

#### PLANNING COMMISSION STAFF REPORT **VARIANCE VAR2023 0001 HEARING DATE: AUGUST 2, 2023**

(907) 586-0715 CDD Admin@juneau.org www.juneau.org/community-development 155 S. Seward Street • Juneau, AK 99801

#### COMMUNITY DEVELOPMENT

DATE: July 25, 2023

TO: Michael LeVine, Chair, Planning Commission

BY: Irene Gallion, Senior Planner

**THROUGH:** Jill Maclean, Director, AICP

**PROPOSAL:** Applicant requests a Non-Administrative Variance to lot coverage limitations to allow an additional 1,440 square foot garage.

#### STAFF RECOMMENDATION: Denial

#### **KEY CONSIDERATIONS FOR REVIEW:**

- The application states the garage is needed for ADA access.
- The existing attached garage has 36" doors, which meet ADA standards.
- The request is not narrowly tailored. The proposed garage structure includes two vehicle bays and a bathroom.
- The Applicant has an existing noncompliant detached garage.

GENERAL INFORMATION	
Property Owner	L. Eric Lindegaard
Applicant	L. Eric Lindegaard
Property Address	3050 Fritz Cove Road
Legal Description	USS 2670 5A
Parcel Number	4B2301020061
Zoning	D1 (single-family)
Lot Size	57,941 square feet, 1.3301 acres
Water/Sewer	CBJ water, private septic
Access	Fritz Cove Road
Existing Land Use	Residential
<b>Associated Applications</b>	BLD2023 0055

#### **ALTERNATIVE ACTIONS:**

- 1. **Approve:** Approve the permit and adopt new findings for items 1-2 below that support the approval. Approval may require conditions.
- 2. **Continue:** To a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

#### **ASSEMBLY ACTION REQUIRED:**

Assembly action is not required for this permit.

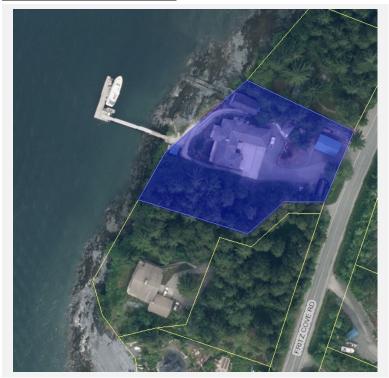
#### **STANDARD OF REVIEW:**

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - o CBJ 49.20.240
  - o CBJ 49.20.250(b)
  - o CBJ 49.80

The Commission shall hear and decide the case per CBJ 49.20.240. The Planning Commission shall hear all Variance requests except Administrative Variances, and shall either approve, conditionally approve, modify or deny the request based on the criteria in section CBJ 49.20.250(b).

L.Eric Lindegaard File No: VAR2023 0001 July 25, 2023 Page 2 of 7

#### SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES		
North (D1) Residential		
South (D1) Residential		
East (D1) Fritz Cove Road, Residential		
West (D1)*	Fritz Cove	

SITE FEATURES			
Anadromous No			
Flood Zone	VE 25 feet 02110C		
	1219E		
Hazard	None mapped		
Hillside	Possible		
Wetlands	No		
Parking District	No		
<b>Historic District</b>	No		
<b>Overlay Districts</b>	RV Park Area,		

\*CBJ49.25.120



#### **BACKGROUND INFORMATION**

**Project Description** – The Applicant is requesting a variance to lot coverage requirements for the addition of a 1,440 square foot garage (**Attachment A**). The intent of the structure is to provide safer ADA access from the accessible vehicle to and from the residence.

The residence currently has two garage bays and a carport (**Attachment B**, pictures). The garage was constructed with two 36-inch wide doors to the rest of the structure (**Attachment C**). Thirty-six inch doors are compatible with ADA standards of 32 inches of clear width, measured between the face of the door and the stop of the frame when the door is open to 90 degrees.

In addition to the vehicle accommodations in the single-family structure, a noncompliant garage was built at the top of the driveway, within the front yard setbacks. The garage was permitted for 594 square feet after the Planning Commission denied a variance for a larger garage. The Applicant illegally constructed an 837 square foot garage.

#### Background -

The table below summarizes relevant history for the lot and proposed development.

Date	Туре	Summary
4/8/1946	USS 2670	Established Lot 5 at 37,026 square feet (pre-code).
1964	R12 Zoning	The purpose of the R-12 district was to provide and preserve land for families who desire to live in low density areas and where smaller lots would tend to be detrimental to the area. Single-family structures were a principal permitted use.
9/21/1984	84-008784	Statutory Warranty Deed transferring property to Applicant ( <b>Attachment D</b> ).
1987	D1 T D3 Zoning	The D-1, residential district, is intended to accommodate primarily single- family and duplex residential development in areas outside the urban service boundary at a density of one dwelling unit per acre. Certain D-1 zoned lands, however, may exist within the urban service boundary in transition areas if public sewer or water are absent but planned for. The D-1 classification will be changed to a higher density upon provision of services. Lot coverage is limited to 10 percent for permissible uses, and an additional 10 percent for conditional uses (total 20 percent). The D-3, residential district, is intended to accommodate primarily single- family and duplex residential development at a density of three dwelling units per acre. D-3 zoned lands are primarily located outside the urban service boundary where public utilities are not provided. The density reflects the existing pattern of development of properties in the district. There is a limited amount of D-3 zoned lands located within the urban service boundary. These are lands for which a lower density is deemed appropriate or, in the case of transition zones, where the zoning will be changed to a higher density when sewer and water are provided. Lot coverage is limited to 35 percent.
6/10/1987	BLD 0159801	Water line connection.
Unknown		Single-family structure caught fire, destroyed.

L.Eric Lindegaard File No: VAR2023 0001 July 25, 2023 Page 4 of 7

Date	Туре	Summary	
6/27/1990	BLD 0519901	Grading and soils investigation.	
8/9/1990	BLD 5373.01	Application for a 720 square foot garage 12.5 feet from the front lot line, within the 25 foot front yard setback (not permitted).	
9/11/1990	VR-30-90	Denial of request for construction proposed (Attachment E).	
9/15/1990	BLD 5373.01	Issued permit to construct a 594 square foot garage 12 feet from the front lot line (Attachment F). No final inspection.	
6/23/1991	BLD 0625401	Boat house construction, 1,012 square feet.	
1/4/1993	VR-42-92	Approved variance to exceed ten percent lot coverage, allowing 5,092 square feet to accommodate a new residence on a 37,026 square foot lot. The staff report site plan shows the garage under 600 square feet (Attachment G). Proposed single-family structure size was 3,485 square feet.	
4/21/1993	BLD 0821101	Construction of a new single-family residence, including two garages and a carport.	
4/14/2000	BLD2000-00188	Installation of an elevator. Additional lot coverage 21.375 square feet.	
NOTE: At t	NOTE: At this time, with an 800 square foot detached garage, a 1,020 square foot boat house and a 3,485		

NOTE: At this time, with an 800 square foot detached garage, a 1,020 square foot boat house and a 3,485 square foot footprint for the single-family structure, lot coverage is 5,305 square feet, 213 square feet more than permitted by VAR-42-92, and 14 percent more than the allowed for lot coverage.

3/6/2020	Plat 2020-10	Creates lot 5A, at 57,941 square feet. Current lot coverage is 9 percent (conforming) (Attachment H).
1/20/2023	BLD2023 0055	Application for a 1,365 square foot private garage. Permit was denied because the structure would result in 11.5 percent lot coverage. Additionally, the site plan shows a shed, which creates additional lot coverage. In addition to permitted structures, two sheds add 354 square feet.

#### **ANALYSIS**

**Project Site** – The Applicant was issued a permit to build a 594 square foot garage within the setback under an exemption that allowed construction of a garage up to five feet from the lot line if topography was a hardship. The Applicant then illegally constructed a garage of 837 square feet.

Subsequent construction of a single-family structure with two garage bays and a carport indicate that the lot topography accommodates vehicle access. Topography is not a hardship.

**Lot Coverage** – Since subdivision increased lot size, the property is conforming with existing permitted and unpermitted structures.

The proposed garage would exceed lot coverage standards by 2%. The permissible size of a covered structure would be 362 square feet.

Structure	Document	Permitted	Actual
Garage	VR-30-90 (denied)	600	837
Boat house	BLD 0625401	1012	1030
Single-family structure	BLD 0821101	3485	3211
Elevator	BLD2000-00188	21	

L.Eric Lindegaard File No: VAR2023 0001 July 25, 2023 Page 5 of 7

Shed #1	Needs permit if over 200 square feet enclosed	Unpermitted	227
Shed #2	No permit required		127
LOT COVERAGE, SF		5,118	5,432
LOT COVERAGE, %		9 percent	9 percent
New Garage		1440	1440
LOT COVERAGE, SF		6558	6827
LOT COVERAGE, %		11 percent (11.3)	12 percent (11.78)

#### Setback Requirements -

Current unpermitted development does not meet setback requirements.

The lot currently has a garage that exceeds the 600 square foot maximum for a garage built within the setbacks.

- In August of 1990, the Applicant applied for a building permit for a 720 square foot garage in the setback.
- Subsequently, the Applicant applied for a variance to garage size limitations associated with construction in the setback. Code limited the garage to 600 square feet.
- The Commission <u>denied</u> the request at the September 11, 1990 meeting (Attachment E)
- Applicant modified the building permit for a garage 594 square foot garage on September 15, 1990. (Attachment F). Note that the previous submittal for 720 square foot garage is crossed out.
- The applicant got an inspection when pouring the foundation (**Attachment F**). The building permit did not receive a final inspection.
- Applicant documents confirm that the garage was constructed in excess of 600 square feet, contrary to prevailing code or the intent of the Planning Commission.

#### VARIANCE STANDARDS

Pursuant to CBJ 49.20.200, a Non-Administrative Variance may be granted to provide an applicant relief from the requirements of this Title 49, the Land Use Code. A Variance is prohibited from varying any requirement or regulation of Title 49 concerning the use of land or structures, housing density, lot size, requirements in CBJ Chapter 49.35 (Public and Private Improvements), or requirements in CBJ Chapter 49.65 (Specified Use Provisions).

Per CBJ 49.20.250(b), a Non-Administrative Variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the Planning Commission has determined that:

# A. Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property.

**Analysis:** In land use, "hardship" is the inability to use the land in the same way others could use their land. The land is zoned D1, to accommodate single-family structures. The Applicant has built a single-family structure. That structure includes ADA access improvements such as 36-inch-wide doors, attached garages and a carport, and an elevator (**Attachment C**).

Finding: This criterion has not been met.

L.Eric Lindegaard File No: VAR2023 0001 July 25, 2023 Page 6 of 7

#### B. The unusual or special conditions of the property are not caused by the person seeking the Variance.

Analysis: No special conditions prevent use of the property for a single-family structure.

Finding: This criterion has not been met. The property has no special conditions.

#### C. The grant of the Variance is not detrimental to public health, safety, or welfare.

Analysis: No additional analysis needed.

Finding: This criterion has been met.

#### D. The grant of the Variance is narrowly tailored to relieve the hardship.

Analysis: The proposed garage (Attachment I):

- Is 40 feet deep. The average garage is 22-24 feet deep.
- Includes two bays.
- Includes a toilet, sink and shower.

The existing attached garage meets ADA standards for door width. If warranted, a narrowly-tailored approach to an additional garage would be one bay, up to 24 feet deep, with explicit ADA accommodation.

Finding: This criterion has not been met.

Pursuant to CBJ 49.20.260, the Planning Commission may attach to a Non-Administrative Variance conditions regarding the location, character, and other features of the proposed structures or uses as it finds necessary to carry out the intent of this title and to protect the public interest.

#### Condition: None recommended.

#### AGENCY REVIEW

CDD conducted an agency review comment period between June 22, 2023, to July 7, 2023 (Attachment J). No agency comments were received.

#### PUBLIC COMMENTS

In accordance with 49.20.230(b) public notice was mailed to property owners within 500 feet of the lot (Attachment K), a public notice sign was posted on-site two weeks prior to the hearing (Attachment L), and ads were placed in the Juneau Empire. Public comments received at time of writing this staff report can be found in Attachment M and are summarized below.

Name	Summary
Mike Nizich	Support
Tanya Nizich	Support

L.Eric Lindegaard File No: VAR2023 0001 July 25, 2023 Page 7 of 7

#### **FINDINGS**

#### 1. Is the application for the requested Variance complete?

Analysis: No additional analysis required.

Finding: Yes. The application for the required Variance is complete.

# 2. Does the Variance as requested meet the criteria of CBJ Section 49.20.250(b)(1), Non-Administrative Variances?

**Analysis:** Hardship is the inability to use the property similarly to one's neighbors. The lot is zoned for single-family structures, which the Applicant has. The proposal is not narrowly tailored. The garage includes two bays and a bathroom. Plans do not indicate how the extra bay or restroom serve ADA needs.

Finding: No. The requested Variance does not meet all of the criteria of CBJ Section 49.20.250(b)(1), Administrative Variances.

#### RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and DENY the requested Non-Administrative Variance.

#### STAFF REPORT ATTACHMENTS

Item	Description	
Attachment A	Application Packet	
Attachment B	Property pictures	
Attachment C	Plans for single-family structure	
Attachment D	Warranty Deed for current owner	
Attachment E	VR-30-90, denied.	
Attachment F	BLD 5373.01, for detached garage.	
Attachment G	VR-42-92, for single-family structure to exceed lot coverage limits.	
Attachment H	Plat 2010-10.	
Attachment I	BLD2023 0055 plans, on hold.	
Attachment J	Request for agency comments.	
Attachment K	Abutters Notice	
Attachment L	Public Notice Sign posting	
Attachment M	Public Comments	



### **DEVELOPMENT PERMIT APPLICATION**

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

Physical Address 3050 Fritz Cove		and the second second			
	Road				
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Lot 5A, U.S. Survey 2670				
Parcel Number(s)	Lot 5A, U.S.	Survey 267	0		
4B2301020061		7			
This property is located in the d		:h		1	
LANDOWNER/ LESSEE		a ana da na ana			
Property Owner Eric Lindegaard	Cor	tact Person Mark	Pusich, RESPEC	Engineers	
Mailing Address 3050 Fritz Cove Roa	d. Juneau. AK 99801		Phone Number(s) 90	7.723.7527	
E-mail Address dock3050@gci.net				51-123-1321	
LANDOWNER/ LESSEE CONSENT					
Required for Planning Permits, not needed on Consent is required of all landowners/ lessees include the property location, landowner/ less	b. If submitted with the application, see's printed name, signature, and	the applicant's nam	1e.	nt. Written approval must	
include the property location, landowner/less 1 am (we are) the owner(s)or lessee(s) of the p A. This application for a land use or activity re B. I (we) grant permission for the City and Bo $L_{I} E LINDECA$ Landowner/Lessee (Printed Name) X 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	eview for development on my (our prough of Juneau officials/employee	property is made v	with my complete unders	tanding and permission. oses of this application.	
Landowner/Lessee (Printed Name)		.g.: Landowner, Le			
8 Candowner/Lessee (Printed Name)		.g.: Landowner, Le:	isee)		
	erenal.		may 2/	23	
Landowner/Lessee (Signature)			Pate		
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Landowner/Lessee (Printed Name) XLandowner/Lessee (Signature)	Title (e	g.: Landowner, Les	osee} Date		
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at the defense of



### VARIANCE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form. Not to be used for Administrative Variances

COMMUNITY DEVELOPMENT

がないた	PROJECT SUMMARY Please see attached variance request letter.		
VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to) 47.25.400, maximum lot coverage, permissible use			
To be completed by Applicant	Previous Variance Applications?       YES       NO       Date of Filing: 1993         Previous Case Number(s):       not known       Building Permit related to       YES       NO         Was the Variance Granted?       YES       NO       NO       this variance?		
mplet	UTILITIES AVAILABLE: WATER Public On Site SEWER: Public On Site		
To be co	ALL REQUIRED MATERIALS ATTACHED Complete application per CBJ 49.65.210 Narrative including: Any characteristics of land or building(s) or extraordinary situations that are unusual to this property or structure		
The state of the s	Why a variance would be needed for this property regardless of the owner What hardship would result if the variance is not granted		
	Site Plan		

ASSOCIATED PERMIT: BID2023 0055

This form and all documents associated with it are public record once submitted,

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED For assistance filling out this form, contact the Permit Center at 586-0770. Case Number VARしろ-のひし Date Received

Attachment A- Application Packet



May 12, 2023

City and Borough of Juneau Community Development Department 155 South Seward Street Juneau, AK 99801

Attn: Scott Ciambor Planning Manager

Re: 3050 Fritz Cove Road Lot 5A US Survey 2670 CBJ Variance Application

Dear Scott,

In accordance with City and Borough of Juneau (CBJ) Municipal Code Section 49.20.250 Variance Standards please consider this our variance request for 3050 Fritz Road for an increase in the maximum lot coverage of 10% per Table 49.25.400. Respec is acting as the agent for the applicant Mr. Eric Lindegaard the property owner of 3050 Fritz Cove Road. The applicant and writer have previously met with CBJ Community Development Department (CDD) staff to discuss the applicant's proposal to construct a garage on the referenced property.

Sent via Email

**Background Information** – The applicant proposes to construct a new 36' x 40' garage on Lot 5A, US Survey 2670, having a physical address of 3050 Fritz Cove Road. The property is located in the D-1 CBJ Zoning District and contains a 57,941 square feet lot which exceeds the minimum 36,000 square feet for D-1 lot size. A CBJ building permit application was submitted for the proposed garage structure on this lot and the applicant was informed that the inclusion of the proposed garage would exceed the maximum allowable lot coverage of 10%.

Lot 5, US Survey 2670, was originally developed and permitted in 1993 with all of the existing structures currently shown on the site plan with the exception that the original lot size was 37,026 SF. The lot coverage of the existing permitted residential structure exceeded the current code requirement of 10% (14.67%) but was granted approval with no issues at that time. In 2020 a subdivision replat was done with the applicant and his adjacent neighbor to the south where the applicant acquired an additional 20,915 square feet of property to create a new lot area of 57,941 SF. The intentions and purpose of gaining this additional land were to allow construction of a detached garage structure for allowing safer disabled wheel chair access from the accessible vehicle to and from the residence.

9109 MENDENHALL MALL RD Suite 4 Juneau, ak 99801 907.780.6060

**Attachment A- Application Packet** 



The table below summarizes the existing structures on the property and the existing lot coverage:

DESCRIPTION	SQUARE FOOT
Existing Boat House	1,030
Existing House	3,211
Existing Shed	227
Existing Garage	837
Existing Shed	127

Total Building Square Footage on Existing Lot = 5,432 S.F. Existing Lot Coverage = 5,432 S.F./57,941 S.F. = 9.4%

#### Variance Analysis

Per CBJ 49.20.250, Variance Standards, paragraph (b) non- administrative variances we list each variance criteria and our response to support this variance request:

- (1) A variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the planning commission has determined that:
- (A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;

RESPONSE: The applicant's partner is disabled and the garage is necessary for parking their accessible vehicle closer to the residence main entrance to allow for closer wheel chair access. During the winter months the existing conditions are getting very difficult to safely navigate the wheel chair to and from the residence to the vehicle. Denial of this variance will create a hardship for allowing safer accessible access from the disabled vehicle to the primary residence and potential injury to the applicant and his disabled partner.

