Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau
Mike Satre, Chairman

August 25, 2015
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

A. July 28, 2015 Regular Planning Commission Meeting Minutes

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

A. CSP2015 0011, Consistency review for new salt and sand storage structure.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

A. VAR2015 0027, A modification to a condition of VAR2010 0023 in regard to the front yard setback.

XI. OTHER BUSINESS

A. CBJ Emails for Empowered Boards & Commissions

XII. DIRECTOR'S REPORT

A. Auke Bay planning update

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

MINUTES

Regular Planning Commission Meeting
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

July 28, 2015

DRAFT

I. ROLL CALL

Mike Satre, 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 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Michael LeVine, Ben Haight, Matthew Bell, Paul Voelckers, Dan Miller

Commissioners absent: Nicole Grewe, Bill Peters

Staff present: Hal Hart, Planning Director; Beth McKibben, Planning Manager ; Jonathan Lange, Planner II, Tim Felstead, Planner I

II. APPROVAL OF MINUTES

- June 23, 2015 – Regular Planning Commission Meeting Minutes

MOTION: *by Mr. Miller, to approve the minutes for the June 23, 2015, Regular Planning Commission meeting with any minor modifications by staff or Commission members.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Subdivision Ordinance
Assembly Liaison Loren Jones reported that the Assembly Committee of the Whole (COW) held a meeting last night on the Subdivision Ordinance. After discussing the Ordinance for four hours last night, the Subdivision Ordinance has been continued to the August 3, (2015) meeting. The way the Ordinance is written, the staff cannot continue performing as it has in the past, said Mr. Jones. The Department of Law is being consulted on certain aspects of the Ordinance, he said.

The Assembly passed an amendment which changed the public notice requirement which previously required noticing property owners within 500 feet of the affected property, said Mr. Jones. The Assembly continued that notice requirement for major subdivisions and for minor subdivisions changed the notice requirement to adjoining property owners.

There was a lot of discussion about shared access roads, said Mr. Jones. There was concern expressed from Assembly members about the consequences if a home owners association disintegrates, and the subsequent effect on how the access road would be maintained under those circumstances. This has not been settled, said Mr. Jones. The Ordinance is currently scheduled to be acted upon by the Assembly August 10, (2015) said Mr. Jones, but it can be delayed until August 30, (2015) if necessary.

State Marijuana Control Board Appointment
Mr. Jones has been appointed to the State Marijuana Control Board.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Mr. Voelckers requested that VAR2015 0016 be removed from the Consent Agenda and placed on the Regular Agenda for purposes of discussion.

VAR2015 0018:	Variance request for the parking requirement for a single family dwelling.
Applicant:	Myra Pugh
Location:	617 W. Eleventh Street

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2015 0018.

The Variance permit would allow for a reduction in the parking requirement from one space to zero on-site spaces to allow an existing garage to be converted to living space.

MOTION: *by Mr. Miller, to approve the revised Consent Agenda as read with staff's findings, analysis and recommendations.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

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IX. REGULAR AGENDA

Mr. LeVine said that he consulted with the Law Department and was told that his residential proximity to the applicant does not constitute a conflict of interest.

Mr. Miller recused himself from hearing this item due to a conflict.

VAR2015 0016:	A Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for Andsoh Subdivision Lots 5, 7, 8 and 9.
Applicant:	Andsoh Associates, LLC
Location:	Sherwood Lane at Glacier Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2015 0016. The Variance permit would allow for the access and utility easement for Lots 5, 7, 8, and 9 of ANDSOH Subdivision to be 35 feet from the Pedersen Hill/Case del Sol Creek, which is designated as an anadromous stream and impaired water body; with the following conditions:

1. Prior to Certificate of Occupancy for development on Lots 5, 7, 8, and 9 of ANDSOH Subdivision, a bioswale shall be installed between the access and utility easement for Lots 5, 7, 8, and 9 of ANDSOH Subdivision and Pederson Hill/ Casa del Sol Creek; and the applicant shall implement storm water best management practices.
2. Prior to issuance of a Building Permit and/or Grading and Paving Permit for Lots 5, 7, 8, and 9 of ANDSOH Subdivision, a Deed Restriction shall be placed on Lots 5, 7, 8, and 9 stating that the driveway shall not be improved with impervious surfacing.
3. No development of primary or accessory buildings shall occur within 50 feet of Pederson Hill/ Casa del Sol Creek.

The lots in question are located in the Mendenhall Valley, across the street from the Department of Motor Vehicles, said Mr. Lange.

Commission Comments and Questions

Mr. Voelckers said he would appreciate some further detail provided by the staff on the location of the bioswale, and snow removal in the area.

Mr. Lange said the applicant is requesting a variance to the anadromous 50 foot no-development buffer of the stream to construct an access and utility easement to be within approximately 35 feet of an anadromous stream. He said a bioswale would be located at the northern portion of the access easement. He said use of the requested easements would allow the applicant to use an area which has already been filled Mr. Lange said the purpose of the bioswale is to filter any run-off which may come off the road into the stream.

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He added that when this issue was before the Wetlands Review Board in June, that the majority of the members were in favor of maintaining the 50 foot buffer or no development setback.

In answer to inquiries from Mr. Voelckers regarding snow removal, Mr. Lange said that snow removal had not been made a condition of approval, but that the concern expressed was that as snow was removed from the road that it would be pushed over the bioswale with the road residue going untreated into the adronomous stream. He said he spoke with the applicant prior to the meeting, and that one suggestion from the applicant was that the snow could be pushed in the direction off the road away from the stream.

Mr. Voelckers asked who would monitor that best practices by the applicant would be observed.

Mr. Lange answered that the Engineering Department monitored this work.

Mr. LeVine noted that in the older minutes from the Wetlands Review Board meeting, that one of the items which was highlighted was adherence to the 50 foot buffer. He asked if this issue had come before the Planning Commission and if it had been discussed.

Mr. Lange said the 50 foot setback was discussed at a previous Planning Commission meeting, but that he did not have a copy of those minutes currently available.

Mr. LeVine clarified that the effect of not granting this variance would require the applicant to construct the easement 50 feet from the stream instead of 35 feet from the stream.

Mr. LeVine said that he noted that the fill comes to within 25 feet of the stream. He said he assumed when this was first reviewed by the Planning Commission and the Wetlands Review Board that the assumption was that the fill stopped within 50 feet from the stream.

Chairman Satre said the pre-existing fill is a nonconforming condition, which is not something the Commission typically needs to consider for a variance.

Applicant
Mr. Haight asked applicant John Armstrong how the condition of the pervious soil would be changed with the granting of the variance.

Mr. Armstrong answered that all of the property is filled with shot rock, which drains very well and does not hold standing water. The road surface would be 2 inches of crushed rock, said Mr. Armstrong, which would continue to keep the water free flowing.

Mr. Haight asked if the applicant believed that the crushed rock would provide some filtration for the water.

Mr. Armstrong answered that it would create filtration for any water hitting the road, combined with the bioswale.

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Chairman Satre verified with the applicant that it was acceptable that a potential condition of no snow storage on the north side of the easement be established.

Mr. Armstrong replied that this condition would be acceptable.

MOTION: *by Mr. Voelckers, that VAR2515 0016 be approved by the Commission with the addition of a Condition Number Four stating that, "Snow storage be placed on the uphill side of the bioswale with run-off captured by the bioswale."*

Speaking in favor of his motion, Mr. Voelckers said that he felt this was a nice application although it was unfortunate that some of the fill was so close to the stream. He said that the proposal to create the bioswale with care that the snow storage happens upstream from the bioswale is a good, mitigative measure.

Mr. Watson also spoke in support of the motion, stating that this is a tremendous improvement to the area compared to its former uses as a parking lot and for equipment storage. The negative ecological impact to the property of the proposed uses will be much less than the former uses were to the property, said Mr. Watson.

The motion was approved with no objection, with the addition of Condition Number Four as stipulated in the motion.

Mr. Miller rejoined the Commission following the vote.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

- **Amendment to Title 49 related to Marijuana uses.**

This is an informational item and will be taken up by the Title 49 Committee on August 14, said Ms. McKibben. This reflects direction given by the Marijuana Committee, she said.

On the above item Chairman Satre, who is also a member of the Marijuana Committee, commented that the Table of Permissible Uses items may be fairly simple, but that how to permit this will probably add a lot of complexity to the process.

Mr. Voelckers asked what some of the underlying motives were for the recommendations.

Chairman Satre explained that they looked to the directive of the Initiative itself which was to regulate liquor stores. For example they mimicked buffers for both marijuana and liquor in the recommendation, explained Chairman Satre. In the Table of Permissible Uses, they filtered it down to its basic elements, which would be Agriculture and Industrial Use. They did make the recommendation that Rural Reserve land could be designated for some marijuana (commercial) cultivation facilities for example, said Chairman Satre.

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Mr. Voelckers said he didn't understand why it was excluded from categories such as D-3 to D-18 zoning.

Chairman Satre replied that it was a general sense to keep this out of the main residential zones and that this would reflect the desire of the community as well. He later stipulated this was for commercial use and that residential cultivation regulations would not be affected.

XII. DIRECTOR'S REPORT

Juneau Coordinated Human Services Transportation Plan
Mr. Lange reported that the Juneau Coordinated Human Services Transportation Plan deals with human services: specifically people with disabilities, seniors and low income categories. It is required by the state to be updated every five years, said Mr. Lange. It enables the service providers to apply for grants from the state for their services, he explained.

They conducted stakeholder meetings to assess the needs, and distributed a Transportation Needs Survey to senior centers and on the website. They received about 95 completed surveys from the community, said Mr. Lange. In addition they conducted two public meetings, said Mr. Lange. The Plan is to come up with priority projects the group wants to work on to improve services in Juneau, he added.

Mr. Lange mentioned that other additional priorities listed by the group include:

- ✓ Large percentage of lift accessible taxis - currently there are only two taxis available
- ✓ Communicate on priorities for transportation needs
- ✓ Bus stops - perhaps a community group could maintain a bus stop throughout the winter
- ✓ Share vehicles among agencies

This plan will next appear before the Committee of the Whole (COW) for the Assembly, said Mr. Lange. It would then need to be adopted by resolution by the complete Assembly, at a public hearing scheduled for August 31, (2015) he added.

Mr. Miller asked if there have been any other adopt-a-stop programs in any other communities. He said he thought this was a great idea.

Mr. Lange said he thought there were comparable programs in other communities.

Mr. Hart added that the snow removal issue was of primary importance in Auke Bay. The discussion has already begun, he said, about whose responsibility it will be to remove snow off of sidewalks which have not yet been constructed.

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The staff has been analyzing lately what the actual cost and components of a subdivision are, said Mr. Hart, such as the cost of lighting, for example. The Engineering Department had mentioned that road width is the largest potential opportunity for savings, said Mr. Hart.

Housing Action Plan
Ms. McKibben spoke about the Housing Action Plan. The current consultants were here at the beginning of the month to meet with the Affordable Housing Commission, and to present a working draft. The Affordable Housing Commission met last week and will meet again to refine the draft before it is ready for public review, said Ms. McKibben. They anticipate the document being ready for public review in the fall, she added.

Lender Opportunities for Downtown Juneau
As part of the discussion last week, said Mr. Hart, he contacted six local lenders in Juneau. The issue was how to do lending in Juneau, and create larger buildings and bigger projects, to provide a multi-tiered lending opportunity in downtown Juneau. Last week a Chamber of Commerce representative had individuals from his bank consisting of some of his loan officers and managers tour downtown Juneau. They were very excited about the opportunities that they saw, said Mr. Hart.

Mr. Watson commented that he hoped once subdivision estimates were being calculated that private estimates were being used, and not public engineering estimates. Mr. Watson said this issue had arisen some months back and that the public engineering estimates were far too low compared to private estimates for construction.

Mr. Watson said he would like the CDD staff to consider strategically the order of its presentations to the Assembly. It took the City Attorney after the Assembly meeting last night (July 27, 2015) to try to explain a portion in the Subdivision Ordinance, said Mr. Watson. He said because of the order the information was presented to the Assembly, it was confusing the Assembly's understanding of the information.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

- May 21, 2015 Wetlands Review Board Meeting Minutes
- June 1, 2015 Lands Committee Meeting Minutes
- June 22, 2015 Lands Committee Meeting Minutes

Marijuana Committee
Mr. Watson reported that the Marijuana Committee met last Thursday night, and that the primary focus of the discussion revolved around the state proposed regulations. The City Attorney spoke about some of those regulations and a letter from the Ketchikan Gateway Borough was also read, which contradicted a lot of the proposed state regulations. There are a lot of contradictions between statutes and regulations, said Mr. Watson. Public Works gave a presentation on what types of activities would be allowed based upon the National Building Code, said Mr. Watson.

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Subdivision Committee
Mr. Voelckers reported that the Subdivision Committee met last Wednesday (July 22, 2015), and it discussed small subdivisions and access granted by private easement from lot to lot. They were trying to basically formalize what has been happening on an ad hoc basis between various small groups of lots up to four lots in size as far as access goes, said Mr. Voelckers.

Auke Bay Charrette
Mr. Bell reported that he attended the Auke Bay Charrette which had a tremendous turnout. He commended the staff for putting together a well-planned process. He said it was exciting to see all of the enthusiasm in the room.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers said the other item on this evening's agenda (VAR2015 0018: Variance request for the parking requirement for a single family dwelling) for him raised the issue of parking in our streets. He said there should be some thought given to parking on streets, and why that is not legitimate.

Mr. Hart said that is one of the key points for the forthcoming Auke Bay meeting. The center of Auke Bay is a state road, said Mr. Hart, which prohibits parking along its roads. Streets are the bones of a neighborhood, said Mr. Hart, around which everything else is planned.

XV. ADJOURNMENT

The meeting was adjourned at 8:04 p.m.

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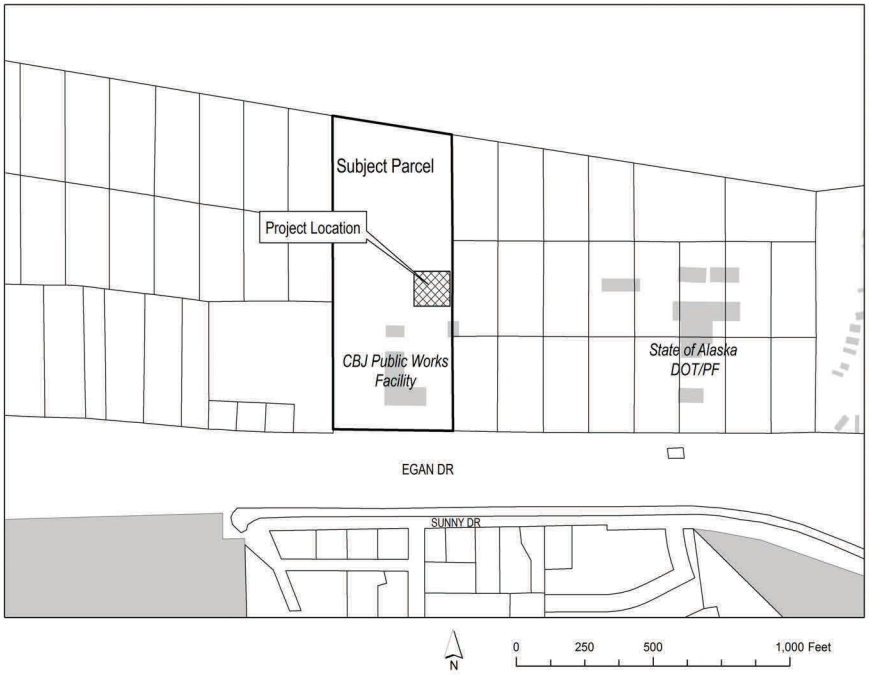
NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: Consistency review for new salt and sand storage structure.

File No:	CSP2015 0011	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	5-B14-0-100-002-1
Hearing Date:	August 25, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Parcel Size:	11.47 Acres
Place:	Assembly Chambers	Zoned:	Light Commercial
	Municipal Building	Site Address:	7100 Glacier Highway
	155 South Seward Street	Accessed Via:	Glacier Highway
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Tim Felstead at tim.felstead@juneau.org or at 586-0466.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: July 23, 2015

Community Development

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

DATE: August 13, 2015

TO: Planning Commission

FROM: Tim Felstead, Planner Tim Felstead
Community Development Department

FILE NO.: CSP2015 0011

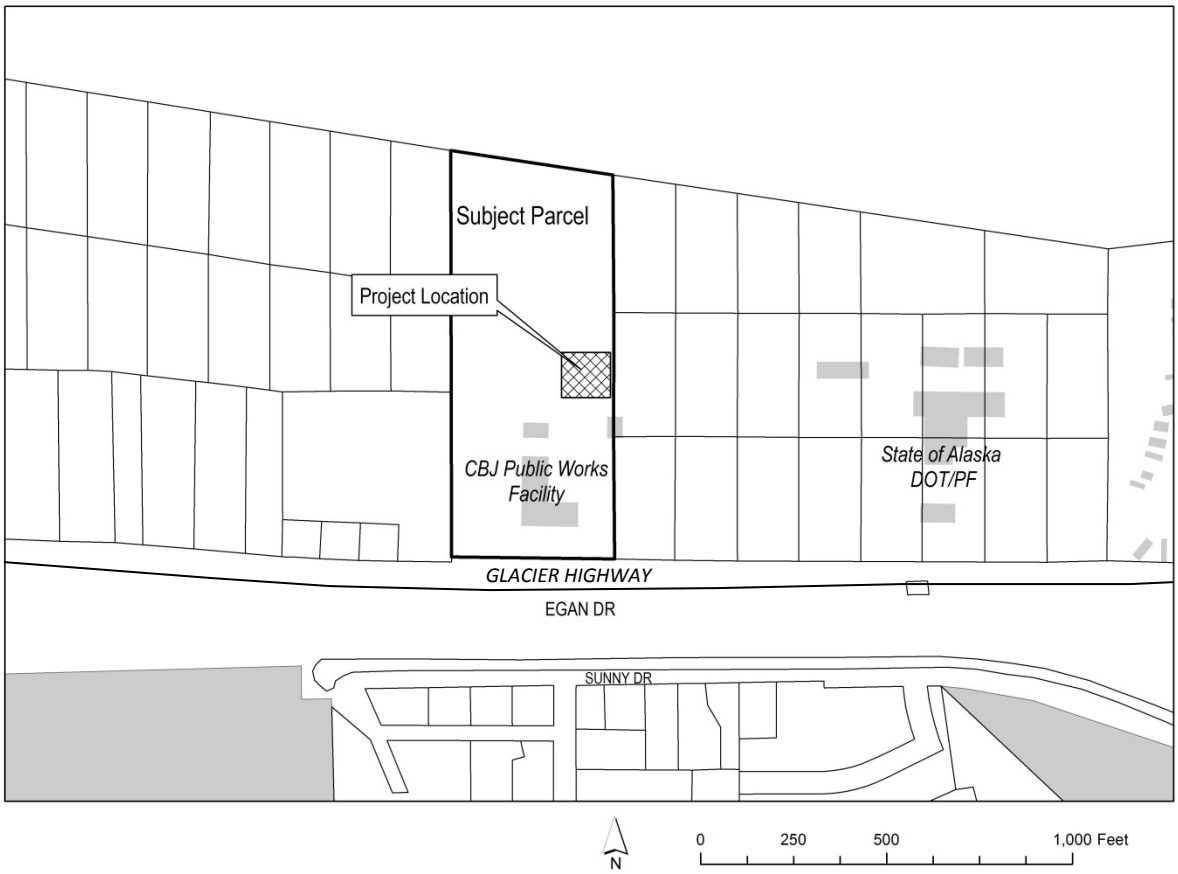
PROPOSAL: Consistency review for new salt and sand storage structure.

GENERAL INFORMATION

Applicant:	City and Borough of Juneau
Property Owner:	City and Borough of Juneau
Property Address:	7100 Glacier Highway
Legal Description:	USS 3258 Lot 2A
Parcel Code No.:	5-B14-0-100-002-1
Site Size:	11.47 Acres (500,780 square feet)
Comprehensive Plan Future Land Use Designation:	Institutional and Public Use (IPU)
Zoning:	LC
Utilities:	CBJ Water & Sewer
Access:	Glacier Highway
Existing Land Use:	CBJ Consolidated Public Works Facility
Surrounding Land Use:	North - Vacant (D5)

South - Glacier Highway (State Collector Road), Egan Drive (State Arterial Road), Single Family Dwellings (D5)
East - State Department of Transportation and Public Works Facilities (LC)
West - Vacant (D5), Vacant (D18)

VICINITY MAP



ATTACHMENTS

Attachment A – Application including site plans and structure design
Attachment B – Public notice
Attachment C – USE2007-0018/CSP20017-0008 Notice of Decision/Recommendation

PROPOSAL

As part of the continuing development of the CBJ Consolidated Public Works Facility, a new structure is proposed to store the salt and sand used by CBJ for winter highway maintenance. This structure has been sized to house the expected stockpiles of salt and sand, as well as the associated operation of large machinery/vehicles used to load the sand in to the highway maintenance vehicles. The proposed structure will consist of a metal frame on a concrete foundation, covered with a weatherproof fabric material. The interior of the structure will be paved with asphalt. The structure is estimated to be 120 feet by 150 feet in area with a roof height of a maximum of 45 feet at roof midpoint **(see Attachment A)**. The structure will be located on an already graded pad on the Eastern side of the lot. The exact design will be determined once bids have been submitted.

BACKGROUND

The Consolidated Public Works Facility has been under development for a number of years with the initial grading permit issued in 2007. This coincided with a Conditional Use Permit (USE2007 0018) and City/State Project review (CSP2007 0008) for the use of the lot for as the Consolidated Public Works Facility. In addition, a Variance was requested for a reduction in the required parking with the revised parking requirement to be based on the expected number of employees at full build out of the site rather than building/use square footage. All these requests were approved with some conditions applied to the USE/CSP cases (see **Attachment C**). The site has been developed in phases since then through approved grading and/or construction in compliance with the conditions of approval for the Conditional Use Permit and City/State Project review.

The proposed structure is funded in the approved 2015 Capital Improvement Program (CIP) list.

The structure will allow current salt storage to be moved from the CBJ Hazardous Waste Recycling Center in Lemon Creek. This recycling facility is near capacity due to its recent successes in promoting hazardous waste recycling. The additional space created by moving the salt storage location will allow for much needed expansion of the recycling space. Additionally, the increased storage capacity of the proposed structure will allow for greater quantities of salt/sand to be ordered at one time, which is anticipated to produce cost savings.

The sand is currently stored on subject site but is uncovered. This causes both loading and spreading issues during the winter since the saturated sand freezes into large blocks making the mixing and subsequent spreading operation less efficient.

The CBJ Engineering and Public Works Department anticipates construction to begin in October 2015 with completion by the end of December 2015. The work plan has been separated into 5 stages of construction:

1. *Site preparation including grading and drainage, installation of catch basins and underground utilities for power and lighting.*
2. *Construction of concrete foundations and approximately 18,000 square foot pre-engineered fabric structure.*
3. *Installation of approximately 17,000 square feet of asphalt pavement within the footprint of the fabric structure.*
4. *Installation of ecology block retaining walls at three sides and interior divided between sand and salt storage.*
5. *Installation of power distribution and lighting system.*

ANALYSIS

The CBJ Land Use Code basis for a City/State Project review by the Planning Commission is as follows:

> *CBJ 49.10.170(c)* City and borough land acquisitions, disposals and projects. *The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by Title 53, or capital improvement project by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.*

The proposed building in this current project is to be located on a graded pad that is already constructed. Only relatively minor work will be required to provide the necessary foundations. The Staff memorandum associated with the review of the 2007 Conditional Use and City State Project cases explicitly refers the use of the site to include salt and sand storage facilities. Furthermore, the related plans submitted with the application identified the location of the salt and sand storage structure at the location proposed in the current application. It was also determined that the storage of salt and sand was part of the primary use being applied for and that the building height limits within CBJ Land Use Code (49.25.400, Table of dimensional standards) for a permissible use and not an accessory use should applied. The maximum height for a structure associated with a permissible use in a Light Commercial zone is 45 feet.

The proposed structure will be reviewed through a CBJ Building Permit to ensure it meets required zoning, building and engineering standards.

The proposed structure is planned to be constructed using a white fabric. While other color fabrics are available, CBJ Engineering and Public Works have stated that the greater translucency of the white fabric will allow for less interior and vehicle lighting to be used by allowing use of ambient light. The consultants overseeing the design for CBJ Engineering and Public Works have stated *"…that the translucent roof will reduce the lighting costs by about $500/year, and provide a safer working environment by producing a more uniform lighted space, especially if people and equipment are working around piles of sand and salt without always turning the lights on during daytime work."* [1]

Within the original Conditional Use and City/State Project review, the buildings were described as being forest green or black in color although this was not a condition or recommendation in the associated Notice of Decision. The potential energy savings are a trade off with potential visual impact of the proposed structure, which will likely protrude above the vegetative buffer along Glacier Highway. The visual impact of the building is unclear though it should be noted that surrounding residences to the West and South are, generally, visually screened from the Facility due to their own vegetative buffers. No comments have been received from neighboring properties and public notice was provided to all property owners within 500 feet of the subject lot.

In addition to the fabric choice, the interior lighting will use LED technology activated based on ambient lighting conditions providing energy savings over conventional lighting fixtures.

CONFORMITY WITH ADOPTED PLANS

Provision of Public services

The 2013 Comprehensive Plan for the City and Borough of Juneau states supports provision of public facilities to deliver services within the Borough:

POLICY 12.1. TO PLAN FOR THE TIMELY AND EFFICIENT PROVISION OF AN APPROPRIATE LEVEL OF PUBLIC FACILITIES AND SERVICES IN ALL DEVELOPED AND DEVELOPING AREAS WITHIN THE URBAN SERVICE AREA.

With the proposed consolidated storage structure, CBJ Engineering and Public Works believe efficiencies will be made in the road salting operation. Additionally, being able to keep the sand in a dry location will speed up the loading of sand into spreading vehicles saving both time and money.

[1] Email communication from Mr. Richard Ritter Chief Architect, CBJ Engineering and Public Works, August 8 2015.

Energy efficient design

The use of a translucent fabric to cover the structure together with LED lights that are activated based on ambient light conditions inside the structure contribute to the following energy efficiency related policy:

POLICY 6.5. TO INCORPORATE TECHNOLOGIES AND OPERATING PRACTICES THAT WILL PROMOTE EFFICIENT AND COST EFFECTIVE ENERGY USE INTO ALL OF ITS NEW AND EXISTING BUILDINGS AND ENERGY-USING PROJECTS.

Stormwater Management

The scale of the proposed structure will create significant building runoff but this will be captured by new or existing storm drainage. The new storm drainage design has been reviewed by CBJ General Engineering during the Building Permit review process and the existing drainage system has been approved under previous grading or building permits. The Notice of Decision for the Conditional Use and City/State Project review of the Consolidated Public Works Facility added a condition that *'hydrology surrounding the discharge site shall be maintained with the use of culverts, if necessary. Activities shall not adversely impact adjacent wetlands by causing ponding, drainage, siltation or inadvertent fill'.* CBJ General Engineering has confirmed that the drainage design satisfies these requirements.

Meeting these requirements contributes to the following policy in the Comprehensive Plan:

POLICY 7.7. TO PROTECT, MAINTAIN AND IMPROVE SURFACE WATER, GROUNDWATER AND MARINE WATER QUALITY IN ITS JURISDICTION SO THAT ALL WATERS ARE IN COMPLIANCE WITH FEDERAL AND STATE WATER QUALITY STANDARDS AND CONTINUE TO ALLOW AQUATIC LIFE TO THRIVE.

Hazardous Waste

Indirectly, the facility will assist in greater recycling of Hazardous Waste by creating space for expansion of the current recycling facilities in Lemon Creek. To this effect the new storage facility is assisting towards the following Comprehensive Plan policies:

POLICY 12.5. TO PROMOTE EFFICIENT, SAFE, CONVENIENT, COST—EFFECTIVE AND ENVIRONMENTALLY—SOUND METHODS FOR THE DISPOSAL OF SOLID AND HAZARDOUS WASTE.

POLICY 12.6. TO ENCOURAGE WASTE REDUCTION, REUSE AND RECYCLING ACTIVITIES THAT HAVE POSITIVE ECONOMIC AND/OR ENVIRONMENTAL BENEFITS.

POLICY 12.7. TO ASSIST IN THE IDENTIFICATION AND MITIGATION OF IMPACTS ASSOCIATED WITH HAZARDOUS MATERIALS.

HABITAT

Habitat concerns were addressed within the 2007 Conditional Use and City/State Project case review and subsequent Notice of Decision. The proposed structure does not infringe upon the conditions/recommendations made. There is no mapped habitat regulated in the Land Use Code that will be affected by this project.

FINDINGS

The proposed project is consistent with the provisions of Title 49, the Comprehensive Plan including other relevant adopted plans, and the Capital Improvements Program as described above.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the Assembly **APPROVE** the proposed project, as prescribed by CBJ 49.10.170(c).

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 6/30/15
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
Site preparations and installation of a fabric structure used to store salt and sand at the Consolidated Public Works Facility at 7100 Glacier Hwy, Juneau, AK

PROPERTY LOCATION

Street Address	City/Zip
7100 Glacier Hwy	Juneau, AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Legal: Uss 3258 LT 2A

Assessor's Parcel Number(s)
Parcel No: 5B1401000021,

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
CBJ	Theresa Mores	907-586-0893
Mailing Address	**Home Phone:**	**Fax Number:**
155 S. Seward Street, Juneau, Ak 99801		
E-mail Address	**Other Contact Phone Number(s):**	
Theresa.Mores@juneau.org		

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

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 Theresa Mores Araki — Applicant's Signature

June 30, 2015 — Date of Application

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

STAFF APPROVALS

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
X	City/State Project Review and City Land Action			Cap15-11
	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 APP

Attachment A - Application including plans

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		CSP 15-011	6/30/15

TO BE COMPLETED BY THE APPLICANT

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

Site preparations and installation of a fabric structure used to store salt and sand at the Consolidated Public Works Facility at 7100 Glacier Hwy, Juneau, AK. The structure is Approximately 120 feet by 150 feet in plan and is supported by concrete foundations. The interior of the structure is paved with asphalt. Attached is a copy of Plans and Specifications, schematic site development from April 26, 2016, and Architectural Site Plan from May, 2007.

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):

Existing at the Consolidated Public Works Facility Site are Fleet and Streets Maintenance buildings, Fuel Bays, plus parking and boneyard areas. The site is fully developed: cleared, excavated, and filled with shot rock borrow and surfacing with 2-inch minus shot rock and bas course, plus underground storm drainage system including under-drains.

PROPOSED USE OF LAND OR BUILDING(S):

The proposed project of a salt and sand storage facility is one remaining phase of a multi-phased construction project that began in 2006. Phases that are completed include: Civil design and site development, construction of a Public Works facility building with maintenance bays, fuel bays, and administration areas, construction of a Streets Wing Maintenance Addition to PWF building, and Upper Plateau Site Development.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

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

Capital Improvement Program # (CIP) E07-266, E10-273, E07-266

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: $ 1,100,000

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	$ ø			
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

SECTION 00852 - PERMITS

PART 1 - GENERAL

1.1 INDEX OF PERMITS

A. City and Borough of Juneau, City State Project Review and Building Permit, to be issued by Addendum. Building Permit will be issued by the CBJ contingent upon the CONTRACTOR submitting the stamped structural drawing on the pre-engineered, fabric-covered metal building.

B. Stormwater Pollution Prevention Plan For Construction Activities, to be obtained by CONTRACTOR.

PART 2 – PRODUCTS (Not Used)

PART 3 – EXECUTION (Not Used)

END OF SECTION

SECTION 00853 - STANDARD DETAILS

PART 1 - GENERAL

1.1 STANDARD DETAILS

A. Whenever references are made to the Standard Drawings or Standard Details in these plans or Specifications the intent is to refer to the current City and Borough of Juneau Standard Details (currently the 4th Edition dated August 2011), which are available on-line at the following link:

http://www.juneau.org/engineering/Rev_Standards.php

B. City and Borough of Juneau Standard Details which specifically apply to this Project include but are not limited to the following:

LIST OF DETAILS

STANDARD DETAIL NO.	NAME OF DETAIL
304A	TYPE III CATCH BASIN

PART 2 - PRODUCTS (Not Used)

PART 3 - EXECUTION (Not Used)

END OF SECTION

SPECIAL PROVISIONS

The Standard Specifications for Civil Engineering Projects and Subdivision Improvements December 2003 Edition, with all Errata Sheets, as published by the City and Borough of Juneau, is part of these Contract Documents and shall pertain to all phases of the contract. The Standard Specifications for Civil Engineering Projects and Subdivision Improvements December 2003 Edition is available for a fee from the City and Borough of Juneau Engineering Contracts Office, (907) 586-0490, or you may view them online at: www.juneau.org/engineering.

SPECIAL PROVISIONS - TABLE OF CONTENTS

Section No.	Section Title	Page No.
01010	Summary of Work	2
01025	Measurement and Payment	7
01570	Erosion and Sediment Control	11
02202	Excavation and Embankment	13
02203	Trenching	14
02204	Base Course	14
02501	Storm Sewer Pipe	14
02502	Storm Sewer Manholes, Inlets and Catch Basins	15
02801	Asphalt Concrete Pavement	15
133400	Pre-Engineered Fabric-Covered Metal Building	17

completed and available for public occupancy on or before December 4, 2015. Only minor final cleanup may occur after that date. Final completion shall occur on or before December 31, 2015.

C. Notice to Proceed is anticipated to be issued on or about August 11, 2015.

D. The following interim completion times will be required to meet the final completion time:

1. Fabric structure design proposal and shop drawings shall be submitted for review on or before August 25, 2014.
2. All major sitework, underground utilities, concrete foundations and asphalt pavement shall be complete on or before October 15, 2016.
3. Structural framing and fabric envelope shall be complete and suitable for occupancy on or before December 4, 2015.

1.4 CONTRACT METHOD

A. The WORK hereunder will be constructed under a Lump Sum contract.

1.5 WORK BY OTHERS

A. The CONTRACTOR's attention is directed to the fact that work may be conducted at the site by other contractors during the performance of the WORK under this contract. The CONTRACTOR shall conduct its operations so as to cause a minimum of interference with the WORK of such other contractors, and shall cooperate fully with such contractors to provide continued safe access to their respective portions of the site, as required to perform work under their respective contracts.

B. Interference With Work On Utilities: The CONTRACTOR shall cooperate fully with all utility forces of the OWNER or forces of other public or private agencies engaged in the relocation, altering, or otherwise rearranging of any facilities which interfere with the progress of the WORK, and shall schedule the WORK so as to minimize interference with said relocation, altering, or other rearranging of facilities.

1.6 CONTRACTOR USE OF PROJECT SITE

A. The CONTRACTOR shall coordinate all construction activities with CBJ operations at the Consolidated Public Works Facility.

B. The CONTRACTOR's use of the Project site shall be limited to its construction operations, including on-site storage of materials, on-site fabrication facilities, and field offices.

C. Limit use of the site and/or premises to construction activities in areas indicated on the contract Drawings; allow for OWNER occupancy and use by the public.

The CONTRACTOR should be prepared to discuss all of the items listed below:

a. Status of CONTRACTOR's insurance and bonds.
b. CONTRACTOR's tentative schedules.
c. Transmittal, review, and distribution of CONTRACTOR's submittals.
d. Processing applications for payment.
e. Maintaining record documents.
f. Critical WORK sequencing.
g. Field decisions and Change Orders.
h. Use of Project site, office and storage areas, security, housekeeping, and OWNER's needs.
i. Major equipment deliveries and priorities.
j. CONTRACTOR's assignments for safety and first aid.

4. The OWNER will preside at the Pre-Construction Conference and will arrange for keeping and distributing the minutes to all persons in attendance.
5. The CONTRACTOR and its Subcontractors should plan on the conference taking no less than 2 hours. Items listed in paragraph 3 will be covered, as well as a review of Drawings and Specifications with the ENGINEER and OWNER.

B. Progress Meetings

1. The CONTRACTOR shall schedule and hold regular on-site progress meetings at least weekly and at other times as requested by the ENGINEER or OWNER, or as required by progress of the WORK. The CONTRACTOR, ENGINEER, and all Subcontractors active on the site must attend each meeting. CONTRACTOR may at its discretion request attendance by representatives of its suppliers, manufacturers, and other Subcontractors.
2. The ENGINEER shall preside at the meetings and will arrange for keeping and distributing the minutes. The purpose of the meetings will be to review the progress of the WORK, maintain coordination of efforts, discuss changes in scheduling, and resolve other problems which may develop. During each meeting, the CONTRACTOR is required to present any issues which may impact his work, with a view to resolve these issues expeditiously.

1.9 DEFINITIONS APPLICABLE TO TECHNICAL SPECIFICATIONS

A. The following words have the meaning defined in the technical portions of the WORK:

1. Furnish - means to supply and deliver to the site, to unload and unpack ready for assembly, installation, testing, and start-up.
2. Indicated - is a word used to direct the CONTRACTOR to information contained on the drawings or in the Specifications. Terms such as "shown," "noted," "scheduled," and "specified" also may be used to assist in locating information but no limitation of location is implied or intended.

Add the following Section:

SECTION 01025 – MEASUREMENT AND PAYMENT

PART 1 - GENERAL

1.1 SCOPE

A. Payment for the various items of the Bid Schedule, as further specified herein, shall include all compensation to be received by the CONTRACTOR for furnishing all tools, equipment, supplies, and manufactured articles, and for all labor, operations, and incidentals appurtenant to the items for WORK being described, as necessary to complete the various items of the WORK all in accordance with the requirements of the Contract Documents, including all appurtenances thereto, and including all costs of permits and cost of compliance with the regulations of public agencies having jurisdiction, including Safety and Health Requirements of Occupational Safety and Health Administration of the U.S. Department of Labor (OSHA) and Occupational Safety and Health Standards of the Alaska Department of Labor, Division of Labor Standards and Safety.

B. No separate payment will be made for any Pay Item that is not specifically set forth in the Bid Schedule, and all costs therefore shall be included in the prices named in the Bid Schedule for the various appurtenant items of WORK.

C. In addition to the other incidental items of WORK listed elsewhere in the contract, the following items shall also be considered as incidental to other items of WORK under this contract:

1. Maintenance of all services through the Project area including power, water, storm and sanitary sewers, garbage pickup, mail delivery, other deliveries, bus service and emergency vehicles.
2. Traffic control, including flaggers, and installation and maintenance of traffic control devices in accordance with the Manual of Uniform Traffic Control Devices – 2009 Edition and the current AKDOT&PF supplements.
3. Repair or replacement of existing adjacent facilities including piping, landscaping, steel, timber, concrete, stone and asphalt items.
4. Final clean-up and site restoration.
5. All WORK necessary for coordination of work to be accomplished by the private utility companies and property owners within the Project limits.
6. Removal and replacement of survey monuments and markers disturbed during construction, whether shown on the Drawings or not.
7. Watering of the roadway as necessary for dust control.
8. All connections and fittings required for storm drain piping.
9. All erosion and pollution control work required.
10. The CONTRACTOR shall protect all structures adjacent to the WORK. The CONTRACTOR shall be responsible for all damage to adjacent property, including structures and appurtenances. Repairs to structures damaged by the

1.4 SALT AND SAND STORAGE FACILITY (Pay Item No. 1), PRICE BASED ON LUMP SUM

A. Work includes complete construction of the facility shown on the Drawings. Included in the work: mobilization, erosion and sedimentation control, catch basins and piping, excavation and backfill, base course, 2" minus shot rock, asphalt pavement, fog seal coat, concrete foundations, concrete ecology blocks, supply and erection of the pre-engineered fabric-covered metal building, construction surveying, and electrical work. Payment will be made at the amount named in Bid Schedule under Pay Item No. 1. The Schedule of Values for Pay Item No. 1 shall include a unit price per ton of asphalt pavement that meets Section 02801 – Asphalt Concrete Pavement.

1.5 OVEREXCAVATION AND REMOVAL OF UNSUITABLE MATERIAL (Pay Item No. 2) PRICE BASED ON QUANTITY, CUBIC YARD

A. Measurement for payment for Overexcavation and Removal of Unsuitable Material will be based on the number of cubic yards of material actually excavated and removed from the site, as determined by the average end area method. Where impractical to measure by the average end area method, the ENGINEER may approve other acceptable methods involving three-dimensional measurements. Excavation of material required to produce the subgrade elevations necessary to construct the facility as shown on the Drawings will not be measured for payment and shall be considered incidental to Pay Item No. 1.

B. No work shall be performed under this work item unless authorized by the ENGINEER in writing before the work begins. It shall be the responsibility of the CONTRACTOR to notify the ENGINEER in a timely manner of any native material that appears to be unsuitable for the uses intended.

C. Payment for Overexcavation and Removal of Unsuitable Material will be made at the Unit Price named in the Bid Schedule under Pay Item No. 2, which payment will constitute full compensation for all WORK described in Section 02202 - Excavation and Embankment, as shown on the Drawings and as directed by the ENGINEER.

1.6 STRUCTURAL FILL (Pay Item No. 3) PRICE BASED ON QUANTITY, CUBIC YARD

A. Measurement for payment for Structural Fill will be based on the number of cubic yards of material in place as determined by the average end area method, and will be determined on a neatline basis. Where impractical to measure by the average end area method, the ENGINEER may approve other acceptable methods involving three-dimensional measurements. Embankment outside of the lines, grades and cross sections indicated in the Drawings or as directed by the ENGINEER will be deducted from borrow quantities for pay purposes.

B. Only Structural Fill to replace unsuitable material removed from the site will be paid for under this bid item. At the CONTRACTOR'S option, Structural Fill

Add the following Section:

SECTION 01570 – EROSION AND SEDIMENT CONTROL

PART 1 - GENERAL

1.1 THE REQUIREMENT

A. The CONTRACTOR shall provide for erosion control during construction in accordance with the requirements of the Alaska Department of Environmental Conservation (ADEC). All discharge of pollutants and sedimentation from on-site drainage shall be caught on-site.

B. Erosion Control includes preparation and maintenance of a Storm Water Pollution Prevention Plan (SWPPP), control of erosion, sedimentation and discharge of pollutants, in accordance with the ADEC Construction General Permit (CGP).

C. The WORK under this section includes providing all labor, materials, tools and equipment necessary to construct and maintain temporary erosion control works; including but not limited to, wattles, silt fences, silt containment booms, settling ponds, check dams, ditches, etc.

PART 2 - PRODUCTS

2.1 MATERIALS

A. Materials shall be suitable for the intended use and perform effectively to control silt and surface erosion. All materials shall remain the property of the CONTRACTOR.

PART 3 - EXECUTION

3.1 GENERAL

A. The CONTRACTOR is responsible to prepare, submit and maintain a SWPPP, as required by the CGP, in accordance with their construction methodologies and sequences.

1. For projects disturbing greater than 1 Acre, this requirement shall include submission of a Notice of Intent (NOI) to ADEC prior to beginning of WORK. Copies of the NOI and SWPPP shall also be submitted to the ENGINEER within 5 days of submittal to ADEC.
2. For projects disturbing less than 1 acre, the SWPPP shall be submitted to the ENGINEER prior to the beginning of WORK; submittal to ADEC and an NOI are not required.

SECTION 02202 – EXCAVATION AND EMBANKMENT, PART 2 - PRODUCTS, ***add*** *the following Articles:*

2.9 2-INCH MINUS SHOT ROCK

A. 2-Inch Minus Shot Rock shall contain no mulch, frozen material, roots, sod or other deleterious matter.

B. The shot rock shall have a plasticity index not greater than 6, as determined by AASHTO T 90. It shall consist of not more than 3% by weight of particles that pass the No. 200 sieve, as determined by ATM T-7.

C. At least 50% by weight of the particles retained on the 3/8-inch sieve shall have at least two fractured faces as determined by ATM T-4.

D. At least 80% by weight of particles shall be retained on the 1-inch sieve.

E. Elongation Specifications:
The length of the crushed stone backfill shall not be more than twice the designated screen dimensions.

F. Sodium Sulfate Loss:
Aggregate shall pass the percent sodium sulfate loss per AASHTO T 104 with 9% maximum.

G. LA Abrasion:
Percent of wear per AASHTO T 96 shall be 45% maximum.

H. 2-Inch Shot Rock for this project shall have a maximum Nordic Abrasion value of 18. Test procedure for Nordic Abrasion is Alaska Test Method 312. This is available at the CBJ Engineering Department and State of Alaska Department of Transportation and Public Facilities Southwest Region Materials Laboratory.

2.10 USABLE MATERIAL FROM EXCAVATION. Usable material from excavation shall meet the requirements for Embankment.

SECTION 02202 – EXCAVATION AND EMBANKMENT, PART 3 – EXECUTION, Article 3.4, EMBANKMENT CONSTRUCTED FROM ROCK FRAGMENTS, ***add*** *the following paragraphs:*

C. Shot Rock Borrow may be placed within the embankment in a single lift where 18-inches or less. Embankments over 18-inches shall be placed in lifts not exceeding 18-inches.

D. All rock embankment surfaces shall be rolled full width with as many passes of a vibratory roller as required to obtain a solid mass of interlocking rock fragments, prior to placement of subsequent layers of material.

E. Where base course is to be placed on top of the shot rock borrow, the surface of the shot rock borrow shall be sealed with fines from the shot rock material, or

Sewer Line Buried Below," or similar. The marking tape shall be installed 12-inches above the top of all storm sewer mains and services.

SECTION 02502 – STORM SEWER MANHOLES, INLETS AND CATCH BASINS, PART 3 - EXECUTION, Article 3.1, CONSTRUCTION, ***delete*** *paragraph C and* ***replace*** *with the following paragraph C.:*

C. Metal frames shall be set over the cast-in-place concrete support structure with a maximum ¼-inch thick mortar bed. All other support for the frame and grate assembly shall be made with 3000 PSI minimum concrete cement.

SECTION 02801 – ASPHALT CONCRETE PAVEMENT, PART 1 - GENERAL, Article 1.1, DESCRIPTION, ***revise*** *paragraph B as follows:*

B. Asphaltic concrete mix for this Project for this project shall be Type II-A, Class B. See Table 02801-1.

SECTION 02801 – ASPHALT CONCRETE PAVEMENT, PART 1 - GENERAL, Article 1.1, DESCRIPTION, ***revise*** TABLE 02801-1, ASPHALTIC CONCRETE MIX REQUIREMENTS, *as follows:*

Design Parameters	Class A	Class B
Voids in total mix, percent	2.5 – 4.0%	2.5 – 4.0%
Percent oil content	6.0 – 6.8%	6.0 – 6.8%

SECTION 02801 -- ASPHALT CONCRETE PAVEMENT, PART 3 – EXECUTION, Article 3.10, JOINTS, ***add*** *the following paragraph:*

J. All joints with existing asphalt pavement shall be resealed with asphalt cement after the new pavement has cooled to ambient temperature. All joints with concrete foundations found to have a gap shall be blown out using a weed burner torch, filled with asphalt cement, and covered with a layer of dry sand. Excess sand shall be removed, and asphalt cement placed on the concrete foundation more than one-inch from the edge of foundation shall be removed using solvent or other approved methods.

SECTION 02801 -- ASPHALT CONCRETE PAVEMENT, PART 3 – EXECUTION Article 3.13, ACCEPTANCE SAMPLING AND TESTING, ***add*** *the following paragraph*

K. For each lot of asphalt pavement produced, at least two (2) samples shall be taken by the CONTRACTOR for purposes of acceptance testing by the OWNER. The CONTRACTOR shall split the sample with the OWNER to retain a portion for their own use. The sample shall be taken according to proper sampling methods, from the asphalt pavement on the grade.

Based on the averaged results of the acceptance testing, a deduction from the asphalt pavement pay item may be made at the following amounts:

Add the following Section:

SECTION 133400 – PRE-ENGINEERED FABRIC-COVERED METAL BUILDING

PART 1 - GENERAL

1.1 SUMMARY

A. Section Includes:

1. Structural-framing.
2. Fabric roof panels and wall panels.

1.2 PRE-INSTALLATION MEETINGS

A. Pre-installation Conference: Conduct conference at Project site.

1.3 ACTION SUBMITTALS

A. Product Data: For each type of metal building system component.

B. Shop Drawings: Indicate components by others. Include full building plan, elevations, sections, details and attachments to other work.

C. Samples: Fabric covering material.

D. Delegated-Design Submittal: For metal building systems.

1. Include analysis data indicating compliance with performance requirements and design data signed and sealed by the qualified professional engineer responsible for their preparation.

1.4 INFORMATIONAL SUBMITTALS

A. Welding certificates.

B. Letter of Design Certification: Signed and sealed by a qualified professional engineer. Include the following:

1. Name and location of Project.
2. Order number.
3. Name of manufacturer.
4. Name of Contractor.
5. Building dimensions including width, length, height, and roof slope.

3. AWS D1.2, "Structural Welding Code – Aluminum"

1.7 WARRANTY

A. Warranty Period: 15 years from date of Substantial Completion.

Insert requirements for extra materials such as metal roof and wall panels, trim, and accessories if required. Verify with Owner because these materials can present storage difficulties.

PART 2 - PRODUCTS

See Editing Instruction No. 1 in the Evaluations for cautions about named manufacturers and products. For an explanation of options and Contractor's product selection procedures, see Section 016000 "Product Requirements."

2.1 MANUFACTURERS

A. Manufacturer's offering buildings meeting requirements include but are not limited to the following:

1. ClearSpan Fabric Structures
2. Legacy Building Solutions
3. Milestone Building and Design
4. Norseman Structures
5. Sprung Structures

2.2 STRUCTURAL SYSTEM MATERIAL SELECTION

A. The building's structural system shall be either comprised of hot-dipped galvanized steel components or structural aluminum components.

B. Applicability of Specification: References to steel and MBMA are applicable only to steel structural systems.

2.3 PERFORMANCE REQUIREMENTS

Retain "Delegated Design" Paragraph below if Contractor is required to assume responsibility for design.

A. Delegated Design: Engage a qualified professional engineer, as defined in Section 014000 "Quality Requirements," to design metal building system.

Retain "Structural Performance" Paragraph below or indicate structural-performance requirements on Drawings.

3. Exterior Column: Manufacturer's standard meeting clearance and height restrictions indicated on the drawings.
4. Rafter: Manufacturer's standard meeting clearance and height restrictions indicated on the drawings.

Retain "End-Wall Framing" Paragraph below if required or delete if using half-load primary frames.

F. End-Wall Framing: Manufacturer's standard.

G. Secondary Framing: Manufacturer's standard.

2.5 STRUCTURAL ALUMINUM FRAMING

A. Comply ASTM B308/B308M, "Standard Specification for Aluminum Alloy 6061-T6" and ASTM B221/B429 "Standard Structural Profiles".

B. Fasteners: Structural nuts and bolts – ASTM FS93, ASTM FS94 (Stainless Steel).

2.6 FABRICATION

A. General: Design components and field connections required for erection to permit easy assembly.

1. Mark each piece and part of the assembly to correspond with previously prepared erection drawings, diagrams, and instruction manuals.
2. Fabricate structural framing to produce clean, smooth cuts and bends. Punch holes of proper size, shape, and location. Members shall be free of cracks, tears, and ruptures.

B. Tolerances: Comply with MBMA's "Metal Building Systems Manual" for fabrication and erection tolerances as applicable.

2.7 SOURCE QUALITY CONTROL

Except where fabricated in the shop of a fabricator approved by the authority having jurisdiction, the 2012 International Building Code requires that special inspections of structural steel be performed in accordance with the quality assurance and inspection requirements of AISC 360 for steel frame construction.

Insert additional special inspections for wind- and seismic-resistance requirements.

A. Special Inspection: Owner will engage a qualified special inspector to perform source quality control inspections and to submit reports.

B. Product will be considered defective if it does not pass tests and inspections.

C. Prepare test and inspection reports.

D. Base and Bearing Plates: Clean concrete-bearing surfaces of bond-reducing materials, and roughen surfaces prior to setting plates. Clean bottom surface of plates.

1. Set plates for structural members on wedges, shims, or setting nuts as required.
2. Tighten anchor rods after supported members have been positioned and plumbed. Do not remove wedges or shims but, if protruding, cut off flush with edge of plate before packing with grout.
3. Promptly pack grout solidly between bearing surfaces and plates so no voids remain. Neatly finish exposed surfaces; protect grout and allow to cure. Comply with manufacturer's written installation instructions for shrinkage-resistant grouts.

E. Align and adjust structural framing before permanently fastening. Before assembly, clean bearing surfaces and other surfaces that will be in permanent contact with framing. Perform necessary adjustments to compensate for discrepancies in elevations and alignment.

1. Level and plumb individual members of structure.

Review subparagraph below with structural engineer and revise to suit Project. Delete if not required.

2. Make allowances for difference between temperature at time of erection and mean temperature when structure will be completed and in service.

F. Primary Framing and End Walls: Erect framing level, plumb, rigid, secure, and true to line. Level baseplates to a true even plane with full bearing to supporting structures, set with double-nutted anchor bolts. Use grout to obtain uniform bearing and to maintain a level base-line elevation. Moist-cure grout for not less than seven days after placement.

1. Make field connections using high-strength bolts installed according to RCSC's "Specification for Structural Joints Using High-Strength Bolts" for bolt type and joint type specified.

   See RCSC for definitions of "snug tightened" and "pretensioned" in "Joint Type" Subparagraph below.

   a. Joint Type: Snug tightened or pre-tensioned as required by manufacturer.

G. Secondary Framing: Erect framing level, plumb, rigid, secure, and true to line. Field bolt secondary framing to clips attached to primary framing.

Retain "Steel Joists" Paragraph below if steel joist purlins are required; otherwise, delete.

H. Steel Joists: Where utilized install joists and accessories plumb, square, and true to line; securely fasten to supporting construction according to SJI's "Standard Specifications and Load Tables for Steel Joists and Joist Girders," joist manufacturer's written instructions.

I. Bracing: Install bracing in roof and sidewalls where indicated on erection drawings.

CITY AND BOROUGH OF JUNEAU
CONSOLIDATED PUBLIC WORKS FACILITY
SALT AND SAND STORAGE FACILITY

217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677
www.tetratech.com
TETRA TECH

VICINITY MAP
1" = 1000'

0 500' 1000' 2000'
SCALE: 1"=1000'

PLAN NORTH

DRAWING INDEX

GENERAL

G-000	VICINITY MAP, LOCATION MAP, DRAWING INDEX
G-001	ABBREVIATIONS, REFERENCE, AND GENERAL NOTES
G-002	LOCATION PLAN AND SURVEY CONTROL
G-003	CODE SHEET

CIVIL

C-101	SITE PLAN
C-102	SECTIONS

STRUCTURAL

S-001	STRUCTURAL GENERAL NOTES
S-101	FOUNDATION PLAN
S-102	BUILDING SECTION
S-103	DETAILS

ELECTRICAL

E-001	SITE PLAN ELECTRICAL
E-002	PLAN VIEW ELECTRICAL
E-003	SINGLE LINE AND TRENCH DETAIL
E-004	ELECTRICAL SPECIFICATIONS

INTAKE REVIEW
Gen Eng. ___
POC CM
IOC ___
Tech. ___

RECEIVED
JUN 30 2015
PERMIT CENTER/CDD

STATE OF ALASKA 49th
Donald R. Beard
DONALD R. BEARD
No. CE 4225
REGISTERED PROFESSIONAL ENGINEER
6-26-15

STATE OF ALASKA 49th
H.R. Nader-Asrami
HAMID REZA NADERI-ASRAMI
No. SE 13969
REGISTERED PROFESSIONAL ENGINEER
6-26-15

PROJECT LOCATION:
7100 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

CLIENT INFORMATION:
CITY AND BOROUGH OF JUNEAU
ENGINEERING DEPARTMENT
JUNEAU, AK 99801

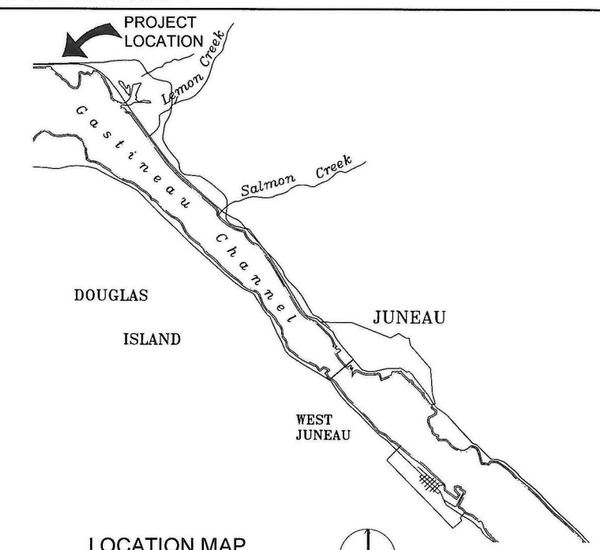
Tt PROJECT No.:
135-12554-15004

CLIENT PROJECT No.:
E16-013

PROJECT DESCRIPTION / NOTES:
THE PROJECT CONSISTS OF SITE PREPARATION AND THE INSTALLATION OF A FABRIC STRUCTURE USED TO STORE SALT AND SAND AT THE CONSOLIDATED PUBLIC WORKS FACILITY IN JUNEAU, AK. THE STRUCTURE IS APPROXIMATELY 120 FEET BY 150 FEET IN PLAN AND SUPPORTED BY CONCRETE FOUNDATIONS. THE INTERIOR OF THE STRUCTURE IS PAVED WITH ASPHALT.

ISSUED:
06-12-15: 60% SUBMITTAL
06-26-15: 100% SUBMITTAL

LOCATION MAP:



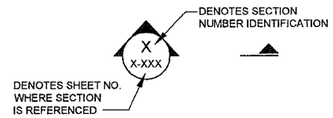
LOCATION MAP
NOT TO SCALE

PLAN NORTH

ABBREVIATIONS

AB	ANCHOR BOLT
AC	ASPHALT CEMENT
ADJ	ADJACENT
ALUM	ALUMINUM
APPROX	APPROXIMATELY
BOT	BOTTOM
COL	COLUMN
CONC	CONCRETE
CONT	CONTINUOUS
CPP	CORRUGATED POLYETHYLENE PIPE
DIA	DIAMETER
DIM	DIMENSION
(E)	EXISTING
EL	ELEVATION
ELEC	ELECTRICAL
EQ	EQUAL
EXPAN	EXPANSION
EXST	EXISTING
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
FIXT	FIXTURE
GA	GAUGE
GALV	GALVANIZED
GLAZ	GLAZING
HEX	HEXAGONAL
INV	INVERT
JT	JOINT
LB	POUND
LED	LIGHT-EMITTING DIODE
MAX	MAXIMUM
MIL	ONE THOUSANDTH OF AN INCH
MIN	MINIMUM
MTE	MATCH TO EXISTING
NA	NOT APPLICABLE
NTS	NOT TO SCALE
OC	ON CENTER
OD	OUTSIDE DIAMETER
OFCI	OWNER FURNISHED CONTRACTOR INSTALLED
OFOI	OWNER FURNISHED OWNER INSTALLED
OPP	OPPOSITE
RAD	RADIUS
REF	REFER TO
RH	ROUND HEAD
RSW	REFRIGERATED SEA WATER SYSTEM
SIM	SIMILAR
SQ	SQUARE
SST	STAINLESS STEEL
STL	STEEL
STOR	STORAGE
STRUCT	STRUCTURAL
TBC	TOP BACK OF CURB
TBD	TO BE DETERMINED
THRU	THROUGH
TOW	TOP OF WALL
TRTD	TREATED
TSW	TOP OF SIDEWALK
TYP	TYPICAL
UHMW	ULTRA HIGH MOLECULAR WEIGHT
UNO	UNLESS NOTED OTHERWISE
VG	VERTICAL GRAIN
VIF	VERIFY IN FIELD
W/	WITH
W/O	WITHOUT
WP	WATERPROOF

REFERENCE



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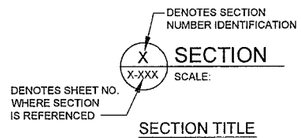

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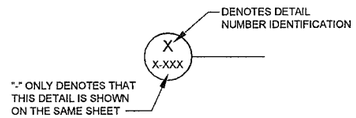

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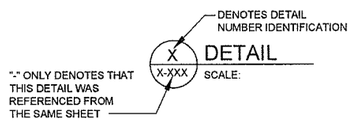

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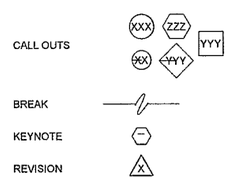

GENERAL REFERENCE

SHEET NUMBERING X - # # #

DISCIPLINE
GENERAL - G
CIVIL - C
LANDSCAPE - L
STRUCTURAL - S
ARCHITECTURAL - A
ELECTRICAL - E

GENERAL NOTES

1. ALL WORK SHALL BE IN CONFORMANCE WITH THE CITY AND BOROUGH OF JUNEAU ENGINEERING STANDARD DETAILS, 4TH EDITION, DATED APRIL 2011 AND ALL WORK MUST CONFORM TO THE LATEST ADOPTED EDITION OF ALL APPLICABLE CODES AS OF JUNE 2015.

2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE TRUE ELEVATIONS AND LOCATIONS OF UTILITIES SO AS TO AVOID DAMAGE OR DISTURBANCE DURING CONSTRUCTION. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL CALL JUNEAU UTILITY COUNCIL AT 556-1333 AND THE CBJ FOR UTILITY LOCATIONS (WATER, SANITARY SEWER, STORM SEWER, POWER, TELEPHONE, AND TELEVISION). ALL UTILITY RELOCATION SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS.

3. THE CONTRACTOR SHALL MEET ALL TRENCH SAFETY REQUIREMENTS OF CBJ, STATE AND FEDERAL LAW AND SHALL BE RESPONSIBLE FOR MAINTAINING TRENCH SAFETY MEASURES THROUGHOUT THE PROJECT.

4. A COPY OF THESE APPROVED DRAWINGS MUST BE ON THE JOB SITE WHENEVER CONSTRUCTION IS IN PROGRESS.

5. WORK ON CBJ OR STATE OF ALASKA DOT & PF RIGHT-OF-WAY SHALL BE PERFORMED DURING HOURS AND DAYS LISTED IN SECTIONS 00700 & 01550 OF THE SPECIFICATIONS, AND IN APPLICABLE PERMITS.

6. ANY REVISIONS TO THESE DRAWINGS MUST BE REVIEWED AND APPROVED BY THE ENGINEER PRIOR TO ANY IMPLEMENTATION IN THE FIELD. TRUCK HAUL ROUTES AND EQUIPMENT ACCESS ARE TO BE APPROVED BY ENGINEER AND CITY BEFORE CONSTRUCTION IS ALLOWED TO COMMENCE.

7. NOTIFY THE CBJ AS REQUIRED BY THE SPECIFICATIONS BEFORE CONSTRUCTION IS STARTED AND BEFORE ANY EXPOSURE OR POSSIBLE DISTURBANCE OF UTILITIES.

8. IF ANY WORK REQUIRES LANE CLOSURES WITHIN STATE OF ALASKA AND CBJ RIGHT-OF-WAYS, CONTRACTOR SHALL OBTAIN LANE CLOSURE PERMIT FROM ALASKA DOTPF (UNDER 17 AAC 20.017) AND APPROVAL OF TRAFFIC CONTROL PLAN FROM CBJ PRIOR TO CONSTRUCTION.

