

# **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.

PROPERTY LOCATION				
17415 Christine Ave	enue			
Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Vincent Acres, Block 1, Lot 1				
Parcel Number(s) 8B3401050010				
This property is located in the downto	was historic district			
This property is located in a mapped h				
LANDOWNER				
Property Owner Jolene Cox		e Cox		
Mailing Address 11806 Glacier Highway	Suite 1C Juneau AK 99801	Phone Number(s) 907-723-4980		
E-mail Address jcox@coxenv.com				
LANDOWNER CONSENT  Required for Planning Permits, not needed on Buildin,  Consent is required of all landowners. If submitted w the property location, landowner's printed name, sign	rith the application, alternative written approva	l may be sufficient. Written approval must include		
I am (we are) the owner(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 comp  B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed.		with my complete understanding and permission.		
	-	erty as needed for purposes of this application.		
Jolene Cox	Owner	erty as needed for purposes of this application.		
	-			
Jolene Cox  Landowner (Printed Name)	Owner	09/04/2025		
Jolene Cox  Landowner (Printed Name)	Owner			
Jolene Cox  Landowner (Printed Name)	Owner	09/04/2025		
Jolene Cox  Landowner (Printed Name)  Landowner (Signature)  Landowner (Printed Name)	Owner Title (e.g.: Landowner)	09/04/2025		
Landowner (Printed Name)  Landowner (Signature)  Landowner (Printed Name)	Owner Title (e.g.: Landowner)	09/04/2025		
Jolene Cox  Landowner (Printed Name)  Landowner (Signature)  Landowner (Printed Name)	Owner  Title (e.g.: Landowner)  Title (e.g.: Landowner)  ed access to the subject property during regular perty in your absence and in accordance with the	09/04/2025  Date  Date  business hours. We will make every effort to		
Landowner (Printed Name)  Landowner (Signature)  Landowner (Printed Name)  X  Landowner (Printed Name)  X  Landowner (Signature)  NOTICE: The City and Borough of Juneau staff may nee contact you in advance, but may need to access the procommission may visit the property before a scheduled	OWNER  Title (e.g.: Landowner)  Title (e.g.: Landowner)  ed access to the subject property during regular perty in your absence and in accordance with the d public hearing date.  same as LANDOWNER, write "SAME"	09/04/2025  Date  Date  business hours. We will make every effort to		
Landowner (Printed Name)  Landowner (Signature)  Landowner (Printed Name)  X  Landowner (Printed Name)  X  Landowner (Signature)  NOTICE: The City and Borough of Juneau staff may nee contact you in advance, but may need to access the procommission may visit the property before a scheduled	OWNER  Title (e.g.: Landowner)  Title (e.g.: Landowner)  ed access to the subject property during regular perty in your absence and in accordance with the d public hearing date.	09/04/2025  Date  Date  business hours. We will make every effort to		
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Jolene Cox  Landowner (Printed Name)  Landowner (Signature)  Landowner (Printed Name)  X  Landowner (Signature)  NOTICE: The City and Borough of Juneau staff may nee contact you in advance, but may need to access the programmission may visit the property before a scheduled APPLICANT  Applicant (Printed Name)  SAME	OWNER  Title (e.g.: Landowner)  Title (e.g.: Landowner)  ed access to the subject property during regular perty in your absence and in accordance with the d public hearing date.  same as LANDOWNER, write "SAME"	Date  Date  business hours. We will make every effort to consent above. Also, members of the Planning		
Jolene Cox  Landowner (Printed Name)  Landowner (Signature)  Landowner (Printed Name)  X  Landowner (Signature)  NOTICE: The City and Borough of Juneau staff may nee contact you in advance, but may need to access the programmission may visit the property before a scheduled APPLICANT  Applicant (Printed Name)  SAME  Mailing Address	OWNER  Title (e.g.: Landowner)  Title (e.g.: Landowner)  ed access to the subject property during regular perty in your absence and in accordance with the d public hearing date.  same as LANDOWNER, write "SAME"	Date  Date  business hours. We will make every effort to consent above. Also, members of the Planning		

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

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

	(1) (1-25)
Case Number	Date Received
VAR25-004	9/11/25

Intake Initials



# **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 See attached documents.						
	VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to) CBJ 49.25.400 (For Lot Coverage and Setbacks)						
ican	Previous Variance Applications? YES X NO Date of Filing:						
completed by Applicant	Previous Case Number(s): Building Permit related toYES NO this variance?						
plet	UTILITIES AVAILABLE: WATER X Public On Site SEWER: Public X On Site						
8 8	ALL REQUIRED MATERIALS ATTACHED						
To be	Complete application per CBJ 49.65.210						
P	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 s Check No.						
	Adjustment s						

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED
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For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received	
VAR 25-004	9/11/25	

# Variance Application Narrative

**Applicant:** Jolene Cox

**Property:** 17415 Christine Avenue (Vincent Acres, Block 1, Lot 1)

Parcel Number: 8B3401050010 Zoning District: D1 – Residential

**Proposal:** Construction of a 576 sq ft detached garage with requested variances for lot coverage and for a reduced 5-foot setback (front and side yards for the proposed garage only, not for other structures

or future development).

# 1. Introduction

This application requests approval of variances from lot coverage and yard setback standards under the CBJ Land Use Code (CBJ 49.25.400 and 49.25.430(H)). The requested relief is necessary to allow construction of a detached garage in a location that avoids flooding hazards, preserves a significant old-growth spruce tree, and maintains the functional use of the lot.

The lot is already certified nonconforming for lot size, lot width, lot coverage, and setback under Nonconforming Certificate NCC2025 0029 (issued July 17, 2025). Without a variance, the property owner cannot construct a garage consistent with typical residential use in the neighborhood.

# 2. Project Description

The proposal is for a free-standing garage in the southwest corner of the lot with the following characteristics:

- Building footprint: 576 sq ft (24' x 24')
- Maximum height: 17 ft, measured from the finished garage floor
- Design: Single-story, no additional stories proposed, enclosed space beneath to conform with setback exception
- **Location:** Southwest corner of the property, chosen to avoid flooding and environmental impacts

# 3. Hardship Justification

# a. Topography and Hydrology

The southeastern corner of the lot is unsuitable for construction due to a high groundwater table (8"

below grade) and seasonal flooding from an adjacent USFS pond. A 10' x 12' shed in this area already sits on pilings to avoid inundation.

# **b.** Existing Development

The northern half of the property is already occupied by the residence, yard, and accessory structures. These limit potential buildable areas that could otherwise meet setback requirements.

## c. Significant Tree Constraint

A mature 60+ ft spruce tree lies southeast of the residence. Garage placement in this area would require removal or root-zone disturbance, creating environmental disruption and potential structural instability for both the tree and the residence.

#### d. Lot Nonconformities

The property is legally nonconforming for lot size, lot width, lot coverage, and side yard setback. These conditions were created by zoning changes (R12 to D1) in 1987, not by the current owner.

Together, these constraints constitute a practical difficulty and hardship that is unique to this lot and not self-created.

# 4. Compliance with Variance Criteria

# CBJ § 49.25.430(H) Requirements

- 1. **Maximum Size & Height** The garage will not exceed 600 sq ft or 17 ft height (Complies).
- 2. **Sight Distance** The project includes removal of overgrown vegetation obstructing views along Christine Avenue, improving sightlines at a low-volume, low-speed gravel road (Complies).
- 3. **Enclosed Space** Any enclosed space beneath the garage will conform to setback exception requirements; no additional stories are proposed (Complies).

# CBJ § 49.20.250(b) Variance Standards

- Hardship is topographical and hydrological, not self-created.
- Conditions are unique to this lot and not generally applicable to the neighborhood.
- Variance is the minimum necessary to allow a reasonable residential improvement.
- Granting relief will not harm neighboring properties or the public interest.

# 5. Neighborhood & Public Interest

- The garage is modest in scale and compatible with surrounding accessory structures.
- Placement reduces on-street parking and improves roadway safety.

- · Design and materials will match the existing home, ensuring neighborhood consistency.
- Alternative placement would either worsen flooding risks or require removal of a large oldgrowth tree, neither of which benefits the public.

# 6. Findings of Fact & Conclusion

# **Findings**

- 1. The lot is nonconforming in size (14,810 sq ft vs. 36,000 required), width (125 ft vs. 150 ft required), and coverage (13% vs. 10% allowed).
- 2. Topographical and hydrological conditions, combined with existing development and vegetation, create hardships that prevent construction in conforming locations.
- 3. The proposed garage meets dimensional restrictions under CBJ 49.25.430(H).
- 4. Sight distance will be improved through vegetation removal.
- 5. The garage will be compatible with the neighborhood and consistent with residential use.
- 6. The requested variance applies only to the proposed garage; all other structures will continue to comply with existing setbacks or remain under certified nonconforming status.

#### Conclusion

The applicant respectfully requests variances for:

- Lot coverage (13% vs. 10% permitted), and
- **Setbacks** (minimum 5 ft from property line, front and side yards only, for the detached garage at 17415 Christine Avenue, consistent with CBJ 49.25.430(H)).

Approval is warranted because the hardship is unique and not self-imposed, the project meets all code limitations, it will not harm adjacent properties, and it supports the intent of the zoning ordinance by allowing reasonable residential use of a nonconforming lot.

# Respectfully submitted,

Jolene Cox

### Request for Minimum Setback of Five Feet from any Property Line for Garage Construction

**Property Address:** 17415 Christine Avenue **Legal Description:** Vincent Acres, Block 1, Lot 1

**Lot Size:** 14,810 sq ft

Project Scope: Construction of a free-standing garage (576 sq ft)

#### **Applicable Code:**

#### 49.25.430 - Yard setbacks.

- (H) Carports and garages. A minimum setback of five feet from any property line shall apply to carports and garages in any residential zoning district if:
- (i) The topography of the lot makes construction a hardship;
- (ii) The carport or garage has a maximum height of 17 feet measured from the finished garage floor level, instead of from the datum established in <u>49.25.420(b)</u>, and a maximum gross floor area of 600 square feet;
- (iii) Sight distance is approved by the director; and
- (iv) Enclosed space directly under the garage shall be subject to the above setback exception, and no additional stories are allowed on top of the garage.

In accordance with **CBJ Building Code Section 49.25.430**, **Subsection H**, I respectfully request approval for a minimum **five-foot setback from any property line** for the proposed garage construction. Below, I address each criterion under the code subsection for justification.

## (i) The topography of the lot makes construction a hardship;

This request is based on a topography hardship that arises from several unique, naturally occurring, and unavoidable physical characteristics of the property:

- 1. Flood-Prone Southeast Corner
  - The southeastern portion of the property contains a 10' x 12' structure on pilings, necessitated by a high groundwater table (8" below grade) and seasonal flooding from a USFS pond located on adjacent land to the east. This area is unsuitable for permanent, ground-level construction.
- 2. Mature Old-Growth Spruce Tree
  - A 60+ foot old-growth Spruce tree is located near the proposed setback-compliant construction zone. Building in this location would require tree removal and/or grading near the root zone, causing significant environmental disruption and potentially compromising the tree's stability and the foundation of the main residence.
- 3. Existing Development Constraints

  The north half of the property is already occupied by the primary residence, front/back yards, and accessory structures, leaving no conforming build area.

These circumstances meet the hardship criteria established in CBJ § 49.20.250(b). The hardship is:

• Topographical in nature; Unique to the property; Not self-created by the current or prior owner; and imposes a substantial limitation on reasonable use of the land.

(ii) The carport or garage has a maximum height of 17 feet measured from the finished garage floor level, instead of from the datum established in <u>49.25.420(b)</u>, and a maximum gross floor area of 600 square feet;

The proposed garage will comply with the following:

- Maximum height: 17 feet measured from the finished garage floor, not from the datum established under Section 49.25.420(b).
- Gross floor area: Will not exceed 600 square feet. The proposed building footprint is 576 sq ft, consistent with code allowances.

#### (iii) Sight distance is approved by the director; and

The proposed garage location will improve visibility at the corner of Christine Avenue by removing overgrown vegetation (an evergreen tree and salmonberry bushes) that currently obstruct sightlines. Given that Christine Avenue is a single-lane, unmaintained gravel road with low-speed, low-volume traffic, we respectfully request that the Director approve the sight distance in accordance with CBJ § 49.25.430(H)(iii).

# (iv) Enclosed space directly under the garage shall be subject to the above setback exception, and no additional stories are allowed on top of the garage.

- The enclosed space below the garage will comply with the setback exception.
- No additional stories will be constructed above the garage structure.

#### Conclusion

In light of the above findings and compliance with all required criteria under CBJ § 49.25.430(H) and the interpretative standards of CBJ § 49.20.250(b), I respectfully request approval for a minimum five-foot setback for the construction of a detached garage on the southwest corner of the property at 17415 Christine Avenue.

We appreciate your consideration of this request and are happy to provide any additional information as needed.

Best Regards,

Jolene Cox



Jolene Cox <jcox@coxenv.com>

# [BLD20250468] Building Permit Update for Detached Garage at 17415 Christine Avenue

2 messages

**Brandon Robinson** <a href="mailto:Brandon.Robinson@juneau.gov">Brandon.Robinson@juneau.gov</a> To: "jcox@coxenv.com" <jcox@coxenv.com>

Tue, Jul 22, 2025 at 1:03 PM

Dear Mrs. Cox.

In reviewing the application for a building permit for your detached garage, it appears that you will need to apply for a variance for lot coverage and setbacks as a potential way forward for approval. In initially reviewing your building permit, it appeared that setback reductions and/or topographical hardship could potentially be explored as ways to administratively, or with Director's approval, approve the building permit; however, as presented, staff cannot approve the building permit administratively for the following reasons:

- 1. The property was recently certified nonconforming for lot size, lot width, and lot coverage. However, none of these certified situations will reduce setbacks to the level you need them to be at for approval for the following reasons:
  - a. Lot Size: There are no setback reductions available in our code related to an undersized lot. The setback reduction provisions found in 49.25.430 are related to substandard lot width.
  - b. Lot Width: The lot width for your property was certified at 125 feet, and in the current zoning district (D1), it is only substandard by 25 feet. Therefore, the percentage that it could potentially reduce setbacks by will not get you down to only a 5-foot setback for your proposed garage (83.3% of 25= ~20.8).
  - c. Lot Coverage: Your property was certified with a lot coverage of approximately 13%, exceeding the zoning district standard by ~3%. There is a provision in our code that allows lot coverage to exceed the zoning standard for the construction of a dwelling as it is related to an undersized lot, but not another type of structure (49.25.440).

## 2. Topographical Hardship

- a. According to the Department's contour maps, there is no grade change on the property steep enough to make this a valid approach, nor any other insurmountable topographical issue.
- b. I was told that there was an old-growth tree on the property that was a concern of yours, however, the City does not regulate in this space for this reason, so it would not qualify as something that would be considered a hardship under the code (i.e. it can be cut down at will by the property owner).

Therefore, the alternative route for an approval would be to seek a variance from the Planning Commission to further exceed lot coverage and ask for setback reductions. The fastest that the Planning Commission would be able to hear and decide on your request for a variance would likely be during their September 23rd meeting.

Please reach out to me with any questions or concerns you may have.

### Best regards, Brandon

#### **Brandon Robinson I Planner II**

Community Development Department I City & Borough of Juneau, Alaska Physical Location: 230 S. Franklin Street, 4<sup>th</sup> Floor, Marine View Building

Office: (907) 586-0753; Extension 4139

Jolene Cox <jcox@coxenv.com>

Thu, Jul 24, 2025 at 11:43 AM

To: Brandon Robinson <Brandon.Robinson@juneau.gov>, forrest.courtney@juneau.gov, Jason Jay Larson <Jason.Larson@juneau.gov>

Dear Brandon, Forest, and Jay,

Thank you again, Brandon and Forest, for taking the time to speak with me yesterday.

As a follow-up to our conversation, I've attached a PDF of the "Request for Minimum Setback of Five Feet from any Property Line for Garage Construction" letter that I provided in your office yesterday. I submitted this letter because the original justification for a topography hardship was not reviewed by Brandon during his review of the project materials.

I have also attached a PDF of the email from Jay (dated February 20, 2025) concerning lot coverage for the project.

I understand that the three of you will be discussing this matter today and will get back to me afterward.

Best regards, Jolene

Jolene Cox | Principal

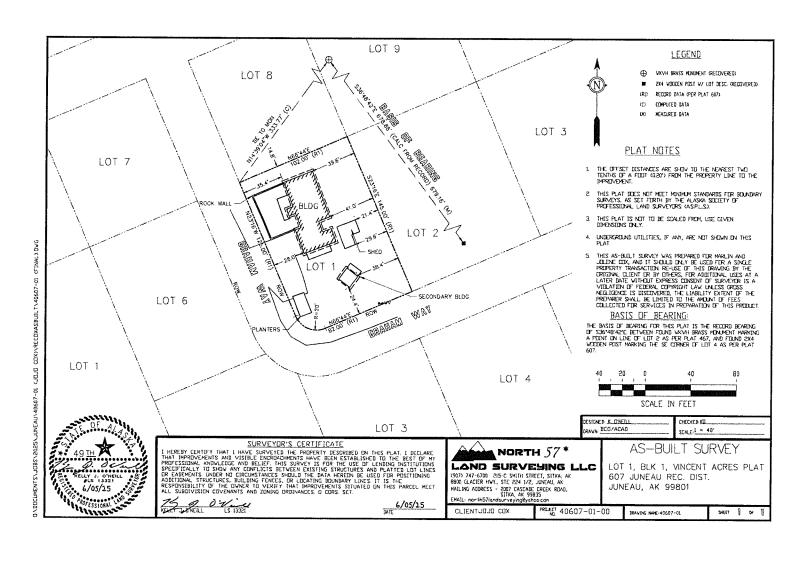
COX ENVIRONMENTAL SERVICES
11806 Glacier Hwy Suite 1C
Juneau, AK 99801
907-586-4447 Office
907-723-4980 Cell
jcox@coxenv.com
www.coxenv.com

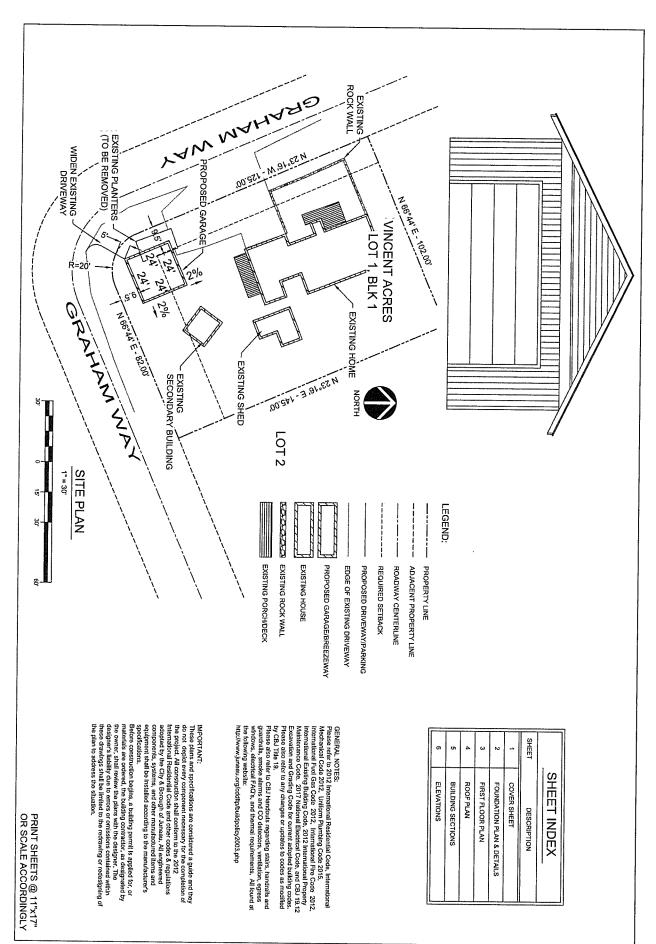
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#### 2 attachments

Cox Environmental Services Mail - Title 49.25.440 - Lot Covereage.pdf

17415 Christine 5' Setbacks.pdf





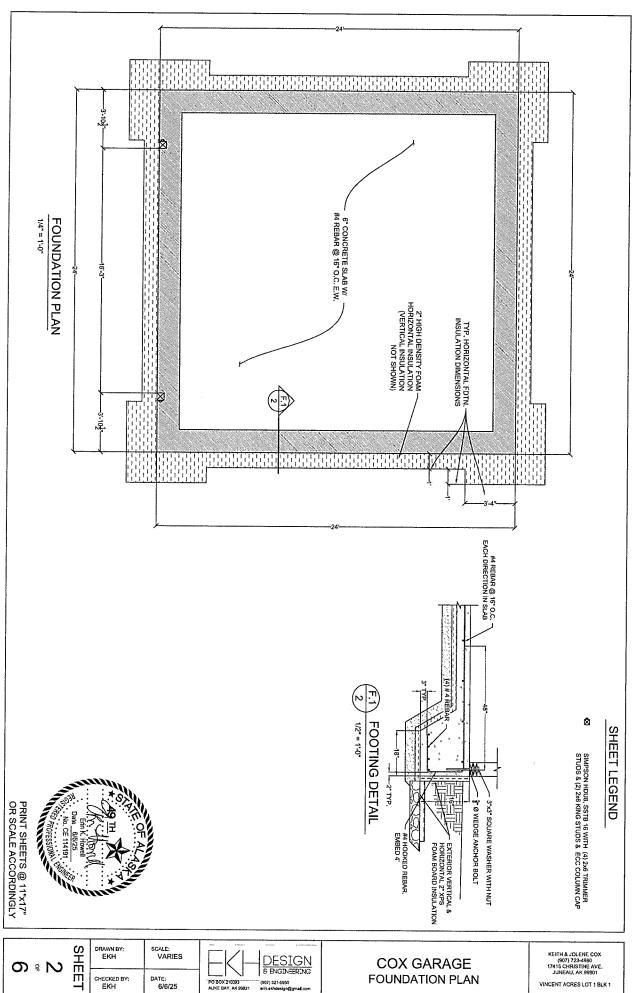
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DRAWN BY: SCALE:
VARIES

THOMSON CHECKED BY: DATE:
6/6/25

POBOX 210333 (97) 321-599 Infraebrishy@gral.com

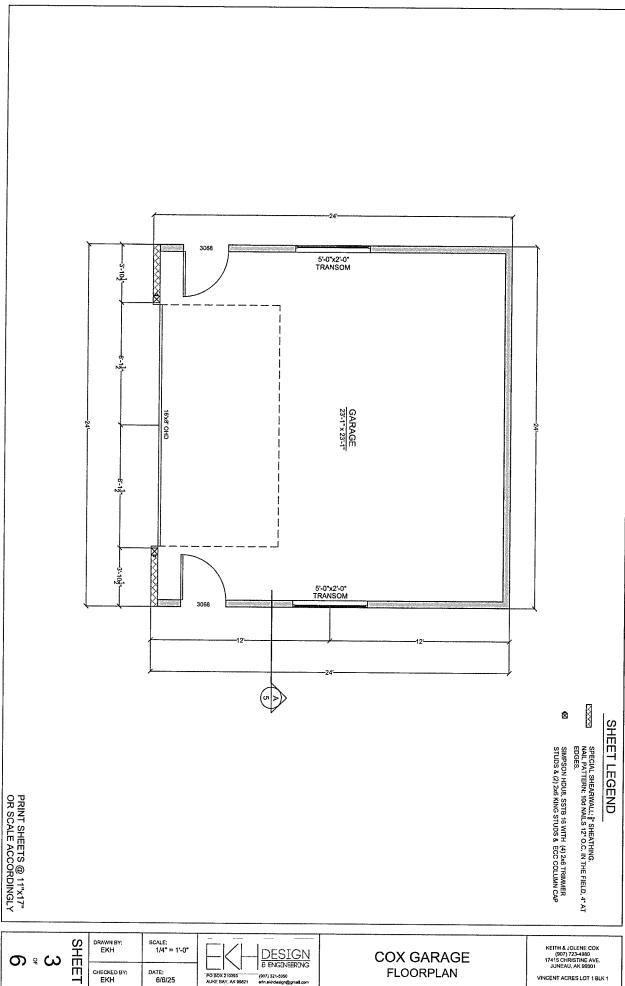
COX GARAGE COVER SHEET & SITE PLAN KEITH & JOLENE COX (907) 723-4980 17415 CHRISTINE AVE. JUNEAU, AK 99801



CHECKED BY: DATE: 6/6/25

(907) 321-5950 erin.ekhdesign@g

FOUNDATION PLAN



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CHECKED BY: EKH DATE: 6/6/25

DESIGN B ENGINEERING (907) 321-5950 erin.ekhdesign@g

**COX GARAGE FLOORPLAN** 

KEITH & JOLENE COX (907) 723-4980 17415 CHRISTINE AVE, JUNEAU, AK 99801

4x12 HDR

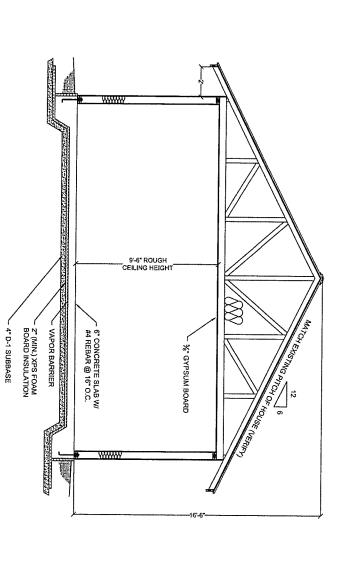
PRINT SHEETS @ 11"x17" OR SCALE ACCORDINGLY

O 9 4 III CHECKED BY:





COX GARAGE ROOF PLAN KEITH & JOLENE COX (907) 723-4980 17415 CHRISTINE AVE. JUNEAU, AK 99801



ENGINEERED TRUSSES:
TRUSSES DESIGNED BY OTHERS
TRUSSES PLACED 24\* O.C.
R-49 BLOWN IN INSULATION
VAPOR BARRIER %" PLYWOOD SHEETHING
NAIL WE AW O'O.C. AT PANEL EDGES,
12" O.C. IN THE FIELD
SIMPSON HIO TIE @ EACH TRUSS BEARING POINT ROOP: STANDING SEAM METAL ROOFING ROOFING UNDERLAYMENT ICE AND WATER SHIELD PER MANUFACTURER'S RECOMMENDATIONS

2x8 FASCIA GYPSUM WALLBOARD ON CEILING
OSED SOFFIT WITH SCREENED VENT STRIP OR VINYL

EXTERIOR WALL CONSTRUCTION:
2:46° STUDS @ 16° O.C. (NO. 2 OR BTR.)
2' GYPSUM BOARD @ INTERIOR (UNLESS NOTED)
GROOVED T-1-11 SIDING/SHEAT-INKG (MATCH EXISTING)
NAIL, Wa 80 @ 1° O.C. AT PANEL EDGES,
12° O.C. IN THE FIELD
BLOCKING REQUD AT ALL PANEL EDGES
ARWATER BARRIER HOUSEWRAP UNDER SIDING
R-23 BATT INSULATION BETWEEN STUDS
SIDING: 1-1-11 SIDING, LAP SIDING AT GABLE ENDS
(MATCH EXISTING)

6° CONCRETE SLAB WITH #4 REBAR 16° O.C. EACH WAY VAPOR BARRIER 2° XPS FOAM BOARD INSULATION 4° D-1

FOUNDATION:
SEE DETAILS, SHEET 2.
NE MATERIAL BELOW FOOTINGS
4\* COMPACTE D-1 BELOW FOOTINGS
FINISH GRADE OF BACKFILL 2% AWAY FROM BUILDING
FOR MIN. 5' FOUNDATION CONNECTION:
27:8° PRESSURE TREATED PLATE
58° Ø x10° WEDGE ANCHOR BOLTS
37:3° SQUARE WASHERS, 4° O.C.
(AND WIN 1' OF CORNERS OR MUDSILL ENDS)

FOUNDATION DRAIN:
4" BERF. DRAIN PIPE WI
2" DRAIN ROCK ALL AROUND
FILTER FABRIC AROUND ROCK
DRAIN TO DAYLIGHT

**BUILDING SECTION** 

1/4" = 1'-0"

PRINT SHEETS @ 11"x17"
OR SCALE ACCORDINGLY

**0** ₹ **0**1

SHEET DRAWN BY SCALE: 1/4" = 1'-0" DATE: 6/6/25 СНЕСКЕВ ВУ: ЕКН



DESIGN 6 ENGINEERING (907) 321-5950 erin,ekhdesign@gr

**COX GARAGE BUILDING SECTION**  KEITH & JOLENE COX (907) 723-4980 17415 CHRISTINE AVE. JUNEAU, AK 99801

NORTH ELEVATION WEST ELEVATION PRINT SHEETS @ 11"x17" OR SCALE ACCORDINGLY SHEET 6 DRAWN BY: EKH SCALE: 1/4" = 1'-0"

CHECKED BY: EKH DATE: 6/6/25 PO BOX 210393 AUKE BAY, AK 99821 (907) 321-6950 arin.ekhdesign@g

DESIGN 8 ENGINEERING

RICHARD LUTHER & CLAUDIA BAIN (907) 321-7009 PO BOX 210275 JUNEAU, AK 99821

HILLSIDE SUBDIVISION BLOCK B



(907) 586-0715 CDD\_Admin@juneau.gov www.juneau.org/community-development 155 Heritage Way • Juneau, AK 99801

### **NONCONFORMING CERTIFICATE**

Date: July 17, 2025 File No.: NCC2025 0029

Jolene Cox 17415 Christine Avenue Juneau, AK 99801 jcox@coxenv.com

Proposal: A Nonconforming Situation Review for structures and lots

Property Address: 17415 Christine Avenue
Property Legal Description: VINCENT ACRES BL 1 LT 1

Property Parcel Code No.: 8B3401050010

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated July 17<sup>th</sup>, 2025, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Structures (CBJ 49.30.250):
  - Side yard setback, dimension 14.8 feet
- Nonconforming Lots (CBJ 49.30.260):
  - Lot size of 14,810 square feet
  - Lot width of 125 feet
  - Lot coverage of approximately 13 percent

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

**CBJ 49.30.215: Accidental damage or destruction**. Structures receiving a nonconforming certification may have the right to reconstruct a nonconforming structure per CBJ Chapter 49.30.

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 PM on the day twenty days from the date the decision is signed by the Director of the CBJ Community Development Department.

If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

File No.: NCC2025 0029

July 17, 2025 Page 2 of 2

Project Planner:

7/17/2025

Date Signed

Director:

Gill Lawhorns
Jill Lawhorne, Director

Community Development Department

07/17/2025 Date Signed

Community Development Department

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.



# DIRECTOR'S REVIEW STAFF REPORT NONCONFORMING CERTIFICATION NCC2025 0029

(907) 586-0715 CDD\_Admin@juneau.gov www.juneau.org/community-development 155 Heritage Way • Juneau, AK 99801

**DATE:** July 17, 2025

TO: Jill Lawhorne, AICP | Director

BY: Justin Smith, Planner I

PROPOSAL: A Nonconforming Situation Review for structures and lots.

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

- Lot size, lot coverage, and lot width are nonconforming.
- Single-family structure is nonconforming due to the side yard setback not meeting D1 zoning requirements.

<b>GENERAL INFORMATION</b>	
<b>Property Owner</b>	Marlin K. Cox II
Applicant	Jolene Cox
<b>Property Address</b>	17415 Christine Avenue
Legal Description	VINCENT ACRES BL 1 LT 1
Parcel Number	8B3401050010
Zoning	D1
Lot Size	14,810 square feet
Water/Sewer	Yes/No
Access	Christine Avenue
Existing Land Use	Residential
<b>Associated Applications</b>	BLD2025 0468

#### STAFF RECOMMENDATION:

Staff recommends the following situations receive Nonconforming Certification:

- Nonconforming Structures (CBJ 49.30.250)
- Nonconforming Lots (CBJ 49.30.260)

#### **ABANDONMENT:**

If a nonconforming situation is deemed to be abandoned by the Director, the decision may be reconsidered in accordance with CBJ 49.30.220. After reconsideration is reviewed, an appeal may be filed in accordance with CBJ 49.20.110.

#### NONCOMPLIANCE:

If a situation fails to be certified as nonconforming, an appeal of this decision may be filed in accordance with CBJ 49.20.110.

**CBJ 49.30.215: Accidental damage or destruction**. Structures receiving a nonconforming certification may have the right to reconstruct a nonconforming structure per CBJ Chapter 49.30.

File No: NCC2025 0029

July 17, 2025 Page 2 of 7

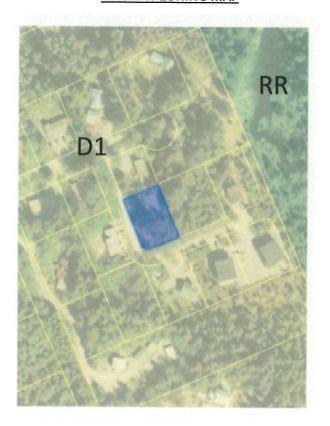
# SITE FEATURES AND ZONING



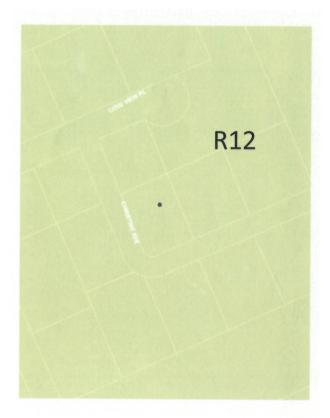
SURROUNDING	ZONING AND LAND USES		
North (D1) Residential			
South (D1) Residential			
East (D1)	Residential		
West (D1) Residential			

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	Not mapped
Hillside	No
Wetlands	Freshwater Forested/Shrub Wetland (PFO4/SS1B)
<b>Parking District</b>	No
<b>Historic District</b>	No
<b>Overlay Districts</b>	No

**CURRENT ZONING MAP** 



# **ZONING AT TIME OF ESTABLISHMENT**



File No: NCC2025 0029

July 17, 2025 Page 3 of 7

## **ZONING HISTORY**

Year	Zoning District	Summary			
Pre-	Not Mapped				
1956					
1956	Not Mapped	The lot was not included in the 1954 zoning ordinance.			
1964	Not Mapped	The lot was not included in the 1964 Greater Juneau Borough Zoning Ordinance.			
1969	R12	In 1969, the lot and surrounding area was zoned R12. The R12 zoning district required a 12,000 square foot minimum lot size, 110-foot lot width, and 100-foot lot depth. The required setbacks were 25 feet front, 25 feet rear, and 10 feet on each side. One off-street parking space was required per dwelling unit.  Single-family structure built in 1972 conformed to dimensional			
erin were entre		requirements of the R12 zoning district.			
1987	D1	Minimum lot size − 36,000 square feet X			
	No. of the Control of	Minimum lot width − 150 feet X			
	PRANCIA PAR	Minimum lot depth − 150 feet* X			
		Front yard setback − 25 feet <b>√</b>			
	William Parket	Street side yard setbacks — 17 feet (S) ✓			
		Side yard setbacks − 15 feet (N) ×			
Rear yard setback - 25 feet ✓		Rear yard setback – 25 feet ✓			
		Maximum height − 35 feet ✓			
		Maximum lot coverage − 10% 🗙			
		Parking requirements – 2 total ✓			
	ra igi pengili mengananan	Minimum vegetative coverage − 20% ✓			
		Lot became nonconforming for lot size, lot width, and lot coverage. Single-family structure became nonconforming for side yard setback.			
2021	*All zoning districts – lot				
	depth repealed	repealing lot depth as a minimum dimensional standard. Other			
PP-Supple-state of the supple state of the s		dimensional standards for D1 remain the same.			

# **BACKGROUND INFORMATION**

The applicant requests a Nonconforming Situation Review for lot size (Attachment A). The lot was platted in 1971, and the single-family structure was constructed in 1972.

# **INFORMATION REVIEWED**

Year	Туре	Summary	
1971	Plat (Attachment B)	Depicts size and measurements of lot when originally platted.	
1971	Original Building Permit		
	(Attachment C)	was first constructed.	
2023	CBJ Aerial Photography	Used to examine vegetative cover.	

File No: NCC2025 0029

July 17, 2025 Page 4 of 7

Year	Туре	Summary
2025	Application Packet	Materials submitted by applicant for nonconforming certification.
	(Attachment A)	, , , ,
2025	Kelly J. O'Neill As-Built	Used to determine lot coverage and setback measurements.
	Survey (Attachment D)	

#### **ANALYSIS**

**Zoning District Comparison Table** – The table below lists the required standards for the D1 zoning district compared to the lot. A description of these situations is provided in the following sections. Items bolded do not meet current requirements.

Standard		Requirement	Existing	Code Reference
Lot	Size	36,000 square feet	14,810 square feet	CBJ 49.25.400
	Width	150 feet	125 feet	CBJ 49.25.400
Setbacks	Front	25 feet	28 feet	CBJ 49.25.400
	Rear	25 feet	39.6 feet	CBJ 49.25.400
	Side	15 feet	14.8 feet	CBJ 49.25.400
	Street Side	17 feet	24.4 feet	CBJ 49.25.400
Lot Coverage		10 percent	>10 percent	CBJ 49.25.400
Height	Permissible	35 feet	1 Story	CBJ 49.25.400
	Accessory	25 feet	N/A	CBJ 49.25.400
Maximum Dwelling Units		1 single family dwelling	1 single family dwelling	CBJ 49.25.500
Use		Residential	Residential	CBJ 49.25.300
Vegetative Cover		20 percent	~56 percent	CBJ 49.50.300
Parking		2 parking spots	2 parking spots	CBJ 49.40.210(a)

<sup>\*</sup>Measurements in the table are from the 2025 as-built provided by the applicant and estimated from CBJ Parcel Viewer.

**Minimum Lot Requirements** – The lot met the R12 Residential zoning requirements when platted in 1969 and became nonconforming after the lot dimensional standards changed in the 1987 Zoning Ordinance.

Finding: Staff finds the lot nonconforming for lot size and lot width.

**Minimum Setback Requirements** – The applicant submitted a 2025 as-built, completed by Kelly J. O'Neill, to demonstrate the existing setbacks. The front, rear, and street side setbacks conform to code. The north side yard setback is 14.8 feet, which is less than the 15-foot minimum required in the D1 zoning district.

An unenclosed shed, as shown on the 2025 as-built, meets the required setbacks. Building officials confirmed that the shed does not require a permit. The other structure on the property, labeled "secondary building" on the 2025 as-built, is not within setbacks and is under 120 square feet. Therefore, it does not require a permit.

Finding: Staff finds the single-family structure nonconforming for setbacks.

Lot Coverage – Lot size is 14,810 square feet. Parcel Viewer indicates the footprint of the single-family structure is approximately 1,618 square feet. The single-family structure yields an 11 percent lot coverage.

The as-built identifies two structures besides the single-family structure, one labeled "shed" and the other "secondary building." Using Parcel Viewer to estimate the square footage, the shed is approximately 250 square

Jolene Cox File No: NCC2025 0029 July 17, 2025 Page 5 of 7

feet, and the secondary building is approximately 50 square feet. The total square footage of all structures on the lot is approximately 1,918 square feet.

The structures yield a 13 percent lot coverage, which is larger than the 10 percent maximum allowed by the Land Use Code.

Finding: Staff finds the lot nonconforming for lot coverage.

Structure Height - The single-story, single-family structure conforms to D-1 height restrictions.

Finding: Staff finds the structure(s) conforming for height.

**Residential Density –** The single-family structure conforms to density restrictions.

Finding: Staff finds the lot conforming for residential density.

Use - The residential use conforms.

Finding: Staff finds the lot conforming for use.

**Vegetative Cover –** Parcel Viewer and Google Maps imagery were used to determine approximately 8,276 square feet of vegetative cover, or 56%.

Finding: Staff finds the lot conforming for vegetative cover.

Parking – CBJ 49.40.210 requires two (2) off-street parking spaces. Back-out parking may be allowed for single-family dwellings in residential zoning districts per CBJ 49.40.235(b)(6)(A).

Finding: Staff finds the use conforming for number and type of off-street parking spaces.

## **NONCOMPLIANT SITUATIONS**

**CBJ 49.30.310(j)** Failure of a situation to qualify for nonconforming certification. If a situation does not qualify for or is denied nonconforming certification, it is noncompliant and the property is subject to enforcement actions consistent with this title.

No information has been found to suggest noncompliant situations exist on the lot.

File No: NCC2025 0029

July 17, 2025 Page 6 of 7

#### **ABANDONMENT**

**CBJ 49.30.220(b) Abandonment of a nonconforming situation.** A nonconforming situation is abandoned if any of the following events occur:

- (1) The owner indicates in writing that the nonconforming situation is being permanently discontinued;
- (2) The nonconforming situation is damaged, destroyed, removed or demolished intentionally by the owner or intentionally by an authorized agent of the owner;
- (3) The nonconforming structure is moved;
- (4) The owner takes action consistent with an intent to abandon the nonconforming situation;
- (5) The structure(s) associated with the nonconforming situation has been vacant for 365 consecutive days;
- (6) Except for a structure with a nonconforming residential density, the nonconforming use has ceased and not substantially resumed for 365 consecutive days; or
- (7) A structure with a nonconforming residential density has been unoccupied for 1095 consecutive days.

No information has been submitted to suggest the nonconforming situations on the lot have been abandoned.

Finding: Staff finds none of the above events have taken place and the nonconforming situations are not deemed abandoned.

### **FINDINGS**

Was the nonconforming situation allowed, or not prohibited by law, when it was established?

**Analysis:** The lot was platted, and the single-family structure was built according to the R12 zoning district of the 1969 Land Use Code. After the lot was zoned to D1 in 1987, the lot size, lot coverage, lot width, and the side yard setback became nonconforming.

Finding: Yes. The lot was created prior to the establishment of zoning.

Finding: Yes. The single-family structure was built to code when constructed.

2. Has the nonconforming situation been abandoned?

Analysis: The property has been continuously occupied.

Finding: No. Staff finds the nonconforming situations have not been abandoned.

#### RECOMMENDATION

Staff recommends that the Director adopt the analysis and findings, and find the following situations on the lot to be NONCONFORMING to the Title 49 Land Use Code and issue a Nonconforming Certification for the following situations:

File No: NCC2025 0029

July 17, 2025 Page 7 of 7

- ➤ Nonconforming Structures (CBJ 49.30.250):
  - Side yard setback, dimension 14.8 feet
- Nonconforming Lots (CBJ 49.30.260):
  - Lot size of 14,810 square feet
  - Lot width of 125 feet
  - Lot coverage of approximately 13 percent

## **STAFF REPORT ATTACHMENTS**

Item	Description
Attachment A	Application Packet
Attachment B	1971 Plat
Attachment C	1971 Building Permit
Attachment D	Kelly J. O'Neill As-Built Survey



# **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.

	PROPERTY LOCATION					
	Physical Address 17415 CHRISTINE AVENUE					
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) VINCENT ACRES BLOCK 1 LOT 1					
	VINCENT ACRES BLOCK 1 LOT 1 Parcel Number(s)					
	Parcel Number(s) 8B3401050010					
	This property is located in the downtown historic district  This property is located in a mapped hazard area, if so, which					
	LANDOWNER/ LESSEE					
	Property Owner JOLENE & KEITH COX Contact Per		PERSON JOLENE COX			
	Mailing Address 17415 CHRISTINE AVENUE		Phone Number(s) 90	7-723-4980		
	E-mail Address JCOX@COXENV.COM					
ant	LANDOWNER/ LESSEE CONSENT  Required for Planning Permits, not needed on Building/ Engineering Permits.  Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.					
be completed by Applicant	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 the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.					
plete	JOLENE COX	ANDOWNER				
be com	Landowner/Lessee (Printed Name) Title	le (e.g.: Landowner, Les	•			
10	X		6/24/25			
	Landowner/Lessee (Signature)		Date			
		ANDOWNER				
	Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)					
	x WOOP		6/24/25			
	Landowner/Lessee (Signature)	Date				
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.					
	ADDITION					
	SAIVIE	Contact Person				
	Mailing Address		Phone Number(s)			
	E-mail Address					
	x		6/24/25			
	Applicant's Signature		Date of Applicat	tion		
	DEPARTMENT USE ONLY	DELOW THIS LINE				
	SEPARTIMENT OSE ONLY	DELOW THIS LINE		Intake Initials		
				FHC		
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED  Case Number  Date Received				Date Received		
	for assistance filling out this form, contact the Permit Center at 586-0770.					

Updated 6/2022- Page 1 of 1



# APPLICATION FOR A NONCONFORMING CERTIFICATION REVIEW

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.

TYPE OF NONCONFORMING SITUATION (CHE	CK ALL THAT MAY APPLY)  Is this property for sale: YES NO  If yes, what is the projected closing date?						
Have you submitted a narrative that fully explains the above listed nonconforming situations? YES NO The narrative should explain the nature of the nonconforming situation(s). Be specific, state past and present uses of the building, property, etc.							
List all relevant information being submitted. Include this material and an as-built or site plan with the application.  Relevant information to show that the situation was allowed when established may include: building or land use permits, recorded plats, zoning codes or maps, dated photographs.							
Situation	Type of Documentation						
LOT UNDERSIZED FOR CURRENT STANDAR	DS AS-BUILT						
Relevant information to show that the <i>situatio</i>	on was maintained over time may include: business licenses, dated						
photographs, insurance records and maps, ut	ility bills, property tax records, business license, telephone listing,						
advertisement in dated publications, leases.  Maintained Situation							
	Type of Documentation						
PURCHASED PROPERTY IN 2016							
HAVE MAINTAINED OWNERSHIP SINCE THE	N.						
NOTE: If an as-built survey is not submitted, the Community Development Department may not be able to issue a Nonconforming Certificate for setbacks. As-built surveys should show the property in its current condition.							
ALL REQUIRED MATERIALS ATTACHED  Complete Application (Per CBJ 49.30.310)  Anarrative (Bosed on Qualifying for Settlements)	ALL REQUIRED MATERIALS ATTACHED  NONCONFORMING CERTIFICATION REVIEW FEES:  Fees Check No. Receipt Date						
As-built survey or similar document	Admin. of Guarantee 5 Jul milted with BLD application						
☐ Documentation	Adjustment \$  Total Fee \$ \( \int \lambda 00 \)						
<b>₹</b> Fees	Total Fee 5 1/200						

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 907-586-0770.

Case Number	Date Received
NCC 25 -029	2025/06/24

#### **Nonconforming Certification Application Instructions**

Nonconforming Situations is outlined in CBJ 49.30.310

<u>Pre-Application Conference</u>: A pre-application conference is **NOT** required prior to submitting an application. It is highly recommended that applicants meet with a planner to discuss the nonconforming situation(s) and necessary or appropriate documentation for submittal. Staff may have access to documentation that the applicant does not. Please contact the Permit Center at 907-586-0770 or via e-mail at permits@juneau.org.

Application: An application for a Nonconforming Certificate will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

- 1. Forms: Completed application for Nonconforming Certificate and Development Permit Application forms.
- 2. Fees: Fee is \$150. If submitted in conjunction with a development permit, the fee is waived. All fees are subject to change.
- 3. Project Narrative: A detailed narrative describing the nonconforming situation(s).

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).

<u>Application Review</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. Depending on the details of the permit request, the application may require review by other City & Borough of Juneau departments. Applicants may be required to provide additional information and clarification.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED** 

# PROJECT NARRATIVE FOR NONCONFORMANCE CERTIFICATION REVIEW

Property Address: 17415 Christine Avenue Legal Description: Vincent Acres, Block 1, Lot 1

Lot Size: 14,810 sq ft

Project Scope: Construction of a free-standing garage (576 sq ft)

# Request for Nonconforming Certification - Yard Setback Exception

In accordance with **CBJ Building Code Section 49.25.430**, **Subsection H**, I respectfully request approval for a minimum **five-foot setback from any property line** for the proposed garage construction. Below, I address each criterion under the code subsection for justification.

#### (i) Topographical Hardship

The proposed garage will be located in the southwest corner of the property due to multiple constraints elsewhere on the lot:

- The north half is developed with the main residence, yards, and utility sheds.
- The southeast portion has a 10' x 12' structure on pilings; the water table is 8 inches below ground surface, and the area is prone to flooding during heavy rainfall due to overflow from a USFS pond on adjacent eastern land.
- A 60'+ tall old-growth Spruce tree is located southeast of the main house (see aerial photograph).
   Relocating the garage here would require tree removal or significant site alteration, threatening tree health and potentially impacting the residence due to destabilization.

These combined constraints create a topographical hardship, making the southwest corner the most viable location.

## (ii) Structure Height and Size Compliance

The proposed garage will comply with the following:

- Maximum height: 17 feet measured from the finished garage floor, not from the datum established under Section 49.25.420(b).
- · Gross floor area: Will not exceed 600 square feet.

The proposed building footprint is 576 sq ft, consistent with code allowances.

#### (iii) Sight Distance

Currently, sight distance is partially obstructed by an evergreen tree and salmonberry bushes. However:

- · Christine Avenue is a narrow, single-lane gravel road, unmaintained by CBJ.
- The neighborhood is sparsely developed; traffic volume is low and vehicle speeds are under 20 mph.
- The construction plan includes removal of the existing vegetation obstructing visibility, which will
  improve the sight line at the corner.

We respectfully request approval from the Director for the sight distance condition based on these factors.

# (iv) Structural Limitations and Conformance

- · No additional stories will be constructed above the garage.
- The enclosed space beneath will fully conform to the setback exception parameters outlined in the code.

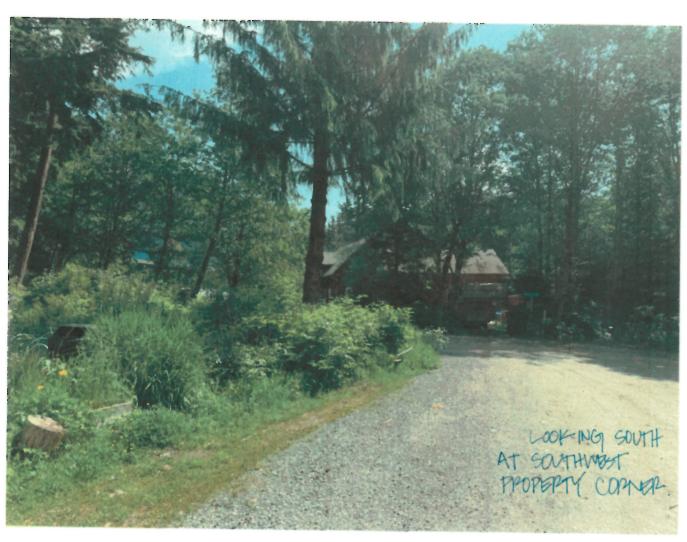
#### Conclusion

The proposed setback modification for the detached garage meets the criteria under CBJ Code 49.25.430(H). The location is selected to avoid adverse impacts on natural features and site conditions, preserve existing structures and trees, and maintain safety standards.

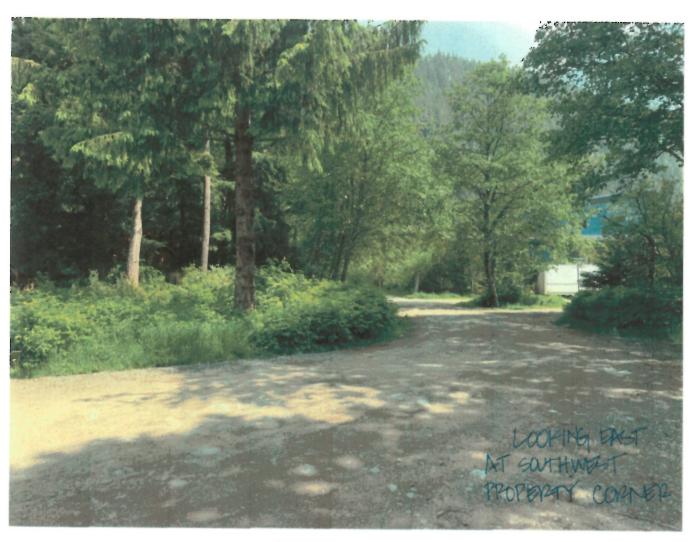
We appreciate your consideration of this request and are happy to provide any additional information as needed.



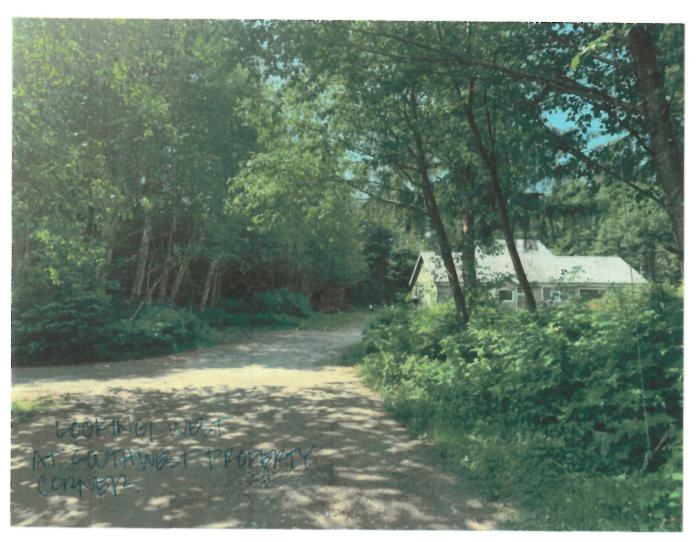
The City and Borough of Juneau is not responsible and shall not be liable to the user for damages of any kind arising out of the use of data or information provided by the City and Borough of Juneau, including the installation of the data or information, its use, or the results obtained from its use. ANY DATA OR INFORMATION PROVIDED BY THE City Borough of Juneau 15 PROVIDED "As IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Data or information provided by the City Borough of Juneau, shall be used and relied upon only at the user's sole risk, and the user agrees to indemnify and hold harmless the City Borough of Juneau, its officials, officers and employees from any liability arising out of the use of the data/information provided. NOT FOR ENGINEERING PURPOSES.



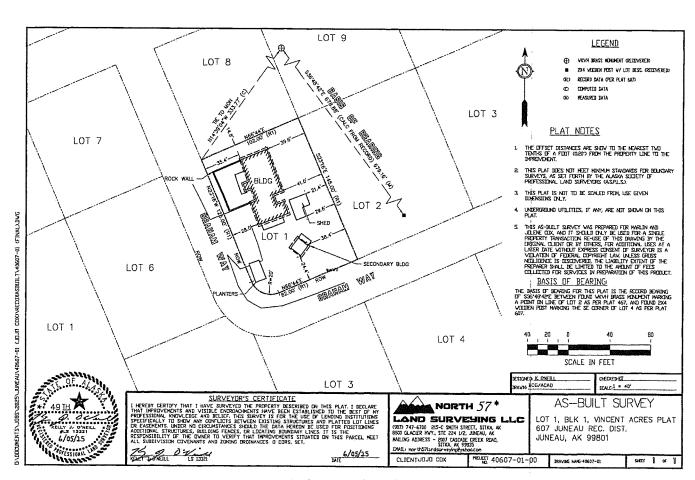
Attachment A – Application Packet



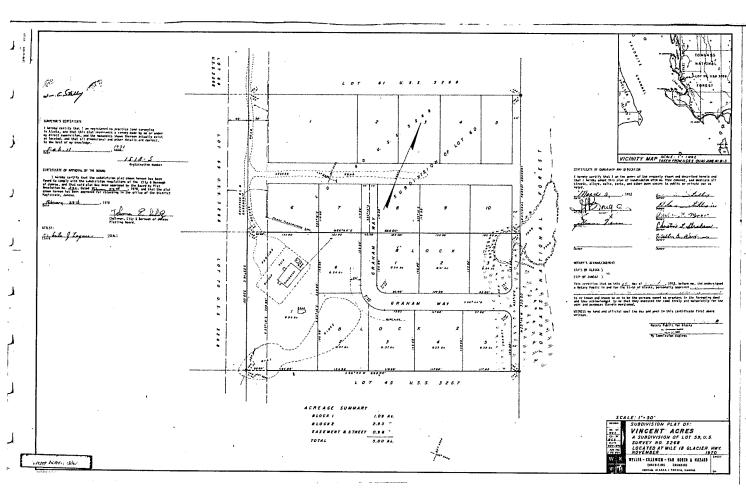
Attachment A – Application Packet



Attachment A – Application Packet



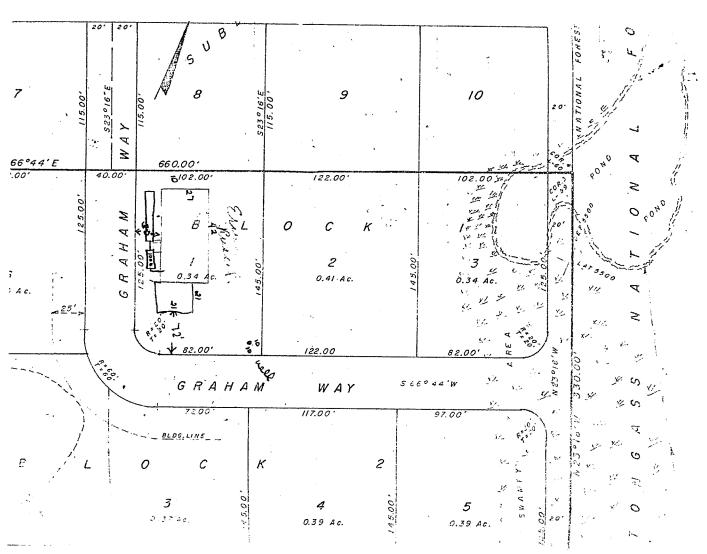
Attachment A – Application Packet



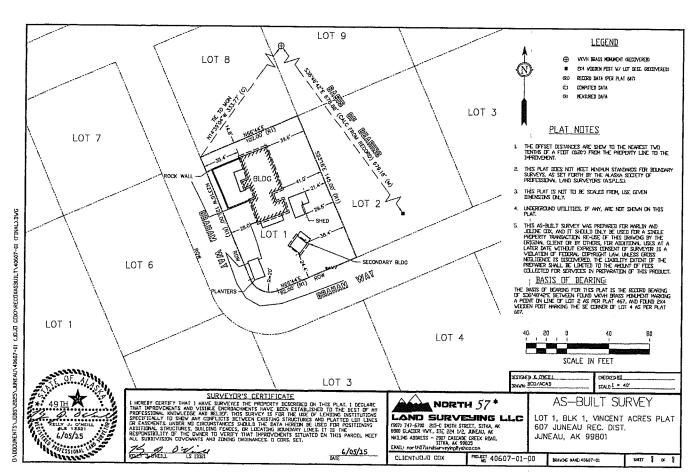
Attachment 8 - 1971 Plat

7-471-161-059-3268

#### .IY AND BOROUGH OF JUNEAU, AL\_KA APPLICATION FOR BUILDING PERMIT Rural Juneau 🔲 Douglas [ VALUATION PERMIT NO. DATE RECEIVED //-/6 APPLICANT TO FILL IN BETWEEN HEAVY LINES TWO SETS OF PLANS MUST BE FURNISHED WITH APPLICATION. Building COVERING raham way Address Ext. Walls Russa Int. Walls APPLICANT OWNER Roof Mail Address Re-Roof Metal Tel. No. F. Place Flr. Furn. Other Oil | Furnace Kitchen ARCHITECT ENGINEER UTILITIES Mail Address Sewage System City S. Tank Bldg. Main Sewer Outlet Size Water Meter Size or OWNER BUILDER Water Service Size CONTRACTOR Curb & Gutter Drain Ditch Exist. Road Driveway Width Off-Street Parking State License No ... Estimated Cost 000 Special Information Subdivision Bl. No. Lot No. acres Subdivision DESCRIPTION CLASS OF WORK New Repair Addition Demolish Alteration Move Use Of Bldg. Size Of Bldg. Height Of Bldg. Area Of Lot SPECIFICATIONS FOUNDATIONS Material Con Exterior Piers Width Of Top Width Of Bottom WORK NOT MENTIONED IS NOT INCLUDED IN Depth In Ground 3 Z Plate (Sill) Size Space Span PERMIT Girders Joists (1st Fl.) " " (2nd Fl.) I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all state laws, and codes and ordinances of The Greater Juneau Borough, applicable to building construction. (Clg.) Studs (Ext.) (Int.) Signature Roof Rafters Of Owner Bearing Walls Other Applicant .



Attachment C - 1971 Building Permit



Attachment D - Kelly J. O'Neill As-Built Survey