

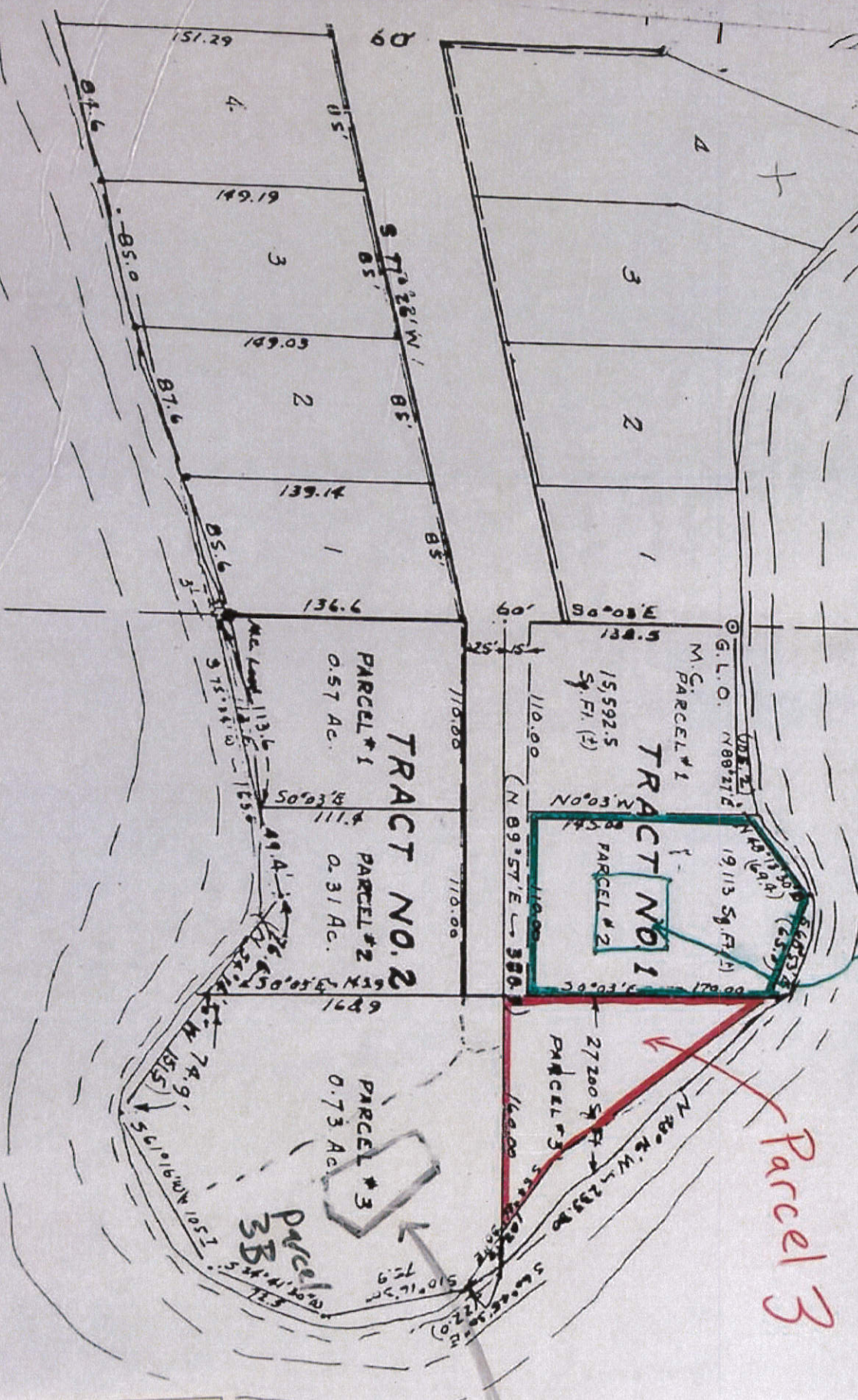
WASILLA

LAKE  
Kopperud  
House

Exhibit 1

Parcel 3

STARN  
House



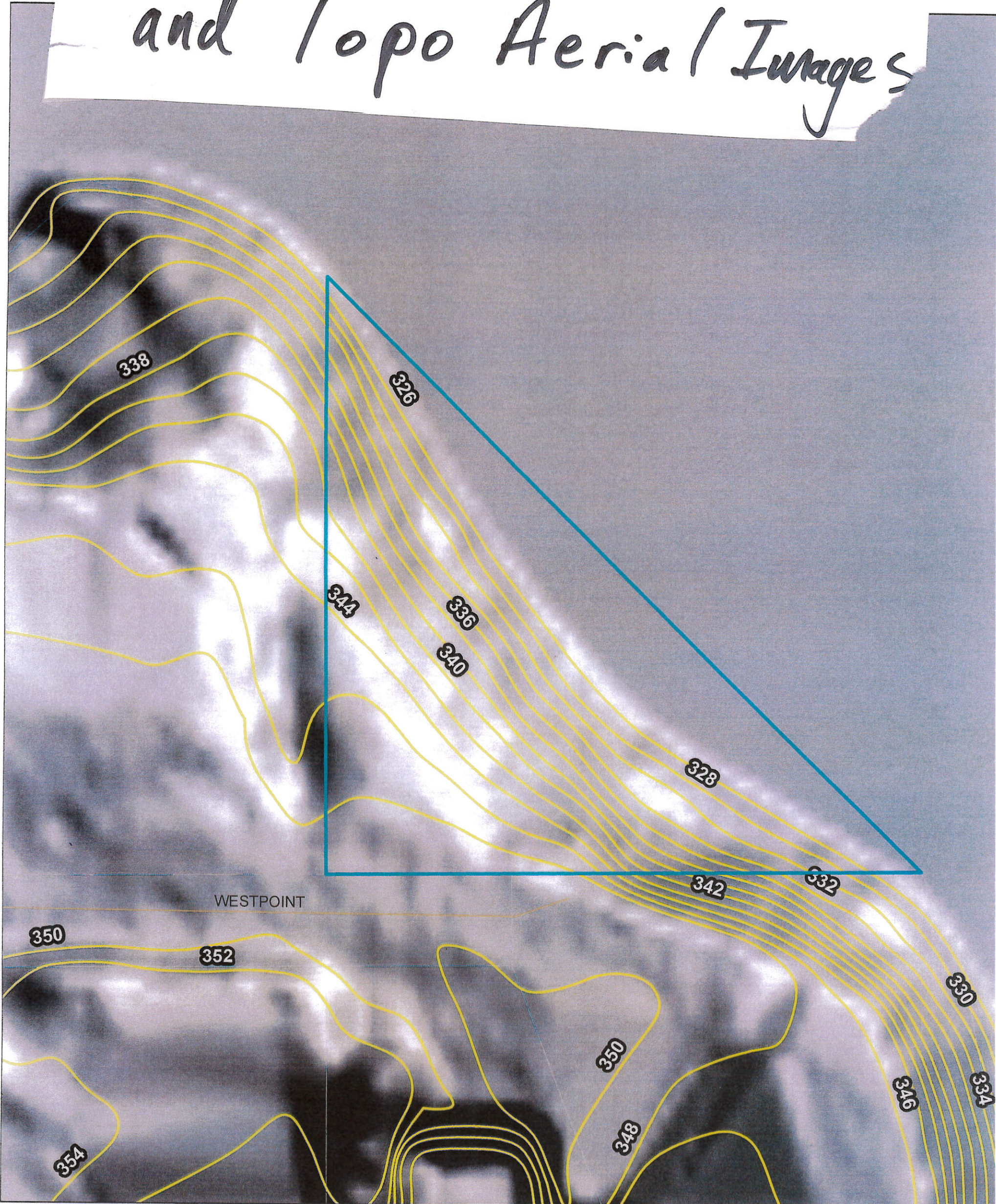
AMENDED PLAT  
OF  
LAKE SHORE  
SUBDIVISION  
A.V. Hagen Property

NEW & NEW Section in T19N01W36M  