9. DURING CONSTRUCTION, CONTRACTOR SHALL BE REQUIRED TO CONTROL ON-SITE STORM WATER RUNOFF BY USING TEMPORARY EROSION/SILTATION CONTROL PROCEDURES WHERE NECESSARY. NO SEDIMENT LADEN STORM WATER SHALL BE ALLOWED TO DISCHARGE TO SURFACE WATERS, THE STORM DRAINAGE SYSTEM OR ONTO ADJACENT PROPERTIES. NO STORM DRAINAGE OR GROUND WATER WILL BE ALLOWED INTO THE SANITARY SEWER SYSTEM. CONTROL OF WATER AND EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH SECTION 01570 EROSION AND SEDIMENT CONTROL, OF THE SPECIFICATIONS. SILT FENCING AND STORM DRAIN INLET PROTECTION AS REQUIRED, SHALL BE IN PLACE A MINIMUM ONE WEEK PRIOR TO STARTING CONSTRUCTION.

10. DURING CONSTRUCTION, ALL STREETS ADJACENT TO THIS PROJECT, INCLUDING HAUL ROUTES SHALL BE KEPT CLEAN OF ALL MATERIAL DEPOSITS RESULTING FROM THE CONTRACTOR'S OPERATIONS, AS DIRECTED BY THE ENGINEER. THE CONTRACTOR SHALL ALSO CONTROL DUST ON THE SITE AND HAUL ROUTES.

11. CONTRACTOR SHALL NOTIFY ENGINEER IN THE EVENT OF DISCOVERY OF POOR SOILS, STANDING GROUNDWATER OR DISCREPANCIES FROM DRAWINGS IN EXISTING CONDITIONS.

12. THE CONTRACTOR SHALL INSTALL, REPLACE, OR RELOCATE SIGNS AFFECTED BY CONSTRUCTION, PER CBJ REQUIREMENTS. ALL STREET SIGNS SHALL CONFORM TO CBJ STANDARDS. THE CONTRACTOR SHALL MAINTAIN TRAFFIC CONTROL ON DETOUR ROUTES, HAUL ROUTES, AND STREETS UNDER CONSTRUCTION PER SECTION 01550 SITE ACCESS AND STORAGE OF THE SPECIFICATIONS.

13. ALL ITEMS DESIGNATED TO BE REMOVED SHALL BE DISPOSED OF AT AN APPROVED DISPOSAL SITE, EXCEPT AS NOTED IN THE CONTRACT DOCUMENTS.

14. EXISTING CONDITIONS SHOWN ON THESE DRAWINGS BASED ON SITE SURVEYS BY DOWL-HKM.

15. CONTRACTOR TO INSTALL TEMPORARY FENCING THROUGHOUT PERIOD OF CONSTRUCTION TO PREVENT UNAUTHORIZED PUBLIC ACCESS TO CONSTRUCTION AREAS.

16. SUBMIT FOR REVIEW AND APPROVAL BY CBJ A SITE ACCESS, MATERIAL STORAGE, TRUCK HAUL ROUTE AND SITE SECURITY PLAN.

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STATE OF ALASKA 49th
H.R. Nader-Asgari
HAMID REZA NADER-ASGARI
No. SE 13969
REGISTERED PROFESSIONAL ENGINEER
6-26-15

STATE OF ALASKA 49th
Donald R. Beard
DONALD R. BEARD
No. CE 4225
REGISTERED PROFESSIONAL ENGINEER
6-26-15

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

ABBREVIATIONS, REFERNCE AND GENERAL NOTES

Project No.:	135-12554-15004
Designed By:	RWM
Drawn By:	RWM
Checked By:	DRB

G-001

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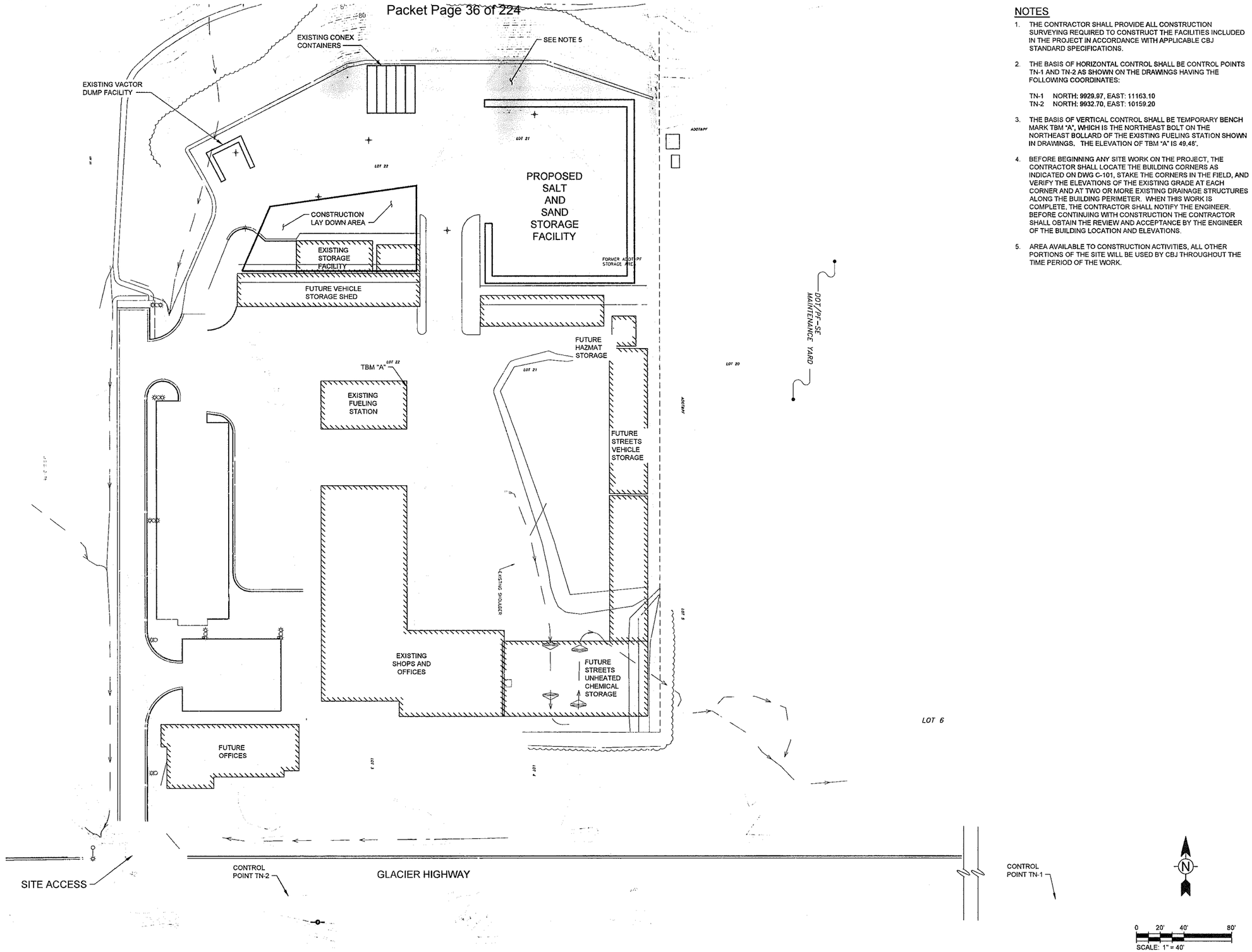

NOTES

1. THE CONTRACTOR SHALL PROVIDE ALL CONSTRUCTION SURVEYING REQUIRED TO CONSTRUCT THE FACILITIES INCLUDED IN THE PROJECT IN ACCORDANCE WITH APPLICABLE CBJ STANDARD SPECIFICATIONS.

2. THE BASIS OF HORIZONTAL CONTROL SHALL BE CONTROL POINTS TN-1 AND TN-2 AS SHOWN ON THE DRAWINGS HAVING THE FOLLOWING COORDINATES:

   TN-1 NORTH: 9929.97, EAST: 11163.10
   TN-2 NORTH: 9932.70, EAST: 10159.20

3. THE BASIS OF VERTICAL CONTROL SHALL BE TEMPORARY BENCH MARK TBM "A", WHICH IS THE NORTHEAST BOLT ON THE NORTHEAST BOLLARD OF THE EXISTING FUELING STATION SHOWN IN DRAWINGS. THE ELEVATION OF TBM "A" IS 49.48'.

4. BEFORE BEGINNING ANY SITE WORK ON THE PROJECT, THE CONTRACTOR SHALL LOCATE THE BUILDING CORNERS AS INDICATED ON DWG C-101, STAKE THE CORNERS IN THE FIELD, AND VERIFY THE ELEVATIONS OF THE EXISTING GRADE AT EACH CORNER AND AT TWO OR MORE EXISTING DRAINAGE STRUCTURES ALONG THE BUILDING PERIMETER. WHEN THIS WORK IS COMPLETE, THE CONTRACTOR SHALL NOTIFY THE ENGINEER. BEFORE CONTINUING WITH CONSTRUCTION THE CONTRACTOR SHALL OBTAIN THE REVIEW AND ACCEPTANCE BY THE ENGINEER OF THE BUILDING LOCATION AND ELEVATIONS.

5. AREA AVAILABLE TO CONSTRUCTION ACTIVITIES, ALL OTHER PORTIONS OF THE SITE WILL BE USED BY CBJ THROUGHOUT THE TIME PERIOD OF THE WORK.

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No. SE 13969
REGISTERED PROFESSIONAL ENGINEER

STATE OF ALASKA 49th
DONALD R. BEARD
No. CE 4225
REGISTERED PROFESSIONAL ENGINEER

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

LOCATION PLAN AND SURVEY CONTROL

Project No.:	135-12554-15004
Designed By:	DRB
Drawn By:	BKT
Checked By:	DRB

G-002

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6/26/2015 1:32:04 PM - P:\12554\135-12554-15004\CAD\SHEETFILES\G-002 EXISTING CONDITIONS PLAN.DWG - MAAS, RYAN

CODE PLAN LEGEND

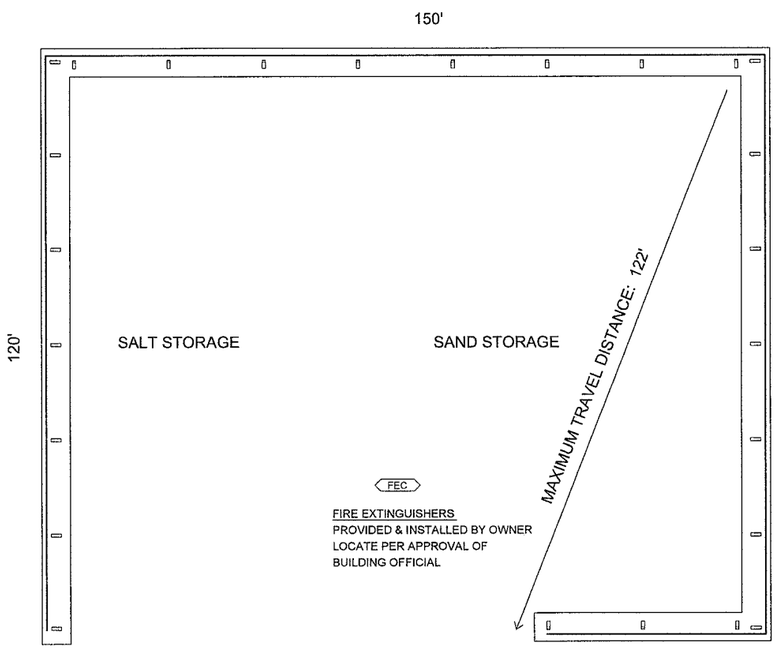
FEC — FIRE EXTINGUISHER CABINET OR STATION

AREA EXIT DIRECTION

CONF ROOM — ROOM NAME

100 — ROOM NUMBER

1,790 SF — AREA



1 CODE REVIEW FLOOR PLAN

SCALE: 1/16"=1'-0"

CODE ANALYSIS

REVIEW DATA:

CODE AGENCY: CITY/BOROUGH OF JUNEAU, ALASKA
ENGINEERING DEPARTMENT

PROJECT NAME/ADDRESS:

SALT AND SAND STORAGE FACILITY
7100 GLACIER HIGHWAY
JUNEAU, AK 99801

PROJECT TYPE:

NEW CONSTRUCTION; 1 STORY OPEN MATERIAL HANDLING BUILDING
PRE-ENGINEERED METAL BUILDING WITH FABRIC EXTERIOR ON FOUNDATION
NON-SPRINKLERED

APPLICABLE CODES:

2009 INTERNATIONAL BUILDING CODE, WITH CITY/BOROUGH OF JUNEAU AMENDMENTS
2009 INTERNATIONAL MECHANICAL CODE, WITH CITY/BOROUGH OF JUNEAU AMENDMENTS
2009 UNIFORM PLUMBING CODE, WITH CITY/BOROUGH OF JUNEAU AMENDMENTS
2011 NATIONAL ELECTRIC CODE, WITH CITY/BOROUGH OF JUNEAU AMENDMENTS
JUNEAU MUNICIPAL CODE - TITLE 49 - LAND USE CODE

USE AND OCCUPANCY CLASSIFICATION (CHAPTER 3):

OCCUPANCY GROUP: S-2 - LOW HAZARD STORAGE

SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY (CHAPTER 4):

SMOKE CONTROL: NO SPECIAL REQUIREMENTS
ENCLOSURE: NO SPECIAL REQUIREMENTS

GENERAL BUILDING HEIGHTS AND AREAS (TABLE 503):

CONSTRUCTION TYPE: TYPE II-B

ALLOWABLE BUILDING AREA BY FLOOR:	26,000	SF
ALLOWABLE NUMBER OF STORIES:	3	
PROPOSED BUILDING AREA - 1ST FLOOR:	18,000	SF
PROPOSED BUILDING HEIGHT:	45	FT
PROPOSED NUMBER OF STORIES:	1 STORY	

TYPES OF CONSTRUCTION (CHAPTER 6):

CONSTRUCTION TYPE: II-B

FIRE-RESISTANCE RATING (HOURS) FOR BUILDING ELEMENTS (TABLE 601):

PRIMARY STRUCTURAL FRAME:	0
BEARING WALLS, EXTERIOR:	0
BEARING WALLS, INTERIOR:	0
NONBEARING WALLS AND PARTITIONS, EXTERIOR:	0
NONBEARING WALLS AND PARTITIONS, INTERIOR:	0
FLOOR CONSTRUCTION:	0
ROOF CONSTRUCTION:	0

NOTE THAT FABRIC ROOF WILL BE "A" MIN.

DOOR FIRE PROTECTION RATING (CHAPTER 7 - TABLE 716.5)

NO DOORS

INTERIOR FINISHES (CHAPTER 8 - TABLE 803.9):

ALL PROPOSED FINISHES TO HAVE MINIMUM CLASS "C" RATING

FIRE PROTECTION SYSTEMS (CHAPTER 9)

FIRE SPRINKLER SYSTEM: NONE PROVIDED
SMOKE CONTROL: NO SPECIAL REQUIREMENTS
ENCLOSURE: NO SPECIAL REQUIREMENTS

FIRE ALARM: NONE PROVIDED

FIRE CODE, TABLE 906.3

ALLOWED MAXIMUM DISTANCE TO FIRE EXTINGUISHER: 75 FEET
REFER TO CODE REVIEW FLOOR PLAN FOR FIRE EXTINGUISHER LOCATIONS
COMPLY w/ NFPA 10 - STANDARD FOR PORTABLE FIRE EXTINGUISHERS
- (3) 4A EXTINGUISHERS PROPOSED (RATED UP TO 6000SF EACH) - PROVIDED AND INSTALLED BY OWNER.

OCCUPANT LOAD SCHEDULE (CHAPTER 10 - TABLE 1004.1.1):

FIRST FLOOR

ROOM NAME	AREA	OCC/SF	# OCC
SALT STORAGE	4,500 SF	500SF	9 MAX
SAND STORAGE	13,500 SF	500SF	27 MAX*

*MAX OCCUPANCY w/ SINGLE MEANS OF EGRESS PER TABLE 1015.1 = 29

MEANS OF EGRESS (CHAPTER 10):

MAX EXIT TRAVEL DISTANCE TABLE 1016.1: 300 FT > 122 FT OK

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STATE OF ALASKA 49th HAMID REZA NADER-ASKARI No. SE 13959 REGISTERED PROFESSIONAL ENGINEER 6-26-15

STATE OF ALASKA 49th DONALD R. BEARD No. CE 4225 REGISTERED PROFESSIONAL ENGINEER 6-26-15

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK

SALT AND SAND STORAGE FACILITY E16-013

CODE SHEET

Project No.:	135-12554-15004
Designed By:	TR
Drawn By:	JDM
Checked By:	TR

G-003

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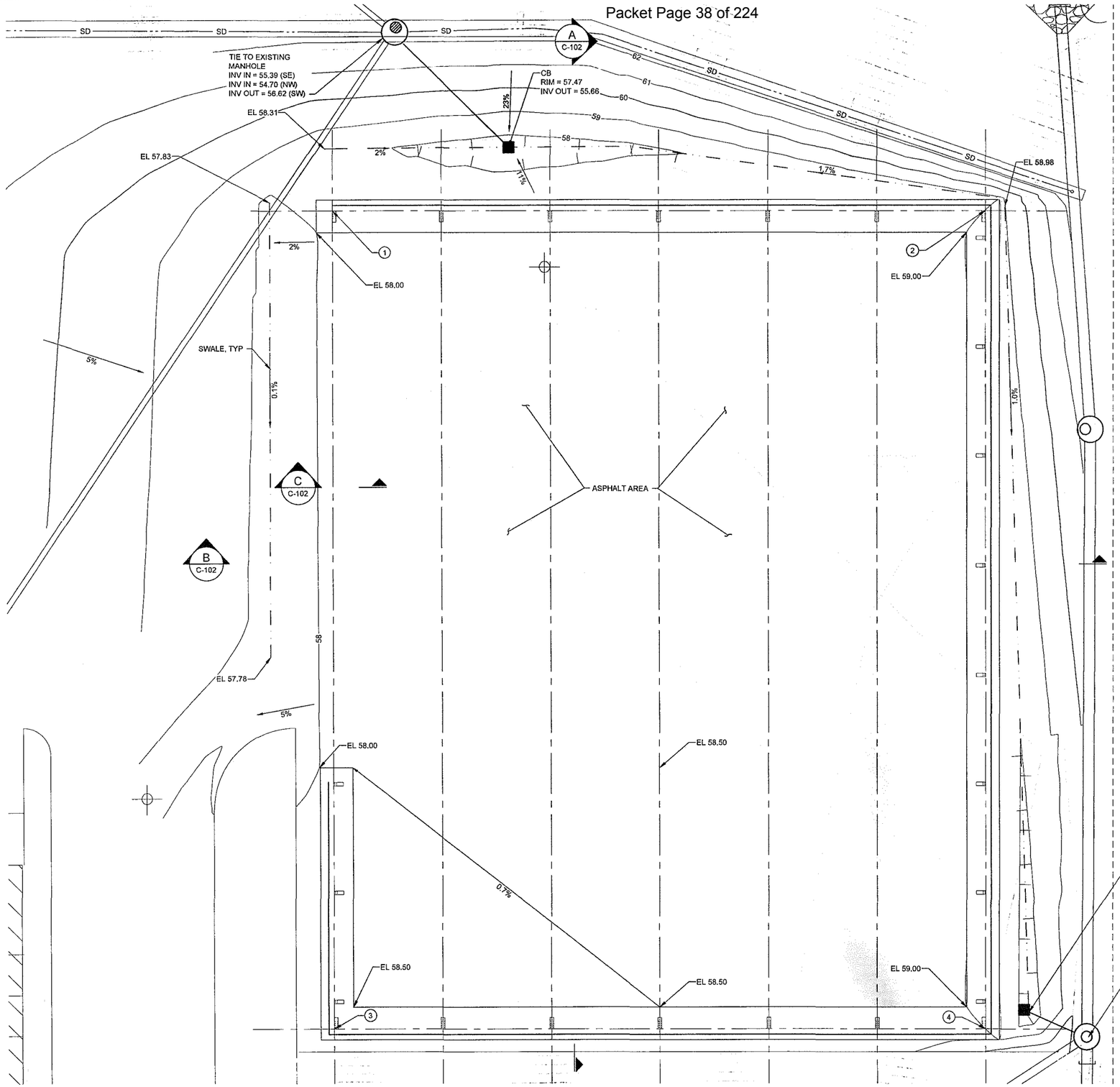

PLAN

NOTES

1. CATCH BASINS SHALL BE PER CBJ STANDARD DETAIL 304A.

POINT TABLE			
POINT #	NORTHING	EASTING	DESCRIPTION
1	10600.36	10325.75	GRID A-1
2	10600.36	10445.75	GRID G-1
3	10450.36	10325.75	GRID A-2
4	10450.36	10445.75	GRID G-2

SCALE: 1" = 10'

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STATE OF ALASKA 49th DONALD R. BEARD No. CE 4225 REGISTERED PROFESSIONAL ENGINEER

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

SITE PLAN

Project No.:	135-12554-15004
Designed By:	DRB
Drawn By:	BKT
Checked By:	DRB

C-101

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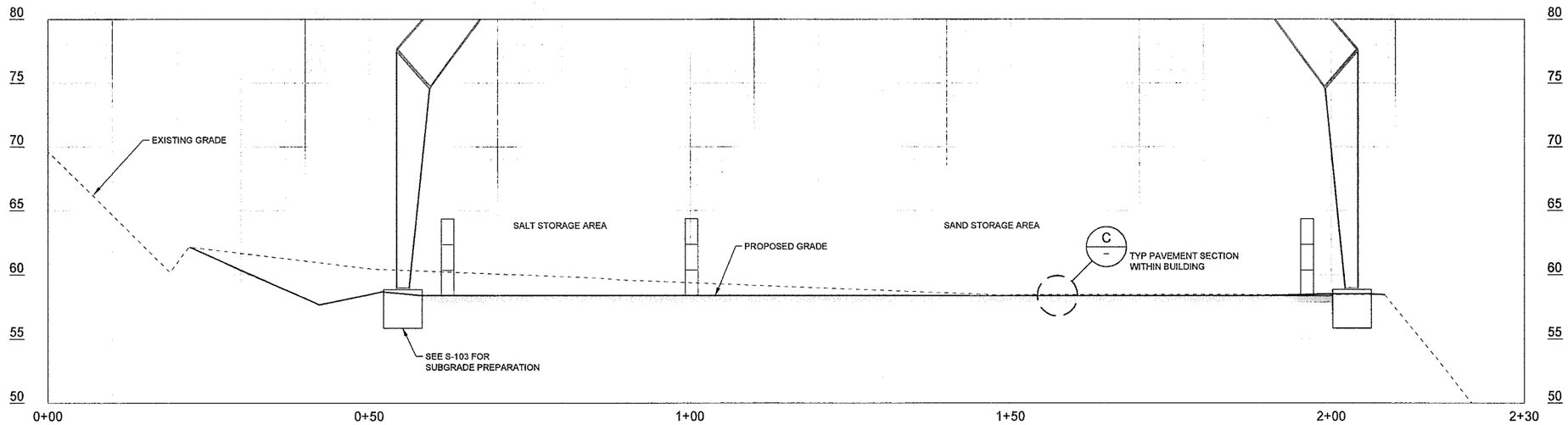
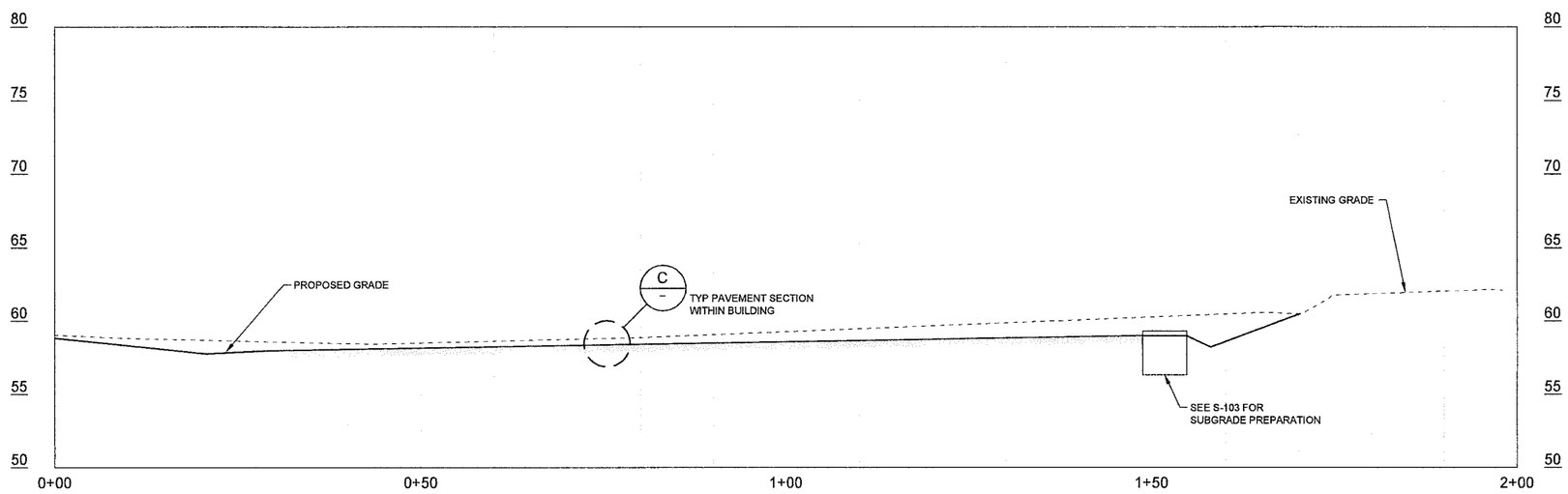
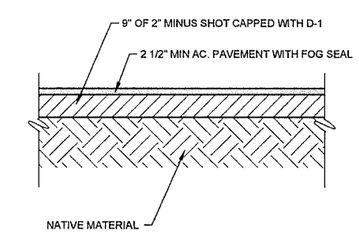
6/26/2015 1:33:34 PM - P:\12554\135-12554-15004\CAD\SHEETFILES\C-101 SITE GRADING PLAN.DWG - MAAS, RYAN



A / C-101 SECTION
SCALE: HORIZ 1" = 10' VERT 1" = 5'



B / C-101 SECTION
SCALE: HORIZ 1" = 10' VERT 1" = 5'



C / – TYPICAL PAVEMENT SECTION
NTS

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MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK

SALT AND SAND STORAGE FACILITY E16-013

SECTIONS

Project No.:	135-12554-15004
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Drawn By:	BKT
Checked By:	DRB

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G. STRUCTURAL - GENERAL

G1 SCOPE
THE NOTES AND DETAILS ON THIS SHEET ARE GENERAL AND APPLY TO THE ENTIRE PROJECT EXCEPT WHERE THERE ARE SPECIFIC INDICATIONS TO THE CONTRARY.

G2 APPLICABLE SPECIFICATIONS AND CODES
CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE AND CBJ TITLE 19 (LOCAL AMENDMENTS). THE ABOVE SHALL GOVERN EXCEPT WHERE OTHER APPLICABLE CODES OR THE CONTRACT DOCUMENTS ARE MORE RESTRICTIVE.

G3 ALTERNATIVE DESIGNS
THE STRUCTURAL SYSTEMS AND DETAILS ON THESE PLANS ARE THE PRIORITY DESIGN; HOWEVER, ALTERNATIVE SYSTEMS AND DETAILS MAY BE CONSIDERED IF THE CONTRACTOR SUBMITS PLANS WITH SUBSTANTIATING CALCULATIONS AND TEST DATA WHICH BEAR AN ALASKA STATE LICENSED ENGINEER'S SEAL AND SIGNATURE FOR APPROVAL OF THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE WHOSE EFFORTS FOR REVIEW OF SUCH ALTERNATIVE DESIGNS SHALL BE PAID FOR BY THE CONTRACTOR.

G4 DIMENSIONS
STRUCTURAL DIMENSIONS CONTROLLED BY OR RELATED TO FIELD CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. DEVIATIONS FROM THAT WHICH IS SHOWN ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALES SHOWN ON THE DRAWINGS.

G5 CONSTRUCTION LOADS
STRUCTURES HAVE BEEN DESIGNED FOR OPERATIONAL LOADS ON THE COMPLETED STRUCTURE. DURING CONSTRUCTION, THE STRUCTURES SHALL BE PROTECTED BY BRACING AND SUPPORTS AS REQUIRED. THE CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND MAINTENANCE OF TEMPORARY SUPPORTS. THE DESIGN OF THE TEMPORARY SUPPORTS SHALL BE PERFORMED BY A LICENSED ENGINEER HIRED BY THE CONTRACTOR.

F. STRUCTURAL DESIGN

F1 DESIGN CODE
DESIGN IS IN ACCORDANCE WITH THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE AND CBJ TITLE 19. THE ABOVE SHALL GOVERN EXCEPT WHERE OTHER APPLICABLE CODES OR THE CONTRACT DOCUMENTS ARE MORE RESTRICTIVE.

F2 DESIGN SOIL PRESSURE FOR FOUNDATIONS
DESIGN BASED ON 2009 INTERNATIONAL BUILDING CODE TABLE 1806.2 AND GEOTECHNICAL REPORT BY R&M ENGINEERING DATED JUNE 18, 2008.
(1) ALLOWABLE BEARING PRESSURE = 2000 PSF
(2) LATERAL BEARING = 200 PCF
(3) COEFFICIENT OF FRICTION = 0.35

L. DESIGN LOADS

A. LIVE
(1) SLAB ON GRADE = 250 PSF

B. SNOW
(1) GROUND SNOW LOAD Pg = 70 PSF
(2) MINIMUM FLAT ROOF SNOW LOAD Pf = 50 PSF
(3) OCCUPANCY CATEGORY I
(4) IMPORTANCE FACTOR = 0.8
(5) EXPOSURE FACTOR Ce = 1.0
(6) THERMAL FACTOR Ct = 1.2

C. WIND
(1) BASIC WIND SPEED = 105 MPH
(2) OCCUPANCY CATEGORY I
(3) IMPORTANCE FACTOR = 0.87
(4) WIND EXPOSURE B
(5) INTERNAL PRESSURE COEFFICIENTS
PARTIALLY ENCLOSED BUILDINGS - GCpi = +/-0.55

D. SEISMIC
(1) OCCUPANCY CATEGORY I
(2) IMPORTANCE FACTOR = 1.0
(3) SITE CLASS = D
(4) S_S = 0.611 S_1 = 0.288
(5) S_{DS} = 0.534 S_{D1} = 0.351
(6) SEISMIC DESIGN CATEGORY = D
(7) ANALYSIS PROCEDURE = EQUIVALENT LATERAL FORCE

C. CONCRETE

C1 APPLICABLE CODE
CONCRETE DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2008 EDITION OF THE ACI BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE, ACI 318.

C2 REINFORCING STEEL DETAILS
DETAILING, FABRICATION AND ERECTION OF REINFORCING STEEL, UNLESS OTHERWISE NOTED, SHALL BE IN ACCORDANCE WITH DETAILS AND DETAILING OF CONCRETE REINFORCEMENT ACI 315.

C3 DESIGN STRENGTHS
A. CAST-IN-PLACE CONCRETE
(1) GENERAL USE - fc = 4500 psi @ 28 DAYS
B. MAX WATER TO CEMENTITIOUS MATERIAL RATIO = 0.45
C. FOR NOMINAL MAXIMUM AGGREGATE SIZE OF 3/4" OR 1", AIR CONTENT = 6%
FOR NOMINAL MAXIMUM AGGREGATE SIZE OF 1 1/2", AIR CONTENT = 5.5%
D. REINFORCING STEEL SHALL BE ASTM A 615, GRADE 60.
E. GROUT SHALL BE ASTM C 1107 WITH fc = 7000 psi @ 28 DAYS
F. CONCRETE SHALL BE PROPORTIONED TO MEET THE AVERAGE COMPRESSIVE STRENGTH REQUIREMENTS IN ACI 318, CHAPTER 5.

C4 CONCRETE COVER
CONCRETE COVER FOR REINFORCING BARS SHALL BE AS FOLLOWS:

A. FOOTINGS AND FOUNDATION MATS CAST ON GROUND - 3"
B. FORMED OR FINISHED SURFACES - 2"

C5 DOWELS
DOWELS SHALL BE AT LEAST THE SAME SIZE AND SPACING AS BARS WITH WHICH THEY ARE LAPPED. THE LAP EMBEDMENT SHALL BE AS RECOMMENDED BY ACI 318 OR AS NOTED.

C6 BAR SPLICES
SPLICES OF REINFORCING STEEL BAR SHALL BE IN ACCORDANCE WITH SCHEDULE SHOWN ON CONCRETE DETAILS AND ACI 318 AND SHALL BE CLASS B UNLESS OTHERWISE NOTED. THE LENGTH OF LAP SPLICE OF BARS OF DIFFERENT DIAMETER SHALL BE BASED ON THE SMALLER DIAMETER. BAR SPLICES MAY ALSO BE MADE BY WELDING IN ACCORDANCE WITH AWS SPEC D 1.4 IF APPROVED BY THE ENGINEER.

C7 RESTRICTED BAR ANCHORAGE
IN CASES WHERE REINFORCING BARS CANNOT BE EXTENDED AS FAR AS REQUIRED DUE TO THE LIMITED EXTENT OF THE ADJACENT CONCRETE STRUCTURE, THE BARS SHALL EXTEND AS FAR AS POSSIBLE AND END IN STANDARD HOOKS.

C8 STANDARD HOOKS
BARS ENDING IN RIGHT ANGLE BENDS OR HOOKS SHALL CONFORM TO THE REQUIREMENTS OF ACI 318.

C9 CHAMFERS
EXCEPT AS OTHERWISE REQUIRED, EXPOSED CONCRETE CORNERS AND EDGES SHALL HAVE 3/4" CHAMFERS. RE-ENTRANT CORNERS SHALL NOT HAVE FILLETS.

C10 CAST-IN-PLACE CONCRETE ANCHORS
ANCHORS SHALL BE HEADED BOLTS OF ASTM F1554 GRADE 55 MATERIAL WITH ASTM A563 HEAVY HEXAGONAL NUTS AND ASTM A36 PLATE WASHERS WITH MINIMUM SIZE CONFORMING TO TABLE 14-2 OF THE CURRENT AISC STEEL CONSTRUCTION MANUAL, UNLESS NOTED OTHERWISE. ALTERNATELY, ANCHORS SHALL BE THREADED AND NUTTED ROD CONFORMING TO ASTM F1554 GRADE 55 (WITH SUPPLEMENT S1) WITH THE EMBEDDED NUT THREADED ON AND WELDED TO THE ROD. ALL MATERIALS SHALL BE HOT DIP GALVANIZED.

C11 POST-INSTALLED ADHESIVE ANCHORS
ADHESIVE ANCHORS AND THEIR PROPERTIES SUCH AS DIAMETER, SPACING, EDGE DISTANCE, EMBEDMENT AND MATERIAL/FINSH SHALL CONFORM TO DETAILS IN THESE DRAWINGS. AT CONTRACTOR'S OPTION, AN EQUIVALENT ALTERNATE ADHESIVE ANCHOR MAY BE SUBSTITUTED, PROVIDED THE ALTERNATE PRODUCT SUBMITTAL IS SUPPLEMENTED WITH CALCULATIONS INDICATING THAT THE PRODUCT MEETS OR EXCEEDS PROPERTIES OF THE ORIGINAL PRODUCT. THE SUPPLEMENTAL CALCULATIONS SHALL BE STAMPED AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF PROJECT LOCATION. ACCEPTABLE ADHESIVE ANCHORS SHALL BE ICC APPROVED FOR SEISMIC LOADS AND USE IN CRACKED AND UNCRACKED CONCRETE. SUBMITTAL SHALL INCLUDE PRODUCT ESR REPORT.

THREADED ROD SHALL BE F1554 GRADE 55 HOT DIP GALVANIZED.

C12 INSTALLATION OF POST-INSTALLED ANCHORS
ALL ADHESIVE ANCHORS SHALL BE INSTALLED IN STRICT CONFORMANCE TO MANUFACTURER'S DIRECTIONS.

C13 SPECIAL WEATHER CONCRETING
FOR SPECIAL WEATHER CONCRETING (HOT & COLD CONCRETING) ADHERE TO REPORTS OF ACI COMMITTEE 305, "HOT WEATHER CONCRETING", AND ACI 306, "COLD WEATHER CONCRETING."

C14 CURING
CONCRETE SHALL BE CURED IN ACCORDANCE WITH ACI 308.1.

C15 CONSTRUCTION JOINTS
LOCATION OF CONSTRUCTION JOINTS SHALL HAVE THE APPROVAL OF THE ENGINEER. CONSTRUCTION JOINTS SHALL BE DETAILED AS SHOWN ON THE DRAWINGS. UNLESS A METAL KEYED FORM IS USED, ALL CONSTRUCTION JOINTS SHALL BE ROUGHENED TO A MINIMUM 1/4" AMPLITUDE. ALL JOINT SURFACES SHALL BE THOROUGHLY CLEANED TO REMOVE GREASE, LOOSE CONCRETE, AND LAITANCE OR OTHER BOND REDUCING MATERIAL. SURFACES SHALL BE SATURATED SURFACE DRY PRIOR TO PLACING FRESH CONCRETE.

C16 CRACK CONTROL JOINTS
CCJ INDICATES A 1/8" WIDE CONTINUOUS SAW CUT CRACK CONTROL JOINT FILLED WITH ELASTOMERIC JOINT SEALANT. VERTICAL CONTROL JOINTS SHALL BE FORMED WITH 3/4 INCH CHAMFER STRIP AND FILLED WITH ELASTOMERIC JOINT SEALANT. THE ELASTOMERIC JOINT SEALANT SHALL CONFORM TO ASTM C920, TYPE S OR M, GRADE NS, CLASS 50.

M. ENGINEERED BUILDING

M1 DESIGN
THE ENGINEERED BUILDING SHALL BE DESIGNED BY THE BUILDING SUPPLIER, THIS INCLUDES THE LATERAL LOAD RESISTING SYSTEM AND ALL PERTINENT COMPONENTS AND CLADDING. SEE SECTION 133400 PRE-ENGINEERED FABRIC-COVERED METAL BUILDING OF THE SPECIFICATIONS FOR MORE INFORMATION.

ENGINEERED BUILDINGS SHALL BE DESIGNED ACCORDING TO THE LOADS AS REQUIRED BY IBC 2009 ASCE 7-05 AND ANY LOCAL AMENDMENTS. DESIGN LOADS SHALL NOT BE LESS THAN THOSE SHOWN ON THE DRAWING. DESIGN CALCULATIONS AND SHOP DRAWINGS SHALL BE STAMPED AND SIGNED BY AN ENGINEER IN THE STATE OF PROJECT LOCATION.

M2 FABRICATION
THE ENGINEERED BUILDING MANUFACTURERS SHALL BE REGULARLY ENGAGED IN THE DESIGN AND FABRICATION OF ENGINEERED BUILDING SYSTEMS. PRODUCT DATA AND SHOP DRAWINGS SHALL BE SUBMITTED FOR REVIEW AND SHALL BE APPROVED PRIOR TO FABRICATION.

M3 RESPONSIBILITY
TETRA TECH IS NOT RESPONSIBLE FOR THE DESIGN OF ANY ASPECTS OF THESE BUILDINGS OTHER THAN THEIR FOUNDATION SYSTEMS. THE ENGINEERED BUILDING REGISTERED DESIGN PROFESSIONAL SHALL SUBMIT AN ANCHOR BOLT PLAN TO THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE. THE ANCHOR BOLT PLAN SHALL INDICATE ANCHOR BOLT TYPE, LOCATION, DIAMETER, AND PROJECTION REQUIRED, ALONG WITH REACTION AT EACH LOCATION FOR LOAD COMBINATIONS IN THE IBC.

H. FOUNDATIONS

H1 SUBGRADE AND STRUCTURAL FILL
FOUNDATIONS SHALL BE SUPPORTED BY DENSELY COMPACTED NATIVE SOIL OR COMPACTED STRUCTURAL FILL PLACED DIRECTLY ONTO DENSELY COMPACTED NATIVE SOIL. IF LOOSE, SOFT, OR UNSUITABLE SOIL IS ENCOUNTERED, IT SHOULD BE REMOVED AND REPLACED WITH COMPACTED STRUCTURAL FILL. STRUCTURAL FILL SHOULD BE COMPACTED TO A DENSE, UNYIELDING CONDITION OF AT LEAST 95% OF THE MODIFIED PROCTOR MAXIMUM DRY DENSITY.

STRUCTURAL FILL SHALL MEET THE REQUIREMENTS FOR SELECTED BORROW OR SHOT ROCK BORROW AS SPECIFIED IN SECTION 02201 OF THE CBJ STANDARD SPECIFICATIONS.

BASE COURSE SHALL MEET THE REQUIREMENTS SPECIFIED FOR BASE COURSE MATERIAL, GRADING C-1 OR D-1, AS SPECIFIED IN SECTION 02204 OF THE CBJ STANDARD SPECIFICATIONS.

EXCAVATED NATIVE MATERIAL MAY BE USED FOR STRUCTURAL FILL OR BASE COURSE WHEN THE NATIVE MATERIAL MEETS THE APPLICAPLE SPECIFICATIONS AND IS APPROVED BY THE ENGINEER.

K. SUBMITTALS

K1 STRUCTURAL STEEL AND METAL FABRICATIONS
SUBMIT SHOP DRAWINGS FOR ALL STRUCTURAL STEEL AND METAL FABRICATIONS.

K2 REINFORCING STEEL
SUBMIT SHOP DRAWINGS FOR REINFORCING STEEL FABRICATION.

K3 CONCRETE
SUBMIT CONCRETE MIX DESIGN AND CONCRETE CYLINDER TEST RESULTS.

K4 ENGINEERED BUILDINGS
SUBMIT SHOP DRAWINGS THAT ARE SIGNED AND STAMPED BY AN ENGINEER LICENSED IN THE STATE OF THE PROJECT LOCATION. SHOP DRAWINGS SHALL INCLUDE ANCHOR BOLT PLAN AND REACTIONS AT EACH LOCATION FOR THE LOAD COMBINATIONS IN THE IBC. SEE NOTES M ABOVE AND SECTION 133400 PRE-ENGINEERED FABRIC-COVERED METAL BUILDING OF THE SPECIFICATIONS FOR MORE DETAILS.

I. STRUCTURAL TESTS AND SPECIAL INSPECTIONS

I1 STRUCTURAL TESTS AND SPECIAL INSPECTIONS
SPECIAL INSPECTION SHALL CONFORM TO SECTION 1704 OF THE 2009 INTERNATIONAL BUILDING CODE AND ANY LOCAL AMENDMENTS. LABORATORIES FOR MATERIAL TESTING AND/OR AGENCIES FOR TESTING SERVICES SHALL BE SELECTED BY, ENGAGED BY, AND RESPONSIBLE TO THE OWNER / OWNERS REPRESENTATIVE.

THE FOLLOWING ITEMS REQUIRE SPECIAL INSPECTION PER IBC CHAPTER 17. THESE INSPECTIONS SHALL BE PERFORMED BY A QUALIFIED SPECIAL INSPECTOR.

ITEM	DESCRIPTION
INSPECTION OF REINFORCING STEEL, INCLUDING PLACEMENT	FREQUENCY: PERIODIC REFERENCE: IBC 2009 TABLE 1704.4
INSPECTION/OBSERVING SPECIMEN SAMPLING OF FRESH CONCRETE FOR TESTING	FREQUENCY: CONTINUOUS REFERENCE: IBC 2009 TABLE 1704.4
CONCRETE PLACEMENT FOR PROPER APPLICATION TECHNIQUES	FREQUENCY: CONTINUOUS REFERENCE: IBC 2009 TABLE 1704.4
VERIFYING USE OF REQUIRED DESIGN MIX	FREQUENCY: PERIODIC REFERENCE: IBC 2009 TABLE 1704.4
INSPECTION OF FORMWORK FOR SHAPE, LOCATION AND DIMENSIONS	FREQUENCY: PERIODIC REFERENCE: IBC 2009 TABLE 1704.4
MECHANICAL ANCHORS INSTALLED IN CONCRETE FOR PROPER APPLICATION TECHNIQUES AS REQUIRED BY MANUFACTURER	FREQUENCY: PERIODIC REFERENCE: IBC 2009 SECTION 1704.15.3
MATERIAL VERIFICATION OF HIGH STRENGTH BOLTS, NUTS AND WASHERS: MANUFACTURER'S CERTIFICATE OF COMPLIANCE AND IDENTIFICATION MARKINGS CONFORMING TO ASTM STANDARDS SPECIFIED IN APPROVED CONSTRUCTION DOCUMENTS	FREQUENCY: PERIODIC REFERENCE: IBC 2009 TABLE 1704.3
INSPECTION OF HIGH-STRENGTH BOLTING BEARING-TYPE CONNECTIONS (JOINTS DESIGNATED AS SNUG TIGHT)	FREQUENCY: PERIODIC REFERENCE: IBC 2009 TABLE 1704.3
INSPECTION OF WELDING: CJP, PJP, MULTIPASS FILLET WELDS, AND SINGLE PASS FILLET WELDS > 5/16"	FREQUENCY: CONTINUOUS REFERENCE: IBC 2009 TABLE 1704.3
INSPECTION OF WELDING: SINGLE PASS FILLET WELDS < 5/16", FLOOR AND ROOF DECK WELDS	FREQUENCY: PERIODIC REFERENCE: IBC 2009 TABLE 1704.3
INSPECTION OF STEEL FRAME JOINT DETAILS FOR COMPLIANCE WITH APPROVED CONSTRUCTION DOCUMENTS: BRACING AND STIFFENING, MEMBER LOCATIONS, APPLICATION OF JOINT DETAILS AT EACH CONNECTION	FREQUENCY: PERIODIC REFERENCE: IBC 2009 TABLE 1704.3
VERIFYING MATERIALS BELOW FOOTINGS ARE ADEQUATE TO ACHIEVE THE DESIGN BEARING CAPACITY AND THAT EXCAVATIONS ARE EXTENDED TO PROPER DEPTH	FREQUENCY: PERIODIC REFERENCE: IBC 2009 TABLE 1704.7
PERFORM CLASSIFICATION AND TESTING OF CONTROLLED FILL MATERIALS	FREQUENCY: PERIODIC REFERENCE: IBC 2009 TABLE 1704.7

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STATE OF ALASKA
49th
HAMID REZA NADER-ASRAHI
No. SE 13969
REGISTERED PROFESSIONAL ENGINEER

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

STRUCTURAL GENERAL NOTES

Project No.:	135-12554-15004
Designed By:	RWM
Drawn By:	RWM
Checked By:	HRN

S-001

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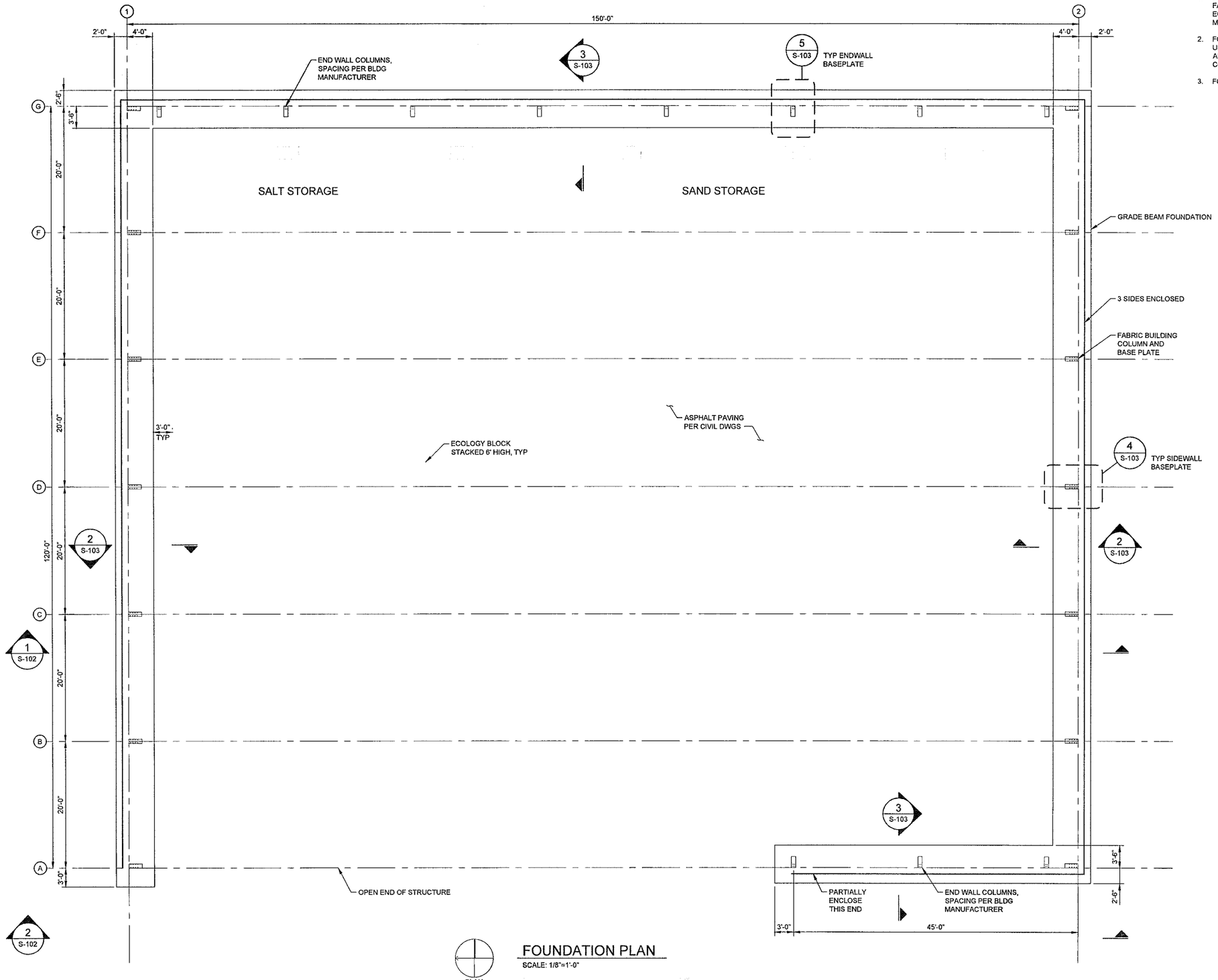
Bar Measures 1 inch



FOUNDATION PLAN

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

NOTES

1. FRAME AND COLUMN SPACING IS SUBJECT TO CHANGED BASED ON FABRIC BUILDING MANUFACTURERS REQUIREMENTS AND MOST ECONOMICAL FRAME SPACING. OVERALL BUILDING SIZE SHALL BE MAINTAINED.
2. FOOTING SIZES TO BE FINALIZED BY THE ENGINEER OF RECORD UPON RECEIPT OF FINAL APPROVED FABRIC BUILDING DRAWINGS AND CALCULATIONS. COORDINATE WITH ENGINEER PRIOR TO CONSTRUCTION.
3. FOR ANCHOR BOLTS SEE NOTE 1 ON S-103.

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STATE OF ALASKA 49th HAMID REZA NADERI-ASRAMI No. SE 13969 REGISTERED PROFESSIONAL ENGINEER

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

FOUNDATION PLAN

Project No.:	135-12554-15004
Designed By:	RWM
Drawn By:	RWM
Checked By:	HRN

S-101

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

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Bar Measures 1 inch

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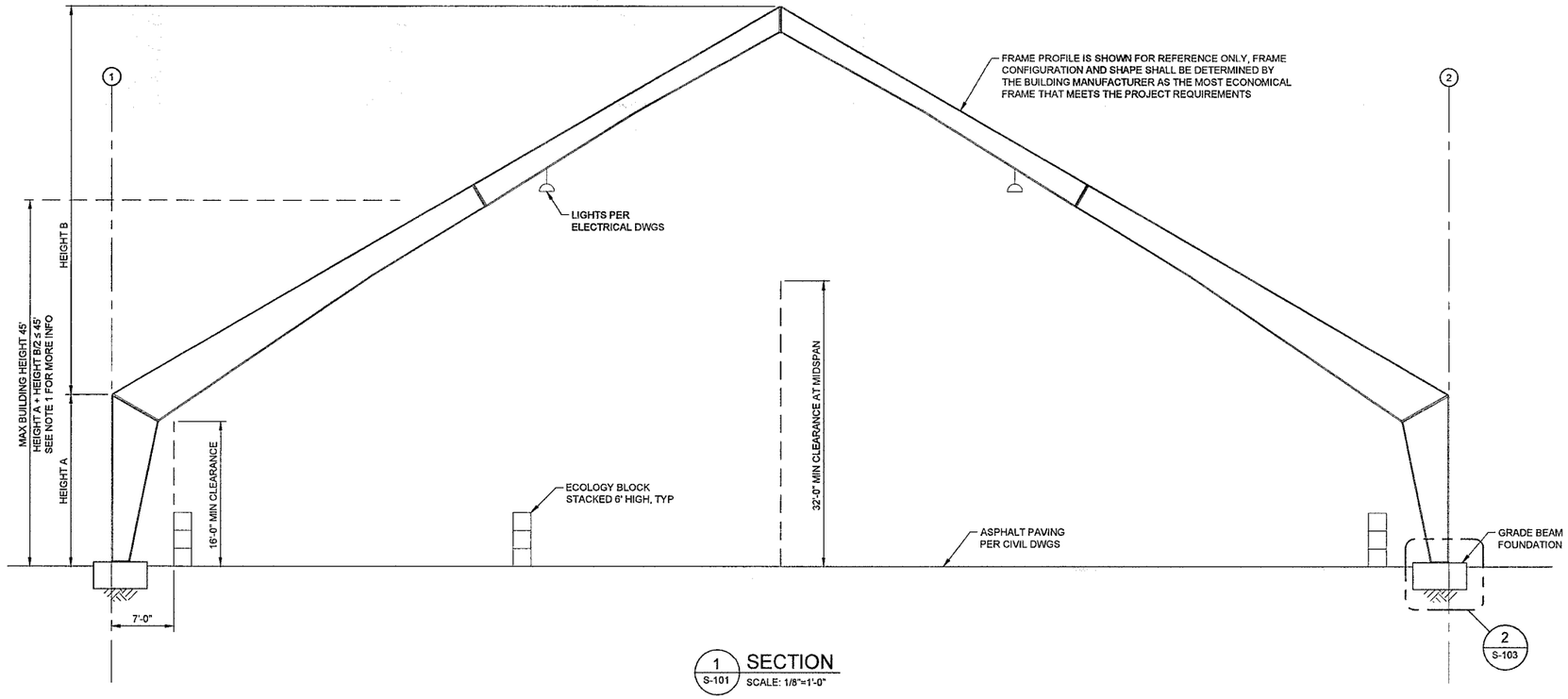
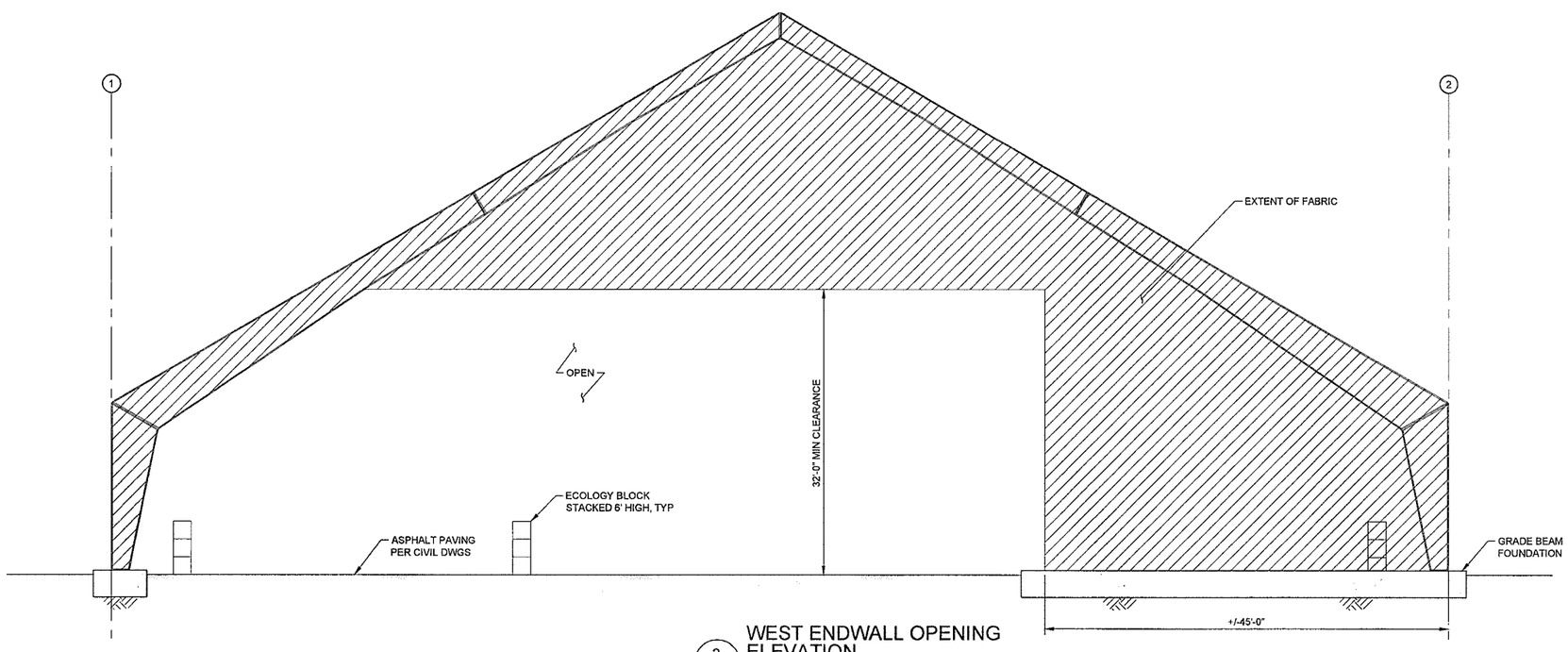


1 S-101 SECTION
SCALE: 1/8"=1'-0"

2 S-103



2 S-101 WEST ENDWALL OPENING ELEVATION
SCALE: 1/8"=1'-0"

NOTES

1. THE BUILDING HEIGHT IS LIMITED TO 45 FEET. THE BUILDING HEIGHT IS DEFINED AS THE HEIGHT TO THE EAVE, SHOWN AS HEIGHT A, PLUS HALF OF THE HEIGHT OF THE GABLE ROOF, SHOWN AS HEIGHT B. BUILDING HEIGHT = HEIGHT A + HEIGHT B/2.
2. SEE SPECIFICATIONS FOR FABRIC STRUCTURE DETAILS.

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STATE OF ALASKA 49th HAMID REZA NADER-ASRAMI No. SE 13969 REGISTERED PROFESSIONAL ENGINEER

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

BUILDING SECTION

Project No.:	135-12554-15004
Designed By:	RWM
Drawn By:	RWM
Checked By:	HRN

S-102

0 4' 8' 16'
SCALE: 1/8" = 1'-0"

Bar Measures 1 inch

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6/26/2015 1:41:09 PM - P:\12554\135-12554-15004\CAD\SHEETFILES\S-102 BUILDINGSECTION.DWG - MAAS, RYAN

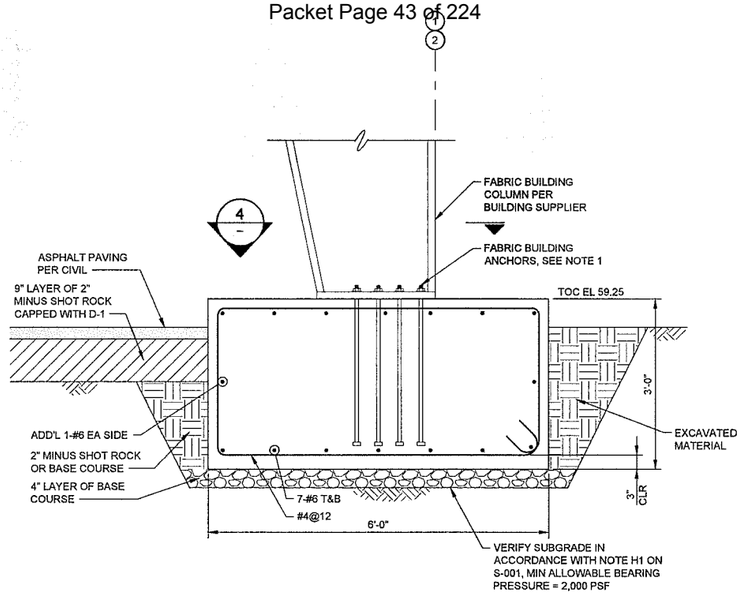
TENSION DEVELOPMENT AND SPLICE LENGTHS							
BAR SIZE	Ld		CLASS B TENSION LAP		STD 90° HOOK		
	TOP BARS (NOTE 2)	OTHER BARS	TOP BARS (NOTE 2)	OTHER BARS	Ldh	HOOK LENGTH	BEND DIA
#3	18	14	23	19	7	5	3
#4	24	18	31	25	9	6	3
#5	30	23	38	31	12	8	4
#6	35	27	46	37	14	9	5
#7	51	40	67	54	16	11	6
#8	59	45	76	62	18	12	6
#9	66	51	86	70	21	14	10
#10	74	57	96	79	23	16	11
#11	82	64	107	87	26	17	12

NOTES

1. FOR GRADE 60 UNCOATED BARS AND NORMAL WEIGHT CONCRETE, f'c = 4500 PSI.
2. "TOP BARS" ARE HORIZONTAL REINFORCING BARS WHERE 12" OF FRESH CONCRETE IS CAST BELOW THE DEVELOPMENT LENGTH OR SPLICE.

