

By: Planning  
Public Hearing: 05/22/12  
Adopted: 05/22/12

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 12-10**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A VARIANCE TO THE MAXIMUM SIX FEET SIGN HEIGHT TO ALLOW A 16 FEET SIGN HEIGHT; AND APPROVING A VARIANCE TO THE MAXIMUM 32 SQUARE FEET SIGN AREA TO ALLOW 62 SQUARE FEET OF SIGN AREA FOR A NON-RESIDENTIAL FREESTANDING SIGN IN THE RURAL RESIDENTIAL ZONING DISTRICT (VARIANCE NO. V12-02). THE PROPERTY IS LOCATED ON LOT 2, BLOCK 1, KOHRING SUBDIVISION GENERALLY LOCATED ON THE NORTHEAST CORNER OF LUCILLE STREET AND FLAG CIRCLE.**

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WHEREAS, Shawn Mertin, owner, submitted an application for a variance on April 3, 2012; and

WHEREAS, notice of the application was mailed to all property owners within a 1,200 feet 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 May 15, 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

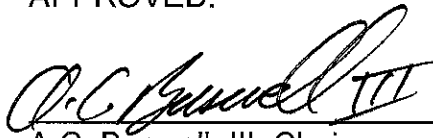
WHEREAS, the Wasilla Planning Commission has developed Findings of Fact summarizing the basic facts and reasoning of the Wasilla Planning Commission regarding the requested variance.

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.

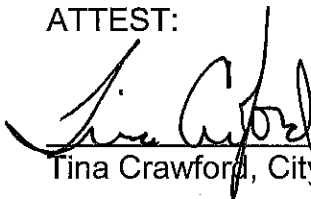
ADOPTED by the Wasilla Planning Commission on May 22, 2012.

APPROVED:



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A.C. Buswell, III, Chairman

ATTEST:



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Tina Crawford, City Planner

VOTE:        Passed Unanimously

**EXHIBIT A**  
**Wasilla Planning Commission Resolution 12-10**

**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: Although all properties in RR zoning may have a commercial business up to 10,000 square feet, not all of the properties have frontage on a collector-type roadway. Lucille Street operates as a collector road for the City and this property is located on the corner of Lucille Street and Flag Circle. Collector roadways often have commercially zoned properties, which are allowed additional signage. In fact, there are two commercially zoned parcels in the immediate area and the one at the northeast corner of Lucille and Aspen has a larger freestanding sign (one is located two parcels to the south and the other is located three parcels north of the subject property.)

**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: This lot only has 100' of frontage along Lucille, is at a lower elevation than the roadbed, and is setback from the roadway at least 40'. This limits visibility of the business from vehicles travelling along Lucille Street.

**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 maximum signage allowed for this property would be a 6' high freestanding sign with 32 square feet of sign area and only 6 square feet of wall signage. A similar lot on a lot zoned commercially would be allowed up to a 25' high sign with 100 square feet of sign area and unlimited wall signage.

**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 current owner purchased the property with an existing commercial building.

**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 proposed sign variance will allow a reasonable amount of signage that is typically permitted for similar businesses in a commercially zoned area.

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

Finding: The current satellite company is permitted in the RR 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.