



City of Valdez

ALASKA

Community Development Department

Alaska Guide Company Variance– Proposed Findings

VMC 17.12.100 (A) Purpose. The variance and administrative adjustments procedures are established to allow applicants to seek deviations and modifications from certain requirements of VMC Title 17 to overcome unique site impediments and area conditions. Deviations or waivers to the City's development standards may be specifically necessary to accommodate infill projects, adaptive use activities, and redevelopment projects in established areas of the City where existing site and area conditions may limit an applicant's ability to fully comply with City requirements. Variances are intended to allow applicants to seek regulatory relief through a public hearing process, whereas administrative adjustments are intended to allow applicants to seek minor regulatory relief through an administrative process.

Date: September 25, 2024

File: Variance 24-03

To: Planning & Zoning Commission

From: Nicole Chase, Planner

General Information

Applicant: Alaska Guide Company

Property Owner: City of Valdez

Street Address: 115 Glacier Haul Road

Legal Description: Tract C USS 439 (plat 2022-5)

Zoning District: Light Industrial (LI)

Existing Land Use: Commercial recreation guiding business

Access: Glacier Haul Road

Property Size: 260,358 (plat 2022-5)

Adjacent Land Use: Vacant public lands

Description

Alaska Guide Company applied for a variance to construct a sign advertising their business within the required front setback, and which exceeds the maximum sign area allowable in Title 17. The subject property is 115 Glacier Haul Road, Tract C USS 439. The applicant is Alaska Guide Company, Inc. and the property owner is the City of Valdez. Alaska Guide Company leases the property for a commercial recreation guiding business.

The proposed sign would encroach 12' within the required 20' front setback off the Richardson Highway.

Under the new zoning ordinance adopted February 7, 2024 (Ord. 24-01.), the Light Industrial district now has the following minimum setback requirements per VMC table 17.16.060-1: 20' in the front, 10' in the side, and 15' in the rear. Under the previous zoning ordinance, there were no minimum setback requirements for the Light Industrial district except for regarding fire walls and separation of structures.

Additionally, the maximum allowable sign area for per VMC 17.96.040 (C) (1) is as follows:

For nonresidential or dwelling uses, the following type and size of signs are permitted:

If there is one business establishment in a building, that business may have three signs, with a maximum total area per sign of three-square feet for every lineal foot of primary building facade. Each business is allowed only one freestanding sign.

The primary structure currently permitted for the property is a 8' x 10' utility shed, which allows for a maximum sign area of 30 square feet per sign. The proposed two signs are approximately 16 square feet and 62 square feet in size.

The request from the applicant is for an 12' encroachment into the required 20' front yard setback for the proposed sign, and for a 32 square foot variance to the maximum allowable sign area.

VMC 17.12.100 (D) contains four provisions that must be met in order for the Commission to grant approval of a variance. In reviewing the application, staff determined all criteria but the exceptional physical characteristics of the lot were met.

VMC 17.12.100 (I)

The Planning and Zoning Commission shall conduct a public hearing to review the variance application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and take action on the application. The Commission may approve, approve with conditions, or deny the application.

Findings

1. Procedure.

- a) On August 29, 2024, the Community Development Department received the variance application for the subject property.
- b) Community Development staff reviewed the application and accompanying information against the application requirements of 17.12.100 (E) and determined that the application was complete.
- c) A public hearing was scheduled to consider this application for September 25, 2024.
- d) Notice of the meeting was published in the Copper River Record on September 12 and September 19, 2024, in accordance with VMC 17.12.160.
- e) Notice of the hearing was also published in KVAK's e-blast newspaper on September 9, 2024, and September 16, 2024, in accordance with VMC 17.12.160
- f) Notice of the meeting was also posted on the City of Valdez website on September 6, 2024, in accordance with VMC 17.12.160.

- g) Notice of the hearing was mailed on September 6, 2024, to the 2 property owners within 300 feet of the subject property, in accordance with VMC 17.12.160.
- 2. VMC 17.12.100 (D)(1) – Criterion 1: There are exceptional physical characteristics or conditions pertaining to the property which may affect intended land use or development thereon which do not generally apply to other properties in the same zoning district.**

The subject property is located within the Light Industrial district (LI). Per VMC table 17.16.060-1, the minimum setback requirements in the LI district are as follows: 20' in the front yard, 10' in the side yards, and 15' in the rear yard. VMC 17.080.020 defines the front lot line as the following:

“Lot—Front lot line” means the lot line adjacent to a public street. In the case of a corner lot, the front line shall be the shorter of the street lot lines. In the case of a triangular lot located on a curved street, the front lot line shall be the chord line of the curve measured from the points where property intersects the right-of-way”

Tract C USS 439 (115 Glacier Haul Road) is a corner lot. As such, the front property line is the shorter of the street lot lines, so the legal front property line is adjacent to the Richardson Highway, even though the physical property access is off Glacier Haul Road. The applicant is interested in the proposed advertising sign being visible to traffic from the road.