REINFORCING DEVELOPMENT AND LAP SPLICE LENGTHS

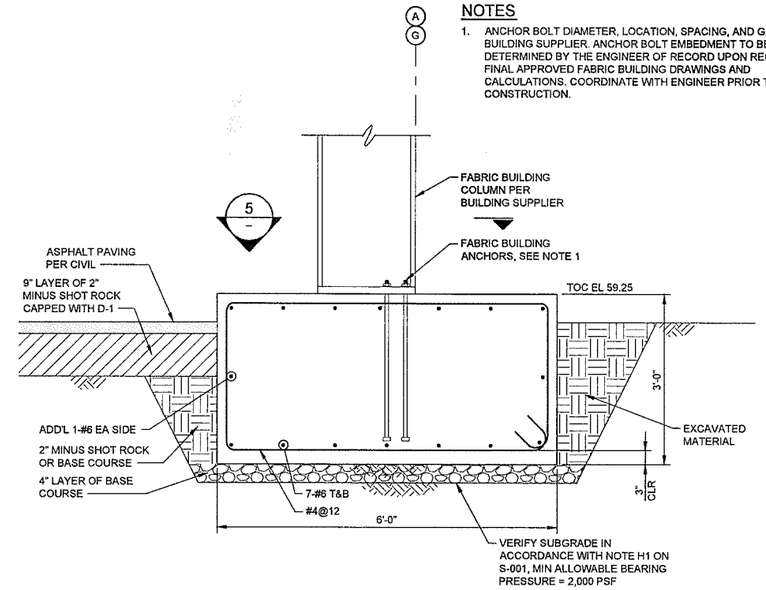
1 / – DETAIL
SCALE: NONE



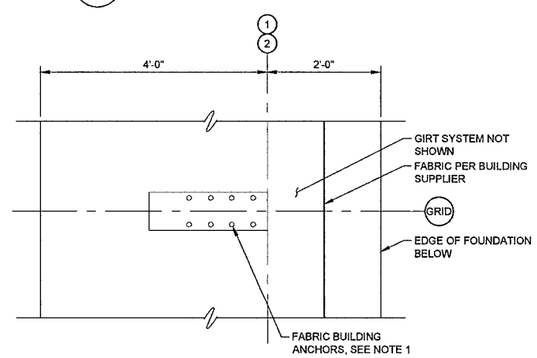
2 / S-102 TYPICAL SIDEWALL FOUNDATION
SCALE: 3/4"=1'-0"

NOTES

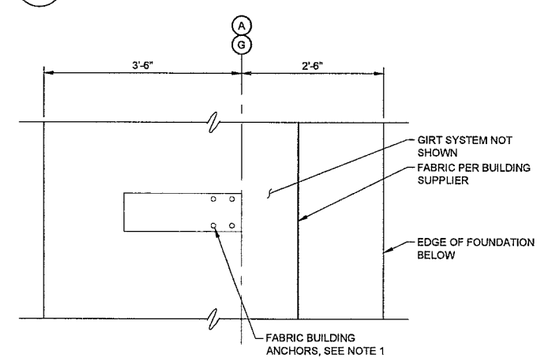
1. ANCHOR BOLT DIAMETER, LOCATION, SPACING, AND GRADE PER BUILDING SUPPLIER. ANCHOR BOLT EMBEDMENT TO BE DETERMINED BY THE ENGINEER OF RECORD UPON RECEIPT OF FINAL APPROVED FABRIC BUILDING DRAWINGS AND CALCULATIONS. COORDINATE WITH ENGINEER PRIOR TO CONSTRUCTION.



3 / S-101 TYPICAL ENDWALL FOUNDATION
SCALE: 3/4"=1'-0"



4 / – DETAIL
SCALE: 3/4"=1'-0"



5 / – DETAIL
SCALE: 3/4"=1'-0"

0 8" 1'-4" 2'-8"
SCALE: 3/4" = 1'-0"

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STATE OF ALASKA 49th HAMID REZA NADER-ASRAMI No. SE 13959 REGISTERED PROFESSIONAL ENGINEER

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

DETAILS

Project No.:	135-12554-15004
Designed By:	RWM
Drawn By:	RWM
Checked By:	HRN

S-103

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Bar Measures 1 inch

6/26/2015 1:41:35 PM - P:\12554\135-12554-15004\CAD\SHEETFILES\S-103 DETAILS.DWG - MAAS, RYAN

NOTES:

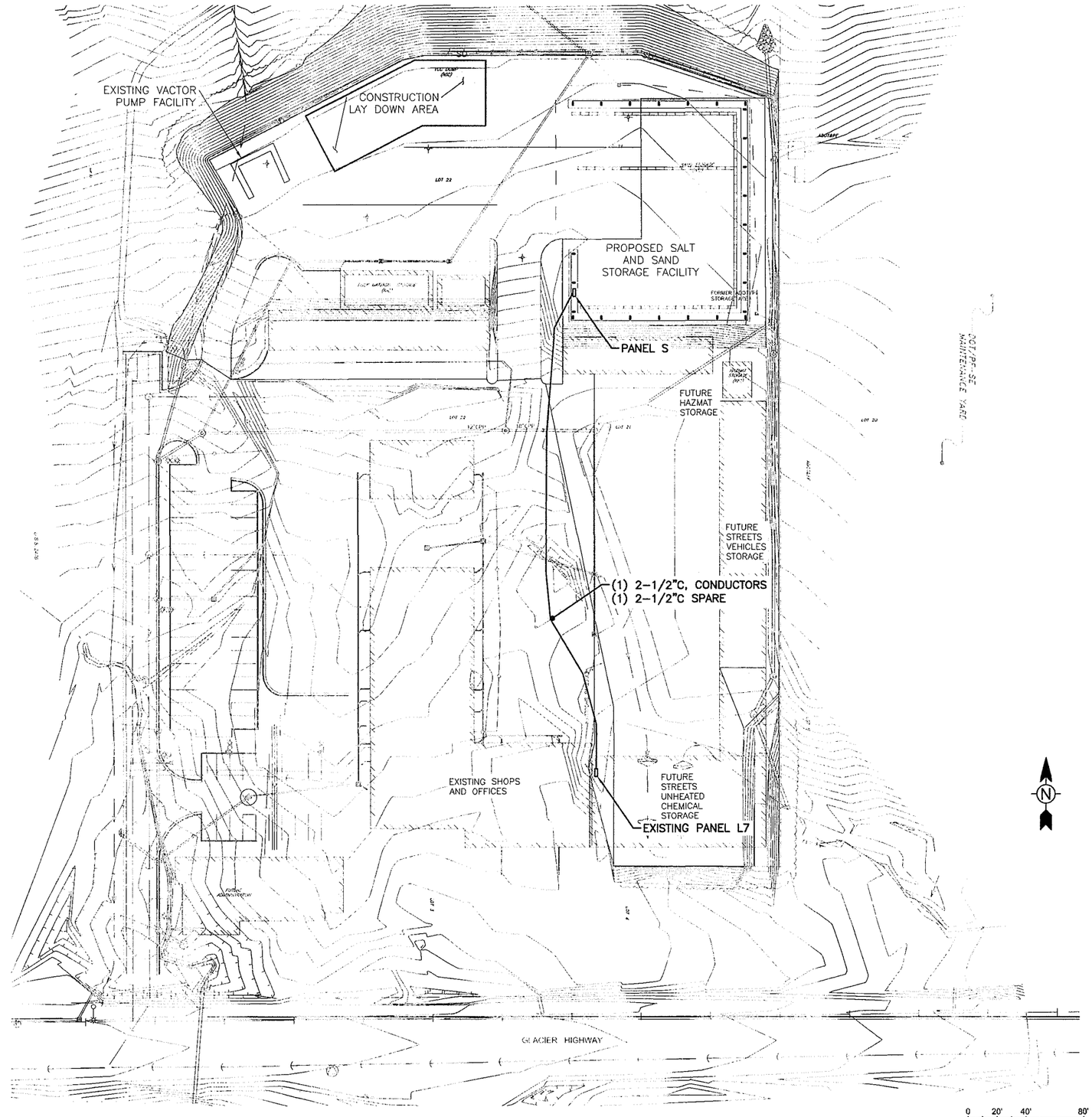
1. THIS IS A HIGHLY CORROSIVE ATMOSPHERE. USE STAINLESS STEEL SUPPORTS AND HARDWARE. ACHIEVE A SAFETY FACTOR OF 5 MIN. USE SCHEDULE 80 PVC CONDUIT AND NONMETALLIC BOXES FOR USE WITH SCHEDULE 80 PVC CONDUIT. USE COPPER CONDUCTORS WITH XHHW INSULATION. USE GEL FILLED WIRE NUTS OR OTHER SEALED MEANS OF SPLICING THAT WILL NOT ALLOW THE SALT AIR TO CORRODE THE BARE COPPER WIRES. USE NONMETALLIC COVERS FOR SWITCHES AND RECEPTACLES THAT ALLOW THE COVER TO REMAIN CLOSED WHEN OPERATING SWITCH OR USING RECEPTACLE.

2. ALL ENCLOSURES SHALL BE NEMA 4X WATER TIGHT, DUST TIGHT STAINLESS STEEL. USE 316 STAINLESS STEEL. MOUNT THE PANELBOARD IN A NEMA 4X WATER TIGHT, DUST TIGHT 316 STAINLESS STEEL HOFFMAN ENCLOSURE AND ROUTE CONDUIT THROUGH HOFFMAN ENCLOSURE INTO THE PANELBOARD. SEAL OPENINGS IN HOFFMAN ENCLOSURE AROUND CONDUIT WITH DUST TIGHT, WATER TIGHT SEALANT 3M 5200 OR EQUIVALENT.

3. THE BUILDING STRUCTURE IS UNKNOWN. THE SIZE AND LOCATION OF THE TRUSSES ARE UNKNOWN. MOUNT THE LUMINAIRES IN THE APPROXIMATE LOCATIONS SHOWN. EITHER MOUNT THE LUMINAIRES FROM THE TRUSSES, PERLINS, OR FROM SUPPORT CHANNEL SPANNING TRUSSES OR PERLINS. USE STAINLESS STEEL MATERIALS AND HARDWARE TO MOUNT LUMINAIRES. KEEP THE LUMINAIRES ABOVE THE 40' MINIMUM CLEARANCE AREA IN THE CENTER OF THE BUILDING. SEE STRUCTURAL DRAWINGS. MOUNT THE LUMINAIRES LEVEL. FEED THE LUMINAIRES WITH TYPE SO CABLE OR NONMETALLIC FLEXIBLE CONDUIT AND CONDUCTORS FROM A BOX ON THE STRUCTURE. A COMPLETELY DIFFERENT SPACING AND ORIENTATION OF THE LUMINAIRES IS ACCEPTABLE AS LONG AS THE SAME LIGHT LEVEL IS ACHIEVED AS IN THE DESIGN. PROVIDE LIGHTING CALCULATIONS FOR A DIFFERENT SPACING AND ORIENTATION. THE DESIGN LIGHT LEVEL IS 10 FOOT CANDLES WITH 6.0 (AVE/MIN) MAXIMUM UNIFORMITY AT THE GROUND MAINTAINED WITH 50% REFLECTANCES OFF THE WALLS AND CEILING AND 10% OFF THE GROUND. NO MORE THAN 0.8 LLF MAY BE USED.

4. PERFORM ALL WORK PER THE NATIONAL ELECTRICAL CODE AND APPLICABLE FEDERAL, STATE, AND LOCAL CODES.

5. DO NOT ASSUME ANY EQUIPMENT OR CONDUIT MAY BE DIRECTLY SECURED TO STRUCTURE WITHOUT FIRST BUILDING A BRACKET TO THE STRUCTURE.



1 SITE PLAN - ELECTRICAL
NO SCALE

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STATE OF ALASKA 49TH
Mark G. Morris
June 26, 2015
Lic. EE 8613
REGISTERED PROFESSIONAL ENGINEER

June 26, 2015

MORRIS ELECTRICAL ENGINEERING GROUP LLC
5600 Mendenhall Loop Rd, Suite 15c, Juneau, AK 99803
Phone: 907-789-3350
Fax: 907-789-3350

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

SITE PLAN ELECTRICAL

Project No.:	135-12554-15004
Designed By:	MGM
Drawn By:	AQM
Checked By:	MGM

E-001

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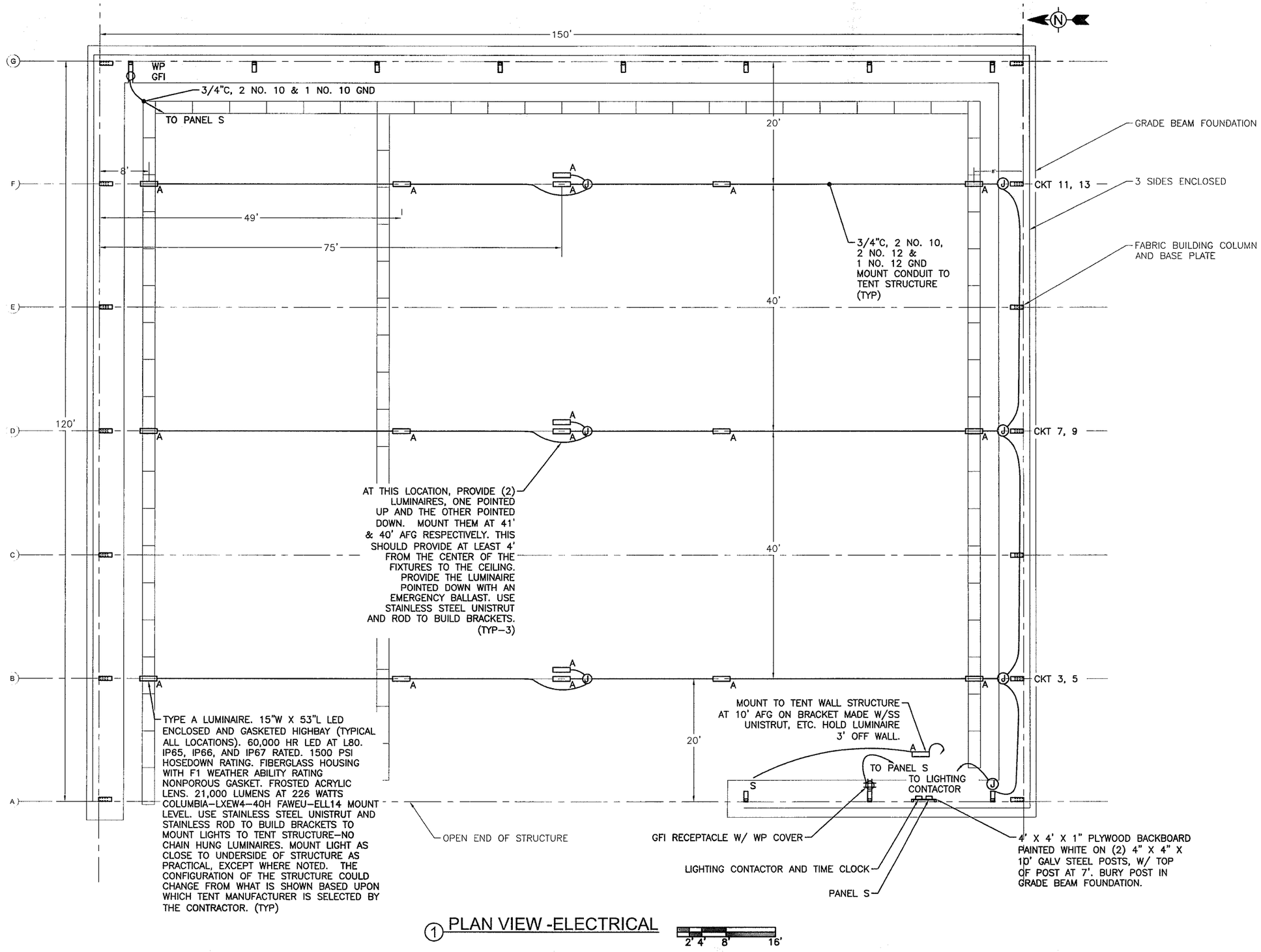
Bar Measures 1 inch



1 PLAN VIEW -ELECTRICAL

2' 4' 8' 16'

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STATE OF ALASKA 49TH
Mark G. Morris
June 26, 2015
No. CE 6013
REGISTERED PROFESSIONAL ENGINEER

June 26, 2015

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Fax: 907-789-3860

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

PLAN VIEW ELECTRICAL

Project No.:	135-12554-15004
Designed By:	MGM
Drawn By:	AQM
Checked By:	MGM

E-002

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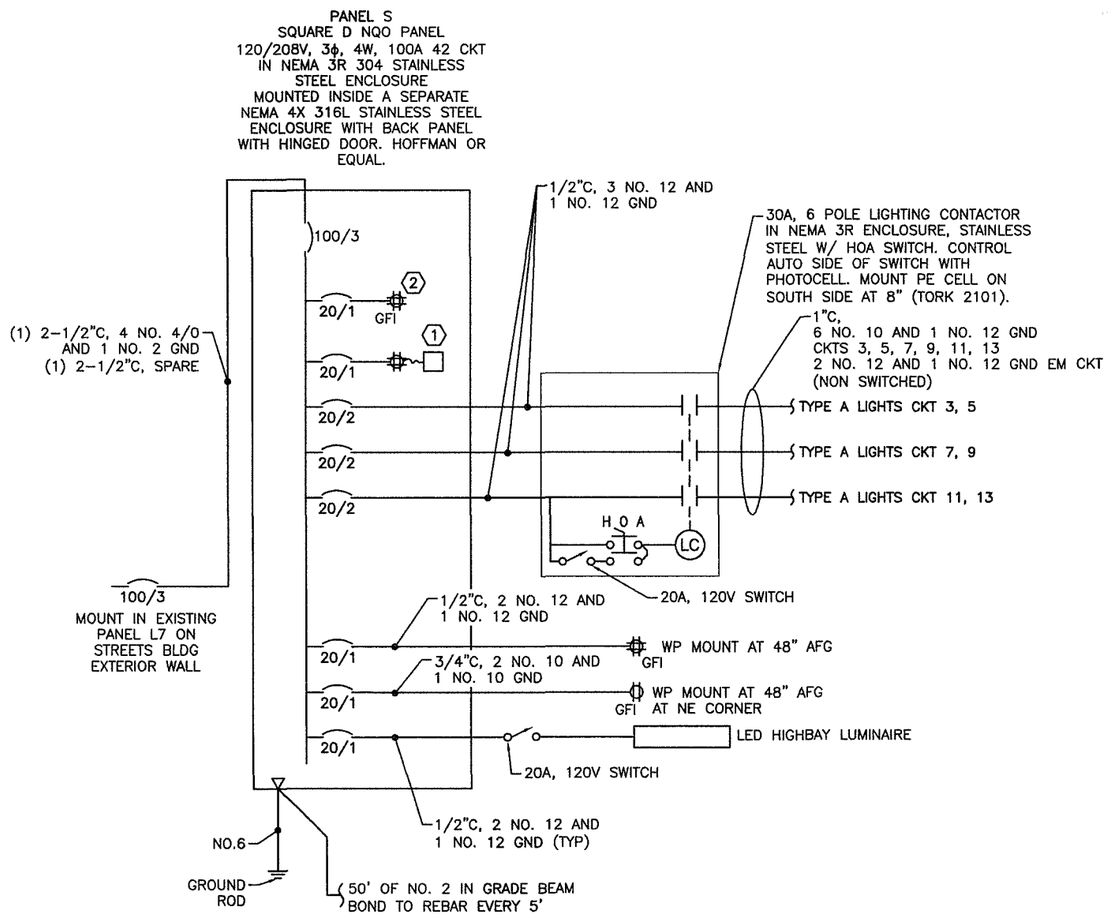
Bar Measures 1 Inch

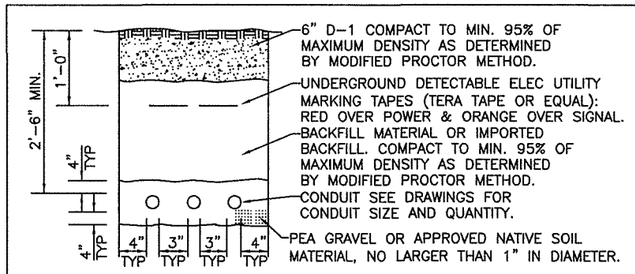
6/26/2015 11:20:26 AM - Y:\127 TETRA TECH KCM\07 CBJ SALT AND SAND STORAGE\1. WORKING DRAWINGS\E-002.DWG - DREW MAPLES



1 SINGLE LINE DIAGRAM
NO SCALE

NOTE:

1. HOFFMAN 400W FAN ENCLOSURE HEATER W/ BUILT IN THERMOSTAT. MOUNT INSIDE NEMA 4X OUTER ENCLOSURE. SIZE ENCLOSURE ACCORDINGLY.
2. MOUNT A GENERAL USE RECEPTACLE INSIDE NEMA 4X OUTER ENCLOSURE.



NOTES:

1. ALL DIMENSIONS ARE MINIMUM.
2. THE LOCATION OF ALL EXISTING PIPING, CONDUIT, ETC MAY NOT BE WHERE SHOWN AND MAY NOT BE SHOWN. ALL LOCATIONS THAT ARE SHOWN ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED. OBTAIN UTILITY LOCATES PRIOR TO DIGGING. DIG WITH CAUTION. AVOID WATER, SEWER, DRAINAGE PIPES AND OTHER CONFLICTS.
3. MAINTAIN 12 INCHES MINIMUM SEPARATION (ALL DIRECTIONS) BETWEEN POWER AND OTHER EXISTING CONDUITS, PIPES, ETC.
4. CUT & REPLACE EXISTING ASPHALT, CONCRETE, CONCRETE CURB, GUTTER, SIDEWALK, ETC AS NECESSARY. TRENCHES SHALL BE 18" WIDE MIN. COMPACT BACKFILL TO 95%. TOP 6" OF MATERIAL SHALL BE D-1.
5. POWER UTILITY CONDUITS SHALL BE BURIED AT A MINIMUM OF 3'-6". BURY CONDUITS DEEPER WHERE REQUIRED TO AVOID OTHER PIPES AND STRUCTURES.

2 TRENCH DETAIL
NO SCALE

TETRA TECH
www.tetratech.com
717 SECOND STREET, SUITE 201
JUNEAU, AK 99801
PHONE: (907) 586-2400 FAX: (907) 463-3677

STATE OF ALASKA 49TH
Mark G. Morris
June 26, 2015
Lic. EE 8013
REGISTERED PROFESSIONAL ENGINEER

June 26, 2015

MORRIS ENGINEERING GROUP LLC
9360 Mendenhall Loop Rd, Auke Bay, AK 99821
Phone: 907-789-3360
Fax: 907-789-3360

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

SINGLE LINE AND TRENCH DETAIL

Project No.:	135-12554-15004
Designed By:	MGM
Drawn By:	AQM
Checked By:	MGM

E-003

6/26/2015 11:21:10 AM - Y:\127 TETRA TECH HOWE - CAMPUS - AK_BASE\DWG\ WORKING DRAWING\E-003.DWG - DREW MARLES
Copyright Tetra Tech
Bar Measures 1 inch

ELECTRICAL SPECIFICATIONS

16010 GENERAL

A. THE ELECTRICAL DRAWINGS ARE DIAGRAMMATIC IN NATURE. THE PLANS SHOW THE GENERAL LOCATIONS OF ELECTRICAL DEVICES, UNLESS DIMENSIONED THEREON. MAKE MINOR RELOCATIONS AS REQUIRED TO PROVIDE A SYMMETRICAL APPEARANCE, OR TO AVOID CONFLICT WITH OTHER STRUCTURAL, ARCHITECTURAL, OR MECHANICAL FEATURES.

B. COMPLY WITH THE LATEST EDITIONS OF THE NEC AND NFPA CODES AND STANDARDS, AS WELL AS THE APPLICABLE FEDERAL, STATE, AND LOCAL CODES.

C. MOUNT DEVICES AT HEIGHTS ABOVE THE FINISHED FLOOR AS FOLLOWS, UNLESS OTHERWISE NOTED. MEASURE HEIGHTS TO THE CENTERLINE OF THE BOXES.

1. SWITCHES 48 INCHES
2. INTERIOR RECEPTACLES 48 INCHES

D. UNLESS OTHERWISE NOTED, PROVIDE NEW, HIGH-QUALITY EQUIPMENT AND MATERIALS WHICH ARE STANDARD AND CURRENT WITHIN THE INDUSTRY, AND LISTED BY UNDERWRITERS' LABORATORY.

E. ALL PRODUCTS SHALL BE DELIVERED AND STORED IN ORIGINAL CONTAINERS. PROTECT ALL ITEMS FROM DIRT, WATER, CHEMICAL, AND/OR MECHANICAL DAMAGE.

F. PROVIDE A ONE YEAR PARTS AND LABOR WARRANTY FOR ALL WORK PERFORMED.

G. CONTRACTOR SHALL PROVIDE (5) SETS OF SUBMITTALS ON ALL ELECTRICAL ITEMS TO THE ENGINEER. THE SUBMITTALS SHALL CONTAIN CATALOG CUT SHEETS, WIRING DIAGRAMS, AND SHOP DRAWINGS AS APPLICABLE. THE CONTRACTOR SHALL ALLOW TWO WEEKS FOR THE ENGINEER TO REVIEW THE SUBMITTALS. THE CONTRACTOR SHALL REVISE AND RESUBMIT SUBMITTALS AS REQUESTED BY THE ENGINEER. MATERIALS SHALL NOT BE ORDERED PRIOR TO SUBMITTAL APPROVAL BY THE ENGINEER.

16020 SCOPE OF WORK

A. ALL CIRCUITING SHALL UTILIZE CONDUCTORS IN CONDUIT. MC CABLE MAY NOT BE USED. ALL WIRING SHALL BE EXPOSED AND DEVICES SURFACE MOUNTED UNLESS NOTED OTHERWISE.

B. PROVIDE NEW ELECTRICAL POWER AND LIGHTING FOR THE SALT AND SAND STORAGE FACILITY.

C. PROVIDE NEW POWER, LIGHTING, AND SIGNAL SYSTEMS & WIRING AS SHOWN.

D. ALL ENCLOSURES SHALL BE 316 STAINLESS STEEL.

E. ALL SUPPORTING HARDWARE SHALL BE 316 STAINLESS STEEL.

16110 RACEWAYS

A. ALL CONDUIT SHALL BE SCHEDULE 80 PVC.

B. EXTERIOR CONDUIT: PROVIDE ONLY SCHEDULE 80 PVC CONDUIT ON BUILDING EXTERIOR AND UNDERGROUND UNLESS OTHERWISE NOTED.

C. INSTALL ALL CONDUIT PARALLEL OR PERPENDICULAR TO TENT STRUCTURE. INSTALL MECHANICALLY CONTINUOUS FROM TERMINATION TO TERMINATION. PROVIDE EQUIPMENT GROUNDING CONDUCTOR WITH ALL CONDUIT.

16120 WIRE AND CABLE

A. UTILIZE 600 VOLT RATED WIRE INSULATION.

B. UTILIZE MINIMUM WIRE SIZES AS FOLLOWS, UNLESS OTHERWISE NOTED:

1. NO. 12 AWG FOR BRANCH CIRCUIT WIRING.
2. NO. 12 AWG FOR CONTROL CIRCUIT WIRING.
3. NO. 12 AWG FOR LIGHTING FIXTURE WIRING.

C. SIZE ALL CONDUCTORS ACCORDING TO AMERICAN WIRE GAUGE (AWG).

D. PROVIDE CONDUCTORS WITH XHHW INSULATION, UNLESS OTHERWISE NOTED.

E. PROVIDE SOLDERLESS TYPE CONNECTORS FOR CONDUCTORS. UTILIZE PREINSULATED 'TWIST-ON' GELFILLED TYPE FOR CONDUCTORS NO. 10 AWG OR LESS IN SIZE, OR BOLT OR COMPRESSION SET TYPE WITH A PREFORMED COVER OR TAPE FOR INSULATION THEN HEAT SHRINK TUBING OVER THE INSULATED SPLICE.

16130 OUTLET AND JUNCTION BOXES

A. PROVIDE NONMETALLIC JUNCTION BOXES LISTED FOR USE WITH SCHEDULE 80 PVC OR USE 316 STAINLESS STEEL JUNCTION BOXES.

B. INSTALL JUNCTION BOXES IN PERMANENTLY ACCESSIBLE LOCATIONS ONLY.

16140 SWITCHES AND RECEPTACLES

A. PROVIDE SPECIFICATION GRADE, ENCLOSED, TUMBLER TYPE SWITCHES, APPROVED BY U.L., RATED 20 AMPERS AT 120 VOLTS.

B. PROVIDE SPECIFICATION GRADE, NEMA 5-20R, PHENOLIC RECEPTACLES, GFI TYPE APPROVED BY U.L.

C. DEVICES SHALL BE IVORY COLORED WITH WEATHER PROOF (NONMETALLIC OR STAINLESS) COVER PLATES.

16170 DISCONNECTS

A. PROVIDE STAINLESS STEEL HEAVY DUTY TYPE DISCONNECTS, RATED FOR 600 VOLT SERVICE. EACH SHALL BE HORSEPOWER RATED WITH QUICK-MAKE, QUICK-BREAK SWITCHING.

16180 CIRCUIT BREAKERS

A. PROVIDE 10,000 AMPERE SYMMETRICAL INTERRUPTING CAPACITY MINIMUM, UNLESS OTHERWISE NOTED. ALL CIRCUIT BREAKERS SHALL BE A BOLT-IN TYPE.

B. THE SINGLE LINE DIAGRAM IN THE DRAWINGS INDICATE THE NUMBER OF POLES AND AMPERE RATINGS FOR BRANCH CIRCUITS TO ELECTRICAL DEVICES. PROVIDE THE RATINGS AS REQUIRED WITH CHANGES IN EQUIPMENT OR CIRCUIT REQUIREMENTS.

C. CIRCUIT ALL FEEDER AND BRANCH CIRCUITS AS SHOWN IN THE DRAWINGS.

16190 SUPPORTING DEVICES

A. CONDUIT: UTILIZE STAINLESS STEEL CONDUIT STRAPS WHERE SURFACE MOUNTED.

B. BOXES: UTILIZE PURPOSE MADE HANGERS AS REQUIRED WHERE FLUSH MOUNTED.

C. ALLOW FOR A MINIMUM SAFETY FACTOR OF FIVE TO ONE TO SUPPORT EQUIPMENT LOADS. PLUMBERS TAPE AND WIRE ARE NOT APPROVED. USE 316 STAINLESS SUPPORTING DEVICES.

16450 GROUNDING

A. CONNECT ALL NON-CURRENT CARRYING ELECTRICAL EQUIPMENT, RACEWAYS, AND ENCLOSURES TO THE GROUNG BUSS IN THE PANEL. PROVIDE EQUIPMENT GROUNDING CONDUCTORS IN ALL CIRCUITS.

B. PROVIDE A GROUNDING SYSTEM FOR THE PANEL AS SHOWN IN THE DRAWINGS.

16471 PANELBOARDS

A. PANELBOARDS SHALL BE SIZED AND RATED IN ACCORDANCE WITH THE SINGLE LINE DIAGRAM IN THE DRAWINGS. THE BUSS BARS SHALL BE COPPER. PROVIDE WITH MULTIPLE LUGS AS REQUIRED. PROVIDE A NEUTRAL TERMINAL BAR. PROVIDE A GROUND TERMINAL BAR SO GROUND CONDUCTORS ARE TERMINATED IN THE PANELBOARD. BRACE FOR 10,000 SYMMETRICAL RMS AMPERES, UNLESS OTHERWISE NOTED.

B. SIZE THE ENCLOSURE TO ALLOW FOR ADEQUATE WIRE GUTTER SPACE. THE FRONT SHALL BE A SINGLE ELEMENT WITH A LOCKABLE DOOR. A TYPED CIRCUIT DIRECTORY SHALL BE LOCATED INSIDE THE DOOR. PROVIDE KEYS. THE INTERIOR ASSEMBLY SHALL BE DEADFRONT WITH THE FRONT COVER OPENED.

C. MOUNT WITH THE TOP OF THE ENCLOSURE AT 72 INCHES ABOVE FINISHED FLOOR, UNLESS OTHERWISE NOTED. INSTALL THE PANELBOARD INTERIORS AFTER THE ENCLOSURE HAS BEEN INSTALLED.

D. INSTALL CIRCUIT BREAKERS IN THE ORDER SPECIFIED IN THE DRAWING PANELBOARD SCHEDULES, UNLESS APPROVED OTHERWISE. TYPE THE CIRCUIT DIRECTORY WITH CIRCUIT DESCRIPTIONS AS THEY ARE SHOWN IN THE DRAWING PANELBOARD SCHEDULES. THE DIRECTORY SHALL BE CONFIGURED IDENTICALLY WITH THE CIRCUIT BREAKER CONFIGURATION.

SECTION 16476 DISCONNECT SWITCHES AND CIRCUIT BREAKERS

A. PROVIDE CIRCUIT BREAKERS WITH A U.L. LISTED INTERRUPTING RATING OF 10,000 RMS SYMMETRICAL AMPERES MIN. AT 208 VOLTS UNLESS OTHERWISE NOTED.

B. THE PANEL OR METER CENTER MANUFACTURER SHALL APPROVE ALL CIRCUIT BREAKERS INSTALLED IN THE PANEL.

SECTION 16515 LIGHTING

A. PROVIDE LIGHTING AS DESCRIBED ON THE DRAWINGS.

TETRA TECH
www.tetratech.com
217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-2677

STATE OF ALASKA
49TH
Mark C. Morris
June 26, 2015
Juneau, Alaska
June 26, 2015

MORRIS ENGINEERING GROUP LLC
8400 Mendenhall Loop Rd, Juneau, Alaska 99801
Phone: 907-789-3350
Fax: 907-789-3360

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
JUNEAU, AK
SALT AND SAND STORAGE FACILITY E16-013

ELECTRICAL SPECIFICATIONS

Project No.:	135-12554-15004
Designed By:	MGM
Drawn By:	AQM
Checked By:	MGM

E-004

Copyright: Tetra Tech

Bar Measures 1 Inch

STATUS	DATE PRINTED	
DATE	REVISIONS	BY

DRAWN BY MMB | DESIGNED BY MMB | CHECKED BY | 26 April 06

Tetra Tech/KCM Inc.
230 South Franklin St, Suite 1212
Juneau, AK 99801-1364
Voice 907-586-6400
Fax 907-463-3677

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
DEPARTMENT OF ENGINEERING

CBJ CONSOLIDATED PUBLIC WORKS CENTER

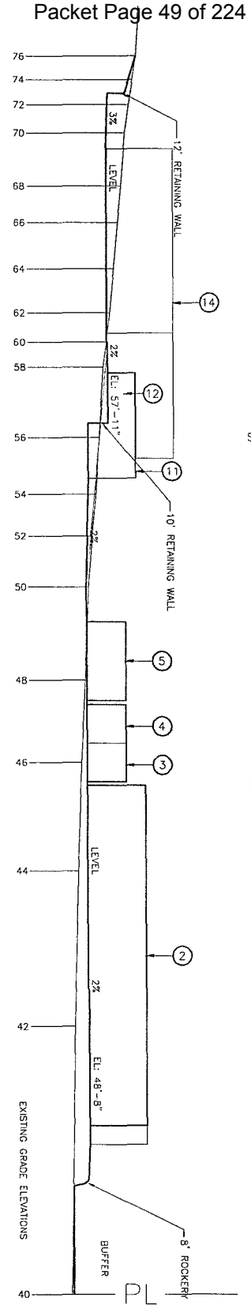
SITE OPTION 1

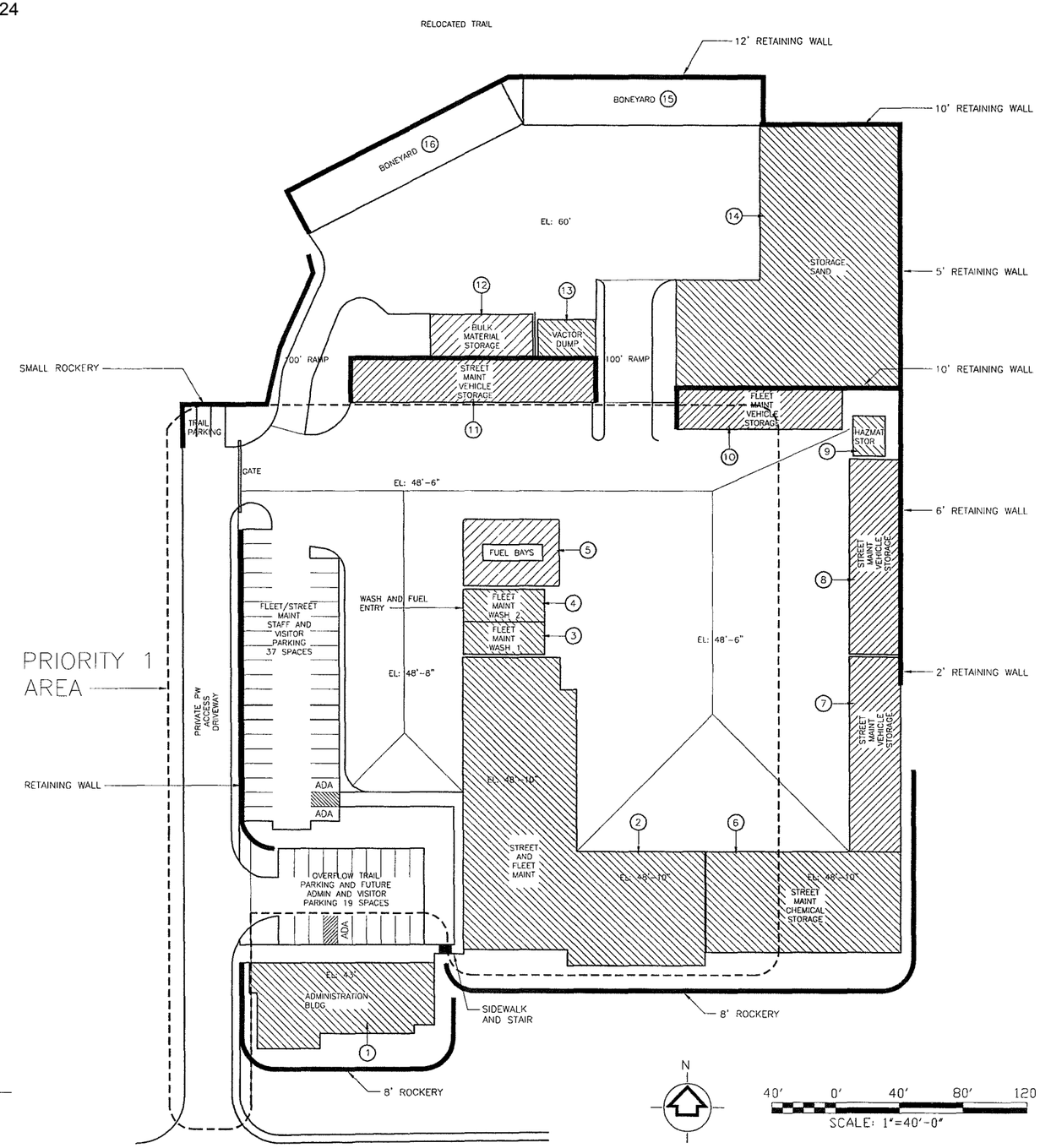
SHEET NO. A10

TOTAL SHEETS

DEVELOPMENT AREAS

AREA #	AREA NAME/USE	CONSTRUCTION	AREA	HEIGHT
1	ADMINISTRATION BLDG	METAL BLDG W/ CONC FOUNDATION	5,350 SF	19'-0"
2	STREET AND FLEET MAINT BLDG	METAL BLDG W/ CONC FOUNDATION	18,490 SF	35'-0"
3	FLEET MAINT WASH BLDG 1	METAL BLDG W/ CONC FOUNDATION	1,025 SF	21'-0"
4	FLEET MAINT WASH BLDG 2	METAL BLDG W/ CONC FOUNDATION	1,025 SF	21'-0"
5	FUEL BLDG	METAL BLDG W/ CONC FOUNDATION	2,480 SF	21'-0"
6	STREET MAINT UNHEATED CHEMICAL STORAGE	METAL BLDG W/ CONC FOUNDATION	7,670 SF	25'-0"
7	STREET MAINT VEHICLE STORAGE	POLE BLDG W/ CONC SLAB	3,870 SF	25'-0"
8	STREET MAINT VEHICLE STORAGE	POLE BLDG W/ CONC SLAB	3,870 SF	25'-0"
9	HAZMAT STORAGE	MASONRY BLDG W/ CONC FOUNDATION	510 SF	15'-0"
10	STREET MAINT VEHICLE STORAGE	POLE BLDG W/ CONC SLAB	2,680 SF	25'-0"
11	STREET MAINT VEHICLE STORAGE	POLE BLDG W/ CONC SLAB	4,250 SF	25'-0"
12	BULK MATERIAL STORAGE	POLE BLDG W/ CONC SLAB	1,760 SF	25'-0"
13	VACTOR DUMP	POLE BLDG W/ 4' RET WALLS	870 SF	25'-0"
14	SAND STORAGE	POLE BLDG W/ 12' RET WALLS	18,020 SF	35'-0"
15	BONEYARD	GRAVEL AREA W/ MASONRY DIVISIONS	4,510 SF	3'-0"
16	BONEYARD	GRAVEL AREA W/ MASONRY DIVISIONS	4,510 SF	3'-0"





STATUS	DATE PRINTED
DATE	REVISIONS	BY

DRAWN BY: SDHO | DESIGNED BY: MMB | CHECKED BY: MMB | MAY 2007

Tetra Tech/KCM Inc.
230 South Franklin St, Suite E212
Juneau, AK 99801-1364
Voice 907-586-6400
Fax 907-463-3677

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
DEPARTMENT OF ENGINEERING

CBJ CONSOLIDATED PUBLIC WORKS CENTER

ARCHITECTURAL SITE PLAN

SHEET NO. **A0.01**

TOTAL SHEETS -

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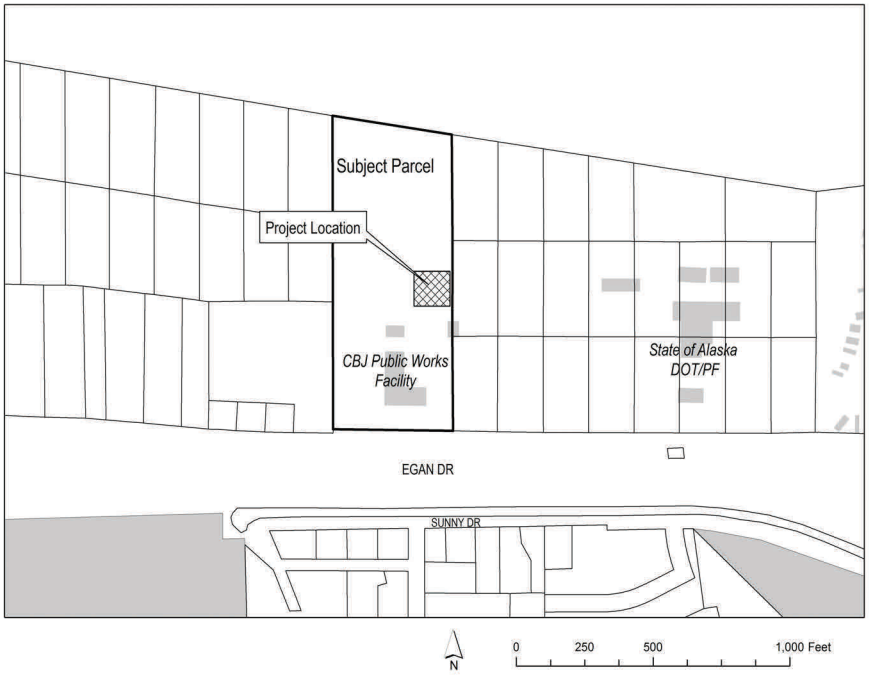
Xref Filename: (CBJPW-ATB) CBJPW-Contours)

NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: Consistency review for new salt and sand storage structure.

File No:	CSP2015 0011	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	5-B14-0-100-002-1
Hearing Date:	August 25, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Parcel Size:	11.47 Acres
Place:	Assembly Chambers	Zoned:	Light Commercial
	Municipal Building	Site Address:	7100 Glacier Highway
	155 South Seward Street	Accessed Via:	Glacier Highway
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Tim Felstead at tim.felstead@juneau.org or at 586-0466.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Attachment B - Public Notice

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: June 27, 2007
File No.: USE2007-00018
CSP2007-00008

CBJ Engineering
Attention: Bob Millard
155 South Seward Street
Juneau, AK 99801

Application For:	A Conditional Use permit and City/State Project Review for the development of a Consolidated Public Works Facility.
Legal Description:	USS 3258, Lots 2, 3, 4, 21 - 26
Parcel Code No.:	5-B14-0-100-002-0
Hearing Date:	June 26, 2007

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 18, 2007 and the addendum thereto dated June 25, 2007, and approved the development of a Consolidated Public Works Facility to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1) Prior to the issuance of any building permit for work related to this project, the phase of construction proposed in that building permit must be authorized in writing by the agency managing the property for the State of Alaska. This condition becomes void once the CBJ becomes the owner of the property. Consult with the CBJ Lands and Resources Manager regarding the ownership of the property during building permit review to establish if this condition has been met.

2) The project contractor must file a Storm Water Pollution Prevention Plan (SWPPP) prior to commencing construction activity. The SWPPP, and the project in its entirety, should adhere to the 2000 edition of the City and Borough of Juneau Engineering Department *Standard Details* and the 2003 edition of the CBJ Engineering Department *Standard Specifications* books. A copy of the SWPPP and the Notice of Intent (NOI) must be submitted to the CDD prior to commencing construction activity.

3) (A) There shall be no work in the stream bed or that would adversely impact the stream during egg incubation or out-migration of salmon smolts. (See discussion in staff report regarding applicability of this condition)

   (B) Filtration curtains shall be used to protect streams from turbidity due to adjacent soil disturbance activities.

   (C) Existing wetlands vegetation shall be stripped in mats and repositioned over regraded soil. (See discussion in staff report regarding applicability of this condition)

   (D) The amount of fill shall be restricted to the minimum amount necessary to achieve stated project purposes.

(E) Hydrology surrounding the discharge site shall be maintained with the use of culverts, if necessary. Activities shall not adversely impact adjacent wetlands by causing ponding, drainage, siltation or inadvertent fill.

(F) All discharge material shall be free from toxic pollutants in toxic amounts as defined by state law.

(G) Erosion at the construction site shall be controlled through revegetation and other appropriate means. Exposed soils shall be revegetated within one year.

(H) All work must be completed within three years of issuance of the wetlands permit.

4) Any disturbed area between the rockery wall at the south of the project site and the undisturbed portion of the wetland unit at the south of the project site shall be restored or rehabilitated to its predisturbance condition, by the means described in Conditions (3)(C) and (G), to the extent feasible and prudent. (See discussion in staff report regarding applicability of condition (3)(C))

Attachments: June 18, 2007 memorandum and June 25, 2007 addendum thereto from Ben Lyman, Planner, Community Development to the CBJ Planning Commission regarding USE2007-00018 and CSP2007-00008.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

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 Sec. 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, June 26, 2007.

Expiration Date: The permit will expire 18 months after the effective date, or December 26, 2008, 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 by submitted thirty days prior to expiration date.

Project Planner: _____
Benjamin Lyman, Planner
Community Development Department

_____
Daniel Bruce, Chairman
Planning Commission

_____ 7/2/07
Filed With City Clerk Deputy 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 1 (800) 949-4232, or fax (360) 438-3208.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: August 28, 2015
File No.: CSP2015 0011

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

Application For:	Planning Commission Recommendation to the City and Borough Assembly regarding consistency review for new salt and sand storage structure.
Legal Description:	USS 3258 Lot 2A
Property Address:	7100 Glacier Highway
Parcel Code No.:	5-B14-0-100-002-1
Hearing Date:	August 25, 2015

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 13, 2015 and recommended that the City Manager direct CBJ staff to design and build the project.

Attachments: August 13, 2015 memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding CSP2015 0011.

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: Tim Felstead

Tim Felstead, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

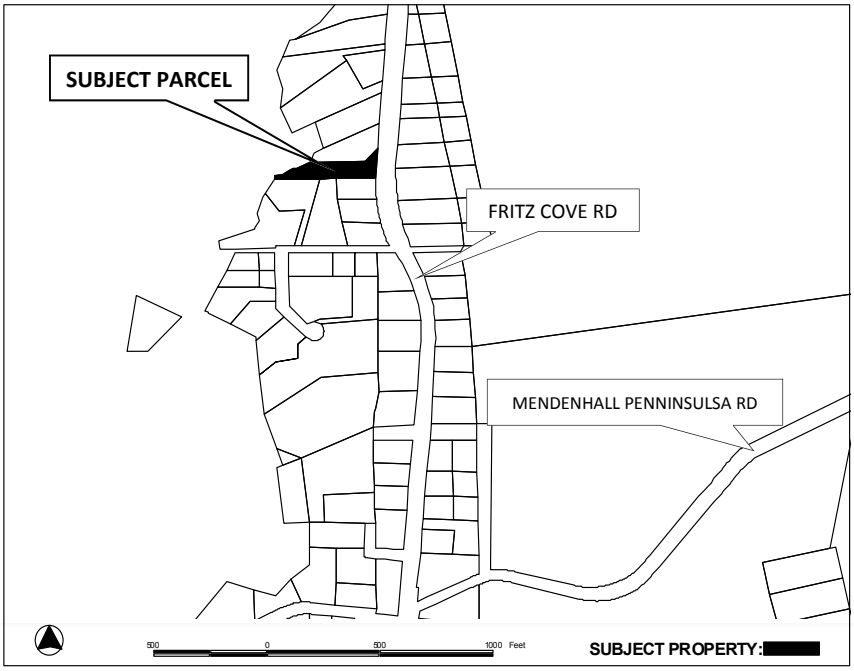
Elizabeth J. McEwen Deputy
Filed With City Clerk

8/28/2015
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



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: Modification to a condition of VAR2010 0023 in regard to front yard setback.

File No:	VAR2015 0027	Applicant:	Debbie & Christopher White
To:	Adjacent Property Owners	Property PCN:	4-B18-0-101-010-3
Hearing Date:	August 25, 2015	Owner:	Debbie & Christopher White
Hearing Time:	7:00 PM	Size:	0.79 Acres
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	2130 Fritz Cove Road
	155 South Seward Street	Accessed Via:	Fritz Cove Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Beth McKibben at beth.mckibben@juneau.org or at 586-0465.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: August 4, 2015

Community Development

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

DATE: August 12, 2015

TO: Board of Adjustment

FROM: Beth McKibben, AICP, Planning Manager
Community Development Department

FILE NO.: VAR2015 0027

PROPOSAL: Request to modify a condition of VAR2010 0023 in regard to front yard setback.

GENERAL INFORMATION

Applicant:	Debbie and Christopher White
Property Owner:	Debbie and Christopher White
Property Address:	2130 Fritz Cove Road
Legal Description:	Auklet Lot 2
Parcel Code Number:	4-B18-0-101-010-3
Site Size:	0.79 Acres
Comprehensive Plan Future Land Use Designation:	RLDR – Rural/Low Density Residential
Zoning:	D-1
Utilities:	On-site waste water/ City water
Access:	Fritz Cove Road
Existing Land Use:	Vacant

Surrounding Land Use:

North- D-1, Single-Family Dwelling
South- D-1, Single-Family Dwellings
East - Fritz Cove Road (ADOT Right-of-way)
West - Auke Bay

ATTACHMENTS

Attachment A - Application
Attachment B - Staff report VAR2010 0005 –August 10, 2010
Attachment C - Staff report VAR2010 0023 – August 10, 2010
Attachment D - Notice of Decision VAR2010 0005
Attachment E - Notice of Decision VAR2010 0023
Attachment F - Planning Commission minutes August 10, 2010
Attachment G - Plat 2012-10
Attachment H - May 28, 2015 email to Christopher and Debbie White
Attachment I - Public Comment

PROJECT DESCRIPTION

The applicant is requesting a modification to a condition of VAR2010 0023:

1. *A plat note shall be added to any subdivision of Tract 5 U.S.S. 1510,*

> *stipulating that development of a single-family dwelling on Lot 2 shall be set back 150' from the front property line (bordering Fritz Cove Road), and within that setback there shall be an allowance for a detached garage.*

The applicant requests the condition be modified to allow the home to be 60 feet from the front property line.

BACKGROUND

The original parcel, which was subsequently subdivided in 2012, was originally developed with a single-family dwelling in 1966. Over the years a number of building permits have been issued for the renovation of the detached garage and the dwelling located on the property. In 2008, through a minor subdivision (SUB2007-00013) the property owners accreted uplifted tidelands from the State of Alaska, totaling 8,523 sq. ft. (0.20 acres).

In 2010, the applicant applied for and received variances to the minimum lot width requirement and the minimum lot size requirement of Section CBJ 49.25.400 Table of Dimensional Standards (See VAR2010 0005 and VAR2010 0023, Attachments B and C). Staff recommended denial of both variance requests. The Planning Commission, at their July 27, 2010 meeting denied both variance requests. There was an immediate motion for reconsideration, and both requests were brought back to the Commission at the August 10, 2010 meeting. The Commission voted to reconsider the two variance requests and subsequently approved both requests. VAR2010 0023 was approved with the condition noted above (NODs, Attachment D and E). The reasoning for the condition is discussed on page 10 of the August 10, 2010 minutes (Attachment F), below:

> *"…because it is a long and narrow lot so restricting the development generally to this portion in the effect would be to separate the buildings from each other, rather than create a situation where the structures abut each other or be placed along the roadway…"*

The variance requests were approved, each with a recommended condition for a plat note. The applicant subdivided the property into two lots (SMN2011 0008) and Auklet Subdivision was recorded in May 2012 (Attachment G). The plat note requiring the 150 front yard setback was omitted from the plat. Staff believes it was an accidental oversight.

The current property owner submitted a building permit in June 2015 to construct a single family dwelling. The site plan submitted and approved indicated the building would be setback 80 feet from the front property line. The standard front yard setback for this zoning district is 25 feet. The applicant corresponded with CDD staff regarding the side yard setback and whether an accessory apartment could be permitted given the plat note that was placed restricting accessory apartments (Attachment H).

In July 2015, CDD staff received a call from the adjacent (south) property owner inquiring about the side yard setback. The Planner on Call discovered the condition on VAR2010 0023 for the 150 foot front yard setback. Staff contacted the property owner who indicated that the area for the foundation had already been excavated and that the structure could not be moved farther from the front property line because of the location for the drain field needed for on-site waste water.

The applicant also indicated the building would be farther from the road than what was shown on the site plan. Staff determined that CBJ would honor the building permit as submitted and construction could continue. Staff requested an updated site plan. A surveyor verified the distance of the proposed foundation from the front and side lot lines. This work showed that the foundation would be approximately 60 feet from the front property line, which is 20 feet less than was shown on the approved site plan. This resulted in the request to modify the 150 foot front yard setback condition on VAR2010 0023. Staff notes that the front property line is approximately 20 feet from the paved surface of Fritz Cove Road.

ANALYSIS

The lot is zoned D-1, which has a minimum lot size of 36,000 square feet and the minimum lot width is 150 feet. Both of these requirements were varied to allow the subdivision in 2010. This lot has an area of 34,237 square feet and a lot width of 113.33 feet. The required setbacks for the D-1 zoning district are 25 feet from the front property line, 25 feet from the rear property line, and 15 feet from the side lot line. However, there is no setback from tidewater lot lines (CBJ 49.25.430(4)(G)). Also, because this is a substandard lot, it qualifies for a reduced side yard setback of 12 feet (CBJ 49.25.430 (4)(J)).

As discussed in the above, the 150 foot front yard setback was intended to provide a sense of space and separation between neighboring buildings, therefore maintaining the character and feel of the neighborhood. The 150 foot setback is six times the front setback required for other lots in the zoning district.

The applicant has received approval for an on-site waste water disposal system. The Alaska Department of Environmental Conservation requires a minimum of a 100 foot separation distance of the leach field from the mean high tide line. This reduces the area available for the dwelling.

Furthermore, the applicant has indicated future plans to add on to the building, which may include enlarging the structure or making modifications so that an accessory apartment can be approved. CBJ Title 49 was recently amended and an accessory apartment can be allowed with an approved Conditional Use Permit on a substandard lot when the waste water disposal system has adequate capacity for the development. When VAR2010 0005 was approved, accessory apartments could not be allowed on a sub-standard lot unless city sewer was provided. Staff notes that an accessory

apartment can be attached to the primary structure or detached. The location of the building was determined to allow room for the leach field, allow for a future addition, and still be set back some distance from the road.

One public comment was received at the time of the writing of this staff report in support of the requested Variance. Staff also received phone calls from several neighbors. No one indicated any concern with the dwelling having a 60 foot setback from the front property line. The neighbor to the immediate south is concerned about the side yard setback and does not want any further reduction to that 12 foot required side yard setback.

Lot 1 of Auklet Subdivision is the adjacent lot north of the subject property. Staff does not know whether that property owner is one of the several who contacted CDD, or has concerns about the proposed location of the house. That property was already developed with a single family home when VAR2010 0023 was approved. Using the measuring tool in GIS, this house appears to be approximately 170 feet from the paved surface of Fritz Cove Road. The home to the south appears to be approximately 200 feet from the paved surface of Fritz Cove Road. The location proposed by the applicant allows for more separation of homes than the required 150 foot front setback would, which was the stated reason for the condition.

Variance Requirements

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

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

Granting this variance would provide relief to the property owner to allow the property to be developed in the location of the area already excavated for the foundation. The applicant sited the foundation with the understanding that there was a 25 foot front yard setback. The proposed location provides a front yard setback of approximately 60 feet.

This relaxation is consistent with justice to other property owners because other new development has a 25 foot front yard setback. The requested 60 foot front yard setback meets the intent of the

condition of the 150 front yard setback by providing separation from existing homes and maintains the character of the neighborhood.

Yes. Staff finds that this criterion is met.

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

According to Section CBJ49.05.100 *Purpose and Intent* of the Land Use Code, the layout and orderly development of land is intended to:

> "*The several purposes of this title are:*
>
> *(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;"*

Specifically in a D-1 zoned neighborhood, the aspects discussed above have been translated into minimum dimensional standards for lots and setbacks that create a rural character or way of living (i.e. open space between properties). The requested setback of 60 feet is almost 2.5 times the minimum front yard setback. The proposed location for the home is placed in such a way so as to maintain separation from neighboring homes and maintain the rural character of the neighborhood. Public health and safety will be preserved with an approved wastewater treatment system.

Yes. Staff finds that this criterion is met.

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

No evidence has been shown that granting this variance would injure nearby property. The owner of the adjacent property to the south has indicated that she has no concerns with the proposed 60 foot front yard setback.

Yes. Staff finds that this criterion is met.

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

Single family dwellings with accessory apartments are a permitted use in the district per CBJ 49.25.300 Table of Permissible Uses, section 1.130, provided the Accessory Apartment complies with the special density considerations of CBJ 49.510(d)(2).

Yes. Staff finds this criterion is met.

5. That compliance with the existing standards would:

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

The substandard lot was allowed with approval of two variances, one to minimum lot width and one to minimum lot area. The variance to minimum lot width was approved with the condition of a 150 foot front yard setback. The size of the lot, the proximity of the lot to tidewater and the presence of bedrock limits the location of the septic and required drain field, which limits the location of the dwelling, and prohibits compliance with the 150 foot front yard setback.

Yes. Staff finds that this sub-criterion is 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 appears to be consistent in scale, amenities and appearance to the surrounding development.

Yes. Staff finds that this sub-criterion is met.

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

There are no unique features of the property. Other properties in the area have tidewater lot lines. Other properties in the area experience slope and bedrock. There are other properties in the area that are substandard. However, no other property in the area is required to have a 150 foot front yard setback.

No. Staff finds that this 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.

There are no pre-existing nonconformities on this lot. Therefore, this sub-criterion is not applicable.

No. Staff finds this sub-criterion is not met.

Yes. Staff finds that criterion 5 is met because sub-criteria A and B are met.

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

No evidence has been presented to indicate that allowing the dwelling to have a front yard setback of 60 feet will have a detriment to the neighborhood. Allowing the modification of the 150 foot front yard setback to 60 feet provides the necessary space for an on-site waste water disposal system which is a benefit to the neighborhood.

Yes. Staff finds that this criterion is met.

FINDINGS

1. Is the application for the requested Variance complete?

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

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

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

The proposed development does not involve wetlands, is not near any anadromous fish streams, and it does not relate to any policies or habitat standards with the JCMP.

Yes. Staff finds the proposed development complies with the Juneau Coastal Management Program.

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

Yes. Based on the analysis above, staff has determined that the applicant has presented an argument that justifies the modification of the condition of VAR2010 0023 for a 150 foot front yard setback to be reduced to a 60 foot front yard setback.

Criterion 1,2,3,4 5 and 6 are met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2015 0027. The Variance permit would modify the condition of VAR2010 0023 which requires a 150 foot front yard setback and allow for a front yard setback of 60 feet.

DEVELOPMENT PERMIT APPLICATION

Project Number | CITY and BOROUGH of JUNEAU | Date Received:

Project Name
(CBJ Staff to Assign Name)

INFORMATION

Project Description: modification to condition on VAR201023

PROPERTY LOCATION

Street Address: 230 Fritz Cove Road | City/Zip: Juneau 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): Auklet Lot 2

Assessor's Parcel Number(s): 4131801010103

PROJECT / APPLICANT

LANDOWNER/ LESSEE

Property Owner's Name: Debbie & Christopher White | Contact Person: | Work Phone:

Mailing Address: POB 210857 | Home Phone: 723 9886 | 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 Debbie White — Landowner/Lessee Signature — Date: 8-3-15

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: same | Contact Person: | Work Phone:

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)		8/3/15	
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments:

Permit Intake Initials: ANE

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
		VAR2015 0027	08/03/15

TO BE COMPLETED BY THE APPLICANT

TYPE OF VARIANCE REQUESTED:

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

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
Building a house - 2 story 30x45 feet 90 feet from the road, yet 60 feet from the right of way. Home will have an onsite septic with leach field as new DEC regulations made outfall nearly impossible.

Previous Variance Applications? [x] YES [ ] NO Date of Filing: _____

Previous Case Number(s): VAR2010-0023

Was the Variance Granted? [ ] YES [ ] NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): Towards the road the lot is fairly level. At about 150' from the water it slopes considerably. Site Preparation showed this area to be bedrock

UTILITIES AVAILABLE: WATER: [x] Public [ ] On Site SEWER: [ ] Public [x] On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
It would be impossible to build 150' from the road with an onsite septic system and a 2:1 slope given the geology of the property

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
A very expensive waterfront lot would be unbuildable. Complying with the requirements would add over 200K to the process and would involve blasting. In addition this would greatly alter the waterfront habitat

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	$			
Adjustment	$			
Total Fee	$			

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

RECEIVED
AUG 03 2015
PERMIT CENTER/CDD

August 2, 2015

Hal Hart, CDD Director, City & Borough of Juneau
VIA EMAIL

Mr. Hart –

Attached, please find my variance application, per our conversations over the last several weeks.

Our original site plan estimated the home to be 80 feet from the road. It is currently 90 feet, but we did not consider the 30 foot right of way. For that reason, the site plan JW Bean prepared shows the dwelling at 60.91 feet.

What we've got is the best practical way to build on this property. As you know, it's been a long haul to get this far, and the last thing I wanted to do was come back to CDD and change anything.

The State of Alaska, Department of Environmental Conservation has changed their rules regarding outfall systems. They want an additional measure chlorinating the outfall. We did our research, and these systems are not practical in high humidity environments. We were also not comfortable with adding chlorine to the saltwater environment of Fritz Cove, as our livelihood is dependent upon the health of the fish in these waters. Our engineer has been designing these systems for decades. I talked to two other engineers who are finding the new regulations impossible to follow. For that reason, we elected to install a leach field. It is a requirement of DEC that a leach field must terminate no less than 100 feet from mean high tide. This further cut into our buildable area. The leach field itself has to have specific material, 6 – 10 feet thick, further elevating our lot.

In addition, during our site preparation we ran into a great deal of bedrock. Cutting down the slope to meet a 2:1 ratio just is not feasible without doing a great deal of rock removal and the potential for pounding out rock to break it, or even blasting.

It has taken a long time to get where we are, and we are ready to get this home built. However, if we cannot proceed, a very expensive waterfront lot will pretty much be worthless.

