

Variance Procedure



Why do I need a Variance?

Zoning regulations are intended to preserve and protect property uses and values, and to promote health and general welfare.

The Planning Commission, acting as the Board of Adjustment, may grant a variance to certain code requirements.

What can I get a Variance for?

The Land Use Code allows for changes to minimum standards for each zoning district. Lot width and depth, building setbacks, and building height may receive a Variance. Other standards may qualify for Variances.

Speak to CDD staff if your proposal is not addressed here.

What is the Variance Process?

- Permit application, www.juneau.org/cddftp/landpermit.php
 - Narrative – Describe how the proposal meets the criteria outlined in CBJ 49.20 Article II. Variances.
 - Site plan – Show existing and proposed: buildings, lighting, vegetation, and use of land. Show parking and traffic circulation.
 - Fees – \$400
- Review – CBJ staff and other external agencies will review the proposed project.
- Staff report – The Planner assigned to your specific project will review the application for consistency with the land use code and applicable adopted plans. Staff will then make a recommendation to the Board of Adjustment.
- Public Notice – Notice of all hearings will be sent by mail to all property owners within 500 feet of the proposed project. A sign must be posted on the site at least 14 days prior to the meeting, CDD may provide this sign. Notice will also be placed in the newspaper.
- Public Hearing – The hearings are open to the public and give the public a chance to testify or comment to the Board of Adjustment on specific projects.
- Notice of Decision (NOD) – Is issued once the Board of Adjustment reaches a decision on the proposed project.
- Appeal Period – An appeal may be filed up to 20 days after the decision was made. Any work done within the 20 days after a decision is done at the applicant's own risk.
- Expiration – Variance permits become void 18 months after their effective date if no associated permits have been issued, or if no substantial progress has been made on the project.

What criteria does the Board of Adjustment use in reviewing a Variance application?

- Are there any alternatives to the proposal that could more closely meet the standard?
- What is the effect on public safety and welfare?
- Will there be injury to neighboring properties?
- Are you asking to authorize a use that is not allowed?
- Would a denial severely limit the property's use?
- Would complying with the standard be too burdensome?
- Will the project result in an overall decrease in compliance with the Land Use Code?
- Will there be more benefits than detriments to the neighborhood as a result of a granted Variance?

What should the project narrative include?

- Why the Variance is the most feasible option in order to develop the land.
- Why meeting the standard is not possible for the proposed use.
- Habitat – Development should minimize environmental impacts near eagle's nests, wetlands, and inter-tidal areas.
- Sound – Conditions may be imposed for noise produced from a development or project.
- Screening – Fencing, planting, or screening the development from public view may be required.
- Lot size and development size
- Drainage – Project proposals to improve on and off-site drainage.
- Other issues – The Board may review and condition when reasonably necessary to protect public health, safety, and welfare.

Please contact the Permit Center with any questions or to schedule a Pre-Application Conference:

230 S. Franklin Street, 4th Floor – Marine View Building
Phone: (907) 586-0770 • Fax: (907) 586-4925
Permits@juneau.org • www.juneau.org

Monday through Friday (except Holidays) 8am to 4:30pm
Applications received: 8am to 4pm

Note: This handout does not replace the code sections and requirements as outlined in CBJ 49.20.250(b) of the Land Use Code.