

**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: July 24, 2013

File No.: VAR2013 0016

James C. Laurent
510 Summers Street
Douglas, AK 99824

Application For: Variance request to reduce 20 foot setback to 8 feet.
Legal Description: Tye Addition Douglas Townsite Block 38 Lots 2 & 3
Property Address: 510 Summers Street
Parcel Code No.: 2-D04-0-T38-001-0
Hearing Date: July 23, 2013

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 23, 2013, and based on additional information provided at the hearing, modified criterions 1, 2 , 5(C) and 6 as shown below:

1. Granting this variance would provide relief to the property owner in that he would have access to safe, level off street parking year round. This relaxation is consistent with justice to other property owners in that the variance will increase availability of street parking for the neighborhood. There are also many other garages in the neighborhood that do not meet current setback requirements.
2. The intent of Title 49 is established in Section CBJ § 49.05.100 Purpose and Intent. If approved this variance will meet the intent of the Land Use Code, specifically CBJ § 49.05.100(5) *"to provide adequate open space for light and air."* and in part CBJ§49.05.100(4) *"to ensure that future growth is of the appropriate type, design and location....."* The intent of the title will be preserved in that adequate open space for light and air will be maintained by allowing the garage to be built with an 8 foot setback.
 - Public safety and welfare will be preserved through the requested variance by providing better access to safe off street parking in inclement weather.
- 5(C)A unique feature to the property is the incline of the right-of-way used to access the property. Building the garage closer to the rear lot line will ensure flat safe access in front of the garage.
6. Allowing the garage to be built with an 8 foot rear yard setback will benefit the neighborhood by allowing the applicant to safely approach both Fifth Street and the off street parking from the steep grade of Summers Street. The increased amount of parking area will allow for adequate off street parking providing more space for on street parking for the neighborhood.

The Commission approved the Variance to be conducted as described in the project description and project drawing submitted with the application.

Attachment: July 23, 2013, memorandum from Chrissy McNally, Community Development, to the CBJ Board of Adjustment regarding VAR2013 0016.


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.

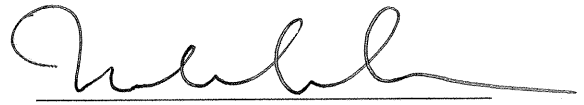
This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030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

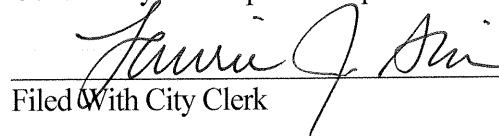
Effective Date: The permit is effective upon approval by the Board, July 23, 2013.


Expiration Date: The permit will expire 18 months after the effective date, or January 23, 2015 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:


Chrissy A. McNally, 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.