N1/2 Sec 17 N1/2 Sec 18 N1/2 Sec 19 N1/2 Sec 20  
Wasilla, Alaska

PLAT 20-4



# Exhibit 2 MSB Flood Zone and Topo Aerial Images



Matanuska Susitna Borough  
Permit Center  
Date: 6/3/2015

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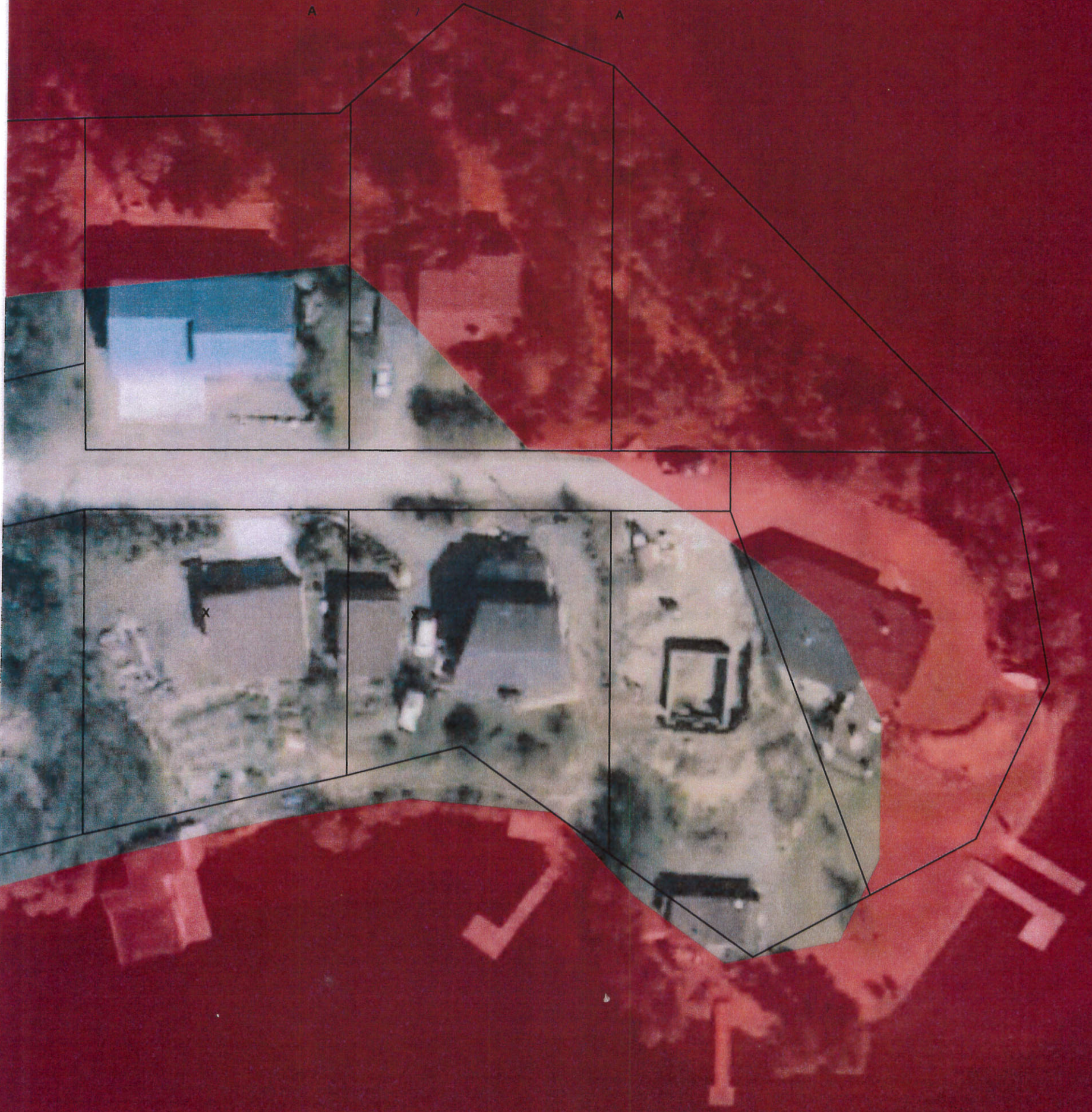


