

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: July 1, 2003

TO: Board of Adjustment

FROM: Mark Jaqua, Planner
Community Development Department

FILE NO.: VAR2003-00021

PROPOSAL: A Variance to reduce the front yard setback from 20 feet to 10 feet to allow a 8 foot x 20 foot addition.

GENERAL INFORMATION

Applicant: Tom Rohloff

Property Owner: Tom Rohloff

Property Address: 8237 Counterpane Lane

Legal Description: Glacier Park, Lot 23

Parcel Code Number: 5-B24-0-131-011-0

Site Size: 15,246 sq. ft.

Zoning: D-5 Residential

Utilities: Public water and sewer

Access: Counterpane Lane

Existing Land Use: Residential

Surrounding Land Use: North - Counterpane Lane
South - D-5 Residential (Glacier Park Subdivision)
East - Glacier Spur Road
West - D-5 Residential (Glacier Park Subdivision)



CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

The applicant requests a variance to the front yard setback to remodel a duplex into a single-family dwelling. The design proposed includes an 8 foot by 20 foot entry way on the front of the building facing Counterpane Lane. The proposed remodel extends the existing encroachment an additional 7 feet into the 20-foot setback required for D-5 zoning.

BACKGROUND

The house was built as a duplex in the mid 1960's on a double frontage lot on the corner of Counterpane Lane and Glacier Spur Road. (Fig. 1, Fig 2.) At the time Counterpane Lane was platted but not developed and a driveway graded to access the lot. When the house was built the NE corner was 3 feet inside the front yard setback requirement of 20 feet under the existing zoning at the time of construction (R1-B).

The applicant purchased the property in 2001 and began substantial improvement to the property and structure. This included cosmetic upgrades to the house and demolition of a shed roof over the house entrances that reduced encroachment into the setback. The original duplex floor plan had a double garage separating the two living spaces. The applicant proposes a significant remodel of the structure to make best use of the structure as a single-family dwelling. This includes an addition of a second story and an entryway on the front of the property. **Attachment A.** The applicant asserts that the proposed renovation will enhance the value of the property, its livability and has the support of neighbors. **Attachment B.**

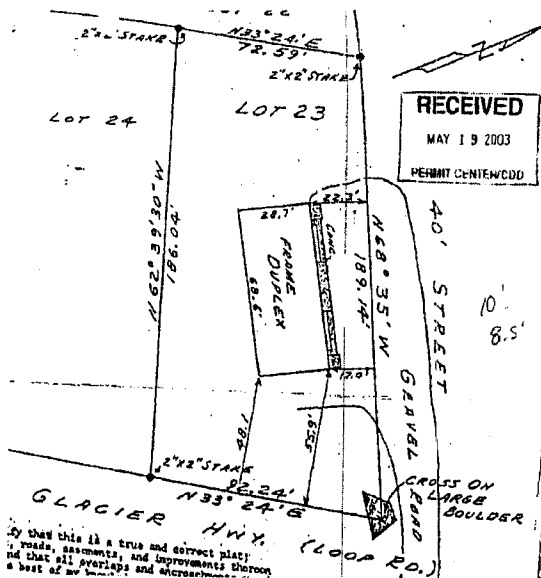


Figure 1. 1971 survey. The house encroaches 3-feet into the 20 foot front yard setback on NE corner.



Figure 2. Photo of house and unimproved road. Tree buffer is within road right-of-way.

ANALYSIS

Variance Requirements¹

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.***

This Variance would give substantial relief to the owner. Other properties on Counterpane Lane comply with setback requirements and remodel projects and accessory structures such as sheds and carports have been required to meet zoning code. Granting this Variance would not be consistent with justice to other property owners.

The applicant has amended his application to include a lesser relaxation from a 10-foot wide addition to an 8-foot addition while retaining entryway, stairs, closets and a fireplace. He asserts that these features are important for his family and that relocation of the entrance would be overly expensive.

