


MEMORANDUM

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

DATE: February 5, 2007
TO: Board of Adjustment
FROM: Greg Chaney, Planner
Community Development Department

FILE NO.: VAR2007-00002

PROPOSAL: The applicant's house encroaches 8.5 feet into a 20 foot rear setback. A proposed 290 square foot addition would also encroach 8.5 feet into the same 20 foot rear setback.

GENERAL INFORMATION

Applicant: Jeffrey Hoover
Property Owner: same
Property Address: 4416 Ichabod Lane
Legal Description: Sleepy Hollow II, Lot 32
Parcel Code Number: 5-B25-0-137-012-0
Site Size: 7,923 Square Feet
Zoning: D-5, Single-Family Residential
Utilities: CBJ Water and Sewer
Access: Ichabod Lane
Existing Land Use: Single-Family Residence
Surrounding Land Use: North - D-5, Single-Family Residential
South - D-5, Single-Family Residential
East - Ichabod Lane, D-5, Single-Family Residential
West - D-5, Single-Family Residential



PROJECT DESCRIPTION

The applicant is planning to build a modest one-story addition to enlarge a single-family residence (Attachments A & B). The house was built prior to adoption of the currently required 20 foot rear setback and is only 11 ½ feet from the rear property line (Attachment C). The applicant is proposing to construct a 290 square foot addition following the layout of the existing structure. As a result, the addition will project 8½ feet into the rear yard setback.

BACKGROUND

Sleepy Hollow II was platted in the early 1970's before current subdivision standards were adopted. The property is located on a cul-de-sac on Ichabod Lane (Attachment D). The lot is basically rectangular; however, in order to accommodate the cul-de-sac, a semi-circular portion was removed. This has resulted in a lot with unusual geometry, which does not meet current minimum dimensional standards.

ANALYSIS

According to existing D-5 subdivision standards, minimum lot depth should be 85 feet, but the applicant's lot is only 66.5 feet deep where the addition is being proposed. The house is centrally located on the property but due to the lot's unusual shape, and the position of the existing house, it would be difficult to build an addition which would meet current setbacks. If an addition was built that did meet setbacks, it would be significantly offset from the plane of the existing house. This offset would result in an inefficient floor plan and require additional building materials.

If the addition is constructed as proposed, it would be 8½ feet closer to the rear property line than is normally permitted. This encroachment would have the most impact on the neighbors living at 4406 Portage Boulevard and 4414 Ichabod Lane who share the rear and side property lines. The applicant has discussed this issue with these neighbors and they have signed a statement indicating that they do not object to the addition (Attachment E).

Due to the difficulty of building the structure so it is exactly 11½ feet from the rear property line, staff recommends that if this variance is approved, the variance would allow the addition to be 11 feet from the rear property line. By allowing the variance to extend to within 11 feet of the rear setback, allowances for the variables of construction will be taken into account. Furthermore, eaves are anticipated to extend to within 9 feet of the rear property line. In order to confirm the location of the finished structure, staff is recommending a condition of approval requiring an As-Built survey be provided by the applicant prior to issuance of a temporary or final Certificate of Occupancy.

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 requested would provide the applicant with substantial relief by allowing him to construct a modest one-story addition in an efficient manner. The new addition would follow the plane of the existing house and allow for a logical internal floor plan. If the addition were built so it met the required 20 foot rear setback, it would cost more and would create a less efficient internal circulation pattern. Approval of the variance would provide the applicant with substantial relief.

This development is one of the oldest residential subdivisions in the Mendenhall Valley. Since it was developed prior to currently adopted setback standards, many homes along Ichabod do not comply with modern setbacks. Many houses have been built a similar distance from their rear property lines. Not allowing the applicant to build the addition as proposed would be inconsistent with existing development in the neighborhood.

Therefore, Criterion 1 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 intent of minimum rear setback standards is to provide property owners an assurance that structures on adjacent properties will be built in a predictable manner. This subdivision was developed under different standards and it is reasonable for adjacent residents to expect that additions to existing buildings would be built to match existing setbacks. The applicant has contacted adjacent property owners and submitted a document signed by these property owners indicating that they do not object to his proposal.

