

Chairman

John Greenwood

Commissioners

Tom Bailer

Tom McGann

Scott Pegau

John Baenen

Allen Roemhildt

Mark Frohnapfel

City Planner

Samantha Greenwood

Assistant Planner

Leif Stavig

PLANNING COMMISSION SPECIAL MEETING

MAY 27, 2015 AT 12:15 PM

LIBRARY MEETING ROOM

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Chairman John Greenwood, Commissioners Tom Bailer, Tom McGann,
Scott Pegau, John Baenen, Allen Roemhildt, and Mark Frohnapfel

3. APPROVAL OF AGENDA (voice vote)

4. DISCLOSURES OF CONFLICTS OF INTEREST

5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

- a. Audience comments regarding agenda items (3 minutes per speaker)

6. NEW/MISCELLANEOUS BUSINESS

- a. Variance Request – Thomas Wall..... Page 2-10

7. UNFINISHED BUSINESS

- a. Final Plat Request for ‘Subdivision of US Survey 901’ Page 11-13

8. AUDIENCE PARTICIPATION

9. COMMISSION COMMENTS

10. ADJOURNMENT

Memorandum

To: Planning Commission
From: Planning Staff
Date: 5/22/15
Re: Variance Request – Thomas Wall

PART I – GENERAL INFORMATION

Requested Actions: Variance from rear yard requirement of 60 feet for RR3 Rural Residential District
Applicant: Thomas Wall
Owner Name: Thomas Wall
Address: 10 Alpine Falls
Legal Description: Lot 8, Block 1, Alpine Properties Subdivision Phase 1
Parcel Number: 02-087-618
Zoning: RR3 Rural Residential District
Lot Area: 3.01 Acres
Attachments: Attachment A: Location Map
Site Plan
Variance Application

PART II – BACKGROUND

1/8/08 – The Walls were granted a building permit for the construction of a single family home. The home was not constructed and the permit expired in August 2010.

5/31/13 – The Walls were granted a second permit which was an extension of their previous permit. The home was not constructed and the permit expired on 11/30/14.

5/?/15 – Steven Schmid, contractor for the Walls, came to Planning Department requesting a second extension of the Walls' building permit. Staff reviewed the drawing submitted by the Walls in their original application and it did not meet the required setbacks for the RR3 Rural Residential District. The Walls and Schmid were informed of the issue and that a new drawing would need to be submitted meeting the rear setback.

5/18/15 – Schmid submit a variance application on behalf of Thomas Wall. The variance was requested from the required rear yard of 60 feet to allow construction 30 feet from the rear property line.

PART III – REVIEW OF APPLICABLE CRITERIA

18.21.080 - Minimum yard requirements.

Minimum yard requirements are as follows:

- A. Front yard: twenty-five feet;*
- B. Side yards: thirty feet;*
- C. Rear yard: sixty feet.*

18.64.020 Variances.

An application has been filed pursuant to this section of code. Below is the review of the variance criteria.

PART IV – SUGGESTED FINDINGS

The application shall contain a statement and adequate evidence showing the following conditions, all four of which must exist before a variance may be granted.

- a. *That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same land use district.*

This condition has been met. The Alpine subdivision is built on a mountainside providing for topographic changes throughout the subdivision. This particular lot is located at the top of the subdivision and also has a creek running through it. Unlike most of the other lots in this subdivision, the potential building area for this lot is limited by both the steepness and the creek ravine. The ravine runs along the easterly side of the property (see attachment A).

- b. *That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship.*

This condition has been met. Currently the utilities are installed, septic system has been placed and a pad was developed for the residence. In order to meet the rear yard requirement of 60 feet, the improvements would need to be relocated and additional fill would need to be added to the building pad which would be a practical difficulty and an unnecessary hardship.

- c. *That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.*

This condition has been met. The granting of this variance will not result in material damage or prejudice to other property owners. A residential house being built will add to the land value of the surrounding properties.

The granting of this variance will not be detrimental to the public health, safety and welfare. This subdivision has been accepted by the City of Cordova and meets the road standards that are in place. This variance request does not interfere with access to other properties or limit access to this lot.

