


MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: January 18, 2005

TO: Board of Adjustment

FROM: Chris Beaney, Planner 
Community Development Department

FILE NO.: VAR2004-00056

PROPOSAL: A Variance request to increase the size of the accessory apartment from 600 square feet to 740 square feet.

GENERAL INFORMATION

Applicant: Thomas Williams

Property Owner: Thomas Williams

Property Address: 3168 Fritz Cove Road

Legal Description: USS 2634

Parcel Code Number: 4-B23-0-102-010-0

Site Size: 19,602 square feet

Zoning: D-1 (T) D-3 Single Family Residential

Utilities: CBJ Water, on-site sewer

Access: Fritz Cove Road

Existing Land Use: Single Family Residence with accessory apartment

Surrounding Land Use: North - Residential
South -Residential
East -Residential
West -Auke Bay



PROJECT DESCRIPTION

The applicant proposes increasing the size of a currently approved 600 square foot accessory apartment (USE2003-00050) above a garage by 140 square feet for overall square footage to be 740 square feet. The applicant proposes enclosing the existing adjacent covered deck for the added square footage. The addition would increase square footage of the living room and would not be visible from the street.

The applicant cites that the increase in size would provide a more substantial living area and that the D-1 (T) D-3 transition zoning provides direction for future allowance of duplexes for sites with less than 54,000 square feet, which the applicant would qualify under if zoning were changed to D-3.

BACKGROUND

Departmental approval was granted to the existing accessory apartment as it met all required standards for accessory apartments above a garage in the D-1 zone. There were no objections from neighbors to the applicant's request.

Accessory apartments allow increased density within houses or atop garages in single family residential zones under special circumstances, including, but not limited to, parking requirements, adequate sewer availability, and entryway location. However, the allowance for an additional unit is limited to 600 square feet. The intent is to minimize physical characteristics of increased density within a single family residential zone and to maintain the appearance of single-family homes within the district.

ANALYSIS

Variance Requirements

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

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

The increase in the size for an accessory apartment would provide the applicant substantial relief in creation of a more spacious apartment for prospective renters. Research shows other accessory apartments along Fritz Cove Road meeting the 600 maximum square limitations, thus other property owners have met the requirement and granting the variance would not be consistent with other property owners. In addition, the applicant has cited a duplex in the vicinity as supportive justification for the variance request. Upon research, legal status of the referenced duplex could not be determined.

This 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.*

There is no indication that granting the variance would cause detriment to public safety and welfare, as these would be addressed mainly through building code procedures. However, applicable intent of Title 49 is to ensure future growth and development in the City and Borough is in accord with the values of its residents, and that land is served by a proper range of public services/utilities.

Title 49 allows for accessory apartments within single family zones, thus ensuring proper density/growth within these zones. The applicant's requested variance exceeds the 600 square foot limitation for accessory apartments, thus the intent of special allowance for increased density in the D-1 zone is not met and does not ensure proper growth. In essence, the net result will be a duplex in a single family residential zone with less than the required 54,000 square feet in the D-1 zone.

This criterion is not met.

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

As the proposed addition will be within an existing footprint and not visible from nearby residences, the proposal will not cause injury to nearby property. The footprint of the structure would remain the same. As no additional bedrooms will be added, intensity of use will most likely remain the same.

This criterion is met.

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

Yes. The variance would allow a duplex, since the unit would no longer meet standards for accessory apartments. Additionally, required square footage for duplexes in the D-1 zone is at least 54,000 square feet, and the applicant's lot is 19,602 square feet.

This criterion is not met.

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

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

Meeting the square footage limitation for accessory apartments in the D-1 zone would not prevent the owner from using the property for permissible residential use.

Sub-criterion A is not met.

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

Upon research, several accessory apartment permits have been issued along Fritz Cove Road. Special requirements were met for these units. The requested variance would not be consistent with the existing pattern of development of single family homes and accessory apartments.

Sub-criterion B is not met.

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

There are no extenuating physical circumstances that cause hardship in meeting the standards for accessory apartments.

