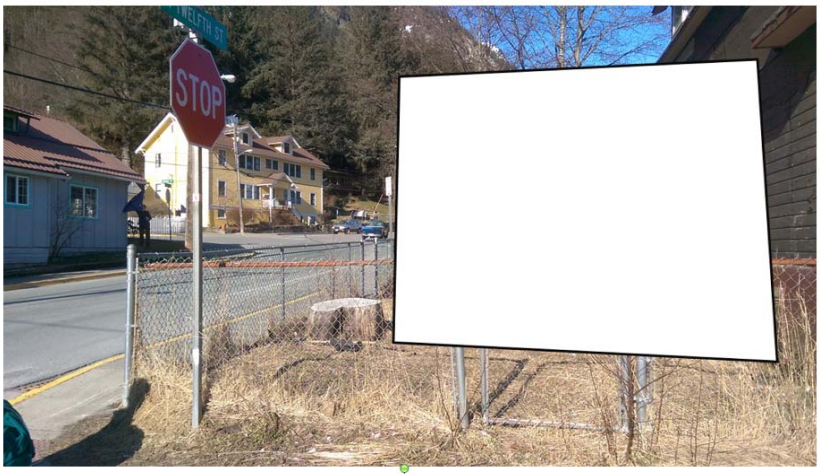
VAR17-01
VAR17-02

Site Photo –

Attachment B (vii): Recent photograph of area existing house on corner of 'A' Street and W. Twelfth Street. House still exists. Photograph taken from approximate location of driver if existing 'A' Street.

VAR17-01
VAR17-02

Site Photo –



Attachment B (vii): Recent photograph of area existing house on corner of 'A' Street and W. Twelfth Street. House still exists. Photograph taken from approximate location of driver if existing 'A' Street.

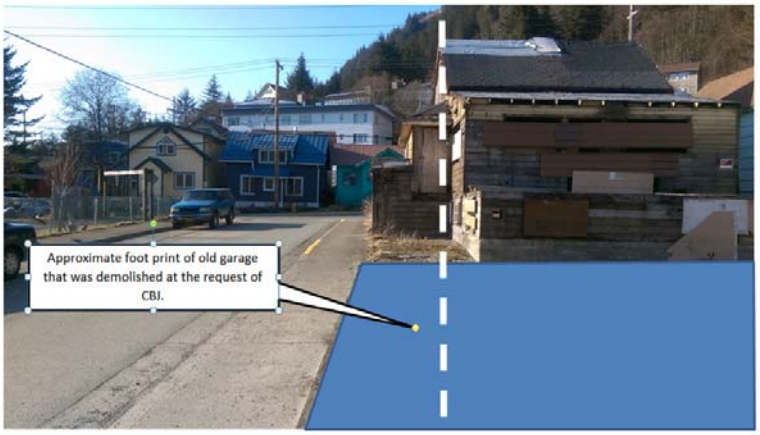
VAR17-01
VAR17-02

Site Photo – Alley to 'A' St

Attachment B (iv): Recent photograph of area garage occupied on lot on corner of 'A' Street and the Alley. Approximate location of face of new garage 5.8 feet from property line is shown.

VAR17-01
VAR17-02

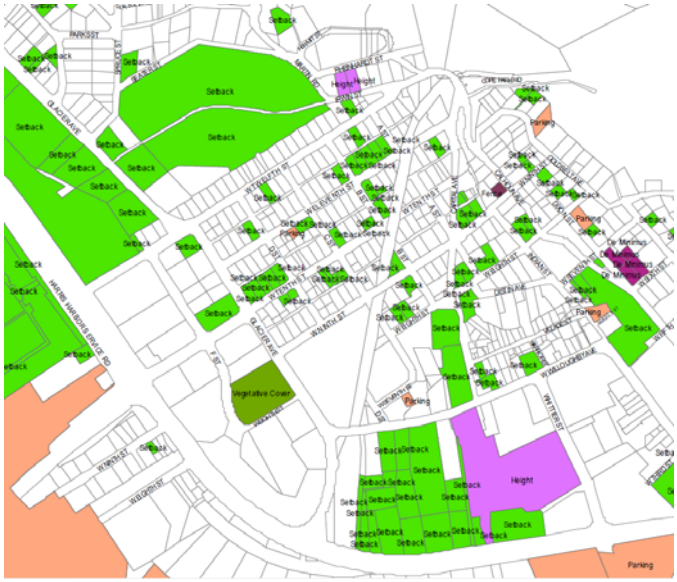
Site Photo – Proposed extent of new home towards 'A' St



Attachment B (v): Recent photograph of area garage occupied on lot on corner of 'A' Street and the Alley. House still exists. Approximate location of face of proposed new dwelling 6.8 feet from property line is shown.