Meeting the minimum front setback requirement of 20' along the Richardson Highway would make it difficult to view the sign from the road. The applicant states, *“It sits further away from the frontage street centerline than most light industrial zoned lots making it more difficult to see from further back in the property.”* Similarly, being required to have a 30 square foot sign, rather than a 62 square foot sign would also presumably impact visibility.

All developments on Light Industrial properties are required to meet the minimum setback requirements set forth by the ordinance. However, somewhat unique to this property is its immediate proximity to the Richardson Highway. The Richardson Highway right-of-way is 300' wide, 150' on each side of the centerline. If the applicant were to meet the front setback requirements, they would be placing the sign 170 feet from the centerline of the road. The frontage to the wide right-of-way is a unique characteristic of the property, however, there are many other light industrial properties adjacent to the Richardson Highway that are subject to the same setback requirements.

Because of this, staff feels that this fact does not rise to the standard of an exceptional physical characteristic of the property that does not generally apply to other properties in the same zoning district.

- 3. 17.12.100 (D)(2) - Criterion 2: The strict application of the provisions of VMC Title 17 would result in practical difficulties or unnecessary hardship to the applicant.**

Alaska Guide Company has applied for a variance to construct a sign advertising Alaska Guide Company's business within the required front yard setback, and which exceeds the maximum sign area allowable in Title 17. The subject property is 115 Glacier Haul Road, Tract C USS 439. The

applicant is Alaska Guide Company, Inc. and the property owner is the City of Valdez. Alaska Guide Company leases the property for a commercial recreation guiding business.

The proposed sign would encroach 12' within the required 20' front-yard setback off the Richardson Highway. Additionally, the maximum allowable sign area for per VMC 17.96.040 (C) (1) is as follows:

For nonresidential or dwelling uses, the following type and size of signs are permitted:

If there is one business establishment in a building, that business may have three signs, with a maximum total area per sign of three-square feet for every lineal foot of primary building facade. Each business is allowed only one freestanding sign.

The primary structure that is currently permitted for the property is a 8' x 10' utility shed, which would allow for a maximum sign area of 30 square feet per sign. The proposed two signs are approximately 16 square feet and 62 square feet in size.

The request from the applicant is for an 12' encroachment into the required 20' front yard setback for the proposed sign, and for a 32' variance to the maximum allowable sign area.

The strict application of the provisions of this title would result in practical difficulties and unnecessary hardship because the applicant would be required to place their sign 170' from the centerline of the Richardson Highway, and 32 feet smaller than the proposed sign area face, making it more challenging to see from the road.

The applicant states, *"The front of the property sits roughly 160' from frontage road centerline and 6' below road elevation. An additional 20' is pretty deep making it even less likely to be seen." And "We already have some clients meet us at the property. Without a sign it leaves them guessing they're in the right place before we greet them."*

4. 17.12.100 (D)(3)- Criterion 3: The granting of the variance or administrative adjustment will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety, or welfare.

There is no evidence in the record to indicate that the granting of the variance will be detrimental to the public health, safety, or welfare or result in material damage to other properties in the vicinity. The proposed sign will not be located in a way that obstructs traffic visibility or damages other properties in the vicinity. The applicant states, *"It would be highly improbable that it should become an issue of public health, safety, or welfare"*

5. 17.12.100 (D)(4) – Criterion 4: The variance or the exception will not be contrary to the objectives of the comprehensive plan.

In reviewing the objectives of the comprehensive plan, staff has found that granting this variance request will not be contrary to the objectives of the comprehensive plan.

The subject property is located within the Industrial Business and Production place type in the comprehensive plan. It is also part of the Gateway Corridor District in the comprehensive plan.

The proposed development is in accordance with the Plan Valdez Goal 3.3 to promote Valdez as a destination. The proposed advertising sign is for a recreational guiding business that helps to provide recreation opportunities for tourists in Valdez. An action identified in the comprehensive plan around this goal is to “*support partners in their development of recreation opportunities (non-motorized and motorized).*”

Additionally, the purpose of the Gateway Corridor Overlay is as follows:

Protects and improves the aesthetic and visual character of the land directly adjacent to roadway corridors. The Gateway Corridor place type is an overlay place type that adds conditions to the underlying place type. The underlying place type continues to be a compatible use with an emphasis on creating a positive visual experience along the corridor while providing for continued safe and efficient use of the roadway. (pg. 20 Plan Valdez 2021 Comprehensive Plan).

A positive visual experience is subjective; however, staff feels the proposed sign is visually appealing and meets this standard.

Staff Recommendation

Staff recommends that Variance 24-03 not be approved by the Planning & Zoning Commission because while three of the four required criterion are met by the applicant, there are no exceptional physical characteristics of the property that do not generally apply to other properties in the same zoning district, except for the fact that the property is along the Richardson Highway which has a wide right-of-way.