I have attached the following:

1. Auklet Subdivision Plat.
2. Site plan turned in with our permit.
3. JW Bean's actual drawing of what we've got.
4. Variance Application
5. Emails between Rob Kimble (DEC), Gary Hayden and myself regarding the onsite wastewater treatment plant.
6. My actual Building Permit (showing setbacks of 12 feet side, and 25 feet front and back)
7. Foundation Setback Verification form (with the same numbers)

STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM AN OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THE FILING OF THIS PLAT WITH MY FREE CONSENT.

OWNER: APRIL SMITH

DATE: _____ 2012

NOTARY ACKNOWLEDGMENT:

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.

THIS IS TO CERTIFY THAT ON THIS 11th DAY OF January 2012 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED APRIL SMITH KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

NOTARY PUBLIC FOR ALASKA _____

MY COMMISSION EXPIRES 2/15/2015

STATE OF ALASKA
OFFICIAL SEAL
Ed Quinto
NOTARY PUBLIC
My Commission Expires 02/15/2015

STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM AN OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THE FILING OF THIS PLAT WITH MY FREE CONSENT.

OWNER: _____
ESTATE OF
JAMES B. NEAL JR.
CARLA LOUISE WOOD
PERSONAL REPRESENTATIVE

DATE: _____ 2012

NOTARY ACKNOWLEDGMENT:

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.

THIS IS TO CERTIFY THAT ON THIS 7th DAY OF May 2012 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED CARLA LOUISE WOOD, PERSONAL REPRESENTATIVE FOR THE ESTATE OF JAMES B. NEAL JR. KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

NOTARY PUBLIC FOR ALASKA _____

MY COMMISSION EXPIRES _____

STATE OF ALASKA
OFFICIAL SEAL
Ed Quinto
NOTARY PUBLIC
My Commission Expires 02/15/2015

CERTIFICATE OF APPROVAL CITY & BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DIRECTOR, CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

May 10 2012
DATE

ATTEST: CLERK, CITY & BOROUGH OF JUNEAU

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, 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.

DOUGLAS FINLEY LS-8277

10/1/2011
DATE

STATE OF ALASKA
40TH
DOUGLAS FINLEY
No. 8277
REGISTERED LAND SURVEYOR

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S20°33'15"E	20.38'
L2	S85°40'24"W	39.20'
L3	S48°44'00"W	41.45'
L4	S80°30'42"W	18.17'
L5	N71°42'43"W	8.96'
L6	S55°17'31"W	33.81'
L7	S57°19'19"W	23.73'
L8	S46°21'32"W	10.33'
L9	S20°46'17"W	33.50'
L10	S04°27'49"W	29.35'
L12	S75°03'00"W	53.54'

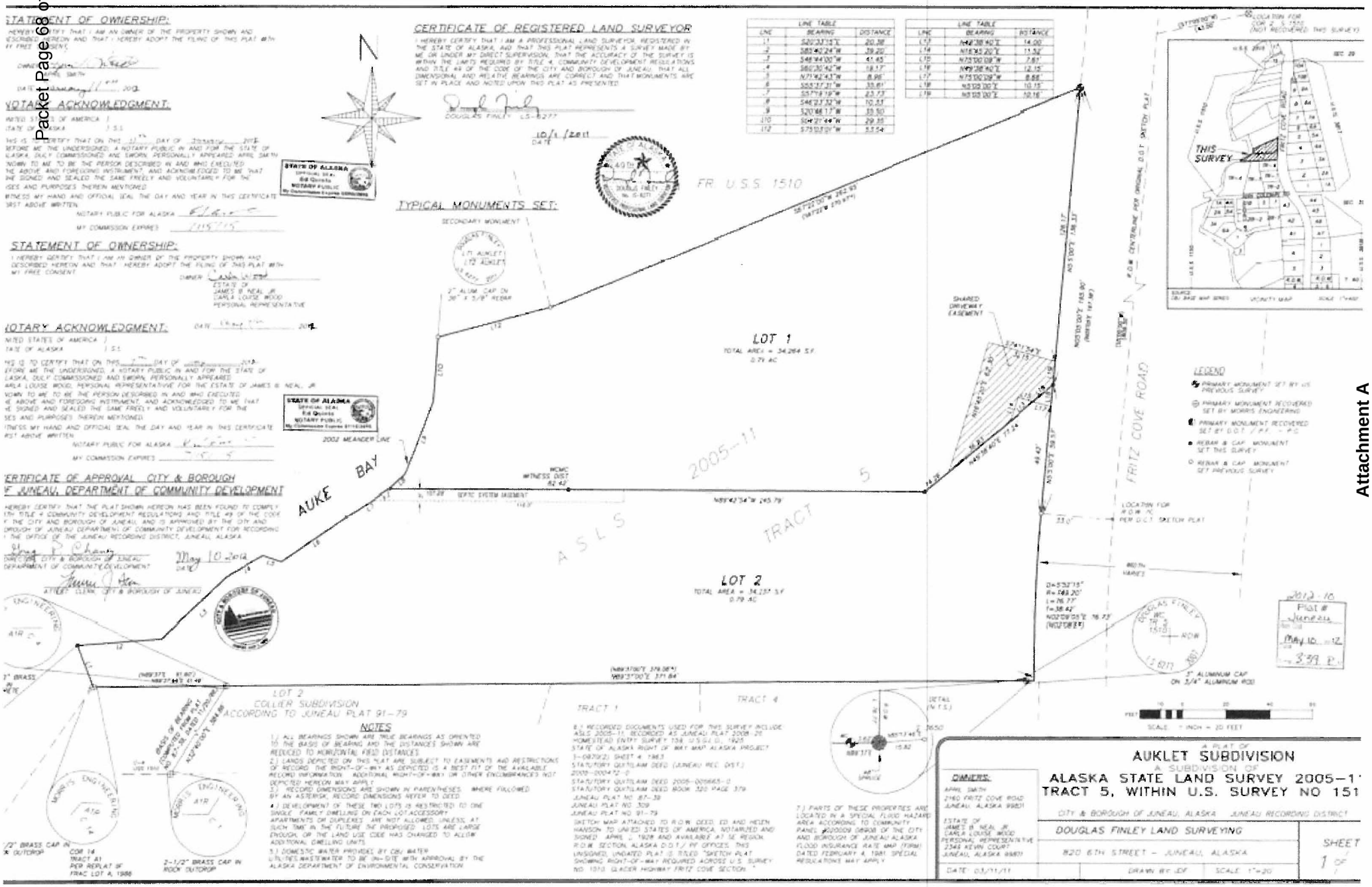
LINE TABLE		
LINE	BEARING	DISTANCE
L13	N42°38'40"E	14.00'
L14	N16°45'20"E	11.32'
L15	N75°00'09"W	7.81'
L16	N49°38'40"E	12.15'
L17	N75°00'09"W	8.66'
L18	N33°00'00"E	10.15'
L19	N33°00'00"E	10.16'

TYPICAL MONUMENTS SET:

SECONDARY MONUMENT

DOUGLAS FINLEY
L.S. AUKLET
L.S. 12 ASKLET

2" ALUM. CAP ON 36" x 5/8" REBAR



NOTES

1.) ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND THE DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

2.) LANDS DEPICTED ON THIS PLAT ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. THE RIGHT-OF-WAY AS DEPICTED IS A BEST FIT OF THE AVAILABLE RECORD INFORMATION. ADDITIONAL RIGHT-OF-WAY OR OTHER ENCUMBRANCES NOT DEPICTED HEREON MAY APPLY.

3.) RECORD DIMENSIONS ARE SHOWN IN PARENTHESES. WHERE FOLLOWED BY AN ASTERISK, RECORD DIMENSIONS REFER TO DEED.

4.) DEVELOPMENT OF THESE TWO LOTS IS RESTRICTED TO ONE SINGLE FAMILY DWELLING ON EACH LOT. ACCESSORY APARTMENTS OR DUPLEXES ARE NOT ALLOWED, UNLESS AT SUCH TIME IN THE FUTURE THE PROPOSED LOTS ARE LARGE ENOUGH, OR THE LAND USE CODE HAS CHANGED TO ALLOW ADDITIONAL DWELLING UNITS.

5.) DOMESTIC WATER PROVIDED BY CBJ WATER UTILITIES. WASTEWATER TO BE ON-SITE WITH APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

6.) RECORDED DOCUMENTS USED FOR THIS SURVEY INCLUDE ASLS 2005-11, RECORDED AS JUNEAU PLAT 2008-20; HOMESTEAD ENTRY SURVEY 138, U.S.G.L.O., 1925; STATE OF ALASKA RIGHT OF WAY MAP ALASKA PROJECT 1-0870(2), SHEET 4, 1963; STATUTORY QUITCLAIM DEED (JUNEAU REC. DIST.) 2005-000472-0; STATUTORY QUITCLAIM DEED 2005-005665-0; STATUTORY QUITCLAIM DEED BOOK 320 PAGE 379; JUNEAU PLAT NO. 87-38; JUNEAU PLAT NO. 309; JUNEAU PLAT NO. 91-79; SKETCH MAP ATTACHED TO R.O.W. DEED, ED AND HELEN HANSON TO UNITED STATES OF AMERICA, NOTARIZED AND SIGNED APRIL 1, 1928 AND AVAILABLE AT SE REGION R.O.W. SECTION, ALASKA D.O.T. / PF OFFICES; THE UNSIGNED, UNDATED PLAT, E. TITLED "SKETCH PLAT SHOWING RIGHT-OF-WAY REQUIRED ACROSS U.S. SURVEY NO. 1510, GLACIER HIGHWAY FRITZ COVE SECTION."

7.) PARTS OF THESE PROPERTIES ARE LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO COMMUNITY PANEL #020009 0808B OF THE CITY AND BOROUGH OF JUNEAU, ALASKA FLOOD INSURANCE RATE MAP (FIRM) DATED FEBRUARY 4, 1981. SPECIAL REGULATIONS MAY APPLY.

A PLAT OF AUKLET SUBDIVISION

A SUBDIVISION OF

ALASKA STATE LAND SURVEY 2005-11 TRACT 5, WITHIN U.S. SURVEY NO 151

CITY & BOROUGH OF JUNEAU, ALASKA — JUNEAU RECORDING DISTRICT

OWNERS:

APRIL SMITH
2160 FRITZ COVE ROAD
JUNEAU, ALASKA 99801

ESTATE OF
JAMES B. NEAL JR.
CARLA LOUISE WOOD
PERSONAL REPRESENTATIVE
2345 KEVIN COURT
JUNEAU, ALASKA 99801

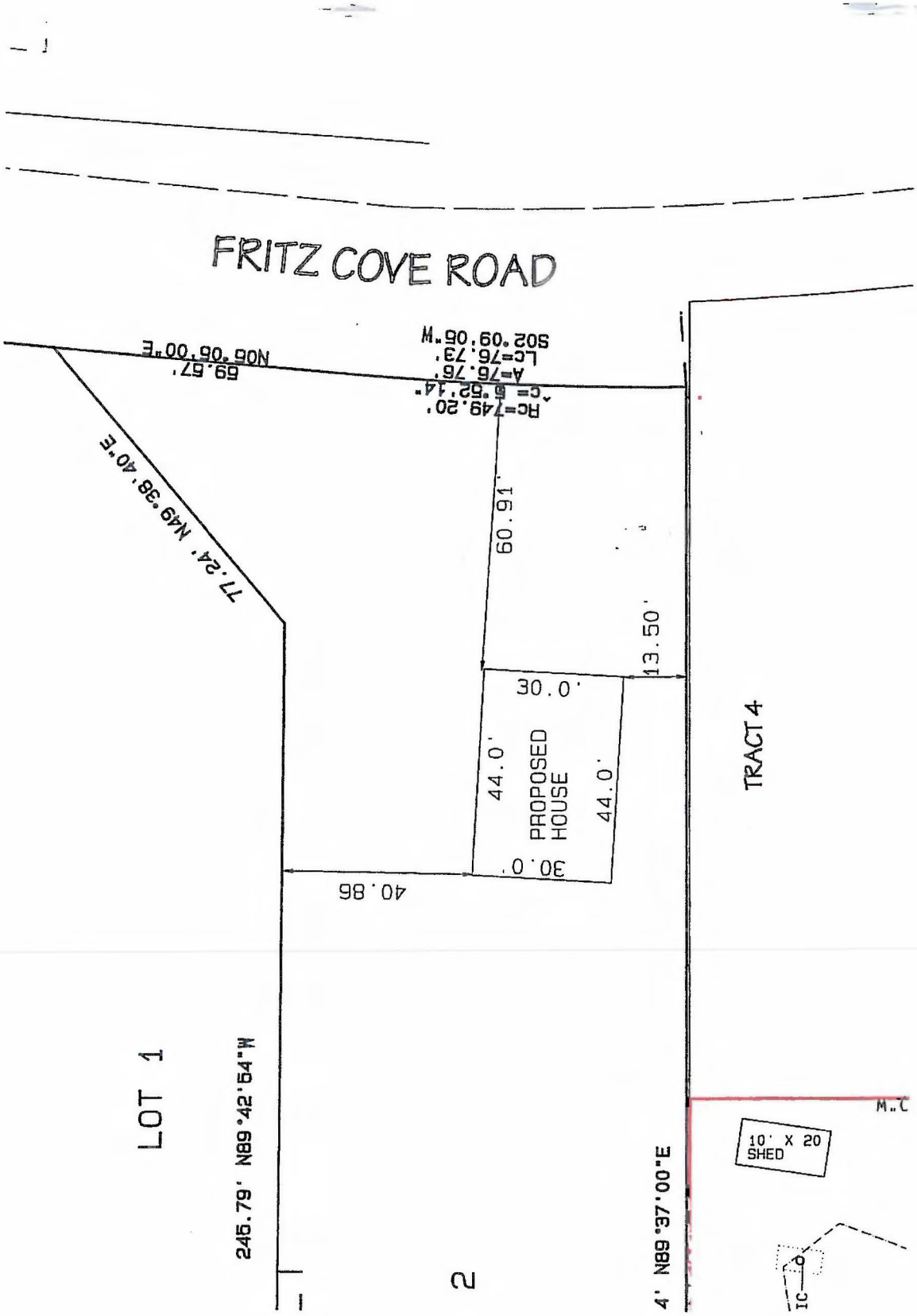
DOUGLAS FINLEY LAND SURVEYING
820 6TH STREET – JUNEAU, ALASKA

DATE: 03/11/11 | DRAWN BY: JDF | SCALE: 1"=20'

SHEET 1 OF

PERMIT NO. 24087

Actual


FRITZ COVE ROAD
LOT 1
TRACT 4
PROPOSED HOUSE
44.0'
44.0'
30.0'
30.0'
13.50'
60.91'
40.86
77.24' N49°38'40"E
59.67'
N06°06'00"E
RC=749.20'
C= 5°52'14"
A=76.76'
LC=76.73'
S02°09'06"W
245.79' N89°42'54"W
4' N89°37'00"E
10' X 20 SHED
M.C
IC

Debbie White <debbie@alaskapanhandle.com>

USS 1510, Tract 5, ASLS 2005-11, Juneau (ESPR PTN 25194)

5 messages

Kimble, Rob E (DEC) <rob.kimble@alaska.gov> Mon, Jun 8, 2015 at 9:36 PM
To: Gary Hayden <akea2@me.com>
Cc: "debbie@isellalaska.com" <debbie@isellalaska.com>, "Mccabe, Gene C (DEC)" <gene.mccabe@alaska.gov>

Dear Mr. Hayden:

Please note the following regarding the subject application:

1) The Department classifies discharges from marine outfalls serving a private single or two-family residence on an individual lot as a Private Residence Marine Outfall (PRMO). For PRMOs, the application must demonstrate that disinfection is attained at the point of discharge. Disinfection levels are identified in 18 AAC 72.990(21). Test results from recognized international testing organizations, third party testing, peer-reviewed documents, or field results submitted to the Department are suitable for demonstrating performance if the test conditions are applicable to the proposed site conditions. Additionally, performance data supplied by the manufacturer may be considered on a case-by-case basis if the data can be certified by a licensed professional engineer. The design engineer of record must certify the design fecal coliform value and compliance with the disinfection levels in 18 AAC 72.990(21) before discharge.

2) The engineering plans appear to lack a provision for the sampling of effluent before the effluent mixes with the receiving waters [18 AAC 72.275(8)].

Please file a revised application to address the above concerns. Please ensure that the next submittal is complete and can stand alone as the basis for my review under 18 AAC 72.220. The department appreciates your understanding that piecemeal submittals are inefficient and ineffective for reviewing, managing, and communicating the plans and specifications.

Thank you for the opportunity to be of service.

Sincerely,

...Rob

Robert E. Kimble, M.Eng.

Engineering Associate I

Department of Environmental Conservation

Division of Water

Wastewater Engineering Support and Plan Review Section

410 Willoughby Avenue

Juneau, AK 99803

rob.kimble@alaska.gov <email>

(907) 465-5167 <office>

(907) 465-5097 <fax>

Debbie White <debbie@isellalaska.com> Tue, Jun 16, 2015 at 12:16 PM
Cc: Gary Hayden <akea2@me.com>

Gary -

Is there anything further you need from me, or are you working on this?

Debbie White, Broker/Owner
Prudential Southeast Alaska Real Estate
8585 Old Dairy Road #102
Juneau, AK 99801

907-789-5533 Office
907-789-5504 Fax
907-723-9886 Direct/Cell
[Quoted text hidden]

Gary Hayden <akea2@me.com> Wed, Jun 17, 2015 at 3:49 PM
To: Debbie White <debbie@isellalaska.com>

Debbie -- attached is a formal Status Of Design for your wastewater system. After reading the letter feel free to give me a call and we can discuss any points.
Gary

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>
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>
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(907) 465-5097 <fax>

EA² ***ENGINEERING ANALYSIS — APPLICATIONS***
Gary Hayden, P.E. P.O. Box 210076 Auke Bay, Alaska 99821
USA: (907) 789-7293 akea2@mac.com
AK mobile: (907) 209-6466 Skype ID: haydenak

White Design Status.pdf
105K

Debbie White <debbie@isellalaska.com> Wed, Jun 17, 2015 at 5:13 PM
To: Gary Hayden <akea2@me.com>

http://dec.alaska.gov/water/wwdp/onsite/pdf/2015AprilOnsiteWastewaterSystemInstallationManualPublicNotice.pdf

Debbie White, Broker/Owner
Prudential Southeast Alaska Real Estate
8585 Old Dairy Road #102
Juneau, AK 99801

907-789-5533 Office
907-789-5504 Fax
907-723-9886 Direct/Cell

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EA² ***ENGINEERING ANALYSIS — APPLICATIONS***
Gary Hayden, P.E. P.O. Box 210076 Auke Bay, Alaska 99821
USA: (907) 789-7293 akea2@mac.com
AK mobile: (907) 209-6466 Skype ID: haydenak

Debbie White <debbie@isellalaska.com> Wed, Jun 17, 2015 at 5:23 PM
To: "Rep. Cathy Munoz" <Rep.Cathy.Munoz@akleg.gov>, Chris White <chris@semicro.com>

I need to talk to you. These new regulations are insane. In addition, the proposed changes have not been adopted, yet it appears they are being enforced.

This could have serious repercussions, not only affecting new construction, but potentially all resale of homes outside the "flush and forget" which may be subject to a lender requiring everything be brought up to date. Oh, and on top of that, this apparently gives them the ability to change to regulations at any time!

I need help, and quickly.

Debbie White, Broker/Owner
Prudential Southeast Alaska Real Estate
8585 Old Dairy Road #102
Juneau, AK 99801

907-789-5533 Office
907-789-5504 Fax
907-723-9886 Direct/Cell

[Quoted text hidden]

City & Borough of Juneau
Alaska's Capital City

BUILDING PERMIT

Permit No.
BLD20150243

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

Your special attention is called to the following:

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

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

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

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

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

Inspections

Inspections can be arranged by telephoning **586-1703** or by written or faxed notification.
The Online Building Inspection Request Form is at: **www.juneau.org/permits/inspect_request.php.**
Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required.
Call before 7:00 AM for same day inspections.
Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: **2130 FRITZ COVE RD**
Permit Number: **BLD20150243**
Project Description: New single family residence

Issued Date : **06/01/2015**
Parcel No: **4B1801010103**

Parcel Information : AUKLET LT 2

Setbacks: Zone: D1: Flood Elevation: 22.00 Firm Zone: V
Front: 25.00 Ft. E Side 1: 12.00 Ft. N
Rear: 25.00 Ft. W Side 2: 12.00 Ft. S
Street Side: 17.00 Ft.
Comments: Due to a substandard lot width, the side yard setbacks have been reduced from 15 feet to 12 feet. - ANE 6/1/2015

Owner :
CHRISTOHER WHITE
DEBBIE WHITE
PO BOX 210851
AUKE BAY AK 99821

Applicant :
DEBBIE A WHITE
PO BOX 210133
AUKE BAY AK 99821

Fee Type	Date	Receipt	Amount Paid
BLD- Bldg Permit Fee	05/15/2015	06609	$1,548.24
BLD- Res Plan Review	05/15/2015	06609	$774.12
		Total Fees Paid:	$2,322.36

Valuation for Permit Fee Calculations:

S.F.	Type	Rate	Amount
1,415	Residential-Single Family R	116.96	165,498.40
1,193	Utl & Misc-Private Garage	63.64	75,922.52
300	Utl & Misc-Decks	9.91	2,973.00
		Total Valuation:	$244,393.92

Project Conditions and Holds:

Approved Fasteners - Fasteners hangars and brackets used on the exterior of the building and or used with pressure-preservative or fire retardant-treated woods shall be listed and approved products for such use.

Approved Plans On Site - CBJ approved plans must be on site and available to the inspector. Inspections will not be performed and additional fees may apply if approved plans are not available to the inspectors.

Steam & Hot Water Boilers - All steam & hot water boilers SHALL be protected with a low-water cutoff control per 2006 IMC section 1007.1 and 2006 IRC section M2002.5.

EGRESS WINDOWS - Verify egress windows.

WATER FIXTURE COUNT - Minimum 1 1/2" Street Service and 1 1/2" Building Supply and branches for up to 113 fixture units. 1 1/4"=54wfu, 1"=26wfu, 3/4"=10wfu, 1/2"=3wfu

Ice Shield Required - Residential - Ice Shield Underlayment required for residential roofs. Call for inspection of Ice Shield Underlayment installation. Alternately a licensed contractor or owner-builder may provide written confirmation stating Ice Shield Underlayment installation has been installed in accordance with section 905.2.7.1 of the 2006 IRC as modified by CBJ Title 19.

Shower Anti-scald Valve - All shower valves and combination tub/shower valves shall provide scauld and thermal shock protection by means of an approved valve that conforms to ASSE 1016 or ASME A112.18.1 / CSA B125.1. The maximum water temperature supplied to these fixtures shall be 120 degrees farenheit per 2009 UPC section 418.

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

Seismic Strap Water Heater - Residential - Residential water heaters shall be strapped within the upper 1/3 of its vertical dimension per 2009 UPC section 508.2.

Smoke and CO Detectors - Smoke and Carbon Monoxide detectors as required by applicable code must be operational prior to temporary occupancy and/ or final inspection approval, whichever is requested first.

Residential Stairways - NEW STAIRS requirements per 2006 IRC - see CBJ Handout. Rise not over 7-3/4". Tread run minimum 10" nose to nose with a projecting nosing of between 3/4" and 1-1/4". Nosing required for solid risers except no nosing is required if treads are minimum 11" nose to nose. Open risers cannot have openings a 4" sphere could pass through when the total stair rise exceeds 30" .

STAMPED TRUSS DRAWINGS - Provide stamped truss detail at site.

UFER Ground - An approved UFER ground conductor must be installed and inspected per 2011 NEC article 250.52(A)(3).

Meter Yoke Installation - Meter yoke installation must be in accordance with CBJ Standard 420 prior to issuance of TCO.

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

B-Sill Plate	B-Setback Verification	B-Foundation, Forms and Reinforcing Steel
B-Temporary Power	B-Framing	B-Rough Electrical
B-Yellow Tag Electrical	B-Under Slab Utilities	B-Rough Plumbing
B-Appliance/Chimney	B-Insulation/Vapor Barrier	B-Oil & Gas Piping/Tanks
B-Vents (Bath, Dryer, Kitchen, etc.)	B-Smoke /Carbon Monoxide Detectors	B-Cross Connection Control
B-Building Final	E-Grading/Drainage	E-General Engineering Final

Juneau Permit Center

Foundation Setback Verification

Permit Number:	BLD20150243
Project Address:	2130 FRITZ COVE RD
Assessor's Parcel No:	4B1801010103
Applicant's Name:	DEBBIE A WHITE

Zoning Setbacks Required for Finished Building: Planner: ANE

Front: 25.00 E | Side1 : 12.00 N | Date: 6/1/2015
Rear : 25.00 W | Side2 : 12.00 S
Street Side: 17.00

Comments: Due to a substandard lot width, the side yard setbacks have been reduced from 15 feet to 12 feet. - ANE 6/1/2015

In accordance with CBJ 19.01.109.6.2.1, building setback lines are to be verified before inspectors can approve forms for concrete pour or placement of other foundation systems. Setbacks are measured from exterior finish materials of closest building component to property line.

Notice: *DO NOT POUR CONCRETE OR PLACE OTHER FOUNDATION SYSTEMS*

UNTIL INSPECTOR APPROVES SETBACKS BY ONE OF THE FOLLOWING CHECKED OPTIONS:

☐ **A. Surveyor's monument(s)** / string line clearly visible at the site. If the foundation and all other building elements are clearly behind the setback line, the inspector may approve the setbacks outright or at owner/contractor's risk. If there is any question, the inspector may require that no pour or foundation placement be permitted without one of the following methods of verification. (Also see "Note" below.) **OR**

☐ **B. Surveyor's Statement of Setback Compliance.** (Surveyor must sign and stamp the bottom portion of this form). No pour or foundation placement is allowed until the statement is received by CBJ, regardless of risk assumed by owner or contractor. Upon receipt of statement, pour or foundation placement may be approved outright or at owner/contractor risk. (See "Note" below.) **OR**

☐ **C. Stamped Surveyor's As-built Survey of Adjacent Building or Structure** if setback can be verified measuring from adjacent structure. (See "Note" below. May only be used when structure is parallel with property line.) **OR**

☐ **D. Stamped Surveyor's As-built Survey of Foundation** or Formwork indicating setbacks, easments and other relevant information. (See "Note" below.) **OR**

☐ **E. Other** _____

INSPECTOR'S APPROVAL & COMMENTS:	
_____	_____ Inspector's Initials
_____	_____ Date
_____	

Note: An as-built survey may still be required prior to issuance of a Certificate of Occupancy if setbacks are close enough to the building to make setback verification questionable. Example: Where the structure is less than 3' to the setback line on steep slopes or forested terrain. The purpose of the monuments and string line, surveyor's statement or foundation as-built is to give the inspector the information necessary to allow a pour or placement based on a surveyor's work, as required by CBJ ordinance and not to cause scheduling delays for the contractor. In some situations, a final as-built may be required before frame or final approval where the distance to the setback line of some element of the structure must be more exactly determined. Inspectors may require this additional as-built based on their observations in the field.

SURVEYOR'S STATEMENT OF SETBACK COMPLIANCE

I hereby certify that I am a surveyor registered to practice in the State of Alaska, and that on _____, I personally verified that the forms or foundation systems on site at: _____, Permit No: _____ are placed so that the finished building, if built to the plans as approved by CBJ, will meet the required setbacks shown above. I have reviewed the plans and zoning requirements as approved by CBJ and have accounted for all exterior finish materials, decks, cantilevers and/or other proposed building projections on the approved plans. To the best of my ability, I staked the property so that the contractor can meet all CBJ zoning requirements per CBJ Titles 19 and 49.

I heretofore affix my professional stamp, this date of _____.

Surveyor's Signed Seal Required

Attachment A

Variance Procedure

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Why do I need a Variance?

Zoning regulations are intended to preserve and protect property uses and values, and to promote health and general welfare.

The Planning Commission, acting as the Board of Adjustment, may grant a variance to dimensional or design standards.

What can I get a Variance for?

The Land Use Code provides minimum standards for each zoning district. Lot width and depth, building setbacks, building height may receive a Variance. Other standards qualify for Variances. Speak to CDD staff if your proposal is not addressed here.

What is the Variance Process?

- Permit application, www.juneau.org/cddftp/landpermit.php
- Narrative – Describe how the proposal meets the criteria outlined in CBJ 49.20.200.
- Site plan – Show existing and proposed: buildings, lighting, vegetation, and use of land. Show parking and traffic circulation.
- Fees –$400
- Review – CBJ staff and other external agencies will review the proposed project.
- Staff report – The Planner assigned to your specific project will review the application for consistency with land use codes and applicable plans. Staff will then make a recommendation to the Board of Adjustment.
- Public Notice – Notice of all hearings will be sent by mail to all property owners within 500 feet of the proposed project. Notice will also be placed in the newspaper.
- Public Hearing – The hearings are open to the public and give the public a chance to testify or comment to the Board of Adjustment on specific projects.
- Notice of Decision (NOD) – Is issued once the Board of Adjustment reaches a decision on the proposed project.
- Appeal Period – Within 20 days of a decision the decision may be appealed to the Assembly. Any work done within the 20 days after a decision is done at the applicant's own risk.
- Expiration – Variances do have an expiration date. The Variance permit will become void 18 months after its effective date if no associated permits have been issued, or if no substantial progress has been made on the project.

Note: This handout does not replace the code sections and requirements as outlined in CBJ 49.20.200 of the Land Use Code.

What criteria does the Board of Adjustment use in reviewing a Variance application?

- Are there any alternatives to the proposal that could more closely meet the standard?
- What is the effect on public safety and welfare?
- Will there be injury to neighboring properties?
- Are you asking to authorize a use that is not allowed?
- Would a denial severely limit the property's use?
- Would complying with the standard be too burdensome?
- Will the project result in an overall decrease in compliance with the Land Use Code?
- Will there be more benefits than detriments to the neighborhood as a result of a granted Variance?

What should the project narrative include?

- Why the Variance is the most feasible option in order to develop the land.
- Why meeting the standard is not possible for the proposed use.
- Habitat – Development shall minimize environmental impacts near eagle's nests, wetlands, and inter-tidal areas.
- Sound – Conditions may be imposed to noise produced from a development or project.
- Screening – Fencing, planting, or screening the development from public view may be required.
- Lot size and development size
- Drainage – Project proposals to improve on and off-site drainage.
- Other issues – The Board may review and condition when reasonably necessary to protect public health, safety, and welfare.

Please contact the Permit Center with any questions or to schedule a Pre-Application Conference:

230 S. Franklin Street, 4th Floor – Marine View Building
Phone: (907) 586-0770 ▪ Fax: (907) 586-4925
Permits@juneau.org ▪ www.juneau.org

Monday through Friday (except Holidays) 8am to 4:30pm
Applications received: 8am to 4pm

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

EA² *ENGINEERING ANALYSIS --- APPLICATIONS*

Gary Hayden, P.E. P.O. Box 210076 Auke Bay, Alaska 99821

(907) 789-7293 akea2@me.com

August 10, 2015

Mr. Christoher & Mrs. Debbie White
PO Box 210851
Auke Bay, Alaska 99821

Electronic copy sent to Debbie@isellalaska.com

Subject: On-lot Wastewater System Upgrade
Status of design process

Dear Mr and Mrs White:

I have been working to provide a design of wastewater treatment and disposal system for three different properties which can be approved and permitted by ADEC. One of the systems was submitted to ADEC in January, another in March, and your initial design submission was in April 2015. The common item in each is the desire to install secondary treatment and dispose of the treated wastewater through a marine outfall line. This practice has been common in Juneau for many years and is one which is used by your neighbors.

After providing an initial design, ADEC responded by saying that the design had not adequately addressed water quality. This was a new and unexpected response from ADEC, one which I had never received in over twenty years of designing systems for homeowners. A revised design was sent back ADEC. They took a couple of months to respond. Their second response was sent to you on June 8, 2015. Each of the three clients received essentially the same comment which is as follows:

1) *The Department classifies discharges from marine outfalls serving a private single or two-family residence on an individual lot as a Private Residence Marine Outfall (PRMO). For PRMOs, the application must demonstrate that disinfection is attained at the point of discharge. Disinfection levels are identified in 18 AAC 72.990(21). Test results from recognized international testing organizations, third party testing, peer-reviewed documents, or field results submitted to the Department are suitable for demonstrating performance if the test conditions are applicable to the proposed site conditions. Additionally, performance data supplied by the manufacturer may be considered on a case-by-case basis if the data can be certified by a licensed professional engineer. The design engineer of record must certify the design fecal coliform value and compliance with the disinfection levels in 18 AAC 72.990(21) before discharge.*

Points that you may want to consider are:

1. The response is a major shift in ADEC policy. Each of you can look at your neighbors' wastewater systems, which ADEC has approved, and see that ADEC has suddenly

initiated a higher standard. Their latest response was sent after this "new policy" was discussed and approved by supervisors and has management concurrence.

2. They state that "application must demonstrate that disinfection is attained at the point of discharge..." On first read it appears that disinfection is required for the marine outfall discharge. However the referenced regulation (18 AAC 72.990(21)) is the definition of disinfection not a requirement for disinfection. Their regulations do no contain any provision that says disinfection is required for discharges from marine outfalls.
3. The ADEC response did not address the revised design concerning water quality. We do not know if the design was deficient or if, in fact, it meet state regulations.
4. The third point that ADEC requires in their e-mail is data on performance that disinfection equipment meets the definition of disinfection. The NSF standard #46 test disinfection units, and it appears to me that the NSF standard is consistent with the ADEC definition. The only units which have the NSF approval are tablet chlorinators. The NSF certification may or may not satisfy ADEC for performance data. Their acceptance of the NSF #36 certification is uncertain since this is the first time the demand has been made.
5. The final point in the ADEC e-mail pertains to professional engineer's "certification". The requirement is "...design engineer of record must certify the design fecal coliform value and compliance with the disinfection levels in 18 AAC 72.990(21) before discharge." This is not a normal regulatory requirement.

Since receiving the ADEC review comments you choose to change the method of disposal from marine outfall to subsurface disposal. The subsurface disposal field has to be a minimal of 100 feet from the ocean. Your design was revised on July 5, and approved by ADEC on July 6, 2015, the next day. The other two marine outfall disposal systems have still not been approved.

If you have any questions please let me know.

Sincerely,

electronic signature 8.10.15

Gary Hayden, PE

August 10, 2015

To Whom It May Concern:

I have been doing the site preparation for Christopher and Debbie White on their lot on Fritz Cove Road.

Due to the new DEC requirements, the septic system had to be installed where you see it now.

There is a lot of bedrock on this property which further limited our possible site locations.

Mr. and Mrs. White really wanted to build their home closer to the water, but it just wasn't possible.

Kurt Tveten

209-8078

8-10-15

VRB CONSTRUCTION, LLC
P.O. BOX 34441, JUNEAU, AK 99803
Ph: (907) 723-0141 Fax: (907) 463-3266
Email: vrbconstruction@yahoo.com
Owner: Victor Banaszak

August 6, 2015

To Whom It May Concern:

This letter is in support of the Variance Application 2015-0027 for Christopher and Debbie White.

This lot has an unusual shape, and drops sharply off on the water side. Adding to the challenge is a number of bedrock outcroppings that severely limit the location of the house and the septic system. They are interspersed throughout the entire width of the lot.

We were limited on where we could locate the septic system including having to maintain the minimum 100' clearance to the mean high tide water line. On the engineer's drawing, he measured 100' based upon the middle of the lot's property center line instead of the closest water line. In addition, an outcropping of bedrock was right where the engineer drew the leach field. If it were placed there it would not function properly as designed.

In addition, pushing the driveway forward would exponentially increase the amount of rock and fill required, and would make the access to the beach a near vertical drop off.

There is a large right of way off of Fritz Cove Road shown on the plat as 33 feet. The house pad is currently located 60' from the front property line and approximately 90' from the edge of the pavement. This provides ample parking and gives a significant buffer to the road, well exceeding the average setback on Fritz Cove Road.

During the planning process, I've driven Fritz Cove Road dozens of times. On Fritz Cove Road, many of the buildings I drive past are closer to the road than what we've shown are the only options to build on this property.

Due to the above issues I believe it is unreasonable to expect the Whites to build so far forward. It has proven nearly impossible with the lot topography and bedrock issues. It would require an enormous amount of money and effort on site preparation for which to build this small house as well as being inconsistent with the position of many neighboring homes on their respective lots.

I request that you take these issues into consideration and grant this variance.

Respectfully,

Victor Banaszak

VRB Construction - Owner

PLANNING COMMISSION REGULAR MEETING

Assembly Chambers

Materials for VAR2010 0005:

Reconsideration of a variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as requirement by Section CBJ49.25.400 Table of Dimensional Standards.

---

1. E-mail from Tony Yorba, received Tuesday, July 27, 2010 5:21PM.

2. Section of *DRAFT* Minutes (pages 10-26) from the July 27, 2010 Planning Commission Meeting regarding VAR2010 0005.

3. Staff Report, dated July 22, 2010, from Daniel Sexton, Community Development Planner to the CBJ Planning Commission regarding VAR2010 0005.

Tony Yorba

From: Tony Yorba
Sent: Tuesday, July 27, 2010 5:21 PM
To: 'April Smith'

Lot size variance

Variance requirements comments:

1. We concur with the positive staff assessment and the recommended condition.

2. "that relief can be granted in such a fashion that the intent of this title can be observed and the public safety an welfare can be preserved." CBJ 49.05.100 *Purpose and Intent* is sited in staff's report. The proposed variance is in keeping with intent of the Land Use Code and current land use pattern in the neighborhood:

   a. Historically denser land use occurs at waterfront, with low density further inland from water. This land use patter is consistent with the existing neighborhood and appears to be consistent with item (2) of the *Purpose and Intent* section noted by staff.
   b. Setbacks can be observed and the property developed with no impact on existing viewshed. The Borough gains additional property tax revenue, which is certainly a positive effect of growth, and since the property can be developed virtually un noticed by adjacent lots, negative impacts would certainly be minimal. That would appear to be in compliance with item (3) of the *Purpose and Intent* language.
   c. Property originally developed with a lot split in mind. Granting of variance is in keeping with original use of property. Sewer and sewer outfall is already permitted. The site is already served with all other utilities and services. This would appear to be in compliance with item (4) of the the *Purpose and Intent* language.

   Based on items a, b and c above, we believe that Variance item 2 is met.

3. We concur with the positive staff assessment.
4. We concur with the positive staff assessment.

5.(A): We believe the denial of the variance unreasonably prevents the Owner from using the property for a permissible principle use. Staff points out that the single family home on the existing property can already be used for a duplex, and apartment or a 1,000 sf bungalow. Therefore, the question should not be framed as whether additional dwelling units on the property are acceptable or in compliance with neighborhood standards- allowance of these other dwelling types clearly indicates that additional dwelling units are a good thing. The question should therefore be: what is the best use of a valuable, unique piece of waterfront property. We would argue that a home appropriate to the size of the lot, it's value and the waterfront view would be more in keeping with the neighborhood than an apartment or a duplex, and bring greater value to the borough. We believe that the proposed variance meets this sub-criterion.

5.(B): The proposed variance would lead to a lot split that would allow development of a waterfront residence, typically on the higher end of amenities and appearance along Juneau waterfront. Denial would lead to lesser valued development, which we do not believe would be in keeping with existing development in the neighborhood. We believe that the proposed variance meets this sub-criterion.

5.(C): We concur that this criterion has little bearing on the variance request

5.(D): We concur that this criterion has little bearing on the variance request

6. We believe that granting the variance results in more benefits than detriments. If granted, Lot 2 would be created- an additional high value property available for development in an area already in the Juneau service area. A high value, owner occupied dwelling will almost certainly be built in the waterfront area of the property. The proposed lot, while slightly smaller than the minimum allowable under the regulations, features a

very long water frontage- over 140 feet. From the waterfront, the existing visual spacing and pattern of homes would be maintained. As mentioned previously, no viewshed or other impacts will be felt by neighboring property. Instead, the likely result would be an increase in the value of neighboring properties.
If the variance is denied, likely result will be a duplex, apartment or a sub-sized bungalow all occupied by renters. If this neighborhood is like virtually any other in Juneau, residents would prefer an owner occupied dwelling to a rental. We believe that granting the variance results in more benefits than detriments

Based on the above, we believe the variance should be allowed.

Chair Gladziszewski adjourned the PC, and convened the Board of Adjustment.

X. BOARD OF ADJUSTMENT

VAR2010 0005
A variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as required by Section CBJ 49.25.400 Table of Dimensional Standards.
Applicant: April Smith
Location: 2160 Fritz Cove Rd.

&

VAR2010 0023
A variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ 49.25.400 Table of Dimensional Standards.
Applicant: April Smith
Location: 2160 Fritz Cove Rd.

Staff report
Daniel Sexton requested to report on both related cases, VAR2010 0005 & VAR2010 0023, noting that if the first happens to be denied then the second would be a mute issue. Chair Gladziszewski agreed, noting that the Board of Adjustment would take separate action on them following this report.

Mr. Sexton said VAR2010 0005 is a request is to allow a parcel to be subdivided into two parcels; both of the created parcels would be in two equal halves with each being 34,251 square feet, which does not meet the minimum lot size in the D-1 zoning district of 36,000 square feet, as requested by the applicant. The lot the applicant currently resides at is located at 2160 Fritz Cove Road. The property is developed with a single-family dwelling that was initially constructed in 1966. In 2008, the applicant underwent the process to accrete uplifted tidelands from the State of Alaska, which was for 8,523 square feet (.20 acres) gained to the upland property. In early 2010, he said the applicant inquired of the Community Development Department (CDD) her options and possibilities to subdivide or further develop the property. He said staff informed the applicant that there would be some restrictions and limitations due to the existing property dimensions, and lot size, including the City utility services provided on-site, as the property does not have public sewer. He said these limiting factors have to be taken into consideration while determining options available for the applicant to further develop the property, as well as how it is able to be laid out. He said the applicant took this information, and then presented it back to the CDD with an application, which is before the Board of Adjustment. He said staff mentions in the report that this request is a variance to density, however, in accordance with the Land Use Code a variance to density cannot be heard by the Board of Adjustment. He said while staff was reviewing this, including having discussions with the applicant, which was when they proposed to limit the number of dwelling units for both lots to one single-family dwelling, and that no special density considerations such as accessory apartments, or anything of that nature would be allowed to be developed on-site. He explained that this is barring any changes to the Land Use Code, or further accretions that might happen in

the future, which could allow for additional development, but at this time this is what the applicant is proposing. He said staff is recommending that the Board of Adjustment adopt staff's recommendation for denial of VAR2010 0005 because certain criteria are not met, and therefore he would speak to those findings:

"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."

He said this is not a variance to density, and instead, they are looking at it terms of intensity. He said the applicant in a general sense is seeking a special intensity consideration specific to the property, so they are proposing to limit the dwelling units on-site, and as an offset would have smaller lot sizes. Through the process, staff identified various alternatives within the perimeters of the Land Use code that are available to the applicant. He said this includes the development of an accessory apartment through the Conditional Use permit (CUP) process, or a duplex through the Building permit process. In the future, the State could accrete additional lands, although that is an unknown as far as how long such a process might take, as some properties are uplifting faster than others. He noted that an aspect not specifically addressed in the alternatives section of the report is the discussion regarding the utilization of bungalow housing to develop a smaller lot, and then going through the variance process in terms of not being required to have public sewer. After reviewing all of these alternatives, he said the applicant identified that these do not really fit according to their family lifestyle in terms of the size of home they envision living in, and therefore the applicant re-submitted the same application. He provided an aerial photograph of the subject property, stating that many surrounding properties in the area were developed prior to modern zoning, which consists of unusual and various sized lots. He said some parcels meet the minimum dimensions, and others do not meet the minimum lot size. Further, there are a number of properties that do not actually have frontage, which are accessed through easements in various methods. In regards to Finding 2, based on the fact that there were additional alternatives presented that fit within the Land Use Code, staff recommended no, as Finding 2 criterion is not met.

"5. That compliance with the existing standards would:

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

He said the property is already developed with a single-family dwelling, which is a permissible use. He said staff identified various alternatives for the property as stated before, which could be permitted through other processes within the Land Use Code without a variance, and therefore staff recommended no, as Finding 5(A) sub-criterion is not met.

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

He referred to an aerial photograph, stating that the property is in the D-1 zoning district, whereby he showed another slide regarding various breakups of adjacent properties. He noted that there are a broad array of many sizes and shapes of lots with various and unique situations. He explained that what he attempted to represent in the report is that the applicant identified in the application that there are a variety of different lot sizes. He said staff conducted further evaluation of who owned which lots, how they were subdivided, and how they were created. He said staff later broke this out by the percentage of lots in comparison to the minimum lot size requirement of 36,000 square feet, and found that a large percentage

of those other properties meet or exceed this requirement. He noted that those properties identified that do not meet the minimum lot size were created prior modern zoning, thus are grandfathered. However, while staff viewed how the development of the surrounding area has taken place, it is predominately with single-family dwellings, but a majority of the residents have accessory apartments, or they were developed as duplexes because certain lot sizes exceed the minimum requirement, and therefore they did not have to undergo the accessory apartment process. In this case, he said there are other options within the Land Use Code. Based on existing development, he explained that if the applicant went through those processes it would be more consistent with the method in which the adjacent properties were developed, and therfore staff recommended no, as Finding 5(A) sub-criterion is not met.

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

He said the uplands portion of the property is fairly flat, and it gradually slopes down to the waterline. He said the site does not have any wetlands, steep topography, or any other type of unique physical feature that would comply with this criterion, so staff recommended no, as Finding 5(C) sub-criterion is not met.

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

He said there are no preexisting nonconformities on the property, so staff recommended no, as Finding 5(D) sub-criterion is not met.

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

He said it is somewhat of a "gray area," as they are looking at creating an additional lot, which has the potential of being owner occupied, and it would be another property on the tax roll with a single-family dwelling, although there is no guarantee because the other unit might be rented and they do not have any regulation of that. When it came down to it, he explained that this ended up being more or less a "wash," including considering the fact that the applicant is also requesting a Variance to minimum lot width, so these are two factors that the applicant is requesting to deviate from the Land Use Code in order to allow this development to happen, so based on these facts staff recommended no, as Finding 6 criterion is not met.

He said staff recommended that the Board of Adjustment deny VAR2010 0005. However, should they approve this Variance depending on findings or discussions that might happen at this meeting, staff recommends adding a condition regarding the plat note and limiting the number dwelling units per lot. He showed photographs of the property, stating that it is a less dense type of development envisioned in the D-1 zoning district, noting that with both Variance requests they begin to quickly deviate from this. He stated that, e.g., in the mind set of an adjacent property owner, granted they might already have a lot that is sub-standard, but they might already have the expectation of a certain scale of development on this subject property. However, by reviewing these two Variance requests to create two sub-standard lots, they would be deviating from that and would not be adhering with the intent for the D-1 zoning district.

Mr. Rue stated that if the lot was retained as is, the applicant per the Land Use Code could have a duplex, a single-family home, or an accessory apartment, with the possibility of applying for a

bungalow lot. Mr. Sexton said yes, explaining that they would still have to obtain a variance for bungalow housing. Mr. Rue stated that assuming the PC a future variance request for a bungalow lot then the applicant could reasonably end up with a duplex and a bungalow dwelling, or potentially a single-family dwelling or an apartment and a bungalow dwelling, although with no guarantees at this point. Mr. Sexton said yes.

Mr. Rue noted that the applicant said they checked the CBJ Assessor's database and found 158 parcels with residences on Fritz Cove Road, and of those 102 parcels have residences, and some have multiple residences, which are less than 34,250 square feet. Mr. Sexton said when he started reviewing the properties in the Fritz Cove area is when he found that there are varying ownerships. He noted that there are landowners who own multiple lots where some were property subdivided. Another issue he ran into is that portions of this area are in the transition zone, so depending upon when public sewer ends up being installed in this area the subject property could be rezoned to that transition zone as well because the City setup it up already to go to a higher density zoning at that time. Mr. Rue asked if public sewer has already been scheduled by the City to be installed. Mr. Sexton said no, whereby he suggested that the Board of Adjustment keep in mind that one aspect mentioned in the report is that they did have concerns regarding the development of the on-lot wastewater disposal system, noting that the applicant hired an engineer from EA^2, and they did undergo a process to establish that it could be developed, and then obtained a permit from the Alaska Department of Environmental Conservation.

Chair Gladziszewski stated the applicant is requesting two Variances for the lot size and lot dimension, and asked if they are also required to obtain a variance to the setback because the existing single-family dwelling on the property appears to have been placed in the middle of the parcel in the aerial photograph. Mr. Sexton explained that the existing property lines set up for the current dwelling meet the setback requirements, which includes the carport and garage. However, adhering to the required setbacks within the property lines if it is subdivided might pose the property owner challenges and limitations on Lot 2 for developing a new single-family dwelling because the next discussion on the other related Variance, VAR2010 0023, identifies that the width cannot exceed 83', so they would be shrinking down in size for Lot 2. Chair Gladziszewski asked what the side yard setback is in the D-1 zoning district. Mr. Sexton said it is 15'. Chair Gladziszewski commented that the new residence could not exceed being wider than 53'.

He explained that related Variance, VAR2010 0023, is for the same parcel. The applicant requested this Variance to subdivide the parcel into two lots; both would not meet the minimum lot width requirement of 150' per CBJ 49.25.400 *Table of Dimensional Standards*. He said both of the new parcels would not meet the minimum lot width requirement of 150', and the proposed lot widths for the two parcels would be 148.58' for Lot 1, and 86.75' for most of the lot, and then after the bend at the western boundary it increases to 113.33' for Lot 2.

In terms of the findings, he would discuss the conclusions on the criteria by staff, noting that much of the same discussion came up regarding the other related VAR2010 0005 that he previously addressed:

"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."

He said the relaxation applied for would create two saleable lots whether the applicant retains ownership or not, as staff or the Board of Adjustment does not have control over this. In viewing other properties in the area, he was not able to locate any previous variances for the creation of sub-standard lots of this nature. Therefore, to be consistent with justice to other property owners staff recommended no, as Finding 1 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."

He noted that with smaller properties a reduced lot width provides greater potential for the landowner to have to apply for additional variances to setbacks so they are able develop properties to the fullest extend, and the neighbors generally do not expect that, which does not adhere to the intent of the Land Use Code in the D-1 zoning district. He said the applicant has other alternatives for the development of the property, and therefore staff recommended no, as Finding 2 criterion is not met.

"3. & 4.

He said staff recommended yes, as Findings 3 & 4 criteria are met.

"5. That compliance with the existing standards would:

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

He said the property is already developed with a single-family dwelling, and there are alternatives for the property without having to go through this Variance process, and therefore based on this staff recommended no, as Finding 5(A) sub-criterion is not met.

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

He said the majority of the surrounding properties meet or exceed the minimum lot width, and those that do not were created prior to modern zoning, and therefore staff recommended no, as Finding 5(B) sub-criterion is not met.

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

He said the property isn't necessarily steep that negates or restricts how they setup the property line. He noted that the location of this property is basically to make the minimum lot sizes equal for the other Variance application, VAR2010 0005. He stated that staff recommended no, as Finding 5(C) sub-criterion is not met.

"(D) Because of preexisting nonconforming conditions on the subject parcel the grant of 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."

He said there are no preexisting nonconforming situations on the property so staff recommended no, as Finding 5(D) sub-criterion is not met.

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

He said the applicant wants to create two sub-standard lots in a neighborhood that is proliferated with them, but most were created prior to modern zoning. He stated that based

on what is being proposed and the detriments, and therefore staff recommended no because there are no significant benefits, as Finding 6 criterion is not met.

Mr. Rue commented that the flipside of not creating two sub-standard lots is that they would be forcing the applicant to have an above-standard lot of about 68,503 square feet, but the minimum lot size is 36,000.

Public testimony

Tony Yorba, 9340 North Douglas Hwy., representing the applicant. Mr. Yorba provided two handouts regarding the applicant's response to staff's findings for the two related Variances, VAR2010 0005 & VAR2010 00023. He said it is somewhat of a nuance, as many of the same issue occur in both Variance applications. He stated that he would start by addressing the applicants response to the findings regarding lot size Variance, VAR2010 0005, as follows:

1. He said the applicant concurs with the positive staff assessment and recommended conditions.
2. He said this finding was based on the *Purpose and Intent* language in Title 49 regarding the current land use pattern in the neighborhood:
    a. He stated that historically denser land use occurs at the waterfront, with low density further inland from the water, noting that this is prevalent at Fritz Cove. This land pattern is consistent with the existing neighborhood, and appears also to be consistent with item (2) of the *Purpose and Intent* language, which was noted by staff.
    b. He said setbacks could be readily observed on the developed property, with no impact on the existing viewsheds of adjacent properties. He stated that the CBJ would gain additional property tax revenue, which is certainly a positive effect of growth, and since the property could be developed virtually unnoticed by adjacent lots any negative impacts would be minimal. Therefore, it appears to be in compliance with item (3) of the *Purpose and Intent* language, i.e., there are benefits without an appreciable downside.
    c. He said the property was originally developed with a lot split in mind, so granting of the Variance is in keeping with the original use and intention of the property. He said it has been noted by staff that the sewer and outfall has already been permitted on-site, including being serviced with all other utilities, and therefore appears to be in full compliance with item (4) of the *Purpose and Intent* language.

    He said based on items a, b, and c, the applicant believes Variance item 2 is met.
3. & 4.

    He said the applicant concurs with these positive assessments by staff.
5. He stated that this item is divided into 4 sub-sections, and the applicant's response to them is by stating:

    (A) That a denial of the Variance would unreasonably prevent the owner from using the property for its permissible principle use, which is key. He said staff points out that the single-family dwelling on the existing property could already be used for a duplex, an accessory apartment, or a 1,000 square foot bungalow dwelling, or any combination of those with additional permit approvals. Therefore, the applicant believes that the question should not be framed as to whether additional dwelling units on the property are acceptable, or whether they are in compliance with neighborhood standards, as they are already found in this neighborhood, and therefore apparently these are acceptable. He said the question should instead be directed to what is the best use of this valuable and unique piece of waterfront property, whereby

the applicant states that a home should be appropriate in regards to the size of the lot, i.e., they are arguing over a few thousand square feet, but it is still a very large and valuable piece of waterfront property. He said allowing the property to be developed as a single-family dwelling is much more in keeping with the neighborhood, versus an apartment or a duplex. He said the applicant believes the proposed Variance meets this sub-criterion.

(B) The applicant believes that the proposed Variance would lead to a lot split that would allow development of a waterfront residence, typically on the higher end of amenities and appearance along Juneau waterfront. He said denial would lead to lesser-valued development, which the applicant does not believe would be in keeping with existing development in the neighborhood. The applicant believes that the proposed Variance meets this sub-criterion.

(C) & (D)
The applicant concurs that these sub-criteria have little bearing on the Variance request.

6. He said the applicant believes that granting the Variance would result in more benefits than detriments. He noted if the Variance is granted, Lot 2 would be created as an additional higher value property available for development in the Juneau service area. He said a high value and owner occupied dwelling would almost certainly be built in the waterfront area of the property. He explained that the proposed lot, while slightly smaller than the minimum allowed in the regulations features a long water frontage, which is over 140', and the existing visual spacing and pattern of homes would be maintained. He said no viewsheds or other impacts would be felt by neighboring property owners. Instead, the opposite result would be lesser-valued development alternatives such a duplex, an accessory apartment, or a sub-sized bungalow occupied by renters. He explained that this neighborhood is like any other in Juneau where the residents prefer an owner occupied dwelling, rather than a rental. He stated that even though there is no guarantee that this development would lead to an owner occupied property, the likelihood of an owner occupied high-end waterfront dwelling is much higher, versus if it was one of the alternative types of dwellings. He said the applicant believes that granting of the Variance results in more benefits than detriments, and therefore this criterion is met.

He said the applicant believes the Variance criteria are met and the VAR2010 0005 should be allowed.

Mr. Rue stated that Mr. Yorba said the proposed Lot 2 features over 140' of frontage. Mr. Yorba said this is an estimate because he did not have a Catalan, so he used the scale on the graph paper to measure the frontage. He explained that the intersection point of the new property line with the current waterfront to the southern most property line appears to be over 140' for Lot 2. Mr. Rue said it is difficult to determine the frontage of Lot 1. Mr. Yorba said he did not measure that lot.

Mr. Pernula said in Mr. Yorba's review of the six criteria, he mainly points out what the unique physical features are of the property that would justify the Variance, whereby he cited a portion of CBJ 49.20.250 Grounds for variances:

"(b) *Variances other than de minimis.* 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 this title, the board of adjustment may grant a variance in harmony with the general purpose and intent of this title."

He stated that the Board of Adjustment is looking for some sort of "...extraordinary situation or unique physical feature affecting only a specific parcel of property..." He said granting of the Variance does not set a precedent, although the Board of Adjustment has to be consistent in their application of them. He noted that if the Board of Adjustment does not have a specific feature that they could "put their finger on" to state, "This is really unique about this parcel of land," so if it leaves them with very few options, the Variance cannot be granted. For example, if another property owner had 20 acres in this same location, he asked Mr. Yorba what would stop them from using the applicant's same logic and coming up with 30 lots, and each might consist of 30,000 square feet, which would totally be getting around the Land Use Code. Therefore, he stressed that Mr. Yorba should specifically point out the unique situation so the Board of Adjustment is able to state that this applies only to this parcel of land, and he has not yet heard what that is. Mr. Yorba said that is fair point, stating that he somewhat addressed this in the applicant's response to the next VAR2010 0023, which he has not yet responded to. Even so, he suffices it by stating: 1) The parcel was originally developed with the idea of a lot split, which was before the modern zoning; 2) The site is an odd triangular shape, and it has a large amount of waterfront as compared to other lots in the area, so in order to achieve a lot split they are attempting to split a triangle, which is extremely difficult, and 3) The fact that it is a piece of waterfront property, after the lot split both would still be waterfront properties presenting their own unique challenges and opportunities. He noted that by virtue of the triangular shape of the property, it allows the development of a dwelling on the waterfront, and then they would be leaving 70% of the remaining lot basically untouched. Therefore, one of the conditions that he and the owner discussed and suggest at this time is not allowing other development of a duplex, an accessory apartment, or a bungalow dwelling on-site, and instead, allowing development on Lot 2 on only the waterfront half of the property in the high value area, and it leaves the vast majority of the remaining portion of Lot 2 basically untouched. He said this keeps the character of the D-1 neighborhood intact, as opposed to building a dwelling in the middle of it because there are other adjacent properties closer to the road that are very near to this one, so with staff also recommending a condition limiting development of it to specific types of different dwellings has made this even more difficult.

He continued by stated that regards to the lot dimension VAR2010 0023, the applicant responds to the criteria as follows:

1. He said granting the Variance gives relief to the owner, and is consistent with justice to other property owners. The current lot is virtually triangular in shape. The proposed lot split generates a roughly rectangular Lot 2, so given the original triangulated shape of the original lot, the new lot is narrower than normally allowed. This unique triangular shape of the existing lot is the reason for the Variance request for the dimensional standard. However, he said the new Lot 2 will almost certainly be developed with a waterfront dwelling unit, which would leave the existing pattern of well-spaced dwelling units intact, and one other dwelling within 120' of the building pad. It does not set a "difficult to administer" precedent, as a quick review of the surrounding lots on Fritz Cove Road reveals no other lots that possess the same geometry on a waterfront site, i.e. a large triangular lot. The combination of waterfront and this being a large triangular original lot are what generated a unique set of circumstances, which the applicant believes meet these criteria.
2. He said the *Purpose and Intent* language of the Land Use Code is cited in staff's report, and the proposed Variance is in keeping with the pattern in the neighborhood, as

described in the response to the lot size Variance request, VAR2010 0005. In addition, due to the depth of the proposed Lot 2, the intended development maintains the pleasant, rural character of the existing D-1 zoned neighborhood, and in no way appears to take on the visual or pattern characteristic of a denser development area. He said the applicant does not object to a special condition limiting dwelling construction in the waterfront half of the lot, which would ensure that the existing pattern and rural character of the neighborhood would be maintained. He said this reflects the unique circumstance of the lot width Variance circumstances, which does not set an unreasonable precedent. He said Variance item 2 criterion is met.

3. & 4.

The applicant concurs with these positive staff assessments.

5. (A) He said he addressed this fairly well already with the lot size Variance, VAR2010 0005. In addition, he wants to stress that the denial of the Variance unreasonably prevents the applicant from using the property for a permissible principle use. He said staff points out that the single-family dwelling on the existing property could already be used for a duplex, an accessory apartment, or a 1,000 square foot bungalow dwelling, but the question is whether this is the best use of a valuable and unique piece of waterfront property. The applicant believes that the proposed Variance meets this sub-criterion.

   (B) He said the proposed Variance would lead to a lot split that would allow development of a waterfront residence, typically on the higher end of amenities and appearance along Juneau waterfront. A denial would lead to lesser-valued development, which they do not believe would be in keeping with existing character of the neighborhood. The applicant believes that the proposed Variance meets this sub-criterion.

   (C) He said the response to this is the same as the lot size Variance, VAR2010 0005. The applicant believes that the proposed Variance meets this sub-criterion.

   (D) He said the applicant disagrees with staff's finding, and instead, believes the unique shape of the site and potential special condition limiting area of development create special findings that would limit applicability of this to other properties. The applicant believes that the proposed Variance meets this sub-criterion.

6. The applicant believes that granting of the Variance would result in more benefits than detriments, as described in the response on the lot size Variance, VAR2010 0005. The applicant believes that the proposed Variance meets this sub-criterion.

He offered to answer questions of the Board of Adjustment. Mr. Rue said Mr. Yorba stated that one condition they would recommend is allowing development in the waterfront half of the lot. Mr. Yorba stated that he walked the site a number of times, and if they were to draw a line down the middle of Lot 2 (approximately from where the existing dwelling is located on Lot 1), everything on the eastern side consists of a conventional land that has many trees with basically no view. However, the western side provides a stunning view and a great beach, which is immanently developable for a waterfront dwelling structure. Mr. Rue said he understands all that, but he just wants to know if Mr. Yorba "literally" meant "cutting it in half," or just approximately. Mr. Yorba said whatever language is okay, whereby he stating that "cutting it in half" is fine. Mr. Sexton said he "just ran the numbers" on the frontage, and if the Variance is approved Lot 1 would have 127' of waterfront, and Lot 2 would have 175'.

Chair Gladziszewski asked if there were any others who wished to testify on this matter, to which there were none.

Mr. Yorba offered to answer questions of the Board of Adjustment. Ms. Grewe referred to Mr. Pernula's previous comment about an extraordinary circumstance and unique features of the property, asking if Mr. Yorba's best argument is that it is a large triangular parcel, or if there is anything physical uniqueness such as a stream, or a large rock, etc. Mr. Yorba said the best argument for this site is that it was originally developed with the intention for a lot split, so if they were to take Lot 2 and split it north to south they would not be having this conversation, which is the issue because the method staff is recommending to split the property would be approaching the high-value waterfront, which makes the area unique. On the other hand, he finds this to be extraordinary given the high cost of waterfront properties in Juneau or any place else, including the desire that people have for waterfront property renders it unique. Ms. Grewe stated that he has put together some powerful issues for discussion, including articulating arguments, but Mr. Pernula's previous comment she referred to sticks in her mind, explaining that the Board of Adjustment must consistently apply the Land Use Code to cases. She asked how the Board of Adjustment knows that the original intent for the parcel was to eventually split it into two lots. Mr. Yorba said he can't speak for the dead, although he is a local architect and in his experience whenever he sees a double lot in town with a house built on half of it, with the other half undeveloped that generally means that they initially had a lot split in mind.

