



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION

Date: January 25, 2013

File No.: VAR2012 0031

Aniakchak, Inc
10518 Fox Farm Trail
Juneau, AK 99801

Application For: A variance to allow a subdivision along an un-built, City right-of-way not maintained by a government agency.

Legal Description: Parcel 1 Mendota Park

Property Address: 1901 Davis Ave

Parcel Code No.: 5-B12-0-127-000-0

Hearing Dates: January 25, 2013

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 3, 2013, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application, and with the following conditions:

Conditions

The following items must be recorded concurrently with the subdivision plat:

1. Record a maintenance agreement between Lots 1 & 2 outlining and specifying shared responsibilities and costs to maintain the driveway. This agreement must address damage from heavy construction traffic during the development of Lot 2.
2. Water line easement lease costs shall be shared via a maintenance agreement.
3. Sewer and water line maintenance agreement and water meter agreement.

Attachment: January 3, 2013, memorandum from Eric Feldt, Community Development, to the CBJ Board of Adjustment regarding VAR2012 0031.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any

action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, January 25, 2013

Expiration Date: The permit will expire 18 months after the effective date, or July 22, 2014, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Eric Feldt, Planner II, CFM
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk

1/29/2013
Date

cc: Plan Review


NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

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

DATE: January 3, 2013

TO: Board of Adjustment

FROM: Eric Feldt, Planner 
Community Development Department

FILE NO.: VAR2012 0031

PROPOSAL: A variance to allow a subdivision along an un-built, City right-of-way not maintained by a government agency.

GENERAL INFORMATION

Applicant: Aniakchak, Inc.

Property Owner: Aniakchak, Inc.

Property Address: 1901 Davis Ave

Legal Description: Parcel 1 Mendota Park

Parcel Code Number: 5-B12-0-127-000-0

Site Size: 5.04 acres (219,470 square feet)

Comprehensive Plan Future Land Use Designation: Medium Density Residential (MDR)

Zoning: D-10

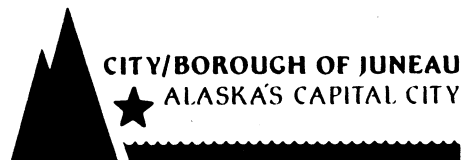
Utilities: Public Water & Sewer

Access: Davis Avenue

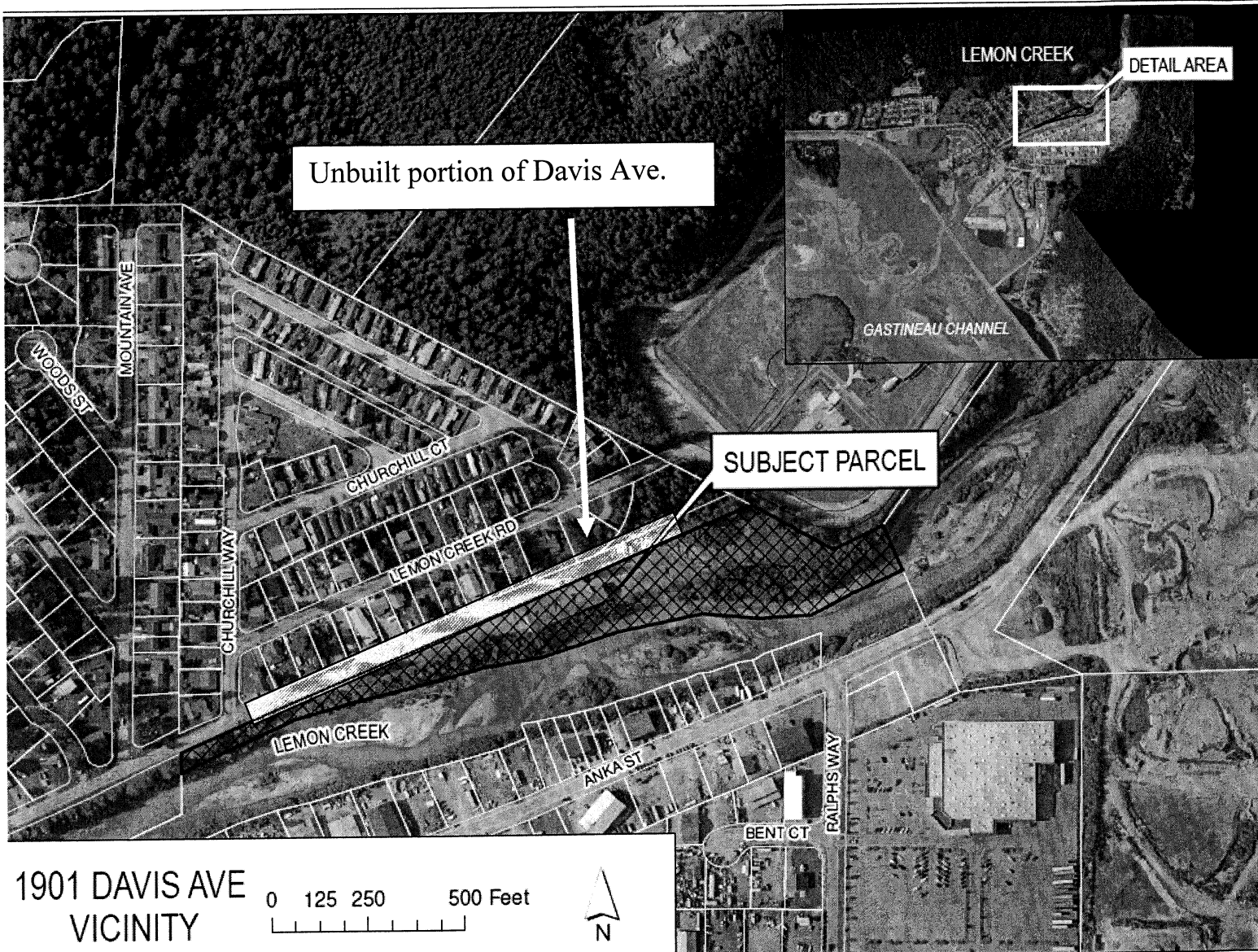
Existing Land Use: Condominium Complex

Surrounding Land Use:

North	- D-15; Multi-family; Lemon Creek Rd
South	- Industrial; Lemon Creek
East	- Industrial; Lemon Creek Correctional Facility
West	- RR; Lemon Creek



Vicinity Map



Attachment	A	Project Narrative
Attachment	B	Conceptual Subdivision Plan
Attachment	C	Street Map
Attachment	D	Site Conditions Plan

PROJECT DESCRIPTION

The owner of the Riveredge Park Condominium wants to subdivide the five-acre property into two parcels to facilitate financing of a future apartment complex on the future parcel. See Attachment A. This property is located at the end of Davis Avenue in Lemon Creek, near the Lemon Creek Correctional Facility, where it is accessible by a narrow driveway. See vicinity map. The subdivision would result in a three-acre parcel containing the two existing condominium buildings and a vacant, two acre parcel. See Attachment B. Each parcel would be accessible through the existing driveway within Davis Avenue right-of-way (ROW).