There is no evidence that the proposed addition would have a negative impact on public safety.

Therefore, Criterion 2 is met.

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

The adjacent property owners have been notified of the proposal and have indicated that they do not expect that the proposal will have a detrimental effect on their property. The addition will follow the lines of the existing building and has a similar rear setback as other houses in the neighborhood. No additional evidence is available indicating that the addition will cause negative impacts to nearby property.

Therefore, Criterion 3 is met.

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

The addition will be used to enlarge an existing single-family residence, which is properly located in a D-5 single-family residential zoning district. No change of use is proposed.

Therefore, Criterion 4 is met.

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

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

A single-family residence is already located on the property and the addition could be located so it would comply with the 20 foot rear setback. Therefore, the variance is not needed for the owner to use the property for a permissible use.

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 subdivision was platted and developed under different zoning setback standards. Several houses on Ichabod Lane were built closer than currently would be allowed. Many houses are located a similar distance from their rear property lines. The applicant has contacted the adjacent property owners and they do not object to the proposal. Therefore, it would be unreasonable to arbitrarily require the applicant to meet a 20 foot setback when is not customary in this established neighborhood.

This sub-criterion is met.

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

Constructing the addition 20 feet from the rear setback would require a more expensive roofline and would result in an inefficient internal circulation plan. The unusual lot shape, and location of the existing house, creates a unique situation. Since it would be expensive to comply with a 20 foot setback and many houses in the established neighborhood have been built in a similar fashion, it would be unreasonable to require the applicant to build the addition 20 feet from the rear property line.

This sub-criterion 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.***

There are pre-existing nonconforming conditions on the subject parcel. The house was built closer to the rear setback than is currently allowed. The lot also has an unusual shape and doesn't comply with existing dimensional standards. However, these factors do not preclude compliance with the required 20 foot rear setback. Constructing the addition as proposed would reduce compliance with the Land Use Code.

This sub-criterion is not met.

Since Sub-Criterion 5B and 5C were met, Criterion 5 is met.

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

Adjacent property owners have been contacted and they do not oppose a reduced setback for the addition as requested. The neighborhood would receive the modest benefit of continuing the historical development pattern. Compliance with the 20 foot rear setback would require the addition to project into the front yard, resulting in less space open space along the street. Since no detriments have been identified, the proposal would be more of a benefit than a detriment to the neighborhood.

This Criterion is met.

JUNEAU COASTAL MANAGEMENT PROGRAM

Not Applicable. The 20 foot rear setback standard is a zoning requirement and is not related to the Juneau Coastal Management Program.

FINDINGS

1. Is the application for the requested variance complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed addition. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.20.

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

N/A. The proposed development is not related to the Juneau Coastal Management Program.

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 CBJ §49.20.250, Grounds for Variances, as described in the *Analysis* section of this memorandum.

RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2007-00002. The Variance would allow for construction of a 290 square foot addition within 11 feet of the rear property line. Eaves would be allowed to extend to within 9 feet of the rear property line. The variance approval is subject to the following condition:

1. Prior to issuance of a Final (or Temporary) Certificate of Occupancy for the structure, an As-Built survey showing that the addition is at least 11 feet from the rear property line, with eaves no closer than 9 feet from the rear property line, shall be required.

JEFF HOOVER
 4416 ICHABOD LANE
 JUNEAU, ALASKA
 99801
 723-5588
 465-6077
 KEN HUSE
 DRAFTING & DESIGN
 9700 N. DOUGLAS HWY
 JUNEAU AK 99801
 525-9075
 khdd@ac.net

