

By: Susan Lee
Introduced: January 4, 2016
Public Hearing: January 18, 2016
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO THE RIGHT-OF-WAY/SECTION LINE EASEMENT SETBACK FOR AN EXISTING SINGLE-FAMILY RESIDENCE ON BLOCK 2, LOT 9, END OF THE RAINBOW SUBDIVISION; PALMER RECORDING DISTRICT

WHEREAS, an application for a variance from the setback requirements of MSB 17.55.010(A) has been received to allow an existing single-family residence to remain set back less than 25 feet from the section line easement on the west side of Block 2, Lot 9, End of the Rainbow Subdivision; 420 S. Robin Circle; within Township 17 North, Range 2 West, Section 9, Seward Meridian; and

WHEREAS, at its closest point, the structure is set back 14.6 feet from the edge of the section line easement on the west side of the lot; and

WHEREAS, the Planning Commission conducted a public hearing on January 18, 2016, on this matter; and

WHEREAS, the Planning Commission reviewed the application, associated materials, and the staff report containing findings of fact and conclusions of law; and

WHEREAS, End of the Rainbow Subdivision was platted in 1970, which was prior to the adoption of borough setback requirements in 1973; and

WHEREAS, when the subdivision was platted in 1970, section line easements were not required to be depicted on plats; and

WHEREAS, there are topographic issues with the lot as a narrow ridge runs through the property; and

WHEREAS, the top of the ridge had to be cut down and widened in order to construct the driveway and a building site; and

WHEREAS, the average grade from the top of the ridge to the lower portion of the lot is 60 percent; and

WHEREAS, there are unusual conditions and circumstances applicable to this property as the lot was platted prior to section line easements being shown on plats and prior to the adoption of setback requirements, and the lot has topographic issues; and

WHEREAS, based on the evidence submitted, granting the variance will not be injurious to nearby properties, or harmful to the public welfare (MSB 17.65.020(A)(3)); and

WHEREAS, the proposed setback variance is consistent with the policies and goals of the MSB Comprehensive Plan (2005 Update) and the Meadow Lakes Comprehensive Plan (2005) as the variance will allow residential development; and

WHEREAS, the structure was constructed prior to the adoption of the Mandatory Land Use Permit requirements; and

WHEREAS, the person seeking the variance did not cause the topography of the lot; and

WHEREAS, the person seeking the variance did not plat this subdivision which did not depict the section line easement on the plat; and

WHEREAS, the person seeking this variance is doing so in order to resolve the setback violation so that Lots 8 and 9 can be combined and create a utility lot for the telecommunication tower on the property; and

WHEREAS, when the applicants/owners constructed the house in 2005, they were unaware of the section line easement; and

WHEREAS, residential structures are permitted on this property; and

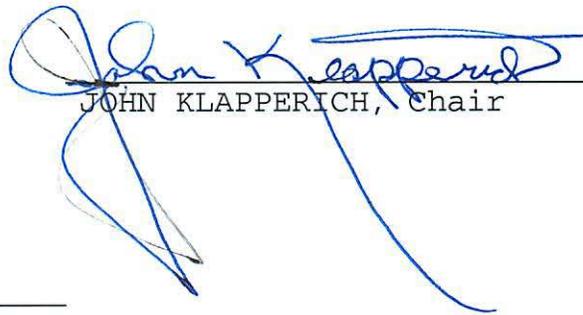
WHEREAS, the variance, will not permit a land use in a district in which that use is prohibited, as residential structures on this site. The variance, will allow an illegally constructed structure to remain in its current location (MSB 17.65.030(A)(2)); and

WHEREAS, the subject lot is not in a special land use district; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission hereby finds this application does meet the standards of MSB 17.65.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission approves the setback variance for the single-family residence on Block 2, Lot 9, End of the Rainbow Subdivision.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 18th day of January, 2016.



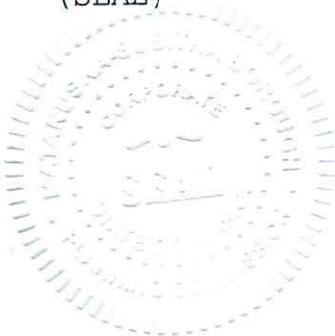
JOHN KLAPPERICH, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



PASSED UNANIMOUSLY: Klapperich, Healy, Walden, Kendig, Adams, and Rauchenstein