



SETBACK VARIANCE

## DEVELOPMENT PERMIT APPLICATION

**NOTE:** Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	<b>PROPERTY LOCATION</b>	
	Physical Address 356 S. Franklin Street, Juneau, Alaska	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Archipelago Lot 1A	
	Parcel Number(s) 1C070-K83-0022	
	<input checked="" type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which _____	
	<b>LANDOWNER</b>	
	Property Owner Archipelago Properties, LLC	Contact Person Erica Simpson
	Mailing Address 725 Broad St - Augusta, GA 30901	Phone Number(s) 907.765.7601 925.878.9424
	E-mail Address	
	<b>LANDOWNER CONSENT</b>	
Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner's printed name, signature, and the applicant's name.		
I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.		
Archipelago Properties, LLC Craig S. Mitchell President Landowner (Printed Name) Title (e.g.: Landowner)		
X [Signature] Date 8/18/2025 Landowner (Signature)		
Landowner (Printed Name) Title (e.g.: Landowner)		
X [Signature] Date Landowner (Signature)		
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.		
<b>APPLICANT</b> If same as LANDOWNER, write "SAME"		
Applicant (Printed Name) Contact Person Reuben Willis (signed sales agreement for lot, in due diligence period)		
Mailing Address Phone Number(s) 2908 Jackson Road, Juneau, Alaska 99801 907.723.5771		
E-mail Address reubenwillis@gmail.com, willis@gci.net		
X [Signature] Date of Application 8/18/25 Applicant's Signature		

DEPARTMENT USE ONLY BELOW THIS LINE

### INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number

VAR25-008

Intake Initials

Date Received





# VARIANCE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

**NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.  
Not to be used for Administrative Variances**

To be completed by Applicant	<b>PROJECT SUMMARY</b>				
	A new entertainment and retail building. See attached narrative and CUP application for additional information.				
	<b>VARIANCE REQUESTED</b> (list CBJ Code section you are requesting a variance to) See attached narrative.				
	<b>Previous Variance Applications?</b>		YES	<input checked="" type="checkbox"/> NO	
	Date of Filing: _____				
Previous Case Number(s): _____		Building Permit related to this variance?		YES	NO
Was the Variance Granted?		YES	NO		
<b>UTILITIES AVAILABLE:</b> <b>WATER</b> <input checked="" type="checkbox"/> Public      On Site <b>SEWER:</b> <input checked="" type="checkbox"/> Public      On Site					
<b>ALL REQUIRED MATERIALS ATTACHED</b>					
Complete application per CBJ 49.65.210					
Narrative including:					
Any characteristics of land or building(s) or extraordinary situations that are unusual to this property or structure					
Why a variance would be needed for this property regardless of the owner					
What hardship would result if the variance is not granted					
Site Plan					

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ 400 <sup>00</sup>			
Adjustment	\$ 150 <sup>00</sup>			
Total Fee	\$ 550 <sup>00</sup>			

\$50 PUBLIC NOTICE SIGN, \$100 DEPOSIT

PAC25-50

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## INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
VAR 25-008	12/15/25

## **Variance Application Instructions**

Variances are outlined in CBJ 49.20 article II

**Application:** An application for a Variance will not be accepted by the Community Development Department (CDD) until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Variance Application and Development Permit Application forms.
2. **Fees:** The fee for a Variance Application is \$400.00. If the application is in conjunction with a major development permit, the Variance fee will be reduced by 20 percent. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Description:** A detailed letter or narrative describing the hardship that is the result of an unusual situation or physical feature affecting a specific parcel of land or structure. **Also include how the proposed project meets the variance criteria listed on the attached sheet.**
4. **Plans:** A site plan showing the following information:
  - A. The location of existing and proposed structures (i.e. buildings, fences, signs, parking areas, etc.); and
  - B. The location of existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.).

**Document Format:** All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

**Please consult with the Community Development Department to discuss whether additional information may be required for your application. The "Planner-On-Call" can be reached by contacting the Community Development Department at (907) 586-0715 or via email at [Permits@juneau.org](mailto:Permits@juneau.org).**

**Application Review & Hearing Procedure:** Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

**Review:** As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the Variance Application request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

**Hearing:** All Variance Applications must be reviewed by the Board of Adjustment. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

**Public Notice Responsibilities:** As part of the Variance process, all requests must be given proper public notice as outlined in 49.20.230 which consists of the following:

**Community Development Department** will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site. A "Public Notice Sign" is required to be posted on the site by the Applicant and the Community Development Department will create the sign to be posted.

