

By: Planning
Public Hearing: 06/09/15
Public Hearing Continued: 07/14/15
Adopted: 07/14/15

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 15-10(AM)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING VARIANCE NO. V15-01 ALLOWING AN 19.5 FOOT VARIANCE FROM THE REQUIRED 25 FOOT FRONT YARD SETBACK AND A 33 FOOT VARIANCE FROM THE REQUIRED 75 FOOT SHORELINE SETBACK IN ORDER TO CONSTRUCT A SINGLE-FAMILY DWELLING, LOCATED ON TRACT 1, PARCEL 3, LAKESHORE 1963 SUBDIVISION IN THE MULTI FAMILY ZONING DISTRICT.

WHEREAS, William Starn submitted an application for a variance on May 12, 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 June 2, 2015; and

WHEREAS, the Wasilla Planning Commission conducted a public hearing on June 9, 2015 regarding 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 continued the public hearing until the July 14, 2015 meeting; and

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

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

WHEREAS, the Wasilla conducted the continued public hearing on July 14, 2015 regarding 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 determined that a request for a 45-foot shoreline setback did not meet the variance criteria; and

WHEREAS, the Wasilla Planning Commission determined that a 42-foot shoreline setback did meet the variance criteria; 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 application with the Findings of Fact, attached as Exhibit A and incorporated herein, with the following conditions:

1. Prepare a landscape plan to the City Planner for review and approval that re-vegetates the area between the structure and the high-water mark of Wasilla Lake in accordance with the Property Owner's Guide to Shoreline Landscaping in the Matanuska-Susitna Borough and any other requirements necessary to ensure adequate protection of the lake and shoreline.
2. Design the site appropriately to prevent direct runoff from the lot into the lake.

3. Obtain all necessary permits and approvals for the installation of any necessary water/sewer infrastructure.
4. Provide adequate shoreline vegetation or other stabilization methods at the water's edge to prevent additional erosion.
5. Obtain all necessary approvals prior to working on the water's edge.

ADOPTED by the Wasilla Planning Commission on July 14, 2015.

APPROVED:


Glenda Ledford, Chairman Date
7/15/15

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: Yes: Dean, Means, Ledford
 No: Pinard

EXHIBIT A
Wasilla Planning Commission Resolution 15-10
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 May 12, 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 May 22, 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 small, triangular shape does not apply generally to properties in the district or vicinity.

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 parcel is in the original platted configuration from 1963.

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 parcel would be basically unbuildable since the Land Development Code requires a 25' front yard setback and a 75' shoreline setback.

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 applicant did not cause the conditions that require a variance.

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

Finding: With the amendment to a 42-foot setback, the variance is not sought to relieve a pecuniary (financial) hardship or inconvenience. Without any variance, no structure may be built on the lot.

§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: With the amendment to a 42-foot setback, the variance request is the minimum necessary to permit reasonable use of the parcel. The applicant is proposing a single-family dwelling.

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

Finding: The proposed residential use is not prohibited as a residential use is permitted in a Residential Multifamily (RM) zoning district.