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*Exhibit 3 -  
Misleading Comparison*

int Drive - Lakeshore Subdivision, Tract 1, Lot 3

Address	Tract	Lot	Acres	Value	Inputs	Year Built	House Design	Living Space (area in sq.ft.)				Garage Bldg/lot	
								Bsmnt	1st flr.	2nd flr	Total	Area	area %
1225 E. Westpoint Dr.	Tract 1,	Lot 2	0.36	83K	408K	2003	2-story	0	1861	1440	3301	1440	31%
1245 E. Westpoint Dr. PROPOSED BLDG	Tract 1,	Lot 3	0.36	50K	TBD	TBD	2-story w/ full bsmt, gar1 (int) carport	1217 (DLB)	1217	1766	4200	550 170	31%
1200 E. Westpoint Dr.	Tract 2,	Lot 1	0.57	85K	50K	1994	Cabin w/ gar1 (int) gar2 (det)	0	528	216 (loft)	744	702 1230	11%
1220 E. Westpoint Dr.	Tract 2,	Lot 2	0.31	81K	306.1K	1982	2-story w/ full bsmt, gar1 (int) gar2 (det)	1168 (DLB)	1192	565	2925	340 768	30%
1240 E. Westpoint Dr.	Tract 2,	Lot 3A	0.32	81K	203.9K	2011	2-story w/ bsmt	750 (unfin)	750	1500	3000	0	22%
1260 E. Westpoint Dr.	Tract 2,	Lot 3B	0.41	90K	185.7K	1955+	Tri-level	816 (DLB)	1296	816	2928	775	21%



# Exhibit 4

Shape of Point and Present parking pics

- Proposed setback from road doesn't leave enough room for parking.

- Proposed building worsens end-of-road limited parking

Westpoint Dr. dead-end turn around area, and parking in use on Parcel 3.

6. 4. 2015









## Exhibit 5

Birds Nesting In  
Kopperud Setback Area  
Adjacent to Parcel 3

- Large colony
- Returns every year.







# Exhibit 6

Kopperud View Across  
Shoreline Setback Strip



Sunrise  
at  
Kopperud's







Steep 'dome' shape to  
point. Natural parking place is  
on top.





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Summary of Kopperud opposition to variance application on  
Parcel 3, Tr. 1.

**The variance application is based upon inaccurate factual information, and misleading conclusions arising from that information.**

Standards for Granting a Variance

1. *Conditions of the property do not apply generally to properties in the vicinity.*

Applicant states: “property now 10,000 s.f., was 27,200 s.f.”

**Fact:** Property exactly the same now as in 1960. Parcel 3 has always been virtually all within the 75’ lakeside setback. The 27,200 sf is mathematical error.

2. *The conditions described arise out of natural features.*

Applicant: shoreline receded 20’ since platted.  
Therefore is closer to shoreline today.

**Fact:** The statement is false.  
There is no evidence that the shoreline has receded at all.

3. *Strict application of the code would result in undue hardship such that no reasonable use of the property could be made.*

Applicant: If I cannot construct building in setback, no other reasonable use can be made of Parcel 3.

**Fact:** Shoreline ordinance allows substantial reasonable uses.  
Applicant is common owner of adjacent property.

Applicant is now and has been making substantial, reasonable use of Parcel 3 for parking.



Factually untrue that applicant will not be able to make reasonable use of the property

*Unless* able to construct building in the protected shoreline area.

4. *Special conditions were not caused by applicant or predecessor in interest.*

Applicant: “plat was created in '62 before setback codes, and the shoreline receding is a natural occurrence beyond anyone’s control.”

**Fact:** The shoreline has never receded.

**Fact:** Applicant bought the property in February 2012.

**Fact:** Applicant was an adjacent landowner.

Applicant bought property 39 years after the 75’ shoreline setback ordinance became the law.

He had full knowledge of all building restrictions on Parcel 3 when he took possession.

Tweedy vs. Matanuska Susitna Borough: Alaska Supreme Court recently ruled that applicant has **no rights** arising from lot being platted before shoreline setback ordinance enacted.

The date for determining rights of applicant is February 2012

5. *Variance request is not based upon costs or inconvenience.*



**Applicant:** Constructing 4,200 sf structure (plus garage) in lakeside setback is reasonable as shown by comparative property chart.

**Fact:** Applicant knew lot is 10,000 s.f., but misled the reader that the lot is .36 acres in size.

**Fact:** Proposed building vacates virtually all shoreline setback area for building that is about 1,000 sf larger (in living area) than anything in neighborhood.

**Fact:** When honest size of the lot is compared to the proposed building, the building-to-lot ratio is far greater than any of the comparables.

No variance can be granted unless it meets these conditions.