### **Variance Approval Criteria**

A variance may be granted after the prescribed hearing and after the Board of Adjustment has determined that the following criteria are met. Include in your project narrative a detailed description about how your proposal meets each of the criteria listed below:

CBJ 49.20.250(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.*

**PLEASE NOTE:** As provided by CBJ Land Use code section on Variances (CBJ 49.20.200), a variance may be granted to provide an applicant relief from the requirements of Title 49, the Land Use Code. 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.

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**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



Date: December 9, 2025  
Re: Alaska Fly & Dive (JYW No. 25031)  
**Conditional Use Permit Application Variance Narrative**

In order to be successful, this large and complicated project requires a few variances to the zoning dimensional standards. First, several setback variances are requested because the lot is within both the Waterfront Commercial property zoning as well as the Historic District Overlay Zone and there are some conflicts between the requirements of each zone. Second, some height restriction variances are requested to make the project economically viable.

**Setback Variances.** The WC zone requires 10' setbacks from all property lines (Table 49.25.400), while the Historic District Design Guidelines (04 CBJAC 080.460) require locating the front street wall at the sidewalk where feasible (7.1) and street facades to span lot widths (7.2) with an exception for access ways to side or rear entrances.

- *North (South Franklin Street) & West (Library) sides.* Building is located as near as possible to NW property corner. This will create a street wall along the 13' +/- wide South Franklin sidewalk, which seems to be the primary goal of the HDDG. It will also narrow the entrance to the "alley" between the building and the Library where there are no entrances or services. Because of compliance with the HDDG standards, outside of the HDDG zone, the building is closer than allowed to the west property line. **West Side Variance required:** reduction of the west side WC side yard setback from 10' to 0' for a length of 60'.
- *East side.* Building is set back from the east property line by approximately 83'. This is because the building is not large enough to fill the entire 243' length of the lot and because of the desire to create a public Plaza. The Plaza was part of the original vision for the 2020 joint project with Docks and Harbors and was intended to serve as a link from the deckover to the crosswalk across South Franklin. It also allows gathering space for visitors in an emergency off of the narrow South Franklin Street sidewalks. **East Side Variance required:** relaxation of the HDDG requirement for the building to span the lot width to allow for the public Plaza.
- *Justifications:*
  - Unusual characteristics contributing to variance need:
    - Two conflicting setback requirements in a single lot is unusual.
    - The public nature of both the South Franklin street wall and the east side Plaza is also very unusual.
    - The odd shape of the lot, particularly the narrow width on the east end, makes a full build-out of the lot problematic.
  - Variance needed regardless of owner: Any owner would need to deal with the conflicts between zoning districts and the need for some sort of public circulation area on the east side.
  - Hardship if variance not granted:

- Pushing the building east out of the west side WC setback would increase the width of the undesirable alley between the Library and the building and decrease the width of the east side Plaza, which is desired by both CBJ and the owner. It also will widen the street wall gap along the South Franklin side of the Library.
- Decreasing the size of the Plaza will limit future opportunities to offer open air food service here, decreasing the economic viability of the project.
- Requiring the building to be built to fill out the full 243' length of the property would greatly enlarge the size and cost of the project.
- The grant of the variances is not detrimental to public health, safety, or welfare:
  - The decrease of the setback along the west doesn't impact public safety because of the access and utility easement along this property line allows access in this location.
  - Granting of the easements allows for more public safety and welfare in the Plaza to the east.
- The grant of the variances is narrowly tailored to relieve the hardship: Both variance requests are limited to the specific property lines / building elevations where the variance is required.

