



CITY OF WASILLA
 • Planning Office •
 290 East Herring Avenue • Wasilla • Alaska • 99654-7091
 • Telephone 907-373-9020 •

APPLICATION FOR VARIANCE

Permit #: v 15-01
 Date: 5-12-15

I. PROPERTY OWNER*		OWNER'S REPRESENTATIVE (If Any)	
Name: <u>William Stern</u>		Name: <u>Denali North</u>	
Mailing Address: <u>Po Box 1782</u>		Mailing Address: <u>Po Box 874577</u>	
<u>Palmer AK 99645</u>		<u>Wasilla, AK 99687</u>	
Contact Phone: Day	Night	Contact Phone: Day	Night
<u>841-3677</u>	<u>746-0805</u>	<u>907-376-9535</u>	
FAX:		FAX:	
		<u>907-745-0964</u>	
E-mail:		E-mail:	
		<u>denalinorth6925@gmail.com</u>	

II. PROPERTY INFORMATION			
Size of property			
<u>.36 Acres</u>			
Property tax # <u>1037 T01 P003</u>			
Street Address: <u>1245 E. westpoint DR.</u>			
Legal Description:	Lot(s)	Block	Subdivision
			<u>Lakeshore 1963 Tract 1</u>
OR			
Parcel/Tract	3	Section	11
Township	17 North	Range	1 West
[Attach additional page if necessary.]			
Zoning:			
RR Residential	<input type="checkbox"/>	R1 Single-family Residential	<input type="checkbox"/>
R2 Residential	<input type="checkbox"/>	RM Multi-family	<input checked="" type="checkbox"/>
C Commercial	<input type="checkbox"/>	I Industrial	<input type="checkbox"/>
P Public	<input type="checkbox"/>		

III. VARIANCE
Applicant seeks a Variance from the following general requirement (s):
Code Section #: _____
Describe problem and the minimum variation from code necessary to resolve the problem:
<u>BUILDING SET BACK REQUIREMENTS FOR WATER BODY 75' TO 30', R.O.W. SET BACKS 25' TO 10.4 & 5.5. THIS LOT IS NONCONFORMING TO CURRENT CODE CREATED IN 1962 TO 1963.</u>

PREAPPLICATION (Recommended)

Pre-application Conference Date: _____

At Least two (2) days before the pre-application conference, submit the following materials to the Planning Office:

1. A copy of a plat or other legal description of the property.
2. A sketch of the property showing the features the applicant believes are relevant to the variance request.

APPLICATION

In addition to a site plan, the applicant must describe how their requested variance complies with each of the following five standards listed in Section 16.28.110 of the Land Development Code. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these five standards are met.

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.

Describe how the problem stated on page one is unique to your property.

THE SIZE & SHAPE TO THIS PROPERTY IS UNIQUE ALONG WITH THE EXISTING TOPOGRAPHY. IF SET BACKS WERE USED THEY WOULD OVERLAP ALLOWING NO BUILDABLE AREA. THIS LOT IS NOW APPROXIMATELY 10,000 SQFT VERSUS 27,200 AS PER THE PLAT

2. Explain how the conditions described above 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 how conditions arise out of surrounding development or conditions.

THE TOPOGRAPHY IS DIFFICULT AND THE SHORELINE APPEARS TO HAVE RECESSED ABOUT 20'± FROM THE 1962 PLAT. BY USING A DAYLIGHT BASEMENT IT FITS THE BENCH AND GRADE OF THE ROAD SO THE GARAGE & DRIVE WILL BE LEVEL W/EXISTING ROAD, & UTILITY CONNECTIONS.

3. Describe why, (because of the conditions you have described), the strict application of the requirements of the code will result in an undue, substantial hardship to the owner or the property such that no reasonable use of the property could be made.

AS STATED THE SET BACKS OVERLAP ALLOWING NO BUILDABLE AREA. THEREFORE MAKING THE LOT UNUSABLE WITHOUT THE VARIANCE. MR STORN IS ONLY REQUESTING SINGLE FAMILY USEAGE IN A MULTI-FAMILY ZONING AND IS COMPAREABLE IN SIZE TO SURROUNDING SINGLE FAMILY LOTS IN THE NEIGHBORHOOD.

4. Describe how or why 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.

THIS PLAT WAS CREATED IN 1962/1963 BEFORE ANY SETBACK CODES OR LOT SIZE REGULATIONS WERE IN AFFECT, AND THE SHORELINE RECEDING IS A NATURAL OCCURRENCE BEYOND ANYONES CONTROL.

5. Describe any reasons not based on costs or inconvenience you have for requesting this variance.

REQUESTING THIS TO HAVE REASONABLE USE OF THE PROPERTY FOR SINGLE FAMILY USEAGE IN A MULTI-FAMILY ZONING. ATTACHED ARE COMPAREABLE HOMES & USEAGE IN THE AREA

IV. FEE

A Fee of

\$500 must accompany this application. Checks must be made payable to the CITY OF WASILLA.

V. CERTIFICATION

I certify that the representations made in this application and accompanying material are true.

William R. Stern
Owner or Agent

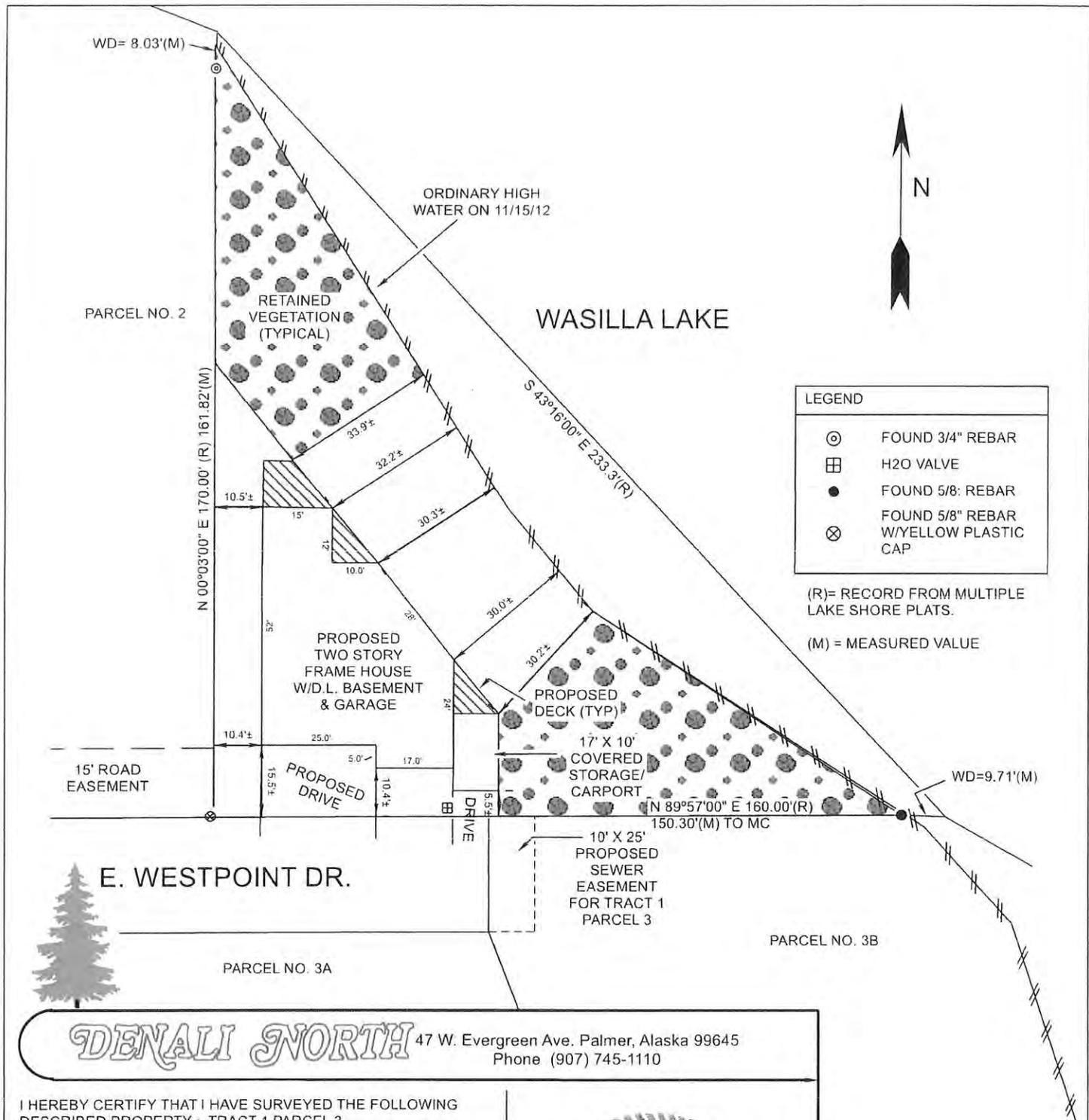
5/12/2015
Date

Notice

If a property qualifies for a variance under the Wasilla Development Code Section 16.28.110 (D), the variance granted must meet the following conditions:

1. The deviation from the requirements of Code that is permitted may not be more than is necessary to permit reasonable use of the lot;
2. The variance will not permit a land use that is prohibited by the Code;
3. The variance is in keeping with the spirit and intent of the Code and its requirements
4. The variance will not be detrimental to the public health, safety or welfare; and
5. The variance will not significantly adversely affect other property.

Notice of Right to Appeal: All decisions of the City Planner are appealable per WMC Title 16.



LEGEND	
⊙	FOUND 3/4" REBAR
⊞	H2O VALVE
●	FOUND 5/8" REBAR
⊗	FOUND 5/8" REBAR W/YELLOW PLASTIC CAP

(R)= RECORD FROM MULTIPLE LAKE SHORE PLATS.
(M) = MEASURED VALUE

DENALI NORTH 47 W. Evergreen Ave. Palmer, Alaska 99645
Phone (907) 745-1110

I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY : TRACT 1 PARCEL 3
AMENDED PLAT OF LAKESHORE SUBDIVISION
PLAT NO. 63-10
PALMER RECORDING DISTRICT, AND THERE ARE NO ENCROACHMENTS VISIBLE AT THE TIME OF THIS SURVEY, EXCEPT AS INDICATED.
DATED THIS _____ DAY OF _____ 20____ AT PALMER, ALASKA.
IT IS THE RESPONSIBILITY OF THE OWNERS OR BUILDERS TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES. THIS IS NOT A LOT CORNER SURVEY.

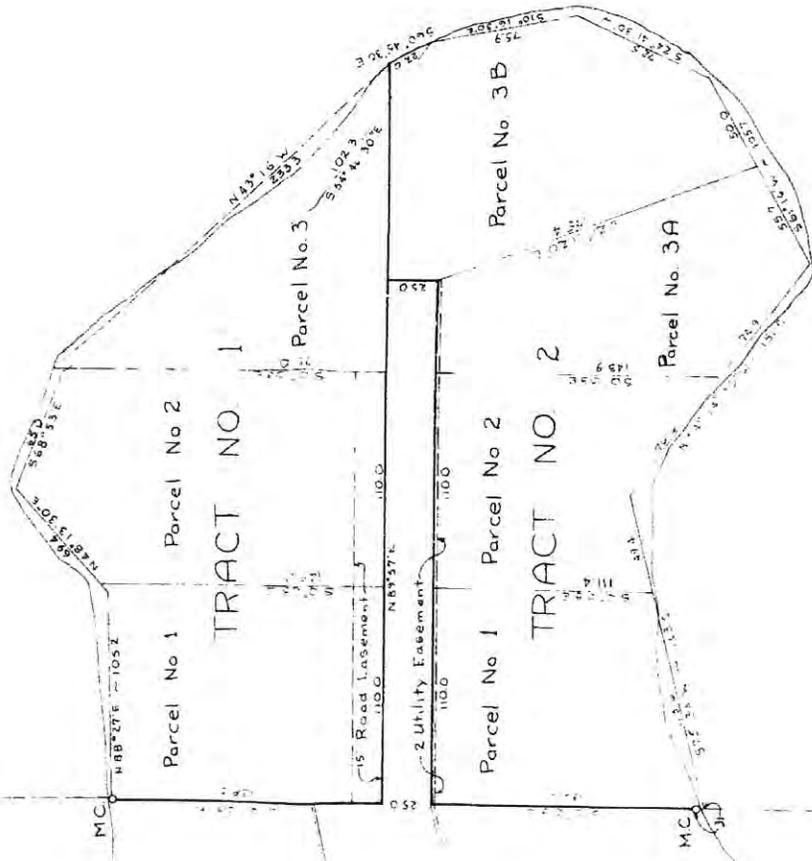


JOB NO. 12213	CLIENT	FIELD BOOK/PAGE(S) 238-68
SCALE 30 Ft/in	PLOT PLAN	ASBUILT X MAP
		DRAWN HW CKD. WW

62-1104

Sec. Cor
3
2
10 11

WASILLA LAKE



WASILLA LAKE

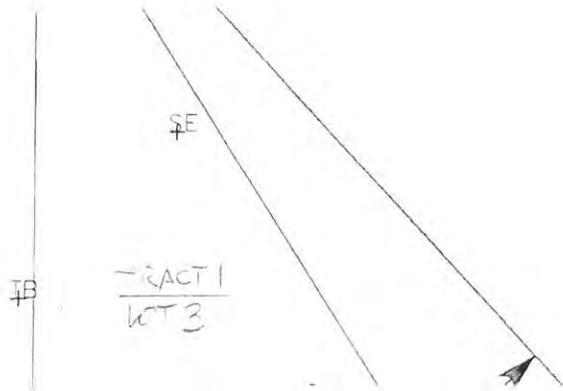
AMENDED PLAT
of
LAKE SHORE
SUBDIVISION
A. V. HAGEN PROPERTY
LOT No. 3 SEC II
T1711 R1W S.M.

Scale: 1" = 50'

Alfred V. Hagen Owner
Copies 17 1963

FILED
Alameda REC. DIST.
5-20-1963
4:30 P.M.

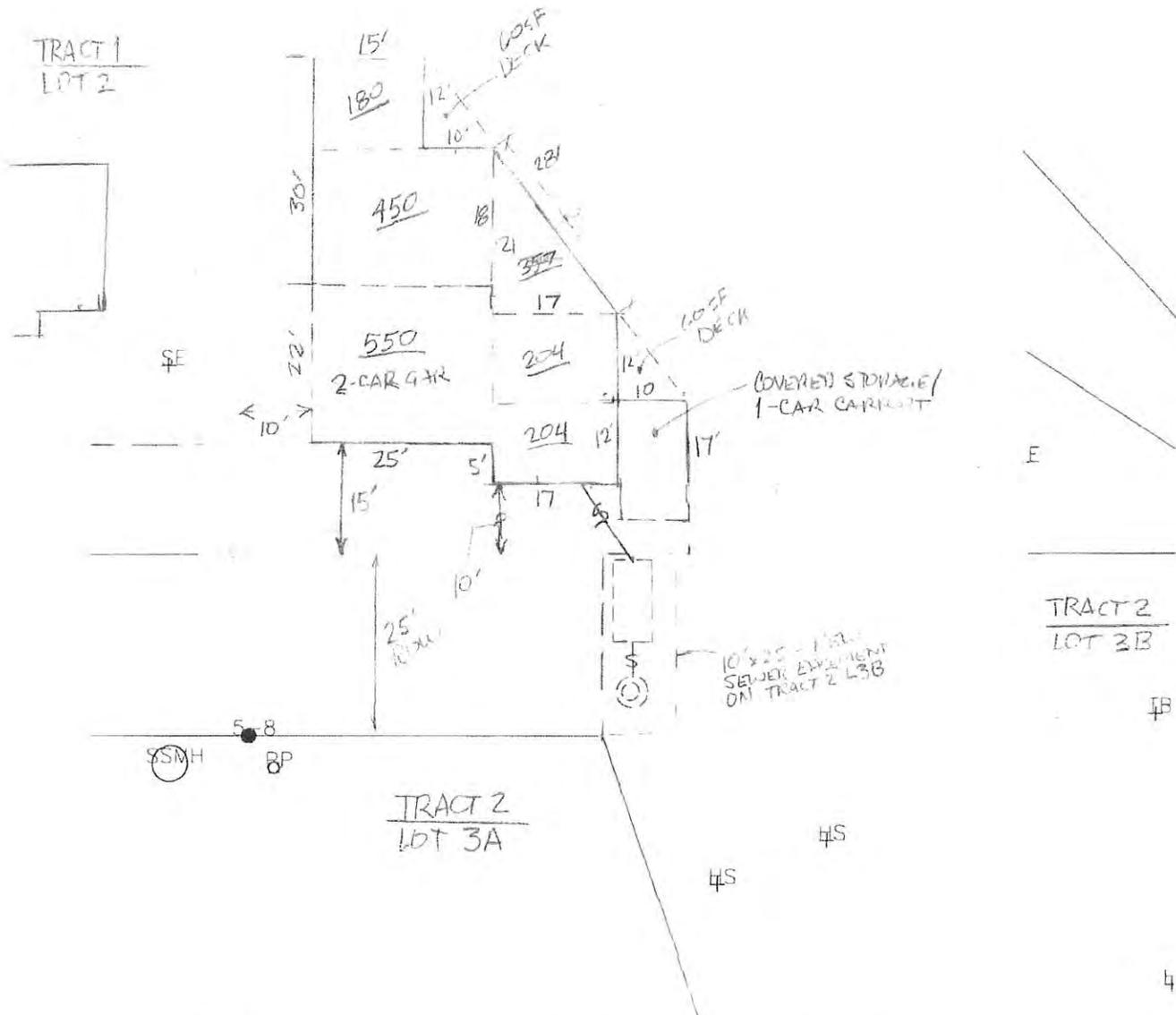
62-110



1245 E. WESTPOINT DRIVE
PROPOSED BLDG. SPACES

DLB (FINISHED)	1395 SF	1217
[GARAGE (FLR1)	550 SF	
FLOOR 1	1395 SF	1217
FLOOR 2 (OPTION)	1945 SF	1766
MAX. LIVING SPACE:	4735 SF	4200

TRACT 1
LOT 2



1245 E. WESTPOINT DRIVE, WACILLA, AK
LAKEHORE SUBDIVISION, TRACT 1, PARCEL 3

W. STAN 5/12/15

Residential Development Proposal for: 1245 E. Westpoint Drive - Lakeshore Subdivision, Tract 1, Lot 3
 Comparative Summary of Adjacent Buildings and Lots
 Based on MSB Real Estate Tax Records as of 5/7/2015

Address	Legal Description	Lot Size (Acres)		Est. Value		Year Built	House Design	Living Space (area in sq.ft.)		Garage Area	Bldg/lot area %	
		Land	Impvts	Bsmt	1st flr.			2nd flr	Total			
1201 E. Westpoint Dr.	Tract 1, Lot 1	0.35	78K	408K	2003	2-story	0	1861	1440	3301	1440	31%
1225 E. Westpoint Dr.	Tract 1, Lot 2	0.36	83K	175.5K	1977	2-story w/ full bsmt	1000	1000	0	2000	384	15%
1245 E. Westpoint Dr. PROPOSED BLDG	Tract 1, Lot 3	0.36	50K	TBD	TBD	2-story w/ full bsmt, gar1 (int) carport	1217 (DLB)	1217	1766	4200	550 170	31%
1200 E. Westpoint Dr.	Tract 2, Lot 1	0.57	85K	50K	1994	Cabin w/ gar1 (int) gar2 (det)	0	528	216 (loft)	744	702 1230	11%
1220 E. Westpoint Dr.	Tract 2, Lot 2	0.31	81K	306.1K	1982	2-story w/ full bsmt, gar1 (int) gar2 (det)	1168 (DLB)	1192	565	2925	340 768	30%
1240 E. Westpoint Dr.	Tract 2, Lot 3A	0.32	81K	203.9K	2011	2-story w/ bsmt	750 (unfin)	750	1500	3000	0	22%
1260 E. Westpoint Dr.	Tract 2, Lot 3B	0.41	90K	185.7K	1955+	Tri-level	816 (DLB)	1296	816	2928	775	21%

Matanuska Susitna Borough

Building Summary

TARN GLEN HARDING TR
TARN WM A JANSON NANCY L TRES
; WILLIAM STARN
O BOX 1782
ALMER AK 99645-1782

51037T01P003
1245 E WESTPOINT DR

Acreage: 0.36

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 64578

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 50,000	\$ 0		\$ 50,000
2014	\$ 50,000	\$ 0		\$ 50,000
2013	\$ 46,000	\$ 0		\$ 46,000

Building ID:

Building Use

Const. Year

Foundation

Units

Item Description

Building ID:

Building ID:

Heat - 8E

Building ID:

Calculated Value:

Market Factor

Location Factor

Less Depreciation:

Physical

Accelerated

Functional

External

Total Depreciation

Net Calculated Value((RCNLD):

Override Value:

Utilities:

Total Utilities:

TOTAL IMPROVED VALUE (ROUNDED AMOUNT)

N/A

Design Eff. Year
Physical Cond.

Quantity

Units Area

% Complete

Grade Building Type
Bsmt. Type

Rate

Total

0.00

0

\$0

\$0

\$0

OBSON ROBT M SR & A O
201 E WESTPOINT DR
VASILLA, AK 99654

51037T01P001
1201 E WESTPOINT DR

Acreage: 0.35

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 27584

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 78,000	\$ 408,300	\$ 218,000	\$ 268,300
2014	\$ 78,000	\$ 388,400	\$ 170,000	\$ 296,400
2013	\$ 83,000	\$ 379,300	\$ 170,000	\$ 292,300

Building ID: 6020

Building Use Residential Building
Const. Year 2003
Foundation PC
Units 1

Design Eff. Year Two Story 2004
Physical Cond. S

Grade Building Type 05.2 FRAME
Bsmt. Type

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 6020					
1.0 First Story	1.0	1312		142.37	186,789
2.0 Second Story	2.0	1861		85.83	159,730
Garage (10.3)	11M	1440		23.74	34,186
Porch Open, 1 Story	51	228		14.00	3,192
Porch Open, 2 Story	52	360		18.80	6,768

Building ID: 6020

Heat - 8E	G	1		0	0
3 Fixture Bath	04	3		3,400	10,200
Paving	L	1		5,000	5,000

Building ID: 6020

Calculated Value:

Market Factor	96	
Location Factor	108	

Less Depreciation:

Physical	5.00	
Accelerated	0.00	
Functional	0.00	
External	0.00	

Total Depreciation \$21,040

Net Calculated Value((RCNLD): \$399,760

Override Value: \$0

Utilities:

SEPTIC1	\$5,000.00
WELL1	\$3,500.00

Total Utilities: \$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT) \$408,300

IOEL H KOPPERUD
O BOX 4470
ALMER AK 99645-4470

51037T01P002
1225 E WESTPOINT DR

Acreage: 0.36

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 23995

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 83,000	\$ 175,500		\$ 258,500
2014	\$ 83,000	\$ 168,800		\$ 251,800
2013	\$ 83,000	\$ 166,900		\$ 249,900

Building ID: 28340

Building Use Residential Building
Const. Year 1977
Foundation UK
Units 1

Design Eff. Year Two Story 1983
Physical Cond. S

Grade Building Type 04.6 FRAME
Bsmt. Type Full

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 28340					
1.0 First Story	1.0	1000		124.92	124,920
Daylight Basement	DLB	1000		45.75	45,750
Finished Split Entry	03	1000		12.14	12,140
Garage (10.3)	11M	384		30.28	11,628
Porch Open, 1 Story	41	168		12.02	2,019
Deck with Railing	12E	84		15.00	1,260

Building ID: 28340

Heat - 8E	G	1		0	0
Fireplace Heatilator	03	2		1,300.00	2,600
3 Fixture Bath	03	1		2,500	2,500

Building ID: 28340

Calculated Value:					\$216,852
Market Factor			99		
Location Factor			108		
Less Depreciation:					
Physical			23.00		
Accelerated			0.00		
Functional			0.00		
External			0.00		
Total Depreciation					\$49,876
Net Calculated Value((RCNLD):					\$166,976
Override Value:					\$0

Utilities:

SEPTIC1	\$5,000.00
WELL1	\$3,500.00

Total Utilities:

\$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT)

\$175,500

IAMBLLEN LAWRENCE O
IAMBLLEN LAURA L
220 E WESTPOINT DR
VASILLA AK 99654-7140

51037T02P001
1200 E WESTPOINT DR

Acreage: 0.57

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 47504

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 85,000	\$ 50,000		\$ 135,000
2014	\$ 85,000	\$ 51,700		\$ 136,700
2013	\$ 85,000	\$ 53,300		\$ 138,300

Building ID: 6021

Building Use Residential Building
Const. Year 1994
Foundation SP
Units 1

Design Cabin
Eff. Year 1994
Physical Cond. S

Grade 1220
Building Type FRAME
Bsmt. Type

Building ID: 63598

Building Use Residential Garage
Const. Year 1994
Foundation SG
Units 0

Design Other
Eff. Year 1994
Physical Cond. SS

Grade N/A
Building Type FRAME
Bsmt. Type None

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 6021					
1.0 First Story	1.0	528		55.02	29,051
Loft Cabin	6W	216		6.00	1,296
Garage (10.3)	11M	702		25.62	17,985
Deck without Railing	12G	480		11.00	5,280
Building ID: 63598					
Garage (10.1)	11D	1230		11.60	14,268
Building ID: 6021					
Cabin Flooring	7H	528		1.50	792
Heat - 8E	PC	1		1500	1,500
5 Fixture	02	1		2,125.00	2,125
Electrical System	03	528		3.00	1,584

Building ID: 63598

Heat - 8E

Building ID: 6021

Calculated Value:

Market Factor 100
Location Factor 100

Less Depreciation:

Physical 37.00
Accelerated 0.00
Functional 0.00
External 0.00

Total Depreciation

Net Calculated Value((RCNLD):

Override Value:

Building ID: 63598

Calculated Value:

Market Factor
Location Factor

Less Depreciation:

Physical 13.00
Accelerated
Functional
External

Total Depreciation

Net Calculated Value((RCNLD):

Override Value:

Utilities:

SEPTICP
WELLP

Total Utilities:

TOTAL IMPROVED VALUE (ROUNDED AMOUNT)

\$59,613

\$22,057

\$37,556

\$0

\$14,268

\$1,855

\$12,413

\$0

\$50,000

IAMBLEN LAWRENCE O
IAMBLEN LAURA L
220 E WESTPOINT DR
VASILLA AK 99654

51037T02P002
1220 E WESTPOINT DR

Acreage: 0.31

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 21887

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 81,000	\$ 306,100	\$ 218,000	\$ 169,100
2014	\$ 81,000	\$ 302,300	\$ 170,000	\$ 213,300
2013	\$ 81,000	\$ 301,500	\$ 170,000	\$ 212,500

Building ID: 28341

Building Use Residential Building
Const. Year 1982
Foundation UK
Units 1

Design Two Story
Eff. Year 1990
Physical Cond. S

Grade 05.0
Building Type FRAME
Bsmt. Type Full

Building ID: 63600

Building Use Residential Garage
Const. Year 1987
Foundation SG
Units 0

Design Other
Eff. Year 1987
Physical Cond. S

Grade N/A
Building Type FRAME
Bsmt. Type None

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 28341					
1.0 First Story	1.0	1192		134.28	160,062
2.0 Second Story	2.0	565		100.05	56,528
Daylight Basement	DLB	1168		47.17	55,095
Finished Split Entry	04	1168		14.94	17,450
Garage (10.3)	11M	340		31.37	10,666
Deck with Railing	12E	590		15.00	8,850
Building ID: 63600					
Garage (10.2)	DD	768		22.75	17,472
Building ID: 28341					
Vaulted Ceiling	6U	1		2000.00	2,000
Heat - 8E	G	1		0	0
Fireplace Heatilator	04	1		1,500.00	1,500
3 Fixture Bath	04	1		3,400	3,400

Building ID: 63600

Heat - 8E

Building ID: 28341

Calculated Value:

Market Factor 99
Location Factor 108

\$337,386

Less Depreciation:

Physical 16.00
Accelerated 0.00
Functional 0.00
External 0.00

Total Depreciation

\$53,981

Net Calculated Value((RCNLD):

\$283,405

Override Value:

\$0

Building ID: 63600

\$17,472

Calculated Value:

Market Factor
Location Factor

Less Depreciation:

Physical 19.00
Accelerated
Functional
External

Total Depreciation

\$3,320

Net Calculated Value((RCNLD):

\$14,152

Override Value:

\$0

Utilities:

SEPTIC1 \$5,000.00
WELL1 \$3,500.00

Total Utilities:

\$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT)

\$306,100

IARRIS FAMILY LLC
O BOX 190465
NCHORAGE AK 99519-0465

51037T02P003A
1240 E WESTPOINT DR

Acreage: 0.32

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 32435

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 81,000	\$ 203,900		\$ 284,900
2014	\$ 81,000	\$ 182,200		\$ 263,200
2013	\$ 86,000	\$ 180,400		\$ 266,400

Building ID: 6022

Building Use Residential Building
Const. Year 2011
Foundation CB
Units 1

Design Eff. Year Two Story 2011
Physical Cond. S

Grade Building Type 04.3 FRAME
Bsmt. Type Full

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 6022					
1.0 First Story	1.0	750	48	124.80	44,928
2.0 Second Story	2.0	1500	48	76.66	55,195
Unfinished Basement	03	750		8.86	6,645
Deck with Railing	12E	425		15.00	6,375

Heat - 8E G 1 0 0
3 Fixture Bath 03 48 2,500 120,000

Building ID: 6022

Calculated Value:					\$246,759
Market Factor			98		
Location Factor			108		
Less Depreciation:					
Physical			1.00		
Accelerated			0.00		
Functional			20		
External			0.00		
Total Depreciation					\$51,326
Net Calculated Value((RCNLD):					\$195,433
Override Value:					\$0

Utilities:

SEPTIC1 \$5,000.00
WELL1 \$3,500.00

Total Utilities: \$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT) \$203,900



STAFF REPORT
Prepared by:
For the meeting of:

Case # V15-01
Planning Staff
June 9, 2015

I. SUMMARY FACTS:

Applicant: Denali North

Land Owner(s): William Starn

Proposal: Variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling.

Location: 1245 E. Westpoint Drive
Tract 1, Parcel 3, Township 17 North, Range 1 West, Sec. 11

Parcel size: 0.36 acres ±

Zoning District: Residential Multifamily (RM)

Comprehensive Plan: Mixed Use/Transitional

Surrounding Zoning: North: Residential Multifamily
South: Residential Multifamily
East: Residential Multifamily
West: Residential Multifamily

II. STAFF RECOMMENDATION:

Staff recommends approval of this request with conditions.

III. SUMMARY OF REQUEST

WMC 16.28.110 provides for variances to density, setback, or height standards of this chapter.

The applicant applied for a variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling.

WMC 16.24.030(A)(1) requires:

A. Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate. Temporary buildings may be permitted within the side or rear yard area as administrative approval by the city planner. Where other setback standards are applicable, the most restrictive setback standards apply. The following are the building setback and height standards:

1. Front and rear yard setbacks are twenty-five (25) feet from the lot line. In the commercial district, the city planner may modify the front and rear setbacks by averaging the existing building line and applying this average setback to the building.

WMC 16.24.030(C)(3) requires:

C. Exceptions for setback requirements are as follows:

3. No building or footing may be located closer than seventy-five (75) feet from the high-water mark of a water course or body of water; provided, docks, piers, marinas and boathouses may be located closer than seventy-five (75) feet if they are located primarily over water, not used for habitation, and do not contain sanitary facilities...

IV. ISSUES REGARDING CODE

Wasilla Municipal Code sets forth the requirements for variance approvals in §16.28.110. The procedural requirements and variance standards are identified below with appropriate staff findings for each:

§16.28.110(A) Application.

An application for a variance must be submitted to the planner. The application must be accompanied by a site plan of the relevant part of the parcel or lot. The planner may require that the site plan be produced by a registered professional engineer or land surveyor. The site plan shall depict all information relevant to the variance request.

Staff Finding: A complete application was submitted to the Planning Department on May 12, 2015.

§16.28.110(B) Variance requests must be heard by the commission. Notice, comment period and hearing procedures follow the format outlined in WMC16.16.040.

Staff Finding: The public hearing was scheduled in a timely manner for the next available Planning Commission meeting and the hearing format is consistent with the requirements in WMC 16.16.040(E). Public notice was mailed May 22, 2015 to all properties within a 1,200' radius, allowing for the proper number of days in which to comment in accordance with 16.16.040. Hearing procedure shall follow the criteria outlined in 16.16.040(A).

§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;

Staff Finding: The small, triangular shape does not apply generally to properties in the district or vicinity.

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;

Staff Finding: The parcel is in the original platted configuration from 1963.

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;

Staff Finding: Without approval of a variance, the parcel would be basically unbuildable since the Land Development Code requires a 25' front yard setback and a 75' shoreline setback.

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

Staff Finding: The applicant did not cause the conditions that require a variance.

5. The variance is not sought solely to relieve pecuniary hardship or inconvenience.

Staff Finding: The variance is not sought to relieve a pecuniary (financial) hardship or inconvenience. Without any variance, no structure may be built on the lot.

§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;

Staff Finding: The variance request appears to be the minimum necessary to permit reasonable use of the parcel. The applicant is proposing a single-family dwelling.

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

Staff Finding: The proposed residential use is not prohibited as a residential use is permitted in a Residential Multifamily (RM) zoning district.

3. The variance is in keeping with the spirit and intent of this chapter and the requirements from which relief is sought;

Staff 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

Staff 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 should not significantly adversely affect other properties in the area.

§16.16.040(A)(6) Decision.

The commission shall decide to deny, approve or approve with conditions the proposal or appeal. The burden of proof shall be on the applicant. The commission's decision may be made immediately following the public hearing portion of the commission meeting. The decision of the commission shall set forth the facts it finds relevant to its decision and the reasons for its decision. The effective date of the decision is the date the findings and the reasons are set out in writing and signed by the commission chairperson or the chairperson's designee.

VI. CONCLUSION AND RECOMMENDED CONDITIONS

Based on the above, staff recommends that the Planning Commission approve the requested variance with the following conditions:

1. Prepare a landscape plan to the City Planner for review and approval that re-vegetates the area between the structure and the high-water mark of Wasilla Lake in accordance with the *Property Owner's Guide to Shoreline Landscaping in the Matanuska-Susitna Borough* and any other requirements necessary to ensure adequate protection of the lake and shoreline.
2. Design the site appropriately to prevent direct runoff from the lots into the lake.
3. Obtain all necessary permits and approvals for the installation of any necessary water/sewer infrastructure.
4. Provide adequate shoreline vegetation or other stabilization methods at the water's edge to prevent additional erosion.
5. Obtain all necessary approvals prior to working on the water's edge.

Tahirih Revet

From: Michelle Olsen <Michelle.Olsen@matsugov.us>
Sent: Tuesday, June 02, 2015 7:14 AM
To: Planning
Subject: William Starn Comments
Attachments: William Starn Comments.pdf

Please see attached comments.

Regards,

Michelle Olsen, CFM
Permit Technician
Matanuska-Susitna Borough
350 E Dahlia Ave
Palmer, AK 99645
(907) 861-7871

**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **June 9, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before June 1, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: This property lies within the FEMA designated Special Flood Hazard Area. A permit for development within the floodplain must be obtained prior to any development, digging, drilling, excavating or placement of equipment or materials *WRS 6/1/15*



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

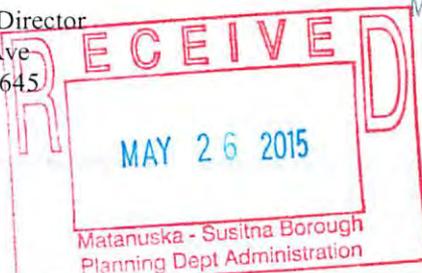
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ZIP 99654
041L11222587

Matanuska-Susitna Borough

MSB Planning Director
350 E. Dahlia Ave
Palmer, AK 99645



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V #15-01
MSB Map #WA 11
T17N, R01W, Sec. 11

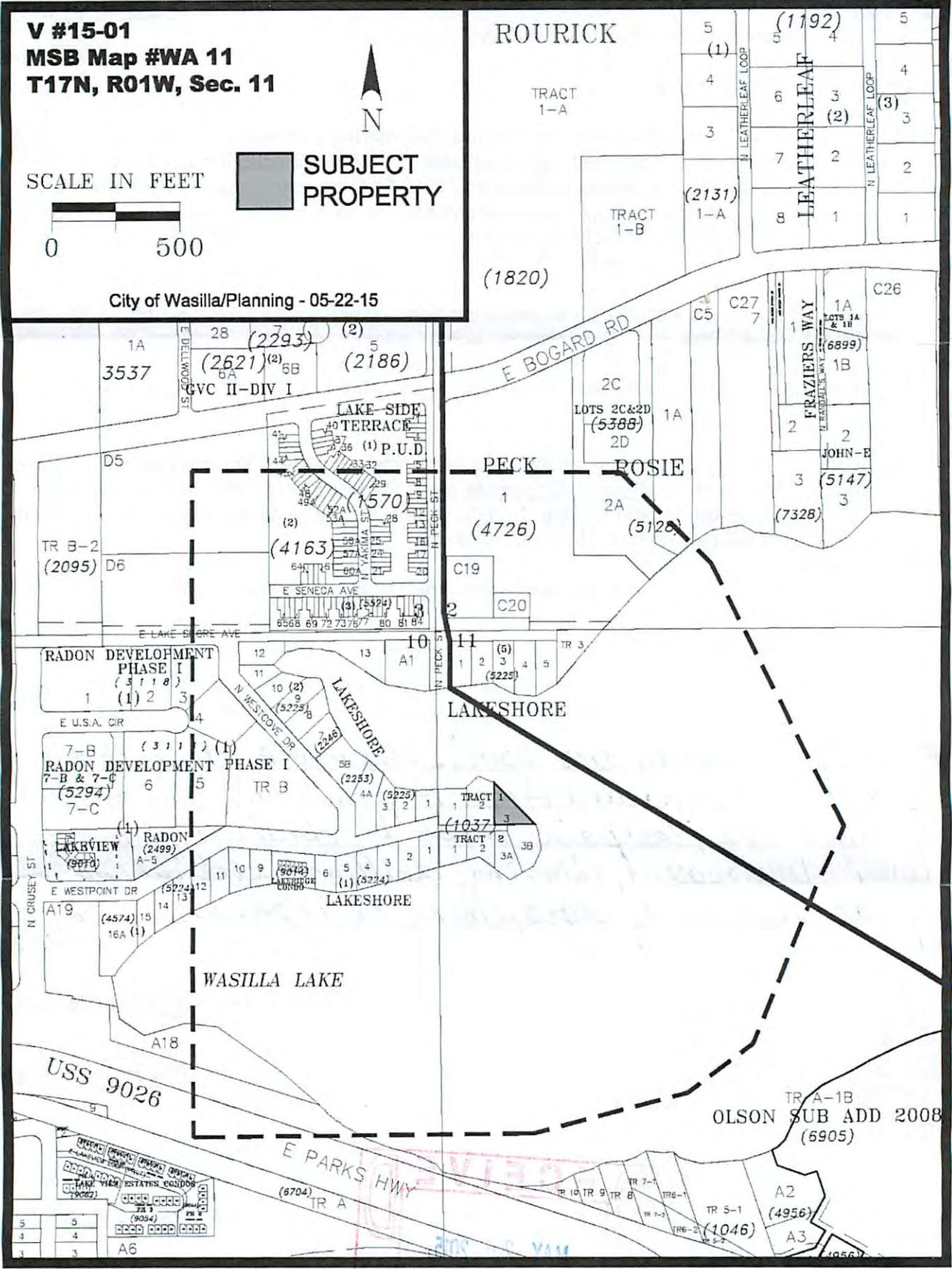


SCALE IN FEET



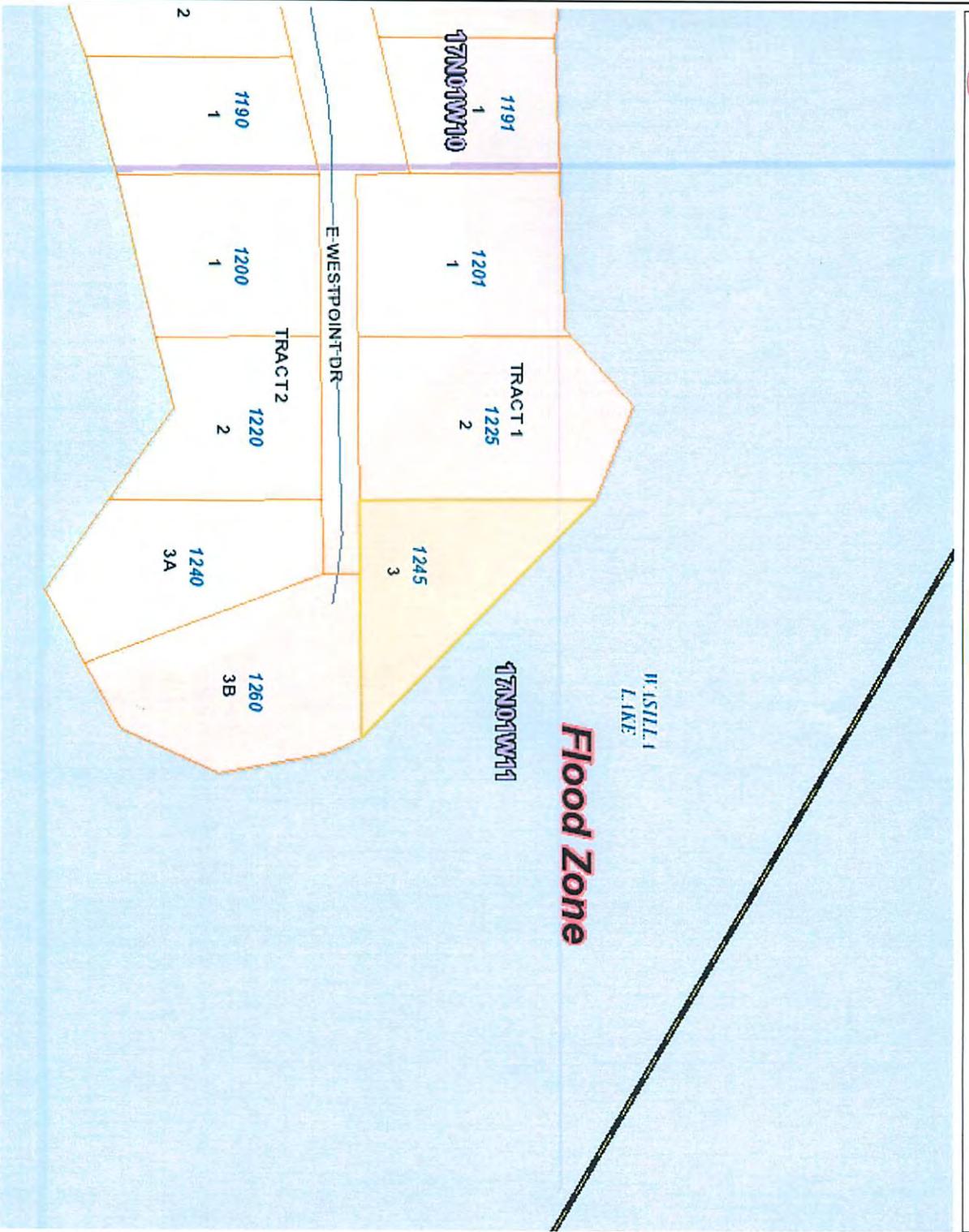
SUBJECT PROPERTY

City of Wasilla/Planning - 05-22-15





Matanuska-Susitna Borough



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 © Matanuska-Susitna Borough
 Reported on 06/01/2015 12:04 PM

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 THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Public Facilities**
 - Administrative
 - Animal Control
 - City Hall or Courthouse
 - Community Center
 - Landfill or Transfer Station
 - Library
 - Medical
 - Post Office
 - Public Safety Fire and/or EMS
 - Public Safety Law Enforcement
 - School
- Alaska Railroad
- Streets**
 - Highway
 - Major Street
 - Medium Street
 - Minor Street
 - Primitive Road
 - Private Road
- Ma-Su Borough Boundary
- Incorporated Cities
- Parcels
- Flood Zone

1 : 1,181



Notes
 This map was automatically generated using Geocortex Essentials.

NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-

DATE: 05-22-15

CASE #: V15-01

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You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040) - A Planning Commission public hearing on this request is scheduled for June 9, 2015 at 6:00 P.M. in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

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Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name Jean Brown
Address 1210 LAKE SHORE
Lot 1 Block 5 Subdivision LAKE SHORE

Comments:
I feel 30' ft setback is not appropriate for a 75' normal required setback for new construction. There is already an existing home that could be expanded if the lots are replatted into one



CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

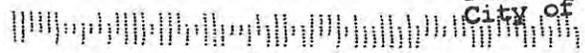
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05/22/2015
US POSTAGE \$00.48⁰
ZIP 99654
041L11222587

Jean Brown
PO Box 874213
Wasilla, AK
99687

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JUN 01 2015

PUBLIC NOTICE

99645#4470 B049



Planning Office
City of Wasilla

**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **June 9, 2015 at 6:00 p.m.** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before June 1, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name Noel Kopperud
Address P.O. Box 4470 Palmer, AK 99645
parcel 2 Lot 2 Block 1 Subdivision Lakeshore

Comments: Opposed to variance request. Please see attached.

	CITY OF WASILLA PLANNING OFFICE 290 E HERNING AVE WASILLA, AK 99654 PHONE 373-9020 FAX 373-9021	neopost 05/22/2015 US POSTAGE \$00.48 ⁰
	1037T01P002 KOPPERUD CLAIRE EST (Noel Kopperud) PO BOX 4470 PALMER, AK 99645	 ZIP 99654 041L11222587

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JUN 01 2015

**Planning Office
City of Wasilla**

PUBLIC NOTICE

99645#4470 B049

June 1, 2015

City Planner and Planning Commission
City of Wasilla
Planning Office
290 E. Herning Ave.
Wasilla, AK 99654

RE: Opposition to Starn Application for Variance on Parcel 3 (Tract 1) Lakeshore
Subdivision, City File 15-01

Dear City Planner and Planning Commission:

My name is Noel Kopperud and I own Parcel No. 2 (Tract No. 1) immediately adjacent to Parcel No. 3 (Tract No. 1) for which Mr. Starn is seeking the variance referenced above. Our family has owned our land since 1960. We have lived there for several generations and we are opposed to the request for abandonment of the city's lakeside setback restrictions that are designed to protect Wasilla Lake as a whole. Based on these problems, I request that that Commission deny the variance.

Executive Summary of Opposition

Mr. Starn also owns the upland parcel (Lot 3B) that is immediately adjacent to the Parcel 3 shoreline strip and can replat or otherwise make good use of this tiny 10,000 sf shoreline area without a variance. Mr. Starn currently is making reasonable use of the parcel and does not need a variance to continue and expand such use. The variance application is extremely aggressive in proposing a building that would have maximum adverse impacts on the shoreline and the neighborhood. Our house is the property most heavily impacted. The proposed three-story (includes basement) large-footprint structure is far beyond a minimum deviation from the code necessary for reasonable use. The variance is also not in keeping with the spirit and intent of the City's variance process that requires extraordinary circumstances and then anticipates that there will be only the minimum variation possible from the laws that apply to all citizens in the community. Wasilla Lake is a public asset and the protection of its shoreline is entrusted to the Planning Commission. This variance should be denied because the proposed destruction of the protected space around the lake is unnecessary and would be detrimental to the public's welfare and to the City's interests in managing for the future of the lake with a coherent shoreline plan.

In the following paragraphs, I state the problems with each of the five conditions (findings) that the Planning Commission must use in granting any variance under Wasilla Development Code Section 16.28.110(D).

- The deviation from the requirements of the Code that is permitted may not be more than is necessary to permit reasonable use of the lot.

The applicant (Mr. Starn) may make substantial reasonable use of Parcel 3 without granting a variance that would allow him to build a structure covering much of the protected setback areas. The proposed house is three stories high (including the basement) and is 1,000 square feet larger in living area than any other home in the neighborhood. The variance program isn't intended for such a massive structure.

The Planning Commission should seriously consider that a very reasonable alternative use for Parcel 3 (the small shoreline lot) is for Mr. Starn to continue using it in conjunction with his upland house on Parcel 3B. The vital additional parking space used by the existing Starn house would be an enhancement and provide essential room for public vehicles, snow storage, and other necessary use. Moreover, the shoreline restrictions allow substantial reasonable use of Parcel 3, without destructive development in a sensitive erosion zone. In addition to providing more space for parking, the shoreline ordinance allows other reasonable uses such as a dock, small boathouse, and possibly even a place where the Starn dogs could stay at home.

The lot for which this variance is sought is a narrow strip of land entirely within the 75-foot shoreline setback. Mr. Starn also owns the adjacent Parcel 3B upland property on the opposite side of the lot. The land for which the variance is sought may and should be reasonably used without destroying the protections afforded the public, other subdivision owners, and wildlife by the shoreline setback. In fact, the highest and best use of this thin strip of shoreline is that it be re-attached to the Starn Parcel 3B from which it was carelessly re-subdivided by the original developer.

Al Hagen originally platted this area in 1960 and deeded Parcel 2 of Tract 1 to my family that same year. A registered land surveyor had designed the lots in such a way that the point was a single lot (Parcel 3). Subsequently, in 1963, Mr. Hagen filed "an amended plat" without an engineer and drew lines that separate Parcel 3 into two large lots (Parcels 3A and 3B) and left a narrow shoreline fragment, which retained the title Parcel 3. In other areas around Hagen's Lakeshore Subdivision, these fragments have been replatted and joined with adjacent parcels to form a reasonably-designed lot.

It would be apparent to anyone looking at the site that either the Starn Parcel 3B or our Parcel No. 2 could make reasonable use of the tiny shoreline strip as a part of the adjacent uplands rather than stripping away the public lakeside safeguards in order to imbed a large building at water level. The building planned is approximately 1,000 square feet larger in living area than any house in the neighborhood. It virtually destroys forever every natural condition on the bluff and shoreline along the point in the area where the variance is to be applied.

The former owner of the existing Starn house on Parcel 3B was Mel Husa. He told me that he deeply regretted having transferred away the additional lot he inherited on the

point, Parcel 3A. He said it left his house on Parcel 3B with virtually no at-grade parking space on top of the bluff that overlooks the lake. Thereafter, Mr. Husa dumped a large amount of material on the Parcel 3 shoreline strip and some material even went into the lake, which ended with a Cease and Desist Order issued by the City of Wasilla Planning Department. Mr. Husa's goal was to purchase the property from its owner after creating an area where he could park additional vehicles off the narrow dead-end road which ended at his house.

Mr. Starn, after recently buying the former Husa house on Parcel 3B, soon thereafter bought the small adjacent Parcel 3. Mr. Starn is currently making good use of this shoreline parcel. Last fall he cleared away vegetation at the top of the shoreline parcel, dumped gravel, and has made a parking lot which is used for excess Starn vehicles. Mr. Starn mentioned to my son when building the parking area last fall that he was also concerned that there be some area where the garbage truck could turn around since the cul-de-sac at the end of Westpoint Drive is very narrow. These heavy public service vehicles otherwise have to back down the road and turn around in our driveway or another open space. It is not accurate that Mr. Starn needs a variance to continue his reasonable use of this land

The strip of land protected by the shoreline setback is an extremely sensitive area of Wasilla Lake. Parcel 3 is located at the tip of the peninsula extending into the lake; this point is aligned with an opening to the east, between the upper and lower portions of Wasilla Lake. As a result, a large stretch of open water allows the wind to reach high speeds – at times approaching 100 miles per hour – in the worst winter windstorms. The wind-driven waves have caused substantial erosion of the lands around the point. While there is a question about the amount of erosion, the applicant notes has been 20 feet on Parcel 3 in the 50 years since original subdivision maps were created.

Westpoint Drive is very narrow, and the careless re-subdivision of the land at the point has left very little room at the road elevation. Upland lots on the point are approximately 20 vertical feet above the Lake. The winter weather conditions are such that the miles of open snow and ice and high winds cause extreme drifting in the narrow road gulch at the end of Westpoint Drive, which provides the only access to the end of the point. Mr. Husa always maintained a bulldozer on the property to move drifts that sometimes reached more than 8 feet high and 50 feet or more long. People familiar with the Parks Highway drifting at the area beside Wasilla Lake will understand exactly what is going to happen under these winter conditions. The City has brought in a large bucket loader in recent years to dig out the drifts at the end of Westpoint Drive, and they stack the snow on the setback area and the upland corner of Parcel 3. This is the same area where Mr. Starn proposes to vacate the roadside setback. He plans to install buildings in the vacated setback areas that are currently used for turnaround, snow storage, and excess vehicle parking at the end of the road.

The potential for practical and reasonable use of Parcel 3 by the Starn family is particularly evident when it is recognized that the Starn house was expanded from a cabin that was constructed on the extreme western side of Parcel 3B and immediately against

the shoreline strip lot, Parcel 3. The at-grade and fully usable portion of Parcel 3 is actually along the eastern half of Parcel 3, where the Starns have built a nice parking lot. We own substantial shoreline that is covered by the 75-foot setback restrictions and we have enjoyed use of the lightly forested area of our setback in conjunction with our upland house. Reasonable continued use of Parcel 3, without granting the variance, is readily apparent.

- The variance will not permit a land use that is prohibited by the code.

The requested variance violates the code because all of the runoff from the large building Mr. Starn intends to embed directly in the lakeshore setback area will run into Wasilla Lake. The developer's plan will horizontally invade most of the lakeside setback and also dig down toward the surface level of the lake. Wasilla Lake is a very pollution sensitive area and the runoff from this building, excavated into the shoreline, will heighten the risk of illegal pollution by eliminating virtually all of the safeguards that the shoreline set back area was designed to provide.

Mr. Starn's application does not include a drawing that complies with the code. A professionally-developed site plan would include more elevation and survey points as well as additional required information.

- The variance is in keeping with the spirit and intent of the Code and its requirements.

Mr. Starn's request for variance violates this condition. His application suggests that the lakeside setback is such a minor concern that the request seeks a massive vacation of almost all of the protected setback area. The code takes the position that any variance of the setback requirement must be based upon findings that confirm the crucial setback area is preserved, and any variance must be limited to the greatest extent possible. The spirit of the code reflects that minimizing destruction of the lakeside setback requirement is enforced in order to provide for effective planning in the City of Wasilla.

Unlike most other Alaska cities, Wasilla is situated between two beautiful lakes. Wasilla Lake, which bears the City's name, is close enough to Anchorage to be under constant pressure for development. On one hand are those who view the lake as a large drainage pond, around which restrictions should be vacated even if that means we are left with a wall of buildings surrounding a dead lake, benefitting only someone's quest for immediate private opportunity. An alternate viewpoint is that the lake is to be shared with nature, for which someone needs to stand up. A coherent plan for the shoreline around Wasilla Lake protects the quality of the water and retains habitat for birds, fish, and other wildlife. The public users of the lake also benefit from having a shoreline view around the lake that has some trees and natural screening, rather than just an "all built up" appearance. The lakeside setback needs to be maintained in a consistent manner, and the spirit and intent of the lakeside setback as set out in the City code is to assure that this happens. It gives the Planning Department of Wasilla the opportunity to deal with

challenges that future development around the lake will undoubtedly bring.

In summary, the variance program was not intended to make a wholesale transfer of space protected for the public to a developer in a setting where the applicant knowingly acquired land entirely within the setback area. Granting such a variance would set a bad precedent. The message would be that there is no spirit or intent in the code to provide for a consistent protected area around the lake. Instead, the relief from the setback as a minor concern argument will be made to justify building as close to the lake as possible. The fish, birds and animals that live in and around the lake will have no voice in the outcome, because the idea of protecting a natural space is "old and outdated." There is no going back. Once the protected space around the lake is consumed with buildings, there are no tools left for future planners to use in solving the problems they are certain to encounter.

- The variance sought will not be detrimental to public health, safety, and welfare.

The variance request will be detrimental to public health and safety. With the proposed vacation of the roadside setback, there will be only 15.5 feet from the road to the house. A typical pickup is 20 feet and at least 5 feet of the vehicle will be in the road. The roadside setback will have to be maintained in this area as a requirement of public health and safety. The variance application proposes to build a very large building that may be used as a public accommodation for guests, on a parcel that will have virtually no room left at the road elevation. The adjacent Starn house on Parcel 3B was located so close to the property line and the bluff that successive owners have struggled to manage even their own parking needs. A new house has now been installed on top of the small bluff, immediately south of the Starn house, on Parcel 3A. Parking for the new house project was so restricted that workers used our lawn next to the road. A structure of this size and design should be planned for a lot that provides the building and its occupants with substantial space which will assure good access in all Alaskan weather conditions.

