

By: Susan Lee
Introduced: October 3, 2016
Public Hearing: October 17, 2016
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-33**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO THE RIGHT-OF-WAY SETBACK FOR THE CONSTRUCTION OF AN ATTACHED GARAGE ON BLOCK 8, LOT 12, LONGBEACH SUBDIVISION, DIVISION 2, PALMER RECORDING DISTRICT.

WHEREAS, an application for a variance from the setback requirements of MSB 17.55.010(A) has been received to allow construction of an attached garage to the existing single-family residence less than 25 feet from the Palmdale Drive right-of-way on Block 8, Lot 12, Longbeach Subdivision, Division 2; within Township 17 North, Range 1 West, Section 1, Seward Meridian; and

WHEREAS, at its closest point, the garage will be set back 5.7 feet from the Palmdale Drive right-of-way; and

WHEREAS, the Planning Commission conducted a public hearing on October 17, 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, the lot is .53 acres in size; and

WHEREAS, Longbeach Subdivision, Division 2, was platted in 1979; and

WHEREAS, the lot is served by a community sewer system; and

WHEREAS, the south two-thirds of the lot is located within special flood hazard area; and

WHEREAS, the application material states that the existing residence was constructed at this particular location so that it would be located outside of the special flood hazard area; and

WHEREAS, the existing residence is set back 29 feet from the Palmdale Drive right-of-way; and

WHEREAS, the driveway grade ranges from 18.4% to 22.2%; and

WHEREAS, the lot was developed in such a way that only left room for a driveway with an average grade of 19%, which exceeds the maximum allowable 10% grade for driveways; and

WHEREAS, a borough driveway permit was not applied for or issued for this driveway; and

WHEREAS, the application material states that during the icy winter months the steep driveway creates dangerous conditions and vehicles slide into the garage and is dangerous to walk on; and

WHEREAS, there are unusual conditions or circumstances applicable to this property, as Palmdale Drive is at a higher elevation than the house, which makes for a very steep driveway and created dangerous conditions; and

WHEREAS, the applicants/owners already have use of the property with the existing single-family residence and attached garage; and

WHEREAS, the concrete pad in front of the garage doors is heated; however, ice builds up on it during the winter; and

WHEREAS, the applicants/owners are unable to use the garage at times in the winter due to the steep, icy driveway; and

WHEREAS, construction of a new garage less than 25 feet from the Palmdale Drive right-of-way will allow a garage to be level with the roadway; and

WHEREAS, the existing house and attached garage is approximately 40' x 40' in size; and

WHEREAS, the proposed garage addition is 24' x 26' in size; and

WHEREAS, the size of the proposed garage is the average size of a two car garage; and

WHEREAS, the subdivision is developed with residences with either attached or detached garages that are similar in size to the existing residence and the proposed garage addition; and

WHEREAS, the strict application of the provisions of this title would deprive the applicants/owners of rights commonly enjoyed by others as the existing residence and proposed garage addition are similar in size to other residences and garages in the subdivision; and

WHEREAS, the proposed garage will be set back approximately 30 feet from the constructed roadway; and

WHEREAS, the south side of the Palmdale Drive right-of-way has not been constructed due to its steep grade; and

WHEREAS, Palmdale Drive is not likely to be upgraded; and

WHEREAS, the proposed garage will not interfere with the community sewer system line; and

WHEREAS, construction of the garage within the right-of-way setback will provide for safer conditions, as it will be constructed at the same elevation as Palmdale Drive; and

WHEREAS, setbacks promote a variety of public purposes such as provisions for light and air, fire protection, traffic safety, prevention of overcrowding, rest and recreation, solving drainage problems, protecting the appearance and character of a neighborhood, and conserving property values; and

WHEREAS, granting the variance will not be injurious to nearby property, nor harmful to the public welfare, as the proposed garage will not interfere with the flow of traffic on Palmdale Drive and it will be constructed at the same level as Palmdale Drive, making it a safe and useable structure; and

WHEREAS, MSB Chapter 17.65 - Variances, was written to grant relief to property owners whose lots are impacted by topographic constraints and/or existing land use regulations thereby making the lot undevelopable; and

WHEREAS, the applicants/owners have reasonable use of their property; however, there are unsafe conditions due to the steep grade of the driveway into the garage; and

WHEREAS, constructing the new garage at the roadway level will eliminate the hazards of the steep driveway into the existing garage; and

WHEREAS, the proposed setback variance is consistent with the policies and goals of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update), as it will protect the public safety, health, and welfare of the community which setbacks are designed to further by allowing the construction of a garage at the roadway level; and

WHEREAS, the proposed variance does meet the intent of MSB 17.65 and is consistent with the Matanuska-Susitna Borough Comprehensive Plan (2005 Update); and

WHEREAS, there is reasonable use of this lot without a variance; and

WHEREAS, the proposed garage will replace the existing garage, which will become storage space; and

WHEREAS, deviation from this title will be no more than is necessary to permit a reasonable use of the property, as the existing residence and proposed garage addition are similar in size to the other residences and garages in the subdivision; and

WHEREAS, the person seeking the variance did not construct the existing structure; and

WHEREAS, the person seeking the variance is requesting to construct the new garage; and

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

WHEREAS, due to where the residence was constructed to avoid the flood zone, there was no room left on the lot to design a practical driveway, which created the current conditions; and

WHEREAS, the person seeking the variance did not cause the need for the variance, as the applicants/owners are requesting the variance in order to build a new garage to eliminate a safety issues with the steep driveway into the existing garage; and

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

WHEREAS, residential structures and garages are permitted on this property; and

WHEREAS, the variance, if granted, will not permit a land use in a district in which that use is prohibited, as residential structures are permitted on this site and the variance will allow a garage to be constructed within the right-of-way setback area; and

WHEREAS, the variance is being sought in order to mitigate hazardous conditions on the lot; and

WHEREAS, the variance is being sought for safety purposes for the property owners and others using the driveway and garage on the lot; and

WHEREAS, the proposed garage addition is not out of character with the existing residential development in the subdivision; and

WHEREAS, the variance is not solely to relieve pecuniary hardship or inconvenience, as the variance is being requested in order to remedy safety issues due to the steep driveway into the existing garage and the proposed garage addition is not out of character with the existing residential development in the subdivision.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby approves the setback variance to construct a garage 5.7 feet from the Palmdale Drive right-of-way.

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this 17th day of October, 2016.



JOHN KLAPPERICH, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Klapperich, Healy, Vague, Kendig, and Rauchenstein*
NO: *Anderson and Adams*