LOT 32
 SLEEPY HOLLOW #2
 U.S.S. 1799



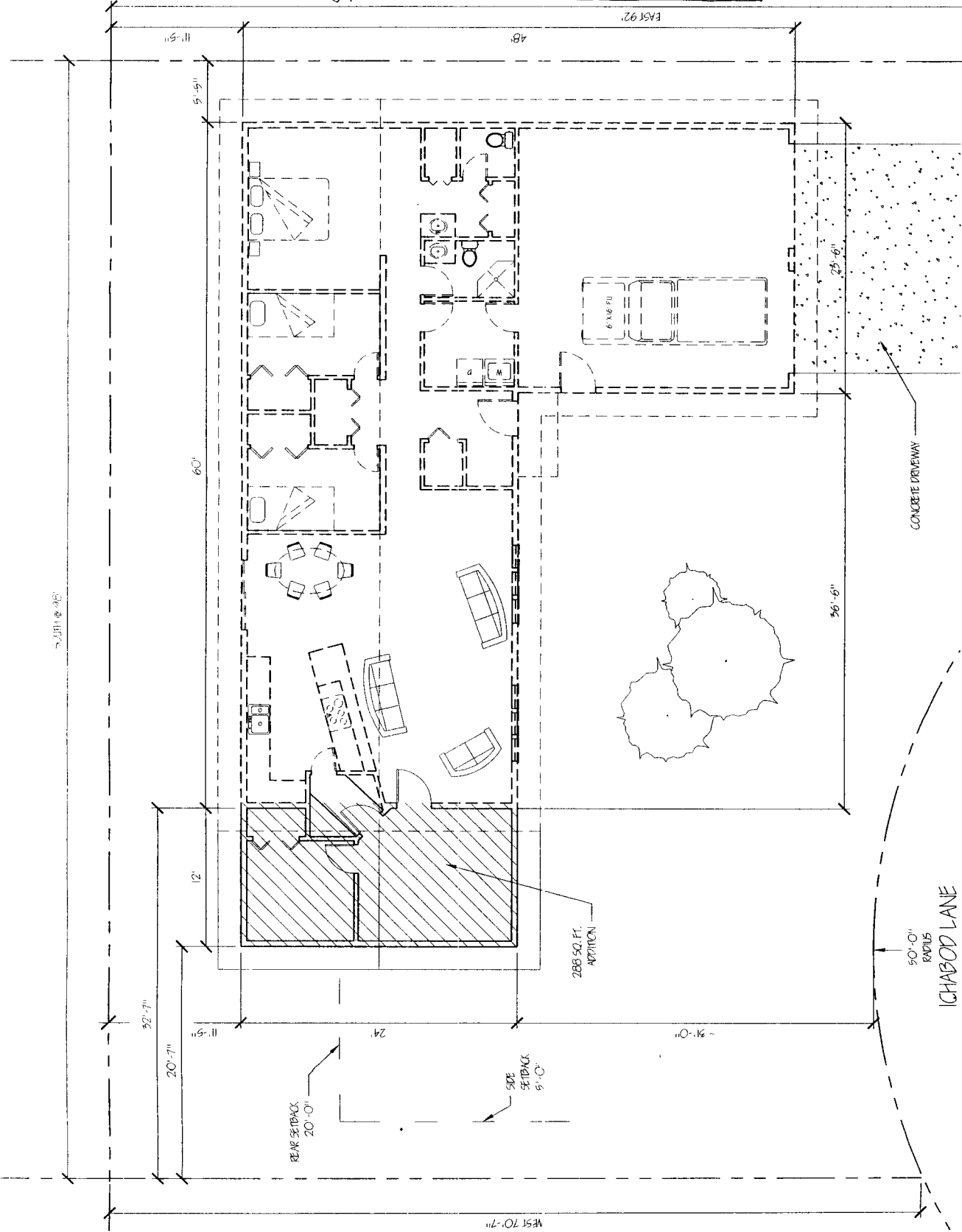
PROPOSED 288
 SQ. FT. REMODEL

ATTACHMENT A

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 JANUARY 2007

LOT DRAWING

1/8" = 1'-0"



ATTACHMENT A

January 11, 2007

City and Borough of Juneau
Community Development Department
Juneau, AK, 99801

To CBJ staff:

I am an owner/occupant of a single family residence at 4416 Ichabod Lane (Sleepy Hollow #2, Lot 32) in the Mendenhall valley. The immediate neighborhood is all single family homes on a cul-de-sac. My current house is 1440 square feet and faces east toward the street. Due to the cul-de-sac configuration, the lot is small (7923 square feet) and the existing house encroaches 8 ½ feet into the D5 zoning setback of 20 feet at the rear of house (West side). The rear of the house is 11 ½ feet from the property line. (See As Built Survey and House plan included in application).