(B) The unusual or special conditions of the property are not caused by the person seeking the variance;

RESPONSE: As stated in A above the special conditions are resulting from the need to allow safe accessibility for a disabled resident to access the residence at 3050 Fritz Cove Road using a wheel chair.

(C) The grant of the variance is not detrimental to public health, safety, or welfare; and

RESPONSE: The granting of this variance to allow construction of the garage would not create concerns to CBJ Building Official, CBJ Fire Marshal, CBJ Public Works Department or CBJ General Engineering Department as there is no change in use that would create a harm to the public's health, safety, or welfare. It is a simple garage structure which is common in the Fritz Cove neighborhood which will meet all required CBJ building setbacks and required building codes.



**3050 FRITZ COVE ROAD GARAGE** CBJ VARIANCE APPLICATION SUBMITTAL **// 3** May 12, 2023

(D) The grant of the variance is narrowly tailored to relieve the hardship.

RESPONSE: The applicant is requesting a 1.4% increase in the maximum lot coverage from 10% to 11.4% to accommodate the proposed garage per the attached summary table on the garage site plan drawing. The applicant recently acquired additional property (20,915 square feet) through the CBJ platting process to allow development room for the proposed garage. Taking 10% of the recently acquired property would allow for a garage 2,091 square feet in size if one were to just look at that property on its own merit. The requested garage size of 1,440 square feet is significantly less than that. Please see the attached garage site plan exhibit.

A review was also made up and down the Fritz Cove Road corridor looking at other D-1 zoning districts to get feel for what other developments are with respect to lot area coverage. Attached are exhibits illustrating numerous residential properties that exceed the 10% coverage and that the requested garage structure on Lot 5A is not out of harmony with what currently exists in the D-1 zoning districts along Fritz Cove. In addition, this land parcel is one of the larger D-1 lots along Fritz Cove.

In summary we hope that the variance materials submitted herewith will allow a minor increase to the lot coverage area and allow construction of the garage structure to occur on the subject property for providing safe disability access via wheel chair to the home.

Should you have questions concerning this variance application submittal please do not hesitate to contact us.

Sincerely, RESPEC Mark Pusich

J. Mark Pusich, P.E. Principal Civil Engineer

Attachments: CBJ Development Permit CBJ Variance Application Garage Site Plan Fritz Cove Lot Coverage Exhibits

N:/Projects/I0499.23001-Lindegrd\_Frtz\_Cv/5Rprts/CBJ Variance Application and Letter/3050 Fritz Cove Road - CBJ Variance Letter.docx

Attachment A- Application Packet



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### **DEVELOPMENT PERMIT APPLICATION**

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

3050 Fritz Cove Road		
Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)	t 5A. U.S. Surve	av 2670
Parcel Number(s)		
Parcel Number(s) 4B2301020061	8	
This property is located in the downtown hist This property is located in a mapped hazard a		C
LANDOWNER/ LESSEE		
Property Owner Eric Lindegaard	Contact Per	son Mark Pusich, RESPEC Engineers
Mailing Address 3050 Fritz Cove Road, Juneau, A	K 99801	Phone Number(s) 907-723-7527
E-mail Address dock3050@gci.net		έ?
Consent is required of all landowners/ lessees. If submitted wit include the property location, landowner/ lessee's printed nam I am (we are) the owner(s)or lessee(s) of the property subject to	ne, signature, and the appl	licant's name.
B. I (we) grant permission for the City and Borough of Juneau Li E LINDECAARD Landowner/Lessee (Printed Name) x Landowner/Lessee (Signature)		downer, Lessee) $\frac{m_{ay} 2}{p_{re}}$
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#### INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number VAR23-001	Date Received
	5/17/23

For assistance filling out this form, contact the Permit Center at 586-0770.



## **VARIANCE APPLICATION**

See reverse side for more information regarding the permitting process and the materials required for a complete application.

#### NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form. Not to be used for Administrative Variances

	PROJECT SUMMARY Please see attached variance request letter.						
t	VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to) 47.25.400, maximum lot coverage, permissible use						
ican	Previous Variance Applications?						
Appli	Previous Case Number(s): not known Building Permit related to YES NO						
To be completed by Applicant	Was the Variance Granted? YES NO this variance?						
plet	UTILITIES AVAILABLE: WATER Public On Site SEWER: Public On Site						
com	ALL REQUIRED MATERIALS ATTACHED						
o be	Complete application per CBJ 49.65.210						
Ĕ	Narrative including:						
	Any characteristics of land or building(s) or extraordinary situations that are unusual to this property or structure						
	Why a variance would be needed for this property regardless of the owner						
	What hardship would result if the variance is not granted						
	Site Plan						
	DEPARTMENT USE ONLY BELOW THIS LINE						

VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	<sub>\$</sub> 550.00			
Adjustment	\$			
Total Fee	\$ <u>550.00</u>			

This form and all documents associated with it are public record once submitted.

#### **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

	Case Numbe	r	Date Received
0.	VAR	23-001	5/17/23

For assistance filling out this form, contact the Permit Center at 586-0770.

#### Variance Application Instructions

Variances are outlined in CBJ 49.20 article II

**<u>Application</u>**: An application for a Variance will not be accepted by the Community Development Department (CDD) until it is determined to be complete. The items needed for a complete application are:

- 1. Forms: Completed Variance Application and Development Permit Application forms.
- 2. **Fees:** The fee for a Variance Application is \$400.00. If the application is in conjunction with a major development permit, the Variance fee will be reduced by 20 percent. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.
- 3. **Project Description:** A detailed letter or narrative describing the hardship that is the result of an unusual situation or physical feature affecting a specific parcel of land or structure. **Also include how the proposed project meets the variance criteria listed on the attached sheet.**
- 4. **Plans:** A site plan showing the following information:
  - A. The location of existing and proposed structures (i.e. buildings, fences, signs, parking areas, etc.); and
  - B. The location of existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.).

**Document Format:** All materials submitted as part of an application shall be submitted in either of the following formats:

- 1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
- 2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Please consult with the Community Development Department to discuss whether additional information may be required for your application. The "Planner-On-Call" can be reached by contacting the Community Development Department at (907) 586-0715 or via email at <u>Permits@juneau.org</u>.

<u>Application Review & Hearing Procedure</u>: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

**Review:** As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the Variance Application request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

**Hearing:** All Variance Applications must be reviewed by the Board of Adjustment. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

**Public Notice Responsibilities:** As part of the Variance process, all requests must be given proper public notice as outlined in 49.20.230 which consists of the following:

**Community Development Department** will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site. A "Public Notice Sign" is required to be posted on the site by the Applicant and the Community Development Department will create the sign to be posted.

#### Variance Approval Criteria

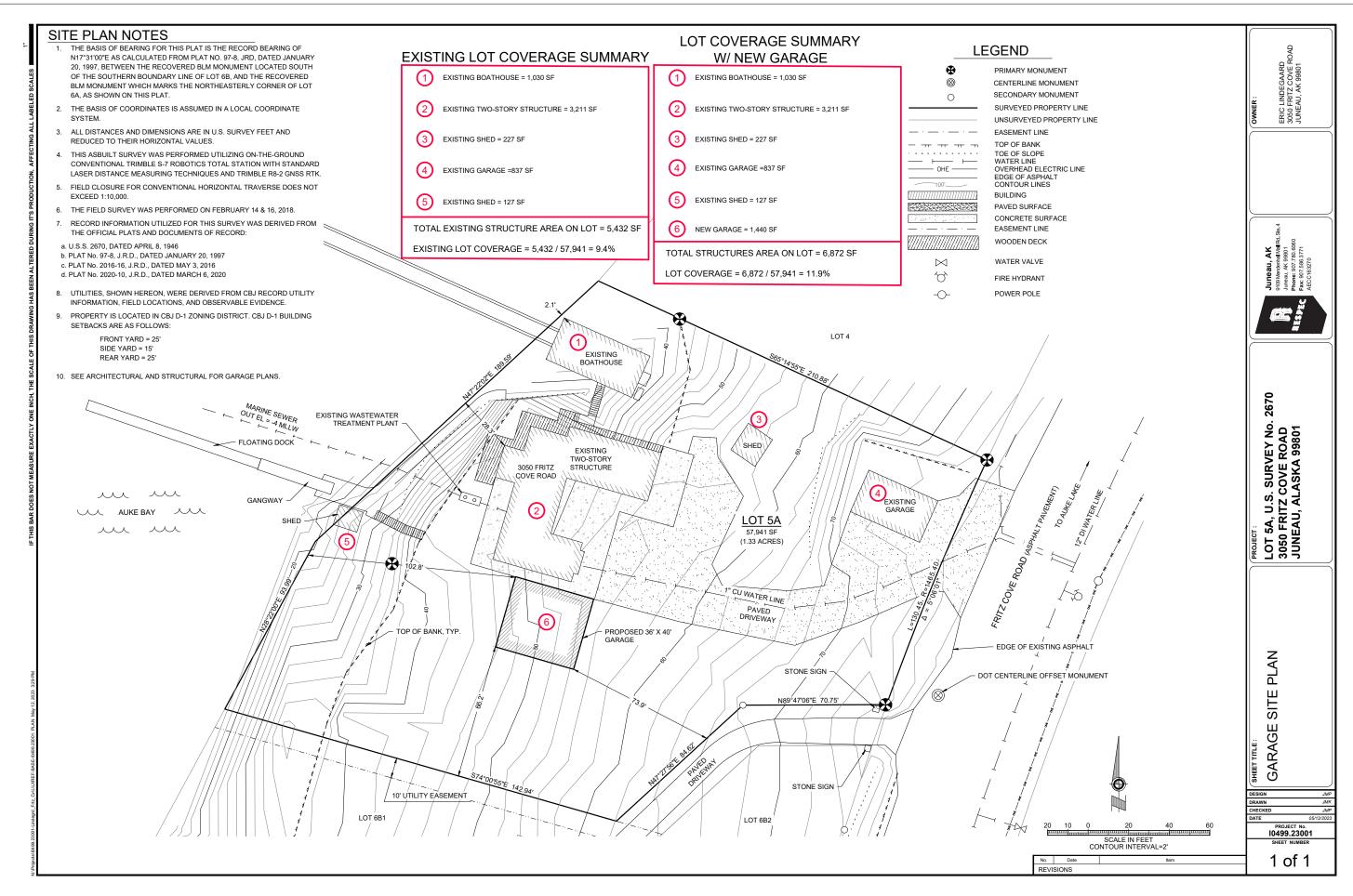
A variance may be granted after the prescribed hearing and after the Board of Adjustment has determined that the following criteria are met. Include in your project narrative a detailed description about how your proposal meets each of the criteria listed below:

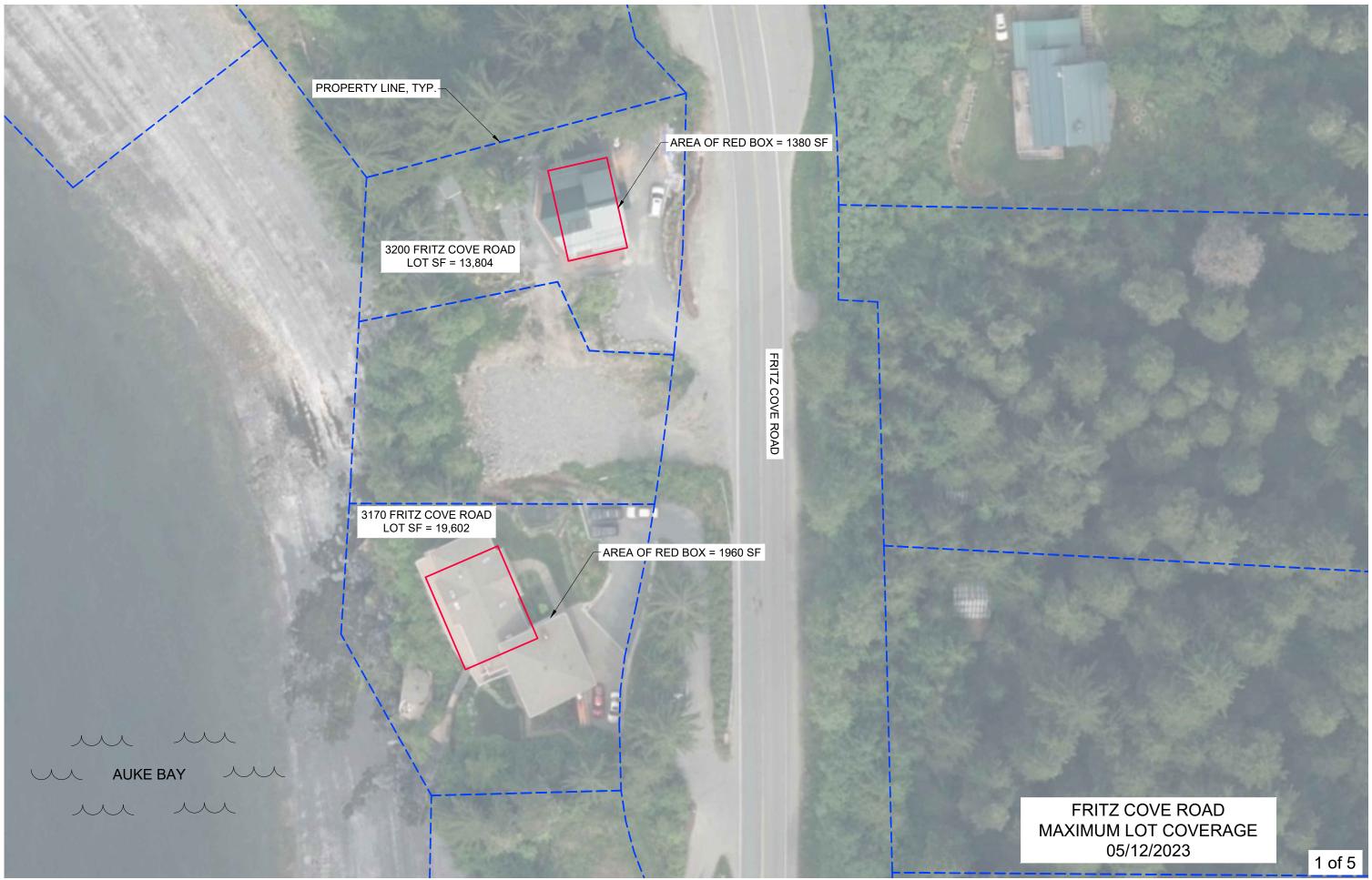
CBJ 49.20.250(b) Non-administrative variances. (1)A variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the board of adjustment has determined that:

- (A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;
- (B) The unusual or special conditions of the property are not caused by the person seeking the variance;
- (C) The grant of the variance is not detrimental to public health, safety, or welfare; and
- (D) The grant of the variance is narrowly tailored to relieve the hardship.

PLEASE NOTE: As provided by CBJ Land Use code section on Variances (CBJ 49.20.200), a variance may be granted to provide an applicant relief from the requirements of Title 49, the Land Use Code. A variance is prohibited from varying any requirement or regulation of this title concerning the use of land or structures, housing density, lot area, requirements in chapter 49.35, or requirements in chapter 49.65. Applications for prohibited variances shall not be accepted for filing or shall be rejected by the director.

#### **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**





Attachment A- Application Packet







Attachment A- Application Packet



#### **APPENDIX B**

#### Assessor Site Photos for 3050 Fritz Cove Road: Lot Coverage



#### 1. Existing boathouse



Fostering excellence in development for this generation and the next. Attachment B- Property pictures L.Eric Lindegaard File No: VAR2023 0001 June 30, 2023 Page 2 of 3

#### 2. Existing single-family structure



#### 3. Shed:



L.Eric Lindegaard File No: VAR2023 0001 June 30, 2023 Page 3 of 3

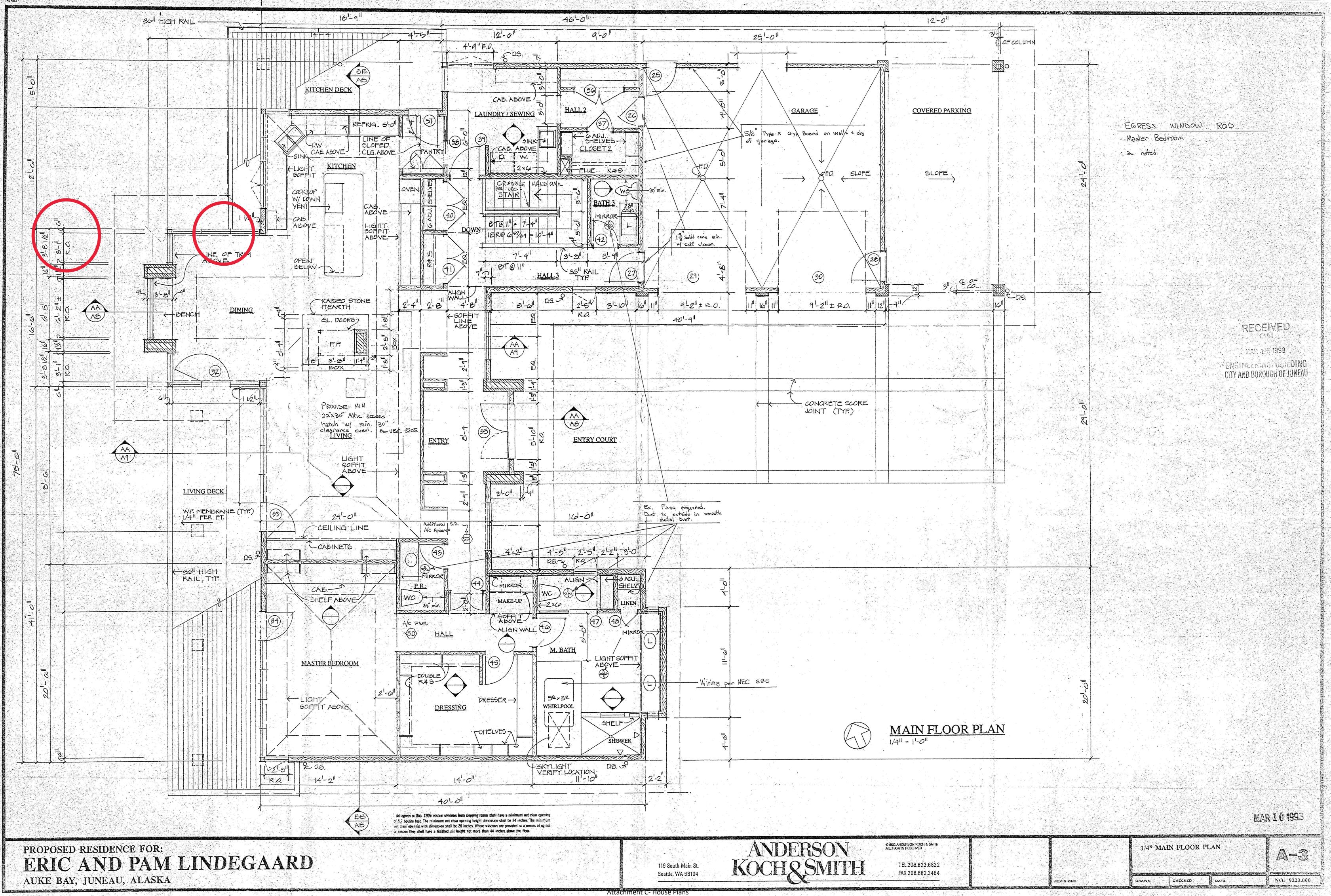
4. Existing garage (noncompliant). Water side of the garage is seen in the picture above.