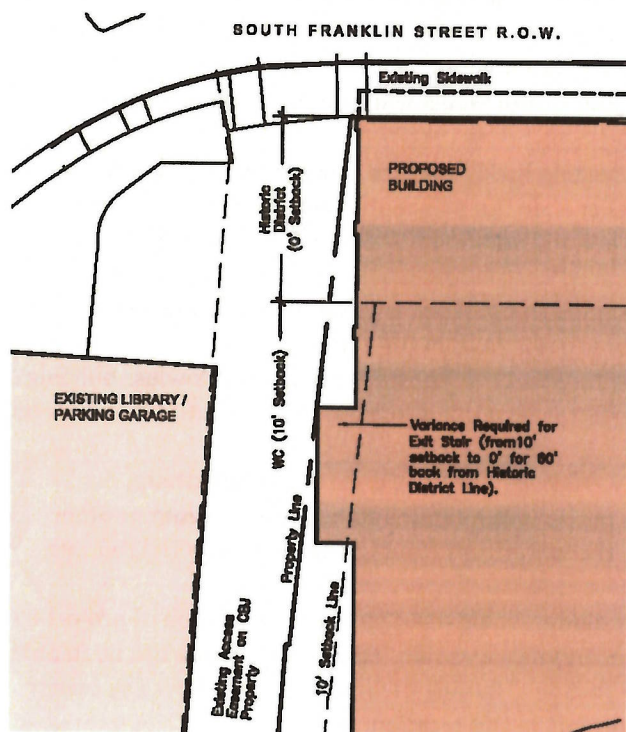


Image 1: Illustration of West Side Variance

Height Variances. The Historic District allows for a building height of 38', while the WC zone limits the height to 35'.

- **38' Height.** Building is 38' tall, typical, which allows for the stacking of the Ocean 360 rides on the 2<sup>nd</sup> Floor over the 4D Theater on the 1<sup>st</sup> floor with just inches to spare. **Variance required:** raise the 35' height restriction in the WC zone to 38' for the entire lot, matching the Historic District height.
- **54' Height.** The large Flying Theater ride requires a screen height of just over 49'. Minimal structure for the long spans of the theater space requires a total height for this area of 54'. **Variance required:**

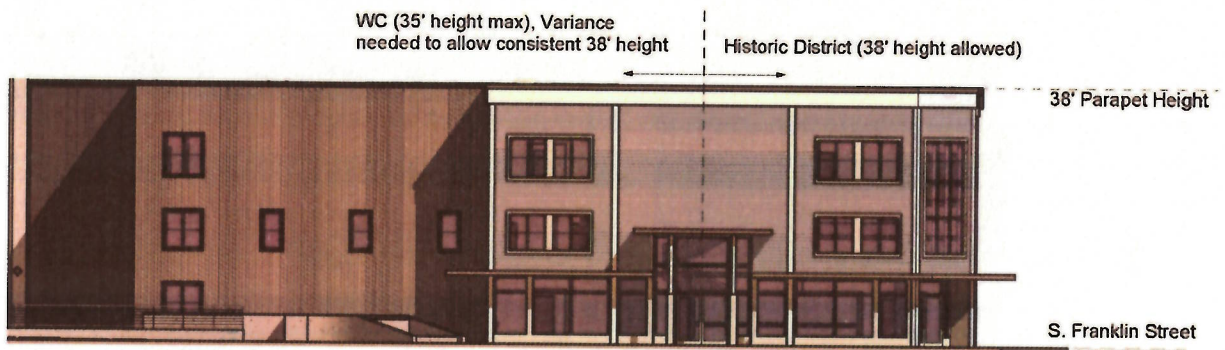
raise the 35' height restriction in the WC zone to 54' for the approximately 5,800 sf Flying Theater and adjacent stairs, elevator, and mechanical equipment / enclosures.

