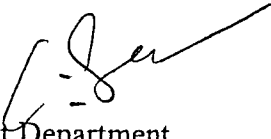


MEMORANDUM

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

DATE: November 4, 2002

TO: Board of Adjustment

FROM: Chris Beanes, Planner
Community Development Department 

FILE NO.: VAR2002-00039

PROPOSAL: A request for a zero-foot side yard setback for a carport where a 10- foot setback is required

GENERAL INFORMATION

Applicant: Christy Jones

Property Owner: Christy Jones

Property Address: 10155 Jensine Street, Juneau

Legal Description: USS 1041, Tract B

Parcel Code Number: 4-B17-0-110-020-0

Site Size: 14,473 square feet

Zoning: I, Industrial

Utilities: Public Water, On-site Sewer

Access: Glacier Highway and Jensine Street

Existing Land Use: Courier Service

Surrounding Land Use: North - Industrial
South - Industrial
East - Industrial
West - Industrial

PROJECT DESCRIPTION and BACKGROUND

The applicant has built a zero-lot line carport along the West property line, without receiving a building permit. Since the carport has been built less than the required 10-foot side yard setback in the Industrial zone, the applicant has applied for a variance for their existing carport. The existing development on the lot includes a primary structure (that the carport is attached to) that is approximately 1-2 feet away from the side property line. This existing primary structure is nonconforming since it doesn't meet current 10-foot side yard setback requirements. The carport follows the established building line of the primary structure, and has an approximate footprint of 30x30 feet, extending northward towards Jensine Road. The 10-foot front setback is adhered to, as the structure at its closest point is 30 feet away from the road. The applicant states that the carport is necessary in order to keep supplies dry while deliveries are being made.

ANALYSIS

A 10-foot side setback is required in the Industrial zone. There is a setback relaxation allowed for carports and garages in residential zones. A 600 square foot garage is allowed within 5 feet on the side, front and rear property lines, if certain criteria are met. This relaxation, however does not apply in the Industrial Zone. Setbacks in the Industrial zone are not given relief, as is the case in the residential zone. The 900 square foot carport measures approximately 30x30 feet and is open to all sides. There is a nonconforming aspect to the project, in that the existing primary structure is less than 10 feet away from the side property line. However, the carport does not share the same benefit since it is new and does not come under special nonconforming status. The carport follows the existing building line along the side property line. The carport is not subject to maximum building coverage, as there is no limit in the Industrial Zone.

There has been an objection which is noted here. A property owner within 500 feet has commented on the aspect that the project, and subject lot is "too crowded". However, in the Industrial zone, there is no maximum lot coverage requirement. In other words, the entire lot, free of required setback areas, could be covered by structures.

In order to qualify as a carport under the Building Code, two walls of the carport structure must always remain open. A minimum of two sides must remain permanently and completely open all year round without walls or sheathing of any sort in order to meet the definition of a carport. If two sides aren't permanently open, then the use becomes a garage, and a permit is required to sheetrock it throughout, remove the window in the common wall, and provide self-closing fire doors into the house. In addition, since the carport is located at zero feet along the western side property line, the applicant must build a fire-rated solid wall along the common western property line. Subsequently, the North and East walls are to remain open in order to remain as a carport.

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 relaxation would give relief to the owner, as the stated purpose is for weather protection to goods pending delivery. Justice to other property owners would not be served if this variance were granted.

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.*

Public safety will be preserved by compliance with building code regulations regarding fire-safety along a zero lot line. However, compliance with building code regulations should not necessarily be the benchmark in meeting this criterion. Other criteria include reasonable separation between structures.

This criterion is not met.

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

An electrical substation is on the adjacent property most affected by the carport. Both uses lie within the Industrial Zone. No apparent harm will occur as a result of the variance request presently. However should other development occur in the future on the adjoining lot, the zero-foot setback would be unreasonably close.

This criterion is not met.

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

The proposed use is an allowed use in the district.

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 requirements of the Table of Dimensional Standards are not unreasonable and will not prevent the owner from using the property for industrial use. However, it is recognized that the small lot size limits a majority of industrial-type uses.

This sub-criterion is not met.

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

The carport is consistent with existing development in this industrial area. There are a number of storage yards nearby with structures which shelter exterior goods. However, development on these larger lots, in general, comply with setback requirements.

This sub-criterion is met.

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

The small lot size limits industrial development, which is the purpose of the zone, however there are no unique physical features which would render development expensive.