Mr. Starn told my son that he was considering building a bed and breakfast on his property. The building described in the application is 3 stories high and larger than other buildings in our neighborhood. Unlike the example building lots Mr. Starn attached to his application, Parcel 3 is just a strip of shoreline within the setback. None of the other properties lack upland to support lawful development. Mr. Starn apparently is seeking permission to excavate to a depth nearer the lake level and embed a large structure entirely within the lakeside protected area. His drawing confirms that the effective setback from the lake is going to be substantially less than 30 feet. Excavation for such a daylight basement would require destruction of much of the existing shoreline. Thereafter, the walkout places from the basement to the shoreline would destroy much of the remainder of any setback area from the lake.

The proposed Starn building would be situated at the end of Westpoint Drive, which is a dead-end road leading from one of the busiest areas of Wasilla. There is currently a lot of

turn-around traffic at the homes near the end of the drive and it will increase. Over the last 50 years that our family has shared a place beside the end of the road, it has not been uncommon to have hourly turn-around vehicles, which seem determined to go to the very end of the road, even though it is marked dead end. Much of the traffic has gone up to the Starn property to turn around, even though the road is narrow. The other homes clustered around the end of the point, such as ours, have shared this burden equally with Starn house. The development Mr. Starn proposes is going to transfer to the other neighbors the entire burden of all this turn-around traffic.

In addition, fire engines, ambulances, police vehicles, heavy snow removal equipment, and other public service vehicles must have substantial space to maneuver, particularly at the end of a dead end street. Planners require cul-de-sacs at the end of dead-end roads specifically to address such needs, and the loss of them is especially problematic in the case of Westpoint Drive, which is only 15 feet wide. I believe that it will be detrimental to public safety to construct a building of this size surrounded by water, in an area where the plan calls for vacating all of the open spaces where fire and other service equipment needs to operate.

This extensive construction is proposed in an area of known erosion that is fully exposed to extreme wind, wave action and snow drifting. All of the runoff from this development will run into Wasilla Lake. Others who have sought to develop small Hagen lots have replatted them to attach the fragments to reasonably-sized upland parcels. Their approach provides substantial elevation and space between sewers, runoff, and other sources of pollution and the lake shore. The variance application does not provide any such protection and thus differs fundamentally from the example lots that include substantial upland areas. Granting the variance would allow a lot of runoff into the lake, violating public health and safety that the shoreline setback ordinance was enacted to protect.

- The variance will not significantly adversely affect other property.

The variance application will significantly adversely affect other property. Destruction of the protected shoreline by allowing permanent buildings to replace the setback space is an action that affects everyone with a view of the point. Neighboring property owners will likely experience adverse effects from further restricting the space to turn around at the end of Westpoint Drive, transferring the burden to them.

Our adjacent property would be heavily impacted. We have a mew gull nesting area along the lake adjacent to the Lot 3 shoreline. For many years a substantial flock of birds nest there, and their chicks learn to fly in the setback area near the trees and water.

The previous owner of Parcel 3 allowed me to undertake a reclamation project on the property, at my own expense, after the City's Cease and Desist order stopped the unpermitted dumping of waste dirt all over the lot, our property, and into the lake. I worked with my sons to install a silt fence and then hauled over 1000 cubic yards of waste material to the Carney gravel pit. We raked the lot, planted trees, and hydro-seeded

the area. In time, the shoreline stabilized and the City inspected the area so that we could remove the silt fence.

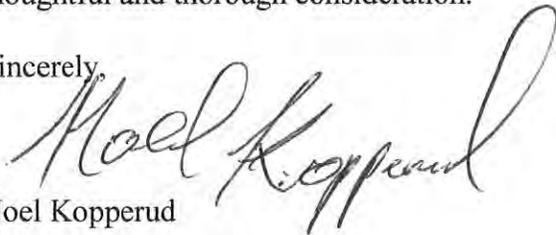
It was important for us to reclaim the damaged area because 40 years ago my father located our house in accord with measurements made to comply with the 75-foot setback. Our eastern windows look directly out at the lake across a narrow portion of Parcel 3 that is all within the lakeside setback area. Mr. Starn's variance request anticipates construction of a three-story structure which would extend deeply into the setback area and wipe out our capacity to see and enjoy the lake from our east windows. When my father chose the location for our house overlooking the lake, he respected the lakeside setback restrictions. He expected that the law would be applied equally to others. We should not be penalized by a variance that disregards the setback and allows a massive structure that would seriously and permanently impact our property.

Conclusion

The ill-conceived shoreline strip left by Mr. Hagen's re-subdivision can reasonably be used by attaching the fragment to one of the adjacent upland properties. Mr. Starn currently uses Parcel 3 and he can continue in the future to his use and enjoyment the additional land in conjunction with his upland lot on 3B, and without any need for the variance. Granting the variance is inconsistent with the spirit and intent of the code because the applicant purchased a lot that was entirely within the setback area and seeks permission to vacate most of the protected space. It would set a bad precedent to treat wholesale vacation of the shoreline protected area as if it were a minor concern. Moreover, the variance application in this case seeks to install a very large structure directly adjacent to lake, after removing all of the safeguards enacted to protect Wasilla Lake as a community asset. Our house and way of life would be very heavily impacted by this variance of the law. The City and all homeowners on the lake will benefit from continued enforcement of the reasonable shoreline development restrictions that preserve a natural lakeside environment for future generations.

Based on the problems that the variance would create for each of the five conditions, I request that the Planning Commission deny the application. Thank you for your thoughtful and thorough consideration.

Sincerely,



Noel Kopperud

Tahirih Revet

From: Desi & Cathy Mayo <mayo@mtaonline.net>
Sent: Sunday, May 31, 2015 4:48 PM
To: Planning
Subject: Response to Variance Request Case # V15-01

City of Wasilla Planning Commission,

We are not in favor of approving of the variances for the 1245 E. Westpoint Drive (Tract 1, Parcel, Lakeshore Subdivision). We built our house on Lot 4, Block 5, Lakeshore 1960 Subdivision within the required setbacks and expect all others to do so as well. To do otherwise impacts Wasilla Lake and those of us who have already complied with the rules.

Thank you for the opportunity to comment,

Desi Mayo

1260 Lakeshore Ave.
Lot 4, Blk 5, Lakeshore 1960 Subdivision

**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **June 9, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before June 1, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name Magali Chapelle
Address 1240 E. Lakeshore Ave.
Lot _____ Block _____ Subdivision _____

Comments: I suspect the 75ft setback Municode is in place for a reason. I would like the planning Commission to keep that in perspective when reviewing this request. As a homeowner on this lake, I have noticed an ↑ in algae production over the yrs. What will be the size of this single family home? My neighbors built a 5000sqft home for just the 2 of them w/a rolling green lawn right up to the lake that they diligently fertilize to keep it golf course green. We can't dictate the size of a person's dwelling. We can, though, continue to control the impact building so close to the lake has on the health of our waterways. All of us in the borough living on this lake pull our well water from this source - and should be concerned with any building that could impact this development.



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

5225B05L002
~~WARRICK RICHARDSON~~
CHAPELLE MAGALI S
1240 E LAKE SHORE AVE
WASILLA, AK 99654-7151

05/22/2015
US POSTAGE \$00.18⁰⁰
ZIP 99654
041L11222587

Thank you for allowing me to comment "potentially" *Magali Chapelle*

RECEIVED
MAY 29 2015

FIRST CLASS

Planning Office
City of Wasilla

PUBLIC NOTICE

NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **June 9, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

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Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name Laura & Lawrence Hamblen

Address 1200 & 1220 E. Westpoint Dr.

Lot 1 & 2 Block Tract 2 Subdivision Lakeshore Subdivision

Comments: We object for a permit issued of any type of commercial or nonprofit building or business on 1245 E. Westpoint Dr.
We agree to single family "ONLY" on said property above.
We also object to the 5.5 ft. setback from the Road.



CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

1037T02P001
HAMBLÉN LAWRENCE O
HAMBLÉN LAURA L
1220 E WESTPOINT DR
WASILLA, AK 99654-7140

neopost
05/22/2015
US POSTAGE \$00.48⁰
ZIP 99654
041L11222587

RECEIVED

JUN 01 2015

Planning Office
City of Wasilla

FIRST CLASS

PUBLIC NOTICE

Tahirih Revet

From: dawnqueen@aol.com
Sent: Thursday, May 28, 2015 7:01 PM
To: Planning
Subject: Variance Request

The Estate Of
Nussbaumer Myrtle Tr Tre
3910 Ave Bonne Terre
New Iberia LA 70563

Case # V15-01

We are in favor of granting the variance. Thank you

**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

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If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before June 1, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: No PLATTING ACTION REQUIRED
FROM HONORABLE DAVID HUBBARD



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

MSB Platting Division Officer
350 E. Dahlia Ave
Palmer, AK 99645

RECEIVED

MAY 26 2015

PLATTING

MAY 26 2015

RECEIVED

RECEIVED

MAY 29 2015

Planning Office
City of Wasilla

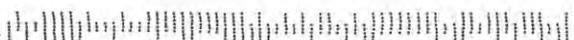
neopost
05/22/2015
US POSTAGE

\$00.48⁰⁰

ZIP 99654
041L11222587

PUBLIC NOTICE

99645\$6488 C001



CERTIFICATE OF SERVICE

1. I am the Planning Clerk for the City of Wasilla.
2. I certify on this 22 day of May, 2015, I mailed 124 notices of: _____ via first class U.S. Mail and by hand delivery regarding the following:
Variance to setbacks
Land Use Permit # V15-01.

Residents within 1,200'	<u>95</u>
Review Agencies	<u>25</u>
Planning Commissioners & City Council Members	<u>11</u>
Total	<u>131</u>

DATED at Wasilla, Alaska, May 22, 2015

CITY OF WASILLA

Tahiri Revet
TAHIRIH REVET
Planning Clerk

Attest:

TINA CRAWFORD
City Planner

**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

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Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: _____



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

FIRST CLASS

PUBLIC NOTICE

V #15-01
MSB Map #WA 11
T17N, R01W, Sec. 11

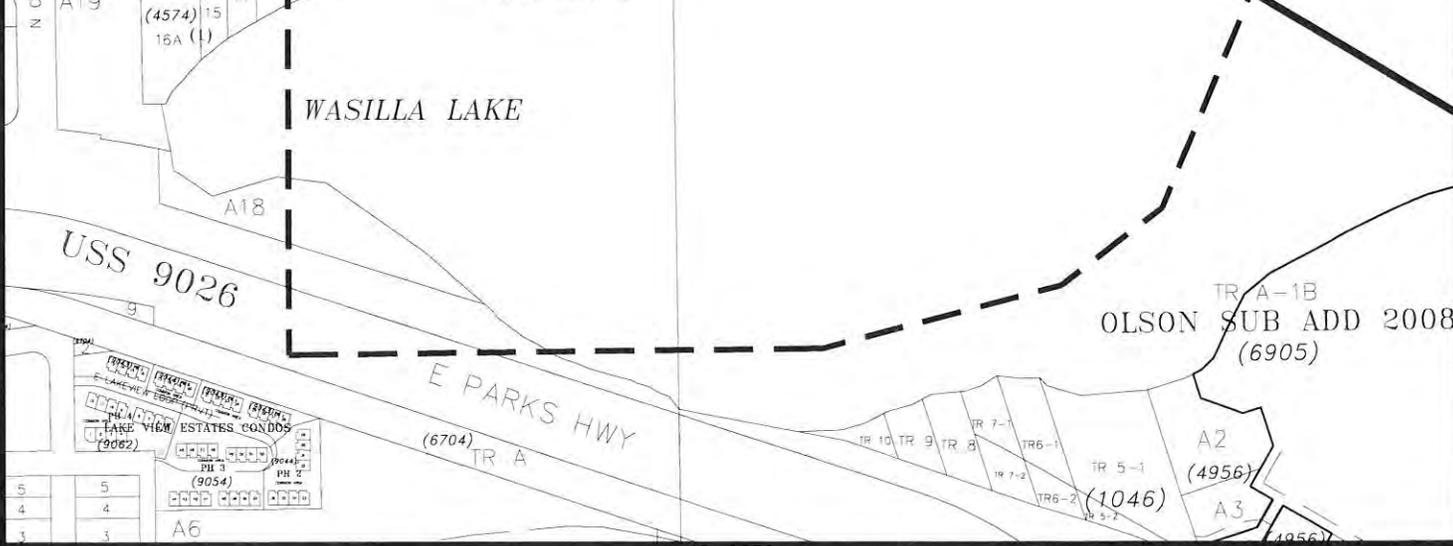
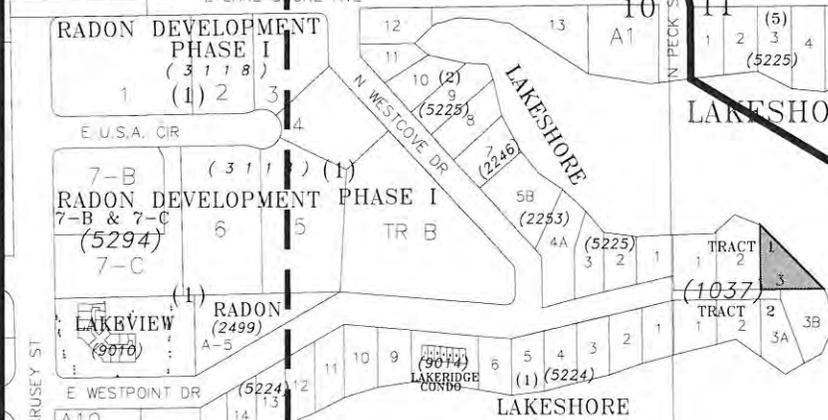
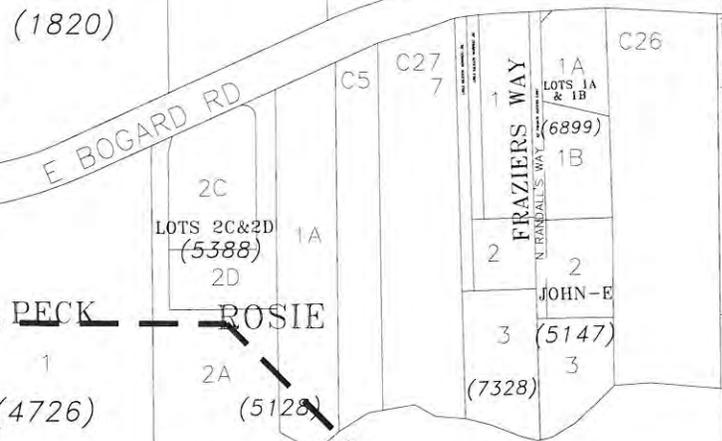
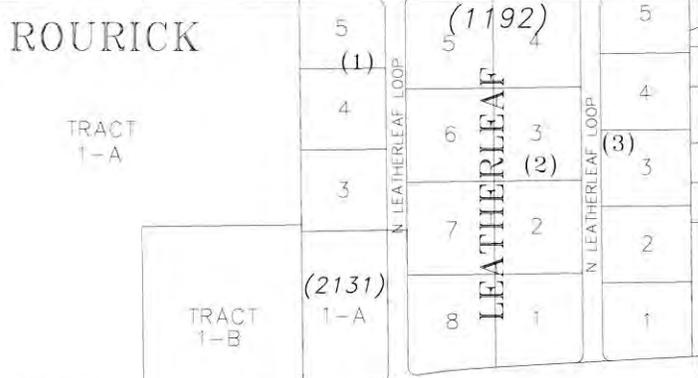
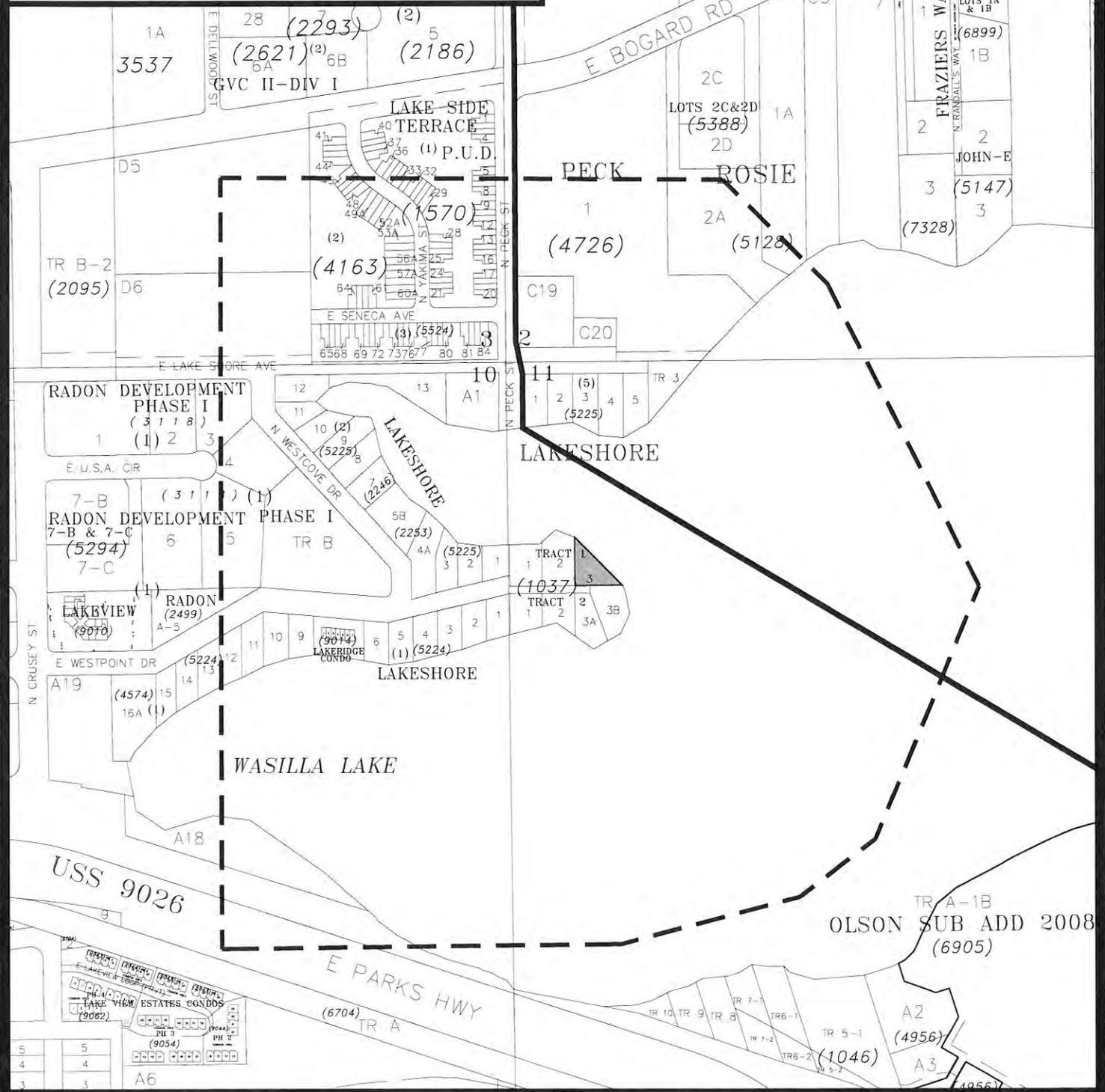


SCALE IN FEET



**SUBJECT
PROPERTY**

City of Wasilla/Planning - 05-22-15



1570B01L014
AHERN SHAWN C
674 N PECK ST
WASILLA, AK 99654-7170

5225000T003
ANDERSON T W & RAMONA K
PO BOX 872033
WASILLA, AK 99687-2033

5524B03L066A
BOWEN ELOISE L
LAKESIDE TER TOWNHOUSES
3200 E WHISPERING WOODS DR
WASILLA, AK 99654-7462

5225B05L001
BROWN JEAN M
PO BOX 874213
WASILLA, AK 99687-4213

5128000L001A
CEDERHOLM & RANSOM LVG TR
CEDERHOLM ROBT E TRE RANSOM LINDA A TRE
PO BOX 871017
WASILLA, AK 99687-1017

5224B01L001
CROW RICHARD E JR & K A
4101 LEYDEN RD
ANCHORAGE, AK 99516

5524B03L069A
DRATH JAS W & SHIRIE S
LAKESIDE TER TOWNHOUSES
PO BOX 2629
KENAI, AK 99611-2629

2246B02L007
FERRIS KEVIN M
O'CONNOR-FERRIS SUE ELLEN
491 WESTCOVE DR
WASILLA, AK 99654

5524B03L071A
FUGERE MICHAEL M & BERNICE
LAKESIDE TER TOWNHOUSES
1060 E SENECA AVE
WASILLA, AK 99654-7164

5524B03L078A
GRANT SUE A
LAKESIDE TER TOWNHOUSES
1130 E SENECA AVE
WASILLA, AK 99654

5524B03L067A
ALCINA JUAN
LAKESIDE TER TOWNHOUSES
1020 E SENECA AVE
WASILLA, AK 99654-7164

1570B02L064
BEUKERS DON I & MARY E
1922 CREEK DR
SAN JOSE, CA 95125

1570B02L062
BOYD GALE F
1055 E SENECA AVE
WASILLA, AK 99654

1570B01L023
BUSNESS KEVIN S
645 N YAKIMA ST
WASILLA, AK 99654-7168

9014000U004
COLEGROVE S & S LVG TR
COLEGROVE SR & SA TRES COLEGROVE SHANE
460 W BRIAR DR
WASILLA, AK 99654

5225B02L010
CULLEN GARY L & LOUISE F
PO BOX 871491
WASILLA, AK 99654-1491

5524B03L075A
DUBETZ MARLIN E & MARY A
LAKESIDE TER TOWNHOUSES
1901 DRIFTWOOD CIR
PALMER, AK 99645-9619

1570B01L025
FRITZ JENNIFER NOELLE MARIA
PO BOX 871215
WASILLA, AK 99687-1215

5225B02L009
GIELAROWSKI S J REV TR
1290 W WOODMEN RD
COLORADO SPGS, CO 80919-2727

1037T02P001
HAMBLÉN LAWRENCE O
HAMBLÉN LAURA L
1220 E WESTPOINT DR
WASILLA, AK 99654-7140

1570B01L008
ALLIE STANLEY J REV TR
1201 E BOGARD RD
WASILLA, AK 99654-6523

5524B03L079A
BLAKE ANGELA
LAKESIDE TER TOWNHOUSES
1140 E SENECA AVE
WASILLA, AK 99654-7164

4163B02L056A
BRANSON LYNN G
PO BOX 870045
WASILLA, AK 99687-0045

5524B03L072A
CARPENTER MICHAEL R
LAKESIDE TERRACE TOWNHOUSES
1070 E SENECA AVE
WASILLA, AK 99654-7164

2253B02L004A
COMBS DAVID LYNN
6348 QUINHAGAK ST
ANCHORAGE, AK 99507-2037

9014000U006
DE RU FERDINAND J & BRENDA J
1072 E WESTPOINT DR
APT 6
WASILLA, AK 99654-7179

1570B01L020
DUFRESNE MIKE W & JENNIFER
620 N PECK ST
WASILLA, AK 99654-7170

1570B01L016
FRONTIER DREAMS LLC
3175 W SECLUDED MEADOWS LOOP
% JESSE TANNER
WASILLA, AK 99654

5524B03L083A
GILBERT MARY
GILBERT ALEXA
1660A ELCADORE DR
ANCHORAGE, AK 99507-4504

4163B02L060A
HANSEN DANIEL J & NANCY
620 YAKIMA ST
WASILLA, AK 99654-7166

5224B01L006
HARMAN JERRY M
PO BOX 874712
WASILLA, AK 99687-4712

3118B01T00B
HAYES JOE L
PO BOX 101821
ANCHORAGE, AK 99510-1821

5524B03L081A
HOGAN PATRICIA M
LAKESIDE TER TOWNHOUSES
1160 SENECA AVE
WASILLA, AK 99654-7163

1037T01P001
JOBSON ROBT M SR & A O
1201 E WESTPOINT DR
WASILLA, AK 99654

5224B01L004
KONING CATHLEEN S
1072 E 28TH AVE
ANCHORAGE, AK 99508-3981

1570B01LCA01
LAKESIDE TER TOWNHOUSE
OWNERS ASSN
1365 E PARKS HWY # 205
% LEVALLEY REALTY
WASILLA, AK 99654
17N01W03D006
MAT-SU VALLEY MEDICAL CTR LLC
14400 METCALF AVE
% PROPERTY VALUATION SERVICES
OVERLAND PARK, KS 66223

5224B01L003
MILLER MICHAEL & JENNIFER L
2413 CAPTAIN COOK DR
ANCHORAGE, AK 99517-1254

5524B03L084A
MORGAN ELIZABETH
1190 E SENECA AVE
WASILLA, AK 99654-7163

5224B01L012
OH KAP BOK & SUN SOOK
990 E WESTPOINT DR
WASILLA, AK 99654

5225B05L002
HARREN RICHARD L
CHAPELLE MAGALI S
1240 E LAKE SHORE AVE
WASILLA, AK 99654-7151

5524B03L070A
HERMAN VICKI L
LAKESIDE TER TOWNHOUSES
1050 E SENECA AVE
WASILLA, AK 99654-7164

9014000U003
HUBBARD DON ANNA
PO BOX 871764
WASILLA, AK 99687-1764

1570B01L026
KATCHUR CATHERINE A
PO BOX 870352
WASILLA, AK 99687-0352

1037T01P002
KOPPERUD CLAIRE EST
PO BOX 4470
PALMER, AK 99645

9014000U001
LOGSDON BERTRAND M&ADRIENNE L
66751 N BAY RD
NORTH BEND, OR 97459

5225B05L004
MAYO REME D & CATHY M
PO BOX 870017
WASILLA, AK 99687-0017

5524B03L080A
MONTGOMERY KELLEY S
LAKESIDE TER TOWNHOUSES
1150 E SENECA AVE
WASILLA, AK 99654-7163

4163B02L059A
MORRIS JOELY
628 N YAKIMA ST
WASILLA, AK 99654

9014000U007
ORTH ANN M
1750 N FANCIFUL PL
#2
WASILLA, AK 99654-5434

1037T02P003A
HARRIS FAMILY LLC
PO BOX 190465
ANCHORAGE, AK 99519-0465

5225B02L003
HILLBORN JOHN R
17915 LACY DR
EAGLE RIVER, AK 99577

17N01W10A001
JEFFORD CHERYL D
1190 E LAKESHORE DR
WASILLA, AK 99654

5524B03L065A
KENNEDY ANDREW C
LAKESIDE TER TOWNHOUSES
1000 E SENECA AVE
WASILLA, AK 99654

5224B01L002
LAIRD FAMILY TRUST
LAIRD SCOTT J TRE LAIRD PATRICIA A TRE
23506 NE GOLD NUGGET DR
BATTLE GROUND, WA 98604

1570B01L013
LOWE PHYLLIS J
682 N PECK ST
WASILLA, AK 99654

1570B01L024
MCCOURT JASON T
649 N YAKIMA ST
WASILLA, AK 99654

2253B02L005B
MORAN ANDREW M M
2247 N FILLY CIR
WASILLA, AK 99654

5225B02L001
NUSSBAUMER MYRTLE TR TRE
3910 AVE BONNE TERRE
NEW IBERIA, LA 70563

1570B01L009
OWEN KURT D
MOSS CHARLENE D
3930 E COTTONWOOD WAY
WASILLA, AK 99654-6618

5524B03L082A
PARAMO JOHN P & DEENA M
LAKESIDE TER TOWNHOUSES
405 S JOSEE CIR
WASILLA, AK 99654-7486

5225B05L005
PINQUOCH WAYNE & EDITH
PO BOX 870315
WASILLA, AK 99687-0315

5224B01L011
PURSCHE RAYMOND R
1000 E WESTPOINT DR
WASILLA, AK 99654-7138

5524B03L073A
REED YVONNE LEGRAND
LAKESIDE TER TOWNHOUSES
PO BOX 871328
WASILLA, AK 99687-1328

4163B02L057A
ROBINSON MARY KAY
PO BOX 874796
WASILLA, AK 99687-4796

5225B02L013
SHOWERS DONALD R
PO BOX 870757
WASILLA, AK 99687-0757

1570B02L061
STAMM JONI
1065 E SENECA AVE
WASILLA, AK 99654-7164

1570B01L022
STEWART RACHAEL
STEWART STEPHANIE
3390 E SCENIC CIR
WASILLA, AK 99654-2822

1570B01L028
TANNER MANDY K
683 N YAKIMA ST
WASILLA, AK 99654

1570B01L010
URBAN GREGORY M & ANDREA K
6915 BATTLE MOUNTAIN RD
COLORADO SPRINGS, CO 80922-1245

4726000L001
PECK VELMA D
1250 BOGARD RD
WASILLA, AK 99654

9014000U005
POIRIER HARLAN
PO BOX 870145
WASILLA, AK 99687-0145

1570B01L011
RAMSEY JOHN C
PO BOX 873711
WASILLA, AK 99687-3711

4163B02L055A
REXRODE GERALD L
PO BOX 870725
WASILLA, AK 99687-0725

2499000T00A-5
ROMAR LLC
11039 E HARRIS HAWK TRL
SCOTTSDALE, AZ 85262-4547

5524B03L074A
SMITH PAULA J
3245 E COTTLE LOOP
#13
WASILLA, AK 99654-7284

1037T01P003
STARN GLEN HARDING TR
STARN WM A JANSON NANCY L TRES
PO BOX 1782
% WILLIAM STARN
PALMER, AK 99645-1782
5224B01L009
STOTT WM D & MARIA S
2015 BLUEBERRY ST
ANCHORAGE, AK 99503-1854

5524B03L077A
TRAN ANH
LAKESIDE TER TOWNHOUSES
419 W PARKS HWY
STE DD
WASILLA, AK 99654
3118B01L004
VALLEY PROF CENTER LLC
1001 E USA CIR
WASILLA, AK 99654

1570B01L017
PINARD PAUL E JR
FARIAS CLAUDIA FONSECA
646 N PECK ST
WASILLA, AK 99654

3118B01L005
POON WM F T & GREENWOOD C
POON JAS JR & KIM ERIC KIM DANINE & LE
1220 E 68TH
#102
ANCHORAGE, AK 99518
1570B01L012
REED LISA
692 N PECK ST
WASILLA, AK 99654

5524B03L068A
REYNOLDS CASEY
LAKESIDE TER TOWNHOUSES
603 VINE AVE
ANCHORAGE, AK 99501-1231

5128000L002A
SELK KENNETH L
1342 E BOGARD RD
WASILLA, AK 99654

5225B02L012
SMITH RICHARD W
PO BOX 874761
WASILLA, AK 99687-4761

5224B01L010
STENGRIM JON D
1018 E WESTPOINT DR
WASILLA, AK 99654-7138

1570B01L015
STRODE KERRY J
668 N PECK ST
WASILLA, AK 99654

5524B03L076A
TRAN MAI
LAKESIDE TER TOWNHOUSES
1110 E SENECA AVE
WASILLA, AK 99654

9014000U002
VOSBURG RACHEL H
1072 E WESTPOINT DR
WASILLA, AK 99654-7179

1570B01L018
WELTON TRAVIS E
PO BOX 870725
WASILLA, AK 99687-0725

1570B01L021
YORK JENNIFER L
625 N YAKIMA ST
WASILLA, AK 99654-7168

Corps of Engineers
Regulatory Branch
PO Box 6898
Elmendorf AFB, AK 99506-0898

FAA
Airport Division
222 W. 7th Ave
#14
Anchorage, AK 99513

MEA
PO Box 2929
Palmer, AK 99645

MSB Fire Chief
101 S. Swanson Ave
Wasilla, AK 99654

MSB Public Works Director
350 E. Dahlia Ave
Palmer, AK 99645

Oran Wooley
SOA/DEC
Waste Water RVW
1700 E. Bogard Rd
Bldg B, #103
Wasilla, AK 99654
SOA/DNR
WATER Resources
550 W. 7th Ave
Suite 1020
Anchorage, AK 99501

SOA/DOTPF
Mat-Su Area Planner
PO Box 196900
Anchorage, AK 99519-6900

1570B01L019
WHITE AMANDA I
628 N PECK ST
WASILLA, AK 99654

3118B01L003
ZIPPERER JOHN D JR
300 W SWANSON AVE
% ZMG PROPERTIES
WASILLA, AK 99654-6844

Richard Boothby
EMS/Central Mat-Su Fire Dept
Fire Code Official Captain
101 W. Swanson Ave
Wasilla, AK 99654

Kathy Wells
Friends of Mat-Su
PO Box 116
Palmer, AK 99645

MSB Chief of Code Compliance
350 E. Dahlia Ave
Palmer, AK 99645

MSB Planning Director
350 E. Dahlia Ave
Palmer, AK 99645

MTA
Real Estate Department
PO Box 3550
Palmer, AK 99645

Roy Robertson
SOA/DEC
Waste Water RVW
1700 E. Bogard Rd
Bldg B, #103
Wasilla, AK 99654
SOA/DFG/Habitat
1800 Glenn Hwy
Suite 6
Palmer, AK 99645

Superintendent
SOA/DOTPF
289 Inner Springer Loop
Palmer, AK 99645

4163B02L058A
WRATHALL FAMILY TR
WRATHALL GRANT R JR TRE
638 YAKIMA ST
WASILLA, AK 99654

Tom Brooks
Alaska Railroad Corp
PO Box 107500
Anchorage, AK 99501

ENSTAR
PO Box 190288
Anchorage, AK 99519-0288

Troy Scheuner
GCI
501 N. Main St
Suite 130
Wasilla, AK 99654

MSB Cultural Resources Specialist
350 E. Dahlia Ave
Palmer, AK 99645

MSB Platting Division Officer
350 E. Dahlia Ave
Palmer, AK 99645

NRCS
Soil & Water Conservation
5751 E. Mayflower Ct
Wasilla, AK 99654-7880

SOA/DNR
Commissioner's Office
550 W. 7th Ave
Suite 1400
Anchorage, AK 99501

SOA/DNR
Technical Services
550 W. 7th Ave
Suite 650
Anchorage, AK 99510-3577

Debra Barrett
581 Briar Dr
Wasilla, AK 99654

Glenda Ledford
960 S. Century Drive
Wasilla, AK 99654

Jessica Dean
209 S. Vix Way
Wasilla, AK 99654

Loren Means III
1668 Pittman Road
Wasilla, AK 99687

Claudia Pinard
646 Peck Street
Wasilla, AK 99654

COW Public Works Director
Archie Giddings

City Council
Stu Graham

City Council
Gretchen O'Barr

City Council
Collen Sullivan-Leonard

City Council
Clark Buswell

City Council
Brandon Wall

City Council
David Wilson

By: Planning
Public Hearing: 06/09/15
Adopted:

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 15-10**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING VARIANCE NO. V15-01 ALLOWING AN 19.5 FOOT VARIANCE FROM THE REQUIRED 25 FOOT FRONT YARD SETBACK AND A 45 FOOT VARIANCE FROM THE REQUIRED 75 FOOT SHORELINE SETBACK IN ORDER TO CONSTRUCT A SINGLE-FAMILY DWELLING, LOCATED ON TRACT 1, PARCEL 3, LAKESHORE 1963 SUBDIVISION IN THE MULTI FAMILY ZONING DISTRICT.

WHEREAS, William Starn submitted an application for a variance on May 12, 2015, along with a site plan and application fee; and

WHEREAS, notice of the application was mailed to all property owners within a 1,200 foot 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 June 2, 2015; 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 adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this application with the Findings of Fact, attached as Exhibit A and incorporated herein, with the following conditions:

1. Prepare a landscape plan to the City Planner for review and approval that re-vegetates the area between the structure and the high-water mark of Wasilla Lake in accordance with the Property Owner's Guide to Shoreline Landscaping in the Matanuska-Susitna Borough and any other requirements necessary to ensure adequate protection of the lake and shoreline.
2. Design the site appropriately to prevent direct runoff from the lots into the lake.
3. Obtain all necessary permits and approvals for the installation of any necessary water/sewer infrastructure.
4. Provide adequate shoreline vegetation or other stabilization methods at the water's edge to prevent additional erosion.
5. Obtain all necessary approvals prior to working on the water's edge.

ADOPTED by the Wasilla Planning Commission on -, 2015.

APPROVED:

ATTEST:

Glenda Ledford, Chairman Date

Tina Crawford, AICP, City Planner

EXHIBIT A
Wasilla Planning Commission Resolution 15-10
FINDINGS OF FACT – 16.28.110

§16.28.110(A) Application.

An application for a variance must be submitted to the planner. The application must be accompanied by a site plan of the relevant part of the parcel or lot. The planner may require that the site plan be produced by a registered professional engineer or land surveyor. The site plan shall depict all information relevant to the variance request.

Finding: A complete application was submitted to the Planning Department on May 12, 2015.

§16.28.110(B) Variance requests must be heard by the commission. Notice, comment period and hearing procedures follow the format outlined in WMC16.16.040.

Finding: The public hearing was scheduled in a timely manner for the next available Planning Commission meeting and the hearing format is consistent with the requirements in WMC 16.16.040(E). Public notice was mailed May 22, 2015 to all properties within a 1,200' radius, allowing for the proper number of days in which to comment in accordance with 16.16.040. Hearing procedure shall follow the criteria outlined in 16.16.040(A).

§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 small, triangular shape does not apply generally to properties in the district or vicinity.

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: The parcel is in the original platted configuration from 1963.

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 parcel would be basically unbuildable since the Land Development Code requires a 25' front yard setback and a 75' shoreline setback.

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 applicant did not cause the conditions that require a variance.

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. Without any variance, no structure may be built on the lot.

§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 request appears to be the minimum necessary to permit reasonable use of the parcel. The applicant is proposing a single-family dwelling.

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

Finding: The proposed residential use is not prohibited as a residential use is permitted in a Residential Multifamily (RM) zoning district.

3. The variance is in keeping with the spirit and intent of this chapter and the requirements from which relief is sought;

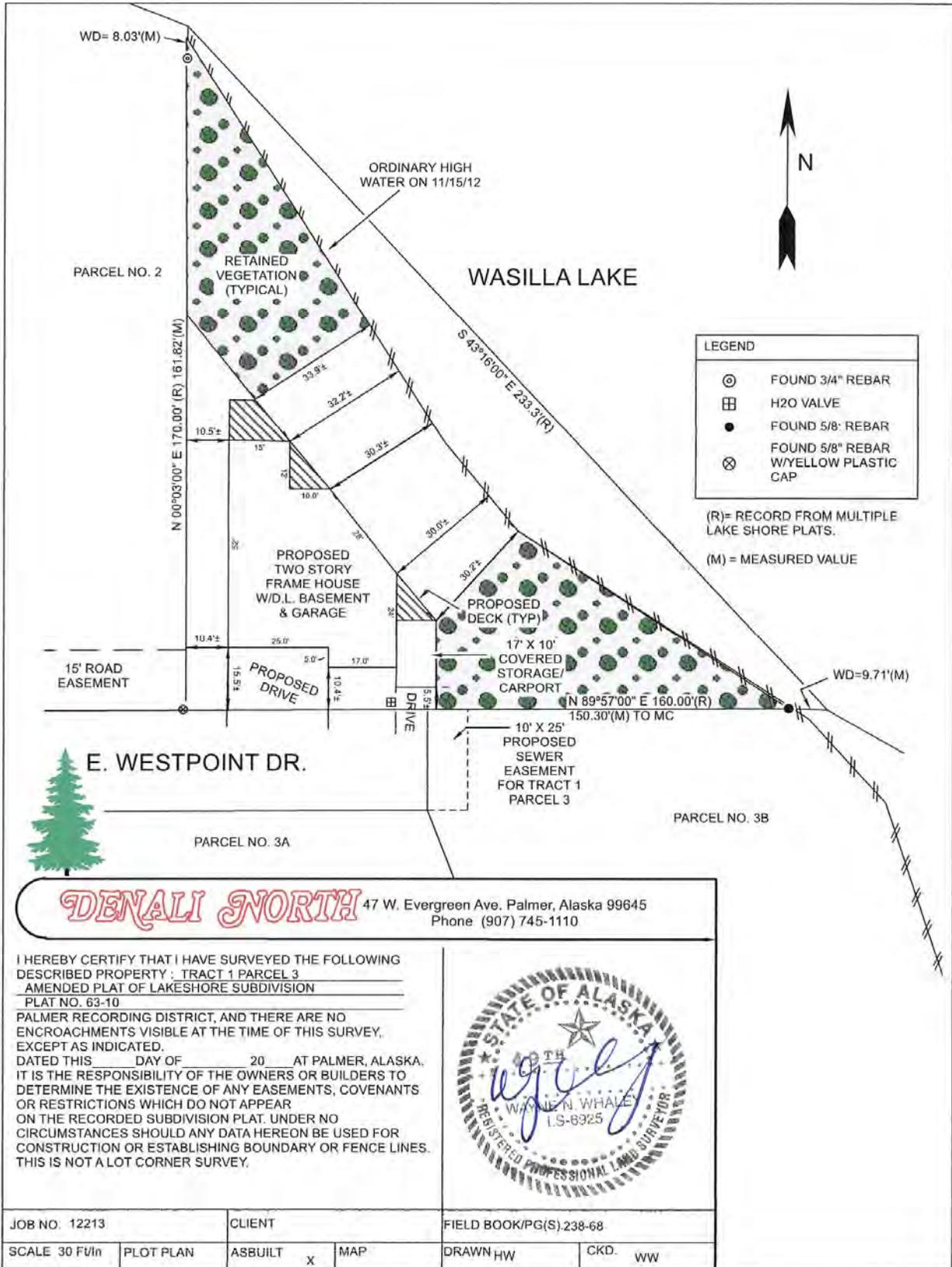
Finding: The variance is in keeping with the spirit and intent of the chapter.

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.

Finding: The requested variance should not significantly adversely affect other properties in the area.





WASILLA PLANNING COMMISSION AUDIENCE COMMENTS SIGN-UP SHEET

Meeting of: June 9, 2015

If you wish to speak under Audience Comments, please sign-in below. When it is time for you to speak, the Chairman will call your name and you will have 3-minutes to address the Planning Commission.

#	Printed Name	Residence Address	Phone Number	City Resident
1.	<i>For Variance 15-01 Noel Kopperud</i>	<i>1225 E. WESTPOINT</i>	<i>745-1439</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>prop. owner</i>
2.	<i>Alex Kopperud</i>	<i>1225 E. Westpoint</i>	<i>982-1469</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3.	<i>RICHARD HARREN</i>	<i>1240 E Lakeshore Ave</i>	<i>376-7424</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4.	<i>PAT EDWARDS</i>	<i>P.O. BOX 520189 EIGHTH AVE</i>	<i>862-6020</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5.	<i>L.O. Hambley</i>	<i>1220 E Westpoint</i>	<i>841-9830</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6.	<i>Leen Brown</i>	<i>1210 E Lake Shore</i>	<i>907-9074</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7.	<i>Kate Lawton</i>	<i>1225 E. Westpoint</i>	<i>232-4101</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8.	<i>Suzanne Depelle</i>	<i>1240 E. Lakeshore Ave</i>	<i>864-2103</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9.	<i>SUN OH</i>	<i>990 E. Westpoint</i>	<i>373-6119</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10.	<i>Stu Graham</i>	<i>893 E SUSITWA</i>	<i>355-8206</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



CITY OF WASILLA
 • Planning Office •
 290 East Herring Avenue • Wasilla • Alaska • 99654-7091
 • Telephone 907-373-9020 •

APPLICATION FOR VARIANCE

Permit #: v 15-01
 Date: 5-12-15

I. PROPERTY OWNER*		OWNER'S REPRESENTATIVE (If Any)	
Name: <u>William Stern</u>		Name: <u>Denali North</u>	
Mailing Address: <u>Po Box 1782</u>		Mailing Address: <u>Po Box 874577</u>	
<u>Palmer AK 99645</u>		<u>Wasilla, AK 99687</u>	
Contact Phone: Day	Night	Contact Phone: Day	Night
<u>841-3677</u>	<u>746-0805</u>	<u>907376-9535</u>	
FAX:		FAX:	
		<u>907-745-0964</u>	
E-mail:		E-mail:	
		<u>denalinorth6925@gmail.com</u>	

II. PROPERTY INFORMATION			
Size of property			
<u>.36 Acres</u>			
Property tax # <u>1037 T01 P003</u>			
Street Address: <u>1245 E. westpoint DR.</u>			
Legal Description:	Lot(s)	Block	Subdivision
			<u>Lakeshore 1963 Tract 1</u>
OR			
Parcel/Tract	Section	Township	Range
<u>3</u>	<u>11</u>	<u>17 North</u>	<u>1 West</u>
[Attach additional page if necessary.]			
Zoning:			
RR Residential <input type="checkbox"/>	R1 Single-family Residential <input type="checkbox"/>	R2 Residential <input type="checkbox"/>	
RM Multi-family <input checked="" type="checkbox"/>	C Commercial <input type="checkbox"/>	I Industrial <input type="checkbox"/>	P Public <input type="checkbox"/>

III. VARIANCE
Applicant seeks a Variance from the following general requirement (s):
Code Section #: _____
Describe problem and the minimum variation from code necessary to resolve the problem:
<u>BUILDING SET BACK REQUIREMENTS FOR WATER BODY 75' TO 30', R.O.W. SET BACKS 25' TO 10.4 & 5.5. THIS LOT IS NONCONFORMING TO CURRENT CODE CREATED IN 1962 TO 1963.</u>

PREAPPLICATION (Recommended)

Pre-application Conference Date: _____

At Least two (2) days before the pre-application conference, submit the following materials to the Planning Office:

1. A copy of a plat or other legal description of the property.
2. A sketch of the property showing the features the applicant believes are relevant to the variance request.

APPLICATION

In addition to a site plan, the applicant must describe how their requested variance complies with each of the following five standards listed in Section 16.28.110 of the Land Development Code. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these five standards are met.

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.

Describe how the problem stated on page one is unique to your property.

THE SIZE & SHAPE TO THIS PROPERTY IS UNIQUE ALONG WITH THE EXISTING TOPOGRAPHY. IF SET BACKS WERE USED THEY WOULD OVERLAP ALLOWING NO BUILDABLE AREA. THIS LOT IS NOW APPROXIMATELY 10,000 SQFT VERSUS 27,200 AS PER THE PLAT

2. Explain how the conditions described above 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 how conditions arise out of surrounding development or conditions.

THE TOPOGRAPHY IS DIFFICULT AND THE SHORELINE APPEARS TO HAVE RECESSED ABOUT 20'± FROM THE 1962 PLAT. BY USING A DAYLIGHT BASEMENT IT FITS THE BENCH AND GRADE OF THE ROAD SO THE GARAGE & DRIVE WILL BE LEVEL W/EXISTING ROAD, & UTILITY CONNECTIONS.

3. Describe why, (because of the conditions you have described), the strict application of the requirements of the code will result in an undue, substantial hardship to the owner or the property such that no reasonable use of the property could be made.

AS STATED THE SET BACKS OVERLAP ALLOWING NO BUILDABLE AREA. THEREFORE MAKING THE LOT UNUSABLE WITHOUT THE VARIANCE. MR STORN IS ONLY REQUESTING SINGLE FAMILY USEAGE IN A MULTI-FAMILY ZONING AND IS COMPARABLE IN SIZE TO SURROUNDING SINGLE FAMILY LOTS IN THE NEIGHBORHOOD.

4. Describe how or why 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.

THIS PLAT WAS CREATED IN 1962/1963 BEFORE ANY SETBACK CODES OR LOT SIZE REGULATIONS WERE IN AFFECT, AND THE SHORELINE RECEDING IS A NATURAL OCCURRENCE BEYOND ANYONES CONTROL.

5. Describe any reasons not based on costs or inconvenience you have for requesting this variance.

REQUESTING THIS TO HAVE REASONABLE USE OF THE PROPERTY FOR SINGLE FAMILY USEAGE IN A MULTI-FAMILY ZONING. ATTACHED ARE COMPARABLE HOMES & USEAGE IN THE AREA

IV. FEE

A Fee of

\$500 must accompany this application. Checks must be made payable to the CITY OF WASILLA.

V. CERTIFICATION

I certify that the representations made in this application and accompanying material are true.

William R. Stern
Owner or Agent

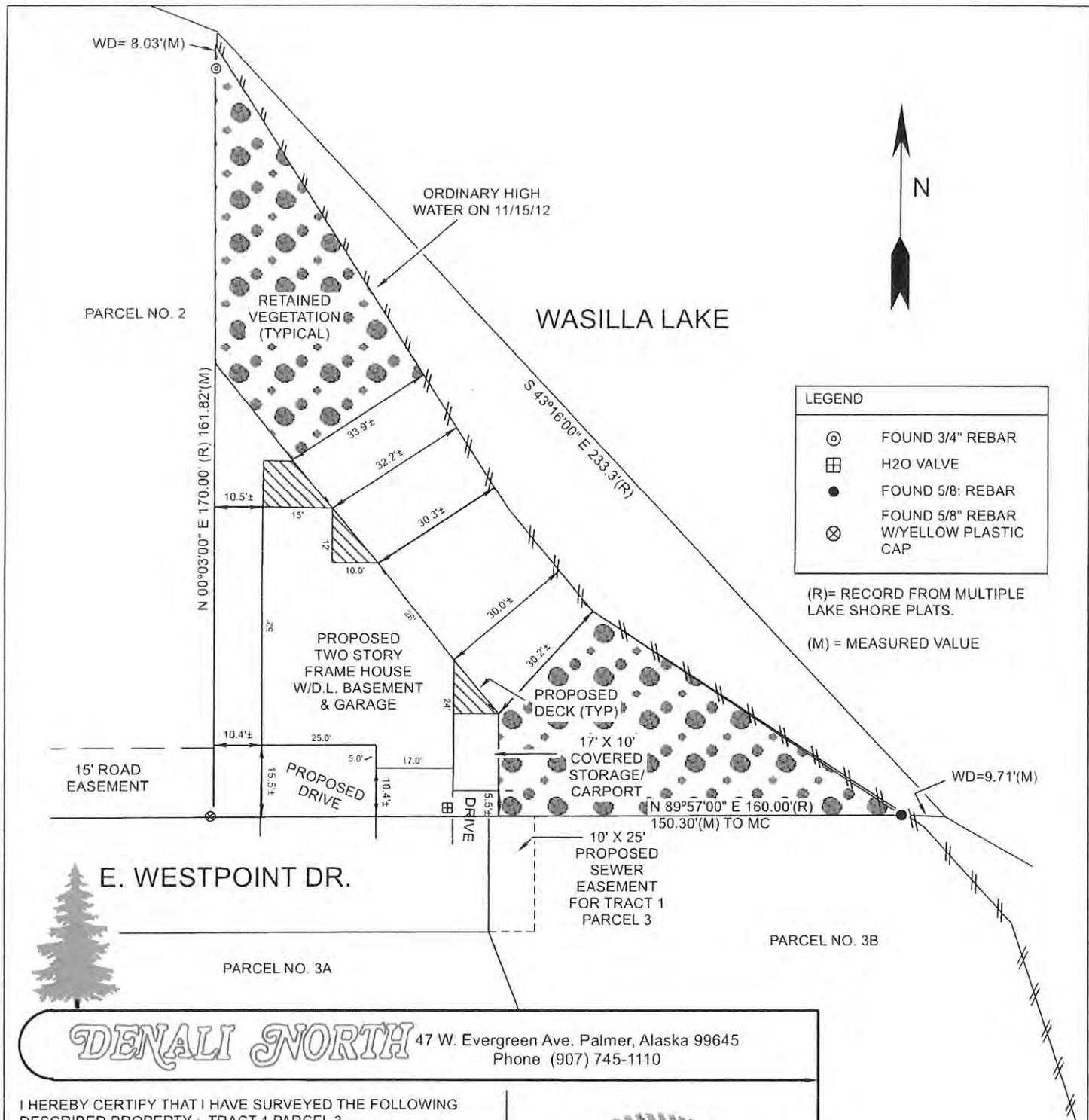
5/12/2015
Date

Notice

If a property qualifies for a variance under the Wasilla Development Code Section 16.28.110 (D), the variance granted must meet the following conditions:

1. The deviation from the requirements of Code that is permitted may not be more than is necessary to permit reasonable use of the lot;
2. The variance will not permit a land use that is prohibited by the Code;
3. The variance is in keeping with the spirit and intent of the Code and its requirements
4. The variance will not be detrimental to the public health, safety or welfare; and
5. The variance will not significantly adversely affect other property.

Notice of Right to Appeal: All decisions of the City Planner are appealable per WMC Title 16.



DENALI NORTH 47 W. Evergreen Ave. Palmer, Alaska 99645
Phone (907) 745-1110

I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY : TRACT 1 PARCEL 3
 AMENDED PLAT OF LAKESHORE SUBDIVISION
 PLAT NO. 63-10
 PALMER RECORDING DISTRICT, AND THERE ARE NO ENCROACHMENTS VISIBLE AT THE TIME OF THIS SURVEY, EXCEPT AS INDICATED.
 DATED THIS _____ DAY OF _____ 20____ AT PALMER, ALASKA.
 IT IS THE RESPONSIBILITY OF THE OWNERS OR BUILDERS TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES. THIS IS NOT A LOT CORNER SURVEY.

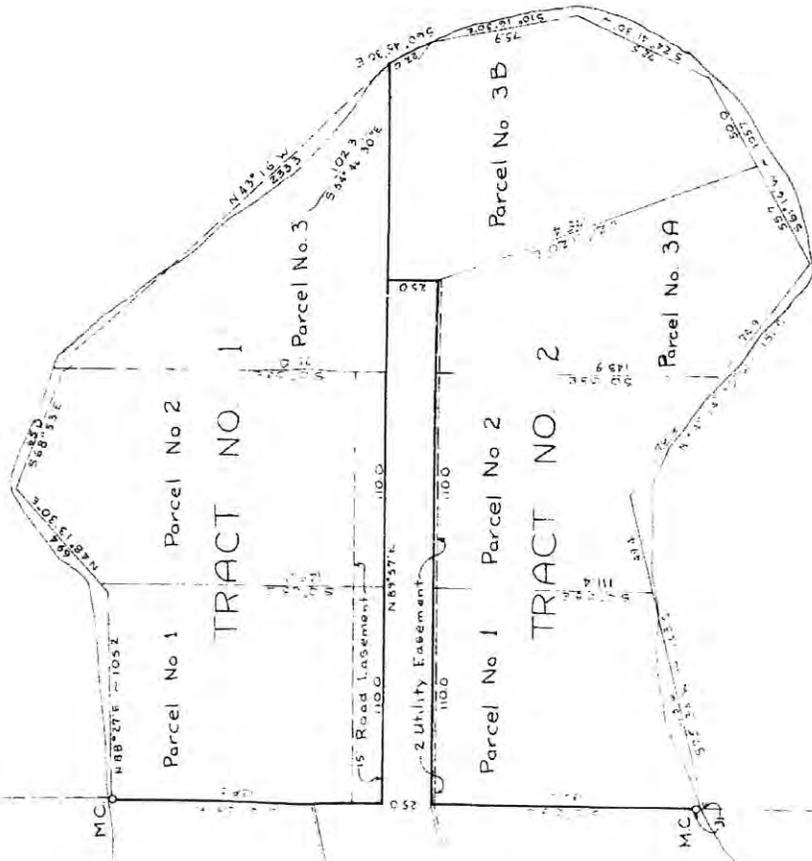


JOB NO. 12213		CLIENT		FIELD BOOK/PG(S).238-68	
SCALE 30 Ft/in	PLOT PLAN	ASBUILT	X	MAP	DRAWN HW
					CKD. WW

62-1104

Sec. Cor
3
2
10 11

WASILLA LAKE



WASILLA LAKE

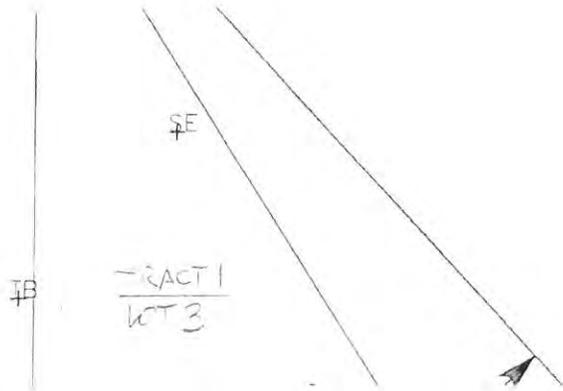
AMENDED PLAT
of
LAKE SHORE
SUBDIVISION
A. V. HAGEN PROPERTY
LOT No. 3 SEC II
T1711 R1W S.M.