- *No more than necessary to permit reasonable use of lot.*

**Fact:** Applicant is now and has for some time made actual, reasonable use of a parking lot he constructed on the setback property.

**Fact:** Reasonable use of land in protected shoreline area does not equal building an entire house in setback.

- *Variance is in keeping with the spirit and intent of chapter.*

**Fact:** Applicant knew the entire lot was within the setback area when he bought it.

The variance is not a request for minor hardship adjustment. Applicant misrepresents the facts in order to obtain financial gain by converting entire setback area into a building site.



- *Variance will not significantly adversely affect other property.*

**Fact:** The Kopperud house is significantly impacted by constructing a building in the setback between their east windows overlooking the lake and the shoreline.

**Fact:** The variance sought will damage the shoreline in a sensitive area of Wasilla Lake.

Will have substantial adverse affect on public interests in maintaining uniform setback around lake.

**Fact:** All of the runoff from the building is going into Wasilla Lake because shoreline setback is virtually eliminated.

**Fact:** Already congested parking at the end of Westpoint Drive (dead-end road) would be severely aggravated by eliminating current space used for parking, the public turnaround, and by reducing front setback from road.

### Summary

The variance must be denied because:

- Facts do not show variance standards or conditions that allow granting the variance.

Applicant submitted purposely deceptive application with an inadequate site plan that does not provide essential information such as elevations, finished grades, lot area, confirmed lot corners, drainage structures for protection of lake, and other vital information.

- The variance procedure is not legally or practically intended for negotiation of building design or ad hoc subdivision changes.



Fundamental fairness to public who has responded to the specific variance application requires that variance request must be voted up or down as submitted.

- Applicant is not entitled, as a matter of right, to a variance of the setback restrictions that apply equally to all other shoreline landowners in the city and borough.

Alaska Supreme Court recently confirmed that the plain meaning and purpose of the shoreline ordinance language is to create a uniform 75' building setback. Not 10', 20', or 30'.

Kopperud is willing to work with the applicant in a new submittal that reasonably balances the interests of adjacent property owners and the public, with those of the applicant.

End



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## Tahirih Revet

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**From:** Tina Crawford  
**Sent:** Tuesday, June 09, 2015 12:04 PM  
**To:** Tahirih Revet  
**Subject:** FW: Proposed Condition of Approval from Public Works

**From:** Archie Giddings  
**Sent:** Tuesday, June 09, 2015 11:18 AM  
**To:** Tina Crawford; Bill Klebesadel  
**Subject:** Proposed Condition of Approval from Public Works

Move building line north 4.5 feet in front of proposed driveway to provide 20 feet of parking area on the property. This is requested due to the substandard (25 feet wide) right-of-way adjacent to the property and we need to ensure vehicles are out of the way from snow plowing and gravel road grading.



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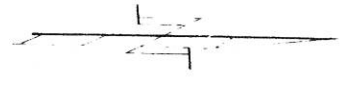
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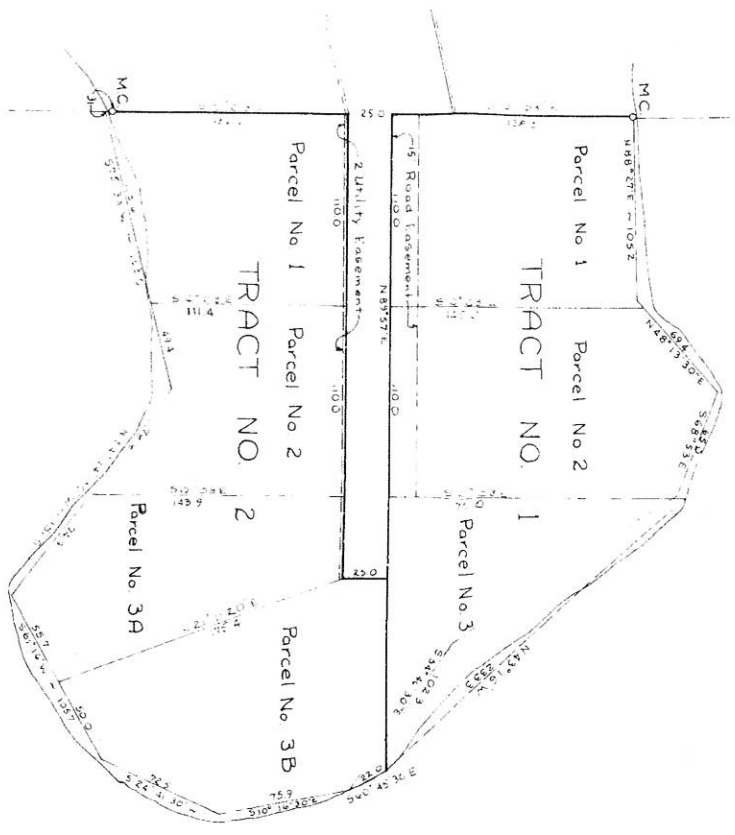
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WASILLA LAKE