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.*

The existing structure is nonconforming along the West property line. Construction on the nonconforming house/structure occurred in 1963, prior to zoning regulations in the area. Overall compliance with the land use code would decrease as a result of granting the variance.
This sub-criterion is not met.

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

Granting the variance would create unwanted precedent.

This sub-criterion is not met.

JUNEAU COASTAL MANAGEMENT PROGRAM

A review of the enforceable policies of the JCMP revealed that the policies are not applicable to the project as proposed.

FINDINGS

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

Yes. The application contains the information necessary to review the variance request. The application submittal including the appropriate fees, substantially conforms to the requirements of the CBJ Code, Chapter 15.

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

Not Applicable. Based on the preceding staff analysis, it is found that no provision of the Juneau Coastal Management Program apply to the proposed variance.

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

No. Overall, the variance does not meet the requirements for granting a variance.

RECOMMENDATION

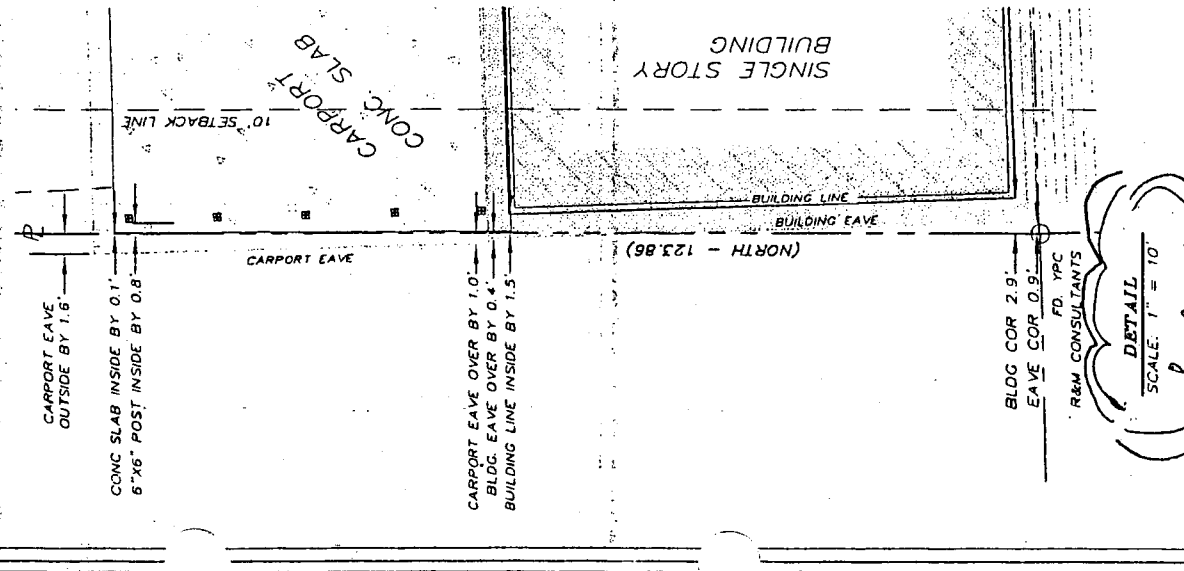
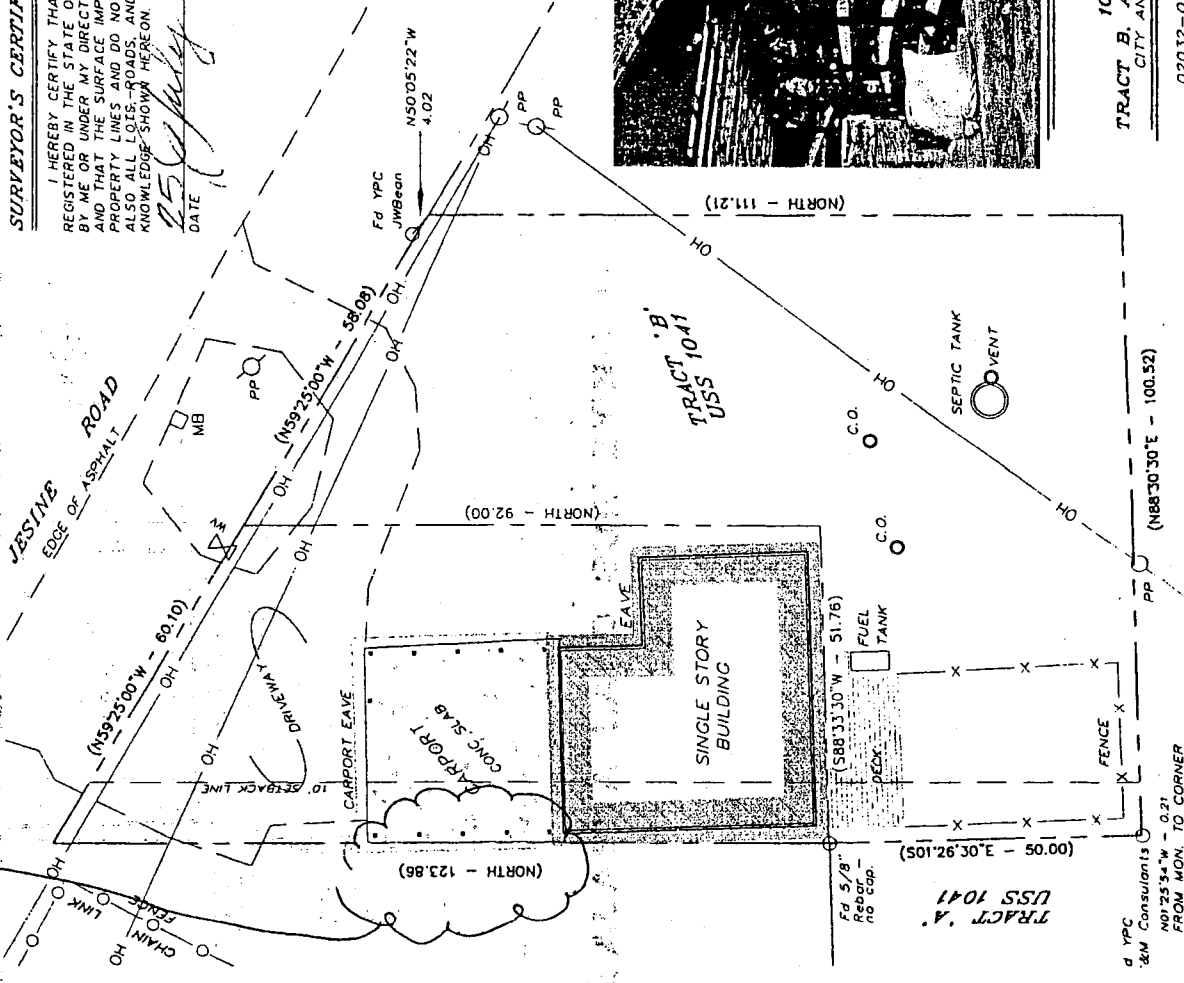
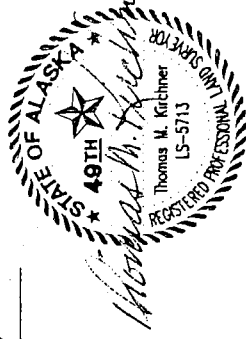
It is recommended that the Board of Adjustment adopt the director's analysis and findings and recommend denial of the requested variance.

