



STAFF REPORT
Prepared by:
For the meeting of:

Case # V15-02
Planning Staff
July 14, 2015

I. SUMMARY FACTS:

Applicant: Jeff Kinion

Land Owner(s): Attitude 49, LLC

Proposal: Variance of 6.6 feet from the required 10-foot side yard setback and a variance of 20.7 feet from the required 25-foot rear yard setback for an existing commercial building.

Location: 501 N. Knik Street
Lot 10, Block 2, Birch Park Subdivision

Parcel size: 0.16 acres ±

Zoning District: Commercial (C)

Comprehensive Plan: Generally Business/Commercial

Surrounding Zoning: North: Commercial
South: Commercial
East: Commercial
West: Commercial

II. STAFF RECOMMENDATION:

Staff recommends approval of this request.

III. SUMMARY OF REQUEST

WMC 16.28.110 provides for variances to density, setback, or height standards of this chapter.

The applicant applied for a variance of 6.6 feet from the required 10-foot side yard setback and a variance of 20.7 feet from the required 25-foot rear yard setback for an existing commercial building.

WMC 16.24.030(A)(1) requires:

- A.** Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate. Temporary buildings may be permitted within the side or rear yard area as administrative approval by the city planner. Where other setback standards are applicable, the most restrictive setback standards apply. The following are the building setback and height standards:
1. Front and rear yard setbacks are twenty-five (25) feet from the lot line. In the commercial district, the city planner may modify the front and rear setbacks by averaging the existing building line and applying this average setback to the building.
 5. In commercial, industrial, and public districts, the setback is ten (10) feet or no side yard setbacks, as long as all requirements of the State of Alaska Fire and Life Safety Regulations (13 AAC50-13 ACC55) or other applicable regulations are met...

IV. ISSUES REGARDING CODE

Wasilla Municipal Code sets forth the requirements for variance approvals in §16.28.110. The procedural requirements and variance standards are identified below with appropriate staff findings for each:

§16.28.110(A) Application.

An application for a variance must be submitted to the planner. The application must be accompanied by a site plan of the relevant part of the parcel or lot. The planner may require that the site plan be produced by a registered professional engineer or land surveyor. The site plan shall depict all information relevant to the variance request.

Staff Finding: A complete application was submitted to the Planning Department on June 9, 2015.

§16.28.110(B) Variance requests must be heard by the commission. Notice, comment period and hearing procedures follow the format outlined in WMC16.16.040.

Staff Finding: The public hearing was scheduled in a timely manner for the next available Planning Commission meeting and the hearing format is consistent with the requirements in WMC 16.16.040(E). Public notice was mailed June 12, 2015 to all properties within a 1,200' radius, allowing for the proper number of days in which to comment

in accordance with 16.16.040. Hearing procedure shall follow the criteria outlined in 16.16.040(A).

§16.28.110(C) Variance Standards

A variance may be granted only if:

1. The conditions upon which the variance application is based do not apply generally to properties in the district or vicinity other than the property for which the variance is sought;

Staff Finding: The conditions of this variance do not apply generally to other properties in the vicinity since the majority of the buildings in the area are either centered on the lot and meet the setbacks or have utilized the zero side yard setback provision in the code.

2. Such conditions arise out of natural features inherent in the property such as shape or topographical conditions of the property or because of unusual physical surroundings or such conditions arise out of surrounding development or conditions;

Staff Finding: The building was constructed in 1982 but did not meet the setbacks required at that time. (Note: The 1982 setbacks are the same that are required in the current land development code.) The City did not have planning authority at that time, there is no record of any approved permits, variances, or waivers for this site in our files.

3. Because of such conditions the strict application to the property of the requirements of this chapter will result in an undue, substantial hardship to the owner of the property such that no reasonable use of the property could be made;

Staff Finding: Without approval of a variance, the property cannot be sold with lender financing since the building is not “grandfathered” nor does it comply with the current setbacks.

4. The special conditions that require the variance are not caused by the person seeking the variance, a predecessor in interest, or the agent of either; and

Staff Finding: The building was constructed in 1982 by a previous property owner. The applicant stated that he purchased the property in its current condition via a quit claim deed and that he was unaware of the setback issue.

5. The variance is not sought solely to relieve pecuniary hardship or inconvenience.

Staff Finding: The variance is not sought to relieve a pecuniary (financial) hardship or inconvenience. Without any variance, future sales of the building and property will continue to have difficulties.

§16.28.110(D) If a property qualified for a variance under this section, the variance granted must meet the following conditions:

1. The deviation from the requirement of this title that is permitted by variance may be no more than is necessary to permit a reasonable use of the lot;

Staff Finding: The variance request is the minimum necessary to permit reasonable use of the existing commercial building.

2. The variance will not permit a land use that is prohibited by this title;

Staff Finding: Commercial buildings are a permitted use in the Commercial zoning district.

3. The variance is in keeping with the spirit and intent of this chapter and the requirements from which relief is sought;

Staff Finding: The variance is in keeping with the spirit and intent of the chapter.

4. The variance will not be detrimental to the public health, safety or welfare; and

Staff Finding: The variance will not be detrimental to public health or welfare.

5. The variance will not significantly adversely affect other property.

Staff Finding: The requested variance will not significantly adversely affect other properties in the area since the commercial building has been in use since 1983 with no impacts on surrounding properties.

§16.16.040(A)(6) Decision.

The commission shall decide to deny, approve or approve with conditions the proposal or appeal. The burden of proof shall be on the applicant. The commission's decision may be made immediately following the public hearing portion of the commission meeting. The decision of the commission shall set forth the facts it finds relevant to its decision and the reasons for its decision. The effective date of the decision is the date the findings and the reasons are set out in writing and signed by the commission chairperson or the chairperson's designee.

VI. CONCLUSION AND RECOMMENDED CONDITIONS

Based on the above, staff recommends that the Planning Commission approve the requested variance.