WASILLA LAKE

63-1104

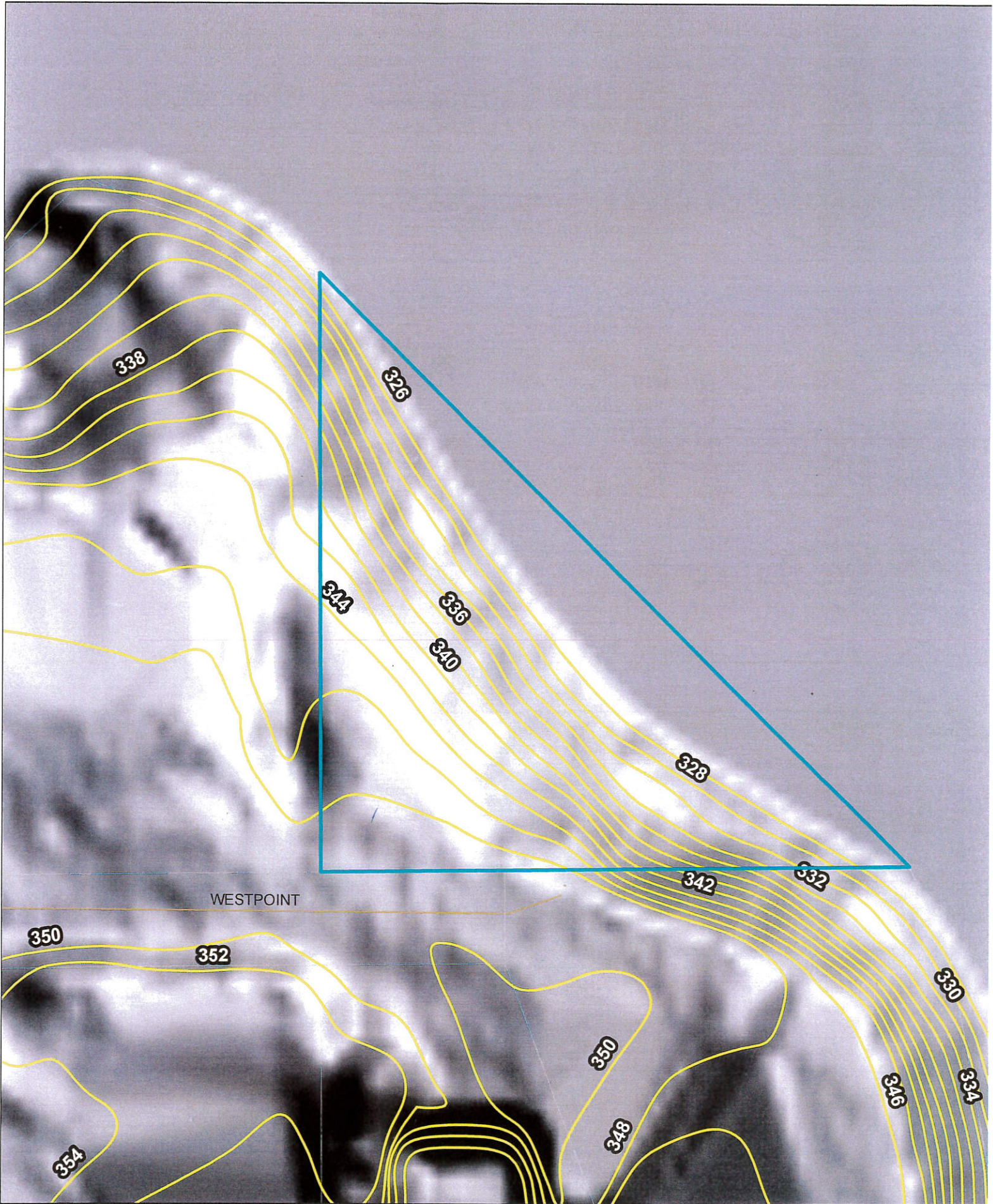
AMENDED PLAT  
of  
LAKE SHORE  
SUBDIVISION  
A. V. HAGEN PROPERTY  
LOT No. 3 SEC 11  
T1711 R1W S.M.

Scale: 1" = 50'

*Richard V. Hagen* Owner  
Approved 17 Nov 63

FILED  
PLAT  
5-20-63  
4:20 PM  
REGISTERED  
#63-110





WESTPOINT



**Matanuska Susitna Borough**

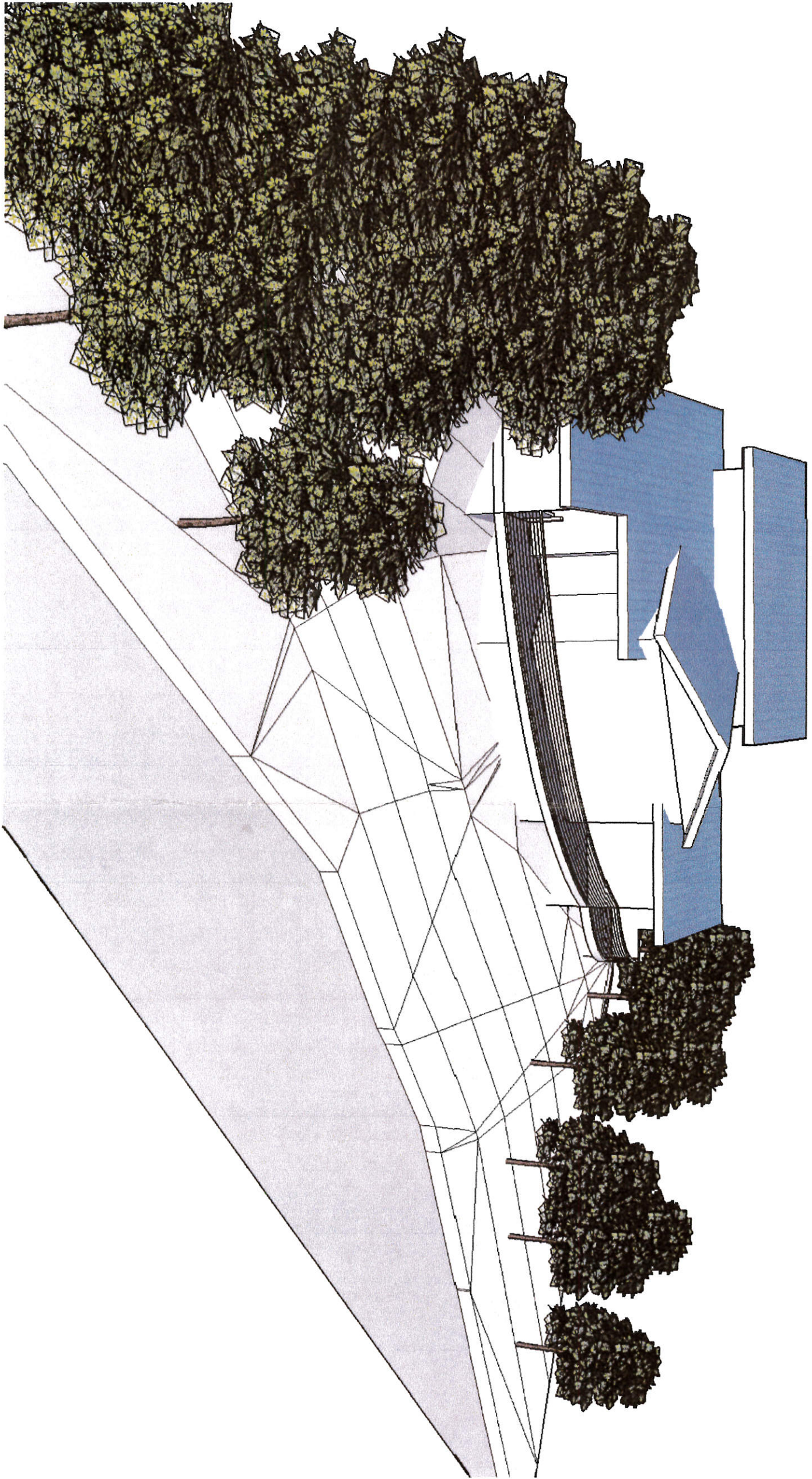
**Permit Center**

Date: 6/3/2015

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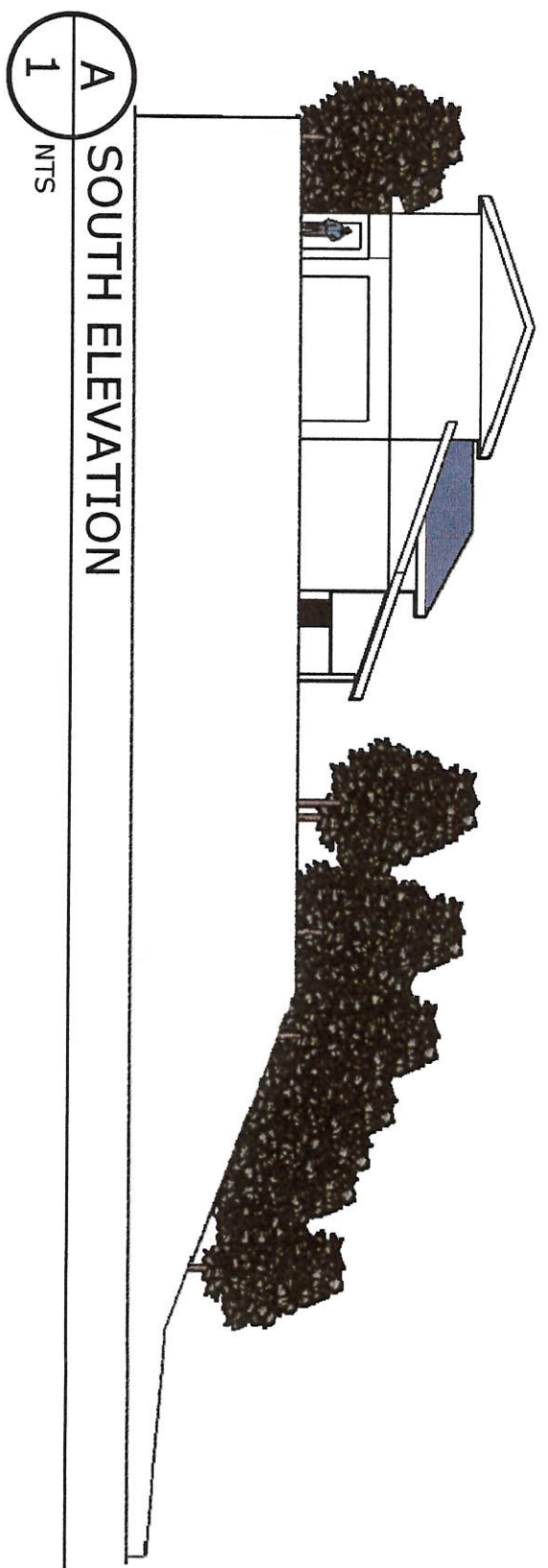




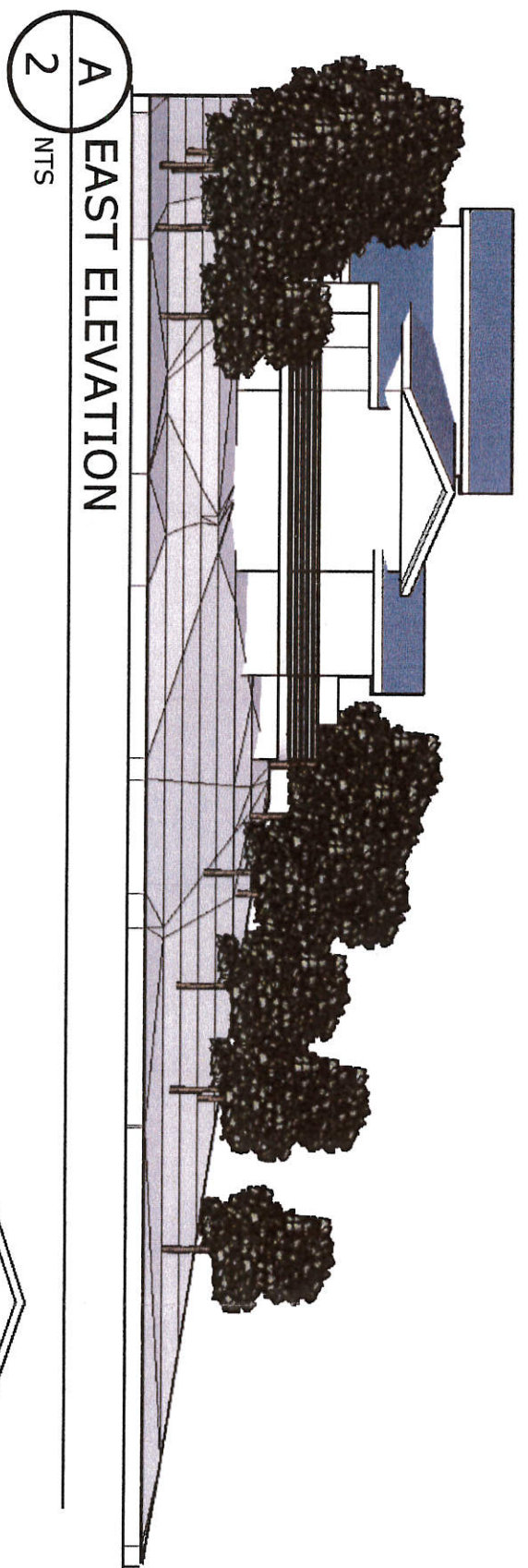
preliminary concept design

Bill Starn | wasilla lake house

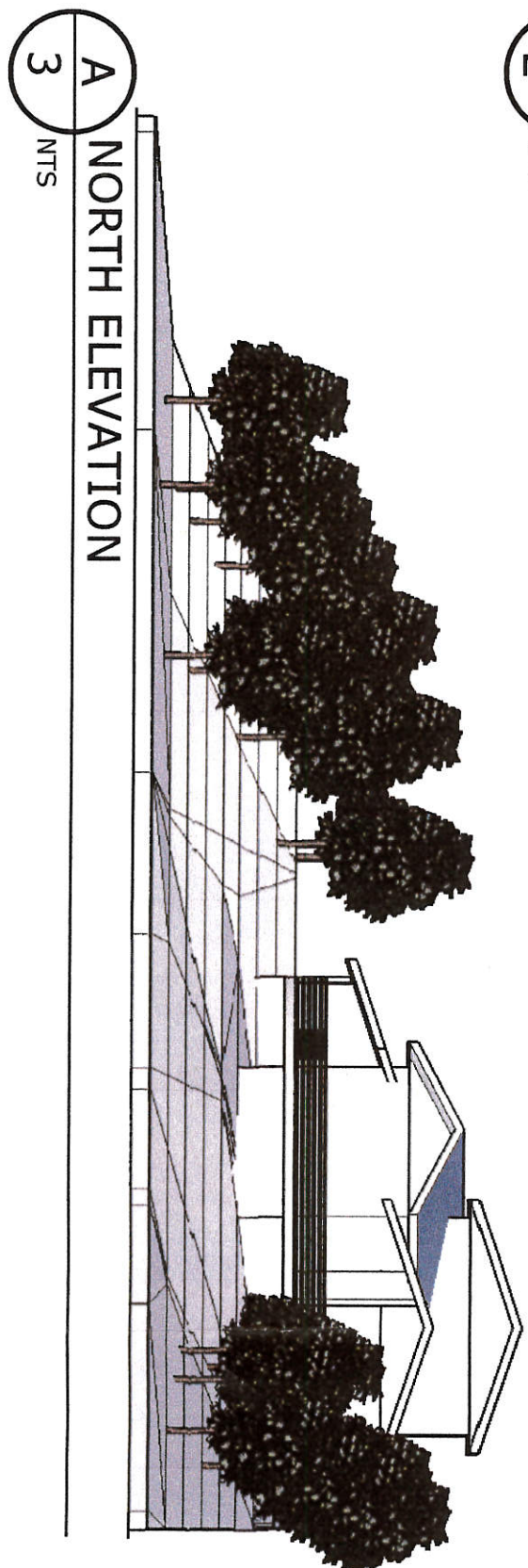




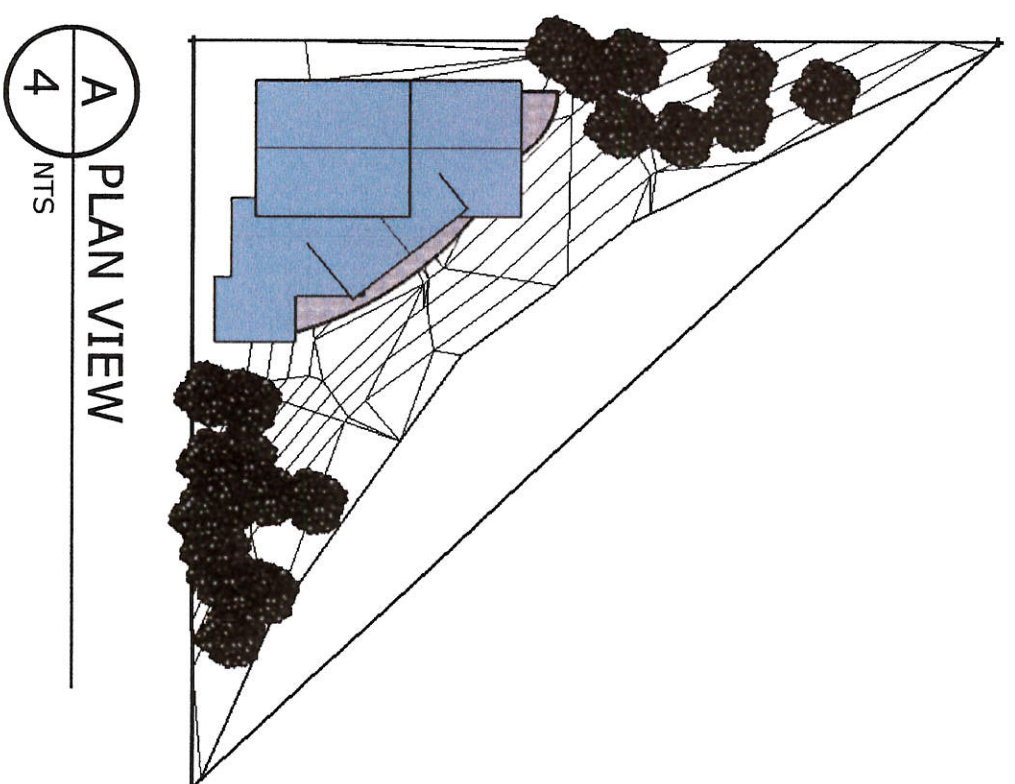
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SOUTH ELEVATION



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NORTH ELEVATION



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PLAN VIEW



## Tina Crawford

---

**From:** loren means <plko56@yahoo.com>  
**Sent:** Tuesday, June 02, 2015 10:09 PM  
**To:** Planning; Tina Crawford  
**Subject:** William Starn variance

I would like to see ownership records for the above variance dating back to before zoning in Wasilla affected this property.

Loren Means  
907 720-2817



cc

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**2012-002535-0**

Recording Dist: 311 - Palmer  
2/10/2012 9:51 AM Pages: 1 of 2



1735477 FATIL

**WARRANTY DEED**

The Grantor, MYRTLE NUSSBAUMER, Trustee of the MYRTLE NUSSBAUMER TRUST dated October 31, 1991, whose address is 3910 Avenue Bonne Terre, New Iberia LA 70563, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, does hereby convey and warrant unto the Grantee, WILLIAM A. STARN and NANCY L. JANSON, Trustees, and their successor trustees, of the GLEN HARDING STARN TRUST dated February 9, 1995, whose address is PO Box 240046, Anchorage AK 99524-0046, and to the successors and assigns of the Grantee, the following described real property:

Parcel No. 3 of Tract 1, LAKESHORE SUBDIVISION, according to the official plat thereof filed under Plat No. 63-10, Records of the Palmer Recording District, Third Judicial District, State of Alaska.

SUBJECT TO ALL reservations, easements, exceptions, restrictions, covenants, conditions, plat notes, by-laws and rights-of-way of record, if any.

SUBJECT TO Notice of Availability of Water and Sewer Service with PILA Provisions, including the terms and provisions thereof, recorded April 19, 1999, Book 1008, Page 44.