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.***

While the duplex on this site does not conform with the front yard setback requirements, the dwelling and proposed addition meets all other land use and zoning requirements. The requested variance is not likely to result in problems with public safety with respect to the current design of Counterpane Lane. However, future improvements to the roadway, such as curb, gutter, sidewalks and paving will result in safety issues when Counterpane Lane is brought up to current road standards. CBJ Street Supervisor Mike Scott reviewed the proposed variance and commented that granting the variance will result in future problems for CBJ and the property owners. **Attachment C.**

This criterion is not met.

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

The Variance requested will not result in injury to nearby property owners. The applicant has substantially improved the property since it was purchased increasing the overall value

¹ 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.

and appearance of the neighborhood. The proposed remodel will further improve the value of the property. The applicant has provided letters of support from neighbors that show general approval for the proposed remodel.

This criterion is met.

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

The use of the property for a single-family dwelling is authorized in a D-5 zone. The prior use as a duplex was allowed and consistent with the original zoning.

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;*

This lot is big enough to accommodate a variety of remodel plans. The applicant can expand the building into both side and back yards while conforming to setback requirements.

This criterion is not met.

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

Compliance will not prevent the owner from using the property as either a single family or duplex in a D-5 zone. This is consistent with existing development in the neighborhood. The proposed addition will increase the living space for the dwelling about 1600 square feet within the setback. The houses fronting on Counterpane Lane have diverse styles and a variety of entrances and layouts and the proposed addition would be consistent in scale, amenities or appearance.

This criterion is not met.

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

This lot exceeds minimum lot standards for a duplex in D-5 by about 4,000 square feet. The lot is fairly flat without unique physical features that would make compliance unreasonably expensive. The floor plan of the duplex, with a garage area separating the living space, presents some challenges to the applicant in creating a remodel that is cost effective and desirable. However, this is not related to physical features of the property.

This 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 current structure is a preexisting nonconforming condition for front yard setback under the 1964 Juneau Borough Land Use Code. The proposed remodel will further decrease overall compliance for front yard setbacks.

This criterion is not met.

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

Granting this variance would result in benefits to the neighborhood by allowing the owner to improve the property to get full use of the structure as a residential single family dwelling.

This will increase the value of the house and property and the overall value of the neighborhood. Four neighbors have submitted notes in support of the variance. **Attachment D.**

The variance will also create problems for both the neighbors and the CBJ by limiting road improvements. The grade and drainage will require a retaining wall and excavation to construct to CBJ standards. The remodel in the setback will limit the extent of construction and likely require exceptional protection during and after roadwork. If the road right-of-way is fully used, the closeness of the house to the road can create hazards for neighborhood vehicles and CBJ road maintenance equipment.

This criterion is not met.

JUNEAU COASTAL MANAGEMENT PROGRAM

This proposal is not within the enforceable policies of the Juneau Coastal Management Program.

FINDINGS

- 1. *Is the application for the requested variance complete?***
Yes. Staff finds that the required applications are complete.
- 2. *Will the proposed development comply with the Juneau Coastal Management Program?***
The proposed remodel is not applicable to the enforceable policies of the JCMP.

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

Based on the analysis, staff finds that the Variance does not meet the criteria under Title 49 for approval.

The Variance requested:

- Would not be consistent with justice to other property owners,
- May result in public safety problems when Counterpane Lane is widened or improved.
- Increases noncompliance of a preexisting condition.

Compliance with existing standards would not:

- Prevent an allowed use of the dwelling,
- Prevent remodeling the dwelling within existing setbacks,
- Impose a burden on the applicant due to unique physical features of the property,

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the director's analysis and findings and deny the requested variance. The variance would reduce the front yard setback from 20 feet to 10 feet to allow a 8 foot x 20 foot addition.



VARIANCE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name ROHLOFF ADDITION	Case Number VAR 03-21	Hearing Date	Date Received 5-19-03
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VARIANCE TYPE: **Setback** **Height** **Bulk** **Other (Describe)**

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

We would like to build an entrance into what was once a garage. This area needs footers w/ one row of blocks to keep the water from entering. This entry or any entry into this house would require a variance.