- *Justifications:*

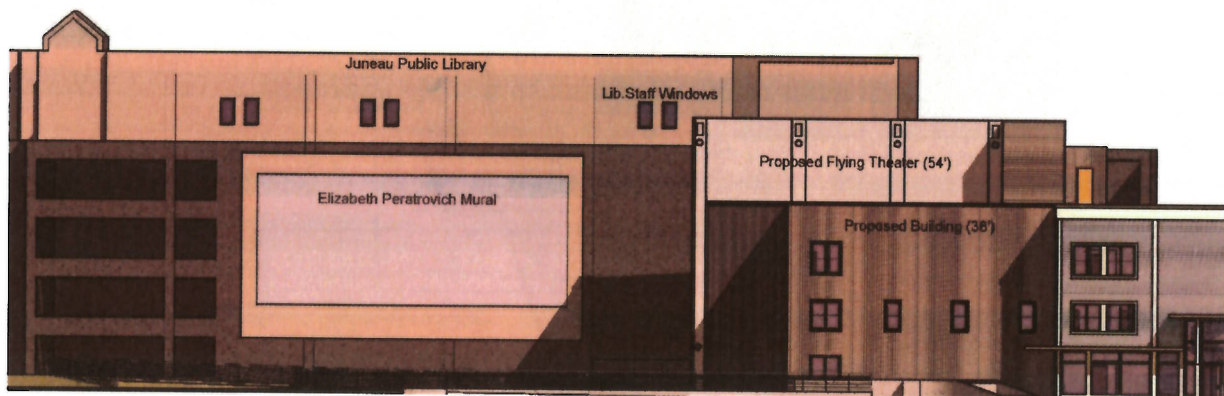
- Unusual characteristics contributing to variance need (for 38' tall height variance):
  - Maximizing rides within the building requires stacking of the smaller 4D Theater under the Ocean 360 submarine rides. Even after lowering the floor of the 4D Theater 5' below the 1<sup>st</sup> Floor, a 38' height is still required to fit rides on both levels.
  - Two conflicting height requirements in a single lot is unusual.
  - The building is already allowed to be 38' tall along the historically-important South Franklin Street side.
  - Keeping the parapet height at a consistent 38' will be visually appealing along the public street and Plaza sides of the building.
- Unusual characteristics contributing to variance need (for 54' tall height variance):
  - The flagship attraction for the planned new facility is the Flying Theater—a ride where visitors are swung out on seats that move along with a video on a large screen simulating flight over Alaskan landscapes. The ride depends on a tall curving screen to fully immerse riders in the experience. The screen alone is over 49' tall, requiring at least a 54' total building height to the roof above.
  - From eye-level a 38' tall building along South Franklin Street blocks the 54' height spaces entirely.
  - The building is located next to an existing building which is much taller. The top of the flat roof of the Library is 66', 12' taller than the maximum height we are requesting. The peaked corners of the Library are an additional 7'-6" and 11'-6" higher than the flat Library roof.
  - The Theater spaces have been designed to not block any views to the Elizabeth Peratrovich mural on the Library or any windows in the Library.
  - The original use of the site was the Juneau Cold Storage—a large, windowless building. The design of the Flying Theater exterior recalls this historic building with tile details on regular vertical pilasters.
  - The site is not waterfront property. Although nothing is currently built there, eventually the Docks and Harbors property is intended to house a museum or other public building that would occupy the waterfront frontage between the Theater and the Seawalk / waterfront.
- Variance needed regardless of owner: Any owner would need an exceptional type of project to make development of this expensive site economically viable. Obviously, no one has been able to figure out how to make this work in 3+ decades. Raising the height would allow any owner greater flexibility to develop a successful project in this location.
- Hardship if variance not granted:
  - Decreasing the screen heights in any of the Theater spaces will greatly impact on the economic rationale for the project.
  - The floor of the 4D Theater has already been lowered 5' below the main 1<sup>st</sup> Floor. Lowering any of the spaces further will move the building into conflict with the FEMA requirements and/or require every expensive waterproofing and other issues.
  - All projecting statues, signage, etc above the parapet level have already been eliminated. The structure between the floors and at the roof has been thinned beyond what is typical and normally economical. Parapet heights have been reduced as far as possible. Any further reduction in the height of the building is not possible without serious impacts to or elimination of Theater spaces.



