

**BOARD OF ADJUSTMENT**  
**NOTICE OF DECISION**

Date: August 12<sup>th</sup> 2009

File No.: VAR2009-00024

City & Borough of Juneau  
Attn. Gary Gillette  
155 S. Seward St.  
Juneau, AK 99801

Application For: A variance request to renovate half of Douglas Boat Harbor within the 330-foot Habitat Setback of an eagle's nest located on Mayflower Island.

Legal Description: ATS 14 FR

Parcel Code No.: 2-D04-0-T32-005-0

Hearing Date: August 11<sup>th</sup> 2009

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 30<sup>th</sup> 2009, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Construction shall not occur from the hours of 7pm through 7 am.
2. Noise levels shall not exceed 65 decibels at the property line during the day or 55 decibels at nights.
3. In-water construction shall be prohibited from March 15<sup>th</sup> through June 15<sup>th</sup>.
4. The use of a qualified spotter to ensure disturbance to the eagles/ eaglets is minimized for at least the first week of pile driving shall be required.

Advisory Condition:

5. Hours of operation shall comply with CBJ § 42.20.095 (b) *Construction of buildings and projects*.

Attachment: July 30<sup>th</sup> 2009, memorandum from Eric Feldt, Community Development, to the CBJ Board of Adjustment regarding VAR2009-00024.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, August 11<sup>th</sup> 2009.

Expiration Date: The permit will expire 18 months after the effective date, or February 11<sup>th</sup>, 2011, 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.