Scale: 1" = 50'

Alfred V. Hagen Owner
Copies 17 1963

FILED
Alameda REC. DIST.
5-20-1963
4:30 P.M.

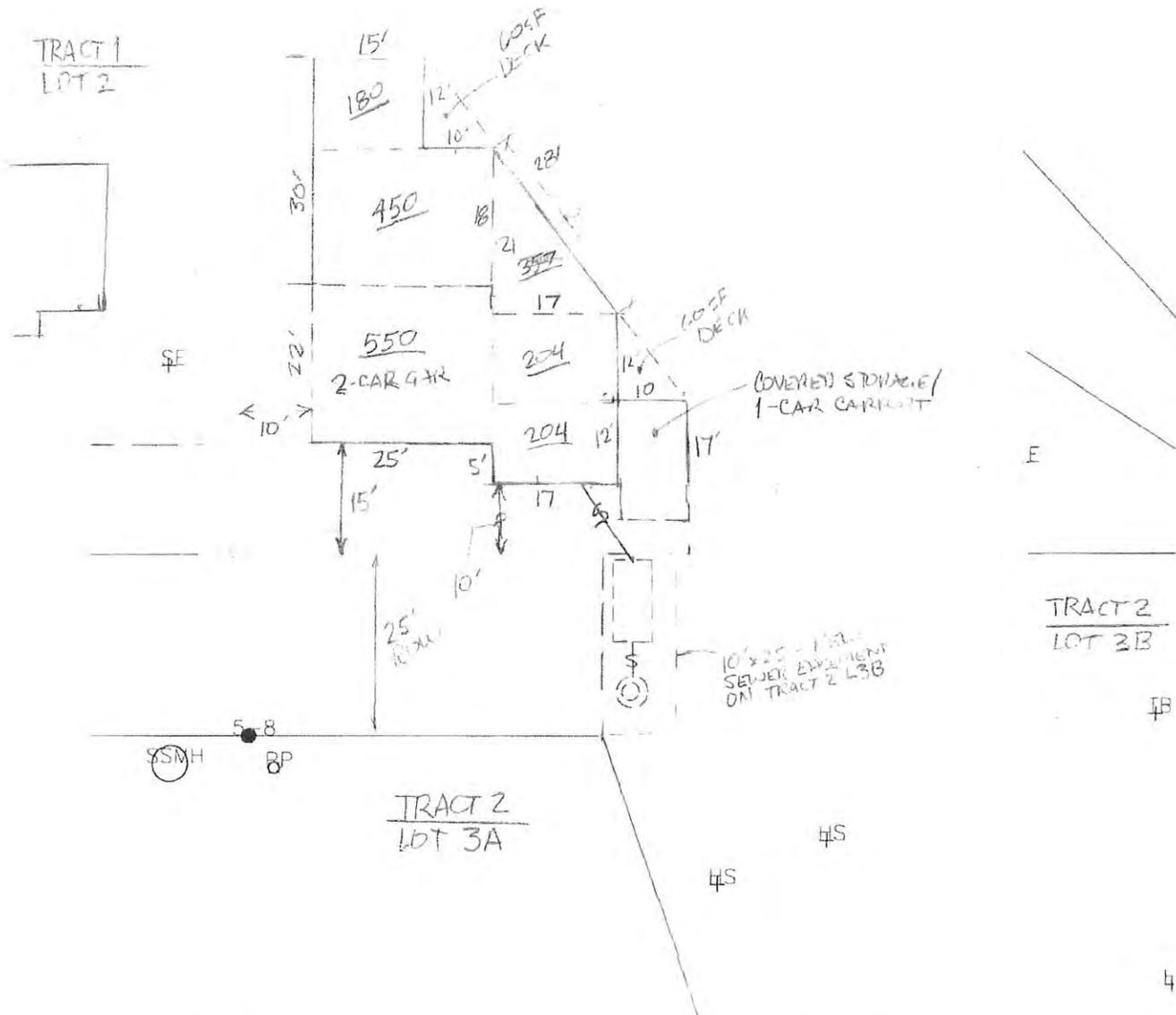
62-110



1245 E. WESTPOINT DRIVE
PROPOSED BLDG. SPACES

DLB (FINISHED)	1395 SF	1217
[GARAGE (FLR1)	550 SF	
FLOOR 1	1395 SF	1217
FLOOR 2 (OPTION)	1945 SF	1766
MAX. LIVING SPACE:	4735 SF	4200

TRACT 1
LOT 2



1245 E. WESTPOINT DRIVE, WACILLA, FL
LAKEHORE SUBDIVISION; TRACT 1, PARCEL 3

W. STAN 5/12/15

Residential Development Proposal for: 1245 E. Westpoint Drive - Lakeshore Subdivision, Tract 1, Lot 3
 Comparative Summary of Adjacent Buildings and Lots
 Based on MSB Real Estate Tax Records as of 5/7/2015

Address	Legal Description	Lot Size (Acres)		Est. Value		Year Built	House Design	Living Space (area in sq.ft.)		Garage Area	Bldg/lot area %	
		Land	Impvts	Bsmt	1st flr.			2nd flr	Total			
1201 E. Westpoint Dr.	Tract 1, Lot 1	0.35	78K	408K	2003	2-story	0	1861	1440	3301	1440	31%
1225 E. Westpoint Dr.	Tract 1, Lot 2	0.36	83K	175.5K	1977	2-story w/ full bsmt	1000	1000	0	2000	384	15%
1245 E. Westpoint Dr. PROPOSED BLDG	Tract 1, Lot 3	0.36	50K	TBD	TBD	2-story w/ full bsmt, gar1 (int) carport	1217 (DLB)	1217	1766	4200	550 170	31%
1200 E. Westpoint Dr.	Tract 2, Lot 1	0.57	85K	50K	1994	Cabin w/ gar1 (int) gar2 (det)	0	528	216 (loft)	744	702 1230	11%
1220 E. Westpoint Dr.	Tract 2, Lot 2	0.31	81K	306.1K	1982	2-story w/ full bsmt, gar1 (int) gar2 (det)	1168 (DLB)	1192	565	2925	340 768	30%
1240 E. Westpoint Dr.	Tract 2, Lot 3A	0.32	81K	203.9K	2011	2-story w/ bsmt	750 (unfin)	750	1500	3000	0	22%
1260 E. Westpoint Dr.	Tract 2, Lot 3B	0.41	90K	185.7K	1955+	Tri-level	816 (DLB)	1296	816	2928	775	21%

Matanuska Susitna Borough

Building Summary

TARN GLEN HARDING TR
TARN WM A JANSON NANCY L TRES
; WILLIAM STARN
O BOX 1782
ALMER AK 99645-1782

51037T01P003
1245 E WESTPOINT DR

Acreage: 0.36

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 64578

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 50,000	\$ 0		\$ 50,000
2014	\$ 50,000	\$ 0		\$ 50,000
2013	\$ 46,000	\$ 0		\$ 46,000

Building ID:

Building Use

Const. Year

Foundation

Units

Item Description

Building ID:

Building ID:

Heat - 8E

Building ID:

Calculated Value:

Market Factor

Location Factor

Less Depreciation:

Physical

Accelerated

Functional

External

Total Depreciation

Net Calculated Value((RCNLD):

Override Value:

Utilities:

Total Utilities:

TOTAL IMPROVED VALUE (ROUNDED AMOUNT)

N/A

Design Eff. Year
Physical Cond.

Quantity

Units Area

% Complete

Grade Building Type
Bsmt. Type

Rate

Total

0.00

0

\$0

\$0

\$0

OBSON ROBT M SR & A O
201 E WESTPOINT DR
VASILLA, AK 99654

51037T01P001
1201 E WESTPOINT DR

Acreage: 0.35

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 27584

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 78,000	\$ 408,300	\$ 218,000	\$ 268,300
2014	\$ 78,000	\$ 388,400	\$ 170,000	\$ 296,400
2013	\$ 83,000	\$ 379,300	\$ 170,000	\$ 292,300

Building ID: 6020

Building Use Residential Building
Const. Year 2003
Foundation PC
Units 1

Design Eff. Year Two Story
2004
Physical Cond. S

Grade Building Type 05.2
FRAME
Bsmt. Type

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 6020					
1.0 First Story	1.0	1312		142.37	186,789
2.0 Second Story	2.0	1861		85.83	159,730
Garage (10.3)	11M	1440		23.74	34,186
Porch Open, 1 Story	51	228		14.00	3,192
Porch Open, 2 Story	52	360		18.80	6,768

Building ID: 6020

Heat - 8E	G	1		0	0
3 Fixture Bath	04	3		3,400	10,200
Paving	L	1		5,000	5,000

Building ID: 6020

Calculated Value:

Market Factor	96	
Location Factor	108	

Less Depreciation:

Physical	5.00	
Accelerated	0.00	
Functional	0.00	
External	0.00	

Total Depreciation \$21,040

Net Calculated Value((RCNLD): \$399,760

Override Value: \$0

Utilities:

SEPTIC1	\$5,000.00
WELL1	\$3,500.00

Total Utilities: \$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT) \$408,300

IOEL H KOPPERUD
O BOX 4470
ALMER AK 99645-4470

51037T01P002
1225 E WESTPOINT DR

Acreage: 0.36

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 23995

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 83,000	\$ 175,500		\$ 258,500
2014	\$ 83,000	\$ 168,800		\$ 251,800
2013	\$ 83,000	\$ 166,900		\$ 249,900

Building ID: 28340

Building Use Residential Building
Const. Year 1977
Foundation UK
Units 1

Design Eff. Year Two Story 1983
Physical Cond. S

Grade Building Type 04.6 FRAME
Bsmt. Type Full

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 28340					
1.0 First Story	1.0	1000		124.92	124,920
Daylight Basement	DLB	1000		45.75	45,750
Finished Split Entry	03	1000		12.14	12,140
Garage (10.3)	11M	384		30.28	11,628
Porch Open, 1 Story	41	168		12.02	2,019
Deck with Railing	12E	84		15.00	1,260

Building ID: 28340

Heat - 8E	G	1		0	0
Fireplace Heatilator	03	2		1,300.00	2,600
3 Fixture Bath	03	1		2,500	2,500

Building ID: 28340

Calculated Value:					\$216,852
Market Factor			99		
Location Factor			108		
Less Depreciation:					
Physical			23.00		
Accelerated			0.00		
Functional			0.00		
External			0.00		
Total Depreciation					\$49,876
Net Calculated Value((RCNLD):					\$166,976
Override Value:					\$0

Utilities:

SEPTIC1 \$5,000.00
WELL1 \$3,500.00

Total Utilities:

\$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT)

\$175,500

IAMBLLEN LAWRENCE O
IAMBLLEN LAURA L
220 E WESTPOINT DR
VASILLA AK 99654-7140

51037T02P001
1200 E WESTPOINT DR

Acreage: 0.57

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 47504

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 85,000	\$ 50,000		\$ 135,000
2014	\$ 85,000	\$ 51,700		\$ 136,700
2013	\$ 85,000	\$ 53,300		\$ 138,300

Building ID: 6021

Building Use Residential Building
Const. Year 1994
Foundation SP
Units 1

Design Cabin
Eff. Year 1994
Physical Cond. S

Grade 1220
Building Type FRAME
Bsmt. Type

Building ID: 63598

Building Use Residential Garage
Const. Year 1994
Foundation SG
Units 0

Design Other
Eff. Year 1994
Physical Cond. SS

Grade N/A
Building Type FRAME
Bsmt. Type None

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 6021					
1.0 First Story	1.0	528		55.02	29,051
Loft Cabin	6W	216		6.00	1,296
Garage (10.3)	11M	702		25.62	17,985
Deck without Railing	12G	480		11.00	5,280
Building ID: 63598					
Garage (10.1)	11D	1230		11.60	14,268
Building ID: 6021					
Cabin Flooring	7H	528		1.50	792
Heat - 8E	PC	1		1500	1,500
5 Fixture	02	1		2,125.00	2,125
Electrical System	03	528		3.00	1,584

Building ID: 63598

Heat - 8E

Building ID: 6021

Calculated Value:

Market Factor 100
Location Factor 100

Less Depreciation:

Physical 37.00
Accelerated 0.00
Functional 0.00
External 0.00

Total Depreciation

Net Calculated Value((RCNLD):

Override Value:

Building ID: 63598

Calculated Value:

Market Factor
Location Factor

Less Depreciation:

Physical 13.00
Accelerated
Functional
External

Total Depreciation

Net Calculated Value((RCNLD):

Override Value:

Utilities:

SEPTICP
WELLP

Total Utilities:

TOTAL IMPROVED VALUE (ROUNDED AMOUNT)

\$59,613

\$22,057

\$37,556

\$0

\$14,268

\$1,855

\$12,413

\$0

\$50,000

IAMBLEN LAWRENCE O
IAMBLEN LAURA L
220 E WESTPOINT DR
VASILLA AK 99654

51037T02P002
1220 E WESTPOINT DR

Acreage: 0.31

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 21887

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 81,000	\$ 306,100	\$ 218,000	\$ 169,100
2014	\$ 81,000	\$ 302,300	\$ 170,000	\$ 213,300
2013	\$ 81,000	\$ 301,500	\$ 170,000	\$ 212,500

Building ID: 28341

Building Use Residential Building
Const. Year 1982
Foundation UK
Units 1

Design Two Story
Eff. Year 1990
Physical Cond. S

Grade 05.0
Building Type FRAME
Bsmt. Type Full

Building ID: 63600

Building Use Residential Garage
Const. Year 1987
Foundation SG
Units 0

Design Other
Eff. Year 1987
Physical Cond. S

Grade N/A
Building Type FRAME
Bsmt. Type None

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 28341					
1.0 First Story	1.0	1192		134.28	160,062
2.0 Second Story	2.0	565		100.05	56,528
Daylight Basement	DLB	1168		47.17	55,095
Finished Split Entry	04	1168		14.94	17,450
Garage (10.3)	11M	340		31.37	10,666
Deck with Railing	12E	590		15.00	8,850
Building ID: 63600					
Garage (10.2)	DD	768		22.75	17,472
Building ID: 28341					
Vaulted Ceiling	6U	1		2000.00	2,000
Heat - 8E	G	1		0	0
Fireplace Heatilator	04	1		1,500.00	1,500
3 Fixture Bath	04	1		3,400	3,400

Building ID: 63600

Heat - 8E

Building ID: 28341

Calculated Value:		<u>\$337,386</u>
Market Factor	99	
Location Factor	108	
Less Depreciation:		
Physical	16.00	
Accelerated	0.00	
Functional	0.00	
External	0.00	
Total Depreciation		\$53,981
Net Calculated Value((RCNLD):		\$283,405
Override Value:		\$0

Building ID: 63600

Calculated Value:		<u>\$17,472</u>
Market Factor		
Location Factor		
Less Depreciation:		
Physical	19.00	
Accelerated		
Functional		
External		
Total Depreciation		\$3,320
Net Calculated Value((RCNLD):		\$14,152
Override Value:		\$0

Utilities:			
	SEPTIC1	\$5,000.00	
	WELL1	\$3,500.00	
Total Utilities:			\$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT) \$306,100

IARRIS FAMILY LLC
O BOX 190465
NCHORAGE AK 99519-0465

51037T02P003A
1240 E WESTPOINT DR

Acreage: 0.32

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 32435

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 81,000	\$ 203,900		\$ 284,900
2014	\$ 81,000	\$ 182,200		\$ 263,200
2013	\$ 86,000	\$ 180,400		\$ 266,400

Building ID: 6022

Building Use Residential Building
Const. Year 2011
Foundation CB
Units 1

Design Eff. Year Two Story 2011
Physical Cond. S

Grade Building Type 04.3 FRAME
Bsmt. Type Full

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 6022					
1.0 First Story	1.0	750	48	124.80	44,928
2.0 Second Story	2.0	1500	48	76.66	55,195
Unfinished Basement	03	750		8.86	6,645
Deck with Railing	12E	425		15.00	6,375

Building ID: 6022

Heat - 8E G 1 0 0
3 Fixture Bath 03 48 2,500 120,000

Building ID: 6022

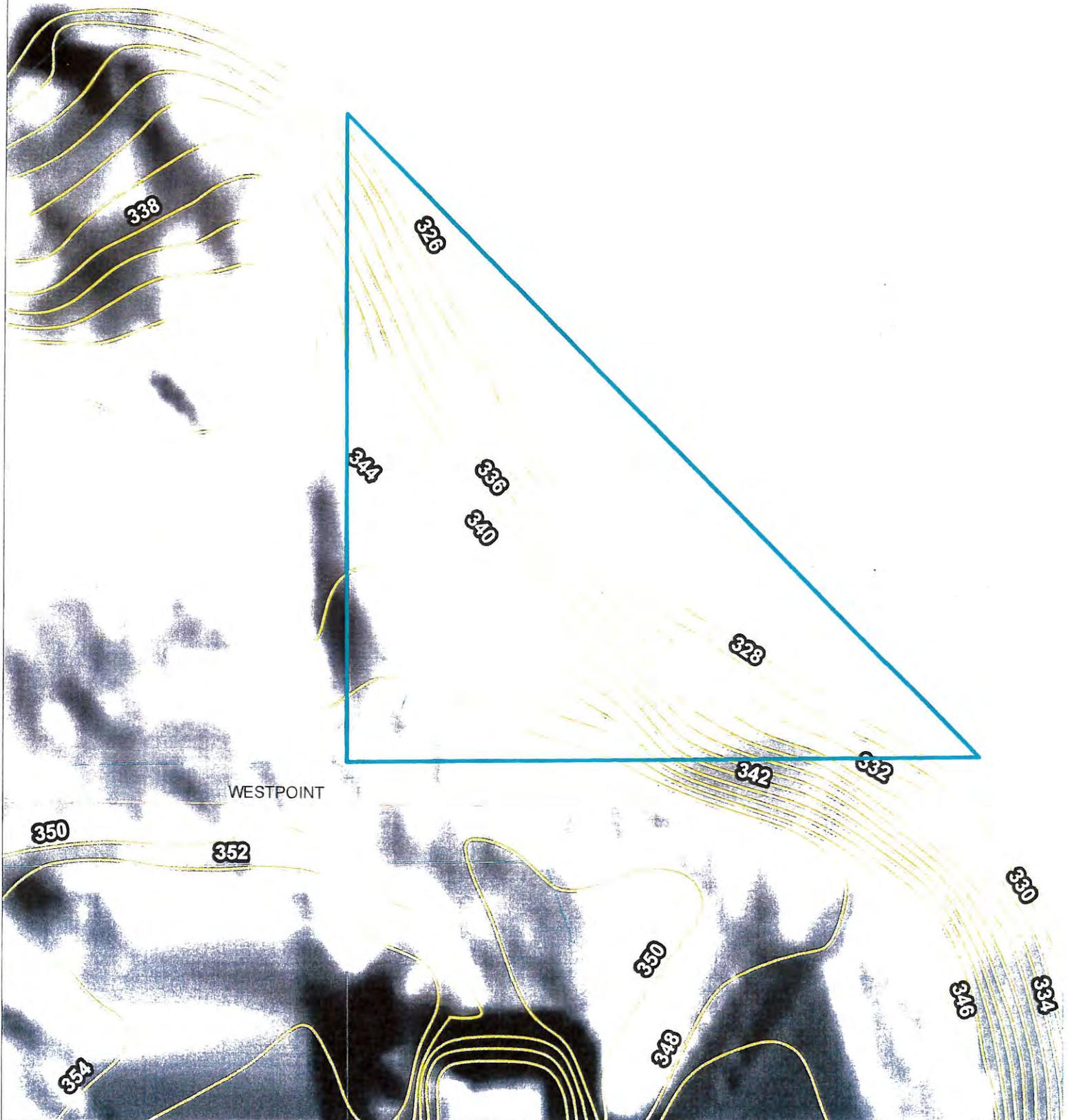
Calculated Value:					\$246,759
Market Factor			98		
Location Factor			108		
Less Depreciation:					
Physical			1.00		
Accelerated			0.00		
Functional			20		
External			0.00		
Total Depreciation					\$51,326
Net Calculated Value((RCNLD):					\$195,433
Override Value:					\$0

Utilities:

SEPTIC1 \$5,000.00
WELL1 \$3,500.00

Total Utilities: \$8,500.00

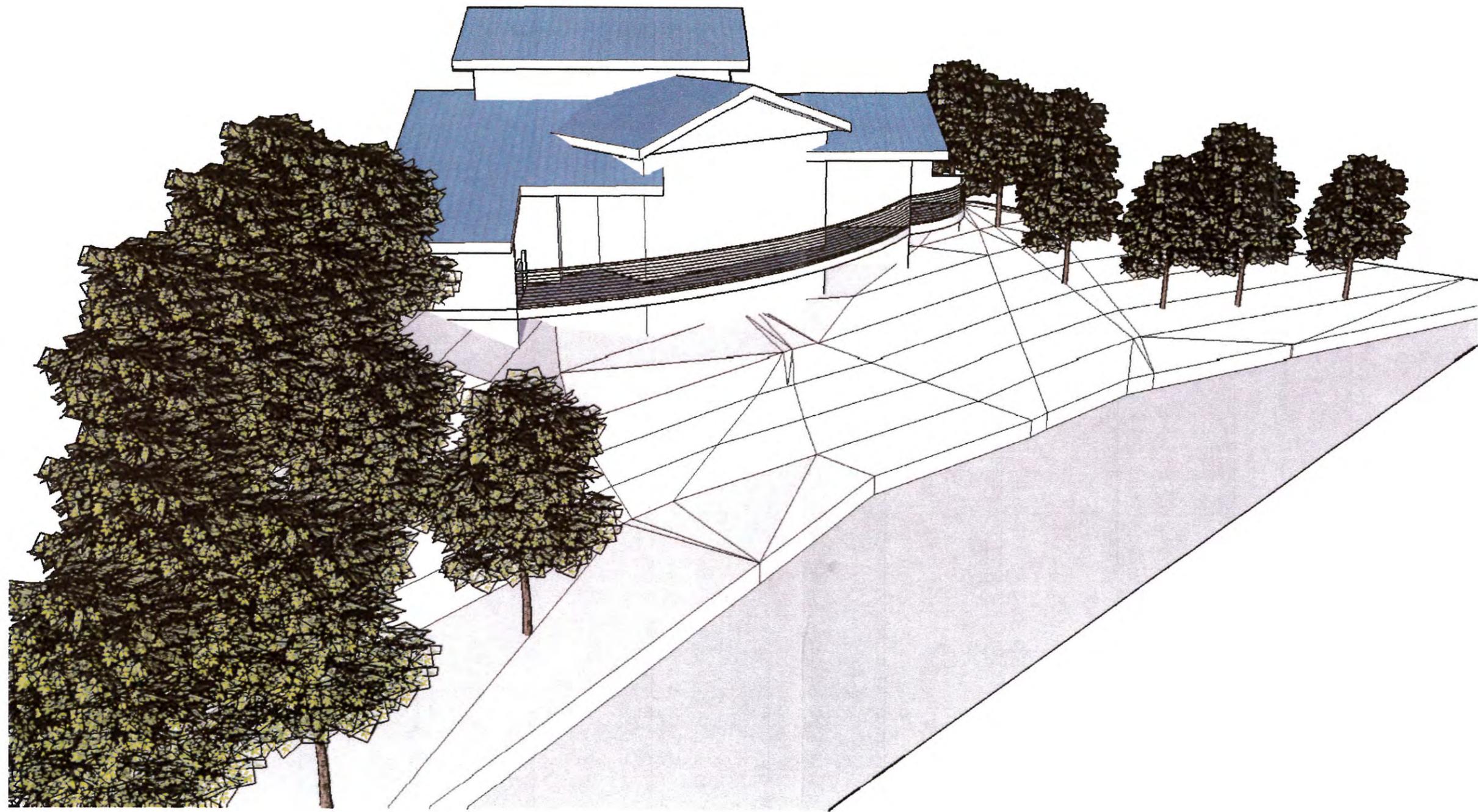
TOTAL IMPROVED VALUE (ROUNDED AMOUNT) \$203,900



Matanuska Susitna Borough
 Permit Center
 Date: 6/3/2015

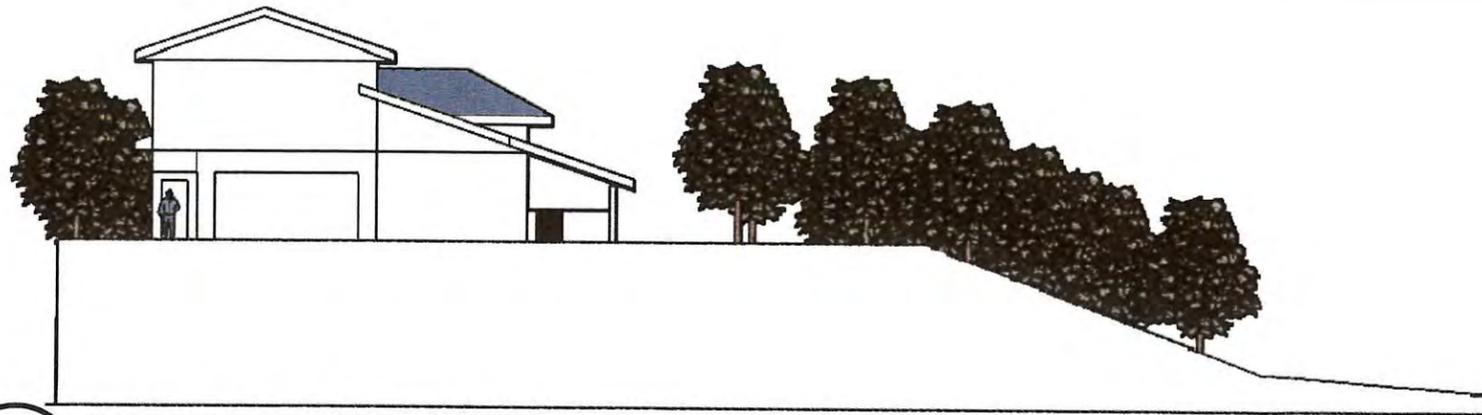
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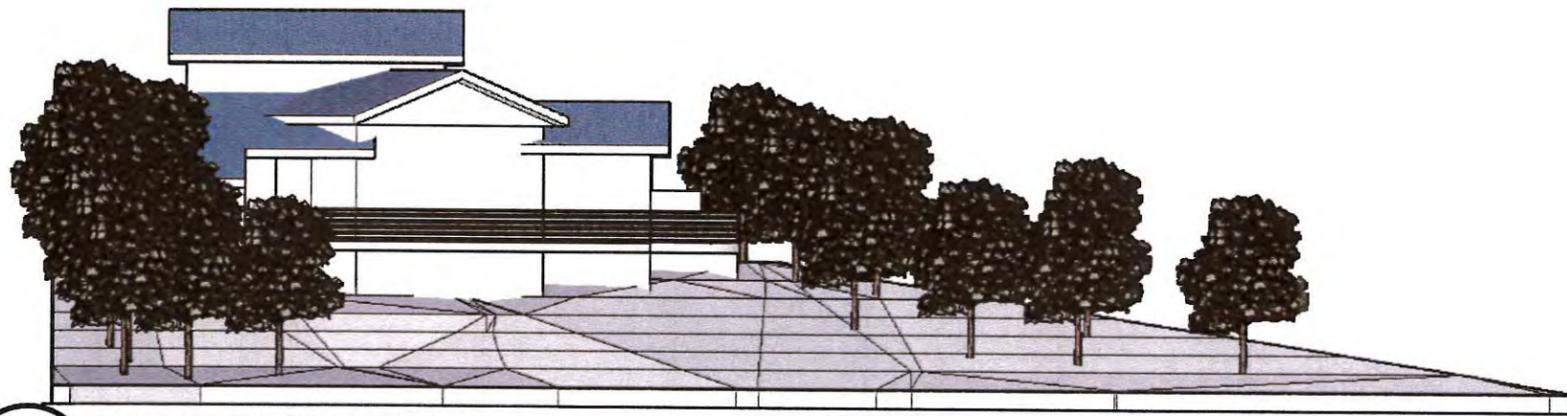


preliminary concept design

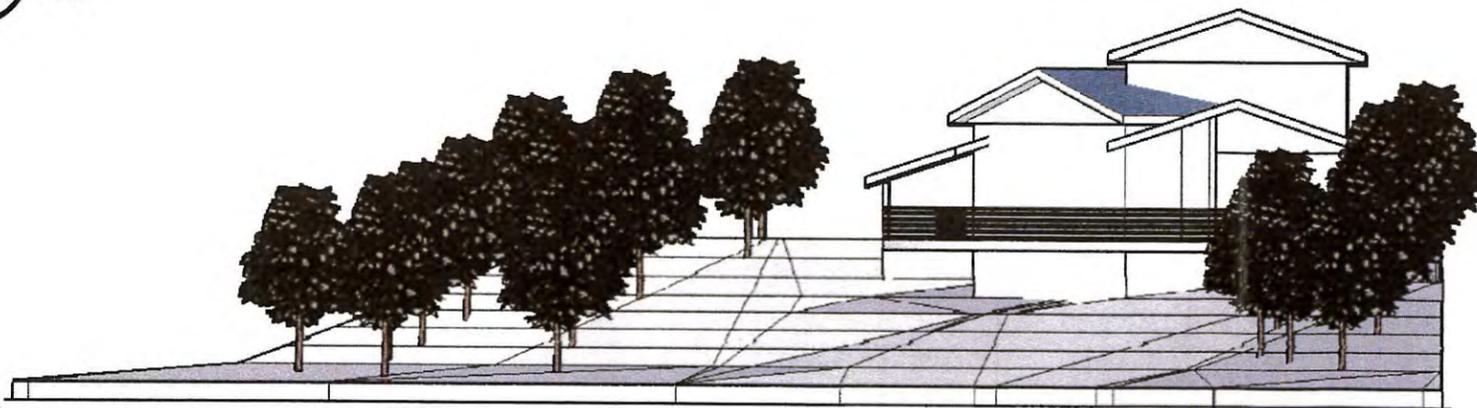
Bill Starn | wasilla lake house



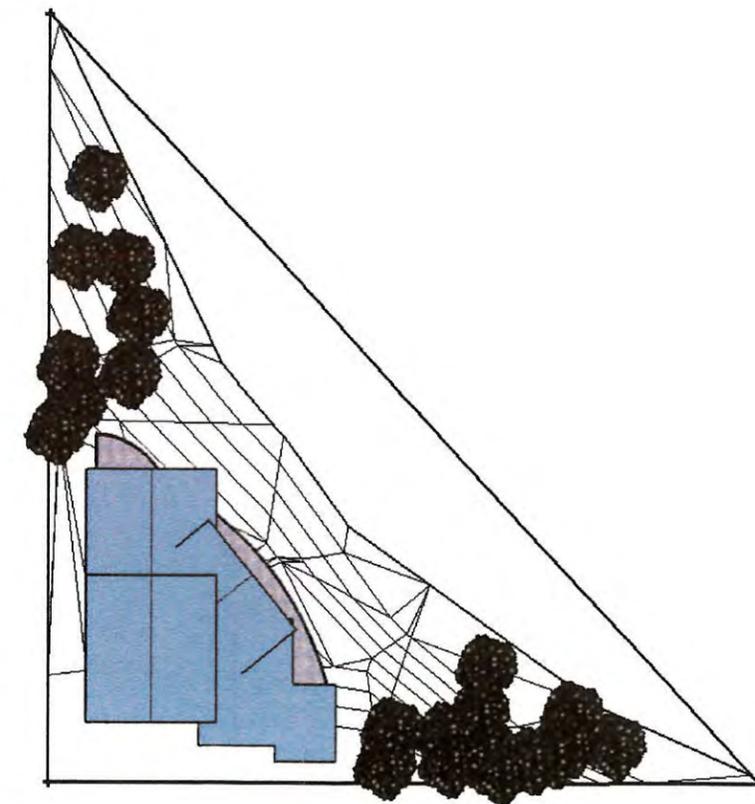
A SOUTH ELEVATION
1 NTS



A EAST ELEVATION
2 NTS



A NORTH ELEVATION
3 NTS



A PLAN VIEW
4 NTS

June 8, 2015

Wayne and Edith Pinguoch
1280 E. Lakeshore Ave.
Lot 5, Block 5, Lakeshore Subdivision

PO Box 870315
Wasilla, AK 99687
Ph: (907) 376-5648

RECEIVED

JUN 08 2015

Planning Office
City of Wasilla

Re: Variance request, case #V15-01

To the City of Wasilla Planning Commission:

We live on Wasilla Lake and are directly across the cove from the property that is seeking the variance request. We are opposed to this variance request. We have lived on Wasilla Lake for many years and feel that the lakeside setback is very important.

Sincerely,

Wayne Pinguoch

Summary of Kopperud opposition to variance application on
Parcel 3, Tr. 1.

The variance application is based upon inaccurate factual information, and misleading conclusions arising from that information.

Standards for Granting a Variance

1. *Conditions of the property do not apply generally to properties in the vicinity.*

Applicant states: “property now 10,000 s.f., was 27,200 s.f.”

Fact: Property exactly the same now as in 1960. Parcel 3 has always been virtually all within the 75’ lakeside setback. The 27,200 sf is mathematical error.

2. *The conditions described arise out of natural features.*

Applicant: shoreline receded 20’ since platted.
Therefore is closer to shoreline today.

Fact: The statement is false.
There is no evidence that the shoreline has receded at all.

3. *Strict application of the code would result in undue hardship such that no reasonable use of the property could be made.*

Applicant: If I cannot construct building in setback, no other reasonable use can be made of Parcel 3.

Fact: Shoreline ordinance allows substantial reasonable uses.
Applicant is common owner of adjacent property.

Applicant is now and has been making substantial, reasonable use of Parcel 3 for parking.

Factually untrue that applicant will not be able to make reasonable use of the property

Unless able to construct building in the protected shoreline area.

4. *Special conditions were not caused by applicant or predecessor in interest.*

Applicant: “plat was created in ’62 before setback codes, and the shoreline receding is a natural occurrence beyond anyone’s control.”

Fact: The shoreline has never receded.

Fact: Applicant bought the property in February 2012.

Fact: Applicant was an adjacent landowner.

Applicant bought property 39 years after the 75’ shoreline setback ordinance became the law.

He had full knowledge of all building restrictions on Parcel 3 when he took possession.

Tweedy vs. Matanuska Susitna Borough: Alaska Supreme Court recently ruled that applicant has **no rights** arising from lot being platted before shoreline setback ordinance enacted.

The date for determining rights of applicant is February 2012

5. *Variance request is not based upon costs or inconvenience.*

Applicant: Constructing 4,200 sf structure (plus garage) in lakeside setback is reasonable as shown by comparative property chart.

Fact: Applicant knew lot is 10,000 s.f., but misled the reader that the lot is .36 acres in size.

Fact: Proposed building vacates virtually all shoreline setback area for building that is about 1,000 sf larger (in living area) than anything in neighborhood.

Fact: When honest size of the lot is compared to the proposed building, the building-to-lot ratio is far greater than any of the comparables.

No variance can be granted unless it meets these conditions.

- *No more than necessary to permit reasonable use of lot.*

Fact: Applicant is now and has for some time made actual, reasonable use of a parking lot he constructed on the setback property.

Fact: Reasonable use of land in protected shoreline area does not equal building an entire house in setback.

- *Variance is in keeping with the spirit and intent of chapter.*

Fact: Applicant knew the entire lot was within the setback area when he bought it.

The variance is not a request for minor hardship adjustment. Applicant misrepresents the facts in order to obtain financial gain by converting entire setback area into a building site.

- Variance will not significantly adversely affect other property.

Fact: The Kopperud house is significantly impacted by constructing a building in the setback between their east windows overlooking the lake and the shoreline.

Fact: The variance sought will damage the shoreline in a sensitive area of Wasilla Lake.

Will have substantial adverse affect on public interests in maintaining uniform setback around lake.

Fact: All of the runoff from the building is going into Wasilla Lake because shoreline setback is virtually eliminated.

Fact: Already congested parking at the end of Westpoint Drive (dead-end road) would be severely aggravated by eliminating current space used for parking, the public turnaround, and by reducing front setback from road.

Summary

The variance must be denied because:

- Facts do not show variance standards or conditions that allow granting the variance.

Applicant submitted purposely deceptive application with an inadequate site plan that does not provide essential information such as elevations, finished grades, lot area, confirmed lot corners, drainage structures for protection of lake, and other vital information.

- The variance procedure is not legally or practically intended for negotiation of building design or ad hoc subdivision changes.

Fundamental fairness to public who has responded to the specific variance application requires that variance request must be voted up or down as submitted.

- Applicant is not entitled, as a matter of right, to a variance of the setback restrictions that apply equally to all other shoreline landowners in the city and borough.

Alaska Supreme Court recently confirmed that the plain meaning and purpose of the shoreline ordinance language is to create a uniform 75' building setback. Not 10', 20', or 30'.

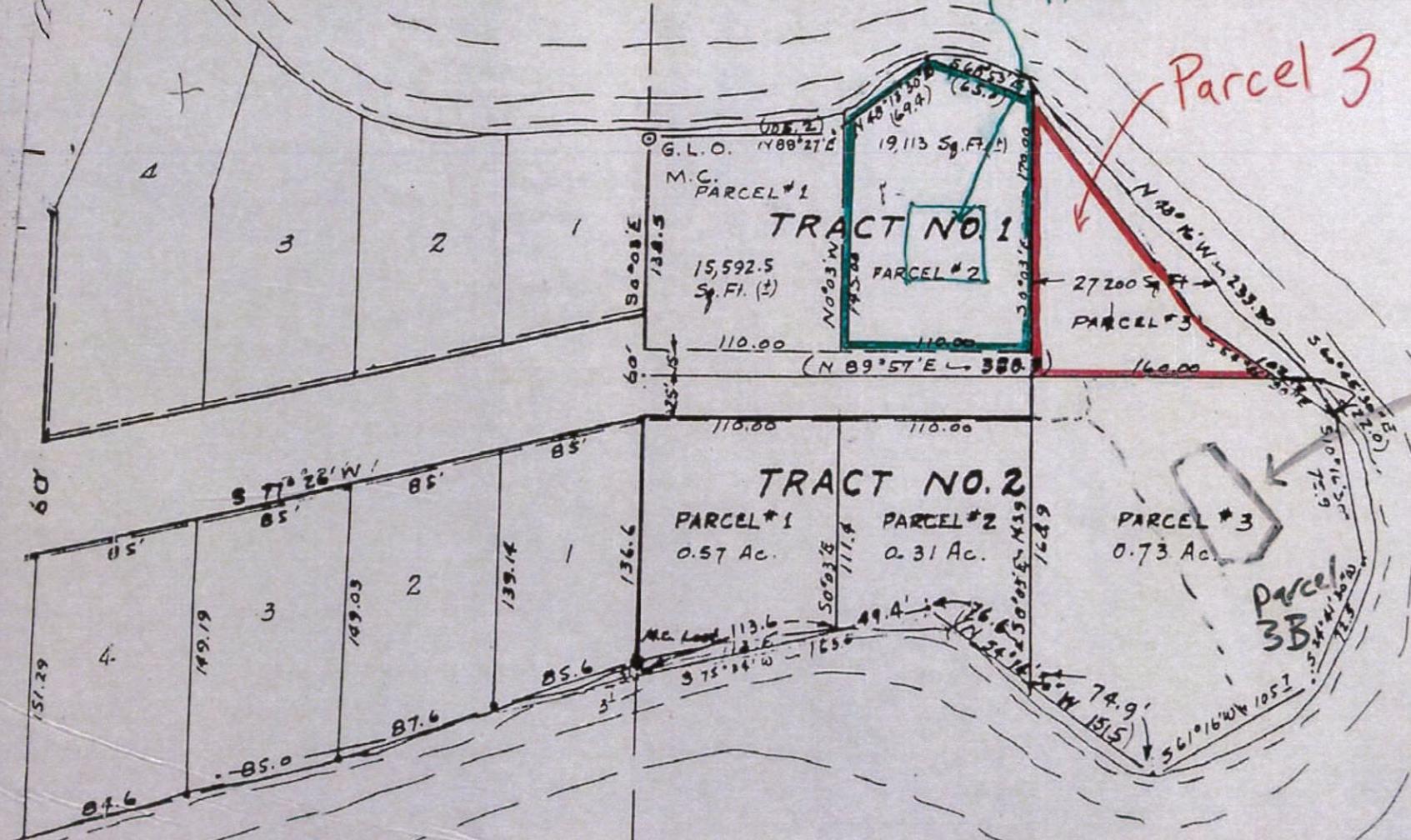
Kopperud is willing to work with the applicant in a new submittal that reasonably balances the interests of adjacent property owners and the public, with those of the applicant.

End

WASILLA

LAKE
Kopperud
House

Exhibit 1



AMENDED PLAT
OF
LAKESHORE
SUBDIVISION
A.V. Hagen Property

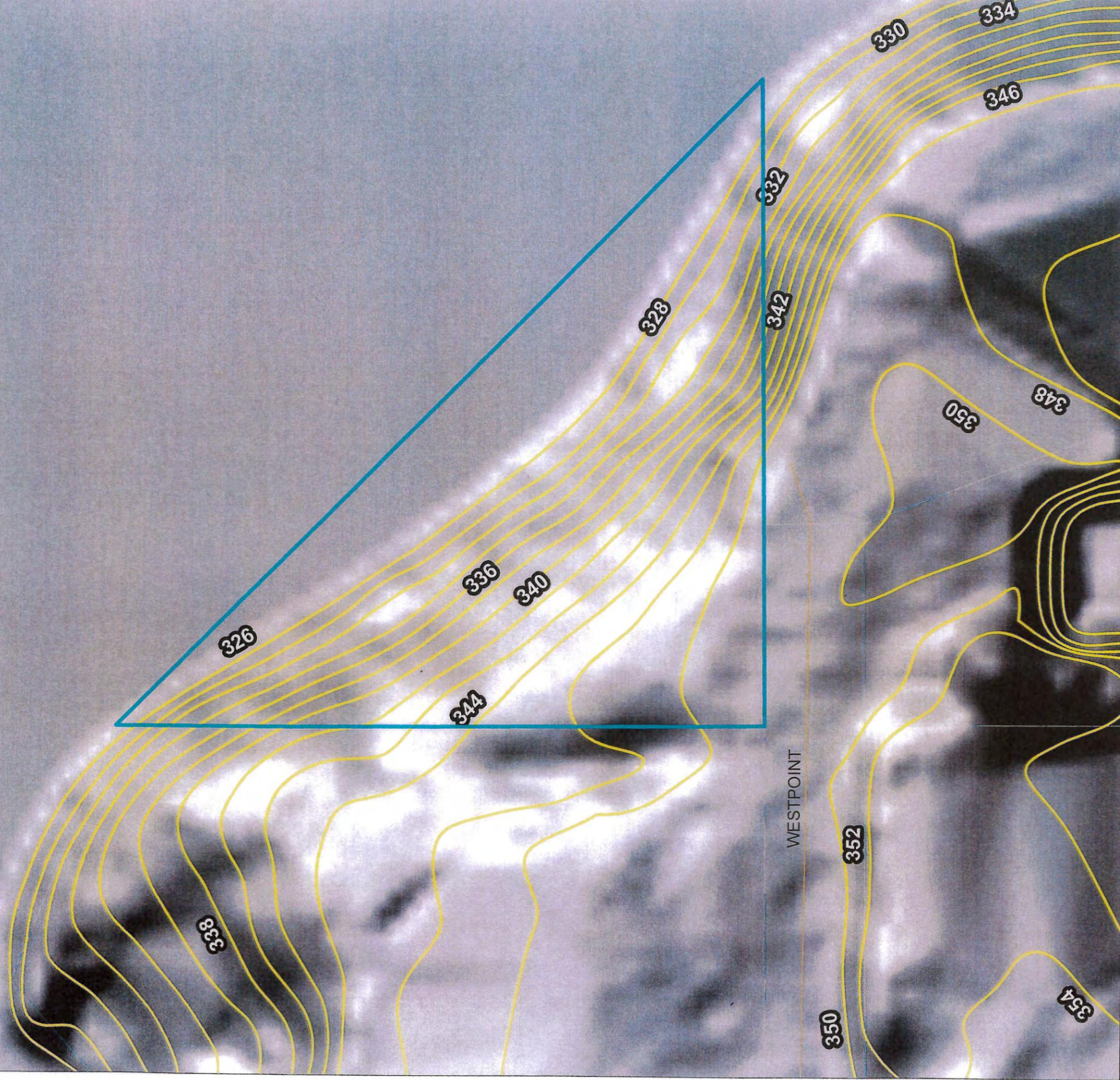
NE 1/4 of NE 1/4 Section 10 T19N R15W S1M
NW 1/4 of NW 1/4 Section 11 T19N R15W S1M
Wasilla, Alaska

Plat 60-4

Exhibit 2

MSB Flood Zone

and Topo Aerial Images



Matanuska Susitna Borough
Permit Center
Date: 6/3/2015

This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-961-7801.





Exhibit 3 - Misleading Comparison Table

int Drive - Lakeshore Subdivision, Tract 1, Lot 3

Address	Tract	Lot	Value		Year Built	House Design	Living Space (area in sq.ft.)				Garage Area	Bldg/lot area %
			Market	Imprvts			Bsmt	1st flr.	2nd flr.	Total		
<			408K		2003	2-story	0	1861	1440	3301	1440	31%
1225 E. Westpoint Dr.	Tract 1,	Lot 2	0.36 83K	175.5K	1977	2-story w/ full bsmt	1000	1000	0	2000	384	15%
1245 E. Westpoint Dr. PROPOSED BLDG	Tract 1,	Lot 3	0.36 50K	TBD	TBD	2-story w/ full bsmt, gar1 (int) carport	1217 (DLB)	1217	1766	4200	550 170	31%
1200 E. Westpoint Dr.	Tract 2,	Lot 1	0.57 85K	50K	1994	Cabin w/ gar1 (int) gar2 (det)	0	528	216 (loft)	744	702 1230	11%
1220 E. Westpoint Dr.	Tract 2,	Lot 2	0.31 81K	306.1K	1982	2-story w/ full bsmt, gar1 (int) gar2 (det)	1168 (DLB)	1192	565	2925	340 768	30%
1240 E. Westpoint Dr.	Tract 2,	Lot 3A	0.32 81K	203.9K	2011	2-story w/ bsmt	750 (unfin)	750	1500	3000	0	22%
1260 E. Westpoint Dr.	Tract 2,	Lot 3B	0.41 90K	185.7K	1955+	Tri-level	816 (DLB)	1296	816	2928	775	21%

Exhibit 4

Shape of point and
present parking pics

- Proposed building worsens end-of-road limited parking

- Proposed setback from road doesn't leave enough room for parking.

Westpoint Dr. dead-end turn
around area, and parking in
use on Parcel 3.

6. 4. 2015





Exhibit 5

Birds Nesting In
Kopperud Setback Area
Adjacent to Parcel 3

- Large colony
- Returns every year.



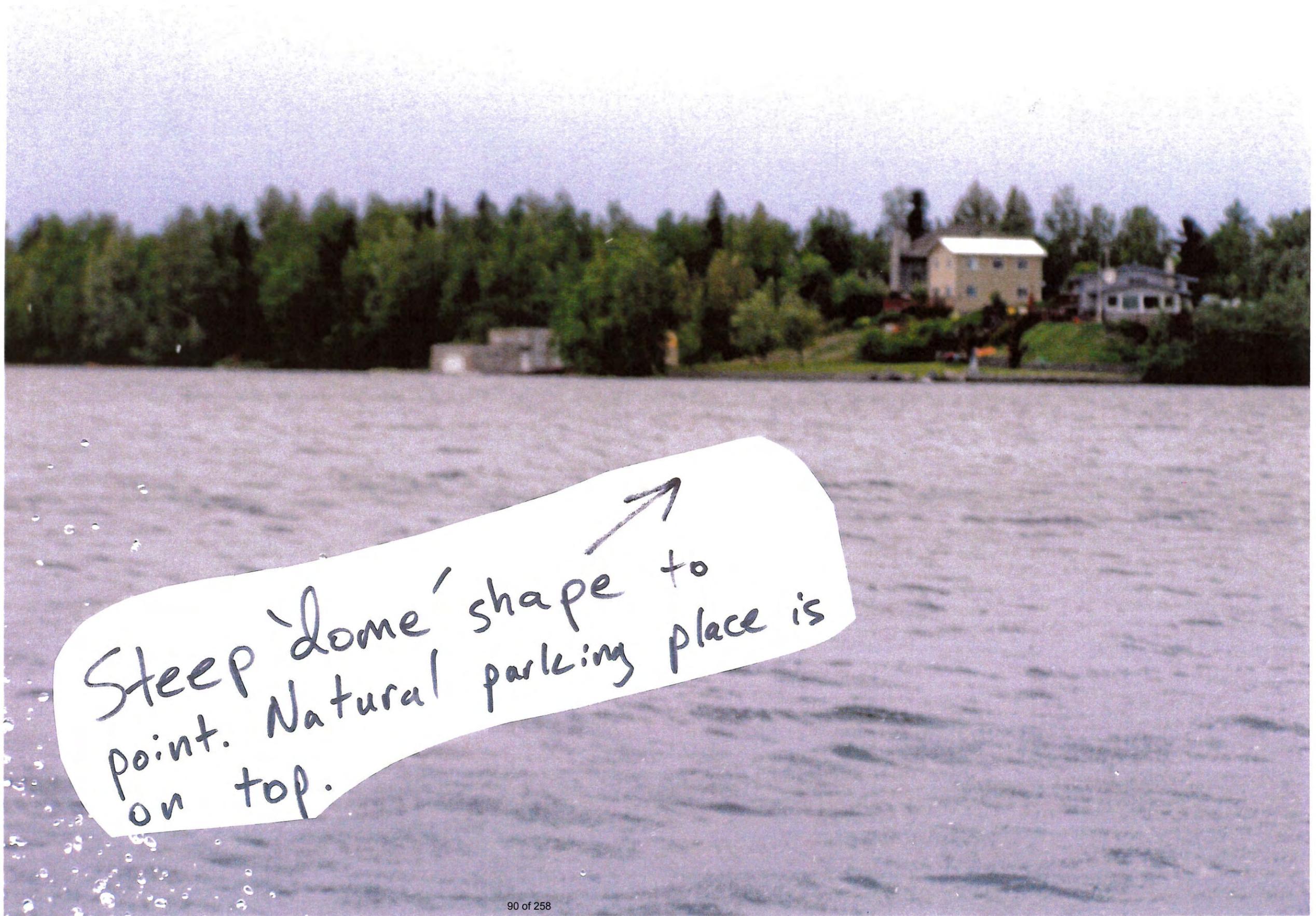
Exhibit 6

Kopperud View Across
Shoreline Setback Strip



Sunrise
at
Kopperud's





Steep 'dome' shape to
point. Natural parking place is
on top. →

Tahirih Revet

From: Tina Crawford
Sent: Tuesday, June 09, 2015 12:04 PM
To: Tahirih Revet
Subject: FW: Proposed Condition of Approval from Public Works

From: Archie Giddings
Sent: Tuesday, June 09, 2015 11:18 AM
To: Tina Crawford; Bill Klebesadel
Subject: Proposed Condition of Approval from Public Works

Move building line north 4.5 feet in front of proposed driveway to provide 20 feet of parking area on the property. This is requested due to the substandard (25 feet wide) right-of-way adjacent to the property and we need to ensure vehicles are out of the way from snow plowing and gravel road grading.

CC

A
L
A
S
K
A

2012-002535-0

Recording Dist: 311 - Palmer
2/10/2012 9:51 AM Pages: 1 of 2



1735427 FATIL

WARRANTY DEED

The Grantor, MYRTLE NUSSBAUMER, Trustee of the MYRTLE NUSSBAUMER TRUST dated October 31, 1991, whose address is 3910 Avenue Bonne Terre, New Iberia LA 70563, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, does hereby convey and warrant unto the Grantee, WILLIAM A. STARN and NANCY L. JANSON, Trustees, and their successor trustees, of the GLEN HARDING STARN TRUST dated February 9, 1995, whose address is PO Box 240046, Anchorage AK 99524-0046, and to the successors and assigns of the Grantee, the following described real property:

Parcel No. 3 of Tract 1, LAKESHORE SUBDIVISION, according to the official plat thereof filed under Plat No. 63-10, Records of the Palmer Recording District, Third Judicial District, State of Alaska.

SUBJECT TO ALL reservations, easements, exceptions, restrictions, covenants, conditions, plat notes, by-laws and rights-of-way of record, if any.

SUBJECT TO Notice of Availability of Water and Sewer Service with PILA Provisions, including the terms and provisions thereof, recorded April 19, 1999, Book 1008, Page 44.

SUBJECT TO rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Wasilla Lake; and any prohibition of or limitation of use, occupancy or improvements of the land resulting from the right of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.

TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the premises, all and singular, together with the appurtenances and privileges thereto incident unto said Grantee, and to the successors and assigns of the Grantee, FOREVER.

Coryell Dawson, LLC Attorneys at Law, 805 W Fireweed Lane, Anch AK 99503 Tel 907-277-3995 Fax 907-276-0383

Warranty Deed, Page 1 of 2

DATED this 3rd day of February, 2012

GRANTOR:

THE MYRTLE NUSSBAUMER TRUST dated October 31, 1991

By: Myrtle Nussbaumer Trustee
Myrtle Nussbaumer, Trustee

STATE OF LOUISIANA)
PARISH OF Iberia) ss:

The foregoing instrument was acknowledged before me this 3rd day of February, 2012, by MYRTLE NUSSBAUMER.

Gerral J. Bordelon
Notary Public in and for Louisiana
My Commission expires: at death



GERRAL J. BORDELON
LA. NOTARY #11274
LIFETIME

Please record in Palmer
Recording District & return to
Glen Harding Starn Trust
PO Box 240046
Anchorage AK 99524-0046

Coryell Dawson, LLC Attorneys at Law, 805 W Fireweed Lane, Anch AK 99503 Tel 907-277-3995 Fax 907-276-0383

Warranty Deed, Page 2 of 2



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STARN RESIDENCE – WESTPOINT DRIVE

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Tahirih Revet

From: Heather Ralston <Heather.Ralston@matsugov.us>
Sent: Friday, June 26, 2015 12:24 PM
To: Planning
Subject: Case V15-02
Attachments: NoObjection-City of Wasilla-Case V15-02.doc

To Whom It May Concern,

Attached are our comments in regards to the Variance Request public hearing notice for Case #V15-02.

Thanks,

Heather Ralston

Archaeological Site Supervisor
Matanuska-Susitna Borough
Cultural Resources Department
350 E. Dahlia
Palmer, Alaska 99645
heather.ralston@matsugov.us
(907) 982-4936





MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Cultural Resources Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9859 • Fax (907) 745-9876

MEMORANDUM

DATE: 26 June 2015
TO: City of Wasilla, Planning Office
FROM: Heather Ralston, Cultural Resources Specialist
SUBJECT: Case V15-02
LEGAL: Sec.10, T17N, R01W, SM
TAX MAP: WA 11

SPECIAL NOTE: NO OBJECTION – GENERAL CAUTION

Cultural Resources Division staff has reviewed the above application and finds there are *no known recorded sites* on said property. This conclusion was derived through research of the documented sites on file in the Cultural Resources Division of the Matanuska-Susitna Borough and sites documented in Alaska Heritage Resource files at the State Office of History and Archaeology.

Therefore, we have no objection to the proposed variance request. However, since our records are not complete, we recommend caution during construction or related activities in the event cultural remains may come to light or be recovered. If cultural resources are found as a result of the above mentioned activity we would appreciate the chance to document them to augment our knowledge of local history. Cultural remains may include features such as cache pits, house pits, garbage pits, depressions and/or other non removable indications of human activity, as well as, artifacts, buildings, machinery, etc.

Note: recording of cultural resources or other remains does not change ownership status of materials found, they belong to the property owner, nor does it prohibit your activity request. If cultural remains are located please contact this office at (907) 861- 8655 as soon as possible. This would enable us to photograph and record any cultural materials that may be observed. Thank you for your cooperation. We appreciate you helping us learn more about our past.