- d. *That the granting of the variance will not be contrary to the objectives of the comprehensive plan.*

This condition has been met. The granting of this variance will not be contrary to the comprehensive plan; it will help to meet the goal of Chapter 2 - Land Use:

“To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private land owners. “

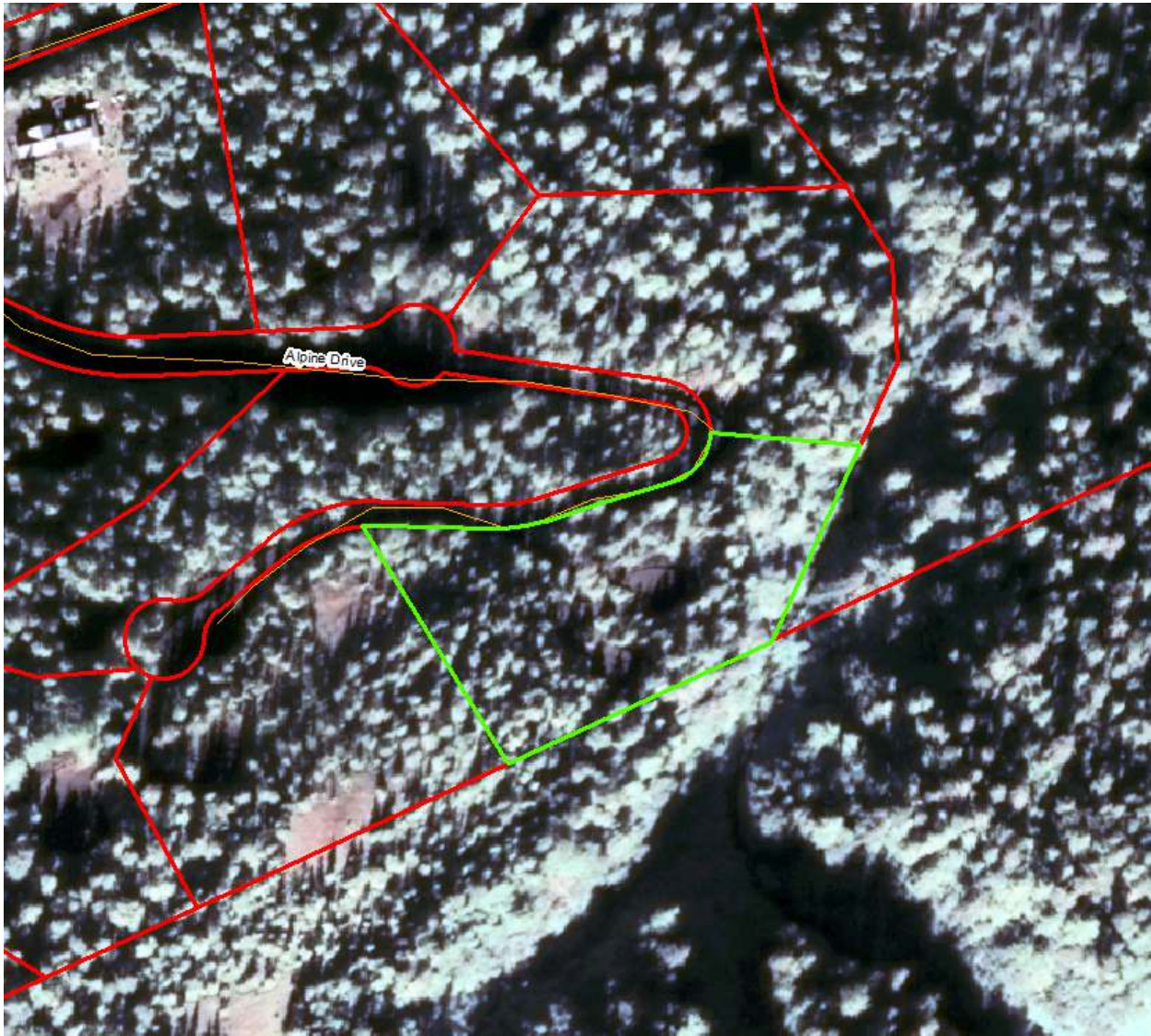
PART V – STAFF RECOMMENDATION

The Planning Commission has recommended to City Council to change the required setbacks for the RR3 District. The ordinance to do so passed the first reading at the May 20th City Council meeting. There will be Public Hearing and second reading at the June 17th City Council. If the second reading passes, the ordinance will be advertised and then will sit for a 30 day waiting period prior to becoming City Code. At this time, it appears that the code will be changed. If that occurs, the Walls proposed rear yard will exceed the new rear yard requirement of 25 feet.