In order to subdivide the subject property an owner must improve the driveway to a full City street having curbs and gutters, sidewalks, and a turn around to be accepted for future City maintenance (Section CBJ 49.15.640(4)(A)(i)(c) of the Land Use Code), or have an approved variance waiving this improvement. The unbuilt portion of Davis Avenue ROW is shown in Attachment C. The subject variance has been filed to waive this regulation for the future subdivision.

If approved, the subject variance would allow the owner to subdivide the parcel into two parcels. If denied, the owner could not subdivide the land but could still build future housing; however, the owner would need higher financing. Due to yard setbacks, sloping topography, narrow shaped lot, and other development restrictions, the owner would have fewer challenges maximizing the overall density without subdividing the land.

BACKGROUND

The Riveredge Park Condominium complex is flanked by Lemon Creek to the east and multi- and single-family dwellings to the west along Lemon Street. Staff notes that Lemon Street is maintained by the City though it was not built to a full City street. Access to the condominium complex is from the end of Davis Avenue, where it turns into a narrow driveway.

The Riveredge Park consist of two condominium buildings, one with twelve units and the other with nine for a total of twenty one units. This complex was permitted in 2005 through Conditional Use permit # USE2005-0016. A few years earlier a rezone case was granted through Map Amendment #MAP2003-0003: From Rural Reserve to D-10, that allowed the applicant to file the Use permit for high residential densities. The rezone request was initially for D-15 but due to neighborhood concerns it was approved to D-10 instead. To gain access to the site, two Driveways in the ROW cases were approved (USE2003-00048 & USE2005-00017) which allowed a new, + 1,100-foot long driveway to be built within Davis Avenue ROW. The driveway is shown in Attachment D. The owner was not required to construct the ROW to a full City street at that time. The owner's overall

plan of the site was to maximize the development potential of the site with fifty units, as allowed on five acres in the D-10 district. This continues to be the owner's goal.

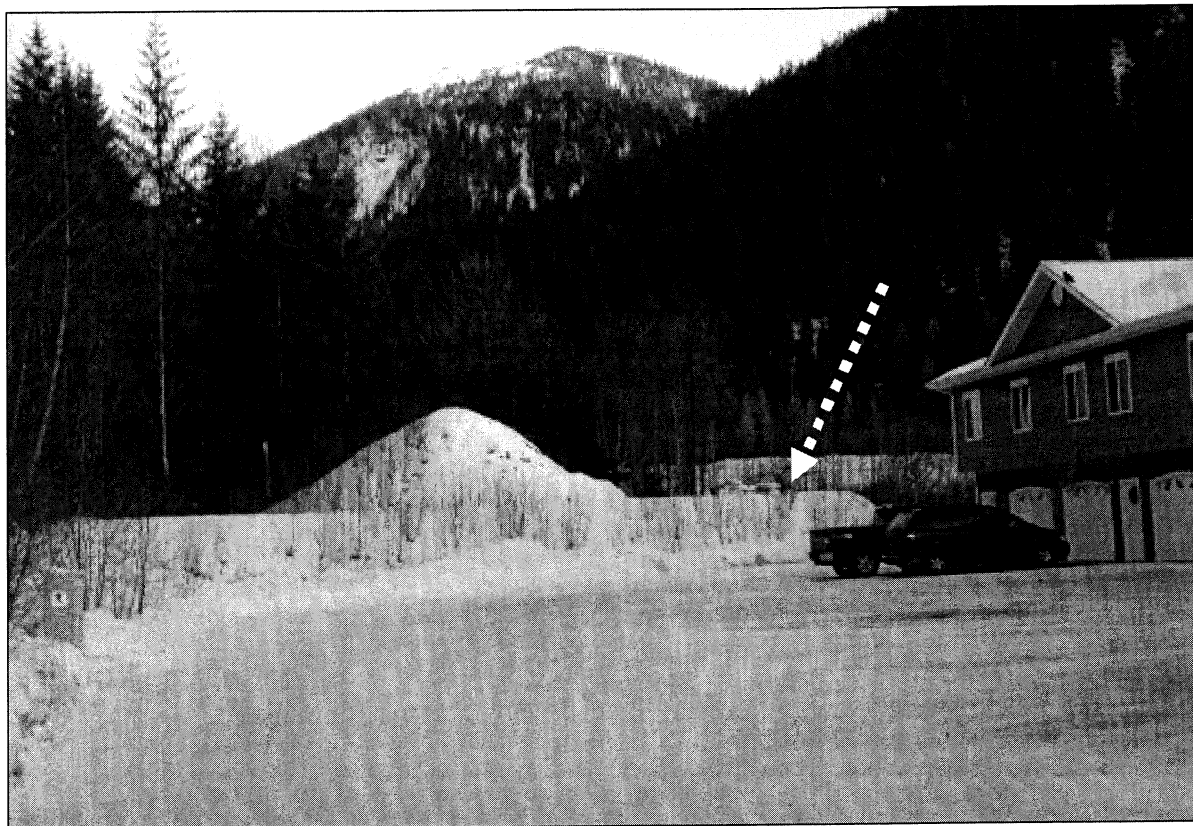


Figure 1: A future apartment building would be location (see arrow) beyond the condominium building shown in the picture. Photograph taken by staff on 12-26-12

Much of the site is undevelopable or challenging to develop because 1) a portion of the land is preserved as a public park, as required with the rezone case; 2) parts of the parcel are too narrow; and 3) most of the land is encumbered by yard setbacks and the Lemon Creek streamside yard setback.

Attachment B shows the conceptual subdivision will result in a new vacant, 2.28-acre parcel located past Building B. Figure 1 above shows a picture of where the future apartment might be located. With a maximum density of 10 units/ acre in the D-10 district, the owner could build up to $22.8 \approx 23$ dwelling units ($10 \times 2.28 \text{ acres} = 22.8 \text{ dwelling units}$). If the variance is approved, the owner wants to build a 23-unit apartment building on the new parcel to maximize the development potential.

Staff notes that the owner will file for a Minor Subdivision permit if the variance is approved. This type of Subdivision permit is not discretionary, and can be granted at the Department level. Therefore, once all platting requirements are met, the subdivision can be recorded.