PREVIOUS VARIANCE APPLICATIONS: **Yes** **No**

Date of Filing: _____

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

Was variance granted? **Yes** **No**

EXISTING USE OF LAND OR BUILDING(S):

Residential, 1-4 family

PROPOSED USE OF LAND OR BUILDING(S):

Residential, single family

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

PROPOSED SETBACKS (If variance changes setbacks):

Front _____ ft. Rear _____ ft. Side _____ ft. Other *2nd FRONTAGE 5' off Counterpane.* _____ ft.

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

This lot is the lowest portion of land in the area, hemmed in by road and bike path. This creates water problems... The original orientation of the house has doors, both internal and external aligned to the north. Heavy gravel fill would make altering entrance very expensive.

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

1st development in the area, 1962. The structure was built w/ 2 portion of w/in the set back. Any entrance to this structure would require a variance.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

① we would not have appropriate entrance facilities. ② The residence would continue to flood (fill w/ water) during wet seasons. ③ Dry storage

REVIEW APPROVALS		VARIANCE FEES				
	Initials	Date	Fees	Check No.	Receipt	Date
Buildings	_____	_____	Application Fees	\$ 350	_____	_____
Engineering	_____	_____	Adjustment	\$	_____	_____
Planning	_____	_____	Total Fee	\$ 250.00	1911	15948 5/19/03

DEVELOPMENT PERMIT APPLICATION

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

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 5-19-03
Project Name (City Staff to assign name) ROHLOFF ADDITION		

PROJECT / APPLICANT INFORMATION	Project Description 10'x20' additions either side of the original garage - also this section will go up w/ 2 second story															
	PROPERTY LOCATION															
	Street Address 8237 Counterpane Lane Juneau, Ak.	City / Zip 99801														
	Subdivision (if known) Gleazier Park	Survey (if known)	Block / Tract (if known) Lot (if known) 23													
	Assessor's Parcel Number (if known) 5B2401310110															
	LANDOWNER / LESSEE															
	Property Owner's Name Tom Rohloff	<input type="checkbox"/> Contact by E-Mail: jrrohloff@opticalaska.net	Contact Person Tom Rohloff Work Phone No.													
	Mailing Address 8237 Counterpane Lane Juneau, Ak. 99801	Home Phone No. 790-7220	FAX No.													
	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;"> <tr> <td style="width: 50%;">APPLICATION TYPE</td> <td style="width: 50%;">OWNER'S INITIALS</td> </tr> <tr> <td>ALLOWABLE USE</td> <td></td> </tr> <tr> <td>CONDITIONAL USE</td> <td></td> </tr> <tr> <td>VARIANCE</td> <td></td> </tr> <tr> <td>DESIGN REVIEW</td> <td></td> </tr> <tr> <td>SUBDIVISION</td> <td></td> </tr> <tr> <td>OTHER</td> <td></td> </tr> </table>	APPLICATION TYPE	OWNER'S INITIALS	ALLOWABLE USE		CONDITIONAL USE		VARIANCE		DESIGN REVIEW		SUBDIVISION		OTHER
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OTHER																
<p><input checked="" type="checkbox"/> Tom Rohloff 5-19-03</p> <p>Landowner/Lessee Signature Date</p> <p><input checked="" type="checkbox"/> _____ Date</p> <p>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 <input type="checkbox"/> Contact by E-Mail:		Contact Person Work Phone No.														
Mailing Address SAME		Home Phone No. FAX No.														
<input checked="" type="checkbox"/> Tom Rohloff		<input checked="" type="checkbox"/> _____														
Applicant's Signature		Date of Application														