5. Shed:



Attachment B- Property pictures



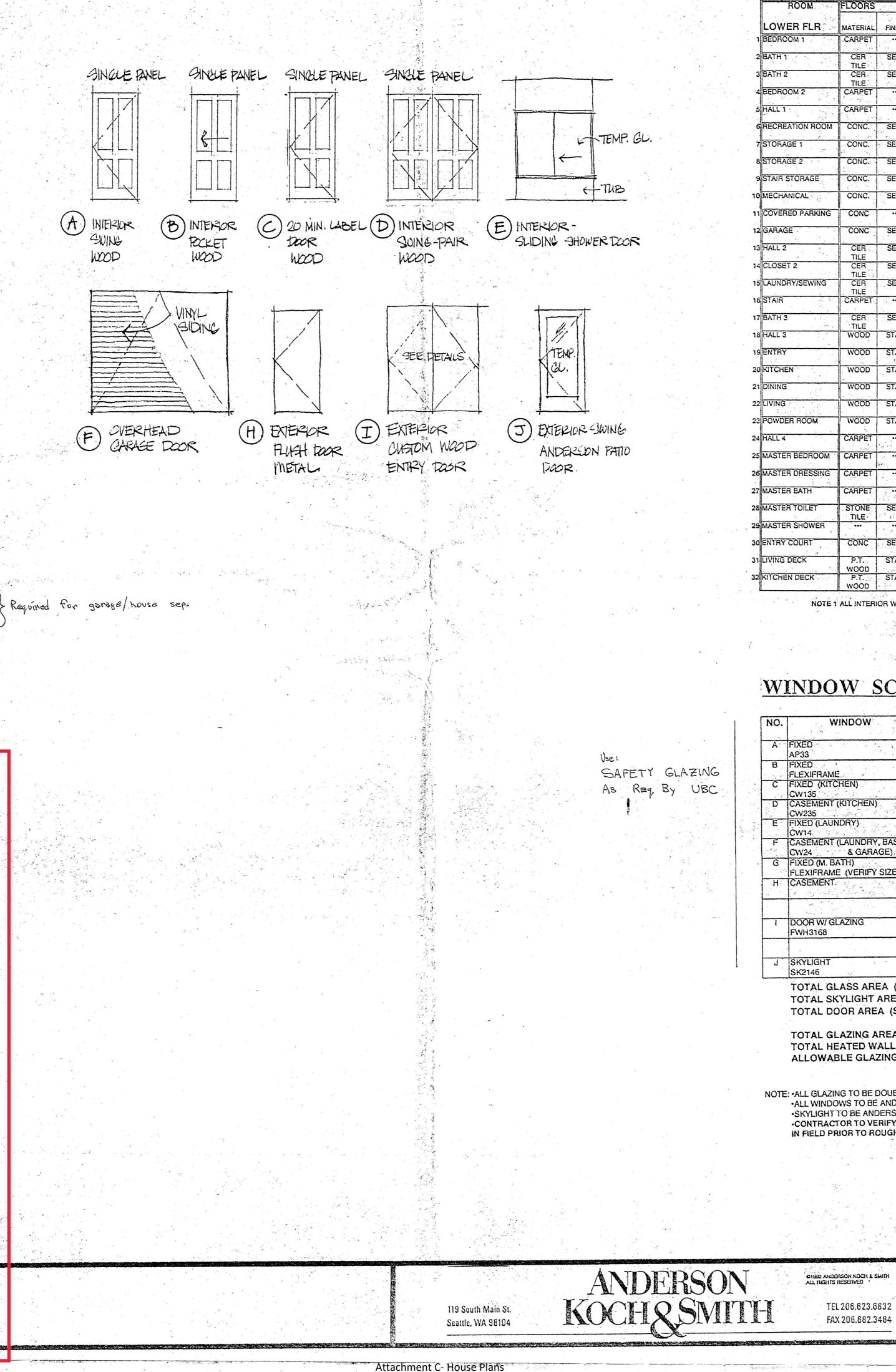
# PROPOSED RESIDENCE FOR: ERIC AND PAM LINDEGAARD AUKE BAY, JUNEAU, ALASKA

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DUUK SCHEDULE

# **DOOR TYPES**



# ROOM FINISH SCHEDULE

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CONC	SEAL	••••	•••	GWB 5/8 Type .X	PAINT	GWB	PAINT		•••		•••		40 (1999) (199) (1999)	5/B TYPE - X GYP BOARD
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CER	SEAL	WOOD	STAIN	GWB	PAINT	GWB	PAINT	WOOD	STAIN	CORION	•••	WOOD	STAIN	
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P.T.	STAIN		1 3 - •••	1995 1	sh #20 100 - 20	•••		•••					•••	

NOTE 1 ALL INTERIOR WOOD PANELING TO BE INSTALLED OVER G.W.B.

# WINDOW SCHEDULE

INDOW	SIZE (UNI WIDTH	T SIZE) X HEIGHT	AREA	NO. OF UNITS	TOTAL
	2.99 2'-11 15/16"	X 5.98	17.90	26	465.51
	6.16 6' - 2"	X 4.99 4' - 11 7/8"	30.74		30.74
HEN)	2.36 2'-4 3/8"	X 3.40 3'-4 13/16"	8.02	× 3.	24.07
KITCHEN)	4.70 4'-8 1/2"	X 3.40 3' - 4 13/16"	15.98	2	31.96
DRY)	2.36 2'-4 3/8"	X 4.00 4'-0"	9.44		9.44
LAUNDRY, BASMT & GARAGE).	4.71 4'-8 1/2"	X 4.00 4'-0"	18.84	2	37.68
.TH) (VERIFY SIZE)	1.16	X· 3.75 - 3'-9"	4.35	2	8.70
	2.36 2'-4 3/8"	X 5.98 5' - 11 7/8"	14.11	9	127.02
AZING	3.01 3'-1/8"	X 6.62 6-7 1/2"	19.93		- 139.48
	1.79 1'-9 1/2"	X 3.83 3'-10"	6.86	1	6.86
ASS AREA (SQ YLIGHT AREA (		NIT )			735.11 6.86
OR AREA (SQ.	FT. OF UN	IIT)	а 1 2		139.48
AZING AREA (S ATED WALL AR		т.)	1	19	881.45 5,392.80

TOTAL HEATED WALL AREA (SQ. FT.) ALLOWABLE GLAZING (16%)

NOTE: •ALL GLAZING TO BE DOUBLE GLAZED, INSULATED LOW-E, ARGON FILLED. •ALL WINDOWS TO BE ANDERSON WINDOWS

·SKYLIGHT TO BE ANDERSON WINDOWS

.CONTRACTOR TO VERIFY ALL GLAZING SIZING & WINDOW DIMENSIONS. IN FIELD PRIOR TO ROUGH FRAMING & MATERIAL ORDERING.

# RECEIVED

1. ab 1 6 1993 ENGINEERING/BUILDING CITY AND BOROUGH OF JUNEAU

MAR 1 0 1993

DOOR, WINDOW & ROOM FINISH SCHEDULE

CHECKED

DATE

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**A-5** 

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862.85

		BOOK 0244 PAGE 5
TTA INSURANCE AGENCY	201 N. Franklin St. Juneau, Alaska 99801 (907) 586-6445	THIS SPACE RESERVED FOR RECORDER'S USE, 84-008784 8.00 REGORDED FILED
Filed for Record at Request of		JUNEAU REC. DISTRICT
Name		SEP 21 12 05 PM '84
Address		REQUESTED BY ITICA
City and State	** = = = = = = = = = = = = = = = = = =	ADDRESS

#### Statutory Warranty Deed

THE GRANTOR Marlys R. Burnett-Ashby who acquired title as Marlys R. Burnett

for and in consideration of Ten Dollars and other consideration

in hand paid, conveys and warrants to L. Eric Lindegaard - P. O. Box 210142, Auke Bay, Ak 99821

the following described real estate, situated in the Juneau Recording District , State of Alaska:

Lot 5, U. S. Survey 2670, Juneau Recording District, First Judicial District, State of Alaska,

SUBJECT TO Patent reservations, rights of the public and governmental bodies in and to any part below high water line, easements of record and 1984 City and Borough of Juneau taxes.

Dated this

day of

2157

SEPTEMPER

, 19 84

marlip Gurnett- Askber (SEAL)

STATE OF ALASKA FIRST JUDICIAL DISTRICT JUNEAU RECORDING DISTRICT

On this day personally appeared before me Marlys R. Burnett-Ashby

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 2	21 <sup>ST</sup> day of SEPTEMBER, 1984
STATE OF ALASKA Notary Public	Slen a Prince
GLEN A. PRINCE	Notary Public in and for the State of Alaska My commission expires

Attachment D- Warranty Deed for current owner

city/borough of juneau 슈 Alaska's capital city

> PLANNING COMMISSION NOTICE OF DECISION September 25, 1990

File No. VR-30-90

Eric Lindegaard P.O. Box 21042 Auke Bay, Alaska 99821

Application for:

Legal Description:

Parcel Number:

4-B23-0-102-006-0

August 21, 1990

Lot 5, U.S. Survey 2670

Variance

Date Submitted:

Hearing Date:

September 11, 1990

The Planning Commission at its September 11, 1990, regular public meeting, denied the request for a variance to reduce the minimum required front setback from 25 feet to 12 feet for a proposed 720-square-foot garage.

Effective Date:

October 17, 1990

Project Planner:

Tom Korŏsei Planner I

RECEIVED BY CITY CLERK - 26-90

cc: Debra J. Purves

### MEMORANDUM

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

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. an Automatic of Garman Lost Half-Aler

September 7, 1990 DATE :

Planning Commission TO:

Tom Korosei, Planner FROM: Community Development

Variance Application SUBJECT :

0 0 0 0

VR-30-90 FILE NO .:

#### GENERAL INFORMATION

#### Applicant:

#### Eric Lindegaard THEFT DES STREET

1.8

-Property Owner: Requested Action:

Variance approval

1.1.1.1.1.1 setback from 25 feet to 12 feet to allow

1 PETERL FLUN OF THE PARTE Legal Description:

Parcel Code Number: Location:

Site Size:

Access:

Existing Land Use:

Surrounding Land Use:

BE CHARKAINS

4-B23-0-102-006-0 3050 Fritz Cove Road 37,026 square feet

the construction of a garage.

Lot 5, U.S. Survey 2670

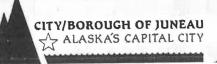
Fritz Cove Road

Residential

North - Residential South - Residential East - Fritz Cove Road/Residential West - Auke Bay

Zoning Designation: D-1(T)D-3, Residential Public water Utilities:

SHOWING DIRECTLY DIRE



Planning Commission VR-30-90 Page No. 2

#### PROJECT DESCRIPTION

The applicant proposes to construct a 24' by 30', 720-square-foot garage on the subject property. The applicant is requesting a reduction to the front yard building setback from 25 feet to 12 feet.

#### BACKGROUND

The required building setbacks in D-1 zones generally are:

12/07/2011

A	Front yard:	25	feet.
в.	Side yard:	15	feet.
. С.	Rear yard:	25	feet.

#### ANALYSIS

in le.

Under Title 49.25.430(4)(G) a garage may be constructed with a minimum front setback of 5 feet in certain circumstances. Among the conditions for this automatic setback reduction is that the garage be limited to one story with a maximum height of 15 feet and a maximum area of 600 square feet.

13887 ATCH10 301074 T0000

We believe the rationale for this code provision is to allow an adequate accessory structure to reasonably meet the needs for a principal residential use.

ASSISTAL SUCCESSE) toornov hereenber This proposal does not meet this criterion as the proposed garage, intended to serve the unusual needs of a particular owner, exceeds the maximum area allowed under this exception.

Whis reaut. 2212 F 6 26 4 723

#### STAFF RECOMMENDATION - Denial.

We recommend denial of the variance application. The applicant's situation fails to meet all of the variance approval criteria as set out in CBJ 49.20.250. The specific condition not met is:

. .

"That compliance with the existing standards would unreasonably prevent the owner from using the property for a permissible principal use and would be unnecessarily burdensome because it would impose peculiar and practical difficulties to, or exceptional and undue hardship upon the developer of such property."

#### Attachment E- VR-30-90, denied

August 21, 1990

Planning and Zoning Commission City and Borough of Juneau 155 South Seward Juneau, Alaska 99801

Attn: Debra Purves Pine Staff Member

Re: Variance Application

Ladies and Gentlemen of the Commission:

The writer has undertaken a Variance Application in accordance with Section 49.25.430 - Yard Setbacks. I have met with Borough staff member Debra Purves and have provided her with the documents that she desired at the time of our initial meeting. These documents included;

- The standard application Variance Form as attached
- to the allowed BBD's during foot building foot
- ' An as-built survey showing the garages and/or buildings fronting the right-of-way limits and property lines along Fritz Cove Road in my land area

which buy square for gerage does not adequately house the

My variance fee check

he Variance for the garage size is requested by.

After my submittal, Ms. Purves stated that the documents furnished were not adequate and to me the rules were changed. It seemed that by Section 49.25.430, if I desired to construct a 600 square foot garage, in five feet or more from the right-of-way limits property line (my understanding is that the normal setback is 25 feet), I could do this "outright". However, because I desire to construct a 720 square foot garage to shelter two antique vehicles, my modern vehicle and necessary support equipment, 12 feet back from the property line/right-of-way line, a Variance is needed. The Variance is due to both my non-conforming setback (neither a 5 foot nor 25 foot set back), and my non-conforming garage size (720 square feet verses 600 square feet). The purpose of this relatively normal size garage (a wide two car garage) is so I may store two antique cars bumper-to-bumper, as well as my ordinary vehicle. Additionally, room is needed to enter and exit the garage when the vehicles are stored, and to allow some room to work on these historic objects. If I desired to build a garage thirty feet long by twenty foot wide rather than thirty feet long by twenty-four foot wide, it would be permitted even thought it would be within 5 feet of the property line/right-of-way line. I request that my Variance be passed for the following reasons;

At a 25 logi servack the ground slope would be steep, well in

#### Twelve foot setback verses twenty-five foot setback

At a 25 foot setback the ground slope would be steep, well in excess of 25 percent seaward. This would mean extensive filling of my property or the construction of the foundation with relatively long piles. Neither choice is economically or aesthetically desirable.

The loud slope is a hardship.

A 12 foot setback far exceeds the existing garage and other dwelling setbacks along this section of Fritz Cove Road (see asbuilt survey attached).

The 12 foot setback presents no safety hazards or line-ofsight difficulties for vehicles along Fritz Cove Road.

The setback I am requesting "substantially conforms" to the normal 25 foot setback verses the 5 feet allowed for a slightly smaller building.
Garage size

#### The Variance for the garage size is requested by;

- A 600 square foot garage does not adequately house the vehicles I desire.
- The added 4 foot width needed to allow my 120 square foot addition to the allowed 600 square foot building footprint does not j jeopardize any safety hazard to the neighborhood or the motoring public.

the ime of our initial meeting. These doruments includes:

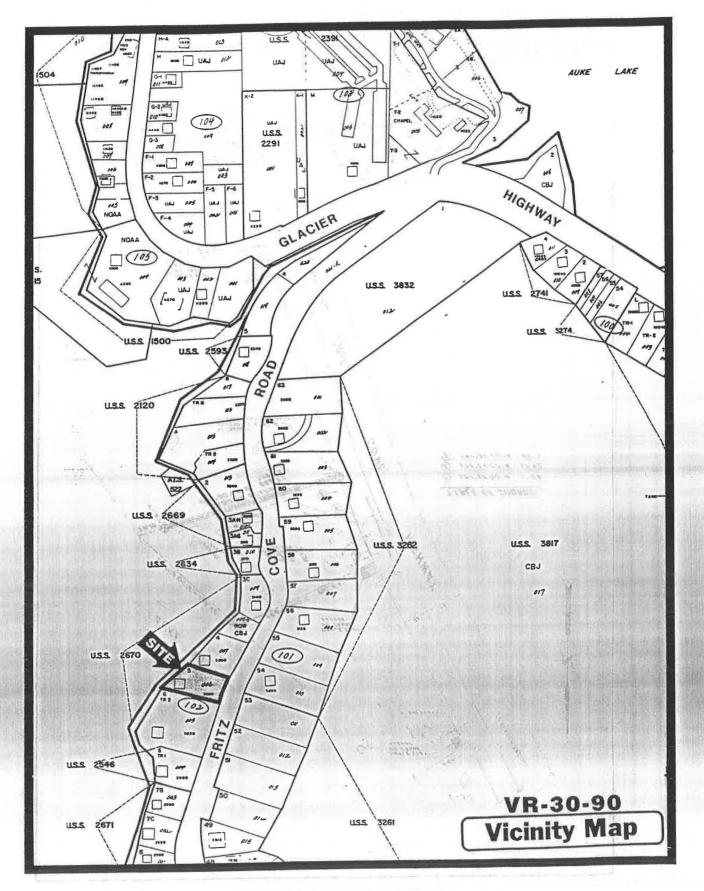
DEDITE **To**pographic conditions permit the width of the building  $\frac{\pi}{2}$  and  $\frac{\pi}{2}$  is constructed, meaning side yards setbacks rather than the depth.  $\frac{\pi}{2}$ 

' Topographic conditions prevent a longer building. radies and courtement of the toward out