area of requested zero-foot setback

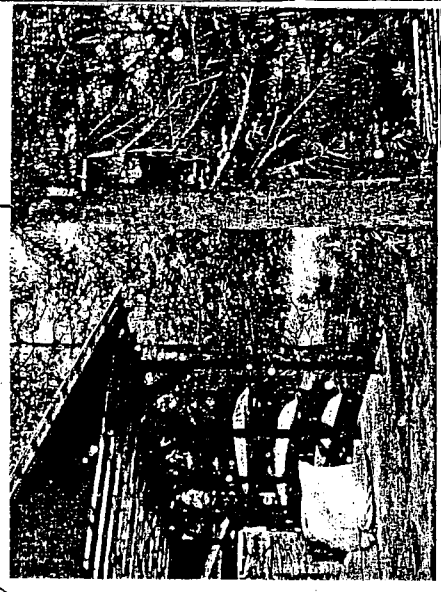
SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA AND THAT A SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION OF THE PARCEL SHOWN HEREON AND THAT THE SURFACE IMPROVEMENTS, SITUATED AS SHOWN WITHIN THE PROPERTY LINES AND NOT ENCROACHING ON THE ADJACENT PROPERTY. PROPERTY LINES, EASEMENTS, RIGHTS OF WAY AND EASEMENTS ARE, TO THE BEST OF MY KNOWLEDGE, SHOWN HEREON.

