



BOARD OF ADJUSTMENT
NOTICE OF DECISION

Date: September 5, 2002

File No.: TXT2002-00002

Dirk Lovig
1751 Anka St.
Juneau, AK 99801

Application Form: Code Interpretation and Similar Use Determination

Legal Description: Boroughwide

Parcel Code No.: Boroughwide

Hearing Dates: January 22, 2002
August 13, 2002

The Planning Commission, acting as Board of Adjustment, at its regular public meeting held on January 22, 2002, considered a request for an interpretation of the code and a similar use determination according to Section 49.20 of the Land Use Code.

The Board of Adjustment (Board), after reviewing the staff report, hearing public testimony and deliberation, rejected the findings of Staff listed in the attached memorandum dated January 16, 2002. These findings concluded that the Bureau of Vital Statistics facility was a use listed in the Table of Permissible Uses under use Category 3.400.

However, the Board did find that the Bureau of Vital Statistics (BVS) facility has a unique use, given its function of storing, maintaining, and retrieval of vital statistics, and therefore does not fit under any use specifically listed in the Table of Permissible Uses. In addition, the Board made a determination according to Section §49.20.320 of the Land Use Code that the Bureau of Vital Statistics facility is similar in use to the category 15.100, Post Office, of the Table of Permissible Uses. The Board found that the BVS facility was similar to this use category because it is public building, which falls under the general heading of Category 15.000 Miscellaneous Public and Semipublic Facilities. Further, the Board found the facility most similar to the specific Use Category 15.100, Post Office, because of their like characteristics of sorting, storing, and transmitting of documents and records.

The decision of the Board was subsequently appealed to the Assembly of the City and Borough of Juneau (Assembly), which vacated the decision of the Board because the decision was not supported by substantial evidence in light of the whole record. The case was remanded to the Board for further proceedings.

On August 13, 2002 the Board held a hearing on the matter, receiving additional evidence and testimony from staff, the applicant, and the appellant. After considering the additional evidence as well as evidence introduced and considered at the January 22, 2002 hearing, the Board re-affirmed its determination that the BVS facility is a unique use which is not specifically listed in the Table of Permissible Uses. The use is unique given its function of storing, maintaining, protecting, and retrieving vital statistics, a use seldom replicated within the State and unlikely to ever be established again in Juneau unless as a replacement of the proposed facility. It is noted that the unique aspect of the BVS facility was acknowledged by all parties.

The Board also determined that the BVS facility is of the same general character as a Post Office facility, a use that is listed in the Table of Permissible Uses as a Conditional Use Permit requiring Planning Commission approval in the I - Industrial zone, in which the proposed facility is located (Category 15.100). Based on evidence in the record and reviewed at the hearings, the Board finds as follow in support of the determination that the BVS facility is of the same general character as a Post Office facility:

- The BVS facility is a public building, which falls under the general heading Category 15.000 Miscellaneous Public and Semipublic Facilities.
- Although there are several sub-categories under Category 15.000, Post Office, Category 15.100, is of the same general character as the BVS facility because of their like-characterizations of sorting, storing and transmitting of documents and records.
- A similar percentage (5%) of floor area in the BVS facility is devoted to public use as in a local Post Office (10%).
- A similar small percentage (22.5%) of floor area in the BVS facility is devoted to use as office space as is the case in a Post Office (10%).
- Handling of goods is conducted on-site for both facilities.
- Both the BVS and Post Office facilities function to serve the special needs of the *documents* and not *staff*.
- Both facilities are located in public buildings
- Both facilities require relatively high levels of security

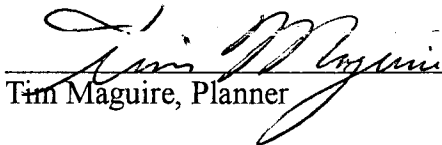
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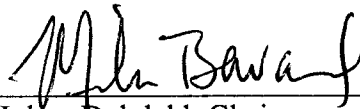
- ◆ General use Characteristics: Post Office, Bureau of Vital Statistics, Storage Facilities, - document prepared by CBJ Community Development Department staff.
- ◆ Comparison of BVS to Post Office - document presented to Planning Commission by Mr. Dirk Lovig

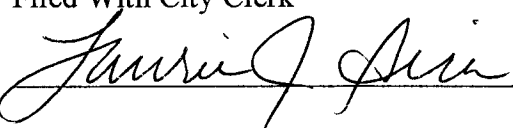
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This Notice of Decision constitutes a final decision of the CBJ Board. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Action by the appellant in reliance on the decision shall be at the risk that the decision may be reversed on appeal. Appeals must be filed by 4:30 P.M. of the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c).

Effective Date: The permit is effective upon approval by the Board.
August 28, 2002

Project Planner: 
Tim Maguire, Planner


for Johan Dybdahl, Chairman
Board of Adjustment

Filed With City Clerk

9/11/2002

cc: Plan Review
John Hartle, CBJ Law Department

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 1 (800) 949-4232, or fax (360) 438-3208.