Public testimony was closed.

BREAK: 8:27 to 8:33 p.m.

Mr. Sexton clarified for Mr. Rue that if the applicant created a bungalow dwelling on Lot 1, they would not have an adequate lot size to build a duplex on Lot 2, and therefore they could not have both a duplex and a bungalow dwelling. Mr. Rue confirmed that this is true on this 68,503 square foot lot. Mr. Sexton said yes, as the minimum lot size for a duplex is 54,000 square feet. Mr. Rue said they would have 13,503 square feet remaining. Mr. Sexton said the minimum lot size for a bungalow lot is 18,000 square feet. Mr. Pernula commented, stating with that being the case they could also potentially construct a single-family dwelling with an accessory apartment, including a bungalow dwelling.

Board discussion

Mr. Rue said staff's findings are reasonable in terms of the criteria. However, they are awfully close to two lots that would fit the "Iowa cornfield minimum lot size of 36,000 square feet scenario," as it would only be 5% smaller. He said it is not like they are making a normal lot tiny, explaining that the applicant is just requesting for a small portion of the lot to "be shaved off" the standard. He said he does not believe that if the Board of Adjustment did so that it would make a huge difference, as the applicant already has the sewer and wastewater out-fall permit, which is important. He said there are arguments about the triangular shape of the lot, including the shoreline configuration, and the fact that the lot is so close to being easily sub-dividable. He said this makes him think that this is a unique and extraordinary enough situation to at least have a conversation about whether the Board of Adjustment is able to grant both Variances, but since there are only five commissioners in attendance, they are all going to have to be in favor of doing so.

Mr. Haight asked if is acceptable for the Board of Adjustment to simultaneously discuss both of the related Variance requests. Chair Gladziszewski said yes, and then following this the Board would take action on them separately.

Mr. Haight said he agrees with Mr. Rue that the fact of the matter is that the lot sizes are so close to being acceptable in this D-1 zoning district, although he is somewhat concerned regarding the width of them in terms of the waterfront and roadway frontages. He explained that Lot 1 almost meets the roadway frontage, but not on the waterfront frontage, and Lot 2 is the other way around, which he is having some difficulty with, including the lack of 5% of a lot size, and he is possibly considering accepting the condition of limiting it to single-family dwellings on both lots. Mr. Rue said these are good concerns, including the triangular nature of the property, which makes it hard to subdivide, and that is why the applicant was required to apply for Variances. He noted that if this was a rectangular lot that was 1,000 square feet too small, they could just split it down the middle and they would have two 500 square foot slightly-too-small lots and none of the dimensions would be a problem. However, because this property is oddly shaped, it makes it difficult to meet all the numbers regarding the length, width, height, and square footage requirements. Therefore, with the existing large triangular boundary line, anytime they start adjusting it they are going to fall out of compliance with one of the setback requirements for the frontages. Mr. Haight said Mr. Yorba mentioned the intensity of the dwellings would be towards the waterfront section of the property, which increases the waterfront intensity more than what would be considered normal if that waterfront section of property measured 150' or greater, which is due to the nature of the triangular configuration of the parcel as well.

Ms. Grewe said she was having an easier time with the lot size, although the lot width is quite troublesome, whereby she asked staff if the triangular nature of the parcel meets the requirement of an extraordinary feature inherent to the land. Mr. Pernula said there were several items mentioned, not just the triangular shape, but also the length and shape of the waterfront, which are the main physical features. He said it is really up to the Board of Adjustment to determine whether or not those are sufficiently unique. He believes they are somewhat unique, although it is hard to state whether it justifies a Variance for square footage. Ms. Grewe said it is a large triangular parcel in terms of the surrounding area, so it could be a scenario of whether "the glass is half full" or "the glass is half empty." Even so, such a parcel is going to be difficult to subdivide. On the other hand, it is a wonderful property with a strange size, which is larger than some of the others in the area. She said it appears that the bias obviously from the applicant is that this is a difficult issue, but the bias from the CBJ perspective could be that this is a perfectly fine parcel that has a strange shape. Mr. Rue said that is not an unreasonable way to look at it, but he thinks that if the Board of Adjustment views the general pattern in the neighborhood where many of the adjacent parcels are undersized even though they fall under pre-current zoning, although in this case they are only lacking in lot size by 5% so they could end up being stuck with a 68,503 square foot lot, which is way different than the norm in this D-1 zoned area, particularly when viewing some of the undersized parcels that were allowed in the past, which maybe the Board of Adjustment might not be allowed to take into account. He noted that the Board of Adjustment's decision would "cast this in stone" until the applicant possibly accretes more land from the State, or purchases additional land adjacent to the subject parcel. He said if the applicant does not obtain these Variances, they could potentially place a duplex, an accessory apartment, a single-family dwelling, or a bungalow dwelling on it.

Chair Gladziszewski said she takes sort of a general sentiment about it being easier to get there with the lot size, versus the lot width question. She asked staff what the reasoning is for requiring the lot width dimension, as opposed to just stating that it has to be 36,000 square feet and be silent about the width aspect. Mr. Pernula said the width requirement is for the regular spacing of buildings, explaining that if they require a lot width 150' then the spacing of buildings is going to be approximately the same distance between the buildings.

Mr. Satre asked if staff or the Board of Adjustment ever treated the waterside of a property as the front yard in terms of setback relationships. Mr. Sexton said yes in remote subdivisions, which this is not, although for this site along the waterfront Lot 1 is approximately 127', and Lot 2 is about 175'.

Mr. Rue said he observed that undersized corner lots have two setbacks in the front, which consists of one street side yard setback, and then another side yard setback, so the shape and place of corner lots are considered a unique feature, which has previously helped the Board of Adjustment regarding reviewing variances in other places, although that is not to state that the Board has to do the same thing every time. Even so, he said it is a fairly bizarre-shaped parcel that the applicant has to deal with, noting that there might be other problems that surface later on due to the coastline portion of the property. He said Lot 1 already has a house on it, which meets all the setback requirements. He said maybe the landowner might wish to add onto the existing house, but they would have to apply for a variance if they want to get closer to the setback boundary, which is when the Board of Adjustment would be able to state that they have a known commodity on the narrow lot, but they already met all the setbacks, so his concern about not meeting the dimensions on Lot 1 is less, as the existing dwelling is not going to get any bigger without the owner first obtaining a variance.

VAR2010 0005

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2010 0005. The Variance permit would have allowed the subdivision of Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as required by Section CBJ 49.25.400 Table of Dimensional Standards.

If additional information is presented and the Board of Adjustment makes findings to approve the requested variance, staff would recommend the following condition:

1. A plat note shall be added to any two lot subdivision of Tract 5 U.S.S. 1510 and all future subdivisions of Lots 1 and 2, stipulating that development of the two parcels is restricted to one single-family dwelling on each lot. Accessory apartments or duplexes are not allowed; unless, at such time in the future the proposed lots are large enough or the Land Use Code has changed to allow additional dwelling units.

Board action

MOTION: *by Mr. Rue, that the Board of Adjustment revises the analysis and findings and grants the requested Variance, VAR2010 0005. The Variance permit allows the subdivision of Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as required by Section CBJ 49.25.400 Table of Dimensional Standards. The approval is subject to the following conditions:*

1. *A plat note shall be added to any two lot subdivision of Tract 5 U.S.S. 1510 and all future subdivisions of Lots 1 and 2, stipulating that development of the two parcels is restricted to one single-family dwelling on each lot. Accessory apartments or duplexes are not allowed; unless, at such time in the future the proposed lots are large enough or the Land Use Code has changed to allow additional dwelling units.*
2. *Development of a single-family dwelling shall be set back 150' from the front property line, and within that setback there shall be an allowance for a detached garage.*

Mr. Rue said he would start by responding to Mr. Yorba's findings for the applicant regarding VAR2010 0005 since he did a good job articulating the argument. He stated that staff a good job as well per the Land Use Code criteria. He noted that the Board of Adjustment could go either way in their decision. Chair Gladziszewski stated that the Board of Adjustment has to address Findings 2, 5 where one sub-criterion would have to be met, and 6. Mr. Rue agreed, stating that he would also respond to Finding 1, which is relevant to 2:

"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."

He stressed that what he thinks is unique in this case is that the property is triangular in shape, and has a meandering shoreline, which makes it extremely difficult to subdivide and meet all of the numbers for front and rear yard setback in terms of the dimensional standards and minimum square foot requirements for lots in the D-1 zoning district, which he believes these are particularly difficult propositions. In addition to these extraordinary circumstances, as the applicant is extremely close to meeting the standards and requirements within 1,749 square feet of the 36,000 minimum lot size in a D-1 zoning district, and therefore a combination of these are considered to be unique features and extraordinary circumstances of the property. He said staff used smaller, nonconforming, and sub-standard older lots, etc., as part of the rationale that Finding 1 is met, which is contingent upon the condition listed in the staff recommendation that was included in the motion.

"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."

He noted that any deviation might be disrupting to the expectations of the surrounding community, as it is already full of nonconforming smaller lots. Therefore, he thinks it is fair to argue that the Board of Adjustment could grant relief consistent with the spirit of CBJ 49.05.100 *Purpose and Intent* language of the Land Use Code, which will be observed, and the public safety and welfare will be preserved as well. He stated that he believes 5% is the de minimis number, which he does not feel is a major deviation in terms of lot size from the standard. He explained that 5% is relevant in terms of de minimis because in this D-1 zoning district it has minimum lot size of 36,000 square feet, and the lot is only 1,749 square feet too small (5%) in this specific case. He said a feature is that there historically are quite a few lots that are smaller in this area than these will be, which is considered as being a good single-family neighborhood. He thinks that all of the setbacks could be observed, including the fact that the setback to the road could be very large, which will further serve to preserve the character of the neighborhood. He said the sewer and wastewater out-fall, which DEC already permitted is important to note in terms of safety and welfare being preserved. He said these are all good arguments that Finding 2 criterion is met.

"5. That compliance with the existing standards would:

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

He said this is the easiest sub-criterion of Finding 5 that he is able to find that has been met, noting that the applicant found that sub-criterion 5(A) was met, whereby he believes the Board of Adjustment could make a reasonable argument for either one. He said the applicant is requesting to create two 34,251 square foot lots that equates to 5% or 1,749 square feet below the minimum lot size, which is really close to the Land Use Code requirements in the

D-1 zoning district for a minimum lot size of 36,000 square feet. He said there are many smaller lots in the neighborhood, and all the side yard setbacks would still be met since there is already an existing house on Lot 1. He said they might want to contemplate the number of buildings allowed on these lots, which would assist with the consistency regarding the amenities and scale of surrounding properties, although he does not think this is totally necessary because placing the building on the waterfront half of Lot 2 could also assist with meeting Finding 5(B). He said this is since this area already historically consists of single-family homes along the beach. Therefore, the development of these two lots would be consistent with the scale, amenities, appearance or features, with the existing development in the neighborhood, and therefore Finding 5(B) sub-criterion is met.

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

He stated that particularly only allowing one single-family dwelling on each of the two lots is very much in keeping with the current development pattern of the area, and he finds that this in and of itself provides more benefits than detriments because the lots are so close to the minimum lot size standard. Practically, by all measures except the very specific square footage, this property is still going to be bigger than surrounding neighborhood uses. Therefore, having two single-family dwellings on each of the two lots is actually more in keeping with the surrounding features of the neighborhood, versus a duplex and/or a single-family home with an accessory apartment. He said Finding 6 criterion is met.

Mr. Sexton said he spoke with the applicant and they both determined that development of a single-family dwelling could be set back 150' from the front property line, and within that setback there could be an allowance for a detached garage. Mr. Rue confirmed that this is from the roadway. Mr. Sexton said yes, explaining there could be further accretions in terms of the waterfront area. Mr. Rue said he incorporates new Condition 2 into the motion, as follows:

2. Development of a single-family dwelling shall be set back 150' from the front property line, and within that setback there shall be an allowance for a detached garage.

Mr. Rue stated that with the two Conditions added to VAR2010 0005, he feels that the Board of Adjustment is meeting their duty by looking at the Variance criteria fairly hard in terms of the findings he revised per the members of the Board of Adjustment comments provided, which he deems reasonable and appropriate.

Chair Gladziszewski asked if the members understand the question, or if they wish to provide further comments, to which they nodded that they understood the question, and no one had comments.

Roll call vote

Ayes: Haight, Rue, Satre, Gladziszewski

Nays: Grewe

Motion fails: 4:1; and VAR2010 0005 was denied as modified by the Board of Adjustment.

VAR2010 0023

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2010 0023. The Variance permit would have allowed Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not

meet the minimum lot width requirement of 150 feet, per CBJ 49.25.400 *Table of Dimensional Standards*. The requested lot widths for the two potential parcels would be Lot 1 148.58 feet and Lot 2 113.33 ft.

Board action

***MOTION**: by Mr. Satre, that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2010 0023. The Variance permit would have allowed Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ 49.25.400 Table of Dimensional Standards. The requested lot widths for the two potential parcels would be Lot 1 148.58 feet and Lot 2 113.33 ft.*

Mr. Satre said VAR2010 0023 is nearly meaningless now with the previous motion failing regarding the related VAR2010 0005 so it was denied. However, if a member of the Board of Adjustment was to submit VAR2010 0005 for reconsideration at a meeting where there might be more members present, they might also wish to discuss this VAR2010 0023 or reconsider it as well at that time, which is why he has "thrown this Variance on the table." He said he agrees with Mr. Rue on the revised findings by the Board of Adjustment on VAR2010 0005, but the lot dimension issue is much more difficult to arrive at regarding VAR2010 0023, and therefore he spoke in favor of supporting staff's analysis and findings on this Variance that is before the Board of Adjustment.

Mr. Rue said he is not going to bother trying to work through the criteria, although he could probably find that VAR2010 0023 is okay too, mostly because there is an existing house on Lot 1 and so this provides some insight to the Board of Adjustment.

On another note, in terms of parliamentary procedure, since the related VAR2010 0005 was previously denied, he wants to confirm that it cannot be re-presented to the Board of Adjustment. Chair Gladziszewski explained that a member of the Board of Adjustment is able provide at anytime a motion for a Notice of Reconsideration. Mr. Satre said his understanding in terms of a member providing Notice of Reconsideration of a case should a member do so, it would take the Board of Adjustment back just prior to the point when the initial Motion was made, and then a member later makes a new Motion to Reconsider the case if they so choose. He explained that regarding VAR2010 0005, they have the Motion and findings and analysis of the issue that Mr. Rue provided, and then in regards to VAR2010 0023 that is on the table, they would go to just before his Motion on accepting staff's findings and analysis. Therefore, providing Notice of Consideration of both of these Variances would actually take them back to the point where a member could provide a Motion to Reconsider at a subsequent meeting when more members are present if that is the will of the body. Chair Gladziszewski said anyone is able to make a Notice of Reconsideration now, but it requires six votes to re-hear a case when a Motion to Reconsider is later provided, whereby she asked if any members wishes to provide further comment on this Motion regarding related VAR2010 0023, to which no one did.

Roll call vote

Ayes:	Haight, Satre, Grewe, Gladziszewski
Nays:	Rue

Motion fails: 4:1; and no decision was made on VAR2010 0023 by the Board of Adjustment.

Mr. Pernula explained that there had to have been five votes to either pass or fail the roll call vote, so VAR2010 0023 is neither denied, nor approved.

Chair Gladziszewski said this body struggles with making motions where staff recommends to deny on cases. She argues that the Motion on VAR2010 0023 should have been made in the affirmative to approve it, as this is exactly why this body should not have done what they just did because they neither approved VAR2010 0023, nor denied it. She stressed that this is why a member of the body has to make motions to approve such cases in the affirmative because then the body would know that it has been denied, although regarding VAR2010 0023 they did neither. Mr. Satre stated that if a member moved for immediate Notice of Reconsideration of VAR2010 0023, the body would need to have five votes to go back to the point before the Motion, and then if a member was to move for a Motion to Reconsider the same case at the next meeting, because there has been no decision on it this would still be on the table. Mr. Pernula said VAR2010 0023 is pretty much dead unless a member of the body makes a Motion to Reconsider the related VAR2010 0005. He explained that if a member of the body is contemplating reconsidering VAR2010 0005, it might be appropriate to provide Notice of Reconsideration now, and then continue the hearing on VAR2010 0023. Chair Gladziszewski clarified that they just voted on VAR2010 0023, and she thinks that they possibly did so improperly, which illustrates why the body needs to make motions in the affirmative, but when there are only five members present, this is even more unclear so she does not know if what they did was proper. Mr. Pernula said it was not. Chair Gladziszewski stressed that something has to be done. Mr. Rue explained that Robert's Rules of Order is basically to be used as guide in getting them where they want to go, and therefore a member of the Board of Adjustment could provide a motion for a Notice of Reconsideration on VAR2010 0005 so they could take it up at a subsequent meeting when hopefully more members are in attendance. Following this, a member of the body could provide a Notice of Reconsideration of the related VAR2010 0023, and if his voting "nay" on the last Motion has made this impossible, he doesn't know if the Board of Adjustment is able to do anything about it. Chair Gladziszewski stated that the body is able to provide Notice of Reconsideration on VAR2010 0023 right now to at least get a proper vote on the record. Mr. Pernula stated that if they wish to do so, a member would have to make a new motion, as the first Motion failed because they did not have five affirmative votes, but they could make a new motion to approve it. Chair Gladziszewski confirmed that the Board of Adjustment does not need to reconsider VAR2010 0023, and instead, just a motion to approve it. Mr. Pernula said yes. Mr. Satre explained that this body had to do so with other variance cases in the past because they failed, so they just made another motion to approve them, whereby he apologized to the members of the Board of Adjustment, staff, and the public for putting everyone in this spot with his original motion.

***MOTION**: by Mr. Satre, that the Board of Adjustment adopts the applicant's findings and approves the requested Variance, VAR2010 0023. The Variance permit allows Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ 49.25.400 Table of Dimensional Standards. The requested lot widths for the two potential parcels will be Lot 1 148.58 feet and Lot 2 113.33 ft.*

Mr. Satre spoke against the motion, stating that this is for procedural purposes.

Chair Gladziszewski clarified for the Board of Adjustment that the Motion is to approve VAR2010 0023, and to substitute the applicant's findings to the criteria, versus staff's analysis and findings.

Roll call vote:
Ayes:
Nays: Rue, Satre, Grewe, Haight, Gladziszewski

Motion fails: 5:0; and VAR2010 0023 was denied by the Board of Adjustment.

Mr. Pernula commented that the Board of Adjustment now has two denied related Variances, VAR2010 0005, and VAR2010 00023.

NOTICE OF RECONSIDERATION *by Mr. Satre, that the Board of Adjustment reconsiders VAR2010 0005 and its related VAR2010 0023 to the next Planning Commission meeting to be heard by the Board of Adjustment on August 10, 2010.*

Mr. Pernula commented that Mr. Satre just provided Notice of Reconsideration, and if a member of the Board of Adjustment so chooses to make a Motion to Reconsider these Variances at the next meeting, the Board of Adjustment would be able to vote on them at that time.

Chair Gladziszewski clarified for the applicant's representative that there will be an opportunity if a member of the Board of Adjustment moves to reconsider these Variances to bring them back up at the August 10, 2010 meeting, and if so, it would require six votes. She noted that if this takes place, the Board of Adjustment would begin at the point when the Motions were initially made tonight, and the body could discuss the Variances, and then take action on them. She stated that if the applicant's representative requires more information regarding this, they should contact staff, whereby she apologized for the confusion.

VAR2010 0018
A Variance to reduce setback to accommodate existing carport/shed.
Applicant: Richard Keen
Location: 4931 Wren Drive

Staff report
Beth McKibben said the Variance request is to reduce the required 25' rear yard setback to 6' for an existing carport/shed. The location is at the intersection of Wren Drive and Silver Street, and it has a front yard and a side street setback. The property is zoned D-3, and the lot is 25,084 square feet, which is roughly rectangular in shape and the topography is generally flat. The duplex was built in 1998. In 1999, the applicant received a de minimis variance for 3 inches from the front yard setback, and at that time the front yard was on Wren Drive and the side yard on Silver Street, so there is a 25' setback from the rear lot line. She noted that there are photographs of the site in the packet. She said the carport/shed was built without permits. The applicant has sold the duplex, although they agreed to obtain the needed permits in order for the new owners to legally keep the carport/shed. She noted that the applicant drew on an as-built survey, which they provided to staff (attachment A) the location of the carport/shed indicating that it is 6' from the rear lot line. She said staff recommended denial of the Variance, as Finding 1, 2 and 5 criteria are not met, although should the Board of Adjustment chooses to grant the Variance, staff recommended that they include Condition 1, which states, "Provide an updated as-built survey verifying the carport is no closer than 6 feet from the rear property line and no closer than 17 feet from the side street property line." However, she explained that after she drove by the site, she didn't actually measure it, but she observed that the carport/shed might be

MEMORANDUM

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

DATE: July 22, 2010

TO: Board of Adjustment

FROM: Daniel J. Sexton, Planner
Community Development Department

FILE NO.: VAR20100005

PROPOSAL: A variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as requirement by Section CBJ49.25.400 *Table of Dimensional Standards*.

GENERAL INFORMATION

Applicant:	James Neal & April Smith
Property Owner:	James Neal & April Smith
Property Address:	2160 Fritz Cove Road
Legal Description:	USS 1510 Tract 5
Parcel Code Number:	4-B18-0-101-010-1
Site Size:	1.57 acres
Zoning:	D-1
Utilities:	CBJ Water, On-Site Sewer
Access:	Fritz Cove Road
Existing Land Use:	Single-Family Dwelling
Surrounding Land Use:	North - D-1, Single-Family Dwelling South - D-1, Single-Family Dwellings East - Fritz Cove Road (ADOT Right-of-way) West - Auke Bay

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

ATTACHMENTS

Attachment A – Variance Application, April Smith
Attachment B – Letter from April Smith
Attachment C – E-mail from Joe Buck, CBJ Public Works Director
Attachment D – E-mail from Joran Freeman, ADEC
Attachment E – Memo from Brock Tabor, ADEC
Attachment F – On-lot Wastewater Treatment System Analysis, Gary Hayden, AE^2
Attachment G – E-mail from Joran Freeman, ADEC
Attachment H – Additional Agency Comments

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as requirement by Section CBJ49.25.400 *Table of Dimensional Standards* (Attachment A).

BACKGROUND

The property in question was originally developed with a single-family dwelling in 1966. Over the years a number of Building Permits have been issued for the renovation of the detached garage and the dwelling located on the property. In 2008, through a minor subdivision (SUB2007-00013) the property owners accreted uplifted tidelands from the State of Alaska, 8,523 sq. ft. (.20 acres).

In early 2010, the applicant wrote to the Community Development Department inquiring how their property could be subdivided or further developed (Attachment B). Mr. Pernula, CBJ Community Development Department Director, and Greg Chaney, CBJ Planning Manager, discussed with the applicant through correspondence, and a meeting, that because of the current lot size, dimensions, and lack of public sewer serving the property that further development opportunities were limited, at this time. Following those discussions, the applicant determined the best option was to apply for Variances to lot dimensional standards to expand their potential development opportunities. Therefore, the applicant has submitted a Variance application to vary minimum lot size requirement of Section CBJ49.25.400 *Table of Dimensional Standards* and a Variance application to reduce the minimum lot width (See case VAR2010023).

ANALYSIS

As stated above, the applicant is requesting a Variance to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as requirement by Section CBJ49.25.400 *Table of Dimensional Standards.*

Section CBJ49.25.400 *Minimum Dimensional Standards* of the Land Use Code, which this Variance is requesting relaxation from, states:

There is adopted the table of minimum dimensional standards, table 49.25.400. Minimum dimensional standards for all zoning districts shall be according to the table of minimum dimensional standards, subject to the limitations of the following sections and as otherwise specifically noted in the special area or use sections, chapters 49.60 and 49.65.

TABLE 49.25.400

TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations			*RR*	*D-1*
Minimum Lot Size[1]				
	Permissible Uses		*36,000*	*36,000*
		Bungalow[9]		*18,000*
		Duplex	*54,000*	*54,000*
		Common Wall Dwelling		
		Single-family detached, two dwellings per lot	*72,000*	*72,000*

Any parcel of land created through a subdivision process in a D-1 residential zoning district is required to have a minimum lot size of 36,000 sq. ft. of land. Lot size is defined according to Section CBJ49.80.120 *Definitions,* which states:

Lot minimum size means the smallest lot that may be created by subdivision in a particular zoning district.

As calculated from the draft plat submitted by the applicant for this Variance request, the newly created parcels, Lot 1 and Lot 2, would equate to lots about 5% or 1,748.5 sq. ft. below the minimum required lot size.

It should be noted that lot size has a direct correlation to the allowable density of a lot. According to Section CBJ49.25.500 *Density* of the Land Use Code the density for in the D-1 zoning district is determined as follows:

The maximum number of dwelling units allowed per acre shall be as provided in the following table:

Zoning District	*Maximum Dwelling Units/Acre*
D-1	*Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.*

Therefore, the proposed lots do not appear to meet the minimum density for the development of a single-family dwelling according the Table CBJ49.25.400 *Table of Dimensional Standards* above.

As part of this application, the applicant has discussed the fact that other properties in the surrounding area have been permitted to develop a single-family dwelling and an accessory apartment on lots well below the minimum lot size. It should be noted, many of the surrounding properties were platted prior to current zoning.

When considering a potential variance to density Section CBJ49.20.250(b) *Variances Other Than De Minimis* states:

> *"...A Variance may vary any requirement or regulation of this title concerning dimensional and other design standards, <u>but not those concerning</u> the use of land or structures, <u>housing density</u>, lot coverage, or those establishing construction standards..."(Emphases added)*

In order to avoid creating lots that exceed maximum density requirements, the applicant has asked for consideration of a condition for this Variance that each of the proposed lots would be restricted to one single-family dwelling each and that none of the provisions for additional dwelling units stipulated in Section CBJ49.25.510 *Special Density Consideration* would apply to the proposed lots.

As proposed, with the development restriction, this variance request is not a variance to density, but more specifically an intensity issue. That said, the applicant's variance request essentially creates a special density consideration specific to their development plans. The Land Use Code does not speak specifically to the size of dwellings except in the instances of accessory apartments, where a second dwelling can be authorized through the Conditional Use process on substandard lots with an existing single-family dwelling, or bungalows, where a house restricted in size can be authorized on a smaller lot. Essentially, the applicant is asking for a special density consideration specific to their development plans.

Furthermore, the proposed lots that would result from the approval of this Variance request will not be serviced by the CBJ sewer system. To better understand the potential impacts of this, staff solicited comments from the City and Borough of Juneau, Public Works Department, and the Alaska Department of Environmental Conservation (ADEC). Comments from Joe Buck, CBJ Public Works Director, stated:

> *"Make sure on-site sewer is possible for both lots per ADEC and a second water service is provide to the municipal water main."*

and

> *"I don't know what ADEC will do, but I would require a treatment plant and UV disinfection before marine outfall. Auke Bay has a recorded fecal coliform problem already and one more home may just make it worse.(Attachment C)"*

Comments e-mailed from Joran Freeman, ADEC Environmental Engineer Associate, and a memorandum from Brock Tabor, ADEC Environmental Program Specialist, discussed topics beyond the scope of this Variance request. However, they do allude to the potential for a much bigger problem in Auke Bay area. Mr. Freeman's comments were:

> *"...but it seems that we'd like to see further nutrient/FC studies within the bay prior to seeing lesser lot size reductions. With that said, enhanced compliance with existing failed/poorly maintained onsite systems would do greatly on allowing for greater density along the coast. New onsite secondary treatment systems have come a long way since the 90's (Attachment D)."*

And Mr. Tabor stated:

> *"The applicant has requested permission to sub-divide a substandard parcel for development purposes. Auke Bay is listed on the State Integrated Report as a Category 3 Waterbody; Data or information is insufficient to determine that the water quality standards for any of the designated uses are attained. Auke Bay is also listed in the Alaska Clean Water Action database as being assigned a High Priority by the ADEC for water quality and ADF&G for habitat preservation.*
>
> *Auke Bay currently is the recipient of physically and chemically treated water from numerous on-site systems and the Auke Bay Wastewater Treatment facility. An inquiry of state and federal documents did not indicate that any formal study of Auke Bay water quality has taken place in recent years. Without additional study of the loading capacity for fecal coliform in Auke Bay taking place, it is difficult to ascertain whether water quality standards are being met by the current permitting program. Allowance of additional subdivision at this time has the potential to set a dangerous precedent and quickly overwhelm the biologic capacity of the bay (Attachment E)."*

With the above referenced comments and concerns in mind, the applicant hired Gary Hayden, of EA^2, to evaluate whether each of the proposed lots are adequately sized to handle on-lot wastewater treatment systems and to facilitate the permitting process with ADEC for the on-lot wastewater treatment system for the proposed Lot 2 (Attachment F). The on-lot sewer system already servicing the proposed Lot 1 has already been approved. Although initially representatives from ADEC expressed reservations regarding the proposed development (noted above), an e-mail dated July 15, 2010 from Joran Freeman, ADEC Environmental Engineer Associate, identified that the on-lot wastewater treatment systems had been approved for both the potential lots (Attachment G).

It should be noted, other CBJ departments and State agencies were solicited for comments regarding this Variance request, which came back in the positive (Attachment H).

In contrast to the applicant's Variance request, staff identified three alternatives for further development of this property:

(1) The applicant could develop an accessory apartment on the property through a Conditional Use permit (the Conditional Use permit is required because the subject parcel is not connected to the CBJ Sewer system).

(2) The applicant could develop a duplex through the Building Permit process.

(3) In the future, the applicant could potentially accrete enough additional uplifted land from the State of Alaska, which could allow the property to be subdivided without a variance.

Variance Requirements

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

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

The granting of this variance request would be a considerable relief to the applicant, because the applicant would be allowed to create two sellable lots. Staff was unable to find any examples of this type of relaxation being approved for nearby properties. As identified by the applicant, other properties in the area have been allowed to be developed with multiple dwelling units on properties well below the minimum lot size. In each of those cases, the properties have taken advantage of the provisions in Sections CBJ49.25.510 *Special Density Considerations* and CBJ49.30.300 *Nonconforming Lots* of the Land Use Code. Special Density Considerations allow the development of multiple dwelling unites on a single parcel, if specific restrictions are met. Many of the properties the applicant has referred to were platted prior to modern zoning. Some are less than a quarter of the current minimum lot size requirement.

Per the Variance request with the applicant's proposed restriction and the analysis above, staff finds that the request as proposed will not increase the density and is an acceptable variation of justice granted to adjacent property owners. This determination is contingent

upon staff recommend of the following condition:

- A plat note shall be added to any two lot subdivision of Tract 5 U.S.S. 1510 and all future subdivisions of Lots 1 and 2, stipulating that development of the two parcels is restricted to one single-family dwelling on each lot. Accessory apartments or duplexes are not allowed; unless, at such time in the future the proposed lots are large enough or the Land Use Code has changed to allow additional dwelling units.

Yes, with the recommended condition. Staff finds that this criterion to be 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.***

According to Section CBJ49.05.100 *Purpose and Intent* of the Land Use Code, the layout and orderly development of land is intended to:

> *"The several purposes of this title are:*
> *(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;"*

Furthermore, Section CBJ49.25.210 *Residential Districts* stipulates what districts are intended for:

> *"The following districts are established to provide a healthy, safe and pleasant environment for residential living protected from incompatible and disruptive activities:*

As stated in the "Analysis" section above, in a D-1 zoning district has a minimum lot size of 36,000 sq. ft. and the applicant is requesting to create two parcels of land at 34,251 sq. ft. This equates to 5% or 1,749 sq. ft. below the minimum lot size.

Based on the language above, the Land Use Code is clear about the orderly build-out or development of land. The standards of Section CBJ49.25.400 *Table of Dimensional Standards* of the Land Use Code are intended to prevent the creation of parcels of land that potentially could cause a public health and safety issue, as well as disrupt the pleasant dispersed environment for low density residential living. As stipulated in the provisions of Section CBJ49.25.510 *Special Density Considerations* of the Land Use Code, while still preserving the health, safety, and values listed above, parcels of land are allowed additional dwelling units if they meet certain criteria. It should be noted, on-lot wastewater treatment systems are regulated by the State of Alaska, specifically the Department of Environmental

Conservation. Per the information presented in the "Analysis" section of this report, the public health and safety should be preserved since wastewater treatment systems for both of the proposed lots have been approved.

However, even though the applicant has suggested a development condition that restricts the development capacity of each of the proposed lots, the Variance is a deviation from the minimum dimensional standards that adjacent property owners rely upon when predicting development patterns in their neighborhood. Therefore, the Variance creates an unanticipated development pattern that is inconsistent with the intent of the Land Use Code, if this variance is granted.

No. Staff finds that this criterion not to be met.

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

Since the property owner has already received a permit for the development of an on-lot wastewater treatment system for the proposed Lot 2, staff is not aware of any aspect of the Variance request which will injure nearby properties.

Yes. Staff finds that this criterion to be met.

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

If approved, this Variance request would allow the creation of two separate parcels, each limited to one single-family dwelling per lot. The use of land for residential development in the D-1 zoning district is an approved use according to Category 1.000 in Section CBJ49.25.300 *Table of Permissible Uses* of the Land Use Code.

Yes. Staff finds that this criterion to be met.

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

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

The property in question is already developed with a single-family dwelling, which is an approved use in the D-1 zoning district. As stated above, the applicant has the ability to develop the property in a variety of ways, including converting the house to a duplex or adding an accessory apartment, if approved through the appropriate permitting process to support additional development without a variance.

No. Staff finds this sub-criterion not to be 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 property in question is already developed with a single-family dwelling, which is compatible with existing development in the neighborhood. As stated above, the applicant is looking for a means to further develop their property. Staff recommended that the applicant apply to build an accessory apartment or duplex on the property, which are consistent with existing development in the neighborhood and are compatible with the Land Use Code. However, the applicant wishes to be able to sell one lot which would not be possible with a duplex or accessory apartment.

Understanding that the applicant was interested in subdividing to create smaller lots, staff recommended that the applicant consider creating a bungalow lot. However, a bungalow lot would still require a variance to the requirement that bungalow lots be connected to the CBJ sewer system and the applicant felt the 1,000 sq. ft. maximum dwelling size that is permitted on a bungalow lot would not adequately accommodate their family. Therefore the applicant has decided not to pursue this option.

Some nearby properties are smaller than would be created by the applicant's proposal. However, those lots were created prior to modern zoning requirements. The creation of two substandard lots as proposed by the applicant, with a single-family dwelling on each lot, would be a similar use of the property as other substandard parcels in the area that were created prior to modern zoning. However, the alternate development options, proposed by staff, would be consistent with development patterns for the majority of properties in the neighborhood that exceed minimum lot size requirements.

Based on the information above, staff finds that Land Use Code requirements that preclude further subdivision of the property are reasonable because there are other development options which would be consistent with the majority of existing development in the neighborhood.

No. Staff finds this sub-criterion not to be met.

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

The property in question gradually slopes down to Auke Bay from Fritz Cove Road. The grades of the site may pose some challenges to developing additional structures on the site, but has no bearing on the Variance request to lot size.

No. Staff finds this sub-criterion not to be 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.

There are no pre-existing nonconformities present on the subject parcel.

No. Staff finds that this sub-criterion is not met.

No. Staff finds that criterion 5 is not met since none of the sub-criteria have been met.

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

The granting of this requested variance would result in the creation of two lots, each of which would be suitable for a standard house. If this Variance were granted, it would create two more substandard parcels in an area of the community where a large number of substandard lots already exist. It should be noted, all the substandard parcels in the area were created before modern zoning.

Although the CBJ does not regulate whether a property is rented or owner occupied, single-family dwellings are more likely to be owner occupied, were as duplexes or accessory apartments are usually rental units. Therefore, there might be a slight benefit to granting this Variance for the neighborhood since the property could potentially be owner occupied.

Based on the above discussion, no significant detriments to the neighborhood have been identified, but no significant benefits for the neighborhood have been identified either.

No. Staff finds that this criterion is not met.

49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS

The provisions of CBJ§49.70.900 through CBJ§49.70.1097 do not apply to the applicant's proposed lot size variance.

ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)

Not applicable. This Variance request does not require a state-coordinated ACMP review.

FINDINGS

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

Yes. The application has all required the submittals, with accompanying drawings and written statements, analysis, and fees.

2. ***Will the proposed development comply with the Alaska Coastal Management Program?***

Not Applicable. The provisions of the ACMP do not apply to the requested variance.

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

No. The variance as requested does not meet the criteria of CBJ§49.20.250 *Grounds for Variances*, as outlined in the analysis, above.

RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR20100005. The Variance permit would have allowed the subdivision of Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as requirement by Section CBJ49.25.400 *Table of Dimensional Standards*.

If additional information is presented and the Board of Adjustment makes findings to approve the requested variance, staff would recommend the following condition:

1. A plat note shall be added to any two lot subdivision of Tract 5 U.S.S. 1510 and all future subdivisions of Lots 1 and 2, stipulating that development of the two parcels is restricted to one single-family dwelling on each lot. Accessory apartments or duplexes are not allowed; unless, at such time in the future the proposed lots are large enough or the Land Use Code has changed to allow additional dwelling units.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 3-10-10
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description: Request to split Lot USS 1510 TRACT 5 into two parcels.

PROPERTY LOCATION

Street Address: 2160 FRITZ COVE RD	City/Zip: JUNEAU, 99801
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): USS 1510 TR 5	
Assessor's Parcel Number(s): 4B1801010101	

LANDOWNER/ LESSEE

Property Owner's Name: NEAL JAMES B. JR & SMITH APRIL	Contact Person: APRIL SMITH	Work Phone: 465-5769
Mailing Address: P.O. BOX 32133, JUNEAU 99803	Home Phone: 790-4823	Fax Number:
E-mail Address: APRILSMITH37@HOTMAIL.COM	Other Contact Phone Number(s): 723-8540-Cell	

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

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

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

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

X _____ Landowner/Lessee Signature — Date: 3-5-2010

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: SAME	Contact Person:	Work Phone:
Mailing Address:	Home Phone:	Fax Number:
E-mail Address:	Other Contact Phone Number(s):	

X _____ Applicant's Signature — Date of Application: 3-5-2010

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

STAFF APPROVALS

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
✓	Variance Case (De Minimis and all other Variance case types)		3/9/10	VAR20100005
	Wetlands Permits			
	Zone Change Application			
	Other (Describe) _____			

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

Comments:

Permit Intake Initials: BMC

ATTACHMENT A

Attachment B

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 2010 0005	3-10-10

TO BE COMPLETED BY THE APPLICANT

TYPE OF VARIANCE REQUESTED:

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

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE: Variance to width & Lot area

See Attached

Previous Variance Applications? [ ] YES [x] NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? [ ] YES [ ] NO N/A

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

Beachfrontage

UTILITIES AVAILABLE: WATER: [x] Public [ ] On Site SEWER: [ ] Public [x] On Site

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

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

unable to build useful well into our retirement age.

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	$			
Adjustment	$			
Total Fee	$ 350	131	11101	3/10/10

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

RECEIVED
MAR 1 0 2010
PERMIT CENTER / CDD

Board of Adjustments,

Please see the following which describes our request for a variance for lot area and width at 2160 Fritz Cove Road.

Our request is to split a lot (USS 1510 Tract 5 - zoned D1 zone) into two parcels. Based on the most recent survey recorded June 30 2008, this lot contains 68,503 square feet. We're requesting two equal parts; the resulting lots would be 34,250 square feet. This is 1,750 square feet (about 5%) below the minimum lot size.

We further suggest that these lots be encumbered to limit the building structure to one single family home, disallowing an accessory apartment decreasing the density by roughly ¼ or 9,000 square feet, meeting the density requirements.

We address the grounds for variances 49.20.250 in-line as follows.

(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.

During the last couple of months, an Accessory Apartment was approved on a lot that was less than 8,000 square feet. This had the effect of approving two dwellings on a lot that is 1/8 the size of our property. This is quite common on our street, multiple dwellings on one lot far smaller in square footage than 34,000 square feet.

We just did a quick search in the Juneau City Assessors Database and find 158 parcels with residences on Fritz Cove road. Of the 158 parcels, 102 parcels with residences (some multiple) are less than 34,250 feet.

(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.

It is our belief that building a new home on the beach will not affect public safety or welfare.

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

On the contrary many of our neighbors on the uphill side may finally realize a view of the ocean. Because the home will be built on the beach, outfall and drainage will not affect any surrounding neighbors.

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

This is true, we will not be running a business out of this building this will be our primary residence.

(5) Compliance with the existing standards would:

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

Our property is accreting lands in the positive and with the historical growth rate by the time we're in our 70's we will have the square footage to subdivide, as we're just under the square footage. While in our 70's this would be unreasonable for us to build at that time in our lives.

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

Most of our neighbors have constructed far more residences on far less land than ours; in fact most of the street is at D5 construction.

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

We have worked with our engineer and have included a copy of the proposed subdivision which is not unreasonable, especially with the encumbrance of limiting to a single family home until the zoning is modified due to city sewer being available to the neighborhood.

(D) Because of the 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

There will not be a net decrease

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

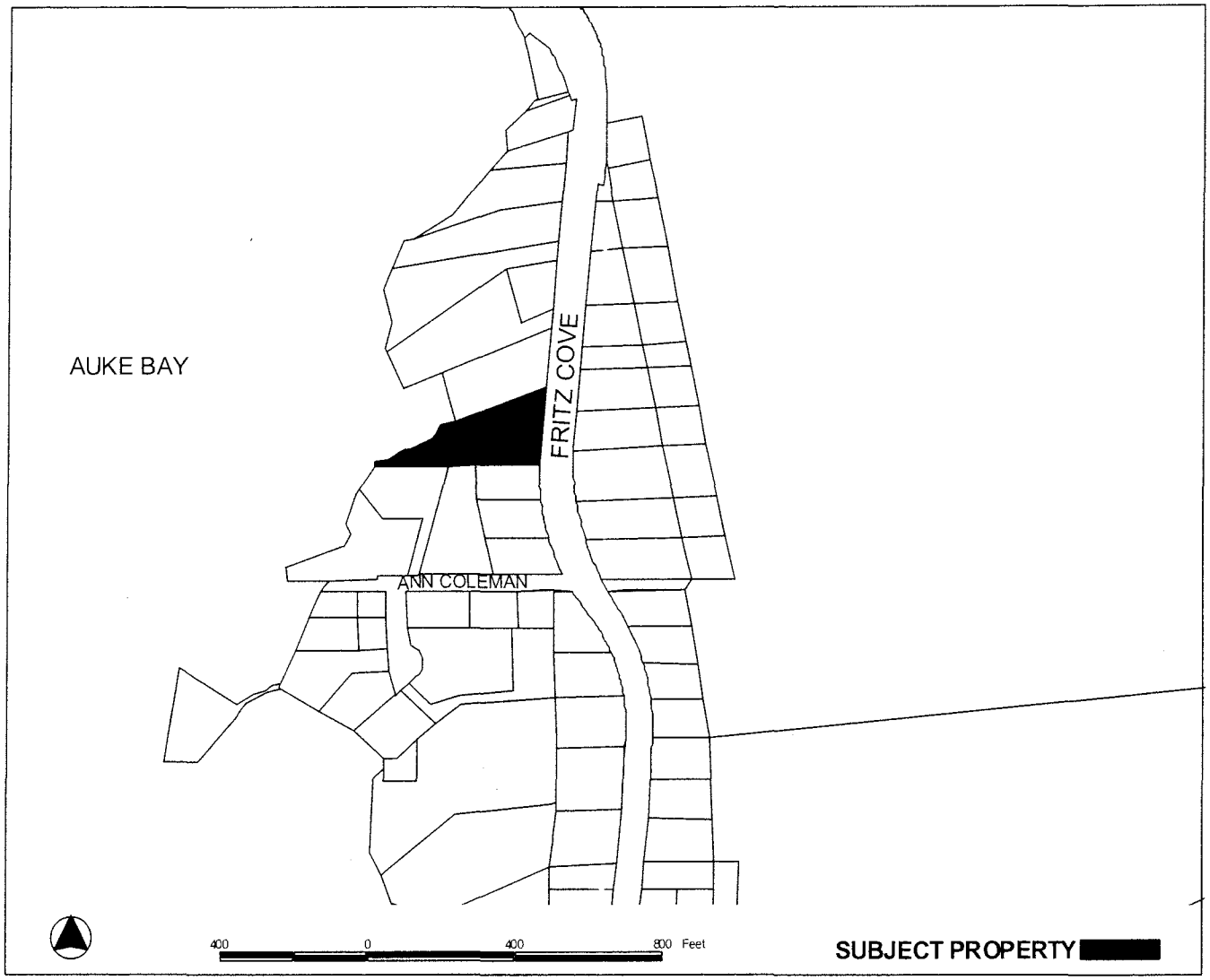
Many of our neighbors would realize a view, which they have not enjoyed. The city would receive additional tax revenue from another single family home on the beach.

We look forward to your consideration, and would be happy to answer any questions that you may have.

Again we appreciate your time in this matter and look forward to building a new home.

Sincerely
April Smith & Jim Neal

NOTICE OF PUBLIC HEARING



PROPOSAL: VAR2010 0005: A Variance Request to allow Tract 5 of USS 1510 to be subdivided into two parcels; both of the created parcels would be 34, 251 sq ft, which does not meet the minimum lot size of 36, 000 sq ft as required by Section CBJ49.25.400 Table of Dimensional Standards.
VAR2010 0023: A Variance Request to allow Tract 5 of USS 1510 to be subdivided into two parcels, both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ49.25.400 Table of Dimensional Standards.

FILE NO:	VAR2010 0005 VAR2010 0023	**APPLICANT:**	APRIL A SMITH; JAMES B NEAL JR
TO:	**Adjacent Property Owners**	**Property PCN:**	4-B18-0-101-010-1
HEARING DATE:	July 27, 2010	**Owner(s):**	APRIL A SMITH & JAMES B NEAL JR
HEARING TIME:	7:00 PM	**Zoned:**	1.57 acres
PLACE:	**ASSEMBLY CHAMBERS** Municipal Building 155 South Seward St Juneau, Alaska 99801	**Size:**	D1
		Site Address:	2160 FRITZ COVE RD
		Accessed via:	FRITZ COVE RD

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 no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days 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 Daniel Sexton at (907)-586-0771, or e-mail daniel_sexton@ci.juneau.ak.us

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

Attachment B

Date notice was printed: July 14, 2010

CERTIFICATE OF APPROVAL CITY & BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DIRECTOR, CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE

ATTEST: CLERK, CITY & BOROUGH OF JUNEAU

STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THE FILING OF THIS PLAT WITH MY FREE CONSENT.

DATE _____, 2010

OWNER: _____ APRIL SMITH

OWNER: _____ JAMES NEAL JR.

NOTARY ACKNOWLEDGMENT:

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____ 2010 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED

_____

KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

NOTARY PUBLIC FOR ALASKA _____

MY COMMISSION EXPIRES _____

N

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S20°33'15"E	20.38'
L2	S85°40'24"W	39.20'
L3	S46°44'00"W	41.45'
L4	S60°30'42"W	19.17'
L5	N71°42'43"W	8.96'
L6-A	S55°37'31"W	23.36'
L6-B	S55°37'31"W	12.44'
L7	S57°19'19"W	23.73'
L8	S46°23'32"W	10.33'
L9	S20°46'17"W	35.50'
L10	S04°21'44"W	29.35'
L12	S75°03'01"W	53.54'

TYPICAL MONUMENTS SET:

PRIMARY MONUMENT

DOUGLAS FINLEY
TR 5
1510
ROW
LS 6277
2007

3" MAGNETIZED ALUMINUM CAP ON 36" X 3/4" ALUMINUM ROD

SECONDARY MONUMENT

DOUGLAS FINLEY
TR 5
LS 6277
2007

2" ALUM. CAP ON 36" X 5/8" REBAR

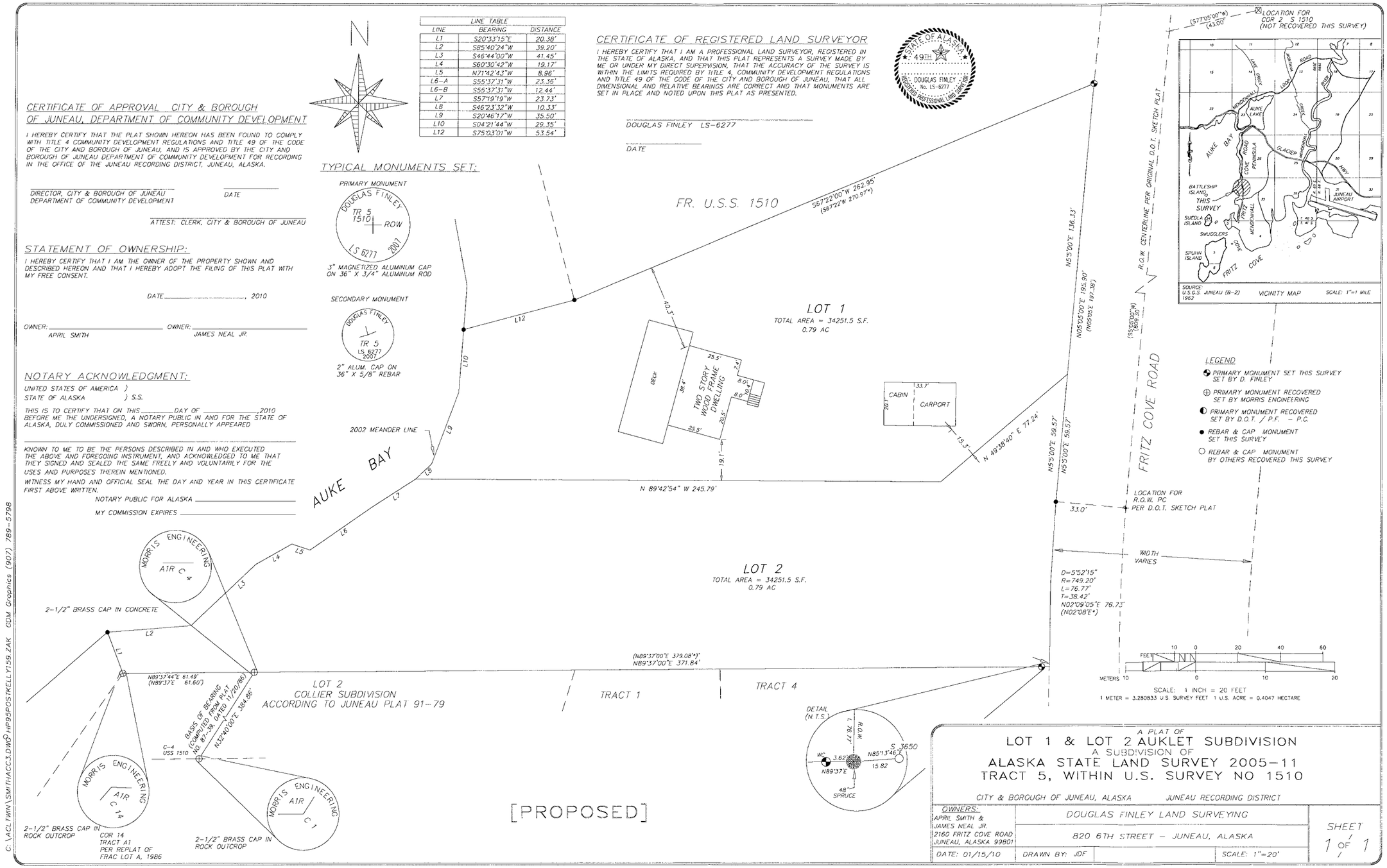
CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, 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.

STATE OF ALASKA 49TH DOUGLAS FINLEY No. LS-6277 REGISTERED PROFESSIONAL LAND SURVEYOR

DOUGLAS FINLEY LS-6277

DATE



LEGEND

- PRIMARY MONUMENT SET THIS SURVEY SET BY D. FINLEY
- PRIMARY MONUMENT RECOVERED SET BY MORRIS ENGINEERING
- PRIMARY MONUMENT RECOVERED SET BY D.O.T. / P.F. - P.C.
- REBAR & CAP MONUMENT SET THIS SURVEY
- REBAR & CAP MONUMENT BY OTHERS RECOVERED THIS SURVEY

A PLAT OF
LOT 1 & LOT 2 AUKLET SUBDIVISION
A SUBDIVISION OF
ALASKA STATE LAND SURVEY 2005-11
TRACT 5, WITHIN U.S. SURVEY NO 1510

CITY & BOROUGH OF JUNEAU, ALASKA — JUNEAU RECORDING DISTRICT

OWNERS: APRIL SMITH & JAMES NEAL JR. 2160 FRITZ COVE ROAD JUNEAU, ALASKA 99801	DOUGLAS FINLEY LAND SURVEYING 820 6TH STREET - JUNEAU, ALASKA	SHEET 1 OF 1
DATE: 01/15/10	DRAWN BY: JDF / SCALE: 1"=20'	

C:\ACLTWN\SMITHACC3.DWG HP95POSTKELLY159.ZAK CDM Graphics (907) 789-5798

RECEIVED
FEB 23 2010
PERMIT CENTER/CDD

Mr. Dale Pernula,

We are writing requesting that you reconsider granting our request for a variance at 2160 Fritz Cove Road.

Our request was to split a lot (USS 1510 Tract 5 - zoned D1 zone) into two parcels. Based on the most recent survey recorded June 30 2008, this lot contains 68,503 square feet. We're requesting two equal parts; the resulting lots would be 34,250 square feet. This is 1,750 square feet (about 5%) below the minimum lot size.

We understand that part of your decision was based on density. Fritz Cove road is dense due to duplexes and accessory apartments approved by the city.

During the last couple of months, an Accessory Apartment was approved on a lot that was less than 8,000 square feet. This had the effect of approving two dwellings on a lot that is 1/8 the size of our property. This is quite common on our street, multiple dwellings on one lot far smaller in square footage than 34,000 square feet.

We just did a quick search in the Juneau City Assessors Database and find 158 parcels with residences on Fritz Cove road. Of the 158 parcels, 102 parcels with residences (some multiple) are less than 34,250 feet.

Based on 49.25.400 Table of Dimensional Standards, in a D1 zoning district a duplex may be built on a lot over 54,000 square feet. Our lot contains approximately 68,503 square feet so we can, today build a duplex containing two dwelling units on this lot with a building permit (no variance required).

We are also allowed to construct a bungalow on this same property, again putting two dwellings on this same square footage.

Our property is also accreting lands in the positive and with the historical growth rate by the time we're in our 70's we will have the square footage to subdivide, as we're just under the square footage.

We're look forward to your reconsideration as we will build an additional home on this property but would rather not build a bungalow; with two children we need a bit more than the 1000 feet.

The fact is the density is going to change on our land. We will either put in a bungalow (and lived quite cramped) or put in a home a little bit larger with your

approval so we don't have to share a room. The same number of people will occupy this dwelling.

If the city allows us to put in a home of greater value/size, the city will enjoy higher taxes from us as tax payers.

The city has already allowed many of our neighbors to construct far more residences on far less land than ours.

We have worked with our engineer and have included a copy of the proposed subdivision.

We look forward to your reconsideration, please; and would be happy to answer any questions that you may have.

Again we appreciate your time in this matter and look forward to building a home with a bit more than 1000 square feet.

Sincerely
April Smith & Jim Neal 2-21-2010

723-8540

CERTIFICATE OF APPROVAL CITY & BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA

DIRECTOR, CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE

ATTEST: CLERK, CITY & BOROUGH OF JUNEAU

STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THE FILING OF THIS PLAT WITH MY FREE CONSENT.

DATE _____, 2010

OWNER: _____ OWNER: _____
APRIL SMITH JAMES NEAL JR.

NOTARY ACKNOWLEDGMENT:

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2010 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED

_____

KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

NOTARY PUBLIC FOR ALASKA _____

MY COMMISSION EXPIRES _____

TYPICAL MONUMENTS SET:

PRIMARY MONUMENT

3" MAGNETIZED ALUMINUM CAP ON 36" X 3/4" ALUMINUM ROD

SECONDARY MONUMENT

2" ALUM. CAP ON 36" X 5/8" REBAR

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S20°33'19"E	20.38'
L2	S85°40'24"W	39.20'
L3	S46°44'00"W	41.45'
L4	S60°30'42"W	19.17'
L5	N71°42'43"W	8.96
L6-A	S55°37'31"W	23.16'
L6-B	S55°37'31"W	12.44'
L7	S57°19'19"W	23.73'
L8	S48°23'32"W	10.33'
L9	S20°46'17"W	35.50
L10	S04°21'44"W	28.35
L12	S75°03'01"W	53.94'

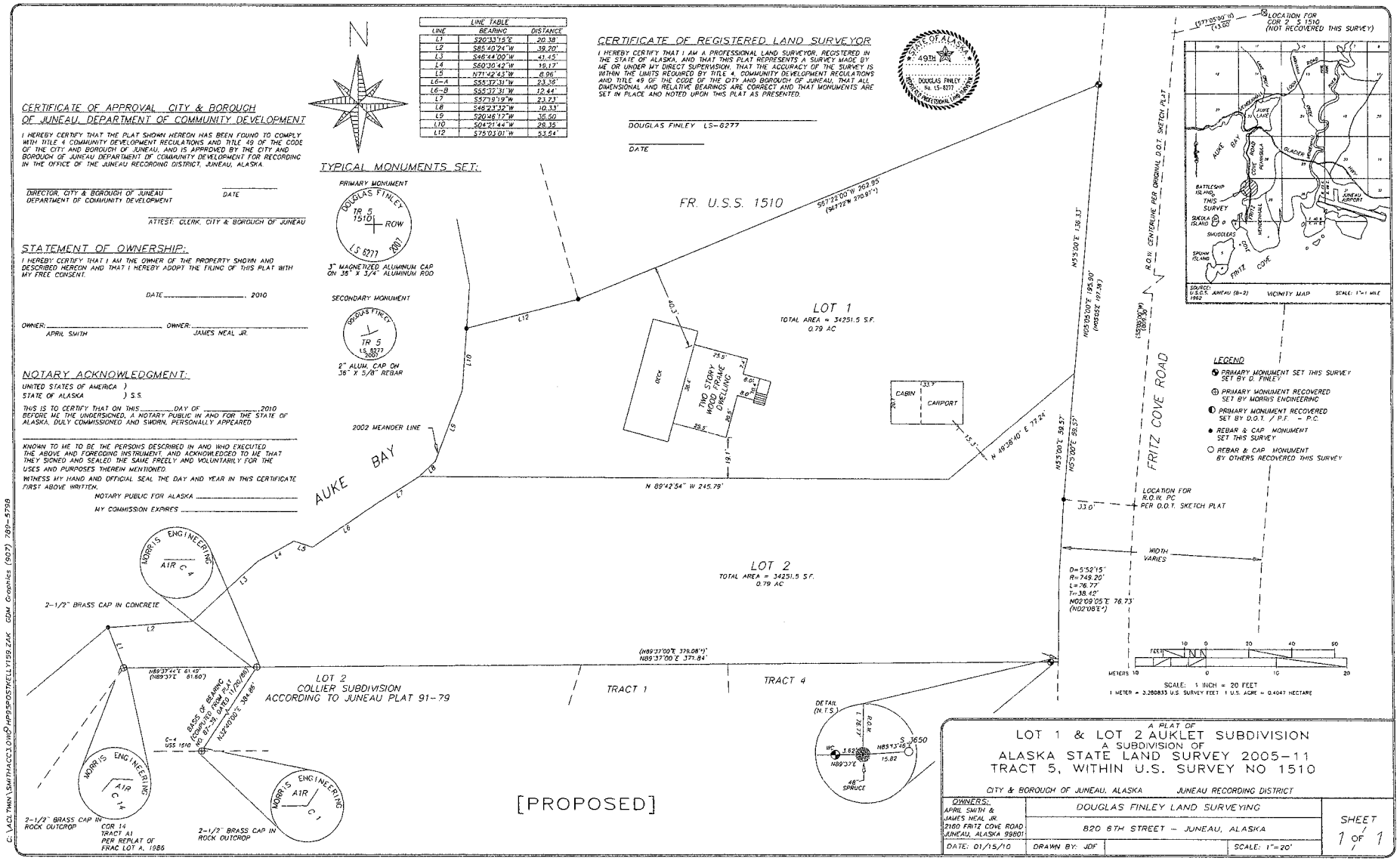
CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 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.

STATE OF ALASKA 49TH DOUGLAS FINLEY No. LS-6277 REGISTERED PROFESSIONAL LAND SURVEYOR

DOUGLAS FINLEY LS-6277

DATE



A PLAT OF
LOT 1 & LOT 2 AUKLET SUBDIVISION
A SUBDIVISION OF
ALASKA STATE LAND SURVEY 2005-11
TRACT 5, WITHIN U.S. SURVEY NO 1510

CITY & BOROUGH OF JUNEAU, ALASKA JUNEAU RECORDING DISTRICT

OWNERS:	DOUGLAS FINLEY LAND SURVEYING	SHEET 1 OF 1
APRIL SMITH & JAMES NEAL JR. 2160 FRITZ COVE ROAD JUNEAU, ALASKA 99801	820 6TH STREET - JUNEAU, ALASKA	
DATE: 01/15/10	DRAWN BY: JDF / SCALE: 1"=20'	

C:\ACLTWN\SMITHACC3.DWG HP9SPROSTKELLY159.ZAK CDM Graphics (907) 780-5798

Dale Pernula

From: April Smith [aprilsmith37@hotmail.com]
Sent: Wednesday, March 03, 2010 12:26 PM
To: Dale Pernula
Subject: Re: 2160 fritz

Please set up a meeting at your convenience

Sent from my iPhone

On Mar 2, 2010, at 1:42 PM, Dale Pernula <Dale_Pernula@ci.juneau.ak.us> wrote:

>
> April
>
> I did receive your letter and offer the following comments. First, I
> cannot grant a variance to the requirements of the zoning code, only
> the CBJ Board of Adjustment can. Second, variances have, among other
> things, the following limitations: "...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..."
>
> An element of "housing density" is the minimum lot size requirement.
> Simply allowing a reduction in the lot size--even by as little as
> 5%--would be contrary to the prohibition to housing density
> variances given above.
>
> There may be ways to allow the subdivision without violating the
> housing density prohibition. I would suggest we set up a meeting to
> discuss options at your convenience. My best time to meet is usually
> on Thursdays and Fridays. Please let me know if you want to set up
> such a meeting.
>
> Dale
>
>
>
> -----Original Message-----
> From: April Smith [mailto:aprilsmith37@hotmail.com]
> Sent: Tuesday, March 02, 2010 12:43 PM
> To: Dale Pernula
> Subject: 2160 fritz
>
>
> Afternoon Dale,
> I'm writing to see if you had received my letter and if I could answer
> any questions that you may have.
> April Smith
>
>
> Sent from my iPhone
>

Dale Pernula

From: Dale Pernula
Sent: Thursday, March 04, 2010 12:50 PM
To: 'April Smith'
Subject: RE: 2160 fritz

Yes, I will meet with you at noon tomorrow. My office is on the 4th floor of the Marine View Building.

