

By: Planning  
Public Hearing: 10/08/19  
Adopted: 10/08/19

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 19-16**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A VARIANCE (#V19-06) TO THE SIGN REGULATIONS FOR A FREESTANDING SIGN AT THE SHOPPES OF SUN MOUNTAIN DEVELOPMENT ON LOT 6, SUN MOUNTAIN. THE REQUEST IS FOR A VARIANCE OF 75 SQUARE FEET TO THE MAXIMUM 150 SQUARE FEET OF SIGN AREA ON A FREESTANDING SIGN TO ALLOW 225 SQUARE FEET OF SIGN AREA.**

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WHEREAS, Cameron Johnson, Sun Mountain Development Group LLC, submitted an application for a variance on September 12, 2019; and

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

WHEREAS, a notice of the Wasilla Planning Commission public hearing was published in the Frontiersman on September 29, 2019; 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 developed Findings of Fact summarizing the basic facts and reasoning of the Wasilla Planning Commission regarding the requested variance.

NOW THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission, after due consideration of 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 adopted the Findings of Fact attached as Exhibit A and incorporated herein; and

BE IT FURTHER RESOLVED, that the Wasilla Planning Commission approves the requested sign variance with the following condition:

1. The decorative sign and pole features must be installed in a manner substantially consistent with the drawing in the application and must be maintained in perpetuity.

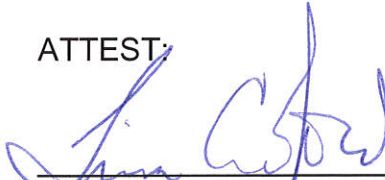
ADOPTED by the Wasilla Planning Commission on October 8, 2019.

APPROVED:

  
Eric Bushnell, Chairman

10/16/2019  
Date

ATTEST:

  
Tina Crawford, AICP, City Planner

VOTE:        Yes: Brown, Bushnell, and Velock  
               No: Breese

**EXHIBIT A**  
**Wasilla Planning Commission Resolution 19-16**  
**FINDINGS OF FACT – 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 that apply to the subject property that do not generally apply to other commercial lots in the area is the significant setback from the Parks Highway due to the frontage road and the significantly higher elevation of the lot. The subject property is a large parcel that is setback from the Parks Highway pavement by approximately 155-262 feet due to the frontage road. Other commercial properties along the Parks are setback approximately 59-76 feet from the pavement. Additionally, the parcel is at a significantly higher elevation than the Parks Highway and other commercially zoned lots in the area (approximately 10 feet higher). The difference in elevation coupled with the significant setback from the Parks Highway affects the readability of the signage for this development when constructed consistent with the sign regulations in Title 16.

**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 conditions applicable to this property are caused by the location of the frontage road and the significantly higher elevation.

**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 the variance, the applicant would be limited to a 150 square sign, which would not provide the visibility and readability of the signage for the commercial businesses on this lot. Based on studies from the United States Sign Council (USSC) there are minimum letter size and square footage to safely convey information to motorists (see information in applicant's packet).

**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 special conditions were not created by the person seeking the variance or a predecessor in interest. The frontage road was created by AKDOT to alleviate traffic on the Parks Highway and the higher elevation is a natural feature of the lot.

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

Finding: The variance is not sought solely to relive financial hardship or inconvenience. The variance is requested to provide signage that will be visible to drivers and allow sufficient time to read and identify entrances to 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: The deviation will allow reasonable use of the lot.

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

Finding: The commercial uses approved for this development are permitted 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 since the purpose statement for the sign code states that the code is intended to “recognize the commercial communication requirements of all sectors of the community” and “to allow for special circumstances.”

**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.