Sincerely,

Heather Ralston
Archaeological Site Supervisor
Heather.Ralston@matsugov.us

NOTE§A.S.11.46.482 (a) of the Alaska Statutes states that

A person commits the crime of criminal mischief in the third degree if, having not right to do so or any reasonable grounds to believe the person have such a right...

(3) If a person knowingly

(A) defaces, damages or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected; (B) removes human remains or associated burial artifacts from a cemetery, tomb, grave, or memorial regardless of whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost or neglected.

Tina Crawford

From: Web Master
Sent: Wednesday, July 01, 2015 8:17 AM
To: Tina Crawford; Tahirih Revet
Subject: FW: City of Wasilla, AK: Wasilla Planning Commission to consider a variance to the front yard and shoreline setbacks on July 7, 2015 (continued from June 9, 2015)

From: dkellyhome@matnet.com [<mailto:dkellyhome@matnet.com>]

Sent: Friday, June 26, 2015 2:59 AM

To: Web Master

Subject: Re: City of Wasilla, AK: Wasilla Planning Commission to consider a variance to the front yard and shoreline setbacks on July 7, 2015 (continued from June 9, 2015)

The owner should not be granted the variance unless he purchased the land before the shoreline and setbacks were assigned by the governing bodies. It would set a terrible precedence. Please verify ownership dates and advise the commission. If this is allowed by one, then it would open it up for all, which would defeat the purpose of setback and shoreline regulations.

Dan Kelly

Sent from Windows Mail

From: [City of Wasilla, AK](#)

Sent: Thursday, June 25, 2015 1:15 PM

To: [Dan Kelly](#)

Wasilla Planning Commission to consider a variance to the front yard and shoreline setbacks on July 14, 2015 (continued from June 9, 2015)

William Starn has submitted an application for a variance to the front yard and shoreline setbacks on Tract 1, Parcel 3, Lakeshore Subdivision - Variance 15-01

William Starn submitted a permit for a variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback to construct a single-family dwelling. The property is generally located at the end of E. Westpoint Dr.

Post Date: 06/25/2015 9:00 AM

Variance Permit No.: V #15-01

Subject Property: 1245 E. Westpoint Drive

Property Tax ID Nos.: 1037T01P003

Owner/Applicant(s): William Starn

A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a

water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

A Planning Commission public hearing on this request is scheduled for **July 14, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before July 7, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

For additional information, please contact the City of Wasilla Planning office at planning@ci.wasilla.ak.us or 907-373-9020.

If you would like to provide comments regarding this use permit request, please click on the public notice link below for information on where to email, fax, or mail comments.

To view the public notice and map, click [V 15-01](#)

Having trouble viewing this email? [View on the website instead.](#)

[Change your eNotification preference.](#)

[Unsubscribe from all City of Wasilla, AK eNotifications.](#)

**NOTIFICATION OF CONTINUED PUBLIC HEARING
(Continued from June 9, 2015)
-VARIANCE REQUEST-**

DATE: 06-25-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **July 14, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before July 7, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name MSB Land Management Division

Address 350 E. Dahlia Ave. Palmer, AK 99645

Lot _____ Block _____ Subdivision _____

Comments: Recommend review by ADF&G.

neopost™
06/25/2015
US POSTAGE \$00.48⁰⁰



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

RECEIVED
JUL 01 2015
Planning Office
City of Wasilla

Matanuska-Susitna Borough

JUN 26 2015

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FIRST CLASS

1048B02L009
MATANUSKA-SUSITNA BOROUGH
LAND MANAGEMENT DIVISION
350 E DAHLIA AVE
PALMER, AK 99645-6488

PUBLIC NOTICE

**NOTIFICATION OF CONTINUED PUBLIC HEARING
(Continued from June 9, 2015)
-VARIANCE REQUEST-**

DATE: 06-25-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.24.040). A Planning Commission public hearing on this request is scheduled for **July 14, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before July 7, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: NO OBJECTION

neopost
06/25/2015
US POSTAGE \$00.48⁰



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

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JUL 01 2015

**Planning Office
City of Wasilla**



ZIP 99654
041L11222587

9089000U005
CROZIER D KEVIN
CROZIER BARBARA A
3100 N BANNER WAY
WASILLA, AK 99654

FIRST CLASS

PUBLIC NOTICE

NOTIFICATION OF CONTINUED PUBLIC HEARING
(Continued from June 9, 2015)
-VARIANCE REQUEST-

RECEIVED

JUL 02 2015

Planning Office
City of Wasilla

CASE #: V15-01

DATE: 06-25-15

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You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **July 14, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

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Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: No apparent platting action requested. Platting department has no comment.

neopost
06/25/2015
US POSTAGE \$00.48⁰⁰



CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

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JUN 29 2015

MSB Platting Division Officer
350 E. Dahlia Ave
Palmer, AK 99645

Matanuska-Susitna Borough

JUN 26 2015

RECEIVED FIRST CLASS

ZIP 99654
041L11222587

PUBLIC NOTICE

Tahirih Revet

From: Theresa Taranto <Theresa.Taranto@matsugov.us>
Sent: Thursday, July 02, 2015 1:26 PM
To: Planning
Subject: Request for comments- William Starn Petitioner
Attachments: RFC COW 1037T01P003-1.pdf

*Theresa Taranto
Development Services
Administrative Assistant*

*Mat-Su Borough
350 E Dahlia Ave.
Palmer, Alaska 99645
907-861-8574*

**NOTIFICATION OF CONTINUED PUBLIC HEARING
(Continued from June 9, 2015)
-VARIANCE REQUEST-**

Matanuska - Susitna Borough
Development Services

CASE #: V15-01

JUN 26 2015

RECEIVED

DATE: 06-25-15

The City of Wasilla Planning Commission will consider the following:

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Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Open Cases **Y** or **N**

SpUD **Y** or **N**

Comments: _____

FIRM # 8085 Zone A

City of Wasilla

Comments: Flood Hazard area

MSB 17.29. Require Flood Hazard

Development permit for any development

Date: 7/2/15 By: [Signature]

Please call 861-7800

for more information

000-48



**CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021**

MSB Chief of Code Compliance
350 E. Dahlia Ave
Palmer, AK 99645

Matanuska - Susitna Borough

JUN 26 2015

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PUBLIC NOTICE

99645*6488 0001

V #15-01
MSB Map #WA 11
T17N, R01W, Sec. 11

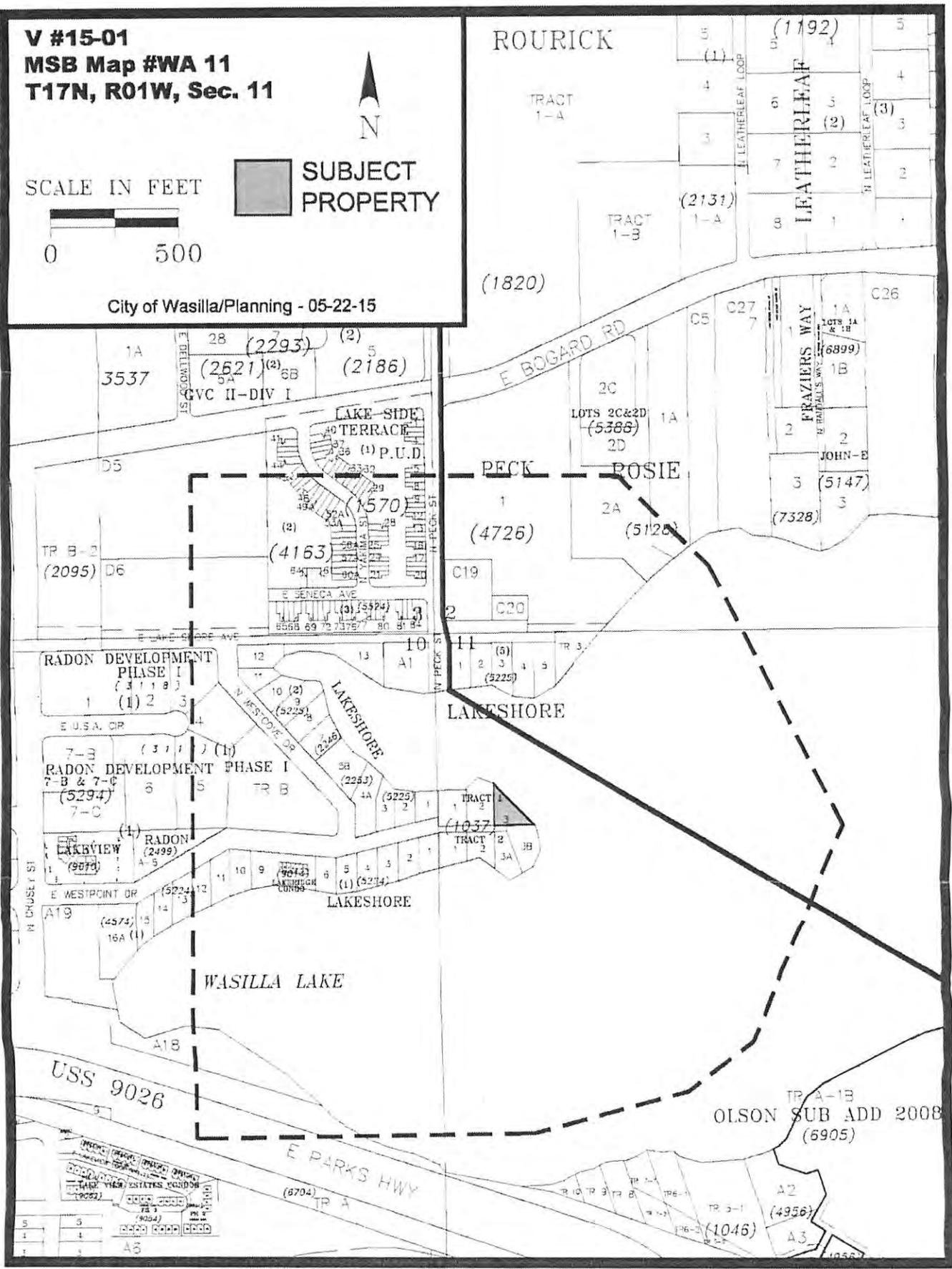


SCALE IN FEET



 SUBJECT PROPERTY

City of Wasilla/Planning - 05-22-15



Tahirih Revet

From: Sandra Cook <Sandra.Cook@matsugov.us>
Sent: Thursday, July 02, 2015 4:38 PM
To: Planning
Attachments: Variance Request-City of Wasilla--William Starn.docx

Comments on a Variance Request.

Sandra Cook
Architectural Historian
Cultural Resources
Matanuska Susitna Borough



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Cultural Resources Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9859 • Fax (907) 745-9876

MEMORANDUM

DATE: 2 July 2015
TO: City of Wasilla Planning Department
FROM: Sandra Cook, Architectural Historian
SUBJECT: Variance Request
TITLE: William Starn
LEGAL: Section 11, T17N, R01W, SM
TAX MAP: WA 11

NO OBJECTION

Cultural Resources Division staff has reviewed the above application and finds there are no known *recorded* sites on said property. This conclusion was derived through research of the documented sites on file in the Cultural Resources Division of the Matanuska-Susitna Borough and sites documented in Alaska Heritage Resource files at the State Office of History and Archaeology.

While we have no objection to the proposed Platting action on the said property, and our records are not complete, we recommend caution during construction or related activities in the event cultural remains may come to light or be recovered. If cultural resources are found as a result of the above mentioned activity we would appreciate the chance to document them to augment our knowledge of local history. Cultural remains may include features such as cache pits, house pits, garbage pits, depressions and/or other non removable indications of human activity, as well as, artifacts, buildings, machinery, etc.

Recording of cultural resources or other remains does not change ownership status of materials found, they belong to the property owner, nor does it prohibit your activity request. If cultural remains are located please contact this office at (907) 861-8655 as soon as possible. This would enable us to photograph and record any cultural materials that may be observed. Thank you for your cooperation. We appreciate you helping us learn more about our past.

Sincerely

Sandra Cook
Architectural Historian

NOTE: A.S. 11.46.482 (a) of the Alaska Statutes states that

A person commits the crime of criminal mischief in the third degree if, having not right to do so or any reasonable grounds to believe the person have such a right...

(3) If a person knowingly

(A) defaces, damages or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected; (B) removes human remains or associated burial artifacts from a cemetery, tomb, grave, or memorial regardless of whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost or neglected.

Tahirih Revet

From: Kevin and SueEllen Ferris <tailwindav@gmail.com>
Sent: Monday, July 06, 2015 7:04 PM
To: Planning
Subject: Setback requirement variance request, case # V15-01
Attachments: City of Wasilla 7-6-15.pdf

Please reply to this email so I can confirm that you received it. Thank You, SueEllen O'Connor-Ferris

City of Wasilla
Planning Office
290 E. Herning Ave.
Wasilla, AK 99654

7/6/15

Reference: Setback Variance Request, Case # V15-01

We as Wasilla Lakefront property owners strongly oppose this setback variance request. It is unfortunate that Mr. Starn has a piece of property that will be challenging to build on, but these setback rules have been in place for a long time, and **must** be upheld for numerous reasons.

SueEllen O'Connor-Ferris
491 Westcove Dr.
Wasilla, AK 99654
Lot 7, Block 2, Lakeshore Subdivision

NOTIFICATION OF CONTINUED PUBLIC HEARING
(Continued from June 9, 2015)
-VARIANCE REQUEST-

DATE: 06-25-15

CASE #: V15-01

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Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name Laura & Lawrence Hamblen

Address 1200 & 1240 E. Westpt. Drive

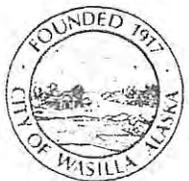
Lot 1 & 2 Block Tract 2 Subdivision Lakeshore Subdivision

Comments: WE appose all variances concerning 1245 E. Westpoint Drive, (Tract 1, Parcel 3 of Lakeshore Subdivision)

✓ ✓ SEE ATTACHED → When buying water front property, it is the buyer's duty to check all information concerning "SETBACKS" & "RESTRICTIONS"!

500 233

PLANNING OFFICE
CITY OF WASILLA



CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

RECEIVED

JUL 07 2015

Planning Office
City of Wasilla

PUBLIC NOTICE

• Laura & Lawrence Hamblen 1200 & 1220 E. Westpoint Drive
Lot 1 & 2 Block Tract 2 - Lakeshore Subdivision

We appose the variances asked for concerning 1245 E. Westpoint Drive (Tract 1, Parcel 3 of Lakeshore Subdivision) All property home owners have stayed within all required setback rules and requirements (75ft. from water & twenty five feet from road edge.) We expect all other property owners to comply with this LAW. This is not only an Alaska law, but it is also a "Federal Law". This property lies within the FEMA designated "Special Flood Hazard Area", requiring a special permit for development within the Floodplain. By allowing the "changes" of the required SETBACK LAWS of WATER property - The City of Wasilla Planning Commission will be setting a PRECEDENT for other vacant property tracts in this subdivision. There are 3 tracts west of Jobsons tract (1201 E. Westpt. Dr.), on the Cove side. All 3 tracts will have a problem staying within the required setbacks (75ft. from water and 25 ft. from road frontage.) Approving the Starn variances will allow other "water front" property owners to expect the same consideration you gave 1245 E. Westpt. Drive.

We ask the Wasilla Planning Commission to consider all their "CONSTITUENTS" who obided by the rules and regulations concerning water property.

Thank You

NOTIFICATION OF CONTINUED PUBLIC HEARING
(Continued from June 9, 2015)
-VARIANCE REQUEST-

DATE: 06-25-15

CASE #: V15-01

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Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name Noel Kopperud

Address 1225 E. Westpoint Drive

Parcel Lot 2 Tract 1 Subdivision Lakeshore

Comments: Opposed to variance request. See attached.

POSTAGE \$00.48



CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021



RECEIVED

JUL 07 2015

Planning Office
City of Wasilla

Noel Kopperud
P.O. Box 4470
Palmer, AK 99645

July 7, 2015

City Planner and Planning Commission
City of Wasilla
Planning Office
290 E. Herning Ave.
Wasilla, AK 99654

RE: Opposition to Starn Application for Variance on Parcel 3 (Tract 1) Lakeshore Subdivision,
City File V15-01

Dear City Planner and Planning Commission:

My name is Noel Kopperud and I own Parcel No. 2 (Tract No. 1) immediately adjacent to Parcel No. 3 (Tract No. 1) for which Mr. Starn (Applicant) is seeking a variance in Wasilla Planning Commission Case No. V15-01.

By letter dated June 1, 2015, I opposed the initial variance proposal and, in this letter, I wish to add my opposition to the amended variance request, apparently dated June 30, 2015. I received no notice of the amended variance, but learned of the same by having my son Alex check in the Planning Office at City Hall on July 2, 2015.

Executive Summary of Opposition

This variance request does not meet the minimum requirements for granting a variance under Wasilla Development Code section 16.28.110. The Wasilla Planning Commission has afforded the applicant, along with his surveyor, expanded opportunities to provide any and all information that would justify granting the variance. The amended request does nothing to remedy the defects in the initial variance application, which should now be denied.

The applicant is the common owner of Parcel 3B with an existing house on it, which is contiguous to Parcel 3, the lot for which he is seeking a variance. He has currently constructed a parking lot on Parcel 3, which is in use by the applicant's family, their guests, public service vehicles, and a flow of other vehicles that drive to Parcel 3, which is located at the terminus of a dead-end public road. The law allows expansion of the current use and numerous other uses as well as replatting of Parcel 3 by the contiguous owner, all without necessitating a variance. The applicant has a heavy burden of proof in this matter and he has failed to show any basis for his claim that he can make absolutely no reasonable use of the lot without a variance.

In truth, the applicant and his surveyor have demonstrated consistently that their goal is to obtain a variance for the specific purpose of enabling the applicant to get **maximum value from Parcel 3**.

The parcel is virtually covered by a public 75-foot shoreline setback use limitation. The only real effect of granting this variance would be to damage the public and to enrich the applicant, who bought the land with actual or constructive knowledge of its limited use.

History and Proceedings to Present Date

The applicant bought the house on Parcel 3B, which is contiguous to the east of variance Parcel 3, in May of 2011. Soon thereafter, the neighbor on the west side of the applicant's house demolished their old lakeside cabin and built a new home away from the lake and immediately adjacent to the applicant's house. The result was that the *de facto* parking and other space for use by the applicant's house became severely restricted. The situation was made chronic by the contractor traffic, related to the new construction. In February 2012, nearly 10 months after buying his house, the applicant secured more space by purchasing Parcel 3, which was a narrow strip mostly within the 75-foot shoreline setback area. The applicant constructed a parking and turn-around area on Parcel 3 and placed it into use. Some two and one-half years after buying Parcel 3, on May 12, 2015, the applicant applied for the pending variance, claiming he could make no reasonable use of Parcel 3 unless he was allowed to build a separate new home within the shoreline setback area.

Substantial public opposition to the variance was presented to the Planning Commission at its June 9, 2015 hearing on the variance. Considerable written opposition also was received previously by the planning staff, but the staff recommendations did not address the public concerns at all. The planning staff recommended granting the variance by reciting only code language or the language from the application. At the meeting two commissioners attended in person, and a third was available by cell phone. The third commissioner arrived in person after about an hour and requested that she have time to review the exhibits offered in her absence, before voting on the variance. The three commissioners decided that there was general agreement amongst them that the variance did not meet the minimum reasonable use criteria and would be denied, unless the applicant submitted a more suitable request.

During the meeting the applicant and his surveyor both sought an advisory ruling from the Commission as to what size would be acceptable. One commissioner proposed 400 square feet. The applicant's surveyor appeared to reject the proposal immediately and asserted that a much larger variance had been obtained somewhere on Lucille Lake. The commissioners and staff decided that the applicant would be allowed to submit an amended request to be re-noticed and heard at the July 14th meeting.

Burden of Proving that Land Cannot be Used Without a Variance

The burden never shifts from the person who signed the Application for Variance to prove that the statements made in the application are accurate. The signor must also carry the burden of proving that the stated facts establish each and every one of the five **standards** for the granting of any variance from the laws that apply to every other citizen. Among other facts, the applicant must prove why the land can have no use without a variance. If, and only if, the applicant meets all five standards for getting a variance, any variance to the law made must also meet five **conditions** set out in the Wasilla Code.

Application Statements Compared with the Facts

Standards for Granting a Variance

1. *Conditions of the property do not apply generally to properties in the vicinity.*

Applicant states: “property now 10,000 s.f., was 27,200 s.f.” (Starn application p. 2, paragraph 1).

Fact: The property size is exactly the same now as in 1960 when it was platted. Parcel 3 did not shrink, causing a need for a variance. The 27,200 s.f. area shown on the plat is a mathematical error. The additional issues arising from this misstatement are discussed further in paragraph 4 below.

2. *The conditions described arise out of natural features.*

Applicant states: shoreline receded 20 feet since platted (Starn application p.2, paragraph 2) [and therefore is closer to the shoreline today.]

Fact: The statement is false. There is no evidence that the shoreline has receded at all. The 1960 plat map shows that the original shoreline monuments are still in place and were located by the applicant’s surveyor in 2012. There are no natural conditions relevant to Parcel 3 that differ in the least from the ridge topography that is common to all of the properties along the Westpoint Drive peninsula that extends into Wasilla Lake.

3. *Strict application of the code would result in undue hardship such that no reasonable use of the property could be made.*

Applicant: The lot is “unusable without the variance” (Starn application p. 2-3, paragraph 3)

Fact: The shoreline ordinance allows substantial reasonable uses. Parcel 3 is contiguous to the applicant’s existing house on Parcel 3B. The applicant is now and has for some time been making substantial, reasonable use of Parcel 3 for parking. It is factually untrue that the applicant cannot continue to make any reasonable use of the property unless he is able to construct a building in the protected shoreline area.

In the case of *Pruitt v. City of Seward* (2007) the Alaska Supreme Court addressed the issue of minimum reasonable use under a variance requirement that was the same as the current Wasilla ordinance. The applicant in that case sought and was denied a variance to build within a setback area. If the applicant is currently making reasonable use of his adjacent lot for parking, Alaska law does not entitle him to build anything at all on Parcel 3.

In *Pruitt* the court said: “The commission was required to find that a requested variance is ‘the minimum variance necessary to permit reasonable use of the land or structure’. Because Pruitt’s

property was also being used for boat storage, the commission found that there was reasonable use of his property that did not require a variance. The commission could have denied Pruitt's variance application solely because this condition was not met."

It is also not correct that the City of Wasilla's density ordinance, referencing one house per lot, requires that the applicant be issued a variance to build a house of some kind on Parcel 3. The density ordinance does not have anything to do with variances. It assumes that the lot owner possesses a fully buildable lot as a prerequisite to construction in accord with the density limits.

4. *Special conditions were not caused by applicant, a predecessor in interest or agent of either.*

Applicant: "plat was created in '62 before setback codes, and the shoreline receding is a natural occurrence beyond anyone's control." (Starn application p.3, paragraph 4)

Fact: The statement about the shoreline receding is untrue because the shoreline has not receded.

Fact: Applicant bought the property in February 2012, some 39 years after the 75-foot shoreline setback ordinance became the law. He bought the land with actual or constructive knowledge of land use limitations on Parcel 3.

In the case of *Tweedy vs. Matanuska Susitna Borough* (2014) the Alaska Supreme Court recently ruled that an applicant has **no rights** to build in the shoreline setback arising from a lot having been platted before the ordinance was enacted. The date for determining the rights of an applicant is the date that the applicant took possession of the land. In the current variance request, that date is February 2012. The Court held that there is no loss or hardship of any kind because the applicant received exactly what he bargained for. Moreover, the Court ruled that there is no basis for the veiled threats of the kind made by the applicant's surveyor at the June 9th hearing about a "taking." The surveyor said that the applicant would have a right to claim that the City condemned his land, if he was not allowed to build a house within the setback area. The Supreme Court said in *Tweedy* that the applicant could claim **no loss**, because he had absolutely no right whatsoever to build in the restricted setback area when he took possession.

The applicant's predecessor in interest -- Alfred Hagen -- and his agent surveyor Joslin caused any problems that the applicant complains of with respect to Parcel 3. They negligently surveyed, subdivided, and platted Parcel 3 to include a significant amount of water in Wasilla Lake. The problem of the 1960 plat mistakenly including some of the waters of Wasilla Lake and the resulting grossly overstated area of the lot is not new and was known to the Starns when they acquired the tiny lot in February 2012. The deed they signed for Parcel 3 (Warranty Deed 2012-002535-0, Palmer Recording Dist.), from Myrtle Nussbaumer, stated that it was, "subject to rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Wasilla Lake."

5. *Variance request is not based upon costs or inconvenience.*

Applicant: Constructing a 4,200 s.f. structure (plus garage) within lakeside setback is reasonable as shown by comparative property chart (Starn application p.3, paragraph 5). *Note:* On June 30, 2015, the applicant modified his request only slightly, such that the proposed structure is now 2,984 s.f., plus a 550 s.f. garage. The proposed building would remain only 30 feet from the lake. He also submitted a modified chart of information on properties in the area.

Fact: Applicant's response has nothing to do with the requirement of the application. As a contiguous property owner, the applicant has total control over the choice to replat Parcel 3 and Parcel 3B into one lot at a modest cost. He can erase and build across all interior lot lines and setbacks. Parcel 3 has obvious contributory value to the Starn house on Parcel 3B as contiguous land that enhances the value of their existing Westpoint Drive house lot. The Municipality of Anchorage has a variance ordinance like that of the City of Wasilla. The Anchorage information sheet for applicants contains the following final notice to applicants: "The variance granted is the minimum variance that will make possible a reasonable use of the land." The sheet advises the applicant that "You must have no other conforming alternatives, such as *replating*, rezoning, vacate easements or rights-of-way, moving the structures, or remodeling the structure. In other words, a variance is the last resort to allow a reasonable use of the property" (Italics added).

Fact: The applicant's proposed building vacates as much public shoreline setback area as possible, for a building that remains completely unsuitable for the lot, and has no meaningful comparison to the impact on protected shoreline as the other neighborhood properties in the applicant's June 30, 2015 chart. The property comparison he provides continues to be misleading. Unlike other neighborhood properties, the applicant wishes to place a large home **entirely within** the shoreline setback area. The shoreline setback was held by the Alaska Supreme court to be based on avoidance of congestion and promoting the maintenance of open spaces (*Tweedy v. Matanuska Susitna Borough* 2014). The applicant argues that he should be able to stand on their head the variance and setback ordinances, in effect destroying open spaces, creating congestion, and building to the **maximum possible** in the setback area.

Fact: Although I believe the applicant may continue to have reasonable use of Parcel 3 without a variance, the misleading nature of applicant's comparative property chart evidence needs to be addressed specifically. When the true characteristics of Parcel 3 are considered (*that any building at all requires wiping out a nearly equal amount of publically protected shoreline setback*) only the property at 1190 E. Westpoint Drive (Lakeshore Lot 1, Block 1 / Tax ID#5224B01L001) has any sensible relevance to Parcel 3. It has a 384 s.f. cabin on a similarly small (11,760 s.f.) lakefront lot, on Westpoint Drive. This type of small structure is approximately what the Commission proposed in the June 9th meeting. If ever a lot was designed for a small house, Parcel 3 would fit the description. However, with his second request for a variance to build a house and garage in the 3,500 s.f. range, applicant has, in effect, refused to build a small house or to agree to adopt a minimum reasonable use of the lot. It is an established rule of variances that

the **minimum necessary variance** to allow some reasonable use of the land cannot be compared to the maximum use an owner could make of the property if use of the land has no restrictions.

No Variance Can Be Granted Unless It Meets These Conditions

1. *No more than necessary to permit reasonable use of lot.*

Fact: Applicant is now and has for some time made actual, reasonable use of a parking lot he constructed on Parcel 3.

Fact: Minimum reasonable use of land does not equate to a right to build in a setback (*Pruitt v. City of Seward* 2007).

2. *Variance is in keeping with the spirit and intent of chapter.*

Fact: Applicant knew the entire lot was within the setback area when he bought it. The variance is not a request for minor hardship adjustment. In this variance request, the applicant is asking to be exempted from the setback law. The application misrepresents the facts in order to obtain financial gain by converting his contiguous shoreline setback area into a more valuable building site. This is not consistent with the spirit and intent of the chapter.

3. *Variance will not significantly adversely affect other property.*

Fact: The Kopperud house immediately adjacent to Parcel 3 would be significantly impacted by constructing a building in the setback area between Kopperud's east windows that overlook the lake and the shoreline. In that area, fewer than 75 feet stand between the Kopperud property line and the mean high water line of Wasilla Lake. We have lived on the lot and enjoyed the view for more than half a century. It is not true that private property owners have no rights to a view across a protected shoreline area. There is an issue as to whether a taking of private property rights occurs when governmental action impacts such property rights in a setting where the variance ordinance contains language as is found in the City of Wasilla ordinance.

Fact: The variance sought will damage the shoreline in a sensitive area of Wasilla Lake. The application seeks permission to excavate the face of a bluff that has protected the point from miles of wind-driven waves since time immemorial.

Fact: This variance will have substantial adverse effect on public interests for maintaining a uniform setback around the lake. Granting such a variance is inconsistent with the area-wide comprehensive planning goals for lakes in the Matanuska-Susitna Borough and City of Wasilla.

Fact: All of the runoff from the building would drain into Wasilla Lake because the shoreline setback would be virtually eliminated.

Fact: Already congested parking at the end of Westpoint Drive (a dead-end road) would be severely aggravated by eliminating the current space used for parking by the Starns in conjunction with their existing house on Parcel 3B, and restrict the public turn-around overall.

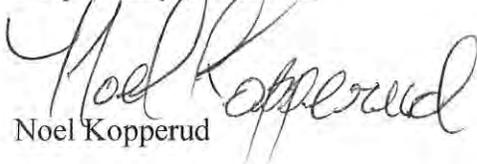
Summary

There is ample reason why the Starn request for a variance has faced substantial public opposition. The variance request raises questions of public policy. A government is entitled to respect only to the extent it enforces the law in an even-handed manner and with an abiding concern for the public interest. In 1986 the Matanuska-Susitna Borough reduced the shoreline setback from 75 feet to 45 feet. The following year the public, by initiative referendum, restored shoreline setback to 75 feet. In 1997, following the Miller's Reach Wildfire, the Borough assembly was besieged by owners of burned homes on Big Lake to modify the law to allow the reconstruction of illegally-placed structures in the shoreline setback area. After public hearings, the Assembly decided to leave the current law unchanged. People who had built illegally were required to reconstruct any burned structures in compliance with the 75-foot shoreline setback rule.

The current variance applicant has suffered no hardship. He is the owner of a contiguous house and lot, and is currently making use of Parcel 3. He is able to replat and enjoy enhanced use of his combined properties, but has chosen to seek a variance designed to maximize his private financial return and deliver a corresponding loss to the public. The applicant has had two opportunities to address the Commission and the public, and the variance should be denied at this time.

Thank you for your consideration.

Respectfully Submitted,


Noel Kopperud

NOTIFICATION OF CONTINUED PUBLIC HEARING
(Continued from June 9, 2015)
-VARIANCE REQUEST-

DATE: 06-25-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **July 14, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before July 7, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name WASILLA SOIL & WATER CONSERVATION DISTRICT
Address 5751 E MAYFLOWER CT WASILLA, AK 99654
Lot _____ Block _____ Subdivision _____

7-7-15

Comments: THE DISTRICT OPPOSES THE VARIANCE REQUEST & URGES THAT THE SETBACKS NOT BE VIOLATED. REQUIRED SETBACKS ARE MINIMUM DISTANCES ESTABLISHED TO PROTECT THE RIPARIAN AREA & HEALTH OF THE LAKE. CONSTRUCTION RESULTS IN IMPERVIOUS SURFACES THAT RESULT IN PERMANENT ADVERSE EFFECTS ON WATER LAKES. RIPARIAN AREAS BUFFER THE LAKE WITH NATURAL VEGETATION ALONG THE

neopost
06/25/2015
US POSTAGE \$00.48⁰



CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

ZIP 99654
041L11222587

RECEIVED

JUL 07 2015

Planning Office
City of Wasilla FIRST CLASS

NRCS
Soil & Water Conservation
5751 E. Mayflower Ct
Wasilla, AK 99654-7880

CASE # VIS-01

7-7-15

COMMENTS (CONTINUED)

WASILLA SOIL & WATER CONSERVATION DISTRICT - FORMED IN 1948 TO ASSIST NEIGHBORS WITH BEST MANAGEMENT PRACTICE SOLUTIONS

SHORELINE, REDUCE/MITIGATE SURFACE RUNOFF, IMPROVE WATER QUALITY BY FILTERING CONTAMINANTS & PROTECT THE LAKE FRONT FROM BOATS & WIND WAVES.

LAKEs ARE A COMMUNITY ASSETS/NATURAL RESOURCE THAT ARE HIGHLY REGARDED/FAVORED IN WASILLA. THE CITY'S COMP PLAN STATES THE

FOLLOWING IN THE COMMUNITY ASSETS/CHAPTER 6 GOAL 4-PRESERVE & ENHANCE THE CITY'S UNIQUE COMMUNITY ASSETS) OBJECTIVE 4.3-PROTECT THE CITY'S NATURAL RESOURCES INCLUDING WASILLA LAKE & LAKE LUCILLE

4.3.2 " CONSIDER WAYS TO BETTER PROTECT WATERWAYS FROM NEIGHBORHOOD SEPTIC TANKS, USE OF DAMAGING CHEMICALS & FERTILIZERS, & CLEARING OF

NATURAL VEGETATION ALONG THE SHORELINES WHICH BOTH FILTERS CHEMICALS & PROVIDES IMPORTANT HABITAT FOR YOUNG SALMON & OTHER FISH.

4.3.3 ESTABLISH PROGRAMS TO IMPROVE & MAINTAIN THE WATER QUALITY IN BOTH LUCILLE LAKE & WASILLA LAKE.

AN ALTERNATIVE IS TO REDUCE THE PROPOSED IMPERVIOUS FOOTPRINT/SIZE OF THE DWELLING/IMPROVEMENTS SO AS NOT TO IMPINGE INTO THE SETBACKS.

SEE PAGE 6-7, COMP PLAN - ATTACHED

RECEIVED

JUL 07 2015

Planning Office
City of Wasilla

Goal 4. Preserve and enhance the City’s unique community assets.

Objective	Actions
<p>4.1 Recognize, preserve, and showcase the City’s historic past.</p>	<p>4.1.1 Maintain, strengthen, and preserve the City’s historic town site and structures.</p> <p>4.1.2 Seek to acquire, restore, and protect important historical resources with an emphasis on pre-statehood articles, buildings, and historic sites. Once acquired, provide interpretive and visitor facilities that support that attraction.</p> <p>4.1.3 Provide support for the Dorothy Page Museum, and Museum of Alaska Transportation and Industry as important visitor and resident attractions.</p>
<p>4.2 Enhance the City’s visual appearance and identity.</p>	<p>4.2.1 Identify landmarks and features of visual interest to residents and visitors, and explore opportunities for enhancing access to them and/or framing views for the public (e.g. scenic overlooks, pullouts, site development that maintains and/or incorporates views.)</p> <p>4.2.2 Work to tap community pride and owners’ self interest in enhancing properties along the Parks Highway by partnering with the Chamber of Commerce and other organizations on community beautification and cleanup efforts.</p> <p>4.2.3 Collaborate with ADOT&PF to identify ways to preserve landscaping along state roadways and minimize dust pollution from winter maintenance.</p>
<p>4.3 Protect the City’s natural resources, including Wasilla Lake and Lake Lucille.</p>	<p>4.3.1 Seek mitigation opportunities and design solutions to balance recreational use of lands and preservation goals, particularly with ORV crossings of wetlands and anadromous streams.</p> <p>4.3.2 Consider ways to better protect waterways from neighborhood septic tanks, use of damaging chemicals and fertilizers, and clearing of natural vegetation along the shoreline which both filters chemicals and provides important habitat for young Salmon and other fish.</p> <p>4.3.3 Establish programs to improve and maintain the water quality in both Lucille Lake and Wasilla Lake.</p> <p>4.3.4 Require curbs, gutter, and stormwater runoff control measures that help collect, filter, and enhance the quality of water quality returning to natural waterways.</p>
<p>4.4 Enhance access to natural areas.</p>	<p>4.4.1 As possible expand the public land base to include greenbelts, stream corridors, and open spaces that support groundwater, flood control, habitat, and community enjoyment values.</p> <p>4.4.2 Work with landowners and other partners to enhance resident’s access to Cottonwood Creek, Lucille Lake and Wasilla Lake, and to create a connected trail system that features overlooks and interpretive materials pertaining to these important community resources.</p>

WD= 8.03'(M)

NOTE ABOUT ACREAGE:
PLATTED = 0.62 ACRES 27,200 SQ.FT.
MSB= 0.36 ACRES 15,682 SQ. FT.
ACTUAL = 0.22 ACRES 10,076 SQ. FT.



PARCEL NO. 2

RETAINED VEGETATION (TYPICAL)

WASILLA LAKE

LEGEND

- ⊙ FOUND 3/4" REBAR
- ⊞ H2O VALVE
- FOUND 5/8" REBAR
- ⊗ FOUND 5/8" REBAR W/YELLOW PLASTIC CAP

(R)= RECORD FROM MULTIPLE LAKE SHORE PLATS.

(M) = MEASURED VALUE

N 00°03'00" E 170.00' (R) 161.82'(M)

S 43°16'00" E 233.3'(R)

10.5'±

15'

12'

32.2'±

30.3'±

30.0'±

30.0'±

30.2'±

PROPOSED TWO STORY FRAME HOUSE W/D.L. BASEMENT & GARAGE

15' ROAD EASEMENT

PROPOSED DRIVE

10.4'

20.0'

10.4'

10.4'±

17.0'

10.4'

10' X 25' PROPOSED SEWER EASEMENT FOR TRACT 1 PARCEL 3

WD=9.71'(M)

N 89°57'00" E 160.00'(R) 150.30'(M) TO MC

E. WESTPOINT DR.

PARCEL NO. 3A

PARCEL NO. 3B

DENALI NORTH

47 W. Evergreen Ave. Palmer, Alaska 99645
Phone (907) 745-1110

I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY : TRACT 1 PARCEL 3
AMENDED PLAT OF LAKESHORE SUBDIVISION
PLAT NO. 63-10
 PALMER RECORDING DISTRICT, AND THERE ARE NO ENCROACHMENTS VISIBLE AT THE TIME OF THIS SURVEY, EXCEPT AS INDICATED.
 DATED THIS _____ DAY OF _____ 20____ AT PALMER, ALASKA.
 IT IS THE RESPONSIBILITY OF THE OWNERS OR BUILDERS TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES. THIS IS NOT A LOT CORNER SURVEY.



JOB NO. 12213	CLIENT	FIELD BOOK/PAGE(S) 238-68
SCALE 30 Ft/In	PLOT PLAN	ASBUILT X MAP
		DRAWN HW CKD. WW

Tahirih Revet

From: Tina Crawford
Sent: Wednesday, July 08, 2015 9:05 AM
To: Tahirih Revet
Subject: FW: Wasilla Lake Lot Variance - comparative summaries...
Attachments: 1245 E.Westpoint_concept footprint_rev1.pdf

Tina Crawford, AICP

City Planner
City of Wasilla Planning Department
290 E. Herning Avenue
Wasilla, AK 99654
(907) 373-9022
(907) 373-9021 fax

From: Denali North [<mailto:denalinorth6925@gmail.com>]
Sent: Tuesday, June 30, 2015 10:59 AM
To: Tina Crawford
Subject: Fwd: Wasilla Lake Lot Variance - comparative summaries...

Hi Tina,

Is this what you are asking for? Wayne has not made it into the office yet so I cannot ask him and don't want to miss this deadline!

Thanks for all you're help!

Hayli Weiland

Denali North Surveying & Engineering
230 E. Paulson Ave. Suite 68
907-376-9535 or 907-745-1110

----- Forwarded message -----

From: **B & J Starn** <mtnstar@mtaonline.net>
Date: Tue, Jun 30, 2015 at 6:36 AM
Subject: Re: Wasilla Lake Lot Variance - comparative summaries...
To: Denali North <denalinorth6925@gmail.com>

Hayli,

I was working outside yesterday and just saw your message this morning. The revised square footage is $(2 \times 1217) + 550 = 2984$ sf per the spreadsheets sent Friday and revised footprint (see attached; also sent late Friday).

The plan is revised to allow for 20' parking spaces in front of the garage, and winter snow storage. Call me on my cell if further details needed.

Thanks, Bill

On Jun 29, 2015, at 10:37 AM, Denali North wrote:

Hi Bill,
Is this something you can do or do I need to get with Wayne?

Thanks

Hayli Weiland

Denali North Surveying & Engineering
230 E. Paulson Ave. Suite 68
907-376-9535 or 907-745-1110

----- Forwarded message -----

From: **Tina Crawford** <tcrawford@ci.wasilla.ak.us>

Date: Mon, Jun 29, 2015 at 9:30 AM

Subject: RE: Wasilla Lake Lot Variance - comparative summaries...

To: Denali North <denalinorth6925@gmail.com>

Hayli,

As I mentioned Friday afternoon, we need an updated narrative with a breakdown on the square footage of the home that compares the previous submittal and the revised submittal. Also, the narrative needs to outline any other revisions from the previous site plan (e.g. amount of reduction in footprint, any change in height, setbacks). I need this information no later than tomorrow so that I can include it in the Planning Commission packet and respond to it in my staff report.

Let me know if you have any questions or need additional information.

Thanks,

Tina

Tina Crawford, AICP

City Planner

City of Wasilla Planning Department

290 E. Herning Avenue

Wasilla, AK 99654

(907) 373-9022

(907) 373-9021 fax

From: Denali North [mailto:denalinorth6925@gmail.com]

Sent: Friday, June 26, 2015 4:52 PM

To: Tina Crawford

Subject: Fwd: Wasilla Lake Lot Variance - comparative summaries...

Hayli Weiland

Denali North Surveying & Engineering

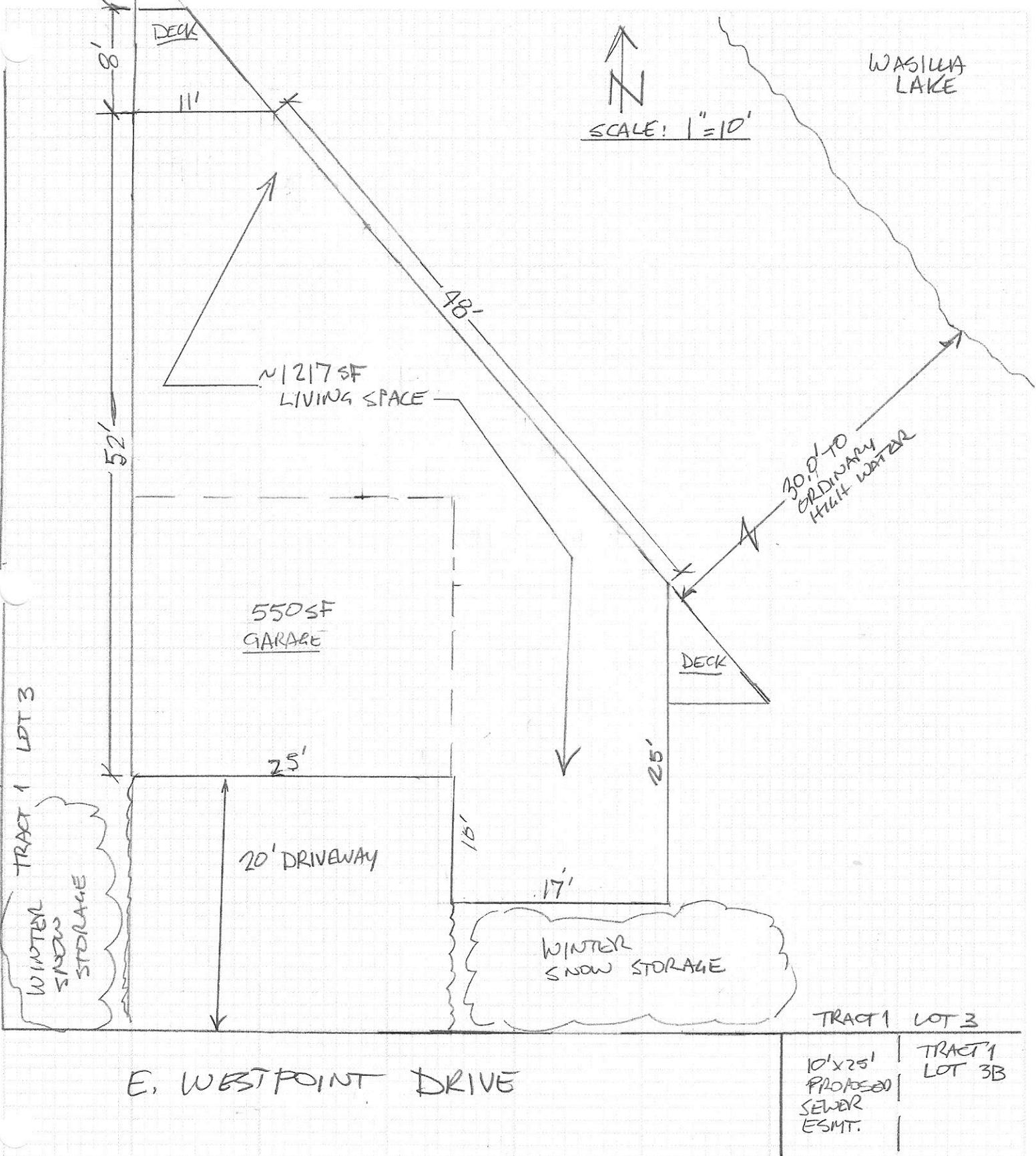
230 E. Paulson Ave. Suite 68

907-376-9535 or 907-745-1110

Hayli,

Three summaries attached:

- six nearest lots (1 page)
- 18 lots w/in 1200' of similar size (1 page)
- all 36 lots w/in 1200' of subject (2 pages)



Project Title 1245 E. WESTPOINT DRIVE Page Title REVISED CONCEPT FOOTPRINT

W.O. # _____ Date 6/26/15 By WAS Checked By _____

Tahirih Revet

From: Tina Crawford
Sent: Tuesday, July 07, 2015 1:43 PM
To: Tahirih Revet
Subject: FW: Wasilla Lake Lot Variance - comparative summaries...
Attachments: 1245 E. Westpoint Dr_6 adjacent lot comp.pdf; 1245 E. Westpoint Dr_18 lot comp.pdf; 1245 E. Westpoint Dr_36 lot comp_pg.1 of 2.pdf; 1245 E. Westpoint Dr_36 lot comp_pg.2 of 2.pdf; 12213-Drawing1 (Grid Bearing, Grid Dist, Feet).pdf

Tina Crawford, AICP

City Planner
City of Wasilla Planning Department
290 E. Herning Avenue
Wasilla, AK 99654
(907) 373-9022
(907) 373-9021 fax

From: Denali North [<mailto:denalinorth6925@gmail.com>]
Sent: Friday, June 26, 2015 4:52 PM
To: Tina Crawford
Subject: Fwd: Wasilla Lake Lot Variance - comparative summaries...

Hayli Weiland

Denali North Surveying & Engineering
230 E. Paulson Ave. Suite 68
907-376-9535 or 907-745-1110

Hayli,
Three summaries attached:
- six nearest lots (1 page)
- 18 lots w/in 1200' of similar size (1 page)
- all 36 lots w/in 1200' of subject (2 pages)

**Comparative Summary of Six Nearest Buildings and Lots (Lakeshore Subd.), with
Proposed Residential Development for 1245 E. Westpoint Drive - Lakeshore Subdivision, Tract 1, Lot 3
Based on MSB Real Estate Tax Records as of 5/7/2015**

Address	Tax ID #	Legal Description	Lot Size Acres	2015 Appraisal Land	Imprts	Year Built	House Design	Living Bsmt	Space (area in sq. ft.) 1st flr.	2nd flr.	Total	Garage SF	Footprint SF	Footprint/ lot area%	Bldg sf / lot area%
1201 E. Westpoint Dr.	51037T01P001	Lakeshore 1963 Tract 1, Lot 1	0.35	78K	408K	2003	2-story	0	1312	1861	3173	1440	2752	18%	30%
1225 E. Westpoint Dr.	51037T01P002	Lakeshore 1963 Tract 1, Lot 2	0.36	83K	175.5K	1977	2-story w/ bsmt	1000	1000	0	2000	384	1384	9%	15%
1245 E. Westpoint Dr. PROPOSED BLDG	51037T01P003	Lakeshore 1963 Tract 1, Lot 3	0.23 10046sf	50K	TBD	TBD	2-story w/ DLB gar (int)	1217	1217	550	2984	550	1767	18%	35%
1200 E. Westpoint Dr.	51037T02P001	Lakeshore 1963 Tract 2, Lot 1	0.57	85K	50K	1994	Cabin w/ gar1 (int) gar2 (det)	0	528	216 (loft)	744	702	2460	10%	11%
1220 E. Westpoint Dr.	51037T02P002	Lakeshore 1963 Tract 2, Lot 2	0.31	81K	306.1K	1982	2-story w/ DLB gar1 (int) gar2 (det)	1168	1192	565	2925	1230	2300	17%	30%
1240 E. Westpoint Dr.	51037T02P003A	Lakeshore 1963 Tract 2, Lot 3A	0.32	81K	203.9K	2011	2-story w/ bsmt	750	750	1500	3000	0	1500	11%	22%
1260 E. Westpoint Dr.	51037T02P003B	Lakeshore 1963 Tract 2, Lot 3B	0.41	90K	185.7K	1955+	Tri-level w/ DLB	816	1296	816	2928	775	2071	12%	21%

Based on apparent sf from aerial photo

Comparative Summary of Comparable Sized Lots (up to 0.35 acre) with Structures, within 1200 feet of Proposed Residential Development for 1245 E. Westpoint Drive - Lakeshore 1963 Subdivision, Tract 1, Lot 3
Based on MSB Real Estate Tax Records as of 5/7/2015, and 6/10/15

Address	Tax ID #	Legal Description	Lot Size Acres	2015 Land Appraisal	Year Built	House Design	Living Space (area in sq. ft.)	Garage SF	Footprint SF	Footprint/lot area%	Bldg sf / lot area%			
1201 E. Westpoint Dr.	51037T01P001	Lakeshore 1963 Tract 1, Lot 1	0.35	78K	2003	2-story	0	1312	1861	3173	1440	2752	18%	30%
1245 E. Westpoint Dr. PROPOSED BLDG	51037T01P003	Lakeshore 1963 Tract 1, Lot 3	0.23	50K	TBD	2-story w/ DLB	1217	1217	550	2984	550	1767	18%	35%
1220 E. Westpoint Dr.	51037T02P002	Lakeshore 1963 Tract 2, Lot 2	0.31	81K	1982	2-story w/ DLB	1168	1192	565	2925	340	2300	17%	30%
1240 E. Westpoint Dr.	51037T02P003A	Lakeshore 1963 Tract 2, Lot 3A	0.32	81K	2011	2-story w/ bsmt	750	750	1500	3000	0	1500	11%	22%
1190 E. Westpoint Dr.	5224B01L001	Lakeshore 1962 Block 1, Lot 1	0.27	71K	1955	cabin	384	384	384	384	0	384	3%	3%
1166 E. Westpoint Dr.	5224B01L003	Lakeshore 1962 Block 1, Lot 3	0.29	71K	1970	1-story	640	640	640	640	0	640	5%	5%
1144 E. Westpoint Dr.	5224B01L004	Lakeshore 1962 Block 1, Lot 4	0.29	71K	1974	1-story	672	672	672	672	0	672	5%	5%
1100 E. Westpoint Dr.	5224B01L005	Lakeshore 1962 Block 1, Lot 5	0.29	71K	1984	2-story w/ DLB	2016	1914	718	4648	720	2634	21%	42%
1090 E. Westpoint Dr.	5224B01L006	Lakeshore 1962 Block 1, Lot 6	0.34	71K	1975	cabin	480	480	960	960	0	480	3%	6%
1036 E. Westpoint Dr.	5224B01L009	Lakeshore 1962 Block 1, Lot 9	0.24	69.5K	1991	cabin/DLB, +sec.bldg.	840	876	1716	1716	624	1842	18%	26%
1018 E. Westpoint Dr.	5224B01L010	Lakeshore 1962 Block 1, Lot 10	0.24	69.5K	1984	1-story w/ DLB	1724	1778	3502	3502	576	2354	23%	39%
1000 E. Westpoint Dr.	5224B01L011	Lakeshore 1962 Block 1, Lot 11	0.32	71K	1977	2-story	1584	816	2400	2400	624	2208	16%	22%
990 E. Westpoint Dr.	5224B01L012	Lakeshore 1962 Block 1, Lot 12	0.34	71K	1984	2-story w/ DLB	1080	1520	560	3160		1520	10%	21%
545 N. Westcove Dr.	5225B02L010	Lakeshore 1960 Block 2, Lot 10	0.26	48K	1986	2-story w/ DLB	432	960	640	2032	528	1488	13%	23%
567 N. Westcove Dr.	5225B02L011	Lakeshore 1960 Block 2, Lot 11	0.25	51K	1995	2-story dpx w/ DLB?	2048	1216	3264	2048	2048	4096	38%	49%
571 N. Westcove Dr.	5225B02L012	Lakeshore 1960 Block 2, Lot 12	0.31	48K	1955	1-story w/ DLB	984	1336	2320	2320	352	1688	13%	20%
1210 E. Lakeshore Ave	5225B05L001	Lakeshore 1960 Block 5, Lot 1	0.34	71K	1976	1-story w/ DLB	1176	1176	2352	2352	768	1944	13%	21%
1260 E. Lakeshore Ave	5225B05L004	Lakeshore 1960 Block 5, Lot 4	0.34	71K	2004	1-story w/ DLB	1684	1713	3397	3397	704	2417	16%	28%
1280 E. Lakeshore Ave	5225B05L005	Lakeshore 1960 Block 5, Lot 5	0.32	76K	2004	2-story	1432	1248	2680	2680	616	2048	15%	24%

**Comparative Summary of 36 Buildings and Lots within 1200 feet of
Proposed Residential Development for 1245 E. Westpoint Drive - Lakeshore 1963 Subdivision, Tract 1, Lot 3**
Based on MSB Real Estate Tax Records as of 5/7/2015, and 6/10/15