Dale

-----Original Message-----
From: April Smith [mailto:aprilsmith37@hotmail.com]
Sent: Thursday, March 04, 2010 12:41 PM
To: Dale Pernula
Subject: Re: 2160 fritz

Can we meet tomorrow at noon?

Sent from my iPhone

On Mar 2, 2010, at 1:42 PM, Dale Pernula <Dale_Pernula@ci.juneau.ak.us> wrote:

>
> April
>
> I did receive your letter and offer the following comments. First, I
> cannot grant a variance to the requirements of the zoning code, only
> the CBJ Board of Adjustment can. Second, variances have, among other
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> structures, housing density, lot coverage, or those establishing
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> Simply allowing a reduction in the lot size--even by as little as
> 5%--would be contrary to the prohibition to housing density
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> housing density prohibition. I would suggest we set up a meeting to
> discuss options at your convenience. My best time to meet is usually
> on Thursdays and Fridays. Please let me know if you want to set up
> such a meeting.
>
> Dale
>
>
>
> -----Original Message-----
> From: April Smith [mailto:aprilsmith37@hotmail.com]
> Sent: Tuesday, March 02, 2010 12:43 PM
> To: Dale Pernula
> Subject: 2160 fritz
>
>
> Afternoon Dale,
> I'm writing to see if you had received my letter and if I could answer
> any questions that you may have.
> April Smith
>
>

Daniel Sexton

From: Joe Buck
Sent: Thursday, April 01, 2010 4:27 PM
To: Daniel Sexton
Subject: RE: Variance Request for 2160 Fritz Cove Rd (VAR20100005)
Follow Up Flag: Follow up
Flag Status: Red

Make sure on-site sewer is possible for both lots per ADEC and a second waste service is provide to the municipal water main.

From: Daniel Sexton
Sent: Thursday, April 01, 2010 8:58 AM
To: Dan Jager; 'David Epstein'; Debra Purves; 'Eric Eriksen, AEL&P'; 'Fred Thorsteinson, DOT'; Greg Browning; 'Heidi Firstencel'; 'Jackie Timothy, DNR'; 'Jennifer Berger'; Joe Buck; Joe Myers; 'Mike Eberhardt, DNR'; 'Richard Enriquez, US Fish & Wildlife'; 'Sally Wanstall, DEC'; Scott Jeffers; 'Steve Brockmann, US Fish & Wildlife'; 'Susan Walker, NOAA'; 'Tom Lawson, Division Director'; Tom Trego; 'Valerie Kelton'; 'William Groom'
Subject: Variance Request for 2160 Fritz Cove Rd (VAR20100005)

Morning Everyone,

In rushing to get the solicitation out to everyone for comment, regarding the Variance Request for 2160 Fritz Cove Road, I forgot to attach copies of the proposed plat and application materials. That said I have attached them above for you to review.

Please let me know if you have any questions.

Thanks,

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

RECEIVED
APR 01 2010
PERMIT CENTER/CDD

Daniel Sexton

From: Joe Buck
Sent: Thursday, April 01, 2010 4:31 PM
To: Daniel Sexton
Subject: RE: Variance Request for 2160 Fritz Cove Rd (VAR20100005)
Follow Up Flag: Follow up
Flag Status: Red

RECEIVED
APR 0 1 2010
PERMIT CENTER/CDD

I don't know what ADEC will do, but I would require a treatment plant and UV disinfection before marine outfall. Auke Bay has a recorded fecal coliform problem already and one more home may just make it worse.

JB

From: Daniel Sexton
Sent: Wednesday, March 31, 2010 3:40 PM
To: Dan Jager; 'David Epstein'; Debra Purves; 'Eric Eriksen, AEL&P'; 'Fred Thorsteinson, DOT'; Greg Browning; 'Heidi Firstencel'; 'Jackie Timothy, DNR'; 'Jennifer Berger'; Joe Buck; Joe Myers; 'Mike Eberhardt, DNR'; 'Richard Enriquez, US Fish & Wildlife'; 'Sally Wanstall, DEC'; Scott Jeffers; 'Steve Brockmann, US Fish & Wildlife'; 'Susan Walker, NOAA'; 'Tom Lawson, Division Director'; Tom Trego; 'Valerie Kelton'; 'William Groom'
Subject: Variance Request for 2160 Fritz Cove Rd (VAR20100005)

Afternoon Everyone,

On March 23, 2010, the Community Development Department received a Variance application to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels, both of the proposed parcels to be created would not meet the required minimum lot size and width, per CBJ§49.25.400 Table of Dimensional Standards (VAR20100005). The applicant's project narrative has been attached above for reference. Additionally, here is some background information on the property in question: it's located at 2160 Fritz Cove RD.; the property is currently developed with a two story single-family dwelling and a detached garage with additional living space; and the sewer system is through a marine outfall. In the following chart, you will find the dimensional standards required by the Land Use code and the reduction the applicant is requesting:

	Required	Proposed
Minimum Lot Size	36,000 sq. ft.	34,251.5 sq. ft. (Both Parcels
Minimum Lot Width	150 ft.	109.77 ft. and 148 ft.

The reason for this e-mail is to see if your respective agency has any comments or concerns regarding the requested Variance and the development potential of the two possible lots.

If you have any questions, please let me know.

Thanks,

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

Attachment B

Daniel Sexton

From: Freeman, Joran (DEC) [joran.freeman@alaska.gov]
Sent: Tuesday, April 27, 2010 10:00 AM
To: Daniel Sexton
Subject: Auke Bay Varienace Request Reveiw
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Fritz Cove Rd_042610.docx

RECEIVED
APR 27 2010
PERMIT CENTER/CDD

Dan, attached is a letter from Brock Tabor. There's nothing hard and fast for substantiating a denial from ADEC, but it seems that we'd like to see further nutrient/FC studies within the bay prior to seeing lesser lot size reductions. With that said, enhanced compliance with existing failed/poorly maintained onsite systems would do greatly on allowing for greater density along the coast. New onsite secondary treatment systems have come a long way since the 90's.

Joran Freeman
Environmental Engineer Associate
ADEC - Wastewater - On-site disposal
410 Willoughby Ave., Suite 303
P.O. Box 11800
Juneau, AK 99811-1800
wk: 907-465-5167
fax: 907-4655274
joran.freeman@alaska.gov

To: City and Borough of Juneau
Permitting Department
155 S. Seward
Juneau, Alaska 99811-1030

RECEIVED
APR 27 2010
PERMIT CENTER/CDD

From: Brock Tabor
brock.tabor@alaska.gov
Environmental Program Specialist
Alaska Dept. of Environmental Conservation
Division of Water: Non-Point Source
(907) 465-5023

Re: ACMP Project Number:

Comments:

The applicant has requested permission to sub-divide a substandard parcel for development purposes. Auke Bay is listed on the State Integrated Report as a Category 3 Waterbody; Data or information is insufficient to determine that the water quality standards for any of the designated uses are attained. Auke Bay is also listed in the Alaska Clean Water Action database as being assigned a High Priority by the ADEC for water quality and ADF&G for habitat preservation.

Auke Bay currently is the recipient of physically and chemically treated water from numerous on-site systems and the Auke Bay Wastewater Treatment facility. An inquiry of state and federal documents did not indicate that any formal study of Auke Bay water quality has taken place in recent years. Without additional study of the loading capacity for fecal coliform in Auke Bay taking place, it is difficult to ascertain whether water quality standards are being met by the current permitting program. Allowance of additional subdivision at this time has the potential to set a dangerous precident and quickly overwhelm the biologic capacity of the bay.

The Non-point source program respectfully requests this application to be denied until additional study of the waterbody and its properties takes place. This will ensure that any development outside of that currently planned and permitted under the comprehensive land use plan will continue to meet state water quality standards.

EA² ENGINEERING ANALYSIS --- APPLICATIONS

Gary Hayden, P.E. P.O. Box 210076 Auke Bay, Alaska 99821

(907) 789-7293 Fax (907) 790-2664 haydenak@mac.com

May 5, 2010

Mr Joran Freeman
Environmental Engineer Associate
Alaska Department of Environmental Conservation
410 Willoughby Avenue Suite 303
Juneau, Alaska 99801-7195

Subject: Smith & Neal
New on-lot wastewater system
USS 1510 - Tract 5
2160 Fritz Cove Road
Juneau, Alaska

Enclosed is an application package for the Smith & Neal on-lot wastewater treatment and disposal permit. This submission includes the following items:

- Project Fact Sheet
- Layout and detail drawings
- ADEC ownership and separation distance forms

ADEC permit review fee will be paid by the owner.

The proposed construction of this new sewage treatment plant (STP) with a UV unit is sized to treat the flow of a three bedroom home. The disposal will be through a new marine outfall line. Since the STP will be within 100 feet of the ocean; a waiver request is also included in this application.

If you have questions please e-mail me and I will respond to your review comments.

Sincerely,

Gary Hayden, PE

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ON-LOT WASTEWATER DISPOSAL SYSTEM
PERMIT APPLICATION
PROJECT FACT SHEET

Owner:

Ms April Smith & James B Neal Jr.
PO Box 32133
Juneau, AK 99803
907-790-4823
april.smith@alaska.gov

USS 1510 – Tract 5
2160 Fritz Cove Road
Juneau, Alaska

Submission:

Mr. Joran Freeman *(joran.feeman@alaska.gov or 465-5167)*
Environmental Engineer Associate
Alaska Department of Environmental Conservation
410 Willoughby Avenue Suite 303
Juneau, Alaska 99801-7195

ADEC permit fee

Fee of $570 paid by owner.

Site Conditions:

Lot size

Approximately 1.57 acres

Water system

All of the lots in the area are served by CBJ public water system.

Adjacent lots

Lots to the east and west have houses on them.

The property fronts Auk Bay and Fritz Cove Road runs along the back side of the property.

Soils

The soils profile is shallow organic mat of approximately six inches, then a layer of beach gravel to a depth of approximately three feet above bedrock. The bedrock is shale and can be "ripped" with a backhole machine.

The lot appears to be well drained. Ground water does not surface on the lot.

The sewage treatment plant will be located so that the bottom of the tank is more than four feet above the influence of MHHW.

State of Alaska
Department of Environmental Conservation

DOMESTIC WASTEWATER SYSTEM OWNER'S STATEMENT

This information is required by 18 AAC 15.030.
Please type or print all non-signature items in ink:

Department Completion Only
Project No.
Date Received: _____

Project Name: USS 1510 Tract 5 2160 Fritz Cove Rd Juneau AK

I submit the enclosed items concerning the above referenced proposed project for review. By my signature, I certify that the project is (check one):

- [x] privately owned and that I am the owner.
- [ ] owned by a sole proprietorship and that I am the proprietor.
- [ ] owned by a partnership of which I am a general partner.
- [ ] owned by a corporation of which I am a principal executive officer of at least the level of vice-president, or a duly authorized representative responsible for the overall management of this project.
- [ ] owned by a municipal, state, federal, or other public agency of which I am a principal executive officer, ranking elected official, or other duly authorized employee.

Signature (please sign in ink) Date 4/27/10

Name and Official Title

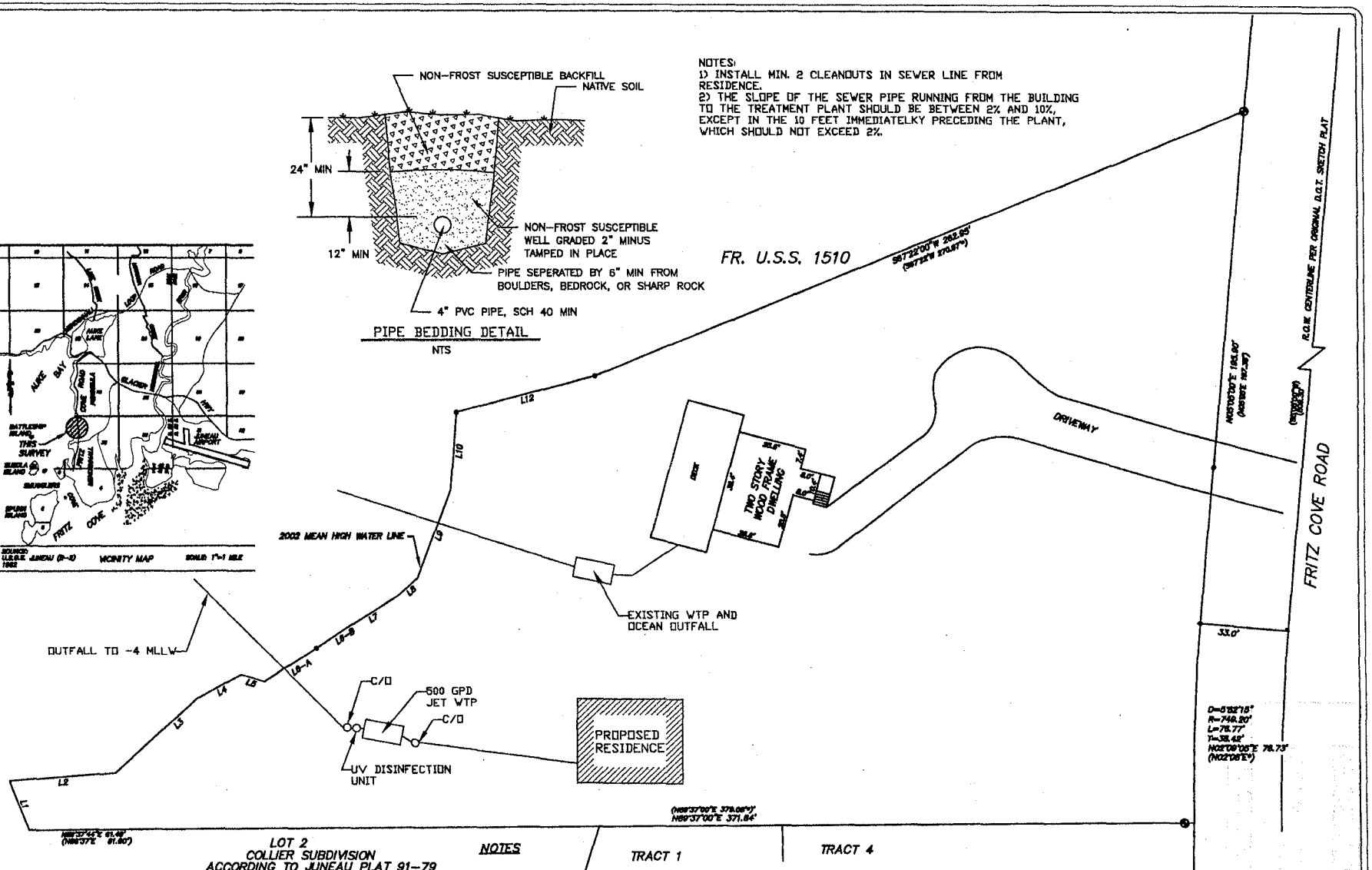
Company or Agency (if applicable)

18. AAC 15.030. SIGNING OF APPLICATIONS: All permit or approval applications must be signed as follows:
(1) in the case of corporations, by the principal executive officer of a t leastthe level of vice-president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;
(2) in the case of a partnership, by a general partner;
(3) in the case of a sole proprietorship, by the proprietor; and
(4) in the case of municipal, state, federal, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee. (Eff. 11/25/77, Register 64)

Authority: AS 46.03.020(10), AS 46.03.090, AS 46.03.100, AS 46.03.110, AS 46.03.160. AS 46.03.330, AS 46.03.720

NOTES:
1) INSTALL MIN. 2 CLEANOUTS IN SEWER LINE FROM RESIDENCE.
2) THE SLOPE OF THE SEWER PIPE RUNNING FROM THE BUILDING TO THE TREATMENT PLANT SHOULD BE BETWEEN 2% AND 10%, EXCEPT IN THE 10 FEET IMMEDIATELKY PRECEDING THE PLANT, WHICH SHOULD NOT EXCEED 2%.

PIPE BEDDING DETAIL
NTS



5-5-10

EA² Engineering Anlysis & Applications
Gary Hayden, P.E.
P.O. Box 210076 Auke Bay, AK 99821
phone (907) 789-7293
haydenak@mac.com
Fax (907) 790-2664

On-Lot Wastewater System
April Smith & James Neal
Tract 5 USS 1510 Juneau, AK

Layout
May 2010
NOT TO SCALE

STATE OF ALASKA 49TH Gary Hayden No. 4548 REGISTERED PROFESSIONAL ENGINEER

State of Alaska

Separation Distance Issues (18 AAC 72.020)

18 AAC 72.020(b): The minimum separation distance between the mean annual high water level of a lake, river, stream, or slough, or the mean higher high water level of coastal waters, and a lift station, holding tank, septic tank, soil absorption system, seepage pit, pit privy, or other wastewater collection, treatment, or disposal system is 100 feet, measured horizontally.

18 AAC 72.020(c)(1): The minimum separation distance between the source (i.e. well) of the drinking water for a private water system and a domestic wastewater treatment works, onsite disposal system, pit privy, sewer manhole and lift station, or sewer cleanout is 100 feet, measured from the nearest edge of the treatment works, disposal system, pit privy, manhole, lift station, or cleanout to the private drinking water source.

☐ I certify that I have read the entire 18 AAC 72.020 (Separation Distances) including the above mentioned regulations dealing with minimum separation distance issue. I further certify that no separation distance issue(s) exist in the onsite domestic wastewater system being submitted to ADEC for review.

☒ I certify that I have read the entire 18 AAC 72.020 (Separation Distances) including the above mentioned regulations dealing with minimum separation distance issue. I further certify that there exists a separation distance issue(s) for the onsite domestic wastewater system being submitted to the ADEC for review. Therefore, a WAIVER APPLICATION is enclosed for separation distance issue(s).

Name of property owner

USS 1510 - Tract 5 2160 Fritz Cove Rd Juneau Ak

Legal and physical address of property for plans submitted to ADEC

April Smith ; James Neal

Signature of property owner Date
(Please sign in ink)

5-5-10

Signature of Professional Engineer P.E. Registration # Date
(Please sign in ink)

(revised 2/17/2006)

State of Alaska
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DATA SHEET/GENERAL CHECKLIST

PLEASE TYPE OR PRINT IN INK

DATA SHEET SECTION:

1. Project Name: 455 1510 - Tract 5 Smith & NEPA

2. Legal Description/ physical address: (also include nearest community name)
455 1510 - Tract 5 2160 Fritz Cove Juneau

3. Project Description: (i.e., 4 one-bedroom cabins plus laundry facility)
3 Bedroom house

4. Owner:
Name: April Smith
Company:
Street Address: PO Box 32133
City/State/Zip: Juneau, AK 99803
Telephone: 907-790-4823

Contact Person: (if other than the owner)
Name: Gary Hayden
Company: EPA
Street Address: PO Box 210076
City/State/Zip: Auke Bay, AK 99821
Telephone: 907-789-7293

5. Proposed Project Type- *This application is based on the indicated type of project(s).*

Treatment:
[ ] Septic tank (complete Community and Alternate Soil Absorption Checklist)
[ ] Treatment Plant >1,500 gpd (complete Treatment Works Checklist)
[✓] Package Plant<1,500 gpd (complete Package Plant Checklist)
[ ] Stabilization Pond (complete Stabilization Checklist)
[ ] Other

Collection & Pumping System: check all that apply:
[✓] Gravity Sewer
[ ] Pressure Sewer or STEP
[ ] Vacuum Sewer
[ ] Pump Stastion
[ ] Utilidor
(for all above, complete Utilidor, Collection and Pumping Checklist)
[ ] other

Disposal:
[✓] Marine Outfall(complete Marine Outfall and Surface Water Disposal Checklist)
[ ] Land Disposal (complete Disposal to Land Surface Checklist
[ ]Subsurface Disposal
[ ] Percolating Cell
[ ] Other

(revised 2/17/2006)

GENERAL CHECKLIST
For
APPROVAL TO CONSTRUCT

This checklist must accompany all plans submitted to ADEC to obtain approval to construct or modify a domestic wastewater system. Hard copy plans, design calculations and reports must be signed, sealed and dated by a registered engineer and submitted in half-size 11'' x 17'' or standard 8'' x 10'' format, if possible. If electronic copies are submitted they should be in adobe ".pdf" format. IMPORTANT: Incomplete submittals will be returned to the applicant

Smith & Neal

PROJECT NAME: 455 1510 - Tract 5

LEGAL DESCRIPTION: 2160 Fritz Cove Rd Juneau, AK

Check each item that is included with your submittal. If an item is not included with your submittal, check "not included". If not included, provide an explanation why the item does not apply to this project, or describe special circumstances why the information is not included.

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
[✓]	[ ]	1. Plan or waiver review fees. (To determine fees required, see Fee Schedule in Appendix A) 18 AAC 72.205(a)(1) and 18 AAC 72.220(e) CHECK #_____ **Explanation if not included:** fee to paid By owner
[✓]	[ ]	2. Signed Owner's Statement.18 AAC 72.205(a)(3) (see Appendix A) **Explanation if not included:**
[✓]	[ ]	3. A complete set of plans consisting of reports, drawings and/or specifications, signed, stamped, and dated by a professional engineer registered in the State of Alaska. 18 AAC 72.205(b) **Explanation if not included:**

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
		4. Each ADEC permit required for this project:
[ ]	[✓]	Permit numbers if already received and are available.
[ ]	[✓]	A copy of the application that was submitted (and the date submitted) to the appropriate ADEC program requiring the permit. (18 AAC 205(a)(5))
		Call the local office nearest the project location for information on permits that may be required.
		Explanation if not included: NA – Residential / domestic outfall
[✓]	[ ]	5. Specific information stating or verifying that all required separation distances summarized in Table A: MINIMUM SEPARATION DISTANCES are, or will be, met.(see Appendix A for table)
		NOTE: If the separation distances can not be met, the system must be modified to meet required distances or a request to waive the required separation distances must be submitted.
[✓]	[ ]	If required separation distances cannot be met, a report signed, sealed, and dated by an engineer, that supports the reduced separation distance. 18 AAC 72.020(e)
		Explanation if not included: See fact sheet
[ ]	[✓]	6. For systems serving more than one building, specific information that identifies the existence or formation of the organization responsible for operating and maintaining the wastewater disposal system.
[ ]	[✓]	If the operator and maintenance provider is a homeowner organization, Articles of Incorporation and ByLaws, including names of operators and managers, with mailing addresses and telephone numbers. 18 AAC 72. 205(a)(6)
		Explanation if not included: NA

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
[ ]	[✓]	7. For systems with 15 or more service connections, a copy of the application for Certificate of Public Convenience and Necessity submitted to the Regulatory Commission of Alaska. **Explanation if not included:** NA
[ ]	[✓]	8. If the project is to serve over 500 people or will have 100 or more service connections, documentation that an operator certified under 18 AAC 74 will operate the system. Provide certification level for all systems in this project, and the operator's name, if available. 18 AAC 72.205(a)(7) **Explanation if not included:** NA
[✓]	[ ]	9. A detailed description of measures taken to protect nearby surface waters from siltation or contamination during construction. 18 AAC 72.205(a)(8)
[ ]	[✓]	If the project disturbs 1 or more acres, verification that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared and that a Notice of Intent (NOI) has been submitted to DEC and EPA NA
[ ]	[✓]	For all projects outside the Municipality of Anchorage, and publicly-funded projects within the Municipality of Anchorage that disturb greater than 5 acres, verification that a SWPPP has been submitted. NA
[ ]	[✓]	For private projects within the Municipality of Anchorage provide a statement that a Storm Water Site Plan Review Checklist for Simple Projects has been submitted to the Municipality of Anchorage Stormwater Plan Reviewer (907-343-8115). **Explanation if not included:** NA

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
[ ]	[✓]	10. If project modifies an existing treatment or collection system that must be shutdown or bypassed in order to construct this project, a written plan for how the system will continue to operate during construction. 18 AAC 72.205(a)(9) **Explanation if not included:** NEW SYSTEM
[ ]	[✓]	11. If the project increases (or potentially increases) flow to an existing system, calculations or other data showing that the receiving system, both collection and treatment, has sufficient capacity to accommodate the expected change in flow and organic loading. — NA —
[ ]	[✓]	A statement from the owner of the receiving system (if other than the applicant) accepting the increase in flows and organic loading. 18 AAC 72.205(a)(10) **Explanation if not included:** NEW construction — NA —
		12. Complete the appropriate project specific checklist(s) and submit with this general checklist. (see Table 1 to determine checklist required for your project) Check all that apply and that are submitted by this plan.
[ ]	[ ]	Utilidor, Collection and Pumping Checklist
[ ]	[ ]	Stabilization Pond Checklist
[ ]	[ ]	Treatment Plant Checklist
[✓]	[ ]	Package Plant Checklist
[ ]	[ ]	Community and Alternate Soil Absorption System Checklist
[ ]	[ ]	Holding Tank Checklist
[✓]	[ ]	Surface Waters Outfall Disposal System Checklist
[ ]	[ ]	Disposal to Land Surface Checklist
		Explanation if not included:

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
[✓]	[ ]	13. Calculations, reports or narrative supporting the proposed design that you believe will aid the Department in completing the review of this project. **Explanation if not included:** see "front sheet"

I submit the above information/items concerning this project. By my signature I certify that the information is correct.

SIGNATURE of Submitter 5-6-10 DATE

Revised 2-17-2006

Package Plant(up to 1500 gpd)
(General Checklist must also be completed.)

PROJECT NAME; Smith & Neal
455 1510 TS
Tucson, AZ

Check each item that is included with your submittal. If an item is not included, check "not included" and provide and explanation why the item does not apply to this project or describe special circumstances why the information is not included.

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
[✓]	[ ]	1. Design criteria and operating conditions: Expected design flow (include basis for estimate)
[✓]	[ ]	Hydraulic and organic loading for treatment system components
[ ]	[✓]	Expected % removal of TSS and BOD - see man. materials NSF certificate
[ ]	[✓]	Performance, operation and maintenance information for selected plant (from manufacturer) - on file @ ADEC
[✓]	[ ]	Verification that the plant meets NSF 40 standards or can successfully treat domestic wastewater for at least one year under expected conditions.
[ ]	[✓]	Seasonal flow variations. - NA (none)
[✓]	[ ]	Thermal protection. see drawings **Explanation if not included:**
[✓]	[ ]	2 Expected effluent quality. meeting ADEC Stds **Explanation if not included:**

Attachment B

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
[✓]	[ ]	3. Specifications for : Fill and backfill material and placement
[✓]	[ ]	Pressure testing, completed piping, method for testing 18 AAC 72.245(E) **Explanation if not included:**
[✓]	[ ]	4. Methods of sludge removal and locations of sludge and residual disposal. Include types of residuals (septage, grit, screenings, et cetera) expected amounts – average daily and annual. If onsite disposal, provide copy of application for monofil from ADEC Solid Waste Program. If offsite disposal, provide verification that site has ADEC approval to accept residuals, include name and permit number. **Explanation if not included:**
[ ]	[✓]	5. Methods to control facility by-passes including those in the plant and in the influent flow. NA (By-passes of plants will be considered on a case-by-case basis. By-passes may not be approved because less than primarily treated wastewater cannot be discharged into or onto the ground or into surface waters.) 18 AAC 72.245(6) **Explanation if not included:**
[✓]	[ ]	6. Final grading plan shows that surface drainage will be directed away from treatment and /or disposal system. 18 AAC 72.245(8) **Explanation if not included:**

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
[ ]	[✓]	7. Name and contact number for system maintenance provider.
[ ]	[✓]	Provisions for system maintenance for life of system. 18 AAC 72.245(9)(A)& (B) NSF cert. requirements for 1 yr warr. **Explanation if not included:**
		8. If plant effluent is to be discharged into an existing disposal system:
[ ]	[✓]	A written agreement from the owner of the receiving system accepting the flow; and
[ ]	[✓]	Calculations or other verification that the existing disposal system can accommodate the increase in flow.
[ ]	[✓]	Systems that discharge to an outfall to surface water, verification that the disposal operates under a current wastewater disposal permit.
[ ]	[✓]	A person or formal organization responsible for on-going operation and maintenance for disposal system. **Explanation if not included:** -NA-

I submit the above information/items concerning this project. By my signature I certify that the above information is correct.

SIGNATURE of submitter — DATE 5-6-10

Revised 3-15-2006

Surface Waters Outfall Disposal System Checklist

(The General Checklist must also be completed.)

PROJECT NAME: Smith / Nard 455 1510 TS

Check each item that is included with your submittal. If an item is not included, check "not included" and provide and explanation why the item does not apply to this project or describe special circumstances why the information is not included

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
		1. Specific information and detailed drawings on:
[✓]	[ ]	Design flow, including daily/seasonal variations
[✓]	[ ]	Calculations verifying that the proposed system will adequately handle maximum design flows under expected tidal conditions.
[✓]	[ ]	Material specifications for piping
[✓]	[ ]	Pipe anchoring details to protect against wave or ice action, buoyancy, beach logs, et cetera.
[✓]	[ ]	Potential for pipe siltation
[✓]	[ ]	Methods of thermal protection
		Explanation if not included:

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
		2. Methods to control operational variables such as:
[✓]	[ ]	Icing and ice movement
[✓]	[ ]	Seasonal or loading variations
[✓]	[ ]	Operator access for maintenance and sampling
[✓]	[ ]	Other conditions that would affect system operations
		Explanation if not included:
[✓]	[ ]	3. Information showing evidence that wastewater will be treated to at least secondary standards unless formally waived to a lesser standard by DEC.
[✓]	[✓]	Expected effluent concentration of BOD, TSS and pH. NSF
		If required treatment cannot be met, a request signed and sealed by an engineer must be submitted.
		Explanation if not included:
[✓]	[ ]	4. Methods to control facility by-passes; by-passes are shown on the design drawing.
		(By-passes of plants will be considered on a case-by-case basis. By-passes may not be approved because less than primarily treated wastewater cannot be discharged into or onto the ground or into surface waters.)
		Explanation if not included:

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
[ ]	[✓]	5. Mixing and dilution calculations showing that the outfall diffuser provides effluent dispersion and dilution sufficient to meet terms of the disposal permit, and complies with 18 AAC 70 (Water Quality Standards) requirements. 18 AAC 72.275 (a)(6) **Explanation if not included:**
[✓]	[ ]	6. For gravity sewers extending into receiving waters, a suitable access has been provided (at the shore) to allow for cleaning and sampling. 18 AAC 72.275 (a)(7) **Explanation if not included:**
[✓] [✓]	[ ] [ ]	7. Data (i.e., mixing calculations) showing that effluent does not threaten aquatic farm, commercial or subsistence shellfish harvest areas. Identified all aquaculture operations within 1 mile of proposed system. 18 AAC 72.275 (a)(9)) **Explanation if not included:**
[✓] [✓] [✓]	[ ] [ ] [ ]	8. Identify potential health hazards and nuisances by describing: Local topography; Geologic and soil characteristics; Existing uses of water including aquaculture, food processing, food gathering, fishing, boating, swimming and recreation. 18 AAC 72.050(d)(5)(B) **Explanation if not included:**

INCLUDED	NOT INCLUDED	SUBMITTAL ITEM
[ ] [ ]	[✓] [✓]	11. If a system serves more than one building, or is set up to serve more than one property, evidence that a written and legally recorded agreement is in place among all land owners; or that an operation and maintenance entity (such as a Home Owner's Association) has been formally established and that the Association has written bylaws that have been recorded and commit landowners to operation and maintenance of their individual system and support of any jointly owned portions of the system. **Explanation if not included:** NA

I submit the above information/items concerning this project. By my signature I certify that the above information is correct.

SIGNATURE of submitter 5-6-10 DATE

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ON-LOT WASTEWATER DISPOSAL SYSTEM
PERMIT APPLICATION
PROJECT FACT SHEET

System location

The existing house, built in 1994, is served by an older sewage treatment plant and discharges through an ocean outfall line. The existing house is located on the same elevation level as Fritz Cove road. The lot then slopes down to the beach. The existing STP is located near the existing house and can not serve the proposed new building without pumping waste back up hill.

The proposed location for the new sewage treatment plant will be at the toe of a slope in a built up level area.

Separation distance

The new sewage treatment plant will be located approximately 55 feet from MHHW. Therefore a waiver of the separation distance is requested.

The location is at the bottom of the slope and there is no other location to place the STP without extensive excavation.

Secondary treatment is proposed in addition to UV disinfection. There is no public use of the beach because of the location and the terrain. There is no clam harvesting or food gathering in the area where the marine outfall is proposed.

Proposed System:

House

Assume minimum size of 3 bedroom house.

Estimated flow

150 gpd/Bedroom x 3 Bedrooms = 500 gpd

Wastewater Treatment

Jet Aeration rated to treat 500 gpd.

A new disinfection using a UV light unit will be installed

Wastewater Disposal

Disposal will be into a new four inch marine outfall line extending to depth of -4 ft MLLW. The 4 inch HDPE pipeline will be buried a minimum of four feet.

Daniel Sexton

From: Freeman, Joran (DEC) [joran.freeman@alaska.gov]
Sent: Thursday, July 15, 2010 2:01 PM
To: Daniel Sexton
Subject: 2160 Fritz Cove Rd ATC Approval
Attachments: ATC Approval # 8169.pdf

Dan,
As per the attachment, an Approval To Construct authorization was issued in May of 2010.

Joran Freeman
Environmental Engineer Associate
ADEC - Wastewater - On-site disposal
410 Willoughby Ave., Suite 303
P.O. Box 11800
Juneau, AK 99811-1800
wk: 907-465-5167
fax: 907-4655274
joran.freeman@alaska.gov

STATE OF ALASKA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
WASTEWATER DISCHARGE PERMIT PROGRAM

SEAN PARNELL, GOVERNOR
410 Willoughby Avenue, Suite 303
P.O. Box 111800
Juneau, Alaska 99811-1800
PHONE: (907) 465-5300
FAX: (907) 465-5274
http://www.state.ak.us/DEC/

May 13, 2010

Gary Hayden, PE
EA^2 Engineering Analysis --- Applications
P.O. Box 210076
Auke Bay, AK 99821

Re: Approval to Construct Authorization – Alternate Onsite Wastewater System: USS 1510. Tract 5, Juneau, Alaska. ADEC Plan Tracking Number **8169**.

Dear Mr. Hayden:

The department has reviewed the engineering plans submitted for the referenced project. Conditional approval is hereby given to construct the proposed engineered system on the referenced property. Two houses with separate treatment systems with marine outfalls are to be located on the referenced lot. The existing house currently is operating with an ADEC approved wastewater treatment system with marine outfall. The treatment system for the new house consists of a Jet Aeration, 500 gpd secondary treatment system, UV light disinfection, and marine outfall for disposal. The treatment system serves a new (3) three bedroom house with a maximum wastewater generation of 500 gallons per day.

Included with your engineering plans is a request to waive the minimum separation distance required under 18 AAC 72.020 between the treatment system and the ocean. The Department has reviewed the engineered information and based on the proposed use and on other information submitted, hereby grants a waiver to a reduced separation distance of 55 feet.

This approval is contingent on the following:

1. The ADEC requires that the owner enter into a perpetual service contract with a qualified service provider. **A maintenance agreement, signed by the owner and service provider, must be submitted to ADEC as a condition to obtain an Approval to Operate.** Homeowners are encouraged to keep records of all inspections and maintenance on their system, and have them available to the department upon request. Please refer to the operation and maintenance manual for your specific treatment system for an inspection schedule and more information.

Advisories and Recommendations:

1. This construction approval is valid for two years. If the project is not constructed within two years, new plans and associated fees must be submitted to ADEC for review and approval.

2. This approval is contingent upon compliance with the conditions of Wastewater Disposal Regulations, 18 AAC 72.235, *Construction Certification*. The noted section of the regulations requires that a "*Certification of Construction*" be completed and submitted to the Department within ninety (90) days of completion of construction. Record drawings, submitted by your engineer, must indicate any changes or deviations from the approved plans to facilitate final review. A "*Certification of Construction*" form is enclosed for your use.

3. This approval is contingent upon your receipt of any other state, federal or local authorizations which are required for your project. You are required to obtain all other necessary authorizations before proceeding with your project.

4. You are advised that if this development will require placing fill in wetlands or working in a stream, river, or lake, permits from the U.S. Army Corps of Engineers and the Alaska Department of Fish and Game may be required. A Coastal Projects Questionnaire will help you identify other permits and approvals that may be required for your project.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. **Informal review requests** must be delivered to the Division Director, 555 Cordova Street, Anchorage, Alaska 99501, within 15 days of receipt of the plan review decision. **Adjudicatory hearing requests** must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days of the decision. If a hearing is not requested within 30 days, the right to appeal is waived.

Please call me at 907-465-5167 if you have comments or questions.

Sincerely,

Joran Freeman
Environmental Engineer Associate

Attachments:
(1) *Certifications of Construction for Domestic Wastewater Systems* to be completed
(2) *Construction and Operation form*

Cc: April Smith & James B. Neal Jr., P.O. Box 32133, Juneau, Ak 99803

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CONSTRUCTION AND OPERATION CERTIFICATE
FOR
DOMESTIC WASTEWATER DISPOSAL SYSTEMS

ADEC PTN#: 8169

A. APPROVAL TO CONSTRUCT

Plans for the construction or modification of the following domestic wastewater disposal system:

Jet Aeration, 500 gpd secondary treatment system, UV light disinfection, and marine outfall

located at **USS 1510. Tract 5, Juneau**, Alaska,

submitted in accordance with 18 AAC 72.210 by **Gary Hayden, P.E.** have been reviewed and are

☐ approved.

☑ conditionally approved (see attached conditions).

BY	TITLE	DATE
Joran Freeman	Environmental Engineer Associate	5/13/2010

If construction has not started within two years of the approval date, this certificate is void and new plans and specifications must be submitted for review and approval before construction.

B. APPROVED CHANGE ORDERS

Change (contract order number or descriptive reference)	Approved by:	Date:

C. APPROVAL TO OPERATE

The "APPROVAL TO OPERATE" section must be completed and signed by the Department before this system is made available for use.

The construction of the _____ domestic wastewater disposal system was completed

on _____ (date). The system is hereby granted **interim** approval to operate for 90 days following the completion date.

BY	TITLE	DATE
Joran Freeman	Environmental Engineer Associate	

As-built/record drawings, submitted to the Department, or an inspection by the Department, has confirmed that the domestic wastewater disposal system was constructed in substantial conformance with the approved plans. **The system is hereby granted final approval to operate.**

BY	TITLE	DATE
Joran Freeman	Environmental Engineer Associate	

Distribution:
1. Retain original for project file
2. Make copies for distribution

(Rev 4/97)

Attachment B

Daniel Sexton

From: Thorsteinson, Fredrik J (DOT) [fred.thorsteinson@alaska.gov]
Sent: Tuesday, April 06, 2010 7:22 AM
To: Daniel Sexton
Cc: Epstein, David B (DOT)
Subject: RE: Variance Request for 2160 Fritz Cove Rd (VAR20100005)

Daniel

I have no objection to the proposed subdivision.

Fred

From: Daniel Sexton [mailto:Daniel_Sexton@ci.juneau.ak.us]
Sent: Thursday, April 01, 2010 8:58 AM
To: Dan Jager; Epstein, David B (DOT); Debra Purves; 'Eric Eriksen, AEL&P'; Thorsteinson, Fredrik J (DOT); Greg Browning; 'Heidi Firstencel'; Timothy, Jackie L (DFG); 'Jennifer Berger'; Joe Buck; Joe Myers; Eberhardt, Michael W (DNR); 'Richard Enriquez, US Fish & Wildlife'; Wanstall, Sally S (DEC); Scott Jeffers; 'Steve Brockmann, US Fish & Wildlife'; 'Susan Walker, NOAA'; Lawson, Thomas W (DFG); Tom Trego; 'Valerie Kelton'; Groom, William M (DNR)
Subject: Variance Request for 2160 Fritz Cove Rd (VAR20100005)

Morning Everyone,

In rushing to get the solicitation out to everyone for comment, regarding the Variance Request for 2160 Fritz Cove Road, I forgot to attach copies of the proposed plat and application materials. That said I have attached them above for you to review.

Please let me know if you have any questions.

Thanks,

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

Daniel Sexton

From: Epstein, David B (DOT) [david.epstein@alaska.gov]
Sent: Friday, April 02, 2010 9:33 AM
To: Daniel Sexton
Subject: RE: Variance Request for 2160 Fritz Cove Rd (VAR20100005)

I have no comment from a traffic/safety standpoint.

David B. Epstein, P.E.
Regional Traffic & Safety Engineer
Alaska DOT&PF - Southeast Region
Design & Engineering Services - Preconstruction
6860 Glacier Highway, Juneau, AK 99811-2506
Phone: 907-465-4483
Mobile: 907-209-7995
Fax: 907-465-3506
Email: david.epstein@alaska.gov

From: Daniel Sexton [mailto:Daniel_Sexton@ci.juneau.ak.us]
Sent: Thursday, April 01, 2010 8:58 AM
To: Dan Jager; Epstein, David B (DOT); Debra Purves; 'Eric Eriksen, AEL&P'; Thorsteinson, Fredrik J (DOT); Greg Browning; 'Heidi Firstencel'; Timothy, Jackie L (DFG); 'Jennifer Berger'; Joe Buck; Joe Myers; Eberhardt, Michael W (DNR); 'Richard Enriquez, US Fish & Wildlife'; Wanstall, Sally S (DEC); Scott Jeffers; 'Steve Brockmann, US Fish & Wildlife'; 'Susan Walker, NOAA'; Lawson, Thomas W (DFG); Tom Trego; 'Valerie Kelton'; Groom, William M (DNR)
Subject: Variance Request for 2160 Fritz Cove Rd (VAR20100005)

Morning Everyone,

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Please let me know if you have any questions.

Thanks,

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

Daniel Sexton

From: Richard_Enriquez@fws.gov
Sent: Friday, April 02, 2010 11:30 AM
To: Daniel Sexton
Subject: Re: Variance Request for 2160 Fritz Cove Rd (VAR20100005)

Daniel, the FWS has no comments.

Richard

Daniel Sexton <Daniel_Sexton@ci.juneau.ak.us>

03/31/2010 03:40 PM

To Dan Jager <Dan_Jager@ci.juneau.ak.us>, 'David Epstein' <david.epstein@alaska.gov>, Debra Purves <Debra_Purves@ci.juneau.ak.us>, "'Eric Eriksen, AEL&P'" <eric.eriksen@aelp.com>, "'Fred Thorsteinson, DOT'" <fred_thorsteinson@dot.state.ak.us>, Greg Browning <GBrowning@juneaupolice.com>, 'Heidi Firstencel' <Heidi.X.Firstencel@usace.army.mil>, "'Jackie Timothy, DNR'" <jackie_timothy@dnr.state.ak.us>, 'Jennifer Berger' <jberger@fs.fed.us>, Joe Buck <Joe_Buck@ci.juneau.ak.us>, Joe Myers <Joe_Myers@ci.juneau.ak.us>, "'Mike Eberhardt, DNR'" <mike_eberhardt@dnr.state.ak.us>, "'Richard Enriquez, US Fish & Wildlife'" <richard_enriquez@fws.gov>, "'Sally Wanstall, DEC'" <sally.wanstall@alaska.gov>, Scott Jeffers <Scott_Jeffers@ci.juneau.ak.us>, "'Steve Brockmann, US Fish & Wildlife'" <steve_brockmann@fws.gov>, "'Susan Walker, NOAA'" <susan.walker@noaa.gov>, "'Tom Lawson, Division Director'" <tom_lawson@fishgame.state.ak.us>, Tom Trego <Tom_Trego@ci.juneau.ak.us>, 'Valerie Kelton' <valerie.kelton@traveljuneau.com>, 'William Groom' <william.groom@alaska.gov>

cc

Subject Variance Request for 2160 Fritz Cove Rd (VAR20100005)

Afternoon Everyone,

On March 23, 2010, the Community Development Department received a Variance application to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels, both of the proposed parcels to be created would not meet the required minimum lot size and width, per CBJ§49.25.400 Table of Dimensional Standards (VAR20100005). The applicant's project narrative has been attached above for reference. Additionally, here is some background information on the property in question: it's located at 2160 Fritz Cove RD.; the property is currently developed with a two story single-family dwelling and a detached garage with additional living space; and the sewer system is through a marine outfall. In the following chart, you will find the dimensional standards required by the Land Use code and the reduction the applicant is requesting:

	Required	Proposed
Minimum Lot Size	36,000 sq. ft.	34,251.5 sq. ft. (Both Parcels
Minimum Lot Width	150 ft.	109.77 ft. and 148 ft.

Attachment B

The reason for this e-mail is to see if your respective agency has any comments or concerns regarding the requested Variance and the development potential of the two possible lots.

If you have any questions, please let me know.

Thanks,

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

PLANNING COMMISSION REGULAR MEETING

Assembly Chambers

Materials for VAR2010 0023:

Reconsideration of a variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as requirement by Section CBJ49.25.400 Table of Dimensional Standards.

---

1. E-mail from Tony Yorba, received Tuesday, July 27, 2010 6:35PM.

2. Section of *DRAFT* Minutes (page 10-26) from the July 27, 2010 Planning Commission Meeting regarding VAR2010 0023.

3. Staff Report, dated July 22, 2010, from Daniel Sexton, Community Development Planner to the CBJ Planning Commission regarding VAR2010 0023.

Tony Yorba

From: Tony Yorba
Sent: Tuesday, July 27, 2010 6:35 PM
To: 'April Smith'
Subject: RE:

Lot dimension variance

1. The variance gives relief to the owner, and is consistent with justice to other property owners. The current lot is virtually triangular in shape. The proposed lot split generates a roughly rectangular lot 2, however, given the original triangulated shape of the original lot, the new lot is narrower than normally allowed. The unique triangular shape of the existing lot is the reason for the variance request for the dimensional standard. However, the new lot 2 will almost certainly be developed with a waterfront dwelling unit. This will leave the existing pattern of well spaced dwelling units intact- with only one other dwelling within 120 feet of the likely building pad. It does not set a difficult to administer precedent, as a quick review of all lots on Fritz Cove Road reveals no other lots that possess the same geometry in a waterfront site. The combination of waterfront and large triangular original lot are what generate a unique set of circumstances that we believe meets this criteria

2. "That relief can be granted in such a fashion that the intent of this title can be observed and the public safety an welfare can be preserved." CBJ 49.05.100 *Purpose and Intent* is sited in staff's report. The proposed variance is in keeping with intent of the Land Use Code and current land use pattern in the neighborhood, as we described in our response to the lot size variance request. In addition, due to the depth of the proposed lot 2, the proposed development maintains the pleasant, rural character of the existing D-1 neighborhood, and in no way appears to take on the visual or pattern characteristics of a denser development area. The Owner does not object to a special condition limiting dwelling construction in the waterfront half of the lot. This ensures that the existing pattern of development is maintained, and that the rural character of the neighborhood is maintained. We believe that Variance item 2 is met. Again, the Owner does not object to a special condition limiting the dwelling construction to the waterfront half of the lot, which reflects the unique circumstance of the lot width variance circumstances and we believe does not set an unreasonable precedent.

3. We concur with the positive staff assessment.

4. We concur with the positive staff assessment.

5.(A): We believe our response to item 5(A) of the lot size request adequately addresses this issue. We believe the denial of the variance unreasonably prevents the Owner from using the property for a permissible principle use. Staff points out that the single family home on the existing property can already be used for a duplex, and apartment or a 1,000 sf bungalow.

Therefore, the question should not be framed as whether additional dwelling units on the property are acceptable or in compliance with neighborhood standards- allowance of these other dwelling types clearly indicates that additional dwelling units are a good thing. The question should therefore be: what is the best use of a valuable, unique piece of waterfront property. We would argue that a home appropriate to the size of the lot, it's value and the waterfront view would be more in keeping with the neighborhood than an apartment or a duplex, and bring greater value to the borough. We believe that the proposed variance meets this sub-criterion.

5.(B): The proposed variance would lead to a lot split that would allow development of a waterfront residence, typically on the higher end of amenities and appearance along Juneau waterfront. Denial would lead to lesser valued development, which we do not believe would be in keeping with existing development in the neighborhood. We believe that the proposed variance meets this sub-criterion.

5.(C): The shape of the original lot is virtually triangular, with a very long waterfront. As glacial rebound continues to accrete to this property, it will continue to grow in area, and length of waterfront. This variance will allow the property owner to fairly develop the waterfront property and not burden them with property taxes on valuable waterfront property they cannot develop, due to the lot dimension.

5.(D): We disagree with this finding in that we believe the site unique shape and potential special condition limiting area of development create special findings that would limit applicability of this finding to other properties.

6. We believe that granting the variance results in more benefits than detriments, as described in our response to this question on the lot size variance. We would further state that the lot dimension variance if granted due to the peculiar shape of the site, creates an easy to administer precedent, as does the proposed special condition of limiting development to the waterfront end of the new lot 2.

Based on the above, we believe the variance should be allowed.

Chair Gladziszewski adjourned the PC, and convened the Board of Adjustment.

X. BOARD OF ADJUSTMENT

VAR2010 0005
A variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as required by Section CBJ 49.25.400 Table of Dimensional Standards.
Applicant: April Smith
Location: 2160 Fritz Cove Rd.

&

VAR2010 0023
A variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ 49.25.400 Table of Dimensional Standards.
Applicant: April Smith
Location: 2160 Fritz Cove Rd.

Staff report
Daniel Sexton requested to report on both related cases, VAR2010 0005 & VAR2010 0023, noting that if the first happens to be denied then the second would be a mute issue. Chair Gladziszewski agreed, noting that the Board of Adjustment would take separate action on them following this report.

Mr. Sexton said VAR2010 0005 is a request is to allow a parcel to be subdivided into two parcels; both of the created parcels would be in two equal halves with each being 34,251 square feet, which does not meet the minimum lot size in the D-1 zoning district of 36,000 square feet, as requested by the applicant. The lot the applicant currently resides at is located at 2160 Fritz Cove Road. The property is developed with a single-family dwelling that was initially constructed in 1966. In 2008, the applicant underwent the process to accrete uplifted tidelands from the State of Alaska, which was for 8,523 square feet (.20 acres) gained to the upland property. In early 2010, he said the applicant inquired of the Community Development Department (CDD) her options and possibilities to subdivide or further develop the property. He said staff informed the applicant that there would be some restrictions and limitations due to the existing property dimensions, and lot size, including the City utility services provided on-site, as the property does not have public sewer. He said these limiting factors have to be taken into consideration while determining options available for the applicant to further develop the property, as well as how it is able to be laid out. He said the applicant took this information, and then presented it back to the CDD with an application, which is before the Board of Adjustment. He said staff mentions in the report that this request is a variance to density, however, in accordance with the Land Use Code a variance to density cannot be heard by the Board of Adjustment. He said while staff was reviewing this, including having discussions with the applicant, which was when they proposed to limit the number of dwelling units for both lots to one single-family dwelling, and that no special density considerations such as accessory apartments, or anything of that nature would be allowed to be developed on-site. He explained that this is barring any changes to the Land Use Code, or further accretions that might happen in

the future, which could allow for additional development, but at this time this is what the applicant is proposing. He said staff is recommending that the Board of Adjustment adopt staff's recommendation for denial of VAR2010 0005 because certain criteria are not met, and therefore he would speak to those findings:

"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."

He said this is not a variance to density, and instead, they are looking at it terms of intensity. He said the applicant in a general sense is seeking a special intensity consideration specific to the property, so they are proposing to limit the dwelling units on-site, and as an offset would have smaller lot sizes. Through the process, staff identified various alternatives within the perimeters of the Land Use code that are available to the applicant. He said this includes the development of an accessory apartment through the Conditional Use permit (CUP) process, or a duplex through the Building permit process. In the future, the State could accrete additional lands, although that is an unknown as far as how long such a process might take, as some properties are uplifting faster than others. He noted that an aspect not specifically addressed in the alternatives section of the report is the discussion regarding the utilization of bungalow housing to develop a smaller lot, and then going through the variance process in terms of not being required to have public sewer. After reviewing all of these alternatives, he said the applicant identified that these do not really fit according to their family lifestyle in terms of the size of home they envision living in, and therefore the applicant re-submitted the same application. He provided an aerial photograph of the subject property, stating that many surrounding properties in the area were developed prior to modern zoning, which consists of unusual and various sized lots. He said some parcels meet the minimum dimensions, and others do not meet the minimum lot size. Further, there are a number of properties that do not actually have frontage, which are accessed through easements in various methods. In regards to Finding 2, based on the fact that there were additional alternatives presented that fit within the Land Use Code, staff recommended no, as Finding 2 criterion is not met.

"5. That compliance with the existing standards would:

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

He said the property is already developed with a single-family dwelling, which is a permissible use. He said staff identified various alternatives for the property as stated before, which could be permitted through other processes within the Land Use Code without a variance, and therefore staff recommended no, as Finding 5(A) sub-criterion is not met.

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

He referred to an aerial photograph, stating that the property is in the D-1 zoning district, whereby he showed another slide regarding various breakups of adjacent properties. He noted that there are a broad array of many sizes and shapes of lots with various and unique situations. He explained that what he attempted to represent in the report is that the applicant identified in the application that there are a variety of different lot sizes. He said staff conducted further evaluation of who owned which lots, how they were subdivided, and how they were created. He said staff later broke this out by the percentage of lots in comparison to the minimum lot size requirement of 36,000 square feet, and found that a large percentage

of those other properties meet or exceed this requirement. He noted that those properties identified that do not meet the minimum lot size were created prior modern zoning, thus are grandfathered. However, while staff viewed how the development of the surrounding area has taken place, it is predominately with single-family dwellings, but a majority of the residents have accessory apartments, or they were developed as duplexes because certain lot sizes exceed the minimum requirement, and therefore they did not have to undergo the accessory apartment process. In this case, he said there are other options within the Land Use Code. Based on existing development, he explained that if the applicant went through those processes it would be more consistent with the method in which the adjacent properties were developed, and therfore staff recommended no, as Finding 5(A) sub-criterion is not met.

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

He said the uplands portion of the property is fairly flat, and it gradually slopes down to the waterline. He said the site does not have any wetlands, steep topography, or any other type of unique physical feature that would comply with this criterion, so staff recommended no, as Finding 5(C) sub-criterion is not met.

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

He said there are no preexisting nonconformities on the property, so staff recommended no, as Finding 5(D) sub-criterion is not met.

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

He said it is somewhat of a "gray area," as they are looking at creating an additional lot, which has the potential of being owner occupied, and it would be another property on the tax roll with a single-family dwelling, although there is no guarantee because the other unit might be rented and they do not have any regulation of that. When it came down to it, he explained that this ended up being more or less a "wash," including considering the fact that the applicant is also requesting a Variance to minimum lot width, so these are two factors that the applicant is requesting to deviate from the Land Use Code in order to allow this development to happen, so based on these facts staff recommended no, as Finding 6 criterion is not met.

He said staff recommended that the Board of Adjustment deny VAR2010 0005. However, should they approve this Variance depending on findings or discussions that might happen at this meeting, staff recommends adding a condition regarding the plat note and limiting the number dwelling units per lot. He showed photographs of the property, stating that it is a less dense type of development envisioned in the D-1 zoning district, noting that with both Variance requests they begin to quickly deviate from this. He stated that, e.g., in the mind set of an adjacent property owner, granted they might already have a lot that is sub-standard, but they might already have the expectation of a certain scale of development on this subject property. However, by reviewing these two Variance requests to create two sub-standard lots, they would be deviating from that and would not be adhering with the intent for the D-1 zoning district.

Mr. Rue stated that if the lot was retained as is, the applicant per the Land Use Code could have a duplex, a single-family home, or an accessory apartment, with the possibility of applying for a

bungalow lot. Mr. Sexton said yes, explaining that they would still have to obtain a variance for bungalow housing. Mr. Rue stated that assuming the PC a future variance request for a bungalow lot then the applicant could reasonably end up with a duplex and a bungalow dwelling, or potentially a single-family dwelling or an apartment and a bungalow dwelling, although with no guarantees at this point. Mr. Sexton said yes.

Mr. Rue noted that the applicant said they checked the CBJ Assessor's database and found 158 parcels with residences on Fritz Cove Road, and of those 102 parcels have residences, and some have multiple residences, which are less than 34,250 square feet. Mr. Sexton said when he started reviewing the properties in the Fritz Cove area is when he found that there are varying ownerships. He noted that there are landowners who own multiple lots where some were property subdivided. Another issue he ran into is that portions of this area are in the transition zone, so depending upon when public sewer ends up being installed in this area the subject property could be rezoned to that transition zone as well because the City setup it up already to go to a higher density zoning at that time. Mr. Rue asked if public sewer has already been scheduled by the City to be installed. Mr. Sexton said no, whereby he suggested that the Board of Adjustment keep in mind that one aspect mentioned in the report is that they did have concerns regarding the development of the on-lot wastewater disposal system, noting that the applicant hired an engineer from EA^2, and they did undergo a process to establish that it could be developed, and then obtained a permit from the Alaska Department of Environmental Conservation.

Chair Gladziszewski stated the applicant is requesting two Variances for the lot size and lot dimension, and asked if they are also required to obtain a variance to the setback because the existing single-family dwelling on the property appears to have been placed in the middle of the parcel in the aerial photograph. Mr. Sexton explained that the existing property lines set up for the current dwelling meet the setback requirements, which includes the carport and garage. However, adhering to the required setbacks within the property lines if it is subdivided might pose the property owner challenges and limitations on Lot 2 for developing a new single-family dwelling because the next discussion on the other related Variance, VAR2010 0023, identifies that the width cannot exceed 83', so they would be shrinking down in size for Lot 2. Chair Gladziszewski asked what the side yard setback is in the D-1 zoning district. Mr. Sexton said it is 15'. Chair Gladziszewski commented that the new residence could not exceed being wider than 53'.

He explained that related Variance, VAR2010 0023, is for the same parcel. The applicant requested this Variance to subdivide the parcel into two lots; both would not meet the minimum lot width requirement of 150' per CBJ 49.25.400 *Table of Dimensional Standards*. He said both of the new parcels would not meet the minimum lot width requirement of 150', and the proposed lot widths for the two parcels would be 148.58' for Lot 1, and 86.75' for most of the lot, and then after the bend at the western boundary it increases to 113.33' for Lot 2.

In terms of the findings, he would discuss the conclusions on the criteria by staff, noting that much of the same discussion came up regarding the other related VAR2010 0005 that he previously addressed:

"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."

He said the relaxation applied for would create two saleable lots whether the applicant retains ownership or not, as staff or the Board of Adjustment does not have control over this. In viewing other properties in the area, he was not able to locate any previous variances for the creation of sub-standard lots of this nature. Therefore, to be consistent with justice to other property owners staff recommended no, as Finding 1 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."

He noted that with smaller properties a reduced lot width provides greater potential for the landowner to have to apply for additional variances to setbacks so they are able develop properties to the fullest extend, and the neighbors generally do not expect that, which does not adhere to the intent of the Land Use Code in the D-1 zoning district. He said the applicant has other alternatives for the development of the property, and therefore staff recommended no, as Finding 2 criterion is not met.

"3. & 4.

He said staff recommended yes, as Findings 3 & 4 criteria are met.

"5. That compliance with the existing standards would:

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

He said the property is already developed with a single-family dwelling, and there are alternatives for the property without having to go through this Variance process, and therefore based on this staff recommended no, as Finding 5(A) sub-criterion is not met.

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

He said the majority of the surrounding properties meet or exceed the minimum lot width, and those that do not were created prior to modern zoning, and therefore staff recommended no, as Finding 5(B) sub-criterion is not met.

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

He said the property isn't necessarily steep that negates or restricts how they setup the property line. He noted that the location of this property is basically to make the minimum lot sizes equal for the other Variance application, VAR2010 0005. He stated that staff recommended no, as Finding 5(C) sub-criterion is not met.

"(D) Because of preexisting nonconforming conditions on the subject parcel the grant of 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."

He said there are no preexisting nonconforming situations on the property so staff recommended no, as Finding 5(D) sub-criterion is not met.

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

He said the applicant wants to create two sub-standard lots in a neighborhood that is proliferated with them, but most were created prior to modern zoning. He stated that based

on what is being proposed and the detriments, and therefore staff recommended no because there are no significant benefits, as Finding 6 criterion is not met.

Mr. Rue commented that the flipside of not creating two sub-standard lots is that they would be forcing the applicant to have an above-standard lot of about 68,503 square feet, but the minimum lot size is 36,000.

Public testimony

Tony Yorba, 9340 North Douglas Hwy., representing the applicant. Mr. Yorba provided two handouts regarding the applicant's response to staff's findings for the two related Variances, VAR2010 0005 & VAR2010 00023. He said it is somewhat of a nuance, as many of the same issue occur in both Variance applications. He stated that he would start by addressing the applicants response to the findings regarding lot size Variance, VAR2010 0005, as follows:

1. He said the applicant concurs with the positive staff assessment and recommended conditions.
2. He said this finding was based on the *Purpose and Intent* language in Title 49 regarding the current land use pattern in the neighborhood:
    a. He stated that historically denser land use occurs at the waterfront, with low density further inland from the water, noting that this is prevalent at Fritz Cove. This land pattern is consistent with the existing neighborhood, and appears also to be consistent with item (2) of the *Purpose and Intent* language, which was noted by staff.
    b. He said setbacks could be readily observed on the developed property, with no impact on the existing viewsheds of adjacent properties. He stated that the CBJ would gain additional property tax revenue, which is certainly a positive effect of growth, and since the property could be developed virtually unnoticed by adjacent lots any negative impacts would be minimal. Therefore, it appears to be in compliance with item (3) of the *Purpose and Intent* language, i.e., there are benefits without an appreciable downside.
    c. He said the property was originally developed with a lot split in mind, so granting of the Variance is in keeping with the original use and intention of the property. He said it has been noted by staff that the sewer and outfall has already been permitted on-site, including being serviced with all other utilities, and therefore appears to be in full compliance with item (4) of the *Purpose and Intent* language.

    He said based on items a, b, and c, the applicant believes Variance item 2 is met.
3. & 4.

    He said the applicant concurs with these positive assessments by staff.
5. He stated that this item is divided into 4 sub-sections, and the applicant's response to them is by stating:

    (A) That a denial of the Variance would unreasonably prevent the owner from using the property for its permissible principle use, which is key. He said staff points out that the single-family dwelling on the existing property could already be used for a duplex, an accessory apartment, or a 1,000 square foot bungalow dwelling, or any combination of those with additional permit approvals. Therefore, the applicant believes that the question should not be framed as to whether additional dwelling units on the property are acceptable, or whether they are in compliance with neighborhood standards, as they are already found in this neighborhood, and therefore apparently these are acceptable. He said the question should instead be directed to what is the best use of this valuable and unique piece of waterfront property, whereby

the applicant states that a home should be appropriate in regards to the size of the lot, i.e., they are arguing over a few thousand square feet, but it is still a very large and valuable piece of waterfront property. He said allowing the property to be developed as a single-family dwelling is much more in keeping with the neighborhood, versus an apartment or a duplex. He said the applicant believes the proposed Variance meets this sub-criterion.

(B) The applicant believes that the proposed Variance would lead to a lot split that would allow development of a waterfront residence, typically on the higher end of amenities and appearance along Juneau waterfront. He said denial would lead to lesser-valued development, which the applicant does not believe would be in keeping with existing development in the neighborhood. The applicant believes that the proposed Variance meets this sub-criterion.

(C) & (D)
The applicant concurs that these sub-criteria have little bearing on the Variance request.

