

By: Sandra Swanger-Jensen  
Introduced: April 3, 2017  
Public Hearing: April 17, 2017  
Action: Failed

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 17-12**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO THE WATERBODY SETBACK FOR A TWO STORY RECREATIONAL CABIN ON LOT 10A, RSB OF BIG LAKE SUBDIVISION, PALMER RECORDING DISTRICT; WITHIN TOWNSHIP 17 NORTH, RANGE 3 West, SECTION 29, SEWARD MERIDIAN.

WHEREAS, an application for a variance from the setback requirement of MSB 17.55.020(A) has been received to allow a two-story recreational cabin to be located 33.3 feet from the high water mark of Big Lake on Lot 10A, RSB of Big Lake Subdivision; 3862 South Peninsula Drive; within Township 17 North, Range 3 West, Section 29, Seward Meridian; and

WHEREAS, the Planning Commission conducted a public hearing on April 17, 2017 on this matter; and

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

WHEREAS, the Planning Commission hereby finds this application does meet the standards of MSB 17.65; and

WHEREAS, the subject parcel is a Legal Nonconforming lot consisting of .28 acres; and

WHEREAS, lot 10 is a Legal Nonconforming lot platted as Big Lake Subdivision Plat No. W-4, then resubdivided by Plat No. W-13 filed May 2, 1953 creating lot 10A; and

WHEREAS, the lot was created prior to statehood of Alaska (1959) and prior to the Matanuska-Susitna Borough becoming incorporated as a second class borough (1964); and

WHEREAS, the subject property previously had an approved Pre-Existing Legal Nonconforming Status For A Structure in 2012 on the new foundation/garage footprint measuring 24 feet W x 32 feet D that had an A-frame cabin built in 1959 consisting of 768 square feet sitting on top of the foundation; and

WHEREAS, the as-built survey by Terry L. Nicodemus, LS dated August 25, 2016 identified the utilities and the utilities are underground, which limited the area to build; and

WHEREAS, the subject structure is a three story cabin with the first floor as a basement/garage; and

WHEREAS, the Big Lake Comprehensive Plan does not specifically address shoreline setbacks, setbacks from rights-of-way, or substandard lots; and

WHEREAS, the subject property is within the Community Council Boundary; and is identified as: *Dispersed Residential*, rural density, which is the primary land use in community; and

WHEREAS, borough code MSB 17.65 Variances was adopted to grant relief to property owners whose lots are impacted by

topographic constraints and/or existing land use regulations thereby making the lot undevelopable; and

WHEREAS, the lot is located within the Big Lake Community Council Boundary and the Big Lake Comprehensive Plan (Update 2009) is applicable to the subject property; and

WHEREAS, the person seeking the variance did not create the nonconforming lot; and

WHEREAS, residential or recreational structures are allowed on this lot; and

WHEREAS, the lot is not in a Special Land Use District.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law:

1. There are unusual conditions or circumstances that apply to the property for which the variance is sought (MSB 17.65.020(A)(1)).
2. The strict application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties under the terms of this title (MSB 17.65.020(A)(2)).
3. The granting of the variance will not be injurious to nearby property, or harmful to the public welfare (MSB 17.65.020(A)(3)).

4. The granting of the variance will be in harmony with the objectives of this title and any applicable comprehensive plans (MSB 17.65.020(A)(4)).
5. The deviation from the requirement of this title that is permitted by the variance will be no more than is necessary to permit a reasonable use of the property (MSB 17.65.020(A)(5)).

ADOPTED by the Matanuska-Susitna Borough Planning Commission this \_\_\_\_ day of April, 2017.

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COLLEEN VAGUE, Chair

ATTEST

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MARY BRODIGAN, Planning Clerk

(SEAL)

FAILED UNANIMOUSLY: Vague, Anderson, Healy, Chesbro, Elder, Glashan, and Rauchenstein