DATE *25 July 03*



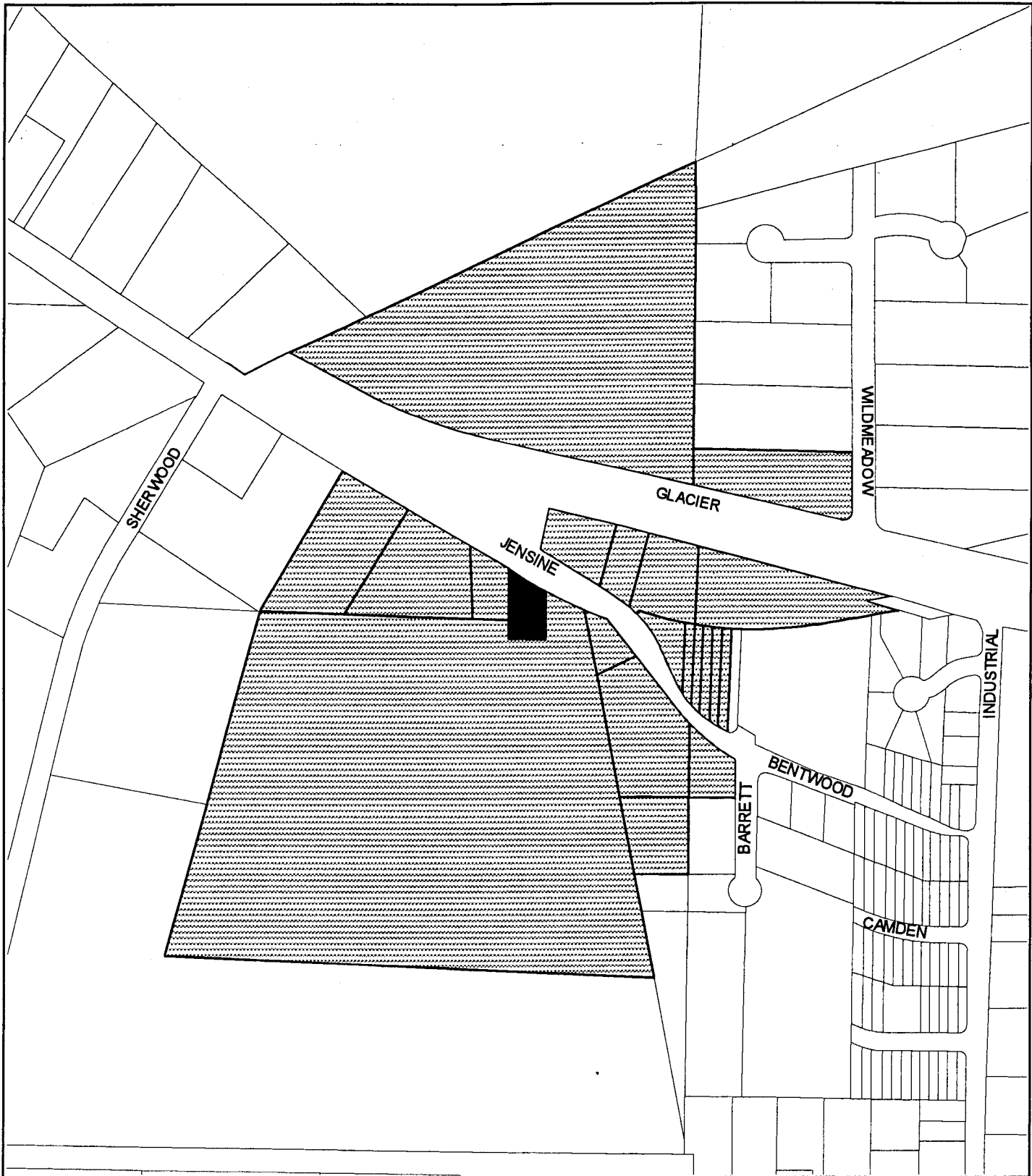
DETAIL
SCALE: 1" = 10'



AS-BUILT SURVEY FOR
JUNEAU COURIER
 10155 JENSINE STREET
 TRACT B, AND A FRACTION OF U.S.S. 1041
 CITY AND BOROUGH OF JUNEAU, ALASKA

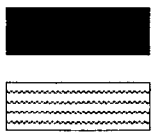
02032-01 / 509 DATE: 22 JULY 2002

ALASKA LAND SURVEYING CO.



Vicinity Map
VAR2002-00039

The subject parcel for this project is located at:
10155 JENSINE ST
USS 1041 TR B



Subject Parcel
Adjacent Property Owners

