

By: Planning
Public Hearing: 03/27/12
Adopted: 03/27/12

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 12-04**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING VARIANCE NO. V12-01 ALLOWING A 1.8 FEET REDUCTION FROM THE REQUIRED 10 FEET SIDE YARD SETBACK FOR LOT 67, BLOCK 1, PRIMROSE POINTE SUBDIVISION, FOR AN EXISTING SINGLE-FAMILY HOME ON APPROXIMATELY ONE-HALF ACRE, GENERALLY LOCATED ON RIVERDANCE CIRCLE, WHICH IS ACCESSED FROM LUCILLE STREET AND NORTH OF THE PARKS HIGHWAY.

WHEREAS, Viktor P. Fendich, agent for Derek Cladek, owner, submitted an application for a variance on February 21, 2012, along with a site plan 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 March 20, 2012; 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 attached as Exhibit A and incorporated herein; and

BE IT FURTHER RESOLVED, that the Wasilla Planning Commission, grants the request for variance to the side yard setback as it meets the criteria of §16.28.110.

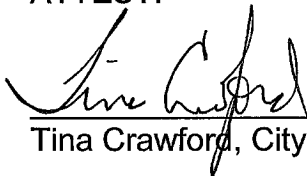
ADOPTED by the Wasilla Planning Commission on March 27, 2012.

APPROVED:



A.C. Buswell, III, Chairman

ATTEST:



Tina Crawford, City Planner

VOTE: YES: Brown, DeHart, Kelly, and Webb
NO: Buswell and Ledford

EXHIBIT A

Wasilla Planning Commission Resolution 12-04

FINDINGS OF FACT - Section 16.28.110(C)

§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. According to the applicant, an error was made when determining the property lines during construction of the home.

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:

According to the applicant, there was confusion between the survey markers for this subdivision and markers for another subdivision to the west.

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 owner will have a home that does not comply with the minimum side yard setbacks for a single-family home. This may cause difficulty with future sale of 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 owner purchased the property from the applicant without knowing that the home did not meet the minimum 10' side yard setback.

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.

§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 of 1.8' is the minimum necessary to make the newly constructed home consistent with the City's Land Development Code, Title 16.

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

Finding: The residential home is a permitted use in the Rural 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.

Staff Finding: The requested variance will not significantly adversely affect other properties in the area. The only lot that could have been affected would be Lot 68. However, site plan for the home on Lot 68 is setback significantly farther back on the lot than the home on Lot 67 so there should not be any impact (see copy of site plans for Lots 67 and Lots 68.)