



City of Valdez, Alaska
Planning & Zoning Commission
Variance Request
Proposed Findings & Conclusions

VMC Section 17.06.050 Variance and exceptions.

Generally. It is recognized that the strict literal enforcement of this title might not always be in the public interest, might deprive a property owner of rights commonly enjoyed by other properties in the same district or is impractical due to physical characteristics peculiar to the particular property. A variance grants an exception to a standard of a zoning district but not to the use restriction of that zoning district, and then only when unusual physical characteristics of the land make application of the standard an undue hardship

Date: June 28, 2017
File No.: V #17-01
To: Planning & Zoning Commission
From: Rochelle Rollenhagen, Senior Planner

Variance request: Variance request submitted by Lester Greene for a five (5) foot variance into the required fifteen (15) foot back yard setback for a storage and dog area addition to an existing single family residence, located at 629 S. Snowtree Drive, Lot 5, Block 3, Black Gold Subdivision

General Information

Applicant: Lester Greene
Property Owner: Lester Greene
Property Address: 629 S. Snowtree Drive
Legal Description: Lot 5, Block 3, Black Gold Subdivision #1, Div II
PIDN: 70 100040040
Parcel Size: 10,009 square feet
Zoning: Residential
Utility Service: City Water, City Sewer, CVEA Electric, CVTC or GCI Telephone, CGI Cable
Existing Land Use: Single-family residence
Access: S. Snowtree Drive
Surrounding Land Use:
 North: Public Lands/Public Park
 South: Single-Family Residential/Developed
 East: Single-Family Residential/Developed
 West: Single-Family Residential/Developed

Project Description and Background Summary

The applicants state they require additional space for storage and for their two dogs and would like to build a covered storage area onto the southeast corner of their single-family residence. This would provide shelter for the dogs and give the family extra storage area. The applicants also state that they would paint and roof the addition to match the existing house so it would not look like an “add on.” This would necessitate a five (5) foot encroachment into the required fifteen (15) foot backyard setback. The dimensions of the proposed covered storage area are 17.3 feet x 14 feet (242.2 square feet).

Findings

The Director of Community & Economic Development shall make findings on an application for a variance/exception request. The Planning and Zoning Commission shall review and adopt the findings unless it finds by a preponderance of the evidence that the findings are in error. The director's findings are:

1. Is the requested permit proper according to the Variance/Exception for the zoning district?

Yes, it is a permitted use in the Single-Family Residential district.

2. Is the application complete?

Yes. The application is complete with additional requested information attached.

17.50.030 Applications—Requirements.

A. A person intending to apply for a variance or exception under this section shall submit the proposed project data to the community & economic development department if applicable. The community & economic development department shall contact the applicable agencies and utilities to allow them the opportunity to comment. The agencies to be contacted may include but not be limited to:

1. City public works department for water and sewer and snow removal;
2. City engineering department;
3. City building inspector;
4. State Highway Department, if applicable;
5. Local electricity utility;
6. City fire department;
7. Local telephone utility; and
8. Cable TV utility.

B. It is recommended that the application be accompanied by the following materials:

1. Narrative Documentation.

- a. A legal description of all properties involved in the projects;
- b. A statement of the objectives expected to be achieved by the project for the consumer and the public;
- c. A detailed description of all aspects of the project, including land use, building types and sizes, population density, parking and traffic circulation, building coverage and other information which the applicant feels would assist the planning and zoning commission in making this decision; and
- d. The community development department shall provide the proposed findings and conclusions for consideration by the planning and zoning commission. The proposed findings and conclusions will include comments and issues presented by the reviewing agencies along with a list of any unresolved issues.

2. Site Plans and Supporting Drawings.

- a. As appropriate, details of the proposed project showing land use layout, building location and dimensions, vehicular and pedestrian circulation, open space and recreation area, parking layout, schematic sewer and water layout, and any other information necessary to adequately describe the project;
- b. A preliminary subdivision plat showing proposed lot and dedicated street layout;
- c. A site grading and drainage plan including existing and proposed topography; and
- d. Utilities. (Ord. 97-11 § 1: prior code § 30-44)

3. Does the proposed development follow the other requirements of the City of Valdez land use code?

The land use code for the City of Valdez is Title 17 Zoning of the Valdez Municipal Code. This permit is being pursued in conformance with the Title 17 as an addition to an existing residence is a permitted use within the Single-Family Residential Zoning District.