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**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 06-12-15

CASE #: V15-02

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): Attitude 49, LLC

REQUEST: A variance of 6.6 feet from the required 10-foot side yard setback and a variance of 20.7 feet from the required 25-foot rear yard setback for an existing building located at 501 N. Knik St., Lot 10, Block 2, Birch Park Subdivision. Wasilla Municipal Code Section 16.24.030 requires 10-foot from the side lot line and a 25-foot back yard setback. The parcel is approximately 0.16 acres and is zoned Commercial (C).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **July 14, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before July 7, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name PEGGY HORTON FOR PAUL HELGERT, PLANNING OFFICER

Address _____

Lot _____ Block _____ Subdivision _____

**RECEIVED
JUN 15 2015
PLATTING**

Comments: NO PLATTING ACTION REQUIRED UNLESS
THEY WANT TO ADJUST PROPERTY LINES



**CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021**

neopostSM
06/12/2015
US POSTAGE

\$00.48⁰⁰



ZIP 99654
041L11222587

MSB Platting Division Officer
350 E. Dahlia Ave
Palmer, AK 99645

Matanuska-Susitna Borough

JUN 15 2015

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Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: NO OBJECTION



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

RECEIVED

JUN 16 2015

**Planning Office
City of Wasilla**

neopost
06/12/2015
US POSTAGE

\$00.48⁰



ZIP 99654
041L11222587

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CROZIER D KEVIN
CROZIER BARBARA A
3100 N BANNER WAY
WASILLA, AK 99654

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Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: NO OBJECTION



CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

RECEIVED
JUN 16 2015
Planning Office
City of Wasilla

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06/12/2015
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PO BOX 871052
WASILLA, AK 99687-1052

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CITY OF WASILLA
 • Planning Office •
 290 East Herning Avenue • Wasilla • Alaska • 99654-7091
 • Telephone 907-373-9020 •

APPLICATION FOR VARIANCE

Permit #: V 15-02
 Date: 6/9/15

I. PROPERTY OWNER*	OWNER'S REPRESENTATIVE (If Any)
Name: <u>Attitude 49, LLC</u>	Name:
Mailing Address: <u>P.O. Box 871745</u>	Mailing Address:
<u>WASILLA, AK 99687</u>	
Contact Phone: Day <u>357-1380</u> Night	Contact Phone: Day Night
FAX: <u>357-1379</u>	FAX:
E-mail: <u>mimi@attitude49.com</u>	E-mail: <u>Jeff@attitude49.com</u>

II. PROPERTY INFORMATION	
Size of property	<u>7000 SF. + OR -</u>
Property tax #	
Street Address:	<u>501 W. Knik Street</u>
Legal Description: Lot(s) <u>9 & 10</u> Block <u>2</u> Subdivision <u>Birch Park Wasilla</u>	
OR	
Parcel/Tract _____	Section _____ Township _____ Range _____
[Attach additional page if necessary.]	
Zoning:	
RR Residential <input type="checkbox"/>	R1 Single-family Residential <input type="checkbox"/> R2 Residential <input type="checkbox"/>
RM Multi-family <input type="checkbox"/>	C Commercial <input checked="" type="checkbox"/> I Industrial <input type="checkbox"/> P Public <input type="checkbox"/>

III. VARIANCE
Applicant seeks a Variance from the following general requirement (s):
Code Section #: <u>16.24.030</u>
Describe problem and the minimum variation from code necessary to resolve the problem:
<u>Existing building that doesn't meet today's setback requirements, nor the requirements when it was built.</u>

At Least two (2) days before the pre-application conference, submit the following materials to the Planning Office:

1. A copy of a plat or other legal description of the property.
2. A sketch of the property showing the features the applicant believes are relevant to the variance request.

APPLICATION

In addition to a site plan, the applicant must describe how their requested variance complies with each of the following five standards listed in Section 16.28.110 of the Land Development Code. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these five standards are met.

1. The conditions upon which the variance application is based do not apply generally to properties in the district or vicinity other than the property for which the variance is sought.

Describe how the problem stated on page one is unique to your property.

Somehow, the building was built without the proper setbacks, back in early 80s. Current owner purchased property without being aware of the situation

2. Explain how the conditions described above arise out of natural features inherent in the property such as shape, or topographical conditions of the property, or because of unusual physical surroundings, or how conditions arise out of surrounding development or conditions.

SEE # 1 above.

3. Describe why, (because of the conditions you have described), the strict application of the requirements of the code will result in an undue, substantial hardship to the owner or the property such that no reasonable use of the property could be made.

Under the current situation, the building cannot be sold. Long term lenders, in any situation, will require that the issue be addressed, and resolved

4. Describe how or why the special conditions that require the variance are not caused by the person seeking the variance, a predecessor in interest, or the agent of either.

Bought Building in current condition
I didn't construct building

5. Describe any reasons not based on costs or inconvenience you have for requesting this variance.

purchased building without the knowledge there was any setback issues, building has been here for 40+ years, Building still has been occupied for life of building and we want to be able to sell the building for new owners to continue with keeping building open for doctor clinic.

IV. FEE

A Fee of \$500 must accompany this application. Checks must be made payable to the CITY OF WASILLA.

36819 - 6/9/15

V. CERTIFICATION

I certify that the representations made in this application and accompanying material are true.


Owner or Agent


Date

Notice

If a property qualifies for a variance under the Wasilla Development Code Section 16.28.110 (D), the variance granted must meet the following conditions:

1. The deviation from the requirements of Code that is permitted may not be more than is necessary to permit reasonable use of the lot;
2. The variance will not permit a land use that is prohibited by the Code;
3. The variance is in keeping with the spirit and intent of the Code and its requirements
4. The variance will not be detrimental to the public health, safety or welfare; and
5. The variance will not significantly adversely affect other property.

Notice of Right to Appeal: All decisions of the City Planner are appealable per WMC Title 16.

Address: 501 N Knik Street

	Listing #	15-6044	Status	Active
	Near	Wasilla	Price-List	\$ 329,000
	Type	Commercial	Zip Code	99654
	Building Status		Property Use	Single Use
	% of Space Leased		Year Built	1982
	Construction Status	Existing Structure	Floors	
	Building Type			
	Area: WA - Wasilla			
	Legal: Birch Park Wasilla L10 B2			
	Zoning: C - Commercial (re: Cities Wasilla/Houston)			
Tax ID: 1004B02L010				

SF-Bldg	2,136	SF-Lot	6,970	Acres	0.16
Grid # (Muni Anch)	N/A	Tax Map #-Mat-Su	WA11	Taxes (Estimated)	\$ 2,445.75
Tax Year		Foreclosure/Bank Own	No		

Directions: Main Street Wasilla to left on Paulson Avenue. Building is on the right. Sign in front.

Public Remarks: Hard to find building in downtown Wasilla off Main Street. Turn-key medical office ready for patients immediately with 5 exam rooms, patient lobby and half bath, reception area, x-ray room, physicians office, break room, sauna and shower with treatment area. Has plenty of parking and includes the adjoining vacant lot. Ready to move in.

Primary Space: Land; Office	Exterior Finish: Wood	Sewer: Public
Secondary Space: Office	Construction Type: Wood Frame	Water: Public
Heat Type: Forced Air	Foundation: Concrete Block	Access: Maintained
Fuel Type: Natural Gas	Roof Type: Metal	New Finance (Terms): Cash; Conventional
	Flooring Type: Carpet; Other - See Remarks	Documents: Floor Plan

Features-Commercial: Medical; Corner Lot

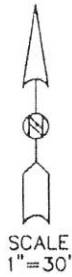
EM Minimum Deposit \$ 3,000

LO: Keller Williams Realty Alaska Group of Eagle River

Provided as a courtesy of
Steven Renner
Keller Williams Realty Alaska Group of Eagle River
11901 Business Blvd, #105
Eagle River, AK 99577

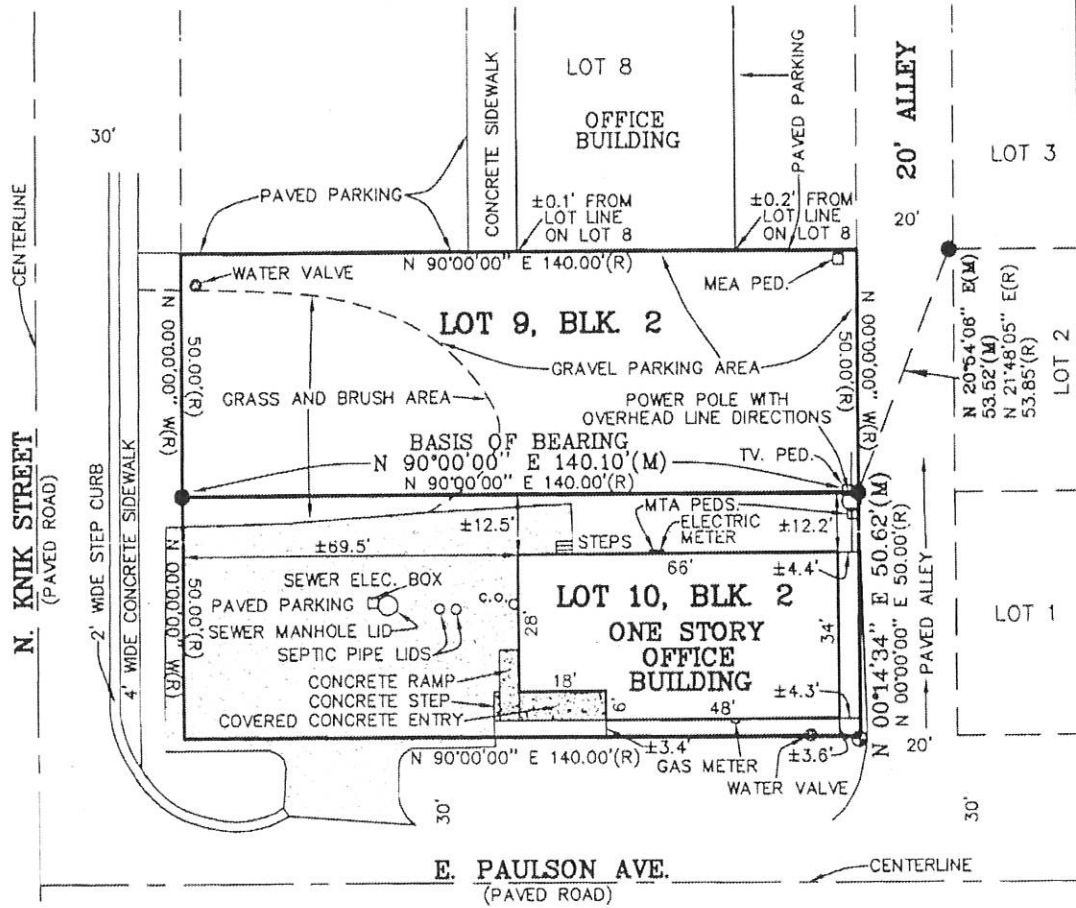
Direct - (907) 232-1319
Office - (907) 696-6500
stevejenner@gmail.com
http://www.teamrennerak.com

All information is deemed reliable, but is not guaranteed. Interested parties are advised to independently verify all information contained herein. © 2015 MLS and FBS. Prepared by Steven Renner on Tuesday, June 09, 2015 6:32 AM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.



LEGEND

- ... FOUND 5/8" REBAR
- ⊙ ... FOUND 1/2" REBAR
- (R)... RECORD VALUE PER PLAT #W-7
- (M)... MEASURED VALUE THIS SURVEY



*Joe Cassioy Remay Dynamic of the Valley
232-2860*

NOTE: THESE LOTS ARE SERVED BY THE CITY OF WASILLA WATER AND SEWER SYSTEMS.
 NOTES: ONLY READILY VISIBLE ENCROACHMENTS, AT THE TIME OF FIELD SURVEY, ARE SHOWN HEREON. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR FOR ESTABLISHING BOUNDARY OR FENCE LINES.
 A COMPLETE TITLE SEARCH WAS NOT PERFORMED FOR THIS ASBUILT SURVEY, OTHER RECORD TITLE INTERESTS MAY AFFECT THIS PROPERTY.



AS-BUILT SURVEY

COTTINI LAND SURVEYING

P.O. BOX 2748, PALMER, ALASKA 99645 745-1188 OR 745-3658

I HEREBY CERTIFY THAT I HAVE PERFORMED A MORTGAGEE'S INSPECTION ON THE FOLLOWING PROPERTY: LOTS 9 AND 10, BLOCK 2, BIRCH PARK ADDITION TO WASILLA TOWNSITE, (PLAT #W-7) PALMER RECORDING DISTRICT, ALASKA, EASEMENTS OF RECORD OTHER THAN THOSE SHOWN ON THE RECORDED PLAT, ARE NOT SHOWN HEREON. DATED AT PALMER, ALASKA. THIS 2nd DAY OF NOVEMBER, 2011.

W.O. 11-178

F.B. 11-06

DATE: 11/4/2011

SCALE: 1"=30'

A
L
A
S
K
A

2012-021560-0

Recording Dist: 311 - Palmer
10/3/2012 1:04 PM Pages: 1 of 1



QUITCLAIM DEED
A.S. 34.15.040

The Grantor(s), Alaska Open Imaging Center, LLC
whose mailing address is: Po Box 871745, Wasilla, AK 99687

for and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, in hand paid, the receipt of which is hereby acknowledged, conveys and quitclaims to Grantee(s),

Attitude 49, LLC
whose mailing address is:
Po Box 871745, Wasilla, AK 99687

all of Grantor(s) interest, if any, in the following described real property:

Lot 10, Block 2, BIRCH PK WSLLA, according to
Plat No. W-7, located in the Palmer Recording District, Third
Judicial District, State of Alaska.

Date: 09-26-12

[Signature]
(Grantor)
[Signature]
(Grantor)

STATE OF ALASKA }
 } }
3rd JUDICIAL DISTRICT }

The foregoing instrument was acknowledged before me on the 26th day of September,
20 12 by Chris Wakeman and Jeff Kinion.



Mimi J. Corneliussen
Notary Public for Alaska
My Commission Expires: 8/15/2016

Return to: Attitude 49, LLC
Po Box 871745
Wasilla, AK 99687

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CERTIFICATE OF SERVICE

- 1. I am the Planning Clerk for the City of Wasilla.
- 2. I certify on this 12 day of June, 2015, I mailed 136 notices of: V15-02 via first class U.S. Mail and by hand delivery regarding the following:
Variance
 Land Use Permit # V15-02.

Residents within 1,200'	<u>106</u>
Review Agencies	<u>25</u>
Planning Commissioners & City Council Members	<u>11</u>
Total	<u>142</u>

DATED at Wasilla, Alaska, June 12, 2015

CITY OF WASILLA

Tahirih Revet
 TAHIRIH REVET
 Planning Clerk

Attest:

TINA CRAWFORD
 City Planner

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Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: _____



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

FIRST CLASS

PUBLIC NOTICE

V #15-02
MSB Map #WA 11
T17N, R01W, Sec. 10

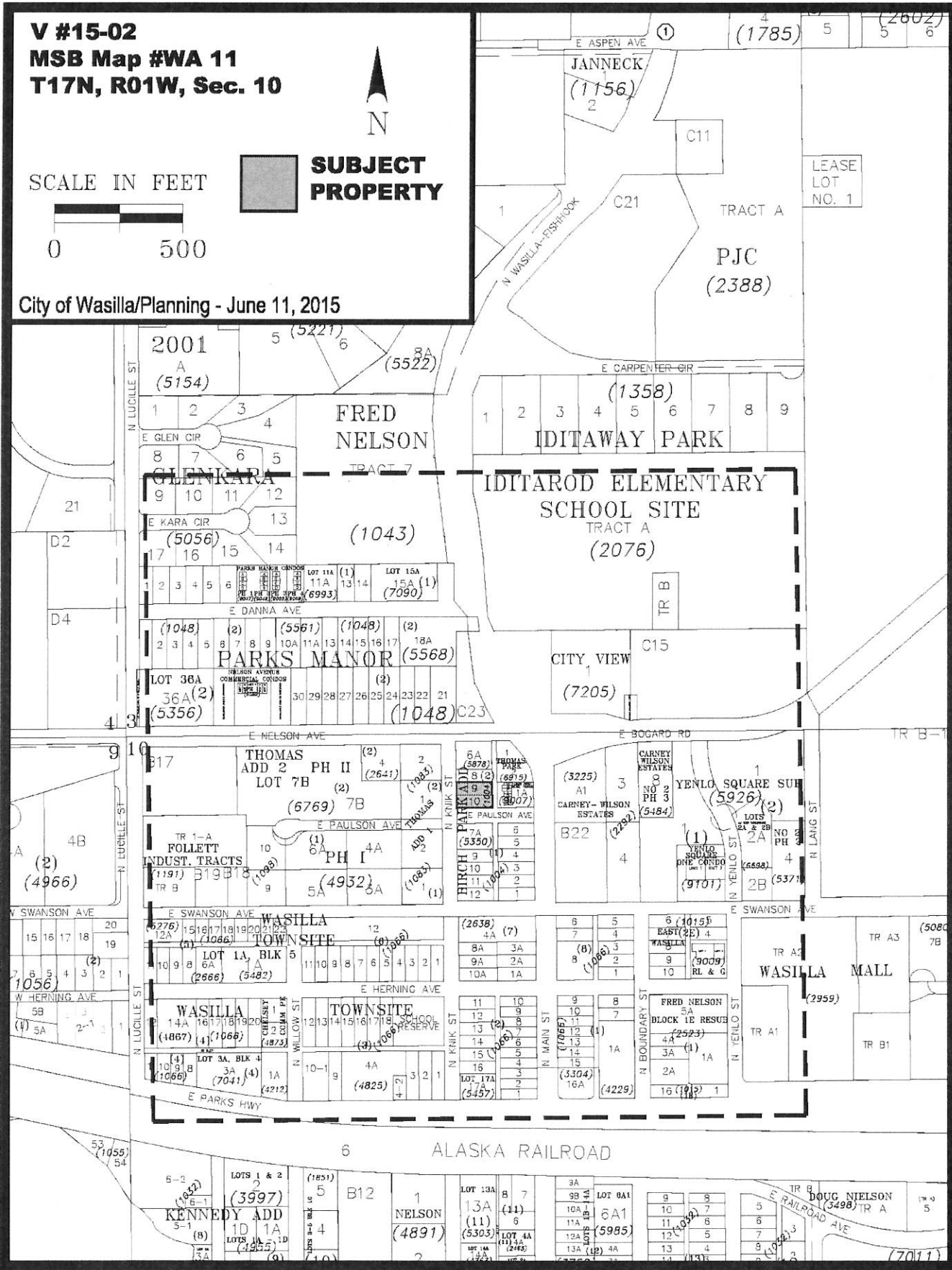


SCALE IN FEET



**SUBJECT
PROPERTY**

City of Wasilla/Planning - June 11, 2015



5484000L008
MATANUSKA VALLEY FED CR UNION
1020 S BAILEY ST
PALMER, AK 99645

6698B02L002B
VALLEY RESIDENTIAL SERVICES
1075 S CHECK ST
STE 102WASILLA, AK 99654-8067

5371000L004
LARUE TR THE
MARTIN ROBT J TRE MARTIN PAMELA S
TRE10756 GREEN VALLEY RD
GILROY, CA 95020

1048B02L024
KNOX DENA MAE IRREVOCABLE TR
BLACKARD IRREVOCABLE TR1121
MCCLINTOCK DR
SHADY SHORES, TX 76208-5173

9007000U00E
LACHER LOUIS R & BARBARA A
CULBERTSON WILLIAM P LACHER RANDY
K1175 SNOWHILL DR
WASILLA, AK 99654-5751

6769B02L007B
GLOBAL FINANCE & INV CO
119 CEDAR ST
SEATTLE, WA 98121-1231

17N01W10B019
STONY CREEK LLC
131 E SWANSON AVE
WASILLA, AK 99654

1066B05L022
CAMPBELL LONNIE T
151 JELINEK PL
ANCHORAGE, AK 99504-1416

5056000L015
COOPER GERALDINE
160 E KARA CIR
WASILLA, AK 99654-6374

17N01W10B018
NELSON CHAROLET L
161 E SWANSON AVE
WASILLA, AK 99654

5276B05L012A
BRIMHALL & RHOTON INV LLC
1680 PENNYWEIGHT DR
FAIRBANKS, AK 99712-2005

5056000L014
DUSKIN GEORGE J & RACHEL R
170 E KARA CIR
WASILLA, AK 99654-6374

9047000U171B
HATFIELD HILLARY
171 E DANNA AVE
APT BWASILLA, AK 99654-6571

9047000U171D
OSWALT MICHAEL B
171 E DANNA AVE
UNIT DWASILLA, AK 99654-6571

9047000U171C
ROBERTS BRIAN T
171 E DANNA AVE
APT CWASILLA, AK 99654-6571

9047000U171A
WHIPPLE LEONARD B & P
171 E DANNA AVE
APT AWASILLA, AK 99654-6571

9089000L200
NELSON AVENUE LLC
179 E NELSON AVE
WASILLA, AK 99654-6462

1066B03L001
TRYCK JOINT REVOCABLE TRUST
TRYCK C W TRYCK M G TRYCK S TRES1801
W 13TH AVE
ANCHORAGE, AK 99501-4219

9048000U191C
FAMILY CENTERED SRVS OF AK
1825 MANIKA RD
FAIRBANKS, AK 99709

4212B04L001A
DAIRY BUILDING LLC
185 E PARKS HWY
WASILLA, AK 99654

9089000U003
HESS JAMES M & KATHLEEN M
189 E NELSON AVE
PMB 118WASILLA, AK 99654

5056000L013
HEATH RICHARD F
190 E KARA CIR
WASILLA, AK 99654-6374

9048000U191A
JAMES CHARLES M JR
191 E DANNA AVE
#AWASILLA, AK 99654-5806

9048000U191B
POOLER IVAN C & PATRICIA
191 E DANNA AVE
UNIT BWASILLA, AK 99654

9048000U191D
WHEELER BRENDON D
191 E DANNA AVE
DWASILLA, AK 99654

3304B01L016A
TESORO NORTHSTORE COMPANY
% TESORO COMPANIES INC19100
RIDGEWOOD PKY
SAN ANTONIO, TX 78259-1834

9055000U201D
BETTRIDGE KEITH & DANI
201 E DANNA AVE
APT DWASILLA, AK 99654-6499

9055000U201A
CIMEI PETER N
201 E DANNA AVE
UNIT AWASILLA, AK 99654-6499

9055000U201C
RUSSO CLAUDE A & LESLIE R
201 E DANNA AVE
CWASILLA, AK 99654-6499

9055000U201B
SMITH CRAIG R & NORMA L
201 E DANNA AVE
UNIT BWASILLA, AK 99654

1048B02L007
KULPA JOHN B
2090 W KATHY CIR
CWASILLA, AK 99654-1279

5457B02L017A
EHD ENTERPRISES INC
2100 BELMONT DR
ANCHORAGE, AK 99517

1066B03L009
ALASKAN STARR ENT INC
211 E PARKS HWY
WASILLA, AK 99654

2523B01L001A
KWON THOMAS OJIN & BOK HEE
2133 KIMBERLY LYN CIR
ANCHORGE, AK 99515

9069000U215D
HUYCKE LINDA
215 E DANNA AVE
APT DWASILLA, AK 99654-6409

9069000U215B
RACHOW MAXINE
215 E DANNA WAY
CONDO BWASILLA, AK 99654-6409

7205000L001
CITY VW INV LLC
2273 N SADDLE HORSE DR
WASILLA, AK 99654-3563

1004B01L002
SAGE ALASKA PROP LLC
2508 N POINTE CIR
WASILLA, AK 99654-9348

1048B01L014
CARTER RAYMOND & K TRE
CARTER RAYMOND & K LVG TR251 DANNA
AVE
WASILLA, AK 99654

2292000L004
U S POSTAL SERVICE
2700 CAMPUS DR
#FSC551SAN MATEO, CA 94497-9470

4873000L002
HARTMAN HENRY W & ANA M
280 N WILLOW ST
WASILLA, AK 99654

1066B03L002
BOWERS BENJAMIN L & NATASHA R
285 E PARKS HWY
WASILLA, AK 99654-7039

4873000L001
TURGEON PETER K & ELIZABETH C
3061 N LAZY EIGHT CT
WASILLA, AK 99654-4319

9089000U005
CROZIER D KEVIN
CROZIER BARBARA A3100 N BANNER WAY
WASILLA, AK 99654

1066B08L002
HATCHER KELCI K
HRIN STEVEN E322 N BOUNDARY ST
WASILLA, AK 99654-7128

2523B01L004A
COTTLE MARLENE M
3401 E COTTLE LOOP
WASILLA, AK 99654

1066B02L011
MOUNTS ZELLA ZINK REV TR TRE
343 NE KIRBY
% MARILYN PASSOWROSEBURG, OR 97470

1048B02L009
MATANUSKA-SUSITNA BOROUGH
LAND MANAGEMENT DIVISION350 E
DAHLIA AVE
PALMER, AK 99645-6488

5926B01L001
COOK INLET HOUSING AUTHORITY
3510 SPENARD RD
STE 100ANCHORAGE, AK 99503

9069000U215A
STIRLING ANGELA M
360 E WHITE SPRUCE LOOP
WASILLA, AK 99654-1425

2638B07L008A
LEGACY VENTURES LLC
360 N MAIN ST
WASILLA, AK 99654-7017

1066B02L004
MAINSTREET CORP
391 E PARKS HWY
CWASILLA, AK 99654-7040

1004B01L001
MARTIN JAS D DR & CINDI L
400 N MAIN ST
% VALLEY CHIROPRACTICWASILLA, AK
99654

9101000U001
VALLEY CHARITIES INC
400 N YENLO ST
% JOHN ROZZIWASILLA, AK 99654

2959000T00A2
WASILLA LLC
4000 W DIMOND BLVD # 240
% DENALI COMMERCIAL
MGMTANCHORAGE, AK 99502

9009000U002
WALLIS NANCY A
401 W IVORY WAY
WASILLA, AK 99654-1328

1066B02L010
COTTLE COLLEEN G
425 W LAKE VIEW AVE
WASILLA, AK 99654

1048B02L003
HECHT WM J & BRENDA L
475 W PARKS HWY
% ALASKA FRONTIER NORTHWASILLA, AK
99654

5878B02L006A
HULL RONALD R & JANE M
4785 W STACY ST
WASILLA, AK 99623-4182

1015B2EL005
LARSON JOAN E
LARSON MICHAEL S500 E SWANSON AVE
WASILLA, AK 99654

9007000U00H GIANOPOULOS STEVEN 500 N MAIN ST # GWASILLA, AK 99654	17N01W03C015 GOOD SHEPHARD LUTHERAN CHURCH OF WASILLA INC501 BOGARD RD WASILLA, AK 99654	1066B04L017 RIEKENA BLAKE E & WENDY D HOLLER DOUGLAS W & MISTY K501 W LAKE VIEW AVE WASILLA, AK 99654-7968
2641B02L004 PADUA RUTH H 5250 S WESTMINSTER CT WASILLA, AK 99623-7001	6915000L001 PAYNE MANAGEMENT LLC 546 N MAIN ST WASILLA, AK 99654	1066B05L016 WISNIEWSKI TIMOTHY & TERRI TR WISNIEWSKI TIMOTHY J & TERRY R TRESS5839 KENAI SPUR HWY KENAI, AK 99611-8432
1066B03L003 TRYCK ALASKA COMM PROP TR 6400 PEPPERTREE CIR ANCHORAGE, AK 99504-4841	1048B02L004 LUND DENNIS WAYNE 7030 OLD RICHARDSON HWY SALCHA, AK 99714-9795	1004B01L003 CONOVER DALE L & LINDA A 7362 W PARKS HWY PMB 782WASILLA, AK 99623-9300
1066B05L009 MORRIS CHAS W & LAUREL M 751 S REEVE CIR WASILLA, AK 99654	9009000U001 EDWARDS M DELON& GLENNA G 760 BARRA LOOP WASILLA, AK 99654	1048B02L008 ROSE DAVID A & JULIE C 7800 E SETTLEMENT AVE WASILLA, AK 99654-9342
1191000T001-A FOLLETT RICHARD H&SHIRLEY FOLLETT MARK S FOLLETT ERIC G & JILL9601 MAIN TREE DR ANCHORAGE, AK 99507-6706	4825B03L004A SWAIN DONNA JEAN BLUMFIELD R RES TR BLUMFIELD R GST TRPO BOX 06116 % RYAN LLC #3088CHICAGO, IL 60606- 0116 1048B02L005 MCKEOWN JOS P PO BOX 140342 ANCHORAGE, AK 99514-0342	1048B02L017 LET LLC PO BOX 110409 ANCHORAGE, AK 99511-0409
2523B01L002A HOLIDAY ALASKA INC PO BOX 1224 %KRISTI SCHWAKE # 650MINNEAPOLIS, MN 55440-1224	1043000T009 ALASKA STATE OF DEPT OF TRANS & PUB FACPO BOX 196900 ANCHORAGE, AK 99519-6900	6993B01L011A JAKONES PATRICIA A PO BOX 15212 FRITZ CREEK, AK 99603
1066B01L007 ORLANDO DAVID BROOKS LINDAPO BOX 2196 VOLCANO, HI 96785-2196	1066B05L018 EASTER LOUIS C PO BOX 203103 ANCHORAGE, AK 99520-3103	1083B02L001 EUWER ARCHIE & VERNA LVG TR PO BOX 2081 PALMER, AK 99645-2081
1004B01L009 JMAK1 LLC PO BOX 241567 ANCHORAGE, AK 99524-1567	1066B05L017 LORUSSO GARY J ROCK LLCPO BOX 2216 PALMER, AK 99645-2216	1191000T00B R & L PROPERTIES LLC PO BOX 230788 ANCHORAGE, AK 99523-0788
1098B01L009 BUTCHER & BETTINE LLC PO BOX 520405 BIG LAKE, AK 99652-0405	5568B02L018A TRIPLE BS LLC PO BOX 3435 PALMER, AK 99645-3435	9007000U00C GIANOPOULOS STEVEN G PO BOX 4326 PALMER, AK 99645-4326
	1066B06L009 PREFERRED INSULATORS INC PO BOX 520785 BIG LAKE, AK 99652-0785	1048B01L006 VITALE ROBT PO BOX 60253 FAIRBANKS, AK 99706-0253

1048B02L028
JANICE RENE PROPERTIES LLC
PO BOX 670085
CHUGIAK, AK 99567-0085

1066B03L004-2
WILSON PHYLLIS
PO BOX 870033
WASILLA, AK 99687-0033

1066B01L013
MINNICK JOHN W & ALICE M
PO BOX 870455
WASILLA, AK 99687-0455

5482B05L001A
CARR AK COM PROP TR
CARR KATHLEEN G TREPO BOX 870590
WASILLA, AK 99687-0590

9007000U00B
REXRODE GERALD L
PO BOX 870725
% SLEATER LTD INVEST PRTNWASILLA, AK
99687-0725

1066B02L009
CEDERHOLM ROBT & RANSOM L
CEDERHOLM ROBT E TRE RANSOM LINDA A
TREPO BOX 871017
WASILLA, AK 99687-1017

9007000U00A
CROZIER DANIEL K & B A
PO BOX 871052
WASILLA, AK 99687-1052

1048B02L014
TICHENOR LIVING TRUST
TICHENOR JOHN W & SANDRA J TRESPO
BOX 871218
WASILLA, AK 99687-1218

9069000U215C
MCGLASHAN LOUIS M
PO BOX 871362
WASILLA, AK 99687-1362

1066B04L020
MCCMAHON IDA M
BUSHNELL WILLET RAYPO BOX 871684
WASILLA, AK 99687-1684

1004B02L009
ATTITUDE 49 LLC
PO BOX 871745
WASILLA, AK 99687-1745

4229B01L001A
MARTIN RANDALL
PO BOX 871748
WASILLA, AK 99687-1748

1066B03L014
PROBST KENNETH D
HALL JUDIE MPO BOX 871925
WASILLA, AK 99687-1925

1066B01L010
IMLACH REV TR DATE 5/7/99
IMLACH WILLIAM E TTE IMLACH CAROL A
TTEPO BOX 872526
WASILLA, AK 99687-2526

5356B02L036A
OLYMPIC INVESTMENTS LLC
PO BOX 873088
WASILLA, AK 99687-3088

9089000U002
MOSS CHARLENE D
PO BOX 874612
WASILLA, AK 99687-4612

Tom Brooks
Alaska Railroad Corp
PO Box 107500
Anchorage, AK 99501

Corps of Engineers
Regulatory Branch PO Box 6898
Elmendorf AFB, AK 99506-0898

Richard Boothby
EMS/Central Mat-Su Fire Dept
Fire Code Official Captain 101 W. Swanson
Ave
Wasilla, AK 99654

ENSTAR
PO Box 190288
Anchorage, AK 99519-0288

FAA
Airport Division 222 W. 7th Ave
#14 Anchorage, AK 99513

Kathy Wells
Friends of Mat-Su
PO Box 116
Palmer, AK 99645

Troy Scheuner
GCI
501 N. Main St
Suite 130 Wasilla, AK 99654

MEA
PO Box 2929
Palmer, AK 99645

MSB Chief of Code Compliance
350 E. Dahlia Ave
Palmer, AK 99645

MSB Cultural Resources Specialist
350 E. Dahlia Ave
Palmer, AK 99645

MSB Fire Chief
101 S. Swanson Ave
Wasilla, AK 99654

MSB Planning Director
350 E. Dahlia Ave
Palmer, AK 99645

MSB Platting Division Officer
350 E. Dahlia Ave
Palmer, AK 99645

MSB Public Works Director
350 E. Dahlia Ave
Palmer, AK 99645

MTA
Real Estate Department PO Box 3550
Palmer, AK 99645

NRCS
Soil & Water Conservation 5751 E.
Mayflower Ct
Wasilla, AK 99654-7880

Oran Wooley
SOA/DEC
Waste Water RVW1700 E. Bogard Rd
Bldg B, #103 Wasilla, AK 99654

Roy Robertson
SOA/DEC
Waste Water RVW1700 E. Bogard Rd
Bldg B, #103 Wasilla, AK 99654

SOA/DNR
Commissioner's Office 550 W. 7th Ave
Suite 1400 Anchorage, AK 99501

SOA/DNR
WATER Resources 550 W. 7th Ave
Suite 1020 Anchorage, AK 99501

SOA/DFG/Habitat
1800 Glenn Hwy
Suite 6 Palmer, AK 99645

SOA/DNR
Technical Services 550 W. 7th Ave
Suite 650 Anchorage, AK 99510-3577

SOA/DOTPF
Mat-Su Area Planner PO Box 196900
Anchorage, AK 99519-6900

Superintendent
SOA/DOTPF
289 Inner Springer Loop
Palmer, AK 99645

Debra Barrett
581 Briar Dr
Wasilla, AK 99654

Glenda Ledford
960 S. Century Drive
Wasilla, AK 99654

Jessica Dean
209 S. Vix Way
Wasilla, AK 99654

Loren Means III
1668 Pittman Road
Wasilla, AK 99687

Claudia Pinard
646 Peck Street
Wasilla, AK 99654

COW Public Works Director
Archie Giddings

City Council
Stu Graham

City Council
Gretchen O'Barr

City Council
Collen Sullivan-Leonard

City Council
Clark Buswell

City Council
Brandon Wall

City Council
David Wilson

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By: Planning
Public Hearing: 07/14/15
Adopted:

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 15-11**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A 6.6 FOOT VARIANCE FROM THE REQUIRED 10 FOOT SIDE YARD SETBACK AND A 20.7 FOOT VARIANCE FROM THE REQUIRED 25 FOOT REAR YARD SETBACK FOR AN EXISTING COMMERCIAL BUILDING, LOCATED ON LOT 10, BLOCK 2, BIRCH PARK SUBDIVISION IN THE COMMERCIAL ZONING DISTRICT (VARIANCE NO. 15-02).

WHEREAS, Attitude 49, LLC, submitted an application for a variance on June 9, 2015, along with a site plan and application fee; and

WHEREAS, notice of the application was mailed to all property owners within a 1,200 foot radius and review agencies and the Planning Commission as required by §16.16.040(A)(2) of the Wasilla Municipal Code; and

WHEREAS, a notice of the Planning Commission public hearing was published in the Frontiersman on July 7, 2015; and

WHEREAS, the Wasilla Planning Commission conducted a public hearing on the requested variance taking into account the information submitted by the applicant, the information contained in the staff report, written and verbal testimony, the applicable provisions of the Wasilla Municipal Code and Comprehensive Plan, and other pertinent information brought before them; and

WHEREAS, the Wasilla Planning Commission adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this variance with the Findings of Fact, attached as Exhibit A and incorporated herein.

ADOPTED by the Wasilla Planning Commission on -, 2015.

APPROVED:

Glenda Ledford, Chairman Date

ATTEST:

Tina Crawford, AICP, City Planner

EXHIBIT A
Wasilla Planning Commission Resolution 15-11
FINDINGS OF FACT – 16.28.110

§16.28.110(A) Application.

An application for a variance must be submitted to the planner. The application must be accompanied by a site plan of the relevant part of the parcel or lot. The planner may require that the site plan be produced by a registered professional engineer or land surveyor. The site plan shall depict all information relevant to the variance request.

Finding: A complete application was submitted to the Planning Department on June 9, 2015.

§16.28.110(B) Variance requests must be heard by the commission. Notice, comment period and hearing procedures follow the format outlined in WMC16.16.040.

Finding: The public hearing was scheduled in a timely manner for the next available Planning Commission meeting and the hearing format is consistent with the requirements in WMC 16.16.040(E). Public notice was mailed June 12, 2015 to all properties within a 1,200' radius, allowing for the proper number of days in which to comment in accordance with 16.16.040. Hearing procedure shall follow the criteria outlined in 16.16.040(A).

§16.28.110(C) Variance Standards

A variance may be granted only if:

1. The conditions upon which the variance application is based do not apply generally to properties in the district or vicinity other than the property for which the variance is sought;

Finding: The conditions of this variance do not apply generally to other properties in the vicinity since the majority of the buildings in the area are either centered on the lot and meet the setbacks or have utilized the zero side yard setback provision in the code.

2. Such conditions arise out of natural features inherent in the property such as shape or topographical conditions of the property or because of unusual physical surroundings or such conditions arise out of surrounding development or conditions;

Finding: The building was constructed in 1982 but did not meet the setbacks required at that time. (Note: The 1982 setbacks are the same that are required in the current land development code.) The City did not have planning authority at that time, there is no record of any approved permits, variances, or waivers for this site in our files.

3. Because of such conditions the strict application to the property of the requirements of this chapter will result in an undue, substantial hardship to the owner of the property such that no reasonable use of the property could be made;

Finding: Without approval of a variance, the property cannot be sold with lender financing since the building is not “grandfathered” nor does it comply with the current setbacks.

4. The special conditions that require the variance are not caused by the person seeking the variance, a predecessor in interest, or the agent of either; and

Finding: The building was constructed in 1982 by a previous property owner. The applicant stated that he purchased the property in its current condition via a quit claim deed and that he was unaware of the setback issue.

5. The variance is not sought solely to relieve pecuniary hardship or inconvenience.

Finding: The variance is not sought to relieve a pecuniary (financial) hardship or inconvenience. Without any variance, future sales of the building and property will continue to have difficulties.

§16.28.110(D) If a property qualified for a variance under this section, the variance granted must meet the following conditions:

1. The deviation from the requirement of this title that is permitted by variance may be no more than is necessary to permit a reasonable use of the lot;

Finding: The variance request is the minimum necessary to permit reasonable use of the existing commercial building.

2. The variance will not permit a land use that is prohibited by this title;

Finding: Commercial buildings are a permitted use in the Commercial zoning district.

3. The variance is in keeping with the spirit and intent of this chapter and the requirements from which relief is sought;

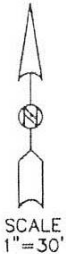
Finding: The variance is in keeping with the spirit and intent of the chapter.

4. The variance will not be detrimental to the public health, safety or welfare; and

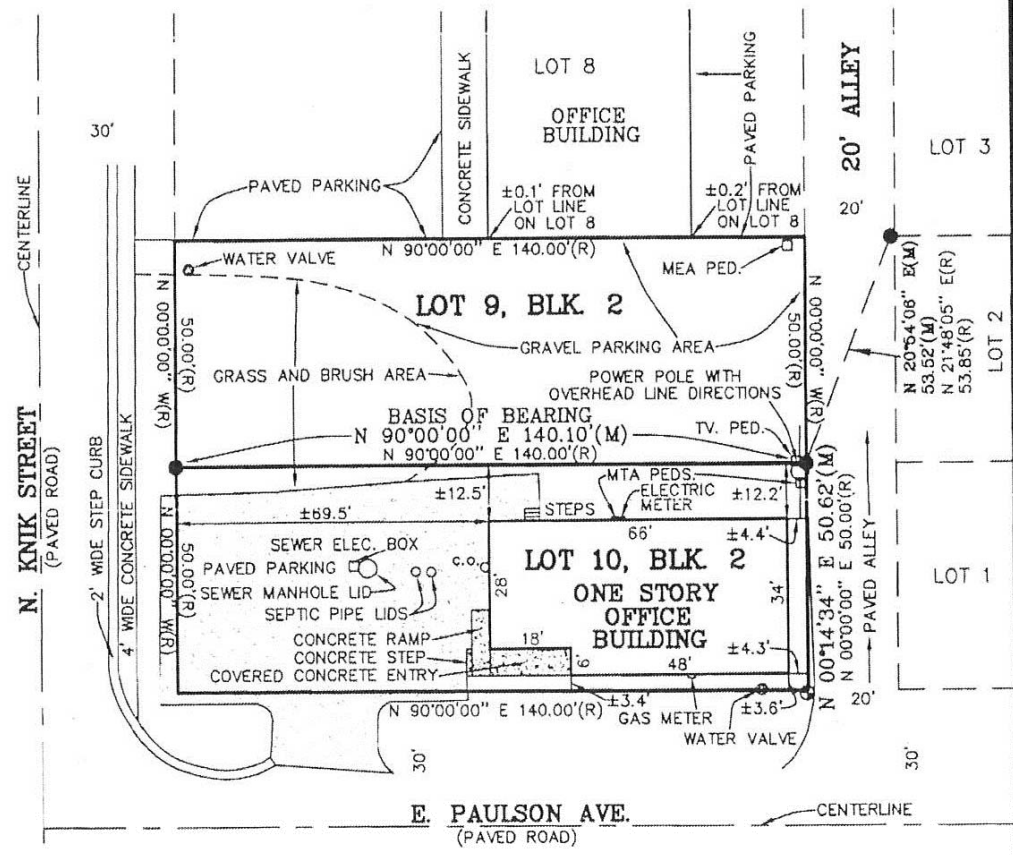
Finding: The variance will not be detrimental to public health or welfare.

5. The variance will not significantly adversely affect other property.

Finding: The requested variance will not significantly adversely affect other properties in the area since the commercial building has been in use since 1983 with no impacts on surrounding properties.



LEGEND
 ● ... FOUND 5/8" REBAR
 ⊙ ... FOUND 1/2" REBAR
 (R) ... RECORD VALUE PER PLAT #W-7
 (M) ... MEASURED VALUE THIS SURVEY



*Joe Cassioy Realty Dynamic of the Valley
 232-2860*

NOTE: THESE LOTS ARE SERVED BY THE CITY OF WASILLA WATER AND SEWER SYSTEMS.
 NOTES: ONLY READILY VISIBLE ENCROACHMENTS, AT THE TIME OF FIELD SURVEY, ARE SHOWN HEREON. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR FOR ESTABLISHING BOUNDARY OR FENCE LINES.
 A COMPLETE TITLE SEARCH WAS NOT PERFORMED FOR THIS ASBUILT SURVEY, OTHER RECORD TITLE INTERESTS MAY AFFECT THIS PROPERTY.



AS-BUILT SURVEY **COTTINI LAND SURVEYING**
 P.O. BOX 2748, PALMER, ALASKA 99645 745-1188 OR 745-3658

I HEREBY CERTIFY THAT I HAVE PERFORMED A MORTGAGEE'S INSPECTION ON THE FOLLOWING PROPERTY: LOTS 9 AND 10, BLOCK 2, BIRCH PARK ADDITION TO WASILLA TOWNSITE, (PLAT #W-7) PALMER RECORDING DISTRICT, ALASKA, EASEMENTS OF RECORD OTHER THAN THOSE SHOWN ON THE RECORDED PLAT, ARE NOT SHOWN HEREON. DATED AT PALMER, ALASKA. THIS 2nd DAY OF NOVEMBER, 2011.

W.O. 11-178 F.B. 11-06 DATE: 11/4/2011 SCALE: 1"=30'