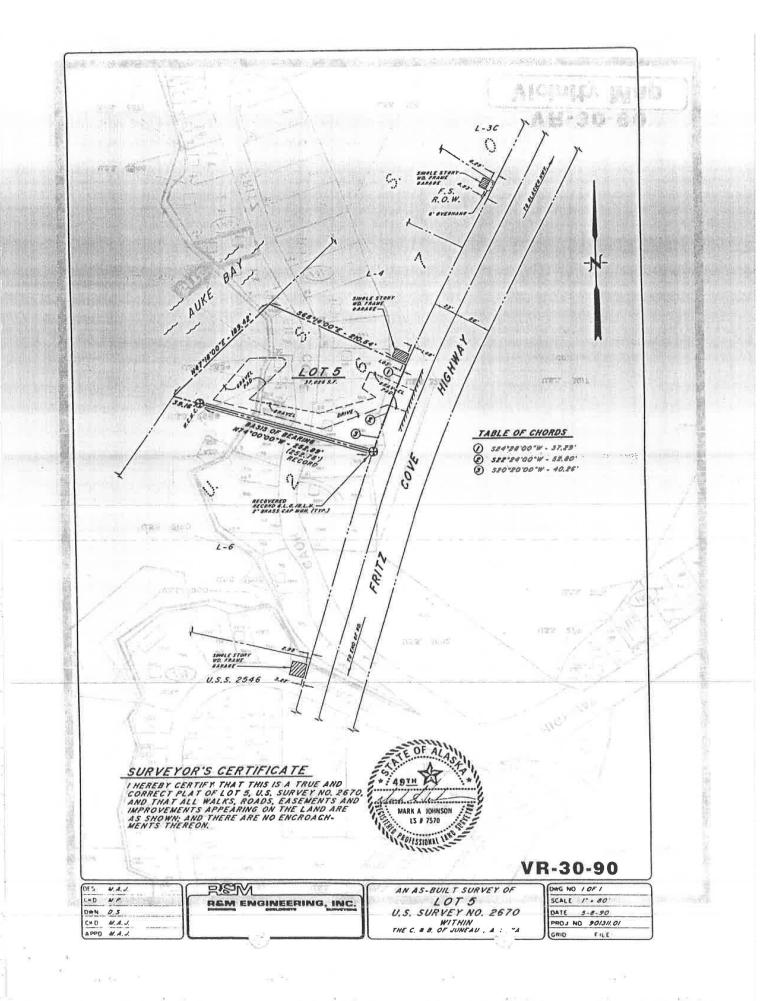
With the above justification, my application form and the submitted drawing reflecting neighborhood garages and my land, I respectfully request that the City and Borough of Juneau Planning Commission grant this Variance Application.<sup>30GL</sup>

Sincerely,

Enic Lindegaard Property Owner



Attachment E- VR-30-90, denied



Attachment E- VR-30-90, denied

#### **Application for Variance**

## City and Borough of Juneau

Planning Department

GH OF JUNEAU
S CAPITAL CITY

1.	List the dimensional	standards	of the	Ordinance	from	which	you s	eek	
	to secure a variance 49.25.430 - Setback &	(setback, 49.25.430	height. (4) F11	<b>bulk, etc</b> 1 – Garance	:): size	(1.0.	720sf	75.	600sf)

 Describe the activity for which you seek a variance: Garage for future residence

3. Existing Zoning: D-1 (T) D-3

- 4. Use of Existing Building and premises:  $N/\Lambda$
- 5. Use of Proposed Building and premises: Garage for future residence
- 6. Dimensions of Property: Width: 160+ Depth: 250+ Square Feet: 37,026
- 7. Existing Utilities: WATER: On Site \_\_\_\_ Public \_\_\_ SEWER: On Site \_\_\_ Public \_\_\_
- 8. Size of Proposed Buidling: Width: \_\_24\_\_ Depth: \_\_30\_\_\_ Square Feet: \_720
- 9. Required Setback: Front: 25 Side: Rear:

Proposed	Setback:
Front:	12
Side:	
Rear .	

- 10. Indicate if there has been any previous variance involving these premises and provide date of filing, character of variance and disposition of the request: N/A
- 11. State what unique circumstance is peculiar to the land or building involved that distinguishes it from other properties in the area: Per regulation, the unique circumstance is a desire to design/build a garage that is 120 sf, (20%) more than allowed by 49.25.430. (see attached)
- 12. State how the difficulty would apply to the particular land or building regardless of owner: <u>To move the building back to a 25' setback</u> would require extensive fill and/or piles. The earth slope exceeds 25% setward. (where we attacked)
- (please see attached)
   13. Indicate what hardship would result if the ordinance requirements were complied with: <u>Garage would no Function with adequate width to allow</u> <u>mincuperability needed for the antique and present day vehicles that the</u>

(nee uttached) REQUIRED PLAN SUBMITTALS

All Applications for a Variance shall be accompanied by a \$100.00 application fee and the following plans and submittals:

A. City and Borough of Juneau General Application Form for Development Proposals (Form #1026P).

B. SITE PLAN One copy of a plan drawn (suitable for reproduction) to scale showing the site location, dimensions, and location of existing and proposed buildings. If the variance sought is for a setback, an AS BUILT SURVEY shall also be submitted. If the variance sought is for topographical reasons the topography shall be shown on the plan.

C. A copy of any covenants, easements, and/or deed restrictions affecting the site.

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE PLACED ON THE PLANNING Attachment E- VR-30-90, denied we der werden die der Benefisien von die Erste der Presidenten

Application for Variance (continued)

- 11. If we desired, a 30' 1. x 20' w. garage (that would not serve my needs) a variance at a 5' R/W P/L setback is not required. Since d must use a 30' L x 24' w. garage at a setback of 12' from the R/W P/L, a variance is required.
- 12. The 12' setback far exceeds the 5' permissible without jeopardizing safety (fire, setback, or roadway line-of-sight).
- 13. garage will hold. The added 4' garage width does not compromise safety issues.

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### Attachment E- VR-30-90, denied

#### APPEALS, VARIANCES AND INTERPRETATIO!

49.20.220 SCHEDULING AND FEE. The director she schedule the application for public hearing after determining th application is complete. If the application is filed in conjunctio with a major development permit, a separate public notice an fee shall not be required. For separate variance applications a fe and public notice according to Section 49.20.230 shall be required. (Serial No. 87-49 § 2 (part), 1987).

49.20.230 PUBLIC NOTICE. Public notice according to Article I of Chapter 49.05 shall be given prior to a hearing on the application by the board of adjustments, except that the placement of a sign on the subject lot is not required. (Serial No. 87-49 §2 (part), 1987).

49.20.240 BOARD OF ADJUSTMENT ACTION. The board of adjustment shall hear all variance requests and shall either approve, conditionally approve, modify or deny the request based on the criteria in Section 49.20.250 of this chapter. (Serial No. 87-49 § 2 (part), 1987). PIRC DIDSE

2 OF YELSDAY

49.20.250 GROUNDS FOR VARIANCES. (a) Where hardship and practical difficulties resulting 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 this title, the 1(381) board of adjustment may grant a variance in harmony with the general purpose and intent of this title. A variance may vary any requirement or regulation of this title concerning dimensional and other design standards, but not those concerning the use of land or structures or those establishing construction standards. A variance may be granted after the prescribed hearing and after it is shown that all the following conditions have been met.

(b) In considering all variances the board of adjustment must determine:

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stap title will be observed and the public safety and wellare Thet relies can be granted in such a fashion that the intent No of the consistent with justice to other prevents, owners,

ubstantial still rolling owner of the property involved and Whether a least relaxation that that spoked for would (1) Whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners:

(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 preserved;

(3) That the authorization of the variance will not injure nearby property;

(4) That the variance does not authorize uses not allowed in the district involved;

(5) That compliance with the existing standards would unreasonably prevent the owner from using the property for a permissible principal use and would be unnecessarily burdensome because it would impose peculiar and practical difficulties to, or exceptional and undue hardship upon the developer of such property;

(6) That a grant of the variance would result in more benefits than detriments to the neighborhood; and

(7) That the variance would not violate housing density, gross nonresidential floor area, or building and lot coverage standards. (Serial No. 87-49 § 2 (part), 1987).

49.20.260 CONDITIONS OF APPROVAL. The board may attach to a variance conditions regarding the location, character and other features of the proposed structures or uses as it finds necessary to carry out the intent of this title and to protect the public interest. (Serial No. 87-49 § 2 (part), 1987).

49.20.270 EXPIRATION AND EXTENSIONS OF APPROVAL. Expiration and extensions of variances shall be governed by the procedures and standards established for development permits in Article II of Chapter 49.15. (Serial No. 87-49 § 2 (part), 1987).

479

(Juncau 5-88)

#### ZONING DISTRICTS

have a rear yard setback on either of the lot lines opposite street frontage.

(4) Projections Into Required Yards.

(A) Architectural features, including roof eaves. may project into a required yard not more than four inches for each foot of yard setback required.

(B) Open unenclosed stairways or fire escapes may project a distance not exceeding forty-eight inches.

(C) An uncovered porch, terrace, or patio extending no more than two and one-half feet above the finished elevation may extend within three feet of a side lot line or within ten feet of a front or rear lot line.

(D) Unenclosed first story porches or decks, regardless of roof, may project no more than six feet into no more than one yard; provided, however, such projection may not be closer than five feet to a lot line.

(E) Sloping Lots. If the natural gradient of a sloping lot, from front to rear, exceeds twenty-five percent, the front yard setback shall not be less than the established yard of a dwelling which occupies an adjoining lot. In no instance shall the setback be less than five feet.

(F) Shoreline Properties. In any district, yard setbacks are not required from tidewater lot lines.

(G) Carports and Garages. A minimum setback of five feet shall apply to carport and garages in any residential zoning district if:

(i) The topography, shape or size of the lot make construction a hardship;

(ii) Similar problems exist in the neighborhood;

(iii) The carport or garage is limited to one story with a maximum height of fifteen feet and a maximum area of six hundred square feet;

(iv) Sight distance has been approved by the director; and

(v) Lot coverage is not exceeded.

491

(Juneau 5-88)

The motion carried, 6-1.

#### VR-30-90

2. An application for a variance to reduce the minimum required front setback from 25 feet to 12 feet on Lot 5, U.S. Survey 2670, located at 3050 Fritz Cove Road, to allow construction of a 720 square foot garage.

#### Applicant: Eric Lindegaard

<u>Staff Report:</u> Mr. Korosei reviewed the staff report included in the packet. Staff recommends denial. The applicant's situation fails to meet the following condition as set out in CBJ 49.20.250:

"That compliance with the existing standards would unreasonably prevent the owner from using the property for a permissible principal use and would be unnecessarily burdensome because it would impose peculiar and practical difficulties to, or exceptional and undue hardship upon the developer of such property."

#### Public Participation:

Eric Lindeqaard, 3055 Fritz Cove Road, stated he was originally told he could build a 720 sq. ft. garage on the property. The proposed garage is 12 feet back from the right-of-way, and according to an as-built survey, two other garages on Fritz Cove Road come within one to two feet of the right-of-way. Mr. Lindegaard clarified there is only a pad on the property and no construction has taken place.

#### Commission Action:

MOTION - by Eaddy to grant approval of VR-30-90.

Mr. Eaddy spoke against the motion because of staff's recommendation and the fact that the need seems to be temporary. Mr. Halterman concurred with Mr. Eaddy, particularly noting the potential temporary use of property.

Mr. Korosei responded to Mr. Bolton saying only the lot coverage limits the size of structures, providing setbacks are met. Mr. Bolton commented the requirement seems stringent. Mr. Eaddy noted the 600 sq. ft. size for a garage is not likely an arbitrary number.

September 11, 1990

Attachment E- VR-30-90, denied

Chairman Weyhrauch clarified by saying that in the past, the Commission was getting a lot of requests for garage variances. An exception to the setback requirement was created, and staff applied a new standard to garages. Setbacks need not be met under this new standard; however, the size was limited to 600 sq. ft. Mr. Korosei stated the front setback exception only applies to garage and carport requests, not boat storage sheds or other accessory buildings.

Roll Call:

Ayes: Bolton, Dybdahl

Nays: Anderson, Eaddy, Halterman, Lawson, Weyhrauch

The motion failed, 2-5.

VII.

#### PLANNING DIRECTOR'S REPORT

Mr. Walsh provided a copy of the proposed notice of decision for the Mendenhall Mall parking lot. He questioned if the decision correctly reflected the Commission's deliberations. Mr. Halterman stated it does.

Mr. Walsh stated the Mendenhall Mall has filed an application for allowable use to construct the intervening structure between the mall as it exists now and the federal annex. Responding to Mr. Dybdahl, Mr. Walsh said a reference to Mr. Robinson's letter did not seem essential because the decision is responsive to that letter and contains the Commission's directions for what is currently wrong with the Mendenhall Mall parking lot. Mr. Walsh stated he believed the intent of the combined motion was to be responsive to Mr. Robinson's letter and still provide time to correct the problems.

Chairman Weyhrauch stated if a question arises, the actual motion that was made will prevail over Mr. Walsh's letter of decision.

Mr. Walsh noted continuation of the Wetlands Committee of the Whole on September 13 and 14, at noon.

VIII.

REPORT OF REGULAR OR SPECIAL COMMITTEES

None/.



## Attachment E- VR-30-90, denied



## Your special attention is called to the following:

ALASKA'S CAPITAL CITY

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any provisions of said ordinances.

The granting of this permit does not authorize the violation of any federal, state, or local law regulating construction nor the violation of the terms of any deed or covenant or any zoning or other regulations.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within 180 days or if work or construction is suspended or abandoned for a period of 180 days at any time after work is commenced.

Inspection can be arranged by telephoning 586-1703 or by written notification. Work shall not proceed until the inspector has approved the various stages of construction.

JOB ADDRESS 3050 FRITZ (	COVE RD	UIE -			RECEIPT# 6240	DATE	9715/90	PROJECT#
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OWNER L ERIC LINDE	AARD				TRACT #	LOT#	APN 4-B2	3-0-102-006-0
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PROJECT PERMIT

\* Flan Review Prepayment Credit <\$\$\$\$\$\$90.00>

Estimated Construction Valuations

Permit Type	Rate Sg Feet	Valuation
1 thru 4 Family Res.	65.91	13899.60

#### PROJECT CONDITIONS/HOLDS

Conditional	Zone: D1(T)D3, Parking 2, Setback Front 5, Rear 25, L 13, R 13
Conditional	Sup Sup
Conditional	Left & right 13, per 49.25.430(4)(1)
Conditional	Permit for detached garage
Conditional	Plans to replace hurned residence due by spring '91
Conditional	GFI's per NEC
Conditional	Have AK-engineer stamped truss details at site.

8/9/9		PERMIT APPLICATIO		ite issued :
5073.01	<b>CITY and BOROU</b>	JGH of JUNEAU	the second being the second	Permit No.
ct Address / Building Name	to Pau AD		City / Zip	
Jubdivision / USS (If known)	11552	670	Block / Tract (If known)	Lot (If known)
Assessor's Process Number (If know	MN) 4- R23-1)	-107-201-	Dwelling Units	Number of Buildings
Applicant's Name	7 1000 0	102-006	Contact Person	
Mailing Address	a meliopoer re	~	Home Phone No.	Work Phone No.
Property Owner		1. 13 acep 1999 25	Contact Person	799-7352
Mailing Address	a adageard		Home Phone No.	Work Phone No.
Contractor (If known)	1210142 acke	Brees 99921	Contact Person	7697352
Mailing Address	live Bernet		Phone No.	License No.
Architect (If known)			Contact Person	
Mailing Address	1		Phone No.	License No.
Engineer (If known)		the second second	Contact Person	License No.
Mailing Address			Phone No.	License No.
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BUILDING TYPE		imercial Other	HKAGE	
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LANDFILL : Has the land been pr DESCRIPTION OF WORK : (If Re	eviously filled ? L Yes L No modeling / Repair, include <u>contractu</u> :	Do Not Know	n is you plan to do the work you	rself.)
		tood =	amo	
		<u> </u>	New S	
	i water, wellands or an intertidal area examined this application and know			
will be complied with whether specifi	ed herein or not. The granting of a p uction or the performance of constru	ermit does not presume to give a	uthority to violate or cancel the p	provisions of any other state,
Signature of Owner, Contract	or or Authorized Agent :		Date	):
X	chquard			819190
BUILDINGS	(OFFICE USE ONLY BEL		BUILDING PERMIT FEES	. QA OU
Occupancy Class FCC Code	(B-2, R-3, etc) Type of Construction (101, 434, etc) Permit Classification	N(V-1 HR, etc) N(SF, BU, etc)	Est. Plan Review Check No 270	8
	are Feet @ Rate	= Valuation	Check Nos <u>2 / ()</u>	Receipt No. <u>     C</u>
7	20 23.40/6	,84-8-00-	Building Permit Fee	\$ 195.
5	94 23.40 13	899.60	Actual Plan Review	\$ 10,50
Number of Stories :	Number of Bedrooms :		Fast Track Fee Early Start Fee	\$ \$
LAND USE	ENGINEERING / PUBLIC WORKS		Double Fee	s
ZONE DITD3	CITY WATER :	Initials Date	A STATE OF THE STA	Fee \$
FLOOD PLAN:	Service - Size Fire Line - Size	Architectural <u>38.23</u>	-40	
Elevation <u>N/A</u>	Metered Yes No	Electrical	Water Assessment	\$
SETBACKS STREAM 25	Yoke Rec'd □Yes □No	Mech / Plumb     Mech / Plumb     Fire	Water Inspection Fee	57 <b>\$</b> * * *
** Left 15 Right 15	CITY SEWER :	Zoning PDP 9/14	Sewer Assessment	\$
LAND USE PERMITS:	DRIVEWAY BOND :	Engineering 693 Blei	Sewer Inspection Fee Grading/Drainage Permit	Heading Permi
Number Date	Number Date ADEC APPROVALS :	Disabled Access     Other	Driveway Permit Fee	\$
Number Date	On-site Water	APPROVED FOR ISSUANCE	Bond Total Engineering Fe	+
# 5' PER 49.25.430	Number Date	C. Wilk-		
(4) (6) Kok 13' per 49,25,930	On-site Sewer	Signature 9-14-70	Permit Issuance Fees Re Check No. 272	S 220
(4)(1)	Number Date	Date	Check No. 218	S Receipt No. 2392
CONDITIONS AND HOLDS ON		for detach	ed garage	5' 201
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Attachment F- BLD 5373.01, for detached garage.

5373.01

## INSPECTION REPORT

## CITY AND BOROUGH OF JUNEAU BUILDING DEPARTMENT

4	TH FLOOR MARINE VIEW JUNEAU, ALASKA 99 586-5231		
TYPE OF INSPECTION FOOTING STEM WALLS SLAB UNDERSLAB (PLUMBING/ELECTRICAL)		DATE TIME FIREPLACE (MASC PERMANEN I FINAL I	
OWNER Buch	ett		
ADDRESS 305	o Fritz C	ne	
LEGAL DESC. 4-BC	3-0-102	-006-0	
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Garage	_		
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plan_at	- site (>	-12.5' from	+ settaack)
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OK	40 por 48" #4	to top	add
	get seams	wall (f	0
CALL FOR REINSPECTION BEFORE CONCEALMENT		INSPECTOR	85

□ CORRECTIONS OR ITEMS NOTED ABOVE WILL BE REINSPECTED AT TIME OF NEXT CONSECUTIVE INSPECTION.