General Use Characteristics: Post Office, Bureau of Vital Statistics, Storage Facilities

Post Office Buildings have the following general characteristics:

- Majority of building space used for unloading, sorting/processing and loading material (60-70% of floor space).
- 10% of floor space dedicated to public use.
- 10% of floor space dedicated to general office use.
- High volume of customers, primary use of structure to serve public.
- Multiple loading docks, heavy truck traffic.
- Public facility-owned and operated by the government and not a private corporation.
- Protects material processed on site—building constructed to insure material safety (inspection gallery).
- As a federal building, not subject to land use or building code review. Buildings are not required to obtain local permits for construction or operation.
- Designed for customer service—large number of parking spaces, lot layout for truck use and maneuvering, multiple loading zones. Post office buildings are specifically constructed for the expected use.
- Operation of facility requires many employees.

The Bureau of Vital Statistics building in Juneau Alaska, has the following general characteristics:

- A large vault to store valuable documents, approximately 3,000 square feet in size, covering 30% of the building (total building size is approximately 10,000 square feet)
- A need for document security—contains construction features to ensure document protection (primarily a large vault). The building is uniquely constructed for its intended use and not suitable for other office/industrial uses.
- Approximately 43% of the total floor space dedicated to processing documents by clerical and office staff.
- 5% of total floor space for public use.
- High volume of customers, primary use of structure to serve public.
- Public facility-owned and operated by the government and not a private corporation.
- Operation of facility requires many employees.

Storage Facilities as listed under 10.210 in the Table of Permissible Uses, All storage within completely enclosed structures, have the following general characteristics:

- 50% or more of the building's floor space dedicated to storage of goods or materials.
- Office uses on site are accessory to the primary storage use and occupy less than 50% of the floor space.
- Not designed to service a high volume of customers.
- Access to material storage area is limited and few employees on site.
- Have either a commercial or public use.
- Operation of facility requires few employees.

	Public or Private Ownership	Percent of floor area devoted to public use	Percent of floor area devoted to use as office	Handling and Sorting of Documents	Number of Loading Zones- Actual vs. Required by Zoning Code	Number of On-Site Employees	Typical Facility Security Needs	Term of Storage	Handling of goods: -On site -Off site
Bureau of Vital Statistics	Public	5%	22.5%	High	1, 1	High	Vault	Long	On site
Post Office	Public	10%	10%	High	1, 10	High	Inspectors/ Inspection Gallery	Short	On site
Storage Facilities Typical	Public or Private	0%	~1%	Low	1, 1	Low	Close Circuit Camera, Security Guard	Long	Off site

Sources:

Bureau of Vital Statistics building:

Calculations of floor space from drawings submitted to CDD department for building permit, BLD2002-00109, stamped received on March 20th, 2002. Information on number of customers and ownership from documents contained in the official Appeal Record for TXT2002-00002.

Post Office:

Calculations of floor space and attributes of Post Office based on discussion with Juneau Post Master, Kent Eriksen and site visit of Valley Post Office on Monday August 12th, 2002. Information on the total building size from CDD building permit file.

Storage Facilities:

Typical building size used here is 10,000 square feet. This number is an average of the size of the last three storage facilities receiving Allowable Use permits. Staff recognizes that storage facilities can be much larger than 10,000 square feet. However, for the purposes of comparison, 10,000 square feet has been used. Determination of other attributes of this building (such as high volume of customers, number of employees required on site) based on staff knowledge of typical operations.

Comparison of BVS to Post Office

BVS	Factor	Post Office
The function of a BVS building, and it's staff is to serve the documents, unlike a Standard Office Building where the stored documents serve the needs of the staff	Function	The function of the Post Office, and it's staff is to serve the documents unlike a Standard Office Building where the stored documents serve the needs of the staff
BVS will be a state function in a building owned by a private party This is the case with several buildings in Juneau. BVS will be open to the public	Public Building	Post Office are either federally owned or contracted spaces operated by private parties. In either case, they are public.
Long term storage of documents in the very secure facility.	Secure Storage	Post Offices store mail for short periods of time but the mail is vital and the storage is secured.
BVS processes incoming documents, cataloging, scanning storing, retrieving and copying them	Processing	P.O employees receive incoming mail, process, catalog, and dispatch to be delivered as well as delivering to boxes within the Post Office.
BVS employees sell copies of records to walk in customers as well as through the mail, internet, phone and fax.	Customer Service	P.O. employees' sell postal services to walk-in customers as well as other means.
BVS must be open and accessible during normal business hours and serves about 20 walk-ins per day.	Public Access	Post Offices must be open and accessible during normal business hours.



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Much has been said about maintaining the integrity of industrial property for strictly industrial use. And the proximity of office workers may disrupt the function of industrial activities. But CBJ zoning, and TPU allows for far more in an industrial zone than just what one may perceive as heavy industrial use. The following projects are allowed in the same industrial area that this building is in:

- Restaurants, Bars and Nightclubs
- Theaters
- Parks and open spaces
- Single family dwelling
- Single family detached accessory apartment
- Child care home
- Day care home
- Home occupations
- Mobile homes on individual lots
- Convenience stores
- Trade, Vocational or Commercial schools
- Social, fraternal clubs and lodges, union halls, yacht clubs and similar uses
- Bowling alleys, billiard halls and pool halls
- Outdoor recreation facility's