SUBJECT TO rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Wasilla Lake; and any prohibition of or limitation of use, occupancy or improvements of the land resulting from the right of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.

TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the premises, all and singular, together with the appurtenances and privileges thereto incident unto said Grantee, and to the successors and assigns of the Grantee, FOREVER.

Coryell Dawson, LLC Attorneys at Law, 805 W Fireweed Lane, Anch AK 99503 Tel 907-277-3995 Fax 907-276-0383

Warranty Deed, Page 1 of 2



DATED this 3rd day of February, 2012

GRANTOR:

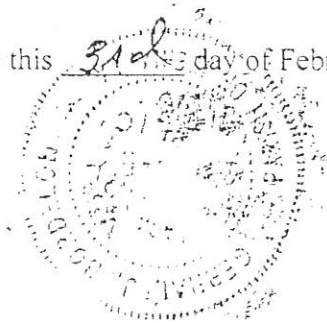
THE MYRTLE NUSSBAUMER TRUST dated October 31, 1991

By: Myrtle Nussbaumer Trustee  
Myrtle Nussbaumer, Trustee

STATE OF LOUISIANA )  
PARISH OF Iberia ) ss:

The foregoing instrument was acknowledged before me this 3rd day of February, 2012, by MYRTLE NUSSBAUMER.

Gerral J. Bordelon  
Notary Public in and for Louisiana  
My Commission expires: at death



GERRAL J. BORDELON  
LA. NOTARY #11274  
LIFETIME

Please record in Palmer  
Recording District & return to  
Glen Harding Starn Trust  
PO Box 240046  
Anchorage AK 99524-0046

Coryell Dawson, LLC Attorneys at Law, 805 W Fireweed Lane, Anch AK 99503 Tel 907-277-3995 Fax 907-276-0383

Warranty Deed, Page 2 of 2



2 of 2  
2012-002535-0



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June 8, 2015

**RECEIVED**

**JUN 08 2015**

**Planning Office  
City of Wasilla**

Wayne and Edith Pinguoch  
1280 E. Lakeshore Ave.  
Lot 5, Block 5, Lakeshore Subdivision

PO Box 870315  
Wasilla, AK 99687  
Ph: (907) 376-5648

Re: Variance request, case #V15-01

To the City of Wasilla Planning Commission:

We live on Wasilla Lake and are directly across the cove from the property that is seeking the variance request. We are opposed to this variance request. We have lived on Wasilla Lake for many years and feel that the lakeside setback is very important.

Sincerely,

*Wayne Pinguoch*



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