4. Will the proposed development materially endanger the public health or safety?

No.

5. Will the proposed project substantially decrease the value of or be out of harmony with property in the neighboring area?

No.

6. Will the proposed project be in general conformity with the Valdez Comprehensive Plan, or other officially adopted plans?"

To staff's knowledge, the only plan governing this area is the Comprehensive Plan. Following are the aspects of the plan that help shed light on the situation.

Comprehensive Plan - Overall Goal

To create an atmosphere that will encourage stable economic development in Valdez while enhancing the quality of life. Improvements should be made to all elements that give the community its' character. This would include enhancing the economic productivity and diversification of the region to assure continued economic prosperity; providing for public safety and the economic welfare of the community when siting future industrial, commercial, residential, and public land uses; enhancing the scenic beauty, uniqueness and historic significance of the Valdez area; and opening up new land for residential, commercial, and industrial land.

Residential Land Use

Goal -Provide safe, convenient, and attractive residential areas that protect and enhance property values while encouraging economies in necessary community expenditures for required community infrastructure and utilities.

Objective - Encourage residential construction and expansion in those areas of the community where necessary community facilities and utilities are already in place and/or can easily be extended.

7. Are any of the following criteria such to materially endanger the public health or safety: topography, slope and soil stability, geophysical hazards, surface and subsurface drainage and water quality?

No.

8. Will the proposed project require the enlargement, upgrading or extending of public utilities or service systems?

No.

9. Is the proposed use a permitted or conditional use in the zoning district?

Yes.

10. Is the variance being requested because of conditions of financial hardship or convenience?

No. The applicants have a fairly small lot (approximately 10,000 square feet) and need additional space for their quality of life.

11. Are there exceptional physical characteristics or conditions pertaining to the property which may affect intended use or development which do not generally apply to other properties in the same zoning district?

The lot is located at the end of the S. Snowtree Drive cul-de-sac and the placement of the home is not parallel to the lot lines, creating a difficult building condition. The applicants would be squaring off the back section of the house, which is a logical location to build.

11. Would the strict application of the provisions of this ordinance result in practical difficulties or unnecessary hardship?

Because of the way the house is situated on the lot, building a storage area in any other location would cause a practical building difficulty, and undue hardship.

12. Would the granting of the variance result in material damage or prejudice to other properties in the vicinity or be detrimental to the public health, safety and welfare?

This is a relatively small addition and the applicant's state they will paint and roof it to look like it belongs with the house, not an "add-on."

13. Would the granting of the variance be consistent with the Comprehensive Plan?

Yes, please see above reference to the comprehensive plan.

Decision of the Commission

The Planning and Zoning Commission may, regardless of the above findings conditionally approve or deny the variance. The Commissioners' own independent review of information submitted at the public hearing and additional information requested provides the basis for the decision. The decision needs supportive findings based on factors associated with the same questions answered in the Director's Findings.

Staff Recommendation

Staff recommends Variance #17-01 be approved by the Commission with the following conditions:

1. That the new storage area be painted and roofed to match the existing single-family residence;
2. Building Plan Review and Permit Approval by the State Fire Marshal is required prior to issuance of the LUP;
3. Building Permits must be approved or issuance by the City of Valdez prior to issuance of the LUP;
4. In conformance with Valdez Municipal Code Section 17.06.070 (B), any conditional use, variance or exception approved by the planning and zoning commission shall be conditional upon the privilege granted being utilized within

twelve months after the effective date of the approval. In the event construction work is involved, it must actually commence within the stated period and must be diligently prosecuted to completion; otherwise the approval is automatically voided. The planning and zoning commission may extend the time the construction is to start if satisfactory evidence of planning progress is presented. Any substantial change to the plans or building proposal shall require resubmission to the planning and zoning commission.