

# MEMORANDUM

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

**DATE:** November 8, 2006

**TO:** Board of Adjustment

**FROM:** Peter Freer, Planner  
Community Development Department

**FILE NO.:** VAR2006-00047

**PROPOSAL:** A Variance request to reduce side yard setback to 2' 6" where 5' is required, for an arctic entry addition to improve accessibility to house.

## GENERAL INFORMATION

Applicant: Clare Pavia

Property Owner: Clare Pavia

Property Address: 704 W. 11<sup>th</sup> St.

Legal Description: Casey Shattuck, Block 227, Lot 10

Parcel Code Number: 1-C06-0-C27-008-0

Site Size: 3,600 SF

Zoning: D-5

Utilities: CBJ Water & Sewer

Access: W. 11<sup>th</sup> St.

Existing Land Use: Single Family Residence

Surrounding Land Use: North - Residential Neighborhood  
South - Residential Neighborhood  
East - Residential Neighborhood  
West - Residential Neighborhood



## **PROJECT DESCRIPTION**

The applicant wishes to construct an approximately 40-square-foot arctic entry to a single-family dwelling in the Casey-Shattuck Addition, at 704 W. 11<sup>th</sup>. As shown on Attachment A, the arctic entry is proposed to be located on the west side of the residence, and would reduce the side yard setback to 2 feet 6 inches, measured from the roof eaves of the addition.

## **BACKGROUND**

The applicant wants to construct the arctic entry around an existing exterior door (side door), to facilitate access to the home for her son, who has impaired motor skills which result in difficulties walking and maneuvering. In effect, this door already acts as the main entrance to the house, as it is closer and more convenient to the garage, and, according to the applicant, provides a more direct route to-and-from Harborview School. The arctic entry would be constructed at grade, with two or three interior stairs leading to the kitchen.

The main entrance of the house faces 11<sup>th</sup> Street, on the opposite side of the house from the garage, and is consequently less convenient to use than the side door into the kitchen where the arctic entry is proposed. There are also several exterior steps leading up to the main entrance, which can further complicate access into the house during periods of inclement weather. With the variance, an entry can be constructed that reflects actual use of the house and facilitates use by the applicant's son.

## **ANALYSIS**

Nonconforming situations exist throughout the Casey-Shattuck neighborhood, particularly lot size and lot dimension. The area is characterized by older homes built closely together, often with substandard setbacks. Casey-Shattuck subdivision contains numerous 40 by 90-foot lots, including the subject parcel. Casey-Shattuck largely lies within the D-5 residential zone, which requires 7,000 square-foot lots and 70 by 85-foot lot dimensions. The subject parcel is substandard in lot width and area, 30 feet below the minimum width requirement, and 3,400 square feet below the minimum lot size requirement.

The nonconforming section of the code provides yard setback relief to property owners for situations regarding lot size and lot width, specifically, §49.25.430(4)(I), Substandard Lots, which allows for setback reductions based on substandard lot dimensions. Since the applicant's lot is substandard in width, the corresponding side setback can be reduced, but in no case to less than 5 feet, which is also the minimum side yard setback allowed in the D-5 zone. Thus a variance must be sought to construct the arctic entry.

## **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 applicant's home is on a 3,600 square foot lot in an area platted over 90 years ago. There is little room for modification to the home that does not involve an exception to existing setbacks. A review of variances in the Casey-Shattuck addition over the past ten years shows that seven variances have been granted for setback reductions to accommodate additions such as expanded dining rooms and kitchens, and garages and parking. Relief would be provided to the property owner by accommodating family needs and facilitating access to the home.

Staff finds this standard 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 neighboring house to the west of the subject parcel is located the required 5 feet from the side property line. Because the subject parcel has an 8-foot side yard setback, a 13-foot separation would be afforded along a majority of the side property line between the subject house and the neighboring house, except for approximately 7 ½ feet along the exterior wall of the arctic entry. Here, the separation would be 8 feet between the 7½-foot length of the entry and the adjacent house. No special building code-related requirements (such as a fire-wall) would be needed for the proposal to be built.

Staff finds that this standard is met.

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

The arctic entry is essentially a porch used only during entry to and exit from the home, and would not place actual living quarters any closer to the adjacent house. Thus, the entry should not diminish privacy between the houses.

Staff finds this standard is met.

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

The variance does not authorize any uses that are not otherwise allowed in the D-5 residential district.

Staff finds this standard is met.

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

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

Failure to grant the variance does not unreasonably prevent the owner from using the property for a principal permitted use.

Staff finds this sub-standard 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;***

Evidence of existing nonconforming setbacks in the neighborhood, along with variances granted for setback exceptions, provide support for the applicant's proposal. The addition would somewhat alter the outward appearance of the home, but on a side yard away from the street, visible only from a short length of West 11<sup>th</sup> Street and from the side yard windows of the neighboring residence.

Staff finds this sub-standard is met.