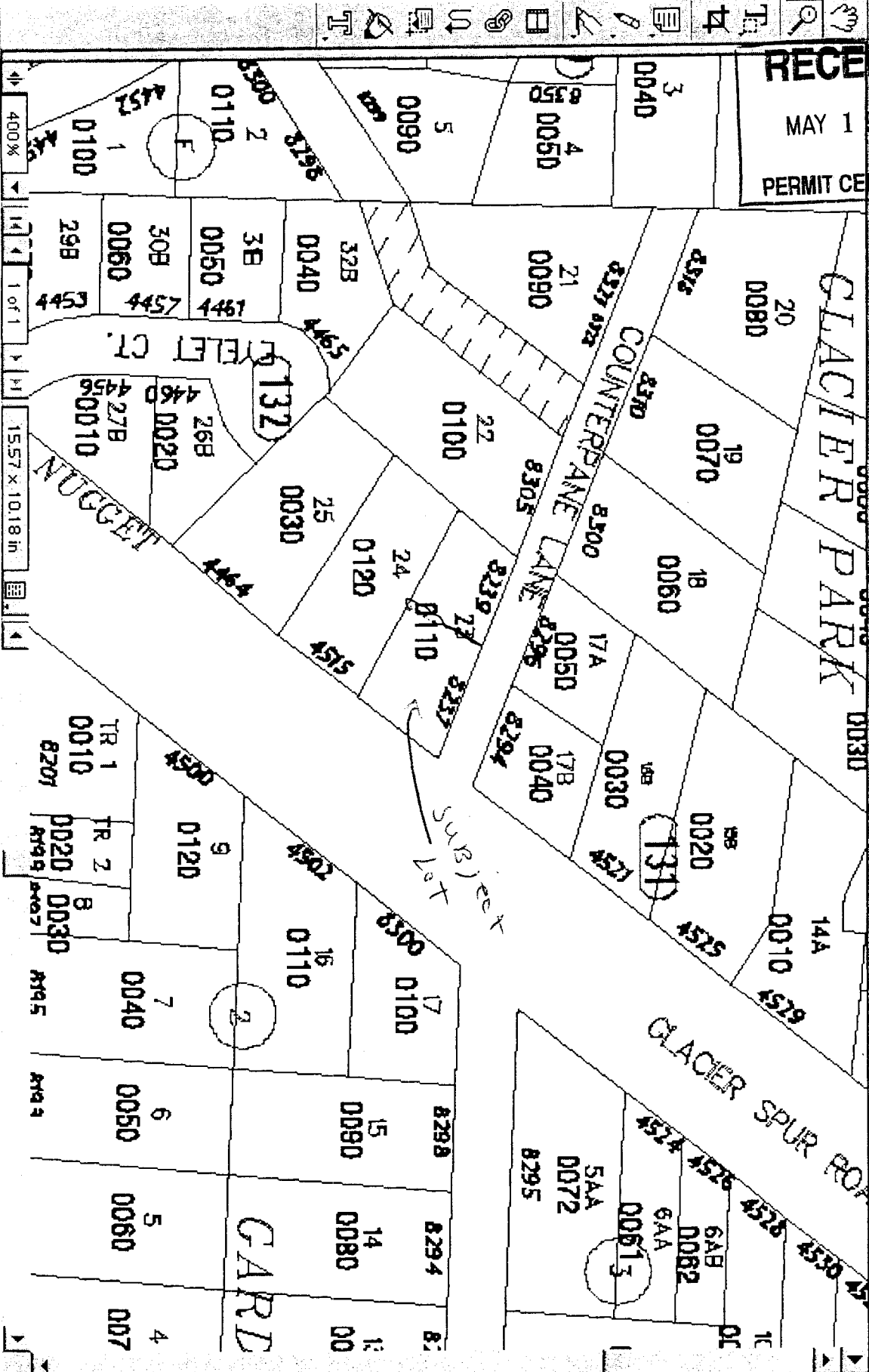
(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C K	SIGN	DATE RECEIVED	APPLICATION NO.	C K	DATE RECEIVED	APPLICATION NO.
	<input checked="" type="checkbox"/>		5/19/03	VAR03-21			
<p>Zone _____ Total Lot Area _____</p> <p>Required Setbacks Front _____ Back _____ Side _____ Other _____</p>				<p>Permit Intake Initials DRB</p>			
COMMENTS:							