I would like to add a small 1 story addition to this ranch house in order to meet my family needs. I do not have lot space to add on at the West rear or North side of the house without further encroaching into the zoning setback (5 feet on sides and 20 feet at rear). Also, building an addition at the East front of the house would not make any construction sense with the current interior configuration (widening the living room does not get me an extra bedroom). My only space addition option is to expand to the South side and the proposed addition would be 12 feet out by 24 feet across. The new space (288 square feet) would not encroach on the South side setback of 5 feet, but it would continue to encroach 8 ½ feet into the 20 foot West rear setback. This letter explains why a West rear setback variance should be granted.

I will address each of the CBJ variance conditions referenced in the CBJ required plan submittal:

- 1) My lot is not as deep as many of the other neighborhood lots and has an irregular shape to the lot. The existing house does not meet the required rear setback of 20 feet. This addition will not further encroach on the setback, but will continue the current setback encroachment of 8 ½ feet.
- 2) Adequate light and air would be maintained and the current public safety and welfare will be preserved. The West rear of my house faces the rear of the neighbor's house and I estimate his house is appx. 12 feet from our property line. Adequate space exists and the addition compliments the current single family house.
- 3) Expanding the house on the South side does not further encroach into the rear setback anymore than the current house encroaches into the setback. I am requesting approval signatures from the two neighbor's closet to the addition to ensure they have no objection to the project.

ATTACHMENT B

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JAN 12 2007
PERMIT CENTER / CDD

4) The project addition is no change in the use of the property. It will remain a single family residence.

5) (C) Since the lot is on a cul-de-sac and has an irregular smaller shape, any property addition that would meet the rear setback requirement of 20 feet would be expensive and not very useable space. The addition would need to be moved forward in the lot and angled, which would be more expensive and make the space less useable.

5) (D) The existing house does not meet the required rear setback of 20 feet. This addition will not further encroach on the setback, but will continue the current setback encroachment of 8 ½ feet. There would be no net decrease in compliance with the CBJ codes.

6) The property addition would add value to the current house and the neighborhood property values. The addition compliments the existing single family residence and adds 288 of useable square feet of bedroom and recreation room space.

If you have any questions about this addition that I have not answered in this letter then please let me know.