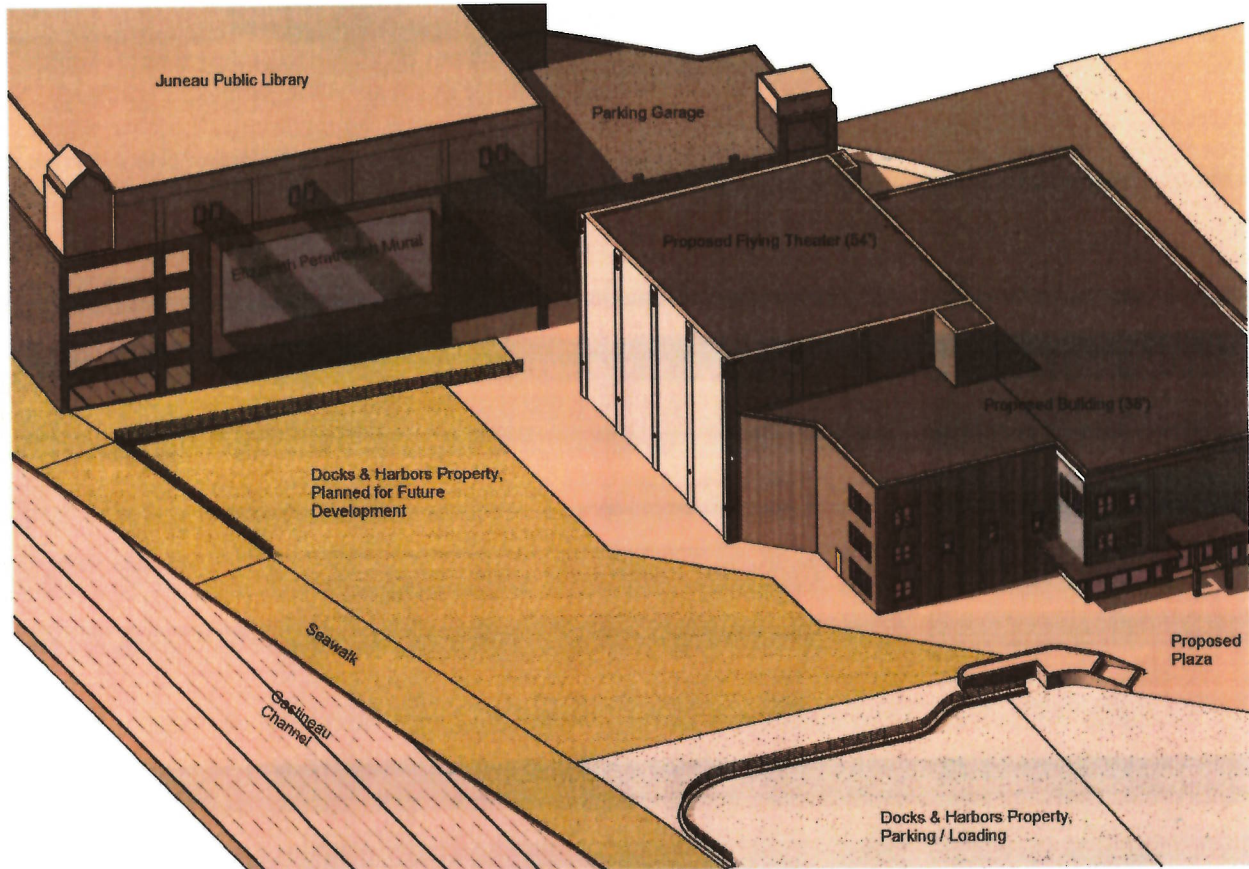
- The grant of the variance is not detrimental to public health, safety, or welfare:
  - The increase to 38' or 54' building heights will not be visible to pedestrians on South Franklin Street, nor will it block sunlight to the street since the 38' height is already allowed along this property line.
  - The 54' Theater height will not block light or any water views for any windows in the staff or public areas of the Library.
  - The 54' tall Theater will not block sunlight to the Peratrovich Plaza, which located to the south and towards the water.
  - Public safety for building occupants is not impacted by the increase in height, since the building will need to comply with all building codes.
- The grant of the variance is narrowly tailored to relieve the hardship: Both variance requests are limited to the specific rooms and building elements where the variance is required.