I:\FORMS\CDD\FORMS\PERMFORM.XLS REV. 2/18/99

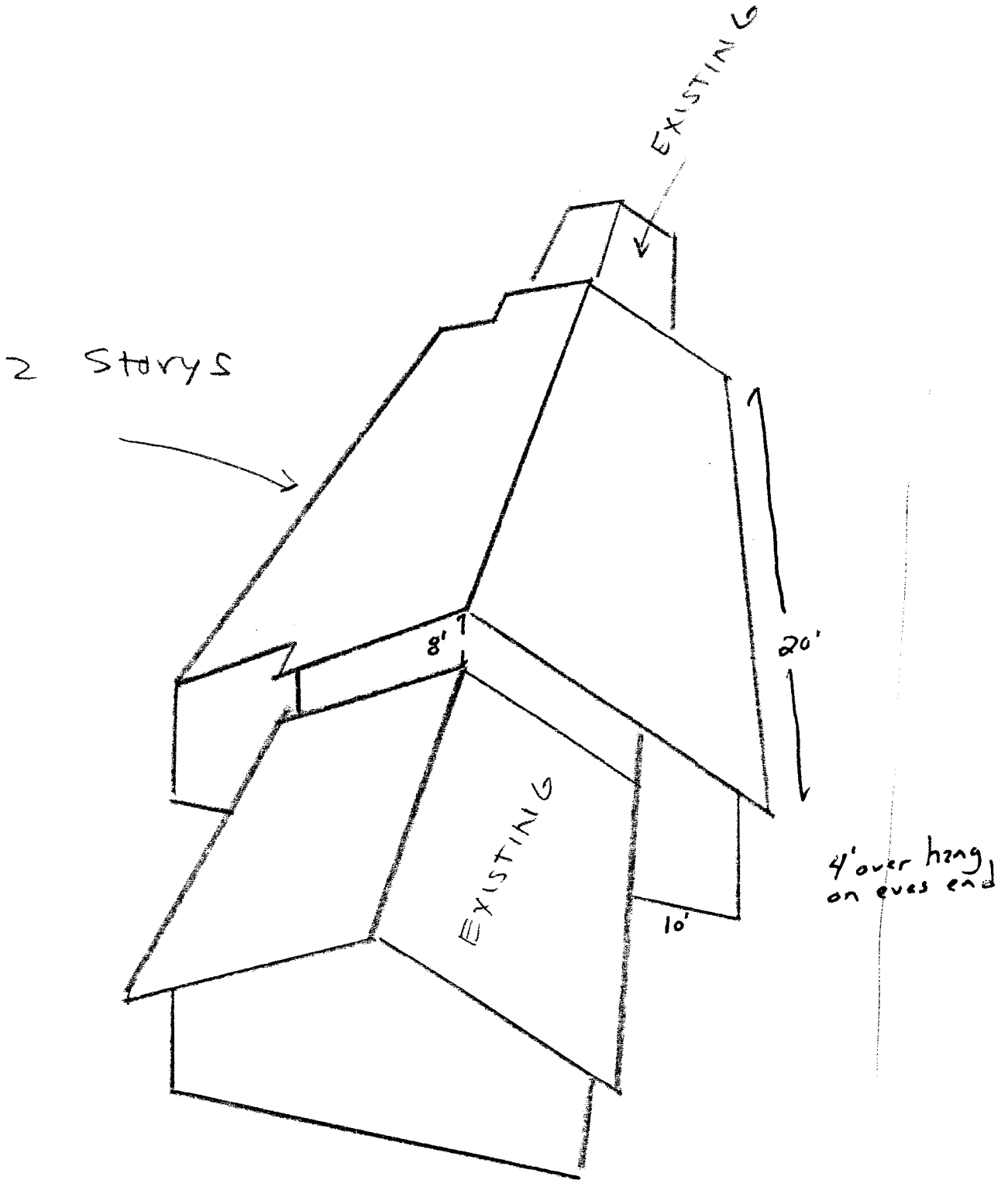
NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

