

By: Planning
Public Hearing: 10/10/17
Adopted: 10/10/17

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 17-21**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A 9.3-FOOT VARIANCE FROM THE REQUIRED 25-FOOT FRONT YARD SETBACK FOR A COVERED PORCH AND BAY WINDOW ON AN EXISTING SINGLE-FAMILY HOME, LOCATED ON LOT 4, BLOCK 9, MISSION HILLS SUBDIVISION PHASE II IN THE R-1, RESIDENTIAL ZONING DISTRICT (VARIANCE NO. 17-03).

WHEREAS, Peter and Cora Doner, submitted an application for a variance on August 18, 2017, along with an as-built survey and application fee; and

WHEREAS, notice of the application 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, a notice of the Planning Commission public hearing was published in the Frontiersman on October 1, 2017; 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.

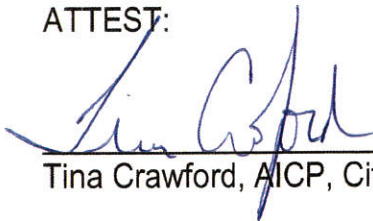
ADOPTED by the Wasilla Planning Commission on October 10, 2017.

APPROVED:

 10/16/17

Brian Mayer, Vice-Chair

ATTEST:



Tina Crawford, AICP, City Planner

EXHIBIT A
Wasilla Planning Commission Resolution 17-21
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 August 18, 2017.

§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 August 31, 2017 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 homes in the area meet the setbacks.

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 permitted and constructed in 1995 but did not meet the setbacks shown on the permit (Permit #Z95-95). In 1995, an as-built survey was not required as part of the permit approval and the setback violation was not identified until this year during the closing process for the sale of the home. There is no record of an approved variance for this home in the City records.

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 may not be sold in the future with difficulties since the building is not "grandfathered" nor does it comply with the current minimum front yard 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 building was constructed in 1995 by a previous property owner. The applicant stated that they purchased the property in its current condition.

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 single-family home.

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

Finding: Single-family homes are a permitted use in the R-1, Residential zoning district.

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

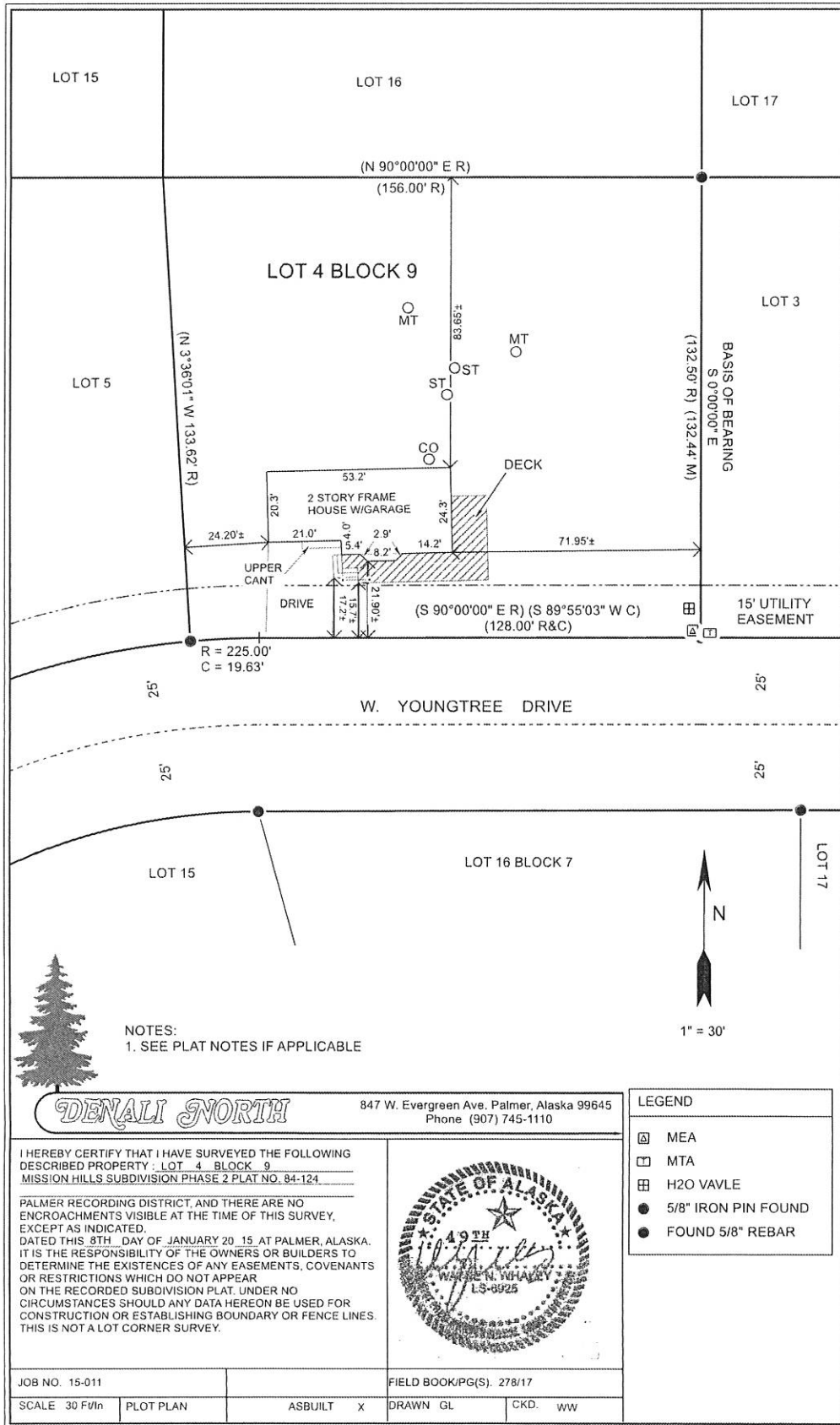
Finding: The variance is in keeping with the spirit and intent of the chapter.

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 home has been in use since 1995 with no impacts on surrounding properties.



Traverse PC