VAR17-01 VAR17-02 Aerial view Building line of other buildings

VAR17-01 VAR17-02 Approved setback variances in the neighborhood - Post 1987



VAR17-01
VAR17-02

"First, an applicant must show that "hardship and practical difficulties result[ing] from an extraordinary situation or unique physical feature" make difficult for the owner to comply with the provisions of Title 49. Once the Board determines applicant has made a sufficient showing that this threshold has been met, a variance may be granted if the Board determines that.." six criteria

Decision on Appeal

Olmo, LLC v. Board of Adjustment

VAR17-01
VAR17-02

Findings – VAR17-01

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.

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

N/A

VAR17-01
VAR17-02

Findings – VAR17-01

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 has not shown hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property.

- **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.**
- **Criterion 1 is not met. Criterion 2, 3, 4 and 5 are met. Criterion 6 is met if the recommended condition is applied.**

VAR17-01
VAR17-02

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, **VAR2016 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 D18 zoning district.

The following condition of approval is recommended:

1.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 rty line.

VAR17-01
VAR17-02

Findings – VAR17-02

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.

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

N/A

VAR17-01
VAR17-02

Findings – VAR17-02

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 has not shown hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property.

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.

Criterion 1 and 6 are not met. Criterion 2, 3, 4 and 5 are met

VAR17-01
VAR17-02

Staff Recommendation – VAR17-02

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2016 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 D18 zoning district.

VAR17-01
VAR17-02

END

VAR17-01

Criterion 1

•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.

- *Parking can be provided without garage*
- *Many nonconforming setbacks immediate area but some relief is already granted*
- *Lot size is undersized*
- *Desired footprint can be shifted toward W. 12th St though may impact sight distances from 'A' St and affect appearance of W 12th*

No. The criterion is not met.

VAR17-01

Criterion 2

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.

- *Meets with intent of title as given in CBJ49.05100*
- *No evidence of adverse impacts*
- *CBJ Building, CCFR and CBJ General Engineering have no issues with the proposal*
- *Maintaining existing W. 12th St sight distance more important than maintaining 'A' St sight distance.*

Yes. The criterion is met with recommended condition.

VAR17-01

Criterion 3

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

- *Some support from local residents provided but not from immediate neighbors. Applicant has struggled to contact them.*
- *There have been no concerns raised by neighbors following public notice.*
- *CBJ Building, CCFR and CBJ General Engineering have no issues with the proposal*

Yes. The criterion is met.

VAR17-01

Criterion 4

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

•The current use is single-family residential. The use is allowed within the D5 district, per CBJ 49.25.300 Table of Permissible Uses, section 1.110.

Yes. The criterion is met.

VAR17-01

Criterion 5a

•***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 single family residence while still meeting the off-street parking requirements.

•**No. The sub-criterion is not met.**

VAR17-01

Criterion 5b

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

(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;

- *Current situation is consistent with the surrounding neighborhood,*
- *Some relief already granted based on other nonconforming buildings*

No. The sub-criterion is not met.

VAR17-01

Criterion 5c

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

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

•There are no unique physical features on the subject lot.

No. The sub-criterion is not met.

VAR17-01

Criterion 5d

(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.

•*Pre-existing garage encroached further into setbacks. Variance would be for a lesser encroachment. CBJ required garage to be demolished*

•**Yes. The sub-criterion is met.**

VAR17-01

Criterion 6

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

•*Granting variance would allow existing sight distance and appearance on W 12th St to be retained and still allow applicant proposed building design*

•**Yes. The criterion is met <u>if the recommended condition is applied</u>.**

VAR17-02

Criterion 1

•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.

- *Space above the garage not being built above.*
- *Many nonconforming setbacks immediate area but some relief is already granted*
- *Lot size is undersized*
- *Desired footprint can be shifted toward W. 12th St though may impact sight distances from 'A' St and affect appearance of W 12th*
-

No. The criterion is not met.

VAR17-02 Criterion 2

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.

- *Meets with intent of title as given in CBJ49.05100*
- *No evidence of adverse impacts*
- *CBJ Building, CCFR and CBJ General Engineering have no issues with the proposal*
- *Encroaching into setback would not be out of keeping with neighboring properties*
- *Back out parking would be allowed based on existing house setback. Reduced setback would help.*

Yes. The criterion is met.

VAR17-02 Criterion 3

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

- *Some support from local residents provided but not from immediate neighbors. Applicant has struggled to contact them.*
- *There have been no concerns raised by neighbors following public notice.*
- *CBJ Building, CCFR and CBJ General Engineering have no issues with the proposal*

Yes. The criterion is met.

VAR17-02 Criterion 4

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

•*The current use is single-family residential. The use is allowed within the D5 district, per CBJ 49.25.300 Table of Permissible Uses, section 1.110.*

Yes. The criterion is met.