ANALYSIS

As stated earlier, the Land Use Code requires that subdivisions which create new parcels have direct and practical access along a street maintained by a government agency to ensure owners' of those lots can always reach their property, emergency response vehicles can reach the property, and that normal deliverers/ inspectors (oil delivery, mail, electric meter reading, etc.) can reach the parcel.

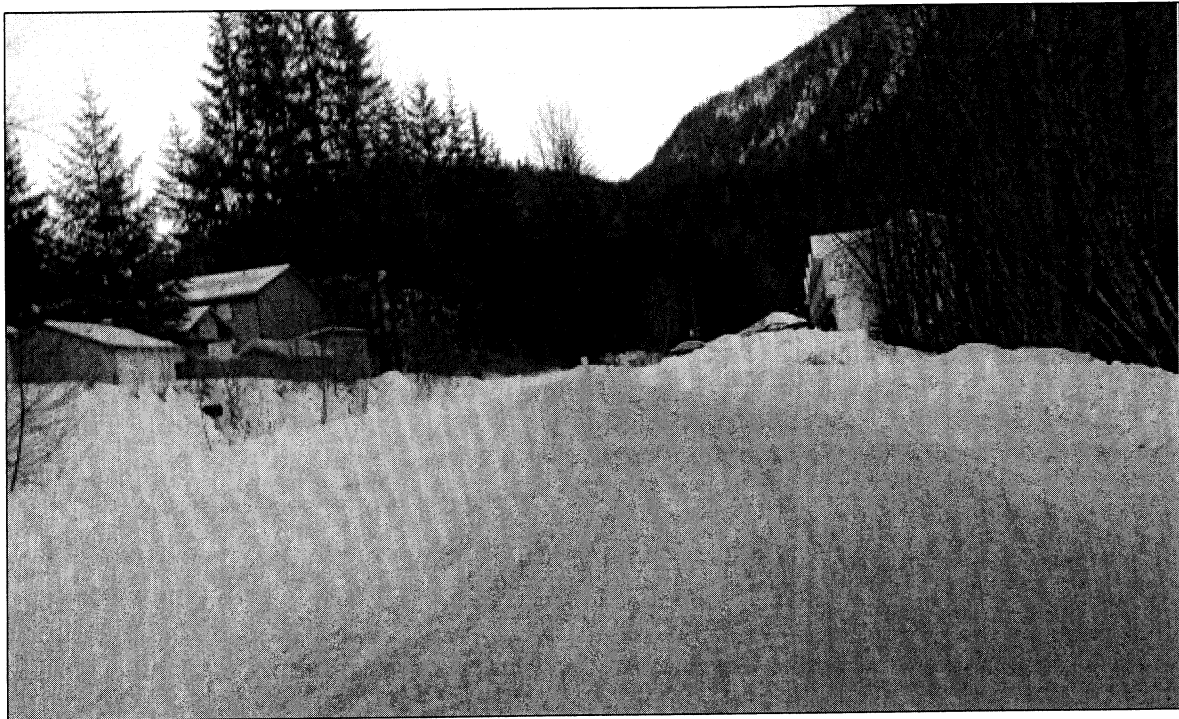


Figure 2 : The picture shows the Driveway-in-the-ROW in the center with the condominium buildings in the background on the right. Buildings on the left side have direct access to Lemon Street, but no access to the subject driveway. Picture taken by staff on 12-2-12.

Without subdividing the land, a property owner along a ROW not maintained by an agency of government may construct a driveway within the ROW to create access in order to develop their property. This is allowed through a Driveway-in-the-ROW permit, which is also regulated by the Land Use Code. Staff notes that this is different than having part of your driveway in the ROW that connects to the nearby built street. Driveways-in-the-ROW are constructed and maintained by the developer of the abutting property(ies). Several platted but unbuilt ROWs exist in the borough. Only minimal construction standards are required since they were platted prior to current construction requirements and often provide access to only a few properties; therefore, sidewalks, curbs and gutters are typically not required. As the adjacent parcel may develop more intensely, the driveway accommodations also need to be improved. The City will only maintain the driveway once it is improved to full City street standards with curb and gutter, sidewalks, street lights, etc. Consequently, until the ROW is improved to a City street, the abutting property(ies) cannot be subdivided without a variance.

The subject driveway provides the only access to the condominiums, as well as the future apartment building. The driveway is paved to a width of twenty feet, has curbless shoulders, and can accommodate the average daily vehicle trip volume generated by fifty dwelling units. This was in keeping with the owner's future maximum build out. The driveway is maintained by the Riveredge Condominium Association. The driveway leads to large parking areas in front of each condominium building. A hammer-head turnaround for emergency vehicles is provided through an access aisle of one of the parking lots. For the subdivision, the owner can provide another turn around on the future parcel. This turnaround is shown in Attachment D and the design has been accepted by the CBJ Capital City Fire / Rescue.

A separated paved, public trail runs through the site, as it originates from a sidewalk along the built portion of Davis Avenue. See Attachment B. Once on the site, the trail runs between the buildings and Lemon Creek to where it ends near the Lemon Creek Correctional Center property. This trail is maintained by the City Parks & Recreation Department. Residents of the condominium complex can enjoy this trail as a means of reaching their building by foot and it provides an alternate mode of transportation. Since this trail connects to the built portion of Davis Avenue, a pedestrian could reach other nearby destinations along Glacier Highway, such as Subway, Breeze-Inn, Capital Transit Bus stop, etc.

Staff solicited comments from various City Departments.

- Greg Browning, CBJ Police Department Chief, stated his department had no issues with the proposal.
- Dan Jager, CBJ Capital City Fire / Rescue Fire Marshal, stated:
 - "There does not seem to be any issues with the proposed hammer head turnaround."
- Ron King, CBJ Chief regulatory Surveyor, stated:
 - "The General Engineering Department has no issues with the Variance and favors the development of additional housing. However, during the subdivision/building permit process required items to be addressed include: Metering of the water, fire apparatus turnaround, direct pedestrian access to Davis Ave and grading permit BLD2009-00579. In addition, the existing paved creek access trail and undeveloped park maintenance should be determined.
 - Note: CBJ has been advised that the Lemon Creek Correctional Facility has blocked the trail and prefers no access to be allowed near the prison. The access trail is a dead-end at this time and the appropriateness of the trail in close proximity of the prison should be determined."
- Kirk Duncan, CBJ Public Works Director, expressed concerns about how the existing utilities within the ROW will be connected to the future subdivision if the variance is approved. Staff notes that the utilities will be specifically addressed during the subdivision review period if the variance is approved.
- Charlie Ford, CBJ Building Official, did not have any issues with the proposal.