TEO BY ALASBA LITHO, INC.

Attachment F- BLD 5373.01, for detached garage.



**PLANNING COMMISSION NOTICE OF DECISION** Date: January 20, 1993

File No.: VR-42-92

Eric and Pam Lindegaard 3050 Fritz Cove Road Juneau, Alaska 99801

Application For: Zoning Variance to exceed maximum lot coverage standard

Legal Description: Lot 5, U.S. Survey 2670

Parcel Code No.: 4-B23-0-102-006-0

Hearing Date: January 14, 1993

The Planning Commission at its January 14, 1993, regular public meeting, granted the requested variance to exceed the ten percent lot coverage standard and allow total lot coverage of approximately 5,092 square feet as proposed.

February 9, 1993

Effective Date:

Expiration Date:

July 14, 1994, unless a building permit has been issued in accordance with the plans for which the variance is authorized.

Project Planner:

Willin for Tom Korasei Tom Korosei

Tom Koros Planner

RECEIVED BY CITY CLERK

Patts m Delly

cc: Debra J. Purves bcc: John Leque

—155 South Seward Street, Juneau, Alaska 99801—

Attachment G- VR-42-92, for single-family structure to exceed lot coverage limits

Mr. Kibby asked which part of the garage was in the setback. Scott Williams stated it was the vertical wall, rather than just the roof overhang.

#### Public Participation:

<u>Steve Zeckser</u>, the applicant, explained that he had made a measurement mistake when laying out the foundation that was discovered during the survey. He said it would be difficult to move the garage wall now and asked for approval of his variance request.

**Board Action:** 

MOTION - by Anderson to approve VR-40-92.

SECOND - by Dybdahl.

There being no objection, the motion carried unanimously.

2. <u>VR-42-92</u>

REVIEW OF A REQUEST FOR A ZONING VARIANCE TO INCREASE THE ALLOWABLE LOT COVERAGE FROM APPROXIMATELY 3,718 SQUARE FEET TO APPROXIMATELY 5,090 SQUARE FEET TO ALLOW CONSTRUCTION OF A SINGLE-FAMILY DWELLING AT LOT 5, U.S. SURVEY 2670.

APPLICANT: ERIC & PAM LINDEGAARD

<u>Staff Report</u>: Attached. Mr. Korosei reviewed the staff report included in the packet. Staff recommended denial of the requested variance because the proposed development design could be modified to meet the D-1 zone lot coverage standards.

Mr. Kibby asked if the proposed large house would be suitable in the D-3 transition zone if the sewer system was extended. Mr. Korosei replied that standards are based on current D-1 zoning, but are not related to peculiarities of the lot. Mr. Walsh added that transition zoning is not automatic; when both major utilities are present, then a transition to a higher density is considered. However, there are no plans to extend a sewer line down Fritz Cove Road.

PLANNING AND ZONING COMMISSION

January 14, 1993 Page 10 Mr. Lawson asked if installation of a sewer line was the critical factor for the transition from D-1 to D-3 zoning. Mr. Walsh said, Yes, that city water had already been installed in the area.

Mr. Bolton remarked that under D-3 zoning, three dwellings would be permitted on the subject lot.

#### Public Participation:

<u>Bill Baxandall</u>, representing the Lindegaards, pointed out that public water is available and in use on the subject lot. He understood that D-1 zoning is based on Alaska Department of Environmental Conservation's requirement that for on-site water supply and waste water systems the lot be of a certain size to allow for separation distances between the water supply and waste water on the lot and those of adjoining lots. The Lindegaards have a DEC-approved waste water disposal system that has a marine outfall, therefore, there is no need for an on-site leach field or drain field. Most waterfront properties have a marine outfall system and are connected to city water, so using the D-1 zoning standards in this case is not appropriate. He also felt that basing the denial on the aesthetic character of a D-1 zone was not pertinent for a D-3 transition zone.

Mr. Bolton observed that the proposed house design would take up the whole lot, thus keeping the population density low. Mr. Baxandall agreed the intent was for one single-family residence with a reasonable living area on one floor to allow for handicap access.

Ms. Sheinberg asked if there was intent to rent the house as a facility for handicap persons. Mr. Baxandall said the house was designed with present and future health needs of the owners in mind.

Board Action:

MOTION - by Bolton to approve VR-42-92.

SECOND - by Lawson.

Mr. Bolton spoke in favor of the motion and recommended that staff amend their report to delete the reference that the Lindegaard's proposed house would compromise the visual and aesthetic character of the neighborhood. On the contrary, the site utilization was of a rural, low-density nature in keeping with D-1 zoning. The proposed

PLANNING AND ZONING COMMISSION

January 14, 1993 Page 11 house would be in substantial compliance with D-1 and D-3 density standards.

Mr. Lawson expressed support for the motion because denial of the variance would create an undue hardship on the applicants by denying them a roomy house design with handicap accessibility.

Mr. Korosei clarified that under D-3 zoning three families would not be allowed to occupy the lot.

Roll Call:

Ayes:Bolton, Dybdahl, Eaddy, Hagevig, Kibby, Lawson,<br/>Williams, Anderson, Sheinberg<br/>Nays:Nays:None

The motion carried unanimously, 9-0.

3. <u>VR-43-92</u>

REVIEW OF A REQUEST FOR A VARIANCE TO REDUCE THE FRONT YARD SETBACK FROM TWENTY FEET TO EIGHTEEN FEET SIX INCHES TO ALLOW A "GARDEN TYPE" BAY WINDOW. BLOCK A, LOT 7B, MOUNTAINSIDE ESTATES.

APPLICANT: MOUNTAINSIDE HOMES/W. HEUMANN

<u>Staff Report</u>: Attached. Scott Williams reviewed the staff report included in the packet. He noted that only one side of the zero-lot line structure was not in compliance; the other side bay window was in compliance because of the lot curvature. Staff determined that granting a variance was the most expeditious option, however, since the window could be modified or removed, or a street vacation could be effected, approval of the variance request was not recommended.

Mr. Kibby asked if the roof overhang was past the window. Scott Williams said he believed it was.

Ms. Sheinberg asked how the window violation came to staff's attention. Mr. Walsh said the building was incomplete, but the building inspector noted the violation.

PLANNING AND ZONING COMMISSION

January 14, 1993 Page 12

## MEMORANDUM

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

DATE: February 3, 1993

TO: John Leque, Assistant City/Borough Attorney

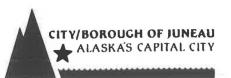
FROM: Tom Korosei, Planner I Community Development

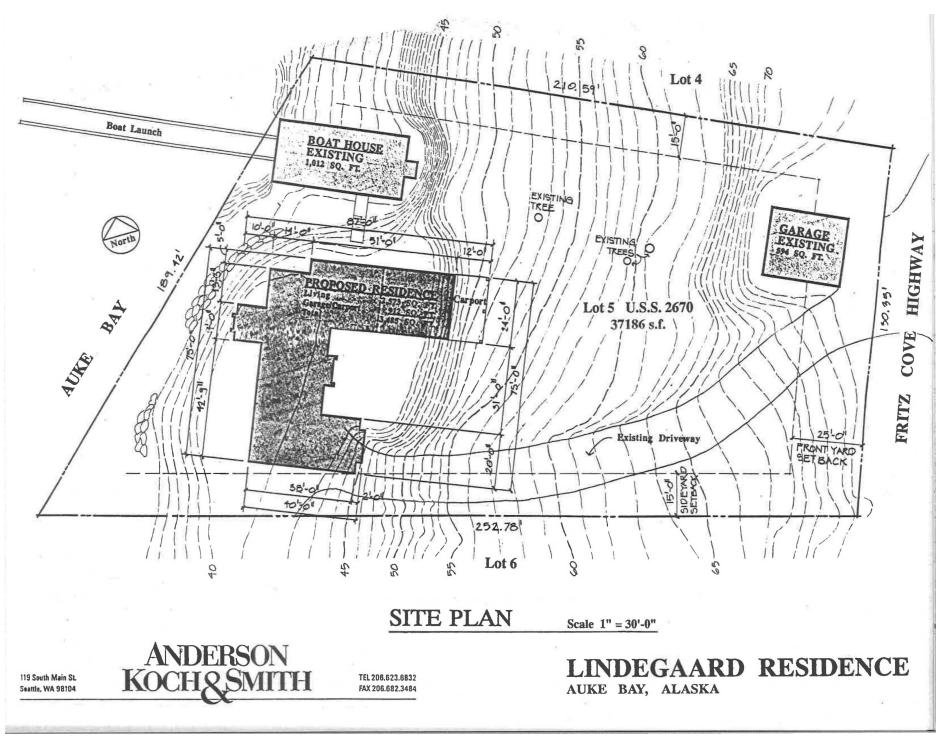
SUBJECT: Variance

**FILE NO.:** VR-42-92

Attached for your information is a copy of the notice of the Planning Commission's decision to grant a variance to the lot coverage standard contrary to CBJ 49.20.250(b)(7). We discussed this application briefly before the commission's meeting.

I would still appreciate clarification of the special nature of paragraph (b)(7) under which, as I understand, our department has in the past "discouraged" variance applications.





Attachment G- VR-42-92, for single-family structure to exceed lot coverage limits

## MEMORANDUM

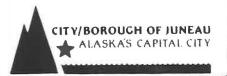
## CITY/BOROUGH OF JUNEAU 155 South Seward Street, Juneau, Alaska 99801

- DATE: January 8, 1993
- TO: Planning Commission
- FROM: Tom Korosei, Planner Community Development
- FILE NO.: VR-42-92

**PROPOSAL:** Request for a variance to exceed the allowable lot coverage of 10 percent for a proposed house.

#### GENERAL INFORMATION

Applicant:	Eric and Pam Lindegaard
Property Owner:	Eric L. Lindegaard
Property Address:	3050 Fritz Cove Road
Legal Description:	Lot 5, U.S. Survey 2670
Parcel Code No.:	4-B23-0-102-006-0
Site Size:	37,026 square feet
Zoning:	D-1, Single-family Residential
Utilities:	CBJ Water; private septic
Access:	Fritz Cove Road
Existing Land Use:	Garage and boat house
Surrounding Land Use:	North - Single Family South - Single Family Residence East - Fritz Cove Road West - (Auke Bay)



Attachment G- VR-42-92, for single-family structure to exceed lot coverage limits

Planning Commission File No. VR-42-92 Page 2

#### PROJECT DESCRIPTION

The applicant is proposing to construct a single-family dwelling totalling 3485 square feet in area, including garage/carport. With an existing 594-square-foot garage and an existing 1012square-foot boathouse, the total lot coverage would be approximately 5092 square feet.

An attached letter from the applicant further describes the proposal and reasoning for the requested variance.

#### BACKGROUND

The City and Borough of Juneau land use code provides that in D-1 residential zoning districts, the maximum lot coverage for standard-sized lots is 10 percent of the lot area. The code further provides an exception for substandard-sized lots, allowing proportionally greater lot coverage so that dwellings of reasonable size would not be infeasible because of small lot size.

In the subject case, the lot is somewhat larger than the minimum for this district. Under the code a structure or structures covering 3700 square feet on this lot would be permitted. (Structures of greater floor area would be permitted, but would be designed with multiple floors.)

The area of this property is zoned for transition to higher density (D-3); however, there are no plans for extension of the sewer system as would be necessary for the transition to occur.

#### ANALYSIS

The request for this variance seems to follow from the particular needs and wishes of the current owners. Other owners, we believe, would not have difficulty in developing the lot in compliance with the lot coverage and other dimensional standards.

Although the arguments offered by the applicant may have some merit, they do not apply to peculiarities of this property so as to distinguish this from many other properties in the area. It may be appropriate to review and amend relevant parts of the code to provide a different standard for this type of situation.

As the applicant notes, the lot coverage standard may have a relationship to water supply, waste water disposal, and drainage.

densities effect in/ morine outfall

Planning Commission File No. VR-42-92 Page 3

In addition, the lot coverage standard is a significant factor, along with other dimensional standards, in establishing and preserving the visual and aesthetic character of a neighborhood. Greater lot coverage often means greater intensity of development, which in turn would tend to be inconsistent with areas zoned for a rural or low-density development.

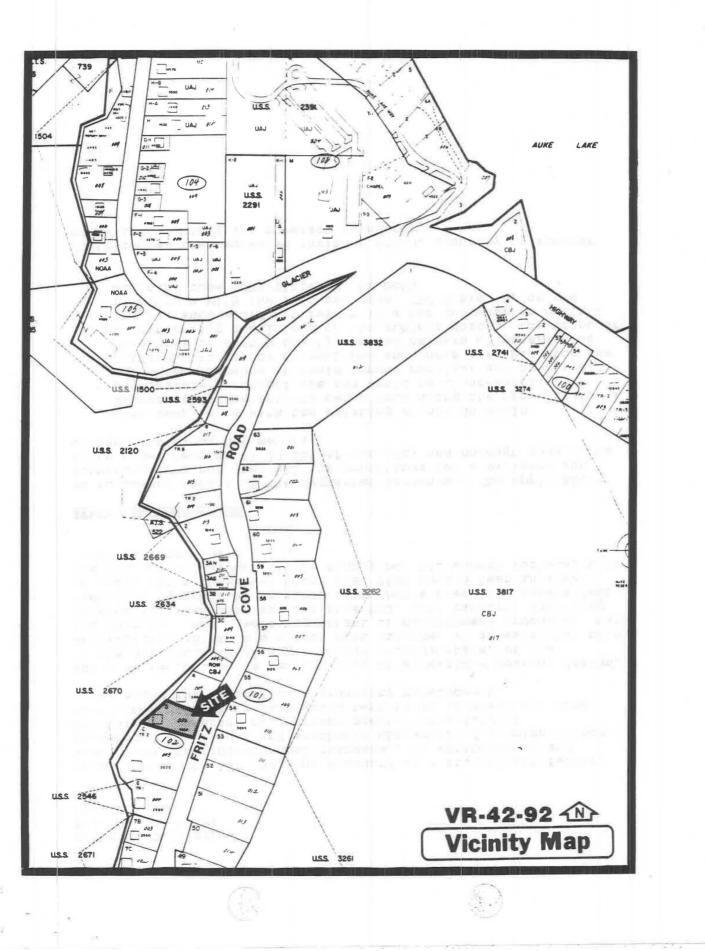
While we recognize the desirability of accessible housing design, or the desirability of ample garage storage space, or the desirability of ample enclosed boat storage, it appears that this lot does not lend itself the extent of development proposed: two garages (one detached and one attached, with carport) totalling over 1500 square feet in area; a boathouse over 1000 square feet in area; and a one-level house over 2500 square feet in area. The lot is not unusual, it is simply not big enough for what this owner is proposing.

#### STAFF RECOMMENDATION

We recommend denial of the requested variance. The applicant's situation does not meet all the conditions for a variance set forth under section 49.20.250 of the city and borough code. One of the conditions not met is

that compliance with the existing standards would unreasonably prevent the owner from using the property for a permissible principal use and would be unnecessarily burdensome because it would impose peculiar and practical difficulties to, or exceptional and undue hardship upon the developer of such property; unless 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.

Furthermore, the requested variance would, contrary to another condition, violate lot coverage standards.



Attachment G- VR-42-92, for single-family structure to exceed lot coverage limits



#### APPLICATION FOR VARIANCE

City and Borough of Juneau Community Development Department 155 South Seward St., Juneau, AK 99801 (907) 586-5235

Date:	(12/2	1/97	)	
File N	0.: V	12 -	42 -	47
	Date			10
Fee:	\$100	.00		
Receit	t No.			

I. APPLICANT INFORMATION

24

Name: Eric & Pam Lindagaard	A CONTRACTOR OF A CONTRACTOR OFTA CONTRACTOR O
Address: 3055 Fritz Cove Highway	and a second second second
Mailing Address: P.O. Box 210248	Auke Bay, Alaska 99821
Daytime Telephone: 789-7352	Alternate Telephone: 789-7527
Signature AV Jakamaal	Date: 12/21/92
, Agent	

II. LANDOWNER INFORMATION (AND CONSENT)

Eric & Pam Lindegaard I (we), (print) Eric S Pam Lindegaard , am (are) the owner(s) of the property subject to this application and I (we) consent as fullows:

- This application for a land use or activity permit on my (our) property is made with my (our) complete understanding and a. permission.
- b. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my (our) property as needed for purposes of this application.

LANDOWNER SIGNATURE (S)	12/21/92 DATE
3055 Fritz Cove Road	P.O. Box 210248
ADDRESS	MAILING ADDRESS
Auke Bay, Alaska 99821	789-5727
CITY/STATE/ZIP CODE	TELEPHONE

MOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact landowner(s) 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.

PROPOSAL INFORMATION III.

1.	Lot (s)	ot 5	15.1	Block/Tract		-
	Subdivisio	n	A 4 18	U.S. Survey	U.S.S.	2670
	Parcel Cod	e Number	4-823-0-102-006			

- 2. List the dimensional or design standard of the municipal code (CBJ Title 49) from which you seek a variance (setback, height, bulk, etc.): 49.25.410 (c) Lot Coverage
- Describe the activity for which you seek the variance: Construction of new residence w?garage & corport that results in lot coverage in excess of the allowable for D-1. ExistingZoning: D-1(T)D-3 3. 4.
- 5. Use of existing building and premises: Residential
- 6.
- Use of proposed building and premises: Residential
- Dimensions of Property: Width: 130.4/189. Pepth: 210.5/252.8 Area (square feet): 37186 7.
- Existing Utilities: X SEWER: On Site X Public \_\_\_\_\_\_\_ 8.

Size of proposed Building: Width: 75' 0.8. Depth: 87' 0.8. Area (square feet) 3485 9.

10.	Pequire	d Setback	or	
	other o Front:	imensional 25	standar Side:	:d: 15
	Rear:	0	Other:	
			Ispecif	Ev)

State what unique circumstances is peculiar to the land or building 12. involved that distinguishes it from other properties in the area: No different than any of the adjoining properties including

several that exceed the lot coverage requirement.

 State how the difficulty would apply to the particular land or building regardless of owner: Preclude building a home of the size and style suitable for a building site such as this

-ons. Indicate what hardship would result if the ordinance requirements were complied with: The home is to be built to hadicab accessible

standards. To do so without the planned scuare footage would result in a residence of minimal proportions. Attach additional sheet(s) if necessary

REQUIRED PLAN SUBMITTALS

All applications for a variance shall be accompanied by a \$100.00 application fee\* and the following plans and submittals:

- SITE PLAN. One copy of a plan drawn (suitable for reproduction) to scale showing the site location, dimensions, and location of existing and proposed buildings. If the variance sought is for a setback, an AS-BUILT SURVEY shall also be submitted. If the variance sought is for topographical reasons, the topography shall be shown on the plan.
- B. A copy of the covenants, easements, and/or deed restrictions affecting the site.