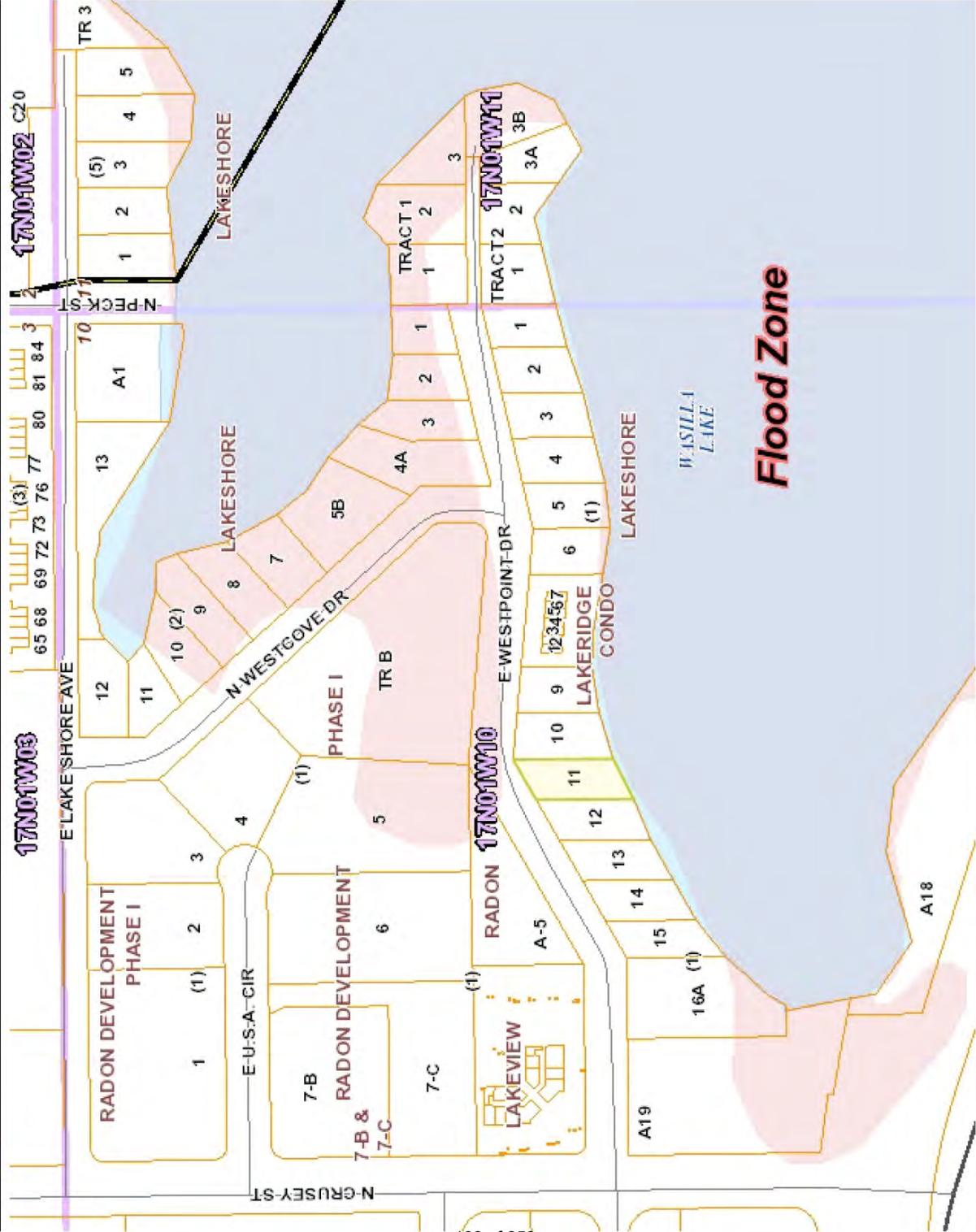
Address	Tax ID #	Legal Description	Lot Size Acres	2015 Appraisal		Year Built	House Design	Living Space (area in sq. ft.)		Garage SF	Footprint SF	Footprint/ lot area%	Bldg sf/ lot area%		
				Land	Imprvs			Bsmt	1st flr.					2nd flr	Total
1201 E. Westpoint Dr.	51037T01P001	Lakeshore 1963 Tract 1, Lot 1	0.35	78K	408K	2003	2-story	0	1312	1861	3173	1440	2752	18%	30%
1225 E. Westpoint Dr.	51037T01P002	Lakeshore 1963 Tract 1, Lot 2	0.36	83K	175.5K	1977	2-story w/ bsmt	1000	1000	0	2000	384	1384	9%	15%
1245 E. Westpoint Dr. PROPOSED BLDG	51037T01P003	Lakeshore 1963 Tract 1, Lot 3	0.23 10046sf	50K	TBD	TBD	2-story w/ DLB gar (int)	1217	1217	550	2984	550	1767	18%	35%
1200 E. Westpoint Dr.	51037T02P001	Lakeshore 1963 Tract 2, Lot 1	0.57	85K	50K	1994	Cabin w/ gar1 (int) gar2 (det)	0	528	216 (loft)	744	702 1230	2460	10%	11%
1220 E. Westpoint Dr.	51037T02P002	Lakeshore 1963 Tract 2, Lot 2	0.31	81K	306.1K	1982	2-story w/ DLB gar1 (int) gar2 (det)	1168	1192	565	2925	340 768	2300	17%	30%
1240 E. Westpoint Dr.	51037T02P003A	Lakeshore 1963 Tract 2, Lot 3A	0.32	81K	203.9K	2011	2-story w/ bsmt	750	750	1500	3000	0	1500	11%	22%
1260 E. Westpoint Dr.	51037T02P003B	Lakeshore 1963 Tract 2, Lot 3B	0.41	90K	185.7K	1955+	Tri-level w/DLB	816	1296	816	2928	775	2071	12%	21%
1190 E. Westpoint Dr.	5224B01L001	Lakeshore 1962 Block 1, Lot 1	0.27	71K	3.3K	1955	cabin	384	384	384	384	0	384	3%	3%
1168 E. Westpoint Dr.	5224B01L002	Lakeshore 1962 Block 1, Lot 2	0.3	71K	n/a	n/a	n/a						0	0%	0%
1166 E. Westpoint Dr.	5224B01L003	Lakeshore 1962 Block 1, Lot 3	0.29	71K	126.6K	1970	1-story	640	640	640	640	0	640	5%	5%
1144 E. Westpoint Dr.	5224B01L004	Lakeshore 1962 Block 1, Lot 4	0.29	71K	48.7K	1974	1-story	672	672	672	672	0	672	5%	5%
1100 E. Westpoint Dr.	5224B01L005	Lakeshore 1962 Block 1, Lot 5	0.29	71K	346.3K	1984	2-story w/ DLB	2016	1914	718	4648	720	2634	21%	42%
1090 E. Westpoint Dr.	5224B01L006	Lakeshore 1962 Block 1, Lot 6	0.34	71K	8K	1975	cabin	480	480	960	960	0	480	3%	6%
1072 E. Westpoint Dr.	9014000U001 to 9014000U006	Lakeridge Condos	0.07		140.7K	1985	2-story condos							~30%	~50%
1036 E. Westpoint Dr.	5224B01L009	Lakeshore 1962 Block 1, Lot 9	0.24	69.5K	68.8K	1991	cabin/DLB, +sec. bldg.	840	876	342	1716	624	1842	18%	26%
1018 E. Westpoint Dr.	5224B01L010	Lakeshore 1962 Block 1, Lot 10	0.24	69.5K	306.2K	1984	1-story w/ DLB	1724	1778	3502	3502	576	2354	23%	39%
1000 E. Westpoint Dr.	5224B01L011	Lakeshore 1962 Block 1, Lot 11	0.32	71K	214.1K	1977	2-story	1584	816	2400	624	2208	16%	22%	
990 E. Westpoint Dr.	5224B01L012	Lakeshore 1962 Block 1, Lot 12	0.34	71K	258.3K	1984	2-story w/ DLB	1080	1520	560	3160		1520	10%	21%

**Comparative Summary of 36 Buildings and Lots within 1200 feet of
Proposed Residential Development for 1245 E. Westpoint Drive - Lakeshore 1963 Subdivision, Tract 1, Lot 3
Based on MSB Real Estate Tax Records as of 5/7/2015, and 6/10/15**

Address	Tax ID #	Legal Description	Lot Size Acres	2015 Appraisal		Year Built	House Design	Living Space (area in sq. ft.)			Garage		Footprint		Footprint/ lot area%		Bldg sf / lot area%	
				Land	Imprvts			Bsmt	1st flr.	2nd flr	Total	SF	SF	lot area%	lot area%			
1191 E. Westpoint Dr.	5225B02L001	Lakeshore 1960 Block 2, Lot 1	0.21	58.5K		n/a						0	0	0%	0%	0%	0%	
1167 E. Westpoint Dr.	5225B02L002	Lakeshore 1960 Block 2, Lot 2	0.26	58.5K		n/a						0	0	0%	0%	0%	0%	
1165 E. Westpoint Dr.	5225B02L003	Lakeshore 1960 Block 2, Lot 3	0.32	58.5K		n/a						0	0	0%	0%	0%	0%	
401 N. Westcove Dr.	2253B02L004A	Lakeshore B/2 L/4 & 5A RSB, Lot 4A	0.52	75K	277.6K	1981	2-story		1448	1574	3022	504	1952	9%	9%	16%	16%	
445 N. Westcove Dr.	2253B02L005B	Lakeshore B/2 L/4 & 5A RSB, Lot 5B	0.57	72.5K	48.8K	2012	Tri-level		1196	2994	4190	1172	2368	10%	10%	22%	22%	
491 N. Westcove Dr.	2246B02L007	Lakeshore B/2 L/7 Block 2, Lot 7	0.36	78K	129.4K	1978	2-story		768	512	1280		768	5%	5%	8%	8%	
501 N. Westcove Dr.	5225B02L008	Lakeshore 1960 Block 2, Lot 8	0.37	66K		n/a						0	0	0%	0%	0%	0%	
523 N. Westcove Dr.	5225B02L009	Lakeshore 1960 Block 2, Lot 9	0.46	68K		n/a						0	0	0%	0%	0%	0%	
545 N. Westcove Dr.	5225B02L010	Lakeshore 1960 Block 2, Lot 10	0.26	48K	203.3K	1986	2-story w/ DLB		432	960	2032	528	1488	13%	13%	23%	23%	
567 N. Westcove Dr.	5225B02L011	Lakeshore 1960 Block 2, Lot 11	0.25	51K	314.6K	1995	2-story dpx w/ DLB?		2048	1216	3264	2048	4096	38%	38%	49%	49%	
1018 E. Lakeshore Ave	5225B02L012	Lakeshore 1960 Block 2, Lot 12	0.31	48K	126.4K	1955	1-story w/ DLB		984	1336	2320	352	1688	13%	13%	20%	20%	
1090 E. Lakeshore Ave	5225B02L013	Lakeshore 1960 Block 2, Lot 13	0.78	73.2K	201.8K	2002	2-story multi-fam		data not available.....		0	0	0	0	0%	0%	0%	0%
1190 E. Lakeshore Ave	17N01W10A001	Twn 17N Rng 1W Section 10 Lot A1	0.64	99K	168.2K	1974	1-story w/ DLB		1110	1278	2388	728	2006	7%	7%	11%	11%	
1210 E. Lakeshore Ave	5225B05L001	Lakeshore 1960 Block 5, Lot 1	0.34	71K	164.7K	1976	1-story w/ DLB		1176	1176	2352	768	1944	13%	13%	21%	21%	
1220 E. Lakeshore Ave	5225B05L002	Lakeshore 1960 Block 5, Lot 2	0.33	71K		n/a					0	0	0	0%	0%	0%	0%	
1240 E. Lakeshore Ave	5225B05L003	Lakeshore 1960 Block 5, Lot 3	0.36	78K	326.4K	1987	2-story w/ DLB		840	1000	1320	3160	648	1648	11%	11%	24%	24%
1260 E. Lakeshore Ave	5225B05L004	Lakeshore 1960 Block 5, Lot 4	0.34	71K	348K	2004	1-story w/ DLB		1684	1713	3397	704	2417	16%	16%	28%	28%	
1280 E. Lakeshore Ave	5225B05L005	Lakeshore 1960 Block 5, Lot 5	0.32	76K	318.7K	2004	2-story		1432	1248	2680	616	2048	15%	15%	24%	24%	
1300 E. Lakeshore Ave	52250001T003	Lakeshore 1960 Tract 3	0.63	96.5K	183.8K	1972	1-story w/ DLB		1320	1320	2640	286	1606	6%	6%	11%	11%	



Matanuska-Susitna Borough



COMPARATIVE SUMMARY FOR PROPOSED RESIDENCE ON PARCEL 1, TRACT 3 AND OTHER RESIDENTIAL LOTS ALONG WASILLA LAKE

Total # Lots	34
Total # Variances	12
Lot Sizes (range)	.21 – .78 acres
Living Area to Lot Size (%):	
• Range	3 – 45%
• Median	17%
• Average	17.2%

SUBJECT PROPERTY

Lot Size	0.36 acres
Proposed Living Area	2,984 SF
Proposed Living Area to Lot Size	19%
Living Area to Lot Size using “Median”	2,666 SF
Living Area to Lot Size using “Average”	2,697 SF

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**COMPARATIVE TABLE OF RESIDENTIAL LOTS FRONTING WASILLA LAKE WITHIN CITY LIMITS
VARIANCE #15-01**

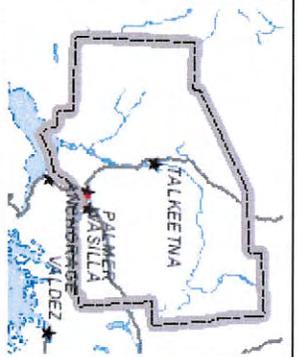
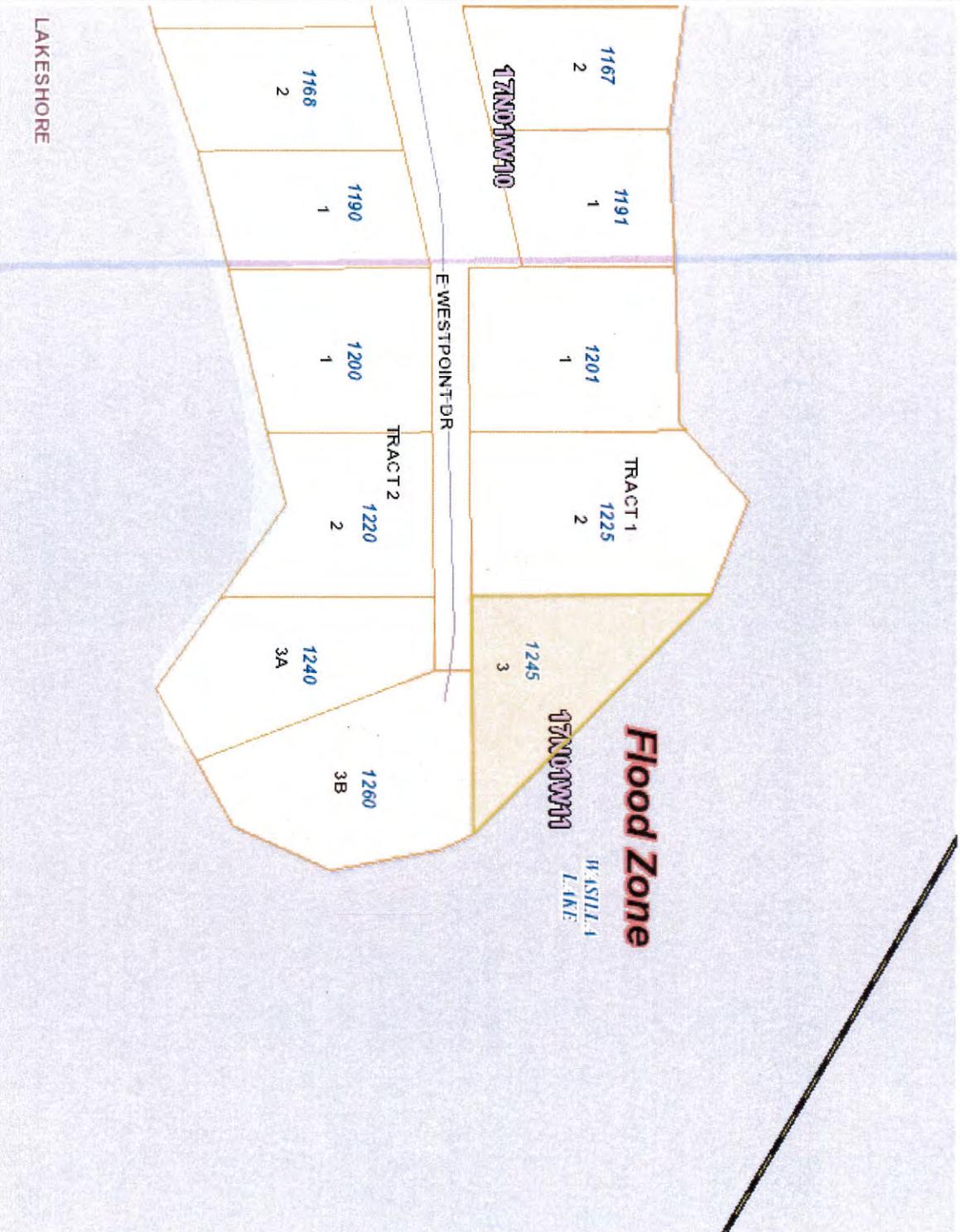
ADDRESS	TAX ID#	LOT SIZE* (Acres)	EXISTING SHORELINE SETBACK	VARIANCE, SHORELINE SETBACK AMNESTY, OR NONCONFORMING DETERMINATION	LIVING AREA (square feet)	LIVING AREA TO LOT SIZE (%)
954 E. Westpoint Drive	5224B01L014	0.31	Vacant	None	N/A	N/A
972 E. Westpoint Drive	5224B01L013	0.31	Vacant	None	N/A	N/A
990 E. Westpoint Drive	5224B01L012	0.34	50' from home and ±4' from pavilion	None	3,160	21%
1000 E. Westpoint Drive	5224B01L011	0.32	45'	S02-100	2,400	17%
1018 E. Westpoint Drive	5224B01L010	0.24	35'	S02-68	3,502	34%
1036 E. Westpoint Drive	5224B01L009	0.24	35'±	None	1,716 – 1 st 342 – 2 nd	20%
Lakeridge Condos (7 UNITS)	--	0.51	75'	None	10,096 total	45%
1090 E. Westpoint Drive	5224B01L006	0.34	45'	S09-03	960	7%
1100 E. Westpoint Drive	5224B01L005	0.29	45'	S09-02	4,648	37%
1144 E. Westpoint Drive	5224B01L004	0.29	45'±	None	672	5%
1166 E. Westpoint Drive	5224B01L003	0.29	67'	None	640	5%
1168 E. Westpoint Drive	5224B01L002	0.30	Vacant	None	N/A	N/A
1190 E. Westpoint Drive	5224B01L001	0.27	50'±	None	384	3%
1220 E. Westpoint Drive	1037T02P001	0.57	66'	V01-92	744	3%
1220 E. Westpoint Drive	1037T02P002	0.31	47'	S02-69	2,925	22%
1240 E. Westpoint Drive	1037T02P003A	0.32	22'	V01-92	2,250	16%
1260 E. Westpoint Drive	1037T02P003B	0.41	45'±	NC07-03	2,112	12%
1245 E. Westpoint Drive	1037T01P003	0.36	30' Proposed	Requesting 45' Variance	2,984 - Proposed	19% - Proposed
1225 E. Westpoint Drive	1037T01P002	0.36	55'±	None	2,000	13%
1201 E. Westpoint Drive	1037T01P001	0.35	60'	V00-83	3,173	21%
1191 E. Westpoint Drive	5225B02L001	0.21	Vacant	None	N/A	N/A
1167 E. Westpoint Drive	5225B02L002	0.26	Vacant	None	N/A	N/A
1165 E. Westpoint Drive	5225B02L003	0.32	Vacant	None	N/A	N/A
401 N. Westcove Drive	2253B02L004A	0.52	40'	Nonconforming Determination	3,022	13%
445 N. Westcove Drive	2253B02L005B	0.57	67.7'	10% Administrative Variance	4,190	17%
491 N. Westcove Drive	2246B02L007	0.36	72'±	None	1,280	8%
501 N. Westcove Drive	5225B02L008	0.37	Vacant	None	N/A	N/A
523 N. Westcove Drive	5225B02L009	0.46	Vacant	None	N/A	N/A
545 N. Westcove Drive	5225B02L010	0.26	18'±	None	2,032	18%
567/571 N. Westcove Drive	5225B02L011	0.25	47'	MSB Variance	3,264	30%
1018 E. Lake Shore Avenue	5225B02L012	0.31	90'±	None	2,320	17%
1090 E. Lake Shore Avenue	5225B02L013	0.78	75'	None – Denied 50' setback variance 2003	Unknown – 3 units	Unknown
1190 E. Lake Shore Avenue	17N01W10A001	0.64	75'	None	2,388	9%
1210 E. Lake Shore Avenue	5225B05L001	0.34	109'	None	2,352	16%

* Lot sizes based on Matanuska-Susitna Borough Real Property Detail – www.matsugov.us

NOTES: Shoreline Setback Amnesty may be granted for structures constructed prior to January 1, 1987 if meets criteria in WMC 16.24.030(C).
MSB adopted 75' shoreline setback in 1973



Matanuska-Susitna Borough



Legend

- Public Facilities
- Administrative
- Animal Control
- City Hall or Courthouse
- Community Center
- Landfill or Transfer Station
- Library
- Medical
- Post Office
- Public Safety Fire and/or EMS
- Public Safety Law Enforcement
- School
- Alaska Railroad
- Streets**
- Highway
- Major Street
- Medium Street
- Minor Street
- Primitive Road
- Private Road
- Mat-Su Borough Boundary
- Incorporated Cities
- Parcels
- Flood Zone

1 : 1,181



Notes

This map was automatically generated using Geocortex Essentials.

0.0 0.02 0.0 Miles
 NAD_1983_StatePlane_Alaska_4_FIPS_5004_Feet
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CERTIFICATE OF SERVICE

1. I am the Planning Clerk for the City of Wasilla.
2. I certify on this 25 day of June, 2015, I mailed 125 notices of: _____ via first class U.S. Mail and by hand delivery regarding the following:
Variance
Land Use Permit # V15-01.

Residents within 1,200'	<u>95</u>
Review Agencies	<u>25</u>
Planning Commissioners & City Council Members	<u>11</u>
Total	<u>131</u>

DATED at Wasilla, Alaska, June 25, 2015.

CITY OF WASILLA

Tahiri Revet
TAHIRIH REVET
Planning Clerk

Attest:
Tina Crawford
TINA CRAWFORD
City Planner

**NOTIFICATION OF CONTINUED PUBLIC HEARING
(Continued from June 9, 2015)
-VARIANCE REQUEST-**

DATE: 06-25-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **July 14, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before July 7, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: _____



CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

FIRST CLASS

PUBLIC NOTICE

V #15-01
MSB Map #WA 11
T17N, R01W, Sec. 11

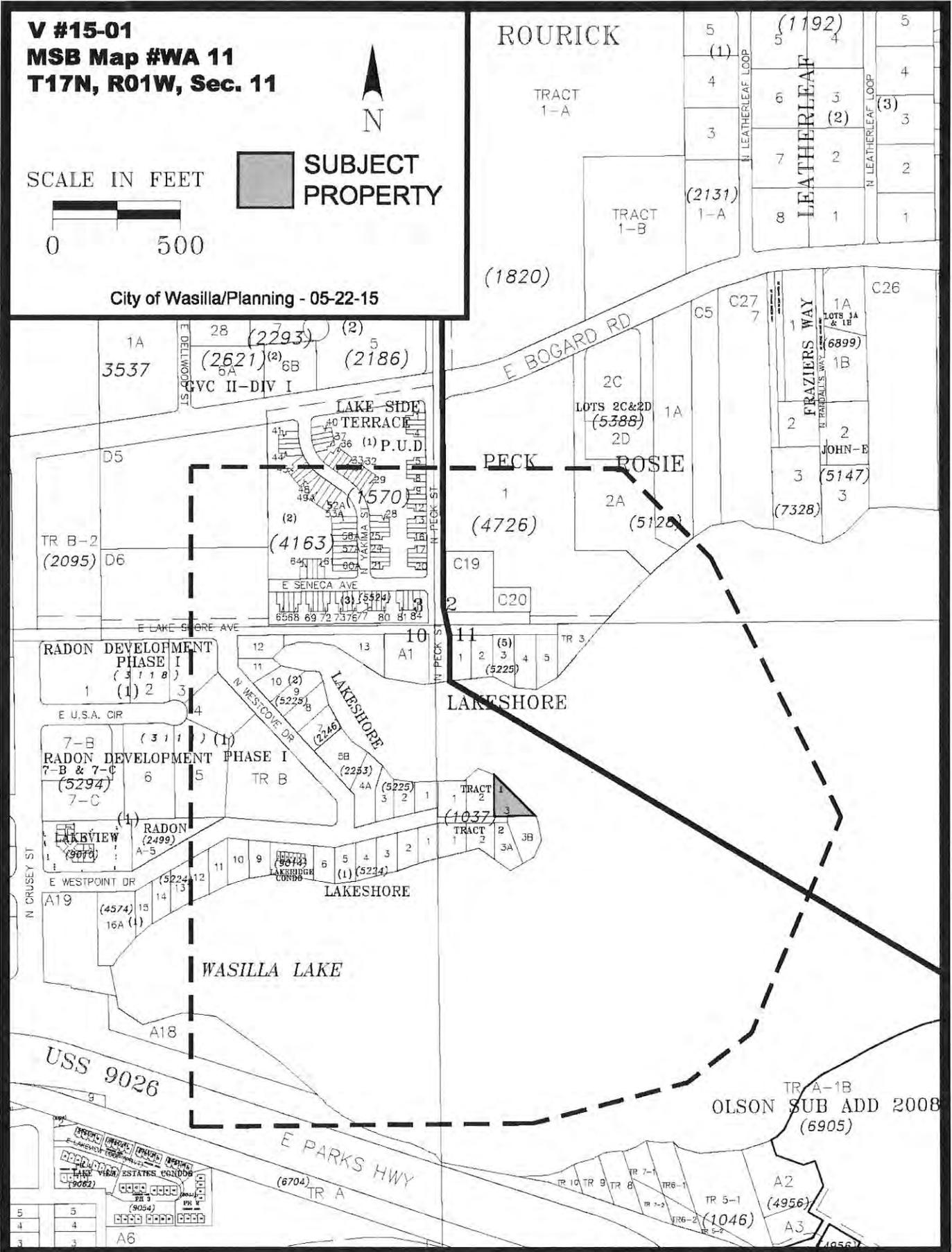


SCALE IN FEET



SUBJECT PROPERTY

City of Wasilla/Planning - 05-22-15



1570B01L014
AHERN SHAWN C
674 N PECK ST
WASILLA, AK 99654-7170

5225000T003
ANDERSON T W & RAMONA K
PO BOX 872033
WASILLA, AK 99687-2033

5524B03L066A
BOWEN ELOISE L
LAKESIDE TER TOWNHOUSES
3200 E WHISPERING WOODS DR
WASILLA, AK 99654-7462

5225B05L001
BROWN JEAN M
PO BOX 874213
WASILLA, AK 99687-4213

5128000L001A
CEDERHOLM & RANSOM LVG TR
CEDERHOLM ROBT E TRE RANSOM LINDA A
TRE
PO BOX 871017
WASILLA, AK 99687-1017
5224B01L001
CROW RICHARD E JR & K A
4101 LEYDEN RD
ANCHORAGE, AK 99516

5524B03L069A
DRATH JAS W & SHIRIE S
LAKESIDE TER TOWNHOUSES
PO BOX 2629
KENAI, AK 99611-2629

2246B02L007
FERRIS KEVIN M
O'CONNOR-FERRIS SUE ELLEN
491 WESTCOVE DR
WASILLA, AK 99654

5524B03L071A
FUGERE MICHAEL M& BERNICE
LAKESIDE TER TOWNHOUSES
1060 E SENECA AVE
WASILLA, AK 99654-7164

5524B03L078A
GRANT SUE A
LAKESIDE TER TOWNHOUSES
1130 E SENECA AVE
WASILLA, AK 99654

5524B03L067A
ALCINA JUAN
LAKESIDE TER TOWNHOUSES
1020 E SENECA AVE
WASILLA, AK 99654-7164

1570B02L064
BEUKERS DON I & MARY E
1922 CREEK DR
SAN JOSE, CA 95125

1570B02L062
BOYD GALE F
1055 E SENECA AVE
WASILLA, AK 99654

1570B01L023
BUSNESS KEVIN S
645 N YAKIMA ST
WASILLA, AK 99654-7168

9014000U004
COLEGROVE S & S LVG TR
COLEGROVE S R & S A TRES COLEGROVE
SHANE
460 W BRIAR DR
WASILLA, AK 99654
5225B02L010
CULLEN GARY L & LOUISE F
PO BOX 871491
WASILLA, AK 99654-1491

5524B03L075A
DUBETZ MARLIN E & MARY A
LAKESIDE TER TOWNHOUSES
1901 DRIFTWOOD CIR
PALMER, AK 99645-9619

1570B01L025
FRITZ JENNIFER NOELLE MARIA
PO BOX 871215
WASILLA, AK 99687-1215

5225B02L009
GIELAROWSKI S J REV TR
1290 W WOODMEN RD
COLORADO SPGS, CO 80919-2727

1037T02P001
HAMBLÉN LAWRENCE O
HAMBLÉN LAURA L
1220 E WESTPOINT DR
WASILLA, AK 99654-7140

1570B01L008
ALLIE STANLEY J REV TR
1201 E BOGARD RD
WASILLA, AK 99654-6523

5524B03L079A
BLAKE ANGELA
LAKESIDE TER TOWNHOUSES
1140 E SENECA AVE
WASILLA, AK 99654-7164

4163B02L056A
BRANSON LYNN G
PO BOX 870045
WASILLA, AK 99687-0045

5524B03L072A
CARPENTER MICHAEL R
LAKESIDE TERRACE TOWNHOUSES
1070 E SENECA AVE
WASILLA, AK 99654-7164

2253B02L004A
COMBS DAVID LYNN
6348 QUINHAGAK ST
ANCHORAGE, AK 99507-2037

9014000U006
DE RU FERDINAND J & BRENDA J
1072 E WESTPOINT DR
APT 6
WASILLA, AK 99654-7179

1570B01L020
DUFRESNE MIKE W& JENNIFER
620 N PECK ST
WASILLA, AK 99654-7170

1570B01L016
FRONTIER DREAMS LLC
3175 W SECLUDED MEADOWS LOOP
% JESSE TANNER
WASILLA, AK 99654

5524B03L083A
GILBERT MARY
GILBERT ALEXA
1660A ELCADORE DR
ANCHORAGE, AK 99507-4504

4163B02L060A
HANSEN DANIEL J & NANCY
620 YAKIMA ST
WASILLA, AK 99654-7166

5224B01L006
HARMAN JERRY M
PO BOX 874712
WASILLA, AK 99687-4712

3118B01T00B
HAYES JOE L
PO BOX 101821
ANCHORAGE, AK 99510-1821

5524B03L081A
HOGAN PATRICIA M
LAKESIDE TER TOWNHOUSES
1160 SENECA AVE
WASILLA, AK 99654-7163

1037T01P001
JOBSON ROBT M SR & A O
1201 E WESTPOINT DR
WASILLA, AK 99654

5224B01L004
KONING CATHLEEN S
1072 E 28TH AVE
ANCHORAGE, AK 99508-3981

1570B01LCA01
LAKESIDE TER TOWNHOUSE
OWNERS ASSN
1365 E PARKS HWY # 205
% LEVALLEY REALTY
WASILLA, AK 99654
17N01W03D006
MAT-SU VALLEY MEDICAL CTR LLC
14400 METCALF AVE
% PROPERTY VALUATION SERVICES
OVERLAND PARK, KS 66223

5224B01L003
MILLER MICHAEL & JENNIFER L
2413 CAPTAIN COOK DR
ANCHORAGE, AK 99517-1254

5524B03L084A
MORGAN ELIZABETH
1190 E SENECA AVE
WASILLA, AK 99654-7163

5224B01L012
OH KAP BOK & SUN SOOK
990 E WESTPOINT DR
WASILLA, AK 99654

5225B05L002
HARREN RICHARD L
CHAPELLE MAGALI S
1240 E LAKE SHORE AVE
WASILLA, AK 99654-7151

5524B03L070A
HERMAN VICKI L
LAKESIDE TER TOWNHOUSES
1050 E SENECA AVE
WASILLA, AK 99654-7164

9014000U003
HUBBARD DON ANNA
PO BOX 871764
WASILLA, AK 99687-1764

1570B01L026
KATCHUR CATHERINE A
PO BOX 870352
WASILLA, AK 99687-0352

1037T01P002
KOPPERUD CLAIRE EST
PO BOX 4470
PALMER, AK 99645

9014000U001
LOGSDON BERTRAND M&ADRIENNE L
66751 N BAY RD
NORTH BEND, OR 97459

5225B05L004
MAYO REME D & CATHY M
PO BOX 870017
WASILLA, AK 99687-0017

5524B03L080A
MONTGOMERY KELLEY S
LAKESIDE TER TOWNHOUSES
1150 E SENECA AVE
WASILLA, AK 99654-7163

4163B02L059A
MORRIS JOELY
628 N YAKIMA ST
WASILLA, AK 99654

9014000U007
ORTH ANN M
1750 N FANCIFUL PL
#2
WASILLA, AK 99654-5434

1037T02P003A
HARRIS FAMILY LLC
PO BOX 190465
ANCHORAGE, AK 99519-0465

5225B02L003
HILLBORN JOHN R
17915 LACY DR
EAGLE RIVER, AK 99577

17N01W10A001
JEFFORD CHERYL D
1190 E LAKESHORE DR
WASILLA, AK 99654

5524B03L065A
KENNEDY ANDREW C
LAKESIDE TER TOWNHOUSES
1000 E SENECA AVE
WASILLA, AK 99654

5224B01L002
LAIRD FAMILY TRUST
LAIRD SCOTT J TRE LAIRD PATRICIA A TRE
23506 NE GOLD NUGGET DR
BATTLE GROUND, WA 98604

1570B01L013
LOWE PHYLLIS J
682 N PECK ST
WASILLA, AK 99654

1570B01L024
MCCOURT JASON T
649 N YAKIMA ST
WASILLA, AK 99654

2253B02L005B
MORAN ANDREW M M
2247 N FILLY CIR
WASILLA, AK 99654

5225B02L001
NUSSBAUMER MYRTLE TR TRE
3910 AVE BONNE TERRE
NEW IBERIA, LA 70563

1570B01L009
OWEN KURT D
MOSS CHARLENE D
3930 E COTTONWOOD WAY
WASILLA, AK 99654-6618

5524B03L082A
PARAMO JOHN P & DEENA M
LAKESIDE TER TOWNHOUSES
405 S JOSEE CIR
WASILLA, AK 99654-7486

5225B05L005
PINQUOCH WAYNE & EDITH
PO BOX 870315
WASILLA, AK 99687-0315

5224B01L011
PURSCHE RAYMOND R
1000 E WESTPOINT DR
WASILLA, AK 99654-7138

5524B03L073A
REED YVONNE LEGRAND
LAKESIDE TER TOWNHOUSES
PO BOX 871328
WASILLA, AK 99687-1328

4163B02L057A
ROBINSON MARY KAY
PO BOX 874796
WASILLA, AK 99687-4796

5225B02L013
SHOWERS DONALD R
PO BOX 870757
WASILLA, AK 99687-0757

1570B02L061
STAMM JONI
1065 E SENECA AVE
WASILLA, AK 99654-7164

1570B01L022
STEWART RACHAEL
STEWART STEPHANIE
3390 E SCENIC CIR
WASILLA, AK 99654-2822

1570B01L028
TANNER MANDY K
683 N YAKIMA ST
WASILLA, AK 99654

1570B01L010
URBAN GREGORY M & ANDREA K
6915 BATTLE MOUNTAIN RD
COLORADO SPRINGS, CO 80922-1245

4726000L001
PECK VELMA D
1250 BOGARD RD
WASILLA, AK 99654

9014000U005
POIRIER HARLAN
PO BOX 870145
WASILLA, AK 99687-0145

1570B01L011
RAMSEY JOHN C
PO BOX 873711
WASILLA, AK 99687-3711

4163B02L055A
REXRODE GERALD L
PO BOX 870725
WASILLA, AK 99687-0725

2499000T00A-5
ROMAR LLC
11039 E HARRIS HAWK TRL
SCOTTSDALE, AZ 85262-4547

5524B03L074A
SMITH PAULA J
3245 E COTTLE LOOP
#13
WASILLA, AK 99654-7284

1037T01P003
STARN GLEN HARDING TR
STARN WM A JANSON NANCY L TRES
PO BOX 1782
% WILLIAM STARN
PALMER, AK 99645-1782
5224B01L009
STOTT WM D & MARIA S
2015 BLUEBERRY ST
ANCHORAGE, AK 99503-1854

5524B03L077A
TRAN ANH
LAKESIDE TER TOWNHOUSES
419 W PARKS HWY
STE DD
WASILLA, AK 99654
3118B01L004
VALLEY PROF CENTER LLC
1001 E USA CIR
WASILLA, AK 99654

1570B01L017
PINARD PAUL E JR
FARIAS CLAUDIA FONSECA
646 N PECK ST
WASILLA, AK 99654

3118B01L005
POON WM F T & GREENWOOD C
POON JAS JR & KIM ERIC L KIM DANINE &
LE
1220 E 68TH
#102
1570B01L012
REED LISA
692 N PECK ST
WASILLA, AK 99654

5524B03L068A
REYNOLDS CASEY
LAKESIDE TER TOWNHOUSES
603 VINE AVE
ANCHORAGE, AK 99501-1231

5128000L002A
SELK KENNETH L
1342 E BOGARD RD
WASILLA, AK 99654

5225B02L012
SMITH RICHARD W
PO BOX 874761
WASILLA, AK 99687-4761

5224B01L010
STENGRIM JON D
1018 E WESTPOINT DR
WASILLA, AK 99654-7138

1570B01L015
STRODE KERRY J
668 N PECK ST
WASILLA, AK 99654

5524B03L076A
TRAN MAI
LAKESIDE TER TOWNHOUSES
1110 E SENECA AVE
WASILLA, AK 99654

9014000U002
VOSBURG RACHEL H
1072 E WESTPOINT DR
WASILLA, AK 99654-7179

1570B01L018
WELTON TRAVIS E
PO BOX 870725
WASILLA, AK 99687-0725

1570B01L021
YORK JENNIFER L
625 N YAKIMA ST
WASILLA, AK 99654-7168

Corps of Engineers
Regulatory Branch
PO Box 6898
Elmendorf AFB, AK 99506-0898

FAA
Airport Division
222 W. 7th Ave
#14
Anchorage, AK 99513

MEA
PO Box 2929
Palmer, AK 99645

MSB Fire Chief
101 S. Swanson Ave
Wasilla, AK 99654

MSB Public Works Director
350 E. Dahlia Ave
Palmer, AK 99645

Oran Wooley
SOA/DEC
Waste Water RVW
1700 E. Bogard Rd
Bldg B, #103
Wasilla, AK 99654
SOA/DNR
WATER Resources
550 W. 7th Ave
Suite 1020
Anchorage, AK 99501

SOA/DOTPF
Mat-Su Area Planner
PO Box 196900
Anchorage, AK 99519-6900

1570B01L019
WHITE AMANDA I
628 N PECK ST
WASILLA, AK 99654

3118B01L003
ZIPPERER JOHN D JR
300 W SWANSON AVE
% ZMG PROPERTIES
WASILLA, AK 99654-6844

Richard Boothby
EMS/Central Mat-Su Fire Dept
Fire Code Official Captain
101 W. Swanson Ave
Wasilla, AK 99654

Kathy Wells
Friends of Mat-Su
PO Box 116
Palmer, AK 99645

MSB Chief of Code Compliance
350 E. Dahlia Ave
Palmer, AK 99645

MSB Planning Director
350 E. Dahlia Ave
Palmer, AK 99645

MTA
Real Estate Department
PO Box 3550
Palmer, AK 99645

Roy Robertson
SOA/DEC
Waste Water RVW
1700 E. Bogard Rd
Bldg B, #103
Wasilla, AK 99654
SOA/DFG/Habitat
1800 Glenn Hwy
Suite 6
Palmer, AK 99645

Superintendent
SOA/DOTPF
289 Inner Springer Loop
Palmer, AK 99645

4163B02L058A
WRATHALL FAMILY TR
WRATHALL GRANT R JR TRE
638 YAKIMA ST
WASILLA, AK 99654

Tom Brooks
Alaska Railroad Corp
PO Box 107500
Anchorage, AK 99501

ENSTAR
PO Box 190288
Anchorage, AK 99519-0288

Troy Scheuner
GCI
501 N. Main St
Suite 130
Wasilla, AK 99654

MSB Cultural Resources Specialist
350 E. Dahlia Ave
Palmer, AK 99645

MSB Platting Division Officer
350 E. Dahlia Ave
Palmer, AK 99645

NRCS
Soil & Water Conservation
5751 E. Mayflower Ct
Wasilla, AK 99654-7880

SOA/DNR
Commissioner's Office
550 W. 7th Ave
Suite 1400
Anchorage, AK 99501

SOA/DNR
Technical Services
550 W. 7th Ave
Suite 650
Anchorage, AK 99510-3577

Debra Barrett
581 Briar Dr
Wasilla, AK 99654

Glenda Ledford
960 S. Century Drive
Wasilla, AK 99654

Jessica Dean
209 S. Vix Way
Wasilla, AK 99654

Loren Means III
1668 Pittman Road
Wasilla, AK 99687

Claudia Pinard
646 Peck Street
Wasilla, AK 99654

COW Public Works Director
Archie Giddings

City Council
Stu Graham

City Council
Gretchen O'Barr

City Council
Collen Sullivan-Leonard

City Council
Clark Buswell

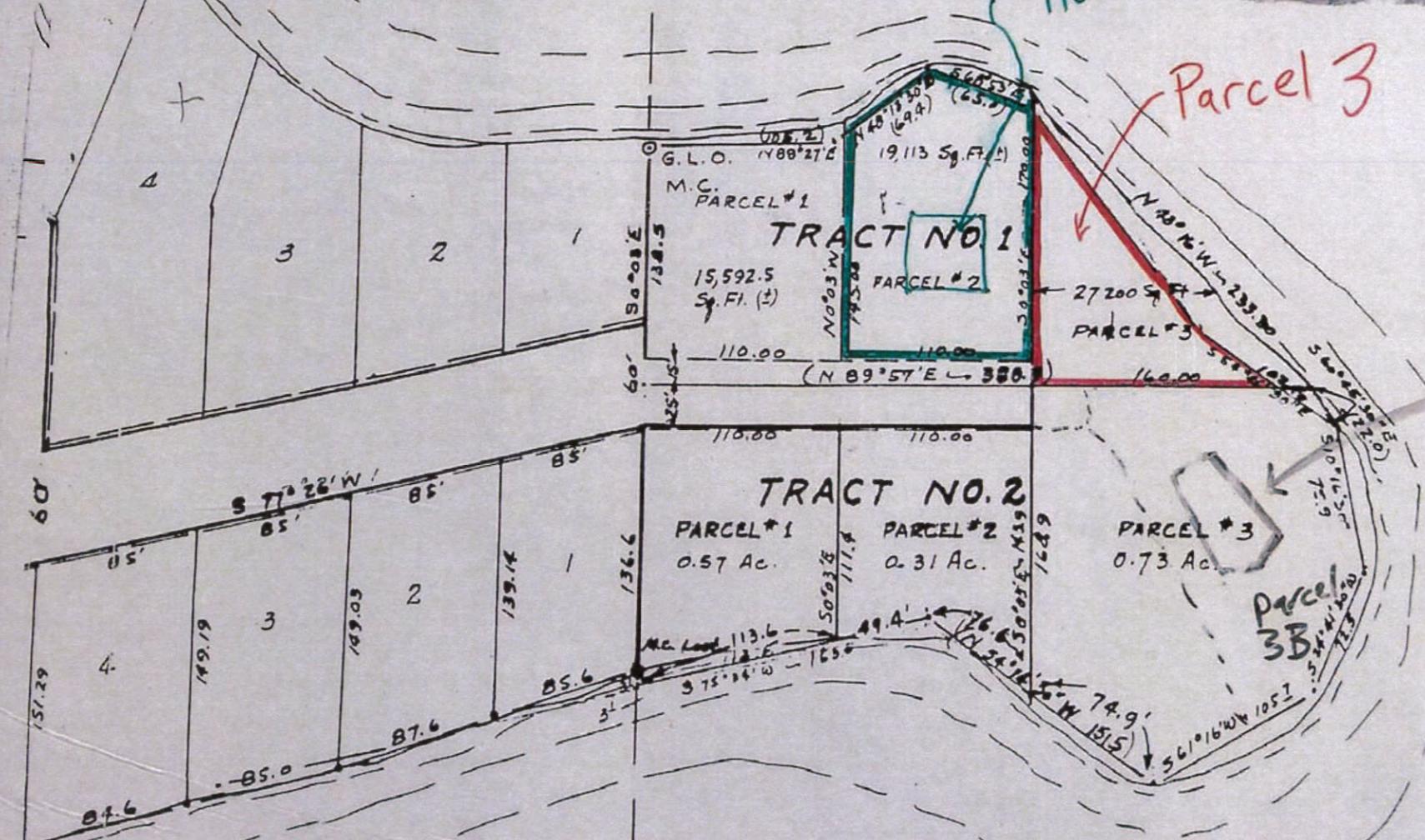
City Council
Brandon Wall

City Council
David Wilson

WASILLA

LAKE
Kopperud
House

Exhibit 1



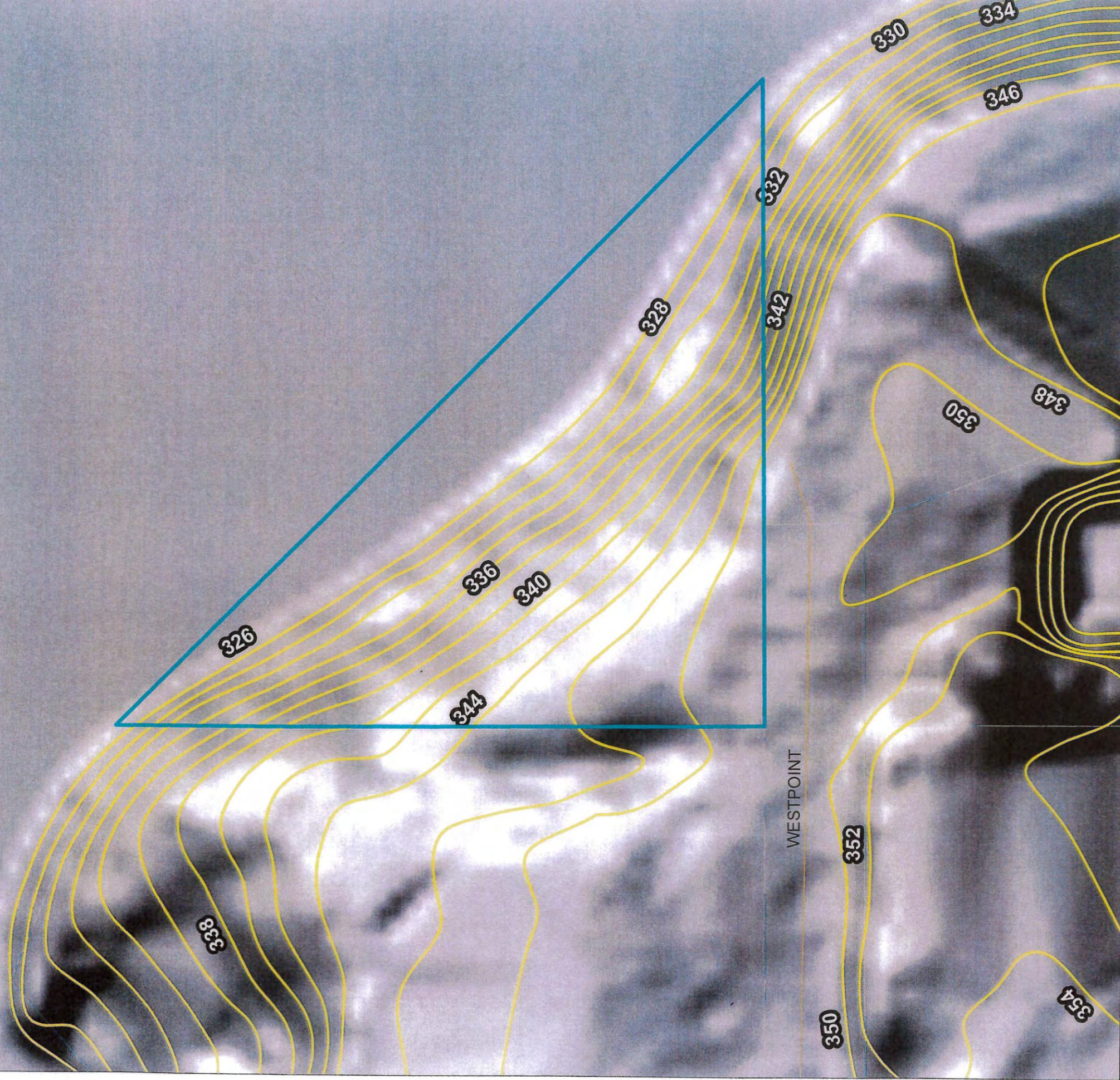
AMENDED PLAT
OF
LAKESHORE
SUBDIVISION
A.V. Hagen Property
NE 1/4 of NE 1/4 Section 10 T19N R15W S1M
NW 1/4 of NW 1/4 Section 11 T19N R15W S1M
Wasilla, Alaska

Plat 60-4

Exhibit 2

MSB Flood Zone

and Topo Aerial Images



Matanuska Susitna Borough
Permit Center
Date: 6/3/2015

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Exhibit 3 - Misleading Comparison Table

int Drive - Lakeshore Subdivision, Tract 1, Lot 3

Address	Tract	Lot	Lot Area	Value		Year Built	House Design	Living Space (area in sq.ft.)				Garage Area	Bldg/lot area %
				Market	Impvts			Bsmt	1st flr.	2nd flr.	Total		
<				408K		2003	2-story	0	1861	1440	3301	1440	31%
1225 E. Westpoint Dr.	Tract 1,	Lot 2	0.36	83K	175.5K	1977	2-story w/ full bsmt	1000	1000	0	2000	384	15%
1245 E. Westpoint Dr. PROPOSED BLDG	Tract 1,	Lot 3	0.36	50K	TBD	TBD	2-story w/ full bsmt, gar1 (int) carport	1217 (DLB)	1217	1766	4200	550 170	31%
1200 E. Westpoint Dr.	Tract 2,	Lot 1	0.57	85K	50K	1994	Cabin w/ gar1 (int) gar2 (det)	0	528	216 (loft)	744	702 1230	11%
1220 E. Westpoint Dr.	Tract 2,	Lot 2	0.31	81K	306.1K	1982	2-story w/ full bsmt, gar1 (int) gar2 (det)	1168 (DLB)	1192	565	2925	340 768	30%
1240 E. Westpoint Dr.	Tract 2,	Lot 3A	0.32	81K	203.9K	2011	2-story w/ bsmt	750 (unfin)	750	1500	3000	0	22%
1260 E. Westpoint Dr.	Tract 2,	Lot 3B	0.41	90K	185.7K	1955+	Tri-level	816 (DLB)	1296	816	2928	775	21%

Exhibit 4

Shape of point and present parking pics

- Proposed building worsens end-of-road limited parking

- Proposed setback from road doesn't leave enough room for parking.

Westpoint Dr. dead-end turn around area, and parking in use on Parcel 3.

6. 4. 2015





Exhibit 5

Birds Nesting In
Kopperud Setback Area
Adjacent to Parcel 3

- Large colony
- Returns every year.



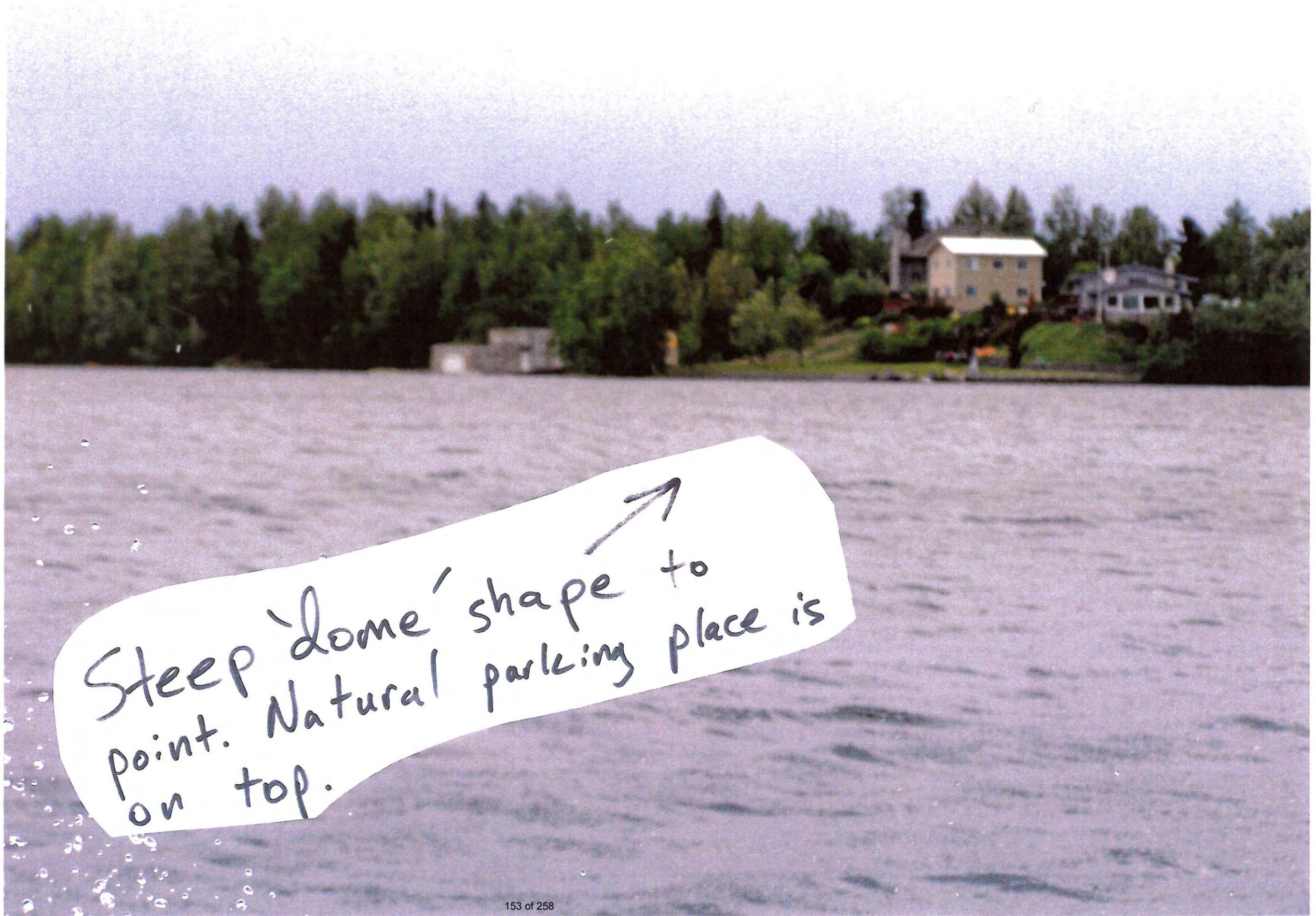
Exhibit 6

Kopperud View Across
Shoreline Setback Strip



Sunrise
at
Kopperud's





Steep 'dome' shape to
point. Natural parking place is
on top. →

Summary of Kopperud opposition to variance application on
Parcel 3, Tr. 1.

The variance application is based upon inaccurate factual information, and misleading conclusions arising from that information.

Standards for Granting a Variance

1. *Conditions of the property do not apply generally to properties in the vicinity.*

Applicant states: “property now 10,000 s.f., was 27,200 s.f.”

Fact: Property exactly the same now as in 1960. Parcel 3 has always been virtually all within the 75’ lakeside setback. The 27,200 sf is mathematical error.

2. *The conditions described arise out of natural features.*

Applicant: shoreline receded 20’ since platted.
Therefore is closer to shoreline today.

Fact: The statement is false.
There is no evidence that the shoreline has receded at all.

3. *Strict application of the code would result in undue hardship such that no reasonable use of the property could be made.*

Applicant: If I cannot construct building in setback,
no other reasonable use can be made of Parcel 3.

Fact: Shoreline ordinance allows substantial reasonable uses.
Applicant is common owner of adjacent property.

Applicant is now and has been making substantial, reasonable use of Parcel 3 for parking.

Factually untrue that applicant will not be able to make reasonable use of the property

Unless able to construct building in the protected shoreline area.

4. *Special conditions were not caused by applicant or predecessor in interest.*

Applicant: “plat was created in '62 before setback codes, and the shoreline receding is a natural occurrence beyond anyone's control.”

Fact: The shoreline has never receded.

Fact: Applicant bought the property in February 2012.

Fact: Applicant was an adjacent landowner.

Applicant bought property 39 years after the 75' shoreline setback ordinance became the law.

He had full knowledge of all building restrictions on Parcel 3 when he took possession.

Tweedy vs. Matanuska Susitna Borough: Alaska Supreme Court recently ruled that applicant has **no rights** arising from lot being platted before shoreline setback ordinance enacted.

The date for determining rights of applicant is February 2012

5. *Variance request is not based upon costs or inconvenience.*

Applicant: Constructing 4,200 sf structure (plus garage) in lakeside setback is reasonable as shown by comparative property chart.

Fact: Applicant knew lot is 10,000 s.f., but misled the reader that the lot is .36 acres in size.

Fact: Proposed building vacates virtually all shoreline setback area for building that is about 1,000 sf larger (in living area) than anything in neighborhood.

Fact: When honest size of the lot is compared to the proposed building, the building-to-lot ratio is far greater than any of the comparables.

