

By: Planning  
Public Hearing: 03/22/11  
Adopted: 03/22/11

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 11-07**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING VARIANCE NO. V11-01 ALLOWING A 9' REDUCTION FROM THE REQUIRED 25' FRONT YARD SETBACK AND A WAIVER OF THE REQUIRED 10' PARKING LOT PERIMETER PLANTING BED FOR TRACT A-3, OLSON SUBDIVISION 1999 ADDITION, TO ALLOW CONSTRUCTION OF A 6,600 SQUARE FEET COMMERCIAL BUILDING ON APPROXIMATELY 0.66 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF THE GEORGE PARKS HIGHWAY JUST WEST OF THE PALMER WASILLA HIGHWAY.**

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WHEREAS, Calvin Koshiyama, applicant, submitted an application for a variance on March 1, 2011, 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 March 15, 2011; 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.

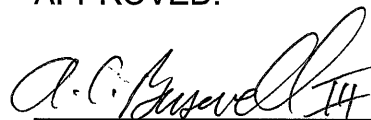
NOW THEREFORE BE IT RESOLVED, that the Wasilla City Planning Commission, after due consideration of the information submitted by the applicant, the information contained in the staff report, written and verbal testimony, the applicable provisions of the Wasilla Municipal Code and Comprehensive Plan, 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 the front yard setbacks and waives the required parking lot perimeter planting beds for Tract A-3, Olson Subdivision, 1999 Addition as it meets the criteria of §16.28.110 and 16.33.070 with the following conditions:

1. Provide and maintain landscaping in excess of the minimum required landscaping on all pervious areas on the site; and
2. Provide and maintain vegetation on the pervious areas of the Alaska State Department of Transportation and Public Facility right-of-way easement.

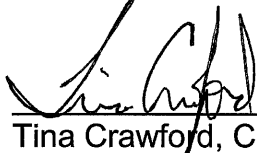
ADOPTED by the Wasilla Planning Commission on March 22, 2011.

APPROVED:



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A.C. Buswell, III, Chairman

ATTEST:



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Tina Crawford, City Planner

VOTE:        Passed Unanimously

**Findings of Fact  
Variance 11-01**

**SETBACK VARIANCE:**

**§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 March 1, 2011.

**§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 posted on the property and mailed on March 8, 2011 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.

**§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 do not apply generally to other properties in the Commercial district or vicinity. This property has a very irregular shape that is not typically found in the surrounding properties or other commercial properties.

**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 property configuration is irregular in shape and contains easements along all four property lines that limit the developable area more than other similar properties in the area.

**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, only a very small commercial building could be built on the property.

**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. The property was originally larger, but Fred Meyer Stores, Inc., the previous owner, granted a right-of-way easement on approximately 3,531 square feet along the southern property line to the State of Alaska Department of Transportation and Public Facilities in 2002.

**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, it would be difficult to build a commercial building on this property.

**§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 and waiver request are necessary to allow reasonable use of the lots. The applicant is only proposing a 6,600 square foot building. Other commercial buildings on similar size tracts in the immediate area range between 3,940 to 7,990 square feet.

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

Finding: The proposed commercial building is 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 since the property has a commercial zoning and future land use designation and is located within a commercially developed area.

**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 property is surrounded by commercial uses to the north and the Parks Highway to the south.

**§16.16.040(A)(6) Decision.**  
The commission shall decide to deny, approve or approve with conditions the proposal or appeal. The burden of proof shall be on the applicant. The commission's decision may be made immediately following the public hearing portion of the commission meeting. The decision of the commission shall set forth the facts it finds relevant to its decision and the reasons for its decision. The effective date of the decision is the date the findings and the reasons are set out in writing and signed by the commission chairperson or the chairperson's designee.

**LANDSCAPE WAIVER:**

**§16.33.070(A)(1) Preapplication Conference.**  
The applicant shall schedule a preapplication conference with the planner to review the proposed waiver or modification.

Finding: The applicant met with the planner to discuss proposed site plan and necessary waivers, including the waiver process.

**§16.33.070(A)(2) Application and Site Plan.**  
After the preapplication conference, the applicant shall submit an application for the waiver or modification to the planner with the appropriate fee. The application shall include a site plan depicting all information relevant to the requested waiver or modification. The planner may require that the site plan be produced by a registered professional engineer, architect, landscape architect or land surveyor.

Finding: The applicant submitted the required application and site plan on March 1, 2011.

**§16.33.070(A)(3) Public Hearing.**  
The commission shall hold a public hearing on the application. The notice, comment period, and hearing procedure shall be the same as provided in Section 16.16.040 for a conditional use.

Finding: All notice, comment period, and hearing procedures were met (see setback variance Finding for §16.28.110(B)).

**§16.33.070(A)(4) Decision.**  
The commission may approve an application only if the commission finds that the application meets all of the following standards:

**(a) Either (i) natural vegetative features within or adjacent to the property, or the shape, topography, drainage or other physical features of the property, make compliance with the landscaping requirements of this title impracticable or contrary to the public interest; or (ii) compliance with the landscaping requirements of this title will have an adverse effect on other property;**

Finding: The shape of the property makes it difficult to meet the required setbacks, parking, and landscape requirements in Title 16. In order to provide the required parking spaces and have reasonable use of the property, a waiver of the parking lot perimeter plant bed requirements is necessary.

**(b) The special conditions that support the waiver or modification are not caused by the person seeking the waiver or modification, a predecessor in interest, or the agent of either;**

Finding: The applicant did not create the property configuration. He purchased the property after the plat was approved by the Matanuska-Susitna Borough.

**(c) The waiver or modification is not sought solely to relieve pecuniary hardship or inconvenience;**

Finding: The waiver is necessary to allow construction of a commercial building with the required on-site parking and is not requested to relieve a financial hardship or inconvenience.

**(d) The waiver or modification will not significantly affect adjacent property or water bodies; and**

Finding: The waiver will not affect adjacent properties or water bodies since the adjoining properties contain commercial uses and there are no water bodies abutting this property.

**(e) The waiver or modification is consistent with the spirit and intent of this chapter.**

Finding:

The waiver is consistent with the spirit and intent of this chapter. The property is zoned Commercial and will be compatible with the surrounding uses.