Sub-criterion C is not met.

or

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

The applicant's lot is substandard in size since it is less than the required 36,000 square feet minimum lot size. The net result of the variance would further the nonconforming aspects of the property.

Sub-criterion D is not met.

Criterion 5 is not met as sub-criterion A-D have not been met.

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

Granting the variance could potentially open the doors for similar development, thus undermining the intent of the Accessory Apartment provision of the code for limited increase in density in single family zones.

This criterion is not met.

JUNEAU COASTAL MANAGEMENT PROGRAM

Not Applicable. No aspect of the Juneau Coastal Management Program applies to this proposal.

FINDINGS

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

Yes. The application contains the information necessary to review the proposed variance for an increase in allowance for an accessory apartment from the maximum 600 square feet to 740 square feet.

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

Not Applicable. No aspect of the Juneau Coastal Management Program applies to this proposal.

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

No. As discussed above, due to the lack of extenuating circumstances, and the net effect of allowance of a duplex in the D-1 zone without the required square footage, the proposal fails to satisfy Criteria 1, 2, 4, 5 and 6.

RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance to allow for an increase in the size of the accessory apartment from 600 square feet to 740 square feet.

VARIANCE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number PKJ 03-231	Project Name Williams Accessory Apt.	Case Number VAR 04-00056	Hearing Date	Date Received 12/17/04
VARIANCE TYPE: <input type="checkbox"/> Setback <input type="checkbox"/> Height <input type="checkbox"/> Bulk <input checked="" type="checkbox"/> Other (Describe) Dimensional Standard				

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

We request authorization to increase the size of a currently approved 600 square foot accessory apartment to 740 square feet by enclosing 140 square feet of a 240 square foot covered deck as reflected on the attached plans, information sheet and photos. It will only require the construction of approximately 21.5 feet of exterior wall under the existing roof.

PREVIOUS VARIANCE APPLICATIONS:

Yes No

Date of Filing: _____

Variance from which standards: Setback Height Bulk Other (Describe) **Dimensional Standard**

Was variance granted? Yes No

EXISTING USE OF LAND OR BUILDING(S):

The building as currently approved is three-bedroom residential home with a one-bedroom, one-bathroom 600 square foot accessory apartment with laundry facilities above an 840 square foot garage.

PROPOSED USE OF LAND OR BUILDING(S):

The affected space will remain a one-bedroom, one-bathroom accessory apartment with laundry facilities. The increase in the square footage will only increase the living room area. It will not increase the number of bedrooms, plumbing fixtures or the number of individuals residing in the apartment.

UTILITIES AVAILABLE

WATER: Public On Site

SEWER: Public On Site

PROPOSED SETBACKS (If variance changes setbacks):

Front _____ ft. Rear _____ ft. Side _____ ft. Other _____ ft.

UNIQUE CHARACTERISTICS OF LAND OR BUILDING (Difference from other properties in the area):

The structure's roof was designed to cover the entire footprint of the 840 square foot garage with a 3' overhang. The entire 600 square feet of the accessory apartment and the 240 square feet of the deck are covered by the roof. In addition, as currently designed there is already an end wall and a partial front wall on the portion of the roofed deck that would be enclosed under this requested variance. As a result there will be no change to the roofline or the exterior footprint of the building.

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

Any owner and potential user of this property would benefit from the granting of this variance because it makes the living space in the living room more accommodating without causing any harm to the public safety or the welfare of the neighborhood.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

If this variance were not granted the useful space available in the apartment living room would be minimal, diminishing the usefulness, desirableness and livability of the apartment.

REVIEW APPROVALS		VARIANCE FEES			
Buildings	_____	Application Fees	\$350.00		
Engineering	_____	Adjustment	\$		
Planning	_____	Total Fee	\$350.00	V077097	19591 12/17/04

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

density issue as well...

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number PRJ 03-231	CITY and BOROUGH of JUNEAU	Date Received: 12/17/04
Project Name (City Staff to assign name) Williams Accessory Apt.		

