

BOARD OF ADJUSTMENT
NOTICE OF DECISION

Date: March 29, 2012

File No.: VAR2012 0004

City & Borough of Juneau
155 S. Seward St.
Juneau, AK 99801

Application For: A Variance request to encroach 25 feet into the 50-foot habitat setback of Bay Creek for the renovation of Auke Bay Elementary School parking lot.

Legal Description: USS 3820 Lot 3B1

Property Address: 11869 Glacier Highway

Parcel Code No.: 4-B28-0-103-012-1

Hearing Date: March 27, 2012

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 21, 2012, 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:

- 1) Prior to issuance of a Building permit, the applicant shall submit a site plan showing the location of the trash dumpster outside of 50-foot habitat setback.
- 2) Prior to issuance of a Building permit, the applicant shall submit a site plan showing following features:
 - a. The location of the underground utilities not closer than 25 feet from Bay Creek.
 - b. Eliminate the infringement in the southwest corner of the staff parking lot;
 - c. Relocate the fire hydrant and the access pad outside of the 50' setback;
 - d. Shift or narrow the two-way access driveway to the staff parking to the east by reducing the landscaped areas to the west; and,
 - e. Use a retaining wall system to maximize the fill slope (i.e. make it steeper) and minimize the encroachment to the west of the driveway.
- 3) In the previously disturbed area between the 25' and 50' distances of the setback west of the driveway leading to the staff parking lot, the applicant shall plant alders with 75% coverage with a 50% survival rate over two years. The site plan in Attachment E marks the planting area. The applicant shall submit documentation indicating where the alders will be planted prior to the issuance of a Building permit.
- 4) The applicant shall submit an approved maintenance plan for the stormceptor system prior to the issuance of a Building permit.

- 5) The applicant shall install a silt fence along the 50-foot habitat setback line prior to the geothermal drilling. Prior to the issuance of a Building permit, the applicant shall submit a site plan indicating where the geothermal drilling will take place and where the silt fence will be installed and other appropriate measures to keep fluids, chemicals, mud, or water used for, and as a result of, drilling out of Bay Creek.
- 6) The applicant shall contact CDD staff to conduct an inspection when the silt fence and other measures have been installed prior to the drilling operation.
- 7) After the first 8 holes have been drilled, the applicant shall contact CDD staff to inspect the site to ensure measures are functioning correctly to keep drill related fluids out of Bay Creek.
- 8) Prior to issuance of a final Certificate of Occupancy (CO), CDD staff shall verify 50% survival of alders planted as specified in Condition 3. If survival is less than 50%, the applicant shall replaced dead alders prior to CO.
- 9) **Advisory Condition:** The Board encourages uses of pervious pavement if possible. Prior to issuance of a Building permit, the applicant shall submit to CDD staff documentation showing if pervious pavement is possible, and if so, drawings of material and location.

Attachment: March 21, 2012, memorandum from Eric Feldt, Community Development Planner, to the CBJ Board of Adjustment regarding VAR2012 0004.


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.

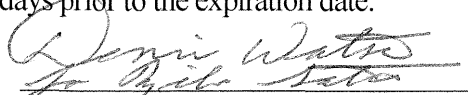
This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030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

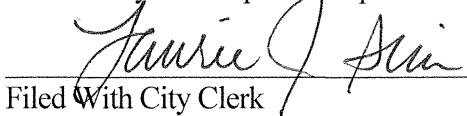
Effective Date: The Variance is effective upon approval by the Board: March 27, 2012.

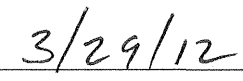
Expiration Date: The Variance will expire 18 months after the effective date, or September 27, 2013, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Eric Feldt, Planner
Community Development Department


Mike Satre, Chair
Planning Commission


Filed With City Clerk


Date

cc: Plan Review