Staff solicited comments from the Superintendent, G. Scott Wellard of the State Lemon Creek

Correctional Facility since the facility abuts the subject site. The Superintendent stated that he is concerned with more residential uses near the facility, not only for security reasons but the level of incompatibility. He indicates that the facility's normal operation of the gun range often results in noise complaints from the neighborhood. Staff notes that since the facility has been at its existing location for a long time, new housing is being placed on the site with knowledge of the neighboring noise. The Superintendent states that the Planning Commission should be conscientious of the facility's operation when reviewing development plans. Staff notes that if the subject variance and subdivision are approved, the future apartment building will be very close to the Lemon Creek Correctional Facility.

Overall, the received comments were neutral toward the project, and the applicant is aware of the noise from surrounding land uses. The concerns about utilities will be addressed during Subdivision review, if the variance is approved.

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

As stated earlier, the relaxation requested is to avoid the costs of improving the +1,100-foot long existing driveway to a full City street. The development is adjacent to Lemon Street, which is maintained by the City but does not contain all elements of a full City street. Therefore, approving the variance will give substantial relief to the owner. Further, not requiring the owner to improve the driveway will result in a subdivision using limited street elements which is consistent with justice to other property owners.

This criteria is met.

- 2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

According to the solicited comments from the Juneau Police Chief and the Capital City Fire / Rescue Fire Marshal, the Driveway in the ROW will accommodate emergency vehicles. Though the

driveway is the only vehicle access to the site, there is a pedestrian trail that can minimize pedestrian-vehicle conflict along the driveway and provide an alternate access point for pedestrians to the City maintained portion of Davis Avenue.

Therefore, this criteria is met.

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

As mentioned earlier, the owner will continue using the existing driveway in the ROW if the variance and subdivision are approved for a future apartment building. The adjacent zoning districts are of similar or higher density per acreage, and will not be negatively affected by increased traffic on the existing driveway.

Therefore, this criteria is met.

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

The use of a Driveway in the ROW instead of a full City street within Davis Avenue has been permitted since 2005 and continues to be a permitted use in the current Land Use Code in D-10 district.

Therefore, this criteria is met.

5. *That compliance with the existing standards would*

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

The owner seeks a variance to avoid the high cost of improving the driveway to a full City street, and owner needs the subdivision to be granted to avoid higher financing costs for the future apartment complex. Though these costs may be a burden to the owner in building another multi-dwelling building, it does not prevent the owner from using the property for a permissible principal use.

Therefore, this sub-criteria is not met.

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

The owner seeks a variance and, if approved, a subdivision to development an apartment complex. As stated earlier, there are multifamily dwellings adjacent to this site along Lemon Street. Denying the variance would prevent the owner from

using the property in a manner which is consistent as to scale and features with existing development in the neighborhood.

Therefore, this sub-criteria is met.

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

The variance is to avoid the cost of improving the driveway within the Davis Avenue ROW to a full City street. The topography may present a challenge, but is not likely to be more expensive than building a City street elsewhere.

Therefore, this criteria is not met.

or

(D) *Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.*

The platted but unbuilt street is a nonconforming situation. Granting the variance would result in a decrease in compliance.

Therefore, this criteria is met.

Since sub-criteria 5(C) is met, criterion 5 is met.

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

Granting the variance would enable the owner to construct a future apartment complex at a lower cost than improving the driveway to a full street. This will keep development costs low for future housing. The driveway and parking areas will continue to be maintained by the Riveredge Condominium Association for the future apartment complex.

The variance would result in more benefits to the neighborhood by facilitating the development of a mixture of housing opportunities in an area that is served by transit, and is near shopping, education, and recreation destinations.

Therefore, this criteria is met.

FINDINGS

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

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

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

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

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

Yes. Based on the analysis above, staff finds that the proposal does meet the criteria of CBJ §49.20.250, Grounds for Variance.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2012 0031. The Variance permit would allow for a future subdivision to use a Driveway-in-the-ROW instead of improving the unbuilt portion of Davis Avenue to a full City street.

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		var12-031	12/14/12

TYPE OF VARIANCE REQUESTED:

<input type="checkbox"/> Variance to the Sign Standard (VSG)	<input checked="" type="checkbox"/> Variance to Dimensional Standards (VDS)
<input type="checkbox"/> Variance to Habitat Setbacks (VHB)	<input type="checkbox"/> Variance to Parking Requirements (VPK)
<input type="checkbox"/> Variance to Setback Requirements (VSB)	

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

Subdivision of one lot into two lots, the 2nd lot being served by a driveway on a CBJ right of way not served by a government Agency.

Previous Variance Applications?

☐ YES

☒ NO

Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted?

☐ YES

☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): This long narrow lot is bounded by a river, a jail and private developed property. There is no access other than by a 1,400' driveway in a dead end CBJ right of way.

UTILITIES AVAILABLE:

WATER: ☐ Public ☐ On Site

SEWER: ☐ Public ☐ On Site

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

Access to the new lot will be via a 1400' driveway in a CBJ right of way. Any owner would need to obtain a variance to subdivide the property into 2 lots. The driveway is too long to improve and result in an economic project.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

It would be too costly to improve the R.O.W. for government Agency maintenance. The land must be subdivided to develop a feasible and practical project.

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 400 ⁰⁰			
Adjustment	\$			
Total Fee	\$ 400 ⁰⁰	025687	CAD3235	12/14/12

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

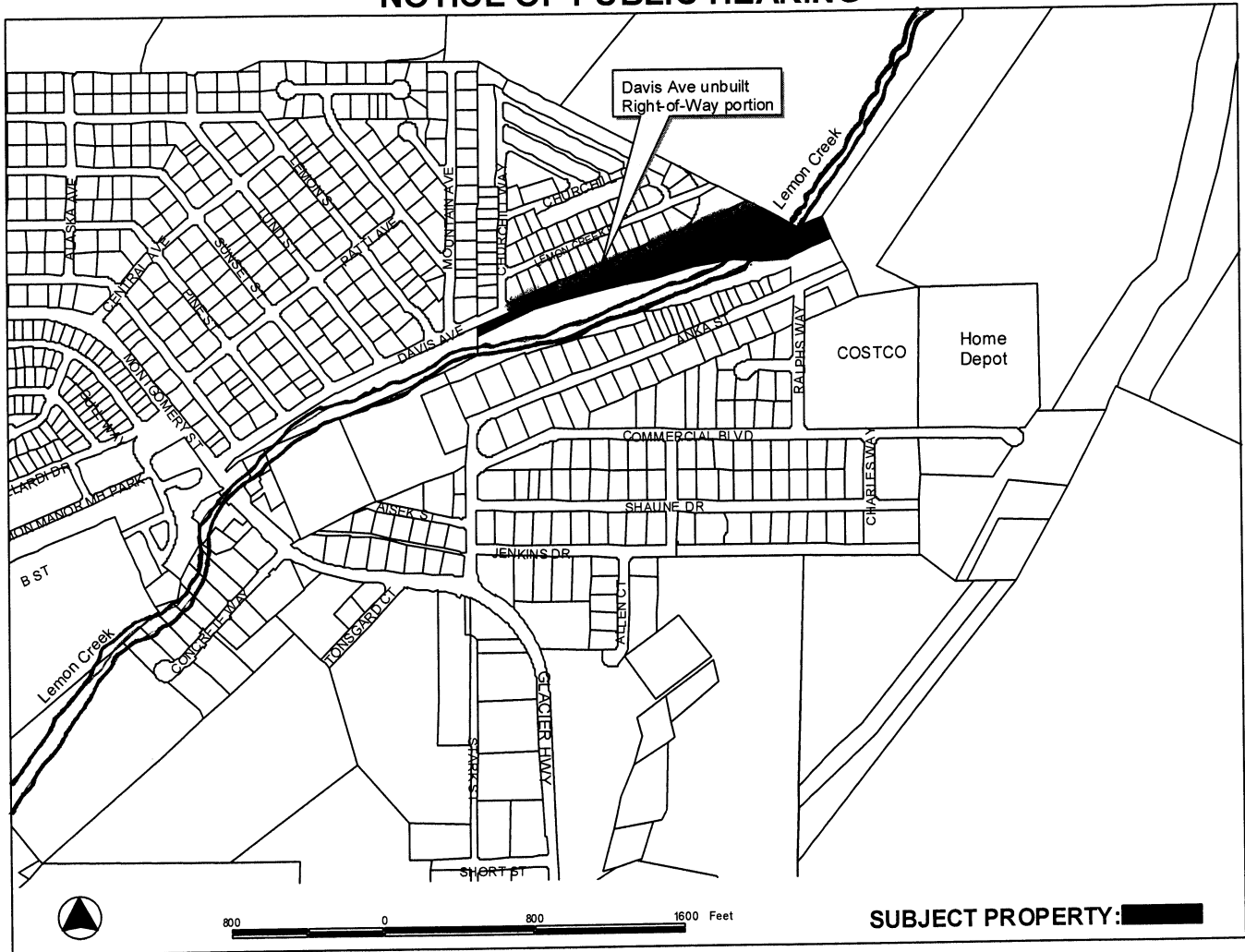
DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>12/14/12</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>SUBDIVIDE ON A RIGHT OF WAY NOT MAINTAINED BY A GOVERNMENT AGENCY.</u>		
	PROPERTY LOCATION		
	Street Address <u>1901 DAVIS AVE.</u>	City/Zip <u>JUNEAU 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>MENDOTA PARK PARCEL 1</u>		
	Assessor's Parcel Number(s) <u>5-B12-0-107-004-1 5-B12-0-127-000-0</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>ANIACHAK, INC.</u>	Contact Person: <u>BILL NEUMANN</u>	Work Phone: <u>907-723-4540</u>
	Mailing Address <u>10518 FOX FARM TRAIL</u>	Home Phone: <u>907-586-1714</u>	Fax Number:
	E-mail Address <u>Wneumann@msn.com J VANDORT@GCI.NET</u>		
	Other Contact Phone Number(s): <u>907-789-3441 - JAVAN DORT</u>		
PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
	I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:		
	A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.		
	B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		
	X <u>ANIACHAK, INC. [Signature]</u>	<u>12-14-2012</u>	
	Landowner/Lessee Signature		Date
	X _____	_____	
	Landowner/Lessee Signature		Date
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
	APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
Applicant's Name			
Contact Person:			
Work Phone:			
Mailing Address <u>SAME</u>			
Home Phone:			
Fax Number:			
E-mail Address			
Other Contact Phone Number(s):			
X <u>[Signature]</u>			
Applicant's Signature		<u>12-14-2012</u>	
Date of Application			

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	<input checked="" type="checkbox"/> Permit Type	***SIGN	Date Received	Application Number(s)	
	Building/Grading Permit				
	City/State Project Review and City Land Action				
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)				
	Mining Case (Small, Large, Rural, Extraction, Exploration)				
	Sign Approval (If more than one, fill in all applicable permit #'s)				
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)				
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			<u>var 12-031</u>	
	Variance Case (De Minimis and all other Variance case types)				
	Wetlands Permits				
	Zone Change Application				
	Other (Describe)				
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials <u>GP C</u>

NOTICE OF PUBLIC HEARING



PROPOSAL: A variance to allow a subdivision along an un-built, City right-of-way not maintained by a government agency.

FILE NO:	VAR2012 0031	APPLICANT:	ANIAKCHAK INC
TO:	Adjacent Property Owners	Property PCN5-B12-0-127-000-0	
HEARING DATE:	Jan 08, 2013	Size:	5.04 acres
HEARING TIME:	7:00 PM	Zoned:	D10
PLACE:	ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	Owner:	ANIAKCHAK INC
		Site Address:	1901 DAVIS AVE
		Accessed via:	DAVIS AVE

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Eric Feldt at eric_feldt@ci.juneau.ak.us or at 586-0764.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 27, 2012

Narrative

It is our intention to develop an apartment complex on the undeveloped parcel of the Riveredge Park Condominiums. In order to develop the apartments it is necessary to subdivide this parcel from the condominium complex so the condominium can be a separate entity. This is to enable the Condominium to maintain the ratio of rental units to total units within the limits of FHA, Fannie Mae and Freddie Mac that they require for approval of the condominium to lend on the condominium units.

It had been our intention to develop additional condominium units. But because we have to purchase, upfront, a wrap liability policy with a premium of approximately \$200,000, and have to meet rigid pre-sale requirements before closings can occur, condominiums are not economically feasible. Apartments are feasible.

Description of how the project meets the Variance Approval Criteria.

- (1) The relaxation applied for or a lesser relaxation specified by the board of adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;

The relaxation will be consistent with justice to other property owners because the 21 units of the condominium development are accessed via the same driveway developed in an easement which we would be using. This will allow for development of the property as apartments. No other form of development is feasible. Furthermore, the existing Conditional Use Permit allows for the construction of 30 additional units on the parcel in question.

- (2) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved;

It was intended that 51 multifamily units would be developed as previously authorized by the Conditional Use Permit. There are no significant deviations from what was anticipated at that time. Then, we were reviewed for meeting the intent of the title and preserving the public safety and welfare. This development will finish the project and provide additional financial support to remove snow and maintain the driveway. It will be consistent with the title and will be serviced with public water and sewer. The development will meet the Fire Code including fire truck ingress and egress. The driveway, sewer and six inch water lines, and wire utilities are already in-place to the property.

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

Providing a variance for accessing the lot via a driveway in the right of way is in concert with the existing condominium development in that it uses the same driveway for its' access. The variance does not authorize uses not allowed in the district involved;

Apartment development is allowed in this district.

RECEIVED
DEC 14 2014
PARSONS CONSULTING

(4) Compliance with the existing standards would:

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

There is no other practical and economically feasible way to develop the property.

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

In order to develop additional multi-family condominium units, we will have to pay approximately \$200,000 for general liability insurance. We are not able to develop single family condominium units because, since there are not comparable units, we cannot obtain acceptable appraisals for mortgage financing. The pre-sale requirements impose unacceptable risk. We cannot conceive of any development other than apartments, which enables us to be consistent with these provisions.

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

Approximately 1,400 lineal feet of existing CBJ Right of Way would have to be developed to CBJ Standards to provide access to about 20 apartments at great expense; whereas to develop up to 30 additional condominium units, the Right of Way would not have to be developed to CBJ Standards as provided for in the Conditional Use Permit.

(D) Because of preexisting nonconforming conditions on the subject parcel, the grant of the variance would not result in a net decrease in overall compliance with the land use code, title 49, or the building code, title 19, or both; and

There is a 1,400 lineal feet of fully-developed driveway in the right of way providing access to the condominium development. It was always intended that this driveway would provide access to the complete development. By creating a means for the development to be completed, the costs of snow removal and driveway maintenance will be divided among more units and make it more affordable.

(5) A grant of the variance would result in more benefits than detriments to the neighborhood.

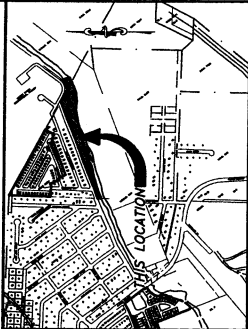
The completion of the development will eliminate the uncertainty regarding the disposition of this parcel. It will provide additional revenue for snow removal and maintenance of the driveway. It will provide more up to date housing in a neighborhood that needs it. Finally, it adds to the housing stock in Lemon Creek, an area which is convenient to the entire community and easy for the City to service.

RECEIVED
DEC 11 2012
PLANNING DEPARTMENT

THE BASIS OF BEARINGS UTILIZED TO CONDUCT THIS SURVEY WAS BETWEEN RECOVERED BENCHMARK MONUMENT FOR CORNER 3, U.S. SURVEY NO. 3557 AND BENCHMARK MONUMENT LOCATED AT THE INTERSECTION OF THE HOPKINS' RIGHT-OF-WAY LIMITS OF DAVIS AVENUE WITH THE COMMON BOUNDARY BETWEEN U.S. SURVEY NO'S. 204 AND 2557, HAVING A RECORD COMPUTED BEARING OF S73°40'11"W.

2. DEVELOPMENT RIGHTS ARE RESERVED IN THE AREA DESIGNATED "SUBSEQUENT PHASES"

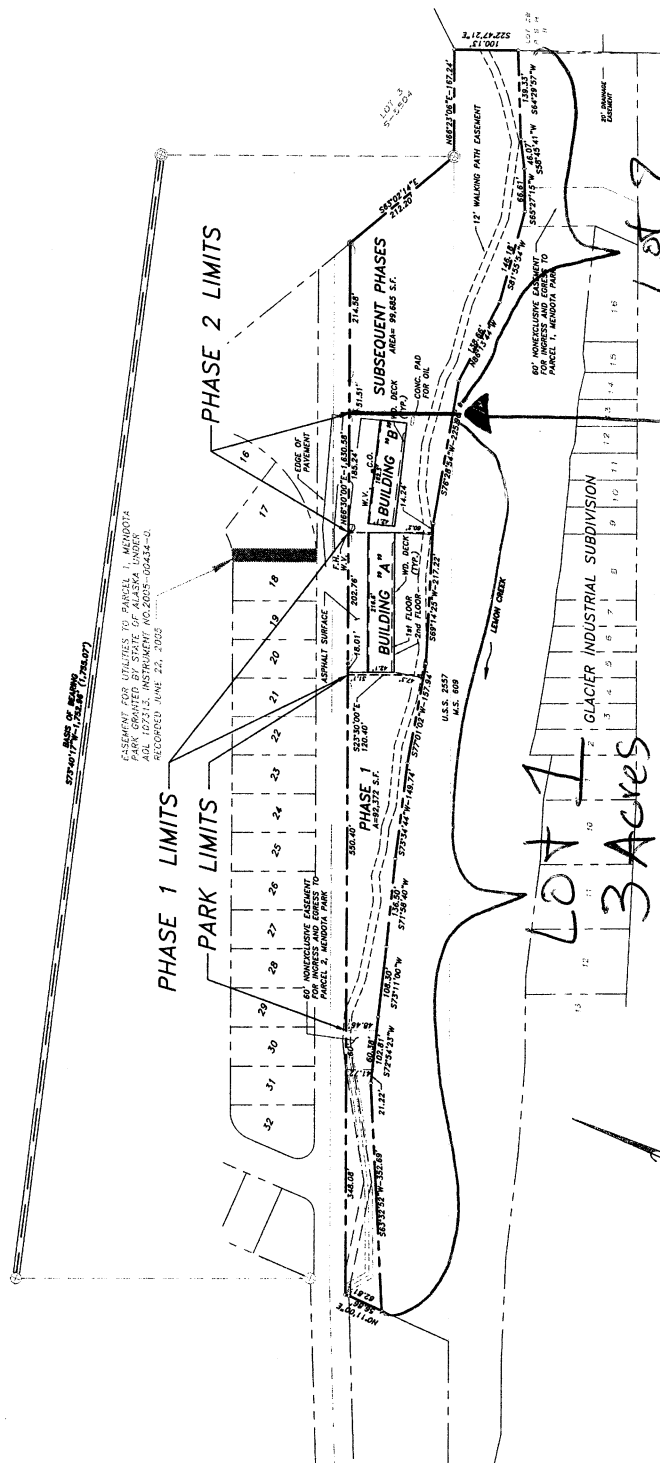
C.B.L. PRIMARY MONUMENT (RECOVERED THIS SURVEY)
 I & M PRIMARY MONUMENT (RECOVERED THIS SURVEY)
 7570-S SECONDARY MONUMENT (RECOVERED THIS SURVEY)
 NO MONUMENT RECOVERED OR ESTABLISHED THIS SURVEY
 BOUNDARY / PROPERTY LINE
 RIGHT-OF-WAY CENTERLINE
 U.S.S./M.S. BORDER LINE



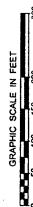
VICINITY MAP
SOURCE: C.D.A. PROPERTY ATLAS
SCALE: 1"=1,000' +/-

Proposed Subdivision

lot 2 lots



PLAN VIEW



1
Proposed
Subdivision
Line
2 Acres



SURVEYOR'S CERTIFICATE

SURVEYOR'S CERTIFICATE

I, **MARY A. JOHNSON**, a Registered Professional Surveyor, do hereby certify that I have surveyed the above described property and that said property is situated within the exterior boundary lines and the location of the buildings and improvements shown on the said property is a correct representation of the record plat, ordinances and the plat of the said property and the location of each unit and the common elements can be determined from the plat. The common elements are defined to be all of the condominium property except individual units described in the plan. The undersigned surveyor makes no claim of title or interest in the property and the location of the property is shown on the plat. The boundaries and units contained on the plat are the approximate boundaries of floor area and the approximate boundaries of the common elements.

A PLAT DENOTING
**RIVEREDGE PARK
CONDOMINIUMS**

PARCEL 1, MENDOTA PARK SUBDIVISION
LOCATED WITHIN
CITY & BOROUGH OF JUNEAU, ALASKA
Juneau Recording District SUBDIVISION
COUNTY

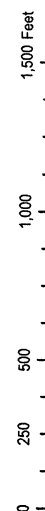
SHEET **1 OF 2**
 ANARCHAX, INC.
 10518 FOX CARM TRAIL
 JUNEAU, ALASKA 99801
 DATE: JAN., 2007
 RRM ENGINEERING, INC.
 6205 GLACIER HIGHWAY
 JUNEAU, ALASKA 99801
 RRM PROJ. NO. 051510

January 2007-17

Gray area represents the unbuilt portion of Davis Ave

Continued on page 54

Continued on page 56



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155	(B)	7	EAST VALLEY
Address Number	Block	Lot	Subdivision

Assessor Tax Code

Parcel Code Prefix	Block Number	Lot Number
6D090	102	0030



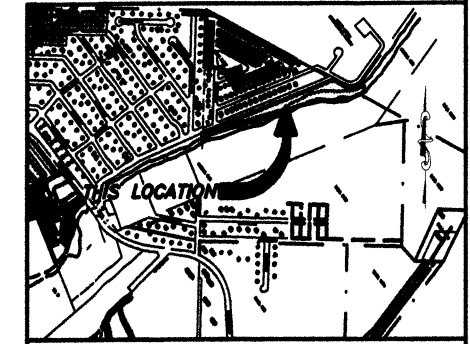
Attachment C

GENERAL NOTES

1. THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS BETWEEN A RECOVERED C.B.J. PRIMARY MONUMENT FOR CORNER 2, U.S. SURVEY NO. 2557 AND A T & N PRIMARY MONUMENT LOCATED AT THE INTERSECTION OF THE NORTH-EASTLY RIGHT-OF-WAY LIMITS OF DAVIS AVENUE WITH THE COMMON BOUNDARY BETWEEN U.S. SURVEY NO'S. 204 AND 2557, HAVING A RECORD COMPUTED BEARING OF $57^{\circ}34'01''$ W.
2. DEVELOPMENT RIGHTS ARE RESERVED IN THE AREA DESIGNATED "SUBSEQUENT PHASE"