Sincerely,



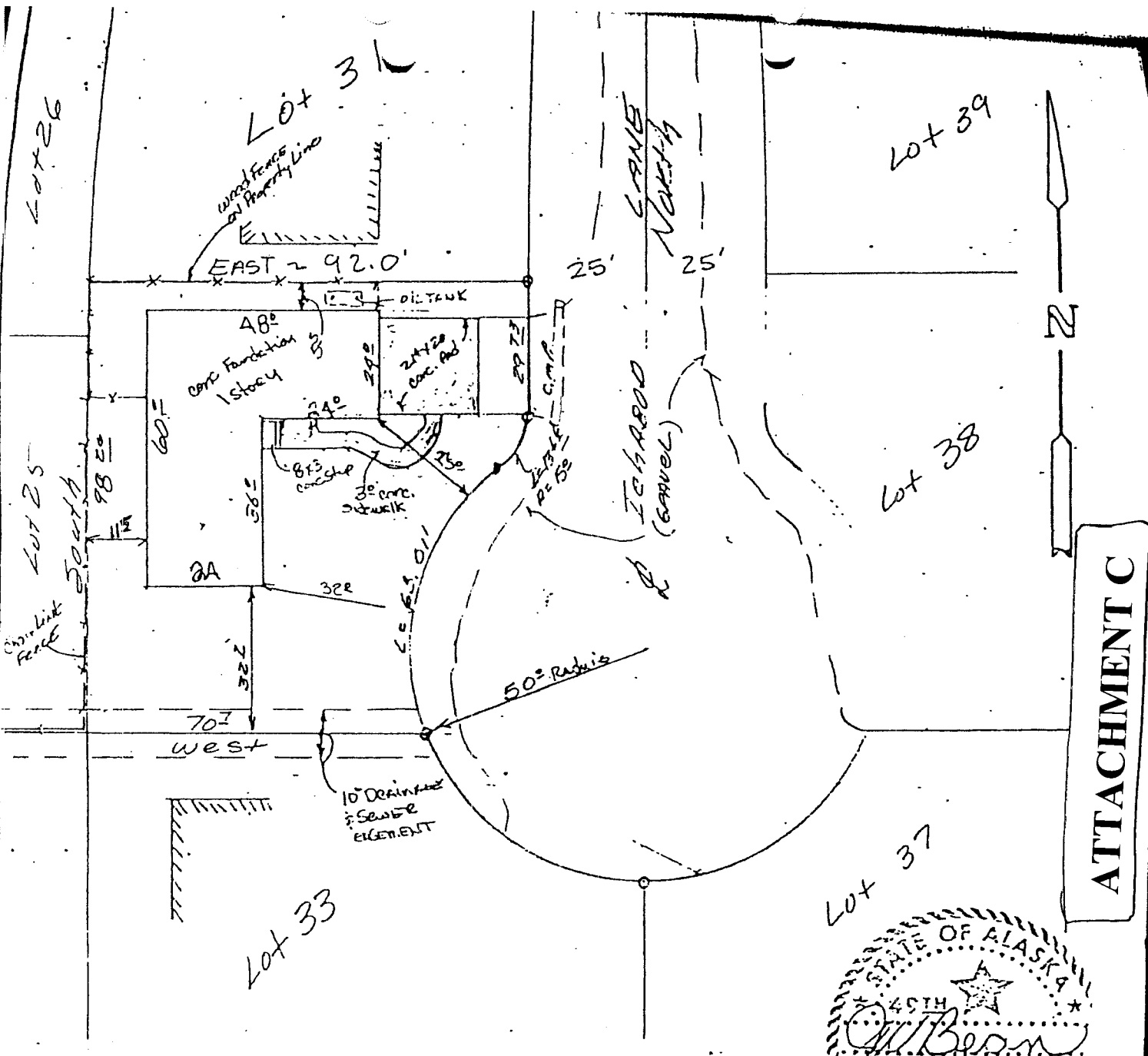
Jeff Hoover

Owner/Occupant
4416 Ichabod Lane
Juneau, AK 99801
Work number: 465-6077
Home number: 523-3090
Cell number: 723-3588
Fax number: 465-6078

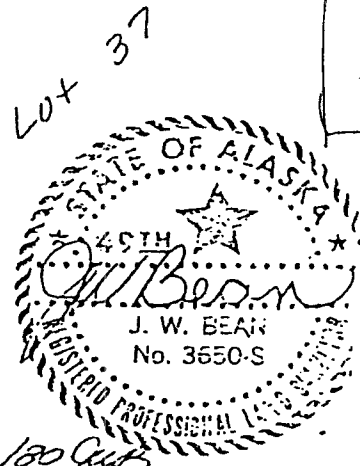
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ATTACHMENT C



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.

Revised 9/16/00 GMB
 AS-Built Survey of:
 Lot 32, Sleepy Hollow #2,
 D.H. in U.S.S. 1799
 Fr: DON MAGNUSON

DES.	SCALE 1"=50'
CHK.	DATE 7-3-77
PL. 17-33	SHEET OF
JOB NO. 8123A	

J. W. BEAN

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JAN 12 2007

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file copy



SUBJECT PROPERTY: [Black square]

PROPOSAL: VAR2007-00002: Current house encroaches 8.5 ft into rear (west) 20 foot setback. A proposed 12 ft X 24 ft addition on the south side of the house would also encroach 8.5 feet into the same 20 ft setback.

FILE NO:	VAR2007-00002	APPLICANT:	JEFFREY HOOVER
TO:	Adjacent Property Owners	PROPERTY OWNER:	JEFF HOOVER
HEARING DATE:	February 13, 2007	PROPERTY ADDRESS:	4416 ICHABOD LN
HEARING TIME:	7:00 P.M.	PARCEL CODE NUMBER:	5-B25-0-137-012-0
PLACE:	ASSEMBLY CHAMBERS Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	SITE SIZE:	7,923 Square Feet
		ZONING:	D5
		ACCESS:	ICHABOD LN

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 Greg Chaney at 586-0761, or via e-mail at: Greg_Chaney@ci.juneau.ak.us
 Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