PROJECT / APPLICANT INFORMATION

Project Description Increase The size of a currently approved 600 square foot apartment to a 740 square foot apartment by enclosing 140 square feet of a 240 square foot covered deck.																	
PROPERTY LOCATION																	
Street Address: 3170 S 3168 Fritz Cove Road		City / Zip Juneau, AK 99801															
Subdivision (if known)	Survey (if known) ASS 2634	Block / Tract (if known)	Lot (if known)														
Assessor's Parcel Number (if known) 4B 2301020100																	
LANDOWNER / LESSEE																	
Property Owner's Name Thomas C & Debra L. Williams		Contact Person Tom	Work Phone No. 789-0890														
Mailing Address 1767 W. How Drive, Juneau, AK 99801		Home Phone No. 576-2205	FAX No. 789-0990														
LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY															
<p>I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>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.</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">APPLICATION TYPE</th> <th style="width: 50%;">OWNER'S INITIALS</th> </tr> </thead> <tbody> <tr> <td>ALLOWABLE USE</td> <td></td> </tr> <tr> <td>CONDITIONAL USE</td> <td></td> </tr> <tr> <td>VARIANCE</td> <td style="text-align: center;">TCW</td> </tr> <tr> <td>DESIGN REVIEW</td> <td></td> </tr> <tr> <td>SUBDIVISION</td> <td></td> </tr> <tr> <td>OTHER</td> <td></td> </tr> </tbody> </table>		APPLICATION TYPE	OWNER'S INITIALS	ALLOWABLE USE		CONDITIONAL USE		VARIANCE	TCW	DESIGN REVIEW		SUBDIVISION		OTHER	
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OTHER																	
<p><input checked="" type="checkbox"/> Thomas C Williams <u>12/16/04</u> Landowner/Lessee Signature Date</p> <p><input checked="" type="checkbox"/> Debra L Williams <u>12/16/04</u> Landowner/Lessee Signature Date</p> <p>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 and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.</p>																	
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)																	
Applicant's Name Same		Contact Person	Work Phone No.														
Mailing Address		Home Phone No.	FAX No.														
<input checked="" type="checkbox"/> Thomas C Williams Applicant's Signature		<input checked="" type="checkbox"/> <u>12/16/04</u> Date of Application															