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE PLACED ON THE PLANNING COMMISSION AGENDA AND MAY BE RETURNED TO THE APPLICANT FOR COMPLETION.

\* Fee not required if application is filed in conjunction with application for a major development permit, for which appropriate fee has been paid. If applicable, provide file number of major development permit application.

\* PLEASE NOTE: As provided by CBJ code, a variance may be granted after it is shown that all the following conditions have been met (CBJ 49.20.250):

- (1) Whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other owners;
- (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 preserved;
  (3) That the authorization of the variance will not injure nearby property;
  (4) That the variance does not authorize uses not allowed in the district involved:
- (5) That compliance with the existing standards would unreasonably prevent the owner from using the property for a permissible principal use and would be unnecessarily burdensome because it would impose peculiar and practical difficulties to, or exceptional and undue hardship upon the developer of such property; unless 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;
- (6) That a grant of the variance would result in more benefits than detriments to the neighborhood; and
- (7) That the variance would not violate housing density, gross nonresidential floor area, or building and lot coverage standards. 2 1991; Serial No. 87-49 S 2 (part) 1987). (Serial No. 91-03 S

Attachment G- VR-42-92, for single-family structure to exceed lot coverage limits

#### LINDEGAARD RESIDENCE Lot 5 U.S.S. 2670 AUKE BAY, ALASKA

The enclosed documents cover the request of Eric & Pam Lindegaard for a variance to construct a new, single family residence on Lot 5 of U.S.S. 2670 at 3050 Fritz Cove Highway. The present lot zoning is D-1 with a tentative zoning of D-3. The tentative zoning is based primarily on public water and sewer being present.

The proposed single family residence will have a ground footprint of 2573 s.f. and the attached garage/carport 912 s.f., thus giving an overall total of 3485 s.f. for the building. Existing buildings on the lot include a detached garage/workshop of 594 s.f. and a boat house of 1012 s.f. The combined lot coverage will be 5092 s.f., or 13.7%. Under D-1 zoning, the lot coverage is limited to 10%, while the D-3 coverage is limited to 35%.

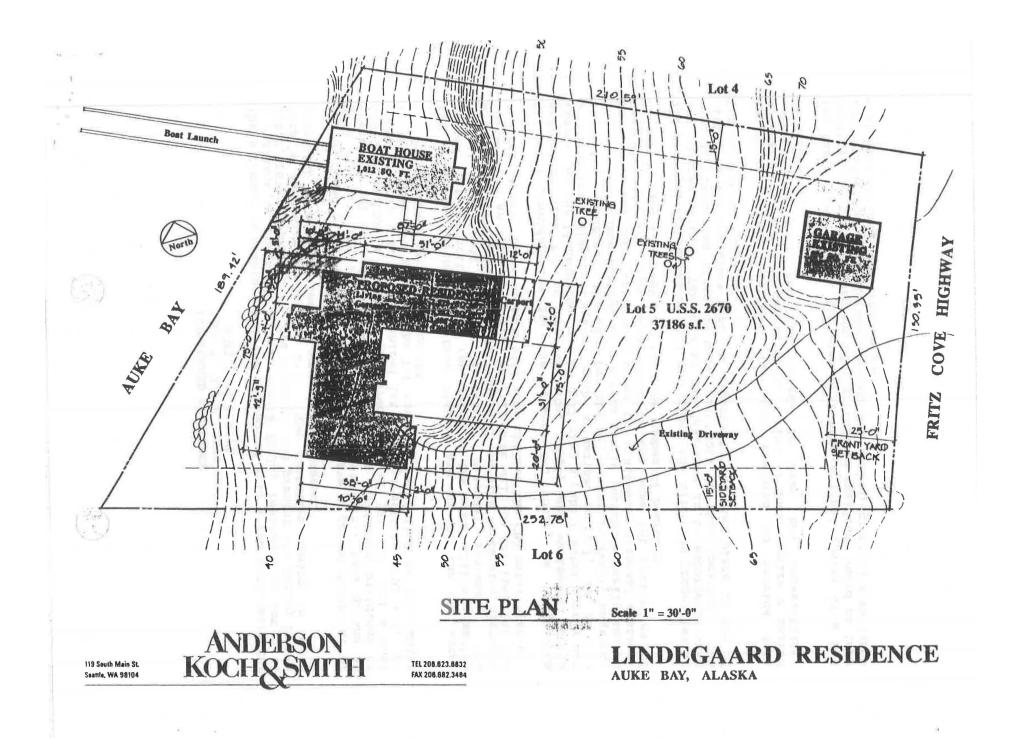
All residences along Fritz Cove Highway are now on the CBJ water system. The majority of the residences in the area utilize a marine outfall for their on-site wastewater disposal systems. The Lindegaards have installed a DEC approved, on-site wastewater disposal system with an approved marine outfall that will be utilized for the new residence. The residence will also utilize the CBJ water system.

The main consideration for the present D-1 zoning is to provide sufficient area for an on-site water supply and wastewater drain field. As the Lindegaards will be utilizing a public water supply and a wastewater disposal system with a marine outfall, as do the adjoining residences, the need for the D-1 zoning is really negated. The overall square footage of a single family residence really has no bearing on the need for on-site water and wastewater disposal systems. Basically the lot area needs would be the same for residences of different square footage with the same number of bedrooms.

The proposed new residence will not impact the adjoining properties in any adverse manner. The size of the residence is in accordance with similar residences sited on waterfront lots in this location. The siting of the residence poses no impacts to the view plane of any of the adjoining residences.

Incidentally, the residence is being designed to provide full accessibility for handicap persons. Doing so does require a marked increase in room and hall sizes to meet the accessibility requirements.

The basic fact is that the area will have a final zoning of a D-3 density. As the lot coverage of the proposed residence would be less than one-half of that allowable within D-3 zoning, granting a variance will have no long term consequence.

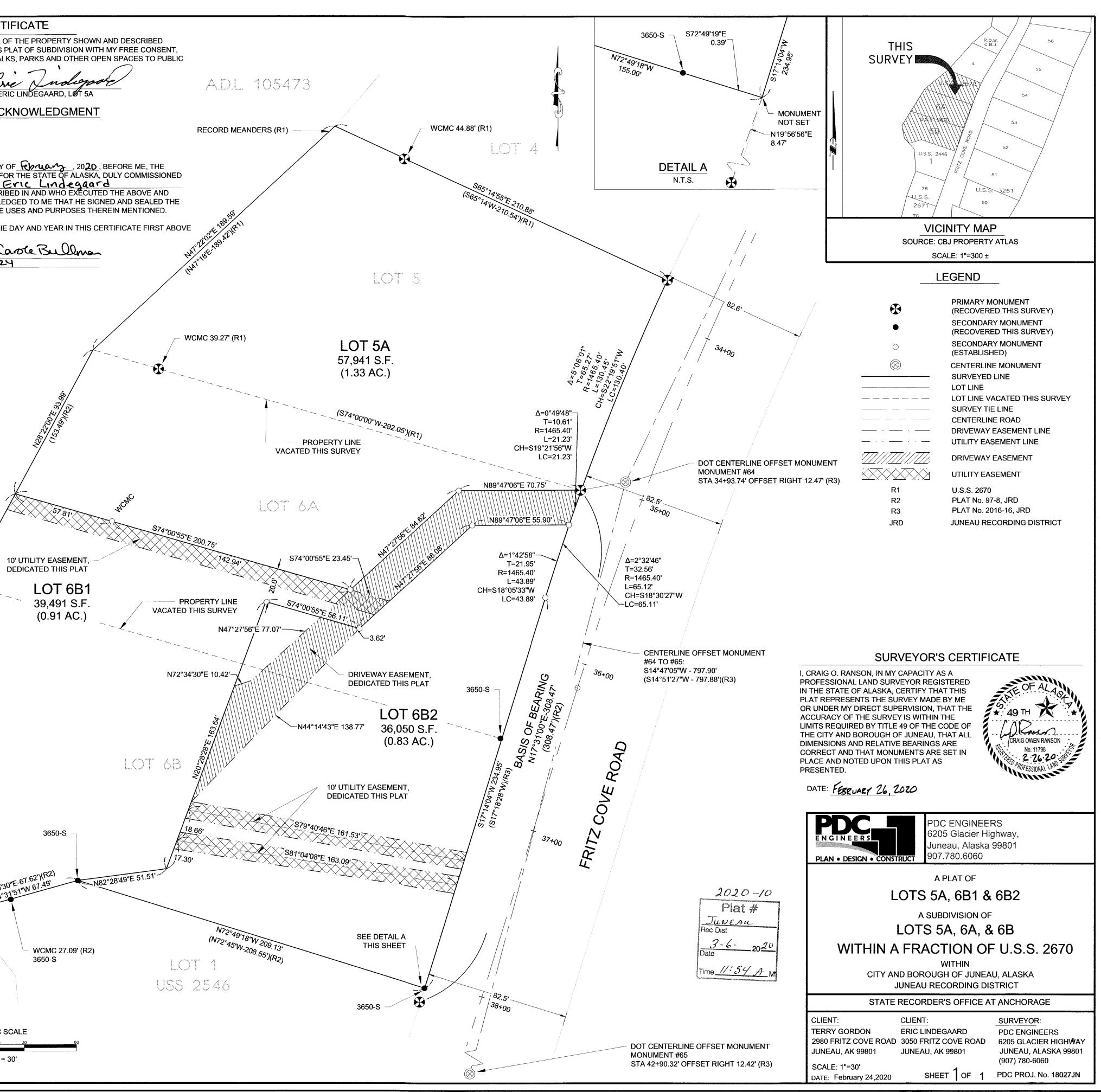


. 18 Attachment G- VR-42-92, for single-family structure to exceed lot coverage limits

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-	GENERAL NOTES	OWNERSHIP
1.	THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF N17°31'00"E AS CALCULATED FROM PLAT NO. 97-8, JRD, DATED JANUARY 20, 1997, BETWEEN THE RECOVERED BLM MONUMENT LOCATED SOUTH OF THE SOUTHERN BOUNDARY LINE OF LOT 6B, AND THE RECOVERED BLM	I HEREBY CERTIFY THAT I AM THE OWNER OF HEREON AND THAT I HEREBY ADOPT THIS PI AND DEDICATE ALL STREETS, ALLEYS, WALK OR PRIVATE USE AS NOTED.
2.	MONUMENT WHICH MARKS THE NORTHEASTERLY CORNER OF LOT 6A, AS SHOWN ON THIS PLAT. WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES, THE RECORD BEARING AND/OR	2/25, 2020 ERIC
_	DISTANCE IS SHOWN WITHIN PARENTHESIS WHILE THE ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSE IS SHOWN WITHOUT PARENTHESIS. (R#)	NOTARY ACK
6.  .	THE BASIS OF COORDINATES IS ASSUMED IN A LOCAL COORDINATE SYSTEM. ALL DISTANCES AND DIMENSIONS ARE IN U.S. SURVEY FEET AND REDUCED TO THEIR HORIZONTAL VALUES.	)SS. STATE OF ALASKA )
j.	THIS SURVEY WAS PERFORMED UTILIZING ON-THE-GROUND CONVENTIONAL TRIMBLE S-7 ROBOTICS TOTAL STATION WITH STANDARD LASER DISTANCE MEASURING TECHNIQUES AND TRIMBLE R8-2 GNSS RTK.	THIS IS TO CERTIFY THAT ON THE <b>25</b> DAY O UNDERSIGNED A NOTARY PUBLIC IN AND FOF AND SWORN, PERSONALLY APPEARED <u>C</u> TO ME KNOWN TO BE THE PERSON DESCRIBE FOREGOING INSTRUMENT, AND ACKNOWLED
6. 7.	FIELD CLOSURE FOR CONVENTIONAL HORIZONTAL TRAVERSE DOES NOT EXCEED 1:10,000. THE FIELD SURVEY WAS PERFORMED ON FEBRUARY 14 & 16, 2018. PRIOR FIELD SURVEYING WAS PERFORMED ON JUNE 29 & 30, 2016.	WITNESS MY HAND AND OFFICIAL SEAL THE I
3.	RECORD INFORMATION UTILIZED FOR THIS SURVEY WAS DERIVED FROM THE OFFICIAL PLATS AND DOCUMENTS OF RECORD:	NOTARY PUBLIC FOR STATE OF ALASKA
	a. U.S.S. 2670, DATED APRIL 8, 1946 (R1) b. PLAT No. 97-8, J.R.D., DATED JANUARY 20, 1997 (R2) c. PLAT No. 2016-16, J.R.D., DATED MAY 3, 2016 (R3)	STATE OF ALASKA OFFICIAL SEAL Carole Bullman
).	THE PURPOSE OF THIS SUBDIVISION IS TO VACATE THE LOT LINES BETWEEN ORIGINAL LOTS 5, 6A AND 6B AND RESUBDIVIDE INTO LOTS 5A, 6B1, AND 6B2.	NOTARY PUBLIC My Commission Expires 02/18/2024
0.	UTILITY EASEMENTS, SHOWN HEREON, ARE CENTERED ON THE CORRESPONDING UTILITY. THE LOCATIONS ARE BASED ON OBSERVABLE APPURTENANCES AND/OR HEARSAY EVIDENCE. NO UTILITY RETRACEMENT WAS PERFORMED.	
	DOMESTIC WATER PROVIDED BY THE CITY AND BOROUGH OF JUNEAU, ON SITE WASTEWATER DISPOSAL PER APPROVAL OF ADEC.	
2.	LOTS 6B1 AND 6B2 ARE A PANHANDLE SUBDIVISION. AT THE TIME OF PLAT RECORDING, FURTHER SUBDIVISION OF LOTS 6B1 AND 6B2 IS SUBJECT TO CBJ 49.15.423 'PANHANDLE LOTS'. SEE THE CITY AND BOROUGH OF JUNEAU LAND USE CODE FOR CURRENT REGULATIONS.	
13.	PARTS OF THIS SUBDIVISION ARE LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE EFFECTIVE CITY AND BOROUGH OF JUNEAU FLOOD INSURANCE RATE MAPS (FIRM) COMMUNITY PANEL #32110C1219D, DATED AUGUST 19, 2013. SPECIAL DEVELOPMENT STANDARDS MAY APPLY ACCORDING TO CBJ TITLE 49, LAND USE CODE.	
14.	ACCESS SUBJECT TO CBJ 49.15.423 'PANHANDLE LOTS'. ACCESS TO LOTS 6B1 AND 6B2 SHALL BE RESTRICTED TO A SINGLE DRIVEWAY APRON IN THE RIGHT OF WAY UNLESS A SECOND DRIVEWAY TO LOT 6B2 IS APPROVED BY ALASKA DOT&PF. USE OF THE ACCESS EASEMENT DELINEATED ON THIS PLAT IS SUBJECT TO THE REQUIREMENTS SET FORTH IN THE COMMON DRIVEWAY ACCESS, JOINT USE AND HOLD HARMLESS AGREEMENT RECORDED WITH THIS SUBDIVISION.	RECORD MEANDERS (R1)
,	OWNERSHIP CERTIFICATE	10 D
ł	HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT.	
	February 25, 2020 Terry GORDON, LOT 6A AND 6B	100 100 100 100 100 100 100 100
	February 25, 2020, Stephanie Gordon, LOT 6A AND 6B	AN C
	NOTARY ACKNOWLEDGMENT	
	UNITED STATES OF AMERICA ) )SS.	
- - - - - - -	UNITED STATES OF AMERICA ) SS. STATE OF ALASKA ) THIS IS TO CERTIFY THAT ON THE 25DAY OF February, 20 20, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO A COMPARED THE STATE OF ALASKA, DULY COMMISSIONED TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE	N 61.32
-   //   F   S	UNITED STATES OF AMERICA ) SS. STATE OF ALASKA ) THIS IS TO CERTIFY THAT ON THE <b>S</b> DAY OF <b>FEDRE</b> , 20 <b>20</b> , BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED <b>1 2 C 3 C 4 C 4 C 5 1 2 0 1 C C C 1 C C C C C C C C C C</b>	16°53'00"W 61.32'
- 	UNITED STATES OF AMERICA ) SS. STATE OF ALASKA ) THIS IS TO CERTIFY THAT ON THE <b>25</b> DAY OF <u>Februan</u> , 20 <u>20</u> , BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED <u>(erg) Gordon + Stephanit Gordon</u> TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.	Ĩ
5 - U / / - F F 5 - V / M M	UNITED STATES OF AMERICA ) STATE OF ALASKA ) THIS IS TO CERTIFY THAT ON THE 25DAY OF <u>February</u> , 20 20, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED <u>Terry Gordon is Stephanic Gordon</u> TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN. NOTARY PUBLIC FOR STATE OF ALASKA MY COMMISSION EXPIRE 2/18/2024 VIENCICAL SEAL Carole Bulliman NOTARY PUBLIC	Ĩ
	UNITED STATES OF AMERICA ) )SS. STATE OF ALASKA ) THIS IS TO CERTIFY THAT ON THE <u>S</u> DAY OF <u>Ebala</u> , 20 <u>20</u> , BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED <u>Leask</u> <u>Statemanic</u> <u>Gordon</u> TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN. NOTARY PUBLIC FOR STATE OF ALASKA MY COMMISSION EXPIRE <u>211812024</u> MMUNITY DEVELOPMENT DEPARTMENT PLAT APPROVAL HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.	Ĩ
	UNITED STATES OF AMERICA ) SS. STATE OF ALASKA ) THIS IS TO CERTIFY THAT ON THE <b>D</b> DAY OF <b>FEDRUGY</b> , 20 <b>20</b> , BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED <b>Tarry Gordon</b> , <b>1 Stephanit Gordon</b> TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN. NOTARY PUBLIC FOR STATE OF ALASKA MY COMMISSION EXPIRE 2118 1 2024 <b>MMUNITY DEVELOPMENT DEPARTMENT PLAT APPROVAL</b> HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY MITH TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA. <b>J</b> 2/27/2020 DATE JUL MACLEAN DIRECTOR CITY AND BOROUGH OF JUNEAU JEL MACLEAN DIRECTOR DITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT	Ĩ
	UNITED STATES OF AMERICA ) SS. STATE OF ALASKA ) THIS IS TO CERTIFY THAT ON THE <u>SD</u> DAY OF <u>FDORGON</u> , 20 <u>20</u> BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED <u>(2000)</u> , 20 <u>20</u> BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED <u>(2000)</u> , <u>STATE OF ALASKA</u> FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN. NOTARY PUBLIC FOR STATE OF ALASKA <u>COOCL</u> <u>BUDMAN</u> MY COMMISSION EXPIRE <u>211812021</u> MMUNITY DEVELOPMENT DEPARTMENT PLAT APPROVAL HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA. JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA. JUN	024
	UNITED STATES OF AMERICA )SS. STATE OF ALASKA THIS IS TO CERTIFY THAT ON THE <u>D</u> DAY OF <u>FDORUM</u> , 20 <u>20</u> , BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED <u>1xrr</u> <u>6xdon</u> , <u>5xtonant</u> <u>6ordon</u> TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN. NOTARY PUBLIC FOR STATE OF ALASKA WY COMMISSION EXPIRE <u>211812029</u> <b>STATE OF ALASKA</b> OFFICIAL SEAL MY COMMISSION EXPIRE <u>211812029</u> <b>STATE OF ALASKA</b> OFFICIAL SEAL MY COMMISSION EXPIRE <u>211812029</u> <b>STATE OF ALASKA</b> OFFICIAL SEAL Carole Bullman NOTARY PUBLIC MY COMMISSION EXPIRE <u>211812029</u> <b>STATE OF ALASKA</b> OFFICIAL SEAL Carole Bullman NOTARY PUBLIC MY COMMISSION EXPIRE <u>211812029</u> <b>STATE OF ALASKA</b> OFFICIAL SEAL OFFICIAL SEAL Carole Bullman NOTARY PUBLIC MY COMMISSION EXPIRE <u>211812029</u> <b>STATE OF ALASKA</b> OFFICIAL SEAL OFFICIAL SEAL Carole Bullman NOTARY PUBLIC MY COMMISSION EXPIRE <u>211812029</u> <b>STATE OF ALASKA</b> OFFICIAL SEAL Carole Bullman NOTARY PUBLIC MY COMMISSION EXPIRE <u>211812029</u> <b>STATE OF ALASKA</b> OFFICIAL SEAL OFFICIAL SEAL	ÎZ I



Attachment H- Plat 2010-10.

