

**BOARD OF ADJUSTMENT**  
**NOTICE OF DECISION**

Date: October 25, 2012

File No.: VAR2012 0014

Alaska Pacific Capital Co.  
19005 Glacier Highway  
Juneau, AK 99801

Application For: A Variance request to allow a minor subdivision creating two lots on a portion of Auke Street that is undeveloped.

Legal Description: USS 2392 Tract E

Property Address: 11670 Auke Street

Parcel Code No.: 4-B27-0-108-001-1

Hearing Date: October 23, 2012

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings 3, 4, and 5 listed in the attached memorandum dated September 19, 2012 and adopted the following additional findings:

1. If Auke Street had been constructed and accepted for maintenance up to the applicant's property line, as was the case for most other property owners in the neighborhood, the applicant would have been able to subdivide without a variance.

**Therefore this criterion is met.**

2. The Board of Adjustment has adopted a condition of approval for the subdivision requiring a driveway to be constructed meeting International Fire Code Standards for access prior to issuance of a Certificate of Occupancy for new construction on the new lots. By adopting this condition, public safety and welfare will be preserved.

**Therefore this criterion is met.**

6. It's no secret that land is hard to find in Juneau and this parcel is just sitting there. It might be wet but it is flat. With a new section of road or driveway, the community could have more housing. This is a definite benefit to the neighborhood.

**Therefore this criterion is met.**

With findings adopted above, the Board of Adjustment approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

1. Fire apparatus access and turn-around must be provided and shall be constructed to International Fire Code Standards prior to issuance of any Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO).


Attachment: September 19, 2012 memorandum from Nicole Jones, Community Development, to the CBJ Board of Adjustment regarding VAR2012 0014.

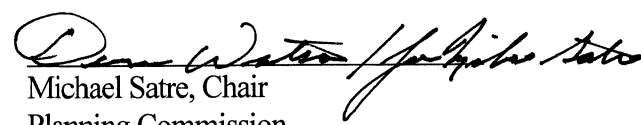
This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

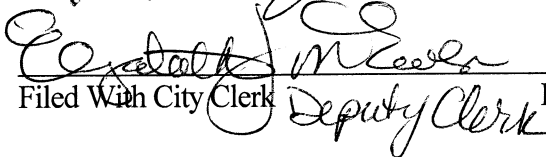
This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030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

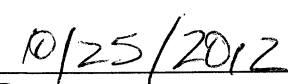
Effective Date: The permit is effective upon approval by the Board, October 23 2012.

Expiration Date: The permit will expire 18 months after the effective date, or April 23 2014, if no Subdivision application has been submitted and substantial progress toward completing the subdivision has not been made in accordance with the plans for which the variance was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:   
Greg Chaney for Nicole Jones, Planner  
Community Development Department

  
Michael Satre, Chair  
Planning Commission

  
Filed With City Clerk Deputy 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. Nicole Jones was a good Planner and will be sorely missed. 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.