VAR17-02 Criterion 5a

•***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 single family residence

•**No. The sub-criterion is not met.**

VAR17-02 Criterion 5b

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

(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;

- *Some relief already granted based on other nonconforming buildings but granting variance would also be in keeping with neighborhood appearance due to other surrounding nonconforming buildings*

No. The sub-criterion is not met.

VAR17-02 Criterion 5c

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

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

•*There are no unique physical features on the subject lot.*

No. The sub-criterion is not met.

VAR17-02 Criterion 5d

(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.

•Pre-existing home encroaches further into setbacks. Variance would be for a lesser encroachment.

•Yes. The sub-criterion is met.

VAR17-02 Criterion 6

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

•The relief already provided allows the appearance of the house to be in keeping with the neighborhood.

•A single family home can be built without a variance to replace the dilapidated structure albeit with a narrower footprint.

•No. The criterion is NOT met.

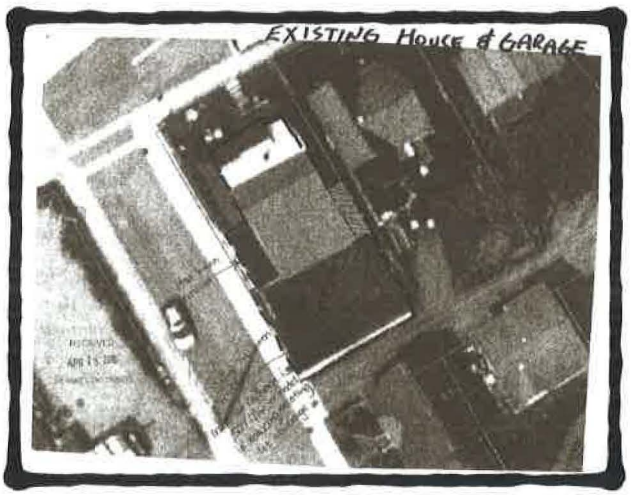
April 2017

"The Cinderella House"

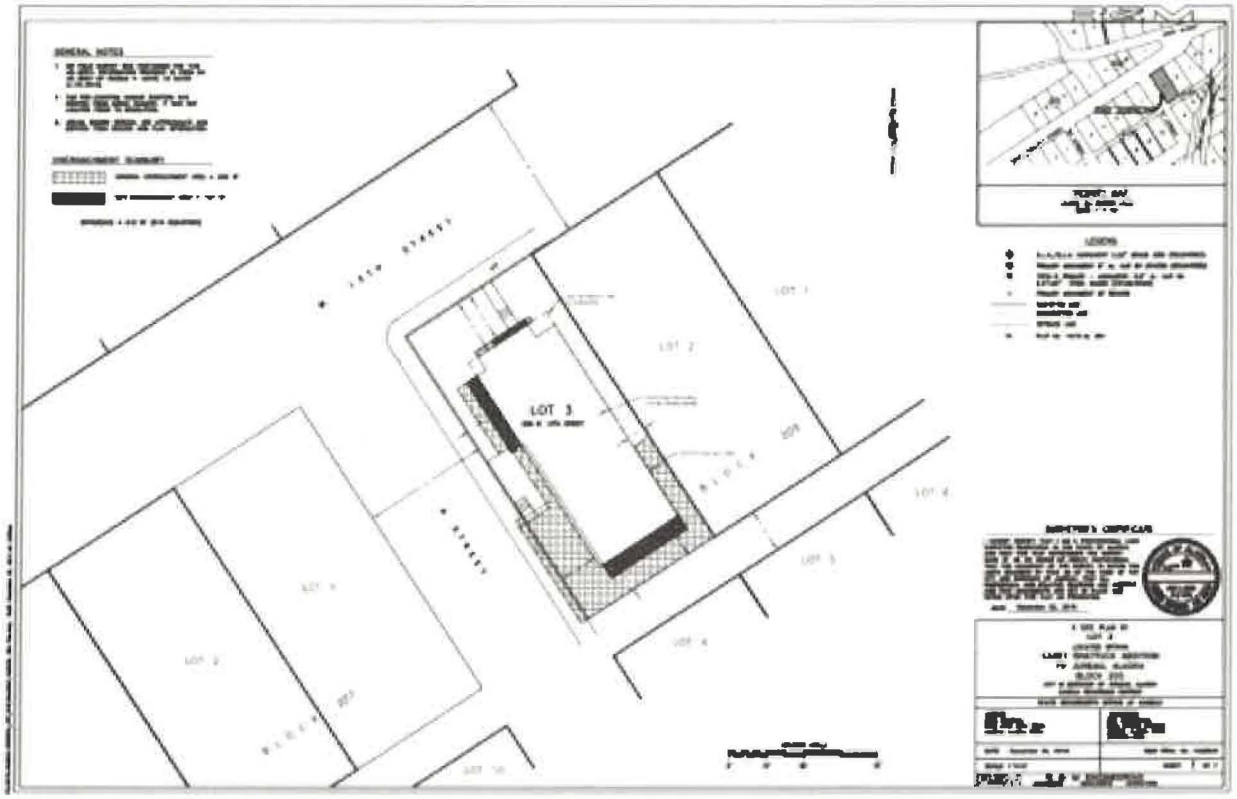
Variance requests for 335 West 12th Street.
Future home to Don Andrew, Erica, Bailey, and Asher Roguska.

