



Planning Commission

(907) 586-0715

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www.juneau.org/community-development/planning-commission

155 Heritage Way • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: January 10, 2024

File No.: VAR2023 0003

Dan Miller
PO Box 32098
Juneau, AK 99801
dmiller@gci.net

Proposal: Applicant requests a Non-Administrative Variance for rear yard setback reduction from 25 feet to 20.77 feet.

Property Address: 5025 Powers Street

Legal Description: USS 1796 ROSS LT 2A

Parcel Code No.: 4B2901000021

Hearing Date: January 9, 2024

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 2, 2024, and approved the Variance to be conducted as described in the application materials, and with modifications to staff report findings as follows:

A. Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property.

Analysis: ~~"Hardship" is the inability to use land similarly to neighboring properties. The building permit proposal illustrated that the rear setback was attainable.~~

Unusual or special conditions were improper staking carried through survey, construction, and inspection. The unfortunate events that lead to incorrect placing of the bungalow building are completely unusual such that special considerations are necessary to alleviate undue hardship. The situation that the CBJ and the builder are in is due to circumstances that are so unusual that they are unexplainable, completely inadvertent, and wholly accidental. There is no benefit the owner would gain by purposefully encroaching into the setback; only

hardship, uncertainty, and financial duress. Therefore, the condition of this requirement is met.

Finding: This criterion has ~~not~~ been met.

B. The unusual or special conditions of the property are not caused by the person seeking the Variance.

Analysis: ~~The lot has no unusual or special conditions. The Applicant's narrative acknowledges human error creating the need for the variance.~~

~~While another contractor may have executed the error, the Applicant is responsible for the site [CBJ 19.01.105.3(12)]:~~

~~The application shall provide the contractor's name and Alaska contractor's license number of the contractor who will be responsible for the work or, alternately, establish that the work may lawfully be performed by the owner, an unlicensed contractor, or both, and identify the person or persons who shall in such case be responsible for the work.~~

The need for the variance was not caused by the owner or applicant.

Finding: This criterion has ~~not~~ been met.

D. The grant of the Variance is narrowly tailored to relieve the hardship.

Analysis: No further analysis required.

Finding: This criterion has ~~not~~ been met.

Attachment: January 2, 2024, memorandum from Irene Gallion, Community Development, to the CBJ Planning Commission regarding VAR2023 0003.

Additional Materials: Comment from Capital City Fire and Rescue.

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 Planning Commission. 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 Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

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Effective Date: The permit is effective upon approval by the Planning Commission, January 9, 2024.

Expiration Date: The permit will expire 18 months after the effective date, or June 9, 2026, 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.

mandy cole

Mandy Cole, Chair
Planning Commission

1/17/24

Date

Lily Hagerup

Filed With City Clerk

1/17/24

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.