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

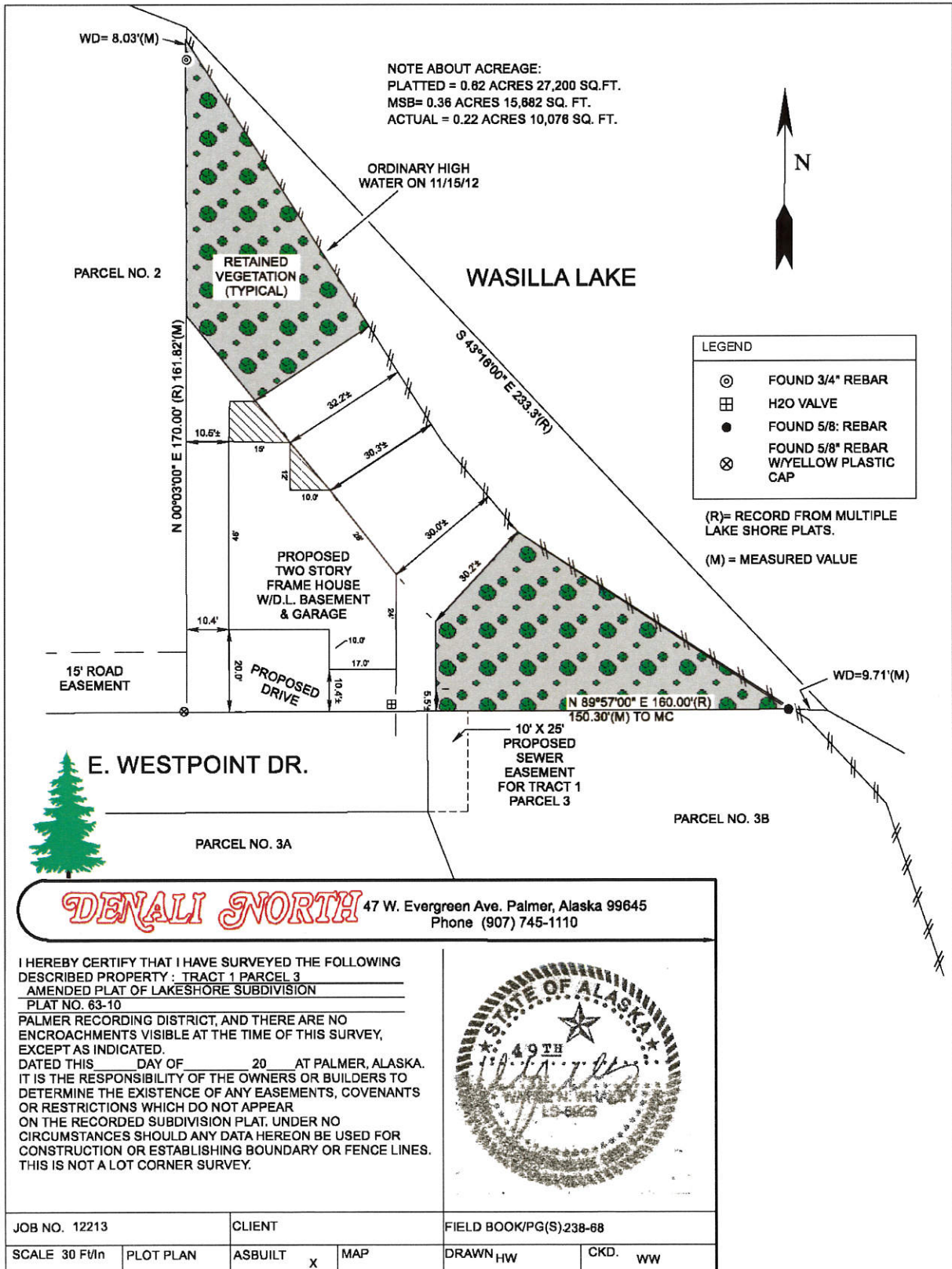
Finding: The variance is in keeping with the spirit and intent of the chapter.

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

Finding: With the amendment to a 42-foot setback, the variance will not be detrimental to public health or welfare.

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

Finding: With the amendment to a 42-foot setback, the requested variance will not significantly adversely affect other properties in the area.



DENALI NORTH 47 W. Evergreen Ave. Palmer, Alaska 99645
 Phone (907) 745-1110

I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY: TRACT 1 PARCEL 3
AMENDED PLAT OF LAKESHORE SUBDIVISION
PLAT NO. 63-10
 PALMER RECORDING DISTRICT, AND THERE ARE NO ENCROACHMENTS VISIBLE AT THE TIME OF THIS SURVEY, EXCEPT AS INDICATED.
 DATED THIS 49TH DAY OF NOVEMBER 2012 AT PALMER, ALASKA.
 IT IS THE RESPONSIBILITY OF THE OWNERS OR BUILDERS TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES. THIS IS NOT A LOT CORNER SURVEY.



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|---------------|-----------|---------|---|-------------------------|--|
| JOB NO. 12213 | | CLIENT | | FIELD BOOK/PG(S) 238-68 | |
| SCALE 30 F/in | PLOT PLAN | ASBUILT | x | MAP | |
| DRAWN HW | | CKD. WW | | | |

Traverse PC