JUNEAU RECording District PL 2020-10

## COMMON ACCESS, MAINTENANCE AND HOLD HARMLESS AGREEMENT FOR LOTS 5A, 6B1, & 6B2, U.S. SURVEY 2670 JUNEAU, ALASKA

We, Terry Gordon, Stephanie, Gordon, whose address is 2980 Fritz Cove Road, Juneau, Alaska, 99801, and Eric Lindegaard, whose address is 3050 Fritz Cove Road, Juneau, Alaska, 99801; warrant that We are the owners by the entirety of:

Lots 5A, 6B1, & 6B2, U.S. Survey 2670, within the City and Borough of Juneau, Juneau Recording District, First Judicial District, State of Alaska;

## (hereafter "Lots 5A, 6B1, & 6B2")

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the above referenced Parties do hereby adopt and prescribe the following covenants and restrictions which should be and are hereby impressed upon and henceforth will run with the land, to wit:

As the owner of *Lots 6B1, & 6B2*, we assume jointly and severally, all risk and responsibility for future dismantling, maintenance, snow plowing and repairs of any kind to said common use driveway that extends from the edge of pavement within the *Fritz Cove Right-of-Way* to the connection for the referenced lots. The shared access has been established in compliance with the City & Borough of Juneau Code of Ordinances, Title 49.35.260 through 49.35.263, and is to benefit all three lots.

As the owner of *Lots 6B1*, & *6B2*, we assume jointly and severally, all risk and responsibility for future dismantling, maintenance, and repairs of any kind to the hereby established utility easements that extend from the utility line along Fritz Cove Road though *Lot 6B2*, and providing services to *Lots 6B1*, & *6B2* for water, electric, telephone, cable, and/or other such services that lie within this easement. The owner(s) of *Lot 6B2* assumes no responsibility for the use and maintenance of utilities within the easements, unless service(s) to *Lot 6B1* is/are interrupted by any activities that may occur on *Lot 6B2*.

As the owner of *Lots 6B1, & 6B2*, the owner of *Lot 6B2* shall assume all risk and responsibility for future dismantling, maintenance, and repairs of any kind to the established marine outfall sewer utility easement that extends from southeasterly line common to *Lots 6B1 and 6B2*, and along the line common to *Lot 5A*, westerly and outward to the bounds of this subdivision. This easement is subject to restrictions and regulations that may be imposed by the Alaska Department of Environmental Conservation for certificates to construct and to operate a marine outfall sewer system. The owners of *Lots 6B1, & 5A* are indemnified from any risk or responsibility for this easement, while precluded from any action that may impede the lawful construction and use of said easement.

Juneau Recording District R 2020-10

## COMMON ACCESS, MAINTENANCE AND HOLD HARMLESS AGREEMENT FOR LOTS 5A, 6B1, & 6B2, U.S. SURVEY 2670 JUNEAU, ALASKA

In the event it shall be necessary for any owner to place this Agreement in the hands of an attorney for the enforcement of any of such owner's rights hereunder or for the recovery of any monies due to such owner hereunder, and if it is necessary to bring suit for the enforcement of such rights or such recovery, the prevailing in such suit shall recover from the losing all costs of court and reasonable attorney's fees, as determined by the court, in addition to any other relief or recovery awarded by the Court.

Enforcement of these covenants shall be by proceeding at law or in equity against any person or persons violating or attempting to violate the same seeking either to restrain violation or to recover damages or both.

Invalidation of any one of these covenants by judgement or court order shall in no wise effect any of the other provisions which remain in full force and effect.

We also agree, severally, to indemnify, defend and hold harmless the City and Borough of Juneau, its officers, agents, and employees, from all suits, claims, actions, losses, costs, penalties, and damages, including attorney's fees arising out of the existence, location and/or use of said common driveway access easement and utility easements, within the *Fritz Cove Road Right-of-Way* and other properties.

It is understood that the City and Borough of Juneau is not responsible in any manner whatsoever for the common use driveway, or any utilities that lie within the bounds of the subdivision.

It is understood that *NO* repair or replacement that requires excavation within the public right-ofway, shall be done without first obtaining the appropriate permits from the City and Borough of Juneau and other agencies.

This agreement shall run with the land, and be binding on all present and future owners, their heirs and assigns of said *Lots 5A, 6B1, & 6B2, U.S. Survey 2670*.

JUNEAN Recording District PL2020-10

## COMMON ACCESS, MAINTENANCE AND HOLD HARMLESS AGREEMENT FOR LOTS 5A, 6B1, & 6B2, U.S. SURVEY 2670 JUNEAU, ALASKA

IN WITNESS WHEREOF, the Common hereto has executed this agreement as of the \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2020

By: Tong L. John	Dated:	February 15	, 2020
Terry L. Gordon			

By: Stephinic Dordon	Dated: February 25, 2020
Stepharie Gordon	$\mathcal{O}^{-}$

#### ACKNOWLEDGEMENT

UNITED STATES OF AMERICA	)
	) ss:
STATE OF ALASKA	)

THIS IS TO CERTIFY that on the **25** day of **6**, 2020, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared; Terry and Stephanie Gordon, to me known to be the individuals described in and who executed the foregoing instrument as owner and acknowledged to me that she signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate above written.

role Bar Notary Public for the State of Alaska

My Commission Expires: 218/2024 STATE OF ALASKA OFFICIAL SEAL Carole Bullman NOTARY PUBLIC My Commission Expires 02/18/2024

JUNEAU RECording District R2020-10

## COMMON ACCESS, MAINTENANCE AND HOLD HARMLESS AGREEMENT FOR LOTS 5A, 6B1, & 6B2, U.S. SURVEY 2670 JUNEAU, ALASKA

IN WITNESS WHEREOF, the Common hereto has executed this agreement as of the day of february 2020

By: Pric Indegood Dated: 2/25\_,2020

#### ACKNOWLEDGEMENT

UNITED STATES OF AMERICA ) ) ss: STATE OF ALASKA )

THIS IS TO CERTIFY that on the 25 day of 2020, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared; Eric Lindegaard, to me known to be the individuals described in and who executed the foregoing instrument as owner and acknowledged to me that she signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate above written.

arte Bullman Notary Public for the State of Alaska My Commission Expires: 2118 2024 STATE OF ALASKA OFFICIAL SEAL Carole Bullman **NOTARY PUBLIC** My Commission Expires 02/18/2024

P:\2018\18027JN-Gordon\_USS2670\L\Hold Harmless Agreement\L5A\_6B1\_6B2-Hold Harmless-Common Access Agreement 20y02m14d.doc

Page 4 of 4

Attachment H- Plat 2010-10.

JUNEAU Recording District PL 2020-10



Treasury Division 155 S. Seward Street Juneau, AK 99801 (907) 586-0377 Phone (907) 586-5367 Fax

## CERTIFICATION OF TAXES AND ASSESSMENTS PAID

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Judicial District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described real property is carried on the tax records in the name of:

L Eric Lindegaard	
Current Owner	ang tang tang tang tang tang tang tang t
USS 2670 LT 5	
Legal Description	
4B2301020060	
Parcel Code Number	

and that, all Real Property taxes and assessments levied by the City and Borough of Juneau against said Real Property have been paid in full. If approval is sought between January 1 and the date of levy, there is on deposit with the Treasury Department an amount sufficient to pay Real Property tax for the current year based on current available information; however, owner remains responsible for the balance of any taxes owed when billing occurs on July 1, 2020.

February 26, 2020

Date

## This Certification of Payment of Taxes is valid through June 30, 2020

JuneAn Recording District PL 2020-10



Treasury Division 155 S. Seward Street Juneau, AK 99801 (907) 586-0377 Phone (907) 586-5367 Fax

## CERTIFICATION OF TAXES AND ASSESSMENTS PAID

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Judicial District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described real property is carried on the tax records in the name of:

Terry L G Gordon and Stephanie G Gordon

Current Owner

USS 2670 & USS 2546 LT 6A

Legal Description

4B2301020052

Parcel Code Number

and that, all Real Property taxes and assessments levied by the City and Borough of Juneau against said Real Property have been paid in full. If approval is sought between January 1 and the date of levy, there is on deposit with the Treasury Department an amount sufficient to pay Real Property tax for the current year based on current available information; however, owner remains responsible for the balance of any taxes owed when billing occurs on July 1, 2020.

Cheryl A. Crawford

February 26, 2020

Date

## This Certification of Payment of Taxes is valid through June 30, 2020

Juncou Recording District Pl 2020-10



Treasury Division 155 S. Seward Street Juneau, AK 99801 (907) 586-0377 Phone (907) 586-5367 Fax

## CERTIFICATION OF TAXES AND ASSESSMENTS PAID

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Judicial District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described real property is carried on the tax records in the name of:

Terry L G Gordon and Stephanie G Gordon	n
Current Owner	
USS 2670 & USS 2546 LT 6B	
Legal Description	
4B2301020051	
Parcel Code Number	

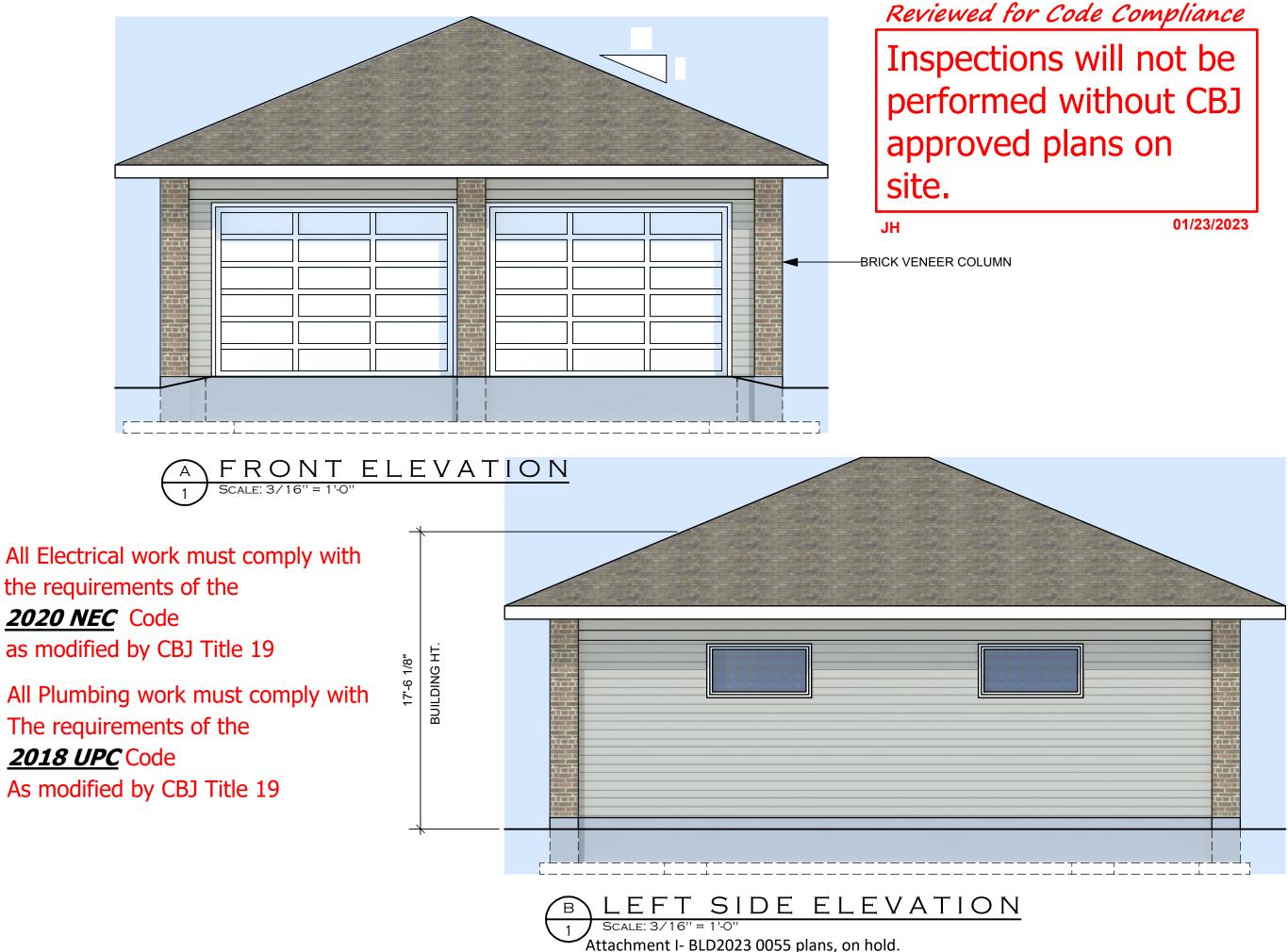
and that, all Real Property taxes and assessments levied by the City and Borough of Juneau against said Real Property have been paid in full. If approval is sought between January 1 and the date of levy, there is on deposit with the Treasury Department an amount sufficient to pay Real Property tax for the current year based on current available information; however, owner remains responsible for the balance of any taxes owed when billing occurs on July 1, 2020.

Chervi A) Crawford

February 26, 2020

Date

## This Certification of Payment of Taxes is valid through June 30, 2020





These plans and specifications are to be considered only a guide, and they do not purport to depict every component necessary for completion of the project. All construction shall conform to the 2012 International Residential Code and other codes & regulations adopted by the City & Borough of Juneau. All engineered components, systems, and other manufactured items and equipment shall be installed according to the manufacturer's specifications.

The designer's liability due to errors or omissions contained within these drawings shall be limited to the redrawing or redesigning of the plan to address the situation.

The designer grants the client a license to build only one structure from the plans, and the plans cannot be resold unless by express written authorization of Rick Thibodeau dba DesignWorks.

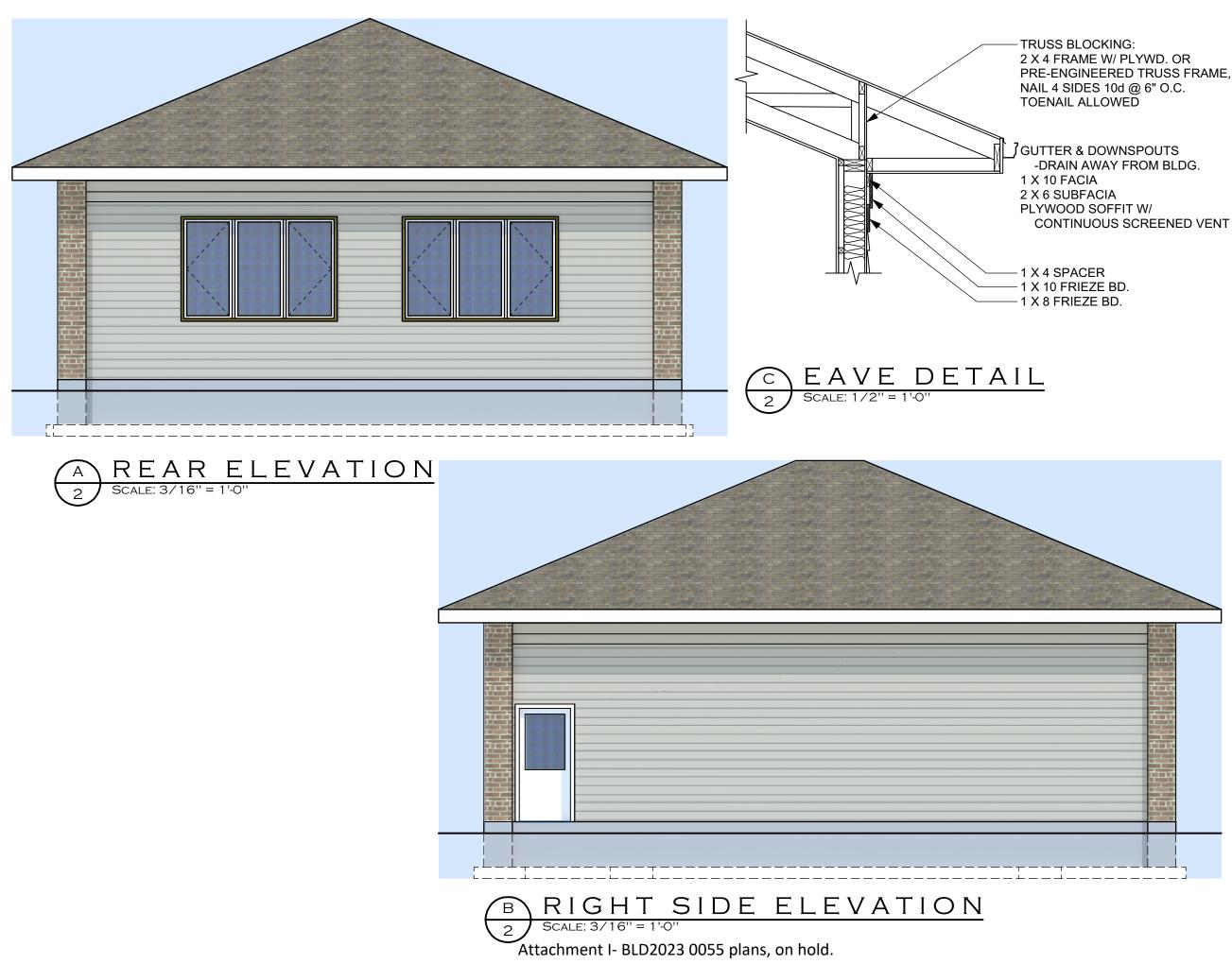
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## PROJECT: LINDEGAARD GARAGE