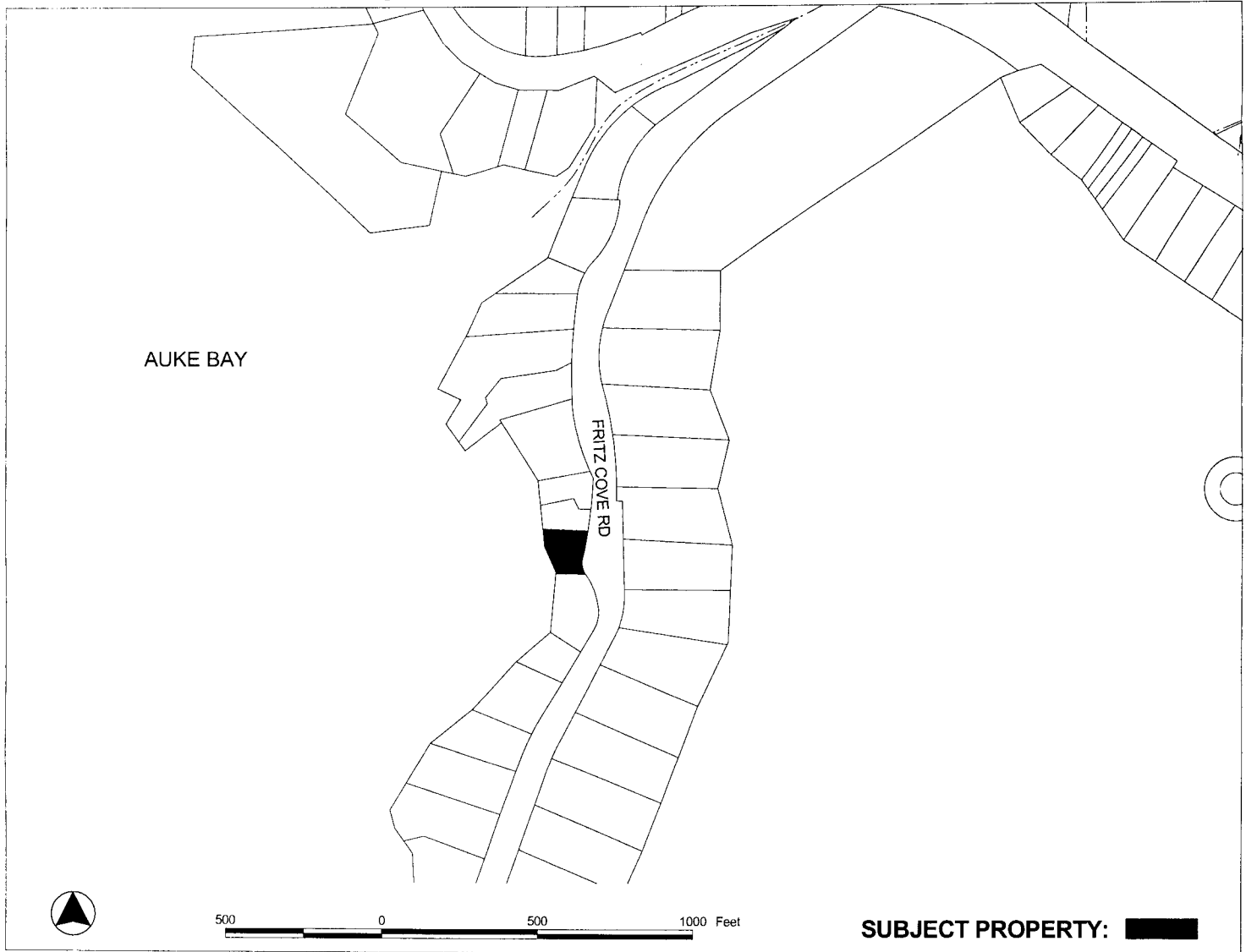
(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS

C K	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL					WATER PERMIT		
	CONDITIONAL USE APPROVAL					SEWER PERMIT		
<input checked="" type="checkbox"/>	VARIANCE		12/17/04	VAR04-56		GRADING PERMIT		
	DESIGN REVIEW APPROVAL					DRIVEWAY PERMIT		
	SUBDIVISION	MINOR				RIGHT-OF-WAY PERMIT		
		MAJOR						
		PUD						
	STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
	SIGN APPROVAL	LOCATED IN HISTORIC DISTRICT? <input type="checkbox"/> YES <input type="checkbox"/> NO				OTHER - (Describe)		
	BUILDING PERMIT					Permit Intake Initials _____		
Zone _____		Total Lot Area _____		Required Setbacks				
				Front _____	Back _____	Side _____	Other _____	
COMMENTS:								

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

NOTICE OF PUBLIC HEARING



PROPOSAL: A Variance request to increase the size of the accessory apartment from 600 square feet to 740 square feet.

FILE NO:	VAR2004-00056	APPLICANT:	THOMAS WILLIAMS
TO:	Adjacent Property Owners	PROPERTY OWNER:	THOMAS & DEBRA WILLIAMS
HEARING DATE:	January 25, 2005	PROPERTY ADDRESS:	3168 FRITZ COVE RD
HEARING TIME:	7:00 P.M.	PARCEL CODE NUMBER:	4-B23-0-102-010-0
PLACE:	ASSEMBLY CHAMBERS Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	SITE SIZE:	19,602 Square Feet
		ZONING:	D1
		ACCESS:	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 Chris F Beanes at 586-0771, or e-mail: Chris_Beanes@ci.juneau.ak.us

