

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

**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.

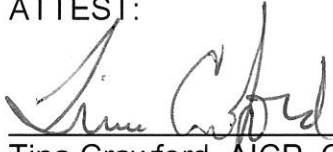
NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this variance with the Findings of Fact, attached as Exhibit A and incorporated herein.

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

APPROVED:


Glenda Ledford, Chairman 7/15/15
Date

ATTEST:


Tina Crawford, AICP, City Planner

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

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;

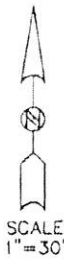
Finding: The variance is in keeping with the spirit and intent of the chapter.

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.

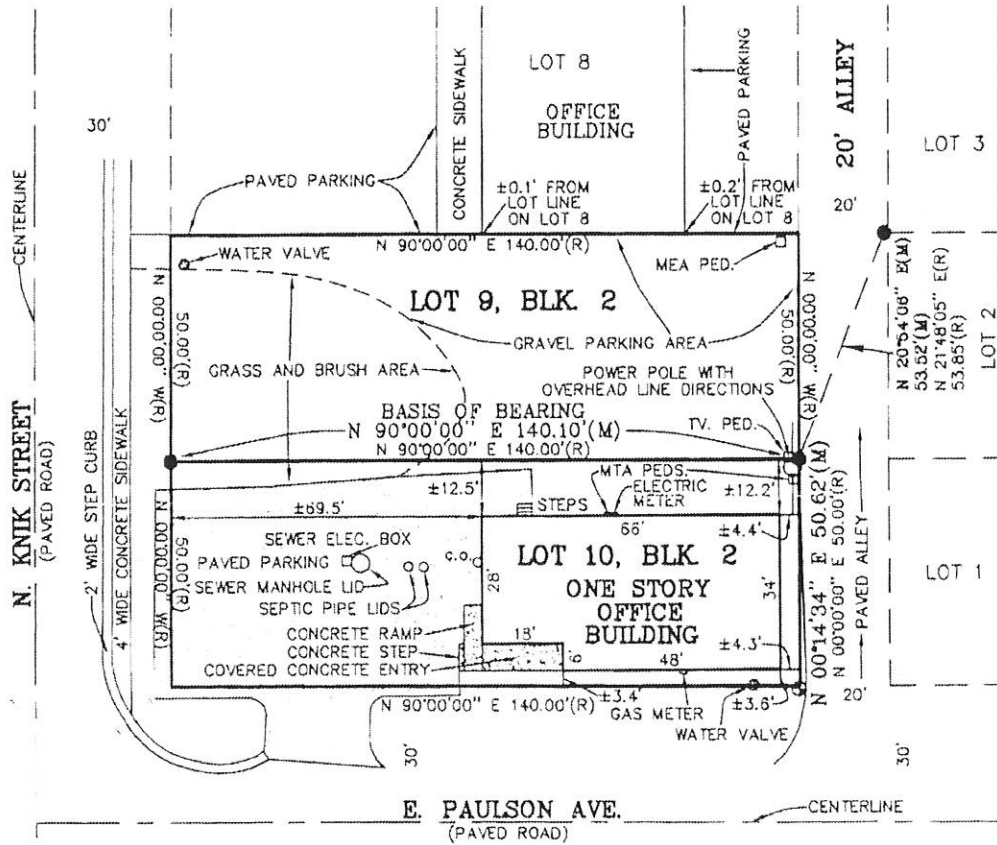
5. The variance will not significantly adversely affect other property.

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 Remax Dynamics 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'