Fast Facts about our Project:

- The original house, known as the Morris house, was built in 1914.
- The original house and garage (pictured right) had setback encroachments of 999 square feet. (as measured by a licensed surveyor)
- Our proposed setback encroachments will be less than 187 square feet.
- **Our proposed encroachments are a reduction of over 81%**



An arial photo of the house and garage.
Notice the placement of the garage relative the the alley, and the house relative to A Street.



A site plan that shows the previous encroachments (shown in light grey), and our proposed encroachments (shown in dark grey).

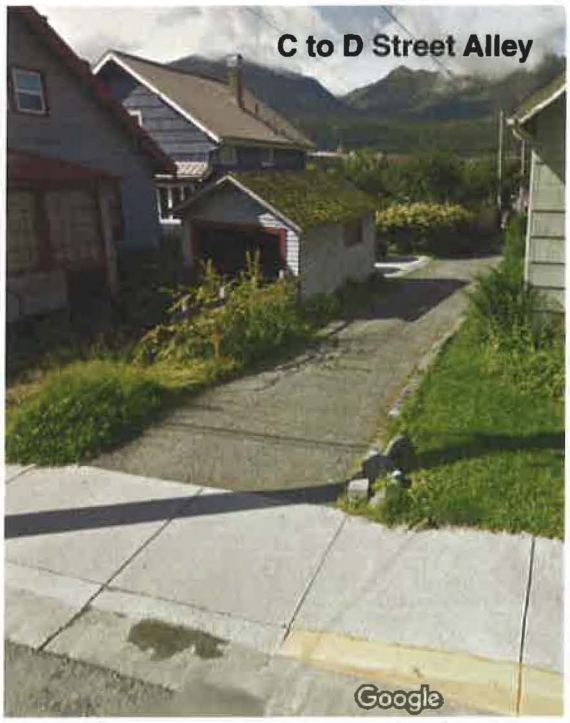
Note that a variance for the West 12th Street side is not needed for an unheated arctic entryway.

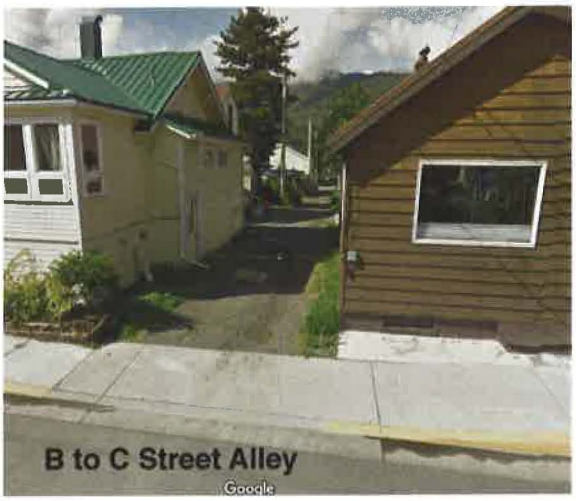
Extensive damage we assume was caused by carpenter ants.

A picture of the house in (approximately) the 1970's.

An elevation picture of our proposed house.

From C Street, looking down the alley towards B Street.





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 11, 2017
File No.: VAR2017 0002

Erica and Don Andrew Roguska
9873 Lone Wolf Drive
Juneau, AK 99801

Proposal:	Request for variance to front yard setback for new dwelling.
Property Address:	335 West Twelfth Street
Legal Description:	Lot 3, Block 205, Casey Shattuck
Parcel Code No.:	1-C03-0-C05-003-0
Hearing Date:	April 25 2017

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandums dated April 13, 2017 and April 21, 2017, and **DENIED** the Variance.

Attachments:

i. April 13, 2017, memorandum from Tim Felstead, Community Development, to the CBJ Board of Adjustment regarding VAR2017 0002.
ii. April 21, 2017, memorandum from Tim Felstead, Community Development, to the CBJ Board of Adjustment regarding VAR2017 0001 and VAR2017 0002.

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).

Project Planner: _____ _____

Tim Felstead, Planner
Community Development Department

Ben 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.