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

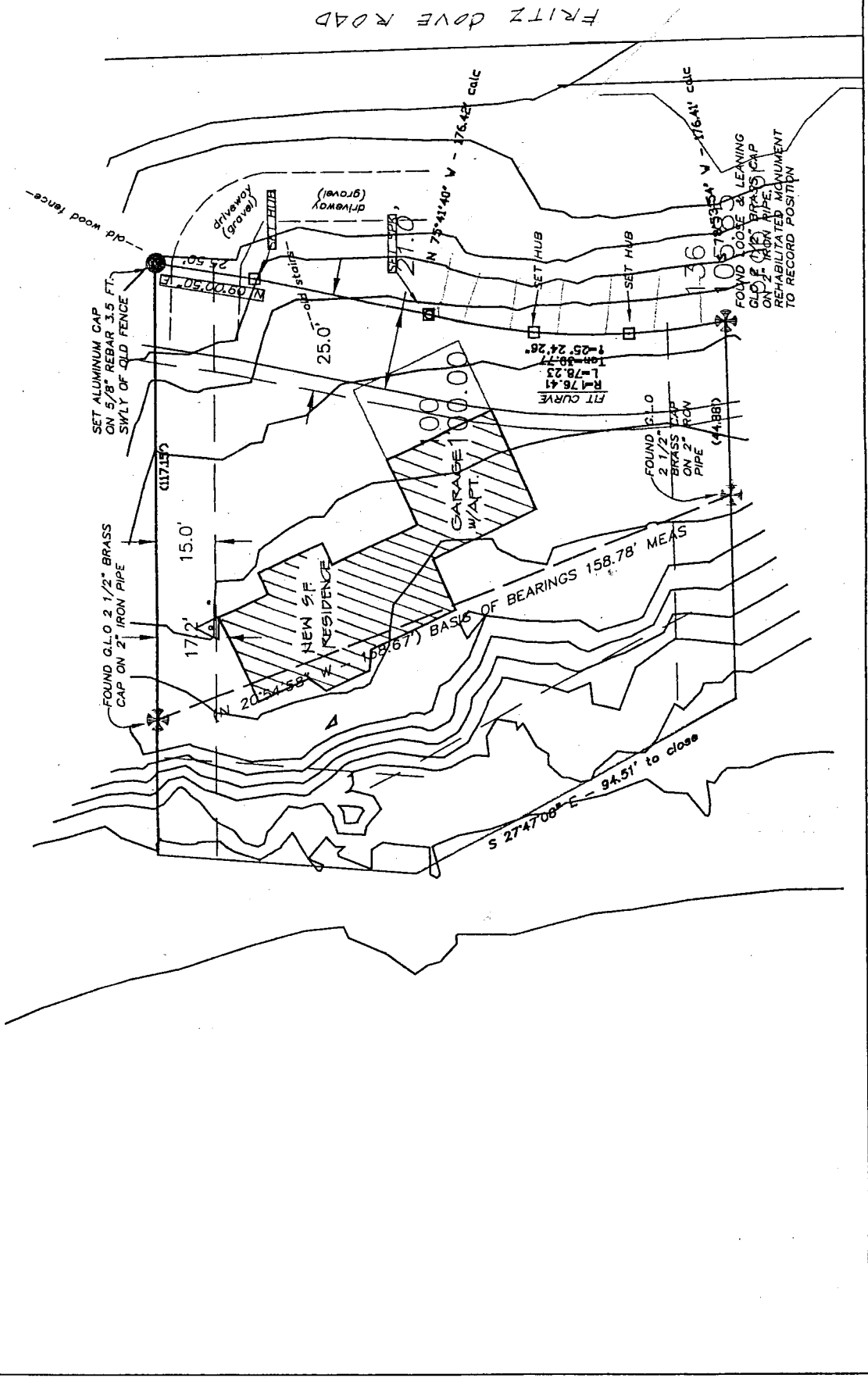
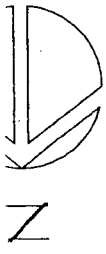
Date notice was printed: January 13, 2005



