

BOARD OF ADJUSTMENT
NOTICE OF DECISION

Date: May 29, 2013
File No.: VAR2013 0005

Soapy Lingle
PO Box 35026
Juneau, AK 99803

Application For: A variance request to reduce the side yard setback from 10 feet to 8 feet and reduce the minimum lot width from 60 feet to 41 feet to allow a common-wall subdivision from an existing duplex.

Legal Description: Lot 43 Block A Riverwood

Property Address: 9135-7 Parkwood Drive

Parcel Code No.: 5-B21-0-116-013-0

Hearing Date: May 28, 2013

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 8, 2013, and made additional findings (see below) to approve the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

1. A maintenance easement be defined at a width of 20 feet at the street that shall be recorded prior to the common-wall subdivision plat.

New Findings made by Board of Adjustment during hearing

1. Approving the reduced side yard setback and minimum lot width for a future common-wall development will allow the creation of two, separate fee simple-properties which will result in one single family dwelling on each lot. This will be consistent with the existing single-family neighborhood.

5 (B) & 5(C): To comply with all common-wall standards, the applicant would need to buy land to increase the lot width and side yard setback. This would be unreasonably expensive. Further, the property is located along the backside of a street corner which creates a unique physical feature of the property and renders compliance with all common-wall standards burdensome.

6. Approving the variance to allow the duplex to be subdivided into a common-wall development will result in two low cost single-family homes in a restricted residential market. The neighborhood will benefit from the creation of two, fee-simple homes.

Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?

Yes. All criteria are met, therefore, the variance meets Section CBJ § 49.20.250.

Attachment: May 8, 2013, memorandum from Eric Feldt, Community Development, to the CBJ Board of Adjustment regarding VAR2013 0005


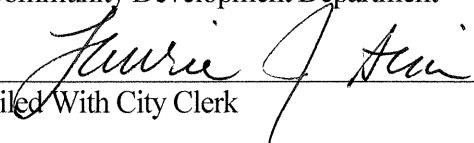
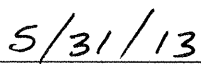
This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

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 28, 2013

Expiration Date: The permit will expire 18 months after the effective date, or November 28, 2013 if no Minor Subdivision Permit has been recorded 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	 Michael Satre, Chair Planning Commission
 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.