

BOARD OF ADJUSTMENT
NOTICE OF DECISION

Date: June 26, 2002

File No.: VAR2002-00021

Judith Erickson
1954 Lemon Creek Rd.
Juneau, AK 99801

Application For: A variance to reduce setback from Lemon Creek's edge for construction of warehouse building, from the required 50 feet to 48' towards the west end, and 38'-6" towards the east end. In addition a variance to the west side setback from 10 feet to 5 feet.

Legal Description: RSH III Lot 12 & RSH III Lot 13

Parcel Code No.: 5-B12-0-133-012-0 & 5-B12-0-133-013-0

Hearing Date: June 25, 2002

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 19, 2002 and the variance to be conducted as described in the project description and project drawing site plan (attachment a) revised with the application and with the following conditions:

- 1) A restoration planting plan shall be submitted to CDD and the Department of Fish and Game per §49.70.950 (e) by the applicant prior to issuance of a building permit. The plan shall include type, size, spacing, and planting methods of the restoration planting. 80 percent cover or greater must occur within two growing seasons with native grasses, shrubs and trees per CBJ Code §49.70.950 (e)(f).
- 2) Installation of landscaping must occur prior to issuance of a Certificate of Occupancy, unless time of the year is not feasible for plant viability, in which case a bond will be required for carrying out the required restoration planting in the next planting season.
- 3) The boundaries of the lots and setbacks shall be clearly staked and flagged prior to construction. Signage shall indicate the 50 foot setback area as a "no disturb zone", where work must not occur. To the extent practicable, equipment shall approach the site and operate from the south end of the lots. All measures shall be taken to avoid impacts outside of the lot within the Lemon Creek setback.
- 4) Construction during periods of heavy precipitation must be avoided or halted, to the extent practicable, per CBJ Code §49.70.950(d).
- 5) Prior to the issuance of a building permit, the applicant shall submit a drainage and erosion control plan to the CBJ Engineering Department. This plan shall ensure that drainage from the building pad to the street shall be directed towards Anka Street. Drainage from the rear building line towards Lemon Creek shall be directed towards the creek. In addition, the applicant shall minimize ground disturbance, prevent and control sedimentation (Per CBJ Code §49.70.950 (d)).

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- 6) All work activity, and parking shall not extend beyond the rear (north) building line. In addition, the parking area will consist of washed gravel.
- 7) To prevent back out parking, the applicant must indicate/delineate the driveway entrance to the site.
- 8) One garage door per east-west side of the building will be allowed to assure parking will be maintained.

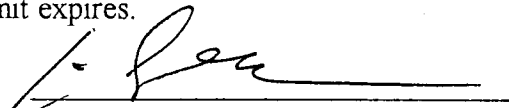
Attachment: June 19, 2002, memorandum from Chris Beaney, Community Development to the CBJ Planning Commission regarding Variance 2002-00021.

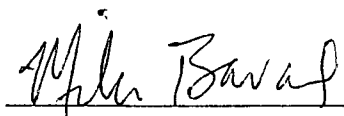
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030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

Effective Date: The permit is effective upon approval by the Commission, June 25, 2002.


Expiration Date: The permit will expire 18 months after the effective date or December 25, 2003, 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 before the permit expires.

Project Planner:


Chris Beaney, Planner


for Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk


June 28, 2002

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