No variance can be granted unless it meets these conditions.

- *No more than necessary to permit reasonable use of lot.*

Fact: Applicant is now and has for some time made actual, reasonable use of a parking lot he constructed on the setback property.

Fact: Reasonable use of land in protected shoreline area does not equal building an entire house in setback.

- *Variance is in keeping with the spirit and intent of chapter.*

Fact: Applicant knew the entire lot was within the setback area when he bought it.

The variance is not a request for minor hardship adjustment. Applicant misrepresents the facts in order to obtain financial gain by converting entire setback area into a building site.

- Variance will not significantly adversely affect other property.

Fact: The Kopperud house is significantly impacted by constructing a building in the setback between their east windows overlooking the lake and the shoreline.

Fact: The variance sought will damage the shoreline in a sensitive area of Wasilla Lake.

Will have substantial adverse affect on public interests in maintaining uniform setback around lake.

Fact: All of the runoff from the building is going into Wasilla Lake because shoreline setback is virtually eliminated.

Fact: Already congested parking at the end of Westpoint Drive (dead-end road) would be severely aggravated by eliminating current space used for parking, the public turnaround, and by reducing front setback from road.

Summary

The variance must be denied because:

- Facts do not show variance standards or conditions that allow granting the variance.

Applicant submitted purposely deceptive application with an inadequate site plan that does not provide essential information such as elevations, finished grades, lot area, confirmed lot corners, drainage structures for protection of lake, and other vital information.

- The variance procedure is not legally or practically intended for negotiation of building design or ad hoc subdivision changes.

Fundamental fairness to public who has responded to the specific variance application requires that variance request must be voted up or down as submitted.

- Applicant is not entitled, as a matter of right, to a variance of the setback restrictions that apply equally to all other shoreline landowners in the city and borough.

Alaska Supreme Court recently confirmed that the plain meaning and purpose of the shoreline ordinance language is to create a uniform 75' building setback. Not 10', 20', or 30'.

Kopperud is willing to work with the applicant in a new submittal that reasonably balances the interests of adjacent property owners and the public, with those of the applicant.

End

Tahirih Revet

From: Tina Crawford
Sent: Tuesday, June 09, 2015 12:04 PM
To: Tahirih Revet
Subject: FW: Proposed Condition of Approval from Public Works

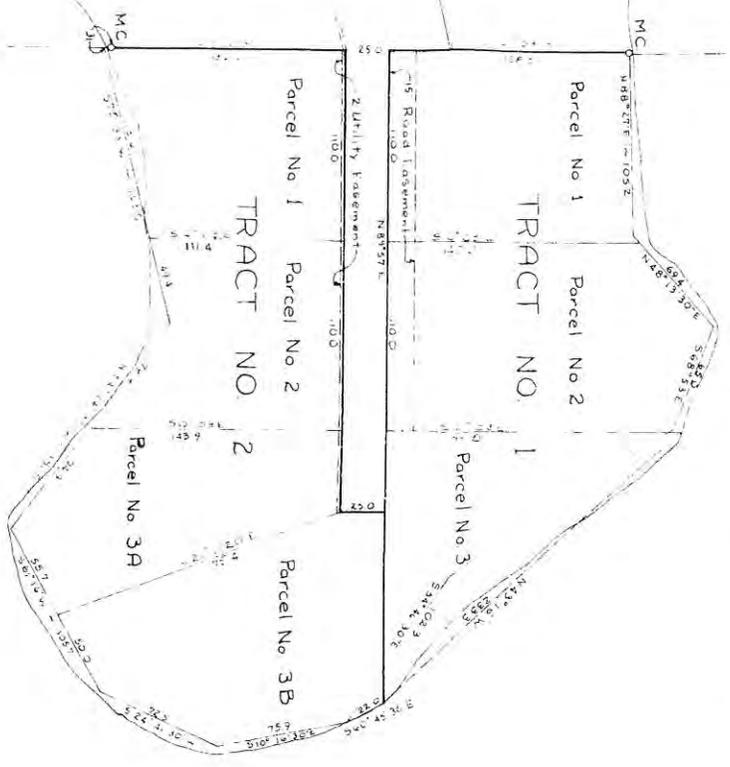
From: Archie Giddings
Sent: Tuesday, June 09, 2015 11:18 AM
To: Tina Crawford; Bill Klebesadel
Subject: Proposed Condition of Approval from Public Works

Move building line north 4.5 feet in front of proposed driveway to provide 20 feet of parking area on the property. This is requested due to the substandard (25 feet wide) right-of-way adjacent to the property and we need to ensure vehicles are out of the way from snow plowing and gravel road grading.

Sec 3
Cor 2
10 11



WASILLA LAKE



WASILLA LAKE

63-1104

AMENDED PLAT
of
LARKIE SHORIE
SUBDIVISION
A. V. HAGEN PROPERTY
Lot No. 3 SEC 11
T1711 R1W S.M.

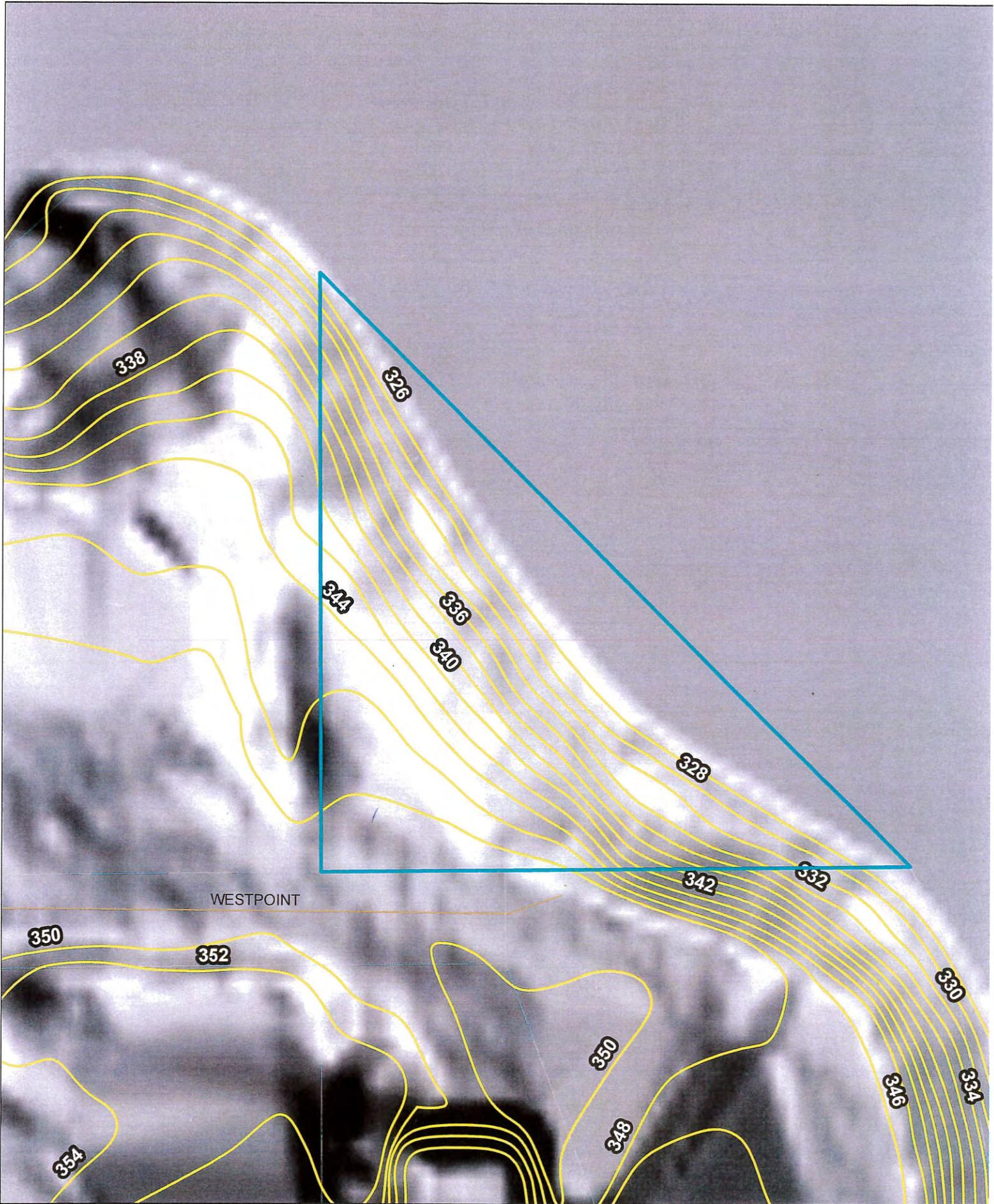
Scale: 1" = 50'

Alfred V. Hagen
Owner

Approved 11/1/63

FILED
PLAT NO. 63-1104
5-20-63
4 20 1963
COUNTY OF WASHINGTON
STATE OF WASHINGTON

#63-110

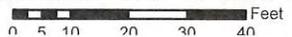


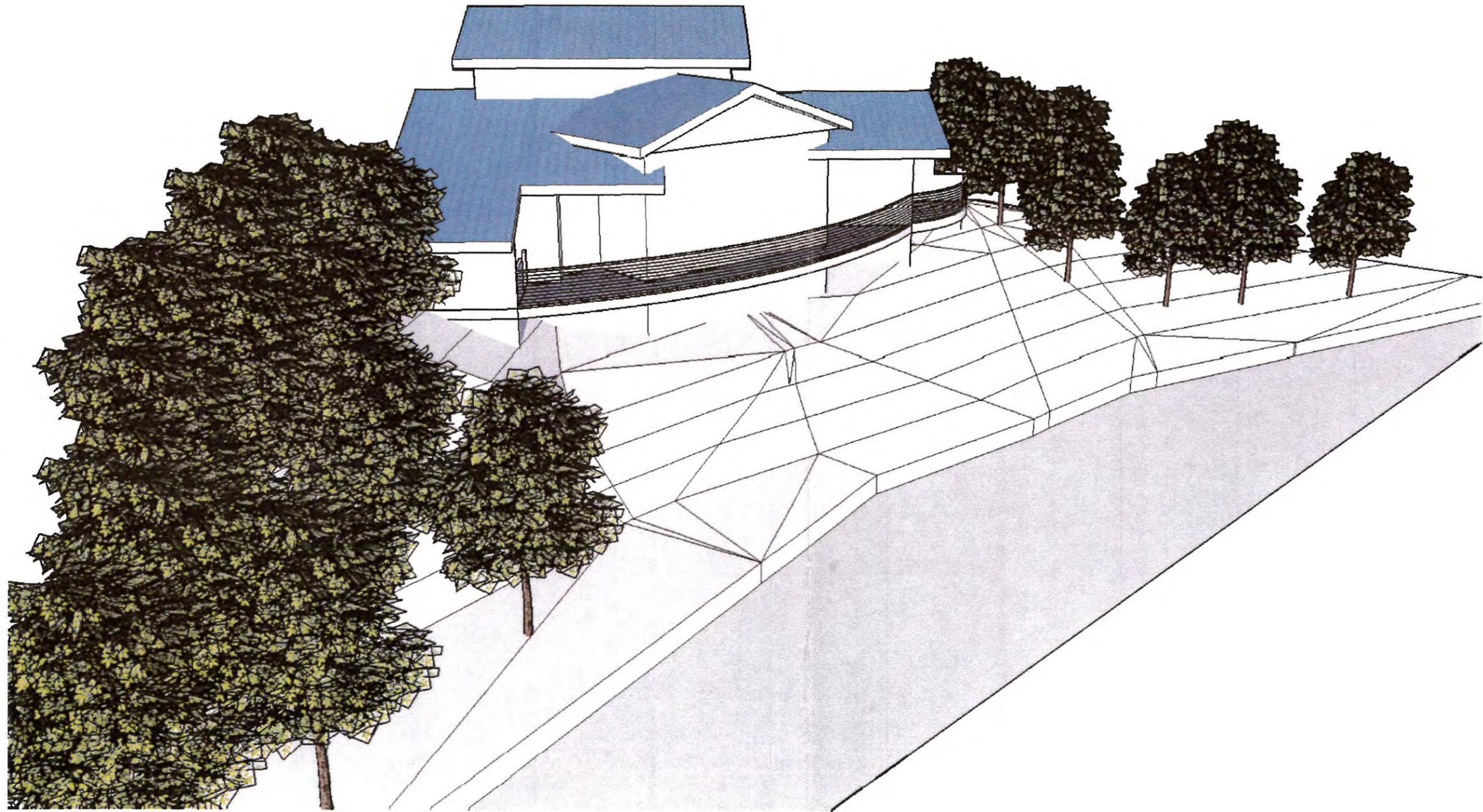
WESTPOINT



Matanuska Susitna Borough
 Permit Center
 Date: 6/3/2015

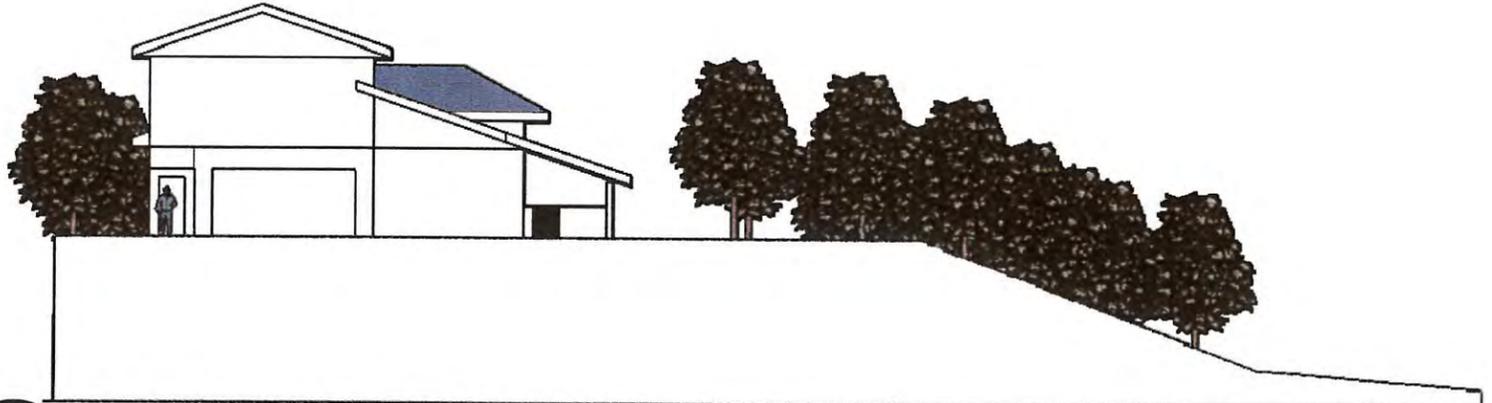
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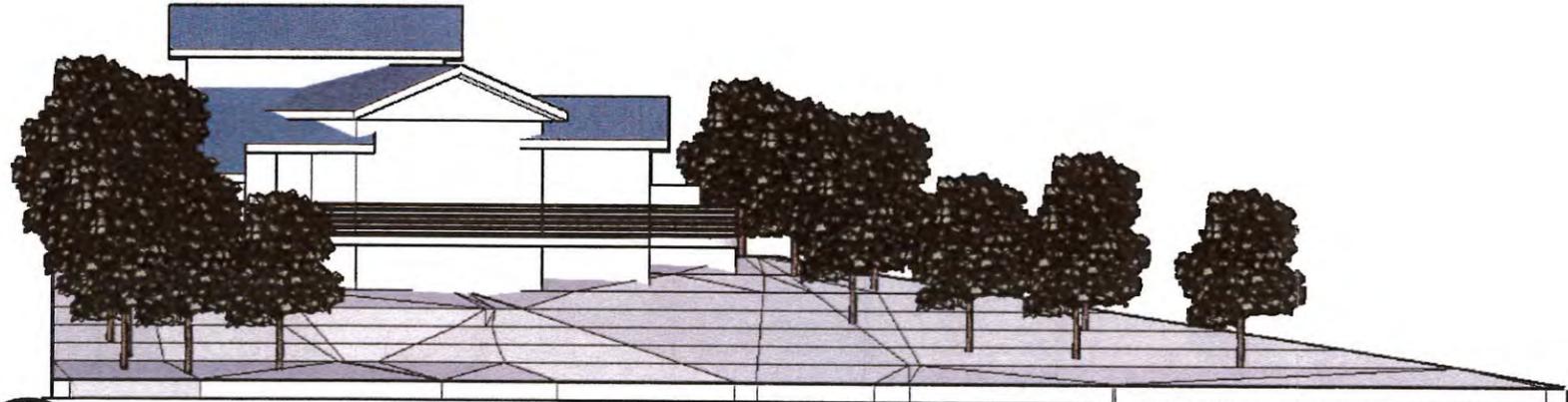


preliminary concept design

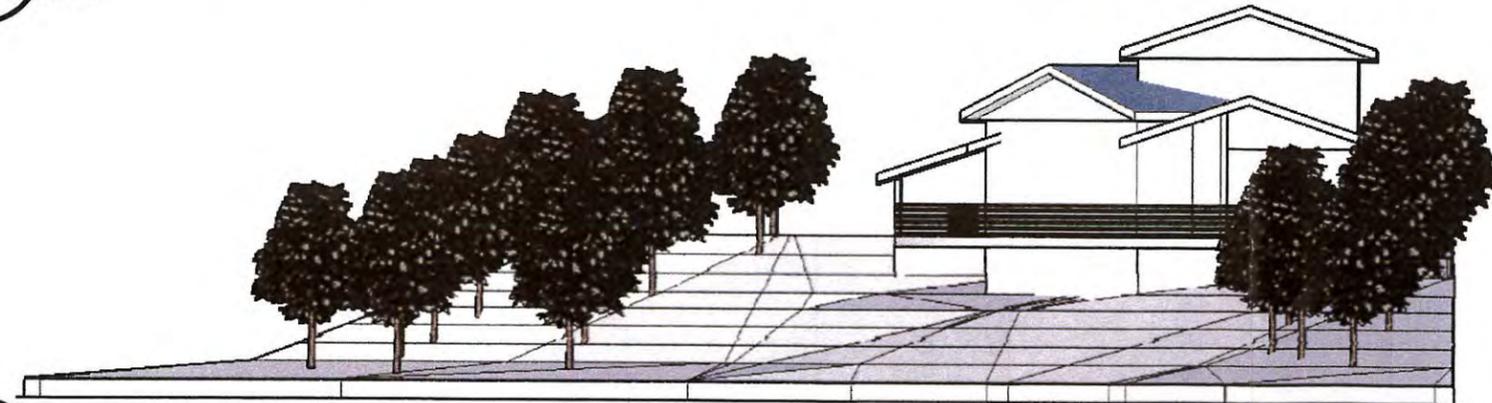
Bill Starn | wasilla lake house



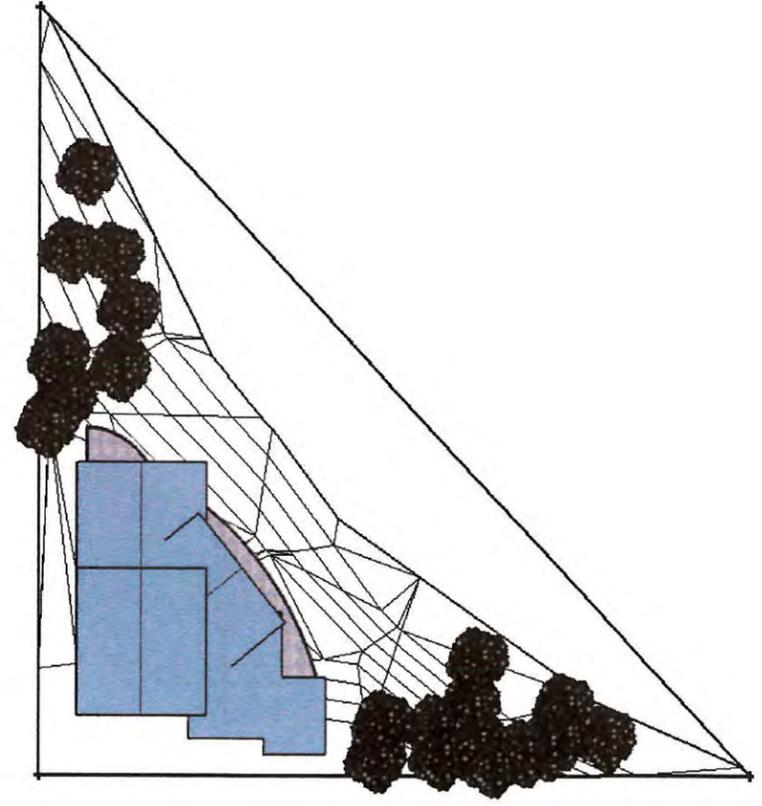
A SOUTH ELEVATION
1 NTS



A EAST ELEVATION
2 NTS



A NORTH ELEVATION
3 NTS



A PLAN VIEW
4 NTS

Tina Crawford

From: loren means <plko56@yahoo.com>
Sent: Tuesday, June 02, 2015 10:09 PM
To: Planning; Tina Crawford
Subject: William Starn variance

I would like to see ownership records for the above variance dating back to before zoning in Wasilla affected this property.

Loren Means
907 720-2817

cc

A
L
A
S
K
A

2012-002535-0

Recording Dist: 311 - Palmer
2/10/2012 9:51 AM Pages: 1 of 2



1735427 FATIL

WARRANTY DEED

The Grantor, MYRTLE NUSSBAUMER, Trustee of the MYRTLE NUSSBAUMER TRUST dated October 31, 1991, whose address is 3910 Avenue Bonne Terre, New Iberia LA 70563, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, does hereby convey and warrant unto the Grantee, WILLIAM A. STARN and NANCY L. JANSON, Trustees, and their successor trustees, of the GLEN HARDING STARN TRUST dated February 9, 1995, whose address is PO Box 240046, Anchorage AK 99524-0046, and to the successors and assigns of the Grantee, the following described real property:

Parcel No. 3 of Tract 1, LAKESHORE SUBDIVISION, according to the official plat thereof filed under Plat No. 63-10, Records of the Palmer Recording District, Third Judicial District, State of Alaska.

SUBJECT TO ALL reservations, easements, exceptions, restrictions, covenants, conditions, plat notes, by-laws and rights-of-way of record, if any.

SUBJECT TO Notice of Availability of Water and Sewer Service with PILA Provisions, including the terms and provisions thereof, recorded April 19, 1999, Book 1008, Page 44.

SUBJECT TO rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Wasilla Lake; and any prohibition of or limitation of use, occupancy or improvements of the land resulting from the right of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.

TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the premises, all and singular, together with the appurtenances and privileges thereto incident unto said Grantee, and to the successors and assigns of the Grantee, FOREVER.

Coryell Dawson, LLC Attorneys at Law, 805 W Fireweed Lane, Anch AK 99503 Tel 907-277-3995 Fax 907-276-0383

Warranty Deed, Page 1 of 2

DATED this 3rd day of February, 2012

GRANTOR:

THE MYRTLE NUSSBAUMER TRUST dated October 31, 1991

By: Myrtle Nussbaumer Trustee
Myrtle Nussbaumer, Trustee

STATE OF LOUISIANA)
PARISH OF Iberia) ss:

The foregoing instrument was acknowledged before me this 3rd day of February, 2012, by MYRTLE NUSSBAUMER.

Gerral J. Bordelon
Notary Public in and for Louisiana
My Commission expires: at death



GERRAL J. BORDELON
LA. NOTARY #11274
LIFETIME

Please record in Palmer
Recording District & return to
Glen Harding Starn Trust
PO Box 240046
Anchorage AK 99524-0046

Coryell Dawson, LLC Attorneys at Law, 805 W Fireweed Lane, Anch AK 99503 Tel 907-277-3995 Fax 907-276-0383

Warranty Deed, Page 2 of 2



2 of 2
2012-002535-0

June 8, 2015

RECEIVED

JUN 08 2015

**Planning Office
City of Wasilla**

Wayne and Edith Pinguoch
1280 E. Lakeshore Ave.
Lot 5, Block 5, Lakeshore Subdivision

PO Box 870315
Wasilla, AK 99687
Ph: (907) 376-5648

Re: Variance request, case #V15-01

To the City of Wasilla Planning Commission:

We live on Wasilla Lake and are directly across the cove from the property that is seeking the variance request. We are opposed to this variance request. We have lived on Wasilla Lake for many years and feel that the lakeside setback is very important.

Sincerely,

Wayne Pinguoch



STAFF REPORT
Prepared by:
For the meeting of:

Case # V15-01
Planning Staff
June 9, 2015

I. SUMMARY FACTS:

Applicant: Denali North

Land Owner(s): William Starn

Proposal: Variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling.

Location: 1245 E. Westpoint Drive
Tract 1, Parcel 3, Township 17 North, Range 1 West, Sec. 11

Parcel size: 0.36 acres ±

Zoning District: Residential Multifamily (RM)

Comprehensive Plan: Mixed Use/Transitional

Surrounding Zoning: North: Residential Multifamily
South: Residential Multifamily
East: Residential Multifamily
West: Residential Multifamily

II. STAFF RECOMMENDATION:

Staff recommends approval of this request with conditions.

III. SUMMARY OF REQUEST

WMC 16.28.110 provides for variances to density, setback, or height standards of this chapter.

The applicant applied for a variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling.

WMC 16.24.030(A)(1) requires:

A. Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate. Temporary buildings may be permitted within the side or rear yard area as administrative approval by the city planner. Where other setback standards are applicable, the most restrictive setback standards apply. The following are the building setback and height standards:

1. Front and rear yard setbacks are twenty-five (25) feet from the lot line. In the commercial district, the city planner may modify the front and rear setbacks by averaging the existing building line and applying this average setback to the building.

WMC 16.24.030(C)(3) requires:

C. Exceptions for setback requirements are as follows:

3. No building or footing may be located closer than seventy-five (75) feet from the high-water mark of a water course or body of water; provided, docks, piers, marinas and boathouses may be located closer than seventy-five (75) feet if they are located primarily over water, not used for habitation, and do not contain sanitary facilities...

IV. ISSUES REGARDING CODE

Wasilla Municipal Code sets forth the requirements for variance approvals in §16.28.110. The procedural requirements and variance standards are identified below with appropriate staff findings for each:

§16.28.110(A) Application.

An application for a variance must be submitted to the planner. The application must be accompanied by a site plan of the relevant part of the parcel or lot. The planner may require that the site plan be produced by a registered professional engineer or land surveyor. The site plan shall depict all information relevant to the variance request.

Staff Finding: A complete application was submitted to the Planning Department on May 12, 2015.

§16.28.110(B) Variance requests must be heard by the commission. Notice, comment period and hearing procedures follow the format outlined in WMC16.16.040.

Staff Finding: The public hearing was scheduled in a timely manner for the next available Planning Commission meeting and the hearing format is consistent with the requirements in WMC 16.16.040(E). Public notice was mailed May 22, 2015 to all properties within a 1,200' radius, allowing for the proper number of days in which to comment in accordance with 16.16.040. Hearing procedure shall follow the criteria outlined in 16.16.040(A).

§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;

Staff Finding: The small, triangular shape does not apply generally to properties in the district or vicinity.

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;

Staff Finding: The parcel is in the original platted configuration from 1963.

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;

Staff Finding: Without approval of a variance, the parcel would be basically unbuildable since the Land Development Code requires a 25' front yard setback and a 75' shoreline setback.

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

Staff Finding: The applicant did not cause the conditions that require a variance.

5. The variance is not sought solely to relieve pecuniary hardship or inconvenience.

Staff Finding: The variance is not sought to relieve a pecuniary (financial) hardship or inconvenience. Without any variance, no structure may be built on the lot.

§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;

Staff Finding: The variance request appears to be the minimum necessary to permit reasonable use of the parcel. The applicant is proposing a single-family dwelling.

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

Staff Finding: The proposed residential use is not prohibited as a residential use is permitted in a Residential Multifamily (RM) zoning district.

3. The variance is in keeping with the spirit and intent of this chapter and the requirements from which relief is sought;

Staff 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

Staff 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 should not significantly adversely affect other properties in the area.

§16.16.040(A)(6) Decision.

The commission shall decide to deny, approve or approve with conditions the proposal or appeal. The burden of proof shall be on the applicant. The commission's decision may be made immediately following the public hearing portion of the commission meeting. The decision of the commission shall set forth the facts it finds relevant to its decision and the reasons for its decision. The effective date of the decision is the date the findings and the reasons are set out in writing and signed by the commission chairperson or the chairperson's designee.

VI. CONCLUSION AND RECOMMENDED CONDITIONS

Based on the above, staff recommends that the Planning Commission approve the requested variance with the following conditions:

1. Prepare a landscape plan to the City Planner for review and approval that re-vegetates the area between the structure and the high-water mark of Wasilla Lake in accordance with the *Property Owner's Guide to Shoreline Landscaping in the Matanuska-Susitna Borough* and any other requirements necessary to ensure adequate protection of the lake and shoreline.
2. Design the site appropriately to prevent direct runoff from the lots into the lake.
3. Obtain all necessary permits and approvals for the installation of any necessary water/sewer infrastructure.
4. Provide adequate shoreline vegetation or other stabilization methods at the water's edge to prevent additional erosion.
5. Obtain all necessary approvals prior to working on the water's edge.

Tahirih Revet

From: Michelle Olsen <Michelle.Olsen@matsugov.us>
Sent: Tuesday, June 02, 2015 7:14 AM
To: Planning
Subject: William Starn Comments
Attachments: William Starn Comments.pdf

Please see attached comments.

Regards,

Michelle Olsen, CFM
Permit Technician
Matanuska-Susitna Borough
350 E Dahlia Ave
Palmer, AK 99645
(907) 861-7871

**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **June 9, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before June 1, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: This property lies within the FEMA designated Special Flood Hazard Area. A permit for development within the floodplain must be obtained prior to any development, digging, drilling, excavating or placement of equipment or materials *WRS 6/1/15*



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

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ZIP 99654
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Matanuska-Susitna Borough

MSB Planning Director
350 E. Dahlia Ave
Palmer, AK 99645

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Matanuska - Susitna Borough
Planning Dept Administration

MAY 26 2015

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PUBLIC NOTICE

V #15-01
MSB Map #WA 11
T17N, R01W, Sec. 11

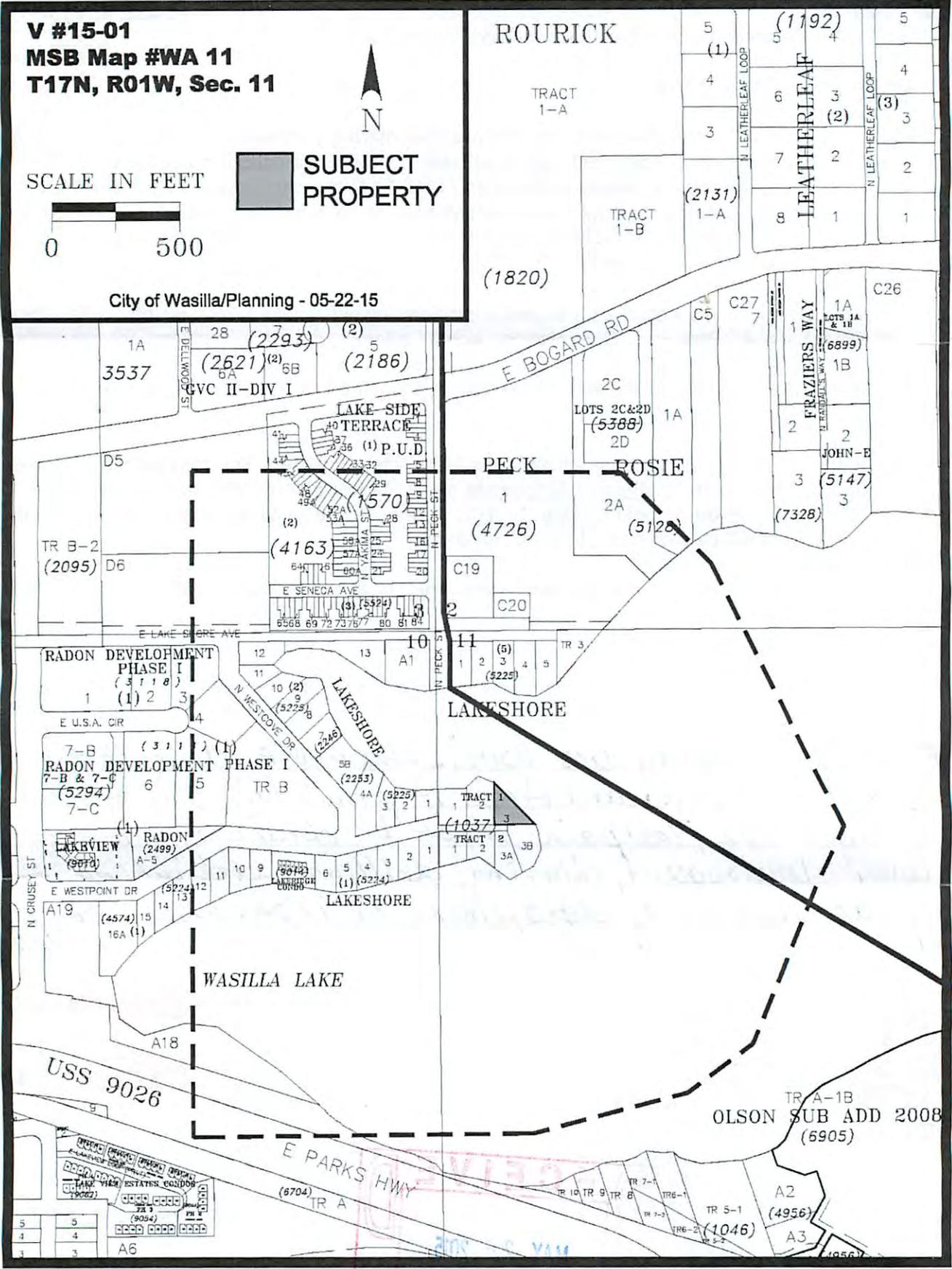


SCALE IN FEET



SUBJECT PROPERTY

City of Wasilla/Planning - 05-22-15





Matanuska-Susitna Borough



0.0 0 0.02 0.0 Miles
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 © Matanuska-Susitna Borough
 Reported on 06/01/2015 12:04 PM

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 THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Public Facilities
- Administrative
- Animal Control
- City Hall or Courthouse
- Community Center
- Landfill or Transfer Station
- Library
- Medical
- Post Office
- Public Safety Fire and/or EMS
- Public Safety Law Enforcement
- School
- Alaska Railroad
- Streets**
- Highway
- Major Street
- Medium Street
- Minor Street
- Primitive Road
- Private Road
- Mat-Su Borough Boundary
- Incorporated Cities
- Parcels
- Flood Zone

1 : 1,181



Notes

This map was automatically generated using Geocortex Essentials.

NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

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You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040) - A Planning Commission public hearing on this request is scheduled for June 9, 2015 at 6:00 P.M. in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before June 1, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name Jean Brown
Address 1210 LAKE SHORE
Lot 1 Block 5 Subdivision LAKE SHORE

Comments:
I feel 30' ft setback is not appropriate for a 75' normal required setback for new construction. There is already an existing home that could be expanded if the lots are replatted into one



CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

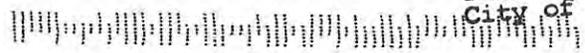
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ZIP 99654
041L11222587

Jean Brown
PO Box 874213
Wasilla, AK
99687

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JUN 01 2015

PUBLIC NOTICE

99645#4470 B049



Planning Office
City of Wasilla

**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for June 9, 2015 at 6:00 p.m. in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before June 1, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name Noel Kopperud
Address P.O. Box 4470 Palmer, AK 99645
parcel 2 Lot 2 Block 1 Subdivision Lakeshore

Comments: Opposed to variance request. Please see attached.

	CITY OF WASILLA PLANNING OFFICE 290 E HERNING AVE WASILLA, AK 99654 PHONE 373-9020 FAX 373-9021	neopost 05/22/2015 US POSTAGE \$00.48 ⁰
		 ZIP 99654 041L11222587

1037T01P002
KOPPERUD CLAIRE EST *(Noel Kopperud)*
PO BOX 4470
PALMER, AK 99645

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JUN 01 2015

**Planning Office
City of Wasilla**

PUBLIC NOTICE

99645#4470 B049

178 of 258

June 1, 2015

City Planner and Planning Commission
City of Wasilla
Planning Office
290 E. Herning Ave.
Wasilla, AK 99654

RE: Opposition to Starn Application for Variance on Parcel 3 (Tract 1) Lakeshore
Subdivision, City File 15-01

Dear City Planner and Planning Commission:

My name is Noel Kopperud and I own Parcel No. 2 (Tract No. 1) immediately adjacent to Parcel No. 3 (Tract No. 1) for which Mr. Starn is seeking the variance referenced above. Our family has owned our land since 1960. We have lived there for several generations and we are opposed to the request for abandonment of the city's lakeside setback restrictions that are designed to protect Wasilla Lake as a whole. Based on these problems, I request that that Commission deny the variance.

Executive Summary of Opposition

Mr. Starn also owns the upland parcel (Lot 3B) that is immediately adjacent to the Parcel 3 shoreline strip and can replat or otherwise make good use of this tiny 10,000 sf shoreline area without a variance. Mr. Starn currently is making reasonable use of the parcel and does not need a variance to continue and expand such use. The variance application is extremely aggressive in proposing a building that would have maximum adverse impacts on the shoreline and the neighborhood. Our house is the property most heavily impacted. The proposed three-story (includes basement) large-footprint structure is far beyond a minimum deviation from the code necessary for reasonable use. The variance is also not in keeping with the spirit and intent of the City's variance process that requires extraordinary circumstances and then anticipates that there will be only the minimum variation possible from the laws that apply to all citizens in the community. Wasilla Lake is a public asset and the protection of its shoreline is entrusted to the Planning Commission. This variance should be denied because the proposed destruction of the protected space around the lake is unnecessary and would be detrimental to the public's welfare and to the City's interests in managing for the future of the lake with a coherent shoreline plan.

In the following paragraphs, I state the problems with each of the five conditions (findings) that the Planning Commission must use in granting any variance under Wasilla Development Code Section 16.28.110(D).

- The deviation from the requirements of the Code that is permitted may not be more than is necessary to permit reasonable use of the lot.

The applicant (Mr. Starn) may make substantial reasonable use of Parcel 3 without granting a variance that would allow him to build a structure covering much of the protected setback areas. The proposed house is three stories high (including the basement) and is 1,000 square feet larger in living area than any other home in the neighborhood. The variance program isn't intended for such a massive structure.

The Planning Commission should seriously consider that a very reasonable alternative use for Parcel 3 (the small shoreline lot) is for Mr. Starn to continue using it in conjunction with his upland house on Parcel 3B. The vital additional parking space used by the existing Starn house would be an enhancement and provide essential room for public vehicles, snow storage, and other necessary use. Moreover, the shoreline restrictions allow substantial reasonable use of Parcel 3, without destructive development in a sensitive erosion zone. In addition to providing more space for parking, the shoreline ordinance allows other reasonable uses such as a dock, small boathouse, and possibly even a place where the Starn dogs could stay at home.

The lot for which this variance is sought is a narrow strip of land entirely within the 75-foot shoreline setback. Mr. Starn also owns the adjacent Parcel 3B upland property on the opposite side of the lot. The land for which the variance is sought may and should be reasonably used without destroying the protections afforded the public, other subdivision owners, and wildlife by the shoreline setback. In fact, the highest and best use of this thin strip of shoreline is that it be re-attached to the Starn Parcel 3B from which it was carelessly re-subdivided by the original developer.

Al Hagen originally platted this area in 1960 and deeded Parcel 2 of Tract 1 to my family that same year. A registered land surveyor had designed the lots in such a way that the point was a single lot (Parcel 3). Subsequently, in 1963, Mr. Hagen filed "an amended plat" without an engineer and drew lines that separate Parcel 3 into two large lots (Parcels 3A and 3B) and left a narrow shoreline fragment, which retained the title Parcel 3. In other areas around Hagen's Lakeshore Subdivision, these fragments have been replatted and joined with adjacent parcels to form a reasonably-designed lot.

It would be apparent to anyone looking at the site that either the Starn Parcel 3B or our Parcel No. 2 could make reasonable use of the tiny shoreline strip as a part of the adjacent uplands rather than stripping away the public lakeside safeguards in order to imbed a large building at water level. The building planned is approximately 1,000 square feet larger in living area than any house in the neighborhood. It virtually destroys forever every natural condition on the bluff and shoreline along the point in the area where the variance is to be applied.

The former owner of the existing Starn house on Parcel 3B was Mel Husa. He told me that he deeply regretted having transferred away the additional lot he inherited on the

point, Parcel 3A. He said it left his house on Parcel 3B with virtually no at-grade parking space on top of the bluff that overlooks the lake. Thereafter, Mr. Husa dumped a large amount of material on the Parcel 3 shoreline strip and some material even went into the lake, which ended with a Cease and Desist Order issued by the City of Wasilla Planning Department. Mr. Husa's goal was to purchase the property from its owner after creating an area where he could park additional vehicles off the narrow dead-end road which ended at his house.

Mr. Starn, after recently buying the former Husa house on Parcel 3B, soon thereafter bought the small adjacent Parcel 3. Mr. Starn is currently making good use of this shoreline parcel. Last fall he cleared away vegetation at the top of the shoreline parcel, dumped gravel, and has made a parking lot which is used for excess Starn vehicles. Mr. Starn mentioned to my son when building the parking area last fall that he was also concerned that there be some area where the garbage truck could turn around since the cul-de-sac at the end of Westpoint Drive is very narrow. These heavy public service vehicles otherwise have to back down the road and turn around in our driveway or another open space. It is not accurate that Mr. Starn needs a variance to continue his reasonable use of this land

The strip of land protected by the shoreline setback is an extremely sensitive area of Wasilla Lake. Parcel 3 is located at the tip of the peninsula extending into the lake; this point is aligned with an opening to the east, between the upper and lower portions of Wasilla Lake. As a result, a large stretch of open water allows the wind to reach high speeds – at times approaching 100 miles per hour – in the worst winter windstorms. The wind-driven waves have caused substantial erosion of the lands around the point. While there is a question about the amount of erosion, the applicant notes has been 20 feet on Parcel 3 in the 50 years since original subdivision maps were created.

Westpoint Drive is very narrow, and the careless re-subdivision of the land at the point has left very little room at the road elevation. Upland lots on the point are approximately 20 vertical feet above the Lake. The winter weather conditions are such that the miles of open snow and ice and high winds cause extreme drifting in the narrow road gulch at the end of Westpoint Drive, which provides the only access to the end of the point. Mr. Husa always maintained a bulldozer on the property to move drifts that sometimes reached more than 8 feet high and 50 feet or more long. People familiar with the Parks Highway drifting at the area beside Wasilla Lake will understand exactly what is going to happen under these winter conditions. The City has brought in a large bucket loader in recent years to dig out the drifts at the end of Westpoint Drive, and they stack the snow on the setback area and the upland corner of Parcel 3. This is the same area where Mr. Starn proposes to vacate the roadside setback. He plans to install buildings in the vacated setback areas that are currently used for turnaround, snow storage, and excess vehicle parking at the end of the road.

The potential for practical and reasonable use of Parcel 3 by the Starn family is particularly evident when it is recognized that the Starn house was expanded from a cabin that was constructed on the extreme western side of Parcel 3B and immediately against

the shoreline strip lot, Parcel 3. The at-grade and fully usable portion of Parcel 3 is actually along the eastern half of Parcel 3, where the Starns have built a nice parking lot. We own substantial shoreline that is covered by the 75-foot setback restrictions and we have enjoyed use of the lightly forested area of our setback in conjunction with our upland house. Reasonable continued use of Parcel 3, without granting the variance, is readily apparent.

- The variance will not permit a land use that is prohibited by the code.

The requested variance violates the code because all of the runoff from the large building Mr. Starn intends to embed directly in the lakeshore setback area will run into Wasilla Lake. The developer's plan will horizontally invade most of the lakeside setback and also dig down toward the surface level of the lake. Wasilla Lake is a very pollution sensitive area and the runoff from this building, excavated into the shoreline, will heighten the risk of illegal pollution by eliminating virtually all of the safeguards that the shoreline set back area was designed to provide.

Mr. Starn's application does not include a drawing that complies with the code. A professionally-developed site plan would include more elevation and survey points as well as additional required information.

- The variance is in keeping with the spirit and intent of the Code and its requirements.

Mr. Starn's request for variance violates this condition. His application suggests that the lakeside setback is such a minor concern that the request seeks a massive vacation of almost all of the protected setback area. The code takes the position that any variance of the setback requirement must be based upon findings that confirm the crucial setback area is preserved, and any variance must be limited to the greatest extent possible. The spirit of the code reflects that minimizing destruction of the lakeside setback requirement is enforced in order to provide for effective planning in the City of Wasilla.

Unlike most other Alaska cities, Wasilla is situated between two beautiful lakes. Wasilla Lake, which bears the City's name, is close enough to Anchorage to be under constant pressure for development. On one hand are those who view the lake as a large drainage pond, around which restrictions should be vacated even if that means we are left with a wall of buildings surrounding a dead lake, benefitting only someone's quest for immediate private opportunity. An alternate viewpoint is that the lake is to be shared with nature, for which someone needs to stand up. A coherent plan for the shoreline around Wasilla Lake protects the quality of the water and retains habitat for birds, fish, and other wildlife. The public users of the lake also benefit from having a shoreline view around the lake that has some trees and natural screening, rather than just an "all built up" appearance. The lakeside setback needs to be maintained in a consistent manner, and the spirit and intent of the lakeside setback as set out in the City code is to assure that this happens. It gives the Planning Department of Wasilla the opportunity to deal with

challenges that future development around the lake will undoubtedly bring.

In summary, the variance program was not intended to make a wholesale transfer of space protected for the public to a developer in a setting where the applicant knowingly acquired land entirely within the setback area. Granting such a variance would set a bad precedent. The message would be that there is no spirit or intent in the code to provide for a consistent protected area around the lake. Instead, the relief from the setback as a minor concern argument will be made to justify building as close to the lake as possible. The fish, birds and animals that live in and around the lake will have no voice in the outcome, because the idea of protecting a natural space is "old and outdated." There is no going back. Once the protected space around the lake is consumed with buildings, there are no tools left for future planners to use in solving the problems they are certain to encounter.

- The variance sought will not be detrimental to public health, safety, and welfare.

The variance request will be detrimental to public health and safety. With the proposed vacation of the roadside setback, there will be only 15.5 feet from the road to the house. A typical pickup is 20 feet and at least 5 feet of the vehicle will be in the road. The roadside setback will have to be maintained in this area as a requirement of public health and safety. The variance application proposes to build a very large building that may be used as a public accommodation for guests, on a parcel that will have virtually no room left at the road elevation. The adjacent Starn house on Parcel 3B was located so close to the property line and the bluff that successive owners have struggled to manage even their own parking needs. A new house has now been installed on top of the small bluff, immediately south of the Starn house, on Parcel 3A. Parking for the new house project was so restricted that workers used our lawn next to the road. A structure of this size and design should be planned for a lot that provides the building and its occupants with substantial space which will assure good access in all Alaskan weather conditions.

Mr. Starn told my son that he was considering building a bed and breakfast on his property. The building described in the application is 3 stories high and larger than other buildings in our neighborhood. Unlike the example building lots Mr. Starn attached to his application, Parcel 3 is just a strip of shoreline within the setback. None of the other properties lack upland to support lawful development. Mr. Starn apparently is seeking permission to excavate to a depth nearer the lake level and embed a large structure entirely within the lakeside protected area. His drawing confirms that the effective setback from the lake is going to be substantially less than 30 feet. Excavation for such a daylight basement would require destruction of much of the existing shoreline. Thereafter, the walkout places from the basement to the shoreline would destroy much of the remainder of any setback area from the lake.

The proposed Starn building would be situated at the end of Westpoint Drive, which is a dead-end road leading from one of the busiest areas of Wasilla. There is currently a lot of

turn-around traffic at the homes near the end of the drive and it will increase. Over the last 50 years that our family has shared a place beside the end of the road, it has not been uncommon to have hourly turn-around vehicles, which seem determined to go to the very end of the road, even though it is marked dead end. Much of the traffic has gone up to the Starn property to turn around, even though the road is narrow. The other homes clustered around the end of the point, such as ours, have shared this burden equally with Starn house. The development Mr. Starn proposes is going to transfer to the other neighbors the entire burden of all this turn-around traffic.

In addition, fire engines, ambulances, police vehicles, heavy snow removal equipment, and other public service vehicles must have substantial space to maneuver, particularly at the end of a dead end street. Planners require cul-de-sacs at the end of dead-end roads specifically to address such needs, and the loss of them is especially problematic in the case of Westpoint Drive, which is only 15 feet wide. I believe that it will be detrimental to public safety to construct a building of this size surrounded by water, in an area where the plan calls for vacating all of the open spaces where fire and other service equipment needs to operate.

This extensive construction is proposed in an area of known erosion that is fully exposed to extreme wind, wave action and snow drifting. All of the runoff from this development will run into Wasilla Lake. Others who have sought to develop small Hagen lots have replatted them to attach the fragments to reasonably-sized upland parcels. Their approach provides substantial elevation and space between sewers, runoff, and other sources of pollution and the lake shore. The variance application does not provide any such protection and thus differs fundamentally from the example lots that include substantial upland areas. Granting the variance would allow a lot of runoff into the lake, violating public health and safety that the shoreline setback ordinance was enacted to protect.

- The variance will not significantly adversely affect other property.

The variance application will significantly adversely affect other property. Destruction of the protected shoreline by allowing permanent buildings to replace the setback space is an action that affects everyone with a view of the point. Neighboring property owners will likely experience adverse effects from further restricting the space to turn around at the end of Westpoint Drive, transferring the burden to them.

Our adjacent property would be heavily impacted. We have a mew gull nesting area along the lake adjacent to the Lot 3 shoreline. For many years a substantial flock of birds nest there, and their chicks learn to fly in the setback area near the trees and water.

The previous owner of Parcel 3 allowed me to undertake a reclamation project on the property, at my own expense, after the City's Cease and Desist order stopped the unpermitted dumping of waste dirt all over the lot, our property, and into the lake. I worked with my sons to install a silt fence and then hauled over 1000 cubic yards of waste material to the Carney gravel pit. We raked the lot, planted trees, and hydro-seeded

the area. In time, the shoreline stabilized and the City inspected the area so that we could remove the silt fence.

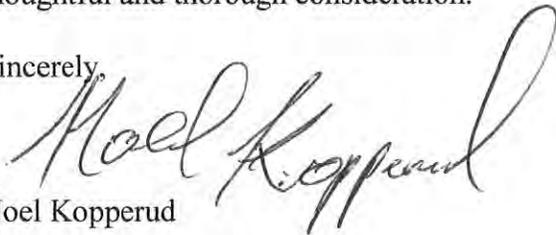
It was important for us to reclaim the damaged area because 40 years ago my father located our house in accord with measurements made to comply with the 75-foot setback. Our eastern windows look directly out at the lake across a narrow portion of Parcel 3 that is all within the lakeside setback area. Mr. Starn's variance request anticipates construction of a three-story structure which would extend deeply into the setback area and wipe out our capacity to see and enjoy the lake from our east windows. When my father chose the location for our house overlooking the lake, he respected the lakeside setback restrictions. He expected that the law would be applied equally to others. We should not be penalized by a variance that disregards the setback and allows a massive structure that would seriously and permanently impact our property.

Conclusion

The ill-conceived shoreline strip left by Mr. Hagen's re-subdivision can reasonably be used by attaching the fragment to one of the adjacent upland properties. Mr. Starn currently uses Parcel 3 and he can continue in the future to his use and enjoyment the additional land in conjunction with his upland lot on 3B, and without any need for the variance. Granting the variance is inconsistent with the spirit and intent of the code because the applicant purchased a lot that was entirely within the setback area and seeks permission to vacate most of the protected space. It would set a bad precedent to treat wholesale vacation of the shoreline protected area as if it were a minor concern. Moreover, the variance application in this case seeks to install a very large structure directly adjacent to lake, after removing all of the safeguards enacted to protect Wasilla Lake as a community asset. Our house and way of life would be very heavily impacted by this variance of the law. The City and all homeowners on the lake will benefit from continued enforcement of the reasonable shoreline development restrictions that preserve a natural lakeside environment for future generations.

Based on the problems that the variance would create for each of the five conditions, I request that the Planning Commission deny the application. Thank you for your thoughtful and thorough consideration.

Sincerely,



Noel Kopperud

Tahirih Revet

From: Desi & Cathy Mayo <mayo@mtaonline.net>
Sent: Sunday, May 31, 2015 4:48 PM
To: Planning
Subject: Response to Variance Request Case # V15-01

City of Wasilla Planning Commission,

We are not in favor of approving of the variances for the 1245 E. Westpoint Drive (Tract 1, Parcel, Lakeshore Subdivision). We built our house on Lot 4, Block 5, Lakeshore 1960 Subdivision within the required setbacks and expect all others to do so as well. To do otherwise impacts Wasilla Lake and those of us who have already complied with the rules.

Thank you for the opportunity to comment,

Desi Mayo

1260 Lakeshore Ave.
Lot 4, Blk 5, Lakeshore 1960 Subdivision

**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **June 9, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before June 1, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name Magali Chapelle
Address 1240 E. Lakeshore Ave.
Lot _____ Block _____ Subdivision _____

Comments: I suspect the 75ft setback Municode is in place for a reason. I would like the planning Commission to keep that in perspective when reviewing this request. As a homeowner on this lake, I have noticed an increase in algae production over the yrs. What will be the size of this single family home? My neighbors built a 5000sqft home for just the 2 of them w/a rolling green lawn right up to the lake that they diligently fertilize to keep it golf course green. We can't dictate the size of a person's dwelling. We can, though, continue to control the impact building so close to the lake has on the health of our waterways. All of us in the borough living on this lake pull our well water from this source - and should be concerned with any building that could impact this development.



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

5225B05L002
~~WARRICK RICHARDSON~~
CHAPELLE MAGALI S
1240 E LAKE SHORE AVE
WASILLA, AK 99654-7151

05/22/2015
US POSTAGE \$00.18
ZIP 99654
041L11222587

Thank you for allowing me to comment "potentially" Magali Chapelle

RECEIVED
MAY 29 2015
FIRST CLASS

Planning Office
City of Wasilla

PUBLIC NOTICE

**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

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Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name Laura & Lawrence Hamblen

Address 1200 & 1220 E. Westpoint Dr.

Lot 1 & 2 Block Tract 2 Subdivision Lakeshore Subdivision

Comments: We object for a permit issued of any type of commercial or nonprofit building or business on 1245 E. Westpoint Dr.
We agree to single family "ONLY" on said property above.
We also object to the 5.5 ft. setback from the Road.



CITY OF WASILLA
PLANNING OFFICE
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

1037T02P001
HAMBLÉN LAWRENCE O
HAMBLÉN LAURA L
1220 E WESTPOINT DR
WASILLA, AK 99654-7140

neopost
05/22/2015
US POSTAGE \$00.48⁰⁰
ZIP 99654
041L11222587

RECEIVED

JUN 01 2015

Planning Office
City of Wasilla

FIRST CLASS

PUBLIC NOTICE

Tahirih Revet

From: dawnqueen@aol.com
Sent: Thursday, May 28, 2015 7:01 PM
To: Planning
Subject: Variance Request

The Estate Of
Nussbaumer Myrtle Tr Tre
3910 Ave Bonne Terre
New Iberia LA 70563

Case # V15-01

We are in favor of granting the variance. Thank you



CITY OF WASILLA
 • Planning Office •
 290 East Herning Avenue • Wasilla • Alaska • 99654-7091
 • Telephone 907-373-9020 •

APPLICATION FOR VARIANCE

Permit #: V 15-01
 Date: 5-12-15

I. PROPERTY OWNER*	OWNER'S REPRESENTATIVE (If Any)
Name: <u>William Starn</u>	Name: <u>Denali North</u>
Mailing Address: <u>Po Box 1782</u>	Mailing Address: <u>Po Box 874577</u>
<u>Palmer AK 99645</u>	<u>Wasilla, AK 99687</u>
Contact Phone: Day <u>841-3677</u> Night <u>746-0805</u>	Contact Phone: Day <u>907-376-9535</u> Night <u>907-376-9535</u>
FAX:	FAX: <u>907-745-0964</u>
E-mail:	E-mail: <u>denalinorth6925@gmail.com</u>

II. PROPERTY INFORMATION	
Size of property <u>.36 Acres</u>	
Property tax # <u>1037 T01 P003</u>	
Street Address: <u>1245 E. westpoint DR.</u>	
Legal Description: Lot(s) _____ Block _____ Subdivision <u>Lakeshore 1963 Tract 1</u>	
OR Parcel/Tract <u>3</u> Section <u>11</u> Township <u>17 North</u> Range <u>1 West</u>	
[Attach additional page if necessary.]	
Zoning: RR Residential <input type="checkbox"/> R1 Single-family Residential <input type="checkbox"/> R2 Residential <input type="checkbox"/> RM Multi-family <input checked="" type="checkbox"/> C Commercial <input type="checkbox"/> I Industrial <input type="checkbox"/> P Public <input type="checkbox"/>	

III. VARIANCE
Applicant seeks a Variance from the following general requirement (s): Code Section #: _____
Describe problem and the minimum variation from code necessary to resolve the problem: <u>BUILDING SET BACK REQUIREMENTS FOR WATER BODY 75' TO 30', R.O.W. SET BACKS 25' TO 10.4 & 5.5. THIS LOT IS NONCONFORMING TO CURRENT CODE CREATED IN 1962 TO 1963.</u>

At Least two (2) days before the pre-application conference, submit the following materials to the Planning Office:

1. A copy of a plat or other legal description of the property.
2. A sketch of the property showing the features the applicant believes are relevant to the variance request.