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

The unique features of the property are its size and dimension, both of which are substandard. In this instance, the sub-standard width of 40 feet raises the prospect of setback exceptions for any home improvements that occupy a side yard. The applicant could choose to add an enclosed entry at the main entrance of the home, which would allow for compliance, or a lesser setback reduction. Construction of an enclosed entry at this location, however, would defeat the purpose for which the entry is needed, to facilitate entry and exit to and from the home at a location most suitable for the applicant's disabled son.

Staff finds this sub-standard is 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.***

Existing nonconforming conditions, ie, lot size and lot width, are present on the subject parcel, and an as-built survey of the property shows the garage with a 0-foot setback from the alley. The applicant's proposal would increase nonconformity by extending a portion of the house into the required side yard.

Staff finds this sub-standard is not met.

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

Granting the variance for the addition represents a property improvement characteristic of the neighborhood, where remodels and additions have upgraded the overall quality of housing and the neighborhood.

Staff finds that this standard is met.

### **JUNEAU COASTAL MANAGEMENT PROGRAM**

No provisions of the JCMP apply to this project.

### **FINDINGS**

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

Yes, the application is complete.

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

No provisions of the JCMP apply to this project.

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

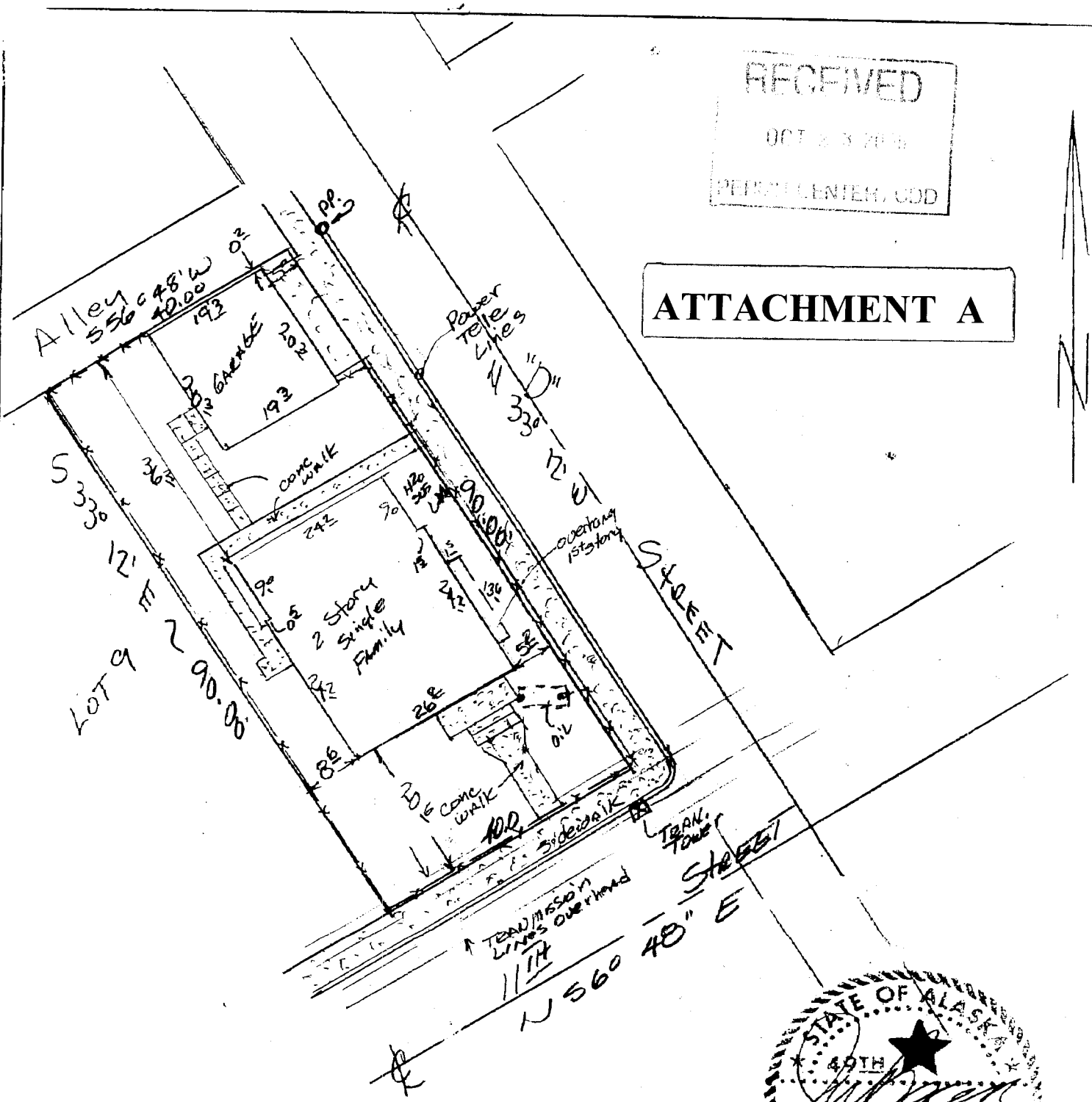
Yes, the variance as requested meets the criteria of Section 49.20.250, Grounds for Variances.

### **RECOMMENDATION**

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and decision on the requested Variance, VAR2006-00047. The Variance permit would allow for the construction of an arctic entry that projects 2 ½ feet into the side yard setback.