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DEC 17 2004

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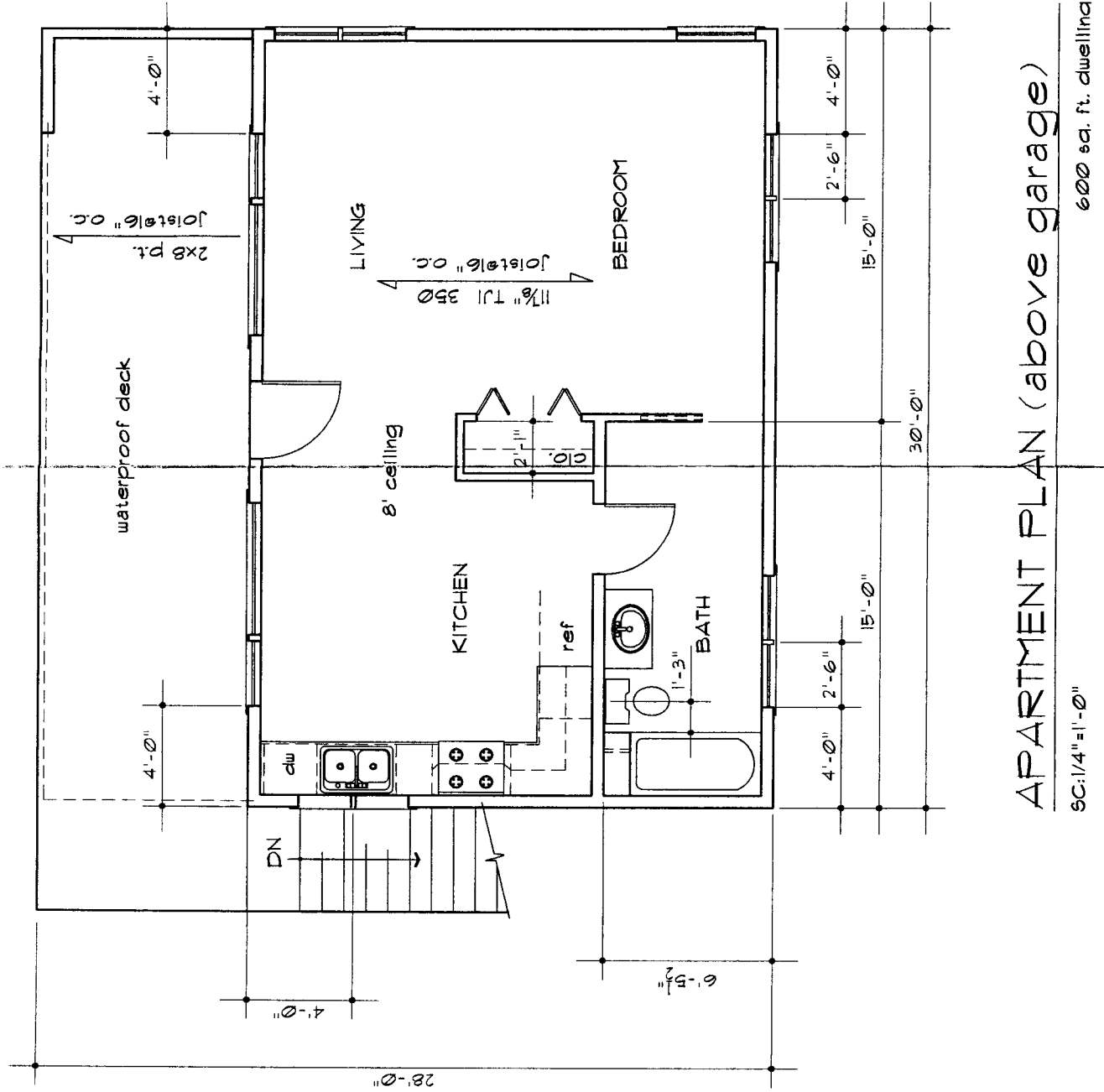
S I T E P L A N

