

By: Peggy Horton  
Introduced: May 5, 2024  
Public Hearing: May 20, 2024  
Action: ADOPTED

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 24-10**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO MSB 17.55.020 FOR THE CONSTRUCTION OF A DWELLING TO BE PLACED APPROXIMATELY 21.9 FEET FROM THE SHORELINE OF BIG LAKE ON TRACT 1A OF SOUTH BIG LAKE ALASKA SUBDIVISION, PLAT #63-33, PALMER RECORDING DISTRICT, STATE OF ALASKA, LOCATED AT 8126 SOUTH BIG LAKE ROAD, TAX ID 6285000T001A.

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WHEREAS, Tony and Jennifer Luiten are requesting a variance to MSB 17.55.020 to construct an 896-square-foot dwelling approximately 21.9 feet from the shoreline of Big Lake on Tract 1A, South Big Lake Alaska Subdivision, located at 8126 South Big Lake Road, Tax ID # 6285000T001A; and

WHEREAS, to grant a variance, the Planning Commission must find that each requirement of MSB 17.65.020(A) has been met; and

WHEREAS, the subject lot is part of the South Big Lake Alaska Subdivision and was initially platted in 1963 before Borough setback and lot size regulations were established; and

WHEREAS, the subject parcel does not conform to the current Borough subdivision standards for lot size; and

WHEREAS, Big Lake is located west and north of the subject parcel. To the east is a residential property with a 33' wide patent reservation on its western boundary; and

WHEREAS, according to the application material, the subject parcel is approximately 0.3 acres; and

WHEREAS, according to the application material, the property at its widest point east to west is 65.8'; and

WHEREAS, the 75-foot setback requirement of MSB 17.55.020 encompasses the entire property. As a result, there is no legal buildable area on the property; and

WHEREAS, a 25-foot-wide public right-of-way setback restricts the building area of the subject property; and

WHEREAS, Planning staff analyzed 181 parcels with lake frontage on the southern portion of Big Lake, which are within 6,500 feet of the subject parcel; and

WHEREAS, Planning staff found the lakefront properties within the analysis area vary in size from 0.16 to 21.5 acres; and

WHEREAS, development within the analysis area ranges from 270 square foot cabins to structures exceeding 4,000 square feet; and

WHEREAS, after conducting an analysis, the Planning staff found that there are 86 lakefront parcels with dwellings that appear to meet the 75-foot setback criteria, and these dwellings have an average size of 1,495 square feet; and

WHEREAS, the dwellings that may violate the setback requirements were not included in the average dwelling size calculation; and

WHEREAS, according to the application material, the applicant proposes building a 28' X 32' single-story structure; and

WHEREAS, according to the application material, the proposed single-story cabin has an 896-square-foot footprint; and

WHEREAS, according to the application materials, the proposed structure is planned to be 10 feet away from the eastern property line and 21.9 feet away from Big Lake; and

WHEREAS, according to Borough Assessment records, the existing 16' X 22' cabin was constructed on the subject parcel in 1960; and

WHEREAS, according to the application material, the 16' X 22' cabin is approximately 20.4' from the ordinary high water of Big Lake; and

WHEREAS, based on the application material, the current cabin is dilapidated, and the applicant intends to remove it; and

WHEREAS, in 2005, the Matanuska-Susitna Borough Assembly adopted voluntary best management practices (BMP) for development around waterbodies; and

WHEREAS, according to the application material, the subject parcel has 350 feet of shoreline on Big Lake; and

WHEREAS, based on the application materials, the applicant proposes preserving the natural shoreline and maintaining a buffer of undisturbed vegetation along 322 feet of the shoreline, which accounts for 92% of the total shoreline of 350 feet; and

WHEREAS, according to the application materials, the applicant will work with Alaska Fish & Game to repair the current dock to meet their requirements; and

WHEREAS, according to the application materials, the Alaska Department of Environmental Conservation granted Interim Approval to Operate and install an Advantex-type Advanced Treatment domestic wastewater disposal system; and

WHEREAS, MSB Chapter 17.65 - Variances, was written to grant relief to property owners whose lots are impacted by existing land use regulations, thereby making the lot undevelopable; and

WHEREAS, the Big Lake Comprehensive Plan (2009 update) contains a list of development guidelines, one of which states, "Require at least the MSB 75' minimum development setback from streams, lakes, wetlands and other water bodies; "development" is defined as habitable structures"; and

