

Presented by: The Manager
Introduced: 04/02/2018
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-04(b)

An Ordinance Amending the Land Use Code Relating to Variances.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Article. CBJ 49.20 Article II Variances, is amended to read:

49.20.200 Variance.

Pursuant to this article, a variance may be granted to provide an applicant relief from the requirements of this title. A variance is prohibited from varying any requirement or regulation of this title concerning the use of land or structures, housing density, lot area, requirements in chapter 49.35, or requirements in chapter 49.65. Applications for prohibited variances shall not be accepted for filing or shall be rejected by the director.

49.20.210 Submittal.

Except as provided in this article for an administrative variance, an application for a variance shall be submitted to the board of adjustment through the department.

49.20.220 Scheduling and fee.

- (a) An application for an administrative variance shall be administered by the department.
- (b) If the director determines that the request is not for an administrative variance and the application is complete, it shall be scheduled for public hearing. If the application is filed in conjunction with a major development permit, a separate public notice shall not be required and the variance fee shall be reduced by 20 percent. For separate variance applications, a fee and public notice according to section 49.20.230 shall be required.

49.20.230 Public notice.

- (a) Upon determination that the administrative variance application is complete, the director shall mail notice of the application to the immediately adjoining property owners, as determined by the director, and provide at least 14 days to submit written comments before issuing a decision.
- (b) For variances other than administrative, public notice according to section 49.15.230 shall be given prior to a hearing on the application by the board of adjustment.

49.20.240 Board of adjustment action.

The board of adjustment shall hear all variance requests except administrative variances, and shall either approve, conditionally approve, modify or deny the request based on the criteria in section 49.20.250(b).

49.20.250 Variance standards.

- (a) Administrative variances.
 - (1) An administrative variance may be granted to allow projections not to exceed 25 percent of the yard setback requirements of this title or two feet, whichever is less, upon the director determining the following:
 - (A) Enforcement of the setback ordinance would result in an unreasonable hardship;
 - (B) The grant of the variance is not detrimental to public health, safety, or welfare; and
 - (C) The grant of the variance is narrowly tailored to relieve the hardship.
 - (2) An administrative variance decision by the director may be appealed if a notice of appeal is filed within 20 days of the date the decision is signed by the director, in accordance with section 49.15.239.
- (b) Non-administrative variances.
 - (1) A variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the board of adjustment has determined that:
 - (A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;
 - (B) The unusual or special conditions of the property are not caused by the person seeking the variance;

(C) The grant of the variance is not detrimental to public health, safety, or welfare; and

(D) The grant of the variance is narrowly tailored to relieve the hardship.

49.20.260 Conditions of approval.

The board may attach to a variance conditions regarding the location, character, and other features of the proposed structures or uses as it finds necessary to carry out the intent of this title and to protect the public interest.

49.20.270 Expiration and extensions of approval.

Expiration and extensions of variances shall be governed by the procedures and standards established for development permits in chapter 49.15, article II.

Section 3. Amendment of Section. CBJ 49.85.100 Generally, is amended at (10), to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule:

...

(10) Board of adjustment.

(A) Administrative variance, \$120.00;

(B) Non-Administrative variance, \$400.00;

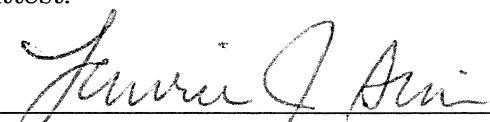
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Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 14th day of May, 2018.


Kendell D. Koelsch, Mayor

Attest:


Laurie J. Sica, Municipal Clerk