



# DE MINIMIS 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.**

## PROJECT SUMMARY

## SETBACK(S) FOR WHICH THE DE MINIMIS VARIANCE IS REQUESTED

(please check and fill in all that apply):

|              |                             |                    |                             |
|--------------|-----------------------------|--------------------|-----------------------------|
| <b>Front</b> | Required Setback _____ feet | <b>Rear</b>        | Required Setback _____ feet |
|              | Proposed Setback _____ feet |                    | Proposed Setback _____ feet |
| <b>Side</b>  | Required Setback _____ feet | <b>Street Side</b> | Required Setback _____ feet |
|              | Proposed Setback _____ feet |                    | Proposed Setback _____ feet |

**IN WHICH ZONING DISTRICT IS THE PARCEL LOCATED?** \_\_\_\_\_

**IS THE PROPERTY LINE IN QUESTION ABUTTING A DIFFERENT ZONING DISTRICT?**

YES If so, which zoning district? \_\_\_\_\_ NO

**Previous Variance Applications for this matter?** YES NO

Previous Case Number(s): \_\_\_\_\_

Was the Variance Granted? YES NO

## ALL REQUIRED MATERIALS ATTACHED

**Complete application per CBJ 49.65.250(a)**

**Narrative including:**

Description of the situation which requires a variance

What expense or inconvenience would result if the setback infraction was corrected

**Certified As-Built**

**Written statements from owners of adjacent properties**

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

| DE MINIMIS VARIANCE FEES | Fees            | Check No. | Receipt | Date |
|--------------------------|-----------------|-----------|---------|------|
| Application Fees         | \$ _____        |           |         |      |
| Adjustment               | \$ _____        |           |         |      |
| <b>Total Fee</b>         | <b>\$ _____</b> |           |         |      |

This form and all documents associated with it are public record once submitted.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

|             |               |
|-------------|---------------|
| Case Number | Date Received |
|             |               |

To be completed by Applicant

## De Minimis Variance Application Instructions

De minimis variances are outlined in CBJ 49.20.250

**Application:** An application for a DeMinimis 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 DeMinimis Variance Application and Development Permit Application forms.
2. **Fees:** The fee for a DeMinimis Variance Application is \$120.00. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the minor hardship infraction that was not the result of a deliberate effort to evade the dimensional requirements of the Land Use code.
4. **Plans:** A certified As-Built is required for all DeMinimis Variance Applications.

**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 Permit Center at 586-0770 or via e-mail at [Permits@juneau.org](mailto:Permits@juneau.org).**

**Application Review Procedure:** Once the application is determined to be complete, the Community Development Department will initiate the review 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 DeMinimis 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.

**Public Notice Responsibilities:** As part of the DeMinimis Variance process, all requests must be given proper public notice as outlined in CBJ 49.20.250(a)(1)(C) which consists of the following:

**The Applicant** will submit, on forms provided by the Department (attached), written statements from the owners of each adjoining property. These statements acknowledge the owner has been notified of the application.

**Community Development Department:** In lieu of statements provided by the applicant, the Department will provide at least five days notice by mail to each adjoining property owner.

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**PLEASE NOTE: As provided by CBJ Land Use code section on DeMinimis Variances (CBJ49.20.250(a)), a DeMinimis Variance may be granted after it is shown that all the following criteria have been met:**

*Where a minor setback infraction could be corrected only at unreasonable expense or inconvenience the director may, after taking into account the views of the owner of the adjoining property, and upon a finding that the infraction was not the result of a deliberate effort to evade the dimensional requirement, grant a DeMinimis Variance in harmony with the general purpose and intent of this title. A DeMinimis Variance may be granted after it is shown that all of the following conditions have been met:*

- (A) *The variance is for one or more projections into yard setbacks, none of which extend beyond twenty-five percent of required setback distance.*
- (B) *The de minimis variance would not aggravate an infraction previously granted a variance.*
- (C) *The applicant submits, on forms provided by the Department, written statements from the owners of adjoining properties. These statements acknowledge the owner has been notified of the application. In lieu of statements provided by the applicant, the Department will provide at least five days notice by mail to each such owner.*
- (D) *The applicant submits a certified as-built survey to scale showing all lot line locations, building dimensions, orientations, setbacks and other distances and features relevant to the requested relief.*

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**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

# NOTICE OF DE MINIMIS VARIANCE REQUEST

**TO:** Adjoining Property Owners

**BACKGROUND:** The Community Development Department may approve certain requests for Variances without a public hearing. These types of Variances are called "De Minimis" and they involve minor infractions of zoning setback regulations. Adjoining property owners must be notified of De Minimis Variance requests. This document is to notify you of an application for a De Minimis Variance to allow a substandard setback adjacent to your property according to the following information:

Applicant: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Property Address: \_\_\_\_\_

Situation Requiring the Variance: \_\_\_\_\_

\_\_\_\_\_

Required Setback: \_\_\_\_\_ Proposed Setback: \_\_\_\_\_

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Please acknowledge receipt of this notice by signing below. If you have any comments, you may write in the space provided, call the Community Development Department at (907) 586-0770, or e-mail [Permits@juneau.org](mailto:Permits@juneau.org).

**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Adjoining Property Owner's Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Adjoining Property Owner's Printed Name

\_\_\_\_\_  
City, State, Zip Code



(907) 586-0770  
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