

By: Planning
Public Hearing: 10/26/10
Public Hearing Continued: 11/09/10
Adopted: 11/09/10

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 10-17**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING VARIANCE #V10-01 ALLOWING A FIVE-FOOT REDUCTION OF THE 25-FOOT FRONT YARD SETBACK FROM THE LAKE STREET RIGHT-OF-WAY AND A 35-FOOT REDUCTION OF THE 75-FOOT SHORELINE SETBACK FOR LOTS 1 AND 2, BLOCK 8, KENNEDY ADDITION TO WASILLA TOWNSITE SUBDIVISION TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING.

WHEREAS, Steffan Frommer, applicant, submitted an application for a variance on September 10, 2010, along with a site plan and application fee; and

WHEREAS, notice of the application was mailed to all property owners within a 1,200' 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 19, 2010; 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 has developed Findings of Fact summarizing the basic facts and reasoning of the Commission regarding the requested variance.

NOW THEREFORE BE IT RESOLVED, that the Wasilla City 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 and conditions of approval attached as Exhibit A and incorporated herein; and

BE IT FURTHER RESOLVED, that the Wasilla Planning Commission, grants the request for variance to front yard and shoreline setbacks for Lots 1 and 2, Block 8, Kennedy Addition to Wasilla Townsite Subdivision as it meets the criteria of §16.28.110 with the following conditions:

1. Eliminate the lot line between Lots 1 and 2 and re-plat into one lot.
2. 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 Lake Lucille 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.
3. Design the site appropriately to prevent direct runoff from the lots into the lake.
4. Connect to the City water and sewer systems and obtain all necessary permits and approvals for the installation of any necessary infrastructure. This includes obtaining a waiver from the Alaska Department of Conservation for a septic tank and vault located less than 100' from the lake.

5. Grass lawns shall not be allowed between the structure and high-water mark.

6. Provide adequate shoreline vegetation or other stabilization methods at the water's edge to prevent additional erosion.

7. Obtain all necessary approvals prior to working on the water's edge.


8. Obtain Use Permit approval to construct single-family dwelling prior to any construction work.

ADOPTED by the Wasilla Planning Commission on November 9, 2010.

APPROVED:


A.C. Buswell, III, Chairman

ATTEST:


Tina Crawford, City Planner

VOTE: Passed Unanimously

Findings of Fact Variance 10-01

§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 shallow depth of Lots 1 and 2 does not apply generally to properties in the district or vicinity. Although a few lots at the east end of the lake are also shallow, the majority of the parcels surrounding Lake Lucille are of sufficient depth to meet the required minimum 75' shoreline setback.

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 depth of Lots 1 and 2 have been significantly reduced from the original platted configuration (see the two attached subdivision plat copies.) According to the Lake Lucille Study, the outlet barrier (weir) elevated Lake Lucille by two and one-half feet and mainly impacted properties in the northeast corner of Lake Lucille. This increase in the water level reduced the depth of the lots from approximately 300' to the current 97.49' and 87.15' depth shown on the survey.

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 lots would be unbuildable since the deepest side of Lots 1 and 2 is only 97.49 feet and 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: The variance is not sought to relieve a pecuniary (financial) hardship or inconvenience. Without any variance, no structure may be built on the lots.

§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 appears to be the minimum necessary to permit reasonable use of the lots. The applicant is only proposing one single-family dwelling for the two lots that will have a 2,040 s.f. footprint.

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 C-Commercial zoning district with the issuance of a Use Permit. A Use Permit will be submitted prior to construction of the home.

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. The property was originally subdivided and platted as two lots and the intent was for the construction of two single-family dwellings. Proper development and landscaping with sufficient native vegetation of the site can provide the protection for the lake that the Code seeks with the 75' shoreline setback.

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 should not significantly adversely affect other properties in the area. The subject lots abut a City boat ramp to the south and a single-family dwelling to the north. Note: The single-family dwelling to the north received a shoreline setback variance in April 2002 that allowed construction of a home within 28'3" of the shoreline.