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DEC 17 2004

PERMIT CENTER / CDC

Approved Plan



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DEC 17 2004

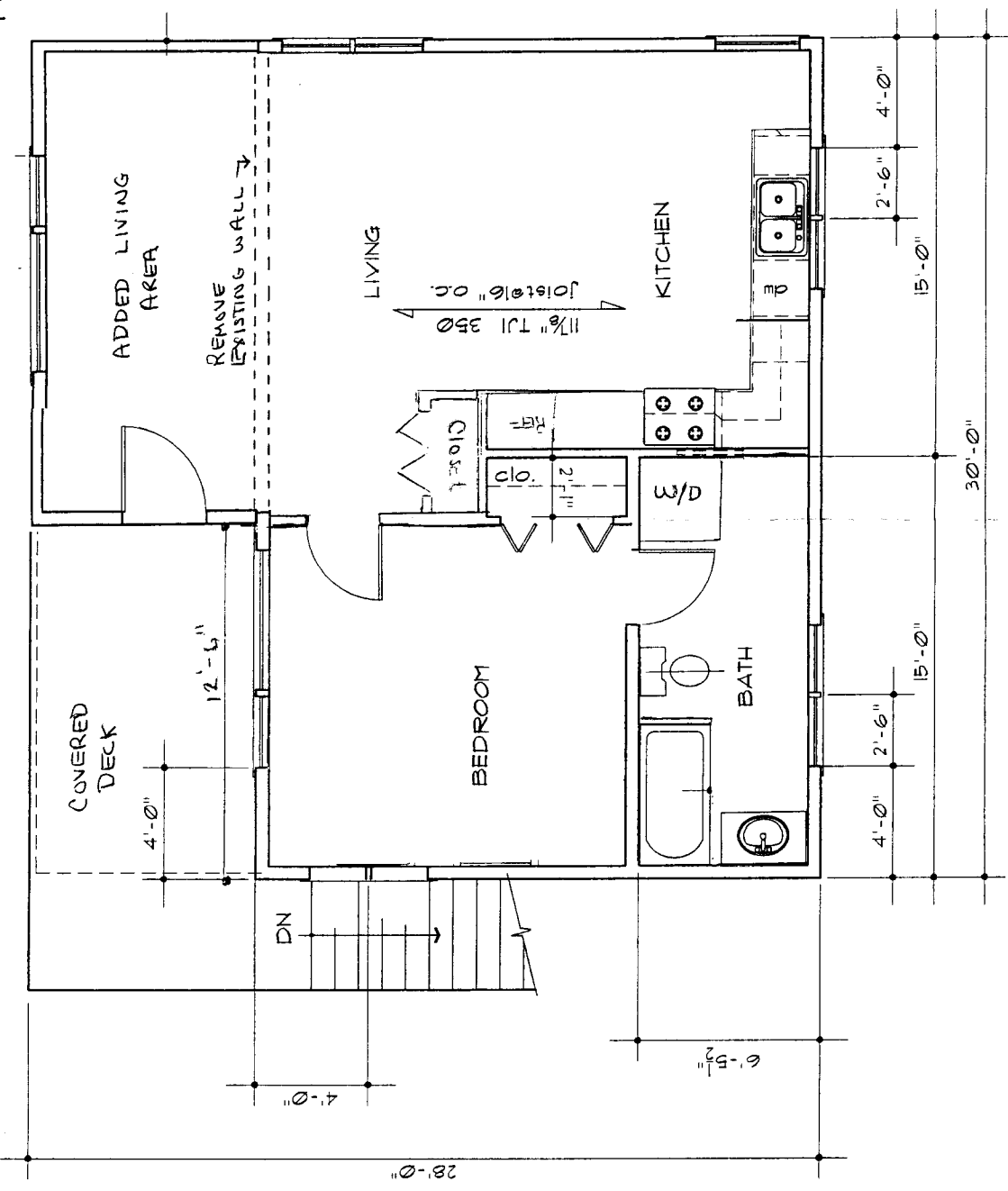
PERMIT CENTER / CDP

APARTMENT PLAN (above garage)

SC: 1/4" = 1'-0"

600 sq. ft. dwelling

Proposed Plan



RECEIVED
DEC 17 2004
ERMIT CENTER / CDD

APARTMENT PLAN (above garage)

600 sq. ft. dwelling

SC: 1/4" = 1'-0"