PART VI – SUGGESTED MOTION

“I move that the Planning Commission grant the variance request from Thomas Wall for a variance from the rear yard requirement of 60 feet as contained in the staff report.”

Attachment A: Location Map



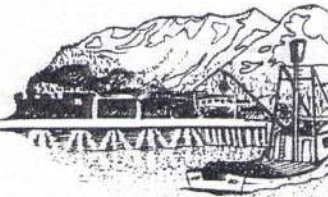


P.O. Box 1569, Cordova, Alaska 99574
Phone: (907) 424-4512 e-mail: harvill@cticak.net

Linda and Henry Wall
1865 Ike Stone Rd.
Monroe, GA 30656

DATE Aug 1, 2007
SCALE 3/16" to 1'
SHEET 1 OF 1

CITY OF CORDOVA



VARIANCE APPLICATION CITY OF CORDOVA


INSTRUCTIONS

Print or type requested information. Incomplete applications will be returned to the applicant and will delay the processing of your request. All applications must be filed with the Planning Department **21 days prior to** the next Planning Commission meeting date.

APPLICANT INFORMATION	
Name	THOMAS WALL
Address	1865 IKE STONE RD. MABLEDE GA, 30656
Telephone [home]	[REDACTED]
Business Name	
Business Address	
Telephone [business]	
Business FAX	
Project architect/engineer	CONCEPT HOMES / ANDREW ADAMS
Address of architect/engineer	
Telephone of architect/engineer	

PROPERTY/PROJECT INFORMATION	
Address of subject property	LOT #8 ALPINE FALLS, CORDOVA, AK 99574
Parcel identification number	LOT #8
Property owner [name/address]	THOMAS WALL
Current zoning	R-3
Proposed use	SINGLE FAMILY HOME
Construction start date	5/15

ZONING APPLICATION	
Owner of property (if different than applicant). If multiple owners, list names and addresses of each and indicate ownership interest. Attach additional sheet if necessary.	
Real Estate Firm/Broker handling sale of property. Provide name and address. Note: <i>If you do not own the property, you must provide a copy of a Purchase Agreement or instrument acceptable to the city indicating the owner is fully aware of, and in agreement with, the requested action.</i>	
City Business License Permit Number (if applicable)	

APPLICANT CERTIFICATION	
<p>By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate. Furthermore, I (we) hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting necessary site inspections.</p>	
By: _____ (Signature)	By:  (Signature)
Name: _____ (Type/Print)	Name: <u>JEREMY SCHMID</u> (Type/Print)
Date: _____	Date: <u>5/18/15</u>
<p>Appeal Procedures: A decision of the Planning Commission may be appealed to the Board of Adjustment. An appeal must be filed in writing with the City Clerk within ten (10) days of the decision. In accordance with the procedures outlined in Section 18.64.030 of the City of Cordova Zoning Code.</p>	
CITY USE ONLY - PLEASE DO NOT WRITE IN THIS SECTION	
ITEM	ACTION
Date application received:	
Fee paid:	
Does application require a public hearing? Planning Commission: City Council:	
Staff review date/reviewer name:	
Planning Commission final action:	
City Council final action:	
Other:	

ZONING APPLICATION continued

Project/Request Description Page:

- 1 Please describe your request in complete detail. Feel free to add additional pages and/or drawings, maps, photographs of the site, and other documentation that might be helpful to the Planning Commission as they make a decision on your request.
- 2 If you are requesting a dimensional variance, you must include a basic site plan drawing showing the location of your property lines, existing and proposed buildings, existing and proposed easements, building setbacks, and other items necessary to adequately and accurately show the nature of your request.
- 3 In order to receive a zoning compliance permit, you must meet the standards of the relevant zoning code. **PLEASE REFER TO THE FOLLOWING PAGES OF THIS APPLICATION FOR A COPY OF THE RELEVANT SECTION STANDARDS.**

Please describe your request. Add additional pages, drawings and required information.

THE EXISTING REAR SET-BACK REQUIREMENT IS 60'.
A VARIANCE IS BEING REQUESTED TO ALLOW THE BUILDING
TO BE PLACED 30' OF THE REAR PROPERTY LINE.