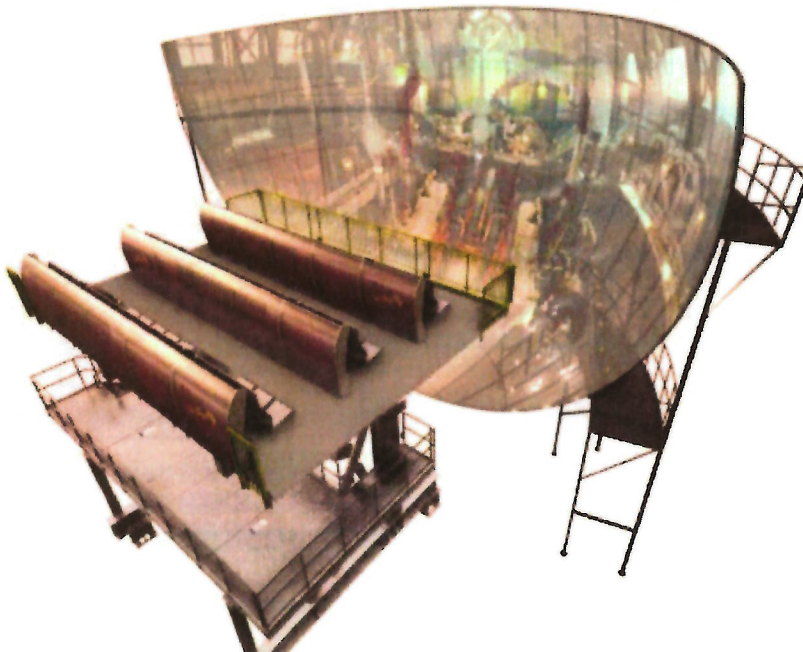
*Image 2: East Elevation, showing 38' Height Variance*



*Image 3: East Elevation showing proposed building in relation to Library for Theater 54' Height Variance*



*Image 4: View showing proposed building in relation to surrounding properties for Theater 54' Height Variance*



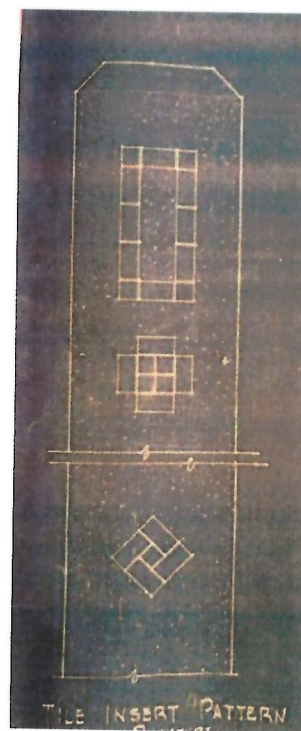
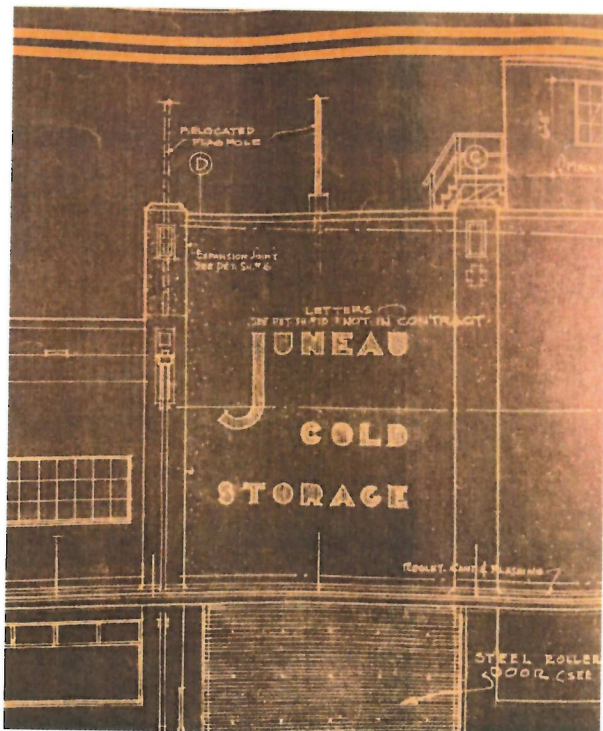
*Image 5: Flying Theater Ride with 49' tall Screen for Theater 54' Height Variance*





Alaska State Library - Historical Collections

Image 6: Historic Photo of Juneau Cold Storage in location of proposed building



Images 7 & 8: 1944 Juneau Cold Storage blueprints used to develop details of proposed building