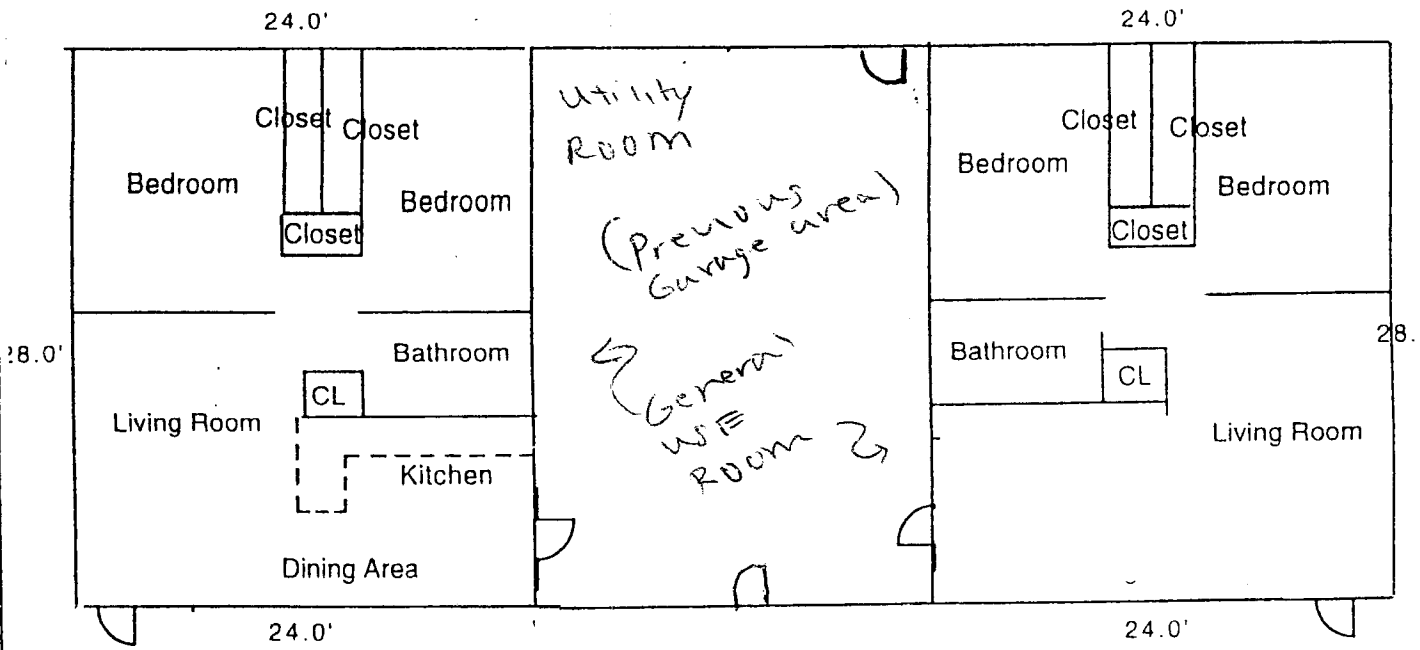
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MAY 1 9 2000
PERMIT CENTER