6. He said the applicant believes that granting the Variance would result in more benefits than detriments. He noted if the Variance is granted, Lot 2 would be created as an additional higher value property available for development in the Juneau service area. He said a high value and owner occupied dwelling would almost certainly be built in the waterfront area of the property. He explained that the proposed lot, while slightly smaller than the minimum allowed in the regulations features a long water frontage, which is over 140', and the existing visual spacing and pattern of homes would be maintained. He said no viewsheds or other impacts would be felt by neighboring property owners. Instead, the opposite result would be lesser-valued development alternatives such a duplex, an accessory apartment, or a sub-sized bungalow occupied by renters. He explained that this neighborhood is like any other in Juneau where the residents prefer an owner occupied dwelling, rather than a rental. He stated that even though there is no guarantee that this development would lead to an owner occupied property, the likelihood of an owner occupied high-end waterfront dwelling is much higher, versus if it was one of the alternative types of dwellings. He said the applicant believes that granting of the Variance results in more benefits than detriments, and therefore this criterion is met.

He said the applicant believes the Variance criteria are met and the VAR2010 0005 should be allowed.

Mr. Rue stated that Mr. Yorba said the proposed Lot 2 features over 140' of frontage. Mr. Yorba said this is an estimate because he did not have a Catalan, so he used the scale on the graph paper to measure the frontage. He explained that the intersection point of the new property line with the current waterfront to the southern most property line appears to be over 140' for Lot 2. Mr. Rue said it is difficult to determine the frontage of Lot 1. Mr. Yorba said he did not measure that lot.

Mr. Pernula said in Mr. Yorba's review of the six criteria, he mainly points out what the unique physical features are of the property that would justify the Variance, whereby he cited a portion of CBJ 49.20.250 Grounds for variances:

"(b) *Variances other than de minimis.* 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 this title, the board of adjustment may grant a variance in harmony with the general purpose and intent of this title."

He stated that the Board of Adjustment is looking for some sort of "...extraordinary situation or unique physical feature affecting only a specific parcel of property..." He said granting of the Variance does not set a precedent, although the Board of Adjustment has to be consistent in their application of them. He noted that if the Board of Adjustment does not have a specific feature that they could "put their finger on" to state, "This is really unique about this parcel of land," so if it leaves them with very few options, the Variance cannot be granted. For example, if another property owner had 20 acres in this same location, he asked Mr. Yorba what would stop them from using the applicant's same logic and coming up with 30 lots, and each might consist of 30,000 square feet, which would totally be getting around the Land Use Code. Therefore, he stressed that Mr. Yorba should specifically point out the unique situation so the Board of Adjustment is able to state that this applies only to this parcel of land, and he has not yet heard what that is. Mr. Yorba said that is fair point, stating that he somewhat addressed this in the applicant's response to the next VAR2010 0023, which he has not yet responded to. Even so, he suffices it by stating: 1) The parcel was originally developed with the idea of a lot split, which was before the modern zoning; 2) The site is an odd triangular shape, and it has a large amount of waterfront as compared to other lots in the area, so in order to achieve a lot split they are attempting to split a triangle, which is extremely difficult, and 3) The fact that it is a piece of waterfront property, after the lot split both would still be waterfront properties presenting their own unique challenges and opportunities. He noted that by virtue of the triangular shape of the property, it allows the development of a dwelling on the waterfront, and then they would be leaving 70% of the remaining lot basically untouched. Therefore, one of the conditions that he and the owner discussed and suggest at this time is not allowing other development of a duplex, an accessory apartment, or a bungalow dwelling on-site, and instead, allowing development on Lot 2 on only the waterfront half of the property in the high value area, and it leaves the vast majority of the remaining portion of Lot 2 basically untouched. He said this keeps the character of the D-1 neighborhood intact, as opposed to building a dwelling in the middle of it because there are other adjacent properties closer to the road that are very near to this one, so with staff also recommending a condition limiting development of it to specific types of different dwellings has made this even more difficult.

He continued by stated that regards to the lot dimension VAR2010 0023, the applicant responds to the criteria as follows:

1. He said granting the Variance gives relief to the owner, and is consistent with justice to other property owners. The current lot is virtually triangular in shape. The proposed lot split generates a roughly rectangular Lot 2, so given the original triangulated shape of the original lot, the new lot is narrower than normally allowed. This unique triangular shape of the existing lot is the reason for the Variance request for the dimensional standard. However, he said the new Lot 2 will almost certainly be developed with a waterfront dwelling unit, which would leave the existing pattern of well-spaced dwelling units intact, and one other dwelling within 120' of the building pad. It does not set a "difficult to administer" precedent, as a quick review of the surrounding lots on Fritz Cove Road reveals no other lots that possess the same geometry on a waterfront site, i.e. a large triangular lot. The combination of waterfront and this being a large triangular original lot are what generated a unique set of circumstances, which the applicant believes meet these criteria.
2. He said the *Purpose and Intent* language of the Land Use Code is cited in staff's report, and the proposed Variance is in keeping with the pattern in the neighborhood, as

described in the response to the lot size Variance request, VAR2010 0005. In addition, due to the depth of the proposed Lot 2, the intended development maintains the pleasant, rural character of the existing D-1 zoned neighborhood, and in no way appears to take on the visual or pattern characteristic of a denser development area. He said the applicant does not object to a special condition limiting dwelling construction in the waterfront half of the lot, which would ensure that the existing pattern and rural character of the neighborhood would be maintained. He said this reflects the unique circumstance of the lot width Variance circumstances, which does not set an unreasonable precedent. He said Variance item 2 criterion is met.

3. & 4.
   The applicant concurs with these positive staff assessments.
5. (A) He said he addressed this fairly well already with the lot size Variance, VAR2010 0005. In addition, he wants to stress that the denial of the Variance unreasonably prevents the applicant from using the property for a permissible principle use. He said staff points out that the single-family dwelling on the existing property could already be used for a duplex, an accessory apartment, or a 1,000 square foot bungalow dwelling, but the question is whether this is the best use of a valuable and unique piece of waterfront property. The applicant believes that the proposed Variance meets this sub-criterion.
   (B) He said the proposed Variance would lead to a lot split that would allow development of a waterfront residence, typically on the higher end of amenities and appearance along Juneau waterfront. A denial would lead to lesser-valued development, which they do not believe would be in keeping with existing character of the neighborhood. The applicant believes that the proposed Variance meets this sub-criterion.
   (C) He said the response to this is the same as the lot size Variance, VAR2010 0005. The applicant believes that the proposed Variance meets this sub-criterion.
   (D) He said the applicant disagrees with staff's finding, and instead, believes the unique shape of the site and potential special condition limiting area of development create special findings that would limit applicability of this to other properties. The applicant believes that the proposed Variance meets this sub-criterion.
6. The applicant believes that granting of the Variance would result in more benefits than detriments, as described in the response on the lot size Variance, VAR2010 0005. The applicant believes that the proposed Variance meets this sub-criterion.

He offered to answer questions of the Board of Adjustment. Mr. Rue said Mr. Yorba stated that one condition they would recommend is allowing development in the waterfront half of the lot. Mr. Yorba stated that he walked the site a number of times, and if they were to draw a line down the middle of Lot 2 (approximately from where the existing dwelling is located on Lot 1), everything on the eastern side consists of a conventional land that has many trees with basically no view. However, the western side provides a stunning view and a great beach, which is immanently developable for a waterfront dwelling structure. Mr. Rue said he understands all that, but he just wants to know if Mr. Yorba "literally" meant "cutting it in half," or just approximately. Mr. Yorba said whatever language is okay, whereby he stating that "cutting it in half" is fine. Mr. Sexton said he "just ran the numbers" on the frontage, and if the Variance is approved Lot 1 would have 127' of waterfront, and Lot 2 would have 175'.

Chair Gladziszewski asked if there were any others who wished to testify on this matter, to which there were none.

Mr. Yorba offered to answer questions of the Board of Adjustment. Ms. Grewe referred to Mr. Pernula's previous comment about an extraordinary circumstance and unique features of the property, asking if Mr. Yorba's best argument is that it is a large triangular parcel, or if there is anything physical uniqueness such as a stream, or a large rock, etc. Mr. Yorba said the best argument for this site is that it was originally developed with the intention for a lot split, so if they were to take Lot 2 and split it north to south they would not be having this conversation, which is the issue because the method staff is recommending to split the property would be approaching the high-value waterfront, which makes the area unique. On the other hand, he finds this to be extraordinary given the high cost of waterfront properties in Juneau or any place else, including the desire that people have for waterfront property renders it unique. Ms. Grewe stated that he has put together some powerful issues for discussion, including articulating arguments, but Mr. Pernula's previous comment she referred to sticks in her mind, explaining that the Board of Adjustment must consistently apply the Land Use Code to cases. She asked how the Board of Adjustment knows that the original intent for the parcel was to eventually split it into two lots. Mr. Yorba said he can't speak for the dead, although he is a local architect and in his experience whenever he sees a double lot in town with a house built on half of it, with the other half undeveloped that generally means that they initially had a lot split in mind.

Public testimony was closed.

BREAK: 8:27 to 8:33 p.m.

Mr. Sexton clarified for Mr. Rue that if the applicant created a bungalow dwelling on Lot 1, they would not have an adequate lot size to build a duplex on Lot 2, and therefore they could not have both a duplex and a bungalow dwelling. Mr. Rue confirmed that this is true on this 68,503 square foot lot. Mr. Sexton said yes, as the minimum lot size for a duplex is 54,000 square feet. Mr. Rue said they would have 13,503 square feet remaining. Mr. Sexton said the minimum lot size for a bungalow lot is 18,000 square feet. Mr. Pernula commented, stating with that being the case they could also potentially construct a single-family dwelling with an accessory apartment, including a bungalow dwelling.

Board discussion

Mr. Rue said staff's findings are reasonable in terms of the criteria. However, they are awfully close to two lots that would fit the "Iowa cornfield minimum lot size of 36,000 square feet scenario," as it would only be 5% smaller. He said it is not like they are making a normal lot tiny, explaining that the applicant is just requesting for a small portion of the lot to "be shaved off" the standard. He said he does not believe that if the Board of Adjustment did so that it would make a huge difference, as the applicant already has the sewer and wastewater out-fall permit, which is important. He said there are arguments about the triangular shape of the lot, including the shoreline configuration, and the fact that the lot is so close to being easily sub-dividable. He said this makes him think that this is a unique and extraordinary enough situation to at least have a conversation about whether the Board of Adjustment is able to grant both Variances, but since there are only five commissioners in attendance, they are all going to have to be in favor of doing so.

Mr. Haight asked if is acceptable for the Board of Adjustment to simultaneously discuss both of the related Variance requests. Chair Gladziszewski said yes, and then following this the Board would take action on them separately.

Mr. Satre asked if staff or the Board of Adjustment ever treated the waterside of a property as the front yard in terms of setback relationships. Mr. Sexton said yes in remote subdivisions, which this is not, although for this site along the waterfront Lot 1 is approximately 127', and Lot 2 is about 175'.

Mr. Rue said he observed that undersized corner lots have two setbacks in the front, which consists of one street side yard setback, and then another side yard setback, so the shape and place of corner lots are considered a unique feature, which has previously helped the Board of Adjustment regarding reviewing variances in other places, although that is not to state that the Board has to do the same thing every time. Even so, he said it is a fairly bizarre-shaped parcel that the applicant has to deal with, noting that there might be other problems that surface later on due to the coastline portion of the property. He said Lot 1 already has a house on it, which meets all the setback requirements. He said maybe the landowner might wish to add onto the existing house, but they would have to apply for a variance if they want to get closer to the setback boundary, which is when the Board of Adjustment would be able to state that they have a known commodity on the narrow lot, but they already met all the setbacks, so his concern about not meeting the dimensions on Lot 1 is less, as the existing dwelling is not going to get any bigger without the owner first obtaining a variance.

VAR2010 0005

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2010 0005. The Variance permit would have allowed the subdivision of Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as required by Section CBJ 49.25.400 Table of Dimensional Standards.

If additional information is presented and the Board of Adjustment makes findings to approve the requested variance, staff would recommend the following condition:

1. A plat note shall be added to any two lot subdivision of Tract 5 U.S.S. 1510 and all future subdivisions of Lots 1 and 2, stipulating that development of the two parcels is restricted to one single-family dwelling on each lot. Accessory apartments or duplexes are not allowed; unless, at such time in the future the proposed lots are large enough or the Land Use Code has changed to allow additional dwelling units.

Board action

MOTION: *by Mr. Rue, that the Board of Adjustment revises the analysis and findings and grants the requested Variance, VAR2010 0005. The Variance permit allows the subdivision of Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as required by Section CBJ 49.25.400 Table of Dimensional Standards. The approval is subject to the following conditions:*

1. *A plat note shall be added to any two lot subdivision of Tract 5 U.S.S. 1510 and all future subdivisions of Lots 1 and 2, stipulating that development of the two parcels is restricted to one single-family dwelling on each lot. Accessory apartments or duplexes are not allowed; unless, at such time in the future the proposed lots are large enough or the Land Use Code has changed to allow additional dwelling units.*
2. *Development of a single-family dwelling shall be set back 150' from the front property line, and within that setback there shall be an allowance for a detached garage.*

Mr. Haight said he agrees with Mr. Rue that the fact of the matter is that the lot sizes are so close to being acceptable in this D-1 zoning district, although he is somewhat concerned regarding the width of them in terms of the waterfront and roadway frontages. He explained that Lot 1 almost meets the roadway frontage, but not on the waterfront frontage, and Lot 2 is the other way around, which he is having some difficulty with, including the lack of 5% of a lot size, and he is possibly considering accepting the condition of limiting it to single-family dwellings on both lots. Mr. Rue said these are good concerns, including the triangular nature of the property, which makes it hard to subdivide, and that is why the applicant was required to apply for Variances. He noted that if this was a rectangular lot that was 1,000 square feet too small, they could just split it down the middle and they would have two 500 square foot slightly-too-small lots and none of the dimensions would be a problem. However, because this property is oddly shaped, it makes it difficult to meet all the numbers regarding the length, width, height, and square footage requirements. Therefore, with the existing large triangular boundary line, anytime they start adjusting it they are going to fall out of compliance with one of the setback requirements for the frontages. Mr. Haight said Mr. Yorba mentioned the intensity of the dwellings would be towards the waterfront section of the property, which increases the waterfront intensity more than what would be considered normal if that waterfront section of property measured 150' or greater, which is due to the nature of the triangular configuration of the parcel as well.

Ms. Grewe said she was having an easier time with the lot size, although the lot width is quite troublesome, whereby she asked staff if the triangular nature of the parcel meets the requirement of an extraordinary feature inherent to the land. Mr. Pernula said there were several items mentioned, not just the triangular shape, but also the length and shape of the waterfront, which are the main physical features. He said it is really up to the Board of Adjustment to determine whether or not those are sufficiently unique. He believes they are somewhat unique, although it is hard to state whether it justifies a Variance for square footage. Ms. Grewe said it is a large triangular parcel in terms of the surrounding area, so it could be a scenario of whether "the glass is half full" or "the glass is half empty." Even so, such a parcel is going to be difficult to subdivide. On the other hand, it is a wonderful property with a strange size, which is larger than some of the others in the area. She said it appears that the bias obviously from the applicant is that this is a difficult issue, but the bias from the CBJ perspective could be that this is a perfectly fine parcel that has a strange shape. Mr. Rue said that is not an unreasonable way to look at it, but he thinks that if the Board of Adjustment views the general pattern in the neighborhood where many of the adjacent parcels are undersized even though they fall under pre-current zoning, although in this case they are only lacking in lot size by 5% so they could end up being stuck with a 68,503 square foot lot, which is way different than the norm in this D-1 zoned area, particularly when viewing some of the undersized parcels that were allowed in the past, which maybe the Board of Adjustment might not be allowed to take into account. He noted that the Board of Adjustment's decision would "cast this in stone" until the applicant possibly accretes more land from the State, or purchases additional land adjacent to the subject parcel. He said if the applicant does not obtain these Variances, they could potentially place a duplex, an accessory apartment, a single-family dwelling, or a bungalow dwelling on it.

Chair Gladziszewski said she takes sort of a general sentiment about it being easier to get there with the lot size, versus the lot width question. She asked staff what the reasoning is for requiring the lot width dimension, as opposed to just stating that it has to be 36,000 square feet and be silent about the width aspect. Mr. Pernula said the width requirement is for the regular spacing of buildings, explaining that if they require a lot width 150' then the spacing of buildings is going to be approximately the same distance between the buildings.

Mr. Rue said he would start by responding to Mr. Yorba's findings for the applicant regarding VAR2010 0005 since he did a good job articulating the argument. He stated that staff a good job as well per the Land Use Code criteria. He noted that the Board of Adjustment could go either way in their decision. Chair Gladziszewski stated that the Board of Adjustment has to address Findings 2, 5 where one sub-criterion would have to be met, and 6. Mr. Rue agreed, stating that he would also respond to Finding 1, which is relevant to 2:

"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."

He stressed that what he thinks is unique in this case is that the property is triangular in shape, and has a meandering shoreline, which makes it extremely difficult to subdivide and meet all of the numbers for front and rear yard setback in terms of the dimensional standards and minimum square foot requirements for lots in the D-1 zoning district, which he believes these are particularly difficult propositions. In addition to these extraordinary circumstances, as the applicant is extremely close to meeting the standards and requirements within 1,749 square feet of the 36,000 minimum lot size in a D-1 zoning district, and therefore a combination of these are considered to be unique features and extraordinary circumstances of the property. He said staff used smaller, nonconforming, and sub-standard older lots, etc., as part of the rationale that Finding 1 is met, which is contingent upon the condition listed in the staff recommendation that was included in the motion.

"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."

He noted that any deviation might be disrupting to the expectations of the surrounding community, as it is already full of nonconforming smaller lots. Therefore, he thinks it is fair to argue that the Board of Adjustment could grant relief consistent with the spirit of CBJ 49.05.100 *Purpose and Intent* language of the Land Use Code, which will be observed, and the public safety and welfare will be preserved as well. He stated that he believes 5% is the de minimis number, which he does not feel is a major deviation in terms of lot size from the standard. He explained that 5% is relevant in terms of de minimis because in this D-1 zoning district it has minimum lot size of 36,000 square feet, and the lot is only 1,749 square feet too small (5%) in this specific case. He said a feature is that there historically are quite a few lots that are smaller in this area than these will be, which is considered as being a good single-family neighborhood. He thinks that all of the setbacks could be observed, including the fact that the setback to the road could be very large, which will further serve to preserve the character of the neighborhood. He said the sewer and wastewater out-fall, which DEC already permitted is important to note in terms of safety and welfare being preserved. He said these are all good arguments that Finding 2 criterion is met.

"5. That compliance with the existing standards would:
(B) Unreasonably prevent the owner from using the property in an manner which is consistent as to the scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;"

He said this is the easiest sub-criterion of Finding 5 that he is able to find that has been met, noting that the applicant found that sub-criterion 5(A) was met, whereby he believes the Board of Adjustment could make a reasonable argument for either one. He said the applicant is requesting to create two 34,251 square foot lots that equates to 5% or 1,749 square feet below the minimum lot size, which is really close to the Land Use Code requirements in the

D-1 zoning district for a minimum lot size of 36,000 square feet. He said there are many smaller lots in the neighborhood, and all the side yard setbacks would still be met since there is already an existing house on Lot 1. He said they might want to contemplate the number of buildings allowed on these lots, which would assist with the consistency regarding the amenities and scale of surrounding properties, although he does not think this is totally necessary because placing the building on the waterfront half of Lot 2 could also assist with meeting Finding 5(B). He said this is since this area already historically consists of single-family homes along the beach. Therefore, the development of these two lots would be consistent with the scale, amenities, appearance or features, with the existing development in the neighborhood, and therefore Finding 5(B) sub-criterion is met.

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

He stated that particularly only allowing one single-family dwelling on each of the two lots is very much in keeping with the current development pattern of the area, and he finds that this in and of itself provides more benefits than detriments because the lots are so close to the minimum lot size standard. Practically, by all measures except the very specific square footage, this property is still going to be bigger than surrounding neighborhood uses. Therefore, having two single-family dwellings on each of the two lots is actually more in keeping with the surrounding features of the neighborhood, versus a duplex and/or a single-family home with an accessory apartment. He said Finding 6 criterion is met.

Mr. Sexton said he spoke with the applicant and they both determined that development of a single-family dwelling could be set back 150' from the front property line, and within that setback there could be an allowance for a detached garage. Mr. Rue confirmed that this is from the roadway. Mr. Sexton said yes, explaining there could be further accretions in terms of the waterfront area. Mr. Rue said he incorporates new Condition 2 into the motion, as follows:

2. Development of a single-family dwelling shall be set back 150' from the front property line, and within that setback there shall be an allowance for a detached garage.

Mr. Rue stated that with the two Conditions added to VAR2010 0005, he feels that the Board of Adjustment is meeting their duty by looking at the Variance criteria fairly hard in terms of the findings he revised per the members of the Board of Adjustment comments provided, which he deems reasonable and appropriate.

Chair Gladziszewski asked if the members understand the question, or if they wish to provide further comments, to which they nodded that they understood the question, and no one had comments.

Roll call vote

Ayes: Haight, Rue, Satre, Gladziszewski

Nays: Grewe

Motion fails: 4:1; and VAR2010 0005 was denied as modified by the Board of Adjustment.

VAR2010 0023

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2010 0023. The Variance permit would have allowed Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not

meet the minimum lot width requirement of 150 feet, per CBJ 49.25.400 *Table of Dimensional Standards*. The requested lot widths for the two potential parcels would be Lot 1 148.58 feet and Lot 2 113.33 ft.

Board action

***MOTION**: by Mr. Satre, that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2010 0023. The Variance permit would have allowed Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ 49.25.400 Table of Dimensional Standards. The requested lot widths for the two potential parcels would be Lot 1 148.58 feet and Lot 2 113.33 ft.*

Mr. Satre said VAR2010 0023 is nearly meaningless now with the previous motion failing regarding the related VAR2010 0005 so it was denied. However, if a member of the Board of Adjustment was to submit VAR2010 0005 for reconsideration at a meeting where there might be more members present, they might also wish to discuss this VAR2010 0023 or reconsider it as well at that time, which is why he has "thrown this Variance on the table." He said he agrees with Mr. Rue on the revised findings by the Board of Adjustment on VAR2010 0005, but the lot dimension issue is much more difficult to arrive at regarding VAR2010 0023, and therefore he spoke in favor of supporting staff's analysis and findings on this Variance that is before the Board of Adjustment.

Mr. Rue said he is not going to bother trying to work through the criteria, although he could probably find that VAR2010 0023 is okay too, mostly because there is an existing house on Lot 1 and so this provides some insight to the Board of Adjustment.

On another note, in terms of parliamentary procedure, since the related VAR2010 0005 was previously denied, he wants to confirm that it cannot be re-presented to the Board of Adjustment. Chair Gladziszewski explained that a member of the Board of Adjustment is able provide at anytime a motion for a Notice of Reconsideration. Mr. Satre said his understanding in terms of a member providing Notice of Reconsideration of a case should a member do so, it would take the Board of Adjustment back just prior to the point when the initial Motion was made, and then a member later makes a new Motion to Reconsider the case if they so choose. He explained that regarding VAR2010 0005, they have the Motion and findings and analysis of the issue that Mr. Rue provided, and then in regards to VAR2010 0023 that is on the table, they would go to just before his Motion on accepting staff's findings and analysis. Therefore, providing Notice of Consideration of both of these Variances would actually take them back to the point where a member could provide a Motion to Reconsider at a subsequent meeting when more members are present if that is the will of the body. Chair Gladziszewski said anyone is able to make a Notice of Reconsideration now, but it requires six votes to re-hear a case when a Motion to Reconsider is later provided, whereby she asked if any members wishes to provide further comment on this Motion regarding related VAR2010 0023, to which no one did.

Roll call vote

Ayes:	Haight, Satre, Grewe, Gladziszewski
Nays:	Rue

Motion fails: 4:1; and no decision was made on VAR2010 0023 by the Board of Adjustment.

Mr. Pernula explained that there had to have been five votes to either pass or fail the roll call vote, so VAR2010 0023 is neither denied, nor approved.

Chair Gladziszewski said this body struggles with making motions where staff recommends to deny on cases. She argues that the Motion on VAR2010 0023 should have been made in the affirmative to approve it, as this is exactly why this body should not have done what they just did because they neither approved VAR2010 0023, nor denied it. She stressed that this is why a member of the body has to make motions to approve such cases in the affirmative because then the body would know that it has been denied, although regarding VAR2010 0023 they did neither. Mr. Satre stated that if a member moved for immediate Notice of Reconsideration of VAR2010 0023, the body would need to have five votes to go back to the point before the Motion, and then if a member was to move for a Motion to Reconsider the same case at the next meeting, because there has been no decision on it this would still be on the table. Mr. Pernula said VAR2010 0023 is pretty much dead unless a member of the body makes a Motion to Reconsider the related VAR2010 0005. He explained that if a member of the body is contemplating reconsidering VAR2010 0005, it might be appropriate to provide Notice of Reconsideration now, and then continue the hearing on VAR2010 0023. Chair Gladziszewski clarified that they just voted on VAR2010 0023, and she thinks that they possibly did so improperly, which illustrates why the body needs to make motions in the affirmative, but when there are only five members present, this is even more unclear so she does not know if what they did was proper. Mr. Pernula said it was not. Chair Gladziszewski stressed that something has to be done. Mr. Rue explained that Robert's Rules of Order is basically to be used as guide in getting them where they want to go, and therefore a member of the Board of Adjustment could provide a motion for a Notice of Reconsideration on VAR2010 0005 so they could take it up at a subsequent meeting when hopefully more members are in attendance. Following this, a member of the body could provide a Notice of Reconsideration of the related VAR2010 0023, and if his voting "nay" on the last Motion has made this impossible, he doesn't know if the Board of Adjustment is able to do anything about it. Chair Gladziszewski stated that the body is able to provide Notice of Reconsideration on VAR2010 0023 right now to at least get a proper vote on the record. Mr. Pernula stated that if they wish to do so, a member would have to make a new motion, as the first Motion failed because they did not have five affirmative votes, but they could make a new motion to approve it. Chair Gladziszewski confirmed that the Board of Adjustment does not need to reconsider VAR2010 0023, and instead, just a motion to approve it. Mr. Pernula said yes. Mr. Satre explained that this body had to do so with other variance cases in the past because they failed, so they just made another motion to approve them, whereby he apologized to the members of the Board of Adjustment, staff, and the public for putting everyone in this spot with his original motion.

***MOTION**: by Mr. Satre, that the Board of Adjustment adopts the applicant's findings and approves the requested Variance, VAR2010 0023. The Variance permit allows Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ 49.25.400 Table of Dimensional Standards. The requested lot widths for the two potential parcels will be Lot 1 148.58 feet and Lot 2 113.33 ft.*

Mr. Satre spoke against the motion, stating that this is for procedural purposes.

Chair Gladziszewski clarified for the Board of Adjustment that the Motion is to approve VAR2010 0023, and to substitute the applicant's findings to the criteria, versus staff's analysis and findings.

Roll call vote:
Ayes:
Nays: Rue, Satre, Grewe, Haight, Gladziszewski

Motion fails: 5:0; and VAR2010 0023 was denied by the Board of Adjustment.

Mr. Pernula commented that the Board of Adjustment now has two denied related Variances, VAR2010 0005, and VAR2010 00023.

NOTICE OF RECONSIDERATION *by Mr. Satre, that the Board of Adjustment reconsiders VAR2010 0005 and its related VAR2010 0023 to the next Planning Commission meeting to be heard by the Board of Adjustment on August 10, 2010.*

Mr. Pernula commented that Mr. Satre just provided Notice of Reconsideration, and if a member of the Board of Adjustment so chooses to make a Motion to Reconsider these Variances at the next meeting, the Board of Adjustment would be able to vote on them at that time.

Chair Gladziszewski clarified for the applicant's representative that there will be an opportunity if a member of the Board of Adjustment moves to reconsider these Variances to bring them back up at the August 10, 2010 meeting, and if so, it would require six votes. She noted that if this takes place, the Board of Adjustment would begin at the point when the Motions were initially made tonight, and the body could discuss the Variances, and then take action on them. She stated that if the applicant's representative requires more information regarding this, they should contact staff, whereby she apologized for the confusion.

VAR2010 0018
A Variance to reduce setback to accommodate existing carport/shed.
Applicant: Richard Keen
Location: 4931 Wren Drive

Staff report
Beth McKibben said the Variance request is to reduce the required 25' rear yard setback to 6' for an existing carport/shed. The location is at the intersection of Wren Drive and Silver Street, and it has a front yard and a side street setback. The property is zoned D-3, and the lot is 25,084 square feet, which is roughly rectangular in shape and the topography is generally flat. The duplex was built in 1998. In 1999, the applicant received a de minimis variance for 3 inches from the front yard setback, and at that time the front yard was on Wren Drive and the side yard on Silver Street, so there is a 25' setback from the rear lot line. She noted that there are photographs of the site in the packet. She said the carport/shed was built without permits. The applicant has sold the duplex, although they agreed to obtain the needed permits in order for the new owners to legally keep the carport/shed. She noted that the applicant drew on an as-built survey, which they provided to staff (attachment A) the location of the carport/shed indicating that it is 6' from the rear lot line. She said staff recommended denial of the Variance, as Finding 1, 2 and 5 criteria are not met, although should the Board of Adjustment chooses to grant the Variance, staff recommended that they include Condition 1, which states, "Provide an updated as-built survey verifying the carport is no closer than 6 feet from the rear property line and no closer than 17 feet from the side street property line." However, she explained that after she drove by the site, she didn't actually measure it, but she observed that the carport/shed might be

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: August 24 2010
File No.: VAR2010 0005

April Smith
PO Box 32133
Juneau, AK 99801

Application For:	A variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as requirement by Section CBJ49.25.400 Table of Dimensional Standards.
Legal Description:	USS 1510 TR 5
Parcel Code No.:	4-B18-0-101-010-1
Property Address:	2160 Fritz Cove Rd
Hearing Dates:	July 27 2010 and August 10 2010

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings 3 and 4 listed in the attached memorandum dated July 22 2010, and adopted the following revised findings:

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

   The property is triangular in shape, and has a meandering shoreline, which makes it extremely difficult to subdivide and meet all of the requirements for front and rear yard setbacks in terms of the dimensional standards and minimum square foot requirements for lots in the D-1 zoning district. In addition to these extraordinary circumstances, the applicant is extremely close to meeting the standards and requirements within 1,749 square feet of the 36,000 minimum lot size in a D-1 zoning district; and therefore a combination of these are considered to be unique features and extraordinary circumstances of the property.

   The granting of this variance request would be a considerable relief to the applicant, because the applicant would be allowed to create two sellable lots. As identified by the applicant, other properties in the area have been allowed to be developed with multiple dwelling units on properties well below the minimum lot size. In each of those cases, the properties have taken advantage of the provisions in Sections CBJ49.25.510 *Special Density Considerations* and CBJ49.30.300 *Nonconforming Lots* of the Land Use Code. Special Density Considerations allow the development of multiple dwelling unites on a single parcel, if specific restrictions are met. Many of the properties the applicant has referred to were platted prior to modern zoning. Some

are less than a quarter of the current minimum lot size requirement.

Per the Variance request with the applicant's proposed restriction and the analysis above, the Board of Adjustment finds that the request, as proposed, will not increase density and is an acceptable variation of justice granted to adjacent property owners. This determination is contingent upon adoption of the following condition:

- A plat note shall be added to any subdivision of Tract 5 U.S.S. 1510 and all future subdivisions of Lots 1 and 2, stipulating that development of the two parcels is restricted to one single-family dwelling on each lot. Accessory apartments or duplexes are not allowed; unless, at such time in the future the proposed lots are large enough or the Land Use Code has changed to allow additional dwelling units.

Yes, with the recommended condition, the Board of Adjustment finds that this criterion is met.

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

Any deviation might be disruptive to the expectations of the surrounding community, as it is already full of nonconforming smaller lots. Therefore, it is fair to argue that the Board of Adjustment could grant relief consistent with the spirit of CBJ 49.05.100 Purpose and Intent language of the Land Use Code, which will be observed, and the public safety and welfare will be preserved as well. Five percent is a *de minimis* number, which is not a major deviation in terms of lot size from the standard; Five percent is *de minimis* because in a D-1 zoning district the minimum lot size is 36,000 square feet, and the lot is only 1,749 square feet too small. Historically, quite a few lots were platted in this area that are smaller than these lots will be, and this is considered a good single-family neighborhood. All of the setbacks could be observed, including the fact that the setback to the road could be very large, which will further serve to preserve the character of the neighborhood. The sewer and wastewater out-fall, which DEC already permitted are important to note in terms of safety and welfare being preserved.

Yes, with the recommended condition, the Board of Adjustment finds that this criterion is met.

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 the scale, amenities, appearance or features, with existing development in the neighborhood of the subject property.

The applicant is requesting to create two 34,251 square foot lots that equates to five percent or 1,749 square feet below the minimum lot size, which is close to the Land Use Code requirements in the D-1 zoning district for a minimum lot size of 36,000 square feet. There are many smaller lots in the neighborhood, and all the side yard setbacks would still be met as there is already an

existing house on Lot 1. This area already historically consists of single-family homes along the beach. Therefore, the development of these two lots would be consistent with the scale, amenities, appearance and features of the existing development in the neighborhood. Therefore Finding 5(B) sub-criterion is met.

Yes, the Board of Adjustment finds that this criterion is met.

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

Only allowing one single-family dwelling on each of the two lots is very much in keeping with the current development pattern of the area, and this in and of itself provides more benefits than detriments because the lots are so close to the minimum lot size standard. Practically, by all measures except the very specific square footage, this property is going to be larger than surrounding neighborhood uses. Therefore, having two single-family dwellings on each of the two lots is actually more in keeping with the surrounding features of the neighborhood, versus a duplex and/or a single-family home with an accessory apartment.

Yes, the Board of Adjustment finds that this criterion is met.

With the revised findings listed above, the Board of Adjustment approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

1. A plat note shall be added to any subdivision of Tract 5 U.S.S. 1510 and all future subdivisions of Lots 1 and 2, stipulating that development of the two parcels is restricted to one single-family dwelling on each lot. Accessory apartments or duplexes are not allowed; unless, at such time in the future the proposed lots are large enough, or the Land Use Code has changed, to allow additional dwelling units.

Attachment: July 22 2010, memorandum from Dan Sexton, Community Development, to the CBJ Board of Adjustment regarding VAR2010 0005.

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

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

Effective Date: The permit is effective upon approval by the Board, August 10, 2010

Expiration Date: The permit will expire 18 months after the effective date, or February 10, 2012, if substantial progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

Greg Chaney, Planning Manager
Community Development Department

Maria Gladziszewski, Chair
Planning Commission

Filed With City Clerk

8/25/10
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/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: August 24, 2010
File No.: VAR2010 0023

April Smith
P.O. Box 032133
Juneau, AK 99803

Application For:	A variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels, both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ49.25.400 Table of Dimensional Standards.
Property Address:	2160 Fritz Cove Rd
Legal Description:	USS 1510 TR 5
Parcel Code No.:	4-B18-0-101-010-1
Hearing Dates:	July 27 2010 and August 10 2010

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings 3 and 4 listed in the attached memorandum dated July 22 2010, and adopted the following revised findings:

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

   The current lot is virtually triangular in shape; the proposed lot split generates a roughly rectangular Lot 2, so given the original triangulated shape of the original lot, the new lot is narrower than normally allowed. This unique triangular shape of the existing lot is the reason for the Variance request; however, the new Lot 2 will almost certainly be developed with a waterfront dwelling unit, which would leave the existing pattern of well-spaced dwelling units intact, and one other dwelling within 120' of the building pad. It does not set a "difficult to administer" precedent, as a quick review of the surrounding lots on Fritz Cove Road reveals no other lots that possess the same geometry on a waterfront site, i.e. a large triangular lot. The combination of waterfront and this being a large triangular original lot are what generated a unique set of circumstances, which the Board of Adjustment believes meet these criteria.

Yes, the Board of Adjustment finds that this criterion is met.

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

   The Purpose and Intent language of the Land Use Code is cited in the Staff Report, and the

proposed Variance is in keeping with the pattern in the neighborhood, as described in the response to the lot size Variance request, VAR2010 0005. In addition, due to the depth of the proposed Lot 2, the intended development maintains the pleasant, rural character of the existing D-1 zoned neighborhood, and in no way appears to take on the visual or pattern characteristic of a denser development area. The applicant does not object to a special condition limiting dwelling construction in the waterfront half of the lot, which would ensure that the existing pattern and rural character of the neighborhood would be maintained. This reflects the unique circumstance of the lot width, which does not set an unreasonable precedent.

Yes, the Board of Adjustment finds that this criterion is met.

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 the scale, amenities, appearance or features, with existing development in the neighborhood of the subject property.

The proposed Variance would lead to a lot split that would allow development of a waterfront residence, typically on the higher end of amenities and appearance along Juneau waterfront. A denial would lead to lesser-valued development, which would not be in keeping with the existing character of the neighborhood.

Therefore Finding 5(B) sub-criterion is met.

Yes, the Board of Adjustment finds that this criterion is met.

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

Only allowing one single-family dwelling on each of the two lots is very much in keeping with the current development pattern of the area, and this in and of itself provides more benefits than detriments because the lots are so close to the minimum lot size standard. Practically, by all measures except the very specific lot width requirement, this property is still going to be bigger than surrounding neighborhood uses. Therefore, having two single-family dwellings on each of the two lots is actually more in keeping with the surrounding features of the neighborhood, versus a duplex and/or a single-family home with an accessory apartment.

Yes, the Board of Adjustment finds that this criterion is met.

With the revised findings listed above, the Board of Adjustment approved the Variance to be conducted as

described in the project description and project drawings submitted with the application and with the following condition:

1. A plat note shall be added to any subdivision of Tract 5 U.S.S. 1510, stipulating that development of a single-family dwelling on Lot 2 shall be set back 150' from the front property line (bordering Fritz Cove Road), and within that setback there shall be an allowance for a detached garage.

Attachment: July 22 2010, memorandum from Daniel Sexton, Community Development, to the CBJ Board of Adjustment regarding VAR2010 0023.

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

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

Effective Date: The permit is effective upon approval by the Board, August 10, 2010

Expiration Date: The permit will expire 18 months after the effective date, or February 10, 2012, if substantial construction 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: Greg Chaney, Planning Manager
Community Development Department

Maria Gladziszewski, Chair
Planning Commission

Filed With City Clerk

8/25/10
Date

cc: Plan Review

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MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Maria Gladziszewski, Chair

REGULAR MEETING
August 10, 2010

I. CALLED TO ORDER

Vice Chair Rue 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: Dan Miller, Marsha Bennett, Dennis Watson, Nicole Grewe, Benjamin Haight, Karen Taug, Frank Rue

Commissioners absent: Michael Satre, Maria Gladziszewski

A quorum was present.

Staff present: Dale Pernula, CDD Director; Greg Chaney, CDD Planner

II. APPROVAL OF MINUTES

July 27, 2010 – Regular Meeting

MOTION*: by Mr. Miller, to approve the July 27, 2010 regular PC minutes, with corrections.*

There being no objection, it was so ordered.

MOTION*: by Mr. Watson, that the Planning Commission reorders the Agenda by hearing Reconsideration of the Following Items prior to the Consent Agenda.*

There being no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Deborah Gazaway Johnson, 84954 Forest Lane, said she wishes to discuss with the PC enforcement of a Conditional Use permit (CUP) regarding the Bethany Baptist Church, which has operated next door to her residence. She said they have not abided with the initial 1990 CUP conditions, and it expired CUP in 1991 so it no longer valid. This situation continues to cause harm to her family. She asked that the PC assist her in obtaining equitable treatment and protection by enforcing the CBJ Land Use Code in this case. She said her home is her family's primary investment. She is retired, and her husband has medical issues so he is often confined to the lower level of the residence for days and weeks on end. She said her family has resided in this residential neighborhood since their home was built in the 1980s. With the exception on Sunday and Wednesday nights and summer church camp sessions, it is a fairly quiet

neighborhood because they reside near the end of the lane in the cul-de-sac, except this is also where the Bethany Baptist Church is located. When they moved into the area, they were informed that no one could build behind or beside their residence because of the City rights-of-way, which is due to its proximity to Jordan Creek where salmon spawn and wetlands are nearby. However, a year or so later a duplex was built behind their residence in the late 1990s, and a drainage swale was installed near where the Bethany Baptist Church is located. One weekend later a neighbor used a backhoe and placed mounds of dirt behind their residence, which diverted his water onto their property. She went to the CBJ to inform them of this and they said they could not help her, so she went to the Ombudsman who directed her to the U.S. Army Corps of Engineers who made the neighbor remove the mounds of dirt. At that time, nothing was done with regards to the drainage swale beside their residence that was filled in, and therefore her yard and crawlspace continues to flood. She said that a bit later the church structure was built next door on that property, which is a "stones throw away" from their residence. She and her husband underwent the public hearing process when the Bethany Baptist Church operators were actively assisted and advised by various CBJ employees on how to obtain a CUP. She noted that at that time the CBJ employees and the neighborhood were told that this was a temporary situation involving the Bethany Baptist Church operations, i.e., for one to two years at most, and that the church operators would work with the neighbors to minimize any disruption. She said the CUP was issued for one year, which included some of the following conditions that directly affect her family:

- Provide parking for 20 vehicles on the property.
- No church parking is to occur on the Forest Lane rights-of-way including the cul-de-sac.

She stated that the status today is that they are in non-compliance.

She said the problems exacerbate as the years go by. She provided copies of two photographs: 1) When there were no people present on the church property, and 2) A very quiet Sunday when the people arrived, including an RV with people lying right beside it next to her residence, which was recently taken. She noted that the reason for many of these problems is that the Bethany Baptist Church sold some of their property after obtaining the CUP that included the area where 11 to 12 of the required 20 parking spaces were located, which they were initially supposed to have as a condition of the CUP. Additionally, they now use the property for storing boats and trailers, RVs, etc. that are typically parked in one of the eight or nine parking spaces designated for members of the church. She said this means that the members now park in the cul-de-sac or on Forest Lane in front of her living room window, which are not designated on-street parking areas. She said a parking plan was to be submitted to the CBJ Community Development Department (CDD) for approval according to the CUP, although they are in non-compliance. She stated that since it was a one-year CUP, as was documented in a September 12, 1990 letter from City Manager Kevin Ritchie who stated that the CUP was to be effective as of August 1990, so the permit expired in August 1991, although another CUP has not yet been obtained. The Bethany Baptist Church continues to hold two services in the afternoon and evenings on Sundays and Wednesdays. The Bethany Baptist Church was supposed to post signs in the neighborhood, including "Children at Play," with the number and location of such signs to be determined by CDD staff, which has not yet been done. However, to the benefit of her neighbors down the road, they were able to work with former CDD Planner Peter Freer who managed to get street signs placed further down the lane, but not by the Bethany Baptist Church, or her property. Other residential problems that CDD has been unable to resolve with the church operators impact her family's lack of privacy, noting that the room in which the members of the church meet is about 30' from her kitchen window so this truly impacts her family's ability to enjoy their property. She said the RVs, boats and trailers, trucks, etc. are often stored on church

parking spaces along the common lot line of her property, which she views from her kitchen window because they are just a few feet away. She said the church operators allow strangers to live on the property for periods of time. Most recently, she noted that an RV was parked right outside her kitchen window (in one of the photographs), and those people were quite lively who resided there during the entire summer school session. She noted that she previously telephoned the new Pastor who recently moved to Juneau to ask him if the RV could be moved to the other side of the church property, although he refused to do so. She said since her husband is confined to the lower level of their residence, he currently views an RV on one side and parking on the other side of their residence. She stated that due to all of this, her husband's health is continuing to decline, especially when they went to the CDD Permit Center and were told by staff that the church operators would likely re-apply for another CUP in the future with different requirements, although she is concerned because they have not abided by the previous CUP conditions.

In terms of drainage, she stated that a CBJ Land Surveyor documented via correspondence in October 1993 that was addressed to the prior Pastor of the Bethany Baptist Church, which states that water collects in the backyard of 3542 Forest Lane from adjoining lots and drains onto the northwest corner of their property and then onto 84954 Forest Lane where it sits and cannot continue. She said the letter goes on to state that some of the landscaping completed during construction of the church has hindered the drainage process along the common lot line (which includes her property). She said the CBJ Asst. Land Surveyor wrote another letter in 1994 stating that this drainage problem was still present, whereby she stated that there has been no further action by CBJ since then so the drainage problems continue.

Regarding snow removal, she said that regular reminders provided to the prior Pastor had some benefit, specifically when they plowed snow against her fence. However, the new Pastor is much more difficult to work with, i.e., he does not have the history with the neighborhood, noting that the method in which they plow snow on the church parcel makes a difference on how much water ends up collecting on her property, which ends up draining into her crawlspace each winter. Furthermore, when the church members park in the cul-de-sac, the CBJ operators cannot plow snow in front of her residence. She noted that the church operators attempt to keep their driveway clear, although when they do so the members park in front of mailboxes on Forest Lane and the mail is unable to be delivered.

She stressed that she is very discouraged, explaining that recently the CDD Permit Center staff suggested that she hire a lawyer to write a letter to the CBJ Law Department about the situation. She stated that apparently Congress passed an Act in 2000 called the Religious Land Use and Institutionalized Persons Act, and the net result of it is that the CBJ Law Department is now less likely to address these problems than they were in the 1990s when she attempted to work with them. She stressed that she is very frustrated, tired, and on a fixed-income so she does not have money to hire a lawyer. She has paid over $34,000 in property taxes since the Bethany Baptist Church was built next door, including $1,300 towards paving Forest Lane, although the church is not required to pay for any of this. In 2009, she again placed telephone calls to CDD, and they went unanswered. Furthermore, she recently spoke to the CDD Code Compliance Officer Steve Hanis who had some issues to research, so he said he would get back to her. She noted that the week after she spoke to Mr. Hanis she saw a City truck drive by her residence, which was when the church people were moving a storage trailer onto the property, so he spoke with them for a while, and then drove away. Even so, the church people moved two more storage units onto the property since then, and she is still waiting for a response from Mr. Hanis. She asked the PC what she and her husband are able to do, as they have not had any privacy for 20 years. When

she asked the CDD staff why the Bethany Baptist Church is being allowed to continue meeting, the response was that they have already been meeting for 19 years. She stated that she begs the PC's pardon, but they are not supposed to be meeting because their CUP expired in 1991, and this is seriously impacting her family so she is upset and discouraged, stressing that she needs some help.

Mr. Haight asked if she has held recent discussions with the CDD staff. Mrs. Gazaway Johnson said she met with Dale Pernula yesterday, and has regularly been visiting the CDD Permit Center for the past several of weeks. She noted that this issue tends to resurface on an annual basis, explaining that once a year she visits the CDD Permit Center and talks to different staff, and over the past few years it has mainly been with Mr. Hanis although she never gets anywhere so the flooding and other problems continue. She said this involves her investment, her family has no privacy, and although they are not Baptists they are being forced to live like them. She stressed that she would like to know what they are able to do to resolve this situation.

Mr. Watson said she stated that the church services are increasing. Mrs. Gazaway Johnson clarified that it is not a matter that church services have increased, although the church holds week-long camps for children in the summertime, which is when the people park in the cul-de-sac area so her family has no privacy during those times. She noted that this is the first year they brought so many children to live at the church, and it has become awkward because she is unable to get angry with them for running around in the area. Mr. Watson asked whom the Bethany Baptist Church sold some of their property to. Mrs. Gazaway Johnson said it was sold to Dan Penrose, noting that the PC probably dealt with a case of his because he constructed a private bridge across Jordan Creek, and she is sure the church made money off of it and they are not required to pay taxes.

Ms. Bennett asked her to expand on the flooding issues she experiences in regards to the residence. Ms. Gazaway Johnson explained that the drainage swale was filled in when they built the church so it forced runoff onto nearby wetlands, including onto the rear neighbor's property, which then drains onto her property and into the crawlspace. She said she places sub pumps in the crawlspace every two to three years to pump the water out, although they often freeze up. She noted that she had a vapor barrier installed in the crawlspace, but she still ends up having to replace the support posts under her house every two to three years, and she is hoping that the water is not significantly damaging her house more than she is witnessing.

Mr. Pernula asked if the items being stored on the church property are owned the Bethany Baptist Church, or by its members. Mrs. Gazaway Johnson said she believes the people that attend the church own the items, e.g., when they had two large storage units beside her house over the winter she asked the new Pastor if they were going to remain there, which is when he stated that those units were his personal property and until he found a home to rent those storage units would remain in place. She explained that she did notice that they have recently moved some trailers to the other side of the church property.

Chair Rue said the PC is not the "enforcement arm," although this body expects the CDD to enforce conditions of CUPs. He said if they are not, the PC is certainly able to request that the CDD Code Compliance Officer conduct a site visit to review the situation. He noted that if in fact the Bethany Baptist Church is in violation of permit stipulations, they should remedy them, whereby he asked staff if this is reasonable to expect. Mr. Pernula said yes, although the Bethany Baptist Church does not have an active CUP, which he only found out a couple of days

ago. Chair Rue asked if the Bethany Baptist Church is required to obtain a CUP. Mr. Pernula said yes, explaining that the church operators have been informed of this. Chair Rue said when the PC reviews such CUP it would be crucial for Mrs. Gazaway Johnson to stay involved. He explained that if the PC allows the CUP, conditions could potentially be placed on it that might resolve some of these issues she has mentioned. Mrs. Gazaway Johnson said she does not want to sound too discouraging, but if the Bethany Baptist Church did not comply with the conditions of the initial CUP, she asked what makes the PC think that they would do so in the future. Mr. Pernula explained that the main enforcement tool by the CDD is through issuing infraction citations, which is what they might provide, and then possibly taking the offender to court. He noted that there are other remedies that they might have to undergo through a CBJ Law Department review, i.e., injunctions, etc. Mrs. Gazaway Johnson said her husband previously explained to the CDD staff that part of the problem in terms of parking is that certain State Troopers are members of the Bethany Baptist Church, and therefore they do not issue tickets for members who are violating parking laws in the area, so if street signs are posted in the area it might help.

Mr. Miller said he understands and feels for Mrs. Gazaway Johnson's situation in terms of how difficult it is for her to appear before the PC and complain about a church next door, so he can only imagine how hard and frustrating this has been for her family. He said it is important that she has done so, which is good. He recommends that when a new CUP is presented to the PC at a later date, she should have as much information as possible so the PC is able to review it, which would assist the PC in their decision-making process. Mrs. Gazaway Johnson said she and her husband are discouraged because they had petitions presented when the PC reviewed the initial CUP, and they also provided testimony. She said she realizes the PC was made up of different members at that time, although they added conditions as a result of the testimony, yet those conditions have not been abided by. Chair Rue stated that he understands that she feels discouraged, whereby he seconded what Mr. Miller stated. He said it appears as though Mrs. Gazaway Johnson has already written much of the information down, which would be good to have as well as the photographs, including any additional written information she might have.

Ms. Grewe stated that from a logistical standpoint, staff knows that the Bethany Baptist Church is operating and conducting activities not permitted in its current location, whereby she asked if the CDD staff would be contacting the church. Mr. Pernula stated that staff has done so already. Ms. Grewe stated that if the church operators do not apply for a permit, she is concerned that the church might decide to continue operating illegally because staff commenting that they have already been doing so for 19 years, and therefore the church operators probably feel that it has not a big deal, which she stressed is not an option. Mr. Pernula said he believes it would be difficult to inform the church operators right now that they have to cease meeting, as they have already been doing so for 19 years, which is a real and practical consideration, although staff is going to push the issue to ensure that the Bethany Baptist Church files for a CUP.

Mr. Miller said it might ease Mrs. Gazaway Johnson's mind in knowing that while the PC contemplates granting CUPs, he for one including many of his colleagues if not every single one of them fully expect conditions placed on CUPs to be met. Therefore, if a CUP was granted with conditions, there is no reason to believe that they would not be met at this time, although whatever happened 20 years ago he does not know the circumstances, including whether or not the church previously met conditions of the initial CUP. He noted that perhaps Mr. Pernula is unable to speak to these issues either because it happened so long ago. Even so, right now he is speaking for himself and this PC by stating that he is sure this is what the commissioners expect

to happen in terms of a future CUP being issued by ensuring that all its conditions are met. Mrs. Gazaway Johnson stressed that the Bethany Baptist Church operators are unable to presently meet the conditions for 20 parking spots because they already sold the property where many required spaces were located. Chair Rue said that might be a problem for the Bethany Baptist Church when they present a future CUP to the PC. He and his fellow commissioners thanked Mrs. Gazaway Johnson for appearing before them.

IV. PLANNING COMMISSION LIAISON REPORT - None

VI. CONSENT AGENDA - Moved prior to Reconsideration of the Following Items portion of the Agenda.

Chair Rue announced that there was one item on the Consent Agenda, and inquired if there was public comment on it. No one from the public had comments, and no one from the Commission had questions.

***MOTION**: by Chair Rue, to approve the Consent Agenda, as presented.*

There being no objection, it was so ordered and the one case below was approved, as presented.

USE2010 0024
A Conditional Use permit to convert a portion of a residence to an accessory apartment on a sub-standard lot size.
Applicant: Michael Lockridge
Location: 8173 North Douglas Hwy.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow a portion of the residence to be converted to a 592 square foot, one bedroom accessory apartment. The approval is subject to the following condition:

1. Prior to issuance of a Certificate of Occupancy for the Accessory Apartment approved by this Conditional Use permit, a final inspection of the project completed under BLD-0912401 is required and a Certificate of Occupancy must be obtained.

Advisory conditions:

1. If an additional bedroom is added to the house, formal review and approval from DEC will be required.
2. A water meter may be required for the dwellings when the apartment is installed and billing changed from single-family flat rate to multi-family metered rate.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - Moved to follow the Consent Agenda portion of the Agenda.

[VAR2010 0005 & VAR2010 0023 were moved to be heard under the Board of Adjustment portion of the Agenda.]

Chair Rue adjourned the PC, and convened the Board of Adjustment.

X. BOARD OF ADJUSTMENT - Moved to directly follow Reconsideration of the Following Items portion of the Agenda to act on VAR2010 0005 and related VAR2010 0023.

VAR2010 0005
A variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as required by Section CBJ49.25.400 Table of Dimensional Standards.
Applicant: April Smith
Location: 2160 Fritz Cove Rd.

&

VAR2010 0023
A variance request to allow Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ49.25.400 Table of Dimensional Standards.
Applicant: April Smith
Location: 2160 Fritz Cove Rd.

***MOTION TO RECONSIDER**: by Mr. Watson, that the Board of Adjustment moves to reconsider VAR2010 0005 and related VAR2010 0023.*

Roll call vote
Ayes: Haight, Bennett, Taug, Watson, Miller, Rue
Nays: Grewe

Motion passes: 6:1, and VAR2010 0005 and related VAR2010 0023 would be reconsidered by the Board of Adjustment.

Chair Rue explained that at this point the Board of Adjustment in terms of reviewing this case is just before the motion was made at the previous PC meeting. He explained that the Board of Adjustment has already undergone the public hearing process in regards to these two related cases, noting that he assumes they could re-open public testimony if members who were not present at the previous PC meeting wish to do so. Mr. Miller said he does not wish to re-open public testimony on these cases, explaining that although he was not in attendance at the last PC meeting he feels comfortable because he read the minutes. He asked for clarification if the Motion to Reconsider that the body just acted upon takes them right before the motion, or before the vote at the last PC meeting. Mr. Pernula said the Board of Adjustment is at point where a motion was never made on these two Variances, not prior to the vote.

***MOTION**: by Mr. Haight, that the Board of Adjustment would review VAR2010 0005.*

Chair Rue asked if the Board of Adjustment prefers to hear a staff report, to which the members did not, whereby many stated that they have already read the minutes regarding this case.

There being no objection, it was so ordered.

VAR2010 0005
Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR20100005. The Variance permit would have allowed the subdivision of Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created

parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as required by Section CBJ49.25.400 Table of Dimensional Standards.

If additional information is presented and the Board of Adjustment makes findings to approve the requested variance, staff would recommend the following condition:

1. A plat note shall be added to any two lot subdivision of Tract 5 U.S.S. 1510 and all future subdivisions of Lots 1 and 2, stipulating that development of the two parcels is restricted to one single-family dwelling on each lot. Accessory apartments or duplexes are not allowed; unless, at such time in the future the proposed lots are large enough or the Land Use Code has changed to allow additional dwelling units.

Board action

MOTION*: by Mr. Miller, that the Board of Adjustment revises the analysis and findings per Mr. Rue's previous revisions made at the July 27, 2010 PC meeting as stated below, and grants the requested Variance, VAR2010 0005. The Variance permit allows the subdivision of Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would be 34,251 sq. ft., which does not meet the minimum lot size of 36,000 sq. ft. as required by Section CBJ 49.25.400 Table of Dimensional Standards. The approval is subject to the following conditions:*

1. *A plat note shall be added to any two lot subdivision of Tract 5 U.S.S. 1510 and all future subdivisions of Lots 1 and 2, stipulating that development of the two parcels is restricted to one single-family dwelling on each lot. Accessory apartments or duplexes are not allowed; unless, at such time in the future the proposed lots are large enough or the Land Use Code has changed to allow additional dwelling units.*
2. *Development of a single-family dwelling shall be set back 150' from the front property line, and within that setback there shall be an allowance for a detached garage.*

Mr. Miller stated that the Motion includes Mr. Rue's response to revising the findings for the applicant regarding VAR2010 0005, as follows:

"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."

He stressed that what he thinks is unique in this case is that the property is triangular in shape, and has a meandering shoreline, which makes it extremely difficult to subdivide and meet all of the numbers for front and rear yard setbacks in terms of the dimensional standards and minimum square foot requirements for lots in the D-1 zoning district, which he believes are particularly difficult propositions. In addition to these extraordinary circumstances, as the applicant is extremely close to meeting the standards and requirements within 1,749 square feet of the 36,000 minimum lot size in a D-1 zoning district, and therefore a combination of these are considered to be unique features and extraordinary circumstances of the property. He said staff used smaller, nonconforming, and sub-standard older lots, etc., as part of the rationale that Finding 1 is met, which is contingent upon the condition listed in the staff recommendation that was included in the motion.

"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."

He noted that any deviation might be disruptive to the expectations of the surrounding community, as it is already full of nonconforming smaller lots. Therefore, he thinks it is fair to argue that the Board of Adjustment could grant relief consistent with the spirit of CBJ

49.05.100 Purpose and Intent language of the Land Use Code, which will be observed, and the public safety and welfare will be preserved as well. He stated that he believes 5% is the de minimis number, which he does not feel is a major deviation in terms of lot size from the standard. He explained that 5% is relevant in terms of de minimis because in this D-1 zoning district it has a minimum lot size of 36,000 square feet, and the lot is only 1,749 square feet too small (5%) in this specific case. He said a feature is that there historically are quite a few lots that are smaller in this area than these will be, which is considered as being a good single-family neighborhood. He thinks that all of the setbacks could be observed, including the fact that the setback to the road could be very large, which will further serve to preserve the character of the neighborhood. He said the sewer and wastewater out-fall, which DEC already permitted is important to note in terms of safety and welfare being preserved. He said these are all good arguments that Finding 2 criterion is met.

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

He said this is the easiest sub-criterion of Finding 5 that he is able to find that has been met, noting that the applicant found that sub-criterion 5(A) was met, whereby he believes the Board of Adjustment could make a reasonable argument for either one. He said the applicant is requesting to create two 34,251 square foot lots that equates to 5% or 1,749 square feet below the minimum lot size, which is really close to the Land Use Code requirements in the D-1 zoning district for a minimum lot size of 36,000 square feet. He said there are many smaller lots in the neighborhood, and all the side yard setbacks would still be met since there is already an existing house on Lot 1. He said they might want to contemplate the number of buildings allowed on these lots, which would assist with the consistency regarding the amenities and scale of surrounding properties, although he does not think this is totally necessary because placing the building on the waterfront half of Lot 2 could also assist with meeting Finding 5(B). He said this is since this area already historically consists of single-family homes along the beach. Therefore, the development of these two lots would be consistent with the scale, amenities, appearance or features, with the existing development in the neighborhood, and therefore Finding 5(B) sub-criterion is met.

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

He stated that only allowing a one single-family dwelling on each of the two lots is very much in keeping with the current development pattern of the area, and he finds that this in and of itself provides more benefits than detriments because the lots are so close to the minimum lot size standard. Practically, by all measures except the very specific square footage, this property is still going to be bigger than surrounding neighborhood uses. Therefore, having two single-family dwellings on each of the two lots is actually more in keeping with the surrounding features of the neighborhood, versus a duplex and/or a single-family home with an accessory apartment. He said Finding 6 criterion is met.

Ms. Bennett said she is familiar with the Fritz Cove area so she is sympathetic regarding the letters provided by Mr. Yorba who is an architect, including being the applicant's representative. She noted that he spoke about the historic density of the area, the importance of a higher-value residence being constructed along the waterfront portion of Lot 2, and the fact that the proposed development would improve the neighborhood. She said he also stated that the neighbors would

not favor a bungalow dwelling, duplex, or another rental property because this is considered as being higher-value waterfront property. She believes Mr. Yorba made very good points, and therefore supports his conclusions.

Mr. Watson spoke in favor of the motion, explaining that he reviewed the tax roles for every property along Fritz Cove Road and found that this parcel is the 7th largest in the area, which is somewhat unique. He believes the proposed development should increase its value once it is subdivided into two lots, including adding value to the CBJ tax roles. He noted that the total property value is 20th out of 175 to 180 lots in the area, and he also found that there were five unusual lots within Tract 5 of U.S.S, 1510 on the waterfront side of Thane Road, so in his opinion this is the 2nd or 3rd most unusual property in the area, which are good justifications for approving the application.

Chair Rue spoke in favor of the motion, stressing that a few aspects regarding these related Variances not focused on the fact that this is an extraordinary situation because the parcel has a unique triangular shape, including a long shoreline. In addition, without this relief the landowner would have approximately a 64,000 sq. ft. parcel, which is not consistent with justice to other landowners in the area, and some of those consist of smaller 36,000 sq. ft. lots. He noted that this sq. ft. reduction request consists of about a 5% variation so, e.g. on a 10' setback a 5% variation would consist of a reduction of 6 inches, which he believes to be de minimis. He said he does not feel too bad because this is very close to meeting the standard in a difficult situation in relation to providing for this type of a variance, and therefore for these reasons and the other points previously stated in the findings as revised, he supports the motion.

Roll call vote
Ayes: Haight, Bennett, Taug, Watson, Miller, Rue
Nays: Grewe

Motion passes: 6:1; and VAR2010 0005 finding and analysis were revised, and approved by the Board of Adjustment, including two conditions.

Chair Rue stated that for VAR2010 0005 to be effective, the Board of Adjustment has to take action on the related VAR2010 0023 as well.

VAR2010 0023
Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2010 0023. The Variance permit would have allowed Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ 49.25.400 *Table of Dimensional Standards*. The requested lot widths for the two potential parcels would be Lot 1 148.58 feet and Lot 2 113.33 ft.

Board action
Mr. Chaney explained that the previous motion at the last PC meeting was for denial of VAR2010 0023, although if it is approved tonight staff recommends a condition stating that there would be a 150' no-build setback from the front lot line, except for a garage. He noted that the purpose for this condition is because it is a long and narrow lot so restricting the development generally to this portion in the effect would be to separate the buildings from each other, rather than create a situation where the structures abut each other or be placed along the roadway. Mr.

