

By: Mark Whisenhunt  
Introduced: Sept. 19, 2016  
Public Hearing: October 3, 2016  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 16-39**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION ADOPTING FINDINGS OF FACT AND CONCLUSIONS TO SUPPORT DENIAL OF RESOLUTION 16-34.

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WHEREAS, Resolution 16-34 was for approval of a setback variance to allow a 10.5-foot setback from the right-of-way line of Rory Circle, which would allow for the construction of a guest cabin on Lot 6, of Rocky Lake Subdivision; 2581 S. Rory Circle; within Township 17 North, Range 3 West, Section 21, Seward Meridian; and

Whereas, the planning commission conducted a public hearing on October 3, 2016 on this matter; and

Whereas, the Planning Commission's vote on the motion failed to garner a majority vote on October 3, 2016; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission denied the setback variance based on the following findings of fact and conclusions of law:

1. The subject lot is .46 acres in size.
2. A single-family residence approximately 1,994 square feet in size, with an attached garage approximately 692 square feet in size has been constructed on the subject lot.

3. Based on the as-built survey/site plan prepared by Robert Hoffman, LS dated August 17, 2015; the proposed guest cabin is 672 feet in size.
4. The subject lot is not unusually small or narrow, and there are no topographical features that would prevent the proposed guest cabin from being built in full compliance with the minimum setback requirements.
5. The subject lot has an area of approximately 9,000 square feet of legal building area, commonly referred to as the "building envelope."
6. According to the application material, there is sufficient buildable area on the subject lot to construct the proposed guest cabin in full compliance with the minimum setback requirements.
7. The narrowing of the setback to 10.5-feet from 25-feet clearly undermines the general policies underlying setbacks by reducing separation distances for air, light, fire protection.
8. MSB 17.65 - Variances, was adopted to grant relief to property owners whose lots are impacted by topographic constraints and/or existing land use regulations thereby making the lot undevelopable.
9. The proposed setback variance is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005

Update) as the variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community which setbacks are designed to further.

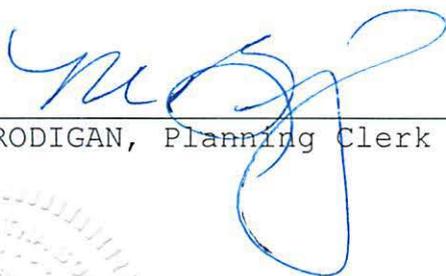
10. Reasonable use of the lot can be made without a variance.
11. The applicant is proposing the construction of the subject guest cabin inside the minimum setback area.
12. The subject .46-acre lot can accommodate construction of a guest cabin without requiring a setback variance.
13. There are no unusual conditions or circumstances that apply to this property for which the variance is sought, as the applicant can build a guest cabin in full compliance without a variance (MSB 17.65.020(A)(1)).
14. The strict application of the provisions of this title would not deprive the applicant of rights commonly enjoyed by other properties, as the applicant can build a guest cabin in full compliance without a variance (MSB 17.65.020(A)(2)).
15. The proposed variance is inconsistent with the intent of MSB 17.65 and the Matanuska-Susitna Borough Comprehensive Plan (2005 Update), as the applicant can build a guest cabin in full compliance without a variance (17.65.020(A)(4)).

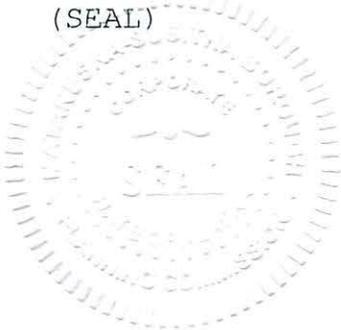
16. Deviation from this title is not necessary to permit reasonable use of the property, as the proposed guest cabin size can be built in full compliance with the setback regulations on this lot without a variance (MSB 17.65.020(A)(5)).

17. The person seeking the variance is proposing to construct a guest cabin within the 25-foot minimum setback requirement, causing the need for this variance (MSB 17.65.030(A)(1)).

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 3<sup>rd</sup> day of October, 2016.

  
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JOHN KLAPPERICH, Chair

ATTEST   
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MARY BRODIGAN, Planning Clerk



PASSED UNANIMOUSLY: Klapperich, Anderson, Vague, Kendig, Adams, and Rauchenstein