


MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: October 15, 2014

TO: Board of Adjustment

FROM: Eric Feldt, Planner II, CFM 
Community Development Department

FILE NO.: VAR2014 0022

RE: A variance to reduce side yard setback from 10' to 0' for a new office building.

This memorandum clarifies an issue with the project description statement on the public notice of Variance number VAR2014 0022. Maritime Exchange of Alaska (MXAK) facility filed the Variance to reduce one side yard setback from 10 to 0 feet and another side yard setback from 10 feet to 5 feet for a new office building. The "...10 to 0 feet..." distance is correct, the other is not.

When the applicant filed VAR2014 022, they believed that a prior variance (VAR2011 0018), for the same property but different project, which reduced one of the side yard setbacks from 10 to 5 feet, was still active. Staff explained that it is no longer active because the building associated with that Variance was never built, and therefore, the Variance expiration date sun-setted and expired. This means that both side yard setbacks remain at the zoning district's normal distance of 10 feet.

VAR2014 022 is needed to reduce both side yard setbacks from 10 feet to 2 inches on the ground floor and 10 feet to 5 feet on the upper stories. See image below.



Figure 1: Illustration of proposed building consisting of ground floor parking garage and 2nd & 3rd story offices. Ground floor will be built up to both side property lines; upper stories will be 5' away from same side property lines.

Therefore, the public notice project description is incorrect and should be replaced with the following statement: A variance to reduce both side yard setbacks from 10 feet to 2 inches on the ground floor and 10 feet to 5 feet on the upper stories. This corrected statement must be advertised so as to not be an appealable matter. Since staff cannot correct this in time for the October 28th Planning Commission meeting, staff suggests rescheduling this variance to the next meeting, November 25th. The other variance (VAR2014 0024) may still be decided upon at the October 28th Planning Commission meeting.

Staff has provided some guidance for the commission to take for action of VAR2014 0022:

- 1) Have CDD present the case at the 10/28 meeting and table the action for the next available Commission meeting (November 25th),
- 2) Have CDD present the case and the Commission take action during the November 25th meeting, OR
- 3) Have CDD present the case and have the Commission take action during the October 28th meeting. This is not recommended by staff due to the public notice being incorrect.

Staff understands this has created an inconvenience to the applicant and will take greater care when developing the public notice statements to prevent this from happening in the future.