Miller asked if the applicant was amenable to this condition. Mr. Chaney said he understands that such a condition is acceptable by the applicant, whereby he noted that she and her representative are present.

MOTION*: by Mr. Watson, that the Board of Adjustment adopts the applicant's findings and approves the requested Variance, VAR2010 0023. The Variance permit allows Tract 5 of U.S.S. 1510 to be subdivided into two parcels; both of the created parcels would not meet the minimum lot width requirement of 150 feet, per CBJ 49.25.400 Table of Dimensional Standards. The requested lot widths for the two potential parcels will be Lot 1 148.58 feet and Lot 2 113.33 ft.*

1. *Development of a single-family dwelling shall be set back 150' from the front property line, and within that setback there shall be an allowance for a detached garage.*

The applicant's representative findings are as follows:

1. *He said granting the Variance gives relief to the owner, and is consistent with justice to other property owners. The current lot is virtually triangular in shape. The proposed lot split generates a roughly rectangular Lot 2, so given the original triangulated shape of the original lot, the new lot is narrower than normally allowed. This unique triangular shape of the existing lot is the reason for the Variance request for the dimensional standard. However, he said the new Lot 2 will almost certainly be developed with a waterfront dwelling unit, which would leave the existing pattern of well-spaced dwelling units intact, and one other dwelling within 120' of the building pad. It does not set a "difficult to administer" precedent, as a quick review of the surrounding lots on Fritz Cove Road reveals no other lots that possess the same geometry on a waterfront site, i.e. a large triangular lot. The combination of waterfront and this being a large triangular original lot are what generated a unique set of circumstances, which the applicant believes meet these criteria.*
2. *He said the Purpose and Intent language of the Land Use Code is cited in the staff's report, and the proposed Variance is in keeping with the pattern in the neighborhood, as described in the response to the lot size Variance request, VAR2010 0005. In addition, due to the depth of the proposed Lot 2, the intended development maintains the pleasant, rural character of the existing D-1 zoned neighborhood, and in no way appears to take on the visual or pattern characteristic of a denser development area. He said the applicant does not object to a special condition limiting dwelling construction in the waterfront half of the lot, which would ensure that the existing pattern and rural character of the neighborhood would be maintained. He said this reflects the unique circumstance of the lot width Variance circumstances, which does not set an unreasonable precedent. He said Variance item 2 criterion is met.*

3. & 4.

The applicant concurs with these positive staff assessments.

5. *(B) He said the proposed Variance would lead to a lot split that would allow development of a waterfront residence, typically on the higher end of amenities and appearance along Juneau waterfront. A denial would lead to lesser-valued development, which they do not believe would be in keeping with the existing character of the neighborhood. The applicant believes that the proposed Variance meets this sub-criterion.*
6. *The applicant believes that granting of the Variance would result in more benefits than detriments, as described in the response on the lot size Variance, VAR2010 0005. The applicant believes that the proposed Variance meets this sub-criterion.*

Mr. Watson stated that this is an unusual parcel due to its size and dimensional characteristics, which is located on the waterfront, and it would create a higher-value property by splitting it into Lots 1 and 2.

Ms. Bennett stated that earlier development along Fritz Cove Road has focused on waterfront usage, which now has high-value houses along its shoreline that consist of many different sizes and shapes. She stated that anyone wishing to purchase this property would probably conform the architecture to the waterfront area of the site. She explained that the issue of maintaining harmony in a neighborhood is probably important to neighbors, so if the applicant were required to install a duplex, or a bungalow dwelling, i.e., lower value or rental property then the neighbors would probably feel that building such structures would be out of harmony with the neighborhood. She stressed that a well constructed and architecturally pleasing home in this area would be a benefit to CBJ as well.

Mr. Miller said he wishes to speak to the findings, which is to specifically state that the applicant's representative Mr. Yorba responded very well to Findings 1, 2, 5(A – C), and 6, noting that the Board of Adjustment just has to find that one sub-criterion of Finding 5 is met. Chair Rue requested that the Board of Adjustment revise staff's findings by using Mr. Yorba's revised findings instead, specifically in terms of 1, 2, 5(B) and 6. Mr. Miller said agreed. Chair Rue explained that on page 23 of the July 27, 2010 PC minutes is where a condition was incorporated, which states:

> "Development of a single-family dwelling shall be set back 150' from the front property line, and within that setback there shall be an allowance for a detached garage."

He clarified that the 150' setback is from the roadside property line, not the waterfront. He said this contributes to maintaining neighborhood harmony in keeping with the rural character.

<u>AMENDMENT TO THE MOTION</u>*: by Mr. Haight, that the Board of Adjustment incorporates Condition 1 into the initial Motion, which states:*

1. *Development of a single-family dwelling shall be set back 150' from the front property line, and within that setback there shall be an allowance for a detached garage.*

There being no objection, it was so ordered, and a new Condition 1 was incorporated into the initial motion by the Board of Adjustment.

Chair Rue spoke in favor of the motion, stating that VAR2010 0023 was a bit harder than the previously related VAR2010 0005, as the width of Lot 2 is significantly narrower than the standard in some areas, which is why they have provided a 150' setback per Condition 2. He noted that there is an existing building on Lot 1, which meets the setback requirements. Therefore, in terms of the findings, neighborhood harmony, and the issues addressed in the variance criteria, he feels much better about allowing a narrower Lot 2 with adequate setbacks, which adheres to the intent of the Code.

Mr. Miller spoke in favor of the motion, stating that hypothetically if this subdivision was taking place in some other more rigid terrain location in town where every other adjacent lot along the roadside met all the dimensional standards, widths, and square footage requirements then Board of Adjustment "would not be going down this path," but that is not the case in terms of this property. He noted that the Fritz Cove neighborhood already consists of all types of sub-standard lot sizes, widths, and square footage. Furthermore, the unique characteristics of the

shoreline and its triangular shape fit within the neighborhood, including the 150' setback from the roadway, which he feels is a nice gesture by the applicant.

Mr. Haight said the width of Lot 2 is substantially less than what is required in the D-1 zone, although Lot 1 is different being triangular in shape with the house already positioned on it in an area that is no wider than Lot 2, and therefore he is able to support the motion because the applicant intends to construct the new residence on Lot 2 near the waterfront.

Mr. Watson stressed that the Board of Adjustment has to ensure that they are not placing this body in the position in the future of having this applicant re-appear requesting another variance for an exception to the Code. He stated that he is comfortable supporting the motion at this point because he feels that the Board of Adjustment is sending a clear message in this regard in terms of their support for a narrower Lot 2.

Ms. Grewe spoke in opposition to the motion, explaining that this is for the same reasons she stated at the last meeting. She said there are no unique features inherent to this parcel in term of the Code requirements for variances, which renders it difficult to comply. She noted that she has heard many common sense reasons for approving VAR2010 0023 although they are not based on the Code, e.g., the financial asset of having two lots so she hopes the Board of Adjustment is not reverting to making decisions based on the CBJ tax role, or potential profit for the applicant because she does not believe this body is in that type of business. She stressed that although these are considerations for certain members of the Board of Adjustment, they are not for her. Quite simply, she said they would be creating two sub-standard lots, which are probably going to require future variances. She stated that there are alternatives for the applicant to alternatively use the Lot 2, as there is no rock outcrop, and even though the parcel is triangular in shape she does not consider it as being a unique feature in her interpretation of the Code.

Chair Rue said he appreciates all of the member's comments. He spoke in favor of the motion, stating that he is in agreement with what Ms. Grewe just stated in that the Board of Adjustment has to be careful in the manner they move forward in terms of this case to ensure it meets the Code. He explained that he believes in this case there are extraordinary circumstances, noting that the land was subdivided years ago into very irregularly shaped lots, and in this case the Board of Adjustment is attempting to deal with this parcel that is triangular in shape with a long coastline, as it is not a typical "cornfield parcel that might be found in Kansas." He stated that it is now years later where the Board of Adjustment is having to try to fit these oddly shaped and difficult lots into a "cookie cutter mold," which does not work so this is why they provide for variances to meet the intent of the Code, and therefore with this case they have done so by revising the findings and adding a new condition.

<u>Roll call vote</u>
Ayes: Bennett, Taug, Watson, Miller, Rue
Nays: Grewe, Haight

Motion passes: 5:2; and VAR2010 0023 was approved by the Board of Adjustment, with the added Condition 1 and a revision to accept the applicant's findings.

Chair Rue adjourned the Board of Adjustment, and reconvened the PC.

IX. <u>REGULAR AGENDA</u> - Heard out of sequence due to the re-arranging of the Agenda.

USE2010 0009

Notice of Remand from Appeal of USE2010 0009: An Allowable Use Permit for a rooming/boarding house.
Applicant: Bernard Bachoura
Location: 306 West Eighth Street

Staff report

Mr. Pernula passed out hardcopies of the CBJ 49.15.320 *Allowable use permit* section of the Land Use Code, Title 49.

Chair Rue announced that Daniel G. Bruce is the Attorney representing the applicant who provided a letter addressed to Mr. Pernula, which is in the Blue Folder, dated August 6, 2010. He explained that Mr. Bruce requests that the PC not undertake another public hearing without him being present.

Mr. Pernula said several people, including Mr. Bruce who is the attorney for the applicant, and Peter Metcalfe who is a neighbor have contacted staff. He stressed that this is not a public hearing tonight, although if the PC wishes to hold another one they are able to do so. He noted that he has also contacted the affected people. He explained that Mr. Bachoura applied for an Allowable Use permit (AUP) for a rooming/boarding house, which was previously heard by the PC on April 27, 2010. He said the AUP, USE2010 0009, was approved with four conditions, and specifically Condition 4 is the one of contention, which he cited:

> "4. Per CBJ 49.15.320(f)(8), the Allowable Use will automatically be revoked if either of the following occur: The property owner is convicted of a violation of CBJ 36.30 Litter; or an occupant of the premises is convicted of a violation of CBJ 42.20.095 Disturbing the Peace."

He stated that this condition was appealed to the Assembly who remanded it back to the PC with instructions. He noted that he had difficulty trying to figure exactly what the instructions stated, so he contacted the CBJ Department of Law and an Attorney informed him there are two problems with Condition 4. He said the first issue is related to CBJ 49.15.320(f)(8), which he cited:

> "(f) *Conditions on approval; allowable uses.* The commission may condition an allowable use permit upon one or more of the following:
> (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the responsibility of the owner to apply for a new permit. Any order revoking a permit shall state with particularity the grounds therefore and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance."

He said one of the problems is that item CBJ 49.15.320(f)(8) should not be on the list of potential conditions for USE2010 0009, as it is instead an enforcement mechanism, not an all inclusive condition where they could attach any type of additional condition in addition to the others that are on the more lengthy list. He said the second problem relates to due process, as the Attorney also informed him that they cannot have an automatic revocation of a permit. He explained that when they take away a property right that someone has, they have to provide due process through a public hearing. He noted that he later asked the CBJ Deputy Attorney if the PC could amend Condition 4, and the advice was to stay entirely away from CBJ 49.15.320(f)(8) *Revocation of permits*. He said the PC has two options: 1) The PC could vote to amend Condition 4 by eliminating it, or 2) The PC could choose to hold another public hearing on the

matter, however if the PC chooses to do so he thinks they would have the same outcome because they do not have much discretion over this AUP.

Commission discussion

Mr. Miller said he certainly understands the reasons why this was remanded back to the PC by the Assembly, especially in relation to the due process aspect. However, he is concerned in regards to the neighbors' defense of what the PC was attempting to achieve in terms of handling the problems taking place in this area. He said if the PC was able to obtain a letter from Mr. Bachoura that states that if an occupant of the premises is convicted of disturbing the peace or a litter violation then he is going to evict them, or if they are convicted of a violation twice then he would serve them a warning, and then if it re-occurs he would evict them. He said public testimony was provided at the past PC meeting stating that this is a problem because the neighbors had numerous issues with seasonal workers residing in this particular residence. He believes he is fine with omitting Condition 4, although he questions what else the PC is able to do to try to protect the neighbors from this rowdy bunch.

Staff provides: that the Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 22, 2010, and approved the rooming/boarding house to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The number of boarders will be limited to no more than 12.
2. In addition to the landscaped areas shown on the site plan submitted with the project application, an additional 366 square feet of vegetative cover, at a minimum, shall be provided, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the proposed structure.
3. Prior to issuance of a Certificate of Occupancy, CCD staff shall verify that the site contains at least 2,408 square feet of vegetative cover, and the owner has constructed a screening fence adjacent to immediate neighboring properties. The purpose of the fence is to screen neighbors from the increased use of the premises.
4. Per CBJ 49.15.320(f)(8), the Allowable Use will automatically be revoked if either of the following occur: The property owner is convicted of a violation of CBJ 36.30 Litter; or an occupant of the premises is convicted of a violation of CBJ 42.20.095 Disturbing the Peace.

Commission action

MOTION*: by Mr. Watson, that the Planning Commission adopts the Director's analysis and findings and grants the requested Allowable Use permit. This motion supersedes the motion of previous approval on April 27, 2010 and also eliminates Condition 4. The permit allows the operation of a 9-room boarding/rooming house. The approval is subject to the following conditions, as revised by the Planning Commission:*

1. *The number of boarders will be limited to no more than 12.*
2. *In addition to the landscaped areas shown on the site plan submitted with the project application, an additional 366 square feet of vegetative cover, at a minimum, shall be provided, and shown on a site plan reviewed and approved by CDD Staff prior to issuance of a building permit for the proposed structure.*
3. *Prior to issuance of a certificate of occupancy, CDD Staff shall verify that the site contains at least 2,408 square feet of vegetative cover, and that the owner has constructed a screening fence adjacent to the immediate neighboring properties. The purpose of this fence is to screen the neighbors from the increased usage of the premises.*

Mr. Watson said as much as he sympathizes with the neighbors, until a higher-level provides a mandate, e.g., the Governor's Office personnel contacting the CBJ City Manager, it is going to take some action like that to trigger enforcement. He said the PC previously heard testimony about a nearby apartment that has a poorer reputation with the neighbors than this applicant, yet nothing has truly been done to effectively enforce the City ordinances that are in place. Therefore, placing the previously approved Condition 4 on this applicant makes him somewhat uncomfortable, as they are not challenging another building owner that has a poorer reputation with the neighbors just a couple blocks away, which is the reason he moved to omit Condition 4 at this time. He stressed that the enforcement belongs with the appropriate authorities, which very well might be in the future that the neighbors should provide complaints directly to the CDD staff, noting that "speaking the voice of many gets the attention," so this is what might have to take place in the future. He believes the PC has to stay clear regarding the enforcement aspect, and instead, let the appropriate CDD personnel deal with it. Mr. Pernula explained that the primary complaints provided to CDD staff have generally been focused on litter and noise issues. He said the noise aspect generally stems from parties, noting that the neighbors could still contact the police who are able to issue citations, although the CDD would no longer be unable to revoke this AUP based on noise and litter complaints. He explained that there is somewhat of a shared responsibility between the police and CDD, and if it involves more of a long term and chronic type of situation, the CDD becomes involved in relation to the land use aspect when it is in relation to litter violations. However, if it is intermittent litter found in a specific location, the police would typically issue a citation. Mr. Watson said this is a good example of small businesses intruding into neighborhoods, which was provided via public comment at the previous PC meeting by neighbors by the PC allowing applicants to have small businesses operating within residences, and then they suddenly grow beyond what was initially presented to the PC, so when that occurs it presents this body with a new set of issues. Therefore, he stated that the PC has to be somewhat cautious of this as well when they approve cases such as this, specifically in terms of other potential impacts on neighborhoods.

MOTION RESTATED*: by Chair Rue, that the Planning Commission adopts the Director's analysis and findings and grants the requested Allowable Use permit. This motion supersedes the motion of previous approval on April 27, 2010 and also eliminates Condition 4. The permit allows the operation of a 9-room boarding/rooming house. The approval is subject to the following conditions, as revised by the Planning Commission:*

1. *The number of boarders will be limited to no more than 12.*
2. *In addition to the landscaped areas shown on the site plan submitted with the project application, an additional 366 square feet of vegetative cover, at a minimum, shall be provided, and shown on a site plan reviewed and approved by CDD Staff prior to issuance of a building permit for the proposed structure.*
3. *Prior to issuance of a certificate of occupancy, CDD Staff shall verify that the site contains at least 2,408 square feet of vegetative cover, and that the owner has constructed a screening fence adjacent to the immediate neighboring properties. The purpose of this fence is to screen the neighbors from the increased usage of the premises.*

Mr. Miller said he would like to explore the possibility of re-opening public testimony at another future hearing on this case. He noted that Mr. Bruce stated that he prefers this to take place. However, this is an AUP application, and the PC is limited regarding the criteria in which they are able to review this case, so unless his fellow commissioners have other ideas of methods that they are able to contemplate to further protect the neighbors, versus the fence requirement then

he would not be in favor of re-opening public testimony on this case, and instead, he would otherwise be in favor of the motion.

Chair Rue stated that Mr. Metcalfe's letter provided to the PC hints at some ideas he might have that could assist in improving the situation for the neighbors, although he did not specifically propose different conditions than those that are listed. He asked if staff has any idea whether this might be a useful conversation for the PC to hold, or to possibly continue this case because the PC has not yet voted on the motion. Mr. Pernula said he informed Mr. Metcalfe that the PC has very little discretion, which might be why he did not attend the meeting tonight. Chair Rue commented that Mr. Metcalfe was provided the opportunity to attend; whereby the PC could have re-opened public testimony if a commissioner chose to do so. Mr. Miller stated that since Mr. Pernula did previously speak to Mr. Metcalfe regarding this, he now speaks in favor of the motion.

Mr. Pernula suggested that the PC specifically state that Condition 4 has been eliminated, as they now have an approval motion with all four conditions stemming from the April 27, 2010 PC meeting, including another motion for approval tonight with only Conditions 1, 2, and 3, and therefore if the latter motion supersedes Condition 4 it would be clearer. Chair Rue asked if staff prefers the PC to re-word the motion. Mr. Pernula suggested that the PC add verbiage by stating that the motion clearly supersedes the previous motion of approval on April 27, 2010 and also eliminates Condition 4. Chair Rue asked if Mr. Watson was amenable to doing so. Mr. Watson said yes, whereby he added the suggested verbiage by Mr. Pernula to the motion.

Mr. Chaney stated that he has not yet discussed this with Mr. Pernula, although he wonders if it is possible for the PC to request that the applicant have less than 12 boarders, which is listed as Condition 1. He explained that there are obviously great concerns from the neighborhood so the PC might feel that 12 boarders are too many or that it might provide for too rowdy of a group, and therefore reducing the number of boarders is a method in which they might consider adjusting Condition 1.

Mr. Haight said he was not in attendance at the April 27, 2010 PC meeting when this case was previously reviewed, although this building is currently to be used as a boarding house, and therefore he asked if this is an un-permitted use at this time. Chair Rue clarified that the PC is adding stipulations to the use of the current boarding house. Mr. Haight stated that if the PC conditioned the permit to limit it to fewer boarders, they would basically be denying the construction of additional rooms. Chair Rue stated that he is unsure whether the PC is able to do so, and if so, he would recommend that the PC schedule a public hearing if the intention is to amend further conditions of the permit to provide the applicant and neighbors a chance to speak regarding them. Mr. Pernula stated that this is the difficulty with this AUP, whereby he cited CBJ 49.15.320(f)(2) *Use.* "Use of the development may be restricted to that indicated in the application." He said this is what the applicant indicated, and is also what the PC provided as a condition. Chair Rue said it appears as though the PC does not have much leeway in regards to this section of the Code. Mr. Watson said they could provide a new condition for perhaps requiring a performance bond, etc., although at this point he does not think this case is worthy of further conditions. Ms. Grewe re-cited CBJ 49.15.320(f)(2) "*Use.* Use of the development may be restricted to that indicated in the application," asking if this means that the PC is unable to hold a conversation, and instead, have to accept the number of boarders that was initially proposed to this body by the applicant. Mr. Pernula said in his interpretation that is what CBJ 49.15.320(f)(2) means. Ms. Grewe said if that is the case, then it is similar to "a mechanical

failure," noting that they already misinterpreted CBJ 49.15.320(f)(8) *Revocation of permits.* Mr. Pernula stated that a year and a half or so ago when the update of the Table of Permissible Uses (TPU) was taking place, staff recognized that when AUPs were presented to the PC there was very little discretion. He noted that at times the PC has held public hearings on AUP cases and although they agree with the concerns of the neighbors, they end up having to approve AUPs anyway because they cannot deny them. He noted that since the TPU was updated and approved, many of the AUPS are now permitted uses that only require the applicant to obtain a Building permit. However, this AUP would be bumped up to a CUP in the future should the applicant re-appear requesting another application. Mr. Miller stated that if the PC chooses to re-open public testimony by scheduling a new hearing, he asked if this case would then be reviewed under the AUP process, or the CUP process since the applicant already brought it forward once again. Mr. Pernula said it is under the permit process that was in place when the applicant initially applied for the permit, which was for an AUP. Ms. Bennett stated that since this case is considered an AUP, she asked how long it would take before the new TPU rules might bump it up to be a CUP. Mr. Pernula said he believes the new TPU becomes effective next Wednesday, August 18, 2010; however, this application was already provided as an AUP, noting that the applicant is required to obtain a Building permit within 18 months, and if not, they would be required to obtain a CUP at that time.

Ms. Bennett said the PC previously requested the applicant to provide a Resident Manager, and post a statement that Spenser Realty provides managing oversight, including the agency's contact information. She realizes that the PC cannot require these specifics, although the applicant's representative said he was sympathetic to these concerns, whereby she asked staff if they heard anything from the applicant or his representative regarding such suggestions. Mr. Pernula said he has not. Ms. Bennett asked if staff is able to hold an informational meeting to educate the applicant's employees about bears in relation to trash storage, including potential neighborhood complaints. Chair Rue asked if Ms. Bennett is recommending adding a new condition to this AUP. Ms. Bennett said she is instead thinking more along the lines of an advisory for staff. Mr. Pernula said that might be helpful if the applicant or occupants fail to comply, whereby the CDD Code Compliance Officer might request to hold an informational meeting with the applicant's employees so they could explain why they have these rules, noting that he does not have a problem with doing so. Ms. Bennett confirmed that this would only take place if the owner or an occupant has an infraction, rather than a forward-looking proviso. Chair Rue said he does not know how the PC might provide staff with such directions, except verbally at this PC meeting by requesting staff to provide a written letter to the applicant with this suggestion. Ms. Bennett requested staff to do so, which would go a long way to inform the transient employees arriving in Juneau who are used to a Caribbean environment where bears are not an issue, but they are here, which is directly related to littering, including that neighbors value their property and do not want to be disturbed. Mr. Pernula said a method in which the PC through staff might get their attention is via Mr. Bruce who is the applicant's Attorney, so he might carry more clout. Chair Rue requested staff to inform them of the decision by the PC that they recommend to Mr. Bruce and the applicant that they spend time educating occupants about bears in relation to litter and noise.

Mr. Chaney said he does not want an absurd outcome in terms of Condition 1, explaining that he was not at the previous PC hearing, although he understands that this case was not favorably received by the neighborhood. He noted that the use of the development being restricted to what the applicant requested does not address intensity. Therefore, hypothetically it could be that an applicant requested 100 or 200 occupants for a boarding house, but in that instance he does not

think the PC would be required to adhere or approve that specific requested number by such an applicant, whereby he stressed that this is an absurd reading of that section to view it in another light. He said he realizes that the CBJ Attorney is not yet ready to fight this fight, but he thinks there is some latitude to review other aspects.

He explained that he would also like to further review CBJ 49.15.320(f)(7), which he cited:

> "*Covenants.* The commission may require the execution and recording of covenants, servitudes or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants."

He said the PC might wish to contemplate this section of the Code to determine whether instituting any of these aspects might make them more feel more comfortable. He stated that he does not believe the PC has to make a decision tonight, and instead, are able to request the CBJ Attorney to provide more direction regarding this section of the Code as well if they so choose.

Chair Rue reminded the PC that there is a motion on the table, whereby the commissioners have to either act on the case, or continue it. He noted that thoughts have been provided for other methods in which the PC might contemplate placing further conditions on the AUP, including suggestions for transmittals. Mr. Miller stated that perhaps if a message was provided to Mr. Bruce that the PC is considering lowering the number of occupants, e.g., to 8, as a response to his request of the PC, and then if the PC is later provided with assurances, i.e., rowdy individuals would be removed from the premises, including the applicant possibly offering to provide the occupants a list of rules. Ms. Grewe said she would support tabling the motion because she has re-read CBJ 49.15.320(f)(2) about 10 different times, and the use is the boarding house. She noted that the PC is <u>not</u> stating that they cannot use it as a boarding house, although perhaps they might condition the intensity or quantity of boarders. She stated that if this is a possibility she thinks the neighborhood has to be notified, as such a condition might be significant for them. She stated that she has thought long and hard about this case over the past couple of weeks and although the CBJ Attorney might not want to fight the fight for the PC, this case impacts property tax payers and the CBJ Attorney is their Attorney too. Chair Rue stated that if a commissioner provides a Motion to Continue, and then the PC votes on it, he asked staff whether doing so would supersede the initial motion. Mr. Pernula said if the PC provides a Motion to Continue a case it is usually presented at the next meeting. However, if the PC is contemplating adding conditions or recommendations that have not been contemplated in the past on this case, they might have to schedule another public hearing, although he does not know if staff is able to schedule one for the next PC meeting, so they would have to continue USE2010 0009 to a subsequent meeting in four weeks. Chair Rue announced that the motion on the table would have to be withdrawn or voted down, and then the PC would have to schedule another public hearing to be held at a subsequent meeting.

<u>MOTION WITHDRAWN</u>*: by Mr. Watson.*

<u>MOTION TO CONTINUE</u>*: by Mr. Haight, that the Planning Commission continues USE2010 0009 to a subsequent meeting to schedule another public hearing, including holding additional discussion with the CBJ Attorney about the opportunity to apply these additional conditions discussed by the Planning Commission prior to scheduling another public hearing on this case, and advising Mr. Bruce the Attorney representing the applicant of the same.*

Ms. Taug asked if the applicant is currently using the boarding house for less than 12 occupants, as the PC by continuing this case is in essence holding them hostage, as the commissioners are

attempting to use Land Use Code aspects to monitor behavior. She explained that she heard this stated in many different ways tonight, although trying to curb behavior of people might not be an aspect that the PC should be contemplating. Mr. Chaney explained that the review by the PC of this case is a result of the applicant wishing to add an addition onto the residence, and they are currently using the residence as a boarding house, although this AUP as is would substantially increase the footprint of the structure. Ms. Taug said even if 6 or 8 occupants were allowed in the future, i.e., whether the occupants might arrive from the Caribbean or not, Juneau already has local young men and women in town who cause the same infractions, which takes place already whether they are from the Caribbean, Alaska, Washington, etc.

Ms. Grewe asked if the applicant is allowed to start constructing the addition at this time, as the PC already approved the AUP. Mr. Pernula said yes, although his understanding is that the applicant is concerned because he does not want to build a $200,000 or $300,000 structure, and then if an occupant of the premises is convicted of a violation for disturbing the peace or littering then the AUP to use the structure would automatically be revoked.

Chair Rue stated that the Assembly remanded USE2010 0009 to the PC so such action suspends the permit because the applicant appealed it, and therefore until the PC deals with the remand review he argues that the applicant has no permit because by his actions he has placed it in limbo. Mr. Pernula said that could very well be.

Ms. Taug stated that per the Motion to Continue, an "Aye" vote would be to continue the case, and a "Nay" vote would be not to continue it, to which Chair Rue agreed.

Roll call vote
Ayes: Miller, Grewe, Haight, Bennett, Rue
Nays: Taug, Watson,

Motion passes: 5:2; and USE2010 0009 was continued by the PC until another public hearing is scheduled by staff, and to deal with communication efforts stipulated in the motion per the PC's previous discussion.

Mr. Watson requested staff to provide all the information regarding this case to the PC before the subsequent public hearing, including the same hardcopy of the Allowable Use excerpt of the Code provided by Mr. Pernula at this meeting. He explained that this is so the PC and public are clear on the criteria that this body is required to abide by in relation to the PC's review of this AUP per the Land Use Code, Title 49.

Ms. Bennett commented that Mr. Watson previously suggested that the PC continue this AUP when this body reviewed this case at the last meeting, so maybe he was right.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

XI. OTHER BUSINESS - None

XIII. <u>REPORT OF REGULAR AND SPECIAL COMMITTEE</u> - Chair Rue inadvertently skipped the Director's Report, which was heard following the Planning Commission Comments and Questions portion of the Agenda.

[The June 19, 2010 Assembly Lands Committee minutes were provided by staff to the PC for their perusal.]

XIV. <u>PLANNING COMMISSION COMMENTS AND QUESTIONS</u> - Heard out of sequence.

Mr. Watson stated that the CBJ Docks & Harbors Commercial Loading Facility at Auke Nu Cove is an instance where the conditions of their permit are not being followed. He explained that there is not supposed to be long-term storage allowed, but they are doing so, and there are numerous vehicles parked on the property, which are not just there for the day, including equipment being staged on-site. He said this facility is becoming what the PC was told by CBJ Docks & Harbors personnel during the review of this permit that it was not going to become another CBJ Docks & Harbor eyesore. He said since CBJ Docks & Harbors personnel previously agreed to the fact that it would not become a long-term storage area, and instead, only use that area for emergency repairs and things of that nature, which is one of the reasons why the PC approved that permit. He noted that he is using this case as an example because there have been other incidents where the conditions are not being adhered to in terms of what the PC has approved, but this body has the responsibility to the citizens of neighborhoods regarding such infractions. He noted this is a case involving waterfront usage with very few conditions being placed upon the permit, which was agreed to by the applicant, and therefore staff has to make these points clear, including ensuring that the applicant abides by them. He stressed that our own CBJ is not following the rules that the PC required as conditions on their permit, and instead, the CBJ should be setting an example. Chair Rue said these are good points, whereby he requested that this be brought to the attention of the CBJ Docks & Harbors Board. Mr. Watson said he intends to attend a CBJ Docks & Harbors Board meeting, whereby he would speak as a member of the public, not as a commissioner of the PC. Chair Rue stated that if Mr. Watson provides this information at a subsequent CBJ Docks & Harbors Board meeting, and then if the PC does not gain satisfaction following that meeting, they will have to elevate their request for compliance.

Ms. Grewe stated that at the last meeting the PC denied a case (VAR2010 0018) involving a carport/shed decision, whereby she asked staff to provide an update on the outcome. Mr. Pernula said he does not know, although the current or former owner probably has to remove the carport section to reduce the size of the structure to bring it within compliance. Mr. Watson commented that he is a realtor, stating that there is an 8-page disclosure that stipulates by law that the seller has to disclose whether there are any outstanding permits, nonconforming structures, or occurrences, etc. that have taken place on the property.

Mr. Rue requested staff to provide him with a fully updated Title 49 binder, noting that he received the original copy about five years ago, but he has since been provided numerous supplements so he is now unsure if he has correctly inserted all of them. Mr. Miller said he would appreciate an updated Title 49 binder as well.

XII. <u>DIRECTOR'S REPORT</u> - Moved due to being inadvertently overlooked.

Mr. Pernula stated that the TPU was recently provided to the Assembly. Following this, he noted that a member of the Assembly Ruth Danner provided him an e-mail, dated August 11, 2010. He said she feels that the parking requirement that was changed for B&Bs is not high enough. He explained that staff's intention was not to try to reduce parking for B&Bs. He noted that the current requirement is 1 parking space per 3 boarders, as this is no longer based upon the number of bedrooms that was previously difficult to enforce. He noted that the updated TPU provides that for geographic areas of Juneau and Douglas it is 1 parking space per 2 bedrooms, and for everywhere else it is 1 space per bedroom. He stated that Ms. Danner's question states, "I'm just reviewing the minutes form the 7/19 adoption of Ordinance 2010-22. I want to find out if my question of off-street parking for B&Bs will be considered on the PC agenda in the future." He noted that he informed Ms. Danner of what he just stated to the PC, and that he would bring her concern up to this body tonight. He stated that if the PC believes that the parking requirement for B&Bs is too low in the updated TPU then staff would research this, and re-submit their findings to the PC at a subsequent meeting. Chair Rue said it could have been 1 parking space per 3 bedrooms, versus boarders. Mr. Pernula said that might be an option, stating that there are various studies staff might research, i.e., the Institute of Traffic Engineers has studies where they have researched different parking aspects all over the country, so staff could view this information to determine what other locations have in terms of use, demand, etc., and then provide such information to the PC at a subsequent meeting, to which Chair Rue agreed.

XV. ADJOURNMENT

MOTION*: by Mr. Watson, to adjourn the Planning Commission meeting.*

There being no objection, it was so ordered and the PC meeting adjourned at 8:45 p.m.

STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM AN OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THE FILING OF THIS PLAT WITH MY FREE CONSENT.

OWNER: April Smith
APRIL SMITH
DATE January 11TH, 2012

NOTARY ACKNOWLEDGMENT:

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.

THIS IS TO CERTIFY THAT ON THIS 11TH DAY OF January, 2012 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED APRIL SMITH KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

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

STATE OF ALASKA
OFFICIAL SEAL
Ed Quinto
NOTARY PUBLIC
My Commission Expires 07/15/2015

STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM AN OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THE FILING OF THIS PLAT WITH MY FREE CONSENT.

OWNER: Carla Wood
ESTATE OF
JAMES B. NEAL JR.
CARLA LOUISE WOOD
PERSONAL REPRESENTATIVE

NOTARY ACKNOWLEDGMENT:

DATE May 7TH, 2012

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.

THIS IS TO CERTIFY THAT ON THIS 7TH DAY OF May, 2012 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED CARLA LOUISE WOOD, PERSONAL REPRESENTATIVVE FOR THE ESTATE OF JAMES B. NEAL, JR. KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

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

STATE OF ALASKA
OFFICIAL SEAL
Ed Quinto
NOTARY PUBLIC
My Commission Expires 07/15/2015

CERTIFICATE OF APPROVAL CITY & BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

Greg P. Chaney
DIRECTOR, CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

May 10 2012
DATE

ATTEST: CLERK, CITY & BOROUGH OF JUNEAU

CITY & BOROUGH OF JUNEAU
CHARTERED JULY 1, 1970

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, 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.

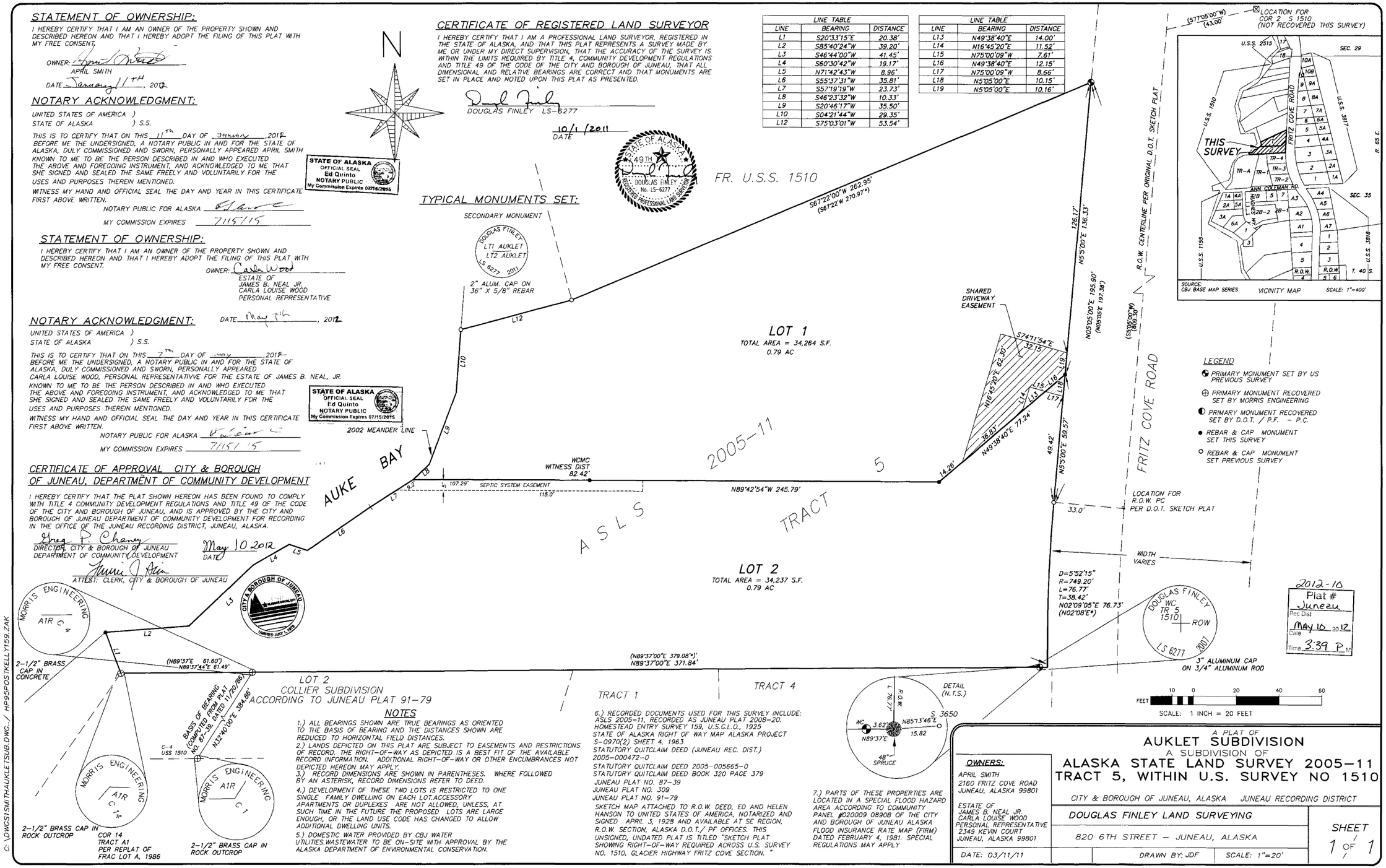
DOUGLAS FINLEY LS-6277

10/1/2011
DATE

STATE OF ALASKA 49TH DOUGLAS FINLEY No. LS-6277 REGISTERED PROFESSIONAL LAND SURVEYOR

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S20°33'15"E	20.38'
L2	S85°40'24"W	39.20'
L3	S46°44'00"W	41.45'
L4	S60°30'42"W	19.17'
L5	N71°42'43"W	8.96'
L6	S55°37'31"W	35.81'
L7	S57°19'19"W	23.73'
L8	S46°23'32"W	10.33'
L9	S20°46'17"W	35.50'
L10	S04°21'44"W	29.35'
L12	S75°03'01"W	53.54'

LINE TABLE		
LINE	BEARING	DISTANCE
L13	N49°38'40"E	14.00'
L14	N16°45'20"E	11.52'
L15	N75°00'09"W	7.61'
L16	N49°38'40"E	12.15'
L17	N75°00'09"W	8.66'
L18	N5°05'00"E	10.15'
L19	N5°05'00"E	10.16'



NOTES

1.) ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND THE DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

2.) LANDS DEPICTED ON THIS PLAT ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. THE RIGHT-OF-WAY AS DEPICTED IS A BEST FIT OF THE AVAILABLE RECORD INFORMATION. ADDITIONAL RIGHT-OF-WAY OR OTHER ENCUMBRANCES NOT DEPICTED HEREON MAY APPLY.

3.) RECORD DIMENSIONS ARE SHOWN IN PARENTHESES. WHERE FOLLOWED BY AN ASTERISK, RECORD DIMENSIONS REFER TO DEED.

4.) DEVELOPMENT OF THESE TWO LOTS IS RESTRICTED TO ONE SINGLE FAMILY DWELLING ON EACH LOT.ACCESSORY APARTMENTS OR DUPLEXES ARE NOT ALLOWED, UNLESS, AT SUCH TIME IN THE FUTURE THE PROPOSED LOTS ARE LARGE ENOUGH, OR THE LAND USE CODE HAS CHANGED TO ALLOW ADDITIONAL DWELLING UNITS.

5.) DOMESTIC WATER PROVIDED BY CBJ WATER UTILITIES.WASTEWATER TO BE ON-SITE WITH APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

6.) RECORDED DOCUMENTS USED FOR THIS SURVEY INCLUDE:
ASLS 2005-11, RECORDED AS JUNEAU PLAT 2008-20.
HOMESTEAD ENTRY SURVEY 159, U.S.G.L.O., 1925
STATE OF ALASKA RIGHT OF WAY MAP ALASKA PROJECT S-0970(2) SHEET 4, 1963
STATUTORY QUITCLAIM DEED (JUNEAU REC. DIST.) 2005-000472-0
STATUTORY QUITCLAIM DEED 2005-005665-0
STATUTORY QUITCLAIM DEED BOOK 320 PAGE 379
JUNEAU PLAT NO. 87-39
JUNEAU PLAT NO. 309
JUNEAU PLAT NO. 91-79
SKETCH MAP ATTACHED TO R.O.W. DEED, ED AND HELEN HANSON TO UNITED STATES OF AMERICA, NOTARIZED AND SIGNED APRIL 3, 1928 AND AVAILABLE AT SE REGION, R.O.W. SECTION, ALASKA D.O.T./ PF OFFICES. THIS UNSIGNED, UNDATED PLAT IS TITLED "SKETCH PLAT SHOWING RIGHT-OF-WAY REQUIRED ACROSS U.S. SURVEY NO. 1510, GLACIER HIGHWAY FRITZ COVE SECTION."

7.) PARTS OF THESE PROPERTIES ARE LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO COMMUNITY PANEL #020009 0890B OF THE CITY AND BOROUGH OF JUNEAU ALASKA FLOOD INSURANCE RATE MAP (FIRM) DATED FEBRUARY 4, 1981. SPECIAL REGULATIONS MAY APPLY

OWNERS:

APRIL SMITH
2160 FRITZ COVE ROAD
JUNEAU, ALASKA 99801

ESTATE OF
JAMES B. NEAL JR.
CARLA LOUISE WOOD
PERSONAL REPRESENTATIVE
2349 KEVIN COURT
JUNEAU, ALASKA 99801

A PLAT OF
AUKLET SUBDIVISION
A SUBDIVISION OF
ALASKA STATE LAND SURVEY 2005-11 TRACT 5, WITHIN U.S. SURVEY NO 1510

CITY & BOROUGH OF JUNEAU, ALASKA — JUNEAU RECORDING DISTRICT

DOUGLAS FINLEY LAND SURVEYING
820 6TH STREET - JUNEAU, ALASKA

DATE: 03/11/11 | DRAWN BY: JDF | SCALE: 1"=20'

SHEET 1 OF 1

C:\DWGS\SMITHAUKLETSUB.DWG.../ HP95POSTKELLY159.ZAK

Juneau 2012-10

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Treasury Division
155 S. Seward Street
Juneau, AK 99801
(907) 586-0375 Phone
(907) 586-5367 Fax

CERTIFICATION OF PAYMENT OF TAXES

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Federal District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described property is carried on the tax records in the name of:

JAMES NEAL & APRIL SMITH
Current Owner

USS 1510 TR 5
Description

4-B18-0-101-010-1
Parcel Code Number

and that, according to the records in my possession, all taxes assessed against said lands and in favor of the City and Borough of Juneau are paid in full; that current taxes of the year 2011 due on or before September 30, 2011 have been paid.

Barbara J. Rolfe
Barbara J. Rolfe, Treasurer

March 14, 2012
Date

CERTIFICATION EXPIRATION DATE

– June 15, 2012

Juneau 2012-10

DRIVEWAY & SEWER EASEMENT AGREEMENT

THIS AGREEMENT IS MADE between **APRIL A. SMITH,** of P.O. Box 32133, Juneau, Alaska 99803 ("Smith"), and **ESTATE OF JAMES BUIBERT NEAL, JR.,** of P.O. Box 34734, Juneau, Alaska 99803 ("Neal"), owners of the below described Lot 1, and **APRIL A. SMITH,** of P.O. Box 32133, Juneau, Alaska 99803 ("Smith"), and **ESTATE OF JAMES BUIBERT NEAL, JR.,** of P.O. Box 34734, Juneau, Alaska 99803 ("Neal"), owners of the below described Lot 2.

RECITALS

A. Smith and Neal are the owners of the following described real property:

> Lot 1, Auklet Subdivision, a subdivision of Alaska State Land Survey 2005-11, Tract 5, within U. S. Survey No. 1510, according to Plat 2012-10, Juneau Recording District, First Judicial District. State of Alaska.
>
> Commonly referred to as 2160 Fritz Cove Road, Juneau, Alaska 99801.

(hereinafter "Lot 1")

B. Smith and Neal are the owners of the following described real property:

> Lot 2, Auklet Subdivision, a subdivision of Alaska State Land Survey 2005-11, Tract 5, within U. S. Survey No. 1510, according to Plat 2012-10, Juneau Recording District, First Judicial District, State of Alaska.
>
> Commonly referred to as NHN Fritz Cove Road, Juneau, Alaska 99801.

(hereinafter "Lot 2").

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C. Access to Lots 1 and 2 is to be via a shared driveway as delineated on the survey attached hereto as Exhibit A. Lot 1 is currently improved and the driveway into Lot 1 actually exists at the time of execution of this Agreement. Lot 2 is currently unimproved and as such the driveway into Lot 2 has not been constructed as of the execution of this Agreement. The parties desire to establish in writing their duties and responsibilities with respect to the driveway, both now as the driveway currently exists and in the future when Lot 2 is improved.

D. A portion of the septic tank, cleanout and outfall for Lot 1 are located on a portion of Lot 2, as delineated on Exhibit A. The parties desire to establish an easement for the septic tank, cleanout and outfall on Lot 2 for the benefit of Lot 1, and Lot 1's duties and responsibilities with respect to the sewer system easement.

NOW, THEREFORE, in consideration of the recitals and the mutual covenants and obligations set forth herein, the sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. **Incorporation of Recitals.** The above referenced recitals set forth in Paragraphs A, B, C, and D above are hereby restated and incorporated by reference.

2. **Granting of Access Easement on Lot 1.** Smith and Neal as the owners of Lot 1, for themselves and their heirs, successors and assigns, hereby grant to Smith and Neal as the owners of Lot 2, their heirs, successors, assigns, guests and invitees, a perpetual easement, in common with the owner of Lot 1, for ingress and egress across the following described portion of Lot 1:

> A tract of land in Lot 1, Auklet Subdivision, a subdivision of Alaska State Land Survey 2005-11, Tract 5, within U. S. Survey No. 1510, according to Plat 2012-10, Juneau Recording District, First Judicial District, State of Alaska, more particularly described as:
>
> BEGIN at a point S 5° 05' 00" W 126.17 feet from the northerly most corner of said Lot 1, run thence S 5° 05' 00" W 10.16 feet; thence S 49° 38' 40" W 62.98 feet; thence N 16° 45' 20" E 62.30 feet; thence S 74° 71' 54" E 32.15 feet to the true point of beginning.

3. **Granting of Access Easement on Lot 2.** Smith and Neal as the owners of Lot 2, for themselves and their heirs, successors and assigns, hereby grant to Smith and Neal as the owners of Lot 1, their heirs, successors, assigns, guests and invitees, a

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perpetual easement, in common with the owner of Lot 2, for ingress and egress across the following described portion of Lot 2:

> A tract of land in Lot 2, Auklet Subdivision, a subdivision of Alaska State Land Survey 2005-11, Tract 5, within U. S. Survey No. 1510, according to Plat 2012-10, Juneau Recording District, First Judicial District, State of Alaska, more particularly described as:
>
> BEGIN at a point S 5° 05' 00" W 136.33 feet from the northerly most corner of said Lot 1, run thence S 5° 05' 00" W 10.15 feet; thence N 75° 00' 09" W 8.66 feet; thence N 49° 38' 40" E 12.15 feet to the point of beginning.

4. **Purpose of Common Access Easement**. The purpose of the easement granted from Smith and Neal as the owner of Lot 1 to Smith and Neal as the owner of Lot 2, and the purpose of the easement granted from Smith and Neal as the owner of Lot 2 to Smith and Neal as the owner of Lot 1 is to allow ingress and egress to both Lot 1 and Lot 2 across a common access driveway from Fritz Cove Road. Both parties agree that at no time will cars, boats, trailers or vehicles of any kind be parked or any items or materials be placed in such a manner as to block any part of the driveway located on the easement.

5. **Maintenance of Common Access Easement and Modifications.** The owners of Lot 1 and Lot 2 agree to be jointly responsible for all costs associated with maintenance of the common access driveway located on the above-described easement, including but not limited to grading, additional gravel and/or asphalt, and all maintenance necessary to maintain the roadway in a safe, drivable condition. No significant modifications to any improvements located on the easement shall be made without the written consent of both parties. The owner of Lot 2 shall be responsible for all costs associated with installation of that portion of the driveway that angles south and directly accesses Lot 2. The owner of Lot 1 shall be responsible for all maintenance associated with any part of the driveway not within the easement area that directly accesses the house located on Lot 1. Neither party will perform any work within the right-of-way owned by the State of Alaska, Department of Transportation and Public Facilities, unless in accordance with any required permits, local ordinances and statutes.

6. **Winter Maintenance.** The parties shall be jointly responsible for retaining the services of an individual or firm to provide snow plowing, sanding, and snow removal on the common access driveway. The cost of such winter maintenance shall be divided equally between the parties. Each party shall be individually responsible for driveways located outside of the easement area. Until such time as the owner of Lot 2 begins

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construction of a dwelling on Lot 2, the owner of Lot 1 shall be entirely responsible for winter maintenance.

7. **Sewer Line Easement.** Smith and Neal as the owners of Lot 2, for themselves and their heirs, successors and assigns, hereby grant to Smith and Neal as the owners of Lot 1, their heirs, successors, and assigns a perpetual easement for a sewer system serving Lot 1 across the following described portion of Lot 2:

> A tract of land in Lot 2, Auklet Subdivision, a subdivision of Alaska State Land Survey 2005-11, Tract 5, within U. S. Survey No. 1510, according to Plat 2012-10, Juneau Recording District, First Judicial District, State of Alaska, more particularly described as:
>
> BEGIN at the Northwesterly corner of Lot 1, said Auklet Subdivision, thence S 04° 21' 44" W 29.35 feet, thence S 20° 46' 17" W 35.50 feet, thence S 46° 23' 32" W 10.33 feet to the true point of beginning, run thence S 89° 42' 54" E 107.29 feet, thence South 5.00 feet; thence N 89° 42' 54" W 115.0 feet, thence N 57° 19' 19" E 9.2 feet to the true point of beginning.

The exact present location of the septic tank and clean-out within the sewer system easement area is not precisely known, but is believed to be within the above-described sewer system easement. To the extent that the septic tank and clean-out within the sewer system may extend beyond the above-described description, this easement extends to the exact location of the sewer system.

8. **Maintenance of Sewer System Easement**. Smith and Neal, as the owners of Lot 1, covenant and agree to be solely responsible for maintenance of the sewer system. Smith and Neal, as the owners of Lot 1, further agree to comply with all local, state and federal regulations relating to on-site sewer systems and the discharge of sewer into tidelands of the State of Alaska.

9. **Term of Easements.** The above-described easements shall be perpetual in nature and shall run with the land.

10. **Consideration.** The considerations for the granting of these easements are the mutual promises made by each party to the other and $1.00, receipt of which is hereby acknowledged.

11. **Insurance.** Smith and Neal, as the owners of Lot 1, with respect to the common access driveway and the sewer system easement, and Smith and Neal, as the

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owners of Lot 2, as to the common access driveway, both agree to continue to maintain the homeowner's insurance policy.

12. **Recording of Easement.** A copy of this Agreement shall be recorded with the Office of the Recorder for the Juneau Recording District.

13. **Indemnification.** Lot 1's Indemnity. The owner of Lot 1 indemnifies, defends, and holds the owner of Lot 2 harmless from claims: (i) for personal injury, death, or property damage; (ii) for incidents occurring in or about the common access easement and sewer system easement areas; and (iii) caused by the negligence or willful misconduct of the owner of Lot 1, their agents, employees, or invitees. When the claim is caused by the joint negligence or willful misconduct of the owner of Lot 1 and the owner of Lot 2 or the owner of Lot 1 and a third party unrelated to the owner of Lot 1, except the owner of Lot 1's agents, employees, or invitees, the owner of Lot 1's duty to defend, indemnify, and hold the owner of Lot 2 harmless shall be in proportion to owner of Lot 1's allocable share of the joint negligence or willful misconduct.

Lot 2's Indemnity. The owner of Lot 2 indemnifies, defends, and holds the owner of Lot 1 harmless from claims: (i) for personal injury, death, or property damage; (ii) for incidents occurring in or about the common access easement area; and (iii) caused by the negligence or willful misconduct of the owner of Lot 2, their agents, employees, or invitees. When the claim is caused by the joint negligence or willful misconduct of the owner of Lot 2 and the owner of Lot 1 or the owner of Lot 2 and a third party unrelated to the owner of Lot 2, except the owner of Lot 2's agents, employees, or invitees, the owner of Lot 2's duty to defend, indemnify, and hold the owner of Lot 1 harmless shall be in proportion to owner of Lot 2's allocable share of the joint negligence or willful misconduct.

14. **Attorneys Fees**. If an action or proceeding is brought in connection with this Agreement, the prevailing party (as determined by the court in such action or proceeding) shall be entitled to recover reasonable attorney's fees, court costs, and other reasonable fees and costs incurred in that action or proceeding (whether at trial, on appeal, and/or in a bankruptcy or similar proceeding) and in enforcing any judgment rendered thereon, in addition to any other relief to which it may otherwise be entitled.

15. **Miscellaneous Terms.** This Agreement expresses and embodies all understandings and agreements between the parties and is entered into after full investigation, neither party relying upon any statements or representations not embodied in this Agreement. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns, and may be modified only by a written instrument signed by both parties. This Agreement shall not authorize either party to act

Juneau 2012-10

as an agent for the other. This Agreement shall be governed by and construed under the laws of the State of Alaska. The singular shall include the plural and vice versa. Venue of any dispute shall be the Superior Court of the State of Alaska in Juneau, Alaska. Both parties having participated fully in the drafting of this Agreement, either personally or by and through their attorneys, neither party shall be considered the author of this Agreement for purposes of the rule construing ambiguities in a legal agreement against the drafter of that agreement. This Agreement may be executed in counterparts, each of which shall be deemed an original and which, taken together, shall constitute a single agreement. This Agreement shall not become binding upon any party unless and until at least one counterpart of this Agreement shall have been fully executed by each party hereto.

16. **Severability.** If any provision of this Agreement or any application thereof shall be invalid or unenforceable, the remainder of this Agreement and any other application of such provision shall not be affected thereby.

EXECUTED on the dates written below.

Owners of Lot 1:

Date: 5-7-2012

April A. Smith

STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

THIS CERTIFIES that on this 7 day of May, 2012, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared **April A. Smith**, to me known and known to me to be the persons named in the foregoing instrument and she acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

LAURA STRON NOTARY PUBLIC STATE OF ALASKA

Notary Public for Alaska
My Commission Expires: 11/13/15

Juneau 2012-10

THE ESTATE OF JAMES BUIBERT NEAL, JR.

Date: 5-7-2012

By: Carla Louise Wood
Carla Louise Wood
Personal Representative

STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

THIS CERTIFIES that on this 7 day of May, 2012, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared **Carla Louise Wood, Personal Representative of the Estate of James Buibert Neal, Jr.**, to me known and known to me to be the person named in the foregoing instrument and she acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

LAURA SYRON NOTARY PUBLIC STATE OF ALASKA

Laura Syron
Notary Public for Alaska
My Commission Expires: 11/13/15

Juneau 2012-10

Owners of Lot 2:

Date: 5-7-2012

April A. Smith

STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

THIS CERTIFIES that on this 7 day of May, 2012, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared **April A. Smith**, to me known and known to me to be the persons named in the foregoing instrument and she acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

LAURA SYRON NOTARY PUBLIC STATE OF ALASKA

Notary Public for Alaska
My Commission Expires: 11/13/15

THE ESTATE OF JAMES BUIBERT NEAL, JR.

Date: 05/07/2012

By:
Carla Louise Wood
Personal Representative

STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

THIS CERTIFIES that on this 7 day of May, 2012, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared **Carla Louise Wood, Personal Representative of the Estate of James Buibert Neal, Jr.**, to me known and known to me to be the person named in the foregoing instrument and she

Juneau 2012-10

acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

LAURA SYRON NOTARY PUBLIC STATE OF ALASKA

Laura Syron
Notary Public for Alaska
My Commission Expires: 11/13/15

Return to:
CBJ
General Engineering
155 S. Seward Street
Juneau, AK 99801

From: Beth McKibben
To: Debbie White; "chris@semicro.com"
Cc: Hal Hart
Subject: FW: Variance, Chris and Debbie White
Date: Thursday, May 28, 2015 1:58:51 PM
Attachments: MYSCAN_20120209_0001.TIF

Hi Debbie

I've reviewed the materials and site plan that you submitted for your proposed garage. You are correct in that your lot meets the requirements of 49.25.430(4)(J) Substandard lots. This means that the garage can have a side yard setback of 12 feet. From the notes that Teri left when she took in your application I understand that you might want to locate the garage closer than 12 from the side property line. If you would like the garage to be closer than 12 feet to the side property line you will need to have a variance approved by the Planning Commission. For your information I've attached the link to the variance application form. I've also included the link to the Development Permit Application form which will need to be submitted with the variance. I recommend that in addition to filling out the questions on the form applicants also include a narrative addressing the criteria that is found on page 3. This is the criteria that staff will evaluate when they make a recommendation to the Commission and the criteria that the Commission has to consider when they make findings to approve or deny the request. The application and site plan should clearly show the distance you propose the garage be from the side property line, as well as from the front and other side. In your case there is no setback from the shoreline so it's not necessary to show that. I've also provided a link to past staff reports. You may want to look a few variance cases to get an idea of the type of evaluation that is done, which may help you draft your narrative.

When I was researching your lot I discovered that two variances were approved to allow the subdivision that created your lot 2. VAR2010 0005 and VAR2010 0023. For your information I've attached the staff reports and notice of decision for both these cases. I've also attached the plat. It is important for you to note plat note #4:

> "development of the two parcels is restricted to one single-family dwelling on each lot. Accessory Apartments or duplexes are not allowed; unless; at such time in the future the proposed lots are large enough, or the Land Use Code has changed, to allow additional dwelling units.'

I see that your site plan shows a future home. The good news is that Title 49 has been amended in regard to accessory apartments since that plat note was created. Accessory apartments can now be permitted on lots that are less than the minimum lot size. So in the event you do decide to build that future house you will want check and be sure that an accessory apartment can still be allowed. Under the code today you would have to receive an approved conditional use permit for the accessory apartment and it would be limited to 600 square feet and one or fewer bedrooms. You may want to keep this in mind as you plan your development. If you choose to build the unit above the garage larger than what we can currently permit for an accessory apartment there are a couple options. The floor plan could be modified so the net floor space meets the requirements when the house receives it certificate of occupancy (still needs conditional use permit). The kitchen could be decommissioned or a deed restriction could be recorded so the apartment

couldn't be used as a dwelling unit. As you know, Title 49 changes, so when you start making plans to build the future house check with CDD to see what the current standards/requirements are and we can help you.

I hope this has answered your questions. Please contact me if you have additional questions.

Links to variance application forms, informational handout and past staff reports

http://www.juneau.org/cddftp/documents/DEVELOPMENT_PERMIT_APPLICATION.pdf

http://www.juneau.org/cddftp/documents/Variance_Application_2011_000.pdf

http://www.juneau.org/cddftp/documents/varianceinfo_000.pdf

http://www.juneau.org/plancom/staffreport.php

Links to VAR2010 0005 and VAR2010 0023 reports and decisions

http://www.juneau.org/plancomm/documents/STF_VAR10-05_081010.pdf

http://www.juneau.org/plancomm/documents/STF_VAR10-23_081010.pdf

http://www.juneau.org/plancom/documents/NOD_VAR10-05.pdf

http://www.juneau.org/plancom/documents/NOD_VAR10-23.pdf

Beth McKibben, AICP
Planning Manager, CDD
City & Borough of Juneau
907.586.0465

Please consider the environment before printing this email.

From: Hal Hart
Sent: Monday, May 18, 2015 6:08 PM
To: Beth McKibben
Subject: FW: Variance, Chris and Debbie White

fyi

Hal Hart AICP
Director, Community Development Department
City and Borough of Juneau
Alaska's Capital City

(907) 586-0757

From: Debbie White
Sent: Monday, May 18, 2015 5:38 PM
To: Hal Hart
Cc: chris@semicro.com
Subject: Variance, Chris and Debbie White

http://www.juneau.org/cddftp/documents/Site_Specific_Setback_Reductions_2010.pdf

Hi there -

As I read this, link above, I believe we are allowed closer than 15 feet to the lot line as our lot is considered substandard.

Sorry your meeting went long. I've been at chambers...

Sent using OWA for iPad

Ed Page
Owner/Resident
2160 Fritz Cove Road
Juneau, AK 99801
11 August 2015

Ms. Beth McKibben
City and Borough of Juneau
Community Development Department
155 S. Seward St.
Juneau, AK 99801

re: Property PCVB: 4-B18-0-101-010-3 VAR 20 0 0023

Dear Ms. McKibben,

I offer the following written testimony regarding the approval of a waiver of yard setback requirements for the property at 2130 Fritz Cover Road owned by Debbie and Christopher White. As a adjacent property owner, I was notified of the City's hearing regarding this matter on 25 August 2015. As I will be out of country then, I am offering my testimony via this letter.

Having lived at the property immediately next to the White's property for several years I am well aware of the challenges of building on the land due to the slope, narrowness and solid rock foundation that force them to build at the location that requires a setback waiver. I have also noticed many homes on Fritz Cove Road are relatively close to the road, closer than what the White's are requesting, and I see no aesthetic or safety problem with their building at this distance from the road.

I have discussed the White's building plans with them and am very comfortable that their home, when completed, will be very compatible with the neighborhood. I accordingly urge the Planning Commission accommodate their requests for the building waiver so they can proceed with building their home.

Should you have a need to contact me regarding this matter I may be contacted at (907) 321-2651 or via e-mail at edpage@mxak.org

Regards

Ed Page

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: August 28, 2015
File No.: VAR2015 0027

Debbie and Christopher White
PO Box 210857
Juneau, Alaska 99801

Application For:	Request to modify a condition of VAR2010 0023 in regard to the front yard setback.
Legal Description:	Auklet Lot 2
Property Address:	2130 Fritz Cove Road
Parcel Code No.:	4-B18-0-101-010-3
Hearing Date:	August 25, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 12, 2105, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application. The approval modifies the condition of VAR2010 0023 which requires a 150 foot front yard setback and allows for a front yard setback of 60 feet.

Attachment: August 12, 2015, memorandum from Beth McKibben, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0015.

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

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

Effective Date: The permit is effective upon approval by the Board, August 25, 2015.

Expiration Date: The permit will expire 18 months after the effective date, or February 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: Beth McKibben

Beth McKibben, Planning Manager
Community Development Department

Michael Satre, Chair
Planning Commission

Filed With City Clerk Deputy

8/28/2015
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.