

**BOARD OF ADJUSTMENT  
NOTICE OF DECISION**

Date: January 10, 2013  
File No.: VAR2012 0029

R & S Construction LLC  
PO Box 210194  
Auke Bay, AK 99801

Application For: A variance request to the requirement that lots be designed to conform to a minimum rectangle of 100' by 100' in a D-3 zone district - CBJ 49.15.460.(4)(A)(i)(b).

Legal Description: USS 2391 Lot Y

Property Address: 12100 Mendenhall Loop Road

Parcel Code No.: 4-B27-0-101-002-0

Hearing Date: January 10, 2013

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 10, 2013, and made the following alternative finding for variance criterion 5C:

***(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;***

The subject parcel is a long, somewhat narrow parcel along Mendenhall Loop Road. It's wider along Mendenhall Loop Road at approximately 300 feet along a curve, and then tapers back to approximately 198 feet wide on the northwest side/rear of the property. The longest side is approximately 607 feet. Due to the smaller width of the property, in order to dedicate 60 feet of platted right-of-way for a road that would provide access to the lots would take up a significant amount of area and less area would be available for lots onsite. The proposed configuration provides a driveway easement for all six lots with access to Mendenhall Loop Road. However, a variance to this standard would not be needed if the subdivision were redesigned to propose only five lots; in that scenario, all lots would be able to meet the 100' by 100' rectangle requirement. However, even with five lots, this subdivision would still be a major subdivision which would require major subdivision review and approval by the Planning Commission. Development and construction costs would be more reasonable if they were spread out over six lots rather than five lots; however, the applicant does not offer any specific reason stating that Therefore compliance with the existing standards make the project unreasonably expensive.

**No Yes.** This sub-criterion is **not met**.

The Board of Adjustment then 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. The subdivision plat shall include a note requiring that all lots be accessed with a single, shared driveway only and that vehicular access to Mendenhall Loop Road from the individual lots will not be allowed.
2. Prior to final plat recording, the developer shall provide for a homeowner's association whose responsibility will be to ensure that the property owners will provide for the continued maintenance of the shared driveway.
3. Documents creating the homeowner's association shall be recorded concurrently with the final plat.
4. 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) for dwellings on the property.

Attachment: January 10, 2013, memorandum from Laura A. Boyce, Community Development, to the CBJ Board of Adjustment regarding VAR2012 0029

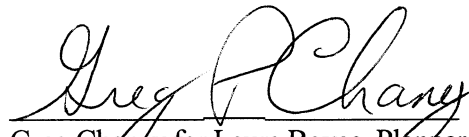
This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

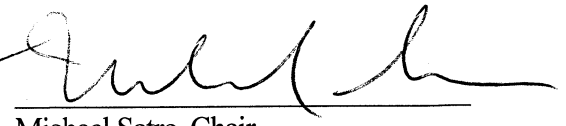
This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030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

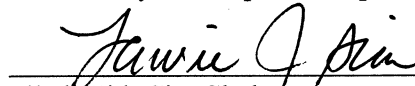
Effective Date: The permit is effective upon approval by the Board, January 8 2013.

Expiration Date: The permit will expire 18 months after the effective date, or July 8 2014, 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:

  
Greg Chaney for Laura Boyce, Planner  
Community Development Department

  
Michael Satre, Chair  
Planning Commission

  
Filed With City Clerk

1/14/13  
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, baby tangerine, 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.