



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: May 9, 2007

File No.: USE2007-00015

Kurt Tveten
P.O. Box 210232
Auke Bay, AK 99821

Application For: An Allowable Use permit for an access driveway in the unbuilt Cohen Way right-of-way.

Legal Description: Tee Harbor Alaska BL 2 LTs 5 & 29

Parcel Code No.: 8-B37-0-102-005-0

Hearing Date: May 8th, 2007

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 2, 2007 and approved the Access Driveway in the right-of-way of Cohen Way to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:


1. A performance bond, along with submitted plans shall be required by the applicant set forth by the CBJ Engineering Department prior to obtaining an excavating and grading permit.
2. The applicant must provide a notarized statement as required per CBJ 49.35.310 (d)(3):
 - (A) That the City and Borough shall not be obligated to provide any maintenance, grading or snow plowing for the access driveway that would not be provided as a matter of course for any other driveway located on private land;
 - (B) That the applicant and the applicant's heirs, successors, and assigns, will defend, indemnify and hold harmless the City and Borough from any claim or action for any injury, loss or damage suffered by any person arising from the design, maintenance, or use of the access driveway;
 - (C) That the access driveway will not be blocked from vehicular or pedestrian access by the public;
 - (D) That the City and Borough will have unimpeded access to the driveway to carry out other responsibilities not associated with subsection (e)(3)(A) of this section;
 - (E) That the applicant will maintain the access driveway according to the requirements and conditions established by the director of engineering in the excavation permit; and
 - (F) That the City and Borough will record a copy of the agreement with the state recorder's office for each lot or parcel of land adjoining the segment of right-of-way in which the access driveway is to be located.

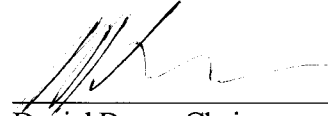
Attachments: May 2nd, 2007 memorandum from Eric S. Feldt, Community Development to the CBJ Planning Commission regarding USE2007-00015.

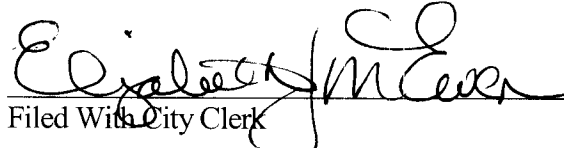
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.


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 Sec. 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, May 8th, 2007.
Expiration Date: The permit will expire 18 months after the effective date, or November 8th, 2008 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:  _____
Eric Feldt, Planner
Community Development Department

 _____
Daniel Bruce, Chairman
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 1 (800) 949-4232, or fax (360) 438-3208.