WHEREAS, the Big Lake Comprehensive Plan (2009 update), by design, does not set out precise binding rules on development but instead provides general goals on the type of place the community wants to be in the future and then outlines general strategies to reach those goals; and

WHEREAS, Goal (LU&E-3) of the Big Lake Comprehensive Plan Update (August 2009) is to "Protect the natural environment"; and

WHEREAS, Goal (LU&E-4) of the Big Lake Comprehensive Plan Update (August 2009) is to "Provide for freedom to enjoy our properties"; and

WHEREAS, the Big Lake Comprehensive Plan recognizes four types of residential areas. The subject property is in the "Dispersed Residential" area, defined as "Rural residential areas, where lots are larger and the natural setting is more dominant. This is the primary current land use type in the Big Lake area"; and

WHEREAS, Goal (LU-1) of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Protect and enhance the public safety, health, and welfare of Borough residents; and

WHEREAS, Policy LU1-1 of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Provide for consistent,

compatible, effective, and efficient development within the Borough; and

WHEREAS, Goal (LU-2) of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Protect residential neighborhoods and associated property values; and

WHEREAS, the variance request is consistent with the policies and goals of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) as the residential structure cannot be constructed on the lot without a setback variance, the structure is placed as far back on the property as possible, and the structure is similar to surrounding development; and

WHEREAS, after conducting an analysis, the Planning staff found that there are 86 lakefront parcels with dwellings that appear to meet the 75-foot setback criteria, and these dwellings have an average size of 1,495 square feet; and

WHEREAS, according to the Planning staff's analysis, constructing an 896-square-foot dwelling is compatible with the surrounding area; and

WHEREAS, the South Big Lake Alaska subdivision consists of lots ranging from 2.29 to 0.323 acres in size; and

WHEREAS, the subject parcel is not in a special land use district; and

WHEREAS, residential structures are allowed on this property;  
and

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 supporting approval of Planning Commission Resolution 24-10;

1. The 0.3-acre parcel has no legal buildable area due to the 75' building setback that encompasses the entire lot, which is an unusual condition (MSB 17.65.020(A)(1)).
2. The strict application of the provisions of this title would deprive the applicants of rights commonly enjoyed by others, as the subject lot has certain unique conditions and circumstances that apply. The average size of dwellings within the analysis area is 1,495 square feet. The property is 0.3 acres of land, and there is no legal buildable area on the property due to the 75-foot shoreline setback. Therefore, constructing an 896-square-foot cabin on the property is a reasonable use of the land. (MSB 17.65.020(A)(2)).
3. Granting a variance will not be injurious to nearby property nor harmful to the public welfare (MSB 17.65.020(A)(3)).

4. The proposed variance is consistent with the applicable comprehensive plans and does meet the intent of MSB 17.65 (MSB 17.65.020(A)(4)).
5. Granting a variance will be no more than necessary to permit a reasonable use of the property (MSB 17.65.020(A)(5)).
6. The person seeking the variance did not cause the need for the variance (MSB 17.65.030(A)(1)).
7. The variance will not allow a land use in a district in which that use is prohibited, as residential structures are allowed on this site (MSB 17.65.030(A)(2)).
8. The variance is not solely being sought to relieve pecuniary hardship or inconvenience (MSB 17.65.030(A)(3)).

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby approves the setback variance to construct a 28' X 32" single-story dwelling within Tract 1A, South Big Lake Alaska Subdivision, located at 8126 South Big Lake Road, Tax ID# 6285000T001A, as referenced in the application material.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 20 day of May 2024.

  
C J KOAN, CHAIR

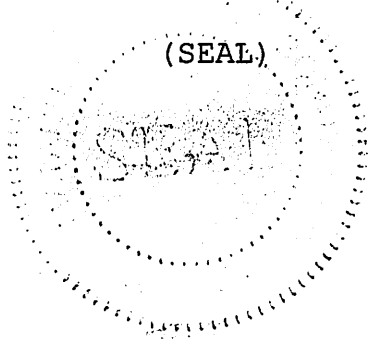


ATTEST



CORINNE LINDFORS  
Acting Planning Clerk

(SEAL)



YES: KORN, SCOGGIN, MCCABE, GLENN, ALLEN, SHANE, FERNANDEZ

NO: