

**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

May 11, 2011

File No.: VAR2010 0037

Miriha D. Scalf
2806 Peters Lane
Juneau, AK 99801

Application For: A Variance request to reduce the side yard setback from 3' to 0' for an existing deck.

Legal Description: Treadwell Townhouse Lot 1

Property Address: 2806 Peters Lane

Parcel Code No.: 1-D05-0-L15-001-0

Hearing Date: May 10, 2011

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings 2, 3 and 4 listed in the attached memorandum dated May 3, 2011. Additional information submitted by the applicant on May 10, 2011 was provided at the public hearing.

Based on these and other factors presented at the meeting, the Board of Adjustment voted to adopt the following revised findings:

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

The Treadwell Townhouse Subdivision unit 6 has a deck structure in the same character as the deck at 2806 Peters Lane. Treadwell Townhouse Subdivision units 5, 4, 3, and 2 each have ground level decks that extend to their property lines; each of the ground level decks are at different elevations.

The other Treadwell Townhouse owners all have access to outdoor deck space to recreate. Granting the request for a variance and allowing the existing grade level deck to remain without modification is consistent with other justice to other property owners.

Yes, the Board of Adjustment finds that this criterion is met.

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

(B) Unreasonable 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;

Other property owners in this neighborhood have similar grade level decks near the property line or up to the property line. This grade level deck is consistent with existing development in the neighborhood.

Therefore, 5B sub-criterion is met.

Yes, the Board of Adjustment finds that criterion 5 is met because sub-criterion 5B is met.

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

If the variance is denied it would require the applicant to remove the portion of the deck that is within the 3' setback which would disturb the ground beneath the deck. This would result in increased soil erosion which is what the adjacent neighbor is most concerned about. Leaving the deck in the location would prevent further impacts to soil below and would result in a benefit to the neighborhood.

Yes, the Board of Adjustment finds that this criterion is met.

Attachment: May 3, 2011, memorandum from Nicole Jones, Community Development, to the CBJ Board of Adjustment regarding VAR2010 0037.

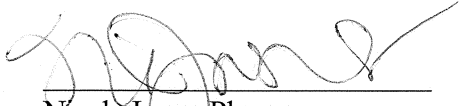
This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.


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).

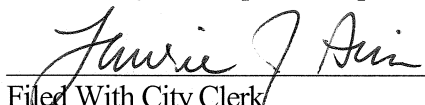
Effective Date: The permit is effective upon approval by the Board, May 10, 2011.

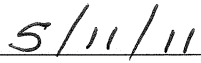
Expiration Date: The permit will expire 18 months after the effective date, or November 10, 2012 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Miriha D. Scalf
File No: VAR2010 0037
May 11, 2011
Page 3 of 3

Project Planner: 
Nicole Jones, Planner
Community Development Department


Maria Gladziszewski, Chair
Planning Commission


Filed With City Clerk


Date

cc: Plan Review
Enforcement Case ENF2010 0031

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.