ATTACHMENT A

RECEIVED
MAY 19 2003
PERMIT CENTER/CDD





Existing layout

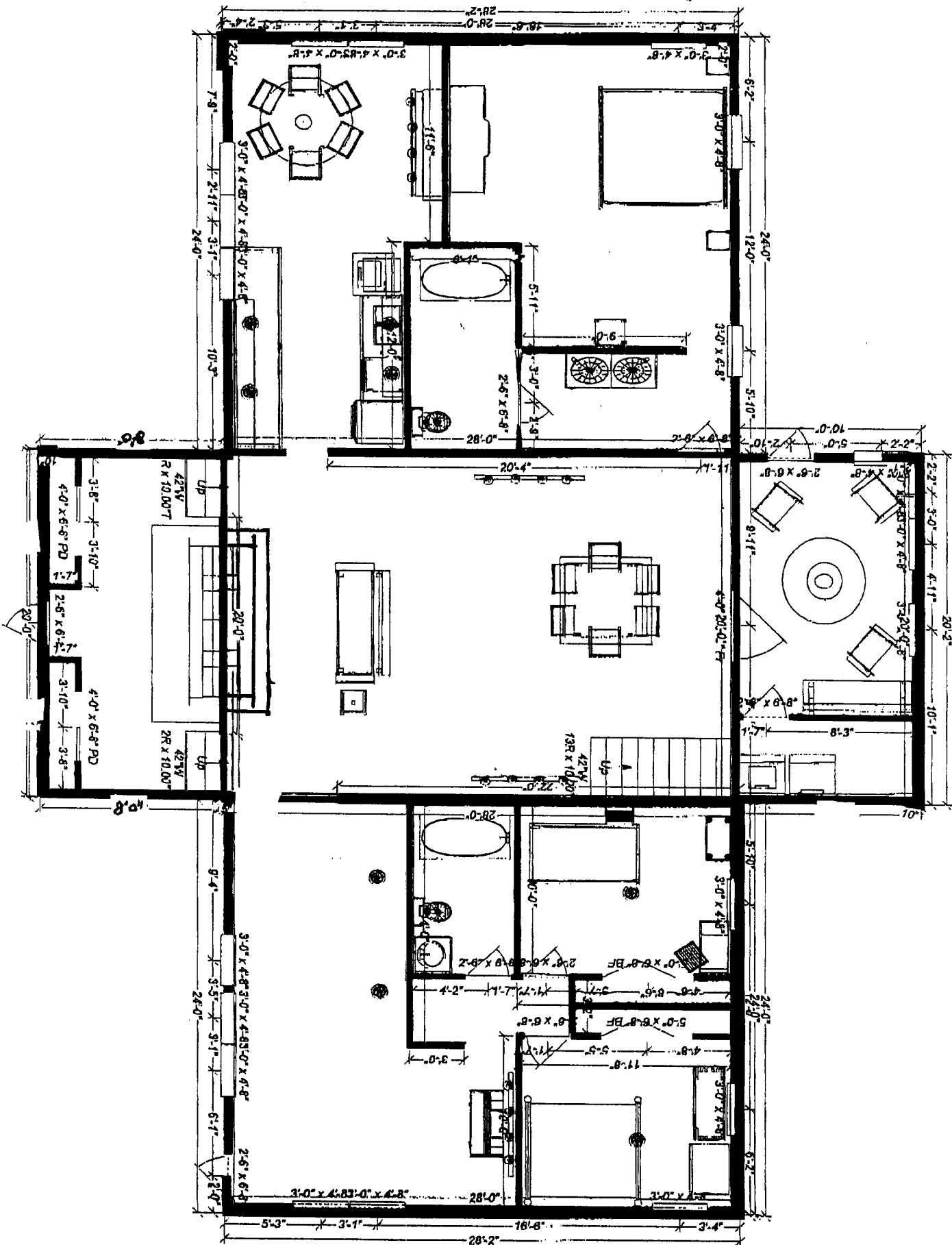


← counterpane lane →

CANTIER SPUR ROAD

RECEIVED
MAY 19 2003
PERMIT CENTER/CDD

Sketch Calculations		
Location	Dimensions	Area
A	A 24.0' x 28.0'	672.0
	Gross Living Area	672.0
B	B 24.0' x 28.0'	672.0
	Gross Living Area	672.0
	Garage 20.0' x 28.0'	560.0



8237 Counterpane Lane
Juneau, AK 99801

ATTACHMENT B

RECEIVED

MAY 19 2003

PERMIT CENTER/CDD

Dear CBJ,

I am applying for a setback variance for our residence at 8237 Counterpane Lane. The house was built in 1962 and was the first one in the neighborhood. Counterpane Lane was punched in to service this residence. It is unclear to me if the setbacks have changed since 1962 or that the survey techniques have changed. I attribute these thoughts to the fact that a portion of the house already lies within the 20 foot setback.

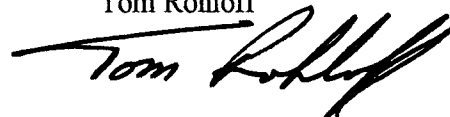
We have already done extensive work on the exterior to what was a neglected eyesore to the neighborhood when we purchased it in 2001. The work includes the removal of a dilapidated shed roof over the entrances, concrete sidewalks, and the garage apron. All of these were encroaching on the setback. We stripped and refinished the entire exterior. Our goal is to convert the two-bedroom duplex with its two-car garage centered in the structure, into usable space for our family of five.

A main difficulty of the project is to adequately address a suitable and attractive entryway. The following outlines our compliance with the various criteria.

1. Our family size requires sufficient and suitable entry and dry storage.
2. Public safety will not be at risk due to the already present buffer of vegetation which will remain between Counterpane Lane and the residence.
3. Authorization of this variance will enhance nearby property and by no means degrade nearby properties. This I feel certain of due to the high praises from our neighbors over the improvements already accomplished. Entrance of the house should remain on the north side due to it's original construction. Both internal and external doors and windows are orientated in this direction. Esthetically the entrance would make a great statement.
4. Extension of the roofline will produce safe passage to and from the entrance from the release of heavy snowloads. The entrance will act as a cold trap for the house.
5. Our plans presented will prove to supply great curb appeal and increase property value to the neighborhood. A family of five requires a certain amount of square footage for storage and areas for disrobing, especially in wet climates. Due to the heavy glacier till in the area altering the main entrance would be overly expensive.
6. This variance would not violate housing density, gross nonresidential floor area, or building and lot coverage standards. It remains well within the scope.

In conclusion, we are asking the setback to this residence off of Counterpane Lane be reduced from 20 feet to five feet. This still leaves a 20 foot setback off of Glacier Spur Highway as our front lot. Please accept this application as a show of good faith to increase the standards in our neighborhood in Juneau.

Sincerely,
Tom Rohloff



Mark Jaqua**ATTACHMENT C**

From: Mike Scott
Sent: Wednesday, June 25, 2003 4:14 PM
To: Mark Jaqua
Subject: RE: Counterpane Lane Variance

This property sets lower the the road one of the reasons the road is not correctly aligned. To correctly align it will require the construction of a retaining wall to avoid encroaching on the property as it is.

Allowing a 5' setback will create problems when the road alignment is addressed. It may also pose a problem for the property owner and CBJ. Drainage on the lot is poor now. Runoff from the road and snow melt may also be impacted by the building setting so close to the edge of the road further compromising the drainage. The potential for damage to the new structure during winter snow plowing may also be a problem.

There is plenty of room on all other sides for expansion that will not impact the street at all.

-----Original Message-----

From: Mark Jaqua
Sent: Wednesday, June 25, 2003 11:16 AM
To: Mike Scott
Subject: Counterpane Lane Variance

Mike

The owner of 8237 Counterpane Lane, on the corner with Glacier Spur is seeking a variance to the front yard setback from 20 feet to 5 feet to allow for an addition. What are your comments regarding this proposal?

Attached is a photo showing the house and front yard.
thanks
mark jaqua, cdd planner



6/26/2003

June 7, 2003

The residence of 8237 Counterpane Lane has applied for a building/zoning variance in an effort to add an entryway to provide dry storage and living space. The proposed plan would add ten feet to the front of 8237 Counterpane Lane only in the middle section of the structure. Total square footage of the addition would be 200 square feet. Please take the time to circle whether you agree or disagree with the following:

I (AGREE/DISAGREE) that the entry/addition to 8237 Counterpane Lane would in no way detract from the neighborhood curbside appeal and would, in fact, increase property value for neighborhood residences.

ATTACHMENT D

Anne B Jones
Name
8296 COUNTERPANE LN. JUNEAU AK 99801
Address/Phone

June 7, 2003

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Mary Comolli Mary Comolli
Name
8294 Counterpane Lane 790-2397
Address/Phone

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Cynthia & James Newton

Name

8300 Counterpane Ln, Juneau AK 99801 789-0262

Address/Phone

June 7, 2003

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Dale Whitney

Name

4515 Glacier Spur

Address/Phone