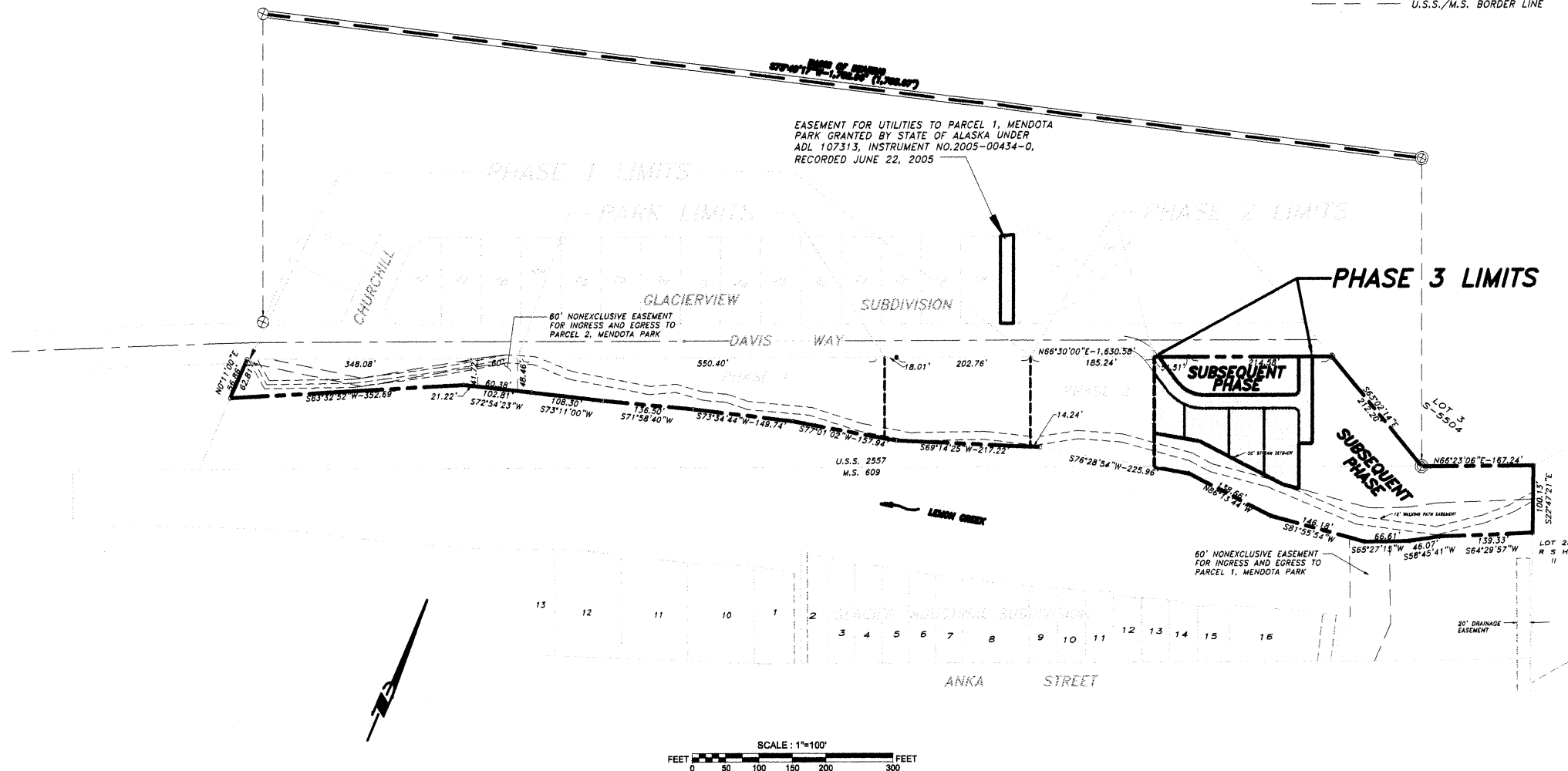
SYMBOLS

- ⊕ C.B.J. PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- ⊕ T & N PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- 7570-S SECONDARY MONUMENT (RECOVERED THIS SURVEY)
- MONUMENT OF RECORD BY PREVIOUS SURVEY
- NO MONUMENT RECOVERED OR ESTABLISHED THIS SURVEY
- BOUNDARY / PROPERTY LINE
- - - RIGHT-OF-WAY CENTERLINE
- - - U.S.S./M.S. BORDER LINE



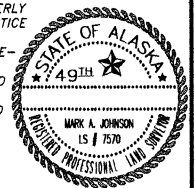
VICINITY MAP

SOURCE: C.B.J. PROPERTY ATLAS
SCALE: 1"=1,000' +/-



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.



PRELIMINARY

A PLAT DENOTING
RIVEREDGE PARK CONDOMINIUMS PHASE 3

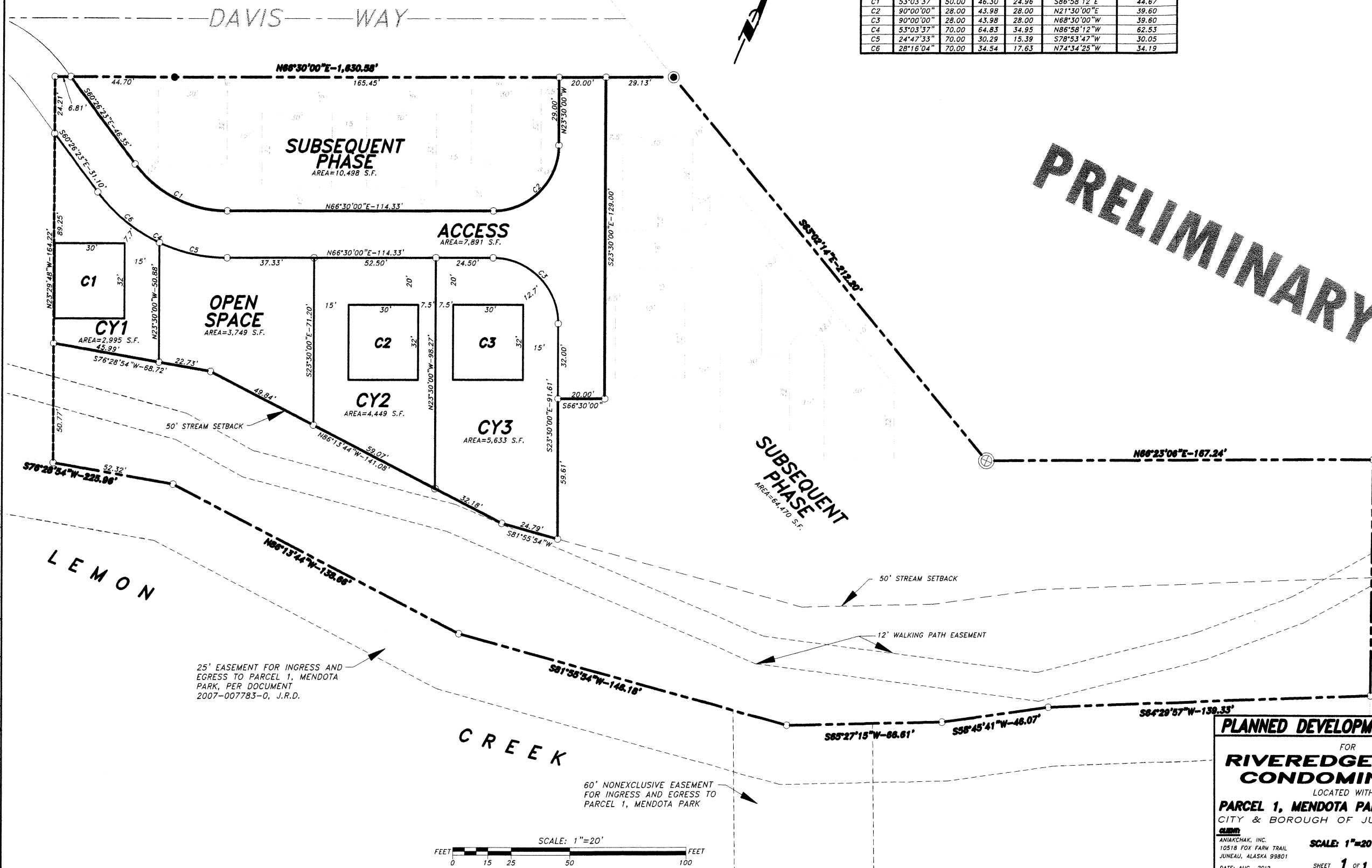
LOCATED WITHIN
PARCEL 1, MENDOTA PARK SUBDIVISION
CITY & BOROUGH OF JUNEAU, ALASKA

ANAKCHAK, INC.
10518 FOX FARM TRAIL
JUNEAU, ALASKA 99801
DATE: AUG., 2012

R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801
R&M PROJ. NO. 121761

CURVE TABLE						
NUMBER	DELTA	RADIUS	LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C1	53°03'37"	50.00	46.30	24.96	S86°58'12"E	44.67
C2	90°00'00"	28.00	43.98	28.00	N21°30'00"E	39.60
C3	90°00'00"	28.00	43.98	28.00	N68°30'00"W	39.60
C4	53°03'37"	70.00	64.83	34.95	N86°58'12"W	62.53
C5	24°47'33"	70.00	30.29	15.39	S78°53'47"W	30.05
C6	28°16'04"	70.00	34.54	17.63	N74°34'25"W	34.19

PRELIMINARY



PLANNED DEVELOPMENT LAYOUT

FOR
RIVEREDGE PARK CONDOMINIUMS

LOCATED WITHIN
PARCEL 1, MENDOTA PARK SUBDIVISION
CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT:
ANIACHAK, INC.
10518 FOX FARM TRAIL
JUNEAU, ALASKA 99801

DATE: AUG., 2012

SCALE: 1"=20'

SHEET 1 OF 1

SURVEYOR:
R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

R&M PROJ. NO. 121761