APPLICATION

In addition to a site plan, the applicant must describe how their requested variance complies with each of the following five standards listed in Section 16.28.110 of the Land Development Code. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these five standards are met.

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.

Describe how the problem stated on page one is unique to your property.

THE SIZE & SHAPE TO THIS PROPERTY IS UNIQUE ALONG WITH THE EXISTING TOPOGRAPHY. IF SET BACKS WERE USED THEY WOULD OVERLAP ALLOWING NO BUILDABLE AREA. THIS LOT IS NOW APPROXIMATELY 10,000 SQFT VERSUS 27,200 AS PER THE PLAT

2. Explain how the conditions described above 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 how conditions arise out of surrounding development or conditions.

THE TOPOGRAPHY IS DIFFICULT AND THE SHORELINE APPEARS TO HAVE RECESSED ABOUT 20'± FROM THE 1962 PLAT. BY USING A DAYLIGHT BASEMENT IT FITS THE BENCH AND GRADE OF THE ROAD SO THE GARAGE & DRIVE WILL BE LEVEL W/EXISTING ROAD. & UTILITY CONNECTIONS.

3. Describe why, (because of the conditions you have described), the strict application of the requirements of the code will result in an undue, substantial hardship to the owner or the property such that no reasonable use of the property could be made.

AS STATED THE SET BACKS OVELLAP ALLOWING NO BUILDABLE AREA. THEREFORE MAKING THE LOT UNUSEABLE WITHOUT THE VARIANCE. MR STARN IS ONLY REQUESTING SINGLE FAMILY USEAGE IN A MULTI-FAMILY ZONING AND IS COMPAREABLE IN SIZE TO SURROUNDING SINGLE FAMILY LOTS IN THE NEIGHBORHOOD.

4. Describe how or why 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.

THIS PLAT WAS CREATED IN 1962/1963 BEFORE ANY SETBACK CODES OR LOT SIZE REGULATIONS WERE IN AFFECT, AND THE SHORELINE RECEDING IS A NATURAL OCCURRENCE BEYOND ANYONES CONTROL.

5. Describe any reasons not based on costs or inconvenience you have for requesting this variance.

REQUESTING THIS TO HAVE REASONABLE USE OF THE PROPERTY FOR SINGLE FAMILY USEAGE IN A MULTI-FAMILY ZONING. ATTACHED ARE COMPARABLE HOMES & USEAGE IN THE AREA

IV. FEE

A Fee of

\$500 must accompany this application. Checks must be made payable to the CITY OF WASILLA.

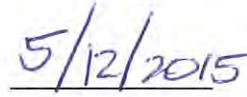
33991 - 5/13/15

V. CERTIFICATION

I certify that the representations made in this application and accompanying material are true.



Owner or Agent



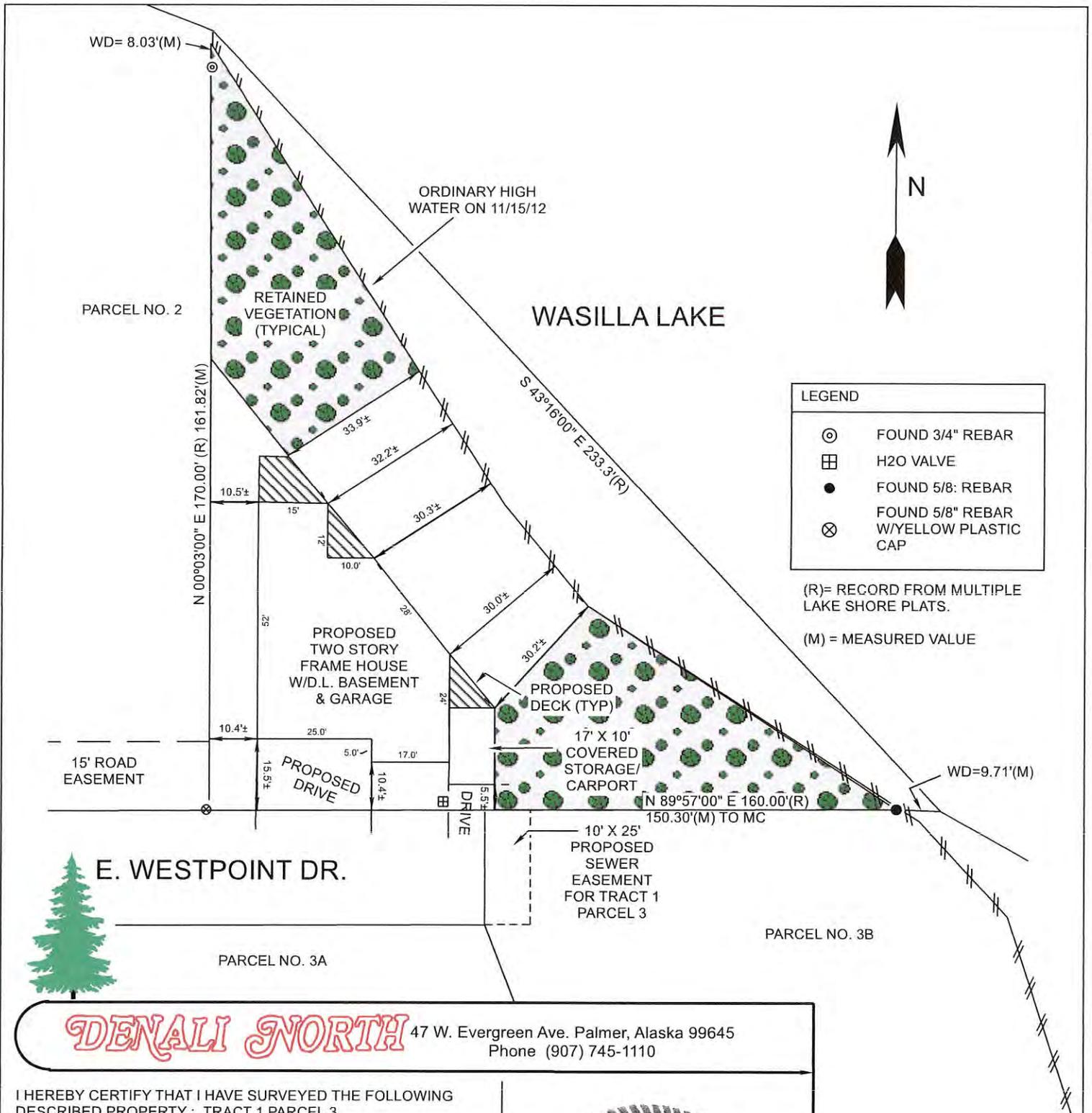
Date

Notice

If a property qualifies for a variance under the Wasilla Development Code Section 16.28.110 (D), the variance granted must meet the following conditions:

1. The deviation from the requirements of Code that is permitted may not be more than is necessary to permit reasonable use of the lot;
2. The variance will not permit a land use that is prohibited by the Code;
3. The variance is in keeping with the spirit and intent of the Code and its requirements
4. The variance will not be detrimental to the public health, safety or welfare; and
5. The variance will not significantly adversely affect other property.

Notice of Right to Appeal: All decisions of the City Planner are appealable per WMC Title 16.



DENALI NORTH

47 W. Evergreen Ave. Palmer, Alaska 99645
Phone (907) 745-1110

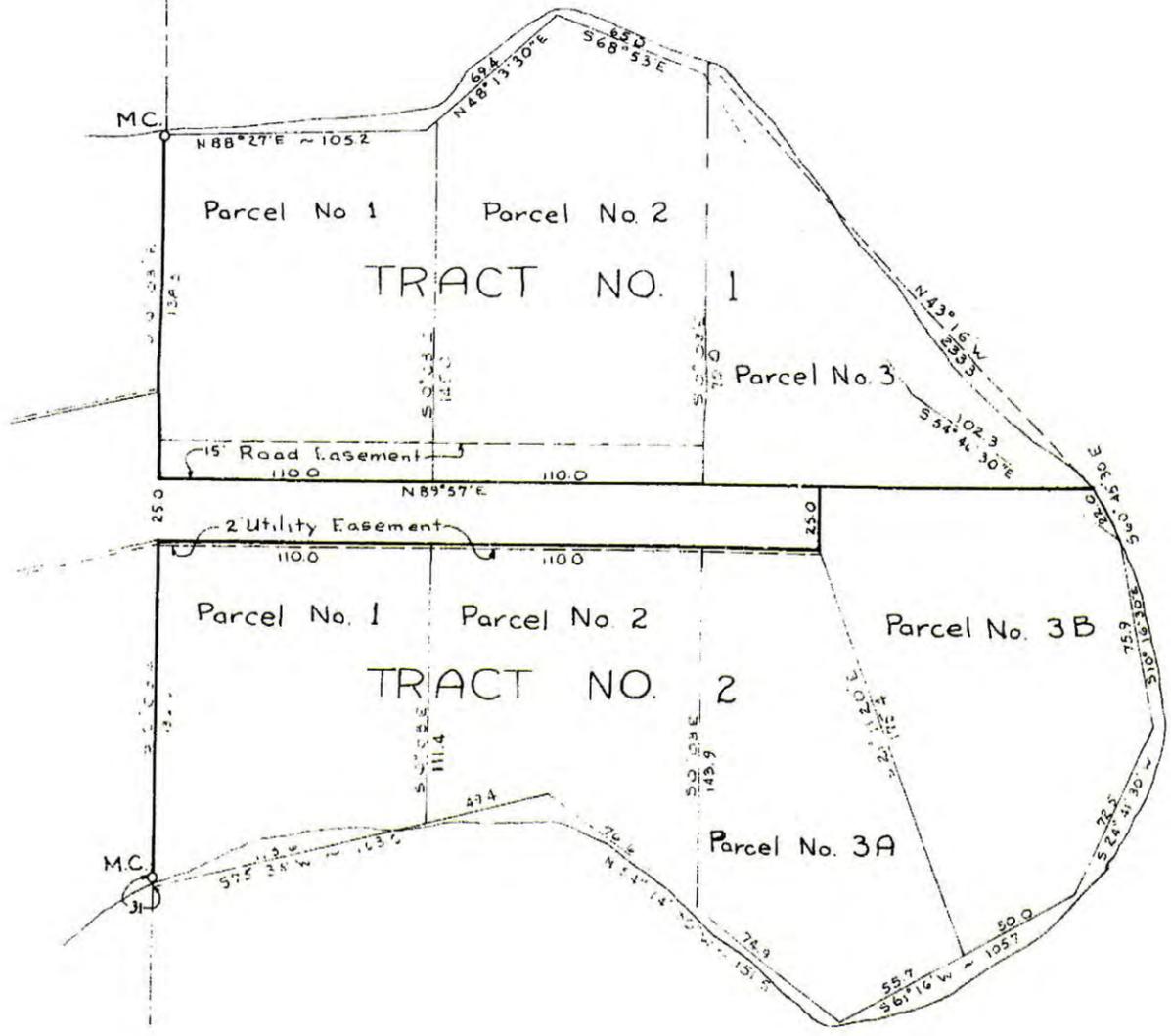
I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY : TRACT 1 PARCEL 3
AMENDED PLAT OF LAKESHORE SUBDIVISION
PLAT NO. 63-10
 PALMER RECORDING DISTRICT, AND THERE ARE NO ENCROACHMENTS VISIBLE AT THE TIME OF THIS SURVEY, EXCEPT AS INDICATED.
 DATED THIS _____ DAY OF _____ 20____ AT PALMER, ALASKA.
 IT IS THE RESPONSIBILITY OF THE OWNERS OR BUILDERS TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES. THIS IS NOT A LOT CORNER SURVEY.



JOB NO. 12213		CLIENT		FIELD BOOK/PAGE(S) 238-68	
SCALE 30 FT/in	PLOT PLAN	ASBUILT	X	MAP	
DRAWN HW			CKD. WW		

Sec 3
10
Cor 2
11

WASILLA LAKE



WASILLA LAKE

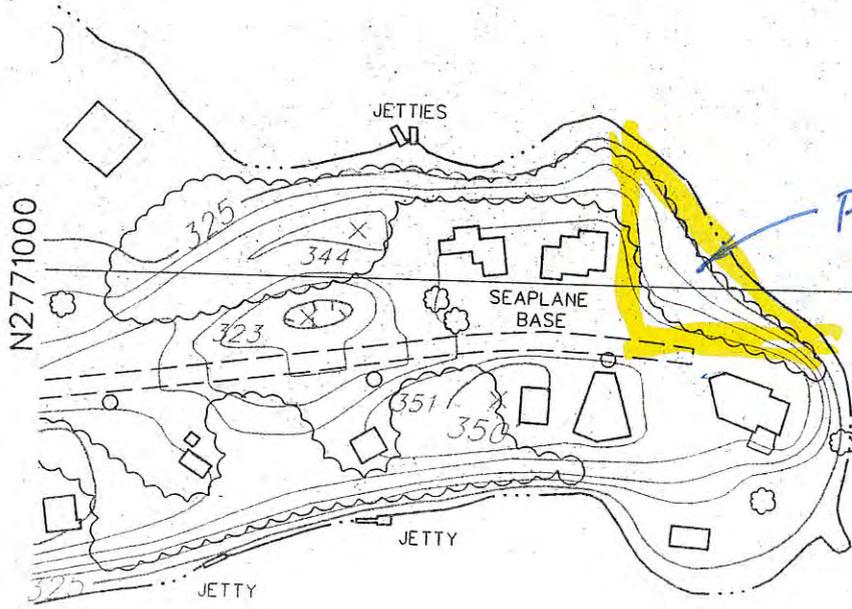
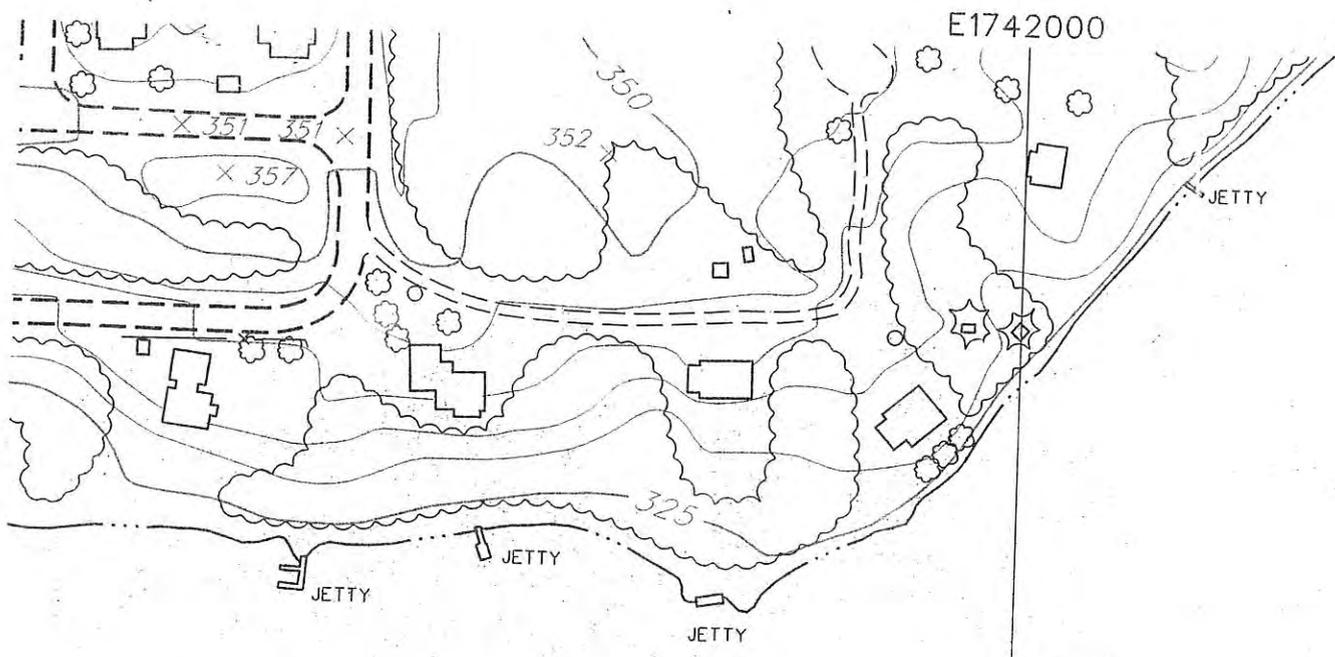
AMENDED PLAT
of
LAKE SHORE
SUBDIVISION
A. V. HAGEN PROPERTY
LOT No. 3 SEC. 11
T1711 R1W S.M.

Scale: 1" = 50'

Alfred V. Hagen Owner
April 12 1963

FILED
Palmer REC. DIST.
5-20 1963
4-20 1963

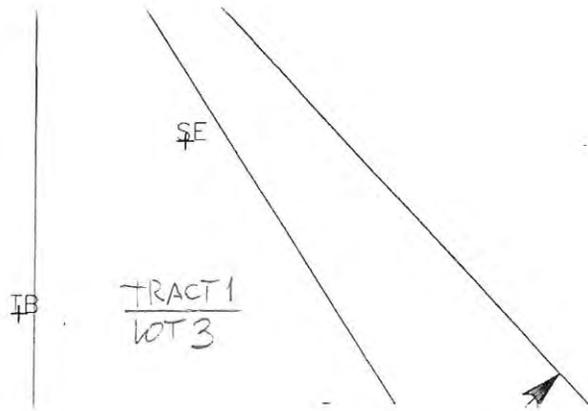
#63-10



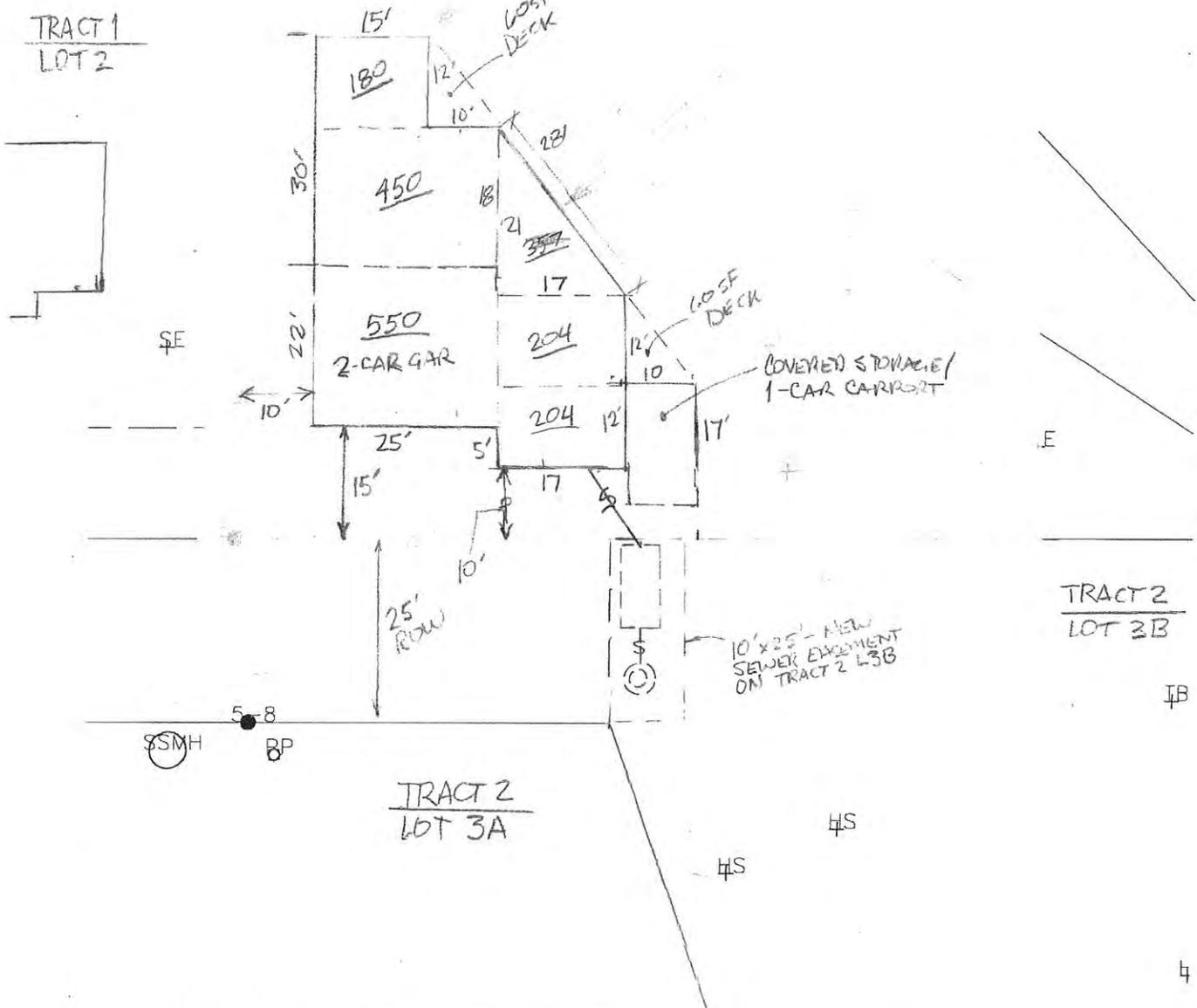
PARCEL 3
 NOTE: A CURRENT TOPO IS
 AVAILABLE IF NEEDED.
 WNLW

WASILLA
 W/I

ELEV: 321'



1245 E. WESTPOINT DRIVE		PROPOSED BLDG SPACES	
DLB (FINISHED)	1395 SF	1217	
[GARAGE (FLR 1)]	550 SF	1217	
FLOOR 1	1395 SF	1766	
FLOOR 2 (OPTION)	1945 SF	4200	
MAX. LIVING SPACE: 4735 SF			



1245 E. WESTPOINT DRIVE, WASILLA, AK
 LAKESHORE SUBDIVISION: TRACT 1, PARCEL 3

W. STARIN 5/11/15

Residential Development Proposal for: 1245 E. Westpoint Drive - Lakeshore Subdivision, Tract 1, Lot 3
 Comparative Summary of Adjacent Buildings and Lots
 Based on MSB Real Estate Tax Records as of 5/7/2015

Address	Legal Description	Lot Size (Acres)	Est. Value		Year Built	House Design	Living Space (area in sq.ft.)			Garage Area	Bldg/lot area %	
			Land	Impvts			Bsmt	1st flr.	2nd flr			Total
1201 E. Westpoint Dr.	Tract 1, Lot 1	0.35	78K	408K	2003	2-story	0	1861	1440	3301	1440	31%
1225 E. Westpoint Dr.	Tract 1, Lot 2	0.36	83K	175.5K	1977	2-story w/ full bsmt	1000	1000	0	2000	384	15%
1245 E. Westpoint Dr. PROPOSED BLDG	Tract 1, Lot 3	0.36	50K	TBD	TBD	2-story w/ full bsmt, gar1 (int) carport	1217 (DLB)	1217	1766	4200	550 170	31%
1200 E. Westpoint Dr.	Tract 2, Lot 1	0.57	85K	50K	1994	Cabin w/ gar1 (int) gar2 (det)	0	528	216 (loft)	744	702 1230	11%
1220 E. Westpoint Dr.	Tract 2, Lot 2	0.31	81K	306.1K	1982	2-story w/ full bsmt, gar1 (int) gar2 (det)	1168 (DLB)	1192	565	2925	340 768	30%
1240 E. Westpoint Dr.	Tract 2, Lot 3A	0.32	81K	203.9K	2011	2-story w/ bsmt	750 (unfin)	750	1500	3000	0	22%
1260 E. Westpoint Dr.	Tract 2, Lot 3B	0.41	90K	185.7K	1955+	Tri-level	816 (DLB)	1296	816	2928	775	21%

TARN GLEN HARDING TR
TARN WM A JANSON NANCY L TRES
; WILLIAM STARN
O BOX 1782

51037T01P003
1245 E WESTPOINT DR

ALMER AK 99645-1782

Acreage: 0.36

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 64578

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 50,000	\$ 0		\$ 50,000
2014	\$ 50,000	\$ 0		\$ 50,000
2013	\$ 46,000	\$ 0		\$ 46,000

Building ID:

Building Use

Const. Year

Foundation

Units

Item Description

Design Eff. Year
Physical Cond.

Quantity

Units Area

% Complete

Grade Building Type
Bsmt. Type

Rate

N/A

Total

Building ID:

0.00

0

Building ID:

Heat - 8E

Building ID:

Calculated Value:

Market Factor

Location Factor

Less Depreciation:

Physical

Accelerated

Functional

External

Total Depreciation

\$0

Net Calculated Value((RCNLD):

Override Value:

\$0

Utilities:

Total Utilities:

TOTAL IMPROVED VALUE (ROUNDED AMOUNT)

\$0

OBSON ROBT M SR & A O
201 E WESTPOINT DR
VASILLA, AK 99654

51037T01P001
1201 E WESTPOINT DR

Acreage: 0.35

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 27584

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 78,000	\$ 408,300	\$ 218,000	\$ 268,300
2014	\$ 78,000	\$ 388,400	\$ 170,000	\$ 296,400
2013	\$ 83,000	\$ 379,300	\$ 170,000	\$ 292,300

Building ID: 6020

Building Use Residential Building
Const. Year 2003
Foundation PC
Units 1

Design Eff. Year Two Story 2004
Physical Cond. S

Grade Building Type 05.2 FRAME
Bsmt. Type

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 6020					
1.0 First Story	1.0	1312		142.37	186,789
2.0 Second Story	2.0	1861		85.83	159,730
Garage (10.3)	11M	1440		23.74	34,186
Porch Open, 1 Story	51	228		14.00	3,192
Porch Open, 2 Story	52	360		18.80	6,768

Building ID: 6020

Heat - 8E	G	1		0	0
3 Fixture Bath	04	3		3,400	10,200
Paving	L	1		5,000	5,000

Building ID: 6020

Calculated Value:					\$420,800
Market Factor			96		
Location Factor			108		
Less Depreciation:					
Physical			5.00		
Accelerated			0.00		
Functional			0.00		
External			0.00		
Total Depreciation					\$21,040
Net Calculated Value((RCNLD):					\$399,760
Override Value:					\$0
Utilities:					
SEPTIC1	\$5,000.00				
WELL1	\$3,500.00				

Total Utilities: \$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT) \$408,300

IOEL H KOPPERUD
O BOX 4470
ALMER AK 99645-4470

51037T01P002
1225 E WESTPOINT DR

Acreage: 0.36

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 23995

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 83,000	\$ 175,500		\$ 258,500
2014	\$ 83,000	\$ 168,800		\$ 251,800
2013	\$ 83,000	\$ 166,900		\$ 249,900

Building ID: 28340

Building Use Residential Building
Const. Year 1977
Foundation UK
Units 1

Design Two Story
Eff. Year 1983
Physical Cond. S

Grade 04.6
Building Type FRAME
Bsmt. Type Full

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 28340					
1.0 First Story	1.0	1000		124.92	124,920
Daylight Basement	DLB	1000		45.75	45,750
Finished Split Entry	03	1000		12.14	12,140
Garage (10.3)	11M	384		30.28	11,628
Porch Open, 1 Story	41	168		12.02	2,019
Deck with Railing	12E	84		15.00	1,260

Building ID: 28340

Heat - 8E	G	1		0	0
Fireplace Heatilator	03	2		1,300.00	2,600
3 Fixture Bath	03	1		2,500	2,500

Building ID: 28340

Calculated Value:					\$216,852
Market Factor			99		
Location Factor			108		
Less Depreciation:					
Physical			23.00		
Accelerated			0.00		
Functional			0.00		
External			0.00		
Total Depreciation					\$49,876
Net Calculated Value((RCNLD):					\$166,976
Override Value:					\$0

Utilities:

SEPTIC1 \$5,000.00
WELL1 \$3,500.00

Total Utilities: \$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT) \$175,500

IAMBLN LAWRENCE O
IAMBLN LAURA L
220 E WESTPOINT DR
VASILLA AK 99654-7140

51037T02P001
1200 E WESTPOINT DR

Acreage: 0.57

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 47504

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 85,000	\$ 50,000		\$ 135,000
2014	\$ 85,000	\$ 51,700		\$ 136,700
2013	\$ 85,000	\$ 53,300		\$ 138,300

Building ID: 6021

Building Use Residential Building
Const. Year 1994
Foundation SP
Units 1

Design Cabin
Eff. Year 1994
Physical Cond. S

Grade 1220
Building Type FRAME
Bsmt. Type

Building ID: 63598

Building Use Residential Garage
Const. Year 1994
Foundation SG
Units 0

Design Other
Eff. Year 1994
Physical Cond. SS

Grade N/A
Building Type FRAME
Bsmt. Type None

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 6021					
1.0 First Story	1.0	528		55.02	29,051
Loft Cabin	6W	216		6.00	1,296
Garage (10.3)	11M	702		25.62	17,985
Deck without Railing	12G	480		11.00	5,280
Building ID: 63598					
Garage (10.1)	11D	1230		11.60	14,268
Building ID: 6021					
Cabin Flooring	7H	528		1.50	792
Heat - 8E	PC	1		1500	1,500
5 Fixture	02	1		2,125.00	2,125
Electrical System	03	528		3.00	1,584
Building ID: 63598					
Heat - 8E					

Building ID: 6021

Calculated Value:

Market Factor 100
Location Factor 100

\$59,613

Less Depreciation:

Physical 37.00
Accelerated 0.00
Functional 0.00
External 0.00

Total Depreciation

\$22,057

Net Calculated Value((RCNLD):

\$37,556

Override Value:

\$0

Building ID: 63598

\$14,268

Calculated Value:

Market Factor
Location Factor

Less Depreciation:

Physical 13.00
Accelerated
Functional
External

Total Depreciation

\$1,855

Net Calculated Value((RCNLD):

\$12,413

Override Value:

\$0

Utilities:

SEPTICP
WELLP

Total Utilities:

TOTAL IMPROVED VALUE (ROUNDED AMOUNT)

\$50,000

IAMBLEN LAWRENCE O
IAMBLEN LAURA L
220 E WESTPOINT DR
VASILLA AK 99654

51037T02P002
1220 E WESTPOINT DR

Acreage: 0.31

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 21887

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 81,000	\$ 306,100	\$ 218,000	\$ 169,100
2014	\$ 81,000	\$ 302,300	\$ 170,000	\$ 213,300
2013	\$ 81,000	\$ 301,500	\$ 170,000	\$ 212,500

Building ID: 28341

Building Use Residential Building
Const. Year 1982
Foundation UK
Units 1

Design Two Story
Eff. Year 1990
Physical Cond. S

Grade 05.0
Building Type FRAME
Bsmt. Type Full

Building ID: 63600

Building Use Residential Garage
Const. Year 1987
Foundation SG
Units 0

Design Other
Eff. Year 1987
Physical Cond. S

Grade N/A
Building Type FRAME
Bsmt. Type None

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 28341					
1.0 First Story	1.0	1192		134.28	160,062
2.0 Second Story	2.0	565		100.05	56,528
Daylight Basement	DLB	1168		47.17	55,095
Finished Split Entry	04	1168		14.94	17,450
Garage (10.3)	11M	340		31.37	10,666
Deck with Railing	12E	590		15.00	8,850
Building ID: 63600					
Garage (10.2)	DD	768		22.75	17,472
Building ID: 28341					
Vaulted Ceiling	6U	1		2000.00	2,000
Heat - 8E	G	1		0	0
Fireplace Heatilator	04	1		1,500.00	1,500
3 Fixture Bath	04	1		3,400	3,400

Building ID: 63600

Heat - 8E

Building ID: 28341

Calculated Value:

Market Factor 99
Location Factor 108

\$337,386

Less Depreciation:

Physical 16.00
Accelerated 0.00
Functional 0.00
External 0.00

Total Depreciation

\$53,981

Net Calculated Value((RCNLD):

\$283,405

Override Value:

\$0

Building ID: 63600

Calculated Value:

Market Factor
Location Factor

\$17,472

Less Depreciation:

Physical 19.00
Accelerated
Functional
External

Total Depreciation

\$3,320

Net Calculated Value((RCNLD):

\$14,152

Override Value:

\$0

Utilities:

SEPTIC1 \$5,000.00
WELL1 \$3,500.00

Total Utilities:

\$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT)

\$306,100

IARRIS FAMILY LLC
O BOX 190465
ANCHORAGE AK 99519-0465

51037T02P003A
1240 E WESTPOINT DR

Acreage: 0.32

S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 32435

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 81,000	\$ 203,900		\$ 284,900
2014	\$ 81,000	\$ 182,200		\$ 263,200
2013	\$ 86,000	\$ 180,400		\$ 266,400

Building ID: 6022

Building Use Residential Building
Const. Year 2011
Foundation CB
Units 1

Design Eff. Year Two Story 2011
Physical Cond. S

Grade Building Type 04.3 FRAME
Bsmt. Type Full

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 6022					
1.0 First Story	1.0	750	48	124.80	44,928
2.0 Second Story	2.0	1500	48	76.66	55,195
Unfinished Basement	03	750		8.86	6,645
Deck with Railing	12E	425		15.00	6,375

Building ID: 6022

Heat - 8E G 1 0 0
3 Fixture Bath 03 48 2,500 120,000

Building ID: 6022

Calculated Value:				\$246,759
Market Factor			98	
Location Factor			108	
Less Depreciation:				
Physical			1.00	
Accelerated			0.00	
Functional			20	
External			0.00	
Total Depreciation				\$51,326
Net Calculated Value((RCNLD):				\$195,433
Override Value:				\$0

Utilities:				
SEPTIC1	\$5,000.00			
WELL1	\$3,500.00			
Total Utilities:				\$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT) \$203,900

TARN GLEN H TRUST AGRMNT DATED 2/ 51037T02P003B
TARN WILLIAM A & JANSON NANCY L T 1260 E WESTPOINT DR
O BOX 1782
ALMER AK 99645-1782

Acreage: 0.41
S 17N01W11B
WA 11
LAKESHORE 1963
Parcel ID: 4459

	Land	Sum of All Improvements	Exemption	Assessed Value
2015	\$ 90,000	\$ 185,700		\$ 275,700
2014	\$ 90,000	\$ 168,600		\$ 258,600
2013	\$ 88,000	\$ 173,400		\$ 261,400

Building ID: 28342

Building Use Residential Building
Const. Year 1955
Foundation UK
Units 1

Design Eff. Year Tri Level 1981
Physical Cond. S

Grade 04.5
Building Type FRAME
Bsmt. Type

Item Description	Quantity	Units Area	% Complete	Rate	Total
Building ID: 28342					
1.0 First Story	1.0	1296		115.03	149,079
Daylight Basement	DLB	816		45.79	37,365
Finished Split Entry	03	840		12.14	9,906
Garage (10.3)	11M	775		25.19	19,522
Porch Enclosed, 1 Story		36		0.00	0
Deck with Railing	12E	560		15.00	8,400

Building ID: 28342

Heat - 8E G 1 0 0
Fireplace Heatilator 03 1 1,300.00 1,300

Building ID: 28342

Calculated Value:					\$236,309
Market Factor			97		
Location Factor			108		
Less Depreciation:					
Physical			25.00		
Accelerated			0.00		
Functional			0.00		
External			0.00		
Total Depreciation					\$59,077
Net Calculated Value((RCNLD):					\$177,232
Override Value:					\$0
Utilities:					
SEPTIC1	\$5,000.00				
WELL1	\$3,500.00				

Total Utilities: \$8,500.00

TOTAL IMPROVED VALUE (ROUNDED AMOUNT) \$185,700

CERTIFICATE OF SERVICE

1. I am the Planning Clerk for the City of Wasilla.
2. I certify on this 22 day of May, 2015, I mailed 124 notices of: _____ via first class U.S. Mail and by hand delivery regarding the following:
Variance to setbacks
Land Use Permit # V15-01.

Residents within 1,200'	<u>95</u>
Review Agencies	<u>25</u>
Planning Commissioners & City Council Members	<u>11</u>
Total	<u>131</u>

DATED at Wasilla, Alaska, May 22, 2015

CITY OF WASILLA

Tahiri Revet

TAHIRIH REVET
Planning Clerk

Attest:

TINA CRAWFORD
City Planner

**NOTIFICATION OF PUBLIC HEARING
-VARIANCE REQUEST-**

DATE: 05-22-15

CASE #: V15-01

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S): William Starn

REQUEST: A variance of 19.5 feet from the required 25-foot front yard setback and a variance of 45 feet from the required 75-foot shoreline setback in order to construct a single-family dwelling on Tract 1, Parcel, Lakeshore Subdivision (1245 E. Westpoint Drive). Wasilla Municipal Code Section 16.24.030 requires front yard setbacks of 25' from the lot line and a 75-foot setback for all buildings and/or footings from the high-water mark of a water course or body of water. The parcel is approximately 0.36 acres and is zoned Residential Multifamily (RM).

You are being notified of this action as you are a property owner within 1,200' of the subject property, (WMC 16.16.040). A Planning Commission public hearing on this request is scheduled for **June 9, 2015 at 6:00 PM** in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E. Herning Ave, Wasilla, AK 99654.

If there is not enough room below please attach a separate piece of paper. You may also fax comments to (907) 373-9021 or email them to: planning@ci.wasilla.ak.us. Your written comments on this request must reach the Planning Office on or before June 1, 2015 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office at (907) 373-9020 for additional information.

Name _____

Address _____

Lot _____ Block _____ Subdivision _____

Comments: _____



**CITY OF WASILLA
PLANNING OFFICE**
290 E HERNING AVE
WASILLA, AK 99654
PHONE 373-9020 FAX 373-9021

FIRST CLASS

PUBLIC NOTICE

V #15-01
MSB Map #WA 11
T17N, R01W, Sec. 11

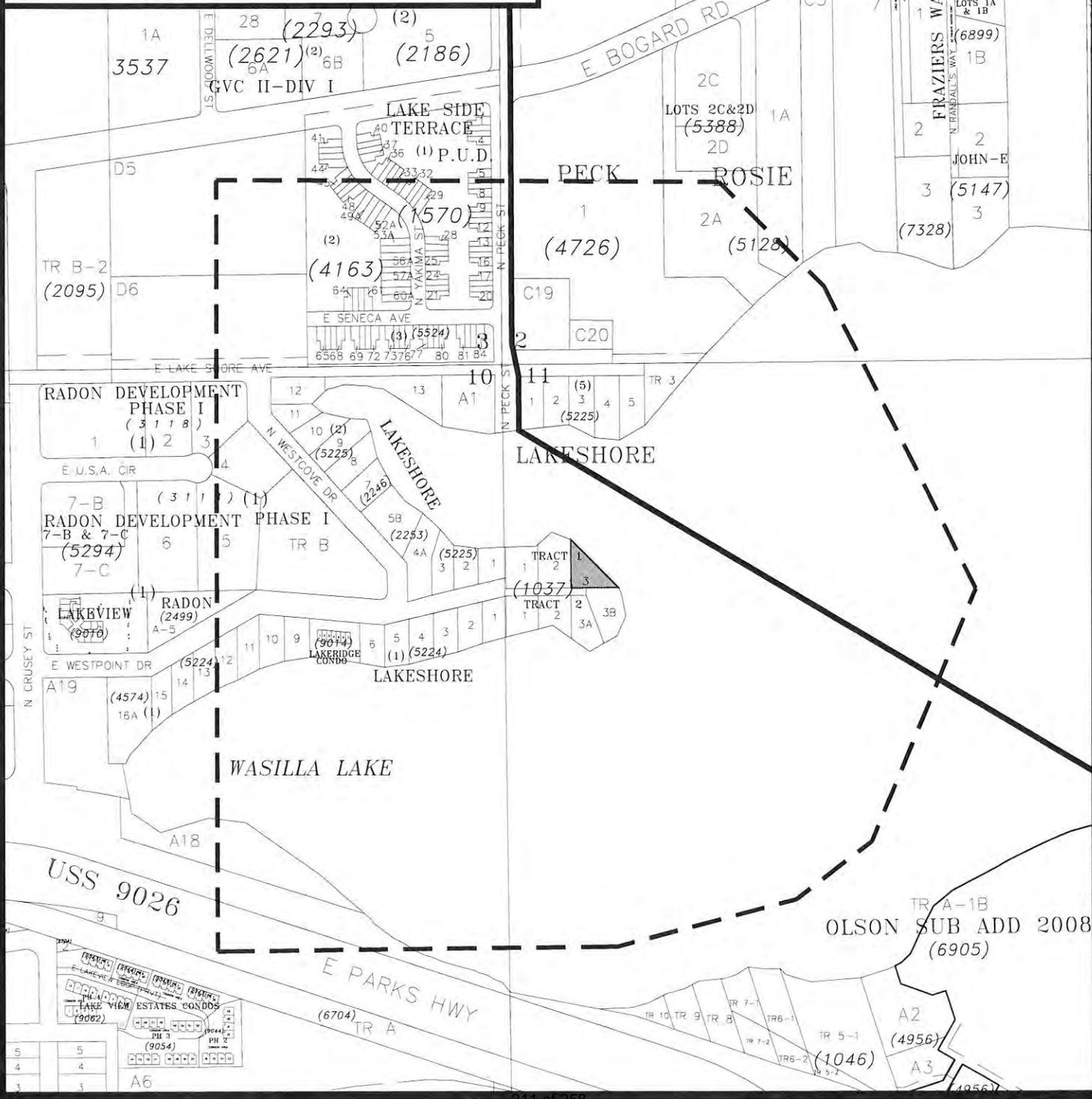


SCALE IN FEET



SUBJECT PROPERTY

City of Wasilla/Planning - 05-22-15



1570B01L014
AHERN SHAWN C
674 N PECK ST
WASILLA, AK 99654-7170

5225000T003
ANDERSON T W & RAMONA K
PO BOX 872033
WASILLA, AK 99687-2033

5524B03L066A
BOWEN ELOISE L
LAKESIDE TER TOWNHOUSES
3200 E WHISPERING WOODS DR
WASILLA, AK 99654-7462

5225B05L001
BROWN JEAN M
PO BOX 874213
WASILLA, AK 99687-4213

5128000L001A
CEDERHOLM & RANSOM LVG TR
CEDERHOLM ROBT E TRE RANSOM LINDA A TRE
PO BOX 871017
WASILLA, AK 99687-1017

5224B01L001
CROW RICHARD E JR & K A
4101 LEYDEN RD
ANCHORAGE, AK 99516

5524B03L069A
DRATH JAS W & SHIRIE S
LAKESIDE TER TOWNHOUSES
PO BOX 2629
KENAI, AK 99611-2629

2246B02L007
FERRIS KEVIN M
O'CONNOR-FERRIS SUE ELLEN
491 WESTCOVE DR
WASILLA, AK 99654

5524B03L071A
FUGERE MICHAEL M & BERNICE
LAKESIDE TER TOWNHOUSES
1060 E SENECA AVE
WASILLA, AK 99654-7164

5524B03L078A
GRANT SUE A
LAKESIDE TER TOWNHOUSES
1130 E SENECA AVE
WASILLA, AK 99654

5524B03L067A
ALCINA JUAN
LAKESIDE TER TOWNHOUSES
1020 E SENECA AVE
WASILLA, AK 99654-7164

1570B02L064
BEUKERS DON I & MARY E
1922 CREEK DR
SAN JOSE, CA 95125

1570B02L062
BOYD GALE F
1055 E SENECA AVE
WASILLA, AK 99654

1570B01L023
BUSNESS KEVIN S
645 N YAKIMA ST
WASILLA, AK 99654-7168

9014000U004
COLEGROVE S & S LVG TR
COLEGROVE SR & SA TRES COLEGROVE SHANE
460 W BRIAR DR
WASILLA, AK 99654

5225B02L010
CULLEN GARY L & LOUISE F
PO BOX 871491
WASILLA, AK 99654-1491

5524B03L075A
DUBETZ MARLIN E & MARY A
LAKESIDE TER TOWNHOUSES
1901 DRIFTWOOD CIR
PALMER, AK 99645-9619

1570B01L025
FRITZ JENNIFER NOELLE MARIA
PO BOX 871215
WASILLA, AK 99687-1215

5225B02L009
GIELAROWSKI S J REV TR
1290 W WOODMEN RD
COLORADO SPGS, CO 80919-2727

1037T02P001
HAMBLÉN LAWRENCE O
HAMBLÉN LAURA L
1220 E WESTPOINT DR
WASILLA, AK 99654-7140

1570B01L008
ALLIE STANLEY J REV TR
1201 E BOGARD RD
WASILLA, AK 99654-6523

5524B03L079A
BLAKE ANGELA
LAKESIDE TER TOWNHOUSES
1140 E SENECA AVE
WASILLA, AK 99654-7164

4163B02L056A
BRANSON LYNN G
PO BOX 870045
WASILLA, AK 99687-0045

5524B03L072A
CARPENTER MICHAEL R
LAKESIDE TERRACE TOWNHOUSES
1070 E SENECA AVE
WASILLA, AK 99654-7164

2253B02L004A
COMBS DAVID LYNN
6348 QUINHAGAK ST
ANCHORAGE, AK 99507-2037

9014000U006
DE RU FERDINAND J & BRENDA J
1072 E WESTPOINT DR
APT 6
WASILLA, AK 99654-7179

1570B01L020
DUFRESNE MIKE W & JENNIFER
620 N PECK ST
WASILLA, AK 99654-7170

1570B01L016
FRONTIER DREAMS LLC
3175 W SECLUDED MEADOWS LOOP
% JESSE TANNER
WASILLA, AK 99654

5524B03L083A
GILBERT MARY
GILBERT ALEXA
1660A ELCADORE DR
ANCHORAGE, AK 99507-4504

4163B02L060A
HANSEN DANIEL J & NANCY
620 YAKIMA ST
WASILLA, AK 99654-7166

5224B01L006
HARMAN JERRY M
PO BOX 874712
WASILLA, AK 99687-4712

3118B01T00B
HAYES JOE L
PO BOX 101821
ANCHORAGE, AK 99510-1821

5524B03L081A
HOGAN PATRICIA M
LAKESIDE TER TOWNHOUSES
1160 SENECA AVE
WASILLA, AK 99654-7163

1037T01P001
JOBSON ROBT M SR & A O
1201 E WESTPOINT DR
WASILLA, AK 99654

5224B01L004
KONING CATHLEEN S
1072 E 28TH AVE
ANCHORAGE, AK 99508-3981

1570B01LCA01
LAKESIDE TER TOWNHOUSE
OWNERS ASSN
1365 E PARKS HWY # 205
% LEVALLEY REALTY
WASILLA, AK 99654
17N01W03D006
MAT-SU VALLEY MEDICAL CTR LLC
14400 METCALF AVE
% PROPERTY VALUATION SERVICES
OVERLAND PARK, KS 66223

5224B01L003
MILLER MICHAEL & JENNIFER L
2413 CAPTAIN COOK DR
ANCHORAGE, AK 99517-1254

5524B03L084A
MORGAN ELIZABETH
1190 E SENECA AVE
WASILLA, AK 99654-7163

5224B01L012
OH KAP BOK & SUN SOOK
990 E WESTPOINT DR
WASILLA, AK 99654

5225B05L002
HARREN RICHARD L
CHAPELLE MAGALI S
1240 E LAKE SHORE AVE
WASILLA, AK 99654-7151

5524B03L070A
HERMAN VICKI L
LAKESIDE TER TOWNHOUSES
1050 E SENECA AVE
WASILLA, AK 99654-7164

9014000U003
HUBBARD DON ANNA
PO BOX 871764
WASILLA, AK 99687-1764

1570B01L026
KATCHUR CATHERINE A
PO BOX 870352
WASILLA, AK 99687-0352

1037T01P002
KOPPERUD CLAIRE EST
PO BOX 4470
PALMER, AK 99645

9014000U001
LOGSDON BERTRAND M&ADRIENNE L
66751 N BAY RD
NORTH BEND, OR 97459

5225B05L004
MAYO REME D & CATHY M
PO BOX 870017
WASILLA, AK 99687-0017

5524B03L080A
MONTGOMERY KELLEY S
LAKESIDE TER TOWNHOUSES
1150 E SENECA AVE
WASILLA, AK 99654-7163

4163B02L059A
MORRIS JOELY
628 N YAKIMA ST
WASILLA, AK 99654

9014000U007
ORTH ANN M
1750 N FANCIFUL PL
#2
WASILLA, AK 99654-5434

1037T02P003A
HARRIS FAMILY LLC
PO BOX 190465
ANCHORAGE, AK 99519-0465

5225B02L003
HILLBORN JOHN R
17915 LACY DR
EAGLE RIVER, AK 99577

17N01W10A001
JEFFORD CHERYL D
1190 E LAKESHORE DR
WASILLA, AK 99654

5524B03L065A
KENNEDY ANDREW C
LAKESIDE TER TOWNHOUSES
1000 E SENECA AVE
WASILLA, AK 99654

5224B01L002
LAIRD FAMILY TRUST
LAIRD SCOTT J TRE LAIRD PATRICIA A TRE
23506 NE GOLD NUGGET DR
BATTLE GROUND, WA 98604

1570B01L013
LOWE PHYLLIS J
682 N PECK ST
WASILLA, AK 99654

1570B01L024
MCCOURT JASON T
649 N YAKIMA ST
WASILLA, AK 99654

2253B02L005B
MORAN ANDREW M M
2247 N FILLY CIR
WASILLA, AK 99654

5225B02L001
NUSSBAUMER MYRTLE TR TRE
3910 AVE BONNE TERRE
NEW IBERIA, LA 70563

1570B01L009
OWEN KURT D
MOSS CHARLENE D
3930 E COTTONWOOD WAY
WASILLA, AK 99654-6618

5524B03L082A
PARAMO JOHN P & DEENA M
LAKESIDE TER TOWNHOUSES
405 S JOSEE CIR
WASILLA, AK 99654-7486

5225B05L005
PINQUOCH WAYNE & EDITH
PO BOX 870315
WASILLA, AK 99687-0315

5224B01L011
PURSCHE RAYMOND R
1000 E WESTPOINT DR
WASILLA, AK 99654-7138

5524B03L073A
REED YVONNE LEGRAND
LAKESIDE TER TOWNHOUSES
PO BOX 871328
WASILLA, AK 99687-1328

4163B02L057A
ROBINSON MARY KAY
PO BOX 874796
WASILLA, AK 99687-4796

5225B02L013
SHOWERS DONALD R
PO BOX 870757
WASILLA, AK 99687-0757

1570B02L061
STAMM JONI
1065 E SENECA AVE
WASILLA, AK 99654-7164

1570B01L022
STEWART RACHAEL
STEWART STEPHANIE
3390 E SCENIC CIR
WASILLA, AK 99654-2822

1570B01L028
TANNER MANDY K
683 N YAKIMA ST
WASILLA, AK 99654

1570B01L010
URBAN GREGORY M & ANDREA K
6915 BATTLE MOUNTAIN RD
COLORADO SPRINGS, CO 80922-1245

4726000L001
PECK VELMA D
1250 BOGARD RD
WASILLA, AK 99654

9014000U005
POIRIER HARLAN
PO BOX 870145
WASILLA, AK 99687-0145

1570B01L011
RAMSEY JOHN C
PO BOX 873711
WASILLA, AK 99687-3711

4163B02L055A
REXRODE GERALD L
PO BOX 870725
WASILLA, AK 99687-0725

2499000T00A-5
ROMAR LLC
11039 E HARRIS HAWK TRL
SCOTTSDALE, AZ 85262-4547

5524B03L074A
SMITH PAULA J
3245 E COTTLE LOOP
#13
WASILLA, AK 99654-7284

1037T01P003
STARN GLEN HARDING TR
STARN WM A JANSON NANCY L TRES
PO BOX 1782
% WILLIAM STARN
PALMER, AK 99645-1782
5224B01L009
STOTT WM D & MARIA S
2015 BLUEBERRY ST
ANCHORAGE, AK 99503-1854

5524B03L077A
TRAN ANH
LAKESIDE TER TOWNHOUSES
419 W PARKS HWY
STE DD
WASILLA, AK 99654
3118B01L004
VALLEY PROF CENTER LLC
1001 E USA CIR
WASILLA, AK 99654

1570B01L017
PINARD PAUL E JR
FARIAS CLAUDIA FONSECA
646 N PECK ST
WASILLA, AK 99654

3118B01L005
POON WM F T & GREENWOOD C
POON JAS JR & KIM ERIC KIM DANINE & LE
1220 E 68TH
#102
ANCHORAGE, AK 99518
1570B01L012
REED LISA
692 N PECK ST
WASILLA, AK 99654

5524B03L068A
REYNOLDS CASEY
LAKESIDE TER TOWNHOUSES
603 VINE AVE
ANCHORAGE, AK 99501-1231

5128000L002A
SELK KENNETH L
1342 E BOGARD RD
WASILLA, AK 99654

5225B02L012
SMITH RICHARD W
PO BOX 874761
WASILLA, AK 99687-4761

5224B01L010
STENGRIM JON D
1018 E WESTPOINT DR
WASILLA, AK 99654-7138

1570B01L015
STRODE KERRY J
668 N PECK ST
WASILLA, AK 99654

5524B03L076A
TRAN MAI
LAKESIDE TER TOWNHOUSES
1110 E SENECA AVE
WASILLA, AK 99654

9014000U002
VOSBURG RACHEL H
1072 E WESTPOINT DR
WASILLA, AK 99654-7179

1570B01L018
WELTON TRAVIS E
PO BOX 870725
WASILLA, AK 99687-0725

1570B01L021
YORK JENNIFER L
625 N YAKIMA ST
WASILLA, AK 99654-7168

Corps of Engineers
Regulatory Branch
PO Box 6898
Elmendorf AFB, AK 99506-0898

FAA
Airport Division
222 W. 7th Ave
#14
Anchorage, AK 99513

MEA
PO Box 2929
Palmer, AK 99645

MSB Fire Chief
101 S. Swanson Ave
Wasilla, AK 99654

MSB Public Works Director
350 E. Dahlia Ave
Palmer, AK 99645

Oran Wooley
SOA/DEC
Waste Water RVW
1700 E. Bogard Rd
Bldg B, #103
Wasilla, AK 99654
SOA/DNR
WATER Resources
550 W. 7th Ave
Suite 1020
Anchorage, AK 99501

SOA/DOTPF
Mat-Su Area Planner
PO Box 196900
Anchorage, AK 99519-6900

1570B01L019
WHITE AMANDA I
628 N PECK ST
WASILLA, AK 99654

3118B01L003
ZIPPERER JOHN D JR
300 W SWANSON AVE
% ZMG PROPERTIES
WASILLA, AK 99654-6844

Richard Boothby
EMS/Central Mat-Su Fire Dept
Fire Code Official Captain
101 W. Swanson Ave
Wasilla, AK 99654

Kathy Wells
Friends of Mat-Su
PO Box 116
Palmer, AK 99645

MSB Chief of Code Compliance
350 E. Dahlia Ave
Palmer, AK 99645

MSB Planning Director
350 E. Dahlia Ave
Palmer, AK 99645

MTA
Real Estate Department
PO Box 3550
Palmer, AK 99645

Roy Robertson
SOA/DEC
Waste Water RVW
1700 E. Bogard Rd
Bldg B, #103
Wasilla, AK 99654
SOA/DFG/Habitat
1800 Glenn Hwy
Suite 6
Palmer, AK 99645

Superintendent
SOA/DOTPF
289 Inner Springer Loop
Palmer, AK 99645

4163B02L058A
WRATHALL FAMILY TR
WRATHALL GRANT R JR TRE
638 YAKIMA ST
WASILLA, AK 99654

Tom Brooks
Alaska Railroad Corp
PO Box 107500
Anchorage, AK 99501

ENSTAR
PO Box 190288
Anchorage, AK 99519-0288

Troy Scheuner
GCI
501 N. Main St
Suite 130
Wasilla, AK 99654

MSB Cultural Resources Specialist
350 E. Dahlia Ave
Palmer, AK 99645

MSB Platting Division Officer
350 E. Dahlia Ave
Palmer, AK 99645

NRCS
Soil & Water Conservation
5751 E. Mayflower Ct
Wasilla, AK 99654-7880

SOA/DNR
Commissioner's Office
550 W. 7th Ave
Suite 1400
Anchorage, AK 99501

SOA/DNR
Technical Services
550 W. 7th Ave
Suite 650
Anchorage, AK 99510-3577

Debra Barrett
581 Briar Dr
Wasilla, AK 99654

Glenda Ledford
960 S. Century Drive
Wasilla, AK 99654

Jessica Dean
209 S. Vix Way
Wasilla, AK 99654

Loren Means III
1668 Pittman Road
Wasilla, AK 99687

Claudia Pinard
646 Peck Street
Wasilla, AK 99654

COW Public Works Director
Archie Giddings

City Council
Stu Graham

City Council
Gretchen O'Barr

City Council
Collen Sullivan-Leonard

City Council
Clark Buswell

City Council
Brandon Wall

City Council
David Wilson

By: Planning
Public Hearing: 06/09/15
Adopted:

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 15-10**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING VARIANCE NO. V15-01 ALLOWING AN 19.5 FOOT VARIANCE FROM THE REQUIRED 25 FOOT FRONT YARD SETBACK AND A 45 FOOT VARIANCE FROM THE REQUIRED 75 FOOT SHORELINE SETBACK IN ORDER TO CONSTRUCT A SINGLE-FAMILY DWELLING, LOCATED ON TRACT 1, PARCEL 3, LAKESHORE 1963 SUBDIVISION IN THE MULTI FAMILY ZONING DISTRICT.