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 OCT 23 2006  
 PERMIT CENTER, CDD

**ATTACHMENT A**



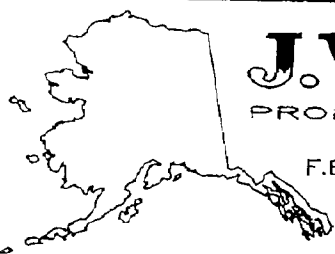
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.



**J.W. BEAN**  
 PROFESSIONAL SURVEYOR

F.B. 25/22 JOB No 12149  
 SCALE 1"=20  
 DATE 11-17-97

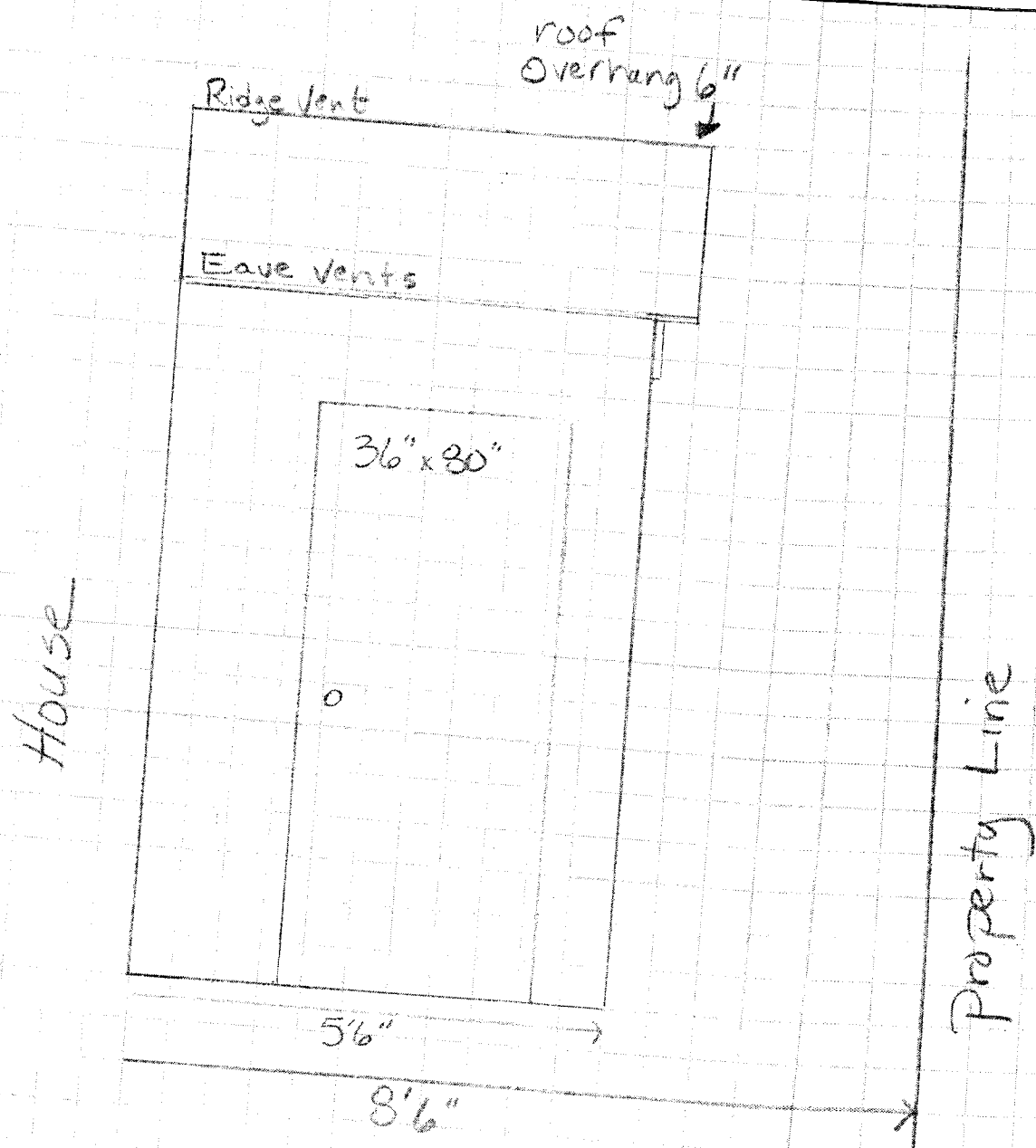
AS-Built Survey of  
 LOT 10, Block 227  
 CASEY Shattuck Add.  
 Juneau, Townsite, U.S.S 7



Revised

- Framing Notes: Framing as per CBJ code, studs 16" on center.
- Insulation Notes: Walls R-19; roof R-38; attic vented - 1 1/2" vent space over insulation. Roof ridge vent.
- Setback Notes: Current setback on side of house is 8' 6" to property line. Arctic Entry wall will be 5' 6" from house, changing setback to 3' from property line. Note: the roof edge is 6' from the house (2' 6" from property line).

# ATTACHMENT B



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1/2" = 1'  
Page 6 of 10