

**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: July 13, 2011

File No.: VAR20110015

Dave Hurley
126 Seward St.
Juneau, AK 99801

Application For: A Variance request to reduce the side yard setback from 3' 4" to 0' and a reduction in the front yard setback from 10' to 2.64'.

Legal Description: Juneau Townsite Block 43 Lot 1 2 Fraction

Property Address: 230 West 8th Street

Parcel Code No.: 1-C06-0-A43-001-0

Hearing Date: July 12, 2011

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings 1, 3, 4 and 5 listed in the attached memorandum dated July 6, 2011. Additional information submitted by the applicant on July 11th and 12th 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 and approved the Variance as proposed in the application with the following condition:

1. Prior to Certificate of Occupancy an As-built survey be submitted showing the garage at 0' for the north side yard and no closer than 2.64' from the west front property line.

Revised findings:

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.*

Based photographs provided by the applicant showing the scaffolding in the location of the proposed garage and a vehicle backing out, there will not be significant impact to sight visibility. Because the sight visibility will not be significantly impacted public safety and welfare will be preserved.

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

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

Granting the side yard variance will eliminate a small unusable space between the proposed garage and the stairway structure on the neighboring property, provides support to the neighboring stairway structure on the property line, and would create a fully usable 2 car garage.

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

Attachments: July 12, 2011, memorandum from Nicole Jones, Community Development, to the CBJ Board of Adjustment regarding VAR20110015. Blue Folder items presented at the hearing including photographs and an As-Built Survey dated 7/9/2011.

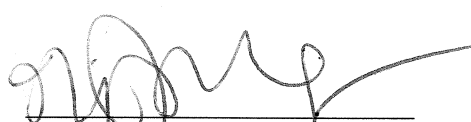

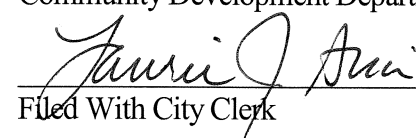
This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

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, July 12, 2011.

Expiration Date: The permit will expire 18 months after the effective date, or January 12, 2013, 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:

	
Nicole Jones, Planner Community Development Department	Maria Gladziszewski, Chair Planning Commission
	7/14/11
Filed With City Clerk	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.