VARIANCE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name <i>Hoover Variance</i>	Case Number <i>VAR 2007-00002</i>	Hearing Date	Date Received <i>1/12/07</i>																												
VARIANCE TYPE: <input checked="" type="checkbox"/> Setback <input type="checkbox"/> Height <input type="checkbox"/> Bulk <input type="checkbox"/> Other (Describe) _____																																
DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE: <i>Current house encroaches 8.5 feet into rear (west) 20 foot setback limit. An addition (12'x24') on the south side of house will continue to encroach into the 20 setback limit.</i>																																
PREVIOUS VARIANCE APPLICATIONS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date of Filing: _____ Variance from which standards: <input type="checkbox"/> Setback <input type="checkbox"/> Height <input type="checkbox"/> Bulk <input type="checkbox"/> Other (Describe) _____ Was variance granted? <input type="checkbox"/> Yes <input type="checkbox"/> No																																
EXISTING USE OF LAND OR BUILDING(S): <i>single family residence</i>																																
PROPOSED USE OF LAND OR BUILDING(S): <i>single family residence</i>																																
UTILITIES AVAILABLE WATER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site SEWER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> 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): <i>On a cul-de-sac and my lot is shallower than other lots in neighborhood. I cannot add space to the rear (west) or North side of house due to setback limits and limited space.</i>																																
WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER? <i>Additional space would add value to the house and neighborhood. New space is very usable and meets with the use of the current single family house.</i>																																
WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED? <i>I could not add the addition, and I would not gain a bedroom and play area for my children</i>																																
REVIEW APPROVALS <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%; text-align: center;"><u>INITIALS</u> <u>DATE</u></td> </tr> <tr> <td>Buildings</td> <td>_____</td> </tr> <tr> <td>Engineering</td> <td>_____</td> </tr> <tr> <td>Planning</td> <td>_____</td> </tr> </table>			<u>INITIALS</u> <u>DATE</u>	Buildings	_____	Engineering	_____	Planning	_____	VARIANCE FEES <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:10%; text-align: center;"><u>LOOS</u></td> <td style="width:10%; text-align: center;"><u>WORTH INV.</u></td> <td style="width:10%; text-align: center;"><u>RECEIPT</u></td> <td style="width:10%; text-align: center;"><u>DATE</u></td> </tr> <tr> <td>Application Fees</td> <td style="text-align: center;">\$ 350</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td style="text-align: center;">\$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td style="text-align: center;">\$ 350</td> <td style="text-align: center;"><i>1612678</i></td> <td style="text-align: center;"><i>23794</i></td> <td style="text-align: center;"><i>1/12/07</i></td> </tr> </table>				<u>LOOS</u>	<u>WORTH INV.</u>	<u>RECEIPT</u>	<u>DATE</u>	Application Fees	\$ 350				Adjustment	\$				Total Fee	\$ 350	<i>1612678</i>	<i>23794</i>	<i>1/12/07</i>
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Total Fee	\$ 350	<i>1612678</i>	<i>23794</i>	<i>1/12/07</i>																												

devappva.ela rev. 1/19/97

Received Victoria
Kane (CDD)
VAR2007-2

January 11, 2007

To: Jeff Hoover - Residential lot setback variance request

I/We do not object to Jeff Hoover, the owner of single family residence at 4416 Ichabod Lane, adding a small 1 story addition to the South end of his house. I/We as next door neighbors understand that his current house encroaches 8 1/2 feet into the rear (West) setback limit of 20 feet. I/We also understand that the new addition will encroach by 8 1/2 feet into the rear (West) setback limit of 20 feet.

Sincerely,

Southside neighbor to Jeff Hoover

Greg and Mary Pegues 4414 Ichabod Lane 1-11-07
Greg and Mary Pegues Address Date

Rear (West) neighbor to Jeff Hoover

Ken and Shelly Patten 4406 Portage Blvd. 1-13-07
Ken and Shelly Patten Address Date

ATTACHMENT E

Received
Jeff Hoover 1/13/07
4416 Ichabod Lane
Juneau AK 99801

Agreement
1-13-07
not
1-13-07

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