

**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: November 13, 2002

File No.: VAR2002-00046

NORTH PACIFIC ERECTORS
PO BOX 240748
DOUGLAS, AK 99824

Application For: A variance to reduce the number of required parking spaces for a 5,300 square foot orthopedic clinic remodel from 35 to 26 and to reduce the width of a loading area from 12 to 11 feet wide. Parking spaces will be provided both on and off-site, with approval of shared parking agreement on adjacent property proposed by USE2002-00039.

Legal Description: USS 1075 FR

Parcel Code No.: 7B0901040110

Hearing Date: November 12, 2002

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 5th, 2002 and approved the variance to be conducted as described in the project description and project drawing submitted with the application. In addition, the Planning Commission strengthened staff's suggested condition number 4, requiring employees of the Orthopedic Office to park in spaces provided on the adjacent lot. The following conditions were approved for the variance:

1. The applicant shall maintain the parking agreement to lease 26 spaces from the adjacent property located at 3235 Hospital Drive for the duration of the medical services in the 5,300 square foot area. If the lease agreement is not in place or those spaces are made unusable for the orthopedic office, this variance is voided.
2. Prior to issuance of a Certificate of Occupancy, the applicant shall improve 26 parking spaces on the adjacent property owned by the Juneau Tlingit and Haida Native Corporation, with a graded, gravel surface and signage for use by employees and visitors to the subject property.
3. Prior to issuance of a Certificate of Occupancy, the applicant shall post signage on the site providing information on parking areas available on the adjacent lot for use by customers.

4. Unless an employee requires the use of a handicap access space, employees of the Orthopedic office are required to park in spaces provided on the adjacent lot at 3235 Hospital Drive, leaving spaces in front of the structure open for patient use.

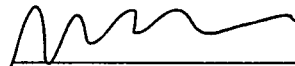
Attachment: A November 5th, 2002 memorandum from Monique Wheeler, Community Development to the CBJ Planning Commission regarding VAR2002-00046.

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 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 Sec. 49.20.120).

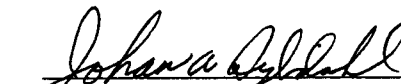
Effective Date: The permit is effective upon approval by the Commission.
November 12, 2002.

Expiration Date: The permit will expire 18 months after the effective date or May 12th, 2004, 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 before the permit expires.

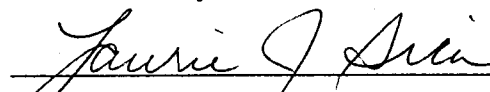
Project Planner:



Monique Wheeler, Planner


Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk


11/21/02

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 - 1-800-949-4232, or fax 360-438-3208.