TO THE BEST OF MY KNOWLEDGE A 60' SETBACK EXCEEDS
ANY OTHER SETBACK WITHIN THE CITY OF CORDOVA BY 35' FEET.
THE SETBACK IN QUESTION IS THE DISTANCE OFF A PROPERTY
LINE THAT BORDERS FOREST SERVICE.

FURTHERMORE, A BUILDING PERMIT WAS ALREADY ISSUED
IN 2007, AND AGAIN RELEVUED IN 2013. THE ISSUANCE OF
THAT PERMIT ALLOWED THE BUILDING TO BE NO CLOSER
THAN 30' FROM SAID BOUNDARY. IN THE ISSUANCE OF
THE PREVIOUS PERMIT A BUILDING PAD, ROAD, UTILITIES, AND
SEPTIC TANK WERE ALREADY INSTALLED TO THE PREVIOUSLY
APPROVED LOCATION.

VARIANCE STANDARDS 18.64.020

The Planning and Zoning Commission may only approve the variance if the Commission finds that **ALL** of the following 4 standards are satisfied. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. Use additional paper if needed.

1

Exceptional physical circumstances or conditions that apply to the property or to its intended use or development which do not apply generally to the other properties in the same land use district.

EXPLAIN: BUILDING PAD, ROAD, UTILITIES, AND SEPTIC TANK ALREADY PLACED BASED UPON APPROVED VARIOUS PERMITS.

PROPERTY BOUNDARY IN QUESTION BACKS FOREST SERVICE. THE TOPOGRAPHY OF THE PARCEL DICTATES HOUSE PLACEMENT AND MAKES MOVING THE EXISTING HOMESITE UNFEASIBLE

2

That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship.

EXPLAIN: COSTS INCURRED TO PUT IN ABOVE MENTIONED ITEMS, THAT HAVE ALREADY BEEN PAID. POSSIBLE COSTS TO MOVE ABOVE MENTIONED ITEMS TO NEWLY APPROVED LOCATION. FURTHER PROJECT DELAYS.

3

That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

EXPLAIN: PROPERTY LINE IN QUESTION BACK FOREST SERVICE LAND, THUS IS NOT INFLUENCING ANY OTHER PROPERTIES OWNED BY THE PUBLIC.

4

That the granting of the variance will not be contrary to the objectives of the comprehensive plan.

EXPLAIN: SETBACK EXCEEDS ANY OTHER SETBACK IN CORDOVA BY 35'. INCREASING RESIDENTIAL HOUSING IS PART OF THE COMPREHENSIVE PLAN

OTHER REQUIREMENTS

1. A legal description of the property involved.

2. Site and Building Plan: Plot plan showing the location of all existing and proposed buildings or improvements, elevations of such buildings or alterations, and such other data as may be required.

3. Evidence of the ability and intention of the applicant to proceed in accordance with the plans within six months after the effective date of the variance.

Memorandum

To: Planning Commission
From: Planning Staff
Date: 5/22/15
Re: Final Plat Request for 'Subdivision of US Survey 901'

PART I – GENERAL INFORMATION

Requested Actions: Final Plat Approval
Applicant: Lucas Borer
Legal Description: US Survey 901
Parcel Number: 02-086-200
Zoning: Low Density Residential

PART II – BACKGROUND

5/19/15 – At the Planning Commission Regular Meeting the following occurred:

M/McGann S/Bailer to approve the final plat request for 'Subdivision of US Survey 901.'

M/Bailer S/Baenen to refer this back to staff to address access and remove "cemetery."

Upon roll call vote, motion to refer passed 7-0.

Yea: Greenwood, Bailer, McGann, Pegau, Baenen, Roemhildt, Frohnappfel

PART III – SUGGESTED FINDINGS

1. The proposed plat conforms to the Comprehensive Plan Policies and serves the public use, health, and safety.
2. There are no known physical conditions present which may be hazardous to the future inhabitants of these tracts.

PART IV – STAFF RECOMMENDATION

Staff recommend that the request for final plat approval for 'Subdivision of US Survey 901' be approved. The applicant has responded to the two items required by the Planning Commission: the word "cemetery" has been removed and a 15 foot access easement from the Copper River Highway to the Borer Bone Yard lot has been added.

PART V – SUGGESTED MOTION

"I move to approve the final plat request for 'Subdivision of US Survey 901.'"

Attachment A – Location Map



MAY 27, 2015