WHEREAS, William Starn submitted an application for a variance on May 12, 2015, along with a site plan and application fee; and

WHEREAS, notice of the application was mailed to all property owners within a 1,200 foot 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 June 2, 2015; 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 adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this application with the Findings of Fact, attached as Exhibit A and incorporated herein, with the following conditions:

1. Prepare a landscape plan to the City Planner for review and approval that re-vegetates the area between the structure and the high-water mark of Wasilla Lake in accordance with the Property Owner's Guide to Shoreline Landscaping in the Matanuska-Susitna Borough and any other requirements necessary to ensure adequate protection of the lake and shoreline.
2. Design the site appropriately to prevent direct runoff from the lots into the lake.
3. Obtain all necessary permits and approvals for the installation of any necessary water/sewer infrastructure.
4. Provide adequate shoreline vegetation or other stabilization methods at the water's edge to prevent additional erosion.
5. Obtain all necessary approvals prior to working on the water's edge.

ADOPTED by the Wasilla Planning Commission on -, 2015.

APPROVED:

ATTEST:

Glenda Ledford, Chairman Date

Tina Crawford, AICP, City Planner

EXHIBIT A
Wasilla Planning Commission Resolution 15-10
FINDINGS OF FACT – 16.28.110

§16.28.110(A) Application.

An application for a variance must be submitted to the planner. The application must be accompanied by a site plan of the relevant part of the parcel or lot. The planner may require that the site plan be produced by a registered professional engineer or land surveyor. The site plan shall depict all information relevant to the variance request.

Finding: A complete application was submitted to the Planning Department on May 12, 2015.

§16.28.110(B) Variance requests must be heard by the commission. Notice, comment period and hearing procedures follow the format outlined in WMC16.16.040.

Finding: The public hearing was scheduled in a timely manner for the next available Planning Commission meeting and the hearing format is consistent with the requirements in WMC 16.16.040(E). Public notice was mailed May 22, 2015 to all properties within a 1,200' radius, allowing for the proper number of days in which to comment in accordance with 16.16.040. Hearing procedure shall follow the criteria outlined in 16.16.040(A).

§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 small, triangular shape does not apply generally to properties in the district or vicinity.

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: The parcel is in the original platted configuration from 1963.

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 parcel would be basically unbuildable since the Land Development Code requires a 25' front yard setback and a 75' shoreline setback.

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 applicant did not cause the conditions that require a variance.

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. Without any variance, no structure may be built on the lot.

§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 request appears to be the minimum necessary to permit reasonable use of the parcel. The applicant is proposing a single-family dwelling.

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

Finding: The proposed residential use is not prohibited as a residential use is permitted in a Residential Multifamily (RM) zoning district.

3. The variance is in keeping with the spirit and intent of this chapter and the requirements from which relief is sought;

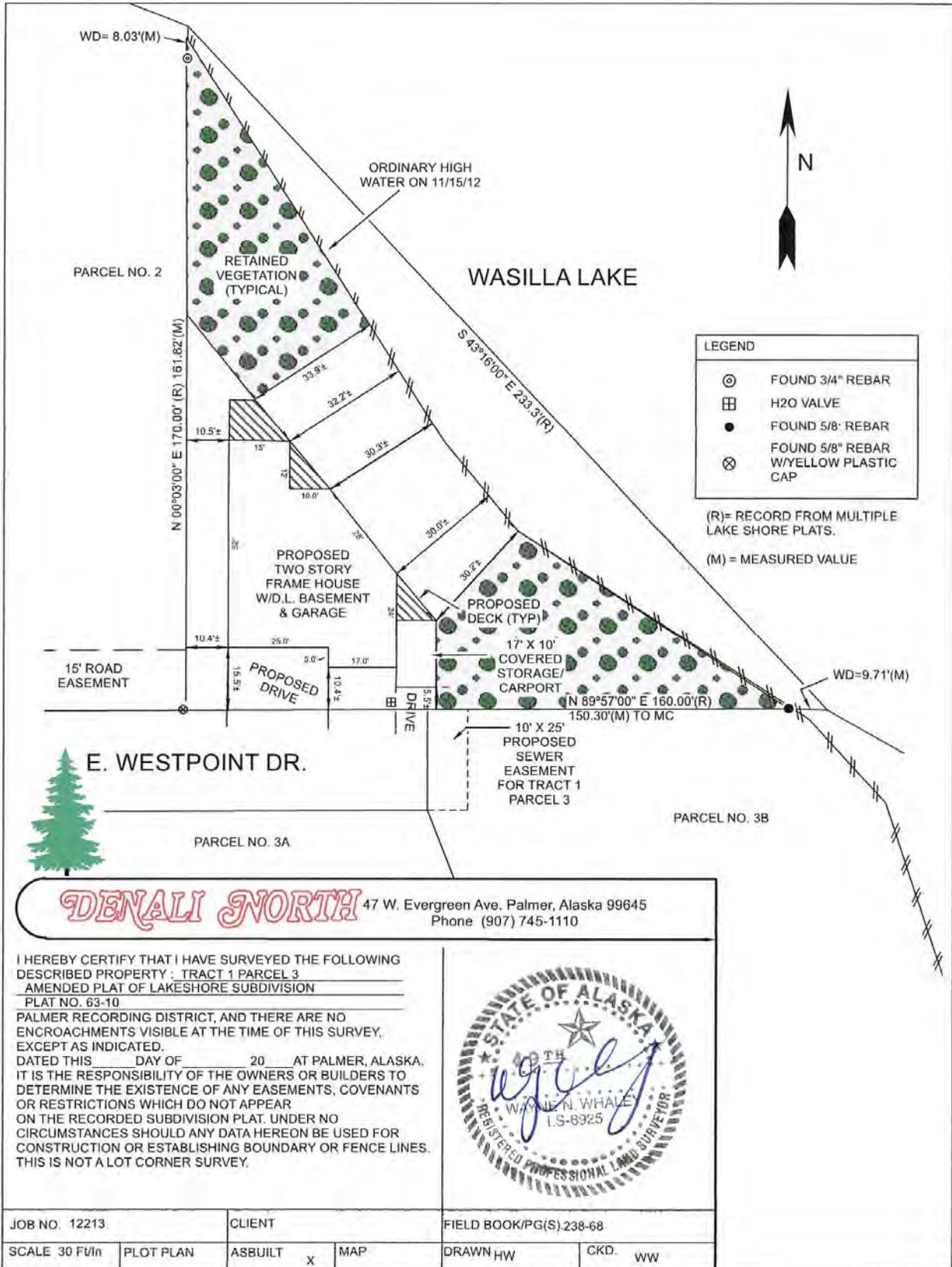
Finding: The variance is in keeping with the spirit and intent of the chapter.

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.

Finding: The requested variance should not significantly adversely affect other properties in the area.



By: Planning
Public Hearing: 06/09/15
Public Hearing Continued: 07/14/15
Adopted:

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 15-10**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING VARIANCE NO. V15-01 ALLOWING AN 19.5 FOOT VARIANCE FROM THE REQUIRED 25 FOOT FRONT YARD SETBACK AND A 45 FOOT VARIANCE FROM THE REQUIRED 75 FOOT SHORELINE SETBACK IN ORDER TO CONSTRUCT A SINGLE-FAMILY DWELLING, LOCATED ON TRACT 1, PARCEL 3, LAKESHORE 1963 SUBDIVISION IN THE MULTI FAMILY ZONING DISTRICT.

WHEREAS, William Starn submitted an application for a variance on May 12, 2015, 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 June 2, 2015; and

WHEREAS, the Wasilla Planning Commission conducted a public hearing on June 9, 2015 regarding 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 continued the public hearing until the July 14, 2015 meeting; and

WHEREAS, a notice of the continued Planning Commission public hearing was published in the Frontiersman on July 7, 2015; and

WHEREAS, notice of the continued public hearing 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

WHEREAS, the Wasilla conducted the continued public hearing on July 14, 2015 regarding 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 adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this application with the Findings of Fact, attached as Exhibit A and incorporated herein, with the following conditions:

1. Prepare a landscape plan to the City Planner for review and approval that re-vegetates the area between the structure and the high-water mark of Wasilla Lake in accordance with the Property Owner's Guide to Shoreline Landscaping in the Matanuska-Susitna Borough and any other requirements necessary to ensure adequate protection of the lake and shoreline.
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ADOPTED by the Wasilla Planning Commission on -, 2015.

APPROVED:

ATTEST:

Glenda Ledford, Chairman Date

Tina Crawford, AICP, City Planner

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§16.28.110(B) Variance requests must be heard by the commission. Notice, comment period and hearing procedures follow the format outlined in WMC16.16.040.

Finding: The public hearing was scheduled in a timely manner for the next available Planning Commission meeting and the hearing format is consistent with the requirements in WMC 16.16.040(E). Public notice was mailed May 22, 2015 to all properties within a 1,200' radius, allowing for the proper number of days in which to comment in accordance with 16.16.040. Hearing procedure shall follow the criteria outlined in 16.16.040(A).

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Finding: The proposed residential use is not prohibited as a residential use is permitted in a Residential Multifamily (RM) zoning district.

3. The variance is in keeping with the spirit and intent of this chapter and the requirements from which relief is sought;

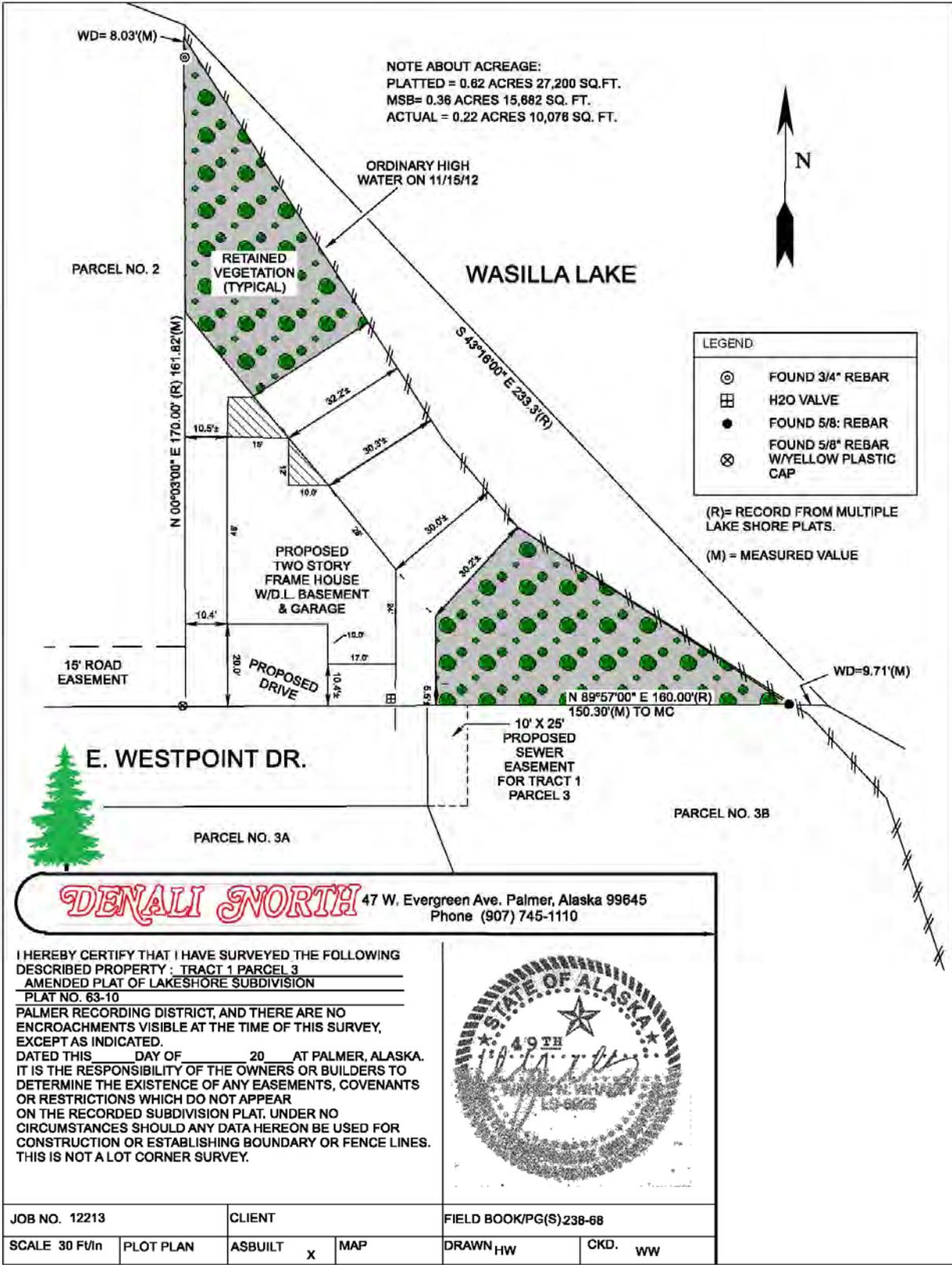
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Finding: The requested variance should not significantly adversely affect other properties in the area.



By: Planning
Public Hearing: 06/09/15
Public Hearing Continued: 07/14/15
Adopted:

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A RESOLUTION OF THE WASILLA PLANNING COMMISSION DENYING VARIANCE NO. V15-01 ALLOWING AN 19.5 FOOT VARIANCE FROM THE REQUIRED 25 FOOT FRONT YARD SETBACK AND A 45 FOOT VARIANCE FROM THE REQUIRED 75 FOOT SHORELINE SETBACK IN ORDER TO CONSTRUCT A SINGLE-FAMILY DWELLING, LOCATED ON TRACT 1, PARCEL 3, LAKESHORE 1963 SUBDIVISION IN THE MULTI FAMILY ZONING DISTRICT.

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WHEREAS, the Wasilla Planning Commission adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby denies this application with the Findings of Fact, attached as Exhibit A and incorporated herein

ADOPTED by the Wasilla Planning Commission on -, 2015.

APPROVED:

Glenda Ledford, Chairman Date

ATTEST:

Tina Crawford, AICP, City Planner

EXHIBIT A
Wasilla Planning Commission Resolution 15-10
FINDINGS OF FACT – 16.28.110

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Finding: **The variance is in keeping with the spirit and intent of the chapter.**

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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 should not significantly adversely affect other properties in the area.**



**WASILLA PLANNING COMMISSION
AUDIENCE COMMENTS
SIGN-UP SHEET**

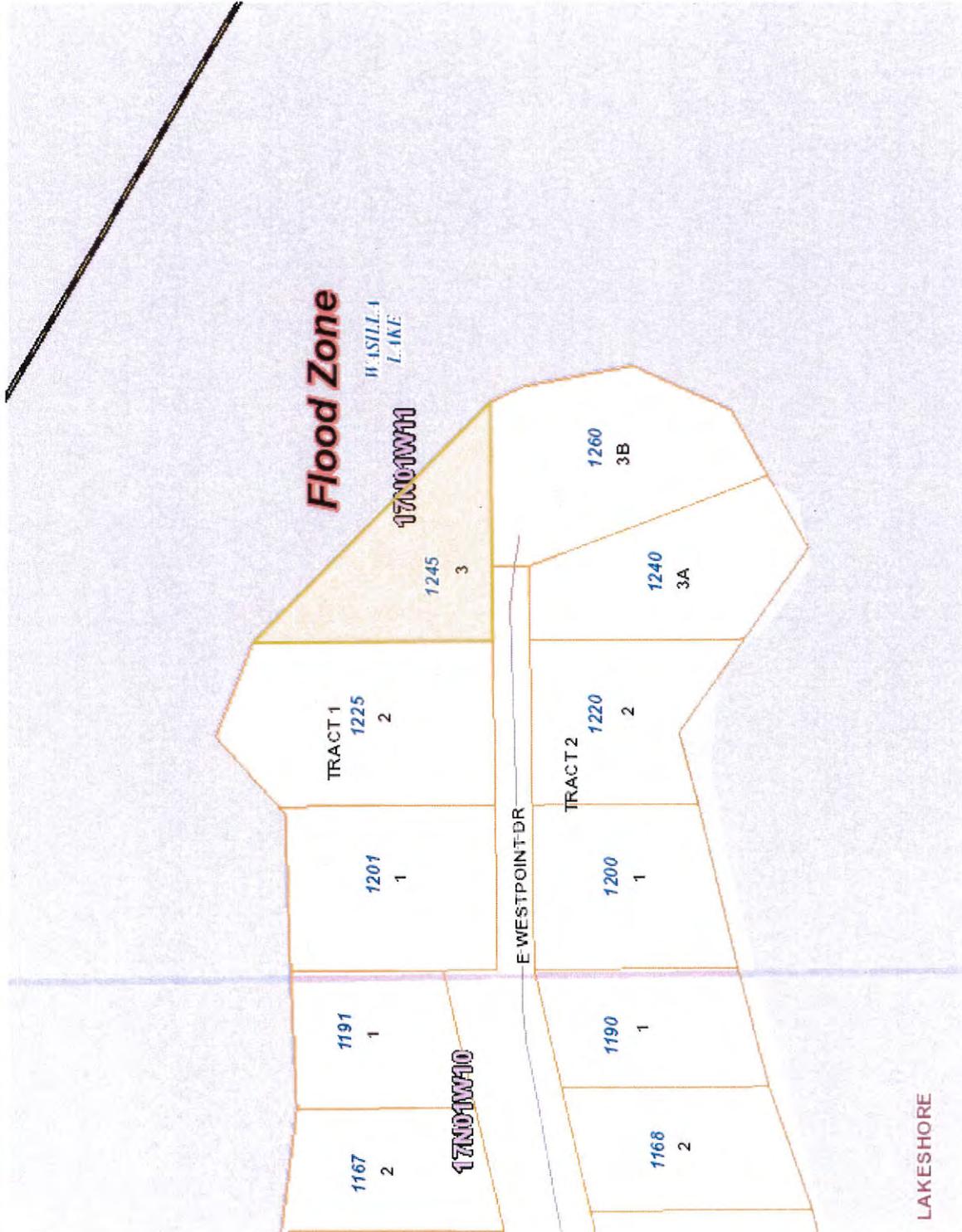
Meeting of: July 14, 2015

If you wish to speak under Audience Comments, please sign-in below. When it is time for you to speak, the Chairman will call your name and you will have 3-minutes to address the Planning Commission.

	Printed Name	Residence Address	Phone Number	City Resident
1.	Noel Kopperud	1225 E. Westpoint Dr.	745-1439	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>son Alex at prop.</i>
2.	Jeff Kivian	7561 N. Estler Palmer	841-4422	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3.	William Starn	PO BOX 1782 PALMER, AK 99645	841-3577	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4.	<i>[Signature]</i>	1220 E. Westpoint Dr. 1200	315-7775	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5.	Laura K. Hamble	" " " "	315-7775	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	Juel Staal			<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	Nancy Starn			<input type="checkbox"/> Yes <input type="checkbox"/> No
8.				<input type="checkbox"/> Yes <input type="checkbox"/> No
9.				<input type="checkbox"/> Yes <input type="checkbox"/> No
10.				<input type="checkbox"/> Yes <input type="checkbox"/> No



Matanuska-Susitna Borough



Legend

Public Facilities

- Administrative
- Animal Control
- City Hall or Courthouse
- Community Center
- Landfill or Transfer Station
- Library
- Medical
- Post Office
- Public Safety Fire and/or EMS
- Public Safety Law Enforcement
- School

Streets

- Highway
- Major Street
- Medium Street
- Minor Street
- Primitive Road
- Private Road

Mat-Su Borough Boundary

Incorporated Cities

Parcels

Flood Zone

1:1,181

Notes

This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-745-4801.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

0.0 0.02 0.0 Miles

NAD_1983_StatePlane_Alaska_4_FIPS_5004_Feet

Reported on 06/09/2015 05:37 PM

© Matanuska-Susitna Borough

July 13, 2015

City of Wasilla Planning Office
290 E. Herning Way
Wasilla, AK 99654

Subject: Variance #V15-01 for 1245 E. Westpoint Drive
Starn Response to Public and Agency Review Comments to Date

Dear City Planner and Planning Commission,

My name is William Starn, and I have submitted the variance request as one of our family owner's of 1245 E. Westpoint Drive (aka Lakeshore 1963 Tract 1, Lot 3). This letter is a summary of our responses to the review comments offered by the various governing agencies and neighboring property owners.

An executive summary of justification for this variance request is as follows:

- The variance for shoreline and roadside setbacks is requested to allow construction of a modest single family dwelling using the upper section of our triangular shaped lot, with a smaller building footprint contoured for the lot shape, to include integral parking (2-car garage) that is reasonable in percentage footprint and living space comparisons with other *primary domicile dwellings* on shoreline lots within the 1200' radius area.
- The variance request meets the standards of WMC 16.28.110, and has been assessed and taxed by the MSB as a buildable lot since platted. We understand that taxes were not relieved at the previous owner's request in the 1990's on this basis (see 7/12/15 letter from Estate of Myrtle Nussbaumer).
- Since the 6/9/15 hearing, comparative summaries have been updated as requested by the Planning Commission to reflect all 36 lots in the public notice area, and based on our actual surveyed lot area (not MSB tax record). The City Planner has further expanded these comparisons with information on existing variances and setbacks that indicate our proposal is not proportionally out of line or pushing the envelope of existing shoreline homes.
- The building footprint placement has been revised and area reduced to more accurately depict the actual plan and accommodate additional parking off of the right-of-way with snow storage space, while maintaining a 10' side setback to the adjacent lot 2 (nearest house - Kopperud), in lieu of a permissible 5' setback.
- Our due diligence included checking with the MSB Fire Department for review of emergency services access to this location considering our proposed dwelling.
- As a condition of this variance, we propose to preserve the natural shoreline landscape vegetation for protection and screening between the structure and the lake, and to mitigate rainwater runoff. We would document these provisions in a landscaping plan submittal to the AHJ for review and approval prior to any construction.
- Our intent is to be long term residents and good neighbors, and have seriously considered and responded to all comments and objections. We offer a detailed response to all written comments with this letter on the following pages.

Response to Original Comments from June 9, 2015 Public Hearing:

1. 6/1/15 comment from MSB Permitting Technician, Michelle Olsen:

Comment: the subject property lies within FEMA designated special flood hazard area. Also the adjacent parcels (Tract 1 lot 2, and Tract 2 lot 3B).

Response: I met with Ms. Olsen who identified the base flood elevation at 331.6' (present lake elevation at 321.0 +/-) and indicated that it is recognized that the map is inaccurate with respect to the area subject to flooding on this point of land, as indicated by reading the topographic lines appearing on the flood map. The useable flat area at the top of our parcel is at road elevation, approximately 18' above the lake or 15' above the designated flood level, and examination of the flood map topo indicates the footing of the proposed single family dwelling would be placed at approximately 340', or at least 8' above the designated flood level, and therefore not require flood hazard insurance subject to providing (w/ \$100 fee) one of two certifications to the MSB:

- (a) Elevation certificate for the building site, prepared by a licensed surveyor, or
- (b) Metes and bounds survey for entire lot, prepared by a licensed surveyor.

2. 6/1/15 comment from Jean Brown, 1210 Lake Shore Drive:

Comment: 30' setback not appropriate; replat the lot.

Response: We are proposing to preserve and/or enhance the existing vegetation between the proposed house and lake with additional trees as deemed appropriate to minimize disturbance and to enhance the 30' buffer zone for screening and shoreline/waterway protection. We are studying the MSB publication "A Property Owner's Guide to Shoreline Landscaping", and recognize the intent of the shoreline setback is to preserve water quality, habitat, and erosion control. This would include rain gutters and stone drains adjacent to the building engineered to dissipate the rain water runoff. Approximately 60 ft. or 27% of the lot's 220 ft total shoreline falls into the 30' setback area. The lot has been taxed and assessed by the MSB for decades as a buildable lot; as such the lot is a stand-alone platted parcel. See also comment 7 below from MSB Platting Division Officer.

3. 6/1/15 comments from Noel Kopperud, 1225 E. Westpoint Drive (Tract 1 Lot 2). See also new 7/7/15 comments under item 14:

a. Comment: ...currently is making reasonable use of the parcel...as a parking lot...

Response: The minimal gravel pad (~750sf) was placed in October 2014 response to the refuse company (Alaska Waste) requesting in August 2014 a need for additional turnaround space for their utility service vehicle. We confirmed their need was met and they have no objection to our proposal which maintains the additional space they need. The adjacent single family homes on lots 3A and 3B have had their own dedicated adequate parking space for many years, and have not suddenly required an additional "parking lot".

b. Comment: "proposed destruction of the protected space around the lake is unnecessary and would be detrimental..."

Response: Preservation and/or enhancement of the treed vegetation density in the setback area is proposed per comment 2 above. No artificial grassed landscaping or clearing in the reduced buffer space between the structure and shoreline is proposed.

c. Comment: size of structure exceeds other homes in neighborhood.

Response: The proposed square footage has been reduced to a more realistic value for a single family dwelling on this lot, and in ratios of footprint and living areas to the lot size, is commensurate with other homes within the 1200' evaluation area.

d. Comment: ...stripping away public lakeside safeguards in order to imbed a large building at water level.

Response: This comment does not reflect our proposal, which will maintain an adequate natural vegetation buffer that meets the intent (see comment 2 above), if not the letter, of the shoreline setback. The proposed dwelling will be on upper reaches of the lot, well above water level.

e. Comment: ...(proposed) buildings in the vacated setback areas that are currently used for turnaround, snow storage, and excess vehicle parking at the end of the road.

Response: A fairly wide snow storage area is now shown on the updated plot plan, on the east side of the lot. This would be an area ~20' wide beyond the proposed house for the City to stack snow removed from the right of way on our property. The turnaround space and driveway parking space is preserved in our proposed plot plan.

f. Comment: ...runoff from the large building...excavated into the shoreline....will run into Wasilla Lake.

Response: The building will not be large and not excavated into the shoreline. The intent of the code to prevent pollution from rainwater runoff will be met by preserving and/or enhancing natural vegetation between the lake and structure, and using engineered means to capture and dissipate rainwater runoff.

g. Comment:those who view the lake as a large drainage pond...as opposed to those who share the lake with nature.

Response: This is an extreme and strawman argument that should be vacated, serving only to vilify our proposal and anyone not in agreement with Mr. Kopperude. We intend to be long-term residents and plan to protect and enjoy this lake along with our neighbors, and preserve this legacy for our grandchildren.

h. Comment:variance not intended to be wholesale transfer of space...to a developer...

Response: We want to build a single family home on our property; please do not characterize us as a developer that conveys a sense of no regard for the environment.

i. Comment: ...very large building used as a public accomodation for guests....

Response: Please note the variance proposal is only for a single family dwelling. Any other contrary hearsay or rumor should be ignored and is not part of our proposal.

j. Comment: ...effective setback substantially less than 30 feet. Excavation and walkout spaces to shoreline would destroy much of the remainder of any setback from lake.

Response: This statement is incorrect; the effective setback to the foundation wall and building structure will be 30 feet as a minimum. Walkout spaces from the building DLB will not be provided in the 30 ft buffer zone. Any damage to natural vegetation in this area as a result of construction will be restored or enhanced in accordance with a suitable landscaping plan.

k. Comment: Westpoint Drive is a dead-end road that experiences hourly turnaround traffic....

Response: This appears to be subjective exaggeration that could only be documented by an automatic traffic recorder. In the years that our family has owned and occupied and the house at 1260 E. Westpoint, we have not noticed inordinate traffic, and the only comment we received was from Alaska Waste, which we promptly addressed last October.

l. Comment: Our adjacent property would be heavily impacted...gull nesting area along the lake...

Response: Gulls do not appear to be nesting on the upland elevated side of our lot and will no doubt continue to nest in the lower undisturbed areas of lot 3 and lot 2. Approximately 60% of the lot along the shoreline is preserved with natural vegetation at 30 ft depth and greater depth at the triangular lot corners for shoreline habitat.

m. Comment: Our eastern windows look out at the lake across parcel 3...obstructed by three story structure....

Response: "Three story structure" is not a correct statement; the correct description is a proposed 2-story with basement, same as MSB records depict the dwelling on Tract 1 lot 2. Our proposed second story will be partial only above the garage, in the interest of a smaller building footprint. Viewshed and property value is considered, in that our structure will be an aesthetically fitting and compact single family dwelling.

n. Comment: I believe it will be detrimental to public safety....

Response: We solicited a review of our proposed plan by the MSB Fire Department and received no objections. There will be 40' or greater spaces between adjacent lot structures.

o. Comment: variance application does not include protection from runoff into lake.

Response: This protection will be funded and provided as a condition of the variance, with a landscape design submitted to the City for review and approval prior to construction activity. This would include silt barrier protection during construction.

p. Comment: "It (our variance) would set a bad precedent to treat wholesale vacation of the shoreline area as if it were a minor concern."

Response: the phrase "bad precedent" is repeated in numerous public comments, and is not an appropriate argument or applicable characterization of our application in this hearing. If this were true, we would be pointing to other examples around the lake to justify our variance, which we are not doing. The variance process is painful, costly, and time consuming for us, and few can even pass the legal test to even qualify for the process. Granting of our variance does not grant anyone else any rights to do as they please, which I believe Mr. Kopperud understands. We are not requesting a "wholesale vacation" of the shoreline area, whatever that is construed to mean, and no one to my knowledge considers this a minor concern.

q. Comment: (Exhibit 3 notation) Misleading comparison table...

Response: Agree; this was based on MSB record data. The comparisons have been revised and expanded using our actual surveyed lot data.

4. 5/31/15 comment from Desi Mayo, 1260 Lakeshore Ave.

Comment: Not in favor of variance....impacts (unspecified) Wasilla Lake and those in compliance with rules.

Response: See executive summary and response to Kopperud's comments (3. above).

5. 5/29/15 comment from Magali Chappelle, 1240 E Lake Shore Ave.

Comment: Concern about algae production in lake due to possible lawns, fertilizing, and runoff.

Response: Proposed variance will not remove natural vegetation or clear area for lawns. Runoff protection and an approved landscaping plan will be provided to maintain a suitable shoreline buffer.

6. 6/1/15 comment from Laura and Lawrence Hamblen, 1200/1220 E Westpoint Drive.

Comment: Objects to any commercial or other non-residential use, and the 5.5 setback from road. (see also their new comment received 7/7/15 under item 13)

Response: Single family dwelling only is proposed; road setback was increased per the revised plot plan.

7. 5/29/15 comment by MSB Platting Division Office

Comment: No platting action required.

Response: We agree with this assessment.

8. 6/8/15 comment from Wayne and Edith Pinguoch, 1280 E Lakeshore Ave:

Comment: Opposed to variance request; live directly across cove from property seeking variance.

Response: Hopefully our clarifications and additional provisions for shoreline protection and screening will alleviate the concern.

Response to New Comments after June 9, 2015 Public Hearing:

9. 6/26/15 and 7/2/15 letters from MSB Cultural Resources Division:

Comment: No objection, general caution. Be aware and notify MSB of any potential cultural remains that may be discovered on site.

Response: We will comply.

10. 7/1/15 from Dan Kelly, dkellyhome@matnet.com, no address furnished (p. 91 in packet):

Comment: Objects on basis of “terrible precedence”.

Response: This individual was not identified as a property owner in affected area per the MSB record, and accordingly should not have standing to comment. Please identify the residency or withdraw the comment. Argument based on bad precedent is not valid based on correct understanding of variance proceedings; see response to comment 3.p. above.

11. 6/28/15 from MSB Chief of Code Compliance:

Comment: Flood hazard area requires development permit.

Response: Acknowledged. We will document that this location is above the actual flood hazard area. See response to comment 1. above.

12. 7/6/15 from Kevin and SueEllen Ferris, 491 Westcove Drive:

Comment: Strongly oppose setback variance for numerous (unspecified) reasons.

Response: Hopefully our clarifications and additional provisions for shoreline protection and screening will alleviate the concern.

13. 7/7/15 from Laura and Lawrence Hamblen, 1200/120 E. Westpoint Drive.

Comment: They oppose all proposed setback variances because of the law. Property lies within FEMA special flood hazard area. Sets a “bad precedent” if variance granted.

Response: We are proposing to meet the intent of the law (protecting the waterway), since the setbacks will render the lot unusable. The special flood hazard area does not reach the proposed home site; see comment 1. response. Argument based on “bad precedent” is not valid based on correct understanding of variance proceedings; see response to comment 3.p. above.

14. 7/7/15 new comments from Noel Kopperud, 1225 E. Westpoint Drive (Tract 1 Lot 2). See original 6/1/15 comments under item 3.

a. Comment: amended request does nothing to remedy defects in initial variance application...

Response: Incorrect assessment; the following changes have been incorporated:

- actual lot size comparisons for all 36 lots in affected area are now submitted, as requested by the Planning Commission.
- footprint and square footage reduced to the proposed and realistic need.
- footprint adjusted on lot to improve off-street parking and snow storage space.
- a landscaping plan to preserve a natural vegetation buffer is proposed.
- variance request still complies with WMC 16.28.110, as upheld by the City Planner.

b. Comment: applicant and his surveyor have demonstrated... their goal is for the specific purpose of enabling the applicant to get maximum value from parcel 3.

Response: Our surveyor has no vested interest in this property, and we need not demonstrate the goal of this comment and similar objectionable statements. Our intended goal is to build a single family dwelling that will be owned and enjoyed by our family for future generations, which value will be then be commensurate with the historical assessed taxable basis of the parcel.

c. Comment: History and proceedings to present date....

Response: Kopperud's chronology does not identify the date and purpose for the small gravel pad placed on our lot in October 2014 (see response to comment 3.a), and now offers this to be our only reasonable use. The reasonable use and taxable basis for this parcel has always been for a dwelling unit; for a more complete history of this lot refer to the 7/12/15 letter from the Estate of Myrtle Nussbaumer, that also sheds additional light on the opposition offered by Mr. Kopperud.

d. Comment: Burden of Proving that Land Cannot be Used without a Variance...

Responses to items 1-5:

- item 1: Our surveyor (Denali North) documented the source of 27,200 sf from an old record plat, and the MSB property assessment records the lot at 0.36 acres (15,682 sf) but this should have no relevance since we are working with the actual surveyed lot area as used in the updated comparisons with lots in the 1200' radius affected area.
- item 2: There is no evidence that the shoreline has *not* receded at all. Whether the shoreline receded to any degree since the first plat of this land could probably only be determined by comparison with old aerial photos, if such even exist. However, we are not making this argument to justify the need for our variance, and consider this a moot point.
- item 3: see response to item 14.c above regarding assertion that reasonable use should be limited to a gravel turnaround space for general public use. This lot has never been represented to us, assessed or taxed at this limitation or with this unreasonable definition of "reasonable use".
- item 4: There is no factual evidence that the shoreline has *not* receded at all (see item 2 response above). The opinion of no recession is offered as "Fact" without objective proof; our surveyor contends that the old plats may be evidence of some erosion due over the 50 to 100 years since the first survey. Again, we are not making this argument to justify the need for our variance, and consider this a moot point.

This variance application proposes the reasonable use as a stand-alone single family dwelling to be substantially "above" the high water mark of Wasilla Lake. A clarification is needed as to what point is made with regards to "premises herein described lying below the high water mark of Wasilla Lake".

- item 5: This property has been represented and assessed as a stand-alone buildable lot since its inception, and this variance for a single family dwelling is proposed with landscape provisions that are intended to meet the practical intent of the law (protection of shoreline and waterways) within the setback area. This use is reasonable with respect to every other lot situated on Wasilla Lake, which is the point of the comparative analysis. The biased opinion and suggestion to single out a 384 sf cabin as a justifiable comparison is pushing the evidence against a livable residence,

and seems to be in favor of the complainant to preserve and enjoy the benefits of adjacent vacant land without the burden of paying the taxes.

The statement “applicant has, in effect, refused to build a small house or agree to adopt a minimum reasonable use of the lot” is premature and presumptuous. We have not refused to build anything pending a fair hearing of our revised proposal. Our submittal for reasonable use includes a two car garage, standard provision for most Alaska single family homes in a sub-arctic climate, and tends to reduce the unsightliness of vehicles parked outside.

Finally, we have previously addressed the comments regarding parking and turnaround space.

e. Comment: No variance can be granted unless it meets these conditions....

Response:

- item 1: Reasonable use has been de facto represented by the Governing Agencies for over 50 years as suitable for at least a single family dwelling. MSB has taxed this lot as comparable to others with all services provided to those dwellings, not as a substandard lot unsuitable for residential use. We are simply asking to for the same benefit of reasonable use of our building lot as our neighbors, at a scale that we propose as suitable and reasonable for the site.
- item 2: Mistaken ‘fact’: We as owners did not measure off the parcel with respect to setbacks when purchased, assumed it was buildable in some fashion, and after subsequent investigation have applied for the variance. We understand it is within the purview of the Planning Commission to accept or adjust any aspect of our proposal during the hearing in keeping with the spirit and intent of the WMC and setback requirements. Complainant implies misrepresentation of facts by applicant for financial gain as a motive. We do not wish to imply a motive to the Complainant.
- item 3: The logic of this “fact” regarding adverse impact to the Kopperud house by preserving their viewshed is questionable, and is not a consideration based on the stated opinion of the City Planner. If a fence was built on the property line that they considered an obstruction of their view, would that also be contested on this basis?

Shoreline damage is projected by Kopperud as a future “fact”, without regard to how we intend to preserve, restore and enhance the natural vegetation in the reduced setback area, and to protect the lake from runoff, in keeping with spirit and intent of the law. We propose a landscaping plan submittal be approved to ensure this provision in our variance.

Another fact presented by Kopperud is unclear how our unique and legal application for variance will have substantial adverse effect on the public interest and uniform setback around the lake. This seems to be recycling the “bad precedent” argument in other words, and was responded to in item 3.p.

The parking objections were previously addressed in item 3.a, 3.e, etc.

f. Comment: Summary of Kopperud letter of opposition:

Response: We have not had two opportunities, only one; the second hearing is pending. The complainant has chosen to impugn a strawman motive to our variance application “to maximize his private financial return and deliver a corresponding loss to the

public". This may be his private opinion, but it detracts from many of his otherwise valid concerns that we have tried to accommodate in our proposal where necessary or possible. We too are lifelong Alaskans, and plan to be long-term residents of Wasilla Lake. We appreciate the critical review based on objective facts without the nuance of misrepresenting our character and motives.

15. 7/7/15 from NRCS Soil and Water Conservation District

Comment: Opposes request to protect riparian area and health of the lake.

Response: This is a valid concern, and we recognize the need in this variance request to provide additional measures to preserve and enhance the natural shoreline vegetation where it may be disturbed during construction below the proposed dwelling structure, and to provide rain gutters and suitable rainwater drainage to prevent erosion tracking. Lawn and cleared/fertilized areas in the shoreline variance are not proposed. As a condition of our variance, we propose this protection would be documented and executed per an approved landscape plan submittal to the AHJ (City of Wasilla Planning Office).

End of responses to written comments.

In conclusion, we appreciate the opportunity to improve our proposal for this variance application through the public comment process, with a fair and impartial hearing to its merits in our efforts to improve our property with provisions that address the spirit and intent of protecting the lakeshore environment and property values of our neighbors.

Sincerely,

William Starn

Tina Crawford

From: B & J Starn <mntnstar@mtaonline.net>
Sent: Tuesday, July 14, 2015 1:30 PM
To: Planning; Tina Crawford
Cc: Denali North; Glen Starn; Joel Starn
Subject: Re: V15-01, Wasilla Lake Lot - 1245 E Westpoint Drive
Attachments: V15-01_7-14-15_Starn response.pdf

Dear City of Wasilla Plan Review Office,

Attached for the record is our formal response to the public and agency comments to our variance request to date.

We will be presenting major points from this document during our testimony to the Planning Commission this evening at 6pm.

I am unable to sign this PDF copy, but would be happy to sign a copy for your record if necessary.

Thanks, Bill Starn

On Jul 12, 2015, at 11:25 AM, B & J Starn wrote:

Tina,
The below response to our variance request from the owners of Lakeshore Tract 2 Lot 3A was inadvertently sent to us instead of directly to the planning office.

Bill Starn

Begin forwarded message:

From: Tony Harris <t.harris25@hotmail.com>
Date: July 12, 2015 10:47:44 AM AKDT
To: "mntnstar@mtaonline.net" <mntnstar@mtaonline.net>
Cc: "harrisracing@acsalaska.net" <harrisracing@acsalaska.net>, Sheila Harris <reliable@gci.net>, "fc907@yahoo.com" <fc907@yahoo.com>, "Judy Greenough (wrbc0@foxinternet.com)" <wrbc0@foxinternet.com>, "greenough3010@comcast.net" <greenough3010@comcast.net>, "chirikof@aol.com" <chirikof@aol.com>
Subject: Re: Wasilla Lake Lot - 1245 E Westpoint Drive

The Harris Family LLC at 1240 E Westpoint Drive has no objections to the proposed development @ 1245 E Westpoint Drive.

Thank you

Harris Family LLC
Judy Greenough
Kelly Huffman
Jack R Harris

Tracy Harris
Anthony Harris

From: B & J Starn [mailto:mtnstar@mtaonline.net]
Sent: Friday, July 03, 2015 2:36 PM
To: Huffman, Kelly (ASIG-ANC)
Cc: Glen Starn
Subject: Wasilla Lake Lot - 1245 E Westpoint Drive

Dear Kelly,

Per my mother Nancy Starn's phone call to you this morning, we are requesting a letter (or letters) of support/ no objection to our proposed development of the lake lot across the street from your Wasilla Lake property at 1240 E. Westpoint Drive.

We are requesting variance to the setback requirements because of the lot geometry which would otherwise render the lot unbuildable, mainly due to the 75' shoreline setback. We had a public hearing back on June 9th, during which several neighbors voiced their opposition to our request for various reasons which we will be responding to in the next hearing and have addressed with revisions to our proposed plot plan. Because of the reduced lakeshore setback, we are proposing to maintain or enhance the natural vegetation between the house and lake for visual screening.

Because of the deadend road, we are also contacting the Fire Dept and Alaska Waste to ask for their comments on access and turnaround space, which should be improved with driveway/snow storage space (~950sf) created on the street side of the lot that previously did not exist (until we recently added the gravel pad). The proposed house will include a 2-car garage which will provide the normal parking space for the residence; see attached.

The City of Wasilla Planning Office took no exception to our variance request other than we provide at least 20' setback from the street in front of the garage to allow for additional parking that will not extend into the right-of-way. The original hearing did not result in a final vote at our request for an extension, due to the Commission's request for additional comparisons with similar lots in the area, confirmation of our lot size, and giving us time to respond to the various comments that were voiced at the meeting.

Regarding the next public hearing for our variance request, it will be held on Tuesday July 14th 6pm; see the attached link for the notice on the City of Wasilla Planning office website:

<http://cityofwasilla.com/Home/Components/News/News/3485/26?backlist=%2fdepartments-divisions%2fplanning-office>

A letter of support/ no objection from your family members would be greatly appreciated. The letter(s) or email(s) should be addressed to:

via e-mail: planning@ci.wasilla.ak.us, or via fax: 907-373-9021, or via US mail:

City of Wasilla Planning Commission

c/o Tina Crawford, City Planner

290 E Herning Avenue

Wasilla, AK 99654

Attached are Google-Earth aerial photos (that do not show your new structure) for reference, and proposed footprint for a 2984 sf house (2-story w/ daylight bsmt) and integral 550sf garage. If you or any of your family members would like to discuss any aspect of our proposal, please don't hesitate to call me.

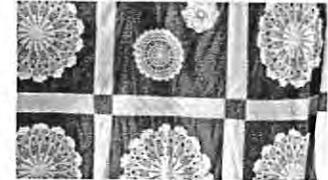
Sincerely,

Bill Starn

H: 907-746-0805

M: 907-841-3677

<1245 E.Westpoint_concept footprint_rev1.pdf>



July 12, 2015

Estate of Myrtle Nussbaumer
C/O April Lee
PO Box 190705
Hawi, HI 6719-0705

City of Wasilla Planning Commission
C/O Tina Crawford, City Planner
290 E. Herning Avenue
Wasilla, AK 99654

Re: Variance Request for Parcel 3 Tract 1 Lakeshore Subdivision by Bill Starns

Honorable Cindy Crawford and The City of Wasilla Planning Commission,

I am writing this letter mostly because I know my mom would want me to establish a record of historical detail and chronology that will be more evidence with which fairness and justice for the petitioner and buyer of her lot, Bill Starn, can be obtained. Also, the public input at the last hearing, I am told, was heavily against this variance. I understand this attitude. If I had a home in the vicinity I would want to minimize the competition on this popular lake, but they too, might find more impartiality in the case considering these additional noteworthy issues.

- A. The conditions up which the variance application is based do not apply generally to properties on Wasilla Lake, as the triangular shape is unique to this property. I surmise that when the plat was amended by The City of Wasilla the roadway was widened to accommodate the installation of public utilities, which exacerbated set-back problem.**
- B. This was not noted once by neither assessors nor appraisers, whose job it is to analyze values in their professional capacity. The developer set up this condition in 1960. This is an older subdivision created prior to regulation.**
- C. The governmental taxing agencies collected taxes on this property as if it were buildable, comparing it to other buildable lots in assessing the value for taxation.**

The taxes were too much for my mother and she requested in the 1990's that I try to reduce the taxes. This was a fairly unimproved lot at the time, with no public sewer or water and the annual taxes were based on an assessed valuation that presupposed the lot was buildable. She paid these taxes for decades and not once was the Borough's assessor using the limiting condition that the lot was not buildable. If I submitted to you the amount of money she paid it would be cause to consider that denying the value as unbuild-able now; unfair.

Years went by and she got the word that The City of Wasilla that the Westpoint Water/Sewer Project was to assess the property for improvements and the PILA (Payment in-Lieu of Assessment) would be due. About this time she thought about selling. Another issue that was pressing her was that her neighbor, the attorney Noel Kopperud, had convinced her that she should allow him to dump fill material from his property onto hers. She was to generate permits, hire supervisory personnel and hydro-seed and he would be able to have use of the grassy area for his picnic table. He convinced her to give him the right to purchase for 3 years with a credit of \$2000 for the leveling of the fill and removal of any excess, and top soil he would buy.

So mom ordered an appraisal. She hired Vince Coan. In an appraisal dated May 15th, 1998 by his Statewide Appraisal Services, he estimated the value at \$55,000. Mr. Kopperud was alarmed. He took some time to have it reviewed. He stated several times that he was trying a case in front of the Alaska Supreme Court. Really, his letter to mom got to the main point: " then you sent an appraisal of its possible future value set at \$55,000." "I noticed the assessed value...and expect that would be full market value as is." If Mr. Kopperud is objecting to the variance, he may have emotions left over from the state of his mind when he wrote this letter on his letterhead dated July 10, 1998. I am attaching same as an exhibit to verify that I am not exaggerating this situation. I can send the Agreement he made with my mom recorded June 11, 1996. I can tell you he did cause her much consternation with his manner.

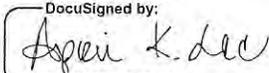
It is worthy to note, in Mr. Coan's appraisal he specified a list of "General Assumptions and Limiting Conditions" They included:

1. It is assumed that a variance for the waterfront setback requirements will be granted prior to development of the subject lot.

This variance is to allow for a reasonable approved building zone in order to make it a useable and to therefore relieve pecuniary hardship.

We approve of this variance and affirm that in your analysis, you will also agree.

Respectfully submitted,

DocuSigned by:

E27C7767E84745F...

April Lee, daughter of Myrtle Nussbaumer (deceased)

KOPPERUD & HEFFERAN

ATTORNEYS AT LAW

541 WEST SWANSON AVENUE, SUITE 3
WASILLA, ALASKA 99654-0092NOEL H. KOPPERUD
PATRICIA R. HEFFERANAREA CODE 907
376-2430 • 376-2430 • 376-2222
FAX 376-2440

July 10, 1998

April Lee
Via Fax: 345-5545

Re: Parcel 3, Tract 1 Lakeshore Subdivision

Dear Ms. Lee:

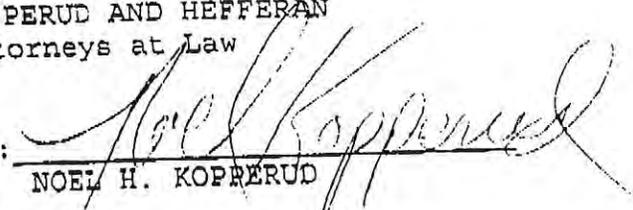
My understanding of our phone conference yesterday is that your mother intends to go forward with marketing of the above lot at this time, although the Coan appraisal is under review by an independent appraiser. You appear to be concerned with selling the lot this summer.

As I pointed out in my last correspondence, I understood my time limits were set out in the recorded agreement I have with your mother. That agreement provided that, in exchange for doing substantial work on the lot, I had the right to maintain the property for a minimum of 3 years or until June 3, 1999. At the time of the agreement, your mother did not want to sell the property for at least 3 years, and I did not want to put a lot of time and money into the property unless I was certain that it would be available for a definite minimum period of time.

While I am willing to cooperate in appraisal of the property at this time and discussion of the price, I believe my rights in the property extend for a period of three years, minimum, and that those rights are enforceable against a third party. At this point, I have not really heard what you wanted by way of a price for the property, as you indicated initially that you were listing the property for \$41,000 then sent an appraisal of its possible future value set at \$55,000. I noticed that the current borough assessed value is \$21,100 and expect that would be full market value as is. Is your mother willing to sell the property at that price?

Please review these matters directly with your mother and give me a call. I am still working on a Supreme Court matter but I am in and out of the office and will return your calls. In the meanwhile, I will try to get the appraisal review completed.

Very truly yours,

KOPPERUD AND HEFFERAN
Attorneys at LawBy: 

NOEL H. KOPPERUD

/tam

By: Planning
Public Hearing: 06/09/15
Public Hearing Continued: 07/14/15
Adopted: 07/14/15

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 15-10(AM)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING VARIANCE NO. V15-01 ALLOWING AN 19.5 FOOT VARIANCE FROM THE REQUIRED 25 FOOT FRONT YARD SETBACK AND A 33 FOOT VARIANCE FROM THE REQUIRED 75 FOOT SHORELINE SETBACK IN ORDER TO CONSTRUCT A SINGLE-FAMILY DWELLING, LOCATED ON TRACT 1, PARCEL 3, LAKESHORE 1963 SUBDIVISION IN THE MULTI FAMILY ZONING DISTRICT.

WHEREAS, William Starn submitted an application for a variance on May 12, 2015, along with a site plan and application fee; and

WHEREAS, notice of the application was mailed to all property owners within a 1,200 foot 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 June 2, 2015; and

WHEREAS, the Wasilla Planning Commission conducted a public hearing on June 9, 2015 regarding 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 continued the public hearing until the July 14, 2015 meeting; and

WHEREAS, a notice of the continued Planning Commission public hearing was published in the Frontiersman on July 7, 2015; and

WHEREAS, notice of the continued public hearing 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, the Wasilla conducted the continued public hearing on July 14, 2015 regarding 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 determined that a request for a 45-foot shoreline setback did not meet the variance criteria; and

WHEREAS, the Wasilla Planning Commission determined that a 42-foot shoreline setback did meet the variance criteria; and

WHEREAS, the Wasilla Planning Commission adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this application with the Findings of Fact, attached as Exhibit A and incorporated herein, with the following conditions:

1. Prepare a landscape plan to the City Planner for review and approval that re-vegetates the area between the structure and the high-water mark of Wasilla Lake in accordance with the Property Owner's Guide to Shoreline Landscaping in the Matanuska-Susitna Borough and any other requirements necessary to ensure adequate protection of the lake and shoreline.
2. Design the site appropriately to prevent direct runoff from the lot into the lake.

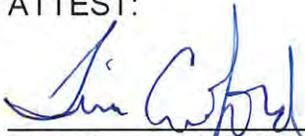
3. Obtain all necessary permits and approvals for the installation of any necessary water/sewer infrastructure.
4. Provide adequate shoreline vegetation or other stabilization methods at the water's edge to prevent additional erosion.
5. Obtain all necessary approvals prior to working on the water's edge.

ADOPTED by the Wasilla Planning Commission on July 14, 2015.

APPROVED:


Glenda Ledford, Chairman Date 7/15/15

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: Yes: Dean, Means, Ledford
 No: Pinard

EXHIBIT A
Wasilla Planning Commission Resolution 15-10
FINDINGS OF FACT – 16.28.110

§16.28.110(A) Application.

An application for a variance must be submitted to the planner. The application must be accompanied by a site plan of the relevant part of the parcel or lot. The planner may require that the site plan be produced by a registered professional engineer or land surveyor. The site plan shall depict all information relevant to the variance request.

Finding: A complete application was submitted to the Planning Department on May 12, 2015.

§16.28.110(B) Variance requests must be heard by the commission. Notice, comment period and hearing procedures follow the format outlined in WMC16.16.040.

Finding: The public hearing was scheduled in a timely manner for the next available Planning Commission meeting and the hearing format is consistent with the requirements in WMC 16.16.040(E). Public notice was mailed May 22, 2015 to all properties within a 1,200' radius, allowing for the proper number of days in which to comment in accordance with 16.16.040. Hearing procedure shall follow the criteria outlined in 16.16.040(A).

§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 small, triangular shape does not apply generally to properties in the district or vicinity.

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: The parcel is in the original platted configuration from 1963.

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 parcel would be basically unbuildable since the Land Development Code requires a 25' front yard setback and a 75' shoreline setback.

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 applicant did not cause the conditions that require a variance.

5. The variance is not sought solely to relieve pecuniary hardship or inconvenience.

Finding: With the amendment to a 42-foot setback, the variance is not sought to relieve a pecuniary (financial) hardship or inconvenience. Without any variance, no structure may be built on the lot.

§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: With the amendment to a 42-foot setback, the variance request is the minimum necessary to permit reasonable use of the parcel. The applicant is proposing a single-family dwelling.

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

Finding: The proposed residential use is not prohibited as a residential use is permitted in a Residential Multifamily (RM) 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: With the amendment to a 42-foot setback, the variance will not be detrimental to public health or welfare.

5. The variance will not significantly adversely affect other property.

Finding: With the amendment to a 42-foot setback, the requested variance will not significantly adversely affect other properties in the area.

