



OFFICE OF THE MUNICIPAL CLERK

155 S. Seward St., Room 202
Phone: (907)586-5278 Fax: (907)586-4552
email: city.clerk@juneau.org

DEC 16 2022

RECEIVED

Bella McEwen

Notice of Appeal

This appeal is governed by CBJ 01-50, the Municipal Appellate Code. This code establishes the standards and procedures for appeals.¹ Anyone who files an appeal should be familiar with the appellate code. The clerk can give you a copy of the code.

Attach a copy of the decision being appealed. Do not attach any other documents, exhibits, or additional pages to this form, except for any pages needed to continue the answers to the requested information below. The clerk will accept this form only if the appropriate filing fee is attached. The fee to file an appeal to the assembly is \$500.00. To be timely, an appeal must be filed within 20 days of the date the decision being appealed is filed with the clerk.

Action Being Appealed

Board decisions are appealable: board recommendations and most staff decisions are not.

☐ Agency Appealed From:

PLANNING COMMISSION

☐ Description and Date of Decision:

*DENIAL OF 21 UNIT CONDO
PROJECT IN AUKO BAY DATE: 11/23/2022*

Concerned Parties

Identify the people who have an interest in the action being appealed: yourself and others.

☐ Party Filing Appeal

*BAYHOUSE PROPERTIES
MITCH FALK*

Mailing Address

318 WILLOWHAY

Telephone

463-5252

Fax

Email

bullwinkles1@jci.n

☐ Parties Who Won the Decision Appealed

Mailing Address

Telephone

Fax

Email

1 01.50.070 STANDARD OF REVIEW AND BURDEN OF PROOF. (a) The appeal agency may set aside the decision being appealed only if:

(1) The appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing;

(2) The decision is not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made; or

(3) The agency failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.

(b) The burden of proof is on the appellant. (Serial No. 92-36

2 (part), 1992).

-over-

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Beth N. Evers

Issues on Appeal²

Concisely describe the legal and factual errors that form the basis for your appeal. Do not argue them: argument will be heard later.

PLANNING COMMISSION DENIED THE PROJECT STATING ACCESS HAD TO COME FROM GLACIER HWY EVEN THOUGH THE ACCESS TO THE PROPERTY AND CURRENT BUSINESSES AND USES HAS NOT CHANGED IN OVER 100 YEARS. ALLOWABLE USES ARE A CHURCH, 10,000 SQ' OFFICE, MARINE RETAIL, BOAT STORAGE AND BOAT YARD, RESTAURANT

Relief Requested

What should the Assembly do with the action being appealed: send it back, modify it, or something else?

REVISIT THE ISSUE OF ACCESS AND ALLOW THE CONSTRUCTION OF MUCH NEEDED HOUSING. BY ALLOWING 21 RESIDENTIAL UNITS OVERALL TRAFFIC WOULD BE SUBSTANTIALLY REDUCED COMPARED TO THE ABOVE ALLOWABLE USES


Signature12/16/22
Date

If you are representing any group, or a person other than yourself, you must sign a notarized statement that you are authorized to represent them.

2 01.50.030(b)(5) COMMENCEMENT OF ACTION.

The notice of appeal shall include a concise statement of the legal and factual errors in the decision that form the basis of the appeal.



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/community-development/planning-commission

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: November 23, 2022
Case No.: USE2022 0011

Bayhouse Properties LLC
ATTN: Mitch Falk
318 Willoughby Avenue
Juneau, AK 99801

Proposal: Conditional Use Permit for development of condominiums with up to 21 dwelling units, zoned Waterfront Commercial.

Property Address: 11485 Auke Bay Harbor Road

Legal Description: USS 1504 TR F1

Parcel Code No.: 4B2301050090

Hearing Date: November 22, 2022

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 14, 2022 and DENIED the Conditional Use Permit for development of condominiums with up to 21 dwelling units, zoned Waterfront Commercial.

Attachments: November 14, 2022 memorandum from Irene Gallion, Community Development, to the CBJ Planning Commission regarding USE2022 0011.

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

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

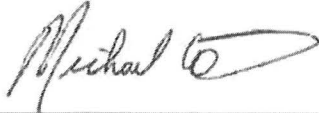
Bayhouse Properties LLC

File No: USE2022 0011

November 23, 2022

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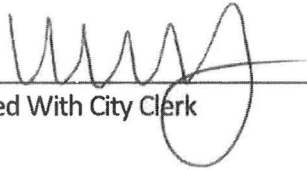
action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).



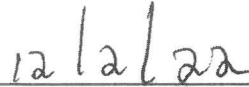
Michael LeVine, Chair
Planning Commission

December 2, 2022

Date



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 (800) 949-4232, or fax (360) 438-3208.