SHEET TITLE:

## **ELEVATIONS**





**DesignWorks** 

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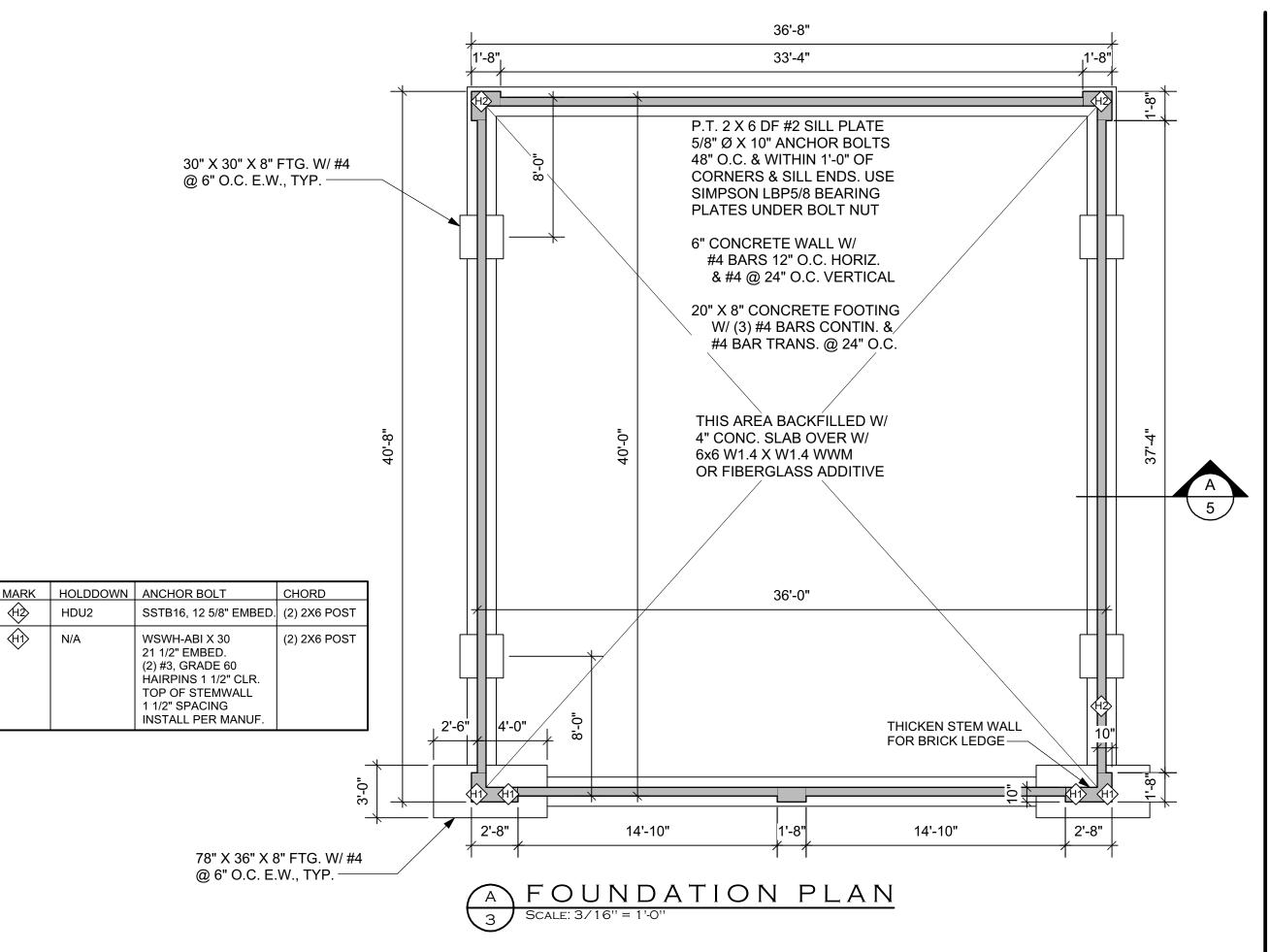
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## PROJECT: LINDEGAARD GARAGE

SHEET TITLE:

**ELEVATIONS** 





Attachment I- BLD2023 0055 plans, on hold.



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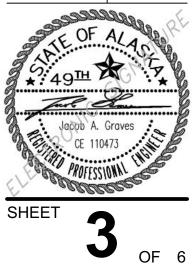
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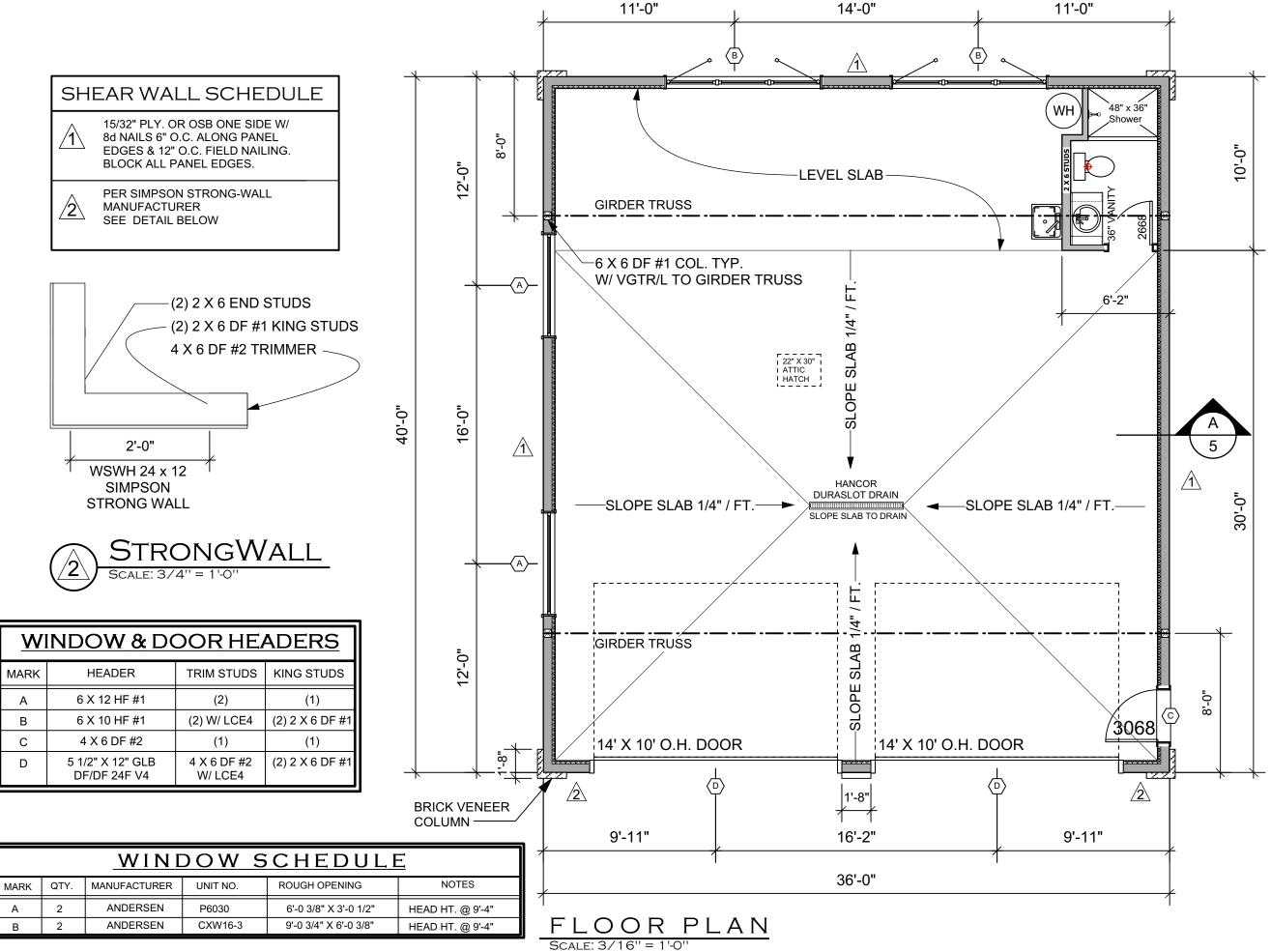
## PROJECT: LINDEGAARD GARAGE

## SHEET TITLE: FOUNDATION PLAN

DRAWN BY: Rick Thibodeau 1/13/2023 907.789.2897

DATE:





Attachment I- BLD2023 0055 plans, on hold.



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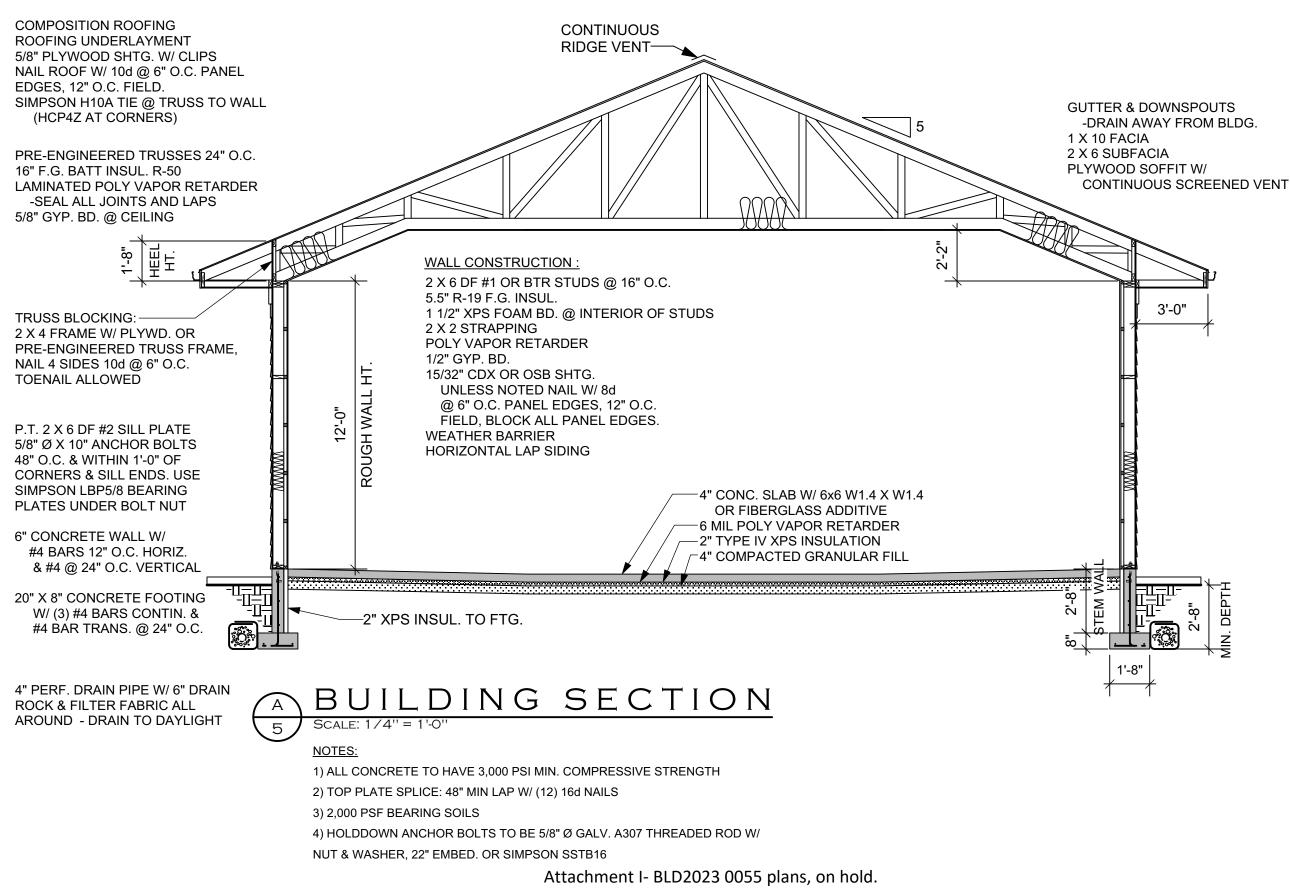
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## PROJECT: LINDEGAARD GARAGE

SHEET TITLE: FLOOR PLAN





# -DRAIN AWAY FROM BLDG.



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completion of the project. All construction shall conform to the 2012 International Residential Code and other codes & regulations adopted by the City & Borough of Juneau. All engineered components, systems, and other manufactured items and equipment shall be installed according to the manufacturer's specifications.

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## PROJECT: LINDEGAARD GARAGE SHEET TITLE: BUILDING **SECTION** DATE: DRAWN BY: Rick Thibodeau | 1/13/2023 907.789.2897 PROFESSIONAL CORRECCE. SHEET OF 6

## **Irene Gallion**

From:	Irene Gallion
Sent:	Thursday, June 22, 2023 4:47 PM
То:	Irene Gallion
Subject:	FW: VAR23-01: Variance for a garage
Attachments:	Agency Comments Form.pdf; 01 APP_VAR23-01.pdf

From: Irene Gallion
Sent: Thursday, June 22, 2023 4:46 PM
To: General Engineering <General\_Engineering@juneau.gov>; Charlie Ford <Charlie.Ford@juneau.gov>; Dan Jager
<Dan.Jager@juneau.gov>
Cc: Emily Suarez <Emily.Suarez@juneau.gov>
Subject: VAR23-01: Variance for a garage

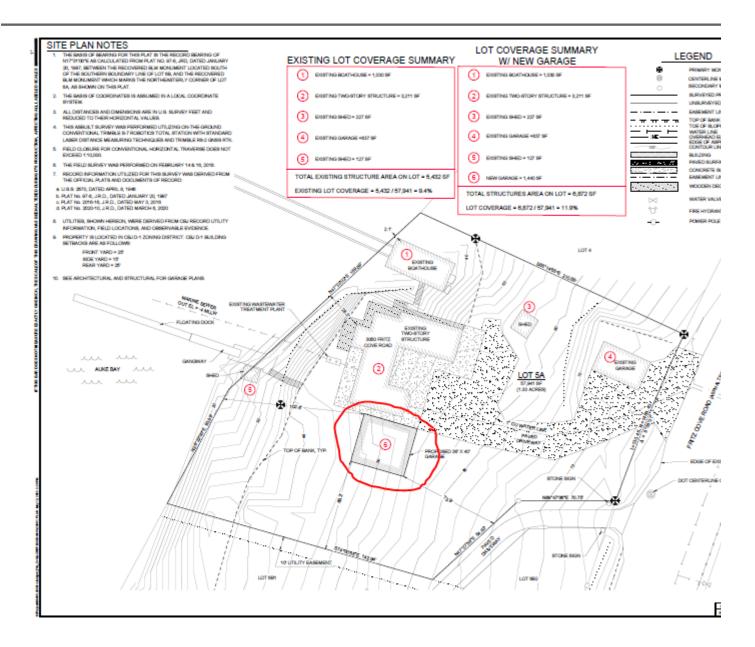
Hello all,

Attached is an application to vary lot coverage restrictions in order to provide an additional garage.

You can also find information at our web site: <u>https://juneau.org/community-development/short-term-projects</u>

If you have any concerns please let me and Emily know by July 7, 2023.

Thanks!

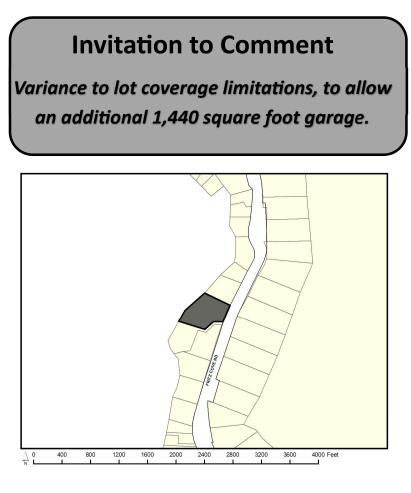


#### Irene Gallion | Senior Planner

Community Development Department | City & Borough of Juneau, AK Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building Office: 907.586.0753 x4130



Fostering excellence in development for this generation and the next. How are we doing? Provide feedback here: <u>https://juneau.org/community-development/how-</u> <u>are-we-doing</u>





COMMUNITY DEVELOPMENT 155 S. Seward Street Juneau, Alaska 99801

то:

An application has been submitted for consideration and public hearing by the Planning Commission for variance to lot coverage limitations, to allow an additional 1,440 square foot garage at 3050 Fritz Cove Road in a D1 zone.

PROJECT INFORMATION: Project Information can be for https://juneau.org/commun	ound at: nity-development/short-term-p	orojects	Staff Repor https://jun	COMMISSION DOCUMENTS: t expected to be posted July 31st, 2023 neau.org/community-development/plan og results, meeting minutes, and more he	nning-commission
Now through July 17	July 18 noon, August 4		HEARING DAT	TE & TIME: 7:00 pm, August 8, 2023	August 9
Comments received during this period will be sent to the Planner, <b>Irene Gallion</b> , to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	particip visiting Webina 1-253-2	hation. For rer https://junea nr ID: 859 381 215-8782 and	held in person and by remote note participation: join the Webinar by u.zoom.us/j/85938116675 and use the 1 6675 OR join by telephone, calling: enter the Webinar ID (above). Date in person in City Hall Assembly	The results of the hearing will be posted online.
FOR DETAILS OR QU	ESTIONS,	Chambe	ers, 155 S. Sev	ward Street, Juneau, Alaska.	
Phone: (907)586-0753 ext. 4130 Email: pc_comments@juneau.gov or Irene.Gallion@juneau.go Mail: Community Development, 155 S. Seward Street, Juneau 99801 Printed June 27, 2023			Case No.: VAR2023 0001 Parcel No.: 4B2301020061 CBJ Parcel Viewer: http://epv.ju	neau.org	





 From:
 mniz@gci.net

 Sent:
 Thursday, June 29, 2023 4:38 PM

 To:
 PC\_Comments

 Subject:
 Case # VAR2023 0001 Parcel # 4B2301020061

I totally support the variance to lot coverage limitations to allow an additional 1440 square foot garage at 3050 Fritz Cove Road.

The location of the proposed building is on the lower side of Fritz Cove Road and will not impose any view impacts of the bay.

The lot is large and the land owner should be able to build the structure he needs.

Mike Nizich 1860 Fritz Cove Road 321-5091

## **Irene Gallion**

From:Tanya Nizich <spicet\_11@hotmail.com>Sent:Monday, July 3, 2023 7:54 PMTo:Irene GallionSubject:Regarding 3050 Fritz Cove Road

Hello Irene,

My name is Tanya Nizich I live at 3055 Fritz Cove Road. I am writing on behalf of 3050 Fritz Cove. I live directly above this address on the hillside. I do not object in the additional build of a garage on the property of 3050 Fritz Cove Road.

Sincerely,

Tanya Nizich

Sent from my iPhone